



Council Chambers  
3 February 2023

The **3774th MEETING** of **COUNCIL** will be held on Cammeraygal lands at the Council Chambers, North Sydney at **6.30pm** on Monday 13 February 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 of 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**
  - 5. Disclosures of Interests**
  - 6. Public Forum**
  - 7. Items by Exception**
  - 8. Mayoral Minutes**
    - 8.1 Call on the State Government to urgently transfer ownership of Berrys Bay foreshore lands to Council prior to the March 2023 State Election
    - 8.2 St Leonards/ Crows Nest 2036 Plan - Cross LGA border working party
    - 8.3 Vale Sid French
    - 8.4 Vale Richard Young
    - 8.5 Election promise from the State Government to provide \$11 million contribution to upgrade North Sydney Oval to support women's sport
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## **9. Reports of Committees**

Nil

## **10. Reports to Council**

- 10.1 Burton Street and Bligh Street Kirribilli Permanent Closure – Consultation Outcome Report
- 10.2 Miller Street Pop-Up – Consultation Outcome Report
- 10.3 Street Play 2023 program – EOI Outcomes
- 10.4 Heritage Bus Shelters
- 10.5 North Sydney Community Awards 2023 Recipients
- 10.6 Administration of the September 2024 Ordinary Elections
- 10.7 Alcohol Prohibited Signage 2023 – 2027
- 10.8 New Application for Reference Group Membership
- 10.9 Amended Procurement Policy

## **11. Notices of Motion/Questions with Notice**

- 11.1 Notice of Motion 2/23: 53 and 55 Yeo Street Neutral Bay - Interim Heritage Order and Review of Heritage Conservation Area- Cr Baker (co-sponsored by Crs Beregi, Lamb and Welch)

## **12. Matters of Urgency**

Nil

## **13. Closure of Meeting**

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**TO:** The Mayor, Zoë Baker and Councillors Beregi, Bourke, Gibson, Lamb, Mutton, Santer, Spenceley, and Welch

**SUBJECT: 3774th MEETING OF COUNCIL TO BE HELD ON MONDAY  
13 FEBRUARY 2023**

**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 previous 3773rd Council Meeting held on Monday 30 January 2023, be taken as read and confirmed.

**5. DISCLOSURES OF INTEREST**

**6. PUBLIC FORUM**

**7. ITEMS BY EXCEPTION**

**8. MINUTES OF THE MAYOR**

**8.1 Call on the State Government to urgently transfer ownership of  
Berrys Bay foreshore lands to Council prior to the March 2023  
State Election**

For at least three decades, Council and the community we represent, has been calling on the State Government to transfer ownership, care and control of the

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foreshore lands at Berrys Bay, Waverton to Council in order to ensure public access to the public foreshore in perpetuity.

In 1999 Council adopted the Waverton Peninsula Masterplan prepared by Coulston - [file:///H:/Downloads/WavertonPeninsulaMasterPlan\\_full.pdf](file:///H:/Downloads/WavertonPeninsulaMasterPlan_full.pdf)

The vision in that plan has been delivered in stages by successive Councils, most recently with the completion of the Coal Loader Platform Green Roof in March 2018. This celebrated regional open space is a direct result of the vision set out in the Waverton Peninsula Masterplan (Clouston, 1999).

In March 2021, as a result of the toll road project known as the Western Harbour Tunnel, the State Government established the Berrys Bay Community and Stakeholder Working Group. The group was established as “part of a commitment from Transport for NSW [TfNSW] to create new public open space alongside the delivery of the Western Harbour Tunnel and Beaches Link.” (source: <https://www.transport.nsw.gov.au/news-and-events/media-releases/new-community-group-for-berrys-bay>)

In February 2022, after decades of lobbying the State Government, North Sydney Council purchased the Quarantine Depot site from the State Government for \$2.3million. The purpose of Council buying the site was to expand community open space and to provide a vital link into Balls Head and to the Berrys Bay foreshore. This site had been identified in the Waverton Peninsula Masterplan (1999) and the purchase of the site by Council not only delivered part of the original vision and plan, but ensures that the site will remain in community ownership and not at risk of sale for development by future State Governments.

From 30 September to 23 October 2022, TfNSW exhibited a draft “master plan and vision” for Berrys Bay. Unsurprisingly, the State Government commissioned Berrys Bay masterplan is consistent with the community and Council’s long term vision for the Waverton Peninsula adopted almost 30 years ago.

In December 2022, the Premier announced that Stage Two of the Western Harbour Tunnel project will use Tunnel Boring Machines to construct a section of the tunnels under Sydney Harbour (between Birchgrove/Rozelle and Waverton).

On 9 February 2023, just over 7 weeks from the State Election and 22 days before the commencement of the “caretaker period”, the Minister for Roads, issued a media release stating that

*“Construction on Berrys Bay is expected to start later this year with the foreshore parkland set to open in 2024, given that the site is no longer required for the Western Harbour Tunnel project. ...*

*Member for North Shore Felicity Wilson said the next step in the development of the Berrys Bay master plan is a detailed design, where there will be further opportunities for input from the local community. “*

The final masterplan is supported by Council and the community. However, this announcement does not provide certainty to the community that the project will be delivered and the land will be transferred to Council after the election.

