

Minutes
Ordinary Council Meeting
18 August 2022, 7:00 PM

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



Lane Cove Council

**Ordinary Council 18 August 2022
MINUTES**

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

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 Bennison declared a non-pecuniary conflict of interest that is non-significant in relation to Item 8 '*Representative Nominations For The Community Dog and Sporting Club Advisory Committees, And The Digital Transformation Reference Group*' as he previously had a working relationship with Daniel Strassberg, a previous Councillor of Lane Cove, who is nominated for the Community Dog Advisory Committee. Councillor Bennison advised he would debate and vote on the item.

Councillor Bennison declared a pecuniary conflict of interest in relation to Item 8 '*Representative Nominations For The Community Dog and Sporting Club Advisory Committees, And The Digital Transformation Reference Group*' as a client, who's name cannot be released for privacy reasons, is nominated for the Sporting Club Advisory Committee. Councillor Bennison indicated he would vacate the meeting and not debate or vote on the item.

Councillor Flood declared a non-pecuniary conflict of interest that is non-significant in relation to Item 8 '*Representative Nominations For The Community Dog and Sporting Club Advisory Committees, And The Digital Transformation Reference Group*' as she knows Alan King who is nominated for the Community Dog Advisory Committee and Madeleine Huston who is nominated for the Digital Transformation Reference Group. Councillor Flood indicated she would vacate the meeting and not debate or vote on the item.

Councillor Bryla declared a non-pecuniary conflict of interest that is non-significant in relation to Item 8 '*Representative Nominations For The Community Dog and Sporting Club Advisory Committees, And The Digital Transformation Reference Group*' as she knows Alan King who is nominated for the Community Dog Advisory Committee and Tanya Phillips who submitted their nomination for the Community Dog Advisory Committee but was not recommended for selection. Councillor Bryla indicated she would vacate the meeting and not debate or vote on the item.

Councillor Bryla declared a non-pecuniary conflict of interest that is non-significant in relation to Item 7 Y8 '*Traffic Committee - July 2022*' as her close friend lives on Dunois Street. Councillor Bryla indicated she would vacate the meeting and not debate or vote on the item.

Councillor Kennedy declared a non-pecuniary conflict of interest that is non-significant in relation to Item 8 '*Representative Nominations For The Community Dog and Sporting Club Advisory Committees, And The Digital Transformation Reference Group*' as she knows Madeline Huston who is nominated for the Digital Transformation Reference group, Alan King who is nominated for the Community Dog Advisory Committee and Jeannie Gee who submitted their nomination for the Community Dog Advisory Committee but was not recommended for selection. Councillor Kennedy indicated she would vacate the meeting and not debate or vote on the item.

Councillor Kennedy declared a non-pecuniary conflict of interest that is non-significant in relation to Item 4 '*Finalisation of the Sustainability Action Plan 2022-2025*', as she is a member of the Lane Cove Bushland Conservation Society. Councillor Kennedy advised she would debate and vote on the item.

Councillor Zbik declared a non-pecuniary conflict of interest that is non-significant in relation to Item 7 Y8 '*Traffic Committee - July 2022*' as he has a close personal relationship with a person

who provided feedback to the Committee on one of the matters. Councillor Zbik advised he would debate and vote on the item.

Councillor Zbik declared a pecuniary conflict of interest in relation to Item 8 '*Representative Nominations For The Community Dog and Sporting Club Advisory Committees, And The Digital Transformation Reference Group*' as a client, who's name cannot be released for privacy reasons, is nominated for the Community Dog Advisory Committee. Councillor Zbik indicated he would vacate the meeting and not debate or vote on the item.

Councillor Southwood declared a non-pecuniary conflict of interest that is non-significant in relation to Item 8 - *Representative Nominations For The Community Dog and Sporting Club Advisory Committees, and The Digital Transformation Reference Group* as she knows Dion Weston who is nominated for the Digital Transformation Reference Group. Councillor Southwood indicated she would vacate the meeting and not debate or vote on the item.

