



MINUTES

The Minutes of the Council held at the
Council Chambers, North Sydney at 7:30 PM on Tuesday 26 April 2022.



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1. Opening Meeting

The Mayor, Councillor Baker, in the Chair, and Councillors Beregi, Bourke, Drummond, Gibson, Lamb, Santer, Spenceley, Mutton and Welch were in attendance.

At the commencement of business (7:31 pm) those present were: The Mayor, and Councillors Beregi, Bourke, Drummond, Lamb, Santer, Spenceley, Mutton and Welch.

The meeting was opened by the Mayor.

Councillor Gibson arrived at 7.32pm.

2. Acknowledgement of Country

The Acknowledgement of Country was read by Councillor Lamb.

3. Apologies and Applications for Leave of Absence by Councillors

There were no apologies or Applications for Leave of Absence by Councillors.

4. Confirmation of Minutes

THAT THE MINUTES of the previous 3757th Council Meeting held on Monday, 28 March 2022 be taken as read and confirmed.

A Motion was moved by Councillor Mutton and seconded by Councillor Beregi.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Nil

{resolution-number}. RESOLVED:

THAT THE MINUTES of the previous 3757th Council Meeting held on Monday, 28 March 2022 be taken as read and confirmed.

5. Disclosures of Interest

Item No/s	Councillor	Reason
8.9. PP2/22 – 12-14 Waters Road, Neutral Bay	Cr Spenceley	Non pecuniary, less than significant – his current office is at 3 Young St
9.3. Notice of Motion 28/22 - Cr Gibson - Young Street Plaza and the Transparency of Current Council Processes	Cr Spenceley	Non pecuniary, less than significant – previous landlord was the developer of 12-14 Waters Rd
10.1. Young Street Plaza - Tender 34/2021	Cr Spenceley	Non pecuniary, less than significant – his current office is at 3 Young St

Items to be Considered by Exception

It was moved by Councillor Gibson and seconded by Councillor Beregi that the recommendations for the following items be adopted:

Reports of Committees		
7.1	Audit Risk and Improvement Committee Minutes - 25 March 2022	
7.2	Environment Reference Group Minutes - 11 April 2022	
Reports to Council		
8.1	Matters Outstanding April 2022	
8.2	Councillor Pecuniary Interest Returns	
8.3	Code of Meeting Practice - Adoption for Public Exhibition	
8.4	Draft Community Strategic Plan	
8.5	Proposed Additional Special Rate Variation for 2022/23	
8.6	Investment and Loan Borrowings Report held as at 31 March 2022	
8.7	IPART Review of Domestic Waste Management Charge	
8.8	Draft Amendment to NSDCP 2013 - Ward Street Precinct - Post Exhibition Report	
8.11	Planning Proposal 378-380 Pacific Highway, Crows Nest	
8.14	Floodplain Risk Management Study and Plan Public Consultation	
8.16	North Sydney Olympic Pool Redevelopment Progress Report	
Confidential Matters		
10.2	Tender No 39 2021 Tunks Park Amenity Block Upgrade	
10.3	6 John Street, McMahon's Point	

10.5	Appointment of Senior Staff
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It was confirmed with Councillors that in moving items 10.2, 10.3 and 10.5, they were moving the recommendations in the Confidential reports.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Nil

{resolution-number}. RESOLVED:

1.THAT the recommendations for the following items be adopted:

Reports of Committees		
7.1	Audit Risk and Improvement Committee Minutes - 25 March 2022	
7.2	Environment Reference Group Minutes - 11 April 2022	
Reports to Council		
8.1	Matters Outstanding April 2022	
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8.14	Floodplain Risk Management Study and Plan Public Consultation	
8.16	North Sydney Olympic Pool Redevelopment Progress Report	

Confidential Matters	
10.2	Tender No 39 2021 Tunks Park Amenity Block Upgrade
10.3	6 John Street, McMahons Point
10.5	Appointment of Senior Staff

6. Mayoral Minutes

Nil.

7. Reports of Committees

7.1. Audit Risk and Improvement Committee Minutes - 25 March 2022

AUTHOR: 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 Audit, Risk and Improvement Committee held on 25 March 2022 for Council adoption. The minutes are attached for information. This report also provides the Enterprise Risk Management Framework and Enterprise Risk Management Policy endorsed by the Committee to be provided to Council for adoption.

RECOMMENDATION:

1.THAT the Minutes of the 25 March 2022 Audit, Risk and Improvement Committee meeting be noted.

2.THAT Council adopt the Enterprise Risk Management Framework and Enterprise Risk Management Policy as endorsed by the Committee and attached to this report.

This item was adopted by exception (see page 6)

{resolution-number}. RESOLVED:

1.THAT the Minutes of the 25 March 2022 Audit, Risk and Improvement Committee meeting be noted.

2.THAT Council adopt the Enterprise Risk Management Framework and Enterprise Risk Management Policy as endorsed by the Committee and attached to this report.

7.2. Environment Reference Group Minutes - 11 April 2022

AUTHOR: Peita Rose, Governance Officer

To report the proceedings of the Environment Reference Group to Council.

This report presents the recommendations of the last meeting of the Environment Reference Group held on 11 April 2022. The minutes are attached for information.

There are no financial implications associated with this report.

RECOMMENDATION:

1. THAT the Minutes of the Environment Reference Group meeting of 11 April 2022 be noted.

This item was adopted by exception (see page 6)

{resolution-number}. RESOLVED:

1. THAT the Minutes of the Environment Reference Group meeting of 11 April 2022 be noted.

8. Reports to Council

8.1. Matters Outstanding April 2022

AUTHOR: 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 28 March 2022 Ordinary Meeting of Council.

RECOMMENDATION:

1. THAT the report be received.

This item was adopted by exception (see page 6)

{resolution-number}. RESOLVED:

1. THAT the report be received.

8.2. Councillor Pecuniary Interest Returns

AUTHOR: Ian Curry, Manager Council & Committee Services

To report on the submission of Returns of Interest by Councillors following the 2021 Local Government Elections as required under the Code of Conduct.

Under the Model Code of Conduct for Local Councils in NSW (Model Code of Conduct) all councillors, members of county councils and voting representatives of the boards of joint organisations must lodge a written return of interests with the general manager (or the executive officer in the case of joint organisations) within three months of their election (i.e. **23 March 2022**) or appointment unless they have submitted a return within the previous three months.

All councillors elected at the 2021 Local Government elections have fulfilled their obligations in this matter and have submitted returns by the due date.

Following this meeting, the Returns submitted by councillors following the election will be made available on the Council website.

There are no financial implications arising from this report.

RECOMMENDATION:

1. THAT the report be received and Council note the tabling of Returns as required under the Model Code of Conduct.

This item was adopted by exception (see page 6)

{resolution-number}. RESOLVED:

1. THAT the report be received and Council note the tabling of Returns as required under the Model Code of Conduct.

8.3. Code of Meeting Practice - Adoption for Public Exhibition

AUTHOR: Shane Sullivan, Executive Manager Governance

The purpose of this report is for Council to consider changes to the Code of Meeting Practice as a result of changes made to the Model Code of Meeting Practice issued by the Office of Local Government for the purpose of a public exhibition period as required under the Local Government Act and Regulations.

The Office of Local Government issued a revised Model Code of Meeting Practice for Local Councils in NSW on 29 October 2021. The new Model Meeting Code was prescribed under the Local Government (General) Regulation 2021.

The new Model Meeting Code contains new provisions:

- That allow Councils to permit individual Councillors to attend meetings by audio-visual link.
- That allow meetings to be held by audio-visual link in the event of natural disasters or public health emergencies.
- That require that Business Papers include a reminder to Councillors of their oath or affirmation of office, and the obligations to disclose conflicts of interest.

Council is now required to determine which provisions to incorporate in the draft Code of Meeting Practice for the purpose of public exhibition.

At its meeting of 24 January 2022 Council determined to seek public comment for a period of 42 days in response to its format and schedule of Council Meetings, Committee and Briefings. The results of this process are to be presented to Councillors at a briefing in the first instance with the outcomes to be considered concurrently with consideration of the outcomes of the public exhibition period for the Code of Meeting Practice.

Changes to the meeting schedule do not require changes to the Code of Meeting Practice. This is because clause 3.1 of the Code provides that the Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings. Further, changes to the publication day of Council Agendas do not require changes to the Code of Meeting Practice as clause 3.9 of the Code provides a minimum timeframe for the publication of Agendas. Council can, by resolution direct that they be provided earlier than the minimum period. The only change required is with regard to the timeframe for submission of Notices of Motion.

Council determined meeting dates, including for Committees for the period to 30 June 2022, at its meeting held 21 February 2022.

At its meeting held 21 February 2022, Council considered a Notice of Motion regarding catering at the completion of each Council Meeting and Council resolved

THAT consideration of this matter be deferred subject to a report to Council on the costs.

