



# MINUTES

The Minutes of the Council held at the  
Council Chambers, North Sydney  
at 7:00 PM on Monday 9 December 2024.



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## 1. Opening Meeting

At the commencement of business (7.00pm) those present were: The Mayor, and Councillors Antonini, Beregi, Carr, Keen, Hoy, Santer, 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 Keen.

## 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 Santer:

1. **THAT** Council grant Leave of Absence to Councillor Holding and Councillor Spenceley.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

**For:** Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Carr, Councillor Hoy, Councillor Keen, Councillor Santer, and Councillor Welch

**Against:** Nil

**Absent:** Nil

**269. RESOLVED:**

1. **THAT** Council grant Leave of Absence to Councillor Holding and Councillor Spenceley.

## 4. Confirmation of Minutes

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

**For:** Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Carr, Councillor Hoy, Councillor Keen, Councillor Santer, and Councillor Welch  
**Against:** Nil  
**Absent:** Nil

**270. RESOLVED:**

**1. THAT** the Minutes of the Council Meeting held on Monday 25 November 2024 be taken as read and confirmed.

**5. Disclosures of Interest**

There were no Disclosures of Interest

**6. Public Forum**

There was no Public Forum.

**7. Items Considered by Exception**

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

**1.THAT** the Recommendations for the following Items be adopted:

10.2	State Significant Development Applications
10.5	Tender 2/2024 - Schedule of Rates for Infrastructure, Property, and Repair Services
10.6	North Sydney Olympic Pool Redevelopment Project Update
11.1	Notice of Motion 21/24: Bus Shelter - Lower Wycombe Road, Neutral Bay - Cr Beregi

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

**For:** Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Carr, Councillor Hoy, Councillor Keen, Councillor Santer, and Councillor Welch

**Against:** Nil

**Absent:** Nil

**271. RESOLVED:**

**1.THAT** the Recommendations for the following Items be adopted:

10.2	State Significant Development Applications
10.5	Tender 2/2024 - Schedule of Rates for Infrastructure, Property, and Repair Services
10.6	North Sydney Olympic Pool Redevelopment Project Update
11.1	Notice of Motion 21/24: Bus Shelter - Lower Wycombe Road, Neutral Bay - Cr Beregi

## **8. Mayoral Minutes**

### **8.1. MM01: Invitation to non-rateable educational institutions to voluntarily pay rates, and preparation of a policy to guide and regulate intensive “operational”/timetabled use of Council parks by private schools**

The North Sydney Local Government Area (LGA) is one of the densest education precincts in the country, with 21 primary and secondary schools and two universities within the 10.5km<sup>2</sup> boundary. We also have the least amount of public open space per person/km<sup>2</sup> of any LGA on the North Shore and less than that in the City of Sydney LGA.

Some of the single largest landowners in the LGA are private educational institutions including the Australian Catholic University (ACU), SCECGS Redlands, SCEGS Shore, Wenona, Monte Sant’Angelo Mercy College, Loreto Kirribilli, St Aloysius College, and Marist Catholic College. Student numbers are expanding rapidly. For example, in early 2025 a new private school, Reddam House North Shore, will commence operations from McLaren Street North Sydney with 1,500 students in the adaptive reuse of a Harry Seidler building without significant open space provision, and Shore School is currently seeking approval to modify the implementation of their Concept Approval (MP\_0150) to increase students by 450 and an additional 10 staff at Stage 1 (and prior to commencement of Stages 2 and 3 of the Concept Approval).

Marist Catholic College is currently constructing a new five-storey building to accommodate teaching facilities, an early learning centre, and an auditorium on the campus bound by Miller, Ridge, and Carlow Streets in North Sydney. Throughout the construction period, the school has been using the large level area of St Leonards Park directly opposite the school for “operational” or scheduled/timetabled playground style activities. Students, with supervising teachers in Hi-Vis vests, may be observed five days a week at recess and lunchtime periods. This intensification of the school’s use of St Leonards Park commenced without any notice to Council nor any arrangement in place to govern the use including consideration of public liability risk and the significant impacts on the park (e.g., the area has been compacted and turf has been denuded). Council has not been advised as to when this use will cease or whether Marist intends to rely on the public space for its operations indefinitely.

Late last year, Council’s CEO and I met with the Principal of Marist Catholic College to raise concerns about the impacts of their construction on local residents and the park. I have since received a report from North Sydney Boys’ High School that their fire drill (where they gather

on St Leonards Park as part of emergency procedures) was disrupted when Marist Catholic College teachers advised them their temporary use for the drill conflicted with Marist's use of the space. In addition, I have received many complaints from residents and workers who feel overwhelmed by the Marist Catholic College use of St Leonards Park and feel locked out of using the park at this location during weekdays.

More recently, senior students from Marist Catholic College have been using Ted Mack Civic Park during recess and lunchtime in large numbers, without teacher supervision, and their numbers appear to be growing. Speculatively, it would seem that the school is extending the use to this park in order to manage student need for space which has been constrained during the construction period.

These are just some examples of the growing student numbers and the use of public open space as part of the operational model of private schools – which can be easily distinguished from occasional use, or specific arrangements/bookings with Council, by schools for excursions, sports days etc. St Leonards Park seems to have literally become an extension of, or substitute for, the Marist Catholic College playground without any reference to Council.

This seems to be a growing trend - Marist Catholic College is not the only school using public open space in this way. Both St Aloysius at Bradfield Park and Loreto Kirribilli at Milsons Park have also attracted complaints from residents.

