



Council Chambers
14 June 2024

The **3803rd MEETING** of **COUNCIL** will be held on Cammeraygal lands at the Council Chambers, North Sydney at **6.30pm** on Monday 24 June 2024. The agenda is as follows.

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CHIEF EXECUTIVE OFFICER

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**
 - 8.1 MM01: State Heritage listing of The Hayden Orpheum Picture Palace
 - 8.2 MM02: Diverse and Affordable Housing - Memorandum of Understanding with Homes NSW
 - 8.3 MM03: Transport Oriented Development Inquiry
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9. Reports of Committees

- 9.1 Environment Reference Group Minutes - 14 May 2024
- 9.2 Sustainable Transport Reference Group Minutes - 14 May 2024
- 9.3 Disability Inclusion Committee Minutes - 21 May 2024

10. Reports to Council

- 10.1 Matters Outstanding to 27 May 2024
- 10.2 2024 Local Government NSW Annual Conference - Delegates and Motions
- 10.3 Operational Plan & Budget 2024/25 - Post Exhibition Report
- 10.4 Draft Fees and Charges Schedule 2024/2025
- 10.5 Expenses and Facilities for the Mayor and Councillors - policy for public exhibition
- 10.6 2024/25 Determination of the Local Government Remuneration Tribunal
- 10.7 Investment and Loan Borrowings Report as at 31 May 2024
- 10.8 Community Grants & Subsidies 2024/25 - Post Exhibition Report
- 10.9 Draft Amendment to NSDCP 2013 - 52 McLaren Street, North Sydney
- 10.10 North Sydney Local Planning Panel Reformation
- 10.11 Supporting Local Businesses during Council Infrastructure Works
- 10.12 Defibrillators and CPR Training
- 10.13 North Sydney Oval Venue Hire Agreement
- 10.14 North Sydney Olympic Pool Redevelopment Project Update

11. Notices of Motion/Questions with Notice

- 11.1 Notice of Motion 08/24: Recognising Freddie Lane (1880-1969) - Olympic Gold Medallist, and the MacCallum Pool - Cr Beregi

12. Matters of Urgency

Raised by Councillors

13. Closure of Meeting

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

3803rd MEETING OF COUNCIL TO BE HELD ON MONDAY 24 JUNE 2024

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 3802nd Council Meeting held on Monday 27 May 2024 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: State Heritage listing of The Hayden Orpheum Picture Palace

At the first meeting of this Council on 24 January 2022, Council resolved:

1. THAT Council seek urgent heritage advice in relation to the heritage significance of the Cremorne Orpheum Cinema and its curtilage, in particular whether State heritage listing is appropriate to protect this important local heritage item.

2. THAT such advice be sought as part of the heritage advice to be obtained in respect of the Parraween Street, Cremorne cottages and surrounds under the resolution of Council at the meeting held on 10 January 2022.

Originally opened in 1935, the Orpheum was an exciting cinema destination for suburban Sydney during the moviegoing heyday. Today it is a Military Road cultural

landmark, community gathering place, and an exceptional example of Art Deco design.

On 30 May 2022, Founder of Cremorne Conservation Group (CCG), Ms Fiona Gracie, together with founding member, Mr Chris Holding, worked tirelessly to organise an event to celebrate and advocate for State Heritage listing for the Orpheum Cinema as part of the National Trust's Heritage Festival.

On a wet and cold night, more than 400 people attended the cinema to hear historical insights about the theatre from Council's Dr Ian Hoskins and Dr Peter Sheridan of the Art Deco Society of Victoria moderated by Ms Fenella Kernebone, National Trust Board Member.

Of course, the iconic organ was raised and organist, Neil Jenssen, entertained the audience!

On 7 November 2022 Council resolved, in relation to the Orpheum:

THAT Council resolve to nominate the Hayden Orpheum Picture Palace for inclusion on the State Heritage Register for listing under the Heritage Act 1977 and commence the process with the Office of Environment and Heritage.

Since January 2022 Council worked, together with our community, to have the Orpheum recognised and registered on the NSW State Heritage Register.

After much community consultation and campaigning, the NSW State Heritage Register listing of the Hayden Orpheum Picture Palace was approved by the Hon. Penny Sharpe MP, Minister for Climate Change, Minister for Energy, Minister for Environment and Minister for Heritage on 31 May 2024.

The heritage listing recognises the theatre's unique place in the State as one of the last surviving examples of an Art Deco suburban cinema that is still in operation as a cinema today.

