

**Report to General Manager**

Attachments:

1. Minutes – 21 October 2019

SUBJECT: Legal and Planning Committee Minutes - 21 October 2019**AUTHOR:** Melissa Dunlop, Governance Co-ordinator**ENDORSED BY:** Margaret Palmer, Director Corporate Services**EXECUTIVE SUMMARY:**

This report presents the recommendations of the last meeting of the Legal and Planning Committee held on 21 October 2019 for Council adoption. The Minutes are attached for information.

FINANCIAL IMPLICATIONS:

Nil.

RECOMMENDATION:

- 1. THAT** the Current Appeals and Results – October 2019 report be received. *(LP01)*
 - 2. THAT** the Community Ward Forums be deferred and held between March and June 2020 to facilitate a greater level of publicity and participation. *(LP02)*
 - 3. THAT** Council make a submission to the Office of Local Government in respect of the Reporting and Compliance Burdens on Local Government Review as outlined in this report. *(LP03)*
 - 4. THAT** Council's Strategic Planning Department explore options to modify Council's Development Control Plan:
 - a. Extending Construction hours from 5pm Monday to Friday and up to 7pm for developments within zones B3 (Commercial Core) and B4 (Mixed Use).
 - b. Permitting hours of operation up to 9pm for fit-out works subject to the Development Application process. *(LP04)*
 - 5. THAT** the Variations to Development Standards report be received. *(LP05)*
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LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

Direction: 5. Our Civic Leadership

Outcome: 5.2 Council is well governed and customer focused

BACKGROUND

In accordance with Council's Code of Meeting Practice:

20.24 The minutes of meetings of each Committee of the Council must be confirmed at a subsequent meeting of the committee.

The Charter of the Legal and Planning Committee states:

11.3 The recommendations arising at Committee meetings are to be submitted to the next available Council meeting for adoption. Any Councillor, irrespective of whether that Councillor is a member that Committee may be the mover or seconder of such recommendations.

CONSULTATION REQUIREMENTS

Community engagement is not required.

SUSTAINABILITY STATEMENT

The sustainability implications are of a minor nature and as such did not warrant a detailed assessment.

DETAIL

This report presents the recommendations of the last meeting of the Legal and Planning Committee held on 21 October 2019 for Council adoption. The Minutes are attached for information.

Minute Book Page No 15**NORTH SYDNEY COUNCIL****REPORT OF LEGAL AND PLANNING COMMITTEE**

SUBJECT: PROCEEDINGS OF COMMITTEE AT MEETING HELD IN THE SUPPER ROOM AT THE COUNCIL CHAMBERS, NORTH SYDNEY, ON 21 OCTOBER 2019 AT 6.30PM.

PRESENT

Councillor Gibson in the Chair, Councillors Brodie, Drummond, Keen and Mutton.

Staff: Ken Gouldthorp, General Manager
Margaret Palmer, Director Corporate Services
Joseph Hill, Director City Strategy
Craig Winn, Solicitor
Stephen Beattie, Manager Development Services
Marcelo Occhiuzzi, Manager Strategic Planning
Jenny Gleeson, Manager Integrated Planning and Special Projects
Melissa Dunlop, Governance Co-ordinator (Minutes)

Visitors: Ms J Choi (participant in Council's Youth-Councillor Mentor Program)
Mr P Gupta (participant in Council's Youth-Councillor Mentor Program)

Apologies were received from Councillors Baker, Barbour, Beregi and Carr.

At the commencement of business (6.44pm) Councillors present were:
Councillor Gibson in the Chair, Councillors Brodie, Drummond, Keen and Mutton.

16. Declarations of Interest

Councillor Mutton declared a non-pecuniary/less than significant interest in Item LP01: Current Appeals and Results – October 2019. Paynter Dixon Constructions Pty Limited is an occasional client of his law firm.

17. Minutes

Minutes were taken at the previous meeting held on 12 August 2019 although the meeting was inquorate. The Minutes are therefore a record of the discussion only and Agenda items were progressed for consideration by Council at its meeting of 26 August 2019.

