



**MINUTES: 3532nd MEETING OF THE NORTH SYDNEY COUNCIL
HELD ON MONDAY, 21 SEPTEMBER 2009 AT 7.00 PM.**

PRESENT

The Mayor, Genia McCaffery, in the Chair, and Councillors Gibson, Reymond, Marchandean, Raymond, Barbour, Zimmerman, Baker, Robjohns, Carland, Burke, and Pearson

Leave of Absence: Councillor Christie.

At the commencement of business (7 pm) those present were:
The Mayor, and Councillors Gibson, Reymond, Marchandean, Raymond, Barbour, Zimmerman, Baker, Robjohns, Carland, Burke, and Pearson

The meeting was opened by the Mayor and observed one minute's silent reflection.

661. Matters Brought Forward at the Request of Members of the Public Gallery

It was moved, seconded and carried -

THAT the following items be brought forward and dealt with at this stage:

- OSSES03: Shakespeare on the Green Public Event Proposal
(See Min. No.667)
- OSSES04: Crows Nest Organic Market Proposal
(See Min. No.668)
- PET02: Proposed Sale of Former Groom Bros Building, Munro Street to
Noakes Boat & Shipyard
(See Min. No.669)
- EPS01: Report of 448th Traffic Committee
(See Min. No.670)

662. Minutes

The Minutes of the previous 3531st Council (Assessments) Meeting held on Monday, 7 September 2009, copies of which had been previously circulated, were taken as read and confirmed subject to Minute No 658 being amended to provide:

THAT an advising be given to the applicant that those elements missing from the original stone fence which were there historically, be put back and the fence restored.

The Motion was moved by Councillor Reymond and seconded by Councillor Marchandeaau.

663. Declarations of Interest

Re Item OSES05 Councillor Baker	Community Garden in Milson Park Family members are volunteers and committee members of the Garden (Non-pecuniary)
Re Item EPS05 Councillor Burke	Request to Withdraw from Proposed Licence Agreement granted in respect of 2A Euroka Street, Waverton Owners Property in Euroka Street (non-pecuniary)

MINUTES OF THE MAYOR

664. MM01: Northbridge Suspension Bridge

At the Council meeting on the 31 August 2009 Councillor Marchandeaau raised as a matter of urgency the issue of the Northbridge Suspension Bridge and the RTA's proposal to install a safety fence. Council resolved:

THAT Council endorse the community request for a design competition and work with the Mayor of Willoughby in this regard.

The intent of this Mayoral Minute is to provide further background information to Council.

The NSW State Coroner recommended the following on the 22 May 2008:

That a safety barrier designed to prevent or significantly impede jumping from the Northbridge Suspension Bridge be erected by RTA as soon as practicably possible taken into account relevant planning issues.

That any such barrier erected is designed to take into account the Bridge's significant heritage and architectural values and to harmonise with them.

In June 2009 the RTA released a draft report called "Long Gully Bridge (The Northbridge Suspension Bridge): Options Analysis Anti-Suicide Fencing". This report outlines five options for safety fencing. Since the release of this report, the RTA has also considered other variations on these five fence options. The RTA's report outlines that Option 1 is their preferred option. Option 1 is a steel picket fence which is 2.0 or 2.5 metres high erected on top of the existing 1.3m high concrete balustrade.

Of the five options presented by the RTA, Council's Conservation Planner also supported Option 1 as the most acceptable. She provided the following comments:

It is generally noted that any suicide barriers will have a significant negative impact on the bridge, because of the visually intrusive nature of the fencing.

However, given the Coroner's recommendation and assuming that the barriers must be implemented, the following comments are made in regards to the heritage impact of the various options being put forward in the report.

Option 1: is the most acceptable in heritage term. The use of steel pickets is the most traditional approach and generally reflects a style that is consistent with the design of the bridge. The original structure and parapet will remain clearly visible, with the fence secondary to the main structure and clearly identifiable as a later addition. This option is therefore generally in accordance with conservation principles. However, the curved exterior brackets and heavy top rail are not supported and it is recommended that the supporting structure be re-designed to be significantly less intrusive. The top rail and

support brackets should be minimum in size and designed to be as unobtrusive as possible.

North Sydney Council hosted a meeting with the RTA, Willoughby Council and community representatives on the 23 July 2009. At this meeting it was clear from the community comments that there is a lot of concern about the visual impact of a proposed safety fence, including the RTA's preferred option of a steel picket fence. There was general consensus that there may be other fence options which are less visually intrusive which have not yet been considered by the RTA. Of those present at the meeting, it was generally agreed that a design competition should be held to enable further fence options to be presented and considered. Qualified architects would determine the winner of any such competition.

The RTA has proposed fencing options that have not had wide community consultation. Our concern is that the RTA may well proceed without further discussion to erect some form of fencing along the sides of the bridge. There are heritage, pedestrian amenity and design issues that I have heard at community briefings which have not been satisfactorily resolved.

At the meeting on the 23 July 2009, the RTA representatives present generally seemed to support the concept of a design competition. However, since this meeting, the RTA has not presented any minutes from the meeting and there is some concern that they do not intend to proceed with the design competition.

It is therefore recommended -

THAT Council endorse the community request for a design competition and work with the Mayor of Willoughby in this regards; and write to the Minister for Roads in this regard.

The Minute standing moved it was

RESOLVED

THAT Council endorse the community request for a design competition and work with the Mayor of Willoughby in this regards; and write to the Minister for Roads in this regard.

Voting was unanimous

665. MM02: Save Graythwaite Bill

On Friday 4 September, the Construction Forestry Mining and Energy Union announced an interim green ban on Graythwaite Estate. A sign will now be erected along the fence of Graythwaite announcing the green ban.

On Thursday 10 September, Lee Rhiannon MLC, gave notice of motion to the Upper House of the NSW Parliament that "leave be given to bring in a bill for an Act to preserve Graythwaite Estate in public ownership and for other purposes (Save Graythwaite Bill)."

The legislation proposed by Ms Rhiannon would be similar to the Save Callan Park Bill, but drafted to recognise that Graythwaite is held in trust by the NSW Government, not owned as crown land.

In order to have this Bill introduced into Parliament before Graythwaite is sold by the NSW Government, draft legislation will need to be drawn up privately and submitted as a Private Members Bill. I am advised that the cost of this would be in the order of \$12,000.

At this stage, legislation looks to be the most effective way to preserve Graythwaite in public hands. After fighting for more than a decade to preserve Graythwaite, Council should support the preparation of draft legislation.

It is therefore recommended -

THAT Council write to the CFMEU thanking them for the interim green ban

THAT Council ask its lawyers to prepare a draft Save Graythwaite Bill

THAT Council funds the drafting of the legislation from the budget surplus

Ms Clarke-Nash addressed the meeting.

By Consent the Minute was amended to read:

THAT Council write to the CFMEU thanking them for the interim green ban

THAT Council seek a number of other quotes regarding the drafting of the Save Graythwaite bill.

THAT Council funds the drafting of the legislation from the budget surplus

THAT the Mayor write to all non-metropolitan Councils asking for support on the matter.

The Minute standing moved it was

RESOLVED

THAT Council write to the CFMEU thanking them for the interim green ban

THAT Council seek a number of other quotes regarding the drafting of the Save Graythwaite bill.

THAT Council funds the drafting of the legislation from the budget surplus

THAT the Mayor write to all non-metropolitan Councils asking for support on the matter.

Voting was unanimous

666. MM03: Closure of Greenwich Day Care Centre

The Lower North Shore Mayors have been attending an irregular series of meetings with Professor Carol Pollock, at Royal North Shore Hospital. The last meeting was 17 September 2009, at which Council was represented by Councillor Marchandean and the Acting Manager Community Development. While the meetings were initially focused on Cremorne and Chatswood Community Mental Health Centres, the agenda for the meetings has since widened to all matters of interest concerning the Councils and Royal North Shore Hospital.

The subject of Day Centres was put on the agenda for the September meeting by Mosman Council which was concerned about funding from Area Health for the Mosman service. The meeting was told that Area Health was withdrawing from funding these services as they were not regarded as core service. There was no indication as to what was to happen to the services, nor that a closure of any was imminent. In North Sydney an Area Health funded service operates out of Graythwaite (Tom O'Neil Day Centre). Another, funded by the Commonwealth and NSW Department of Ageing, Disability and Home Care, is provided through Georgian House. The Greenwich Day Centre, funded by Area Health, is regarded as a major resource to North Sydney residents suffering dementia and to their families.

