



# MINUTES

The Minutes of the Council held at the Council Chambers, North Sydney at 6:30 PM on Monday 12 December 2022.



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## 1. Opening Meeting

### Statement of ethical obligations

Councillors are reminded of the oath or affirmation taken upon commencement of office that they will undertake the duties of the office of councillor in the best interests of the people of North Sydney and the North Sydney Council and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the [Local Government Act 1993](#) or any other Act to the best of their ability and judgment.

Councillors are also reminded of their obligations under the Code of Conduct to disclose and appropriately manage conflicts of interest.

At the commencement of business (6:30 pm) those present were: The Mayor, and Councillors Beregi, Bourke (remotely), Drummond (remotely), Gibson, Lamb, Santer, Spenceley, Mutton and Welch.

The meeting was opened by the Mayor.

## 2. Acknowledgement of Country

### RECOGNITION OF THE CAMMERAYGAL PEOPLE

We respectfully acknowledge the Traditional Custodians of the land and waters of North Sydney local government area, the Cammeraygal people.

The acknowledgement of Country was read by Councillor Spenceley.

## 3. Apologies and applications for leaves of absence or attendance by audio-visual link by councillors

It was moved by Councillor Beregi and seconded by Councillor Gibson:

**1. THAT** Council grant permission for Councillor Bourke to attend remotely for the following reason: other

**2. THAT** Council grant permission for Councillor Drummond to attend remotely for the following reason: other

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

**395. RESOLVED:**

**1. THAT** Council grant permission for Councillor Bourke to attend remotely for the following reason: other.

**2. THAT** Council grant permission for Councillor Drummond to attend remotely for the following reason: other.

**4. Confirmation of Minutes**

The Motion was moved by Councillor Beregi and seconded by Councillor Santer:

**THAT THE MINUTES** of the previous 3770th Council meeting held on Monday 28 November 2022 be taken as read and confirmed.

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

**396. RESOLVED:**

**THAT THE MINUTES** of the previous 3770th Council meeting held on Monday 28 November 2022 be taken as read and confirmed.

**5. Disclosures of Interest**

There were no disclosures of interest.

**6. Public Forum**

Public Forum items were considered in agenda order.

**7. Items Considered by Exception**

It was moved by Councillor Beregi and seconded by Councillor Santer:

**THAT** the Recommendations for the following items be adopted:

<b>Item 9.3</b>	Audit Risk and Improvement Committee Minutes – 18 November 2022
<b>Item 9.4</b>	Sport and Recreation Reference Group Minutes – 15 November 2022
<b>Item 9.5</b>	Environment Reference Group Minutes – 21 November 2022

<b>Item 10.1</b>	Matters Outstanding December 2022
<b>Item 10.2</b>	Financial Statements for the Year Ended 30 June 2022
<b>Item 10.4</b>	New Application for Reference Group Membership
<b>Item 10.5</b>	Proposed amendment to NSDCP 2013 – Implementation of the St Leonards / Crows Nest 2036 Plan – Post-Exhibition Report
<b>Item 10.11</b>	Engagement Strategy – Neutral Bay Town Centre Planning Study
<b>Item 10.12</b>	Graffiti Management Update
<b>Item 10.14</b>	Endorsement of Council Seal on Strata Company Nominee Form
<b>Item 10.15</b>	Nutcote Conservation Management Plan 2022
<b>Item 10.16</b>	Don Bank Museum Conservation Management Plan 2022
<b>Item 10.17</b>	North Sydney Olympic Pool Report

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

**397. RESOLVED:**

**THAT** the Recommendations for the following items be adopted:

<b>Item 9.3</b>	Audit Risk and Improvement Committee Minutes – 18 November 2022
<b>Item 9.4</b>	Sport and Recreation Reference Group Minutes – 15 November 2022
<b>Item 9.5</b>	Environment Reference Group Minutes – 21 November 2022
<b>Item 10.1</b>	Matters Outstanding December 2022
<b>Item 10.2</b>	Financial Statements for the Year Ended 30 June 2022
<b>Item 10.4</b>	New Application for Reference Group Membership
<b>Item 10.5</b>	Proposed amendment to NSDCP 2013 – Implementation of the St Leonards / Crows Nest 2036 Plan – Post-Exhibition Report
<b>Item 10.11</b>	Engagement Strategy – Neutral Bay Town Centre Planning Study
<b>Item 10.12</b>	Graffiti Management Update
<b>Item 10.14</b>	Endorsement of Council Seal on Strata Company Nominee Form
<b>Item 10.15</b>	Nutcote Conservation Management Plan 2022
<b>Item 10.16</b>	Don Bank Museum Conservation Management Plan 2022
<b>Item 10.17</b>	North Sydney Olympic Pool Report

## 8. Mayoral Minutes

Nil.

## 9. Reports of Committees

### 9.1. Traffic Committee Minutes - 14 October 2022

**AUTHOR:** Peita Rose, Governance Officer

Council is required to consider the Minutes of this Committee. Section 5.3.2 of the RMS *Delegation to Council for the Regulation of Traffic* states that: *All proposals recommended by the LTC must still be formally approved by the elected Council (or their sub-delegate), subject to certain limitations.*

This report presents the recommendations of the last meeting of the Traffic Committee held on 14 October 2022 for Council adoption. The minutes are attached for information.

The full reports to the Traffic Committee can be viewed at [https://www.northsydney.nsw.gov.au/Council\\_Meetings/Meetings/Committees/Traffic\\_Committee/2022/14\\_October\\_2022](https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/Committees/Traffic_Committee/2022/14_October_2022).

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

#### **RECOMMENDATION:**

- 1. THAT** Council proceeds to manage the Jacaranda festival as a special event and provides a Traffic Management Plan to Transport for NSW for sign off and to NSW Police for concurrence, and that the Traffic Management Plan include advanced warning signage on Broughton and Willoughby Streets as well as Clark Road. (5.5)
- 2. THAT** the consideration of the new car share spaces in Hazelbank Road and Christie Street, Wollstonecraft, and Guthrie Avenue, Cremorne Point be approved by the Council. (5.1)
- 3. THAT** the information concerning Sydney Metro City & South-West Crows Nest Station Interchange Access Plan be received and endorsed. (5.3)
- 4. THAT** detailed design plans for the proposed pedestrian crossings and associated works in Hume Street and Clarke Street be consulted with North Sydney Council prior to construction. (5.3)
- 5. THAT** the first three (3) parking spaces immediately after the Bus Zone in Pacific Highway between Albany Street and Oxley Street, be converted from "1P Meter 10am-6pm Mon-Fri, 8:30am-12:30pm Sat" to "1P Meter 10am-6pm Mon-Sun". (5.6)
- 6. THAT** the affected residents and business owners be notified of changes prior to implementation. (5.6)
- 7. THAT** Council write to Transport for NSW seeking assistance and assurances on the proposed removal of the cycleway at Falcon Street and the pedestrian overpass at Ridge Street. (6.2)

The 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

**398. RESOLVED:**

- 1. THAT** Council proceeds to manage the Jacaranda festival as a special event and provides a Traffic Management Plan to Transport for NSW for sign off and to NSW Police for concurrence, and that the Traffic Management Plan include advanced warning signage on Broughton and Willoughby Streets as well as Clark Road. (5.5)
- 2. THAT** the consideration of the new car share spaces in Hazelbank Road and Christie Street, Wollstonecraft, and Guthrie Avenue, Cremorne Point be approved by the Council. (5.1)
- 3. THAT** the information concerning Sydney Metro City & South-West Crows Nest Station Interchange Access Plan be received and endorsed. (5.3)
- 4. THAT** detailed design plans for the proposed pedestrian crossings and associated works in Hume Street and Clarke Street be consulted with North Sydney Council prior to construction. (5.3)
- 5. THAT** the first three (3) parking spaces immediately after the Bus Zone in Pacific Highway between Albany Street and Oxley Street, be converted from “1P Meter 10am-6pm Mon-Fri, 8:30am-12:30pm Sat” to “1P Meter 10am-6pm Mon-Sun”. (5.6)
- 6. THAT** the affected residents and business owners be notified of changes prior to implementation. (5.6)
- 7. THAT** Council write to Transport for NSW seeking assistance and assurances on the proposed removal of the cycleway at Falcon Street and the pedestrian overpass at Ridge Street. (6.2)

**9.2. Traffic Committee Minutes - 18 November 2022**

**AUTHOR:** Peita Rose, Governance Officer

Council is required to consider the Minutes of this Committee. Section 5.3.2 of the RMS *Delegation to Council for the Regulation of Traffic* states that:

*All proposals recommended by the LTC must still be formally approved by the elected Council (or their sub-delegate), subject to certain limitations.*

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

The full reports to the Traffic Committee can be viewed at [https://www.northsydney.nsw.gov.au/Council\\_Meetings/Meetings/Committees/Traffic\\_Committee/2022/18\\_November\\_2022](https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/Committees/Traffic_Committee/2022/18_November_2022).

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



## **RECOMMENDATION:**

**1. THAT** the proposed use of 19m Articulated Vehicles (on regular basis) and Truck and Dog trailers for 34 Grosvenor Street is not approved due to the following concerns:

1. The Truck and Dog and 19m AV pass through high pedestrian activity area in Grosvenor Street on the route to the site. This is a potential pedestrian safety.
2. The development at 34 Grosvenor Street shares the same truck route in Grosvenor Street and Ben Boyd Road with development at 12-14 Waters Road, which may impact on the road network and safety issues amongst the road users.
3. Truck and Dog travels over the existing refuge island when turning left from Grosvenor Street onto Young Street.
4. Truck and Dog straddles over two traffic lanes at the intersection of Young Street and Belgrave Street.
5. Truck and Dog straddles over two traffic lanes at the sharp bend in Belgrave Street.
6. The 19m AV straddles over two traffic lanes in Waters Road when turning left from Grosvenor Street.
7. The 19m AV travels over a parked vehicle in Belgrave Street when turning left from Waters Road.
8. The 19m AV straddles over two traffic lanes at the sharp bend in Belgrave Street.
9. The report does not provide turning paths for:
  - a. Truck and Dog and 19m Av, carrying out left turn from Military Road onto Ben Boyd Road, which may conflict with parked vehicles on the western side of Ben Boyd Road.
  - b. Truck and Dog and 19m Av, carrying out right turn from Ben Boyd Road onto Grosvenor Street, which may straddle over two traffic lanes in Grosvenor Street.
10. Safety concerns over the implementation of new cycleway in Young Street in 2023 when Truck and Dogs turn left on Young Street from Grosvenor Street.

