



MINUTES

The Minutes of the Council held at the Council Chambers, North Sydney at 7:30 PM on Monday 24 January 2022.



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1. Opening Meeting

The Mayor, Councillor Baker, in the Chair, and Councillors Beregi, Bourke, Drummond, Gibson, Lamb, Santer, Spenceley, Mutton and Welch were in attendance.

At the commencement of business (7.30pm) those present in the Council Chambers were: The Mayor, and Councillors Beregi, Bourke, Gibson, Lamb, Santer and Mutton.

Councillors Drummond, Spenceley and Welch were present remotely.

The meeting was opened by the Mayor.

2. Acknowledgement of Country

The Acknowledgement of Country was read by the Mayor, Councillor Baker.

3. Apologies and Applications for Leave of Absence by Councillors

There were no apologies or applications for a leave of absence.

4. Confirmation of Minutes

THAT THE MINUTES of the previous 3754th Council Meeting held on Monday, 10 January 2022 be taken as read and confirmed.

It was moved by Councillor Beregi and seconded by Councillor Mutton.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

10. RESOLVED:

THAT THE MINUTES of the previous 3754th Council Meeting held on Monday, 10 January 2022 be taken as read and confirmed.

5. Disclosures of Interest

There were no disclosures of interest.

6. Mayoral Minutes

Nil.

7. Reports of Committees

Nil.

8. Reports to Council

Nil.

9. Notices of Motion

Procedural Motion

A Procedural Motion was moved by Councillor Beregi and seconded by Councillor Mutton.

1.THAT Council consider Item 9.2 Notice of Motion 2/22 Rescission of Military Road Corridor Planning Study – Exhibition Outcomes and Amended Future Direction Report at the commencement of the meeting.

The Procedural Motion was put and **Carried**

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

11. RESOLVED:

1.THAT Council consider Item 9.2 Notice of Motion 2/22 Rescission of Military Road Corridor Planning Study – Exhibition Outcomes and Amended Future Direction Report at the commencement of the meeting.

9.2. Notice of Motion 2/22 by Councillors Spenceley, Mutton and Beregi - Rescission of Military Road Corridor Planning Study - Exhibition Outcomes and Amended Future Direction Report

THAT Council's resolution relating to item 8.7 passed at the meeting of Council held on 22 February 2021:

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

Be and is hereby **rescinded**.

THAT the following resolution be passed in lieu thereof:

1. **THAT** *Council notes the submissions received and the issues raised during the exhibition.*
2. **THAT** *Council notes the strong community feedback on the height and scale of the existing report received during the recent election.*
3. **THAT** *Council does not adopt the Future Directions Report, as amended, as the strategic development framework for the Neutral Bay town centre.*
4. **THAT** *Council adds to its program and budget, the creation of an updated strategic development framework for the Military Road Corridor including Neutral Bay centre by engaging with the community and stakeholders to prepare a revised recommendation that has a better balance between development height and the provision of additional public open space.*

The Rescission Motion was moved by Councillor Beregi and seconded by Councillor Spenceley

The Rescission Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 2

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

Against: Councillor Drummond and Councillor Gibson

Absent: Nil

12. RESOLVED:

THAT Council's resolution relating to item 8.7 passed at the meeting of Council held on 22 February 2021:

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

Be and is hereby **rescinded**.

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

1. **THAT** Council notes the submissions received and the issues raised during the exhibition.
2. **THAT** Council notes the strong community feedback on the height and scale of the existing report received during the recent election.
3. **THAT** Council does not adopt the Future Directions Report, as amended, as the strategic development framework for the Neutral Bay town centre.
4. **THAT** That Council conduct a briefing on the rescission of the Future Directions Report prior to proceeding to Point 5 below.
5. **THAT** Council adds to its program and budget, the creation of an updated strategic development framework for the Military Road Corridor including Neutral Bay centre by engaging with the community and stakeholders to prepare a revised recommendation that has a better balance between development height and the provision of additional public open space.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 1

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

Against: Councillor Gibson

Absent: Nil

13. RESOLVED:

1. **THAT** Council notes the submissions received and the issues raised during the exhibition.
2. **THAT** Council notes the strong community feedback on the height and scale of the existing report received during the recent election.
3. **THAT** Council does not adopt the Future Directions Report, as amended, as the strategic development framework for the Neutral Bay town centre.
4. **THAT** That Council conduct a briefing on the rescission of the Future Directions Report prior to proceeding to Point 5 below.

