



# MINUTES

The Minutes of the Council held at the Council Chambers, North Sydney at 7:00 PM on Monday 10 October 2022.



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## **1. Opening Meeting**

### **Statement of ethical obligations**

Councillors are reminded of the oath or affirmation taken upon commencement of office that they will undertake the duties of the office of councillor in the best interests of the people of North Sydney and the North Sydney Council and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the [Local Government Act 1993](#) or any other Act to the best of their ability and judgment.

Councillors are also reminded of their obligations under the Code of Conduct to disclose and appropriately manage conflicts of interest.

The Mayor, Councillor Baker, in the Chair, and Councillors Beregi, Bourke, Drummond, Gibson, Lamb, Santer, Spenceley, Mutton and Welch were in attendance.

At the commencement of business (7:00 pm) those present were: The Mayor, and Councillors Beregi, Bourke, Drummond (remote), Gibson, Lamb, Mutton, Santer, and Welch. Councillor Spenceley (remote) joined the meeting at 7.03pm.

The meeting was opened by the Mayor.

## **2. Acknowledgement of Country**

### **RECOGNITION OF THE CAMMERAYGAL PEOPLE**

We respectfully acknowledge the Traditional Custodians of the land and waters of North Sydney local government area, the Cammeraygal people.

The Acknowledgement of Country was read by Councillor Gibson.

## **3. Apologies and applications for leaves of absence or attendance by audio-visual link by councillors**

It was moved by Councillor Beregi and seconded by Councillor Santer:

**1. THAT** Council grant permission for Councillor Drummond to attend remotely for the following reason: work

**2. THAT** Council grant permission for Councillor Spenceley to attend remotely for the following reason: travel

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

**Against:** Nil

**Absent:** Councillor Spenceley

**312. RESOLVED:**

**1. THAT** Council grant permission for Councillor Drummond to attend remotely for the following reason: work

**2. THAT** Council grant permission for Councillor Spenceley to attend remotely for the following reason: travel

Councillor Spenceley joined the meeting at 7.03pm

**4. Confirmation of Minutes**

A Motion was moved by Councillor Santer and seconded by Councillor Lamb:

**THAT THE MINUTES** of the previous 3766th Council Meeting held on Monday, 26 September 2022 be taken as read and confirmed.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

**Against:** Nil

**Absent:** Nil

**313. RESOLVED:**

**1. THAT THE MINUTES** of the previous 3765th Council Meeting held on Monday 26 September 2022 be taken as read and confirmed.

**5. Disclosures of Interest**

There were no disclosures of interest.

## 6. Public Forum

A Motion was moved by Councillor Beregi and seconded by Councillor Lamb:

**1. THAT** the following items be moved forward, as part of the Public Forum:

- 10.3 Planning Proposal 6/22 – 1-7 Rangers Road and 50 Yeo Street, Neutral Bay
- 10.4 Planning Proposal 8/22 – Heritage Listing of 15 Allister Street, Cremorne
- 10.5 Draft amendment to NSDCP 2013: North Sydney CBD – commercial tower setbacks and separation
- 11.4 Notice of Motion 59/22 - Counting of voting in Council community consultations and submissions - Cr Santer

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

**Against:** Nil

**Absent:** Nil

### **314. RESOLVED:**

**1. THAT** the following items be moved forward, as part of the Public Forum:

- 10.3 Planning Proposal 6/22 – 1-7 Rangers Road and 50 Yeo Street, Neutral Bay
- 10.4 Planning Proposal 8/22 – Heritage Listing of 15 Allister Street, Cremorne
- 10.5 Draft amendment to NSDCP 2013: North Sydney CBD – commercial tower setbacks and separation
- 11.4 Notice of Motion 59/22 - Counting of voting in Council community consultations and submissions - Cr Santer

For the sake of clarity items are listed in agenda order

## 8. Mayoral Minutes

### **8.1. MM01: Appointment of Justice Jayne Jagot to the High Court of Australia**

Late last month, the Commonwealth Attorney-General, the Hon Mark Dreyfus, KC MP announced the appointment of Justice Jayne Jagot to the High Court of Australia. Her Honour will take up her position in mid-October upon the retirement of Justice Patrick Keane AC.

Justice Jagot's elevation to the High Court is historic as not only is she the seventh woman to be appointed to the Court, but it will be the first time since Federation that the majority of justices on the High Court are women.

Justice Jagot has strong connections to the North Sydney local government area. In her early career, Justice Jagot was a solicitor, then partner, at Mallesons Stephen Jaques who served as legal advisors to North Sydney Council over a number of decades.

During her time at Mallesons, Justice Jagot advised Council on numerous legal matters and is remembered by many Council staff and residents for her sharp intellect, exceptional diligence, modesty and compassion. No doubt, Her Honour will bring those exceptional qualities to the High Court of Australia and to the jurisprudence of this nation.

**I therefore recommend:**

**1.THAT** Council write to Justice Jayne Jagot congratulating her on her historic appointment to the High Court of Australia.

**2.THAT** Council acknowledge Justice Jagot's valuable contribution to our community throughout her early career as a lawyer and partner at Mallesons Stephen Jaques and as a barrister advising and representing this Council.

The Motion was moved by The Mayor.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

**Against:** Nil

**Absent:** Nil

**315. RESOLVED:**

**1.THAT** Council write to Justice Jayne Jagot congratulating her on her historic appointment to the High Court of Australia.

**2.THAT** Council acknowledge Justice Jagot's valuable contribution to our community throughout her early career as a lawyer and partner at Mallesons Stephen Jaques and as a barrister advising and representing this Council.

## **8.2. MM02: Vale Peter Kingston**

Peter Kingston ("Kingo") seems to have been part of the fabric of North Sydney life and the foreshores of Lavender Bay for as long as anyone can remember, although he first moved to his house in Walker Street, Lavender Bay in 1974.

Peter Kingston was born at St Luke's Hospital, Darlinghurst in 1943 and grew up at Parsley Bay, Vaucluse. He attended Cranbrook School before commencing a Commerce degree at the University of NSW in 1960. He soon transferred from Commerce to study Arts and was immersed in the rich cultural life of the University during the early 1960s.

After graduating with a Bachelor of Arts, Peter Kingston studied Architecture and worked with graduating students under Neville Gruzman on housing for the aboriginal community at Papunya Tula.

From 1970 to 1975 Peter Kingston produced and/or directed films including a documentary entitled "*Brett and Butter*" on Brett Whitely's mural at The Drip Gorge, Goulburn River, "*Fanta*" an experimental black and white film made with Garry Shead and Gavin Wilson in 1973 and the 1974 film "*Leichhardt*" based on the 19<sup>th</sup> Century German explorer, Ludwig Leichhardt.

In 1976, he began to work on the restoration of Luna Park with Martin Sharp and other artists. Peter Kingston's work at Luna Park immersed him in the work of founding resident artist, Arthur Barton, and contributed to his love of Australian pop cultural figures and expressions. Of course, he went on to create several homage artworks to Barton and Luna Park (a number of which are held in Council's collection).

Peter Kingston's art is marked by a number of themes – Luna Park and Australian pop culture, Sydney Harbour and its ferries and, always close to the surface, concern about overdevelopment and the environment.

Whether it was giving his time and art to Friends of Luna Park to stop the demolition of the site, the battle to save Kialoa, the campaign to save the Hinchinbrook channel and dugongs, the campaign to save the industrial heritage of Walsh Bay, the campaign to save the "Lady class" ferries or his active engagement with Lavender Precinct, Kingo brought his passion, energy and humour to the cause.

