

Minutes
Ordinary Council Meeting
20 July 2023, 7:00 PM

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



**Ordinary Council 20 July 2023
MINUTES**

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

ALSO PRESENT: Executive Manager – Corporate Services, Executive Manager – Environmental Services, Executive Manager – Human Services, Executive Manager – Open Space and Urban Services, Director Major Projects and Minute Taker.

DECLARATIONS OF INTEREST:

Councillor Brooks-Horn declared a non-pecuniary conflict of interest that is significant in relation to Item 4 *'Tender for the Appointment of a Head Construction Contractor for the Lane Cove Sport and Recreation Facility'* as the item refers to land that he has previously raised a declaration of interest in regards to. Councillor Brooks-Horn indicated he would vacate the meeting and not debate or vote on the item.

Councillor Kennedy declared a non-pecuniary conflict of interest that is not significant in relation to Item 4 *'Tender for the Appointment of a Head Construction Contractor for the Lane Cove Sport and Recreation Facility'* 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 Southwood declared a non-pecuniary conflict of interest that is not significant in relation to Item 5 *'Proposed Partial Road Closure of Canberra Avenue – Proposed Extension of Newlands Park'* and Item 14 *'Proposed Voluntary Planning Agreement for Area's 13, 14 and 15 - 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 Southwood declared a non-pecuniary conflict of interest that is not significant in relation to Item 4 *'Tender for the Appointment of a Head Construction Contractor for the Lane Cove Sport and Recreation Facility'* 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 Flood declared non-pecuniary conflict of interest that is not significant in relation to Item 4 *'Tender for the Appointment of a Head Construction Contractor for the Lane Cove Sport and Recreation Facility'* 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.

APOLOGIES

The Mayor advised that Councillor Bryla has requested to attend the meeting via audio visual link due to exceptional circumstances.

110 RESOLVED on the motion moved by Councillor Flood and seconded by Councillor Kennedy 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).

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. Anita Thommesson of Lane Cove in relation to Item 3 '*Notice of Motion – Council Support for Constitutional Recognition of a First Nations Voice to Parliament*' and Item 2 '*Notice of Motion – 5G Cell Towers Request for Information*'
2. Darvan Sinnetamby of Lane Cove in relation to Item 4 '*Tender for the Appointment of a Head Construction Contractor for the Lane Cove Sport and Recreation Facility*'

In-Person

3. Adrienne Cahalan of Longueville in relation to Item 4 '*Tender for the Appointment of a Head Construction Contractor for the Lane Cove Sport and Recreation Facility*'
4. Conor Briggs of Longueville in relation to Item 2 '*Notice of Motion – 5G Cell Towers Request for Information*'
5. Erin Barlow of Cammeray in relation to Item 2 '*Notice of Motion – 5G Cell Towers Request for Information*'
6. Frances Vissel of Lane Cove in relation to Item Item 3 '*Notice of Motion – Council Support for Constitutional Recognition of a First Nations Voice to Parliament*', Item 4 '*Tender for the Appointment of a Head Construction Contractor for the Lane Cove Sport and Recreation Facility*', Item 5 '*Proposed Partial Closure of Canberra Avenue - Proposed Extension of Newlands Park*', Item 7 '*Introduction of Wildlife Protection Areas*'
7. Jennifer Schneller of Northwood in relation to Item 4 '*Tender for the Appointment of a Head Construction Contractor for the Lane Cove Sport and Recreation Facility*' and Item 5 '*Proposed Partial Closure of Canberra Avenue – Proposed Extension of Newlands Park*'
8. Jim Sternhell of Lane Cove in relation to Item 2 '*Notice of Motion – 5G Cell Towers Request for Information*'

