



Council Chambers  
20 August 2020

The **3735<sup>th</sup> MEETING** of **COUNCIL** will be held at the Council Chambers, North Sydney at **7.30pm** on Monday, 24 August 2020. The agenda is as follows.

**KEN GOULDTHORP**  
**GENERAL MANAGER**

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- 1. Opening Meeting**
  - 2. Acknowledgement of Country**
  - 3. Apologies and Applications for Leaves of Absence by Councillors**
  - 4. Confirmation of Minutes**
  - 5. Disclosures of Interests**

*(Note: Agenda Items will be considered By Exception)*

- 6. Mayoral Minutes**
  - 6.1 MM01: Vale - Dr Harry Nespolon
  - 6.2 MM02: A Parking Policy to Meet Community Expectations
- 7. Reports of Committees**
  - 7.1 Governance and Finance Committee – Minutes 10 August 2020
  - 7.2 Traffic Committee – Minutes 24 July 2020
- 8. Reports to Council**
  - 8.1 Matters Outstanding – August 2020
  - 8.2 Special Rate Variation – Progress Report
  - 8.3 2020 LGNSW Annual Conference – Proposed Motions

- 8.4 Results of March 2020 Aerial Canopy Mapping - Declining Canopy Cover Across North Sydney LGA
- 8.5 PP7/19 - North Sydney LEP Review 2019 - Post Exhibition Report
- 8.6 North Sydney DCP Review 2020 - Post Exhibition Report
- 8.7 North Sydney LEP 2013 (Amendment 29) - Post Gazettal Report
- 8.8 Draft Development Control Plan 27-57 Falcon Street, Crows Nest
- 8.9 Public Exhibition of Draft Local Infrastructure Contributions Plan
- 8.10 Restoration Works on Public Land Policy and Amended Guidelines
- 8.11 Carradah Park Site for Sculpture by the Sea Winner 2019 - Results of Public Exhibition
- 8.12 2020 Nan Manefield Young Writers' Award
- 8.13 NSW Planning Acceleration and Public Space Legacy Program
- 8.14 Temporary Walking and Cycle Network Improvements Status Update - Streets as Shared Spaces Grant Funding

**9. Notices of Motion/Questions with Notice**

- 9.1 Notice of Motion No. 11/20 - Cr Brodie - Netted Harbour Swimming Enclosures
- 9.2 Notice of Motion No. 12/20 - Cr Brodie - Transparency in Planning

**10. Confidential Matters**

- 10.1 Provision of In-House Training Services - Tender No. 17/2020
- 10.2 North Sydney Council's Primrose Park Artist Studios - Selection of Artists for 2020-2021
- 10.3 Council Owned/Leased Properties - 4th Quarterly Property Portfolio Report 2019/20 - April to June 2020
- 10.4 Performance Review of General Manager to June 2020

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**TO:** The Mayor, Jilly Gibson and Councillors Baker, Barbour, Beregi, Brodie, Carr, Drummond, Gunning, Keen and Mutton.

**SUBJECT: 3735<sup>th</sup> MEETING OF COUNCIL TO BE HELD ON MONDAY, 24 AUGUST 2020**

**THAT THE MINUTES** of the previous 3734<sup>th</sup> Council Meeting held on Monday, 27 July 2020 be taken as read and confirmed.

## **DISCLOSURES OF INTEREST**

### **MINUTES OF THE MAYOR**

#### **6.1 MM01: Vale - Dr Harry Nespolon**

I would like to share a tribute to the esteemed Dr Harry Nespolon, a much-loved General Practitioner at Neutral Bay Medical Practice, who passed away following a short battle with pancreatic cancer late last month.

As I study the catalogue of Dr Nespolon's career highlights, I am impressed by the sheer scale of his talents and achievements. But mostly, I feel a sense of incredible thankfulness and gratitude that so many people in our community were lucky enough to call him their Doctor. What an honour and a privilege to have one of the world's best serving the people of North Sydney.

Originally from Adelaide, Dr Nespolon graduated with a Bachelor of Medicine and Surgery from Flinders University in South Australia in 1985, then went on to obtain his Diploma of Obstetrics from the Royal Australian College of Obstetricians and Gynaecologists. He established his first practice, Neutral Bay Medical Practice, in 2003, followed by CBD Medical Practice, practising at both. Not only was he a popular local GP, but an inaugural member and former Chair of the Sydney North Health Network Board and Board member of Northern Sydney Local Health District.

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Although his presence was greatly treasured here in North Sydney, his influence was also felt keenly across the nation as President of the Royal Australian College of General Practitioners. In this role, he worked tirelessly to advocate on behalf of Australian GPs and the General Practice profession to ensure Australia's primary health clinicians can offer patients the best possible care.

Despite his illness, he toiled assiduously with the Federal Government to lay out its \$2.4 billion health package in response to the COVID-19 pandemic and to establish one of the three GP-led respiratory clinics operating in northern Sydney. I believe he introduced Telehealth, a service to his patients which will continue beyond the COVID-19 Pandemic.

From personal experience I would like to share that "Harry", as he liked to be called, was a Doctor who developed an instant rapport with his patients. No pretence, no formality, just "*please call me Harry, how can I help you today?*".

Those who knew him best have said his death is a terrible loss for GPs and described him as:

- an inspiring, effective leader;
- always clever, caring and dedicated;
- a very decent and good person;
- someone with a huge amount of energy and drive;
- a GP without peer; and
- a great leader in one of the most challenging times to all Australians.

I was particularly struck by this memorial from one of his patients:

*"When I saw him early this year and he didn't look well, I asked him what was wrong with him and he was very up front about his condition, which we both knew would have a poor prognosis, but he didn't want any sympathy. His only interest was in my health... "More importantly what's wrong with you...."*

In a tribute to Dr Nespolon, the Federal Member for North Sydney, Mr Trent Zimmerman MP, has said: "*He was a tireless advocate for his fellow GPs and a passionate Doctor.*"

In Parliament, State Member for North Shore, Ms Felicity Wilson MP, paid tribute to Dr Nespolon and said: "*He was a warm, kind, compassionate man, and I extend my condolences to his family, friends and colleagues.*"

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Dr Nespolon is survived by his partner Lindy Van Camp and daughters Hannah and Ella and our sympathy goes to them as they mourn his loss. Many of our residents will also be feeling the loss of their beloved GP. It is truly a sad day when we farewell one of the finest members of our community and I know the Council stands united in sadness with you.

**I therefore recommend:**

**1. THAT** Council write to Dr Harry Nespolon's family to convey our sympathy for their loss, incorporating a copy of this Minute.

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug\\_24\\_2020\\_730pm/mayoral\\_minutes\\_24\\_aug\\_2020/mm01\\_vale\\_dr\\_harry\\_nespolon.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug_24_2020_730pm/mayoral_minutes_24_aug_2020/mm01_vale_dr_harry_nespolon.pdf)

## **6.2 MM02: A Parking Policy to Meet Community Expectations**

Councillors will recall that at our meeting of 27 July 2020 we considered a Planning Proposal and Draft Development Control Plan (DCP) for 27-57 Falcon Street, Crows Nest. At the meeting there was concern expressed that the Draft DCP for the site would allow only approx. 40 residential parking spaces for 90 apartments and the impact that it would ultimately have on nearby residents. There was also discussion about the need to review the parking and transport controls in the DCP to ensure they meet the expectations of the community and are not changed on a piecemeal basis.

For many years now, Council has pursued a policy of reducing the number of vehicles within the LGA by limiting the number of parking spaces in new development. We have also determined that residents in some mixed-use zones are not eligible for resident parking permits. While this approach was designed to encourage people to use other forms of transport, in practice this hasn't happened. The 2016 Census shows 85% of our residents have a car and 30% have two or three cars.

Car ownership doesn't mean residents are in their cars all the time. Only 33% of our residents travel to work by car - the majority take public transport, walk or cycle to their destination.

The census data tells us what we know in practice - while most of us are happy to use public or active transport in our everyday lives, there are times when a car makes all the difference.

Since our July meeting, I've asked residents to tell me when and why they use their car and I'm sure you won't be surprised by what they said:

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- *to go to work on late shifts as I don't feel safe travelling home alone on public transport at night;*
- *taking children to sport on Saturdays at far flung grounds across the city;*
- *taking elderly parents to medical appointments;*
- *taking babies and toddlers pretty much anywhere, other than the local park;*
- *visiting friends in the evening and travelling home late at night; and*
- *bringing the groceries home, especially when shopping for a family.*

I know there are some people who get by quite successfully without a car. But many don't choose to and the flow on impact on our residents just keeps getting worse. If we don't provide off-street parking, we simply add to the burden of on-street parking. The introduction of cycle paths in our residential streets can only exacerbate this pressure.