In an essay in Artist Profile Issue 50, artist Luke Sciberras wrote:

*"Along with the unmistakable appeal of Kingston's sentimental inflections comes a lifetime of absolutely fearless campaigns to champion his heroes and to fight the good fight against those who threaten that which he holds dear. This by no means comes from the consternation of a man of a certain age; it is in his every fibre, as shown in his earliest satirical cartoons for the University of New South Wales student newspaper Tharunka, and later OZ magazines in the 1960s.*

*He is one of the very few artists who embeds a political or wry tone into almost every work he makes, however tacit or overt. In his own way he staunchly protects everything he stands for, everything that made him the child he was and the man he is.*

*The iron fist that hides beneath Kingo's velvet glove is quite possibly that swung by Popeye's Bluto, wielding a formidable "thwack" and at once comically gritting his teeth.*



*By its very nature, Kingston's work is obsessive and compulsive. This polymath's home of almost fifty years in Lavender Bay has become a series of studios devoted to his various media. One small room overlooking the bay and bridge through paint-splattered windows is for his elaborately hand-coloured linocuts; another larger room drizzled with countless layers of beautifully coloured paint is for large paintings, which in themselves are like portholes seeing the harbour from his own three-storey Edwardian ship. An entire area of the house is converted into his own cinema to share our delights and woes through the curtains of the "King's Theatre." Bronze sculptures, plaster casts, charcoals, etchings, enormous pop-art chess sets, Luna Park memorabilia – few houses on the harbour are used in this way anymore, where the creative urge leaves scarcely any room for repose or interior design."*

By the turn of the century, Kingo donated his work to our community with the creation of the Comic Walk on the foreshore at Lavender Bay – a series of bronzes of popular culture figures including "Boofhead" were cast and acquired by Council. At about this time, he became involved with Nutcote, volunteering and painting signage that references the work of May Gibbs. That association with Nutcote continued until his final days.

To the end, Kingo campaigned for the State heritage listing of the MLC Building, to save the Lady Heron and other "Lady class" heritage ferries and worked on the preparation of a new Conservation Management Plan for Nutcote. He remained a passionate champion and advocate for local heritage.

His energy, artistry, humour and passion will be sorely missed and long remembered by generations delighted by the bronzes on the Comic Walk at Lavender Bay.

Vale Kingo.

**I therefore recommend:**

- 1.THAT** Council write to Peter Kingston's family to express sincere condolences on his passing and to recognise his contribution to the North Sydney community, Lavender Bay foreshore and the high esteem and affection in which he was held by the people of North Sydney.
- 2.THAT** Council liaise with Peter Kingston's family to arrange a suitable community celebration and memorial.

The Motion was moved by The Mayor.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

**Against:** Nil

**Absent:** Nil

**316. RESOLVED:**

**1.THAT** Council write to Peter Kingston’s family to express sincere condolences on his passing and to recognise his contribution to the North Sydney community, Lavender Bay foreshore and the high esteem and affection in which he was held by the people of North Sydney.

**2.THAT** Council liaise with Peter Kingston’s family to arrange a suitable community celebration and memorial.

**8.3. MM03: Independent review of the North Sydney Olympic Pool redevelopment project**

It is no secret that during the last term of Council, I (with Cr MaryAnn Beregi and former Cr Tony Carr) consistently opposed the design, scale and cost of the North Sydney Olympic Pool redevelopment and, particularly the significant \$30 million in borrowings for the \$63.9 million project.

This new Council has inherited the North Sydney Olympic Pool redevelopment project in a design, form, governance structure and financing model established and adopted by the former Council (2017-2021).

This new Council is legally bound under the building contract to deliver the project in this form, whether we like it or not. In my view, Council is also morally obliged to deliver the project to an exceptionally high standard of construction and as quickly as practicable to ensure that pool users have access once again.

The project is not meeting the projected timing and cost due to significant delays and variations under the building contract.

We need fresh eyes to assist Council to understand how we got here, where to go next and how to ensure that this Council and future councils can sustainably manage the financial burden of the project and deliver an exceptional experience for pool users.

**I therefore recommend:**

**1.THAT** Council urgently undertake an independent review of the Council’s management of the North Sydney Olympic Pool redevelopment project.

**2.THAT** Council engage a suitably qualified independent person to undertake a thorough review of all aspects of the North Sydney Olympic Pool redevelopment project and prepare a report to Council.

This Mayoral Minute was considered first of the three Mayoral Minutes at 7.05pm

The Motion was moved by The Mayor.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 2

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

**Against:** Councillor Drummond and Councillor Gibson

**Absent:** Nil

**317. RESOLVED:**

**1. THAT** Council urgently undertake an independent review of the Council's management of the North Sydney Olympic Pool redevelopment project.

**2. THAT** Council engage a suitably qualified independent person to undertake a thorough review of all aspects of the North Sydney Olympic Pool redevelopment project and prepare a report to Council.

*The following items were moved forward, as part of the Public Forum (see pages 5-6)*

**10.3. Planning Proposal 6/22 - 1-7 Rangers Road and 50 Yeo Street, Neutral Bay**

**AUTHOR:** Katerina Papas, Senior Strategic Planner

To present to Council the assessment report of Planning Proposal 6/22 at 1-7 Rangers Road and 50 Yeo Street, Neutral Bay, which seeks to amend North Sydney Local Environmental Plan 2013, following its review by the North Sydney Local Planning Panel on 14 September 2022.

On 20 May 2022, Council received a Planning Proposal to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 1-7 Rangers Road and 50 Yeo Street, Neutral Bay. The site is located within the area covered by the now rescinded Neutral Bay Town Centre Future Directions Report (also referred to as Military Road Corridor Planning Study Stage 1).

The Planning Proposal seeks to amend NSLEP 2013 to:

- increase the maximum building height control for the site from 16m to part 30m (at 50 Yeo Street) and part 40m (at 1-7 Rangers Road); and
- increase the minimum non-residential floor space ratio control for the site from 0.5:1 to 1.7:1.

The intent of the Planning Proposal, as reflected in the accompanying indicative concept scheme, is to facilitate the delivery of a part 2 ,7 and 10 storey mixed-use development comprising a supermarket at a subterranean level, retail and commercial floor space within the podium and approximately 91 apartments located above. A basement car park containing 350 car parking spaces is proposed.

To provide greater certainty over a future built form on the site, the Planning Proposal is accompanied by suite of suggested site-specific development controls to be incorporated within North Sydney Development Control Plan 2013 (NSDCP 2013).

It is also accompanied by a non-binding letter of offer to enter into a Voluntary Planning Agreement (VPA) with Council to deliver a number of public benefits including: the provision of 65 car parking spaces for public use in perpetuity, located within the basement of the future development; a public plaza; an arcade-style pedestrian through-site link; and streetscape upgrades adjacent to the site.

A detailed assessment of the Planning Proposal was undertaken and referred to the North Sydney Local Planning Panel (NSLPP) for its consideration on 14 September 2022. That report can be viewed via the following link:

[https://www.northsydney.nsw.gov.au/files/assets/public/docs/1\\_council\\_meetings/committees/nslpp/14\\_september\\_2022/pp02\\_1-7\\_rangers\\_road\\_and\\_50\\_yeo\\_st\\_neutral\\_bay\\_pp622\\_rpt.pdf](https://www.northsydney.nsw.gov.au/files/assets/public/docs/1_council_meetings/committees/nslpp/14_september_2022/pp02_1-7_rangers_road_and_50_yeo_st_neutral_bay_pp622_rpt.pdf)

The NSLPP agreed with the recommendations outlined in the Council officer's detailed assessment report and **recommended the Planning Proposal not be supported** to proceed to a Gateway Determination for the reasons contained in the report. They were:

- The proposal is not underpinned by a comprehensive strategic planning study for the locality and if implemented, will undermine the ability to achieve the objectives and actions of high-level strategic planning policies relating to the site, including:
  - Greater Sydney Regional Plan – A Metropolis of Three Cities;
  - North District Plan; and
  - North Sydney Local Strategic Planning Statement.
- The proposal is inconsistent with the following section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act 1979:
  - Direction 1.1 – Implementation of Regional Plans
  - Direction 5.1 – Integrating Land Use and Transport
  - Direction 7.1 – Business and Industrial Zones
- The indicative concept design fails to demonstrate how the site could be acceptably developed to the requested heights insofar that it does not respond adequately to the site attributes and context and will result in significant level of public and private amenity impacts including dominance of the public domain, overshadowing and traffic generation;
- The proposal would set an unacceptable precedent prior to the establishment of a finalised policy position for future development in the locality, and undermine the future strategic planning work for the Neutral Bay town centre; and
- The proposal undermines the development potential and public benefit opportunities of the immediately adjoining site to the north.

