

# Agenda Ordinary Council Meeting 21 February 2022

The meeting commences at 6.30pm. If members of the public are not interested in any business recommended to be considered in Closed Session or there is no such business, Council will ordinarily commence consideration of all other business at **7pm**.



## Notice of Meeting

Dear Councillors

Notice is given of the Ordinary Council Meeting, to be held in the Council Chambers on Monday 21 February 2022 commencing at 7pm. The business to be transacted at the meeting is included in this business paper.

Yours faithfully



Craig Wrightson  
**General Manager**

## Council Meeting Procedures

The Council meeting is chaired by the Mayor, Councillor Andrew Zbik. Councillors are entitled to one vote on a matter. If votes are equal, the Chairperson has a second or casting vote. When a majority of Councillors vote in favour of a Motion it becomes a decision of the Council. Minutes of Council and Committee meetings are published on Council's website [www.lanecove.nsw.gov.au](http://www.lanecove.nsw.gov.au) by 5pm on the Thursday following the meeting.

The Meeting is conducted in accordance with Council's Code of Meeting Practice. The order of business is listed in the Agenda on the next page. That order will be followed unless Council resolves to modify the order at the meeting. This may occur for example where the members of the public in attendance are interested in specific items on the agenda.

Please note that the Public Gallery will be open to a maximum of 30 people in accordance with NSW Government directives and in the interests of public health.

The Public Forum will hear registered speakers from the Public Gallery as well as online using the web platform Zoom. All speakers wishing to participate in the public forum must register by using the [online form](#) no later than midnight, on the day prior to the meeting (Sunday, 20 February 2022) and a Zoom meeting link will be emailed to the provided email address of those registered as an online speaker. Please note that the time limit of three minutes per address still applies, so please make sure your submission meets this criteria. Alternatively, members of the public can still submit their written address via email to [service@lanecove.nsw.gov.au](mailto:service@lanecove.nsw.gov.au). Written addresses are to be received by Council no later than midnight, on the day prior to the meeting. (500 words maximum).

Please note meetings held in the Council Chambers are recorded on tape for the purposes of verifying the accuracy of minutes and the tapes are not disclosed to any third party under the Government Information (Public Access) Act 2009, except as allowed under section 18(1) or section 19(1) of the PPIP Act, or where Council is compelled to do so by court order, warrant or subpoena or by any other legislation. Should you require assistance to participate in the meeting due to a disability; or wish to obtain further information in relation to Council, please contact Council's Executive Manager – Corporate Services on (02) 9911 3550.

**DECLARATIONS OF INTEREST**

**APOLOGIES**

**OPENING OF MEETING WITH PRAYER**

**ACKNOWLEDGMENT TO COUNTRY**

**NOTICE OF WEBCASTING OF MEETING**

**PUBLIC FORUM**

Members of the public may address the Council Meeting on any issue for 3 minutes.

**CONFIRMATION OF MINUTES**

- 1. ORDINARY COUNCIL MEETING - 10 JANUARY 2022**
- 2. EXTRAORDINARY COUNCIL MEETING– 24 JANUARY 2022**

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**Subject:** Mayoral Minute - Lane Cove North Neighbourhood Centre  
**Record No:** SU129 - 8062/22  
**Division:** Lane Cove Council  
**Author(s):** Councillor Andrew Zbik

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### **Executive Summary**

The aim of this motion is to address the lack of local shopping and place amenity in Lane Cove North as the residents of Lane Cove North do not have a local convenience store or small-scale neighbourhood shops that is an inviting place to meet and gather, shop or dine.

### **Discussion**

There are nine (9) parcels of land in the Lane Cove North/Mowbray Precinct that currently do not have a pending Development Application for approval. Seven (7) of these properties located at 618-624 Mowbray Road, Lane Cove North and 25-29 Mindarie Street, Lane Cove North are owned by the Land and Housing Corporation (LAHC). The NSW Land and Housing Corporation (LAHC) is a self-funded Public Trading Enterprise (PTE), governed by the Housing Act 2001, and is part of the NSW Government's Department of Planning, Industry and Environment (DPIE).

Via the NSW Parliament Legislative Council, the following question was asked to the NSW Minister for Mental Health, Regional Youth and Women representing the Minister for Water, Property and Housing:-

7815 - Water, Property and Housing - LAND AND HOUSING CORPORATION (LAHC)

Jackson, Rose to the Minister for Mental Health, Regional Youth and Women representing the Minister for Water, Property and Housing

- (1) What plan does the Land and Housing Corporation (LAHC) have for the properties located at 618-624 Mowbray Road, Lane Cove North and 25-29 Mindarie Street, Lane Cove North?
- (2) Has the LAHC commenced any pre-planning to lodge a Development Application for the above-mentioned sites?
- (3) Can the Minister confirm that these sites will be used for social housing?
  - (a) If so, what is the proposed current breakdown?
  - (b) Are there active proposals being considered for a convenience store or shop on these sites?

Answer

I am advised:

The NSW Land and Housing Corporation is currently determining the future use of the sites at 618-624 Mowbray Road West and 25-29 Mindarie Street, Lane Cove North. No pre-planning work has commenced for the lodgement of a Development Application.

Question asked on 22 November 2021 (session 57-1) and published in [Questions & Answers Paper No. 631](#)

Answer received on 13 December 2021 and published in [Questions & Answers Paper No. 646](#)

Upon further discussions with Council staff, the following has been confirmed:-

1. The current R4 High Density Residential Zoning for the Lane Cove North/Mowbray Precinct permits a 'Neighbourhood Shop' of up to 300 square metres (where fronting a local road, or 400 square metres when fronting any other road) to be included in a new building.
2. If a commercial premise larger than 300/400 square metres is desired, Council would be required to consider a planning proposal to change the zoning. This would require extensive community consultation before such a re-zoning could take place.

### **Summary**

In summary, this motion seeks to commence discussions with the Land and Housing Corporation (LAHC) requesting consideration of a commercial premise that could facilitate a local convenience store within any future building at 618-624 Mowbray Road, Lane Cove North and 25-29 Mindarie Street, Lane Cove North.

### **RECOMMENDATION**

That Council:-

1. Write to landowners within the Lane Cove North/Mowbray Precinct area who own land zoned R4 who have not yet lodged a Development Application to ask their level of interest in developing a 'Neighbourhood Shop' to support a local convenience store and/or local shops; and
2. A report be provided back to Council on what is required to further the proposal should the owners display interest in progressing the matter.

Councillor Andrew Zbik  
**Councillor**

### **ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 21 February 2022**  
**NOTICE OF MOTION - CREATING A RENEWABLE ENERGY FUTURE IN LANE COVE**

**Subject:** Notice of Motion - Creating a Renewable Energy Future in Lane Cove  
**Record No:** SU8201 - 8053/22  
**Division:** Lane Cove Council  
**Author(s):** Councillor Kathy Bryla; Councillor Rochelle Flood; Councillor Bridget Kennedy;  
Councillor David Roenfeldt; Councillor Merri Southwood; Councillor Andrew Zbik

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### **Executive Summary**

The objective of this motion is for Council to commit to facilitating options with our community to advance the adoption of initiatives to transition to renewable electricity generation to further expediate the reduction of emissions within our LGA.

### **Discussion**

In 2019 Council declared a climate emergency.

More recently Council implemented a Climate Resilience Plan which has the goal to reach an 80% Co2 emissions reduction target by 2036.

Late in 2021, Council resolved to source 100% of its electricity needs from renewable generation from July 2022 onwards. However, Council's emissions account for just 2% of the LGA's total emissions prior to sourcing 100% of its electricity supply from renewable generation.

Residential dwellings account for 55% of community emissions. The source of emissions for residential dwellings are:-

- 59% from electricity consumption.
- 27% transport.
- 9% gas usage.
- 5% waste.

The balance of our community emissions comes from commercial and industrial purposes.

Transitioning existing electricity usage to be sourced from renewable generation and focusing on increasing renewable installations within new developments is the next step in reducing emissions in the LGA.

Councils are agile and capable of making things happen faster than State and Federal Governments. Councils are more grassroots than any other tier of government.

Examples to phase out gas usage include:-

- North Sydney Council refurbishing its aquatic centre with heat pumps.
- Inner West Council looking at replacing gas boilers with heat pumps.
- Waverley, Canada Bay Councils committed to removing gas from Council buildings.
- Canterbury – Bankstown Council planning to not permit new gas connections in key growth areas.

Regarding electricity sourced from renewable generation, approximately 56% of residents in Lane Cove now live in a strata scheme.

**Ordinary Council Meeting 21 February 2022**  
**NOTICE OF MOTION - CREATING A RENEWABLE ENERGY FUTURE IN LANE COVE**

Council provides a [FREE solar mapping tool](#) to identify the potential for solar panels on roof tops in Lane Cove. Many large rooftops that have solar generating capacity are on existing apartment blocks.

Strata Schemes find it difficult to install solar panels for the following reasons:-

1. Strata cash reserves are generally not sufficient to purchase solar panels, install solar arrays and utilise batteries; and
2. A strata scheme cannot install solar panels and sell or distribute power to owners (Under NSW Law, the strata scheme would need to be registered as an Energy Retailer to do this).

Therefore, many residents are unable to take action to adopt renewable energy generation at a local level.

## **RECOMMENDATION**

That Council: -

1. Include in the draft Community Strategic Plan a strategy to facilitate the increase in the usage of energy sourced from renewable generation in the Lane Cove LGA.
2. Consider the following initiatives as key actions in the 2022/23 Delivery and Operational plan:-
  - a. Council research bulk buying options for solar panels for the community.
  - b. Focusing on smart development by liaising with Canterbury-Bankstown Council on their actions taken and passing a moratorium on gas connections in all new developments unless commercial food establishments. This would meet the objective of the Climate Resilience plan to set locally specific performance standards for new residential and non-residential developments.
  - c. Commit to removing gas from council buildings and replacing gas boilers which reach the end of their life, with heat pumps.
  - d. Explore joining the [‘Solar my School’](#) program
  - e. Launch an expressions of interest process to create a virtual solar grid on large strata and commercial roof spaces within the Lane Cove LGA.
  - f. Explore the possibility of a Virtual Energy Network (VEN) linking solar sites together to utilise power generated before feeding back into the grid.
    - i. Request Council compile a report looking at options for Peer-to-Peer Energy Trading (for example, the AGL Virtual Trial(AGL VPP) occurring in places including Byron Bay and Energy Locals Retail provider (via Enosi Powertracker) to help determine viability for the Lane Cove community
    - ii. Request Council to look at grant funding opportunities for innovative community solar projects, and large-scale battery storage projects available from ARENA or the Clean Energy Innovation Fund.
  - g. Promote the NSW Solar for Low Income Program

**Ordinary Council Meeting 21 February 2022**  
**NOTICE OF MOTION - CREATING A RENEWABLE ENERGY FUTURE IN LANE COVE**

- h. Develop an educational program to facilitate other ways that people can invest in renewables if they are unable to put on their roofs directly, e.g. Clearsky Solar or Pingalla (which are community funded solar programs for business) (Lake Macquarie council as example) Also Enova Community Energy - social enterprise, existing peer-to-peer initiatives that are available now for uptake. Include in this program information on heat pumps as a non-gas option for heating and cooling.
  - i. Reach out to NSROC Councils to collaborate on joint educational opportunities across all LGAs
  - j. Include any other ideas that are suggested by Councillors.
3. Write to all strata schemes in the Lane Cove LGA seeking their interest in cooperating with initiatives to facilitate solar and other renewable energy solutions for strata buildings.

Councillor Kathy Bryla  
**Councillor**

Councillor Rochelle Flood  
**Councillor**

Councillor Bridget Kennedy  
**Councillor**

Councillor David Roenfeldt  
**Councillor**

Councillor Merri Southwood  
**Councillor**

Councillor Andrew Zbik  
**Councillor**

**ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 21 February 2022**  
**NOTICE OF MOTION - CREATION OF A ST LEONARDS SOUTH COORDINATION UNIT**  
**(SLCSU)**

**Subject:** Notice of Motion - Creation of a St Leonards South Coordination Unit (SLCSU)  
**Record No:** SU8691 - 8026/22  
**Division:** Lane Cove Council  
**Author(s):** Councillor Merri Southwood; Councillor David Roenfeldt

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### **Executive Summary**

This report seeks Council support to establishment a St Leonards South Coordination Unit. The role of this unit is to manage and coordinate delivery of the individual development projects within the St Leonards South Master Plan area and of projects adjacent to the St Leonards South Master Plan area, with the objective to minimise disruption to amenity of the communities within these areas, to ensure smooth delivery of development projects, and compliance with conditions of consent.

### **Background**

There are 23 amalgamated sites within 8 hectares at the St Leonards South precinct, with at least 1974 dwellings to be constructed in developments ranging from 6 storeys (25m) to 19 storeys (65m).

The St Leonards South site is constrained by topography, a lack of East-West road links that connect to major roads and a limited number of road access points from the site to the already congested Pacific Highway and River Road.

Residents in and adjacent to St Leonards South (including many not in the Lane Cove LGA) are already significantly impacted by the construction activity for the St Leonards over-rail plaza and the demolition and excavation for construction of a display unit at 21 Canberra Avenue, St Leonards South.

These impacts include failure to comply with approved construction hours, dust, interruption to traffic flow caused by parking of large vehicles in narrow streets, risk to pedestrian safety from large vehicle movements and noise. These impacts will worsen with development of the twenty-three (23) amalgamated sites.

Three development applications have been lodged already for St Leonards South and one of the applications is scheduled for determination by the Sydney North Planning Panel on 2 March 2022.

Large scale construction activity may commence soon.

The complexity and scale of the St Leonards South project requires management and coordination of the delivery of the individual development projects, within and adjacent to it, to minimise disruption to community amenities, to ensure smooth delivery of development projects and to ensure compliance with conditions of consent.

**Ordinary Council Meeting 21 February 2022**  
**NOTICE OF MOTION - CREATION OF A ST LEONARDS SOUTH COORDINATION UNIT**  
**(SLCSU)**

**RECOMMENDATION**

That Council: -

1. receive a report at its 21 March 2022 meeting on the establishment of a St Leonards South Coordination Unit (SLSCU) to manage and coordinate delivery of the individual development projects within the St Leonards South Master Plan area and of projects adjacent to the St Leonards South Master Plan area, to minimise disruption to amenity of the communities within these areas, to ensure smooth delivery of development projects and compliance with conditions of consent.

Such report to detail: -

- a. a comprehensive risk management plan and a monitoring framework across the site to identify potential problem areas and solutions;
  - b. strategies for the coordination of construction and non-construction traffic movements within the St Leonards South Master Plan area and provision of advice to Council as to the conditions of Construction Traffic Management Plans to ensure that public safety considerations and the need to preserve resident amenity are adequately acknowledged in the development of the sites in the St Leonards South Master Plan;
  - c. proposed representation on the SLSCU which includes residents within and adjacent to the St Leonards South precinct, representatives of St Leonards South developers and those of adjacent sites and representatives of the North Sydney and Willoughby LGAs;
  - d. resources required to ensure that the SLSCU delivers on its objectives; and
  - e. draft terms of reference for the SLCSU.
2. Noting that three development applications have already been exhibited for the St Leonards South precinct, Council acknowledges that the establishment of the SLSCU is a priority for Council.

Councillor Merri Southwood  
**Councillor**

Councillor David Roenfeldt  
**Councillor**

**ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 21 February 2022**  
**NOTICE OF MOTION - MINUTE OF SILENCE FOR PRAYER OR REFLECTION**

**Subject:** Notice of Motion - Minute of Silence for Prayer or Reflection  
**Record No:** SU837 - 8222/22  
**Division:** Lane Cove Council  
**Author(s):** Councillor Rochelle Flood; Councillor Bridget Kennedy

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### **Executive Summary**

The current Council Code of Meeting Practice specifies that the Order of Business for an Ordinary Meeting of the council should include a Meeting Prayer. This motion seeks to amend section 8.1 of the Code of Meeting Practice to instead allow for a minute of silence that allows for either prayer, or reflection on our duties and responsibilities as councillors, and local residents.

### **Discussion**

The Meeting Prayer at the start of Ordinary Council Meetings has typically been a way to reflect on the duties we have as councillors, and to ensure those responsibilities are front of mind before we begin the business of the day. The prayer currently used is most closely aligned with Christianity, and is therefore not representative of the full spectrums of faith that may be held by Councillors or Lane Cove residents more broadly. The 2016 Census revealed that Lane Cove residents came from a variety of cultural and religious backgrounds, with over 30% of residents indicating they did not have a religion.

An individual approach to opening the meeting would be much more inclusive of the diverse community we have in Lane Cove. Replacing the spoken Meeting Prayer with a minute of silence for prayer or reflection would allow councillors and residents to choose which option works best for them, and to use that moment in a meaningful way. It recognises the personal nature of both faith and reflection, as well as the importance of being inclusive.

It is worth noting that the Model Code of Meeting Practice does not include a prayer as one of its standard provisions. Other Sydney Councils including, for example Willoughby, North Sydney, City of Sydney, and Inner West have opted not to include the prayer. Some have removed it entirely and others such as Inner West have opted for a moment of silence or quiet contemplation. In 2018, a number of councils in Victoria removed the Meeting Prayer from their Order of Business, a move that the Australian Local Government Association welcomed as an important step in recognising diversity. This proposal aims to establish a balance that meets the needs for those from different religious backgrounds, and the needs of those who are not religious, by allowing for an individual choice.

### **RECOMMENDATION**

That:-

1. Council undertake Community Consultation to amend Cl 8.1 of the Code of Meeting Practice so that point three of the Order of Business for Ordinary Council Meetings now reads:

Minute of silence for reflection or prayer

2. This minute of silence for prayer or reflection occurs after the Acknowledgement of Country.

**Ordinary Council Meeting 21 February 2022**  
**NOTICE OF MOTION - MINUTE OF SILENCE FOR PRAYER OR REFLECTION**

Councillor Rochelle Flood  
**Councillor**

Councillor Bridget Kennedy  
**Councillor**

**ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 21 February 2022**  
**NOTICE OF MOTION - TRAFFIC AT THE INTERSECTION OF PARKLANDS, EPPING AND  
LONGUEVILLE ROADS**

**Subject:** Notice of Motion - Traffic at the intersection of Parklands, Epping and Longueville Roads  
**Record No:** SU6845 - 8286/22  
**Division:** Lane Cove Council  
**Author(s):** Councillor Scott Bennison; Councillor David Brooks-Horn; Councillor Katherine Mort

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**Background**

There have been a number of complaints regarding speeding through the traffic lights at the intersection of Epping and Longueville and then performing a U-turn in the middle of the street or at the intersection of Parkland Avenue and Landers Road. This intersection is not a round-a-bout and also has a Childcare Centre located on the corner, creating significant safety issues.

**RECOMMENDATION**

That the General Manager investigate and report back to Council with options of how best to stop motor vehicles performing U-turns in the middle of Parklands Road at the intersection of Parklands Road and Landers Road.

