



AGENDA

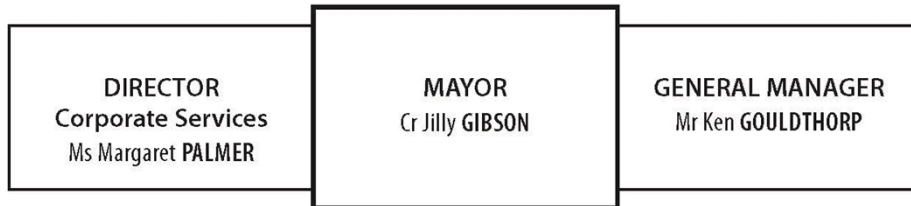
Council Chambers
22 July 2021

The **3748th MEETING** of **COUNCIL** will be held at the Council Chambers, North Sydney at 7:30PM on Monday, 26th July 2021. The agenda is as follows.

KEN GOULDTHORP
GENERAL MANAGER

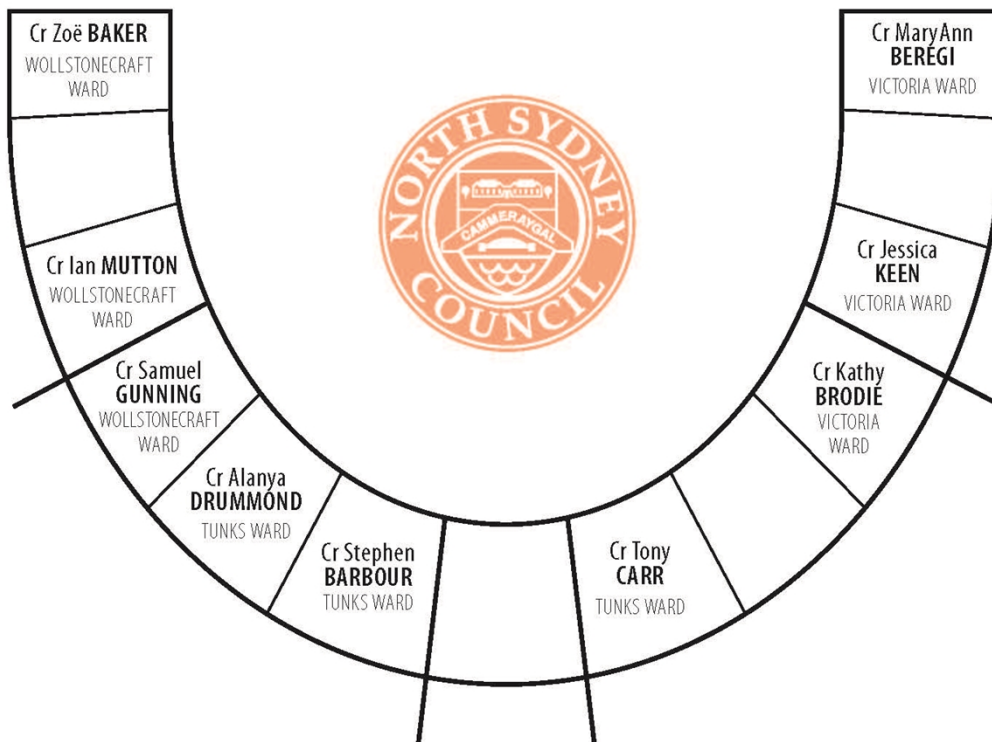
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COUNCIL OFFICERS

DIRECTOR Open Space & Environmental Services Mr Robert EMERSON	DIRECTOR Community & Library Services Mr Martin ELLIS	DIRECTOR Engineering & Property Services Mr Duncan MITCHELL	DIRECTOR City Strategy Mr Joseph HILL	MANAGERS	MANAGERS
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- 1. Opening Meeting**
- 2. Acknowledgement of Country**
- 3. Apologies, Applications for Leave of Absence and Remote Attendance by Councillors**
- 4. Confirmation of Minutes**

THAT THE MINUTES of the previous 3746th Council Meeting held on Monday, 28th June 2021 and the 3747th Extraordinary Council Meeting held on Monday 5 July 2021 be taken as read and confirmed.

- 5. Disclosures of Interest**

- 6. Mayoral Minutes**

- 6.1. MM01: Council's commitment to reducing waste to landfill**

The Department of Planning, Infrastructure and Environment has set a resource recovery target of 80% from all waste streams by 2030 for the waste management industry (NSW Waste and Sustainable Materials Strategy 2041). To achieve this aspirational target, councils are required to undertake waste management practices which minimise waste disposal at landfill and maximise resource recovery.

Council currently undertakes the following resource recovery initiatives-

- All recyclables collected in the yellow lidded bin are transported to Visy at Smithfield for sorting and processing.
- All greenwaste collected at kerbside is transferred to an organics processing facility.
- To reduce food waste from going to landfill, Council provides subsidised compost bins and worm farms to residents who are encouraged to participate in workshops to enhance their knowledge of composting (172 compost and worm farm bins were provided to residents in the last 12 months).

Prior to 2019, Council had contracted Suez to transfer the material collected in the red bins, to a processing facility at Eastern Creek where waste was separated into streams such as metals, plastics and organics, diverting approximately 65% of waste from landfill. The organics waste stream was ultimately converted into a compost like material used in mine rehabilitation and broad acre agriculture applications. However, the waste exemption orders that allowed for such applications were rescinded due to concerns about contamination, resulting in the entire red bin being landfilled.

There is now a view that the organics fraction of the red bin, approximately 35% of the bin's contents, should be source separated and processed at recognised Food Organics and Garden

Organics facilities. Council resolved to undertake a food waste trial to determine to what extent a separate Food Organics collection and processing program was feasible.

Under the trial, approximately 400 multi-unit dwellings were to be given a separate food waste bin, with the food waste transferred to Veolia's Earthpower facility at Camellia for processing. The aim of the trial was to determine whether the material collected was suitable for processing, the extent of contamination in the food waste collected and whether such a program could be rolled out throughout the LGA. Unfortunately, the trial has not progressed due to the following reasons-

- Limited capacity at Earthpower – Veolia has advised that Earthpower has no capacity to accept additional material from any sources for processing. Additionally, the facility runs strict contamination thresholds meaning organic waste which contains materials such as plastic bags are rejected and landfilled. Earthpower has been closed for waste processing for the last eight months for upgrading.
- Earthpower is in negotiations with alternative processing facilities outside of the Sydney Metropolitan Area, including a site near Forbes, NSW. Essentially, Veolia's Camellia facility would be used as a transfer station for collected food waste before being transferred to a rural location. Again, contamination management is a major concern.

To achieve the mandated 80% resource recovery target, it is imperative that there are financially viable processing options within the Sydney metropolitan area. Currently there is only one foodwaste (food organics FO) processing option available to Sydney councils – Veolia's Earthpower. Barriers to entry for new participants is high as it requires a considerable investment in land and infrastructure, there are stringent regulations around noise and odour management, customers are usually locked in to long-term contracts and there is not a large enough market for the end product, given contamination concerns.

To move past this stalemate, I propose Council petition the NSW Government to provide the waste management industry with more assistance, both regulatory and financial, to incentivise the development of new waste processing facilities within the Sydney metropolitan area. The Government needs to explore options for processing that address the contamination issues and provide councils and the waste industry with long term certainty over processing contracts and over the regulatory environment.

I therefore recommend:

- 1. THAT** Council write to the Minister for Planning, Industry and the Environment calling on the NSW Government to provide financial and regulatory support to the waste industry so that organic waste can be diverted from landfill.
- 2. THAT** Council reiterates its commitment to delivering a foodwaste pick-up service across our LGA.

**COUNCILLOR JILLY GIBSON
MAYOR**

6.2. MM02: Waiving of sportsfield ground hire fees

During the last winter sports season, COVID-19 pandemic restrictions resulted in significant disruptions to the season. At that time the Council waived ground hire fees for not-for-profit community sporting clubs for a two-month period to assist the Clubs financially impacted.

Twelve months on and the current Covid-19 pandemic lock down and restrictions on community movement is again impacting on the winter sports season as local community sport cannot be conducted.

Whilst it is hoped that we can overcome the current infection outbreak and current necessary restrictions on the community will come to an end in the not-too-distant future, our community sports clubs that are very important to the health and social vitality of our community are again suffering financially.

I therefore recommend:

1. THAT all not-for-profit community sporting clubs that have paid for their bookings for the use of Council facilities in advance are provided a refund of ground hire fees for the period that they have been unable to use our sports field facilities.

**COUNCILLOR JILLY GIBSON
MAYOR**

6.3. MM03: Fishing for a solution

In 2019, I presented a Mayoral Minute to Council after hearing the heart-breaking story of Golden Retriever Posy who swallowed a fishhook with bait at Sawmillers Reserve. Posy had to undergo emergency surgery. Sadly, that incident was not the first time it had happened to her or to other dogs in our community.

In response to the Mayoral Minute, Council tried a number of different approaches. We installed signage to increase awareness in fishing spots across our LGA. We installed special bins where fishhooks could be safely discarded (which instead were misused) and we even tried to talk to the fishers one-to-one because we hoped an education campaign would suffice.

While most fishers are doing the right thing, Council is still getting numerous reports of these dangerous fishhooks and lines being littered and not disposed of properly. A few weeks ago, Federal Member for North Sydney Trent Zimmerman wrote to Council after his dog almost swallowed a hook on his regular walk at Sawmillers Reserve. I have come across a fair share of littered fishhooks when my partner and I have been out walking. I couldn't tell you how many people have contacted me and told me this was a problem that still needed to be addressed.

I have heard some people say owners should take better care of their dogs. I do not believe it is fair to put the blame on the dog or dog owner, for someone else's selfish negligence. Our parks and harbour foreshore are for everyone to share. Councillors may be surprised to learn that in the 2018/19 period we had 225 dog registrations but in 2019/20 we had 797 registrations. This is an extraordinary increase in dog ownership and I believe we have an obligation to rethink the services for the dog owners.

I agree that fishing is an important recreational activity for many who enjoy this leisurely pastime. I'm therefore proposing we continue our education campaigns and seek further assistance from NSW Fisheries on patrolling problem areas and perhaps push for harsher penalty infringements for offenders who are ruining it for everyone else.

As Sawmillers Reserve seems to be the largest problem area, I also propose we trial making the reserve fishing free. This will give our dog community a designated place to exercise and socialise with other dogs in safety.

I therefore recommend:

- 1.THAT** Council thank the Parks and Rangers staff for the work they have already done in signage, bins, monitoring our parks and educating fishers about the safe disposal of fish hooks.
- 2.THAT** Council write to NSW Fisheries seeking additional patrols of our fishing areas and requesting an increase in the penalty that applies to offenders.
- 3.THAT** a brief report be prepared for Council outlining the steps and costs involved in trialling a fishing ban in Sawmillers Reserve.

**COUNCILLOR JILLY GIBSON
MAYOR**

6.4. MM04: Infrastructure Contributions Reform

I am calling on Council to actively respond to legislation currently before the NSW Parliament by advocating for additional modelling, consultation, and a mechanism to ensure no council is worse off under the proposed reforms to infrastructure contributions

Development infrastructure contributions help deliver the infrastructure needed as communities grow and change. They are a means of financing the public infrastructure and increased service provision that is required as a direct or indirect result of new dwellings, alterations/additions and knockdown rebuilds, and new non-residential developments such as office and retail places.

Councils require contributions from all types of development to deliver the high quality infrastructure, open spaces, services and the placemaking activities that communities and governments expect. Rate revenue is required to fund the on-going delivery and maintenance of existing services and assets.

Councils' social licence for increased density/development comes from the associated improvements to community infrastructure and services. Any proposals that shift the burden of funding new infrastructure from developers, or the State government, to residents fractures this licence.

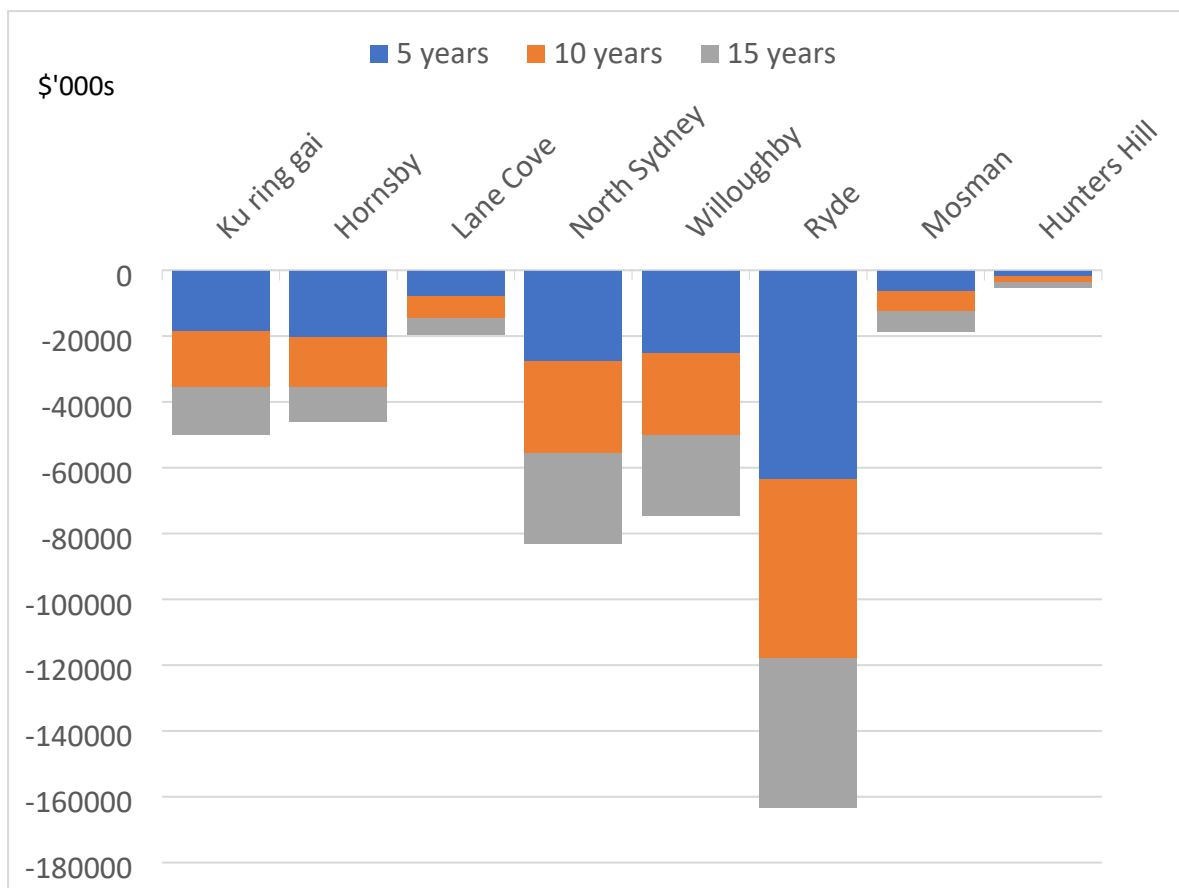
Reduced revenue from development infrastructure contributions will drive the cost of meeting increased infrastructure demand generated by development from developers to existing community members. Council will need to respond by scaling back community infrastructure and service levels or not deliver some at all.

Reduced spend on the public realm will have significant economic impacts. Investors wish to do so in areas of high quality public realm. Any reductions in infrastructure projects will reduce employment of planners, architects, designers, builders, surveyors and other trades. This will impact local retail outlets.

Implications

Although the details of the infrastructure contributions reforms are not available, modelling based on the information available indicates significantly reduced income for NSROC councils. Declines are likely to occur to both the s7.11 contributions and s7.12 fixed-rate levy projected income levels depending on the details – as yet unsighted and not consulted upon.

Under the proposed reforms NSROC councils face losses of \$171 million in the first five years, \$325 million over 10 years and \$461 million over 15 years.



Note: Scenario assumes community and indoor recreation facilities are excluded from the 7.11 essential works list, there is no s7.12 levy for alterations/additions and a consistent annual average development yield applies.

Even with potentially increased rates revenue due to the inclusion of a population growth factor, the impact of the reforms for North Sydney are significant.

The specific impacts on North Sydney Council are detailed in Item 8.11 on this agenda and the submission and detailed modelling attached thereto.

This issue is currently before NSW Parliament and has the potential to impact on the operations of the North Sydney LGA for decades to come. It is critical that all councils proactively advocate for meaningful modelling, consultation and a mechanism to ensure that no council is worse off.

I therefore recommend:

1.THAT Council notes the significant impact on Council’s revenue of the NSW Government’s proposed reforms to infrastructure contributions that under the most likely definition of essential infrastructure will cost Council \$7.3 M per annum or \$124M over 20 years

2.THAT Council supports LGNSW and NSROC advocacy efforts including submissions to the Parliamentary Inquiry into the *Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021*.

3.THAT Council writes to the:

- a. Premier, The Hon Gladys Berejiklian

- b. Treasurer, The Hon Dominic Perrottet
- c. Minister for Planning and Open Space, The Hon Robert Stokes
- d. Minister for Local Government, The Hon Shelley Hancock
- e. Opposition Leader Mr Chris Minns and
- f. local Members of Parliament

to advocate for additional modelling, consultation and a mechanism to ensure that contributions are paid in a timely way and that no council is worse off under the proposed reforms.

COUNCILLOR JILLY GIBSON
MAYOR

6.5. MM05 Amendment to Council Meeting Schedule

As Councillors are aware, on 24 July 2021 the Minister for Local Government delayed the date of the Local Government elections from Saturday 4 September 2021 to Saturday 4 December 2021 as a result of the Covid outbreak in Greater Sydney. I understand staff are already working with the NSW Electoral Commission to make the necessary arrangements.

In anticipation of the September election date, the Ordinary Meeting of Council scheduled for 23 August 2021 was brought forward to 9 August 2021, by resolution of Council on 28 June 2021. The 9 August meeting was proposed to be limited principally to consideration of the End of Term Report. In accordance with Local Government Act, the End of Term Report must be presented to the last meeting of Council.

As the election date has now been postponed, there is a need to reschedule Council meetings around the proposed new date.

I therefore recommend:

- 1.THAT** the 9 August 2021 meeting be cancelled and a full Ordinary Meeting be reinstated on 23 August 2021;
- 2.THAT** the 22 November Ordinary Meeting be brought forward to 8 November 2021;
- 3.THAT** the agenda for the 8 November 2021 meeting, which will be in the revised Caretaker period, be limited to the End of Term Report and emergent matters of urgency.

**COUNCILLOR JILLY GIBSON
MAYOR**

7. Reports of Committees

7.1. Audit, Risk and Improvement Committee - Minutes 25 June 2021

AUTHOR: Ian Curry, Manager Governance & Committee Services

ENDORSED BY: Margaret Palmer, Director Corporate Services

ATTACHMENTS:

1. ARIC Minutes 25 June [7.1.1 - 4 pages]

PURPOSE:

Council is required to consider the Minutes of this Committee under the Code of Meeting Practice.

EXECUTIVE SUMMARY:

This report presents the recommendations of the last meeting of the Audit, Risk and Improvement Committee held on 25 June 2021 for Council adoption. The minutes are attached for information.

FINANCIAL IMPLICATIONS:

Nil.