Councillor Southwood declared a non-pecuniary conflict of interest that is non-significant in relation to Item 3 '*Final Report - Provision of a Sport And Recreation Facility, Item 5 'DCP Amendment No 20 - Part Storeys - Post-Exhibition Report*' and Item 6 '*Community Consultation Review*' as she was president of the Greenwich Community Association. Councillor Southwood advised she would debate and vote on the item.

Councillor Brooks-Horn declared a non-pecuniary conflict of interest that is significant in relation to Item 3 '*Final Report - Provision of a Sport And Recreation Facility*' as his good friend lives in close proximity to the proposed facility. Councillor Brooks-Horn indicated he would vacate the meeting and not debate or vote on the item.

Councillor Brooks-Horn declared a non-pecuniary conflict of interest that is significant in relation to Item 7 5.3 '*Traffic Committee - July 2022*' as his friend lives in close proximity to the bus stop. Councillor Brooks-Horn indicated he would vacate the meeting and not debate or vote on the item.

The Mayor advised that Councillor Brooks-Horn has requested to attend the meeting via audio visual link due to exceptional circumstances.

153 RESOLVED on the motion of Councillors Roenfeldt and Kennedy that the request to virtually attend the meeting be granted.

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

Against the Motion was Nil (Total 0).

ACKNOWLEDGEMENT OF COUNTRY

The Mayor gave an acknowledgement of Country.

MINUTE OF SILENCE FOR REFLECTION 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.

PUBLIC FORUM

Online

1. *Simon Kennedy of Lane Cove in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility'; and*

**Ordinary Council 18 August 2022
MINUTES**

2. *Louise Wong of Linley Point in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility'.*

In Person

3. *Damian Beasley of Riverview in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility';*
4. *Margaret Curley of Lane Cove in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility';*
5. *Jacky Barker of Lane Cove in relation to Agenda Item 8 'Representation nominations for the Community dog and Sporting Club Advisory Committees and the Digital Transformation Group' and in relation to Traffic Issues raised at Lane Cove Traffic Forum, Lane Cove Rotary, Fair, Sustainability Lane Cove and Lane Cove Events;*
6. *Murtaza Rangwala of Lane Cove in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility', Agenda Item 4 'Finalisation of the Sustainability Action Plan 2022-2025' and Agenda Item 6 'Community Consultation Review';*
7. *Shauna Forrest of Longueville in relation to Agenda Item 3 'Final Report – Provision of a Sport and Recreation Facility' and Agenda Item 6 'Community Consultation Review';*
8. *Neil Cooper of Linley Point in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility';*
9. *Benjamin Knight of Lane Cove in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility';*
10. *John Southwood of Greenwich in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility';*
11. *William Burton of Lane Cove in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility';*
12. *Anthony James of in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility';*
13. *Tom Lawson of Greenwich in relation to Agenda Item 2 'General Manager Review Committee' and Item 3 'Final Report - Provision of a Sport and Recreation Facility';*
14. *Frances Vissel of Lane Cove in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility';*
15. *Peter Staveley of Lane Cove in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility';*
16. *Maria Nordstrom, CEO of Basketball NSW in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility';*
17. *Brendan Hood, Lane Cove Netball Club, in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility'; and*
18. *Caleb Taylor - in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility'.*

Written Submissions

Eleven (11) written submissions were received, those being from:-

1. *Jonathan Gray of Lane Cove, in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility';*

