



Council Chambers
1 December 2023

The **3794th MEETING** of **COUNCIL** will be held on Cammeraygal lands at the Council Chambers, North Sydney at **6.30pm** on Monday 11 December 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.

-
- 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**
 - 8.1 MM01: Call on State Government to implement urgent design changes to the WFU/WHT projects to avoid another Rozelle Interchange disaster
 - 8.2 MM02: General Manager Performance Review 2023
 - 8.3 MM03: Ban on gas appliances and connections in new homes - Doctors for the Environment
-

9. Reports of Committees

- 9.1 Audit, Risk and Improvement Committee Minutes – 10 November 2023
- 9.2 Traffic Committee Minutes – 17 November 2023

10. Reports to Council

- 10.1 Customer Satisfaction Survey 2023 - findings
- 10.2 Code of Conduct Statistics 2022-23 - Updated Return
- 10.3 Organisation Structure
- 10.4 Planning Proposal 6/21 - 52 McLaren Street North Sydney
- 10.5 Planning Proposal 8/21: North Sydney Centre: Height of Buildings Variation - Post Exhibition Report
- 10.6 Planning Proposal 5/22 - 71-89 Chandos Street St Leonards - Post Exhibition Report
- 10.7 Planning Proposal 9/22 17-25 Falcon Street Crows Nest, and Voluntary Planning Agreement
- 10.8 Variation to Development Standards Q1 Financial Year 2023/2024
- 10.9 Young Street - Road Closure
- 10.10 Draft Foreshore Parks & Reserves Plan of Management - Post Exhibition Report
- 10.11 Amended Property Addressing Policy
- 10.12 Nutcote Trust - Amendments to Constitution
- 10.13 Youth Strategic Plan
- 10.14 1st Quarterly Property Portfolio Report 2023/2024
- 10.15 Primrose Park Tennis Court - Service Review and Tender

11. Notices of Motion/Questions with Notice

- 11.1 Notice of Motion 18/23: Supporting Local Businesses during Council Infrastructure Works - Cr Gibson
- 11.2 Notice of Motion 19/23 - Landscaping at Greenway on Broughton Street Kirribilli - Cr Gibson
- 11.3 Notice of Motion 20/23 - Management of Code of Conduct Complaints - Cr Gibson
- 11.4 Notice of Motion 21/23 - Mass destruction of Bushland in Lane Cove - Cr Gibson
- 11.5 Notice of Motion 22/23 - Proposed No New Advertising Billboards Policy - Cr Bourke

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

3794th MEETING OF COUNCIL TO BE HELD ON MONDAY 11 DECEMBER 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 3793rd Council Meeting held on Monday 27 November 2023 be taken as read and confirmed.

5. DISCLOSURES OF INTEREST

6. PUBLIC FORUM

7. ITEMS BY EXCEPTION

8. MINUTES OF THE MAYOR

8.1 MM01: Call on State Government to implement urgent design changes to the WFU/WHT projects to avoid another Rozelle Interchange disaster

The opening of the Westconnex Rozelle Interchange has, unsurprisingly, resulted in traffic chaos on local roads. Watching the impacts is a glimpse into both the past and the future for North Sydney residents. For almost eight years, since the announcement of the Western Harbour Tunnel (WHT)/ Warringah Freeway Upgrade (WFU), and Northern Beaches Link (NBL) major road projects, we have been

predicting that these “roads to nowhere” will funnel increased traffic on local roads into the same traffic “pinch points” of the Sydney Harbour Bridge, Sydney Harbour Tunnel, and a new toll road, magnifying and increasing existing traffic congestion. Without urgent modifications and amendments to the design of the WHT/WFU projects, the Rozelle Interchange disaster will be repeated throughout the North Sydney local government area. From Military Road, Ernest, Falcon, and Miller Streets to the Pacific Highway, Blues Point Road, and Berry Street (and all roads leading to those arteries), local roads will be choked with cars and trucks trying to merge into unchanged lanes to the Harbour Bridge.

We, as a community, have been sounding the alarm on the inevitable impacts of these projects since the announcement in 2016. Indeed, Council’s submissions on the WHT/WFU projects concluded, in relation to traffic impacts, that:

The project will see significant net additional traffic on Berry Street, Miller Street, Falcon Street and Pacific Highway (south of Falcon Street) as well as significant reductions in levels of service (i.e. greater waiting times) at several key intersections. The suggested traffic volume increases and network changes are such that numerous State and Local initiatives will either be unable to occur or require significant amendment.

<https://www.northsydney.nsw.gov.au/ecm/download/document-9125585>

Since then, the State Government has cancelled the Northern Beaches Link project. The NBL was the justification for the extension of Westconnex with the WHT project. Circumstances have changed significantly as a result of the cancellation of the project, yet the State Government has not contemplated any consequential amendments to the WHT/WFU.

As Inner West Mayor, Councillor Darcy Byrne, put it:

the traffic chaos caused by the completion of WestConnex and the opening of the Rozelle Interchange is exactly what we have predicted would occur and must be addressed as a matter of urgency. For more than a decade Council has warned that funnelling massively increased traffic flows to the ANZAC Bridge would create a tunnel to a traffic jam. The former Perrottet Government stated repeatedly that traffic flows on Victoria Road would be reduced by 50% when the interchange opened, a claim that is laughable now. Worse still, discovered after the change of Government, that there was not a single dollar in the Budget for the reconfiguration of Victoria Road. Council is instead calling for the complete and transparent disclosure of the traffic data for Victoria Road and the City West Link and an immediate review of the lane configurations. The massive impact on our local traffic network is unacceptable and cannot be ignored.

