

8.1. Matters Outstanding April 2022

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ATTACHMENTS:

1. Matters Outstanding - April 2022 [**8.1.1** - 18 pages]

PURPOSE:

To report to Council on the status of Councillor resolutions.

EXECUTIVE SUMMARY:

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

The attached table has been updated to include resolutions up to the 28 March 2022 Ordinary Meeting of Council.

FINANCIAL IMPLICATIONS:

Nil

RECOMMENDATION:

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

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

5. Our Civic Leadership

5.2 Council is well governed, and customer focused

BACKGROUND

The previous report to Council on this matter was on 28 March 2022.

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

Attached is the updated table of outstanding resolutions for the information of Council.

ATTACHMENT 1



REPORT TO THE COUNCIL MEETING OF 26 APRIL ON MATTERS OUTSTANDING FROM NOTICES OF MOTION OR COUNCILLOR REQUESTS FOR ACTION, UP TO THE 28 MARCH 2022 MEETING

	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
1.	24/08/20 (Min. No. 99)	6.2 MM02: A Parking Policy to Meet Community Expectations	1. THAT Council reviews the residential and non-residential parking rates in the Car Parking and Transport section of the North Sydney Council Development Control Plan, and that the review include extensive community consultation, with balanced information about the impacts of parking controls within new developments.	CiS	Discussion paper Oct 2021. Project completion date Jun 2022	A Councillor Briefing was held on 29 March 2021 with a further briefing scheduled for 12 April 2022. A further briefing is scheduled for 2 May 2022. A project plan and engagement strategy are currently being devised. Furthermore, a discussion paper is being prepared for the purposes of public exhibition.
2.	22/03/21 (Min. No. 34)	6.2. MM02 Parking Review	1. THAT the Traffic Department prepare a report outlining how greater equity in parking permit allocation can be achieved. 2. THAT the report includes a methodology to trial increased permit allocation for apartment dwellers to match permit allocation for detached dwellings in a small	EPS	Aug 2022	Report to be prepared. NB there are significant staff vacancies in Traffic & transport Parking and CiS that impacting on work loads

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			area so that the impact can be assessed. 3. THAT consideration also be given to small business.			
3.	23/8/21 (Min. No 208 & 209)	9.1. Notice of Motion 14/21 by Councillors Mutton and Keen - Berrys Bay	1. THAT Council resolves to constitute a delegation of three Councillors, headed by the Mayor, to meet with the Premier to seek to have the NSW Government as soon as possible and prior to the commencement of the proposed tunnel project to transfer the land on the Western side of Berrys Bay (being Lot 21 in DP 1048933 (inclusive of consolidating the adjacent reclaimed portion [6171112 approx.], Lots 101 and 102 in DP 1162896, Lot 104 in DP 1162898 and Lots 1, 2 and 3 in DP 181235) to Council. 1. THAT the delegation established by item 9.1 comprise the Mayor, Councillor Keen and Councillor Mutton.	OSE	Apr 2022	Letter sent in December 2021 requesting meeting with the Premier. Transfer of the land was subsequently addressed in a draft MOU. Consideration of the MOU was deferred pending further consultation. MOU re reported to Council after community consultation in April COMPLETED
4.	23/8/21 (Min. No 214)	9.6. Notice of Motion No. 19/21 by Councillors Keen and Mutton - Bike Jumps	1. THAT Council look for suitable bike jumps within the North Sydney Area, noting that these are separate to official cycleways.	OSE	May 2022	Report being prepared next Sport & Recreation Reference Group meeting, provisionally scheduled for May 2022.