RECOMMENDATION:

1. **THAT** the 2021 internal audit plan and resourcing position be received and noted. *(4.1)*
2. **THAT** the Internal audit performance survey be received and noted. *(4.1)*
3. **THAT** the 2021 internal audit plan and resourcing position be received and noted. *(4.2)*
4. **THAT** the Internal audit performance survey be received and noted. *(4.2)*
5. **THAT** the 2021 internal audit plan and resourcing position be received and noted. *(4.3)*
6. **THAT** the Internal audit performance survey be received and noted. *(4.3)*
7. **THAT** the Council Leased Properties update report be deferred until the next Committee meeting and the valuations provided be updated with the figures available at 30 June 2021. *(4.4)*
8. **THAT** the progress of the Privacy of Information Audit be noted and the final report be submitted to the October Committee meeting. *(GB)*
9. **THAT** the Committee thanks Mr Ross for his assistance and support over many years and wishes him well in his retirement. *(GB)*

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

5. Our Civic Leadership

5.2 Council is well governed and customer focused

BACKGROUND

In accordance with Council's Code of Meeting Practice:

20.24 The minutes of meetings of each Committee of the Council must be confirmed at a subsequent meeting of the committee.

In accordance with the Audit, Risk & Improvement Committee Charter:

7. The endorsed Minutes of the Committee Meetings will be submitted to the next available Council meeting for adoption subject to any confidentiality requirements of specific items.

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

This report presents the recommendations of the last meeting of the Audit, Risk and Improvement Committee held on 25 June 2021 for Council adoption. The minutes are attached for information.

8. Reports to Council

8.1. Matters Outstanding - July 2021

AUTHOR: Ian Curry, Manager Governance & Committee Services

ENDORSED BY: Ken Gouldthorp, General Manager

ATTACHMENTS:

1. Matters Outstanding - July 2021 [**8.1.1** - 10 pages]

PURPOSE:

To report to Council on the status of Councillor resolutions.

EXECUTIVE SUMMARY:

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 5 July 2021 Extraordinary Meeting of Council.

FINANCIAL IMPLICATIONS:

Nil

RECOMMENDATION:

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

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

5. Our Civic Leadership

5.2 Council is well governed, and customer focused

BACKGROUND

The previous report to Council on this matter was on 28 June 2021.

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

Attached is the updated table of outstanding resolutions for the information of Council.

8.2. Amended Long Term Financial Plan - Post Exhibition

AUTHOR: Darren Goode, Manager Accounting Services

ENDORSED BY: Ken Gouldthorp, General Manager

ATTACHMENTS:

1. 1A - LTFP component of Resourcing Strategy [8.2.1 - 20 pages]
2. 1B - LTFP appendix of Resourcing Strategy [8.2.2 - 6 pages]

PURPOSE:

The purpose of this report is to recommend adoption of the amended Long Term Financial Plan (LTFP) section within Council's *Resourcing Strategy 2018-2028* (Attachment 1) following its public exhibition, con-current with the *2021/22 Operational Plan & Budget*.

EXECUTIVE SUMMARY:

The amended LTFP was endorsed for exhibition at the Council meeting held 24 May 2021. The public exhibition period ran from 26 May to 22 June 2021. No submissions were received during the period.

It has been necessary to make some post-exhibition amendments to the LTFP. The majority of these arose from amendments to the 2021/22 Operational Plan & Budget and their ongoing impact on subsequent years of the LTFP. These amendments were reported to Council on 28 June 2021 (Item 8.2 - Operational Plan & Budget - Post Exhibition).

There were some additional minor amendments which only impact the subsequent years of the LTFP (i.e. from 2022/23 to 2027/28). These include adjustments to forecast contributions from other Council towards the operating costs of the Community Recycling Centre, interest on the loan taken out to fund the redevelopment of North Sydney Olympic Pool, depreciation of right of use assets and the introduction of superannuation payments for Councillors from 1 July 2022 - which the Council ultimately has to resolve on; a separate report will be provided in due course.

FINANCIAL IMPLICATIONS:

The impact of the post-exhibition amendments on the forecast Net Operating Result before Capital Grants and Contributions over the remaining life of the LTFP is summarised in the following table:

	2021/2	2022/2	2023/2	2024/2	2025/2	2026/2	2027/2
Net Operating Result before Capital Grants & Contributions	2 (\$'000)	3 (\$'000)	4 (\$'000)	5 (\$'000)	6 (\$'000)	7 (\$'000)	8 (\$'000)
Pre-exhibition	5,272	7,142	6,838	6,727	6,054	6,837	6,751
Post-exhibition	5,054	6,862	6,549	6,350	6,870	7,197	7,246

	2021/2	2022/2	2023/2	2024/2	2025/2	2026/2	2027/2
Net Operating Result before Capital Grants & Contributions	2 (\$'000)	3 (\$'000)	4 (\$'000)	5 (\$'000)	6 (\$'000)	7 (\$'000)	8 (\$'000)
Improvement/ (Deterioration)	(218)	(280)	(289)	(377)	816	360	495

RECOMMENDATION:

1. THAT Council adopt the amended Long Term Financial Plan (section within Council's Resourcing Strategy), attached to this report.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

5. Our Civic Leadership

5.1 Council leads the strategic direction of North Sydney

BACKGROUND

Council's Resourcing Strategy was originally adopted on 25 June 2018 (public exhibition ran 10 May to 7 June 2018).

In accordance with the Integrated Planning & Reporting Guidelines, the LTFP is reviewed each year in conjunction with preparation of the Operational Plan & Budget.

It was re-adopted on 29 January 2019 (following public exhibition held 1 November 2018 to 16 January 2019), then again on 27 July 2020 (following public exhibition held 24 June to 21 July 2020).

Amendments to the LTFP were endorsed for exhibition by Council at its meeting of 24 May 2021.

CONSULTATION REQUIREMENTS

Community engagement was conducted in accordance with Council's Community Engagement Protocol.

DETAIL

1. Public Exhibition

Public exhibition of the amended LTFP ran from 26 May to 22 June 2021, concurrent with the exhibition of the draft *2020/21 Operational Plan & Budget*. No submissions were received.

The public exhibition was promoted via:

- Council's website and the YourSayNorthSydney site - there were 123 views on the YourSay page; of these the amended LTFP was downloaded 12 times;
- a media release;
- article in North Sydney News, June 2021 distributed to all households (n=36,000);
- article in the June 2021 edition of the North Sydney Sun (front page);
- social media:
 - Facebook post No. 1 - 31 May 2021, boosted post via Council's Facebook account, which reached 9,873 people with 273 post clicks and 13 likes (compared to 1,408 reach last year);
 - Twitter post - 31 May 2021, with 423 impressions and 10 engagements;

- Instagram post - 31 May 2021, with 1,079 impressions and 46 likes; and account on which reached people with 153 post clicks; and
- Facebook post No. 2 - 11 June 2021, follow up post which reached 5,797 people with 153 post clicks;
- memorandum to all active Precinct Committees and the weekly Precinct E-news (item ran weekly during exhibition period - 155 subscribers, with a total of 2 opens during the period);
- signage in the Customer Service Centre and Civic Park; and
- hard copies available for reviewing at Customer Service Centre and Stanton Library.

This year, for the first time, Council held an online information session during the exhibition period, on 15 June 2021. Five people registered for the sessions, with two people participating on the night. At the time of preparing this report, the session recording had been viewed 35 times.

2. Variations identified during the Exhibition Period

It is recommended that the amended LTFP be adopted, inclusive of the amendments to the 2021/22 Operational Plan & Budget previously reported to Council on 28 June 2021 and some additional minor amendments which impact only subsequent years of the LTFP (i.e. from 2022/23 to 2027/28). Amendments to the LTFP from 2022/23 to 2027/28 include:

- Increased annual contributions from other Councils towards the operating costs of the Community Recycling Centre.
- Minor increases in borrowing costs for the years 2022/23 to 2027/28 arising from the need to account for accrued interest at year-end on the loan taken out to fund the redevelopment of North Sydney Olympic Pool for the years 2022/23 to 2027/28. Total forecast borrowing costs over the term of the loan have not increased, only the forecast expense applicable to each of those years.
- Depreciation of right of use assets (i.e. plant used to collect and dispose of domestic waste).
- Assumed introduction of superannuation payments for Councillors from 1 July 2022. Legislation was passed on 13 May 2021, allowing councils the option to make superannuation payments to councillors effective from 1 July 2022. Councils will be required to make the decision to pay councillors superannuation by resolution at an open meeting of the council, thereby ensuring public accountability and transparency. The LTFP has been amended on the assumption that superannuation payments will be made for Councillors from 1 July 2022.

The impact of the post-exhibition amendments on the forecast Net Operating Result before Capital Grants and Contributions over the remaining life of the LTFP is summarised in the following table:

Net Operating Result before Capital Grants & Contributions	2021/2 2 (\$'000)	2022/2 3 (\$'000)	2023/2 4 (\$'000)	2024/2 5 (\$'000)	2025/2 6 (\$'000)	2026/2 7 (\$'000)	2027/2 8 (\$'000)
Pre-exhibition	5,272	7,142	6,838	6,727	6,054	6,837	6,751
Post-exhibition	5,054	6,862	6,549	6,350	6,870	7,197	7,246
Improvement/ (Deterioration)	(218)	(280)	(289)	(377)	816	360	495

3. Pending changes which will impact the next LTFP

The local government sector is also awaiting confirmation of the final outcomes of the following reviews which will likely impact the next review of the LTFP:

3.1 Fire and Rescue Services NSW - Fees and Charges

On 20 May 2021 it was announced that IPART will review the fees and charges levied by Fire and Rescue Services NSW. IPART's final report is expected by 30 March 2022.

3.2 Rating System - Population Factor

IPART has been asked to recommend a rate peg methodology that allows the general income councils receive through rates to be varied annually in a way that accounts for population growth. The review will make recommendations on the adequate levels of revenue required by councils to service growth, with a focus on changes to total rates revenue not individual rates. IPART's final report is due by end September 2021, with the new rating structure to be anticipated to be in place from 1 July 2022.

3.3 Infrastructure Contributions

On 24 May 2021, the NSW Government announced it will be further restricting infrastructure charges and compensating councils by allowing a population growth component within the rate peg, per the recommendations of NSW Productivity Commission's *Infrastructure Contributions Review*, released December 2020. It is suspected that Council will suffer a revenue loss because of this decision. Staff are modelling the impact of the impending change for our Council, including what it means for the projected revenue outlined in our recently adopted *Infrastructure Contributions Plan*, which came into effect from 1 March 2021.

3.4 Compliance Levies

I regret to advise that in the absence of any consultation and despite LGNSW's ongoing advocacy, the Environmental Planning and Assessment Amendment (Compliance Fees) Regulation 2021 has been made today with the effect of prohibiting councils from collecting compliance levies after 31 December 2021. This Regulation was made in the same month the Government saw the passage of new legislation which, wait for it, facilitates 'compliance levies' for the NSW Building Commissioner's Office. To rub salt into the wound, councils will

be required to collect the new compliance levies for the Building Commissioner's Office and remit the funds.

8.3. NSLEP 2013 Amendment No. 30 (North Sydney LEP Review 2019) – Post gazettal report

AUTHOR: Ben Boyd, Executive Strategic Planner

ENDORSED BY: Joseph Hill, Director City Strategy

ATTACHMENTS:

1. Attachment 1 - LEP Written Instrument [8.3.1 - 10 pages]
2. Attachment 2 - LEP Maps [8.3.2 - 45 pages]

PURPOSE:

To inform Council of the making of Amendment 30 to North Sydney Local Environmental Plan 2013 which gives effect to Planning Proposal 7/19 – North Sydney LEP Review 2019.

EXECUTIVE SUMMARY:

On 25 November 2019, Council resolved to adopt Planning Proposal 7/19 – North Sydney LEP Review 2019 which in-principal, sought to implement the outcomes of Council’s Local Strategic Planning Statement LSPS and Local Housing Strategy and to address a number of minor house-keeping amendments. It also resolved to forward the adopted Planning Proposal to the Department of Planning, Industry and Environment (DPIE) to receive a Gateway Determination.

A Gateway Determination was issued on 19 April 2020 permitting the Planning Proposal to be placed on public exhibition. Council was not granted delegation to finalise the LEP making processes for this Planning Proposal.

The Planning Proposal was subsequently placed on public exhibition from 25 May 2020 to 22 June 2020. Following this, Council considered a post exhibition report at its meeting on 24 August 2020, where it resolved to adopt a revised version of the Planning Proposal incorporating a number of minor amendments and forward it to the DPIE with a request that an LEP be made.

In accordance with Council’s resolution of 24 August 2020, the Planning Proposal was forwarded to the DPIE on 28 August 2020 with a request to make an LEP giving effect to the Planning Proposal.

North Sydney Local Environmental Plan 2013 (Amendment 30) gives effect to the Planning Proposal and came into force on 30 June 2021 following its publication on the NSW legislation website. This report is for the information of the Councillors and provides a brief overview of the Planning Proposal history.

FINANCIAL IMPLICATIONS:

There are no direct financial implications arising from this report.

RECOMMENDATION:

- 1. THAT** Council receive and note the report.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

1. Our Living Environment

1.1 Protected and enhanced natural environment and biodiversity

1.3 Quality urban greenspaces

1.4 Public open space and recreation facilities and services meet community needs

2. Our Built Infrastructure

2.2 Vibrant centres, public domain, villages and streetscapes

2.3 Sustainable transport is encouraged

3. Our Future Planning

3.1 Prosperous and vibrant economy

3.2 North Sydney CBD is one of NSW's pre-eminent commercial centres

3.4 North Sydney is distinctive with a sense of place and quality design

4. Our Social Vitality

4.4 North Sydney's history is preserved and recognised

5. Our Civic Leadership

5.1 Council leads the strategic direction of North Sydney

BACKGROUND

29 October 2018 – Council resolved to accept funding from the Department of Planning, Industry and Environment (DPIE) to prepare:

- A Local Environmental Plan Review “Road Map”;
- Local Strategic Planning Statement (LSPS); and
- Local Housing Strategy (LHS).

19 November 2018 – Council considered a report outlining a Road Map for its LEP Review, with a number of priorities identified to achieve a more holistic consistency with the North District Plan.

19 April 2019 – The Greater Sydney commission (GSC) gave in principle support for Council's assessment under the North District Plan and identification of further work to inform its planning controls to better align with the directions of the North District Plan.

24 June– 15 August 2019 – The Draft LSPS and LHS are placed on public exhibition for 42 days.

23 September 2019 – Council resolved to prepare a Planning Proposal to give effect to the LSPS and LHS, and to incorporate a range of housekeeping amendments. Council also resolved to refer the Planning Proposal to the North Sydney Local Planning Panel (NSLPP) for its recommendation prior to determining whether the proposal should proceed to Gateway Determination.

23 October 2019 – The NSLPP resolved to support the Planning proposal progressing to Gateway Determination.

25 November 2019 – Council resolved to endorse the Planning Proposal and associated maps and forwarded it to the Minister for Planning and Public Spaces in order to obtain a Gateway Determination. At this meeting, Council also adopted the LSPS and LHS, and resolved to amend the Planning Proposal to reflect Council’s adoption of these strategies and the recommendations of NSLPP.

24 February 2020 – Council resolved to endorse draft amendments to NSDCP 2013 and publicly exhibit them concurrently with the Planning Proposal.

25 November 2019 – Council resolved to endorse the Planning Proposal and forward it to the Minister for Planning and Public Spaces to receive a Gateway Determination and permit the proposal to be placed on public exhibition.

19 April 2020 – A Gateway Determination was issued enabling the Planning Proposal to be placed on public exhibition.

25 May to 22 June 2020 – The Planning Proposal and draft amendments to NSDCP 2013 were placed on public exhibition for 28 days.

24 August 2020 – Council considers a post exhibition report and resolves to forward the Planning Proposal with minor amendments to the DPIE with a request to make an LEP giving effect to the Planning Proposal.

28 August 2020 – Council forwards the endorsed Planning Proposal to the DPIE with a request to make an LEP giving effect to the Planning Proposal.

22 July 2021 – Parliamentary Counsel issued an opinion that the LEP can be made. This LEP is North Sydney Local Environmental Plan 2013 (Amendment 30).

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

1. Amendment 30 to NSLEP 2013

NSLEP 2013 (Amendment No. 30) gives effect to the Planning Proposal and is now in force following its publication on the NSW legislation website on 30 June 2021. A copy of the instrument is provided in Attachment 1 and a copy of the revised maps are provided in Attachment 2 to this report.

The key amendments to NSLEP 2013 include the following:

- Permits residential flat buildings within the *R3 Medium Density Residential* zone;
- Permits veterinary hospitals within the *B1 Neighbourhood Centre* zone;

- Rezones two Sydney Water properties to *SP2 Infrastructure* located at:
 - 74 McDougall Street, Kirribilli; and
 - Lot 1 DP 786793 (to the rear of 33A-33B Shellcove Road, Kurraba Point).
- Rezones several properties associated with the Warringah Freeway to *SP2 Infrastructure*;
- Rezones a number of properties used by schools to *SP2 Infrastructure (Educational Establishment)* at:
 - North Sydney Girls High School;
 - Sydney Church of England Grammar School (Shore);
 - Wenona School;
 - Redlands Sydney Church of England Co-Educational Grammar School;
 - St Aloysius College;
 - Monte St Angelo Mercy College;
 - Anzac Park Public School;
 - Loreto Kirribilli.
- Rezones all land located below Mean High Water Mark to *UL Unzoned Land*;
- Corrects a number of historical zoning errors on a number of private properties:
 - 2 Nicholson Street, Wollstonecraft;
 - 19 Elamang Avenue Kirribilli; and
 - 80 Bent Street, Neutral Bay.
- Rezones a number of road reserves to *RE1 Public Recreation* to reflect their current usage;
- Expands the ability to undertake functions at North Sydney Olympic Pool site by allowing functions centres as a permissible use across the entire site;
- Removal of certain land uses under clause 2.5 and Schedule 1 – Additional permitted Uses of NSLEP where the use has ceased, including:
 - 2 Thomas Street, McMahons Point;
 - 41 Alfred Street South, Milsons Point;
 - 88 Berry Street, North Sydney.
- Ensuring the construction of residential flat buildings do not isolate sites with semi-detached dwellings;
- Removes several heritage items that have been demolished or removed;
- Revises all LEP maps to ensure that planning controls accurately align with a new State government base cadastre;
- Corrects minor errors in relation to the local government area and NSLEP 2013 boundaries;
- Removal of redundant clauses due to ceasing operation or duplication under other planning instruments;
- Renumbering clauses to align with directions under the Standard Instrument LEP Order;
- Correcting errors relating to street addresses and property descriptions;
- Correcting errors in relation to the location and extent of a number of heritage items;
- Applying height limits to privately owned land not zoned for recreation, environmental conservation or road purposes including:
 - The Avenue, North Sydney;
 - 25 Shirley Road, Wollstonecraft.
- Apply consequential development standard amendments to rezoned land to align with existing Council practices under the LEP; and
- Removes properties identified for land acquisition which have now been acquired by

the relevant acquisition authority.

2. Amendments not incorporated

The Planning Proposal initially sought to identify 3 Parker Street, McMahons Point as a heritage item under NSLEP 2013. However, this amendment was not incorporated within Amendment 30 to NSLEP 2013 as made.

Its exclusion is the result of a development consent to DA 103/19 being issued for the redevelopment of 3 Parker Street by the Land and Environment Court (10 November 2020–LEC 260634/19) which would result in the removal of much of the property’s heritage significance.