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In 2010 the former Member for North Shore, Jillian Skinner, MP promised the return of these lands to Council and the community. It is understood that the current State Member supports that position. If the State Government is committed to transferring the land to Council on behalf of the community there is no need to wait until after the election and completion of the proposed park.

The return of these lands has been long promised to this community, under various State Governments. There is no reason for delay. The time for action and to deliver ownership of the land to the community is now.

**I therefore recommend:**

**1.THAT** Council urgently write to the Premier seeking the immediate transfer of the Berrys Bay foreshore lands held by the State Government to Council prior to the State Election.

**2.THAT** Council write to the Leader of the Opposition seeking a commitment that, if elected, to urgently transfer the Berrys Bay foreshore lands held by the State Government to Council to ensure public access for the people of NSW to the Sydney Harbour foreshore in perpetuity.

## **8.2 St Leonards/ Crows Nest 2036 Plan - Cross LGA border working party**

In 2006 Lane Cove, North Sydney and Willoughby councils worked together and commissioned the St Leonards Strategy. The St Leonards Strategy was prepared by David Lock Associates, National Economics, Cityscape Planning & Projects and PBAI Australia.

The St Leonards Strategy (November 2006) noted that the St Leonards area spans three (3) local government areas and found that

“The planning controls, public infrastructure and management of St Leonards vary between each of these councils.

*However, the three parts of St Leonards are complementary, and in most respects St Leonards is perceived as a single centre (albeit divided by the Pacific Highway and rail line). Therefore, there are benefits in a coordinated approach to the planning, design and management of the centre (p.12).”*

That Strategy appears to have “gathered dust” as each of the local government areas then embarked on their own planning for the precinct, in isolation.

In 2010 North Sydney Council commenced the St Leonards/ Crows Nest Planning Study in the context of significant development pressure and a series of decisions by the (then) Joint Regional Planning Panel and (then) State Government’s notorious Part 3A scheme which overrode, indeed, abandoned, the existing heights under Council’s Local Environmental Plan.

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The Planning Study sought to examine opportunities to meet the State Government's housing and employment capacity targets whilst delivering high quality public domain and services to support the current and future community's needs.

On 29 November 2010 Council resolved to undertake the planning study to deliver:

- new open space in St Leonards / Crows Nest;
- increased investment in St Leonards and decreased commercial vacancy rates, with particular focus on the rejuvenation of the Pacific Hwy between St Leonards train station and the intersection of Pacific Hwy and Willoughby Rd;
- improved connectivity, particularly between St Leonards / Pacific Hwy and Willoughby Rd;
- improved urban design and street level amenity particularly in St Leonards and along the Pacific Hwy; and
- improved building design and residential amenity in St Leonards.

Nearly 12 years later, the provisions of that Precinct 1 Study delivered Stage 1 of the Expanded Hume Street Park – a significant new piece of public open space.

In July 2016 the State Government announced that it would undertake a strategic planning investigation and strategy for Crows Nest, St Leonards and the Artarmon industrial precinct. That investigation went by many names – it began as a Priority Precinct, then morphed into an Urban Activation Precinct and finally the 2036 Plan.

The St Leonards and Crows Nest 2036 Plan (the 2036 Plan) was adopted and made by the State Government in August 2020 and states that it “will facilitate the urban renewal of St Leonards and Crows Nest for an expanding employment centre and growing residential community in the suburbs of St Leonards, Greenwich, Naremburn, Wollstonecraft, Crows Nest, and Artarmon”.

The Plan area, particularly the Pacific Highway corridor at St Leonards and Crows Nest, has been the subject of exponential growth and development pressure for at least the last 15 years. The 2036 Plan requires the precinct to absorb significant additional residential and commercial density and provides for the provision of regional open space and facilities.

This increased density is impacting all three local government areas – the open space and recreational infrastructure needs alone cannot be addressed in isolation.

It is timely then, to start to work with our neighbouring councils, Lane Cove and Willoughby, to identify and address the needs of the whole of St Leonards and Crows Nest as a precinct, irrespective of local government boundaries, in order to identify ways (and projects) to collaborate to deliver open space,

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recreational and community facilities to meet the needs of the existing and future population.

**I therefore recommend:**

**1.THAT** Council invite Lane Cove and Willoughby councils to participate in a working party on the St Leonards/Crows Nest 2036 Plan.

**2.THAT** the working party consist of the mayors and a ward councillor representing the subject area together with a relevant strategic planning officer from each of the council areas.

**3.THAT** Council notes that the purpose of the working party is to explore a “coordinated approach to the planning, design and management of the centre” in the context of the 2036 Plan and to identify ways to collaborate and deliver open space, recreational and community facilities to meet the needs of the existing and future population.