18. LP01: Current Appeals and Results – October 2019

Report of Craig Winn, Solicitor

Attached is a list of current appeal and prosecution matters as at 15 October 2019 for Council's information.

As at 15 October 2019, Council has incurred \$379,748.45 on legal fees for the 2019 financial year and recovered legal costs in the amount of \$102,941. The legal budget for 2020 financial year is \$ 1,500,000.00.

Recommending:

1. THAT the report on the Current Appeals and Results – October 2019 be received.

The Motion was moved by Councillor Brodie and seconded by Councillor Drummond.

Resolved to recommend:

1. THAT the Current Appeals and Results – October 2019 report be received.

Voting was as follows:

For/Against 5/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Absent	
Beregi	Absent		Drummond	Y	
Keen	Y		Gunning	Absent	
Brodie	Y		Mutton	Y	
Carr	Absent		Baker	Absent	

19. LP02: Community Ward Forums 2019

Report of Jenny Gleeson, Manager Integrated Planning and Special Projects

Council at its meeting of 26 August 2019 (Min. No. 225) resolved to reinstate the Community Ward Forum program, inclusive of preparation of a Community Engagement Strategy targeting "the broadest range of individuals and businesses as possible and target those that are not currently engaged with Council". The purpose of this report is to present the Draft Engagement Strategy (Attachment 1) which has been prepared in accordance with the above-mentioned resolution and the updated Protocol (Attachment 2) governing event coordination and attendee participation, including Councillors. The dates for the 2019 events have been set as detailed in this report.

Reinstatement of the Community Ward Forums is an unbudgeted project. The approximate cost per forum was \$2,300 in 2014, including venue hire (where non-Council owned), promotion (flyer delivery and adverts) and light refreshments. The estimate costs for three forums per annum is \$8,000-\$12,500 total (excluding staff costs) consisting of flyer printing and delivery to all households (approx. 36,000) is between \$4,000 and \$8,000 depending on distributor's availability to execute delivery in required time frame (i.e. 2 weeks prior to event), print advertising \$1,300, social media advertising \$1,000, venue \$1,700, light refreshments \$500.

Funding for the project is appropriate. \$5,000 is available in 2019/20 for this project and additional funds are required. \$7,000 is to be allocated in the next Quarterly Budget Review.

Recommending:

1. THAT the Community Ward Forums Engagement Strategy be adopted.

2. THAT the Community Ward Forums Protocol be adopted.

A Motion was moved by Councillor Gibson and seconded by Councillor Keen,

1. THAT the Community Ward Forums be deferred and held between March and June 2020 to facilitate a greater level of publicity and participation.

Resolved to recommend:

1. THAT the Community Ward Forums be deferred and held between March and June 2020 to facilitate a greater level of publicity and participation.

Voting was as follows:

For/Against 5/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Absent	
Beregi	Absent		Drummond	Y	
Keen	Y		Gunning	Absent	
Brodie	Y		Mutton	Y	
Carr	Absent		Baker	Absent	

20. LP03: Draft Submission - Reporting and Compliance Burdens on Local Government

Report of Jenny Gleeson, Manager Integrated Planning and Special Projects

The NSW Minister for Local Government released the following final reports on 21 June 2019, prepared by the Independent Pricing and Regulatory Tribunal (IPART), as part of the local government reform process that commenced back in 2011:

- a) Rating System Review (submitted);
- b) Reporting and Compliance Burdens (due 25 October); and
- c) Compliance and Enforcement (due 15 November).

The Office of Local Government (OLG) is seeking feedback on IPART's recommendations. Council at its meeting of 22 July 2019 (Min. No. 191) resolved to prepare submissions responding to each review.

This report presents the draft submission (Attachment 1) in response to the Reporting and Compliance Burdens on Local Government Review for endorsement prior to lodging the submission. This review focuses on reducing burdens placed on local government by the NSW Government; whereas the Compliance and Enforcement Review focuses on reducing costs proposed by local government on business and the community.