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	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
			2. THAT Council report back through the Sport and Recreation Reference Group to determine the best locations including consideration of the southern end of Forsyth Park and discuss how to progress this for the North Sydney residents.			
5.	27/9/21	6.4. MM04: Vale Jim Saad– Sixty Years a Shoemaker	1. THAT Council install a small, appropriate memorial near the Milsons Point station, possibly a small tree with a plaque.	OSE	Apr 2022	Words for plaque being drafted by family. When the information is provided a plaque will be prepared and attached to a seat at a suitable location
6.	24/01/22 (Min. No 17)	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, 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,	CiS	Jun 2022	IHO gazetted on 11 March 2022. Report presented to the Legal and Planning Committee on 14 March 2022. Work will commence on identifying the heritage value of the subject properties by the consultants and permanent protection, if warranted. A report to Council on the progress of the matter is anticipated for June 2022

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			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.			
7.	24/01/22 (Min. No 18)	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.	CiS	Jun 2022	Report presented to the Legal and Planning Committee on 14 March 2022. Procurement of heritage consultants is being undertaken as at March 2022 and subject to receiving the information requested that matter will be reported back to Council.
8.	24/01/22 (Min. No 20)	9.6 Notice of Motion 6/22 by Councillors Baker, Beregi, Santer, Welch, Bourke and Lamb: Western Harbour	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	CiS	Ongoing	

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		Tunnel/Northern Beaches Link Projects	be gained from the projects and for the following reasons: <ul style="list-style-type: none"> 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 			

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			<p>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.</p> <p>2. THAT Council continue and escalate the current campaign informed by the position set out in Part 1 above.</p>			
9.	24/01/22 (Min. No 21)	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	<p>1. THAT Council notes that:</p> <p>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:</p> <ul style="list-style-type: none"> • 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. <p>b) The 2014 contamination report prepared on behalf of North</p>	CiS	Ongoing	<p>The responsibility for dealing with contaminants rests with TfNSW and relevant contractors. The first point of referral for concerns is the Independent auditor employed by the delivery agency with an escalation point to The DPE. DPE also has the authority to require the site to undertake rectification work. If there is unexpected contamination not identified in the EIS, the matter is referred to the NSW Environment Protection Authority (EPA).</p> <p>2) and 3) Seeking legal advice, scope is in the process of being prepared</p> <p>4), 5) and 6) Letter drafted due to be sent out</p>

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	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
			<p>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.</p> <p>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.</p> <p>2. THAT Council seek urgent legal advice in relation to:</p> <p>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;</p> <p>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”;</p> <p>and</p> <p>c) the processes and steps for revocation and re-dedication of the reserve, including timelines, and the planning and approval</p>			<p>7) Due to Council’s inability to regulate these sites Council engaged a Public Projects Interface Manager who, with other relevant staff, have been liaising with the relevant stakeholders including sections of DPE regarding concerns raised</p>

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	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
			<p>pathways for any modifications to the reserve including the rainwater harvesting facility.</p> <p>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.</p> <p>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.</p>			

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			<p>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.</p> <p>6. THAT Council write to Department of Planning and TfNSW to request that:</p> <p>a) The conditions of consent are tightened to ensure that:</p> <p>i. Site Inspection reports are completed and issued before work commences;</p> <p>ii. that the land is classified as recreational land not industrial land;</p> <p>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</p> <p>iv. an undertaking that the land will be able to be returned for recreational use following the completion of any works.</p>			

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			<p>b) That TfNSW halt negotiations with the Cammeray Golf Club until strategic planning processes are completed.</p> <p>c) TfNSW develop a design for trafficable routes.</p> <p>d) TfNSW engage with North Sydney Council in developing the open space and active transport plan for the area.</p> <p>7. THAT Council take all steps necessary to require the Sydney Project Alliance and TfNSW:</p> <p>(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.</p>			
10.	24/01/22 (Min. No 23)	9.9. Notice of Motion 9/22 by Councillors Baker, Beregi, Santer and Welch: Council	1. THAT Council resolve to place on public exhibition for 42 days the following proposed Council Meeting schedule and practice for 2022:	GOV	Jun 2022	Public exhibition conducted. Outcome to be reported to Council following a briefing with Councillors

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		meeting schedule 2022	<ul style="list-style-type: none"> 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. 			

