

# Minutes Ordinary Council Meeting 21 September 2023, 7:00PM

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



**Ordinary Council 21 September 2023  
MINUTES**

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

**ALSO PRESENT:** General Manager, Executive Manager – Corporate Services, Executive Manager – Environmental Services, Executive Manager – Human Services, Executive Manager – Open Space and Urban Services, Executive Officer to the General Manager and Minute Taker.

### **APOLOGIES**

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

**150 RESOLVED** a motion was moved by Councillor Zbik and seconded by Councillor Brooks-Horn that the request to virtually attend the meeting be granted.

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

Against the Motion was Nil (Total 0).

### **DECLARATIONS OF INTEREST:**

Councillor Mort declared a non-pecuniary conflict of interest that is significant in relation to Item 8 '*Jean Mitchell Lucretia Baths Restoration*' as she lives in the street adjacent to the area. Councillor Mort indicated she would leave the meeting and would not debate or vote on the matter.

Councillor Southwood declared a non-pecuniary conflict of interest that is not significant in relation to Item 17 '*Greenwich Baths Lease Arrangements*' as 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 indicated she would not vacate the meeting and would debate and vote on the matter.

### **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. Alison Blazey of Lane Cove in relation to Item 6 '*Sustainability review of council DCP exhibition outcomes*'. Specifically, S.2.2.1 All electric buildings;

#### **In Person**

2. Deborah Rouse of Beacon Hill in relation to Wildlife Protection Areas;
3. Lynda Wehipeihana of Lane Cove in relation to Item 7 '*5G Cell Towers Request for Information – Update*';

**Ordinary Council 21 September 2023  
MINUTES**

4. Paul Bennett of Lane Cove North in relation to the Progress Report on the Live Music Zone;
5. Ray Kearney of Lane Cove West in relation to Item 7 '*5G Cell Towers Request for Information – Update*';
6. Tom Goode (Ethos Urban - Town Planners) of St Leonards in relation to Item 10 '*Draft Voluntary Planning Agreement for 524-542 Pacific Highway, St Leonards*';
7. Bianca Brown of Greenwich in relation to a Building Information Certificate that is pending for her property;
8. Jennifer Morgan Nicholson on behalf of the Lane Cove Sustainability Action Group in relation to thanking Council for running the recent Car Free Sunday event and Item 8 '*Jean Mitchell Lucretia Baths Restoration*';
9. Ruth Neuman in relation to Item 6 '*Sustainability Review of Councils Development Control Plan Exhibition Outcomes*';
10. Kate Mophet on behalf of the Lane Cove Bushland Society in relation to Item 3 '*Election of Mayor and Deputy Mayor*';
11. Adrienne Cahalan in relation to light pollution in Lane Cove;
12. Caleb Taylor in relation to the recently held Lane Cove Fun Run;
13. Charles Lovecraft of Lane Cove in relation to Wildlife Protection Areas; and
14. Jennifer Schneller in relation to Item 2 '*Mayoral Minute - Striving for Best Practice and Effective Relationships Between our Community, Councillors and Council Officers*'.

**Written Submissions**

No written submissions were received.

**CONFIRMATION OF MINUTES OF ORDINARY COUNCIL - 24 AUGUST 2023**

**151 RESOLVED** on the motion moved by Councillor Bennison and seconded by Councillor Southwood that the minutes of the Ordinary Council meeting held on the 24 August 2023 be received.

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

Against the Motion was Nil (Total 0).

**152 RESOLVED** on the motion moved by Councillor Bennison and seconded by Councillor Flood that the minutes of the Ordinary Council meeting held on the 24 August 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).