Councillor Scott Bennison  
**Councillor**

Councillor David Brooks-Horn  
**Councillor**

Councillor Katherine Mort  
**Councillor**

**ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 21 February 2022**  
**NOTICE OF MOTION - DEFERRAL OF COMMENCEMENT OF PROCESS TO CLOSE**  
**CANBERRA AVENUE**

**Subject:** Notice of Motion - Deferral of Commencement of Process to Close Canberra Avenue  
**Record No:** SU1462 - 8039/22  
**Division:** Lane Cove Council  
**Author(s):** Councillor Merri Southwood; Councillor David Roenfeldt

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### **Executive Summary**

This report requests that Council defer the commencement of the process to close Canberra Avenue, between River Road and its intersection with Duntroon Avenue, to integrate the land into Newlands Park, as this road closure will cause significant disruption to the nearby residents.

### **Background**

At the Council meeting of 11 May 2020, the following resolution was passed:-

*G. Subject to Ministerial approval of Planning Proposal 25:-*

- a. commence the process to close Canberra Avenue, between River Road at (sic) its intersection with Duntroon Avenue to integrate the land into Newlands Park once the section 7.11 Plan funding has been confirmed.*
- b. extend the community consultation to the area bound by Pacific Highway, North Shore Railway Line, River Road and Greenwich Road or broader if determined to do so.*

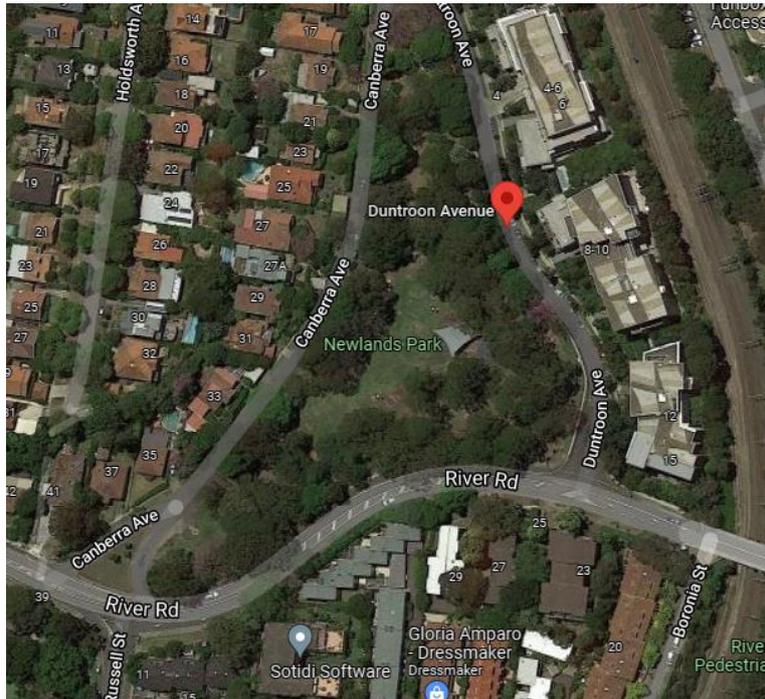
Ministerial approval of Planning Proposal 25 has been granted and confirmation of the Section 7.11 Plan is imminent.

The proposed closure of Canberra Avenue was not the subject of community consultation in respect of St Leonards South nor was it the subject of any RMS assessment of the St Leonards South Planning Proposal.

In the event that Canberra Avenue is closed from River Road, the impacts on traffic flow to and from the southern boundary of the St Leonards South Master Plan site will be:-

- The only opportunity for a right and left hand turn from the southern portion of the St Leonards South precinct will be from Duntroon Avenue;
- Duntroon Avenue is a narrow road unsuited to the passage of large construction vehicles and high volumes of commuter traffic; and
- As has been outlined by North Sydney Council in its submission on DA 99/2021, the Duntroon Avenue/River Road intersection raises potential safety issues caused by sight lines arising from the humpback nature of the North Shore Railway overbridge of River Road and the winding nature of River Road itself.

**Ordinary Council Meeting 21 February 2022**  
**NOTICE OF MOTION - DEFERRAL OF COMMENCEMENT OF PROCESS TO CLOSE**  
**CANBERRA AVENUE**



There is already significant disruption to the residents adjacent to St Leonards South caused by construction vehicles associated with the preliminary stages of construction of the St Leonards over-rail plaza and the excavation of the site for a single display unit in Canberra Avenue.

There are twenty-three (23) amalgamated sites in the St Leonards South Master Plan.

Three (3) development applications have already been lodged for sites in Canberra Avenue and Holdsworth Avenue.

They are:-

DA 99/2021 at 21 Canberra Avenue (319 dwellings)

DA 162/2021 at 13-19 Canberra Avenue (84 dwellings)

DA 187/2021 at 10-12 Marshall Avenue/1-3 Holdsworth Avenue (104 dwellings)

The Council resolution to close a portion of Canberra Avenue, a road that provides access and egress point to and from River Road, additional to Duntroon Avenue, must be deferred to minimise construction vehicle congestion on Duntroon Avenue and potential safety issues at the Duntroon Avenue/River Road intersection during the construction of the above developments.

**Ordinary Council Meeting 21 February 2022**  
**NOTICE OF MOTION - DEFERRAL OF COMMENCEMENT OF PROCESS TO CLOSE**  
**CANBERRA AVENUE**

**RECOMMENDATION**

That:-

1. No action will be taken by Council at this time to commence the process to close Canberra Avenue, between River Road and its intersection with Duntroon Avenue.
2. Council develop for presentation to the meeting of 19 April 2022 a strategy to minimise cumulative impacts of construction traffic arising from DA 99/2021, DA 162/2021 and DA 187/2021.
3. Council to receive at the meeting of 19 April 2022 a report detailing the cumulative traffic movements and impacts of:-
  - all vehicles (construction and otherwise) during the development of the 23 amalgamated sites in the St Leonards South Master Plan until Certificates of Occupancy have issued for all developments, and
  - all vehicles after Certificates of Occupancy have issued for all developments.
4. The report outlined in 3 to include a comparison of impacts on the road network within the St Leonards South Master Plan area (including access roads to River Road and Pacific Highway) for:-
  - closure of Canberra Avenue as detailed in the report to Council of 11 May 2020, and
  - no closure of Canberra Avenue.
5. Council will review its proposed road closure after consideration of this report.
6. No action will be taken in respect of any future closure of Canberra Avenue without a further resolution of Council to commence the road closure process.
7. Council will consult in respect of this road closure with the community within the area bounded by Pacific Highway, North Shore Railway Line, River Road and Greenwich Road or broader if determined to do so.

Councillor Merri Southwood  
**Councillor**

Councillor David Roenfeldt  
**Councillor**

**ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 21 February 2022**  
**NOTICE OF MOTION - ESTABLISHMENT OF SPORTS ADVISORY COMMITTEE**

**Subject:** Notice of Motion - Establishment of Sports Advisory Committee  
**Record No:** SU7169 - 8265/22  
**Division:** Lane Cove Council  
**Author(s):** Councillor Scott Bennison; Councillor David Brooks-Horn; Councillor Katherine Mort

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**Executive Summary**

The Lane Cove LGA has a large diversity of sporting clubs and demand for sporting facilities and grounds is increasing significantly, through increased participation rates and population increases, resulting in increased membership. Council should establish an Advisory Committee to understand what their needs are and to better plan delivery of sporting facilities.

**RECOMMENDATION**

That:-

1. Council establish a Sporting Club Advisory Committee;
2. The General Manager prepare a draft constitution for discussion at Council workshop to discuss objectives, sporting club appointments, Councillor representation and other matters relating to the operation of an Advisory Committee.

Councillor Scott Bennison  
**Councillor**

Councillor David Brooks-Horn  
**Councillor**

Councillor Katherine Mort  
**Councillor**

**ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 21 February 2022**  
**NOTICE OF MOTION - IMPROVING COMMUNITY COLLABORATION AND COMMUNICATION**

**Subject:** Notice of Motion - Improving Community Collaboration and Communication  
**Record No:** SU80 - 8068/22  
**Division:** Lane Cove Council  
**Author(s):** Councillor Kathy Bryla; Councillor Rochelle Flood; Councillor Bridget Kennedy;  
Councillor David Roenfeldt; Councillor Merri Southwood; Councillor Andrew Zbik

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### **Executive Summary**

The objectives of this motion are to conduct a collaborative workshop with residents and community stakeholders on how Council can develop new techniques to collaborate with our community and to improve Council's website and how it integrates with Council's other communication channels to make it easier for residents to engage and seek information from our Council.

### **Discussion**

#### ***Community Participation Plan and Community Engagement Policy.***

Lane Cove Council's Community Engagement Policy in its current version was approved and commenced in July 2017.

Council's current Community Engagement Policy prescribes the following:-

1. Guiding Principles as to why and how community engagement is to take place.
2. When community engagement is to take place.
3. Identification of Stakeholders and target audiences for Council's community engagement activities.
4. Levels of engagement based upon the subject matter.
5. Methods of engagement.

We believe there is a shift in expectations from our community that Council 'collaborates' earlier with residents and stakeholders in our community in the decision making process when developing new strategies, policies and major decisions.

The first objective of this motion is to conduct a collaborative workshop with residents and community stakeholders on how Council can develop new techniques to collaborate with our community.

#### ***Lane Cove Council Website***

In a digital first world, it is the community expectation that the Lane Cove Council website is customer centric, easy to use, easily readable and accessible and inclusive of all members of the community.

The Lane Cove Council website and other digital assets (social media channels, e-newsletter databases) are often our first and most regular touch point with the community. As the Covid-19 pandemic has shown, it is important for our community to be able to conduct business with us online.

Currently there is frustration within our community due to a perceived inability to find information on the website, and a sense that communication from the council needs to be generally improved.

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The current website is not mobile friendly. Navigating to find information is challenging and it does not provide 'easy-read' options or content in plain English. The website also lacks simple additions to improve accessibility for the disabled community such as alt text options to accompany images.

There are limited options on the 'request a service' which could be expanded to 'log an issue or ask for action'. The DA portal does not have all documents uploaded, for example when Northern Sydney Planning Panel makes a judgment it is not necessarily uploaded in a timely manner. Links on the website are challenging to share with TRIM as the links keep changing, not all fees are payable online and there are missing '404' pages. The website layout also makes it difficult to locate relevant studies and impact assessments for proposed developments. Residents are often left to review individual council meeting agenda papers and minutes to search for relevant attachments.

The website pages also currently ranks poorly on Google. The homepage isn't found by searching "Lane Cove Council". This could be improved with search engine optimisation of the website.

To bring our website in line with community expectation, it needs a comprehensive redevelopment of its design and content using a community-first, user research-driven approach.

It is vital that we ensure all of Lane Cove's digital assets aim to meet the best practice requirements of the Australian Government's Digital Transformation Agency. Their website (<https://www.dta.gov.au/>) has useful information and guidelines.

Some examples of easy to navigate, user friendly sites include <https://www.georgesriver.nsw.gov.au/> and <https://www.cityofsydney.nsw.gov.au/>

There is also potential for Lane Cove Council's other digital communication channels to be improved to ensure we continue to share with our community essential information and news about council services, programs, and projects.

Beyond the accessibility of the website, we also recognise that the community needs better opportunities for genuine input into council decision making.

The second objective of this motion is to improve Council's website and how it integrates with Council's other communication channels to make it easier for residents to engage and seek information from our Council.

## **RECOMMENDATION**

That:-

1. Council engage an external consultant to host an interactive combined community and council workshop in the month of April to seek input from local community groups and residents about new inclusive strategies to engage with the public within the framework of the Community Participation Plan and Community Engagement Policy;
2. Councillors receive a copy of the terms of reference prior to the engagement of the consultant outlined in point 1 above; and
3. Council consider the following initiatives as key actions in the next Delivery Program and Operational Plan:-

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**NOTICE OF MOTION - IMPROVING COMMUNITY COLLABORATION AND COMMUNICATION**

- a. Prioritising and allocating funding for an upgrade of the Lane Cove Council website in the 2022/2023 financial year and that the development ensures involvement of local user testing to ensure it meets the access needs of the Lane Cove community and follows best practice guidelines for government service website design;
- b. Forming a temporary Digital Transformation Working Group to support the development of Council's digital communications which should include digital experts (service design and/or user experience design experts, digital content strategists, web developers, product managers, for example) and representatives of the general community as determined by the Mayor and General Manager, to provide input into the scope of the project; and
- c. Preparing an options paper on:-
  - i. How Council's existing and potential digital and other communication channels can be improved and integrated as a formal source of engagement and feedback in the Community Participation Plan and Community Engagement Policy.
  - ii. How Council can utilise initiatives such as search engine marketing, adoption of an 'opt-in' text messaging service; and further segmentation of Council's email database to achieve more efficient and targeted communication to segments of our community.

Councillor Kathy Bryla  
**Councillor**

Councillor Rochelle Flood  
**Councillor**

Councillor Bridget Kennedy  
**Councillor**

Councillor David Roenfeldt  
**Councillor**

Councillor Merri Southwood  
**Councillor**

Councillor Andrew Zbik  
**Councillor**

**ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 21 February 2022**  
**NOTICE OF MOTION - BOB CAMPBELL WORKING GROUP - ADDITIONAL MEMBERS**

**Subject:** Notice of Motion - Bob Campbell Working Group - Additional Members  
**Record No:** SU5606 - 8289/22  
**Division:** Lane Cove Council  
**Author(s):** Councillor Scott Bennison; Councillor David Brooks-Horn; Councillor Katherine Mort

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**Background**

At the Extraordinary Meeting of Council held on 24 January 2022, Council resolved to establish a BCO working group but failed to include some major sporting club stakeholders.

Sporting groups are the main user of these grounds and were disappointed that they were not all specifically included in the new BCO working group.

**RECOMMENDATION**

That the General Manager contact all the sporting clubs that currently use Bob Campbell Oval and invite them to have representation on the BCO working group.

Councillor Scott Bennison  
**Councillor**

Councillor David Brooks-Horn  
**Councillor**

Councillor Katherine Mort  
**Councillor**

**ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 21 February 2022**  
**NOTICE OF MOTION - ST LEONARDS SOUTH CENTRAL PRECINCT LAND ACQUISITION**  
**FOR OPEN SPACE PARK**

**Subject:** Notice of Motion - St Leonards South Central Precinct Land Acquisition for Open Space Park  
**Record No:** SU6005 - 8047/22  
**Division:** Lane Cove Council  
**Author(s):** Councillor David Roenfeldt; Councillor Merri Southwood

**Executive Summary**

This report seeks to prioritise the purchase of properties to create the central park between Park Road and Berry Road using one or more suitable sources of funding, including other State and Federal Grants as part of the St Leonards South Central Precinct (SLSCP).

**Discussion**

The strategic plan for the development of the SLS precinct is set out in the DPIE 2036 Plan.

Contained within the plan are the provisions for 0.96 hectares of Open Space in St Leonards South to service an expected population of 4,031, which includes land acquisition for a proposed new park. The required land acquisition includes properties at 19, 21, 23, 25, Berry Road and 16, 18, 18A, 20, 22, 24 Park Road St Leonards. The proposed park location is Identified as 1 shown below.



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**FOR OPEN SPACE PARK**

The label for the local park is 1, pocket parks are 2a and 2b, and the expansion of Newlands Park is 3. Source: SLSCP

The cost of acquiring the land is given as \$37,604,455 (March 2021).

[Technical Paper \(nsw.gov.au\)](https://www.nsw.gov.au/technical-paper)

The sources of funding available to deliver open space as defined in the DPIE 2036 Plan are: -

1. Special Infrastructure Contributions (SIC) Scheme

The SIC will generate up to \$116.6 million to be spent in the area to help fund new and upgraded public parks, active transport, education facilities and improvements to intersections and crossings.

The SIC allocates more than \$78 million for open space - an increase of more than \$20 million. SIC funding will be prioritised for additional open space. This includes, working with North Sydney Council to bring forward development contributions for a new park with underground parking at Holtermann Street carpark and working with Lane Cove and Willoughby City Councils on open space opportunities.

2. Precinct Support Scheme

The Precinct Support Scheme is a State Government grant program to help fund the delivery of open spaces including parks, streetscapes, bicycle, and walking paths to support areas subject to urban renewal and sustainable growth. DPIE has allocated \$10.6 million across the three councils to help deliver new local infrastructure.

3. Local Infrastructure Contributions\*

Each Council has a Development Contributions Plan that funds local infrastructure. Existing local infrastructure contributions will continue to apply to help fund the local infrastructure identified by each Council and this Plan to support future growth. It will be the responsibility of each Council to ensure their respective Development Contribution Plans remain updated.

4. State and local Voluntary Planning Agreements

Section 7.4 of the Environmental Planning and Assessment Act 1979 allows a developer to enter into a voluntary planning agreement (VPA) to provide State or local infrastructure associated with a change to planning controls or a development application. This is an available avenue to provide infrastructure in St Leonards and Crows Nest in lieu of a contribution to the SIC or local contribution schemes.

\* Note: As part of the NSW Government's response to the COVID 19 pandemic, the timing of when local infrastructure contributions were due was delayed until at least the issuing of the first occupation certificate. This directive is due to expire March 22, 2022. Council estimates if this directive became permanent this would cause a delay of at least two years.

[Local infrastructure contributions policy - \(nsw.gov.au\)](https://www.nsw.gov.au/local-infrastructure-contributions-policy)

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**FOR OPEN SPACE PARK**

Other sources of funding mechanisms: -

5. Borrowing

- The IPART SLS CP review recommends that Council should investigate funding the new local park earlier, including consideration of borrowing an amount up to \$37 million.

It has also been suggested (not from IPART SLS CP) that once the properties have been acquired, they could be leased back to existing owners or new tenants until such time as the construction of the park is due to commence.

Existing Council Resolution

The Council resolution of 11 May 2020 made it clear that acquisition of sites was a priority:-

Prioritise the purchase of properties to create the central park between Park Rd and Berry Rd as s7.11 contributions are received, and Council receive a report annually as part of the budget process on progress of acquiring the properties.

Note the following:-

1. No annual report has been seen by councillors; and
2. The IPART SLS CP was completed 20 December 2021 with the following recommendations: -
  - The Council should investigate funding the new local park earlier in the development timeline, before incorporating changes in the next review of SLS CP in 3 years' time.
  - Removing shared paths from the works schedule, as they would be delivered via conditions of consent (decrease of \$1.17 million).

Our final recommendations have considered submissions to our Draft Report from the Council and affected landowners. The key issue from the submissions is the timing of delivering the new local park. Currently, the Council plans to acquire land for the park late in the plan's development Timeline.

We considered the impact of this delay on incoming residents, landowners and the Council's ratepayers. We also considered the impact of forward funding the park on the Council's finances. We maintain our recommendation that the Council should investigate funding the park earlier in the development timeline, but to incorporate changes when it next revises the plan in 3 years' time. We consider that this approach would balance: -

- The risks to Council's financial position of delivering the local park;
- The risk of increasing land prices creating a contributions shortfall, that may need to be funded by future incoming residents or potentially by Council ratepayers; and
- The Council managing the disruption to existing residents, to better align the delivery of the park to the development within the precinct, which has not yet commenced.

