



Council Chambers  
14 April 2023

The **3780th MEETING** of **COUNCIL** will be held on Cammeraygal lands at the Council Chambers, North Sydney at **6.30pm** on Wednesday 26 April 2023. The agenda is as follows.

**THERESE MANNS**  
**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 of 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**
  - 6. Public Forum**
  - 7. Items by Exception**
  - 8. Mayoral Minutes**  
Nil
  - 9. Reports of Committees**
    - 9.1 Environment Reference Group Minutes – 7 March 2023
    - 9.2 Sustainable Transport Reference Group – 7 March 2023
    - 9.3 Traffic Committee Minutes – 17 March 2023
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## **10. Reports to Council**

- 10.1 Matters Outstanding April 2023
- 10.2 Disclosure of Pecuniary Interests by Councillors and Designated Persons – Received Returns
- 10.3 Amended Resourcing Strategy
- 10.4 Draft Operational Plan & Budget 2023/24
- 10.5 Draft Fees & Charges 2023/24
- 10.6 Draft Grants & Subsidies 2023/24
- 10.7 Investment and Loan Borrowings Report as at 31 March 2023
- 10.8 North Sydney Council v Transport for NSW – Update on Proceedings
- 10.9 North Sydney Olympic Pool Redevelopment Project – Project Review and Outcomes
- 10.10 Parking Draft DCP Amendments – Post Exhibition Report
- 10.11 Issue of Owner’s Consent to Coles for development of Grosvenor Lane Carpark
- 10.12 Variations to Development Standards Q1 and Q2 2022/23 financial year
- 10.13 Design Excellence Panel Re-Composition Proposal
- 10.14 Conflict of Interest Management Policy for Council-related Development
- 10.15 Planning Proposal 6/20 – 45 McLaren Street – Post Exhibition Report
- 10.16 Strategic Framework for Provision of Open Space and Recreation Facilities
- 10.17 NSROC Regional Waste Strategy
- 10.18 Don Bank Studio - Selection of Writer in Residence for 2023

## **11. Notices of Motion/Questions with Notice**

- 11.1 Notice of Motion 7/23 – Council owned properties – Cr Mutton

## **12. Matters of Urgency**

Nil

## **13 Closure of Meeting**

In the spirit of open, accessible and transparent government, the Council meetings of North Sydney Council will be streamed live via Council’s website. By speaking at a Council meeting, members of the public agree to being recorded and must ensure their speech to the Council is respectful and use appropriate language. A person who uses defamatory, discriminatory or offensive language may be exposed to liability for which Council takes no responsibility. Any part of the meeting that is held in Closed Session will not be recorded.

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

**3780th MEETING OF COUNCIL TO BE HELD ON WEDNESDAY 26 APRIL 2023**

**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**

**THAT THE MINUTES** of the previous 3779th Council Meeting held on Monday 27 March 2023 be taken as read and confirmed.

**5. DISCLOSURES OF INTEREST**

**6. PUBLIC FORUM**

**7. ITEMS BY EXCEPTION**

**8. MINUTES OF THE MAYOR**

**Nil**

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## 9. REPORTS OF COMMITTEES

### 9.1 Environment Reference Group Minutes – 7 March 2023

Report of Peita Rose, Governance Officer

The purpose of this report is to report the proceedings of the Environment Reference Group to Council, and for Council to consider any recommendations from the Reference Group.

This report presents the recommendations of the last meeting of the Environment Reference Group held on 7 March 2023. The minutes are attached for information.

As there were no recommendation for further actions, it is recommended that the Minutes be received by Council.

**Recommending:**

**1. THAT** the Minutes of the Environment Reference Group dated 7 March 2023 be received.

### 9.2 Sustainable Transport Reference Group Minutes – 7 March 2023

Report of Peita Rose, Governance Officer

The purpose of this report is to report the proceedings of the Sustainable Transport Reference Group to Council and for Council to consider recommendations from the Reference Group.

This report presents the recommendations of the last meeting of the Sustainable Transport Reference Group held on 7 March 2023.

The minutes are attached for the information of Council.

**Recommending:**

**1. THAT** Council write thanking Kiersten Fishburn, Deputy Secretary Cities and Active Transport, for taking the time to address the Reference Group and Councillors on Monday 20 February 2023.

**2. THAT** Council to continue to lobby and advocate for an improved cycling infrastructure, as part of the Warringah Freeway Upgrade.

### 9.3 Traffic Committee Minutes – 17 March 2023

Report of Peita Rose, Governance Officer

Council is required to consider the Minutes of this Committee. Section 5.3.2 of the RMS Delegation to Council for the Regulation of Traffic states that: All proposals recommended by the LTC must still be formally approved by the elected Council (or their sub-delegate), subject to certain limitations.

