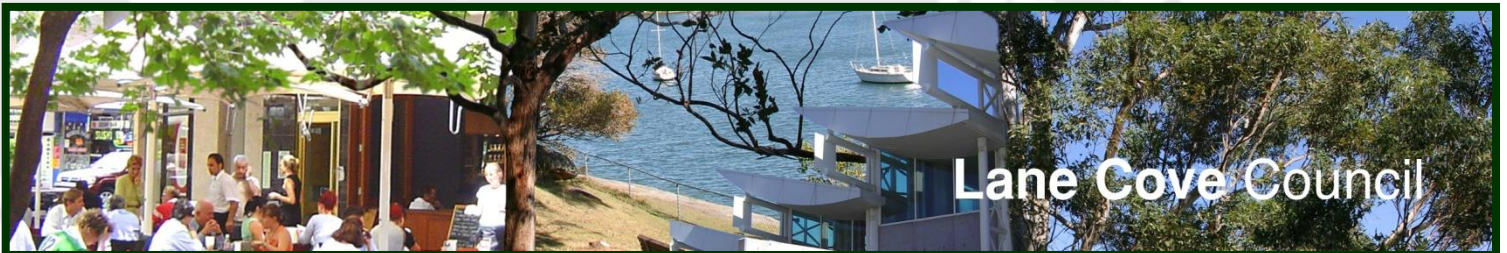




**Minutes
Ordinary Council Meeting
22 February 2024, 7:00pm**

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



**Ordinary Council 22 February 2024
MINUTES**

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

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

APOLOGIES

The Mayor advised that Councillor Flood has requested to attend the meeting via audio visual link.

PROCEDURAL MOTION

1 **RESOLVED** on the motion moved by Councillor Bennison and seconded by Councillor Roenfeldt that the request by Councillor Flood to attend the meeting via audio visual link be granted due to exceptional circumstances.

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

Against the Motion was Nil (Total 0).

DECLARATIONS OF INTEREST:

Councillor Southwood:

In relation to Item 6 '*Bob Campbell Oval Upgrade Tender*', declared a non-pecuniary, less than significant conflict of interest. Councillor Southwood was President of the Greenwich Community Association Inc until she took her oath of office as a Councillor. Councillor Southwood resigned from this position and from the GCA Committee effective 10 January 2022 and advised 1,200 community members by email of this decision on 9 January 2022.

Councillor Southwood has had no subsequent involvement with the GCA other than to attend bi-monthly general meetings, as do other Councillors. Councillor Southwood's husband was Treasurer of the GCA but has resigned and has no role in the administration of the GCA Committee.

Natural Grass at Bob Campbell Inc (Natural Grass) objected to the original Bob Campbell Oval (BCO) Master Plan for a synthetic surface. Natural Grass has participated in the BCO Working Group as a stakeholder, as have other community groups. It has engaged in no other community engagement or activity since January 2022. Councillor Southwood was the Public Officer of Natural Grass in June-July 2021 however resigned from that role on 27 July 2021 and had no role in the administration of the Natural Grass Committee. Councillor Southwood's husband was the founding Treasurer of Natural Grass but has resigned from that role.

Natural Grass registered as a third party campaigner for the local government elections. It distributed flyers throughout the LGA that included the names of several currently elected Councillors. I did not authorise the inclusion of my name in the content of the flyer.

I have friends who are members of the Greenwich Sports Club Inc, the Northwood Action Group and the Greenwich Village Games Committee, all of whom participated in the BCO Working group.

I have given consideration to the above and declare that I have determined that I have a non-pecuniary interest that is less than significant and I will remain in the Council Chamber to debate and vote on the matter.

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In relation to Item 15 'Councillor Conference Attendance Request – NSW ALGWA Conference 2024', Councillor Southwood declared a non-pecuniary, significant conflict of interest as she would be the beneficiary of attending the Conference and will leave the Council Chambers before debate occurs on the item and not vote on the matter.