**Ordinary Council Meeting 21 February 2022**  
**NOTICE OF MOTION - ST LEONARDS SOUTH CENTRAL PRECINCT LAND ACQUISITION**  
**FOR OPEN SPACE PARK**

**RECOMMENDATION**

That Council:-

1. Provide Council the last annual report in response to the resolution adopted 11 May 2020 at the next Ordinary Council Meeting on 21 March 2022;
2. Recommit to prioritising the purchase of properties to create the central park between Park Rd and Berry Rd using one or more suitable sources of funding, including other State and Federal Grants and report back to Council at the 19 April 2022 Ordinary Council Meeting;
3. Write to the Hon. Anthony Roberts, Minister of Planning and Housing, drawing his attention to the comments from the IPART SLS CP review on the park requesting for his assistance to identify possible solutions to funding of the park.
4. Notify the 10 property owners currently on the land scheduled for the park, the current status of the land acquisition efforts and provide periodic updates on its progress.

Councillor David Roenfeldt  
**Councillor**

Councillor Merri Southwood  
**Councillor**

**ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 21 February 2022**  
**REPRESENTATION ON COUNCIL ADVISORY COMMITTEES AND OTHER EXTERNAL ORGANISATIONS FOR 2022**

**Subject:** Representation on Council Advisory Committees and Other External Organisations for 2022  
**Record No:** SU868 - 79153/21  
**Division:** Corporate Services Division  
**Author(s):** Stephen Golding

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### **Executive Summary**

Council currently operates various Advisory Committees and participates in other External Organisations to provide a forum for discussion on broad local and regional issues among Council representatives, local agencies and community members. The purpose of this report is to determine Councillor representation on these Committees for the period ending September 2022 and commence a process by which community representatives can express an interest in joining Advisory Committees.

### **Discussion**

Advisory Committees and external organisations provide an excellent opportunity for Councillors, members of the community and other stakeholders to come together to discuss and address matters relevant to the charter and terms of reference of each committee. Councillors represent Council on a number of Advisory Committees and External Organisations, a list of these Committees and Organisations, their purpose, representation and meeting frequency is summarised below: -

#### ***Advisory Committees with Community Representatives***

##### Age Friendly Advisory Committee

Established in July 2014 to provide advice and assistance to Council on the implementation of the Age Friendly Action Plan including prioritisation and awareness of strategies and initiatives. The Committee meets at least bi-monthly on Thursdays at 5.30 pm in the Council building. THE Committee's Charter allows for up to twelve (12) Community Representatives; four (4) Alternate Community Members and two Council Members (one Councillor, one member of staff).

Proposed Representation: One Councillor (and one Alternate Councillor)

##### Bushland Management Advisory Committee

Commenced in the 1980's to discuss bushland management issues, monitor implementation of the Bushland Plan of Management and provide advice and recommendations on bushland management within the LGA. The Committee meets monthly on a Wednesday at 6.00pm in the Council Committee Room. The Committee includes four (4) Community Representatives, three (3) representatives of the Lane Cove Bushland and Conservation Society, one (1) member from an active Bushcare Group and one (1) Councillor and one (1) member of staff.

Proposed Representation: One Councillor (and one Alternate Councillor)

**Ordinary Council Meeting 21 February 2022**  
**REPRESENTATION ON COUNCIL ADVISORY COMMITTEES AND OTHER EXTERNAL ORGANISATIONS FOR 2022**

Lane Cove Access and Inclusion Committee

The Committee was formed to increase and promote general awareness of access, mobility and safety issues in the community. The Committee oversees implementation of advice and recommendations to the Disability Inclusion Action Plan. The Committee meets quarterly on Wednesday at 10.00am in the Council building. The Charter allows for up to 13 Community Members (including five service providers organisations), one Councillor and three appropriate staff as determined by the General Manager.

Proposed Representation: One Councillor (and one Alternate Councillor)

Lane Cove Bicycle Advisory Committee

The Committee provides advice, recommendations on bicycle issues, facilities and significant input into the development of the Lane Cove Bicycle Plan. This Committee meets quarterly in the Council Committee Room at 6.00pm. The Committee's Charter provides for up to seven (7) community representatives with cycling interests, three (3) Business Representatives with bicycle-related business in the LGA, and one (1) Councillor, one (1) Alternate Councillor and two (2) appropriate staff as determined by the General Manager.

Proposed Representation: One Councillor (and one Alternate Councillor)

Lane Cove Festival Committee

The Committee organises the Lane Cove Festival and provides advice and recommendations to the General Manager on the Festival. The Committee meets from February to August and in October on the third Thursday of the month at 6.00pm in the Council building. The Committee's Charter provides for up to twelve (12) community representatives, up to three (3) Councillors and one (1) appropriate staff member as determined by the General Manager.

Proposed Representation: One Councillor (and one Alternate Councillor)

Lane Cove Public Art Advisory Committee

The Committee provides advice, critique, and comment on the ongoing development, guidance, and implementation of the Lane Cove Council Public Art Policy in relation to public art projects valued above \$70,000. The Committee's Charter provides for up to seven (7) community members, four (4) Councillors and two (2) non-voting members of staff as determined by the General Manager.

Proposed Representation: One Councillor (and one Alternate Councillor)

Lane Cove Recreation Precinct Advisory Committee

This Committee discusses issues with the current tenants and other stakeholders regarding the development of the Golf Course sports precinct. The Committee's Charter provides for seven (7) community representatives (with three (3) having an interest in sports that are to be accommodated at the facility, two (2) representatives of the Golf Country Club and two (2) having an interest in town planning/architecture or urban design). The charter provides for up to four (4) Councillors to be on the Committee and staff members as determined by the General Manager.

Proposed Representation: One Councillor (and one Alternate Councillor)

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**REPRESENTATION ON COUNCIL ADVISORY COMMITTEES AND OTHER EXTERNAL ORGANISATIONS FOR 2022**

Sustainability Advisory Committee

The Committee provides advice on the formulation, prioritisation and implementation of strategies and initiatives to achieve sustainability as primarily set out in the Sustainability Action Plan. The Committee meets five (5) times a year on a Wednesday at 6.00pm in the Council Chambers. The Committee's Charter allows for up to total of nine (9) community representatives: five (5) community representatives with one (1) alternate plus one (1) youth representative; or six (6) community representatives with one (1) alternate if there is no youth representative; two (2) local business representatives with a focus on sustainable business practices; one (1) representative nominated by Bushland Management Advisory Committee and up to three (3) Councillors and appropriate members of staff as determined by the General Manager.

Proposed Representation: One Councillor (and one Alternate Councillor)

***Advisory Committees without Community Representatives***

Carisbrook Advisory Committee

Carisbrook is the oldest surviving house in its area, purchased in 1969. The House and Gardens are managed and maintained by Council with the Lane Cove Historical Society managing the furnishing and showing of the House. The Committee includes one (1) Councillor, one (1) Alternate Councillor and two (2) members of staff, to assist in setting the direction and to provide advice and recommendations on Carisbrook House. The Committee meets every six weeks on Wednesdays at 9.30am in the Council building.

Proposed Representation: One Councillor (and one Alternate Councillor)

Council Selection Committee

This Committee considers nominations and provides recommendations to the General Manager for Council's Citizenship Awards, Australia Day Awards, community appointments to Council's Advisory Committees, tenders, grants, and other awards as they arise. Committee meetings are held as required during Council Workshops on the second Monday of the month. All Councillors and the General Manager are members of the Committee.

Proposed Representation: All Councillors and the General Manager.

Internal Audit Committee

This Committee provides independent assurance and assistance to Council on risk management, audit, governance, and external accountability responsibilities. The role of the Committee is also to provide advice and recommendations to the General Manager on business functions and processes that have been the subject of an internal audit. There are two (2) independent external representatives on the Committee, one Councillor and various senior staff. The Committee meets quarterly at Council, on a Thursday at 2.30pm

Proposed Representation: One Councillor (and one Alternate Councillor)

Publications Editorial Committee

This Committee of three (3) Councillors provides advice to the General Manager on the draft Quarterly Newsletter to the community and any other relevant publications. The Committee meets

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**REPRESENTATION ON COUNCIL ADVISORY COMMITTEES AND OTHER EXTERNAL ORGANISATIONS FOR 2022**

on an 'as required basis' in the Council Committee Room in the Civic Centre at 6.00pm prior to Council Meetings.

Proposed Representation: Three Councillors (one being the Mayor)

Lane Cove Literary Awards Committee

This Committee was established to organise the annual Lane Cove Literary Awards competition. The competition normally opens in May and closes in August, with the awards ceremony in November. The Committee of up to three (3) Councillors, the General Manager (or his representative) and appropriate staff as determined by the General Manager, meets as and when required.

Proposed Representation: Two Councillors

***Councillor appointments to External Organisations***

Centrehouse Management Committee

Gallery Lane Cove + Creative Studios is managed by this Committee. Gallery Lane Cove + Creative Studios, is a not-for-profit community art and leisure centre offering leisure learning for the community, and facilities for hire. The Management Committee meets on the 1<sup>st</sup> Wednesday of each month at Gallery Lane Cove at 5.30 p.m. As this is an external Committee, the role of the Committee is governed by Centrehouse Management Committee, with one Councillor being appointed.

Proposed Representation: One Councillor (and an Alternate Councillor)

Lane Cove Retirement Units Association Ltd Board

Council purchased land in Central Avenue in 1966 for the development of units and transferred the land to the Association in 1994. The Association, a company limited by Guarantee, seeks to provide suitable accommodation for aged persons capable of independent living, and manages the land and buildings at Pottery Gardens.

The Board meets six (6) times a year on a Tuesday at 6:45pm As this is an external Committee the role of the Committee is governed by the Lane Cove Retirement Units Association, whose constitution provides for two (2) Councillor representatives.

Proposed Representation: Two Councillors (and an Alternate Councillor)

Northern Sydney Regional Organisation of Councils – (NSROC)

NSROC is a voluntary group of eight-member Councils in the Northern Sydney region who have joined together on policy advocacy for the region, professional development of staff, shared service delivery and joint procurement. The Board of the organisation meets quarterly on Thursday evenings.

As this is an external organisation, the role of the Board is governed by the constitution of NSROC, which is an incorporated association. The Mayor's alternate must be the person acting as Mayor at the time, the Deputy Mayor ordinarily.

Proposed Representation: The Mayor and one other Councillor (and two Alternate Councillors)

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NSW Public Libraries Association (Inc.)

The NSW Public Libraries Association (NSWPLA) is the peak body for public libraries across NSW providing Advocacy, Network Opportunities, Professional Development and Recognition. NSWPLA includes Councillors in its executive committee, and this representation provides NSWPLA with a broader political focus, including a strong relationship with Local Government NSW. There are three (3) Thursday evening Combined Sydney Zones Meetings held within the Sydney Metropolitan area (usually February, May and July) and a statewide Annual Conference (November) held at different locations across the state. The Annual Conference includes the Annual General Meeting. As this is an external Committee, the role of the Association is governed by the constitution of the NSWPLA. Representation includes one Councillor (with an Alternate Councillor) and staff as determined by the General Manager.

Proposed Representation: One Councillor (and an Alternate Councillor)

Shorelink Committee

Established in 1983 when five (and currently three) participating councils signed a Deed of Agreement. The Shorelink Library Network links the three Lower North Shore Council Libraries of Lane Cove, Mosman and Stanton (North Sydney). Shorelink is managed by a joint committee operating under Section 355 of the *Local Government Act 1993*. This Committee consists of Councillor and Library Manager representatives. The Agent Council (currently North Sydney) Librarian directs the operations of the Network Office in accordance with the Shorelink Committee and the Library Managers Committee. The Committee meets Wednesday evenings twice a year (March, November) with different Shorelink Councils hosting the meetings on a rotational basis. As this is an external Committee, the role of the Committee is governed by Shorelink.

Proposed Representation: One Councillor (and an Alternate Councillor)

Willoughby/Ryde/Hunters Hill/Lane Cove District Bushfire Committee

This Committee was established to meet the requirements of the Rural Fires Act in minimising the impact of bushfires on the community and approves priorities and locations for hazard reduction works. Representatives are from the four Councils, National Parks and Wildlife Service, NSW Police Service, TollAust and NSW Fire Brigades. The Committee meets quarterly at the Lane Cove Fire Station, Artarmon at 10.00am on a Thursday. Representation includes one Councillor and staff as determined by the General Manager.

Proposed Representation: One Councillor (and an Alternate Councillor)

***Expressions of Interest for Community Representatives on Advisory Committees***

Calls for expressions of interest for community representatives on Council Advisory Committees will commence in late February 2022 and conclude in late March 2022. A selection committee will provide recommendations on community representative appointments and will be tabled for discussion at the April Council meeting.

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**REPRESENTATION ON COUNCIL ADVISORY COMMITTEES AND OTHER EXTERNAL ORGANISATIONS FOR 2022**

It is worth noting that Council passed a resolution in May 2021 in relation to limiting the tenure of advisory committee members to a maximum of two (2) council terms. In accordance with the resolution passed, the matter was referred to Council's Internal Audit Committee to form a view from a 'good governance' perspective.

The Internal Audit Committee considered the matter with the following recommendation being minuted in October 2021:

- *The aspirational intent to retain approximately 50% of members every 4 years and limit tenure to 2 terms (8 years) is considered reasonable, noting this will depend on the calibre of those that express an interest in becoming a member*
- *Ongoing mentoring among members should be encouraged so as to maintain interest and assist with succession planning*
- *Succession planning is critical so as not to lose knowledge, as turnover is inevitable*
- *Periodically rotating the Chair, where practicable, so as to give all members of the Committee the opportunity/experience to expand their engagement/participation within the Committee, and*
- *Consider inviting 'external subject matter and/or technical experts' (including former members) to contribute to the knowledge of all committee members with the business at hand*

The above recommendation is put to Council to consider whether it should apply in the assessment of nominations received by Council from prospective community representatives for Advisory Committees and be incorporated in revised Committee Charters upon formation of the new Council Advisory Committees for 2022.

## **RECOMMENDATION**

That:-

1. Council determine Councillor representation on Advisory Committees and External Organisations for the period ending September 2022.
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; and
4. Council determine its position in relation to the recommendations made by the Internal Audit Committee as they relate to membership tenure in Council Advisory Committees.

Steven Kludass  
**Executive Manager - Corporate Services**  
**Corporate Services Division**

## **ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 21 February 2022**  
**INFRASTRUCTURE CONTRIBUTIONS REFORMS - SUBMISSIONS**

**Subject:** Infrastructure Contributions Reforms - Submissions  
**Record No:** SU6136 - 5327/22  
**Division:** Corporate Services Division  
**Author(s):** Steven Kludass

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### **Executive Summary**

This report serves to advise Council that two submissions were lodged, both in relation to the NSW State Government's proposed Infrastructure Contribution Reforms, one of which was lodged with the Independent Pricing and Regulatory Tribunal (IPART) and the other with the Department of Planning, Industry and Environment (DPIE) following the final Ordinary Council Meeting on 15 November 2021.

Copies of both submissions are attached to this report as **AT-1** and **AT-2**.

### **Background**

At the Ordinary Council Meeting of 15 November 2021, Council considered a report titled 'Update Infrastructure Contribution Reforms' that outlined a chronology of events that led to the proposed NSW State Government Infrastructure Contribution Reforms, together with an outline of the proposed reforms and commentary on the likely impacts for both the local government sector generally and the Lane Cove community specifically. The resolution passed by Council at the 15 November 2021 Ordinary Council Meeting read as follows:-

1. *The report be received and noted;*
2. *The General Manager be delegated authority to make any submission consistent with Council's previous resolutions to the Independent Pricing and Regulatory Tribunal by 26 November 2021 and the Department of Planning, Industry and Environment by 10 December 2021; and*
3. *A report be submitted to the February 2022 Council Meeting, outlining the submissions lodged and providing the opportunity for Council to make any additional submissions.*

Given the pending local government elections at the time, DPIE advised they would accept additional submissions beyond the 10 December 2021 deadline to enable newly elected Councils to consider the matter. At the time of preparing the 15 November 2021 Council Report, IPART had indicated they were not able to accept late submissions as they were required to finalise their report by 31 December 2021.

**Ordinary Council Meeting 21 February 2022**  
**INFRASTRUCTURE CONTRIBUTIONS REFORMS - SUBMISSIONS**

The following discussion is an extract of information previously presented to Council on 15 November 2021.

**Discussion**

The NSW Government is proposing wide ranging reforms to the Infrastructure Contributions system. There are a large suite of documents, covering three key areas of the reform:-

| <b>Local contributions</b>  | <b>Contributions and land use planning</b>  | <b>Regional contributions</b>   |
|---|---|---|
| <ol style="list-style-type: none"> <li>1. Draft regulations and explanatory paper</li> <li>2. Land value contribution paper and case studies (Greenfield sites)</li> <li>3. Practice note policy paper and modules:-               <ul style="list-style-type: none"> <li>• Principles of infrastructure contributions</li> <li>• Selecting the most appropriate local contribution mechanism</li> <li>• What can be funded through section 7.11 and 7.12 local infrastructure contributions</li> <li>• Making a section 7.11 contributions plan Making a section</li> <li>• 7.12 contributions plan</li> <li>• Exhibition</li> <li>• Borrowing and forward funding</li> <li>• Infrastructure contributions for mining and energy developments</li> </ul> </li> </ol> | <ol style="list-style-type: none"> <li>1. Ministerial Directions:               <ul style="list-style-type: none"> <li>• Local infrastructure contributions planning proposal</li> <li>• Dual and shared use of open space and public facilities Draft practice note:</li> </ul> </li> <li>2. Draft practice note:               <ul style="list-style-type: none"> <li>• Contributions plans and planning proposals</li> </ul> </li> </ol> | <ol style="list-style-type: none"> <li>1. Regional Infrastructure Contribution Discussion paper</li> <li>2. Regional Infrastructure Contribution Explanation of Intended Effect</li> <li>3. Regional Infrastructure Contribution Governance and Prioritisation guidelines</li> <li>4. Regional Infrastructure Contribution Infrastructure Delivery Agreements guidelines</li> <li>5. State Planning Agreements guidelines</li> <li>6. Feasibility Analysis</li> </ol> |

*Local Contributions*

The NSW Government has revised their original thinking on the proposed reforms to infrastructure contributions in response to the advocacy work from local government. There has been a general commitment to councils being 'no worse off', however this appears to be in the short term rather than ongoing.

Of significance to Lane Cove is that Council's general s7.11 Contributions Plan can remain unaltered for three years. Specifically, any plan adopted before 1 July 2022 is not required to be reviewed and re-made prior to 1 July 2024 (councils will be able to apply for an extension if necessary). See the [EP&A Regulation: Explanatory Paper](#).

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**INFRASTRUCTURE CONTRIBUTIONS REFORMS - SUBMISSIONS**

The key issue post 2024 is that IPART has not provided any differentiation between brownfield areas and greenfield areas in determining what types of infrastructures councils will be able to levy for post 2024. Currently, councils which levy contributions under the \$20,000 cap (Lane Cove) imposed by the NSW Government are not subject to complying with the IPART Essential Works List, which is used in the assessment of contribution plans above the \$20,000 cap. This list places restrictions of what a Council can and can't recover from development contributions. IPART's most recent review has not resulted in the list being changed significantly.

Of concern to Lane Cove is that the list excludes levying for social infrastructure (including but not limited to libraries, halls and child care centres) and introduces the concept of 'base cost', limiting the standard of open space embellishments. Documents that had been previously exhibited suggested that a decision on whether the Essential Works List applies to all future plans (i.e. not only the ones considered by IPART) will not be made until closer to the 2024 date when all plans must be reviewed.