<https://www.innerwest.nsw.gov.au/about/news/media-releases/2023-media-releases/rozelle-interchange-public-meeting-called>

Traffic experts continue to criticise the poor planning and inevitability of the Westconnex impacts. For example, in *Rozelle Interchange design issues will be a problem for Sydney's future, experts say* (ABC, 5 December 2023), a number of eminent traffic engineering experts re-state their concerns that have previously been raised (and ignored) by experts, councils, and communities since the announcement of these major road projects: they significantly increase traffic congestion on local roads once opened.

..traffic expert Mathew Hounsell said any solutions put forward would see little or temporary changes in conditions. "The fundamental issue is you still have more cars trying to get on the Anzac Bridge than the total capacity for that to move," he said.

...

Christopher Standen, an urban transport and planning expert with the University of NSW, said the interchange was emblematic of poor infrastructure planning in Australia. "It was always clear that it would be a disaster for Sydney and that's played out," he said. "There were votes to be had in making it easier for people in outer suburbs to drive into the city, even though that's not a great thing from an urban planning perspective. "The last thing we should be doing is building roads that encourage people to drive more and to move further away from work, so encouraging urban sprawl and low-density development."

Mr Hounsell said the lane design should have been addressed in the early planning stages of the interchange. "The three-lane to one-lane merge should never have gotten past the design stage," he said. "And that 400 metres will probably reduce the problem but it's only alleviating the symptoms." The state government has insisted that congestion will ease as time goes on, but the addition of the Western Harbour Tunnel in a few years' time could make things worse. "It's going to put even more traffic when that opens in a few years' time," Mr Hounsell said."

<https://www.abc.net.au/news/2023-12-05/nsw-rozelle-interchange-design-experts/103186410>

It is vital that the State Government urgently act now to amend the WHT/WFU project design to address the inevitable devastating traffic impacts of merging multiple lanes into the same "pinch points" and the impacts of the opening of the welcome and exceptional public transport project, the Metro, in 2024, and the cancellation of the NBL project.

I therefore recommend:

1. THAT Council call on the State Government to:

- (a) commission new traffic modelling to replace the outdated 2015 modelling provided with the EIS and which recognises the impacts of the cancellation of the Beaches Link and imminent opening of the Metro;
- (b) prepare a new business case reflecting the reduced demand on the WHT project as a result of the cancellation of Beaches and the imminent opening of the welcome and exceptional public transport project, the Metro;
- (c) prepare and seek consent for amendments to the WHT/WFU projects to mitigate congestion impacts on local roads informed by new traffic modelling; and
- (d) consider cancelling the WHT and redirection of the project funds to the provision of public transport projects in Greater Sydney region.

8.2 MM02: General Manager Performance Review 2023

On 10 November 2023, pursuant to Section 7 of the General Manager's employment contract, Council's Performance Review Committee met and conducted the General Manager's performance review.

The Committee was established by Council, for the whole of this term of Council, and comprises the Mayor, Councillor Zoe Baker, the Deputy Mayor, Councillor William Bourke, and Councillor Shannon Welch. The meeting was facilitated by external

consultant Mr Christian Morris, Senior Management Consultant of Local Government Management Solutions, LGNSW.

Prior to the meeting held on 10 November 2023, a copy of the General Manager's Performance Agreement was distributed to all councillors, seeking any feedback be provided to the Mayor by 9 November 2023.

A separate Confidential Mayoral Minute has been provided to Council. The associated Confidential Mayoral Minute to this item addresses personnel Matters concerning particular individuals. If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2)(a) of the Local Government Act (LGA).

I therefore recommend:

1. THAT the recommendations in the Confidential Mayoral Minute be adopted.

8.3 MM03: Ban on gas appliances and connections in new homes - Doctors for the Environment

On 5 December 2023, a Cremorne resident who is a member of Doctors for the Environment wrote to me and provided the attached letter from Doctors for the Environment ("DEA").

DEA are "a charitable organisation of doctors who recognise that human health and wellbeing require an environment free of pollution, capable of providing nutritious food, rich in biodiversity, and able to provide for current and future generations sustainably (<https://dea.org.au/>)".

The NSW Division of DEA are encouraging councils in NSW to support a ban on gas appliances and gas connections to new homes. The DEA advocates a harm minimisation approach to phasing out the use of indoor gas appliances by banning gas appliances and connections on all new homes and builds.

Victoria has adopted the policy of banning gas appliances and connections in all new dwellings and it will commence in January 2024. The ACT has already adopted the policy which commenced in November 2023.

