



MINUTES

The Minutes of the Council Meeting held at the
Council Chambers, North Sydney
at 6:30 PM on Monday 27 February 2023.



1. Opening Meeting	4
2. Acknowledgement of Country.....	4
3. Apologies and applications for leaves of absence or remote attendance..	4
4. Confirmation of Minutes	4
5. Disclosures of Interest.....	5
6. Public Forum	5
7. Items Considered by Exception	5
8. Mayoral Minutes.....	6
8.1. <i>MM01: Welcome to New Councillor John Lepouris.....</i>	<i>6</i>
8.2. <i>MM02: 115-125 Holt Avenue, Cremorne - Extension of Interim Heritage Order.....</i>	<i>8</i>
9. Reports of Committees	9
9.1. <i>Audit Risk and Improvement Committee Minutes - 1 December 2022 and 3 February 2023.....</i>	<i>9</i>
10. Reports to Council.....	9
10.1. <i>Matters Outstanding February 2023.....</i>	<i>9</i>
10.2. <i>Q2 Review of the Delivery Program/Operational Plan 2022/23</i>	<i>10</i>
10.3. <i>Quarterly Budget Review - December 2022</i>	<i>11</i>
10.4. <i>Investment and Loan Borrowings Report as at 31 January 2023.....</i>	<i>13</i>
10.5. <i>Willoughby Road Consultation Outcome</i>	<i>14</i>
10.6. <i>Edward and Union Precinct Committee Merger.....</i>	<i>17</i>
10.7. <i>Rapid Antigen Testing.....</i>	<i>18</i>
10.8. <i>North Sydney Olympic Pool Redevelopment - Monthly Progress Report</i>	<i>19</i>
10.9. <i>North Sydney Local Planning Panel Report 2021/22.....</i>	<i>19</i>
10.10. <i>Development Applications Received Quarterly Report Q2 FY2022-23.....</i>	<i>20</i>
10.11. <i>2nd Quarter Property Portfolio Report 2022/23</i>	<i>21</i>
10.12. <i>Draft Public Art Masterplan 2022 - 2032</i>	<i>22</i>
10.13. <i>Crows Nest Community Centre Joint Strategic Plan Review 2021-22</i>	<i>23</i>
10.14. <i>Bradfield Park - Legal Advice</i>	<i>25</i>
11. Notices of Motion	28

11.1. *Notice of Motion 3/23 - Traffic Upgrade works on Spofforth and Holt Ave - Cr Welch
(co-sponsored by Crs Beregi & Lamb).....28*

12. Matters of Urgency 29

13. Confidential Matters 29

14. Closure..... 29

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.

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

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

The meeting was opened by the Mayor.

For the sake of clarity, items are listed in agenda order.

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 Lamb.

3. Apologies and applications for leaves of absence or remote attendance

There were no Apologies.

4. Confirmation of Minutes

THAT THE MINUTES of the 3774th Council Meeting held on Monday, 13 February 2022 be taken as read and confirmed.

The Motion was moved by Councillor Gibson 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 Gibson, Councillor Lamb, Councillor Lepouris, Councillor Mutton, Councillor Santer, Councillor Spenceley and Councillor Welch

Against: Nil

Absent: Nil

47. RESOLVED:

1. THAT the Minutes of the 3,774th Council Meeting held on Monday 13 February be taken as read and confirmed.

5. Disclosures of Interest

The following Disclosures were made:

Re: Item 10.9 North Sydney Local Planning Panel Report 2021/22
Councillor Baker Parents are Objectors to a DA cited in that report. (Non-Pecuniary, Significant) This item was considered by exception

Re: Item 10.9 North Sydney Local Planning Report 2021/22
Councillor Beregi Objector to a Development Application cited in the report. (Non-Pecuniary, Significant) This item was considered by exception

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 Welch

THAT the Recommendations for the following items be adopted:

Item 10.1	Matters Outstanding February 2023
Item 10.3	Quarterly Budget Review – December 2022
Item 10.4	Investment and Loan Borrowings Report as at 31 January 2023
Item 10.6	Edward and Union Precinct Committee Merger
Item 10.7	Rapid Antigen Testing
Item 10.8	North Sydney Olympic Pool Redevelopment – Monthly Progress Report
Item 10.9	North Sydney Local Planning Report
Item 10.10	Development Applications Received Quarterly Report Q2 FY2022-23

Item 10.11	2nd Quarter Property Portfolio Report 2022/23
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The Motion was put and **Carried**.

Voting was as follows: For/Against 10 / 0

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

Against: Nil

Absent: Nil

48. RESOLVED:

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

Item 10.1	Matters Outstanding February 2023
Item 10.3	Quarterly Budget Review – December 2022
Item 10.4	Investment and Loan Borrowings Report as at 31 January 2023
Item 10.6	Edward and Union Precinct Committee Merger
Item 10.7	Rapid Antigen Testing
Item 10.8	North Sydney Olympic Pool Redevelopment – Monthly Progress Report
Item 10.9	North Sydney Local Planning Report
Item 10.10	Development Applications Received Quarterly Report Q2 FY2022-23
Item 10.11	2nd Quarter Property Portfolio Report 2022/23

8. Mayoral Minutes

8.1. MM01: Welcome to New Councillor John Lepouris

On 21 February 2023 the NSW Electoral Commission conducted a countback election for North Sydney Council (St Leonards Ward) and Mr John Lepouris was declared elected as the new Councillor representing St Leonards Ward.

