



Council Chambers  
24 March 2022

The **3757th MEETING of COUNCIL** will be held at the Council Chambers, North Sydney at **7.30pm** on Monday, 28 March 2022. The agenda is as follows.

**KEN GOULDTHORP**  
**GENERAL MANAGER**

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

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- 1. Opening Meeting**
  - 2. Acknowledgement of Country**
  - 3. Apologies**
  - 4. Confirmation of Minutes**
  - 5. Disclosures of Interests**

*(Note: Agenda Items will be considered By Exception)*

**6. Mayoral Minutes**

**7. Reports of Committees**

- 7.1 Legal and Planning Committee – 14 March 2022
- 7.2 Traffic Committee Minutes – 18 March 2022

**8. Reports to Council**

- 8.1 Matters Outstanding February 2022
- 8.2 2022 Australian Local Government Association Annual Conference (National General Assembly)
- 8.3 Investment and Loan Borrowings Report held as at 28 February 2022

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- 8.4. Draft Amendment to NSDCP 2013 - 52 Alfred Street South, Milsons Point
- 8.5. PP4/21 - 153-157 Walker Street, North Sydney
- 8.6. PP6/20 - 45 McLaren Street, North Sydney
- 8.7. Planning Proposal - 253 - 267 Pacific Highway, North Sydney
- 8.8. 270-272 Pacific Highway - PPA, VPA and DCP
- 8.9. Residential Flat Buildings in the Medium Density Residential R3 zone
- 8.10. Community Housing Project and Funds: Update on a New Generation Boarding House
- 8.11. 15mins Free Parking Trial - Parraween Street Cremorne - Outcomes Report
- 8.12. Young Street Walking Cycling and Streetscape Upgrades
- 8.13. 100% Renewable Electricity Procurement for Council and update on Council Solar PV program
- 8.14. Ausgrid - Main Road & CFL Streetlighting LED Replacement Program - (Stage 2)
- 8.15. Update on the Food Scraps Trial
- 8.16. RecycleSmart and Textile Recycling
- 8.17. Transfer of State-owned Lands to North Sydney Council
- 8.18. North Sydney Olympic Pool Redevelopment Monthly Progress Report

## **9. Notices of Motion/Questions with Notice**

- 9.1. Notice of Motion 19/22 - Cr Welch - Interim Heritage Order, 15 Allister St Cremorne
- 9.2. Notice of Motion 20/22 - Cr Spenceley - Site Specific Planning Proposals - Neutral Bay Town Centre
- 9.3. Notice of Motion 21/22 - Cr Spenceley - Bypass of Council's authority on planning
- 9.4. Notice of Motion 22/22 - Cr Spenceley - Public Communications Standard Software
- 9.5. Notice of Motion 23/22 - Cr Beregi - E-Scooter Trial
- 9.6. Notice of Motion 24/22 - Cr Lamb - Sustainable Festival

## **10. Confidential Matters**

- 10.1. Young Street Plaza - Tender 34/2021
- 10.2. Expressions of Interest EOI 27 2021-North Sydney Councils On Street Parking Management System-Public Report
- 10.3. Tender 11/2021 - Bus Shelter & Comms Panel Advertising Tender - Reject & Negotiate
- 10.4. Audit, Risk and Improvement Committee Membership
- 10.5. 2nd QR 21/22 Property Portfolio Report
- 10.6. North Sydney Council's Community Awards 2022 – Young Citizen of the Year Nomination
- 10.7. URM China Sword
- 10.8. NSOP Redevelopment Loan Proposal

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**TO:** The Mayor, Zoë Baker and Councillors Beregi, Bourke, Drummond, Gibson, Lamb, Mutton, Santer, Spenceley, and Welch.

**SUBJECT: 3757TH MEETING OF COUNCIL TO BE HELD ON MONDAY, 28 MARCH 2022**

**1. OPENING MEETING**

**2. ACKNOWLEDGEMENT OF COUNTRY**

**3. APOLOGIES AND APPLICATIONS FOR LEAVES OF ABSENCE BY COUNCILLORS**

**4. CONFIRMATION OF MINUTES**

**THAT THE MINUTES** of the previous 3756<sup>th</sup> Council Meeting held on Monday, 21 February 2022 be taken as read and confirmed.

**5. DISCLOSURES OF INTEREST**

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**6. MINUTES OF THE MAYOR**

Nil.

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## 7. REPORTS OF COMMITTEES

### 7.1 Legal and Planning Committee Minutes - 14 March 2022

Report of Ian Curry, Manager Council & Committee Services

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

This report presents the recommendations of the last meeting of the Legal and Planning Committee held on 14 March 2022 for Council adoption. The minutes are attached for information.

There are no financial implications associated with the recommendations of the committee.

#### **Recommending:**

**1.THAT** Council note the Ministerial Order - Planning report and the Ministerial Order's stated expectations associated with Council's planning functions. (Item 4.1)

**2.THAT** Council endorse Council staff's strict adherence to the 90-day planning proposal determination timeframe which will require a "receive and determine" approach with minimal opportunity for discussion, lodgement of amended plans and general resolution of issues with applicants. (Item 4.1)

**3.THAT** Council write to regular applicants of planning proposals and advise of the new approach to the assessment process being conducted by Council in light of the Ministerial Order. (Item 4.1)

**4.THAT** Council note that if the Ministerial Order is interpreted in such a way that all development applications are expected to meet the 180 and 250 day determination timeframes, this may result in an increase in refusals for those applications that for a myriad of reasons, may require more time and attention prior to being determined. (Item 4.1)

**5. THAT** the Committee endorse the submission to the Department of Planning and Environment (DPE) on proposed changes to the process of amending Local Environmental Plans (LEPs), contained in Attachment 1. (Item 4.2)

**6. THAT** the Holt Avenue Properties - Interim Heritage Order report be received. (Item 4.3)

**7.THAT** the Interim Heritage Order - Northern Side of Parraween Street between Paling Street to Macpherson Street report be received. (Item 4.4)

**8. THAT** the 6 John Street, McMahons Point report be received. (Item 4.5)

**9. THAT** the Variations to Development Standards – 2021/22 Q1 Reporting Period report be received. (Item 4.6)

**10. THAT** the Variations to Development Standards – 2021/22 Q2 Reporting Period report be received. (Item 4.7)

**11. THAT** the North Sydney Local Planning Panel Report 2020/21 report be received. (Item 4.8).

**12.THAT** the Development Applications received in Q1 and Q2 of financial year 2021/22 report be received. (Item 4.9)

**13. THAT** the Current Appeals and Results – March 2022 report be received. (Item 5.1).

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**14. THAT** the report be treated as confidential and remain confidential until Council determines otherwise. (Item 5.1)

## **7.2 Traffic Committee Minutes - 18 March 2022**

Report of Peita Rose, Governance Officer

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

This report presents the recommendations of the last meeting of the Traffic Committee held on 18 March 2022 for Council adoption. The minutes are attached for information.

The full reports to the Traffic Committee can be viewed at

[https://www.northsydney.nsw.gov.au/Council\\_Meetings/Meetings/Committees/Traffic\\_Committee/2022/18\\_March\\_2022](https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/Committees/Traffic_Committee/2022/18_March_2022)

The financial implications are considered in the individual reports to the Traffic Committee.

### **Recommending:**

- 1. THAT** Council relocate the existing disability parking space on the western side of Kurraba Road to the north of the driveway to 143 Kurraba Road, Kurraba Point. (5.3)
  - 2. THAT** Council extend the existing Bus Zone south into the four (4) metered parking bays outside no. 50 Miller Street, North Sydney. (5.4)
  - 3. THAT** Council consider changing the name of the bus stop to be consistent with the changed name of the island. (5.5)
  - 4. THAT** the consideration of the new car share spaces in Earle Street and Grasmere Road be supported by Council. (5.6)
  - 5. THAT** the existing four parking spaces on the southern side of Warringa Road, Cammeray be removed, and No Stopping signs be installed to achieve the adequate sight distance where the ATL meets Warringa Road. (5.7)
  - 6. THAT** No Stopping signage be installed in front of the existing driveway crossover in Warringa Road to formalise the existing access onto the GPT. (5.7)
  - 7. THAT** the background of traffic and safety issues in Moodie Street, including traffic studies and recommendations be reported to the next Traffic Committee. (8.1)
  - 8. THAT** Council's Acting Manager Traffic and Transport Operations refer the issue of signage at Military Road, Cabramatta Road and Rangers Road to Transport for NSW for urgent advice. (8.2)
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## 8. REPORTS TO COUNCIL

### 8.1 Matters Outstanding March 2022

Report of Ian Curry, Manager Council & Committee Services

To report to Council on the status of Councillor resolutions.

Each month, a report is presented to Council on the status of those resolutions arising from Mayoral Minutes, Notices of Motion and Questions Without Notice.

The attached table has been updated to include resolutions up to the 21 February 2022 Ordinary Meeting of Council.

**Recommending:**

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

### 8.2 2022 Australian Local Government Association Annual Conference (National General Assembly)

Report of Ian Curry, Manager Council & Committee Services

To consider the appointment of delegates to attend the 2022 National General Assembly and consider any proposed Motions.

The 2022 Australian Local Government Association (ALGA) National General Assembly (NGA) will be held in Canberra from 19 to 21 June 2022.

As the national voice of local government, the ALGA advocates on behalf of Australia's 537 councils for funding and policy outcomes that support local governments to deliver better results for their communities.

The theme for this event will be Partners in Progress, focusing on how partnerships, particularly between the Australian Government and local governments, can tackle the immediate challenges facing communities and help us confidently prepare for the future.

ALGA is calling for motions for next year's NGA, and Councils are encouraged to consider whether there is a strategic issue of national importance can be brought to this event.

In addition, Council may resolve the appointment of delegates to attend the 2022 National General Assembly.

The standard registration cost for each delegate is \$989 to attend in person and \$689 to attend virtually. An amount of \$10,000 has been allocated in 2021/22 for delegates expenses, \$4,925.00 has been expended to date (LGNSW Conference).

**Recommending:**

**1. THAT** Council approve the attendance of Deputy Mayor, Councillor William Bourke at the 2022 National General Assembly and authorise the Mayor to attend if she so chooses.

### 8.3 Investment and Loan Borrowings Report held as at 28 February 2022

Report of Christian Menday, Manager Financial Services

The report provides details of the performance of Council's investment portfolio and borrowing limits for the period ending 28 February 2022.

