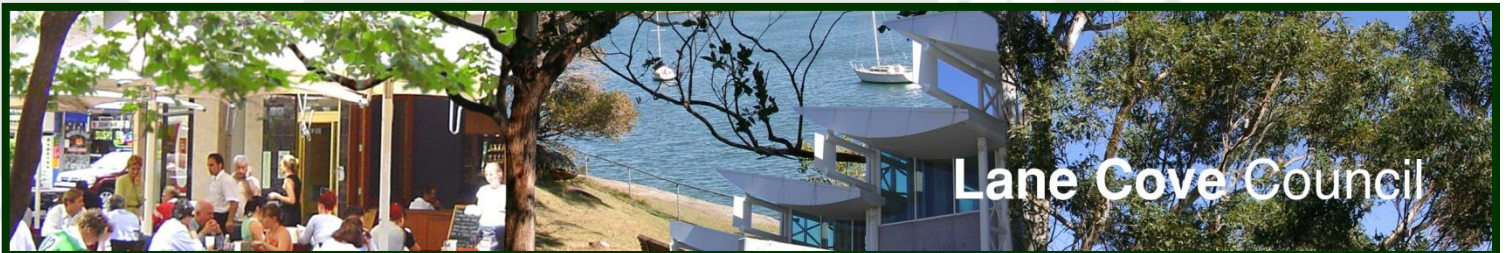


# Minutes Ordinary Council Meeting 19 April 2021, 7:00pm

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



**Ordinary Council 19 April 2021  
MINUTES**

**PRESENT:** Councillor P. Palmer (Chair), Councillor S. Bennison, Councillor D. Brooks-Horn, Councillor K. Morris, Councillor D. Strassberg Councillor F. Vissel and Councillor A. Zbik.

**ALSO PRESENT:** General Manager, Executive Manager – Corporate Services, Executive Manager – Environmental Services, Executive Manager – Open Space & Urban Services, Executive Manager – Human Services, Coordinator – Strategic Planning, Director Major Projects, Executive Officer to the GM.

**DECLARATIONS OF INTEREST:**

Councillor Brooks-Horn declared:-

- A non-pecuniary conflict of interest that is significant in relation to *“Financial Assistance Grants to Community Groups: 2020/2021”* as he is on the Board of Sydney Community Services and Pottery Gardens Retirement Units. He indicated he would vacate the meeting and not vote or debate on the item.
- A non-pecuniary conflict of interest that is non-significant in relation to *“Financial Assistance Grants to Community Groups: 2020/2021”* as he is Member of the Longueville Sporting Club. He advised he would debate and vote on the item.
- A non-pecuniary conflict of interest that is significant in relation to *“Submission Of A Development Application for the Lane Cove Indoor Sport and Recreation Facility”* as a close friend lives in close proximity to the proposed facility. He indicated he would vacate the meeting and not vote or debate on the item.

Councillor Bennison declared a non-significant conflict of interest in relation item *“Financial Assistance Grants to Community Groups 2020/2021”* as a Councillor representative of Centrehouse Inc, auditor of Longueville Sporting Club and board member on Pottery Gardens Retirement Units. He indicated he would vacate the meeting and not vote or debate on the item.

Councillor Brent declared a non-pecuniary conflict of interest that is significant in relation to *“Financial Assistance Grants to Community Groups: 2020/ 2021”* as she is President of Centrehouse Inc. She indicated he would vacate the meeting and not vote or debate on the item.

Councillor Palmer declared a non-pecuniary conflict of interest that is not significant in relation to *“Financial Assistance Grants to Community Groups: 2021/2021”* as her husband is on the Greenwich Sailing Club Committee. She indicated she would vacate the meeting and not vote or debate on the item.

Councillor Zbik declared a non-pecuniary conflict of interest that is not significant in relation to *“Financial Assistance Grants to Community Groups: 2020/2021”* as he is a member of North Shore Rowing, has a child attending Birralee Kindergarten and a child involved with Lane Cove Football Club. He advised he would debate and vote on the item.

**OPENING OF MEETING WITH PRAYER**

The meeting was opened with a prayer by the General Manager

**ACKNOWLEDGEMENT OF COUNTRY**

The Mayor gave an acknowledgement of Country.