This topic is also proposed for consultation with Councillors as part of briefing prior to reporting back to Council in conjunction with the draft Code of Meeting Practice public exhibition outcomes.

There are no financial implications as a result of Council determining to place the draft Code of Meeting Practice on public exhibition.

At its meeting held 21 February 2022, Council resolved to establish an IT project Working Group to provide high level support and guidance in relation to Council's audio-visual requirements. This project includes work required to facilitate the effective operation of remote attendance at Council Meetings. A budget provision of \$110,000 was made at the same meeting as part of the Quarterly Budget Review – December 2021 for this purpose.

RECOMMENDATION:

1.THAT Council adopt the attached draft Code of Meeting Practice for the purpose of public exhibition of not less than 28 days with a period of not less than 42 days during which submissions may be made.

2.THAT a further report be provided to Council prior to 30 June 2022 for the purpose of considering submissions and adopting a Code of Meeting Practice.

This item was adopted by exception (see page 6)

{resolution-number}. RESOLVED:

1.THAT Council adopt the attached draft Code of Meeting Practice for the purpose of public exhibition of not less than 28 days with a period of not less than 42 days during which submissions may be made.

2.THAT a further report be provided to Council prior to 30 June 2022 for the purpose of considering submissions and adopting a Code of Meeting Practice.

8.4. Draft Community Strategic Plan

AUTHOR: Jenny Gleeson, Manager Corporate Planning & Engagement

This report seeks endorsement of the Draft Community Strategic Plan for the purpose of public exhibition, to allow stakeholders a final opportunity to make submissions.

The purpose of the Community Strategic Plan is to set the high-level strategic direction for the North Sydney local government area (LGA). In accordance with the *Local Government Act 1993*, every four years, each term of Council must prepare a Community Strategic Plan on behalf of its community by 30 June, covering a minimum period of 10 years. It is an aspirational plan that describes the desired future for the North Sydney LGA.

Review of the 2018 plan has been undertaken in accordance with the *Community Engagement Strategy* adopted by Council at its meeting of 27 September 2021. A mix of representative and opt-in consultation methods were used to inform the draft plan, this included:

- identifying the community's top priorities via Council's *2020 Customer Satisfaction Survey* from a representative sample of 400 residents and 200 businesses;
- identifying liveability strengths and best place attributes through PlaceScore's opt-in *2021 Liveability Census*, in which 401 residents shared what matters most (care factor/community values) and 380 residents rated their suburb (performance);
- Stage 1 opt-in feedback - between October to December 2021 feedback was invited via an online survey, submissions, mapping tool, photo and story sharing, and children's artwork; and
- Councillors, via a two-stage workshop process, considered the community feedback collected via the State 1 engagement and refined the plan's content and desired outcomes.

The draft plan includes a new community vision. This vision is anchored by introducing three new guiding principles - Sustainability, Inclusivity and Integrity.

It is structured around five Strategic Directions, supported by Outcomes and Strategies, reflecting the community's priorities. The plan has been simplified to ensure the Outcomes and Strategies are clear and concise. This includes a reduction in the number of Outcomes, Strategies and Indicators compared to the 2018 plan.

The design of Attachment 1 is a work in progress and reflects Councillor feedback. The design and

indicators will be finalised during Stage 2.

The draft *North Sydney Community Strategic Plan - North Sydney Vision 2040* (Attachment 1) is presented to Council for endorsement for the purpose of placing it on public exhibition.

The last phase in the Community Engagement Strategy involves the public exhibition of the draft document, to allow community feedback. In accordance with legislative requirements, the draft Community Strategic Plan must be publicly exhibited for a minimum of 28 days. It is recommended that the draft Community Strategic Plan be placed on public exhibition for 42 days, from 28 April to 8 June 2022. This is an extended opportunity for stakeholders to make final submissions.

Following the close of the exhibition period a further report will be presented to Council detailing recommending amendments based on the submissions received and prior to 30 June 2022.

The resourcing requirements to deliver Council responsibilities in the Draft Community Strategic Plan, will be outlined in the Draft Resourcing Strategy and Draft Delivery Program/Operational Plan.

RECOMMENDATION:

1. THAT the *Draft North Sydney Community Strategic Plan - North Sydney Vision 2040* be placed on public exhibition for 42 days being in excess of the required minimum of 28 days.

2. THAT a further report be prepared for Council's consideration at the end of the submissions closing period.

This item was adopted by exception (see page 6)

{resolution-number}. RESOLVED:

1. THAT the *Draft North Sydney Community Strategic Plan - North Sydney Vision 2040* be placed on public exhibition for 42 days being in excess of the required minimum of 28 days.

2. THAT a further report be prepared for Council's consideration at the end of the submissions closing period.

8.5. Proposed Additional Special Rate Variation for 2022/23

AUTHOR: Jenny Gleeson, Manager Corporate Planning & Engagement
Christian Menday, Manager Financial Services

The purpose of this report is for Council to determine whether it will apply to the Independent Pricing and Regulatory Tribunal (IPART) for a one off, permanent Additional Special Variation (ASV) under section 508(2) of the *Local Government Act 1993*.

On 15 December 2021, IPART set the 2022/23 rate peg at a baseline of 0.7% plus the new population factor. This is the lowest rate peg cap in 20 years and less than half the second lowest cap of 1.5% allowed in 2017/18.

The permissible rate increase in 2022/23 for the North Sydney Council area is 0.9%, including the population factor. This is 1.1% lower than forecast in Council's adopted amended Long Term Financial Plan (LTFP), which has been modelled at 2% from 2022/23 onwards in accordance with prior advice provided to NSW councils by IPART.

On 10 March 2022, in response to sector lobbying, the Office of Local Government (OLG) issued *Circular 22-03* advising that councils could apply to IPART for a one off ASV, available for the 2022/23 financial year. ASVs are open to councils that can demonstrate the need for a special variation to meet the obligations set for 2022/23 in their 2021/22 Integrated Planning and Reporting (IP&R)

documentation. North Sydney Council meets this criterion, as outlined in the Financial Implications section of this report.

OLG has advised that the ASV application process is a simpler, more targeted application process than a 'regular' special variation. IPART does not require councils to demonstrate community consultation outside of the IP&R process. ASV applications close on 29 April 2022.

IPART will publish all ASV applications received on its website enabling community consultation (i.e. submissions) for a period of at least three weeks. Councils will be notified whether their application is successful no later than 21 June 2022.

On 7 April 2022, OLG issued *Circular 22-07* (superseding *Circular 22-03*). Councils will need to demonstrate they budgeted for rates increases at a percentage above that of the announced peg. For a permanent increase councils will need to demonstrate they forecast an average Operating Performance Ratio of less than 2% over five years. North Sydney Council meets both the criteria.

This proposal was discussed at Councillor Briefings held on 21 March 2022 and 12 April 2022.

The proposed ASV increase of 2% (including the rate peg) would raise approximately \$607,000 more than 0.9% rate peg as outlined in the following table:

Comparison of Rates Income Under 0.9% and 2.0% Scenarios				
	2021/22	2022/23 Income @0.9%	2022/23 Income @2.0%	ASV Increase
Ordinary Rates	50,450,000	50,904,050	51,459,000	554,950
Environmental Levy	2,210,000	2,229,890	2,254,200	24,310
Infrastructure Levy	2,480,000	2,502,320	2,529,600	27,280
Total	55,140,000	55,636,260	56,242,800	606,540

RECOMMENDATION:

1.THAT the Council resolves to apply for a permanent additional special variation under section 508(2) of the *Local Government Act 1993*, generating approximately \$607,000 additional rates income.

2.THAT the Council resolves the additional rates income is required to maintain Council's financial sustainability, service levels, asset renewal and financial sustainability commitments as identified in the Council's 2021/22 IP&R documentation.

3.THAT the Council has considered the impact on ratepayer and the community in 2022/23 and future years and considers that it is reasonable.

This item was adopted by exception (see page 6)

{resolution-number}. RESOLVED:

1.THAT the Council resolves to apply for a permanent additional special variation under section 508(2) of the *Local Government Act 1993*, generating approximately \$607,000 additional rates income.

2.THAT the Council resolves the additional rates income is required to maintain Council's financial sustainability, service levels, asset renewal and financial sustainability commitments as identified in the Council's 2021/22 IP&R documentation.

3.THAT the Council has considered the impact on ratepayer and the community in 2022/23 and future years and considers that it is reasonable.

8.6. Investment and Loan Borrowings Report held as at 31 March 2022

AUTHOR: Christian Munday, Manager Financial Services

The report provides details of the performance of Council's investment portfolio and borrowing limits for the period ending 31 March 2022.

Investment Portfolio:

The Investment Portfolio (excluding cash balances) held for the period ending 31 March 2022 had a market value of \$88,896,207. The annualised returns were 1.33%. This return exceeded the Australian Bond Bank Bill performance benchmark by 1.29%.

