



MINUTES

The Minutes of the Council held at the
Council Chambers, North Sydney
at 6:30 PM on Monday 9 October 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, Mutton, Santer, and Welch.

The meeting was opened by the Mayor.

2. Acknowledgement of Country

RECOGNITION OF THE CAMMERAYGAL PEOPLE

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

The Acknowledgement of Country was read by Councillor Beregi.

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

It was moved by Councillor Gibson and seconded by Councillor Beregi:

1. THAT Council grant permission for Councillor Santer to attend remotely for the following reason: travel.

2. THAT Council grant Leave of Absence to Councillor Spenceley.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 1

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

Against: Councillor Lepouris

Absent: Nil

277. RESOLVED:

- 1. THAT** Council grant permission for Councillor Santer to attend remotely for the following reason: travel.
- 2. THAT** Council grant Leave of Absence to Councillor Spenceley.

4. Confirmation of Minutes

THAT THE MINUTES of the 3789th Council Meeting held on Monday 25 September 2023 be taken as read and confirmed.

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

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 Mutton, Councillor Santer and Councillor Welch

Against: Nil

Absent: Nil

278. RESOLVED:

- 1. THAT** the Minutes of the 3790th Council Meeting held on Monday 25 September 2023 be taken as read and confirmed.

5. Disclosures of Interest

The following Declarations of Interest were made:

Councillor Baker	Item 10.11 Current Appeals and Results - relatives were Submitters on a Development Application which was the subject of an appeal (non-pecuniary/less than significant)
Councillor Beregi	Item 10.11 Current Appeals and Results - was an Objector in a matter which has already been determined (non-pecuniary/less than significant)
Councillor Welch	Item 10.11 Current Appeals and Results - knows one of the litigants (non-pecuniary/less than significant)

6. Public Forum

A Motion was moved by Councillor Beregi and seconded by Councillor Mutton:

1.THAT the Public Forum be opened, and that the following items be considered as part of the Public Forum:

Item 10.7	Affordable Housing and Heritage Planning Council Priorities
Item 11.2	Notice of Motion 11/23: Tree at 38 Shellcove Road Kurraba Point - Cr Gibson

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 Mutton, Councillor Santer and Councillor Welch

Against: Nil

Absent: Nil

279. RESOLVED:

1.THAT the Public Forum be opened, and that the following items be considered as part of the Public Forum:

Item 10.7	Affordable Housing and Heritage Planning Council Priorities
Item 11.2	Notice of Motion 11/23: Tree at 38 Shellcove Road Kurraba Point - Cr Gibson

10.7. Affordable Housing and Heritage Planning Council Priorities

This item was considered in the Public Forum (see page 6).

AUTHOR: Marcelo Occhiuzzi, Director Community, Planning and Environment

PURPOSE:

The purpose of this report is to present to Council the competing strategic planning priorities of very significant projects which cannot be pursued concurrently whilst maintaining a level of quality, timeliness, and meaningful stakeholder engagement.

This report presents the projects associated with affordable housing policy and planning, and the comprehensive heritage review, and outlines why one should be prioritised over the other.

EXECUTIVE SUMMARY

- Affordable housing throughout Sydney and indeed Australia is a high-profile urban priority for which has been the subject of much renewed focus over the last 6-12 months for all tiers of government.
- Both affordable housing and heritage conservation are identified as priorities in the North Sydney Local Strategic Planning Statement endorsed by Council in 2020.
- This report discusses the relative priorities of affordable housing and heritage review work that whilst both important, cannot be pursued concurrently and effectively within existing resources. It recommends that affordable housing should be prioritised ahead of the comprehensive heritage review as a strategic policy priority.
- Reprioritisation will not draw additional resources but will seek to address a wider and more immediate policy area, build on momentum developing at the Federal and State level to both recognise the affordable housing crisis and fund solutions, and free up resources to conduct this in a manner that is comprehensive, exhaustive, and collaborative. Both these priority areas are important, however, they are also very resource-intensive, and cannot be conducted effectively and concurrently.

RECOMMENDATION:

- 1. THAT** Council reprioritise its work programme to pursue affordable housing policy, planning and implementation, ahead of the comprehensive Local Government Area wide heritage review.
- 2. THAT** the North Sydney Local Strategic Planning Statement be amended to give resolution 1 above, effect.

