



## MINUTES

The Minutes of the **3742<sup>nd</sup> MEETING** of **COUNCIL** held at the Council Chambers, 200 Miller Street, North Sydney on 22 March 2021.



|   |           |
|---|-----------|
| <b>1. Opening Meeting.....</b>  | <b>4</b>  |
| <b>2. Acknowledgement of Country .....</b>  | <b>4</b>  |
| <b>3. Apologies and Applications for Leave of Absence by Councillors.....</b>   | <b>4</b>  |
| <b>4. Confirmation of Minutes.....</b>  | <b>4</b>  |
| <b>5. Disclosures of Interest .....</b>   | <b>4</b>  |
| <b>6. Mayoral Minutes.....</b>  | <b>5</b>  |
| 6.1. <i>MM01 Mayoral Referendum.....</i>  | <i>5</i>  |
| 6.2. <i>MM02 Parking Review .....</i>   | <i>6</i>  |
| 6.3. <i>MM03 Australia’s First Smoke Free Municipality.....</i>   | <i>8</i>  |
| <b>7. Reports of Committees .....</b>   | <b>9</b>  |
| 7.1. <i>Legal and Planning Committee Minutes - 8 March 2021 .....</i>   | <i>9</i>  |
| <b>8. Reports to Council .....</b>  | <b>11</b> |
| 8.1. <i>Matters Outstanding - March 2021 .....</i>  | <i>11</i> |
| 8.2. <i>Response to Mayoral Minute - Proposed 15 Minute Free Parking trial at all North Sydney Council Parking Meters .....</i>                 | <i>12</i> |
| 8.3. <i>Miller Street Popup Footpath widening .....</i>   | <i>18</i> |
| 8.4. <i>Ernest Street Active Transport and Streetscape Improvements Consultation Outcomes .....</i>   | <i>27</i> |
| 8.5. <i>Investments and Loan Borrowings Held as at 28 February 2021 .....</i>   | <i>39</i> |
| 8.6. <i>Draft Amendment to NSDCP 2013 - Ward Street Precinct Masterplan.....</i>  | <i>40</i> |
| 8.7. <i>Marist Catholic College Major Project Application (Application SSD 10473).....</i>  | <i>41</i> |
| 8.8. <i>Planning Proposal 3/20 - 20-22 Atchison Street, St Leonards.....</i>  | <i>51</i> |
| 8.9. <i>Interim Heritage Order - 1 Shirley Road, Wollstonecraft.....</i>  | <i>54</i> |
| 8.10. <i>Draft Plan of Management for St Leonards Park – Post Exhibition.....</i>   | <i>55</i> |
| 8.11. <i>Draft Playgrounds Plan of Management.....</i>  | <i>62</i> |
| 8.12. <i>Remote Attendance by Councillors at Council Meetings - OLG Consultation .....</i>  | <i>64</i> |
| 8.13. <i>Kirribilli Centre Joint Strategic Plan 2019/20.....</i>  | <i>69</i> |
| <b>9. Notices of Motion .....</b>   | <b>73</b> |
| 9.1. <i>Notice of Rescission No. 1/21 by Councillors Baker, Beregi and Carr - Military Road Corridor Planning Study (22 February 2021).....</i> | <i>73</i> |

|            |   |           |
|------------|---|-----------|
| 9.2.       | <i>Notice of Rescission No. 2/21 by Councillors Baker, Beregi and Carr - Demolition of existing Primrose Park Tennis Courts and relocation of operator to Green Park (22 February 2021)</i> ..... | 75        |
| 9.3.       | <i>Notice of Rescission No. 3/21 by Councillors Baker, Beregi and Carr - Neutral Bay/Ilbery Park Land Swap Lease Proposal (22 February 2021)</i> .....  | 76        |
| 9.4.       | <i>Notice of Motion No. 4/21 by - Councillors Baker, Beregi and Carr - Holt Avenue (East) - Interim Heritage Order and review of heritage conservation area</i> .....                             | 78        |
| 9.5.       | <i>Notice of Motion No. 5/21 by Councillors Baker, Beregi and Carr - Willoughby Road Public Domain Upgrade Works</i> .....  | 79        |
| 9.6.       | <i>Notice of Motion No. 6/21 by Councillors Baker, Beregi and Carr - Expanded Hume Street Park -Stage 2</i> .....   | 79        |
| <b>10.</b> | <b>Confidential Matters</b> .....   | <b>80</b> |
| <b>11.</b> | <b>Closure</b> .....  | <b>80</b> |

## 1. Opening Meeting

## 2. Acknowledgement of Country

The Acknowledgement of Country was read by Councillor Barbour.

## 3. Apologies and Applications for Leave of Absence by Councillors

Councillor Carr has indicated his inability to attend this Council meeting.

It is therefore recommended that Council grant leave of absence to Councillor Carr for the meeting of 22 March 2021.

The Recommendation was moved by Councillor Gibson and seconded by Councillor Barbour.

The Motion was put and **Carried**

### 32. RESOLVED:

**THAT** leave of absence be granted to Councillor Carr.

## 4. Confirmation of Minutes

The Recommendation was moved by Councillor Keen and seconded by Councillor Brodie.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 1

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton, Councillor Baker

**Against:** Councillor Beregi

**Absent:** Councillor Carr

### 33. RESOLVED:

1. **THAT** the Minutes of the previous 3741<sup>st</sup> Council Meeting held on Monday, 22 February 2021, copies of which had been previously circulated, were taken as read and confirmed.

## 5. Disclosures of Interest

Re: Item 8.8

Planning Proposal 3/20 - 20-22 Atchison  
Street, St Leonards

Councillor Keen

Councillor Keen declared that as the applicant is known to her family, she had a non-pecuniary and significant interest.

Re: Item 9.4

Notice of Motion No. 4/21 by - Councillors  
Baker, Beregi and Carr - Holt Avenue (East) -  
Interim Heritage Order and review of heritage  
conservation area

Councillor Brodie

Councillor Brodie declared that as a close  
family member has property on Holt Street  
that resulted in a non-pecuniary and  
significant interest.

## **6. Mayoral Minutes**

### **6.1. MM01 Mayoral Referendum**

North Sydney Council has had a popularly elected Mayor since the 1980s. That will change in September, thanks to a referendum question put to the community at the last local government elections in 2017. At that time, the community was asked: Do you favour the election of the Mayor by Councillors for a term of two years?

The community voted in favour of the proposal 52.43% to 47.47%. The question was badly worded in many respects. It did not address whether removing a popularly elected mayor would reduce the number of Councillors, resulting in this Council having to seek external advice on the implications and then having to restructure the Wards for the second time in five years.

