

10.1. Matters Outstanding December 2022

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ATTACHMENTS:

1. Matters Outstanding - December 2022 [10.1.1 - 19 pages]

PURPOSE:

To report to Council on the status of Councillor resolutions.

EXECUTIVE SUMMARY:

Each month, a report is presented to Council on the status of resolutions arising from Mayoral Minutes, Notices of Motion, and Questions Without Notice.

The attached table has been updated to include resolutions up to the 14 November 2022 Ordinary Meeting of Council.

FINANCIAL IMPLICATIONS:

There are no financial implications to this report.

RECOMMENDATION:

1. **THAT** the report be received.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

5. Our Civic Leadership

5.2 Strong civic leadership and customer focused services

BACKGROUND

The previous report to Council on this matter was on 14 November 2022.

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

Attached is the updated table of outstanding resolutions for the information of Council.

ATTACHMENT 1



REPORT TO THE COUNCIL MEETING OF 12 DECEMBER 2022 ON MATTERS OUTSTANDING FROM NOTICES OF MOTION OR COUNCILLOR REQUESTS FOR ACTION, UP TO THE 14 NOVEMBER 2022 MEETING

	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
1.	24/08/20 (Min. No. 99)	6.2 MM02: A Parking Policy to Meet Community Expectations	1. THAT Council reviews the residential and non-residential parking rates in the Car Parking and Transport section of the North Sydney Council Development Control Plan, and that the review include extensive community consultation, with balanced information about the impacts of parking controls within new developments.	CiS	TBA	<p>Councillor Briefings were held on 29 March 2021, 2 May 2022 and 5 September 2022.</p> <p>Given current resourcing challenges in the Transport area and that Council's parking policy framework is relatively robust, this work is deferred until it can be properly resourced to achieve good and consultative outcomes.</p> <p>In the interim, a report was presented to Council on 25 July 2022 to impose more restrictive parking rates under NSDCP 2013 in areas of high accessibility to public transport. Council resolved to proceed with the public exhibition of these draft amendments with an extended exhibition period of 90 days.</p>

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	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
						Exhibition will close on 13 December 2022.
2.	22/03/21 (Min. No. 34)	6.2. MM02 Parking Review	1. THAT the Traffic Department prepare a report outlining how greater equity in parking permit allocation can be achieved. 2. THAT the report includes a methodology to trial increased permit allocation for apartment dwellers to match permit allocation for detached dwellings in a small area so that the impact can be assessed. 3. THAT consideration also be given to small business.	EPS	Mar 2023	Report to be prepared. NB there are significant staff vacancies in Traffic & Transport Parking and CiS that are impacting on work loads
3.	27/9/21	6.4. MM04: Vale Jim Saad– Sixty Years a Shoemaker	1. THAT Council install a small, appropriate memorial near the Milsons Point station, possibly a small tree with a plaque.	CLS	Jan 2023	A suggested footpath plaque was not approved for safety reasons. Alternative options are being explored such as incorporating it into an artwork or street furniture
4.	25/07/22	6.1. MM01: Accounting Treatment Of Rural Fire Service ('Red Fleet') Assets	THAT: 1.Council writes to the Treasurer the Hon Matt Kean MP, Minister for Emergency Services and Resilience the Hon Stephanie Cook MP, the Minister for Local Government Wendy Tuckerman MP and Felicity Wilson MP and Tim James MP:	CoS		1-3 Letters sent from Office of the Mayor. 4. Promoted on Council's website, social media and August Council Enewsletter.

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	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
			<p>a. Calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of Rural Fire Service (RFS) assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS; and</p> <p>b. Amending s119 of the <i>Rural Fires Act 1997</i> so that the effect is to make it clear that RFS assets are not the property of councils.</p> <p>2. Council writes to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC:</p> <p>a. Advising Members of (North Sydney Council's) position, including providing copies of correspondence to NSW Government Ministers; and</p> <p>b. Seeking Members' commitments to support NSW</p>			<p>https://www.northsydney.nsw.gov.au/Council_Meetings/Council_News/Latest_News/NSW_Govt_looks_to_pass_the_buck_on_RFS_assets COMPLETED</p>