The following person spoke on this item as part of the Public Forum:

- Andrew Macoun (local resident)

A Motion was moved by Councillor Beregi and seconded by Councillor Welch:

- 1. THAT** the matter be deferred to a Councillor Briefing to be held as soon as practical.

An Amendment was moved by Councillor Gibson and seconded by Councillor Lepouris:

- 1. THAT** Council confirms its commitment to a municipal-wide comprehensive heritage review.
- 2. THAT** the North Sydney Local Strategic Planning Statement states that our heritage review is prioritised over advancing the affordable housing policy at this point in time.
- 3. THAT** a brief report be provided on all options to help contain the cost of the review.

The Amendment was put and **Lost**.

Voting was as follows:

For/Against 2 / 7

For: Councillor Gibson and Councillor Lepouris
Against: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Mutton, Councillor Santer and Councillor Welch
Absent: Nil

The Motion was put and **Carried**.

Voting was as follows: For/Against 8 / 1

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Mutton, Councillor Santer, and Councillor Welch
Against: Councillor Lepouris
Absent: Nil

280. RESOLVED:

1. THAT the matter be deferred to a Councillor Briefing to be held as soon as practical.

**11.2. Notice of Motion 11/23: Tree at 38 Shellcove Road Kurraba Point
– Cr Gibson**

1. THAT Council takes appropriate action on a 'dangerous tree' situated on private property at 38 Shellcove Road Kurraba Point.

This item was considered in the Public Forum (see page 6).

The following person spoke on this item as part of the Public Forum:

- Fiona Gracie (on behalf of the Cremorne Conservation Group)

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

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 Mutton, Councillor Santer and Councillor Welch
Against: Nil
Absent: Nil

281. RESOLVED:

1. THAT Council takes appropriate action on a 'dangerous tree' situated on private property at 38 Shellcove Road Kurraba Point.

7. Items Considered by Exception

No items were considered by exception.

8. Mayoral Minutes

Nil

9. Reports of Committees

9.1. Environment Reference Group Minutes - 5 September 2023

AUTHOR: Peita Rose, Governance Officer

PURPOSE:

The purpose of this report is to inform Council of the proceedings of the Environment Reference Group, and for Council to consider any recommendations from the Reference Group.

- This report presents the recommendations of the last meeting of the Environment Reference Group held on 5 September 2023.

There were no recommendations for further actions.

- The Minutes are attached for the information of Council.

RECOMMENDATION:

1.THAT the Minutes of the Environment Reference Group dated 5 September 2023 be received.

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

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 Mutton, Councillor Santer and Councillor Welch

Against: Nil

Absent: Nil

282. RESOLVED:

1. THAT the Minutes of the Environment Reference Group dated 5 September 2023 be received.

9.2. Sustainable Transport Reference Group Minutes - 5 September 2023

AUTHOR: Peita Rose, Governance Officer

PURPOSE:

The purpose of this report is to advise Council of the proceedings of the Sustainable Transport Reference Group, and for Council to consider recommendations from the Reference Group.

- This report presents the recommendations of the last meeting of the Sustainable Transport Reference Group held on 5 September 2023.

There were no recommendations for further actions.

- The minutes are attached for the information of Council.

RECOMMENDATION:

1. THAT the Minutes of the Sustainable Transport Reference Group dated 5 September 2023 be received.

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

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 Mutton, Councillor Santer and Councillor Welch

Against: Nil

Absent: Nil

283. RESOLVED:

1. THAT the Minutes of the Sustainable Transport Reference Group dated 5 September 2023 be received.

9.3. Waverton Peninsula Working Group Minutes - 12 September 2023

AUTHOR: Peita Rose, Governance Officer

PURPOSE:

The purpose of this report is to advise Council of the proceedings of the Waverton Peninsula Working Group meeting held on 12 September 2023.

- This report presents the recommendations of the Waverton Peninsula Working Group meeting held on 12 September 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 the Minutes of the Waverton Peninsula Working Group meeting of 12 September 2023 be noted.

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

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 Mutton, Councillor Santer and Councillor Welch

Against: Nil

Absent: Nil

284. RESOLVED:

1. THAT the Minutes of the Waverton Peninsula Working Group meeting of 12 September 2023 be received.

10. Reports to Council

10.1. Matters Outstanding to September 2023

AUTHOR: Ian Curry, Manager Council & Committee Services

PURPOSE:

The purpose of this report is to update Council regarding the status of resolutions arising from Mayoral Minutes, Notices of Motion, and Questions Without Notice.