Council has now learned through the local press on 18 September 2009 that Hammond Care, the operator of Greenwich Day Centre, was told in May 2009 that Area Health funding was to be cut, and since that time had unsuccessfully sought funding elsewhere. An Area Health Spokesman was quoted in the same article as saying negotiations had been going on for 18 months. Yet the affected Councils were not advised.

The Hon John Watkins, speaking at the Northern Sydney Transport Forum auspiced by Council this year warned that the current 220,000 suffers of dementia in Australia will increase to 500,000 in fifteen years. This is a major issue for North Sydney as for all Australians and needs to be addressed.

It is therefore recommended -

THAT Council write to the Minister for Health deploring the lack of consultation with the community over the withdrawal of funding to Greenwich Day Centre.

THAT Council write to Lane Cove Council with a view to seeking a joint meeting with the Minister for Health to discuss the funding options to enable dementia services in the Lower North Shore to continue providing service.

The Minute standing moved it was

RESOLVED

THAT Council write to the Minister for Health deploring the lack of consultation with the community over the withdrawal of funding to Greenwich Day Centre.

THAT Council write to Lane Cove Council with a view to seeking a joint meeting with the Minister for Health to discuss the funding options to enable dementia services in the Lower North Shore to continue providing service.

MATTERS BROUGHT FORWARD

667. **OSSES03: Shakespeare on the Green Public Event Proposal**

Report of Jennie Devlin, Events Manager, 1st September 2009

'Shakespeare on the Green' has applied to stage the 2nd season of outdoor theatrical performances on the former BP site at Waverton during February 2010. "Shakespeare on the Green" is a public event presented by a private company, Talking Texts Pty Ltd ("The Company"), and produced the season last year, 2009. An entry fee to the event would be charged at \$22.00 per ticket for adults and children under 12 admitted free of charge, with a capacity of up to 220 audience participants per night. Funds raised from ticket sales are used to finance the performers and production costs. There were nine performances staged over the three week period last year with the production of "A Midsummer Night's Dream" and was well received by patrons in excess of 1,800.

As with last year, the event again requires alienation of public open space areas and complete closure of the public park. The four-week proposal includes 9 performances over 3 weeks on Friday, Saturday and Sunday, after 4 days of rehearsals in the first week. The Company requests exclusive access to the area including the 2 amphitheatre spaces and the steel gantry/platform above from 4pm to midnight on the night of each performance. The event organisers propose to occupy the park with a large 6 metre long and 2.25 metre high storage container and power generator, for the 4 week period. This would enable complete dismantling of the staging, set and lighting for storage after each performance, and worked very well last year at this location.

The Precinct strongly supported the 2009 season and there were no complaints from Larkin Street residents in relation to noise or traffic.

The nature of the event is that of a public event, run and managed by a private commercial company. Funds are used to support the actors and staff managing the event and infrastructure for the current and future years of the event.

Council approved the 2009 event season as a trial season with assessment of the application for following years. The event organisers suggest they may pay Council a licence fee of 5% or greater of the ticket sales or \$75 per night in the 3rd year. The park area would continue to be free of any charges and provision of waste management services, signage, lighting and toilets is at a cost to The Company for this the 2nd year.

Recommending:

THAT “Shakespeare on the Green” 2010 season be approved.

THAT Council provide the park without charge, and waste management services, signage, lighting and toilets be the responsibility of The Company.

Mr Kearney addressed the meeting.

RESOLVED:

THAT “Shakespeare on the Green” 2010 season be approved.

THAT Council provide the park without charge, and waste management services, signage, lighting and toilets be the responsibility of The Company.

THAT Council invite other similar tenderers to participate in future public events.

THAT the Sydney Festival organising committee be made aware of how successful the “Shakespeare on the Green” event has been.

The Motion was moved by Councillor Raymond and seconded by Councillor Zimmerman.

Voting was unanimous

668. OSES04: Crows Nest Organic Market Proposal

Report of Jennie Devlin, Events Manager, OSES, 11th September 2009

The Crows Nest Centre in co-operation with Crows Nest Chamber of Commerce requests approval to hold Organic Markets in Ernest Place each Thursday from midday to 6.00pm.

Crows Nest Organic Market will bring vendors of organic products to Ernest Place on Thursdays each week from midday to 6.00pm. Crows Nest Chamber of Commerce will sponsor entertainment in Ernest Place, at a minimum of 3 times per month on the Organic Market days. This may include live music, fashion parades, children’s entertainment, educational programs, martial arts, exercise and dancing demonstrations. The proposal outlines that the event aims to add a community feel to the space, to enhance the communal use of the space and to highlight the services offered by the Crows Nest Centre. The event days are not ticketed and will be free to the public. All stall holders will be sourced from both the Crows Nest Centre and Crows Nest Chamber of Commerce by way of advertisements and all stall holders will be selling only organic food and products.

The nature of the event is that of a public event, managed by The Crows Nest Centre, and all funds raised will be used to benefit the Crows Nest Centre and for the provision of community services in the Lower North Shore area.

Stalls will be set up on the paved areas around the perimeter of Ernest Place and the entertainment would utilise the central area in front of the Crows Nest Centre.

The event organisers have requested Council provide Ernest Place free of any charges with existing waste management services adequate to service the event. Expected crowd

attendance is up to 100 people per Organic Market day and crowd control monitoring staff will be provided at the cost to the Crows Nest Centre.

The question has been asked twice regarding the approval from local shop keepers in support of this proposal and the Crows Nest Centre replied that “the shop keepers initiated this project and the proposal was put to Council as a joint application”. This letter dated, 31st July, was signed by both the Crows Nest Centre and the Director of the Crows Nest Mainstreet Committee.

Recommending:

THAT Council allow the event to occur as a trial for a period of 3 months and at the completion of the trial a further report be provided to Council.

Mr Scott addressed the meeting.

RESOLVED:

THAT Council allow the event to occur as a trial for a period of 3 months and at the completion of the trial a further report be provided to Council.

The Motion was moved by Councillor Marchandean and seconded by Councillor Baker.

Voting was unanimous

669. PET02: Proposed Sale of the Former Groom Bros Building, Munro Street to Noakes Boat & Shipyard Pty.Ltd.

Submitting a petition of 21 signatories

We the undersigned owners and occupiers of apartment buildings 16, 17 and 18 Munro Street write in opposition to the proposal stated above, and state our concerns as follows.

- Noakes will allow customers access to this proposed customer service office from Munro Street. Although Noakes address is John Street, for OH&S reasons it is unlikely prospective customers would be allowed to walk the length of the busy hardstand, in order to access the proposed customer service office.
- Potential customers will want to access the proposed customer service office from Munro Street to avoid walking the length of the busy hardstand.

We wish to point out to Council that there is no available parking in Munro Street for the additional vehicular traffic this customer service office will create and no ease for turning vehicles at the bottom of Munro Street. Anyone attempting to do so will cause aggravation to rate payers in Munro Street and particularly to owners and occupiers of 16-18 Munro Street accessing or departing their property, and their visitors. We are concerned that prospective Noakes customers will park in our limited visitor parking.

We also point to Council:

- Our concern for the health and safety of walkers regularly accessing the foreshore via Munro street – undertaking the North Sydney Circle Walk, the Sydney Harbour foreshore and 7 Bridges walk and accessing Sawmillers Reserves for recreation
- The ‘shed’ is part of the rich history of this area and can currently be appreciated by all who undertake the walks listed above, as well as the residents of McMahons Point, and currently sits on Public land. If Council were to sell the heritage listed building and allow removal, once Noakes had ownership of ‘the shed’ – what protection would guarantee ‘the shed’ remaining in this area.

As rate payers we are aware that North Sydney Council is undertaking to reduce services and cancel or reduce a number of public events this year, in order to reduce costs.

Mr Waldren addressed the meeting.

RESOLVED:

THAT the Petition be received.

The Motion was moved by Councillor Raymond and seconded by Councillor Carland.

Voting was unanimous

670. EPS01: Report of 448th Traffic Committee

Proceedings of Committee at meeting held in the Supper Room at the Council Chambers, North Sydney, on 28 August 2009, Minute Nos 138 to 171 inclusive.

Recommending:

THAT the report be received and the recommendations therein be adopted.

Re Minute No.138 Minutes

The Minutes of the previous meeting held on Friday, 17 July 2009, copies of which had been previously circulated, were taken as read and confirmed.

Re Minute No.139

Re Min No 136: (7.2) Parking of Buses - Pacific Highway, David and Hayberry Streets (17/07/09)

In reply to a question from Clr Zimmerman regarding patrols by Rangers, the STA representative advised of new timetables in place.

