



MINUTES

The Minutes of the Council held at the
Council Chambers, North Sydney
at 6:30 PM on Monday 23 October 2023.



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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.

At the commencement of business (6:30 pm) those present were: The Mayor, and Councillors Beregi, Bourke, Gibson, Lamb, Lepouris, Mutton, Santer, Spenceley, and Welch.

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

Nil

4. Confirmation of Minutes

THAT THE MINUTES of the 3791st Council Meeting held on Monday 9 October 2023 be taken as read and confirmed.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

294. RESOLVED:

1. THAT the Minutes of the 3791st Council Meeting held on Monday 9 October 2023 be taken as read and confirmed.

5. Disclosures of Interest

The following Disclosure of Interest was made:

Councillor Lepouris	Item 10.2: Code of Conduct Statistics 2022-23 Pertains to Code of Conduct (Non-Pecuniary, Significant)
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6. Public Forum

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

1.THAT the Public Forum be opened, and that the following items be considered as part of the Public Forum:

Item 10.3	Planning Proposal 3/23 - 50-56, 70-72, and 78-88 Parraween Street Cremorne - Post Exhibition Report
Item 11.1	Notice of Motion 14/23: Construction delays in Bligh Street Kirribilli - Cr Gibson

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

295. RESOLVED:

1.THAT the Public Forum be opened, and that the following items be considered as part of the Public Forum:

Item 10.3	Planning Proposal 3/23 - 50-56, 70-72, and 78-88 Parraween Street Cremorne - Post Exhibition Report
Item 11.1	Notice of Motion 14/23: Construction delays in Bligh Street Kirribilli - Cr Gibson

**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.

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

- Anthony Binning (local business owner)

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

- 1. THAT** Council acknowledges the disruption to local businesses caused by the construction delays in the Bligh Street upgrade works.
- 2. THAT** Council waive outdoor dining fees in Bligh Street Kirribilli for the three affected businesses for a period of 12 months.

A Motion was foreshadowed by Councillor Spenceley:

- 1. THAT** a report be provided to Council regarding creating a policy relating to outdoor dining fees during disruption caused by public domain work.
- 2. THAT** the experience in Bligh Street be investigated as part of that report.

The Motion was put and **Lost**.

Voting was as follows:

For/Against 2 / 8

For: Councillor Gibson and Councillor Lepouris

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

Absent: Nil

The Foreshadowed Motion was moved by Councillor Spenceley and seconded by Councillor Bourke:

1. **THAT** a report be provided to Council regarding creating a policy relating to outdoor dining fees during disruption caused by public domain work.
2. **THAT** the experience in Bligh Street be investigated as part of that report.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

296. RESOLVED:

1. **THAT** a report be provided to Council regarding creating a policy relating to outdoor dining fees during disruption caused by public domain work.
2. **THAT** the experience in Bligh Street be investigated as part of that report.

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

AUTHOR: Tom Mojsiejuk, Strategic Planner

PURPOSE:

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.

RECOMMENDATION:

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.

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

- Jennifer Hill (author of heritage report prepared on behalf of the owner)

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 3

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

Against: Councillor Gibson, Councillor Lepouris and Councillor Mutton

Absent: Nil

297. RESOLVED:

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.

7. Items Considered by Exception

Nil

8. Mayoral Minutes

Nil

9. Reports of Committees

Nil

10. Reports to Council

10.1. Financial Statements for the Year Ended 30 June 2023

AUTHOR: Christian Menday, Manager Financial Services

PURPOSE:

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.

RECOMMENDATION:

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.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 2

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

Against: Councillor Gibson and Councillor Lepouris

Absent: Nil

298. RESOLVED:

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.

Councillor Lepouris declared an interest in Item 10.2 and left the meeting at 7:21pm.

10.2. Code of Conduct Statistics 2022-23

AUTHOR: Ian Curry, Manager Council and Committee Services

PURPOSE:

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
Two	Nil	Five	Two

RECOMMENDATION:

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*

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Nil

299. RESOLVED:

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*

Councillor Lepouris returned to meeting at 7:24pm

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

This item was considered in the Public Forum (see page 4).

10.4. Investment and Loan Borrowings Report as at 30 September 2023

AUTHOR: Christian Menday, Manager Financial Services

PURPOSE:

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.

RECOMMENDATION:

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.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

300. RESOLVED:

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

AUTHOR: Anna Warren, Corporate Planning Coordinator

PURPOSE:

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).

RECOMMENDATION:

1. THAT the 2023 State of Place Report for the North Sydney LGA be received.

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

- 1. THAT** the 2023 State of Place Report for the North Sydney LGA be received.
- 2. THAT** the report be made available to Precincts, Reference Groups, and Chambers of Commerce, and be published on Council's website.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

301. RESOLVED:

- 1. THAT** the 2023 State of Place Report for the North Sydney LGA be received.
- 2. THAT** the report be made available to Precincts, Reference Groups, and Chambers of Commerce, and be published on Council's website.

11. Notices of Motion

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

This item was considered in the Public Forum (see page 4).

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.

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

1. THAT the General Manager arrange for Sixthsense Hair and Nail Salon and Council meet to discuss what options are available to celebrate the 20th anniversary of their successful local business.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

302. RESOLVED:

1. THAT the General Manager arrange for Sixthsense Hair and Nail Salon and Council meet to discuss what options are available to celebrate the 20th anniversary of their successful local business.

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

1. 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 investigates installing an additional flag pole at Council Chambers to enable the flying of the rainbow flag during Mardi Gras.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

303. RESOLVED:

1. 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 investigates installing an additional flag pole at Council Chambers to enable the flying of the rainbow flag during Mardi Gras.

12. Matters of Urgency

Nil

13. Closure

The Meeting concluded at 7:40 pm.