



Council Chambers
26 November 2020

The 3738th MEETING of COUNCIL will be held at the Council Chambers, North Sydney at 7.30pm on Monday, 30 November 2020. The agenda is as follows.

KEN GOULDTHORP
GENERAL MANAGER

North Sydney Council is an Open Government Council. The records of Council are available for public viewing in accordance with this policy, with the only exception being made for certain confidential documents such as legal advice, matters required by legislation not to be divulged, and staff matters.

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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: Embracing Our Jacarandas
- 7. Reports of Committees**
 - 7.1 Governance and Finance Committee - Minutes 9 November 2020
 - 7.2 Audit, Risk and Improvement Committee - Minutes 13 November 2020
 - 7.3 Sport & Recreation Reference Group - Minutes 10 November 2020
 - 7.4 Sustainable Transport Reference Group - Minutes 16 November 2020
- 8. Reports to Council**
 - 8.1 Matters Outstanding – November 2020
 - 8.2 Audited Financial Statements for the Year Ended 30 June 2020
 - 8.3 Annual Report 2019/20

- 8.4 Response to Mayoral Minute - Gerard Street and Macpherson Street - Road Safety Near Middle Harbour School
- 8.5 Notification for Planning Proposals
- 8.6 Military Road Corridor Planning Study - Exhibition Outcomes and Amended Future Direction Report
- 8.7 Public Exhibition of Draft North Sydney Local Infrastructure Contributions Plan
- 8.8 Planning Proposal - 173-179 Walker Street and 11-17 Hampden Street, North Sydney
- 8.9 NSW Public Space Legacy Program
- 8.10 Active Transport Grant Offer from TfNSW
- 8.11 Primrose Park Art & Craft Centre - Joint Strategic Plan Review 2019/20
- 8.12 North Sydney Community Centre - Joint Strategic Plan Review 2019/20
- 8.13 Shorelink Libraries Annual Report and Financial Statements 2019-20
- 8.14 Draft Plan of Management for Neighbourhood Parks
- 8.15 Draft Bushland Plan of Management
- 8.16 Draft Plan of Management for Cremorne Reserve
- 8.17 Kurraba Point Reserve - Vegetation Management Plan
- 8.18 85 Broughton Street Kirribilli - Jacaranda Tree Removal Application
- 8.19 Restoration Works on Public Land Policy and Amended Guidelines - Post Exhibition
- 8.20 Residential Food Scraps Collection and Processing Trial
- 8.21 Code of Conduct Statistics Report
- 8.22 New Applications for Reference Group Membership
- 8.23 Amendment to 2020 Council Meeting Schedule
- 8.24 Coal Loader Shade and Other Facilities
- 8.25 Managing Rent Relief Requests from Council Tenants Due to COVID-19

9. Notices of Motion/Questions with Notice

- 9.1 Notice of Rescission No. 4/20 by Councillors Beregi, Baker and Carr - Civic Precinct Planning Study (Item 8.10 Civic Precinct Planning Study - Post Exhibition)
- 9.2 Notice of Motion No. 15/20 - Crs Beregi, Baker and Carr - Vale Bruce Burns
- 9.3 Notice of Motion No. 16/20 - Crs Beregi, Baker and Carr - Fix Willoughby Road - Willoughby Road Public Domain Upgrade Works
- 9.4 Notice of Motion No. 17/20 - Crs Beregi, Baker and Carr - Final 2036 Plan – Maximum Heights on Pacific Highway
- 9.5 Notice of Motion No. 18/20 - Crs Beregi, Baker and Carr - Expanded Hume Street Park - Stage 2
- 9.6 Notice of Motion No. 19/20 - Crs Beregi, Baker and Carr - Allocation of Federal Funding
- 9.7 Notice of Motion No. 20/20 - Crs Beregi, Baker and Carr - Legal Advice
- 9.8 Questions With Notice - Crs Beregi, Baker and Carr

10. Confidential Matters

- 10.1 Seawall Restoration Works - Tender No. 12/2021
- 10.2 End of Trip Facilities at North Sydney Council Chambers - Tender No. 13/2021
- 10.3 Council Owned/Leased Properties - 1st Quarterly Property Portfolio Report 2020/2021 - July to September 2020

- 10.4 North Sydney Community Awards 2021
- 10.5 Noakes Boatyard - 6 John Street, McMahons Point
- 10.6 Primrose Park Tennis Court Options
- 10.7 Warringah Freeway Upgrade TfNSW Compulsory Acquisitions – Council's Parks and Reserves

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

SUBJECT: 3738th MEETING OF COUNCIL TO BE HELD ON MONDAY, 30 NOVEMBER 2020

THAT THE MINUTES of the previous 3737th Council Meeting held on Monday, 26 October 2020 be taken as read and confirmed.

DISCLOSURES OF INTEREST

MINUTES OF THE MAYOR

6.1 MM01: Embracing Our Jacarandas

For several years now Council has provided additional infrastructure in Kirribilli to support the crowds visiting during the Jacaranda season. We have also considered a range of possible traffic management measures and a Jacaranda festival but the costs involved have been prohibitive.

I have visited McDougall Street in Kirribilli on several occasions over the past month and been delighted to meet people who have travelled across Sydney to enjoy the Jacarandas in full bloom. After a difficult year of bushfires and the COVID-19 pandemic, people welcomed the beauty of the flowers and the joy and hope they represent.

I believe it is time Council whole-heartedly embraced the Jacaranda bloom and looked at ways we could extend it across the whole Kirribilli

area. While I am sure McDougall Street will remain the centrepiece of the suburb and the best Jacaranda street in Sydney, the extension of the Jacaranda footprint would bring many benefits to the area.

I don't want to pre-empt the outcome of the Kirribilli Village upgrade consultation but I am brimming with ideas to leverage the attraction of the Jacarandas including painting a Jacaranda mural somewhere (perhaps on the wall along Ennis Road), closing the road for limited periods during the month so that people can take photos from the centre of the road without worrying about traffic, planting more Jacarandas throughout the suburb and encouraging our local businesses to sell Jacaranda-themed drinks, food, gifts and souvenirs. We could even explore the concept of a Jacaranda walk, supported by an App. I'm sure we can achieve some of these ideas at a lower cost than previous proposals.

I therefore recommend:

1. THAT a report be presented to Council early in 2021 with options for increasing the Jacaranda footprint in the Kirribilli area, low cost ways to improve crowd management and recommendations for encouraging local businesses to support the Jacaranda season.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/mayoral_minutes_30_nov_2020/6.1_m01_embracing_our_jacarandas.pdf

Reports of Committees

7.1 Governance and Finance Committee - Minutes 9 November 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 9 November 2020 for Council adoption. The minutes are attached for information.

Recommending:

1. **THAT** the report on Investments and Loan Borrowings held as at 31 October 2020 be received. (This report was provided to the Governance & Finance Committee on 9 November 2020 for information). (GF01)
2. **THAT** the Quarterly Budget Review Statement - September 2020 report be received. (GF02)
3. **THAT** the revised 2020/21 Budget be adopted. (GF02)
4. **THAT** the Committee notes the remedial action for those projects that were not on track for the period ending 30 June 2020. (GF02)
5. **THAT** the Quarterly Review of the Operational Plan - 1 July to 30 September 2020 be received. (GF03)
6. **THAT** the Committee notes the remedial action for those projects that were not on track for the period ending 30 September 2020 (GF03)
7. **THAT** the revised Code of Meeting Practice be adopted. (GF04)
8. **THAT** the Code of Conduct - Precinct Office Bearers and Members submissions received be noted. (GF05)
9. **THAT** the final Code of Conduct - Precinct Office Bearers and Members be adopted, per Attachment 1. (GF05)

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_of_committees_30_nov_2020/7.1_governance_and_finance_committee_-_minutes_9_november_2020.pdf

7.2 Audit, Risk and Improvement Committee - Minutes 13 November 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 Audit, Risk and Improvement Committee held on 13 November 2020 for Council adoption. The minutes are attached for information.

Recommending:

1. **THAT** the status of past internal audit recommendations be received and noted. (AR01)
2. **THAT** this report be received and the status of the 2020 internal audit plan including carrying forward of the Privacy and Information review be noted. (AR02)
3. **THAT** the Audits identified at the meeting of shared Audit service General Managers on 16 November 2020, be circulated to the Committee members for information. (AR02)
4. **THAT** the Annual Insurance Update be received. (AR03)
5. **THAT** the revised annual Audit, Risk & Improvement Committee Agenda, as amended, be received and approved by the Committee. (AR04)
6. **THAT** the Legislative Compliance Policy report be received. (AR05)
7. **THAT** the NSW Audit Office be advised that Council has adopted and implemented the recommendation in the 2019 Final Management Letter to develop a Legislative Compliance Policy (AR05)
8. **THAT** the 2021 Audit, Risk & Improvement Committee Meeting schedule, as detailed in this report, be adopted. (AR06)

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_of_committees_30_nov_2020/7.2_audit_risk_and_improvement_committee_-_minutes_13_november_2020.pdf

7.3 **Sport & Recreation Reference Group - Minutes 10 November 2020**

Report of Peita Rose, Governance Officer

To report the proceedings of the Sport and Recreation Reference Group to Council.

This report presents the recommendations of the last meeting of the Sport and Recreation Reference Group held on 10 November 2020. The minutes are attached for information.

Recommending:

1. **THAT** the Minutes of the Sport and Recreation Reference Group meeting of 10 November 2020 be noted.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_of_committees_30_nov_2020/7.3_sport_recreation_reference_group_-_minutes_10_november_2020.pdf

7.4 Sustainable Transport Reference Group - Minutes 16 November 2020

Report of Peita Rose, Governance Officer

To report the proceedings of the Sustainable Transport Reference Group to Council.

This report presents the recommendations of the last meeting of the Sustainable Transport Reference Group held on 16 November 2020. The minutes are attached for information.

Recommending:

1. THAT the Minutes of the Sustainable Transport Reference Group meeting of 16 November 2020 be noted.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_of_committees_30_nov_2020/7.4_sustainable_transport_reference_group_-_minutes_16_november_2020.pdf

Reports to Council

8.1 Matters Outstanding – November 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, Notices of Motion and Questions Without Notice.

The attached table has been updated to include resolutions from the 26 October 2020 Ordinary Meeting of Council.

Nil.

Recommending:

1. THAT the report be received.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.01_matters_outstanding_-_november_2020.pdf

8.2 Audited Financial Statements for the Year Ended 30 June 2020

Report of Garry Ross, Manager Financial Services

To present the audited Financial Statements for the year ended 30 June 2020, including the Independent Auditor's Report and submissions received from the public exhibition of these reports.

The Financial Statements were presented to the Audit, Risk and Improvement Committee (ARIC) on 2 October 2020 and at the Council Meeting on 26 October 2020. The Council resolved to receive the financial statements and place them on public exhibition from *27 October 2020 to 11 November 2020* for comment.

The unqualified Financial Statements and the Auditor's Reports were forwarded to the Office of Local Government (OLG) on 27 October 2020. During the exhibition period no submissions were received as to the contents of the financial statements.

No amendments have been made to the Financial Statements since they were tabled at the 26 October 2020 Council meeting with all details of such remains the same.

