10.1. Matters Outstanding November 2022

AUTHOR: Ian Curry, Manager Council & Committee Services

ENDORSED BY: Shane Sullivan, Executive Manager Governance

ATTACHMENTS:

1. Matters Outstanding - November 2022 [10.1.1 - 20 pages]

PURPOSE:

To report to Council on the status of Councillor resolutions.

EXECUTIVE SUMMARY:

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

The attached table has been updated to include resolutions up to the 10 October 2022 Ordinary Meeting of Council.

FINANCIAL IMPLICATIONS:

Nil

RECOMMENDATION:

1. THAT the report be received.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

5. Our Civic Leadership

5.2 Strong civic leadership and customer focused services

BACKGROUND

The previous report to Council on this matter was on 26 September 2022.

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

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

ATTACHMENT 1



REPORT TO THE COUNCIL MEETING OF 14 NOVEMBER 2022 ON MATTERS OUTSTANDING FROM NOTICES OF MOTION OR COUNCILLOR REQUESTS FOR ACTION, UP TO THE 10 OCTOBER 2022 MEETING

	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
1.	24/08/20 (Min. No. 99)	6.2 MM02: A Parking Policy to Meet Community Expectations	1. THAT Council reviews the residential and non-residential parking rates in the Car Parking and Transport section of the North Sydney Council Development Control Plan, and that the review include extensive community consultation, with balanced information about the impacts of parking controls within new developments.	CiS	ТВА	Councillor Briefings were held on 29 March 2021 and 2 May 2022. Given current resourcing challenges in the Transport area and that Council's parking policy framework is relatively robust, this work is deferred until it can be properly resourced to achieve good and consultative outcomes. In the interim, a report was presented to Council on 25 July 2022 to impose more restrictive parking rates under NSDCP 2013 in areas of high accessibility to public transport. Council resolved to proceed with the public exhibition of these draft amendments with an extended exhibition period of 60 days
2.	22/03/21 (Min. No. 34)	6.2. MM02 Parking Review	1. THAT the Traffic Department prepare a report outlining how	EPS	Mar 2023	Report to be prepared.

	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
			greater equity in parking permit allocation can be achieved. 2. THAT the report includes a methodology to trial increased permit allocation for apartment dwellers to match permit allocation for detached dwellings in a small area so that the impact can be assessed. 3. THAT consideration also be given to small business.			NB there are significant staff vacancies in Traffic & Transport Parking and CiS that are impacting on work loads
3.	27/9/21	6.4. MM04: Vale Jim Saad– Sixty Years a Shoemaker	1. THAT Council install a small, appropriate memorial near the Milsons Point station, possibly a small tree with a plaque.	CLS	Dec 2022	A plaque has been prepared and will be attached to the footpath in the vicinity.
4.	10/01/22	Matter of Urgency – Creation of Heritage Conservation Area	 THAT Council immediately commences a review of the creation of a Heritage Conservation Area, being the Parraween St Conservation Area to protect the characteristic buildings and history for the row of late 1800's and early 1900's federation detached and semi-detached cottages on the northern side of Parraween Street that extends from Paling Street to Macpherson Street. THAT Council urgently receives appropriate advice by a person with 	CiS	Nov. 2022	A report was prepared for the Legal and Planning Committee meeting of 14 March 2022 which outlined that there was no imminent threat of harm to those properties along Parraween Street and therefore an IHO could not be pursued. Finalised draft report has been received, and is anticipated to be reported to the Council meeting of 14 November 2022

	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
			the required knowledge and skills to assess if Council can establish an Interim Heritage Order (IHO) for the above properties to cover the period while Council reviews the establishment of the Heritage Conservation Area.			
5.	24/01/22 (Min. No 18)	9.4 Notice of Motion 4/22 by Councillors Baker, Beregi, Bourke, Lamb, Santer and Welch: Cremorne Orpheum Cinema – State heritage significance	 THAT Council seek urgent heritage advice in relation to the heritage significance of the Cremorne Orpheum Cinema and its curtilage, in particular, whether State heritage listing is appropriate to protect this important local heritage item. THAT such advice be sought as part of the heritage advice to be obtained in respect of the Parraween Street, Cremorne cottages and surrounds under the resolution of Council at the meeting held on 10 January 2022. 	CiS	Nov. 2022	Report presented to the Legal and Planning Committee on 14 March 2022. A consultant was appointed in the week starting 25/4/22 to prepare the heritage conservation area analysis, with a 3 month deliverable. Finalised draft report has been received, and is anticipated to be reported to the Council meeting of 14 November 2022
6.	27/06/22	6.1. MM01: Recruitment of new General Manager	 1.THAT Council notes the information in relation to the appointment of LGNSW Management Solutions to recruit a new General Manager. 2.THAT Council establish a Selection Panel consisting of the Mayor, the 	N/A	Oct 2022	Extraordinary Meeting held 10 October 2022 and appointment made. COMPETED