Councillor Kennedy:

In relation to Item 15 'Councillor Conference Attendance Request – NSW ALGWA Conference 2024', Councillor Kennedy declared a non-pecuniary, significant conflict of interest as she would be the beneficiary of attending the Conference and will leave the Council Chambers before debate occurs on the item and not vote on the matter.

In relation to Item 3 'Notice of Motion – Community Room Hire Fee Review', Councillor Kennedy declared a non-pecuniary, less than significant conflict of interest in the matter due to being a member of a local community group. Councillor Kennedy indicated she would not be leaving the Council Chambers and will debate and vote on the matter.

Councillor Bryla:

In relation to Item 3 'Notice of Motion – Community Room Hire Fee Review', Councillor Flood declared a non-pecuniary, less than significant conflict of interest in the matter due to being a member of a local community group. Councillor Flood indicated she would not be leaving the Council Chambers and will debate and vote on the matter.

Councillor Flood:

In relation to Item 3 'Notice of Motion – Community Room Hire Fee Review', Councillor Flood declared a non-pecuniary, less than significant conflict of interest in the matter due to being a member of a local community group. Councillor Flood indicated she would not be leaving the Council Chambers and will 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. Charles Lovecraft of Lane Cove, in relation to Item 8, Wildlife Protection Areas,
2. Stuart Piper of Lane Cove, in relation to Item 10, Councillor And Staff Interaction Policy Update, Managing Psychosocial Hazards In The Workplace Procedure Information And Proposed Amendments To The Code Of Meeting Practice,

In Person

3. Mark Merrick of Greenwich, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
4. Helena Greenwell of Lane Cove North, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
5. Todd McHardy of Greenwich, in relation to Lane Cove Aquatic and Greenwich Baths,
6. Lynda Wehipeihana of Lane Cove, in relation to Item 7, 5G Cell Towers - Update On Additional Request For Information,

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7. Margaret Barnes of Lane Cove, in relation to Item 8, Wildlife Protection Areas,
8. Peter Deane of Greenwich, in relation to Item 5, New South Wales Planning Reforms and Item 6, Bob Campbell Oval Upgrade Tender,
9. Bianca Brown of Greenwich, in relation to risks of doing a DA with Lane Cove Council,
10. Leo Gulley of Greenwich, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
11. Shauna Forrest of Longueville and Lane Cove Bushland & Conservation Society, in relation to Item 8, Wildlife Protection Areas,
12. John Southwood of Greenwich, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
13. Matthew Kay of Lane Cove, in relation to crossing of intersection at Kimberley Av and Longueville Road,
14. Alan Winney of Greenwich, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
15. Julia Sharp of Greenwich, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
16. John Fegan of Northwood, in relation to Item 6, Bob Campbell Oval Upgrade Tender, Item 10, Councillor And Staff Interaction Policy Update, Managing Psychosocial Hazards In The Workplace Procedure Information And Proposed Amendments To The Code Of Meeting Practice and Item 14, Local Planning Panel - Expiration Of Term,
17. Jacky Barker of Lane Cove, in relation to Item 6, Bob Campbell Oval Upgrade Tender, Public Forum and Rates and Fees being charged on previous exempt items,
18. Francis Vissel of Lane Cove North, in relation to Item 6, Bob Campbell Oval Upgrade Tender, Item 8, Wildlife Protection Areas and Amendment to the Code of Meeting Practice,
19. Anita Thommesen of Lane Cove, in relation to Item 7, 5G Cell Towers - Update On Additional Request For Information.
20. Jo Brennan of Lane Cove in relation to Item 6, Bob Campbell Oval Upgrade Tender,
21. Penny Mabbutt of Greenwich in relation to Item 10, Councillor And Staff Interaction Policy Update, Managing Psychosocial Hazards In The Workplace Procedure Information And Proposed Amendments To The Code Of Meeting Practice
22. Dr Liz Gill of Greenwich in relation to Gore Creek Reserve and Item 6, Bob Campbell Oval Upgrade Tender; and
23. John Veale of Greenwich in relation to Item 6, Bob Campbell Oval Upgrade Tender.