In her direction to list the cinema on the State Heritage Register, the Minister for Heritage, The Hon. Penny Sharpe, MLC cited the theatre's importance in the cultural history of NSW, the rich Art Deco stylistic features of the building, its association with renowned theatre architects, entrepreneurs and performers, the social value to the community, and its potential to yield further information about the history of 20th century cinema.

It was fitting that the State Heritage listing occurred on the eve of the Sydney Film Festival – the Orpheum was a festival venue and was filled with cinephiles enjoying the rich mix of architecture and film history.

I therefore recommend:

- 1. THAT** Council write to the Hon. Penny Sharpe MLC thanking her and the staff at Heritage NSW for their advocacy and action.
 - 2. THAT** Council write to Ms Fiona Gracie and the Cremorne Conservation Group acknowledging the important role they played in galvanising community interest and support for the State Heritage listing.
 - 3. THAT** Council acknowledge and thank Council heritage and strategic planning staff for their contribution to the listing.
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8.2 MM02: Diverse and Affordable Housing - Memorandum of Understanding with Homes NSW

On 14 November 2022 this Council considered a Mayoral Minute seeking to find further ways for Council to address the housing and affordable rental housing crisis within the North Sydney LGA. The Minute detailed how the North Sydney local government area remains amongst the most expensive areas in the Greater Sydney region for both housing rental and purchase, and that low income and larger moderate-income households (such as families with children) are effectively excluded from the rental market. In recognition of the urgent housing and rental crisis Council resolved:

- 1. THAT Council urgently prioritise seeking funding partners (including State and Federal Governments) to deliver the Parraween Street affordable housing/early childhood health centre/public park project and take all steps necessary to ensure the project can proceed as soon as possible.*
- 2. THAT Council undertake a review of Council landholdings and identify whether there is land that has potential for affordable housing provision in partnership with a community housing provider.*
- 3. THAT once such land is identified, Council consider community needs and who Council ought to work with to deliver more diverse and affordable housing.*
- 4. THAT Council review whether the work undertaken by Resilient Sydney, including data being collated, may require Council to amend any planning controls and development contributions schemes to increase affordable housing within the North Sydney local government area.*
- 5. THAT Council work with Resilient Sydney to jointly advocate to the Federal and State Governments to establish effective policies and programmes for the delivery of more affordable housing.*

Since that time, the housing and rental crisis continues unabated.

A number of regional and metropolitan councils, over recent years, have sought to explore opportunities for affordable housing in partnership with Homes NSW (formerly the Land and Housing Corporation) by way of a Memorandum of Understanding to formalise a model to work together to deliver improved outcomes, particularly in relation to the provision of social and affordable housing. For example, in 2021 the City of Newcastle signed a MOU with LAHC to establish a collaborative approach “to work together on housing issues; and specifically to expedite the delivery of new, more suitable social and affordable housing, including the exploration of a "Make Room Project" in Newcastle, while supporting urban renewal in the Newcastle LGA by renewing older social housing.”

Homes NSW owns much of the social and affordable housing in the North Sydney LGA – from Greenway to smaller holdings throughout Cremorne, Crows Nest, Waverton, Wollstonecraft, Cammeray, and beyond. Much of this housing stock requires renewal. Homes NSW has been tasked by the Minister for Housing “with turbocharging the construction, maintenance and repair of social and affordable homes across our state.”

On 11 December 2023, in considering the Planning Proposal for the Metro site at 52 McLaren Street, North Sydney, Council relevantly resolved:

- 7. THAT, in circumstances in which the subject land is public land, the proponent is a State Government agency (Sydney Metro) and the recent pronouncements*

from the State Government promoting a minimum of 15% affordable housing in perpetuity on private development around transport hubs and 30% affordable and social housing in perpetuity on government owned land, Council write to the Ministers for Planning and Transport urging the State Government to amend the VPA offer on this Metro site to provide affordable housing (at a minimum of 30% but ideally 100%) and the provision of appropriate community spaces in perpetuity as part of any Gateway Determination.

This Council is taking every opportunity to identify and advocate for new affordable housing on State Government owned land and, where possible, delivering upgraded and new affordable housing on Council owned sites.

Council's affordable housing portfolio, established over many decades, is currently at 131 units, and managed by Community Housing Providers. Without a more creative approach and partnerships with other levels of government, Council alone cannot significantly address the crisis. It is vital that we seek to explore all options to ameliorate the crisis and to take advantage of significant Commonwealth and State funding for new affordable housing.

I therefore recommend:

- 1. THAT** Council seek to develop a Memorandum of Understanding (MoU) with Homes NSW to expedite the delivery of new and refurbished social and affordable housing within the North Sydney LGA.
- 2. THAT** a report on funding options for the Parraween Street park / community centre / affordable housing project be provided to Council.

