



Council Chambers
22 April 2021

The 3743rd MEETING of COUNCIL will be held at the Council Chambers, North Sydney at 7.30pm on Monday, 26 April 2021. The agenda is as follows.

KEN GOULDTHORP
GENERAL MANAGER

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- 1. Opening Meeting**
 - 2. Acknowledgement of Country**
 - 3. Apologies and Applications for Leave of Absence or Remote Attendance by Councillors**
 - 3.1 Apologies and Applications for Leave of Absence by Councillors
 - 3.2 Remote Attendance by Councillors at Council Meetings

- 4. Confirmation of Minutes**

- 5. Disclosures of Interests**

(Note: Agenda Items will be considered By Exception)

- 6. Mayoral Minutes**

- 6.1 MM01 - Flying the Aboriginal Flag
- 6.2 MM02 - Berry's Bay – Floating Dry Dock Appeal
- 6.3 MM03 - Call for urgent review of Sydney North Planning Panel decision 173-179 Walker Street and 11-17 Hampden Street, North Sydney
- 6.4 MM04 - Assault on Bradfield Park by Transport for NSW

- 7. Reports of Committees**

- 7.1 Sport & Recreation Reference Group - Minutes 15 March 2021
- 7.2 Traffic Committee Minutes - 19 March 2021

7.3 Audit, Risk and Improvement Committee - Minutes 26 March 2021

7.4 Waverton Peninsula Working Group - Minutes 30 March 2021

8. Reports to Council

8.1 Matters Outstanding - April 2021

8.2 Managing Council's Prime Main - Harbour Foreshore Parks

8.3 Primrose Park Art & Craft Centre Joint Strategic Plan 2021-2023

8.4 Investments and Loan Borrowings Held as at 31 March 2021

8.5 Customer Feedback and Complaints Report: 1 July to 31 December 2020

8.6 Hume Street Park Expansion Project - Progress, Staging and Funding

9. Notices of Motion/Questions with Notice

9.1 Notice of Motion No. 7/21 by Cr Brodie – Re-naming Ben Boyd Road

9.2 Notice of Motion No. 8/21 by Cr Brodie – Ben Boyd Plaque

9.3 Notice of Motion No. 9/21 by Crs Baker, Beregi and Carr - Appeal re DA 57/2019 - Floating Dry Dock, Berrys Bay

10. Confidential Matters

10.1 Tender 15/2021 - Horticultural Apprentice Employment Services

10.2 Tender 17/2021 - Primrose Park Tennis Court Refurbishment

10.3 Tender 14/2021 - Holtermann Street Carpark Redevelopment, Crows Nest - Design Services

10.4 Green Park Tennis Courts Temporary Lease - Public Exhibition Outcome Report

10.5 Masterplan for the Public Domain upgrade of McMahons Point - Blues Point Road Village Centre – Post Community Consultation report

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

SUBJECT: 3743rd MEETING OF COUNCIL TO BE HELD ON MONDAY, 26th April 2021

THAT THE MINUTES of the previous 3742nd Extraordinary Council Meeting held on Monday, 22nd March 2021 be taken as read and confirmed.

DISCLOSURES OF INTEREST

MINUTES OF THE MAYOR

6.1 MM01 – Flying the Aboriginal Flag

Council flies the Aboriginal flag outside North Sydney Council Chambers, along with the Australian flag. At the time we resolved to do this - more than 25 years ago - our Community Development staff received very positive feedback from First Nations people within, and beyond, our community, who saw it as a sign that Council is a safe and supportive place for Indigenous Australians.

Following on from this initiative, in 2014 Council resolved to include an Acknowledgement of Country before the start of each Council meeting. It is not currently Council practice to fly the Indigenous flag at our Citizenship Ceremonies or within Council Chambers. I believe we should do this as a public sign of respect and support for First Nations people.

Flying the flag here, in our Council Chamber, and in Hutley Hall where Citizenship Ceremonies are held, would be most easily achieved by replacing the current NSW flag with the Aboriginal flag. As the Council Chamber and Hutley Hall are used for a wide range of meetings open to the public, this would send a strong message to our residents and visitors that Council is committed to reconciliation and support for our First Nations people.

Recommending:

- 1. THAT** Council staff replace the NSW flag in the Council Chamber and Hutley Hall with the Aboriginal Flag.
- 2. THAT** should the Australia Day Citizenship Ceremony be held off site, Council officers ensure that the Aboriginal Flag is included in the flag display at the venue.

6.2 MM02 – Parking Review

There has been significant community interest following Standards Marine (commonly referred to as Noakes), appealing the refusal from the Sydney North Planning Panel (SNPP) refusal of the application for a floating dry dock (DA 57/19).

Cognisant of the high degree of community and councillor interest in this matter, Council's solicitor provided a detailed memorandum to all Councillors on 13 April 2021, and a further update was provided in the Councillor Bulletin dated 15 April 2021.

