



Council Chambers
3 October 2025

An Ordinary Meeting of Council will be held on Cammeraygal lands at the Council Chambers, North Sydney at 7.00pm on Monday 13 October 2025. The agenda is as follows.

THERESE COLE
CHIEF EXECUTIVE OFFICER

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**
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 - 3. Apologies and applications for leaves of absence or attendance by audio-visual link by councillors**
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11. Notices of Motion/Questions with Notice

- 11.1 Notice of Motion 22/25: Western Harbour Tunnel - high-capacity public bus service - Cr Welch
- 11.2 Notice of Motion 23/25: Traffic Matters - Spofforth Street/Rangers Road - Crs Keen & Carr
- 11.3 Notice of Motion 24/25: Bydown Cottages - Crs Keen and Carr

12. Matters of Urgency

Raised by Councillors

13 Closure of Meeting

In the spirit of open, accessible, and transparent government, the Council meetings of North Sydney Council will be streamed live via Council's website. By speaking at a Council meeting, members of the public agree to being recorded and must ensure their speech to the Council is respectful and use appropriate language. A person who uses defamatory, discriminatory, or offensive language may be exposed to liability for which Council takes no responsibility. Any part of the meeting that is held in Closed Session will not be recorded.

TO: The Mayor Zoë Baker, and Councillors Antonini, Beregi, Carr, Holding, Hoy, Keen, Santer, Spenceley, and Welch

MEETING OF COUNCIL TO BE HELD ON MONDAY 13 OCTOBER 2025

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 Ordinary Council meeting held on 22 September 2025 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: LED street lights – warmer white light

Recently a resident contacted me in relation to the issue of LED streetlights and the brightness of the cool blue-white light used. The resident advocated for a change to streetlights from blue-white to a warmer white and has started a change.org petition to support the change on the basis that warmer lights:

- are less disruptive to human sleep patterns;
 - create less glare which is safer for driving at night;
 - better for nocturnal wildlife as they are less impact on the environment;
 - create a more pleasing ambiance at night; and
 - create a less glow to the light pollution.
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Council's Director Open Space and Infrastructure advised that Ausgrid undertook a LED lighting upgrade within the North Sydney LGA between 2021/22 and 2024/25 and there are currently no further works proposed.

Ausgrid advise that cool white LED streetlights:

1. provide higher visibility and contrast, cognition, which can improve safety and surveillance, particularly on roads.
2. have greater energy efficiency as they typically are more efficient and brighter per watt; and
3. are more cost-effective as fewer fixtures are required due to higher lumen output.

The opposing view is that cool white LED streetlights:

1. project a harsher light that can cause discomfort or glare;
2. disrupt circadian rhythms, as higher blue light content can interfere with sleep and melatonin production; and
3. can be more disruptive to wildlife and contributes more to light pollution.

Council's 2025/2026 Operational Plan adopted on 30 June 2025 does not budget to undertake changing the LED to warmer white lights.

I therefore recommend:

1. **THAT** Council consider the use of warm LED luminaries in future lighting replacement programs across Council owned properties and when future replacement of street lighting is proposed.
2. **THAT** Council explore grant funding from the NSW Government to undertake a program to install warm LED streetlighting in place of the existing cool street lighting.

9. REPORTS OF COMMITTEES

9.1 Audit, Risk, and Improvement Committee Minutes - 22 August 2025

Report of Ian Curry, Governance Manager

The purpose of this report is to enable Council to consider the Minutes of this Committee as required under the Audit, Risk, and Improvement Committee Terms of Reference.

This report presents the decisions of the last meeting of the Audit, Risk, and Improvement Committee held on 22 August 2025 for Council adoption. The minutes are attached for information.

RECOMMENDATION:

1. **THAT** the Minutes of the Audit, Risk, and Improvement Committee meeting held on 22 August 2025 be endorsed.

10. REPORTS TO COUNCIL

10.1 Financial Statements for the Year Ended 30 June 2025

Report of Lu Chen, Acting Chief Financial Officer

The purpose of this report is to present the draft Financial Statements for the year ended 30 June 2025 and seek Council's approval.

Once approved, the financial statements will be submitted to the Audit Office of NSW for the issuance of the final Independent Auditor's Report on the General Purpose

Financial Statements and the Report on the Conduct of the Audit for the year ended 30 June 2025.