A copy of the NSLPP Minutes and Recommendation is available via the following link:  
[https://www.northsydney.nsw.gov.au/files/assets/public/docs/1\\_council\\_meetings/committees/nslpp/14\\_september\\_2022/nslpp\\_-\\_planning\\_proposal\\_jm\\_minutes\\_14\\_september\\_22\\_003\\_-\\_nmc\\_edit.pdf](https://www.northsydney.nsw.gov.au/files/assets/public/docs/1_council_meetings/committees/nslpp/14_september_2022/nslpp_-_planning_proposal_jm_minutes_14_september_22_003_-_nmc_edit.pdf)

The costs associated with the administration and any exhibition of the Planning Proposal and DCP will be drawn from existing budget lines which anticipate this type of activity.

**RECOMMENDATION:**

- 1. THAT** the Planning Proposal (PP6/22) not be supported to proceed to a Gateway Determination.
- 2. THAT** Council notifies the applicant of Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulation 2000.
- 3. THAT** Council advise the Department of Planning and Environment of its decision and be provided with a copy of this report and its resolution in support of Council's decision.
- 4. THAT** the applicant be invited to comment on the future revised Military Road Corridor Planning Study.

The following people spoke on this item as part of the Public Forum:

- Glen Curyer
- Aleksandra Serafimovska
- Lesley Sommerville
- Peter Moor
- Ben Craig
- Pierre Abrahamse
- Josh Milston
- Georgia Wilson
- Meredith Trevallyn-Jones

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

**Against:** Nil

**Absent:** Nil

**318. RESOLVED:**

- 1. THAT** the Planning Proposal (PP6/22) not be supported to proceed to a Gateway Determination.
- 2. THAT** Council notifies the applicant of Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulation 2000.
- 3. THAT** Council advise the Department of Planning and Environment of its decision and be provided with a copy of this report and its resolution in support of Council's decision.
- 4. THAT** the applicant be invited to comment on the future revised Military Road Corridor Planning Study.

**10.4. Planning Proposal 8/22 - Heritage Listing of No.15 Allister Street, Cremorne**

**AUTHOR:** Tom Mojsiejuk, Strategic Planner

To present to Council the assessment report to consider a planning proposal to amend the North Sydney Local Environmental Plan 2013 to identify the property at 15 Allister Street, Cremorne as a heritage item under Schedule 5 - Environmental Heritage and be identified on the Heritage Map. This report includes the advice of the North Sydney Local Planning Panel meeting of 14 September 2022.

In March 2022, a petition was provided to Council signed by over 100 individuals requesting that North Sydney Council investigate imposing an Interim Heritage Order (IHO) on the property.

In response to these concerns, 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.*

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

The Preliminary Assessment identified that the site may be eligible for heritage listing with the potential to meet the following Heritage Listing Criteria:

- a) Historical significance;
- b) Historical Association;
- c) Aesthetic and Technical Significance;
- f) Rarity; and
- d) Representativeness

Furthermore, Council Officers identified that the site was under threat of harm as a result of

an active development application which sought to demolish the existing building on the site, which is one of the mandatory criteria before an IHO can be imposed. Subsequently, on 31 May 2022, the Acting General Manager, under delegation, authorised an IHO on the site which was published in the Government Gazette on 3 June 2022.

In response to the outcomes and recommendations of the final Heritage Assessment report produced by Kemp and Johnson, a planning proposal has been prepared to amend NSLEP 2013 such that the property at 15 Allister Street, Cremorne is identified as a local heritage item through its listing within Schedule 5 - Environmental Heritage and identification on the Heritage Map.

Prior to the Council considering a Planning Proposal, it must be referred to the North Sydney Local Planning Panel which performs an advisory role. The Planning Proposal was considered by the Panel on 14 September 2022. The Panel considered that whilst advice from the applicant's heritage expert against the listing of the subject site and discussion of amended architectural plans retaining the subject site was provided for the benefit of the Panel, it was not persuaded that the subject site did not meet the threshold for listing under the Heritage Assessment Guidelines.

The Panel considered that the Planning Proposal has strategic and site-specific merit and that the public exhibition of a Planning Proposal would allow for the further investigation as to the significance of the subject building, and an appropriate inventory, in particular whether its interiors are also worthy of protection.

This report notes the Panel's advice and observations. Whilst it is acknowledged that various expert opinions have been canvassed, on the basis of the independent heritage advice provided to Council, the planning proposal is considered to be satisfactory and consistent both with that independent advice as well as the various legislative and applicable plan making guidelines. This report recommends that the Planning Proposal be forwarded to the Department of Planning and Environment for Gateway Determination.

Preparing and exhibiting a planning proposal to amend the North Sydney Local Environmental Plan in the manner proposed represents a modest investment in Council resources. These can be accommodated within existing budget lines.

The cost of the engagement of specialist Heritage advice and reports, including that prepared to initiate the Interim Heritage Order, has been in the order of \$23,000. It is anticipated that the public exhibition of the planning proposal would generate several submissions. As a result, further engagement of heritage specialist advice may be required to review these submissions, which could be in the range of \$2,000-\$3,000.

Exclusive of staff time, the total cost of the IHO and Planning Proposal process is estimated to be \$25,000. These costs exclude costs incurred as a result of the applicant's appeal against the IHO to date.

**RECOMMENDATION:**

**1. THAT** Council resolves to endorse the Planning Proposal attached to the report to the North Sydney Local Planning Panel on 14 September 2022 and forward it to the Minister for Planning in order to obtain a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act, 1979.

**2. THAT** upon receipt of Gateway Determination, the Planning Proposal be exhibited consistent with Council's Community Engagement Protocol.

**3. THAT** a further report be presented to Council following the public exhibition of the Planning Proposal detailing submissions received.

The following person spoke on this item as part of the Public Forum:

- Lara Bate

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

**Against:** Nil

**Absent:** Nil

**319. RESOLVED:**

**1. THAT** Council resolves to endorse the Planning Proposal attached to the report to the North Sydney Local Planning Panel on 14 September 2022 and forward it to the Minister for Planning in order to obtain a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act, 1979.

**2. THAT** upon receipt of Gateway Determination, the Planning Proposal be exhibited consistent with Council's Community Engagement Protocol.

**3. THAT** a further report be presented to Council following the public exhibition of the Planning Proposal detailing submissions received.

**10.5. Draft amendment to NSDCP 2013: North Sydney CBD – Commercial tower setbacks and separation**

**AUTHOR:** Wendy Lam, Strategic Planner - Urban Design

To seek Council's endorsement to amendments to the North Sydney Development Control Plan 2013, relating to built form guidelines for commercial towers as they apply to the North Sydney CBD, following public exhibition.



On 28 June 2021, North Sydney Council resolved to place [draft amendments to North Sydney Development Control Plan 2013](#) (NSDCP 2013) on public exhibition.

The purpose of the draft amendment is to provide better design guidance for commercial towers in the North Sydney CBD. Specifically, it identifies building setback and separation distances for commercial towers to:

- protect daylight and sky views, and reduce wind impact on the public domain;
- provide occupants of commercial buildings increased levels of amenity in terms of ventilation, natural light, and views;
- promote appropriate scale and proportion and avoid the appearance of contiguous ‘walls of towers;’
- enhance the character and image of the North Sydney CBD with commercial towers seen “in the round;” and
- better align the CBD’s planning controls with other major centres.