In essence these communications advised Councillors that:

- HWL Epsworth Lawyers (HWL) have been instructed to act and appear for an on behalf of SNPP in the proceedings by Council.
- Councils solicitor will be instructing HWL on our behalf of the SNPP and with the support of advice from Council's planning staff who managed the initial development assessment.
- The appeal is listed for directions on 30 April 2021
- Resident objectors will be invited to make written or oral submissions during the course of the hearing procedures
- All written submissions received by Council during the course of councils assessment of the initial DA will be filed with the Court

Subsequent to the communications with Councillors, Council staff have provided a detailed update in the latest news section of Councils website, to inform the community. The update also advises that Council is writing to everyone who made submissions on the DA, or asked to remain informed of its progress, to advise them of the appeal. A second letter will be sent notifying them when written or oral submissions can be made to the Land and Environment Court.

The SNPP unanimously refused the initial DA on 1 September 2020 and the appeal will be vigorously defended with the full support of Council and its resources.

Recommending:

1. **THAT** the Council staff be thanked for their prompt and decisive action in initiating the defence of the appeal and informing Councillors and the community.
2. **THAT** the Council provide full resources in defence of the appeal; and
3. **THAT** the Council continue to inform the community ensuring that submitters to the initial DA assessment are provided with the opportunity to make submissions during the appeal in accordance with the Planning and Environment Court processes.

6.3 MM03 – Call for urgent review of Sydney North Planning Panel decision - 173-179 Walker Street and 11-17 Hampden Street, North Sydney

I'm sure many councillors will share my dissatisfaction and frustration at the Sydney North Planning Panel's decision to approve a planning proposal for a 29-storey development on a section of Walker Street in North Sydney.

The planning proposal for *173-179 Walker Street and 11-17 Hampden Street* received 139 objections from the community and completely flies in the face of Council's careful planning work for the area.

The proposal is contrary to both Council's Local Strategic Planning Statement and the Civic Precinct Planning Study for this area.

In particular, the Civic Precinct Planning Study sets out a height limit of 20 storeys for a portion of this site, but the proposal will permit up to 29 storeys. This is nearly a 50% height increase.

Because of the additional height and the size of the proposed development, it may also give rise to excessive and unreasonable view loss and impacts on surrounding properties.

The Panel's rationale for its decision waives Council's extremely complex and sensitive planning and the legitimate concerns of the community. Quite frankly, it treats both with contempt.

As you are aware, North Sydney Council has a strong history of facilitating growth through the preparation of comprehensive and robust planning studies.

This proposal is not consistent with our Civic Precinct Planning Study for this area and is therefore not consistent with Council's Local Strategic Planning Statement, which was approved by the Greater Sydney Commission (GSC) in March 2020.

I am alarmed this matter was NOT addressed in the Department's response to the submissions report nor in the Panel's determination.

The progression of this proposal, in this manner, directly undermines the GSC's intended strategic planning processes as well as the Environmental Planning and Assessment Act which ultimately erodes community confidence in planning.

Recommending:

1.THAT Council write again to the Minister for Planning and Public Spaces Rob Stokes and the Greater Sydney Commission, and also to Premier Gladys Berejiklian and the State Member for the North Shore Felicity Wilson, to express our extreme disappointment about the decision and dissatisfaction with the way the Sydney North Planning Panel is performing;

2.THAT Council staff make a representation to the Sydney North Planning Panel on our Strategic Planning Framework.

6.4 MM04 - Assault on Bradfield Park by Transport for NSW

While formal decisions have not been made, Transport for NSW is holding confidential meetings with Council Officers and selected North Sydney residents with a view to gaining tacit support for an extensive cycle ramp on the western side of the Sydney Harbour Bridge.

The Council has a long history of supporting active transport strategies and we can see the benefit of cyclists being able to cross the Bridge without having to dismount. However, the proposals being considered bring cycling into direct conflict with Bradfield Park, one of our community's most loved and best used parks.

This is not a new conversation. A cycling ramp has been under consideration for years. The distressing aspect, for me, is that every concept appears to have a detrimental impact on our precious park and how it functions, as well as an impact on the beauty and heritage of the iconic Sydney Harbour Bridge.

While Council has care and control of some sections of Bradfield Park, the section that would be impacted by a ramp was given outright to Council in recognition of the significant impacts the construction of the Bridge had on the local community. The land was specifically provided "for public parks and for public recreation and for the purposes of public parks and public recreation" as approved by a resolution of both the Legislative Assembly and Council of NSW in March 1935.

I don't believe I am exaggerating when I say that our open space is under assault. North Sydney currently has 557 people per hectare of open space – as a comparison Ku-ring-gai has only 80 people and Willoughby, which is has its own high-density areas, has just 220 people per hectare. We even have more residents per hectare than the City of Sydney! Yet the thinking behind every NSW Government infrastructure project is that it is okay to chip away at our open space.

If cycling proposals gave us visionary active transport infrastructure that would support the city for the 50 years, perhaps the trade-off on open space and heritage would be thinkable. But any ramp constructed will link to the substandard Bridge cycleway that is approximately only 2.5

metres wide and unfit for any real growth in commuter and recreational cycling.

In other words, a ramp is a Band-aid solution at the expense of North Sydney residents.

What needs to be done is for the Government to look at a bolder vision for cycling and create a designated lane on the deck of the Sydney Harbour Bridge. Personally, I think that the re-allocation of the Sydney Harbour Bridge traffic lane adjoining the pedestrian walkway to a bi-directional cycling facility warrants serious consideration.