350.org Australia's *Electrify Your Council* campaign is, like the DEA, calling on councils across the State to change their planning rules to require all-electric, gas-free new homes with some councils already implementing change through their planning controls, such as:

- (a) Waverley Council is banning indoor gas appliances on health grounds by requiring only electric ovens, cooktops and space heaters are installed in new residential development; and
- (b) Parramatta Council is requiring all new residential and non-residential developments in its city centre to be all electric, and is currently considering further changes to require all new non-residential buildings to be all-electric.

https://350.org.au/files/2023/08/Analysis_-_City-of-Sydney-ban-on-new-gas-connections-3.pdf

In NSW, Parramatta Council, Waverley Council and Lane Cove Council have adopted policies to ban gas appliances and connections and amended Development Control Plan (DCP) provisions to reflect that policy. Woollahra Council is exhibiting similar

proposed amendments to their DCP and the City of Sydney is reviewing their policy and seeking further advice on amendments to their planning controls.

In 2019 this Council declared a Climate Emergency. Council's Environmental Sustainability Strategy 2030 adopts ambitious targets to address and mitigate climate change impacts including electrification. Council's Sustainability Rebates Program is underway and seeks to accelerate emission reductions in North Sydney by incentivising the uptake of renewable energy, batteries, energy efficient technology, and to assist the community to eliminate the use of fossil fuel technology.

I therefore recommend:

1.THAT a report on amending Council's planning controls to require all new residential developments to be all electric be prepared and reported to the next meeting of Council.

2.THAT Council write to the Premier of NSW, The Hon. Chris Minns and The Hon Penny Sharpe, MLC, Minister for Climate Change, Energy, Environment, and Heritage urging the State Government to adopt the ACT and Victorian policy approach and develop a plan, supported by incentives or rebates, to transition homes and businesses from gas to renewable energy.

9. REPORTS OF COMMITTEES

9.1 Audit, Risk and Improvement Committee Minutes – 10 November 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 10 November 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 10 November 2023 be adopted in accordance with the Audit, Risk, and Improvement Committee Charter.

9.2 Traffic Committee Minutes – 17 November 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.*

This report presents the Minutes of the last meeting of the Traffic Committee held 17 November 2023 for Council adoption. The Minutes are attached for information.

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 Minutes of the Traffic Committee dated 17 November 2023 be received.

10. REPORTS TO COUNCIL

10.1 Customer Satisfaction Survey 2023 – findings

Report of Sam Clark, Community Engagement Specialist, and Jenny Gleeson, Manager Corporate Planning and Engagement

The purpose of this report is to present the results of the 2023 Customer Satisfaction Survey to Council.

A survey of community and business satisfaction with Council services was conducted by Micromex Research in August 2023. The full survey report is attached.

Key findings from the residential survey:

| | | |
|-----------------------------------------------------------------------------------------|-------------------------------------------------------|--------------------------------------------------------------------|
| 92% are at least somewhat satisfied with Council's performance over the last 12 months. | 97% felt their quality of life was good to excellent. | 64% agree North Sydney as a whole has a strong sense of community. |
|-----------------------------------------------------------------------------------------|-------------------------------------------------------|--------------------------------------------------------------------|

Key findings from the business survey:

| | | |
|-----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| 89% are at least somewhat satisfied with Council's performance over the last 12 months. | 92% are at least somewhat satisfied with North Sydney LGA as a place to do business. | Traffic and parking are the highest priority area for the next 10 years (29% satisfaction each). |
|-----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|

The survey findings are benchmarked against other metropolitan Councils and the Office of Local Government (OLG) Group 3 Councils.

Our 2023 survey results represent one of the highest satisfaction scores in the Micromex data set of Councils, their fourth highest score to date.

Recommending

1. **THAT** Council note the 2023 Customer Satisfaction survey findings.

10.2 Code of Conduct Statistics 2022-23 - Updated Return

Report of Ian Curry, Manager Council & Committee Services

The purpose of this report is to provide a revised report on the Code of Conduct complaints for the period 1 August 2022 to 30 September 2023, as required by the Office of Local Government (OLG).

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

| 2019-2020 | 2020-2021 | 2021-2022 | 2022-2023 |
|-----------|-----------|-----------|-----------|
| Two | Nil | Five | Two |

Council received a report on this matter in October 2023. However, a revised template has been issued by OLG, requiring the matter to be reconsidered by Council.

Recommending:

1. **THAT** the revised 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 Organisation Structure

Report of Therese Manns, General Manager

Following endorsement of a three Directorate structure in March 2023, a review of broader organisational structure has been undertaken to ensure an effective third tier structure of clear service units. The purpose of this report is to confirm the high-level organisation structure for Council.

At its Ordinary meeting 13 March 2023, Council endorsed a new organisational structure, reducing the number of directorates from six to three.

Following recruitment of the new executive team, the next stage of structural realignment has taken place to align the third tier of the structure into clear service units.

The review and realignment process has resulted in some recommended change to the responsibilities of the four senior staffing positions (General Manager and three Directors) which will require Council's endorsement under Section 322 of the Local Government Act 1993.

The realignment, together with the earlier reduction of Directorates will assist Council in maximising its available resources and result in an increase in full time equivalent staff in areas of need using existing budgets.

Recommending:

1. THAT Council endorse the organisational structure as described in Chart 2 in this report.

10.4 Planning Proposal 6/21-52 McLaren Street North Sydney

Report of Neal McCarry, Acting Manager Strategic Planning

The purpose of this report is to present the assessment of Planning Proposal 6/21 for 52 McLaren Street North Sydney which seeks to amend North Sydney Local Environmental Plan 2013, and the accompanying Voluntary Planning Agreement offer to Council, following its review by the North Sydney Local Planning Panel on 31 May 2023.