No additional material, such as arguments for or against, can be distributed with a Referendum question at a polling booth, so many residents were voting on something about which they had no prior knowledge. The General Manager at the time elected not to promote for or against arguments widely so the only information circulated was a small article in the centre of Council's community newsletter. Not surprisingly, many residents hadn't known they would be asked a Referendum question, let alone to form a view on the subject.

Let me say here, I am in favour of Councils having a popularly elected Mayor. A Mayor elected by the whole community, not just 10 people, has the confidence of the community. They have the time to form productive working relationships with external organisations and other levels of government and bring consistency to Council. After nine years in the job, I can say there is always plenty to do and I don't believe our community will be well served by someone who tacks the work on to their day job for a couple of years.

Of course there are also arguments for a Mayor elected by Councillors, including the Mayor having the support of the Councillors who elect them and more Councillors having the opportunity to serve as Mayor.

The issue at hand is not what I, or current Councillors, think on this issue. The relevant matter is what our community would prefer. The last decision was made after five years of a dysfunctional Council that was subject to Performance Improvement Orders and a public inquiry. We have now had four productive and positive years with Councillors driving through a busy and progressive agenda.

At the last election many residents told me they didn't have enough information to make an informed decision. They felt forced to answer the question in a vacuum – and they didn't like it. We can't change the decision for this election, but we can revisit the question in September to ensure the community can make an informed decision. The position of popularly elected Mayor has worked well for this Council over decades. We need to go back to the community and let them have a fair and informed choice about how their Council should be led.

**I therefore recommend:**

**1. THAT** the General Manager report back to the April meeting of Council with wording for a Referendum question asking whether the community supports a change from a Mayor elected by Councillors for a term of two years to a popularly elected Mayor for the four-year term of Council.

**2. THAT** the report include recommendations for how the Referendum questions can be promoted to the community so that the implications of each model can be fully understood and considered by the community before they vote.

The Recommendation was moved by The Mayor.

The Motion was put and **Lost**.

Voting was as follows:

For/Against 4 / 5

**For:** Councillor Gibson, Councillor Brodie, Councillor Drummond, Councillor Gunning

**Against:** Councillor Beregi, Councillor Keen, Councillor Barbour, Councillor Mutton, Councillor Baker

**Absent:** Councillor Carr

## 6.2. MM02 Parking Review

At its meeting on 22 February 2021, the Traffic Committee resolved to acknowledge the discrepancy in parking entitlements between apartment dwellings and free-standing dwellings and it was agreed I would write a Mayoral Minute seeking to have the policy reviewed.

The matter was brought to my attention by a resident of a large, older style apartment who noted that his family's access to resident parking permits was less than if he lived in a detached dwelling.

Council has traditionally allocated fewer permit entitlements for apartments because the physical kerb space along the property frontage must be shared with many more people than would live in one or two dwellings with similar length kerb frontage.

The flaw in this thinking is that one resident should have more access to kerb space than another because of the type of house they live in. To my mind, our streets are public assets which should be shared fairly among us all.

In the past, apartment living was generally considered the preserve of young urban professionals or empty nesters returning to the inner city after a stint in the suburbs raising a family. Over the past decade this has changed and the exodus of young families to the outer suburbs has eased as many choose to remain in the inner city and raise their children in apartments.

Our old art deco buildings that hug much of our foreshore have many unit blocks with large apartments that can comfortably accommodate several adults, who may be unable to share a vehicle with another member of the household.

I know on-street parking is a scarce resource and that demand sometimes outstrips supply. I also know, after nine years as Mayor, that there is no easy solution. But I don't feel the current situation is equitable and I am therefore proposing we review the status quo and tweak the current arrangements.

Perhaps our Traffic Team could select an area and trial increasing the parking permits for apartments to match the number available for detached dwellings. With Licence Plate Recognition and parking sensors, Council has the technology to monitor the trial area closely to see the real impact of the decision.

**I therefore recommend:**

- 1. THAT** the Traffic Department prepare a report outlining how greater equity in parking permit allocation can be achieved.
- 2. THAT** the report include 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.

A Motion was moved by The Mayor.

- 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.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 3

**For:** Councillor Gibson, Councillor Keen, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

**Against:** Councillor Beregi, Councillor Brodie, Councillor Baker

**Absent:** Councillor Carr

**34. RESOLVED:**

- 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.

### **6.3. MM03 Australia's First Smoke Free Municipality**

North Sydney Council has led the way in creating smoke-free zones in our area. In 2011, we implemented a smoking ban near playgrounds, sports fields, outdoor dining areas on Council-owned land and in our bus shelters and taxi ranks.

We followed that in 2016 with smoking bans in Brett Whiteley Place and Elizabeth Plaza in the North Sydney CBD and in Ernest Place in Crows Nest. In 2018, I proposed we extend the ban to the whole of the North Sydney CBD. The proposal not only won the support of councillors, but also our community with 80% of the 558 submissions we received supporting the ban.

The CBD ban has been in place for some time now and I am receiving positive feedback on its impact. We have fewer cigarette butts on our streets, which means fewer make their way into the stormwater system and Sydney Harbour. A tenant in the new office tower at 1 Denison St recently told me that while he was frustrated to learn of the ban when he first moved to North Sydney, he has changed his habits and stopped smoking.

North Sydney has successfully led the way in this area, and I think it is time we gathered our courage and took the next step to an LGA wide ban. This would involve banning smoking in all public areas within the North Sydney Council Municipality including all parks, reserves, streets and plazas.

Such a ban will not stop people smoking on private property or in designated smoking areas. But it will mean that non-smokers, who are the majority of the community, will not be exposed to second hand smoke which is detrimental to health. It should also further decrease the number of discarded cigarette butts which leach toxins into the soil or harbour water.

This is a big step and I'm sure we'll hear criticism about being a nanny state. Rather than follow our usual consultation process, I suggest we put this question to the whole community via a referendum question at the council elections in September. If we make sure the question is promoted widely before the election, our community will be able to make an informed decision.

#### **I therefore recommend:**

1. **THAT** the General Manager report back to the April meeting of Council with wording for a referendum question asking whether the community supports a ban on smoking in all public areas of the North Sydney Council area including parks and reserves, streets and plazas.
2. **THAT** the report include recommendations for how the referendum questions can be promoted to the community so that the implications of the ban can be fully understood and considered by the community before they vote.

The Recommendation was moved by The Mayor.

The Motion was put and **Lost**.



Voting was as follows:

For/Against 2 / 7

**For:** Councillor Gibson, Councillor Drummond  
**Against:** Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour,  
Councillor Gunning, Councillor Mutton, Councillor Baker  
**Absent:** Councillor Carr

## Items to be Considered By Exception

Councillor Beregi left the meeting at 08:29 pm.