This lane feeds the Cahill Expressway, which has been recently cited as a possible pedestrian highline rather than road. If the Western Harbour Tunnel reduces traffic on the Bridge as predicted, then a dedicated cycling lane will be easily accommodated. More importantly, the lane will be a more direct route for cyclists, provide an improved experience for both pedestrians and cyclists, and significantly increase capacity for future growth in cycling.

Recommending:

1.THAT Council strenuously objects to any Sydney Harbour Bridge cycle ramp proposal that:

- a) has a deleterious impact on our precious parkland
- b) detracts from the heritage significance of the Sydney Harbour Bridge and its curtilage
- c) reduces pedestrian safety
- d) removes parking from Alfred Street South.

2.THAT Council request that the current TfNSW confidential proposals be made available to the North Sydney community and public consultation be initiated.

3.THAT Council writes to the Premier, Gladys Berejiklian, the Minister for Planning and Public Places, Robert Stokes and Minister for Transport and Roads, Andrew Constance, to request that relocating cyclists onto the main deck of the Sydney Harbour Bridge be seriously considered as a strategic imperative for providing for cycling as a mode of transport in the future.

Reports of Committees

7.1 Sport & Recreation Reference Group - Minutes 15 March 2021

Report of Josh Jongma, Governance Coordinator

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

7.2 Traffic Committee Minutes - 19 March 2021

Report of Josh Jongma, Governance Coordinator

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

This report presents the recommendations of the last meeting of the Traffic Committee held on 19 March 2021 for Council adoption. The minutes are attached for information. The full reports to Traffic Committee can be accessed at https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/Committees/Traffic_Committee/2021/9_March_2021

Post-meeting Note - Item 6.1 - 2-4 Blue Street, North Sydney - Construction Traffic Management Plan

Following the Traffic Committee meeting, a subsequent meeting was held with the Mayor, Council's Manager Traffic and Transport Operations, Council's Traffic Engineer, NSW Police and ThirdiGroup on 24 March 2021 regarding the Construction Traffic Management Plan (CTMP) for 2-4 Blue Street where the applicant agreed to prepare an addendum to the CTMP with mitigation measures to address concerns with truck access during school zone times. A number of iterations of proposed CTMP's have subsequently been forthcoming from the proponent. The latest, received on 20 April, is under review at the time of finalising this report to Council. An amended recommendation for Item 6.1 has been included in this report to recognise the actions that were taken following the Committee meeting.

Recommending:

1. **THAT** it be noted that a revised CTMP has been submitted by the developer for consideration by the Traffic Committee. (6.1).

2. **THAT** subject to no objection from the Traffic Committee members, the traffic aspects of the Construction Traffic Management Plan prepared by PW Traffic Plans dated 4 February 2021 for, and limited only to Stage 2 - Excavation & Construction of development at 96-100 Spofforth Street,

Cremorne (Development Consent D252/19) is approved under delegated authority of Council's Traffic Engineer subject to the conditions outlined in the report. (6.2)

3. THAT subject to no objection from the Traffic Committee members, the Work Zone as described in this CTMP is approved under delegated authority of Council's Traffic Engineer, with the same conditions pending lodgement of a Work zone application and payment of all applicable fees. (6.2)

4. THAT Council convert 5.4m of No Parking on the north side of Carabella Street outside No. 137 to "2P 8:30am – 10pm Mon-Sun Permit Holders Excepted Area 3". (7.3)

5. THAT Council, as part of the 2020/21 LATM Program, convert the existing marked foot crossing on Carabella Street at Fitzroy Street to a raised pedestrian crossing, as shown on plan 20D97_SK_C11, after the affected properties are notified by letterbox delivery. (7.3)

6. THAT the information regarding Delegated Authority items be received. (4.1)

7. THAT the recommendations made for changes in the parking restrictions be adopted. (4.2)

8. THAT the recommendations made for minor traffic investigations be received except 4.2 Item 3 (4.3).

9. THAT Item 4.2 Item 3 be deferred to a site meeting with the Mayor and Councillor Keen. (4.3)

10. THAT Council applies to Transport for NSW for a scope variation for the Black Spot funding to prioritise the upgrade of the existing pedestrian crossing on Ben Boyd Road near Hardie Street. (4.4)

11. THAT due to significant objections from the community, Council does not proceed with the proposed speed humps on Ben Boyd Road. (4.4)

12. THAT Council re-design the intersection to include raised pedestrian crossings on the northern and eastern legs of Hazelbank Road and Morton Street. (4.5)

13. THAT Council undertake community engagement of minimum 14 days with the affected community and previous submitters on the revised plan for raised pedestrian crossings at the intersection of Hazelbank Road and Morton Street. (4.5)

14. THAT should the variation of the already funded Black Spot Program for the refuge island and kerb build outs at this intersection to include the raised Pedestrian Crossings be unsuccessful in the 2020/21 Black Spot Program, Council resubmit a nomination in the 2021/22 Black Spot Program. (4.5)

15. THAT Council nominate the raised pedestrian crossings under eligible grant programs as appropriate. (4.5)

16. THAT the Traffic Committee endorse the extension of the Trial Young Street Plaza for a further three (3) months to 30 June 2021, and the extension of the trial be approved under the Special COVID-19 Traffic Regulation Delegation to Council. (4.6)