Cash deposits at call were \$32,469,476 with \$26,532,191 of these held in interest bearing accounts. \$5,937,285 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 March 2022 were \$978,000 compared to a year-to-date budget of \$811,500.

The Reserve Bank of Australia (RBA) Governor indicated interest rate raises are plausible later in 2022 but he remains cautious on moving too quickly; possibly impeding employment growth and higher wages.

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 March 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. At its meeting of The Council endorsed drawdown of the facility before 30 June 2022; Staff is working with TCorp to arrange an appropriate window to do so.

Council's total investment portfolio performance for the financial year to date is 1.29% above the benchmark (1.33% against 0.04%). The actual year to date returns for cash and investments for March 2022 were \$978,000 compared to a year-to-date budget of \$811,500.

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

RECOMMENDATION:

1. THAT the report on Investments and Loan Borrowings held at 31 March 2022 be received.

This item was adopted by exception (see page 6)

{resolution-number}. RESOLVED:

1. THAT the report on Investments and Loan Borrowings held at 31 March 2022 be received.

8.7. IPART Review of Domestic Waste Management Charge

AUTHOR: Bo Karaula, Waste Management Coordinator

To inform Council of the Independent Pricing and Regulatory Tribunal's (IPART) Domestic Waste Management Charge (DWMC) Review – Draft Report released for stakeholder consultation and the implications of the draft decisions on Council's residential waste management services. The Report also seeks Council's endorsement for a submission to IPART.

IPART commenced a review into the Domestic Waste Management Charge (DWMC) releasing a Discussion Paper in August 2020. A Draft Report was released in December 2021 calling for stakeholder submissions. The draft report contains draft decisions that have the potential to have ongoing implications for Council's Residential Waste Management and Resource Recovery Services. Council staff have undertaken a collaboration process with colleagues in the Northern Sydney Region of Councils (NSROC) and other ROC's, to review the Draft Report (December 2021). There are unanimous concerns about the pathway proposed by IPART in relation to the DWMC in NSW.

IPART has proposed the establishment of a state wide benchmark "waste peg", set at 1.1% for 2022-23, with councils exceeding the "waste peg" having to report their justifications to IPART.

The 1.1% would incentivise councils to manage (cut) costs rather than seek to provide innovative resource recovery programs. *This will impact on the ancillary waste minimisation and education programs that Council currently offers that would likely be severely curtailed should IPART's proposal be adopted.*

IPART is also proposing DWM Service Pricing Principles to assist councils set their DWMC. If adopted, the pricing principles will require Council to fund from general revenue a substantial amount of current corporate overheads and other recurrent waste service costs currently funded from the DWMC. Based on current forecast costs for 2021/22, this amount would be in the order of \$2.34 million annually. To compensate, Council would be entitled to a one-off Special Rate Variation (SRV) to general rates revenue. Based on 2021/22 forecasts, this special variation would result in an increase in rates revenue of approximately 4.2%.

Council currently pays Section 88 landfill levies of \$2.2 million per annum directly to the State Government of which only a small proportion is invested back into waste minimisation programs administered by Local Government.

A draft submission raising concerns about the likely impact to Council of the IPART DWM Charge Review is provided for Council's consideration and endorsement at **Attachment 1**.

The proposed IPART Draft Decisions, if adopted would have a general fund budget impact of around \$2.34M for 2022/23.

RECOMMENDATION:

- 1. THAT** Council note the IPART Review of the DWMC report.
- 2. THAT** Council endorse the submission (Attachment A) to IPART *Domestic Waste Management Charge (DWMC) Review – Draft Report*.

This item was adopted by exception (see page 6)

{resolution-number}. RESOLVED:

- 1. THAT** Council note the IPART Review of the Domestic Waste Management Charge report.

2. THAT Council endorse the submission (Attachment A) to IPART *Domestic Waste Management Charge (DWMC) Review – Draft Report* .

8.8. Draft Amendment to NSDCP 2013 - Ward Street Precinct - Post Exhibition Report

AUTHOR: Ben Boyd, Executive Strategic Planner

To address the issues raised in the submissions to the public exhibition of the draft amendment to North Sydney Development Control Plan 2013 relating to the Ward Street Precinct and to seek Council's endorsement for the amendment.

On 22 March 2021, North Sydney Council resolved to endorse the placing of a draft amendment to North Sydney Development Control Plan 2013 (NSDCP 2013) on public exhibition. The purpose of the draft DCP amendment is to ensure that the objectives and desired outcomes identified within the Ward Street Precinct Masterplan are delivered.

The draft amendment to NSDCP 2013 was placed on public exhibition, from Monday 19 April 2021 to Monday 17 May 2021.

Council received a total of twenty two (22) submissions during the exhibition period, of which:

- 1 supported specific aspects of the proposed amendments;
- 19 specifically objected to the inclusion of controls that impact upon the development potential of 45 McLaren Street; and
- 2 sought further clarification with regard to certain aspects of the proposed amendments and existing controls.

In response to the submissions made, it is recommended the draft amendment to NSDCP 2013 be further revised to:

- remove the site-specific controls relating to 45 McLaren Street and to deal with these matters in conjunction with the assessment of the Planning Proposal (PP6/20) for the site;
- provide further clarity with respect to the overshadowing controls applying to the proposed new public squares within the Ward Street Precinct;
- removal of redundant through site link controls;
- revision of setback controls to the western side of Walker Street; and
- clarify provisions or correct minor grammatic errors.

It is further recommended that Council adopt the draft amendment as revised and complete the necessary steps to enable its implementation.

The modest costs associated with the progression of the DCP amendment are covered by existing budget lines.

RECOMMENDATION:

1.THAT Council note the submissions made to the exhibition of the draft DCP amendment.

2.THAT Council adopt the draft amendment to NSDCP 2013 as amended, forming Attachment 3 to this report, in accordance with clause 14(1) of the Environmental Planning and Assessment Regulation, 2021.

3.THAT public notice of the publication of the amendment to NSDCP 2013 be given on Council's website in accordance with clause 14(2) of the Environmental Planning and Assessment Regulation, 2021.

4.THAT all submitters be notified of Council's decision and thanked for their submissions.

This item was adopted by exception (see page 6)

{resolution-number}. RESOLVED:

1.THAT Council note the submissions made to the exhibition of the draft DCP amendment.

2.THAT Council adopt the draft amendment to NSDCP 2013 as amended, forming Attachment 3 to this report, in accordance with clause 14(1) of the Environmental Planning and Assessment Regulation, 2021.

3.THAT public notice of the publication of the amendment to NSDCP 2013 be given on Council's website in accordance with clause 14(2) of the Environmental Planning and Assessment Regulation, 2021.

4.THAT all submitters be notified of Council's decision and thanked for their submissions.

8.9. PP2/22 – 12-14 Waters Road, Neutral Bay

AUTHOR: Neal McCarry, Team Leader - Policy

To present to Council the assessment report of Planning Proposal No.2/22 for Nos. 12-14 Waters Road, Neutral Bay which seeks to amend the North Sydney Local Environmental Plan 2013, following its review by the North Sydney Local Planning Panel. A Voluntary Planning Agreement offer is also presented as part of this report.

On 29 December 2021, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 12-14 Waters Road, Neutral Bay. The Planning Proposal seeks to amend NSLEP as follows:

- Increase the maximum height control for the site from 16m to 26m;
- Introduce a minimum 1.2:1 Non-residential Floor Space Ratio Standard.

The indicative concept scheme accompanying the Planning Proposal includes a 6-storey mixed use building, comprising approximately 7,312m² Gross Floor Area, and basement car parking over four basement levels.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement offer which proposes to provide:

- A 1.5m wide building setback from Waters Lane with an easement for public access;
- Embellishment of the public domain within the Neutral Bay Town Centre to a value of \$1,925,000.00 (excl. GST) which would include the full length of Waters Lane and either a portion of Grosvenor Street or Grosvenor Plaza (to the agreement of Council).

The Planning Proposal is also accompanied by a draft site-specific Development Control Plan which proposes to introduce built form controls to help guide the assessment of any future development application on the site.

On 13 April 2022, the North Sydney Local Planning Panel (NSLPP) considered a report on this planning proposal and recommended that the Planning Proposal lacks strategic merit and must be considered in the context of a new study for Neutral Bay, and an *ad hoc* rezoning is therefore not supported.

It is recommended that the Planning Proposal not be supported to proceed to Gateway Determination for the following reasons:

- The proposal does not demonstrate strategic merit as it challenges the implementation of Action L1.5 of the *North Sydney Local Strategic Planning Statement*. In particular, it seeks to progress a planning proposal that is not endorsed by any planning study. This would result in

the ad hoc redevelopment of the area and potentially give rise to poor and unplanned outcomes for the Neutral Bay community.

- The proposal does not demonstrate site specific merit due to the following:
 - the height being sought by the proposal is excessive given its stated objectives of achieving a single additional storey; and
 - the proposed underground portion of commercial floor space is of sub-standard amenity.

