



MINUTES

The Minutes of the Council held at the
Council Chambers, North Sydney
at 6:30 PM on Monday 8 May 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 (6:30 pm) those present were: The Mayor, and Councillors Beregi, Bourke, Gibson, Lamb, Lepouris, Santer, Spenceley, and Welch.

Councillor Mutton arrived at 7.00pm

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 Cr Beregi.

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

There were no requests for leave of absence or apologies.

4. Confirmation of Minutes

THAT THE MINUTES of the 3,880th Council Meeting held on Wednesday 26 April 2022 be taken as read and confirmed.

The Motion was moved by Councillor Lamb and seconded by Councillor Santer.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Councillor Mutton

135. RESOLVED:

1. THAT the Minutes of the previous 3,880th Council Meeting held on Wednesday 26 April 2023 be taken as read and confirmed.

5. Disclosures of Interest

There were no Disclosures of Interest

6. Public Forum

The Motion was moved by Councillor Beregi and seconded by Councillor Gibson:

1. THAT the following items be considered as part of the Public Forum:

- Item 10.1 - Planning Proposal 3/23 50-88 Parraween Street, Cremorne - Heritage Listing
- Item 11.2 – Notice of Rescission 4/23 - Issue of Owner’s Consent to Coles for development of Grosvenor Lane Carpark

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Councillor Mutton

136. RESOLVED:

1. THAT the following items be considered as part of the Public Forum:

- Item 10.1 - Planning Proposal 3/23 50-88 Parraween Street, Cremorne - Heritage Listing
- Item 11.2 – Notice of Rescission 4/23 - Issue of Owner’s Consent to Coles for development of Grosvenor Lane Carpark

7. Items Considered by Exception

It was moved by Councillor Beregi and seconded by Councillor Gibson that the Recommendations for the following Items be adopted:

Item 9.1	Waverton Peninsula Working Group Minutes – 28 March 2023
Item 10.3	Corporate Policies – Post Exhibition Report
Item 10.4	Memorial Plaques in Open Space Policy
Item 10.5	Tender 11/2022 – Shellcove Road Wharf Reconstruction
Item 10.6	New Application for Reference Group Membership

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Councillor Mutton

137. RESOLVED:

1. THAT the Recommendations for the following items be adopted.

Item 9.1	Waverton Peninsula Working Group Minutes – 28 March 2023
Item 10.3	Corporate Policies – Post Exhibition Report
Item 10.4	Memorial Plaques in Open Space Policy
Item 10.5	Tender 11/2022 – Shellcove Road Wharf Reconstruction
Item 10.6	New Application for Reference Group Membership

8. Mayoral Minutes

8.1. Community Battery, Cammeray Park

The North Sydney Community Strategic Plan- Vision 2040 places environmental sustainability at the heart of Council decision making. The North Sydney community places exceptionally high value upon the environment and sustainability.

Indeed, clause 1.2 of the Community Strategic Plan provides the following directions in relation to the goal of an environmentally sustainable community:

Reduce strain on natural resources through sustainable energy, water and waste reduction practices

Deliver the declaration to reduce the drivers of climate change and to prepare for the inevitable impacts to come

The provision of renewable energy infrastructure is an important action to support this community vision to deliver an environmentally sustainable community.

On 23 February 2023, then Shadow Minister for Climate Change and Energy, the Hon. Chris Bowen, MP visited Cammeray Park and announced that, if elected, the new government would deliver a community battery for Cammeray.

This promise was welcomed by the community and Council.

Since then, Ausgrid have applied to the Federal Government for funding for the provision of a community battery at Cammeray and identified two locations. The two locations identified by Ausgrid are Green Park and the corner of Park Avenue and Grasmere Road.

Council's sustainability officers have been in contact with Ausgrid since December 2022 and have raised concerns as to whether the proposed locations are appropriate given that it is proposed do provide a very large piece of infrastructure into a location in which there has been an incredible and significant loss of public open space due to the Warringah Freeway Upgrade and Western Harbour Tunnel early works. Council advised Ausgrid that neither site was preferable and suggested integration into existing Ausgrid infrastructure (ie substations) or the Warringah Freeway Upgrade works.