17. **THAT** the information concerning the Abandoned Vehicles and Unattended Boat Trailers Processed Report be received. (5.1)
18. **THAT** the information concerning Standing Item - Military Road B-Line be received. (5.2)
19. **THAT** the information concerning Standing Item – Pedestrian Safety be received. (5.3)
20. **THAT** the information concerning the Construction Traffic Management Plan for North Sydney Olympic Pool be received. (5.4)
21. **THAT** the Manager Traffic and Transport Operations be delegated the authority to relocate the motorbike parking on Northcliff Street. (7.4)
22. **THAT** Transport for NSW be requested to investigate pedestrian safety changes at the intersection. (7.6)
23. **THAT** the Traffic Committee notes support for additional flashing lights at Yeo Street for Neutral Bay Public School. (7.7)
24. **THAT** line marking be investigated in the relevant area. (7.8)
25. **THAT** Blues Point Road be kept as a standing item on the Agenda. (7.9)
26. **THAT** items 7.1 - Pedestrian safety at Shirley Road roundabout, Wollstonecraft and 7.2 - Change to Traffic Committee meeting dates for 2021 - be deferred to the next meeting of the traffic committee

7.3 **Audit, Risk and Improvement Committee - Minutes 26 March 2021**

Report of Josh Jongma, Governance Coordinator

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 26 March 2021 for Council adoption. The minutes are attached for information.

Recommending:

1. **THAT** the Development Applications - Internal Audit report be received and noted. (AR01)
2. **THAT** the status of past internal audit recommendations be received and noted. (AR02)
3. **THAT** the Internal Audit Status report be received, including the final status of the 2020 internal audit plan. (AR03)
4. **THAT** the 2021 internal audit plan be received and noted, with a request that management consider including an audit on S.7.11 Contributions and S.7.12 Levies Expenditure to replace another scheduled audit in the 2021 Plan. (AR03)
5. **THAT** the approach to the pending second consultation on the OLG's Internal Audit & Risk Management Framework be discussed and consideration given to determining Council's response should it be sought before the next ARIC meeting. (AR03)

6. **THAT** the comparative results report on ARIC effectiveness be received. *(AR03)*
7. **THAT** the internal audit performance survey be distributed, and results collated for presentation at the June 2021 meeting. *(AR03)*
8. **THAT** the Committee note the changes and Council's preparedness to meet the adoption of the new Accounting Standard AASB 1059. *(AR04)*
9. **THAT** the Committee endorse to undeclare the business activities of Council resulting in the removal of Special Purpose Financial Statements for the current and future financial years. *(AR05)*
10. **THAT** the Office of Local Government and Audit Office be notified of the change. *(AR05)*
11. **THAT** the Audit Office amend the Annual Engagement Plan (AEP) for the audit of the North Sydney Council's financial statements for the year ending 30 June 2021 and that the engagement fees reflect the reduction in the billable audit hours. *(AR05)*
12. **THAT** the Information Technology Services Update be received *(AR06)*
13. **THAT** the InfoSec Working Group update be received. *(AR07)*
14. **THAT** the Enterprise Risk Management Update report be received. *(AR08)*

7.4 **Waverton Peninsula Working Group - Minutes 30 March 2021**

Report of Josh Jongma, Governance Coordinator

This report presents the Minutes of the last meeting of the Waverton Peninsula Working Group held on 30 March 2021.

The Minutes of the Waverton Peninsula Working Group are attached for information.

Recommending:

1. **THAT** Council receives the Minutes of the Waverton Peninsula Working Group held on 30 March 2021.
2. **THAT** should Council adopt any of the specific projects/proposals recommended in the minutes of the Waverton Peninsula Working Group held on 30 March 2021, a report be prepared detailing proposed costings, timelines and implications to existing workload and the adopted Delivery Program.

Reports to Council

8.1 Matters Outstanding – April 2021

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 22 March 2021 Ordinary Meeting of Council.

Recommending:

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

8.2 Managing Council's Prime Main - Harbour Foreshore Parks

Report of Megan White, Landscape Planner/Architect

To ensure that North Sydney's prime main-harbour foreshore parks are available for everyone to use.

North Sydney's parks are in high demand, and Council manages these important public open spaces for the benefit of all users including people who wish to book an area for a special event, activity or gathering and for the general community who wish to access and use the parks for recreation.

'MM01 – Managing Blues Point Reserve' was tabled at the Council meeting of 22 February 2021. The Mayoral Minute noted the increase in use of Council's parks, particularly those on the main-harbour foreshore, for private events. In some cases, use of the parks for special events and activities means that little space remains for casual community use.

To address this issue, Council can reduce the number of people who can gather in a park without a booking. Taking bookings means that Council can control the number of special events and activities occurring in some of the most popular parks, and ensure that space remains available for unscheduled, informal recreation. Issuing permits to booking holders also means that Council officers can distinguish special events, activities and gatherings that are authorised from those that are not.

Council can impose tighter controls on people wishing to book one of Council's prime main-harbour foreshore parks, including requiring bookings for certain special events and activities regardless of the number of people attending. This means that, if necessary, Council can restrict the number of events and activities occurring in a particular park, again, ensuring that space remains available for unscheduled, informal recreation. This is particularly relevant in small parks such as Dr Mary

Booth Lookout, where even small-scale events such as pop-up picnics can fill the park if too many of these events occur simultaneously.

Additional signage in prime main-harbour foreshore parks is not considered necessary at this stage. However, if the current issues persist once the new booking measures are implemented, this can be revisited.