Should the Planning Proposal be supported, the 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. The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) offer which proposes to provide:

- A 1.5m wide building setback from Waters Lane with an easement for public access;
- Embellishment of the public domain within the Neutral Bay Town Centre to a value of \$1,925,000.00 (excl. GST) which would include the full length of Waters Lane and either a portion of Grosvenor Street or Grosvenor Plaza (to the agreement of Council).

RECOMMENDATION:

1. THAT Council resolves to not 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 Action L1.5 of the *North Sydney Local Strategic Planning Statement* (LSPS). In particular, it seeks to progress a planning proposal that is not endorsed by any planning study. This would result in the ad hoc redevelopment of the area and potentially give rise to poor and unplanned outcomes for the Neutral Bay community.
- The proposal does not demonstrate site specific merit due to the following:
 - the height being sought by the proposal is excessive given its stated objectives of achieving a single additional storey; and
 - the proposed underground portion of commercial floor space is of sub-standard amenity.

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

A Motion was moved by Councillor Gibson and seconded by Councillor Spenceley.

1. THAT this matter be deferred to allow the conduct of a Councillor Briefing

The Motion was put and **Lost**.

Voting was as follows:

For/Against 4 / 6

For:	Councillor Drummond, Councillor Gibson, Councillor Spenceley and Councillor Mutton
Against:	Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer and Councillor Welch

Absent: Nil

The Recommendation was moved by Councillor Beregi and seconded by Councillor Welch

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 4

4

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer and Councillor Welch

Against: Councillor Drummond, Councillor Gibson, Councillor Spenceley and Councillor Mutton

Absent: Nil

{resolution-number}. RESOLVED:

1. THAT Council resolves to not 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 Action L1.5 of the *North Sydney Local Strategic Planning Statement* (LSPS). In particular, it seeks to progress a planning proposal that is not endorsed by any planning study. This would result in the ad hoc redevelopment of the area and potentially give rise to poor and unplanned outcomes for the Neutral Bay community.
- The proposal does not demonstrate site specific merit due to the following:
 - the height being sought by the proposal is excessive given its stated objectives of achieving a single additional storey; and
 - the proposed underground portion of commercial floor space is of sub-standard amenity.

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

8.10. PP3/21 – 20 Berry Street, North Sydney

AUTHOR: Neal McCarry, Team Leader - Policy

To present to Council the assessment report of Planning Proposal No.3/21 at No. 20 Berry Street, North Sydney which seeks to amend the North Sydney Local Environmental Plan 2013, following its review by the North Sydney Local Planning Panel.

On 15 April 2021, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 20 Berry Street, North Sydney. The Planning Proposal seeks to amend NSLEP 2013 as follows:

- Increase the maximum height control for the site from RL 145 to RL 172;
- Rezone from B4 Mixed Use to B3 Commercial Core;
- Include a new 'Special Area' at 20 Berry Street on the NSLEP 2013 North Sydney Centre map.

The planning proposal is accompanied by a concept building design for a 24-storey (102m) commercial building with an FSR of 16.35:1, and a total Gross Floor Area of 22,750m². The proposal also includes creation of a new 'Special Area' of approximately 800m².

On 13 April 2022, the North Sydney Local Planning Panel (NSLPP) considered a report on this planning proposal and recommended that the matter be deferred pending additional information being prepared. The Panel indicated that the scheme has limited, and possibly manageable, impact on the existing Berry Street “Special Area”.

Notwithstanding the Panel’s recommendation, Council staff conclude that sufficient information has been submitted and recommend that the Planning Proposal not be supported to proceed 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 the *North Sydney CBD Public Domain Strategy* (PDS).
- The proposal is contrary to delivering on the key priorities of the North District Plan, namely:
 - it will not deliver a great place, through the proposal’s lack of prioritising a people-friendly public realm as a central organising design principle, nor comfortable human scale, due the excessive bulk and associated impacts along Berry Street; and
 - it will reduce the amenity of the public domain in terms of reduced access to sunlight and daylight; and
- The proposal does not demonstrate site specific merit due to the following:
 - the expected reduction in sunlight and daylight access to Berry Street resulting from the proposal; and
 - the proposed height is excessive and will result in overshadowing to the Berry Street (West) Special Area with potential to overshadow the Miller Street Special Area;
 - the proposal will result in a built form that does not adhere to established or envisioned urban design elements including podium heights and setbacks, tower setbacks and the provision of awnings;
- The proposed new Special Area does not provide a high enough level of public amenity to warrant classification as a Special Area.

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

RECOMMENDATION:

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

- a) 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).
- b) The proposal is contrary to delivering on the key priorities of the North District Plan, namely:
 - it will not deliver a great place, through the proposal’s lack of prioritising a people-friendly public realm as a central organising design principle, nor comfortable human scale, due the excessive bulk and associated impacts along Berry Street; and
 - it will reduce the amenity of the public domain in terms of reduced access to sunlight and daylight;
- c) The proposal does not demonstrate site specific merit due to the following:

- the expected reduction in sunlight and daylight access to Berry Street resulting from the proposal; and
 - The proposed height is excessive and will result in overshadowing to the Berry Street (West) Special Area with potential to overshadow the Miller Street Special Area;
 - The proposal will result in a built form that does not adhere to established or envisioned urban design elements including podium heights and setbacks, tower setbacks and the provision of awnings;
- d) The proposed new Special Area does not provide a high enough level of public amenity to warrant classification as a Special Area nor does it adequately offset the reduction in solar access to the existing Berry Street (West) Special Area.

2. THAT Council notifies the applicant of Council’s determination in accordance with Section 9 of the Environmental Planning and Assessment Regulation 2021.

The Recommendation was moved by Councillor Beregi and seconded by Councillor Bourke.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Nil

{resolution-number}. RESOLVED:

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

- a) 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).
- b) The proposal is contrary to delivering on the key priorities of the North District Plan, namely: it will not deliver a great place, through the proposal’s lack of prioritising a people-friendly public realm as a central organising design principle, nor comfortable human scale, due the excessive bulk and associated impacts along Berry Street; and; it will reduce the amenity of the public domain in terms of reduced access to sunlight and daylight;
- c) The proposal does not demonstrate site specific merit due to the following: the expected reduction in sunlight and daylight access to Berry Street resulting from the proposal; and The proposed height is excessive and will result in overshadowing to the Berry Street (West) Special Area with potential to overshadow the Miller Street Special Area;

The proposal will result in a built form that does not adhere to established or envisioned urban design elements including podium heights and setbacks, tower setbacks and the provision of awnings;

- d) The proposed new Special Area does not provide a high enough level of public amenity to warrant classification as a Special Area nor does it adequately offset the reduction in solar access to the existing Berry Street (West) Special Area.

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

8.11. Planning Proposal 378-380 Pacific Highway, Crows Nest

AUTHOR: Neal McCarry, Team Leader - Policy

To present to Council the assessment report of Planning Proposal No.7/21 at Nos. 378-380 Pacific Highway, Crows Nest which seeks to amend the North Sydney Local Environmental Plan 2013, following its review by the North Sydney Local Planning Panel.

On 7 September 2021, Council received a Planning Proposal to amend the *North Sydney Local Environmental Plan 2013* as it relates to land at 378-390 Pacific Highway, Crows Nest. The site is located within the *St Leonards and Crows Nest 2036 Plan* ("2036 Plan") finalised by the Department of Planning and Environment (DPE) on 29 August 2020.

After various post lodgement amendments, the Planning Proposal seeks to:

- amend the maximum building height from 16m to RL176 (24 storeys)
- establish a maximum floor space ratio control of 7.5:1
- amend the minimum non-residential floor space ratio control from 1.5:1 to 2:1.

The indicative concept scheme accompanying the revised Planning Proposal seeks to provide a 24-storey mixed-use commercial and residential building incorporating a four-storey podium, amenities levels and 16 residential floors.

Having completed an assessment of the revised planning proposal against the *2036 Plan*, strategic planning documents and relevant planning policies, it is not recommended that the proposal receive support to proceed to a Gateway Determination. While the height and FSR are numerically compliant with the *2036 Plan*, the proposal fails to adequately demonstrate that the site can accommodate a building at the height and density requested. In this sense, it is recognised that the site has capacity to accommodate uplift pursuant to the *2036 Plan*, however, has not demonstrated that it has site-specific merit.

The design concept accompanying the proposal illustrates a building of excessive bulk and lack of transition to the western boundary in particular which is inconsistent with Precinct Objectives of the *2036 Plan* requiring that suitable interface to sensitive places are achieved. The reference design is non-compliant with the *State Environmental Planning Policy 65*, specifically the setbacks contained in the *Apartment Design Guide* nor consistent with sound urban design principles to deal with dramatic built form interface issues.