**Ordinary Council 18 August 2022
MINUTES**

2. *Lynn McLoughlin of Lane Cove, Agenda Item 4 'Finalisation of the Sustainability Action Plan 2022-2025' and Agenda Item 6 'Community Consultation Review',*
3. *Geoff Grinter of Longueville in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility';*
4. *Pam Grinter of Longueville in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility';*
5. *Adrienne Cahalan of Lane Cove and SOS Lane Cove in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility';*
6. *Liz Powter of Lane Cove in relation to Agenda Item 3, Final Report - Provision of a Sport and Recreation Facility';*
7. *Joyce van Akkeren of Lane Cove in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility';*
8. *Richard Kelly of Greenwich in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility';*
9. *Hilma A. Else of Greenwich in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility';*
10. *Peter Merry of Epping in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility'; and*
11. *Susan O'Neill of North Lane Cove in relation to Agenda Item 3 'Final Report - Provision of a Sport and Recreation Facility'.*

CONFIRMATION OF MINUTES OF ORDINARY COUNCIL - 21 JULY 2022

154 RESOLVED on the motion of Councillors Kennedy and Bennison that that the minutes of the Ordinary Council meeting held on the 21 July 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).

155 RESOLVED on the motion of Councillors Bennison and Brooks-Horn that the minutes of the Ordinary Council meeting held on the 21 July 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

Nil

MAYORAL MINUTES

MAYORAL MINUTE - SECTION 7.11 WORKS SCHEDULE

156 RESOLVED on the motion of Councillors Zbik that Council:-

1. Conduct a review of the existing Section 7.11 works schedule;
2. Consider the addition of the below projects to the works schedule;
 - a. Contribution towards a Performing Arts Facility;

- b. Contribution towards the Lane Cove Bicycle Plan; and
 - c. Contribution towards the Pedestrian Access and Mobility Plan.
3. Schedule a workshop with Councillors to discuss the operation of the works schedule and to consider other amendments to the works schedule; and
 4. Prepare a report for consideration at a future Ordinary Council Meeting with a revised draft work schedule for consideration prior to public exhibition.

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).

PROCEDURAL MOTION

157 RESOLVED on the motion of Councillors Bennison and Roenfeldt that Item 3 '*Final Report - Provision of a Sport And Recreation Facility*' be brought forward and dealt with as the next item.

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 DETERMINATION

Councillor David Brooks-Horn left the meeting, the time being 8:17PM.

FINAL REPORT - PROVISION OF A SPORT AND RECREATION FACILITY MOTION

A Motion was moved by Councillors Bennison and Mort that Council:-

1. Adopt the concept design for a nine court facility the provision of a Sport and Recreation Facility at the 180 River Road, Northwood location;
2. Prepare a revised Development Application based on the updated concept design of a 9 Court Facility as prepared by Allen Jack and Cottier;
3. Prior to lodgment of a Development Application, Council:-
 - a. Undertake a further round of consultation in relation to the concept design to 'fine tune' the design as outlined in the report; and
 - b. Receive a report on the results of the consultation to the October 2022 meeting to finalise the design and authorise submission of the Development Application.
4. Adopt the funding strategy outlined in the report for the project and the revised Long Term Financial Plan attached to the report for the purposes of exhibition and proceed with community consultation on the revised Long Term Financial Plan as outlined in the report;
5. Council determine a minimum of 4 stars Level of Sustainability / Greenstar Rating and aspirational level and the determined level be stated in the Development Application;
6. The future construction procurement strategy obtain pricing for both Option 1, a five Indoor / four outdoor courts facility and Option 2, a four indoor / 4 outdoor court facility, as amended;

7. Adopt the Business Case for the project, subject to it being updated to reflect the change in Project Costs and the reduction in Debt funding;
8. Council lodge an application under the NSW Government's Multi-Sport Community Facility Fund for \$5M funding towards the project;
9. Council lodge a Capital Expenditure Review with the Office of Local Government for the project; and
10. Delegate authority to the General Manager to enter into a fixed loan agreement for \$10 million over 10 years with TCorp utilising the NSW Department of Planning, Industry and Environment interest rate subsidy under the Low-Cost Loans Initiative.