### 8.3 Vale Sid French

In December 2022, Waverton lost another citizen of enormous integrity and commitment to our community. For many decades, Mr Sid French gave generously of his time and energy and drew on his professional skills to serve the Waverton Precinct and community.

Together with many fellow (formidable) Waverton residents, including the late Mr Bruce Burns, Sid French was a vital contributor to the success of the many battles to retain the Waverton Peninsula and Berrys Bay in public ownership and for public use and enjoyment.

Sid French was an active member (including serving at times as Chair and Secretary) of the Waverton Precinct for many years. Sid brought his intelligence, knowledge, patience and persistence to the Precinct’s campaigns and the lobbying of various levels of government on public open space and public access to the foreshore. This included the battle against the commercial marina in Berrys Bay - Sid was an important member of the Precinct’s Berrys Bay marina redevelopment sub-committee, bringing his professional skills as an engineer to the successful campaign to defeat the marina redevelopment.

Our community is better for Sid’s quiet persistence, commitment and dedication. The Waverton Peninsula is as it is today due to the persistence, tenacity and dedication of an extraordinary community of people like Sid French.

Sid’s loss is felt deeply and we extend our deepest sympathy and condolences to Margaret and his family, neighbours and friends.

**I therefore recommend:**

**1.THAT** Council acknowledge the significant contribution of the late Mr Sid French to our community.

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**2.THAT** Council consult with Ms Margaret French and the French family in respect of the location of a tree to be planted in his memory in the locality of the Waverton Peninsula and that following such consultation the tree be planted with a plaque identifying the reason for the planting and acknowledging Mr French's contribution to the Waverton Peninsula.

**3.THAT** Council write to Ms Margaret French and the French family expressing deep sympathy and condolences on the passing of Mr French and include a copy of this resolution.

#### 8.4 Vale Richard Young

It was with sadness that, late last year, Wollstonecraft residents and members of the Wollstonecraft Precinct paid tribute to long-time resident and Wollstonecraft Precinct member, Richard Young.

Wollstonecraft Precinct Chair, John Hancox, delivered the following moving vale in memory of Richard Young at the Wollstonecraft Precinct meeting held last October:

*“Richard was born in NSW where they lived most of their lives in the Northern suburbs of Sydney and for the last 28 years in Milray Avenue. Richard was interested in big picture matters such as politics and world events. He spent most of his life in the advertising industry and was widely recognised as having a silver-tongue with dapper appearance which led to many successes in business.*

*As a result of his interest in politics, he moved to work in the Department of Trade as it was then known and moved with his young family to Canberra. He was appointed to be Trade Commissioner to Chile and again moved his family to live in Santiago for 3 years after which he returned to Australia to take up an appointment as a senior Trade Commissioner until retirement. Elizabeth says the Department got two for the price of one because she was always involved in the meet and greet functions so essential to foreign affairs.*

*He did however have another interest and that was his desire to be remembered as an author of fiction. Richard had a book launched by Ken Done in 2008. It is good for people to be made aware that you can't always make your dreams come true and providing for his family won over his desire to write.*

*Richard was a cricket tragic but an armchair one. He and Elizabeth both have a good, even mischievous, sense of humour the evidence of which can be seen in their email address RandE@.... One that is easily remembered or hard to forget.*

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*On behalf of Wollstonecraft Precinct I record our sincere condolences to Elizabeth and her extended family on the sad death of Richard Young. “*

I first met Richard Young at a Wollstonecraft Precinct meeting as a newly elected Ward Councillor. In the years since, attending those meetings as the local representative, I observed his wry humour, intelligence, modesty and considered contribution to matters before the Precinct.

Quiet, stalwart contributors make the Precinct system and our community exceptional – nurturing and cherishing connections. Richard epitomised the best qualities of North Sydney’s engaged citizens and his loss is deeply felt. We extend our sincerest sympathy and condolences to Elizabeth and his family, neighbours and friends.

**I therefore recommend:**

**1.THAT** Council write to Ms Elizabeth Young and the Young family expressing deep sympathy and condolences on the passing of Mr Young and include a copy of this resolution.

**2.THAT** Council consult with Ms Elizabeth Young and the Young family in respect of the location of a tree to be planted in his memory.

## **8.5 Election promise from the State Government to provide \$11 million contribution to upgrade North Sydney Oval to support women’s sport**

Last Saturday morning , 11 February 2023, I attended North Sydney Oval representing Council for an announcement by Premier Dominic Perrottet. The announcement was also attended by Cricket NSW CEO, Lee Germon, Cricket Australia CEO, Nick Hockley, Sydney Sixers players, AFLW players, junior girls from North Sydney Bears Cricket, the Minister for Sport, Alistair Henskens MP and the State Members for North Shore and Willoughby.

Premier Perrottet promised that, if re-elected in March, his government would contribute \$11 million to upgrade North Sydney Oval for women’s sport in partnership with Council and Cricket NSW. (See the media release: <https://www.nsw.gov.au/media-releases/11-million-commitment-for-north-sydney-oval>)

The long-planned upgrade to North Sydney Oval, with the support of Cricket NSW, is to ensure that the Oval is fit for purpose to provide a home to women’s cricket and other sporting codes, including AFLW and NRLW. North Sydney Oval will be served the new Metro Station on McLaren Street which will expand public transport access to the people of South West and North West Sydney (metro line).