This, of course, is occurring at a time when our population is increasing, the demands on existing public open space for passive and active recreation is at an all-time high, and Council is seeking to undertake significant financial repair. We, as a community, must juggle these competing demands and look at every opportunity to increase Council's revenue as well as plan for and manage public open space equitably.

Since becoming Mayor, I have met with every school in the LGA and sought to foster a more inclusive relationship with Council and our community. We have discussed after-hours community use of facilities and have been thrilled to host student speakers and performers at civic and ceremonial events. There is a lot of good will that has been fostered with the broader school community, and with the Australian Catholic University.

Private schools own approximately 152,566m<sup>2</sup> in the LGA and if that were rated as a business it would result in additional rate revenue of over \$1 million.

In the 1970s, Council invited the Reserve Bank of Australia to voluntarily pay rates on its property in Kirribilli... and it did, and it still does. It is timely then to invite the large private educational institutions to voluntarily contribute, and to publicly honour any who choose to do so (whether by paying rates or by way of an in-kind contribution).

There is also an urgent need to address the current use of St Leonards and Ted Mack Civic Parks by Marist Catholic College, and to put in place a policy that applies to such use before the start of the 2025 school year.

**I therefore recommend:**

**1. THAT** Council notes:

- a) the North Sydney Local Government Area is one of the densest education precincts in the country, with 21 primary and secondary schools and two universities within the 10.5km<sup>2</sup> boundary;
- b) the ever-increasing demand for public open space within our local government area for use by residents, students, workers, and visitors, and that demand for public spaces will only continue to increase with current housing targets;
- c) the intensive, “operational” or scheduled/timetabled use of St Leonards Park and Ted Mack Civic Park by Marist Catholic College during the ongoing construction period on its campus as an alternative “playground” for recess and lunchtime recreation by students;
- d) there was no notice to, nor any agreement with, Council for the use of St Leonards and Ted Mack Parks in this regular, scheduled manner by Marist Catholic College;
- e) the imminent opening of the 1,500 student Reddam House North Shore Campus on McLaren Street North Sydney in January/February 2025, and that the campus has a lack of playground spaces and will likely rely on local parks for student recreation; and
- f) schools and other educational institutions are exempt from paying rates.

**2. THAT** Council invite private schools and the Australian Catholic University to voluntarily pay rates (or an equivalent in-kind contribution) on their property holdings within the North Sydney local government area to contribute to maintenance of Council assets including roads, footpaths, and open space.

**3. THAT** Council publish a “Roll of Honour” on Council’s website and social media platforms recording those educational institutions that voluntarily contribute.

**4. THAT** Council urgently prepare a policy to guide “operational” use of Council parks by private schools as extended playgrounds including consideration of Council’s public liability risk, costs of maintenance and repair, and the cumulative impacts of such use on Council parks including wear and tear and clashes with other users (residents, workers, visitors, and other schools who do not use parks for scheduled playground activities), by the start of the 2025 school year.

**5. THAT** Council work with Marist Catholic College to manage their use of public open space.

The Motion was moved by the Mayor.

An Amendment was moved by Councillor Keen and seconded by Councillor Carr:

**1. THAT** Council defer this item until Council receives advice as to whether this proposal constitutes religious discrimination under the Anti-Discrimination Act.

The Amendment was put and **Lost**.

Voting was as follows:

For/Against 2 / 6

**For:** Councillor Carr and Councillor Keen

**Against:** Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Hoy, Councillor Santer, and Councillor Welch

**Absent:** Nil

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 2

**For:** Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Hoy, Councillor Santer, and Councillor Welch

**Against:** Councillor Carr and Councillor Keen

**Absent:** Nil

**272. RESOLVED:**

**1. THAT** Council notes:

- a) the North Sydney Local Government Area is one of the densest education precincts in the country, with 21 primary and secondary schools and two universities within the 10.5km<sup>2</sup> boundary;
- b) the ever-increasing demand for public open space within our local government area for use by residents, students, workers, and visitors, and that demand for public spaces will only continue to increase with current housing targets;
- c) the intensive, “operational” or scheduled/timetabled use of St Leonards Park and Ted Mack Civic Park by Marist Catholic College during the ongoing construction period on its campus as an alternative “playground” for recess and lunchtime recreation by students;
- d) there was no notice to, nor any agreement with, Council for the use of St Leonards and Ted Mack Parks in this regular, scheduled manner by Marist Catholic College;
- e) the imminent opening of the 1,500 student Reddam House North Shore Campus on McLaren Street North Sydney in January/February 2025, and that the campus has a lack of playground spaces and will likely rely on local parks for student recreation; and
- f) schools and other educational institutions are exempt from paying rates.

**2. THAT** Council invite private schools and the Australian Catholic University to voluntarily pay rates (or an equivalent in-kind contribution) on their property holdings within the North Sydney local government area to contribute to maintenance of Council assets including roads, footpaths, and open space.

**3. THAT** Council publish a “Roll of Honour” on Council’s website and social media platforms recording those educational institutions that voluntarily contribute.

**4. THAT** Council urgently prepare a policy to guide “operational” use of Council parks by private schools as extended playgrounds including consideration of Council’s public liability risk, costs of maintenance and repair, and the cumulative impacts of such use on Council parks including wear and tear and clashes with other users (residents, workers, visitors, and other schools who do not use parks for scheduled playground activities), by the start of the 2025 school year.

