



Council Chambers  
29 July 2022

The **3762nd MEETING** of **COUNCIL** will be held at the Council Chambers, North Sydney at **7.30pm** on Monday 8 August 2022. The agenda is as follows.

ROB EMERSON  
A/GENERAL MANAGER

North Sydney Council is an Open Government Council. The records of Council are available for public viewing in accordance with this policy, with the only exception being made for certain confidential documents such as legal advice, matters required by legislation not to be divulged, and staff matters.

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- 1. Opening Meeting**
  - 2. Acknowledgement of Country**
  - 3. Apologies and applications for leaves of absence or attendance by audio-visual link by councillors**
  - 4. Confirmation of Minutes**
  - 5. Disclosures of Interests**

*(Note: Agenda Items will be considered By Exception)*

**6. Mayoral Minutes**

Nil

**7. Reports of Committees**

7.1 Environment Reference Group Minutes - 19 July 2022

**8. Reports to Council**

8.1. Rapid Antigen Testing

8.2. Expenses and Facilities for the Mayor and Councillors - Policy for public exhibition

- 8.3. Code of Conduct - Post exhibition report
- 8.4. 2022 Local Government NSW Annual Conference - Delegates and Motions
- 8.5. Interim Heritage Order - 15 Allister Street Cremorne
- 8.6. Community Education Officer Planning
- 8.7. Nutcote Joint Strategic Plan 2022-2024

**9. Notices of Motion/Questions with Notice**

- 9.1. Notice of Motion 44/22 - Proposed Repair Cafe - Cr Bourke
- 9.2. Notice of Motion 45/22 - Willoughby Road Public Domain Upgrade Masterplan Works - Cr Baker

**10. Matters of Urgency**

Nil.

**11. Confidential Matters**

Nil.

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**TO:** The Mayor, Zoë Baker and Councillors Beregi, Bourke, Drummond, Gibson, Lamb, Mutton, Santer, Spenceley, and Welch.

**SUBJECT: 3762nd MEETING OF COUNCIL TO BE HELD ON MONDAY 8 AUGUST 2022**

**1. OPENING MEETING**

**2. ACKNOWLEDGEMENT OF COUNTRY**

**3. APOLOGIES AND APPLICATIONS FOR LEAVES OF ABSENCE BY COUNCILLORS**

**4. CONFIRMATION OF MINUTES**

**THAT THE MINUTES** of the previous 3761st Council Meeting held on Monday, 25 July 2022 be taken as read and confirmed.

**5. DISCLOSURES OF INTEREST**

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**6. MINUTES OF THE MAYOR**

Nil

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## 7. REPORTS OF COMMITTEES

### 7.1. Environment Reference Group Minutes – 19 July 2022

Report of Peita Rose, Governance Officer

To report the proceedings of the Environment Reference Group to Council.

This report presents the recommendations of the last meeting of the Environment Reference Group held on 19 July 2022. The minutes are attached for information.

There are no financial implications associated with this report.

**Recommending:**

**1. THAT** the Minutes of the Environment Reference Group meeting of 19 July 2022 be noted.

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## 8. REPORTS TO COUNCIL

### 8.1. Rapid Antigen Testing

Report of Shane Sullivan, Executive Manager Governance

The purpose of this report is to report to Council in accordance with the resolution of Council at its meeting of 23 May 2022 reviewing the requirements for Rapid Antigen Testing for Council Meeting attendees.

Since the Council Meeting of 21 February 2022, Council has required all attendees at Council Meetings to provide evidence of or a declaration of an appropriate negative test prior to entering the Chambers. This requirement is in addition to a number of COVID safety measures already in place.

The health advice continues to be monitored with recommendations implemented as required. Recently, the requirements around close contacts of those who have tested positive for COVID have been relaxed by NSW Health with the requirement being lifted for close contacts without symptoms to isolate.

While there has been a progressive relaxation of rules around testing and isolation, there is current medical advice that the instances of COVID in the community are increasing. The Chief Medical Officer has advised that the COVID winter wave is likely to peak in August. While in NSW there was a reduction in cases from April to May, the number of registered new cases has been rising consistently since mid-June.

Additional caution and personal responsibility is being recommended. For this reason, it is proposed that they testing requirement continue to remain in place subject to a further review in November 2022.