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	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
			<p>Councils' call to amend the <i>Rural Fires Act 1997</i> as set out in correspondence.</p> <p>3. North Sydney Council writes to the Auditor General advising that notwithstanding any overtures of future qualified audits, it will not carry out RFS stocktakes on behalf of the NSW Government and will not record RFS assets in (North Sydney Council's) financial statements, noting that the State Government's own Local Government Accounting Code of Practice and Financial Reporting provides for councils to determine whether or not they record the RFS assets as council assets.</p> <p>4. Council promotes these messages via its digital and social media channels and via its networks.</p> <p>5. Re-affirms its complete support of and commitment to local RFS brigades noting that North Sydney Council's action is entirely directed towards the NSW Government's position that, rather than being owned and controlled by local brigades, RFS assets are somehow controlled by councils, which councils consider to be a cynical financial sleight of hand</p>			

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	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
			<p>abdicated the NSW Government's responsibilities at the cost of local communities.</p> <p>6. That North Sydney Council affirms its support to Local Government NSW (LGNSW) and requests LGNSW continue advocating on behalf of the sector to obtain clarification finally from the State Government about the accounting treatment of RFS assets.</p>			
5.	22/08/22	6.1. Vale John Woodward	<p>1.THAT Council acknowledge John Woodward's contribution to North Sydney and NSW, particularly, his legacy of a commitment to strong environmental sustainability and excellent town planning.</p> <p>2.THAT Council write to Mr Woodward's family expressing sincere condolences.</p> <p>3.THAT Council commemorate John Woodward's contribution by planting a tree with a commemorative plaque in a suitable location to be decided in consultation with Mr Woodward's family.</p>	Office of the Mayor		Letters sent, tree planted. COMPLETED
6.	22/08/22	6.2. Vale Dr Martyn Sulway	1.THAT Council acknowledge Dr Martyn Sulway's contribution to	Office of the Mayor		Letters sent, tree planted. COMPLETED

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	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
			North Sydney and to the Northern Sydney Health District. 2.THAT Council write to Dr Sulway's family expressing sincere condolences on his passing. 3.THAT Council commemorate Dr Sulway's contribution to North Sydney by planting a tree with a commemorative plaque in consultation with his family.			
7.	22/08/22	6.3. Vale Richard Gillard	1.THAT: Council acknowledge Alderman Richard Gillard's contribution to our community and extend condolences to his relatives. 2.THAT Council commemorate Alderman Richard Gillard's contribution to North Sydney by planting a tree with a commemorative plaque.	Office of the Mayor		Letters sent, tree planted. COMPLETED
8.	12/09/22	9.1. Notice of Motion 49/22 - StreetPlay in the North Sydney LGA - Cr Beregi	1.THAT Council call for expressions of interest from the community in relation to identifying streets, roads etc for StreetPlay for the next 6 months. 2.THAT Council re-assess the locations contained in the 22 June 2020 report as possible locations.	EPS	Nov 2022	Report being prepared for the 28 November Council Meeting COMPLETED

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	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
			<p>3. THAT Council seek to roll out the StreetPlay Program as soon as possible.</p> <p>4. THAT Council continue to seek and apply for appropriate funding grants.</p> <p>5. THAT should Council be unsuccessful in obtaining grant funding, that the General Manager identify funding sources to support the StreetPlay Program.</p>			
9.	12/09/22	9.2. Notice of Motion 50/22 - Unoccupied dwellings - investigating incentives for property owners to increase housing supply and availability - Cr Beregi	<p>1. THAT Council write to the Minister for Local Government, The Hon. Wendy Tuckerman and the Minister for Planning and Homes, The Hon. Anthony Roberts, asking that the State Government:</p> <p>a. Explore more fully methods to identify unoccupied dwellings</p> <p>b. Consider reforms to the Local Government rating system, and the NSW land tax system, to provide a financial incentive for property owners to ensure their investment property holdings are being utilised for residential accommodation purposes.</p> <p>c. Any rate revenue derived from such unoccupied dwellings be directed to acquisition of key worker/affordable housing.</p>	Office of the Mayor	Nov 2022	Letters sent from Office of the Mayor. COMPLETED

