



MINUTES

The Minutes of the Legal & Planning Committee held at the Council Chambers, North Sydney at 6:00 PM on Monday 11 October 2021.



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1. Attendance

Chair:

The Mayor, Councillor Gibson in the Chair.

Members:

Councillor Baker
Councillor Brodie
Councillor Drummond
Councillor Keen

Staff:

Ken Gouldthorp, General Manager
Craig Winn, Solicitor
Stephen Beattie, Manager Development Services
Ian Curry, Manager Council and Committee Services
Josh Jongma, Governance Co-ordinator (Minutes)

Apologies:

Councillor Carr
Councillor Mutton

At the commencement of business 5.28pm those present were: The Mayor, and Councillors Baker, Brodie, Drummond, and Keen.

The meeting was opened by the Mayor.

2. Disclosures of Interest

There were no disclosures of interest.

3. Confirmation of Minutes

The Minutes of the previous meeting held on 8 March 2021, copies of which had been previously circulated, were taken as read and confirmed.

The Recommendation was moved by Councillor Brodie and seconded by Councillor Barbour.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 5 / 0

For: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Drummond and Councillor Baker
Against: Nil
Absent: Councillor Beregi, Councillor Carr, Councillor Barbour, Councillor Gunning and Councillor Mutton

Resolved to Recommend:

The Minutes of the previous meeting held on 8 March 2021, copies of which had been previously circulated, were taken as read and confirmed.

4. Committee Reports

4.1. Development Applications Received 1 April 2021 - 30 June 2021

AUTHOR: Stephen Beattie, Manager Development Services

This report provides a list of Development Applications received by Council between 1 April and 30 June 2021. Its purpose is to provide Councillors and other interested persons with an understanding of the application types received and processed by the Development Services Department.

During this period 146 applications of all types were received, of those, 110 applications have already been determined as of 28 September 2021. A total of 149 applications were determined in Q3 (Quarter 3) 2020/21 with a mean processing time of 64 days. This report is expanded in detail to earlier reports and provides a monthly break down of application types as well as additional commentary.

There are no financial implications associated with this report.

RECOMMENDATION:

1. THAT the Development Applications received 1 April - 30 June 2021 report be received.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 5 / 0

For: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Drummond and Councillor Baker
Against: Nil
Absent: Councillor Beregi, Councillor Carr, Councillor Barbour, Councillor Gunning and Councillor Mutton

Resolved to Recommend:

1. THAT the Development Applications received 1 April - 30 June 2021 report be received.

4.2. Variations to Development Standards - 2020/2021 Q4 Reporting Period

AUTHOR: Stephen Beattie, Manager Development Services

Planning Circular PS 18-003 sets out certain procedural and reporting requirements for the processing of CI4.6 and SEPP1 variations to development standards. This report addresses those requirements for Q4 2020/2021.

Any variation to a development standard of greater than 10% in assessing a development application must be reported to the North Sydney Local Planning Panel for determination. Variations under 10% can be decided 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:

1. 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.
2. 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.
3. 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.
4. 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.

Attached is the tabulated Development Standard variations approved for Quarter 4 (Q4) of the financial year 2020/21. Of 132 applications determined in the quarter, 11 variations in total are reported, 10 by the North Sydney Local Planning Panel, 1 by the Sydney North Planning Panel and 0 under delegated authority.

There are no financial implications associated with the report.

RECOMMENDATION:

1. THAT the Variations to Development Standards – 2020/21 Q4 Reporting Period report be received.

The Recommendation was moved by Councillor Brodie and seconded by Councillor Baker.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 5 / 0

For: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Drummond and Councillor Baker

Against: Nil

Absent: Councillor Beregi, Councillor Carr, Councillor Barbour, Councillor Gunning and Councillor Mutton

Resolved to Recommend:

1. THAT the Variations to Development Standards – 2020/21 Q4 Reporting Period report be received.

Closed Session

It was moved by Councillor Brodie and seconded by Councillor Drummond

1. THAT the meeting be closed to the public to discuss the following matters for the reasons identified:

Item 5.1: Current Appeals and Results - Oct 2021:

This report is confidential in accordance with Section 10A(2) of the Local Government Act and the Local Government (General) Regulation 2005 for the reason:

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

The Motion was put and **Carried**

Voting was as follows:

For/Against 4 / 1

For: Councillor Gibson, Councillor Keen, Councillor Brodie and Councillor Drummond

Against: Councillor Baker

Absent: Councillor Beregi, Councillor Carr, Councillor Barbour, Councillor Gunning and Councillor Mutton

The recording was paused at 6:38PM and the meeting continued in closed session.

Reopening of Meeting

The recording recommenced and the meeting resumed in public session at 6:57pm.

The General Manager read out the resolution of the committee in closed session as follows:

Item 5.1: Current Appeals and Results - October 2021

Resolved to Recommend:

1. THAT the Current Appeals and Results – October 2021 report be received.

2. THAT the report be treated as confidential and remain confidential until Council determines otherwise.

6. Closure

The Meeting concluded at 6.59pm.