The cost of Rapid Antigen testing is approximately \$150 per Council Meeting. Council provides tests to Councillors and staff attending the Council meeting.

**Recommending:**

**1. THAT** Council maintain the requirement for attendees at Council Meetings to provide evidence of or a declaration of an appropriate negative COVID test prior to entering the Chambers.

**2. THAT** a further report be provided to the November Council Meeting regarding continuing this requirement to provide evidence of or a declaration of an appropriate negative COVID test prior to entering the Chambers.

### 8.2. Expenses and Facilities for the Mayor and Councillors - Policy for public exhibition

Report of Shane Sullivan, Executive Manager Governance

The purpose of this report is for Council to consider a revised Councillor Expenses and Facilities Policy for the purpose of public exhibition.

Under section 252 of the Local Government Act 1993 (the Act) a Councillor Expenses and Facilities policy must be adopted within 12 months of the commencement of a new term.

In June 2017, the Office of Local Government (OLG) provided councils with a better practice template policy for Councillor Expenses and Facilities. The intent of the template policy is to ensure compliance with the OLG Guidelines

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for the payment of expenses and provision of facilities for mayors and councillors in NSW, enable easy understanding of the maximum limits available and allow for comparison of provisions across Councils.

A revised North Sydney Council policy has been developed using the OLG template and is attached. Due to the significant changes it has not been possible to present the former policy with track changes. As far as practicably, changes to the template policy have been tracked in the attached with deletions in strikethrough and additions in purple text.

It is recommended that Council adopt the attached draft policy for the purpose of public exhibition in accordance with section 253 of the Act.

There is current provision within the 2022/23 Budget for the provision of expenses and facilities under this policy. No changes to the budget allocations are recommended at this time. Any budget changes will be reported to Council following the public exhibition period where Council will consider final adoption of the Policy.

The relevant budgets will continue to be monitored with any requirements for additional funding to be managed through the quarterly budget review process.

**Recommending:**

**1.THAT** Council adopted the attached draft Councillor Expenses and Facilities policy for the purpose of public exhibition for a period of 42 days.

**2.THAT** a further report be provided to Council following the conclusion of the public exhibition period for the purpose of considering any submissions received and adopting a Councillor Expenses and Facilities Policy.

### **8.3. Code of Conduct - Post exhibition report**

Report of Shane Sullivan, Executive Manager Governance

The purpose of this report is for Council to consider any submissions made during the public exhibition period prior to adopting a Code of Conduct.

Council must within 12 months after each ordinary election review its adopted Code of Conduct and make such adjustments as it considers appropriate and which are consistent with the Model Code of Conduct (section 440 Local Government Act 1993).

Council must adopt a Code of Conduct that incorporates the provisions of the model Code of Conduct made by the Office of Local Government (OLG). A Code of Conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct in force at the time.

At its meeting held 23 May 2022, Council resolved to place the attached Code of Conduct – Councillors and Staff, and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW on public exhibition for a period of 42 days. During the public exhibition period no feedback was received.

It is now recommended that Council adopt the Code of Conduct and Procedures as placed on public exhibition incorporating the additional provision regarding Council's Child Safe Organisation commitment.

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It is further recommended that Council consider amendments that provide for a 'no gifts or benefits' policy for North Sydney Council. This would be a provision which supplements the Model Code of Conduct.

There are no financial implications as a result of the adoption of the Code of Conduct.

**Recommending:**

**1. THAT** Council adopt the attached Code of Conduct – Councillors and Staff, and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

**2. THAT** Council adopt a position that all gifts and benefits should be politely refused, (if a gift or benefit is not refused (even of token value) it must be surrendered to the council, unless the nature of the gift or benefit makes this impractical) and that the Code of Conduct be amended as provided in this report to reflect this position.

**8.4. 2022 Local Government NSW Annual Conference - Delegates and Motions**

Report of Ian Curry, Manager Council & Committee Services

To determine Council's delegates to attend the LGNSW Conference and outline the process for submitting Motions for consideration at the Conference

The Local Government NSW (LGNSW) Annual Conference is taking place from 23 to 25 October 2022 at the Crowne Plaza Hunter Valley, and will feature a range of keynote speakers, workshops, training sessions, plus much more.