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	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
			2. THAT in recognizing that lack of housing is an issue across the Sydney metropolitan area, North Sydney Council writes to the Chair of NSROC, seeking support for a joint letter, calling for the actions in point one (a-c).			
10.	12/09/22	9.5. Notice of Motion 53/22 - Cleanliness in Kirribilli Village and surrounding streets - Cr Gibson	1. THAT this matter be delegated to the General Manager for investigation and where appropriate necessary action is taken 2. THAT if deemed necessary that a brief report be prepared for a Council Meeting.	OSE	Dec 2022	Report being prepared for the 12 December Council Meeting COMPLETED
11.	12/09/22	9.6. Notice of Motion 54/22 - Trial Weekend Closure of the Western end of Bligh St Kirribilli - Cr Gibson	1. THAT Bligh Street be considered for the Street Play Program.	EPS	Nov 2022	Report being prepared for the 28 November Council Meeting COMPLETED
12.	10/10/22	8.3. MM03: Independent review of the North Sydney Olympic Pool redevelopment project	1. THAT Council urgently undertake an independent review of the Council's management of the North Sydney Olympic Pool redevelopment project. 2. THAT Council engage a suitably qualified independent person to	GOV	Jan 2023	Provider engaged to conduct Independent Review. Terms of Reference were provided to Councillors prior to engagement. Review process commenced formally on 10 November 2022. Final report proposed for 19

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	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
			undertake a thorough review of all aspects of the North Sydney Olympic Pool redevelopment project and prepare a report to Council.			December 2022 prior to formal reporting to Council.
13.	10/10/22	11.2. Notice of Motion 57/22 - Design of Grosvenor Lane, Neutral Bay - Cr Spenceley	1.THAT Council has concerns on the current design of Grosvenor Lane which, in both directions and at numerous points, directs pedestrians into the area and path used by vehicles. 2.THAT Council staff investigates and provide a report and recommendation to a Councillors briefing in November 2022 on the options of a redesign of Grosvenor Lane, with a view to make it safer for pedestrians.	EPS	Nov 2022	Report being prepared for the 28 November Council Meeting COMPLETED
14.	10/10/22	11.3. Notice of Motion 58/22 - review of NSW Road Rule - Cr Welch	1.THAT Council write to the Minister for Police and Shadow Minister for Police asking them to review the NSW Road Rule: Driver of a motor vehicle not pass bicycle at a safe distance (S144-1 Australian Road Rules) to ascertain why only 19 fines were issued under this rule in the year 2021/22 for all of NSW (Source: Fines dataset – Revenue NSW).	EPS	Nov 2022	Letter has been prepared will be sent 12 November COMPLETED

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	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
15.	10/10/22	11.4. Notice of Motion 59/22 - Counting of voting in Council community consultations and submissions - Cr Santer	<p>1.THAT in its consultative process with the community, including consideration of submissions from Precincts, on Council policy proposals, Council ensure, when voting from the community is requested, Council recognises the number of individual votes for and against the proposal, rather than consider that an individual organisation's majority vote be counted as a block of one vote for or against the proposal.</p> <p>2.THAT at community group meetings where a consultation is requested by Council, it is made explicitly clear, through a prepared standard statement (agreed to by Council) read in the meeting, the individual vote numbers will be recorded in the consultation report to Council.</p> <p>3.THAT for the purpose of transparency and to ensure the absence of 'branch stacking', the names and addresses of individual voters will be included in the report to Council on the voting outcome of the consultation.</p> <p>4. THAT when voting is counted at Council, any individual person's vote</p>	GOV	Jul 2023	Work is currently underway on the review of the Community Engagement Protocol as part of the regular cycle of review to ensure best practice and compliance with the new legislative requirements for councils to have a Community Engagement Strategy. The process and method of reporting of feedback (or votes) as part of consultation processes will be part of this review.

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			is only counted once, whether it be as an individual or part of a group. 5. THAT the principle of "One person, one value, one vote" is included in the review of the Community Engagement Protocol.			
16.	14/11/22	8.1. MM01: Diverse and Affordable Housing	<p>1.THAT Council urgently prioritise seeking funding partners (including State and Federal Governments) to deliver the Parraween Street affordable housing/early childhood health centre/public park project and take all steps necessary to ensure the project can proceed as soon as possible.</p> <p>2.THAT Council undertake a review of Council landholdings and identify whether there is land that has potential for affordable housing provision in partnership with a community housing provider.</p> <p>3.THAT once such land is identified, Council consider community needs and who Council ought to work with to deliver more diverse and affordable housing.</p> <p>4.THAT Council review whether the work undertaken by Resilient Sydney, including data being collated, may require Council to</p>	EPS/CLS		Not yet commenced