**WEBCASTING OF COUNCIL MEETING**

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

## **SUSPENSION OF STANDING ORDERS**

- 41** **RESOLVED** on the motion of Councillors Brooks-Horn and Brent that Standing Orders be suspended and that members of the public who wish to address Council be allowed to do so for a maximum of three minutes.

For the Motion were Councillors Palmer, Strassberg, Bennison, Brent, Brooks-Horn, Vissel, Zbik and Morris (Total 8).

Against the Motion was Nil (Total 0).

## **PUBLIC FORUM**

Helen Simpson of Lane Cove regarding the Indoor Sport and Recreation Facility;

Susan Ingham of Longueville regarding the State Government's proposed changes to Clause 4.6 variations;

Ray Ross of Northwood regarding Council litigation fees for 8 Bayview Street Northwood;

Deb Hirst of St Leonards on St Leonards South;

Jennifer Schneller Indoor Sport and Recreation Facility; and

Shauna Forrest Indoor Sport and Recreation Facility and the Notice of Motion regarding options to reduce Light Spill.

### *Written Submissions*

Susan Ingham of Longueville regarding the State Government's proposed changes to Clause 4.6 variations;

Chris Bilsland of Lane Cove regarding the Indoor Sport and Recreation Facility;

Lynne McLoughlin of Lane Cove regarding the Notice of Motion regarding options to reduce Light Spill and the Indoor Sport and Recreation Facility;

Pamela Grinter of Longueville regarding the Indoor Sport and Recreation Facility;

Jan Dark of Lane Cove regarding the Indoor Sport and Recreation Facility;

Shauna Forrest President, on behalf of the Lane Cove Bushland & Conservation Society regarding the Indoor Sport and Recreation Facility;

Susan O'Niell of Lane Cove North regarding the Indoor Sport and Recreation Facility; and

Margaret Clinch of Lane Cove regarding the Indoor Sport and Recreation Facility.

## **RESUMPTION OF STANDING ORDERS**

- 42** **RESOLVED** on the motion of Councillors Strassberg and Brooks-Horn that Standing Orders be resumed.

For the Motion were Councillors Palmer, Strassberg, Bennison, Brent, Brooks-Horn, Vissel, Zbik and Morris (Total 8).

Against the Motion was Nil (Total 0).

## **CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING - 15 MARCH 2021**

- 43** **RESOLVED** on the motion of Brooks-Horn and Strassberg that the minutes of the Ordinary Council meeting held on the 15 March 2021 be received.

For the Motion were Councillors Palmer, Strassberg, Bennison, Brent, Brooks-Horn, Vissel, Zbik and Morris (Total 8).

Against the Motion was Nil (Total 0).

- 44** **RESOLVED** on the motion of Brent and Zbik that the minutes of the Ordinary Council meeting held on the 15 March 2021 be confirmed.

For the Motion were Councillors Palmer, Strassberg, Bennison, Brent, Brooks-Horn, Vissel, Zbik and Morris (Total 8).

Against the Motion was Nil (Total 0).

## **MAYORAL MINUTES**

### **MAYORAL MINUTE – ST LEONARDS OVER RAIL PLAZA**

- 45** **RESOLVED** on the motion of Councillor Palmer that:-

1. The Mayoral Minute be received and noted; and
2. Council write and thank The Hon. Andrew Constance, MP, Minister for Transport and Roads for his ongoing support for this project.

For the Motion were Councillors Palmer, Strassberg, Bennison, Brent, Brooks-Horn, Vissel, Zbik and Morris (Total 8).

Against the Motion was Nil (Total 0).

### **MAYORAL MINUTE - FURTHER UPDATE ON BOB CAMPBELL OVAL**

- 46** **RESOLVED** ON THE MOTION OF COUNCILLOR PALMER THAT THE MAYORAL MINUTE BE RECEIVED AND NOTED.

FOR THE MOTION WERE COUNCILLORS PALMER, STRASSBERG, BENNISON, BRENT, BROOKS-HORN, VISSLER, ZBIK AND MORRIS (TOTAL 8).