The [draft amendment to NSDCP 2013](#) and [background study](#) was placed on public exhibition from Monday 19 July 2021 to 30 August 2021. Eighty-one (81) submissions were received.

On 25 October 2021, Council considered the post exhibition report and resolved that a review be undertaken on the impact of the draft amendment on the CBD and that a briefing be provided to Councillors. An external economic review was subsequently commissioned, and a Councillor briefing was held on 16 May 2022.

This report outlines the submissions received during exhibition and the outcome of the review.

Of the eighty-one (81) submissions received during the exhibition period:

- 25 expressed some support for the objectives and/or proposed amendments;
- 68 requested a savings provision to apply to lodged development applications;
- 12 raised concerns regarding a perceived loss of commercial floorspace, inability to achieve Premium or A-Grade floorplates, or a lack of economic impact analysis to support the amendment;
- 11 made site-specific requests for variations or exceptions to the proposed guidelines to realise development opportunities on particular sites within the North Sydney CBD;
- 7 requested better alignment with the City of Sydney DCP controls.

The economic review (Attachment 3) outlines the importance of commercial floor plates over 1,000sqm to the market and discusses mechanisms to encourage or require site amalgamations to achieve this. The amendment may impact development feasibility on some sites over the short to medium term, however, it is not expected to impact the significant amount of new commercial development already in the pipeline over the next eight to 16 years. Over this time, the market is expected to absorb the proposed design guideline changes.

In response to the submissions made and the outcome of the economic review, it is recommended that the draft amendment to the NSDCP 2013 be further revised to:

- Increase the proposed maximum façade length control from 55m to 60m to further incentivise the amalgamation of smaller lots and ensure viable commercial development on longer sites;
- Include the western boundary of 65 Berry Street; southern boundary of 90 Arthur Street; southern boundary of 122 Arthur Street; eastern boundary of 80 Mount Street; northern boundary of 20 Berry Street; and southern boundary of 1 Wheeler Lane as exceptions to the 6m side setback requirement to address boundary interface issues;
- Reduce the weighted above podium setbacks to Elizabeth Plaza and Hill Street from 5m to 4m to reflect the proportion of the urban block and the scale of the laneways;
- Increase the above podium setback to the southern boundary of 128 Miller Street (Lots 1 & 8) from 4m to 5m to fix an error in Figure C-2.3, Part C, Section 2.1.3; and
- Allow for a 2m setback to the ground level of buildings fronting Arthur Street to create a comfortable street environment for pedestrians.

It is recommended that Council adopt the draft amendment as revised and that investigations commence into further statutory mechanisms to encourage or require site amalgamations via an amendment to the North Sydney Local Environment Plan 2013.

Minor expenses associated with the implementation of the DCP amendment will be funded through existing recurrent budgeting lines.

**RECOMMENDATION:**

**1.THAT** Council note the submissions made to the public exhibition of the draft amendments to NSDCP 2013, as provided across pages 16 to 67 (Attachment 8.14.1) of the [post-exhibition report](#) (October 25 2021).

**2.THAT** Council adopt the draft amendment to NSDCP 2013 as amended, forming Attachment 2 to this report, in accordance with clause 21(1) of the Environmental Planning and Assessment Regulation, 2000.

**3.THAT** public notice of the publication of the amendment to NSDCP 2013 be given on Council's website in accordance with clause 21(3) of the Environmental Planning and Assessment Regulation, 2000.

**4.THAT** Council investigate amending the North Sydney Local Environmental Plan 2013 to encourage or require site amalgamations in the CBD and that the matter be reported back to Council.

**5.THAT** all submitters be notified of Council's decision and thanked for their submissions.

The following people spoke on this item as part of the Public Forum:

- Roderick Miller
- Michael Rowe
- Alyce Kliese
- Paul Etherington

A Motion was moved by Councillor Gibson and seconded by Councillor Drummond:

- 1. THAT** Council note the submissions made to the public exhibition of the draft amendments to NSDCP 2013, as provided across pages 16 to 67 (Attachment 8.14.1) of the [post-exhibition report](#) (25 October 2021).
- 2. THAT** Council adopt the draft amendment to NSDCP 2013 as amended, forming Attachment 2 to this report, in accordance with clause 21(1) of the Environmental Planning and Assessment Regulation, 2000.
- 3. THAT** public notice of the publication of the amendment to NSDCP 2013 be given on Council's website in accordance with clause 21(3) of the Environmental Planning and Assessment Regulation, 2000.
- 4. THAT** Council investigate amending the North Sydney Local Environmental Plan 2013 to encourage or require site amalgamations in the CBD and that the matter be reported back to Council.
- 5. THAT** all submitters be notified of Council's decision and thanked for their submissions.
- 6. THAT** all Councillors be provided a copy of the Savilles report.
- 7. THAT** an analysis of the controls and constraints affecting 153 - 157 Walker Street, North Sydney and the adjoining properties 161 - 165 Walker Street, North Sydney come back to Council.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

**Against:** Nil

**Absent:** Nil

**320. RESOLVED:**

- 1. THAT** Council note the submissions made to the public exhibition of the draft amendments to NSDCP 2013, as provided across pages 16 to 67 (Attachment 8.14.1) of the [post-exhibition report](#) (25 October 2021).
- 2. THAT** Council adopt the draft amendment to NSDCP 2013 as amended, forming Attachment 2 to this report, in accordance with clause 21(1) of the Environmental Planning and Assessment Regulation, 2000.
- 3. THAT** public notice of the publication of the amendment to NSDCP 2013 be given on Council's website in accordance with clause 21(3) of the Environmental Planning and Assessment Regulation, 2000.
- 4. THAT** Council investigate amending the North Sydney Local Environmental Plan 2013 to encourage or require site amalgamations in the CBD and that the matter be reported back to Council.
- 5. THAT** all submitters be notified of Council's decision and thanked for their submissions.
- 6. THAT** all Councillors be provided a copy of the Savilles report.

**7. THAT** an analysis of the controls and constraints affecting 153 - 157 Walker Street, North Sydney and the adjoining properties 161 - 165 Walker Street, North Sydney come back to Council.

#### **11.4. Notice of Motion 59/22 - Counting of voting in Council community consultations and submissions - Cr Santer**

**1.THAT** in its consultative process with the community, including consideration of submissions from Precincts, on Council policy proposals, Council ensure, when voting from the community is requested, Council recognises the number of individual votes for and against the proposal, rather than consider that an individual organisation's majority vote be counted as a block of one vote for or against the proposal.

**2.THAT** at community group meetings where a consultation is requested by Council, it is made explicitly clear, through a prepared standard statement (agreed to by Council) read in the meeting, the individual vote numbers will be recorded in the consultation report to Council.

**3.THAT** for the purpose of transparency and to ensure the absence of 'branch stacking', the names and addresses of individual voters will be included in the report to Council on the voting outcome of the consultation.

The following person spoke on this item as part of the Public Forum:

- John Hancox

A Motion was moved by Councillor Santer and seconded by Councillor Bourke:

**1.THAT** in its consultative process with the community, including consideration of submissions from Precincts, on Council policy proposals, Council ensure, when voting from the community is requested, Council recognises the number of individual votes for and against the proposal, rather than consider that an individual organisation's majority vote be counted as a block of one vote for or against the proposal.

**2.THAT** at community group meetings where a consultation is requested by Council, it is made explicitly clear, through a prepared standard statement (agreed to by Council) read in the meeting, the individual vote numbers will be recorded in the consultation report to Council.

**3.THAT** for the purpose of transparency and to ensure the absence of 'branch stacking', the names and addresses of individual voters will be included in the report to Council on the voting outcome of the consultation.

**4. THAT** when voting is counted at Council, any individual person's vote is only counted once, whether it be as an individual or part of a group.