**MAYORAL MINUTES**

**MAYORAL MINUTE - STRIVING FOR BEST PRACTICE AND EFFECTIVE RELATIONSHIPS BETWEEN OUR COMMUNITY, COUNCILLORS AND COUNCIL OFFICERS**

**MOTION**

A motion was moved by Councillor Zbik that Council:

1. Notes \$32,400 has been spent on facilitated workshops between Councillors and Council Officers.
2. Notes guidance has been provided to Councillors by legal representatives of Local Government NSW on Monday 11th September advising:

**Ordinary Council 21 September 2023  
MINUTES**

- a. Councillors should not seek to undertake activities or make decisions which are related to the operational activities of the Council as this is the domain of the General Manager and council staff.
  - b. Councillors may be held liable if the governing body makes a decision based on the councillor's own research / advice / experience. To avoid this risk, Councillors can and need to request the General Manager to investigate / enquire into a matter and provide a report back to Council to consider.
  - c. Councillors have protection from liability under Section 731 of the Local Government Act (NSW) which provides that *"A matter or thing done by a councillor does not, if the matter or thing was done in good faith, and for and on behalf of the council, subject a councillor to any action, liability, claim or demand."*
  - d. Councillors should mitigate risk in relation to comments or actions that give rise to psychosocial hazards for council staff in the workplace, which can include interfering / undermining / bullying.
  - e. While councillors are free, subject to their obligations under the council's code of conduct, to advocate a position on matters that are before the council for a decision, once a decision has been made, they are required to uphold the policies and decisions of the council.
  - f. Councillors can be at risk if they do not fully consider the information provided to them. A Councillor can mitigate this risk by requesting more information or seeking more time to consider a matter.
  - g. Councillors create risk through publishing information that is too detailed, is at risk of waiving legal privilege, or leads the public to misinterpret it due to a lack of context.
  - h. Councillors cannot seek legal advice (or any advice) from a Council contractor (Refer to Clause 7.2 of the Code of Conduct).
  - i. Councillors should not direct Council Officers to appoint any company or entity without following recommendations by Council Officers in accordance with the *Procurement Guidelines and the Local Government Regulation 2021*.
3. Hold community workshops for local residents and local community groups to discuss the role of Councillors, Council Officers and the operation of Council.
  4. Conduct a facilitated workshop for Councillors to develop:-
    - a. Shared understanding with examples of the distinction between strategy and operations
    - b. Finding the balance between community opinion and advice from professional staff
    - c. What is good governance and how is it demonstrated?
    - b. Finding the balance between providing preventative advice and the conduct provisions contained with the Code of Conduct
  5. Requests that the General Manager prepare, as soon as possible, a draft 'Councillor and Staff Interaction Policy' and amendments to the code(s) to incorporate the recommendations received from Local Government NSW on September 11, 2023, together with any other recommendations from the General Manager that address the concerns raised in the Mayoral Minute.
  6. Review the proposed amendments at a Councillor Workshop and the General Manager then prepare a report for the next Council meeting , such report to also outline a structured community consultation process to obtain feedback from the community on the proposed changes.

## **PROCEDURAL MOTION**

**153 RESOLVED** on the motion moved by Councillor Bennison and seconded by Councillor Mort that the Mayor be given a 1 minute extension of time.

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).

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

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

Against the Motion were Councillors Southwood, Flood and Bryla (Total 3).

## **ELECTION OF MAYOR AND DEPUTY MAYOR**

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

1. Conduct the Election for Mayor and Deputy Mayor for a one (1) year term, ending September 2024; and
2. If two (2) or more nominations are received for Mayor or Deputy Mayor, Council proceed by open voting (show of hands).

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).

### **ELECTION OF MAYOR**

Council's General Manager in the capacity of Returning Officer, advised that three (3) valid nominations were received for the position of Mayor being Councillor Bennison, Councillor Zbik and Councillor Flood.

Council's General Manager asked those in favour of Councillor Bennison to raise their hand.

Those in favour were Councillors Bennison, Mort and Brooks-Horn (Total 3).

Council's General Manager then asked those in favour of Councillor Zbik to raise their hand.

Those in favour were Councillors Zbik and Roenfeldt (Total 2).

Council's General Manager then asked those in favour of Councillor Flood to raise their hand.

