



MINUTES

The Minutes of the Council held at the
Council Chambers, North Sydney
at 6:30 PM on Monday 26 August 2024.



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1. Opening Meeting

Statement of ethical obligations

Councillors are reminded of the oath or affirmation taken upon commencement of office that they will undertake the duties of the office of councillor in the best interests of the people of North Sydney and the North Sydney Council and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the [Local Government Act 1993](#) or any other Act to the best of their ability and judgment.

Councillors are also reminded of their obligations under the Code of Conduct to disclose and appropriately manage conflicts of interest.

At the commencement of business (6.30pm) those present were: The Mayor, and Councillors Beregi, Bourke, Gibson, Lamb, Mutton, Santer, Spenceley, and Welch.

The meeting was opened by the Mayor.

2. Acknowledgement of Country

RECOGNITION OF THE CAMMERAYGAL PEOPLE

We respectfully acknowledge the Traditional Custodians of the land and waters of North Sydney local government area, the Cammeraygal people.

The Acknowledgement of Country was read by the Mayor.

3. Apologies and applications for leaves of absence or attendance by audio-visual link by councillors

It was moved by Councillor Beregi and seconded by Councillor Santer:

1. THAT Council grant Leave of Absence to Councillor Lepouris.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Nil

185. RESOLVED:

1.THAT Council grant Leave of Absence to Councillor Lepouris.

4. Confirmation of Minutes

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Nil

186. RESOLVED:

1. **THAT** the Minutes of the Council Meeting held on Monday 12 August 2024 be taken as read and confirmed.

5. Disclosures of Interest

Nil

6. Public Forum

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

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

Item 8.1	MM01: Farewell Councillor Jilly Gibson, Councillor Georgia Lamb, and Councillor John Lepouris
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The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Nil

187. RESOLVED:

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

Item 8.1	MM01: Farewell Councillor Jilly Gibson, Councillor Georgia Lamb, and Councillor John Lepouris
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7. Items Considered by Exception

It was moved by Councillor Beregi and seconded by Councillor Spenceley:

1.THAT the Recommendations for the following Items be adopted:

Item 10.1	Matters Outstanding to 22 July 2024
Item 10.2	Q4 Review of the Delivery Program/Operational Plan 2023/24
Item 10.3	Investment and Loan Borrowings Report as at 31 July 2024

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Nil

188. RESOLVED:

1.THAT the Recommendations for the following Items be adopted:

Item 10.1	Matters Outstanding to 22 July 2024
Item 10.2	Q4 Review of the Delivery Program/Operational Plan 2023/24
Item 10.3	Investment and Loan Borrowings Report as at 31 July 2024

This matter was considered after Item 8.1 , see page 6.

8. Mayoral Minutes

8.1. MM01: Farewell Councillor Jilly Gibson, Councillor Georgia Lamb, and Councillor John Lepouris

On 14 September 2024, local government elections will be held across New South Wales. On 14 August 2024, when nominations closed, current serving councillors Councillor Jilly Gibson, Councillor Georgia Lamb, and Councillor John Lepouris had not nominated for re-election.

Councillor Jilly Gibson has served on Council for more than 25 years. Councillor Gibson was first elected in 1999 representing Tunks Ward and subsequently represented Victoria Ward (now Cammeraygal) from 2004 - present.

In 2012 Councillor Gibson was directly elected Mayor of North Sydney and served in that role until 2021. Throughout her service on Council, Councillor Gibson has exhibited an abiding interest in arts and culture and particular passion for Kirribilli, Lavender Bay, and McMahons Point. Councillor Gibson has given long service to our community.

Councillor Georgia Lamb was elected representing Cammeraygal Ward in 2021 at the age of 20 years. The youngest councillor to serve, she brought a unique perspective and a focus on sustainability to her role.

Councillor John Lepouris is the first councillor to assume the role by way of the recently introduced “countback” provisions, joining Council at the meeting held on 27 February 2023 following the resignation of Councillor Alanya Drummond in January 2023. Councillor Lepouris represents St Leonards Ward and brought his passion for Neutral Bay and the needs of small business to his role.

Serving as a councillor requires significant commitment and time. Such service is not possible without the support and understanding of the representative’s family, friends, and colleagues.