8.3 MM03: Transport Oriented Development Inquiry

On 15 December 2024 the State Government announced the establishment of the Transport Oriented Development (TOD) program as part of planning reforms to address the housing crisis.

The TOD program consists of two streams:

- Tier 1 relates to 8 accelerated precincts to create infrastructure and capacity for 47,800 new homes over 15 years. Land within 1,200 metres of 8 rail and metro stations is to be rezoned by the NSW Government to allow for more new and affordable homes. The 8 stations are: Bankstown, Bays West, Bella Vista, Crows Nest, Homebush Hornsby, Kellyville and Macquarie Park.
- Tier 2 relates to precincts that have existing infrastructure and are located within 400 metres of (now) over 33 stations to create capacity for 138,000 new homes over 15 years.

The Crows Nest Metro Station is one of the eight Tier 1 accelerated TOD precincts. The North Sydney LGA is not part of the Tier 2 TOD program. At the time that the TOD program was announced, the State Government proposed that the rezoning of the eight Accelerated TOD Precincts would be finalised by November 2024, with exhibition of draft planning instruments around April 2024. The Department of Planning, Housing, and Infrastructure has been tasked with master planning each Precinct to determine the extent of rezoning required. The rezonings will mandate the provision of 15% of affordable housing in each new development, to be provided in perpetuity. The State Government announced that there would be \$520M allocated for

infrastructure improvements including critical road upgrades, active transport links, and provisions of parks and walkways for the eight Accelerated TOD Precincts.

On 23 February 2024 the Upper House Portfolio Committee No. 7 – Planning and Environment published Terms of Reference for an Inquiry into the development of the Transport Oriented Development Program. A copy of the Terms of Reference is attached.

On 7 June 2024 I attended the Upper House Inquiry and gave evidence on behalf of Council and our community. I attach a copy of my opening statement to the Inquiry together with transcript of the evidence before the Inquiry on 7 June 2024. In summary, I submitted:

The fact is that the limited capacity of utilities such as wastewater are reflected in the densities adopted under the existing 2036 Plan. The TOD program has not adequately addressed delivery of capacity upgrades in the precinct.

The Minister announced \$520m for the eight Tier 1 Accelerated TOD Precincts for the provision of infrastructure to accompany additional density – open space, school places, road upgrades etc. There is no detail as to how that amount will be divided and the differences in the cost of delivery between the eight precincts.

The proposed infrastructure funding will not touch the sides of the need or deliver for the additional density in the Accelerated TOD precincts.

We already have an existing infrastructure deficit for those living in the Crows Nest TOD Precinct now. That deficit is intensified for the planned 2036 population and this TOD program will add to that again without any plan or certainty about the delivery of the essential open space, school places, recreational facilities and hospital beds.

*Adequate, realistic funding and delivery of infrastructure and capacity upgrades to accompany any new development is required **now** – history and experience with the SIC shows that if it is not provided up front it may never eventuate.*

Planning ultimately is not about theoretical dwelling numbers, it's about people and shaping where and how we live.

The failure to fund and deliver for open space, school places, hospital beds, road upgrades will have direct and devastating negative impacts on the existing and future residents of these precincts.

I therefore recommend:

- 1. THAT** Council note the attached evidence to the Upper House Inquiry into the impacts of the Transport Oriented Development.
 - 2. THAT** Council call on the State Government to provide a special infrastructure contribution for the Crows Nest Accelerated TOD Precinct to fund and deliver essential community infrastructure for the existing, planned and additional planned population including open space, road upgrades, community facilities etc.
 - 3. THAT** a copy of this resolution and Minute be provided to the Upper House Inquiry.
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9. REPORTS OF COMMITTEES

9.1 Environment Reference Group Minutes - 14 May 2024

Report of Peita Rose, Governance Officer

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

This report presents the recommendations of the last meeting of the Environment Reference Group held on 14 May 2024.

The Minutes are attached for the information of Council.

Recommending:

1.THAT the Minutes of the Environment Reference Group dated 14 May 2024 be received.

9.2 Sustainable Transport Reference Group Minutes - 14 May 2024

Report of Peita Rose, Governance Officer

The purpose of this report is to advise Council of the proceedings of the Sustainable Transport Reference Group meeting.

There were no recommendations for further actions.

The minutes of this meeting are attached for the information of Council.

Recommending:

1. THAT the Minutes of the Sustainable Transport Reference Group dated 14 May 2024 be received.

9.3 Disability Inclusion Committee Minutes - 21 May 2024

Report of Peita Rose, Governance Officer

The purpose of this report is to inform Council of the proceedings of the Disability Inclusion Committee, and for Council to consider any recommendations from the Committee.