In addition, the proposed truck route map is not consistent with the submitted truck turning paths. (5.2)

**2. THAT** the constructed refuge island in 2020 at the intersection of Ernest Street and Sophia Street, Crows Nest to remain. (5.3)

**3. THAT** the constructed pedestrian refuge and speed cushions in 2022 at the intersection of Palmer Street and Abbott Street, Cammeray to remain. (5.4)

**4. THAT** the consideration of the new car share spaces in Angelo Street, Blue Street, Denison Street, North Sydney, Dind Street, Milsons Point, and Oxley Street, Crows Nest be approved by the Council. (5.5)

**5. THAT** Traffic Committee endorse the proposal to reduce the speed limit at Matora Lane from 50km/hr to 10km/hr. (7.1)

**6. THAT** Traffic Committee endorse the Traffic aspect of the proposed works as identified in this report to address public safety concerns raised by the community about the current condition of Matora Lane. (7.1)

**7. THAT** Traffic Committee note that a Construction Traffic Management Plan (CTMP) will be produced to ensure that access to the Tennis Courts, Arts and Crafts centre and the adjoining Sports field carpark will be maintained during the construction period. (7.1)

**8. THAT** Council once again write to Mosman Council and urge them to finalise the community consultation so that pedestrian safety can be addressed via the installation of the Holt Avenue roundabout. (8.1)

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

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

### **399. RESOLVED:**

**1. THAT** the proposed use of 19m Articulated Vehicles (on regular basis) and Truck and Dog trailers for 34 Grosvenor Street is not approved due to the following concerns:

1. The Truck and Dog and 19m AV pass through high pedestrian activity area in Grosvenor Street on the route to the site. This is a potential pedestrian safety.
2. The development at 34 Grosvenor Street shares the same truck route in Grosvenor Street and Ben Boyd Road with development at 12-14 Waters Road, which may impact on the road network and safety issues amongst the road users.
3. Truck and Dog travels over the existing refuge island when turning left from Grosvenor Street onto Young Street.
4. Truck and Dog straddles over two traffic lanes at the intersection of Young Street and Belgrave Street.
5. Truck and Dog straddles over two traffic lanes at the sharp bend in Belgrave Street.
6. The 19m AV straddles over two traffic lanes in Waters Road when turning left from Grosvenor Street.
7. The 19m AV travels over a parked vehicle in Belgrave Street when turning left from Waters Road.
8. The 19m AV straddles over two traffic lanes at the sharp bend in Belgrave Street.
9. The report does not provide turning paths for:
  - a. Truck and Dog and 19m Av, carrying out left turn from Military Road onto Ben Boyd Road, which may conflict with parked vehicles on the western side of Ben Boyd Road.
  - b. Truck and Dog and 19m Av, carrying out right turn from Ben Boyd Road onto Grosvenor Street, which may straddle over two traffic lanes in Grosvenor Street.
10. Safety concerns over the implementation of new cycleway in Young Street in 2023 when Truck and Dogs turn left on Young Street from Grosvenor Street.

In addition, the proposed truck route map is not consistent with the submitted truck turning paths. (5.2)

**2. THAT** the constructed refuge island in 2020 at the intersection of Ernest Street and Sophia Street, Crows Nest to remain. (5.3)

**3. THAT** the constructed pedestrian refuge and speed cushions in 2022 at the intersection of Palmer Street and Abbott Street, Cammeray to remain. (5.4)

**4. THAT** the consideration of the new car share spaces in Angelo Street, Blue Street, Denison Street, North Sydney, Dind Street, Milsons Point, and Oxley Street, Crows Nest be approved by the Council. (5.5)

**5. THAT** Traffic Committee endorse the proposal to reduce the speed limit at Matora Lane from 50km/hr to 10km/hr. (7.1)

**6. THAT** Traffic Committee endorse the Traffic aspect of the proposed works as identified in this report to address public safety concerns raised by the community about the current condition of Matora Lane. (7.1)

**7. THAT** Traffic Committee note that a Construction Traffic Management Plan (CTMP) will be produced to ensure that access to the Tennis Courts, Arts and Crafts centre and the adjoining Sports field carpark will be maintained during the construction period. (7.1)

**8. THAT** Council once again write to Mosman Council and urge them to finalise the community consultation so that pedestrian safety can be addressed via the installation of the Holt Avenue roundabout. (8.1)

### **9.3. Audit Risk and Improvement Committee Minutes - 18 November 2022**

**AUTHOR:** Ian Curry, Manager Council & Committee Services

The purpose of this report is to provide the Minutes of the Audit, Risk and Improvement Committee meeting held on 18 November 2022.

This report presents the minutes of the last meeting of the Audit, Risk and Improvement Committee held on 18 November 2022. There are no specific matters arising from the meeting referred to Council for adoption.

The minutes are attached for information and adoption by Council in accordance with the Audit, Risk and Improvement Committee Charter.

There are no financial implications to this report.

#### **RECOMMENDATION:**

**1. THAT** the Minutes of the 18 November 2022 Audit, Risk and Improvement Committee meeting be adopted in accordance with the Audit, Risk and Improvement Committee Charter.

*This item was considered by exception (see page 6).*

#### **400. RESOLVED:**

**1. THAT** the Minutes of the 18 November 2022 Audit, Risk and Improvement Committee meeting be adopted in accordance with the Audit, Risk and Improvement Committee Charter.

### **9.4. Sport and Recreation Reference Group Minutes - 15 November 2022**

**AUTHOR:** Peter Massey, A/Director Open Space and Environmental Services

To report the proceedings of the Sport and Recreation Reference Group to Council and for Council to consider recommendations from the Reference Group.

This report presents the minutes of the last meeting of the Sport and Recreation Reference Group held on 15 November 2022. The minutes are attached for information. There are no financial implications associated with this report.

**RECOMMENDATION:**

- 1.THAT** Council notes the report and the attached Minutes of the Sport and Recreation Reference Group 15 November 2022 for formal adoption.
- 2.THAT** a report be provided to Council detailing the concept of the Primrose Park reconfiguration project including the results of the Traffic, Parking and Acoustic studies. *(Minutes reference 3.4)*

*This item was considered by exception (see page 6).*

**401. RESOLVED:**

- 1.THAT** Council notes the report and the attached Minutes of the Sport and Recreation Reference Group 15 November 2022 for formal adoption.
- 2.THAT** a report be provided to Council detailing the concept of the Primrose Park reconfiguration project including the results of the Traffic, Parking and Acoustic studies. *(Minutes reference 3.4)*

**9.5. Environment Reference Group Minutes - 21 November 2022**

**AUTHOR:** Peter Massey, A/Director Open Space and Environmental Services

To report the proceedings of the Environment Reference Group to Council and for Council to consider recommendations from the Reference Group.

This report presents the recommendations of the last meeting of the Environment Reference Group held on 21 November 2022. The minutes are attached for information.

There are no financial implications associated with this report.

**RECOMMENDATION:**

- 1. THAT** Council notes this report and the attached Minutes of the Environment Reference Group meeting of 21 November 2022 for formal adoption by Council.
- 2. THAT** Council continues to provide the RecycleSmart program for Council residents for an additional twelve months after the trial period ends. *(Minutes reference 3.1)*
- 3. THAT** during the period and beyond, Council engage with owner's corporation and Precincts for the complimentary better management of such waste. *(Minutes reference 3.1)*

*This item was considered by exception (see page 6).*

**402. RESOLVED:**

- 1. THAT** Council notes this report and the attached Minutes of the Environment Reference Group meeting of 21 November 2022 for formal adoption by Council.
- 2. THAT** Council continues to provide the RecycleSmart program for Council residents for an additional twelve months after the trial period ends. *(Minutes reference 3.1)*

**3. THAT** during the period and beyond, Council engage with owner's corporation and Precincts for the complimentary better management of such waste. (*Minutes reference 3.1*)

## **9.6. Sustainable Transport Reference Group Minutes - 21 November 2022**

**AUTHOR:** Duncan Mitchell, Director Engineering and Property Services

To report the proceedings of the Sustainable Transport Reference Group to Council and for Council to consider recommendations from the Reference Group.

This report presents the recommendations of the last meeting of the Sustainable Transport Reference Group held on 21 November 2022. The minutes are attached for information.

One of the recommendations in the minutes would commit Council expenditure and this item, if resolved by Council will be subject to funding availability. Recommendation No 6 - The redesign of the shared path between Blues Point Road and Mackenzie Street – through St Peters Park will be in the order of \$20,000- \$30,000 for re-design and then construction and is not identified in the current delivery program.

### **RECOMMENDATION:**

**1. THAT** Council notes this report and the attached Minutes of the Sustainable Transport Reference Group 21 November 2022 for formal adoption by Council.

**2. THAT** Council redoubles its efforts to ensure Transport for NSW properly and fully consults with Council and other stakeholders as required under the Instrument of Approval and provide additional active transport infrastructure as part of Warringah Freeway Upgrade project, and that we also continue to lobby about pedestrian and cyclist access during construction of the Warringah Freeway Upgrade including that due to removal of the pedestrian and cyclists bridges and underpasses.

**3. THAT** Council lobby the State Government to introduce buttonless pedestrian crossings as in the City of Sydney council area where the pedestrian crossing phase is never skipped and requires no prompting from a button presser to show green. It should also lobby the State Government to introduce pedestrian crossing countdowns (such as at the intersection of Elizabeth and Market Streets in the City) at major intersections in North Sydney, as well as the pedestrians' green man light being on a few seconds before the green light allows the traffic to move forward. This then allows the pedestrians time to enter the road before any turning traffic.

**4 THAT** Council writes to Transport for NSW demanding that they address the issues with the existing shared path between Arthur Street and Blue Street and that a separate bike path and a separate footpath be constructed utilising the existing shared path and spare capacity in the road space, to provide both a safe fully usable space for cyclists and enhance pedestrian safety.

**5 THAT** Council writes to Transport for NSW to request they re-enlighten their pop-up proposal for the Pacific Highway Cycleway as either a permanent or trial separate bike path.

**6. THAT** at such time as the cycleway is to be redesigned that there be consideration to ensuring there is no potential danger to anybody egressing from the Xavier Terraces Retirement Village, and to provide enough space for people to exit that building without being threatened by bicycles.

**7 THAT** Council review the Integrated Cycling Strategy, and that we invite a representative from Police to the next Sustainable Transport meeting to discuss policing issues that impact on active transport.

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

The Motion was put and **Carried**.

For/Against 10 / 0

Voting was as follows:

**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

**403. RESOLVED:**

**1. THAT** Council notes this report and the attached Minutes of the Sustainable Transport Reference Group 21 November 2022 for formal adoption by Council.