**Ordinary Council 20 July 2023
MINUTES**

9. John Southwood of Greenwich in relation to Item 4 *'Tender for the Appointment of a Head Construction Contractor for the Lane Cove Sport and Recreation Facility'* and Item 6 *'Investment Portfolio Review'*
10. Judy Winning of Riverview in relation to Item 2 *'Notice of Motion – 5G Cell Towers Request for Information'*
11. Lynda Wehipeihana of Lane Cove in relation to Item 2 *'Notice of Motion – 5G Cell Towers Request for Information'*
12. Margareta Toohey of Castle Hill in relation to Item 2 *'Notice of Motion – 5G Cell Towers Request for Information'*
13. Michael O'Neill of Longueville in relation to Item 4 *'Tender for the Appointment of a Head Construction Contractor for the Lane Cove Sport and Recreation Facility'*
14. Patricia Harney of Lane Cove on behalf of Lane Cove Residents for Reconciliation in relation to Item 3 *'Notice of Motion – Council Support for Constitutional Recognition of a First Nations Voice to Parliament'*
15. Paul Valley of Balgowlah in relation to Item 2 *'Notice of Motion – 5G Cell Towers Request for Information'*
16. Peter Deane of Greenwich on behalf of the Greenwich Community Association in relation to Item 4 *'Tender for the Appointment of a Head Construction Contractor for the Lane Cove Sport and Recreation Facility'*
17. Phil Wade of Lane Cove in relation to Item 2 *'Notice of Motion – 5G Cell Towers Request for Information'*;
18. Ros Bradley of Greenwich in relation to Item 3 *'Notice of Motion – Council Support for Constitutional Recognition of a First Nations Voice to Parliament'*
19. Shauna Forrest of Longueville on behalf of the Lane Cove Bushland and Conservation Society in relation to Item 4 *'Tender for the Appointment of a Head Construction Contractor for the Lane Cove Sport and Recreation Facility'* and 7 *'Introduction of Wildlife Protection Areas'*
20. Sigal Kliger of Lane Cove in relation to Item 2 *'Notice of Motion – 5G Cell Towers Request for Information'*
21. Stephen Curley of Northwood on behalf of the Northwood Action Group in relation to Item 4 *'Tender for the Appointment of a Head Construction Contractor for the Lane Cove Sport and Recreation Facility'*
22. Stuart Piper of St Leonards in relation to Item 5 *'Proposed Partial Closure of Canberra Avenue – Proposed Extension of Newlands Park'*
23. Susan O'Neill of Lane Cove North in relation to Item 2 *'Notice of Motion – 5G Cell Towers Request for Information'*; Item 3 *'Notice of Motion – Council Support for Constitutional Recognition of a First Nations Voice to Parliament'*, and Item 4 *'Tender for the Appointment of a Head Construction Contractor for the Lane Cove Sport and Recreation Facility'* and increasing quiet spaces in Lane Cove
24. Suzie Dumic of Bella Cove Lingerie in relation to Item 2 *'Notice of Motion – 5G Cell Towers Request for Information'*
25. Charles Lovecraft of Lane Cove in relation to Item 7 *'Introduction of Wildlife Protection Areas'*
26. Sue Yellend of Wollstonecraft in relation to Item 5 *'Proposed Partial Closure of Canberra Avenue – Proposed Extension of Newlands Park'*.

Written Submission

Thirteen (13) written submissions were received, those being from:

1. Adrienne Cahalan of Lane Cove in relation to Item 4 '*Tender for the Appointment of a Head Construction Contractor for the Lane Cove Sport and Recreation Facility*'
2. Alex Johansson of St Leonards in relation to Item 5 '*Proposed Partial Closure of Canberra Avenue – Proposed Extension of Newlands Park*'
3. Alexa Toedson of Lane Cove in relation to Item 7 '*Introduction of Wildlife Protection Areas*'
4. Andrew Allen of St Leonards in relation to Item 5 '*Proposed Partial Closure of Canberra Avenue – Proposed Extension of Newlands Park*'
5. Anita Thommesen of Lane Cove in relation to Item 3 '*Notice of Motion – Council Support for Constitutional Recognition of a First Nations Voice to Parliament*'
6. Cait and Bill Rawlinson of Riverview in relation to Item 7 '*Introduction of Wildlife Protection Areas*'
7. Kerrie Piper of St Leonards in relation to Item 5 '*Introduction of Wildlife Protection Areas*'
8. Lane Cove Bushland and Conservation Society in relation to Item 7 '*Introduction of Wildlife Protection Areas*'
9. Jeremy Adams in relation to Item 7 '*Introduction of Wildlife Protection Areas*'
10. Julie Schwass of Riverview in relation to Item 7 '*Introduction of Wildlife Protection Areas*'
11. Sharon Coley of St Leonards in relation to Item 5 '*Proposed Partial Closure of Canberra Avenue – Proposed Extension of Newlands Park*'
12. Susanne England of Lane Cove in relation to Item 4 '*Tender for the Appointment of a Head Construction Contractor for the Lane Cove Sport and Recreation Facility*'; and
13. Vanessa RyanRendall in relation to Item 7 '*Introduction of Wildlife Protection Areas*'.