- Each month, a report is presented to Council on the status of resolutions arising from Mayoral Minutes, Notices of Motion, and Questions Without Notice.
- The attached table has been updated to include resolutions up to the 11 September 2023 Ordinary Meeting of Council.

RECOMMENDATION:

1. THAT the report be received.

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

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 Mutton, Councillor Santer and Councillor Welch

Against: Nil

Absent: Nil

285.RESOLVED:

1. THAT the report be received.

10.2. 2023 Local Government NSW Annual Conference - Proposed Motions

AUTHOR: Ian Curry, Manager Council & Committee Services

PURPOSE:

The purpose of this report is to determine Council's Motions for consideration at the LGNSW Conference.

- The Local Government NSW (LGNSW) Annual Conference is taking place from 12 to 14 November 2023 at Rosehill Gardens Racecourse, and will feature a range of keynote speakers, workshops, training sessions, and more.
- As the main policy-making event for the NSW local government sector, the Annual Conference is an opportunity to help set the advocacy agenda for the year ahead. Motions passed at the Conference become Resolutions, which LGNSW actions on behalf of its members, as part of its advocacy program.
- Council is entitled to five voting delegates at the Conference.

RECOMMENDATION:

1. THAT Councillors submit suggested issues for Council’s consideration as Motions to the Conference.

A Motion was moved by Councillor Beregi and seconded by Councillor Santer:

1. THAT Council submit the following Motions for consideration by the LGNSW Annual Conference:

Return of Public Open Space

1. THAT LGNSW lobby the State Government to return land that is compulsorily acquired for major projects to the care and control of the Local Council when the land is no longer required for the purpose of major project construction and that the land be returned in a condition that meets the standards required for the use of the land as recreation and public open space.

Background

Successive State Governments have compulsorily acquired public/Crown land for the purposes of constructing major and State significant projects. Much of the land is only needed for the construction period. This motion asks LGNSW to lobby the State Government to ensure that all public/Crown land acquired by the State Government which is no longer required once the construction of the major project is complete, be returned to the care and control of the local Council for a public purpose/benefit.

Affordable Housing and Planning

1. THAT LGNSW lobby the State Government to implement mandatory inclusionary zoning to provide for a minimum percentage of social and affordable housing for any new housing projects, for the life of the building/project.

Waste and Recycling

1. THAT LGNSW lobby the State Government to develop a waste process in order to support FOGO and an increase in recycling rates, and SG work to provide additional

processing facilities to meet the volumes of waste that will be generated once mandatory FOGO is introduced.

Power Sharing

- 1. THAT** LGNSW lobby the State and Federal Government to:
 - (a)** Adopt a policy to encourage neighbourhood power sharing and community battery scheme for Local Government Areas with multi-unit dwellings.
 - (b)** Secure financial and logistical support for the introduction of pilot neighbourhood schemes for power sharing schemes and community batteries in such LGAs.
 - (c)** Secure funding for a community awareness and education campaign in co-operation with LGNSW and member councils to promote community batteries and self-sufficiency in power generation.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 1

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

Against: Councillor Lepouris

Absent: Nil

286. RESOLVED:

1. THAT Council submit the following Motions for consideration by the LGNSW Annual Conference:

Return of Public Open Space

1. THAT LGNSW lobby the State Government to return land that is compulsorily acquired for major projects to the care and control of the Local Council when the land is no longer required for the purpose of major project construction and that the land be returned in a condition that meets the standards required for the use of the land as recreation and public open space.

Background

Successive State Governments have compulsorily acquired public/Crown land for the purposes of constructing major and State significant projects. Much of the land is only needed for the construction period. This motion asks LGNSW to lobby the State Government to ensure that all public/Crown land acquired by the State Government which is no longer required once the construction of the major project is complete, be returned to the care and control of the local Council for a public purpose/benefit.

Affordable Housing and Planning

1. THAT LGNSW lobby the State Government to implement mandatory inclusionary zoning to provide for a minimum percentage of social and affordable housing for any new housing projects, for the life of the building/project.