On 13 April 2022, the North Sydney Local Planning Panel (NSLPP) considered a report on this Planning Proposal and recommended that the planning proposal not be supported for Gateway Determination.

Whilst Council needs to be cognisant of the difficult balance required in considering this proposal against the need to deliver timely transit-oriented development adjoining the new metro station, attempts to negotiate a more suitable outcome with the proponent for the site have been

unsuccessful. If supported, the proposal would set a poor standard and a negative precedent for the renewal of built form in the Crows Nest Precinct. Refusal is therefore recommended.

Should the Planning Proposal be supported, the costs associated with the administration and any exhibition of the Planning Proposal, should it proceed to exhibition, would be drawn from existing budget lines which anticipate this type of activity.

RECOMMENDATION:

- 1. THAT** the Planning Proposal not be supported to proceed to a Gateway Determination as it is inconsistent with *Ministerial Direction 7.11 - St Leonards and Crows Nest 2036 Plan* in that it has not demonstrated consistency with the objectives and actions of the 2036 Plan as it does not ensure that a suitable interface and transition to the western boundary can be achieved.
- 2. THAT** the proposal as lodged is not supported as it represents a poor planning outcome and approval would set a negative and detrimental precedent for similar tower forms across the precinct.
- 3. THAT** Council notifies the applicant of Council's determination in accordance with Section 9 of the Environmental Planning and Assessment Regulation 2021.
- 4. THAT** Council progress amendments to the *North Sydney Development Control Plan 2013* for the St Leonards and Crows Nest Precinct to better manage and accommodate the height limits and densities foreshadowed in the *2036 Plan* in relation to interface issues, character, internal and external amenity and other matters relevant to accommodating the significant extent of change in the most place sensitive manner possible.

This item was adopted by exception (see page 6)

{resolution-number}. RESOLVED:

- 1. THAT** the Planning Proposal not be supported to proceed to a Gateway Determination as it is inconsistent with *Ministerial Direction 7.11 - St Leonards and Crows Nest 2036 Plan* in that it has not demonstrated consistency with the objectives and actions of the 2036 Plan as it does not ensure that a suitable interface and transition to the western boundary can be achieved.
- 2. THAT** the proposal as lodged is not supported as it represents a poor planning outcome and approval would set a negative and detrimental precedent for similar tower forms across the precinct.
- 3. THAT** Council notifies the applicant of Council's determination in accordance with Section 9 of the Environmental Planning and Assessment Regulation 2021.
- 4. THAT** Council progress amendments to the *North Sydney Development Control Plan 2013* for the St Leonards and Crows Nest Precinct to better manage and accommodate the height limits and densities foreshadowed in the *2036 Plan* in relation to interface issues, character, internal and external amenity and other matters relevant to accommodating the significant extent of change in the most place sensitive manner possible.

8.12. Burton Street Temporary Road Closure and Plaza Community Feedback

AUTHOR: Duncan Mitchell – Director of Engineering and Property Services

The purpose of this report is to outline the results of the community consultation, traffic and pedestrian studies that have been undertaken from 27 September 2021 to 31 March 2022 on the Burton Street, trial plaza and road closure.

This report is now seeking Council endorsement to proceed with detailed design and construction of the permanent public plaza and closure of Burton Street, between Broughton Street and Humphrey Place and the transformation of Bligh Street to a permanent “Shared Zone” in Kirribilli.

Council at its meeting on 22 February 2021 endorsed the pilot closure of Burton Street between Broughton Street and Humphrey Place for an initial period of 6 months. The trial closure was fully funded under the Department of Primary Industry and Environment (DPIE) “*Streets as Shared Spaces*” grants program. Council also endorsed the trialling of a shared zone in Bligh Street at the same meeting. Both Projects were identified as priority projects in the Kirribilli Village Centre Public Domain Master Plan adopted by Council in February 2021.

During the community consultation for the Kirribilli Village Centre Public Domain Master Plan undertaken in 2021, the pilot closure of Burton Street for the purposes of creating a pedestrian plaza received a high level of support with 84.13% of respondents saying “yes” to the pilot closure. This was a specific question asked as part of the consultation undertaken at the time.

The temporary transformation of Bligh Street into a Shared Zone also received a high level of support during the Master Plan consultation period (70.6% of respondents said yes). This was also a specific question asked during the consultation period. The outcomes of the community consultation on the Kirribilli Village Centre – Public Domain Master Plan were reported to Council in February 2021 and Council adopted the Master Plan at the same meeting.

The Burton Street trial plaza and road closure commenced on 27 September 2021. Community consultation on the Trial closure was undertaken from 27 September 2021 to 31 March 2022 i.e., feedback was open during the construction period.

This report outlines that Council received a total of 233 submissions, comprising 220 online submissions, 12 written submissions and from 1 Precinct Committee (summarised in Attachments). The majority (88%) of submissions support the proposal, 6% did not express support/opposition, or were neutral to the proposal, while 6% oppose the permanent plaza and road closure. 220 respondents are from North Sydney LGA (95%), 161 of these (69%) were from residents of Kirribilli and Milsons Point.

Council received approval to close Burton Street from the North Sydney Traffic Committee under delegation (TDA 21/93) as well as implement a “Shared Zone” in Bligh Street on 8 July 2021.

Prior to the closure of Burton Street, a Traffic Study was undertaken to model the traffic and parking impacts on the local road network in the Kirribilli Village Centre. In summary this report found that there was very little loss of service levels as a result of the closure, particularly at the intersection of Crescent Place and Broughton Street during the AM and PM peak periods. The Traffic Study prepared for the closure of Burton Street is attached to this report.

Additionally, Council commissioned a Human Movement Data Study by Urbis Consultants. The purpose of this study was to measure and analyse visitation to and from the “Public Plaza” during the trial period.

The data sample analysed shows increased visitation to Burton Street and Kirribilli during the activation period. Visitation to Burton Street in the activation period was 58% higher than the historical period. The full Human Movement Data Study is attached to this report.

The community feedback, traffic and human analytics studies will now be used to inform the design for the permanent road closure and transform this section of Burton Street, between Broughton Street and Humphrey Place into a new Public Plaza.

The trial closure of Burton Street and Pilot Closure of Bligh Street, Kirribilli were both fully funded under the grant that Council received through the “Streets as Shared Spaces” Program through the Department of Primary Industries and Environment (DPIE) in July 2020.

Note: A number of the streetscape elements installed as part of the “*trial closure*” in Burton Street will be retained in the design for the permanent closure to mitigate costs. These items include the following:

- The decorative lighting of a number of street trees in the Plaza
- The inground landscaping around the eating areas in the Plaza
- The bins that were installed in and around the Plaza

All of these streetscape elements received positive feedback during the consultation period.

Funding for the permanent closure of Burton Street and transformation of Bligh Street into a “Shared Zone” is available in the 2021-22 Capital Works Budget through the Kirribilli & McMahons Point Village Centre Master Plan budget as well as the Traffic Facilities Budget.

RECOMMENDATION:

1. THAT Council notes the community feedback received during the trial pedestrian plaza and road closure in Burton Street, Kirribilli.

2. THAT Council notes the results of the Traffic Study as well as the Human Movement Data Study that was undertaken during the trial pedestrian plaza and road closure in Burton Street Kirribilli.

3. THAT Council proceeds with the permanent closure of Burton Street, between Humphrey Place and Broughton Street and the permanent transformation of Bligh Street into a Shared Zone, Kirribilli.

4. THAT the final designs for both the permanent closure of Burton Street and the transformation of Bligh Street be brought back to Council for endorsement before proceeding to detail design, tender and construction.

5. THAT the current Burton Street Road closure and the Bligh Street Shared Zone remain in place until Council makes a decision to proceed with the permanent closure and shared zone designs.

A Motion was moved by Councillor Gibson and seconded by Councillor Beregi.

1. THAT Council notes the community feedback received during the trial pedestrian plaza and road closure in Burton Street, Kirribilli.

2. THAT Council notes the results of the Traffic Study as well as the Human Movement Data Study that was undertaken during the trial pedestrian plaza and road closure in Burton Street Kirribilli.

3. THAT Council proceeds with the permanent closure of Burton Street, between Humphrey Place and Broughton Street and the permanent transformation of Bligh Street into a Shared Zone, Kirribilli.

4. THAT the final designs for both the permanent closure of Burton Street and the transformation of Bligh Street be brought back to Council for endorsement before proceeding to detail design, tender and construction.

5. THAT the current Burton Street Road closure and the Bligh Street Shared Zone remain in place until Council makes a decision to proceed with the permanent closure and shared zone designs.

