



Council Chambers
3 May 2024

The **3801st MEETING** of **COUNCIL** will be held on Cammeraygal lands at the Council Chambers, North Sydney at **6.30pm** on Monday 13 May 2024. The agenda is as follows.

THERESE COLE
CHIEF EXECUTIVE OFFICER

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- 1. Opening of Meeting**
 - 2. Acknowledgement of Country**
 - 3. Apologies and applications for leaves of absence or attendance by audio-visual link by councillors**
 - 4. Confirmation of Minutes**
 - 5. Disclosures of Interests**
 - 6. Public Forum**
 - 7. Items by Exception**
 - 8. Mayoral Minutes**
 - 8.1 MM01: Vale Councillor Tony Bleasdale OAM, Mayor Blacktown City Council
 - 8.2 MM02: Upper House Inquiry into the impacts of the Rozelle Interchange
 - 9. Reports of Committees**
 - 9.1 Waverton Peninsula Working Group Minutes - 23 April 2024
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10. Reports to Council

- 10.1 Matters Outstanding to 22 April 2024
- 10.2 Advertising on Council Infrastructure
- 10.3 Submission on reforming the Emergency Services funding system
- 10.4 Submission to Federal Inquiry into Local Government Sustainability
- 10.5 Proposed Acquisition of Lease by Transport for NSW for construction of Sydney Harbour Bridge Cycleway
- 10.6 Revesting of Land - Bradfield Park South
- 10.7 Probity Plan - Grosvenor Lane Carpark

11. Notices of Motion/Questions with Notice

- 11.1 Notice of Motion 07/24 - May Gibbs Lookout - Cr Welch

12. Matters of Urgency

Raised by Councillors

13 Closure of Meeting

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

3801st MEETING OF COUNCIL TO BE HELD ON MONDAY 13 MAY 2024

1. OPENING MEETING

2. ACKNOWLEDGEMENT OF COUNTRY

3. APOLOGIES AND APPLICATIONS FOR LEAVES OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK BY COUNCILLORS

4. CONFIRMATION OF MINUTES

THAT THE MINUTES of the 3800th Council Meeting held on Monday 22 April 2024 be taken as read and confirmed.

5. DISCLOSURES OF INTEREST

6. PUBLIC FORUM

7. ITEMS BY EXCEPTION

8. MINUTES OF THE MAYOR

8.1 MM01: Vale Councillor Tony Bleasdale OAM, Mayor Blacktown City Council

Councillor Tony Bleasdale OAM, was born in 1946 in Liverpool, United Kingdom. His father, Frank, was a Liverpool docker for 50 years and his grandfather, George Bleasdale, died a prisoner of war in France in 1918.

He remained a loyal Liverpool FC supporter throughout his life.

As a young man, Councillor Bleasdale hoped to follow his grandfather into the British Army. However, when his mother refused to sign the British Army forms, he joined the “Big Brother” movement.

At that time, “Big Brother” sponsored young people to migrate to Australia, mostly to rural areas.

Councillor Bleasdale arrived in Sydney in 1963 and at first worked as a bricklayer. Later he started his own labour hire business. Before becoming Managing Director of National Contractors, a major construction industry labour hire firm, Councillor Bleasdale was Group Industrial Relations Manager with the McNamara Group and Assistant Secretary at the Building Workers Industrial Union (BWIU).

Throughout his life he demonstrated a fierce passion for social justice whether in his significant works for charity or in his tireless work on behalf of the people of Blacktown.

In 2010 Councillor Bleasdale was awarded the Medal of the Order of Australia (OAM) in the Queen's Birthday Honours List for his service to the community as a supporter of charitable organisations, and for his contribution to local government in the Blacktown City area.

His charitable works included:

- financial supporter, Gynaecological Cancer Research Fund, Westmead Hospital;
- supporter, Blacktown Relay for Life, Cancer Council NSW;
- financial contributor and fundraiser, Schizophrenia Research Institute;
- sponsor, Construction Industry Breast Cancer Awareness Campaign (since 2005);
- financial supporter, Mount Druitt Town Rangers Soccer Club, since 2007; and
- financial sponsor, Matt McFadyen, Antarctic Explorer, 2003.