5. THAT Council adds to its program and budget, the creation of an updated strategic development framework for the Military Road Corridor including Neutral Bay centre by engaging with the community and stakeholders to prepare a revised recommendation that has a better balance between development height and the provision of additional public open space

Procedural Motion

A Procedural Motion was moved by Councillor Beregi and seconded by Councillor Spenceley

THAT item 9.2 be recommitted for the purpose of adding the specific report date in part 3 of the Motion.

The Procedural Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 1

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

Against: Councillor Gibson

Absent: Nil

14. RESOLVED:

THAT item 9.2 be recommitted for the purpose of adding the specific report date in part 3 of the Motion.

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

- 1. THAT** Council notes the submissions received and the issues raised during the exhibition.
- 2. THAT** Council notes the strong community feedback on the height and scale of the existing report received during the recent election.
- 3. THAT** Council does not adopt the Future Directions Report (dated 22 February 2021), as amended, as the strategic development framework for the Neutral Bay town centre.
- 4. THAT** That Council conduct a briefing on the rescission of the Future Directions Report prior to proceeding to Point 5 below.
- 5. THAT** Council adds to its program and budget, the creation of an updated strategic development framework for the Military Road Corridor including Neutral Bay centre by engaging with the community and stakeholders to prepare a revised recommendation that has a better balance between development height and the provision of additional public open space.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 1

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

Against: Councillor Gibson

Absent: Nil

15. RESOLVED:

- 1. THAT** Council notes the submissions received and the issues raised during the exhibition.
- 2. THAT** Council notes the strong community feedback on the height and scale of the existing report received during the recent election.
- 3. THAT** Council does not adopt the Future Directions Report (dated 22 February 2021), as amended, as the strategic development framework for the Neutral Bay town centre.
- 4. THAT** That Council conduct a briefing on the rescission of the Future Directions Report prior to proceeding to Point 5 below.
- 5. THAT** Council adds to its program and budget, the creation of an updated strategic development framework for the Military Road Corridor including Neutral Bay centre by engaging with the community and stakeholders to prepare a revised recommendation that has a better balance between development height and the provision of additional public open space.

9.1. Notice of Motion 1/22 by Councillor Spenceley - Upgrading Council Chambers IT and Video Streaming Infrastructure

THAT a report be presented to Council identifying the options and cost to upgrade Council Chambers IT infrastructure and video streaming equipment with the intent of implementing improvement as a matter of urgency.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

16. RESOLVED:

- 1. THAT** a report be presented to Council identifying the options and cost to upgrade Council Chambers IT infrastructure and video streaming equipment with the intent of implementing improvement as a matter of urgency.

9.3. Notice of Motion No 3/22 by Councillor Councillors Baker, Beregi, Bourke, Lamb, Santer and Welch: Holt Avenue (East) – Interim Heritage Order and review of heritage conservation area

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

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

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

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

17. RESOLVED:

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

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

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

9.4. Notice of Motion 4/22 by Councillors Baker, Beregi, Bourke, Lamb, Santer and Welch: Cremorne Orpheum Cinema – State heritage significance

1. THAT Council seek urgent heritage advice in relation to the heritage significance of the Cremorne Orpheum Cinema and its curtilage, in particular, whether State heritage listing is appropriate to protect this important local heritage item.

2. THAT such advice be sought as part of the heritage advice to be obtained in respect of the Parraween Street, Cremorne cottages and surrounds under the resolution of Council at the meeting held on 10 January 2022.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

18. RESOLVED:

1. THAT Council seek urgent heritage advice in relation to the heritage significance of the Cremorne Orpheum Cinema and its curtilage, in particular, whether State heritage listing is appropriate to protect this important local heritage item.

2. THAT such advice be sought as part of the heritage advice to be obtained in respect of the Parraween Street, Cremorne cottages and surrounds under the resolution of Council at the meeting held on 10 January 2022.

