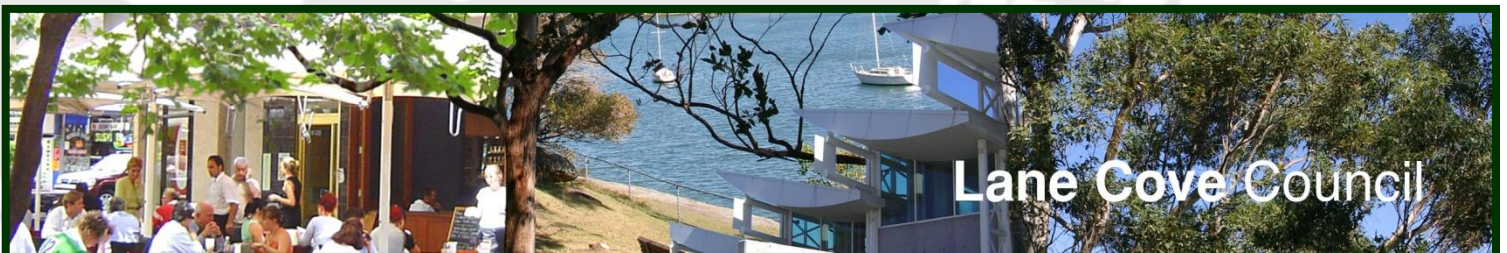


Minutes
Ordinary Council Meeting
19 May 2022, 7:00 PM

All minutes are subject to confirmation at a subsequent meeting and may be amended by resolution at that meeting.



**Ordinary Council 19 May 2022
MINUTES**

PRESENT: Councillor A. Zbik (Mayor), Councillor S. Bennison, Councillor D. Brooks-Horn, Councillor K. Bryla, Councillor R. Flood, Councillor B. Kennedy, Councillor K. Mort, Councillor D. Roenfeldt and Councillor M. Southwood.

ALSO PRESENT: General Manager, Executive Manager – Corporate Services, Executive Manager – Environmental Services, Executive Manager – Open Space & Urban Services, Executive Manager – Human Services and Minute Taker.

DECLARATIONS OF INTEREST:

Councillor Brooks-Horn declared a non-pecuniary conflict of interest that is significant in relation to Item 2 '*Sport and Recreation Facility Locations and Business Case Update*' as his good friend lives in close proximity to the proposed facility. He indicated he would vacate the meeting and not debate or vote on the item.

APOLOGIES

Nil

Councillor Kennedy requested that she virtually attend the meeting via Zoom due to exceptional circumstances.

93 RESOLVED on the motion of Brooks-Horn and Bennison that the request to virtually attend the meeting be granted.

For the Motion were Councillors Zbik, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Bennison, Brooks-Horn and Mort (Total 9).

Against the Motion was Nil (Total 0).

ACKNOWLEDGEMENT TO COUNTRY

The Mayor gave an acknowledgement of Country.

MINUTE OF SILENCE FOR RELECTION OR PRAYER

The Mayor gave notice of a minute of silence for reflection or prayer.

WEBCASTING OF COUNCIL MEETING

The Mayor advised those present that the Meeting was being webcast.

SUSPENSION OF STANDING ORDERS

94 RESOLVED on the motion of Councillors Bennison and Brooks-Horn that standing orders be suspended.

For the Motion were Councillors Zbik, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Bennison, Brooks-Horn and Mort (Total 9).

Against the Motion was Nil (Total 0).

The Mayor thanked previous Councillor Frances Vissel for her service to Council between 2017-2021 and presented her with a certificate for her service and a thank you memento.

RESUMPTION OF STANDING ORDERS

95 RESOLVED on the motion of Councillors Brooks-Horn and Mort that standing orders be resumed.

For the Motion were Councillors Zbik, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Bennison, Brooks-Horn and Mort (Total 9).

Against the Motion was Nil (Total 0).