It was moved by Councillor Keen and seconded by Councillor Barbour that the Recommendations for Items 7.1, 8.6, 8.7, 8.10, 8.12 and 8.13 be adopted.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour,  
Councillor Drummond, Councillor Gunning, Councillor Mutton, Councillor  
Baker  
**Against:** nil  
**Absent:** Councillor Beregi and Councillor Carr

### 34. RESOLVED:

**THAT** the Recommendations for Items 7.1, 8.6, 8.7, 8.10, 8.12 and 8.13 be adopted.

Councillor Beregi returned to the meeting at 08:30 pm.

## 7. Reports of Committees

### 7.1. Legal and Planning Committee Minutes - 8 March 2021

**AUTHOR:** Josh Jongma, Governance Coordinator

Council is required to consider the Minutes of this Committee under the Code of Meeting Practice.

This report presents the recommendations of the last meeting of the Legal and Planning Committee held on 8 March 2021 for Council adoption. The minutes are attached for information.

#### RECOMMENDATION:

1. **THAT** the Current Appeal and Results - March 2021 report be received. (3.8)
2. **THAT** Councillors are briefed immediately with the NCAT decision 136490/20 when it is handed down. (3.8)

3. **THAT** Council extend the current community and alternate representative appointments to the Sydney North Planning Panel until the March 2022 Ordinary Council Meeting, with recruitment to be commenced in November 2021. (3.1)
4. **THAT** Council write to the Minister for Planning and the Planning Secretary of the Department of Planning and Environment expressing its strong objection to the recent amendments to State Environmental Planning Policy (Affordable Rental Housing) 2009 to permit “Build-to rent” housing in the *B3 Commercial Core* zone based on the reasons outlined in this report. In particular, that this change undermines significant strategic planning work undertaken by Council in addressing the desired outcomes of the State Government’s own Regional and District Strategic Plans. (3.2)
5. **THAT** the North Sydney Local Planning Panel Annual Report 2019/20 report be received. (3.3)
6. **THAT** the Development Applications Received 1 October 2020 - 31 December 2020 report be received. (3.4)
7. **THAT** the Development Applications Received 1 July 2020-30 September 2020 report be received. (3.5)
8. **THAT** the Variations to Development Standards - 2020/2021 Q1 Reporting Period report be received. (3.6)
9. **THAT** the Variations to Development Standards – 2020/21 Q2 Reporting Period report be received. (3.7)

*This Item was adopted By Exception.*

**35. RESOLVED:**

1. **THAT** the Current Appeal and Results - March 2021 report be received. (3.8)
2. **THAT** Councillors are briefed immediately with the NCAT decision 136490/20 when it is handed down. (3.8)
3. **THAT** Council extend the current community and alternate representative appointments to the Sydney North Planning Panel until the March 2022 Ordinary Council Meeting, with recruitment to be commenced in November 2021. (3.1)
4. **THAT** Council write to the Minister for Planning and the Planning Secretary of the Department of Planning and Environment expressing its strong objection to the recent amendments to State Environmental Planning Policy (Affordable Rental Housing) 2009 to permit “Build-to rent” housing in the *B3 Commercial Core* zone based on the reasons outlined in this report. In particular, that this change undermines significant strategic planning work undertaken by Council in addressing the desired outcomes of the State Government’s own Regional and District Strategic Plans. (3.2)
5. **THAT** the North Sydney Local Planning Panel Annual Report 2019/20 report be received. (3.3)
6. **THAT** the Development Applications Received 1 October 2020 - 31 December 2020 report be received. (3.4)
7. **THAT** the Development Applications Received 1 July 2020-30 September 2020 report be received. (3.5)
8. **THAT** the Variations to Development Standards - 2020/2021 Q1 Reporting Period report be received. (3.6)
9. **THAT** the Variations to Development Standards – 2020/21 Q2 Reporting Period report be received. (3.7)

## **8. Reports to Council**

### **8.1. Matters Outstanding - March 2021**

**AUTHOR:** Ian Curry, Manager Governance & Committee Services

To report to Council on the status of Councillor resolutions.

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

The attached table has been updated to include resolutions from the 22 February 2021 Ordinary Meeting of Council.

**RECOMMENDATION:**

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

The Recommendation was moved by Councillor Barbour and seconded by Councillor Keen.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 2

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

**Against:** Councillor Beregi, Councillor Baker

**Absent:** Councillor Carr

**36. RESOLVED:**

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

### **8.2. Response to Mayoral Minute - Proposed 15 Minute Free Parking trial at all North Sydney Council Parking Meters**

**AUTHOR:** Leonie Wishart, Manager Parking Meters

The purpose of this report is to update Council on the investigations that have been undertaken in response to the resolution of Council on 27 April 2020 and previous resolutions of Council in relation to trialling 15-minute “free parking” at all North Sydney Council Parking Meters.

**RECOMMENDATION:**

**1. THAT** Council defers the trialling of 15 minute free parking at its 443 parking meters until:

- a) The 15 minute free parking trial in Cremorne is completed; and
- b) the new contract for On-Street Parking Management is awarded.

**2. THAT** Council notes the new On-Street Parking Management Contract will be going to tender in August 2021 and it will include provisions for the ability to enable 15-minute free parking functionality.

The Recommendation was moved by Councillor Gibson and seconded by Councillor Brodie.

The Motion was put and Carried.

Voting was as follows: For/Against 9 / 0

Voting was as follows: For/Against 9 / 0

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Beregi, Councillor Baker, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

**Against:**

**Absent:** Councillor Carr

### **37. RESOLVED:**

**1.THAT** Council defers the trialing of 15 minute free parking at its 443 parking meters until:

- a) The 15 minute free parking trial in Cremorne is completed; and
- b) the new contract for On-Street Parking Management is awarded.

**2. THAT** Council notes the new On-Street Parking Management Contract will be going to tender in August 2021 and it will include provisions for the ability to enable 15-minute free parking functionality.

### **8.3. Miller Street Popup Footpath widening**

**AUTHOR:** Lindsay Menday, Sustainable Transport Project Co-ordinator

This report provides an update on the Miller Street component of the “Streets as Shared Spaces” grants program. It provides details on a proposed landscape plan for the project and seeks Council endorsement to construct the works.

#### **RECOMMENDATION:**

**1.THAT** Council endorse construction of the proposed Miller Street (Berry Street to Pacific Highway) popup footpath widening and associated landscaping.

**2.THAT** procurement of a contractor to construct the project take place via the NSW Local Government Procurement Panel. (LGP).

The Recommendation was moved by Councillor Baker and seconded by Councillor Keen.