9.5. Notice of Motion 5/22 by Councillors Baker, Beregi, Bourke, Lamb, Santer and Welch: St Leonards/Crows Nest 2036 Plan – maximum heights on Pacific Highway

1. THAT Council reiterate its strong opposition to the significant increases to the exhibited maximum heights on at least 29 sites, and particularly to the maximum heights along the western side of the Pacific Highway, under the 2036 Plan.

2. THAT Council condemns the significant adverse amenity impacts of the increased heights along the western side of the Pacific Highway on residents and properties of St Leonards, Crows Nest and the eastern slopes of Wollstonecraft.

3. THAT Council seek immediate amendments to the final adopted 2036 Plan to return the maximum heights, which were increased following community consultation and exhibition of the Draft 2036 Plan, to the exhibited heights.

4. THAT Council note that there are currently at least two Planning Proposals submitted to Council that seek heights in excess of the exhibited heights under the Draft 2036 Plan.

5. THAT Council write to Lane Cove and Willoughby Councils seeking support for a joint delegation to the Minister for Planning in relation to the maximum heights under the 2036

Plan and the operation of the State Infrastructure Contributions within the 2036 Plan boundaries.

6. THAT Council provide a copy of this resolution to the immediately impacted Precincts including Wollstonecraft, Holtermann and Hayberry Precincts and to the Combined Precincts Committee. The Motion was moved by Councillor Beregi and seconded by Councillor Gibson.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

19. RESOLVED:

1. THAT Council reiterate its strong opposition to the significant increases to the exhibited maximum heights on at least 29 sites, and particularly to the maximum heights along the western side of the Pacific Highway, under the 2036 Plan.

2. THAT Council condemns the significant adverse amenity impacts of the increased heights along the western side of the Pacific Highway on residents and properties of St Leonards, Crows Nest and the eastern slopes of Wollstonecraft.

3. THAT Council seek immediate amendments to the final adopted 2036 Plan to return the maximum heights, which were increased following community consultation and exhibition of the Draft 2036 Plan, to the exhibited heights.

4. THAT Council note that there are currently at least two Planning Proposals submitted to Council that seek heights in excess of the exhibited heights under the Draft 2036 Plan.

5. THAT Council write to Lane Cove and Willoughby Councils seeking support for a joint delegation to the Minister for Planning in relation to the maximum heights under the 2036 Plan and the operation of the State Infrastructure Contributions within the 2036 Plan boundaries.

6. THAT Council provide a copy of this resolution to the immediately impacted Precincts including Wollstonecraft, Holtermann and Hayberry Precincts and to the Combined Precincts Committee.

9.6. Notice of Motion 6/22 by Councillors Baker, Beregi, Santer, Welch, Bourke and Lamb: Western Harbour Tunnel/Northern Beaches Link Projects

1. THAT Council reinstate its strong opposition to the WHT/NBL projects due to the devastating impacts of the proposed projects on the North Sydney Local Government Area and the absence of any public benefit to be gained from the projects and for the following reasons:

- a) the lack of a business case for the project
- b) the lack of meaningful community consultation

- c) the lack of alternative transport options including public transport
- d) the lack of filtering in the proposed exhaust stacks
- e) significant and devastating loss of public open space and future open space, loss of sporting facilities, loss of trees and canopy, loss of stormwater harvesting and water treatment infrastructure
- f) significant adverse impacts on public health and wellbeing, particularly on schools, school children and residents
- g) devastating environmental impacts on waterways, reserves, flora and fauna
- h) inappropriate and untested mitigation measures
- i) significant adverse impacts on aboriginal heritage and maritime
- j) environment
- k) the substantial increase in traffic flows through arterial and surface roads in the North Sydney CBD and LGA more generally.

