



Council Chambers
20 May 2021

The 3744th MEETING of COUNCIL will be held at the Council Chambers, North Sydney at 7.30pm on Monday, 24 May 2021. 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 Leave of Absence or Remote Attendance by Councillors**
 - 3.1 Remote Attendance by Councillors at Council Meetings
 - 3.2 Apologies or Applications for Leave of Absence
 - 4. Confirmation of Minutes**
 - 5. Disclosures of Interests**
- (Note: Agenda Items will be considered By Exception)*
- 6. Mayoral Minutes**
 - 6.1 MM01 - Visionary Cycleway Solution
 - 7. Reports of Committees**
 - 7.1 Sustainable Transport Reference Group - Minutes 3 May 2021
 - 7.2 Environment Reference Group Minutes 3 May 2021
 - 7.3 Traffic Committee Minutes - 30 April 2021
 - 7.4 Governance and Finance Committee - Minutes 10 May 2021
 - 8. Reports to Council**
 - 8.1 Q3 Operational Plan Review-January to March 2021

- 8.2 Quarterly Budget Review - March 2021
- 8.3 Draft Operational Plan & Budget 2021/22
- 8.4 Amended Long Term Financial Plan
- 8.5 Draft Fees and Charges Schedule 2021/22
- 8.6 Draft Grants & Subsidies 2021/22
- 8.7 Draft Loan Borrowing Policy
- 8.8 Precinct System Review – Recommendations
- 8.9 2021 Local Government Elections Update
- 8.10 Pecuniary Interest Returns – Redaction Procedures
- 8.11 Matters Outstanding - May 2021
- 8.12 Investments and Loan Borrowings Held as at 30 April 2021
- 8.13 Crows Nest Over Station Development Voluntary Planning Agreement
- 8.14 Planning Proposal PP6-19 - 27-57 Falcon Street, Crows Nest
- 8.15 Planning Proposal 7/20 – 391-423 Pacific Highway, 3-15 Falcon Street and 8 Alexander Street, Crows Nest. Site known as “Fiveways Triangle Site”
- 8.16 Draft Development Control Plan - 173-179 Walker and 11-17 Hampden Streets, North Sydney
- 8.17 Affordable housing for women escaping domestic violence
- 8.18 North Sydney Seniors Festival 2021
- 8.19 Ben Boyd interpretative plaque
- 8.20 Swimming Pool Enclosure
- 8.21 Monford Place, Cremorne - Proposed Road Closure and Potential Sale
- 8.22 Draft North Sydney Environmental Sustainability Strategy 2030
- 8.23 Renewable electricity supply contract
- 8.24 New Application for Reference Group Membership

9. Notices of Motion/Questions with Notice

- 9.1 Questions on Notice - Crs Baker, Beregi and Carr

10. Confidential Matters

- 10.1 James Milson Village - Council nominees to the Board 2021/22
- 10.2 3rd Quarterly Property Portfolio Report 2020/2021
- 10.3 North Sydney Olympic Pool Redevelopment
- 10.4 Question with Notice - Crs Baker, Beregi and Carr

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

SUBJECT: 3744th MEETING OF COUNCIL TO BE HELD ON MONDAY, 24th MAY 2021

THAT THE MINUTES of the previous 3743rd Council Meeting held on Monday, 26th April 2021 be taken as read and confirmed.

DISCLOSURES OF INTEREST

APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE OR REMOTE ATTENDANCE BY COUNCILLORS

3.1 Remote Attendance by Councillors at Council Meetings

Report of Ian Curry, Manager Governance & Committee Services

To advise Councillors of three requests for remote attendance by councillors at Council meetings.

In its Circular “*21-02 Temporary Exemption from the Requirement of Councillors to Attend Meetings in Person*”, the Office of Local Government (OLG) has advised that the Local Government Regulation has now been amended to enable councils to permit Councillors to attend meetings remotely through to 31 December 2021. The procedures attached to the Circular advise that:

1. Approval to attend meetings remotely must be requested by the relevant Councillor;
2. It must be approved by resolution, either for a single or multiple meetings, for approval to be given; and
3. The grounds for which the Councillor is being permitted to attend remotely must be stated, but not where those grounds relate to illness, disability or caring responsibilities.

Requests have been received from Councillors Baker, Beregi and Carr to attend meetings remotely.

Council was advised on 22 March and 26 April 2021 that, if continued remote access by Councillors to Council meetings proceeds, it will be necessary to upgrade the audio visual arrangements in the Council Chambers. Doing this in a manner that provides a professional outcome for Councillors and the public alike on a permanent basis may require expenditure in the order of \$10,000 - \$50,000.

Recommending:

1.THAT Council consider the requests received from Councillors Baker, Beregi and Carr to attend meetings remotely.

2.THAT Council formally adopt the procedures governing attendance by Councillors at meetings by audio visual link, as detailed in Attachment A to the OLG Circular dated 1 April 2021.

3.2 Apologies or Applications for Leave of Absence

MINUTES OF THE MAYOR

6.1 MM01: Visionary Cycleway Solution

A public meeting was held on Thursday 20 May 2021 at Bradfield Park Community Centre to discuss options for the proposed cycleway on the Sydney Harbour Bridge. The meeting was attended by approximately 150 people who by show of hands unanimously rejected both cycleway options proposed by the NSW State Government.

The following motion was fully supported by all people gathered from residents on Alfred Street, of McMahons Point, Lavender Bay, Kirribilli, North Sydney, Neutral Bay and beyond (MLK):

1. That the communities of MLK outrightly reject both the linear and spiral ramp cycle options being developed by Transport for NSW.

2. That the communities of MLK request that Transport for NSW ceases any further work on both these inappropriate cycleway options as they:

- a) alienate precious public open space used by thousands of local residents, workers, visitors and tourists;*
- b) cause financial hardship to the Kirribilli Neighbourhood Centre by encroaching upon the designated zone for Kirribilli Markets; and*
- c) loss of an income producing council asset, which accommodates the local community hall, an artist studio, a popular local restaurant.*

3. That the communities of MLK outrightly reject any changes on Alfred Street, which include narrowing of the roadway, narrowing of the pedestrian path or loss of parking or which causes financial loss to local businesses.

4. That the communities of MLK request that the current stairway/cycle ramp, which in itself has significant heritage value, be retained for use by cyclists.

5. That the communities of MLK request that Transport for NSW works with the Heritage Council to immediately start work on a transparent cyclists' lift/travelator or other mechanical solutions to ensure:

- a) no diminishment of the architecture of the Harbour Bridge; and*
- b) that no cyclist is physically prevented from accessing the Harbour Bridge Cycleway.*

6. That the meeting requests that the Premier Gladys Berejiklian directs Transport for NSW to support a long-term innovative solution that properly addresses the needs of local residents and

cyclists that includes the option of a dedicated cycle lane on the Bridge for the exclusive use of cyclists.

7. That Mayor Jilly Gibson seeks endorsement of this community position from North Sydney Council on Monday, 24 May 2021.

8. That copies of this community motion be forwarded to, the Heritage Council of NSW, Minister for Planning and Public Places, Robert Stokes and Minister for Transport and Roads, Andrew Constance, Bicycle NSW and Bike North.

I thank Julia Connor for facilitating the meeting and for her ongoing community leadership on this and other local issues. At the meeting of 26 April 2021, Council resolved, in part,

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.*

Both the linear and spiral ramp options recently published by TfNSW and considered at the public meeting clearly fail the criteria listed in 1(a)-(d) above.

Recommending:

1. THAT Council acknowledge the motion from MLK.

2. THAT Council strongly object to both the linear and spiral ramp options in accordance with its resolution of 26 April 2021.

3. THAT Council continue to support the alternative of providing lift access to cyclists as an alternate option to the existing stairs/ramp.

Reports of Committees

7.1 Sustainable Transport Reference Group - Minutes 3 May 2021

Report of Josh Jongma, Governance Coordinator

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 3 May 2021. The minutes are attached for information.