In 2015 Council commenced long-planned upgrades to North Sydney Oval in a number of stages:

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- 2016: installation of portable drop-in cricket wicket, new irrigation lines and improved lighting.
  - 2018: new changing and medical rooms and anti-doping facilities to meet international standards and CCTV in line with first grade sporting installed at the historic Duncan Thompson stand.
  - 2019: upgrade to St Leonards Park cricket practice.
- By 2020 Council had completed the following further upgrades:
- bar, kiosk and merchandising facility improvements
  - upgrading of player and officials change rooms and establishment of medical rooms and press facilities
  - steel drainpipe and structural remediation work for McCartney, O'Reilly, Mollie Dive and Bob stands
  - CCTV system installed
  - refurbishment of media broadcasting facilities
  - outdoor video screen
  - improvements to the public announcement system
  - outdoor video screen installation.

In addition to the \$11 million commitment from the State Government, if re-elected, Council will contribute \$2.5 million, Cricket NSW has pledged \$100,000 and AFL NSW \$50,000. The purpose of the funding is to provide:

- Accessibility improvements for spectators;
- Public toilet amenities refurbishment;
- Seating upgrades;
- Permanent dugouts on the boundary;
- Upgrade to existing community and stakeholder facilities;
- Improved player and games' officials facilities;
- Releveling playing surface; and
- Upgrade to food and beverage facilities.

**I therefore recommend:**

**1.THAT** Council urgently write to the Premier and Minister for Sport seeking the provision of the funding commitment prior to the State Election and the commencement of the "caretaker period"; and

**2.THAT** Council write to the Leader of the Opposition, Shadow Ministers for Sport and Women inviting them to a tour of North Sydney Oval and seeking a commitment that, if elected, they will meet the \$11 million funding commitment to upgrade North Sydney Oval to better support women's sporting codes including cricket, AFL, NRL, football and Rugby Union.

## 9. REPORTS OF COMMITTEES

Nil

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## 10. REPORTS TO COUNCIL

### 10.1 **Burton Street and Bligh Street Kirribilli Permanent Closure - Consultation Outcome Report**

Report of Paul Yang, Engineering Project Manager

This report seeks Council's endorsement of the preferred Concept Design Option for the permanent closure of Burton Street, and the transformation of Bligh Street Shared Zone, both in Kirribilli. Council's Strategic Planning, Arts, Open Space, Heritage, and the Aboriginal Heritage Office have been consulted and provided input to the preferred design, to acknowledge and connect the heritage nature of the area and highlight the First Nations history.

Council, at its meeting on 26 September 2022, endorsed the public exhibition for 42 days of the detailed Concept Design Options for the permanent closure of Burton Street, and the transformation of Bligh Street Shared Zone, both in Kirribilli. Community consultation was undertaken September - November 2022 in line with the project-specific Community Engagement Strategy developed for this project.

The consultation outcome was reported to Council on 12 December 2022 and the preferred design 'Option 1B' for Burton Street and Bligh Street was endorsed by Council, with provisions to acknowledge and connect the heritage nature of the area and highlight its First Nations history.

In response to Council's resolution, Council's Strategic Planning team, Arts Team, Open Space design team, Council's Heritage Planner, and the Aboriginal Heritage Office were consulted between December 2022 and January 2023. Their input has been incorporated in the preferred design 'Option 1C', to provide consistency with Bradfield Park, connect the heritage nature of the area, and highlight First Nations History.

The preferred design 'Option 1C' includes the following changes, which are outlined in table 4 and 5 in this report:

- sandstone heritage character expressed through seats in Burton Street.
- an Indigenous carving artwork in Burton Street.
- existing blue planter boxes to be painted Harbour Bridge grey (Dulux Ferreko No. 6).
- heritage style lights and bollards to be "Harbour Bridge" grey (Dulux Ferreko No. 6).
- native trees - 'Golden Penda' proposed as the street tree in Bligh Street instead of an exotic tree species.

Public Art opportunities have been raised, for a mural (suggested by the operators of Bloomingales florist and Botanist Café on Broughton Street) and a memorial to the late Jim Saad '60 years a shoemaker in Milson Point' (suggested by Council's Historian). Such Public Art options could be considered in future budgets and subject to further reports.

The re-design cost incurred to modify the landscape plans by Turf Design Studio was \$4,500.

An indigenous artist could be commissioned to develop and deliver an artwork in the vicinity of Burton Street, with the cost estimated at \$10,000. The public

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art mural and memorial are outside the scope of the project budget and should be considered in future budgets and subject to further reports.

Funding for this project is included in the Capital Works delivery program for 2022/23. The project is also partially funded through funds carried over from the Special Rate Variation (SRV) for the 2021/2022 financial year.