2. THAT Council continue and escalate the current campaign informed by the position set out in Part 1 above.

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

1. THAT Council reinstate its strong opposition to the WHT/NBL projects due to the devastating impacts of the proposed projects on the North Sydney Local Government Area and the absence of any public benefit to be gained from the projects and for the following reasons:

- a. the lack of a business case for the project
- b. the lack of meaningful community consultation
- c. the lack of alternative transport options including public transport
- d. the lack of filtering in the proposed exhaust stacks
- e. significant and devastating loss of public open space and future open space, loss of sporting facilities, loss of trees and canopy, loss of stormwater harvesting and water treatment infrastructure
- f. significant adverse impacts on public health and wellbeing, particularly on schools, school children and residents
- g. devastating environmental impacts on waterways, reserves, flora and fauna
- h. inappropriate and untested mitigation measures
- i. significant adverse impacts on aboriginal heritage and maritime environment
- j. the substantial increase in traffic flows through arterial and surface roads in the North Sydney CBD, including Berry Street and Miller Place, and LGA more generally.

2. THAT Council continue and escalate the current campaign informed by the position set out in Part 1 above.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

20. RESOLVED:

1. THAT Council reinstate its strong opposition to the WHT/NBL projects due to the devastating impacts of the proposed projects on the North Sydney Local Government Area and the absence of any public benefit to be gained from the projects and for the following reasons:

- a. the lack of a business case for the project
- b. the lack of meaningful community consultation
- c. the lack of alternative transport options including public transport
- d. the lack of filtering in the proposed exhaust stacks
- e. significant and devastating loss of public open space and future open space, loss of sporting facilities, loss of trees and canopy, loss of stormwater harvesting and water treatment infrastructure
- f. significant adverse impacts on public health and wellbeing, particularly on schools, school children and residents
- g. devastating environmental impacts on waterways, reserves, flora and fauna
- h. inappropriate and untested mitigation measures
- i. significant adverse impacts on aboriginal heritage and maritime environment
- j. the substantial increase in traffic flows through arterial and surface roads in the North Sydney CBD, including Berry Street and Miller Place, and LGA more generally.

2. THAT Council continue and escalate the current campaign informed by the position set out in Part 1 above.

9.7. Notice of Motion 7/22 by Councillors Baker, Beregi, Bourke, Lamb, Santer and Welch: Early Works Warringah Freeway Upgrade and Western Harbour Tunnel – impacts on Cammeray Park and management of contamination and compliance issues

1. THAT Council notes that:

- a) The Detailed Site Investigation reports published by TfNSW under the development consent have identified contaminants at the construction site at Cammeray Park including the following:
 - lead hotspots - lead was found at TP09 at 5,300mg/kg and at TP12 at 1,900 mg/kg
 - Asbestos
 - Carcinogenic benzo(a)pyrene at high levels - up to 40mg/kg in samples tested for the areas for the current construction works.

- b) The 2014 contamination report prepared on behalf of North Sydney Council for the remediation works for the synthetic surface at Cammeray Oval - which adjoins the current works site- noted that there will be toxic metals from respirable fly ash on the site.
- c) The site is surrounded by sensitive residential dwellings and schools and is part of an important regional water catchment ultimately feeding into Middle Harbour.

2. THAT Council seek urgent legal advice in relation to:

- a) whether Council should be recognised as the principal affected party with an interest in the reserve and requiring compensation under the Land Acquisition (Just Terms Compensation) Act 1991;
- b) whether the early works being undertaken on Cammeray Park are permitted in the context of the dedication of the site for the purpose of “public recreation”; and
- c) the processes and steps for revocation and re-dedication of the reserve, including timelines, and the planning and approval pathways for any modifications to the reserve including the rainwater harvesting facility.

3. THAT in light of 1 above, Council obtain urgent legal advice in relation to contamination issues and compliance with the conditions of consent for the Warringah Freeway Upgrade Works and WHT. In seeking such advice, Council be informed by the various submissions prepared by WEPA and submitted to the Department of Planning and the various expert and schools submissions made to the Parliamentary Inquiry into the Impacts of the Western Harbor Tunnel and Beaches Link.

4. THAT Council write urgently to the EPA, the Minister for the Environment and the Minister responsible for Crown Lands to report serious concerns in respect of contaminated land at Cammeray Park and provide copies of all relevant reports relating to contamination of the Park including, but not limited, to the 2014 reports prepared as part of Council’s work on the synthetic surface at Cammeray Oval.

5. THAT Council urgently write to the Minister for Roads, the Minister for the Environment and the Minister for Planning demanding a halt to all destruction and removal of vegetation and trees in Cammeray Park, Anzac Park and St Leonards Park.