Ms M Mackenzie (representing Ms J Skinner, MP) requested a report be provided at the next meeting of the Traffic Committee regarding how the situation is being dealt with by the Rangers.

Re Minute No. 140 (4.5) Parking Restrictions

Report of Traffic Engineer, Cathy Edwards-Davis 17 August 2009
Item No 1A: Alfred St South

(Refer Minute No 151)

Re Minute No. 141 (4.7) Survey Results

Report of Traffic Planning Assistant, Maria Coyne, 17 August 2009

Recommending:

THAT the recommendations made in response to survey results be adopted.

**Re Item No 1: Belmont Avenue, Wollstonecraft
Committee recommendation:**

1. **THAT** the unrestricted parking on the southern side between Nos 17 and 31 Belmont Avenue be converted to "2 Hour Parking 8.30am-6pm Mon-Fri Permit Holders Excepted".
2. **THAT** the restrictions in other areas of Belmont Avenue remain.

3. **THAT** a report be provided to the Traffic Committee six months after the signs have been installed in Belmont Avenue.

Re Item No 2: Holbrook Avenue, Kirribilli

Committee recommendation:

THAT this item be adopted.

Re Minute No. 142 (4.8) Carlyle Lane Parking Restrictions

Report of Traffic Engineer, Cathy Edwards-Davis 18 August 2009

Committee recommendation:

1. **THAT** "No Stopping" signs be placed along the entire northern side of Carlyle Lane, Wollstonecraft.
2. **THAT** "No Parking" signs be placed on the southern side of Carlyle Lane, between Carlyle Street and Balfour Lane.
3. **THAT** the parking remain unrestricted on the southern side of Carlyle Lane, between Balfour Lane and the cul-de-sac.
4. **THAT** the parking changes be reviewed six months after being installed to determine their effectiveness.

Re Minute No. 143 (4.9) Neutral Bay – Area 32 – Parking Restrictions

Report of Traffic Engineer, Cathy Edwards-Davis 18 August 2009

Recommending:

THAT Council adopt the attached parking restriction recommendations.

THAT Council forward a copy of this report to Kurraba and Hayes Precincts.

THAT Council advertise the attached parking changes in the Mosman Daily and on Council's website.

THAT Council notify the residents, by letter-box drop, in streets where parking changes are to occur.

Committee recommendation:

THAT the report be adopted.

Re Minute No. 144 (5.2) List of Standing Items – Informal Item

Report of Traffic Engineer, Cathy Edwards-Davis 17 August 2009

Item 09/20: Military Road, Neutral Bay

(Refer Minute No 160)

Re Minute No. 145 (5.3) Warringah Freeway – Sound Barrier – Standing Item

Report of Traffic Engineer, Cathy Edwards-Davis 17 August 2009

Recommending:

THAT Council request the RTA investigate the installation of a sound barrier along the Warringah Freeway, between Brook St and West St as a priority.

Committee recommendation:

1. **THAT** the report be adopted.
2. **THAT** a meeting be arranged between Ms Gladys Berejiklian, MP, the Roads and Traffic Authority, Council and local residents, regarding the matter of installing a sound barrier along the Warringah Freeway, between Brook Street and West Street.

Re Minute No. 146 (6.1) Wenona School – Development Application

Report of Traffic Engineer, Cathy Edwards-Davis 5 August 2009

Recommending:

THAT the Committee **not** support moving the existing pick-up/drop-off zone for Wenona School from Walker Street to Elliott Street.

THAT should Council approve the proposed development at Wenona School (DA 2016/2009), then the recommended Conditions of Approval as outlined in the report be adopted.

Committee recommendation:

1. **THAT** the report be adopted.
2. **THAT** the Traffic Engineer raise, as an independent issue, the possibility of Wenona School utilising the pedestrian entry way off Miller Street.

Re Minute No. 147 (4.1) Pedestrian Subcommittee Minutes

Report of Traffic Planning Officer, Fiona Frost 17 August 2009

The 27th Pedestrian Subcommittee meeting was held on the 7 August 2009. The Minutes from the meeting are attached.

Recommending:

THAT the recommendations from the 27th Pedestrian Subcommittee be adopted.

Committee recommendation:

THAT the report be adopted.

Re Minute No. 148 (4.2) Lane Cove Tunnel Project – Local Area Traffic Management

Report of Traffic Engineer, Cathy Edwards-Davis 17 August 2009

Recommending:

THAT Council proceed with the installation of the LATM works in Lytton Street and Merlin Street North, as per the designs attached, at the RTA's expense.

Committee recommendation:

THAT the report be adopted.

Re Minute No. 149 (4.3) Delegated Authority

Report of Traffic Engineer, Cathy Edwards-Davis 17 August 2009

Recommending:

THAT the information be received.

Committee recommendation:

THAT the report be adopted.

Re Minute No. 150 (4.4) Traffic Committee Items 2008/2009 & 2009/2010

Report of Traffic Engineer, Cathy Edwards-Davis 17 August 2009

Recommending:

THAT the information be received.

Committee recommendation:

THAT the report be adopted.

Re Minute No. 151 (4.5) Parking Restrictions

Report of Traffic Engineer, Cathy Edwards-Davis 17 August 2009

Recommending:

THAT the recommendations made for changes in the parking restrictions be adopted.

Re Item No 1A: Alfred St South (amended version)**Committee recommendation:**

THAT the Traffic Engineer discuss with the State Transit Authority the issue of where to relocate the bus zone in Alfred Street South.

(This item was dealt with vide Minute No 140.)

Re Item No 3: Broughton Street**Committee recommendation:**

THAT this item be adopted subject to the "eastern side of Edwards St" being amended to read "eastern side of Broughton Street".

Re Item No 6: Grafton/Fall**Committee recommendation:**

1. **THAT** this item be adopted.
2. **THAT** the matter of naming the laneway between Grafton Street and Fall Street be referred to Mr Ian Hoskins, Council Historian.

Re Item No 10: West Street, North Sydney**Committee recommendation:**

THAT this item be deferred to the next meeting pending clarification of issues raised.

Re Item No 9: Waters Road, Cremorne**Committee recommendation:**

THAT "No Stopping" signs be erected in Waters Road for a distance of 10 metres at its intersection with Sutherland Street (priority 4).

Further Committee recommendation:

THAT the remainder of the recommendations made for changes in the parking restrictions - namely Item Nos 1B (amended version), 2, 4, 5, 7, 8 and 11 - be adopted.

Re Minute No. 152 (4.6) Minor Traffic Investigations

Report of Traffic Engineer, Cathy Edwards-Davis 17 August 2009

Recommending:

THAT the recommendations made for minor traffic investigations be adopted.

Re Item No 1: Belmont Avenue, Wollstonecraft**Committee recommendation:**

1. **THAT** this item be adopted.
2. **THAT** Council's Open Space & Environmental Services Division be requested to investigate the trimming of (**private**) vegetation at this intersection.

Re Item No 2: Cammeray Road, Cammeray

Committee recommendation:

THAT this item be adopted.

Re Minute No. 153 (4.7) Survey Results

Report of Traffic Planning Assistant, Maria Coyne, 17 August 2009

(Previously dealt with - see Minute No 141)

Re Minute No. 154 (4.8) Carlyle Lane Parking Restrictions

Report of Traffic Engineer, Cathy Edwards-Davis 18 August 2009

(Previously dealt with - see Minute No 142)

Re Minute No. 155 (4.9) Neutral Bay – Area 32 – Parking Restrictions

Report of Traffic Engineer, Cathy Edwards-Davis 18 August 2009

(Previously dealt with - see Minute No 143)

Re Minute No. 156 (4.10) Australia Post Mail Zones – Various Locations

Report of Traffic Planning Officer, Fiona Frost 5 August 2009

Recommending:

THAT the list of recommendations made in response to site investigations be adopted.

Committee recommendation:

THAT the Traffic Engineer investigate the matter further and report back to the Traffic Committee, with clarification by the RTA on the matter of legislation.

Re Minute No. 157 (4.11) Motorbike Parking in North Sydney

Report of Traffic Engineer, Cathy Edwards-Davis 3 August 2009

Recommending:

THAT the information be received.

Committee recommendation:

THAT the report be adopted.

Voting: Unanimous

Re Minute No. 158 (4.12) Crows Nest Fair

Recommending:

THAT Council, in principle, raise no objection to the closure of Willoughby Road, Crows Nest, on Sunday 18 October 2009 between 5.00am and 9.00pm subject to the conditions detailed in the application; and NSW Police Approval, RTA Approval, submission of a copy of the appropriate public liability insurance and submission of a TCP which must be endorsed with the name of the suitably qualified person preparing the plan along with their level of certified qualification and certificate number (“Select/Modify Traffic Control Plans” or “Design Audit Traffic Control Plans” ticket).