This will have significant impacts on Council in the future as contributions for community facilities are a major component within the existing plan. To provide a more thorough understanding of the financial implications, GLN Planning (engaged by NSROC) refined the modelling previously undertaken, to assist member councils to illustrate the financial impacts of the proposed reforms.

Whilst ever the EP&A Act provides for the Minister to control what infrastructure can be levied under the contributions system, there will be significant risks to all councils in being able to ensure infrastructure keeps pace with population growth, a stated goal of the NSW Government. This is inconsistent with the State's levying of contributions for infrastructure, which are not restricted as to what they can be collected for.

#### *Contributions and land use planning*

This area is generally supported, with Contribution Plans to be established at the rezoning (planning proposal) stage, where a precinct is to be rezoned. This was the approach used by Council in the St Leonards South Precinct and it is now proposed to be mandatory.

#### *Regional Contributions*

The NSW Government currently operates a Special Infrastructure Contributions (SIC) system, which supports growing communities by levying a contribution from development to help recover the cost of state and regional roads, public transport infrastructure, pedestrian and cycling paths, health facilities, emergency services, schools and open space improvements. The intention is to phase these out and replace them with Regional Infrastructure Contributions.

Councils have expressed concern about the Governance arrangements for the new Regional Infrastructure Contributions, which seek to utilise a broad-based levy on all development in the Sydney region of \$12,000 per house/town-house and \$10,000 per residential unit. The advantage of the current SIC process is that the contributions are spent in the area that they are collected, for example St Leonards / Crows Nest has a SIC. The RIC is collected and is to be spent in Greater Sydney with no further subdivision, which is a large area and removes any concept of nexus. Also, as there is no requirement for an expenditure plan, there are ongoing concerns about the transparency and use of the funds as any proposed protections are not within the Act.

## Conclusion

Given the wide-ranging impacts of the NSW State Government's proposed Infrastructure Contributions Reforms, it imperative that Council, in representing its community's interests, reaffirm its submissions to both the IPART and the DPIE within the specified deadlines.

Council has been working with a group of Sydney metropolitan councils led by the City of Sydney in opposing the proposed reforms and putting forward alternate suggestions to the State Government. Council will continue to work with this group and NSROC, which has prepared the 'lead' Motion to the upcoming LGNSW Special Conference on the issue, as follows:

*"That Local Government NSW reaffirms its position that councils should not be worse off under infrastructure contribution reforms and that this continue to be pursued vigorously with the NSW Government including:-*

1. *Changes to the legislation and policy framework to ensure that councils' capacity to provide infrastructure for their communities is not diminished.*
2. *Asking that the government demonstrate to each local council how its modelling concludes that each Council will not be worse off.*
3. *Requiring the Regional Infrastructure Contribution in the Greater Sydney Region to be spent in the District from which it was collected as defined specifically for the purpose of strategic regional planning in A Metropolis for Three Cities and accompanying District Plans.*
4. *In regions outside of Greater Sydney, requiring the Regional Infrastructure Contribution to be spent in the Region from which it was collected as defined specifically for the purpose of strategic regional planning in the relevant Regional Plan.*

As the DPIE has agreed to extend its deadline to February 2022, it presents an opportunity for the newly elected Council to make an additional submission should it wish to do so.

## RECOMMENDATION

That Council:-

1. Acknowledge and endorse the two submissions already lodged with the IPART and the DPIE; and
2. Determine whether an additional submission be lodged with the DPIE and, if so, outline what key points should be included in the submission.

Steven Kludass  
**Executive Manager - Corporate Services**  
**Corporate Services Division**

## ATTACHMENTS:

|                                  |   |         |                          |
|----------------------------------|---|---------|--------------------------|
| <b>AT-1</b> <a href="#">View</a> | IPART Submission - Review of the Essential Works List Nexus Efficiency and Standardised Benchmark Costs | 4 Pages | Available Electronically |
| <b>AT-2</b> <a href="#">View</a> | Council Submission to DPIE - Infrastructure Contributions Reform - December 2021                        | 5 Pages | Available Electronically |

**Subject:** Traffic Committee - January 2022  
**Record No:** SU1326 - 6457/22  
**Division:** Open Space and Urban Services Division  
**Author(s):** Sashika Perera

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### **Executive Summary**

The Lane Cove Traffic Committee has met and has submitted recommendations for Council's consideration. It is recommended that the recommendations of the Committee be adopted.

### **Background**

The Lane Cove Traffic Committee is a requirement of Transport for NSW and is primarily a technical review committee, which provides advice the Council on matters referred to it by Council. These matters must be related to prescribed traffic control devices and traffic control facilities for which Council has delegated authority. The Committee makes has no decision-making powers, it makes recommendations for the Council to consider, but the Council is not bound by the advice.

### **Discussion**

The Lane Cove Traffic Committee Meeting was held on Tuesday, 18 January 2022. The Agenda is included as **AT-1**. The Traffic Committee recommendations are shown in the Minutes of the Meeting, included as **AT-2**.

The January 2022 Traffic Committee Minutes also include the following items approved by the General Manager under delegated authority in December 2021, in order to allow their early implementation:-

- *Burns Bay Road/Tambourine Bay Road Traffic Signals*  
Approval of new signage a 'Buses Excepted' for a Right Turn from Tambourine Bay Road to Burns Bay Road
- *Marshall Lane and Canberra Avenue, St Leonards*  
Approval of the partial closure of Marshall Lane and Canberra Avenue for construction of the St Leonards Over Rail Green Space and Canberra Avenue (North) shared zone works.

### **RECOMMENDATION**

That Council adopt the recommendations of the Lane Cove Traffic Committee Meeting held on Tuesday, 18 January 2022.

Martin Terescenko  
**Executive Manager - Open Space and Urban Services**  
**Open Space and Urban Services Division**

### **ATTACHMENTS:**

|                                  |   |             |                             |
|----------------------------------|---|-------------|-----------------------------|
| <b>AT-1</b> <a href="#">View</a> | Agenda - Traffic Committee - January 2022 - Final | 25<br>Pages | Available<br>Electronically |
| <b>AT-2</b> <a href="#">View</a> | Minutes - Traffic Committee - January 2022        | 39<br>Pages | Available<br>Electronically |

**Ordinary Council Meeting 21 February 2022**  
**BOB CAMPBELL OVAL - PROPOSED DELIVERY PROGRAM**

**Subject:** Bob Campbell Oval - Proposed Delivery Program  
**Record No:** SU8695 - 7111/22  
**Division:** Open Space and Urban Services Division  
**Author(s):** Ted Webster

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### **Executive Summary**

Council called an extraordinary meeting on 24 January 2022 where it was resolved to adopt a revised Master Plan for Bob Campbell Oval, cancel the proposed synthetic sportsfield and to install an improved natural turf sportsfield on Bob Campbell Oval (BCO).

This report outlines the probable indication of time involved to achieve this outcome with appropriate milestones. The report also confirms the Hon Anthony Roberts MP, Minister for Planning and Minister for Homes and the Department of Planning, Industry and Environment has been advised of Council's intentions to revise the Master Plan whilst maintaining requirements of the Precinct Support Scheme funding agreement.

### **Background**

Council at its meeting of 24 January 2022 resolved that: -

1. *Confirms that it will not proceed with the Bob Campbell Oval Master Plan endorsed at the meeting of Council on 16 November 2020 (the endorsed Master Plan)....*
  
4. *Immediately cease all works and other acts associated with the delivery of the Master Plan endorsed in resolution 183/2020.*
  
5. *Advise all parties, as soon as practicable after this meeting, that have contracts with Council or with other parties that relate to the delivery of the endorsed Master Plan that no further work is to be carried out in relation to the delivery of the endorsed Master Plan*
  
6. *Advise the Hon Anthony Roberts MP, Minister for Planning and Minister for Homes and the Department of Planning, Industry and Environment of Council's resolution and advise that it is Council's intention to develop a new proposal for Bob Campbell Oval that will meet the eligibility criteria of the Precinct Support Scheme and that Council will submit the required Project Variation after finalisation of the revised Master Plan for approval.*
  
10. *Requests the General Manager to table at the 21 February 2022 meeting of Council (or as soon as practicable thereafter) a proposed program for the delivery of the revised Master Plan, including but not limited to: -*
  - i. appropriate community consultation;*
  - ii. Council endorsement of the revised Master Plan and specifications for a natural turf sportsfield;*
  - iii. compliance with the requirements of the Environmental Planning,*
  - iv. Assessment Act and other legislation;*
  - v. completion of tender processes (if required); and*
  - vi. award of contracts required to deliver all elements of the revised Master Plan.*

**Ordinary Council Meeting 21 February 2022**  
**BOB CAMPBELL OVAL - PROPOSED DELIVERY PROGRAM**

12. Affirms that it is the intention of Council to deliver the revised Master Plan to the highest possible standard and that Council will not work to deadlines that may compromise the quality of delivery of the elements in the plan.
16. Notify parties with which it has contracts related to the endorsed Master Plan of the resolution of this meeting and to undertake negotiations consequent upon this resolution.
17. Receive a report to the Council meeting of 21 February 2022 (or, if required, in an extraordinary meeting convened for this purpose) as to the outcome of any negotiations with contracting parties in relation to the decision of Council to not proceed with the endorsed Master Plan and to secure Council approval of any proposed terms of settlement in relation thereto.

**Discussion**

Consistent with resolution number 6 Council has advised the Hon Anthony Roberts MP of Council's intention to develop a new proposal for Bob Campbell Oval that will meet the eligibility criteria of the Precinct Support Scheme and that Council will submit the required variation request after finalisation of the revised Master Plan for approval.

The proposed program for the delivery is tabled below addressing resolution number 10 and 12. Each task has been outlined in the process; from community consultation through to awarding contracts for the construction of the Master Plan elements. The program proposes a best- and worst-case scenario of timeframes for each task, these are shown as Weeks (min) and Weeks (max) respectively. The comments column provides further clarification where necessary.

*Proposed program for the delivery from 1 February 2022*

| <b>Item</b>   | <b>Weeks (min)</b>     | <b>Weeks (max)</b> | <b>comments</b>  |
|---|------------------------|--------------------|--|
| <i>Develop Request for Quote (RFQ) with Scope of works for procuring Landscape Architect</i>  | 1                      | 1                  | <i>Complete – 7 professional firms with sportsfield experience</i> |
| <i>Market response to RFQ</i>   | 2                      | 2                  |  |
| <i>Review quotes and recommend preferred consultant</i>   | 1                      | 2                  | <i>May be part of a multi-discipline firm</i>                      |
| <b>HOLDPOINT - Council meeting</b>  | <b>Monday 21 March</b> |                    | <i>Councillors to endorse preferred consultant</i>                 |
| <i>Engage successful Landscape Architect. Council provide with all relevant details - on boarding</i>                               | 2                      | 3                  |  |
| <i>Prepare and convene working group for development of draft revised Master Plan BCO - appoint Mayor as chair of working group</i> | 2                      | 4                  |  |
| <i>Workshop 1 (wants and needs) - working group to develop Master Plan that includes natural turf sportsfield</i>                   | 1                      | 1                  |  |
| <i>Landscape Architect drafts Masterplan</i>  | 4                      | 6                  |  |
| <i>Workshop 2 - present proposal for feedback</i>   | 1                      | 1                  |  |
| <i>Landscape Architect refines masterplan and related drawings</i>  | 2                      | 4                  |  |

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**BOB CAMPBELL OVAL - PROPOSED DELIVERY PROGRAM**

|  |    |    |   |
|--|----|----|---|
| <i>Landscape Architect presents revised Master Plan at Councillor workshop</i>   | 1  | 1  |   |
| <i>HOLDPOINT - Council meeting</i>   |    |    | <i>Councillors to endorse all aspects of Master Plan for consultation</i>       |
| <i>Community consultation of Masterplan</i>  | 6  | 8  |   |
| <i>Detailed design incorporating any changes from consultation</i>   | 3  | 5  |   |
| <i>Final revision presented to Councillor workshop</i>   |    |    |   |
| <i>HOLDPOINT - Council meeting</i>   |    |    | <i>Councillors to endorse all aspects of Master Plan for tender development</i> |
| <i>Procure of Landscape Architect for design specification and tender documentation</i>  |    |    |   |
| <i>Obtain a minimum of 3 quotes (including AgEnviro) to design the specifications for the natural turf and to supervise the works related to the installation of natural turf to be incorporated into for tender documentation</i> | 3  | 4  | <i>Undertaken concurrently</i>  |
| <i>Review quotes and recommend preferred consultants</i>   | 1  | 2  |   |
| <i>HOLDPOINT - Council meeting</i>   |    |    | <i>Councillors to endorse preferred consultants</i>                             |
| <i>Engage successful Landscape Architect and turf consultant for tender documentation</i>  | 1  | 2  |   |
| <i>Tender document finalised including design and specification documentation</i>  | 8  | 10 |   |
| <i>Review of Environmental Factors (REF) and Part 5</i>  | 4  | 7  | <i>May include use of existing REF</i>  |
| <i>Tender process</i>  | 4  | 5  |   |
| <i>Review tenders</i>  | 2  | 3  |   |
| <i>Tender presented at Councillor's workshop</i>   |    |    |   |
| <i>HOLDPOINT - Council meeting</i>   |    |    | <i>Councillors to endorse tenderer</i>  |
| <i>Preferred tenderer recommended to Council for endorsement</i>   |    |    |   |
|  | 49 | 71 |   |

As per resolution numbers 5 and 16 Council staff have negotiated with the contractor for termination of the contract for the construction of Stage 1 of the Master Plan. A confidential memorandum has been circulated separately to Councillors outlining a proposed confidential settlement of the matter.

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The Review of Environmental Factors (REF) for the previous Master Plan has been completed. As part of this REF, Council included stabilisation works that are required for the cliff face located along the western boundary of the reserve. The need to undertake these works became apparent during the geotechnical assessment that was undertaken for the original Master Plan. As the stabilisation works are necessary for public safety, it is proposed to use the current REF to gain approval under delegated authority to complete the works under Part 5 of the Environmental Planning and Assessment Act (1979). Consistent with the intent of Council's previous resolutions, the REF and Part 5 Report and determination will be published on Council's website.

It is expected that 80% of the current REF will be able to be reused for the revised Master Plan that will be developed as per the above program.

### **Conclusion**

The Hon Anthony Roberts MP has been advised on the resolution to revise the Bob Campbell Oval Master Plan acknowledging the need to meet the criteria in relation to the Precinct Support Scheme funding. The proposed program for the delivery of the revised Master Plan incorporates community consultation through to awarding of the tender with contract. The program provides an indication of a minimum 49 weeks and a maximum of 71 weeks to reach the final milestone of awarding the tender for construction of the Master Plan. No indication of construction times has been included. Council will also terminate the contract as per the negotiated terms and undertake stabilisation works on the western cliff face.

### **RECOMMENDATION**

That:-

1. report be received and noted; and
2. the proposed program for delivery be endorsed;
3. the General Manager be authorised to terminate the contract for construction of Stage 1 of the Master Plan as outlined in the Confidential Memorandum; and
4. seek approval and complete the stabilisation works required along the western cliff face.

Martin Terescenko  
**Executive Manager - Open Space and Urban Services**  
**Open Space and Urban Services Division**

### **ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 21 February 2022  
PROPOSED REZONING REFORMS**

**Subject:** Proposed Rezoning Reforms  
**Record No:** SU3486 - 4362/22  
**Division:** Environmental Services Division  
**Author(s):** Terry Tredrea; Christopher Pelcz

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### **Executive Summary**

The purpose of this Report is to explain the changes being proposed to the system of amending councils' planning controls in *Local Environment Plans* (LEPs), through "Planning Proposals" or (Rezoning). These changes are proposed by the Department of Planning & Environment (DPE) in response to consultation undertaken last year with "industry, councils and the planning profession". In particular, they respond to views expressed that:

1. "Planning proposals have unclear expectations", and
2. "Planning proposals are slow and need a smoother process."

Some of the proposed changes include:

- Mandatory pre-lodgement meetings for developer-initiated Planning Proposals;
- DPE is no longer provides Gateways (unless Council-initiated) – this becomes Council's role;
- Agencies approached for advice at the initial scoping stage;
- Proposals placed into one of four categories of complexity, with benchmark timeframes for each;
- Applicant makes the decision to exhibit. Council has no binding assessment role for strategic merit at this stage (though they can advise on a likely outcome);
- Applicant manages the exhibition process, then summarises and responds to community and agency submissions (both directly and by modifying their proposal);
- Applicant submits a report addressing the pre-lodgement issues raised by council;
- Council finally assesses strategic/site-specific merit of the proposal after exhibition;
- If not supported, the proponent has a 'right to appeal', whose proposal goes to Review by district planning panel;
- Fees will be consistent throughout NSW, based on costs incurred by category.

DPE is exhibiting the Discussion Paper for comment until **Monday 28 February 2022**. It contains prompt questions, documents and an optional survey, and can be viewed on the DPE Planning Portal. Council has the option of:

- Submitting responses from individual Councillors; and/or
- Given the shortage of time, authorising the General Manager to submit broadly along lines agreed by Councillors in response to this report; or
- Simply noting this report.

### **Background**

Council received a report "Proposed Rezoning Reforms" to its August 2021 Council Meeting which highlighted the extensive reform package being undertaken by the NSW Government.

The latest reform focuses is on improvements to the existing rezoning process. DPE is proposing to speed up the rezoning process which are made by either private individuals such as developers, or by councils. Rezoning (through Planning Proposals) seek to amend planning controls in Council's *Local Environment Plan* (LEP). Typical changes usually relate to rezoning certain land, or changing permitted land uses, heights or densities.

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The rationale for these reforms is that the current process for making planning proposals is considered too slow, uncertain, complex and needing a smoother process. The current process is detailed in the recently updated *Guidelines (AT-3)*. The proposed reforms aim for a 33% quicker, simpler system for changing Council's LEP planning controls. It emerged from the *2020 Planning Reform Action Plan*. A further Discussion Paper (**AT-2**) outlines potential further reforms by posing a series of questions.

**Discussion**

To clarify the changes being proposed to the current Rezoning Process, they are discussed below in the order of the stages in the proposed new system. For simplicity, only proponent-initiated proposals are addressed. Council-initiated proposals are discussed where significantly different.