	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
			Deputy Mayor, Councillor Shannon Welch and Councillor Spenceley. 3.THAT the Selection Panel undertake interviews with candidates and recommend a short list of candidates to Council. 4.THAT the Selection Panel report be considered at an Extraordinary Meeting of Council at which all the shortlisted candidates will be interviewed in closed session by the whole of the governing body (in committee of the whole) prior to Council resolving to appoint a successful candidate to the position of General Manager. 5.THAT Council delegates to the Mayor the task of managing the recruitment process pursuant to the s23A Guidelines for the Appointment and Oversight of General Managers			
7.	27/06/22	MM02: Call on the NSW State Government to urgently halt, review and reassess the Western Harbour Tunnel and Northern Beaches Link projects	 THAT Council calls on the NSW State Government to immediately halt, review and reassess the Western Harbour Tunnel and Northern Beaches Link projects. THAT Council write to the Premier, Treasurer, Minister for Roads, Minister for the Environment, the 	CiS		Letters sent to all Ministers and MPs. The Mayor and A/GM met with the Hon Rob Stokes, Minister for Infrastructure, Cities and Active Transport, on 28 July 2022, and Howard Collins, Chief Operations

	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
			Opposition Leader and Shadow Treasurer, Shadow Ministers for the Environment and Roads seeking an urgent halt, review and reassessment of the tunnels projects in terms of need and priority. 3.THAT Council write to the Prime Minister, Federal Treasurer, Federal Minister for the Environment and the Federal Member for North Sydney seeking that no federal funds be provided to the tunnel projects without a risk assessment and an assessment of priority and need for the project being undertaken. 4. THAT Council liaise with the State Government and their contractors in relation to the relocation of wildlife dislocated by the works and if necessary contact organisations such as WIRES to assist			Officer of Transport for NSW, on 3 August 2022. COMPLETED
8.	27/06/22	9.7. Notice of Motion 38/2022 - Cr Gibson - Support for Ukraine	<u>Minutes</u>	GOV	Nov 2022	The <u>video</u> has been added to Council's website. The Mayor's office contacted the Ukraine Ambassador to attend an event but did not hear back. The Mayor's Office contacted the Ukrainian Council of NSW and their Vice President has agreed to attend an event on Monday 21 November – Dignity and Freedom Day in Ukraine. This will be a

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						public event open for all the community to attend and invitations have been issued to Councillors, Federal and State MPs, neighbouring Councils, local schools, ACU and Precinct Committees. The event has been advertised on Council's website, Facebook page and noticeboards COMPETED
9.	25/07/22	6.1. MM01: Accounting Treatment Of Rural Fire Service ('Red Fleet') Assets	 THAT: 1.Council writes to the Treasurer the Hon Matt Kean MP, Minister for Emergency Services and Resilience the Hon Stephanie Cook MP, the Minister for Local Government Wendy Tuckerman MP and Felicity Wilson MP and Tim James MP: a.Calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of Rural Fire Service (RFS) assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS; and b.Amending s119 of the <i>Rural Fires</i> <i>Act 1997</i> so that the effect is to make it clear that RFS assets are not the property of councils. 	CoS		 1-3 Letters being drafted for the Mayor's signature. 4. Promoted on Council's website, social media and August Council Enewsletter. <u>https://www.northsydney.nsw.g</u> <u>ov.au/Council Meetings/Council</u> <u>News/Latest News/NSW Govt</u> <u>looks to pass the buck on RFS</u> <u>_assets</u>

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-		 Council writes to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC: a. Advising Members of (North Sydney Council's) position, including providing copies of correspondence to NSW Government Ministers; and b. Seeking Members' commitments to support NSW Councils' call to amend the <i>Rural Fires Act 1997</i> as set out in correspondence. North Sydney Council writes to the Auditor General advising that notwithstanding any overtures of future qualified audits, it will not carry out RFS stocktakes on behalf of the NSW Government and will not record RFS assets in (North Sydney 	-		
		Council's) financial statements, noting that the State Government's own Local Government Accounting Code of Practice and Financial			