FORESHADOWED MOTION 1

A Foreshadowed Motion was moved by Councillors Flood and Southwood that Council:-

1. Proceeds with option 3c for an indoor Sport and Recreation facility at Lane Cove West, with upgrades to provide multi-purpose outdoor courts on the site of the current tennis facilities on River Road. Upgrades to the existing golf clubhouse can be considered under a second phase of this program;
2. Notes that a site has been identified at LCW with a structure that appears to be appropriate for refit as an indoor basketball centre;
3. Delegates authority to the General Manager to undertake further due diligence on this site and on any other site in the Lane Cove LGA that may be suitable for use or adaptation to an indoor basketball centre to negotiate to obtain a firm price in respect of the identified property, and prior to acceptance report back to Council;
4. Commence a consultation with stakeholders at the Lane Cove Golf Course site for the development of a plan for the site to accommodate both outdoor multi-purpose courts and an upgraded Golf Course Clubhouse concept (noting that clubhouse upgrades may occur at a later date);
5. Call tenders for consultants for design of the facilities; and
6. Develop a funding strategy for phase one and two of option 3c – with the first phase including the upgrades to the multi-purpose courts on River Road and the development of an indoor sport and recreation facility at Lane Cove West, and phase two including upgrades to the golf clubhouse.

FORESHADOWED MOTION 2

A further Foreshadowed Motion was moved by Councillors Bryla and Kennedy that Council:-

1.
 - a. Resolves to progress the design and construction of a Sports and Recreation Facility of a maximum of 8 courts (4 indoor and 4 multi-purpose outdoor) (8 Court concept) on the golf course site at 180 River Road, Lane Cove; and
 - b. Seeks to expedite the procurement of information required to assist it in the consideration of a concept plan for the 8 Court Concept.
2. Proceeds with concept planning and design to achieve a total project budget of up to \$75 million and by so doing:-
 - a. Instructs Allen Jack and Cottier (existing Architect for the project) to develop a concept plan for 4 indoor and 4 outdoor multipurpose courts (8 Court Concept Plan), in doing so to investigate opportunities to reduce the overall footprint of the building on the site further;
 - b. Procures a revised business model from Xypher Sport and Leisure to reflect an 8 court and a 7 court concept (if necessary at the tender phase);
 - c. Engages Steensen Varming (currently the Sustainability Consultant on the

**Ordinary Council 18 August 2022
MINUTES**

- project) to prepare target goals to reach the equivalent of the Green Building Council of Australia (GBCA) 5 Star Rating; and
- d. Procures a report on indicative cost of an 8 and 7 court concept by Mitchell Brandtman or other quantity surveyor appointed by Council for this purpose.
3. Reviews, in the September Council meeting, or an Extraordinary Meeting convened for this purpose, the 8 Court Concept Plan and the information detailed in 2a.,2c.,2d. above, and the information in 2b. be circulated to Councillors for information.
 4. In the event that it resolves to proceed with the 8 Court Concept Plan to the Development Application (D.A.) stage:-
 - a. Exhibits for community consultation, for a period of 28 days, the 8 Court Concept Plan together with the documents listed in 2 above and other information that may inform the community as to the scope, projected cost and funding sources for the project; and
 - b. Conducts a community workshop at the golf course site no later than one week before the date close of submissions to seek community input into preferred design features.
 5. During the consultation period:-
 - a. Procures a peer review of the revised business case detailed in 2b. for the information of Council and Community;
 - b. Conducts a workshop for Councillors to agree targets to reach the equivalent of the Green Building Council of Australia (GBCA) 5 Star Rating, and resolves to incorporate into the design of a development application for the Sports and Recreation Facility if it proceeds; and
 - c. Procures from Mitchell Brandtman or other quantity surveyor appointed by Council for this purpose an update of the report in 2d. above.
 6. Upon the conclusion of the community consultation, reviews at a Council Meeting the:-
 - a. Report on the outcomes of the community consultation process; and
 - b. Information detailed in 5 above and other information required to determine if it will proceed to engage a design team to develop the documents required to support a Development Application for the 8 court facility and to achieve the finalised 5 star Green Star targets determined in 2c. above and to incorporate design features outlined in the community consultation process (8 Court DA).
 7. Reviews at a Council Meeting, and if approved, authorise the submission of the 8 Court Development Application to the Sydney North Planning Panel.
 8. During the assessment of the 8 court DA, prepares design documentation, tender specifications and a draft contract.
 9. Approves at a Council meeting, the release of tender and RFQ documentation for the 8 court project.
 10. Reviews in a Council meeting, the evaluation of tenders (including all supporting documentation) and, if so resolved, approve the award of a tender for the construction of the 8 court project.
 11. Adopts the funding strategy outlined in the report for the project and the revised Long Term Financial Plan attached to the report for the purposes of exhibition and proceed with community consultation on the revised Long Term Financial Plan as outlined in the report.
 12. Lodges a Capital Expenditure Review for the project with the Office of Local Government.
 13. Delegates authority to the General Manager to enter into a fixed loan agreement for