Council staff also advised Ausgrid of the following concerns as to whether there is a direct community benefit and whether the proposed infrastructure is truly a "community battery" or will just augment capacity across the grid (instead of delivering directly to Cammeray households):

- how many households will be serviced by the community battery?
- estimated cost reductions for serviced households?
- will it store solar energy for later use or sharing?
- will it allow households that cannot install solar panels to enjoy the benefits of renewable energy through shared community storage?

In addition, Council's strategic planners raised the following issues which were provided to Ausgrid:

Green Park

- Two areas were identified – along Warringah Road and along Warwick Avenue.
- Land is zoned RE1 Public Recreation – does not meet objectives of the zone.
- Land is located adjacent to a heritage conservation area (CA 01 Cammeray) and a heritage item (I0024 - Cammeray Park)
- Trees generally located along the boundaries of the park and large concentration in the eastern portion.
- Positions of existing power poles are located under the canopy extent of existing trees (read within the driplines)

- Currently unobstructed views across the western portion of the park.
- Park has the appearance of extending all the way to kerb alignment of the road (i.e. no fences or footpaths).

Park Avenue and Grasmere Road

- Comprises a small part of the road reserve adjacent to 51, 53 and 55 Park Avenue
- Land is zoned R2 Low Density Residential – limited ability to meet objectives of the zone.
- Land is located adjacent to a heritage item (I0024 - Cammeray Park).
- Existing power pole is located in the road reserve and generally not within the drip line of an existing tree.
- Space is not capable of being used for passive or active recreation.
- Space is primarily grassed and is generally devoid of significant vegetation (only two trees).
- Potential to obstruct driver sight lines if not positioned back from the carriageway.

Council's strategic planners have provided the following recommendations in relation to location of the proposed energy infrastructure:

- Preferably located on private land, with potential to locate within road reserves but only where other criteria can be met.
- Not be located on land zoned RE1 Public Recreation. This is due to the overall lack of physical space in the LGA to accommodate open space, and the ever-increasing population resulting in increased demand for such space.
- Not be located where they would obstruct driver sight lines.
- Not be located within or adjacent to heritage items and heritage conservation areas.
- Not result in the removal of any tree. To be consistent with council's urban forest policy.
- Not be located within the drip line of any existing tree. To ensure existing vegetation can be retained.
- Located near/next to an existing substation or in a brownfields/industrial site.
- Structures must be positioned such that vegetation can be grown in front to screen their locations.
- Must be devoid of third party advertising

On 29 April 2023, Ausgrid commenced community consultation at Green Park. There was considerable community anger to the provision of a large structure on precious public green space.

On 3 May 2023 Ausgrid informed Council staff that due to negative community response they will no longer be pursuing the Green Park option for the community battery. Ausgrid will be closing their 'Have Your Say' page and releasing a statement in the next few days and have advised that they are working to identify new sites within Cammeray and will consult with Council on new options over the coming weeks.

I therefore recommend:

1.THAT Council write to Ausgrid seeking:

- (a) clarification as to whether the proposed works truly relate to a community battery or simply provide expanded capacity for the grid; and
- (b) Urge them to locate any energy infrastructure, including the proposed “community battery”, in accordance with the recommendations from Council’s strategic planners outlined above.

2.THAT a copy of this resolution be provided to the Minister for Climate Change and Energy, the Hon. Chris Bowen, MP and the Federal Member, the Hon. Kylea Tink, MP.

3.THAT a copy of this resolution and the above correspondence be distributed to Precinct Committees.

A Motion was moved by The Mayor.

1.THAT Council write to Ausgrid stating that:

"While supporting a community based battery which would genuinely enhance the local community's access to, and lower the cost of, renewable energy sources for its electrical power needs. Council seeks:

- (a) clarification as to whether the proposed works truly relate to a community battery or simply provide expanded capacity for the grid; and
- (b) urge them to locate any energy infrastructure, including the proposed “community battery”, in accordance with the recommendations from Council’s strategic planners outlined above.