The net operating result before capital grants and contributions shows a surplus of \$1.3 million, compared with a deficit of \$3.6 million in FY 2023-24. The result is an improvement on the original budget deficit of \$8.3 million.

As at 30 June 2025, improvements to Council's financial position were largely attributable to one-off income items and savings measures to mitigate liquidity risks. The Income Statement reports a net operating surplus of \$15.2 million (inclusive of \$13.9 million of capital revenue), compared with a surplus of \$13.1 million in FY 2023-24.

The infrastructure asset backlog is 14.04%, with an estimated \$157 million required to bring assets to the agreed service level.

The Audit Office of NSW has largely completed the audit of the General Purpose Financial Statements and Special Schedule of Permissible Income for general rates, with the final reports pending Council's approval.

The General Purpose Financial Statements were presented to the Audit, Risk, and Improvement Committee on 19 September 2025.

Recommending:

1. THAT Council resolve that, in its opinion, the General Purpose Financial Statements and Special Schedules for the year ended 30 June 2025:

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

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

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

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

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

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

7. THAT in accordance with Section 418 of the Act, the audited Financial Statements be presented to the ordinary meeting of 24 November 2025.

8. THAT Council note the governance role played by Council's Audit, Risk, and Improvement Committee in overseeing the preparation and finalisation of the Financial Statements.

10.2 Disclosure of Pecuniary Interests by Councillors and Designated Persons

Report of Ian Curry, Governance Manager

The purpose of this report is to report on compliance as required under the *Local Government Act 1993* (LGA) and *Local Government (General) Regulation 2021*. Councillors and persons holding designated positions must complete and lodge a Disclosure of Pecuniary Interests Return.

Section 4.21 of the Code of Conduct (made under section 440 of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*) requires Councillors and persons holding designated positions, as at 30 June, complete and lodge a Disclosure of Pecuniary Interests Return within three months of that date (i.e., 30 September).

Section 4.25 of the Code of Conduct requires that Returns are lodged under Section 4.21 and tabled at the first meeting of the council after 30 September 2025.

All 2024/25 Returns have been duly completed and lodged within the prescribed period by Councillors. Two designated officers currently on extended leave did not complete their Returns by the statutory date, however they will be asked to do so upon their return to work.

Pecuniary Interest Returns are available for inspection on Council's website.

Recommending:

1. THAT the report be received, and Council note the tabling of Returns as required under Clause 4.25 of the Code of Conduct.

10.3 Council Meeting Schedule 2025-26 amendment

Report of Ian Curry, Governance Manager

The purpose of this report is to propose an amendment to the schedule of Council Meeting dates for 2025/26.

The Local Government Act prescribes that Councils are required to meet at least 10 times each year, each time in a different month.

This report proposes an amendment to the schedule of Council meetings to September 2026 due to the Local Government NSW (LGNSW) Annual Conference.

Recommending:

1. THAT Council adopt the attached amended Council Meeting schedule for 2025/26, with the two meetings previously scheduled for November 2025 to be combined into one meeting on Monday 17 November 2025.

10.4 Draft Electric Vehicle Charging on Public Land Policy - post-exhibition report

Report of Danielle Birbeck, Team Leader Sustainability

The purpose of this report is to inform Council of the outcomes of community consultation on the draft Electric Vehicle Charging on Public Land Policy, and the proposed changes based on the submissions received.

The draft Electric Vehicle Charging on Public Land Policy was placed on public exhibition from 13 August 2025 to 10 September 2025.

14 submissions were received. Responses were largely supportive of the Policy, noting environmental benefits and the need for infrastructure to support the transition to electric vehicles.

Some submissions highlighted concerns regarding limited availability of parking, costs to Council, and preference of vehicles to charge on private land. Several submissions addressed the Policy stance of not supporting advertising-enabled charging infrastructure.

Minor changes have been made to the Policy based on the responses.

Recommending:

1. THAT Council adopt the Electric Vehicle Charging on Public Land Policy following its exhibition and consideration of submissions received.

10.5 Preparation of a Masterplan for the Blues Point Foreshore

Report of Marcelo Occhiuzzi, Director Planning and Environment, and Gary Parsons, Director Open Space and Infrastructure

The purpose of this report is to respond to Council's resolution of 11 August 2025 regarding the next steps in the preparation of a Masterplan for the Blues Point foreshore precinct following the withdrawal of the Development Application (2024/410) for 1 Henry Lawson Avenue, McMahons Point.