The full reports to the Traffic Committee can be viewed at

<https://www.northsydney.nsw.gov.au/homepage/82/traffic-committee>.

**Recommending:**

**1. THAT** the North Sydney Traffic Committee give concurrence to the final designs for West Street Cycling, Walking and Streetscape Upgrades Stage 1.

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## 10. REPORTS TO COUNCIL

### 10.1 Matters Outstanding April 2023

Report of Ian Curry, Manager Council and Committee Services

The purpose of this report is to report to Council on the status of resolutions arising from Mayoral Minutes, Notices of Motion and Questions Without Notice.

Each month, a report is presented to Council on the status of resolutions arising from Mayoral Minutes, Notices of Motion, and Questions Without Notice.

The attached table has been updated to include resolutions up to the 27 March 2023 Ordinary Meeting of Council.

**Recommending:**

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

### 10.2 Disclosure of Pecuniary Interests by Councillors and Designated Persons – Received Returns

Report of Report of Ian Curry, Manager Council and Committee Services

The purpose of this report is to report on compliance with the requirement under the *Local Government Act 1993* (LGA) and *Local Government (General) Regulation 2021* for Councillors and persons holding designated positions to complete and lodge a Disclosure of Pecuniary Interests Return since the previous report of January 2023.

Section 4.21 of the Model Code of Conduct (made under section 440 of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*) requires Councillors and persons holding designated positions as at 30 June to complete and lodge a Disclosure of Pecuniary Interests Return within three months of that date (i.e. 30 September). This requirement was duly met for Councillors and designated persons with a report to the Council meeting of 14 November 2022.

Since that report, there has been one Councillor who has commenced and was required to complete and lodge a Return within three months of commencement. The return was duly completed within the required timeframe and is tabled as required.

It is noted that, Councillors and designated persons are required to comply with the following under Clause 4.25 of the Code of Conduct to update their Returns after:

*4.21 (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b)*

A reminder was provided to all Councillors on 6 April 2023 of this obligation. No updated returns were received.

Pecuniary Interests Returns are available for inspection on Council's website.

**Recommending:**

**1. THAT** the report be received and Council note the tabling of Returns received as required under Clause 4.25 of the Model Code of Conduct and Council's adopted Code of Conduct.

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### 10.3 Amended Resourcing Strategy

Report of Christian Menday, Manager Financial Services, Darren Goode, Manager Accounting Services, and Jenny Gleeson, Manager Corporate Planning and Engagement

This report seeks endorsement of the Amended Resourcing Strategy 2022-2032 for public exhibition to allow for stakeholder submissions.

The Resourcing Strategy is a key component of Council's Integrated Planning and Reporting Framework identifying Council's responsibilities in delivering the North Sydney Community Strategic Plan and Delivery Program/Operational Plan. The Resourcing Strategy includes three components - long term financial planning, asset management planning and workforce management planning.

The Resourcing Strategy 2022-2032 was adopted on 27 June 2022 following public exhibition. The Long Term Financial Plan (LTFP) component has been updated annually as part of the preparation of the Operational Plan & Budget 2023/24, in accordance with legislative requirements.

The Amended Resourcing Strategy 2022-2032 (Long Term Financial Plan component) will be provided as a late attachment for consideration at the 26 April 2023 Council Meeting but within the statutory timeframes.

The Amended Resourcing Strategy 2022-2032 (Long Term Financial Plan component) has been updated to reflect Council's financial position and outlook. It provides for funding for the North Sydney Olympic Pool Project which is the subject of a separate report to Council.

Community feedback is invited during the public exhibition period. Following the close of the exhibition period a further report will be presented to Council detailing any recommend amendments to the final plan, based on submissions received.

**Recommending:**

- 1. THAT** the Long Term Financial Plan component of the Resourcing Strategy 2022-2032 be endorsed for public exhibition for 42 days.
- 2. THAT** a further report be prepared for Council's consideration at the end of the submission period to facilitate readoption of the Long Term Financial Plan component of the Resourcing Strategy 2022-2032 by 30 June 2023 as required under the Integrated Planning and Reporting requirements, in accordance with section 403 of the Local Government Act 1993.

### 10.4 Draft Operational Plan & Budget 2023/24

Report of Jenny Gleeson, Manager Corporate Planning and Engagement, and Christian Menday, Manager Financial Services The purpose of this report is to seek Council endorsement of the Draft Operational Plan & Budget 2023/24 - inclusive of the Draft Revenue Policy 2023/24 and the Draft Capital Works Program 2023/24 - for public exhibition, to allow the opportunity for stakeholder submissions.

In accordance with legislative requirements, Council must adopt its Operational Plan for the next financial year by 30 June.