Councillor Bleasdale was first elected to Blacktown City Council in November 1996 as a Labor councillor and served as Deputy Mayor between 2016 and 2019. He was elected Mayor in October 2019.

The Blacktown City Council area has an estimated population of 435,000 people (2023) and is the largest Council in New South Wales, the fourth largest in Australia.

On 3 May 2024 Councillor Bleasdale tragically passed away on a flight returning from a trip to Blacktown City Council's sister cities of [Liaocheng](#) and [Suseong-gu](#).

The Sydney Morning Herald reported that Premier Chris Minns paid tribute to Councillor Bleasdale and said:

[He was] "a generous man with a big heart", who worked to develop Sydney's west and held a particular passion for helping disadvantaged constituents. "His legacy is written across the city he loved" (SMH, 3 May 2024)

Councillor Bleasdale leaves his wife, Nina, four children and a large extended family with many grandchildren.

I therefore recommend:

- 1. THAT** Council acknowledge the contribution of Councillor Bleasdale to Blacktown City Council, his community and to local government.
- 2. THAT** Council write to Councillor Bleasdale's family and to Blacktown City Council expressing condolences, acknowledgement, and gratitude for Councillor Bleasdale's service and contribution to the Blacktown and broader community.

8.1 MM02: Upper House Inquiry into the impacts of the Rozelle Interchange

On 11 December 2023, in response to the traffic chaos caused by the opening of Westconnex and the Rozelle Interchange, Council resolved:

- 1. THAT Council call on the State Government to:*
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- (a) commission new traffic modelling to replace the outdated 2015 modelling provided with the EIS and which recognises the impacts of the cancellation of the Beaches Link and imminent opening of the Metro;*
- (b) prepare a new business case reflecting the reduced demand on the WHT project as a result of the cancellation of Beaches and the imminent opening of the welcome and exceptional public transport project, the Metro;*
- (c) prepare and seek consent for amendments to the WHT/WFU projects to mitigate congestion impacts on local roads informed by new traffic modelling; and*
- (d) consider cancelling the WHT and redirection of the project funds to the provision of public transport projects in Greater Sydney region.*

On 7 February 2024, Terms of Reference for an Inquiry into the impacts of the Rozelle Interchange were referred to the Legislative Council Portfolio Committee No. 6 – Transport and The Arts.

On 8 April 2024, I wrote to the Chair of the Upper House Inquiry. A copy of that letter is attached to this Minute. I was subsequently invited to attend the Inquiry to give evidence.

On 23 April 2024 I attended the Upper House Inquiry together with Hunters Hill Mayor, Cr Zac Miles, and Mr Kim Woodbury, Chief Operating Officer, City of Sydney. A copy of my opening statement to the Committee is attached.

On 3 May 2024, the Upper House Inquiry heard evidence from the following four former senior Roads and Traffic Authority (RTA) bureaucrats and engineers who advised or worked on the Westconnex and other major road projects:

- Paul Forward, Economist and Planner, and former CEO, Roads and Traffic Authority (RTA);
- Stuart McCreery, Civil Engineer, and Principal Evans & Peck Infrastructure Consultants;
- Chris Ford, Traffic Engineer, and former Head of Traffic and Transport, RTA, and who established the RTA transport management centre; and
- Les Wielinga, Civil Engineer, who established TfNSW, former Chief Executive of the Sydney Metro Authority, and who held many senior roles in the RTA, including Chief Executive, Director of Motorways.

I attach a copy of their joint submission to the Inquiry.

Paul Forward and Stuart McCreery were commissioned by Infrastructure NSW to advise on the motorway project that would ultimately evolve into Westconnex. They note that:

At that time, we understood that the RTA was interested in developing an additional harbour crossing but on a direct line from the inner west - underground beneath Balmain (Darling Street) and Drummoyne (Lyons Rd) and using the existing Iron Cove and Gladesville bridges and connecting directly into the M2 at Ryde, and north to the F3/M1. This was a preferred alignment to that now under development as the Western Harbour Tunnel/Beaches Link. It was that expressed preference that underpinned the testing and adopting of the Iron Cove Link.

