



MINUTES

The Minutes of the Extraordinary Meeting of Council held at the Council Chambers, North Sydney at 1:00 PM on Wednesday 1 March 2023.



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1. Opening Meeting

Statement of ethical obligations

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

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

At the commencement of business (1:00 pm) those present were: The Mayor, and Councillors Beregi, Bourke, Gibson, Lamb (remotely), Santer, Spenceley, Mutton (remotely) and Welch.

The meeting was opened by the Mayor.

2. Acknowledgement of Country

RECOGNITION OF THE CAMMERAYGAL PEOPLE

We respectfully acknowledge the Traditional Custodians of the land and waters of North Sydney local government area, the Cammeraygal people.

The Acknowledgement of Country was read by Councillor Spenceley.

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

It was moved by Councillor Beregi and seconded by Councillor Gibson

1. THAT Council grant permission for Councillor Mutton to attend remotely for the following reason: work

2. THAT Council grant permission for Councillor Lamb to attend remotely for the following reason: other

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Mutton, Councillor Santer, Councillor Spenceley and Councillor Welch

Against: Nil

Absent: Councillor Lepouris

68. RESOLVED:

- 1. THAT** Council grant permission for Councillor Mutton to attend remotely for the following reason: work
- 2. THAT** Council grant permission for Councillor Lamb to attend remotely for the following reason: work

4. Disclosures of Interest

There were no disclosures of interest

5. Notices of Motion

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

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

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

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

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

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

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

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

7. THAT Council resolves that the identified attachment to this report (11 March 2022 legal advice) is to be treated as confidential in accordance with section 11(3) of the Local Government Act for the following reason under section 10A(2) of the Local Government

Act: (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. It is further noted that release of this information would be, on balance, contrary to the public interest as it would affect Council's ability to manage legal matters effectively and in the best interests of the community.

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

The following members of the public addressed Council in relation to this item:

- Mr John Connor
- Ms Alejandra Troubridge
- Ms Joan Street
- Mr Geoff Pritchard
- Ms Radji Godbole
- Mr George Gallagher
- Mr Tony Stanley (remotely)

The Rescission Motion was moved by Councillor Gibson and seconded by Councillor Spenceley.

The Motion was put and **Lost**.

Voting was as follows:

For/Against 3 / 6

For: Councillor Gibson, Councillor Mutton and Councillor Spenceley

Against: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer and Councillor Welch

Absent: Councillor Lepouris

6. Closure

The Meeting concluded at 2:04 pm.