**Investment Portfolio:**

The Investment Portfolio (excluding cash balances) held for the period ending 28 February 2022 had a market value of \$92,925,461. The annualised returns were 1.35%. This return exceeded the Australian Bond Bank Bill performance benchmark by 1.31%.

Cash deposits at call were \$32,515,230 with \$26,525,645 of these held in interest bearing accounts. \$5,989,585 cash is held in Council's non-interest-bearing transaction account with the Commonwealth Bank to meet day-to-day operational needs.

The investment portfolio is managed to ensure liquidity to meet operational requirements and to fund outflows on major projects. Cashflow is monitored and assessed on an on-going basis.

The actual year to date returns for cash and investments for February 2022 was \$913,000 compared to a year-to-date budget of \$733,333.

The Reserve Bank of Australia (RBA) has indicated that interest rates may rise later in this year if the economy tracks in line with its central forecast scenario. Historically, returns on cash (i.e. "at call" accounts) and short-term investments have been quite strong. With the low official cash rate, market variability in monthly returns may mean the short to medium term investment returns could be flat or potentially slightly negative. The capacity for Council staff to invest in a manner that meets liquidity requirements whilst achieving the "enhanced" benchmark returns (as detailed in the Investment Policy) is increasingly limited. However, the best available returns are still actively sought when surplus funds are invested.

**Borrowings:**

**Loan Facility for Council Projects**

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 February 2022 is \$6,598,875.

The projects funded are outlined in the body of the report.

**North Sydney Olympic Pool Redevelopment**

Council has made provision for borrowings of \$31 million to partially fund the redevelopment of North Sydney Olympic Pool. Drawdown is pending the Council's total investment portfolio performance for the financial year to date is 1.31% above the benchmark (1.35% against 0.04%). The actual returns for cash and investments for the year-to-date are \$913,000 compared to year-to-date budget of \$733,333.

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.

**Recommending:**

**1. THAT** the report on Investments and Loan Borrowings held 28 February 2022 be received.

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#### 8.4 **Draft Amendment to NSDCP 2013 - 52 Alfred Street South, Milsons Point**

Report of Katerina Papas, Strategic Planner

To seek Council's endorsement of a draft amendment to North Sydney Development Control Plan 2013 as it relates to land at 52 Alfred Street South, Milsons Point and submit it to the Department of Planning and Environment to assist in its consideration of a request for a Gateway Determination of the associated Planning Proposal.

On 2 October 2020, Council received a Planning Proposal (PP5/20) to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 52 Alfred Street South, Milsons Point. The Planning Proposal seeks to increase the maximum building height control applying to the site from 40m to part RL87.1m (west) and RL84m (east).

The Planning Proposal was referred to the North Sydney Local Planning Panel (NSLPP) on 9 December 2020 and subsequently referred to Council on 22 February 2021. Consistent with the recommendations of the NSLPP, Council resolved not support the progression of the Planning Proposal to a Gateway Determination.

The applicant subsequently lodged a request for a Rezoning Review with the Department of Planning and Environment (DPE) on 29 January 2021.

The Rezoning Review request was heard by the Sydney North Planning Panel (SNPP) on 15 September 2021, and it made a formal recommendation on 22 September 2021. The SNPP recommended that the Planning Proposal proceed to a Gateway Determination on strategic and site-specific merit grounds, contrary to the recommendations of the NSLPP and Council's decision.

Whilst the SNPP has determined that an increased height limit would be appropriate on the site given the prevailing height of buildings in the near vicinity, it also expressed significant "concerns about the indicative future built form, particularly in relation to the amount of floor space and the massing of a future building on the site."

In the absence of a Floor Space Ratio (FSR) control for the site to manage the future distribution of height and massing across the site, the SNPP placed particular importance on the preparation of a site-specific DCP to ensure that local impacts and amenity issues are satisfactorily addressed during the assessment and determination of any future development application for the site. The SNPP specifically recommended that the site specific DCP address a list of various matters, including reduced massing of the proposed building envelope to achieve an appropriate built form outcome compared to that provided in the applicant's reference design.

In accordance with the recommendations of the SNPP, Council has prepared a draft site specific DCP addressing the concerns raised by SNPP and Council. This report seeks Council's endorsement of the draft DCP for the purposes of submitting it to the DPE for its consideration of a request for a Gateway Determination for the associated Planning Proposal.

It should be noted, that on 25 October 2021, Council resolved to accept the role of Planning Proposal Authority (PPA) for the ongoing processing of the Planning Proposal. Given the complexity of the site's attributes and how

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central the preparation of the DCP is to ensuring an appropriate built form outcome is achieved, it was recommended that Council accept the role of PPA in this instance.

Expenditure with respect to the public exhibition of the DCP amendment and its implementation will be modest and will be funded through existing recurrent budgeting lines.

**Recommending:**

**1. THAT** Council endorses the draft amendments to NSDCP 2013, as provided in Attachment 1 for the purposes of public exhibition.

**2. THAT** the draft amendments to NSDCP 2013 be submitted to the Department of Planning and Environment to assist with its consideration of the Gateway Determination for the associated Planning Proposal.

**3. THAT** the draft amendments to NSDCP 2013 be placed on public exhibition in accordance with any conditions of any Gateway Determination issued by the Department of Planning and Environment concurrently with the accompanying Planning Proposal.

## 8.5 **PP4/21 - 153-157 Walker Street, North Sydney**

Report of Ben Boyd, Executive Strategic Planner

To seek Council's endorsement not to support the Planning Proposal for 153-157 Walker Street, North Sydney proceeding to Gateway Determination.

On 8 July 2021, Council received a Planning Proposal (PP 4-21) to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 153 and 157 Walker Street, North Sydney. In particular, it seeks to insert a new local provision to NSLEP 2013 that would effectively result in a bonus height provision of 23m (RL 215 to RL 238) if the two sites are developed under a single development application and satisfies the following criteria:

- Does not result in additional overshadowing to land zoned RE1 Public Recreation;
- A nil setback to the northern boundary where the consent authority can be satisfied that the proposed development exhibits visual articulation to the northern façade;
- At least a 4m setback to a 3-storey podium form to Little Walker Street and a nil setback to the tower levels above;
- At least a 5m minimum setback at the ground level to the southern boundary with a 4m setback to the levels above;
- Provision of a publicly accessible through site link to the satisfaction of the consent authority; and
- The proposal exhibits commitments to sustainable building outcomes that actively reduce energy and water consumption and waste generation.

On 29 September 2021, the North Sydney Local Planning Panel (NSLPP) considered Council's assessment of the Planning Proposal which recommended that the Planning Proposal not proceed to Gateway Determination. The NSLPP resolved to defer issuing its advice, to enable the applicant to address a number of concerns raised in Council's assessment

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report and to undertake further negotiations with the owners of 157 Walker Street.

On 10 February 2022, the applicant lodged a Rezoning Review request with the Department of Planning and Environment due to Council not having made a determination within 90 days.

Acknowledging the request for a Rezoning Review, the Planning Proposal was reported back to the NSLPP on 9 March 2022 for its advice. The NSLPP resolved not to support the Planning Proposal proceeding to Gateway Determination for the following reasons:

- The proposal does not demonstrate strategic merit as it challenges the implementation of a number of recently adopted policies including the North Sydney Local Strategic Planning Statement (LSPS) and would significantly undermine the extensive place-based strategic planning work that has been undertaken in the locality which is enshrined within the LSPS, particularly the North Sydney CBD Public Domain Strategy (PDS).
- The proposal is contrary to delivering on a number of key priorities of the North District Plan, namely:
  - Action 11 - as it will result in a negative impact to the amenity of the public domain of Little Walker Street and not positively contribute to the delivery of a comfortable human scale;
  - Action 19 – as it does not use a place based approach to deliver great places due to its inconsistency with the PDS;
  - Action 36 – as the envisaged built form envelope will not focus on delivering on a human scale public realm or creating a vibrant, safe place or quality public realm.
- The proposed local clause is inconsistent with Section 9.1 Ministerial Direction 6.3 Site Specific Provisions.
- The proposal does not demonstrate site specific merit due to the following:
  - the expected reduction in sunlight and daylight access to Little Walker Street resulting from a nil above podium setback to Little Walker Street;
  - there is no substantive evidence that that a consolidated proposal can't be feasibly erected under the current controls;
- The proposal is inconsistent with the desired direction to quantify above podium setback and tower separation controls to improve daylight and solar access to the public domain and improve internal amenity to towers.

Consistent with the recommendations of the Assessment Report and the NSLPP, it is recommended that Council resolve not to support the progression of the Planning Proposal to Gateway Determination.

The processing of the Planning Proposal, including representing Council at the future Rezoning Review, is covered by the application fee.

**Recommending:**

**1. THAT** Council resolves not to support the Planning Proposal (forming Attachment 1) proceeding to Gateway Determination for the reasons outlined in the Assessment Report considered by the North Sydney Local Planning Panel on 9 March 2022.

**2. THAT** Council notifies the applicant of Council's determination in accordance with clause 9 of the Environmental Planning and Assessment Regulations 2021.

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

## 8.6 PP6/20 - 45 McLaren Street, North Sydney

Report of Ben Boyd, Executive Strategic Planner

To seek Council's endorsement to progress a Planning Proposal for 45 McLaren Street, North Sydney to proceed to Gateway Determination for the purposes of public exhibition. To endorse an associated amendment to North Sydney Development Control Plan 2013 and an offer to enter into a Voluntary Planning Agreement to deliver a number of public benefits for concurrent public exhibition with the Planning Proposal.

On 22 October 2020, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 45 McLaren Street, North Sydney. In particular, it seeks to make the following amendments to NSLEP 2013:

- Rezone the site from *R4 High Density Residential* to *B4 Mixed Use*;
- Increase the maximum height of building limit from 12m to part RL 103 (approximately 36-43m) and Part RL 115 (approximately 47-51m max);
- Impose a maximum floor space ratio of 6.25:1;
- Impose a non-residential floor space ratio of 1:1
- Amend Clause 4.4A – *Non-Residential Floor Space Ratios* to permit residential development at ground level facing Walker Street; and
- Amend Clause 6.12A – *Residential flat buildings in Zone B4 Mixed Use* to permit residential development at ground level facing Walker Street.

The indicative concept scheme accompanying the Planning Proposal includes a 10-14-storey mixed use building, comprising approximately 11,200sqm of Gross Floor Area (GFA), with 82 apartments located above 2,091sqm of commercial floorspace and 3 levels of basement car parking.

The Planning Proposal is also accompanied by an offer to enter a Voluntary Planning Agreement to deliver a number of public benefits to the value of approximately \$4.8 million including a monetary contribution towards public infrastructure identified in the Ward Street Precinct Masterplan, streetscape upgrades adjacent to the site, expansion of an existing public through site link across the site and dedication of one x 2-bedroom affordable housing unit.