CONFIRMATION OF MINUTES OF ORDINARY COUNCIL - 22 JUNE 2023

111 **RESOLVED** on the motion moved by Councillor Mort and seconded by Councillor Southwood that the minutes of the Ordinary Council meeting held on the 22 June 2023 be accepted.

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).

112 **RESOLVED** on the motion moved by Councillor Brooks-Horn and seconded by Councillor Flood that the minutes of the Ordinary Council meeting held on the 22 June 2023 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 - 5G CELL TOWERS REQUEST FOR INFORMATION

113 **RESOLVED** on the motion moved by Councillor Mort and seconded by Councillor Bennison that Council:

1. Write to the Federal Government requesting funding for an investigation with an independent assessor to measure exposure to electromagnetic radiation in a number of sample sites in Lane Cove, including but not limited to; The Canopy, 79-83 Longueville Road, and 3 Rosenthal Ave overlooking the playground area in The Canopy. The investigation is to include the production of a report and include an evaluation of the health impacts on the human body of the levels of electromagnetic radiation identified in these areas;
2. Write to Ms Kylea Tink MP, Member for North Sydney, requesting her support to lobby the Commonwealth Government to undertake the investigation outlined in 1., to ensure community safety in relation to the rollout of 5G technology, such as restriction of cell towers in close proximity to schools and residences;
3. Seek Information from Randwick, Northern Beaches and Central Coast Councils by formally requesting they provide copies of any officer reports, community submissions, and related correspondence concerning their decision to not support the installation of cell towers. Additionally, seek clarification on the reasons behind their decision;
4. Contact Telstra, Optus, TPG and Vodafone to obtain:-
 - a. Comprehensive product information regarding the new 5G technologies, including the process for testing air quality and radiation once towers are installed;
 - b. Details of how tower placement is determined, what factors are considered, and how they consult with businesses and residents;
 - c. Details about the types of radiation emitted by the infrastructure, their levels, installation guidelines for contractors, the ability to adjust radiation emissions, methods for measuring emissions, ongoing monitoring practices, and infrastructure lifespan; and
 - d. A full inventory of existing infrastructure locations and planned locations, including the less obvious and concealed cell towers and antennas.
5. Write to ARPANSA (Australian Radiation Protection and Nuclear Safety Agency to confirm the types of radiation emitted by 5G technology, established emission levels at safe distances from humans, research sources relied upon to assert the safety of 5G technology (including authorship and publication dates), whether non-thermal impacts on human health are considered in the research, methods for measuring the safety levels of emissions from 5G infrastructure, associated costs of obtaining measurement equipment, and the responsible authority for industry regulation ensuring adherence to safety and health standards; and
6. Receive a report on the outcomes of Parts 1-5.

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

Against the Motion was Councillor Flood (Total 1).

NOTICE OF MOTION - COUNCIL SUPPORT FOR CONSTITUTIONAL RECOGNITION OF A FIRST NATIONS VOICE TO PARLIAMENT

MOTION

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

1. Affirms its support for constitutional recognition for Aboriginal and Torres Strait islander people through a Voice to Parliament;
2. Affirms its support for the actions proposed in Resolutions 67/2023 and 68/2023;
3. Authorises the display of on-line and free promotional materials (consistent with legislative requirements) in support of a Yes vote in the forthcoming referendum on constitutional change to give effect to the Voice to Parliament;
4. Endorses the Mayor to authorise any material that requires authorisation, subject to any applicable legal obligations;
5. Notes that Council may be required to report and declare any financial assistance provided in accordance with the applicable legislation from time to time; and
6. Participates or partners with other LGAs to hold community information events on the referendum.