On behalf of Council and our community, we thank Councillor Gibson for her more than 25 years of service as both councillor and directly elected Mayor and extend warmest and best wishes for this next chapter in her life. We also extend our thanks to Councillors Lamb and Lepouris and wish them all the best in their future endeavours.

I therefore recommend:

- 1. THAT** Council acknowledge and thank Councillor Jilly Gibson for her 25 years’ service on North Sydney Council as both councillor (1999-2024) and directly elected Mayor (2012-2021) and arrange an appropriate memorial of her service.
- 2. THAT** Council acknowledge and thank Councillors Georgia Lamb and John Lepouris for their service on Council (2022-2024).
- 3. THAT** a tree be planted in honour of the service of each of the retiring councillors.

The following people spoke to this item as part of the Public Forum:

- Alanya Drummond (remotely)
- Rosella Drummond (remotely)
- Philip Montgomery (remotely)
- Rick Doran
- Martin Williams
- Fe Heffernan
- Maija Kernaghan
- Jack Kernaghan
- Pallavi Sinha
- Max Menzies

An Amendment was moved by Councillor Spenceley and seconded by Councillor Mutton:

- 1. THAT** Council acknowledge and thank Councillor Jilly Gibson for her 25 years' service on North Sydney Council as both councillor (1999-2024) and directly elected Mayor (2012-2021) and arrange an appropriate memorial of her service.
- 2. THAT** Council acknowledge and thank Councillors Georgia Lamb and John Lepouris for their service on Council (2022-2024).
- 3. THAT** a tree be planted in honour of the service of each of the retiring councillors.
- 4. THAT** the Burton Street Plaza be renamed Jilly's Plaza, with an appropriate plaque to be installed in the plaza (to include the poem read by Ms Heffernan at this meeting), to commemorate 25 years of service.

The Amendment was put and **Lost**.

Voting was as follows:

For/Against 4 / 5

For: Councillor Bourke, Councillor Gibson, Councillor Mutton, and Councillor Spenceley

Against: Councillor Baker, Councillor Beregi, Councillor Lamb, Councillor Santer, and Councillor Welch

Absent: Nil

Councillor Gibson and Councillor Mutton retired from the meeting at 7.40pm.

The Motion was moved by The Mayor.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7/0

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

Against: Nil

Absent: Nil

189. RESOLVED:

- 1. THAT** Council acknowledge and thank Councillor Jilly Gibson for her 25 years' service on North Sydney Council as both councillor (1999-2024) and directly elected Mayor (2012-2021) and arrange an appropriate memorial of her service.
- 2. THAT** Council acknowledge and thank Councillors Georgia Lamb and John Lepouris for their service on Council (2022-2024).
- 3. THAT** a tree be planted in honour of the service of each of the retiring councillors.

9. Reports of Committees

Nil

10. Reports to Council

10.1. Matters Outstanding to 22 July 2024

AUTHOR: Ian Curry, Manager Governance

PURPOSE

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.

EXECUTIVE SUMMARY

- 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 22 July 2024 Ordinary Meeting of Council.

RECOMMENDATION:

- 1. THAT** the report be received.

This item was dealt with by exception (see page 5).

190. RESOLVED:

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

10.2. Q4 Review of the Delivery Program/Operational Plan 2023/24

AUTHOR: Jenny Gracey, Corporate Planning Coordinator

PURPOSE

This Quarterly Review presents a progress update against the Delivery Program/Operational Plan 2023/24 for the fourth quarter (Q4), 1 April to 30 June 2024; and includes project status (traffic lights) and the corporate scorecard.

EXECUTIVE SUMMARY

- The Operational Plan 2023/24 (Year 3 of the Delivery Program 2022-2026) was adopted by Council on 26 June 2023 and commenced on 1 July 2023.
- In Q4 2023/24, 200 projects were scheduled to commence, or continue. Of these,
 - 75 were completed (blue status);
 - 92 were on track (green status);
 - 30 were delayed (amber or red status); and
 - three projects were discontinued.

RECOMMENDATION:

1. **THAT** the Quarterly Review (April – June 2024) of the Operational Plan be received.
2. **THAT** Council notes the remedial action for the projects that were not on track for the period ending 30 June 2024.

This item was dealt with by exception (see page 5).