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			 <i>Reporting</i> provides for councils to determine whether or not they record the RFS assets as council assets. 4. Council promotes these messages via its digital and social media channels and via its networks. 5. Re-affirms its complete support of and commitment to local RFS brigades noting that North Sydney Council's action is entirely directed towards the NSW Government's position that, rather than being owned and controlled by local brigades, RFS assets are somehow controlled by councils, which councils consider to be a cynical financial sleight of hand abdicating the NSW Government's responsibilities at the cost of local communities. 6. That North Sydney Council affirms its support to Local Government NSW (LGNSW) and requests LGNSW continue advocating on behalf of the sector to obtain clarification finally from the State Government about the accounting treatment of RFS assets. 			
10.	08/08/2022	9.1. Notice of Motion 44/22 - Proposed	1.THAT Council as soon as practicable prepare a report on the	OSE	Nov 2022	Report submitted to 10 October Council meeting.

	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
		Repair Cafe - Cr Bourke	feasibility of opening and running a full-time repair café, where people gather to work on repairing objects of everyday life including electrical and mechanical items, clothing and accessories.			COMPLETED
11.	22/08/22	6.1. Vale John Woodward	 1.THAT Council acknowledge John Woodward's contribution to North Sydney and NSW, particularly, his legacy of a commitment to strong environmental sustainability and excellent town planning. 2.THAT Council write to Mr Woodward's family expressing sincere condolences. 3.THAT Council commemorate John Woodward's contribution by planting a tree with a commemorative plaque in a suitable location to be decided in consultation with Mr Woodward's family. 	Office of the Mayor		Letters sent, location of tree to be determined with family
12.	22/08/22	6.2. Vale Dr Martyn Sulway	 1.THAT Council acknowledge Dr Martyn Sulway's contribution to North Sydney and to the Northern Sydney Health District. 2.THAT Council write to Dr Sulway's family expressing sincere condolences on his passing. 	Office of the Mayor		Letters sent, location of tree to be determined with family

	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
			3.THAT Council commemorate Dr Sulway's contribution to North Sydney by planting a tree with a commemorative plaque in consultation with his family.			
13.	22/08/22	6.3. Vale Richard Gillard	 1.THAT: Council acknowledge Alderman Richard Gillard's contribution to our community and extend condolences to his relatives. 2.THAT Council commemorate Alderman Richard Gillard's contribution to North Sydney by planting a tree with a commemorative plaque. 	Office of the Mayor		Location of tree to be determined with family/friends.
14.	14/09/22	6.1. Determination of Council's Organisational Structure	 THAT Council resolve that it has redetermined the organisational structure within 12 months of the December 2021 Local Government election as required under section 333 of the Local Government Act 1993. THAT Council note that by redetermining the organisational structure it does not preclude any further structural review which may be undertaken in accordance with section 332 of the Local Government Act 1993. 	GMO		No action required. COMPLETED

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15.	14/09/22	6.2. Delegations	 1.THAT Council delegate to the General Manager any of the functions under the <i>Local</i> <i>Government Act 1993</i> or any other Act other than those provided in section 377(1) in accordance with the attached Instrument of Delegation. 2.THAT a report be provided to Council for the purpose of considering the Instrument of Delegation to the Mayor before December 2022 in order to meet Council's obligations under the Act. 	GOV		Report submitted to 26 September Council meeting COMPLETED
16.	14/09/22	6.3. Mayoral Minute - Vale Queen Elizabeth II	1.THAT Council send condolences to His Majesty King Charles III, the King's Consort and the people of the United Kingdom acknowledging The Queen's long and stable reign and the affection in which she was held by the Australian people. 2.THAT Council identify an appropriate tree planting project to plant trees as part of the Queen's Canopy scheme with an appropriate plaque.	Office of the Mayor		Condolence letter sent COMPLETED
17.	14/09/22	9.1. Notice of Motion 49/22 - StreetPlay in	1.THAT Council call for expressions of interest from the community in	EPS	Nov 2022	Report being prepared for the 28 November Council Meeting