As the main policy-making event for the local government sector, the Annual Conference is an opportunity to help set the advocacy agenda for the year ahead. Motions passed at Conference become Resolutions, which LGNSW actions on behalf of its members, as part of its advocacy program.

Council has five voting delegates at the Conference.

Costs will include delegate registration and travel costs. An amount of \$12,500 has been allocated in the 2022/23 budget for Mayor and Councillor attendance at conferences, seminars and training.

**Recommending:**

**1. THAT** Council nominates up to four voting delegates to attend the 2022 LGNSW Conference in the Hunter Valley, in addition to the Mayor (voting delegate).

**2. THAT** the Precinct Committees and local business community be invited to submit suggested issues for Council's consideration as Motions to the Conference by 25 August 2022 for inclusion in the further report to Council.

**3. THAT** a further report be submitted to Council on 12 September regarding any proposed Motions for the LGNSW Conference.

**8.5. Interim Heritage Order - 15 Allister Street Cremorne**

Report of Tom Mojsiejuk, Strategic Planner

The purpose of this report is to advise Council of the progress in the issuing of an Interim Heritage Order (IHO) for 15 Allister Street, Cremorne, in response to Council's resolution at its meeting on 28 March 2022.

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In response to concerns raised in submissions and a petition signed by over 100 individuals relating to DA 375/21 at 15 Allister Street, Cremorne, Council considered a Notice of Motion at its meeting on 28 March 2022, and resolved:

- 1. THAT Council obtain urgent advice as to an Interim Heritage Order being supported on 15 Allister Street, Cremorne.*

- 2. THAT Council receive the tabled petition in this matter.*

Council engaged heritage consultants Kemp & Johnson Heritage Consultants to prepare a preliminary heritage assessment (Preliminary Assessment) to determine if the property may potentially satisfy the criteria for heritage listing under North Sydney Local Environmental Plan 2013 (NSLEP 2013).

Council received the Consultant's finalised Preliminary Assessment in May 2022, which identified that the site has potential heritage significance and indicated that it is worthy of further investigation.

Under section s.25 of the Heritage Act 1977, local Councils have the authorisation to make Interim Heritage Orders (IHOs). Furthermore, this authorisation to make an IHO was delegated to Council's General Manager by Council resolution on 17 March 2014.

The issue of an IHO will grant Council adequate time to fully investigate the properties and to prepare a Planning Proposal for listing as a heritage item under NSLEP 2013, if warranted by further investigation and analysis.

The General Manager, under delegation, authorised Council on Tuesday 31 May 2022 to make an IHO at 15 Allister Street, Cremorne. The IHO was gazetted on Friday 3 June 2022.

Council will receive a further report in coming months as to whether to endorse a Planning Proposal that seeks to list the site as a heritage item in the NSLEP 2013. Were Council to endorse a Planning Proposal, it would be referred to the Department of Planning and Environment (DPE) for a Gateway Determination to allow a formal public exhibition. If this occurs, Council would then consider the outcomes of any public exhibition before final endorsement and referral to DPE for potential gazettal.

The cost of engaging a Heritage Specialist to provide advice and prepare an assessment of significance for both the issue of the Interim Heritage Order and the potential future heritage listing of the site was approximately \$8,000. If the matter proceeds to a formal public exhibition process, further heritage specialist services may be required to assist in the review of any detailed submissions. These costs could be in the order of an additional \$2-3000 and are covered by existing budget allocations.

**Recommending:**

- 1. THAT** the report be received.

## **8.6. Community Education Officer Planning**

Report of Stephen J Beattie Manager Development Services

Council at its meeting of 23 May 2022 considered Notice of Motion 32/22 and called for a report outlining how Council could better support community understanding of the planning process. This report is in response to that resolution.

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Notice of Motion 32/22 as adopted by Council recognised the significant and growing community concern about the extent of apparent overdevelopment in the North Sydney Council local government area. The NoM further recognised that community members find it difficult to understand the New South Wales (NSW) planning system and their rights against often well-resourced property developers.

This report responds to Council's request that Council establish a 'Community Education Officer – Planning' (or similar) role within the organisation, independent of the City Strategy Division, dedicated to educating our community on planning issues. As outlined in this report many of the intended functions of this role exist within established positions within the City Strategy Division. The report explores the appropriateness of augmentation or expansion of these existing roles.

