

MINUTES OF EXTRAORDINARY MEETING HELD ON WEDNESDAY, 30 OCTOBER 2024

- Present: The Mayor, Councillor Christine Kay (Chairperson)
Councillors M Devlin & J Pettett (Comenarra Ward)
Councillors I Balachandran & B Ward (Gordon Ward)
Councillors S Ngai & A Taylor (Roseville Ward)
Councillor M Smith (St Ives Ward)
Councillors C Spencer & K Wheatley (Wahroonga Ward)
- Staff Present: General Manager (David Marshall)
Director Community (Janice Bevan)
Director Corporate (Angela Apostol)
Director Development & Regulation (Michael Miocic)
Director Operations (Peter Lichaa)
Director Strategy & Environment (Andrew Watson)
Corporate Lawyer (Jamie Taylor)
Manager Corporate Communications (Virginia Leafe)
Governance Support Officer (Eliza Gilbank-Heim)
- Others Present: Group Lead Major Projects (Geoffrey Douglas)
Team Leader Urban Planning (Craig Wyse)
Team Leader Urban Design (Bill Royal)

The Meeting commenced at 7:00 PM

The Mayor offered the Acknowledgement of Country and Prayer

APOLOGIES

File: S02194

Nil

DECLARATIONS OF INTEREST

The Mayor referred to the necessity for Councillors and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

No Interest was declared.

DOCUMENTS CIRCULATED TO COUNCILLORS

The Mayor referred to the documents circulated in the Councillors' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

Memorandums: A memorandum for Item GB.1 – Planning for better outcomes – Alternative Scenarios to the TOD SEPP was circulated to the Mayor and Councillors on 29 October 2024.

PETITIONS

Nil

GENERAL BUSINESS

192 TfNSW Commuter Car Park Funding Deed for Lindfield Village Hub - Legal Advice

File: S12165-4-6
Vide: C.2

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*, in the opinion of the General Manager, the following business is of a kind as referred to in sections 10A(2)(c), 10A(2)(d)(i), 10A(2)(d)(ii) & 10A(2)(g), of the Act, and should be dealt with in a part of the meeting closed to the public.

Section 10A(2)(c) of the Act permits the meeting to be closed to the public in respect of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

The matter is classified confidential because it deals with the proposed acquisition and/or disposal of property.

It is not in the public interest to release this information as it would prejudice Council's ability to acquire and/or dispose of the property on appropriate terms and conditions.

Section 10A(2)(d) of the Act permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of Council, or
- (iii) reveal a trade secret.

This matter is classified confidential under section 10A(2)(d)(i) because it deals with tenders. Tender details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided

to Council by tenderers is provided on the basis that Council will treat it as commercial in confidence.

It is not in the public interest to reveal details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to Council's decision.

Section 10A(2)(d) of the Act permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of Council, or
- (iii) reveal a trade secret.

This matter is classified confidential under section 10A(2)(d)(ii) because it would confer a commercial advantage on a competitor of the Council.

Section 10A(2)(g) of the Act permits the meeting to be closed to the public for business relating to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

This matter is classified confidential under section 10A(2)(g) because it contains advice concerning a legal matter that:

- (a) is a substantial issue relating to a matter in which the Council is involved
- (b) is clearly identified in the advice, and
- (c) is fully discussed in that advice.

It is not in the public interest to release details of the legal advice as it would prejudice Council's position in court proceedings.

Report by General Manager dated 17 October 2024

Resolved:

(Moved: Councillors Ngai/Taylor)

That Council authorise the General Manager to implement the Proposed Actions identified in this report.

CARRIED UNANIMOUSLY

193

Planning for better outcomes - Alternative Scenarios to the TOD SEPP

File: S14427

Vide: GB.1

To seek Council's endorsement of draft land use options for public exhibition commencing in November 2024.

MOTION:*(Moved: Councillors Ngai/Taylor)*

That Council:

- A. Receive and note the contents of this report on alternative scenarios to the TOD SEPP amendments for the corridor between Roseville and Gordon stations.
- B. Note that the base case (Scenario 1) represents the TOD SEPP as gazetted, not planning controls that pre-existed the TOD amendments.
- C. Note that the primary objectives for the alternate scenarios outlined in this report are:
 - i. to retain and protect Heritage Conservation Areas (HCAs);
 - ii. to improve urban canopy outcomes; and
 - iii. meet the dwelling targets stipulated by the State Government for the TOD Program.
- D. Place Scenario 1 TOD (base case) on public exhibition for comparative purposes.
- E. Place Scenario 2 on public exhibition.
- F. Place Scenario 3a on public exhibition.
- G. Place Scenario 3b on public exhibition.
- H. Place Scenario 2b on public exhibition, noting it requires further development prior to exhibition, as per the memorandum from the Director Strategy and Environment dated 29 October 2024.
- I. Note that a report will be submitted to Council's February Ordinary Meeting outlining the outcomes of community engagement in relation to alternative scenarios to the TOD SEPP amendments.

