



Council Chambers  
14 July 2023

The **3786th MEETING** of **COUNCIL** will be held on Cammeraygal lands at the Council Chambers, North Sydney at **6.30pm** on Monday 24 July 2023. The agenda is as follows.

SHANE SULLIVAN  
**ACTING GENERAL MANAGER**

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

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- 1. Opening of Meeting**
  - 2. Acknowledgement of Country**
  - 3. Apologies and applications for leaves of absence or attendance by audio-visual link by councillors**
  - 4. Confirmation of Minutes**
  - 5. Disclosures of Interests**
  - 6. Public Forum**
  - 7. Items by Exception**
  - 8. Mayoral Minutes**  
Nil
  - 9. Reports of Committees**  
Nil
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## **10. Reports to Council**

- 10.1 Heritage Assessment of 53 and 55 Yeo Street Cremorne
- 10.2 Matters Outstanding July 2023
- 10.3 Review of Ward Boundaries and Names - 2024 Elections
- 10.4 New Year's Eve 2023
- 10.5 Food Waste Recycling
- 10.6 Investment and Loan Borrowings Report as at 30 June 2023

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

- 11.1 Notice of Motion 9/23 - Bradfield Park South, Milsons Point - Cr Mutton
- 11.2 Notice of Motion 10/23 - Wendy's Secret Garden - Cr Mutton

## **12. Matters of Urgency**

Nil

## **13 Closure of Meeting**

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

**3785th MEETING OF COUNCIL TO BE HELD ON MONDAY 10 JULY 2023**

**1. OPENING MEETING**

**2. ACKNOWLEDGEMENT OF COUNTRY**

**3. APOLOGIES AND APPLICATIONS FOR LEAVES OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK BY COUNCILLORS**

**4. CONFIRMATION OF MINUTES**

THAT THE MINUTES of the previous 3785th Council Meeting held on Monday 10 July 2023 be taken as read and confirmed.

**5. DISCLOSURES OF INTEREST**

**6. PUBLIC FORUM**

**7. ITEMS BY EXCEPTION**

**8. MINUTES OF THE MAYOR**

**8.1 MM01: Western Harbour Tunnel Modification Report - submission**

Last Wednesday 19 July 2023, Transport for NSW (TfNSW) commenced public exhibition of a Modification Report in respect of the Western Harbour Tunnel project. The community consultation exhibition period ends at 11:59pm on Tuesday 15 August 2023.

TfNSW summarise the modification to the existing consent of the Western Harbour Tunnel project as follows:

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*The Modification is seeking to amend the approved Western Harbour Tunnel project which was granted planning approval in January 2021.*

*The Modification is proposing changes to how we will cross Sydney Harbour between Birchgrove and Waverton by changing the construction methodology from the approved Immersed Tube Tunnel (IMT) method to Tunnel Boring Machines (TBMs).*

*The proposed change in the Modification Report will reduce construction impacts on the community by:*

- *no dredging of Sydney Harbour*
- *reducing the overall number of construction support sites from five to three*
- *no construction supports sites required at Yurulbin Point, Berrys Bay, White Bay North or Victoria Road*
- *cofferdams no longer required at Birchgrove and Balls head in Sydney Harbour*
- *no impacts to Birchgrove Ferry Wharf and ferry services*
- *reduced impacts to ferries and boats on Sydney Harbour*
- *using the latest technology in tunnelling (TBM)*

*The Modification is also proposing a new construction support site at Emu Plains along with some changes at existing support sites at the Rozelle Rail Yards, Glebe Island and Ridge Street, North Sydney.*

<https://caportal.com.au/rms/wht/wht-stage-2-eis-modification-map>

The Modification Report details a number of improved environmental outcomes such as no dredging of the Harbour and removal of a coffer dams at Waverton.

Nevertheless, the changed construction methodology will have significant impacts on the North Sydney local government area including changes to construction sites at Ridge Street and Cammeray.

The Modification Report also provides an opportunity for Council to strongly advocate on behalf of our community for further amendments and conditions of consent to ameliorate the impacts of the project including, but not limited to:

- reconsideration of the proposed route to respond to the changed construction methodology;
- the return of 1.5ha of Cammeray Park allocated for operational sheds for the Beaches Link and WHT – particularly, the provision of open space over the shed sites similar to that provided at Rozelle;
- changes to the project to address impacts on Berry Street and the CBD;
- changes to local traffic and roads at Ernest and Falcon Streets; and
- embedding active and sustainable transport within the corridor.