This development consent was issued after Council had already determined to proceed with the Planning Proposal, including the heritage listing of 3 Parker Street, after considering submissions to the public exhibition of the Planning Proposal.

This consent is currently being acted upon and there are no avenues left to prevent these works from occurring and thereby there is no reason to continue pursuing the heritage listing of this property.

8.4. Green Park Tennis Courts - Variation to Hours of Operation in the Temporary Lease to Primrose Park Tennis Court Operator

AUTHOR: Risha Joseph, Property Officer

ENDORSED BY: Duncan Mitchell, Director Engineering and Property Services

ATTACHMENTS: Nil

PURPOSE:

The purpose of this report is to address a request made by the Operator of Primrose Park Tennis Courts, who is currently operating under a temporary lease arrangement at Green Park, to increase his operating hours from a total of 44.5 to 52.15 per week.

EXECUTIVE SUMMARY:

At the meeting of 26 April 2021, Council resolved to formalise the temporary lease to the Operator of Primrose Park Tennis Courts (Dalbech Pty Ltd) for the use of the Green Park Tennis Courts, for a total of 44.5 hours a week during the refurbishment of the Primrose Park Tennis Courts.

The Operator has now requested that the hours be varied by increasing the operating times on a weekday, as well as a Saturday, to a total of 52.15 hours per week, with Sundays being available for public use, and a decrease to a total of 46 hours during the school vacation period.

FINANCIAL IMPLICATIONS:

Whilst the refurbishment of the Primrose Park Tennis Courts is being funded through a combination of Federal Government Grant Funding and Councils Property Capital Works Budget, the operator of the Primrose Park Tennis Courts is paying a lease fee for the use of the courts at Green Park. The lease fee was reported to Council at the 26 April 2021 meeting.

RECOMMENDATION:

- 1. THAT** Council approves the request of the Primrose Park Tennis Court operator, now operating at Green Park, to increase the operating hours from a total of 44.5 to 52.15 per week, which includes weekdays and Saturday, excluding Sundays; and a corresponding decrease to a total of 46 hours per week during the school holiday periods.
- 2. THAT** all costs in relation to the variation of the lease is to be borne by lessee.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

2. Our Built Infrastructure

2.1 Infrastructure and assets meet community needs

BACKGROUND

At the meeting of Council on 22 February 2021, Council considered a report on the proposed refurbishment of the Primrose Park Tennis Courts and the Property and Leasing implications for the current lease holder as the operator of the courts and resolved the following:

- “1. THAT Council approves the proposal to re-locate the current Primrose Park Tennis Court operator to Green Park Tennis Courts for the duration of the works at Primrose Park.*
- 2. THAT a temporary lease for the relocation of the Primrose Park Tennis Court Operator be drafted and that in accordance with Section 47A of the Local Government Act 1993, place the proposal for the exclusive, temporary lease on Public Exhibition for 28 Days during which time submissions can be received.*
- 3. THAT Council at the conclusion of the 28-day exhibition period, and if no submissions are received, resolve to formalise the temporary lease agreement.*
- 4. THAT the General Manager under the delegations of Section 377 of the Local Government Act 1993, negotiate the terms and conditions of the temporary lease.*
- 5. THAT Council notes that the proposed relocation of the Primrose Park Tennis Court Operator to Green Park Tennis Courts and the execution of a temporary lease will only be undertaken on the basis that Council is in a position to award the tender to commence works on the project in April – May 2021.”*

At the meeting of Council on 26 April 2021, Council considered a report on the outcome of the public consultation and resolved, in part, the following:

- “1. THAT as Council is in a position to award a tender for the upgrade of the Primrose Park Tennis Courts, Council enter into a temporary lease arrangement with the Primrose Park Tennis Court operator (Dalbech Pty Ltd) to utilise the Green Park Tennis courts for the duration of the upgrade works with amended operational hours at the Courts as outlined in Table 1 of this report.*
- 2. THAT the General Manager under the delegations of Section 377 of the Local Government Act 1993, finalise the terms and conditions of the temporary lease that is to be entered into with Dalbech Pty Ltd.*
- 3. THAT the lease be made public.*

CONSULTATION REQUIREMENTS

The current lease was advertised for public comment from 15 March to 11 April 2021.

Council consulted with its Solicitors, Marsdens Lawyers in relation to whether any further public consultation was required to fulfil the requirements of the Local Government Act 1993 and received the following advice:

“I note the Tenant wishes to amend the hours of operation which are presently defined in Item 12 of the Reference Schedule.

I am of the view that the requirement for the lease to again go to public exhibition (as it is community land) is not required under the Local Government Act 1993 as those provisions are required to be complied with only the grant of the relevant lease. As the lease has already been granted, the changes to the operating hours could be made through a variation of lease only and not require the grant of a new lease altogether.

The language of the public consultation and exhibition provisions do not refer to a variation, surrender or transfer of a lease of community land that requires further public consultation or exhibition”.

DETAIL

Request for a change to the Operating hours

The Resolution of April 26 meeting was finalised, with the operator of the Primrose Park Tennis Courts commencing his operations at the Green Park Tennis Courts on 19 June 2021.

However, due to the Operator now having a better understanding of how the business will work at the Green Park Tennis courts for the next 7 months and the impacts that the recent COVID –19 lock down and Public Health orders have had, Dalbech Pty Ltd has requested a variation to his operating hours.

As outlined in Schedule 1 of this report, the Operator is now requesting an increase from a total of 44.5 to 52.15 hours per week, which includes the weekdays and Saturdays, but has allowed more flexibility for the public to use the courts from 2pm on a Saturday and all day on a Sunday.

School Holidays

The Operator has proposed a decrease to 46 hours of operation during the school holiday period with there being no sessions on a Sunday. This is a decrease of 6.15 hours during the school holiday period, which allows more public access to the courts during this period.

Reasons for the Change in Operating Hours

The Operator has advised that he has no flexibility when he is required to change or make up for a lesson. He has also informed Council that despite the approved hours of operation, he has willingly allowed other members of the public as well as other commercial operators such as Personal Trainers, Tennis Coaches and other organised health and recreation activities to benefit from the use of the courts when he does not have a lesson during his agreed times.

In addition, the Green Park Tennis Courts do not have any lights for evening lessons, and the number of courts is only two (2) compared to Primrose Park which has four (4) courts and night lighting. The operator who has brought many of his customers from Primrose Park Tennis

courts is finding that the reduced number of courts at Green Park means that he does not have the capacity for bookings and is turning away customers.

The operator has also outlined to Council Officer's that due to the current COVID-19 lockdown there is a significant increase in demand for tennis as an outdoor recreation activity. With less public tennis courts available in the area due to the current upgrade works at Primrose Park Tennis courts he is not being able to meet current community demand within the existing approved hours of operation.

Conclusion

Since the commencement of the temporary lease at Green Park Tennis Courts the Operator (Dalbech Pty Ltd), has made a concerted effort to work with the community and other commercial operators (Unlicensed) to ensure there is equitable access for all users.

Since the operator commenced operation at Green Park on 19 June 2021, Council has not received any complaints about access to the courts. The operator has demonstrated that he complies with his current hours of usage and has worked cooperatively with Council to ensure a smooth transition out of Primrose Park tennis courts to enable construction works to commence on time.

On the basis that the operator is now understanding the transition to Green Park and the impacts it is having on how he runs his business, along with the impacts of the COVID-19 lockdown, it is being requested that Council approve the increase of his operating hours from 44.5 to 52.15 hours per week during school term while decreasing hours to 46 hours per week during school holiday periods. Refer to Schedule 1 in this Report.

Schedule 1: Current and varied times of operation

Days of Week	Current hours of operation following the Resolution of Council dated 26/04/2021	No. of Operating Hours at Green Park	Proposed Changes (Daily Operating Hours – Monday to Saturday)	No. of Operating Hours	Adjustment per session	Proposed Changes (School Vacation Operating Hours)	No. of Operating Hours
Monday	7am to 11am	4	7am to 12pm	5 hours	Increased by 1 hour	8am to 12pm	4 hours
	2pm to 5pm	3	1pm to 6pm	5 hours	Increased by 2 hours	1pm to 5pm	4 hours
Tuesday	7am to 11am	4	7am to 11.30am	4.5 hours	Increased by ½ an hour	8am to 12pm	4 hours
	3pm to 5pm	2	2.30pm to 6pm	3.5 hours	Increased by 1½ hours	1pm to 5pm	4 hours
Wednesday	7am to 12pm	5	7am to 1pm	6 hours	Increased by 1 hour	8am to 12pm	4 hours
	2pm to 5pm	3	1.45pm to 6pm	4 hours 15 minutes	Increased by 1 hour 15 minutes	1pm to 5pm	4 hours
Thursday	7am to 12pm	5	7am to 12pm	5 hours	No Change	8am to 12pm	4 hours
	2.30pm to 5pm	2.5	2pm to 6pm	4 hours	Increased by 1½ hours	1pm to 5pm	4 hours
Friday	7am to 11am	4	7am to 11am	4 hours	No change	8am to 12pm	4 hours
	3pm to 5pm	2	12 pm to 6pm	5 hours	Increased by 3 hours	1pm to 5pm	4 hours
Saturday	8am to 2pm	6	8am to 2pm	6 hours	No Change	8am to 2pm	6 hours
Sunday	8am to 12pm	4	No session available	n/a	Decreased by 4 hours	No session	No session
		44.5 hours		52.15 hours			46 hours

8.5. Youth Visual Storytelling Program 2020/2021 Pilot Program Report

AUTHOR: Lisa Woolfe, Arts and Culture Officer

ENDORSED BY: Rebecca Aukim, Acting Director Community and Library Services

ATTACHMENTS:

1. Youth Visual Storytelling Project Council Report Attachment 1 of 1 [8.5.1 - 12 pages]

PURPOSE:

To report the outcomes of the 2020/2021 Youth Visual Storytelling Program Pilot.

EXECUTIVE SUMMARY:

In 2020/2021, in line with the vision and directions set out in the North Sydney Arts & Cultural Strategic Plan 2019-2022, the Arts & Culture team identified an opportunity to strengthen Council's existing youth-based arts and cultural program to meet the changing needs of young people in the North Sydney LGA. In 2020/2021 the arts team piloted a revised and innovative 'in school artist in residence program' where Council partnered visiting artists and arts workers with local public high schools to mentor young people to create visual narrative from concept through to presentation.

Local schools Bradfield Senior College and Monte Sant Angelo Mercy College participated in the pilot program, enthusiastically endorsing the outcomes and benefits to the young people of the LGA.

FINANCIAL IMPLICATIONS:

The cost of the program was \$10,490 (excl. GST). In previous years, Council funds and resources were allocated towards marketing and advertising to recruit young people to the extra-curricular program, as well as towards venue hire and other administrative tasks such as enrolments and parental permissions. The piloted in-school program utilised school resources for recruitment, venue and administrative tasks, ensuring that Council funds and resources are used more effectively to achieve the program objectives.

RECOMMENDATION:

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

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

4. Our Social Vitality

4.1 North Sydney is connected, inclusive, healthy and safe

BACKGROUND

The Arts & Culture team's long running Youth Visual Storytelling Program (YVSP) aims to facilitate meaningful arts and cultural encounters that supports young people's wellbeing while sustaining and deepening their involvement in arts and culture.

In recent years the YVSP has operated as an extra-curricular program. This was offered once per year to young people between 12-18 years as a 6 week program with creative industry mentors who worked with photography and screen based technologies. Students were guided from concept development to final production and presentation of their visual narrative. Acknowledging the rapidly expanded means of artistic expression now available as well as the evolving challenges and needs of young people today, the Arts & Culture team identified an opportunity to re-present the YVSP as an innovative program that would

- Position Council as a leader in facilitating innovative and meaningful arts and cultural encounters for young people in the LGA that supports their wellbeing, sustaining and deepening their involvement in arts and culture.
- Strengthen our arts and cultural sector by enabling a diverse community of artists and arts workers with employment and meaningful opportunities for professional development.
- Facilitate strategic, collaborative and sustainable partnerships between Council, educators, artists and local business.
- Nurture the creative skills of young people who are interested in a career in the arts.
- Support professional development of high school teachers.

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

In 2020/2021 the Arts & Culture team developed guidelines for a pilot 'In school artist in residence program', where Council would match a visual artist/s and visiting curator to work with students in the school environment to develop a creative narrative. The YVSP guidelines were developed based on significant research of similar programs run internationally and interstate (after finding no similar programs are run within New South Wales) together with discussions with high school teachers and feedback from young people who have previously participated in the program. The findings indicated that

- Young people are less interested in structured 'how to' style teacher led programs during their down time.

- Young people are less interested in structured programs about screen based technology or any other technology – they can find what they need or want to know independently.
- Young people are more interested in and respond well to deeper creative experience and want to push their creative outcomes.
- A program based around technology/theme/interest that works today will be outdated in 6 months.
- Creative programs for young people must be agile so that the offering and outcomes evolve to meet rapidly changing needs.
- Creative programs that aim to provide young people outlets for self-expression must be ‘youth led’ and open ended, not ‘adult led’. This approach enables young people to make meaningful connections and interpretations based on their own experiences.
- The best way to recruit young people is taking programs to young people rather than recruiting them to come to us.

The guidelines and an invitation to participate in the pilot program was distributed to schools across the LGA. Bradfield Senior College and Monte Sant Angelo Mercy College responded enthusiastically. Local Visual artists **Alex Thorby**, **Tamsin Salehian** and artist/curator **Paul McDonald** were carefully selected and matched with schools based on each schools’ capacity and needs. The artists worked with students over a 6 week period during school hours.

Bradfield Senior College

Bradfield Senior College conducts an innovative program and timetable for students in year 11 and 12 from diverse backgrounds and locations across the metropolitan area, some of whom come from challenging backgrounds.

A group of Year 11 students presented ‘Cultural Evolutionists (Evolution of Sydney)’ as part of Bradfield Senior College’s wider curriculum event ‘ReGeneration’. Visual artist Tamsin Salehian acting as mentor, sounding board and problem solver worked with the students to present their own ambitious and highly developed concept. The resulting artwork is a large scale installation giving visitors the experience of a walk through a corridor reflecting Australia’s timeline and the possible ways our culture could evolve in the future. Original artworks, primary source material (such as the Referendum), photos and text layer across fabric walls like a collage, overlaid with graffiti, ripped posters, and other remnants. The end of the installation offers a choice that explores the individual’s and collective’s influence on a nation. Council contributed funds for specialist fabric printing and other specialty materials that enhanced the resulting display.

Bradfield Senior College Learning Coordinator Kim-Louise Kofod gave the program high praise stating that student attendance was 100% across the 6 weeks, students received valuable guidance and produced work of very a high standard.

The resulting work was presented to the school community, including parents and friends, at Bradfield Senior College’s annual Vivid Ideas presentation over 2 days in May 2021.

Monte Sant Angelo Mercy College

Visual artist Alex Thorby and artist/curator Paul McDonald worked with Monte Sant Angelo students from across years 7-11 as part of the school’s existing and long running enrichment program ‘Art After Hours’. Council, the artists and Monte’s Head of Visual Arts, Kate Watson

worked together to develop a project theme that would suit the school's capacity while giving students creative and expressive freedom. Students worked on individual conceptual sculptural self-portrait projects. Acting as facilitator, Alex guided students through the process of developing their idea into a finished artwork. Paul McDonald helped students write about their work and present their work in a gallery setting as a cohesive story.

Students were given the opportunity to work with materials they would not normally have access to and given agency over their creative output. Many students created artworks that addressed concerns about their place in society and challenges faced by young people in general. The resulting works were presented in an exhibition titled 'Self Expression' in the School's gallery. Over 60 people consisting of parents/grandparents/siblings attended an informal gathering at the gallery to view the students' impressive artworks.

Kate Watson, Head of Visual Arts at Monte Sant Angelo praised the program:

"...attendance is always a measure of success and we have had almost 100% every week and students coming in their own time to extend their work at lunchtimes! From our point of view, a really successful pilot in so many ways. Thank you"

Following on from the success of the YVSP pilot, the Arts & Culture team will:

- continue to build relationships with local high schools promoting the value of the program to young people and continue to develop and strengthen the YVSP.
- continue to evolve the program offering to ensure that it meets changing needs
- continue to ensure that the program is youth centered
- work closely with Council's Youth Team to identify opportunities to work with young people who are outside or on the edge of mainstream school structures to ensure YVSP remains inclusive and beneficial to all young people across the LGA.

8.6. Shoreshocked Youth Festival

AUTHOR: Greg Nikoletos, Youth Services and Partnerships Coordinator

ENDORSED BY: Rebecca Aukim, Acting Director Community and Library Services

ATTACHMENTS: Nil

PURPOSE:

To report on the Shoreshocked Youth Festival which was held April 2021.

EXECUTIVE SUMMARY:

This report is to brief Council on its flagship annual youth event, Shoreshocked Youth Festival, which was held in St Leonards Park on Saturday 17 April 2021.

The concert, the peak event in Youth Week, was held under Covid Safe conditions following its postponement in 2020.

The event reduced the number of bands performing to four and capped the attendance numbers to 500. The event was organised in collaboration with 6 Northern Sydney area Councils.

FINANCIAL IMPLICATIONS:

The event expenditure was \$44,014.

North Sydney Council allocated \$17,000 to Shoreshocked in the 2020/21 budget and this included \$2,044.90 grant income from NSW Youthweek.

Contributions from partner Councils were:

- City of Ryde \$6,300.00
- Ku-ring-gai Council \$5,000.00
- Lane Cove \$7,000.00
- Mosman Council \$4,770.00
- Willoughby Council \$4,863.27

Total contributions from partners: \$27,933.27

RECOMMENDATION:

1. THAT the report be received.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

4. Our Social Vitality

4.1 North Sydney is connected, inclusive, healthy and safe

4.2 North Sydney is creative and home to popular events

BACKGROUND

North Sydney Council has been celebrating Youthweek through its flagship youth event, Shoreshocked, since 1996.

In 2021 Youthweek ran from 16-24 April with the theme “Together more than ever” and Shoreshocked was held on Sat, 17 April.

Shoreshocked is held in St. Leonards Park and is a collaborative project between Councils, Youth Health Promotion (NSW Health) and community organisations from the Northern Sydney district.

Funding is provided by each Council which also includes the NSW Youthweek financial contributions.

It is the only free, large scale, all ages youth festival in Northern Sydney and it provides multiple opportunities for young people to be involved in celebrating youth culture and to showcase their creativity and skills to their peers and to the wider community.

Due to the Covid-19 lockdown of 2020 the event was postponed to 2021 and was able to go ahead in April 2021 just as the restrictions for events were lifted by the NSW Government.

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

Shoreshocked as a major event requires time to plan and is dependent on multiple stakeholders and partners.

Due to Covid-19, planning the event proved challenging with planning initiated twice only to be halted due to restrictions not being lifted in time.

Following the easing of restrictions on events, the Organising Committee initiated planning for Shoreshocked in mid-February 2021.

The participating Councils included Lane Cove, Mosman, North Sydney, Ku-ring-gai, Ryde and Willoughby.

The Committee scaled the event back to meet Covid Safe requirements which included shortening the duration of the event, capping the attendance numbers to 500 and removing the community stalls to minimise people congregating in one spot for too long.

The event was held on Saturday, 17 April between 2:30pm and 5:30pm at St. Leonards Park with 4 bands taking to the stage to showcase their talents and entertain the crowd.