The North Sydney Local Planning Panel (NSLPP) considered the Planning Proposal and an Assessment Report prepared by Council Officers on 23 February 2022 and resolved to support the Planning Proposal proceeding to Gateway Determination in conjunction with the site specific DCP provisions to help guide future detailed design at the development application stage. The NSLPP also recommended that:

1. *The visual assessment report be amended to provide increased illustrative analysis of the view impacts from residential properties located to the west and fronting McLaren and Miller Streets, before being placed on public exhibition;*
2. *All vehicular access and servicing be provided from Walker Street and included in the DCP to be exhibited; and*

3. *Consideration be given to the provision of affordable housing given the development uplift.*

The additional issues raised (items 1 and 2) by the NSLPP do not require amendment to the Planning Proposal itself and they can be resolved by requesting conditions to be imposed on any future Gateway Determination to address these matters. The issue of affordable housing provision has been addressed in the applicant's a revised public benefit offer.

This report also seeks adoption of a site-specific draft amendment to North Sydney Development Control Plan 2013 to provide greater certainty as to the built form outcomes envisaged on the subject site, such that they can be placed on public exhibition concurrently with the Planning Proposal.

The progression of the Planning Proposal and associated DCP amendment from this point is covered by the Planning Proposal application fee.

The Planning Proposal is accompanied by an offer to enter into a Voluntary Planning Agreement which proposes to provide a number of public benefits to the approximate value of \$4.8 million including a monetary contribution towards public infrastructure identified in the Ward Street Precinct Masterplan, streetscape upgrades adjacent to the site, expansion of an existing public through site link across the site and dedication of dedication of one x 2-bedroom affordable housing unit.

**Recommending:**

**1. THAT** Council resolves to endorse the Planning Proposal comprising Attachment 1 forming Attachment 1 to this report and forward it to the Minister for Planning in order to obtain a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act, 1979.

**2. THAT** in issuing any Gateway Determination, the Minister for Planning be requested to include a condition requiring:

(a) the Visual Assessment Report be amended to include an illustrative assessment of the view impacts to residential properties located to the west of 45 McLaren Street located on McLaren and Miller Streets;

(b) the Planning Proposal to be revised to reflect the coming into force of the new LEP making Guidelines.

**3. THAT** Council adopt the associated draft amendment to North Sydney Development Control Plan 2013 forming Attachment 2 to this report and that draft amendment be placed on public exhibition concurrently with the Planning Proposal.

**4. THAT** Council agree in-principle to the contents of the revised letter of offer dated 15 March 2022 to enter into a Voluntary Planning Agreement forming Attachment 3 to this report, subject to the offer being revised to:

(a) include public benefits back up to a total value of \$5.8 million as originally offered, given the uncertainty as to the implementation of a Regional Infrastructure Contribution system; and

(b) Include an ability for the applicant to revise their VPA offer should the Regional Infrastructure Contribution system be introduced.

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5. **THAT** the General Manager be authorised to negotiate the detailed terms and provisions of a draft Voluntary Planning Agreement generally consistent with the applicant's offer (Attachment 3) and as outlined in this report.

6. **THAT** Resolution 5 be commenced immediately following Council's resolution to avoid any unnecessary delays post the issue of any Gateway Determination.

7. **THAT** should a Gateway Determination be issued to enable the Planning Proposal to be placed on public exhibition, that it only be placed on public exhibition concurrently with the draft Voluntary Planning Agreement (prepared in accordance with Recommendation No.5) and the draft amendment to North Sydney Development Control Plan 2013 (as adopted in accordance with Recommendation No.3).

## 8.7 **Planning Proposal - 253 - 267 Pacific Highway, North Sydney**

Report of Neal McCarry, Team Leader - Policy

To present to Council the assessment report of Planning Proposal No.2/21 at Nos. 253-267 Pacific Highway, North Sydney which seeks to amend the North Sydney Local Environmental Plan 2013, following its review by the North Sydney Local Planning Panel.

On 12 April 2021, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at Nos. 253-267 Pacific Highway, North Sydney. The Planning Proposal (as amended on 14 December 2021) proposes the following amendments to NSLEP 2013:-

- *an increase to the permitted maximum Height of Buildings from 10m to part 15m; 29m and 37m;*
- *an increase in the permitted minimum non-residential FSR control from 0.5:1 to 1:1; and*
- *to establish a site-specific maximum overall FSR of 4.83:1 to 253-261 Pacific Highway and a maximum FSR of 1.83:1 to 265-267 Pacific Highway;*

The reference design scheme accompanying the Planning Proposal (Attachment 3) includes a 3 storey; 8 storey and 10 storey built form accommodating approximately 37 residential apartments basement carparking. The scheme includes a total GFA of 5,668sqm, of which 3,893sqm is residential floor area and 1,775sqm represents commercial/retail floor space.

The proposal also includes a draft site-specific Development Control Plan (DCP) prepared to help guide future detailed design and the development application assessment process.

A detailed assessment of the proposal has been undertaken in the recent report prepared for the NSLPP (Attachment 1).

The North Sydney Local Planning Panel (NSLPP) considered the Assessment Report on 23 February 2022 and resolved to support the progression of the Planning Proposal to a Gateway Determination (Attachment 3). The NSLPP agreed with the reasons for supporting the Planning Proposal outlined in the NSLPP Assessment Report and also recommended that:-

1. *The maximum height be 37m to accommodate the sloping topography, lift overrun and a floor-to-floor height of 4.4m for the ground floor, (noting that the maximum number of storeys is to remain the same);*
2. *The setback of the tower on the Pacific Highway elevation be modified to provide a minimum tower setback above the podium of 1m, with at least 30% of the envelope setback to 3m, to provide façade articulation and wind mitigation. The setbacks to all other frontages are to remain as per the draft DCP.*

The Panel's second recommendation is not supported for the reasons outlined in this report. It is recommended that Council resolve to support the progression of the Planning Proposal to Gateway Determination for the reasons expressed in this report.

The modest costs associated with the administration and any exhibition of the Planning Proposal and DCP will be drawn from existing budget lines which anticipate this type of activity.

**Recommending:**

1. **THAT** Council resolves to support the Planning Proposal proceeding to Gateway Determination and forward the Planning Proposal to DPE in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979, seeking a Gateway Determination.
2. **THAT** upon receipt of a Gateway Determination, the Planning Proposal be exhibited for public exhibition in accordance with the conditions of the Gateway Determination.
3. **THAT** Council endorse the site-specific Development Control Plan provisions contained at Attachment 5 and that this be exhibited concurrently with the Planning Proposal.
4. **THAT** the General Manager be authorised to negotiate the detailed terms and provisions of a Voluntary Planning Agreement consistent with the applicant's offer as outlined in this report.
5. **THAT** a further report be prepared for Council's consideration outlining any submissions received.

## 8.8 270-272 Pacific Highway - PPA, VPA and DCP

Report of Marcelo Occhiuzzi, Manager Strategic Planning

This report considers:

- The offer of taking on the "Planning Proposal Authority" (PPA) role for the Planning Proposal at 270-272 Pacific Highway, Crows Nest, and
- endorsement of a Voluntary Planning Agreement (VPA) offer and draft amendment to North Sydney Development Control Plan (NSDCP) 2013 associated with the planning proposal, for the purpose of public exhibition.

On 19 March 2021, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 270-272 Pacific Highway, Crows Nest.

The Planning Proposal seeks to make the following amendments to the NSLEP 2013:

- Increase the maximum Height of Buildings Map from 16m to 59m (13 storeys);
- Impose a maximum Floor Space Ratio Map of 5.6:1;
- Increase the minimum Non-residential Floor Space Ratio Map from 0.5:1 to 5.6:1;
- Insert a Site-specific clause allowing a maximum FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses.

The Planning Proposal is accompanied by a:

- draft Voluntary Planning Agreement (VPA as included at Attachment 3) offer providing a monetary contribution of \$3.0 million for local infrastructure and facilities, and
- draft amendment to NSDCP 2013, which was prepared in conjunction with Council Officers and the applicant during the assessment of the proposal.

Council considered an assessment report in relation to the Planning Proposal including the advice from the North Sydney Local Planning Panel on 21 February 2022, and it resolved not to support the progression of the Planning Proposal to Gateway Determination.

On 2 March 2022, a Rezoning Review request was formally considered by the Sydney North Planning Panel (SNPP). On 8 March 2022, the SNPP recommended that the Planning Proposal should progress to Gateway Determination.

The SNPP also sought Council's advice with respect to accepting the role of Planning Proposal Authority (PPA). The PPA is responsible for progressing Planning Proposals through the plan making process, including ensuring the Planning Proposal is consistent with the Gateway Determination, hosting the public exhibition process, consideration of submissions and the making of an amendment to Council's Local Environmental Plan.

It is recommended that Council accept the PPA role, to ensure a high degree of clarity and accuracy in any future public exhibition process and to retain a role in this process.

Additionally, this report considers the proposed VPA offer and draft amendment to NSDCP 2013. Site-specific development controls may help mitigate some of the impacts of any future built form arising on the site as a result of the Planning Proposal. Whilst Council has previously objected to the proposal, the provision of a VPA will assist in funding the provision of local infrastructure in the area. It is therefore recommended that the attached VPA offer and draft amendments to the DCP be adopted by Council and placed on public exhibition concurrently with the Planning Proposal.

The Planning Proposal is accompanied by a VPA offer that proposes to provide a monetary contribution of \$3.0 million towards the provision of community infrastructure.

Expenditure arising with respect to the public exhibition of any VPA and DCP amendment and its implementation is funded through existing operational budget lines.

**Recommending:**

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1. **THAT** Council accept the role of the Planning Proposal Authority for Planning Proposal 1/21 – 270-272 Pacific Highway, Crows Nest.
2. **THAT** in accepting the Planning Proposal Authority role, Council advise the Sydney North Planning Panel and Department of Planning and Environment and request that any recommendations of the Sydney North Planning Panel form conditions to any Gateway Determination issued;
3. **THAT** Council endorse the draft Development Control Plan provisions contained at attachment 4 for the purposes of public exhibition;
4. **THAT** Council accept, in principle, the contents of the VPA offer with the intention that it be placed on public exhibition upon the satisfactory negotiation of the detailed VPA terms.
5. **THAT** once a Gateway Determination is issued, the Planning Proposal, any VPA and site specific DCP controls, be placed on public exhibition concurrently.
6. **THAT** the outcomes of the public exhibition be reported back to Council.