**2. THAT** Council redoubles its efforts to ensure Transport for NSW properly and fully consults with Council and other stakeholders as required under the Instrument of Approval and provide additional active transport infrastructure as part of Warringah Freeway Upgrade project, and that we also continue to lobby about pedestrian and cyclist access during construction of the Warringah Freeway Upgrade including that due to removal of the pedestrian and cyclists bridges and underpasses.

**3. THAT** Council lobby the State Government to introduce buttonless pedestrian crossings as in the City of Sydney council area where the pedestrian crossing phase is never skipped and requires no prompting from a button presser to show green. It should also lobby the State Government to introduce pedestrian crossing countdowns (such as at the intersection of Elizabeth and Market Streets in the City) at major intersections in North Sydney, as well as the pedestrians' green man light being on a few seconds before the green light allows the traffic to move forward. This then allows the pedestrians time to enter the road before any turning traffic.

**4 THAT** Council writes to Transport for NSW demanding that they address the issues with the existing shared path between Arthur Street and Blue Street and that a separate bike path and a separate footpath be constructed utilising the existing shared path and spare capacity in the road space, to provide both a safe fully usable space for cyclists and enhance pedestrian safety.

**5 THAT** Council writes to Transport for NSW to request they re-enlighten their pop-up proposal for the Pacific Highway Cycleway as either a permanent or trial separate bike path.

**6. THAT** at such time as the cycleway is to be redesigned that there be consideration to ensuring there is no potential danger to anybody egressing from the Xavier Terraces Retirement Village, and to provide enough space for people to exit that building without being threatened by bicycles.

**7 THAT** Council review the Integrated Cycling Strategy, and that we invite a representative from Police to the next Sustainable Transport meeting to discuss policing issues that impact on active transport.

## **10. Reports to Council**

### **10.1. Matters Outstanding December 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 resolutions arising from Mayoral Minutes, Notices of Motion, and Questions Without Notice.

The attached table has been updated to include resolutions up to the 14 November 2022 Ordinary Meeting of Council.

There are no financial implications to this report.

#### **RECOMMENDATION:**

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

*This item was considered by exception (see page 6).*

#### **404. RESOLVED:**

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

### **10.2. Financial Statements for the Year Ended 30 June 2022**

**AUTHOR:** Darren Goode, Manager Accounting Services  
Christian Menday, Financial Services Manager  
Margaret Palmer, Director Corporate Services

To present the draft Financial Statements for the year ended 30 June 2022 and to seek Council approval to refer them to Audit Office of NSW for audit. The audited statements will be reported to a future Council Meeting.

Under section 416(1) of the Local Government Act 1993, Council's financial statements must be prepared and audited within 4 months of the end of the financial year. An application for an extension of lodgement of the financial statements to 30 November 2022 was approved by the Local Government Office. A further extension has been lodged requesting a lodgement date of 15 December 2022. This was supported by the Auditors and the Council expects to receive confirmation of this extension shortly.

The statutory process that must be followed is:

1. The financial statements must include a statement made by resolution of the Council and signed by the Mayor and at least one other Councillor, the General Manager, and the Responsible Accounting Officer.

2. The financial statements must then be referred to Council's auditors and, once audited, included in Council's Annual Report.
3. A copy of the audited financial statements must be forwarded to the Office of Local Government by 15 December 2022.
4. As soon as practicable after Council receives a copy of the auditor's report, the financial statements must be placed on public exhibition and notice given of a meeting at which Council proposes to present the audited financial statements, together with the auditor's report. The date fixed for the meeting must be at least 7 days after the date on which the notice is given but not more than 5 weeks after the auditor's reports are provided to Council.

The draft 2021/22 Financial Statements are attached to this report. The statements have been prepared in accordance with the Act and associated Regulations, the Australian Accounting Standards and the Local Government Code of Accounting Practice and Financial Reporting. The statements were also presented to the Audit, Risk and Improvement Committee on 1 December 2022 to provide committee members with an opportunity to review the document and provide feedback for consideration. The Committee decided 'That the draft Financial Statements be referred to Council.'

The Income Statement included in the General Purpose Financial Statements discloses a net operating surplus of \$23.5 million. This was \$7.2 million less than the \$30.7 million surplus forecast in the original budget.

For the year ended 30 June 2022, Council's net operating result including capital grants and contributions was a surplus of \$23.5 million. This was \$7.2 million less than forecast in the original budget. Before capital grants and contributions, the result was a surplus of \$2.8 million. This was \$2.2 million less than forecast in the original budget.

**RECOMMENDATION:**

**1. THAT** Council resolves that in its opinion the General Purpose Financial Statements and Special Schedules for the year ended 30 June 2022:

- have been properly drawn up in accordance with the provisions of the Act and the associated Regulations thereunder, the Australian Accounting Standards and professional pronouncements and the Local Government Code of Accounting Practice and Financial Reporting;
- to the best of the Council's knowledge and belief the statements present fairly the Council's operating result and financial position for the year and accords with the Council's accounting and other records; and
- The Council is unaware of any matter that would render the financial statements false or misleading in any way.

**2. THAT** Council declares that there are no business activities requiring the preparation of Special Purpose Financial Statements.

**3. THAT** the Statement by Councillors and Management for the General Purpose Financial Statements be signed by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer.

**4. THAT** the Financial Statements be referred to the Audit Office of NSW for audit.



**5. THAT** arrangements be made to place copies of the audited Financial Statements on public exhibition and the necessary advertisements be published.

**6. THAT** a copy of the audited Financial Statements be forwarded to the NSW Office of Local Government.

**7. THAT** in accordance with Section 418 of the Act, the audited Financial Statements be presented at an extraordinary meeting to be conducted for this purpose of which due notice is given as follows:

Date: Monday, 16 January 2023

Time: 6.30pm

Location: Council Chambers

*This item was considered by exception (see page 6).*

**405. RESOLVED:**

**1. THAT** Council resolves that in its opinion the General Purpose Financial Statements and Special Schedules for the year ended 30 June 2022:

- have been properly drawn up in accordance with the provisions of the Act and the associated Regulations thereunder, the Australian Accounting Standards and professional pronouncements and the Local Government Code of Accounting Practice and Financial Reporting;
- to the best of the Council's knowledge and belief the statements present fairly the Council's operating result and financial position for the year and accords with the Council's accounting and other records; and
- The Council is unaware of any matter that would render the financial statements false or misleading in any way.

**2. THAT** Council declares that there are no business activities requiring the preparation of Special Purpose Financial Statements.

**3. THAT** the Statement by Councillors and Management for the General Purpose Financial Statements be signed by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer.

**4. THAT** the Financial Statements be referred to the Audit Office of NSW for audit.

**5. THAT** arrangements be made to place copies of the audited Financial Statements on public exhibition and the necessary advertisements be published.

**6. THAT** a copy of the audited Financial Statements be forwarded to the NSW Office of Local Government.

**7. THAT** in accordance with Section 418 of the Act, the audited Financial Statements be presented at an extraordinary meeting to be conducted for this purpose of which due notice is given as follows:

Date: Monday, 16 January 2023

Time: 6.30pm

Location: Council Chambers

### 10.3. Administration of the September 2024 Ordinary Elections

**AUTHOR:** Ian Curry, Manager Council & Committee Services

To seek Council endorsement to engage the NSW Electoral Commission (NSWEC) to conduct the 2024 Local Government elections, on behalf of North Sydney Council.

Under section 296AA of the Local Government Act 1993 (the Act), councils are required to make a decision regarding how their ordinary elections in September 2024 are to be administered by 13 March 2023.

If a council does not resolve to engage the NSWEC to administer its elections by 13 March 2023, it must engage another electoral services provider to do so.

It is recommended that Council resolve that the NSWEC be engaged to conduct the 2024 elections on behalf of North Sydney Council. The recommendation to Council is in the format and form required by the NSWEC.

In November 2019, prior to the 2021 Council elections (postponed from 2020 due to the pandemic) Council was quoted \$540,713.00 by NSWEC to conduct the election.

In May 2022, the final account of \$531,110.89 for the 2021 elections was received. It should be noted that the full cost to conduct the North Sydney elections was \$779,532.51, which was offset by a COVID deferral discount of \$248,421.62 covered by the NSW State Government.

NSWEC has not as yet provided a quote for the 2024 elections but has advised that they are experiencing:

*significant price increases in the leasing of election venues for the 2023 State general election – far exceeding CPI or inflation.*

#### **RECOMMENDATION:**

**1.THAT** the North Sydney Council (“the Council”) resolves:

1. pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) (“the Act”) that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council
2. pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

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

**1.THAT** Council note that under section 296AA of the Local Government Act 1993 (the Act), councils are required to make a decision regarding how their ordinary elections in September 2024 are to be administered by 13 March 2023.

**2. THAT** Council note that in November 2019, prior to the 2021 Council elections (postponed from 2020 due to the pandemic) Council was quoted \$540,713.00 by NSWEC to conduct the election. In May 2022, the final account of \$531,110.89 for the 2021 elections was received. It should be noted that the full cost to conduct the North Sydney elections was \$779,532.51, which was offset by a COVID deferral discount of \$248,421.62 covered by the NSW State Government.

**3. THAT**, given that the NSWEC has not as yet provided a quote for the 2024 elections but has advised that they are experiencing significant price increases in the leasing of election venues for the 2023 State general election, far exceeding CPI or inflation, Council ask the General Manager to urgently write to the NSWEC asking that in order to keep the cost to ratepayers as low as possible, the NSWEC:

- i) reduce the number of voting booths in the North Sydney LGA
- ii) ensure that as far as possible, voting booths are distributed across the LGA and that voting booths are at least 750 metres apart
- iii) reduce the pre-poll period from 2 weeks to 1 week
- iv) encourage the use of postal voting

**4. THAT** in the letter, the General Manager request a quote from the NSWEC which seeks to reduce the cost to ratepayers.

**5. THAT** this matter come back to the February 2023 Council meeting for decision.

**6. THAT** Council raises this issue at the next NSROC meeting.

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

#### **406. RESOLVED:**

**1.THAT** Council note that under section 296AA of the Local Government Act 1993 (the Act), councils are required to make a decision regarding how their ordinary elections in September 2024 are to be administered by 13 March 2023.

**2. THAT** Council note that in November 2019, prior to the 2021 Council elections (postponed from 2020 due to the pandemic) Council was quoted \$540,713.00 by NSWEC to conduct the election. In May 2022, the final account of \$531,110.89 for the 2021 elections was received. It should be noted that the full cost to conduct the North Sydney elections was \$779,532.51, which was offset by a COVID deferral discount of \$248,421.62 covered by the NSW State Government.