On 23 August 2021, Council received a Planning Proposal to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 52 McLaren Street North Sydney. The proposal included two options outlining different commercial/residential mixes with part 14-storey (RL124.2m/RL130.2m) and part 24-storey (RL156m) buildings, with a maximum overall FSR of 6.3:1 and a non-residential component FSR of 1:1.

On 29 September 2022, the original planning proposal was resubmitted to amend the maximum building height from RL 110m to part RL 107m and part RL 156m (8 and 24 storeys respectively); to apply a maximum overall Floor Space Ratio of 5.3:1 and increase the minimum non-residential FSR from 0.5:1 to 1:1.

The amended Planning Proposal intends to facilitate the delivery of a part eight-storey and part 24-storey mixed-use development comprising approximately 172 residential apartments above a three-storey podium, and 117 basement car parking spaces.

On 31 May 2023, the North Sydney Local Planning Panel (NSLPP) considered the Planning Proposal and recommended that it be deferred to allow the proponent an opportunity to consider the possibility of providing affordable housing and a site-specific Development Control Plan to better inform proposed building envelopes.

The site is located within the area covered by Council's endorsed Civic Precinct Planning Study (CPPS). The Proposal is supported by an offer of public benefit for the provision of a childcare centre to be dedicated to Council and a through-site link on the eastern boundary of the site. A further letter of offer was provided proposing the provision of 5% of the residential component of the development as affordable housing for a period of 10 years. This will equate to approximately seven-nine dwellings.

Recommending:

1. THAT Council endorse the Planning Proposal (PP6/21) to amend the North Sydney Local Environmental Plan 2013 to amend the maximum building height from RL110m to part RL 107m and part RL156m (8 and 24 storeys respectively); to apply a maximum overall Floor Space Ratio of 5.3:1; and to amend the minimum non-residential FSR from 0.5:1 to 1:1.

2. THAT Council resolve to forward the Planning Proposal (PP6/21) to the Department of Planning and Environment to seek Gateway Determination.

3. THAT Council advise the applicant to prepare a site-specific Development Control Plan to detail provisions such as siting of building height, setbacks, building length, podium heights, and through-site link design as noted in this report.

4. THAT Council accept in principle, the applicant's Voluntary Planning Agreement offer which includes the provision of a childcare facility, through-site link and 5% of the development as Affordable Housing for a period of 10 years.

5. THAT Council grant delegated authority to the General Manager to negotiate the detailed terms and provisions of the Voluntary Planning Agreement consistent with the applicant's revised letter of offer.

6. THAT upon receipt of a Gateway Determination, the associated Voluntary Planning Agreement be exhibited concurrently with the Planning Proposal and draft Development Control Plan.

10.5 Planning Proposal 8/21: North Sydney Centre: Height of Buildings Variation - Post Exhibition Report

Report of Ben Boyd, Executive Strategic Planner

The purpose of this report is to seek Council's endorsement to progress a Planning Proposal to amend the North Sydney LEP 2013, following its consideration of public submissions.

At its meeting on 21 February 2022, Council resolved to support Planning Proposal 8/21 proceeding to Gateway Determination to amend North Sydney Local Environment Plan (NSLEP) 2013. Its purpose was to rationalise and improve clarity as to the application of clauses within NSLEP 2013 that enable variations to the maximum height of buildings development standards applying to land located within the *North Sydney Centre*. In particular, it sought to ensure that when a development application is received with a request to exceed the maximum height of buildings development

standard, that the request to vary the development standard must consider the criteria currently contained under both clauses 4.6 – *Exceptions to Development Standards* and 6.3(3) – *Building Heights and Massing* to NSLEP 2013.

On 6 July 2023, the Minister for Planning issued a Gateway Determination, allowing the Planning Proposal to be placed on public exhibition. In issuing the Gateway Determination, Council was not granted authorisation to be the local plan-making authority to finalise and make this plan. This aspect resides with the NSW Department of Planning and Environment.

In accordance with the Gateway Determination issued by the Minister for Planning, the Planning Proposal was placed on public exhibition for a period of 43 calendar days (31 working days) from 14 August 2023 to 25 September 2023 inclusive.

Seven submissions were received during the exhibition period, of which three were in support of the intended outcomes of the Planning Proposal, and four opposed.

Having regard to the issues raised in the submissions made, it is recommended that the Planning Proposal proceed to the next stage of the plan making process subject to incorporating some minor amendments to further improve clarity and flexibility.

Recommending:

1. THAT Council note the submissions made.

2. THAT in response to the submissions made, Council endorse the Planning Proposal forming Attachment 3 to this report, subject to the following amendments:

(a) Recognition of the recent State led amendments made to clause 4.6 within NSLEP 2013;

(b) Revising the solar access test to:

(i) apply to “living areas” rather than “habitable rooms”;

(ii) clarify what a “living area” comprises; and

(iii) apply to the midwinter (21 June) period only.

(c) Ensuring that the solar access test only applies to that part of a proposed building that exceeds the maximum height limit.

3. THAT having completed the community consultation requirements outlined in the Gateway Determination, Council forward the Planning Proposal, as amended, 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, to give effect to the Planning Proposal.