2.THAT a copy of this resolution be provided to the Minister for Climate Change and Energy, the Hon. Chris Bowen, MP and the Federal Member, the Hon. Kylea Tink, MP.

3.THAT a copy of this resolution and the above correspondence be distributed to Precinct Committees.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Councillor Mutton

138. RESOLVED:

1.THAT Council write to Ausgrid stating that:

"While supporting a community based battery which would genuinely enhance the local community's access to, and lower the cost of, renewable energy sources for its electrical power needs. Council seeks:

- (a) clarification as to whether the proposed works truly relate to a community battery or simply provide expanded capacity for the grid; and

(b) urge them to locate any energy infrastructure, including the proposed “community battery”, in accordance with the recommendations from Council’s strategic planners outlined above.

2.THAT a copy of this resolution be provided to the Minister for Climate Change and Energy, the Hon. Chris Bowen, MP and the Federal Member, the Hon. Kylea Tink, MP.

3.THAT a copy of this resolution and the above correspondence be distributed to Precinct Committees.

8.2. Damaging Increase in Emergency Services Levy Costs

I am calling on Councillors to support representations to the NSW Government in response to the highly damaging increase in the Emergency Services Levy (ESL) imposed on all councils without warning for the 2023/24 financial year.

The ESL is a cost imposed on councils and insurance policy holders to fund the emergency services budget in NSW. The majority is paid as part of insurance premiums, with a further 11.7 per cent funded by councils and 14.6% by the NSW Government. The ESL represents cost shifting at its worse, as it is imposed on councils without any mechanism for councils to recover costs.

The levy increase for the State’s 128 councils in 2023/24 amounts to almost \$77 million, with the total cost imposed on the local government sector increasing from \$143 million in the current financial year to \$219 million next year. This represents a 53.1% increase, completely dwarfing the IPART baseline rate peg of 3.7% for 2023/24.

Reporting suggests that the increase in costs this year reflects a 73% increase in the State Emergency Service budget and an 18.5% funding increase to Fire and Rescue NSW. The impact of these large increases on councils’ finances will be particularly severe in 2023/24 as a result of the NSW Government deciding to scrap the subsidy for council ESL payments.

For many councils, the unexpected cost hit will absorb almost all of their IPART-approved rate rise for this year and in some cases absorb more than 100%. This is placing local government budgets under enormous pressure as they struggle from the combined impact of the pandemic, extreme weather events, high inflation and wage increases.

IPART-approved rate rises are intended to compensate for the impacts of inflation and increases in council costs. Instead, the rate increase will have to be largely diverted to the significantly higher ESL payments this year. NSW councils will have no option other than to make cuts to infrastructure and services expenditure.

For Council, the ESL has increased by \$509,620 for 2023/24, bringing the total Council contribution to \$2,159,147. This amounts to 23.6%% of the expected increase in rate income for 2023/24. If the NSW Government’s decision is not reversed, the potential impacts on Council’s services, infrastructure maintenance and delivery include further reductions in capital works and services.

The timing of this development is particularly challenging for councils as it comes so late in the local government budgeting cycle, well after IPART's rate determination for the coming financial year.

All councils strongly support a well-funded emergency services sector and the critical contribution of emergency services workers and volunteers (many of whom are councillors and council staff). However, it is essential that these services be supported through an equitable, transparent and sustainable funding model.

Local Government NSW has raised the serious concerns of the local government sector with the NSW Government and is seeking the support of councils across NSW in amplifying this advocacy.

This Mayoral Minute recommends that Council call on the NSW Government to take immediate action to:

- a. restore the ESL subsidy,
- b. decouple the ESL from the rate peg to enable councils to recover the full cost
- c. develop a fairer, more transparent, and financially sustainable method of funding critically important emergency services.

The Mayoral Minute also recommends that Council write to IPART advising of the financial sustainability impacts on of the ESL.