**5. THAT** the principle of "one person, one value, one vote" is included in the review of the Community Engagement Protocol.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

**Against:** Nil

**Absent:** Nil

### **321. RESOLVED:**

**1.THAT** in its consultative process with the community, including consideration of submissions from Precincts, on Council policy proposals, Council ensure, when voting from the community is requested, Council recognises the number of individual votes for and against the proposal, rather than consider that an individual organisation's majority vote be counted as a block of one vote for or against the proposal.

**2.THAT** at community group meetings where a consultation is requested by Council, it is made explicitly clear, through a prepared standard statement (agreed to by Council) read in the meeting, the individual vote numbers will be recorded in the consultation report to Council.

**3.THAT** for the purpose of transparency and to ensure the absence of 'branch stacking', the names and addresses of individual voters will be included in the report to Council on the voting outcome of the consultation.

**4. THAT** when voting is counted at Council, any individual person's vote is only counted once, whether it be as an individual or part of a group.

**5. THAT** the principle of "one person, one value, one vote" is included in the review of the Community Engagement Protocol.

Councillor Drummond and Councillor Gibson left the meeting at 9.13pm and did not return. Councillor Welch-left the meeting at 9.13pm.

The Mayor adjourned the meeting at 9.13pm for fifteen minutes

The meeting resumed at 9:30pm. At the re-commencement of business those present were: The Mayor, and Councillors Beregi, Bourke, Lamb, Mutton Santer, and Spenceley (remote).

## **7. Items Considered by Exception**

It was moved by Councillor Beregi and seconded by Councillor Lamb that the Recommendations for the following items be adopted:

10.1	Delegations
10.2	Corporate Policy Manual Review – Direction 4
10.6	Development Applications received Q4 2021-2022
10.7	Amended CCTV Policy <i>(NB: an addendum memo has been issued for this report)</i>
10.9	Draft Disability Inclusion Plan (DIAP) 2022-2026
10.10	Library and Historical Services Strategy 2022-2027

10.11	Draft North Sydney Public Art Masterplan
10.12	North Sydney Olympic Pool Redevelopment Monthly Progress Report
10.13	Cancellation of Extraordinary Council Meeting - 18 October 2022
11.3	Notice of Motion 58/22 – Review of NSW Road Rule – Cr Welch

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer, Councillor Spenceley and Councillor Mutton

**Against:** Nil

**Absent:** Councillor Drummond, Councillor Gibson and Councillor Welch

**322. RESOLVED:**

**1. THAT** the Recommendations for the following items be adopted:

10.1	Delegations
10.2	Corporate Policy Manual Review – Direction 4
10.6	Development Applications received Q4 2021-2022
10.7	Amended CCTV Policy <i>(NB: an addendum memo has been issued for this report)</i>
10.9	Draft Disability Inclusion Plan (DIAP) 2022-2026
10.10	Library and Historical Services Strategy 2022-2027
10.11	Draft North Sydney Public Art Masterplan
10.12	North Sydney Olympic Pool Redevelopment Monthly Progress Report
10.13	Cancellation of Extraordinary Council Meeting - 18 October 2022
11.3	Notice of Motion 58/22 – Review of NSW Road Rule – Cr Welch

**9. Reports of Committees**

Nil

**10. Reports to Council**

**10.1. Delegations**

**AUTHOR:** Shane Sullivan, Executive Manager Governance

The purpose of this report is for Council to consider the delegation to the Mayor.

Under the Local Government Act 1993 (the Act), Council must review all their delegations within 12 months of an election. Council may, by resolution, delegate to the General Manager or any other person or body (but not an employee of the Council other than the General Manager) any of the functions of the Council other than those referred to in section 377 of the Act.

At its meeting held 12 September 2022, Council resolved the delegation to the General Manager. The purpose of this report is for Council to consider the delegation to the position of Mayor.

There are no financial implications in this report.

**RECOMMENDATION:**

**1.THAT** Council delegate to the role of Mayor those functions set out in the attached Instrument of Delegation under the *Local Government Act 1993* noting that Council is able to delegate functions other than those provided in section 377(1) of the Act.

*This item was considered by exception (see pages 20-21)*

**323. RESOLVED:**

**1.THAT** Council delegate to the role of Mayor those functions set out in the attached Instrument of Delegation under the *Local Government Act 1993* noting that Council is able to delegate functions other than those provided in section 377(1) of the Act.

## **10.2. Corporate Policy Manual Review - Direction 4**

**AUTHOR:** Jenny Gleeson, Manager Corporate Planning and Engagement

This report presents the corporate policies under Direction 4. Our Social Vitality for readoption.

As previously advised, Council's corporate Policy Manual is being progressively presented to the Council for readoption between August and November 2022, with Directions 1 to 3 reported to Council on 22 August and 26 September 2022. This long-standing practice occurs in line with Council's commitment to open government and ensures each term of Council is aware of the policies in operation.

Corporate policies are grouped by the five Strategic Directions of the *North Sydney Community Strategic Plan*, demonstrating alignment between Council services and programs and the community vision.

The Direction 4 policies have been reviewed, with the majority requiring only correction of administrative or typographical errors and/or updating of legislative changes/Act references.

Exceptions are:

- the *Child Protection Policy* (categorised as statutory) has been amended in line with the mandatory introduction of Child Safes requirements and is to be renamed the *Child Safe Policy*. The amendments are considered significant and therefore it is recommended that (minimum 42 days) public exhibition occur prior to the policy being re-adopted;
- the *Disability Discrimination Policy* (categorised as strategic) required minor amendments to document how the organisation is child safe. The amendments are not considered significant and therefore it is recommended that the amended policy be adopted, and that public exhibition is not required;
- the *Library Collections Policy* (categorised as strategic) required updating to align with current collection management practice. Additions include reference to digital collections, audio books, online access to films and special collections. These services have been in place for several years and/or have budget allocated in the adopted Delivery Program. The amendments are not considered significant and therefore it is recommended that the policy be re-adopted as attached, and that public exhibition is not required.
- the *Public Events Policy* (categorised as operational) required amendments, with the most significant being amendment (as outlined in the attached) to the Statement of Intent to demonstrate how the organisation is child safe. In accordance with Council's corporate policy framework, the amendment was approved by the A/General Manager on 26 September 2022. It is recommended that the policy be re-adopted by the Council and that public exhibition is not required.
- the *Tutoring in the Library Policy* (categorised as operational) required amendments, with the most significant being amendment (as outlined in the attached) to the Statement of Intent to demonstrate how the organisation is child safe. In accordance with Council's corporate policy framework, the amendment was approved by the A/General Manager on 26 September 2022. It is recommended that the policy be re-adopted by the Council and that public exhibition is not required.
- amendments to the *Public Art Policy* are reported to Council under separate cover, in context of the draft Public Art Masterplan.

There are no financial implications arising from the review of Direction 4 corporate policies.

**RECOMMENDATION:**

**1. THAT** Council readopt the Direction 4 corporate policies as attached to this report being the following:

- a) Artists' Studio Policy
- b) Artworks Acquisition Policy
- c) Artwork, Cultural and Historical Collections Deaccession Policy
- d) Busking Policy



- e) Community, Cultural and Recreational Facilities Policy
- f) Community Grants and Subsidies Policy
- g) Community Information Policy
- h) Disability Discrimination Policy
- i) Historical Services Collections Management Policy
- j) Library Collection Development Policy
- k) Public Events Policy
- l) Tutoring in the Library Policy
- m) Vacation Care Policy
- n) Writers at Stanton Policy

**2. THAT** Council endorse the amended Child Safe Policy (formerly Child Protection Policy) for public exhibition for a minimum of 42 days during which submissions may be made, and that the final policy be reported back to Council for adoption, together with a submission of any submissions received.