This report presents the recommendations of the last meeting of the Disability Inclusion Committee dated 21 May 2024.

The Minutes are attached for the information of Council.

Recommending:

1.THAT the Minutes of the Disability Inclusion Committee dated 21 May 2024 be noted.

2.THAT the Committee's Terms of Reference be updated to change the committee name to the Access and Inclusion Committee.

3.THAT Council note the change of the meeting start time to 5:30pm.

10.1 Matters Outstanding to 27 May 2024

Report of Ian Curry, Manager Council & Committee Services

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

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

The attached table has been updated to include resolutions up to the 27 May 2024 Ordinary Meeting of Council.

Recommending:

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

10.2 2024 Local Government NSW Annual Conference - Delegates and Motions

Report of Ian Curry, Manager Council & Committee Services

The purpose of this report is to outline the process for submitting Motions for consideration at the Local Government NSW (LGNSW) Annual Conference.

The Local Government NSW (LGNSW) Annual Conference is taking place from 17 to 19 November 2024, at Tamworth Regional Entertainment and Conference Centre, and will feature a range of keynote speakers, workshops, training sessions, and more.

As the main policy-making event for the NSW local government sector, the Annual Conference is an opportunity to help set the advocacy agenda for the year ahead. Motions passed at the Conference become Resolutions, which LGNSW actions on behalf of its members, as part of its advocacy program.

Recommending:

1. **THAT** Councillors submit suggested issues for Council's consideration as Motions to the Conference by 16 August 2024 for inclusion in a further report to Council on 26 August 2024.
2. **THAT** a further report be submitted to a Council meeting in October 2024 following the Council elections, to confirm Councillor attendance and voting delegates.

10.3 Operational Plan & Budget 2024/25 - Post Exhibition Report

Report of Jenny Gracey, Corporate Planning Coordinator, Christian Menday, Manager Financial Services, and Aigul Utegenova, Chief Financial Officer

The purpose of this report is to present to Council the feedback received during the public exhibition of the draft Operational Plan & Budget 2024/25, and to seek Council's adoption of the final plan.

Council must prepare and adopt an annual Operational Plan and Budget for the next financial year by 30 June 2024.

The Operational Plan & Budget 2024/25 details the projects that Council will undertake in the third year of its Delivery Program 2022-2026 in order to achieve the outcomes of the North Sydney Community Strategic Plan.

The Operational Plan & Budget 2024/25 was placed on public exhibition from 9 April 2024 to 7 May 2024. Six submissions were received. All feedback has been collated, analysed, and responded to via the attached Submissions Summary.

The Budget shows a deficit before Capital Grants and Contributions of \$8.25M. Previously reliable income sources for the Council have reduced, and costs have increased. Analysis is provided in this report. The result previously reported when the draft budget was authorised for exhibition has improved by \$200K. The rates model was recalculated following the addition of Supplementary Valuations. The Revenue

Policy, appended to the Operational Plan, has seen a non-significant revision to incorporate this more up to date valuation information.

The Capital Budget is \$45.4M. \$25.5M of the capital budget is for the North Sydney Olympic Pool project.

Recommending:

1. **THAT** the Submissions Summary be noted.
2. **THAT** Council adopts the final Operational Plan & Budget 2024/25 as required by Section 405 of the Local Government Act 1993.
3. **THAT** the following Rates, Domestic Waste Management Charges, and Stormwater Management Charges for the rating year 1 July 2024 to 30 June 2025 be made by Council:

Rates

Category	Ad Valorem	Minimum Amount	Base Amount
Residential Rate	0.061337 cents in the dollar	\$715.24	n/a
Business Rate	0.434130 cents in the dollar	\$715.24	n/a
Infrastructure Levy	0.002980 cents in the dollar	n/a	\$30.47
Environmental Levy	0.003344 cents in the dollar	n/a	\$34.20
Crows Nest Mainstreet Levy	0.019096 cents in the dollar	n/a	\$120.32
Neutral Bay Mainstreet Levy	0.026502 cents in the dollar	n/a	\$133.63

Domestic Waste Management Charges

Category	Amount
60 Litre (SEC 496 LGA) Council-approved ONLY	\$471.00
60 or 80 Litre (SEC 496 LGA) PENSIONER	\$236.00
80 Litre (SEC 496 LGA)	\$471.00
120 Litre (SEC 502 LGA)	\$785.00
240 Litre (SEC 502 LGA)	\$1,379.00
Service Availability charge	\$67.00

Stormwater Management Charges

Category	Amount
Residential (Maximum)	\$25.00
Residential Strata Plan or Company Title (Maximum)	\$12.50
Business (Capped)	\$25.00
Business Strata Plan or Company Title (Capped)	\$5.00

4. **THAT** the Chief Executive Officer be authorised to make any minor changes the Operational Plan & Budget 2024/25 if required such as typographical corrections.