In the case of the Falcon Street Planning Proposal, some apartment owners may choose not to have a car because no parking space is provided, but others will simply park on neighbouring streets and take the chance on a fine. In effect, the cost of trying to wean some residents off car ownership will be paid by other residents who live near the new development.

As Councillors discussed at our last meeting, it's time we reviewed the DCP and allowed our residents to speak on this matter - it is their community and they deserve to be asked.

**I therefore recommend:**

**1. THAT** Council reviews the residential and non-residential parking rates in the Car Parking and Transport section of the North Sydney Council Development Control Plan, and that the review include extensive community consultation, with balanced information about the impacts of parking controls within new developments.

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug\\_24\\_2020\\_730pm/mayoral\\_minutes\\_24\\_aug\\_2020/mm02\\_a\\_parking\\_policy\\_to\\_meet\\_community\\_expectations.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug_24_2020_730pm/mayoral_minutes_24_aug_2020/mm02_a_parking_policy_to_meet_community_expectations.pdf)

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## Reports of Committees

### 7.1 Governance and Finance Committee - Minutes 10 August 2020

Report of Ian Curry, Manager Governance & Committee Services  
Council is required to consider the Minutes of this Committee under the Code of Meeting Practice.

This report presents the recommendations of the last meeting of the Governance and Finance Committee held on Monday 10 August 2020 for Council adoption. The minutes are attached for information.

Nil.

#### **Recommending:**

- 1. THAT** the Customer Feedback and Complaints Report: 1 January to 30 June 2020 be received. (GF01)
- 2. THAT** the Quarterly Review of the Operational Plan - 1 April to 30 June 2020 be received. (GF02)
- 3. THAT** the Committee notes the remedial action for those projects that were not on track for the period ending 30 June 2020. (GF02)
- 4. THAT** Quarterly Budget Review – June 2020 report be received. (GF03)
- 5. THAT** the report on Investments and Loan Borrowings held as at 31 July 2020 be received. (GF04)

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug\\_24\\_2020\\_730pm/reports\\_of\\_committees\\_24\\_aug\\_2020/7.1\\_governance\\_and\\_finance\\_committee\\_-\\_minutes\\_10\\_august\\_2020.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug_24_2020_730pm/reports_of_committees_24_aug_2020/7.1_governance_and_finance_committee_-_minutes_10_august_2020.pdf)

### 7.2 Traffic Committee - Minutes 24 July 2020

Report of Peita Rose, Governance Officer

To consider and adopt the Minutes of this Committee, in accordance with Council's past practice.

This report presents the recommendations of the last meeting of the Traffic Committee held on 24 July 2020 for adoption. The minutes are attached for information.

Nil.

#### **Recommending:**

- 1. THAT** only one parking space be removed on the north side of Chandos Lane and one parking space remain on the north side of Chandos Lane, Crows Nest to allow access/egress to the property at 150 Atchison Street, Crows Nest with the cost to be borne by the owner of 150 Atchison Street, Crows Nest. (4.2.1)
- 2. THAT** Council prepare a traffic management plan to assess the impacts of converting Carabella Street, Kirribilli one-way east of Fitzroy Street,

Kirribilli and report back to the Traffic Committee for further consideration. (4.3.1)

**3. THAT** the Mayor, Councillor Keen and a representative from Council seek an urgent meeting with the Principal of Loreto School to discuss traffic management as well as traffic flow in Kirribilli. (4.3.1)

**4. THAT** Council fast track surveying residents in Kurraba Point Area 32, following Areas 1, 11 and 33 and Bent Street making it No. 5 on the list and within the next 6 months. (7.1)

**5. THAT** Council look at the bus stop outside Nutcote/Wallaringa Mansion in Lower Wycombe Road, and that the bus signage be removed immediately. (7.1)

**6. THAT** Council install “No Stopping” signs on the eastern side of the un-named laneway off McLaren Street, North Sydney (shown as ROW “B” in attached plans) to alleviate traffic issues in the laneway. (4.4)

**7. THAT** affected properties be notified by letter box drop prior to installation of signs. (4.4)

**8. THAT** the existing two to three “Unrestricted Parking” spaces on the western side of Cassins Lane, North Sydney be converted to “4 Hour Parking 8:30am - 6pm Mon-Fri, Permit Holders Excepted Area 21” parking spaces. (4.5)

**9. THAT** the parking restrictions installed in Resident Parking Area 10 - Waverton, that were completed on 16 October 2019 remain. (4.6)

**10. THAT** “Gerard Street and Macpherson Street, Cremorne - Traffic Control Signals” be removed as a Standing Item and that further counts be conducted, and the matter be brought back to the Traffic Committee in July 2021 to re-evaluate the project. (5.2)

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug\\_24\\_2020\\_730pm/reports\\_of\\_committees\\_24\\_aug\\_2020/7.2\\_traffic\\_committee\\_-\\_minutes\\_24\\_july\\_2020.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug_24_2020_730pm/reports_of_committees_24_aug_2020/7.2_traffic_committee_-_minutes_24_july_2020.pdf)

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## Reports to Council

### 8.1 Matters Outstanding – August 2020

Report of Ian Curry, Manager Governance & Committee Services

To report to Council on the status of Councillor resolutions.

Each month, a report is presented to Council on the status of those resolutions arising from Mayoral Minutes and Notices of Motion.

The attached table has been updated to include resolutions from the 27 July 2020 Ordinary Meeting of Council.

Nil.

**Recommending:**

1. **THAT** the report be received.

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug\\_24\\_2020\\_730pm/reports\\_to\\_council\\_24\\_aug\\_2020/8.01\\_matters\\_outstanding\\_-\\_august\\_2020.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug_24_2020_730pm/reports_to_council_24_aug_2020/8.01_matters_outstanding_-_august_2020.pdf)

### 8.2 Special Rate Variation - Progress Report

Report of John Van Hesden, Assets Manager

To report to Council on the status of Special Rate Variation (SRV) funded projects for 2019/20 and to outline what projects and programs are SRV funded in 2020/21 financial year.

At its meeting of 29 October 2018, Council resolved its ‘intent’ to apply for combined special rate variation (SRV) and minimum rate increase under its preferred financial option of the North Sydney Council Resourcing Strategy 2018/19-2027/28, for a 7% increase per annum, for 5 years, inclusive of the annual rate peg.

On 13 May 2019, IPART approved a 7% increase per annum, for 3 years, inclusive of the annual rate peg, and noted that Council could make a further application to amend the approval or submit a new application at the end of the three-year period.

Subsequently there were twelve SRV projects funded in the 2019/20 financial year. These projects included the replacing of drainage infrastructure, seawalls, retaining walls, footpaths, and other infrastructure assets in poor to very poor condition. In addition, other SRV funded projects include the upgrade of the Sirius Street Reserve Playground at Cremorne Point and Public Domain upgrade works in the Military Road corridor between Neutral Bay and Cremorne. Photographs of these completed projects and associated costs are detailed in the Attachment 1 of this report.

The projects and programs to be funded through the SRV in the 2020/21 financial year are detailed in the body of this report.

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This report should be read in conjunction with Item GF03, the Quarterly Budget Review – June 2020, reported in Item 7.1 Governance and Finance Committee - Minutes 10 August 2020. In future this information will be reported to the Governance and Finance Committee.

The total SRV funding allocated to capital works Projects in 2019/20 was \$2,604,277. The total amount of the allocated funds actually spent at the end of the 2019/20 financial year was \$1,701,285. Refer to the detail section of this report which explains why not all the allocated funds were spent last financial year.

**Recommending:**

**1. THAT** this report on the status of Special Rate Variation (SRV) funded projects be received.

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug\\_24\\_2020\\_730pm/reports\\_to\\_council\\_24\\_aug\\_2020/8.02\\_special\\_rate\\_variation\\_-\\_progress\\_report.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug_24_2020_730pm/reports_to_council_24_aug_2020/8.02_special_rate_variation_-_progress_report.pdf)

### 8.3 2020 LGNSW Annual Conference - Proposed Motions

Report of Ian Curry, Manager Governance & Committee Services

To consider Motions received from Precinct Committees and Councillors for consideration at the 2020 LGNSW Annual Conference.