191. RESOLVED:

1. **THAT** the Quarterly Review (April – June 2024) of the Operational Plan be received.
2. **THAT** Council notes the remedial action for the projects that were not on track for the period ending 30 June 2024.

10.3. Investment and Loan Borrowings Report as at 31 July 2024

AUTHORS: Christian Menday, Manager Financial Services, and Aigul Utegenova, Chief Financial Officer

PURPOSE

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

EXECUTIVE SUMMARY

- All investments have been made in accordance with the Local Government Act and Regulations and Council's Financial Investments Policy.
- For the month of July, the total investment portfolio (Term Deposits, Floating Rate Notes and Bonds) provided a return of +0.28% (actual), or +3.32% p.a. (annualised), underperforming the benchmark AusBond Bank Bill Index return of +0.37% (actual), or +4.49% p.a. (annualised). This is due to Council holding term deposits made in a low inflation environment when interest rate rises were not expected, and a higher than usual percentage of investments held as cash to pay for expected project costs.
- Returns on investments exceed the YTD budget by \$209,000.

RECOMMENDATION:

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

This item was dealt with by exception (see page 5).

192. RESOLVED:

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

10.4. NSW Government's Crows Nest Transport Oriented Development rezoning proposal

AUTHORS: Emma Booth, Team Leader Design, Jing Li, Senior Strategic Planner – Urban Design, and Neal McCarry, Service Unit Manager Strategic Planning

PURPOSE

The purpose of this report is to make a submission to the Department of Planning, Housing, and Infrastructure on the Crows Nest Transport Oriented Development (TOD) rezoning proposal that is being exhibited for public comment between 16 July – 30 August 2024.

EXECUTIVE SUMMARY

- On 7 December 2023, the NSW Government announced the TOD Program. The program aims to increase housing supply close to public transport, jobs, and services in Metropolitan Sydney, and extending to Wollongong and Newcastle. Crows Nest and surrounds was identified as one of eight 'TOD Tier 1 precincts' for accelerated, state-led rezoning under the program. It forms part of a much larger tranche of state planning reforms which aim to increase residential densities in the region, fast track development assessment, and deliver more affordable housing.
- On 16 July 2024, the Department of Planning, Housing, and Infrastructure ('the Department') released the Crows Nest TOD rezoning proposal for public comment. It enables the delivery of 3,255 new dwellings and 2,600 new jobs in the precinct. Taking into account the Department's previous *St Leonards Crows Nest Planning Study (2020)* (the '2036 Plan'), the precinct is now set to grow by 8,445 new dwellings, representing 16,000 new residents.
- The Crows Nest TOD rezoning proposal, as outlined in the Explanation of Intended Effects:
 - further increases the maximum tower heights and residential densities above the 2036 Plan;
 - converts some planned employment capacity to additional residential capacity;
 - introduces a mandatory affordable housing contribution of 10-15% on all new residential development, to be held in perpetuity;
 - introduces additional affordable housing 'bonus provisions' to allow conversion of the planned commercial Crows Nest Metro 'Site A' to a residential tower, and greater height on four sites directly opposite the metro station;
 - introduces a provision that requires the consent authority to consider a new Design Guide that prevails over the *North Sydney Development Control Plan (2013)*;
 - indicates a potential future open space at 79-81 Sinclair Street could be achieved via an additional height and floor space uplift; and
 - rezones land along Sinclair Street, not previously included in the 2036 Plan.
- The draft Design Guide, also on exhibition, introduces a new vision and set of principles and objectives for the precinct. It also introduces design guidance covering Connecting

with Country, built form design, design excellence, environment, and movement. Car parking rates are proposed to remain unchanged.