AMENDMENT

An amendment was moved by Councillor Brooks-Horn and seconded by Councillor Bennison that Council:

1. Affirms its support for constitutional recognition for Aboriginal and Torres Strait islander people through a Voice to Parliament;
2. Affirms its support for the actions proposed in Resolutions 67/2023 and 68/2023;
3. Authorises the display of on-line and free promotional materials (consistent with legislative requirements) in support of a Yes vote in the forthcoming referendum on constitutional change to give effect to the Voice to Parliament;
4. Endorses the Mayor to authorise any material that requires authorisation, subject to any applicable legal obligations;
5. Notes that Council may be required to report and declare any financial assistance provided in accordance with the applicable legislation from time to time;
6. Participates or partners with other LGAs to hold community information events on; and
7. Affirms that no council/rate payer money or resources be used to promote one side of the referendum.

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

For the Motion were Councillors Bennison, Brooks-Horn and Mort (Total 3).

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

AMENDMENT

An amendment was moved by Councillors Brooks-Horn and seconded by Councillors Bennison that Council:

1. Affirms its support for constitutional recognition for Aboriginal and Torres Strait islander people through a Voice to Parliament;
2. Affirms its support for the actions proposed in Resolutions 67/2023 and 68/2023;
3. Authorises the display of on-line and free promotional materials (consistent with legislative requirements) in support of a Yes vote in the forthcoming referendum on constitutional change to give effect to the Voice to Parliament;
4. Endorses the Mayor to authorise any material that requires authorisation, subject to any applicable legal obligations;
5. Notes that Council may be required to report and declare any financial assistance provided in accordance with the applicable legislation from time to time;
6. Participates or partners with other LGAs to hold community information events on; and
7. Voluntarily reimburses any costs incurred in support of the Yes Vote from the allowance of the Councillors that vote for the motion.

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 and Bryla (Total 6).

Abstained from the Motion was Councillor Mort (Total 1).

Councillor Bridget Kennedy left the meeting, the time being 09:23 PM

Councillor Bridget Kennedy returned to the meeting, the time being 09:25 PM

114 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, Brooks-Horn and Mort (Total 3).

OFFICER REPORTS FOR DETERMINATION

Councillor David Brooks-Horn left the meeting, the time being 09:32 pm

TENDER FOR THE APPOINTMENT OF A HEAD CONSTRUCTION CONTRACTOR FOR THE LANE COVE SPORT AND RECREATION FACILITY

MOTION

A motion moved by Councillor Bennison and seconded by Councillor Roenfeldt that Council:-

1. Decline to accept all tender submissions as none of the tenders received were within the construction cost allowance for Stage 2 included within the overall \$75 million project budget;
2. Not call fresh tenders as the tender process has identified a suitable field of contractors who can complete the project and the current submissions have been reviewed under a competitive tender process and the preferred proponent and two

**Ordinary Council 20 July 2023
MINUTES**

other tenderers are suitably qualified and can demonstrate capacity and capability for the project. Further, based on the value engineering proposals identified, via a post-tender negotiation process, Council's nominated budget and Principal Project Requirements can be achieved via more appropriate contractual arrangements;

3. Enter into negotiations initially with ADCO Group Pty Ltd and/or ADCO Constructions Pty Ltd as the preferred tenderer, with the aim of entering into a contract that aligns with Council's nominated budget;
4. Delegate authority to the General Manager to enter into negotiations with ADCO Group Pty Ltd and/or ADCO Constructions Pty Ltd as they are the highest ranked in the selection criteria. If no suitable outcome is achieved, undertake negotiations with the two other tenderers, and upon reaching an agreement, enter into a contract utilising a modified AS4902 lump sum design and construct contract for the Head Construction Contractor, within Council's adopted \$75M project budget. The negotiation process shall finalise the scope, include design development of appropriate value engineering proposals to reduce costs, remove pricing exclusions, finalise the terms of the contract, and confirm program and delivery methodology;
5. Adhere to the following principles in the design development and cost reduction process:-
 - a. The facility spaces and capacity within the design be retained;
 - b. The design aesthetics of the building design be retained;
 - c. The project retain a sustainable building design that aligns with good practice design principles of local and international environmental standards as specified by consultants Steensen & Varming.
6. Delegate authority to the General Manager to proceed with Stage 1 Demolition, Sediment Control, and Bulk Earthworks contractor (Early Works) works once the negotiations have been finalised and it has been determined that the project can proceed within the project budget and Councillors have been advised;
7. Pursue expansion of the 200kW net Solar PV array system included within the project to the Maximum Solar PV system (Circa 500kW) and provision of a 200kw battery via a grant from ARENA, and if unsuccessful during the construction period, commit to expansion of the system (project design to include suitable provisioning) within 18 months post-occupation, once accurate facility energy usage data is available;
8. Receive a further report on the outcomes of the negotiations for information.

