

BRIGHTMORE PRECINCT MINUTES

PART OF NORTH SYDNEY COUNCIL'S COMMUNITY PRECINCT SYSTEM

WEDNESDAY 9 FEBRUARY 2022

COMMENCING AT 7.00 PM

CHAIR: JG, CH (Co-Chairmen)

MINUTES: LS (Co-Secretary)

ATTENDANCE: 17 people attended the meeting,
limited to 20 due to Covid

APOLOGIES: 5 (MC, SK, PT, JT, RM)



1. WELCOME

JG (Co-Chairman opened the meeting).

2. MINUTES FROM 19 JANUARY 2022 MEETING

The Minutes for the previous meeting of 19 January 2022 were adopted.

3. PROPOSED CHANGES TO COUNCIL MEETING SCHEDULE AND PRACTICE FEEDBACK CLOSES 14 MARCH 2022

On 24 January 2022, Council resolved to place the following proposed changes to the Council Meeting Schedule and Practice on public exhibition:

- *an increase in frequency of Council meetings - from monthly to fortnightly*
- *no Committees of Council - the existing Legal & Planning Committee and Governance & Finance Committee will be abolished with these matters being integrated into Council meetings*
- *business papers to be reported to Council will be available on Council's website two weekends prior to a Council meeting*
- *where appropriate, Councillor Briefings will be conducted in the week prior to the Council and webcast open to the public*

<https://yoursay.northsydney.nsw.gov.au/council-meeting-schedule-and-practice>

CH gave a short overview of the resolution passed by Council on 24 January.

Comments

- The current system has a time limit for the meeting, sometimes not allowing adequate debate on an agenda item
- Matters will be dealt with in a more timely manner and given proper consideration

MOTION:

The following **MOTION** was put to the meeting and **passed UNANIMOUSLY**.

Brightmore Precinct endorses the above Proposed Changes to the Council Meeting Schedule and Practice.

4. CURRENT/FUTURE ROLE OF COUNCIL AT CAMMERAY PARK/GOLF CLUB - EXISTING TfNSW APPROVALS FOR WARRINGAH FREEWAY EXPANSION & WESTERN HARBOUR TUNNEL (FOCUS ON TREE REMOVAL & CANOPY)

CH gave a short overview of Motions 9.6 & 9.7, passed unanimously by Council, at its meeting on 24 January 2022.

9.6. Notice of Motion 6/22 by Councillors Baker, Beregi, Santer, Welch, Bourke and Lamb: Western Harbour Tunnel/Northern Beaches Link Projects

9.7. Notice of Motion 7/22 by Councillors Baker, Beregi, Bourke, Lamb, Santer and Welch: Early Works Warringah Freeway Upgrade and Western Harbour Tunnel – impacts on Cammeray Park and management of contamination and compliance issues, passed unanimously by Council, at its meeting on 24 January 2022.

Comments

- Both resolutions were passed unanimously by Council.

- The focus is to preserve for the public as much land and as many trees as possible.

- Current work is ostensibly for the WFU, and it is unclear how many trees have been removed.

- KF advised he understands only a small number of trees will be removed for the re-design of Cammeray Golf Course (CGC).

- There were 2 conditions imposed for the construction of WHT/WFU

(i) TfNSW relocate the water storage dam

(i) Produce a new 9-hole golf course

- CGC sought and received some compensation from TfNSW for loss of business for at least 12 months

- If Beaches Link tunnel doesn't go ahead, 1 of the motorway sheds would be unnecessary and the land should be returned to Cammeray Park.

- It is understood a briefing meeting will be held in the near future between the Mayor and CGC.

MOTION:

*The following **MOTION** was put to the meeting and **passed 15 votes FOR, 2 votes AGAINST.***

Brightmore Precinct supports Council in its actions to minimise the loss of open space and trees at Cammeray Park.

5. NORTH SYDNEY OLYMPIC POOL INCREASED COSTS AND RAMIFICATIONS

CH gave a short overview of cost increases associated with NSOP. Originally the cost was \$28m, and subsequently increased to \$48m, \$54m, and now \$64m.

At the Council Meeting of 24 January 2022 the General Manager proposed accepting a loan offer for the \$30m debt.

The General Manager signed the contract for the pool redevelopment on New Year's Eve 2020.

Documentation was not available to all Councillors, only the Steering Committee consisting of the General Manager, Mayor Gibson, and Councillors Mutton and Barbour.