The Motion was put and **Carried**.

Voting was as follows: For/Against 9 / 0

**For:** Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton, Councillor Baker

**Against:** nil

**Absent:** Councillor Carr

### **38. RESOLVED:**

**1.THAT** Council endorse construction of the proposed Miller Street (Berry Street to Pacific Highway) popup footpath widening and associated landscaping.

**2.THAT** procurement of a contractor to construct the project take place via the NSW Local Government Procurement Panel. (LGP).

#### **8.4. Ernest Street Active Transport and Streetscape Improvements Consultation Outcomes**

**AUTHOR:** Lindsay Menday, Sustainable Transport Project Co-ordinator

This report details the outcomes of community consultation on proposed upgrades to walking and cycling paths alongside Ernest Street, Cammeray, between Anzac Avenue and Cammeray Avenue. Based on the high level of support received, this report recommends that the project be constructed.

This report details the outcomes of community consultation on proposed upgrades to walking and cycling paths alongside Ernest Street, Cammeray, between Anzac Avenue and Cammeray Avenue.

The proposal is to construct dedicated walking and cycling paths (and ancillary works) in place of an existing shared path. The project will improve walking and cycling connections to Anzac Park Primary School, extend the existing network of separated cycle paths recently constructed in the area and contribute to public domain outcomes.

Consultation on the project ran from 8 February 2021 to 24 February 2021 and indicated a high level of community support for the project. 82 % of the 33 submissions received in response supported the project and 12% opposed the project. Most frequently, submissions provided broad support for walking and cycling upgrades in general, and/or specific support for improving walking and cycling connection to ANZAC Park Primary School and separation of walking and cycling paths in place of the existing shared path.

Parking provision and the number of vehicle lanes on Ernest Street are not be changed under the scheme.

The project has a grant offer from TfNSW to fund 50% of the total estimated project value. Given the project is anticipated to deliver positive outcomes for walking, cycling and public domain, will have little discernible impact on other road users, and that feedback indicates a high level of community support, this report recommends construction of the project.

TfNSW have made an offer to Council for a 50% funding contribution of \$176,750 of the total estimated value of the project which is \$353,500. At the time of writing, the agreement is still being drafted by TfNSW. Councils' contribution of \$176,750 will be allocated from this financial year's budget available in the Bike Strategy Priority Items cost centre.

Finalisation of the Funding Agreement between TfNSW and Council is imminent.

#### **RECOMMENDATION:**

**1. THAT** the Ernest Street Active Transport Upgrades (between Anzac Avenue and Cammeray Avenue) be constructed subject to the finalisation of the Funding Agreement between TfNSW and Council and concurrence from the North Sydney Traffic Committee via Delegated Authority.

The Recommendation was moved by Councillor Baker and seconded by Councillor Beregi.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 1

**For:** Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton, Councillor Baker

**Against:** Councillor Gunning

**Absent:** Councillor Carr

**39. RESOLVED:**

**1. THAT** the Ernest Street Active Transport Upgrades (between Anzac Avenue and Cammeray Avenue) be constructed subject to the finalisation of the Funding Agreement between TfNSW and Council and concurrence from the North Sydney Traffic Committee via Delegated Authority

## **8.5. Investments and Loan Borrowings Held as at 28 February 2021**

**AUTHOR:** Garry Ross, Manager Financial Services

This report provides details of the performance of Council's investment portfolio and borrowing limits for the period ending 28 February 2021.

**Investment Portfolio:**

The Investment portfolio (cash and investments) held as at 28 February 2021 had a market value of \$101.7 million, with an annualised return of 1.72% for the year to date, 1.51% above the reportable BBSW Bank Bill Index of 0.21%. The total funds under investment increased during February by \$3.4 million which included two new Term Deposits. These funds were primarily sourced from the rates instalment that was due at the end of February.

The actual investment returns for the year to date as at 28 February 2021 were \$928,589 which was \$35,499 less than the year to date budgeted estimate. The medium-longer term outlook for financial markets indicate that the RBA's official cash rate will remain unchanged at its emergency level of 0.10% until its objectives of full employment and inflation are reached.

The investment portfolio is managed to ensure liquidity to meet operational requirements, with cashflows being monitored and assessed on a on-going basis.

**Borrowings:**

Council entered into a fixed interest loan of \$9.5 million with quarterly interest and principal payments on 31 July 2018. The principal outstanding as at 28 February 2021 is \$7,468,761.18. Council has made provision for future borrowings of \$31 million to assist in the funding to complete the redevelopment of North Sydney Olympic Pool.

The 2020/21 budgeted returns on investments are estimated to be \$1,350,000.00. The estimate was reviewed and reported in the December Budget Review. Investment returns will continue to be monitored and further adjustment made in the March Quarterly Review, if necessary.

**RECOMMENDATION:**

**1. THAT** the report on Investments and Loan Borrowings held as at 28 February 2021 be received.

The Recommendation was moved by Councillor Barbour and seconded by Councillor Brodie.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 2

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton  
**Against:** Councillor Beregi, Councillor Baker  
**Absent:** Councillor Carr

**40. RESOLVED:**

**1. THAT** the report on Investments and Loan Borrowings held as at 28 February 2021 be received.

**8.6. Draft Amendment to NSDCP 2013 - Ward Street Precinct Masterplan**

**AUTHOR:** Ben Boyd, Executive Strategic Planner

To seek Council's endorsement of a draft amendment to North Sydney Development Control Plan 2013 to implement the desired outcomes of the Ward Street Precinct Masterplan and place that draft amendment on public exhibition.

On 14 June 2016, Council resolved to prepare a masterplan for the Ward Street Precinct to ensure that an appropriate strategic direction is set for its future redevelopment, in light of the return of the Ward Street Carpark to Council control, the construction of the Victoria Cross Metro Station and development pressures in the locality.

Following the public exhibition of two Masterplans for the Precinct, Council resolved on 24 June 2019 to adopt a finalised Masterplan which centred on the delivery of a Central Square of 2,080sqm and an interconnecting Green Square of 1,155sqm to its north-west interfaced with community facilities and active commercial edges.

To ensure that the objectives and desired outcomes identified within the *Ward Street Precinct Masterplan* are delivered, it is proposed amend the Area Character Statements within NSDCP 2013.

Council is also currently in receipt of a Planning Proposal for 45 McLaren Street (PP6/20) and is in preliminary discussions with owners and proponents of a number of sites within and directly adjacent to the Ward Street Precinct. The concept proposals associated with the planning proposal and preliminary discussions may have the potential to undermine the delivery of the desired outcomes of the adopted Masterplan.

It is therefore recommended that the attached draft amendments be adopted by Council and placed on public exhibition.

