

**MINUTES OF THE ORDINARY MEETING OF MOSMAN MUNICIPAL COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOSMAN SQUARE,
ON TUESDAY 8 MARCH 2016 COMMENCING AT 7.03pm**

1. PRESENT

The Mayor (Councillor P Abelson) in the Chair
Councillor R Bendall
Councillor C Corrigan
Councillor P S Menzies
Councillor E A Moline
Councillor T Sherlock
Councillor P White
General Manager
Director Corporate Services
Director Environment and Planning
Director Community Development
Manager Communication
Manager Governance
Manager Urban Planning
Governance Officer

2. WELCOME TO VISITORS

The total number present in the Gallery was 78.

3. APOLOGIES AND LEAVE OF ABSENCE

There were no apologies.

4. DISCLOSURES OF PECUNIARY INTERESTS

There were no disclosures of Pecuniary Interests from Councillors or Senior Staff.

5. DISCLOSURES OF NON-PECUNIARY INTERESTS

There were no disclosures of Non-Pecuniary Interests from Councillors or Senior Staff.

6. CONFIRMATION OF MINUTES

Motion Moline/Menzies

That the Minutes of the Ordinary Meeting of Council held on 16 February 2016, as typed and circulated, be confirmed.

CARRIED UNANIMOUSLY

7. MAYORAL MINUTES

The Mayor submitted one Mayoral Minute which was dealt with as follows:

MM/4 Proposed Response to State Governments Latest Proposal to Merge Mosman with North Sydney and Willoughby Councils

The Mayor read the attached Mayoral Minute to the meeting.

RECOMMENDATION

That Council endorse its existing policy and oppose the Government’s proposed merger of Mosman with North Sydney and Willoughby.

COUNCIL RESOLUTION

Motion Sherlock/Bendall

That Council:

1. endorse its existing policy and oppose the Government’s proposed merger of Mosman with North Sydney and Willoughby.
2. seek advice from its legal counsel to determine if the actions foreshadowed by Woollahra Council are applicable to the North Sydney, Willoughby and Mosman Council proposal.

CARRIED

For: Abelson, Bendall, Corrigan, Menzies, Moline, Sherlock

Against: White

Amendment Menzies/Moline

That Council:

1. endorse its existing policy and oppose the Government’s proposed merger of Mosman with North Sydney and Willoughby.
2. seek advice from its legal counsel to determine if the actions foreshadowed by Woollahra Council are applicable to the North Sydney, Willoughby and Mosman Council proposal.
3. pursuant to section 218E of the *Local Government Act 1993*, make a proposal to the Minister for Local Government for the amalgamation of Mosman and North Sydney local government areas into one new area, so residents be afforded the opportunity to comment on all potential scenarios.

LOST

For: Menzies, Moline, White

Against: Abelson, Bendall, Corrigan, Sherlock

8. ITEMS NOT CALLED FOR INDIVIDUAL CONSIDERATION

Motion Menzies/Moline

That the Officer’s Recommendation be adopted in relation to the following items:

Item	Description - Officer's Recommendation
CS/6	Investments for February 2016 <i>The Chief Financial Officer recommends that the Schedule of Investments for the month of February 2016 be adopted.</i>

CS/7	<p>Mosman Environmental Foundation</p> <p><i>The Manager Governance recommends that Council:</i></p> <ol style="list-style-type: none"> 1. <i>In accordance with clause 1.7 of the Constitution of Mosman Environmental Foundation Limited, consent to the further amendments referred to in the report to enable compliance with the Guidelines of the Department of the Environment for the proposed Mosman Environmental Trust to be registered on the Register of Environmental Organisations.</i> 2. <i>Execute the amended Trust Deed between Council as Settlor and Mosman Environmental Foundation Limited as Trustee (as circulated with this report) by way of establishing the Mosman Environmental Trust.</i>
EP/13	<p>Military Road CCTV Surveillance System</p> <p><i>The Manager Engineering recommends that:</i></p> <ol style="list-style-type: none"> 1. <i>The report be noted.</i> 2. <i>Council undertake no further action regarding CCTV in Military Road at this time.</i>
EP/15	<p>Development Standard Variations</p> <p><i>The Manager Development Services recommends that the report be received and noted.</i></p>
EP/16	<p>1-3 Brady Street, Development Application 8.2014.247.2</p> <p><i>The Consultant Planner recommends Approval with conditions.</i></p>

CARRIED UNANIMOUSLY

9. ITEMS CALLED FOR INDIVIDUAL CONSIDERATION

The following items were called by residents and Councillors for individual consideration.