*Scoping/ Preparation*

| <u>Current Proponent-initiated Rezoning Process</u>  | <u>Proposed changes to Proponent-initiated Process</u>   | <u>Comment</u>  |
|--|--|---|
| Pre-lodgement meetings ( <b>optional</b> – although Lane Cove engages its Local Planning Panel for advice)   | Pre-lodgement meetings ( <b>mandatory</b> )<br><br>Consult local planning panel only if a conflict of interest is unavoidable.   | Support the mandatory pre-lodgement meeting - reduces time wasted later chasing information/reports.<br><br>Oppose the bypassing of current expert advice from Council's Local Planning Panels. Note that draft <i>Design &amp; Place SEPP</i> mandates a pre-lodgement Design Review Panel assessment for RFBs and similar. <u>This is also mandated by 9.1 Ministerial Direction</u> behind the Design & Place SEPP("design considerations early in the planning process"). |
| <b>Agencies</b> not advised  | Agencies identified, and comments canvassed  | Support early agency request - reduces time wasted later chasing information/reports. No further detail is provided.  |
| <b>Submission requirements</b> brief, excluding some information   | Full standard submission requirements issued by Council, including studies, possible community concerns, strategic merit, timeframes, whom to consult, plus suggested (non-radical) changes. So, by lodgement the Proposal is "job-ready". | Council (not DPE Gateway) needs assistance to set clear matters for consideration (including studies and exhibition timeframe). Effectively, Council must seek DPE advice.  |
| 'Clock' starts when Council accepts lodgement and <b>assesses</b> whether proposal has strategic/place-based merit, and so if it should proceed to DPE Gateway. If | Council has <b>no formal assessment role</b> at this stage (can make comment). 'Clock' does not start till post-consultation stage.  | Oppose, as proponent may be actively exhibiting a strategically-flawed proposal, wasting their and community's time.  |

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|   |  |   |
|---|--|---|
| not, then an early “No”. Which means either “Never” or “make these non-radical changes” (recommended by LPP).                                       |  |   |
| DPE has recently introduced <b>4 categories</b> of complexity, with proposed timeframes for delivery of each (Basic, Standard, Complex, Principal). | Placed by Council in one of <b>4 categories</b> of complexity, with a shortened time-frame (see Notes below, and <b>AT-1 &amp; AT-2</b> for details) | Problematic, with potential to impose unrealistic timeframes where local conditions may complicate.   |
| If not supported – proponent seeks <b>independent Rezoning Review</b> from district planning panel.   | <b>Independent review</b> not necessary at this early stage.   | Support the suggested opportunity under current system for planning panels to offer advice, rather than simply refuse or support. This is the advisory model adopted by Lane Cove Council’s Design Review and Design Excellence panels. |

*Lodgement*

| <i>Current Proponent-initiated Rezoning Process</i>  | <i>Proposed changes to Proponent-initiated Process</i>   | <i>Comment</i>  |
|--|--|---|
| Council’s Local Planning Panel advises on * <b>strategic/site-specific merit</b>   | Council affirms/does not affirm that <b>required information/studies</b> have been undertaken. Also exhibition details (unclear)       | Oppose bypassing of current expert advice from Council’s Local Planning Panels.   |
| If supported, <b>Council submits</b> proposal with supporting material to Planning Portal. DPE conditions required studies / information to be provided (Gateway). | <b>Applicant submits</b> proposal, regardless of merit, with supporting material to Planning Portal.                                   | Oppose as proponent may be actively exhibiting a strategically-flawed proposal, wasting their and community time. See “Strategic merit” (Note below).   |
| <b>DPE</b> assesses merit of proposal. If not supported, process ends  | <b>DPE</b> gives Council direction about agency etc referral + standard information requirements. Standard (shorter) timeframes apply. |   |
| Gateway “ensures there is <b>sufficient justification</b> for a planning proposal to Progress.” Gateway sets initial conditions, timeframes & who to consult.      |  | Undervalues DPE’s strategic oversight expertise in ensuring “sufficient justification” for Proposal to proceed. DPE only assesses proposals prepared by councils and public authorities (& Category 3&4). |

\***Note** “*Strategic merit*” = a. gives effect to the relevant strategic planning documents; b. consistent with the local strategic planning statement or supporting strategy; c. responds to a change in circumstances not yet recognised under existing planning. For more information, see **AT-2**, page 29.

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*Exhibition/Post-exhibition*

| <i>Current Proponent-initiated Rezoning Process</i>                                 | <i>Proposed changes to Proponent-initiated Process</i>  | <i>Comment</i>  |
|---|---|---|
| Council manages <b>exhibition</b> + agency submissions                              | Proponent manages <b>exhibition</b> + agency submissions  | Unclear how proponent-led exhibition can guarantee the relevant community catchment is consulted.   |
| Council <b>summarises</b> and <b>responds</b> to submissions                        | Proponent <b>summarises</b> and <b>responds</b> to submissions  | While proponent is likely to respond from viability, self-justifying, viewpoint (rather than strategic, public-interest perspective) they are allowed to respond in Development Application process which is then reviewed and discussed in the final assessment report. Overall, this can be supported provided that Councils can discuss the proponent's response in the final assessment report. |
| Council <b>amends</b> proposal in response to submissions from community / agencies | Proponent <b>amends</b> proposal in response to submissions from community / agencies                       | No objection if Council could recommend further reasonable changes.   |
| Fees are set and paid.  | Fees based on category and costs incurred. A "planning guarantee" refunds fees if Council takes 'too long'. | 'Too long' is based on a benchmark that ignores potential complications.  |

**\*Note: Timeframes (by Category):** (*Basic* = down from 28 to 26 weeks, *Standard* = down from 45 to 37 weeks, *Complex* = down from 60 to 48 weeks, *Principal* = down from 76 to 50 weeks). This time is recommended only, as "best practice guidelines".

*Assessment / Finalisation*

| <i>Current Proponent-initiated Rezoning Process</i>   | <i>Proposed changes to Proponent-initiated Process</i>   | <i>Comment</i>   |
|---|--|--|
| Usually council <b>initially</b> assesses whether to support the proposal at Scoping stage.   | Council <b>finally</b> now assesses whether to support the proposal post-exhibition. See <b>AT-2</b> page 29)                        | Initial assessment late in the process may waste applicant's/ community's time.  |
| Usually council drafts the proposed instrument's wording in collaboration with the Parliamentary Counsel's Office.  |  | No change from current process.  |
| If not supported, <b>process ends</b> (appeal for review occurred early at the Scoping stage).<br>If Gateway refusal is appealed against, proposal may return to council as the ongoing Planning Authority. | If not supported, proposal <b>goes to Review</b> by district planning panel.<br><br>Council can no longer be the Planning Authority. | Oppose moving review to the end of the process, if it prevents council rejecting proposal at the beginning.<br>However, there may be some merit in a later-stage independent review. |

**Ordinary Council Meeting 21 February 2022  
PROPOSED REZONING REFORMS**

| <i>Current Proponent-initiated Rezoning Process</i>                                   | <i>Proposed changes to Proponent-initiated Process</i>  | <i>Comment</i>   |
|---|---|--|
| 'Clock' started once proposal <b>lodged</b> (even when required information missing). | 'Clock" starts when proponent has responded to submissions ( <b>post-exhibition</b> ) and possibly amended proposal.<br>A fee refund if councils take too long to assess. | Support starting the timing once proposal leaves the proponent's control (post-exhibition response). |

## Conclusion

Within this broad-ranging response to perceived shortcomings in the Rezoning process, there are several suggestions that **can be supported**:

- Mandatory pre-lodgement meetings will reduce time wasted later chasing information/ reports;
- Early agency requests will reduce time wasted later;
- Suggestion that planning panels might have an early opportunity to offer advice, rather than simply refuse or support.

However, several suggestions are **not supportable** for the reasons briefly noted above:

- The bypassing of current expert advice from Council's Local Planning Panels;
- Council takes on the DPE Gateway role to list all matters for consideration – which will require DPE strategic oversight expertise in ensuring "sufficient justification" for a proposal to proceed;
- Four proposal categories may lead to unrealistic benchmark timeframes where local conditions are more complicated;
- Council has no formal assessment role until a relatively late stage;
- Proponent has the right to actively exhibit a strategically-flawed proposal, potentially wasting their and the community's time;
- It is unclear how a proponent-managed exhibition process will guarantee the relevant community catchment is consulted;
- Moving independent review to the end of the process prevents council rejecting proposals at the beginning. Otherwise, there may be some merit in a late-stage independent review.

As feedback is expected by 28 February, it is recommended that Council authorise the General Manager to submit a response to the Discussion Paper in terms consistent with this report.

**RECOMMENDATION**

That Council authorise the General Manager to submit a response to the Discussion Paper as outlined in this report.

Mark Brisby  
**Executive Manager**  
**Environmental Services Division**

**ATTACHMENTS:**

|             |                      |  |             |                             |
|-------------|----------------------|--|-------------|-----------------------------|
| <b>AT-1</b> | <a href="#">View</a> | Detailed Summary of Rezoning Reforms           | 8 Pages     | Available<br>Electronically |
| <b>AT-2</b> | <a href="#">View</a> | A new approach to rezonings - Discussion paper | 44<br>Pages | Available<br>Electronically |
| <b>AT-3</b> | <a href="#">View</a> | Guidelines for Plan-Making                     | 81<br>Pages | Available<br>Electronically |
| <b>AT-4</b> | <a href="#">View</a> | FAQs - Rezoning Reforms                        | 4 Pages     | Available<br>Electronically |

**Ordinary Council Meeting 21 February 2022**  
**LANE COVE SPORT AND RECREATION PRECINCT - NSW GOVERNMENT FUNDING OPPORTUNITY**

**Subject:** Lane Cove Sport and Recreation Precinct - NSW Government Funding Opportunity  
**Record No:** SU7396 - 7901/22  
**Division:** General Managers Unit  
**Author(s):** David Stevens

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### **Executive Summary**

Council has the opportunity to seek a NSW Government grant of \$5 million to partially fund construction of the Lane Cove Sport and Recreation Precinct via the “Multi-Sport Community Facility Fund”. The NSW Government has committed \$200 million to this fund, recognising the critical role sport infrastructure plays in keeping communities healthy, active and connected. Key objectives of the fund include: support the equitable provision of, and access to multi-sport facilities to grow sport participation for women and girls; increase the number and type of multi-sport facilities; and, increase the utilisation of sport facilities. The Lane Cove Sport and Recreation Precinct meets the eligibility criteria for the Multi-Sport Community Facility Fund. Council has engaged Xypher Sport and Leisure to prepare a Business Case (**AT-1**) that focusses on the economic and social business case for the project. Council has separately engaged Colliers Strategic Advisory (Property) to investigate 10 alternative sites for the Sport and Recreation Precinct in the Lane Cove West Business Park to provide a comparison to the current proposal. It is recommended Council make application for the Grant and conduct a community information session to outline the business case to the community.

### **Background**

Since 2010, the Lane Cove population has grown by 23.5%. Population growth in Greater Sydney for the same period was 17.9%, and in the Northern Sydney Region 14.7%. The 2019 DPIE population projections indicate that the population of Lane Cove is estimated to increase by 11,650 people between 2016 and 2041, from 37,700 to 49,350. This equates to a population increase of 31%, which contributes to a total increase of 50% since 2010, with no additional capacity provided to date for indoor sporting facilities.

Several demand studies and consultation activities have been undertaken over the last 14 years to inform the decision-making process for addressing the sport and recreation demands for the existing and growing population, including:-

1. In **2008**, The Lane Cove Council Recreation Action Plan found that there are no public indoor sports courts in the Lane Cove LGA. Supporting regional studies at that time and in the interim also showed that there is a supply / demand imbalance in Sydney's North for sports such as basketball and netball;
2. In **2010**, an independent report and operational review of the Lane Cove Country Club concluded that the current operating model of the golf clubhouse, golf course, tennis centre and golf course maintenance was unsustainable. Council subsequently determined to undertake a strategic review of the Country Club facility, other nearby community facilities, and the golf course to identify opportunities to provide a more viable sporting/cultural type development than what currently exists;
3. In **2013/14**, the “Indoor Sports Complex Feasibility Study - Lane Cove Country Club” identified the need for 20-36 additional courts in the lower north shore area (Montemare Consulting);
4. Basketball NSW strategic plan and demand analysis identified a deficit of 22 indoor courts in **2016** and latent demand of at least 16%;

**Ordinary Council Meeting 21 February 2022**  
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**OPPORTUNITY**

5. In 2020, A Facility Supply Review (Xypher) was undertaken to determine the current supply of indoor sports courts and tennis court facilities in the catchment of the proposed Lane Cove Sport and Recreation Precinct;
6. "Business Case - Gore Hill Indoor Sports Centre" (Capital Insight, **2021**) identified a shortage of up to 16 courts by 2036 in the sub-regional catchment of North Sydney;
7. Lane Cove Sport and Recreation Precinct - Feasibility and Operational Model (Xypher, **2021**) undertook a peer review of existing demand information and identified if existing and planned additional courts at Gore Hill were provided, the area would have a supply of 35 courts, still 10 to 23 courts deficit of demand.

Council has focused on meeting this demand through a proposed Sport and Recreation Precinct on the existing car park and surrounds of the Lane Cove Golf Course. In April 2021 Council resolved:-

*"That Council:-*

- 1. Receive and note the report;*
- 2. Submit a development application based on the finalised concept design as prepared by Allen Jack and Cottier; and*
- 3. The General Manager be granted delegated authority to enter into a fixed loan agreement for \$20 million over 10 years with TCorp."*

A Development Application for the proposed Sport and Recreation Precinct facility was subsequently lodged on and is awaiting determination by the Sydney North Planning Panel.

Council at its Extraordinary Meeting of 24 January 2022 resolved:-

*"That Council:-*

- 1. Request that the General Manager contacts the Sydney North Planning Panel and requests that they delay determination on DA 64/2021 for the indoor sport and recreation facility; noting that Council is not formally withdrawing the Development Application; and*
- 2. In the event that the Sydney North Planning Panel is unable or unwilling to delay determination on the Development Application, that Council confirms its commitment to consider other options for the indoor sport and recreation facility, and acknowledges that an approved Development Application will not prevent Council from further consulting with the community and considering all options."*

This request was subsequently conveyed to the Sydney North Planning Panel, Council is awaiting information as to the proposed scheduling of the matter.

## **Discussion**

The proposed Lane Cove Sport and Recreation Precinct will provide major sporting and recreational infrastructure project for the Northern Region of Sydney, Lower North Shore sub-region and for the Lane Cove community. The primary driver for the proposed precinct is to address the significant deficit in both indoor and outdoor sporting courts within the local and sub-regional area. Demand analysis, changing demographics / population growth and consultation with local and peak sporting bodies note the region generated demand for 45 to 68 indoor courts indicating a current deficit of 20+ courts.

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The Lane Cove Local Government Area (LGA) is home to 694 basketball members (878 demand), 89% of whom play in the North Sydney LGA. Similarly, there are 915 netball members (1,243 demand) with 88% playing at the Willoughby Leisure Centre noting the Lane Cove – Greenwich catchment has the second highest number of members and demand on the Lower North Shore. Netball playing capacity is constrained to such an extent, that club play is now conducted on Friday night, Saturday and Sunday at the site. Furthermore, Saturday playing times have been reduced by 15 minutes per match to accommodate the demand. In each of these sports, undue pressure is borne by volunteers and the respective regional associations.

Engagement with local and peak sporting bodies aligned with the broader demand analysis and clearly identified the following:-

1. Limited current multi-sport facilities within the sub-region to meet current demand:
2. Increasing and future pressures on meeting demand based on population growth:
3. High demand for additional sporting facilities with a specific reference in indoor multi-purpose sporting courts:
4. There are limited opportunities for women to access appropriate sporting facilities within the catchment with specific reference to both netball and basketball:
5. High desire from sporting bodies to increase (and meet latent demand) participation rates.

Included as **AT-1** is a full business case for the project that has been prepared in line with NSW Treasury Guidelines. It should be noted that Council does not include a return on capital or debt servicing costs when evaluating the provision of community infrastructure. In addition to meeting the community's needs, the Business Case demonstrates that no operational subsidy will be required for the facility. The visitation forecast indicates Year 1 visits of 318,980 persons increasing to 363,094 persons in Year 10:-

|                      | Year 1         | Year 2         | Year 3         | Year 5         | Year 10        |
|----------------------|----------------|----------------|----------------|----------------|----------------|
| Indoor Sports Halls  | 267,712        | 276,256        | 284,800        | 290,496        | 304,736        |
| Outdoor Courts       | 42,695         | 44,057         | 45,420         | 46,328         | 48,599         |
| Program/Function Rms | 8,573          | 8,846          | 9,120          | 9,302          | 9,758          |
| <b>Total Visits</b>  | <b>318,980</b> | <b>329,160</b> | <b>339,340</b> | <b>346,127</b> | <b>363,094</b> |

The significant forecast visitation levels demonstrate the demand for the precinct and highlight the project's ability to meet and reduce the current identified facility gap within the local area and sub-region.

The financial forecast supports the ongoing operations with a surplus from Year 1 of \$369,100 increasing to \$691,600 in Year 10.

| Item                  | Year 1             | Year 2             | Year 3             | Year 4             | Year 5             | Year 10            |
|-----------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| <b>Revenue</b>        |                    |                    |                    |                    |                    |                    |
| Indoor Sports Halls   | \$529,200          | \$557,000          | \$585,800          | \$603,500          | \$621,800          | \$720,500          |
| Outdoor Courts        | \$619,100          | \$651,700          | \$685,400          | \$706,100          | \$727,500          | \$842,900          |
| Program/Function Rms  | \$161,600          | \$170,100          | \$178,900          | \$184,300          | \$189,900          | \$220,000          |
| Café/ Bistro + Retail | \$451,100          | \$470,100          | \$489,500          | \$499,400          | \$509,300          | \$561,600          |
| Allied Heath (lease)  | \$120,300          | \$121,500          | \$122,800          | \$124,000          | \$125,200          | \$131,600          |
| <b>Total Revenue</b>  | <b>\$1,881,300</b> | <b>\$1,970,400</b> | <b>\$2,062,400</b> | <b>\$2,117,300</b> | <b>\$2,173,700</b> | <b>\$2,476,600</b> |
| <b>Expenditure</b>    |                    |                    |                    |                    |                    |                    |

**Ordinary Council Meeting 21 February 2022**  
**LANE COVE SPORT AND RECREATION PRECINCT - NSW GOVERNMENT FUNDING OPPORTUNITY**

| Item                                 | Year 1             | Year 2             | Year 3             | Year 4             | Year 5             | Year 10            |
|--------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Staff                                | \$686,200          | \$701,700          | \$717,500          | \$732,300          | \$747,400          | \$828,000          |
| Operating Costs                      | \$603,200          | \$620,400          | \$637,900          | \$648,000          | \$658,400          | \$712,200          |
| Energy                               | \$50,600           | \$51,300           | \$51,900           | \$52,500           | \$53,100           | \$56,400           |
| Marketing                            | \$20,200           | \$20,500           | \$20,700           | \$20,900           | \$21,100           | \$22,100           |
| Management Fee                       | \$152,000          | \$153,600          | \$155,100          | \$156,600          | \$158,200          | \$166,300          |
| <b>Total Expenditure</b>             | <b>\$1,512,200</b> | <b>\$1,547,500</b> | <b>\$1,583,100</b> | <b>\$1,610,300</b> | <b>\$1,638,200</b> | <b>\$1,785,000</b> |
| <b>Operating - surplus/(deficit)</b> | <b>\$369,100</b>   | <b>\$422,900</b>   | <b>\$479,300</b>   | <b>\$507,000</b>   | <b>\$535,500</b>   | <b>\$691,600</b>   |

To provide the opportunity for the community to understand the full business case for the facility, it is proposed to conduct a public forum, with the Business Case presented, and a Question and Answer session.

#### *NSW Government Grant Opportunity*

The NSW Government has committed \$200 million to the Multi-Sport Community Facility Fund, recognising the critical role local sport infrastructure plays in keeping communities healthy, active and connected. Grants are available for between \$1m and \$5m, and applications close - 1pm, Friday 25 February 2022, with outcomes advised - May 2022 onwards and funding agreements executed for successful projects - within 3 months of notification of outcomes. Projects must commence in 2022 and be completed by 30 June 2025.

