

Minutes  
Ordinary Council Meeting  
22 August 2024, 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 22 August 2024  
MINUTES**

**PRESENT:** Councillor Bennison (Mayor), Councillor Southwood, Councillor Roenfeldt, Councillor Kennedy, Councillor Flood, Councillor Bryla, Councillor Brooks-Horn, Councillor Mort and Councillor Zbik.

**ALSO PRESENT:** General Manager, Director - Corporate Services and Strategy, Director - Planning and Sustainability, Director - Community and Culture, Director - Open Spaces and Infrastructure and Minute Taker.

**DECLARATIONS OF INTEREST**

Councillor Zbik declared a significant non-pecuniary conflict of interest in relation to Item 4 – Voluntary Planning Agreement at 2-10 Finlayson Street, Lane Cove and will leave the chamber during debate on this matter.

**APOLOGIES**

Nil

**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 WRITTEN SUBMISSIONS**

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

1. Simon Kennedy of Lane Cove, in relation to non-enforcement of parking violations by Council staff,
2. Lynne McLoughlin of Lane Cove North, in relation to Agenda Item 5, Draft Submission in Response to the Exhibition of Crows Nest Transport Orientated Development Plans,
3. Emma James of Lane Cove North, in relation to Agenda Item 5, Draft Submission in Response to the Exhibition of Crows Nest Transport Orientated Development Plans,
4. Miles Wilks of Lane Cove, in relation to Landscaping, Street Trees and Trees that provide some beauty for the suburb,
5. Joel Lee of Lane Cove North in relation to the proposed Homes NSW Social Housing Project 618-624 Mowbray Road, 25-29 Mindarie Street, Lane Cove North,
6. Daphne Chiang, Secretary of Embassy Tower SC, in objection to LCC's Proposal to Add Tower Number 2 to Block 7 in the Urban Design Report,
7. Sharon Coley of St Leonards, in relation to Agenda Item 5, Draft Submission in Response to the Exhibition of Crows Nest Transport Orientated Development Plans,
8. Ross Wellings of St Leonards, in relation to Agenda Item 9, Traffic Committee - July 2024,
9. Hin Li of Lane Cove North in relation to the proposed Homes NSW Social Housing Project 618-624 Mowbray Road, 25-29 Mindarie Street, Lane Cove North,
10. Ross Wellings of St Leonards, in relation to Agenda Item 6, Draft Strategy for an Age Friendly Lane cove 2024 -2029; and
11. Sharon Coley of St Leonards, in relation to Agenda Item 9, Traffic Committee - July 2024.

**CONFIRMATION OF MINUTES OF ORDINARY COUNCIL - 18 JULY 2024**

**176 RESOLVED** on the motion moved by Councillor Brooks-Horn and seconded by Councillor Roenfeldt that the minutes of the Ordinary Council meeting held on the 18 July 2024 be received.

For the Motion were Councillors Bennison, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Brooks-Horn, Mort and Zbik (Total 9).  
Against the Motion was Nil (Total 0).

**177 RESOLVED** on the motion moved by Councillor Brooks-Horn and seconded by Councillor Kennedy that the minutes of the Ordinary Council meeting held on the 18 July 2024 be confirmed, noting that when considering Mayoral Minute 12 – Senior Staff Matter, during Closed Session Points 1- 3 of the recommendation were considered together and point 4 was considered separately. Councillors unanimously supported the recommendations Point's 1 - 3, with Point 4 being supported by Councillors Bennison, Roenfeldt, Brooks-Horn, Mort and Zbik, and not supported by Councillors Southwood, Kennedy, Flood, and Bryla.

For the Motion were Councillors Bennison, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Brooks-Horn, Mort and Zbik (Total 9).  
Against the Motion was Nil (Total 0).

**MAYORAL MINUTES**

**MAYORAL MINUTE - HISTORY OF THE SPORT AND RECREATION CENTRE**

**178 RESOLVED** on the motion moved by Councillor Bennison that Council prepare a chronology of the reports and decision by the Council in relation to the Sport and Recreation Facility project and place it on Council's website.

For the Motion were Councillors Bennison, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Brooks-Horn, Mort and Zbik (Total 9).  
Against the Motion was Nil (Total 0)

**ORDERS OF THE DAY**

The Mayor acknowledged that this is the last official Council meeting for three Councillors who are not contesting the forthcoming elections, those being Councillors David Brooks-Horn, Katherine Mort and Andrew Zbik. The Councillors were thanked for their combined 26 years of service to the Lane Cove community and presented with certificates of service by the Mayor.