The two young bands who were the winners from Battle of the Bands competitions held in 2020 opened the event and gained valuable experience and exposure in supporting the better-known headlining artists.

Phoenix House Youth Services provided a coffee and food stall as part of their Cream Bean Social Enterprise where young people are trained as Baristas and Hospitality workers.

Security and Paramedics, along with Police were on hand to ensure the event ran safely and to provide assistance if required. There were no critical or medical incidents.

The event was well attended by 500 people which was the capped number implemented to meet Covid Safe requirements.

The safety measures meant that the participation of young people in helping to organise the event was not of the same level as previous years.

The feedback from both young people and parents was overwhelmingly positive. Of note was a father who expressed to Council's Youth Worker that music is the only thing that is holding his daughter together at the moment and he was therefore incredibly thankful to the Council for putting the event on.

Similarly, the parents of two of the performers stated similar sentiments and spent some time explaining the challenges their children overcame in their personal lives as well as through the Pandemic. Being able to perform at Shoreshocked was something incredibly special to them all.

For the Youth Workers having witnessed the negative impacts the Pandemic has had on young people to be able to provide a day of joy, music and dance for them was a particular special and positive outcome.

Knowing what Shoreshocked meant to the young people in 2021 is something that will motivate the Committee to provide another positive event for them in 2022.

The organising committee would like to thank the various people at Council who make it possible for the event to be implemented year after year. Special thanks are extended to the staff at St. Leonards Park Depot, The Oval, Events, and Booking. Their assistance is greatly appreciated.









8.7. New Year's Eve Alcohol Free Zones and Alcohol Prohibited Areas renewal

AUTHOR: Joanna Gibson, Team Leader Events

ENDORSED BY: Margaret Palmer, Director Corporate Services

ATTACHMENTS:

1. 01. Proposed Alcohol Managed Areas NYE 2021-2024 Maps FINAL [8.7.1 - 5 pages]

PURPOSE:

The purpose of this report is to request the renewal of the expired New Year's Eve (NYE) Alcohol Free Zones and Alcohol Prohibited Areas that were last approved in 2017. Although confirmed plans for NYE 2021 have yet to be advised from the City of Sydney and the NSW Government, the latest advice at the time of writing is that the fireworks will be going ahead and that restrictions will be in place to manage the impacts of COVID-19, including fencing and ticketing. The approval of the Alcohol Free Zones and Prohibited Areas is therefore in preparation for the safe delivery of the event.

EXECUTIVE SUMMARY:

Alcohol Free Zones and Alcohol Prohibited Areas have assisted in managing the negative impacts of alcohol consumption on NYE. The NYE Special Event Alcohol Free Zones and Alcohol Prohibited Areas have expired and need to be renewed for the next four years from 2021 – 2024, the maximum time allowed under Ministerial guidelines.

This report requests the extension of the Alcohol Free Zones and Alcohol Prohibited Areas that were endorsed by Council on 26 June 2017 and also to clarify the definition and timing of NYE to be from 7am on 31 December – 7am on 1 January. This timing change will ensure the NYE Alcohol Free and Alcohol Prohibited Zones in place align to the timings of the Alcohol Free Zones and Alcohol Prohibited Areas in place year-round.

Alcohol Free Zones apply to streets and footpaths and are in force 24 hours a day. Alcohol can be carried not opened, but cannot be consumed in these zones. Alcohol Prohibited Areas apply to parks, plazas and car parks and the hours can be flexible. Alcohol cannot be taken into or consumed in these areas and may be confiscated or tipped out. The Alcohol Free Zones and Alcohol Prohibited Areas are to be established, respectively, under Sections 644, 644A and 644B of the Local Government Act 1993. The cost of renewing the signage has been factored into the 2021/2022 NYE budget.

The City of Sydney has taken back planning control for NYE 2021/2022 after temporary custodianship was given to the Department of Premier and Cabinet (DPC) late in 2020. The City of Sydney has yet to provide advice on the exact format of NYE celebrations for 2021, however, the advice received at the June Department of Premier and Cabinet Events Operation Group meeting was that the City is planning for the fireworks to go ahead with restrictions in place that may include fencing and ticketing.

The current COVID-19 outbreak in Sydney may change that advice in the coming months. Council will be advised when NYE plans have been confirmed detailing the impact that COVID-19 and Public Health Orders (PHO) will have on the delivery of the event in the North Sydney Local Government Area.

FINANCIAL IMPLICATIONS:

The cost to update Alcohol Prohibited Area and Alcohol Free signage is approximately \$6,000 and has been factored into the NYE 2021/22 budget.

RECOMMENDATION:

1. **THAT** the 2017-2020 Alcohol Free Zones and Alcohol Prohibited Areas for NYE, with the amended definition and timing of NYE to be from 7am, 31 December – 7am, 1 January, to be placed on Public Exhibition for 28 days and licensed venues in the affected areas notified.
2. **THAT** if no submissions are received then the NYE Alcohol Free Zones and Alcohol Prohibited Areas renewals will be implemented for NYE 2021 - 2024. If submissions are received these will be reviewed and a further report submitted to Council if required.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

4. Our Social Vitality

4.1 North Sydney is connected, inclusive, healthy and safe

4.2 North Sydney is creative and home to popular events

BACKGROUND

NYE Alcohol Free Zones and Alcohol Prohibited Areas:

Alcohol Free Zones and Alcohol Prohibited Areas have assisted in managing the negative impacts of alcohol consumption on NYE. This report outlines a request to renew the expired NYE Special Event Alcohol Free Zones and Alcohol Prohibited Areas for 2021 - 2024.

Alcohol Free Zones and Alcohol Prohibited Areas can be established for a maximum of four years under Ministerial guidelines, but councils can review the Zones and Areas at any time.

Alcohol Free Zones apply to streets and footpaths and are in force 24 hours a day. Alcohol can be carried unopened, but cannot be consumed in these zones. Alcohol Prohibited Areas apply to parks, plazas and car parks and the hours can be flexible. Alcohol cannot be taken into or consumed in these areas and may be confiscated or tipped out.

The Alcohol Free Zones and Alcohol Prohibited Areas are to be established, respectively, under Sections 644, 644A and 644B of the Local Government Act 1993.

At its meeting of 26 June 2017, Council resolved that:

- 1. THAT the 2012-2016 Alcohol Free Zones and Alcohol Prohibited Areas for NYE shown on the maps provided be renewed for 2017-2020.*
- 2. THAT an extension to the NYE Alcohol Prohibited Areas (parks) be established for 2017-2020 in Beulah Street Reserve, Sawmillers Reserve, the western side of Blues Point Reserve and Waverton Park.*
- 3. THAT an extension to the NYE Alcohol Free Zones (streets) be established, for 2017-2020 on Larkin Street, Waverton, and Lavender Crescent, Lavender Bay.*
- 4. THAT the areas described in the report be placed on Public Exhibition and that licensed venues in the affected area be notified.*

CONSULTATION REQUIREMENTS

Community engagement will be undertaken in accordance with Council's Community Engagement Protocol.

After preparing a proposal to establish an Alcohol Free Zone a council is required to undertake a public consultation process. The process under the Act involves all of the following:

1. Publish a notice of the proposal in a newspaper circulating in the area of the proposed Alcohol Free Zone, allow inspection of the proposal and invite representations or objections within 30 days from the date of publication. The notice should state the exact location of the proposed Alcohol Free Zone, and the Ministerial Guidelines on Alcohol Free Zones
2. Send a copy of the proposal to:
 - a) the Police Local Area Commander and the officer in charge of the police station within or nearest to the proposed zone,
 - b) liquor licenses and secretaries of registered clubs whose premises border on, or adjoin or are adjacent to, the proposed zone, and invite representations or objections within 30 days from the date of sending the copy of the proposal, AND
3. Send a copy of the proposal to the NSW Anti-Discrimination Board, if the local area is listed in Appendix 2 to these Guidelines, and invite representations or objections within 30 days from the date of sending the copy of the proposal. Other councils have the option of advising the Board if they wish to seek the Board's views on the proposed alcohol-free zone.

In addition to these statutory requirements there are other consultative avenues that may enhance the effectiveness of any Alcohol Free Zone that is subsequently established.

Accordingly, a Council is also required to:

4. Send a copy of the proposal to any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area and invite representations or objections within 30 days from the date of sending the copy of the proposal.

A Council is to give proper consideration to any representations, submissions or objections received and as a result may amend or withdraw a proposal to establish an Alcohol Free Zone. However, any amendment that extends the location of the proposed zone must be supported by reasons (as outlined above).

As per Council's Community Engagement Protocol the maps and areas of the 'Special Event' NYE Alcohol Free Zones and Alcohol Prohibited Areas will be placed on public exhibition and licensed venues in the areas will be notified.

In preparing a proposal to establish an Alcohol-Free Zone a council must consult with the relevant Police Local Area Commander about the appropriate number and location of Alcohol Free Zones.

DETAIL

NYE 2021/22

The City of Sydney funds, produces and delivers the yearly NYE fireworks display and entertainment on Sydney Harbour. The event is broadcast globally. Crowd Management, Security Management, Traffic and Transport management, the delivery of operational and

logistical requirements is supported by multiple state and local government agencies. Prior to the COVID-19 pandemic up to one million people viewed the fireworks live from the Sydney Harbour foreshore and an estimated one billion watched the broadcast.

In September 2020 due to the uncertainty surrounding COVID-19 custodianship of the NYE event was handed from City of Sydney to the NSW DPC to plan and deliver the event. On 2 October 2020, Council wrote to Tim Reardon, Secretary of the DPC, asking him to confirm that the DPC would take responsibility for managing NYE in the North Sydney LGA as it was doing in the City of Sydney. Mr Reardon responded to Council on 17 November and advised that the DPC will be implementing a suite of measures for NYE that include fencing most foreshore parks and reserves and closing them to public access, closing roads and undertaking a strong communications campaign advising people to celebrate at home.

On 31 May 2021 during the monthly DPC Event Operations Group meeting it was confirmed that the City of Sydney had taken back control and planning of the NYE celebrations. Operational and creative updates are expected from the City of Sydney in late July 2021.

The pandemic has changed the way that events are designed and managed, in particular major outdoor events.

At the time of writing of this report, COVID-19 restrictions and a stay-at-home direction are in place for Greater Sydney. Prior to the stay-at-home direction, which was instated on Friday 25 June, Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021 was in force, with a scheduled end date of 30 August 2021. The PHO directs organisers of outdoor public gatherings and events on the maximum number of participants allowed, COVID-19 safety plan requirements, directions regarding contact tracing and record keeping for all participants.

The purpose of the NYE Alcohol Free Zones and Alcohol Prohibited Areas are to assist in managing the negative impacts of alcohol consumption on NYE. Operating as part of North Sydney Council's strategy of Managed Access for NYE, restricting the presence of alcohol within public places during the event assists in reducing injuries from the presence of broken glass in reserves, widespread intoxication, and under-age drinking. Overall, Alcohol Free Zones and Alcohol Prohibited Areas go a long way in creating a safe event environment.

To plan for the safe management of the North Sydney vantage points in the case that the NYE fireworks will proceed for 2021/22 this report requests the renewal of the expired NYE Alcohol Free Zones and Alcohol Prohibited Areas that were approved in 2017. For the purpose of the renewal, New Year's Eve is defined to conclude at 7am on 1 January which will align with the NYE Alcohol Free Zones and Alcohol Prohibited Areas that are in place year-round. The cost of renewing the signage for four years is \$6,000. This has been considered in the NYE budget. Day labour is used to erect and dismantle NYE additional temporary signage.

During July, COVID-19 restrictions and a stay-at-home direction is in place for Greater Sydney and all major events during this period have been cancelled or postponed to a later date.

Based on the prior PHO and advice from the DPC at the last Events Operation Group meeting, it is likely that all vantage points for NYE will need to be fenced and ticketed. As a result, the North Sydney vantage points may require additional infrastructure, contact tracing protocols and staffing to manage the four ticketed vantage points in 2019. Consideration must be also

given for the resources required to safely manage the remaining sites. Council will be advised once details have been confirmed outlining the impacts and necessary requirements for NYE.

8.8. Expressions of Interest - On-Street Parking Management System 2022

AUTHOR: Leonie Wishart, Manager Parking Meters

ENDORSED BY: Duncan Mitchell, Director Engineering and Property Services

ATTACHMENTS: Nil

PURPOSE:

The purpose of this report is to inform Council that an “Expression of Interest” (EOI) will be called for Councils new “On-Street Parking Management System Contract”, followed by a Select Tender process.

EXECUTIVE SUMMARY:

Council’s current “On-Street Parking Management System for Parking Meter, Parking Sensor & Cash Collection” Contract is due to expire on 31 December 2021.

It is intended to call for “Expressions of Interest” (EOI) for the new "On-Street Parking Management System" in August 2021.

The EOI process will assist Council in determining what is currently the best system in the marketplace that is suited to Council's requirements. The EOI will also provide Council with an opportunity to shortlist the best service providers for a Select Tender process for Council’s new On-Street Parking Management System Contract. A Select Tender will be run in November this year.

FINANCIAL IMPLICATIONS:

The financial implications will be reported as part of the Select Tender Process.

RECOMMENDATION:

1. THAT the information in relation to Council calling “*Expressions of Interest*” (EOI) for the new “*On-Street Parking Management System Contract*” be received.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

- 2. Our Built Infrastructure
 - 2.4 Improved traffic and parking management
- 3. Our Future Planning
 - 3.3 North Sydney is smart and innovative

BACKGROUND

North Sydney Council has used parking meters to manage on street parking in high demand areas for 30 years. Parking meters provide two essential services to Council:

1. A mechanism to encourage higher turnover and compliance to improve access to on street parking for shoppers, residents and visitors in high demand areas including the North Sydney Centre, Village Centers and residential areas.
2. To provide a revenue stream for Council to fund construction and maintenance of essential community infrastructure and other essential services that Council provides.

The process that Council is now embarking upon is similar to the process that Council undertook 2010 when Council called for an “Expression of Interest” for a holistic solution for an “on-street parking management system”. Council shortlisted preferred tenderers from the EOI and awarded a tender in July 2012 to Duncan Solutions. The original contract with Duncan Solutions was for a period of 5 years with an option for the principal, at its sole discretion, to extend the Contract for a further two (2), plus two (2) year periods.

The current contract with Duncan Solutions which includes the maintenance of all Council owned parking meters (originally purchased in the 2003) is due to expire on 31 December 2021.

CONSULTATION REQUIREMENTS

No Community engagement is required for this Project

DETAIL

Council's current Contract 13/2011B: *"On-Street Parking Management System for Parking Meter, Parking Sensor & Cash Collection"* is due to expire on 31 December 2021 (inclusive of all options, which have been exercised).

It is intended to call for "Expressions of Interest" (EOI) for the new "On-Street Parking Management System Contract" in August 2021. The purpose of the EOI is to shortlist preferred service providers who can deliver to Council a new On-Street Parking Management System that is fully integrated and has built in functionality and flexibility designed to meet Council's requirements for the next 10 years.

Council's Traffic and Parking Operations Area in conjunction with a number of other business units across Council such as Rangers, Customer Service, and the Finance Department have worked together in preparing the EOI.

As part of the internal consultation process undertaken at Council, a number of key objectives have been developed and incorporated into the EOI which are considered critical for the future management of On Street Parking in North Sydney. These objectives are as follows:

1. Provide Council with the best cost benefit solution and arrangement to upgrade all of Councils Parking meters which are over 18 years old. North Sydney Council currently has 443 parking meters that control 2768 spaces across the LGA.
2. Provide a "Parking app" that integrates with "smart device" parking applications.
3. Provide to Council an on-street parking management control system such as "Parking Sensors" and/or an alternative solution to installing parking sensors to monitor parking occupancy / turnover and to assist with compliance and enforcement.
4. Provide an E-permit system for Council's resident parking scheme, visitor parking scheme and contractors who come and work in the North Sydney LGA.
5. Provide to Council an "On Street Parking Management System" that has built in capability to incorporate the following functionality:
 - a. Real- time and historic parking and transaction reporting including dashboard functionality.
 - b. Built in integration with Council's finance systems.
 - c. Built in reporting functionality for auditing, systems status updates, maintenance logs, occupancy and turnover rates.
 - d. Secure portals and integration of the parking management systems operation with Councils enforcement services, smart device apps for Council car parks and meters, and E-Permits.
 - e. Built in functionality to provide free and/or discounted parking rates for all metered parking areas across the North Sydney LGA in real time.
 - f. Built in functionality to integrate with an upgraded "Park & Swim" refund scheme to be available at the newly developed North Sydney Olympic pool.
6. Any future parking management system that Council will invest in, must have real time application programming interface (API) ability to integrate/interact with Councils multiple software and hardware systems.
7. Any future parking management system must have full functionality to move towards being "Cashless".

Cash payments at North Sydney Council parking meters have decreased significantly over the last 5 years. Cash payments at Council's Parking Meters now make up only 8% of all payments and this downward trend on "Cashless Payments" is continuing.

Moving towards a full cashless system will significantly reduce Council's costs and resource load on the auditing of cash income and the security measures that need to be in place when managing cash.

North Sydney Council's car parks have been successfully "cashless" since 1 July 2020.

On-street parking meters come under the Road Transport (Safety and Traffic Management) Act 1999, Pay Parking Schemes. Further details are also outlined with the "RMS Pay Parking Guidelines". (The current version 19.1465 dated 15 November 2019.)

It is important to note that on-street pay parking devices such as parking meters remains a mandatory requirement by the NSW State Government, as outlined in the RMS Pay Parking Guidelines:

"A physical parking meter or ticket machine, regardless of whether it is "Cashless" or not. The implementation of any cashless metered or ticket pay parking scheme must be done on a trial basis only and with TfNSW approval".

Council is currently seeking permission from TfNSW to commence a cashless trial at selected North Sydney parking meter sites.

The future of Councils Parking Meter Network

Underpinning the objectives of the Expression of Interest and any future contract for "On Street Parking Management Systems" in North Sydney is the objectives that have been established in Council's Parking Meter Master Plan that was developed in 2016.

This 10-year Master Plan mapped out and modelled what the likely attractors and demand would be for Parking Meters over a 10-year period across the North Sydney LGA. The Master Plan also identified that changing technology would play a significant role in any future development of the existing Parking Meter network in North Sydney.

Independent Expert Advice and Probity

As part of the Expression of Interest and Select Tender process for the new "On Street Parking Management Systems Contract" Council will be engaging an independent expert consultant that has a thorough understanding of the "On-Street" Parking Industry. The independent consultant will assist with the EOI and Select Tender preparation process as well as the formulation of the new contract.

Council will also be engaging a Probity consultant to prepare a Probity Plan and oversee the EOI and Select Tender process.

Program

1. Expression of Interest called August 2021

2. Expression of Interest assessed and reported to Council October 2021
3. Tender Documentation prepared and tenders called November 2021
4. Tender Award December 2021 – February 2022

8.9. Investments and Loan Borrowings Held as at 30 June 2021

AUTHOR: Asif Ali, Manager Financial Services

ENDORSED BY: Margaret Palmer, Director Corporate Services

ATTACHMENTS:

1. Investment Report - June 2021 [8.9.1 - 19 pages]
2. Investment Portfolio Valuations - June 2021 [8.9.2 - 3 pages]

PURPOSE:

This report provides details of the performance of Council's investment portfolio and borrowing limits for the period ending 30 June 2021.