The Draft Operational Plan & Budget 2023/24 details the projects and services that Council will undertake in the second year of the Delivery Program 2022-2026 to contribute to the achievement of the outcomes and strategies defined in the adopted

North Sydney Community Strategic Plan (2022). Amendments to the adopted Delivery Program 2022-2026 affecting Year 2 and subsequent years are detailed in this report. The draft Budget, including the Capital Works Program has been prepared in consultation with Councillors via two briefings held on 20 March and 11 April 2023.

The Draft Operational Plan & Budget 2023/24 is presented for endorsement to be placed on public exhibition for 42 days, concurrent with the Draft Fees & Charges Schedule and Amended Resourcing Strategy 2022-2026 (Long Term Financial Plan). The statutory requirements is an exhibition period of 28 days.

The Draft Budget 2023/24 forecasts a deficit result of \$2.0 million indicating a financially constrained operating environment. This result is significantly affected by a non-recurrent affordable housing operational project at 287 Miller Street (\$2.2 million) and ongoing changes brought on by COVID that continue to constrain income streams such as parking fees.

The Draft Capital Works Program for 2023/24 is \$79.4 million, including \$43.5 million to complete the multi-year North Sydney Olympic Pool Construction. It is noted that the North Sydney Olympic Pool Construction is the subject of a further report to this Council Meeting.

**Recommending:**

- 1. THAT** the attached Draft Operational Plan and Budget 2023/24 be endorsed for public exhibition for a minimum of 42 days.
- 2. THAT** a further report be prepared for Council's consideration at the submissions closing period to facilitate adoption of the Operational Plan and Budget 2024/23 by 30 June 2023 as required by section 405 of the Local Government Act NSW.
- 3. THAT** the General Manager be authorised to make any minor changes if required such as typographical corrections.

## 10.5 Draft Fees & Charges 2023/24

Report of Christian Munday, Manager Financial Services, and Jenny Gleeson, Manager Corporate Planning and Engagement

This report provides details of the proposed fees and charges for the financial year commencing 1 July 2023, for endorsement by the Council to be placed on public exhibition prior to final adoption.

Fees and Charges equate to approximately 25% of Council's total annual income.

All existing and proposed fees and charges have been assessed under Council's Revenue Policy.

18 existing fees and charges are proposed to be discontinued.

47 new fees and charges are proposed.

The Draft Fees and Charges Schedule 2023/24 was formulated around comparable market rates and a general increase of 7.6% over the previous year's adopted schedule. Fees that have materially increased above that default level are noted in the report.

**Recommending:**

- 1. THAT** the Draft Fees and Charges Schedule 2023/24 be endorsed and placed on public exhibition for 42 days.

**2.THAT** a further report be prepared for Council's consideration at the submissions closing period to facilitate adoption of the Fees and Charges Schedule 2022/23 by 30 June 2023.

## 10.6 Draft Grants & Subsidies 2023/24

Report of Carli McConkey, Executive Coordinator Community Development, and Rebecca Aukim, Director Library and Community Services

The purpose of this report is to provide the proposed community grants and subsidies budget for 2023/24 which aims to strengthen the community's social cohesion, mental health and wellbeing, social equity, and contribute to the celebration of the work of volunteers in the North Sydney LGA.

The proposed grants and subsidies budget for 2023/24 was formulated to assist the following community groups and areas of need:

- Aboriginal and Torres Strait Islanders
- Aged Care Accommodation
- Arts and Culture
- Children and Families
- Community Centres
- Community Childcare Centres
- Community Housing
- Cultural Centres
- Community Transport
- Food Grants
- Migrants and Refugees
- Older People
- Recreational Facilities
- Small Grants – New and Innovative Projects and Sporting Organisations
- Volunteers
- Youth Services

In addition to financial contributions, Council encourages local community organisations to build capacity by strengthening their relationships with each other, seeking to build better local connections, and sharing their spaces, assets, and resources.

The outcome is increased community participation, engagement, and wellbeing.

### **Recommending:**

**1.THAT** the Draft Grants and Subsidies 2023/24 report be placed on public exhibition for a minimum of 42 days, aligning with the Amended Delivery Program and Draft Operational Plan 2023/24.

**2.THAT** a further report be prepared for Council's consideration at the end of the submissions period to facilitate endorsement of the final Grants and Subsidies 2023/24 budget.

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## 10.7 Investment and Loan Borrowings Reports as at 31 March 2023

Report of Report of Christian Munday, Manager Financial Services

This purpose of this report is to provide details of the performance of Council's investment portfolio and borrowings for the period ending 31 March 2023 in accordance with clause 212 of the Local Government Regulation (NSW) 2021 which requires that the Responsible Accounting Officer must make a monthly report to Council setting out all details of money invested under Section 625 of the Local Government Act.