The cost to Council to administer the additional bookings that will be required will be covered by the cost of the new park hire fees. A new fee of \$195 will be charged for bookings for 20 – 60 people in all parks, and a new fee of \$100 will be charged for selected special events and activities taking place in one of Council's prime main-harbour foreshore parks, regardless of the size of the group.

Recommending:

1. **THAT** Council reduces the number of people who can gather in a park without a booking from 60 to 20.
2. **THAT** Council requires individuals and organisations wishing to use one of Council's prime, main-harbour foreshore parks for a special event or activity to make a booking, regardless of the number of people attending.
3. **THAT** Council exhibit the proposed new park fees with the Councils 2021/22 Fees and Charges Schedule and that the proposed fees and changed restrictions come into effect on adoption of the 2021/22 financial budget

8.3 **Primrose Park Art & Craft Centre Joint Strategic Plan 2021-2023**

Report of Rebecca Aukim, Acting Director Community & Library Services

To recommend the adoption of the new Joint Strategic Plan 2021 – 2023 for *Primrose Park Art & Craft Centre*.

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 Centre is an independent, incorporated organisation supported by Council and managed and operated by a committee of volunteers.

The current Joint Strategic Plan between Council and PPACCI expired in 2020 and the Board has developed a new plan (2021-2023). The plan lists 5 strategic areas: Group support which includes Finance, Governance and the PPACCI website; Building and maintaining stronger intergroup relationships; Occupational Health & Safety; Maintenance requirements and Future community engagement, planning and activities.

A draft is presented here for adoption.

The building which houses the Primrose Park Art & 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 is responsible for providing public liability insurance, annual rent to Council, electricity and supplies. PPACCI fund this from the quarterly levies collected from all the member groups.

Recommending:

1. THAT the draft Primrose Park Art & Craft Centre Joint Strategic Plan 2021-2023 be placed on Public Exhibition for 28 days.

2. THAT should Council receive substantive submissions a further report be prepared.

Should Council receive no substantive submissions it considers the Primrose Park Art & Craft Centre Joint Strategic Plan 2021-2023 as adopted after the period closes.

8.4 **Investments and Loan Borrowings Held as at 31 March 2021**

Report of Garry Ross, Manager Financial Services

This report provides details of the performance of Council's investment portfolio and borrowing limits for the period ending 31 March 2021.

Investment Portfolio:

The Investment portfolio (excluding cash balances) held as at 31 March 2021 had a market value of \$88.0 million, with an annualised return of 1.67% for the year to date, 1.56% above the reportable BBSW Bank Bill Index of 0.11%. Cash deposits at call total \$13.2 million which enables liquidity for day-to-day operational availability.

The actual returns for cash and investments for the year to date as at 31 March 2021 were \$1,029,194 which was \$31,372 less than the year to date budgeted estimate. The medium-longer term outlook for financial markets indicate that the RBA's official cash rate will remain unchanged at its emergency level of 0.10% until its objectives of full employment and inflation are reached and that rate rises are not expected until at least 2024.

Borrowings:

Council entered into a fixed interest loan of \$9.5 million with quarterly interest and principal payments on 31 July 2018. The principal outstanding as at 31 March 2021 is \$7,468,761.18. Council has made provision for future borrowings of \$31 million to assist in the funding to complete the redevelopment of North Sydney Olympic Pool.

The 2020/21 budgeted returns on investments are estimated to be \$1,350,000.00. Investment returns will continue to be monitored and further adjustment made in the March Quarterly Review, if necessary.

Recommending:

1. THAT the report on Investments and Loan Borrowings held as at 31 March 2021 be received.

8.5 **Customer Feedback and Complaints Report: 1 July to 31 December 2020**

Report of Ian Curry, Manager Governance & Committee Services

To provide a summary of the complaints, both justified and partially justified, and compliments received during the period 1 July to 31 December 2020.

A comparison is made in this report between the number of complaints received and the total number of customer contacts that Council received during the same period:

- Total number of customer contacts – 36,210
- Number of compliments - 98
- Number of complaints - 26

Recommending:

1. THAT the Customer Feedback and Complaints Report: 1 July to 31 December 2020 be received.

8.6 **Hume Street Park Expansion Project - Progress, Staging and Funding**

Report of Rob Emerson, Director Open Space and Environmental Services

This report outlines progress on the implementation of the adopted masterplan for the Hume Street Park expansion project, including works undertaken to date, a revised Staging Plan (including for Stage 2 works) and associated funding & timeframe considerations.

The need to provide additional public open space in St Leonards-Crows Nest was identified in Council's *Open Space Provision Strategy 2009* and the subsequent [*St Leonards/Crows Nest Precinct 1 Planning Study*](#), adopted by Council in 2012.

In 2015, following a phase of feasibility & concept work and subsequent community consultation on a number of potential expansion options, Council adopted Option Three (Scenario Three) for the redevelopment and expansion of the park, providing for over 5,000m² of additional open space and taking the total park area to over 8,000m² – creating a new open space heart for St Leonards / Crows Nest.

The report details the progress to date on this project and recommends preparation of a Development Application for the Stage 2 works and options for Stage 3 of the project.

Funding for the project is appropriate.