**NOTICES OF MOTION**

**NOTICE OF MOTION - COMMUNITY CONCERNS ARISING FROM CHANGES TO THE 265 BUS ROUTE**

**179 RESOLVED** on the motion moved by Councillor Southwood and seconded by Councillor Flood that Council:

1. notes that the change to the 265 bus route has impacted residents, in terms of their access to the services, activities and friendships that they enjoyed prior to the change to the 265 bus route,
2. writes to Transport for NSW to emphasise the impacts on the well-being of older residents of Lane Cove of the removal of a direct bus link between Greenwich Point Wharf and Lane Cove Village, and advise Transport for NSW that some commuters have advised that the Opal readers on the 267 route are often not operational, and

3. investigates and, if deemed appropriate, facilitates or implements measures to ensure that older residents of Greenwich, and other parts of the Local Government Area who are impacted by the change to the 265 bus route, have access to accessible, affordable and safe transport options to maintain their ongoing connection with the services, activities and friendships that they enjoyed prior to the change to the 265 bus route.

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

Against the Motion was Nil (Total 0).

### **OFFICER REPORTS FOR DETERMINATION**

#### **END OF COUNCIL TERM REPORT - 2022 TO 2024**

**180 RESOLVED** on the motion moved by Councillor Zbik and seconded by Councillor Bennison that the *End of Council Term Report* be received and noted.

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

Against the Motion was Nil (Total 0).

Councillor Zbik left the meeting at 7.42pm

#### **VOLUNTARY PLANNING AGREEMENT AT 2-10 FINLAYSON STREET, LANE COVE**

**181 RESOLVED** on the motion moved by Councillor Brooks-Horn and seconded by Councillor Roenfeldt that Council:

1. receive and note the report;
2. give notice of its intention to enter into a Voluntary Planning Agreement as outlined in the report with the Developer of the subject site in accordance with the consultation strategy outlined in the report; and
3. following the community consultation, a further report be submitted to Council for determination.

For the Motion were Councillors Bennison, Roenfeldt, Kennedy, Bryla, Brooks-Horn and Mort (Total 6).

Against the Motion were Councillors Southwood and Flood (Total 2).

Councillor Zbik returned to the meeting at 7.58pm

#### **DRAFT SUBMISSION IN RESPONSE TO THE EXHIBITION OF CROWS NEST TRANSPORT ORIENTATED DEVELOPMENT PLANS**

**182 RESOLVED** on the motion moved by Councillor Flood and seconded by Councillor Bryla that Council endorse the submission in **AT-1** and forward to the Department of Planning, Housing and Infrastructure, after making the following amendments:

1. add under the **Affordable Housing** sub-heading:  
Council supports the requirement that developments under the TOD should all deliver a minimum of 15% affordable housing in perpetuity.
2. amend the **Lot 4B Herbert Street proposal** sub-heading, as below  
**Current:** Due to its site constraints, a Government owned site of this scale should at least be contributing 30% affordable housing in perpetuity.

**Amendment:** Any Government owned sites in the TOD precinct should include the requirement that all residential development deliver 100% social or affordable housing. At a bare minimum, the government must keep their commitment to deliver 30% social, affordable and universal housing on surplus government land. This should be maintained in perpetuity.

3. Amend the submission in relation to the **Sites along Pacific Highway** sub-heading to read:

Described as Block 7 in the Urban Design Report, these sites are along Pacific Highway near the intersection with Berry Road. The plan describes a singular commercial building height of 9 storeys, with an incentive for the corner site of up to 24 storeys if affordable housing is provided in perpetuity, as shown below.

While the intent appears to incentivise redevelopment of the entire block, this scenario is unlikely to occur due to feasibility constraints and only appears to benefit one site. Council cannot support this approach unless it includes controls which genuinely incentivise redevelopment of the entire block. In addition, no modelling has been undertaken to determine the impact of an economically viable development of the remaining sites.

It is requested that this block be removed from the TOD and reviewed.

4. Include additional information regarding **Urban Sensitive Water Design and Sediment Control**, as below

Council recommends that at a State Planning level the inclusion of sediment control and Urban Sensitive water design can be most effective in shaping an effective solution to these urban challenges.

