

8.1. Matters Outstanding May 2022

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ATTACHMENTS:

1. Matters Outstanding - 23 May 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 26 April 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 26 April 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 23 MAY 2022 ON MATTERS OUTSTANDING FROM NOTICES OF MOTION OR COUNCILLOR REQUESTS FOR ACTION, UP TO THE 26 APRIL 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	TBA	Councillor Briefings were held on 29 March 2021 and 2 May 2022. It was suggested and agreed that given current resourcing challenges in the Transport area and that Council's parking policy framework is relatively robust, this work may be deferred until it can be properly resourced to achieve good and consultative outcomes.
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 area so that the impact can be assessed.	EPS	Aug 2022	Report to be prepared. NB there are significant staff vacancies in Traffic & Transport Parking and CiS that are impacting on work loads

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			3. THAT consideration also be given to small business.			
3.	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. 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.	OSE	Jul 2022	Report being prepared next Sport & Recreation Reference Group meeting, provisionally scheduled for May 2022.
4.	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.	GOV	Jun 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.
5.	10/01/22	Matter of Urgency – Creation of Heritage Conservation Area	1. THAT Council immediately commences a review of the creation of a Heritage Conservation Area, being the Parraween St Conservation Area to protect the characteristic buildings and history for the row of late 1800's and early 1900's federation detached and semi-detached cottages on the northern side of Parraween Street that extends from Paling Street to Macpherson Street.	CiS	Aug 2022	A report was prepared for the Legal and Planning Committee meeting of 14 March 2022 which outlined that there was no imminent threat of harm to those properties along Parraween Street and therefore an IHO could not be pursued. A consultant has been appointed to prepare the heritage

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			2. THAT Council urgently receives appropriate advice by a person with the required knowledge and skills to assess if Council can establish an Interim Heritage Order (IHO) for the above properties to cover the period while Council reviews the establishment of the Heritage Conservation Area.			conservation area analysis with a 3 month deliverable.
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, 123, 125 and 131, 133 Holt Avenue, Cremorne and be informed by the provisions relating to Mosman	CiS	Jun 2022	IHO gazetted on 11 March 2022. Report presented to the Legal and Planning Committee on 14 March 2022. Work has commenced 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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	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
			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	Aug 2022	Report presented to the Legal and Planning Committee on 14 March 2022. A consultant was appointed in the week starting 25/4/22 to prepare the heritage conservation area analysis, with a 3 month deliverable
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 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:	CiS	Ongoing	

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			<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 j. the substantial increase in traffic flows through arterial 			

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			<p>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 Sydney Council for the remediation works for the</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> <p>7) Due to Council's inability to regulate these sites Council</p>

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			<p>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”; and</p> <p>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</p>			<p>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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			<p>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> <p>5. THAT Council urgently write to the Minister for Roads, the Minister for</p>			

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			<p>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> <p>b) That TfNSW halt negotiations with the Cammeray</p>			

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			<p>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 meeting schedule 2022	<p>1. THAT Council resolve to place on public exhibition for 42 days the following proposed Council Meeting schedule and practice for 2022:</p> <p>a) That Council meetings be held twice a month except in</p>	GOV	Jun 2022	Public exhibition conducted. Outcome to be reported to Council following a briefing with Councillors

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			<p>January where one meeting will be held.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>e) That Councillor briefings be webcast and open to the public subject to s10A guidelines and the requirements of the other Acts.</p> <p>2. THAT following the exhibition period a report be prepared to</p>			

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	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
			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	Jun 2022	Report presented to Sport and Recreational Reference Group meeting 16 May 2022.
12.	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
13.	28/03/22	9.1. Notice of Motion 19/22 - Cr Welch - Interim Heritage Order, 15 Allister St	1. THAT Council obtain urgent advice as to an Interim Heritage Order being supported on 15 Allister Street, Cremorne. 2. THAT Council receive the tabled petition in this matter.	CiS	Sep 2022	Procurement for this advice is under way. A consultant has been appointed and is well into this review with a recommendation shortly to be provided.
14.	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	May 2022	Councillor Briefing held 2 May 2022. COMPLETED

