



Council Chambers
13 October 2023

The **3792nd MEETING** of **COUNCIL** will be held on Cammeraygal lands at the Council Chambers, North Sydney at **6.30pm** on Monday 23 October 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**
Nil
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10. Reports to Council

- 10.1 Financial Statements for the Year Ended 30 June 2023
- 10.2 Code of Conduct Statistics Report
- 10.3 Planning Proposal 3/23 - 50-56, 70-72, and 78-88 Parraween Street Cremorne - Post Exhibition Report
- 10.4 Investment and Loan Borrowings Report as at 30 September 2023
- 10.5 2023 Liveability Census - North Sydney LGA results

11. Notices of Motion/Questions with Notice

- 11.1 Notice of Motion 14/23: Construction delays in Bligh Street Kirribilli - Cr Gibson
- 11.2 Notice of Motion 15/23: Celebrations for Small Local Businesses - Cr Gibson
- 11.3 Notice of Motion 16/23: 2024 Sydney Gay and Lesbian Mardi Gras - Cr Lamb

12. Matters of Urgency

Raised by Councillors

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

3792nd MEETING OF COUNCIL TO BE HELD ON MONDAY 23 OCTOBER 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 3790th Council Meeting held on Monday 9 October 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

Nil

10. REPORTS TO COUNCIL

10.1 Financial Statements for the Year Ended 30 June 2023

Report of Christian Munday, Manager Financial Services

The purpose of this report is to present the draft Financial Statements for the year ended 30 June 2023 and to seek Council approval to refer them to the Audit Office of NSW for audit. The audited statements will be reported to a future Council Meeting.

- The Income Statement discloses a net operating surplus of \$24.5 million. This is \$14.5 million more than the \$8.0 million surplus forecast in the original budget.
- The net operating surplus, before Capital Grants and Contributions, is a deficit of \$2.3 million compared to a balanced result in the original budget. This was impacted by a reduction in assessed value of \$2.7m for Council's Investment Properties.
- The Operating Performance Ratio (which excludes the non-cash item reduction in value of Investment Properties and Loss on Disposal of Assets) is positive, indicating Council controlled expenses within its income.
- The effects of a trend to higher depreciation expenses were offset by increased parking related income and interest income.
- Council's financial position as at 30 June 2023 is sound.

Recommending:

1. THAT Council resolves that, in its opinion, the General Purpose Financial Statements and Special Schedules for the year ended 30 June 2023:

- have been properly drawn up in accordance with the provisions of the Act and the associated Regulations thereunder, the Australian Accounting Standards and professional pronouncements and the Local Government Code of Accounting Practice and Financial Reporting;
- to the best of Council's knowledge and belief, the statements present fairly Council's operating result and financial position for the year and accord with Council's accounting and other records; and
- Council is unaware of any matter that would render the Financial Statements false or misleading in any way.

2. THAT Council declares there are no business activities requiring the preparation of Special Purpose Financial Statements.

3. THAT the Statement by Councillors and Management for the General Purpose Financial Statements be signed by the Mayor, Deputy Mayor, General Manager, and Responsible Accounting Officer.

4. THAT the Financial Statements be referred to the Audit Office of NSW for audit.

5. THAT arrangements be made to place copies of the audited Financial Statements on public exhibition and the necessary advertisements be published.

6. THAT a copy of the audited Financial Statements be forwarded to the NSW Office of Local Government.

7. THAT in accordance with Section 418 of the Act, the audited Financial Statements be presented to the ordinary meeting of 27 November 2023.

10.2 Code of Conduct Statistics Report

Report of Ian Curry, Manager Council and Committee Services

The purpose of this report is to report on the Code of Conduct complaints for the period 30 September 2023, as required by the Office of Local Government (OLG).

In accordance with Council's Code of Conduct - Councillors and Staff, Council's Complaints Coordinator must report on a range of complaints statistics to the Council and to the Office of Local Government by 31 December 2023, for the period to the end of September.