I therefore recommend:

1.THAT Council writes to the Treasurer, the Minister for Emergency Services, the Minister for Local Government, and local State Member(s):

a. Expressing Council's strong opposition to the NSW Government's last minute decision to impose an enormous Emergency Services Levy (ESL) cost increase on councils for 2023/24 by scrapping the ESL subsidy for councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community;

b. Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's 3.7% rate increase to provide essential community services and infrastructure has been significantly eroded.

c. Advising that the Government's decision may/will lead to a reduction in important local services and/or the cancellation of necessary infrastructure projects;

d. Calling on the NSW Government to take immediate action to:

- i. restore the ESL subsidy in 2023/24
- ii. urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost
- iii. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.

2.THAT Council writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress.

3.THAT Council writes to the President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Councils' emergency services contribution.

The Motion was moved by The Mayor.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Councillor Mutton

139. RESOLVED:

1.THAT Council writes to the Treasurer, the Minister for Emergency Services, the Minister for Local Government, and local State Member(s):

a. Expressing Council's strong opposition to the NSW Government's last minute decision to impose an enormous Emergency Services Levy (ESL) cost increase on councils for 2023/24 by scrapping the ESL subsidy for councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community;

b. Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's 3.7% rate increase to provide essential community services and infrastructure has been significantly eroded.

c. Advising that the Government's decision may/will lead to a reduction in important local services and/or the cancellation of necessary infrastructure projects;

d. Calling on the NSW Government to take immediate action to:

i. restore the ESL subsidy in 2023/24

ii. urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost

iii. develop a fairer, more transparent, and financially sustainable method of funding critically important emergency services in consultation with local government.

2.THAT Council writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress.

3.THAT Council writes to the President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Councils' emergency services contribution.

8.3. State Heritage Listing for the MLC Building North Sydney

The MLC Building, North Sydney is located at 105-153 Miller Street, North Sydney, within the North Sydney CBD. It was completed in 1957 in the Post-War International Modernist style. The building was designed by architect Sir Walter Osborn McCutcheon of the firm Bates Smart & McCutcheon and has been listed as a heritage item of local significance in Schedule 5 of the

North Sydney Local Environmental Plan 2013 since about 1989. It is located opposite four other buildings listed in Schedule 5, and in the vicinity of several others.

On 4 September 2013, the MLC Building was endorsed by the Heritage Council as part of a priority list for further investigation for potential State heritage significance, under the Modern Movement thematic listing program.

On 5 May 2020, the State Heritage Register Committee, under delegation from the Heritage Council, resolved to activate the proposed listing from the Modern Movement heritage study.

On 25 February 2021, the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts (the Minister) referred a request to the NSW Independent Planning Commission (the IPC) to conduct a review relating to a recommendation from the Heritage Council of NSW to list the MLC Building, North Sydney on the State Heritage Register (SHR) under section 32(2) of the Heritage Act 1977 (the Act).

On 31 May 2021, the Minister decided to direct the listing of the MLC Building on the State Heritage Register pursuant to s 34(2) of the Heritage Act 1979. On 4 June 2021, the Heritage Council gave notice in the Government Gazette that the item known as the MLC Building, North Sydney (former) had been listed on the State Heritage Register in the accordance with the decision of the Minister made on 31 May 2021 to direct the listing.

On 15 July 2022 Justice Sandra Duggan delivered her decision in *IOF Custodian Pty Limited atf the 105 Miller Street North Sydney Trust v Special Minister of State* [2022] NSWLEC 86 and relevantly declared and ordered:

1. Declares [that the Minister's] decision to direct the listing of the MLC Building, North Sydney on the State Heritage Register is invalid and/or of no effect;
2. Orders that the Minister's decision to direct the listing of the MLC Building, North Sydney (former) at 105-153 Miller Street, North Sydney on the State Heritage Register be set aside; and
3. Orders that the Heritage Council to remove the listing of the MLC Building from the State Heritage Register.

Significantly, the Court did not make any finding in respect to the substance of the heritage significance of the site.

On 7 July 2020 a Development Application (DA) was lodged seeking consent for the demolition of the existing MLC Building and construction of a new 27-storey commercial building.

The development application was appealed to the Land and Environment Court.

On 3 May 2023 Senior Commissioner Dixon dismissed the appeal and in the course of her decision found that the MLC building is of State heritage significance.

It is timely then to, once again, seek that the Minister for Heritage act to recognise this significance and cure the technical defect in the listing.