**3. THAT**, given that the NSWEC has not as yet provided a quote for the 2024 elections but has advised that they are experiencing significant price increases in the leasing of election venues for the 2023 State general election, far exceeding CPI or inflation, Council ask the General Manager to urgently write to the NSWEC asking that in order to keep the cost to ratepayers as low as possible, the NSWEC:

- i) reduce the number of voting booths in the North Sydney LGA
- ii) ensure that as far as possible, voting booths are distributed across the LGA and that voting booths are at least 750 metres apart
- iii) reduce the pre-poll period from 2 weeks to 1 week
- iv) encourage the use of postal voting

**4. THAT** in the letter, the General Manager request a quote from the NSWEC which seeks to reduce the cost to ratepayers.

**5. THAT** this matter come back to the February 2023 Council meeting for decision.

**6. THAT** Council raises this issue at the next NSROC meeting.

#### **10.4. New Application for Reference Group Membership**

**AUTHOR:** Peita Rose, Governance Officer

The purpose of this report is to inform Council of an application received for Reference Group (Sustainable Transport) citizen membership from Mr Tony Stanley.

Mr Tony Stanley has applied to be a member of the Sustainable Transport Reference Group. He is a member of Bicycle NSW and Bicycle North.

It is recommended that the application be accepted.

There are no financial implications arising from this report.

#### **RECOMMENDATION:**

**1.THAT** the application for Mr Tony Stanley for citizen membership of the Sustainable Transport Reference Group be accepted.

*This item was considered by exception (see page 6).*

#### **407. RESOLVED:**

**1.THAT** the application for Mr Tony Stanley for citizen membership of the Sustainable Transport Reference Group be accepted.

#### **10.5. Proposed amendment to NSDCP 2013 – Implementation of the St Leonards / Crows Nest 2036 Plan - Post-Exhibition Report**

**AUTHOR:** Wendy Lam, Strategic Planner - Urban Design

To report on submissions received in response to the exhibition of draft amendments to the North Sydney Development Control Plan 2013 relating to built form controls associated with the implementation of the *St Leonards and Crows Nest 2036 Plan*, and to recommend a course of action.

On 12 September 2022, North Sydney Council resolved to place a [draft amendment to North Sydney Development Control Plan 2013 \(NSDCP 2013\)](#) on public exhibition.

The purpose of the draft amendment is to adopt the reasonable recommendations included in the Department of Planning and Environment's (DPE) *St Leonards and Crows Nest 2036 Plan (2036 Plan)*. Further, it seeks to provide amended and additional design guidance to:

- minimise the impact of tall towers;
- create a human scale to the street and transition to lower density areas; and
- improve public spaces and street level amenity.

The draft amendment implements the intent of the *2036 Plan* that was released in August 2020. The Plan foreshadows substantial changes to planning controls relating to increased maximum building height, minimum non-residential floor space ratio (FSR), and maximum FSR controls. It also identifies desired built form controls on street wall heights, building setback requirements and solar protection.

The [draft amendment to NSDCP 2013](#) was placed on public exhibition from 4 October to 15 November 2022. Thirty-five (35) submissions were received.

During the exhibition period, the draft amendment to the NSDCP 2013 received considerable support from the Wollstonecraft and Willoughby Bay Precinct Committees as well as its community members. In particular, support was expressed for Council's approach in addressing the significant issues which concern the community, and for the clarity of the new design guidelines in managing the impact of the increased height and density uplift.

Key issues raised during the exhibition period relate to landowners and residents expectations for height and density endorsed by the *2036 Plan*, concerns regarding reduced public domain and building occupant amenity, and the lack of additional infrastructure.

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

- Reduce the required minimum above podium setback to all side and rear boundaries for buildings up to 8 storeys from 6m to 4.5m consistent with the Apartment Design Guide.
- Allow a 3-storey podium height to Nicholson Place, the western boundaries of 366 to 376 Pacific Highway (Lots 1, 2, 3, 4, 5 & 6) and 360 Pacific Highway.
- Clarify the above podium setback requirements for land zoned *B3 Commercial Core* or *B4 Mixed Use* that directly adjoins residentially zoned land and is separated by a public road in the Crows Nest Town Centre.

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

Minor expenses associated with the implementation of the DCP amendment will be funded through existing recurrent budgeting lines.

**RECOMMENDATION:**

**1. THAT** Council note the submissions made to the public exhibition of the draft amendments to NSDCP 2013, forming Attachment 1 of this report.

**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, 2000.

**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.

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

*This item was considered by exception (see page 6).*

**408. RESOLVED:**

**1. THAT** Council note the submissions made to the public exhibition of the draft amendments to NSDCP 2013, forming Attachment 1 of this report.

**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, 2000.

**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.

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

## **10.6. Rezoning of Land at Parraween Street, Cremorne**

**AUTHOR:** Marcelo Occhiuzzi, Manager Strategic Planning

To respond to Council's resolution of 14 November 2022 regarding the potential rezoning of land at Parraween Street, Cremorne.

At its meeting on 14 November 2022, Council resolved to urgently rezone land at Pararween Street, Cremorne from *R4 High Density Residential* to *R2 Low Density Residential* under the provisions of the North Sydney Local Environmental Plan (NSLEP) 2013.

The process to achieve the rezoning of land is an involved one. It commences with the preparation of a Planning Proposal that must address various matters as outlined in the Department of Planning and Environment's (DPE) *Local Environmental Plan Making Guideline* (September 2022). These include such matters as justification for the proposal, demonstrating site specific and strategic merit, consistency with regional and local strategic planning, and consistency with State Environmental Planning Policies and Ministerial (section 9.1) directions. Once prepared, it must be referred to the North Sydney Local Planning Panel for its review and recommendation before being formally referred to Council. If Council is supportive of the proposal, it is then referred to the DPE for its review and potential issue of Gateway Determination. If not supported by the DPE, the Planning Proposal cannot proceed.

This report concludes that it will be challenging to prepare a planning proposal that satisfactorily addresses the various mandated requirements, to ultimately achieve the "downzoning" of the land in question as per Council's resolution.

Pursuing the rezoning of land in Parraween Street independently of the assessment of the heritage significance of that land in the first instance, is not recommended. An approach that would be more consistent with the Department of Planning's LEP Making Guideline and Council's own Local Strategic Planning Statement would be to combine a planning proposal that identifies potential heritage significance within the subject land, as already demonstrated through the preparation of interim heritage orders (IHO) for various properties along Parraween Street and any change to the zoning that may be necessitated as a result. In other words, a relevant question when preparing a planning proposal for the heritage significant land along Parraween Street, would be to assess whether a zoning and height amendment may also be required to the NSLEP 2013 to make this transition more compatible.

This report is for advice purposes only and carries no financial implications. If Council pursues the preparation of a Planning Proposal to rezone the land as described in this report, there will be minor administrative costs associated with this process that can be borne out of existing budget lines.

**RECOMMENDATION:**

**1. THAT** Council notes this report and that any change of zoning to Parraween Street be considered concurrently with a Planning Proposal that considers the heritage significance of the area and individual allotments in that street.

A Motion was moved by Councillor Spenceley and seconded by Councillor Beregi:

**1. THAT** Council notes this report and that any change of zoning to Parraween Street be considered concurrently with a Planning Proposal that considers the heritage significance of the area and individual allotments in that street.

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

**409. RESOLVED:**

**1. THAT** Council notes this report and that any change of zoning to Parraween Street be considered concurrently with a Planning Proposal that considers the heritage significance of the area and individual allotments in that street.

## 10.7. Planning Proposal 5/22 - 71-89 Chandos Street, St Leonards

**AUTHOR:** Katerina Papas, Senior Strategic Planner

To present to Council the assessment report of Planning Proposal 5/22 at 71-89 Chandos Street St Leonards which seeks to amend North Sydney Local Environmental Plan 2013, following its review by the North Sydney Local Planning Panel on 9 November 2022.

On 25 March 2022, Council received a Planning Proposal to amend *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* as it relates to the land at 71-89 Chandos Street St Leonards.

The site is located within the area covered by two planning studies, these being:

- 1) The *St Leonards/Crows Nest Planning Study – Precincts 2 & 3*, adopted by Council in May 2015; and
- 2) The *St Leonards and Crows Nest 2036 Plan*, adopted by the Department of Planning and Environment in August 2020.

The Planning Proposal seeks to amend NSLEP 2013 as it relates to the subject site as follows:

- Increase the maximum building height control from 20m to 44m;
- Impose a maximum floor space ratio (FSR) of 4:1;
- Increase the minimum non-residential FSR from 0.6:1 to 1:1; and
- Introduce a site-specific provision allowing the maximum building height to be exceeded to a maximum 46.7m for the purposes of providing inclusive access to communal open space at the rooftop level.

The intent of the proposal is to facilitate the delivery a 12-storey mixed-use building with a 4 storey podium and tower above. The indicative reference scheme includes 64 residential apartments with 7,401 sqm Gross Floor Area (GFA), 2,460 sqm non-residential GFA and parking over 2 basement levels.

The proposal is accompanied by a non-binding letter of offer to enter into a Voluntary Planning Agreement (VPA) with Council to provide public benefits as identified within Council's *St Leonards/Crows Nest Planning Study – Precincts 2&3 (2015)*. This includes the dedication and embellishment of private land to Council for the purposes of a linear park along Oxley Street; delivery of a pedestrian through-site link with public right of way connecting Chandos Street to Atchison Lane; and landscaping and improvements to the public domain on-site.

A detailed assessment of the Planning Proposal was undertaken and referred to the North Sydney Local Planning Panel (NSLPP) for its consideration on 9 November 2022. That report can be viewed via the following link:

[https://www.northsydney.nsw.gov.au/files/assets/public/docs/1\\_council\\_meetings/committees/nslpp/9\\_november\\_2022/pp01\\_71-89\\_chandos\\_street\\_st\\_leonards\\_-\\_pp522\\_rpt.pdf](https://www.northsydney.nsw.gov.au/files/assets/public/docs/1_council_meetings/committees/nslpp/9_november_2022/pp01_71-89_chandos_street_st_leonards_-_pp522_rpt.pdf).



The NSLPP agreed with the recommendations outlined in the Council officer's assessment report and recommended that the Planning Proposal be supported to proceed to a Gateway Determination. It did so subject to a maximum building height of 43 metres for a 12-storey building, and an additional local provision allowing the maximum building height to be exceeded by no more than 2 metres for the portions of the building providing inclusive access to the communal open space at the rooftop (i.e. lift overrun).