Funding includes 2 grants of \$10m from the Federal Government, and \$5m from the NSW Government.

Comments

- Where has the money gone?

- Look at other sources to pay for the cost increase, rather than rates.

- Lane Cove pool only cost \$15m to redevelop.

- Now is the time to press the Federal and State Governments for extra funding with elections due within the next year

MOTION:

*The following **MOTION** was put to the meeting and **passed UNANIMOUSLY.***

Brightmore Precinct supports North Sydney Councillors' investigation into the cost increases of NSOP and requests that they explore further funding arrangements and report to the community.

6. COUNCIL HAS RESCINDED THE MILITARY ROAD CORRIDOR PLANNING STUDY - WHERE TO FROM HERE?

MTJ gave a short overview of the above.

At the meeting of Council on 24 January 2022, the "*Military Road Corridor Planning Study - Exhibition Outcomes and Amended Future Direction Report*" was rescinded. The whole study was predicated on:

- (i) the loss of employment space
- (ii) pressure from developers

There needs to be a broader discussion than just the "*height*" and "*open space*" indicated in *Point 5* of Council's Resolution:

5. THAT Council adds to its program and budget, the creation of an updated strategic development framework for the Military Road Corridor including Neutral Bay centre by engaging with the community and stakeholders to prepare a revised recommendation that has a better balance between development height and the provision of additional public open space.

The redevelopment of the Lane Cove Council carpark in Rosenthal Avenue was cited, where a separate entity, Lane Cove Alive, was set up, with genuine community consultation and competitions. This resulted in the award-winning *The Canopy*.

MOTION:

The following **MOTION** was put to the meeting and **passed UNANIMOUSLY** (including 2 votes received by email)

THAT Brightmore Precinct notes Council's resolution relating to item 9.2 passed at the meeting of Council held on 24 January 2022 and

(1) **THANKS** Council for its rescission of the *Future Directions Report* dated 22 February 2021.

(2) **NOTES** that Council will conduct a briefing on the rescission of the *Future Directions Report* prior to proceeding to Point 5 below:

"5. THAT Council adds to its program and budget, the creation of an updated strategic development framework for the Military Road Corridor including Neutral Bay centre by engaging with the community and stakeholders to prepare a revised recommendation that has a better balance between development height and the provision of additional public open space."

(3) **OPPOSES** the preparation of "a revised recommendation that has a better balance between development height and the provision of additional public open space", considering this an inadequate response to the future needs of Neutral Bay Town Centre.

(4) **REQUESTS** that **Council partner with the local community**, including residents, business owners and property owners, to undertake a **Neutral Bay Town Centre Revitalisation Project**, using a process similar to that used by Lane Cove Council for the Lane Cove Village (which included the establishment of "Lane Cove Alive" to encourage and enable genuine local participation), and commencing with the preparation of:

- (i) a Traffic and Parking Masterplan, and
- (ii) a Master Plan (or Structure Plan) to provide the urban design vision for Neutral Bay Town Centre, providing recommendations on, and an implementation framework for, the pedestrian domain, the mix of uses, active street edges, boosting employment and business, improving design quality, improving access (walking, cycling, public transport, car),

to be followed by public participation in the preparation of objectives for placemaking and briefs for design competitions for specific pedestrian public domain projects (similar to the process used for The Canopy project in Lane Cove).

(5) **NOTES** the *North Sydney Local Housing Strategy* specifically states that additional residential density along the Military Road Corridor was not a driver of the *Future Directions Report*.

(6) **NOTES AND ENDORSES** the concerns of Councillor Gibson regarding potential overshadowing of the Grosvenor Lane car park and **REQUESTS** that Council act to insert a clause in the LEP banning development from overshadowing the Grosvenor Lane car park public domain (eg as per the City of Parramatta provisions for protection of their public spaces).

(7) **NOTES AND ENDORSES** the concern outlined in the *Future Directions Report* regarding loss of employment space in the B4 Mixed Use Zone in Neutral Bay and **REQUESTS** that Council act to insert a "no loss of non-residential space" clause in the LEP (eg as per the City of Canterbury Bankstown *Campsie Town Centre Master Plan*) with the added requirement that non-residential space be above ground, not subterranean.

7. REDACTION OF PREVIOUS BRIGHTMORE MINUTES

&

8. CHANGES TO PRECINCT RULES OVER COUNCILLOR INVITATIONS

CH gave the following presentation re the above.