Councillor Scott Bennison left the meeting, the time being 08:25 PM and Councillor Roenfeldt took the Chair.

Councillor Scott Bennison returned to the meeting, the time being 08:26 PM

Written Submissions

Twenty Seven (27) written submission were received, those being from:

1. Matthew Kay of Lane Cove, in relation to crossing of intersection at Kimberley Av & Longueville Road,
2. Jennifer Schneller of Northwood, in relation to Item 5 – New south Wales Planning Reforms and Website, Item 6, Bob Campbell Oval Upgrade Tender, Item 8, Wildlife Protection Areas, and Item 9, Community Consultation Results On The Draft Swimming Pool Program,
3. Stephen Curly, Secretary of Northwood Action Group Inc, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
4. James Douglas of Greenwich, in relation to Item 6, Bob Campbell Oval Upgrade Tender,

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5. David Markell of Greenwich, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
6. Adam Benjafield of Greenwich, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
7. Antoinette Le Busque of Lane Cove, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
8. Thomas O'Connor of Greenwich, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
9. Kate Welsh of Lane Cove, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
10. Katie Petering of Greenwich, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
11. Kate Harris of Greenwich, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
12. Jacinta Murray of Lane Cove, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
13. Peter Mackey of Greenwich, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
14. Anish Sapra of Lane Cove, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
15. Matt McIver of Greenwich, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
16. Calvin Kwok of Lane Cove, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
17. Mark Merrick of Greenwich, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
18. Merren Favretto of Lane Cove, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
19. Gunjan Sinha of Lane Cove, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
20. Jennifer Graham of Greenwich, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
21. Adam Graham of Greenwich, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
22. Ruth Neuman of Lane Cove, in relation to Item 8, Wildlife Protection Areas,
23. Ann Golub of Lane Cove North, in relation to Parking Issues in Lane Cove,
24. Tania Hossack of Greenwich, in relation to Item 6, Bob Campbell Oval Upgrade Tender,
25. Lynne McLoughlin of Lane Cove, in relation to Item 9, Community Consultation Results On The Draft Swimming Pool Program,
26. Howard & Patricia Peterson of Lane Cove North, in relation to Item 6, Bob Campbell Oval Upgrade Tender, and
27. Beverley Holt of Lane Cove, in relation to Item 6, Bob Campbell Oval Upgrade Tender.

CONFIRMATION OF MINUTES OF ORDINARY COUNCIL - 7 DECEMBER 2023

2 **RESOLVED** on the motion moved by Councillor Brooks-Horn and seconded by Councillor Zbik that the minutes of the Ordinary Council Meeting held on the 7 December 2023 be received.

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

Against the Motion was Nil (Total 0).

3 **RESOLVED** on the motion moved by Councillor Brooks-Horn and seconded by Councillor Zbik that the minutes of the Ordinary Council meeting held on the 7 December 2023 be confirmed.

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

Against the Motion was Nil (Total 0).

ORDERS OF THE DAY

Councillor Mort congratulated staff on the success of the Taylor (Swift) and the Besties concert in The Canopy.

Councillor Kennedy congratulated staff on the success of the Community Information Evening held on 20 February 2024 to discuss the NSW Government Proposed Housing Reforms.