**Ordinary Council 18 August 2022
MINUTES**

\$10 million over 10 years with TCorp utilising the NSW Department of Planning, Industry and Environment interest rate subsidy under the Low-Cost Loans Initiative.

14. Lodge an application under the NSW Government's Multi-Sport Community Facility Fund for \$5M funding towards the project;
15. Acknowledges that the development of the Sports and Recreation Facility will necessitate changes in access of some stakeholders to facilities at the golf course site to the level they currently enjoy.
16. Will, in the event that it proceeds with the proposed project, ensure the operation of the facility will provide all stakeholders with balanced access to the sporting facilities.
17. Continue to seek to locate alternative netball and tennis sporting facilities and improve existing facilities for these sports within Lane Cove to supplement the facilities to be provided in the Sports and Recreation Facility.

The Motion was put to the meeting and was declared lost.

For the Motion were Councillors Roenfeldt, Bennison, Zbik and Mort (Total 4).

Against the Motion were Councillors Southwood, Kennedy, Flood and Bryla (Total 4).

The voting being equal, the Mayor declined to exercise a casting vote and the motion was lost.

Foreshadow Motion 1 became the motion, was put to the meeting and was declared lost.

For the Motion were Councillors Southwood, Kennedy and Flood (Total 3).

Against the Motion were Councillors Zbik, Roenfeldt, Bennison and Mort (Total 4).

Abstained from the voting on the Motion was Councillor Bryla (Total 1).

158 Foreshadowed Motion 2 became the motion and upon being put to the meeting was declared carried.

For the Motion were Councillors Zbik, Southwood, Roenfeldt, Kennedy, Bryla, Bennison and Mort (Total 7).

Against the Motion was Nil (Total 0).

Abstained from the Motion was Councillor Flood (Total 1).

ADJOURNMENT

159 **RESOLVED** on the motion of Councillors Flood and Zbik that the meeting be adjourned until 10:55pm.

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

Against the Motion was Nil (Total 0).

The Meeting adjourned at 10.44pm and resumed at 10.55pm.

MATTER ARISING - VOTE OF THANKS TO STAFF

160 **RESOLVED** on the motion of Councillors Zbik and Bennison that Council thank the staff for all their efforts and hard working on the Sport & Recreation Precinct.

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

Against the Motion was Nil (Total 0).

MATTER ARISING - CANCELLATION OF FUTURE INFRASTRUCTURE FUND RESERVE

161 RESOLVED on the motion of Councillors Zbik and Roenfeldt that Council:-

1. Notes the Council Officers comments in the report regarding resolution 161/2021 that “At the time this motion was passed, Council has approved a \$20M loan as part of funding for the project. Given recent construction cost escalation and a reduction in Council’s proposed borrowing for the project (discussed later in the report) it will not be possible to proceed with a ‘Future Infrastructure Fund Reserve’ if the Sport and Recreation Facility proceeds”.; and
2. Affirms that it will not be proceeding any further with the creation of a “Future Infrastructure Fund Reserve”.