*This item was considered by exception (see pages 20-21)*

**324. RESOLVED:**

**1. THAT** Council readopt the Direction 4 corporate policies as attached to this report being the following:

- a) Artists' Studio Policy
- b) Artworks Acquisition Policy
- c) Artwork, Cultural and Historical Collections Deaccession Policy
- d) Busking Policy
- e) Community, Cultural and Recreational Facilities Policy
- f) Community Grants and Subsidies Policy
- g) Community Information Policy
- h) Disability Discrimination Policy
- i) Historical Services Collections Management Policy
- j) Library Collection Development Policy
- k) Public Events Policy
- l) Tutoring in the Library Policy
- m) Vacation Care Policy
- n) Writers at Stanton Policy

**2. THAT** Council endorse the amended Child Safe Policy (formerly Child Protection Policy) for public exhibition for a minimum of 42 days during which submissions may be made, and that the final policy be reported back to Council for adoption, together with a submission of any submissions received.

**10.3. Planning Proposal 6/22 - 1-7 Rangers Road and 50 Yeo Street, Neutral Bay**

*This item was brought forward as part of the Public Forum (see pages 11-13)*

#### **10.4. Planning Proposal 8/22 - Heritage Listing of No.15 Allister Street, Cremorne**

**AUTHOR:** Tom Mojsiejuk, Strategic Planner

*This item was brought forward as part of the Public Forum (see pages 11-13)*

#### **10.5. Draft amendment to NSDCP 2013: North Sydney CBD – Commercial tower setbacks and separation**

*This item was brought forward as part of the Public Forum (see pages 11-13)*

#### **10.6. Development Applications Received Q4 2021-22**

**AUTHOR:** Leonard Vogel, Planning and Development Advisor

This report provides a list of Development Applications (DAs) received by Council in Q4, 1 April 2022 to 30 June 2022, of financial year 2021/22. Its purpose is to provide Councillors and other interested persons with an understanding of the application types received and processed by the Development Services Department.

From 1 April 2022 to 30 June 2022, 144 applications of all types were received, of those 61 had already been determined as of 1 September 2022. A total of 141 applications were determined in Q4 2021/22 with a mean processing time of 102 days. This was a significant increase in the processing times in comparison with DAs determined in Q3 which was 78 days. Unplanned absences due to COVID-19 and extended delays in fulfilling vacancies were experienced in Q4.

Until June 2022 this report was prepared to align with the Legal and Planning Committee and under the revised meeting schedule will be reported to Council on a quarterly basis.

An analysis of this quarter's statistics in comparison to previous six financial years performance has also been included. Notably actual determination times of DAs are significantly higher than previous years which suggests that DA complexity and scale is increasing and as a result processing times have also increased. Covid related absence and staff turnover and the difficulty in recruiting replacement staff in the current market have had a significant impact on actual processing times in Q4.

There are no financial implications arising directly from this report.

#### **RECOMMENDATION:**

**1. THAT** the Development Applications received in Q4 of financial year 2021/22 report be received.

*This item was considered by exception (see page 6)*

**325. RESOLVED:**

**1. THAT** the Development Applications received in Q4 of financial year 2021/22 report be received.

**10.7. Amended CCTV Policy**

**AUTHOR:** David Banbury, Landscape Architect/Project Coordinator

The purpose of this report is to inform the Council of amendments recently made to Council's *Closed Circuit Television (CCTV) Policy* and to seek Council's readoption of this policy, as part of the quadrennial corporate policy manual review.

Council's CCTV Policy was introduced in April 2020. This policy is consistent with the NSW Government's Policy Statement and *Guidelines for the Establishment and Implementation of Closed-Circuit Television in Public Places*.

This policy is categorised as 'operational'. Operational policies relate to Council's operations and/or are non-mandatory policies but represent best practice. Amendments to operational policies may be approved by the General Manager, as recently occurred with the CCTV Policy.

Council's current informal position is not to install CCTV in parks and other open space areas and particularly where these areas do not have staffed facilities. This position is not stated in the CCTV Policy. The amendment to the policy clarifies Council's position in regarding installation and use of CCTV in parks and open spaces.

Further, it is noted that the Hume Street Park Stage 1 development approval (DA) includes a condition that CCTV should be installed in the park. This is inconsistent with Council's current practice. The amended CCTV policy may be included in an application to the North Sydney Local Planning Panel, requesting removal or amendment of the CCTV related consent condition for the Hume Street Park Stage 1 project.

There are no financial implications arising directly from this report.

**RECOMMENDATION:**

**1. THAT** Council notes the amendments approved by the A/General Manager and readopts the CCTV Policy as outlined in this report.

An addendum was circulate to Councillors in relation to this item

*This item was considered by exception (see page 6)*

**326. RESOLVED:**

**1. THAT** Council notes the amendments approved by the A/General Manager and readopts the CCTV Policy as outlined in this report.

## **10.8. Feasibility Report - North Sydney Repair Cafe**

**AUTHOR:** Danielle Birkbeck, Snr Sustainability Programs Coordinator

This report provides background on the establishment of repair cafes and investigates the feasibility of establishing one in the North Sydney local government area.

This report addresses a resolution of Council of 8 August 2022 regarding a full-time repair café in North Sydney. The Council resolved:

*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.*

The report summarises the approaches that Council could take in deciding whether there was a community appetite for a repair café in the North Sydney area.

If deemed feasible, any monies needed for the establishment and ongoing running of a North Sydney Repair will be funded through external grant funding and Councils Environment Levy.

### **RECOMMENDATION:**

**1. THAT** Council undertakes a needs analysis via community survey regarding the establishment of a repair café in North Sydney.

**2. THAT** should the needs analysis come back with positive interest for the establishment of a North Sydney repair café, Council staff seek expressions of interest from community members to become volunteers and facilitate the organisation of a volunteer community group.

The Motion was moved by Councillor Bourke and seconded by Councillor Lamb:

**1. THAT** Council undertakes a needs analysis via community survey regarding the establishment of a repair café in North Sydney.

**2. THAT** should the needs analysis come back with positive interest for the establishment of a North Sydney repair café, Council staff seek expressions of interest from community members to become volunteers and facilitate the organisation of a volunteer community group.

**3. THAT** Council also investigates combining resources with other NSROC Councils, including Lane Cove Council which already has a part time repair cafe up and running, to develop a full time major regional repair cafe.

**4. THAT** Council writes to the Federal Government seeking urgent funding for a full time regional repair cafe as part of its global nature pledge committing to reverse biodiversity lost, by 2030.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer, Councillor Spenceley and Councillor Mutton

**Against:** Nil

**Absent:** Councillor Drummond, Councillor Gibson and Councillor Welch

**327. RESOLVED:**

**1. THAT** Council undertakes a needs analysis via community survey regarding the establishment of a repair café in North Sydney.

**2. THAT** should the needs analysis come back with positive interest for the establishment of a North Sydney repair café, Council staff seek expressions of interest from community members to become volunteers and facilitate the organisation of a volunteer community group.

**3. THAT** Council also investigates combining resources with other NSROC Councils, including Lane Cove Council which already has a part time repair cafe up and running, to develop a full time major regional repair cafe.

**4. THAT** Council writes to the Federal Government seeking urgent funding for a full time regional repair cafe as part of its global nature pledge committing to reverse biodiversity lost, by 2030.

**10.9. Draft Disability Inclusion Action Plan (DIAP) 2022-2026**

**AUTHOR:** Michelle Luhr, A/Access and Inclusion Coordinator

This report presents the feedback received in the final stage of preparing the Disability Inclusion Action Plan 2022-2026 and seeks adoption of the final Plan - post exhibition.

The Disability Inclusion Action Plan 2022-2026 sets the high-level strategic direction for the North Sydney local government area (LGA). It is an aspirational plan that describes the actions that Council will take over the next four years to build a strong community that is inclusive of people with disability living, working and visiting the area. It is categorized under the following key areas: Positive Community Attitudes and Behaviours, Creative Liveable Communities, Employment and Systems and Processes. In accordance with the NSW Disability Inclusion Act 2014, all NSW councils are required to develop a Disability Inclusion Action Plan (DIAP) every four years, to report on their progress annually in their Annual Report and make the plan publicly available.