Recommending:

1. THAT the Minutes of the Sustainable Transport Reference Group meeting of 3 May 2021 be noted.

7.2 Environment Reference Group Minutes 3 May 2021

Report of Josh Jongma, Governance Coordinator

To report the proceedings of the Environment Reference Group to Council. This report presents the recommendations of the last meeting of the Environment Reference Group held on 3 May 2021. The minutes are attached for information. There are no financial implications associated with this report.

Recommending:

1. THAT the Minutes of the Environment Reference Group meeting of 3 May 2021 be noted.

7.3 Traffic Committee Minutes - 30 April 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 Traffic Committee held on 30 April 2021 for Council adoption. The minutes are attached for information.

Recommending:

1. THAT Council raises no objection to the installation of safety mirrors behind the Council fence, adjacent to the driveway of 28 The Boulevard, Cammeray subject to the full cost and future maintenance of the mirrors be borne by the property owner(s). (4.3.1)

2. THAT a written statement shall be provided by the property owner(s) to accept full responsibilities for the use of the safety mirrors and any cost associated with the provision and future maintenance of the mirrors prior to installation. (4.3.1)

3. THAT the updates concerning Standing Item - Blues Point Road - Vehicle Noise & Traffic Issues be received. (5.4)

4. THAT line marking be reinstated urgently to clearly delineate the 4 angle parking spots at the end of Blues Point Road. (5.4)

5. THAT urgent investigation be undertaken to improve the lighting in the same vicinity at the end of Blues Point Road. (5.4)

6. **THAT** signage at the end of Blues point Road be reviewed with the aim to make it clearer and more effective. (5.4)
 7. **THAT** in response to residents' concerns, Council fast-track the implementation of the 40KM/hr HPAA initiatives to ensure traffic speed and calming on Blues Point Road can be addressed.
 8. **THAT** in principle support be given to increasing the parking time limits in Princes Street, McMahons Point from 30 minutes to 1 hour. (4.2)
 9. **THAT** Council promptly conduct a survey of the intention to change the parking restrictions in Princes Street, McMahons Point. (4.2)
 10. **THAT** the recommendations made for changes in the parking restrictions be received. (4.2)
 11. **THAT** "end shared zone" signage in Grosvenor Lane be moved closer to Young Street and add "give way to pedestrian" signage. (7.4)
 12. **THAT** Council Staff review the current signage and options for increased safety measures. (7.4)
 13. **THAT** the information regarding Delegated Authority items be received. (4.1)
 14. **THAT** the parking restrictions installed in Resident Parking Area 12 - Wollstonecraft and Waverton in October 2020, remain. (4.4)
 15. **THAT** the parking restrictions installed in Resident Parking Area 13 - Wollstonecraft and Crows Nest in October 2020, remain. (4.5)
 16. **THAT** the parking restrictions installed in Resident Parking Area 19 - Crows Nest in October 2020, remain. (4.6)
 17. **THAT** a Car Share space is not installed in Gilles Street given that consultation did not confirm demand within the community. (4.7)
 18. **THAT** the consideration of the new car share spaces in Earle Street and Grasmere Road be deferred pending further evidence (as set out in Attachment 1 of the report) that there is sufficient demand in the locations. (4.7)
 19. **THAT** Council write to Goget seeking removal of any vehicles that are on Council land which have not been endorsed by Council. (4.7)
 20. **THAT** the proposed amended North Sydney Traffic Committee meeting dates for 2021 be received. (4.8)
 21. **THAT** the information concerning the Abandoned Vehicles and Unattended Boat Trailers Processed Report be received. (5.1)
 22. **THAT** the information concerning Standing Item - Military Road B-Line be received. (5.2)
 23. **THAT** the standing item on pedestrian traffic signals (Item 20/03) be moved within 5.3 Standing Item – Pedestrian Safety and the standing item on Military Road B-Line be removed as a standing item. (5.2)
 24. **THAT** the information concerning Standing Item - Pedestrian Safety be received. (5.3)
 25. **THAT** updates be provided in future reports in the Standing Item – Pedestrian Safety relating to decisions under General Business, including Grosvenor Lane. (5.3)
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26. THAT the gaps in the fences on Military Road near Young Street Plaza be closed promptly with appropriate safety fencing. (5.3)

7.4 Governance and Finance Committee - Minutes 10 May 2021

Report of Ian Curry, Manager Governance & Committee Services
Council is required to consider the Minutes of this Committee under the Code of Meeting Practice. A meeting of the Governance and Finance Committee was scheduled for Monday, 10 May 2020 and attended by four (4) Councillors – the Mayor and Councillors Brodie, Keen and Mutton. Apologies were received from Councillors Barbour, Carr and Drummond. Councillor Baker had requested to join the meeting remotely but was unable to be admitted due the lack of a quorum. The quorum for Governance and Finance Committee meetings is five (5) Councillors so the meeting was not able to proceed formally. The reports on the Committee agenda have been submitted in full to this meeting for consideration (see Reports to Council. Items 8.1, 8.2, 8.5-8.10). It should be noted that the original report to the Governance and Finance Committee titled “Draft 2021/22 Budgets” has been incorporated into “Draft Operational Plan & Budget 2021/22” (Item 8.3) The separate report on the Resourcing Strategy has also been added (Item 8.4) in accordance with the Integrated Planning and Reporting Framework.

Recommending:

1.THAT the report be received.

Reports to Council

8.1 Q3 Operational Plan Review-January to March 2021

Report of Sarah Malcolm, Corporate Planning Coordinator

In accordance with Statutory requirements this Quarterly Review reports project status updates against projects scheduled to have commenced or are in progress in Q3 2020/21.

The North Sydney Council Delivery Program 2018/19-2021/22 was adopted on 25 June 2018. The Operational Plan 2020/21, i.e. Year 3 of the Delivery Program, was adopted on 24 June 2020 and commenced 1 July 2020.

The adopted Delivery Program includes projects and services, This Quarterly Review includes a status update for these adopted Delivery Program projects and services.

Attachment 1 details project performance by Division for the period 1 January to 31 March 2021. In summary, 251 projects were scheduled to commence/continue this quarter. 94% projects are on track (green and blue status) and 6% projects are behind schedule/delayed (red and amber status).

Financial performance information is detailed within the Quarterly Budget Review Statement (QBRS) presented separately to Council (refer item 8.2)

Recommending:

1.THAT the Quarterly Review of the Operational Plan - Jan to Mar 2021 be received.

2.THAT the Committee notes the remedial action for those projects that were not on track for the period ending 31 March 2021.

8.2 Quarterly Budget Review - March 2021

Report of Darren Goode, Manager Accounting Services

In accordance with Statutory requirements this Quarterly Review reports This report should be read in conjunction with Item 8.1 Q3 Review of the Operational Plan. The purpose of this report is to inform Council of the results of the review of the budget for the quarter ended 31 March 2021 and to seek approval to make the necessary adjustments to the 2020/21 budget to reflect the current projected estimates of income and expenditure for the year.

The 2020/21 Original Budget forecast a net operating deficit before capital grants and contributions of \$2.44 million and a net operating surplus of \$1.01 million after capital grants and contributions.

It was necessary to make some adjustments to the budget at the end of the September and December quarters and these were reported to the Governance & Finance Committee on 9 November 2020 (Item 3.2) and 8 February 2021 (Item 3.2). After the adjustments, the forecast net operating result before capital grants and contributions was a deficit of \$9.95 million. The forecast net operating result after capital grants and contributions was a surplus of \$1.63 million. At the end of the March quarter, actual operating income was \$265,000 (0.3%) below the year-to-date current budget and actual operating expenditure was \$4.46 million (6.4%) below the year-to-date current budget. After the proposed adjustments disclosed within this report, the forecast net operating result for 2020/21 before capital grants and contributions is a deficit of \$9.99 million which is a deterioration \$43,000 from the \$9.95 million deficit forecast at the end of the December quarter. The forecast operating result after capital grants and contributions is a surplus of \$2.32 million, predominantly due to a \$730,000 increase in developer contributions. To ensure that the budget remains balanced, the forecast net drawdown from reserves is \$23.8 million. The adjustments to the budget outlined in this report have increased the drawdown from reserves by \$9.3 million to \$23.8 million to ensure that the budget remains balanced. The forecast balance of cash reserves at 30 June 2021 is \$52.9 million. Of this amount, \$22.2 million is externally restricted. The remaining \$30.7 million is internally restricted, with the majority set aside to fund employee leave entitlements and the redevelopment of the pool.