The primary objectives of the Fund are to:

- Increase the number and type of multi-sport facilities
- Improve the standard of existing multi-sport facilities
- Increase the utilisation of sport facilities
- Support the equitable provision of, and access to multi-sport facilities to grow sport participation for women and girls
- Provide inclusive and accessible multi-sport facilities that support sport participation for people with disability, First Nations peoples and people from culturally and linguistically diverse communities.

Secondary objectives of the Fund are to:

- Establish a diversified funding model
- Improve operational sustainability
- Promote and incorporate environmental sustainability and climate resiliency into design, construction and operation.
- An increasing high socio-economic population of families with children and a large professional workforce within the Lane Cove, Willoughby and North Sydney LGAs is driving the need to respond with appropriate social infrastructure, including sport and recreation facilities. High socio-economic areas typically correlate with higher levels of physical activity and participation in sports, in part due to their ability to afford the related costs of participation (e.g. fees, registration, equipment, coaching).

The project and Council's business case addresses all these objectives.

**Ordinary Council Meeting 21 February 2022**  
**LANE COVE SPORT AND RECREATION PRECINCT - NSW GOVERNMENT FUNDING**  
**OPPORTUNITY**

*Due Diligence Update*

As per Council's April 2021 report, Council engaged Mitchell Brandt Quantity Surveyors to prepare a cost estimate for the project based on a conceptual design. Based on a high-grade facility, the construction of the 9 court facility was estimated to be in the range of \$42-\$48M.

Funding for the project is proposed to utilise a combination of s7.11 Developer Contributions, proceeds from the long-term lease of 266 Longueville Road, Grants and Loan Funds.

In regard to debt funding, Council has successfully secured a loan of \$20M for 10 years with a 50% discount on the interest rate for the life of the loan. The actual rate will be dependent on the actual draw down date. Council has not drawn down the funds, and T-Corp have advised Council will need to reapply when it proposes to proceed with the loan. No issue is anticipated in obtaining a new loan approval. Repayments are proposed to be funded from the rental income from Council's property investment portfolio.

In relation to s7.11 Developer Contributions, this has been delayed as the NSW Government has permanently deferred payment of s7.11 contributions until Occupation Certificate. Council's s7.11 Developer Contributions Works Schedule provides for up to \$20M to be utilised for the facility. Council's current s7.11 Developer Contributions Reserve has approximately \$7M and based on current development activity, sufficient funds will be received in order to contribute the full \$20M to the project.

*Alternate Site Options*

Council has previously undertaken a review of locating the facility at Blackman Park as an alternative. Council staff examined the size of the facility and determined that it would not fit as the depth of the courts and surrounding circulation space prevents the facility being located over the existing carpark as was suggested. Blackman Park is already heavily utilised and is surrounded by a single lane residential street network, which limits its capacity to have further intensification of use.

Separately Council has engaged Colliers Strategic Advisory (Property) to investigate 10 alternative sites for the Sport and Recreation Precinct in the Lane Cove West Business Park. At a high level, there are three sites that represent a potential opportunity for adaptation (re-purpose), the remainder would require demolition due to their built form configuration, which makes them unfeasible as they represent land value only.

In relation to the three sites that could be adapted, in each instance suitability is constrained by: costs for partial demolition and / or reconfiguration of the building; inferior amenity and indoor court capacity resulting in a high cost per court; limited floor to ceiling heights (clearance of 8.2m is required); parking capacity; current medium to long term leases; dislocation from Lane Cove village; and lack of regular public transport connections.

The three sites identified as "adaptable" range in acquisition cost from \$27m to \$33.5m, (note this pricing is indicative only and is based upon publicly available information, RP Index Data and Colliers internal data). They are capable of being adapted to deliver between 2 and 4 courts. Prices are for land acquisition including a demolition cost estimate, in other words the cost to deliver a vacant site only. Remediation, conversion, construction and any other associated costs are not included.

**Ordinary Council Meeting 21 February 2022**  
**LANE COVE SPORT AND RECREATION PRECINCT - NSW GOVERNMENT FUNDING OPPORTUNITY**

Colliers' research indicates that of the 10 courts only two of the nominated sites were of a scale that could accommodate the Sport and Recreation Precinct as envisaged by Council. In each instance any purchase would necessitate the need to subdivide the total holding which is problematic. Additionally, each of these sites would cost circa \$90m to purchase.

In Colliers opinion, Lane Cove West is not the optimal site for the proposed Sports and Recreation precinct. Given the commercial nature of this matter, the Colliers' report has been circulated separately to Councillors on a confidential basis.

### **Conclusion**

The Lane Cove Sport and Recreation Precinct represents a significant investment in public social infrastructure. The Lane Cove Sport and Recreation Precinct serves as a valuable vehicle for advancing both the NSW State and the Commonwealth Government's agenda to improve community health and wellbeing through improved participation in sports and recreation activities as well as access to education and health facilities.

Council has an ideal opportunity to secure partial funding for the Sport and Recreation Precinct based on the following "Primary" objectives per the Multi-Sport Community Facility Fund Guidelines:

- Increase the number and type of multi-sport facilities;
- Improve the standard of existing multi-sport facilities
- Increase the utilisation of sport facilities
- Support the equitable provision of, and access to multi-sport facilities to grow sport participation for women and girls
- Provide inclusive and accessible multi-sport facilities that support sport participation for people with disability, First Nations peoples and people from culturally and linguistically diverse communities.

It is recommended that Council make an application for grant funding under NSW Government Multi-Sport Community Facility Fund and conduct a public forum, with the Business Case presented, and a Question and Answer session.

### **RECOMMENDATION**

That Council:-

1. Receive and note the report;
2. Make application for grant funding under NSW Government Multi-Sport Community Facility Fund; and
3. Conduct a public forum, with the Business Case presented, and a Question and Answer session.

Craig Wrightson  
**General Manager**  
**General Managers Unit**

### **ATTACHMENTS:**

|                                  |  |          |                          |
|----------------------------------|--|----------|--------------------------|
| <b>AT-1</b> <a href="#">View</a> | Lane Cove Sport and Recreation Precinct - Business Case - 21 February 2022 | 49 Pages | Available Electronically |
|----------------------------------|--|----------|--------------------------|

**Ordinary Council Meeting 21 February 2022**  
**NORTH SYDNEY COUNCIL REQUEST TO ADVOCATE FOR CHANGES TO THE ST**  
**LEONARDS CROWS NEST 2036 PLAN**

**Subject:** North Sydney Council request to advocate for changes to the St Leonards Crows Nest 2036 Plan  
**Record No:** SU6005 - 7416/22  
**Division:** Environmental Services Division  
**Author(s):** Mark Brisby; Craig Wrightson

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### **Executive Summary**

The St Leonards/ Crows Nest 2036 Plan that was finalised in August 2020. On 24 January 2022, North Sydney Council considered a Notice of Motion regarding the 2036 Plan which raised concern over the extent and nature of changes that were made to the Plan following its exhibition in October 2018 that were not the subject of community consultation.

North Sydney Council is seeking Council to join them in a joint delegation to the Minister to review the plan. The report is submitted for Council's consideration.

### **Background**

North Sydney Council considered a Notice of Motion regarding the 2036 Plan at its meeting of 24 January 2022, resolved the following:-

*That:-*

- 1. Council reiterate its strong opposition to the significant increases to the exhibited maximum heights on at least 29 sites, and particularly to the maximum heights along the western side of the Pacific Highway, under the 2036 Plan.*
- 2. Council condemns the significant adverse amenity impacts of the increased heights along the western side of the Pacific Highway on residents and properties of St Leonards, Crows Nest and the eastern slopes of Wollstonecraft.*
- 3. Council seek immediate amendments to the final adopted 2036 Plan to return the maximum heights, which were increased following community consultation and exhibition of the Draft 2036 Plan, to the exhibited heights.*
- 4. Council note that there are currently at least two Planning Proposals submitted to Council that seek heights in excess of the exhibited heights under the Draft 2036 Plan*
- 5. Council write to Lane Cove and Willoughby Councils seeking support for a joint delegation to the Minister for Planning in relation to the maximum heights under the 2036 Plan and the operation of the State Infrastructure Contributions within the 2036 Plan boundaries.*
- 6. Council provide a copy of this resolution to the immediately impacted Precincts including Wollstonecraft, Holtermann and Hayberry Precincts and to the Combined Precincts Committee.*

North Sydney advise that "since its finalisation, their Council planning staff have been dealing with the errors, inadequate controls and design issues within the plan. These issues continue to create difficulties in the plan's implementation and represent a major impost on Council resources. Further, the post exhibition increases to the maximum heights on at least 29 sites in the plan, has noticeably damaged community trust in the planning system.

**Ordinary Council Meeting 21 February 2022**  
**NORTH SYDNEY COUNCIL REQUEST TO ADVOCATE FOR CHANGES TO THE ST LEONARDS CROWS NEST 2036 PLAN**

*If nothing is done, there is concern that the Pacific Highway will be defined by a 'wall of towers' that create significant adverse amenity impacts on both the existing and future populations of Wollstonecraft, Crows Nest and St Leonards.*

*Accordingly, Lane Cove Council and North Sydney Council seek your support for a joint delegation to the Minister for Planning to request:*

- 1. immediate amendments to the 2036 Plan to remove the post exhibition changes to the maximum building heights and floor space ratios that were not subject to public comment; and*
- 2. a greater level of transparency and input into the operation of the Special Infrastructure Contribution to ensure population growth is supported by adequate public open space, transport upgrades and social infrastructure."*

### **Discussion**

The St Leonards/ Crows Nest 2036 Plan prior to finalisation had adjustments made to building heights in the Lane Cove LGA, predominantly relating to the 'significant sites' which were identified in the draft plan but contained no height or FSR controls. The map below shows the height controls, those surrounded by --- line are sites which had their controls changed.



To date Council has seen rezoning / Development Applications for sites on the western side of Nicholson Street, but no actual applications for sites along the Pacific Highway. Overall the height controls proposed along the Highway are in context to the surrounding site controls, however any Planning Proposals for these sites will require detailed analysis in terms of their impacts on

**Ordinary Council Meeting 21 February 2022**  
**NORTH SYDNEY COUNCIL REQUEST TO ADVOCATE FOR CHANGES TO THE ST**  
**LEONARDS CROWS NEST 2036 PLAN**

adjoining lower scale developments and view corridors. Council has not undertaken any strategic analysis at this stage to determine whether the controls are ultimately suitable.

**Conclusion**

Should Council wish to join North Sydney in a delegation to the Minister, the appropriate resolution would be as follows:-

1. The report be received and noted; and
2. Council advise North Sydney that it is willing to join them in a delegation to the Hon Anthony Roberts MP, Minister for Planning and Minister for Homes, to seek:-
  - a. Immediate amendments to the 2036 Plan to remove the post exhibition changes to the maximum building heights and floor space ratios that were not subject to public comment; and
  - b. A greater level of transparency and input into the operation of the Special Infrastructure Contribution to ensure population growth is supported by adequate public open space, transport upgrades and social infrastructure.

**RECOMMENDATION**

That Council determine the matter.

Mark Brisby  
**Executive Manager**  
**Environmental Services Division**

Craig Wrightson  
**General Manager**  
**General Managers Unit**

**ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 21 February 2022**  
**COUNCILLOR TRAINING ATTENDANCE REQUEST - LOCAL GOVERNMENT NSW**  
**EXECUTIVE CERTIFICATE FOR ELECTED MEMBERS**

**Subject:** Councillor Training Attendance Request - Local Government NSW Executive Certificate for Elected Members

**Record No:** SU2520 - 7257/22

**Division:** Corporate Services Division

**Author(s):** Emma McLennan

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### **Executive Summary**

Local Government NSW distributed correspondence via email on Wednesday, 9 February 2022 announcing that registrations for the Executive Certificate for Elected Members training program were now open. Councillor Kennedy, Councillor Bryla and Councillor Roenfeldt subsequently expressed an interest in participating in this training program.

This report seeks Council's endorsement for Councillor Kennedy, Councillor Bryla and Councillor Roenfeldt to undertake the Local Government NSW Executive Certificate for Elected Members training program.

### **Discussion**

The Executive Certificate for Elected Members training program is developed by Local Government NSW in partnership with University of Technology Sydney. The program is the first accredited course in NSW, developed specifically for elected representatives, and is designed for councillors looking for tools to navigate local government. The course content consists of councillor roles and responsibilities, integrated planning and reporting, community engagement and land-use planning, and communication and capabilities.

The course is delivered online for the duration of 4 days (32 hours) in total. The course dates are Friday, 11 March and Saturday, 12 March 2022 (Block 1) and Friday, 08 April and Saturday, 09 April 2022 (Block 2). The cost of the training program is \$3,500 per person.

Council's Payment of Expenses and Provision of Facilities to Councillors Policy allows councillors to attend conferences, training and development and similar functions by Council resolution or where it is not practical to submit a report to Council prior to the event such requests can be approved by the Mayor and General Manager.

The Councillor Training Expenses Budget currently contains sufficient funds of \$21,880 to accommodate the training request of Councillor Kennedy, Councillor Bryla and Councillor Roenfeldt. Any additional Councillors that wish to attend the training, can nominate at the Council Meeting.

### **RECOMMENDATION**

That Council endorse the request by Councillor Kennedy, Councillor Bryla and Councillor Roenfeldt to undertake the Local Government NSW Executive Certificate for Elected Members training course at a cost of \$3,500 per person.

Steven Kludass  
**Executive Manager - Corporate Services**  
**Corporate Services Division**

### **ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 21 February 2022**  
**SECOND QUARTER REVIEW OF THE 2021/22 DELIVERY PROGRAM AND OPERATIONAL PLAN**

**Subject:** Second Quarter Review of the 2021/22 Delivery Program and Operational Plan  
**Record No:** SU238 - 1866/22  
**Division:** Corporate Services Division  
**Author(s):** Stephen Golding

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### **Executive Summary**

This report outlines the Second Quarter of 2021/22 progress towards achieving the projects listed in the adopted 2021/22 Delivery Program and Operational Plan. It is recommended that the report be received and noted.

### **Background**

Council's *2021/22 Delivery Program and Operational Plan* details the projects proposed to be undertaken during the financial year and the performance measures required to meet the goals and objectives of the *Community Strategic Plan: Liveable Lane Cove: 2035*.

### **Discussion**

The Second Quarter Review of the 2021/22 Delivery Program and Operational Plan is attached at **AT-1**.

A number of planned community events were held during this quarter including;

- Free signature music event at The Canopy featuring Kate Ceberano; and
- Christmas in Lane Cove including 12 days of Plaza pop-ups and Bluey's Christmas in Lane Cove performance

Other highlights included;

- Council partnered with the NSW Electoral Commission to successfully conduct the 2021 Local Government Elections, with the declaration of results announced on 20 December 2021.
- Council commenced construction of the Over Rail Green Space at St Leonards.
- Lane Cove Mayors: A retrospective 1895-2021 was made available as an eBook via the Library catalogue and on the Shorelink Digital Library.
- The Council Facebook online announcement of the winners of Lane Cove Literary Awards 2021 has been viewed more than 1,000 times.
- The HSC Study Program included an online workshop, Thriving During the HSC and two HSC Study nights.
- Turrumburra Storytelling installation in Lane Cove Plaza during Festival by the River
- Mental Health month promotions including Mental Health is Everyone's Business Breakfast in partnership with Black Dog Institute
- Installation of second village public art mural on Birdwood Lane

**Ordinary Council Meeting 21 February 2022**  
**SECOND QUARTER REVIEW OF THE 2021/22 DELIVERY PROGRAM AND OPERATIONAL PLAN**

**RECOMMENDATION**

That the Second Quarter Review of the 2021/22 Delivery Program and Operational Plan be received and noted.

Steven Kludass  
**Executive Manager - Corporate Services**  
**Corporate Services Division**

**ATTACHMENTS:**

|                                  |   |           |                          |
|----------------------------------|---|-----------|--------------------------|
| <b>AT-1</b> <a href="#">View</a> | 2nd Quarter Delivery Program and Operational Plan - Quarterly Review - 2021 -2022 | 167 Pages | Available Electronically |
|----------------------------------|---|-----------|--------------------------|

**Ordinary Council Meeting 21 February 2022**  
**ADVOCACY LETTER TO DPIE RE BASIX HIGHER STANDARDS**

**Subject:** Advocacy letter to DPIE re BASIX higher standards  
**Record No:** SU8469 - 5777/22  
**Division:** Environmental Services Division  
**Author(s):** Ada Wong

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### **Executive Summary**

Proposed increases to Building Sustainability Index ('BASIX') requirements were released by the Department of Planning, Industry and Environment (DPIE) for public consultation ('Higher Standards') in November 2021 and on exhibition until 28 February 2022.

Council's draft submission to DPIE re BASIX higher standards lists a number of concerns and recommendations to further improve the standards. This is to ensure the homes we build today are designed to meet Council's emissions reduction and water targets, thermally comfortable, safe to live in, and inexpensive to cool. It is recommended Council endorse the draft submission attached as (AT-1).

### **Background**

BASIX is a scheme created by the Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 which aims to improve the environmental sustainability of residential developments in NSW. It requires certain development applications to be accompanied by a list of environmental sustainability commitments in a certificate issued by the Planning Secretary.

The proposed higher standards by DPIE are currently on exhibition (until 28 February 2022) aims to build more comfortable homes, cut energy costs and contribute to the NSW Government target of net zero emissions by 2050.

In March 2020, Council endorsed ambitious environmental targets; an 80% reduction of emissions by 2036 and no net water use increase (based on 2016/17 levels). This is more ambitious than the NSW Government target and requires stronger and faster actions. The current proposed higher standards do not fully support Council's ambitious environmental targets.

### **Discussion**

After review of the proposed BASIX standards, there are a number of concerns regarding the higher BASIX standards in the draft submission (AT-1). The submission advocates for the DPIE to further improve the standards for residential developments by making the following recommendations.

1. Use future climate files (2070) for thermal modelling in NatHERS, which forms part of the BASIX Thermal Comfort standards

Council recommends BASIX to use the best available climate data to ensure all new developments are future ready for climate projections in terms of appropriateness and safety of building and site design for the year 2070. Waverley Council has recently completed the project "future proofing residential development for climate change"<sup>1</sup>. Considering this, Council supports BASIX to require the use of the same future climate files

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<sup>1</sup> Waverley Council. (2021). Future proofing residential development for climate change. Retrieved from [https://www.waverley.nsw.gov.au/data/assets/pdf\\_file/0011/2432/FPRCC\\_Stage\\_1\\_Report.pdf](https://www.waverley.nsw.gov.au/data/assets/pdf_file/0011/2432/FPRCC_Stage_1_Report.pdf)

(2070) for thermal modelling in NatHERS. This would form part of the BASIX Thermal Comfort standards.

We support the NSW Government in updating the emission factor of grid electricity to account for potential change in emissions from grid electricity and acknowledging new developments built now will continue to operate for next 60 years. In line with the application of projected greenhouse emissions, NSW Government should consider using projected climate files to form part of BASIX thermal comfort standards.

2. Unify thermal comfort and energy standards for different dwelling types

In the proposed standards, multi-dwelling developments are not required to have the same thermal comfort as a detached / semi-detached dwelling despite their natural thermal comfort advantage. High-rise apartments also have a different level of thermal comfort standard than low-rise apartments.

