



Council Chambers
24 June 2021

The 3746th MEETING of COUNCIL will be held at the Council Chambers, North Sydney at 7.30pm on Monday, 28 June 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 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 – Election of Deputy Mayor
 - 6.2 MM02 - Update on the development at 173-179 Walker St and 11-17 Hampden Rd, North Sydney
- 7. Reports of Committees**
 - 7.1 Legal and Planning Committee Meeting - 7 June 2021
 - 7.2 Traffic Committee Minutes - 11 June 2021
- 8. Reports to Council**
 - 8.1 Matters Outstanding - June 2021
 - 8.2 2021/22 Operational Plan & Budget - Post Exhibition

- 8.3 2021/22 Rating Structure
- 8.4 2021/22 Fees & Charges Schedule - Post Exhibition
- 8.5 2021/22 Community Grants & Subsidies - Post Exhibition
- 8.6 Investments and Loan Borrowings Held as at 31 May 2021
- 8.7 Amended 2021 Meeting Schedule
- 8.8 Draft North Sydney DCP 2013 amendment: North Sydney CBD - Commercial tower setbacks and separation
- 8.9 NSW Planning Reforms
- 8.10 Development Applications Received 1 January 2021 - 31 March 2021
- 8.11 Amendment to North Sydney Local Infrastructure Contributions Plan 2020
- 8.12 Variations to Development Standards - 2020/2021 Q3 Reporting Period
- 8.13 North Sydney Local Planning Panel: Reformation
- 8.14 Precinct System Review - Recommendations
- 8.15 Sydney Harbour Bridge Cycling Infrastructure
- 8.16 Kirribilli to Cremorne, Walking Cycling and Streetscape Upgrades
- 8.17 Young Street - Permanent Road Closure
- 8.18 Managing Council's Prime Main - Harbour Foreshore Parks
- 8.19 Proposed Land Swap between Neutral Bay Club and Council - Part Ilbery Park - Public Exhibition Outcome Report
- 8.20 CitySwitch Green Office Program MoU
- 8.21 Aboriginal and Torres Strait Islander Protocol Guidelines
- 8.22 Neutral Bay Community Centre Revitalisation Report
- 8.23 North Sydney Community Centre Joint Strategic Plan 2021-2025
- 8.24 Nan Manefield Young Writers Award 2021

9. Notices of Motion/Questions with Notice

- 9.1 Notice of Rescission No. 4/21 by Councillors Baker, Beregi and Carr - Item 7.3 Traffic Committee Minutes - 30 April 2021
- 9.2 Notice of Rescission No. 5/21 by Councillors Baker, Beregi and Carr - Item 3.1 Remote Attendance by Councillors at Council Meetings
- 9.3 Notice of Motion No. 10/21 by Crs Baker, Beregi and Carr - Kirribilli to Cremorne Walking, Cycling and Streetscape Upgrades
- 9.4 Notice of Motion No. 11/21 by Crs Baker, Beregi and Carr - Participation at Precinct Meetings
- 9.5 Questions With Notice - Crs Baker, Beregi and Carr

10. Confidential Matters

- 10.1 Current Appeals and Results - June 21
- 10.2 Tender 11/2021 - Advertising on Selected Council Infrastructure (small format) - Reject & Negotiate

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

SUBJECT: 3746th MEETING OF COUNCIL TO BE HELD ON MONDAY, 28th June 2021

THAT THE MINUTES of the previous 3744th Council Meeting held on Monday, 24th May 2021 and the 3745th Extraordinary Council Meeting held on Monday 7 June 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

There have been no requests for remote attendance to be considered by Council for this meeting.

3.2 Apologies or Applications for Leave of Absence

MINUTES OF THE MAYOR

6.1 **MM01: Election of Deputy Mayor**

As Councillors will be aware, the North Sydney local government election this year will be the first since the early 1980s at which the Mayor will not be popularly elected. The newly elected Council will be required to elect a Mayor at its first meeting in September for a two year term.

Section 231 of the Local Government Act 1993 states that:

(1) The Councillors may elect a person from among their number to be the Deputy Mayor.

(2) The person may be elected for the mayoral term or a shorter term.

Council's *Deputy Mayor Policy* provides that the election of the Deputy Mayor (for the period 1 October to 30 September) will take place at the Council meeting held in September annually. Traditionally the Deputy Mayor has been elected for yearly terms.

This year I propose that the election of the Deputy Mayor be deferred until the October Council meeting. That way, Councillors will not have to complete a ballot paper for both positions at the same time and can consider who would be a good choice as Deputy Mayor to complement the Mayor when that position has been filled.

I do not believe that this proposal requires an amendment to the *Deputy Mayor Policy* as it is a practical measure designed to provide the new Council with clarity as to who to support in the positions of Mayor and Deputy Mayor. Any change of procedure can be considered in the future when the policy is next reviewed.

I therefore recommend:

1. THAT the election of the Deputy Mayor for the 2021/22 term be deferred until the October Council meeting.

6.2 **MM02: Update on the development at 173-179 Walker St and 11-17 Hampden Rd, North Sydney**

Councillors will recall that in April, they considered a Mayoral Minute documenting our community's dismay that the Sydney North Planning Panel (SNPP) had approved a planning proposal for 173-179 Walker Street and 11-17 Hampden Road. The approved planning proposal allowed 29 storeys on a portion of the site that was limited to 20 in Council's Civic Precinct Planning Study.

Council resolved that we write to the Minister for Planning and Public Spaces Rob Stokes, the Premier Gladys Berejiklian and the Member for North Shore Felicity Wilson expressing our extreme disappointment with the decision and dissatisfaction with the performance of the planning panel.

On Tuesday 15 May, the General Manager, Director City Strategy and I met with Minister Stokes, Ms Wilson and Ministerial advisors. I would like to thank the Minister for agreeing to take the meeting on short notice.

The Minister acknowledged that the decision made by the Planning Panel was not in accordance with the Strategic Planning Land Use framework established by Council for this area, but noted that the panels generally do support council's planning policies.

The Minister said in finalising the planning proposal for this site the Department would look to restrict the maximum building height by applying varying heights and restricting the maximum height to the northwest corner. The heights would step down towards Doris Fitton Park to protect solar access.

The Minister also advised that the Planning Proposal would seek to prevent the use of clause 4.6 on the maximum building height to prevent further development creep. This measure would not prevent architectural roof features that do not contain gross floor area being considered on merit.

The General Manager took the opportunity to raise concerns with the Minister about proposed NSW Government changes to developer contributions and outlined the negative financial impact the change would have on councils with infill development such as North Sydney. It was pleasing to be able to raise Council's concerns directly with the Minister.

I therefore recommend:

1. THAT the information be received.

**COUNCILLOR JILLY GIBSON
MAYOR**

Reports of Committees

7.1 Legal and Planning Committee Meeting - 7 June 2021

Report of Ian Curry, Manager Governance and Committee Services

To report on the cancellation of this meeting and the referral of the reports to Council.

A meeting of the Legal and Planning Committee was scheduled to be held on 7 June 2021. As it was not possible to ensure a quorum would be achieved, a decision was taken to cancel the meeting.

All reports included on the agenda for the June 2021 Committee meeting have been submitted to Council for determination as part of the 28 June agenda.

Recommending:

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

7.2 Traffic Committee Minutes - 11 June 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 11 June 2021 for Council adoption. The minutes are attached for information. There are no financial implications associated with the report.