Recommending:

1. THAT under Section 413(1) of the Local Government Act, 1993, the financial statements for the year ended 30 June 2020 be received.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.02_audited_financial_statements_for_the_year_ended_30_june_2020.pdf

8.3 Annual Report 2019/20

Report of Sarah Malcolm, Corporate Planning Coordinator

The purpose of the Annual Report is to outline for key stakeholders the achievements in implementing Council's *Delivery Program 2018/19-2021/22* which contribute to the strategic outcomes in the *North Sydney Community Strategic Plan*. Council has a statutory obligation to prepare an Annual Report in accordance with section 428 of the *Local Government Act 1993*, the *Local Government (General) Regulation 2005 (Part 9, Division 7)*.

Council's Annual Report for the financial year ended 30 June 2020 has been completed in accordance with section 428 of the *Local Government Act 1993*, the *Local Government (General) Regulation 2005 (Part 9, Division 7)*, the Office of Local Government's *Integrated Planning and Reporting Guidelines* (2013) and Annual Report Checklist, issued 5 November 2019 (Circular 19-28).

The 'Our Performance' section details highlights and key achievements against the projects in the *Operational Plan 2019/20* (Year 2 of Delivery Program). The Annual Report also contains the Audited Financial Statements, this is the same version as Item 8.2 reported to this meeting. As required in the IPART Instrument, under section 508A of the Act, there is a report on expenditure funded by the additional income drawn from Year 1 of the Special Rate Variation.

In accordance with the *Government Information (Public Access) Act 2009* copies of the Annual Report will be made publicly available for viewing at Council's Customer Service Centre, on the website and Stanton Library. Copies are provided to the North Sydney Heritage Centre and NSW State Library. As required, the Annual Report will be provided to the Minister for Local Government by 31 December 2020.

The Annual Report contains the Audited Financial Statements, which were initially submitted to Council 25 October 2020. The version contained within Attachment 1 is the same as Item 8.2 reported to this meeting. The Financial Statements have not changed from the version exhibited.

Recommending:

1. THAT the Annual Report for 2020/21 be received.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.03_annual_report_2019-20.pdf

8.4 **Response to Mayoral Minute - Gerard Street and Macpherson Street - Road Safety Near Middle Harbour School**

Report of Michaela Kemp, Manager Traffic & Transport Operations

This report has been prepared in response to the Mayoral Minute MM04 “Road Safety Near Middle Harbour School” considered at the Council meeting on 28 September 2020. The Mayoral Minute considered concerns regarding pedestrian safety at the pedestrian crossing at the intersection of Gerard Street and Macpherson Street, particularly school children and elderly residents and Council’s proposal to address the safety concerns by replacing the crossing with traffic signals which TfNSW did not support. The Mayoral Minute suggested:

“If traffic lights are not currently an option, and moving the crossing increases the risk of jaywalking, we need to look for other measures we can take to protect our residents. These could include traffic calming measures such as speed cushions, the installation of a roundabout, concrete barriers, line markings, increased signage and more.”

A Mayoral Minute MM04 “Road Safety Near Middle Harbour School” was tabled at the Council meeting on 28 September 2020 concerning road safety near Middle Harbour School, and specifically community concerns about pedestrian safety at the intersection of Gerard Street and Macpherson Street, Cremorne.

There have been numerous reports to the Traffic Committee on this intersection in the past 20 years. Invariably, the preferred option for Council has been to signalise the intersection to improve safety for pedestrians crossing at the intersection. Over the past 18 months the matter has been a Standing Item on the North Sydney Traffic Committee and Council has obtained traffic signal plans for the intersection, however these were not supported by TfNSW due to the number of pedestrians currently using the crossing not complying with the TfNSW numerical warrants for traffic signals.

Subsequently at the Council meeting on 28 September 2020 it was resolved (Min. 127):

- 1. THAT Council staff prepare a report investigating the options and efficacy of various traffic calming measures to increase safety at the pedestrian crossing at Gerard and Macpherson Street in Cremorne.*
- 2. THAT the Mayor and a member of Council staff meet with the Member for North Shore, Ms Felicity Wilson MP, for a site visit at this intersection.*

This report outlines further investigations by Council officers in response to the resolution of Council.

Traffic signals at the intersection would cost in the order \$400,000-\$500,000. Council has a limited budget for implementation of LATM projects. If signals were approved by Transport for NSW, implementation

would be dependent on the availability of funding, including potential TfNSW grants and a contribution from Mosman Council.

Recommending:

1. THAT Council write to the Minister for Transport and Roads requesting special consideration for installation of traffic signals at the intersection of Gerard Street and Macpherson Street on the basis of pedestrian safety and amenity, with reference to this report.

2. THAT the following signage changes be referred to the Traffic Committee for installation under delegation of the Manager Traffic & Transport Operations:

- a. an additional pedestrian crossing sign installed in front of the tree on the southern side of Gerard Street facing west.
- b. the Give Way sign on the left-hand side of Macpherson Street at Gerard Street be removed so as not to obstruct the pedestrian crossing sign.

3. THAT all line marking associated with the pedestrian crossing including, zebra markings and zig zag markings on approaches, be maintained and refreshed to ensure visibility to the crossing is adequate.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.04_response_to_mayoral_minute_-_gerard_street_and_macpherson_street_-_road_safety_near_middle_harbour_school.pdf

8.5 Notification for Planning Proposals

Report of Marcelo Occhiuzzi, Manager Strategic Planning

To respond to a Notice of Motion regarding the prospect of Council notifying Planning Proposals as they are lodged with Council.

Proponent led Planning Proposals seek to amend the planning controls contained in the North Sydney Local Environmental Plan 2013 to change the development potential of particular sites. The process requires an initial review and assessment by the Independent Local Planning Panel and Council, before being considered by the Department of Industry and Planning. If local and strategic merit can be demonstrated, the planning proposal may be issued with a Gateway Determination, which requires various matters to be addressed, including consultation with the local community and other relevant stakeholders. This essentially represents the “gateway” to a formal process of consideration for such proposals.

At its meeting of August 2020, Council considered a Notice of Motion which aimed to introduce a process of notification for all proponent led planning proposals received by Council. The underlying issue that the Notice of Motion sought to address, was the lack of awareness, particularly by local residents and landowners, that a planning proposal may have been lodged in their vicinity. This report outlines that the

planning proposal process at its inception, is not particularly designed to enable proactive consultation given the lack of status of such applications when they are lodged. In addition, a notification process would represent a significant draw on limited resources for processes that more often than not, end in refusals and come at the expense of more worthwhile strategic planning work.

This report recommends that to meet the objectives of transparency and local awareness whilst not drawing unnecessarily on limited Council resources, a different set of processes could be pursued. Whilst Council currently places planning proposals that are lodged directly on its website, this interface could be improved. This report recommends that improvements to this interface be explored, to make finding such proposals as easy and transparent as possible. Secondly, there is scope to place a notice on site, which is differentiated from site notices that advertise development applications. This is a very tangible and localised initiative that would raise local awareness that a planning proposal has been lodged.

Both these initiatives would be relatively simple and cost effective to implement.

The amendments to Council's website interface would be relatively cost neutral, only necessitating deployment of existing human resources to consider and adjust several aspects of Council's website. The site signage initiative would represent a modest cost (in the order of \$3-400 per annum) in addition to negligible amounts of staff time required to place such signs on site. These initiatives can be resourced within existing budgets.

Recommending:

1. THAT Council acknowledge the current practice of posting of proponent led Planning Proposals on its website and that it further instigate the following actions in order to provide wider awareness of their receipt:

- a) Installation of site signage similar but identifiably different to development application site signage as soon as practicable after lodgement of Planning Proposals. This is to include details of the proposal and if possible, with the investigation of a QR code to link back to Council's website containing further details.
- b) Investigate amendments to Council's website dealing with Planning Proposals to maximise transparency.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.05_notification_for_planning_proposals.pdf

8.6 **Military Road Corridor Planning Study - Exhibition Outcomes and Amended Future Direction Report**

Report of Tomas van der Meer, Senior Strategic Planner - Urban Design
To report on the submissions received in response to the public exhibition of the Future Direction Report for the Military Road Corridor in Neutral Bay and recommend a way forward.

In April 2020, Council adopted the draft Future Direction Report for the Military Road Corridor for the purposes of public exhibition. The draft Future Direction Report was placed on public in an extended exhibition period from Thursday 26 April until Friday 31 July 2020. Council received a total of 435 responses from the engagement process.

The most frequent issues raised were concerns relating to building height, public parking and other traffic issues. Notably, the traffic and parking concerns often related specifically to the Grosvenor Lane car park with many submissions wanting better access and more support of local shops without being compromised by the Grosvenor Lane supermarket. A smaller number of submissions supported modest height increases in acknowledgement of the potential associated public benefits, however, believe that the proposed building height of 12 storeys is inappropriate for the area. A number of submissions expressed concerns that the changes will impact on the character of the area. There was a significant degree of support for the proposed public domain and community facility improvements, several of which also agreed with additional height.

The amended Future Direction Report continues to:

- Recognise and address the ongoing loss of employment floor space.
- Adjust built form controls to improve the urban design and amenity of the centre.
- Identify unusually large or strategically significant sites that can leverage carefully managed increases in height to deliver significant public domain and community facility improvements, that would otherwise be beyond Council's financial and spatial capacity in the Neutral Bay town centre.

Revisions of draft Future Direction Report include:

- Removal of site 4 as a strategically significant site. Site 4 comprises the Barry Street car park that would otherwise be amalgamated with the neighboring residential cottages and the commercial building at 40 Yeo Street. Feedback and further assessments identified issues regarding inappropriate building height increases, solar impact, transition, delivery mechanism, feasibility and change of character.
- Replacing the recreational facility with a new community centre as a community benefit. The height clearance of a recreational facility is considerable and leads to an undesirable built form outcome. Some negative feedback was received with little support for the facility. Analysis also shows that the operational costs of a single court is an ongoing burden to Council and the community. A larger recreational

facility elsewhere in North Sydney is preferred. Two potential locations for a new community centre have been identified with further discussions with landowners required during the preparation of a subsequent planning proposals.

- Refinement to requirements associated with the delivery of public improvements, in particular the community centre. It is important that community facilities have a direct presence to the public domain and issues of natural light and natural ventilation are addressed.
- A less prescriptive, more principles-based approach to the Grosvenor Lane car park to address concerns of existing landowners and local shops regarding public ownership, parking, loading, access and the balance/location of public improvements.

The Study proposes to retain height increases on sites 1, 2 and 3 as previously exhibited (8 and 12 storeys) to strike a balance between the careful management of height to preserve character and enhance amenity whilst delivering on much needed public benefits for the centre. Sites 1 and 2 would benefit from the preparation of a collaborative masterplan, but the Study does not mandate this.

This balanced development uplift has the potential to deliver:

- Existing and new public domain improvements including significant new public plazas.
- Relocation Grosvenor Lane car park to be less visually dominant.
- Regional secured commuter bicycle parking (28 spaces).
- New community centre with accessible toilet and family room (~1,000m²).
- New creative makers art alley (~600m²).
- Increased employment floorspace from existing non-residential FSR of 0.5:1 to 1.2:1, 1.5:1 & 2.0:1.

The Grosvenor Plaza is planned to remain in Council's ownership. Any approach to utilise all or part of this land by private interests, will be required to undergo a public expression of interest process.

This report recommends that this Study be adopted to provide a framework and guidance for ongoing discussion with local landowners about the future development of the Centre.

A budget of \$108K in the 2019/20 was allocated to the Military Road Corridor Planning Study. External consultants provided technical input regarding financial feasibility, heritage and costs expended covered public exhibition/consultation activities.

