



Council Chambers
4 August 2023

The **3787th MEETING** of **COUNCIL** will be held on Cammeraygal lands at the Council Chambers, North Sydney at **6.30pm** on Monday 14 August 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 Audit, Risk and Improvement Committee Minutes - 28 July 2023
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10. Reports to Council

- 10.1 Planning Proposal 2/23 - 601 Pacific Highway St Leonards
- 10.2 Planning Proposal 5/23: 115 - 125 Holt Avenue Cremorne
- 10.3 Changes to Precinct Committees
- 10.4 Provision of Expenses and Facilities to Councillors
- 10.5 Economic Development Strategy
- 10.6 Establishment of North Sydney Disability Inclusion Committee
- 10.7 Code of Conduct Investigation Report

11. Notices of Motion/Questions with Notice

Nil

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

3787th MEETING OF COUNCIL TO BE HELD ON MONDAY 14 AUGUST 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 3786th Council Meeting held on Monday 24 July 2023 be taken as read and confirmed.

5. DISCLOSURES OF INTEREST

6. PUBLIC FORUM

7. ITEMS BY EXCEPTION

8. MINUTES OF THE MAYOR

Nil

9. REPORTS OF COMMITTEES

9.1 Audit, Risk and Improvement Committee Minutes - 28 July 2023

Report of Ian Curry, Manager Council & Committee Services

The purpose of this report is to enable Council to consider the Minutes of this Committee as required under the Audit, Risk and Improvement Committee Charter.

This report presents the recommendations of the last meeting of the Audit, Risk and Improvement Committee held on 28 July 2023 for Council adoption. The minutes are attached for information.

There are no items from the meeting for Council determination.

Recommending:

1. THAT the Minutes of the Audit, Risk and Improvement Committee meeting held on 28 July 2023 be adopted in accordance with the Audit, Risk and Improvement Committee Charter.

10. REPORTS TO COUNCIL

10.1 Planning Proposal 2/23 - 601 Pacific Highway St Leonards

Report of Katerina Papas, Senior Strategic Planner

The purpose of this report is to present to Council the assessment report of Planning Proposal No. 2/23 for 601 Pacific Highway St Leonards which seeks to amend North Sydney Local Environmental Plan 2013, following its consideration by the North Sydney Local Planning Panel on 19 July 2023.

On 19 January 2023, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to 601 Pacific Highway St Leonards.

The subject site is located within the area covered by the St Leonards and Crows Nest 2036 Plan (2036 Plan), adopted by the Department of Planning and Environment in August 2020. It is accompanied by a Ministerial Direction under section 9.1 of the Environmental Planning and Assessment Act 1979 that requires Planning Proposals to be consistent with the 2036 Plan.

The Planning Proposal seeks to increase the maximum building height control for the site from 49m to RL276.5 (equivalent to 189m) and establish a maximum floor space ratio control (FSR) of 20:1. The Planning Proposal does not propose to amend the land use zone, which is currently E2 – Commercial Centre under NSLEP 2013.

The intent of the Planning Proposal is to facilitate the delivery of a 42-storey commercial building with a part five and part six-storey podium and 36-storey tower above. The indicative concept design includes 56,348 sqm of commercial office floor space; 408 sqm of retail floor space; and 128 car spaces over four basement levels.

On 19 July 2023, the North Sydney Local Planning Panel (NSLPP) considered the Planning Proposal and agreed with the recommendations of a report prepared by Element Environment (on behalf of Council). The report found the requested maximum building height of RL276.5 (189m) to be excessive for the number of storeys envisaged under the 2036 Plan for the site, which would result in a greater level of impact (overshadowing and visual) than necessary.

The Panel concurred with the recommendations of the report, that the Planning Proposal and supporting concept design should be amended to a maximum building height of RL 259 (equivalent to 171m) for 42 storeys and a maximum street wall (podium) height of 20.5m for 4 to 5 storeys. Subject to these amendments, the Panel recommended that the Planning Proposal be supported to proceed to a Gateway Determination.

The Panel noted, however, that the Planning Proposal is not accompanied by a Voluntary Planning Agreement (VPA) to deliver public benefits, and that the State Government's current Special Infrastructure Contribution (SIC) does not apply to commercial development.

The Panel recommended the applicant be invited to consider making an offer to deliver public/community benefits via a VPA with Council, in addition to the applicable section 7.11 local infrastructure contributions which will be levied with any future Development Application (DA) approval for the site and the State Government's proposed Residential and Productivity Contribution, which will replace the existing SIC.