Council recommends all dwelling typologies be equally energy efficient and to provide the same thermal comfort standards to ensure adequate, safe and affordable housing standards for all, irrespective of which type of dwelling they live in.

3. New developments to be transitioned away from gas to meet the net zero targets

Council recommends that the NSW Government should provide a clear pathway for transitioning away from gas for new homes to meet its net zero by 2050 target, as new houses and apartments built now will continue to operate for next 60 years.

Council recommends accelerated requirements for greenfield developments and major refurbishments to move away from gas. As a minimum, gas should not be available for multi-unit developments from 2022.

4. Set minimum standard for lighting and stop promotion of sub performing appliances

Council recommends setting minimum technical performance standards to eliminate poor lighting choices, e.g. LED lighting only. Allowing fluorescent lights, which are more expensive to run and create a problem waste, should be discouraged. For multi-unit developments, LED light fittings plus high-efficiency controls should be required.

Council recommends removing energy inefficient lights and appliances as an option for compliance, e.g. "Reverse cycle air-conditioner (2 stars heating, 1-star cooling)" as a compliance pathway in document "Design and Place SEPP - Sustainability in Residential Building". Highly energy efficient air conditioners should be encouraged to reduce ongoing running costs.

5. Allow Council to increase minimum standard performance

Council recommends the NSW Government allow individual councils to increase minimum standard performance for energy and water use for residential buildings, other than by way of providing incentive provisions.

Options for incentivising high- performance buildings through 'bonus' provisions have been previously investigated to achieve our ambitious environmental targets however this has proved problematic to implement. A more pragmatic and effective pathway would be to review the current BASIX targets across the LGA to require that new residential developments contribute to improved environmental performance in line with our emission targets, whilst reducing running costs for occupants.

If this option is not supported, our preference would be to identify low-carbon high performance precincts. The North District Plan and Council's Local Strategic Planning Statement currently identifies St Leonards as a low carbon precinct. These precincts would

**Ordinary Council Meeting 21 February 2022**  
**ADVOCACY LETTER TO DPIE RE BASIX HIGHER STANDARDS**

require increased BASIX energy targets in high-rise (6 storey units or higher) and mid-rise (4-5 storey units) residential buildings.

6. Include other health benefits and cost to biodiversity in the CBA

Council recommends including the followings in the CBA:-

- *Health benefits of community* of people living comfortably, safely, sleep properly, ability to be productive as climate warms, or *costs to community* of increased heat affected unwellness, lack of productivity, heat stroke/death
- *cost to biodiversity* of inaction in reducing carbon emissions to net zero targets to all planetary species

Including these costs will provide a business case to further increase stringency in thermal comfort, energy efficiency, water efficiency and embodied emissions reductions. The cost of inaction to meet net zero targets should also be included in any CBA analysis.

7. Training for development assessment officers

Council recommends that the NSW Government to provide training for Council development assessment officers to understand the new Merit Assessment pathway and how it affects future assessments.

8. Increase water efficiency standard as soon as possible

Council recommends that the NSW Government reviews and considers increased water efficiency standards as soon as possible in line with the implementation of BASIX higher standards as water efficiency standards is an integral part of BASIX.

## Conclusion

The BASIX SEPP is acknowledged as a robust tool to drive the uptake of sustainable building materials and practices that result in the reduction of greenhouse gases, reducing long-term energy running costs and improve health and wellbeing for occupants. It is one of the most effective ways to meet Council emissions reduction and water targets, and build climate resilience in our community.

Council is urged to adopt the draft submission to DPIE re BASIX higher standards to further improve sustainability standards for residential developments.

## RECOMMENDATION

That Council:-

1. Receive and note the report; and
2. Adopt the draft submission to DPIE re BASIX higher standards included as **AT-1**.

Mark Brisby  
**Executive Manager**  
**Environmental Services Division**

## ATTACHMENTS:

**AT-1** [View](#) DRAFT Submission to DPIE re BASIX high standards 4 Pages Available  
- Lane Cove Council submission Electronically

**Ordinary Council Meeting 21 February 2022**  
**COUNCIL SUPPORT FOR NSW PLASTICS ACTION PLAN**

**Subject:** Council support for NSW Plastics Action Plan  
**Record No:** SU8201 - 6010/22  
**Division:** Environmental Services Division  
**Author(s):** Fiona McCleary

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### **Executive Summary**

The NSW Plastics Action Plan was launched in June 2021 to manage plastic throughout its lifecycle, from generation through to production, supply and waste.

The key outcomes of the NSW Plastics Action Plan are to reduce plastic waste, increase the efficiency of plastic resources, reduce the amount of plastics that are not kept in a circular loop or properly managed at their end-of-life (plastic leakage) and prepare for the future of plastics.

These outcomes will be achieved through the phase out of certain single-use and unnecessary plastic products, accelerating the transition to more sustainable and less harmful plastic products by funding innovation and research, and better managing the leakage of problem plastic litter.

Council can support local businesses to transition from single use plastics to more sustainable options.

### **Background**

Through the NSW Plastics Action Plan, the NSW Government will begin to phase out a range of plastic packaging products and expanded polystyrene from the 1<sup>st</sup> June 2022 to reach its target for all packaging to be either reusable, recyclable or compostable by 2025.

There are three stages to phasing out the problem plastics. Items were selected for phase out due to their impact on the environment and the availability of sustainable alternatives. Lightweight shopping bags will be phased out from 1st June 2022. Plastic straws, stirrers, cutlery, polystyrene food service items, cotton buds with plastic sticks, microbeads in rinse-off personal care and cosmetic products will be phased out from November 2022. In three years a review will be conducted on plastic bowls (including lids) and plates, plastic cups (including lids), oxo-degradable plastics, fruit stickers (non compostable), heavyweight plastic shopping bags and barrier/produce bags to determine if sustainable alternatives are available for these items.

### **Discussion**

Plastic packaging and single-use plastic items make up 60% of all litter in NSW and pose a threat to wildlife and our environment. Approximately 575 million plastic items were littered in NSW in 2018–19. With only 8% of all plastic consumed in NSW (in 2019-20) recovered for reuse, there is considerable scope for improvement

Over the years Council has responded to growing community concern over single-use plastics. In 2018 Council phased out single use plastic items at all Council venues and Council supported and sponsored events.

Council has supported local businesses find practical ways to minimise plastic. In 2018 Council developed a plastic straw reduction program to assist local businesses in reducing the use of single use plastic straws. Sustainable alternatives were provided to food outlets and accompanied with an awareness and education campaign to encourage food outlets to phase out single use plastic straws. As a result of the trial, 46% of businesses ceased using single-use plastic straws.

In 2019 Council implemented a single-use plastic bag reduction program to help businesses transition from unsustainable, disposable, single-use bags to reusable and durable alternatives. The program was implemented in partnership with Macquarie University's Student Consultancy Program. Four hundred (400) bags were provided to twenty-four (24) food outlets and accompanied with an awareness and education campaign. As a result of the program, 33% of businesses committed to ceased using single-use plastic bags. Many more businesses have now made the switch to more eco-friendly solutions.

Whilst we recognize that businesses bear the responsibility for purchasing sustainable items, shifting consumer behavior and expectations is also important. To this end, Council has been supporting the phase out of single use plastic bags through the provision of shopping trolleys for customers who purchased Lane Cove Gift Cards.

Council will continue to support local businesses as they transition away from single use plastics by promoting both the NSW Plastics Action Plan and sustainable and viable product alternatives. Our communications campaign will initially focus on food and retail outlets to ensure they are informed and prepared for the changes. Following this we will focus on the remaining businesses throughout the LGA.

### **Conclusion**

Council welcomes the introduction of the NSW Plastics Action Plan. Removing unnecessary single use plastic items from local businesses is in line with community expectations.

Council will support businesses as they transition away from single use plastic items through regular targeted communications to promote the NSW Plastics Action Plan and showcase sustainable alternatives.

### **RECOMMENDATION**

That the report be received and noted.

Mark Brisby  
**Executive Manager**  
**Environmental Services Division**

### **ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 21 February 2022**  
**SECOND QUARTERLY BUDGET REVIEW - 2021/22 BUDGET**

**Subject:** Second Quarterly Budget Review - 2021/22 Budget

**Record No:** SU8604 - 2858/22

**Division:** Corporate Services Division

**Author(s):** Sarah Seaman

### Executive Summary

The 2021/22 Budget - Second Quarter Review involves a number of variations to both income and expenditure estimates. Taking into consideration the variations from the Second Quarter Budget Review, the projected 2021/22 overall operating result has been revised to a surplus of \$5.9M, with the operating result before grants and capital contributions forecast to be a deficit of \$0.94M. The deficit is primarily due to the financial impacts arising from the ongoing COVID-19 pandemic and the effect they continue to have on Council's Budget. It is recommended that the Budget be varied in accordance with this report.

### Background

Council is required to prepare a Budget Review Statement each quarter, in accordance with Clause 203 of the Local Government (General) Regulation 2005. The purpose of these reviews is to ensure that the impacts of financial variations are reflected in the forecast of Council's global budgetary position to 30 June 2022, and the adopted Budget adjusted accordingly.

The financial impacts of COVID-19 continue to have an adverse impact on Council's Budget. The financial impact for the second quarter is estimated to be \$0.4M (this is in addition to the \$0.6M reported in the First Quarter Budget Review) and is primarily attributed to reduced income derived from leases and parking. This brings the total estimated cost of COVID-19 to \$1M for the 2021/22 financial year.

### Discussion

A summary of Council's revised Budget for 2021/22 and a summary of budget movements have been included in this report:

|   | <b>Original Budget</b><br>(000's) | <b>1st Quarter Adjustments</b><br>(000's) | <b>2nd Quarter Adjustments</b><br>(000's) | <b>Revised Budget</b><br>(000's) |
|---|-----------------------------------|---|---|----------------------------------|
| Expenditure - Operating                                 | \$53,045                          | \$785                                     | \$294                                     | \$54,124                         |
| Income - Operating                                      | \$53,185                          | \$74                                      | (\$78)                                    | \$53,181                         |
| Surplus/(Deficit) before Capital Grants & Contributions | \$140                             | (\$711)                                   | (\$372)                                   | (\$943)                          |
| Income - Capital  | \$5,798                           | \$1,138                                   | \$0                                       | \$6,936                          |
| Surplus/ (Deficit)                                      | \$5,938                           | \$427                                     | (\$372)                                   | \$5,993                          |

**Ordinary Council Meeting 21 February 2022**  
**SECOND QUARTERLY BUDGET REVIEW - 2021/22 BUDGET**

### **Summary of Budget Movements**

#### Operational Income:

- \$78K Increase in Grant, Other Revenue and Other Income which is made up of:
  - \$50K Increase – Expected lease income from carpark lease, 56-60 Burns Bay Road
  - \$27K Increase – Contributions received from Sydney Water for Restoration works at Warraroon Reserve
  - \$75K Increase – Grant received for Lane Cove Walk Wayfinding
  - \$170K Increase – Additional Bus Shelter income
  - \$400K decrease – Additional income loss from COVID for 21/22

#### Operational Expenses:

- \$294K Increase in Materials and Contracts and Other Expenses which is made up of:
  - \$15K Increase – Carpark maintenance to meet lease agreement 56-60 Burns Bay Road
  - \$27K Increase – Restoration works at Warraroon Reserve (funded by Sydney Water)
  - \$75K Increase – Lane Cove Walk Wayfinding (Grant funded)
  - \$22K Increase – Additional Strata Levies for Meeting House Community Hall
  - \$35K Increase – Additional expenses related to COVID
  - \$20K Increase – Additional Legal Costs for Environmental Health matters
  - \$100K Increase – SES shared facilities costs

#### Capital Income

- \$800K Increase in Transfer from Reserves which is made up of:
  - \$40K Increase – Additional Vehicle (funded from the Fleet Reserve)
  - \$20K Increase – Accounts Payable Automation Software (funded from the Office Equipment Reserve)
  - \$40K Increase – LED Lighting for Tantallon Oval (funded from the Sustainability Levy)
  - \$700K Increase – Footpath works relating to installation of new Bus Shelters (funded from Capital Works Reserve)

#### Capital Expenditure

- \$970K Increase Capital Expenditure which is made up of:
  - \$40K Increase – Additional Vehicle (funded from the Fleet Reserve)
  - \$20K Increase – Accounts Payable Automation Software (funded from the Office Equipment Reserve)
  - \$40K Increase – LED Lighting for Tantallon Oval (funded from the Sustainability Levy)
  - \$870K Increase – Footpath works relating to installation of new Bus Shelters

A copy of all proposed budget adjustments can be found in **AT-1**.

### **Conclusion**

The following statement, by the Responsible Accounting Officer, is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2005.

**Ordinary Council Meeting 21 February 2022**  
**SECOND QUARTERLY BUDGET REVIEW - 2021/22 BUDGET**

*It is my opinion that the Quarterly Budget Review Statement for Lane Cove Council for the quarter ended 31 December 2021 indicates that Council's projected financial position will be satisfactory at year end 30 June 2022, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.*

**RECOMMENDATION**

That the 2021/22 Budget be revised in accordance with the adjustments identified in the second quarter, as follows:-

|   | <b>Original Budget</b><br>(000's) | <b>1st Quarter Adjustments</b><br>(000's) | <b>2nd Quarter Adjustments</b><br>(000's) | <b>Revised Budget</b><br>(000's) |
|---|-----------------------------------|---|---|----------------------------------|
| Expenditure - Operating                                 | \$53,045                          | \$785                                     | \$294                                     | \$54,124                         |
| Income - Operating                                      | \$53,185                          | \$74                                      | (\$78)                                    | \$53,181                         |
| Surplus/(Deficit) before Capital Grants & Contributions | \$140                             | (\$711)                                   | (\$372)                                   | (\$943)                          |
| Income - Capital  | \$5,798                           | \$1,138                                   | \$0                                       | \$6,936                          |
| Surplus/ (Deficit)                                      | \$5,938                           | \$427                                     | (\$372)                                   | \$5,993                          |

Steven Kludass  
**Executive Manager - Corporate Services**  
**Corporate Services Division**

**ATTACHMENTS:**

|                                  |  |          |                          |
|----------------------------------|--|----------|--------------------------|
| <b>AT-1</b> <a href="#">View</a> | Budget Review for the Quarter ended 31 December 2021 | 11 Pages | Available Electronically |
|----------------------------------|--|----------|--------------------------|

**Subject:** Draft Code of Meeting Practice 2022  
**Record No:** SU837 - 79777/21  
**Division:** Corporate Services Division  
**Author(s):** Stephen Golding

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### **Executive Summary**

The NSW Office of Local Government released a new Model Code of Meeting Practice for Local Councils in NSW on the 29 October 2021, (NSW OLG Circular 21-35) made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Model Code of Meeting Practice comprises mandatory and non-mandatory provisions.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code of Meeting Practice no later than 12 months after each ordinary council elections.

This report recommends that the Draft Code of Meeting Practice which has been developed with regards to the new Model Code and related Council policies and procedures, be adopted for community consultation and that a further report addressing any submissions received and any proposed amendments to the draft Code, be received by Council following the consultation period.

### **Background**

The current Code of Meeting Practice was adopted by Council at the Ordinary Council Meeting of 20 May 2019 and was based on the Model Code of Meeting Practice issued by the Office of Local Government and prescribed by the Local Government (General) Regulation on 14 December 2018. Minor amendments were adopted by Council at the Ordinary Council Meeting of 18 May 2020.

The new Model Code of Meeting Practice for Local Councils in NSW, was published in the Gazette on 29 October 2021, and prescribed for the purposes of the Act, section 360(1).

The repeal date for section 237 of the Regulation that exempts councils from the requirement (under clause 5.2 of the previous iteration of the Model Meeting Code) for councillors to be personally present at meetings in order to participate in the meetings was extended to 30 June 2022.

This extension has provided NSW Councils additional time to exhibit and adopt a new Code of Meeting Practice that contains provisions for allowing attendance by audio-visual link at meetings.

If council does not adopt a new meeting code that allows councillors to attend meetings by audio-visual link, council will not be permitted to do so after 30 June 2022.

Council has reviewed the new Model Code of Meeting Practice for Local Councils in NSW with regards to Council's current Mode of Meeting Practice, policies and procedures and developed the Draft Code of Meeting Practice (2022) **(AT-1)**

## **Discussion**

A review of the new Model Code of Meeting Practice has been undertaken against Council' current Code of Meeting Practice (adopted 18 May 2020).

The new changes made by the NSW OLG's New Model Meeting Code (29 October 2021) for inclusion in Council's Code are shown in red-scarlet font and/or with strikethrough within the Draft Code of Meeting Practice (2022) **(AT-1)**. These are the mandatory provisions. Where there are non-mandatory provisions, they are indicated as non-mandatory.

The mandatory provisions include minor changes such as, but not limited to, regulation dates, minor wording changes and clause numbering to address new additional and or redundant clauses.

### ***The key mandatory changes are:***

- 3.26, page 9, Statement of Ethical Obligations [corresponding to 3.23 in new Model Meeting Code]. This amendment is reflective of the ICAC recommendations that the Model Meeting Code be amended to require that council business papers include a reminder to councillors of their oath or affirmation of office, and their conflict of interest disclosure obligations, as a result of an ICAC investigation report of the former Canterbury City Council (Operation Dasha).
- 5.2, page 14, additional wording being '*unless permitted to attend the meeting by audio-visual link under this code*'. [New in Model Meeting Code]

Amendments have also been made to the provisions governing the webcasting of meetings, pages 19 and 20, clauses 5.34 to 5.40, and disorder at meetings (at page 44 and page 46), to reflect amendments to the Regulation since the previous iteration of the Model Meeting Code was prescribed.

Non-mandatory provisions cover areas of meeting practice that are common to most councils but where there may be a need for some variation in practice between councils based on local circumstances. The non-mandatory provisions also operate to set a benchmark based on what OLG sees as best practice for the relevant area of practice.