Recommending:

1. **THAT** Council note the submissions received and the issues raised during the exhibition.
 2. **THAT** Council adopt the Future Directions Report, as amended, as the strategic development framework for Neutral Bay town centre.
 3. **THAT** Council note the Future Direction Report will guide future Planning Proposals.
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4. **THAT** the inclusion of any Council owned land in a development scheme be the subject of a public Expressions of Interest Process.

5. **THAT** Council actively raise and pursue pedestrian amenity improvements along the Military Road with relevant State Agencies.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.06_military_road_corridor_planning_study_-_exhibition_outcomes_and_amended_future_direction_report.pdf

8.7 **Public Exhibition of Draft North Sydney Local Infrastructure Contributions Plan**

Report of Rob O'Brien, Senior Strategic Planner

To report the outcomes of the public exhibition of the draft North Sydney Local Infrastructure Contributions Plan (the Plan), including minor amendments to the plan in response to submissions received.

At its meeting on 24 August 2020, Council resolved to place the Draft North Sydney Local Infrastructure Contributions Plan on public exhibition. This report outlines the issues raised in submissions and recommends minor amendments to enable Council to adopt of the North Sydney Local Infrastructure Contributions Plan provided at Attachment 1.

A total of eight (8) submissions were received during the public exhibition period. Under Clause 33A(2) of the EP&A Regulation 2000, a Council is to consider any submissions received from public authorities or the public. The main issues raised included; concerns over proposed non-residential levy amounts, application of levies to schools, timing of payments, complexity of plan, plan commencement and broader economic impacts on development viability. Responses to the issues raised in these submissions are detailed in the body of this report.

The Plan is required to identify a commencement date. Given that it will represent new charges for some developments that are already in the assessment system, and that significant internal work will be required to prepare Council's systems and processes, this report recommends that the new Plan come into force from 1 March 2021.

This report recommends that the draft Plan should be finalised and adopted with minor amendments.

The preparation and public exhibition of the North Sydney Local Infrastructure Contributions Plan has been funded through the DPIE 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 Plan will fund approximately \$195.3 million of the cost of these total works. Funding gaps will be considered throughout the 16-year life of the plan

through Council's budgeting processes. It is estimated the Plan will provide an average of 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 note the submissions received and the issues raised following public exhibition of the North Sydney Local Infrastructure Contributions Plan.
- 2. THAT** Council adopt the North Sydney Local Infrastructure Contributions Plan, as amended, subject to a commencement date of 1 March 2021 under clause 31(4) of the EP&A Regulation 2000 (Attachment 1).
- 3. THAT** Council publish a public notice on Council's website within 28 days of Councils' decision to adopt the North Sydney Local Infrastructure Contributions Plan under clause 31 of the EP&A Regulation 2000.
- 4. THAT** Council repeal the existing North Sydney Section 94 Contributions Plan 2013 and place a public notice of intent to repeal the Plan (and reasons for doing so) on Council's website at least 14 days before repealing the plan under clause 32 (2A) of the EP&A Regulation 2000.
- 5. THAT** Council authorise the General Manager to make appropriate amendments to the Plan under s32(3) of the EP&A Regulation 2000 where required to reflect changes to CPI or minor typographical corrections.
- 6. THAT** upon repeal of the former plan, remaining contributions from the repealed Plan be transferred to appropriate accounts under the new plan, generally in accordance with this report.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.07_public_exhibition_of_draft_north_sydney_local_infrastructure_contributions_plan.pdf

8.8 Planning Proposal - 173-179 Walker Street and 11-17 Hampden Street, North Sydney

Report of Neal McCarry, Team Leader - Policy

To seek Council's endorsement for a submission to planning proposal (RefNo's PP3/19, PP_2020_NORTH_004) at 173-179 Walker Street and 11-17 Hampden Street North Sydney, the public exhibition of which, was conducted by the NSW Government's Planning Panel's Secretariat.

This report is presented to Council to seek endorsement of a submission to a planning proposal that was previously not supported by Council. The progression of the Planning Proposal is contrary to Council's Local

Strategic Planning Statement and Civic Precinct Planning Study. An objection in this regard is recommended.

Following the lodgement of a Rezoning review by the applicant and consideration by the Sydney North Regional Planning Panel, a Gateway Determination was issued. The public exhibition of the planning proposal is being administered by the Planning Panels Secretariat in a manner that has made it difficult for the community to interpret and understand. This is recommended to be outlined in Council's submission.

This report and recommendation do not give rise to any direct financial implications.

Recommending:

1. THAT Council make a submission to the planning proposal for 173-179 Walker Street and 11-17 Hampden Street outlining the following matters, which are elaborated on in this report:

- a) The progression of the planning proposal is contrary to the Objectives and Actions contained within North Sydney Council's finalised Local Strategic Planning Statement;
- b) The planning proposal is inconsistent with elements of Council's Civic Precinct Planning Study;
- c) The basis of satisfaction and compliance with the conditions of the Gateway Determination are unclear, further inhibiting public engagement and confidence in the process;
- d) The form of the public exhibition of the planning proposal has not assisted the wider community fully engaging with the process given the volume and manner in which exhibition material has been presented;
- e) The planning proposal may give rise to excessive and unreasonable view loss impacts on surrounding properties.

2. THAT Council write to the Greater Sydney Commission's District Commissioner expressing its concern at the undermining of best practice local strategic planning processes.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.08_planning_proposal_-_173-179_walker_street_and_11-17_hampden_street_north_sydney.pdf

8.9 NSW Public Space Legacy Program

Report of David Hoy, Team Leader Assessments

To advise that Council has been accepted to the NSW Department of Planning Industry & Environment (DPIE) Public Spaces Legacy Program which provides access funding of up to \$4.75M for public open space projects subject to performance improvements in determination of development applications.

On 24 August 2020 Council considered a report outlining the benefits and commitments of participation in the NSW Planning Acceleration and Public Space Legacy Program.

This Program provides access to funding up to \$4.75M to be used for the purposes of public open space projects in return for demonstrated improvement to development application processing and advancement of key development of strategic planning projects at specific Milestones up to 30 June 2021.

At this meeting Council resolved:

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.*

On 28 August 2020 an application was lodged with the NSW Department of Planning Industry & Environment (DPIE) to participate in the Public Space Legacy Program.

On 6 November 2020 Council was advised by NSW Department of Planning Industry & Environment (DPIE) that it had been accepted to the Program. The participation agreement has been executed.

Accelerated planning assessments may result in additional financial pressures on development related budget allocations. To date no additional expenditure has been identified that cannot be absorbed within current budget lines.

The application to participate in the Legacy Program identifies the following projects if the grant funds predicated on achieving the planning targets become available:

1. Acquisition of the former Quarantine Boat Depot - \$2.3M
2. Design and renovation of existing building and landscaping works at the former Quarantine Boat Depot to ensure the site is available for public access and recreation - \$1.808M
3. Upgrade and expansion of two play spaces - \$0.5M

The projects will be subject to further detailed applications following achievement of targets for the period to 31 December 2020.

Recommending:

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

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.09_nsw_public_space_legacy_program.pdf

8.10 Active Transport Grant Offer from TfNSW

Report of Lindsay Munday, Sustainable Transport Project Co-ordinator
This report provides information to Council on three (3) grant offers from TfNSW for the construction of Active Transport (walking and cycling) projects for the 2020/2021 financial year.

This report provides information to Council on three (3) grant offers from TfNSW for the construction of Active Transport projects in the 2020/2021 financial year in the following locations:

- Young Street between Sutherland Street and Grosvenor Street;
- Ernest Street between Warringah Freeway and Anzac Avenue; and
- The road connection comprising sections of Broughton Road, Clarke Road, Kurraba Road, Wycombe Road and Harriette Street (Route 3).

The combined value of the three (3) grants is \$3,457,450 with a proposed contribution of \$896,750 from Council.

All the projects include walking, cycling and public domain/landscaping improvements.

This report recommends that Council provisionally accept the grants, with progression to construction stage conditional on community consultation and support for the projects.

Draft designs for community consultation are currently being finalised, and the project planning includes an allowance for a further round of designs in response to the outcomes of community consultation.

If the projects were to proceed to construction, this would likely take place between June 2021 to March 2022 with Ernest Street constructed first, Young Street second and Route 3 third. The construction period for each would not be likely to overlap.

A Councillor Briefing on the grants was held on Monday 9 November to brief Councillors on the design details of three active transport projects that are the subject of this grant funding offer from TfNSW.

Acceptance of the grant would amount to \$3,457,450 in grant income and would require an estimated contribution of \$896,750 from Council from the 2020/2021 and 2021/2022 cycling facilities budget. At the time of writing \$799,773 is available in the cycling facilities budget.

This report is recommending that Council request that TfNSW fully fund Route 3 - Kirribilli to Cremorne due to the impacts that COVID-19 is having on Council's revenues and its ability to fund its Capital Works Program. Council's commitment to contribute \$500,000 of its own funds towards Route 3 was made over 18 months ago before COVID-19 became a pandemic and its impacts on Council's revenues were known.

Recommending:

1. THAT Council provisionally accept the grant offer from TfNSW for construction of Active Transport projects in 'Ernest Street', 'Young Street' and 'Route 3', subject to agreement from TfNSW that the construction phase of the projects is subject to the outcomes of community consultation on the projects.

2. **THAT** Council request 25% of the grant value be provided at project acceptance to assist with the costs of consultation and finalisation of the designs for all three routes.
3. **THAT** Council request TfNSW fully fund Route 3 - Kirribilli to Cremorne due to the impacts that COVID-19 is having on Council's revenues and its ability to fund its Capital Works Program
4. **THAT** Council include in the provisional acceptance letter to TfNSW a request for project delivery to carry over into the 2021/22 Financial Year given the scale of the projects and limitations on consultation throughout 2020.
5. **THAT** consultation on all three projects commence in December 2020 and run to February 2021 with reporting provided to the first Council meeting following the completion of consultation.
6. **THAT** should Council resolve to proceed with the projects, that approval/concurrence from the North Sydney Traffic Committee be sought under delegation to the Manager Traffic and Transport Operations.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.10_active_transport_grant_offer_from_tfnsw.pdf

8.11 Primrose Park Art & Craft Centre - Joint Strategic Plan Review 2019/20

Report of Rebecca Aukim, Acting Director Community & Library Services

To report on the annual review of Primrose Park Art and Craft Centre's Joint Strategic Plan with Council.

The Primrose Park Art and Craft Centre Joint Strategic Plan is a joint planning statement by Council and Primrose Park Art & Craft Centre Inc (PPACCI). The PPACCI is run through a voluntary Management Committee.

All the objectives in the Joint Strategic Plan were completed despite the Centre having to close from March to June 2020 due to COVID-19.

Currently, the active groups at Primrose Park Art and Craft Centre are: Basketry, Calligraphy, Paper Arts, Photography, Textiles and the 'Artists in the Park' painting group.

Many of the groups maintained their membership during the closure and between them, the six groups have a total of 371 members.

The building which houses the Primrose Park Art and Craft Centre is owned and maintained by Council. While Council's policy with its community centres is to allow for peppercorn rent, in this case as the Centre is on Crown Land, the minimum statutory rent is charged: \$548.08.

PPACCI finished 2019/20 with a deficit of \$3,190.

Recommending:

1. THAT the report on the Primrose Park Art and Craft Centre Joint Strategic Plan 2019/20 be received.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.11_primrose_park_art_craft_centre_-_joint_strategic_plan_review_2019-20.pdf

8.12 North Sydney Community Centre - Joint Strategic Plan Review 2019/20

Report of Rebecca Aukim, Acting Director Community & Library Services

To report on the 2019/20 review of the North Sydney Community Centre's Joint Strategic Plan with Council.