EXECUTIVE SUMMARY:

Investment Portfolio:

The Investment portfolio (excluding cash balances) held as at 30 June 2021 had a market value of \$86.0 million, with an annualised return of 1.52% for the year to date, 1.46% above the reportable BBSW Bank Bill Index of 0.06%. Cash deposits at call total \$25.0 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 30 June 2021 were \$1,316,399 which was \$33,601 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 June 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.

FINANCIAL IMPLICATIONS:

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 years.

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

RECOMMENDATION:

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

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

- 5. Our Civic Leadership
- 5.1 Council leads the strategic direction of North Sydney

BACKGROUND

The Responsible Accounting Officer must provide Council with a monthly report detailing all funds:

- a. Invested under Section 625 of the Local Government Act 1993. This report must include certification that the investments have been made in accordance with the Act and the Regulations made thereunder, the revised Investment Order issued by the Minister for Local Government and Council's Financial Investment Policy.
- b. Borrowed under Section 624 of the Local Government Act. This report must comply with the borrowings Order issued by the Minister for Local Government and Council's Debt Management Policy.

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

Investment Portfolio

The following table provides details of the performance of Council's investment portfolio (excluding cash deposits) against the benchmark for the month of June 2021 and annualised for the year to date as at 30 June 2021 (including investments which have matured prior to 30 June 2021).

	June 2021	Annualised YTD as at 30 June 2021
Actual Return	0.11%	1.52%
Benchmark	0.00%	0.06%
Variance	0.11%	1.46%

The portfolio performance continues to be driven by the handful of the longer-dated deposits that were locked-in prior to the current interest rate cuts, as well as the FRNs locked in at attractive margins

Asset Type	Market Value as at 30 June 2021	Portfolio Breakdown as at 30 June 2021
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Cash	\$25,072,075.86	22.57%
Term Deposits	\$74,000,000.00	66.63%
Floating Rate Notes (FRN's)	\$5,994,659.30	5.40%
Fixed Bonds	\$6,000,000.00	5.40%
	\$102,088,590.83	100.00%

Council's average duration of term deposits which comprise approximately two thirds of the investment portfolio is approximately 550 days, thus reducing the exposure to declining interest rates experienced with investment renewals.

Investment returns continue to exceed the indicative benchmark (BBSW Bank Bill Index). All funds have been invested in accordance with the Act and the Regulations made thereunder and with Council's Financial Investment Policy. Further, Council's investment portfolio complies with the revised Investment Order issued by the Minister for Local Government, which places restrictions on the type of investments permitted. These restrictions have placed greater emphasis on obtaining competitive investment options and the need for sound investment advice from Council's independent advisor.

Council continues to seek independent advice for all investments and is actively managing the portfolio to ensure that returns are maximised taking into account diversification and risk. A complete analysis of the performance is covered in the Monthly Investment Report prepared by Council's Investment advisor. (refer attachment 1.)

The actual investment returns for the year to date as at 30 June 2021 have been reviewed and are \$33,601 less than the revised budget.

Summary of Returns from Investments (includes Fair Value adjustments):

Year	Original Annual Budget	Revised Annual Budget	YTD Budget (June)	YTD/Annual Actual (June)	YTD/Annual Actual FV adjustments (June)	YTD Budget to Actual Variance (June)
2020/21	\$1,350,000	\$1,350,000	\$1,350,000	\$1,222,664	\$93,735	-\$33,601
2019/20	\$1,500,000	\$1,529,055		\$1,896,660	-\$4,944	\$362,661
2018/19	\$1,590,000	\$1,730,000		\$2,253,497	\$91,056	\$614,553

Floating Rate Notes (FRN's) are required to be revalued each month using the fair value (FV) method which is an estimate in time of the potential market value of the investment. As at 30 June 2021 the YTD movement of FRN's has been an increase in returns of \$93,735.

Financial Investment Policy

As at the end of June, all categories were within the Policy limits for credit ratings and the portfolio remains well diversified, with all asset credit quality classified as BBB- or higher. The maximum holding limit in each rating category and the target credit quality weighting for Council's portfolio are as per the following table:

Long Term Rating Range	Invested as at 30 June 2021	Maximum Policy Holding	Distribution as at 30 June 2021
AA Category	\$53,953,287	100.00%	48.58%
A Category	\$28,266,335	60.00%	25.45%
BBB Category	\$28,847,113	35.00%	25.97%
Unrated ADIs (NR)	\$0	10.00%	0.00%

Loan Borrowings

Council's Loan Borrowing Policy provides the framework for Council's borrowing activities and defines key responsibilities and the operating parameters within which borrowing and related risk management activities are to be carried out.

The Policy's objective is to control Council's exposure to movements in interest rates through the application of fixed, floating or a combination of both in order to maintain its risk averse strategy.

Loan borrowing will be undertaken in line with the following principles:

- a) That the capital cost of infrastructure be recognised over the period during which the benefits will be enjoyed.
- b) That loan funds are a resource to fund the replacement and upgrading of existing infrastructure and fund the creation of new infrastructure.
- c) That loan funds will be limited to:
 - acquisition or enhancement of income producing assets.
 - construction and/or upgrading of buildings; and
 - infrastructure assets that have a life expectancy of greater than 10 years.

The current Debt Facility is as follows:

The current facility is a fixed loan financing option, fully amortising the drawn down amount of \$9,500,000.00 over 10 years, fixed interest rate with quarterly repayments of interest and principal.

The current loan details are as follows:

Loan amount:	\$ 9,500,000.00			
Loan term:	10 years			
From:	31/07/2018			
To:	31/07/2028			
Interest rate:	4.02%p.a.(fixed)			
Repayment:	Quarterly			
Dates	Principal Outstanding	Interest	Principal	Payment
1/07/2020	\$8,099,526.94			

31/07/2020	\$7,891,956.69	\$82,069.29	\$207,570.25	\$289,639.54
30/10/2020	\$7,681,414.01	\$79,096.87	\$210,542.67	\$289,639.54
29/01/2021	\$7,468,761.18	\$76,986.71	\$212,652.83	\$289,639.54
30/04/2021	\$7,253,977.04	\$74,855.40	\$214,784.14	\$289,639.54

The next loan instalment is due on 30 July 2021.

Loan Funded Capital Projects as at 30 June 2021:

Project 1: Upgrading the Car Park in Alexander Street, Crows Nest

A **\$5 million** loan has been sourced to fund this project.

Current length of Loan as per LTFP: 10 years to 2028

Project 2: Upgrading of On-Street Parking Management System

A **\$4.5 million** loan has been sourced to fund this project.

Current length of Loan as per LTFP: 10 years to 2028

Future Borrowings

Council has made provision for future borrowings of \$31 million to assist in the funding to complete the redevelopment of North Sydney Olympic Pool. These funds will be negotiated within the next 18 months.

As per Council's resolution of the September 2020 meeting, prior to accessing these funds, comparative loan rates will be obtained from TCorp and the major banks to ensure market competitiveness.

8.10. NSW Government Infrastructure Contributions Reforms

AUTHOR: Marcelo Occhiuzzi, Manager Strategic Planning

ENDORSED BY: Joseph Hill, Director City Strategy

ATTACHMENTS:

1. North Sydney Contributions Reform Impact Review - Final Report [**8.10.1** - 64 pages]
2. Submission Parliamentary Inquiry into infrastructure Contributions Reforms 9 July 2021 [**8.10.2** - 10 pages]

PURPOSE:

To outline the provisions of the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 and summarise Council's response.

EXECUTIVE SUMMARY:

Council endorsed a new Local Infrastructure Contributions Plan (LIC) in November 2020 which came into effect on 1 March 2021. The Plan was formulated pursuant to the provisions of the Environmental Planning and Assessment Act and is a combination section 7.11 (nexus based) and s7.12 (flat rate) Plan. The North Sydney LIC represents a total works program of \$410M of which approximately \$181M is projected to be funded by the Plan over its 16-year life span.

In March 2021, the NSW Government's released;

- its endorsement of the Productivity Commission's (PC's) recommendations in its November 2020 final report of the Review of Infrastructure Contributions in New South Wales for the Government ('PC final report'),
- Centre for International Economics (CIE) modelling of the revenue projection impacts on local councils in NSW as a result of the reforms (December 2020).

North Sydney Council engaged GLN planning consultants to undertake an assessment of the potential impacts of the proposed reforms upon Council's capacity to levy development contributions and fund public infrastructure (attachment 1).

A draft Bill amending the Environmental Planning and Assessment Act, 1979 was subsequently slated to be introduced into Parliament as part of the budget papers process. The draft Bill gives the Minister for Planning various powers to enact changes to the way that current local infrastructure contribution plans are structured as well as new powers to levy regional development contributions (to be paid to State Government). Importantly for Council, a significant proposed change is the need to ensure that only infrastructure that fits into an "essential works list" (EWL) be allowed to be included in Council's contributions plans. These works are yet to be defined but could have a fundamental impact upon Council's contributions revenue.

Council's consultant has estimated that this may represent approximately \$7.3M per annum reduced revenue (or \$124m from 2024/25 to 2040/41 representing a reduction of 45% in

revenue) in the most likely scenario inclusions on that EWL. The worst-case scenario in GLNs assessment would be a \$13.3M decrease in expected revenue per annum or \$227M over 20 years

Council is responsibly planning for and delivering the NSW Government's growth targets. Fundamental to managing and sustaining this growth, is Council's capacity to deliver corresponding local infrastructure. Medium to long term plans to deliver such infrastructure, may have to be reconsidered, reduced or abandoned under the proposed reforms. The community's resistance to such growth will only be exacerbated if this occurs.

Significantly, the draft reforms will shift the cost burden of local infrastructure associated with new development, from developers, to the community. Any notion that the reforms are design to assist with housing affordability, simply do not hold true.

The capacity for the NSW Government to introduce a new category of regional contributions at the same time as curbing local government's capacity to levy local contributions, is of great concern. It is widely acknowledged that there is a limit to the extent that development sites can be reasonably levied and that the NSW Government has many more revenue streams at its disposal to fund infrastructure projects. The high degree of transparency that has characterised local government infrastructure funding collection and expenditure is unlikely to be replicated by the State.

Following deferral of the legislation to a Parliamentary Committee, Councils were provided an opportunity to make submissions to that Committee by Sunday 11 July. The General Manager, having conducted various discussions with NSROC, made a submission to this Upper House Committee (attachment 2).

FINANCIAL IMPLICATIONS:

The financial implications of these mooted reforms represent a very significant ongoing impact on Council's capacity to fund infrastructure associated with new development. Whilst all the details associated with the exact changes are not yet known, the most likely amendments were quantified by GLN to represent a reduction in projected contributions income of around \$7.3M per annum or \$124M over 20 years. The worst-case scenario in GLNs assessment would be a \$13.3M decrease in expected revenue per annum or \$227M over 20 years.

RECOMMENDATION:

- 1. THAT** Council endorses the submission made to the Development Contributions Upper House Committee dated 9 July 2021 as attached to this report.
- 2. THAT** Council makes representations to the Minister for Planning and Public Spaces to withdraw the current Infrastructure Contributions Bill and that more detailed analysis be undertaken, greater level of consultation be conducted with local government and that the full impacts on Councils' capacity to fund infrastructure to support growth in the context of changes proposed under the Bill, be better understood.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

1. Our Living Environment

1.4 Public open space and recreation facilities and services meet community needs

2. Our Built Infrastructure

2.1 Infrastructure and assets meet community needs

2.2 Vibrant centres, public domain, villages and streetscapes

2.3 Sustainable transport is encouraged

3. Our Future Planning

3.1 Prosperous and vibrant economy

3.2 North Sydney CBD is one of NSW's pre-eminent commercial centres

3.4 North Sydney is distinctive with a sense of place and quality design

5. Our Civic Leadership

5.1 Council leads the strategic direction of North Sydney

5.2 Council is well governed and customer focused

5.4 Council's service delivery is well supported

BACKGROUND

Council endorsed a new Local Infrastructure Contributions Plan (LIC) in November 2020 which came into effect on 1 March 2021. The Plan was formulated pursuant to the provisions of the Environmental Planning and Assessment Act and is a combination section 7.11 (nexus based) and s7.12 (flat rate) Plan. The North Sydney LIC represents a total works program of \$410M of which \$181M is projected to be funded by the Plan over its 16-year life span.

In March 2021, the NSW Government's released:

- its endorsement of the Productivity Commission's (PC's) recommendations in its November 2020 final report of the Review of Infrastructure Contributions in New South Wales for the Government ('PC final report').
- Centre for International Economics (CIE) modelling of the revenue projection impacts on local councils in NSW as a result of the reforms (December 2020).

North Sydney Council engaged GLN planning consultants to undertake an assessment of the potential impacts of the proposed reforms upon Council's capacity to levy development contributions and subsequent impact on the capacity to fund public infrastructure. The full analysis and assessment conducted by GLN is included as attachment 1.

CONSULTATION REQUIREMENTS

It should be noted that there has been extensive consultation and discussion undertaken on the planned reforms between NSROC, Local Government NSW, and within the sector generally between senior officers. These discussions have revealed unity in the sectors response to the proposed changes.

DETAIL

The Infrastructure Contributions Bill seeks to introduce legislation that will enable the NSW Government to implement the recommendations of the NSW Productivity Commission Review that was completed in 2020. The Bill contains various significant changes to enable the way that the current development contributions regime is applied and implemented. These are summarised below.

1. Council's Contributions Plan (the section 7.11 component) will need to be reviewed by July 2024 to levy only for "development contingent" infrastructure which will need to fit into a definition of an "essential works list" (EWL). This is as yet undefined and will be determined by Regulation, Ministerial Direction or subordinate legislation. The expectation at this stage is that there will be restrictions to the EWL to meet the interpretation of "development contingent works", noting the EWL already excludes community facility, indoor recreation and aquatic centre capital works for plans seeking to levy more than \$20K per dwelling. If the Contributions Plan includes works that are not on the EWL, then they will need to be removed when it is required to be reviewed (for implementation by 2024/25).
2. The reforms propose three main changes to how a council may charge s7.12 levies:
 - An increase in the maximum levy percentage for residential development from 1% to 3% of development cost, which is only to apply to additional dwellings, but with associated thresholds on the total contribution that can be charged - \$10,000 per additional house (or townhouse or semi-detached dwelling) and \$8,000 per other additional dwelling (i.e. apartment or unit). These thresholds mean that the stated increase (to 3%) cannot in many cases actually be levied;
 - The maximum of 1% of the development cost is still to apply to non-residential development but with new threshold rates applied to the net increase in floorspace - \$35/sqm for commercial development, \$25/sqm for retail development and \$13/sqm for industrial development. Similarly, these thresholds mean that the actual figure levied will be less than current 1% in many cases; and
 - A review to potentially exempt the levying of 'non-demand based' development, as North Sydney's existing s7.12 levy only applies to.
3. The introduction of 'Regional Infrastructure Contributions'. The Bill specifically identifies that "*no connection is required between the development of land to which a regional infrastructure contribution relates and the object of expenditure of money required to be paid*". This represents a new contribution type (of \$12,000 per dwelling and \$10,000 per apartment) which will be payable directly to the NSW Government.

In summary, the GLN review found that:

1. NSC's current Contributions Plan framework (with both s7.11 and s7.12 contributions) has the potential to generate \$277m income in real terms over the next 20 years, or around \$14m per annum on average.
2. Forecast revenue comprises \$237m in s7.11 contributions and \$40m in s7.12 contributions.
3. The impact of the removal of certain facility works from the EWL, all else being equal, would reduce Council's s7.11 contributions revenue in real terms (\$2021/22) by:

- a. \$5m per annum or \$84m from 2024/25 to 2040/41 if community and indoor recreation facility items are excluded.
 - b. \$3m per annum or \$55m from 2024/25 to 2040/41 if open space facilities (not indoor) are also excluded.
 - c. \$7m per annum or \$112m from 2024/25 to 2040/41 if public domain facilities are also excluded.
4. The impact on s7.11 revenues as a result of the reforms should not necessitate a switch to a s7.12 levy for demand-generating development by NSC unless the EWL is so restrictive that projected contributions are reduced by at least 50%.
 5. Council should seek to re-prioritise its delivery of infrastructure works where possible in its current CP to adjust delivery timing of facilities which may no longer be funded by s7.11 revenue as a result of the reforms (such as community or indoor recreation facilities).
 6. Where possible, Council should provide actual evidence of its infrastructure costs to IPART during its upcoming reviews of benchmark costs so that it can demonstrate the actual cost of infrastructure provision in North Sydney and influence the cost outcomes.
 7. North Sydney Council would receive more revenue by continuing to levy demand-based development s7.11 contributions, rather than s7.12 levies under the reforms, unless the s7.11 mechanism through the EWL is effectively restricted to levels below the s7.12 maximum rates. In this case, its future contribution revenues would be significantly reduced – by \$198m or 71% to 2040/41, or by an average of \$12m and \$137 per capita each year from 2024/25 to 2040/41 (all in real terms).
 8. The maximum s7.12 rates in the reform recommendation are well below the maximum percentage charges (on development cost). The non-residential s7.12 dollar limits - purportedly representing 1% of development cost - would instead reflect about one-fifth of the existing 1% non-residential levy in North Sydney Council's case. This is not an acceptable policy outcome when workers represent a large share of demand for growth infrastructure needs in the North Sydney LGA.
 9. The Productivity Commission's intent of the s7.12 reforms does not appear to be met for infill council areas. It is a more complex approach with the combined percentage and threshold rates, and the maximum rates would potentially restrict revenue to a point that North Sydney Council would not be able to deliver infrastructure needs nor recover financially over 20 years, even with the population growth factor also increasing its rates income.
 10. North Sydney Council would lose an estimated \$2.0m per annum in real terms, all else being equal, if the NSW Government decides to exempt non-demand generating development from s7.12 levies (e.g., residential alterations and additions, and knockdown rebuilds).
 11. The cumulative revenue losses of the proposed contributions reforms would be further increased by the exemption of non-demand-based development from s7.12 levies, this will place further strain on the general rates base to fund growth infrastructure accordingly.
 12. The s7.12 reforms must be adjusted, phased-in or delayed (at least until the rates base has a chance to 'catch up' the revenue loss for Council) if the Government does decide to exempt non-demand-generating development from s7.12 levies.
 13. PC's implementation plan suggests that contributions reforms for North Sydney Council (with a new plan in place) would start impacting contribution revenues from

2024/25 at the latest, but rate peg reforms would start impacting rates revenues from 2023/24.

14. The short to medium term negative revenue impacts of the reforms will be further exacerbated by the delay of contribution payments to the development's occupation certificate (OC) stage, which is another reason why reforms should be adjusted to reduce negative contribution revenue impacts or at the very least, be delayed or phased-in.
15. The new Regional Infrastructure Contribution (of \$12,000 per dwelling and \$10,000 per apartment) and Major Transport Charge will be levied on development in the North Sydney LGA, the latter only if there is an increase in development capacity because of major transport projects. Council must monitor the Government's future infrastructure list to be funded by these contributions to ensure that the LGA is getting its 'fair share'.
16. The impact on development from the new state-based charges in the North Sydney LGA appears to be offset at least partially by reduced local contributions, the extent of which will be determined with the release of further reform implementation details. The reduced funding from development contributions to Council is intended to be offset by the increase in rates revenue with the addition of the population growth factor.
17. The reforms encompass increased administrative and compliance burden for local councils in the short to medium term, particularly related to the needs of the new centralised (digitised) contributions system, the amendments to plans and the integration of the plans within the IP&R framework.