Those in favour were Councillors Flood, Southwood, Bryla and Kennedy (Total 4).

Councillor Zbik was therefore eliminated from the election for Mayor, due to receiving the least number of votes.

Council's General Manager asked those in favour of Councillor Bennison to raise their hand.

Those in favour were Councillors Bennison, Mort, Roenfeldt, Brooks-Horn and Zbik (Total 5).

Council's General Manager asked those in favour of Councillor Flood to raise their hand.

Those in favour were Councillors Southwood, Flood, Kennedy and Bryla (Total 4).

Councillor Bennison was announced as Mayor, due to receiving the majority of votes.

### **ELECTION OF DEPUTY MAYOR**

Council's General Manager advised that four (4) valid nominations were received for the position of Deputy Mayor, being Councillor Mort, Councillor Flood, Councillor Roenfeldt and Councillor Bryla.

**Ordinary Council 21 September 2023  
MINUTES**

Councillor Mort and Councillor Bryla advised that they withdraw their nominations.

Council's General Manager asked those in favour of Councillor Flood to raise their hand.

Those in favour were Councillors Flood, Bryla, Kennedy and Southwood (Total 4).

Council's General Manager then asked those in favour of Councillor Roenfeldt to raise their hand.

Those in favour were Councillors Mort, Zbik, Roenfeldt, Brooks-Horn and Bennison (Total 5).

Councillor Roenfeldt was announced as Deputy Mayor, due to receiving the majority of votes.

### **PROCEDURAL MOTION**

**156 RESOLVED** on the motion moved by Councillor Bennison and seconded by Councillor Brooks-Horn that a 5 minute recess take place.

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 Bennison addressed Council as the newly elected Mayor and thanked Councillor Zbik for all of the time and effort he committed to his previous role as Mayor.

### **ORDERS OF THE DAY**

Councillor Roenfeldt, addressed Council as Deputy Mayor. Councillor Roenfeldt congratulated the new Mayor, Scott Bennison, and congratulated the previous Mayor, Andrew Zbik, for his service to the community and Council.

Councillor Mort thanked Councillor Zbik for all of the time and effort he committed to his previous role as Mayor.

Councillor Zbik thanked the Lane Cove Labor Branch, Councillors and his family for their support during his term as Mayor.

Councillor Bennison thanked his wife and fellow Councillors for their commitment and continued support.

### **NOTICES OF MOTION**

#### **NOTICE OF MOTION - SUPPORT FOR EARLY CHILDHOOD EDUCATION IN THE LOCAL GOVERNMENT SECTOR**

**157** A Procedural Motion was moved by Councillor Flood and seconded by Councillor Brooks-Horn that consideration of the Motion be deferred to the November 2023 Council Meeting.

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

Against the Motion was Nil (Total 0).

**NOTICE OF MOTION - OPERATING MODELS FOR EARLY CHILDHOOD EDUCATION FACILITIES IN LANE COVE**

**158 RESOLVED** on the motion moved by Councillor Flood and seconded by Councillor Zbik that Council resolves to:

1. Develop an early childhood education policy which identifies why Lane Cove Council is providing early childhood education services, what benefits Council is seeking to confer to the community (e.g. quality of care, affordability and accessibility, better conditions for workers etc.), as well as how council can best provide early childhood education services in a way that is financially viable and resource efficient.
2. Facilitate two sessions at the corporate planning weekend in 2024, to discuss:
  - a. The development of the early childhood education policy for Lane Cove Council. This discussion should seek to identify what council's reasons and strategic goals are in offering early childhood education, what the capacity of our LGA is to provide these services and how this can best be achieved, and;
  - b. The management model for two pending early childhood education facilities in St Leonards South - with the issue to return for determination at a council meeting before June 2024.
3. Prepare a report as each council owned but privately operated early childhood education facility contract expires or comes up for renewal, evaluating the current operating model and comparing it to a council run model, using key strategic objectives and metrics which will be included in Council's early childhood education policy as the basis for the comparative report.
4. These reports are to be brought to council for consideration before new contracts or lease arrangements are agreed;
5. Council undertakes a review of the rental subsidies available to large not-for-profit entities such as the Kindergarten Union.