Council has also been successful in obtaining \$950,000 in grant funding for the implementation of the Bligh Street Shared Zone as part of Transport for NSW's 2022/23 "Get NSW Active" program. The funding deadline to finish construction is 2 October 2023.

It should be noted that pursuing further community consultation may result in the loss of grant funding as the program timeframe is constrained, with detailed design and tendering still to be undertaken before construction can commence. A winter (June 2023) construction start date is proposed to minimise the impact on local businesses.

**Recommending:**

**1.THAT** Council note the input from the Aboriginal Heritage Office, Council's Strategic Planning team, the Arts team, the Open Space design team and Council's Heritage planner.

**2.THAT** Council adopt Option 1C for Burton Street as the preferred option, with the inclusion of modified design elements as outlined in this report.

**4.THAT** Council proceeds with detailed design and construction of the permanent closure of Burton Street Option 1C.

**5.THAT** Council adopt Option 1C for Bligh Street Shared Zone as the preferred option, with the inclusion of modified design elements as outlined in this report.

**6.THAT** Council proceeds with detailed design and construction of the Bligh Street Shared Zone Option 1C.

**7. THAT** Council note the successful \$950,000 grant funding for the implementation of Bligh Street Shared Zone, and the funding deadline of 2 October 2023 to finish construction.

**8. THAT** Council receive a report detailing future opportunities to incorporate public art within the project area, including a memorial to the late Jim Saad.

## 10.2 Miller Street Pop-Up - Consultation Outcomes

Report of Max White, Sustainable Transport Project Co-ordinator

This report provides detail of the community consultation outcomes for the Miller Street Pop-up.

The Miller Street Pop-Up is a temporary footpath widening and public space expansion on Miller Street, between Berry Street and Pacific Highway. Construction was endorsed by Council in March 2021 and was opened to the public in October 2021.

The Miller Street Pop-Up includes:

- closed sections of kerb side traffic/parking lanes and adjustment of the central lanes;
  - closure of the left turn 'slip lane' from the Pacific Highway (southbound) into Miller Street; and
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- installation of street furniture and plants.

Community consultation activities seeking feedback on the Miller Street Pop-up included:

- North Sydney Your Say webpage;
- direct Letter to residents and business;
- onsite signage; and
- social media posts on Facebook, Instagram and Twitter.

Key themes and issues raised were as follows:

- Of the submissions supporting the project - 32 respondents liked the additional social/rest space, 22 supported additional pedestrian space, 16 liked the additional greenery, and 13 respondents felt the pop-up contributed to creating a defined sense of place (placemaking).
- Of the submissions opposing the project - 68 respondents mentioned negative impacts on traffic, 29 felt the pop-up was negatively impacted by air and noise pollution, 27 respondents felt the pop-up was under-utilised, and 22 respondents felt the pianos were not appropriate for the space.

The construction works currently underway for the Sydney Metro are causing major impacts on Miller Street between the Highway and Berry Street, particularly the ongoing footpath closures on the eastern side of Miller Street which force pedestrians to cross the road and travel on the western footpath. It is also a common occurrence for pedestrians, once south of the Metro construction zone, to cross Miller Street before reaching the pedestrian crossing at the Highway intersection. This practice has caused many near-misses and a number of accidents.

As a result of this, and in the interests of pedestrian safety in the short term, it is recommended that the Miller Street Pop-up be retained until at least the end of calendar year. It can then be reassessed in light of any changes with the next stage of the Metro development.

It is also recommended to retain the removal of the left turn slip lane from Pacific Highway onto Miller Street, and to formalise the removal with kerb realignment due to pedestrian safety concerns.

The cost of upgrading the intersection of Pacific Highway and Miller Street to permanently ban the left hand turn is \$155,000 (including 10% contingency, 10% project management, ex GST). This cost includes granite paving, granite kerbing, and drainage modifications. The temporary closure of this lane was done in conjunction with the popup installation. The permanent works will be considered in the 2023/24 infrastructure budget.

**Recommending:**

**1.THAT** Council retains the Miller Street Pop-up during Sydney Metro construction due to the ongoing closures of the footpath on the eastern side of Miller Street and to aid pedestrian safety.

**2.THAT** the closed left-hand turn slip lane onto Miller Street from Pacific Highway and pedestrian island removal be retained and formalised with a kerb realignment.

**2.THAT** Council utilise consultation feedback and advocate Transport for NSW on the design and construction of Miller Place.

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### 10.3 Street Play 2023 Program - EOI Outcomes

Report of Max White, Sustainable Transport Project Co-ordinator

The purpose of this report is to respond to Councils resolution from 28 November 2022 Council Meeting in relation to the continuation of the Street Play program in 2023.

The initial program for streets as shared spaces was initiated through NSW government funding. The program was a success, with the number of applications this year demonstrating high demand for future activations.

Through its resolution of 28 November 2022, Council has committed to up to seven activations in the coming months, using the same model as previously implemented.

The Expression of Interest (EOI) process has generated significant interest for activations in neighbourhood streets, with 35 streets being nominated, in addition to the five original pilot streets and Bligh Street. This is reflective of high demand for local open space and recreational opportunities in neighbourhoods.