Waste and Recycling

1. THAT LGNSW lobby the State Government to develop a waste process in order to support FOGO and an increase in recycling rates, and SG work to provide additional processing facilities to meet the volumes of waste that will be generated once mandatory FOGO is introduced.

Power Sharing

1.THAT LGNSW lobby the State and Federal Government to:

- (a)** Adopt a policy to encourage neighbourhood power sharing and community battery scheme for Local Government Areas with multi-unit dwellings.
- (b)** Secure financial and logistical support for the introduction of pilot neighbourhood schemes for power sharing schemes and community batteries in such LGAs.
- (c)** Secure funding for a community awareness and education campaign in co-operation with LGNSW and member councils to promote community batteries and self-sufficiency in power generation.

10.3. Disclosure of Pecuniary Interests by Councillors and Designated Persons

AUTHOR: Ian Curry, Manager Council & Committee Services

PURPOSE:

The purpose of this report is to report on compliance as required under the *Local Government Act 1993* (LGA) and *Local Government (General) Regulation 2021*. Councillors and persons holding designated positions must complete and lodge a Disclosure of Pecuniary Interests Return.

- Section 4.21 of the Model Code of Conduct (made under section 440 of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*) requires Councillors and persons holding designated positions, as at 30 June, complete and lodge a Disclosure of Pecuniary Interests Return within three months of that date (i.e., 30 September).
- Section 4.25 of the Model Code of Conduct requires that Returns are lodged under Section 4.21 and tabled at the first meeting of the council after 30 September 2023.
- All 2022/23 Returns have been duly completed and lodged within the prescribed period by Councillors. Two designated officers currently on secondment and extended leave did not complete their Returns by the statutory date, however they will be asked to do so upon their return to work.
- Pecuniary Interest Returns are available for inspection on Council's website.

RECOMMENDATION:

1. THAT the report be received, and Council note the tabling of Returns as required under Clause 4.25 of the Model Code of Conduct.

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

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 Mutton, Councillor Santer and Councillor Welch

Against: Nil

Absent: Nil

287. RESOLVED:

1. THAT the report be received, and Council note the tabling of Returns as required under Clause 4.25 of the Model Code of Conduct.

10.4. Audit Risk & Improvement Committee - Councillor Representatives

AUTHOR: Ian Curry, Manager Council & Committee Services

PURPOSE:

The purpose of this report is to determine the Councillor representatives on the Audit Risk and Improvement Committee following the Deputy Mayor election.

- Council has two Councillor representatives on the Audit Risk and Improvement Committee.
- The election of a new Deputy Mayor on 25 September gives Council an opportunity to review its representatives on ARIC.

RECOMMENDATION:

1. THAT Council appoint two Councillors as its representatives on the Audit Risk and Improvement Committee.

A Motion was moved by Councillor Santer and seconded by Councillor Lamb:

1. THAT Council appoint Councillor Beregi and Councillor Welch as its representatives on the Audit, Risk, and Improvement Committee.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 1

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

Against: Councillor Lepouris

Absent: Nil

288. RESOLVED:

1. THAT Council appoint Councillor Beregi and Councillor Welch as its representatives on the Audit, Risk, and Improvement Committee.

10.5. Customer Feedback and Complaints: January - June 2023

AUTHOR: Anna Warren, Corporate Planning Coordinator, and Jenny Gleeson, Manager Corporate Planning and Engagement

PURPOSE:

The purpose of this report is to provide a report of complaints and compliments received by Council during the period 1 January to 30 June 2023.

EXECUTIVE SUMMARY:

- In accordance with Council's *Complaints Handling Policy*, a report comparing the number of complaints to the total number of customer contacts is provided to the Council every six months for information.
- The total number of customer contacts for the period 1 January to 30 June 2023 was 41,640, with 59 compliments and 17 complaints recorded. This is an increase in total customer contacts on the prior period, and the same period last year, due largely to an increase in Stanton Library contacts.
- The data is extracted from Council's electronic records system, from the complaints and compliments/appreciation letters subjects respectively.

RECOMMENDATION:

1. THAT the Customer Feedback and Complaints Report January - June 2023 be received.

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

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 Mutton, Councillor Santer and Councillor Welch

Against: Nil

Absent: Nil

289. RESOLVED:

1. THAT the Customer Feedback and Complaints Report January - June 2023 be received.

10.6. Re-formation of Design Excellence Panel for 2023/24 - 2024/25

AUTHOR: Leonard Vogel, Planning and Development Advisor, and Stephen Beattie, Manager Development Services

PURPOSE:

The purpose of this report is to seek Council's endorsement of the recommended appointments for the Design Excellence Panel (DEP) for 2023/24 – 2024/25.