- The NSW Government announced \$520 million from the Housing and Productivity Contribution Fund will be shared across the eight TOD Tier 1 precincts for state infrastructure. Increased demand for local infrastructure is to continue to be levied for under the *North Sydney Local Infrastructure Contributions Plan (2020)*.
- Overall, the Crows Nest rezoning package has the potential to deliver some high-quality mixed-use towers and deliver greater housing supply, including affordable housing, and local services close to exceptional public transport and health infrastructure. Amendments to the proposal are needed, however, to protect sunlight to Willoughby Road, Ernest Place, Wollstonecraft and surrounds, and improve built form design.
- Concern is raised at the extensive, rapid rezoning of the precinct for predominantly residential purposes, and continued application of the NSW Government's built-to-rent provisions in commercial centres. Council estimates this translates to a potential loss of up to 11,000 planned jobs capacity over the long term, significantly compromising the strategic economic function of the centre.
- Similarly, concern is raised at the lack of open space, recreation, cultural, and social infrastructure plans to support the estimated 16,000 new residents in the precinct. A funding mechanism to deliver Hume Street Park upgrades needs to be identified immediately.
- Given the limited timeframe to review and report this matter, the rezoning proposal has not been reviewed to the level of detail that would normally be undertaken for a project of this scale and complexity. Accordingly, the submission focusses on key issues and raises detailed comments, where possible.
- This report outlines key elements of the proposal, discusses key matters for consideration, and recommends Council endorse a submission to the Department on the Crows Nest TOD rezoning proposal. At the time of completion of this report, the detailed submission, which is summarised in this report, was yet to be finalised. The detailed submission for Council's consideration will be published and form part of Council's business paper by Tuesday 20 August 2024.

RECOMMENDATION:

- 1. THAT** Council endorse the submission to the Department of Planning, Housing and Infrastructure on the Crows Nest Transport Oriented Development (TOD) rezoning proposal (*to be published separately by Tuesday 20 August*).
- 2. THAT** the CEO be delegated authority to make further submissions on any issues that arise following the conclusion of the exhibition period.
- 3. THAT** Council endorse the submission of the North Sydney Access and Inclusion Committee to the Crows Nest TOD rezoning proposal (Attachment 1).

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

- 1. THAT** Council endorse the submission to the Department of Planning, Housing and Infrastructure on the Crows Nest Transport Oriented Development (TOD) rezoning proposal (Attachment 1).
- 2. THAT** the CEO be delegated authority to make further submissions on any issues that arise following the conclusion of the exhibition period.
- 3. THAT** Council endorses the submission of the Access and Inclusion Committee (Attachment 2) and provides support for the Minister for Planning and any department staff to attend the next meeting of the Committee.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 1

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

Against: Councillor Bourke

Absent: Nil

193. RESOLVED:

- 1. THAT** Council endorse the submission to the Department of Planning, Housing and Infrastructure on the Crows Nest Transport Oriented Development (TOD) rezoning proposal (Attachment 1).
- 2. THAT** the CEO be delegated authority to make further submissions on any issues that arise following the conclusion of the exhibition period.
- 3. THAT** Council endorses the submission of the Access and Inclusion Committee (now Attachment 2) and provides support for the Minister for Planning and any department staff to attend the next meeting of the Committee.

Councillor Spenceley retired from the meeting at 8.04pm.

10.5. Council submission to the Western Harbour Tunnel Place Design and Landscaping Plan

AUTHOR: Gary Parsons, Director Open Space and Infrastructure

PURPOSE:

The purpose of this report is for Council to consider a submission drafted in response to the Western Harbour Tunnel (WHT) Place Design and Landscape Plan (PDLP).

- Consultation for the Place, Design and Landscape Plan (PDLP) for the Western Harbour Tunnel (WHT) commenced on the 31 July 2024 and closes on 28 August 2024.

- Council officers have developed a submission in response to the PDLP, which is attached herein.
- The submission includes requests and feedback previously provided to the NSW State Government in relation to this project and representations that have been made to Council by the community of North Sydney.

Background

On 31 July 2024, TfNSW opened consultation on the Place, Design and Landscape Plan for the Western Harbour Tunnel, seeking feedback on following aspects of the project:

- ventilation facilities
- tunnel portals (entry and exits)
- landscape design
- tunnel interiors

Public Consultation will close on 28 August 2024.