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).

**SUSTAINABILITY REVIEW OF COUNCILS DEVELOPMENT CONTROL PLAN EXHIBITION OUTCOMES**

**159 RESOLVED** on the motion moved by Councillor Bryla and seconded by Councillor Southwood that Council:

1. Adopt the Development Control Plan, as shown in **AT-2** to **AT-23** inclusive, subject to
  - a. Including the words '**is to be submitted with the development application**' in Part O.11 {a} of the Development Control Plan and
  - b. insertion of the following in Part C 1.10.1

*"New Swimming Pool Heating Systems cannot utilise gas heating."*

2. Publish the Development Control Plan on its website as soon as practicable.

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

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

## **5G CELL TOWERS REQUEST FOR INFORMATION - UPDATE**

### **MOTION**

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

1. Write to both ARPANSA and ACMA in response to the ARPANSA letter of 23<sup>rd</sup> August, 2023 requesting an explanation for the discrepancy between the results from published ACMA audit (1 to 1.2%) and the exposure to EMR radiation in Lane Cove. Specifically this should reference measurements in Longueville Road, Rosenthal Ave and Northwood Road (6 to 15.3 % of maximum public exposure limit)
2. Write to both ARPANSA and ACMA requesting confirmation that maximum exposure limits are based on 30 minutes exposure to Electro Magnetic Radiation from 4G and 5 G cell towers. If this is not correct request statement specifying period of time used to calculate public exposure limits at site.
3. Proceed with ARPANSA's offer (Talk to A Scientist) for an online presentation on 5G including opportunity for residents to have their specific concerns addressed and answered. Once organised by ARPANSA Lane Cove Council will advertise the presentation including details to attend/register on council's website.
4. Make enquiries and receive quotes to engage an independent assessor to measure exposure to Electro Magnetic Radiation including The Canopy, 79-83 Longueville Road, 3 Rosenthal Ave overlooking The Canopy. The investigation is to include the production of a report and include an evaluation of the human health impacts of levels of EMR identified in these areas.
5. Write to Ms Kylea Tink, Member for North Sydney requesting her support and funding once cost of testing in Point 4 has been identified.

### **PROCEDURAL MOTION**

**160** A Procedural Motion was moved by Councillor Southwood and seconded by Councillor Bennison that Councillor Mort be given a 2 minute extension of time.

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).

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

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

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

Absent was Councillor Kennedy (Total 1)

Councillor Katherine Mort left the meeting, the time being 08:39 PM

## **JEAN MITCHELL LUCRETIA BATHS RESTORATION**

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

1. Receive and note the Report;
2. Proceed with the next stage of the Project, which would include preparation of documentation for TfNSW Permission to lodge a DA at a cost of \$78,700 ex GST, to be funded from the Capital Expenditure Reserve;
3. Receive a progress report at the 2024 Corporate Planning Weekend; and



4. Undertake a further community engagement process to gauge the community interest in further involvement with the Baths project.

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

Against the Motion was Nil (Total 0).

Absent was Councillor Kennedy (Total 1)

Councillor Katherine Mort returned to the meeting, the time being 08:41 PM

#### **OPENING OF WADANGGARI PARK AND ST LEONARDS LIBRARY**

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

1. The report be received and noted; and
2. Council acknowledge and thank the efforts of all staff involved in delivering these projects.