The Motion was put and declared **CARRIED UNANIMOUSLY.**

Resolved:

(Moved: Councillors Ngai/Taylor)

That Council:

- A. Receive and note the contents of this report on alternative scenarios to the TOD SEPP amendments for the corridor between Roseville and Gordon stations.
- B. Note that the base case (Scenario 1) represents the TOD SEPP as gazetted, not planning controls that pre-existed the TOD amendments.
- C. Note that the primary objectives for the alternate scenarios outlined in this report are:
 - i. to retain and protect Heritage Conservation Areas (HCAs);
 - ii. to improve urban canopy outcomes; and
 - iii. meet the dwelling targets stipulated by the State Government for the TOD Program.
- D. Place Scenario 1 TOD (base case) on public exhibition for comparative purposes.
- E. Place Scenario 2 on public exhibition.
- F. Place Scenario 3a on public exhibition.
- G. Place Scenario 3b on public exhibition.
- H. Place Scenario 2b on public exhibition, noting it requires further development prior to exhibition, as per the memorandum from the Director Strategy and Environment dated 29 October 2024
- I. Note that a report will be submitted to Council's February Ordinary Meeting outlining the outcomes of community engagement in relation to alternative scenarios to the TOD SEPP amendments.

CARRIED UNANIMOUSLY

194

Communications and consultation program - Alternative Scenarios to the TOD SEPP

File: S14427

Vide: GB.2

To present to Council a draft communication and community engagement program in relation to proposed land-use scenarios being considered by Council as alternatives to the Transport Oriented Development (TOD) State Environmental

Planning Policy (SEPP).

Resolved:

(Moved: Councillors Spencer/Pettett)

That Council:

- A. That Council endorse the proposed communication and engagement activities for land-use scenarios in TOD precincts between Roseville to Gordon, as outlined in this report.
- B. That Council allocate a provisional amount of \$200,000 to support these activities, while noting this amount may be amended as costs are confirmed and will be subject to the quarterly budget review process.

CARRIED UNANIMOUSLY

195

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499/9

Resolved:

(Moved: Councillors Ward/Pettett)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of:

C.1 Land and Environment Court - TOD SEPP

In accordance with 10A(2)(g):

Attachment 1: Mayoral Minute 13 August 2024

C.2 TfNSW Commuter Car Park Funding Deed for Lindfield Village Hub - Legal Advice

In accordance with 10A(2)(c), 10A(2)(d)(i), 10A(2)(d)(ii) and 10A(2)(g):

Attachment 1: Shaw Reynolds Legal Advice 21 October 2023

CARRIED UNANIMOUSLY

196 **CONFIRMATION OF ATTACHMENTS TO BE CONSIDERED IN CLOSED MEETING**

File: S02499/9

Resolved:

(Moved: Councillors Ward/Pettett)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of confidential attachments to the following General Business Reports:

GB.1 Planning for better outcomes - Alternative Scenarios to the TOD SEPP

In accordance with 10A(2)(c):

Attachment 1: Atlas Economics - TOD Feasibility Advice

CARRIED UNANIMOUSLY

*Council resolved itself into Closed Meeting
with the Press and Public Excluded to deal with the following items
after a Motion moved by Councillors Ngai and Wheatley
was **CARRIED UNANIMOUSLY**.*

197 **Land and Environment Court - TOD SEPP**

File: S14468

Vide: C.1

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2)(g), of the Act, and should be dealt with in a part of the meeting closed to the public.

Section 10A(2)(g) of the Act permits the meeting to be closed to the public for business relating to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

This matter is classified confidential under section 10A(2)(g) because it contains advice concerning a legal matter that:

- (a) is a substantial issue relating to a matter in which the Council is involved
- (b) is clearly identified in the advice, and
- (c) is fully discussed in that advice.

It is not in the public interest to release details of the legal advice as it would prejudice Council's position in court proceedings.

Report by General Manager dated 23 October 2024.

MOTION:

(Moved: Councillors Balachandran/Devlin)

That in relation to the matters in this report, Council adopt the content of the document marked "C1" and dated and initialled by the Mayor.

AMENDMENT:

(Moved: Councillors Ngai/Smith)

That Council's position in relation to the matters in this report has not changed since 13 August 2024.

The Amendment was put.

For the Amendment: Councillors Ngai, Pettett, Smith, Ward and Wheatley

Against the Amendment: The Mayor, Councillor Kay, Balachandran, Devlin, Spencer and Taylor

As there was an equality of votes, the Mayor exercised her casting vote against the Amendment and it was declared **LOST**.

Debate resumed on the Motion.

AMENDMENT:

(Moved: Councillors Pettett/Smith)

That this matter be deferred.

The Amendment was put and declared **CARRIED UNANIMOUSLY**.

The Amendment became the Motion.

The Motion was put and declared **LOST**.

For the Amendment: Councillor Ngai

Against the Amendment: The Mayor, Councillor Kay, Balachandran, Devlin, Pettett, Smith, Spencer, Taylor, Ward and Wheatley

No decision was taken on this matter and therefore it lapsed.

Council resolved to return to Open Council which was

*moved by Councillors Taylor and Smith
and **CARRIED UNANIMOUSLY.***

The Meeting closed at 8:56pm

The Minutes of the Extraordinary Meeting held on 30 October 2024 (Pages 1 - 9) were confirmed as a full and accurate record of proceedings on <Insert confirmation date ...>.

General Manager

Mayor / Chairperson