Section 233A of the *Local Government Act 1993* provides

- (1) *A councillor must take an oath of office or make an affirmation of office at or before the first meeting of the council after the councillor is elected.*
- (2) *The oath or affirmation may be taken or made before the general manager of the council, an Australian legal practitioner or a justice of the peace and is to be in the following form—*

Oath

I [name of councillor] swear that I will undertake the duties of the office of councillor in the best interests of the people of [name of council area] and the [name of council] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.

Affirmation

I [name of councillor] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of [name of council area] and the [name of council] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.

- (3) *A councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office in accordance with this section is not entitled to attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected to the office or a meeting at which the councillor takes the oath or makes the affirmation) until the councillor has taken the oath or made the affirmation.*

I now invite Councillor Lepouris to take the oath or affirmation of office before the General Manager in the following form:

I John Lepouris [swear/solemnly declare and affirm] *that I 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 I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.*

I therefore recommend:

1.THAT Council notes that Councillor Lepouris took the oath or affirmation of office before the General Manager at this meeting; and

2.THAT Council keep a record of the taking of the oath or making of the affirmation by Councillor Lepouris as required under the *Local Government Act 1993* in the minutes of this Council Meeting.

Councillor John Lepouris then took the oath of affirmation before the General Manager, as required under the *Local Government Act 1993*

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

49. RESOLVED:

1. THAT Council notes that Councillor Lepouris took the oath or affirmation of office before the General Manager at this meeting; and

1. THAT Council keep a record of the taking of the oath or making of the affirmation by Councillor Lepouris as required under the Local Government Act 1993 in the minutes of this Council Meeting.

8.2. MM02: 115-125 Holt Avenue, Cremorne - Extension of Interim Heritage Order

On 23 February 2023 I attended the Independent Planning Commission (IPC) meeting with North Sydney Council in relation to Council's Gateway Review Application in respect of the Planning Proposal to list 115-119 and 125 Holt Avenue, Cremorne as heritage items (group) on North Sydney Local Environmental Plan 2013. The meeting was held via Zoom and attended by Commissioner Peter Williams and staff from the IPC. The following represented North Sydney Council:

- Neal McCarry, Team Leader, Strategic Planning;
- Ben Boyd, Acting Manager, Strategic Planning; and
- Lisa Trueman, heritage expert (author Godden McKay Logan heritage report).

The purpose of the meeting was for Council to address the purpose of the Gateway Review application and to answer any questions from Commissioner Williams. Council was exceptionally well served by the presentations from Neal McCarry, Ben Boyd and Lisa Trueman. Transcripts of the meeting will be published by the IPC in due course.

However, during consideration of the timing of the expiration of the current Interim Heritage Order, Council staff reminded Commissioner Williams that on 31 January 2023 the State Heritage Register Committee considered Council's request for the Minister to issue a new IHO in respect of these properties. The minutes of the committee meeting state that the Committee made the following recommendation to the Minister for Heritage, James Griffin MP:

Recommends that the Minister make an Interim Heritage Order over the property at 115,117 & 119 Holt Avenue, Cremorne, commencing on 11 March 2023.

Moved by Dr Brian Lindsay and seconded by Ms Colleen Morris

Ms Lisa Trueman left the meeting for the duration of this agenda item.

It is clear that the Minister has had that expert advice from his own Committee for more than 3 weeks. On 3 March 2023 the "caretaker period" commences prior to the State Election to be held on 25 March 2023.

It is a matter of urgency that the Minister act before 3 March 2023.

I therefore recommend:

1.THAT Council **urgently** write to the Minister for Heritage urging, in the strongest possible terms that he act immediately to make an Interim Heritage Order over the property at 115,117 & 119 Holt Avenue, Cremorne, commencing on 11 March 2023.

The Mayor moved the following Motion.

1.THAT Council **urgently** write to the Minister for Heritage urging, in the strongest possible terms that he act immediately to make an Interim Heritage Order over the property at 115,117 & 119 Holt Avenue, Cremorne, prior to 11 March 2023.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

50. RESOLVED:

1.THAT Council **urgently** write to the Minister for Heritage urging, in the strongest possible terms that he act immediately to make an Interim Heritage Order over the property at 115,117 & 119 Holt Avenue, Cremorne, prior to 11 March 2023.

9. Reports of Committees

9.1. Audit Risk and Improvement Committee Minutes - 1 December 2022 and 3 February 2023

Due to an administrative oversight, this item was not considered by exception nor discussed. The item will be submitted to the next Ordinary Meeting of Council on 13 March 2023.

10. Reports to Council

10.1. Matters Outstanding February 2023

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 13 February 2023 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).

51. RESOLVED:

1. THAT the report be received.

10.2. Q2 Review of the Delivery Program/Operational Plan 2022/23

AUTHOR: Jenny Gleeson, Manager Corporate Planning and Engagement

This Quarterly Review presents a progress update against the Delivery Program/Operational Plan 2022/23 for the second quarter (Q2), 1 October to 31 December 2022, and includes project status (traffic lights) and the corporate scorecard. The report also proposes amendments to the Delivery Program/Operational Plan.

The Operational Plan 2022/23 (Year 1 of the Delivery Program 2022-2026) was adopted by Council on 27 June 2022 and commenced 1 July 2022. In Q2, 216 projects were scheduled to commence or continue. Of these, 91.7% (201) were on track (green or blue status) and 6.9% (15) were behind schedule/delayed (red or amber status).

Amendments to the adopted Delivery Program/Operational Plan have been identified due to changes in programming etc.

Financial performance information is detailed within the Quarterly Budget Review Statement (QBRS) - refer Item 10.3.

RECOMMENDATION:

1. THAT the Quarterly Review (October - December 2022) of the Operational Plan be received.

2. THAT the Council notes the remedial action for the projects that were not on track for the period ending 31 December 2022.