Recommending:

- 1. THAT** the Planning Proposal, including the accompanying indicative concept scheme, be amended to Council's satisfaction addressing the recommendations of the detailed assessment report undertaken by Element Environment (on behalf of Council). Specifically, the maximum building height be amended to RL259 (equivalent to 171m) and a maximum street wall (podium) height of 20.5m for 4 to 5 storeys.
- 2. THAT** the applicant be invited to consider making an offer to deliver public/community benefits via a Voluntary Planning Agreement (VPA) with Council, and that the outcome be reported to Council.
- 3. THAT** upon completion of Recommendation 1 and 2, the Planning Proposal be forwarded to the Department of Planning and Environment in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979 to seek a Gateway Determination.
- 4. THAT** upon receipt of a Gateway Determination, the Planning Proposal and any associated draft VPA be exhibited concurrently.
- 5. THAT** the outcomes of any public exhibition be reported to Council.

10.2 Planning Proposal 5/23: 115 - 125 Holt Avenue Cremorne

Report of Amita Maharjan, Strategic Planner

The purpose of this report is to advise Council of the recommendations of the North Sydney Local Planning Panel (NSLPP) on Planning Proposal 5/23 applying to properties at 115 - 125 Holt Avenue Cremorne and to seek Council's endorsement of the Planning Proposal to progress it to Gateway Determination.

Planning Proposal 5/23 (PP 5/23) proposes to amend the North Sydney Local Environmental Plan (NSLEP) 2013 by identifying and listing six new local heritage items in Holt Avenue, Cremorne in Council's Heritage Schedule.

The Planning Proposal is supported by a revised heritage assessment undertaken by an independent heritage consultant, GML Heritage. The assessment demonstrates that the subject sites meet the threshold for local heritage listing, consistent with the criteria set out by the NSW Heritage Office.

The Planning Proposal is generally consistent with the applicable state and local plans and policies. A minor inconsistency with the Local Planning Direction- 6.1 Residential Zones (previously Ministerial Direction) is considered justified as detailed in the report considered by the NSLPP on 19 July 2023.

The Planning Proposal appropriately responds to matters previously raised by the Department of Planning & Environment (DPE), the Independent Planning Commission, and (the Commission) the North Sydney Local Planning Panel (the Panel) in regard to a previous Planning Proposal (PP 7/22) applying to the subject sites.

Having considered the detailed report prepared by GML on the heritage significance of the subject items, strategic merit consideration of the proposal, the response to the matters raised by the Commission, Gateway Determination, and the Panel on the previous PP, Council Officers are satisfied that the Planning Proposal has addressed all outstanding matters for it to progress to Gateway Determination.

The Council-issued Interim Heritage Order (IHO) on the subject sites has already expired. The current IHO was issued by the Minister for Environment and Heritage on 2 March 2023. The IHO is effective for a period of 12 months from its issue date. In order to provide permanent protection, inclusion of these items within the NSLEP 2013 is required. The Planning Proposal is the appropriate process to achieve this.

Council has been made aware that the owner of 115 - 119 Holt Avenue has lodged an appeal (Class 4 proceedings) within the Land and Environment Court against the IHO issued by the Minister. At the date of preparation of this report no hearing dates had been set.

Recommending:

- 1. THAT** Council note the recommendations of the North Sydney Local Planning Panel Meeting of 19 July 2023 on Planning Proposal PP 5/23.
- 2. THAT** Council endorse the Planning Proposal to amend the North Sydney Local Environmental Plan 2013 such that the properties at 115, 117, 119, 121, 123 & 125 Holt Avenue, Cremorne are identified as local heritage items through their listing within Schedule 5 – Environmental Heritage and identification on the Heritage Map.
- 3. THAT** Council resolve to forward the Planning Proposal to the Department of Planning and Environment to seek a Gateway Determination.
- 4. THAT** upon receipt of a Gateway Determination, the Planning Proposal be publicly exhibited.
- 5. THAT** the outcomes of any public exhibition be reported to Council.

10.3 Changes to Precinct Committees

Report of Jenny Gleeson, Manager Corporate Planning and Engagement

The purpose of this report is to advise Council of the merger of the Harrison and Bennett Precinct Committees (now known as Harrison-Bennett Precinct) and the name change of Registry Precinct Committee (now known as Anzac Park Precinct). The report also details other potential mergers/boundary changes currently under consideration.

On 25 July 2022, Council resolved that it recognises: (a) the principle that the question of mergers or amalgamations between Precincts or their dissolution are matters for the Precincts themselves to determine; and (b) that Council will provide administrative support for any such mergers, amalgamations, or dissolutions.