Committee recommendation:

THAT the report be adopted.

Re Minute No. 159 (5.1) Falcon Street – Pedestrian & Cyclist Facilities – Informal Item

Report of Traffic Engineer, Cathy Edwards-Davis 17 August 2009

Recommending:

THAT the information be received.

THAT this item be removed as a standing item.

Committee recommendation:

THAT this item be adopted.

Re Minute No. 160 (5.2) List of Standing Items – Informal Item

Report of Traffic Engineer, Cathy Edwards-Davis 17 August 2009

Recommending:

THAT recommendations made for the standing items be adopted.

Re Item 09/20: Military Road, Neutral Bay**Committee recommendation:**

1. **THAT** the report be adopted.
2. **THAT** the Planning Department be requested to examine the DA conditions relating to the service station site in respect of the directional signage indicating left turn only.

(This item was dealt with vide Minute No 144.)

Further Committee recommendation:

THAT the remainder of the recommendations made for the standing items be adopted.

Re Minute No. 161 (5.3) Warringah Freeway – Sound Barrier – Standing Item

Report of Traffic Engineer, Cathy Edwards-Davis 17 August 2009

(Previously dealt with - see Minute No 145)

Re Minute No. 162 (5.4) Development Referrals to the Traffic Committee

Report of Traffic Engineer, Cathy Edwards-Davis, 5 August 2009

Committee recommendation:

THAT the Traffic Engineer prepare a report on the new arrangements for the next Traffic Committee meeting.

Recommending:

THAT the information be received.

Committee recommendation:

THAT the report be adopted.

Re Minute No. 163(6.1) Wenona School – Development Application

Report of Traffic Engineer, Cathy Edwards-Davis 5 August 2009

(Previously dealt with - see Minute No 146)

Re Minute No. 164 (7.1) Alfred Street South**Committee recommendation:**

THAT that this item be referred to the Kirribilli Shopping Area Streetscape Committee.

Re Minute No. 165 (7.2) Burton Street and Alfred Street**Committee recommendation:**

THAT the information be received.

Re Minute No. 166 (7.3) Macpherson Street, Cremorne**Committee recommendation:**

THAT this matter be investigated by the Traffic Engineer.

Re Minute No. 167 (7.4) Blue and Walker Streets, North Sydney**Committee recommendation:**

1. **THAT** the Police be requested to undertake enforcement of the intersection of Blue Street and Blues Point Road.
2. **THAT** Council's Rangers be requested to increase enforcement in Walker Street in Clearway hours.

Re Minute No. 168 (7.5) Article in The Sydney Morning Herald**Committee recommendation:**

THAT the information be received.

Re Minute No. 169 (7.6) Warringah Freeway, near Brook Street - Garden Beds**Committee recommendation:**

THAT the information be received.

Re Minute No. 170 (7.7) Falcon Street (eastern end of Freeway) - Retaining Wall**Committee recommendation:**

THAT this matter be referred to the Roads and Traffic Authority for investigation.

Re Minute No. 171 (7.8) Breakfast on the Bridge**Committee recommendation:**

THAT the information be received

Recommending:

THAT the report be received and the recommendations therein be adopted.

Minute No 141 - Re Item No 2: Holbrook Avenue, Kirribilli

It was moved by Councillor Gibson and seconded by Councillor Marchandean -
THAT two of the existing "No Parking" spaces be converted into restricted parking

It was moved as an amendment by Councillor Carland and seconded by Councillor Robjohns -

THAT one of the existing "No Parking" spaces be converted into restricted parking.

The amendment was put and **carried**.

Voting on the amendment was as follows: For/Against 10/2

Councillors For	Councillors Against
McCaffery, Reymond, Marchandean, Raymond, Barbour, Baker, Robjohns, Carland, Burke, Pearson	Gibson, Zimmerman

The amendment thereupon became the motion, was put and **carried**.

Voting was unanimous

RESOLVED ON MIN NO 141 – RE ITEM NO.2 HOLBROOK AVENUE
THAT one of the existing “No Parking” spaces be converted into restricted parking.

Remainder of the Report of the 448th Traffic Committee

RESOLVED:

THAT the report be received and the recommendations therein be adopted.

The Motion was moved by Councillor McCaffery and seconded by Councillor Marchandean.

Voting was unanimous.

REPORTS

General

671. **G01: Ratepayers Incentive Draw 2009/2010.**

Report of John Towers, Revenue Accountant, 14th September 2009

Council has for many years offered an incentive scheme for those Ratepayers who have paid their rates in full by the selected date, usually the 31st August in the year. This year 12,397 ratepayers of 36,420 paid in full by the relevant date.

Recommending:

THAT the draw be conducted by the Mayor.

It was moved by Councillor McCaffery and seconded by Councillor Reymond and **carried unanimously**

THAT the draw for the Rate Incentive Scheme be made at this point

The Mayor thereupon made the draw and the winners were declared as follows:

THAT the following residents receive the incentive scheme:

- Takao & Misa Nakata of North Sydney
- Christopher & Estelle Curtis of Wollstonecraft
- Hiu Fan & Sharon Leung of Wollstonecraft
- Seng & Patrik Bystrom of Wollstonecraft

- Veronica Healy of Cremorne Point

672. G02: Replacement of Councils Voice System (PABX) and Upgrade of Internet (Communication Provider)

Report of Stephen Fisher, Manager Information Technology, 15 September 2009

As part of a Council Group Tender process, North Sydney Council engaged PABX Advisory Services to seek formal quotations from complying tenderers to provide PABX equipment and provision of communications. This report details the tenders received, available funding and recommends the preferred tenders.

Recommending:

THAT:

1. Council accepts the offer as tendered by Soul Communications to provide the VPN data networks solution at a monthly cost of \$7,839.00.
2. Council accepts the offer as tendered by Calltime Solutions to provide the core Voice network infrastructure required to link with the data network solution at an upfront installation and implementation cost of \$40,107.69, and an ongoing monthly cost of \$8873.00 less rental for phones and headsets of approximately \$1,370.
3. Council purchases the appropriate number of telephones and headsets from the Non Recurrent Budget, approximately \$45,000.
4. Council purchases the appropriate number of switches from the Non Recurrent Budget, approximately \$40,000.
5. Council notes the final contract figures may vary due to variations in user requirements.
6. The work be implemented in a staged manner to suit the business needs of Council and its customers.
7. Business continuity design and implementation be provided by Computer Systems Australia at a cost of \$18,340.

THAT Council hereby authorises its Official Seal to be affixed to the Contract Documents, under the signature of the Mayor and the General Manager.

RESOLVED:

THAT the report be adopted.

The Motion was moved by Councillor Marchandean and seconded by Councillor Robjohns.

Voting was unanimous

673. G03: Report on Matters Outstanding from Council Resolutions

Report of Kerry Gilbert , Acting General Manager, 15 September 2009

A report on the current status of matters arising from Council resolutions up to the meeting of 7 September 2009 is presented.

Recommending:

THAT the report be received.

RESOLVED:**THAT** the report be received

The Motion was moved by Councillor Baker and seconded by Councillor Marchandau.

Voting was unanimous

674. G04: Reconstitution of Council Committees and Reference Groups

Report of Faith Woolacott, Manager Corporate Administration 10 September 2009

Committees of Council

The Charter adopted by Council for each Committee requires that the Committee be reconstituted in September each year. The position of Chairperson must also be determined

Special Purpose Committees

Special Purpose Committees have been formed to deal with specific issues. The position of Chairperson does not need to be determined by Council, nor do they require a quorum.

Sub-Committees

The membership of sub-committees is open to all Councillors. The position of Chairperson is determined at the respective Committee.

Reference Groups

Reference Group Charters require that the position of chair be declared vacant at a meeting of North Sydney Council scheduled for September each year. The Council will determine the Chairperson following nominations from interested Councillors. Advertising seeking applications for Citizen Members of reference groups has been undertaken during July and August.

Item CLS02 on this agenda recommends the amalgamation of the Historical & Cultural Resources and Library Management Reference Groups. The attached list assumes Council's adoption of this recommendation.

Recommending:**THAT** all existing committees be reconstituted as per the attached list.**THAT** Council determine the Chairperson of each Committee of Council.**THAT** Council determine the Chairperson of each Reference Group of Council.

It was moved by Councillor Baker and seconded by Councillor McCaffery -

THAT Councillor Christie be nominated as chairperson of the Community Services Reference Group

It was moved as an amendment by Councillor Zimmerman and seconded by Councillor Pearson -

THAT Councillor Burke be nominated as chairperson of the Community Services Reference Group.