NOTICES OF MOTION

NOTICE OF MOTION - WAXCAPS - LANE COVE BUSHLAND PARK

4 **RESOLVED** on the motion moved by Councillor Brooks-Horn and seconded by Councillor Mort that Council receive a report outlining:-

1. Current condition of the optimal habitat in Lane Cove Bushland Park in North, Central and South areas;
2. Measures taken to preserve the waxcap habitat in Lane Cove Bushland Park in North, Central and South areas; and
3. Historical data to date (since monitoring of waxcap species began up to the last fruiting season) identifying quantity, diversity and spread of waxcap fruiting species found in the above three areas, and noting any changes in these measures over the period for which there is data and:
4. How the funding from NSW Save Our Species is currently being used for ongoing monitoring and/or to maintain their habitat.

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

Against the Motion was Nil (Total 0).

Upon being put to the meeting, the Motion was declared carried.

NOTICE OF MOTION - COMMUNITY ROOM HIRE FEE REVIEW

MOTION

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

1. Council investigates the budget impact of offering a fee-free option for local community groups hiring council rooms and venues that are managed by Council.
2. the General Manager reviews the eligibility criteria of other metropolitan councils including Sydney and the Inner West and develop eligibility criteria for our LGA.
3. the new fee-free hire option for community groups be included in the presentation of the Draft 2024/25 Budget when workshopped with Councillors.
4. Council investigates the feasibility of including, in all future leases/licences/management agreements of Council owned rooms and venues, a requirement that the venue be available for hire to community groups fee-free or a reduced fee for such purposes as are specified by Council

AMENDMENT

An Amendment was moved by Councillor Brooks-Horn and seconded by Councillor Bennison that consideration of the Notice of Motion be deferred and referred to a Councillor Workshop for further discussion.

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

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

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

5 The motion was put to the meeting and declared carried

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

Against the Motion was Nil (Total 0).

NOTICE OF MOTION - SUPPORT FOR ADDITIONAL LEGISLATION TO RESTRICT THE SALE OF NON-THERAPEUTIC UNREGULATED E CIGARETTES (VAPES)

MOTION

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

1. Write to the NSW Planning Minister, Hon Paul Scully advocating for:-
 - a) Banning the sale of all E-cigarettes (vapes) other than at a pharmacy within 500 metres of any school.
 - b) The introduction of a Positive Licensing Scheme requiring notification and registration of all commercial premises which sell cigarettes and vaping products.
2. Write to the Federal Health Minister, the Hon Mark Butler, expressing Lane Cove Council's strong support for new legislation banning the sale of all E-cigarettes and requesting the introduction of these bills to federal parliament as a matter of urgency.

The anticipated legislative changes include:-

- a) cessation of the personal importation of vapes
 - b) ban on the importation of non-therapeutic vapes (Commenced 1st January, 2024)
 - c) requirement for therapeutic vape importers and manufacturers to notify the Therapeutic Goods Administration of their product's compliance with the relevant product standards
 - d) requirement for importers to obtain a licence and permit from the Australian Government's Office of Drug Control before the products are imported.
 - e) possible legislation to prevent domestic manufacture, advertisement, supply and commercial possession of non-therapeutic and disposable single use vapes to ensure comprehensive controls on vapes across all levels of the supply chain.
3. Lane Cove Council request that anticipated legislative changes outlined in Point 2 not be delayed until later in the year or be postponed as other issues gain more traction. In addition, we request increased funding to state governments to allow them to maintain strong enforcement and compliance policing.
 4. Write to our Local Federal Member Ms Kylea Tink requesting her support for all legislation restricting and banning the sale of all vaping products and E-cigarettes other than with prescription.
 5. Lane Cove Council notes the role the Tobacco Industry plays in advocating for less restrictive legislation and to oppose the influence of industry lobbyists on

decision making.