6. THAT consultation be undertaken with the neighbouring businesses, residents and schools prior to construction.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Nil

{resolution-number}. RESOLVED:

- 1. THAT** Council notes the community feedback received during the trial pedestrian plaza and road closure in Burton Street, Kirribilli.
- 2. THAT** Council notes the results of the Traffic Study as well as the Human Movement Data Study that was undertaken during the trial pedestrian plaza and road closure in Burton Street Kirribilli.
- 3. THAT** Council proceeds with the permanent closure of Burton Street, between Humphrey Place and Broughton Street and the permanent transformation of Bligh Street into a Shared Zone, Kirribilli.
- 4. THAT** the final designs for both the permanent closure of Burton Street and the transformation of Bligh Street be brought back to Council for endorsement before proceeding to detail design, tender and construction.
- 5. THAT** the current Burton Street Road closure and the Bligh Street Shared Zone remain in place until Council makes a decision to proceed with the permanent closure and shared zone designs.
- 6. THAT** consultation be undertaken with the neighbouring businesses, residents and schools prior to construction.

8.13. Holtermann Street Carpark Redevelopment - Community Consultation

AUTHOR: Robert Esdaile, Engineering Project Manager

This report details the results of the community consultation undertaken on the three (3) design concept options for the Holtermann Street Carpark Redevelopment, Crows Nest and recommends the preferred option to proceed to Development Application Stage.

Council, at its meeting on 8 November 2021, endorsed the public exhibition of the three (3) concept options for the Holtermann Street Carpark Redevelopment for a minimum of 60 days. Community consultation was undertaken between December 2021 and February 2022 in line with the adopted Community Engagement Strategy prepared for this project.

Council received a total of 405 submissions, comprising 301 online submissions and 104 written/other submissions. The majority (56%) of submissions received support Option 1 as exhibited with some changes to the design elements for this project.

Attachment 1 details the consultation outcomes including the preferred option, highlighting the most and least liked features and suggested changes required to the final design.

The NSW Department of Planning, Industry and Environment, now the NSW Department of Planning and Environment (DPE) has provided an initial funding grant of \$2.5 million under a Funding Deed with Council, to enable Council to design this new Public Park and underground carpark and develop its supporting business case. The Funding Agreement was executed on 26 March 2021.

On 31 August 2020, DPE advised Council that subject to a Business Case, a further \$15.1 million of Special Infrastructure Contributions, has also been set aside to facilitate the future construction of the Holtermann Street Public Park. This Funding Arrangement would be subject to a separate deed of agreement between the DPE and Council.

In addition, Council at its meeting held on 24 May 2021 resolved to allocate \$2 million from the Voluntary Planning Agreement with Sydney Metro for the Crows Nest Metro Over Station Development to the construction of this project.

The estimated total project cost of the Holtermann Street Carpark Redevelopment is currently \$25 million including design and construction costs.

RECOMMENDATION:

1. **THAT** Council note the submissions received on the proposed Holtermann Street Park design options.
2. **THAT** Council adopt Option 1 as the preferred option to proceed to Development Application Stage, with the inclusion of the minor additional/modified design elements as outlined in this report.

A Motion was moved by Councillor Beregi and seconded by Councillor Baker.

1. **THAT** Council note the submissions received on the proposed Holtermann Street Park design options.
2. **THAT** Council adopt Option 1 as the preferred option to proceed to Development Application Stage, with the inclusion of the minor additional/modified design elements as outlined in this report.
3. **THAT** Councillors be provided with the Business Case and revised drawings prior to the DA being lodged.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Nil

{resolution-number}. RESOLVED:

1. **THAT** Council note the submissions received on the proposed Holtermann Street Park design options.
2. **THAT** Council adopt Option 1 as the preferred option with to proceed to Development Application Stage, with the inclusion of the minor additional/modified design elements as outlined in this report.
3. **THAT** Councillors be provided with the Business Case and revised drawings prior to the DA being lodged.

8.14. Floodplain Risk Management Study and Plan Public Consultation

AUTHOR: Jim Moore, Engineering Project Manager

This report is seeking Council's endorsement to undertake community consultation on the Floodplain Risk Management Study & Plan.

North Sydney Council and the NSW Government, as part of the Floodplain Management grant, completed the North Sydney LGA Wide Flood Study 2016 to begin the process of identifying flood prone land in accordance with the NSW State Government's Floodplain Development Manual.

The next stage of the study is the Floodplain Risk Management Study and Plan (FRMS&P). This study commenced in 2018.

A flood study is a comprehensive technical investigation of flood behavior which defines the nature of flood risk in the LGA by providing information on the extent, level and velocity of floodwaters for a full range of flood magnitudes.

A FRMS&P draws on the results of the flood study to identify, assess and compare various flood risk management options and opportunities aimed at improving the existing flood situation in the LGA. It provides information and tools to allow considered assessment of flood impacts, the management options, plus provides a strategic plan for implementation.

Management options are typically categorised as property modification measures, response modification measures, and flood modification measures.

Funds for the Community Consultation have been allocated as part of the original contract project budget. If required, the funds will be rolled over to the following financial year to complete this study and plan

RECOMMENDATION:

- 1. THAT** this report on the Floodplain Risk Management Study & Plan be noted.
- 2. THAT** the Floodplain Risk Management Study & Plan be placed on public exhibition in accordance with the project-specific Engagement Strategy.
- 3. THAT** the tagging of individual lots as being located within the Flood Planning Area be undertaken after the final adoption by Council of the Floodplain Risk Management Study & Plan.
- 4. THAT** a report on the outcomes of the community consultation be prepared and brought back to Council for consideration at the end of the exhibition and consultation period.

This item was adopted by exception (see page 6)

{resolution-number}. RESOLVED:

- 1. THAT** this report on the Floodplain Risk Management Study & Plan be noted.
- 2. THAT** the Floodplain Risk Management Study & Plan be placed on public exhibition in accordance with the project-specific Engagement Strategy.
- 3. THAT** the tagging of individual lots as being located within the Flood Planning Area be undertaken after the final adoption by Council of the Floodplain Risk Management Study & Plan.
- 4. THAT** a report on the outcomes of the community consultation be prepared and brought back to Council for consideration at the end of the exhibition and consultation period.

8.15. Draft MOU - Berrys Bay Consultation Outcomes

AUTHOR: Rob Emerson, Director Open Space & Environmental Services

This report details the stakeholder feedback received in accordance with the Council resolution of 25 October 2021.

Council at its meeting of 25 October 2021 considered a report (Item 10.3) regarding informing on the progress of land negotiations in response to the NSW Government's Western Harbour Tunnel and Warringah Expressway upgrade project, and seeking Council's support of a proposed framework and principles to advance negotiations on ensuring the amount of public open space was not reduced within the North Sydney local government area as a result of these determined Critical State Significant Infrastructure projects. Council resolved:

1. *THAT Council refer the terms of the draft MOU to the Waverton Peninsula Working Group and the Combined Precincts Committee for comment and the matter be reported back to Council for further decision.*
2. *THAT the report be made public.*
3. *THAT the wider public consultation be undertaken consistent with Council's Community Engagement Protocol.*

The report and draft MOU were made public immediately following the Council meeting. The report and draft MOU were referred to citizen members of the Waverton Peninsula Working Group and to the Combined Precincts Committee.

Lack of availability and high cost of land in North Sydney local government area (LGA) makes it financially unviable for Council to acquire additional public open space; particularly of any significant size. The draft MOU provides a mechanism to maximise long-term retention of harbour front public space within the municipality

RECOMMENDATION:

1. **THAT** Council continues to strongly advocate that the State Government needs to design and engineer the proposed motorway facility buildings within Cammeray Park to be fundamentally constructed fully, or partially, underground.
2. **THAT**, subject the inclusion of the principle included in (1) above, Council enter the MOU with TfNSW to ensure the quantum of open space within the municipality is maintained.

A Motion was moved by Councillor Mutton and seconded by Councillor Gibson.

1. **THAT** Council continues to strongly advocate that the State Government needs to design and engineer the proposed motorway facility buildings within Cammeray Park to be fundamentally constructed fully, or partially, underground.
2. **THAT**, subject to the inclusion of the principle included in (1) above, Council enter the MOU with TfNSW to ensure the quantum of open space within the municipality is maintained.
3. **THAT** Council reiterates that it does not regard the transfer of the land at Berrys Bay as sufficient compensation for the loss of public land at Cammeray Park

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Nil

{resolution-number}. RESOLVED:

1. **THAT** Council continues to strongly advocate that the State Government needs to design and engineer the proposed motorway facility buildings within Cammeray Park to be fundamentally constructed fully, or partially, underground.
2. **THAT**, subject to the inclusion of the principle included in (1) above, Council enter the MOU with TfNSW to ensure the quantum of open space within the municipality is maintained.

3. THAT Council reiterates that it does not regard the transfer of the land at Berrys Bay as sufficient compensation for the loss of public land at Cammeray Park

8.16. North Sydney Olympic Pool Redevelopment Progress Report

AUTHOR: 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 28 March 2022.

The financial position of the project is reported through the Quarterly Governance report which will be reported up to the Governance and Finance Committee on 9 May 2022.