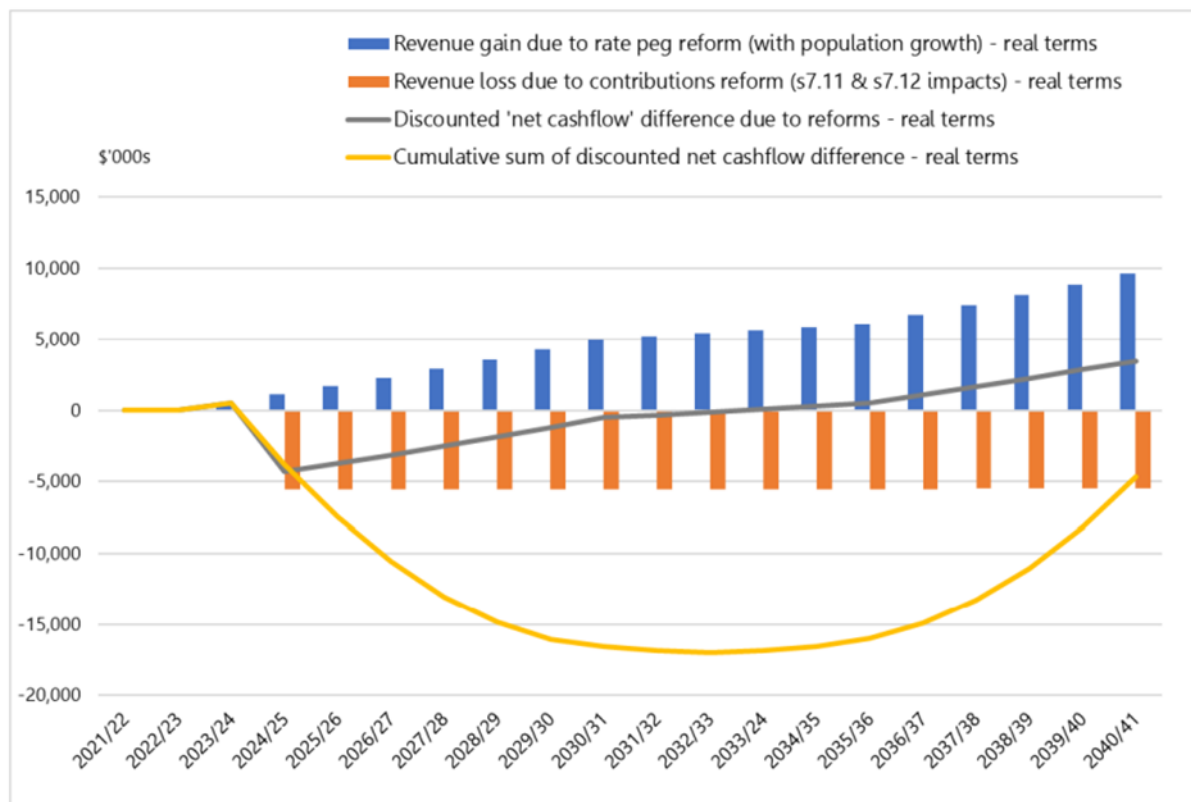
The Bill was intended to be considered by Parliament with the State budget. It was however, deferred to a Parliamentary Committee which invited submissions by 11 July 2021. Council staff took the opportunity to prepare a submission to this Committee (attachment 2).

The main issues identified for North Sydney Council are summarised below.

Enormous Potential Financial Impact

Overall, GLN found that the reforms will likely reduce local contributions revenue from development under Council's existing Contributions Plan – potentially by as much as \$7.3m per annum in real terms, or 45% of projected revenue (see Figure 1, which shows the net revenue position including projected extra rates revenue arising from separate rate peg reforms being undertaken by the State Government). It is important to note that the mooted rate peg reforms should be decoupled from the current contributions discussion. These are independent reform measures with completely separate purposes. For illustrative purposes, however, the net position is shown in Figure 1 below.

Figure 1 Impact of the reforms under a likely scenario



Note: scenario is if 'essential works' exclude community/indoor recreation facilities and s7.12 non-demand generating development is exempted from s7.12 levies + rates increase by the population growth factor only (excludes other rate peg income).

This impact will take more than 20 years to reach cumulative revenue neutrality (on a discontinued net cashflow basis).

In absolute terms, Figure 2 below identifies the extent of the various options modelled by GLN and the extent of reductions in income of each as a result of the mooted reforms per annum and to 2040. Whilst the impact of the reforms will depend on the extent of the yet to be determined exclusions from the EWL, all scenarios explored by GLN will have a significant impact and some will represent an enormous financial impact.

Scenario description	Estimated revenue impact (real terms)			Compared with existing CP framework projections (real terms)		
	Estimated revenue over 20 years (\$m)	Average revenue p.a. (\$m)	Average annual revenue per capita (\$)	Revenue difference over 20 years (\$m)	Average revenue difference p.a. (\$m)	Average annual revenue difference per capita (\$)
Business as usual, no reforms	277.1	13.9	162.8	0.0	0.0	0.0
Community and indoor recreation facilities excluded from s7.11 EWL; no s7.12 levied	153.3	7.7	90.1	-123.8	-7.3	-85.5
Community & indoor recreation facilities excluded from s7.11 EWL & s7.12 levied @ 1% on non-demand generating development	193.0	9.6	113.4	-84.1	-4.9	-58.1
Community, indoor recreation & public domain facilities excluded from s7.11 EWL; no s7.12 levied	50.6	2.5	29.7	-226.5	-13.3	-156.5
All open space & community facilities excluded from s7.11 EWL; no s7.12 levied	107.8	5.4	63.3	-169.3	-10.0	-117.0
All open space excluded from s7.11 EWL; no s7.12 levied	182.4	9.1	107.1	-94.7	-5.6	-65.5
S7.12 levied LGA-wide with limits applied (under reforms) & exempt non-demand generating development	79.2	4.0	46.5	-197.9	-11.6	-136.7
Only "growth-contingent" infrastructure s7.11; no s7.12 levied	228.3	11.4	134.1	-48.7	-2.9	-33.7

Figure 2 - Potential impact of s7.11 & s7.12 reforms on Council's projected revenue under different scenarios (2021/22 to 2040/21)

Impact on Established Metropolitan Areas not well Modelled or Understood

The high-level modelling conducted by the NSW Government to support these proposed reforms, has not have been adequately reflective of all Councils, especially Metropolitan Councils with infill development and challenges of accommodating increased density. The provision of adequate community infrastructure, recreational facilities and public domain is essential in high density residential and commercial zones with increasing building heights and increasingly intensive use of remaining public space.

Importantly, GLN concluded that:

The (Productivity Commission's) intent of the s7.12 reforms does not appear to be met for infill council areas. It is a more complex approach with the combined percentage and threshold rates, and the maximum rates would potentially restrict revenue to a point that North Sydney Council would not be able to deliver infrastructure needs nor recover financially over 20 years, even with the population growth factor also increasing its rates income.

The prospect of an annual decline in revenue by \$7.3M (in real terms - or \$124M from 2024/25 to 2040/41), would represent an immense financial impact which will have a fundamental impact on Council's capacity to deliver public infrastructure to effectively accommodate growth.

Council's social license for increased density/development comes from associated improvements to community infrastructure

North Sydney Council has responsibly planned for and accommodated population, housing and employment growth through its planning policies and instruments as required by the NSW Government and the Greater Sydney Commission Regional Plan.

The disruption to local amenity and living standards represented by population or worker growth in an already densely populated environment like North Sydney, should not be underestimated. An essential and critical enabler of growth is the community's confidence that supporting infrastructure will be provided by Council to ensure that amenity and standards of living are maintained and not eroded systematically over time. The financial capacity to continue to fund such infrastructure will be severely undermined, meaning that some of these works will either have to be significantly delayed, delivered to lower standards or abandoned altogether.

A 45% reduction in projected infrastructure funding will slash Council's capacity to deliver essential community infrastructure and significantly impair Council's capacity to facilitate the growth required by the NSW Government.

The recreation and public domain projects essential to facilitating increasing urban density will simply not be able to be funded by Council should the current infrastructure reforms be adopted. Concurrently, the very real resistance that is experienced in North Sydney to population and housing growth within established communities, will be further fueled and community confidence undermined as Council's capacity to deliver infrastructure that sustains and "softens" growth impacts, is severally diminished.

Projects that the Community are expecting, will be delayed or not delivered

Council requires sustainable ongoing funding to deliver public infrastructure to ensure that the NSW Government's priorities for population and housing growth are sustained by increased open space, transport, and community infrastructure.

A tangible example of Council's reliance on developer contributions to accommodate and manage growth is the ongoing upgrades to the public domain planned and being delivered in the North Sydney CBD.

Council invested \$31.2M between 2015/16 to 2019/20 in CBD public domain works, of which, \$10.5M has been sourced from developer contributions reserves. There remains a significant work program to accommodate the continuing growth and commercial expansion in the CBD. These public domain works are essential to continue the ongoing commitment of growth matched by the provision of a public domain and would be impossible to fund solely from Council's general revenue.

Council can simply not afford to fall behind in its public domain improvement program, which relies heavily on development contributions funding.

In an established central area like North Sydney, the creation of new public open space is extremely expensive. The Hume Street Park project for example, was developed in response to planned growth in the St Leonards/Crows Nest precinct (subsequently adopted by the 2036 Plan). It included the undergrounding of basketball facilities, car parking and other infrastructure to liberate the surface of structures and create new public open space. The total cost of this project is in the order of \$90-100M and is staged in three parts (stage 1 will be delivered by end of 2021). Council's newly adopted LIC Plan is scheduled to collect approximately \$38M in developer contributions over the 16-year life of the plan to assist in the funding of this project. This is a long term project to address community concerns about open space not being provided for fast-growing population. This would otherwise be impossible to fund solely from general revenue.

Reforms Shift costs from Developers to the Community

Developer charges are relatively consistently applied across Sydney and are incorporated into a project's feasibility before projects are commenced. The reforms proposed will effectively shift this cost from developers to the wider community as the shortfall in infrastructure funding will need to be borne by other revenue sources, which in the case of local government, leverage heavily from rates revenue as the most reliable but most heavily stretched source of revenue. Historically, rates revenue has been used to fund services and maintenance, while infrastructure charges fund a portion of the capital infrastructure associated with development. The additional burden that reduced developer charges places on the wider community has a propensity to negatively impact upon overall cost of home ownership.

The shift in the burden for infrastructure to the local community will increase overall housing and living costs. Any notion that the draft reforms are designed to improve affordability simply do not hold true.

Local Growth should equate to Local Infrastructure

The draft Bill introduces the capacity for the NSW Government to apply new infrastructure charges in the form of regional infrastructure contributions. This is identified in subdivisions 4 and 5 of the draft Bill.

The NSW Government appears to be cost shifting by introducing the capacity to levy for regional infrastructure contributions. It is widely acknowledged that development contributions represent a finite source of infrastructure funding. In this context, it is disappointing that while local government's capacity to levy development contributions is being significantly reduced through the draft Bill, the NSW Government is introducing the capacity to charge new regional infrastructure levies on development of \$12,000 per dwelling and \$10,000 per apartment.

The collection of such contributions by the NSW Treasury, is fundamentally contrary to the notion of the clear nexus between the source of contributions and their expenditure. This clear nexus has been a fundamental component of local government contributions planning for decades with development charges collected and applied in the local area in which the development takes place. The proposed regional contributions framework introduces a level of opaqueness in a contributions system that is currently characterised by high levels of transparency.

The revenue base of local government is very limited as has been widely expressed previously. The NSW Government, on the other hand, has a diverse range of policy levers at its discretion to raise revenue for essential infrastructure.

Ministerial Powers and lack of detail

At present important information and detail regarding how the amendments to the Act will be implemented at the Ministerial level are not known. The Bill provides the Minister with significant powers that will potentially impact upon the capacity of local government to levy for local infrastructure through its developer contributions regime.

The absence of this detail and the powers at the Minister's disposal under this Bill, are concerning. As Local Government NSW states in its submission, the “Bill is akin to the State Government asking councils to sign over a blank cheque and say “trust me.””

Conclusion

The draft Bill, whilst deferring to the Regulation and/or Ministerial Directions for detail, will clearly and significantly curb North Sydney Council’s capacity to realise essential infrastructure revenue. Council’s modelling indicates that, under the most likely scenario, this will represent approximately 45% in reduced revenue or an annual drop of \$7.3M in funding. This will simply be unsustainable given Council’s limited and restricted sources of revenue. If applied as proposed, Council will need to significantly revise and reduce commitments to its community through its Community Strategic Plan, slash its infrastructure works program and consider how much growth is sustainable given the vastly reduced capacity to provide for enabling infrastructure.

The proposed change to infrastructure charges perversely introduces a disincentive to facilitating development, undermines Local Government capacity to support increasing density and will further increase the cost of home ownership and living.

8.11. 1 Shirley Road Wollstonecraft - Proposed Heritage listing

AUTHOR: Stephen Beattie, Manager Development Services

ENDORSED BY: Joseph Hill, Director City Strategy

ATTACHMENTS: Nil

PURPOSE:

At its meeting of 22 March 2021 Council considered a report of Council's Heritage Planner regarding a potential Interim Heritage Order (IHO) to be placed on 1 Shirley Road, Wollstonecraft. This report provides an update on this matter.

EXECUTIVE SUMMARY:

On 13 January 2021, Council received development application (DA 2/21) for 1 Shirley Road, Wollstonecraft involving alterations to the internal layout of the existing dwelling, a dormer addition, changes to the existing garage and pool.

The property is currently listed as a contributory item within the Wollstonecraft Heritage Conservation Area under North Sydney Local Environmental Plan 2013 (NSLEP 2013). Following preliminary research, which included an external and internal inspection of the building, Council's Heritage Conservation Planner concluded: "That the dwelling at 1 Shirley Road is worthy of listing as an Item of Environmental Heritage in Council's Local Environmental Plan. As such, its protection by way of an Interim Heritage Order is warranted and the extent of demolition proposed as part of DA 2/21 should not be consented to at this time."

The Council considered the imposition of the proposed Order at its meeting of 2 March 2021 and resolved;

1. **THAT** the matter be deferred for the owners to be informed and invited to make a submission before the matter returns to Council.

Since the Council meeting, the development application was amended to achieve an outcome not dissimilar to that which would be acceptable had the property had the benefit of a full heritage listing. The applicant's response to Council's request for amendments and intent to achieve an acceptable heritage-based solution is to be commended. DA 2/21 was subsequently approved under the delegated authority, with there being no reason to further delay a determination.

An IHO at this time is deemed unnecessary and the intent should be withdrawn. The heritage status of the property should however be reviewed in the event of a comprehensive heritage review being undertaken.

FINANCIAL IMPLICATIONS:

Nil

RECOMMENDATION:

1. **THAT** Council not proceed with an Interim Heritage Order.
2. **THAT** further consideration of the heritage status of 1 Shirley Road Wollstonecraft be undertaken as part of any future comprehensive Heritage review.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

3. Our Future Planning

3.4 North Sydney is distinctive with a sense of place and quality design

4. Our Social Vitality

4.4 North Sydney's history is preserved and recognised

BACKGROUND

On 13 January 2021, Council received development application (DA 2/21) for 1 Shirley Road, Wollstonecraft involving alterations to the internal layout of the existing dwelling, a dormer addition and changes to the existing garage and pool.

The property is currently listed as a contributory item within the Wollstonecraft Heritage Conservation Area under North Sydney Local Environmental Plan 2013 (NSLEP 2013). Following preliminary research which included an external and internal inspection of the building, Council's Heritage Conservation Planner concluded: *"That the dwelling at 1 Shirley Road is worthy of listing as an Item of Environmental Heritage in Council's Local Environmental Plan. As such, its protection by way of an Interim Heritage Order is warranted and the extent of demolition proposed as part of DA 2/21 should not be consented to at this time."*

The IHO effectively would have elevated the status of the property to that equivalent of a Heritage listing for a period of twelve (12) months while the possibility of formally listing the property as a heritage item was further explored.

The Council considered the imposition of the proposed Order and resolved: *THAT the matter be deferred for the owners to be informed and invited to make a submission before the matter returns to Council.*

The required consultation has since been undertaken and appropriate recommendations are now made for the consideration of Council.

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

Council's resolution of 22 March 2021 was acted upon, and the owners of 1 Shirley Road Wollstonecraft notified of the possible imposition of an IHO on the property.

Various representations have been made by the property owner and this has ultimately resulted in the development application achieving an acceptable outcome. In these representations the owner has expressed the view that in the circumstances the IHO is now unnecessary.

The proposal was amended resulting in an outcome which was acceptable having regard to its current contributory status and not dissimilar to that which would be acceptable had the property had the benefit of a full heritage listing. DA 2/21 was subsequently approved under the delegated authority, with there being no reason to further delay a determination. The applicant's response to Council's request for amendments is to be commended.

If the works are completed as planned, they will have little material impact on a possible heritage listing in the future. Having regard to this fact, an IHO at this time is deemed unnecessary and the intent should be withdrawn.

However, the heritage status of the property should be reviewed in the event of a comprehensive heritage review being undertaken.

8.12. Draft Environmental Sustainability Strategy 2030 - Post Consultation Report

AUTHOR: Peter Massey, Environmental Services Manager

ENDORSED BY: Rob Emerson, Director Open Space and Environmental Services

ATTACHMENTS:

1. Attachment 1 Submissions Summary Environmental Sustainability Strategy 203 [8.12.1 - 29 pages]
2. Attachment 2 Environmental Sustainability Strategy 2030 [8.12.2 - 33 pages]

PURPOSE:

The purpose of this report is to recommend adoption of the Environmental Sustainability Strategy 2030 (Attachment #2) following its public exhibition.

EXECUTIVE SUMMARY:

This report provides a summary of the submissions received through the public consultation undertaken on the Draft Environmental Sustainability Strategy 2030. The consultation generated 22 submissions, some of these have been incorporated into the final version. The report provides the rationale for these amendments.

FINANCIAL IMPLICATIONS:

The initiatives proposed in the Draft Environmental Sustainability Strategy align with existing work plans and budgets.

RECOMMENDATION:

1. **THAT** Council notes the community feedback received during the consultation period.
2. **THAT** Council endorses the Environmental Sustainability Strategy 2030 with changes applied as outlined in this report.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

1. Our Living Environment
 - 1.1 Protected and enhanced natural environment and biodiversity
 - 1.2 North Sydney is sustainable and resilient
 - 1.3 Quality urban greenspaces
2. Our Built Infrastructure
 - 2.3 Sustainable transport is encouraged
3. Our Future Planning
 - 3.3 North Sydney is smart and innovative
5. Our Civic Leadership
 - 5.1 Council leads the strategic direction of North Sydney

BACKGROUND

On 24 May 2021 Council resolved to place the Draft North Sydney Environmental Sustainability Strategy 2030 on public exhibition for a minimum of 28 days, and that a report be prepared detailing the outcomes of the exhibition and any recommended amendments.

The draft strategy establishes solid baselines, communicates how we are tracking, what we expect to achieve by 2030 and how we propose to get there. In doing so it provides a structured framework to help Council and the community better express and pursue their environmental sustainability goals. Its themes and targets are also closely aligned with the Sustainable Development Goals of the United Nations 2030 Agenda for Sustainable Development, the international best practice standard for sustainability reporting.