That is, the additional harbour traffic and crossing was assumed to bypass the Warringah Freeway corridor and the North Sydney Local Government Area altogether.

They further submitted to the Inquiry that:

We should minimise to the extent possible the future impacts of high traffic congestion associated with as yet incomplete works. To us that means addressing the impact of Western Harbour Tunnel. At both ends. Whether at Rozelle, which is already stressed, or the Warringah Freeway undergoing an upgrade, and into which will land all the cross-harbour traffic. That seems a poor concept.

During evidence, Mr Forward said:

We're very concerned about the actual design of the Western Harbour Tunnel. We now have three motorways... all coming onto the Warringah Freeway in very similar locations. ... The question clearly for the [parliamentary] committee is, "is this another Rozelle Interchange about to happen?"

What is happening now was, in fact, predicted in the traffic modelling. It should not have come as any surprise. (reported in Sydney Morning Herald, 3 May 2024)

Tellingly, Mr Weilinga warned of another "bloody disaster" and stated:

If you think you've got problems now... You wait if you don't change this bloody intersection [at Warringah Freeway]. (SMH, 3 May 2024)

Their recommendations to the Inquiry included that the Government:

Review the design of the Western Harbour Tunnel and its north facing portal locations on the Warringah Freeway to assess traffic movements from the Anzac Bridge and whether the WHT or SHB is the desired route. Assess whether Westconnex and the Rozelle entrances/exits encourage more cross-harbour traffic and drags some flow from the Gladesville north/south option thus further impacting Warringah Freeway.

(Recommendation 14, Submission prepared by /Ford/Forward/Wielinga/McCreery dated 2 May 2024)

Depressingly, none of this evidence is surprising to me, nor to the councillors who opposed these motorway projects from inception. Nor is it surprising to the warriors in our community who have understood the impacts from publication of the first Environmental Impact Statement.

Indeed, these concerns have been raised repeatedly by our community and by Council in numerous submissions on these major road projects. Council and community warnings have not been heeded.

Following the evidence given by Messrs Forward, Ford, Wielinga, and McCreery, eminent, experienced former senior bureaucrats now sound the same warnings.

Perhaps these voices, joining those of our community, will spur this new government and Departmental Secretary to halt and review the Western Harbour Tunnel project and avoid a repeat, even intensification, of the traffic chaos at the other end of the project.

Retrofitting costs much more than fixing the problem in the design and construction phase.

This is the last window of opportunity. To proceed on the current plans and ignore expert evidence is reckless in the extreme.

I therefore recommend:

- 1. THAT** Council note the attached correspondence and evidence to the Upper House Inquiry into the impacts of the Rozelle Interchange.
 - 2. THAT** Council again call on the State Government to halt and urgently review the design of the Western Harbour Tunnel project.
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3. THAT Council write to the Minister for Roads, the Hon. John Graham, MLC, an urge him to direct an urgent halt and review of the Western Harbour Tunnel project.

4. THAT a copy of this resolution and Minute be provided to the Upper House Inquiry.

9. REPORTS OF COMMITTEES

9.1 Waverton Peninsula Working Group Minutes - 23 April 2024

Report of Peita Rose, Governance Officer

The purpose of this report is to advise Council of the proceedings of the Waverton Peninsula Working Group meeting held on 23 April 2024.

This report presents the Minutes of the Waverton Peninsula Working Group meeting held on 23 April 2024 for Council adoption.

The following matters were discussed at the Waverton Peninsula Working Group meeting:

- Berrys Bay Masterplan
- 'Badangi Beach' proposal
- Coal Loader Wharf Adaptive Reuse
- Quarantine Depot; and
- Waverton Bowling Club

The minutes of this meeting are attached for information.