The amendment was put and **lost**.

Voting on the amendment was as follows: For/Against 8/4

Councillors For	Councillors Against
McCaffery, Reymond, Marchandean, Raymond, Barbour, Baker, Robjohns, Carland	Gibson, Zimmerman, Burke, Pearson

RESOLVED:

THAT all existing committees be reconstituted as per the attached list.

THAT the chairperson of each Committee and Reference Group be as follows:

Committees	Normal Meeting Day	Chair 2009/2010
Legal Services	Monday, 6.00pm	Councillor Carland
Management Services	Monday, 7.00pm	Councillor Carland
Planning & Development Committee	Monday, 6.00pm	The Mayor
Resources Allocation	Tuesday, 6.00pm (once a year)	The Mayor
Traffic	Friday, 10.00am	The Mayor (alternate Councillor Reymond)
Pedestrian & Bicycle Committee	Friday 10.00am	Councillor Raymond

Reference Groups	Normal Meeting Day	Chair 2009/2010
Community Access & Safety	Thursday, 10.00am	Councillor Marchandean Councillor Christie (Alternate)
Community Services	Monday, 7.00pm	Councillor Christie
Environmental Services	Monday, 6.00pm	Councillor Gibson
Library, Historical and Cultural Resources Reference Group	Thursday, 6.00pm	Councillor Carland, Councillor Marchandean and Councillor Barbour (alternates)

North Sydney Sport & Recreation	Tuesday, 6.00pm	The Mayor
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The Motion was moved by Councillor McCaffery and seconded by Councillor Barbour.

Voting was unanimous

675. G05: Appointment of Council Representatives to Committees & Trusts

Report of Faith Woolacott, Manager Corporate Administration, 10 September 2009

The following Committees and Trusts require Council to nominate representatives:

- | | |
|---|--|
| 1. Crows Nest Centre | 3 representatives |
| 2. Shorelink Committee (Library network) | 1 representative & 1 alternative representative |
| 3. Northern Suburbs Regional Organisation of Councils | The Mayor & 1 representative Plus 1 alternative representative |
| 4. Nutcote Trust | 3 representatives & 1 alternative representative |
| 5. Sydney Coastal Councils Group | 2 representatives |
| 6. North Sydney Indoor Sports Centre | 4 representatives |
| 7. North Sydney Retirement Trust (James Milson Village) | 3 representatives |

Representatives for the 2008/2009 year are shown in the body of this report.

Recommending:

THAT Council appoint representatives to the bodies listed above.

RESOLVED:

THAT Council note the following representatives

Crows Nest Centre	Councillors Robjohns, Marchandeanu, Zimmerman
Shorelink Committee (Library network)	Councillors Carland and Marchandeanu
Northern Suburbs Regional Organisation of Councils	The Mayor & Councillors Baker & Barbour (alternate)
Nutcote Trust	Councillor Robjohns
Sydney Coastal Councils Group	Councillors Robjohns & Marchandeanu
North Sydney Indoor Sports Centre	The Mayor, Councillors Zimmerman, Pearson and Burke
North Sydney Retirement Trust (James Milson Village)	Councillors Marchandeanu and Christie

The Motion was moved by Councillor McCaffery and seconded by Councillor Marchandeanu.

Voting was unanimous.

676. G06: Investments Held as at 31 August 2009

Report of Garry Ross, Manager of Financial Planning, 15 September 2009
Council is required to report on a monthly basis, all invested funds which have been made in accordance with the Local Government Act 1993, the Local Government (Financial Management) regulations 1993 and Council's Investment Policy.

Recommending:

THAT the report be received.

RESOLVED:

THAT the report be received.

The Motion was moved by Councillor Robjohns and seconded by Councillor Pearson.

Voting was unanimous

677. G07: Statement of Accounts for the year ended 30 June 2009

Report of Garry Ross, Manager of Financial Planning, 14 September 2009
Please find attached the audited Statement of Accounts for the year ended 30 June 2009

Recommending:

THAT under Section 413(1) of the Local Government Act, 1993, the Statement of Accounts for the year ended 30 June 2009 be referred to audit.

THAT under Section 413(2) of the Local Government Act, 1993, the Statement of Accounts for the year ended 30 June 2009 have been prepared in accordance with: The Local Government Act 1993 (as amended) and the Regulations made there under, The Australian Accounting Standards and professional pronouncements, and The Local Government Code of Accounting Practice and Financial Reporting.

THAT Council authorise the completion of the "Statement by Councillors and Management" for the General Purpose Financial Report and the Special Purpose Financial Report.

THAT under Section 418(1) of the Local Government Act, 1993, both the audited financial reports and the auditor's reports on the financial statements (Section 417(2) LGA), be placed on public exhibition and presented to the public at the Council meeting, 9 November 2009.

RESOLVED:

THAT the report be received.

THAT a report be brought back to Council on a breakdown of consultants fees for the year ended 30 June 2009.

The Motion was moved by Councillor Pearson and seconded by Councillor Barbour

Voting was unanimous

Note: Councillor Baker was out of the Chamber during debate and voting on this matter.

678. G08: Draft 2020 Vision, North Sydney Community Strategic Plan 2009-2020

Report of Jenny Gleeson, A/Manager Corporate Planning & Governance, 14 September 2009

Following a nine-month period of research and consultation, we present the final draft of the North Sydney Community Strategic Plan known as '2020 Vision'.

Recommending:

THAT this draft of the 2020 Vision be placed on public exhibition from 28 September - 3 November 2009.

RESOLVED:

THAT this draft of the 2020 Vision be placed on public exhibition from 28 September - 3 November 2009.

The Motion was moved by Councillor Robjohns and seconded by Councillor Barbour.

Voting was unanimous

679. G09: Election of Deputy Mayor

Report of Report of Kerry Gilbert, Director of Corporate Services, 15/09/09.

An election to the position of Deputy Mayor is to be conducted for the year from 1 October 2009 to 30 September 2010. Nominations forms have been distributed and the following nominations have been received:

- Councillor Robjohns
- Councillor Zimmerman

In accordance with the Code of Meeting Principles and Practices, the election will take the following form:

In line with Council's policy of open government, elections shall be conducted by open voting unless, at the meeting in which the election is to take place, Council resolves to hold a secret ballot. Should the Council resolve to hold a ballot, ballot papers will be distributed to Councillors. The ballot shall be conducted in accordance with Schedule 7 Part 2 of the Local Government (General) Regulation 2005.

The Acting General Manager, acting as Returning Officer, shall conduct the election by open voting as follows:

- (a) Where more than one Councillor has been nominated, the name of each nominee shall be put to the Council in alphabetical order. Councillors shall vote for their chosen nominee by show of hands. The voting shall be by elimination vote with the councillor receiving the majority of votes being declared Deputy Mayor for the forthcoming year.
- (b) In the event of voting being equal, lots shall be drawn by the Returning Officer. The first name drawn shall be declared Deputy Mayor for the forthcoming year.

Recommending:

THAT the election for the position of Deputy Mayor be held.

RESOLVED:

THAT Councillor Robjohns be the Deputy Mayor for the period from 1 October 2009 to 30 September 2010.

Voting was as follows:

For/Against 6/5

Councillors For	Councillors Against
McCaffery, Reymond, Raymond, Baker, Robjohns, Carland	Gibson, Barbour, Zimmerman, Burke, Pearson

Note: Councillor Marchandean was out of the Chamber during debate and voting on this matter.

Division of Planning & Development Services

Division of Community & Library Services

680. CLS01: Commemorative Plaque proposal

Report of Martin Ellis, Director, Community and Library Services, 16 September 2009
Council has received an offer from a resident to fund replacement of a park bench in St Leonards Park overlooking the Warringah Freeway, at the same time installing a small plaque (in the centre of the top crossbar) in honour of a young man (a relative) who died tragically young. It is proposed the plaque would read simply "In memory [of the deceased]" with the appropriate dates.

Recommending:

THAT the resident's request be agreed to.

RESOLVED:

THAT the resident's request be agreed to.

The Motion was moved by Councillor McCaffery and seconded by Councillor Baker.

Voting was unanimous

Note: Councillor Marchandean was out of the Chamber during debate and voting on this matter.

681. CLS02: Historical & Cultural Reference Group Minutes

Report of Martin Ellis, Director, Community & Library Services, 15 September 2009
The Minutes of the Historical & Cultural Reference Group held on the 3 September 2009 are provided with this report. The following recommendations came out of the Reference Group Meeting.

