

# Minutes Ordinary Council Meeting 21 March 2022, 7:00pm

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



**Ordinary Council 21 March 2022  
MINUTES**

**PRESENT:** Councillor A. Zbik (Mayor), Councillor S. Bennison, Councillor D. Brooks-Horn, Councillor K. Bryla (online), Councillor R Flood, Councillor B. Kennedy, Councillor K. Mort, Councillor D. Roenfeldt, 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 8 '*Progression of a Sport and Recreation Facility*' 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.

Councillor Bennison declared a non-pecuniary conflict of interest that is non-significant in relation to Item 1 '*Update on the Long Term Lease of 266 Longueville Rd to Design, Construct and Operate a Seniors Living Village*' as he is an authorised representative of Australian Unity. He indicated he would not vacate the meeting and would debate and vote on the item.

Councillor Flood declared a non-pecuniary conflict of interest that is non-significant in relation to Item 5 '*Plant Protein Procurement Report*' as she works for an animal welfare charity. She indicated she would not vacate the meeting and would debate and vote on the item.

Councillor Mort entered the meeting at 7:03pm.

**APOLOGIES**

Nil

Councillor Bryla requested that she virtually attend the meeting via Zoom.

**44 RESOLVED** on the motion of Councillors Bennison and Brooks-Horn 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).

**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.

**PROCEDURAL MOTION**

**45 RESOLVED** on the motion of Councillors Bennison and Roenfeldt that item 1 '*Update on the Long Term Lease of 266 Longueville Rd to Design, Construct and Operate a Seniors Living Village*' to be considered in Closed Committee be considered as the last item of business after the conclusion of the public meeting.

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. *Alan Lenehan of Lane Cove in relation to the Closed Agenda Item 1, Update on the long term lease of 266 Longueville Rd to Design, Construct and Operate a Seniors Living village;*
2. *Tammy Marshman of Lane Cove in relation to the Closed Agenda Item 1, Update on the long term lease of 266 Longueville Rd to Design, Construct and Operate a Seniors Living village;*
3. *Darvan Sinnnetamby of Lane Cove in relation to the Closed Agenda Item 1, Update on the long term lease of 266 Longueville Rd to Design, Construct and Operate a Seniors Living village;*
4. *John Fegan of Northwood in relation to Agenda Item 7, Bob Campbell Oval Masterplan Redesign - Procurement of Landscape Architectural Consultants;*
5. *Margaret Curley of Northwood in relation to Agenda Item 7, Bob Campbell Oval Masterplan Redesign - Procurement of Landscape Architectural Consultants;*
6. *Damian Beasley of Riverview in relation to Agenda Item 8, Progression of a Sport and Recreation Facility;*
7. *Jennifer Schneller of Northwood in relation to Agenda Item 7, Bob Campbell Oval Masterplan Redesign - Procurement of Landscape Architectural Consultants, Agenda Item 8, Progression of a Sport and Recreation Facility and Agenda Item 13, Proposed Voluntary Planning Agreement for Area 5 - 13-19 Canberra Avenue, St Leonards - St Leonards South Precinct;*
8. *Ianthe Pieterzs of Lane Cove in relation to the Closed Agenda Item 1, Update on the long term lease of 266 Longueville Rd to Design, Construct and Operate a Seniors Living village; and*
9. *Simon Kennedy of Lane Cove in relation to Agenda Item 8, Progression of a Sport and Recreation Facility.*

**In Person**

10. *James Mullan of Greenwich in relation to Lane Cove Golf Course Redevelopment and the potential indoor sports centre;*
11. *Jacky Barker of Lane Cove in relation to the Closed Agenda Item 1, Update on the long term lease of 266 Longueville Rd to Design, Construct and Operate a Seniors Living village and Agenda Item 10, Creation of a St Leonards South Coordination Unit -Further Report;*
12. *Ajaya Jayarao of Northwood in relation to the Closed Agenda Item 1, Update on the long term lease of 266 Longueville Rd to Design, Construct and Operate a Seniors Living village; and*
13. *Martin Hirst of St Leonards in relation to Agenda Item 13, Proposed Voluntary Planning Agreement for Area 5 - 13-19 Canberra Avenue, St Leonards - St Leonards South Precinct.*

**Written Submissions**

*No written submissions were received.*

**CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING - 21 FEBRUARY 2022**

**46** **RESOLVED** on the motion of Councillors Southwood and Kennedy that the minutes of the Ordinary Council meeting held on the 21 February 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).