AMENDMENT

An amendment was moved by Councillor Flood and seconded by Councillor Kennedy that Council:-

1. Decline to accept all tender submissions as none of the tenders received were within the construction cost allowance for Stage 2 included within the overall \$75 million project budget;
2. Not call fresh tenders as the tender process has identified a suitable field of contractors who can complete the project and the current submissions have been reviewed under a competitive tender process and the preferred proponent and two other tenderers are suitably qualified and can demonstrate capacity and capability for the project. Further, based on the value engineering proposals identified, via a post-tender negotiation process, Council's nominated budget and Principal Project Requirements can be achieved via more appropriate contractual arrangements;

**Ordinary Council 20 July 2023
MINUTES**

3. Enter into negotiations initially with ADCO Group Pty Ltd as the preferred tenderer, with the aim of entering into a contract that aligns with Council's nominated budget;
4. Delegates authority to the General Manager to enter into negotiations with ADCO Group Pty Ltd. If no suitable outcome is achieved, undertake negotiations with the two other tenderers, GrindleyConstruction Pty and Prime Constructions Pty Ltd. The negotiation process shall finalise the scope which shall include the A,J & C Architects' 80% Detailed Design as the Principal Project Requirements, design development of appropriate value engineering proposals to reduce costs, removal of pricing exclusions, finalization of the terms of the contract, and confirm program and delivery methodology.
5. Adhere to the following principles in the design development and cost reduction process:-
 - a. The facility spaces and capacity within the design be retained;
 - b. The design aesthetics of the building design be retained;
 - c. The project retain a sustainable building design that aligns with good practice design principles of local and international environmental standards as specified by consultants Steensen & Varming.
6. Delegate authority to the General Manager to proceed with Stage 1 Demolition, Sediment Control, and Bulk Earthworks contractor (Early Works) works once the negotiations have been finalised and it has been determined that the project can proceed within the project budget and Councillors have been advised;
7. Pursue expansion of the 200kW net Solar PV array system included within the project to the Maximum Solar PV system (Circa 500kW) and provision of a 200kw battery via a grant from ARENA, and if unsuccessful during the construction period, commit to expansion of the system (project design to include suitable provisioning) within 18 months post-occupation, once accurate facility energy usage data is available;
8. Receive a further report on the outcomes of the negotiations for information.

Upon being put to the meeting the Amendment was declared lost as the Mayor exercised a casting vote against the Amendment.

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

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

AMENDMENT

An amendment was moved by Councillor Southwood and seconded by Councillor Flood that Council:-

1. Decline to accept all tender submissions as none of the tenders received were within the construction cost allowance for Stage 2 included within the overall \$75 million project budget;
2. Not call fresh tenders as the tender process has identified a suitable field of contractors who can complete the project and the current submissions have been reviewed under a competitive tender process and the preferred proponent and two other tenderers are suitably qualified and can demonstrate capacity and capability for the project. Further, based on the value engineering proposals identified, via a post-tender negotiation process, Council's nominated budget and Principal Project Requirements can be achieved via more appropriate contractual arrangements;
3. Enter into negotiations initially with ADCO Group Pty Ltd as the preferred tenderer, with the aim of entering into a contract that aligns with Council's nominated budget;