4. THAT Council notify all submitters of Council’s decision.

10.6 Planning Proposal 5/22 - 71-89 Chandos Street St Leonards - Post Exhibition Report

Report of Katerina Papas, Senior Strategic Planner

The purpose of this report is to present the outcomes of the public exhibition of a Planning Proposal (PP5/22) and accompanying draft Voluntary Planning Agreement for 71-89 Chandos Street St Leonards, and seek Council’s endorsement to progress the Planning Proposal to amend North Sydney Local Environmental Plan 2013 and execute the Voluntary Planning Agreement.

On 12 December 2022, Council resolved to forward a Planning Proposal (PP5/22) as it relates to land at 71-89 Chandos Street, St Leonards to the Department of Planning and Environment (DPE) with a request for a Gateway Determination.

The Planning Proposal seeks to amend the planning controls applying to the subject site under North Sydney Local Environmental Plan 2013 (NSLEP 2013) as follows:

- increase the maximum building height control from 20m to 43m (12-storeys);
- impose a maximum floor space ratio control of 4:1;
- increase the minimum non-residential floor space ratio control from 0.6:1 to 1:1; and
- introduce a site-specific provision to allow the maximum building height to be exceeded by no more than 2m in height (45m total) for portions of the building providing inclusive access to rooftop communal open space.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) to deliver public benefits consistent with Council's St Leonards/Crows Nest Planning Study – Precincts 2&3 (2015). The public benefits, as initially proposed, included:

- dedication and embellishment of private land (179m²) to Council and embellishment of public land (271m²) for the purposes of a linear park along the western side of Oxley Street;
- delivery of a pedestrian through-site link (approx. 7m wide and fully open-to-sky) connecting Chandos Street to Atchison Lane with easement for public access 24 hours/7 days a week (total 250m²); and
- landscaping and improvements to the public domain.

On 9 June 2023, the DPE issued a Gateway Determination allowing the Planning Proposal and draft VPA to be placed on public exhibition subject to meeting several conditions.

The Planning Proposal and draft VPA were placed on public exhibition from 23 August 2023 to 4 October 2023. Five submissions were received during the exhibition period, including two submissions opposing the proposal; two submissions raising no objections; and one submission from the applicant requesting an amendment to their VPA offer.

The applicant's revised VPA offer, which was formally submitted to Council on 16 November 2023, proposes to reduce the width of the pedestrian through-site link from 7m to 6m (total area approx. 214.8m²), whilst remaining fully open-to-sky. The applicant has offered an additional monetary contribution of \$405,000 to Council to offset the reduced value of the through-site link.

This report recommends that Council proceed with the finalisation of the Planning Proposal as exhibited and accept the applicant's revised VPA offer.

Recommending:

- 1. THAT** Council note the submissions made, forming Attachment 4 of this report.
 - 2. THAT** Council proceed under delegation with the making of a Local Environmental Plan in accordance section 3.36 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal as exhibited, forming Attachment 1 to this report.
 - 3. THAT** Council grant delegation to the General Manager to make alterations to the draft Voluntary Planning Agreement (Attachment 2), consistent with the alterations proposed in the applicant's revised letter of offer dated 16 November 2023 (Attachment 3), with the view to have the VPA executed prior to the gazettal of the LEP amendment.
 - 4. THAT** Council notify all submitters of Council's decision.
-

10.7 Planning Proposal 9/22 17-25 Falcon Street Crows Nest, and Voluntary Planning Agreement

Report of Tom Mojsiejuk, Strategic Planner

The purpose of this report is to present to Council the assessment report of Planning Proposal 9/22 at 17-25 Falcon Street Crows Nest, which seeks to amend the North Sydney Local Environmental Plan 2013, and the accompanying Voluntary Planning Agreement offer, following its review by the North Sydney Local Planning Panel on 31 May 2023.

On 1 November 2022, Council received a Planning Proposal (Attachment 1) to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 17-25 Falcon Street, Crows Nest.

The site is located within the area covered by two planning studies, these being the *St Leonards and Crows Nest 2036 Plan (2036 Plan)* adopted by the Department of Planning and Environment (DPE) in August 2020 and Council's *Civic Precinct Planning Study (CPPS)* endorsed in November 2020.

The Planning Proposal seeks to amend NSLEP 2013 as follows:

- increase the maximum building height control from 10m to 21m (6-storeys); and
- amend the height of buildings map to extend "Area 2" under clause 4.3A, to allow for an exceedance of the maximum mapped height limit (by up to 3m) for lift overruns and associated structures for access to communal rooftop space.

The intent of the Planning Proposal is to facilitate the delivery of a 6-storey mixed-use commercial/residential development. The accompanying indicative reference scheme includes 2,450m² residential floorspace (23 apartments), 1,062m² of commercial floorspace, and 45 car parking spaces across four basement levels.

A detailed assessment of the Planning Proposal was undertaken and referred to the North Sydney Local Planning Panel (NSLPP) for its consideration on 31 May 2023.

The NSLPP generally endorsed the recommendations of the Council Officer's assessment report and recommended the Planning Proposal be supported to proceed to a Gateway Determination subject to amendments. These included a recommended maximum building height of 22m and an additional allowance of 3m in height for rooftop structures; the removal of subterranean commercial floorspace; amendments to podium height and setbacks and a revised Voluntary Planning Agreement (VPA) offer.