The Draft North Sydney Environmental Sustainability Strategy 2030 was based on a comprehensive review of local, state, federal and international strategies and applied them to the North Sydney context. This review is summarized in the [Future Environmental Sustainability Directions Paper](#). It was prepared in-house in close collaboration with the Environmental Sustainability Strategy Project Control Group which consisted of staff from across all divisions of Council. The paper also provided the rationale, evidence base and analysis for aspirational yet achievable strategic environmental sustainability targets and actions to 2030 for Council's own operations and the community to help meet their environmental goals. These include protecting native plants and animals, looking after our waterways, acting on Council's climate emergency declaration, reducing waste to landfill and using resources wisely.

It considered Council's issue specific plans and strategies that help Council and the community to reduce their environmental footprint. These include Council's Community Strategic Plan, Local Strategic Planning Statement, Development Control Plan, Greenhouse Action and Water Management Plan, Bushland & Fauna Rehabilitation Plans, Urban Forest Strategy, Transport Strategy, and Sustainable Transport Action Plan. Proposed targets were also informed by data from the Australian Bureau of Statistics, the North Sydney community profile, population

projections, the planning priorities and actions identified in the Greater Sydney Commission's (GSC) North District Plan, relevant state and national plans and strategies, and recent environmental sustainability strategies from other councils.

CONSULTATION REQUIREMENTS

Community engagement was undertaken in accordance with Council's Community Engagement Protocol.

DETAIL

Engagement Overview

A project specific Engagement Strategy was prepared to guide promotion of the Draft Strategy and the consultation period.

Council hosted an online information session on 16 June 2021, to provide an overview of the draft strategy and an opportunity for stakeholders to ask questions. The presentation, online recording and a Q&A summary also remain available on the website for those that could not attend the live event.

The following provides a summary of the methods used to generate widespread awareness of the proposal and the level of participation/reach:

- flyers on all Council noticeboards
- web page - 380 page views during the exhibition period, including:
 - 108 downloads of the draft strategy;
 - 18 downloads of presentation slides (from online information session).
- Online information session (including direct link to Your Say project page);
 - 16 June 2021 - 7 registered, 3 attendees, 32 views on YouTube¹
- posts on Council's social media accounts - in summary the two Facebook posts reached over 18K people, two Instagram posts reached over 1.4K people, two Twitter post reached over 900 people
 - Facebook post 1, 1 June 2021² - 4,864 people reached, 15 likes, 1 love, 1 laugh, 0 comments and 5 shares;
 - Facebook post 2, 23 June 2021 - 13,317 people reached, 23 likes, 2 angry, 2 comments and 1 shares;
 - Twitter post 1, 1 June 2021 - 502 impressions, 0 likes, 1 link click
 - Twitter post 2, 23 June 2021 - 364 impressions, 1 likes, 1 link click
 - Instagram post 1, 1 June 2021 - 721 impressions, 21 likes, 1 comment
 - Instagram post 2, 23 June 2021 - 742 impressions, 8 likes, 1 comment
- Council's E-newsletters including monthly Council E-news, Green Events E-news, Sustainable Business E-news, North Sydney Business E-News, weekly Precincts E-news;

¹ As at the time of preparing this report

² Also promoted online information session

- memorandum to Precinct Committees;
 - 4 Precinct Committees promoted the project (opportunity to have a say) via their meeting invite flyer distributed to a collective of 6280 residents

The above statistics demonstrate a high level of stakeholder awareness of the engagement opportunity.

Feedback/Submissions

Feedback was invited via three methods:

- a. Online Feedback Form
- b. Online information session Q&A
- c. Submissions - including emails/letters/Precinct Committees and comments via related social media posts

In summary Council received a total of 22 submissions, including:

- 16 online survey feedback forms; and
- 6 written submissions, including from 3 Precinct Committees;

All submissions received were collated, analysed and are summarised below. Attachment 1 provides a detailed overview of the feedback received. In summary, the submissions were generally positive and constructive, and expressed a desire for the strategy to demonstrate more ambition. In total they raised 114 points, which were considered in consultation with relevant Council officers and responded to in Attachment 1.

1. Vision

75% of survey respondents either agreed or strongly agreed with the vision of the draft strategy. Only minor suggested changes were received which have been incorporated into the strategy.

2. Environmental Sustainability Themes

The most commented on topics of the draft strategy related to the following themes:

- Sustainable Transport
- Carbon footprint
- Urban Ecology
- Resource Recovery

Many of the key points raised related to the inclusion of specific actions that Council has already committed to through other strategies and plans. This was expected given the inclusion of an indicative rather than a comprehensive action plan, which would have made the document unwieldy and would have largely replicated actions contained in other adopted strategies. The included actions are listed in Attachment 1.

3. Targets

The draft strategy proposed twenty-two Environmental Sustainability targets. It is recommended that Target 3 is adjusted in the final strategy as follows:

Target 3	
Adjusted from:	to:
25% greenhouse gas reduction of 1996 community emissions levels before 2030	65% greenhouse gas reduction of 1996 community emissions levels before 2030

Rationale:

The NSW Government recently released an Electricity Strategy which committed support and investment clarity for Renewable Energy Zones across the state. This is expected to increase the renewable component of the NSW electricity grid from 16% to 60% by 2030. As electricity makes up 92% of the North Sydney LGA emissions profile, community emissions will therefore reduce to 54% compared to the 1996 baseline as a revised “business as normal” scenario. Added to other market trends and Council’s scheduled community energy reduction commitments which were included in the previous projections, a 65% reduction target is considered achievable.

8.13. New Application for Reference Group Membership

AUTHOR: Josh Jongma, Governance Coordinator

ENDORSED BY: Ken Gouldthorp, General Manager

ATTACHMENTS: Nil

PURPOSE:

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

EXECUTIVE SUMMARY:

Mr Kim Ryan of the Northside Running Group has applied to join the Sport & Recreation Reference Group as a Citizen Member.

FINANCIAL IMPLICATIONS:

There are no direct financial implications associated with this report.

RECOMMENDATION:

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

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

- 5. Our Civic Leadership
- 5.2 Council is well governed and customer focused
- 5.3 Community is informed and consulted

BACKGROUND

At its meeting held 14 October 2013 (Min. No. 635) Council resolved to remove the limit as to the number of citizen member positions available per Reference and Working Group.

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

Mr Kim Ryan has applied to Council to be a citizen member of the Sport and Recreation Reference Group.

The reasons provided are that Mr Ryan is the president of the Northside Running Group of 200 members and this group is a regular user of Council's facilities and open space. Mr Ryan wishes to contribute to the development of North Sydney's Sport and Recreational Facilities and promote exercise through running to North Sydney residents.

The application from Mr Kim Ryan is referred to Council for determination.

9. Notices of Motion

9.1. Notice of Motion No. 12/21 by Councillors Baker, Beregi and Carr - North Sydney Olympic Pool Redevelopment

1. THAT the General Manager provide an update/report on the progress of the redevelopment of the North Sydney Olympic Pool to each Council meeting until the redevelopment is completed.

BACKGROUND (as provided by the submitters)

The redevelopment of North Sydney Olympic Pool is the largest infrastructure project ever undertaken by North Sydney Council. The spending of \$64million of public funds must be transparent and accountable to the Council, to our ratepayers and to taxpayers.

General Manager Comment

As outlined in the response to the associated Question With Notice, a detailed Project Governance and reporting structure was put in place at the commencement of construction (Item 8.8 *North Sydney Olympic Pool Governance Structure* Ordinary Meeting 22 February 2021 refers). This includes monthly reporting to the Project Steering Group and quarterly reporting to the full Council through the Governance and Finance Committee.

Monthly reporting to the full Council would duplicate or subsume the role currently undertaken by the Project Steering Group under the project governance structure. A greater portion of this reporting, which includes more detail on claims progression and assessment against the commercial construction contract, would need to be considered in Confidential session.

For Council's convenience, an extract from the February 2021 report illustrating reporting lines and accountability under the current project governance structure is show below.

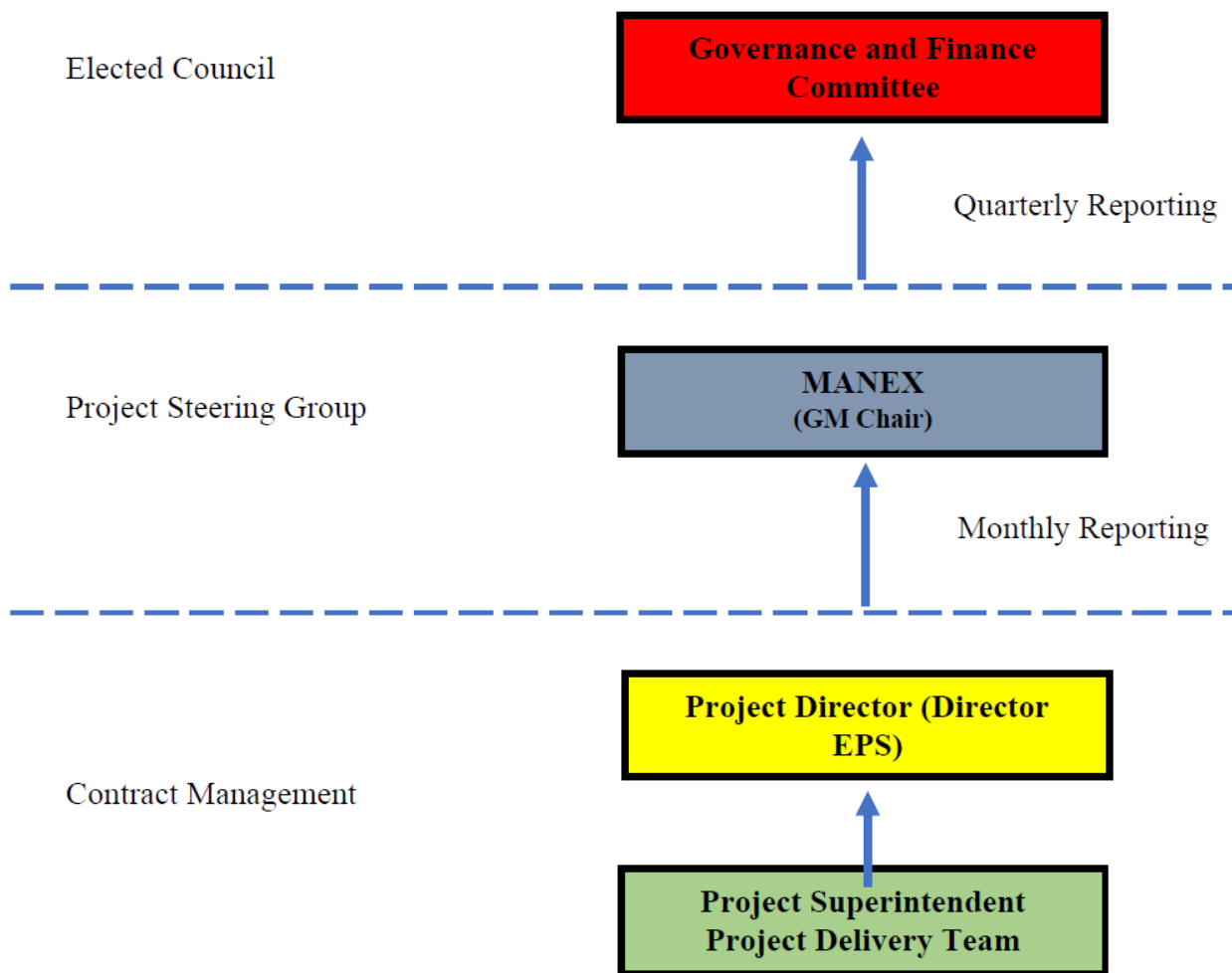


Figure 2. Reporting lines and accountability

9.2. Notice of Motion No. 13/21 by Councillors Baker, Beregi and Carr - COVID parking relief for residents

1. THAT Council agree to waive any parking fines that have been issued to residents who are working from home under the public health orders which commenced on 25 June 2021, where the fine has been issued for parking infringements relating to residents parking without a permit in resident parking areas and for overstaying parking time limits.

BACKGROUND (provided by the submitters)

Many residents who wouldn't ordinarily park at home during the week are now working from home in accordance with the COVID-19 pandemic restrictions.

Given that residents are acting in accordance with Government advice and requirements, and that such fines would not usually be issued outside of these unusual circumstances, it seems fair and reasonable that any parking fines that have been issued for parking infringement notices relating to a resident parking without a permit in residents parking areas and the overstaying parking time limits be waived upon receipt of a request by a resident.

Council should not derive, nor be seen to be seeking to derive, additional parking revenue from the COVID-19 pandemic.

This parking relief only applies to parking fines that have been issued for parking infringement notices relating to residents parking without a permit in resident parking zones and for the overstaying parking time limits. It does not extend to illegal parking in no stopping zones, no standing zones, bus zones and the like.

Director City Strategy Comment

343 "park continuously" penalty infringement notices (PINs) have been issued since 25 June 2021 at a total gross value of \$39,788. Due to Covid-19 restrictions all PINs were given extensive leniency or grace time, some even up to 8 hours in 1P zones.

PINs issues for this period are at least 70% down on the last three years, demonstrating that Council has already taken a very lenient approach and minimised PINs. Comparatively, in 2018 1,248 park continuously PINs were issued, 1,568 in 2019 and 1,069 in a COVID affected period in 2020.

The elected Council does not have authority to direct the withdrawal or waiver of PINs. Individuals receiving a penalty notice can apply to have their fines reviewed. Such applications must include the grounds on which the review is sought and include supporting evidence. These are then considered on their individual merits.

Once a PIN is issued and processed, Council usually leaves any review to be undertaken by Revenue NSW. Detail on seeking a review is on the reverse of the ticket and the review process is also available on the Revenue NSW website: [Request a review | Revenue NSW](#)

9.3. Question With Notice - Councillors Baker, Beregi and Carr

What is the current status of the construction of NSOP as at Friday 16 July 2021? Please provide details of any cost over-runs and any time delays to 16 July 2021, and any anticipated cost over-runs and delays.

RESPONSE

Reporting to Council on the NSOP project is being undertaken in accordance North Sydney Olympic Pool Governance Structure established at the commencement of construction and reported to Council at its February 2021 Ordinary meeting. In accordance with this project governance structure, reports are provided to the elected Council via the Governance and Finance Committee on a quarterly basis coinciding with the quarterly operational plan and quarterly budget reviews.

The last quarterly report was presented to Council at its meeting on 24 May and remains available to Council on Docs on Tap. Photos of construction progression have also been provided to Councillors through the Council Bulletin.

As at 16 July, construction was progressing well. A number of latent conditions had occurred, including discovery of asbestos associated with piping and within the tile grout of the old pool; however, at this stage the project remains largely on track and costs remain within the budget which includes allowance for latent conditions

The latest Public Health Order requiring the closure of construction sites has impacted on the NSOP project together with many other Council construction projects. Further detail on the impacts of this will be provided in the next quarterly report.

9.4. Questions With Notice - Councillor Carr

1. In relation to "*Council's personal information security remediation completed*" announcement on 13 July 2021 on Council's website, who were the stakeholders that were consulted for the revision of the Privacy Management Plan?

Response

On 17 March 2021, the NSW Civil and Administrative Tribunal made Orders, which included (amongst other things) Orders in relation to North Sydney Council (**Council**) taking steps to update certain sections of its Privacy Management Plan (**PMP**). Council took this opportunity to undertake a comprehensive review of its PMP, to ensure its PMP meets the requirements of the *Privacy and Personal Information Protection Act 1998* (NSW) (**PIIP Act**).

Process undertaken to update Council's PMP

In updating its PMP, Council has:

- undertaken a comprehensive privacy review survey involving key stakeholders across Council's divisions and key departments who handle personal information to ensure that the information captured in this PMP is current and up-to-date at the time of publication;
- conducted further consultation with internal stakeholders at Council, including face-to-face meetings, and seeking feedback on working drafts of this PMP;
- facilitated an onsite visit from information security experts and privacy law experts, implementing their recommendations and updating the PMP accordingly;
- used resources provided by the Information and Privacy Commission NSW (**IPC**), including:
 - the IPC's '[Guide to making privacy management plans](#)', to assist with updating Council's PMP; and
 - the IPC's '[Checklist - Privacy Management Plans](#)' tool, to assess the content of the PMP once it was prepared, to ensure the PMP addressed all of the section 33 requirements of the PPIP Act; and
- considered emerging 'good practice' privacy management plans implemented by other NSW public sector agencies and the IPC itself as a quality control benchmark.

The revised PMP has been forwarded to the Privacy Commissioner in accordance with section 33(5) of the *Privacy and Personal Information Protection Act 1998* (NSW) (**PIIP Act**) and the Commissioner has been invited to provide feedback. Council will consider and appropriately reflect this feedback in future versions of its PMP.

2. What is the cost of external consultants used to date for this project?

Response

In the context of the NCAT orders and on-going further proceedings from the same applicant (EIG), the PMP review has been coordinated by Council's solicitor and undertaken principally by Maddocks solicitors who represented Council in these matters. Deloitte carried out the on-site security review visit as outlined above. Council incurred costs of \$143,244 for the privacy matter proceedings in NCAT (NCAT136495/20) inclusive of approximately \$58,000 for the comprehensive PMP review.

A further \$50,236 has been incurred to date with a second privacy complaint, arising from the proceedings, being referred to NCAT (NCAT800162021/21).

3. The website states that *"Council is currently in the process of undertaking a major recordkeeping review (Recordkeeping Review), working closely with an external consultant"*. Could the General Manager please advise the budget for this review ?

https://www.northsydney.nsw.gov.au/Council_Meetings/Policies_Plans/Plans_of_Management/Privacy_Management_Plan

Response

North Sydney Council initially implemented an Electronic Document Management System (EDMS), referred to as Dataworks in 2001. A significant upgrade occurred in 2016 with Dataworks being renamed ECM. The change from a traditional records management system to EDMS met with some resistance from staff at the time and the use and practices associated with records management vary across different Departments of Council. With the continued evolution of EDMS, management identified the potential for improved efficiency through establishing and implementing a corporate wide standard approach to record management and processing.

The Record Keeping Review includes engagement of a business analyst with specialist records management skills, to undertake an operational review of Council's policies, processes, and procedures in relation to recordkeeping and document management to help establish strategies for more effective management of Council's information assets.

The budget for this review is \$180,000. This was established and approved by council in the 2020 December Quarterly review. The budget includes \$45,000 for implementation and training.

10. Confidential Matters

10.1. Open Space Schedule of Rates Contract – Tender 18/2021

AUTHOR: David Manson, Manager Parks & Reserves

ENDORSED BY: Rob Emerson, Director Open Space and Environmental Services

ATTACHMENTS: Nil

PURPOSE:

Council's current contract for Open Space Schedule of Rates contract number 13/2019 is due for completion. A new tender process has been undertaken in accordance with Council's procurement processes

EXECUTIVE SUMMARY:

The following information for the Open Space Schedule of Rates contract provided by tenderers, is commercial-in-confidence, has been protected and will not be disclosed in accordance with section 10A(2)(d) of the Local Government Act 1993. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

The associated Confidential Report to this item addresses information for the Open Space Schedule of Rates contract. If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2)(d) of the Local Government Act (LGA).