PUBLIC FORUM

Online

1. *John Fegan of Northwood in relation to Agenda Item 2 'Sport and Recreation Facility Locations and Business Case Update';*
2. *Jacky Barker of Lane Cove in relation to Item 2 'Sport and Recreation Facility Locations and Business Case Update' and the Late Agenda Item 'Update on Long Term Lease of 266 Longueville Rd to Design, Construct and Operate a Seniors Living Village';*
3. *Stephen Curley of Northwood in relation to Agenda Item 2 'Sport and Recreation Facility Locations and Business Case Update'; and*
4. *Jennifer Schneller of Northwood in relation to Agenda Item 2 'Sport and Recreation Facility Locations and Business Case Update' and Late Agenda Item 'Update on Long Term Lease of 266 Longueville Rd to Design, Construct and Operate a Seniors Living Village'.*

In Person

1. *Cindy Brown of Neutral Bay in relation to Agenda Item 2 'Sport and Recreation Facility Locations and Business Case Update';*
2. *Shauna Forrest of Lane Cove in relation to Agenda Item 2 'Sport and Recreation Facility Locations and Business Case Update';*
3. *Frances Vissel of Lane Cove North in relation to Agenda Item 2 'Sport and Recreation Facility Locations and Business Case Update';*
4. *Catherine Briggs of Lane Cove in relation to Agenda Item 2 'Sport and Recreation Facility Locations and Business Case Update';*
5. *Lynne McLoughlin of Lane Cove in relation to Agenda Item 2 'Sport and Recreation Facility Locations and Business Case Update'; and*
6. *John Carfi on behalf of the applicant, in support of Agenda Item 3 'Planning Proposal No. 39. 448-456 Pacific Highway, St Leonards'.*

CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING - 19 APRIL 2022

96 **RESOLVED** on the motion of Councillors Flood and Bennison that the minutes of the Ordinary Council meeting held on the 19 April 2022 be received.

For the Motion were Councillors Zbik, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Bennison, Brooks-Horn and Mort (Total 9).

Against the Motion was Nil (Total 0).

97 **RESOLVED** on the motion of Councillors Bennison and Flood that the minutes of the Ordinary Council meeting held on the 19 April 2022 be confirmed.

For the Motion were Councillors Zbik, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Bennison, Brooks-Horn and Mort (Total 9).

Against the Motion was Nil (Total 0).

ORDERS OF THE DAY

Councillor Bennison advised Council that Tommaso Signorello, the recipient of the Lane Cove Council 2020 Young Achiever Award, will be competing at the 2022 Commonwealth Games for Fencing.

OFFICER REPORTS FOR DETERMINATION

Councillor David Brooks-Horn left the meeting, the time being 07:48 pm.

SPORT AND RECREATION FACILITY LOCATIONS AND BUSINESS CASE UPDATE

98 RESOLVED on the motion of Councillors Roenfeldt and Kennedy that:-

1. The report be received and noted;
2. All respondents to the survey be advised of the outcome of Council's consideration of the alternate options; and
3. Moving forward with the development of the design, Council undertake a process to try and achieve the equivalent of the Green Building Council of Australia's 6 star rating system and make that available to the public for review prior to submitting the DA.

For the Motion were Councillors Zbik, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Bennison and Mort (Total 8).

Against the Motion was Nil (Total 0).

Councillor David Brooks-Horn returned to the meeting, the time being 08:41 PM

PROCEDURAL MOTION

99 RESOLVED on the motion of Councillors Bennison and Roenfeldt that the Late Agenda Item 'Update on the Long Term Lease of 266 Longueville Rd to Design, Construct and Operate a Seniors Living Village' be considered as the next item of business.

For the Motion were Councillors Zbik, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Bennison, Brooks-Horn and Mort (Total 9).

Against the Motion was Nil (Total 0).

UPDATE ON THE LONG TERM LEASE OF 266 LONGUEVILLE RD TO DESIGN, CONSTRUCT AND OPERATE A SENIORS LIVING VILLAGE

100 RESOLVED on the motion of Councillors Zbik and Bennison that Council:-

1. Notes Australian Unity had the legal right to assign the lease;
2. Notes the assignment was executed on behalf of Council under the General Manager's delegation after Councillors were briefed on the matter; and
3. Receives the report.

For the Motion were Councillors Zbik, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Bennison, Brooks-Horn and Mort (Total 9).