The report identifies a shortlist of 18 streets selected from the EOI, and recommends that further consultation with the nominated streets be conducted to select the final seven streets for the Street Play 2023 program.

In response to Council's resolution on 28 November 2022, this report also strongly recommends that Council reaffirms the development of an internal Council Street Play Working Group to consider demand for this program and ensure the sustainable coordination, funding, and delivery of future Street Play programs.

The estimated cost of the 2023 program is \$63,000. Council staff are preparing a submission to the *NSW Social Cohesion Grants - Unsung Heroes* for \$63,000 to fund Street Play 2023 program, due 6 February 2023.

The funding covers staffing and material costs to run Street Play 2023 program. It is also proposed that an events management company assist Council staff run the event, similar to the pilot Street Play Program.

Through its resolution of 28 November 2022, should Council be unsuccessful in the grant application, the \$63,000 cost is to be reallocated from the existing Traffic Facilities budget.

While the transfer of budget from one area to another allows for cashflow, the traffic facilities budget is a capital budget and as such, the reallocation of this budget will have a corresponding impact on Councils financial performance.

In considering the continuation of the Street Play initiative in future years, attention must be given to sustainable funding sources.

**Recommending:**

**1. THAT** Council staff undertake further consultation with the community in the 18 streets identified in this report and finalise seven streets for the Street Play 2023 program.

**2. THAT,** should Council be unsuccessful in its grant application to the NSW Social Cohesion Grants, the \$63,000 to run the program be reallocated from the Traffic Facilities budget.

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**3. THAT** Council reaffirm the development of a North Sydney Council “Street Play” Working Group to develop a Street Play Policy and resources to support future community-led Street Play programs in partnership with Council.

#### **10.4 Heritage Bus Shelters**

Report of Danilo Giribaldi, Works Manager

To provide an update on the recent removal of five heritage listed Bus shelters in North Sydney and Council’s Bus Shelter replacement program.

In late 2022, Council removed five heritage listed bus shelters in error and replaced them with new shelters compliant with the Disability Discrimination Act requirements (DDA). Work immediately ceased on the replacement program upon becoming aware of this error and an investigation was undertaken. The investigation found that Council had not complied with its heritage and approval requirements in removing the bus shelters.

Council adopted the current Public Domain Style Manual in November 2014. Since that time, Council has been progressively upgrading its streetscapes across all Village Centres and the North Sydney CBD. These upgrades include new streetscape furniture elements such as paving, seats, bins, bollards, lighting, cycling infrastructure, and bus stops.

A recent detailed condition audit was carried out on all of Council’s heritage-style shelters which identified a number of shelters requiring complete replacement due to advanced deterioration of structural members, and other major repairs.

This report details the process that led to the subsequent removal of five heritage listed bus shelters, rectification measures, and details the challenges that Council faces in achieving DDA compliance for the heritage-style shelters for the remaining upgrade program.

There are currently 66 bus shelters located on bus routes in the North Sydney LGA. Of these, 51 are styled in an interpretation of the original tramway shelter located at North Sydney Oval, and were constructed between the late 1980s to the early 2000s. 44 of these shelters were heritage listed in 2015.

The cost to prepare and implement the recommendations of the DDA compliance audit is unknown at this stage and will be dependent on the nature of the works required and any expert advice required.

The cost to completely replace the heritage-listed bus shelters (like-for-like) with replica bus shelters is estimated at \$50,000 - \$60,000 per shelter, based on most recent replacements. Any modifications required to make the bus shelters DDA-compliant would be an additional cost, dependent on the nature of the upgrades.

The cost for Council to replace or install new bus shelters as per the adopted new Style of Bus Shelter (the Cox type 4 as per the adopted Public Domain Style Manual) is \$15,000 per shelter.

This is the installation cost only as Council, under its current advertising contract with JC Decaux, has access to 25 x new Cox Type 4 shelters at no charge (supplied “free” as part of the contract executed in 2022).

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**Recommending:**

**1.THAT** Council notes no further heritage-listed bus shelters will be removed or modified until the outcome of the DDA compliance audit is completed, and that those shelters identified as having structural issues are stabilised with temporary structural engineering infrastructure and made safe.

**2.THAT** Council notes the structural assessment report on the heritage-listed bus shelters attached to this report (Attachment 2).

**3.THAT** Council undertakes a full DDA compliance audit on all of Council's heritage-listed bus shelters as soon as possible, and that a report is brought back to Council re the outcome of the audit.

**4. THAT** this audit details all modifications required to fully comply with DDA requirements where possible, and includes a detailed cost estimate for the modifications.

## 10.5 North Sydney Community Awards 2023 Recipients

Report of Helen Campbell, Manager Community Development and Jess Gledhill, Team Leader Arts & Culture

To request that Council endorse the winners of the North Sydney Community Awards 2023.

The North Sydney Community Awards event is held annually to recognise individuals and groups who have made an outstanding contribution during the year to the life and soul of the North Sydney community.