At its meeting of 11 August 2025, Council resolved to withdraw the undetermined development application (2024/410) previously lodged for the property at 1 Henry Lawson Avenue McMahons Point, and to call for a report to outline the process, costs and next steps for the development of a Masterplan for the Blues Point foreshore precinct.

This report is in response to that resolution and presents a high-level description of the likely next steps, timeframes, and costs associated with the preparation of a future Masterplan for this open space corridor.

This report provides an overview of the process and potential costs associated with the preparation of a Masterplan for this foreshore reserve.

It is estimated that the preparation of a Masterplan will take upwards of 18 months given the community consultation and expert input required. The work is likely to be in the order of \$1.0M - \$1.2M.

Recommending:

1. THAT Council note the contents of this report in relation to the development of a masterplan for the Blues Point foreshore.

2. THAT Council note that whilst the development of the masterplan for the Blues Point foreshore is noted in Council's Open Space and Recreation Strategy, Council does not currently have funding available to undertake this project. Consideration will be given to funding in the new Long Term Financial Plan being developed for consultation with the community.

10.6 NSROC Tender 2027 Road Surfacing Patching and associated works

Report of Edward Wong, Manager Footpaths, Roads, & Drainage

The purpose of this report is to provide Council with an analysis of the outcome of the tender process for the Northern Sydney Regional Organisation of Councils (NSROC) Asphalt Road Resurfacing, Patching and Associated Works contract.

NSROC requests tenders for road reconstruction and heavy patching on behalf of eight participating member Councils, with the objective of achieving best value for money. The current NSROC contract used for Council's road reconstruction and heavy patching works expired 30 June 2025.

In December 2024, NSROC sought tenders from appropriately qualified contractors to form a new panel (NSROC 2027) for Road Resurfacing, Patching and Associated Works. 27 submissions were received when the tender closed on 24 February 2025.

Following assessment for conformity against the specified criteria, a shortlist of contractors has been established.

Recommending:

- 1. THAT** Council accept the short-list of tenderers as outlined in Attachment 1 to this report for NSROC 2027 – Road Resurfacing, Patching and Associated Works.
- 2. THAT** Council authorise the Chief Executive Officer to take any necessary action to implement to enter into the contract NSROC 2027 – Road Resurfacing, Patching and Associated Works.
- 3. THAT** Council authorise the Chief Executive Officer to negotiate a variance in the annual adjustment of the rates within the NSROC 2027 – Road Resurfacing, Patching and Associated Works Contract in the event of unforeseen circumstances that may arise requiring the adjustment of accepted rates.
- 4. THAT** Council authorise the Chief Executive Office to enter into extension options in accordance with the contract conditions noted within the in the tender documents for NSROC 2027 – Road Resurfacing, Patching and Associated Works.

10.7 New Lease on Council Property - 11 Ernest Place, Crows Nest

Report of Alistair White, Commercial Property Specialist

The purpose of this report is to seek Council's endorsement to enter a proposed new lease for 11 Ernest Place, Crows Nest on the terms and conditions contained in this report.

Council has received a lease proposal for 11 Ernest Place, Crows Nest which requires a rental incentive to be considered.

11 Ernest Place, Crows Nest comprises a ground floor and first floor retail unit, with one car parking space to the rear. The premises are leased to provide income as part of Council's commercial property portfolio, and to diversify and spread the risk of Council's revenue streams.

The confidential attachments include monetary information relating to property income, as well as leasing transactions. 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.

If Council wishes to discuss the report, the meeting should be closed to the public to do in accordance with Section 10A(2)(a) of the Local Government Act.

Recommending:

1. THAT Council resolves to enter the proposed lease over 11 Ernest Place, Cros Nest on the terms and conditions detailed in the confidential report.

2. THAT Council authorise the Chief Executive Officer (or their delegate) to sign all necessary legal documents in relation to this matter.

3. 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 the 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.

10.8 New Lease on Council Property - 56 Alfred Street, Milsons Point

Report of Alistair White, Commercial Property Specialist

The purpose of this report is to seek Council's endorsement to enter a proposed new lease over 56 Alfred Street, Milsons Point on the terms and conditions contained in this report.