Brightmore Precinct

Analysis: Amended Code of Conduct - Precinct Office Bearers and Members/Brightmore's Redacted minutes.

The reason for this "postmortem" is that Brightmore has remained concerned about the policy behind, and decision making that led to, Precincts having increased restrictions on who they might invite and/or reporting of what was said at such meetings. Some of these effects remain ongoing.

The *Precinct Review (Amended Code of Conduct - Precinct Office Bearers and members)* report was prepared by Council's Manager Corporate Planning and Engagement for the Governance & Finance committee and was endorsed by Council's Director City Strategy (then acting Head) until Council's Executive Manager Governance, was employed later in (I believe) 2021.

An accurate timeline of events is kindly provided/quoted here from Jenny Gleeson... (emphasis in RED mine)

- current *Precinct System Guidelines* states (page 2) "Councillors, except those who live in the Precinct area, may attend meetings only by invitation. There will be no standing invitations for Councillor attendance".
- Council resolved on 24 February 2020 to commence the Precinct System Review, including public exhibition of the Stage 1 Discussion Paper and proposed amendments to the *Code of Conduct - Precinct Office Bearers & Members*
- proposed amendments to *Code of Conduct - Precinct Office Bearers & Members* were publicly exhibited from 12 March to 19 August 2020, this occurred con-current to the Stage Discussion Paper (Stage 1), **including the following promoted addition to Section 15: "The Mayor and General Manager are the official spokespersons for the Council. As such, they (or their delegate) should be approached first for presentations to Precinct Committees on Council issues. Such requests are to be coordinated through Council's Community Engagement Coordinator. Precinct Committees and their Office Bearers must treat Councillors equally. If one (1) Councillor is invited to a present to a Precinct Committee, other Councillors are also to be given equal opportunity"**.
- the submissions received in response to the amended Code were reported to the Governance & Finance Committee on 9 November 2020, whereby it the Committee resolved: **8. THAT the Code of Conduct - Precinct Office Bearers and Members submissions received be noted. 9. THAT the final Code of Conduct - Precinct Office Bearers and Members be adopted, per Attachment 1.**
- the minutes/recommendations of the Governance & Finance Committee (held 9 November 2020) were adopted by Council on 30 November 2020, i.e. amended Code adopted
- memo sent to all Precinct Committees on 10 December 2020 advising amended Code in effect
- memo sent to all Precinct Committees on 1 February 2021 providing further clarification regarding interpretation of Section 15 of the Code
- matter raised in context Election Candidates addressing Precinct meetings - on 28 June 2021, Council considered Notice of Motion 11/21, Council resolved that Candidates are able to participate fully in Precinct Committee meetings. As part of the discussion at the meeting it was explicitly stated that the motion (later resolution) did not interfere with the directive that Office Bearers running for election need to step down.
- Council resolution of 23 September 2021 in response to Notice of Motion 26/21 - **1. THAT Council resolves that Precinct Committees may determine, without reference to Council: the matters that are to be discussed at their meetings; and who is to be invited to address their meetings.**
- the above mentioned Council resolution as promote via the Precinct eNews from late September to early December 2021
- reminder included in the Precinct eNews from late January 2022
- Guidelines, Precinct System Policy and Code currently under review

The issue becomes clearer – as the report notes the many negative submissions from precincts on item 15 (included below) but these comments are over-ridden by the report, as a whole, being adopted as part of phase 1 in **November 2020 – the comments are only noted but not acted upon.**

15. Relationship between Councillors/ Staff and the Precinct Committee	<ul style="list-style-type: none"> • 15 submissions responded to this section - including 10 Precinct Committees, 4 online and 1 written. • Most submissions: <ul style="list-style-type: none"> ○ do not support the requirement that the Mayor and General Manager be approached in the first instance regarding requests for Councillor/Council staff speakers at Committee meetings; noting that a) the respective line and project managers are better placed to speak to projects (i.e. “really know the nitty gritty details”), b) ratepayers can have interactions with Councillors/Council staff; c) this “suggests a need to control what is presented to Committees on behalf of Council”, and d) “the proposition is contrary to accepted standards of procedural fairness”. ○ support coordination of requests for Council staff to attend Committee meetings through the Community Engagement Coordinator/it is assumed that Committees can still contact the designated Council officer to the Precinct System, being the Community Engagement Coordinator.
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SUBMISSIONS SUMMARY
PRECINCT SYSTEM REVIEW STAGE 1 - AMENDED CODE OF CONDUCT