AMENDMENT

An Amendment was moved by Councillor Bryla and seconded by Councillor Southwood that:

1. Lane Cove Council:
 - a) Notes the role the Tobacco Industry plays in advocating for less restrictive legislation and to oppose the influence of industry lobbyists on decision making.
 - b) Seek a change of regulations to mandate that tobacconist and vape stores require approval through a development application to open in the Lane Cove Local government area, incorporating in this planning mechanism the restriction of no Tobacconist or E-cigarettes (vapes) store within 500m of a school in the Lane Cove Government Area.
2. Write to the NSW Planning Minister, Hon Paul Scully advocating for:-
 - a) Banning the sale of E-cigarettes (vapes) other than at a pharmacy within 500 metres of any school in the Lane Cove Government Area.
 - b) The introduction of a Positive Licensing Scheme requiring notification and registration of all commercial premises which sell cigarettes and vaping products and in so doing place a cap on the number of these business permissible in the Lane Cove Government Area.
 - c) Seek State Government support to enact planning changes at a local government level (in item 1 above).
 - d) The NSW Government to undertake a health promotion campaign outlining the health effects of vaping, information about the production and content of vapes.
3. Council notes and supports that Federal Government passed a new legislation Act no:118 in both houses on 14 December 2023 and being implemented from the 1 March 2024, which included but was not limited to:
 - a) cessation of the personal importation of E-cigarettes (vapes).
 - b) ban on the importation of non-therapeutic E-cigarettes (vapes).
 - c) requirement for therapeutic E-cigarettes (vapes) importers and manufacturers to notify the Therapeutic Goods Administration of their product's compliance with the relevant product standards.
 - d) requirement for importers to obtain a licence and permit from the Australian Government's Office of Drug Control before the products are imported.
 - e) domestic manufacturers of vapes for smoking cessation or nicotine dependence will be required to provide pre-market notifications to the TGA declaring compliance with the relevant product standards, prior to the supply of those goods.
 - f) The updated standard for vapes, the *Therapeutic Goods (Standard for Therapeutic Vaping Goods) (TGO 110) Order 2021 (TGO 110)* commenced on 1 January 2024. And included:
 - i. product labelling (including an over sticker or in an information sheet provided with the product)
 - ii. child resistant packaging
 - iii. maximum nicotine concentration (although people can only access the nicotine concentration prescribed to them)

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- iv. requiring actual nicotine concentration/content of the vape to reflect the product label
 - v. prohibited ingredients
 - vi. accepted flavours of mint, menthol and tobacco only
 - vii. quality management system requirements for vaping devices and vaping device accessories
 - viii. documentation that needs to be kept by the Australian sponsor of the product
4. Lane Cove Council report back to the Ordinary Council Meeting in May 2024 on the progress of item 1 and 2 in this motion.

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

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

Upon being put to the meeting the Amendment was declared carried and became the motion.

6 The motion was put to the meeting and declared carried.

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

Against the Motion was Nil (Total 0).

MATTER OF URGENCY

Councillor Southwood raised a Matter of Urgency stating:

1. Council acknowledges that, as a result of extensive media coverage and government statements, there is some concern in the community about the possible presence of asbestos in public places including parks and playgrounds
2. in accordance with the request of the Director Stakeholder and Community Engagement, Department of Customer Service dated 20 February 2023, Council will distribute to community members, employees and networks the document titled *Asbestos in NSW Communication Toolkit* dated 20 February 2024, and
3. in order to provide transparency about an issue of community concern, a report to come back to Council at its next meeting detailing the sources of all mulch used by Council or its contractors on Council owned or controlled property.

The Mayor declared it not to be a Matter of Urgency.

OFFICER REPORTS FOR DETERMINATION

PROCEDURAL MOTION

7 **RESOLVED** on the motion moved by Councillor Brooks-Horn and seconded by Councillor Zbik that late report be considered in conjunction with Item 5 'NSW Planning Reforms'.

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

Against the Motion was Nil (Total 0).

NEW SOUTH WALES PLANNING REFORMS - FURTHER REPORT, PROPOSED SUBMISSION

MOTION

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

1. receive and note the report,
2. endorse the draft submission to the public exhibition of Low-rise and Mid-rise Housing Reforms, and that,
3. the General Manager be authorised to make any minor amendments deemed necessary and lodge the submission with the DPHI.