Recommending:

1. **THAT** the Quarterly Budget Review Statement – March 2021 report be received.
2. **THAT** the revised 2020/21 Budget be adopted.

8.3 **Draft Operational Plan & Budget 2021/22**

Report of Sarah Malcolm, Corporate Planning Coordinator and Darren Goode, Manager Accounting Services

The *Draft Operational Plan & Budget 2021/22*, inclusive of the *Draft Revenue Policy 2021/22* and the *Draft Capital Works Program 2021/22*, is presented to Council for endorsement to publicly exhibit for a minimum of 28 days. Council must adopt its Operational Plan & Budget for the next financial year before 1 July 2021. The *Draft Operational Plan & Budget 2021/22* (Attachment 1) details the projects and services that will be undertaken in the fourth and final year of the Delivery Program to achieve the strategies and outcomes of the *North Sydney Community Strategic Plan 2018-2028*, the Operating & Capital Budgets and the Revenue Policy. Consideration has been given to the ongoing effects of the COVID-19 pandemic in the budget. The Draft Budget has been prepared in accordance with Section 405 of the *Local Government*

Act 1993 and the *OLG Integrated Planning and Reporting Guidelines* (2013). The *Draft 2021/22 Revenue Policy* has been prepared in accordance with the *Local Government Regulation 2005*. The Draft Operating Budget forecasts a surplus of \$5.3 million before capital grants and contributions. Funding of the proposed Capital Works Program will require a \$31 million loan for the redevelopment of the North Sydney Olympic Pool and a net draw down from reserves of \$1.85 million.

Recommending:

1. THAT the *Draft 2021/22 Operational Plan & Budget* be endorsed for public exhibition for a minimum of 28 days.

8.4 Amended Long Term Financial Plan

Report of Darren Goode, Manager Accounting Services

The purpose of this report is to seek Council endorsement to place the amended Long Term Financial Plan (a component of Council's Resourcing Strategy) on public exhibition for a minimum of 28 days, concurrent with the *Draft 2021/22 Operational Plan & Budget*. In accordance with statutory requirements, in preparing next year's *Operational Plan & Budget*, the Long Term Financial Plan (LTFP) component of Council's *Resourcing Strategy 2018-2028* has been updated. In June 2018 Council resolved to operate under Scenario 3 of the LTFP, therefore only the adopted 'preferred scenario' (i.e. Scenario 3) has been updated inclusive of the following key amendments:

- increased revenue from the Domestic Waste Management Charge (DWMC) to partially offset forecast increases in the cost of providing the service;
- the forecast ongoing impact of the COVID-19 pandemic on some revenue streams (e.g. parking meter fees and property rental);
- forecast increased revenue from advertising on Council infrastructure;
- forecast increased fair value increments in investment properties;
- an \$11.8 million developer contribution from the Crows Nest over-station development;
- the increased cost of the North Sydney Olympic Pool (NSOP) redevelopment and the resultant increased borrowing costs to fund the project;
- increased waste management costs (partially offset by an increase in the DWMC); and
- the delay in the conversion of street lighting to LED.

The two additional scenarios (referred to as 3B and 3C) included in the previous version of the plan, modelled to ascertain the financial impact of the COVID-19 pandemic lasting for a shorter or longer period in 2020/21 than that assumed under Scenario 3, have been discontinued.

The purpose of the public exhibition is to inform the community of the updated LTFP modelling and invite submissions. It is not to seek community feedback on the financial scenarios, as Council is operating under Scenario 3A as previously resolved and within the SRV approval from IPART.

The LTFP has been prepared in accordance with the *OLG Integrated Planning and Reporting Guidelines*. The LTFP has been reviewed, taking into account known changes to the previously implemented assumptions.

Recommending:

1. THAT Council endorse the amended Long Term Financial Plan, to be placed on public exhibition for 28 days, concurrent with the Draft 2021/22 Operational Plan & Budget.

8.5 Draft Fees and Charges Schedule 2021/22

Report of Garry Ross, Manager Financial Services

This report provides details of the proposed fees and charges for the financial year commencing 1 July 2021. The Draft Fees and Charges Schedule 2021/22 was formulated around a general increase of 1.5% over the previous year's adopted schedule and comparable market rates. All existing and proposed fees and charges have been assessed according to the nature of the services being provided. The financial impacts from the Draft Fees and Charges 2021/22 have been incorporated into the budget estimates within the Draft Operational Plan for 2021/22.

Recommending:

1. THAT the Draft Fees and Charges Schedule 2021/22 be endorsed and placed on public exhibition for a minimum of 28 days.

8.6 Draft Grants & Subsidies 2021/22

Report of Rebecca Aukim, Acting Director Community & Library Services

To provide clarity and direction to North Sydney Council and the community, on the equitable investment of resources and funds to strengthen the capacity of the community and to address identified social needs. The Grants and Subsidies Program for 2021/22 is presented as follows:

- Category A: Community Centres and Cultural Facilities
 - Category B: Child Care Centres
 - Category C: Centres of local & sub regional importance
 - Community Housing
 - Aged Care Accommodation
 - Recreational Facilities Program
 - Subsidies for individuals
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- Ongoing North Sydney community services not in Council buildings
- Internet/telephone support for seniors
- Small Grants: new and innovative & sport and well-being
- Food grants

Council's total cash subsidy for community services in 2021/22 is \$1,040,873 of which \$133,444 is for parking subsidies. The balance is made up of \$560,506 for the community centres, \$27,768 for parent-run childcare and \$229,500 for small group support. Additional subsidies in kind are made as detailed in the report, the most substantial of which are trade waste removal (\$70,672) and building maintenance and rates (\$796,500). The recommendations are provided for in the Draft Delivery Plan 2021/22.

Recommending:

1. THAT the Draft Community Grants and Subsidies 2021/22 report be placed on public exhibition for a minimum of 28 days, aligning with the Amended Delivery Program/Draft Operational Plan 2021/22.

8.7 Draft Loan Borrowing Policy

Report of Garry Ross, Manager Financial Services

This report seeks Council's endorsement of a new Loan Borrowing Policy and rescinding of the Debt Management Policy. Council has had a Debt Management Policy in place since 2012. This policy was established at a time when Council had no debt. The Debt Management Policy predominantly refers to the use of a "Debt Facility". This facility no longer exists.

Council currently has one fixed rate loan and is committed to partially fund the redevelopment of the North Sydney Olympic Pool with a similar loan. In turn it is prudent that Council's policy be updated accordingly to reflect and maintain its risk averse strategy.

It is recommended that the draft Loan Borrowing Policy be endorsed and placed on public exhibition for 28 days, inclusive of notice that the Debt Management policy is intended to be rescinded. A further report will be prepared for Council's consideration should submissions be received. If no submissions are received, the Loan Borrowing Policy will be considered as adopted at the end of the closing period for submissions.

The Loan Borrowing Policy provides Council with clearly defined parameters when negotiating loans with authorised deposit taking institutions. TCorp has been included in the approved institutions, along with the major banks for negotiation of any future loans.

Recommending:

1. THAT the draft Loan Borrowing Policy be placed on public exhibition for 28 days, inclusive of notice that the Debt Management policy is intended to be rescinded.

2. **THAT** should Council receive submissions, a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the Loan Borrowing Policy as adopted at the end of the closing period for submissions.

3. **THAT** the Debt Management Policy be rescinded.