**5. THAT** Council work with Marist Catholic College to manage their use of public open space.



## **8.2. MM02: Crows Nest Accelerated TOD Precinct – gazettal of State Environmental Planning Policy Amendment (Crows Nest Transport Oriented Development Precincts) 2024 (the TOD SEPP)**

On 27 November 2024, State Environmental Planning Policy Amendment (Crows Nest Transport Oriented Development Precincts) 2024 (the TOD SEPP) was gazetted. Schedule 2 of the TOD SEPP amended North Sydney Local Environmental Plan 2013 (“the LEP”) by inserting a new Part 7 Crows Nest Transport Oriented Development Precinct with the following objectives:

- (a) increase housing supply in the Crows Nest Transport Oriented Development Precinct, and*
- (b) enable a variety of land uses within walking distance of the St Leonards train and Crows Nest metro stations, and*
- (c) deliver housing supported by public spaces, vibrancy and community amenity, and*
- (d) increase the amount of affordable housing in the Precinct.*

New height of building, FSR, Non-Residential Floor Space and Lot Size maps were made at the same time. The changes are myriad and complex and not readily digestible, requiring reference to multiple maps, plans, and supporting documents. Council staff are currently analysing the changes between the exhibited plan the post-exhibition adopted plan. Suffice to say, there are significant increases in height and density, with inadequate provision for new open space and community facilities including schools.

The Department of Planning summarised the changes to include “the future delivery of”:

- approximately 5,900 new homes;
- capacity for approximately 2,500 new jobs;
- a minimum of 3% affordable housing in all new residential development and between 5% and 18% for key sites;
- floor space ratios (FSRs) of up to 20:1; and
- a range of building heights from 6 up to 62 storeys.

### **Massive additional height**

Once again, the Department of Planning significantly increased permitted building heights post exhibition. Changes of such magnitude should have been subject to further community consultation. For instance, the most obvious and shocking post-exhibition increase in height, indeed expansion of the plan itself, is at Nicholson and Sinclair Streets. New sites are included with “above TOD Exhibited Height” ranging from 6 storeys to 10 storeys. Elsewhere, post-exhibition heights jump from six storeys to 18 or 37 storeys. The increased height limits do not appear to consider the solar access controls set within the former 2036 Plan or the new Design Guide that accompanies the TOD Precinct changes. There is a danger that the new height controls will plunge some public spaces into shadow.

The plans, as gazetted, have expanded the Precinct outwards to the south-west of the Pacific Highway. This area is likely to be affected by the NSW Government’s low and mid-rise housing reforms, which are expected to come into effect shortly, however the height and density

limits under the TOD changes exceed what is anticipated under these separate housing reforms. It is disappointing that these changes have been made post exhibition, without the benefit of further community consultation nor consideration of their impacts on already strained community infrastructure and amenities.

### **Insufficient affordable housing provision**

The changes provide for massive uplift in development yield for the private development sector whilst only requiring between 3% and 18% affordable housing. The 18% affordable housing provision is for a handful of sites identified for significant additional height as an “affordable housing incentive”. This stands in marked contrast to the provision of 30% affordable housing in perpetuity that is already under consideration as part of the proposed “Hume Place” over-station development that is the subject of a State Significant Development Application. It is extraordinary that the private sector is seeking to deliver higher rates of affordable housing under the existing planning controls and yet the State Government’s plan lacks ambition to address the urgent need for affordable and key worker housing in this precinct.

### **Public open space and community infrastructure – lack of certainty and insufficient funding**

Once again, just as was experienced when the Special Infrastructure Contribution to deliver open space and social infrastructure for the 2036 Plan was repealed, there is terrible uncertainty around the delivery of new public open space and social infrastructure to meet this massive new density. The TOD Precinct changes do not consider the additional infrastructure needed to support the increased number of people who will live in these soaring higher buildings.

The final plan identifies proposed “new” open space on the Lithgow Street block to be provided at the corner of Oxley Street and Christie Street with a “minimum of 2,000m<sup>2</sup>”. That may sound positive on its face, until one examines the detail. The proposed new open space has not been previously identified after years of careful planning for the 2036 Plan, is on privately held land and there is no funding provision for acquisition. Once again, it relies on future private sector provision in return, no doubt, for even more yield in the precinct.

The fact is that the post exhibition plan significantly increases the height and yield in the TOD Precinct – 5,900 new dwellings. Other Accelerated TOD Precincts also received significant post-exhibition height and density increases. Yet.... the NSW Government has **not increased** the initial \$520 million promised to be shared across the eight accelerated TOD Precincts around Sydney. The same amount of infrastructure funding must now be spread even thinner between the precincts.

North Sydney Council has long planned for (and delivered) new open space at the expanded Hume Street Park to meet the needs of existing and increasing future population. It is vital that Stage 2 of Hume Street Park be delivered as soon as possible and prior to the new density. This is a certain project on public land.

**I therefore recommend:**

- 1. THAT** Council seek an urgent meeting with the Minister for Planning and Departmental Secretary seeking the provision of funding for the delivery of Stage 2 of Hume Street Park.
- 2. THAT** a report providing detailed analysis of the impacts of the TOD Precinct changes as gazetted be provided to Council as soon as practicable.

A Motion was moved by the Mayor:

- 1. THAT** Council seek an urgent meeting with the Minister for Planning and the Departmental Secretary seeking the provision of funding for the delivery of Stage 2 and 3 of Hume Street Park, Holterman Street Park, and any other planned public open space.
- 2. THAT** a Councillor Briefing and a report providing detailed analysis of the impacts of the TOD Precinct changes as gazetted be provided to Council as soon as practicable.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

**For:** Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Carr, Councillor Hoy, Councillor Keen, Councillor Santer, and Councillor Welch

**Against:** Nil

**Absent:** Nil

**273. RESOLVED:**

- 1. THAT** Council seek an urgent meeting with the Minister for Planning and the Departmental Secretary seeking the provision of funding for the delivery of Stage 2 and 3 of Hume Street Park, Holterman Street Park, and any other planned public open space.
- 2. THAT** a Councillor Briefing and a report providing detailed analysis of the impacts of the TOD Precinct changes as gazetted be provided to Council as soon as practicable.