I therefore recommend:

1.THAT Council write to the Minister for Heritage, The Hon Penny Sharpe, MLC urging her to urgently act to take all steps necessary to direct the listing of the MLC Building on the State Heritage Register pursuant to s 34(2) of the Heritage Act 1979.

The Motion was moved by The Mayor.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Councillor Mutton

140. RESOLVED:

1.THAT Council write to the Minister for Heritage, The Hon Penny Sharpe, MLC urging her to urgently act to take all steps necessary to direct the listing of the MLC Building on the State Heritage Register pursuant to s 34(2) of the Heritage Act 1979.

9. Reports of Committees

9.1. Waverton Peninsula Working Group Minutes - 28 March 2023

AUTHOR Peita Rose, Governance Officer

PURPOSE:

The purpose of this report is to report the proceedings of the Waverton Peninsula Working Group to Council and for Council to consider recommendations from the Working Group.

- This report presents the recommendations of the Waverton Peninsula Working Group meeting held on 28 March 2023 for Council adoption.
- Where the Working Group recommendations are supported, they are proposed to be adopted by Council.
- The minutes are attached for information.

RECOMMENDATION:

1. THAT Council receive a report on the cost benefits of leasing and/or acquiring the wharf/jetty at the Quarantine Depot site to ascertain future maintenance requirements and funding opportunities should it be transferred to Council ownership from Transport for NSW.

2. THAT Council provide in principal support to design signage, be that a plaque/s or similar, which documents community action on the Waverton Peninsula to save the Waverton Peninsula Parklands, dating from the passing of the 1903 Act to present.

This matter was considered by exception (see page 6).

141. RESOLVED:

1. THAT Council receive a report on the cost benefits of leasing and/or acquiring the wharf/jetty at the Quarantine Depot site to ascertain future maintenance requirements and funding opportunities should it be transferred to Council ownership from Transport for NSW.

2. THAT Council provide in principal support to design signage, be that a plaque/s or similar, which documents community action on the Waverton Peninsula to save the Waverton Peninsula Parklands, dating from the passing of the 1903 Act to present.

6.59pm – Councillor Mutton arrived at the meeting during consideration of Item 10.1.

10. Reports to Council

10.1. Planning Proposal 3/23 50-88 Parraween Street, Cremorne - Heritage Listing

AUTHOR Amita Maharjan, Strategic Planner

PURPOSE:

The purpose of this report is to advise Council of the recommendations of the North Sydney Local Planning Panel on Planning Proposal 3/23 - Parraween Street Cremorne, and to seek Council's endorsement of the Planning Proposal to progress it to Gateway Determination.

- Planning Proposal (PP 3/23) intends to amend the North Sydney Local Environmental Plan (NLEP) 2013 to identify 12 new local heritage items on the northern side of Parraween Street in Cremorne. The Planning Proposal also intends to amend the existing zone and the maximum height applying to certain properties in order to manage an appropriate interface for the identified heritage items.
- The Planning Proposal is supported by a detailed heritage assessment undertaken by heritage consultant, Lucas Stapleton Johnson & Partners (LSJ). The assessment demonstrates that the subject sites meet the threshold for local heritage listing, consistent with the criteria set out by the NSW Heritage Office and therefore the subject sites have site-specific merit to support the progress of the Proposal.
- The Planning Proposal is generally consistent with applicable state and local plans/policies as detailed in this report. The inconsistency with the Local Planning Direction- 6.1 Residential Zones (previously Ministerial Direction) is of minor significance and justified.

- The proposed Zone R3 Medium Density Residential is considered the most compatible zone in the context of the existing Zone R4 High Density Residential to address any zone interface issues.
- The subject sites are granted temporary protection via Interim Heritage Orders (IHOs) which expire in November 2023. It should be noted, however, that these IHOs will also expire within six months of being made (11 and 17 May 2023) unless Council resolves to prepare a Planning Proposal to amend the NSLEP 2013 to list these properties as heritage items.
- Council has no authority to reissue an IHO after the existing ones expire in November 2023. Not having the LEP amended prior to this date means a new application under the Complying Development Code could seek demolition of the subject properties in December 2023.