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 10:57PM

PROCEDURAL MOTION

162 RESOLVED on the Motion of Councillors Zbik and Roenfeldt that the meeting be extended until midnight.

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).

NOTICE OF MOTION - GENERAL MANAGER REVIEW COMMITTEE

MOTION

A motion was moved by Councillors Flood and Kennedy that Council nominates and approves all sitting councillors to be members of the GM review committee.

The motion was put to the meeting and was declared lost

For the Motion were Councillors Southwood, Kennedy, Flood and Bryla (Total 4).

Against the Motion were Councillors Zbik, Roenfeldt, Bennison, Brooks-Horn and Mort (Total 5).

Councillor David Brooks-Horn left the meeting, the time being 11:02 PM

FINALISATION OF THE SUSTAINABILITY ACTION PLAN 2022-2025

163 RESOLVED on the motion of Councillors Kennedy and Bryla that Council delay acceptance of the final Draft Sustainability Action Plan 2022- 2025 until the September Council meeting.

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

Against the Motion was Nil (Total 0).

DCP AMENDMENT NO 20 - PART STOREYS - POST-EXHIBITION REPORT

164 RESOLVED on the motion of Councillors Southwood and Roenfeldt that Council:-

1. proceed with the proposed DCP Amendment No 20 in relation to Part Storeys as detailed in AT-1 in Item 8 in the Council Agenda for the meeting of 23 June 2022, subject to the following amendments:-

**Ordinary Council 18 August 2022
MINUTES**

- a. Replace the proposed amendments to the Provision for Control 7 Height in Storeys with the words “*A part storey will not count as a storey*” and not proceed to limit the maximum number of part storeys, the Provision to read as follows:-
 - Height of development in number of Storeys shall be as per Figure 10.
 - A part storey will not count as a storey
 - b. Delete from Notes/Location for Control 7 Height in Storeys the proposed amendment “*useful residential floorplates*” + *maximum 50% of the building footprint*
 - c. Add the following definition to the Dictionary section of the DCP
“part storey means a storey where the floor level is partly more than 1 metre below ground level (existing) and where 50% or more of the space within the storey is used as non-habitable space (such as for car parking, vehicular access, plant rooms, mechanical services, loading areas, waste storage or the like) that is ancillary to the main purpose for which the building is used.”
 - d. Include a new Section A.1.6A as follows;
The provisions of this DCP as amended by Lane Cove Development Control Plan 2009 (Amendment No. 20) apply to development applications made both before and after Lane Cove Development Control Plan 2009 (Amendment No. 20) came into effect, despite any other provision of this DCP.”
2. a. For the purposes of strengthening the setback controls along the East West link in the St Leonards South Precinct as set out in Locality 8 Part C Residential Localities of the DCP, publicly exhibit for 28 days in accordance with Council’s Community Participation Plan 2019 the following draft amendments to the controls for Building Setback F:-
 - i. Provision - to replace current words with “*6m at level 1 to level 4 and 9m at level 5 and above*”; and
 - ii. Notes/Location - to replace current words with “*To pathway reservation as shown in Figure 5(b) for Areas 5, 6, 7, 8, 14, 15, 16 and 17*”
 - iii. include a new Section A.1.6B as follows;
The provisions of this DCP as amended by Lane Cove Development Control Plan 2009 (Amendment No. 21) apply to development applications made both before and after Lane Cove Development Control Plan 2009 (Amendment No. 21) came into effect, despite any other provision of this DCP.”
 - b. submit the amendments detailed in (1) above to the Design Review Panel before community consultation and publish the advice of the Design Review Panel in the Have you say notification of the proposed DCP amendments.
3. Seek expedition of the DCP amendments detailed in 1 and 2 above, by the Minister of the definition of Lane Cove Development Control Plan in Clause 7.6(5) of the Lane Cove Local Environmental Plan 2009 to include the amendments to the DCP pursuant to 1 and 2 above.

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

Against the Motion was Nil (Total 0).