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	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
			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.			
11.	21/02/22	9.3 Notice of Motion 13/22 - Outdoor Gyms - Crs Drummond & Lamb	1.THAT Council provide a report identifying locations for new outdoor gym stations. 2.THAT Council consider in the upcoming budget the inclusion of more outdoor gym stations, particularly in proximity to children's play areas and cycling routes.	OSE	May 2022	Report being prepared for next Sport and Recreational Reference Group meeting scheduled for May 2022.
12.	21/02/22	9.4 Notice of Motion 14/22 - Uluru Statement from the Heart - Crs Welch, Baker, Beregi, Lamb and Santer	1.THAT North Sydney Council accepts the invitation of the Uluru Statement from the Heart and: <ul style="list-style-type: none"> i. hears and supports the Aboriginal and Torres Strait Islander peoples' call for the establishment of a First Nations Voice to be enshrined in the Constitution and for a referendum on this matter; and ii. welcomes working with the First Nations Voice once established with respect to the development of relevant 	CLS		The Uluru Statement of the Heart has now been translated into ten languages as PDFs see bottom of the page here: North Sydney Council - Multiculturalism (nsw.gov.au) It is also on Council's website here: North Sydney Council - Aboriginal and Torres Strait Islander Community (nsw.gov.au) we'll look at ways to give it further prominence. COMPLETED

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			<p>local government policy and laws; and</p> <p>iii. looks forward to working with our constituents, other levels of governments and all Australians to take this next step in our shared future</p>			
13.	21/02/22	9.6 Notice of Motion 16/22 - Provision of Council suppers – Cr Gibson	THAT consideration of this matter be deferred subject to a report to Council on the costs.	GOV	Jun 2022	Report to be provided to Council following a briefing with Councillors
14.	28/03/22	9.1. Notice of Motion 19/22 - Cr Welch - Interim Heritage Order, 15 Allister St	<p>1. THAT Council obtain urgent advice as to an Interim Heritage Order being supported on 15 Allister Street, Cremorne.</p> <p>2. THAT Council receive the tabled petition in this matter.</p>	CiS		Procurement for this advice is under way.
15.	28/03/22	9.2. Notice of Motion 20/22 - Cr Spenceley - Site Specific Planning Proposals - Neutral Bay Town Centre	1. THAT this matter be deferred to allow a briefing to be conducted.	CiS		Councillor Briefing scheduled for 2 May 2022.
16.	28/03/22	9.3. Notice of Motion 21/22 - Cr Spenceley	1. THAT Council write to the Planning Minister, the Hon. Anthony Roberts.	CiS		Letter being finalised and will be sent imminently.

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	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
		- Bypass of Council's authority on planning	<p>2. THAT the letter to be addressed in Courtesy Copy (CC) to the State Members of Parliament covered by the LGA and directly adjacent to the LGA, the councillors, mayor and General Managers of adjacent LGAs and to the secretary of all active Precinct committees in the LGA.</p> <p>3. THAT the letter to outline that a local council is in the best position to create long term plans in line with residents desires, state goals and local infrastructure. Therefore Council objects to the continued erosion of council's ability to control its own planning and approvals. Citing appropriate examples such as Planning Proposal which can easily and simply bypass council for determination by regional planning, and the impact of the discussion paper 'A new approach to rezoning'.</p> <p>4. THAT Council requests for the planning minister and local members to demonstrate their support for well-run councils, with clear and well organised planning structures that are meeting the housing requirements targets set by state government to continue to be the authority on planning and approvals for their area and stop further</p>			