## **9. Reports of Committees**

### **9.1. Access and Inclusion Committee Minutes - 29 October 2024**

**AUTHOR:** Miranda Shoppee, Meeting Administration Coordinator

**PURPOSE**

The purpose of this report is to convey the proceedings of the Access and Inclusion Committee meeting of 29 October 2024 to Council, and for Council to consider any recommendations from the Committee.

## EXECUTIVE SUMMARY

The Terms of Reference of the Access and Inclusion Committee state:

*8.1 The Access and Inclusion Committee is not a decision-making body. The Committee is an advisory body to Council. Council may adopt or reject the Committee's advice.*

*8.2 The Committee has no delegated powers from Council.*

- This report presents the recommendations of the last meeting of the Access and Inclusion Committee held 29 October 2024.
- The Minutes are attached for the information of Council.

### RECOMMENDATION:

**1. THAT** the Minutes of the Access and Inclusion Committee meeting dated 29 October 2024 be noted and received by Council.

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

**1. THAT** the Minutes of the Access and Inclusion Committee meeting dated 29 October 2024 be noted, received and adopted by Council.

**2. THAT** Council write and thank the Committee members for their participation in 2024.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

**For:** Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Carr, Councillor Hoy, Councillor Keen, Councillor Santer, and Councillor Welch

**Against:** Nil

**Absent:** Nil

### 274. RESOLVED:

**1. THAT** the Minutes of the Access and Inclusion Committee meeting dated 29 October 2024 be noted, received and adopted by Council.

**2. THAT** Council write and thank the Committee members for their participation in 2024.

## 10. Reports to Council

### 10.1. Q1 Review of the Delivery Program/Operational Plan 2024/25

**AUTHOR:** Jenny Gracey, Corporate Planning Coordinator

#### **PURPOSE**

This Quarterly Review presents a progress update against the Delivery Program/Operational Plan 2024/25 for the first quarter (Q1), 1 July to 30 September 2024; and includes project status (traffic lights) and the corporate scorecard.

#### **EXECUTIVE SUMMARY**

- The Operational Plan 2024/25 (Year 3 of the Delivery Program 2022-2026) was adopted by Council on 24 June 2024 and commenced on 1 July 2024.
  
- In Q1 2024/25, 205 projects were scheduled to commence or continue. Of these,
  - 14 were completed (blue status);
  - 163 were on track (green status);
  - 25 were delayed (amber status);
  - 3 were not progressing (red status); and
  - no projects were discontinued.

#### **RECOMMENDATION:**

1. **THAT** the Quarterly Review (July – September 2024) of the Operational Plan be received.
2. **THAT** Council note the remedial action for the projects that were not on track for the period ending 30 September 2024.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 2

**For:** Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Hoy, Councillor Santer, and Councillor Welch

**Against:** Councillor Carr and Councillor Keen

**Absent:** Nil

#### **275. RESOLVED:**

1. **THAT** the Quarterly Review (July – September 2024) of the Operational Plan be received.
2. **THAT** Council note the remedial action for the projects that were not on track for the period ending 30 September 2024.

## 10.2. State Significant Development Applications

**AUTHOR:** Neal McCarry, Service Unit Manager Strategic Planning, and Isobella Lucic, Acting Service Unit Manager Development Services

### PURPOSE

The purpose of this report is to clarify and formalise expectations for response to the Department of Planning, Housing, and Infrastructure in relation to State Significant Development Applications under consideration.

### EXECUTIVE SUMMARY

- State significant development (SSD) is a framework for assessing major projects that are considered important to the state for economic, environmental, or social reasons. SSD projects that meet certain criteria are assessed at the state level rather than local council level.
- At various stages of the SSD process, Council is notified and requested to provide input and feedback to such proposals. North Sydney Council has recently received several requests for advice in relation to the following matters:
  - Mixed use development including in-fill affordable housing - Five Ways, Crows Nest (SSD-66826207). Submissions for re-exhibition closed on 30 September 2024. Council has made two submissions, one for the original proposal on 6 June 2024 and one for the amended proposal on 30 September 2024.
  - Request for Advice to amended proposal - Pathways Cremorne Seniors Housing (SSD-49472213). Submissions for the amended proposal closed 12 September 2024, with Council making a submission on the same date.
  - 173-179 Walker Street and 11-17 Hampden Street, North Sydney - Exhibition of amended state significant residential development with affordable housing - SSD-67175465. Submissions closed 21 November 2024, with Council's submission made on the same date.
  - Crows Nest Over Station Development Site B - Stage 2 - Notice of exhibition of SSD application (SSD-61400212). Submissions close 12 December 2024.
  - New Request for Advice - Shore School Graythwaite - Concept Plan Mod 2 and Project Mod 4 (MP10\_0150-Mod-4) (North Sydney). Submissions close 2 December 2024.
  - New Request for Advice - 146 Arthur Street, North Sydney - Build-to-Rent (SSD-61000021) (North Sydney). Submissions close 12 December 2024.

- New Request for Advice - Mixed use development with affordable housing - 378 Pacific Highway, Crows Nest (SSD-70617459) (North Sydney). Submissions close 9 December 2024.

Submission deadlines are often tight. Submissions are prepared by Council's Development Assessments team, with input from relevant specialist staff, for endorsement by the Director of Planning and Environment. Submissions include an assessment of the application against Council's established policies, and site-specific and broader planning considerations as relevant to the proposed development.