The number of Code of Conduct complaints received is as follows:

2019-2020	2020-2021	2021-2022	2022-2023
<i>Two</i>	<i>Nil</i>	<i>Five</i>	<i>Two</i>

Recommending:

1. THAT the Code of Conduct Statistics Report be received and provided to the Office of Local Government in accordance with Clause 11.2 of the *Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW, 2020*

10.3 Planning Proposal 3/23 - 50-56, 70-72, and 78-88 Parraween Street Cremorne - Post Exhibition Report

Report of Tom Mojsiejuk, Strategic Planner

The purpose of this report is to present the outcomes of the public exhibition of a Council- initiated Planning Proposal to amend North Sydney Local Environmental Plan 2013 to list 50-56, 70-72, and 78-88 Parraween Street Cremorne as heritage items of local significance.

The report seeks Council's endorsement to forward the Planning Proposal to the Department of Planning and Environment with a request that the Plan be made.

- At its meeting of 8 May 2023, Council resolved to forward a Planning Proposal (PP3/22) to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) to the Department of Planning and Environment (DPE) to:
 - list 12 properties at 50, 52, 54, 56, 70, 72, 78, 80, 82, 84, 86, and 88 Parraween Street Cremorne as local heritage items; and
 - rezone 20 properties at 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, and 88 Parraween Street Cremorne from R4 High Density Residential to R3 Medium Density Residential and reduce the maximum building height of these properties from 12m to 8.5m.
- On 31 July 2023, the Minister for Planning issued a Gateway Determination allowing the Planning Proposal to proceed to public exhibition, subject to meeting a number of conditions. The Gateway conditions included a requirement that the Planning Proposal be updated prior to exhibition to:
 - remove provisions to rezone land from R4 High Density Residential to R3 Medium Density Residential and reduce the maximum building height from 12m to 8.5m; and
 - remove properties without any identified heritage value from the Planning Proposal such that the proposal refers only to the remaining 12 properties (i.e., 50, 52, 54, 56, 70, 72, 78, 80, 82, 84, 86, and 88 Parraween Street Cremorne), proposed for local heritage listing.

- The Planning Proposal was amended to comply with the conditions of the Gateway Determination and was placed on public exhibition for a period of 28 calendar days (20 working days) from 25 August 2023 to 22 September 2023.
- 49 submissions were received during the exhibition period, including 47 submissions in support of the Planning Proposal and two submissions which raised objections to the proposed heritage listings.
- In the circumstances of the Interim Heritage Orders (IHOs) applying to the relevant properties lapsing in November 2023 and the recent lodgement of a State Significant Development Application (SSDA) with the DPE, it is recommended that Council progress the Planning Proposal, as exhibited, as expeditiously as possible, and forward the Planning Proposal to the DPE with a request that an LEP be made.
- A condition of the Gateway Determination requires that a post-exhibition review of submissions and relevant heritage studies, including those commissioned by Council, be undertaken by an independent heritage consultant prior to the finalisation of the Planning Proposal. Work is currently underway to satisfy this condition and the findings of the independent report will be provided to the DPE upon completion.
- Due to the nature of the proposal and Gateway conditions, Council has not been granted delegation to be the Local Plan Making Authority (LPMA) to finalise the making of this Plan.

Recommending:

1. THAT having completed the community consultation requirements of the Gateway Determination, that:

- a) Council forward the Planning Proposal to list properties at 50, 52, 54, 56, 70, 72, 78, 80, 82, 84, 86, and 88 Parraween Street Cremorne as heritage items of local significance (as detailed in Attachment 1) to the Department of Planning and Environment with a request that a Local Environmental Plan be made in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979; and
- b) The outcomes of the independent post-exhibition review of submissions and relevant heritage studies be provided to the Department of Planning and Environment upon completion.

2. THAT Council note the submissions made to the public exhibition of the Planning Proposal, forming attachment 2 of this report.