3. THAT the Council adopts the identified amendments to the Delivery Program 2022-2026 and Operational Plan 2022/23 as outlined in this report.

The Motion was moved by Councillor Welch 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 Gibson, Councillor Lamb, Councillor Lepouris, Councillor Mutton, Councillor Santer, Councillor Spenceley and Councillor Welch

Against: Nil

Absent: Nil

52. RESOLVED:

1. **THAT** the Quarterly Review (October - December 2022) of the Operational Plan be received.
2. **THAT** the Council notes the remedial action for the projects that were not on track for the period ending 31 December 2022.
3. **THAT** the Council adopts the identified amendments to the Delivery Program 2022-2026 and Operational Plan 2022/23 as outlined in this report.

10.3. Quarterly Budget Review - December 2022

AUTHOR: Christian Munday, Manager Financial Services

This report reviews the budget for quarter ended 31 December 2022. It seeks to highlight and track variances from the original budget. It also seeks approval to adjust the 2022/23 budget accordingly. This report should be read in conjunction with Item 10.02 Q2 Review of the Operational Plan 2022/23.

The 2022/23 Original Budget forecast a balanced operating result (a \$15 thousand deficit) before capital grants and contributions, and a net operating surplus of \$8.01 million after capital grants and contributions.

Previous variations to the Original Budget increased the Operating Deficit Before Capital Items. Carry forward items increased the forecast Operating Deficit After Capital Items to \$6.5 million. The main reasons for this were \$2.67 million of carried forward expenditure (funded by income received and restricted in FY 2021/22), \$1.77 million of a 2022/23 Financial Assistance Grant received early and recognised in FY 2021/22, and a \$1.85 million increase in depreciation following revaluation of assets.

At the end of the December quarter, actual operating income was \$4.04 million (4.1%) above the year-to-date budget. This is a function of greater-than-expected activity in parking fees (on-street and off-street), parking infringements and development fees. The increase in parking fees and infringements suggests a recovery from suppressed activity in these items during Covid lockdowns and heavy rains. These items, however, have not recovered to pre-Covid levels (adjusted for inflation). Comparing current year projections to adjusted 2018/19 actuals shows that parking station fees are \$1.32 million less than pre-Covid levels, parking meter fees are \$2.02 million less, and parking infringements are \$1.06 less. This represents a total shortfall of \$4.39 million in parking-related income. The Ward Street Station is excluded from this analysis as it was not operated by Council in 2018/9.

Investment Income is \$0.96 million more than the year-to-date budget due to increasing interest rates and a larger-than-forecast cash balance.

Actual operating expenditure was \$0.07 million (0.2%) above the year-to-date current budget. The apparent savings in Employee Benefits are largely offset by expenditure on agency staff.

This budget review proposes further adjustments that will result in a reduction of the operating deficit before capital grants and contributions to \$2.42 million. The surplus after capital grants and contributions will be \$17.36 million.

The main reasons identified in this report for the decrease in the deficit before capital grants and contributions are:

- a \$2.96 million increase in user fees and charges to reflect increased activity in parking fees and development assessments;
- a \$1.50 million increase in interest income to reflect higher-than-budgeted interest rates and cash balances (due to delays in the capital works program); and
- a \$1.00 million increase in parking infringements in line with the same increased activity noted for parking fees.

The increase in income is offset by a need to increase budgeted legal fees (by \$1.35 million) to fund potential legal fees in development-related matters.

\$0.80 million has been added to the Capital Grants and Contributions and the Capital Expenditure budgets for a West Street Cycleway grant. The balance of cash reserves at 30 June 2023 is forecast to be \$62.62 million.

Council is to note that there have been no adjustments for the additional cost of building the North Sydney Olympic Pool (NSOP) or its associated operational costs. A paper is currently being prepared to be tabled at the NSOP Steering Committee which outlines the costs of:

- Staffing Structure - Permanent and Casual;
- IT Costs – Capital and Licensing,
- Operational Costs, and
- Capital Costs not covered in the contract.

The NSOP team is currently accessing variations to the contract to determine the value of adjustments to the FY 2022/23 operating and capital budgets. These will be addressed in the March Quarter Budget Review.

The proposed changes to the budget result in a net operating surplus of \$17.36 million. The net operating result after capital grants and contributions is a proposed deficit of \$2.42 million. The net increase in the deficit compared to the original budget is due to:

- increased user fees due to increased activity;
- increased investment income;
- increased parking infringements; and
- increased legal fees.

The improvement in this review partially offsets the following previously identified negative adjustments:

- carry forwards;
- the recognition of FY 2022/23 grant income in FY 2021/22, and
- an increase in depreciation calculated following revaluation of infrastructure assets as at 30 June 2022.

After the carry forwards, the September Quarter Review and the proposed adjustments in this December review cash reserves are forecast to be \$62.61 million dollars at 30 June 2023, compared to the original budget of \$75.19 million.

RECOMMENDATION:

- 1. THAT** Council adopts the Quarterly Budget Review Statement – December 2022 report in accordance with clause 203 of the Local Government (General) Regulation 2021
- 2. THAT** Council acknowledges the budget amendments in this report.

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

53. RESOLVED:

- 1. THAT** the Quarterly Budget Review Statement – December 2022 report be received.
- 2. THAT** Council acknowledges the budget amendments in this report.

10.4. Investment and Loan Borrowings Report as at 31 January 2023

AUTHOR: Christian Menday, Manager Financial Services

The report provides details of the performance of Council’s investment portfolio and borrowing limits for the period ending 31 January 2023.