The Panel also recommended that the applicant be encouraged to investigate more affordable housing, which may be achieved through the provision of a mix of reduced dwelling sizes, and that the applicant be invited to consider making available a number of units to be managed by a housing provider for the purposes of key worker housing.

The Planning Proposal is accompanied by a letter of offer to enter into a Voluntary Planning Agreement (VPA) that proposes to provide in-kind contributions to Council. These include:

- The dedication and embellishment of private land (179 sqm) to Council and embellishment of public land (271 sqm) for the purposes of a linear park along Oxley Street (total 450 sqm); and
- A pedestrian through-site link (approx. 7m wide and open-to-sky) connecting Chandos Street to Atchison Lane with easement for public access 24 hours/7 days a week (total 250 sqm); and
- landscaping and improvements to the public domain on-site.

The site is subject to both a Special Infrastructure Contribution (SIC) for the delivery of regional infrastructure upgrades in the St Leonards and Crows Nest Planned Precinct, as well as Council's section 7.11 local infrastructure contributions to be levied with any future Development Application approval.

The modest costs associated with the administration and exhibition of the Planning Proposal will be drawn from existing budget lines which anticipate this type of activity. In addition, there is a provision within the draft VPA that Council's reasonable legal costs associated with drafting and review of this instrument be reimbursed by the applicant upon its finalisation.

**RECOMMENDATION:**

**1. THAT** the Planning Proposal be amended to Council's satisfaction addressing the recommendations outlined in the Council Officer's assessment report, specifically to show a maximum building height control of 43 metres, and an additional local provisions clause to be included allowing the maximum building height to be exceeded by no more than 2 metres for portions of the building providing inclusive access to the communal open space at the rooftop (i.e. lift overrun).

**2. THAT** upon satisfactory negotiation of the contents and detailed terms of the draft VPA and completion of Recommendation 1, the Planning Proposal be forwarded to the Department of Planning and Environment, in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979 to seek a Gateway Determination.

**3. THAT** upon receipt of a Gateway Determination, the associated draft VPA be exhibited concurrently with the subject Planning Proposal.

**4. THAT** the outcomes of any public exhibition be reported to Council.

The following person spoke on this item as part of the Public Forum:

- Thomas Goode (planning consultant on behalf of the proponent)

The Motion was moved by Councillor Beregi and seconded by Councillor Gibson:

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

**410. RESOLVED:**

**1. THAT** the Planning Proposal be amended to Council's satisfaction addressing the recommendations outlined in the Council Officer's assessment report, specifically to show a maximum building height control of 43 metres, and an additional local provisions clause to be included allowing the maximum building height to be exceeded by no more than 2 metres for portions of the building providing inclusive access to the communal open space at the rooftop (i.e. lift overrun).

**2. THAT** upon satisfactory negotiation of the contents and detailed terms of the draft VPA and completion of Recommendation 1, the Planning Proposal be forwarded to the Department of Planning and Environment, in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979 to seek a Gateway Determination.

**3. THAT** upon receipt of a Gateway Determination, the associated draft VPA be exhibited concurrently with the subject Planning Proposal.

**4. THAT** the outcomes of any public exhibition be reported to Council.

### **10.8. Cremorne Plaza, Langley Place and Cremorne Gateways - Design Concepts and Engagement Strategy**

**AUTHOR:** Diana Mejia, Project Manager

This report seeks Council's endorsement for the public exhibition of the Concept Design Options for Cremorne Plaza, Langley Place and the Cremorne gateway treatments.

On 17 August 2015, the Neutral Bay and Cremorne Public Domain Upgrade Master Plan was reported to Council. This Master Plan was prepared by Oculus Consultants along with a working party comprising of local residents, businesses and relevant Council staff. The Master Plan identified a number of Public Domain improvement projects which would transform the dilapidated streetscape character of Neutral Bay and Cremorne (at the time) into a more pedestrian friendly and vibrant Village Streetscape.

In 2017, TfNSW proposed to significantly alter the Military Road corridor which both connects and divides the commercial centres of Neutral Bay and Cremorne through the implementation of the B-Line (the dedicated bus corridor route that runs from the Northern Beaches to the Central station). Council entered into funding deed with TfNSW for Public domain improvements along the Military Road corridor in 2018.

All public domain works in the Military Road Corridor funded through the B-Line Funding Deed have now been completed with the exception of the “Young Stret Plaza”. Two of the projects that were not funded under deed are the upgrading of Cremorne Plaza and Langley Place which are the subject of this report.

Cremorne Plaza and Langley Place were last upgraded in early 2000s and are now in need of “refreshing”. The public domain elements including paving, furniture, lighting, planting, and the general arrangement of the plaza are looking progressively outdated and tired. The existing multiple layers of streetscape elements in the plaza which have been combined together since the last upgrade over 20 years ago have now created an ad-hoc urban character that is visually inconsistent with the adjoining, upgraded streetscape on Military Road, and is difficult for Council to maintain.

The Cremorne Village Centre is also the “Gateway” into and out of North Sydney as it is located directly on the boundary with Mosman Council. As such, Council is looking at a refreshed design opportunity for the gateway treatments at this location as part of this project, to celebrate and recognise this area and its character.

Funding for this project is included in the Capital Works Delivery Program for 2022-23. The project is also partially funded through funds carried over from the Special Rate Variation (SRV) 2021/2022 financial year.

**RECOMMENDATION:**

- 1. THAT** the detailed concept design options for the Cremorne Plaza be placed on public exhibition from Wednesday 14 December 2022 to Wednesday 15 March 2023 (90-day duration).
- 2. THAT** consultation with the community on the concept design options for Cremorne Plaza, Langley Place and the Cremorne gateway signs be undertaken in accordance with the attached Community Engagement Strategy.
- 3. THAT** a report on the outcomes of the Community Consultation be prepared and brought back to Council, together with the preferred final concept designs for all projects at the end of the 90-day exhibition and consultation period.

A Motion was moved by Councillor Beregi and seconded by Councillor Lamb:

- 1. THAT** the detailed concept design options for the Cremorne Plaza be placed on public exhibition from Wednesday 14 December 2022 to Wednesday 15 March 2023 (90-day duration).
- 2. THAT** consultation with the community on the concept design options for Cremorne Plaza, Langley Place be undertaken.

**3. THAT** the Community Engagement Strategy be referred to the General Manager for review prior to implementation, and that it take on board that the community be invited to make submissions, including that they are not constrained by the two options.

**4. THAT** a report on the outcomes of the Community Consultation be prepared and brought back to Council, together with the preferred final concept designs for all projects at the end of the 90-day exhibition and consultation period.

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

**411. RESOLVED:**

**1. THAT** the detailed concept design options for the Cremorne Plaza be placed on public exhibition from Wednesday 14 December 2022 to Wednesday 15 March 2023 (90-day duration).

**2. THAT** consultation with the community on the concept design options for Cremorne Plaza, Langley Place be undertaken.

**3. THAT** the Community Engagement Strategy be referred to the General Manager for review prior to implementation, and that it take on board that the community be invited to make submissions, including that they are not constrained by the two options.

**4. THAT** a report on the outcomes of the Community Consultation be prepared and brought back to Council, together with the preferred final concept designs for all projects at the end of the 90-day exhibition and consultation period.

**10.9. Burton Street and Bligh Street Kirribilli Permanent Closure and Shared Zone Design Concepts – Post Exhibition**

**AUTHOR:** Diana Mejia, Project Manager

This report provides Council with the outcome of the community consultation on the detailed Concept Design Options for the permanent closure of Burton Street and the transformation of Bligh Street Shared Zone, in Kirribilli.

Council, at its meeting on 26 September 2022, endorsed the public exhibition of the detailed Concept Design Options for the permanent closure of Burton Street and the transformation of Bligh Street Shared Zone in Kirribilli for 42 days. Community consultation was undertaken between September and November 2022 in line with the Community Engagement Strategy developed for this project.

Council received a total of 191 submissions, comprising of 168 online submission forms, 10 written submissions and 13 submissions from the Community Workshop (Attachment 1).

The outcomes of the consultation were:

- Burton Street Permanent Closure – 67.26% for Option 1, 11.31% for Option 2, and 21.43% for neither option.
- Bligh Street Shared Zone – 61.90% for Option 1, 13.69% for Option 2, and 24.4% for neither option.

This report outlines the consultation outcomes and changes made to the concept plans as a result of the feedback received. The final design concepts for each site are included in this report to Council for adoption (Attachment 2).

Funding for this project is included in the Capital Works delivery program for 2022-23. The project is also partially funded through funds carried over from the Special Rate Variation (SRV) 2021/2022 financial year.

Council has been successful in obtaining \$950,000 grant funding for the implementation of the Bligh Street Shared Zone as part of Transport for NSW's 2022/23 "Get NSW Active" program. The funding deadline to finish construction is 2 October 2023.

It should be noted that delaying detailed design and construction may result in the loss of grant funding as the program timeframe is constrained.

**RECOMMENDATION:**

**1.THAT** Council note the submissions received.

**2.THAT** Council adopt Option 1B for Burton Street as the preferred option with the inclusion of modified design elements as outlined in this report.

**3.THAT** Council proceeds with detailed design and construction of the permanent closure of Burton Street.

**4.THAT** Council adopt Option 1B for Bligh Street Shared Zone as the preferred option with the inclusion of modified design elements as outlined in this report.

**5.THAT** Council proceeds with detailed design and construction of the Bligh Street Shared Zone.

**6. THAT** Council note the successful \$950,000 grant funding for the implementation of Bligh Street Shared Zone, and the funding deadline of 2 October 2023 to finish construction.