8.8 Precinct System Review - Recommendations

Report of Jenny Gleeson, Manager Integrated Planning & Special Projects

The North Sydney Community Precinct System is one of several Council coordinated current engagement programs. It is almost 50 years old. This program is under review to ensure it remains fit for purpose for both the Council and the community. This report outlines the proposed next steps in the Precinct System Review. Following conclusion of the Stage 2 engagement, the consultant's recommendations have been considered by management.

The Review objectives were to:

- standardise the way in which Precinct Committees operate, including providing a consistent level of service by Council to all individual Committees;
- identify the priorities for support by the Council to the Precinct System;
- update the Precinct area boundaries via a reduced total number of Precinct areas; and
- strengthen the role and function of the Combined Precincts Committee.

The Review was conducted in two stages. Stage 1 sought feedback on the recommendations within the updated *Discussion Paper*. The *Discussion Paper* provided detailed background information and sought feedback on six recommendations (which were largely consistent with the recommendations consulted on during the discontinued 2012/13 Review):

1. Terminology/branding
2. Reallocation of Precinct area boundaries
3. Combined Precincts Committee's role and function
4. Code of Conduct, including use of social media
5. Council's level of support (resource allocation)
6. Other initiatives

Stage 1 was conducted inhouse and Stage 2 was led by a consultant in accordance with the adopted Engagement Strategy. The Stage 1 feedback informed the scope of the Stage 2 consultation, which included workshops with active Precinct Committees, interviews with key stakeholders and an opt-in online survey targeting those not currently involved in the Precinct System. The consultant prepared a summary of the Stage 2 consultation outcomes and made draft recommendations. The intent of the consultant's

recommendations are to advise Council of the key focus areas to be addressed by way of final recommendations formulated by staff. Attachment 2 details the management response to the recommendations, outlining the proposed actions to address or implementation the recommendations. Management supports the recommendations, as follows:

- Fully support - Recommendations 2, 3, 4, 7 and 9;
- Partially support - Recommendations 1, 5 and 6; and
- Alternate action recommended - Recommendations 8.

The proposed changes to Precinct area boundaries (Consultant Recommendation 5) and the current CPC format (Consultant Recommendation 8) were not favoured by the majority of Precinct Committees. In response to Precinct Committee feedback concerning boundaries, it is recommended that further work proceed **only** on Option 1 - amalgamation of existing Precinct areas, subject to consultation, as outlined in this report. Whilst the option to integrate inactive Precinct areas with their adjacent/most relevant active Precinct area is considered less controversial and would appease the majority of active Precinct Committees, it is acknowledged this requires exploration of many of the issues raised as the concerns in opposition to Option 2. Consultation should occur between June to July 2021 and conclude prior to the commencement of the mandatory “caretaker period”, by way of a public exhibition period inclusive of a map, seeking feedback as to where the boundaries should fall, proposed names for the new areas etc. Active Precinct Committees proposing to merge with their neighbouring active Precinct area may also suggest such; with a prerequisite that all affected Precinct Committees are in agreement with such a proposal. The post-exhibition report will be presented to the new term of Council, with view that the boundary changes come into effect from November 2021, to coincide with the timing of Annual General Meetings. The proposed amendments to the CPC format were met with strong dissatisfaction by Precinct Committees. In response, following a meeting between senior management and the CPC Co-convenors, it was agreed that the change in CPC format proposal be discontinued, Council will continue to support four to six CPC meetings per annum with secretarial support (including minute taking, agenda items coordination and pre-Agenda meeting with the Co-convenors with, and the number and timing of each to be agreed between the Co-Convenors and Council’s Engagement Section), that general business items be discontinued (consistent with Local Government meeting practice) and Council staff be ex officio members. The CPC Terms of Reference will be updated accordingly. Further, the Precinct System Guidelines and Communications Plan will be updated by September 2021 as outlined in Attachment 2 and circulated to all Precinct Committees for feedback prior to finalisation. Associated templates will be finalised by November 2021. In 2020/21, excluding staff salaries, a total of \$36,300 was allocated to the Precinct System - \$31,800

operational funding, \$3,000 printing and \$1,500 postage and mail. Each Precinct Committee is eligible for \$1,500 in operational funding; this amount has remained constant since 2014. It is proposed that \$40,000 be included in the draft Operational Plan & Budget 2021/22 for the Precinct System (\$35,000 operational funding, \$3,500 printing and \$1,500 postage and mail), and that any further budget requirements resulting from the finalisation of Precinct area boundaries be considered in the preparation of the next Delivery Program.

Recommending:

1. **THAT** the Precinct System Review - Stage 2 Consultation Outcomes Report be received and noted.
2. **THAT** the management responses to the consultant's recommendations be adopted, and the actions requiring budgetary consideration (over and above the proposed 2021/22 budget) be referred to the next Delivery Program.
3. **THAT** a further and final round of consultation occur regarding Precinct area boundaries, as outlined in this report, by way of public exhibition for a minimum of 60 days.
4. **THAT** the Precinct System Guidelines and Communications Plan be updated, as outlined in this report.

8.9 2021 Local Government Elections Update

Report of Ian Curry, Manager Governance & Committee Services

To provide an update on the arrangements for the 2021 Local Government elections. The 2021 Local Government elections will be held on Saturday 4 September 2021. The elections were postponed for 12 months due to the COVID-19 pandemic. Council has engaged the NSW Electoral Commission (NSWEC) to run the elections in North Sydney on its behalf. Council staff are liaising with the NSWEC's venue procurement team to secure venues for the Returning Officer, pre-poll and polling day facilities. The NSWEC is providing regular information updates for candidates and councils in the form of bulletins and webinars. Council has provided an amount of \$500,000 in the 2021/22 budget to conduct the election. Every effort is being made by staff to minimise the cost of the election to Council

Recommending:

1. **THAT** the 2021 Local Government Elections Update report be received.

8.10 Pecuniary Interest Returns – Redaction Procedures

Report of Josh Jongma, Governance Coordinator

To seek Council endorsement of an additional clause to the *Code of Conduct - Councillors and Staff* that outlines standard processes for

redactions of pecuniary interest returns. Pecuniary interest returns disclose personal information which is normally sensitive and confidential but is defined as ‘open access information’ under the *Government Information (Public Access) Act 2009* s 6(1), (‘GIPA Act’). This means that Council must proactively disclose this information, including publishing the returns on our website. The GIPA Act provides for the ability to redact information under certain circumstances. As there is detail included in the returns that could result in harm to Councillors and staff that may be redacted, Council needs to inform the community of what will be the standard practice in redacting (if any) information. It is recommended that Council approve a standard process of redacting the apartment and house numbers on a staff member or Councillor’s residential address. This recommendation is made to balance the public interest in maintaining an open and transparent government alongside the personal safety of our Councillors and staff. Under the relevant legislation and guidelines discussed in the report, the recommendation only seeks to redact enough information as is required to manage the risk. Further redactions can still be made through the existing process by request to the General Manager. There are no foreseeable financial impacts from this report.

Recommending:

1. **THAT** an amendment be made to the *Code of Conduct - Councillors and Staff* to insert a new clause that states that Councillors and Staff will have apartment and house number of their residential address and signatures redacted automatically in the publishing of returns. Any additional redaction requests should be made to the General Manager with a statutory declaration detailing the reasons for the request. The General Manager will determine if any additional redactions can then be made.

8.11 **Matters Outstanding - May 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 26 April 2021 Ordinary Meeting of Council.

Recommending:

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

8.12 **Investments and Loan Borrowings Held as at 30 April 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 30 April 2021.

Investment Portfolio:

The Investment portfolio (excluding cash balances) held as at 30 April 2021 had a market value of \$85.9 million, with an annualised return of 1.64% for the year to date, 1.57% above the reportable BBSW Bank Bill Index of 0.07%. Cash deposits at call total \$11.14 million which enables liquidity for day-to-day operational availability. The actual returns for cash and investments for the year to date as at 30 April 2021 were \$1,124,996 which was \$32,048 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 30 April 2021 is \$7,253,977.04. 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. The budgeted investment returns over the medium term needs to reflect the current low interest rate environment which is likely to continue over the next financial year.