Investment Portfolio

Independent advice regarding North Sydney Council’s Investments is provided by Imperium Markets. This provides a layer of governance and expert advice in addition to Council’s policy and procedures.

The Investment Portfolio (excluding cash balances) held for the period ending 31 January 2023 had a market value of \$138,899,262. The annualised returns were 2.50%.

Cash deposits at call were \$9,641,698 with \$8,800,000 of these held in interest bearing at-call accounts. \$841,698 cash is held in Council’s interest-bearing transaction account with the Commonwealth Bank to meet day-to-day operational needs. This amount includes deposits that settled after close of business.

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

Actual year to date returns for cash and investments to 31 January 2023 are \$1,882,000, compared to a year-to-date budget of \$753,000.

The Reserve Bank of Australia (RBA) Board continued to signal its intention to increase interest rates.

Borrowings

Loan Facility for Council Projects

Council entered into a fixed interest loan of \$9.5 million with quarterly interest and principal payments on 31 July 2018. The principal outstanding as at 31 January 2023 is \$5,691,792.

North Sydney Olympic Pool Redevelopment (NSOP)

In January 2022 Council established a \$31 million TCorp loan facility to partially fund the redevelopment of North Sydney Olympic Pool. Drawdown on the facility was processed on 28 April 2022, with an interest rate of 4.24%. The funds were restricted and will be released as required to fund cash outflows. The principal outstanding as at 31 January 2023 is \$30,499,987.

Council's total investment portfolio performance for the financial year to date is 2.50% annualised. The actual year to date returns for cash and investments to 31 January 2023 were \$1,882,000, compared to a year-to-date budget of \$753,000.

RECOMMENDATION:

1. THAT the report on Investments and Loan Borrowings held on 31 January 2023, prepared in accordance with clause 212 of the Local Government (General) Regulation 2021, be received.

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

54. RESOLVED:

1. THAT the report on Investments and Loan Borrowings held on 31 January 2023 be received.

10.5. Willoughby Road Consultation Outcome

AUTHOR: Paul Yang, Engineering Project Manager

The purpose of this report is to seek endorsement of the preferred concept design option for Willoughby Road Streetscape Upgrade in Crows Nest, following a review by Council's Open Space Team, Heritage Planner, Strategic Planning Team, and Property Team. The concept design has been updated to ensure the streetscape is cohesive and consistent with the public domain works at Hume Street Park and Holtermann Street Carpark.

The Willoughby Road Streetscape Upgrade in Crows Nest is to be carried out over the next two financial years and is included in the 2022-23 and 2023-24 Capital Works Delivery Program.

Community consultation was undertaken from October to November in 2022 (42 days). The post-exhibition report was reported to Council of 12 December 2022.

Council resolved to note the submissions received, and to defer the matter for review of the preferred design to ensure consistency with Hume Street Park and Holtermann Street Carpark.

In response to Council's resolution on 12 December 2022, this report presents the revised design 'Option 1C', which was reviewed by Council's Open Space Team, the Strategic Planning Team, the Heritage Planner and the Property Team, to ensure the streetscape is cohesive and consistent with Hume Street Park and Holtermann Street Carpark.

The preferred design 'Option 1C' includes the following changes which are shown in Table 1 in this report:

- Curvilinear wall (between dining bays and the road) changed to rectilinear wall to respond to the buildings and Village Character of Crows Nest.
- Concrete wall material changed to sandstone and COR-TEN steel to be consistent with Hume Street Park.
- Sustainably sourced timber to be used in the public domain where possible to be consistent with the Holtermann Street Carpark façade.
- Continuous raised planter on natural ground to create a green edge to Willoughby Road and increase soil volume for street trees
- Street trees enhancements through re-design of planters to create more tree soil volume
- Undergrounding of power lines to create airspace for new street trees.
- Provisional 'alfresco' shade structures to replace dining umbrellas, subject to consultation with business operators and owner's consent for replacement. See Attachment 2.

It is recommended that the preferred design 'Option 1C' be endorsed so that detailed design and procurement can proceed.

The re-design cost incurred to modify the landscape plans and artists impressions by Group GSA was \$14,250.

Funding for this project is included in the 2022-23 and 2023-24 Capital Works Delivery Program. At its 22 August 2022 meeting, Council resolved to fund the upgrade from Section 7.11 contributions for the Crows Nest Metro Station development, and the Crows Nest Mainstreet Levy.

The provisional 'alfresco' shade structures are estimated to cost \$400,000 and could be funded from the Crows Nest Mainstreet Levy which generates approximately \$300,000 per

annum. It should be noted that the levy has been carried over for two financial years, and sufficient funds are available.

Ongoing maintenance of the shade structure, which could be funded from the Mainstreet Levy, would become the responsibility of Council and therefore provide a solution to the inconsistent cleaning of privately owned umbrellas on Willoughby Road.

RECOMMENDATION:

- 1. THAT** Council note the input from Council’s Open Space Team, Strategic Planning Team, Heritage Planner and Property Team.
- 2. THAT** Council adopt Option 1C for Willoughby Road as the preferred option, with inclusion of modified design elements as outlined in this report.
- 3. THAT** Council proceeds with detailed design and construction of Willoughby Road – Option 1C.
- 4. THAT** Council staff undertake further consultation with business operators on Willoughby Road for the potential replacement of umbrellas with ‘Alfresco’ shade structures and a further report come back to Council.
- 5. THAT** Council proceed with an early works tender for undergrounding power and drainage works on Willoughby Road to minimise impact on local businesses during the summer trading period.