6. THAT Council write to Department of Planning and TfNSW to request that:

- a) The conditions of consent are tightened to ensure that:
 - i. Site Inspection reports are completed and issued **before** work commences;
 - ii. that the land is classified as recreational land not industrial land;
 - iii. that controls are put into place to assure the safety of surrounding land and not just the construction site itself, as the current conditions are oriented to the construction areas and not the surrounding community; and
 - iv. an undertaking that the land will be able to be returned for recreational use following the completion of any works.
- b) That TfNSW halt negotiations with the Cammeray Golf Club until strategic planning processes are completed.
- c) TfNSW develop a design for trafficable routes.

- d) TfNSW engage with North Sydney Council in developing the open space and active transport plan for the area.

7. THAT Council take all steps necessary to require the Sydney Project Alliance and TfNSW:

- (a) protect Cammeray Park and the surrounding residential premises and schools from the construction works including the movement of trucks carrying contaminated fill; and monitor contaminants within the broader water catchment from Cammeray Park to Middle Harbour and take all measures to prevent contamination of the water catchment.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

21. RESOLVED:

1. THAT Council notes that:

- a) The Detailed Site Investigation reports published by TfNSW under the development consent have identified contaminants at the construction site at Cammeray Park including the following:
- lead hotspots - lead was found at TP09 at 5,300mg/kg and at TP12 at 1,900 mg/kg
 - Asbestos
 - Carcinogenic benzo(a)pyrene at high levels - up to 40mg/kg in samples tested for the areas for the current construction works.
- b) The 2014 contamination report prepared on behalf of North Sydney Council for the remediation works for the synthetic surface at Cammeray Oval - which adjoins the current works site- noted that there will be toxic metals from respirable fly ash on the site.
- c) The site is surrounded by sensitive residential dwellings and schools and is part of an important regional water catchment ultimately feeding into Middle Harbour.

2. THAT Council seek urgent legal advice in relation to:

- a) whether Council should be recognised as the principal affected party with an interest in the reserve and requiring compensation under the Land Acquisition (Just Terms Compensation) Act 1991;

- b) whether the early works being undertaken on Cammeray Park are permitted in the context of the dedication of the site for the purpose of “public recreation”; and
- c) the processes and steps for revocation and re-dedication of the reserve, including timelines, and the planning and approval pathways for any modifications to the reserve including the rainwater harvesting facility.

3. THAT in light of 1 above, Council obtain urgent legal advice in relation to contamination issues and compliance with the conditions of consent for the Warringah Freeway Upgrade Works and WHT. In seeking such advice, Council be informed by the various submissions prepared by WEPA and submitted to the Department of Planning and the various expert and schools submissions made to the Parliamentary Inquiry into the Impacts of the Western Harbor Tunnel and Beaches Link.

4. THAT Council write urgently to the EPA, the Minister for the Environment and the Minister responsible for Crown Lands to report serious concerns in respect of contaminated land at Cammeray Park and provide copies of all relevant reports relating to contamination of the Park including, but not limited, to the 2014 reports prepared as part of Council’s work on the synthetic surface at Cammeray Oval.

5. THAT Council urgently write to the Minister for Roads, the Minister for the Environment and the Minister for Planning demanding a halt to all destruction and removal of vegetation and trees in Cammeray Park, Anzac Park and St Leonards Park.

6. THAT Council write to Department of Planning and TfNSW to request that:

- a) The conditions of consent are tightened to ensure that:
 - i. Site Inspection reports are completed and issued **before** work commences;
 - ii. that the land is classified as recreational land not industrial land;
 - iii. that controls are put into place to assure the safety of surrounding land and not just the construction site itself, as the current conditions are oriented to the construction areas and not the surrounding community; and
 - iv. an undertaking that the land will be able to be returned for recreational use following the completion of any works.
- b) That TfNSW halt negotiations with the Cammeray Golf Club until strategic planning processes are completed.
- c) TfNSW develop a design for trafficable routes.
- d) TfNSW engage with North Sydney Council in developing the open space and active transport plan for the area.