3. THAT Council note the Department of Planning and Environment's advice that Condition 2 of its Gateway Determination requires a post-exhibition review of submissions and relevant heritage studies, including those commissioned by Council, to be undertaken by an independent heritage consultant to provide a recommendation on the appropriateness of the proposed heritage listings. This review is currently under way and required to be completed prior to finalisation of the Planning Proposal.

4. THAT all submitters be notified of Council's resolution and thanked for their submission.

10.4 Investment and Loan Borrowings Report as at 30 September 2023

Report of Christian Munday, Manager Financial Services

The purpose of this report is to provide Council with the details of the performance of Council's investments and details of loans for the month ending 30 September 2023.

- All investments have been made in accordance with the Local Government Act, Regulations, Council's Investment Policy, and the specific conditions of the TCorp Loan Agreement.
- For the month of September, the total investment portfolio (Term Deposits, Floating Rate Notes and Bonds) provided a return of +0.29% (actual), or +3.56% p.a. (annualised), marginally under-performing the benchmark AusBond Bank Bill Index return of +0.34% (actual), or +4.18% p.a. (annualised). This is due to recent interest rate rises and Council holding term deposits made in a low inflation environment, when rises were not expected.
- Returns on investments exceed the YTD budget by \$506,000. The total return for the 2023/2024 financial year to date is approximately \$1.1 million. The better-than-expected return is due to the payments for the capital works program progressing slower than expected in the first quarter. Interest income will be addressed in the September Quarter Budget Review. The total budget for 2023/2024 is \$2.5 million.

Recommending:

1. **THAT** the report on Investments held on 30 September 2023, prepared in accordance with clause 212 of the Local Government (General) Regulation 2021 and information on Loan Borrowings, be received.

10.5 2023 Liveability Census - North Sydney LGA results

Report of Anna Warren, Corporate Planning Coordinator

The purpose of this report is to present the 2023 Liveability Census results to Council, highlighting the findings for the North Sydney local government area (LGA).

- North Sydney Council participated as a 'Distribution Organisation' in Place Score's 2023 Liveability Census, a social research project revealing trends, values, and performance data regarding liveability. The Census was conducted between 26 March and 30 June 2023.
- A baseline for the North Sydney LGA was established in 2021. In 2023, 387 residents shared what matters most in their ideal neighbourhood (care factor/community values) and 467 residents rated the suburb in which they live (performance).
- The attached high-level summary results for the North Sydney LGA are presented in context of national and state insights. Each LGA is given a place experience (PX) score out of 100, with North Sydney LGA achieving a PX score of 76/100, which is higher than the national average (67/100), NSW (67/100), and up one point from 2021 (75/100).

Recommending:

1. **THAT** the 2023 State of Place Report for the North Sydney LGA be received.
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11. NOTICES OF MOTION

11.1 Notice of Motion 14/23: Construction delays in Bligh Street Kirribilli - Cr Gibson

1. **THAT** Council acknowledges the disruption to local businesses caused by the construction delays in the Bligh Street upgrade works.

2. **THAT** a brief report be prepared outlining options to address the loss of income suffered by the Bligh Street small businesses.

Background (as provided by the submitter)

The construction of the Bligh Street Upgrade Works has suffered from ongoing delays. Unfortunately, these delays have occurred during peak trading season causing severe loss of income for several local Food and Beverage outlets.

Local operators believe there should be a reduction in rates of Outdoor Dining Fees, and or, a waiver period of fees and charges.

Clause 3.11 Report - Director Open Space & Infrastructure

The Bligh Street works noted within the Notice of Motion are part of the Kirribilli Masterplan, which was adopted by the Council at its meeting on the 22 February 2021. In addition to the Masterplan consultation the Bligh Street works were the subject to formal community consultation; Sep-Nov 2022 and Dec – Jan 2023.

The works constituted the implementation of a permanent pedestrian shared zone that was funded through the NSW Government 'Get NSW Active Program' and Council. It is important to note that the conditions of the grant required the works to be completed by November 2023.

Council sought to undertake the works in July 2023, however commencement was delayed until September due to contractor availability.