The 2020 Local Government NSW Annual Conference will be held in the Hunter Valley from Sunday 22 November to Tuesday 24 November 2020. Council considered a report on this matter at its meeting on 27 July 2020 and resolved:

- 1. THAT Council nominate Councillors Brodie and Keen as voting delegates to attend the 2020 LGNSW Conference in Cessnock, in addition to the Mayor (voting delegate).*
- 2. THAT the Precinct Committees and local business community be invited to submit suggested issues for Council's consideration.*
- 3. THAT a further report be submitted to Council in August 2020 regarding any proposed Motions for the LGNSW Conference.*
- 4. THAT the 2020 meeting schedule be amended to hold the November Council meeting on Monday 30 November in order to allow Councillors to attend the 2020 LGNSW Conference.*

Costs will include delegate registration and travel costs. An amount of \$15,500.00 has been allocated in the 2020/21 budget for Mayor and Councillor attendance at conferences, seminars and training.

**Recommending:**

- 1. THAT** the Precinct Committees be thanked for their submissions.
- 2. THAT** Council endorse the following Motion from Lavender Bay Precinct and submit it to the LGNSW Conference:
  - *That educational institutions acquiring additional land pay Council rates on new acquisitions.*

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug\\_24\\_2020\\_730pm/reports to council 24 aug 2020/8.03 2020 lgsw annual conference - proposed motions.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug_24_2020_730pm/reports%20to%20council%2024%20aug%202020/8.03%2020%20lgsw%20annual%20conference%20-%20proposed%20motions.pdf)

#### **8.4 Results of March 2020 Aerial Canopy Mapping - Declining Canopy Cover Across North Sydney LGA**

Report of Melissa McManus, Landscape Technical Officer

To update Council on the current status of canopy cover across the North Sydney LGA.

North Sydney Council has been an industry leader in urban forest management, measuring canopy cover as a key performance indicator since 1997 and demonstrating great success in increasing canopy cover from 19% in 1997 through to nearly 34% in 2008. Unfortunately, this success did not continue and canopy cover has been declining at each subsequent measurement since 2008 (2014, 2017, 2020) and has now fallen back to just 27%.

North Sydney Council and the local community pride themselves on the green leafy character of our local government area. Property values are high and an excellent quality of life is enjoyed by residents and visitors thanks to the extensive tree canopy over our parklands, streets and private properties. North Sydney Council recognises the importance of managing our urban forest through two key documents: the North Sydney Street Tree Strategy and North Sydney Urban Forest Strategy. These documents provide mechanisms for setting goals, taking actions to achieve those goals and monitoring or measuring performance. In accordance with these strategic documents, Council strives to conduct a comprehensive canopy assessment every two years, with the most recent aerial canopy audit carried out in March 2020.

This report follows on from previous reports to Council on the issue of canopy cover decline; Overall, there has been a Council-wide decrease in canopy cover of 1.2% since 2017, continuing the downward trend in canopy cover since 2008. This decrease is reflected across all land use and land tenures except public land which remained stable. The data confirms that the greatest canopy losses are continuing to occur on privately owned land which makes up 58% of the land area in the North Sydney LGA: since 2008 canopy cover has decreased by 9.2% across private land. The next highest area of loss is suburban land, falling by 7.8% since 2008.

The New South Wales government has recently committed to increasing urban forest across the Greater Sydney area, setting a target of 40% canopy cover for the entire metropolitan area and providing significant funding through the 5 Million Trees program. The NSW government has also imposed tree planting requirements as part of other grant programs such as the 'Everyone Can Play' playgrounds program. The March 2020

canopy cover data for the North Sydney LGA validates the need for changes to tree protection controls to achieve both local and state canopy cover goals. Proposed changes were recently endorsed by Council and placed on public exhibition as amendments to NSDCP2013.

Nil.

**Recommending:**

1. **THAT** Council receive the information.
2. **THAT** Council refers to this report and the data within it when considering public comments on the draft amendments to NSDCP2013, Section 16 Tree and Vegetation Management.

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug\\_24\\_2020\\_730pm/reports\\_to\\_council\\_24\\_aug\\_2020/8.04\\_results\\_of\\_march\\_2020\\_aerial\\_canopy\\_mapping\\_-\\_declining\\_canopy\\_cover\\_across\\_north\\_sydney\\_lga.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug_24_2020_730pm/reports_to_council_24_aug_2020/8.04_results_of_march_2020_aerial_canopy_mapping_-_declining_canopy_cover_across_north_sydney_lga.pdf)

## 8.5 **PP7/19 - North Sydney LEP Review 2019 - Post Exhibition Report**

Report of Ben Boyd, Executive Strategic Planner & Liam Rogers, Student Strategic Planner

This report provides an analysis of the submissions made in response to the North Sydney LEP Review 2019 (Planning Proposal 7/19) and makes a recommendation as to how to proceed with the proposed amendments within the Planning Proposal.

At its meeting on 25 November 2019, Council resolved to forward a Planning Proposal to the Department of Planning, Industry and Environment (DPIE) which seeks to amend North Sydney Local Environmental Plan (NSLEP) 2013 to give effect to the recommended actions of the North Sydney Local Strategic Planning Statement (LSPS) and North Sydney Local Housing Strategy (LHS) and incorporate a number of minor housekeeping amendments to ensure that NSLEP 2013 remains a clear, transparent and contemporary planning instrument. A full list of the proposed amendments to NSLEP 2013, as exhibited, is contained within the Background Section to the report.

On 19 April 2020, the Minister for Planning issued a Gateway Determination, permitting the Planning Proposal to be placed on public exhibition.

In accordance with the Gateway Determination, the Planning Proposal was placed on public exhibition for a period of 29 days from Monday 25 May 2020 to Monday 22 June 2020.

A total of twenty-nine (29) submissions were received during the exhibition period, nine (9) of which were in support or raised no objection to all or part of the proposed changes identified within Planning Proposal, eleven (11) objected to specific aspects of the Planning Proposal and

fourteen (14) requested additional amendments beyond those identified within the Planning Proposal. The issues raised in the submissions warrant some minor amendments to the Planning Proposal including:

- Correcting the legal description of properties associated with the rezoning of parts of the Warringah Freeway;
- Correcting the legal descriptions in Schedule 5 in relation to Heritage Item I0387 – Lavender Bay Railway Group;
- Amending the item name of Heritage Item I0135 – 8 Wulworra Avenue, Cremorne Point and the Heritage Map such that the listing applies to the part of the site containing the former dwelling; and
- Amend the proposed heritage listing of 3 Parker Street, McMahons Point to exclude the detached garage structures.

The extent of the proposed amendments made in response to the submissions do not alter the intent of the Planning Proposal and do not give rise to seeking an amended Gateway Determination or re-exhibition of the Planning Proposal.

Having completed the community consultation and consideration of submissions steps within the plan making process, it is recommended that Council resolves to adopt the Planning Proposal as amended, in response to submissions and forward the amended Planning Proposal to the Department of Planning, Industry and Environment with a request that the Planning Proposal be made.

As part of its accelerated LEP funding agreement, Council is required to submit an endorsed post public exhibition version of this Planning Proposal to the Department of Planning, Industry and Environment by 31 August 2020 to ensure it receives its next payment. Should Council resolve to defer making a determination on all or part of the Planning Proposal, it will place the receiving of the next payment in jeopardy. This payment also has implications for a number of other strategic planning projects that Council is undertaking including but not limited to the completion of the Military Road Corridor and Civic Precinct Planning Studies. Given the COVID-19 Pandemic has resulted in Council's income revenues being significantly reduced, it is strongly recommended that Council not defer making its determination in relation to this report.

**Recommending:**

1. **THAT** Council note the submissions made in respect of the Planning Proposal.
2. **THAT** in response to the submissions made, Council endorse the following proposed amendments to the Planning Proposal, as reflected in Attachment 5:
  - a. Correcting the legal description of properties associated with the rezoning of parts of the Warringah Freeway;
  - b. Correcting the legal descriptions in Schedule 5 in relation to Heritage Item I0387 – Lavender Bay Railway Group.