- North Sydney Council encourages high quality urban design and sustainability outcomes in the North Sydney local government area (LGA). This is achieved, in part, by seeking the independent advice of the Design Excellence Panel (DEP), established under Council's recently amended *Design Panel Policy*.
- In accordance with the *Design Panel Policy*, membership of the DEP should be renewed every two years. Expressions of interest for DEP membership for the 2023/24 – 2024/25 term were sought from 15 June 2023 to 16 July 2023. A total of 116 applications were received.
- A review of the *Design Panel Policy* and Design Excellence Panel Charter was undertaken. The Policy was subsequently amended to include sustainable building design as an area of expertise sought for membership to the Panel.
- Support for the recommended appointments will enable the reformed DEP to commence in November 2023.

RECOMMENDATION:

1. 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:

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

2. THAT Council endorses the appointment of the recommended panel members nominated within the confidential report for the reformation of the North Sydney Design Excellence Panel for the 2023/24 - 2024/25 term.

3. THAT Council writes to acknowledge the valuable contribution made by the previous members of the Design Excellence Panel.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 1

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

Against: Councillor Lepouris

Absent: Nil

290. RESOLVED:

1. 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:

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

2. THAT Council endorses the appointment of the recommended panel members nominated within the confidential report for the reformation of the North Sydney Design Excellence Panel for the 2023/24 - 2024/25 term.

3. THAT Council writes to acknowledge the valuable contribution made by the previous members of the Design Excellence Panel.

10.7. Affordable Housing and Heritage Planning Council Priorities

This item was considered as part of the Public Forum (see pages 6 – 8).

10.8. East Crescent Street Shared Space - Post Trial Report

AUTHOR: Matthew Noonan, Engineering Project Manager

PURPOSE:

The purpose of this report is to present the results of the community consultation, traffic count, and a human movement analysis study that were undertaken during the trial of the East Crescent Street Shared Space between March and June 2023, for which Council received funding under the NSW Government's Round 2 - Streets as Shared Spaces Program.

This report is seeking Council endorsement to formalise part of East Crescent Street as a permanent shared space.

- Construction of the East Crescent Street Shared Space, located at the corner of East Crescent Street and Blues Point Road, concluded in March 2023, and then trialled for a period of four months. The project originated from the McMahons Point - Blues Point Road Village Centre Public Domain Upgrade Masterplan (2021) and was partly funded through the NSW Government's Streets as Shared Spaces Program - Round 2.
- Community feedback was sought between 31 March and 30 June 2023 via Council's Have Your Say Webpage. 112 submissions were received, comprising 103 responses to the online form and nine written submissions.
 - Of the online feedback received, the majority of respondents were from McMahons Point; most (n=76) agree the project has improved pedestrian safety when crossing East Crescent at the Blues Point Intersection; most (n=92) agree the park creates a more inviting street environment; most (n=88) would like to see this change made permanent; and 30 respondents are interested in joining a Streets Alive group to care for the park.
 - Of the written submissions received:
 - The majority (n=6) overtly support the shared zone/park - in particular, the most liked aspects are the additional open space e.g., inviting space/welcome oasis; promotes the village atmosphere and adds community life/attraction to the neighbourhood; adds greenery, herbs, and native plants; seating/amenity; traffic calming and speed reduction.
 - three submissions raised various pedestrian and road safety issues.
- Traffic counts were also undertaken prior and following construction of the Shared Spaced. In summary the traffic counts found that the average traffic speed in East Crescent Street reduced and a significant reduction in illegal movements against the one-way traffic flow after construction of the Shared Space was completed.
- Additionally, Council commissioned a Human Movement Analysis Study prepared by Urbis Consultants. The purpose of this study was to measure and analyse visitation to and from the Shared Space during the trial period. The results of this study found that visitors spent more time at East Crescent Street during the activation (trial) period, compared to the historical period.
- The community feedback, traffic count, and the human movement analysis study will now be used to determine the decision in making the East Crescent Street Shared Space a permanent addition to the McMahons Point streetscape.