10.4 Draft Fees and Charges Schedule 2024/2025

Report of Daniel Peacock, Assets and Taxation Accountant

The purpose of this report is to present the feedback received during the public exhibition of the draft 2024/25 Fees and Charges Schedule and to seek adoption of the final schedule.

Fees and Charges equate to approximately 26% of Council's total annual income.

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

29 existing fees and charges are proposed to be discontinued.

34 new fees and charges are proposed.

The Draft Fees and Charges Schedule 2024/25 was formulated around comparable market rates and a general increase of 5.6% over the previous year's adopted schedule. Fees that have materially increased above that default level are noted in the report.

Recommending:

1. **THAT** the submission summary be noted.
2. **THAT** the Fees and Charges Schedule 2024/25 be adopted.

10.5 Expenses and Facilities for the Mayor and Councillors - policy for public exhibition

Report of Luke Harvey, Director Corporate Services

The purpose of this report is for Council to consider a revised Councillor Expenses and Facilities Policy for the purpose of public exhibition.

Under section 252 of the Local Government Act 1993 (the Act), a Councillor Expenses and Facilities policy must be adopted within 12 months of the commencement of a new term.

The current policy was approved by Council in 2022. The attached draft policy has been updated for consultation prior to the Council election in September 2024.

Recommending:

1. **THAT** Council endorse the attached draft Councillor Expenses and Facilities policy for the purpose of public exhibition for a period of 28 days.
2. **THAT** a further report be provided to Council following the conclusion of the public exhibition period for the purpose of considering any submissions received and adopting a Councillor Expenses and Facilities Policy.

10.6 2024/25 Determination of the Local Government Remuneration Tribunal

Report of Ian Curry, Manager Council & Committee Services

The purpose of this report is to advise Council of the Local Government Remuneration Tribunal determination for 2024/25, and for Council to determine to fix and pay an annual fee to Councillors and the Mayor from 1 July 2024, in accordance with the Tribunal's determination.

The Local Government Remuneration Tribunal has determined an increase of 3.75% to mayoral and councillor fees for the 2024/25 financial year, with effect from 1 July 2024.

The Tribunal is required to determine the remuneration categories of councils and mayoral offices at least once every three years, under section 239 of the Local Government Act 1993 (the Act). The Tribunal last undertook a significant review of the categories as part of its 2023 determination and will next review these categories in 2026.

The Local Government Act 1993 requires councils to fix and pay an annual fee to councillors and mayors from 1 July 2024 based on the Tribunal's determination for the 2024/25 financial year.

Recommending:

1. THAT Council fix the annual councillors' fee to \$28,690 in accordance with the Metropolitan Medium Councils allowable fee determined by the Local Government Remuneration Tribunal for the 2024/25 year.

2. THAT Council fix the annual fee Mayoral fee to \$76,190 in accordance with the Metropolitan Medium Councils allowable fee determined by the Local Government Remuneration Tribunal for the 2024/25 year.

10.7 Investment and Loan Borrowings Report as at 31 May 2024

Report of Christian Munday, Manager Financial Services, and Aigul Utegenova, Chief Financial Officer

The purpose of this report is to provide details of the performance of Council's investments and loans for the month ending 31 May 2024.

All investments have been made in accordance with the Local Government Act and Regulations and Council's Financial Investments Policy.

For the month of May, the total investment portfolio (Term Deposits, Floating Rate Notes and Bonds) provided a return of +0.29% (actual), or +3.51% p.a. (annualised), marginally under-performing the benchmark AusBond Bank Bill Index return of +0.37% (actual), or +4.50% p.a. (annualised). This is due to Council holding term deposits made in a low inflation environment when interest rate rises were not expected.

Returns on investments exceed the adjusted YTD budget by \$103,950. The total return for the 2023/2024 financial year to date is approximately \$5 million. The better-than-expected return is due to payments for the capital works program progressing slower than expected in the first two quarters.

Recommending:

1. THAT the report on Investments held 31 May 2024, prepared in accordance with clause 212 of the Local Government (General) Regulation 2021, and the information on Loan Borrowings be received.

10.8 Community Grants & Subsidies 2024/25 - Post Exhibition Report

Report of Kate Stewart, Manager Library Services

The purpose of this report is to adopt the recommended Community Grants and Subsidies 2024/25 recipients following public exhibition.