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	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
			<p>amend any planning controls and development contributions schemes to increase affordable housing within the North Sydney local government area.</p> <p>5.THAT Council work with Resilient Sydney to jointly advocate to the Federal and State Governments to establish effective policies and programmes for the delivery of more affordable housing.</p>			
17.	14/11/22	8.2. MM02: Appointment of Council Delegates to NSROC	<p>1.THAT Council appoint to the Northern Sydney Regional Organisation of Councils (NSROC) as representatives the Mayor, and Councillor Beregi and Councillor Welch (alternate) as its representative for the term until September 2024.</p>	GOV		NSROC advised of Council's delegates. COMPLETED
18.	14/11/22	8.3. MM03: Further investigation and interim heritage protection for 82-88 and 108 Parraween Street, Cremorne	<p>1.THAT Council urgently issue an Interim Heritage Order in respect of Nos. 82-88 and 108 Parraween Street, Cremorne.</p> <p>2.THAT Council undertake further research on the properties at 82-88 and 108 Parraween Street, Cremorne to identify the extent of surviving buildings credited to Helier Harbutt to provide a better</p>	CiS		This IHO was gazetted on 17 November 2022. COMPLETED

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			understanding of the involvement of the Harbutt Brothers on the early 20th century development of the North Sydney Council LGA as recommended at page 145 (163 of 185) of the Heritage Assessment Report prepared by Lucas, Stapleton, Johnson & Partners dated October 2022.			
19.	14/11/22	8.4. MM04: Support for Iranian Women	<p>1.THAT Council acknowledges the courage and bravery of the women, girls and people of Iran who are protesting against Iran's significant discrimination against women and ongoing human rights violations.</p> <p>2.THAT Council reaffirms the values and priorities of the North Sydney Community Strategic Plan which express our community's commitment to a just, inclusive, and socially cohesive North Sydney where democracy, equality, human rights, and the Rule of Law are highly valued and respected.</p> <p>3.THAT Council write to the Hon Senator Penny Wong, Minister for Foreign Affairs and the Leader of the Opposition expressing support for their public stand on this issue.</p> <p>4.THAT Council promotes the Iranian Freedom Movement rally through a</p>	Office of the Mayor/CLS		<p>Website and social media posts created.</p> <p>Letter sent to Minister for Foreign Affairs and the Leader of the Opposition.</p> <p>COMPLETED</p>

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			message on the Council website and social media channels.			
20.	14/11/22	11.1. Notice of Motion 60/22 - Significant Tree Register - Cr Bourke	1. THAT Council seek a report on The Tree House including consideration of the feasibility of establishing a tree register	OSE	Feb 2023	Report being prepared for the Council meeting in February 2023.
21.	14/11/22	11.2 Notice of Motion 61/22 - Dilapidated Street Frontage of 12 Fitzroy Street, Kirribilli - Cr Gibson	<p>1. THAT Council investigate and undertake whatever enforcement action may be necessary to have repaired, or to have structural alterations made to, the dilapidated building or premises at 12 Fitzroy Street, Kirribilli.</p> <p>2. THAT Council investigate the structural integrity of, and undertake whatever enforcement action may be necessary in relation to the structural integrity of, the raised deck that extends over Council's footpath at 12 Fitzroy Street, Kirribilli.</p> <p>3. THAT Council investigate and take whatever action may be necessary to prohibit the use of the raised deck that extends over Council's footpath at 12 Fitzroy Street, Kirribilli, if Council determines that the raised deck is structurally inadequate or constitutes a threat to life or public safety, until such time that Council</p>	CiS		The Council resolution has been actioned as Compliance Investigation. COMPLETED

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			<p>can be satisfied the deck is structurally sound and not likely to constitute a threat to life or public safety.</p> <p>4. THAT Council investigate and take whatever action may be necessary, to include legal action, if the building or premises at 12 Fitzroy Street, Kirribilli is deemed dilapidated and/or deemed to constitute a threat to life or public safety, and the owners of the premises or building refuse to or fail to comply with any Development Control Order(s) issued by Council</p>			
22.	14/11/22	11.3 Notice of Motion 62/22 - Australia Post Office in Crows Nest - Cr Bourke	<p>1. THAT Council acknowledges actions taken by Wollstonecraft Precinct, including the related petition to the Minister for Communications signed by over 2,800 people, to have the Crows Nest Post Office returned to Crows Nest.</p> <p>2. THAT Council writes to Australia Post and the Australian Government's Minister for Communications calling on them to:</p> <p>(a) Give full consideration to relocating the post office at 460 Pacific Highway St Leonards to the Crows Nest</p>	EPS		Letter sent COMPLETED