4. Delegate authority to the General Manager to enter into negotiations with ADCO Group Pty Ltd as they are the highest ranked in the selection criteria. If no suitable outcome is achieved, undertake negotiations with the two other tenderers, and upon reaching an agreement, enter into a contract utilising a modified AS4902 lump sum design and construct contract for the Head Construction Contractor, within Council's adopted \$75M project budget. The negotiation process shall finalise the scope, include design development of appropriate value engineering proposals to reduce costs, remove pricing exclusions, finalise the terms of the contract, and confirm program and delivery methodology;
5. Adhere to the following principles in the design development and cost reduction process:-
 - a. The facility spaces and capacity within the design be retained;
 - b. The design aesthetics of the building design be retained;
 - c. The project retain a sustainable building design that aligns with good practice design principles of local and international environmental standards as specified by consultants Steensen & Varming.
6. Upon reaching an agreement, bring the draft contract utilising a modified AS4902 lump sum design and construct contract for the Head Construction Contractor, within Council's adopted \$75M project budget, and recommendation as to proposed contractor back to Council for determination. An Extraordinary Meeting will be called to provide a rapid response if required.
7. Pursue expansion of the 200kW net Solar PV array system included within the project to the Maximum Solar PV system (Circa 500kW) and provision of a 200kw battery via a grant from ARENA, and if unsuccessful during the construction period, commit to expansion of the system (project design to include suitable provisioning) within 18 months post-occupation, once accurate facility energy usage data is available;
8. Receive a further report on the outcomes of the negotiations for information.

Upon being put to the meeting the Amendment was declared lost as the Mayor exercised a casting vote against the Amendment.

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

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

115 Upon being put to the meeting the Motion was declared carried as the Mayor exercised a casting vote in favour of the Motion.

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

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

ADJOURNMENT

116 **RESOLVED** on the motion moved by Councillor Zbik that the meeting be adjourned at 10:40pm and reconvene at 10:50pm.

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).

Councillor David Brooks-Horn returned to the meeting, the time being 10:54 PM
Councillor Katherine Mort left the meeting, the time being 10:53 PM

PROCEDURAL MOTION

117 RESOLVED on the motion moved by Councillor Zbik and seconded by Councillor Roenfeldt that the meeting be extended until midnight.

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

118 RESOLVED on the motion moved by Councillor Zbik and Bennison that Item 8 '*Proposed Review of Ward Boundaries*', Item 9 '*Traffic Committee – May 2023*', Item 10 '*IPART – Draft Report on the Rate Peg Methodology Review*', Item 12 '*Draft Managing Conflicts of Interest for New Independent External Members*', Item 13 '*Revised Fraud and Corruption Prevention Policy and Strategy*', Item 14 '*Proposed Voluntary Planning Agreement for Area's 13, 14 and 15 – St Leonards South Precinct*', Item 15 '*Council Snapshot June 2023*' be considered En 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).

Councillor Katherine Mort returned to the meeting, the time being 11:00 PM

PROPOSED PARTIAL CLOSURE OF CANBERRA AVENUE - PROPOSED EXTENSION OF NEWLANDS PARK

MOTION

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

1. Receives and notes the report;
2. Does not undertake community consultation and public notification for the partial closure of Canberra Avenue between River Road at its intersection with Duntroon Avenue to integrate the land into Newlands Park, as outlined in the report;
3. Notifies the applicant for DA for Areas 7,8,9,10,11 that, for the purposes of Condition A.8.P of its DA consent conditions, the public domain will not include the portion of Canberra Avenue proposed for closure, thereby facilitating the applicant's preparation of plans pursuant to Condition A.8.P, securing of a Construction Certificate and release of Section 7.11 funds;
4. Holds a site inspection with Councillors and residents at the intersection of Duntroon Avenue and River Road during morning and evening peak hour; and
5. Includes the closure of Canberra Avenue in briefings of the St Leonards South Coordination Unit.

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

For the Motion was Councillor Southwood (Total 1).

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

FORESHADOWED MOTION

A foreshadowed motion was moved by Councillor Roenfeldt and seconded by Councillor Bennison that Council:-

1. The report be received and noted;
2. Undertake Community Consultation and public notification for the partial closure of Canberra Avenue between River Road at its intersection with Duntroon Avenue to integrate the land into Newlands Park, as outlined in the report;
3. A further report on the outcome of the Community Consultation be submitted to Council for a decision on the road closure by Council.
4. During the consultation period, Council holds a site inspection with Councillors and residents at the intersection of Duntroon Avenue and River Road during the morning and evening peak hour periods.