This report outlines Council's investment portfolio and performance as at 31 March 2023.

All investments have been made in accordance with the Act, Regulations, Council's Investment Policy and the specific conditions of the TCorp Loan Agreement.

For the month of March, the total portfolio (T/Ds, FRNs and Bonds) provided a return of +0.22% (actual) or +2.67% p.a. (annualised), marginally under-performing the benchmark AusBond Bank Bill Index return of +0.28% (actual) or +3.38% p.a. (annualised). Council's investment adviser considers this underperformance to be temporary.

Returns on investments exceed original YTD budget by \$1.45 million due to higher than expect cash balances and higher than expected interest rates.

Investments will continue to be managed to ensure liquidity to meet operational requirements.

### **Recommending:**

**1.THAT** the report on Investments held on 31 March 2023, prepared in accordance with clause 212 of the Local Government (General) Regulation 2021 and information on Loan Borrowings, be received.

## 10.8 North Sydney Council v Transport for NSW – Update on Proceedings

Report of Kathy Simpson, Administration Officer, Legal Services

The purpose of this report is to provide Council with an update in relation to Land and Environment Court Proceedings 2022/00161074 (the Proceedings).

This update report has been provided by Council's engaged Solicitors to update Council on the North Sydney Council v Transport for NSW proceedings with respect to the compulsory acquisition of land within Anzac Park and Cammeray Park.

Council's objectives in this matter have been to ensure the land is returned after the acquisition period to an acceptable standard, to obtain reimbursement of legal and valuation costs connected to the matter, and to ensure that the loss attributable to the reduction in public benefit from any loss of public open space is adequately compensated.

A separate Confidential report is provided. The Confidential report also includes additional detail (as highlighted) on the legal nature of the appeal, status, and legal issues relating to this matter which is still afoot, including prospects.

Should Council wish to discuss this report it is noted that the attached confidential document includes advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it would affect Council's ability to manage

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legal matters effectively and in the best interests of the community. As such should this matter be discussed it should be considered in closed session.

**Recommending:**

**1. THAT** Council note the attached advice and the attached confidential (legal professional privilege advice) in relation to this matter and endorse the continuation and funding of this matter as per the advice and as briefed to Council.

**2. THAT** Council resolves that the identified attachment to this report is to be treated as confidential in accordance with section 11(3) of the Local Government Act for the following reason under section 10A(2) of the Local Government Act:

*(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

It is further noted that release of this information would be, on balance, contrary to the public interest as it would affect Council's ability to manage legal matters effectively and in the best interests of the community.

## **10.9 North Sydney Olympic Pool Redevelopment – Project Review and Outcomes**

Report of Shane Sullivan, Acting Director Corporate Services, Governance and Committee Services, and John Thomson, Corporate Contracts Manager

The purpose of this report is to respond to Council's resolution of 10 October 2022 as follows.

- 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 report also provides advice in relation to changes in funding requirements and changes to programmed completion timeframes.

It was resolved by Council at its meeting 10 October 2022 that an independent review of the management of the North Sydney Olympic Pool Redevelopment project be undertaken.

The outcome of the review identified 16 findings and 33 recommendations. The recommendations were categorised as either specific to the project (13 recommendations) or related to project management at North Sydney Council more generally (20 recommendations).

The detailed independent review has been obtained under legal privilege and for commercial and contractual reasons remains confidential. This report contains a summary of those findings not considered commercial in confidence.

Key risks associated with the findings of the review have been realised in the project, resulting in increased cost and a deferred estimated completion date.

The project cost is expected to exceed the adopted budget allowance of \$63.9M. This budget did not give consideration to all costs associated with the project including internal project management, equipment and fit-outs, and business development. Further, the project budget did not provide sufficient contingency given the level of risk associated with the project.

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It is estimated that between \$25M and \$30M in additional budget allocation will be required to allow for the successful opening and operation of the project.

\$24.2M in additional contingency funding has been included within the Draft 2023/24 budget for the project, including provision for operational readiness.

The original programmed date for practical completion was 11 November 2022. The estimated date for practical completion based on a recent independent assessment is April 2024.

Several actions have been undertaken to address the findings and respond to the recommendations within the independent review. These actions are detailed within this report and are starting to have a positive impact on the project.

**Recommending:**

**1. THAT** Council note the report on the North Sydney Olympic Pool Redevelopment Project – Project Review and Outcomes.

**2. THAT** Council provides a copy of this report to the Office of Local Government in accordance with the Capital Expenditure Guidelines.

### **10.10 Parking Draft DCP Amendments – Post Exhibition Report**

Report of Marcelo Occhiuzzi, Manager Strategic Planning

The purpose of this report is to outline the results of the public engagement process for a proposed DCP amendment relating to private car parking requirements in areas of high public transport accessibility.