Recommending:

THAT the annual report be included in the Stanton section of the Council Homepage
THAT the staff consider promoting Stanton Library through an "Open Day"

THAT the Reference Group advises Council of their strong support for renaming the site Carradah Park and asks that staff look at means of de-emphasising the name "Former BP site" as soon as practicable.

THAT North Sydney Council Historian liaise with Hunters Hill Historical Society and Ms Angela Watson to draft, locate and install a plaque marking the location of Thomas Muir's cottage at present-day Milsons Point.

THAT the proposed wording and location of future commemorative plaques be provided to Council by way of a report

THAT recommendations for immediate conservation work for the Ovens/Bent monuments be carried out

THAT Don Bank Museum open 2-4 Wednesday and Sunday afternoons

THAT Council write to Ms Geoghegan thanking her for her work on the Reference Group over many years

THAT the Library Management Reference and Historical & Cultural Resources Reference Groups be amalgamated, starting at 6pm and occupying the same position in Council's Schedule of meetings as of the 26th of November 2009.

THAT the combined Group be termed The Library, Historical and Cultural Resources Reference Group

THAT all members of the two reference groups to be automatically amalgamated into the new reference group.

RESOLVED:

THAT the report be adopted.

THAT council recognises the contributions of Brian Evesson to the North Shore Historical Society.

THAT Council recognises the contributions of Phyllis Geoghegan to the Historical & Cultural Reference Group.

THAT a report be brought back to Council on the naming of the BP site.

The Motion was moved by Councillor Zimmerman and seconded by Councillor Baker.

Note: Councillor Marchandau was out of the Chamber during debate and voting on this matter.

Voting was unanimous

Division of Engineering & Property Services

682. EPS01: Report of 448th Traffic Committee

(Previously dealt with see Minute No.670)

683. EPS02: North Sydney CBD Public Domain Upgrade program

Report of Greg Cooper, Director Engineering and Property Services. 23/09/09.

The upgrading of the Public Domain in the North Sydney CBD has been a key objective of Council's Management Plan for more than 10 years. The upgrading of Miller St between Berry St and the Pacific Highway is the centre piece project of the Public Domain Strategy. The works on Little Walker Street have been delayed and this delay now provides Council with the opportunity to adjust its priorities by undertaking the works on Miller St prior to commencing the works in Little Walker St.

Recommending:

THAT the upgrading of Little Walker St be deferred and that this project be consideration for inclusion in the 10/11 Budget.

THAT \$530,209 allocated to the Little Walker St Project in 09/10 be reallocated to the Miller Street Upgrade Project.

THAT an additional \$633,394 be allocated to the Miller St Project from the reserves identified in the report.

THAT the programming of the Miller Street works be brought forward to commence early in the 3rd quarter of 2009/2010

RESOLVED:

THAT the matter be deferred to a Councillor inspection.

The Motion was moved by Councillor Baker and seconded by Councillor Robjohns.

Voting was unanimous.

Note: Councillor inspection to be held on Saturday, 10th October 2009 at 10:00am

684. EPS03: Cammeray Road, Request for Road Resurfacing and Road Renaming

Report of John Van Hesden, Assets Management Engineer, 14 September 2009

Council has received a petition to resurface as well as rename Cammeray Road, north of Cowdroy Avenue, Cammeray. The condition of Cammeray Road has been inspected and as the 2009/10 Roads Program has already been determined this section of road will be listed for consideration in a future program along with other similar requests. It should be noted that a detailed condition survey of Council's entire road network will be carried out this year and these results will be used to prioritise future road projects. In the meantime maintenance will be carried out to adjust both the protruding sewer manhole as well as the drainage pit.

The attached map shows the requested section of Cammeray Road to be renamed. This renaming would require extensive public consultation. If no objections are received the proposal will have to be submitted to the Geographical Names Board and, if approved, Australia Post and the affected residents and owners will need to be notified as their service providers will have to be informed of their change of postal details.

Recommending:

THAT the resurfacing of Cammeray, north of Cowdroy Avenue be considered in a future Roads Capital Works Program following the detailed survey of Council's entire road network

THAT maintenance be carried out to adjust both the protruding sewer manhole as well as the drainage pit.

THAT Council determine whether or not the subject area be re-named to Folly Point Road

It was moved by Councillor McCaffery and seconded by Councillor Robjohns -
THAT the resurfacing of Cammeray, north of Cowdroy Avenue be considered in a future Roads Capital Works Program following the detailed survey of Council's entire road network

THAT maintenance be carried out to adjust both the protruding sewer manhole as well as the drainage pit.

THAT Council re-name the subject area to Folly Point.

It was moved as an amendment by Councillor Raymond and seconded by Councillor Baker -

THAT the resurfacing of Cammeray, north of Cowdroy Avenue be considered in a future Roads Capital Works Program following the detailed survey of Council's entire road network

THAT maintenance be carried out to adjust both the protruding sewer manhole as well as the drainage pit.

THAT Council **does not** re-name the subject area to Folly Point

The amendment was put and **carried**.

Voting on the amendment was as follows: For/Against 8/4

Councillors For	Councillors Against
Gibson, Reymond, Raymond, Barbour, Baker, Carland, Burke, Pearson	McCaffery, Marchandeanu, Zimmerman, Robjohns

The amendment thereupon became the motion, was put and **carried**.

RESOLVED:

THAT the resurfacing of Cammeray, north of Cowdroy Avenue be considered in a future Roads Capital Works Program following the detailed survey of Council's entire road network

THAT maintenance be carried out to adjust both the protruding sewer manhole as well as the drainage pit.

THAT Council **does not** re-name the subject area to Folly Point

Voting was unanimous

685. EPS04: Northern Suburbs Regional Organisation of Councils (NSROC) Tender 8/09 for the Supply; Supply and Deliver; Supply, Deliver and Laying of Asphaltic Concrete.

Report of Ashraf Doureih, Design and Investigations Engineer, 1 August 2009

Tenders were called and received until 2.00 pm on Wednesday 8 July 2009, for NSROC's annual tender for the Supply; Supply and Delivery; Supply, Delivery & Laying of Asphaltic Concrete.

This report details the tenders received and recommends the successful tenderers.

Recommending:

THAT Council accept the tender of Downer EDi Works for NSROC Contract 8/09 for the Supply, Delivery and Laying of Asphaltic Concrete.

THAT Council short-list Boral Asphalt as the second preferred successful tenderer for NSROC Contract 8/09 for the Supply, Delivery and Laying of Asphaltic Concrete.

THAT Council accept the tender of Pioneer Road Services for NSROC Contract 8/09 for the Supply only of Asphaltic Concrete.

THAT Council hereby authorises its Official Seal to be affixed to NSROC Contract 8/09 under the signature of the Mayor and the General Manager.

RESOLVED:

THAT the report be adopted.

The Motion was moved by Councillor Zimmerman and seconded by Councillor Barbour.

Voting was unanimous

686. EPS05: Request to Withdraw from Proposed Licence Agreement granted in respect of 2A Euroka Street, Waverton

Report of Risha Joseph, Property Officer, 15 September 2009

Council, at its 3474th meeting held on 26 November 2007, resolved that a 5 year landscaping licence agreement be granted to the owner of 2A Euroka Street, Waverton. The attached report details the reasons that led to the owner's request to withdraw from the proposed licence agreement. The agreement was never executed by Council.

Recommending:

THAT Council release the owner of 2A Euroka Street, Waverton from all legal obligations with Council, subject to him paying all outstanding legal costs to the respective Solicitors.

RESOLVED:

THAT the report adopted.

The Motion was moved by Councillor Zimmerman and seconded by Councillor Raymond.

Note: Councillor Burke declared a non-pecuniary interest in this item, participating in debate and voting.

687. EPS06: Proposed Sale of Portion of Roadway fronting 40 Kurraba Rd, Neutral Bay

Report of Risha Joseph, Property Officer, 15 September 2009

The owner of 40 Kurraba Rd, Neutral Bay, has approached Council with a request that Council consider selling to them a parcel of land which adjoins the front of their property. The subject parcel is identified as a public road and forms part of the Kurraba Road Reserve.

Council had compulsorily acquired the subject parcel of land in May 1969 for road widening purposes, however, since its acquisition all plans to widen Kurraba Road in this vicinity have been abandoned.

Recommending:

1. **THAT** Council enter into an Agreement of Sale with the owners of 40 Kurraba Rd, Neutral Bay, over the proposed sale of the parcel of land fronting their property and delegated authority be given to the General Manager to finalize the

terms and conditions, as well as the final negotiated price based on the PRP valuation report.