- c. Amending the description of item I0135 – 8 Wulworra Avenue, Cremorne Point and the Heritage Map such that the listing applies to the part of the site containing the former residence.
  - d. Amend the proposed heritage listing of 3 Parker Street, McMahons Point (I1138) to exclude the detached garage structures from the Item Name within Schedule 5.
- 3. THAT** having completed the community consultation requirements outlined in the Gateway Determination, Council forward the Planning Proposal as amended (Attachment 5) to the Department of Planning, Industry and Environment with a request that a Local Environmental Plan be made in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal as amended.
- 4. THAT** in response to submissions made, the following matters be investigated in the future comprehensive Heritage Review to be prepared by Council:
- a. inclusion of 33 Spruson Street, Neutral Bay as a Heritage Item;
  - b. inclusion of 5, 7 and 14 East Crescent Street, McMahons Point as Heritage Items;
  - c. revising the Montague Road Conservation Area to exclude 10-18 Fifth Avenue, Cremorne; and
  - d. revising the extent of the heritage listing of the following school properties to only apply elements of heritage significance:
    - i. Cammeray Public School (68 Palmer Street, Cammeray);
    - ii. North Sydney Girls High School (365 Pacific Highway, Crows Nest);
    - iii. Neutral Bay Public School (175 Ben Boyd Road, Neutral Bay); and
    - iv. North Sydney Boys High School (127 Falcon Street, North Sydney).
- 5. THAT** Council write the Department of Planning, Industry and Environment seeking an amendment to Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 to identify the curtilage to the state heritage listing of Brett Whiteley House and the Head of Shell Cove.
- 6. THAT** Council continue to investigate the current and future use of Sinclair Street located between Rocklands Road and Hazelbank Road, Wollstonecraft.
- 7. THAT** once the LEP amendment giving effect to the Planning Proposal has been in operation for 1 year, that Council review the outcomes of the proposal to permit residential flat buildings within the *R3 Medium Density Residential* zone.

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug\\_24\\_2020\\_730pm/reports\\_to\\_council\\_24\\_aug\\_2020/8.05\\_pp7-19\\_-\\_north\\_sydney\\_lep\\_review\\_2019\\_-\\_post\\_exhibition\\_report.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug_24_2020_730pm/reports_to_council_24_aug_2020/8.05_pp7-19_-_north_sydney_lep_review_2019_-_post_exhibition_report.pdf)

## 8.6 North Sydney DCP Review 2020 - Post Exhibition Report

Report of Ben Boyd, Executive Strategic Planner & Liam Rogers, Student Strategic Planner

This report provides an analysis of the submissions made in response to the draft amendments to NSDCP 2013 and makes a recommendation as to how Council should proceed.

On 24 February 2020, Council resolved to adopt draft amendments to North Sydney Development Control Plan (NSDCP) 2013 and place those draft amendments on public exhibition. These amendments have principally arisen in response to addressing the actions and recommendations of Council's Local Strategic Planning Statement (LSPS), Local Housing Strategy (LHS) and Planning Proposal 7/19 – North Sydney LEP Review 2019 which seeks to give effect to the actions and recommendations of these strategic planning documents.

The proposed amendments also seek to address the need to undertake a regular review of the DCP in line with best practice principles to ensure the DCP remains clear and contemporary, whilst also addressing a number of issues and anomalies that have arisen since its commencement in 2013.

The extent of the proposed amendments to NSDCP 2013 are detailed in the Background section of this report.

The draft amendments were placed on public exhibition for a period of 29 days from Monday 25 May 2020 to Monday 22 June 2020. These amendments were exhibited concurrently with Planning Proposal 7/19 – *North Sydney LEP Review 2019*.

A total of fourteen (14) submissions were received during the exhibition period, three (3) of which were in support of all or part of the changes made to NSDCP 2013, eight (8) objecting to specific aspects of the amendments to NSDCP 2013 and one (1) which made no comment on or objection to the proposals. The issues raised in the submissions warrant minor amendments to NSDCP 2013 prior to adoption to improve the clarity of the provisions, and include:

- Increasing the number of instances when the pruning or removal of trees and vegetation is exempt from needing to obtain a permit to include the following:
  - Removal of pruning of dead palm fronds;
  - Removal or pruning of Bamboo (*Bambusa* species);
  - Pruning of branches of trees no greater than 100mm in diameter in certain instances without the need for an arborist to undertake the works;
  - Removal or pruning of all trees and vegetation that are an identified biosecurity risk (formerly known as noxious weeds), except certain species located on a site that is a heritage item; and
  - Clarifying that pruning of hedges less than 5m in height does not

require lodgement of a permit or approval.

- Additional provisions clarifying when maintenance pruning of trees and vegetation located on public land can be requested;
- Correction of terminology relating to the removal and pruning of “weeds” that are a biosecurity risk and the removal of “Rhus trees” from the exempt species list;
- Addition of new provisions and objectives to Section 1.4.8 to Part B of NSDCP 2013 to clarify that these provisions also apply to the rebuilding of residential accommodation relying on existing use rights;
- Replacing references to the superseded *EPA Industrial Noise Policy 2000* with references to the *EPA Noise Policy for Industry 2017*;
- Amending Section 13 – *Heritage and Conservation* to Part B of the DCP to:
  - Improve clarity of the existing provisions; and
  - Update references to websites and cited documents.
- Correcting minor grammatical errors in Section 10 – *Car Parking and Transport* to Part B of the DCP.

These amendments have been incorporated into NSDCP 2013 forming Attachment 2 to this report.

It is recommended that Council resolves to adopt the amendments to NSDCP 2013 as further amended, in response to the submissions made and give public notice of the endorsement of those changes.

Council staff initially noted that the proposed amendments to the thresholds that trigger the need to obtain a permit to prune or remove trees and vegetation would result in an increase in costs to Council arising from an anticipated increase in the number of permits to be considered. In response to the submissions, it is proposed to incorporate further amendments to NSDCP 2013 to increase the instances when a person is exempt from needing to obtain a permit and thereby reduce Council’s financial burden.

**Recommending:**

- 1. THAT** Council note the submissions made to the public exhibition of the draft amendments to North Sydney Development Control Plan 2013.
- 2. THAT** in response to the submissions made, Council endorse the amendments to North Sydney Development Control Plan 2013, as reflected in Attachment 2 to this report.
- 3. THAT** Council adopt the draft amendments to North Sydney Development Control Plan 2013 as amended (Attachment 2) and that public notice of the amendments be published on Council’s website in accordance with clause 21 of the Environmental Planning and Assessment Regulations 2000.

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug\\_24\\_2020\\_730pm/reports\\_to\\_council\\_24\\_aug\\_2020/8.06\\_north\\_sydney\\_dcp\\_review\\_2020\\_-\\_post\\_exhibition\\_report.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug_24_2020_730pm/reports_to_council_24_aug_2020/8.06_north_sydney_dcp_review_2020_-_post_exhibition_report.pdf)

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## 8.7 North Sydney LEP 2013 (Amendment 29) - Post Gazettal Report

Report of Liam Rogers, Student Strategic Planner and Ben Boyd, Executive Strategic Planner

To inform Council of the making of NSLEP 2013 Amendment 29 (Small Bars in Kirribilli) and to provide a brief overview of the Planning Proposal process.

On 28 March 2018, Council resolved to undertake public consultation to gauge community expectation in relation to extending café and restaurant trading hours, as well as permitting small bars, in Kirribilli Village and Milsons Point.

Having considered the results of the community consultation, Council prepared Planning Proposal 8/19, which sought to permit small bars on sites within Kirribilli Village that do not share a boundary with residential development. On 25 November 2019, Council adopted this Planning Proposal and resolved to forward it to the Department of Planning, Industry and Environment to receive a Gateway Determination.

At its meeting on 24 February 2020, Council endorsed an associated draft amendment to NSDCP 2013 to extend trading hours within Kirribilli Village.

Following the issuing of a Gateway Determination on 7 February 2020, the Planning Proposal and draft amendments to NSDCP 2013 were placed on public exhibition from 12 March 2020 to 8 April 2020.

On 22 June 2020, Council considered a post exhibition report and resolved to forward the Planning Proposal to Parliamentary Counsel unamended with a request that an LEP be made giving effect to the Planning Proposal. At the same meeting, Council adopted the associated draft amendments to NSDCP 2013. These amendments came into effect on 2 July 2020, following notification on Council's website.

North Sydney Local Environmental Plan 2013 (Amendment 29) gives effect to the Planning Proposal and came into force on 31 July 2020 following its publication on the NSW legislation website.