Recommending:

1. THAT Council adopt the revised Staging Plan for the Hume Street Park Expansion Project

2. THAT Council prepare a Development Application for the Stage 2 works as identified in this report, inclusive of demolishing Kellys Place and expanding Hume Street Park over the demolished footprint.

3.THAT an amount of \$385,000 is allocated within the 2021/22 F.Y. budget for Hume Street Park expansion for design and approval costs, with the remaining funds already collected for Hume Street to be set aside for Stage Two construction costs

4.THAT Council's Open Space & Environmental Services and Community & Library Services Divisions work together on the options for the potential relocation of Kellys Place

5.THAT a further report be put to Council advising of plans and associated costs for the potential relocation of Kellys Place.

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

9.1 Notice of Motion No. 7/21 by Cr Brodie – Re-naming Ben Boyd Road

1.THAT Council resolves to survey community opinion regarding a re-naming of Ben Boyd Road.

2.THAT Council uses the established survey process of Council’s “YourSay” programme to conduct the survey.

3.THAT the survey questions ask: (a) if the respondent is in favour of re-naming Ben Boyd Road (yes/no/unsure), and if yes then (b) what is the respondent’s preferred new name (if any), based on a suggested list of three candidate names plus the option for the respondent to write-in their own alternative suggestion.

4.THAT the suggested list of three candidate names consist of: at least one name derived from the indigenous history of the area; at least one name derived from the non-indigenous history of the area; and a maximum of only one name being the name of a person.

BACKGROUND (as provided by submitter)

Recent awareness of Ben Boyd’s documented active involvement in slave trading in the 1800s has led the NSW government to consider changing the names of various localities across the state which are currently named in honour of Ben Boyd.

In addition to the NSW government’s consideration of re-naming Ben Boyd National Park and Boydtown (both in the south of the state), our own Neutral Bay Public School, in a sign of greater awareness of this history, has recently changed the name of one of its four sport houses from “Boyd” to “Waratah” after conducting a survey of parents and teachers. (The school’s address, however, is still on Ben Boyd Road.)

Re-naming plans and momentum (March 2020)

<https://www.smh.com.au/national/historic-boydtown-set-to-be-renamed-due-to-blackbirding-links-20210328-p57eos.html>

Neutral Bay Public School – sport houses

<https://neutralbay-p.schools.nsw.gov.au/learning-at-our-school/personal-development-health-and-physical-education/sport-houses.html>

Various pieces of recent academic research have further confirmed Ben Boyd’s significant slaving activities. Summary related material and references can be found here:

Australia’s Hidden History of Slavery (2017)

<https://theconversation.com/australias-hidden-history-of-slavery-the-government-divides-to-conquer-86140>

Benjamin Boyd (2017-2020) – with reference list

https://en.wikipedia.org/wiki/Benjamin_Boyd

In the 21st century, it seems unnecessarily divisive to continue to honour an active participant in slavery in one of our road names. Our road names should seek to unite our community, and unite Australians in general, rather than dividing or demeaning.

It is time to ask our citizens what they think on this important issue.

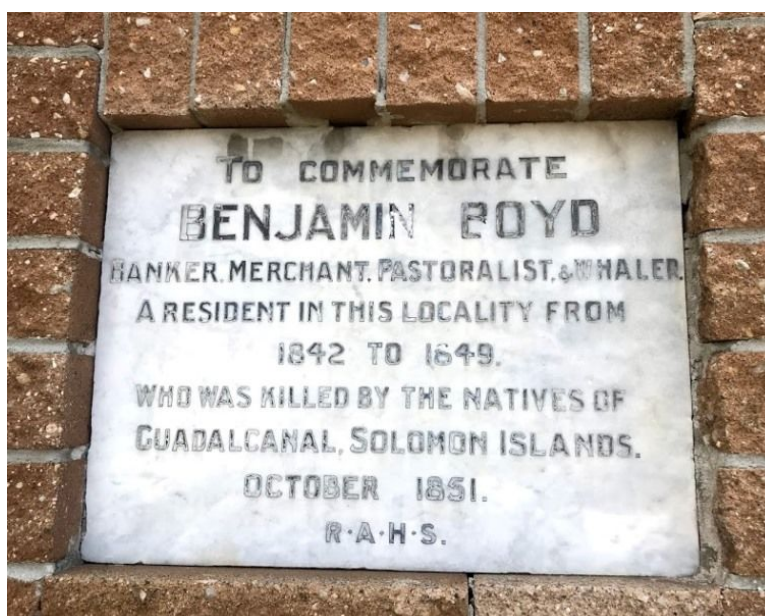
9.2 Notice of Motion No. 8/21 by Cr Brodie – Ben Boyd Plaque

1.THAT Council resolves to install an interpretative plaque to accompany the existing plaque about Ben Boyd, located at the corner of Ben Boyd Road and Kurraba Road.

2.THAT Council commissions the Council historian to propose draft wording for the interpretative plaque, explaining the history and context of the original plaque in a contemporary and non-divisive style, and to report the draft wording to Council for consideration.

BACKGROUND (as provided by submitter)

A public plaque commemorating Ben Boyd, which was erected by the Royal Australian Historical Society in 1931 at the suggestion of North Sydney Council, stands at the corner of Ben Boyd Road and Kurraba Road in Neutral Bay. It is accompanied by a second plaque featuring an image of Ben Boyd's ship, also installed in 1931.