## 8.9 **Residential Flat Buildings in the Medium Density Residential R3 zone**

Report of Marcelo Occhiuzzi, Manager Strategic Planning

To respond to Council's resolution of 10 January 2022 that required that work commence urgently on the appropriate process to amend the North Sydney Local Environmental Plan to remove the addition of residential flat buildings as a permissible use in the R3 Medium Density Zone.

At its meeting on 10 January 2022, Council resolved prohibit RFBs in the R3 zone. This report is in response to that resolution and represents the commencement of this process.

A Planning Proposal was prepared by staff in accordance with the resolution and as is required for the preparation of Planning Proposals, it was considered by the North Sydney Local Planning Panel (NSLPP) on 9 March 2022. The Planning Panel performs an advisory role to Council. The Panel endorsed the progression of the matter.

If Council endorses the Planning Proposal, it will be referred to the Department of Planning, Environment (DPE) for a Gateway Determination, which when issued, will enable the formal public exhibition of the amendment.

Following exhibition, the matter will be reported to Council including a discussion of all submissions made. Council will then consider the final endorsement of the amendment. If endorsed, it will be referred to the DPE for its review approval and ultimate gazettal.

Although this can vary considerably, amendments to a Local Environmental Plan can typically take 12-18 months from inception to gazettal.

Preparing and exhibiting a Planning Proposal to amend the North Sydney Local Environmental Plan in the manner proposed represents a modest investment in Council resources. These can be accommodated within existing budget lines.

### **Recommending:**

1. **THAT** Council resolves to endorse the Planning Proposal forming Attachment 3 to this report and forward it to the Minister for Planning in order
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to obtain a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act, 1979.

**2. THAT** the Planning Proposal be exhibited consistent with Council's Community Engagement Protocol.

**3. THAT** a further report be presented to Council following the public exhibition of the Planning Proposal outlining submissions received.

## **8.10 Community Housing Project and Funds: Update on a New Generation Boarding House**

Report of Rebecca Aukim, Director Community & Library Services

To combine two community housing projects into one and provide an update on project costs.

In September 2020 Council endorsed a report in which it was recommended that a portion of Council's affordable housing funds be used to fund a new generation boarding house in North Sydney with the remaining funds to purchase a property for women escaping domestic and family violence (DFV). The original proposal from Link Wentworth (Council's community housing partner) was to demolish a 5- bedroom boarding house and construct on the site 11 modern self-contained studio apartments.

In July 2021, Link Wentworth received a DA and a notice of determination from Council (D335/20) based on a revised project design. The updated design provides significant improvements over the previous design in that it delivers one additional studio apartment, increases the size of the units to enable better circulation and furniture layouts and increases the number of Disability Discrimination Act compliant units to three. The updated design also proposes that two of the units be set aside to house women escaping DFV.

Due to a Ministerial Directive in 2009, Council has not been receiving any development contributions towards affordable housing in North Sydney. Council's current Affordable Housing Reserve funds are funds collected before 2009 and it is therefore important to invest these funds before the reserve may potentially be called in by the State Government at some future time.

In February 2022, the quantity surveyor repriced the construction cost and this report provides an update on project costs and investment requirements with new recommendations.

Correspondence dated 10 March 2022 from Link advises that a Quantity Surveyor has updated calculations based on the stamped plans, conditions of consent as well as the current state of the construction sector impacted by Covid 19. The total cost of the project is estimated to be \$4,706,838.

To achieve the 51% equity, Council would need to provide a contribution of \$689,344 (land ownership and adjustment) and \$2,400,487 (development cost contribution), a total of \$3,089,831. These funds are available in the Affordable Housing Reserve. The remaining balance in the reserve would be \$347.82.

In June 2020, Council had the land value assessed and provided a report from AVG Specialist Valuers which assessed the market value of land at \$1,850,000.

Though the market has increased significantly over the past 18 months, Link Wentworth have not asked to increase the land value in their updated assessment of project costs.

Council's Solicitor and Corporate Contracts Manager have recommended that the Development Agreement between Council and Link Wentworth contain clauses that address any overrun or underrun of costs. The Agreement will specify that costs overrun must be funded and borne in full by Link Wentworth at their sole risk and underruns shall be proportionately refunded to the Landlord (North Sydney Council) upon Practical Completion.

**Recommending:**

**1.THAT** Council's total contribution towards the construction of a New Generation Boarding house which will include two units for women escaping domestic and family violence, be capped at a maximum contribution of \$3,089,831 from the Affordable Housing Reserve to achieve a 51% majority share.

**2.THAT** the Development Agreement between Council and Link Wentworth include clauses ensuring that costs overrun must be funded and borne in full by Link Wentworth at their sole risk and underruns shall be proportionately refunded to the Landlord (North Sydney Council) upon Practical Completion.

## **8.11 15mins Free Parking Trial - Parraween Street Cremorne - Outcomes Report**

Report of Leonie Wishart, Parking Meter Manager

The purpose of this report is to update Council on the outcomes of the 15-minute free parking trial in Parraween Street, Cremorne and the results of the community survey that was undertaken.

At its meeting on 26 August 2019, Council resolved to conduct a 12-month trial of 15-minute free parking in Parraween Street, Cremorne (EPS02, Min. No.238). The trial comprised 116 metered spaces in Parraween Street, Cremorne.

*Further to the resolution of Council to trial 15minute "Free Parking" in Parraween Street, Council also resolved at its meeting on 21 March 2021, Mayoral Minute (Min. No. 8.2) to defer the trialing of 15-minute free parking at its entire network of 443 parking meters until the trial in Cremorne is complete and the new contract for On-Street Parking Management is awarded.* This report provides Council with detail information on the outcomes of the trial, including the impacts on parking utilisation in Parraween Street, revenue impacts and the results of the community survey that was undertaken during the trial.

The report recommends that Council continues to apply the "15-minute free parking" to the 116 x metered bays in Parraween Street, Cremorne only and that this initiative is not applied to Councils entire Parking Meter network for another 2 years to ascertain if the network can recover to pre pandemic utilisation levels.

The report also outlines the impacts that the introduction of "30minute" free parking would have in Parraween Street if that initiative was to be introduced.

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As a direct result of the COVID-19 Pandemic, Council's overall parking meter utilisation and accompanying revenue over the last three (3) financial years is down by between 30-35% compared to pre COVID –19 financial years.

For example, in 2018/19 Council's total Parking Meter Revenue for the year was \$9,786,143. In 2019/20 this reduced to \$8,337,196 and again reduced to \$7,860,000 in 2020/21 as a direct result of the impact of COVID 19.

The stay at home and work from home Public Health Orders have dramatically reduced the number of people who come and work and or visit North Sydney and its Village Centres. Workers and visitors coming to North Sydney are the single biggest users of the Council's Parking Meter network. Over 85% of the Parking Meter network is utilised on a daily basis by workers and visitors to the LGA.

This financial year's Parking Meter Revenue Forecast is \$6,250,000.

The cost to Council in Revenue foregone as a result of applying 15minute free parking across the entire network of Council's 443 parking meters (2770 metered spaces) is estimated on Pre COVID figures as \$211,303 per annum or \$17,608 a month.

The actual cost to Council in Revenue foregone as a result of applying 15minute free parking to the 116 x metered spaces in Parraween Street since it was introduced on 17 August 2020 is approximately \$130 a month. For the same period – Pre COVID the revenue forgone would have been \$1,779.60 per annum or \$148.30 a month based on historical data that Council has for these 116 x metered spaces.

**Note:** These monetary figures for revenue foregone only include Parking Meter revenue and not any potential PINs (Parking Infringement Notices) that would have been issued as a result of overstays. Parking Infringement Revenue foregone is not included in any of these revenue figures.

**Recommending:**

**1. THAT** Council continues to apply the "15-minute free parking" to the 116 x metered bays in Parraween Street, Cremorne only.

**2. THAT** due to the impacts of COVID-19 on Council's Parking Meter utilisation and accompanying revenue over the last 3 years, the proposed trial of "15minute Free Parking" across the rest of Council's Parking Meter Network be deferred for a minimum of 2 years to assess whether the network can recover to pre pandemic utilisation levels.

**3. THAT** Council notes in the recent Expression of Interest (EOI) for Council's next generation "On Street Parking Management System" and future contract, the ability to have "15-minute free parking" was built into the Project Brief as a key deliverable.

## 8.12 Young Street Walking Cycling and Streetscape Upgrades

Report of Bec Thomas, A/Manager Traffic & Transport Operations and Gemma North, Community Engagement Coordinator

This report provides detail of the community consultation outcomes on the proposed Young Street (Sutherland Street to Grosvenor Street) Walking, Cycling, and Streetscape Upgrades project.

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This project will deliver a key connection to the Neutral Bay village and forms part of the 'Priority Route 2' project in Council's North Sydney Integrated Cycling Strategy (2014). It seeks to resolve missing links in the walking network, improve cycling accessibility and improve public domain outcomes including increasing cycling and pedestrian facilities.

Public exhibition of the proposed concept plans took place from 10 May 2021 to 10 June 2021, (33 days). A total of 89 submissions were received, in summary:

- 53% indicated overall support for the proposal; 10% indicated overall objection to the proposal, 1% supported the proposal in long term (but not in medium term); 36% commented on specific elements of the proposal (i.e. did not indicate if they supported the project overall)
- 34% of submissions came from residents/businesses of directly affected streets<sup>[1]</sup>; 20% indicated overall support for the proposal; 23% indicated overall objection to the proposal and 57% commented on specific areas of the proposal
- 2 of the submissions were from Precinct Committees (via minutes)

Key issues raised were as follows:

- both support and objection to the proposed cycling facilities; 44% supported the continuation of the cycle path, 11% opposed and 45% did not specifically comment on this aspect of the proposal
- support for new pedestrian crossing facilities at the intersection between Belgrave Street and Young Street; and
- objection to the removal of parking spaces on Young Street and/or extended clearway hours on Belgrave Street 1
- objection to the narrowing of Young Street

The project includes and aims to:

- implement a separated cycleway that links in with the current network
- implement pedestrian facilities across Young Street which will address current pedestrian safety issues
- discussions/approvals from Transport for NSW are underway and preliminary detailed designs and traffic light changes have been sent for comment
- changes to traffic light sequence to include the cycle way and new pedestrian facilities

Some implications of the project include:

- estimated seven (7) spaces (subject to approvals processes) would be removed on Young Street, three (3) north and four (4) south of Belgrave Street
  - the adjacent clearways on Belgrave Street that currently run in either the am or pm peak would need to run in both directions in both peak periods with loss of total of 36 spaces which is an essential criterion from TfNSW
  - parking retained at other locations along cycleway and outside peak hours
- This report recommends the Council proceed to detail design for tender and construction purposes for the project, which will be subject to approval from
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the North Sydney Council Traffic Committee. Detail design for tender and construction purposes along with approval from the North Sydney Traffic Committee will be undertaken this financial year with construction commencing in the 2022/2023 financial year.