Council adopted a draft amendment to the North Sydney Development Control Plan (DCP) 2013 in relation to the provision of private parking. This was exhibited between September and December 2022 for 92 days.

The intent of the draft DCP amendment was to reduce on-site parking requirements for high density development to reflect the excellent level of public transport accessibility in the corridor between St Leonards, Crows Nest, North Sydney and Milsons Point.

Fundamentally, the draft amendment seeks to acknowledge that in areas of high public transport accessibility that coincide with high growth areas, private parking in new development should be managed accordingly given the established relationship between carparking numbers and traffic generation. This policy approach is consistent with Council's *Ecologically Sustainable Development Best Practice Project* (2014) and the *North Sydney Transport Strategy* (2017).

The public exhibition of the draft amendment attracted a significant level of public submissions and discussion, with 351 submissions received. The majority of these opposed the draft amendment. Notwithstanding the opposition represented in the submissions made, it is maintained that the proposed reduction in private parking represented by the draft amendment is a sustainable, considered, and logical policy position to adopt in a highly accessible corridor that is the subject of very significant growth pressure.

Several amendments are proposed in response to the exhibition process. This report recommends that the parking rate for a three or more-bedroom unit should have an allocation of one car space as opposed to the 0.7 spaces exhibited, and the requirement for a two-bedroom unit be raised from the exhibited 0.6 spaces to 0.7 spaces. This would bring this requirement into line with the City of Sydney's parking

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rates. In addition, it is recommended that Section 10.4 of the DCP (*Loading and Servicing Facilities*) be clarified to ensure smaller residential and mixed-use development includes on-site delivery/servicing space.

**Recommending:**

1. **THAT** Council note the submissions made to the public exhibition of the draft amendments to NSDCP 2013, forming Attachment 1 of this report.
2. **THAT** Council adopt the draft amendment to NSDCP 2013, as amended, forming Attachment 2 to this report, in accordance with clause 14(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 14(2) of the Environmental Planning and Assessment Regulation.
4. **THAT** all submitters be notified of Council's decision and thanked for their submissions.

### **10.11 Issue of Owner's Consent to Coles for development of Grosvenor Lane Carpark**

Report of Marcelo Occhiuzzi, Manager Strategic Planning, and Eoin Cunningham, Manager Traffic & Transport Operations

The purpose of this report is to consider a request from Coles, seeking Council's consent as the owner of the Grosvenor Lane carpark and associated roads in Neutral Bay, to lodge a development application. Coles seeks to develop its site whilst concurrently creating a new pedestrianised plaza on Council land by replacing the existing surface carpark with an underground one.

Coles, which owns the land currently occupied by Woolworths on Grosvenor Street, Neutral Bay, has advised Council that it is in the process of preparing a development application (DA) to be lodged under the current planning controls for a mixed-use residential/commercial development. The development will seek to replace the existing supermarket and incorporate shop-top housing.

The DA will also seek to create an "at-grade" plaza by replacing the current Grosvenor Lane carpark with an underground format as part of its redevelopment proposal. To do this, Coles requires Council's consent to lodge the DA.

Coles acknowledges that the design process for a future plaza is important, and that Council will retain full control and ownership of any future plaza.

Coles is required to make decisions about the future of the site in the short term given that the Woolworths lease expires in 2024. Coles is unable to participate in the Neutral Bay Planning Study as a means of informing its proposal in the longer term given this time constraint. This is why the current DA is being prepared ahead of the preparation of Council's planning study.

This report only deals with the issue of owner's consent, which is required for Coles to integrate the plaza proposal in its DA. It is important to note that the issue of owner's consent does not imply or infer approval of either the application or the plaza design. It will however provide Coles with the confidence to continue to explore the possibilities of the site and refine its proposal. Council owns the land, and owner's consent to consider a DA does not undermine Council's role in determining ultimate

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outcomes for its site, being the location of the existing car park. Coles will retain control over its site.

The design of the plaza will need to be refined, and it may be that the DA is lodged with a “placeholder” concept design for the plaza whilst Council/community consultation occurs to refine this aspect of the development. Council will ultimately have the final say on this, including its design, materials, access arrangements etc. Council will not lose control of the future of the carpark/plaza by issuing owner’s consent to the lodgement of the DA.

If Coles’ proposal is successful, the design, access arrangements, and other details associated with the delivery of an at-grade plaza, will need to be delivered via a voluntary planning agreement, which is another process that will have public ventilation.

This report recommends that Council issue owner’s consent to further explore the design and delivery possibilities of the plaza proposal, which has been a Council objective for many years. This represents an opportunity for Council to realise a cost-effective way of delivering a collaboratively designed public plaza of (approximately) 2,000-2,500 sqm, to act as a community hub for Neutral Bay.