119 Upon being put to the meeting the Foreshadowed 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).

INVESTMENT PORTFOLIO REVIEW

MOTION

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

1. Receive and note this report, together with the investment advice received from Council's Investments Advisor, Prudential Investment Services Corp;
2. Determines to pursue an Investment Portfolio that preferences the placement of investments with non-fossil fuel aligned financial institutions and socially responsible investments. To facilitate this, Council staff will work on a revised Investment Policy incorporating matters including:
 - a. Ensuring Council does not incur break fees on investments during the transition to non-fossil fuel aligned financial institutions and socially responsible investments
 - b. An 'interest rate return yield tolerance' provision that states Council will only invest in non fossil fuel aligned institutions or socially responsible investments where the interest rate offered is comparable (not more than 10 basis points (0.10%) differential) with another available investment product offering at the time
 - c. Update the portfolio limits within our adopted Investment Policy as advised by Prudential Investment Services Corp (Prudential) which would allow Council to invest more funds with non-fossil fuel aligned institutions; and
3. The updated Investment Policy is to be brought back to the September Council Meeting for consideration by council.

AMENDMENT

An amendment was moved by Councillor Mort and seconded by Councillor Brooks-Horn that Council:-

1. Receive and note this report, together with the investment advice received from Council's Investments Advisor, Prudential Investment Services Corp;
2. Determines to pursue an Investment Portfolio that preferences the placement of investments with non-fossil fuel aligned financial institutions and socially responsible

**Ordinary Council 20 July 2023
MINUTES**

investments. To facilitate this, Council staff will work on a revised Investment Policy incorporating matters including:

- a. Ensuring Council does not incur break fees on investments during the transition to non-fossil fuel aligned financial institutions and socially responsible investments;
 - b. An 'interest rate return yield tolerance' provision that states Council will only invest in non fossil fuel aligned institutions or socially responsible investments where the interest rate offered is comparable (not more than 10 basis points (0.10%) differential) with another available investment product offering at the time; and
 - c. Update the portfolio limits within our adopted Investment Policy as advised by Prudential Investment Services Corp (Prudential) which would allow Council to invest more funds with non-fossil fuel aligned institutions.
3. The updated Investment Policy is to be brought back to the September Council Meeting for consideration by council.
4. Acknowledge the CBA,NAB, Westpac and ANZ are amongst the largest financiers to renewables projects in Australia and note that significant investment in renewables in Australia is currently from overseas sources.

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

For the Motion were Councillors Bennison, Brooks-Horn and Mort (Total 3).

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

AMENDMENT

An amendment was moved by Councillor Bennison and seconded by Councillor Brooks-Horn that Council:-

1. Receive and note this report, together with the investment advice received from Council's Investments Advisor, Prudential Investment Services Corp;
2. Determines to pursue an Investment Portfolio that preferences the placement of investments with non-fossil fuel aligned financial institutions and socially responsible investments and/or other investment strategies. To facilitate this, Council staff will work on a revised Investment Policy incorporating matters including:
 - a. Ensuring Council does not incur break fees on investments during the transition to non-fossil fuel aligned financial institutions and socially responsible investments
 - b. An 'interest rate return yield tolerance' provision that states Council will only invest in non fossil fuel aligned institutions or socially responsible investments where the interest rate offered is comparable (not more than 10 basis points (0.10%) differential) with another available investment product offering at the time
 - c. Update the portfolio limits within our adopted Investment Policy as advised by Prudential Investment Services Corp (Prudential) which would allow Council to invest more funds with non-fossil fuel aligned institutions; and
3. The updated Investment Policy is to be brought back to the September Council Meeting for consideration by council.

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

For the Motion were Councillors Bennison, Brooks-Horn and Mort (Total 3).

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

120 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, Brooks-Horn and Mort (Total 3).

INTRODUCTION OF WILDLIFE PROTECTION AREAS

121 RESOLVED on the motion moved by Councillor Kennedy and seconded by Councillor Mort that:-

1. Council undertake community consultation on the proposal to declare its bushland reserves as Wildlife Protection Areas under Section 30 of the NSW Companion Animals Act 1998;
2. Council undertake community consultation for a period of six (6) weeks as per the consultation strategy outlined in the report; and
3. Following the consultation period, a report on any submissions received and any proposed amendments, be reported to 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).

AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC) - DRAFT CHARTER AND EXPRESSION OF INTEREST FOR NEW INDEPENDENT EXTERNAL MEMBERS

122 RESOLVED on the motion moved by Councillor Zbik and seconded by Councillor Mort that Council:-

1. Adopt the Draft Audit, Risk and Improvement Committee (ARIC) Charter (AT-1);
2. Authorise the General Manager to commence an Expression of Interest process to recruit three independent external members to the ARIC;
3. Appoint Councillor Bridget Kennedy as the alternate Councillor replacing Councillor Andrew Zbik (Mayor); and
4. Receive a report back on the recommended independent external members of the ARIC for Council's final determination.

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

123 RESOLVED on the motion moved by Councillor Zbik and seconded by Councillor Brooks-Horn that the recommendations as included in the business paper and resolved to be considered En Globo, be adopted for Item 8 '*Proposed Review of Ward Boundaries*', Item 9 '*Traffic Committee – May 2023*', Item 10 '*IPART – Draft Report on the Rate Peg Methodology Review*', Item 12 '*Draft Managing Conflicts of Interest for New Independent External Members*', Item 13 '*Revised Fraud and Corruption Prevention Policy and Strategy*', Item 14 '*Proposed Voluntary Planning Agreement for Area's 13, 14 and 15 – St Leonards South Precinct*', Item 15 '*Council Snapshot June 2023*'.

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 REVIEW OF WARD BOUNDARIES

124 RESOLVED on the motion of moved by Councillor Zbik and seconded by Councillor Brooks-Horn that:-

1. The information be received and noted;
2. Council place on public exhibition the proposed new Ward Boundaries (Option 3), as depicted in AT-1, in accordance with the consultation strategy outlined in the report; and
3. Following the consultation period, the outcomes be reported back to the September Council meeting for determination of the new Ward Boundaries prior to the 5 October 2023 deadline.

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).

TRAFFIC COMMITTEE - MAY 2023

125 RESOLVED on the motion of moved by Councillor Zbik and seconded by Councillor Brooks-Horn that Council adopts the recommendations of the Lane Cove Traffic Committee Meeting held on Tuesday, 23 May 2023.

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).

IPART- DRAFT REPORT ON THE RATE PEG METHODOLOGY REVIEW

126 RESOLVED on the motion of moved by Councillor Zbik and seconded by Councillor Brooks-Horn that Council endorse the attached submission lodged with IPART.

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).

DRAFT MANAGING CONFLICTS OF INTERESTS FOR COUNCIL-RELATED DEVELOPMENTS POLICY - COMMUNITY CONSULTATION OUTCOMES

127 RESOLVED on the motion of moved by Councillor Zbik and seconded by Councillor Brooks-Horn that Council adopt the Draft Managing Conflicts of Interests for Council-related Developments Policy (AT-1) and publish it on Council's website.

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).

REVISED FRAUD AND CORRUPTION PREVENTION POLICY AND STRATEGY

128 RESOLVED on the motion of moved by Councillor Zbik and seconded by Councillor Brooks-Horn that Council:

1. Endorse the Revised Draft Fraud and Corruption Prevention Policy and the Draft

**Ordinary Council 20 July 2023
MINUTES**

Fraud and Corruption Prevention Strategy for the purposes of public exhibition; and

2. Receive a community consultation evaluation report on the matter following the public exhibition period.

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'S 13, 14 AND 15 - ST LEONARDS SOUTH PRECINCT

129 RESOLVED on the motion of moved by Councillor Zbik and seconded by Councillor Brooks-Horn that Council:

1. Receive and note the report;
2. Council enter into a Voluntary Planning Agreement with Marshall Land Pty Ltd as trustee for Marshall Land Unit Trust and Holdsworth Land Pty Ltd as trustee for Holdsworth Land Unit Trust in respect of the development of Areas 13, 14 and 15 (14 and 16 Marshall Avenue, 5-9 Holdsworth Avenue and 2-10 Berry Road) at the St Leonards South Precinct as outlined in the report; 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).

OFFICER REPORTS FOR INFORMATION

COUNCIL SNAPSHOT JUNE 2023

130 RESOLVED on the motion of moved by Councillor Zbik and seconded by Councillor 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).

The meeting closed at 11:57pm.

Confirmed at the Ordinary Council Meeting of 24 August 2023, at which meeting the signature herein is subscribed.

MAYOR

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