North Sydney Community Centre (NSCC) is an independent, not for profit organisation that receives support from Council.

The governance and strategic direction of the organisation is delivered by a Volunteer Management Committee with operational matters delivered by the Centre Director and staff.

NSCC provide a diverse range of programs and services for the North Sydney community. These include: Classes and workshops for adults; Music & Movement classes for children; The Northside Produce Markets; After School Care; Explorers Playgroup; community events and venue hire.

Under a COVID-19 Public Health Order, NSCC was required to close in March 2020. The Centre reopened June 2020. Despite the closure, the Centre was able to complete all their objective in the Joint Strategic Plan. For the 2019/20 financial year Council provided NSC with a grant of \$82,057. The NSCC facility is provided at a peppercorn rent.

Although they received JobKeeper assistance (\$141,000) due to COVID-19, NSCC finished 2019/20 with a deficit of \$77,205.

Recommending:

1. THAT the 2019/20 review of the North Sydney Community Centre's Joint Strategic Plan be noted.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.12_north_sydney_community_centre_-_joint_strategic_plan_review_2019-20.pdf

8.13 **Shorelink Libraries Annual Report and Financial Statements 2019-20**

Report of Kate Stewart, Acting Manager Library Services

To report on the Shorelink Libraries 2019-20 financial statements and annual report.

The 182nd meeting of the Shorelink Libraries Committee was held on 4 November 2020 at which the Network's 2019-20 financial statements were tabled, in addition to the Annual Report.

The Shorelink Library Network is comprised of North Sydney (Stanton), Lane Cove and Mosman Libraries.

Despite a ten week closure due to COVID-19 Public Health Orders, Shorelink Libraries continued to deliver services to the community throughout this period via online platforms or home delivery services.

Shorelink Libraries issued 1,203,716 items, a fall of only 8.6% compared to the previous year.

eResources performed even better, with 149,716 items borrowed, an increase of 25,000 over figures for 2018-19.

The network ended the 2019-20 year with a surplus of \$29,673. This was largely attributable to additional mid-year contributions from the member Councils for eResources, to be expended in 2020-21.

Recommending:

1. THAT the minutes of the Shorelink Library Network meeting held on 4 November 2020 be adopted.

2. THAT the Shorelink Libraries Annual Report 2019-20 be adopted.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.13_shorelink_libraries_annual_report_and_financial_statements_2019-20.pdf

8.14 **Draft Plan of Management for Neighbourhood Parks**

Report of Megan White, Landscape Planner/Architect

To undertake the processes required by the *Crown Land Management Act 2016* to enable the new draft Plan of Management for Neighbourhood Parks to be put on public exhibition for community information and comment.

Section 3.23(6) & (7) of the *Crown Land Management Act 2016* requires all NSW Councils to adopt Plans of Management for all reserves for which they are the appointed Crown Land Manager by 30 June 2021. The new Plans of Management must meet both the requirements of the *Crown Land Management Act 2016* and the *Local Government Act 1993*.

The new draft PoM for Neighbourhood Parks is the third Crown land Plan of Management to be prepared for North Sydney. When adopted, it will supersede Council's Neighbourhood Parks Plan of Management 2010.

As part of the development process, Council must attest that it has considered Native Title Manager advice in relation to the draft Plan of Management. Council must also refer the draft Plan of Management to the Department of Planning, Industry and Environment – Crown Lands and seek endorsement to place it on public exhibition.

Preparation of a new draft Plan of Management for Neighbourhood Parks is now complete, and the draft Plan of Management is ready to be referred to the Department.

Nil.

Recommending:

1. THAT Council attests that it has considered Native Title Manager advice in relation to the draft Plan of Management for Neighbourhood Parks.

2. THAT Council requests approval from the Department of Planning, Industry and Environment – Crown Lands to publicly exhibit the attached draft Plan of Management for Neighbourhood Parks.

3. THAT upon receipt of approval from the Department, Council amends the draft Plan of Management, as and if required by the Department, and places it on public exhibition as per Section 38 of the *Local Government Act 1993*.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.14_draft_plan_of_management_for_neighbourhood_parks.pdf

8.15

Draft Bushland Plan of Management

Report of Megan White, Landscape Planner/Architect

To undertake the processes required by the Crown Land Management Act 2016 to enable the new draft Bushland Plan of Management to be put on public exhibition for community information and comment.

Section 3.23(6) & (7) of the *Crown Land Management Act 2016* requires all NSW Councils to adopt Plans of Management for all reserves for which they are the appointed Crown Land Manager by 30 June 2021. The new Plans of Management must meet both the requirements of the *Crown Land Management Act 2016* and the *Local Government Act 1993*.

The new draft Bushland PoM is the second Crown land Plan of Management to be prepared for North Sydney. When adopted, it will supersede Council's Bushland Plan of Management 2014.

As part of the development process, Council must attest that it has considered Native Title Manager advice in relation to the draft Plan of Management. Council must also refer the draft Plan of Management to the Department of Planning, Industry and Environment – Crown Lands and seek endorsement to place it on public exhibition.

Preparation of a new draft Bushland Plan of Management is now complete, and the draft Plan of Management is ready to be referred to the Department.

Nil.

Recommending:

1. **THAT** Council attests that it has considered Native Title Manager advice in relation to the draft Bushland Plan of Management
2. **THAT** Council requests approval from the Department of Planning, Industry and Environment – Crown Lands to publicly exhibit the attached draft Bushland Plan of Management
3. **THAT** upon receipt of approval from the Department, Council amends the draft Plan of Management, as and if required by the Department, and places it on public exhibition as per Section 38 of the Local Government Act 1993.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.15_draft_bushland_plan_of_management.pdf

8.16 Draft Plan of Management for Cremorne Reserve

Report of Megan White, Landscape Planner/Architect

To undertake the processes required by the Crown Land Management Act 2016 to enable the new draft Plan of Management for Cremorne Reserve to be put on public exhibition for community information and comment. Section 3.23(6) & (7) of the *Crown Land Management Act 2016* requires all NSW Councils to adopt Plans of Management for all reserves for which they are the appointed Crown Land Manager by 30 June 2021. The new Plans of Management must meet both the requirements of the *Crown Land Management Act 2016* and the *Local Government Act 1993*.

The new draft PoM for Cremorne Reserve is the fourth Crown land Plan of Management to be prepared for North Sydney. When adopted, it will supersede Council's Cremorne Reserve Plan of Management 2013.

As part of the development process, Council must attest that it has considered Native Title Manager advice in relation to the draft Plan of Management. Council must also refer the draft Plan of Management to the Department of Planning, Industry and Environment – Crown Lands and seek endorsement to place it on public exhibition.

Preparation of a new draft Plan of Management for Cremorne Reserve is now complete, and the draft Plan of Management is ready to be referred to the Department.

Nil.

Recommending:

1. **THAT** Council attests that it has considered Native Title Manager advice in relation to the draft Plan of Management for Cremorne Reserve.

2. **THAT** Council requests approval from the Department of Planning, Industry and Environment - Crown Lands to publicly exhibit the attached draft Plan of Management for Cremorne Reserve.

3. **THAT** upon receipt of approval from the Department, Council amends the draft Plan of Management, as and if required by the Department, and places it on public exhibition as per Section 38 of the *Local Government Act 1993*.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.16_draft_plan_of_management_for_cremorne_reserve.pdf

8.17 **Kurraba Point Reserve - Vegetation Management Plan**

Report of David Manson, Manager Parks & Reserves

The purpose of this report is to provide Council details on a proposed Vegetation Management Plan (VMP) at Kurraba Point Reserve.

The report has been prepared for Council's consideration. The proposed Vegetation Management Plan has been submitted by Thirdi Group of whom are the developers of 147-153 Kurraba Road.

The proposed VMP will facilitate weed removal and the subsequent revegetation of a degraded and difficult to access section of cliffside vegetation at Kurraba Reserve. This VMP will be implemented by an appropriate environmental restoration contractor on behalf of the proponent for 6.75 years, before the sites maintenance is returned to the management of North Sydney Council.

The Proposed VMP will be funded in full by the developers of 147-153 Kurraba Road for the 6.75-year period. The sites maintenance would then be returned to Council for it to be completed under ongoing operational budgets.

Recommending:

1. **THAT** Council approve this agreement to have the VMP implemented by Thirdi Group for 6.75 years to improve the steep and degraded cliff line at Kurraba Reserve.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.17_kurraba_point_reserve_-_vegetation_management_plan.pdf

8.18 **85 Broughton Street Kirribilli - Jacaranda Tree Removal Application**

Report of Melanie Hamilton, Tree Preservation Officer

To consider an application from the property owners of 85 Broughton Street, Kirribilli for the removal of a Jacaranda tree to prevent Brush Turkeys from roosting in the canopy.

An application for tree removal has been received from the owners of 85 Broughton Street, Kirribilli to remove a Jacaranda tree located in the rear yard to prevent Brush Turkeys roosting in the tree. The application for removal under Council's Tree and Vegetation Management Policy has been declined under delegated authority by Council staff.

It is believed that to remove a tree for the purposes of preventing wildlife for using a tree for habitat is not consistent with Council's tree protection policies and would set an unreasonable precedent.

Nil.

Recommending:

1. THAT Council refuse the application to remove the Jacaranda tree.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.18_85_broughton_street_kirribilli_-_jacaranda_tree_removal_application.pdf

8.19 **Restoration Works on Public Land Policy and Amended Guidelines - Post Exhibition**

Report of Danilo Giribaldi, Works Manager

To provide an update to Council on the single submission received during the Public Exhibition of the "Restoration Works on Public Land Policy" and to recommend adoption by Council of the new policy and amended guidelines.

At its meeting on 24 August 2020 Council resolved (Min. No.112):

- 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.*

The draft policy, including the amended guidelines for restoration works on public land was publicly exhibited from 1 September to 28 September 2020 (28 days). During that period, one submission was received. The submission supports the primary intent of the exhibited policy and associated guidelines, along with minor modifications to the guidelines as

mutually discussed. In accordance with Item 2 of the above-mentioned resolution, this matter is referred to Council recommending adoption.

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** Council note the submissions received.
2. **THAT** Council adopt the “*Restoration Works on Public Land Policy*” and the amended associated Guidelines, including minor modifications to the Guidelines in response to the one submission received.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.19_restoration_works_on_public_land_policy_and_amended_guidelines_-_post_exhibition.pdf

8.20 Residential Food Scraps Collection and Processing Trial

Report of Bo Karaula, Waste Management Coordinator

This report was prepared in response to Mayoral Minute MM03 Diverting Food Waste from Landfill considered by Council at its meeting on 24 February 2020.

At its meeting on 24 February 2020, resolved:

1. *THAT staff prepare a report on the options for conducting a food waste diversion trial that:*
 - a. *includes information on costs and likely community interest to participate in a trial; and*
 - b. *includes details on any smart phone applications that could be used to allow residents to express an interest in food waste collection in their street.*

The report outlines an estimation of costs and options (including use of an online / smart phone booking system) for implementing a food waste collection trial involving the separate collection and recycling of food scraps from residential Multi-Unit Dwellings (MUDs) in the Local Government Area (LGA) of North Sydney.

The project will be funded from the Domestic Waste Management Budget.

Recommending:

1. **THAT** the Residential Food Scraps Collection and Processing Trial report be received.
2. **THAT** the Food Waste Collection Trial is progressed in accordance with the budget and methodologies and timeframes proposed in the details outlined in this report.