There will be expenses with respect to the public exhibition of the DCP amendment and its implementation which can be found through existing recurrent budgeting lines.

**RECOMMENDATION:**

**1.THAT** Council resolves to adopt the draft amendments to NSDCP 2013, as provided in Attachment 1.

**2.THAT** the draft amendments to NSDCP 2013 be placed on public exhibition for a period of 28 days

*This Item was adopted By Exception*

**41. RESOLVED:**

**1.THAT** Council resolves to adopt the draft amendments to NSDCP 2013, as provided in Attachment 1.

**2.THAT** the draft amendments to NSDCP 2013 be placed on public exhibition for a period of 28 days

### **8.7. Marist Catholic College Major Project Application (Application SSD 10473)**

**AUTHOR:** George Youhanna, Executive Assessment Planner.  
Gavin McConnell, Executive Planning Advisor.

To highlight for Council's information planning issues arising from the Marist Brothers Catholic College State Significant Development application.

The Marist Brothers Catholic College located at 264 – 270 Miller Street and 34- 36 & 40 Ridge Street North Sydney has lodged an application for State Significant Development (SSD) with the Department of Planning Infrastructure and Environment (DPIE).

The proposal includes the following key elements;

- The construction of two x 4 storey buildings located at the corner of Miller Street and Carlow Street including basement parking for 71 cars and an auditorium with capacity for 1,528 seats
- Redevelopment of numerous ground level spaces around the campus including the demolition of three houses and removal of 2 demountable classrooms.
- Creation of a childcare centre with capacity for 90 children
- Provision of two on-site drop off / pick up areas
- Increase in student numbers from 1,300 to 2,074 including childcare places
- Increase in staff numbers by 50 to 196.

The proposal has been lodged as a State Significant Development and the determining authority is the Department of Planning (DPIE) and the Minister for Planning. DPIE is inviting submissions until 22 March 2021. It is a significant redevelopment that increases the capacity of the school by 54%.

This report provides Councillors with a summary of the issues and concerns identified to date regarding traffic, building height, design, setbacks, landscaping and heritage impacts. Several referrals are outstanding at the time of finalising this report, and additional issues may be raised.

This report is provided for Council's information.

There are no direct costs to North Sydney Council resulting from the development.

#### **RECOMMENDATION:**

**1. THAT** Council notes the issues raised within this report and that these issues will form the basis of the Council submission.

*This Item was adopted By Exception*

#### **42. RESOLVED:**

**1. THAT** Council notes the issues raised within this report and that these issues will form the basis of the Council submission.

### **8.8 Planning Proposal 3/20 - 20-22 Atchison Street, St Leonards**



**AUTHOR:** Katerina Papas, Strategic Planner

To present to Council the assessment of a Planning Proposal which seeks to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 20-22 Atchison Street, St Leonards.

On 29 May 2020, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 20-22 Atchison Street, St Leonards. The site is located within the area covered by the St Leonards and Crows Nest 2036 Plan (2036 Plan), adopted by the Department of Planning, Industry and Environment (DPIE) on 29 August 2020.

The Planning Proposal as lodged, initially sought to increase the maximum building height control applying to the site from 49m to 169m and establish an overall maximum Floor Space Ratio (FSR) control of 24.5:1 for the site to accommodate a 48-storey mixed-use commercial and residential building (responding to the then draft 2036 Plan's nomination of the site as a 'Significant Site'). The Planning Proposal was also accompanied by an offer to enter into a Voluntary Planning Agreement (VPA) to convert the Holtermann Street Car Park into an underground parking facility and create a new public space at the ground level.

Following the release of the finalised 2036 Plan in August 2020, the applicant submitted a revised Planning Proposal on 10 December 2020. The amended Planning Proposal seeks to:

- increase the maximum building height control applying to the site from 49m to 127m;
- establish an overall maximum FSR control 14.9:1; and
- include a site-specific provision to permit an additional 1,887sqm residential Gross Floor Area (GFA) for winter gardens.

The purpose of the revised Planning Proposal is to deliver a 35-storey mixed-use commercial and residential building with a 4-storey podium and tower above. The indicative scheme includes 193 residential apartments with a 16,193sqm GFA (excluding winter gardens), 4,258sqm non-residential GFA and 97 car parking spaces.

The original offer to enter into a VPA has been withdrawn in response to the requirement to pay a Special Infrastructure Contribution (SIC), in accordance with the St Leonards Crows Nest Special Infrastructure Contribution (SIC) Plan, as well as in response to the identified maximum height assigned to the site in the finalised 2036 Plan.

Having completed an assessment of the amended Planning Proposal against the 2036 Plan and relevant Regional, District and Local Plans, it is recommended that the Planning Proposal not be supported to proceed to Gateway Determination for the following reasons:

- It is inconsistent with the Built Form controls (Height and FSR) identified in the St Leonards and Crows Nest 2036 Plan and by virtue of the degree of non-compliance and impacts arising, is inconsistent with the vision, objectives and actions of the 2036 Plan;
- The Planning Proposal if implemented, could have the potential to create a precedent that would undermine the integrity of the strategic planning policies relating to the site, including:
  - o Greater Sydney Regional Plan and North District Plan;
  - o St Leonards and Crows Nest 2036 Plan and supporting Special Infrastructure Contribution (SIC) Plan; and
  - o North Sydney Local Strategic Planning Statement (LSPS).
- It is inconsistent with Direction 5.10 – Implementation of the Regional Plan and Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan to section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act

(EP&A Act) 1979, which requires Planning Proposals be consistent with the 2036 Plan and Greater Sydney Regional Plan.

The North Sydney Local Planning Panel (NSLPP) considered the Assessment Report on 3 March 2021, and resolved not to support the progression of the Planning Proposal to a Gateway Determination. The NSLPP agreed with the reasons for not supporting the Planning Proposal outlined in this report.

Of note is that the applicant lodged a rezoning review in December 2020 in response to Council not having made a decision within 90 days of lodgement. The review is likely to be considered by the Regional Planning Panel shortly, and it is imperative that Council provide an endorsed position before the Panel meeting.

**RECOMMENDATION:**

**1.THAT** Council resolves not to support the Planning Proposal proceeding to Gateway Determination for the following reasons:

- a) The planning proposal is inconsistent with the Built Form controls (Height and FSR) identified in the St Leonards and Crows Nest 2036 Plan and by virtue of the degree of non-compliance and impacts arising, is inconsistent with the vision, objectives and actions of the 2036 Plan;
- b) The Planning Proposal if implemented, would create a precedent that would undermine the integrity of the strategic planning policies relating to the site, including:
  - i) Greater Sydney Regional Plan and North District Plan;
  - ii) St Leonards and Crows Nest 2036 Plan and supporting Special Infrastructure Contribution (SIC) Plan; and
  - iii) North Sydney Local Strategic Planning Statement (LSPS).
- c) The Planning proposal is inconsistent with Direction 5.10 – Implementation of the Regional Plan and Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan to section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act (EP&A Act) 1979, which requires Planning Proposals be consistent with the 2036 Plan and Greater Sydney Regional Plan.