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

- Sue Wadley (local resident)

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 Gibson, Councillor Lamb, Councillor Lepouris, Councillor Mutton, Councillor Santer, Councillor Spenceley and Councillor Welch

Against: Nil

Absent: Nil

55. RESOLVED:

- 1. THAT** Council note the input from Council’s Open Space Team, Strategic Planning Team, Heritage Planner and Property Team.
- 2. THAT** Council adopt Option 1C for Willoughby Road as the preferred option, with inclusion of modified design elements as outlined in this report.
- 3. THAT** Council proceeds with detailed design and construction of Willoughby Road – Option 1C.

4. THAT Council staff undertake further consultation with business operators on Willoughby Road for the potential replacement of umbrellas with ‘Alfresco’ shade structures and a further report come back to Council.

5. THAT Council proceed with an early works tender for undergrounding power and drainage works on Willoughby Road to minimise impact on local businesses during the Summer trading period.

10.6. Edward and Union Precinct Committee Merger

AUTHOR: Jenny Gleeson, Manager Corporate Planning and Engagement

The purpose of this report is to advise Council of the merger of the Edward and Union Precinct Committees (now known as Euroka Precinct), and to detail other potential mergers currently under consideration.

On 25 July 2022, the Council resolved (in part):

3. THAT Council recognises the following:

(a) The principle that the question of mergers or amalgamations between Precincts or their dissolution are matters for the Precincts themselves to determine

(b) That Council will provide administrative support for any such mergers, amalgamations or dissolutions.

In accordance with the above resolution, Council has provided administrative support and guidance regarding the merger of Edward and Union Precinct Committees. Euroka Precinct is the name of the new entity. Its first meeting was held 1 February 2023, at which office bearers were elected.

In April 2022, Edward and Union Precinct Committees proposed a trial merger citing:

- common interests;
- low attendance at both Committees’ meetings; and
- difficulties finding voluntary office bearers.

The trial merger commenced in May 2022, with joint Committee meetings held monthly until December 2022. During this period the proposed merger was listed on each agenda. Meeting flyer invites were distributed to all households within the Precinct areas, as were email invites to their member email groups. This ensured widespread awareness of the proposal.

In December 2022 the two Committees formally resolved to merge into one Precinct area.

This report also details the procedure established to guide other Precinct Committees considering amalgamation with an adjacent inactive Precinct area, and advises of the other potential mergers and reactivations with which Council staff are currently assisting. Further updates will be provided to Council in due course.

Operational funding is under review, with any changes effective 1 July 2023.

As part of the Precinct System Review, the amount of funding per Committee will be reviewed, taking into consideration the needs of larger sized Precinct areas such as increased quantity in flyer delivery.

RECOMMENDATION:

1. THAT Council note the amalgamation of Edward and Union Precincts to form one precinct known as 'Euroka Precinct'.

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

56. RESOLVED:

1. THAT Council note the amalgamation of Edward and Union Precincts to form one precinct to be known as 'Euroka Precinct'.

10.7. Rapid Antigen Testing

AUTHOR: Shane Sullivan, Executive Manager Governance

This report is provided in accordance with the resolution of Council at its meetings of 14 November 2022 to review the requirements for Rapid Antigen Testing for Council Meeting attendees.

Since the Council Meeting of 21 February 2022, Council has required all attendees at Council Meetings to provide evidence of, or a declaration of, an appropriate negative test prior to entering the Chambers.

It is no longer mandatory to self-isolate if you test positive to COVID-19. NSW Health recommends that you stay home and take steps to protect others from infection.

With the progressive relaxation of rules around testing and isolation, it is recommended that the requirement for attendees at Council Meetings to provide evidence of, or a declaration of, an appropriate negative test prior to entering the Chambers be lifted.

There are no financial implications as a result of this report.

There are resource impacts in administering the current rules around provision of tests prior to Council Meetings. It is estimated that administering these requirements results in an additional two staff hours per meeting. This is for:

- liaison with members of the public prior to and at the meeting;
- liaison with and reminders to Councillors prior to the meeting;
- liaison with attending staff prior to the meeting; and
- ensuring an appropriate supply of tests for Councillors and staff.

RECOMMENDATION:

1.THAT Council lift the requirement for attendees at Council Meetings to provide evidence of, or a declaration of, an appropriate negative COVID test prior to entering the Chambers.

2. THAT the General Manager continue to monitor the NSW Health advice and implement risk controls as appropriate.

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

57. RESOLVED:

1. THAT Council lift the requirement for attendees at Council Meetings to provide evidence of, or a declaration of, an appropriate negative COVID test prior to entering the Chambers.

2. THAT the General Manager continue to monitor the NSW Health advice and implement risk controls as appropriate.

10.8. North Sydney Olympic Pool Redevelopment - Monthly Progress Report

AUTHOR: John Thomson, Manager Corporate Contracts

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

At its meeting of 26 July 2021, Council resolved:

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

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

This report responds to this resolution and details progress since the last report provided at the Council meeting held on 30 January 2023.

The financial position of the project is reported quarterly to Council. The next report will be in March 2023.

RECOMMENDATION:

1. THAT the report be received.

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

58. RESOLVED:

1. THAT the report be received.

10.9. North Sydney Local Planning Panel Report 2021/22

AUTHOR: Stephen Beattie, Manager Development Services

The purpose of this report is to detail the activities of the North Sydney Local Planning Panel for the 2021/22 financial year.

This report is provided in response to the provision contained within Section 2.20 (5) of the Environmental Planning and Assessment Act 1979: "MISCELLANEOUS PROVISIONS RELATING TO LOCAL PLANNING PANELS - (5) The council is to monitor the performance of local planning Panels constituted by the council."