- a) Sediment control - The experience with St Leonards South Development suggests existing controls to manage sediment impacts on downstream waterways are not effective and we have strong community advocacy for the protection of Berry Creek which is impacted by stormwater runoff and in particular construction sediment. We ask that the TOD outline stronger sediment control measures for development sites to adhere to, aiming to prevent downhill travel of sediment into the Berrys Creek area.
- b) Urban Sensitive Water Design - Included a risk based framework for strategic land use planning to ensure that waterway health objectives in areas downstream of the TOD are protected, maintained or improved. An example of principles suggested to adopt are outlined in the "Urban Typologies and Stormwater Management principles for achieving cool, green, liveable cities" (refer to as an example the document of these names for Western Parkland City). The summary of what this would achieve is:
  - i. urban typologies for all development types (with permeability requirements in development controls) can reduce stormwater runoff and pollutant concentrations in the years after construction is complete
  - ii. urban cooling and liveability to support healthy green spaces and mitigate urban heat stress on communities should include irrigation of pervious areas with sustainable water sources
  - iii. stormwater reuse should be considered and effectively maintained to lower the water that is placed into our stormwater system

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

Against the Motion was Nil (Total 0).

### **DRAFT STRATEGY FOR AN AGE-FRIENDLY LANE COVE 2024-2029**

**183 RESOLVED** on the motion moved by Councillor Mort and seconded by Councillor Brooks-Horn that Council:-

1. receive and note the report;
2. adopt the revised *Age-Friendly Lane Cove Strategy 2024 – 2029*.

For the Motion were Councillors Bennison, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Brooks-Horn, Mort and Zbik (Total 9).  
Against the Motion was Nil (Total 0).

### **COMMUNITY CONSULTATION RESULTS - DRAFT COUNCILLOR AND STAFF INTERACTION POLICY**

**184 RESOLVED** on the motion moved by Councillor Zbik and seconded by Councillor Roenfeldt, that Council adopt the *Draft Councillor and Staff Interaction Policy*.

For the Motion were Councillors Bennison, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Brooks-Horn, Mort and Zbik (Total 9).  
Against the Motion was Nil (Total 0).

### **COMMUNITY CONSULTATION RESULTS - DRAFT REPORTABLE CONDUCT POLICY AND DRAFT CHILD SAFE POLICY**

**185 RESOLVED** on the motion moved by Councillor Zbik and seconded by Councillor Brooks-Horn, that Council adopt the *Draft Reportable Conduct Policy and Draft Child Safe Policy* included as **AT-1 and AT-2**.

For the Motion were Councillors Bennison, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Brooks-Horn, Mort and Zbik (Total 9).  
Against the Motion was Nil (Total 0).

### **TRAFFIC COMMITTEE - JULY 2024**

**186 RESOLVED** on the motion moved by Councillor Southwood and seconded by Councillor Kennedy that Council:

1. adopt the recommendations of the Lane Cove Traffic Committee Meeting held on Tuesday, 16 July 2024, and
2. in relation to item 6 of the Traffic Committee - St Leonards: Implementation of Bike Path in Christie Street and Nicholson Street, Council notes that there is or will be extensive residential development proposed around the Crows Nest Metro as part of the Crows Nest Transport Oriented Development Precinct that was not included in the PTC Consultants Transport and Accessibility Assessment of the St Leonards south and east precincts. As a consequence, pedestrian traffic is likely to increase, especially with the opening of the Crows Nest Metro line, and Council will therefore monitor utilisation of the paths in relation to safety.

For the Motion were Councillors Bennison, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Brooks-Horn, Mort and Zbik (Total 9).  
Against the Motion was Nil (Total 0).

**PROVISION OF SECURITY GUARDS AT THE LOCAL GOVERNMENT ELECTIONS 2024  
LANE COVE LGA POLLING PLACES ON THE EVE OF THE ELECTION.**

**187 RESOLVED** on the motion moved by Councillor Roenfeldt and seconded by Councillor Bennison that Council proceed with a security guard at each of the polling booths on the eve of the 2024 Local Government Election, with the estimated cost of \$5,000 (excl GST) sourced from the Election Reserve.

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

Against the Motion was Nil (Total 0).