There are no direct financial impacts to Council as a result of the preparation of this draft submission. It is noted by OLG however, that should the NSW Government resolve to implement some or all of IPART's recommendations there may be an impact to both Council and possibly to ratepayers. This has not been costed at this time.

Recommending:

1. THAT Council make a submission to the Office of Local Government in respect of the Reporting and Compliance Burdens on Local Government Review as outlined in this report.

The Motion was moved by Councillor Keen and seconded by Councillor Brodie.

Resolved to recommend:

1. THAT Council make a submission to the Office of Local Government in respect of the Reporting and Compliance Burdens on Local Government Review as outlined in this report.

Voting was as follows:

For/Against 5/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Absent	
Beregi	Absent		Drummond	Y	
Keen	Y		Gunning	Absent	
Brodie	Y		Mutton	Y	
Carr	Absent		Baker	Absent	

21. LP04: Extended Construction Hours in North Sydney

Report of Long Huynh, Team Leader Building Compliance

At the Legal and Planning Committee meeting on Monday 6 May 2019, it was requested that staff provide a discussion paper regarding expanding construction hours with the objective of having construction works completed within a shorter period.

This report aims to discuss research undertaken by staff of surrounding councils regarding this issue.

The financial implications have not been investigated as part of this report.

Recommending:

1. **THAT** Council's Strategic Planning Department explore options to modify Council's Development Control Plan:

- Extending Construction hours from 5pm Monday to Friday and up to 7pm for developments within zones B3 (Commercial Core) and B4 (Mixed Use).
- Permitting hours of operation up to 9pm for fit-out works subject to the Development Application process.

The Motion was moved by Councillor Drummond and seconded by Councillor Brodie.

Resolved to recommend:

1. **THAT** Council's Strategic Planning Department explore options to modify Council's Development Control Plan:

- Extending Construction hours from 5pm Monday to Friday and up to 7pm for developments within zones B3 (Commercial Core) and B4 (Mixed Use).
- Permitting hours of operation up to 9pm for fit-out works subject to the Development Application process.

Voting was as follows:

For/Against 5/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Absent	
Beregi	Absent		Drummond	Y	
Keen	Y		Gunning	Absent	
Brodie	Y		Mutton	Y	
Carr	Absent		Baker	Absent	

22. LP05: Variations to Development Standards

Report of Stephen Beattie, Manager Development Services

Planning Circular PS 18-003 sets out certain procedural and reporting requirements for the processing of C14.6 and SEPP1 variations to development standards.

Essentially, any variation to a development standard of greater than 10% must be reported to the North Sydney Local Planning Panel for determination. Variations under 10% can be determined by Assessment Staff under delegated authority.

The Planning Circular provides that to achieve transparency and integrity in the planning framework, the following monitoring and reporting measures must be followed:

- Proposed variations to development standards cannot be considered without a written application objecting to the development standard and dealing with the matters required to be addressed by the relevant instrument.
- A publicly available online register of all variations to development standards approved by the consent authority or its delegates is to be established and maintained. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.
- A report of all variations approved (including under delegation) must be submitted to developmentstandards@planning.nsw.gov.au within four weeks of the end of each quarter (i.e. March, June, September and December) in the form provided by the Department.
- A report of all variations approved under delegation from a council must be provided to a meeting of the council at least once each quarter.

It is intended to report variations to development standards to Council via the quarterly Legal and Planning Committee meeting. Attached is the tabulated Development Standard variations approved for Q1 of the financial year 2019/20.

Recommending:

1. **THAT** the Variations to Development Standards report be received.

The Motion was moved by Councillor Mutton and seconded by Councillor Drummond.

Resolved to recommend:

1. **THAT** the Variations to Development Standards report be received.

Voting was as follows:

For/Against 5/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour		Absent
Beregi		Absent	Drummond	Y	
Keen	Y		Gunning		Absent
Brodie	Y		Mutton	Y	
Carr		Absent	Baker		Absent

The meeting concluded at 7.08pm.

CHAIRPERSON

GENERAL MANAGER