Council previously approved a lease proposal for 56 Alfred Street, Milsons Point which Council resolved to enter into at the meeting 11 August 2025. The proposed Lessee has decided not to proceed with the lease. Lease proposals are not binding on either party only the lease document.

Council has received a new lease proposal for a new Lessee for 56 Alfred Street, Milsons Point which requires a lease incentive (to be taken as a rental abatement) to be considered.

56 Alfred Street is an office building forming part of Council's property portfolio which is held as investments for income purposes, and to diversify and spread the risk of Council's revenue streams.

The confidential attachments to this report include monetary information relating to property income, as well as leasing transactions. 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.

If Council wishes to discuss the report, the meeting should be closed to the public to do in accordance with Section 10A(2)(a) of the Local Government Act.

Recommending:

1. THAT Council resolves to enter the proposed lease over 56 Alfred Street, Milsons Point on the terms and conditions detailed in the confidential attachments to this report.

2. THAT Council authorise the Chief Executive Officer (or their delegate) to sign all necessary legal documents in relation to this matter.

3. THAT Council resolves that the identified attachments to this report are 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 the 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.*

11. NOTICES OF MOTION

11.1 Notice of Motion 22/25: Western Harbour Tunnel - high-capacity public bus service - Cr Welch

1. THAT Council write to the Transport Minister John Graham and the Roads Minister Jenny Aitchison to integrate a high-capacity public bus service between the Lower North Shore and the Inner West and beyond into the Western Harbour Tunnel.

Background

(supplied by John Berry of Council's Combined Precincts Committee's Infrastructure sub-committee)

Executive Summary

The Western Harbour Tunnel (WHT), due to open in 2028, presents a unique opportunity to transform public transport connectivity between the Lower North Shore and the Inner West and beyond by integrating high-capacity public bus services. Incorporating dedicated bus lanes and connections to existing and future public transport infrastructure would significantly reduce congestion, improve travel times, and encourage a shift away from private car use.

This proposal outlines the benefits, potential passenger numbers, and strategic integration plan for bus services through the WHT.

Background

Sydney's northern and western corridors currently face chronic congestion, particularly during peak periods on the Sydney Harbour Bridge and Tunnel. Forecasts indicate increasing travel demand across the harbour, with population and employment growth continuing in both the Lower North Shore and Western Suburbs. The WHT, connecting Rozelle to Warringah Freeway at North Sydney, offers new capacity that can be leveraged to support high-frequency, high-capacity bus transit options.

Whilst the tunnel aims to reduce traffic congestion on major routes, this has been called into question by 3 former senior NSW transport executives at the West Connex Parliamentary Inquiry.

The EIS for the projects demonstrates that there will be a large increase in wait times at intersections reflecting increased traffic on local streets. This is likely to lead to drivers seeking alternative routes to avoid tolls or navigate the new connections, potentially creating "rat runs."

The integration of buses into the WHT would reduce the number of private vehicles, improve traffic flows and reduce the traffic impacts on local communities.

Proposed Bus Integration Plan*Key Features*

Priority bus lanes within the WHT.

Potential direct connection to existing transport hubs, including -

- North Sydney
- Victoria Cross Metro Station
- Five Dock (with a link to Parramatta via the new Metro West)
- Parramatta Rd
- Broadway
- Newtown
- Five Dock
- Leichhardt
- Ashfield
- Burwood
- Brookvale
- Chatswood

New rapid bus routes linking Western Sydney to North Sydney and the Northern Beaches.

Park-and-ride options at strategic suburban hubs to encourage modal shift.

Potential Service Frequency

- Peak: Every 10 minutes or better on key corridors.
- Off-peak: Every 15 minutes, ensuring all-day service attractiveness.

Estimated Passenger Capacity and Demand

Passenger Boarding Numbers

- Based on a 12-metre bus with 66 passenger capacity.
- 4am to 12 midnight service daily.
- One trip from the LNS to the Inner West every 15 minutes, one trip from the Inner West to the LNS every 15 minutes.

Total daily passenger boardings - 10,560

Total yearly passenger boardings - 3,854,400

Based on a double decker B Line style bus with 120 passenger capacity

4am to 12 midnight daily

One trip from the LNS to the Inner West every 15 minutes, one trip from the Inner West to the LNS every 15 minutes.