As previously reported to Council, a review of Council's Disability Inclusion Action Plan (2019) was undertaken in accordance with the project-specific Community Engagement Strategy adopted by the Council in May 2022. Stage 1 preliminary engagement included a mix of representative and opt-in consultation methods to identify the key priorities to inform the new plan. This included involvement of Councillors, staff, service providers and people with lived experience in a workshop.

Stage 2 public exhibition occurred from 2 August to 12 September 2022 (42 days), during which time effort was made to ensure widespread stakeholder awareness of the opportunity to provide feedback on the plan. This post exhibition report includes statistics detailing the 'inform' reach, demonstrating significant stakeholder awareness of the opportunity to provide feedback during the exhibition period.

A total of four submissions were received. A summary of the submissions is attached; submissions have been proactively released in accordance with Council's Access to Information Policy. The submissions covered a range of issues from the employment for people with disability, care worker parking permits, continuous accessible footpaths in the community and support for sports for people with disability.

The report summarises the key amendments that have been made to the final plan, which have been assessed against corporate criteria used to determine whether the plan would be amended in response to the feedback received.

It is recommended that the final Disability Inclusion Action Plan 2022-2026 be adopted. Following adoption, the DIAP will be published on Council's website and limited copies will be printed and made publicly available. In accordance with the Disability Inclusion Act 2014, a copy of the plan will be provided to the Disability Council NSW. Additionally, all submitters will be acknowledged and advised whether the plan was amended in response to their feedback.

Since 2017, Council has committed \$150,000 annually to support the implementation of the DIAP. Funding has been instrumental to effectively resource the implementation of the DIAP and complete capital works.

**RECOMMENDATION:**

- 1. THAT** the summary of submissions be noted and all submitters thanked.
- 2. THAT** Council adopts the final Disability Inclusion Action Plan 2022-2026

*This item was considered by exception (see page 6)*

**328. RESOLVED:**

- 1. THAT** the submissions summary be noted.
- 2. THAT** Council adopts the final Disability Inclusion Action Plan 2022-2026

**10.10. Library and Historical Services Strategy 2022-2027**

**AUTHOR:** Kate Stewart, Manager Library Services

To seek endorsement from Council for the draft Library and Historical Services Strategy 2022-2027 and for it to be placed on public exhibition in accordance with Council's Community Engagement Protocol.

The Library and Historical Services Strategy 2022-2027 sets out how Library services in North Sydney will evolve and grow over the next five years.

The plan describes the priorities for our library service, strategies for future development, and initiatives and actions that the Library will pursue in achieving these objectives.

The strategy is driven by the values and direction of the North Sydney Vision 2040, and grounded in insights gathered during community consultation conducted from 2020-2022.

The plan is also developed with reference to standards, guidelines and recommendations provided by the State Library of NSW and the Australian Library and Information Association.

The strategic outlook for Library and Historical Services over the next five years is structured around three core focus areas:

1. Inclusive, responsive and flexible.
2. Reading, learning and sharing stories.
3. Outreach, engagement and access.

Funding for Library and Historical Services is included in the Delivery Program and Operational Plan and is included in the annual Library Services capital and operational budgets. Total expenditure budgeted for 2022-2023 is \$4,201,657.

**RECOMMENDATION:**

**1. THAT** Council endorses the draft Library and Historical Services strategy 2022-2027 and agrees for the plan to be placed on public exhibition for 42 days.

*This item was considered by exception (see page 6)*

**329. RESOLVED:**

**1. THAT** Council endorses the draft Library and Historical Services strategy 2022-2027 and agrees for the plan to be placed on public exhibition for 42 days.

### **10.11. Draft North Sydney Public Art Masterplan**

**AUTHOR:** Jess Gledhill, Team Leader Arts and Culture

To seek endorsement from Council for the draft North Sydney Public Art Masterplan and revised Public Art Policy to be placed on public exhibition in accordance with Council's Community Engagement Protocol.

The Draft North Sydney Public Art Masterplan (NSPAM) has been completed, as per the Council Report dated 20 November 2017 (P CiS04: Public Art Masterplan – Status Update).

In line with the Council recommendation and subsequent identified project outcomes, the Draft NSPAM governs public art holistically across the local government area.

The Draft NSPAM is a document focused on using public art to create memorable places throughout North Sydney. It is about fostering difference and proposes a blueprint for North Sydney to continue to forge a unique public expression of its own distinct identity. Developing the means to positively contribute to the unique character of our places is imperative if our

local economies are to remain competitive, our public cultural life to become vibrant and our communities are to remain cohesive.

It sets a framework for the delivery of public art with a focus on key public art projects identified in Council's current major strategic planning documents and will ensure Council is able to maintain and deliver high quality and meaningful public art outcomes well into the future.

Seven key actions have been identified to enable the successful delivery of the NSPAM and ensure that the vision for public art in North Sydney can be realised.

Several recommendations do not require funding, however those which will require funding support will be detailed in future reports to Council.

**RECOMMENDATIONS:**

**1. THAT** Council endorse the Draft North Sydney Public Art Masterplan and revised Public Art Policy for the purpose of public exhibition for 42 days.

*This item was considered by exception (see page 6)*

**330. RESOLVED:**

**1. THAT** the Draft North Sydney Public Art Masterplan and revised Public Art Policy be endorsed and placed on public exhibition for 42 days.

**2. THAT** Council endorses Actions 1 – 4 noted in the Report and identified in the Draft NSPAM (see the Actions listed within the Detail section of this report).

**3. THAT** Council commits to Action 5; biennial funding for a 'Public Art Commission of \$100,000.

**4. THAT** a Council Report for Actions 6 - 7 is prepared and submitted to Council for consideration.

**10.12. North Sydney Olympic Pool Redevelopment Monthly Progress Report**

**AUTHOR:** John Thomson, Corporate Contracts Manager

The purpose of this report is to provide Council with a high-level report on the progress of the redevelopment of the North Sydney Olympic Pool.

At its meeting of 26 July 2021, Council resolved as follows:

- 1. THAT the General Manager provide a high-level update/report on the progress of the redevelopment of the North Sydney Olympic Pool to each Council meeting until the redevelopment is completed.*
- 2. THAT Council notes that this report does not alter the governance structure of the project.*



This report responds to this resolution. This report details progress since the last Council meeting held on 12 September 2022 and is provided with information as at Friday 23 September 2022.

The financial position of the project is reported Quarterly to Council, the next report will be in November 2022.

**RECOMMENDATION:**

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

*This item was considered by exception (see page 6)*

**331. RESOLVED:**

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

**10.13.Cancellation of Extraordinary Council Meeting - 18 October 2022**

**AUTHOR:** Margaret Palmer, Director Corporate Services

To seek cancellation of an Extraordinary Council Meeting, scheduled for 18 October 2022 to consider the annual Financial Statements.

At its meeting held 12 September 2022 , Council resolved as follows:

*THAT Council resolve that an Extraordinary Council Meeting be conducted on Tuesday, 18 October 2022 at 6.30pm for the purpose of endorsing the Financial Statements for the year ended 30 June 2022 and referring them to audit.*

At the Audit, Risk and Improvement Committee meeting held on 7 October 2022 the Council sought the endorsement of ARIC to table the Financial Statement at the Extraordinary Council meeting to be held on 18 October 2022.

The Committee advised that due to significant variations received from Icon, the contractor building the North Sydney Olympic Pool which appear to be material, it does not endorse the Financial Statements in their current form.

In addition, the Council will need to request an extension of one month from the Office of Local Government for the submission of the Financial Statements to allow for consideration of the accounting treatment, review by Prosperity the Council Auditors, and the Auditor General's Office.