**Recommending:**

- 1. THAT** Council grant Coles owner’s consent to lodge a development application for the land described in its letter dated 20 March 2023 being parts of the Grosvenor Lane carpark, Cooper Lane, Waters Lane and Grosvenor Street.
- 2. THAT** Council notes that the issue of owner’s consent does not in any way infer or suggest approval for the development application to be lodged.
- 3. THAT** Council notes that a consultative and collaborative design process will be required to be entered into for any future plaza at the Grosvenor Lane carpark site.
- 4. THAT** Council notes that a formal negotiation process will need to be entered into to develop formal agreements for the delivery of a new plaza and associated arrangements for the delivery, access, ownership and long-term arrangements for public parking.

## **10.12 Variation to Development Standards Q1 and Q2 2022/23 financial year**

Report of Stephen Beattie, Manager Development Services

Planning Circular PS 18-003 sets out certain procedural and reporting requirements for the processing of CI4.6 and SEPP1 variations to development standards. The purpose of this report is to address those requirements for Q1 and Q2 of the financial year 2022/23.

When assessing a development application, any variation to a development standard of greater than 10% must be reported to the North Sydney Local Planning Panel (NSLPP) for determination.

Of 160 applications determined in Quarter 1 (Q1), 16 approved variations in total are reported, nine by NSLPP, two under delegated authority in accordance with Ministerial directions, with an additional two being accepted under delegation in accordance with expanded delegations given by the Panel. One request was refused by the NSLPP.

Of 147 applications determined in Quarter 2 (Q2), 14 approved variations in total are reported, seven by the Panel, five under delegated authority in accordance with

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Ministerial directions, with an additional two being made under delegation in accordance with the expanded delegations given by NSLPP. No requests were refused.

**Recommending:**

**1. THAT** the Variations to Development Standards – 2022/23 Q1 and 2 Periods report be received.

### **10.13 Design Excellence Panel – Re-Composition proposal**

Report of Leonard Vogel, Planning and Development Advisor, Jenny Gleeson, Manager Corporate Planning and Engagement

The purpose of this report is for Council to consider a revised North Sydney Council Design Excellence Panel (DEP) Policy and Charter. The proposed changes will enable a building sustainability expert to be recruited to the Panel to provide sustainable design advice for development in the North Sydney local government area (LGA).

North Sydney Council encourages high quality urban design in the North Sydney LGA. This is achieved, in part, by seeking the independent advice of the DEP, established under Council's Design Panel Policy.

The DEP is to be reconstituted on a two-yearly basis with the current panel's tenure concluding on the 26<sup>th</sup> of July 2023.

Direction 2 "Our Built Environment" of the North Sydney Community Strategic Plan recommends that Council incorporate sustainable design principles in our built infrastructure and community assets.

This report proposes changes to the DEP Policy and Charter to incorporate a provision for building sustainability experts to be a member of the panel with the aim of ensuring that Council meets its obligations by improving sustainability outcomes.

**Recommending:**

**1. THAT** the draft North Sydney Design Excellence Panel Policy and Charter be endorsed for public exhibition for a minimum period of 28 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 the revised Design Excellence Panel Policy and Charter.

**3. THAT** concurrent with the exhibition of the revised Policy and Charter recruitment for new panel members occur for a period of 28 days and include additional provisions regarding building sustainability and environmental expertise.

### **10.14 Conflict of Interest Management Policy for Council-related Development**

Report of Leonard Vogel, Planning and Development Advisor

The purpose of this report is to present the *Managing Conflict of Interest* policy to Council for adoption following its 28-day public exhibition period.

At its meeting held 30 January 2023, Council resolved:

THAT Council endorse the Council-related Development Conflict of Interest Policy be endorsed for public exhibition for a minimum period of 28 days; and

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 the final Council-related Development Conflict of Interest Policy.

In accordance with the resolution, the Council-related Development Conflict of Interest Policy was publicly exhibited from 6 February 2023 to 6 March 2023 on Council's Yoursay website. No submissions were received.

The final Council-related Development Conflict of Interest Policy is presented, unamended, for adoption.

**Recommending:**

**1. THAT** Council adopt the Council-related Development Conflict of Interest Policy in accordance with the Environmental Planning and Assessment Regulation 2021 and the Council-related Development Application Conflict of Interest Guidelines.

### **10.15 Planning Proposal 6/20 – 45 McLaren Street – Post Exhibition Report**

Report of Ben Boyd, Executive Strategic Planner

The purpose of this report is to seek Council's endorsement to progress the Planning Proposal to amend North Sydney Local Environmental Plan 2013, adopt the associated amendment to North Sydney Development Control Plan 2013, and proceed with the execution of the related Voluntary Planning Agreement.

