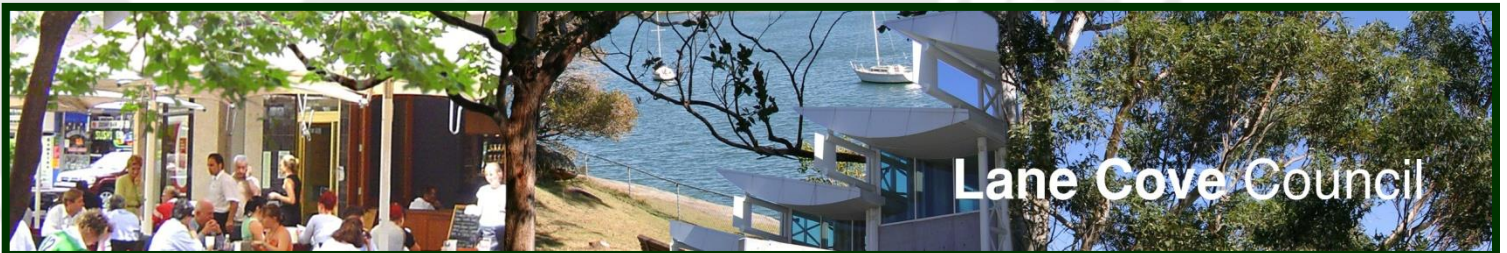


Minutes Ordinary Council Meeting 23 March 2023, 7:04 PM

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



**Ordinary Council 23 March 2023
MINUTES**

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

ALSO PRESENT: General Manager, Executive Manager – Corporate Services, Executive Manager – Environmental Services, Executive Manager – Human Services, Executive Manager – Open Space and Urban Services, Manager Commercial Operations and Minute Taker.

DECLARATIONS OF INTEREST:

Councillor Flood declared non-pecuniary conflict of interest that is not significant in relation to Item 6 '*Sport and Recreation Facility – March 2023 Progress Report*' as Councillor Flood knows someone whose property adjoins onto the site, they live down the far end of the golf course and will not be directly impacted by the construction. Councillor Flood indicated she would not vacate the meeting and would debate and vote on the matter.

Councillor Flood declared non-pecuniary conflict of interest that is not significant in relation to Item 7 '*Melbourne Cup Screening Consultation Outcomes*' as Councillor Flood works for an animal welfare charity, although Councillor Flood does not personally campaign on issues relating to the Melbourne Cup. Councillor Flood indicated she would not vacate the meeting and would debate and vote on the matter.

Councillor Bryla declared a non-pecuniary conflict of interest that is not significant in relation to Item 6 '*Sport and Recreation Facility – March 2023 Progress Report*' as Councillor Bryla had a past working relationship with a resident who resides on River Road and is affected by the proposed new traffic light intersection to access the facility. Councillor Bryla indicated she would not vacate the meeting and would debate and vote on the matter.

Councillor Southwood declared a non-pecuniary conflict of interest that is not significant in relation to Item 6 '*Sport and Recreation Facility – March 2023 Progress Report*' as the Greenwich Community Association Inc has made submissions in respect of the Sport and Recreation Facility project. Prior to her oath of office as Councillor in January 2022 Councillor Southwood was President of the Greenwich Community Association Inc. Councillor Southwood has had no subsequent involvement with the GCA other than to attend bi-monthly general meetings. Councillor Southwood's husband was a former Treasurer of the GCA but he has no committee position now. Councillor Southwood's husband and several people known to me have made submissions in respect of the Sport and Recreation Facility project. Councillor Southwood indicated she would not vacate the meeting and would debate and vote on the matter.

Councillor Southwood declared a non-pecuniary conflict of interest that is not significant in relation to Item 9 '*Partial Road Closure - Berry Lane - Community Consultation*' and Item 11 '*Proposed Voluntary Planning Agreement for Areas 22 and 23 – St Leonards South Precinct*' as two St Leonards South residents were on Councillor Southwood's election ticket and Councillor Southwood knows other community members who may be impacted by these items. At the time of this meeting, Councillor Southwood does not know if these people have made submissions. Councillor Southwood indicated she would not vacate the meeting and would debate and vote on the matter.

Councillor Kennedy declared a non-pecuniary conflict of interest that is not significant in relation to Item 6 '*Sport and Recreation Facility – March 2023 Progress Report*' as Councillor Kennedy has a friend who lives adjacent to the golf course towards the end of the first tee. Councillor Kennedy indicated she would not vacate the meeting and would debate and vote on the matter.

Councillor Brooks-Horn declared a non-pecuniary conflict of interest that is significant in relation to Item 6 '*Sport and Recreation Facility – March 2023 Progress Report*' 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.

APOLOGIES

Councillor Bennison advised Council that Councillor Mort has submitted a request to attend the meeting via audio visual link due to exceptional circumstances.