**FURTHER REPORT - STATE OF WAXCAPS IN BUSHLAND PARK**

**188 RESOLVED** on the motion moved by Councillor Brooks-Horn and seconded by Councillor Southwood that:-

1. Council receives and notes the report;
2. Council acknowledges that:
  - a) the ecosystem in Lane Cove Bushland Park is complex;
  - b) within this park there are over 30 species of Hygrocybeae that were, and remain, listed as Critically Endangered Ecological Communities by the NSW Scientific Committee established under the Threatened Species Conservation Act; and
  - c) within this park there is Littoral Rain Forest which is listed as Threatened Ecological Community by the Department of Climate Change, Energy, the Environment and Water.
3. Council notes that clause 19 of the NSW Scientific Committee report states as follows:

*“Reduction in ecological function of the ecological community.*

*The ecological community has undergone, is observed, estimated, inferred or reasonably suspected to have undergone or is likely to undergo within a time span appropriate to the life cycle and habitat characteristics of its component species:*

  - a) *a very large reduction in ecological function, as indicated by any of the following:*
  - b) *disruption of ecological processes,*
  - c) *invasion and establishment of exotic species,*
  - d) *degradation of habitat”.*
4. At a site meeting in Lane Cove Bushland Park on 1 August 2024, attended by Dr Ray Kearney, Mrs Elma Kearney, the Mayor, Councillor Scott Bennison and Councillor Merri Southwood, the Hon. Anthony Roberts MP and Frances Vissel, the following was noted there is:
  - (a) extensive weed and vegetation cover in the vicinity of the habitats of Hygrocybaea such that some parts of the habitat were unable to be accessed; and
  - (b) extensive clearing of Hygrocybeae and littoral rainforest habitat by brush turkeys.
5. It is noted that the weed and vegetation cover and the brush turkeys pose potential habitat risk to both Hygrocybeae and Littoral Rain forest.

6. Council acknowledges that it is a privilege to have in its bushland both Hygrocybeae and Littoral Rain Forest and that it has a responsibility to do all it can to preserve the habitat for both.
7. Council convene, as soon as practicable after the next term of Council has started, a working group of independent experts, Council officers and community members, including Dr Ray Kearney and Mrs Elma Kearney, for the purpose of establishing a Plan of Management to ensure that the habitat in Lane Cove Bushland Park provides optimal conditions for both the Hygrocybeae and Littoral Rain Forest to survive and thrive.
8. The funding of this working group and any recommendations arising from the working group deliberations will be an agenda item for the Councillor Planning Conference in early 2025.
9. Council will seek grants to supplement Council expenditure on the protection of the habitat of Hygrocybeae in Lane Cove Bushland Park.
10. Council to write to the NSW Environment and Heritage regarding the process to reclassify the area from Littoral Rainforest in order to better manage the area.

For the Motion were Councillors Bennison, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Brooks-Horn, Mort and Zbik (Total 9).  
Against the Motion was Nil (Total 0).

#### **GENERAL PURPOSE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2024 - REFERRAL FOR AUDIT**

**189 RESOLVED** on the motion moved by Councillor Bennison and seconded by Councillor Kennedy that Council refer its draft *General Purpose Financial Statements* for the year ended 30 June 2024 to the NSW Audit Office for audit purposes, pursuant to section 413 of the *Local Government Act 1993*.

For the Motion were Councillors Bennison, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Brooks-Horn, Mort and Zbik (Total 9).  
Against the Motion was Nil (Total 0).

#### **OFFICER REPORTS FOR INFORMATION**

##### **DELIVERY PROGRAM AND OPERATIONAL PLAN - 2023/24 FOURTH QUARTER REVIEW.**

**190 RESOLVED** on the motion moved by Councillor Brooks-Horn and seconded by Councillor Roenfeldt that the Fourth Quarter Review of the *2023/24 Delivery Program and Operational Plan* be received and noted.

For the Motion were Councillors Bennison, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Brooks-Horn, Mort and Zbik (Total 9).  
Against the Motion was Nil (Total 0).

##### **COUNCIL SNAPSHOT JULY 2024**

**191 RESOLVED** on the motion moved by Councillor Brooks-Horn and seconded by Councillor Kennedy that Council receive and note the report.

For the Motion were Councillors Bennison, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Brooks-Horn, Mort and Zbik (Total 9).  
Against the Motion was Nil (Total 0).



**Ordinary Council 22 August 2024  
MINUTES**

The meeting closed at 9.03pm

Confirmed at the Ordinary Council Meeting of 24 October 2024, at which meeting the signature herein is subscribed.

**MAYOR**

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