Section	Summary
	<ul style="list-style-type: none"> ○ broadly support the requirement to invite Councillors to Committee meetings, but that this should be limited to all Ward Councillors not all Councillors. • 2 submissions request reinstatement of the Key Council Staff Contacts Lists that was formerly distributed annually. • 1 submission requests that the Mayor and General Manager should attend Committee meetings by invitation only. • 1 submission notes that Committees should have the opportunity to build relationships with all Councillors equally. • 1 submission prefers to approach guest speakers direct themselves, noting that if Council staff should seek approval from Council management themselves. • 1 submission requests clarification that Committees can still liaise direct with their Ward Councillors. It is noted that the Mayor and Councillors contact details are publicly available from Council’s website.

The perhaps unintended result being that the unpopular alteration regarding precincts (or small print) took effect immediately - attached directly below with voting.

A review of the Precinct System is currently underway, however it was intended, as stated in the Stage 1 Discussion Paper, that the proposed amendments to the Code could proceed outside of the Review as they address previously identified issues not adequately covered by the current Code, as listed above.

The amended Code was exhibited from 11 March to 19 August 2020. 21 submissions were received, including 11 Precinct Committees, 8 online submissions and 2 written submissions, all by active Committee members including whose own Committee made a submission.

Overall, the submissions largely support the majority of amendments to the Code. In response to the feedback received the Code has been updated as detailed in Attachment 1. These updates are considered minor as outlined in the report. Attachment 2 provides a summary of the submissions received.

It is acknowledged that Stage 2 of the Review is commencing soon, however it is recommended that the final Code (Attachment 1) be adopted to ensure that already identified issues not covered by the current Code (last readopted in 2013) have adequate provisions in place. The Code can be further reviewed in due course, including in response to any agreed changes to the Precinct System as a result of the Review; and following updating of the Precinct System Guidelines at which time some content from the Code can be transferred to the Guidelines, as suggested by the submissions, including the Social Media Guidelines (Appendix A). Therefore, until such time as the Precinct System Guidelines are thoroughly reviewed, it is recommended that the current scope of the Code remain as per Attachment 1.

Recommending:

1. **THAT** the final Code of Conduct - Precinct Office Bearers and Members be adopted, per Attachment 1.
2. **THAT** the submissions received be noted.

The Motion was moved by Councillor Brodie and seconded by Councillor Drummond.

The Motion was put and carried.

Resolved to Recommend:

1. **THAT** the submissions received be noted.
- 2 **THAT** the final Code of Conduct - Precinct Office Bearers and Members be adopted, per Attachment 1.

Voting was as follows:

For/Against 7/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi	Absent		Drummond	Y	
Keen	Y		Gunning	Absent	
Brodie	Y		Mutton	Y	
Carr	Y		Baker	Absent	

The General Manager asked Councillor Barbour if he had any interests to disclose. Councillor Barbour advised that he had no interests to disclose.

The meeting concluded at 6.54pm.

We note that the G&F committee was Chaired by the former Mayor (Cr. Gibson) and General Manager - also that it was a unanimous vote by all 7 councillors present.

Certainly, none of them picked up on this detail at the time. Of those 7 Councillors present at the G&F only 3 were returned to Council for 2022.

SUMMARY & possible actions:

- It would be good to establish which parties sought to insert the (red) text placing the (then) Mayor and General Manager with so much direct control over Precinct matters? The Council minutes and G&F minutes obviously don't provide this level of detail.
- The mere "noting" of current precinct objections while adopting the report and the addition of the red text was a significant divergence from established precinct protocols.
- Additionally, there was sizable discussion around the (then) Mayor and/or General Manager setting agendas and Chairing the Combined Precinct Committee meetings.
- The collective changes here would be to significantly chill or mute open community discussion of the councils own Precinct system.

We note that the motion to finally address this aspect in **September 2021** (directly before the original timing of the local election) was moved by Cr. Mutton and Cr Keen who had changed from their previous position (voting) of **November 2020**.

As seen by the voting below Cr Gibson & Cr Drummond became the only currently elected (that is re-elected) councillors to continue to oppose the relative "autonomy" of volunteer run precincts despite having had the "small print explained" via the Cr. Mutton/Keen motion.

9.4. Notice of Motion No. 26/21 by Councillors Mutton and Keen - Precincts

1. THAT Council resolves that Precinct Committees may determine, without reference to Council:

- the matters that are to be discussed at their meetings; and
- who is to be invited to address their meetings.