**RECOMMENDATION:**

1. **THAT** Council receive and note the contents of this report.
2. **THAT** Councillors be provided with updates at relevant milestones of State Significant Development Applications via the Councillor Bulletin.

*This item was considered by exception (see page 5).*

**276. RESOLVED:**

1. **THAT** Council receive and note the contents of this report.
2. **THAT** Councillors be provided with updates at relevant milestones of State Significant Development Applications via the Councillor Bulletin.

**10.3. Western Harbour Tunnel – Acciona's Request for Extension of Time under CoA E37**

**AUTHOR:** Jerimia Tukadra, Public Projects Traffic Engineering Officer

**PURPOSE**

This report advises Council of an approach from Acciona seeking support from Council for a six-month extension for Condition of Approval E37, which relates to the provision of pollution concentration data for the proposed ventilation outlets of the Western Harbour Tunnel.

**EXECUTIVE SUMMARY**

- Acciona has requested Council support a six-month extension to the timeframes specified within Condition of Approval (CoA) E37 under State Significant Infrastructure (SSI) 8863. This Condition requires the submission of pollution concentration data from the Western Harbour Tunnel ventilation outlets by December 2024 to key stakeholders.
- Acciona contacted Council on 22 November 2024 seeking Council's support for the extension of E37 to June 2025 due to delays in the design of the proposed ventilation outlets.
- Council is aware of ongoing requests from the community of North Sydney for Transport for NSW (TfNSW) to release this data.

## **RECOMMENDATION:**

**1. THAT** Council note Acciona's request seeking Council's support for a six-month extension of the timeframes specified within Condition of Approval (CoA) E37 under State Significant Infrastructure (SSI) 8863.

**2. THAT** Council formally advise Acciona that it does not support the proposed extension to comply with Condition of Approval (CoA) E37 due to ongoing community concerns in relation to the air quality impacts from the proposed ventilation outlets of the Western Harbour Tunnel.

**3. THAT** Council write to the NSW Minister for Planning and Public Spaces and the NSW Secretary of the Department of Planning, Housing, and Infrastructure, requesting TfNSW release data associated with the pollution concentrations from the proposed ventilation outlets of the Western Harbour Tunnel.

**4. THAT** Council write to the NSW Minister for Planning and Public Spaces and the NSW Secretary of the Department of Planning, Housing and Infrastructure, to convey the ongoing concerns of Council and the local community regarding the governance processes for managing the Conditions of Approval for the WHT; and Transport for NSW's ability to meet its obligations in relation to its other Conditions of Approval for the WHT Project including:

**a. E37 - Future Development Guidance**

Within 18 months of commencement of construction, the Proponent must provide data to councils detailing pollution concentrations at various heights and distances from the ventilation outlets to facilitate the planning of and assessment of new development in areas within a distance of 300 metres around the ventilation outlets which would be within a potential three-dimensional zone of affectation (buffer volume). As part of this process, the Proponent must meet all reasonable costs for any necessary amendments to planning instrument(s) required to implement the guidelines.

**b. E184 - Tree Removal, Replacement Plantings and Rehabilitation**

The CSSI must be designed to retain as many existing trees as possible. Replacement trees and plantings must be provided at a ratio of 2:1 and deliver an increase in tree canopy and aim to enhance the relevant council's position in respect of the Sydney Green Grid, unless otherwise agreed by the Planning Secretary.

**c. E147 Traffic Modelling Road Network Performance**

The proponent must prepare a Road Network Performance Plan in consultation with the relevant council(s). The Plan must incorporate operational traffic modelling results from the operation of major motorways including but not limited to WestConnex M4-M5 Link (SSI 7485) and WestConnex M8 (SSI 6788) projects (including any Road Network Performance Plan or Operational Road Network Performance Review prepared) and include:

(a) consideration of movement and place analysis and local initiatives, such as local area improvement strategies, potential land use changes, and any traffic changes as a result of other major projects in the vicinity of the project area;

(b) an updated analysis, including modelling of traffic impacts to the adjoining road network (including impacts on local roads from rat-running), as a consequence of the CSSI;

(c) an assessment of the performance of the road network, including:

(i) potential "pinch-points" where the merging of tunnel exit traffic and surface traffic would occur at Rozelle or along the Warringah Freeway;



(ii) traffic movements and congestion at various intersections in North Sydney, Cammeray and Rozelle/Annandale;

(iii) results of the Public Transport Review as required by Condition E153; and

(d) mitigation measures to manage predicted traffic performance impacts including local area traffic management and bus priority measures as relevant. The Road Network Performance Plan must be submitted to the Planning Secretary and relevant council(s) for information six months prior to the operation of the CSSI. The mitigation measures in the Plan must be implemented by the Proponent before the operation of the CSSI. The Proponent is responsible for the implementation of identified measures under (c) above.

**Note:** Identified mitigation measures may need to be further assessed under the Environmental Planning and Assessment Act, 1979. Work will need to meet relevant design standards and be subject to independent road safety audits.

**d. E157 General Design Outcomes**

The CCSI must result in a net increase in usable open space. Replacement space must be in the general vicinity of the loss, unless agreed to by the Planning Secretary.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

**For:** Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Carr, Councillor Hoy, Councillor Keen, Councillor Santer, and Councillor Welch

**Against:** Nil

**Absent:** Nil

**277. RESOLVED:**

**1. THAT** Council note Acciona's request seeking Council's support for a six-month extension of the timeframes specified within Condition of Approval (CoA) E37 under State Significant Infrastructure (SSI) 8863.