**I therefore recommend:**

**1. THAT** Council prepare a detailed submission on the Modification Report to address the impacts on the North Sydney local government area and advocate for further amendments and/or conditions of consent to ameliorate the impacts of the project on open space, local roads, and the environment.

## 9. REPORTS OF COMMITTEES

Nil

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## 10. REPORTS TO COUNCIL

### 10.1 Heritage Assessment of 53 and 55 Yeo Street Cremorne

Report of Ben Boyd, Executive Strategic Planner

The purpose of this report is to seek Council's endorsement to revoke an Interim Heritage Order (IHO) that Council imposed over numbers 53 and 55 Yeo Street, Cremorne. Revocation is recommended, as an independent comprehensive heritage assessment commissioned by Council concluded that neither of the two properties adequately meet the heritage threshold criteria to be identified as local heritage items under Council's Local Environmental Plan.

At its meeting held 10 July 2023, Council resolved as follows:

1. *THAT The matter be deferred to an urgent Councillor Briefing.*

In response to this resolution, a Councillor Briefing is to be conducted on 17 July 2023. On 13 February 2023, Council considered a Notice of Motion addressing heritage concerns raised by residents in relation to Development Application DA334/22, which seeks to demolish two x two-storey dwelling houses and construct a four-storey residential flat building at 53 and 55 Yeo Street Cremorne.

At that meeting Council resolved to seek advice to determine whether an Interim Heritage Order could be supported for the sites, and whether the properties could be included as heritage or contributory items within an extended adjacent conservation area.

On the basis of an internally conducted preliminary heritage assessment on 22 February 2023, Council imposed an IHO (No.1/2023) on 53 and 55 Yeo Street Cremorne which took effect on the date of its publication of the IHO in NSW Government Gazette No. 94 on 24 February 2023. The purpose of the IHO was to provide temporary protection of these properties to allow sufficient time to undertake more in-depth research to determine if the two properties were worthy of heritage listing under North Sydney Local Environmental Plan 2013.

On 23 March 2023, the owners of the two properties lodged an appeal with the Land and Environment Court challenging the imposition of the IHO.

On 8 June 2023, Council received a more in-depth and detailed heritage assessment prepared by Extent Heritage which concluded that despite the dwellings being good examples of Federation era dwellings, they do not reach the threshold for listing as individual heritage items at the local level.

Further to these findings, the Extent Heritage report, whilst acknowledging that the dwellings show stylistic similarities to contributory buildings within the adjacent heritage conservation area (HCA), further work would be required to justify their inclusion in that HCA as a formal amendment to the North Sydney LEP.

Based on the findings of the independent heritage assessment, it is recommended that Council revoke the IHO, as it has served its intended purpose.

#### **Recommending:**

1. **THAT** Council note the recommendations of the comprehensive and independent Heritage Assessment prepared by Extent Heritage forming Attachment 1 to this report.

2. **THAT** pursuant to s.29(4) of the NSW Heritage Act, 1997, Council revoke IHO 1/2023 in relation to 53 and 55 Yeo Street, Neutral Bay as both properties have been found not to adequately satisfy the threshold criteria for listing as a local heritage item.

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**3. THAT** pursuant to s.29(5) of the NSW Heritage Act, 1977, Council:

- (a) publish a notice in the NSW Government Gazette that the IHO has been revoked.
- (b) notice of the IHO's revocation is given to NSW Minister for Heritage and NSW Heritage Council and to each affected property owner or occupier.
- (c) notice be given of the IHO's revocation on Council's website and in the Mosman Daily.

**4. THAT** Council advise its legal representatives assisting in the Land and Environment Court Appeal against the imposition of the Interim Heritage Order of the outcome of Council's consideration of this report.

## **10.2 Matters Outstanding July 2023**

Report of Ian Curry, Manager Council & Committee Services

The purpose of this report is to report to Council on the status of resolutions arising from Mayoral Minutes, Notices of Motion, and Questions Without Notice.

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 26 June 2023 Ordinary Meeting of Council.

**Recommending:**

- 1. THAT** the report be received.