RECOMMENDATION:

1. THAT Council note the recommendations of the North Sydney Local Planning Panel Meeting of 19 April 2023 on Planning Proposal No PP 3/23.

2. THAT Council endorse the Planning Proposal (PP 3/23 contained at Attachment No 1) to amend the North Sydney Local Environmental Plan 2013 as follows:

- the properties at 50, 52, 54, 56, 70, 72, 78, 80, 82, 84, 86 and 88 Parraween Street, Cremorne are identified as local heritage items through their listing within Schedule 5 – Environmental Heritage and identification on the Heritage Map.
- Zoning Map for the properties at 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86 and 88 Parraween Street, Cremorne is amended from Zone R4 High Density Residential to Zone R3 Medium Density Residential; and
- Height of Building Map for the properties at 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86 and 88 Parraween Street, Cremorne is amended from 12m to 8.5m.

3. THAT Council resolve to forward the Planning Proposal (PP 3/23) to the Department of Planning and Environment to seek Gateway Determination.

The following people addressed Council on this item:

- Fiona Gracie (local resident)
- Davie Macdonald (local resident)
- Christopher Holding (local resident, in support)
- Jennifer Hill (Heritage Consultant on behalf of the Applicant)

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

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 Lepouris, Councillor Mutton, Councillor Santer, Councillor Spenceley and Councillor Welch

Against: Nil

Absent: Nil

142. RESOLVED:

1. THAT Council note the recommendations of the North Sydney Local Planning Panel Meeting of 19 April 2023 on Planning Proposal No PP 3/23.

2. THAT Council endorse the Planning Proposal (PP 3/23 contained at Attachment No 1) to amend the North Sydney Local Environmental Plan 2013 as follows:

- the properties at 50, 52, 54, 56, 70, 72, 78, 80, 82, 84, 86 and 88 Parraween Street, Cremorne are identified as local heritage items through their listing within Schedule 5 – Environmental Heritage and identification on the Heritage Map.
- Zoning Map for the properties at 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86 and 88 Parraween Street, Cremorne is amended from Zone R4 High Density Residential to Zone R3 Medium Density Residential; and
- Height of Building Map for the properties at 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86 and 88 Parraween Street, Cremorne is amended from 12m to 8.5m.

3. THAT Council resolve to forward the Planning Proposal (PP 3/23) to the Department of Planning and Environment to seek Gateway Determination.

10.2. Jacaranda Tree Baby Gift Program - Response to Council Resolution

AUTHOR Jessica Karam, Urban Forest Officer

PURPOSE

The purpose of this report is to detail the work involved in implementation of the 'Trees for Newborns' Program, and the most appropriate tree species to propagate within the program, including Jacarandas. This report also advises on the capacity of the Coal Loader nursery regarding this subject.

- A 'Trees for Newborns' Program would fall under the urban forest incentives program detailed in the Urban Forest Strategy (2019). The Strategy specifies the need to create incentives for residents to motivate them to plant tree within their property, to expand the canopy cover.
- The Program would have on offer a range of native species provided by the Coal Loader Nursery, with Jacarandas procured from an allied private nursery.

- Council would create a specific page on its website for local new parents to submit their requests to be provided with a tree through the program, which would be delivered free of charge.
- The program would be undertaken through an initial 12-month trial period. Following the trial, the program would be assessed to determine its overall success and feasibility.

RECOMMENDATION

- 1. THAT** Council adopts a 12-month trial period of the 'Trees for Newborns' Gift Program'.
- 2. THAT** the program be launched as soon as the webpage is operational and ready to accept requests.
- 3. THAT** a report on the success of the program be presented to Council after the 12-month trial period.

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

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 Lepouris, Councillor Mutton, Councillor Santer, Councillor Spenceley and Councillor Welch

Against: Nil

Absent: Nil

143. RESOLVED:

- 1. THAT** Council adopts a 12-month trial period of Option 3 of the 'Trees for Newborns' Gift Program'.
- 2. THAT** the program be launched as soon as the webpage is operational and ready to accept requests.
- 3. THAT** a report on the success of the program be presented to Council after the 12-month trial period.