21 **RESOLVED** on the motion moved by Councillor Bennison and seconded by Councillor Roenfeldt that the request to virtually attend the meeting be granted.

For the Motion were Councillors Zbik, Southwood, Roenfeldt, Kennedy, Flood, Bryla, Bennison, and Brooks-Horn (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. Nicolette Thorpe of Longueville in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';

In Person

2. Darvan Sinnetamby of Lane Cove in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
3. Adrienne Cahalan of Longueville in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
4. Andrew Firek of Lane Cove in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
5. Shauna Forrest on behalf of the Lane Cove Bushland and Conservation Society in relation to Late Agenda Item 1 'Bushland Acquisition – 14 Gay Street, Lane Cove and Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
6. Damian Beasley of Riverview in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
7. Deb Hirst of St Leonards in relation to DA79/2022;
8. Frances Vissel of Lane Cove North in relation to Late Agenda Item 1 'Bushland Acquisition – 14 Gay Street, Lane Cove and Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
9. Gregory Hanna of Northwood in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';

Councillor David Brooks-Horn left the meeting, the time being 07:45 PM

Councillor David Brooks-Horn returned to the meeting, the time being 07:47 PM

10. Jacky Barker of Lane Cove in relation to Item 2 'Mayoral Minute – Meeting with Local Government New South Wales (LGNSW), Item 3 'Mayoral Minute – Taking Action Against

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the Sale of Vaping and E-Cigarette Products to Children and Teenagers Under 18 Years of Age', Item 6 'Sport and Recreation Facility – March 2023 Progress Report', Item 7 'Melbourne Cup Screening Consultation Outcomes', the safe disposal of sharps and vehicle idling at schools and carparks;

11. Jennifer Schneller of Northwood in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
12. Jessica O'Neill of Longueville in relation to the River Road Development;
13. John Fegan of Northwood in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
14. John Southwood of Greenwich in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
15. Michael O'Neill of Longueville in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
16. Norma Stuart of Longueville in relation to Late Agenda Item 1 'Bushland Acquisition – 14 Gay Street;
17. Paul Bennett of Lane Cove in relation to the creation of a new Council department which will have far reaching benefits for the Lane Cove community;
18. Adrienne Cahalan on behalf of Raphaela Cahalan Griffith of Longueville in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
19. Ron Gornall of Lane Cove in relation to Council Processes surrounding Council decisions for native tree removals;
20. Ronnie Gedeon of Longueville in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
21. Ruth Neumann of Lane Cove in relation to Late Agenda Item 1 'Bushland Acquisition – 14 Gay Street;
22. Stephen Curley of Northwood in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
23. Susan O'Neill of Lane Cove North in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
24. Lynda Wehipeihana of Lane Cove in relation to updating Council in relation to the installation of 5G towers in Lane Cove;
25. Michael of Lane Cove in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
26. Shauna Forrest of Lane Cove in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';

Councillor Scott Bennison left the meeting, the time being 08:41 PM

Councillor Scott Bennison returned to the meeting, the time being 08:42 PM

27. Robert Frolich of Lane Cove in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
28. Alan Skinner of Longueville in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
29. Anita Thommesen of Lane Cove in relation to concerns of 5G and any introduction of a SMART city concept in Lane Cove; and
30. Lynne McLoughlin of Lane Cove in relation to Late Agenda Item 1 'Bushland Acquisition – 14 Gay Street and Item 6 'Sport and Recreation Facility – March 2023 Progress Report'.

Written Submissions

Twelve (12) written submissions were received, those being from:-

1. Shauna Forrest of Longueville in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
2. Lane Cove Netball Club in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
3. Jill Golledge of Longueville in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
4. Liz Powter of Lane Cove in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
5. Lane Cove Bushland and Conservation Society Inc in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
6. Susanne England of Lane Cove in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
7. Susan O'Neill of Lane Cove North in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
8. Adrian Teague of Lane Cove in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
9. Darvan Sinnetamby of Lane Cove in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
10. Tim Murraby of Lane Cove in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report';
11. Helen Wheeler of Lane Cove in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report'; and
12. Simon Kennedy of Lane Cove in relation to Item 6 'Sport and Recreation Facility – March 2023 Progress Report'.

PROCEDURAL MOTION

- 22** **RESOLVED** on the motion moved by Councillor Roenfeldt and seconded by Councillor Bennison that Item 6 '*Sport and Recreation Facility – March 2023 Progress Report*' be considered as the next item of business.

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

- 23** **RESOLVED** on the motion moved by Councillor Roenfeldt and seconded by Councillor Bennison that proceedings be adjourned for 15 minutes until 9:05pm.

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

Against the Motion was Councillor Brooks-Horn (Total 1).