**47** **RESOLVED** on the motion of Councillors Roenfeldt and Bennison that the minutes of the Ordinary Council meeting held on the 21 February 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).

**CONFIRMATION OF MINUTES OF EXTRAORDINARY COUNCIL MEETING - 28 FEBRUARY 2022**

**48** **RESOLVED** on the motion of Councillors Brooks-Horn and Bennison that the minutes of the Extraordinary Council meeting held on the 28 February 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).

**49** **RESOLVED** on the motion of Councillors Bennison and Southwood that the minutes of the Extraordinary Council meeting held on the 28 February 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

**NOTICES OF MOTION**

**NOTICE OF MOTION - THRIVE BY FIVE UNIVERSAL CHILDCARE**

**50** **RESOLVED** on the motion of Councillors Flood and Kennedy that Council defer consideration of the matter to allow discussion of the matter at the next Councillor Workshop and the matter be resubmitted to the April Council meeting:-

- “1. Endorse the Thrive by Five campaign to support high-quality, universally accessible and affordable early learning and childcare;
2. Formally advises Local Government NSW and the Australian Local Government Association, that Council has endorsed the Thrive by Five campaign and supports the Associations in their involvement in the campaign;
3. Write to our Federal Member Trent Zimmerman, Prime Minister Scott Morrison, the Leader of the Opposition Anthony Albanese, the Minister for Education and Youth Alan Tudge, the Shadow Minister for Early Childhood Education and Youth Amanda Rishworth & our local Federal Member(s) of Parliament, seeking bipartisan support for the campaign’s objectives; and

4. Endorse the distribution and display of the Thrive by Five information on Council premises, primarily in childcare centres, as well as involvement in any relevant actions arising from the initiative.”

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 - PLANT PROTEIN PROCUREMENT REPORT**

### **MOTION**

A motion was moved by Councillors Flood and Kennedy that Council ensures plant-based proteins are included in catering for all Council events and venues.

### **AMENDMENT**

An amendment was moved by Councillors Bennison and Brooks-Horn that Council undertake consultation with the community to determine if they would like plant-based proteins included in catering for all Council events and venues.

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

For the Motion were Councillors Bennison and Brooks-Horn (Total 2).

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

- 51** Upon being put to the meeting the Motion was declared carried.

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 - REPORT INTO AFFORDABLE COUNCIL CHILDCARE**

### **MOTION**

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

1. Include in the draft Community Strategic Plan a goal to “support the provision of affordable childcare services that meet the needs of our community”;
2. Provide a report to the May Ordinary Council meeting that:-
  - a. Outlines options for means tested subsidies from council for low income local families to improve the affordability of childcare options at Kindy Cove. Include forecasted budget impacts over the first year, and for five years thereafter;
  - b. Outlines the feasibility of expanding the number of places on offer at Kindy Cove to further accommodate dedicated subsidised places; and
  - c. Provides details on when contracts outsourcing the management of other council owned childcare facilities are up for renewal.
3. Resolves to monitor for updates on plans for universal childcare at either State or Federal level and undertakes to make submissions to inquiries if opportunities are available; and
4. Notes that the outcome of the Federal Election in May 2022 could result in new policies that may impact the provision of affordable childcare in Lane Cove.

**AMENDMENT**

An amendment was moved by Councillors Zbik and Bennison that Council:-

1. Include in the draft Community Strategic Plan a goal to “support the provision of affordable childcare services that meet the needs of our community”;
2. Following the result of the Federal election being finalised, Councillors receive a briefing on how anticipated Federal and/or State Government policies may impact the provision of affordable childcare in the Lane Cove LGA;
3. Monitor for updates on plans for universal childcare at either State or Federal level and undertakes to make submissions to inquiries if opportunities are available; and
4. Notes that the outcome of the Federal Election in May 2022 could result in new policies that may impact the provision of affordable childcare in Lane Cove.