The total **estimated** project cost is \$772,200. This project is 72% state funded. Council has received a TfNSW grant offer for \$552,200 under the NSW Government's Active Transport Walking and Cycling Program. Council's contribution is \$220,000.

Council has applied to TfNSW for an extension to the funding program requirement, to have the grant funding expended this financial year. TfNSW have agreed to carry over the full state funding offer of \$552,200 into the 2022/23 financial year subject to Council formally submitting a time variation form.

\$220,000 of Council's money was allocated to the project in the 2020/21 'Bike Facilities' budget and this funding will also be required to be carried over into the 2022/23 financial year.

If this project is approved by Council, then the project will commence construction this financial year, however it will not be complete and funding will be required to be rolled over into the 2022/23 financial year.

**Recommending:**

- 1. THAT** detailed design for tender and construction of the Young Street Walking Cycling and Streetscape Upgrades (Sutherland Street to Grosvenor Street) commence.
- 2. THAT** the final detailed design for the project be subject to approval of the North Sydney Traffic Committee.

### **8.13 100% Renewable Electricity Procurement for Council and update on Council Solar PV program**

Report of Albert Lo, Property Asset Manager

The purpose of this Report is to provide an update on Council's new contract on Renewable Energy and also on the installation of Solar PV systems on Council buildings.

North Sydney Council has participated in an electricity supply tender in 2021 for renewable electricity under the Program for Energy & Environmental Risk Solutions 3 (PEERS 3) which was coordinated by the Southern Sydney Regional Organisation of Councils (SSROC).

As part of the PEERS 3 contract that Council has entered into as at November 2021, it is proposed to transition the majority of North Sydney Council's operations and major facilities to 100% Renewable Energy using solar power on 1 July 2022, with the remaining small building sites to move to 100% Renewable Energy from 1 January 2023.

Major facilities that will move to 100% renewable energy from July 1 include the Stanton Library, Council Chambers, Central Depot, St Leonards Park, all Council Streetlights and the newly redeveloped North Sydney Olympic Pool when complete. The remainder – small building sites including Community Centres, Carparks and facilities like the Coal Loader site will transition from 1

January 2023.

North Sydney Council has opted for 100% renewable energy under the agreement and, overall 83% of all the participating councils' total electricity supply will be covered by renewable energy from the Moree, Hillston and Nevertire Solar Farms, all located within NSW.

This report also updates Council on the photovoltaic program that Councils Property Department has been rolling out since 2008.

Funding is available in the current Operating budgets and future financial years for expenditure on renewable electricity for Council buildings and facilities. There will be significant savings from the 2022/23 financial year onwards after Council transitions into the PEERS3 Renewable Electricity contract commencing on 1/7/2022 for Large Market sites and from 1/1/2023 for Small Market sites.

**Recommending:**

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

**8.14 Ausgrid - Main Road & CFL Streetlighting LED Replacement Program - (Stage 2)**

Report of Nathan Wu, Traffic and Transport Engineer

This report provides Council with an update of the next stage of Ausgrid's LED Replacement Program.

The next stage of Ausgrid's LED Street lighting replacement program (Stage 2) is proposing to replace a further 978 Ausgrid streetlights on main roads throughout the North Sydney Local Government Area and 563 remaining compact fluorescent lights (CFLs) within the LGA with energy efficient LEDs over the next three years.

To date under Stage 1, a total of 1084 Street lights have been replaced with LED Luminaries.

Street lighting services in the North Sydney Local Government Area are generally provided by Ausgrid. This report only deals with streetlights owned and maintained by Ausgrid that were installed on main roads and those fitted with CFLs on residential roads.

Stage 1 of Ausgrid's LED Street lighting replacement program commenced in July 2020. Stage 1 is now complete and 1084 Street lights across the North Sydney LGA have been replaced with LEDs. The total cost of Stage 1 to Council was \$576,852.

The LED Street Lighting replacement program (Stage 1) has been funded from the Income Producing Projects Reserve.

For Stage 2 LED roll out, Council will not be required to pay the capital cost of installing new streetlights upfront. Ausgrid will issue an invoice annually based on the number of streetlights completed.

Currently there is no funding available in the adopted budget and LTFP for this project.

The funds required for the Stage 2 roll out over three years are \$130,000 in 2022/23, \$110,000 in 2023/24 and \$81,897 in 2024/25 - a total of \$321, 897 (Residual Value) over three financial years.

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There are currently sufficient funds (approximately \$370,040) in the Income Producing Projects Reserve to proceed with Stage 2 of this project.

It is also anticipated that this program will generate Energy Savings Credits in the future and these funds then get returned to the reserve, effectively allowing the project to pay for itself with the annual energy and maintenance savings. This estimated net cost to Council after energy credits have been processed is estimated at \$121,608 – Refer to table 1 of this report.

Based on current costs, the resulting energy and maintenance savings will be \$47,725 per year. In simple payback terms, the project has an overall payback period of 2.55 years according to Council and Ausgrids current energy cost estimates.

The credits will be calculated based on the number of LED streetlights that have been replaced. The credits are banked to Council monthly.

**Recommending:**

**1. THAT** Council funds the Stage 2 LED Street lighting replacement program over the next three financial years through the Income Producing Projects Reserve which is the same reserve used to fund Stage 1.

**2. THAT** Council signs the binding agreement for the Ausgrid Main Road and CFL Streetlight LED Replacement Program- Stage 2 Program.

## 8.15

### **Update on the Food Scraps Trial**

Report of Bo Karaula, Waste Management Coordinator

This report responds to the Council resolution of 21 February 2022.

1. THAT Council receives a progress report on its commitment and initiatives to introduce a municipality wide food waste pick-up service for all residential dwellings.

2. THAT the report come to Council's March Meeting. provides an update on the upcoming food scraps collection and processing trial.

Council endorsed previous recommendations that a six- month Food Waste Collection Trial be undertaken involving residential dwellings across small, medium and high-rise developments. The purpose of the trial is to test the demand and to gather data (cost and operational data) of a food scraps recycling collection service for residents in Multi Unit Dwellings (MUDs). The results of the trial will inform long-term strategic decisions on resource recovery options.

The commencement of the Food Scraps trial has been delayed until May 2022. Both NSW Health and the EPA advised against the commencement of the trial during the COVID lockdown and restrictions period. Supply chain challenges and the availability of certified facilities that could process the food scraps were also issues that could not be resolved during this period.

Trial parameters have been agreed and Council has engaged consultants to support and assist Council staff with the recruitment of participants, audits, data collection, surveys and reporting functions.

Council was also successful in securing a grant for \$180,000 from the State Government to assist with the delivery of the trial. The certified facility to receive the food scraps, being Earthpower (owned by Veolia) and located west

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of Sydney will operate as a transfer station until such time as the facility is upgraded for processing organics. At this stage it is unlikely this site will return to processing for at least another two years. The materials will be bulked up and transported to a specialist composting facility located in Forbes NSW. The project is funded from the Domestic Waste Management Budget and the NSW EPA Grant of \$180,000.

**Recommending:**

1. **THAT** the Update on the Food Scraps Trial report be received.

## 8.16 **RecycleSmart and Textile Recycling**

Report of Emmaline Callaghan, Waste Operations and Education Officer

This report responds to the Council resolution of 21 February 2022 regarding the the RecycleSmart program.

The RecycleSmart program offers a pickup and delivery service for recycled textiles, soft plastics, e-waste and other items such as batteries and printer cartridges. RecycleSmart are a convenient service for people that do not have a car or are unable to drop off small amounts of, for example, e-waste to the Community Recycling Centre (CRC).

Residents can book in a collection via a RecycleSmart app and can have a supermarket bag size full of recyclables collected and taken to a local drop off point, for example- St Vinnies, and the Salvation Army. It is a relatively expensive service and to date there has been no reporting performed on the life cycle analysis of the materials collected by RecycleSmart. To verify what proportion of the collected materials are diverted from landfill would be difficult as there is no way to measure and report the amounts recycled, except for the e-waste delivered to the CRC. Council staff will seek to obtain more data from RecycleSmart to allow analysis to be undertaken. Thus, it is recommended that Council undertakes a 3-month trial with RecycleSmart at a capped cost of \$15,000 plus GST. A cost benefit analysis will be undertaken at the conclusion of the trial.

King Cotton and Upparel have been reviewed as potential textile recycling organisations to provide a collections bin at the Community Recycling Centre (CRC). King Cotton can work with Council to provide the service at no cost. It is recommended that Council seeks agreement from the CRC member Councils to engage with King Cotton.

The textile recycling collection locations considered are the Council Customer Service Centre, the Coal Loader, the Library, the Crows Nest Community Centre, the Neutral Bay Community Centre and the Community Recycling Centre (CRC).

The preferred location is the CRC. The CRC would depend on agreement from all of the CRC member Councils.

Council will utilise the Council website to educate residents on the impact of textile waste on the environment and to inform residents of any new textile recycling collection points via the newsletter and social media platforms.

RecycleSmart are offering a 3-month trial at a capped costs of \$15,000 plus GST. The app is included for the trial period.

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Funds will be drawn from the Domestic Waste Management Budget.

**Recommending:**

**1.THAT** Council seek an agreement with the Community Recycling Centre member Councils about engaging with King Cotton to provide a textile recycling collection bin at the CRC.

**2.THAT** following endorsement from the member Councils, a textile recycling collection bin be installed at the CRC.

**3.THAT** RecycleSmart be offered a three month trial to enable recyclables to be collected within the North Sydney LGA .

**8.17**

**Transfer of State-owned Lands to North Sydney Council**

Report of Megan White, Landscape Architect/Planner

To undertake the processes required to facilitate the transfer of 35 parcels of land owned by the Planning Ministerial Corporation (PMC) and located in the North Sydney LGA to North Sydney Council.

Staff from the Office of Strategic Lands, Department of Planning and Environment (OSL) have been working with Council staff on a Land Transfer Program which will see 35 parcels of land owned by the Planning Ministerial Corporation (PMC) and located in the North Sydney LGA transferred to North Sydney Council ownership.