2. **THAT** all costs necessary to effect the proposed subdivision and other related costs, including legal, be borne by the purchaser.
3. **THAT** the sale be entered into subject to the Minister's consent to the permanent closure of the road.
4. **THAT** Council hereby authorises its Official Seal to be affixed to the legal instruments necessary to effect the proposed subdivision and sale of the subject parcel of land fronting 40 Kurraba Rd, Neutral Bay, to the owners of 40 Kurraba Road, Neutral Bay, under the signature of the Mayor and the General Manager.

RESOLVED:

THAT a further report be brought back to Council outlining all options available as an alternate to the proposed sale of the roadway including public parking and open space.

The Motion was moved by Councillor McCaffery and seconded by Councillor Pearson.

Voting was unanimous.

688. EPS07: Compulsory Acquisition of Land and Easements by Sydney Water with regard to the Northside Storage Tunnel, Tunks Park

Report of Risha Joseph, Property Officer, 15 September 2009

The attached report relates to the Compulsory Acquisition of Lots 1, 3 and 4 in DP 1038592 which is associated with the Northside Storage Tunnel in Tunks Park.

Council is endeavouring to negotiate a settlement with Sydney Water. The negotiations would include finalisation of a Deed of Compensation for the compulsory acquisition of land and easements at Tunks Park which will also include the off-setting of the cost of works carried out by Sydney Water to Council's benefit, against the compensation as payable by Sydney Water.

Recommending:

THAT delegated authority be given to the General Manager to negotiate and finalise the terms and amount of compensation payable by Sydney Water.

THAT Council hereby authorises its Official Seal to be affixed to the legal documentation, under the signature of the Mayor and the General Manager.

RESOLVED:

THAT the report be adopted.

The Motion was moved by Councillor Zimmerman and seconded by Councillor Raymond.

Voting was unanimous

689. EPS08: Ward Street Carpark. Settlement of Parking Levy Dispute

Report of Greg Cooper, Director Engineering & Property Services, 15 September 2009
Council owns the site known as Ward Street Carpark. The site is leased to Wilsons Parking on a Ground Lease basis. The original lease required the lessee to construct and operate a public carpark. The lease is due to expire on 23 August 2020 and the terms of the lease require the tenant to pay all State Government fees and charges which include the parking levy charge.

Wilsons Parking disputed the Office of State Revenue (OSR) methodology for compiling this tax. The parking levy tax is payable by the owner of the site and consequently, for Wilsons to litigate against OSR, Council would have to be joined in the proceedings. This matter has now been settled between OSR and Wilsons. Council has been joined into the case and is party to this settlement.

Recommending:

THAT Council resolves to enter into the Deed of Release pursuant to the Terms of Settlement entered into between Council and the OSR in relation to outstanding car parking levies pursuant to the Parking Space Levy Act 1992 for the period 1 July 1998 to 30 June 2003.

THAT Council further acknowledges that under the terms of clause 5.2 of the Deed the Chief Commissioner of Taxation undertakes to treat the assessments and any other "estimate assessments" issued to the Council for the period of 1 July 2003 to 30 June 2009 as a compromise assessment. This figure together with the figure owing from 1 July 1998 to 30 June 2003 (now covering the period 1 July 1998 to June 2009) is the sum of \$317,246, and Council agrees to pay OSR \$317, 246.

RESOLVED:

THAT the report be adopted.

The Motion was moved by Councillor Zimmerman and seconded by Councillor Barbour.

Voting was unanimous

690. EPS09: Council Owned/Leased Properties: Leasing Transactions

Report of Risha Joseph, Property Officer, 15 September 2009

A report is submitted regarding the proposed leasing transactions for Council owned/leased properties, in respect of the period ending 15 September 2009.

Recommending:

THAT Council note the proposed leasing transactions, which are detailed in the first column of Attachment A of this report.

THAT Council hereby authorises its Official Seal to be affixed to the legal instruments necessary to implement the proposed leasing transaction, which is noted in the first Column of "Attachment A" of this report, under the signature of the Mayor and the General Manager.

RESOLVED:

THAT the report be adopted.

The Motion was moved by Councillor Zimmerman and seconded by Councillor Barbour.

Voting was unanimous.

691. EPS10: Council Owned/Leased Properties: Quarterly Income Report

Report of Risha Joseph, Property Officer – 15 September 2009

A report prepared by Preston Rowe Paterson and summarised below is submitted regarding the rental income received from Council owned/leased properties, in respect of the period 1 April 2009 to 30 June 2009. The report also shows the budgeted and actual income received for the financial year 2008/2009, currently 100%

Recommending:

THAT the report be received.

RESOLVED:

THAT the report be received.

The Motion was moved by Councillor Marchandean and seconded by Councillor Barbour.

Voting was unanimous.

692. EPS11: Property Asset Management Plan 2009/10 –2018/19

Report of Albert Lo, Property Asset Manager - 15/9/09

The purpose of this report is to provide Council with a Property Asset Management Plan for Council's property portfolio that comprises four property types, ie Council premises, community facilities, parking stations and rental properties.

The Property Asset Management Plan is a policy document that provides a clear direction and guideline for the effective short and long term management of property assets under Council's control.

The attached Property Asset Management Plan contains a 10-year forward plan for each of the Council properties. Capital upgrading projects have been identified for each property and will formulate the property Capital Works Program in future. Maintenance programs have also been included for each property for implementation by the service delivery team. A brief construction history for each property has been added in the Asset Summary Sheets as per Council's request.

Recommending:

THAT the report be received.

RESOLVED:

THAT the report be received subject to it being noted that item 27 on the Council owned buildings map is the Nutcote Residence Unit and item 58 is the Nutcote Museum.

The Motion was moved by Councillor Marchandean and seconded by Councillor Barbour.

Voting was unanimous

693. EPS12: Pacific Highway – Improved Pedestrian Safety

Report of Cathy Edwards-Davis, Traffic Engineer, 14 September 2009

Clr Gibson raised a notice of motion at the Council meeting on the 25 August 2009 where it was resolved:

THAT a report be submitted to Council on options for improving pedestrian safety on the section of the Pacific Highway footpath that extends from Blue Street to the Middlemiss Street underpass.

Various options for this footpath are outlined in the report.

Recommending:

THAT the information be received.

RESOLVED:

THAT the information be received.

THAT additional street lighting be investigated to improve pedestrian safety.

THAT Council investigate the possible widening of the footpath adjacent to the Pacific Highway near the intersection of Blue Street by setting back the raised grassed area.

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

Voting was unanimous

Division of Open Space & Environmental Services**694. OSES01: Tender 5/2010 – Contract for Grass Cutting**

Report of Peter Massey, Manager Parks and Reserves, 14 September 2009

Tenders were called and received until 4.00 pm on Tuesday 8 September 2009 for the mowing, trimming and edging of grass in specified public streets and public land including parks and reserves throughout the North Sydney Council area.

This report details the tenders received, available funding and recommends a preferred tender.

Recommending:

1. **THAT** Council accept the tender of T K Services to carry out the grass mowing of parks and reserves under Contract 5/2010 to the value of \$325,768.
2. **THAT** Council hereby authorises its Official Seal to be affixed to Contract 5/2010 under the signature of the Mayor and the General Manager.

RESOLVED:

THAT the matter be referred to a Councillor briefing.

The Motion was moved by Councillor Pearson and seconded by Councillor Robjohns.

Voting was unanimous

695. OSES02: Expression of Interest to Operate and Manage the North Sydney Food and Entertainment Market

Report of Jennie Devlin, Events Manager, OSES, 14 September 2009

Expressions of Interest were called and received until 3.00pm on 7 September 2009 for the operation and management of the North Sydney Food and Entertainment Market. This report details the expressions of interest received, and recommends the preferred submission.

Recommending:

1. **THAT** Council accept the Expression of Interest submission of Organic Food & Farmers Market, to carry out the North Sydney Food and Entertainment Market under the Management Agreement.
2. **THAT** Council hereby authorises its Official Seal to be affixed to the Management Agreement under the signature of the Mayor and the General Manager.

RESOLVED:

THAT the report be adopted.

The Motion was moved by Councillor Raymond and seconded by Councillor Marchandean.

Voting was unanimous

696. OSES03: Shakespeare on the Green Public Event Proposal

(Previously dealt with see Minute No.667)

697. OSES04: Crows Nest Organic Market Proposal

(Previously dealt with see Minute No.668)

698. OSES05: Progress of Milson Park Community Garden Project

Report of Ralph Forinash, Streets Alive Coordinator, 3 September 2009

Following a report to the 2 February 2009 Council meeting, Council resolved to adopt the recommendation to commit land for a community vegetable garden. It also resolved that a progress report be submitted in six months' time. This report outlines the process of the garden after the initial 6 months of the project.