Upon being put to the meeting the Amendment was declared carried and became the motion.

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).

**AMENDED MOTION**

Councillors Zbik and Bennison amended their motion, that Council:-

1. Include in the draft Community Strategic Plan a goal to “support the provision of affordable childcare services that meet the needs of our community”;
2. Following the result of the Federal election being finalized, Councillors receive a briefing on how anticipated Federal and/or State Government policies may impact the provision of affordable childcare in the Lane Cove LGA; and
3. Monitor for updates on plans for universal childcare at either State or Federal level and undertakes to make submissions to inquiries if opportunities are available.

**52** Upon being put to the meeting the Amended Motion was declared carried.

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).

**BOB CAMPBELL OVAL MASTERPLAN RE-DESIGN - PROCUREMENT OF LANDSCAPE ARCHITECTURAL CONSULTANTS**

**53** **RESOLVED** on the motion of Councillors Brooks-Horn and Mort that:-

1. Council accept the quote from Taylor Brammer Pty Ltd for \$37,000; and
2. Authorise the General Manager to engage Taylor Brammer Pty Ltd to undertake the Master Plan design.

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

Against the Motion was Councillor Bennison (Total 1).

Councillor David Brooks-Horn left the meeting, the time being 08:47 PM

## **PROGRESSION OF A SPORT AND RECREATION FACILITY**

### **MOTION**

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

1. Endorse the proposed activities and indicative time frames for a facility to meet the demand for indoor sporting facilities in the Lane Cove area;
2. Replace the community workshop on possible alternate solutions with an online survey;
3. The status report to Council in May 2022 include the outcomes of the community workshop on the business case and community survey on alternative locations;
4. Remove the requirement to refer to the design review panel if it impacts on the overall timeframe;
5. Request the final report to come back to Council by 15 August 2022 or earlier if possible; and
6. Council affirms that is also pursuing additional capacity to meet the short-term training requirements of netball.

### **FORESHADOWED MOTION**

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

1. Not proceed with recommendation SU7396 – 14305/22, Progression of a Sport and Recreation Facility;
2. Review DA 64/2021 that was withdrawn at the extraordinary meeting of 28 February 2022; and
3. Prepare a report to Council on alternative options for traffic entering and exiting the facilities.

**54** Upon being put to the meeting the Motion was declared carried.

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

Against the Motion were Councillors Bennison and Mort (Total 2).

The Foreshadowed Motion lapsed.

Councillor David Brooks-Horn returned to the meeting, the time being 09:21 PM

Councillor Scott Bennison left the meeting, the time being 09:21 PM

## **NAMING OF ST LEONARDS NEW GREEN SPACE**

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

1. Council endorse the shortlisted place names for St Leonards New Green Space for the purpose of further community consultation;
2. Council undertake community consultation for a period of six (6) weeks as per the consultation strategy outlined in the report; and
3. Following public exhibition, review the community feedback and report the selected name to Council.

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

Against the Motion was Nil (Total 0).

Councillor Scott Bennison returned to the meeting, the time being 09:26 PM

**CREATION OF A ST LEONARDS SOUTH COORDINATION UNIT - FURTHER REPORT**

**56 RESOLVED** on the motion of Councillors Southwood and Roenfeldt that:-

1. Council receive and note the report; and
2. Defer to the April meeting consideration of recommended actions arising from this report to Council to allow for further consideration by council officers of Minute 20 of the Ordinary Council Meeting, 21 February 2022.

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).

**RATES - ADDITIONAL SPECIAL VARIATION FOR 2022-23**

**57 RESOLVED** on the motion of Councillors Bennison and Roenfeldt that Council endorse making application to the Independent Pricing and Regulatory Tribunal, under Section 508(2) of the Local Government Act, 1993, for a permanent single year Special Rate Variation of 2.0% (including the rate peg of 0.7%) for the 2022/23 financial year.

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).