Against the Motion was Nil (Total 0).

PLANNING PROPOSAL NO. 39 - 448 - 456 PACIFIC HIGHWAY, ST LEONARDS

101 RESOLVED on the motion of Councillors Flood and Southwood that having considered the advice of the Lane Cove Local Planning Panel meeting of 10 May 2022, Council rejects Planning Proposal No. 39 in full and as such not be forwarded to the Minister for a Gateway Determination, as it:-

A. Does not Pass the Strategic Merit Test

Reasons:

1. Is inconsistent with *A Metropolis of Three Cities*, which identifies the St Leonard's Strategic Centre as a major employment asset of the Eastern Economic Corridor for "attracting investment, business activity and jobs in strategic centres across Greater Sydney, increasing access to a wide range of jobs, goods and services close to people's homes and supporting the 30-minute city." (p 119)

2. Is inconsistent with the *North District Plan's* priorities or actions for the St Leonard's Commercial area, which identifies "*the importance of the precinct as a key employment centre in Greater Sydney*". Particularly as a health and education (employment) "*super precinct*".
3. Because of its low non-residential floor space ratios (across all options) it will not achieve the high jobs target set for St Leonard's area by both *A Metropolis of Three Cities* and *North District Plan*.

Under the 2036 Plan, this site would realise approximately 370 jobs, well above the 160 likely proposed, and an underachievement of the total employment potential of the strategic centre of St Leonard's Crows Nest.

4. Is inconsistent with the following aspects of the *St Leonard's/Crows Nest 2036 Plan*:-
 - a. Not addressing the vision of a 'tree-lined' Oxley Street;
 - b. Insufficient non-residential FSR is proposed (across all options) "*to meet the North District Plan high jobs target*" – a key action of the 2036 Plan;
 - c. Does not justify Height above 2036 Plan in Options B and C;
 - d. No justification for any additional floor space ratio/height for design excellence over and above what is stated in the 2036 Plan;
 - e. Does not "*encourage the renewal of St Leonards through the delivery of new A-grade commercial floor space*" (the 2036 Plan's primary rationale and action for rezoning from B3 Commercial Core to B4 Mixed Use);
 - f. An FSR at least 185% of that proposed in the 2036 Plan;
 - g. Does not clarify "best practice sustainability outcomes" as part of public benefits;
 - h. Proposes an imbalance of commercial and residential uses within St Leonards Core; and
 - i. Does not attempt to "limit the amount of car parking" expected of a TOD precinct.
5. Based on the above, the Planning Proposal is inconsistent with Section 9.1 Ministerial Direction 1.13 because it does not achieve (and undermines) the 2036 Plan's vision, objectives and actions and the inconsistencies (with the 2036 Plan) are not of minor significance.
6. Is inconsistent with the following aspects of Council's *Local Strategic Planning Statement*:-
 - a. *Planning Priority 5*: Plan for growth of housing that creates a diverse range of housing and encourages housing that is sustainable, liveable, accessible and affordable.
 - b. Principles for Location of Additional Housing.
 - c. *Planning Priority 7*: Council's long-term approach to St Leonards Strategic Centre is to leverage off the Crows Nest Metro Station to deliver additional employment capacity, achieving a balance of commercial and residential development in the St Leonards Strategic Centre. In particular, "*to manage the impact of residential development to not crowd out commercial activity*".
 - d. *Planning Priority 11*: The proposal does not address Council's priority to practise sustainable measures relating to water and energy use.
7. Is inconsistent with Council's adopted Local Housing Strategy which states that no

further rezonings are needed to achieve housing capacity over the next 20 years.

B. Does not comply with Section 3.33 of the Environmental Planning and Assessment Act

Reason:

This section of the Act deals with the preparation, explanation and justification of Planning Proposals – which requires Proposals to state whether they will give effect to both a Local Strategic Planning Statement and comply with the relevant directions under section 9.1.

Having considered the above, the Planning Proposal is inconsistent with Section 3.33 (2)(c) of the EP&A Act because the Planning Proposal will not “give effect to” Council’s Local Strategic Planning Statement and does not comply with the relevant Section 9.1 Ministerial Direction (i.e. Direction 1.13).