## **10.3 Review of Ward Boundaries and Names - 2024 Elections**

Report of Ian Curry, Manager Council & Committee Services

The purpose of this report is to advise Council of the requirements to review Ward boundaries and names prior to 5 October 2023 prior to the 2024 Local Government elections.

Under section 211 of the *Local Government Act 1993*, councils that are divided into Wards must keep Ward boundaries under review to ensure the difference in elector numbers between Wards does not exceed 10%. The attachment to this report provides further information regarding the calculation of the 10% variation to elector numbers within Wards.

Under section 277A of the *Local Government (General) Regulation 2021*, Ward boundary and name changes must be made by **5 October 2023** to be in effect for the **14 September 2024** ordinary elections unless the Electoral Commissioner approves otherwise in special circumstances.

Council's Wards' elector numbers are currently within 10% of each other and no change is required.

**Recommending:**

- 1. THAT** Council note that, as the variation between Wards does not exceed 10% in accordance with section 211 of the Local Government Act, it is not proposed to alter the Ward boundaries nor names.

## 10.4 New Year's Eve 2023

Report of Joanna Gibson, Team Leader Events

The purpose of this report is to seek endorsement from Council for the proposed plans for the management of the North Sydney vantage points for New Year's Eve 2023.

The City of Sydney funds a New Year's Eve fireworks display which is operationally supported by multiple State and local government agencies, including North Sydney Council.

Council's focus in supporting New Year's Eve is to provide infrastructure and access to key vantage points.

In recent years Council has trialled different models for New Year's Eve, including free and paid ticketing, managed access (controlling the numbers into and out of the sites, bag checks etc.), and operating an event site with entertainment.

Four models have been assessed for New Year's Eve 2023 to manage three key vantage points: Bradfield Park/Mary Booth Reserve, Lavender Bay Parklands (incorporating Clark and Watt Parks and Quibaree Reserve), and Blues Point (incorporating Blues Point and Henry Lawson Reserves).

The managed-access model is the recommended option for New Year's Eve 2023. This model is fair and allows residents and others access to public land for free, disperses arrival times across the day, brings vibrancy to the area, and trade to local businesses. The model makes the Reserves accessible to residents during the day and more likely to be fully utilised in the evening. This is the same approach as City of Sydney for NYE 2023.

The expected cost of this approach is \$710,000. This is within the amount allocated in Council's budget.

### **Recommending:**

- 1. THAT** Council resolves to implement the managed access model for the delivery of NYE 2023.
- 2. THAT** the managed access gate at McMahons Point be reinstated at the corner of French Street and Blues Point Road.

## 10.5 Food Waste Recycling

Report of Bo Karula, Waste Management Coordinator

The purpose of this report is to provide a summary of the results of the six-month food scraps trial in multi-unit dwellings, assessment of the ability of the market to provide processing services for organics in the immediate term within the Sydney basin, and a list of actions that Council must undertake in order to comply with State Legislation.

North Sydney Council has long championed greater levels of sustainability in its operations.

NSW Council will be legislatively required to implement Food Only (FO) or Food and Garden Organics (FOGO) collections for all NSW households by 2030.

Between May 2022 and November 2022, 411 individual unit dwellings across 10 multi-unit dwelling (MUD) blocks participated in a six-month food waste recycling collection trial, examining the participation and food scraps contamination rates whilst gathering cost and operational data.

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As the trial progressed, audit results showed a decline in the amount of food waste separated by the participants as well as an increase in the contamination levels.

Council's waste contracts are long-term engagements and require significant lead time to prepare and scope. Given the limited supply service market, adequate market information is required to ensure value for money in procurement is attained.

Councils need more information on the timing and standards of new organic processing capacity so that tenders can be prepared with sound information on efficiency, contamination standards, risk sharing, cost, location, technology, and greenhouse gas capture.

Council will continue to research, collaborate, and work with other Councils to determine where commonalities may exist for FO/FOGO service delivery, and look for opportunities to collaborate on joint procurement of FO/FOGO processing services within the next five years.

Council will need to review planning controls for new development to enable food organics stream separation and collection services in new MUDs to secure best recovery outcomes and reduced impact on residential amenity.

Once a strategy is developed, Council will need to develop a comprehensive Communication Strategy, with a strategic key stakeholder framework to ensure high levels of awareness are achieved in the community.