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

The following people spoke on this item as part of the Public Forum:

- Janelle Berents (local resident)
- Fran Hernon (local resident)
- Sarah Reed (local resident)
- Michael Bracka (local resident)
- Thomas Kelly (local resident and member of Kirribilli Community Village Group)
- Graham Turville-Ince (local resident and member of Kirribilli Connections)
- Michel Reymond (local resident)
- Jillian Christie (local resident and member of Milson Precinct)
- Estelle Blair (local resident and member of Milson Precinct)

A Motion was moved by Councillor Beregi and seconded by Councillor Santer:

- 1. THAT** Council note the submissions received and thanks all submitters for their detailed feedback and suggestions.
- 2. THAT** Council pursue Option 1B for the Burton Street Closure and Design Concepts as the preferred design option with the following provisions:
  - i) that the modified design elements as outlined in this report be included in the design, and,
  - ii) that Council's Strategic Planning team, Open Space design team, Council's Heritage architects, and the Aboriginal Heritage Office be consulted and asked to provide input into the preferred design that better acknowledges and connects the heritage nature of the area and highlights the First Nations history, and that this input be provided in a timely manner.
- 3. THAT** Council proceeds with the preparing of the preferred design of the permanent closure of Burton Street as per Point 2 above.
- 4. THAT** the preferred design include detailed landscape plans and be reported back to Council as soon as practicable.
- 5. THAT** the above be clearly communicated to residents/submitters via email, relevant precincts, community groups, small businesses and a letterbox drop in the near vicinity so that the community and other interested parties are kept up to date with the progress of the preferred design and can provide feedback to Council.
- 6. THAT** when the preferred design is reported back to Council, Council can determine whether further community engagement is pursued.
- 7. THAT** Council adopt Option 1B for the Bligh Street Shared Zone as the preferred design option with the following provisions:
  - i) the inclusion of modified design elements as outlined in this report, and,
  - ii) that Council's Strategic Planning team, Open Spaces design team and Council's Heritage architects be consulted and asked to provide input into the final detailed design.
- 8. THAT** Council proceeds with the preferred design of the Bligh Street Shared Zone as per Point 7 above.
- 9. THAT** the preferred design include detailed landscape plans and be reported back to Council as soon as practicable.
- 10. THAT** the above be clearly communicated to residents/submitters via email, relevant precincts, community groups and a letterbox drop in the near vicinity so that the community and other interested parties are kept up to date with the progress of the preferred design and can provide feedback to Council.
- 11. THAT** when the preferred design is reported back to Council, Council can determine whether further community engagement is pursued.
- 12. THAT** Council note the successful \$950,000 grant funding for the implementation of Bligh Street Shared Zone, and the funding deadline of 2 October 2023 to finish construction and as such regards the Bligh Street Shared Zone as a priority.
- 13. THAT** Council notes the submissions of Milson Precinct, the Kirribilli Village Community Group, small business owners and other community members in relation to revisiting the Kirribilli Character Statement and its interplay with the Kirribilli Masterplan, and refers this to the General Manager for response.

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

**412. RESOLVED:**

**1. THAT** Council note the submissions received and thanks all submitters for their detailed feedback and suggestions.

**2. THAT** Council pursue Option 1B for the Burton Street Closure and Design Concepts as the preferred design option with the following provisions:

- i) that the modified design elements as outlined in this report be included in the design, and,
- ii) that Council's Strategic Planning team, Open Space design team, Council's Heritage architects, and the Aboriginal Heritage Office be consulted and asked to provide input into the preferred design that better acknowledges and connects the heritage nature of the area and highlights the First Nations history, and that this input be provided in a timely manner.

**3. THAT** Council proceeds with the preparing of the preferred design of the permanent closure of Burton Street as per Point 2 above.

**4. THAT** the preferred design include detailed landscape plans and be reported back to Council as soon as practicable.

**5. THAT** the above be clearly communicated to residents/submitters via email, relevant precincts, community groups, small businesses and a letterbox drop in the near vicinity so that the community and other interested parties are kept up to date with the progress of the preferred design and can provide feedback to Council.

**6. THAT** when the preferred design is reported back to Council, Council can determine whether further community engagement is pursued.

**7. THAT** Council adopt Option 1B for the Bligh Street Shared Zone as the preferred design option with the following provisions:

- i) the inclusion of modified design elements as outlined in this report, and,
- ii) that Council's Strategic Planning team, Open Spaces design team and Council's Heritage architects be consulted and asked to provide input into the final detailed design.

**8. THAT** Council proceeds with the preferred design of the Bligh Street Shared Zone as per Point 6 above.

**9. THAT** the preferred design include detailed landscape plans and be reported back to Council as soon as practicable.

**10. THAT** the above be clearly communicated to residents/submitters via email, relevant precincts, community groups and a letterbox drop in the near vicinity so that the community and other interested parties are kept up to date with the progress of the preferred design and can provide feedback to Council.

**11. THAT** when the preferred design is reported back to Council, Council can determine whether further community engagement is pursued.

**12. THAT** Council note the successful \$950,000 grant funding for the implementation of Bligh Street Shared Zone, and the funding deadline of 2 October 2023 to finish construction and as such regards the Bligh Street Shared Zone as a priority.

**13. THAT** Council notes the submissions of Milson Precinct, the Kirribilli Village Community Group, small business owners and other community members in relation to revisiting the Kirribilli Character Statement and its interplay with the Kirribilli Masterplan, and refers this to the General Manager for response.

## **10.10. Willoughby Road Consultation Outcome Report**

**AUTHOR:** Paul Yang, Engineering Project Manager

The purpose of this report is to advise Council of the results of the Community Consultation that has been undertaken for the design options for the Willoughby Road Streetscape upgrade and to seek endorsement on the preferred final design option.

Council, at its meeting on 22 August 2022, resolved that the Willoughby Road Streetscape upgrade works be carried out over the next two financial years, and be funded from the Crows Nest Main Street Levy and developer contributions received in the Crows Nest/St Leonard's Precinct Planning Studies area - VPA.

A Councillor Briefing session on the design options was held on 4 October 2022, prior to commencing community consultation. The proposed concept options were on public exhibition from 10 October 2022 to 20 November 2022 (42-day duration).

Council received a total of 145 submissions, comprising 132 online submissions, 8 written/email submissions and five in-person submissions during the onsite consultations (Crows Nest Festival information stall and site walkthroughs).

The majority of submissions (59%) preferred option 1 (Curvilinear design) with some modifications as outlined in this report.

Attachment 1 summarises the consultation outcomes, highlights the most and least liked features and suggested changes required to the final design.

Attachment 2 details the preferred design option 1B, which includes the incorporation of community feedback where possible.

Funding for this project is included in the 2022-2023 and 2023-2024 Capital Works delivery program and the budget for the project was formally adopted by Council at its 22 August 2022 meeting. Item 8.09 Willoughby Road Public Domain Master Plan upgrade Works Report.

### **RECOMMENDATION:**

**1. THAT** Council note the submissions received for the Willoughby Road Streetscape Upgrade.

**2. THAT** Council adopt Option 1B as the preferred option with the inclusion of modified design elements as outlined in this report.



**3. THAT** detailed design for tender and construction documentation of the Willoughby Road Streetscape Upgrade Stage 2 – Option 1B (Burlington Street to Albany Street) now commence so that a tender can be let this financial year.

A Motion was moved by Councillor Beregi and seconded by Councillor Lamb:

- 1. THAT** Council note the submissions received for the Willoughby Road Streetscape Upgrade.
- 2. THAT** Council defer this matter until there is a review of the favoured option ensuring that the Willoughby Road Streetscape Upgrade is cohesive and consistent with the Public Domain works at Hume Street Park and Holtermann Street Carpark.
- 3. THAT** a further report come back to Council.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 1

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

**Against:** Councillor Gibson (Abstained)

**Absent:**

**413. RESOLVED:**

- 1. THAT** Council note the submissions received for the Willoughby Road Streetscape Upgrade.
- 2. THAT** Council defer this matter until there is a review of the favoured option ensuring that the Willoughby Road Streetscape Upgrade is cohesive and consistent with the Public Domain works at Hume Street Park and Holtermann Street Carpark.
- 3. THAT** a further report come back to Council.

**10.11.Engagement Strategy - Neutral Bay Town Centre Planning Study**

**AUTHOR:** Marcelo Occhiuzzi, Manager Strategic Planning

To advise Council of the engagement process proposed for the preparation and refinement of the Neutral Bay Town Centre Planning Study.

After the rescission of the Military Road Corridor Planning Study by Council in January 2022, a Council report was tabled in May 2022 outlining the broad scope of the planning study foreshadowed for the precinct.

A critical part of this work will be the stakeholder engagement. Whilst the previously endorsed planning study was rescinded, significant levels of engagement were undertaken in the preparation of that study, which remains relevant to inform early stages of the work to be undertaken. The ongoing preparation and refinement of the planning study for the

precinct will nonetheless be characterised by comprehensive engagement and consultation with stakeholder groups and the broader community generally.

Building on the significant level of detailed feedback already received, Council staff propose to initially undertake more targeted engagement, to develop options to secure what Council has required as “a better balance between development height and the provision of additional public open/plaza space” and other community improvements, compared to what was previously outlined in the rescinded planning study. This engagement will broadly target three stakeholder segments:

- a) Representatives of the most proximate Precinct Committees and Chambers of Commerce/Streetscape Committees;
- b) Representatives of the wider community in the proximity of the Neutral Bay Town Centre; and
- c) Landowner stakeholders with development aspirations.

The purpose of this targeted consultation will be to efficiently develop various options that seek to achieve improvements to the Neutral Bay Town Centre and preserve and/or enhance its employment capacity in a manner that enables more in depth and informed discussions prior to the wider community consultation that is expected in late 2023.

This report describes this process in more detail.

The preparation of the Neutral Bay Town Centre Planning Study to replace the rescinded Future Directions Report will occur in the second half of the 2022/23 financial year with a budget of \$150K for the 2022/23 financial year. This will largely be directed to specialist consultant input and the stakeholder engagement as described in this report.

**RECOMMENDATION:**

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

*This item was considered by exception (see page 6).*

**414. RESOLVED:**

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

**10.12. Graffiti Management Update**

**AUTHOR:** Danilo Giribaldi, Works Manager

To update Council on the Graffiti Management Program and Councils submission to the Policy Manager Law Enforcement & Crime Policy, Reform and Legislation Branch - Department of Communities and Justice.

Since 2006 North Sydney Council has used an effective, rapid graffiti removal program for all property types across the North Sydney Local Government Area which includes all private property owners for “free” (with some conditions).

North Sydney Council bears all costs of graffiti removal across the LGA, currently managed through an annual contract with a specialist graffiti removal contractor at a cost of \$135,000 per annum. This contract is a biannual contract that forms part of Council's Annual Schedule of Rates Contract for maintenance services and minor works.

Over the last 5 years, a total of **7019** graffiti removal jobs were done, with a total area removed of **20,327 Sqm** across the North Sydney LGA, of which:

- a. 3,940 x jobs were on **Council / public property**, comprising a total of 13,176 square meters of graffiti removed.
- b. 1,572 x jobs were on **private property**, comprising a total of 4,437 square meters of graffiti removed: and
- c. 1,507 jobs were on **public authority properties**, such as utility companies Ausgrid, Telstra, Sydney Water and State Government agency property such as that controlled by the RMS, RailCorp, Australia Post, comprising a total of 2,714 square meters of graffiti removed.