C. Does not pass the Site-specific Merit Test

Reasons:

8. It does not propose sufficient commercial floor space consistent with recent development approvals and leasing activity in this location;
9. traffic generation has not been assessed in any sufficient detail so far, so no Base A rate is established from which to make the conclusion that: "*such low traffic generations would not have noticeable effects on the operation of the surrounding road network*";
10. Suggests an exit onto Pacific Highway, a busy State road;
11. Has yet to demonstrate acceptable view impacts on adjacent development; and
12. Option C does not entirely minimise overshadowing of adjoining residential areas.

D. Insufficient information has been provided

- Needs to show how Oxley Street will be landscaped to become a ‘tree-lined green street’ as described in the 2036 Plan;
- More detail is needed on the public plaza and through-site link proposal, including canopy cover requirements;
- Parking and traffic impacts have not been adequately addressed in the current Traffic study;
- Further assessment is needed to show that view impacts on adjacent development are acceptable (Note – some view sharing is expected from residential use in a central business district, where residential use is ancillary to the commercial function of the precinct); and
- Public amenity issues such as solar access and wind comfort are yet to be addressed.

E. The Council notify the applicant of its decision in writing as soon as practicable.

F. The Council write to the Minister of Planning – Anthony Roberts MP and the NSW Member for North Shore – Felicity Wilson MP:-

- i. Advising the reasons why Council rejected Planning Proposal No. 39 (448-456 Pacific Highway, St Leonards);
- ii. Advising of the reasons why Council in March 2020 (resolution 39/2020) rejected Planning Proposal No. 31 (524-542 Pacific Highway, St Leonards); and
- iii. Requesting a review to reduce the height and FSR controls of the two above

mentioned sites in the St Leonards & Crows Nest 2036 Plan given Council's Local Housing Strategy has been adopted which states no further re-zonings are required in the Lane Cove LGA.

For the Motion were Councillors Zbik, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Bennison, Brooks-Horn and Mort (Total 9).

Against the Motion was Nil (Total 0).

DRAFT COMMUNITY DOG ADVISORY COMMITTEE CHARTER

102 RESOLVED on the motion of Councillors Bryla and Roenfeldt that Council:-

1. Adopt the Charter for the Dog Advisory Committee attached as **AT-1**;
2. Appoint Councillors Bryla and Southwood as the two Councillor Representatives on the Community Dog Advisory Committee with Councillors Brooks-Horn and Councillor Flood as alternate Councillor Representatives;
3. Authorise the Councillor representatives on the Community Dog Advisory Committee to arrange an alternate as required;
4. Call for expressions of interest for community representatives on the Community Dog Advisory Committee; and
5. Add to the committee's charter objectives that the committee promotes and complies with the Animal Companions Act 1998 and Councils policies with respect to dog ownership.

For the Motion were Councillors Zbik, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Bennison, Brooks-Horn and Mort (Total 9).

Against the Motion was Nil (Total 0).

SPORTING CLUB ADVISORY COMMITTEE

103 RESOLVED on the motion of Councillors Bennison and Brooks-Horn that Council:-

1. Adopt the Charter for the Sporting Club Advisory Committee included as **AT-1**;
2. Appoint Councillor Bennison as the Councillor representative on the Sporting Club Advisory Committee and Councillors Zbik and Brooks-Horn be alternate Councillor Representatives;
3. Authorise the Councillor representative on the Sporting Club Advisory Committee to arrange an alternate as required; and
4. Call for expressions of interest for community representatives on the Sporting Club Advisory Committee.

For the Motion were Councillors Zbik, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Bennison, Brooks-Horn and Mort (Total 9).

Against the Motion was Nil (Total 0).