Investment returns will continue to be monitored and reported to ensure the estimate is consistent with the actual returns.

Recommending:

1. THAT the report on Investments and Loan Borrowings held as at 30 April 2021 be received.

8.13 Crows Nest Over Station Development Voluntary Planning Agreement

Report of Marcelo Occhiuzzi, Manager Strategic Planning

At its meeting on 22 February 2021, Council adopted a draft Voluntary Planning Agreement (VPA) for the Over Station Development (OSD) of Crows Nest Metro Station for the purposes of public exhibition. The draft VPA for the Crows Nest OSD responds to a condition of development consent for the "concept" for the site issued by the Minister for Planning and Public Spaces in December 2020. This required Transport for NSW to enter into a VPA with Council enabling payment of all applicable developer contributions (approx. \$9.8M) plus an additional \$2M for public domain improvements, at the beginning of the development process, rather than at the end. The net result of this is to "front load" the payment of contributions that would otherwise be payable at different stages of the development process several years into the future. The draft VPA was exhibited between 22 March and 23 April 2021. A total of 4 submissions were received in response to this exhibition. Three were

generally supportive of the VPA but requested a contribution to the Hume Street Park expansion project. One objected to the proposal based on height, density and impacts. In adopting the draft VPA for public exhibition on 22 February 2021, Council resolved that the supplementary \$2M contribution be directed towards the Holtermann Park project and that the \$9.8M be appropriated within the applicable Section 7.11 restricted reserves in recognition of the origins of this income. This report recommends that following the exhibition process, that Council adopt and execute the draft VPA, unamended, to bring the instrument into effect and trigger its provisions. Council would ordinarily receive a total of approximately \$9.8M in S7.11 contributions arising from the development over the life of the development of the Over Station Development. This would occur periodically over the coming years depending on the timing and staging of that development. The draft VPA is designed to consolidate these into one payment at the beginning of the process with an additional \$2M payment over and above this. The VPA payment would also liberate Council from the need to allocate matching funds from other sources of revenue, including general revenue, towards projects targeted by such payment as is broadly the requirement under Council's S7.11 Contributions Plan.

Recommending:

1.THAT Council endorse the attached draft Voluntary Planning Agreement and that it undertake the necessary steps to have the instrument executed.

2.THAT should any minor administrative type amendments be required to the VPA prior to execution, that the General Manager be authorised to do so as long as such amendments are of a minor nature.

8.14 Planning Proposal PP6-19 - 27-57 Falcon Street, Crows Nest

Report of Jayden Perry, Strategic Planner

The purpose of this report is to present the outcomes of the public exhibition of a Planning Proposal, Development Control Plan (DCP) and Voluntary Planning Agreement (VPA) for 27-57 Falcon Street, Crows Nest. The report seeks Council's endorsement to forward the Planning Proposal to the Department of Planning, Infrastructure and Environment with a request that the plan be made. It is also recommended that Council adopts the accompanying DCP amendments and enters in the exhibited VPA. On 27 July 2020, Council resolved to forward a Planning Proposal (PP 6/19) to the Department of Planning, Industry and Environment (DPIE) to amend the planning controls relating to 27-57 Falcon Street, Crows Nest under *North Sydney Local Environmental Plan 2013* (NSLEP 2013). The proposed amendments include:

- Rezone the site from B4 – Mixed Use to R4 – High Density Residential;

- Increase the maximum building height from 10m to part 21m and part 14.5m;
- Apply a maximum floor space ratio control of 1.85:1;
- Remove the current non-residential floor space requirement applying to the site;
- Retain ‘retail premises’ as a permitted land use on the site; and
- Include a site-specific provision under Part 6 Division 2 of the LEP to allow minor exceedances to the Height of Building control to facilitate access to roof / lift overrun.

The Planning Proposal is accompanied by a Draft Voluntary Planning Agreement (VPA), comprising monetary and in-kind contributions towards open space infrastructure in the precinct and land dedication and embellishment works on Alexander Lane and Hayberry Lane frontages. A site specific DCP amendment is also proposed to help guide built form outcomes of any future Development Application.

The Planning Proposal was placed on public exhibition from Monday 15 March to Friday 16 April 2021. A total of sixteen (16) submissions was received, three (3) of which were in support, eleven (11) opposed parts of or the entire proposal and two (2) were neutral (public agencies).

The primary issues raised included concerns regarding; the height and scale of the development, inconsistency with the *St Leonards and Crows Nest 2036 Plan*, potential precedent effect, the number of parking spaces proposed, traffic and vehicular access, limitation of development potential of sites to the east due to proposed setbacks and general concerns including solar access, visual amenity and privacy.

The precinct is undergoing significant change and there is an opportunity to manage growth appropriately through the delivery of the identified general objectives and outcomes within the endorsed St Leonards Crows Nest 2036 Plan and Council’s Civic Precinct Planning Study. The issues raised in the submissions when critiqued against these studies and both the immediate and broader surrounds are not considered to warrant any significant amendments to the Planning Proposal.

It is therefore recommended that Council resolves to forward the Planning Proposal to the DPIE with a request that the Plan be made. It is also recommended that the accompanying DCP amendments be adopted and VPA be finalised.

Should the draft VPA be executed, it will result in various in-kind and monetary contributions to Council, including:

A monetary contribution of \$800,000 towards increased open space opportunities payable to Council.

- Land Dedication including Embellishments to the value of approximately \$330,000.

Recommending:

1.THAT having completed the community consultation requirements outlined in the Gateway Determination, Council forward the Planning

Proposal (Attachment 2) to the Department of Planning and Environment with a request that a Local Environmental Plan be made in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal.

2.THAT Council finalise the Voluntary Planning Agreement with the view to have it executed and in force prior to the gazettal of the LEP amendment.

3.THAT Council, in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000, adopt the amendments to the North Sydney DCP provided at Attachment 4, including the minor amendment proposed in this report.

4.THAT all submitters be notified of Council’s decision.

8.15 Planning Proposal 7/20 – 391-423 Pacific Highway, 3-15 Falcon Street and 8 Alexander Street, Crows Nest. Site known as “Fiveways Triangle Site”

Report of Katerina Papas, Strategic Planner

To present to Council the assessment of a Planning Proposal which seeks to amend *North Sydney Local Environmental Plan 2013* (NSLEP 2013) as it relates to land at 391-423 Pacific Highway, 3-15 Falcon Street and 8 Alexander Street, Crows Nest (site known as “Fiveways Triangle Site”) following its review by the North Sydney Local Planning Panel.

On 4 December 2020, Council received a Planning Proposal to amend NSLEP 2013 as it relates to land bound by Pacific Highway, Falcon Street and Alexander Street, Crows Nest, known as the ‘Fiveways Triangle Site’.

The subject site is located within the area covered by two recently adopted and important planning instruments, being:

1. the *St Leonards and Crows Nest 2036 Plan* (2036 Plan), adopted by the Department of Planning, Industry and Environment (DPIE) on 29 August 2020; and
2. the *Civic Precinct Planning Study* (CPPS) adopted by Council on 30 November 2020.

The Planning Proposal seeks to amend NSLEP 2013 as follows:

- Increase the maximum building height control on the subject site from 16m to 75m;
- Increase the minimum Non-Residential Floor Space Ratio (FSR) control on the subject site from 0.5:1 to 2.5:1; and
- Establish an overall maximum FSR control on the subject site of 9.3:1.