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 VOLUNTARY PLANNING AGREEMENT FOR 524 - 542 PACIFIC HIGHWAY, ST LEONARDS**

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

1. The report be received and noted;
2. Give notice of its intention to enter into a Voluntary Planning Agreement as outlined in the report with Home the developer of 524 – 542 Pacific Highway, St Leonards in accordance with the consultation strategy outlined in the report;
3. Undertake the consultation for the VPA at the appropriate time as determined under the State Significant Development Application process;
4. Notes that the re-zoning proposal and State Significant Development Application for the 524-542 Pacific Highway have not been exhibited and that Council has not formally responded to either;
5. Delegate authority to the General Manager to agree minor variations to the VPA offer prior to giving notice of the intention to enter into a Voluntary Planning Agreement; and
6. Following the community consultation, a further report be submitted to Council for determination.
7. Write to the Minister for Planning requesting a meeting with the General Manager and Mayor to discuss changing the policy for the provision of affordable housing from retention for 15 years to permanent retention.

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 POLICY REVIEW**

### **MOTION**

A Motion was moved by Councillor Brooks-Horn and seconded by Councillor Mort that Council:

1. Receive and note the Revised Draft Investment Policy, attached as **AT-1**; and
2. Maintain the existing investment strategy.

### **FORESHADOWED MOTION**

A Foreshadowed Motion was moved by Councillor Flood and seconded by Councillor Roenfeldt that Council:

1. Receive and note the Revised Draft Investment Policy, attached as **AT-1**; and
2. Determine to:
  - a. endorse the Revised Draft Investment Policy; and
  - b. Release the draft policy for public exhibition for 6 weeks.

Upon being put to the meeting the Motion 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).

- 165** The Foreshadowed Motion became the Motion and 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).

## **COMMUNITY CONSULTATION RESULTS ON THE REVISED WORKS SCHEDULE - LANE COVE SECTION 7.11 CONTRIBUTIONS PLAN**

- 166** **RESOLVED** on the motion moved by Councillor Brooks-Horn and seconded by Councillor Roenfeldt that Council adopt the Revised Works Schedule, for the Lane Cove Section 7.11 (formerly s94) Contributions Plan.

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).

## **2023 AUSTRALIAN LIVEABILITY CENSUS**

- 167** **RESOLVED** on the motion moved by Councillor Brooks-Horn and seconded by Councillor Roenfeldt 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).

**2023 LOCAL GOVERNMENT NSW CONFERENCE VOTING DELEGATES**

**168 RESOLVED** on the motion moved by Councillor Zbik and seconded by Councillor Bennison that Council nominate Councillor Bennison, Roenfeldt and Flood as the three (3) Councillor voting delegates for motions before the 2023 LGNSW Annual Conference.

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).

**NEW INDEPENDENT MEMBERS OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE**

**169 RESOLVED** on the motion moved by Councillor Brooks-Horn and seconded by Councillor Mort that Council endorse the appointment of the following applicants to the Audit, Risk and Improvement Committee as an Independent Member:-

1. Dennis Vaccher
2. Brian Hrnjak
3. Deborah Goodyer

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).

**SYNTHETIC TURF SURFACES IN LANE COVE LGA**

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

1. Receive and note the report; and
2. Commence the process for the disposal and replacement of the two Blackman Park synthetic fields immediately and a further report be submitted to the next Council Meeting on the program and funding options for completion in the current 23/24 financial year.

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

Against the Motion was Nil (Total 0).

**GREENWICH BATHS LEASE ARRANGEMENTS**

**MOTION**

A Motion was moved by Councillor Southwood and seconded by Councillor Roenfeldt that:

1. The report be received and noted;
2. Council defers a decision on this matter;
3. Council undertake community consultation with the intent of this consultation being to provide community members with an opportunity to outline their views as to the future operation of Greenwich Baths to include Option 1, 2 and an opportunity to outline alternative options;
4. Council receives a report at its November meeting on the outcome of this consultation and recommendations as to the future operation of the Baths; and
5. Pending Council's decision as to the future operation of the Baths, the Baths continue to operate in holdover mode under the current lease as per Option 1 outlined in the Council report.

### **FORESHADOWED MOTION**

A Foreshadowed Motion was moved by Councillor Bennison and seconded by Councillor Brooks-Horn that:

1. The report be received and noted;
2. Council enter into a lease with BlueFit for a term of years at the base rent offered in Option 1.