Recommending:

1.THAT the Minutes of the Waverton Peninsula Working Group meeting of 23 April 2024 be noted.

2.THAT Council explore the potential to restore urban swimming at Badangi Beach for residents of North Sydney Council, noting the current review of the Open Space and Recreational Needs Study.

3.THAT Council support and promote the petition to the Legislative Assembly on the dilapidated structures and vessels on Berrys Bay through Council's website and social media channels.

10. REPORTS TO COUNCIL

10.1 Matters Outstanding to 22 April 2024

Report of Ian Curry, Manager Governance

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 22 April 2024 Ordinary Meeting of Council.

Recommending:

1. THAT the report be received.

10.2 Advertising on Council Infrastructure

Report of Ben Boyd, Executive Strategic Planner

The purpose of this report is to address a Council resolution regarding the implications of pursuing a policy to prevent the erection of new third-party advertising on public land and public infrastructure.

In 2008, Council resolved to amend its planning policies to permit third-party advertising on Council infrastructure as a way of supplementing its capital works reserve, to assist with the funding of projects like road and footpath renewal, better sporting facilities, and the upgrading of North Sydney's village centres.

Council's planning controls were amended in 2013 to allow third-party advertising to be permitted on public land and infrastructure and to provide guidance as to appropriate location and form to ensure any potential visual and pedestrian safety impacts are minimised.

Over the intervening years, Council has considered numerous applications for third-party advertising on its infrastructure, including bus stops, the pedestrian bridge over the Pacific Highway, and freestanding advertising panels. Not all applications have been approved.

In response to the recent lodgement of development applications for the erection of freestanding advertising panels, Council resolved at its meeting of 11 December 2023:

- 1. THAT Council, as soon as practicable, prepare a report on the feasibility of implementing a no new advertising billboards policy that would cease all new planning applications for outdoor advertising of non-Council information on Council-owned property.*

Council currently receives in the order of \$429,000 per annum for advertising on Council's infrastructure, with the potential to increase this amount subject to appropriate assessment of opportunities.

Noting Council's current financial circumstances in the medium term, it is recommended that the existing policy position remains and that any additional opportunities continue to be assessed on a case-by-case basis using current planning controls.

Recommending:

1.THAT Council maintain the current planning controls in relation to advertising billboards.

10.3 Submission on reforming the Emergency Services funding system

Report of Luke Harvey, Director Corporate Services

The purpose of this report is to advise Council of the NSW Government's consultation paper on emergency services funding, and to seek Council approval to make a submission on the review.

In November 2023, the NSW Government announced its commitment to reform the way that the state's emergency services are funded.

A consultation paper has been released which is the beginning of public consultation to inform the design, scope, features, and transition arrangements for reforming the emergency services funding system.

Feedback on the consultation paper is open until 22 May 2024. A draft submission is contained in this report.

Recommending:

1. **THAT** Council note the consultation paper on reforming the emergency services funding system.
2. **THAT** Council approve the proposed submission.

10.4 Submission to Federal Inquiry into Local Government Sustainability

Report of Ian Robertson, Service Unit Manager, Corporate Governance

The purpose of this report is to advise Council of the extended deadline for submissions on the draft terms of reference of The Federal House of Representatives Standing Committee on Regional Development, Infrastructure, and Transport's inquiry into local government sustainability, and to present a proposed submission.

A review of local government financial sustainability has been announced by the Federal Government House of Representatives Standing Committee on Regional Development, Infrastructure, and Transport.

The draft terms of reference were reported to Council on 22 April 2024.

The original deadline for submissions was 3 May 2024, this has now been extended to 31 May 2024.

The extended deadline allows the proposed submission to be presented to Council as a report.

Recommending:

1. **THAT** Council endorse the submission on the draft Terms of Reference from The House of Representatives Standing Committee on Regional Development, Infrastructure and Transport's review into local government sustainability.