PROCEDURAL MOTION

24 **RESOLVED** on the motion moved by Councillor Bennison and seconded by Councillor Roenfeldt that the meeting proceedings be resumed at 9:10pm.

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

Against the Motion was Nil (Total 0).

Absent: Councillor Mort (Total 1)

Councillor David Brooks-Horn left the meeting, the time being 09:16 PM

SPORT AND RECREATION FACILITY - MARCH 2023 PROGRESS REPORT

25 **RESOLVED** on the motion moved by Councillor Zbik and seconded by Councillor Bennison that Council:-

1. Receive and note the report;
2. Notes the updated design for the Sport and Recreation Facility, included as **AT-1**;
3. Receives at the April Councillor workshop (or when required) the following:
 - a. 80% detailed design of the Sport and Recreation Facility as the design proposed for endorsement by Council for inclusion in tender documents and all supporting report documentation prepared for tender;
 - b. updated project timeline;
 - c. updated Quantity Survey report;
 - d. update on how the tender design will address the recommendations to mitigate risk to the natural environment as outlined in the following DA reports:
 - ESD report
 - Riparian Report
 - Light Spill Report
 - Biodiversity
 - e. outline in the tender documents a process for expedition of tree planting to replace lost tree canopy and how this will be implemented;
 - f. update on options considered for the building to contribute maximum renewable energy output and battery storage capability to reach a target of achieving a building that can be operated on 100% renewable energy;
 - g. briefing summary as to the fit for purpose application of each space in the building to satisfy the community user groups that have been engaged in workshop sessions over the past six months.
4. Receives a report at the April meeting of Council on the interim arrangements for the Lane Cove Golf Course during the construction phase;
5. Resolves that the management/operational model for the Sport and Recreation Facility will be determined by Council and that a report be prepared on the available options including modelling of financial feasibility of a Council operated Sport and Recreation Facility;
6. Proceed with Stage 1 procurement of a Demolition, Sediment Control and Bulk Earthworks contractor (Early Works) with no work to commence prior to the close of tenders for Stage 2 and Councillors have been advised that the project is within budget;
7. Receive a further report to the April Council Meeting, providing a summary of the

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workshop and outlining any proposed changes to the documents. and the changes be issued as addendums to the tender documents in 3(a) of this resolution as a result of the workshop; and

8. Proceeds, following the April Council meeting, with Stage 2 procurement of a Construction Contractor (Major Works), with five contractors selected from the Expression of Interest.

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

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

The Mayor exercised his casting vote for the Motion and the Motion was declared carried.

Councillor Kathy Mort left the meeting, the time being 9:45 PM, and did not return to the meeting.

PROCEDURAL MOTION

- 26** **RESOLVED** on the motion moved by Councillor Bennison and seconded by Councillor Zbik that proceedings be adjourned for 5 minutes.

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

Against the Motion was Nil (Total 0).

Councillor David Brooks-Horn returned to the meeting, the time being 10:20 PM

PROCEDURAL MOTION

- 27** **RESOLVED** on the motion moved by Councillor Zbik and seconded by Councillor Bennison that Item 1 '*Confirmation of Minutes – Ordinary Council Meeting – 23 February 2023*', Item 2 '*Mayoral Minute – Meeting with Local Government New South Wales (LGNSW)*', Item 4 '*Notice of Motion – Urgent Action to Address Lack of Bulk Billing General Practices in Lane Cove*', Item 5 '*Notice of Motion – Public Reporting of Councillor Briefing and Meeting Attendance*', Item 9 '*Partial Road Closure – Berry Lane – Community Consultation*', Item 10 '*Results of the Food Organics Trial*', Item 11 '*Proposed Voluntary Planning Agreement for Areas 11 and 23 – St Leonards South Precinct*', Item 13 '*2024 Local Government Elections*', Item 14 '*Council Snapshot February 2023*' and the Late Agenda Item '*Bushland Acquisition – 14 Gay Street, Lane Cove*', be considered In Globo.

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

Against the Motion was Nil (Total 0).

PROCEDURAL MOTION

- 28** **RESOLVED** on the motion moved by Councillor Zbik and seconded by Councillor Bennison that the recommendations as included on the business paper be adopted for Item 1 '*Confirmation of Minutes – Ordinary Council Meeting – 23 February 2023*', Item 2 '*Mayoral Minute – Meeting with Local Government New South Wales (LGNSW)*', Item 4 '*Notice of Motion – Urgent Action to Address Lack of Bulk Billing General Practices in Lane Cove*', Item 5 '*Notice of Motion – Public Reporting of Councillor Briefing and Meeting Attendance*', Item 9 '*Partial Road Closure – Berry Lane – Community Consultation*', Item 10 '*Results of the Food Organics Trial*', Item 11 '*Proposed Voluntary Planning Agreement for Areas 11 and 23 – St Leonards South Precinct*', Item 13 '*2024 Local Government Elections*', Item 14 '*Council Snapshot February 2023*' and the Late Agenda Item '*Bushland Acquisition – 14 Gay Street, Lane Cove*'.