### ***The key non-mandatory changes primarily relate to meetings held by audio/visual link and are summarised as follows:***

- 3.38, page 11, Pre-meeting briefing sessions may be held by audio-visual link. [Corresponding to 3.35 in new Model Meeting Code]
- 4.2, page 12, Public forums may be held by audio-visual link. [New in Model Meeting Code]
- 8.1, page 25, Order of Business for Ordinary Council Meetings, clause 8.1, item 2: Apologies has additional wording as follows, *and applications for a leave of absence or attendance by audio-visual link by councillors* [new in Model Meeting Code].
- 14.21, page 40, Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act. [Corresponds to 14.20 in new Model Meeting Code]
- 16.2, page 47, Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting

in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter. [New in Model Meeting Code]

- 19.2, page 52, additional item (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link, [new in Model Meeting Code]
- 20.23, page 56, additional item (a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link, [new in Model Meeting Code]

*Meetings Held by Audio-Visual Link* related clauses are new to the Model Meeting code that are non-mandatory provisions. These are found on page 16 of the Draft Code of Meeting Practice (2021) **(AT-1)** and are listed below;

- 5.15 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor. [Corresponds to 5.16 in new Model Meeting Code]
- 5.16 Where the Mayor determines under clause 5.16 that a meeting is to be held by audio-visual link, the General Manager must:
  - a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
  - b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
  - c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting. [Corresponds to 5.17 in new Model Meeting Code]
- 5.17 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting. [Corresponds to 5.18 in new Model Meeting Code]

*Attendance by Councillors at Meetings by Audio-Visual Link* related clauses are new to the Model Meeting code and are non-mandatory provisions. These are found on page 16 to page 18 inclusive of the Draft Code of Meeting Practice (2022) **(AT-1)** and are listed below;

- 5.18 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee. [Corresponds to 5.19 in new Model Meeting Code]

- 5.19 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the General Manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person. [Corresponds to 5.20 in new Model Meeting Code]
- 5.20 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.19. [Corresponds to 5.21 in new Model Meeting Code]
- 5.21 The council must comply with the Health Privacy Principles prescribed under the Health Records and Information Privacy Act 2002 when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link. [Corresponds to 5.22 in new Model Meeting Code]
- 5.22 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link. [Corresponds to 5.23 in new Model Meeting Code]
- 5.23 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:
  - the meetings the resolution applies to, and
  - the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities. [Corresponds to 5.24 in new Model Meeting Code]
- 5.24 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated. [Corresponds to 5.25 in new Model Meeting Code]
- 5.25 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means. [Corresponds to 5.26 in new Model Meeting Code]
- 5.26 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link. [Corresponds to 5.27 in new Model Meeting Code]
- 5.27 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken

as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person. [Corresponds to 5.28 in new Model Meeting Code]

- 5.28 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code. [Corresponds to 5.29 in new Model Meeting Code]
- 5.29 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute. [Corresponds to 5.30 in new Model Meeting Code]
- 5.45, page 21, The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager. [Corresponds to 5.44 in new Model Meeting Code]

*How Disorder by Councillors Attending Meetings by Audio-Visual Link may be Dealt With* is new in Model Meeting Code and is a non-mandatory provision. These clauses are on are page 45 of the Draft Code of Meeting Practice (2021) **(AT-1)** and are as follows;

- 15.20 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code. [Corresponds to 15.21 in new Model Meeting Code]
- 15.21 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting. [Corresponds to 15.22 in new Model Meeting Code]

### **Other Proposed Amendments to the Draft Code of Meeting Practice 2022**

In addition to the OLG's mandatory and non-mandatory provisions, a number of other proposed amendments to the Draft Code of Meeting Practice 2022 are offered for Council consideration.

- Section 8.1 of the current Code of Meeting Practice outlines the order of business for ordinary council meetings. Closed (Confidential) Committee Items are currently considered at 6.30pm prior to the Ordinary Council Meeting commencing at 7.00pm. It is recommended that Closed Committee Items be moved from the current 6.30pm timeslot and be listed as the last item on the council business paper agenda. This is consistent with the Model Code of Meeting Practice in terms of its Order of Business.
- Section 3.1 specifies the timing of Ordinary Council Meetings and references the third Monday of each month as the day in which meetings will be generally held. It is recommended that this section of the Code be reworded to remove the specified day and instead reference that the day be consistent with Council's Ordinary Council Meeting Schedule, as adopted by Council each year.
- Section's 5.15 to 5.29 (inclusive) are new non-mandatory provisions and relate to 'meetings held by audio/visual link'. Council has previously advocated that, notwithstanding the

benefits of meetings via audio/visual link, physical attendance by Councillors at Council Meetings (where public health orders allow) ought to be the default position.

Aside from illness, disability or caring responsibilities (which are covered by section 5.23 in the Draft Code of Meeting Practice 2022), it was felt that acceptable reasons for not physically attending council meetings should be limited to exceptional circumstances and not include instances where Councillors elect to be in another location (for example, have personal commitments (including work and holidays) that preclude their physical attendance).

It is recommended that section 5.23(b) of the Draft Code of Meeting Practice 2022 be worded such that physical attendance at Council meetings be Council's default position, reasons for requesting attendance at council meetings via audio/visual link be limited to exceptional circumstances, and that personal commitments (including work and holidays) are not considered acceptable reasons for attending council meetings via audio/visual link.

## **Community Consultation**

### Statement of Intent

The consultation is designed to ascertain the community's views on the Draft Code of Meeting Practice. Any comments received will be reviewed and evaluated to determine whether to incorporate any amendments or additional supplementary provisions.

### Method

|                               |                              |                                       |
|-------------------------------|------------------------------|---------------------------------------|
| <b>Level of Participation</b> | Inform                       | Consult                               |
| <b>Form of Participation</b>  | Open                         | Open                                  |
| <b>Target Audience</b>        | Lane Cove Community          | Lane Cove Community                   |
| <b>Proposed Medium</b>        | e-Newsletter                 | Website Exhibition<br>"Have Your Say" |
| <b>Indicative Timing</b>      | Late February to Early April |                                       |

## **Conclusion**

The new Model Code of Meeting Practice for Local Councils in NSW, was published in the Gazette on 29 October 2021, as prescribed for the purposes of the Act, section 360(1).

It is recommended that Council adopts the mandatory provisions set out in this Model Code including the non-mandatory provisions identified in Council's Draft Code of Meeting Practice 2022.

It is recommended that the Draft Code of Meeting Practice 2022 be adopted for the purpose of community consultation and that a further report be received by Council following the public exhibition period.

**RECOMMENDATION**

That:-

1. Council adopt, for the purpose of public exhibition, the Draft Code of Meeting Practice 2022 which includes both mandatory and non-mandatory provisions, consistent with the Office of Local Government's Model Code of Meeting Practice and 'other proposed amendments' as outlined in this report;
2. Council undertake community consultation for a period of six (6) weeks as per the consultation plan outlined in this report; and
3. Following the public exhibition period, the Draft Code of Meeting Practice, together with a report on any submissions received and any proposed amendments, be considered at the Council meeting to be held 19 April 2022.

Steven Kludass  
**Executive Manager - Corporate Services**  
**Corporate Services Division**

**ATTACHMENTS:**

**AT-1** [View](#) Draft Code of Meeting Practice (2022)

60      Available  
Pages      Electronically

**Ordinary Council Meeting 21 February 2022**  
**VILLAGE PUBLIC ART PROGRAM - BIRDWOOD AVENUE - COMMONWEALTH BANK BUILDING**

**Subject:** Village Public Art program - Birdwood Avenue - Commonwealth Bank building  
**Record No:** SU2509 - 8242/22  
**Division:** Human Services Division  
**Author(s):** Corinne Hitchenson

**Executive Summary**

In September 2020, Council received a report on proposed public art projects in Birdwood Lane as part of a Village Public Art program. This Report updates Council on the most recent completed work on the rear of the Commonwealth Bank building in Birdwood Lane. The Report also complies with the requirement of the Local Government Act 1993 – Section 67 regarding works carried out by Council on private land. It is recommended the report be received and noted.

**Background**

As per the September 2020 Report, property owners backing onto Birdwood Lane were approached to ascertain their interest in being part of the Village Public Art program which aimed to ‘brighten up’ some of the blank walls facing Birdwood Lane. Expressions of Interest from artists were also sought as part of the project’s efforts to enliven the local streetscape following the opening of The Canopy.

Two property owners initially expressed interest to be included in the program. As a result the rear of the Lane Cove Newsagency was adorned in public art earlier in 2021 while this report relates to the second, and most recently completed, artwork on the rear of the Commonwealth Bank building.

Council had resolved that works through this program would be completed under Section 67 of the Local Government Act at no cost to the property owners. Section 67 then requires a Report back to Council in compliance with subsection 2(b) of that section – this requirement is detailed in this Report. The most recently completed work will also need to be reported in Council’s Annual report.

There has also been interest expressed by two other building owners and lessees. Council will consider expanding the Village Public Art program when funding (and COVID restrictions) make this feasible.

**Discussion**

The information needed to comply with Section 67 is listed below:

| <b>Information required</b>                 | <b>Answer</b>   |
|---|---|
| 1. Person for whom the work was carried out | Elizabeth Bay Nominees Pty Limited  |
| 2. The Nature of the Work                   | Creation of a public artwork by artist Katherine Gailer including artwork conception and delivery. Final artwork is 18.5m in length and 5m in height. The wall was cleaned and primed prior to artwork application and sealed with a sacrificial graffiti proof coating. All necessary safety requirements were adhered to for delivery including the contracting of traffic control for the development of a Traffic Control |

**Ordinary Council Meeting 21 February 2022**  
**VILLAGE PUBLIC ART PROGRAM - BIRDWOOD AVENUE - COMMONWEALTH BANK BUILDING**

|  |   |
|--|---|
|  | Plan and traffic controllers during periods of artwork application.   |
| 3. The type and quantity of materials used   | Wall preparation – Dulux Colourbond paint in Shale Grey<br>Artwork – Dulux Weathershield and Taubmans Sunproof Exterior paints, various colours   |
| 4. The charge made for those materials   | Wall preparation - \$5,950<br>Artists Fees - \$21,800<br>Graffiti proofing - \$1043<br>Decal Printing - \$130   |
| 5. The total number of hours taken by each person who carried out the work                           | Hours spent on site at Commonwealth Bank<br>Wall preparation Supervisor – 8 hours<br>Wall preparation Painter 1 – 10 hours<br>Wall preparation Painter 2 – 10 hours<br>Wall preparation Painter 3 - 8 hours<br>Artist – 55 hours<br>Artist Assistant 1 – 55 hours<br>Graffiti proofer – 5.5 hours |
| 6. The total amount charged for carrying out the work (including the charge made for the materials). | No charge was levied on the property owner for the public artwork. Council assisted in the organisation of repair works to the wall surface, which the property owner paid in accordance with contractual requirements.   |
| 7. The reason for carrying out the work  | The work was carried out as part of a Village Public Art program to enhance the look of the Village and in particular the area adjacent to The Canopy   |

The Commonwealth Bank work has now been successfully completed and promoted to the community. Photographs of the completed work are attached.

**Conclusion**

The total cost of the project was \$28,923 excluding GST. As per Council’s resolution of September 2020 there was no charge levied to the business owner for the public artwork. Positive feedback has been received for the Village Public Art program as a whole as well as for this specific artwork. Further works are envisaged based on the program’s success with budget considerations being made for the 2022/23 financial year.

**RECOMMENDATION**

That Council receive and note the Report.

Jane Gornall  
**Executive Manager - Human Services**  
**Human Services Division**

**ATTACHMENTS:**

- AT-1 [View](#) Lane Cove Village Art Project - before the works 1 Page
- AT-2 [View](#) Newsagency being primed before painting 1 Page
- AT-3 [View](#) Newsagency with work by artist Kim Siew 1 Page

**Ordinary Council Meeting 21 February 2022**  
**MINISTERIAL ORDER - PLANNING EXPECTATIONS**

**Subject:** Ministerial Order - Planning Expectations  
**Record No:** SU3486 - 4363/22  
**Division:** Environmental Services Division  
**Author(s):** Terry Tredrea; Christopher Pelcz

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### **Executive Summary**

The purpose of this Report is to notify Councillors about the recent Ministerial Order. On 26 November 2021, then Minister for Planning and Public Spaces, Rob Stokes released a *Statement of Expectations Order (AT-1)* which reserved the right for the Minister to intervene where councils are not upholding their “responsibilities”. This Order stands regardless of who is the Minister of the day.

The focus of these expected “responsibilities” is on improvements to development assessment, planning proposals and strategic planning. The Minister called for the Order to be reported to Council. It is recommended the report be received and noted.

### **Background**

On 26 November 2021, the then Minister for Planning and Public Spaces made a Ministerial Order under Section 9.6(9) of the *Environmental Planning and Assessment Act 1979*.

The Section relates to the Appointment of planning administrator, and states that:

*The Minister may appoint a planning administrator, or confer functions on a regional panel under this section, provided heads of consideration for the exercise of power under subsection (1)(b), and has taken any of those heads of consideration that are relevant into account.*

The heads of consideration set benchmarks for council performance in the areas of:-

1. Development Assessment;
2. Planning Proposals; and
3. Strategic Planning.

### **Discussion**

By way of rationale for the Order, the Secretary of DPE explains in the accompanying letter that:

*Slow decision-making, whether by Government agencies or a council, is the enemy of public confidence in the planning system and leads to bad economic, social and environmental outcomes. The work that we have all done over the last two years has put the planning system in good stead and has allowed for new performance indicators to be set.*

*The performance indicators outlined in the Minister’s Order should not be seen as aspirational but as achievable and critical to the effective functioning of the planning system.*

The Secretary continues, that the Minister has decided to outline his clear expectations for the planning system in the attached Order,

**Ordinary Council Meeting 21 February 2022**  
**MINISTERIAL ORDER - PLANNING EXPECTATIONS**

*so that incoming councillors are aware of the importance of an efficient and effective planning system in supporting a strong economy and delivering better places. It is also important to note that for the first time incoming councillors will be provided an induction on the planning and their role in ensuring the planning system as efficiently as possible.*

*Heads of consideration*

When determining whether or not to appoint an administrator, the Minister will consider the following matters:

- Whether or not the Council has failed to meet the Minister's expectations in relation to its performance,
- The frequency and degree to which the Council has performed (or failed to) in accordance with Ministerial expectations,
- The range and type of planning and development matters in relation to which the Council has performed (or failed to) in accordance with Ministerial expectations,
- Whether or not an administrator should be appointed in relation to one or all particular classes of planning and development matters,
- The effect of any caretaker period preventing a Council's performance in dealing with the planning and development matters set out in the Ministerial expectations, and
- The public interest.

*Ministerial Expectations*

The attached Order details Ministerial expectations of meeting specific, prescriptive benchmarks under the headings:

*1. Development Assessment*

- prepare assessment reports for significant development to relevant Panels no longer than 250 days from lodgement,
- determine a development application (DA) as soon as practical and no longer than 180 days from lodgement,
- report a DA to the Local Planning Panel for determination within 4 weeks of a request from the Panel chair.

*2. Planning Proposals*

- Council must make a decision on whether to support (or not) a Planning Proposal as soon as practical and no longer than 90 days,
- After Council's decision, submit a proponent led Planning Proposal for a Gateway Determination as soon as practical and no longer than 90 days,
- Publicly exhibit a Planning Proposal in line with the conditions of the Gateway Determination,
- Consider and/or respond to submissions,
- Make the final Local Environmental Plan amendment (which Council has delegation for) in the timeframes specified in the Gateway Determination.

*3. Strategic Planning*

- Council should prepare a Local Strategic Planning Statement (LSPS) in accordance with the *NSW Environmental Planning and Assessment Act 1979*,
- Undertake the required review of the LSPS (five years from adoption),
- Give effect to (i.e. implement) the Regional and District Plans that apply to Lane Cove,

**Ordinary Council Meeting 21 February 2022**  
**MINISTERIAL ORDER - PLANNING EXPECTATIONS**

- Give effect to (i.e. implement) adopted local planning strategies (i.e. Local Housing Strategy) and any approval requirements issued by DPE,
- Consider State Environmental Planning Policies or other strategies and policies of the Government, Minister or the Department concerning planning and development matters.

### **Conclusion**

These *benchmarks* for the planning performance of all councils may be taken into consideration by the Minister in deciding whether or not to appoint an administrator to take over a council's planning functions. For example, as they relate to:

- How frequently a council has "*failed to perform in accordance with the Minister's expectations*"; and
- Whether an appointment be made for a particular or for "*all planning and development matters dealt with by the council.*"

In general Lane Cove's planning activities comply with the standards outlined. In terms of Development Assessment, Council's current Median Processing time is 40 days, and has no applications greater than 250 days. Council has no Planning Proposals currently under assessment and is up to date with its Strategic Planning Obligation, with a program to complete the outstanding matters raised by the GSC in response to Council's Housing Strategy. The risk to Council of the Minister appointing a Planning Administrator for the Lane Cove LGA is therefore currently low.

### **RECOMMENDATION**

That Council receive and note the report.

Mark Brisby  
**Executive Manager**  
**Environmental Services Division**

Christopher Pelcz  
**Coordinator - Strategic Planning**  
**Environmental Services Division**

### **ATTACHMENTS:**

AT-1 [View](#) Statement of Expectations

7 Pages Available  
Electronically

**Ordinary Council Meeting 21 February 2022  
ELECTORAL FUNDING DISCLOSURE REQUIREMENTS**

**Subject:** Electoral Funding Disclosure Requirements  
**Record No:** SU7270 - 82031/21  
**Division:** Corporate Services Division  
**Author(s):** Stephen Golding

### Executive Summary

The purpose of this report is to advise Councillors that Council has received correspondence from the Election Funding Authority advising that Councillors are required to make twice yearly disclosures to the Election Funding Authority on political donations received and electoral funding incurred.

### Discussion

Councillors would have received information from the NSW Electoral Commission that outlined the responsibility of as a Councillor to submit twice yearly declarations to the Election Funding Authority for political donations received and electoral funding incurred.

Councillors are required to submit political donations and electoral expenditure disclosures to the NSW Electoral Commission during their term.

There are 3 types of disclosures to be submitted each year as a Councillor. Those being: two half-yearly disclosures of political donations made and received, and an annual disclosure of electoral expenditure incurred.

The relevant periods that each disclosure covers and the lodgement periods for disclosures for 2021/2022 are:

| Disclosure type  | Disclosure period               | Disclosure lodgement period        | Disclosure due           |
|--|---------------------------------|------------------------------------|--------------------------|
| 1 <sup>st</sup> half-yearly political donations disclosure | 1 July 2021 to 31 December 2021 | 1 January 2022 to 25 February 2022 | <b>25 February 2022</b>  |
| 2 <sup>nd</sup> half-yearly political donations disclosure | 1 January 2022 to 30 June 2022  | 1 July 2022 to 28 July 2022        | <b>28 July 2022</b>      |
| Annual electoral expenditure disclosure                    | 1 July 2021 to 30 June 2022     | 1 July 2022 to 22 September 2022   | <b>22 September 2022</b> |

If you, as an elected member, were the lead candidate of a group of candidates at the local government elections you must submit the above disclosures not only as a candidate and elected member, but also on behalf of the group.

If no political donations are made or received or no electoral expenditure is incurred, 'Nil' disclosure forms must still be submitted.

There is a [fact sheet](#) on the NSW Electoral Commission that provides general information on the disclosures due 25 February 2022.

**Ordinary Council Meeting 21 February 2022**  
**ELECTORAL FUNDING DISCLOSURE REQUIREMENTS**

Disclosures can be made through [Funding and Disclosure Online](#), the NSW Electoral Commission's secure, accessible and convenient online portal for electoral participants.

Detailed information about disclosures is available on the NSW Electoral Commission [website](#).

**RECOMMENDATION**

That the report be received and noted.

Steven Kludass  
**Executive Manager - Corporate Services**  
**Corporate Services Division**

**ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 21 February 2022  
COUNCIL SNAPSHOT JANUARY 2022**

**Subject:** Council Snapshot January 2022  
**Record No:** SU220 - 6304/22  
**Division:** General Managers Unit  
**Author(s):** Craig Wrightson

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Attached for the information of Councillors is a review of Council's recent activities. This report provides a summary of the operations of each division from November 2021 to January 2022.

**RECOMMENDATION**

That the report be received and noted.

Craig Wrightson  
**General Manager**  
**General Managers Unit**

**ATTACHMENTS:**

AT-1 [View](#) Council Snapshot January 2022

46      Available  
Pages      Electronically