34 of the parcels of land are in existing parks and reserves and are zoned either RE1 Public Recreation or C2 Environmental Conservation. They are currently managed and maintained by Council for the purposes of public open space and recreation. The parcels are in Tunks Park (Cammeray), Primrose Park (Cremorne), Sawmillers Reserve (McMahons Point), Kurraba Reserve (Neutral Bay), Badangi Reserve (Wollstonecraft), Henry Lawson Reserve (McMahons Point) and on the Kirribilli Foreshore.

The final parcel of land, 1 Henry Lawson Ave, McMahons Point (Lot 1 in DP915829) was compulsorily acquired by the state government in June 2021. Surrounded on both sides by Henry Lawson Reserve, this parcel of land will also be transferred to North Sydney Council as part of the Land Transfer Program. Acquisition of this land will achieve the government's, Council's and the community's long-term vision of continuous public access along the McMahons Point foreshore. This land is also zoned RE1 Public Recreation, however it is not currently available for public recreational use as it contains buildings and a slipway. Demolition, conservation of the slipway which has heritage value, remediation of the site and landscaping will be needed to convert this area into foreshore parkland.

The Office of Strategic Lands (OSL) have provided Council with a draft Land Transfer Agreement (LTA) which sets out the conditions of the proposed transfer. This Agreement has been considered by staff from Open Space and Environment, Property and fine-tuned by Council's lawyer. Acceptance of the conditions set out in the LTA by Council will allow the OSL's internal Legal to commence Title Transfer to North Sydney Council.

By approaching North Sydney Council with a proposition to transfer ownership of 35 parcels of Planning Ministerial Corporation land to Council the OSL has set in train a process that will increase the amount of open space in North

Sydney that Council owns and complete a missing link in the open space along the McMahons Point foreshore. It will also simplify the management of these areas, as Council will no longer be required to seek owners' consent to carry out appropriate works on the land.

Remediation and construction of a park on the parcel of land at 1 Henry Lawson Ave, McMahons Point (Lot 1 in DP915829) is currently estimated to be in the order of \$1,700,000.

**Recommending:**

**1. THAT** Council thank the State Government for the transfer of 35 parcels of land, including 1 Henry Lawson Ave, from the Planning Ministerial Corporation to North Sydney Council as per the Land Transfer Agreement

**2. THAT** Council advocate for the State Government to undertake remediation and fund construction of a park on 1 Henry Lawson Ave, McMahons Point (Lot 1 in DP915829)

**8.18. North Sydney Olympic Pool Redevelopment Monthly Progress Report**

Report of John Thomson, Corporate Contracts Manager

The purpose of this report is to provide Council with a high-level report on the progress of the redevelopment of the North Sydney Olympic Pool.

At its meeting of 26 July 2021, Council resolved as follows:

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

*2. THAT Council notes that this report does not alter the governance structure of the project.*

This report responds to this resolution. This report details progress since the last Council meeting held on 21 February 2022.

The financial position of the project is reported through the Quarterly Governance Report which will be reported up to Council at the May 2022 Council Meeting

**Recommending:**

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

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## 9. NOTICES OF MOTION

### 9.1. Notice of Motion 19/22 - Cr Welch - Interim Heritage Order, 15 Allister St Cremorne

1. **THAT** That Council obtain urgent advice as to an Interim Heritage Order being supported on 15 Allister Street, Cremorne

**BACKGROUND (as supplied by the submitter)**

Over 100 individuals have signed a petition requesting that North Sydney Council urgently impose an Interim Heritage Order on 15 Allister Street, Cremorne. The property is threatened with demolition by DA 375/2021.

15 Allister Street, built in 1913, was designed by prominent architect, Clifford Finch. From 1927-30, Finch was in partnership with renowned architect, John Burcham Clamp, and jointly designed many significant buildings including Sydney's Tattersall's Club, Lawson House (212-218 Cumberland Street), Canberra Grammar School and the Ainslie hotel, Canberra. Finch also practiced as an independent architect. Several of his designs are listed as local heritage items in the Ku-ring-gai LGA.

Art-Deco residential flat buildings need to be acknowledged and protected as part of North Sydney's heritage. The Art-Deco era is Cremorne's theme as acknowledged in North Sydney Council's urban design branding.

**Director City Strategy Comment**

With respect to issuing IHOs, they can be issued by Council subject to meeting a number of criteria, particularly, Council would need to demonstrate a "threat of harm" to the property. The NSW Heritage Office's Local Government Heritage Guidelines indicate that a threat of harm can constitute:

- Council's own observation of the item (i.e. actual works to the item),
- Notification under other legislation;
- Pre-development application consultation;
- Lodgement of a development application; or
- Community lobbying.

The site is in the R4 zone, zoned for high density residential since LEP1989 and is subject to a development application. It is recognised that the community has raised concerns as to the heritage value of this property.

An initial IHO review by a suitably qualified heritage consultant represents expenditure in the order of \$4-5,000. If successful a further \$10,000 to finalise the assessment would be required. The planning policy review budget has been allocated and or spent in full for 2020/2021, as such a funding allocation of \$15,000 will need to be made to pursue this course of action.

Council's delegation to issue an IHO needs to be carefully managed lest the privilege is seen to be overused or used for the purposes of anti-development. Whilst there may well be heritage related merit in pursuing such action, it also represents a very significant, often irreversible change for applicants.

### 9.2. Notice of Motion 20/22 - Cr Spenceley - Site Specific Planning Proposals - Neutral Bay Town Centre

**1. THAT** Council is willing to accept and evaluate site specific Planning Proposals for the area defined as Neutral Bay Town Centre in the 'Neutral Bay Town Centre - Future Directions Planning Study' (dated 22 Feb 2021) (rescinded 24 Jan 2022).

**2. THAT** Council only accepts and evaluates such proposals if the proposal can easily demonstrate a non-financial public benefit for the community (such as increased public use space, improved use of public space or better amenity for the community's use of the area) **3. THAT** allowing site specific planning proposals for this area does not signify or set a precedent for change to council accepted process of only evaluating planning proposals against established master plans.

**4. THAT** once a Master Plan is adopted for the area covering Neutral Bay Town Centre, the practice of site specific evaluation for 'Neutral Bay Town Centre' will cease.

#### **Director City Strategy Comment**

Council is obliged to accept the lodgement of Planning Proposals, as such it is not a legal option for Council to refuse to accept. There is a detailed Departmental guideline, supported by the *Environmental Planning and Assessment Act*, which spells out the process.

Notwithstanding this, North Sydney Council has a strong and consistent practice of guiding and managing growth on the basis of comprehensive planning studies that are the subject of strong community consultation and technical analysis. This approach has served Council well for many years and it sends a strong message to the development industry that growth is responsibly managed by Council and speculative *ad hoc* planning proposals are not supported without an endorsed framework that foreshadows and guides changes to the prevailing planning controls. It also helps manage community expectations and achieve a level of community engagement in the change process.

Council has conducted various studies over the last decade to facilitate carefully managed growth that is predictable and that is planned. This is now reinforced by the *North Sydney Local Planning Statement (LSPS - 2020)* which includes action L1.5 as follows:

*Council will only support Planning Proposals that are consistent with Council's endorsed planning studies, that have identified growth being delivered in locations that support the role of centres and have critical infrastructure and services in place to support the North Sydney community.*

Further, the LSPS makes numerous references to the *Military Road Corridor Planning Study* as a place-making initiative to create opportunities for improved community facilities and the public domain, placemaking, modest jobs growth and "varying degrees" of housing growth. The LSPS is a strategic planning document that has status under section 3.33 of the *Environmental Planning and Assessment Act*. Council must demonstrate how a Planning Proposal will give effect to the LSPS.

Whilst community benefits were a fundamental driver of the *Military Road Corridor Planning Study*, guidance on the scale, height, intensity and impacts of development that will deliver such benefits, is equally important. The plan

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that was previously endorsed, tried to strike a balance of both these key drivers, incorporating a range of planning considerations. This is where publicly ventilated and endorsed Council planning studies and strategies are so critically important to ensure certainty for all parties, both in terms of public benefit, but also in built form outcomes and performance.

**9.3. Notice of Motion 21/22 - Cr Spenceley - Bypass of Council's authority on planning**

- 1. THAT** Council write to the Planning Minister, the Hon. Anthony Roberts.
- 2. THAT** the letter to be addressed in Courtesy Copy (CC) to the State Members of parliament covered by the LGA and directly adjacent to the LGA, the councillors, mayor and General Managers of adjacent LGAs and to the secretary of all active Precinct committees in the LGA.
- 3. THAT** the letter to outline that a local council is in the best position to create long term plans in line with residents desires, state goals and local infrastructure. Therefore Council objects to the continued erosion of council's ability to control its own planning and approvals. Citing appropriate examples such as Planning Proposal which can easily and simply bypass council for determination by regional planning, and the impact of the discussion paper 'A new approach to rezoning'.
- 4. THAT** Council requests for the planning minister and local members to demonstrate their support for well-run councils, with clear and well organised planning structures that are meeting the housing requirements targets set by state government to continue to be the authority on planning and approvals for their area and stop further erosion of such a council's controls on planning and approvals.
- 5. THAT** North Sydney Council believes this is an important public issue and will be a vocal advocate to its constituents on the impact of state government changes and encourages adjacent councils and precincts to do the same.

**9.4. Notice of Motion 22/22 - Cr Spenceley - Public Communications Standard Software**

- 1. THAT** Council, to the extent possible within the limitations of existing systems, ensures that all file formats used in its external communications and communications systems will not be operating system specific nor require specific commercial software to open.
  - 2. THAT** Council immediately begins the process to change its DA tracking systems to no longer use the .msg format which is only available to either Windows platforms or with specific Microsoft software to use a generally acceptable cross platform and freely available standard such as PDF.
  - 3. THAT** Council performs an audit of systems to confirm that there are no other platforms using software or platform specific formats to communicate, provide or inform the general public.
  - 4. THAT** Council adopts as its goal, to increase community participation and to make life easier for its community to be involved with, provide feedback to and
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be alerted by council, and all systems choices, processes and actions by Council should reflect this goal.

**5. THAT** the principle of 4 above be integrated into future amendments to relevant IT, Open Access and Customer Service Policies and practices.

#### 9.5. **Notice of Motion 23/22 - Cr Beregi - E-Scooter Trial**

**1. THAT** Council acknowledge and welcome the announcement by former Transport Minister, Rob Stokes MP on 28 November 2021 for a 12-month trial of e-scooters in consultation with local councils in 2022.