Nil.

### **Recommending:**

1. **THAT** the report be received.

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug\\_24\\_2020\\_730pm/reports\\_to\\_council\\_24\\_aug\\_2020/8.07\\_north\\_sydney\\_lep\\_2013\\_amendment\\_29\\_-\\_post\\_gazettal\\_report.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug_24_2020_730pm/reports_to_council_24_aug_2020/8.07_north_sydney_lep_2013_amendment_29_-_post_gazettal_report.pdf)

## 8.8 Draft Development Control Plan – PP6/19 - 27-57 Falcon Street, Crows Nest

Report of Marcelo Occhiuzzi, Manager Strategic Planning

To report back to Council a draft site-specific Development Control Plan (DCP) associated with Planning Proposal No. 6/19 - 27-57 Falcon Street, Crows Nest that enables additional parking on the site.

Council considered a report at its meeting on 27 July 2020 regarding a Planning Proposal for the site at 27-57 Falcon Street, Crows Nest. The Planning Proposal seeks to rezone, increase the height and amend the floor space ratio controls applying to the site under the North Sydney Local Environmental Plan 2013 (NSLEP 2013).

The indicative concept scheme accompanying the Planning Proposal seeks to provide a high density residential development comprising three (3) residential flat buildings between three and six storeys in height, two-three storey townhouses, retail premises, landscaped communal open space and basement parking. A total of approximately eighty-five (85) dwellings are proposed. The Planning Proposal is also supported by a draft DCP to help guide future detailed design and assessment at DA stage.

Council considered a report on this proposal and resolved to support the progression of the proposal and doing so also sought an amendment to the site specific DCP to allow additional car parking on this site, specifically resolving:

*5. THAT a site-specific draft DCP be re-presented to Council for endorsement prior to public exhibition including controls for additional parking on the site.*

A draft site specific DCP is attached to this report allowing a maximum of 96 car spaces. The report provides options for both limited on-site parking and more generous on-site parking.

Should a Gateway Determination be issued, the Planning Proposal, draft DCP and draft VPA will be exhibited concurrently, to allow the community a full appreciation of what is being proposed.

The Planning Proposal is accompanied by an offer to enter into a draft Voluntary Planning Agreement (VPA) that proposes to provide monetary and in-kind contributions to Council. These include:

- A monetary contribution of \$800,000 towards increased open space opportunities (e.g. Stage 1 Hume Street Park upgrade), payable to Council.
- Land Dedication including Embellishments to the value of \$330,000.

### **Recommending:**

**1. THAT** given its resolution to provide more parking on site, Council endorse the attached draft DCP proposing parking rates to facilitate a maximum total of 96 on-site parking spaces.

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug\\_24\\_2020\\_730pm/reports to council 24 aug 2020/8.08\\_draft development control plan - pp 6-19 27-57 falcon street crows nest.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug_24_2020_730pm/reports%20to%20council%2024%20aug%202020/8.08_draft_development_control_plan_-_pp_6-19_27-57_falcon_street_crows_nest.pdf)

## 8.9 **Public Exhibition of Draft Local Infrastructure Contributions Plan**

Report of Rob O'Brien, Senior Strategic Planner

To seek Council's endorsement to exhibit the Draft North Sydney Local Infrastructure Contributions Plan 2020.

The draft Plan proposes a mix of s 7.11 and s 7.12 mechanisms which will enable Council to respond appropriately to the anticipated population growth within the LGA. It includes the introduction of a levy (under s 7.12) to development types previously not levied for including residential additions, independent schools, and commercial office fit-outs.

Approximately \$195 million will be raised over the 16 year life of the Plan through to 2036, directed to a works program of \$401 million. This will enable Council to provide an important income stream to assist with the delivery of local infrastructure to meet growth and expectation in the community. Infrastructure projects associated with open space, public domain, community facilities and active transport are proposed to be funded through the draft Plan.

As part of this report, it is recommended council no longer proceed with land acquisition of a number of parcels previously identified under the former plan. It is more appropriate to direct contributions towards other major open space and recreation facilities that align with Council's various policy documents, particularly to help meet future demand for growth in the North Sydney and St Leonards/Crows Nest areas.

A public exhibition period of 42 days is recommended after which it will be reported back to Council for adoption and the existing North Sydney Section 94 Contributions Plan (first adopted in 2004) will be repealed.

Preparation of the local infrastructure contributions plan has been funded through the LEP Acceleration Grant.

The plan identifies \$401 million worth of community infrastructure to be delivered to support residential and employment growth, over the 16-year life of the plan. It is estimated that the draft Plan will fund approximately \$195.3 million of the total works cost. Funding gaps will be considered throughout the 16 year life of the plan through Council's budgeting processes.

It is estimated that the Plan will provide approximately \$12.2 million per annum of contributions as compared to the current average annual income of almost \$9.9 million.

**Recommending:**

1. **THAT** Council endorse the attached Draft North Sydney Local Infrastructure Contributions Plan (Attachment 1) for the purposes of public exhibition in accordance with ss 26, 28 & 30 of the *Environmental Planning and Assessment Regulation 2000*.
2. **THAT** the Draft North Sydney Local Infrastructure Contributions Plan be placed on public exhibition for a period of six weeks (a minimum of 42 days).
3. **THAT** following exhibition, a report be prepared detailing the outcomes of the exhibition and any recommended amendments.
4. **THAT** Council resolve to no longer proceed with the following previously identified parcels of land for acquisition:
  - i. *Part of SP 4277, 21 Belmont Avenue, Wollstonecraft*, and remove this parcel from the Land Reservation Acquisition (LRA) map.
  - ii. Lot 5, DP 69187; Lot 3, DP 68287; and Lot 3, DP 333590 *Neutral Bay Marina, Kurraba Rd, Neutral Bay* on a date unknown and remove this parcel from the LRA map.
  - iii. *Part of Lot 1, DP 1091583 Stannards Place, North Sydney*, on a date unknown and remove this parcel from the LRA map.
  - iv. *Part of 578 Miller Street, Lot 2, DP 1148089, Cammeray*, on a date unknown and remove this parcel from the LRA map.
  - v. Council resolve to rescind the previous resolution to acquire *Graythwaite Property, Union Street, North Sydney*, on a date unknown.
5. **THAT** in respect to the parcels of land identified in (4) Council resolve to remove these parcels of land from the LRA map and for these matters to be dealt with via the appropriate plan amendment process following future consideration of a post exhibition report for the draft contributions plan.

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug\\_24\\_2020\\_730pm/reports\\_to\\_council\\_24\\_aug\\_2020/8.09\\_public\\_exhibition\\_of\\_draft\\_local\\_infrastructure\\_contributions\\_plan.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug_24_2020_730pm/reports_to_council_24_aug_2020/8.09_public_exhibition_of_draft_local_infrastructure_contributions_plan.pdf)

## 8.10 Restoration Works on Public Land Policy and Amended Guidelines

Report of Danilo Giribaldi, Works Manager

This report is seeking Council endorsement to publicly exhibit a new Policy – “*Restoration Works on Public Land*” and the associated Guidelines which are to be read in conjunction with the policy.

In order to maintain Council’s infrastructure assets to a high standard and condition which is safe, fit for purpose and meets the requirements of Council’s technical specifications and development conditions, a new policy has been developed to provide clear guidance to staff, developers,

utility companies and individual property owners on what Council's expectations and requirements are when undertaking work on Council owned land or infrastructure.

The key objective of the policy is to ensure that all entities that undertake work on Council's land or infrastructure are held accountable to repair and make good Council's assets to the correct standards and quality requirements of Council. Additionally, the policy and guidelines provide a clear framework around payment to Council in accordance with the adopted Fees and Charges, so repairs and permanent restoration of Council land and or infrastructure can be made at no cost to Council.

The key objective of this policy is to reduce the amount of cost shifting back to Council that results from utility companies, developers, and or private property owners undertaking poor quality restoration work on Council owned assets, and infrastructure.

**Recommending:**

**1. THAT** the Draft "*Restoration Works on Public Land Policy*" and Amended Guidelines be placed on public exhibition for 28 days.

**2. THAT** should Council receive submissions, a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the "*Restoration Works on Public Land Policy*" and Amended Guidelines as adopted at the end of the closing period for submissions.