**2. THAT** Council formally advise Acciona that it does not support the proposed extension to comply with Condition of Approval (CoA) E37 due to ongoing community concerns in relation to the air quality impacts from the proposed ventilation outlets of the Western Harbour Tunnel.

**3. THAT** Council write to the NSW Minister for Planning and Public Spaces and the NSW Secretary of the Department of Planning, Housing, and Infrastructure, requesting TfNSW release data associated with the pollution concentrations from the proposed ventilation outlets of the Western Harbour Tunnel.

**4. THAT** Council write to the NSW Minister for Planning and Public Spaces and the NSW Secretary of the Department of Planning, Housing and Infrastructure, to convey the ongoing concerns of Council and the local community regarding the governance processes for managing the Conditions of Approval for the WHT; and Transport for NSW's ability to meet its obligations in relation to its other Conditions of Approval for the WHT Project including:

**a. E37 - Future Development Guidance**

Within 18 months of commencement of construction, the Proponent must provide data to councils detailing pollution concentrations at various heights and distances from the

ventilation outlets to facilitate the planning of and assessment of new development in areas within a distance of 300 metres around the ventilation outlets which would be within a potential three-dimensional zone of affectation (buffer volume). As part of this process, the Proponent must meet all reasonable costs for any necessary amendments to planning instrument(s) required to implement the guidelines.

**b. E184 - Tree Removal, Replacement Plantings and Rehabilitation**

The CSSI must be designed to retain as many existing trees as possible. Replacement trees and plantings must be provided at a ratio of 2:1 and deliver an increase in tree canopy and aim to enhance the relevant council's position in respect of the Sydney Green Grid, unless otherwise agreed by the Planning Secretary.

**c. E147 Traffic Modelling Road Network Performance**

The proponent must prepare a Road Network Performance Plan in consultation with the relevant council(s). The Plan must incorporate operational traffic modelling results from the operation of major motorways including but not limited to WestConnex M4-M5 Link (SSI 7485) and WestConnex M8 (SSI 6788) projects (including any Road Network Performance Plan or Operational Road Network Performance Review prepared) and include:

(a) consideration of movement and place analysis and local initiatives, such as local area improvement strategies, potential land use changes, and any traffic changes as a result of other major projects in the vicinity of the project area;

(b) an updated analysis, including modelling of traffic impacts to the adjoining road network (including impacts on local roads from rat-running), as a consequence of the CSSI;

(c) an assessment of the performance of the road network, including:

(i) potential "pinch-points" where the merging of tunnel exit traffic and surface traffic would occur at Rozelle or along the Warringah Freeway;

(ii) traffic movements and congestion at various intersections in North Sydney, Cammeray and Rozelle/Annandale;

(iii) results of the Public Transport Review as required by Condition E153; and

(d) mitigation measures to manage predicted traffic performance impacts including local area traffic management and bus priority measures as relevant. The Road Network Performance Plan must be submitted to the Planning Secretary and relevant council(s) for information six months prior to the operation of the CSSI. The mitigation measures in the Plan must be implemented by the Proponent before the operation of the CSSI. The Proponent is responsible for the implementation of identified measures under (c) above.

**Note:** Identified mitigation measures may need to be further assessed under the Environmental Planning and Assessment Act, 1979. Work will need to meet relevant design standards and be subject to independent road safety audits.

**d. E157 General Design Outcomes**

The CSSI must result in a net increase in usable open space. Replacement space must be in the general vicinity of the loss, unless agreed to by the Planning Secretary.

## 10.4. Trees for Newborns program - update

**AUTHOR:** Jessica Karam, Urban Forest Officer

### **PURPOSE**

This report provides an update to Council on the Trees for Newborns program, and seeks Council endorsement for the continuation of the Program.

### **EXECUTIVE SUMMARY**

- The Trees for Newborns program was launched in July 2023 to complement the implementation of Council's Urban Forest Strategy (2019) which aims to increase canopy cover on private land.
- During the 12-month trial, 112 x 25 litre trees were ordered and delivered to residents as part of the Program.
- The Program has resulted in positive feedback and media coverage.
- It is recommended to continue funding the program in perpetuity for a cost of \$6,000 per annum.

### **RECOMMENDATION:**

**1.THAT** Council adopt the Trees for Newborns program as an ongoing initiative for the residents of North Sydney local government area.

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

- 1. THAT** Council adopt the Trees for Newborns program as an ongoing initiative for the residents of the North Sydney local government area.
- 2. THAT** Council allocate a budget of \$10,000 per annum, to be withdrawn from the existing Environmental Levy funding for Tree Canopy Enhancement.
- 3. THAT** Council provide a pamphlet on tree care.

An Amendment was moved by Councillor Carr and seconded by Councillor Keen:

- 1. THAT** Council adopt the Trees for Newborns program as an ongoing initiative for the residents of the North Sydney local government area.
- 2. THAT** Council allocate a budget of \$10,000 per annum, to be withdrawn from the existing Environmental Levy funding for Tree Canopy Enhancement.
- 3. THAT** Council provide a pamphlet on tree care.
- 4. THAT** Council review the species of trees being offered, to remove gum trees and jacarandas in favour of smaller native species.

The Amendment was put and **Lost**.

Voting was as follows:

For/Against 2 / 6

**For:** Councillor Carr and Councillor Keen

**Against:** Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Hoy, Councillor Santer, and Councillor Welch

**Absent:** Nil

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

**For:** Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Carr, Councillor Hoy, Councillor Keen, Councillor Santer, and Councillor Welch

**Against:** Nil

**Absent:** Nil

#### **278. RESOLVED:**

- 1. THAT** Council adopt the Trees for Newborns program as an ongoing initiative for the residents of the North Sydney local government area.
- 2. THAT** Council allocate a budget of \$10,000 per annum, to be withdrawn from the existing Environmental Levy funding for Tree Canopy Enhancement.
- 3. THAT** Council provide a pamphlet on tree care.