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			Metro station site as soon as practicable, and (b) In the meantime establish a yellow express post box next to the red post box in Burlington Street Crows Nest.			
23.	14/11/22	11.4 Notice of Motion 63/22 Infrastructure Mapping Project - Cr Bourke	<p>1. THAT Council urgently conducts a full infrastructure mapping project to audit the current capacity of all reasonably expected community infrastructure in the North Sydney local government area (LGA).</p> <p>2. THAT as part of the infrastructure mapping, Council estimates a current per capita cost of all reasonably expected infrastructure for an average new resident and consider this when advocating to the NSW state government regarding future property developer contributions for new dwellings.</p> <p>3. THAT Council provides a high-level report for the first Ordinary 2023 meeting, roadmapping short, medium and long term infrastructure goals to accompany increasing density, and that the report includes:</p> <p>a) a discussion on the current approach to</p>	CiS	Mar 2023	To be scoped.

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			strategic planning under the district plan and NSW planning system, and b) what infrastructure is included in strategic planning in our LGA, including in localised plans such as the St Leonards Crows Nest 2036 plan.			
24.	14/11/22	12.1. MoU - Bradfield Park	<p>1.THAT Council resolves that the General Manager engage Senior Counsel on behalf of Council to advise:</p> <ol style="list-style-type: none"> 1. Given the proclamation of the Governor of NSW dated 19 March 1939 (the Proclamation) vesting in North Sydney Council the lands now known as Bradfield Park, whether the titles to that land need to be the subject of an application to amend to bring them in line with that Proclamation. 2. Whether the land that comprises Bradfield Park or a part thereof can be compulsory acquired by the NSW Government either pursuant to the provisions of the Land Acquisition (Just 	GOV	Mar 2023	<p>Letter sent to Premier on 17 November 2022.</p> <p>Senior Counsel engaged through Council's Solicitors.</p>

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			<p>Terms) Act 1991 or any other Act of the NSW Parliament.</p> <p>3. Whether North Sydney Council can, without breaching the trust established by the Proclamation, agree to transfer any interest in or right to the land that comprises Bradfield Park or any part thereof to the NSW Government for the purpose of building ramp between the Sydney Harbour Bridge and a road contiguous with Bradfield Park.</p> <p>2.THAT Council resolves to request the Premier of NSW to direct Transport for NSW to refrain from taking any action seeking to acquire an interest in or right to Bradfield Park or any part of it for any purpose until the advice being sought has been received and considered.</p>			
25.	14/11/22	12.2. MoU -Zoning of northern side of Parraween Street, Cremorne	<p>1. THAT Council acknowledges the lack of suitability for Parraween Street to support significant further high density and associated development and therefore resolves to amend the North Sydney LEP by changing the zoning of the Northern</p>	CiS	Dec 2023	<p>A report will be presented to the Council meeting of 12 December 2022.</p> <p>COMPLETED</p>

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			<p>side of Parraween Street from R4 High Density Residential to R2 Low Density Residential</p> <p>2. THAT Council staff urgently and without delay begin the process, the appropriate scoping and/or Planning Proposal for lodgement with the Department of Planning.</p> <p>3. THAT given this is an urgency motion and not on the agenda, that Council accepts public comments and opens the public form to include feedback on this motion.</p> <p>4. THAT a report be prepared for the next Council meeting, including a draft timeline.</p> <p>5. THAT Council writes to the State Government to lobby for the change.</p>			

Legend:

GMO - General Manager's Office

CIS - City Strategy Division

CLS - Community and Library Services Division

COS - Corporate Services Division

EPS - Engineering and Property Services Division

OSE - Open Space and Environmental Services Division

GOV - Governance

MM - Mayoral Minute

MoU - Matter of Urgency

NoM - Notice of Motion

NoRM - Notice of Rescission Motion

Q - Question with/without Notice