RECOMMENDATION:

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

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

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

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

1. Our Living Environment

1.4 Public open space and recreation facilities and services meet community needs

BACKGROUND

In June of this year tenders were invited for various services on a schedule of rates basis. The contract will run over a two (2) year period in which a 2.5% increase will be applied after the first twelve months to factor in inflation costs. The Contract includes an option for the principal to extend the contract for a further two (2) years thereafter, subject to the satisfactory performance of the contractor. This contract will operate under the general conditions of contract AS4919 (2003)

Tenderers were required to submit rates on either selected or all services as listed in the following categories.

1. Horticultural Services
2. Playground Services
3. Irrigation Services
4. Tree Services
5. Turf Services

10.2. Tender 19/2021 Smoothey Park Landscape Upgrade

AUTHOR: Alicja Batorowicz, Landscape Architect/Project Co-ordinator

ENDORSED BY: Rob Emerson, Director Open Space and Environmental Services

ATTACHMENTS: Nil

PURPOSE:

The purpose of this report is to provide Council with an analysis of the tender process for Tender No. 19/2021 Smoothey Park Landscape Upgrade.

EXECUTIVE SUMMARY:

The associated Confidential Report to this item addresses commercial information of a confidential nature. If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2)(a) <<change if required>> of the Local Government Act (LGA).

RECOMMENDATION:

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

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

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

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

1. Our Living Environment

1.4 Public open space and recreation facilities and services meet community needs

BACKGROUND

Smoothey Park is a prominent parcel of open space located in Wollstonecraft, on the western edge of the North Sydney local government area. Smoothey Park is largely bushland, with some open lawn areas studded with ornamental trees. The shady, treed environment is popular with bushwalkers and joggers, while the open, manicured lawn areas are used for more passive forms of recreation such as picnicking and reading. Smoothey Park has significant ecological value; it provides habitat for fauna and links other bushland areas.

Smoothey Park is currently home to an assortment of mismatched furniture, signage, fencing and lighting. Upgrading and consolidating these elements into a single suite that is in keeping with Council's Public Domain Style Manual and Design Codes will give Smoothey Park a more recognisable identity. Creating discernable entry areas, particularly on Russell Street will help reinforce the park identity.

Following the adoption of Smoothey Park Plan of Management (2016), which provides an overall framework for the management of this significant park and identifies strategies for improvement, money has been allocated in 2020/21 Operational Plan & Budget to implement the identified works.

Proposed upgrade focuses on the installation of two new staircases, low sandstone walls and edging, adjustments to the existing footpaths and entry points, access improvements, upgrade of park furniture and signage, restorative planting.

By improving park identity, upgrading accessibility and wayfinding, more locals and visitors will be able to enjoy the abundant recreational and natural resources of Smoothey Park. In order to improve connectivity and wayfinding, a logical path network/hierarchy will be created. Existing through links will be retained while connections to adjacent streets upgraded. Degraded paths will be resurfaced to improve accessibility. In order to assist wayfinding within the park, visual links and opportunities for passive surveillance will be increased. Passive recreation areas such as sunny, open expanses of lawn will be retained and separated from bushland using path systems and edging. Opportunities for seating in these areas will be increased. Park ecology is to be improved through habitat regeneration and continued revegetation works.

On 11 November 2020 Council informed all registered stakeholders about the proposal for the upgrade works.

North Sydney Council was successful in obtaining the Metropolitan Greenspace Program grant of \$100,000 from the Department of Planning, Industry and Environment to assist with the delivery of this project.

The associated Confidential Report to this item addresses commercial information of a confidential nature. If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2)(d) of the Local Government Act (LGA).

10.3. Tender 21/2021 Microsoft Enterprise License EA Renewal

AUTHOR: Michael Macfarlane, Information Technology Manager

ENDORSED BY: Margaret Palmer, Director Corporate Services

ATTACHMENTS: Nil

PURPOSE:

The purpose of this report is to provide the Council with an analysis of the tender process for Tender No 21-2021 Microsoft Enterprise Licensing Renewal.

EXECUTIVE SUMMARY:

The Council went to tender to renew the Council's Microsoft Enterprise Licensing. Open tenders were called and were received until 3.00pm Sydney time on 1st July 2021 via Tenderlink.

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2) (d) commercial information of a confidential nature that would, if disclosed;

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of the Council, or
- (iii) reveal a trade secret of the Local Government Act (LGA).

FINANCIAL IMPLICATIONS:

The existing Information Technology General Revenue budget is appropriate for the annual cost of the Microsoft Enterprise Licensing. Microsoft Enterprise Licensing is an essential element of the Council's ability to conduct business.

RECOMMENDATION:

- 1. THAT** Council accepts the highest ranked tenderer for Tender 21/2021 for Microsoft Enterprise Licensing
- 2. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
- 3. THAT**, once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts with Private Sector.
- 4. THAT** the Confidential Report relating to matters specified in Sections 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

5. Our Civic Leadership

5.1 Council leads the strategic direction of North Sydney

5.4 Council's service delivery is well supported

BACKGROUND

What is an Enterprise Agreement with Microsoft?

The Microsoft Enterprise Agreement, or Microsoft EA, is a subscription to the rights to use Microsoft products and services. It offers value for medium to large companies with 500 or more users and devices, with the flexibility to buy more services under one agreement. It is essentially Software as a Service (SaaS).

How long is the Microsoft enterprise agreement?

Microsoft EA licensing is a subscription lasting three years to use their products.

Over the last 6 years Council has had a corporate Enterprise Agreement (EA) with Microsoft to supply Council's licensing not only for standard office applications (Word, Excel, PowerPoint, Project Management) but also for Council's SQL database licensing that supply intelligence for various corporate services. It includes the licensing for all of Council's Windows operating systems (desktop and servers); Skype for Business, which is Council's phone PBX system; Cloud storage (OneDrive, SharePoint); Compliance management for all online services; plus, collaborative tools such as Teams which has been vital during the pandemic in enabling staff to remain connected.

Extending the Council's security and compliance ecosystem with Microsoft EA licensing.

During the recent pandemic where there has been a shift to remote working plus widely publicised increase in cyber-attacks worldwide. To help prevent damaging attacks, the Council's is looking to the additional tools that come with Microsoft's EA to further strengthen and to adopt threat mitigation and automated security solutions.

Microsoft's EA Licenses come with advanced security, compliance, voice and analytical capabilities. Council will be looking to:

- Extend identity and threat protection with integrated and automated security to help stop damaging attacks.
- Bring together information protection and advanced compliance capabilities to protect and govern data while reducing risk.
- Get audio conferencing and calling capabilities in the cloud.
- Benefit from Power BI capabilities that help the Council realise significant business value from Council data.

Other components of note that are being purchased under the same Microsoft EA include:

- The licenses for 100+ server operating systems on Councils' data centre environment.
- The licenses for the operating systems licenses for whole of Council PC fleet.
- The licenses to operate SQL databases on Councils' data centre environment.
- The licenses to operate Council's unified telecommunications system.

TENDERS RECEIVED

The methodology adopted to undertake the tender evaluation of Tender 21/2021 was based on selection criteria outlined in the tender documents and in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005.

Open tenders were called and were received until 3.00pm Sydney time on 1st July 2021 via Tenderlink.

At close of tenders, 4 (four) tenderers supplied tenders.

Listed in **strict alphabetical order**, the tenderers were:

DATA#3 Limited
Datacom Systems (AU) Pty Ltd
Dell Australia Pty Limited
Systems Up Group

Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10A(2)(d) of the Local Government Act 1993. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

Application for access to documentation should be through lodgement of a GIPA Public Information application form and payment of prescribed fees.

CONSULTATION REQUIREMENTS

Community engagement is not required.

10.4. North Sydney Council - Compensation Claim submitted to the NSW Valuer General-TfNSW Compulsory Acquisitions - Councils Parks & Reserves- Warringah Freeway Upgrade

AUTHOR: Duncan Mitchell, Director Engineering & Property Services

ENDORSED BY: Ken Gouldthorp, General Manager

ATTACHMENTS: Nil

PURPOSE:

The purpose of this report is to inform Council of the compensation claim that has been lodged with the NSW Valuer General under the “Just Terms Act” on 9 July 2021 in relation to land that has been acquired by TfNSW at the Cammeray Golf Course (2 sites), St Leonards Park and ANZAC Park for the purposes of the Warringah Freeway upgrade.

EXECUTIVE SUMMARY:

A report from the Engineering and Property Services Division was brought to the 30 November 2020 Council Meeting, informing Council that two letters had been received from TfNSW in relation to the issuing of a Proposed Acquisition Notice (PAN) for parts of the Cammeray Golf Course (2 sites), St Leonards Park and ANZAC Park for the purposes of the Warringah Freeway upgrade. The report also identified that Council would be seeking compensation from TfNSW under the “Land Acquisition (Just Terms Compensation) Act 1991” for the proposed acquisition of these four (4) sites and that legal advice was being sought on Councils right to compensation. The actual Proposed Acquisition Notice (PAN) on the compulsory acquisition of the sites was issued to Council by TfNSW on 14 December 2020.

The purpose of this report is to inform Council that the Legal advice sought in November 2020 confirmed that Council does have a right to compensation and that a compensation claim has now been lodged with the NSW Valuer General under the “Just Terms Act” – on 9 July 2021.

The relevant sections of the Act that Council has lodged its compensation claim are 2.24 (3) (a) (b) (d) and (e) of the Crown Lands Act for compensation relating to any “*Improvements*”, loss of “*Public Benefit*”, “*Acquiring Additional Land*” that has similar environmental benefits that are comparable to the land that has been acquired and loss attributable to “*Disturbance*”.

The NSW Valuer Generals final report and determination on Councils Claim must be provided to both Council and Transport for NSW under (s 41(3), Just Terms Act). There is no set time frame specified for the Valuer General to provide a final determination, but generally this process takes 4-6 weeks from the time that the Claim is lodged.

If Council is not satisfied with amount awarded by the Valuer General, Council may appeal to the Land and Environment Court in Class 3 of the Court’s jurisdiction, within 90 days of receipt of the compensation notice under (s 45). At that point, Council receives 90% of the compensation awarded by the Valuer General.

The Legal Advice that Council has received in relation to its Compensation Claim is from Senior Counsel – Clifford Ireland and is attached to the Confidential Report.

The Confidential report prepared on Councils Compensation Claim and all attachments to the report are confidential in accordance with Section 10A (2) of the Local Government Act and the Local Government (General) Regulation 2005.

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

RECOMMENDATION:

- 1. THAT** the meeting be closed to the public in accordance with Section 10A(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..
- 2. THAT** Council notes this report
- 3. THAT** Council notes that a further report will be brought back to Council on this matter as soon as any determination is made by the NSW Valuer General on Councils Compensation Claim.
- 4. THAT** the report be treated as confidential and remain confidential until Council determines otherwise.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

2. Our Built Infrastructure

2.1 Infrastructure and assets meet community needs

BACKGROUND

Refer to the Confidential Report and accompanying attachments on the North Sydney Council - Compensation Claim submitted to the NSW Valuer General-TfNSW Compulsory Acquisitions - Councils Parks & Reserves- Warringah Freeway Upgrade

CONSULTATION REQUIREMENTS

Community engagement on the Warringah Freeway Upgrade Project will be undertaken by TfNSW.

DETAIL

Refer to the Confidential Report and accompanying attachments on the North Sydney Council - Compensation Claim submitted to the NSW Valuer General-TfNSW Compulsory Acquisitions - Councils Parks & Reserves- Warringah Freeway Upgrade

10.5. Reformation of Design Excellence Panel for 2021/22 - 2022/23

AUTHOR: Caitlin Summers, Strategic Planner-Urban Design

ENDORSED BY: Joseph Hill, Director City Strategy

ATTACHMENTS: Nil

PURPOSE:

To seek Council's endorsement of the recommended appointments for the Design Excellence Panel (DEP) for 2021/22 – 2022/23.

EXECUTIVE SUMMARY:

North Sydney Council encourages high quality urban design in the North Sydney local government area (LGA). This is achieved, in part, by seeking the independent advice of the Design Excellence Panel (DEP), established under North Sydney Council's *Design Panel Policy*.

In accordance with the *Design Panel Policy*, membership of the DEP should be renewed every two years. Expressions of interest for DEP membership for the 2021/22 – 2022/23 term were sought from Friday 4 June 2021 to Friday 18 June 2021. A total of 23 applications were received.

Support for the recommended appointments will enable the reformed DEP to commence in August 2021. A review of the *Design Panel Policy* and *Design Excellence Panel Charter* was undertaken. No updates are proposed.

FINANCIAL IMPLICATIONS:

The recurrent budget of \$80,000 will cover the operation costs of the DEP. Panel member remuneration is currently a yearly retainer of \$2,000 (provided the Panel member has attended a minimum of two meetings within a 12-month period) and \$1,100 for each meeting attended. The Panel Chairperson shall be paid \$1400 for each meeting attended. If the role is shared, each Panel Co-Chairperson shall be paid \$1250 for each meeting attended.

RECOMMENDATION:

- 1.THAT** Council endorses the appointment of the recommended panel members nominated within the confidential report for the reformation of the North Sydney Design Excellence Panel for the 2021/22 - 2022/23 term.
- 2.THAT** Council writes to acknowledge the valuable contribution made by the previous members of the Design Excellence Panel.
- 3.THAT** the confidential report remains confidential unless Council resolves otherwise.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

3. Our Future Planning

3.4 North Sydney is distinctive with a sense of place and quality design

BACKGROUND

On 13 June 2006, the Design Excellence Panel (the 'DEP') was established.

On 24 July 2017, Council endorsed the appointment of six persons to the DEP, under North Sydney Council's *Design Panel Policy*. The appointments commenced in August 2017 for a two-year term.

On 29 April 2019, Council endorsed an amendment to the *Design Excellence Panel Charter* to enable the General Manager to reappoint the current panel members for an additional two-year term. These appointments are due to expire in July 2021.

A full review of the *Design Panel Policy* was scheduled for the 2020/21 financial year.

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

1. Function of the Design Excellence Panel

North Sydney Council encourages high quality urban design in the North Sydney local government area (LGA). This is achieved, in part, by seeking the independent advice of the Design Excellence Panel (the 'DEP'), established under North Sydney Council's Design Panel Policy.

The policy is working well. The DEP has been operating since 2006 and its success is attributed to the high calibre of members that Council has been able to attract and engage. Their advice has been regularly sought by Council's strategic planning and development services staff. It has clearly informed the deliberations of the Sydney North Planning Panel (and its predecessor), the Independent Planning Commission and more recently, Council's own North Sydney Local Planning Panel (NSLPP).

Most importantly, the DEP's advice has informed the final design of major development across North Sydney LGA with significant improvements being achieved to both the built form and the public domain.

2. Extension of membership in 2019 for an additional two-year term

In accordance with the Design Panel Policy, membership of the DEP is renewed every two years. On 29 April 2019, Council endorsed an amendment to the Design Excellence Panel

Charter to enable the General Manager to reappoint the current panel members for an additional two-year term.

This reappointment was due to a) the appointed panel members working exceptionally well, and b) concern that advertising for new panellists would yield fewer results due to increasing competition for experienced design professionals to sit on panels across Sydney at the time. Reappointing the panel for a further two years allowed the market time to increase the pool from which new panel members could be drawn.

3. Reformation of the DEP for 2021/22 – 2022/23

Current membership for the DEP is due to expire in July 2021. Expressions of interest for DEP membership for 2021/22 – 2022/23 were sought from Friday 4 June 2021 to Friday 18 June 2021. A total of 23 applications were received.

To be selected for membership on the DEP, North Sydney Council's Design Panel Policy requires the following:

- 4.1.1 To receive the support of both the community and the development industry, the panel needs to be recognised as an expert body capable of providing high quality design advice. Accordingly, the panel will be comprised of well-known and respected professionals who are involved in the design of major projects and have extensive expertise architecture, urban design or urban planning. The inclusion of at least three professionals on the panel with a range of expertise will encourage debate and develop creative design solutions.

To bring a local perspective, the panel should also have a community representative with a demonstrated understanding and experience in architecture, urban design, urban planning or related field.

The City Strategy team has reviewed the submissions and recommends four members of the previous 2017 - 2021 DEP be retained, and two new members be appointed to the 2021/22 – 2022/23 DEP. This will give the DEP a level of continuity whilst providing new expertise that complements the current skill set.

4. Acknowledgement of former panel members

Two current panel members, Philip Graus and Angela Koepp did not reapply for the DEP for 2021/22 – 2022/23 and will end their tenures in July 2021.

Philip Graus is one of the original members of the panel and has held the position of Chair for over eight years. As Chair he has been instrumental in the success of the DEP and the many improvements to North Sydney LGA's built form and public domain.

Angela Koepp has been a member of the panel since 2017 and has provided valuable urban design advice on a range of projects presented to the DEP.

Their professionalism and expertise have contributed greatly to both the DEP and North Sydney's future. It is recommended that Council write to acknowledge the valuable contribution they have made to design excellence in North Sydney.

5. Full review of the Design Panel Policy in the 2020/2021 Financial Year

The Design Panel Policy had been scheduled to be reviewed in the 2020/2021 Financial Year.

A review of both the policy and the Design Excellence Panel Charter was undertaken prior to advertising for expressions of interest for membership on the DEP 2021/22 – 2022/23. Both the policy and the charter are currently working well, and no changes are recommended.

6. Budget

The recurrent budget of \$80,000 will cover the operation costs of the DEP. Panel member remuneration is currently a yearly retainer of \$2,000 (provided the Panel member has attended a minimum of two meetings within a 12-month period) and \$1,100 for each meeting attended. The Panel Chairperson shall be paid \$1400 for each meeting attended. If the role is shared, each Panel Co-Chairperson shall be paid \$1250 for each meeting attended.

7. Conclusion

The independent advice of the Design Excellence Panel has been instrumental in improving the design quality of development throughout the North Sydney LGA. It is also a valued resource for obtaining feedback on strategic planning projects.

The recommendations of this report will maintain the high calibre of relevant expertise on the DEP that will assist Council achieve design excellence and remain highly competitive in the metropolitan area.

Support for the recommended appointments will enable the DEP to commence in August 2021.

10.6. Performance Review of the General Manager to June 2021

AUTHOR: Matthew McArthur, Chief Executive Officer, McArthur

ENDORSED BY: Cr Jilly Gibson, Mayor

ATTACHMENTS: Nil

PURPOSE:

To report on the performance review of the General Manager, which was conducted on 7 July 2021.

EXECUTIVE SUMMARY:

The performance review of the General Manager was conducted on 7 July 2021. The review was conducted by the Performance Review Panel appointed by Council consisting of the following Councillors:

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

Also in attendance:

- Ken Gouldthorp, General Manager

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

A separate Confidential Report has been provided to Council.

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

FINANCIAL IMPLICATIONS:

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

RECOMMENDATION:

1. THAT the meeting be closed to the public in accordance with Section 10A(2) *(a) personnel matters concerning particular individuals (other than councillors)*.

2. **THAT** the Confidential Report from the Performance Review Panel and recommendations therein be adopted.
3. **THAT** the Mayor be authorised to implement the recommendations of the Review Panel; and
4. **THAT** the Performance Review and associated reports be treated as confidential and remain confidential until Council determines otherwise.

(Note: 4 is in accordance with Office of Local Government Guidelines on the Appointment and Oversight of General Managers and s10A(2)(a) of the Local Government Act)

11. Closure