2. THAT Council resolves that during the Regulated Election Period defined in s4 of the Electoral Act 2017 (NSW) for an election of Councillors to North Sydney Council a member of a Precinct Committee who nominates in an election of Councillors:

- will stand down from the office held until the poll is declared and
- may during the period of stand down attend meetings of the Precinct Committee and participate in discussions that are held.

The Motion was moved by Councillor Mutton and seconded by Councillor Baker.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6/4

Councillor	Yes	No	Councillor	Yes	No
Gibson		N	Barbour	Y	
Beregi	Y		Drummond		N
Keen	Y		Gunning		N
Brodie		N	Mutton	Y	
Carr	Y		Baker	Y	

RESOLVED:

1. THAT Council resolves that Precinct Committees may determine, without reference to

An earlier motion in **June 2021** by Crs. Baker, Beregi & Carr sought to allow precinct members - who were nominating as councillor candidates - to be able to continue to attend precinct meetings which would not be allowed under the amended code.

It is clear that some Precincts had made submissions to this effect (but not Brightmore).

The second part of the **September 2021** Crs. Mutton & Keen motion doubles down on this as technically it was already approved (**5 to 4**) by the **June 2021** motion.

REDACTED MINUTES

Lastly - we turn to the issue of Brightmore's redacted minutes currently on the NSC website. On this policy we remain in the dark as to its origin.

It would be our proposition that even if a Councillor has an obligation (under the Local Government Act or sundry NSC regulations) to present, "the resolved position of Council" they are under no duty to state they necessarily fully agree with it - especially if, for instance, they voted against or abstained on a particular motion being discussed/examined at a Precinct level.

If both positions are aired (council and personal/elective) this remains equitable.

This is fair as it applies equally to Councillors of all ideological or political hues.

The muting of both the Precinct and Councillors (if invited) should be swept away as a matter of "Freedom of Speech".

It seems obvious that whatever the policy all minutes which are published should reflect a true and accurate account of what was said at a Precinct - existing within the law (i.e. non defamatory) – that is the purpose of minutes.

This arguably supersedes the Councils communication directive that their website only publish council resolutions. Precincts are in essence about discussion, review and community feedback. This might not always agree with elements of a "resolved position."

Personally, I encourage a council led exploration of the "Bill of Rights" for Precincts - an idea which has been mooted by Cr. Santer (a former Precinct Chair himself.)

This might help enshrine more accurately (and with greater longevity?) the role and function of precincts - in addition with the ongoing precinct review.

Precincts are a fantastic system which encourages diverse opinion, consultation and a community led voice – it's a North Sydney led framework and tradition which I have come to appreciate with increasing gratitude. Whatever the "policy" it has not been applied consistently (see attached Brightmore minutes April 2021 (redacted) and May 2021)

Post precinct discussion or amendment this document will be forwarded to the CPC for review/thoughts.

End of Presentation by CH.

MOTION:

*The following **MOTIONS** were put to the meeting and **passed UNANIMOUSLY.***

That Brightmore Precinct:

*(i) supports Cr. Santer's idea for a more formal "Bill of Rights" for Precincts. Examine, review and remove **current** restrictions which allow redaction of approved Precinct minutes – a record of what was said - within the law.*

(ii) requests that Council publish on its website Brightmore Precinct's unredacted Minutes of April 2021 **GENERAL BUSINESS**

(i) SAFETY ISSUE- TRAFFIC ON SUTHERLAND ST BETWEEN PARK AVE & YOUNG ST, NEUTRAL BAY

Concerns were raised over near accidents occurring on the above road, due to its narrowing to accommodate the cycle path. This also occurs in Young St between Sutherland St & Grasmere Rd, and Park Ave between Ernest St & Sutherland St.

Two large vehicles are unable to pass each other, sometimes having to reverse into driveways.

Various solutions suggested including making Sutherland St 1-way west to east or removing parking on 1 side of the road.

ACTION FOR COUNCIL:

Has a safety audit been done since the installation of the cycle paths in the above streets?

(ii) PARRAWEEN STREET AGED CARE FACILITY

- No notice of lodgment of a DA for a seniors housing project has been received by the Precinct.

- MTJ advised the new Housing SEPP (State Environmental Planning Policy) may mean that assessment would be by the Department of Planning.

NEXT MEETING: 9 March 2022 (AGM if in person)

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