On 26 September 2023, the applicant submitted a revised built form (Attachment 2) and VPA offer (Attachment 3) addressing the recommendations of Council's assessment report and the NSLPP.

The revised VPA offer proposes a monetary contribution of \$300,000 to Council towards identified public benefits and is in addition to developer contributions applicable under the (section 7.11) North Sydney Local Infrastructure Contributions Plan.

This report recommends the Planning Proposal and revised VPA offer be supported, subject to the Planning Proposal being formally amended to incorporate the applicant's response to the recommendations of Council's assessment report and the NSLPP, prior to being forwarded to the DPE with a request for a Gateway Determination.

Recommending:

1. **THAT** the Planning Proposal and accompanying reference scheme, forming Attachment 1 to this report, be formally amended to Council's satisfaction to incorporate the applicant's response to the recommendations of Council's assessment report and the NSLPP, forming attachment 2 of this report. Specifically, the Planning Proposal be amended to a maximum building height of 22m; a minimum non-residential FSR of 1:1; and to include an additional local provision allowing the maximum building height to be exceeded by no more than 3m for lift overrun and associated structures for access to communal rooftop space.
2. **THAT** Council grant delegated authority to the General Manager to negotiate the detailed terms and provisions of the VPA consistent with the applicant's revised letter of offer (Attachment 3).
3. **THAT** upon completion of Recommendation 1, 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 associated draft Voluntary Planning Agreement be exhibited concurrently with the Planning Proposal.
5. **THAT** the outcomes of any public exhibition be reported to Council.

10.8 Variation to Development Standards Q1 Financial Year 2023/2024

Report of Jenny Gracey, Team Leader Administration Services

The Department of Planning and Environment mandates certain reporting requirements for the application of Clause 4.6 (of the North Sydney Local Environmental Plan) variations to development standards as they apply to the determination of determination of development applications. The purpose of this report is to address those requirements for Quarter 1 of the 2023/24 financial year.

When assessing a development application, any variation to a "development standard" contained in the North Sydney LEP 2013 (NSLEP) greater than 10% must be reported to the North Sydney Local Planning Panel (NSLPP) for determination.

The current Department of Planning and Environment requires that "a report of all variations approved under delegation by a Council must be provided to a meeting of the Council at least once each quarter".

Of 102 applications determined in Quarter 1 (Q1), there were 14 approved variations pursuant to clause 4.6 of the NSLEP 2013: six approved by NSLPP, one deferred commencement by NSLPP, one under delegated authority in accordance with Ministerial directions, and six accepted under delegation in accordance with expanded delegations given by the Panel.

Of the 102 applications determined in Quarter 1 (Q1), there were three refused variations pursuant to clause 4.6 of the NSLEP 2013: two refused by NSLPP and one refused under delegated authority in accordance with Ministerial directions.

Recommending:

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

10.9 Young Street - Road Closure

Report of Gary Parsons, Director Open Space & Infrastructure

The purpose of this report is to respond to Council's resolution of 26 April 2022 regarding Young Street Plaza.

At its meeting 29 October 2018, Council resolved to execute a funding deed with Transport for New South Wales (TfNSW) covering a range of public domain works proposed to improve amenity, access in the Neutral Bay Village, and complement the Northern Beaches B-Line Bus Service. One project identified in the funding deed was the proposal to create a Public Plaza in Young Street.

At its meeting on the 28 September 2020, Council approved the construction of the trial Young Street Plaza, which opened to the public on 23 December 2020. The trial incorporated the complete closure of Young Street and access to Military Road.

At its meeting on the 26 April 2022 the Council resolved to re-open Young Street. Council staff have subsequently developed a design for the partial re-opening of Young Street with single-lane access to Military Road, and landscaping treatment of the remain streetscape that would remain permanently closed to traffic.

It is now proposed to consult with the community and seek feedback to develop this concept design, with the outcomes of this consultation to be reported back to Council for consideration.

Recommending:

1.THAT Council

- a) note that a concept design has been developed for the partial reopening of Young Street, Neutral Bay in response to the Council Resolution of 26 April 2022;
- b) note ongoing dialogue between TfNSW and Council in relation to the reopening of Young Street, Neutral Bay;
- c) note that the concept design developed for the partial reopening of Young Street, Neutral Bay will now be further developed through formal engagement and community consultation; and
- d) note that a further report will be brought back to Council in relation to the feedback received in relation to the development of the concept design for the partial reopening of Young Street, Neutral Bay.

10.10 Draft Foreshore Parks & Reserves Plan of Management - Post Exhibition Report

Report of Megan White, Landscape Planner/Architect

The purpose of this report is to provide an overview of submissions received during the public exhibition of the draft *Foreshore Parks & Reserves Plan of Management*.

The draft Foreshore Parks & Reserves Plan of Management (PoM) is the sixth Crown land PoM to be prepared for North Sydney. When adopted, it will supersede Council's Foreshore Parks & Reserves PoM 2017.

The new draft PoM has been prepared in accordance with the Local Government Act 1993 and the Crown Land Management Act 2016.

Minister's consent to publicly exhibit the draft PoM and adoption thereof (providing no significant amendments are required as a result of public exhibition) was received

on 13 April 2023, on the condition that certain minor amendments were made to the draft document prior to public exhibition.