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			erosion of such a council's controls on planning and approvals. 5. THAT North Sydney Council believes this is an important public issue and will be a vocal advocate to its constituents on the impact of state government changes and encourages adjacent councils and precincts to do the same.			
17.	28/03/22	9.4. Notice of Motion 22/22 - Cr Spenceley - Public Communications Standard Software	<p>1. THAT Council, to the extent possible within the limitations of existing systems, ensures that all file formats used in its external communications and communications systems will not be operating system specific nor require specific commercial software to open.</p> <p>2. THAT Council immediately begins the process to change its DA tracking systems to no longer use the .msg format which is only available to either Windows platforms or with specific Microsoft software to use a generally acceptable cross platform and freely available standard such as PDF.</p> <p>3. THAT Council performs an audit of systems to confirm that there are no other platforms using software or platform specific formats to</p>	CoS/CiS		<p>1. A solution has been implemented to our DA Tracker software that ensures that all files displayed from our Document Management System through DA Tracker will utilise the "rendered" version from the system. This in effect means files are using a version converted to .pdf, the benchmark standard for document display on the web. The cost for this solution was covered by our existing IT budget</p> <p>2. As above, all .msg files will be displayed using the version of the file rendered to .pdf</p>

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			<p>communicate, provide or inform the general public.</p> <p>4. THAT Council adopts as its goal, to increase community participation and to make life easier for its community to be involved with, provide feedback to and be alerted by council, and all systems choices, processes and actions by Council should reflect this goal.</p> <p>5. THAT the principle of 4 above be integrated into future amendments to relevant IT, Open Access and Customer Service Policies and practices.</p>			<p>3. The noted audit will be part of the rollout of the new website platform, however initial reviews note that there are still some Microsoft files (notably Word and Excel) on the site that will need to be addressed through the delivery of the project</p> <p>4. This principle to be adopted as part of our Tender Evaluation Panels</p> <p>5. Review of appropriate Policies to be conducted and reported on separately for Council approval</p> <p>COMPLETED</p>
18.	28/03/22	9.5. Notice of Motion 23/22 - Cr Beregi - E-Scooter Trial	<p>1. THAT Council acknowledge and welcome the announcement by former Transport Minister, Rob Stokes MP on 28 November 2021 for a 12-month trial of e-scooters in consultation with local councils in 2022.</p> <p>2. THAT Council re-state its support for active and sustainable transport modes including cycling, e-bikes, scooter, e-scooters and other similar transport modes which reduce</p>	EPS	Apr 2022	<p>Letter sent 22 April 2022</p> <p>COMPLETED</p>

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			<p>traffic congestion, reduce reliance on private passenger vehicles, improve health and protect the environment.</p> <p>3. THAT Council write to Minister Rob Stokes MP, Minister for Infrastructure, Minister for Cities, and Minister for Active Transport, and Rob Sharp, Secretary of Transport for NSW requesting:</p> <ul style="list-style-type: none"> i) that North Sydney Council be selected as a Local Government Area for the trial. ii) that the State Government provide a regulatory framework similar that used in other states where e-scooters are already legal so as to ensure safety measures are mandatory and enforceable, noting that e-scooters, electric unicycles and electric skateboards are legal on bicycle paths, shared footpaths and local roads in Western Australia, Tasmania, Queensland and the Australian Capital Territory. iii) that the trial include residents who own, use and 			

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			are responsible for their own e-scooters. 4. THAT should Council be successful that Council promotes that this would be a 12 month trial.			
19.	28/03/22	9.6. Notice of Motion 24/22 - Cr Lamb - Sustainable Festival	1.THAT Council organise for a 'Sustainable' festival at the Coal Loader as it is our sustainable achievement of North Sydney. 2.THAT the inclusion of a festival be considered as part of the current budget deliberations	CoS/OSE	Jun 2022	Scope for the event currently being developed

KEN GOULDTHORP, General Manager

Legend:

GMO - General Manager's Office

CIS - City Strategy Division

CLS - Community and Library Services Division

COS - Corporate Services Division

EPS - Engineering and Property Services Division

OSE - Open Space and Environmental Services Division

MM - Mayoral Minute

MoU - Matter of Urgency

NoM - Notice of Motion

NoRM - Notice of Rescission Motion

Q - Question with/without Notice