AMENDMENT

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

1. Endorse the draft submission to the public exhibition of Low rise and Mid-rise Housing Reforms.
2. The General Manager be authorised to make any minor amendments deemed necessary and lodge the submission with the DPHI.
3. Council write to the Minister Housing and the NSW Premier calling on the government to:
 - a) Commit to building public and affordable housing on public land
 - b) Revise the definition of affordable housing so it is tethered to a person's income,

so affordable housing properties are capped at no more than 30% of a person's income.

As the agency best placed to undertake local strategic planning, Council is willing to partner with Department of Planning, Housing, and Infrastructure (DPHI) to develop, in consultation with the community, a plan for increased density in Lane Cove - including binding targets for affordable housing in perpetuity. We commit to working with the department and the community in a consultative way to deliver a sustainable increase in density with a focus on the provision of affordable housing.

FORESHADOWED AMENDMENT

A Foreshadowed Amendment was moved by moved by Councillor Southwood and seconded by Councillor Kennedy that:

1. Council notes that the proposed changes to planning controls are complex
2. the community information session about the planning controls was held on 20

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3. a draft Council submission to DPHI has not been available to Councillors and the community
4. Council's proposed submission to DPHI was made available Councillors and the community at 10:38 am today
5. the proposed submission is complex and contains elements not referenced in the community information session
6. given the complexity of the proposed planning changes and the detail in the proposed Council submission, Councillors need additional time to formulate an informed response to the draft submission
7. Council defers its vote on this submission until it has made an urgent request to DPHI for an additional period of one week to lodge Council's submission with DPHI
8. in the event that this request is declined, that Council convenes in Extraordinary meeting to be held on 23 February 2024 for the purpose of voting on the proposed submission
9. in the event that such requested extension is granted, that Council convenes in extraordinary meeting at a date to be advised in the week commencing 25 February 2024 for the purposes of considering the proposed submission.

Councillor David Roenfeldt left the meeting, the time being 09:30 PM

For the Amendment was Councillor Flood (Total 1).

Against the Amendment were Councillors Bennison, Southwood, Kennedy, Bryla, Brooks-Horn, Mort and Zbik (Total 7).

The Amendment was declared lost.

The Foreshadowed Amendment then became the Amendment for debate.

Councillor David Roenfeldt returned to the meeting, the time being 09:31 PM

For the Motion was Councillor Southwood (Total 1).

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

The Amendment was declared lost.

8 The motion was put to the meeting and declared carried.

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

Against the Motion was Nil (Total 0).

The Motion was put to the meeting and declared carried.

BOB CAMPBELL OVAL UPGRADE TENDER

MOTION

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

1. Decline to accept all tender submissions as none of the tenders received were within the project budget for the Bob Campbell Oval upgrade works.
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 is

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suitably qualified and can demonstrate capacity and capability for the project. Further, opportunities have been identified to reduce the project costs, by revision of the amenities building and modification of the design to provide an off-leash dog facility at the northern end of the reserve in lieu of the proposed playground, and generally through design development.

3. Delegate authority to the General Manager to enter into negotiations with Landscape Solutions P/L as they have been recommended as the preferred tenderer by the Tender Evaluation Panel, with the aim of entering into a contract at a reduced cost and incorporating the changes referred to in 2. above, if agreement is reached. 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.
4. Delegate authority to the General Manager to enter into negotiations with, if no suitable outcome is achieved in 3. above, the next two ranked tenderers, and upon reaching an agreement with a preferred tenderer, enter into a contract.
5. Receive a further report on the outcomes of the negotiations for information.
6. Notes that a significant amount of damage has been caused to sporting fields by dogs and that there appears to be an increase in wilful disregard of Council rules and regulations relating to dogs and safety, and an aggressive response to Council officers exercising their compliance function.
7. Restates its commitment to its education program around responsible dog management and the responsibility of dog owners to:-
 - a) obey all signage on or adjacent to sporting fields
 - b) comply with all directions of Council officers in relation to management of dogs
 - c) ensure that dogs do not cause damage to the surface of playing fields, and
 - d) ensure that sporting fields are left in a clean and safe state after accessing them.
8. Note the specifications for, and assessment of, the natural turf component of the tender were developed by Dr Mick Battam of AgEnviro and no guarantee has been provided for the field to support 60 hours of use per week. Further, AgEnviro will be retained throughout the construction to ensure compliance with the specifications, with construction estimated to take 18 months, including the period for turf establishment.