RECOMMENDATION:

1. THAT the report be received.

This item was adopted by exception (see page 6)

{resolution-number}. RESOLVED:

1. THAT the report be received.

9. Notices of Motion

9.1. Notice of Motion 24/22 - Cr Drummond - Removal of tree at 15 Richmond Ave Cremorne

1.THAT Council investigate how the mature tree on the verge in front of 15 Richmond Avenue Cremorne came to be cut down on Sunday 20 March

2.THAT Council review the arborist reports for the site and identify whether the land excavation was conducted according to the DA consent in terms of tree root removal

3.THAT Council strengthen the processes surrounding the protection of mature trees on Council land when adjacent private land is being developed

A Motion was moved by Councillor Drummond and seconded by Councillor Welch.

1.THAT Council notes the response that has been provided

2.THAT Council strengthen the processes surrounding the protection of mature trees on Council land when adjacent private land is being developed and further report be presented to Council as to how this can be achieved.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Nil

{resolution-number}. RESOLVED:

1.THAT Council notes the response that has been provided

2.THAT Council strengthen the processes surrounding the protection of mature trees on Council land when adjacent private land is being developed and further report be presented to Council as to how this can be achieved.

9.2. Notice of Motion 26/22 - Cr Welch - Community Centres levy

1. THAT Council provides a report about adding a levy for the financial support of all the Community Centres in the LGA.

A Motion was moved by Councillor Welch and seconded by Councillor Beregi.

1. THAT a briefing be conducted regarding increased funding opportunities and alternate funding models to support of all the Community Centres in the LGA.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Nil

{resolution-number}. RESOLVED:

1. THAT a briefing be conducted regarding increased funding opportunities and alternate funding models to support Community Centres in the LGA.

The Mayor vacated the Chair at 8.14pm and Councillor Bourke assumed the Chair.

9.3. Notice of Motion 27/22 - Cr Baker - Adoption of the Draft Design and Place SEPP

1. **THAT** Council write to the Minister for Planning, The Hon Anthony Roberts, MLA urging him to review his decision not to proceed with the Design and Place SEPP and, instead, proceed to implement the proposed planning principles and sustainability measures set out in the Draft SEPP.
2. **THAT** Council call on NSROC to lobby the Minister for Planning to review his decision not to proceed with the Design and Place SEPP and to adopt the policy in order to promote design excellence and sustainability measures to mitigate and prepare for the impacts of climate change.
3. **THAT** a copy of this resolution and the letter to Minister Roberts be copied to the Shadow Minister for Planning, The Hon Paul Scully, MP, The Hon Jamie Parker, MP, and the leaders of the minor parties of the NSW Legislative Council.
4. **THAT** Council explore adoption of any best practice design excellence and sustainability measures from SEPP and Urban Design Guides in any review of Council's local planning controls, where such measures have not already been adopted by Council.

The Motion was moved by Councillor Baker and seconded by Councillor Beregi.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Nil

{resolution-number}. **RESOLVED:**

1. **THAT** Council write to the Minister for Planning, The Hon Anthony Roberts, MLA urging him to review his decision not to proceed with the Design and Place SEPP and, instead, proceed to implement the proposed planning principles and sustainability measures set out in the Draft SEPP.
2. **THAT** Council call on NSROC to lobby the Minister for Planning to review his decision not to proceed with the Design and Place SEPP and to adopt the policy in order to promote design excellence and sustainability measures to mitigate and prepare for the impacts of climate change.
3. **THAT** a copy of this resolution and the letter to Minister Roberts be copied to the Shadow Minister for Planning, The Hon Paul Scully, MP, The Hon Jamie Parker, MP, and the leaders of the minor parties of the NSW Legislative Council.
4. **THAT** Council explore adoption of any best practice design excellence and sustainability measures from SEPP and Urban Design Guides in any review of Council's local planning controls, where such measures have not already been adopted by Council.

The Mayor resumed the Chair at 8.18pm

9.4. Notice of Motion 28/22 - Cr Gibson - Young Street Plaza and the Transparency of Current Council Processes

1. **THAT** all debate, discussion, staff responses to councillor questions, motions and amendments on the Young St Plaza Project be conducted in open session and fully recorded.
2. **THAT** discussion directly relating to selecting a preferred tenderer be held in the closed session of the meeting in accordance with s10A(2) (d) of the Local Government Act 1993, *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.*

The Motion was moved by Councillor Gibson and seconded by Councillor Drummond.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Nil

{resolution-number}. **RESOLVED:**

1. **THAT** all debate, discussion, staff responses to councillor questions, motions and amendments on the Young St Plaza Project be conducted in open session and fully recorded.
2. **THAT** discussion directly relating to selecting a preferred tenderer be held in the closed session of the meeting in accordance with s10A(2) (d) of the Local Government Act 1993, *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.*

10. Confidential Matters

10.1. Young Street Plaza - Tender 34/2021

AUTHOR: 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)(i) 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 would, on balance be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services.

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.

Should a tender not be accepted for the construction of the Young Street Plaza, in accordance with the terms of the funding agreement, the balance of the funding received by Council for the Young Street Plaza (approx \$1.9million) will need to be returned to TfNSW.

In addition, should Council resolve to reopen Young Street, the cost of the removal of the temporary closure, estimated at approximately \$100,000 will have to be provided from within Council's own budget.

RECOMMENDATION:

- 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.

The Recommendation was moved by Councillor Gibson, seconded by Councillor Drummond.

The Motion was put and **Lost**.

Voting was as follows:

For/Against 4 / 6

For: Councillor Drummond, Councillor Gibson, Councillor Spenceley and Councillor Mutton
Against: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer and Councillor Welch
Absent: Nil

A Motion was moved by Councillor Beregi, seconded by Councillor Lamb

- 1. THAT** Council reject all tenders for Tender 34/2021 for Young Street Plaza Construction.
- 2. THAT** all Councillors be provided with the Funding Deed and any other correspondence/information.
- 3. THAT** the Mayor meet with Transport for NSW to discuss alternate options within the Military Road corridor including alternative options for Young Street.
- 4. THAT** Young Street be reopened and that the funding for the reopening be sourced from either the existing Transport for NSW funding which funded the temporary closure of Young Street in the first place or from the existing Engineering Budget.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 /3

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer and Councillor Welch and Councillor Spenceley

Against: Councillor Drummond, Councillor Gibson and Councillor Mutton

Absent: Nil

{resolution-number}. RESOLVED:

1. THAT Council reject all tenders for Tender 34/2021 for Young Street Plaza Construction.

2. THAT all Councillors be provided with the Funding Deed and any other correspondence/information.

3. THAT the Mayor meet with Transport for NSW to discuss alternate options within the Military Road corridor including alternative options for Young Street.

4. THAT Young Street be reopened and that the funding for the reopening be sourced from either the existing Transport for NSW funding which funded the temporary closure of Young Street in the first place or from the existing Engineering Budget.

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

10.2. Tender No 39 2021 Tunks Park Amenity Block Upgrade

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

The purpose of this report is to provide Council with an analysis of the tender process for Tender No. 39/2021 Tunks Park Amenity Block Upgrade.

The substantial upgrade and refurbishment of Tunks Park hexagonal amenity block, Cammeray, will provide much needed, safe, and hygienic female facilities in what is currently a single, open plan facility. Built in the 1970s, the existing open plan configuration does not cater to women's and girls' needs, nor does it address the needs of users with disabilities. Refurbishment of the facility will result in two separate changerooms, four toilets and an accessible shower/toilet, plus storage for sporting users. The addition of a small canteen, apron pathway and covered servery area will assist clubs, sporting groups and community groups with fundraising activities.

Tunks Park hexagonal amenity block upgrade will deliver complete reconfiguration and upgrade of an existing open plan changeroom to provide more efficient use of space and address current user needs. The North Sydney LGA has second highest population density in NSW and a recognised shortage of open space. With only 7 sportsgrounds in the LGA, a significant driver of Council's strategic approach to provision of open space and sporting infrastructure is to work within the footprints of existing facilities to prevent incremental reduction of open space itself. The current building configuration has a single-entry point requiring users to walk through the changeroom areas to reach shower and toileting/urinal facilities. Built in the 1970s this configuration is no longer appropriate for mixed gender sports and/or female sporting activity. Tasks included in the amenity

block upgrade are: demolition/ removal of existing fittings and fixtures, upgrade to existing roof and walls, provision of new linings and partition, creation of two separate changerooms, four new toilet cubicles, one accessible toilet and shower facility, a small canteen with servery and undercover area and storage area for seasonal hirers. The facility will provide sportsfield users with access to safe, hygienic, and comfortable change rooms and ensure community users will have access to much needed public amenities.

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:

(d)(i) 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 would, on balance be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services.

RECOMMENDATION:

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

(d) commercial information of a confidential nature that would, if disclosed;

(i) prejudice the commercial position of the person who supplied it

and because consideration of the matter would, on balance be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services.