7. THAT Council take all steps necessary to require the Sydney Project Alliance and TfNSW:

- (a) protect Cammeray Park and the surrounding residential premises and schools from the construction works including the movement of trucks carrying contaminated fill; and monitor contaminants within the broader water catchment from Cammeray Park to Middle Harbour and take all measures to prevent contamination of the water catchment.

**9.8. Notice of Motion 8/22 by Councillors Baker, Beregi, Santer and Welch:
On-going compliance issues at 6 John Street, McMahons Point (Noakes’
Boatyard)**

1. THAT Council be provided with an urgent report on the status of compliance issues, investigations and actions to enforce the conditions of consent of DA 1164/90 for redevelopment of the existing boat maintenance facility at 6 John Street, McMahons Point and compliance with the terms of the s34 agreement and subsequent Court Orders made by the Court in respect of Land and Environment Court Proceedings No. 2020/00122833, including, but not limited to, the enforcement of:

- (a) the public benefit condition D51 which required the developer to "provide a public jetty extending from land below John Street, approximately in the location of the former sea baths, subject to the design and position being acceptable to Council";
- (b) the numbers of boats to be permitted on the site at any time;
- (c) the unauthorised caretaker’s cottage and other unauthorised structures; and
- (d) environmental and operational conditions including noise standards and industrial equipment.

2. THAT Council be provided with an urgent report on the status of compliance issues, investigations and actions relating to fire safety at 6 John Street, McMahons Point including issues relating to access to and egress from the site for fire trucks and emergency and the storage and use of flammable chemicals and materials.

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

The Motion was put and **Carried**.

Voting was as follows: For/Against 10 / 0

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

Against: Nil

Absent: Nil

22. RESOLVED:

1. THAT Council be provided with an urgent report on the status of compliance issues, investigations and actions to enforce the conditions of consent of DA 1164/90 for redevelopment of the existing boat maintenance facility at 6 John Street, McMahons Point and compliance with the terms of the s34 agreement and subsequent Court Orders made by the Court in respect of Land and Environment Court Proceedings No. 2020/00122833, including, but not limited to, the enforcement of:

- (a) the public benefit condition D51 which required the developer to "provide a public jetty extending from land below John Street, approximately in the location of the former sea baths, subject to the design and position being acceptable to Council";
- (b) the numbers of boats to be permitted on the site at any time;
- (c) the unauthorised caretaker's cottage and other unauthorised structures; and
- (d) environmental and operational conditions including noise standards and industrial equipment.

2. THAT Council be provided with an urgent report on the status of compliance issues, investigations and actions relating to fire safety at 6 John Street, McMahons Point including issues relating to access to and egress from the site for fire trucks and emergency and the storage and use of flammable chemicals and materials.

9.9. Notice of Motion 9/22 by Councillors Baker, Beregi, Santer and Welch: Council meeting schedule 2022

1. THAT Council resolve to amend the draft 2022 schedule of Council meetings adopted at the 25 October 2021 Council meeting.

2. THAT as of 24 January 2022, Council resolve to hold Council meetings fortnightly during 2022 (allowances have been made for the Easter/Anzac Day break, the ALGA conference).

3. THAT the following schedule of Council meetings be adopted by Council for 2022:

- Monday 7 February 2022
- Monday 21 February 2022
- Monday 7 March 2022
- Monday 21 March 2022
- Monday 4 April 2022
- Tuesday 26 April 2022
- Monday 9 May 2022
- Monday 23 May 2022
- Monday 6 June 2022
- Monday 27 June 2022
- Monday 11 July 2022
- Monday 25 July 2022
- Monday 8 August 2022
- Monday 22 August 2022
- Monday 5 September 2022
- Monday 19 September 2022
- Tuesday 4 October 2022
- Monday 17 October 2022
- Monday 31 October 2022
- Monday 14 November 2022
- Monday 28 November 2022
- Monday 12 December 2022

4. THAT a report be provided to the next Council meeting with proposed dates for Committee meetings to work within the new Council meeting framework including the option of holding committee meetings within Council meetings.