**2. THAT** Council re-state its support for active and sustainable transport modes including cycling, e-bikes, scooter, e-scooters and other similar transport modes which reduce traffic congestion, reduce reliance on private passenger vehicles, improve health and protect the environment.

**3. THAT** Council write to Minister Rob Stokes MP, Minister for Infrastructure, Minister for Cities, and Minister for Active Transport, and Rob Sharp, Secretary of Transport for NSW requesting:

i) that North Sydney Council be selected as a Local Government Area for the trial.

ii) that the State Government provide a regulatory framework similar that used in other states where e-scooters are already legal so as to ensure safety measures are mandatory and enforceable, noting that e-scooters, electric unicycles and electric skateboards are legal on bicycle paths, shared footpaths and local roads in Western Australia, Tasmania, Queensland and the Australian Capital Territory.

iii) that the trial include residents who own, use and are responsible for their own e-scooters.

#### **Directors City Strategy comment.**

In June 2018, Council considered Notice of Motion No. 10/18 Re: Bike Docking Stations, resolving:

*1. THAT Council staff investigate the potential to facilitate a network of docked bicycle infrastructure to encourage responsible active transport and a report on the matter be presented to Council.*

*2. THAT Council seek input from bordering Councils to ensure continuity across the Lower North Shore and Sydney CBD.*

Council then considered a report addressing this NoM, *EPS01 Update on Bike Share* at the 29 January 2019 council meeting, resolving:

*1. THAT the information on Bike Share be received.*

*2. THAT Council continue to participate in discussions with adjoining Councils and Transport for NSW regarding the potential options for bike share to meet Sydney's existing and future transport needs.*

The weblink below to Council's website provides general information on share bikes

[https://www.northsydney.nsw.gov.au/Transport\\_Parking/Cycling/Bike\\_Share\\_Guidelines](https://www.northsydney.nsw.gov.au/Transport_Parking/Cycling/Bike_Share_Guidelines)

The previous wave of share bikes or e-bikes resulted in numerous operators utilising council land in an unregulated manner. The impact on the

community and council land was immediately noticeable. Impounding such bikes was a significant undertaking because of this mis-management. As such any trial should be supported subject to a robust regulatory framework being in place to ensure that e-scooters and the like are left in an orderly manner on council owned land where they do not affect pedestrian amenity. Competition for kerb side space, in particular, continues to increase from a range of new and existing users including car sharing, ride sharing, outdoor dining, food/online order deliveries and, in coming years, autonomous vehicles. Any trial must be mindful of how this contested real estate is managed.

**9.6. Notice of Motion 24/22 - Cr Lamb - Sustainable Festival**

**1.THAT** Council organise for a ‘Sustainable’ festival at the Coal Loader as it is our sustainable achievement of North Sydney.

**2.THAT** the inclusion of a festival be considered as part of the current budget deliberations

**BACKGROUND (as provided by the submitter)**

The City of Sydney has not had festival celebrating Sustainable achievements, which would make this the first festival in Sydney history. Other cities such as Melbourne have had this festival yearly for several periods, leaving us behind in history.

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## 10. CONFIDENTIAL MATTERS

### 10.1. Young Street Plaza - Tender 34/2021

Report of Robert Esdaile, Engineering Project Manager

This report is to provide Council with an analysis and recommendation of the tender process for Tender 34/2021 for Young Street Plaza Construction.

Tenders were called and were received 3:00pm, 30 November 2021 for the submission of tenders to undertake the Young Street Plaza Construction .

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 prejudice the commercial position of the person who supplied it and because consideration of the matter in open Council would be, on balance, contrary to the public interest. of the Local Government Act (LGA).

The proposed Young Street Plaza is identified in the list of projects funded under a deed agreement between Council and Transport for New South Wales (TfNSW) endorsed by Council at its meeting of 29 October 2018. The funding agreement includes an allocation for the construction of a public plaza in Young Street including the required design, approvals and community consultation.

#### **Recommending:**

**1. THAT** Council accept the tender of the highest ranked Tenderer for Tender 34/2021 for Young Street Plaza Construction.

**2. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.

**3. THAT**, once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.

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

### 10.2. Expressions of Interest EOI 27 2021-North Sydney Councils On Street Parking Management System-Public Report

Report of Leonie Wishart, Manager Parking Meters

The purpose of this report is to advise Council on the outcome of the Public Expression of Interest (EOI) that was recently called for suitably qualified

companies to deliver North Sydney's Councils next generation "On Street Parking Management System".

Expressions of Interest were called on 28 October 2021 and were received until 3:00pm 24 November 2021 for the "On-Street Parking Management System 2022 - EOI 27/2021".

This report outlines the process that has been undertaken by Council staff in assessing the Expression of Interest (EOI) against Councils brief for the next long-term contract for Councils "On Street Parking Management System".

This report is recommending that Council shortlist five (5) of the applicants that have met the Expression of Interest (EOI) requirements by demonstrating that they have the relevant understanding, capability, and experience to successfully deliver this contract.

The shortlisted applicants will be invited by Council via select tender process to submit a tender for the delivery of Councils next generation "On Street Parking Management System" in the next few months.

*In order for Councillors to discuss the content of this Commercial in Confidence report it will be necessary to close the Council meeting to the public*

The cost of this contract is subject to the outcome of a future Select Tender. An allowance has been made in the 2022-23 Financial year based on the annual cost of the previous contract.

**Recommending:**

**1.THAT** Council proceed with a Select Tender Process inviting the five (5) shortlisted applicants that have met the Expressions of Interest (EOI) requirements.

### **10.3 Tender 11/2021 - Bus Shelter & Comms Panel Advertising Tender - Reject & Negotiate**

**AUTHOR:** Robert Esdaile, Engineering Project Manager

This report is to provide Council with an analysis and recommendation on the outcome of the reject and negotiate process for Tender 11/2021 for Advertising on Selected Council Infrastructure - Part A : Small Format (bus shelters and comms panels).

Submissions were called for and were received until 3pm, 28 October 2021 for "Best and Final Offers" to undertake Advertising on Selected Council Infrastructure - Part A : Small Format (bus shelters and comms panels).

This report was resolved to be deferred by Council at the 21 February, 2022 Council Meeting, whereby Council requested a briefing. A briefing was held on 7 March 2022.

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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 prejudice the commercial position of the person who supplied it and because consideration of the matter in open Council would be, on balance, contrary to the public interest of the Local Government Act (LGA).

**Recommending:**

- 1. THAT** Council accept the offer of the highest ranked company following the Reject and Negotiate process that has been undertaken for Tender 11/2021 - Advertising on Selected Council Infrastructure - Part A : Small Format (bus shelters and comms panels).
- 2. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
- 3. THAT**, once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.
- 4. THAT** the Confidential Report relating to matters specified in Section 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise.

#### **10.4. Audit, Risk and Improvement Committee Membership**

Report of Shane Sullivan, Executive Manager Governance

The purpose of this report is for Council to consider the Independent membership of the Audit, Risk and Improvement Committee (ARIC).

In late 2021 the Office of Local Government issued draft Guidelines for Risk Management and Internal Audit Framework for Local Councils (the draft Guidelines) seeking submissions before 26 November 2021. The draft Guidelines will be made under a Regulation and Council will be required to comply with them when establishing and operating their ARICs by 2027. To date the Guidelines have not yet been made.

The current ARIC membership is:

- Mr Brian Hrnjak - Chair (Independent)
- Mr Ron Switzer (Independent)
- Deputy Mayor
- Nominated Councillor – Councillor Santer

Due to the delayed conduct of the Local Government elections, the membership for the current Independent members expired in December 2020.

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It is recommended that Council determine the terms for the current members noting that the Terms of Reference for the Committee will be reviewed once the draft Guidelines are made.

It is also recommended that Council commence the process to appoint a third Independent member as this will commence the process to align Council's ARIC to what is proposed under the Guideline.

It is also recommended that the remuneration for the Independent Chair and members be reviewed to progressively align to that proposed under the draft Guidelines and also to reflect the amount currently paid to other Committee members such as those on the North Sydney Local Planning Panel. |

Currently the Independent members of the ARIC receive:

- \$750 (ex GST) per meeting for a member
- \$1,000 (ex GST) per meeting for the Chair.

This is provided in the adopted budget.

Under the draft Guidelines, once they are made and implemented, members would be required to be pre-qualified under the Audit and Risk Committee Independent Chairs and Members Scheme. This scheme also sets the remuneration levels as follows:

<b>Fee category</b>		<b>Large</b>	<b>Medium</b>	<b>Small</b>
<b>Member fee rates</b> (excluding GST and superannuation)		\$2,092 per meeting day	\$1,621 per meeting day	\$1,255 per meeting day
<b>Chair fee rates</b> (excluding GST and superannuation)  Annual rate + per meeting day rate for additional	<b>For up to 7 meeting days per annum:</b>	\$20,920 per annum	\$16,213 per annum	\$12,552

<i>meeting days after the 7<sup>th</sup> meeting day</i>	<b>For each additional meeting day (above 7 meeting days per annum):</b>	\$2,989 per meeting day	\$2,316 per meeting day	\$1,793
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To align with the provisions proposed to be made under the draft Guideline, it is recommended that Council progressively transition to the fee category of Medium under the State Audit and Risk Committee Independent Chairs and Members Scheme over two financial years.

This is based on the Medium classification as follows:

<b>Fee category</b>	<b>Audit and Risk Committee (ARC) Type</b>
<b>Large</b>	<ul style="list-style-type: none"> <li>• <i>Principal Department Led Shared ARC</i></li> <li>• <i>Large Collaborative Shared ARC for four or more agencies, each with total annual expenditure up to \$100m, or which includes one or more agencies with total annual expenditure more than \$100m</i></li> <li>• <i>Standalone ARC for an agency with total annual expenditure of \$400m or more</i></li> </ul>
<b>Medium</b>	<ul style="list-style-type: none"> <li>• <i>Collaborative Shared ARC for up to three agencies, each with total annual expenditure up to \$100m</i></li> <li>• <i>Standalone ARC for an agency with total annual expenditure between \$50m and \$400m</i></li> </ul>
<b>Small</b>	<ul style="list-style-type: none"> <li>• <i>Standalone ARC for an agency with total annual expenditure up to \$50m</i></li> </ul>

Progressively transferring to the draft Guideline fee structure over two financial years would result in the following rates (based on five meetings per year):

	Current	2022/23	2023/24
<b>Chair/annum</b>	\$5,000.00	\$10,606.50	\$16,213.00
<b>Chair/meeting</b>	\$1,000.00	\$2,121.30	\$3,242.60
<b>Member/annum</b>	\$3,750.00	\$5,927.50	\$8,105.00
<b>Member/meeting</b>	\$750.00	\$1,185.50	\$1,621.00
<b>Total cost (5 meetings)</b>	\$8,750.00	\$16,534.00	\$24,318.00

This is an increase of \$7,784 per year over two years against the current budget provision.