**2.THAT** Council advise the Department of Planning, Industry and Environment of its decision and be provided with a copy of this report and its resolution in support of Council’s decision.

**3.THAT** Council notifies the applicant of Council’s determination in accordance with clause 10A of the Environmental Planning and Assessment Regulation 2000.

Councillor Keen declared a non-pecuniary and significant interest in Item 8.8 and left the meeting at 8.42pm during the consideration and voting this matter.

The Recommendation was moved by Councillor Gibson and seconded by Councillor Baker.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

**For:** Councillor Gibson, Councillor Beregi, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton, Councillor Baker

**Against:** nil

**Absent:** Councillor Keen and Councillor Carr

#### **43. RESOLVED:**

**1.THAT** Council resolves not to support the Planning Proposal proceeding to Gateway Determination for the following reasons:

- a) The planning proposal is inconsistent with the Built Form controls (Height and FSR) identified in the St Leonards and Crows Nest 2036 Plan and by virtue of the degree of non-compliance and impacts arising, is inconsistent with the vision, objectives and actions of the 2036 Plan;
- b) The Planning Proposal if implemented, would create a precedent that would undermine the integrity of the strategic planning policies relating to the site, including:
  - i) Greater Sydney Regional Plan and North District Plan;
  - ii) St Leonards and Crows Nest 2036 Plan and supporting Special Infrastructure Contribution (SIC) Plan; and
  - iii) North Sydney Local Strategic Planning Statement (LSPS).
- c) The Planning proposal is inconsistent with Direction 5.10 – Implementation of the Regional Plan and Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan to section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act (EP&A Act) 1979, which requires Planning Proposals be consistent with the 2036 Plan and Greater Sydney Regional Plan.

**2.THAT** Council advise the Department of Planning, Industry and Environment of its decision and be provided with a copy of this report and its resolution in support of Council’s decision.

**3.THAT** Council notifies the applicant of Council’s determination in accordance with clause 10A of the Environmental Planning and Assessment Regulation 2000.

Councillor Keen returned to meeting at 8.45pm following consideration and voting on Item 8.8.

### **8.9. Interim Heritage Order - 1 Shirley Road, Wollstonecraft**

**AUTHOR:** Surb Bhatti, Heritage Conservation Planner

To seek Council endorsement to request the Minister of Arts to impose an Interim Heritage Order under the Heritage Act 1977 over 1 Shirley Road, Wollstonecraft.

On 13 January 2021, Council received development application (DA 2/21) for 1 Shirley Road, Wollstonecraft involving alterations to the internal layout of the existing dwelling, a dormer addition, changes to the existing garage and pool.

The property is current listed as a contributory item within the Wollstonecraft Heritage Conservation Area under North Sydney Local Environmental Plan 2013 (NSLEP 2013).

Following preliminary research which included an external and internal inspection of the building, Council’s Heritage Conservation Planner concluded:

*“That the dwelling at 1 Shirley Road is worthy of listing as an Item of Environmental Heritage in Council’s Local Environmental Plan. As such, its protection by way of an Interim Heritage Order is warranted and the extent of demolition proposed as part of DA 2/21 should not be consented to at this time.”*

This report details the implications of the findings made and a way forward to better protect the heritage values of the site.

Should an IHO be imposed by the Minister, there will be costs associated with the preparation of a comprehensive heritage assessment and preparation and processing of a planning proposal

for the inclusion of the property in LEP2013 as a locally listed heritage item. These costs can be funded within existing budget lines.

**RECOMMENDATION:**

**1. THAT** Council request the Minister for Heritage impose an Interim Heritage Order over 1 Shirley Road, Wollstonecraft, to enable Council to undertake the appropriate comprehensive research to determine whether the property should be identified as a heritage item under North Sydney Local Environmental Plan 2013.

The Recommendation was moved by Councillor Baker and seconded by Councillor Beregi.

An Amendment was moved by Councillor Gibson and seconded by Councillor Mutton.

**1.THAT** the matter be deferred for the owners to be informed and invited to make a submission before the matter returns to Council.

The Amendment was put and **Carried**.

Voting was as follows:

For/Against 7 / 2

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

**Against:** Councillor Beregi, Councillor Baker

**Absent:** Councillor Carr

The Amendment became the Motion which was put and **Carried**.

Voting was as follows:

For/Against 7 / 2

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

**Against:** Councillor Beregi, Councillor Baker

**Absent:** Councillor Carr

**44. RESOLVED:**

**1.THAT** the matter be deferred for the owners to be informed and invited to make a submission before the matter returns to Council.

## **8.10. Draft Plan of Management for St Leonards Park – Post Exhibition**

**AUTHOR:** Megan White, Landscape Planner/Architect

To report the contents of submissions received as a result of the public exhibition of the draft Plan of Management for St Leonards Park to Council and recommend adoption of the final Plan of Management.

**RECOMMENDATION:**

**1. THAT** Council formally adopt the draft PoM for St Leonards Park.

*This Item was adopted By Exception*

**45. RESOLVED:**

**1. THAT** Council formally adopt the draft PoM for St Leonards Park

**8.11. Draft Playgrounds Plan of Management**

**AUTHOR:** Megan White, Landscape Planner/Architect

To undertake the processes required by the *Crown Land Management Act 2016* to enable the new draft Playgrounds Plan of Management to be put on public exhibition for community information and comment.

Section 3.23(6) & (7) of the Crown Land Management Act 2016 (*CLM Act*) requires all NSW Councils to adopt Plans of Management for all reserves for which they are the appointed Crown Land Manager by 30 June 2021. The new Plans of Management must meet both the requirements of the *CLM Act* and the *Local Government Act 1993*.

The new draft Playgrounds PoM is the fifth Crown land Plan of Management to be prepared for North Sydney. When adopted, it will supersede Council's Playgrounds Plan of Management 2016.

As part of the development process, Council must attest that it has considered Native Title Manager advice in relation to the draft Plan of Management. Council must also refer the draft Plan of Management to the Department of Planning, Industry and Environment – Crown Lands and seek endorsement to place it on public exhibition.

Preparation of a new draft Playgrounds Plan of Management is now complete, and the draft Plan of Management is ready to be referred to the Department.