The intent of the Planning Proposal is to deliver a 19-storey mixed-use development with a 3-4 storey commercial podium and 16-storey residential tower above. The indicative concept scheme submitted in support of the amendment, includes 233 residential apartments with a residential Gross Floor Area (GFA) of 21,818 sqm, a non-residential GFA

of 8,002 sqm, and 385 car parking spaces over 7 basement levels. The Planning Proposal is accompanied by an offer to enter into a Voluntary Planning Agreement (VPA) to provide either a monetary contribution for the purposes of improved open space and community facilities, or the dedication to Council of an unspecified number of 1 bedroom apartments within the proposed development for affordable key worker housing. On 26 February 2021, Council wrote to the applicant to advise that it had undertaken a preliminary assessment of the Planning Proposal against the outcomes of the 2036 Plan and that it could not be supported in its current form. The applicant was requested to either withdraw their Planning Proposal or re-submit a revised Planning Proposal that is compliant with the 2036 Plan. No withdrawal request or revised scheme has been submitted. An assessment of the Planning Proposal has been completed against the 2036 Plan and relevant Regional, District and Local Plans. It is recommended that the Planning Proposal not be supported to proceed to a Gateway Determination for the following reasons:

- The Planning Proposal is significantly inconsistent with the outcomes of the 2036 Plan in relation to the degree of non-compliance with building height and FSR. These non-compliances result in significant amenity impacts as detailed in this report.
- If such non-compliances are supported to any degree, the Planning Proposal will create a precedent for significant non-compliances with the maximum building height and FSR controls contained within the 2036 Plan and undermine the integrity of all strategic planning policies relating to the precinct including:
 - Greater Sydney Regional Plan ('A Metropolis of Three Cities') and North District Plan;
 - St Leonards and Crows Nest 2036 Plan and accompanying Special Infrastructure Contribution (SIC) Scheme;
 - North Sydney Local Strategic Planning Statement (LSPS); and
 - Civic Precinct Planning Study (CPPS).
- The Planning Proposal is inconsistent with Direction 5.10 – Implementation of the Regional Plan and Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan to section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act 1979 (EP&A Act), which requires Planning Proposals to be consistent with the 2036 Plan and Greater Sydney Regional Plan. The North Sydney Local Planning Panel (NSLPP) considered the Assessment Report on 5 May 2021 and resolved not to support the progression of the Planning Proposal to a Gateway Determination. The NSLPP agreed with the analysis and reasons for not supporting the Planning Proposal outlined in this report.

Despite the above, the applicant has lodged a request for a rezoning review with the DPIE. Council is yet to be advised when the review is likely to be considered by the Sydney North Planning Panel.

Recommending:

1.THAT Council receive and consider the advice provided by the North Sydney Local Planning Panel at its meeting of 5 May 2021, in relation to this Planning Proposal.

2.THAT Council resolves not to support the Planning Proposal proceeding to Gateway Determination for the following reasons:

- The Planning Proposal is significantly inconsistent with the outcomes of the 2036 Plan in relation to the degree of non-compliance with building height and FSR.
- If such non-compliances are supported to any degree, the Planning Proposal will create a precedent for significant non-compliances with the maximum building height and FSR controls contained within the 2036 Plan and undermine the integrity of all strategic planning policies relating to the precinct including:
 - Greater Sydney Regional Plan ('A Metropolis of Three Cities') and North District Plan;
 - St Leonards and Crows Nest 2036 Plan and accompanying Special Infrastructure Contribution (SIC) Scheme;
 - North Sydney Local Strategic Planning Statement (LSPS); and
 - Civic Precinct Planning Study (CPPS).
- The Planning Proposal is inconsistent with *Direction 5.10 – Implementation of the Regional Plan* and *Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan* to section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act 1979 (EP&A Act), which requires Planning Proposals to be consistent with the 2036 Plan and Greater Sydney Regional Plan.

3.THAT Council advise the Department of Planning, Industry and Environment of its decision and be provided with a copy of this report and its resolution in support of Council's decision.

4.THAT Council notifies the applicant of Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulation 2000.

8.16 Draft Development Control Plan - 173-179 Walker and 11-17 Hampden Streets, North Sydney

Report of Neal McCarry, Team Leader - Policy

To seek Council's endorsement of a draft amendment to North Sydney Development Control Plan (NSDCP) 2013 to help guide the future development assessment of 173-179 and 11-17 Hampden Street, North Sydney and place that draft amendment on public exhibition.

On 22 March 2019, Council received a Planning Proposal to amend *North Sydney Local Environmental Plan 2013* (NSLEP 2013) as it relates to

173-179 Walker Street and 11- 17 Hampden Street, North Sydney. The Planning Proposal sought the following amendments to NSLEP 2013:

- Increase the maximum building height from 12m to RL133 (representing approximately 62- 72m of additional height)
- Establish a minimum floor space ratio of 6.1:1
- Introduce a new special provision to establish controls for the site relating to overshadowing, and allowance for maximum height and FSR greater than the above associated with amalgamation of all lots within the site.

Council refused the Planning Proposal at its meeting on 26 August 2019. In response, the applicant lodged a Rezoning Review with the Department of Planning, Infrastructure and Environment on 2 September 2019.

On 12 February 2020, the Rezoning Review request was considered by the Sydney North Regional Planning Panel (SNRPP), which recommended that the Planning Proposal progress to Gateway Determination.

A Gateway Determination was then issued on 6 July 2020 enabling the Planning Proposal to be exhibited subject to various conditions. Following the exhibition of the Planning Proposal, to which 139 objections were received, the SNRPP conducted a public hearing on 17 March 2021 and on 23 March 2021, issued a report recommending that the Planning Proposal proceed to be made.

Whilst Council has previously objected to the proposal, the provision of site-specific development controls may help mitigate some of the impacts of any future built form arising on the site as a result of the Planning Proposal. It is therefore recommended that the attached draft amendments to the DCP be adopted by Council and placed on public exhibition.

There will be relatively minor expenses arising with respect to the public exhibition of the DCP amendment and its implementation. These can be funded through existing operational budget lines.

Recommending:

1.THAT Council resolves to endorse the draft amendments to the NSDCP 2013 as provided at Attachment 1, for the purposes of public exhibition.

2.THAT the draft amendments to the NSDCP 2013 be placed on public exhibition for a period of 28 days.

8.17 Affordable housing for women escaping domestic violence

Report of Rebecca Aukim, Acting Director Community & Library Services

Authorisation to procure and to bid for property for the purposes of housing women escaping domestic violence. At its meeting in September 2020 Council considered a report that recommended that the balance in the Affordable Housing reserve of \$2,145,781 be leveraged to provide accommodation for women escaping domestic violence, a priority

supported by Mary's House (North Sydney's local women's refuge) and Link Wentworth Housing (Council's local community housing provider). With advice from Link's Housing Team, Link has provided a brief for suitable properties for women escaping domestic violence. It is recommended that Council's commercial property provider - Colliers be provided with the authority to bid for properties on Council's behalf. Council will ensure that any property or properties purchased with the remaining funds from the Affordable Housing Reserve will be owned by Council 100%. The funds in the Affordable Housing Reserve are fixed and although the Affordable Rental Housing SEPP (ARHSEPP) is still in force, they cannot be increased due to the 2009 Ministerial Directive which transfers to the State Government any amounts levied from that date. It is therefore important that the reserve be expended for the benefit of the North Sydney community before the reserve is called in by the State Government. The remaining funds in the Affordable Housing Reserve are \$2,145,781.

Colliers fees

- Standard valuation fee: \$6,500 (includes GST) per valuation.
- Bidding: \$500 plus GST per property for a Colliers representative to act on North Sydney Council's behalf.
- Property Due Diligence reports and investigations: In the range of \$8,000 to \$12,000 for a house or an apartment and likely to be at the lower end of this range. Scope of Services include:
 - Building / Pest report.
 - If apartment – a strata report with comments.
 - High level assessment of possible price range for subject property.

The fees for Colliers will be funded from the Affordable Housing Reserve.