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

This item was adopted by exception (see page 6)

{resolution-number}. RESOLVED:

1. THAT Council accept the tender of Sullivans Constructions for Tender No. 39/2021 for Tunks Park Amenity Block Upgrade.

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

10.3. 6 John Street, McMahon's Point

AUTHOR: Long Huynh, Team Leader Building Compliance

The purpose of this report is to provide Council with recommendations regarding Stannards Pty Ltd appeal against Council's Development Control Order, dated 1 February 2022.

On 1 February 2022, Council issued a Development Control Order (DCO) to Stannards Marine Pty Ltd, under Schedule 5 of the Environmental Planning and Assessment Act 1979 requiring the following:

1. Demolish the unauthorised Caretakers Unit; and

2. Demolish the unauthorised Relocatable Shed; and
3. Comply with Condition D51 of Development Consent 1164/90.

Staff have confirmed that the unauthorised Caretakers Unit has been demolished to comply with one of the DCO terms.

Although complying with one of the Terms of the Order, Stannards appealed the remaining two (2) items of the DCO and the first directions hearing is set for 29 March 2022.

The associated Confidential Report to this item addresses the confidential legal advice received by Council. If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2)(g) of the Local Government Act (LGA).

RECOMMENDATION:

- 1. THAT** the meeting be closed to the public in accordance with Section 10A(2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it would affect Council's ability to manage legal matters effectively and in the best interests of the community.
- 2. THAT** the report be treated as confidential and remain confidential unless Council determines otherwise.

This item was adopted by exception (see page 6)

{resolution-number}. RESOLVED:

- 1. THAT** Council authorises the taking of the following steps in managing the appeal of the Development Control Order (DCO):
 - a) Agree to modify the DCO to provide an additional 6 weeks for compliance, after the determination of the Relocatable Shed Appeal;
 - b) Revoke Term 2 of the DCO, no longer requiring compliance with Condition D51 of Development Consent 1164/90.
 - c) Invite negotiations with Noakes and/or Stannards with respect to the future construction of a public jetty to include Noakes/Stannards making of a monetary contribution to Council (by way of a Planning Agreement) towards the jetty's construction, rather than Noakes/Stannards constructing the jetty.
- 2. THAT** the report be treated as confidential and remain confidential until Council determines otherwise.

10.4. Sydney Harbour Bridge Cycle Ramp proposal -Transport for NSW Acquisition of Bradfield Park

AUTHOR: Rob Emerson, Director Open Space and Environmental Services

The purpose of this report is to inform Council of correspondence received from Transport for NSW (TfNSW) foreshadowing the issuing of a Proposed Acquisition Notice (PAN) for parts of Bradfield Park North and Bradfield Park Central in order that the State Government can construct their proposed Cycle ramp.

On 24 December 2021, North Sydney Council received a letter from TfNSW in relation to the issuing of a Proposed Acquisition Notice (PAN) for parts of Bradfield Park North. The TfNSW letter attached generally identifies land that is required on a permanently basis for the construction of the cycle ramp

in Bradfield Park North and specifically areas of Bradfield Park North and Bradfield Park Central that will be needed for an extended period to undertake the construction of the ramp.

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:

(d) commercial information of a confidential nature that would, if disclosed; (i) prejudice the commercial position of the person who supplied it; and

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

RECOMMENDATION:

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

- (d)(i) 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 would, on balance be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services.
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it would affect Council's ability to manage legal matters effectively and in the best interests of the community.

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

A Motion was moved Councillor Mutton, seconded by Councillor Beregi

1. THAT this matter be deferred to the May Council Meeting.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Nil

{resolution-number}. RESOLVED:

1. THAT this matter be deferred to the May Council Meeting.

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

10.5. Appointment of Senior Staff

AUTHOR: Ken Gouldthorp, General Manager

The purpose of this report is to consult with Council in respect to the appointment of senior staff. Section 332 of the Local Government Act states:

332 Determination of structure

(1) A council must, after consulting the general manager, determine the following—

- (a) the senior staff positions within the organisation structure of the council,
- (b) the roles and reporting lines (for other senior staff) of holders of senior staff positions,
- (c) the resources to be allocated towards the employment of staff.

(1A) The general manager must, after consulting the council, determine the positions (other than the senior staff positions) within the organisation structure of the council.

Council's adopted structure includes six Executive (senior staff) positions reporting to the General Manager. These Executives are employed under the mandated standard form of contract approved by the Department Chief Executive of the Office of Local Government (OLG).

The appointment, and direction of staff, together with the implementation of Council's workforce engagement strategy, are functions of the General Manager as outlined in Section 335 of the Act. However, prior to appointing or dismissing senior staff the General Manager is required to consult with Council (s337 of the Act).

The purpose of this report is to undertake such consultation. Should Council wish to discuss the report or provide feedback, the meeting should be closed to the public in accordance with s10A (2)(a) as it relates to:

- (a) *personal matters concerning particular individuals (other than councillors).*

RECOMMENDATION:

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

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

This item was adopted by exception (see page 6)

{resolution-number}. RESOLVED:

1.THAT Council acknowledges the consultation from the General Manager in respect to senior staff appointments in accordance with s337 of the Act.

2.THAT Council endorse duplication of employments for a transitional period to enable succession planning.

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

Matters of Urgency

1.Matter of Urgency - Community Campaign

Councillor Beregi sought leave to move the following Motion as a matter of urgency:

1.THAT Council, as part of the Community Campaign on the impacts of the Western Harbour Tunnel/North Beaches Link works, provide Parks Precinct with banners and collateral depicting the loss of tress at Cammeray Park.

2.THAT the cost be covered by the budget already set aside for the community campaign.

The Mayor accepted the matter as urgent.

It was moved by Councillor Beregi and seconded by Councillor Gibson

THAT leave be given to consider the matter of urgency

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Nil

The Motion was then moved by Councillor Beregi and seconded by Councillor Gibson.

1.THAT Council, as part of the Community Campaign on the impacts of the Western Harbour Tunnel/North Beaches Link works, provide Parks Precinct with banners and collateral depicting the loss of tress at Cammeray Park.

2.THAT the cost be covered by the budget already set aside for the community campaign.

The Motion was put and **Carried**

Voting was as follows:

For/Against 10 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Nil

{resolution-number}. RESOLVED:

1.THAT Council, as part of the Community Campaign on the impacts of the Western Harbour Tunnel/North Beaches Link works, provide Parks Precinct with banners and collateral depicting the loss of tress at Cammeray Park.

2.THAT the cost be covered by the budget already set aside for the community campaign.

2.Matter of Urgency - Council Submission re Liquorland Proposal in Kirribilli

Councillor Beregi sought leave to move the following Motion as a matter of urgency

1.THAT Council make a submission on behalf of the community to the representatives of Liquorland opposing the granting of a liquor licence for a proposed Liquorland at 27-29 Broughton St, Kirribilli.

2.THAT the submission include community concerns relating to:

- number of existing liquor outlets and licensed premises in Kirribilli
- negative social impacts of a concentration of liquor outlets in the Kirribilli Village and the proximity to schools
- adverse impacts of extended trading hours contrary to Council's DCP controls
- adverse traffic impacts of the development
- concerns re demonstrated links between liquor and increased domestic violence and anti-social behaviour

The Mayor accepted the matter as urgent.

It was moved by Councillor Beregi and seconded by Councillor Gibson

THAT leave be given to consider the matter of urgency

The Motion was put and **Carried**

Voting was as follows:

For/Against 10 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Nil

The Motion was then moved by Councillor Beregi and seconded by Councillor Gibson.

1.THAT Council make a submission on behalf of the community to the representatives of Liquorland opposing the granting of a liquor licence for a proposed Liquorland at 27-29 Broughton St, Kirribilli.

2.THAT the submission include community concerns relating to:

- number of existing liquor outlets and licensed premises in Kirribilli
- negative social impacts of a concentration of liquor outlets in the Kirribilli Village and the proximity to schools
- adverse impacts of extended trading hours contrary to Council's DCP controls
- adverse traffic impacts of the development
- concerns re demonstrated links between liquor and increased domestic violence and anti-social behaviour

The Motion was put and **Carried**

Voting was as follows:

For/Against 10 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Nil

{resolution-number}. RESOLVED:

1.THAT Council make a submission on behalf of the community to the representatives of Liquorland opposing the granting of a liquor licence for a proposed Liquorland at 27-29 Broughton St, Kirribilli.

2.THAT the submission include community concerns relating to:

- number of existing liquor outlets and licensed premises in Kirribilli
- negative social impacts of a concentration of liquor outlets in the Kirribilli Village and the proximity to schools
- adverse impacts of extended trading hours contrary to Council's DCP controls
- adverse traffic impacts of the development
- concerns re demonstrated links between liquor and increased domestic violence and anti-social behaviour

11. Closure

The Meeting concluded at 9:42 pm.