At its meeting on 28 March 2022, Council resolved to forward a Planning Proposal to the Department of Planning and Environment (DPE) seeking to amend the planning controls under North Sydney Local Environmental Plan (NSLEP) 2013 as they relate to land at 45 McLaren Street, North Sydney. The proposed amendments include:

- changing the zoning from *R4 High Density Residential* to *B4 Mixed Use* (or *MU1 Mixed Use*, if the Employment Zone Reforms are implemented prior to the finalisation of this proposed amendment);
- increasing the maximum height of building limit from 12m to part RL 103 (approximately 36-43m) and Part RL 115 (approximately 47-51m max);
- imposing a maximum floor space ratio of 6.25:1;
- imposing a non-residential floor space ratio of 1:1;
- amending Clause 4.4A – *Non-Residential Floor Space Ratios* to permit residential accommodation at ground level facing Walker Street; and
- amending Clause 6.12A – *Residential flat buildings in Zone B4 Mixed Use* to permit residential accommodation at ground level facing Walker Street.

The Planning Proposal is also accompanied by a draft Voluntary Planning Agreement (VPA) to deliver a number of public benefits to the value of approximately \$5.8 million, including a monetary contribution towards public infrastructure identified in the Ward Street Precinct Masterplan, streetscape upgrades adjacent to the site, expansion of an existing public through-site link across the site, and dedication of one x two-bedroom affordable housing unit. It is also accompanied by a draft site-specific amendment to North Sydney Development Control Plan (NSDCP) 2013, to provide greater certainty as to the built form outcomes envisaged on the subject site.

The Planning Proposal, draft DCP amendment, and draft VPA were placed on public exhibition concurrently for a period of 57 calendar days (or 24 working days), from 21 November 2022 to 16 January 2023.

17 submissions were received during the exhibition period, of which two were in

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support of the intended outcomes of the Planning Proposal, and 15 opposed. This report recommends that the Planning Proposal, DCP and VPA should proceed with several minor amendments.

**Recommending:**

1. **THAT** Council note the submissions made.
2. **THAT** in response to the submissions made, Council endorse the Planning Proposal, as exhibited, forming Attachment 5 to this report.
3. **THAT** having completed the community consultation requirements outlined in the Gateway Determination, that, Council proceed under delegation with the making of a Local Environmental Plan in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal (Attachment 5).
4. **THAT** Council grant delegation to the General Manager to finalise the Voluntary Planning Agreement with the view to have it executed prior to the gazettal of the LEP amendment.
5. **THAT** in accordance with clause 14 of the Environmental Planning and Assessment Regulation, 2021, Council adopt the amendment to North Sydney Development Control Plan 2013 as amended in response to submissions, forming Attachment 9 to this report.
6. **THAT** should Council not resolve to adopt the broader revised car parking rates in high accessibility areas being considered at the same meeting as this report, that the site-specific parking rates as exhibited be adopted subject to:
  - (a) the 2-bedroom rate be revised from 0.6 spaces per dwelling to 0.7 space per dwelling; and
  - (b) the 3+bedroom rate be revised from 0.7 spaces per dwelling to 1 space per dwelling.
7. **THAT** Council nominate that the date the amendment to North Sydney Development Control Plan 2013 commences is the same day as the amendment to North Sydney Local Environmental Plan 2013 giving effect to the Planning Proposal comes into force.
8. **THAT** in accordance with clause 14 of the Environmental Planning and Assessment Regulation 2021, public notice of Council's decision be given on Council's website regarding its adoption of the amendment to North Sydney Development Control Plan 2013 and again on the day that the amendment to North Sydney Development Control Plan 2013 comes into force and published on Council's website.
9. **THAT** in accordance with the clause 20(1) of the Environmental Planning and Assessment Regulation 2021, a copy of the revised development control plan be provided to the NSW Planning Secretary.
10. **THAT** Council notify all submitters of Council's decision.

## **10.16 Strategic Framework for Provision of Open Space and Recreation**

### **Facilities**

Report of Megan White, Landscape Planner/Architect

The purpose of this report is to consider the timing of strategic planning for open space and recreation.

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At its meeting of 13 March 2023, Council resolved to prioritise the preparation of an Open Space and Recreation Strategy in the 2023/24 operational plan.

A new Open Space and Recreation Needs Study will assess current supply of open space and recreation facilities, overlaid with community needs and aspirations. It will provide a strong evidence-based approach to inform short, medium, and long-term planning of Council's open space and recreation network.

Subsequent preparation of an Open Space and Recreation Strategy will provide a roadmap for how Council will deliver open spaces and recreation facilities to meet the needs of both the current and projected resident, worker, and visitor populations.