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

1. THAT Council resolve to place on public exhibition for 42 days the following proposed Council Meeting schedule and practice for 2022:

- a) That Council meetings be held twice a month except in January where one meeting will be held.
- b) That the Business Papers are made available to the governing body and placed on the Council's website in such a way as to ensure the Business Paper is available two weekends prior to the Council Meeting.
- c) That the Legal and Planning Committee and the Governance and Finance Committee be abolished and the matters previously reported to those Committee Meetings be integrated into Council Meetings.
- d) That in the week prior to a Council meeting where appropriate Councillor Briefings in relation to the items on the Business Paper can be held.
- e) That Councillor briefings be webcast and open to the public subject to s10A guidelines and the requirements of the other Acts.

2. THAT following the exhibition period a report be prepared to Council in relation to the adoption of the meeting schedule for 2022 and the Code of Meeting Practice.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

23. RESOLVED:

1. THAT Council resolve to place on public exhibition for 42 days the following proposed Council Meeting schedule and practice for 2022:

- a) That Council meetings be held twice a month except in January where one meeting will be held.
- b) That the Business Papers are made available to the governing body and placed on the Council's website in such a way as to ensure the Business Paper is available two weekends prior to the Council Meeting.
- c) That the Legal and Planning Committee and the Governance and Finance Committee be abolished and the matters previously reported to those Committee Meetings be integrated into Council Meetings.
- d) That in the week prior to a Council meeting where appropriate Councillor Briefings in relation to the items on the Business Paper can be held.

e) That Councillor briefings be webcast and open to the public subject to s10A guidelines and the requirements of the other Acts.

2. THAT following the exhibition period a report be prepared to Council in relation to the adoption of the meeting schedule for 2022 and the Code of Meeting Practice.

Procedural Motion

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

1.THAT Councillor Drummond be permitted to participate in the Council Meeting with audio only due to technical difficulties for the remainder of the meeting.

The Procedural Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

24. RESOLVED:

1.THAT Councillor Drummond be permitted to participate in the Council Meeting with audio only due to technical difficulties for the remainder of the meeting.

9.10. Notice of Motion 10/22 sponsored by Councillors Beregi and Welch: Rapid Antigen Testing

1. THAT all attendees, staff, visitors, and Councillors to North Sydney Council Meetings have a negative rapid antigen test before entering the Council chambers.

2. THAT if Rapid antigen tests are unable to be sourced then the meeting should be held by livestream.

3. THAT this motion be reviewed in 3 months' time.

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

An Amendment was moved by Councillor Drummond and seconded by Councillor Lamb.

1. THAT all attendees, staff, visitors, and Councillors to North Sydney Council Meetings provide evidence or declaration of a negative rapid antigen test taken within the previous two days (or a negative PCR test within the previous four days) before entering the Council chambers.

2. THAT if Rapid antigen tests are unable to be sourced then the meeting should be held by remote or hybrid meeting.

3. **THAT** a further report be presented to Council regarding the potential for Council to administer the tests.
4. **THAT** this motion be reviewed in 3 months' time.

The Amendment was put and **Carried**.

Voting was as follows:

For/Against 6 / 4

- For:** Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Santer, Councillor Spenceley and Councillor Mutton
- Against:** Councillor Baker, Councillor Beregi, Councillor Lamb and Councillor Welch
- Absent:** Nil

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

Voting was as follows:

For/Against 10 / 0

- For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch
- Against:** Nil
- Absent:** Nil

25. RESOLVED:

1. **THAT** all attendees, staff, visitors, and Councillors to North Sydney Council Meetings provide evidence or declaration of a negative rapid antigen test taken within the previous two days (or a negative PCR test within the previous four days) before entering the Council chambers.
2. **THAT** if Rapid antigen tests are unable to be sourced then the meeting should be held by remote or hybrid meeting.
3. **THAT** a further report be presented to Council regarding the potential for Council to administer the tests.
4. **THAT** this motion be reviewed in 3 months' time.

Matter of Urgency – Bradfield Park

Councillor Mutton sought leave to move the following Motion as a matter of urgency

1. **THAT** Council in the strongest possible terms reject the schemes proposed for Bradfield Park North
2. **THAT** Council support the proposed concept plan for Bradfield Park Central
3. **THAT** Council make urgent representations to the highest levels of the NSW Government seeking that:

1. TfNSW pauses working on schemes for Bradfield Park North
2. TfNSW work with Council to develop the concept plan for Bradfield Park Central

The Mayor accepted the matter as urgent.