RECOMMENDATION:

- 1. THAT** Council notes the community feedback received during the trial of the Shared Space.
- 2. THAT** Council notes the results of the traffic count as well as the Human Movement Data Study that was undertaken during the trial period of the Shared Space.
- 3. THAT** Council notes the improvements in driver behaviours that have resulted from the trial.

4. THAT Council endorses making the East Crescent Street Shared Space trial a permanent addition to the McMahons Point streetscape.

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

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 Mutton, Councillor Santer and Councillor Welch

Against: Nil

Absent: Nil

291. RESOLVED:

- 1. THAT** Council notes the community feedback received during the trial of the Shared Space.
- 2. THAT** Council notes the results of the traffic count as well as the Human Movement Data Study that was undertaken during the trial period of the Shared Space.
- 3. THAT** Council notes the improvements in driver behaviours that have resulted from the trial.
- 4. THAT** Council endorses making the East Crescent Street Shared Space trial a permanent addition to the McMahons Point streetscape.

10.9. Willoughby Road Shade Structures - Post Exhibition Report

AUTHOR: Paul Yang, Engineering Project Manager

PURPOSE:

The purpose of this report is to detail submissions received during the public exhibition period of the Willoughby Road Shade Structures in Crows Nest. The final recommendation is presented to Council for adoption.

- At its meeting of 27 February 2023, Council resolved to adopt a preferred design option (Option 1C) for the upgrade of the Willoughby Road public domain. Council also resolved to undertake further consultation with business operators in relation to the potential replacement of shade structures related to outdoor dining.
- Subsequent community engagement was undertaken in relation to this matter from 27 June to 7 August 2023, in accordance Council's Community Engagement Strategy for this matter.

- A total of seven submissions were received when the consultation period closed. Over 85% of submissions supporting the proposal.

RECOMMENDATION:

1. THAT Council note the submissions received for the Willoughby Road Shade Structure consultation.

2. THAT Council proceeds with the Willoughby Road Shade Structure proposal as part of the Crows Nest Masterplan Implementation Project in 2023/2024.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 1

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

Against: Councillor Lepouris

Absent: Nil

292. RESOLVED:

1. THAT Council note the submissions received for the Willoughby Road Shade Structure consultation.

2. THAT Council proceeds with the Willoughby Road Shade Structure proposal as part of the Crows Nest Masterplan Implementation Project in 2023/2024.

10.10.Hard Surface Weed Control - Tender 06/2023

AUTHOR: Kieran Meurant, Head Turf Manager

PURPOSE:

The purpose of this report is to provide Council with an overview of the tender process for the tender for Hard Surface Weed Control (06/2023) and recommends entering a contract with the preferred tenderer.

- Tenders were called and received until 3pm Thursday 31 August 2023 for the submission of tenders to undertake the hard surface weed control of council facilities across the North Sydney LGA.
- Two tenders were received when the tender period closed at 3pm 31 August 2023.
- If Council wishes to discuss the report, the meeting should be closed to the public to do so, in accordance with:
(d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the

matter 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.

RECOMMENDATION:

1. THAT Council accept the tender of the highest ranked tenderer for Tender 06/2023 Hard Surface Weed Control.

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, the 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)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the matter 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.

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

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

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 Mutton, Councillor Santer and Councillor Welch

Against: Nil

Absent: Nil

293. RESOLVED:

1. THAT Council accept the tender of the highest ranked tenderer for Tender 06/2023 Hard Surface Weed Control.

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, the 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)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the matter 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.

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

Councillor Welch declared an interest in this matter and left the meeting at 7:25 pm.

10.11. Current Appeals and Results - September 2023

AUTHOR: Christina Wu, General Counsel

PURPOSE:

The purpose of this report is to provide Council with information on current appeal and prosecution matters.

- Attached is a list of current appeal and prosecution matters as at 1 September 2023 for Council's information.
- Four attachments are provided, including a public listing and a separate confidential report. The confidential report includes additional detail (as highlighted) on the legal nature of the appeal, status update and legal issues relating to matters still afoot.
- Should Council wish to discuss this report it is noted that the attached confidential document includes advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it would affect Council's ability to manage legal matters effectively and in the best interests of the community. As such should this report be discussed it should be considered in closed session.