Item	Description
GM/3	2016 National General Assembly
CD/5	Local Government Reform - Information Campaign - Merger Proposal - Mosman, North Sydney and Willoughby
EP/11	Balmoral Reserves Plan of Management
EP/12	Impounding Amendment (Unattended Boat Trailers) Act 2015
EP/14	Synthetic Sports Surface Middle Head Oval
EP/17	Design Excellence Panel

10. EP/14 Synthetic Sports Surface Middle Head Oval

Linda Bergin (1 Windward), Marshall Phillips (96 Cabramatta), Kate Eccles (30 Morella), Julie Goodsir (1 Windward), Oscar Drew (22 Ryrie), Justine Dethridge (3 Wan), Jordan Perkins (4 Congewai) and Louise Walker (24A Musgrave) addressed the meeting.

OFFICER'S RECOMMENDATION

The Manager Environment and Open Space recommends that:

1. Council notes the Sydney Harbour Federation Trust correspondence.
2. Council supports the installation of a synthetic grass surface at Middle Head Oval.
3. Council request the Sydney Harbour Federation Trust to accept a Development Application for the works and, if agreed, an application be prepared and lodged.

COUNCIL RESOLUTION

Motion White/Menzies

That the Officer's recommendation be adopted.

CARRIED

For: Abelson, Menzies, Moline, Sherlock, White

Against: Bendall, Corrigan

Amendment Bendall/Sherlock

That prior to any consideration of a recommendation by Council to submit a development application to the Sydney Harbor Federation Trust in relation to synthetic grass on Middle Head Oval:

1. Council pursue its negotiations with the Trust on the long term leases of facilities and ovals currently under Council management.
2. Council Officers prepare a report outlining potential planning, environmental and financial benefits and disadvantages of synthetic grass on Middle Head for Council's review. This document is to be consistent with that detailed in the Trust Planning Process and should provide Councillors the opportunity to understand the potential planning and economic benefits and disadvantages this proposal may have.
3. Consultants engaged for the purposes of any economic and environmental assessment should be independent (not engaged in the synthetic grass industry).
4. That the report outlined in point B. be reported to Council for further consideration in relation to the submission of a development application, expected within 3 months.

LOST

For: Abelson, Bendall, Corrigan

Against: Menzies, Moline, Sherlock, White

11. REFRESHMENTS ADJOURNMENT

The meeting was adjourned between 9.20pm and 9.36pm when the Mayor extended an invitation to all present in the Council Chambers to join with the Councillors for refreshments.

12. SUSPENSION OF STANDING ORDER

Motion Sherlock/Moline

That standing orders be suspended at 9.36pm in order to deal with Item NM/4.

CARRIED UNANIMOUSLY

13. NM/4 Notice of Motion: Dan Murphy's Liquor Licence, Community Impact Statement

Michael Pieterse (5/7 Clifford), Karen Wilshire (4/7 Clifford) and Michael Peters (9/5-9 Clifford) addressed the meeting.

COUNCIL RESOLUTION

Motion Sherlock/Menzies

That Council investigate the need for, and if necessary prepare, a submission against the application by Dan Murphy's liquor licence at the Marque (formerly Cache) to be submitted before the deadline of 12 March 2016.

CARRIED UNANIMOUSLY

Standing orders resumed at 9.55pm

14. EP/17 Design Excellence Panel

Yolande Stone (7 Plunkett) addressed the meeting.

OFFICER'S RECOMMENDATION

The Manager Urban Planning recommends that Council not proceed with establishing a Design Excellence Panel for the reasons outlined in this report.