Recommending:

1. **THAT** the Traffic Committee acknowledge a recent incident at the intersection of Miller and Amherst Streets which involved the safety of a child crossing the road on the 24 May 2021. Council thank our resident Ms Freeman for bringing this to our attention at the meeting and that this be actioned as a matter of urgency. (7.1)
2. **THAT** Council acknowledge the incident and the long history of dangerous driving and incidents at this intersection. (7.1)
3. **THAT** Council start immediate lobbying to TfNSW to extend the red-light pedestrian protection arrow and add a green right turn arrow phase at the intersection.
4. **THAT** TfNSW looks at the intersection of Palmer and Miller Streets in conjunction with this matter. (7.1)
5. **THAT** Council actively lobby Transport for NSW for a red-light camera to be installed in this location. (7.1)
6. **THAT** the matter be brought back to the next Traffic Committee meeting to be held on Friday, 23 July 2021. (7.1)
7. **THAT** the recommendations made for minor traffic investigations be received. (4.2.2)

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- 8. THAT** Council acknowledge the site meeting that occurred in Thrupp Street on the 3 May 2021, the attendance of residents and the concerns raised at the traffic meeting on the 11 June 2021. (4.2.2)
 - 9. THAT** a report be brought back to the Traffic Committee as soon as possible on the issues and possible solutions for Thrupp Street, whether Council should introduce restricted parking and that parking be allocated for residents only. (4.2.2)
 - 10. THAT** Ms Bournazos be thanked for attending the meeting and raising these issues. (4.2.2)
 - 11. THAT** this matter be deferred until a report be brought back to the Traffic Committee as soon as possible on the viability of a pedestrian refuge on the North Sydney Council/western side of Holt Avenue at the intersection of Spofforth Street with costings and the suitability of the refuge. (4.4)
 - 12. THAT** Council request our State Member, Felicity Wilson liaise with the Chairperson of the Mosman Traffic Committee and resolve this long term for the benefit of the community. (4.4)
 - 13. THAT** that Council acknowledge Ms Clarke for attending the meeting with this issue. (4.4)
 - 14. THAT** the information regarding Delegated Authority items be received. (4.1)
 - 15. THAT** the recommendations made for minor traffic investigations be received. (4.2.1)
 - 16. THAT** the information concerning pedestrian safety at the intersection of Shirley Road and Newlands Street be received. (4.2.1)
 - 17. THAT** Council upgrade as a matter of priority the pedestrian refuge on the corner of Ben Boyd Road and Phillips Street. (4.3)
 - 18. THAT** Council's Manager Traffic and Transport Operations action the intent of this Committee with wanting to progress a raised traffic calming device opposite Vintage Cellars, with the most efficient and effective way to resolve to erect a raised crossing, where the current pedestrian refuge is, making it a traffic calming device with no loss of parking. (4.3)
 - 19. THAT** Council, as part of the 2021/22 LATM Program, installs a concrete median and landscaped kerb extension in Union Street at the bend near Euroka Street, upgrade the road line marking and retain the existing garden bed at Bank Street as shown in the attached plan (Option 3). (4.5)
 - 20. THAT** there be as much landscaping and softening as possible with minimal amounts of concrete. (4.5)
 - 21. THAT** the proposed raised pedestrian crossing on Berry Street at Pacific Highway be deferred until further work is done on the design to ensure it complies. (4.6)
 - 22. THAT** the information concerning the Abandoned Vehicles and Unattended Boat Trailers Processed Report be received. (5.1)
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23. THAT the information concerning Standing Item – Pedestrian Safety be received. (5.2)

24. THAT the updates concerning Standing Item - Blues Point Road – Vehicle Noise & Traffic Issues be received. (5.3)

25. THAT a letter be sent to Felicity O’Brien giving her an update on Blues Point Road and thank her for her ongoing involvement and advocating on behalf of residents on Blues Point Road. (5.3)

26. THAT the information concerning the Western Harbour Tunnel and Warringah Freeway Upgrade project be received. (5.4)

27. THAT there be a review of placement of the flashing lights currently on Bydown Street based on the traffic flow and that dragon teeth be placed on Yeo Street. (7.5)

Reports to Council

8.1 Matters Outstanding - June 2021

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 up to the 7 June 2021 Extraordinary Meeting of Council.

Recommending:

1. THAT the report be received.

8.2 2021/22 Operational Plan & Budget - Post Exhibition

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

The purpose of this report is to recommend adoption of the *Operational Plan & Budget 2021/22* (Attachment 1) following its mandatory public exhibition. Council is required to adopt its Operational Plan & Budget for the next financial year by 30 June annually. The draft *Operational Plan & Budget 2021/22* was endorsed for exhibition by Council at its meeting of 24 May 2021. The public exhibition period ran from 26 May to 22 June 2021, concurrent with the exhibition of the draft *Fees & Charges Schedule 2021/22* and the amended *Long Term Financial Plan (LTFP)*. Three submissions were received regarding the draft *Operational Plan & Budget 2021/22*, no submissions were received regarding the amended LTFP.

It has been necessary to make some amendments to the draft budget and these have arisen predominantly due to additional grant revenue. These amendments have resulted in a \$217,952 deterioration in the forecast operating surplus before capital grants and contributions from \$5.27 million to \$5.05 million. Significant additional revenue from capital grants has resulted in the forecast operating surplus after capital grants and contributions improving by \$1,850,998 from \$28.88 million to \$30.73 million.

Printing of hard copies of the plan and associated promotion can be met from existing budgets.

The proposed amendments to the budget have arisen mainly due to additional grant revenue.

Recommending:

1. THAT Council adopt the Operational Plan & Budget 2021/22, attached to this report.

8.3 2021/22 Rating Structure

Report of Garry Ross, Manager Financial Services

The main financial resource of Council is rates revenue, which needs to be assessed each financial year in accordance with the Local Government Act 1993. In making the rates for the 2021/22 financial year, Council has given public notice of its draft Operational Plan for the year including the Revenue Policy which incorporates the proposed rating structure.

The 2021/22 Rating Structure has been calculated based on the IPART determination and applies to a special variation increase in the general income of 7.0% and includes a 7.0% increase in the minimum rates for both residential and business rateable properties.

The 2021/22 rate peg for NSW Councils has been set at 2.0%. This increase is included in the SRV determination and is not in addition to the 7.0% variation. The minimum ordinary rate for 2021/22 has been set at \$644.

The final Ad Valorum rates have been established based on the assessment count of rateable properties as at the completion of the exhibition period. There has been minor adjustment slightly increasing the rate in the dollar of properties in the same category to the values as previously reported.

Council rates are the primary source of operating income, and the rating structure is consistent with the IPART approval for a Special Rate Variation (SRV) and Council’s Revenue Policy.

Recommending:

1. THAT Council make the following rates for the financial year 1 July 2021 to 30 June 2022:

Category	Ad Valorum	Minimum/Base Amount
Residential Rate	0.089344 cents in the dollar	\$644.00 minimum
Business Rate	0.475497 cents in the dollar	\$644.00 minimum
Infrastructure Levy	0.004133 cents in the dollar	\$27.48 base amount
Environmental Levy	0.004641 cents in the dollar	\$30.82 base amount
Crows Nest Mainstreet Levy	0.021752 cents in the dollar	\$112.88 base amount
Neutral Bay Mainstreet Levy	0.032148 cents in the dollar	\$133.04 base amount

8.4 2021/22 Fees & Charges Schedule - Post Exhibition

Report of Garry Ross, Manager Financial Services

The purpose of this report is to adopt the *2021/22 Fees & Charges Schedule* (Attachment 1) following its 28-day public exhibition.