Reports are to be provided to the Planning Secretary annually based on any given financial year. This report is delayed in its preparation to enable a complete and accurate commentary on any appeals lodged within the six-month period provided for by s8.10(1) of the Environmental Planning and Assessment Act 1979.

The activities of the Panel are budgeted for in an ongoing sense. There are no financial implications flowing from this report.

RECOMMENDATION:

1. THAT the North Sydney Local Planning Panel Report 2021/22 report be received.

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

59. RESOLVED:

1. THAT the North Sydney Local Planning Panel Report 2021/22 report be received.

10.10. Development Applications Received Quarterly Report Q2 FY2022-23

AUTHOR: Leonard Vogel, Planning and Development Advisor

This report provides a list of Development Applications (DAs) received by Council in the second quarter (Q2), 1 October 2022 to 31 December 2022, of financial year 2022/23. Its purpose is to provide Councillors and other interested persons with an understanding of the application types received and processed by the Development Services Department.

From 1 October 2022 to 31 December 2022, 155 applications of all types were received. Of those 57 had already been determined as of 1 September 2022. A total of 147 applications were determined in Q2 2022/23 with a mean processing time of 104.7 days. This was a slight decrease in the processing times, in comparison with the first quarter (Q1) which was 106 days.

However, actual development application (DAs not rejected by the Development Review Panel) assessment times have improved, with the median time down from 126 days in Q1 2021-22 to 114.5 days in Q2 2022-23. This is due to less Covid-related staff absences, greater staff numbers due to engaged contractors, and a recently appointed Executive Planner. This is an excellent result considering increased leave requirements around the Christmas period.

An analysis of this quarter's statistics in comparison to the previous three financial years' performance has also been included. Whilst actual determination times of DAs rose sharply during the COVID period, actual processing times are reducing, partly due to the diminishing

impact of COVID, and reductions in complexity/cost of new Das, amongst other reasons identified later in this report.

Council will now likely continue to see a reduction in median development application processing times in the financial year 2022-23. This is due to decreasing complexity of development applications in recent quarters, a reduction in the total number of development applications lodged due to economic conditions, a reduction in COVID-related staff absences, and a return to full staff numbers.

There are no financial implications arising directly from this report.

RECOMMENDATION:

1. THAT the report be received.

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

60. RESOLVED:

1. THAT the report be received.

10.11.2nd Quarter Property Portfolio Report 2022/23

AUTHOR: Risha Joseph, Acting Property Assets Manager

The purpose of this report is to provide Council with information on the Property Portfolio for the second quarter (Q2) of 2022/2023 (period commencing 1 October 2022 and ending 31 December 2022).

This report comprises the following information:

- overview of Council's Property Portfolio;
- Property Portfolio vacancy rates;
- leasing transactions for the quarter;
- acquisitions and disposals for the quarter;
- outdoor dining licences; and
- major property projects (maintenance and capital works) for the quarter.

The confidential attachment includes monetary information relating to property income, including Outdoor Dining, as well as leasing transactions, arrears data and carpark income. 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 competitor of the Council. Further, release of the information would on balance, be contrary to the public interest as it would affect Council's ability to obtain value for money services. As such, should this matter be discussed it should be considered in closed session.

The total annual revenue budget for the Property Portfolio for the 22/23 financial year is forecast at \$6,505,229. The actual income for Q2 of 22/23 (October 2022 to December 2022) which was received on a cash basis through Colliers International was \$1,449,768.00 as of 31 December 2022. This is \$94,658 less than the forecasted budget of \$1,544,426 for the quarter,

6% less than projected. The income received on an accrual basis for the second quarter of 22/23 was \$2,917,429 and the period to date, \$1,408,966.

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:

(d) commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council

It is further noted that release of this information would, on balance, be contrary to the public interest as it would affect Council's ability to obtain value for money services.

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

61. 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.

It is further noted that release of this information would on balance be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services.

10.12.Draft Public Art Masterplan 2022 - 2032

AUTHOR: Jess Gledhill, Team Leader Arts & Culture

This report presents the feedback received in the final stage of preparing the North Sydney Public Art Masterplan (NSPAM) and revised Public Art Policy, and seeks adoption of the final masterplan post exhibition. The NSPAM is a high level 10-year plan to govern public art holistically across the North Sydney local government area.

The Draft North Sydney Public Art Masterplan (NSPAM) has been completed, as per the Council Report dated 20 November 2017 (P CiS04: Public Art Masterplan – Status Update).

In line with Council's recommendation and subsequent identified project outcomes, the Draft NSPAM governs public art holistically across the local government area. It sets a framework for the delivery of public art, with a focus on key public art projects identified in Council's current major strategic planning documents, and will ensure Council is able to maintain and deliver high quality and meaningful public art outcomes well into the future.

The Draft NSPAM has been informed and guided by specialist Council staff, and relevant external stakeholders including local, state and federal government public art and strategic planning representatives and staff from the Aboriginal Heritage Office. The document has also been shaped and informed by Council's strategic planning documents to ensure all the projects and recommendations align with Council's vision for the future of North Sydney.

Public exhibition of the masterplan and revised public art policy occurred from 23 October to 12 December 2022 (50 days), during which time effort was made to ensure widespread stakeholder awareness of the opportunity to provide feedback on the masterplan. This post exhibition report includes statistics detailing the 'inform' reach, demonstrating significant stakeholder awareness of the opportunity to provide feedback during the exhibition period.

A total of two submissions were received. The first submission advocated for greater public art activation of laneways in Crows Nest and St Leonards. The second submission advocated for public art activation of the Burton Street tunnel to better connect Burton and Alfred Street, Milsons Point.

