



AGENDA

Council Chambers
1 March 2023

An **EXTRAORDINARY MEETING** of Council will be held on Cammeraygal Land at the Council Chambers, 200 Miller Street, North Sydney at 1:00 PM on Wednesday 1 March 2023.
The agenda is as follows.

Therese Manns
GENERAL MANAGER



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

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1. Opening Meeting

Statement of ethical obligations

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

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

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.

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

4. Disclosures of Interest

5. Notices of Motion

5.1. Notice of Rescission 1/23 - Bradfield Park - legal advice (28 February 2023) - Crs Gibson, Lepouris, Mutton and Spenceley

THAT Council's resolution relating to Item 7.1 Bradfield Park legal advice:

1.THAT Council notes the letter from Mr Steve Issa, Executive Director, Community and Place, Transport NSW dated 27 February 2023 asking for a response to his proposal by the end of February 2023.

2.THAT Council notes the legal advice dated 11 March 2022 and the advice provided by Richard Lancaster SC dated 24 February 2023.

3.THAT Council regards discussion of the election promise of a new foreshore park at Berrys Bay, and the election promise of a working group to discuss an expansion of public open space at Lavender Bay in Mr Issa's letter to be disingenuous and wholly unconnected to the issue at hand.

4.THAT Council notes that amendments were made to the concept designs exhibited with the Review of Environmental Factors (REF) to address submissions made by Council, the community and advice from the Heritage Council to address concerns regarding heritage impacts on the Sydney Harbour Bridge and the entrance to Milsons Point station.

5.THAT, in the circumstances where TfNSW advise that they will be proceeding with or without owner's consent, Council provide Land Owner's consent to enable the lodgement of an application under Section 60 of the Heritage Act 1977 to progress the Sydney Harbour Bridge Northern Cycleway Access (SHBCNA) project on the condition that, with the community front of mind and to support further amenity, active transport and open space outcomes, TfNSW provides Council with a contribution of \$2.5M towards Council's planned improvements to Bradfield Park.

6.THAT Council strongly urge TfNSW to amend the design of the linear ramp during the design and construct phase so as to reduce the safety issues for pedestrians and cyclists that arise from cyclists exiting the ramp in Bradfield Park North which funnels cyclists onto Middlemiss Street and into the roundabout at Lavender and Alfred Streets, and other aspects of the design

7.THAT Council resolves that the identified attachment to this report (11 March 2022 legal advice) is to be treated as confidential in accordance with section 11(3) of the Local Government Act for the following reason under section 10A(2) of the Local Government Act: (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. It is further noted that release of this information would be, on balance, contrary to the public interest as it would affect Council's ability to manage legal matters effectively and in the best interests of the community.

Passed at the meeting of the Council held on 28 February 2023 be and is hereby rescinded.

6. Closure