In recent years, there has been an increase in graffiti activity, mainly on Council properties and on public infrastructure belonging to Service Authorities/ Utilities.

With regards to suburbs / precincts, the most graffiti impacted suburbs in the past five years are, North Sydney, followed by Neutral Bay, Cremorne, Crows Nest, Cammeray, and Wollstonecraft.

Council has received 1502 graffiti removal agreements from private property owners across the Local Government Area since 2006, which we encourage local property owners to apply for.

Council encourages the public and private owners to communicate and notify Council of graffiti issues via our web site or contacting Customer Service.

Council receives a significant amount of positive feedback from the community (residents, property owners and Strata Managers), both on the program itself and the responsiveness to graffiti removal requests. It has a positive broader social, health and environmental impact, including making people feel safe in their local community.

Back in February 2020, at the request of the NSW Minister, Council made a submission to the Department of Communities and Justice, for the review of the Graffiti Control Act 2008. The review of the Graffiti Control Act is currently ongoing and North Sydney Council's submission is being considered as part of the review. To date, no amendments have been made to the Act since the review began.

North Sydney Council bears all costs of graffiti removal across the LGA, currently managed through an annual contract with a specialist graffiti removal company at a cost of \$135,000 per annum. This contract is a biannual contract that forms part of Council's Annual Schedule of Rates Contract for Maintenance Services and Minor Works.

The contract cost of \$135,000 per annum does not include any of Council's on-costs which includes contract management, reporting, staff resources and general administration, which is estimated to cost a further \$100,000 per annum.

**RECOMMENDATION:**

**1.THAT** Council notes the review of the Graffiti Control Act is ongoing and that North Sydney Council's submission is being considered as part of the review.

*This item was considered by exception (see page 6).*

**415. RESOLVED:**

**1.THAT** Council notes the review of the Graffiti Control Act is ongoing and that North Sydney Council's submission is being considered as part of the review.

**10.13.Cleanliness of Kirribilli Village and Surrounds**

**AUTHOR:** Danielle Birkbeck, Snr Sustainability Programs Coordinator

This report addresses a resolution of Council of 12 September, 2022 regarding the cleanliness in Kirribilli village and surrounding streets:

- 1. THAT this matter be delegated to the General Manager for investigation and where appropriate necessary action is taken.*
- 2. THAT if deemed necessary that a brief report be prepared for a Council Meeting.*

The report summarises the schedule for street cleaning services and other cleansing programs in Kirribilli.

Council's street cleansing team provide consistent street cleaning schedules across the local government area (LGA) and are proactive in their response to requests and complaints. This report provides an overview of the street cleaning schedule for Kirribilli and other cleansing services provided that keep the village clean and tidy. Any changes to these schedules would impact on the provision of services to other areas of the LGA and have financial implications for Council.

Costs for street cleaning are paid for out of the Open Space and Environmental Services Division budget. Any change in scope or frequency will impact this budget as more staff and plant equipment would be needed to facilitate any increase to services.

**RECOMMENDATION:**

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

The following person spoke on this item as part of the Public Forum:

- Sarah Reed (local resident)

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

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

**416. RESOLVED:**

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

**10.14. Endorsement of Council Seal on Strata Company Nominee Form**

**AUTHOR:** Rebecca Aukim, Director of Community and Library Services

To seek a resolution of Council authorising the Council Seal to be affixed to Premium Strata's Company Nominee form in relation to 10 Atchison Street, St Leonards.

Link Wentworth Housing is Council's community housing partner. Link Wentworth Housing manages nine apartments on behalf of Council at 10 Atchison Street, St Leonards.

The annual Management Fee for Link Wentworth Housing is \$250.00 per accommodation unit per month.

**RECOMMENDATION:**

**1. THAT** Council endorse the Council Seal to be affixed to Premium Strata's Company Nominee form so that Link Wentworth Housing may act as Council's delegated nominee to attend Annual General Meetings for the building 10 Atchison Street, St Leonards, where Council owns nine affordable housing units.

*This item was considered by exception (see page 6).*

**417. RESOLVED:**

**1. THAT** Council endorse the Council Seal to be affixed to Premium Strata's Company Nominee form so that Link Wentworth Housing may act as Council's delegated nominee to attend Annual General Meetings for the building 10 Atchison Street, St Leonards, where Council owns nine affordable housing units.

**10.15. Nutcote Conservation Management Plan 2022**

**AUTHOR:** Ian Hoskins, Council Historian

To report to Council on the preparation and content of the 2022 Conservation Management Plan for Nutcote.

Nutcote at No.5 Wallaringa Ave, Neutral Bay was the home of artist and author May Gibbs from 1925 until her death in 1969. North Sydney Council bought the property to save it for posterity in 1990. The property is owned by Council but operated and managed by the Nutcote Trust in accordance with a Joint Strategic Plan (drafted by Council and the Trust) and a Conservation Management Plan (CMP) drafted by heritage consultants. Council pays for the CMP, maintenance and major works, and subsidises operating costs. In 2022-23 this is expected to be \$32,000. The Trust receives income from the rent of a unit at 2a Wallaringa Ave, and entrance charges.

The first CMP was drafted by Howard Tanner and Associates in 1992-93. Nutcote opened as a museum in 1994. The CMP was reviewed and revised in 2008. Maintenance was consequently undertaken in 2010 which included painting external walls and shutters. A third revised CMP, the subject of this report, was drafted in 2022.

Of particular note, the CMP has recommended a modified colour scheme and paint finish, and the 'nomination' of a heritage advisor to monitor and oversee maintenance and train Council and Nutcote staff and volunteers on day-to-day care of the property. The former will be implemented in 2022. The latter is more difficult because of existing constraints on the time of Council's heritage officers and historian, and the regular maintenance issues which arise at Nutcote.

The whole of No.5 Wallaringa Ave is listed on the North Sydney Local Environment Plan 2013 as a local heritage item (I0730) and is located within the Kurraba Point Heritage Conservation Area. The house and its lower garden are listed as a heritage item on the NSW State Heritage Register (SHR 00505). The 2022 Nutcote CMP confirms that the house and garden are a place of 'exceptional significance' as the workplace and home of May Gibbs.

The 2022 Conservation Management Plan recommends an external paint upgrade; \$30,000 has been set aside for this work.

**RECOMMENDATION:**

- 1. THAT** the draft Nutcote Conservation Management Plan 2022 be endorsed for public exhibition for a minimum period of 42 days.
- 2. THAT** a further report be provided to Council following the conclusion of the public exhibition period for the purpose of considering any submissions received and adopting the Nutcote Conservation Management Plan 2022.

*This item was considered by exception (see page 6).*

**418. RESOLVED:**

- 1. THAT** the draft Nutcote Conservation Management Plan 2022 be endorsed for public exhibition for a minimum period of 42 days.
- 2. THAT** a further report be provided to Council following the conclusion of the public exhibition period for the purpose of considering any submissions received and adopting the Nutcote Conservation Management Plan 2022.

## **10.16. Don Bank Museum Conservation Management Plan 2022**

**AUTHOR:** Ian Hoskins, Historian

To present and report upon the new Conservation Management Plan (CMP) for Don Bank Museum for Council's endorsement.

Don Bank Museum is the oldest timber house on the north shore, and one of the best preserved cottages of its type in the state. It was bought by North Sydney Council to ensure its preservation in 1979, restored, and opened as a museum in 1981. It was listed on the State Heritage Register in 1999.

CMPs are periodically reviewed and updated. This is the third plan for Don Bank since 2000. It adds significantly to our historical understanding of the dwelling, with further archival research suggesting that the original four-room house was built in the 1830s or 1840s. Previously, dates of the early 1820s and the late 1840s were posited.

The CMP also responds to the Brief question as whether to replace the shingle roof with another covering of shingles to approximate the material used for the first 50 years of the dwelling's life, or corrugated iron as was used from 1893. The latter conforms to the period most interpreted within the museum, is considerably more affordable and may provide better rain protection. The Plan recommends shingles but concedes that iron may be necessary because of cost. Reroofing with shingles would cost in excess of \$200,000.

The recommended option of reroofing with shingles will cost in excess of \$200,000, this is currently unfunded.

### **RECOMMENDATION:**

- 1. THAT** the draft Don Bank Conservation Management Plan 2022 be endorsed for public exhibition for a minimum period of 42 days.
- 2. THAT** a further report be provided to Council following the conclusion of the public exhibition period for the purpose of considering any submissions received and adopting the Don Bank Conservation Management Plan 2022.

*This item was considered by exception (see page 6).*

### **419. RESOLVED:**

- 1. THAT** the draft Don Bank Conservation Management Plan 2022 be endorsed for public exhibition for a minimum period of 42 days.
- 2. THAT** a further report be provided to Council following the conclusion of the public exhibition period for the purpose of considering any submissions received and adopting the Don Bank Conservation Management Plan 2022.

## **10.17. North Sydney Olympic Pool Report - Quarterly Governance Report**

**AUTHOR:** John Thomson, Manager Corporate Contracts

The purpose of this report is to provide Council with a detailed report on the progress of the redevelopment of the North Sydney Olympic Pool in accordance with the Governance Structure outlined to Council at the meeting of 22 February 2021.

The Contract for the Construction of the pool was signed with Icon SI (Aust) Pty Ltd on 31 December 2020 and re-executed as a deed on 18 January 2021. The Contractor took possession of the site on 9 March 2021.

A Councillor Briefing was scheduled to be held on Monday 5 December to update Councillors on the progress of the Pool.

Should Council wish to discuss this report it is noted that the attached confidential document includes information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. While there is significant public interest in the delivery of the North Sydney Olympic Pool project, the information treated as confidential details commercial arrangements. Release of this information would affect Council's ability to obtain value for money services. As a result consideration of the confidential information in open Council would be, on balance, contrary to the public interest.