Recommending:

THAT this information be received.

RESOLVED:

THAT the information be received.

The Motion was moved by Councillor Raymond and seconded by Councillor Barbour.

Voting was unanimous

Note: Councillor Baker declared an interest in this item and left the Chamber taking no part in debate or voting.

PETITIONS

699. PET01: Road Resurfacing and Renaming of a Section of Cammeray Road

Submitting a petition of 26 signatories requesting:

That Council

- Change the name of the section of Cammeray Road at Folly Point (being that section east of the roundabout intersection with Cowdroy Ave) to 'Folly Point' or 'Folly Point Road'.
- Repair and upgrade the road surface of that section, which is in a very poor state of repair, together with minor soft landscape works.

RESOLVED:

THAT the Petition be received.

The Motion was moved by Councillor Zimmerman and seconded by Councillor Carland.

Voting was unanimous

700. PET02: Proposed Sale of the Former Groom Bros Building, Munro Street to Noakes Boat & Shipyard Pty.Ltd.

(Previously dealt with see Minute No.669)

CORRESPONDENCE

701. C01: Cremorne Community Health Centre and Hydrotherapy Pool at Royal North Shore Hospital

Submitting correspondence from the Minister for Health, (7/09/09) regarding mental health services to Cremorne Community Health Centre and the Hydrotherapy pool at RNS Hospital.

RESOLVED:

THAT the correspondence be received.

The Motion was moved by Councillor Baker and seconded by Councillor Raymond.

Voting was unanimous

702. C02: Leave of Absence Councillor Carland

Submitting correspondence from Councillor Carland (07/09/09) requesting leave of absence from Council for the period 28 September to 2 October 2009 and 26 October to 13 November 2009 inclusive.

RESOLVED:

THAT the correspondence be received and leave of absence granted.

The Motion was moved by Councillor Baker and seconded by Councillor Raymond.

Voting was unanimous

**MOTIONS OF WHICH DUE NOTICE
HAS BEEN GIVEN**

**703. NoM01: Notice of Motion No. 35/09 by Councillor Gibson –
16/09/09**

Re: Protection of Street Trees

THAT Council officers consult with the City of Sydney Council regarding the rubberised treatment that has been used around plane trees near the Library and Community Centre on Crown Street, Surry Hills and a report be submitted to the Environmental Services Reference Group.

The Motion was moved by Councillor Gibson, seconded by Councillor Reymond and **carried unanimously**

**704. NoM02: Notice of Motion No. 36/09 by Councillor Reymond –
16/09/09**

Re: Strategic Planning Advice from Consultants

THAT Council call for a report from the General Manager on the appropriate way Council can ensure that any consultant engaged to provide strategic planning advice on a Council planning instrument or to undertake a study relating to such an instrument or any other similar activity, undertakes as part of the term of engagement with Council that the consultant will not act for any applicant on a DA from the date of engagement until a period of 12 months has elapsed from the date that the planning instrument came into force.

By Consent the Motion was amended to read:

THAT Council call for a report from the General Manager with advice on whether there is an appropriate way Council can ensure that any consultant engaged to provide strategic planning advice on a Council planning instrument or to undertake a study relating to such an instrument or any other similar activity, undertakes as part of the term of engagement with Council that the consultant will not act for any applicant on a DA from the date of engagement until a period of 12 months has elapsed from the date that the planning instrument came into force.

The Motion was moved by Councillor Reymond, seconded by Councillor Robjohns and **carried**.

Voting was as follows:

For/Against 11/1

Councillors For	Councillors Against
McCaffery, Gibson, Reymond, Marchandean, Raymond, Barbour, Zimmerman, Baker, Robjohns, Carland,, Pearson	Burke

BUSINESS WITHOUT NOTICE (MATTERS OF URGENCY)

705. Leave of Absence Councillor Christie

The Mayor, raised as a matter of urgency the request from Councillor Christie for leave of absence from 21st of September 2009 and ruled the matter be one of great Urgency

RESOLVED:

THAT leave of absence be granted

706. Heritage Projects (Jobs Fund) grant for Nutcote

Report of Albert Lo, Property Asset Manager - 21/9/09

Council has been successful in obtaining a grant of \$45,455 (exclusive of GST) for Nutcote restoration works and implementation of recommendations in the Conservation Management Plan in the Commonwealth Jobs Fund Projects Program.

A letter dated 18 September 2009 has been received by Council on 21 September 2009 from the Department of the Environment, Water, Heritage and the Arts (representing the Commonwealth) advising our funding application on 22 May 2009 has been approved. The Funding Agreement is required to be returned to the Commonwealth on or before 28 September 2009 due to the short duration of the funding period. The project is required to commence in October 2009 and complete by 1 June 2010.

Recommending:

- THAT** Council accepts the grant of \$45,455 (exclusive of GST) from the Federal Government Department of Environment, Water, Heritage and the Arts

for Nutcote restoration and improvement works in the Heritage Projects Program.

2. **THAT** Council hereby authorises its Official Seal to be affixed to the Funding Agreement in respect of Nutcote works for the Commonwealth Jobs Fund Projects Program, under the signature of the Mayor and the General Manager.

The Mayor ruled the matter be one of great Urgency

RESOLVED:

THAT the report be adopted.

707. 8 Cliff Street, Milsons Point

Councillor Zimmerman raise as a matter of urgency that in relation to the development application for 8 Cliff Street, Milsons Point, Council request a report from the Planning and Development department on:

- Whether other Councils adopt a different approach to ensure compliance with construction management plans, particularly in relation to enforcement, penalties and development consent conditions.
- What actions can be taken to strengthen enforcement procedures to prevent the breaches that have occurred in relation to other developments along Cliff Street.

That this report be presented to Councillors on or before the meeting at which 8 Cliff street will be further considered by Council.

The Mayor ruled the matter be one of great Urgency

The Mayor, Councillor McCaffery declared an interest in this item and left the Chamber taking no part in debate or voting. Councillor Robjohns took the Chair.

RESOLVED:

THAT Council request a report from the Planning and Development division on:

- Whether other Councils adopt a different approach to ensure compliance with construction management plans, particularly in relation to enforcement, penalties and development consent conditions.
- What actions can be taken to strengthen enforcement procedures to prevent the breaches that have occurred in relation to other developments along Cliff Street.

The Mayor resumed the Chair at 8:50pm.

708. McMahon's Point Community Pre-school

Councillor Baker raised as a matter of urgency the request of the pre-school to borrow 8 trestle tables from the community centre for a fund raising fete.

The Mayor ruled the matter be one of great Urgency

RESOLVED:

THAT 8-10 trestle tables be made available to the pre-school for the fete free of charge.

709. Bicycle Storage facilities at North Sydney Station

Councillor Robjohns raised as a matter of urgency that Council endorse the following late motion for the LGA conference 2009:

- That the local Government association make representations to the state government supporting a policy that all train stations in metropolitan Sydney have bicycle parking including compound bicycle parking and bicycle racks

That Council staff prepare a background supporting case for this late motion

The Mayor ruled the matter be one of great Urgency

RESOLVED:

THAT Council endorse the following late motion for the LGA conference 2009:

- That the local Government association make representations to the state government supporting a policy that all train stations in metropolitan Sydney have bicycle parking including compound bicycle parking and bicycle racks

THAT Council staff prepare a background supporting case for this late motion

QUESTIONS WITH NOTICE

QUESTIONS WITHOUT NOTICE**710. Q01:Councillor Robjohns – 21/09/09****Re: Fenced Parks for off leash areas**

Could a report be made available through the councillor bulletin regarding Councils position on a fenced dog run area?

Answer by Martin Ellis, Direction of Community & Library Services

A report will be coming to Council. A site meeting was held on Friday between Council staff, the Guide Dogs Association and Ms Mesnage at Blues Point reserve which is completely fenced. Ms Mesnage said she will trial that, while the Guide Dogs Association develop a brief for the appropriate park and once we see the brief we will have costing and then a report will be brought back to Council.

711. **Q02:Councillor Zimmerman – 21/09/09**

Re: Dog Bowl in St Thomas Rest Park

Can Mr Emerson give assurance to Council that the design for the dog bowl in St Thomas Rest Park will be subject to consultation with the precinct and Council?

Answer by Robert Emerson, Director Open Space & Environment

There will be consultation with the precinct on this matter.

The Meeting concluded at 9:00 pm

CHAIRPERSON

GENERAL MANAGER