Reprioritising funding from Council's current 2022-23 Delivery Program for the Cammeray Park Strategic Masterplan would enable immediate preparation of an Open Space and Recreation Needs Study and subsequent Open Space and Recreation Strategy. These strategic documents will provide a clearly articulated direction for all future open space and recreation projects, including the Cammeray Park Strategic Masterplan.

**Recommending:**

1. **THAT** Council commence the preparation of an Open Space and Recreation Needs Study and a subsequent Open Space and Recreation Strategy.
2. **THAT** funds currently allocated for the Cammeray Park Strategic Masterplan be redirected to deliver the strategic work.

### **10.17 NSROC Regional Waste Strategy**

Report of Bo Karaula, Waste Management Co-Ordinator

The purpose of this report is to provide an outline of the Northern Sydney Regional Organisation of Councils (NSROC) Regional Waste Strategy and to seek its adoption by Council.

NSROC has worked collaboratively over many years on waste management issues, including the development of a regional waste procurement contract and the development of a regional waste strategy.

The State Government 20-year Waste and Sustainable Materials Strategy 2041 (WASM) represents a 20-year outlook for waste management and resource recovery for NSW, requiring all regional council groups to prepare new waste strategies of their own.

The NSROC Regional Waste Strategy was developed in response to the WASM requirements. It provides a framework for the eight participating councils to work collectively to support and deliver regional waste management practices which are consistent with an overarching framework but allows for individual council priorities. It is recommended that Council endorse the Regional Waste Strategy for the following reasons:

- potential savings for joint procurement/economies of scale;
  - sharing regional resources for education, data, and infrastructure;
  - provides access to additional EPA funding for projects that are consistent with the regional strategy;
  - shared risk for potential infrastructure development;
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- meets community expectations for resource recovery and environmental outcomes; and
- It is consistent with the objectives of NSC's Community Strategic Plan and Delivery Program (2022-2026) as well as the Environmental Sustainability Strategy 2030.

**Recommending:**

1. **THAT** Council resolves to adopt the 2022 NSROC Regional Waste Strategy.

### **10.18 Don Bank Studio – Selection of Writer in Residence for 2023**

Report of Amanda Hudson, Community Development Librarian

The purpose of this report is the selection of the Don Bank Writer in Residence for 2023.

Expressions of interest for the 2023 Writer in Residence at the Don Bank Studio have been processed and reviewed by the selection panel. For the 2023 residency there were two applications received, and both are of very high quality.

Submissions are assessed on the quality and style of the applicants writing as well as originality and creativity. Applicants must demonstrate how the residency will benefit their career and creative development.

Applicants must also propose a series of public programs to be delivered during the residency, that will engage and add value to the Library community.

In 2022, outgoing writer Kate Austin-Raffan delivered two successful writing workshops at Stanton Library which were well attended and received positive feedback.

The selection panel seeks the support of Council in offering the 2023 residency to the recommended applicant, with details provided in the attached confidential briefing note.

Should Council wish to discuss this report, it is noted that the Confidential Attachment includes personnel matters that relate to the employment conditions of specific individuals. It is noted that this item does not deal with personnel matters of a group but is specific to individuals and as such should be considered in closed session.

**Recommending:**

1. **THAT** Council resolves that the identified attachment to this report is to be treated as confidential in accordance with section 11(3) of the Local Government Act for the following reason under section 10A (2) of the Local Government Act:

- (a) personnel matters concerning particular individuals (other than Councillors)

2. **THAT** Council supports the selection of Applicant 2 for the Don Bank Program commencing 8 May 2023.

## 11. NOTICES OF MOTION

### 11.1 Notice of Motion 7/23 – Council owned properties – Cr Mutton

**1.THAT** Council resolves that a report be prepared and provided to Councillors in respect of properties owned by Council (that are leased or available to lease) detailing in respect of each property:

- The address;
- Where leased:
  - a. The date and term of the lease;
  - b. the quantum of the rent paid (if any) including the value of any Council charges in relation to which the obligation to pay is waived under the terms of the lease.
- The present or most recent market valuation;
- The date of the most recent market valuation and the methodology followed to arrive at that valuation.

**BACKGROUND (as provided by the submitter)**

Council owns properties that it variously leases or could lease for commercial gain. Is there a business case to be made that supports the sale of some properties and the use of the proceeds:

- To fund Council's capital works program the implementation of that program is being constrained by a lack of available capital.
- To retire existing debt or reduce the quantum of the debt that will need to be incurred to complete projects (e.g., the North Sydney Olympic Pool).

The intent of this motion is to ensure that Councillors are fully informed about the Council's property portfolio and can form views about options as to how the capital invested in that portfolio can be used.

## 12. Matters of Urgency

Nil

## 13. CLOSURE

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