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		the North Sydney LGA - Cr Beregi	relation to identifying streets, roads etc for StreetPlay for the next 6 months. 2.THAT Council re-assess the locations contained in the 22 June 2020 report as possible locations. 3.THAT Council seek to roll out the StreetPlay Program as soon as possible. 4.THAT Council continue to seek and apply for appropriate funding grants. 5.THAT should Council be unsuccessful in obtaining grant funding, that the General Manager identify funding sources to support the StreetPlay Program.			
18.	14/09/22	9.2. Notice of Motion 50/22 - Unoccupied dwellings - investigating incentives for property owners to increase housing supply and availability - Cr Beregi	 THAT Council write to the Minister for Local Government, The Hon. Wendy Tuckerman and the Minister for Planning and Homes, The Hon. Anthony Roberts, asking that the State Government: a. Explore more fully methods to identify unoccupied dwellings b. Consider reforms to the Local Government rating system, and the NSW land tax system, to provide a financial incentive for property owners to ensure their investment property holdings are 	Office of the Mayor	Nov 2022	Letter being prepared.

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			 being utilised for residential accommodation purposes. c. Any rate revenue derived from such unoccupied dwellings be directed to acquisition of key worker/affordable housing. 2. THAT in recognizing that lack of housing is an issue across the Sydney metropolitan area, North Sydney Council writes to the Chair of NSROC, seeking support for a joint letter, calling for the actions in point one (a-c). 			
19.	14/09/22	9.5. Notice of Motion 53/22 - Cleanliness in Kirribilli Village and surrounding streets - Cr Gibson	 THAT this matter be delegated to the General Manager for investigation and where appropriate necessary action is taken THAT if deemed necessary that a brief report be prepared for a Council Meeting. 	OSE	Nov 2022	Report being prepared for the 28 November Council Meeting
20.	14/09/22	9.6. Notice of Motion 54/22 - Trial Weekend Closure of the Western end of Bligh St Kirribilli - Cr Gibson	1. THAT Bligh Street be considered for the Street Play Program.	EPS	Nov 2022	Report being prepared for the 28 November Council Meeting

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21.	26/09/22	9.1. Notice of Motion 55/22 - Halt and Review the Western Harbour Tunnel/Beaches Link Project - Cr Beregi	 THAT Council call on the NSW State Government not to enter into any contracts for the Western Harbour Tunnel Stage 3 or the Northern Beaches Link projects prior to the 2023 NSW State Government election. THAT Council write to the Premier, Treasurer, Minister for Roads, Minister for Heritage and Minister for the Environment seeking their assurance that no contracts in relation to the works on the Western Harbour Tunnel and Northern Beaches Link projects are signed prior to the 2023 NSW State Government election. THAT Council write to the Leader of the Opposition, Shadow Treasurer, Shadow Minister for Roads, Shadow Minister for Heritage and Shadow Minister for the Environment seeking their commitment that should they be elected in March 2023, that they will immediately halt and review the Western Harbour Tunnel Beaches Link Project. THAT Council write to the Prime Minister, the Federal Minister for the Environment, and the Federal Minister for Transport, seeking their 	Office of the Mayor		Letters sent COMPLETED

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			assurance that no federal funding will be provided for this project. 5. THAT Council also make similar representations regarding the Warringah Freeway Upgrade.			
22.	10/10/22	8.1. MM01: Appointment of Justice Jayne Jagot to the High Court of Australia	 THAT Council write to Justice Jayne Jagot congratulating her on her historic appointment to the High Court of Australia. THAT Council acknowledge Justice Jagot's valuable contribution to our community throughout her early career as a lawyer and partner at Mallesons Stephen Jaques and as a barrister advising and representing this Council. 	Office of the Mayor	Nov 2022	Letter sent COMPLETED
23.	10/10/22	8.2. MM02: Vale Peter Kingston	 THAT Council write to Peter Kingston's family to express sincere condolences on his passing and to recognise his contribution to the North Sydney community, Lavender Bay foreshore and the high esteem and affection in which he was held by the people of North Sydney. THAT Council liaise with Peter Kingston's family to arrange a suitable community celebration and memorial. 	Office of the Mayor	Nov 2022	Letter sent COMPLETED