It is recommended that the final NSPAM be adopted. Following adoption, the NSMAP will be published on Council's website and limited copies will be printed and made publicly available.

Several of the NSPAM recommendations don't require funding, however those which will require funding support will be detailed in future reports and discussion papers to Council.

RECOMMENDATION:

- 1. THAT** the summary of submissions be noted and all submitters thanked.
- 2. THAT** Council adopts the final North Sydney Public Art Masterplan.

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

The Motion was put and **Carried**.

Voting was as follows: For/Against 10 / 0

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

Against: Nil

Absent: Nil

62. RESOLVED:

- 1. THAT** the summary of submissions be noted and all submitters thanked.
- 2. THAT** Council adopts the final North Sydney Public Art Masterplan.

10.13.Crows Nest Community Centre Joint Strategic Plan Review 2021-22

AUTHOR: Rebecca Aukim, Director Community & Library Services

To present to Council the 2021/22 review of Council's Joint Strategic Plan with Crows Nest Community Centre.

Crows Nest Community Centre's vision is for 'a connected community' with a focus on providing services for older people, people with a disability, parents and children, migrants, and people who are homeless or at risk.

In 2022 the Centre celebrated 50 years of service and has from its inception worked in partnership with Council. The Centre provides vital services to the local community, offering a wide range of in-home services such as Meals on Wheels, a linen service, assisted shopping, transport, home visiting, and centre-based services such as a community restaurant, healthy ageing, special events, social, and recreational activities.

Whilst Covid has been a major challenge for the Centre, on the horizon are several other challenges that will greatly impact the Centre such as the Federal Government's major aged care reform which will likely result in the Centre receiving less income for their aged care services, and an increase in regulatory requirements. The redevelopment of the Holtermann Street Carpark as well as a proposed local development (82-90 Alexander St) will reduce the Centre's venue hire over 18-24 months.

The Centre has extended an invitation for one to two Councillors to join the Board.

The Covid lockdown in the first 4 months of the 2021/22 financial year greatly impacted the Centre and has led to a deficit of \$74,568 for 2021/22. A further deficit of \$100,000 is forecast for 2022/23. Currently, the Centre has total equity of \$1,037,604.

RECOMMENDATION:

1. THAT the 2021/22 review of the Crows Nest Community Centre's Joint Strategic Plan is received.

2. THAT Council considers the invitation from the Crows Nest Centre Board to nominate one or two Councillors for the Board.

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

1. THAT the 2021/22 review of the Crows Nest Community Centre's Joint Strategic Plan is received.

2. THAT Council nominates Councillors Welch, Beregi, and Lamb for the Crows Nest Centre Board.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

63. RESOLVED:

1. **THAT** the 2021/22 review of the Crows Nest Community Centre's Joint Strategic Plan is received.
2. **THAT** Council nominates Councillors Welch, Beregi, and Lamb for the Crows Nest Centre Board.

10.14. Bradfield Park - Legal Advice

AUTHOR: Shane Sullivan, Executive Manager Governance

The purpose of this report is for Council to consider legal advice obtained with regard to Bradfield Park and a proposal by Transport for NSW to acquire and/or develop part of Bradfield Park North for the purpose of the *Sydney Harbour Bridge Cycleway Project*.

The most recent advice obtained by Council and a summary of that advice is provided as an attachment to this report.

On 27 February 2023, Council received a letter from Transport for NSW seeking land owners consent in relation to the Sydney Harbour Bridge Northern Cycleway Access project. A copy of this letter was circulated to Councillors on 27 February 2023 and is attached.

Transport for NSW had previously offered Council \$1.5m as a contribution towards Council's planned improvements to Bradfield Park South. In response, Council has outlined the considerable investment required to progress the Bradfield Park Masterplan. They have now advised that should Council provide land owners consent before the end of February 2023 they will be a position to make a further contribution of \$1m bringing their contribution to a total of \$2.5m.

Land owners consent is required for the purposes of lodging a section 60 application under the Heritage Act 1977. Transport for NSW note that should land owners consent not be provided in a timely manner that these funds of \$2.5m would be expended on additional costs to the project due to the delay.

In accordance with Councils resolution of 14 November 2022, legal advice has been obtained and confirms the ability of the NSW Government to compulsory acquire parcels of land within Bradfield Park.

Further, the advice provides that, in relation to Trust Land, the Council is the legal owner of the land and has full capacity, as a matter of property law, to give or withhold owners consent for the use of land for a specific purpose on the basis that it is acting consistently with its trust obligations.

The advice provides that there is a strong argument available that the development of a publicly accessible cycleway is consistent with the use of the Trust Land for the purposes of public parks and public recreation.

Should land owners consent not be provided, this would also result in the project being progressed via the State Significant Infrastructure pathway and compulsory acquisition of the land owned by Council. This process does not require Council's owners consent and Transport for NSW would lodge a Development Application with the NSW Department of Planning for the Minister for Planning to determine.

On the basis that TFNSW is adamant that the project will be progressed in its current form, albeit through a different approval process, it is recommended that Council accept the contribution towards improvements in Bradfield Park South and provide owners consent to allow the Section 60 application to progress.

The following documents are attached to this report:

1. Advice from Richard Lancaster SC finalised on 24 February 2023
2. Summary of the advice from Richard Lancaster
3. Letter from Transport for NSW dated 27 February 2023 seeking land owners consent
4. Letter to Transport for NSW dated 24 February 2023
5. Advice (CONFIDENTIAL) dated 22 March 2022 from Sparke Helmore

The attached legal advice dated 11 March 2022, in the schedule of lands (page 3 of 14) identifies the relevant interests in the lands associated with the Sydney Harbour Bridge Northern Cycleway Access project. This is provided as a confidential document.