### **10.5. Tender 2/2024 - Schedule of Rates for Infrastructure, Property, and Repair Services**

**AUTHOR:** Edward Wong, Manager Footpaths, Roads & Drainage

#### **PURPOSE**

The purpose of this report is to advise Council of the outcome of the recent tender (2/2024) for services contractors to form a panel for Infrastructure, Property, and Repair services based on the adopted schedule of rates.

#### **EXECUTIVE SUMMARY**

- The current panel used for Council's Infrastructure, Property, and Repair services contractors has now expired and Council is required to publicly request tenders for contractors interested in providing services for Council.
- In August 2024, Council sought tenders from appropriately qualified contractors to form a new Schedule of Rates panel (Contract 2/2024) for Infrastructure, Property, and Repair Services.
- 60 Submissions were received when the tender closed on 11 September 2024.

- Subsequently assessed for conformity against the identified criteria, a shortlisted panel of contractors has now been identified.

**RECOMMENDATION:**

- 1. THAT** Council accept the short-list of tenderers as outlined in Attachment 1 to this report for Tender 2/2024 - Schedule of Rates Contract for Infrastructure, Property, and Repair Services.
- 2. THAT** the Chief Executive Officer be authorised to take any necessary action to implement the decision including entering into associated contracts.
- 3. THAT** the Chief Executive Officer is the delegated Authority to negotiate a variance in the annual adjustment of the rates due to unforeseen circumstances that may arise.
- 4. THAT** the Director of Open Space and Infrastructure is the delegated Authority to extend the contract options as per clauses in the tender documents.

*This item was considered by exception (see page 5).*

**279. RESOLVED:**

- 1. THAT** Council accept the following short-list of tenderers for Tender 2/2024 - Schedule of Rates Contract for Infrastructure, Property, and Repair Services:

<b>Contract 2/2024</b>					
<b>– Schedule of Rates Contract for Infrastructure, Property and Repair Services</b>					
<b>Panel of Contractors (1 July 2024 – 30 June 2027)</b>					
<b>Category</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Disposal of Construction Material</b>	Agrade Plumbing Services	Brightwood Group	Everflow Plumbing Services	LPG Plumbing Group	Triton Group
<b>Engineering Surveying</b>	CMS Surveyors				
<b>Footpath Paving, Plaza and MFP Cleaning</b>	Kelbon Project Services	Z180510 (Ollnga Services)			
<b>Graffiti Removal</b>	Graffiti Clean	Kleenit	Z180510 (Ollnga Services)		
<b>Carpentry</b>	Triton Group	TJF Quality Services	Ultra Building Works		
<b>Electrical</b>	RJ Mifsud Electrical	Triton Group			
<b>Plumbing</b>	Burns Plumbing	Jetblack Plumbers	Keith Hurdis Plumbing	Watertight Group	
<b>Painting</b>	Sassex Painting Services	Triton Group			
<b>Handyman</b>	CMS Maintenance Services	Triton Group	TJF Quality Services		

<b>Carpet and general cleaning</b>	Perfect Carpet & Tile Care	Triton Group			
<b>Exit &amp; Emergency Lights Testing &amp; Repair</b>	Braemar Electrical Services	RJ Mifsud Electrical	Triton Group		
<b>Pest Control</b>	Intercept Pest Control	Pest2Kill	Precision Pest Control		
<b>Bus Shelter Cleaning</b>	Kleenit	Z180510 (Ollnga Services)			
<b>Structural Engineering Services</b>	Core Consulting Engineers	Urbanspec Engineering			
<b>Air Conditioning Maintenance</b>	ARC Air Conditioning & Mechanical Services	Beaver Air Conditioning	Inter-Chill	MEFP Engineering Services	
<b>Public Art Maintenance</b>	Graffiti Clean	Z180510 (Ollnga Services)			
<b>Fire Services</b>	Beaver Williams	Firecorp	Synergy Fire		

**2. THAT** the Chief Executive Officer be authorised to take any necessary action to implement the decision including entering into associated contracts.

**3. THAT** the Chief Executive Officer is the delegated Authority to negotiate a variance in the annual adjustment of the rates due to unforeseen circumstances that may arise.

**4. THAT** the Director of Open Space and Infrastructure is the delegated Authority to extend the contract options as per clauses in the tender documents.

## **10.6. North Sydney Olympic Pool Redevelopment Project Update**

**AUTHOR:** Gary Parsons, Director Open Space & Infrastructure

### **PURPOSE**

The purpose of this report is to provide Council with an update on the North Sydney Olympic Pool redevelopment project.

### **EXECUTIVE SUMMARY**

- The revised contractual date for Practical Completion of the project remains 11 July 2024. Council's contractor Icon Pty Ltd (Icon) is reporting a Practical Completion date of 23 May 2025 based on their anticipated program to completion.

- The difference between the contractual date for Practical Completion and Icon's proposed date is the subject of a Notice of Dispute, which has been lodged by Icon.
- The total revised construction contract sum for the redevelopment is \$91.57m. Total project costs remain within the total forecast costs to completion of \$122m, noting Council is aware of significant variations that are still to be lodged.