The fee for the Chair is to be paid as a per annum fee for up to seven meetings per year. This is in accordance with the State Audit and Risk Committee Independent Chairs and Members Scheme.

The fee for the Independent members is to be paid as a per meeting fee. This is in accordance with the State Audit and Risk Committee Independent Chairs and Members Scheme.

For comparison, it is noted that the North Sydney Local Planning Panel Chair receives \$2,000 per meeting and other members receive \$1,750 per meeting. This report is confidential in accordance with Section 10A(2) of the Local Government Act and the Local Government (General) Regulation 2005 for the reason listed below:

personnel matters concerning particular individuals (other than councillors).

**Recommending:**

**1.THAT** Council appoint the independent member and Chair of the Audit, Risk and Improvement Committee as recommended in the confidential report.

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

## 10.5. 2nd QR 21/22 Property Portfolio Report

**AUTHOR:** Risha Joseph, Senior Property Officer

This report provides Council with an update of the Property Portfolios performance for the 2<sup>nd</sup> quarter of 2021/2022 (Period commencing 1 October 2021 and ending 31 December 2021).

Outlined in this report is detail information on all aspects of Councils Property portfolio performance. The detail financial information relating to the Leasing Transactions and Arrears data is reported in the accompanying Confidential Report.

This report covers the following information in relation to Councils Property Portfolio.

- Overview of Council's Property Portfolio
- Council's Encroachment Management Policy
- Updates to the National Code of Conduct in relation to COVID-19 Pandemic and Councils commercial tenant rent relief agreements
- Consolidated summary of income received through the Property Portfolio
- Property Portfolio Vacancy Rates
- Leasing Transactions for the quarter
- Acquisitions and Disposals for the quarter
- *Outdoor Dining update*
- Pandemic Facilities and measures at Councils Premises - Update
- Major Property Projects (Maintenance and Capital works) for the quarter

The total annual revenue budget for the Property Portfolio for the 21/22 financial year was forecast at \$5,581,528. This figure was revised down in the 2nd QR of 21/22 to \$5,241,530 as a result of the ongoing impacts that the COVID-19 Pandemic is having on Councils Property Portfolio.

The 2nd Quarter YTD revenue forecast was \$2,512,706.

The Year-to-Date total actual revenue for the 2<sup>nd</sup> quarter of 21/22 which was received on a cash basis through Colliers International was \$2,673,451 as at 31 December 2021, which is \$160,745 more than the forecasted budget of \$2,512,706 for the quarter.

The quarterly income which was received on an accrual basis is for 2<sup>nd</sup> QR of 21/22 \$1,247,453 as at 31 December 2021.

The total Year-to-Date income which is received on an accrual basis for Q1 and Q2 is \$2,684,003 as at 31 December 2021.

**Note:** For the last Financial Year (2020/21) the total property revenue received on a Cash basis was \$5,824,204 and on an Accrual was \$6,477,771. Councils' property portfolio revenue for the 2020/21 Financial year was significantly impacted by COVID -19 with most of Councils tenants and outdoor dining licence holders paying Council reduced rents or no rent with "Rent Relief" agreements or licence waivers in place.

This trend has carried through into this financial year (2021/22) with the Property Portfolio still being impacted by COVID -19 with most of Councils tenants and outdoor dining licence holders still paying Council reduced rents or no rent via waivers.

The Rent Relief Agreements that Council currently has in place will continue throughout the remainder of this financial year and also carry over into the 2023-24 Financial year as the agreements have a 24-month payment deferment option embedded within them.

In quarter 1 of 2021/22 Council had 24 x Rent Relief Agreements in place in its Commercial Leasing Portfolio. The Rent Relief that Council offers its tenants is a combination of rent waiver and deferred payment of rent.

The agreements noted in this report for Rent Relief in quarter 2 is not complete as more applications are coming continuously in February and March 2022.

The total amount of Rent Relief (Rent Waiver and Deferred Payment) that Council has agreed to within these 24 x agreements to date is \$365,878 + \$45,776 = \$411,654. The amount of deferred payment (\$45,776 from Q1) is due to be paid back to Council over a 24-month period or until the expiry of the current lease.

The Rent Relief Agreements that Council has in place are outlined in detail in Table 7 and 8 of the Confidential Report.

In addition to the Rent Relief agreements that Councils has in place, Council has also waived all fees payable by current outdoor Dining Licence Holders as at 1 July 2021. The revenue foregone to Council through waiving Outdoor Dining Licence fees was reported to Council in the Quarterly Property Portfolio Report of August 2021 as being estimated to be \$52,020 per month. The total actual revenue foregone over a 7-month period from 1 July 2021 to 31 January 2022 amounts to \$461,927 which equates to \$65,989 per month.

The total projected rent relief waiver including outdoor dining licenses for Q1 and Q2 of this financial year is \$588,034. Refer to Table 2 of this Report.

As part of North Sydney Councils response to assist businesses through the COVID-19 pandemic (Delta Strain), Council resolved to waive all Outdoor Dining Licence Fees payable from 1 July 2021. This waiver applied to 171 Outdoor Dining Licences that were active at the time and was to be in place until such time as the NSW Government lifts the Public Health Orders in force preventing outdoor dining.

Council at its 27 September 2021 meeting also resolved to extend the period of waiver for Outdoor Dining Licences to 30 January 2022 while also introducing a new "Temporary Outdoor Licence" initiative.

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On the 10 February 2022 the NSW Government lifted all restrictions for outdoor dining and advised that no density limits would apply.

After the expiry of the 27 September 2021 resolution whereby it was resolved to extend the waiver of outdoor dining licence fees to 30 January 2022, a report was brought to Council recommending that all existing Outdoor Dining Licences and temporary outdoor licence fees continue to be waived until 31 March 2022 and after that date normal fees and charges would apply.

As resolved on by Council this report provides Council with the cost implications of extending the fee waiving period of Outdoor Dining Licences to June 30 -2022.

The total Revenue foregone for Council by extending the waving of both the Outdoor Dining Licences and “Temporary outdoor licence” fees and charges from 1 April to 30 June 2022 (3-month period) combined is \$197,000 + \$17,340= \$214,340.

**Recommending:**

**1. THAT** the Quarterly Property Portfolio Report for the 2<sup>nd</sup> Quarters of 21/22 (October 2021 to December 2021), be received.

**10.6. North Sydney Council’s Community Awards 2022 – Young Citizen of the Year Nomination**

Report of Eric Poulos, Community Worker - Social Planner

To present to Council the results of further marketing through social media platforms and other activities targeted at attaining nominations for the Young Citizen of the Year for North Sydney Council’s Community Awards 2022.

At the Council Meeting of 21 February 2022, confidential nomination for the Citizen of the Year, Community Group/Event of the Year and the Environmental Citizen of the Year were presented to Council and decided. However, there wasn’t a suitable candidate for the Young Citizen of the Year Community Award. It was resolved at that meeting:

*THAT Council seek nominations for the 2022 Young Citizen Award through Council’s social media platforms and the outcome be reported to the March Council Meeting.*

Following the above Council resolution, an extensive process of placing information on social media platforms, contacting networks, local organisations, schools and community groups was undertaken with nominations sought by 14 March 2022. At that date, no nominations were

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received, but upon further inquiries, a late nomination was received on 17 March 2022. The nomination has merit and is placed before Council for determination.

This report is confidential in accordance with Section 10A(2) of the Local Government Act and the Local Government (General) Regulation 2005 for the reason listed below:

(a) personnel matters concerning particular individuals (other than councillors).

**Recommending:**

**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** Council supports the selection of the Young Citizen of the Year Award recommended in the confidential report.

**3. THAT** the identity of the successful candidate remain confidential until announced at the Awards Ceremony.

**4. THAT** the report be treated as confidential and remain confidential unless Council determines otherwise.

## 10.7

### URM China Sword

Report of Bo Karaula, Waste Management Co-ordinator

The purpose of the report is to obtain Council's approval to provide financial compensation to URM as a result of unforeseen losses following China's ban of recyclables imported from the Australian market in 2018.

A separate report has been provided to Council on a confidential basis for consideration.

In March 2019, under the previous Waste and Recycling Collection contract with Council, Council's contractor, URM, requested financial assistance due to unforeseen losses resulting from significant change in the global recyclables market following the introduction of the China Sword Policy in early 2018. The effect of this policy was that China closed the market to Australian processors of recyclables. URM's processing subcontractor, Visy, as a result, increased local processing fees and passed these costs through to URM.

URM were requested by Council to provide a copy of their original agreement with Visy to authenticate a claim. URM elected not to provide this information at the time, as Council were in the process of finalising the current contract with URM.

In August 2021, URM provided the outstanding information for Council to consider a claim in its entirety. External legal advice was obtained from

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Maddocks. Maddocks advised Council, that URM had no contractual entitlement to seek reimbursement for increased costs.

There are available funds in the Domestic Waste Management Reserve derived from the Container Deposit Refund payment.

**Recommending:**

1. **THAT** the report be received.
2. **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) confer a commercial advantage on a competitor of the Council, and because consideration of the matter in open Council would be, on balance, contrary to the public interest.

**10.8. NSOP Redevelopment Loan Proposal**

**AUTHOR:** Margaret Palmer, Director Corporate Services

The purpose of this report is to advise Council on the competitiveness of TCorp's rates and the drawdown of loan funds for the NSOP redevelopment.

At the Council meeting held on 28 September 2020 it was resolved:

1. *THAT Council accept TCorp's revised loan offer dated 5 August 2020.*
2. *THAT the General Manager be authorised to do all things necessary to finalise the loan facility including establishing the number and timing of drawdowns.*
3. *THAT prior to the first drawdown being made, comparative rates be invited from major banks to ensure TCorp rates remain competitive.*
4. *THAT this confidential report relating to matters specified in Sections 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise.*

Council has been able to access TCorp's limited local government loan fund pool following NSW Government and TCorp approval. This enables Council to effectively access borrowing at a fixed margin above NSW Government wholesale rate.

The report addresses point 3 of the above resolution together with cash flow forecasts and proposed drawdown timing.

**Recommending:**

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.and because consideration of the matter in open Council would be, on balance, contrary to the public interest.

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

**11. CLOSURE**