Should Council wish to discuss this advice dated 11 March 2022 it is noted that the confidential document includes advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it would affect Council's ability to manage legal matters effectively and in the best interests of the community. As such should this matter be discussed it should be considered in closed session.

TFNSW has offered \$2.5 million in funding towards Bradfield Park South improvements. Should they progress to compulsory acquisition of Council land, compensation would be applicable under the *Land Acquisition (Just Terms Compensation) Act 1991*.

RECOMMENDATION:

1. **THAT** the Council resolves to provide land owners consent as requested for those lands of which Council is the owner thus enabling the lodgement of an application under Section 60 of the Heritage Act 1977 for the Sydney Harbour Bridge Northern Cycleway Access project.
2. **THAT** Council resolves that the identified attachment to this report (11 March 2022 legal advice) 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:
(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

It is further noted that release of this information would be, on balance, contrary to the public interest as it would affect Council's ability to manage legal matters effectively and in the best interests of the community.

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

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

- Ian Curdie (local resident)
- Joan Street (local resident)

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

1.THAT consideration of the item be deferred to a Councillor Briefing, followed by an Extraordinary General Meeting on Tuesday 28 February.

An Amendment was moved by Councillor Spenceley and seconded by Councillor Gibson:

1.THAT Council immediately write to Transport NSW declining their offer.

The Amendment was put and **Lost**.

Voting on the Amendment was as follows: For/Against 3 / 6

For: Councillor Gibson, Councillor Spenceley, and Councillor Mutton

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

Absent: Councillor Lepouris

The Motion was then put and **Carried**.

Voting was as follows: For/Against 10 / 0

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

Against: Nil

Absent: Nil

64. RESOLVED:

1.THAT consideration of the item be deferred to a Councillor Briefing, followed by an Extraordinary General Meeting on Tuesday 28 February.

The Public Forum on this item was closed.

11. Notices of Motion

11.1. Notice of Motion 3/23 - Traffic Upgrade works on Spofforth and Holt Ave - Cr Welch (co-sponsored by Crs Beregi & Lamb)

1. **THAT** North Sydney Council invite Mosman Councillors and Mayor to North Sydney Council for a briefing to discuss concept plans for traffic upgrade works on Spofforth Street and Holt Avenue, Cremorne.

Background (as provided by the submitter):

In December 2019 North Sydney Council provided concept civil plans for intersection upgrades on Spofforth Street to Mosman Council. The plans provide for a roundabout at the Holt Avenue and works at the Rangers Road end of Spofforth near the shops.

Spofforth Street is the local government area boundary and both North Sydney Council and Mosman Council are responsible for the management of the road.

North Sydney Council community consulted the concept plans and is able to proceed. Mosman Council, to date, has not undertaken any consultation.

On 22 April 2022 Council's Acting Traffic Manager, Traffic Safety Officer and Mayor Councillor Zoe Baker met with Mosman Mayor, Councillor Carolyn Corrigan and Director Environment and Planning, Craig Covich. It was put to Mosman Council that Spofforth and Holt Avenue intersection is a "black spot" and needs to be addressed urgently.

On 7 June 2022 the Mayor, Councillor Baker, wrote to Mosman and requested that we work together to address traffic safety issues on Spofforth Avenue, Cremorne.

In particular, that Mosman Council reconsider and revisit the designs and reports detailing proposed changes to Spofforth Street as set out in the Civil Concept Plans for upgrade works prepared by Tonkin on behalf of North Sydney Council, dated December 2019. As discussed, there are two issues in relation to road safety on Spofforth Street:

- 1. The safety issues at the intersection of Holt Avenue and Spofforth Street; and*
- 2. The proposed upgrade works at intersection of Rangers Road and Spofforth Street.*

North Sydney Council proposes a staged approach, prioritising the Holt Avenue intersection due to pedestrian and road safety concerns. That is, that we work together to address the "black spot" at Holt Avenue as a priority. To this end, North Sydney Council staff are available to provide a factual briefing to your councillors and/or staff on the Tonkin concept plans and accompanying reports to inform a discussion about design options and benefits. The second stage, following resolution of the Holt Avenue intersection, could then address the design options and proposal relating to Spofforth Street at Rangers Road and be informed by careful community consultation to guide the way forward.

Please do not hesitate to contact me to arrange a time for a briefing for your Council on the above matters.

Council Traffic staff continued to follow up with Mosman.

On 7 September 2022, Mosman Council wrote to Felicity Wilson and stated that they had requested a meeting with North Sydney Council staff. There is no record of any request.

On 7 November 2022, Council's Acting Manager Traffic confirmed that they had not received any response from Mosman Council.

On 17 November 2022, Mayor, Cr Baker's office contacted Mayor, Councillor Carolyn Corrigan's office requesting a status update and has not yet received any response.

Council Traffic Staff and the Mayor, Cr Baker, are continuing to write to Mosman Council.

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 Gibson, Councillor Lamb, Councillor Lepouris, Councillor Mutton, Councillor Santer, Councillor Spenceley and Councillor Welch

Against: Nil

Absent: Nil

65. RESOLVED:

1. THAT North Sydney Council invite Mosman Councillors and Mayor to North Sydney Council for a briefing to discuss concept plans for traffic upgrade works on Spofforth Street and Holt Avenue, Cremorne.

12. Matters of Urgency

Nil.

13. Confidential Matters

Nil.

14. Closure

The Meeting concluded at 7:26 pm.