COUNCIL RESOLUTION

Motion Bendall/Corrigan

That:

1. Council supports the creation of the Mosman Design Excellence Panel and asks the General Manager to prepare appropriate terms of reference for Mosman using the North Sydney/City of Sydney and St George panels charters and terms of reference as examples.
2. The General Manager liaise with the Mayor on the establishment of a Design Excellence Panel before presentation of the terms of reference to the May 2016 meeting.
3. The terms of reference will include but not be limited to the following:

- a) The Design Excellence Panel is an advisory body which does not have the power to bind the council
- b) That the Design Excellence Panel provides advice to Council staff and applicants on the design quality of major development proposals, especially involving public land, strategic sites, mixed use sites (over 3 stories high) or where the applicants seeks significant exceptions to the LEP & or the BDCP
- c) The Panel's advice will be sought during the early conceptual stage of a design, but may be sought on development applications that have been lodged with Council. This would allow time and opportunity for designers or applicants to incorporate the advice into their designs.
- d) The Panels remuneration will be based on the North Sydney model
- e) The Panels advice should have regard to the design quality principles outlined in State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and the 'rules of thumb' under the Residential Flat Design Code, where applicable
- f) The Composition of the DEP would include three to four independent experts to be recruited with expertise in architecture or urban design.

CARRIED

For: Abelson, Bendall, Corrigan, Sherlock, White

Against: Menzies, Moline

Amendment Menzies/White

That Council conduct a workshop to discuss the Pros and Cons of this Design Excellence Panel.

LOST

For: Menzies, Moline, White

Against: Abelson, Bendall, Corrigan, Sherlock

15. GM/3 2016 National General Assembly

OFFICER'S RECOMMENDATION

The General Manager recommends that the Mayor and General Manager (or nominees) attend the 2016 ALGA National General Assembly of Local Government, subject to any implications arising from the current local government reform process.

COUNCIL RESOLUTION

Motion Menzies/White

That the Officer's recommendation be adopted.

CARRIED UNANIMOUSLY

16. CD/5 Local Government Reform - Information Campaign - Merger Proposal - Mosman, North Sydney and Willoughby

OFFICER'S RECOMMENDATION

The General Manager recommends that Council approve the information campaign detailed within this report, noting that funds are available from allocations previously endorsed by Council for merger-related information campaigns.

COUNCIL RESOLUTION

Motion Sherlock/Bendall

That:

1. Council approve the information campaign detailed within this report, noting that funds are available from allocations previously endorsed by Council for merger-related information campaigns.
2. That the General Manager in consultation with the Mayor finalise Council's submission to the merger proposal for Mosman, Willoughby and North Sydney.
3. Council make available previously created banners with the caption "the State Government is selling Mosman out" to be available to residents by Sunday.
4. Council make available 20 x A1 corflute with a message that Mosman rejects forced amalgamation, to be made available to residents by Sunday.

Amendment Menzies/White

1. Council approve the information campaign detailed within this report, noting that funds are available from allocations previously endorsed by Council for merger-related information campaigns.
2. That the General Manager in consultation with the Mayor finalise Council's submission to the merger proposal for Mosman, Willoughby and North Sydney.
3. Council make available 20 x A1 corflute placards with a message that Mosman rejects forced amalgamation, to residents by Sunday.

CARRIED

For: Abelson, Corrigan, Menzies, Moline, White

Against: Bendall, Sherlock

And on being put as the MOTION

CARRIED UNANIMOUSLY

17. EP/11 Balmoral Reserves Plan of Management

OFFICER'S RECOMMENDATION

The Manager Urban Planning recommends that Council undertake a review of the Balmoral Reserves Plan of Management focussed on the Balmoral Oval, southern Balmoral beach and bushland areas, addressing the particular issues identified in this report.

COUNCIL RESOLUTION

Motion Bendall/Sherlock

That the Officer's recommendation be deferred subject to the outcomes of the current Local Government reform process.

CARRIED

For: Abelson, Corrigan, Menzies, Moline, Sherlock, White

Against: Bendall

Amendment Menzies/White

That the Officer's recommendation be adopted.

LOST

For: Menzies, White

Against: Abelson, Bendall, Corrigan, Moline, Sherlock

18. EP/12 Impounding Amendment (Unattended Boat Trailers) Act 2015

OFFICER'S RECOMMENDATION

The Manager Engineering recommends that:

1. Changes to the *Impounding Act 1993* be noted.
2. Council "opt in" to take impounding action against boat trailers parked for more than 28 days.
3. Council nominate the whole Mosman LGA as the "declared area" to be published in the NSW Government Gazette for the purpose of the *Impounding Amendment (Unattended Boat Trailers) Act 2015*.
4. Council advertise the proposed changes to the *Impounding Act 1993* on Council's website and in the local newspaper at the appropriate times.