Both plaques are currently covered up by Council to avoid vandalism. The plaques in their current form, in light of the documented blackbird trade activities of Ben Boyd, are unnecessarily divisive and omit important aspects of the history of Ben Boyd.

While Council could simply remove the plaques, they do represent our history, for better or for worse.

A more inclusive approach is therefore proposed, whereby Council commissions and installs a new plaque to accompany the two existing plaques, which would provide interpretative and contextual historical information in a more complete, contemporary perspective.

This approach of adding an interpretative plaque next to existing historical plaques has been used widely around the world where earlier plaques portrayed divisive or incomplete historical perspectives. It serves to both preserve and inform.

9.3 Notice of Motion No. 9/21 by Crs Baker, Beregi and Carr - Appeal re DA 57/2019 - Floating Dry Dock, Berrys Bay

1. **THAT** Council urge the Sydney North Planning Panel that to instruct Council to strongly defend the appeal against the Sydney North Planning Panel refusal of DA 57/2019 for the floating dry dock at. Berrys Bay.

2. **THAT** Council ensures that resident objectors:

- a) have every opportunity to participate in the appeal;
- b) are kept informed of the progress of the appeal;
- c) are informed of the terms of any agreement or settlement that may be reached between the parties during the appeal.

3. **THAT** Council strongly urge the Sydney North Planning Panel that should any agreement be reached between the parties during the course of the appeal, it should only be finalised by way of consent orders in order

to ensure transparency in respect of the terms of any agreement and provide an opportunity for resident objectors to participate.

Comment from Director City Strategy

Stannards Marine lodged a development application, DA No. 57/19, on 5 March 2019 for a proposed floating dry dock and associated infrastructure works for a boat repair facility at the subject property. Following a lengthy development assessment process, to include detailed consideration of approximately 500 written submissions received during the public notification process, the Sydney North Planning Panel (SNPP), on 1 September 2020, determined to “refuse” the development application. On 4 March 2021 the Applicant filed an Appeal with the Land and Environment Court of NSW against the decision of the SNPP.

Given the Appeal is one which is against a decision of the SNPP, Council must take instructions from the SNPP as to the conduct of the proceedings. These instructions have been received and they are to defend the appeal having regard for the reasons for refusal.

To that end the engagement of relevant experts in planning, air quality, water quality and wastewater management, marine archaeology, acoustic noise, heritage, contamination, visual impact and marine ecology is currently in preparation.

The Appeal is listed for directions on 30 April 2021, at which point in time the parties shall take Orders as to the management of the proceedings, to include the filing of a Statement of Facts and Contentions and the filing of expert evidence. All written submissions received by Council during the course of Council’s assessment of the DA will be tendered to the proceedings.

Council has written to those submitters to advise them of the appeal. A second letter will be sent notifying them when written or oral submissions can be made to the Land & Environment Court this week.

Further, Council has a dedicated webpage to communicate updates on the status of the proceedings. Link is as follows:

https://www.northsydney.nsw.gov.au/Council_Meetings/Council_News/Latest_News/Update_Noakes_Boatyard_DA

A further update on the proceedings will be provided to Council and the next Legal and Planning Committee meeting.

Confidential Matters

10.1 Tender 15/2021 - Horticultural Apprentice Employment Services

Report of David Manson, Manager Parks & Reserves

This report is to provide Council with an analysis and recommendation of the tender process for Tender 15/2021 for Horticultural Apprentice Employment Services.

Tenders were called and were received until 3.00 pm on Thursday 4th March 2021 for the submission of tenders to undertake Horticultural Apprentice Employment Services.

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. of the Local Government Act (LGA).

Funding is included in the adopted recurrent budget and will be allocated in future operating budgets for this provision of employment services

Recommending:

- 1. THAT** Council accept the tender of the highest ranked Tenderer for Tender 15/2021 for Horticultural Apprentice Employment Services.
- 2. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
- 3. THAT**, once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as 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.

10.2 Tender 17/2021 - Primrose Park Tennis Court Refurbishment

Report of Shahid Rehman, Engineering Project Manager

This report is to provide Council with an analysis and recommendation of the tender process for Tender 17/2021 for Primrose Park Tennis Court Refurbishment.

Tenders were called for the refurbishment of Primrose Park Tennis Courts and associated facilities as the existing tennis courts are subsiding because they are constructed on uncompacted landfill that has become unstable due to recent washouts and general settlement over many years.

Tenders were called and were received until 3pm, Thursday 11 March 2021 for the submission of tenders to undertake the refurbishment of Primrose Park Tennis Courts - Contract 17/2021

All other associated construction elements and scope of works proposed for the upgrade of the internal and external facilities remained the same for all options.

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2)(c) of the Local Government Act (LGA) that the information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Recommending :

1.THAT Council accepts the tender of the highest ranked Tenderer for Tender No. 17/2021 - Primrose Park Tennis Court Refurbishment - Option 1B.

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

10.3 Tender 14/2021 - Holtermann Street Carpark Redevelopment, Crows Nest - Design Services

Report of Robert Esdaile, Engineering Project Manager

This report is to provide Council with an analysis and recommendation of the tender process for Tender 14/2021 for the Holtermann Street Carpark Redevelopment, Crows Nest - Design Services stage. Tenders were called and were received until 3pm, 23 February 2021 for the submission of tenders to undertake design consultancy services for the Redevelopment of the Holtermann Street Carpark, Crows Nest.