10.3. Corporate Policies - Post Exhibition Report

AUTHOR Jenny Gleeson, Manager Corporate Planning and Engagement

PURPOSE:

This report presents the following corporate policies to Council for re-adoption following the 42-day public exhibition period:

- Filming within the Council Area Policy
- Sports Facilities Booking Policy
- Statement of Business Ethics

- At its meeting of 10 October 2022, Council resolved to place an amended *Filming with the Council Area Policy* and *Sports Facilities Booking Policy* on public exhibition for 42 days.
- The amendments to the two policies were required as part of Council's compliance with Section 8D (Systems, Policies and Processes) of the *Children's Guardian Act 2019*, which requires that child safe organisations implement the Child Safe Standards through its systems, policies, and processes. Additionally, prescription was added to both policies that Council facilities cannot be used "for the promotion, advertising or displaying of any services or products related to gambling, tobacco, vaping or alcohol".
- At its meeting held 30 January 2023, Council resolved to place the *Statement of Business Ethics* on public exhibition for 42 days.
- The *Statement of Business Ethics* has been reformatted, renamed (previously called *Code of Conduct - Contractors, their Staff and Business Associates*) and content updated to include references to Child Safe and Modern Slavery.
- No submissions were received on the three documents as part of the public exhibition process, and they are now presented to Council for adoption or readoption.

RECOMMENDATION:

1. **THAT** Council readopt the Filming within the Council Area Policy.
2. **THAT** Council readopt the Sports Facilities Booking Policy.
3. **THAT** Council adopt the Statement of Business Ethics.

This matter was considered by exception (see page 6).

144. RESOLVED:

1. **THAT** Council readopt the Filming within the Council Area Policy.
2. **THAT** Council readopt the Sports Facilities Booking Policy.
3. **THAT** Council adopt the Statement of Business Ethics.

10.4. Memorial Plaques in Open Space Policy

AUTHOR David Manson, Manager Parks and Reserves

PURPOSE:

The purpose of this policy document is to ensure that applications for memorials within Public Open Space are managed on a consistent basis.

- In the past, Council provided the opportunity for individuals and groups wishing to commemorate a loved one by donating a seat with a plaque. The seat was required to meet Council's design style manual and could only replace an existing seat. Council would then install the new seat at no cost.

- With requests increasing, there is an opportunity for the requests to be controlled through policy to ensure that Council can manage it on a consistent and transparent basis. The main objectives of this policy are to:
 - provide Council with a consistent approach to dealing with requests for memorials within Council open space.
 - establish criterion to assess and respond to requests by individuals and groups for the recognition of appropriate community members; and
 - define conditions under which Council will accept requests for memorials.

RECOMMENDATION:

- 1. THAT** the draft Memorials in Open Space Policy be endorsed for public exhibition for a minimum period of 42 days.
- 2. 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 Memorials in Open Space Policy.

This matter was considered by exception (see page 6).

145. RESOLVED:

- 1. THAT** the draft Memorials in Open Space Policy be endorsed for public exhibition for a minimum period of 42 days.
- 2. 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 Memorials in Open Space Policy.

10.5. Tender 11/2022 - Shellcove Road Wharf Reconstruction

AUTHOR Phil Yeadon, Engineering Project Manager

PURPOSE:

This report is to provide Council with an analysis and recommendation of the tender process for Tender 11/2022 for the Shellcove Wharf Reconstruction.

- Tenders were called and were received until 3pm, 14 April 2023 for the submission of tenders to undertake the Shellcove Wharf Reconstruction - Tender No. 11/2022.
- Should Council wish to discuss this report it is noted that the attached confidential document includes commercial information that would, if disclosed, prejudice the commercial position of the person who supplied it. Further, release of the information would, on balance be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers 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.

RECOMMENDATION:

1. THAT Council accept the tender of the highest ranked Tenderer for Tender 11/2022 for The Shellcove Wharf Reconstruction.

2. THAT the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.

3. THAT, once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.

4 THAT Council resolves that the identified attachment to this report 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:

- (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 tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services.