AMENDMENT

An Amendment was moved by moved by Councillor Southwood and seconded by Councillor Kennedy that Council:

1. Decline to accept all tender submissions as none of the tenders received were within the project budget for the Bob Campbell Oval upgrade works.
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 is suitably qualified and can demonstrate capacity and capability for the project. Further, opportunities have been identified to reduce the project costs, by revision of the amenities building and generally through design development.
3. Delegate authority to the General Manager to enter into negotiations with Landscape Solutions P/L as they have been recommended as the preferred tenderer by the Tender Evaluation Panel, with the aim of entering into a contract at a reduced cost and incorporating the changes referred to in 2. above, if agreement is reached. 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.

4. Delegate authority to the General Manager to enter into negotiations with, if no suitable outcome is achieved in 3. above, the next two ranked tenderers, and upon reaching an agreement with a preferred tenderer, enter into a contract.
5. Receive a further report on the outcomes of the negotiations for information
6. Notes that a significant amount of damage has been caused to sporting fields by dogs and that there appears to be an increase in wilful disregard of Council rules and regulations relating to dogs and safety, and an aggressive response to Council officers exercising their compliance function.
7. Restates its commitment to its education program around responsible dog management and the responsibility of dog owners to:-
 - e) obey all signage on or adjacent to sporting fields
 - f) comply with all directions of Council officers in relation to management of dogs
 - g) ensure that dogs do not cause damage to the surface of playing fields, and
 - h) ensure that sporting fields are left in a clean and safe state after accessing them.
8. Will work with community members who exercise dogs on Bob Campbell Oval to implement programs and processes to maintain the playing surface on Bob Campbell Oval at a high standard and to ensure access to a shared grassed space is respected by all.

9 EXTENSION OF TIME

An Extension of Time was moved by Councillor Bennison and seconded by Councillor Mort that an extension of time be granted.

For the Extension of Time were Councillors Bennison, Zbik, Roenfeldt, Brooks-Horn, Mort (Total 5).

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

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

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

The Amendment was declared lost.

10 The motion was put to the meeting and declared carried.

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

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

Councillor Andrew Zbik left the meeting, the time being 10:33 PM
Councillor Bridget Kennedy left the meeting, the time being 10:34 PM

Councillor Andrew Zbik returned to the meeting, the time being 10:40PM
Councillor Bridget Kennedy returned to the meeting, the time being 10:39 PM

5G CELL TOWERS - UPDATE ON ADDITIONAL REQUEST FOR INFORMATION

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

1. Receives and notes the correspondence received from ARPANSA and ACMA regarding 5G Cell Towers.
2. Notes that officers are currently arranging an online presentation to residents through ARPANSA and a date will be advertised on Council's website shortly.
3. Notes that quotes have been received from independent assessors to measure exposure to Electro Magnetic Radiation.
4. Write to Ms Kylea Tink, Member for North Sydney requesting her support and funding for the works proposed in Point 3.

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

Against the Motion was Councillor Flood (Total 1).

12 EXTENSION OF TIME

Extension of Time moved by Councillor Brooks-Horn and seconded by Councillor Mort that the Council Meeting finish time be extended by 15 minutes to 11.15PM.

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

Against the Motion was Nil (Total 0).