The draft *2021/22 Fees & Charges Schedule* was endorsed for exhibition by Council at its meeting of 24 May 2021. The public exhibition period ran from 26 May to 22 June 2021, concurrent with the exhibition of the draft *2021/22 Operational Plan & Budget*.

Where permissible, the majority of Council's existing fees and charges have been increased by an estimated CPI amount of 1.5% over the 2020/21 adopted schedule and comparable market rates. All existing fees and charges have been assessed according to the nature of the services being provided.

One existing fee will be discontinued, concerning Resident Parking Permanent Permit - Interstate vehicle (6, 9 and 12 months) because only a 3-month permit is available for vehicles registered interstate in accordance with the *Road Act 1993*.

The Schedule includes the following new fees, as detailed within the report:

- Work Zone Permit - Security Deposit
- Reinstatements Minimum Charges, Night Works & Traffic Control
- Reinstatements Other Works - Stormwater connections
- Road Closures - Admin & Application fees
- Section 88G Certificates - Cancellation fee
- Easements - Application fee
- Mobile Park Hire - Parklet hire fee
- Waverton Coal Loader - Staffing fee
- Nth Syd Oval Functions - use of Outdoor Multimedia Screen

One submission was received during the exhibition period, as summarised in Attachment 2.

The financial impacts from the *2021/22 Fees & Charges Schedule* are incorporated into the financial estimates within the *2021/22 Operational Plan & Budget*.

Recommending:

1. **THAT** the 2021/22 Fees and Charges Schedule be adopted.

8.5 2021/22 Community Grants & Subsidies - Post Exhibition

Report of Rebecca Aukim, A/Director Community & Library Services

The purpose of this report is to adopt the 2021/22 Community Grants & Subsidies recipients following public exhibition.

Earlier this year Council invited community organisations to apply for a donation from the Council to assist in the provision of services for the North Sydney community. Applications closed early March 2021.

All applications received were assessed in accordance with the following criteria outlined in Council's Community Grants and Subsidies Policy:

- the type of need being met;
 - the uniqueness of the project;
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- its level of innovation and the degree to which it meets the objectives of Council’s social planning programs;
- the financial status of the organisation or service provider;
- the quality of its management and organisational structure;
- its funding levels and sources; and
- its ability to account for funding sources, fund applications and outcomes.

The purpose of the exhibition period was to advise the proposed recipients for 2021/22 and invite submissions. The 28-day public exhibition ran from 26 May to 22 June 2021, concurrent with the exhibition of the draft 2021/22 Operational Plan & Budget and the draft 2021/22 Fees & Charges Schedule. No submissions were received.

A minor error was detected during the exhibition period. The maintenance figure for the Primrose Park Art & Craft Centre should be \$21,000 not \$38,000 (i.e. \$17,000 less) as exhibited. No other changes have been made compared to the exhibited report.

The assessment of applications for the New & Innovative small grants and Health & Wellbeing grants was completed after the report went on public exhibition. The successful and unsuccessful applications are listed in this post-exhibition report. As previously reported to Council, cash grants to community services total \$856,774. These amounts have already been incorporated into the draft estimates for 2021/22. The main elements are:

- Council’s Community Centres - \$560,506
- Community Services not in Council Buildings - \$229,500
- Childcare - \$27,768
- New and innovative projects - \$25,000
- Food Grants - \$11,000
- Sport and Wellbeing - \$3,000

Recommending:

1. **THAT** 2021/22 Community Grants & Subsidies recipients be adopted.

8.6 **Investments and Loan Borrowings Held as at 31 May 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 May 2021.

Investment Portfolio:

The Investment portfolio (excluding cash balances) held as at 31 May 2021 had a market value of \$86.0 million, with an annualised return of 1.60% for the year to date, 1.54% above the reportable BBSW Bank Bill Index of 0.06%. Cash deposits at call total \$16.0 million which enables liquidity for day-to-day operational availability and the increased end of financial year liabilities for completed Capital projects

The actual returns for cash and investments for the year to date as at 31 May 2021 were \$1,223,317 which was \$32,205 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 May 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 31 May 2021 be received.

8.7 Amended 2021 Meeting Schedule

Report of Ian Curry, Manager Governance & Committee Services

To propose amendments to the 2021 Council meeting schedule. On 26 October 2020, Council adopted the 2021 meeting schedule. With the Local Government elections being held on 4 September 2021, it is considered appropriate to move the date of the August Council meeting, due to its proximity to the elections. This report proposes that the August Council meeting be held on Monday 9th instead of Monday 23rd in order to meet Council's obligations under the Local Government Act (the Act) to meet at least 10 times in a calendar year, in different months.

Recommending:

1. THAT the amended 2021 Meeting Schedule be adopted.

8.8 Draft North Sydney DCP 2013 amendment: North Sydney CBD - Commercial tower setbacks and separation

Report of Caitlin Summers, Strategic Planner-Urban Design

To seek Council's endorsement of a draft amendment to controls for commercial towers in the North Sydney Development Control Plan 2013

(NSDCP 2013) and place that draft amendment on public exhibition. North Sydney CBD is undergoing a period of increased development interest following the adoption of the *North Sydney Centre Capacity and Land Use Strategy* in 2017, which recommended, in part, increasing the maximum building height controls under the North Sydney Local Environmental Plan 2013 (NSLEP 2013) to enable further commercial office growth in the CBD. Height controls under NSLEP 2013 were subsequently amended on 26 October 2018 upon the publication of *Amendment No.23* to NSLEP 2013 on the NSW legislation website.

The *Capacity and Land Use Strategy* also recommended a review of the existing built form controls for commercial development to manage potential issues that may arise from increased height within the Centre.

The review has now been completed. The background report *North Sydney CBD: Commercial tower setbacks and separation* (Attachment 1) identifies several issues, including:

- No guidance on commercial tower separation
- Potential for extensive façade lengths
- Reduced setbacks to street frontages
- A push for large floor plates on small sites
- No guidance for “internal” tower separation on large, amalgamated sites
- Blank party walls

It is recommended that the built form controls for commercial towers within North Sydney Development Control Plan 2013 (NSDCP 2013) be amended to incorporate:

- 6m minimum above podium whole of tower side setbacks for sites over 1,000m²
- 6m minimum above podium whole of tower rear setbacks on sites with no laneway frontage
- A provision that any weighted setback above podium to street frontages must be setback a minimum of 3m
- A maximum tower façade length above podium of 55m
- A minimum separation of 12m above podium for commercial towers on the same site
- A provision to ensure party walls are visually interesting.

The draft amendments to NSDCP 2013 are at Attachment 2 to this report. These proposed controls will provide better guidance for future commercial tower development in North Sydney, improve the amenity of the CBD for both pedestrians and building occupants, and strengthen North Sydney as a competitive economic centre in Metropolitan Sydney. Expenditure with respect to the public exhibition of the DCP amendment and its implementation will be funded through existing recurrent budgeting lines.