3. THAT Council seeks three quotations from waste consultancies listed in the Local Government Approved Panel to assist Council in the planning, management and implementation of the trial.

4. THAT a final report is provided to Council on the results of the Food Waste Collection Trial.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.20_residential_food_scraps_collection_and_processing_trial.pdf

8.21 Code of Conduct Statistics Report

Report of Ian Curry, Manager Governance & Committee Services

To report on the Code of Conduct complaints for the period 1 September 2019 to 31 August 2020, as required by the Office of Local Government (OLG).

In accordance with Council's Code of Conduct - Councillors and Staff, Council's Complaints Coordinator must report on a range of complaints statistics to the Council and to the Office of Local Government by 30 November 2020, for the period 1 September 2019 to 31 August 2020. The number of Code of Conduct complaints received is two (2), compared to Nil for the period 1 September 2018 to 31 August 2019.

Costs incurred through the administration of the Code of Conduct in the reporting period were Nil.

Recommending:

1. THAT the Code of Conduct Statistics Report be received.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.21_code_of_conduct_statistics_report.pdf

8.22 New Applications for Reference Group Membership

Report of Melissa Dunlop, Governance Co-ordinator

The purpose of this report is to inform Council of two applications received for Reference Group citizen membership.

Mrs Yaffa Gould has applied to be a member of the Sustainable Transport Reference Group as she has recently moved to the Local Government Area and has an interest in cycling.

Mr Tristan Liles has applied to replace Ms Ashleigh Campbell as the Australian Catholic University (ACU) representative for the Sport & Recreation Reference Group.

Nil.

Recommending:

1. THAT the applications from Mrs Yaffa Gould for citizen membership of the Sustainable Transport Reference Group and Mr Tristan Liles for the Sport & Recreation Reference Group be accepted.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.22_new_applications_for_reference_group_membership.pdf

8.23 Amendment to 2020 Council Meeting Schedule

Report of Ian Curry, Manager Governance & Committee Services

To add an Extraordinary Council meeting date to the 2020 Council meeting schedule.

The final scheduled meeting of Council for 2020 is 30 November.

Tenders for the North Sydney Olympic Pool (NSOP) redevelopment closed on Thursday 19 November 2020 and are currently being assessed.

In order to consider the tender prior to the end of 2020, it will be necessary to schedule an Extraordinary Meeting of Council.

It is proposed that this meeting be held on Tuesday 15 December 2020 at 5.30pm.

As the Extraordinary Meeting is only proposed to address the single item of the confidential tender assessment and this will occur in Closed Session, it is not proposed to conduct a Public Forum prior to the meeting. Nil.

Recommending:

1. THAT the 2020 Council meeting schedule be amended to provide for an Extraordinary Meeting of Council on Tuesday 15 December at 5.30pm.

2. THAT Mayor and General Manager be authorised to amend the date and time of the meeting if necessary to align with the tender assessment.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.23_amendment_to_2020_council_meeting_schedule.pdf

8.24 Coal Loader Shade and Other Facilities

Report of David Banbury, Landscape Architect/Project Co-ordinator

This report considers matters raised in MM01: Trees at the Coal Loader from the meeting of Council on 23 September 2019 (Min. No. 254) regarding additional shade and other facilities, such as toilets, drinking fountains and site furniture on the Coal Loader Platform in Waverton.

At the Council meeting of 23 September 2019 (MM01 Min. No. 254) it was resolved:

1. *THAT a report be prepared on ways to provide additional shade at the Coal Loader Platform in time for the 2020/21 summer. The report should:*

- a) provide a range of options for Council to consider, including planting additional trees along the periphery of the Platform as well as options for shade using the existing colonnade;*
- b) include a review of essential facilities on the Platform and recommendations for providing additional facilities, such as toilets and a drinking fountain, if required;*
- c) include the cost of installing and maintaining each option; and*
- d) be provided to Council in time to incorporate a project in the 2020/21 Operational Plan if required.*

This report outlines progress to date on the above items.

Funding for any proposed work will be dealt with as part of the budgeting process for the 2021/22 financial year.

Recommending:

- 1. THAT** the report be received.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.24_coal_loader_shade_and_other_facilities.pdf

8.25 Managing Rent Relief Requests from Council Tenants Due to COVID-19

Report of Albert Lo, Manager Property Assets

This report is recommending that North Sydney Council should adopt the National Cabinet Mandatory Code of Conduct – Small to Medium Enterprise (SME) Commercial Leasing Principles During COVID-19 and the NSW governments “Retail and Other Commercial Leases (COVID-19) Regulation 2020” for managing rental waivers and rental deferrals for Council’s Property portfolio – refer to attachments.

In response to the COVID-19 pandemic, which was announced by World Health Organisation on 11 March 2020, North Sydney Council created and adopted a Policy in relation to “Waiving Charges during Novel Coronavirus (COVID-19)” on 27 March 2020. The Policy identifies support and/or waivers of lease fees or charges that Council will provide to Council’s lessees and licensees impacted by the Government response to COVID-19 – particularly those impacted by enforced closures of their business.

In accordance with the adopted Council Policy on “Waiving Charges during COVID-19”, rental waivers have been applied to the following businesses and community groups in North Sydney from 1 April 2020:

- Outdoor Dining operators (Licence Holders)
- Recreational and Sporting facilities

- Community (Not for profit) groups
- Cafe and Restaurant operators

This report is now recommending that Council adopt the National Cabinet Mandatory Code of Conduct – Small to Medium Enterprise (SME) Commercial Leasing Principles During COVID-19 and the NSW governments “Retail and Other Commercial Leases (COVID-19) Regulation 2020”. This Regulation commenced on 24 April 2020 when it was published on the NSW legislation website and initially ended after 6 months on 24 October 2020. On 23 September 2020, the NSW Government Treasurer announced that the Regulation will be extended to 31 December 2020. It is more than likely that this end date of 31 December 2020 may be further extended to be in line with the Federal Government’s JobKeeper extension to 31 March 2021. On 17 November 2020, the NSW Government has announced through a media release that a temporary extension to 28 March 2021 of the National Cabinet Mandatory Code of Conduct – SME Commercial Leasing Principles *for retail tenants only* with an annual turnover of less than \$5 million will be granted. The Federal Government is yet to announce the date changes to the National Code of Conduct will be made.

It is prudent and logical for Council to now adopt this approach as it will ensure consistency with the State and Federal Codes and Regulations.

The total estimated financial loss due to rental waivers for the 6 months from July to December 2020 is around \$677,440. The financial loss to Council would be similar if Council did not adopt the Federal Code as it is not forecast that businesses will significantly recover and be able to pay Council rent during the same period.

Using the same estimates and projection, the total estimated annual reduction in rental income from Council’s Property Portfolio for 2020/21 will be about \$1.35 million.

Note: On 17 November 2020, the NSW Government has announced through a media release that a temporary extension to 28 March 2021 of the National Cabinet Mandatory Code of Conduct – SME Commercial Leasing Principles *for retail tenants only* with an annual turnover of less than \$5 million will be granted. This will also have an impact on rental income from Council’s Property Portfolio.

Recommending:

1. THAT the National Cabinet Mandatory Code of Conduct – Small to Medium Enterprise (SME) Commercial Leasing Principles During COVID-19 be adopted by North Sydney Council for managing rental waivers and rental deferrals for Council’s Property portfolio.

2. THAT in the event that the NSW Governments “Retail and other Commercial Leases (COVID-19) Regulation (No 2) 2020 is extended beyond 31 December 2020, Council should also match the extension period for rent relief until the prescribed period ends.

3. THAT Council notes the financial impacts of the rental waivers and the rental deferral amounts on Council’s Property portfolio revenue as detailed in this report.

4. THAT delegated authority be given to the General Manager to approve or not approve the rental waivers and the rental deferrals for Council’s tenants and licence holders when applications are received from Council’s Property Department.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/reports_to_council_30_nov_2020/8.25_managing_rent_relief_requests_from_council_tenants_due_to_covid-19.pdf

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

9.1 Notice of Rescission No. 4/20 by Councillors Beregi, Baker and Carr - Civic Precinct Planning Study (Item 8.10 Civic Precinct Planning Study - Post Exhibition)

1. THAT the Council's resolution relating to item 8.10 Civic Precinct Planning Study - Post Exhibition, passed at the meeting of the Council held on 26 October 2020 be and is hereby rescinded.

- 1. THAT Council adopt the Civic Precinct Planning Study (Attachment 1), as amended.*
- 2. THAT the Planning Study be amended to recommend maximum height limits of 8 - 10 storeys across 253-267 Pacific Highway.*
- 3. THAT the Planning Study be amended to show a maximum height of 16 storeys at the "Fiveways Triangle" site to reflect the St Leonards/Crows Nest 2036 Plan.*
- 4. THAT a draft amendment to the North Sydney Development Control Plan (2013) to implement the recommendations of the Civic Precinct Planning Study be reported back to Council.*
- 5. THAT a planning study of the Falcon Street corridor is prepared once the impacts and final design of the Western Harbour Tunnel and transport plans to support the 2036 Plan are known.*
- 6. THAT a masterplan of the Civic Block is prepared to address the future needs of the North Sydney community.*
- 7. THAT Council writes to all submitters thanking them for their contributions to the refinement of the Study.*
- 8. THAT the Greater Sydney Commission, Department of Planning, Industry and Environment and Transport for NSW be notified of Council's resolution.*

THAT the following resolution be passed in lieu thereof:

- 1. THAT** Council adopt the Civic Precinct Planning Study as amended.
- 2. THAT** the Planning Study be amended to recommend maximum height limits of 8 - 10 storeys across 253-267 Pacific Highway.
- 3. THAT** the current maximum height controls under North Sydney LEP 2013 continue to apply to the "Fiveways Triangle" site.
- 4. THAT** a draft amendment to the North Sydney Development Control Plan (2013) to implement the recommendations of the Civic Precinct Planning Study be reported back to Council.

5. **THAT** a planning study of the Falcon Street corridor is prepared once the impacts and final design of the Western Harbour Tunnel and transport plans to support the 2036 Plan are known.
6. **THAT** a masterplan of the Civic Block is prepared to address the future needs of the North Sydney community.
7. **THAT** Council writes to all submitters thanking them for their contributions to the refinement of the Study.
8. **THAT** the Greater Sydney Commission, Department of Planning, Industry and Environment and Transport for NSW be notified of Council's resolution.

Comment from Director City Strategy

Following the finalisation of the St Leonards Crows Nest 2036 Plan, the Minister for Planning and Public Space issued Direction No 7.11 relating to the implementation of the 2036 Plan. A Ministerial Direction is issued under Section 9.1(2) of the *Environmental Planning and Assessment Act 1979* requiring planning proposals to be consistent with the terms of the direction. The Direction states (in part);

What a planning proposal authority must do if this direction applies

(4) A planning proposal authority must ensure that a planning proposal is consistent with the St Leonards and Crows Nest 2036 Plan, approved by the Minister for Planning and Public Spaces and published on the Department of Planning, Industry and Environment website on 29 August 2020.

Consistency

(5) A planning proposal may be inconsistent with the terms of this direction only if the planning proposal authority can satisfy the Secretary of the Department of Planning, Industry and Environment (or their nominee), that:

(a) the provisions of the planning proposal that are inconsistent are of minor significance, and

(b) the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of the Plan's vision, objectives and actions.

Were Council or an applicant to attempt to progress a planning proposal (site specific or area wide) then the need to demonstrate consistency with the Ministerial Direction is paramount, i.e. the direction takes precedence over other planning instruments such as a precinct study.