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2) (d) of the Local Government Act (LGA). That 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 for the project is appropriate.

The design stage of this project is 100% funded by Department of Planning, Industry & Environment (DPIE) under a Funding Deed with Council. The Funding Agreement was executed on 26 March 2021. Refer

to the Confidential Attachment to this report on the value of the Funding Agreement and the Tranche payments that have been agreed to be paid to Council to enable the design phase of this project to proceed.

Recommending:

1. **THAT** Council accept the tender of the highest ranked Tenderer for Tender 14/2021 for Holtermann Street Carpark, Crows Nest – Design Services – Stage 1 and Stage 2 only
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.

10.4 **Green Park Tennis Courts Temporary Lease - Public Exhibition Outcome Report**

Report of Risha Joseph, Property Officer

This report details the outcomes of the Public Notice and exhibition of the proposal to temporarily relocate the Primrose Park Tennis Courts Operator to the Green Park Tennis Courts and to grant an ‘exclusive lease’ on a temporary basis to the Primrose Park Tennis Court Operator over Crown Land (Green Park - Tennis Courts).

At the meeting of Council on 22 February 2021, Council supported the proposal to relocate the operator of the Primrose Park Tennis Courts to the Green Park Tennis Courts in nearby Cammeray on a temporary lease arrangement while the Primrose Park Tennis courts are upgraded.

Council also resolved at this meeting that in accordance with Section 47A of the Local Government Act 1993, this proposal for the exclusive, temporary lease to enable the relocation of the Primrose Park Tennis Court operator be placed on Public Exhibition for 28 Days during which time submissions can be received by Council.

Council received a total of fourteen (14) x submissions during the exhibition period. This report outlines the issues raised in the submissions and the proposed changes to the temporary lease arrangement – hours of operation to address the concerns raised by submitters. The primary concerns raised by the majority of submitters was over the number of hours available for general public use of the Green Park Tennis Courts.

The Primrose Park Tennis Court Operator, David Chapman (Dalbech Pty Ltd) has been consulted about the proposed changes to hours of operation at Green Park Tennis Courts by Councils Property Officer and Leasing

Managing Agents – Colliers International and is in agreement with the proposed changes.

The Primrose Park Tennis Court Operator is paying Council a lease fee for the temporary lease arrangement that is proposed at the Green Park Tennis Courts. The lease fee payable to Council is outlined in the temporary lease document which is a confidential attachment to this report.

The only costs associated with the temporary lease arrangement are the staff costs associated with running the community consultation and preparing the temporary lease documents. These costs are recovered through the temporary lease fee that Council is charging the operator. There are no other costs to Council associated with the temporary lease arrangement or the re-location of the operator from Primrose Park to Green Park.

The Primrose Park Tennis Courts – Upgrade Project is funded through a Federal Government Grant. Refer to the Tender Report on the Primrose Park Tennis Court upgrade that is going to the April 2021 Council meeting for more information about the upgrade and grant.

Recommending:

1. THAT as Council is in a position to award a tender for the upgrade of the Primrose Park Tennis Courts it is recommended that Council enter into a temporary lease arrangement with the Primrose Park Tennis Court operator (Dalbech Pty Ltd) to utilise the Green Park Tennis courts for the duration of the upgrade works with amended operational hours at the Courts as outlined in Table 1 of this report.

2. THAT the General Manager under the delegations of Section 377 of the Local Government Act 1993, finalise the terms and conditions of the temporary lease that is to be entered into with Dalbech Pty Ltd.

10.5 Masterplan for the Public Domain upgrade of McMahons Point - Blues Point Road Village Centre – Post Community Consultation report

Report of Diana Mejia, Project Manager

This report outlines the results of the community consultation that was undertaken on the draft McMahons Point - Blues Point Road Village Centre Public Domain Upgrade - Masterplan. Council, at its meeting on 23 July 2020, endorsed the public exhibition of the Draft Masterplan for McMahons Point - Blues Point Road Village Centre Public Domain Upgrade for 60 days. Community consultation was undertaken between September and November 2020 in line with the Community Engagement Strategy developed for this project.

Council received a total of 115 submissions, comprising 35 written submissions and 80 online submissions (Refer to Attachment 1). The

majority (58%) of submissions received by Council support the proposal as exhibited.

This report outlines the consultation outcomes and changes made to the Masterplan as a result of the feedback received. The final Masterplan incorporating the amendments is included in this report to Council for adoption - Refer to Attachment 2.

The implementation of this Masterplan is a long-term program that will be implemented in stages as funding becomes available.

This Project is partially funded in 2021/22 with \$500,000 being allocated to it through Councils adopted SRV (Special Rate Variation).

The Masterplan will be used to inform forward planning for Council's Streetscape upgrades in McMahons Point - Blues Point Road Village Centre as well as future Capital Works budgets in Council's next Delivery Program.

The Masterplan will also be used for future grant funding applications, as they become available.

Recommending:

- 1. THAT** Council note the submissions received.
 - 2. THAT** the final McMahons Point - Blues Point Road Village Centre Public Domain Upgrade Masterplan, including the amendments made as a result of the feedback received during the community consultation period, be adopted.
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