Annually, Council invites community organisations to apply for a grant to assist in the provision of services for the North Sydney community. The process occurred earlier this year, with applications closing early March 2024.

All applications received were assessed in accordance with the criteria outlined in Council's Community Grants and Subsidies Policy, as attached.

The draft Community Grants and Subsidies 2024-25 was presented in a report to Council on 22 April 2024. The 30-day public exhibition ran from 3 May 2024 to 2 June 2024. No submissions were received.

During the exhibition period, applicants for the 2024-25 Small Grants program were reviewed by the assessment panel, and recipients determined in the separate report to Council on 27 May 2024.

Recommending:

1. THAT the Community Grants and Subsidies 2024/25 recipients, as outlined in this report, be adopted.

10.9 Draft Amendment to NSDCP 2013 - 52 McLaren Street, North Sydney

Report of Ben Boyd, Executive Strategic Planner

The purpose of this report is to seek Council's endorsement of a draft amendment to North Sydney Development Control Plan (NSDCP) 2013 to help guide the future redevelopment of 52 McLaren Street North Sydney, and place that draft amendment on public exhibition concurrently with the associated Planning Proposal for the subject site.

On 11 December 2023, Council resolved to support the progression of a Planning Proposal for the purposes of obtaining a Gateway Determination relating to land at 52 McLaren Street North Sydney. In particular, the Planning Proposal sought the following amendments to North Sydney Local Environmental Plan 2013:

- amend the maximum building height from RL 110m to part RL 107m and part RL 156m (8 and 24 storeys respectively);
- apply a maximum overall Floor Space Ratio of 5.3:1; and
- amend the minimum non-residential FSR from 0.5:1 to 1:1.

Council also endorsed an associated offer to enter into a Voluntary Planning Agreement to deliver a number of public benefits including a dedicated pedestrian through-site link, construction and dedication of a childcare centre facility, and provision of affordable housing.

Council also resolved at this time to progress a site-specific amendment to the NSDCP 2013 to help provide greater certainty to the built form outcomes for the subject site. In response to Council's 11 December 2023 Resolution, Council received a draft Development Control Plan (DCP) amendment from the applicant of the Planning Proposal on 14 May 2024. Upon review, further revisions were undertaken to ensure that it better aligns with the formatting and structure of Council's current DCP, and to ensure that the overall intent of the proposal can be delivered and subject to appropriate assessment.

Council is required to formally endorse the attached draft DCP amendment for public exhibition purposes in accordance with the requirements of the Environmental Planning and Assessment Act.

Recommending:

1. THAT Council endorse the draft amendment North Sydney Development Control Plan 2013 forming Attachment 1 to this report for the purposes of public exhibition.

2. THAT the draft amendment be placed on public exhibition concurrently with the associated Planning Proposal for a minimum of 28 days.

10.10 North Sydney Local Planning Panel Reformation

Report of Ian Robertson, Service Unit Manager Corporate Governance

The purpose of this report is for Council to endorse the appointment of the North Sydney Local Planning Panel Chair, Alternate Chairs, and the selection of the expert member group, to serve until 1 July 2027.

The North Sydney Local Planning Panel (NSLPP) has been operating since March 2018. The Panel comprises of:

1. A panel chair and two alternative chairs, who were approved for appointment by the Minister for Planning.
2. A rotating pool of expert members, who were selected from a Minister approved list of individuals who are considered to have appropriate qualifications and expertise to suit North Sydney, and
3. A rotating pool of four community members who were selected by Council.

While the endorsement of the Minister approved members of the planning Panel lapsed at the end of February 2024, interim arrangements were released for current Panel memberships to be extended to 30 June 2024 due to the Department of Planning, Industry and Environment not having the replacement Panel member list ready.

The recruitment and review of the pool of experts by the Department of Planning, Industry and Environment is now complete.

Council is now required to endorse the appointment of the Minister-approved Chairs and list of nominated experts to enable the reformation of the North Sydney Local Planning Panel.

Recommending:

1. **THAT** Council endorse the appointment of the Minister-approved Chairs and experts nominated for the reformation of the North Sydney Planning Panel, to serve on the Panel until 1 July 2027.
2. **THAT** delegated authority be granted to the Chief Executive Officer, pursuant to Section 377 of the Local Government Act 1993 to fill vacancies on the North Sydney Local Planning Panel from the list of Minister-approved experts as required.
3. **THAT** Council thank the outgoing Panel for its diligent work in implementing the planning controls of North Sydney.