AGAINST THE MOTION WAS NIL (TOTAL 0).

## **ORDERS OF THE DAY**

Councillor Palmer advised that a Women in Local Government Forum was successfully held at Lane Cove with 21 people in attendance.

Councillor Palmer also expressed condolences on behalf of Council to Councillor Bennison and his wife, as his father in law sadly passed away.

## **NOTICES OF MOTION**

### **NOTICE OF MOTION - TOY LIBRARY**

## **MOTION**

A motion was moved by Councillors Zbik and Vissel that pending the adoption of the draft Delivery Program and Operational Plan for 2021/22, that Council prepare a report that investigates a preliminary business case as to how a Toy Library could operate in Lane Cove. The report would include but not be limited to:

- 1) Location of a Toy Library:
  - a) The estimated floor space required to operate a toy library.
  - b) What options exist to locate a toy library within existing Council owned facilities.
  - c) What options exist for Council to lease a suitable commercial premise and what would the cost and terms be for such a lease.
- 2) Staffing:
  - a) What are the estimated staff hours and cost to operate a toy library.
  - b) Is there scope for volunteers to help with the operation of a toy library.
- 3) Capital:
  - a) What would the estimated capital investment be to establish a toy library.
  - b) Could Council accept donations of toys.
- 4) Estimated membership fees and hire fees:
  - a) What would the estimated membership fees and hire fees be to use such a service.
- 5) Opportunity for Partnerships:
  - a) Identify potential organisations that Council could partner with to operate a a toy library (e.g. local Churches, Schools, Businesses etc).
- 6) Any other considerations deemed appropriate.

## **FORESHADOWED MOTION**

A Foreshadowed Motion was moved by Councillors Strassberg and Brent that Council:

1. Note the intention to investigate options for a Toy Library as part of the draft Delivery Program and Operational Plan for 2021/22
2. Note that funds have already been earmarked for this purpose as part of the proposed \$13.7mill budget expenditure on Recreation and Culture.
3. Not pre-empt the due process of consultation, as required under the Local Government Act 1993 for the Draft Delivery Program and Operational Plan, by fast-tracking a particular program ahead of the public exhibition.

## **PROCEDURAL MOTION**

**47** **RESOLVED** on the motion of Councillors Palmer and Zbik that the Motion be put to the meeting.

For the Motion were Councillors Palmer, Strassberg, Bennison, Brent, Brooks-Horn, Vissel, Zbik and Morris (Total 8).

Against the Motion was Nil (Total 0).

Upon being put to the meeting the motion was declared lost.

For the Motion were Councillors Vissel, Zbik and Morris (Total 3).

Against the Motion were Councillors Palmer, Strassberg, Bennison, Brent and Brooks-Horn (Total 5).

The Foreshadowed Motion became the Motion.

**48** Upon being put to the meeting the motion was declared carried.

For the Motion were Councillors Palmer, Strassberg, Bennison, Brent, Brooks-Horn, Vissel, Zbik and Morris (Total 8).

Against the Motion was Nil (Total 0).

**NOTICE OF MOTION - PRELIMINARY INVESTIGATION OF OPTIONS TO REDUCE LIGHT 'SPILL' ON URBAN BUSHLAND IN LANE COVE**

**49** **RESOLVED** on the motion of Councillors Vissel and Zbik that Council:-

1. (a) Note the existing planning protections against light spill into bushland, given that the first objective of Lane Cove's DCP Part H - Bushland Protection is "to protect both public and private bushland from adjacent development which could result in any adverse change to the condition of bushland". And further, that the second objective is "To retain and protect...native fauna habitat".  
(b) In practice, supports such objectives by a unique DCP requirement for a 10m buffer from bushland required of all developments in Lane Cove, whether residential, commercial or industrial.
- 2) Receive a report:-
  - a. on what Australian Standards or equivalent guidelines exist that consider impacts of light 'spill' on urban bushland and its impact on fauna;
  - b. outlining if any other Councils have existing planning controls concerning the impact of light 'spill' on bushland; and
  - c. recommending appropriate planning instruments to reduce the impact of light 'spill' on urban bushland.
- 3) Approach the authors of the research provided to determine if they will work with Council to develop a standard to reduce the impact of light 'spill' on urban bushland.