RECOMMENDATION:

1. THAT the report be noted.

2. THAT should Council resolve to debate or discuss this matter that the meeting be closed to the public in accordance with Section 10A(2) of the Local Government Act and the Local Government (General) Regulation 2005 for the reason listed below:

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

It is further noted that release of this information would be, on balance, contrary to the public interest as it would affect Council's ability to manage legal matters effectively and in the best interests of the community.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

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

Against: Nil

Absent: Councillor Welch

290. RESOLVED:

1. THAT the report be noted.

2. THAT should Council resolve to debate or discuss this matter that the meeting be closed to the public in accordance with Section 10A(2) of the Local Government Act and the Local Government (General) Regulation 2005 for the reason listed below:

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

It is further noted that release of this information would be, on balance, contrary to the public interest as it would affect Council's ability to manage legal matters effectively and in the best interests of the community.

Councillor Welch returned to the meeting at 7.26pm

10.12. North Sydney Olympic Pool Redevelopment - Project Update

AUTHOR: Gary Parsons, Director Open Space & Infrastructure

PURPOSE:

The purpose of this report is to provide an update on the redevelopment of North Sydney Olympic Pool.

- Construction work on the North Sydney Olympic Pool is anticipated to reach Practical Completion in May 2024.
- The current construction contract value is \$58.62m, which includes approved construction contract variations of \$5.1m.

- Additional Project Management resources are now in place, in accordance with the Council resolution of 28 August 2023.
- Confirmation of final project forecasts continues, as outstanding claims continue to be assessed, and scoping for additional works are progressed.
- A Business Plan for the operation of the facility is currently being finalised and will be presented to Councillors at a briefing session in October 2023.

RECOMMENDATION:

1.THAT Council notes the contents of this report, which provides an update in relation to the North Sydney Olympic Pool redevelopment project.

Councillor Welch returned to meeting at 7:28 pm.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 1

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

Against: Councillor Mutton

Absent: Nil

291. RESOLVED:

1.THAT Council notes the contents of this report, which provides an update in relation to the North Sydney Olympic Pool redevelopment project.

11. Notices of Motion

11.1. Notice of Motion 10/23: Interim Heritage Orders on 7 and 9 Selwyn Street Wollstonecraft - Cr Gibson

1. THAT Council takes immediate action to prevent the further removal of heritage elements at both homes - both internally and externally.

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

The Motion was put and **Lost**.

Voting was as follows:

For/Against 3 / 6

For: Councillor Bourke, Councillor Gibson and Councillor Lepouris
Against: Councillor Baker, Councillor Beregi, Councillor Lamb, Councillor Mutton, Councillor Santer and Councillor Welch
Absent: Nil

11.2. Notice of Motion 11/23: Tree at 38 Shellcove Road Kurraba Point - Cr Gibson

This item was considered in the Public Forum (see pages 8 - 9).

11.3. Notion of Motion 12/23: MLC Centre change of use - Cr Gibson

1. THAT Council have a Councillor Briefing on the intention to convert the MLC Centre from commercial use to 'build to rent apartments'.

Background (as provided by the submitter)

There have been media pronouncements from Council that we will "strongly object" to any such proposal. Yet this matter hasn't come before Council, so no position has been determined by the elected body. There is much community interest in this rather unique proposal.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9/0

For: Councillor Baker, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Lepouris, Councillor Mutton and Councillor Santer
Against: Councillor Beregi and Councillor Welch
Absent: Nil

292. RESOLVED:

1. THAT Council have a Councillor Briefing on the intention to convert the MLC Centre from commercial use to 'build to rent apartments'.

11.4. Notice of Motion 13/23: Notice of Motion deadline - Cr Gibson

1. THAT the deadline to submit a notice of motion be extended from midday, the day following Council's regular meeting, to 5pm.

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

An Amendment was moved by Councillor Bourke and seconded by Councillor Lepouris:

1. THAT the deadline to submit a notice of motion be extended from midday to 2pm.

The Mover and seconder of the Motion accepted the amendment

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 2

For: Councillor Baker, Councillor Bourke, Councillor Gibson, Councillor Lamb,
Councillor Lepouris, Councillor Mutton and Councillor Santer

Against: Councillor Beregi and Councillor Welch

Absent: Nil

293. RESOLVED:

1. THAT the deadline to submit a notice of motion be extended from midday to 2pm.

12. Matters of Urgency

Nil

13. Closure

The Meeting concluded at 7:40 pm.