Total daily passenger boardings - 19,200

Total yearly passenger boardings - 7,008,000

This would remove up to an estimated 8,000 private vehicles per day from cross-harbour routes, directly reducing congestion. According to Transport for NSW projections and recent environmental impact statements, the Western Harbour Tunnel (WHT) is expected to carry around 50,000 vehicles per day.

Key Benefits

1. Improved Travel Times
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Buses using the WHT could reduce travel times between Western Sydney and North Sydney by up to 15–20 minutes, compared to current bridge or tunnel routes.

2. Reduced Congestion

Encouraging a shift from private cars to buses will relieve pressure on Sydney Harbour Bridge, Sydney Harbour Tunnel, and arterial roads through the CBD.

3. Supports the state government's TOD and Town Centre Densification policies to by improving public transport to meet the needs of a growing population.

4. Environmental Benefits

Fewer cars translate to lower emissions and improved air quality (including the impacts of the unfiltered stacks), supporting NSW's climate goals and Sydney's sustainability targets.

5. Economic Productivity

Faster and more reliable cross-harbour trips improve access to jobs and reduce economic losses due to congestion, which costs Sydney over \$6.1 billion annually. It promotes business growth and the nighttime economy.

6. Greater Equity and Accessibility

Affordable, efficient public transport options benefit lower-income groups and reduce reliance on private vehicles.

7. Benefits to local communities impacted by the WHT.

Benefits for communities near the southern portal (Rozelle and Inner West)

- Supports growth of the new urban corridor planned for Parramatta Road providing efficient public transport for residents, workers and students travelling to the North Shore.
- Reduced surface traffic congestion.
- Bus integration means fewer cars on local roads like Victoria Road, City West Link, and Anzac Bridge approaches.
- Less rat-running through narrow local streets, improving safety and amenity.
- Fewer private vehicles result in lower local emissions (NO₂, particulates).
- Improved public transport connections.
- New rapid buses through the tunnel would provide fast, direct access to North Sydney and beyond, reducing reliance on the CBD as a transfer point.
- Supports broader health benefits, especially for children and older residents.

Benefits for communities near the northern portal (North Sydney and Lower North Shore)

- Less congestion at Warringah Freeway.
 - Dedicated bus flows reduce car pressure on already congested corridors through North Sydney.
 - Frees up road capacity for local trips and essential traffic.
 - New rapid buses through the tunnel would provide fast, direct access to the Inner West and beyond, reducing reliance on the CBD as a transfer point.
 - Enhanced access to jobs, services and education.
 - Improves access for North Shore residents to the University of Sydney, UTS, University of Notre Dame, Royal Prince Alfred Hospital and places of employment.
 - A direct bus service from the Inner West to North Sydney allows workers and shoppers to access North Sydney's growing commercial precinct more efficiently.
 - Supports Nth Sydney Council's initiatives to revitalise the night time economy.
-

- Supports North Sydney's role as Sydney's second-largest CBD.
- Encourages active transport and local vibrancy
- Reduced through-traffic noise and pollution make the area more attractive for walking and cycling.
- Complementary investment in local streetscapes and interchange facilities could improve urban liveability.

Implementation Considerations

- Coordination with Sydney Metro and existing bus operators to design feeder and express routes.
- Upgrades to bus interchange facilities at Rozelle, North Sydney, and other major hubs.
- Real-time passenger information systems and integrated Opal payment systems to simplify transfers

Conclusion

Integrating high-capacity public bus services into the Western Harbour Tunnel would be a transformative investment for Sydney's future. It leverages the new tunnel to move more people, more efficiently, with fewer emissions and reduced congestion. We recommend prioritising detailed feasibility studies in 2025–2026 to finalise service design, infrastructure modifications, and stakeholder engagement, ensuring readiness for the 2028 opening.

11.2 Notice of Motion 23/25: Traffic Matters - Spofforth Street / Rangers Road - Crs Keen & Carr

1. THAT Council acknowledges the longstanding concerns of residents regarding traffic and safety issues in the Spofforth Street and Rangers Road area, which have been raised consistently over the past six years.

2. THAT Council notes the investigations and proposed solutions previously developed by the Traffic Committee in response to these concerns.

3. THAT Council reconsiders and prioritises appropriate traffic safety measures to protect drivers, pedestrians, and cyclists — particularly at the following key intersections:

- Spofforth Street and Rangers Road
- Holt Avenue and Spofforth Street
- Spencer Road and Spofforth Street
- Rangers Road between Murdoch Street and Spofforth Street

4. THAT Council formally seek the cooperation of Mosman Council in addressing these traffic issues, given that Spofforth Road is a shared boundary between both councils.