The impact of this means that the Financial Accounts have not be endorsed by the Committee and are therefore unable to be referred to Council for consideration. It is therefore recommended that, due to the changed circumstances, Council resolve not to hold an Extraordinary Meeting on 18 October 2022.

There are no financial implications arising from this report.

**RECOMMENDATION:**

**1.THAT** due to the changed circumstances, Council resolve not to hold an Extraordinary Meeting on 18 October 2022.

**2.THAT** Council request an extension of one month from the Office of Local Government for the submission of the Financial Statements to allow for consideration of the accounting treatment, review by Prosperity the Council Auditors, and the Auditor General's Office.

*This item was considered by exception (see page 6)*

**332. RESOLVED:**

**1.THAT** due to the changed circumstances, Council resolve not to hold an Extraordinary Meeting on 18 October 2022.

**2.THAT** Council request an extension of one month from the Office of Local Government for the submission of the Financial Statements to allow for consideration of the accounting treatment, review by Prosperity the Council Auditors, and the Auditor General's Office.

**11. Notices of Motion**

**11.1. Notice of Motion 56/22 - Cammeray Park - Cr Spenceley**

**1. THAT** Council urgently writes again to Tim James (Local Member for Willoughby) to express on behalf of the community that council represents requesting that he directly and as soon as possible raises the following issues publicly on the floor of State Parliament and notes the impact of these issues to the community he represents and voice their strong opposition to these issues.

- a. THAT the community and the greater Sydney area deserves that Cammeray Park remains a beautiful and green open space from all areas and all aspects. The area should be considered for both residents and for the visual impact for all of Sydney that will drive past this iconic location. Therefore, all of NSW and specifically local residents deserves that the 5 storey, 20 meter high control station/s be placed underground.
- b. THAT irrespective of what research can be quoted, the NSW government takes the most conservative approach to the health of our community (both residents and school children) and publicly commits to filter the exhaust stacks.
- c. THAT the NSW government removes, or guarantees that it will not use, the ability for the planning secretary to over-ride the EIS clauses that allows for no net loss of open space and replacement ratio of 2:1 trees and therefore ensure that the community is guaranteed the replacement open green space and trees will be in the area that is directly affected by the loss.
- d. THAT there is no loss of access for residents to the Warringah Freeway via Ernest Street.

A Motion was moved by Councillor Spenceley and seconded by Councillor Beregi:

**1. THAT** Council urgently writes again to Tim James (Local Member for Willoughby) to express on behalf of the community that council represents requesting that he directly and as soon as possible raises the following issues publicly on the floor of State Parliament and notes the impact of these issues to the community he represents and voice their strong opposition to these issues.

- a. THAT the community and the greater Sydney area deserves that Cammeray Park remains a beautiful and green open space from all areas and all aspects. The area should be considered for both residents and for the visual impact for all of Sydney that will drive past this iconic location. Therefore, all of NSW and specifically local residents deserves that the 5 storey, 20 meter high control station/s be placed underground.
- b. THAT irrespective of what research can be quoted, the NSW government takes the most conservative approach to the health of our community (both residents and school children) and publicly commits to filter the exhaust stacks.
- c. THAT the NSW government removes, or guarantees that it will not use, the ability for the planning secretary to over-ride the EIS clauses that allows for no net loss of open space and replacement ratio of 2:1 trees and therefore ensure that the community is guaranteed the replacement open green space and trees will be in the area that is directly affected by the loss.
- d. THAT there is no loss of access for residents to the Warringah Freeway via Ernest Street.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer, Councillor Spenceley and Councillor Mutton

**Against:** Nil

**Absent:** Councillor Drummond, Councillor Gibson and Councillor Welch

### **333. RESOLVED:**

**1. THAT** Council urgently writes again to Tim James (Local Member for Willoughby) to express on behalf of the community that council represents requesting that he directly and as soon as possible raises the following issues publicly on the floor of State Parliament and notes the impact of these issues to the community he represents and voice their strong opposition to these issues.

- e. THAT the community and the greater Sydney area deserves that Cammeray Park remains a beautiful and green open space from all areas and all aspects. The area should be considered for both residents and for the visual impact for all of Sydney that will drive past this iconic location. Therefore, all of NSW and specifically local residents deserves that the 5 storey, 20 meter high control station/s be placed underground.
- f. THAT irrespective of what research can be quoted, the NSW government takes the most conservative approach to the health of our community (both residents and school children) and publicly commits to filter the exhaust stacks.
- g. THAT the NSW government removes, or guarantees that it will not use, the ability for the planning secretary to over-ride the EIS clauses that allows for no net loss of open space and replacement ratio of 2:1 trees and therefore ensure that the community is guaranteed the replacement open green space and trees will be in the area that is directly affected by the loss.
- h. THAT there is no loss of access for residents to the Warringah Freeway via Ernest Street.

Councillor Welch re-joined the meeting at 9:48pm.

## **11.2. Notice of Motion 57/22 - Design of Grosvenor Lane, Neutral Bay - Cr Spenceley**

**1.THAT** Council has concerns on the current design of Grosvenor Lane which, in both directions and at numerous points, directs pedestrians into the area and path used by vehicles.

**2.THAT** Council staff investigates and provide a report and recommendation to Council on the options for a redesign of Grosvenor Lane, with a view to make it safer for pedestrians, including but not limited to;

- a. With minimal impact to the outdoor dining areas and with a view that such dining space can be shared with pedestrians, to create a single, separated pedestrian path along the length of Grosvenor Lane from Ben Boyd Road to Young Street.
- b. Make Grosvenor Lane one-way from Young Street
- c. Close Grosvenor Lane at Young Street
- d. Close Grosvenor Lane at Ben Boyd Road
- e. Create a Local Traffic Only zone for Grosvenor Lane
- f. Any combination of the above

**3.THAT** Council staff provide a view as to when potential works could be included in the budget and a potential timeline for commencing the works.

A Motion was moved by Councillor Spenceley and seconded by Councillor Mutton:

**1.THAT** Council has concerns on the current design of Grosvenor Lane which, in both directions and at numerous points, directs pedestrians into the area and path used by vehicles.

**2.THAT** Council staff investigates and provide a report and recommendation to a Councillors briefing in November 2022 on the options of a redesign of Grosvenor Lane, with a view to make it safer for pedestrians.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

**Against:** Nil

**Absent:** Councillor Drummond and Councillor Gibson

### **334. RESOLVED:**

**1.THAT** Council has concerns on the current design of Grosvenor Lane which, in both directions and at numerous points, directs pedestrians into the area and path used by vehicles.

**2.THAT** Council staff investigates and provide a report and recommendation to a Councillors briefing in November 2022 on the options of a redesign of Grosvenor Lane, with a view to make it safer for pedestrians.

### **11.3. Notice of Motion 58/22 - review of NSW Road Rule - Cr Welch**

**1.THAT** Council write to the Minister for Police and Shadow Minister for Police asking them to review the NSW Road Rule: Driver of a motor vehicle not pass bicycle at a safe distance (S144-1 Australian Road Rules) to ascertain why only 19 fines were issued under this rule in the year 2021/22 for all of NSW (Source: Fines dataset – Revenue NSW).

*This item was considered by exception (see page 6)*

#### **335. RESOLVED:**

**1.THAT** Council write to the Minister for Police and Shadow Minister for Police asking them to review the NSW Road Rule: Driver of a motor vehicle not pass bicycle at a safe distance (S144-1 Australian Road Rules) to ascertain why only 19 fines were issued under this rule in the year 2021/22 for all of NSW (Source: Fines dataset – Revenue NSW).

### **11.4. Notice of Motion 59/22 - Counting of voting in Council community consultations and submissions - Cr Santer**

*This item was brought forward as part of the Public Forum (see pages 11-13)*

## **12. Matters of Urgency**

Nil.

## **13. Confidential Matters**

Nil.

## **14. Closure**

The Meeting concluded at 9:53 pm.