PROCEDURAL MOTION

165 RESOLVED on the motion of Councillors Zbik and Roenfeldt that the following agenda items be brought forward for consideration at this time and they be dealt with by exception, per Clause 13 of the Code of Meeting Practice:-

- 6. Community Consultation Review;
- 9. Fourth Quarter Review - Delivery Program and Operational Plan 2021 – 22;
- 10. Annual Financial Statements For 2021/22 - Referral for Audit;
- 11. Council Events Success; and
- 12. Council Snapshot July 2022.

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

Against the Motion was Nil (Total 0).

The Mayor confirmed that Councillors raised no objection to dealing with the matters by exception as they did not intend to vote against the recommendation made in the business paper or wished to speak on the item.

PROCEDURAL MOTION

166 RESOLVED on the motion of Councillors Zbik and Bryla that the recommendations in the reports for the following items be adopted:-

- 6. Community Consultation Review;
- 9. Fourth Quarter Review - Delivery Program and Operational Plan 2021 – 22;
- 10. Annual Financial Statements For 2021/22 - Referral for Audit;
- 11. Council Events Success; and
- 12. Council Snapshot July 2022.

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

Against the Motion was Nil (Total 0).

TRAFFIC COMMITTEE - JULY 2022

167 RESOLVED on the motion of Councillors Zbik and Bryla that Council adopt the recommendations of the Lane Cove Traffic Committee Meeting held on Tuesday, 19 July 2022 excluding item Y8 in the deferred items.

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

Against the Motion was Nil (Total 0).

The Mayor, Councillor Zbik vacated the Chair at 11:25pm. The Deputy Mayor, Councillor Kennedy assumed the Chair.

Councillor Bryla left the meeting, the time being 11:25 PM.

TRAFFIC COMMITTEE - JULY 2022

168 RESOLVED on the motion of Councillors Flood and Mort that in relation to Item Y8 Council:-

1. Install 20m of 'No Stopping' around the bend on Mindarie Street; and
2. Install approximately 50m of 'No Parking' on one side of Mindarie Street, south of Mowbray Road to the bend in Mindarie Street.

For the Motion were Councillors Southwood, Roenfeldt, Kennedy, Flood, Bennison and Mort (Total 6).

Against the Motion was Nil (Total 0).

The Mayor, Councillor Zbik returned to the meeting and resumed the Chair at 11:29PM.

Councillor Bryla returned to the meeting, the time being 11:29 PM.

PROCEDURAL MOTION

169 RESOLVED on the of Councillors Zbik and Kennedy that the parts of the recommendation in the report be voted on Ad Seriatim.

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

Against the Motion was Nil (Total 0).

Councillor Bryla left the meeting, the time being 11:31 PM.

Councillor Bennison left the meeting, the time being 11:31 PM.

REPRESENTATIVE NOMINATIONS FOR THE COMMUNITY DOG AND SPORTING CLUB ADVISORY COMMITTEES, AND THE DIGITAL TRANSFORMATION REFERENCE GROUP

170 RESOLVED on the motion of Councillors Bennison and Roenfeldt that Council endorse the following nominations for Sporting Club Advisory Committee:-

- Amanda Burian – St Michaels Netball Club
- Peter Luke – Lane Cove Football Club
- Lara Wehby – Lane Cove Public School
- Scott Martin – Lane Cove Rangers
- Karmen Karamanian – Lane Cove Netball
- Jonathan Hughes – St Michaels FC
- Jenni Priestly – St Michaels Basketball
- Adam Cloughton – Northern Suburbs Football Association
- Matthew Smith – Norths Cricket
- Scott Hinton – North Shore Junior Cricket
- Graeme Priddy – Lane Cove Senior Rugby Union
- Sally Tremlett – Lane Cove Junior Rugby Union
- Mark Quealey – Lane Cove Tigers
- Brendan Hood – Lane Cove Cricket Club
- Daniel Hynes – Lane Cove Cats

For the Motion were Councillors Zbik, Southwood, Roenfeldt, Kennedy, Flood, and Mort (Total 6).