5. THAT the matter be referred to the CEO to consider available options under the Local Area Traffic Management Action Plan.

Background

In 2019, North Sydney Council adopted the Local Area Traffic Management (**LATM**) Plan for Area 6. The concerns and locations referenced above are specifically identified in that plan as items T75, T84, T107, T111, and T115.

While Council has undertaken significant work to assess and address these issues, little tangible progress has been made in implementing the proposed solutions.

Additionally, the version of the LATM plan currently available on Council's website has not been updated to reflect the work completed or the current status of each item. Residents continue to raise serious concerns about pedestrian and driver safety along Spofforth Street and Rangers Road, including reports of multiple accidents and near misses. Despite these ongoing complaints, no substantive action has been taken to improve safety.

It is understood that the previous Mosman Council declined to share construction costs related to proposed traffic solutions. However, with a new Council now in place, there may be greater willingness to cooperate in resolving these longstanding issues. This is an opportune time for North Sydney Council to re-engage with Mosman Council and work collaboratively toward effective outcomes.

11.3 Notice of Motion 24/25: Bydown Cottages - Crs Keen and Carr

1. THAT Council:

- (i) seek urgent advice on whether an Interim Heritage Order (IHO) can be supported for the group of dwellings located at 27–37 Bydown Street, Neutral Bay.
- (ii) prepare an urgent report to assess the potential for a new Heritage Conservation Area (HCA) encompassing the area bounded by Bydown Street, Cheal Lane, and Olive Lane, with specific consideration given to the inclusion of the dwellings at 27–37 Bydown Street.
- (iii) ensure that the heritage review considers any contributory items within the proposed conservation area.

Background

A development application has been submitted to Council for the demolition of the cottages at 27–37 Bydown Street, Neutral Bay, to make way for the construction of an eight-storey residential flat building. The applicant's Heritage Impact Statement identifies only the fire station at 28 Yeo Street as heritage-listed, overlooking the significance of the Bydown Street cottages.

These cottages are believed to be original tram workers' dwellings and, as a group, represent an important chapter in the history of Neutral Bay. Despite their historic value, they are not currently heritage-listed, nor are they located within a designated Heritage Conservation Area under the North Sydney Local Environmental Plan 2013. In the past, Council has responded to similar situations by pursuing Interim Heritage Orders where heritage controls had not yet recognised significant items—for example, at 8 Hayes Street and 115-119 Holt Avenue.

Several Precinct Committees have previously recommended a comprehensive heritage review of the North Sydney LGA, including the Bydown Street cottages. However, the implementation of this review was delayed due to NSW Government mandates on affordable housing, which placed pressure on Council resources.

There is now significant community concern that unless urgent action is taken, the cottages will be irreversibly lost, erasing a tangible and culturally valuable piece of Neutral Bay's heritage.

Note

Section 3.11 of the Code of Meeting Practice states that, if the CEO considers that a notice of motion submitted by a Councillor for consideration at an ordinary meeting

of the Council has legal, strategic, financial, or policy implications which should be taken into consideration by the meeting, the Chief Executive Officer may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the Council.

Director Planning and Environment Report

Development Application No. 310/25 was lodged on 10 September 2025 for the construction of an eight-storey residential flat building comprising 25 apartments with six affordable units above three levels of basement car parking at 27-37 Bydown Street, Neutral Bay.

Council has Ministerial delegated authority to issue an Interim Heritage Order (IHO) under section 25 of the *Heritage Act 1977*. This delegation is subject to various conditions, including that, based on a preliminary assessment, *the item is, or is likely to be found, on further inquiry or investigation, to be of local heritage significance*. This delegation is significant because it allows Council, subject to various conditions, to effectively pause a development proposal temporarily to allow for a more detailed assessment of heritage significance to be undertaken.

While Council has issued IHOs in the past with mixed results, the current pressure to accelerate housing supply requires that any consideration of an IHO be approached with a high degree of care and caution.

Whilst urgent advice may be sought as per item 1 of the Notice of Motion, items 2 and 3 will slow this process down and arguably, not add value to the overall objective of the IHO, which presumably would be to seek to provide immediate relief to a potential future heritage item that is currently under threat.