Recommending:

- 1. THAT** Council endorses using the remainder of the Affordable Housing Reserve to purchase a property or properties for women escaping domestic violence.
- 2. THAT** any property or properties purchased using the Affordable Housing Reserve will be 100% Council owned.
- 3. THAT** Council's commercial property manager Colliers, under the direction of the General Manager (or Delegate) be authorised to bid on Council's behalf for a property or properties up to a value of \$2.1 million, to be funded from the Affordable Housing Reserve.
- 4. THAT** the properties on which Colliers is engaged to bid meet the requirements for domestic violence accommodation specified by Council's community housing partner, Link Wentworth Housing.

Report of Camelia Tobia, Access & Inclusion Coordinator

This report provides an update on the North Sydney Seniors Festival held from 13th to 24th April 2021 as part of the NSW Seniors Festival.

North Sydney Council coordinated the North Sydney Seniors Festival from 13 - 24 April, the largest annual event celebrated by Council dedicated to older people. Twenty-six events were held over the festival period and attended by approximately 567 residents and visitors. The program included both in person and online events in response to Covid-19. A budget of \$6000 is allocated to the delivery of the North Sydney Seniors Festival.

Recommending:

1. THAT the North Sydney Seniors Festival 2021 report be received.

8.19 Ben Boyd interpretative plaque

Report of Ian Hoskins, Council Historian

This report responds to the resolution of Council on 26 April 2021 requesting the drafting of a plaque interpreting the existing plaques commemorating Ben Boyd in Neutral Bay. Flamboyant colonial businessman Ben Boyd lived in Neutral Bay in the 1840s. Ben Boyd Road was named after him around 1880 and two plaques commemorating the 80th anniversary of his death installed beside the road in 1931. Both admired and criticised in his own life-time, Boyd's legacy is again in question because of his practice of using South Sea Islanders as cheap labour for his agricultural enterprises. This report provides background to Boyd's contested commemoration and provides text for a plaque/sign which will contextualise the existing plaques and thereby present a more fulsome history of the man. The plaque will cost less than \$1000.

Recommending:

1. THAT Council endorses the text suggested for the third interpretive plaque

8.20 Swimming Pool Enclosure

Report of Peter Massey, Manager Environmental Services

This report details the outcomes of preliminary discussions held with representatives of Transport for NSW (Maritime) on potential locations for a tidal swimming pool enclosure in Sydney Harbour. Following discussions with Transport for NSW (Maritime), two potential tidal pool enclosure sites are being considered namely Hayes St Beach Neutral Bay and Berry Island Reserve Balls Head Bay Wollstonecraft.

In order to determine whether those sites pose any human health risks to the community in their proposed use, it is proposed to undertake a human health screening assessment that would be conducted by a suitably qualified consultant. It is further proposed to undertake those studies on

the Hayes St Beach site in the initial instance. The funding of the human health screening level assessment be considered in the draft 2021/22 budget and due to the nature of the project, the funds be sourced from the Environmental Levy.

Recommending:

1.THAT Council employ the services of a suitably qualified consultant to undertake a human health screening level assessment on Hayes Street Beach water and sediments in order to ascertain the appropriateness of the location for a tidal swimming pool enclosure

2.THAT Council staff prepare a further report to Council on the results of the initial human health screening level assessment conducted on Hayes St Beach.

8.21 Monford Place, Cremorne - Proposed Road Closure and Potential Sale

Report of Risha Joseph, Property Officer

The purpose of this report is to seek Council's approval to commence the process of closing the whole of Monford Place, Cremorne with the intention of ultimately selling the site to SCEGGS Redlands School Senior Campus to enable further expansion of the school in accordance with their Master Plan. The report seeks Council's approval to commence the process of closing Monford Place, Cremorne, which is Council's public road, and to consider its potential sale following the request from SCEGGS Redlands School to acquire the subject site. The report provides details of the adjoining properties recently acquired by the school and outlines the due diligence process required for Council to consider this request. All associated costs in relation to this proposal will be borne by SCEGGS Redlands School. It is recommended that the school lodge a bond of \$50,000 to enable Council to commence with the investigation of the road closure and sale process and to avoid incurring any unrecoverable costs. Council would not commence any investigation works until the bond has been paid.

Recommending:

1.THAT Council approves the request to commence the investigation of the road closure and the potential sale process of Monford Place, Cremorne to SCEGGS Redlands.

2.THAT Council notes a further report will be brought to Council outlining the outcomes of the investigation and due diligence steps that are outlined in this report.

3.THAT SCEGGS Redlands School lodge a bond of \$50,000 with Council to commence the process of investigating the potential closure and sale of Monford Place, Cremorne.

8.22 Draft North Sydney Environmental Sustainability Strategy 2030

Report of Niki Carey, Senior Sustainability Programs Co-ordinator
Council endorsement is sought for the Draft Environmental Sustainability Strategy 2030 to be placed on public exhibition. The attached Draft Environmental Sustainability Strategy 2030 contains twenty-two environmental sustainability targets that are based on a comprehensive review of local, state, federal and international strategies, trends and action plans. It establishes solid baselines, communicates how Council is tracking, what Council expect to achieve by 2030 and how Council proposes to get there. To help guide and track its implementation, the strategy also contains an action plan that clearly identifies responsibilities, timeframes and performance measures. The initiatives proposed in the Draft Environmental Sustainability Strategy align with existing work plans and budgets.

Recommending:

1.THAT the Draft North Sydney Environmental Sustainability Strategy be endorsed for public exhibition,

2.THAT the Draft North Sydney Environmental Sustainability Strategy be placed on public exhibition for a minimum of 28 days in accordance with the Engagement Strategy.

3.THAT following exhibition, a report be prepared detailing the outcomes of the exhibition and any recommended amendments.

8.23 Renewable electricity supply contract

Report of Niki Carey, Snr Sustainability Programs Co-ordinator and Albert Lo, Manager Property Assets

Council endorsement is sought to increase the proportion of renewable electricity that Council purchases. Since 2009 until 2019, Council purchased up to 50% renewable electricity through the Australian government managed Greenpower™ program, to help achieve its greenhouse gas (GHG) reduction targets. In 2019 Council took the opportunity to switch to a significantly more cost-effective renewable energy solution through a ten-year Renewable Energy Power Purchase Agreement under the Southern Sydney Regional Organisation of Councils (SSROC) Program for Energy & Environmental Risk Solutions 1 (PEERS 1) program. This resulted in a direct saving to Council of \$95,000 in its first year while also reducing greenhouse gas (GHG) emissions by approximately 1500 tonnes. At the time the contract restricted Council to purchase only 30% of renewable electricity. Additional generation through Council's own on-site solar systems, as well as the renewable component in the standard electricity grid mean that 54% of Council's electricity needs were met by renewable energy sources in 2019/20. North Sydney Council is again participating in an electricity supply contract tender process through SSROC, called PEERS 3. The

contract is an opportunity for Council to increase the percentage of renewable energy in its electricity supply in line with greenhouse gas reduction targets and its climate emergency declaration. Council's GHG reduction targets are to reduce emissions by 50% from 1996 levels by 2020. Based on the most recent verified audit conducted in 2019, it achieved a 32% reduction. In a separate report going to the May 2021 meeting, Council is considering an Environmental Sustainability Strategy which seeks to set the following new targets:

1. 100% of Council's electricity needs are met by renewable energy sources before 2030
2. 100% carbon neutrality for Council operations achieved before 2030

Funding will be provided from the Maintenance Program for Property (Council Buildings), Open Space (Parks & Reserves) and Traffic (Street lighting) and are available from the Recurrent Expenditure budgets. SSROC have a track record of saving money for councils due to the nature of large electricity contracts and the large number of councils participating, but exact pricing will only be available once tenders have closed in around July/August 2021.

Recommending:

1. **THAT** Council endorses North Sydney Council's participation the SSROC tender for Renewable Energy and standard grid electricity for Streetlights, Small Market and Large Market Retail Supply of Electricity for North Sydney Council.
2. **THAT** Council delegates authority to the General Manager to determine Councils participation in the PEERS 3 procurement process following close of tenders to achieve up to 70% renewable electricity or more if cost neutrality can be maintained.
3. **THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
4. **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.