Recommending:

1. **THAT** Council notes the findings and recommendations of *North Sydney CBD: Commercial tower setbacks and separation* (Attachment 1).
2. **THAT** Council resolves to adopt the draft amendments to NSDCP 2013, as provided in Attachment 2.
3. **THAT** the draft amendments to NSDCP 2013 be placed on public exhibition for a period of 28 days.

8.9 NSW Planning Reforms

Report of Ben Boyd, Executive Strategic Planner

To provide an understanding of the breadth of planning reforms that have recently been introduced, currently being undertaken and are to be implemented by the State Government.

The NSW planning system has been in a perpetual state of reform for more than a decade, but in the past year, a strong focus has been on responding to and recovering from the COVID-19 pandemic and accelerating reforms that attract investment, create jobs and keep the economy moving.

The rollout of the COVID-based reforms on top of larger reforms in the last 2 years, has been relentless with many being implemented with minimal warning and consultation. Councils across the board are struggling to analyse and constructively respond to the reform agenda let alone inform Councillors and the community in an accurate and timely manner.

This report provides an overview of the extent of reforms that have recently occurred and the changes that are likely to be proposed over the next several years.

There may be potential financial implications from the roll out of future planning reforms. However, the extent of these implications is difficult to determine due to a lack of detail.

Recommending:

1. **THAT** the NSW Planning Reforms report be received.

8.10 Development Applications Received 1 January 2021 - 31 March 2021

Report of Stephen Beattie, Manager Development Services

This report provides a list of Development Applications received by Council between 1 January and 31 March 2021. Its purpose is to provide Councillors and other interested persons with an understanding of the application types received and processed by the Development Services Department.

During this period 124 applications of all types were received, of those, 84 applications have already been determined as of 17 February 2021. A

total of 115 applications were determined in Q3 2020/21 with a mean processing time of 52.5 days.

Recommending:

1. THAT the Development Applications Received 1 January 2021 - 31 March 2021 report be received.

8.11 Amendment to North Sydney Local Infrastructure Contributions Plan 2020

Report of Neal McCarry, Team Leader - Policy

To seek Council's endorsement to publicly exhibit a minor clarifying amendment to the North Sydney Local Infrastructure Contributions Plan 2020. Council at its meeting on Monday 30 November 2020, resolved to adopt the North Sydney Local Infrastructure Contributions Plan 2020, following public consultation. The Plan subsequently came into effect on 1 March 2021.

This plan's primary purpose is to require contributions from developments toward the provision, extension or augmentation of local infrastructure. The Plan authorises North Sydney Council, a planning panel or an accredited certifier to impose conditions on development consents or complying development certificates (CDCs) requiring section 7.11 (s 7.11) contributions or section 7.12 (s 7.12) fixed rate levies from development to which the plan applies.

Specifically, the Plan allows for the levying of contributions under either section of the Act depending on the type of development proposed.

After the Plan's commencement, it has become apparent that there exists a potential inconsistency between the original intent of the Plan, which was to levy residential 'alterations and additions' under s7.12 as a flat rate levy, and the wording within the Plan, which may be interpreted as requiring this type of development be levied under s7.11 based on the net increase of residents.

It is proposed that this section be amended to make clear that 'type a' development is to include residential accommodation development that would result in a net increase in 'dwellings' on the land rather than 'residents'.

It is recommended that Council support the proposed amendment to clarify the Plan and that it be progressed to public exhibition to seek the response of the community and other stakeholders.

The North Sydney Local Infrastructure Contributions Plan identifies \$401 million worth of community infrastructure to be delivered to support residential and employment growth, over the 16-year life of the plan. It is estimated that the Plan will fund approximately \$195.3 million of the cost of these total works. The minor amendment the subject of this report, will ensure that projected revenue through contributions is met to fund the delivery of infrastructure.

Recommending:

1. **THAT** Council endorse the proposed amendment to the North Sydney Local Infrastructure Contributions Plan 2020 (Attachment 1) for the purposes of public exhibition in accordance with s26, 28 & 30 of the *Environmental Planning and Assessment Regulation 2000*.
2. **THAT** the amendments be placed on public exhibition for a period of twenty-eight (28) days.
3. **THAT** following exhibition, a report be prepared detailing the outcomes of the exhibition and any recommended amendments.
4. **THAT** if no submissions are received, the draft Plan amendment be finalised and adopted.

8.12 Variations to Development Standards - 2020/2021 Q3 Reporting Period

Report of Gavin McConnell, A/Manager Development Services

Planning Circular PS 18-003 sets out certain procedural and reporting requirements for the processing of C14.6 and SEPP1 variations to development standards. This report addresses those requirements for Q3 2020/2021.

Any variation to a development standard of greater than 10% in assessing a development application must be reported to the North Sydney Local Planning Panel for determination. Variations under 10% can be decided by Assessment Staff under delegated authority.

The Planning Circular provides that to achieve transparency and integrity in the planning framework, the following monitoring and reporting measures must be followed:

1. Proposed variations to development standards cannot be considered without a written application objecting to the development standard and dealing with the matters required to be addressed by the relevant instrument.
 2. A publicly available online register of all variations to development standards approved by the consent authority or its delegates is to be established and maintained. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.
 3. A report of all variations approved (including under delegation) must be submitted to developmentstandards@planning.nsw.gov.au within four weeks of the end of each quarter (i.e. March, June, September and December) in the form provided by the Department.
 4. A report of all variations approved under delegation from a council must be provided to a meeting of the council at least once each quarter.
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Attached is the tabulated Development Standard variations approved for Quarter 3 (Q3) of the financial year 2020/21. Of 115 applications determined in the quarter, 4 variations in total are reported, 4 by the North Sydney Local Planning Panel and 0 under delegated authority.

Recommending:

1. THAT the Variations to Development Standards – 2020/21 Q3 Reporting Period report be received.

8.13 North Sydney Local Planning Panel: Reformation

Report of Stephen Beattie, Manager Development Services

For Council to endorse the appointment of the North Sydney Local Planning Panel chair, alternate chairs and expert members to serve until 29 February 2024. The North Sydney Local Planning Panel (NSLPP) has been operating since March 2018. The Panel comprises of:

1. A panel chair and two alternative chairs which were approved for appointment by the Minister for Planning.
2. A rotating pool of expert members which were selected from a Minister approved list of individuals who are considered to have appropriate qualifications and expertise to suit North Sydney, and
3. A rotating pool of four community members who were selected by Council.

Council was advised that the endorsement of the Minister approved members of the planning panel lapsed at the end of February 2021. These endorsements were extended by the Minister and will now lapse on 30 June 2021 as the necessary recruitment process had not be undertaken by the Department of Planning, Industry and Environment. The recruitment and review of the pool of experts by the Department of Planning Industry and Environment is now complete. The tenure of the community representatives has already been extended by the current Council until March 2022 to enable the recruitment and appointment of community representatives under the auspices of the new Council. Council is now required to endorse the appointment of the Minister approved chairs and nominated experts to enable the reformation of the North Sydney Local Planning Panel. The cost to operate the North Sydney Local Planning Panel is fully funded within the existing budget and there will be no additional cost to extend the existing representative appointments.

Recommending:

1. THAT Council endorses the appointment of the Minister approved chairs and experts nominated within this report for the reformation of the North Sydney Planning Panel and to serve on the Panel until 29 February 2024.

2. **THAT** delegated authority be granted to the General Manager, pursuant to Section 377 of the *Local Government Act 1993* to fill casual vacancies on the North Sydney Local Planning Panel from the list of Minister approved experts on a needs be basis.