A potential additional role of this nature is not funded in the adopted 2022/23 budget. It is anticipated that if an additional position is established expenditure including on costs would be around \$130,000 per annum.

**Recommending:**

1. **THAT** report be received.

## 8.7. **Nutcote Joint Strategic Plan 2022-2024**

Report of Rebecca Aukim, Director Community & Library Services

To recommend the adoption of the new Joint Strategic Plan 2022–2024 for May Gibb's Nutcote House Museum.

The Nutcote Joint Strategic Plan (JSP) is a joint planning statement between Council and the Nutcote Trust, an independent volunteer board that manages the May Gibb's Nutcote House Museum.

The Plan lists 4 strategic goals: Access, Inspiration and Learning; Community Engagement; Conservation and Curatorship and Organisational Stability.

May Gibb's house, outbuildings and grounds were purchased by Council in 1990 and have been managed by The Nutcote Trust since 1993. The strategic direction of the organisation is through a volunteer board with operational matters delivered by the museum's curator, weekend casuals, volunteer guides and gardeners and tea shop and gift shop staff. Each financial year Nutcote completes a review of the JSP and provides Council with their annual report.

Nutcote's Joint Strategic Plan 2022-2024 has been placed on public exhibition for 28 days for public review and comments. During the public exhibition phase Council received no comments or feedback on this Plan.

Under the terms of the lease, Council is responsible for the maintenance of the Nutcote property and surrounding grounds costing \$38,400 annually, including rates.

For 2022/23, Council has contributed a cash subsidy of \$32,000 which will go towards Nutcote's operating costs and to sharing the cost of business and public liability insurance premiums (Council's contribution is approximately 50%).

In 2020/201 rent from the Trust-owned residential flat at 2A Wallaringa Avenue contributed

\$24,541 towards Nutcote’s operations (staff wages), a reduction of 43% due to vacancy. As

The Nutcote Trust wholly owns 2A Wallaringa Avenue, it is not part of Council’s lease. Revenues from all activities were down due to closures arising from Covid.

**Recommending:**

- 1. THAT** Council adopt the Nutcote Joint Strategic Plan 2022-2024.

## 9. NOTICES OF MOTION

### 9.1. Notice of Motion 44/22 - Proposed Repair Cafe - Cr Bourke

**1.THAT** Council as soon as practicable prepare a report on the feasibility of opening and running a full-time repair café, where people gather to work on repairing objects of everyday life including electrical and mechanical items, clothing and accessories.

**BACKGROUND (as provided by submitter)**

Repair cafes are about breaking the cycle of buy, use and throw away. Items such as electrical and mechanical devices, computers, bicycles, clothing, jewellery, ceramics, shoes, toys, zips, bags, umbrellas and small woodwork can all be repaired.

North Sydney Council has a stated goal of working with the community to create an environmentally sustainable society. To achieve this, we must act urgently to address the key sustainability issue and driver of many of our environmental problems, being our collective unsustainable consumption of resources.

A repair café can help to significantly reduce our waste production and increase our recycling and energy recovery through a more circular economy. In a circular economy future, it would be ideal to see a repair café accessible to every community in Australia. North Sydney can demonstrate leadership in this area.

Repair cafes are free to use and staffed by volunteers. Skills can be shared and learned. In part, the repair café could be funded through donations, sponsorship and state and federal government grants. Venues such as The Coal Loader Centre for Sustainability and HMAS Platypus could be considered as a location.

### 9.2. Notice of Motion 45/22 - Willoughby Road Public Domain Upgrade Masterplan Works - Cr Baker

**1. THAT** Council prioritise the completion of the Willoughby Road Public Domain Upgrade Masterplan works, prepared by Group GSA and adopted by Council on 30 October 2017.

**2.THAT** the works be carried out over the next 2 budget years and be funded from the Crows Nest Main Street Levy and developer contributions received in the Crows Nest/St Leonards Precinct Planning Studies area.

**3. THAT** a report be provided to the next Council meeting on the timeframe and funding, including consideration of using the levy funds to service capital and interest on borrowing for the project, if necessary.

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**10.           MATTERS OF URGENCY**

Nil.

**11. CONFIDENTIAL MATTERS**

Nil

**12. CLOSURE**