It is important to note that:

- the Minister can revoke this delegation at any time, at their absolute discretion; and
- any decision on whether a site receives a permanent heritage listing ultimately rests with the Department of Planning, Housing and Infrastructure, not Council.

In addition, preparing an IHO is resource intensive. It involves appointing an independent expert(s) to quickly produce a preliminary report and for staff to conduct the process in a manner that is accurate, thorough, and able to withstand legal challenge (as has occurred previously). At present, Council's planning resources are stretched by the Minister's Order relating to development assessment targets and responding to a significant spike in Housing Delivery Authority and State Significant Development proposals.

Director of Planning and Environment Addendum Report (9 October 2025)

Council's internal heritage experts have urgently reviewed the subject properties to form an opinion as to whether they are likely to meet the thresholds for heritage listing under the North Sydney LEP. This advice is summarised below.

The site is located within the Forsyth Neighbourhood within a pocket of Federation style dwellings on uncharacteristically small lots that are in relatively close proximity to two local heritage items listed under NSLEP 2013 as follows:

- *Neutral Bay Fire Station, 28 Yeo Street, Neutral Bay, 2089 (Ref: I0765)*
- *Neutral Bay Public School, 175 Ben Boyd Road, Neutral Bay 2089 (Ref: I0575)*

Currently, the site is occupied by six single-storey Federation period dwelling houses built by a pair of builders in the form of a terrace of two attached and two semi-detached dwellings at Nos. 31-37 Bydown Street, and two semi-detached dwellings at Nos. 27-29 Bydown Street. All of the houses on the site date from the period 1908-

10 and exhibit an intact primary form with a legible rear service wing. All of the dwellings, however, have been modified over the years with rear additions and high front fences added to the terrace in 1979-80.

Historical photographs have been sourced from the Stanton Library digital image collection, showing the group of houses in the 1970s as relatively intact, and again in 1980 when significant alterations had been undertaken including painting/render of face brick, roof replacement, new brown glazed tiling of the entrance pathways and front verandahs as well as the addition of unsympathetic high brick front fences to the Bydown Street elevation. A comprehensive development site history was prepared to clearly show the high level of alterations that have been undertaken to the dwellings on the subject site since 1979.

While clearly still identifiable as a group of early 20th century Federations style workers' cottages, constructed circa 1908-1910, the streetscape presentation of the group has been unfortunately compromised by the addition of the high front boundary fences which largely obscure the primary facades. While an internal survey has not been possible as part of the development assessment, available real estate photographs online (for 31, 33, and 35 Bydown Street) indicate that the interiors are very modest, reflecting their size and origins, and do not show any significant interior decorative features such as original fireplaces, joinery, decorative tiles, leadlight windows etc. A search of Council's historical rate records, and the historical land title owners provided by the applicant, have also not uncovered any significant connections to any individuals of note, who might have lived in or built/designed the subject dwellings.

The dwellings on the opposite side of the road provide a generally sympathetic setting, however, the setting at the rear is heavily compromised by the paved vehicular right of way and the Council car park located at 68-70 Barry Street (built in 1979). The immediate context of the site comprises a highly mixed character of commercial and residential developments of varying types and styles but is dominated by the large residential flat building at 20-24 Yeo Street (built 1980), the Council car park and the commercial properties that front Military Road.

It should also be noted that Victorian and Federation period workers cottages are a well-represented type of building listed in the LEP, with many different examples across the LGA that are listed as heritage items or within a conservation area in much better condition and exhibit a higher-level integrity, including as part of a broader streetscape defined by that character. The closest most relevant examples are the group of Federation period workers' cottages at Nos. 2-16 and 1-9 Byrnes Avenue, Neutral Bay, which forms a group of heritage items under the LEP (Ref: I0582-I0594), and the group of Federation workers' cottages at Nos. 78-88 Parraween Street, Cremorne, which were recently listed as LEP heritage items in 2023.

Whilst acknowledging that a comprehensive analysis of each individual property has not been undertaken, the internal heritage advice considers that the properties would not satisfy the requirements to meet the NSW Heritage Guidelines for Heritage Listing. It is estimated that based on previous preliminary advice sought for heritage assessment, that such advice would cost in the order of \$10K.

12. MATTERS OF URGENCY

Nil

13. CLOSURE