**RECOMMENDATION:**

- 1. THAT** the meeting be closed to the public in accordance with Section 10A (2):  
*(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business 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 obtain value for money services.*
- 2. THAT** the confidential report and related attachments be treated as confidential and remain confidential unless Council determines otherwise.
- 3. THAT** Council note the contents of this report in relation to the redevelopment of the North Sydney Olympic Pool.

*This item was considered by exception (see page 5).*

**280. RESOLVED:**

- 1. THAT** the meeting be closed to the public in accordance with Section 10A (2):  
*(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business 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 obtain value for money services.*
- 2. THAT** the confidential report and related attachments be treated as confidential and remain confidential unless Council determines otherwise.
- 3. THAT** Council note the contents of this report in relation to the redevelopment of the North Sydney Olympic Pool.

**11. Notices of Motion**

**11.1. Notice of Motion 21/24: Bus Shelter - Lower Wycombe Road, Neutral Bay - Cr Beregi**

- 1. THAT** Council note that a bus shelter at Lower Wycombe Road (near Hayes Street), Neutral Bay has been approved.
- 2. THAT**, following feedback from nearby residents, the installation of the bus shelter be delayed until funding becomes available for the installation of a heritage style bus shelter that is more consistent with the objectives of a Heritage Conservation Area.

*This item was considered by exception (see page 5).*

**281. RESOLVED:**

**1. THAT** Council note that a bus shelter at Lower Wycombe Road (near Hayes Street), Neutral Bay has been approved.

**2.THAT**, following feedback from nearby residents, the installation of the bus shelter be delayed until funding becomes available for the installation of a heritage style bus shelter that is more consistent with the objectives of a Heritage Conservation Area.

## **12. Matters of Urgency**

Councillor Hoy sought leave under 9.3(b) of the Code of Meeting Practice to raise the following matter of urgency: the current rail dispute between Transport for NSW and the rail unions.

The Mayor accepted the matter as urgent.

A Motion was moved by Councillor Hoy and seconded by Councillor Antonini:

**1. THAT** leave be granted to consider the matter of urgency.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

**For:** Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Carr, Councillor Hoy, Councillor Keen, Councillor Santer, and Councillor Welch

**Against:** Nil

**Absent:** Nil

**282. RESOLVED:**

**1. THAT** leave be granted to consider the matter of urgency.

A Motion was moved by Councillor Hoy and seconded by Councillor Antonini:

**1. THAT** Council urgently write to Transport for NSW, Premier Chris Minns, and Transport Minister Jo Haylen:

- a. Expressing Councillors' shock and strong disappointment with the NSW Government's decision to file proceedings in the Federal Court to prevent the Combined Rail Unions (CRU) from taking previously notified industrial action while also suing them for fines and penalties in the order of millions of dollars.
- b. Calling on the NSW Government to reverse this decision and resume bargaining in good faith with the CRU and deliver a fair pay deal for workers.
- c. Noting that North Sydney residents already face considerable, protracted traffic disruptions as a result of Transport for NSW's handling of major infrastructure projects, and



- d. Notifying the NSW Government that the Council will hold the NSW Government responsible for all additional transport disruptions experienced by residents of the North Sydney LGA, as a result of the government's mismanagement of this industrial dispute which will potentially create the conditions for further industrial action in coming weeks and months.

**2. THAT** Council write to the Combined Rail Unions (CRU) of the Rail, the Tram and Bus Union (RTBU), the Australian Manufacturing Workers Union (AMWU), the Australian Services Union (ASU), the Australian Workers Union (AWU), the Electrical Trades Union (ETU), and Professionals Australia, expressing solidarity with their members in their struggle for a fair deal for their members.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 2

**For:** Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Carr, Councillor Hoy, Councillor Keen, Councillor Santer and Councillor Welch

**Against:** Councillor Carr and Councillor Keen

**Absent:** Nil

**283. RESOLVED:**

**1. THAT** Council urgently write to Transport for NSW, Premier Chris Minns, and Transport Minister Jo Haylen:

- e. Expressing Councillors' shock and strong disappointment with the NSW Government's decision to file proceedings in the Federal Court to prevent the Combined Rail Unions (CRU) from taking previously notified industrial action while also suing them for fines and penalties in the order of millions of dollars.
- f. Calling on the NSW Government to reverse this decision and resume bargaining in good faith with the CRU and deliver a fair pay deal for workers.
- g. Noting that North Sydney residents already face considerable, protracted traffic disruptions as a result of Transport for NSW's handling of major infrastructure projects, and
- h. Notifying the NSW Government that the Council will hold the NSW Government responsible for all additional transport disruptions experienced by residents of the North Sydney LGA, as a result of the government's mismanagement of this industrial dispute which will potentially create the conditions for further industrial action in coming weeks and months.

**2. THAT** Council write to the Combined Rail Unions (CRU) of the Rail, the Tram and Bus Union (RTBU), the Australian Manufacturing Workers Union (AMWU), the Australian Services Union (ASU), the Australian Workers Union (AWU), the Electrical Trades Union (ETU), and Professionals Australia, expressing solidarity with their members in their struggle for a fair deal for their members.

## **Suspension of Standing Orders**

The Mayor asked that Standing Orders be suspended to move the following Motion:

- 1. THAT** a vote of thanks be extended to Council staff who have shown extraordinary professionalism and dedication in a difficult year.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

**For:** Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Carr, Councillor Hoy, Councillor Keen, Councillor Santer, and Councillor Welch

**Against:** Nil

**Absent:** Nil

### **284. RESOLVED:**

- 1. THAT** a vote of thanks be extended to Council staff who have shown extraordinary professionalism and dedication in a difficult year.

## **13. Closure**

The Meeting concluded at 7.59pm.