**RECOMMENDATION:**

**1. THAT** Council attests that it has considered Native Title Manager advice in relation to the draft Playgrounds Plan of Management.

**2. THAT** Council requests approval from the Department of Planning, Industry and Environment - Crown Lands to publicly exhibit the attached draft Playgrounds Plan of Management.

The Recommendation was moved by Councillor Brodie and seconded by Councillor Barbour.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

**For:** Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton, Councillor Baker

**Against:** nil

**Absent:** Councillor Carr

**46. RESOLVED:**

**1. THAT** Council attests that it has considered Native Title Manager advice in relation to the draft Playgrounds Plan of Management.

**2. THAT** Council requests approval from the Department of Planning, Industry and Environment - Crown Lands to publicly exhibit the attached draft Playgrounds Plan of Management.

## **8.12. Remote Attendance by Councillors at Council Meetings - OLG Consultation**

**AUTHOR:** Ian Curry, Manager Governance & Committee Services

To advise councillors of the proposed changes to the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) to allow councils to permit individual councillors to attend meetings remotely by audio-visual link in certain circumstances.

In response to the COVID-19 Pandemic in March 2020, the State Government made a series of changes to the *Local Government (General) Regulation 2005* (the Regulation) so that, during the “prescribed period”, the requirement for councillors or others to attend a meeting is satisfied if the meeting is held in whole or in part remotely using audio visual links. The prescribed period for the purposes of section 747A of the *Local Government Act 1993* (the Act) during which the requirement for councillors and members of the public to attend meetings is satisfied if the meeting is held in whole or in part remotely using audio visual links, expires on 25 March 2021.

The Office of Local Government (OLG) has issued a consultation paper, *Remote Attendance by Councillors at Council Meetings*, to seek the views of councils and others on proposed amendments to the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) to allow councils to permit individual councillors to attend meetings remotely by audio-visual link in limited circumstances. The proposed new provisions will not be mandatory, and councils will be able to choose whether to include them in their adopted codes of meeting practice.

The report also addresses changes to the Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2021 (the Public Health Order), which potentially allows an increase in the number of people who can attend meetings, subject to the size of the meeting venue being sufficient to ensure there is at least 2 square metres of space and 1.5 metres of separation for each person at the meeting venue.

If the proposal to allow continued remote access by Councilors to Council meetings proceeds and North Sydney Council avails itself of this option, it will be necessary to upgrade the audio visual arrangements in the Council Chambers. Doing this in a manner that provides a professional outcome for Councillors and the public like on a permanent basis may require expenditure in the order of \$10,000-\$50,000.

### **RECOMMENDATION:**

**1. THAT** Council advise OLG that it supports the proposed amendments to Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) to allow councils to permit individual councillors to attend meetings remotely by audio-visual link in certain circumstances.

*This Item was adopted By Exception*

### **47. RESOLVED:**

**1. THAT** Council advise OLG that it supports the proposed amendments to Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) to allow councils to

permit individual councillors to attend meetings remotely by audio-visual link in certain circumstances.

### **8.13. Kirribilli Centre Joint Strategic Plan 2019/20**

**AUTHOR:** Rebecca Aukim, Acting Director Community & Library Services

To report on the 2019/20 review of the Kirribilli Centre's Joint Strategic Plan with Council and to recommend the adoption of the new Joint Strategic Plan 2021-25.

**RECOMMENDATION:**

- 1. THAT** the 2019/20 review of The Kirribilli Centre's Joint Strategic Plan be noted.
- 2. THAT** the draft Joint Strategic Plan 2021-2025 for The Kirribilli Centre be placed on Public Exhibition for 28 days.
- 3. THAT** should Council receive substantive submissions a further report be prepared. Should Council receive no substantive submissions it considers The Kirribilli Centre Joint Strategic Plan 2021-2025 as adopted after the period closes.

*This Item was adopted By Exception*

**48. RESOLVED:**

- 1. THAT** the 2019/20 review of The Kirribilli Centre's Joint Strategic Plan be noted.
- 2. THAT** the draft Joint Strategic Plan 2021-2025 for The Kirribilli Centre be placed on Public Exhibition for 28 days.
- 3. THAT** should Council receive substantive submissions a further report be prepared. Should Council receive no substantive submissions it considers The Kirribilli Centre Joint Strategic Plan 2021-2025 as adopted after the period closes.

## **9. Notices of Motion**

11 - Notice of Rescission No. 1/21 by Councillors Baker, Beregi and Carr - Military Road Corridor Planning Study (22 February 2021)

### **9.1. Notice of Rescission No. 1/21 by Councillors Baker, Beregi and Carr - Military Road Corridor Planning Study (22 February 2021)**

**1. THAT** the Council's resolution on 22 February 2021 relating to Item 8.7 Military Road Corridor Planning Study where Council resolved:

- 1. THAT** Council note the submissions received and the issues raised during the exhibition.
- 2. THAT** Council adopt the Future Directions Report, as amended, as the strategic development framework for Neutral Bay town centre, with the exception of Site 4. Determination of the Study outcomes for the area known as Site 4 is to be deferred for a site inspection.
- 3. THAT** Council note the Future Directions Report will guide future Planning Proposals.

be and is hereby **rescinded**.

**THAT** the following resolution be passed in lieu thereof:

1. **THAT** Council not adopt the Future Directions Report, as amended, as the strategic development framework for the Neutral Bay town centre.
2. **THAT** Council continue to engage with the community and stakeholders with a view to further defining achievable public benefits in the Neutral Bay precinct particularly the provision of additional public open space whilst enhancing the village character of the precinct.

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

The Motion was put and **Lost**.

Voting was as follows:

For/Against 3 / 7

**For:** Councillor Beregi, Councillor Keen, Councillor Baker

**Against:** Councillor Gibson, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

**Absent:** nil

## **9.2. Notice of Rescission No. 2/21 by Councillors Baker, Beregi and Carr - Demolition of existing Primrose Park Tennis Courts and relocation of operator to Green Park (22 February 2021)**

**THAT** the Council's resolution on 22 February 2021 relating to Item 8.10 Demolition of existing Primrose Park Tennis Courts and relocation of operator to Green Park, where Council resolved:

1. *THAT Council approves the proposal to re-locate of the current Primrose Park Tennis Court operator to Green Park Tennis Courts for the duration of the works at Primrose Park.*
2. *THAT a temporary lease for the relocation of the Primrose Park Tennis Court Operator be drafted and that in accordance with Section 47A of the Local Government Act 1993, place the proposal for the exclusive, temporary lease on Public Exhibition for 28 Days during which time submissions can be received*
3. *THAT Council at the conclusion of the 28-day exhibition period, and if no submissions are received, resolve to formalise the temporary lease agreement.*
4. *THAT the General Manager under the delegations of Section 377 of the Local Government Act 1993, negotiate the terms and conditions of the temporary lease.*
5. *THAT Council notes that the proposed relocation of the Primrose Park Tennis Court Operator to Green Park Tennis Courts and the execution of a temporary lease will only be undertaken on the basis that Council is in a position to award the tender to commence works on the project in April – May 2021.*

be and is hereby **rescinded**.