Councillor Scott Bennison left the meeting, the time being 08:03 PM

For the Motion were Councillors Palmer, Strassberg, Brent, Brooks-Horn, Vissel, Zbik and Morris (Total 7).

Against the Motion was Nil (Total 0).

**SUBMISSION OF A DEVELOPMENT APPLICATION FOR THE LANE COVE INDOOR SPORT AND RECREATION FACILITY**

Councillor David Brooks-Horn left the meeting, the time being 08:18 PM

**50** **RESOLVED** on the motion of Councillors Morris and Vissel that Council:-

1. Receive and note the report;
2. Submit a development application based on the finalised concept design as prepared by Allen Jack and Cottier
3. Delegated authority to the General Manager to enter into a fixed loan agreement for \$20 million over 10 years with TCorp.
4. a. In relation to 6 Stevenson Street, include in the final business case the option for Council to acquire the property at market value, as it is the closest property to the development and therefore the most affected property by light and noise from the operation of the outdoor courts; noise from the access road to the carpark and noise from the operations of the carpark.  
b. notify the owner of the property of Council's resolution.
5. Note that the development application will be published on Council's 'Development Application Currently Advertised' portal and residents will be able to make submissions in line with standard consultation periods for a Development Application.

For the Motion were Councillors Palmer, Strassberg, Brent, Vissel, Zbik and Morris (Total 6).

Against the Motion was Nil (Total 0).

Councillor Andrew Zbik left the meeting, the time being 08:46 PM

Councillor David Brooks-Horn returned to the meeting, the time being 08:46 PM

Councillor Andrew Zbik returned to the meeting, the time being 08:47 PM

## **STATE GOVERNMENT'S PROPOSED CHANGES TO CLAUSE 4.6 VARIATIONS**

**51** **RESOLVED** on the motion of Councillors Strassberg and Zbik that Council

1. Authorise the General Manager to make a submission in relation to the proposed changes to the use of Clause 4.6 of the Standard LEP:-
  - a) Supporting the following aspects –
    - The retention of the applicant's written request,
    - The need to demonstrate consistency with the objectives of the relevant development standard and zone,
    - That any variation will still be considered against the 'public interest' in addition to the 'environmental, social and economic' outcomes,
    - Removing the need for formal concurrences as part of the Clause, but retaining 'assumed concurrences' for Panels,
    - Retaining the need to record, report and publish decisions to the NSW Planning Portal on the use of Clause 4.6,
  - b) Oppose the retrospective removal of Clause 4.6 exclusions.
  - c) If the proposed changes to the Clause 4.6 Variations is supported by the State Government, the amendment should only apply to future LEPs.
2. Seek the support of LGNSW to oppose the retrospective dilution of council planning powers by removing from LEPs the clause which prohibits use of Clause 4.6.

For the Motion were Councillors Palmer, Strassberg, Brent, Brooks-Horn, Vissel, Zbik and Morris (Total 7).

Against the Motion was Nil (Total 0).

## **ST LEONARDS SOUTH DRAFT SECTION 7.11 PLAN – POST-CONSULTATION REPORT**

**52** **RESOLVED** on the motion of Councillors Strassberg and Palmer that Council adopts the St Leonard's South Draft Section 7.11 Contributions Plan (in **AT-1**), as amended, and that the General Manager forward the plan to IPART for review and assessment.

Councillor Karola Brent left the meeting, the time being 08:51 PM

For the Motion were Councillors Palmer, Strassberg, Brooks-Horn, Vissel, Zbik and Morris (Total 6).

Against the Motion was Nil (Total 0).

**2021/2022 DRAFT BUDGET, FEES AND CHARGES AND DELIVERY PROGRAM AND OPERATIONAL PLAN**

**53** **RESOLVED** on the motion of Councillors Strassberg and Zbik that:-

1. Council adopt, for the purpose of public exhibition, the 2021/22 Draft Budget and Draft Fees and Charges, the Delivery Program and Operational Plan 2021/22;
2. Council undertake community consultation for a period of six (6) weeks as per the consultation outlined in the report; and
3. Following public exhibition, the 2021/22 Draft Budget and Draft Fees and Charges and the Delivery Program and Operational Plan 2021/22, together with a report on any submissions received, be considered at the Council meeting to be held 21 June 2021.