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug\\_24\\_2020\\_730pm/reports\\_to\\_council\\_24\\_aug\\_2020/8.10\\_restoration\\_works\\_on\\_public\\_land\\_policy\\_and\\_amended\\_guidelines.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug_24_2020_730pm/reports_to_council_24_aug_2020/8.10_restoration_works_on_public_land_policy_and_amended_guidelines.pdf)

## **8.11 Carradah Park Site for Sculpture by the Sea Winner 2019 - Results of Public Exhibition**

Report of Rebecca Aukim, Acting Director Community & Library Services

To advise Council on the most suitable location in North Sydney for the prize-winning sculpture, *The Sun Also Rises* and on the degree of public support for the proposed locations following a second round of engagement.

Following consideration of a report on public art at a Council meeting held 23 September 2019, the Mayor, Deputy Mayor and General Manger accepted on Council's behalf a donation of *The Sun Also Rises* by New Zealand artist, Morgan Jones, winner of the Aqualand Sculpture Award at Sculpture by the Sea 2019. The Award, worth \$70,000, is the most generous award for sculpture in Australia. Sculpture by the Sea is currently storing the work following closure of its exhibition on 10 November 2019.

Results of the first public exhibition of a proposed location in Milson Park, Kirribilli which closed in December 2019, showed strong community opposition to the proposed location. On 23 March 2020, Council subsequently resolved to place the sculpture in Carradah Park, Waverton. Council sought community feedback for two locations in Carradah Park, Waverton (referred to as Options 1 and 2).

A total of 45 submissions were received (including from 2 Precinct Committees) - 12 submissions were received online and 33 in writing (email, letter and Facebook comments). Of these:

- 12 submissions are in support (8 support Option 1 and 5 support Option 2)
- 25 submissions are against
- 7 submissions are other

The main reasons given against the proposed locations (Options 1 and 2) were:

- *The two locations are of special significance because they are the footprints of the previous oil storage tanks and their simple grassed surface reflects their return to a natural environment, something the proposed sculpture does not reflect.*
- *Both proposed sites are used by young families for picnics, Mum's get-togethers with toddlers, ball games, chasings, something the proposed sculpture would not allow.*
- *The artwork is not site-specific i.e. it is not artwork specifically created to integrate with proposed location/surroundings and use of Carradah Park.*

While the community response to the second exhibition was similar to the Milson Park proposal, with low level support for the proposed locations, a compromise has been suggested by Waverton Precinct Committee and is presented for Council's consideration (referred to as Option 3).

Many of the submissions proposed alternate locations for the sculpture, including Waverton Precinct Committee:

*Firstly, we like this particular sculpture and the idea of having public sculptures in the Park, within reason. With this particular sculpture, our view is that it deserves a more maritime backdrop than either option 1 or 2 proposed, so maybe would be better placed near the dolphin wharf area down at the level of the lower walk, or as a second option placed up in the last 200 metres of Larkin St. in the topmost section of the park? By contrast, the existing 2 nominated spots are currently the open areas of the Park - used for frisbee throwing; and 'fetch' for dogs; and children running and doing handstands - and we'd very much prefer to keep these areas open for those reasons and so do not want a sculpture placed there.*

Following consideration of feedback received, on 11 August 2020 the Mayor, Director Open Space & Environmental Services and Acting Director Community & Library Services viewed two alternate sites at

Carradah Park as preferred by Waverton Precinct Committee. The location near the Dolphin Wharf is considered the better of the two and is recommended as a third option for Council's consideration.

Costs for the second public exhibition was approximately \$500 for the mail out, installation costs will be up to \$6,000 depending on the final location.

**Recommending:**

**1. THAT** Council resolves not to place *The Sun Also Rises* sculpture at the locations in Carradah Park advertised as Options 1 and 2, in view of the results of the June 2020 community consultation.

**2. THAT** Council resolves to locate *The Sun Also Rises* sculpture at Option 3 as suggested by Waverton Precinct Committee, for a trial period of 12 months and at the end of this period a report be brought back to Council.

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug\\_24\\_2020\\_730pm/reports\\_to\\_council\\_24\\_aug\\_2020/8.11\\_carradah\\_park\\_site\\_for\\_sculpture\\_by\\_the\\_sea\\_winner\\_2019\\_-\\_results\\_of\\_public\\_exhibition.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug_24_2020_730pm/reports_to_council_24_aug_2020/8.11_carradah_park_site_for_sculpture_by_the_sea_winner_2019_-_results_of_public_exhibition.pdf)

## 8.12 2020 Nan Manefield Young Writers' Award

Report of Yasmin Greenhalgh, Children's & Young Adult Librarian

This report provides a summary of the annual Nan Manefield Young Writer's Award as run by Stanton Library.

The annual Nan Manefield Young Writers' Award was announced in Library and Information Week, May 2020. This is the 31st year that the award has been run by North Sydney Council, and the 6th in honour of Nan Manefield.

This year the restrictions placed by COVID-19 shutdowns created an environment for Stanton Library to move contact with the local community to almost entirely online. It also provided great opportunity through this award, for engagement with school students and their families while they were homeschooling during COVID-19 isolation.

A number of new measures were developed to replace in-person contact of previous years. Highlights include moving the Awards Night to a video presentation and the publication of an eBook of the winning entries.

The quality and amount of entries remained strong with nearly 300 entries, over 30 schools represented, and the winners received prizes totaling nearly \$4,000.

There is an allocated budget of \$5,000 to deliver the Young Writers Award annually.

**Recommending:**

**1. THAT** the report be received.

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug\\_24\\_2020\\_730pm/reports to council 24 aug 2020/8.12\\_2020 nan manefield young writers award.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug_24_2020_730pm/reports%20to%20council%2024%20aug%202020/8.12_2020_nan_manefield_young_writers_award.pdf)

### 8.13 **NSW Planning Acceleration and Public Space Legacy Program**

Report of David Hoy, A/Manager Development Services and Kate Bambrick-Browne, Landscape Grants Co-ordinator

Council has been invited to prepare a submission for funding under the NSW Government's newly created Public Spaces Legacy Program. There are substantial implications for both timing of submission and Councils ongoing commitments to an Accelerated Planning Process. The details of the Public Spaces Legacy Program and the requirements associated with the funding are detailed in this report.

The NSW Department of Planning, Industry and Environment has written to inform Council about the launch of the NSW Public Spaces Legacy Program, a \$250 million program which seeks to deliver new and improved public spaces across NSW, while accelerating the assessment of local development applications and rezonings.

The program is a NSW Government program that is focused on the State government response to the COVID-19 pandemic through the support of projects with potential for substantial job creation. The program also seeks to ensure quality public space supports the social recovery of the State.

The program recognises that Councils play a critical role in ensuring localised investment and new jobs created in areas across NSW and that decisions made by Councils are key drivers of productivity.

The Public Spaces Legacy Program offers funding for new and upgraded public spaces to Councils contingent on a tangible improvement in development assessment timeframes and rezoning proposals assessments during the pandemic.

The Program also ties to the broader Planning Reform Action Plan, where the NSW Government is committed to create a more timely, certain and transparent planning system. One of the key components of the Planning Reform Action Plan includes measures to reduce assessment times for planning proposals, regionally significant development applications and major projects.

To be eligible for funding Council must commit to the following:

1. Accelerate planning assessments in North Sydney to achieve a 15% improvement in median assessment timeframe for development applications between 1 September 2020 and 30 June 2021.
2. Demonstrate how any regionally significant development applications that have been in the system for longer than 180 days, will be finalised by 31 December 2020.



3. Prepare a project plan to update the North Sydney Local Environmental Plan to incorporate a 6-10-year housing or employment supply capacity by 30 June 2021.
4. Prepare a plan for delivering rezoning applications that have been under assessment for more than four years (since July 2016), by 30 June 2021.

This report is provided to enable Council to respond to the Public Spaces Legacy Program initiative of the NSW Government and to resolve whether to participate.

Accelerated planning assessments may result in additional financial pressures on development related budget allocations. Such costs cannot be quantified at this stage noting that for the remainder of the calendar year any such costs are likely to be absorbed within current budget lines. Financial pressures are more likely to be realised in Q3/Q4 (Jan-Jun 2020) and should be addressed in the report back to Council as recommended. Subject to meeting the Planning Acceleration targets, North Sydney Council has the opportunity to access \$4.75M under the program.