**THAT** the following resolution be passed in lieu thereof:



*1. THAT Council not approve the proposal to relocate the current Primrose Park Tennis Court operator to Green Park Tennis Courts for the duration of the works at Primrose Park.*

*2. THAT Council undertake community consultation in relation to the proposal to relocate the current Primrose Park Tennis Court operator to Green Park Tennis Courts for the duration of the works at Primrose Park.*

*3. THAT following community consultation, a report be prepared for Council in relation to the proposal to allow the current Primrose Park Tennis Court operator to use the Green Park Tennis Courts and a decision then made as to whether to proceed with the proposed relocation of the current Primrose Park Tennis Court operator to Green Park Tennis Courts for the duration of the works at Primrose Park.*

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

The Motion was put and **Lost**.

Voting was as follows:

For/Against 2 / 7

**For:** Councillor Beregi, Councillor Baker

**Against:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

**Absent:** Councillor Carr

6.3 Notice of Rescission No. 3/21 by Councillors Baker, Beregi and Carr - Neutral Bay/Ilbery Park Land Swap Lease Proposal (22 February 2021)

### **9.3. Notice of Rescission No. 3/21 by Councillors Baker, Beregi and Carr - Neutral Bay/Ilbery Park Land Swap Lease Proposal (22 February 2021)**

**THAT** the Council's resolution on 22 February 2021 relating to Item 8.11 Neutral Bay/Ilbery Park Land Swap Lease Proposal, where Council resolved:

*1. THAT Council proceeds with the required process of progressing a lease for a period of less than five years with the Neutral Bay Club for the identified 50m2 of Ilbery Reserve Community land that is located at the base of the Council retaining wall.*

*2. THAT on completion of the required consultation process a further report be provided identifying any public submissions received by Council for consideration and determination.*

*3. THAT Council enters into an agreement to lease for a period of less than five years from the Neutral Bay Club the identified 45m2 of the Neutral Bay Club's property that fronts Anderson Street to be used as an extension of Ilbery Reserve.*

be and is hereby **rescinded**.

**THAT** the following resolution be passed in lieu thereof:

*1. THAT Council not proceed with the progressing a lease for a period of less than 5 years with the Neutral Bay Club for the identified 50sqm of Ilbery Reserve community land that is located at the base of the Council retaining wall.*

**2.THAT** Council undertake community consultation in relation to the proposal for progressing a lease for a period of less than 5 years with the Neutral Bay Club for the identified 50sqm of Ilbery Reserve community land that is located at the base of the Council retaining wall.

**3.THAT** following community consultation, a report be prepared for Council in relation to the proposal.

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

The Motion was put and **Lost**.

Voting was as follows:

For/Against 2 / 7

**For:** Councillor Beregi, Councillor Baker

**Against:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

**Absent:** Councillor Carr

Councillor Brodie declared a non-pecuniary and significant interest in item 9.4 and left the meeting at 9.58pm for the consideration and voting on the matter.

9.4 - Notice of Motion No. 4/21 by - Councillors Baker, Beregi and Carr - Holt Avenue (East) - Interim Heritage Order and review of heritage conservation area

### **9.4. Notice of Motion No. 4/21 by - Councillors Baker, Beregi and Carr - Holt Avenue (East) - Interim Heritage Order and review of heritage conservation area**

**1.THAT** Council obtain urgent advice in relation to whether an Interim Heritage Order(s) can be supported in respect of a group of dwellings known as 115, 117,119, 121, 123, 125 and 131, 133 Holt Avenue, Cremorne.

**2.THAT** Council review whether a new Heritage Conservation Area ought to be identified and adopted in relation to the area bounded by Spofforth Street, Military Road, Cranbrook Avenue and Cabramatta Road, Cremorne and that such review consider the inclusion of the group of dwellings at 115, 117,119, 121, 123, 125 and 131, 133 Holt Avenue, Cremorne and be informed by the provisions relating to Mosman Council's Holt Estate Conservation Area.

**3.THAT** the review consider whether there are contributory items within any recommended conservation area.

**4.THAT** Council allocate funds from the recently reported increase revenue in respect of fees and charges to facilitate the advice and review.

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

The Motion was put and **Lost**.

Voting was as follows:

For/Against 2 / 6

**For:** Councillor Beregi, Councillor Baker

**Against:** Councillor Gibson, Councillor Keen, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

**Absent:** Councillor Brodie and Councillor Carr

Councillor Brodie returned to chamber at 10.10pm after consideration of item 9.4.

14. Notice of Motion No. 5/21 by Councillors Baker, Beregi and Carr - Willoughby Road Public Domain Upgrade Works

### **9.5. Notice of Motion No. 5/21 by Councillors Baker, Beregi and Carr - Willoughby Road Public Domain Upgrade Works**

**1. THAT** Council prioritise the completion of the Willoughby Road Public Domain Upgrade Masterplan works, prepared by Group GSA and adopted by Council on 30 October 2017.

**2. THAT** the works be carried out over the next 2 budget years and be funded from the Crows Nest. Main Street Levy and developer contributions received in the Crows Nest/St Leonards Precinct Planning Studies area.

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

The Motion was put and **Lost**.

Voting was as follows:

For/Against 2 / 7

**For:** Councillor Beregi, Councillor Baker

**Against:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

**Absent:** Councillor Carr

15. Notice of Motion No. 6/21 by Councillors Baker, Beregi and Carr - Expanded Hume Street Park -Stage 2

### **9.6. Notice of Motion No. 6/21 by Councillors Baker, Beregi and Carr - Expanded Hume Street Park -Stage 2**

**1. THAT** Council immediately prepare and lodge a development application for Stage 2 of the Hume Street Park project.

**2. THAT** the cost of preparation and lodgement of the development application be funded from developer contributions and/or Voluntary Planning Agreement funds received in respect of sites covered by the adopted St Leonards/Crows Nest Precinct Planning Studies.

A Motion was moved by Councillor Baker and seconded by Councillor Beregi.

The Motion was put and **Lost**.

Voting was as follows:

For/Against 2 / 7

**For:** Councillor Beregi, Councillor Baker

**Against:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

**Absent:** Councillor Carr

## **11. Closure**

The Meeting concluded at 10.26pm.