3. **THAT** Council thank the outgoing Panel for its diligent work in implementing the planning controls of North Sydney.

8.14 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 presents the Stage 1 and 2 consultation outcomes, and 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 senior management.

Attachment 1 details the management response to the consultant's recommendations, outlining the proposed actions moving forward. The format of this report is consistent with how the recommendation from the 2006 Review were presented to Council.

It is noted that this report was deferred by the Council at its 24 May 2021 meeting, at which time submissions from the Combined Precinct Committee and Registry Precinct Committee were received. The request by Registry Precinct Committee has been included in this revised report, reflected the in revised Option 1A map (Attachment 2).

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 the Stage 2 consultation outcomes summary and 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 1 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 active Precinct Committees. Section 2.4 of this report focuses on these two recommendations as majority support was received for all other recommendations via the Stage 2B workshops from the Precinct Committee representatives.

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 July to August 2021, 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 i.e. voluntary mergers; 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 the New Year and coincide with the new 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 Action/Implementation Plan inclusive of the Communications Plan be updated, as outlined in Attachment 1, by September 2021 and the Precinct System Guidelines be updated by October 2021 and circulated to all Precinct Committees for feedback prior to finalisation. Associated templates will be finalised by November 2021. The following table summarises the recommended implementation schedule:

Task	Timing
Public Exhibition of Revised Boundary Option Maps (min. 60 days)	Jul/Aug 2021
Action Plan/Communications Plan prepared in consultation with Precinct Committees	Sep 2021
Guidelines updated	Oct 2021
Post Exhibition Report (to new term of Council)	Oct/Nov 2021
Promotional/awareness campaign	Nov 2021 - Feb 2022
AGMs held	Feb/Mar 2022

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.

The recently exhibited draft Operational Plan & Budget 2021/22 included \$40,000 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.

It is proposed that the approx. \$6,000 remaining balance of the \$40,000 allocated in 2020/21 to the Review be carried over to 2021/22 to fund the direct notification mailout promoting the public exhibition of the revised Precinct area boundary options.

Recommending:

- 1. THAT** the management responses to the consultant’s recommendations be adopted, and the actions requiring budgetary

consideration (over and above the 2021/22 budget) be referred to the next Delivery Program.

2. 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.

3. THAT the Precinct System Review - Stage 2 Consultation Outcomes Report be received and noted.

4. THAT the Precinct System Guidelines and Communications Plan be updated, as outlined in this report

8.15 Sydney Harbour Bridge Cycling Infrastructure

Report of Nigel Turner, Senior Strategic Transport Planner

This report analyses the two options for a *Bradfield Park Bike Ramp* currently being exhibited by Transport for New South Wales for community comment. It finds compelling reasons to reject these options in favour of the development of an *Eastern Harbour City: Sydney Harbour Bridge Access* project that addresses current cycling infrastructure design guidance and accommodates future cycling growth without impacting open space and heritage outcomes in North Sydney.

Since 1932, the Sydney Harbour Bridge (SHB) has been the most important piece of transport infrastructure in Sydney. As well as performing a critical role in Sydney's arterial road network, it also accommodates an important walking link and is the main public transport link between the North Shore and the Sydney CBD. In addition, it is also the single most important link in TfNSW's Principal Bicycle Network.

Since 1962, cycling on SHB has been accommodated on what was originally designed as the SHB's western footpath. This footpath was never designed to be a "cycleway" and is compromised both by its width and by the 55 steps at its northern end. These steps were identified as a key barrier to the uptake of cycling on the north shore in North Sydney Council's *Integrated Cycling Strategy*.

TfNSW has identified two options for a *Bradfield Park Bike Ramp* to provide step-free access to the SHB. These are currently being exhibited for comment until 27 June, 2021.

While Council is fully supportive of the overarching objective of providing step-free access for cyclists across SHB, the issues listed below as raised by Council in 2017, have not been addressed during further development of TfNSW's *Sydney Harbour Bridge Cycleway Access Program (Bradfield Park Bike Ramps)*.

1. Open Space

Large parts of Bradfield Park are compromised by the introduction of either of the proposed ramp options in an LGA that has very low levels of per capita provision of public open space.

2. Heritage Impacts

Proposed ramps obscure views of heritage listed bridge abutments, Milsons Point Station's western entrance and/or views between Bradfield Park and Sydney Harbour.

3. Transport Network Integration

The 2.4m width of the SHB "cycleway" does not address current cycling design guidelines. A 4-5m width is required to adequately address bi-directional flows, provide additional width for overtaking cyclists, and provide adequate (0.5m) separations from adjoining high fences. In addition, limited consideration has been given to how proposed facilities will address missing links and connect to the surrounding bike network, particularly in and around the North Sydney CBD.

As part of Council's negotiations with TfNSW's *North Sydney Integrated Transport Program* and *Western Harbour Tunnel* project teams, key missing links in North Sydney's cycling network have been identified for inclusion and delivery as part of these State Significant Infrastructure projects. Combined with Council's current Route 2 and Ridge Street cycling facilities, these new cycle links provide a framework for the *Western Harbour Tunnel: Active Transport Network Review* required by the Department of Planning as part of the *Western Harbour Tunnel* planning approval (conditions E195 and E196).

Given the opportunity to meaningfully integrate the Sydney Harbour Bridge Cycling Access project with the Western Harbour Tunnel project and to capitalise on the traffic reducing benefits of the *Western Harbour Tunnel*, it is unclear why the pre-conceived *Bradfield Park Bike Ramp* proposals are still being treated as stand-alone projects instead of as a key deliverable of a more holistic *Eastern Harbour City: Sydney Harbour Bridge Access* project.

Cycling provides significant cost savings for individuals, both in terms of up-front transport savings and longer-term health savings. It increases local spending and stimulates business activity. Because bikes are lighter and, therefore, cause less damage to infrastructure, more cycling also results in reduced infrastructure maintenance costs.

Recommending:

1.THAT Council make a submission to Transport for New South Wales that the currently exhibited *Sydney Harbour Bridge Cycling Access* options be rejected for the reasons contained within this report and previously outlined by Council at its meeting on 24 May 2021.

2.THAT Council engages with TfNSW to recommend inception of an *Eastern Harbour City: Sydney Harbour Bridge Access* project.

3.THAT Council requests TfNSW to establish a project control group (PCG) to provide oversight of the *Eastern Harbour City: Sydney Harbour Bridge Access* and that this PCG include representatives of both North Sydney and City of Sydney Councils.

4.THAT an early output of the *Eastern Harbour City: Sydney Harbour Bridge Access* project be the delivery of a *Sydney Harbour Bridge Cycling Infrastructure Design Competition*.

5.THAT the proposed design competition uses the design objectives detailed in section 3.3. as the basis for the design competition brief.

6.THAT the top 3 submissions to the *Sydney Harbour Bridge Cycling Infrastructure Design Competition* be developed as options for consideration as part of the development of the *Western Harbour Tunnel Active Transport Network Review* required under condition E195 of the *Western Harbour Tunnel* planning approval.