The works, which have recently been completed, within the proposed six-week program and allocated budget will provide significant ongoing benefits for the businesses and community of Kirribilli, including; improved pedestrian safety that will result in increased foot traffic, improved amenity and ambience that enhances outdoor dining, improved visibility of business and potential dining locations, reduced noise and pollution adjacent to outdoor dining spaces, and potential improvements to business income and the net-worth of adjoining businesses.

It should be noted that revenue Council achieves through footway dining is used to assist with maintenance and regular cleaning of the Kirribilli town centre more broadly and that this service continued during the construction of the Bligh Street pedestrian shared zone.

It is also noted that adjoining businesses adjusted their trading hours to mitigate the impacts of the streetscape improvements and had some use of their dining spaces outside of construction hours.

Conclusion

It is acknowledged that there was some impact to outdoor dining of these businesses, which could have reasonably been expected during the six weeks the work took to complete.

However, given the longer-term benefits that these businesses will now receive from the works and difficulties substantiating actual business loss, broader compensation is not considered appropriate.

11.2 Notice of Motion 15/23: Celebrations for Small Local Businesses - Cr Gibson

1. THAT Sixthsense Hair and Nail Salon - on Broughton Street Kirribilli - be permitted to hold a small-scale event to celebrate the 20th anniversary of their successful local business.

2. THAT Council's General Manager assist the management of Sixthsense to apply for a permit and set parameters for this small multicultural community event.

Background (as provided by the submitter)

It has come to my attention that a business in Kirribilli has been refused permission to hold a small celebratory event on the footpath outside their shop. The proposed short celebration includes music and a traditional Dragon Dance. Kirribilli locals have a proud history of supporting their local businesses and welcome small community events that showcase our village.

Clause 3.11 Report - Director Corporate Support

- *Sixthsense Hair and Nail Salon in Kirribilli approached Council to request permission to use the footpath outside their business for an event.*
- *The request was for a sound system, musical instruments and dancers on the footpath.*
- *This request was not in line with the terms and conditions of Council's Publicity and Promotional events permit.*
- *The terms and conditions of the permit state that no amplification (sound systems) can be used on footpaths and at least 1.8m of footpath be left clear for other pedestrians.*
- *The request from the business was for a narrow section of the footpath which is in close proximity to other businesses and the train station.*
- *The proposed use would not leave 1.8m of free footpath for other users.*
- *Council advised a park or other venue could be considered for the event.*

11.3 Notice of Motion 16/23 - 2024 Sydney Gay and Lesbian Mardi Gras - Cr Lamb

THAT Council:

1. note the 2024 Sydney Gay and Lesbian Mardi Gras will be held on 3 March 2024;
2. in consultation with the LGBTQIA+SB community, explore opportunities to contribute to this celebration;
3. request the General Manager investigate installing an additional flag pole at Council Chambers to enable the flying of the rainbow flag during Mardi Gras.

In February 2023, Sydney Gay and Lesbian Mardi Gras and Sydney WorldPride united to deliver the first world pride celebration in the Southern Hemisphere supporting and celebrating the LGBTQIA+SB. This was a wonderful celebration of inclusion, equity and

acceptance. Throughout the festival, our library held a number of initiatives and we flew banners to celebrate, however we were unable to fly the rainbow flag at Council Chambers due to the lack of available flag poles.

The 2024 Sydney Gay and Lesbian Mardi Gras Festival will be held 3 March 2024. The theme for the festival will be 'Our Future...'. Gil Beckwith, Acting CEO of Sydney Gay and Lesbian Mardi Gras stated, "Our Future... is not just a theme but a call to action, a bold invitation to define and shape our path forward as a community".

The theme presents a great opportunity for North Sydney to proactively consider how we evolve inclusion and acceptance of the LGBTQIA+SB community in our Local Government Area as I believe the culture of this council has stagnated over the last decade and has not evolved as our society has.

We owe everyone in our communities, including children, students, and families, the chance to feel valued, respected, and visible in their own hometown.

12. Matters of Urgency

Nil

13. CLOSURE