SUBSEQUENT NOMINATIONS FOR COMMUNITY REPRESENTATIVES TO ADVISORY COMMITTEES

104 RESOLVED on the motion of Councillors Brooks-Horn and Bennison that:-

1. Council endorse the following additional nominations for Council's Advisory Committees:-
 - a) Balu Moothedath, Greeta Rani and Nicholas Carter be appointed as community representatives to the Age Friendly Advisory Committee;

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- b) Anthony Nolan be appointed as a community representative to the Lane Cove Access and Inclusion Committee;
- c) Don Murchinson be appointed as a community representative to the Lane Cove Bicycle Advisory Committee;
- d) Ruhi Payman and Greeta Rani be appointed as community representatives to the Lane Cove Festival Committee; and
- e) Anthony Nolan be appointed as a community representative to the Lane Cove Public Art Advisory Committee.

2. All nominees be advised of Council's decision.

For the Motion were Councillors Zbik, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Bennison, Brooks-Horn and Mort (Total 9).

Against the Motion was Nil (Total 0).

SUPERANNUATION CONTRIBUTION PAYMENTS FOR COUNCILLORS

105 RESOLVED on the motion of Councillors Bennison and Roenfeldt that Council commence superannuation contribution payments for Councillors from 1 July 2022 at the same rate required under the Commonwealth Superannuation Guarantee (Administration) Act 1992, pursuant to section 254B of the Local Government Act 1993.

For the Motion were Councillors Zbik, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Bennison, Brooks-Horn and Mort (Total 9).

Against the Motion was Nil (Total 0).

VILLAGE PUBLIC ART PROGRAM - BIRDWOOD LANE - COMMONWEALTH BANK BUILDING UPDATE

106 RESOLVED on the motion of Councillors Bennison and Southwood that Council receive and note the Report.

For the Motion were Councillors Zbik, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Bennison, Brooks-Horn and Mort (Total 9).

Against the Motion was Nil (Total 0).

THIRD QUARTER BUDGET REVIEW - 2021/22 BUDGET

107 RESOLVED on the motion of Councillors Bennison and Flood that the 2021/22 Budget be revised in accordance with the adjustments identified in the Third Quarter 2021/22 Budget Review, as follows:-

	Original Budget (000's)	Sept & Dec Quarter Adjustments (000's)	March Quarter Adjustments (000's)	Revised Budget (000's)
Expenditure - Operating	\$53,045	\$1,079	\$188	\$54,312
Income - Operating	\$53,185	(\$4)	(\$200)	\$52,981
Surplus/(Deficit) before Capital Grants & Contributions	\$140	(\$1,083)	(\$388)	(1,331)
Income - Capital	\$5,798	\$1,138	\$50	\$6,986

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Surplus/ (Deficit)	\$5,938	\$55	(\$338)	\$5,655
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For the Motion were Councillors Zbik, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Bennison, Brooks-Horn and Mort (Total 9).

Against the Motion was Nil (Total 0).

BLACKMAN PARK LIGHTING UPGRADE TENDER

108 RESOLVED on the motion of Councillors Bennison and Brooks-Horn that:-

1. Council accept the quote from Havencord Pty Ltd T/A Flood Lighting Australia for \$560,000; and
2. Authorise the General Manager to engage Havencord Pty Ltd T/A Flood Lighting Australia to undertake the Blackman Park Lighting Upgrade.

For the Motion were Councillors Zbik, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Bennison, Brooks-Horn and Mort (Total 9).

Against the Motion was Nil (Total 0).

OFFICER REPORTS FOR INFORMATION

THIRD QUARTER REVIEW OF THE 2021/22 DELIVERY PROGRAM AND OPERATIONAL PLAN

109 RESOLVED on the motion of Councillors Flood and Southwood that the Third Quarter Review of the 2021/22 Delivery Program and Operational Plan be received and noted.

For the Motion were Councillors Zbik, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Bennison, Brooks-Horn and Mort (Total 9).

Against the Motion was Nil (Total 0).

COUNCIL SNAPSHOT APRIL 2022

110 RESOLVED on the motion of Councillors Bennison and Roenfeldt that the report be received and noted.

For the Motion were Councillors Zbik, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Bennison, Brooks-Horn and Mort (Total 9).

Against the Motion was Nil (Total 0).

The meeting closed at 8:58pm.

Confirmed at the Ordinary Council Meeting of 23 June 2022, at which meeting the signature herein is subscribed.

MAYOR

***** END OF MINUTES *****