**Recommending:**

1. **THAT** Council acknowledge the launch of the NSW Planning Acceleration and Public Space Legacy Program which encourages Council to achieve a 15% improvement in median development assessment performance between 1 September 2020 and 30 June 2021 in return for consideration of funding for public and open space projects.
2. **THAT** Council submit a proposal to participate in the program.
3. **THAT** Council note the potential impacts of participation in the program.
4. **THAT** should Council be successful in a submission, further details be reported back to Council.

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug\\_24\\_2020\\_730pm/reports\\_to\\_council\\_24\\_aug\\_2020/8.13\\_nsw\\_planning\\_acceleration\\_and\\_public\\_space\\_legacy\\_program.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug_24_2020_730pm/reports_to_council_24_aug_2020/8.13_nsw_planning_acceleration_and_public_space_legacy_program.pdf)

## 8.14 **Temporary Walking and Cycle Network Improvements Status Update – Streets as Shared Spaces Grant Funding**

Report of Lindsay Menday, Sustainable Transport Project Co-ordinator  
The purpose of this report is to update Council on the developments that have taken place in relation to this program since the initial “*Temporary Walking and Cycle Network Improvements Report*” was brought to the 27 July 2020 Council meeting and the subsequent Councillor Briefing that took place on 10 August 2020.

The Engineering and Property Services Division brought a report to the 27 July 2020 Council Meeting on the proposed “*Temporary Improvements to Council’s Walking and Cycle Network*”. The report was

a response to NSW State Government initiatives on installing temporary or “pop-up” public spaces and bike lanes in North Sydney, with a number of projects currently being implemented across other parts of metropolitan Sydney.

Council at the 27 July 2020 Meeting resolved:

1. *THAT the matter be deferred for a Councillor Briefing.*

This report now details the developments that have taken place since the July 27 Council Meeting and the Councillor briefing that took place on 10 August 2020.

In summary the developments include that Council has now received grant funding of \$1,040,000 through the NSW State Governments “*Streets as Shared Spaces Program*” which compliments and supersedes a number of the initiatives outlined in the 27 July 2020 Council Report. Refer to the detail section of this report which outlines the projects that Council has received Grant funding for through this program.

In addition, the NSW State Government also announced on 20 August, that planning is being finalised for a new pop-up cycleway connection which will be installed along Pacific Highway between Alfred Street and West Street at North Sydney.

The cycleway will link the Sydney Harbour Bridge to the existing North Sydney cycling network on West Street and provide connections to North Sydney Station, North Sydney Demonstration School, and the Australian Catholic University.

This report identifies that Council has been successful with its two Grant Funding Applications through the NSW State Governments “*Streets as Shared Spaces Program*”.

Council had requested and received \$1,000,000 in grant funding for the temporary closure of Miller Street so that it can be utilised as a pedestrian space and also a number of temporary street closures in Kirribilli. Council also received \$40,000 in grant funding through the program to start up its “*Street Play Program*”.

Council is contributing \$190,000 of its own money towards the “*Streets as Shared Spaces*” grant funded projects of which \$150,000 is coming from the LATM Implementation budget and \$40,000 from the Bike Strategy – Projects to be established Budget.

In addition, the NSW State Government also announced on 20 August 2020 that planning is being finalised for a new pop-up cycleway connection which will be installed along Pacific Highway between Alfred Street and West Street at North Sydney. This project is 100% funded by TfNSW.

**Recommending:**

1. **THAT** Council notes that this update report now supersedes the report that went to the 27 July 2020 Council Meeting on the proposed “Temporary Improvements to Council’s Walking and Cycle Network”.

2. **THAT** Council notes the TfNSW announcement of 20 August 2020, that planning is being finalised for a new pop-up cycleway connection

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which will be installed along the Pacific Highway between Alfred Street and West Street at North Sydney and that Council Officer's will provide input to TfNSW on the implementation of the “Pop-up” Cycleway.

**3. THAT** Council notes that grant funding of \$1,040,000 has been awarded to Council through the NSW State Governments “*Streets as Shared Spaces* Program” which compliments and supersedes a number of the initiatives outlined in the 27 July 2020 Council Report. Further reports will be brought to Council on the status of the projects that are being funded through this program.

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug\\_24\\_2020\\_730pm/reports\\_to\\_council\\_24\\_aug\\_2020/8.14\\_temporary\\_walking\\_and\\_cycle\\_network\\_improvements\\_status\\_update\\_-\\_streets\\_as\\_shared\\_spaces\\_grant\\_funding.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug_24_2020_730pm/reports_to_council_24_aug_2020/8.14_temporary_walking_and_cycle_network_improvements_status_update_-_streets_as_shared_spaces_grant_funding.pdf)

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**MOTIONS OF WHICH DUE NOTICE  
HAS BEEN GIVEN**

**9.1 Notice of Motion No. 11/20 - Cr Brodie - Netted Harbour Swimming Enclosures**

**1. THAT** Council staff provide a brief report to assess the viability and cost of a netted swimming area within a harbourside swimming location – possible locations to include Hayes Street Beach and/or Lavender Bay.

**Background (provided by the submitter)**

North Sydney Olympic Pool will be closed for the next two summers whilst the facility is being rebuilt and Maccallum Pool will be the only public swimming facility within the municipality during this time.

The municipality is fortunate enough to have a large area of public foreshore. Harbour water quality is better than ever due to COVID-19, at the same time that summers are becoming hotter. With limited public space for a fast-growing population (including a large proportion of apartment dwellers), facilitating better use of our foreshore for public recreation would appear to be in the public interest.

**9.2 Notice of Motion No. 12/20 - Cr Brodie - Transparency in Planning**

**1. THAT** Council provide mail notifications to affected and surrounding residents at the time Planning Proposals are first submitted;  
**2. THAT** the mail notifications use the same system to determine who should be notified as is currently used for mail notifications of DA's.  
**3. THAT** mail notifications are issued within seven (7) days of the initial lodgement of every Planning Proposal with Council.

**Background (provided by the submitter)**

North Sydney Council receives Planning Proposals from time to time. Planning Proposals are assessed by Council staff and a recommendation is made.

The effect of a successful Planning Proposal is to change the zoning of land, perhaps the most significant of all influences on land values and neighbourhood amenity.

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There are no statutory requirements to publicly exhibit a Planning Proposal before the issuance of a Gateway Determination. There is no pro-active notification. Any submission received prior to Gateway Determination result from the community becoming aware, almost by chance, of the lodgement through the Council's application tracking web page.

In many cases, residents of affected and surrounding areas are completely unaware of a Planning Proposal until after the Gateway Determination.

Informal research suggests that:

1. Many residents do not spend their days on the Council website and are unaware of the intricacies of Council processes.
2. Many residents are not aware that a Planning Proposal is an application to change zoning
3. Many residents are familiar with the DA process and believe that if they don't get a DA notification then there are no plans for zoning changes in their area.

While Council is fulfilling its legal obligations, it could and should do more in this area to meet community expectations of open and transparent government.

### **Director City Strategy Comment**

#### **Background**

The current Planning Proposal (PP) system to amend a Local Environmental Plan (LEP) was introduced by the Department of Planning in 2009. Prior to this, councils could simply reject any request to amend its LEP with no formal justification and no "appeal" rights.

Further, the Department sought to ensure that planning proposals had in-principal strategic merit, i.e. the issuing of a "Gateway Determination", before requiring detailed studies and consultation.

The current "A guide to preparing local environmental plans" prepared by the Department of Planning Industry and Environment states:

*In the case of a large or complex planning proposal it may also be appropriate to include details of a community consultation strategy in the planning proposal.*

The Department has expressed concerns that consultation prior to a Gateway Determination being issued, could result in duplicated processes and lead to delays in processing of PPs.

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In 2015, Council expanded its DA tracking system to include Planning Proposals as a way of keeping the community informed (albeit in a limited sense) early in the plan making process. Under that system there is currently no ability to register for the “Notify me” email subscription to receive notifications and updates with respect to planning proposals, similar to that for Development Applications.

Council officers receive some submissions in response to PPs which are discussed in the assessment report.

### **Discussion**

The assessment timeframe to formally consider a planning proposal by Council is 90 days, after which the applicant can apply for a rezoning review. This review process excludes public participation. This is reflective of the Department’s decision to conduct the community consultation after Gateway Determination. In that 90 days, Council staff are expected to assess the application and report it to the Local Planning Panel for consideration. Subsequently, the matter is reported to Council for determination. Achieving compliance with the 90 days is problematic for many applications, particularly with the recent requirement to report to the Local Planning Panel prior to reporting to Council.