Councillor Bennison and Brooks-Horn withdrew the Foreshadowed Motion.

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

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

Against the Motion was Nil (Total 0).

### **COMMUNITY CONSULTATION RESULTS ON THE DRAFT FRAUD AND CORRUPTION PREVENTION POLICY AND STRATEGY**

**172 RESOLVED** on the motion moved by Councillor Brooks-Horn and seconded by Councillor Southwood that Council adopt the Draft Fraud and Corruption Prevention Policy and the Draft Fraud and Corruption Prevention Strategy.

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 REPRESENTATION ON COUNCIL ADVISORY COMMITTEES AND OTHER EXTERNAL ORGANISATIONS TO SEPTEMBER 2024**

#### **MOTION**

A motion was moved by Councillor Zbik and seconded by Councillor Brooks-Horn that:-

1. Council determine Councillor representation on Advisory Committees and External Organisations for the period ending September 2024 as follows;

<b>Age Friendly Advisory Committee</b>	Councillor Mort Councillor Southwood (Alternate)
<b>Bushland Management Advisory Committee</b>	Councillor Kennedy Councillor Roenfeldt (Alternate)
<b>Carisbrook Advisory Committee</b>	Councillor Roenfeldt Councillor Bryla (Alternate)
<b>Council Selection Committee</b>	All Councillors
<b>Internal Audit Committee</b>	Councillor Zbik Councillors Kennedy (Alternate)
<b>Lane Cove Access and Inclusion Advisory Committee</b>	Councillor Mort Councillor Bryla (Alternate)
<b>Lane Cove Bicycle Advisory Committee</b>	Councillor Zbik Councillor Roenfeldt (Alternate)
<b>Lane Cove Festival Committee</b>	Councillor Bryla Councillor Mort (Alternate)

**Ordinary Council 21 September 2023  
MINUTES**

<b>Lane Cove Literary Awards Committee</b>	Councillor Southwood Councillor Roenfeldt
<b>Lane Cove Public Art Advisory Committee</b>	Councillor Kennedy Councillor Southwood (Alternate)
<b>Publications Editorial Committee</b>	Councillor Zbik, Councillor Bennison, Councillor Southwood Councillor Brooks-Horn (Alternate)
<b>Sustainability Advisory Committee</b>	Councillor Flood, Councillor Kennedy and Councillor Bryla
<b>Traffic Committee</b>	Councillor Bennison Councillor Southwood (Alternate)
<b>Lane Cove Retirement Units Association</b>	Councillor Brooks-Horn & Councillor Mort Councillor Bennison (Alternate)
<b>NSROC</b>	Councillor Zbik & Councillor Bennison Councillor Flood (Alternate) & Councillor Southwood (Alternate)
<b>NSW Public Libraries Association</b>	Councillor Flood Councillor Brooks-Horn (Alternate)
<b>Shorelink Committee</b>	Councillor Brooks-Horn Councillor Bryla (Alternate)
<b>Bushfire Committee</b>	Councillor Roenfeldt Councillor Bennison (Alternate)
<b>Community Dog Advisory Committee</b>	Councillor Bryla Councillor Southwood Councillor Brooks-Horn (alternate) Councillor Flood (alternate)
<b>Sporting Club Advisory Committee</b>	Councillor Bennison Councillor Zbik (alternate) Councillor Brooks-Horn (alternate)
<b>Theatre Space Planning Reference Group</b>	Councillor Bryla Councillor Kennedy

2. Council authorise all Councillor representatives on Advisory Committees to arrange an alternate as required;
3. Advisory Committee Charters be amended where necessary to reflect Councillor Representation;
4. Council dissolve the Lane Cove Recreation Precinct Advisory Committee; and
5. In relation to the Traffic Committee, a Council staff member chair the committee and the councillor representative be Council's voting delegate.

### **AMENDMENT**

An Amendment was moved by Councillor Bryla and seconded by Councillor Flood that the Motion be adopted subject to the delegate for the Traffic Committee being Councillor Southwood.