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

Against the Motion was Nil (Total 0).

CONFIRMATION OF MINUTES OF ORDINARY COUNCIL - 23 FEBRUARY 2023

MAYORAL MINUTE - MEETING WITH LOCAL GOVERNMENT NEW SOUTH WALES (LGNSW)

NOTICE OF MOTION - URGENT ACTION TO ADDRESS LACK OF BULK BILLING GENERAL PRACTICES IN LANE COVE

NOTICE OF MOTION - PUBLIC REPORTING OF COUNCILLOR BRIEFING AND MEETING ATTENDANCE

PARTIAL ROAD CLOSURE - BERRY LANE - COMMUNITY CONSULTATION

RESULTS OF THE FOOD ORGANICS TRIAL

PROPOSED VOLUNTARY PLANNING AGREEMENT FOR AREAS 22 AND 23 - ST LEONARDS SOUTH PRECINCT

2024 LOCAL GOVERNMENT ELECTIONS

BUSHLAND ACQUISITION - 14 GAY STREET, LANE COVE

COUNCIL SNAPSHOT FEBRUARY 2023

MAYORAL MINUTE - TAKING ACTION AGAINST THE SALE OF VAPING AND E-CIGARETTE PRODUCTS TO CHILDREN AND TEENAGERS UNDER 18 YEARS OF AGE

29 **RESOLVED** on the motion moved by Councillor Zbik and seconded by Councillor Kennedy that Council:-

1. Write to NSW Health and the Health Minister requesting assistance with local enforcement of the sale of vaping products to minors and conduct a review on the licensing regime for the sale of tobacco and other related products;
2. Promote on its social media channels the importance of contacting Crimestoppers if there is a suspected sale of vaping products to minors; and
3. Amend all smoke free Lane Cove signage to include vaping products and share educational material on Council's website and social channels to ensure locals are aware that vaping products are prohibited in smoke free areas.

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

Against the Motion was Nil (Total 0).

ORDERS OF THE DAY

Nil

MELBOURNE CUP SCREENING CONSULTATION OUTCOMES

A motion was moved by Councillor Flood and seconded by Councillor Bryla that Council:-

1. Receives and notes the survey results;
2. Not conduct public screening events or promote the screening of the Melbourne Cup from 2023 onwards; and
3. Resolves to open a second round of community consultation to receive feedback on alternative events proposed by residents during the initial survey, with a report to come back to council for determination at the August Ordinary Council meeting.

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

Against the Motion were Councillors Zbik, Roenfeldt, Bennison and Brooks-Horn (Total 4).

The Mayor declined to exercise his casting vote and therefore the Motion was lost.

FOSSIL FUEL ADVERTISING AND SPONSORSHIP POLICY - CONSULTATION OUTCOMES

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

1. Receives and notes the results of the community consultation on Fossil Fuel Advertising and Sponsorship Policy;
2. Expands Section 4.2 'Principles for Seeking Sponsorship' in Council's Sponsorship Policy to include a ban on sponsorship arrangements with an individual or a corporation that carries on a business:-
 - a. That is mainly concerned with the residential or commercial development of land with the ultimate purpose of the sale or lease of the land for profit, and, in the course of that business:
 - i. One relevant planning application has been made by or on behalf of the individual or corporation and is pending; or
 - ii. Three or more relevant planning applications made by or on behalf of the individual or corporation have been determined within the preceding 7 years;
 - b. That includes the extraction, distribution or sale of fossil fuels;
 - c. That includes gambling/gaming; or
 - d. That included tobacco and other related products.
3. Endorses the update to Council's Purchasing Policy to include the wording "*Avoid promoting or advertising products that pollute soils, air and waterways or are harmful to the climate, such as fossil fuels*" to restrict any future contracts from permitting advertising of fossil fuels on any Council controlled signage or property.

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

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

PROCEDURAL MOTION

31 **RESOLVED** on the motion moved by Councillor Zbik that the meeting be extended until 11:15pm.

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

Against the Motion was Nil (Total 0).

TRAFFIC COMMITTEE - FEBRUARY 2023

32 **RESOLVED** on the motion moved by Councillor Bryla and seconded by Councillor Bennison that Council:-

- a. Adopts the recommendations of the Lane Cove Traffic Committee Meeting held on Tuesday, 7 February 2023; and
- b. Investigates installing an additional “No Stopping “ zone on the western side of Tambourine Bay Road between the intersections of Seville Street and Sera Street.

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

Against the Motion was Nil (Total 0).

The meeting closed at 11:03pm.

Confirmed at the Ordinary Council Meeting of 20 April 2023, at which meeting the signature herein is subscribed.

MAYOR

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