10.11 Supporting Local Businesses during Council Infrastructure Works

Report of Gary Parsons, Director Open Space and Infrastructure

This purpose of this report is to respond to a Council resolution of 12 November 2023 in relation to supporting local businesses during infrastructure works.

Council is continually investing in infrastructure to improve the amenity of the North Sydney Local Government Area, which has long-term benefits. However, it is acknowledged that Council work on public infrastructure can be disruptive.

Impacts on businesses and the community are always considered in the development of Council's capital works program, however issues such as available resources, access to materials, grant conditions, inclement weather, traffic, contractual agreements, and utility shut-downs often dictate when these works can be undertaken.

Council is increasing its use of technology to communicate more effectively with stakeholders. Council is also including requirements for contractors to include communication resources when tendering for capital works.

Recommending:

1. **THAT** Council note the contents of this report.
2. **THAT** Council note that a separate report will be provided to Council in relation to regarding the policy relating to outdoor dining fees during construction following the public exhibition of Council's draft Outdoor Dining Policy.

10.12 Defibrillators and CPR Training

Report of Lisa Ucles, Manager People & Culture, Michael Roth, WHS Coordinator, and David Mitchell, Manager Risk

The purpose of this report is to present an overview of the current defibrillator installations across North Sydney and to provide a recommended approach in relation to future public-access defibrillators and CPR training.

Council currently has 11 defibrillators across its staffed sites.

There is one public-access defibrillator in Tunks Park.

Six additional parks have been identified as recommended locations for public access defibrillators.

Recommending:

1. **THAT** Council note the report.
2. **THAT** Council endorse the six locations nominated for installation of public access defibrillators.

10.13 North Sydney Oval Venue Hire Agreement

Report of Duncan Rennie, Manager Leisure & Aquatics, and Gary Parsons, Director Open Space and Infrastructure

The purpose of this report is to outline a proposal from the Sydney Swans and the Australian Football League (AFL) to hold a match at North Sydney Oval on Friday 30 August 2024.

The Sydney Swans have approached Council to host an AFL Women's (AFLW) match at North Sydney Oval on 30 August 2024 that would generate a 'double-header' weekend.

The AFL have proposed the use of a licenced third-party contractor to operate the food and beverage at the Oval for this match. It would be prohibitive for Council to enter into this arrangement if a similar arrangement could not be agreed with the Bears who are scheduled to play at the Oval on 31 August 2024.

Entering into Venue Hire Agreements with the Sydney Swans AFLW and the Bears for the 30 and 31 August 2024 will increase Council's revenue from the venue for the weekend, reduce Council's onsite operational resourcing requirements, and improve the food and beverage offerings at these games.

Recommending:

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

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business

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

2. THAT Council note the approach from the AFLW to bring a Sydney Swans match to North Sydney Oval on Friday 30 August 2024; and their request that a third-party provider operate the food and beverage services for this fixture.

3. THAT Council note, that for the AFL's approach to be viable to Council, the same food and beverage contractor will need to operate the food and beverage service for the Bears' fixtures on Saturday 31 August 2024 at North Sydney Oval.

4. THAT Council note that to facilitate the double-header arrangement, the AFLW and the Bears have agreed to utilise the same contractor for both events.

5. THAT Council note the financial arrangements proposed within the Venue Hire Agreements for the weekend, which requires a departure from Council's advertised Fees and Charges.

6. THAT the Council authorise the CEO to finalise negotiations and enter into a formal agreement with the Sydney Swans, AFL, and the Bears for hiring North Sydney Oval on Friday 30 August 2024 and Saturday 31 August 2024.

10.14 North Sydney Olympic Pool Redevelopment Project Update

Report of Gary Parsons, Director Open Space and Infrastructure

The purpose of this report is to provide Council with an update on the North Sydney Olympic Pool redevelopment.

Construction activity across the site is continuing, however the program to completion has been delayed due to ongoing issues associated with the structural steel roof over the 25-metre indoor pool hall.

Practical Completion is anticipated late 2024/early 2025, however this will be heavily influenced by the structural steel erection which is now expected to commence in mid-July 2024.

Council has received four additional variations since the report to Council on 27 May 2024, however no contract variations have been approved since then.

The current construction contract value is \$87.52M as at 23 April 2024, however Council continues to receive variations associated with latent conditions, along with design and construction-related issues.

The extension of BHA Architecture on the project requires Council to consider exercising its authority under section 55(3)(i) of the Local Government Act for ongoing design services.

Recommending:

1. THAT the meeting be closed to the public in accordance with Section 10A(2):

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it would affect Council's ability to obtain value for money services.