This matter was considered by exception (see page 6).

146. RESOLVED:

1. THAT Council accept the tender of the highest ranked Tenderer, GPM Marine Constructions, for Tender 11/2022 for the Shellcove Wharf Reconstruction.

2. THAT the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.

3. THAT, once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.

4 THAT Council resolves that the identified attachment to this report 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:

- (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 tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services.

10.6. New Application for Reference Group Membership

AUTHOR Peita Rose, Governance Officer

PURPOSE:

The purpose of this report is for Council to consider an application received for Reference Group (Sport and Recreation) citizen membership from Mr Patrick Lindsay.

- Mr Patrick Lindsay has applied to be a member of the Sport and Recreation Reference Group.
- Mr Lindsay is the president of the North Sydney District Cricket Club.
- It is recommended that the application be accepted.

RECOMMENDATION:

1. THAT the application for Mr Patrick Lindsay for citizen membership of the Sport and Recreation Reference Group be accepted.

This matter was considered by exception (see page 6).

147. RESOLVED:

1. THAT the application for Mr Patrick Lindsay for citizen membership of the Sport and Recreation Reference Group be accepted.

11. Notices of Motion

11.1. Notice of Rescission 3/23 - Item 11.1 - Monford PI Road Closure and potential sale (27 June 2022) - Crs Gibson, Lepouris, and Mutton

THAT Council's resolution relating to Item 11.1, Monford St Road Closure and potential sale:

1. *THAT Council does not proceed with the sale of the land.*
2. *THAT the report be treated as confidential and remain confidential until Council determines otherwise.*
3. *THAT Council develop a policy on the disposal of public land.*

Passed at the meeting of the Council held on 27 June 2022 be and is hereby rescinded.

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

The Motion was put and **Lost**.

Voting was as follows:

For/Against 4 / 6

For: Councillor Gibson, Councillor Lepouris, Councillor Mutton and Councillor Spenceley

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

Absent: Nil

11.2. Notice of Rescission 4/23 - Item 10.11 - Issue of Owner's Consent to Coles for development of Grosvenor Lane Carpark (26 April 2023) - Crs Gibson, Mutton and Spenceley

THAT Council's resolution relating to Item 10.11, Issue of Owner's Consent to Coles for development of Grosvenor Lane Carpark:

- 1. THAT Council grant Coles owner's consent to lodge a development application for the land described in its letter dated 20 March 2023 being parts of the Grosvenor Lane carpark, Cooper Lane, Waters Lane, and Grosvenor Street.*
- 2. THAT Council notes that the issue of owner's consent does not in any way infer or suggest approval for the development application to be lodged.*
- 3. THAT Council notes that a consultative and collaborative design process will be required to be entered into for any future plaza at the Grosvenor Lane carpark site, and this includes the consideration of all stakeholders, and also that any one stakeholder is not disadvantaged.*
- 4. THAT Council notes that a formal negotiation process will need to be entered into to develop formal agreements for the delivery of a new plaza and associated arrangements for the delivery, access, ownership and long-term arrangements for public parking.*

Passed at the meeting of the Council held on 26 April 2023 be and is hereby rescinded.

The following people addressed Council on this item:

- Tim Atkins (on behalf of Titanium Property Investment, representing Coles)
- Dimitri Janakis (local resident and business owner)
- Cosmo Nati (local business owner)
- Rick Doran (on behalf of Neutral Bay Chamber of Commerce)
- Umesh Panta (local business owner and landlord in the complex)
- Russell Ekas (local resident)
- Cathy Peters (local resident, opposing the Motion)
- Gregory Karedis (local resident and business owner)
- Ric O'Connell (CEO Arkadia)
- Meredith Trevallyn-Jones (local resident, opposing the Motion)

The Motion was moved by Councillor Gibson and seconded by Councillor Lepouris.

The Motion was put and **Lost**.

Voting was as follows:

For/Against 4 / 6

For: Councillor Gibson, Councillor Lepouris, Councillor Mutton and Councillor Spenceley

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

Absent: Nil

13. Closure

The Meeting concluded at 9:23 pm.