Nominations opened 10 October 2022 and closed 10 December 2022. The Community Awards Panel met on 18 January 2023. This Report seeks endorsement of the winners for 2023.

Should Council wish to discuss this report it is noted that the attached confidential documents include personnel matters that relate to specific individuals and as such should be considered in closed session.

The budget of the North Sydney Community Awards is \$8,000 for 2022/23. The event will be delivered to budget.

As endorsed at the 12 September 2022 Council Meeting, the annual budget will be \$10,000 commencing 2023/24, to include a guest speaker and other recommended improvements/costs.

**Recommending:**

**1. 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:

(a) *personnel matters concerning particular individuals (other than Councillors).*

**2. THAT** Council endorse the North Sydney Community Awards 2023 Panel's selected winners.

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## 10.6 Administration of the September 2024 Ordinary Elections

Report of Ian Curry, Manager Council & Committee Services

To seek Council endorsement to engage the NSW Electoral Commission (NSWEC) to conduct the 2024 Local Government elections, on behalf of North Sydney Council.

Under section 296AA of the Local Government Act 1993 (the Act), councils are required to make a decision regarding how their ordinary elections in September 2024 are to be administered by 13 March 2023.

If a council does not resolve to engage the NSWEC to administer its elections by 13 March 2023, it must engage another electoral services provider to do so. It is recommended that Council resolve that the NSWEC be engaged to conduct the 2024 elections on behalf of North Sydney Council. The recommendation to Council is in the format and form required by the NSWEC. This recommendation is made on the basis that the NSWEC is the pre-eminent provider for electoral services in NSW and represents comparative value for money.

Should Council wish to discuss this report it is noted that the attached confidential documents include commercial information that would, if disclosed, prejudice the commercial position of the person who supplied it. Release of the information would, on balance be contrary to the public interest as publication of all provided amounts would discourage potential providers from submitting commercial information in future and would affect Council's ability to obtain value for money services. As such should this matter be discussed it should be considered in closed session.

In November 2019, prior to the 2021 Council elections (postponed from 2020 due to the pandemic) Council was quoted \$540,713.00 (including GST) by NSWEC to conduct the election.

In May 2022, the final account of \$531,110.89 (including GST) for the 2021 elections was received. It should be noted that the full cost to conduct the North Sydney elections was \$779,532.51 (including GST), which was offset by a COVID deferral discount of \$248,421.62 (including GST) covered by the NSW State Government.

NSWEC has provided a quote for the 2024 elections of \$739,775 (including GST). In providing the estimate, the NSWEC has noted that they only charge the actual cost to conduct the election and do not apply any margin.

*Summary of NSWEC cost and quotations:*

<b>Date</b>	<b>Quote</b>	<b>Cost</b>
2021	\$540,713.00	\$531,110.89 (actual \$779,532.51)
2024	\$739,775.00	

In addition, a quotation has been obtained from a Commercial Provider and is included in the confidential attachment.

### **Recommending:**

**1.THAT** the North Sydney Council ("the Council") resolves:

1. pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.

2. pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.

3. pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

**2. 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*

*(i) prejudice the commercial position of the person who supplied it*

It is further noted that release of this information would, on balance be contrary to the public interest as publication of all provided amounts would discourage potential providers from submitting commercial information in future and would affect Council's ability to obtain value for money services.

## 10.7 Alcohol Prohibited Signage 2023-2027

Report of Rebecca Aukim, Director Community & Library Services

To seek endorsement from Council to place on public exhibition the renewal of the current Alcohol-Free Zones and Alcohol Prohibited Areas for a further four years.

Council's current Alcohol-Free Zones (on streets) and Alcohol Prohibited Areas (in parks) are due to expire in November 2023. The purpose of this report is to place the program on public exhibition to allow for public comment. The proposed areas are unchanged from the past four years.

There are approximately 80 signs that will require updating, with the estimated cost being \$20,000-\$23,000. This is currently unfunded and will need to be added to the 2023/24 budget. All maintenance costs for Greenway Drive and the grassed central area are borne by the Housing Manager, SGCH, who assumed management of the property in early 2019.

One feature of Council's successful management of these areas over the past 4 years has been a partnership between Council and Greenway Housing Estate, whose private drive and grassed central area are leased to Council for a "peppercorn". This enables (i) Council to manage non-tenant (commuter) parking, and (ii) the Police to monitor unauthorised use of the grounds, particularly on major event occasions.

### **Recommending:**

**1. THAT** the Alcohol Prohibited Areas in St Leonards Park, Christie Park, Cammeray Park, Bradfield Park, Weaver Park, Greenway Housing Estate and McMahons Point Community Centre be endorsed for public exhibition for a minimum period of 42 days.

**2. THAT** the Alcohol-Free Zones in Sergeants Lane, St Leonards; North Sydney and Milsons Point; Kirribilli; McMahons Point; Cammeray Car Park; Greenway

Housing Estate, and in the area adjacent to the Skate Plaza be endorsed for public exhibition for a minimum period of 42 days.