RECOMMENDATION:

- 1. THAT** Council endorse the attached submission in response to the Western Harbour Tunnel Place, Design and Landscape Plan.
- 2. THAT** Council write to the NSW Minister for Planning and Public Spaces and NSW Secretary of the Department of Planning, Housing and Infrastructure in relation to concerns in relation to TfNSW's ability to comply with Condition E157, requiring a net increase in usable open space in the general vicinity of the land loss as a result of the WHT/WFU project.
- 3. THAT** Council write to the NSW Minister for Planning and Public Spaces and NSW Secretary of the Department of Planning, Housing and Infrastructure in relation to concerns in relation to TfNSW's ability to comply with Condition E185, in relation to the replacement of trees that are required to be replaced as a result of the WHT/WFU project.
- 4. THAT** Council write to the NSW Minister for Roads requesting that the NSW State Government underground the proposed Cammeray Ventilation Buildings to reinstate public open space that has been acquired for the WFU and WHT projects
- 5. THAT** Council write to the NSW Minister for Roads requesting that the NSW State Government construct a land bridge across the Warringah Freeway at Cammeray Park to offset public open space that has been acquired for the WFU and WHT projects
- 6. THAT** Council write to the NSW Minister for Roads, requesting that TfNSW release traffic modelling for the WHT/WFU project to Council to enable Council to understand the impacts that this project will have on the local road network, particularly given the results of the project's Environmental Impact Statement notes the project will result in the failure of multiple intersections on the North Sydney local road network.

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

- 1. THAT** Council endorse the attached submission in response to the Western Harbour Tunnel Place, Design and Landscape Plan.
- 2. THAT** Council write to the NSW Minister for Planning and Public Spaces and NSW Secretary of the Department of Planning, Housing and Infrastructure in relation to concerns in relation to TfNSW's ability to comply with Condition E157, requiring a net increase in usable open space in the general vicinity of the land loss as a result of the WHT/WFU project.
- 3. THAT** Council write to the NSW Minister for Planning and Public Spaces and NSW Secretary of the Department of Planning, Housing and Infrastructure in relation to concerns in relation to TfNSW's ability to comply with Condition E185, in relation to the replacement of trees that are required to be replaced as a result of the WHT/WFU project.
- 4. THAT** Council write to the NSW Minister for Roads requesting that the NSW State Government underground the proposed Cammeray Ventilation Buildings to reinstate public open space that has been acquired for the WFU and WHT projects
- 5. THAT** Council write to the NSW Minister for Roads requesting that the NSW State Government construct a land bridge across the Warringah Freeway at Cammeray Park to offset public open space that has been acquired for the WFU and WHT projects
- 6. THAT** Council write to the NSW Minister for Roads, requesting that TfNSW release traffic modelling for the WHT/WFU project to Council to enable Council to understand the impacts that this project will have on the local road network, particularly given the results of the project's Environmental Impact Statement notes the project will result in the failure of multiple intersections on the North Sydney local road network.
- 7. THAT** Council write again, urging the State Government to filter the stacks and return the land to Council's care, control, and management at Cammeray Park.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 0

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

Against: Nil

Absent: Nil

194. RESOLVED:

- 1. THAT** Council endorse the attached submission in response to the Western Harbour Tunnel Place, Design and Landscape Plan.
- 2. THAT** Council write to the NSW Minister for Planning and Public Spaces and NSW Secretary of the Department of Planning, Housing and Infrastructure in relation to concerns in relation to TfNSW's ability to comply with Condition E157, requiring a net increase in usable open space in the general vicinity of the land loss as a result of the WHT/WFU project.
- 3. THAT** Council write to the NSW Minister for Planning and Public Spaces and NSW Secretary of the Department of Planning, Housing and Infrastructure in relation to concerns in relation to TfNSW's ability to comply with Condition E185, in relation to the replacement of trees that are required to be replaced as a result of the WHT/WFU project.

4. THAT Council write to the NSW Minister for Roads requesting that the NSW State Government underground the proposed Cammeray Ventilation Buildings to reinstate public open space that has been acquired for the WFU and WHT projects

5. THAT Council write to the NSW Minister for Roads requesting that the NSW State Government construct a land bridge across the Warringah Freeway at Cammeray Park to offset public open space that has been acquired for the WFU and WHT projects

6. THAT Council write to the NSW Minister for Roads, requesting that TfNSW release traffic modelling for the WHT/WFU project to Council to enable Council to understand the impacts that this project will have on the local road network, particularly given the results of the project's Environmental Impact Statement notes the project will result in the failure of multiple intersections on the North Sydney local road network.

7. THAT Council write again, urging the State Government to filter the stacks and return the land to Council's care, control, and management at Cammeray Park.

11. Notices of Motion

Nil

12. Matters of Urgency

Nil

The Mayor thanked Councillors and staff for their hard work during the Council term.

13. Closure

The Meeting concluded at 8.16pm.