8.16 Kirribilli to Cremorne, Walking Cycling and Streetscape Upgrades

Report of Lindsay Menday, Sustainable Transport Project Co-ordinator

This report provides detail of outcomes of consultation on the proposed Kirribilli to Cremorne Walking, Cycling, and Streetscape Upgrades project. The Kirribilli to Cremorne Walking, Cycling, and Streetscape Upgrade project aims to improve the walking network, cycling network, and public domain along the project corridor. The project comprises five separate sections designed to function as standalone but complementary projects. The project incorporates pedestrian network improvements identified in Council's *LATM Action Plans* and which respond to walking access and safety issues identified by the community. The Kirribilli to Cremorne Walking, Cycling and Streetscape Upgrade Project (herein referred to as Route 3) is an integral part of the *North Sydney Integrated Cycling Strategy*, adopted in 2014 and referred to as Route 3 in the Strategy, one of the five (5) 'Priority Routes' adopted by Council. The five (5) 'Priority Routes' in the Strategy aim to deliver an integrated cycling network that provides connections throughout the North Sydney LGA that enable people of all ages and cycling abilities to choose cycling as a transport option. Over 7km of high-quality cycling connections have been delivered under the Strategy, and since 2015 Council has received over \$5.3 million from the State Government to implement cycling infrastructure and complementary pedestrian network improvements. In August 2020, Council received three (3) grant offers from TfNSW for the construction of Active Transport projects in the 2020/21 financial year. The grant offers were for three active transport projects that form parts of Council's adopted Strategy and the five (5) priority routes. Route 3 was one of the projects identified to be funded. The total grant funding offered from TfNSW was for \$3,457,450 for all three (3) projects. On 30 November 2020, Council resolved to provisionally accept the grant offer from TfNSW subject to the outcomes of community consultation on the three projects. Route 3 has a grant offer component of \$2,728,500, from the total \$3,457,450, that has been offered by TfNSW under the Walking and Cycling Program. In accordance with the resolution of Council in November 2020 community consultation was conducted. The community engagement period ran from 17 May to 14 June 2021, a period of 29 days.

190 submissions were received. Levels of support and objection varied along the project area. Objection to the project was concentrated in the Kirribilli area, with higher levels of support outside of this area. The key issues raised in submissions are summarised below.

- Objection to the Kirribilli section of the project - 80 submissions
- Support for the project overall - 57 submissions
- Support for one or more of the proposed works in the project section along Kurraba Road (between Clark Road and Ben Boyd Road)

It is also recognised that the current proposal from TfNSW for a cycleway ramp that comes off the north side of the Sydney Harbour Bridge is still unresolved. Route 3 carries cycle traffic that also uses the harbour bridge cycle path and would be impacted by decisions around this proposal.

In response to community feedback, and in the context of the currently unresolved cycleway link from the northern end of the Sydney Harbour Bridge, this report recommends that Council determine its position on how to proceed with the Kirribilli to Cremorne Walking, Cycling and Streetscape Upgrade Project (Route 3) and acceptance of the \$ 2,728,500 grant offer from TfNSW. The project currently has a grant offer for \$2,728,500 from TfNSW under its Walking and Cycling Program, which provides 100% funding for this project with no requirement for any contributions from Council. Funds under this grant are required to be spent by 30 June 2022.

Recommending:

1. **THAT** Council determines a position on whether to proceed with the project based on the results of the community consultation.
2. **THAT** should Council resolve not to proceed with the project as proposed, that a request be put to TfNSW to re-allocate the funds to pedestrian and traffic network improvements identified in Council's LATM Action Plans (Refer Table 1 in this report).

8.17 Young Street - Permanent Road Closure

Report of Duncan Mitchell – Director of Engineering and Property Services and Diana Mejia – Engineering Project Manager

The purpose of this report is to outline the results of the community consultation, traffic and pedestrian studies that have been undertaken from November 2020 to April 2021 on the Young Street trial plaza and road closure.

This report is now seeking Council endorsement to proceed with detailed design and construction of the permanent public plaza and closure of Young Street, between Military Road and Grosvenor Lane in Neutral Bay. The Young Street trial plaza and road closure commenced in December 2020. Community consultation on the Trial closure was undertaken from November 2020 to April 2021.

This report outlines that Council received a total of 353 submissions, comprising 31 written submissions and 295 online submissions (summarised in Attachments). The majority (56%) of submissions support the proposal, 10% did not express support/opposition, or were neutral to the proposal, while 34% oppose the permanent plaza and road closure.

Traffic counts were also undertaken during the trial road closure period and a traffic impact assessment was prepared by Council's traffic consultant (GTA). In summary this report found that traffic has been wholly redistributed within the surrounding network. SIDRA modelling found the network generally performs acceptably with minor increases in overall time delays at some intersections in the immediate local network. Additionally, Council commissioned a Human Movement Data Study - (also known as a Heat Map) – prepared by Urbis Consultants. The purpose of this study was to measure and analyse visitation to and from the plaza during the trial period.

The results of this study found that visitation during the activation (Road Closure) period was 27% higher than the historical period (12 months before the Road Closure) with higher levels of visitation observed in the afternoon and evening and also on weekends.

The community feedback, traffic and pedestrian studies were then used to inform the design that has now been developed for the permanent closure of this end of Young Street and to transform this roadway into a new public plaza. The design prepared by Councils Landscape and Urban Design Consultants (Group GSA) has been presented to Council at a Briefing on 15 June 2021.

Both the trial and permanent closure of Young Street, Neutral Bay is funded through the B-Line funding deed that Council entered into in October 2018.

Recommending:

- 1. THAT** Council notes the community feedback received during the trial pedestrian plaza and road closure in Young Street Neutral Bay.
- 2. THAT** Council notes the results of the Traffic Study as well as the Human Movement Data Study that was undertaken during the trial pedestrian plaza and road closure in Young Street Neutral Bay.
- 3. THAT** Council proceeds with the detailed design and construction of the permanent road closure and new public plaza in Young Street, Neutral Bay as per the concept design attached to this report
- 4. THAT** the current Young Street Road closure and public plaza remain in place until the commencement of the permanent construction works in late 2021.

8.18 Managing Council's Prime Main - Harbour Foreshore Parks

Report of Megan White, Landscape Planner/Architect

To ensure that North Sydney's prime Sydney 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 at a particular time, 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 40 – 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 Sydney 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 40.

2. THAT Council requires individuals and organisations wishing to use one of Council's prime, Sydney harbour foreshore parks for a special event or prescribed activity to make a booking, regardless of the number of people attending, activities include:

- Corporate promotional activities

- If a jumping castle/amusement/animal farm is present
- Weddings and commitment ceremonies
- Commercial photography
- Use for a film location
- Special events and activities requiring payment of a fee to a service provider (including., companies providing curated picnics, marriage proposal ceremonies, commercial dog walking, commercial fitness training, art classes, and yoga classes)

3. THAT Council exhibit the proposed new restrictions and park fees for a period of 28 days and report the feedback from the exhibition process is reported to Council.

8.19 Proposed Land Swap between Neutral Bay Club and Council - Part Ilbery Park - Public Exhibition Outcome Report

Risha Joseph, Property Officer

The purpose of this report is to inform Council of the outcome of the Public Exhibition of a proposal to undertake a land swap between Neutral Bay Club and Council (Ilbery Park), Neutral Bay. At the meeting of Council dated 22 February 2021, Council supported the proposal of a land lease swap for 5 years to the Neutral Bay Club over approximately 50m² of Ilbery Park land which is located at the base of the retaining wall at the southern end of the park and a separate lease to Council over approximately 45m² of Neutral Bay Club land which is located at the Anderson Street access to the Club.