10.5 Proposed Acquisition of Lease by Transport for NSW for construction of Sydney Harbour Bridge Cycleway

Report of Gary Parsons, Director Open Space and Infrastructure

This purpose of this report is to provide Council with an update on the approach by Transport for NSW (TfNSW) to lease land within Bradfield Park for the construction of the Sydney Harbour Bridge Cycleway, and responds to item 1 of the Notice of Motion raised at the Council meeting on the 22 April 2024 regarding the same matter.

TfNSW has approached Council to lease land within Bradfield Park for the purpose of constructing the Sydney Harbour Bridge Cycleway.

Recent legal advice confirms that Council is prohibited from granting a lease to TfNSW for the subject land within Bradfield Park for the construction of the Sydney Harbour Bridge Cycleway. The prohibition results from the application of ss45(2) and 46(1)(b) of the Local Government Act 1993 in conjunction with the Bradfield Park Plan of Management.

Whilst Council is unable to prevent the compulsory acquisition of the subject land, it can seek compensation under the Land Acquisition (Just Terms Compensation) Act 1991.

TfNSW have approached Council seeking to enter into arrangements for early access for site investigation and survey works.

Attachments to this report are confidential in accordance with Section 10A (2) of the Local Government Act and the Local Government (General) Regulation 2005 for the reasons listed below:

(d) commercial information of a confidential nature that would, if disclosed; (i) prejudice the commercial position of the person who supplied it; and

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

Recommending:

1. THAT Council note Transport for NSW (TfNSW) has approached Council to lease land within Bradfield Park for the construction of the Sydney Harbour Bridge Cycleway, to be constructed by TfNSW.

2. THAT Council note the legal advice dated 21 April 2024 confirming that Council is prohibited under s45(2) of the Local Government Act from granting a lease to TfNSW for the subject land within Bradfield Park for the construction of the Sydney Harbour Bridge Cycleway.

3. THAT Council note TfNSW's intention to compulsorily acquire land within Bradfield Park for the construction of the Sydney Harbour Bridge Cycleway if it is not able to enter into a lease agreement with Council for the subject land.

4. THAT Council authorise the Council's Chief Executive Officer to complete and submit a claim for compensation in accordance with the Land Acquisition (Just Terms Compensation) Act for the land within Bradfield Park to be compulsorily acquired by TfNSW for the construction of the Sydney Harbour Bridge Cycleway using the independent valuation advice and the recommendations included within the confidential attachment of this report.

5. THAT Council note approaches from TfNSW seeking 'early access' to land within Bradfield Park for site investigation and survey works related to the construction of the Sydney Harbour Bridge Cycleway; and the restrictions on Council's ability to grant a lease or licence for the required access and occupation for these works.

10.6 Revesting of Land - Bradfield Park South

Report of Gary Parsons, Director Open Space and Infrastructure

The purpose of this report is to respond to the Council resolution of 22 April 2024 regarding the revesting of land within the southern portion of Bradfield Park.

Council officers commenced discussions with representatives from Transport for NSW (TfNSW) in relation to land tenure arrangements within the southern portion of Bradfield Park; south of Fitzroy Street, Milsons Point in late 2023.

It is anticipated information in relation to this matter will be sufficiently developed by June 2024 to enable Council officers to brief Councillors in relation to this matter.

Recommending:

1. THAT Council note that Council officers are currently in discussions with representatives from Transport for NSW in relation to land tenure arrangements of land located within the southern portion of Bradfield Park.

2. THAT Council note that it is anticipated that information will be sufficiently developed by June 2024 to enable Council officers to brief Councillors in relation to this matter.

10.7 Probity Plan - Grosvenor Lane Carpark

Report of Neal McCarry, Service Unit Manager Strategic Planning

The purpose of this report is to seek Council's endorsement of a Probity Plan to guide discussions with Coles regarding any future dealings in the Grosvenor Lane carpark adjacent to the (Coles-owned) site at 41 - 53 Grosvenor Street Neutral Bay.

Following the granting of landowner's consent by Council in April 2023, a development application was lodged by Coles, seeking to re-develop 41 - 53 Grosvenor Street Neutral Bay for a supermarket, shop-top housing, and to underground the existing Council-owned at-grade parking, incorporating this within the re-developed site.