COUNCIL RESOLUTION

Motion Bendall/White

That the Officer's recommendation be adopted.

CARRIED UNANIMOUSLY

19. NM/2 Notice of Motion: Council Amalgamations

This item was dealt with under item MM/4 (refer clause 7).

20. NM/3 Notice of Motion: Parking Sensors

This item lapsed due to the lack of a Secunder.

21. QUESTIONS WITHOUT NOTICE

1.	By Councillor Bendall
	Could Council provide an update on what is being done/time frames for repair and remediation of erosion and footpath collapse on the Spit East Reserve?
	Referred to Director Environment and Planning for direct response to Councillor Bendall.

2.	By Councillor White
	Could Council provide an update on: 1) How long to organise a survey re: which way the community wishes to tilt if so forced? 2) How much money?
	Referred to Director Community Development There would generally be at least a two week turnaround required to undertake a survey of this nature. To obtain a representative sample of residents via a random street survey, likely cost based on previous surveys would be in the order of \$5000. The cost of a telephone survey is less certain - Council's biennial community survey has typically cost in the order of \$20,000 - \$25,000, and while some costs are fixed it is likely this would be discounted somewhat due to the shorter length of survey. On this basis an estimated cost would be approximately \$10,000, subject to quotation.

21. RESCISSION MOTION

Prior to the close of the meeting the General Manager sought advice as to whether Rescission Motion/s were to be submitted by Councillors in respect of any matter determined at the meeting.

22. CLOSE OF MEETING

The Meeting terminated and Council rose at 11.04pm.

CONFIRMED:

MAYOR

5 April 2016

MM/4:	Mayoral Minute: Proposed Response to State Government's Latest Proposal To Merge Mosman With North Sydney And Willoughby Councils
MAYOR:	Cr Peter Abelson
MOSPLAN REF:	Governance - Leadership and Engagement (Strategy 2)

RECOMMENDATION

That Council endorse its existing policy and oppose the Government's proposed merger of Mosman with North Sydney and Willoughby.

MAYORAL MINUTE

On Thursday 25 February the Minister for Local Government made a new proposal that Mosman Council be merged with North Sydney and Willoughby Councils. This proposal is to run concurrently with the previous proposal that Mosman Council be merged with Manly and the southern part of Warringah.

This new proposal was brought into effect by way of a letter from the Minister to the Chief Executive of the Office of Local Government (OLG) published on the OLG website on 25 February. As per this proposal, Council and community have until 8 April 2016 to make a submission.

To-date the Minister has not provided any business case or paper describing the proposal and any justification or reasons for it. This is an extraordinary situation.

Worse than this, the Government continues to promote misinformation. It tells us that we need to have larger more effective councils like Victoria and Queensland when rates per capita are of the order of 35% higher in Victoria and Queensland than in NSW. And it continues to tell the public that councils in NSW are losing money and not financially sustainable when we are collectively achieving an operating surplus of \$0.5 million a day.

We councillors have to determine a position to guide our formal response. In this regard I draw attention to our current position as resolved recently by Council and as provided in our submission to the delegate reviewing the proposal that Mosman Council merge with Manly and the part of Warringah.

"Having regard to the advice of the Government's delegate, Mr Bullen, that he would take note of and report on any Council preferences regarding amalgamation, it was resolved unanimously by Mosman Council at its meeting of 16 February 2016 that, while Council remains strongly opposed to any forced merger, it would - on the basis of its resident and ratepayer surveys and communities of interest - consider a one-to-one merger with North Sydney Council to be superior to any other merger under the criteria in section 263 of the Local Government Act 1993, noting that this merger would provide a population of over 100,000 in a few years.

However, to be absolutely clear, this is **not** the first preference of the Mosman community. The first preference of the community is continuation of the present Council. As described in this submission, the Mosman community strongly supports current governance and sees no case for any change. Support for a merger with North Sydney is only 23%. Moreover, the

Mosman community does not see any shared communities of interest extending further north or west to the local government areas of Willoughby or Lane Cove."

I believe that this is a clear statement and one that has broad community support as indicated in polling over the last four years. Accordingly I propose that Council resolves to endorse our existing policy and to oppose the Government's proposed merger of Mosman with North Sydney and Willoughby.