Public exhibition of the draft PoM was undertaken from 4 July 2023 - 18 August 2023 in accordance with Council's Community Engagement Strategy.

Ten submissions were received. The submissions all supported the PoM and/or proposed minor amendments.

Recommending:

1. THAT the submissions report be noted.

2. THAT Council adopt the *Foreshore Parks & Reserves Plan of Management*.

10.11 Amended Property Addressing Policy

Report of Jenny Gleeson, Manager Corporate Planning and Engagement

The purpose of this report is to present amendments to Council's *Property Addressing Policy* for re-adoption.

The amendments to this policy bring consistency with the current NSW Address Policy and User Manual (2019).

The amendments are not considered significant. Therefore, it is recommended that public exhibition is not required prior to re-adoption of this policy.

The accompanying Information Sheet (to be made available from Council's website) has also been updated in accordance with the policy amendments.

Recommending:

1. THAT the *Property Addressing Policy*, as attached to this report, be readopted.

2. THAT the General Manager be authorised to make minor administrative amendments to the policy if required.

10.12 Nutcote Trust - Amendments to Constitution

Report of Kate Stewart, Manager Library Services

The purpose of this report is to present to Council several amendments to the Constitution of the Nutcote Trust, for endorsement.

Nutcote at 5 Wallaringa Avenue Neutral Bay was the home of artist and author May Gibbs from 1925 until her death in 1969. Council bought the property in 1990 to save it for posterity. The property is owned by Council but operated and managed by the Nutcote Trust in accordance with a Joint Strategic Plan and Conservation Management Plan.

North Sydney Council and the General Manager, North Sydney Council are identified in the Trust's Constitution as members of the company.

The Constitution of Nutcote Trust Pty Ltd (ACN 003 963 148) was approved by the shareholders at the Annual General Meeting on 14 November 2023.

Changes to the Constitution reflect recommendations provided by the Australian Charities and Not-for-Profits Commission (ACNC), in order for Nutcote to properly meet charity registration requirements.

Recommended changes relate to the Not-for-profit Clause (3.1) and Winding up Clause (4.2) which ensure that:

a) The not-for-profit clause overrides and prevails over any other provision in the Constitution.

b) If the charity is wound up or dissolved, it must provide all surplus funds to another charity with a similar purpose.

There are no objections to the amendments endorsed by the Nutcote Trust.

Recommending:

1.THAT Council resolves to approve the Constitution of Nutcote Trust Pty Ltd (ACN 003 963 148) dated November 2023 as per Attachment 1 to this report.

10.13 Youth Strategic Plan

Greg Nikoletos, Youth Services & Partnerships Co-ordinator

The purpose of this report is to present the feedback received in relation to the exhibition of the Draft Youth Strategic Plan 2023-2027 and seek adoption of the final Plan.

The Youth Strategic Plan outlines how North Sydney Council will support, empower, and advocate for young people in its community. It seeks to guide the design and delivery of youth services provided by Council and informs youth services delivered by government and not-for-profit organisations.

The development of the Plan was based on extensive research and community consultation, which has informed the Plan's themes, priority areas, key directions, and actions.

The Plan reaffirms Council's commitment to young people as valued and participating community members through the clear directions set in the strategies.

Public exhibition occurred from 18 July to 28 August 2023 (42 days), during which time effort was made to ensure widespread stakeholder awareness of the opportunity to provide feedback on the plan. This post exhibition report includes statistics detailing the 'inform' reach, demonstrating significant stakeholder awareness of the opportunity to provide feedback during the exhibition period.

One submission was received in response to the exhibition. It encouraged Council to provide more cycle paths.

It is recommended that the final Youth Strategic Plan 2023-2027 be adopted. Following adoption, the Youth Strategic Plan will be published on the Council's website and limited copies will be printed and made publicly available. Copies of the plan will be provided to the relevant youth networks and organisations.

All submitters will be acknowledged and advised whether the plan was amended in response to their feedback.

Recommending:

1. THAT the summary of submissions be noted, and all submitters thanked.

2. THAT Council adopt the final Youth Strategic Plan 2023-2027.

10.14 1st Quarterly Property Portfolio Report 2023/2024

Report of Damian Warren, Property Officer

The purpose of this report is to provide Council with an overview of the Property Portfolio's performance and activities for the 1st Quarter of 2023/2024, 1 July 2023 to 30 September 2023.

The actual income for the first quarter (Q1) of the 2022/2023 financial year, received on a cash basis amounted to \$1,599,220.96. This was slightly under the forecasted

budget of \$1,602,159 for the quarter by \$2,938.04 representing a less than 1% decrease for the quarter. The slightly lower income was due to historic arrears.

The income received on an accrual basis for the first quarter of 2023/24 amounted to \$1,678,761.00.

Council's Property Portfolio vacancy rate at the end of September was 6.4%, which remains the same as it was at the end of June 2023.

The confidential attachment includes monetary information relating to property income, including Outdoor Dining, as well as leasing transactions, arrears data and carpark income. Should Council wish to discuss this report it is noted that the attached confidential document includes information that would, if disclosed, confer a commercial advantage on a competitor of the Council. Further, release of the information would, on balance, be contrary to the public interest as it would affect Council's ability to obtain value for money services. If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with Section 10A(2)(a) of the Local Government Act (LGA).