(g) advice concerning litigation, or advice that would otherwise be privileged from

production in legal proceedings on the grounds of legal professional privilege and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it would affect Council's ability to manage legal matters effectively and in the best interests of the community.

2. THAT the confidential report and related attachments be treated as confidential and remain confidential unless the Council determines otherwise.

3. THAT Council note this report.

4. THAT Council authorise the Chief Executive Officer to extend the services of BHA Architects by an additional \$1.5m for the North Sydney Olympic Pool redevelopment using the extenuating circumstances provisions within s55(3)(i) of the Local Government Act 1993.

5. THAT Council notes that costs to extend BHA services have been anticipated in the forecast costs to completion that was reported to Council on 12 February 2024;

11. NOTICES OF MOTION

11.1 Notice of Motion 08/24: Recognising Freddie Lane (1880-1969) - Olympic Gold Medallist, and the MacCallum Pool - Cr Beregi

1. THAT Council call for a report outlining an appropriate way to recognise former North Sydney resident Freddie Lane (1880-1969) who was an Olympic Gold Medallist and significant contributor to the building of the MacCallum Pool.

2. THAT Council Historian Dr Ian Hoskins be consulted and invited to make recommendations as to appropriate ways to recognise Freddie Lane.

BACKGROUND

I have been approached by Carolyn Hinchcliffe, granddaughter of Freddie Lane, asking how Council can recognise Freddie's contribution to swimming and to the building of MacCallum Pool.

Freddie Lane won Gold at the Paris Olympics in 1900 and with the Olympics Games being held in Paris again in a matter of months, now would be a wonderful time to recognise him and his achievements.

Ms Hinchcliffe has provided the following by way of information:

My name is Carolyn Hinchcliffe and I am a granddaughter of Freddie Lane, our FIRST Olympic Gold medallist, and wish to put a motion to Council to have a name change of the MacCallum Pool to the Freddie Lane Pool.

Freddie has two other living Grandchildren, Cherrie Goward and Fred C. V Lane. All around Sydney harbour, our swimming pools honour our Olympic swimmers but Fred is forgotten. It is an Olympic year and in Paris and I feel the time has come for this to happen.

I am 86 and running out of time so I wish to bring this to your attention Freddie actually built this pool with the help of locals out of rocks from the harbour. He lived opposite the pool at 17 Milson Road.

In the early thirties, a local councillor Hugh MacCallum suggested and partly financed the rebuilding of the pool to concrete.

Freddie was the treasurer and collected donations to support the rebuilding. See pages (Attachment 1) of the donations in Freddie's handwriting.

The FIRST Paris Olympic Games were in Paris (the second modern Olympics) in 1900.

My Grandfather, Freddie Lane, was the First Australian to win Gold in these Olympics.

The 200 yards and the Obstacle Race (where they had to swim up and over and between boats - this race was never competed again).

Freddie won TWO Gold medals and was given magnificent Bronze trophies as well - a Horse and a Peasant Girl.

Below is taken from the [Olympics.com.au](https://olympics.com.au) website:

Fred's Story

1880 - 1969

Freddie Lane became the first of Australia's great procession of Olympic swimming champions when he won the 200 metres freestyle in the muddy waters and moody currents of the Seine during the Paris Games of 1900. He also won another event which was unsurprisingly dropped from the Olympic program afterwards: the 200m obstacle race, in which contestants scrambled over and under a row of boats. Lane grew up close to Sydney Harbour, and was a natural in the water. At eight he won a race at Elkington Baths (later used by and named after Dawn Fraser). He competed at a time when the sport was undergoing fundamental stroke changes, all aimed at yielding greater speed. Dog-paddle, breaststroke and sidestroke were favoured early styles, overtaken by the trudgen and later by the crawl. Lane preferred his own version of the trudgen, swimming on his left side and using a scissor kick.

Lane, then 20, learned on his arrival at the Paris Olympics that his preferred event, the 100m freestyle, had been dropped from the program in favour of the 200m. Moreover, the 200m would be swum in one haul, without turns. He challenged the early leader, the Hungarian Zoltan Von Halmay, over the last 100m and the pair swam stroke for stroke until Lane touched just ahead. The record he set, 2:38.4, had astonishing longevity: it was not bettered in 1904, and the 200m freestyle was then dropped from the Games program. It was not reintroduced until 1968, when Michael Wenden became the champion, and the new record-holder. Lane set seven world records.

Harry Gordon, AOC historian

Photos/images provided by Ms Hinchcliffe are contained in Attachment 1 to this Notice of Motion

12. Matters of Urgency

Nil

13. CLOSURE