WILDLIFE PROTECTION AREAS

13 **RESOLVED** on the motion was moved by Councillor Brooks-Horn and seconded by Councillor Kennedy that Council:

1. Declare its bushland reserves (areas zoned as C2 under the Local Environment Plan) as Wildlife Protection Areas under the NSW Companion Animals Act 1998 to prevent cats from entering these areas.
2. Develop a targeted education campaign for areas surrounding bushland reserves, to assist cat owners in transitioning their cats to stay out of bushland areas.
3. Council commit to, should trapping of cats be required, developing a formal policy and process to prioritise reuniting the cats with their owners and the exclusive use of No Kill Shelters if reuniting is not possible.
4. Council does not proceed with the trapping of cats until Point 3 has been addressed and adopted by Council such to include acknowledgement that Council has limited ability to hold cats found in bushland, Council establishes a register of residents who are willing to volunteer to mind or "foster" cats short term until reunited with their owners.

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

Against the Motion was Nil (Total 0).

COMMUNITY CONSULTATION RESULTS ON THE DRAFT SWIMMING POOL PROGRAM

14 **RESOLVED** on the motion was moved by Councillor Brooks-Horn and seconded by Councillor Bryla that Council:

1. Adopt the Draft Swimming Pool Inspection Program as exhibited, included at **AT-1**;
2. Publish the adopted program on Council's website, and
3. Council develop an FAQ on Council's website.

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

Against the Motion was Nil (Total 0).

COUNCILLOR AND STAFF INTERACTION POLICY UPDATE, MANAGING PSYCHOSOCIAL HAZARDS IN THE WORKPLACE PROCEDURE INFORMATION AND PROPOSED AMENDMENTS TO THE CODE OF MEETING PRACTICE

MOTION

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

1. Note the update on the Draft Councillor and Staff Interaction Policy together with the legal advice in relation to Councillor obligations under the Work, Health and Safety Act 2011;
2. Note that a Managing Psychosocial Hazards in the Workplace Procedure and Risk Assessment is to be developed in the context of councillor to staff, councillor to councillor, and staff to councillor interactions,
3. Resolve to move the Public Forum segment to a Monday evening in the week of a scheduled Ordinary Council Meeting and that the Forum be webcast and allow remote attendance; and
4. Note that other proposed Code of Meeting Practices amendments outlined in this report will be the subject of community consultation at the same time as the Draft Councillor and Staff Interaction Policy is released for community consultation.

AMENDMENT

An Amendment was moved by moved by Councillor Flood and seconded by Councillor Bryla that Council:

1. Note the update on the Draft Councillor and Staff Interaction Policy together with the legal advice in relation to Councillor obligations under the Work, Health and Safety Act 2011;
2. Note that a Managing Psychosocial Hazards in the Workplace Procedure and Risk Assessment is to be developed in the context of councillor to staff, councillor to councillor, and staff to councillor interactions,
3. Resolve to go to Community Consultation to move the Public Forum segment to a Monday evening in the week of a scheduled Ordinary Council Meeting and that the Forum be webcast and allow remote attendance; and
4. Note that other proposed Code of Meeting Practices amendments outlined in this report will be the subject of community consultation at the same time as the Draft Councillor and Staff Interaction Policy is released for community consultation.

For the Amendment were Councillors Southwood, Kennedy, Flood and Bryla (Total 4).
Against the Motion were Councillors Bennison, Roenfeldt, Brooks-Horn, Mort and Zbik

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(Total 5).

15 EXTENSION OF TIME

Extension of Time moved by Councillor Zbik and seconded by Councillor Brooks-Horn that the meeting be extended by 30 minutes to 11:45pm.

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

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

Upon being put to the meeting, the Extension of Time Motion was declared lost.

Meeting was closed and adjourned at 11:15pm.

Confirmed at the Ordinary Council Meeting of 21 March 2024, at which meeting the signature herein is subscribed.

MAYOR

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