For the Motion were Councillors Palmer, Strassberg, Brooks-Horn, Vissel, Zbik and Morris (Total 6).

Against the Motion was Nil (Total 0).

**SUSTAINABILITY SMALL GRANTS - ROUND 21**

**54** **RESOLVED** on the motion of Councillors Strassberg and Brooks-Horn that:-

1. Council not approve the funding for Lane Cove Public School P&C.
2. Council create a social media campaign to address the issue of idling in the LGA.

For the Motion were Councillors Palmer, Strassberg, Brooks-Horn, Vissel, Zbik and Morris (Total 6).

Against the Motion was Nil (Total 0).

**COMMUNITY GRANTS TO COMMUNITY GROUPS 2021-2022**

**PROCEDURAL MOTION**

**55** **RESOLVED** on the motion of Councillors Palmer and Brooks-Horn that the Financial Assistance Grants in relation to and Sydney Community Services, Pottery Gardens, Longueville Sporting Club, Centrehouse Inc and Greenwich Sailing Club Inc be dealt with Ad Seriatim prior to the consideration of the remaining Financial Assistance Grants and subsequent parts of the recommendation.

For the Motion were Councillors Palmer, Strassberg, Brooks-Horn, Vissel, Zbik and Morris (Total 6).

Against the Motion was Nil (Total 0).

Councillor Brooks-Horn left the meeting at 9:00 pm.

**56** **RESOLVED** on the motion of Councillors Strassberg and Zbik that Council:-

1. a. Allocate a Financial Assistance Grant of \$301,946 to Sydney Community Services for 2021-22; and
- b. Negotiate a three-year agreement with Sydney Community Services.

For the Motion were Councillors Palmer, Strassberg, Vissel, Zbik and Morris (Total 5).

Against the Motion was Nil (Total 0).



**57**     **RESOLVED** on the motion of Councillors Strassberg and Vissel that Council:-

2.     Allocate a Financial Assistance Grant of \$14,040 to Pottery Gardens Retirement Units (Standard Rates and Contributions) for 2021-22.

For the Motion were Councillors Palmer, Strassberg, Vissel, Zbik and Morris (Total 5).

Against the Motion was Nil (Total 0).

Councillor Brooks-Horn returned to the meeting at 9:01pm.

**58**     **RESOLVED** on the motion of Councillors Strassberg and Vissel that Council:-

3.     Allocate a Financial Assistance Grant of \$4,019.46 to Longueville Sporting Club (Standard Rates and Contributions) for 2021-22.

For the Motion were Councillors Palmer, Strassberg, Brooks-Horn, Vissel, Zbik and Morris (Total 6).

Against the Motion was Nil (Total 0).

**59**     **RESOLVED** on the motion of Councillors Vissel and Brooks-Horn that Council:-

4.     a.     Allocate a Financial Assistance Grant of \$66,130 to Centrehouse Inc for 2021-22; and  
         b.     Negotiate a three-year agreement with Centrehouse (Gallery Lane Cove + Creative Studios).

For the Motion were Councillors Palmer, Strassberg, Brooks-Horn, Vissel, Zbik and Morris (Total 6).

Against the Motion was Nil (Total 0).

Councillor Palmer left the meeting at 9:03 pm.

Councillor Strassberg assumed the Chair.

**60**     **RESOLVED** on the motion of Councillors Brooks-Horn and Vissel that Council:-

5.     Allocate a Financial Assistance Grant of \$5,500 to Greenwich Sailing Club for 2021-22.

For the Motion were Councillors Strassberg, Brooks-Horn, Vissel, Zbik and Morris (Total 5).

Against the Motion was Nil (Total 0).

Councillor Palmer returned to the meeting at 9:04 pm and resumed the Chair.