9.2 **Notice of Motion No. 15/20 - Crs Beregi, Baker and Carr - Vale Bruce Burns**

1. **THAT** Council acknowledge the enormous contribution of the late Mr Bruce Burns to our community.
2. **THAT** Council consult with Ms Carole Burns and the Burns family in respect of the location of a tree to be planted in his memory in the Balls Head locality of Waverton and that following such consultation the tree be planted with a plaque identifying the reason for the planting and acknowledging Mr Burns' contribution to the Waverton Peninsula.
3. **THAT** Council write to Ms Carole Burns and the Burns family expressing deep sympathy and condolences on the passing of Mr Burns and include a copy of this resolution.

BACKGROUND (as provided by the submitters)

It was with incredible sadness that we learnt of the recent passing of Mr Bruce Burns. For more than 45 years Bruce gave his time, energy and passion to the Waverton Peninsula and made a vital contribution to the success of the many battles to retain the Waverton Peninsula and Berry's Bay in public ownership and for public use and enjoyment.

Since at least 1982 Bruce was an active member, and variously held the positions of Secretary and Chair, of the Waverton Precinct for many years. Bruce brought his intelligence and dry good humour to decades of dedicated lobbying and battling various levels of government on public open space and public access to the foreshore. This included the redevelopment of the gasworks in Oyster Cove, HMS Waterhen and defence lands redevelopment, the fight to retain single dwelling zoning for Waverton, the proposal in the early 1990s to convert the BP site into private housing and the fate of the Coal Loader site.

In the 1990s as Precinct Chair, Bruce contributed to the Waverton Peninsula Masterplan that guides the care and control of the Waverton Peninsula to this day. From 2005 Bruce was an essential part of the Precinct's Berry's Bay marina redevelopment sub-committee and the successful campaign to defeat the marina redevelopment.

There are too many campaigns of which Bruce and Carole Burns were tenacious stalwarts to do justice in this short background to the motion. Bruce was, with Carole, a vital and active member of the Bushcare and Streets Alive programs contributing physically to the urban bushland of the peninsula as they fought to retain it for future generations.

The North Sydney community owes a debt of gratitude to the tireless work of Bruce and Carole Burns. The Waverton Peninsula is as it is today

in large part due to Bruce's persistence, tenacity, dedication, cool head, dry humour and his assiduous record-keeping and retention of documents and correspondence.

Bruce will be profoundly missed and we extend our deepest sympathy and condolences to Carole and his family.

9.3 Notice of Motion No. 16/20 - Crs Beregi, Baker and Carr - Fix Willoughby Road - Willoughby Road Public Domain upgrade Works

1. THAT Council urgently attend to replacement and maintenance of street lighting, particularly under awning lighting, in Willoughby Road, Crows Nest.

2. THAT Council immediately prioritise the completion of the Willoughby Road Public Domain Upgrade Masterplan works, prepared by Group GSA and adopted by Council on 30 October 2017.

BACKGROUND (as provided by submitters)

On 30 October 2017 Council adopted the Willoughby Road Public Domain Upgrade Masterplan works, prepared by Group GSA and relevantly resolved to adopt proposed projects for Crows Nest subject to the Mainstreet Levy Funding and Council funds being made available for the next four years.

The Mainstreet Levy is a special rate struck for the purposes of streetscape upgrade works in Crows Nest and has been applied to and paid by commercial ratepayers since 1995. The levy raises approximately \$300,000 per year and is on-going.

Some of the adopted works have been completed since 2017. However, much remains outstanding and Willoughby Road is very "down at heel" with obvious safety and aesthetics issues evident such as cracked and dirty planters, cracked pavement, mouldy and worn umbrellas and failing lighting.

Council has an obligation to apply those funds to streetscape upgrade works to keep Crows Nest, including the Willoughby Road mainstreet, in a satisfactory, safe and attractive condition. Council has funds available to urgently undertake the works and should do so as soon as practicable.

Comment from Director Engineering and Property Services

Council is in the process of addressing a number of short term issues that have been raised by the community in relation to the current condition of Willoughby Road. These short term actions include:

- Footpath cleaning work - Willoughby Rd – From Flacon St to Albany St: Completed Tuesday 24 November 2020
- Cleaning planter boxes and painting steel fences – Work is scheduled to commence Monday 30 November followed by the sandstone capping reinstatement and fixing along planter walls all along Willoughby Road.
- Under awning lighting – all lights that have been inspected and those reported as being out of order have now been fixed.

The long term works for a major upgrade of Willoughby Road as per the Group GSA Master Plan adopted by Council in October 2017 are currently unfunded in Councils delivery Program. This was last reported to Council on 27 July 2020. Refer to report - Item 8.15 Administration of Special Rates Levied for Crows Nest and Neutral Bay Business Areas and Five-Year Capital Works Delivery Program Update – Table 1. – Page 24 identifies that the upgrade of Willoughby Road is currently unfunded in Councils Delivery Program. It is also outlined in the Confidential Report that went to the same meeting – Item 10.1.

The cost estimate to upgrade Willoughby Road as per the Group GSA Master Plan Document would now be in the order of \$8-\$9million. The cost estimates for the upgrade as outlined in the Confidential Report that went to Council on July 27, 2020 were prepared in 2015/16 and would now need to be reviewed.

If Council wishes to prioritise and bring forward the completion of the masterplan, it will be necessary to identify the source of funds to do so, in accordance with clause 10.9 of Code of Meeting Practice.

9.4 Notice of Motion No. 17/20 - Crs Beregi, Baker and Carr - Final 2036 Plan – Maximum Heights on Pacific Highway

1. THAT Council write urgently to the Minister for Planning (copied to the relevant State and Federal local MPs) seeking immediate amendments to the final adopted 2036 Plan to return the maximum heights which were increased following community consultation and exhibition of the Draft 2036 Plan to the exhibited heights.

2. THAT the letter to the Minister include a submission prepared by Council's strategic planning staff, particularly with reference to the

significant adverse amenity impacts of the proposed massive increase in heights along the western side of the Pacific Highway on eastern Wollstonecraft residents and properties.

3. THAT Council provide a copy of this resolution and the letter to the Minister to Wollstonecraft, Holtermann, Hayberry and Waverton Precincts.

BACKGROUND (as provided by the submitters)

In August 2016 the State government announced the St Leonards/Crows Nest Priority Precinct. In October 2018 the Department of Planning commenced community consultation on the Draft 2036 Plan. The exhibition period ended on 8 February 2020.

On 27 July 2020 this Council unanimously resolved not to support the Draft 2036 Plan and urged the Minister to engage in "true consultation and collaboration" with the Council and the community before finalising the plan.

On 28 August 2020 the State government announced that it had finally adopted the 2036 Plan. There were important and significant changes between the exhibited and community consulted maximum heights and those in the final 2036 Plan. That is, there were significant increases to the exhibited maximum heights on at least 29 sites and particularly to the maximum heights along the western side of the Pacific Highway opposite the Metro site.

For example:

- the 4 buildings that make up the Nicholson, Christie and Oxley Streets 'triangle' in St Leonards have been increased by 12, 10, 2 and 2 storeys;
- the site north of the Pacific Highway next to the Gore Hill Oval has been increased by 7 storeys from 18 to 25 storeys; and
- the site on the west side of the Pacific Highway between Oxley and Hume Streets has been increased by 6 storeys from 18 to 24 storeys.

This is in the context of at least 9 residential towers ranging from 27 to 49 storeys already approved or under construction in St Leonards/Crows Nest under existing local controls.

North Sydney Council continues to meet and exceed State government targets for residential and commercial development under the existing local planning controls – that is, without contemplating these increased heights under the 2036 Plan.

These massive, unnecessary and unconsulted increases in heights on the western side of the Pacific Highway will have significant adverse amenity

impacts on both the existing and future populations of Wollstonecraft, Crows Nest and St Leonards.

The State government promised to listen – the unanticipated and unjustified increases on these sites delivers only to developers and not to our community. Council must continue to press the State government to listen and amend the 2036 Plan to reflect the exhibited heights.

Comment from Director City Strategy

On 15 October 2018, the Department of Planning & Environment (the Department) placed the draft *St Leonards and Crows Nest 2036 Plan* (the *2036 Plan*) and a suite of supporting documents on public exhibition.

Council considered an overview of draft plan at its meeting on 19 November 2018 and a more detailed review on 29 January 2019. These informed Council’s February 2019 submission to the Department. The submission raised concern that the built form controls contained “*many issues [that] have been overlooked, inadequately considered or not resolved and will require more work before these proposals can be supported or refined*”.

On 28 August 2020, the Department released the final 2036 Plan along with a ‘Finalisation Report’ that details and responded to the submissions raised. Whilst the 2036 Plan is not a statutory document the Section 9.1 Ministerial Direction that accompanies it requires planning amendments be consistent with the plan.

The Department has released a plan that has various inconsistencies and has not resolved the all submission issues. It is now expecting Council to have a clear implementation position in its Local Housing Strategy, with the Plan central to that Strategy. As such the Department and the Minister for Planning and Public Spaces has already expressed to Council that it will not be entertaining amending the Plan.

9.5 Notice of Motion No. 18/20 - Crs Beregi, Baker and Carr - Expanded Hume Street Park – Stage 2

1. THAT Council prioritise Stage 2 of the Hume Street Park project including undertaking all necessary steps to obtain development consent for the Stage 2 works.

BACKGROUND (as provided by the submitters)

The Expanded Hume Street Park project has been part of Council’s long term planning to deliver both new open space and community and

recreational facilities to the Crows Nest/St Leonards precinct which Council identified as “the most poorly served with open space, and are the areas that it is anticipated will accommodate the majority of the future population” and as Priority 1 (highest priority) for planned provision of public open space.

Council has planned for this project and received (and will continue to receive) VPA funds from the private sector to help fund it. Council has an obligation to our existing and future community to deliver the park as planned.

On 5 December 2011 Council adopted the St Leonards/Crows Nest Planning Study - Precinct 1. The Precinct 1 Plan adopted an Open Space and Pedestrian Masterplan and a Built Form Masterplan that included an expanded Hume Street Park with a pedestrian link to Willoughby Road.

The Precinct 1 Study provided for a contribution to the funding of the expanded Hume Street Park via Voluntary Planning Agreements for sites identified within the study. The later adopted Precincts 2 & 3 Planning Study (2015) also provided for contributions via VPAs to the Hume Street Park expansion and embellishment.

In August 2014 Council engaged highly experienced and award winning architectural and landscape architectural consultancies, Tonkin Zulaikha Greer (TZG) and James Mather Delaney Design (JMD) for the concept and feasibility planning for the closure of Hume Street, widening of verges on Clarke and Oxley Streets and expansion and embellishment of Hume Street Park.

In May 2015 three concept design options were publicly exhibited and consulted.

On 21 September 2015 Council resolved to adopt Option 3 and to proceed with detailed design and DA - \$8million was allocated in the 2016/2017 to progress Stages 1 and 2 of the park expansion.

Consent was granted to Stage One works for demolition of existing buildings and construction of a new pedestrian link and temporary public plaza connecting Hume Street Park to Willoughby Road in December 2018 and Council has undertaken the administrative work necessary to allow for the partial closure of Hume Street.

Between 2012 and 2019 Council purchased three properties in Hume Street and two properties on Willoughby Road in order to deliver the expanded Hume Street Park. These acquisitions were largely funded from VPA funds from sites within Precinct 1.

Stage One is expected to be completed before the Metro opens in 2024. The next stages are yet to obtain development consent.