Financial implications are outlined in the attached Confidential Report

**RECOMMENDATION:**

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

**2 THAT** Council resolves that the identified attachment to this report is to be treated as confidential in accordance with section 11(3) of the Local Government Act for the following reason under section 10A(2) of the Local Government Act:

*(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. While there is significant public interest in the delivery of the North Sydney Olympic Pool project, the information treated as confidential details commercial arrangements. Release of this information would affect Council's ability to obtain value for money services. As a result consideration of the confidential information in open Council would be, on balance, contrary to the public interest.*

*This item was considered by exception (see page 6).*

**420. RESOLVED:**

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

**2 THAT** Council resolves that the identified attachment to this report is to be treated as confidential in accordance with section 11(3) of the Local Government Act for the following reason under section 10A(2) of the Local Government Act:

*(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. While there is significant public interest in the delivery of the North Sydney Olympic Pool project, the information treated as confidential details commercial arrangements. Release of this information would affect Council's ability to obtain value for money services. As a result consideration of the confidential information in open Council would be, on balance, contrary to the public interest.*



## 11. Notices of Motion

### 11.1. Notice of Motion 60/22 - Supporting Our Small Businesses - Cr Gibson

**1.THAT** a report be provided to Council regarding waiving outdoor fees for a six month period.

The Motion was moved by Councillor Gibson, seconded by Councillor Santer:

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

#### 421. RESOLVED:

**1.THAT** a report be provided to Council regarding waiving outdoor fees for a six month period.

### 11.2. Notice of Motion 61/22 - Complaints against Small Businesses - Cr Gibson

**1. THAT** Council prepare a report detailing how the complaints process against small businesses is managed.

**2. THAT** the report should include the process for assessing the validity of complaints and the process for managing complaints that are considered vindictive, personal or political.

**3. THAT** the report should include what rights, if any, operators of small business, and councillors, have to view complaints and details of complainants.

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

**1. THAT** Council defer this matter to a Councillor Briefing regarding how the complaints process against small businesses is managed.

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

**422. RESOLVED:**

**1. THAT** Council defer this matter to a Councillor Briefing regarding how the complaints process against small businesses is managed.

**11.3. Notice of Motion 62/22 - Waste Pickup Service - Cr Gibson**

**1. THAT** Council prepare a report on whether our bi-monthly waste pickup service still meets community expectations.

**2. THAT** the report should include suggestions on how we can discourage (or disallow) waste that could be reused, repurposed or repaired being sent to landfill.

The Motion was moved by Councillor Gibson and seconded by Councillor Santer:

**1. THAT** Council prepare a report on whether our bi-monthly waste pickup service still meets community expectations.

**2. THAT** the report include suggestions on how we can discourage (or disallow) waste that could be reused, repurposed or repaired being sent to landfill.

The Motion was put and **Carried**.

For/Against 10 / 0

Voting was as follows:

**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

**423. RESOLVED:**

**1. THAT** Council prepare a report on whether our bi-monthly waste pickup service still meets community expectations.

**2. THAT** the report include suggestions on how we can discourage (or disallow) waste that could be reused, repurposed or repaired being sent to landfill.

**11.4. Notice of Motion 63/22 - Sydney Harbour Bridge Cycleway - Cr Mutton**

**1. THAT** Council resolves:

- a) To support the vision that a lane on the Sydney Harbour Bridge be set aside for the exclusive use of cyclists and that the plans for the Warringah Expressway be varied to include a cycleway with exit points to the Sydney Harbour Bridge, High Street, Falcon Street/Military Road and linking to the cycleway that runs west along the Warringah Freeway from Dodds Street.
- b) To call for a report on the 200 metre long x3 metre wide cycleway through Bradfield Park (north and central) advocated by Transport for NSW in its "Sydney Harbour Bridge Cycleway Northern Access" proposal dated November 2022.

- c) To note the advice of counsel to Council with respect to trusteeship of and tenure to Bradfield Park (north, central and south) and call for report on the options that are available to Council to protect its tenure and carry out its obligations as trustee.

**2. THAT** given the magnitude of the damage caused by TfNSW's proposed ramp to Bradfield Park (north and central) and the heritage implications that result, that Council resolves to request the Premier of NSW to direct Transport for NSW to extend the time to respond to Transport for NSW in its "Sydney Harbour Bridge Cycleway Northern Access" proposal dated November 2022 by 90 days.

The following people spoke on this item as part of the Public Forum:

- Joan Street (local resident)
- Don MacLeod on behalf of Geoffrey Pritchard (local resident)
- Peter McLean (CEO Bicycle NSW)
- Ian Curdie (local resident)
- David Thomson (member of Bike North Community Group)
- Peter Noble (local resident)

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

- 1. THAT** Council endorse Council's draft submission to Transport for NSW's Review of Environmental Factors that was previously circulated to all Councillors.
- 2. THAT** Council restate its position of 24 January 2022 and 23 May 2022, and call on the State Government to respond.
- 3. THAT** Council continues to support active transport.
- 4. THAT** Council continues to advocate for a cycle ramp that does not impact on precious green space.

The Amendment became the Motion.

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

**424. RESOLVED:**

- 1. THAT** Council endorse Council's draft submission to Transport for NSW's Review of Environmental Factors that was previously circulated to all Councillors.
- 2. THAT** Council restate its position of 24 January 2022 and 23 May 2022, and call on the State Government to respond.
- 3. THAT** Council continues to support active transport.

**4. THAT** Council continues to advocate for a cycle ramp that does not impact on precious green space.

#### **11.5. Notice of Motion 64/22 - Jacaranda Tree Baby Gift Program - Cr Lamb**

**1.THAT** a report a created a report on creating a Council run/funded 'Jacaranda-Tree Baby Gift' programs in creating more incentivise for tree growth on private property.

**2.THAT** this report look into the best species of trees to provide for said programs, and if the Coal Loader nursery has funds/resources to grow said trees into saplings.

A Motion was moved by Councillor Lamb and seconded by Councillor Welch:

**1.THAT** a report be prepared on creating a Council-run/funded 'Tree Baby Gift' program to create more incentive for tree growth on private property.

**2.THAT** this report look into the most appropriate species, including Jacaranda and climate-resistant species, of tree for the program, and advise if the Coal Loader nursery has funds/resources to grow the trees into saplings.

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

#### **425. RESOLVED:**

**1.THAT** a report be prepared on creating a Council-run/funded 'Tree Baby Gift' program to create more incentive for tree growth on private property.

**2.THAT** this report look into the most appropriate species, including Jacaranda and climate-resistant species, of tree for the program, and advise if the Coal Loader nursery has funds/resources to grow the trees into saplings.

#### **11.6. Notice of Motion 65/22 - Proposed ban on Council-owned fur and leather items - Cr Lamb**

**1.THAT** the North Sydney Council take an official stance against the use of fur or leather in all formal events or events held on Council property.

**2.THAT** Council formally retire all Leather and Fur items in Council possession – never to be used in formal Council events again, while preserving any items of historic or cultural value for future generations.

**3.THAT** if said items are ever put on displayed for historic or educational purposes they are framed in the context of their time, and that council disapproves of the creation of any NEW items of leather or fur.

An amended Motion was moved by Councillor Lamb and seconded by Councillor Welch:

- 1. THAT** Council prepare a policy to address the use of fur or leather in all formal events or events held on Council property and that this policy be reported to Council for consideration.
- 2. THAT** the report include advice from Council's Historian and the Aboriginal Heritage Office in relation to the retiring of controversial Council-owned leather and fur items.
- 3. THAT** if said items are ever put on display for historic or educational purposes they are framed in the context of their time, and that Council disapproves of the creation of any new items of leather or fur.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 1

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

**Against:** Councillor Gibson

**Absent:** Nil

#### **426. RESOLVED:**

- 1. THAT** Council prepare a policy to address the use of fur or leather in all formal events or events held on Council property and that this policy be reported to Council for consideration.
- 2. THAT** the report include advice from Council's Historian and the Aboriginal Heritage Office in relation to the retiring of controversial Council-owned leather and fur items.
- 3. THAT** if said items are ever put on display for historic or educational purposes they are framed in the context of their time, and that Council disapproves of the creation of any new items of leather or fur.

#### **11.7. Notice of Motion 66/22 - Climate Change Response - Cr Lamb**

- 1.THAT** a report be prepared, using old reports when needed, on all policies, plans and strategies regarding Climate Change response tactics, focusing on how Council can provide help and aid in response to the health and safety issues from the impact of future extreme natural disasters.
- 2.THAT** this report be accepted into future Council policy and asset management.

The Motion was moved by Councillor Lamb 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

**427. RESOLVED:**

**1.THAT** a report be prepared, using old reports when needed, on all policies, plans and strategies regarding Climate Change response tactics, focusing on how Council can provide help and aid in response to the health and safety issues from the impact of future extreme natural disasters.

**2.THAT** this report be accepted into future Council policy and asset management.

## **12. Matters of Urgency**

### **12.1. Matters of Urgency - Notice of Motion 67/22 - Waverton Bowling Club - Cr Mutton**

Councillor Mutton requested leave to move the following Motion as a Matter of Urgency.

**1. THAT** Council notes:

A. The land generally known as Waverton Bowling Green was:

i.Part of Waverton Park and vested in the Crown and dedicated for public recreation in 1943

ii.Lesed to an entity (Trustees of Waverton Bowling and Recreation Club and later the North Sydney Club) for use as a lawn bowling facility in 1967.

iii.Made available to the North Sydney community for recreational use by licence arrangement with the State Government following the appointment of an administrator to the North Sydney Club.

iv.The subject of a claim made by the Aboriginal Land Council made under the Aboriginal Land Rights Act 1983 which claim was rejected by the Minister Administering the Crown Land Management Act 2016(NSW) New South Wales which rejection was successfully appealed to the Land and Environment Court of New South Wales

B. Council has the power to resume Crown land and land the subject of native title rights and interests subject to the payment of compensation under the Land Acquisition (Just Terms Compensation) Act 1991.

C. Waverton Bowling Green is presently zoned for use aligned to public recreation.

**2. THAT** Council resolves:

A. To deal with the proposed motions urgently.

B. To exercise its powers under the Local Government Act 1993 and seek to compulsorily acquire the Waverton Bowling Green being the land the subject of the decision of the Land and Environment Court of NSW dated 3 November 2022 in the matter New South Wales Aboriginal Land Council v Minister Administering the Crown Land Management Act re Waverton Bowling Club [2022] NSWLEC 130 (3 November 2022).

C. To re-incorporate the acquired land into Waverton Park.

The Mayor ruled that the Motion was not a Matter of Urgency as the land is not at any imminent threat of change, and therefore can be addressed at the first Council meeting for 2023.

In doing so, the Mayor however undertook to contact the new land owners so that Council can understand their plans for the site, and seek further planning and legal advice on regional acquisition and zoning more generally, in order to ensure that we can maintain and return that land as Public Open Land in to the Waverton Park space.

### **13. Confidential Matters**

Nil.

### **14. Closure**

The Mayor moved:

**1. THAT** a Vote of Thanks and Gratitude be extended to all Council staff for the work done during 2022 on behalf of the community.

**2. THAT** a Vote of Thanks be extended to all Councillors for their participation in Council this year.

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 Meeting concluded at 10:32 pm.