Council also resolved at this meeting that the proposal satisfy the requirements of Section 47A of the Local Government Act 1993 and be exhibited for 28 days. The community consultation was undertaken from 4 May to 1 June 2021 during which time Council received a total of 21 submissions.

The report outlines the issues raised in the submissions and Councils recommended response.

A peppercorn rental will be applied in relation to both leases. Council has borne the legal costs for both leases.

Recommending:

1. THAT Council resolve to formalise the land lease swap between Neutral Bay Club and North Sydney Council, subject to the following:

- (a) That the leases commence on 1 September 2021 for a period of five years.
- (b) That at the end of the lease period, Council re-assess the issues raised by the submitters with regards to patron behaviour and noise to assess compliance performance with appropriate standards and requirements.

2. **THAT** the North Sydney Police, NSW Office of Liquor and Gaming and the Neutral Bay Club be advised of the submissions identifying poor patron behavior and noise complaints and be requested to undertake the necessary action to ensure adherence of the Clubs activities with relevant Liquor Licensing conditions for the premises and existing noise control requirements.

8.20 CitySwitch Green Office Program MoU

Report of Niki Carey, Snr Sustainability Programs Co-ordinator

Council endorsement is sought to continue to provide support to the North Sydney office-based business community to help them improve their environmental performance through the extension of an existing CitySwitch Green Office until 30 June 2022.

CitySwitch Green Office is a partnership between North Sydney Council, the City of Sydney, the City of Melbourne, the City of Perth, the City of Adelaide and the National Australian Built Environment Rating System (NABERS). Through this program, Council has been supporting the North Sydney businesses community to reduce their environmental footprint for more than ten years. The current Memorandum of Understanding (MoU) for the program ceases on 30 June 2021. A new 12-month MoU has been developed to commence 1 July 2021.

The MoU commits North Sydney to an annual contribution of \$17,600 (ex GST) in 2021-22. This is similar to the last MoU signed in 2018. This contribution helps fund the City of Sydney to provide a national coordination service to undertake a number of specified activities on Council's behalf.

The MoU also commits Council to allocate a program manager to deliver the program to North Sydney based CitySwitch signatories. This commitment is met by Council's newly appointed Sustainable Business Officer, as 0.4FTE of this role is dedicated to implementation of the CitySwitch program.

North Sydney's financial and staff contributions are fully funded through Council's Environment Levy.

Recommending:

1. **THAT** Council delegates authority to the General Manager to sign the Memorandum of Understanding to continue to provide a high level of professional support to the North Sydney office based business community to help them improve their environmental performance.

8.21 **Aboriginal and Torres Strait Islander Protocol Guidelines**

Report of Helen Campbell, Manager Community Development

To seek Council approval of the updated and revised Aboriginal & Torres Strait Islander Cultural Guidelines 2021.

The development of the Aboriginal and Torres Strait Islander Protocol Guide was initiated in 2014 to aid staff, local organisations, community groups, residents and businesses to understand and observe Aboriginal and Torres Strait people's cultural protocols in a respectful and sensitive manner.

To ensure the integrity and standing of the plan, extensive research was undertaken, and wide-ranging consultation took place with Aboriginal Peak Organisations. A cursory review of the guidelines took place in 2019 however in 2021 it was apparent that a comprehensive review was required, and the involvement of an Aboriginal Consultant was needed. Accordingly, a brief was prepared, and the Northern Sydney Aboriginal Heritage Office agreed to support the project. Karen Smith, the Education Officer with the Heritage Unit worked on the Protocols and gave freely her expertise and extensive knowledge to enrich, update and verify the Protocol Plan. A significant amount of additional information has been incorporated.

The improvement to the value of the document is immeasurable. It constitutes a significant educational resource and affords important insight into contemporary Aboriginal cultural practice.

There are no financial implications associated with the document.

Recommending:

- 1. THAT** the draft Aboriginal and Torres Strait Islander Cultural Protocols be received and 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 Aboriginal and Torres Strait Islander Cultural Protocols as adopted after the period closes.
 - 3. THAT** the adopted Aboriginal and Torres Strait Islander Cultural Protocols be distributed and promoted widely in the community to Child Care Centres, Schools, Community Centres and through Council's community networks.
-

8.22 Neutral Bay Community Centre Revitalisation Report

Report of Camelia Tobia, Access & Inclusion Co-ordinator

This report provides an update on Neutral Bay Community Centre and its development in the past eighteen months and recommendations for its future sustainability and growth. Neutral Bay Community Centre has experienced a period of significant change and growth in the past 18 months. The community has been consulted, membership has increased by 400%, a new volunteer board of directors has been elected and a comprehensive schedule of activities has been implemented.

With increased membership and engagement, it is recommended that Neutral Bay Community Centre join the Council's other community centres in developing a Joint Strategic Plan with Council and reviewing this annually.

To maintain the growth and prepare for the transition to a new purpose-built community centre identified within the Military Road Corridor Planning Study, the future employment of a centre coordinator will be vital.

Neutral Bay Community Centre currently receives \$4000 (increase to \$8000 in 2021/22) through Council's Grants and Subsidies Scheme. The Centre receives no other recurrent funding and derives modest contributions from membership fees, fitness classes and low-cost computer lessons.

Over the past 18 months, with the support of Council, Neutral Bay Community Centre has successfully applied for \$14,850 in grant funding. At the end of 2020 the Centre had a closing balance of \$24,378.50.

Recommending:

- 1. THAT** Council continues to support the growth of Neutral Bay Community Centre by providing support and mentoring to the board of directors in their infancy.
- 2. THAT** Council enters into a Joint Strategic Plan with Neutral Bay Community Centre, consistent with other Council-owned community centres.
- 3. THAT** Council considers in its 2022/23 community grants & subsidies budget providing an additional grant to the Neutral Bay Community Centre to support the employment of a part time coordinator.

8.23 North Sydney Community Centre Joint Strategic Plan 2021-2025

Report of Rebecca Aukim, Acting Director Community & Library Services

To recommend the adoption of the new Joint Strategic Plan 2021-2025 for North Sydney Community Centre. The North Sydney Community Centre Joint Strategic Plan is a collaborative joint strategic planning

statement created between Council and North Sydney Community Centre (NSCC). The plan is reviewed annually.

NSCC is an independent, not-for-profit community organisation that provide a wide variety of adult classes and workshops for the North Sydney community as well as run the Northside Produce Market twice a month.

North Sydney Community Centre also provide free community events, run an after-school care program and a playgroup.

The building which houses the North Sydney Community Centre is owned and maintained by Council. North Sydney Community Centre pay Council a peppercorn rent.

The Centre funds its activities through income from the Northside Produce Markets, venue hire and adult classes and workshops.

Recommending:

1. THAT the draft North Sydney Community Centre Joint Strategic Plan 2021-2025 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 North Sydney Community Centre Joint Strategic Plan 2020-2025 as adopted after the period closes.

8.24 Nan Manefield Young Writers Award 2021

Report of Kate Stewart, A/ Manager Library Services

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

Winners of the 32nd Young Writers' Award were announced at a presentation evening at Stanton Library during Australian Library and Information Week, May 2021.

A total of 325 entries were received from across the Sydney Metropolitan region, with over 30 schools represented.

The presentation event was smaller than in previous years due to COVID restrictions, with the Winning and Highly Commended entrants attending with their families.