**LANE COVE COMMUNITY LAND PLAN OF MANAGEMENT (CROWN RESERVES WITH COUNCIL MANAGER)**

**58 RESOLVED** on the motion of Councillors Flood and Bennison that:-

1. Council proceed to exhibit the updated "Plan of Management (Crown Reserves with Council Manager) dated 8/10/2021 (**AT-1**) for the use and management of community land in the Lane Cove Local Government Area for a period of six weeks as per the consultation strategy outlined in the report; and
2. Upon completion of the public exhibition, a report be submitted to Council outlining the results of submissions for consideration by Council.

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).

**PROPOSED VOLUNTARY PLANNING AGREEMENT FOR AREA 5 - 13-19 CANBERRA AVENUE, ST LEONARDS - ST LEONARDS SOUTH PRECINCT**

**59 RESOLVED** on the motion of Councillors Bennison and Zbik that:-

1. Council receive and note the report;
2. Council enter into a Voluntary Planning Agreement with SLS Five Pty Ltd as trustee for SLS Five Trust in respect of the development of Area 5 (13-19 Canberra Avenue St Leonards) at the St Leonards South Precinct; and
3. The General Manager review the trustee assignment provisions of the VPA and be authorised to finalise the wording of the proposed Voluntary Planning Agreement and sign the Agreement on behalf of Council.

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).

## **REVIEW OF ORGANISATION STRUCTURE**

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

1. Determine the Organisation Structure to be as detailed in **AT-1**; and
2. Determine the positions of Executive Manager, Open Space & Urban Services; Human Services; Environmental Services and Corporate Services as senior staff positions within the organisational structure.

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).

## **PECUNIARY INTEREST RETURNS 2022**

**61 RESOLVED** on the motion of Councillors Bennison and Kennedy that Council note the report and tabling of Pecuniary Interest Returns of Designated Staff and Councillors for the return period 1 July 2021 to 11 March 2022.

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 FEBRUARY 2022**

**62 RESOLVED** on the motion of Councillors Flood and Brooks-Horn 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).

## **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:

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

*It is recommended that the Council close so much of the meeting to the public as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; 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.*

**PROCEDURAL MOTION - CLOSED COMMITTEE**

A motion was moved by Councillors Roenfeldt and Brooks-Horn that Council:-

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; and
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*.

*Jacky Barker of Lane Cove addressed Council in relation to Agenda Item 1, Update on the long term lease of 266 Longueville Rd to Design, Construct and Operate a Seniors Living village, and requested Council published the decision of Closed Committee on the public website as soon as possible on the day following the meeting, Tuesday 22 March 2022.*

**63** The motion was put to the meeting and was declared carried.

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 - ADJOURNMENT**

**64** **RESOLVED** on the motion of Councillors Zbik and Roenfeldt that Council adjourn for 5 minutes.

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).

Closed Committee commenced at 9:52pm. The public and media were absent from the chamber.

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

Open Council resumed at 10:57pm to allow for extension of the meeting beyond 11pm. The public and media were invited into the chamber.

**PROCEDURAL MOTION – CLOSED COMMITTEE**

**65** **RESOLVED** on the motion of Councillors Zbik and Kennedy that Council

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.

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).

Closed Committee recommenced at 10:59pm. The public and media left the chamber.

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

Open Council resumed at 11:05pm. The public and media were invited into the chamber.

**CONFIDENTIAL ITEMS**

The General Manger read the recommendation of the Item considered in Closed Committee prior to Council's consideration:-

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

**66** **RESOLVED** on the motion of Councillors Flood and Kennedy that Australian Unity be advised that Council:-

1. Does not agree to vary the Lease and Agreements For Lease terms;
2. Expects Australian Unity to meet its legal obligations;
3. Authorise the General Manager to write to Australian Unity on a without prejudice basis to explain Council's legal position and seeking to resolve the dispute; and
4. Authorise the General Manager and Mayor to determine an outcome acceptable to Council in respect of the dispute resolution processes and advise councillors of the proposal prior to finalisation.

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 11:07pm.

Confirmed at the Ordinary Council Meeting of 19 April 2022, at which meeting the signature herein is subscribed.

**MAYOR**

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