Registry Precinct resolved to explore a name change in January 2023 to improve association with the local area. On the Precinct Committee's behalf, Council staff prepared an application to the Department of Veterans Affairs (DVA), which

determines the use of the word 'Anzac'. DVA approved the Registry Precinct Committee's application on 14 June 2023. The Precinct resolved to formally change its name to Anzac Park Precinct on 28 June 2023.

Harrison-Bennett Precincts have formally merged. A trial merger was in operation from August 2020 when Bennett Precinct entered recess following the resignation of its office bearers. On 2 March 2023, following a seven-month consultation period, Harrison Precinct Committee resolved to formally merge with the Bennett Precinct area. The new name of Harrison-Bennett Precinct was resolved on 6 July 2023.

This merger reduces the total number of Precinct areas to 23, with 16 active, and seven Committees remaining inactive - Anderson, Bradfield, Bridgeview, CBD, Hayes, Kurraba, and The Plateau.

Recommending:

1. THAT Council notes the amalgamation of Harrison and Bennett Precincts to form one precinct known as 'Harrison-Bennett Precinct' and the name change of Registry Precinct to 'Anzac Park Precinct'.

10.4 Provision of Expenses and Facilities to Councillors

Report of Ian Curry, Manager Council & Committee Services

The purpose of this report is to advise Council on the expenses and facilities provided to Councillors, in accordance with the Councillors Expenses and Facilities Policy.

In the adopted Councillor Expenses and Facilities Policy, there is a provision for a report to Council regarding expenses and facilities to councillors to be publicly tabled at a Council meeting every six months and published in full on Council's website.

This is the first report being provided in accordance with that provision.

The expenses and facilities provided to Councillors for the period 1 January to 30 June 2023 are summarised in the attached table.

Recommending:

1. THAT, in accordance with clause 16.2 of the Councillor Expenses and Facilities Policy, the report be received.

10.5 Economic Development Strategy

Report of Jenny Gleeson, Manager Corporate Planning and Engagement

The purpose of this report is to seek Council's approval to reprioritise the operational budget for economic development from the adopted 2023/24 budget towards the preparation of a new revision of Councils' Economic Development Strategy.

It is proposed that the operational budget of approximately \$116K allocated in the 2023/24 budget for 'business engagement' be redirected (as one-off non-recurrent funds) for the purposes of preparation of a new revision of the Economic Development Strategy.

To inform our operational priorities, it is critical that we have a clear direction and goals through a well-informed strategy. Council's current Economic Development Strategy was adopted in 2016 and has therefore not take into consideration significant changes, challenges, and opportunities in the current and emerging economic environment.

The preparation of an Economic Development Strategy will involve engagement with local businesses.

Council will continue to engage with and support local businesses through its strategic planning activities, and events and activations initiatives as the strategy work takes place.

The Economic Development Strategy will be one of seven key strategies that will inform the development of the new Delivery Plan in 2024/25. Other key strategies being developed this financial year include Arts and Culture, Open Space and Recreation and Integrated Transport.

Recommending:

1. THAT Council endorse the redirection of \$116K in the 2023/24 operational budget for business engagement towards the preparation of a new revision of the Economic Development Strategy.

10.6 Establishment of North Sydney Disability Inclusion Committee

Report of Camelia Tobin, Access and Inclusion Coordinator

The purpose of this report is to seek endorsement from Council to establish a Disability Inclusion Committee as recommended in the North Sydney Disability Inclusion Action Plan (2022-2026).

Council endorsed the North Sydney Disability Inclusion Action Plan in October 2022.

The establishment of a Disability Inclusion Committee is identified as an action Council would commit to in year one of the implementation of the DIAP. Action 4.4.1 - Establish a disability inclusion advisory group to provide strategic advice to Council.

The purpose of the North Sydney Disability Inclusion Committee is to assist Council in achieving improved access and inclusion of services and infrastructure across North Sydney by drawing on the individual skills and experience of people with a lived experience of disability.

Terms of Reference have been developed outlining the aims and to inform the scope of the Committee.

Recommending:

1. THAT Council endorse the establishment of the North Sydney Disability Inclusion Committee.

2. THAT Council adopt the Terms of Reference of the North Sydney Disability Inclusion Committee.

3. THAT Council select a Councillor as Chair of the North Sydney Disability Inclusion Committee.

10.7 Code of Conduct Investigation Report

Report of Shane Sullivan, Executive Manager

The purpose of this report is for Council to consider a matter in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils.

Should Council wish to discuss this report it is noted that the attached confidential documents include information about alleged contraventions of any code of conduct

requirements applicable under section 440 of the Local Government Act and as such must 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:

(i) alleged contraventions of any code of conduct requirements applicable under section 440 of the Local Government Act.

11. NOTICES OF MOTION

Nil

12. Matters of Urgency

Nil

13. CLOSURE