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	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
15.	28/03/22	9.3. Notice of Motion 21/22 - Cr Spenceley - Bypass of Council's authority on planning	<p>1. THAT Council write to the Planning Minister, the Hon. Anthony Roberts.</p> <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</p>	CiS	April 2022	Letter sent COMPLETED

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			government to continue to be the authority on planning and approvals for their area and stop further 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.			
16.	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	OSE	Jun 2022	Scope for the event currently being developed
17.	26/04/22	9.1 Notice of Motion 24/22 - Cr Drummond - Removal of tree at 15 Richmond Ave Cremorne	1.THAT Council notes the response that has been provided 2.THAT Council strengthen the processes surrounding the protection of mature trees on Council land when adjacent private land is being developed and further report be presented to Council as to how this can be achieved.	CiS	Sep 2022	

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	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
18.	26/04/22	9.2 Notice of Motion 26/22 - Cr Welch - Community Centres levy	1. THAT a briefing be conducted regarding increased funding opportunities and alternate funding models to support Community Centres in the LGA.	CLS	Jul 2022	Briefing to be held 4 July
19.	26/04/22	9.3 Notice of Motion 27/22 - Cr Baker - Adoption of the Draft Design and Place SEPP	<p>1. THAT Council write to the Minister for Planning, The Hon Anthony Roberts, MLA urging him to review his decision not to proceed with the Design and Place SEPP and, instead, proceed to implement the proposed planning principles and sustainability measures set out in the Draft SEPP.</p> <p>2. THAT Council call on NSROC to lobby the Minister for Planning to review his decision not to proceed with the Design and Place SEPP and to adopt the policy in order to promote design excellence and sustainability measures to mitigate and prepare for the impacts of climate change.</p> <p>3. THAT a copy of this resolution and the letter to Minister Roberts be copied to the Shadow Minister for Planning, The Hon Paul Scully, MP, The Hon Jamie Parker, MP, and the leaders of the minor parties of the NSW Legislative Council.</p>	CIS	May 2022	Letters sent COMPLETED

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	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
			4. THAT Council explore adoption of any best practice design excellence and sustainability measures from SEPP and Urban Design Guides in any review of Council's local planning controls, where such measures have not already been adopted by Council.			
20.	26/04/22	9.4 Notice of Motion 28/22 - Cr Gibson - Young Street Plaza and the Transparency of Current Council Processes	<p>1. THAT all debate, discussion, staff responses to councillor questions, motions and amendments on the Young St Plaza Project be conducted in open session and fully recorded.</p> <p>2. THAT discussion directly relating to selecting a preferred tenderer be held in the closed session of the meeting in accordance with s10A(2) (d) of the Local Government Act 1993, <i>commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the matter in open Council would be, on balance, contrary to the public interest of the Local Government Act.</i></p>			Item 10.1 was considered in Open Council at the April meeting. COMPLETED

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	Meeting Date and Min. No.	Item Reference	Agreed Action	Responsible Director	Target Date	Current Status
21.	26/04/22	1.Matter of Urgency - Community Campaign	1.THAT Council, as part of the Community Campaign on the impacts of the Western Harbour Tunnel/North Beaches Link works, provide Parks Precinct with banners and collateral depicting the loss of tress at Cammeray Park. 2.THAT the cost be covered by the budget already set aside for the community campaign.	CoS	Jun 2022	Artwork being reviewed by relevant stakeholders, including Parks Precinct, for banner poles. COMPLETED
22.	26/04/22	2.Matter of Urgency - Council Submission re Liquorland Proposal in Kirribilli	1.THAT Council make a submission on behalf of the community to the representatives of Liquorland opposing the granting of a liquor licence for a proposed Liquorland at 27-29 Broughton St, Kirribilli. 2.THAT the submission include community concerns relating to: <ul style="list-style-type: none"> • number of existing liquor outlets and licensed premises in Kirribilli • negative social impacts of a concentration of liquor outlets in the Kirribilli Village and the proximity to schools • adverse impacts of extended trading hours contrary to Council's DCP controls 	CiS	May 2022	Submission made COMPLETED

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			<ul style="list-style-type: none"> • adverse traffic impacts of the development • concerns re demonstrated links between liquor and increased domestic violence and anti-social behaviour 			

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