	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
24.	10/10/22	8.3. MM03: Independent review of the North Sydney Olympic Pool redevelopment project	 THAT Council urgently undertake an independent review of the Council's management of the North Sydney Olympic Pool redevelopment project. THAT Council engage a suitably qualified independent person to undertake a thorough review of all aspects of the North Sydney Olympic Pool redevelopment project and prepare a report to Council. 	GOV	April 2023	Preliminary meetings conducted with potential providers. It will be necessary to revert to Council to agree the terms of the review.
25.	10/10/22	11.1. Notice of Motion 56/22 - Cammeray Park - Cr Spenceley	 THAT Council urgently writes again to Tim James (Local Member for Willoughby) to express on behalf of the community that council represents requesting that he directly and as soon as possible raises the following issues publicly on the floor of State Parliament and notes the impact of these issues to the community he represents and voice their strong opposition to these issues. THAT the community and the greater Sydney area deserves that Cammeray Park remains a beautiful and green open space from all areas and all aspects. The area should be 	Office of the Mayor		Letter has been prepared. COMPLETED

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		 considered for both residents and for the visual impact for all of Sydney that will drive past this iconic location. Therefore, all of NSW and specifically local residents deserves that the 5 storey, 20 meter high control station/s be placed underground. b. THAT irrespective of what research can be quoted, the NSW government takes the most conservative approach to the health of our community (both residents and school children) and publicly commits to filter the exhaust stacks. c. THAT the NSW government removes, or guarantees that it will not use, the ability for the planning secretary to over-ride the EIS clauses that allows for no net loss of open space and replacement ratio of 2:1 trees and therefore ensure that the community is guaranteed the replacement open green space and trees will be in the area that is 	Director		
		directly affected by the loss.			

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			d. THAT there is no loss of access for residents to the Warringah Freeway via Ernest Street.			
26.	10/10/22	11.2. Notice of Motion 57/22 - Design of Grosvenor Lane, Neutral Bay - Cr Spenceley	 1.THAT Council has concerns on the current design of Grosvenor Lane which, in both directions and at numerous points, directs pedestrians into the area and path used by vehicles. 2.THAT Council staff investigates and provide a report and recommendation to a Councillors briefing in November 2022 on the options of a redesign of Grosvenor Lane, with a view to make it safer for pedestrians. 	EPS	Nov 2022	Report being prepared for the 28 November Council Meeting
27.	10/10/22	11.3. Notice of Motion 58/22 - review of NSW Road Rule - Cr Welch	1.THAT Council write to the Minister for Police and Shadow Minister for Police asking them to review the NSW Road Rule: Driver of a motor vehicle not pass bicycle at a safe distance (S144-1 Australian Road Rules) to ascertain why only 19 fines were issued under this rule in the year 2021/22 for all of NSW (Source: Fines dataset – Revenue NSW).	EPS	Nov	Letter has been prepared will be sent 12 November
28.	10/10/22	11.4. Notice of Motion 59/22 -	1.THAT in its consultative process with the community, including	GOV	Jul 2023	Work is currently underway on the review of the Community

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	Counting of voting in Council community consultations and submissions - Cr Santer	consideration of submissions from Precincts, on Council policy proposals, Council ensure, when voting from the community is requested, Council recognises the number of individual votes for and against the proposal, rather than consider that an individual organisation's majority vote be counted as a block of one vote for or against the proposal. 2.THAT at community group meetings where a consultation is requested by Council, it is made explicitly clear, through a prepared standard statement (agreed to by Council) read in the meeting, the individual vote numbers will be recorded in the consultation report to Council. 3.THAT for the purpose of transparency and to ensure the absence of 'branch stacking', the names and addresses of individual voters will be included in the report to Council on the voting outcome of the consultation. 4. THAT when voting is counted at Council, any individual person's vote is only counted once, whether it be as an individual or part of a group.			Engagement Protocol as part of the regular cycle of review to ensure best practice and compliance with the new legislative requirements for councils to have a Community Engagement Strategy. The process and method of reporting of feedback (or votes) as part of consultation processes will be part of this review.

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		5. THAT the principle of "One person, one value, one vote" is included in the review of the Community Engagement Protocol.			

Rob Emerson, Acting General Manager

Legend:

GMO - General Manager's Office

CIS - City Strategy Division

CLS - Community and Library Services Division

COS - Corporate Services Division

EPS - Engineering and Property Services Division

OSE - Open Space and Environmental Services Division

GOV - Governance

MM - Mayoral Minute MoU - Matter of Urgency NoM - Notice of Motion NoRM - Notice of Rescission Motion Q - Question with/without Notice