**Ordinary Council 19 April 2021  
MINUTES**

**61**

**RESOLVED** on the motion of Councillors Strassberg and Vissel that:-

6. Council allocate the following Financial Assistance Grants to Community Groups for 2021-22:-

<b>Proposed Community Grants to Community Groups: 2021/2022</b>	
Cameraygal School of Performing Arts	3,000
Lane Cove Concert Band – Beginners Band	2,147
Lane Cove Concert Band – COVID-safe material	1,800
Lane Cove Football Club	310
Lane Cove Historical Society	2,455
Lane Cove Men's Shed	8,788
Lane Cove Music	1,000
Lane Cove Theatre Company	3,000
Lane Cove Youth Orchestra	7,070
SGCH	1,760
Streetwork Australia	10,000
Sydney Eisteddfod	900
Taldamunde	7,000

<b>Cultural Venue Performance Hire 2021/2022</b>	
Lane Cove Music	800

<b>Proposed Standard Rates and Contributions: 2021/2022</b>	
Anzac Ceremony	2,000
Lane Cove Art Award	15,000
Birrahlee Kindergarten	6,084
Lane Cove Bowling and Recreation Club	6,786.85

For the Motion were Councillors Palmer, Strassberg, Brooks-Horn, Vissel, Zbik and Morris (Total 6).

Against the Motion was Nil (Total 0).

**62**

**RESOLVED** on the motion of Councillors Strassberg and Vissel that Council:-

7. Give Public Notice of the proposed Financial Assistance Grants to Community Groups in accordance with the consultation strategy outlined in this report, and subject to no objections being received Council grant the funding.
8. Separate out the Grants to organisations with Service Agreements and organisations receiving one-off, small grants.
9. Limit the amount of funding provided under the Community Grants program to a maximum of \$10,000 except in exceptional circumstances.
10. Require any funding provided by Council to be a co-contribution to the project and that all applications for Community Grants require a co-contribution, either as funding or an in-kind contribution. Any application that does not include a co-contribution must include an explanation as to why the organisation is unable to contribute to the program.
11. Require Community Grants applicants to provide a co-contribution, either as funding or in-kind to the project and that those organisations unable to provide a co-contribution include an explanation as to why the organisation is unable to contribute to the program.
12. Consider investigating options for using software applications for future Community Grant funding rounds.

**Ordinary Council 19 April 2021  
MINUTES**

For the Motion were Councillors Palmer, Strassberg, Brooks-Horn, Vissel, Zbik and Morris (Total 6).

Against the Motion was Nil (Total 0).

**REMOTE ATTENDANCE BY COUNCILLORS AT COUNCIL MEETINGS**

**63 RESOLVED** on the motion of Councillors Zbik and Strassberg that Council make a submission to the OLG, broadly supporting the proposals detailed in the consultation paper as outlined in the report prior to the closing date of 3 May 2021 subject to the following additional points:

- a. A proper detailed policy with clear guidelines under a structured framework be developed and incorporated as part of the model meeting code of practice. In particular, the removal for the need of Council to grant permission for a Councillor to attend a meeting by audio-visual link.
- b. The (5) five day notice period be waived if the Councillor meets the criteria set out in the policy.
- c. That prior work commitments/holidays do not constitute as reasons for attending via audio-visual link.
- d. Councils supports a cap on the number of times per year that a Councillor can attend meetings via audio-visual link.

For the Motion were Councillors Palmer, Strassberg, Brooks-Horn, Vissel, Zbik and Morris (Total 6).

Against the Motion was Nil (Total 0).

**CELEBRATING YOUTH WEEK**

**64 RESOLVED** on the motion of Councillors Brooks-Horn and Vissel that Council receive and note the report.

For the Motion were Councillors Palmer, Strassberg, Brooks-Horn, Vissel, Zbik and Morris (Total 6).

Against the Motion was Nil (Total 0).

**COUNCIL SNAPSHOT MARCH 2021**

**65 RESOLVED** on the motion of Councillors Brooks-Horn and Vissel that the report be received and noted.

For the Motion were Councillors Palmer, Strassberg, Brooks-Horn, Vissel, Zbik and Morris (Total 6).

Against the Motion was Nil (Total 0).

**\_ CLOSE**

The meeting closed at 9:13pm

Confirmed at the Ordinary Council Meeting of 17 May 2021, at which meeting the signature herein is subscribed.

**MAYOR**

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