Notwithstanding the genuine reasons underpinning this NoM, it proposes to formalise an additional step in the plan making process that has no legislative standing and that it is not anticipated in the timeframe prior to review rights. The proposal will result in:

- Increased staff workloads at a time when significant demands on staff resourcing by the State planning reform agenda shows no signs of abating.
  - Council officers being required to familiarise themselves with (what is often an ad hoc) proposal early to field enquiries at the expense of more valuable strategic planning work.
  - An increase in the number of informal submissions that may be considered by Council staff.
  - Increased timeframes to complete assessment reports.
  - Potentially more Rezoning Review through the Department of Planning.
  - Increased costs for additional mailouts, which can vary significantly from proposal to proposal and is not factored into Council’s current fee regime.
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The core issue is understanding that planning proposal and development applications processes are vastly different and any endeavours to increase the community understanding of this should be pursued.

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## Confidential Matters

### 10.1 Provision of In-House Training Services - Tender No. 17/2020

Report of Monique Piazza, Human Resources Officer - Projects

This report is to provide Council with an analysis and recommendation of the tender process for Tender No. 17/2020 for the Provision of Tailored In-House Training Services.

The following information for the Tailored In-House Training Services 17/2020 provided by tenderers, is commercial-in-confidence, has been protected and will not be disclosed in accordance with section 10A(2)(d) of the Local Government Act 1993. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

Tenders were called with a panel of three (3) qualified suppliers for each training course to be appointed based their rankings, evaluated against the Tender criteria.

Tenderers will be allocated work based on their ranking position and subject to their ongoing performance in delivering training services in line with service deliverables throughout the term of the contract.

The courses defined within this tender are:

- Customer Service Skills
- Developing Performance Objectives and Measures
- EEO awareness training for managers & supervisors
- EEO awareness training for non-supervisors
- Emotional intelligence
- Facilitation skills
- Finance for non-finance managers
- Job application and interview skills
- Leadership capability
- Managing performance and conduct
- Recruitment and selection
- Supervisory skills
- Time management
- Training small groups

The project is fully funded within the Division's budgets for 2020/2021 and forward estimates for 2021/2022. The estimated cost depending on the provider chosen will be a maximum of \$97,242 per annum.

#### **Recommending:**

- 1. THAT** Council accept the short-listed tenderers for Tender No. 17/2021 – Provision of Tailored In-House Training Services.
  - 2. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
  - 3. THAT** once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as
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required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug\\_24\\_2020\\_730pm/confidential\\_matters\\_24\\_aug\\_2020/10.1\\_provision\\_of\\_in-house\\_training\\_services\\_-\\_tender\\_no\\_17-2020.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug_24_2020_730pm/confidential_matters_24_aug_2020/10.1_provision_of_in-house_training_services_-_tender_no_17-2020.pdf)

## 10.2 **North Sydney Council's Primrose Park Artist Studios - Selection of Artists for 2020-2021**

Report of Rebecca Aukim, Acting Director Community and Library Services

The purpose of this report is to provide a brief summary on the six artists who have been selected by Council's Arts team for the next tenancy period of twelve months at Primrose Park Artist Studios from 6 October 2020 to 28 September 2021.

The current six Primrose Park Studio artists complete their tenancy on 30 September 2020 after a twelve-month period.

This report is confidential in accordance with Section 10A(2) of the Local Government Act and the Local Government (General) Regulation 2005 for the reason listed below:

(a) personnel matters concerning particular individuals (other than councillors).

Nil.

### **Recommending:**

**1. THAT** Council supports the selection of the six artists for the Primrose Park Studio Program commencing 6 October 2020 to 28 September 2021.

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug\\_24\\_2020\\_730pm/confidential\\_matters\\_24\\_aug\\_2020/10.2\\_north\\_sydney\\_council\\_primrose\\_park\\_artist\\_studios\\_-\\_selection\\_of\\_artists\\_for\\_2020-2021.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug_24_2020_730pm/confidential_matters_24_aug_2020/10.2_north_sydney_council_primrose_park_artist_studios_-_selection_of_artists_for_2020-2021.pdf)

## 10.3 **Council Owned/Leased Properties - 4th Quarterly Property Portfolio Report 2019/20 - April to June 2020**

Report of Damian Warren, Property Officer

The purpose of this report is to provide information regarding Council's Property Portfolio for the quarter ending 30 June 2020.

- Consolidated summary of income received through the Property Portfolio
  - Property Portfolio Vacancy Rates
  - Leasing Transactions for the quarter
  - Major Property Projects (Maintenance and Capital works) for the quarter
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- Acquisitions and Disposals for the quarter
- Covid-19 Pandemic updates

Council's budgeted income from its entire Property Portfolio for 2019/20 was originally forecast at \$7,688,515. However due to COVID-19, the income forecast has been revised down to \$6,327,499 in May 2020.

The Year-to-Date total actual income which is received on a cash basis through Colliers International is \$6,338,322 as at 30 June 2020, which is \$1,350,193 less than the original forecast established at the start of the 2019/20 financial year. The 2019/20 actual full year income is close to the revised forecast figures of \$6,327,499. However, based on the original revenue forecast figures for the full year, this sum is only 82.4% of the original budget.

The Year-to-Date income which is received on an accrual basis is \$6,886,638 as at 30 June 2020. At the time of writing, the year to date income on an accrual basis for the Property Portfolio is above the revised annual forecast of \$6,327,499. This is due to budget revision necessitated by the COVID-19 pandemic and the agreed rental rebates which are to be settled.

In 2019/20 financial year, the total Property Capital Works expenditure for the Property Portfolio was \$1.35 million, while the Operating expenditure which covers property maintenance and utilities costs across all of Council's properties was \$6.18 million for the entire Property portfolio.

**Recommending:**

**1. THAT** the Quarterly Property Portfolio Report for the 4<sup>th</sup> Quarter of 2019/20 (April to June 2020) be received.

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug\\_24\\_2020\\_730pm/confidential\\_matters\\_24\\_aug\\_2020/10.3\\_council\\_owned\\_leased\\_properties\\_-\\_4th\\_quarterly\\_property\\_portfolio\\_report.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug_24_2020_730pm/confidential_matters_24_aug_2020/10.3_council_owned_leased_properties_-_4th_quarterly_property_portfolio_report.pdf)

## **10.4 Performance Review of the General Manager to June 2020**

Report of Matthew McArthur, Chief Executive Officer, McArthur  
To report on the performance review of the General Manager, which was conducted on 30 July 2020.

The performance review of the General Manager was conducted on 30 July 2020. The review was conducted by the Performance Review Panel appointed by Council consisting of the following Councillors:

- Mayor, Cr Jilly Gibson
- Deputy Mayor, Cr Stephen Barbour
- Cr Jessica Keen
- Cr Ian Mutton

Also in attendance:

- Ken Gouldthorp, General Manager

The Panel was facilitated by Matthew McArthur from McArthur, a national recruitment and HR Consulting firm with extensive experience in the conduct of performance reviews in local government.

A separate Confidential Report has been provided to Council.

The associated Confidential Report to this item addresses Personnel Matters Concerning Particular Individuals. If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2)(a) of the Local Government Act (LGA).

Senior staff salaries are reported in the Annual Report in the format and detail stipulated in the Local Government Act.

**Recommending:**

- 1. THAT** the meeting be closed to the public in accordance with Section 10A(2) (a) *personnel matters concerning particular individuals (other than councillors)*.
- 2. THAT** the Confidential Report from the Performance Review Panel and recommendations therein be adopted.
- 3. THAT** the Mayor be authorised to implement the recommendations of the Review Panel; and
- 4. THAT** the Performance Review and associated reports be treated as confidential and remain confidential until Council determines otherwise. *(Note: 4 is in accordance with Office of Local Government Guidelines on the Appointment and Oversight of General Managers and s10A(2)(a) of the Local Government Act)*

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug\\_24\\_2020\\_730pm/confidential\\_matters\\_24\\_aug\\_2020/10.4\\_performance\\_review\\_of\\_the\\_general\\_manager\\_to\\_june\\_2020.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/aug_24_2020_730pm/confidential_matters_24_aug_2020/10.4_performance_review_of_the_general_manager_to_june_2020.pdf)