8.24 **New Application for Reference Group Membership**

Report of Josh Jongma, Governance Coordinator

The purpose of this report is to seek approval of Council for an application received for the Sport and Recreation Reference Group citizen membership.

Mr Roderick Miller has applied to join the Sport & Recreation Reference Group as a Citizen Member.

Recommending:

1. THAT the application from Mr Roderick Miller for citizen membership of the Sport & Recreation Reference Group be accepted.

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

9.1 Questions on Notice - Crs Baker, Beregi and Carr

1. Could all Councillors please be immediately provided with all agendas and minutes, including all reports and all confidential matters, from all meetings of the Performance and Remuneration Panel (PRP) that have been held since January 2018, noting that the members of the PRP, being Mayor, the Deputy Mayor Stephen Barbour, Councillor Jessica Keen and Councillor Ian Mutton, already have this information, and all Councillors are under the same obligations regarding confidential information.

Response:

The Performance Remuneration Committee was first established on 30 April 2018 by Resolution of Council for the primary purposes of:

1. Facilitating consultation between the General Manager and Council on the appointment or dismissal and contract arrangements of senior staff in accordance with s337 of the Local Government Act (LGA).
2. Conducting the General Manager's Performance Review in accordance with Council's *Oversight and Liaison with the General Manager Policy* and the Office of Local Government's (OLG) *Guidelines for the Appointment and Oversight of General Managers*.

The first meeting of the Committee was held on 30 July 2018 and minutes from that meeting were presented and adopted by Council at its Ordinary Meeting of 30 July 2018. A rescission motion attempting to rescind the adoption of these minutes was subsequently submitted to an Extraordinary Meeting on 12 August 2018 and failed.

A further meeting of the Performance Remuneration Committee was held on 7 February 2019 and the minutes and recommendation of that meeting submitted to the Ordinary Meeting of Council dated 25 February 2019. At that meeting, the Council resolved to change the name from "Committee" to "Panel" and appoint Mr Mathew McArthur of McArthur Management Services to the Panel and to provide specialist independent advice.

The Panel does not meet the definition of a Council Committee, the Code of Meeting Practice does not apply, and the agenda and minute formats of a Council Committee are not applicable.

The role of the Panel continues as a liaison point between Council and the General Manager in respect to senior staff, and to have responsibility for conducting the performance assessment of the General Manager in accordance with the aforementioned policies/guidelines and the Standard Contract of Employment for General Managers as issued by OLG.

Once the Performance Remuneration Panel completes the annual performance review of the General Manager, the Panel submits its report on the outcome of the review and any recommendations arising therefrom to the full Council for determination. The Panel's report is provided confidentially and considered in closed session in accordance with the guidelines issued by OLG and s10A(2)(a) of the LGA.

The report from the Panel on the performance review of the General Manager for the period ending 30 June 2019 was considered in closed session at the Ordinary Meeting of 23 September 2019.

The report from the Panel on the performance review of the General Manager for the period ending 30 June 2020 was considered by Council in closed session at the Ordinary Meeting of 24 August 2020.

The Performance and Remuneration Panel will undertake the General Manager's next performance review following 30 June 2021 and a report will be presented to Council for its consideration thereafter.

Recommending:

1.THAT the response to the Question on Notice be noted and no further action required.

Confidential Matters

10.1 James Milson Village - Council nominees to the Board 2021/22

Report of Rebecca Aukim, Acting Director Community & Library Services

Earlier this year, Stephen Carbery, one of Council's nominees to the Board of the North Sydney Retirement Trust (NRST) trading as James Milson Village retired from the Board having provided over three years of invaluable knowledge and experience from his background in aged care. Expressions of Interest to be a community representative were sought. Advertisements were placed in the Mosman Daily, North Shore Times as well as on the Australian Institute of Company Directors Website (AICD). On 3 May 2021 the Chair of the NRST Board and the Acting Community & Library Services Director interviewed a shortlist of three strong candidates. The candidate chosen, was selected due to her background as a healthcare clinician, her experience as a Chair, Non-Executive Director, Board and Audit, Risk & Compliance (ARC) Committee Member with a decade of governance experience across health, employment, disability and the government and financial sectors as well as her passion and enthusiasm for the role. Council's current nominee to the Board of the North Sydney Retirement Trust - Ally Murphy has provided her 2019/20 review below in the format recommended by the 2016 Governance Review.

1. Is the North Sydney Retirement Trust registered as an approved provider with the

Commonwealth to provide aged care services, accredited and receiving Commonwealth

Government subsidies? **YES**

2. Do the objects of the organisation still meet the social justice interests of the council as set

out in the Constitution? **YES**

a. Deliver care and wellbeing for the frail and aged, particularly in the local government

areas of North Sydney, Lane Cove, Mosman and Willoughby; **YES**

b. Conduct the aged care facilities within the James Milson Village on the corner of Clark

Road and High Street, North Sydney and/or such other place or places as the Board

determines; **YES**

c. Relieve poverty experienced by persons who are aged; **YES**

d. Relieve aged persons who are in necessitous circumstances; **YES**

e. In each case with commitment, integrity and respect for each individual: **YES**

3. Is the organisation operating and solvent? **YES**

This report notes the feedback and in addition recommends Council forward its nominees to the Trust for 2021/22.

There aren't any costs incurred by Council as Board Members of the North Sydney Retirement Trust provide a service in a pro bono capacity. James Milson Village has 150 residents in care and a turnover of \$15 million per annum. The 2016 Governance review commissioned by Council established that Council's contribution of land (one third of the existing site, leased to the Trust until 2087) granted in exchange for achieving social justice objectives, is valued at \$707K annual market rent, compared with revenue forgone by James Milson Village in providing no or reduced charges to aged North Sydney residents, amounting to \$1,340K in the year under review: 2019/20. This contribution is recognised in Council's annual Grants and Subsidies report.

Recommending:

1. **THAT** Council notes the feedback from Ms Murphy as its representative on the Board for 2019/20
2. **THAT** Council forwards the names of Candidates 1 & 2 as specified in the confidential report as its nominees for the Board of the North Sydney Retirement Trust for 2021/22.

10.2 3rd Quarterly Property Portfolio Report 2020/2021

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 31 March 2021.

This report provides Council with information on the Property Portfolio for the 3rd Quarter of 20/21 – 1 January 2021 to 31 March 2021. 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
- Major Property Projects (Maintenance and Capital works) for the quarter
- Update on Councils Car Parking Stations
- Update on Hume Street Park expansion

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 3rd quarter of 20/21 which was received on a cash basis through Colliers International was \$4,367,618 as at 31 March 2021, which is \$321,285 more than the revised

forecast of \$4,046,333 for the quarter, 108% of the projected budgeted income for the quarter. The Year-to-Date income which is received on an accrual basis is \$4,945,826 as at 31 March 2021.

Recommending:

1. THAT the Quarterly Property Portfolio Report for the 3rd Quarter of 20/21 (January to March 2021), be received.

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

10.3 North Sydney Olympic Pool Redevelopment

Report of John Thomson, Manager Corporate Contracts

The Purpose of this report is to provide a update on the progress of the North Sydney Olympic Pool Redevelopment.

The Contract for the Construction of the pool was signed with Icon SI (Aust) Pty Ltd on 31 December 2020 and re-executed as a deed on 18 January 2021. The Contractor took possession of the site on 9 March 2021. A separate confidential report has been provided to Councillors.

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). The project currently remains on budget. Details are provided in the separate confidential report.

Recommending:

1. THAT the report be noted.

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

10.4 Question with Notice - Crs Baker, Beregi and Carr

A question has been submitted with respect to an individual staff member.

In accordance with s.10A(2)(a) of the Local Government Act 1993 (The Act), the question and response is to be addressed confidentially.

If Councillors wish to discuss this matter, they will need to close the meeting in accordance with the aforementioned section of the Act as it relates to personnel matters concerning particular individuals (other than councillors).