Recommending:

1. THAT the report be received.

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:

(d) commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council. It is further noted that the release of this information would, on balance, be contrary to the public interest as it would affect Council's ability to obtain value for money services.

10.15 Primrose Park Tennis Court - Service Review and Tender

Report of Gary Parsons, Director Open Space & Infrastructure

The purpose of this report is to advise Council in relation to the outcome of a recent service review of the Primrose Park Tennis courts, and recommendations to progress the tender for lease and management of this facility.

At its meeting of 28 August 2023, Council resolved to conduct service level reviews for all sporting, recreation, and community assets be submitted to Council prior to any new leasing or licensing of these facilities.

A tender for the lease of the Primrose Park Tennis Courts was in progress at the time of the Council resolution. This process was put on hold pending the outcome of a service review of the facility.

The service review is now complete and provides advice that Council can adopt in the tender process to ensure that use of facility is maximised, and that the incorporation of other uses are considered as part of the future lease agreement.

That Council should consider the potential to increase utilisation of the facility by other sports as a part of future capital works upgrades and that the proposed lease term should incorporate consideration of this as outlined within the Service Review.

Recommending:

1.THAT Council notes the contents of the Service Review for Primrose Park Tennis Courts and the recommendations made therein;

2. **THAT** Council notes that a lease arrangement is recognised as the most effective and efficient mechanism for managing the Primrose Park Tennis Courts;
3. **THAT** Council continues to manage Primrose Park Tennis Courts through a lease to a private operator for the next five years;
4. **THAT** Council close the current tender process (Tender 2/2023) and invite fresh tenders on a selective basis from the proponents that already submitted applications for Tender 2/2023 in accordance with Clause 178(3) of the NSW Local Government (General) Regulation;
5. **THAT** Council notes that the tender for the lease of Primrose Park Tennis Courts will include criteria for proponents to increase utilisation of the facility by other sports that have a known shortfall across the Local Government Area; and
6. **THAT** the proposed lease term be coordinated to coincide with the renewal of the synthetic surface of the courts at Primrose Park.
7. **THAT** Council notes that a further report will be brought back to Council in relation to the outcome of the tender for the lease of Primrose Park Tennis Courts

11. NOTICES OF MOTION

11.1 Notice of Motion 17/23: Supporting Local Businesses during Council Infrastructure Works - Cr Gibson

1. **THAT** Council acknowledges that infrastructure works - while ultimately improving conditions for small, and large, businesses - usually cause temporary disruption.
2. **THAT** Council prepare a report as to how infrastructure work programs can be improved to minimise disruption and loss of income to local businesses.
3. **THAT** the report examine the timing of work, improving communication with property and business stakeholders, providing adequate notice of due works, improving hoardings, and any other relevant measures that can ameliorate disruption to business operations.

11.2 Notice of Motion 18/23 - Landscaping at Greenway on Broughton Street Kirribilli - Cr Gibson

1. **THAT** Council liaise with community representatives from Greenway regarding the non-accessible/neglected Greenway property on Broughton Street.

BACKGROUND (as provided by the proponent)

The Eastern-facing landscaping on Broughton Street is off-limits to residents due to the steep slope of the embankment.

It is looking increasingly neglected with noxious weeds and shrubs growing rampant. Community members who reside locally would be willing to assist in a Working Bee but lack the expertise and equipment to work in such a difficult environment.

Perhaps locals and Council staff could work together to beautify this neglected area that forms the entry point to Kirribilli Village.

11.3 Notice of Motion 19/23 - Management of Code of Conduct Complaints - Cr Gibson

1. **THAT** a briefing be scheduled (confidential if necessary) on how our Council manages Code of Conduct complaints - particularly anonymous complaints. Information should be provided which compares our practices with our fellow NSROC Councils. Councillors should send any questions they would like answered to the General Manger.

11.4 Notice of Motion 20/23 - Mass destruction of Bushland in Lane Cove - Cr Gibson

1. **THAT** Council acknowledges the environmental vandalism that has occurred in Bushland in our neighbouring municipalities.

2. **THAT** Council identifies any potential environmental risks in our LGA and what preventative strategies could be implemented.

11.5 Notice of Motion 21/23 - Proposed No New Advertising Billboards Policy - Cr Bourke

1. **THAT** Council, as soon as practicable, prepare a report on the feasibility of implementing a no new advertising billboards policy that would cease all new planning applications for outdoor advertising of non-Council information on Council-owned property.

BACKGROUND (as provided by the proponent)

North Sydney Council declared a climate emergency, which is one of several ecological crises ultimately cause by overconsumption of resources, including fossil fuels.

The marketing of consumer products increases demand and delays community behaviour changes that are required to reduce our environmental impacts and transition to an environmentally sustainable society.

Outdoor advertising also distracts drivers and other road users, creating a safety hazard.

Jurisdictions across the world are now acting to restrict outdoor advertising, including in France, the UK, and the Netherlands.

Council should consider all possible ways to protect our environment, including through the reduction in advertising consumer products.

The report should include could include the timelines for current contracts and the financial implications for the non-renewal these contracts.

12. Matters of Urgency

Nil

13. CLOSURE