Judges of all five age categories were in attendance to speak about the entries, provide general feedback and give insight into their choices when awarding the prizes. Winners received prizes totaling nearly \$4,000.

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

Recommending:

1. THAT the report be received.

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

9.1 **Notice of Rescission No. 4/21 by Councillors Baker, Beregi and Carr - Item 7.3 Traffic Committee Minutes - 30 April 2021**

THAT the Council's resolution on 30 April 2021 relating to Item 7.3 Traffic Committee Minutes – 30 April 2021, where Council resolved:

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)
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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)

26. THAT the gaps in the fences on Military Road near Young Street Plaza be closed promptly with appropriate safety fencing. (5.3)

be and is hereby **rescinded**.

9.2 Notice of Rescission No. 5/21 by Councillors Baker, Beregi and Carr - Item 3.1 Remote Attendance by Councillors at Council Meetings

THAT the Council’s resolution on 24 May 2021 relating to Item 3.1 Remote Attendance by Councillors at Council Meetings where Council resolved:

1. THAT the request for Remote Attendance by Councillor Baker be denied

2. THAT the request for Remote Attendance by Councillor Beregi be denied.

be and is hereby rescinded.

THAT the following resolution be passed in lieu thereof:

1. THAT Council consider applications for remote attendance on a “meeting by meeting” basis to the end of this term of Council; and

2. THAT Council note the OLG Guidelines providing that “the council and its committees must act reasonably when considering requests by councillors to attend meetings remotely by audio-visual link.”

9.3 Notice of Motion No. 10/21 by Crs Baker, Beregi and Carr - Kirribilli to Cremorne Walking, Cycling and Streetscape Upgrades

1. THAT Council halt and review the Kirribilli to Cremorne Walking, Cycling and Streetscape Upgrades until such time as rigorous and comprehensive community consultation and engagement has taken place.

2. THAT Council re-exhibit the Kirribilli to Cremorne Walking, Cycling and Streetscape Upgrades project:

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- (a) in a form consistent with the requirements of Council’s Community Participation Plan;
 - (b) that the notification areas be extended to include affected properties on streets surrounding the proposed route, schools and precinct committees within the proposed route catchment; and
 - (c) that accurate documents and plans informed by traffic engineering advice together with options for alternative routes, such as along Ennis Road, are exhibited.

3.THAT following re-exhibition, the matter be reported to Council for further consideration.

BACKGROUND (provided by the submitters)

On 17 May 2021 Council commenced exhibition of the Kirribilli to Cremorne Walking, Cycling and Streetscape Upgrades. By 20 May 2021 Council had posted and “Important Note” on Council’s website stating that “the notification letter incorrectly identified that the right hand turn from High Street (west boundary) into Clark Road would be restricted”. It is notable that the exhibited documents did not include any traffic studies to inform the design of the proposed route.

The exhibition period concluded on 14 June 2021.

Many, many residents have contacted councillors to raise significant concerns in relation to the notification of this project as well as serious adverse impacts of the proposed route along Broughton Street, Kirribilli in particular. It is clear that the geographical notification area is inadequate and has missed many, many affected properties.

Council should not proceed to assess or finalise the plans until such time as robust community consultation, including exhibition of accurate documents to properties affected by the proposal, has taken place.

9.4 Notice of Motion No. 11/21 by Crs Baker, Beregi and Carr - Participation at Precinct Meetings

1. THAT residents who have registered or nominated to be candidates for the September 2021 local government elections be permitted to attend and participate fully in Precinct Meetings.

Comment from General Manager

A memorandum was forwarded to all Precincts Committees on 5 May 21 advising that any candidate for the upcoming local government elections that is an office bearer should temporarily step aside for the duration of the election period.

Precinct Committees are resourced by Council, including the provision of promotional flyers and meeting rooms. The Code of Conduct and advice from the Office of Local Government (Circular 20/21 refers) makes it clear that Council resources must not be used for election purposes and free use of Council meeting facilities is not to be provided to candidates. Having candidate office bearers temporarily step aside will allow Precinct Meetings to continue to occur without breaching the Code of Conduct or OLG Directive.

Following further enquiries from the Hayberry Precinct it has been clarified that a candidate who is eligible to attend a Precinct Committee may still do so as an observer, however they must not use the Precinct Meeting to promote their election material or to electioneer.

The proposed resolution in the NOM to enable candidates full participation without qualification is contrary to the advice already provided by the General Manager and may lead to activities that contravene the Code of Conduct and OLG Directive.

9.5 Questions With Notice - Crs Baker, Beregi and Carr

1. Would the General Manager please provide a copy of the full tender analysis prepared for Tender 24/2020 - Redevelopment of the North Sydney Olympic Pool to all councillors?

2. Would the General Manager please provide all meeting notes, file notes, minutes of the widely reported nine (9) meetings held between Council and Transport for NSW in respect of the proposed ramp access to the cycleway on Sydney Harbour Bridge to all councillors?

3. Would the General Manager please provide all councillors with a breakdown of expenses claimed by the General Manager between March 2018 and May 2021?

4. Would the General Manager please provide to all Councillors a break up of expenses incurred by each Councillor for the period September 2017 through May 2021. This report is to include a line by line break up of each item claimed and the budget appointed for each item.

Confidential Matters

10.1 Current Appeals and Results - June 2021

Report of Craig Winn, Solicitor

Report on current appeal and prosecution matters.

Attached is a list of current appeal and prosecution matters as at 28 May 2021 for Council's information.

As at 28 May 2021, Council has incurred \$1,147,181 on legal fees for the 2020/21 financial year and recovered legal costs in the amount of \$124,287. The legal budget for 2021 financial year is \$ 1,500,000.

Recommending:

1. THAT the Current Appeals and Results – June 2021 report be received.

10.2 Tender 11/2021 - Advertising on Selected Council Infrastructure (small format) - Reject & Negotiate

Report of Robert Esdaile, Engineering Project Manager

This report is to provide Council with an update on the tender process for Tender 11/2021 for Advertising on Selected Council Infrastructure – Part A: Small Format (bus shelters and comms panels).

Despite numerous meetings and discussions, oOh!media and Council have been unable to mutually agree on contractual terms for this tender and a Contract cannot be executed for the small format (bus shelter and comms panels) advertising assets.

In order to finalise this matter, Council will need to reject all tenders for small format advertising and enter into direct negotiations with all parties who submitted a tender.

The financial implications of this tender were reported to Council at the 22 February 2021 meeting. The financial implications of going through a Reject and Negotiate process for this part of the 11/2021 Tender – “Small Format Advertising” are minor in nature and only involve staff costs and associated overheads.

Recommending:

1. THAT Council rejects all the submitted tenders for Tender 11/2021 for Advertising on Selected Council Infrastructure – Part A : Small Format (bus shelters and comms panels) for the reasons set out in this report.

2. THAT Council resolves to enter into direct negotiation with all parties who submitted a tender for Tender 11/2021 for Advertising on Selected Council Infrastructure – Part A : Small Format (bus shelters and comms panels).

3. THAT Council not invite fresh tenders to be submitted for the reasons set out in this report and because it is considered that re-tendering will not

attract additional suitable service providers over and above those who have submitted a tender.

4. THAT authority be delegated to the General Manager or delegate to negotiate with the three tenderers and enter into a contract for Advertising on Selected Council Infrastructure – Part A : Small Format (bus shelters and comms panels).

5. THAT once the direct negotiations are finalised, information relating to the successful service provider 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.