**Recommending:**

- 1. THAT** the Food Waste Trial report be received.
- 2. THAT** Council begins preparations to extend the current waste collections contract and disposal contract to allow for the waste industry to develop more economic organic waste processing options including collaboration with stakeholders and nearby Councils.
- 3. THAT** as part of the next review of the North Sydney Development Control Plan, amendments be prepared for waste management to incorporate changes that would allow for the storage and on-site collection of source-separated organic material.

## **10.6 Investment and Loan Borrowings Report as at 30 June 2023**

Report of Christian Munday, Manager Financial Services

The purpose of this report is to provide Council with the details of the performance of Council's investments and details of loans for the month ending 30 June 2023.

This report outlines Council's investment portfolio and performance to 30 June 2023. All investments have been made in accordance with the Local Government Act, Regulations, Council's Investment Policy, and the specific conditions of the TCorp Loan Agreement.

For the month of June, the total portfolio (Term Deposits, Floating Rate Notes, and Bonds) provided a return of +0.23% (actual) or +2.79% p.a. (annualised), marginally under-performing the benchmark AusBond Bank Bill Index return of +0.30% (actual), or +3.72% p.a. (annualised). This is due to recent interest rate rises and Council holding term deposits made in a low inflation environment when these rises were not expected.

Council's investment adviser considers this underperformance to be temporary (for less than the next 6 months) as we can reinvest maturing term deposits.

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Returns on investments exceed the original YTD budget by \$2.2 million due to higher-than-expected cash balances and higher than expected interest rates. The total return for the 2022/2023 financial year is approximately \$3.5 million. The budget for 2023/2024 is \$2.49 million as we expect to draw on our reserves to pay for the North Sydney Olympic Pool and other capital works.

**Recommending:**

**1. THAT** the report on Investments held on 30 June 2023, prepared in accordance with clause 212 of the Local Government (General) Regulation 2021 and information on Loan Borrowings, be received.

## **11. NOTICES OF MOTION**

### **11.1 Notice of Motion 9/23 - Bradfield Park South, Milsons Point - Cr Mutton**

**1.THAT** Council notes Sydney Harbour Tunnel (private Joint Venture) Act 1987 and in particular:

1. Section 12 which vests the southern end of Bradfield Park (SHT Land) in the Commissioner for Main Roads.
2. Section 13 which contemplates that the land vested pursuant to section 12 may be revested in the person in whom that part of the land was vested immediately before the land was so vested in the Commissioner provided no lease remain current.
3. The SHT land was leased in 1987 to Transfield (SHTJV) Pty. Limited and Kumagai Gumi Co., Ltd and that the term of that lease has or is about to end.
4. The SHT land is the subject of the proclamation of the Governor of NSW made on 19 March 1935 pursuant to Sydney Harbour Bridge (Administration) Act, 1932 which proclamation vest land including the SHT Land in the Municipal Council of North Sydney .. upon trust for an estate in fee simple upon trust for parks and recreation purposes.

**2.THAT** Council resolves to call for a report on the:

- a. standing (titles) of the land that was vested in the Commissioner of Main Roads by the Sydney Harbour Tunnel (private Joint Venture) Act 1987 and
- b. on the options available to have the intent of the proclamation of the Governor of NSW dated 19 March 1935 implemented.

### **11.2 Notice of Motion 10/23 - Wendy's Secret Garden - Cr Mutton**

**1. THAT** Council resolves:

- (i) To put on record its ongoing appreciation of the contribution by Wendy Whiteley for her work in establishing and maintaining the Garden and the funding she has contributed and continues to contribute to the upkeep of the Garden.
  - (ii) To call for a report on options available to provide suitable security measures to the vicinity, including the area bounded by Lavender St, Harbourview Cr and Walker St
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(iii) To canvas these options with Wendy Whiteley before any are adopted. Wendy's "Secret" Garden is one of Sydney's icons which, until the recent support of Council, has been and continues to be almost completely funded by Wendy Whiteley. It is with great disappointment to be reminded that we have people in our community who choose to express themselves by causing damage to the property of others. That disappointment is heightened to find that they chose to turn their attention to Wendy's "Secret" Garden late on 4 July and uproot shrubs and destroy furniture. The work needed to make good the damage is being carried out by Wendy Whiteley, her staff and members of the North Sydney community under her direction.

**12. Matters of Urgency**

Nil

**13. CLOSURE**

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