**3. THAT** a further report be provided to Council following the conclusion of the public exhibition period, for the purpose of considering any submissions received and adopting the Alcohol Prohibited Areas and the Alcohol-Free Zones for 2023-2027.

## 10.8 New Application for Reference Group Membership

Report of Peita Rose, Governance Officer

The purpose of this report is to inform Council of an application received for Reference Group (Environment) citizen membership from Dr Jane Theau.

Dr Jane Theau has applied to be a member of the Environment Reference Group. Dr Theau has been an anti-plastic waste campaigner for over a decade, and has developed a related teaching programme.

It is recommended that the application be accepted.

There are no financial implications arising from this report.

### Recommending:

**1.THAT** the application from Dr Jane Theau for citizen membership of the Environment Reference Group be accepted.

**2.THAT** Council note that a review of the Reference Group Charters is proposed to be undertaken in 2022-2023.

## 10.9 Amended Procurement Policy

Report of Teagan Hussey, Manager Procurement

Jenny Gleeson, Manager Corporate Planning and Engagement

This report recommends minor amendments to Council's Procurement Policy. Council's Procurement Policy was first adopted by Council in August 2004 and was most recently readopted by Council on 22 June 2020.

The Procurement Policy is periodically reviewed, amendments to the policy are proposed to improve controls in relation to non-contract thresholds. The changes are summarised below in Tables 1 and 2 below, with ~~strikethrough~~ indicating deletion and *red font/italics* indicating addition.

Value including GST	Procurement process	Sign-off authority
\$50,001 - <del>\$200,000</del> <i>\$149,999.99</i>	3 quotes minimum	Supervisor/Manager/Divisional Director
<i>\$150,000</i> <del>\$200,001</del> - \$249,999.99	3 quotes minimum plus Formal Evaluation Plan	Divisional Director or General Manager and Procurement Panel

Table 1 Non-Contract Thresholds

\$50,001 - <del>\$150,000</del> <i>\$149,999.99</i>	2 quotes minimum	Supervisor/Manager
\$150,001 - \$250,000	3 quotes minimum Formal Evaluation Plan	Manager/Divisional Director <i>and Procurement Panel</i>

Table 2 Council, Approved Government Panel Contracts & Pre-Qualification Schemes

These amendments are considered minor as they do not impact external suppliers and therefore public exhibition is not required.

The financial implications of the policy amendments are outlined in this report.

**Recommending:**

- 1. THAT** Council readopt the Procurement Policy inclusive of the proposed minor amendments
- 2. THAT** Council endorse that public exhibition is not required.

## 11. NOTICES OF MOTION

### 11.1 **Notice of Motion 2/23 - 53 and 55 Yeo Street Neutral Bay - Interim Heritage Order and Review of Heritage Conservation Area - Cr Baker (co-sponsored by Crs Beregi, Lamb and Welch)**

**1.THAT** Council obtain urgent advice in relation to whether an Interim Heritage Order(s) can be supported in respect of dwellings known as 53 and 55 Yeo Street, Neutral Bay. That the advice include an assessment of local heritage significance under the Wycombe Road Group NSH1255 listing.

**2.THAT** Council prepare an urgent report to assess whether 53 and 55 Yeo Street, Neutral Bay ought to be included in the South Cremorne Heritage Conservation Area.

**3.THAT** the review consider whether the 53 and 55 Yeo Street properties may be heritage or contributory items within the conservation area.

#### **BACKGROUND (provided by the submitter)**

In recent years, as development pressure is felt in Neutral Bay and Cremorne, Council has responded by seeking Interim Heritage Orders in respect of properties that have been otherwise overlooked by Council's heritage controls. For example, 3 Anderson Street Neutral Bay, 24 Cranbrook Avenue Cremorne, 8 Hayes Street Neutral Bay, and properties at Holt Avenue Cremorne.

This is a reflection of both growing development pressure and the urgent need for Council's soon to be commenced local government area-wide heritage review.

53 and 55 Yeo Street, Neutral Bay were recently purchased and are currently proposed for demolition under DA 334/22 to construct a new 4-storey apartment building. They currently sit in the R4 zoning, outside but directly adjacent to the Cremorne Conservation Area. Demolition could take place at any time under a Complying Development Certificate. Accordingly, the properties are at imminent risk of demolition.

53 and 55 Yeo Street are not listed as items of local heritage significance nor part of an Heritage Conservation Area under the North Sydney LEP 2013 or the DCP.

The properties were part of the original subdivisions under the Barrons Estate subdivision of 1900. This subdivision contains seven (7) heritage listed items forming part of the "Wycombe Road Group".

The houses are exemplary examples of intact Federation Arts and Craft houses circa 1905-1910, with similar architectural features to adjacent houses in the Wycombe Road Group at 144 Wycombe Road (Heritage Item 10761 and 153 Wycombe Road (heritage contributory item) and 132 Wycombe Road (Heritage Item 10759).

There is significant community concern and interest that without Council acting to protect these dwellings they will be lost.

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**14. CLOSURE**