A development application was subsequently lodged by Coles in September 2023, accompanied by a letter of offer to enter into a Voluntary Planning Agreement to relocate public parking underground, thereby creating a pedestrian plaza at the Grosvenor Lane carpark. This was submitted prior to any in-principal agreement being reached or agreed to by Council.

To ensure Council adheres to probity principles of impartiality, accountability, and transparency, and appropriately manages risk, a Probity Plan has been prepared by O'Conner, Marsden and Associates (OCM) Probity advisors. The Probity Plan provides a framework in which Council can manage probity issues whilst negotiating directly with the adjacent landowner.

The draft Probity Plan is presented for Council's consideration and adoption. An important component of this process is the capacity to deal directly with Coles in these negotiations. This requires a formal resolution of Council; however, such decision would not constitute an agreement to any proposal, agreement, or transaction in relation to publicly owned lands. It allows more formal negotiations to be progressed prior to any recommendation being made to Council.

Recommending:

- 1. THAT** the attached Probity Plan be adopted as the framework to guide Council's discussions and negotiations with Coles on the carpark land at Grosvenor Lane, Neutral Bay.
 - 2. THAT** Council grant authority to the Chief Executive Officer to enter into formal negotiations in relation the potential redevelopment of the Grosvenor Lane carpark directly with the adjacent landowner of No 41-53 Grosvenor Street, namely Coles Group Property Development or their authorised representative.
 - 3. THAT** the adjacency and relationship of the proposed development to the portion of public land to be negotiated and the capacity of others to also negotiate on a similar adjacency basis if those opportunities were sought to be explored, are the reasons why Council resolves to directly negotiate with Coles.
 - 4. THAT** the outcome of any negotiations be reported back to Council.
 - 5. THAT** Council acknowledges that this resolution does not infer or suggest any agreement with Coles ahead of a negotiation process.
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11. NOTICES OF MOTION

11.1 Notice of Motion 07/24 - May Gibbs Lookout - Cr Welch

1. **THAT** Council produce a report looking into the feasibility of creating a lookout over the city, in Phillips Street Neutral Bay.

2. **THAT** the report also consider the feasibility of creating a May Gibbs theme in the Phillips Street playground.

BACKGROUND (provided by the submitter)

I received correspondence from Elaine Collins, a Neutral Bay resident. This is a summary:

My idea is to name a lookout in Phillips St, Neutral Bay. It is located at the top of the public stairway (which starts in Undercliff St), where Phillips St is separated into East and West sections. This pedestrian pathway already provides the community with a lovely view to the City, the Harbour Bridge and North Sydney and could be recognised as a lookout with a signpost.

The lookout could be known as the "May Gibbs Lookout". I know we had our coffee in "May Gibbs Place", and, from a historical perspective, it would be wonderful to formally recognise that, before our famous author May Gibbs moved to Nutcote near the beach, she wrote her books from a house in Phillips St. Alternately, it could simply be known as "Neutral Bay Lookout". All it needs is a signpost, since the lookout is lovely as it is.

Along the May Gibbs theme, I also have some ideas on enhancing the Phillips St Playground, as it provides a further opportunity recognise her. My ideas include creating a May Gibbs theme in the Phillips St playground. Specifically, a number of May Gibbs placards could be created to encourage children using the playground to learn to read (some simple, with others more advanced).

Both these ideas could be a way for North Sydney Council to enhance the community feel and amenity of Neutral Bay for a very small financial outlay.

I look forward to this idea becoming a reality and await your response.

From the Office of Environment and Heritage (shared by Elaine Collins):

Derry, 12 Phillips Street, Neutral Bay

Built at an intersection, one of a pair of two distinguished houses which make a significant contribution to the surrounding area. As the house where May Gibbs wrote Gumnut Babies 1916 and Snugglepote and Cuddlepie 1918, 'Derry' is particularly important.

12. Matters of Urgency

Nil

13. CLOSURE