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

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

Against the Motion were Councillors Zbik, Roenfeldt, Bennison, Brooks-Horn and Mort (Total 5).

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

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

Against the Motion was Nil (Total 0).

### **COMMITTEE MEMBER APPOINTMENTS - THEATRE SPACE PLANNING REFERENCE GROUP & DOG ADVISORY COMMITTEE**

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

1. Endorse the following nominees for the Theatre Space Planning Reference Group:

- Lenore Robinson
- Nathan Gilkes

2. Note Gina Collins has resigned from the Dog Advisory Committee;

3. Endorse Joanne Biddle as the community representative from the local dog services industry (i.e., dog walking, dog training) for the Dog Advisory Committee; and

4. Advise the nominees for both Committees of its decision.

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).

### **COMMUNITY CONSULTATION RESULTS AND FINALISATION OF THE REVIEW OF WARD BOUNDARIES**

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

1. Council adopts the proposed Ward Boundary Adjustment as indicated in **AT-2**; and

2. Submit the revised Ward Boundary Adjustment to the NSW Electoral Commissioner and the Australian Bureau of Statistics.

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

Against the Motion was Nil (Total 0).

### **COUNCIL SNAPSHOT AUGUST 2023**

**176** **RESOLVED** on the motion moved by Councillor Brooks-Horn and seconded by Councillor Kennedy that the report be received and noted.

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

Against the Motion was Nil (Total 0).

## **CONFIDENTIAL ITEMS**

Pursuant to section 10A(4), the public were invited to make representations to the council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed to consider:

### **SENIOR STAFF MATTER**

*It is recommended that the Council close so much of the meeting to the public as provided for under Section 10A(2) (a) of the Local Government Act, 1993, on the grounds that the matter will involve the discussion of personnel matters concerning a particular individual; it further being considered that discussion of the matter in open meeting would be, on balance, contrary to public interest by reason of the foregoing.*

No members of the public made representations.

### **CLOSED COMMITTEE**

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

1. Resolve into Closed Committee to consider the business identified above.
2. Pursuant to section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

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

Against the Motion was Nil (Total 0).

Closed Committee commenced at 9:45 pm. The public, staff other than the General Manager and media left the chamber.

Open Council resumed at 10:03 pm. The public, staff and media were invited into the chamber.

## **CONFIDENTIAL ITEM**

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

### **SENIOR STAFF MATTER**

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

1. Note the General Manager consulted with Council in relation to two senior staff matters.
2. Rename the Divisions of Council and the titles of the respective Executive Managers to Director of the following:-

<i>Existing Division Name</i>	<i>New Division Name</i>	<i>New Leader Name</i>
Human Services	Community and Culture	Director – Community and Culture
Open Space and Urban Services	Open Space and Infrastructure	Director - Open Space and Infrastructure
Environmental Services	Planning and Sustainability	Director - Planning and Sustainability
Corporate Services	Corporate Services and Strategy	Director - Corporate Services and Strategy

3. Reaffirms that there is no change to the organisation structure and positions resulting from the change in titles.

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 – MATTER OF URGENCY**

**179** **RESOLVED** on the motion of moved by Councillor Zbik and seconded by Councillor Bennison that the following matter be dealt with as a matter of urgency.

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 Mayor ruled the Motion to be urgent.

#### **MATTER OF URGENCY – GENERAL MANAGERS PERFORMANCE REVIEW**

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

1. Councillors note the facilitator's report on the General Manager's 2022-2023 annual performance review.
2. Council endorse the review committee's review and the performance appraisal as 'More than Satisfactory'.
3. Council endorse the review committee's recommendation of a 4.5% increase to the General Manager's TRP as allowable under clause 8.3 of the GM's contract of employment.

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 10:10pm.

Confirmed at the Ordinary Council Meeting of 19 October 2023, at which meeting the signature herein is subscribed.

**MAYOR**

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