The Expanded Hume Street Park is included as part of the “new open space” to be delivered by the State Government’s 2036 Plan adopted on 28 August 2020 with the “fast tracked” Crows Nest Metro Over Station Development rezoning. Council has recently received \$3.5m from the State government towards Stage 1. It is time we ensured Stage 2 is “shovel ready”.

General Manager’s Comments

The 2012 St Leonards/Crows Nest Planning Study - Precinct 1, identified the need to provide more open space in the St Leonards area and proposed that Hume Street Park be expanded.

During 2013/14, the Council acquired properties at 43 & 49 Hume Street at a cost of \$4.9M.

In 2014/15, Council engaged Tonkin Zulaikha Greer (TZG) and James Marker Delaney Design (JMD) to lead a consultancy team for the concept and feasibility planning for the closure of Hume Street, widening the verges on Clark and Oxley Streets and expansion and embellishment of Hume Street Park. Three options were subsequently established and publicly exhibited in the first quarter of 2014/15. At its meeting on 21 September 2015 following public exhibition, Council adopted Option 3, the most extensive and expensive of the 3 options. The 21 September 2015 report advised that a funding allocation of \$8M was included in the 2016/17 budget for the early stages of the project. The resolution adopting option 3 approved the preparation of a Planning Proposal and that Council proceed with design to Development Application stage for option 3. The report did not identify the cost of the implementation of the plan other than noting “*a long term funding plan will be required for the later stages*”.

The development of design to development application stage and subsequent development application approval was only completed for Stage 1. That is, the establishment of the Hume Street Plaza connecting Hume Street Park to Willoughby Road.

Between 2015 and 2017 Council acquired two further properties 45-47 Hume Street and 90-92 Willoughby Road at a cost of \$9.8M; bringing total property acquisition costs to \$14.73M. The last property (90-92 Willoughby Road) was acquired through compulsory acquisition with the

final cost determined during compulsory acquisition proceedings being significantly higher than was anticipated by Council.

Delivery of the Hume Street Park concept design option 3 has been identified in three stages:

- Stage 1 is the creation of a plaza connecting the existing park to Willoughby Road following the demolition of the buildings on the properties acquired.
- Stage 2 is broadly defined as on road works along Clark Street and Oxley Street as well as Pole Lane.
- Stage 3 is most aspirational and costly component of the project and includes the demolition of the basketball centre and car park and replacement of these in and underground form. This stage also includes relocation of the childcare centre to the northern part of the site and creation of a roof structure that is located close to grade which would act as a usable and accessible new area of open space.

The establishment of the plaza is currently funded with a mix of Council funds and the balance of a State grant (initial grant \$3.5M). The tender for this stage was awarded in September 2020 and works are expected to be completed by September 2021.

The 2015 Options report placed on Public Exhibition in 2015 identified option 3 to cost \$93.5M broken into the following stages:

- Stage 1 - \$16.3M (including property acquisition)
- Stage 2 - \$4.4M
- Stage 3 - \$72.9M

The cost estimate for stage 1 has already been exceeded with actual land acquisition costs being approximately 20% higher than anticipated. Costs for stages 2 and 3 will also have escalated significantly over the past 5 years.

Stage 2 and 3 are not funded in either the current budget or the Long Term Financial Plan.

There is less than \$2M of uncommitted funds in developer contributions available to fund this or other projects. The draft contributions plan reported to this Council meeting for adoption identifies a possible income of up to \$33.5M over 16 years that could potentially be directed to this project. While there is potential to fund stage 2 in the medium term, there is clearly unlikely to be sufficient funds for the aspirational stage 3 for a number of decades.

The unviability of Council completing the implementation of the aspirational Hume Street Park Option 3 plan from its own sources was identified in the submission to the Department of Planning on the State's then proposed St Leonards/Crows Nest Precinct Plan. This has subsequently been adopted and supersedes Council's 2012 plan. The new plan introduced a State Infrastructure Contribution (SIC) that has reduced Council's capacity to accelerate developer contribution receipts through Voluntary Planning Agreements. The State did however commit to providing immediate funding for design and development of the much lower cost and therefore more achievable, undergrounding of the Holterman Street Car Park to provide additional public space. The State has also committed to bring forward an allocation of SIC funding to fast track implementation of this project subject to completion of design development including community consultation and business case. The nominal SIC funding announced with the Holterman Street Car Park includes a small allocation for improvements to Hume Street Park.

In light of the planning developments that have occurred in St Leonards/Crows Nest, including the new State Precinct Plan and metro development; it is proposed to provide a further report to Council in the first quarter of 2021 providing a consolidated overview of the present situation on the implementation of public domain improvements in St Leonards/Crows Nest and proposing a way forward.

Should Council wish to pass this Notice of Motion in the interim, it will be necessary to identify and include how it will be funded within the resolution.

9.6 Notice of Motion No. 19/20 - Crs Beregi, Baker and Carr - Allocation of Federal Funding

- 1. THAT** a report be prepared for the next Council meeting identifying all applications for federal funding that Council has made since January 2018.
 - 2. THAT** the report include how, where and why Council has allocated, and is allocating federal grants, to various projects and the methodology for doing so.
 - 3. THAT** the report include the criteria upon which the decisions have been made, who was consulted in relation to each decision and when the decisions were made.
-

Comment from General Manager

A full breakdown of all Grants received during the year are detailed in Note 3 to the Annual Audited Financial Statements. The latest Financial Statements were reported to Council at its October meeting and have been re-presented to Council within the current Agenda (Item 8.02 refers) following their public exhibition.

For Council's convenience a breakdown of Commonwealth Grant Funding is listed below:

Commonwealth Grant Funding	2018/19	2019/20	2020/21
Financial Assistance Grant	1,993,940	2,121,542	975,413
Roads to Recovery Grant	-	304,610	304,610
Family Day Care Child Care Assistance (paid to educators)	766,705	671,915	780,000
Luna Park Heritage Collection Assessment Grant	4,500	-	4,500
Forsyth Park Levelling & Drainage Grant	108,400	27,100	-
North Sydney Olympic Pool Redevelopment Grant	-	-	10,000,000
Local Roads & Community Infrastructure Grant Round 1	-	-	304,610
Local Roads & Community Infrastructure Grant Round 2			2,175,138
Total	2,873,545	3,125,167	14,544,271
Note : the NSOP grant is to be paid in 2021/22			

Annual Grants such as the Financial Assistance Grant (FAGS), Roads to Recovery and Family Day Care are incorporated into the original annual budget adopted by Council as is the expenditure related to those grants. Special purpose grants are also included in the annual budget when they are known or otherwise incorporated into the quarterly budget reviews and revised budgets adopted by Council.

Large special purpose grants such as the NSOP \$10 million grant and Local Roads and Community Infrastructure Grant Round 2, are usually the subject of separate reports to Council. The latter is addressed in the report on the Primrose Park Tennis Courts at Item 10.6 of this Agenda.

9.7 Notice of Motion No. 20/20 - Crs Beregi, Baker and Carr - Legal Advice

1. THAT a report be prepared for the next Legal and Planning Committee meeting detailing all expenditure on legal advice, as opposed to expenditure on litigation.

Comment from General Manager

A comprehensive report is provided to each Legal and Governance Committee Meeting. The report attaches “*Current Matters Lists*” for all legal proceedings, including separate lists for matters before the Land and Environment Court, Local Court matters, and the NSW Civil and Administrative Tribunal (NCAT).

The Current Matters Lists identifies the:

- property or case;
- parties to the action;
- nature of the action;
- responsible officer;
- status;
- actual costs and fee estimate; and
- result.

The Current Matters Lists are provided as part of the open agenda. The practice of identifying the applicant/other party from appearing in Council’s Legal and Planning Committee Report has recently been contended. However, it is not proposed to change this reporting practice, unless otherwise ordered to do so by the relevant Court of competent jurisdiction in the relevant proceedings. This is in line with Council’s open and transparent government obligations

Council enters a closed session during each Legal and Planning Committee Meeting to enable Council’s Solicitor to provide a brief on Council’s Legal position on relevant current matters and to provide the opportunity for Councillors to ask questions on any matters on the List. The confidential session is necessary to maintain legal privilege on any matters before the courts.

The vast majority of legal advices obtained through Council’s solicitor relate to court proceedings or the preparation for them. These costs are all incorporated within costs/estimates identified Current Matters Lists.

In order to minimise legal costs, Council engages only one permanent practicing solicitor. This solicitor provides a plethora of legal advice internally. He also runs cases directly and, with the support of a single administrative officer, coordinates all other legal proceedings through a pre-approved panel of legal specialists.

For efficiency a number of Council Departments have direct access to legal advice through other sources. This includes Property Section who

routinely coordinate directly with pre-approved commercial lawyers and HR who access employment law specialist through LGNSW or the pre-approved legal panel. This is not centrally coordinated as it would be inefficient and impractical to do so.

9.8 Questions With Notice - Crs Beregi, Baker and Carr

The following Questions with Notice were submitted by the aforementioned Councillors: Responses are provided under each question:

1. What was the nature and quantum of the legal expenses incurred by Council from September 2017 in relation to the referendum question at the 2017 North Sydney Council Local Government Election whereby the Mayor of North Sydney Council will now be elected by the councillors?

Officer's Response: The referendum question put at the 2017 election was:

Do you favour election of the Mayor by Councillors for a term of two years?

This was initiated from a resolution of the previous Council following a Notice of Motion (NOM) being put by a Councillor. The wording of the question that proceeded to the referendum was verbatim from the resolution. While it is not totally clear given that the relevant senior staff are no longer with Council., it appears that no legal advice was obtained on the referendum question before it was put.

The need to alter Ward Boundaries as a result of the Council composition following the referendum was identified by the NSW Electoral Commission (NSWEC) in preparation for the then 2020 Local Government elections. The advice from NSWEC was subsequently confirmed in separate Senior Counsel legal advice obtained at the request of Council, together with advice from the Office of Local Government. Councillors are referred to the following reports for full detail.

- Item 2: Ward Boundaries – Amended Proposal for 2020 and associated Confidential Memorandum. Ordinary Meeting of 18 November 2019.
- Item 2: Ward Boundaries – Update and Post Exhibition. Extraordinary Meeting of 20 January 2020.

These reports remain available on the Hub.

2. What were the costs of installing the pedestrian crossing on Yeo Street at Watson Street? Please include design costs as well as all following up/other costs associated with repairing the damage to the corner from cars/trucks hitting/driving over the footpath.

Officer's Response: The Yeo Street/Watson Street pedestrian crossing was approved under delegated authority. The delegated items report was noted at the Traffic Committee meeting on 3/5/19 and at Council meeting on 27/5/19. The total cost for Yeo Street/Watson Street pedestrian crossing was \$176,098

3. What were the costs of installing, removing and re-installing the speed-humps/traffic calming on Bannerman Street? Please include design costs as well as all costs associated with the works.

Officer's Response: With regard to the speed cushions/traffic calming, the following resolutions were made by Council. The rubber speed cushions were always intended to be installed on trial basis as they are easily installed and removed and have a shorter life 5-10 years than asphalt thresholds.

25/2/19:

7. THAT the matter be delegated to the Manager Traffic and Transport Operations for a 3-month trial period of the rubber speed cushioning to be put in place and monitored, and at the end of the trial it come back to the committee to determine whether the speed cushions should be permanently replaced with asphalt cushions at the end of their life.