It was moved by Councillor Gibson and seconded by Councillor Beregi

THAT leave be given to consider the matter of urgency

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

26. RESOLVED:

1. THAT leave be given to consider the matter of urgency

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

- 1. THAT** the provision of a rideable bike ramp is and remains a high priority for NSC.
- 2. THAT** Council seek to urgently work with TfNSW to refine the design.
- 3. THAT** any final concept must address the following:

- a. The heritage advice from the NSW Heritage Council and other Heritage authorities that does not support the impacts on Bradfield Park North, the loss of open space and the disastrous impacts on the heritage item, that being the Sydney Harbour Bridge itself.
- b. That TfNSW amend any winning design to avoid cyclists exiting the ramp in Bradfield Park North and address issues which funnel cyclist onto Middlemiss Street and into the roundabout at Lavender and Alfred Streets.
- c. That TfNSW note that the Council is not seeking a delay but is seeking a solution which avoids the devastating impacts on the heritage items and on public open space.
- d. That Council urge TfNSW that in addressing the solution consideration is given to the submissions made by members of the public which avoid the impacts on Bradfield Park North and the Sydney Harbour Bridge and outlines how this cycleway will link to existing cycle routes on the Pacific Highway and Warringah Freeway.

Councillor Spenceley left the meeting at 9.23pm

Councillor Spenceley returned to the meeting at 9.29pm

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

27. RESOLVED:

- 1. THAT** the provision of a rideable bike ramp is and remains a high priority for NSC.
- 2. THAT** Council seek to urgently work with TfNSW to refine the design.
- 3. THAT** any final concept must address the following:

- a. The heritage advice from the NSW Heritage Council and other Heritage authorities that does not support the impacts on Bradfield Park North, the loss of open space and the disastrous impacts on the heritage item, that being the Sydney Harbour Bridge itself.
- b. That TfNSW amend any winning design to avoid cyclists exiting the ramp in Bradfield Park North and address issues which funnel cyclist onto Middlemiss Street and into the roundabout at Lavender and Alfred Streets.
- c. That TfNSW note that the Council is not seeking a delay but is seeking a solution which avoids the devastating impacts on the heritage items and on public open space.
- d. That Council urge TfNSW that in addressing the solution consideration is given to the submissions made by members of the public which avoid the impacts on Bradfield Park North and the Sydney Harbour Bridge and outlines how this cycleway will link to existing cycle routes on the Pacific Highway and Warringah Freeway.

10. Confidential Matters

10.1. NSOP Redevelopment Loan Proposal

AUTHOR: Margaret Palmer, Director Corporate Services

At the Council meeting held on 28 September 2020 it was resolved:

- 1. THAT Council accept TCorp's revised loan offer dated 5 August 2020.*
- 2. THAT the General Manager be authorised to do all things necessary to finalise the loan facility including establishing the number and timing of drawdowns.*
- 3. THAT prior to the first drawdown being made, comparative rates be invited from major banks to ensure TCorp rates remain competitive.*
- 4. THAT this confidential report relating to matters specified in Sections 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise.*

Council has been able to access TCorp's limited local government loan fund pool following NSW Government and TCorp approval. This enables Council to effectively access borrowing at a fixed margin above NSW Government wholesale rate.

RECOMMENDATION:

1. THAT the meeting be closed to the public in accordance with Section 10A(2) (d): Commercial information of a confidential nature that would, if disclosed;

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of the Council, or
- (iii) reveal a trade secret.

and because consideration of the matter in open Council would be, on balance, contrary to the public interest.

2. THAT the report be treated as confidential and remain confidential unless Council determines otherwise.

A Motion was moved by Councillor Beregi and seconded by Councillor Spenceley

1. THAT the matter be deferred for a Councillor briefing.

2. THAT prior to the Councillor briefing Councillors be provided with all relevant reports including the lease agreement with Mr Drakopoulos.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

28. RESOLVED:

1. THAT the matter be deferred for a Councillor briefing.

2. THAT prior to the Councillor briefing Councillors be provided with all relevant reports including the lease agreement with Mr Drakopoulos.

11. Closure

The Meeting concluded at 9.44pm.