Against the Motion was Nil (Total 0).

Councillor Kennedy left the meeting, the time being 11:33 PM.

Councillor Southwood left the meeting, the time being 11:33 PM.

**Ordinary Council 18 August 2022
MINUTES**

Councillor Flood left the meeting, the time being 11:33 PM.

Councillor Bryla returned to the meeting, the time being 11:33 PM.

Councillor Bennison returned to the meeting, the time being 11:33 PM.

171 **RESOLVED** on the motion of Councillors Mort and Bennison that Council endorse the following nominations for Council's Digital Transformation Reference Group:

- Greg Spencer
- Dion Weston
- Glen Burns
- Leisa Wahlin
- Madeleine Huston

For the Motion were Councillors Zbik, Roenfeldt, Bryla, Bennison and Mort (Total 5).

Against the Motion was Nil (Total 0).

Councillor Merri Southwood returned to the meeting, the time being 11:35 PM.

Councillor Bridget Kennedy returned to the meeting, the time being 11:35 PM.

Councillor Rochelle Flood returned to the meeting, the time being 11:35 PM.

It was noted Councillors Bryla, Flood, Kennedy and Zbik had declared a Conflict of Interest in the Community Dog Advisory Committee nominations and therefore a quorum would not be present to consider the matter.

PROCEDURAL MOTION

172 **RESOLVED** on the motion of Councillors Zbik and Bennison that due to lack of quorum the endorsement of nominations for the Community Dog Advisory Committee be deferred to the September Council meeting.

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

Against the Motion was Nil (Total 0).

CONFIDENTIAL ITEMS

Pursuant to section 10A(4), the public were invited to make representations to the council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed to consider:

OFFICER REPORT FOR DETERMINATION NO. 84

SUBJECT: FURTHER REPORT - IDENTIFICATION, PRESERVATION AND ACKNOWLEDGEMENT OF HERITAGE ITEMS - MANNS POINT, GREENWICH POINT WHARF AND ENVIRONS

It is recommended that the Council close so much of the meeting to the public as provided for under Section 10A(2) (h) of the Local Government Act, 1993, on the grounds that the report contains information concerning the nature and location of a place or an item of Aboriginal significance on community land; it further being considered that discussion of the matter in open meeting would be, on balance, contrary to public interest by reason of the foregoing.

No members of the public made representations.

CLOSED COMMITTEE

173 RESOLVED on the motion of Councillors Bennison and Roenfeldt that:-

1. Resolve into Closed Committee to consider the business identified above.
2. Pursuant to section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

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

Against the Motion was Nil (Total 0).

Closed Committee commenced at 11:45pm. The public and media left the chamber.

Open Council resumed at 11:50pm. The public and media were invited into the chamber.

CONFIDENTIAL ITEM

FURTHER REPORT - IDENTIFICATION, PRESERVATION AND ACKNOWLEDGEMENT OF HERITAGE ITEMS - MANNS POINT, GREENWICH POINT WHARF AND ENVIRONS

It is recommended that the Council close so much of the meeting to the public as provided for under Section 10A(2) (h) of the Local Government Act, 1993, on the grounds that the report contains information concerning the nature and location of a place or an item of Aboriginal significance on community land; it further being considered that discussion of the matter in open meeting would be, on balance, contrary to public interest by reason of the foregoing.

The General Manger read the recommendations of the Item/s considered in Closed Committee prior to Council's consideration.

174 RESOLVED on the motion of Councillors Roenfeldt and Flood that Council:-

1. Notes that all of Council's heritage items, archaeological sites and conservation areas were identified through the large studies undertaken as part of the comprehensive LEP phase from 2007-2010; and
2. No further action is warranted at this time.

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

Against the Motion was Nil (Total 0).

The meeting closed at 11:59pm.

Confirmed at the Ordinary Council Meeting of 22 September 2022, at which meeting the signature herein is subscribed.

MAYOR

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