(4.4)

9. THAT Council letterbox drop residents in the area regarding the speed cushion trial and explaining the benefits of the traffic calming devices. (4.4)

10. *THAT Council monitor pedestrian usage of the kerb ramps outside No. 17 Bannerman Street before, during and after the 3-month speed cushion trial and report back to the Traffic Committee. (4.4)*

6/4/20:

1. THAT Council acknowledges all submissions from the speed cushion trial on Bannerman Street, Cremorne and that the overall objective of the trial to reduce speed and improve pedestrian safety was successful. (4.2)

2. THAT the trial of speed cushions on Bannerman Street, Cremorne (except the speed cushion between Claude Avenue and Guthrie Avenue), be removed immediately. (4.2)

3. THAT a low profile flat top threshold be approved by Transport for NSW prior to installation, and that the threshold be installed in Bannerman Street, Cremorne in between Claude Street and Guthrie Avenue, with the most suitable location to be determined by Council's Traffic Engineers. (4.2)
4. THAT the threshold in Bannerman Street, Cremorne be carefully designed to serve its purpose, to be friendly to all road users as much as possible, and that it be constructed with haste. (4.2)
5. *THAT Council commence speed counts as soon as the speed cushions are removed in Bannerman Street, Cremorne and report back to the Traffic Committee in 3-4 months. (4.2)*

The cost of the works is outlined below:

	FY	Cost
Speed cushion installation	2019/20	\$53,387
Speed cushion removal (2 of 3 sets)	2019/20	\$4,000
Replace remaining speed cushion with raised threshold	2020/21	\$24,690
Total		\$82,077

Confidential Matters

10.1 Seawall Restoration Works - Tender No. 12/2021

This report is to provide Council with an analysis and recommendation of the tender process for Tender 12/2021 for Seawall Restoration Works.

Tenders were called and were received until 3pm, 7 October 2020 for the submission of tenders to undertake seawall restoration works.

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2) of the Local Government Act (LGA):

(d) commercial information of a confidential nature that would, if disclosed;

(i) prejudice the commercial position of the person who supplied it, or

(ii) confer a commercial advantage on a competitor of the Council, or

(iii) reveal a trade secret.

Funding is available in the 2020/21 Delivery Program.

Recommending:

1. THAT Council accept the tender of the highest ranked Tenderer for Tender 12/2021 for Seawall Restoration Works for Sites 1, 2 and 3.

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 required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.

4. THAT the Confidential Report relating to matters specified in Section 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/confidential_matters_30_nov_2020/10.1_seawall_restoration_works_-_tender_no_12-2021.pdf

10.2 End of Trip Facilities at North Sydney Council Chambers - Tender No. 13/2021

Report of Albert Lo, Manager Property Assets

This report is to provide Council with an analysis and recommendation of the tender process for Tender 13 / 2021 for End of Trip Facilities at North Sydney Council Chambers.

Tenders were called and were received until 3pm on 5 November 2020 for the submission of tenders to undertake *the End of Trip Facilities at North Sydney Council Chambers*.

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2) of the Local Government Act (LGA):

- (d) commercial information of a confidential nature that would, if disclosed;
- (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret.

This project is funded from the 2020/2021 Property Capital Works Budget.

Recommending:

- 1. THAT** Council accept the tender of the highest ranked Tenderer for Tender 13/2021 for End of Trip Facilities at North Sydney Council Chambers.
- 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 required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.
- 4. THAT** the Confidential Report relating to matters specified in Section 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/confidential_matters_30_nov_2020/10.2_tender_13-2021_for_end_of_trip_facilities_at_north_sydney_council_chambers.pdf

10.3 Council Owned/Leased Properties - 1st Quarterly Property Portfolio Report 2020/2021 - July to September 2020

Report of Risha Joseph, Property Officer

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

This report provides Council with information on the Property Portfolio for the 1st Quarter 20/21 - 1 July 2020 to 30 September 2020. The report addresses the following matters:

- Consolidated summary of income received through the Property Portfolio
- Property Portfolio Vacancy Rates
- Leasing Transactions for the quarter
- Acquisitions and Disposals for the quarter

- COVID-19 Pandemic updates on Commercial & Outdoor Dining
- Implementation of Council’s Policy D5-49, “Waiving Charges during COVID-19”
- Update on Council’s Car Parking Stations
- Update on COVID-19 Hygiene Measures put in Place
- Major Property Projects (Maintenance and Capital works) for the quarter

Council’s budgeted income from its entire Property Portfolio for 2020/21 was originally forecast at \$7,235,387. However due to COVID-19, the income forecast has been revised down to \$5,726,500.

The Year-to-Date total actual income for the 1st quarter of 20/21 which was received on a cash basis through Colliers International was \$1,371,591 as at 30 September 2020, which is \$249,557 less than the original forecast at \$1,621,148 for the quarter, 85% of the projected budgeted income for the quarter.

The Year-to-Date income which is received on an accrual basis is \$1,738,920 as at 30 September 2020.

Recommending :

1. THAT the Quarterly Property Portfolio Report for the 1st Quarter of 20/21 (July to September 2020), be received.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/confidential_matters_30_nov_2020/10.3_council_owned_leased_properties_-_1st_quarterly_property_portfolio_report_2020-2021_-_july_to_september_2020.pdf

10.4 North Sydney Community Awards 2021

Report of Jess Gledhill, Arts & Cultural Programs Officer
To recommend Award Recipients for the North Sydney Community Awards 2021.

North Sydney Council’s Community Awards will be held on Friday 22 January 2021. The awards will be presented by the Mayor, Jilly Gibson. The Awards form part of the Australia Day Council of NSW awards program administered by local government.

Recommending

1. THAT Council supports the selection of five North Sydney Community Award Winners – Citizen of the Year, Environmental Citizen of the Year, Young Citizen of the Year, Young Environmental Citizen of the Year and Community Group or Event of the Year.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/confidential_matters_30_nov_2020/10.4_north_sydney_community_awards_2021.pdf

10.5 Noakes Boatyard - 6 John Street, McMahons Point

Report of Craig Winn, Solicitor

To provide a further update on legal, planning and compliance matters relating to Noakes Boatyard at 6 John Street, McMahons Point.

The associated Confidential Report to this item addresses advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege. If the Committee wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2)(g) of the Local Government Act (LGA).

Recommending:

1. THAT the meeting be closed to the public in accordance with Section 10A(2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

2. THAT the report be treated as confidential and remain confidential until Council determines otherwise.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/confidential_matters_30_nov_2020/10_5_noakes_boatyard_-_6_john_street_mcmahons_point.pdf

10.6 Primrose Park Tennis Court Options

Report of Duncan Mitchell, Director Engineering and Property Services

This report is in response to the resolution of Council in relation to the Mayoral Minute MM04 *Federal Government Serves Up an Ace for Primrose Park Tennis Courts* (Item 6.4) at its meeting held on 26 October 2020.

At the 3737th meeting of Council held on 26 October 2020; it was resolved by Council to proceed with the Mayoral Minute MM04, *Federal Government Serves Up an Ace for Primrose Park Tennis Courts*.

At the meeting Council resolved:

1. THAT Council write to the Federal Member for North Sydney, Mr Trent Zimmerman MP, thanking him for his support of the North Sydney community.

2. THAT Council give in principle support to allocating the grant funding to the Primrose Park Tennis Courts upgrade subject to the project meeting the criteria for the funding program.

3. THAT Council staff prepare a report for the November Council Meeting on whether the specifications of the project could be adjusted to meet the level of funding available.

Council had also passed a resolution at the 28 September 2020 meeting on MM03 Primrose Park Tennis Courts to bring a report back to Council on the settlement issues at the Primrose Park Tennis Courts and a cost estimate to renew the courts. In addition, the resolution of Council also called for a report that explored options for providing tennis court facilities at Primrose Park as well as other sports that can use a multipurpose facility. The resolution also called for staff to apply for external grant funding from both State and Federal funding programs.

The resolution of Council at its 26 October 2020 meeting now supersedes the 28 September 2020 resolution of Council and therefore this report only addresses the resolution for Mayoral Minute MM04 Item 6.4 *Federal Government Serves Up an Ace for Primrose Park Tennis Courts*.

This report outlines to Council, three (3) different options on the concrete slab treatments for the upgrade of the Primrose Park Tennis Courts to meet the funding that has been made available through the Federal Government's Local Road and Community Infrastructure Program - Round 2. The report also outlines to Council three (3) different surface treatments for the tennis courts, each of which have different qualities and cost implications for the project.

This report is recommending that Council proceeds to Public Open Tender on Option 2 and Option 3 for the concrete slab treatments for the tennis courts as separable portions. The report is also recommending that the three (3) different surface treatments for the tennis courts also be put out in the same tender as separable portions so that tenderers can provide Council with a competitive market price on both concrete slab options and the surface treatment options.

The different specifications that tenderers will be asked to price are only associated with the existing concrete slab treatments and the options for the different tennis court surface treatments which include "Synthetic Grass", "Plexi-pave" and/or "Plexi-cushion" treatments. All other associated design elements and scope of works proposed for the upgrade of the internal and external facilities remain the same for all options.

It is also being recommended that a Councillor Briefing be held before a tender report on the project is brought back to Council to award a contract. The purpose of the Councillor Briefing is to advise Council on the outcomes of the tender submissions that were received on the separable portions of the tender.

The works for each of the options outlined in this report are proposed to be funded through the Federal Governments Local Road and Community Infrastructure Program - Round 2 and Council's own Property capital works program. The confidential Report (see Item 10.6 on the Confidential section) on this project outlines in detail the total project cost estimate and the cost implications for each option as outlined in Table 1 of this report.

Recommending:

1. **THAT** Council resolves to go to tender on the concrete slab treatments for Options 2 and 3 as outlined in Table 1 of this report and also go to tender on the three (3) different tennis court surface treatments as outlined in Table 2 of this report.

2. **THAT** a Councillor Briefing be held before a tender report on the project is brought back to Council to award a contract.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/confidential_matters_30_nov_2020/10_6_primrose_park_tennis_court_options.pdf

10.7 Warringah Freeway Upgrade TfNSW Compulsory Acquisitions – Council’s Parks and Reserves

Report of Duncan Mitchell, Director Engineering & Property Services

The purpose of this report is to inform Council of correspondence received from Transport for NSW (TfNSW) foreshadowing the issuing of a Proposed Acquisition Notice (PAN) for parts of the Cammeray Golf Course (2 sites), St Leonards Park and ANZAC Park for the purposes of the Warringah Freeway upgrade.

On 13 November 2020, North Sydney Council received two letters from TfNSW in relation to the issuing of a Proposed Acquisition Notice (PAN) for parts of the Cammeray Golf Course (2 sites), St Leonards Park and ANZAC Park for the purposes of the Warringah Freeway upgrade. Both letters relate to TfNSW intent to utilise Council’s land for the purposes of undertaking the Warringah Freeway upgrade.

Council is seeking compensation from TfNSW under the “Land Acquisition (Just Terms Compensation) Act 1991” for the proposed acquisition of these four (4) sites for the purposes of undertaking the Warringah Freeway upgrade.

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:

(d) commercial information of a confidential nature that would, if disclosed;

(i) prejudice the commercial position of the person who supplied it, or

(ii) confer a commercial advantage on a competitor of the Council, or

(iii) reveal a trade secret.

Recommending:

1. **THAT** the meeting be closed to the public in accordance with Section 10A(2) (d).

2. **THAT** the report be treated as confidential and remain confidential until Council determines otherwise.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/nov_30_2020_730pm/confidential_matters_30_nov_2020/10.7_warringah_freeway_upgrade_tfnsw_compulsory_acquisitions_-_councils_parks_and_reserves.pdf