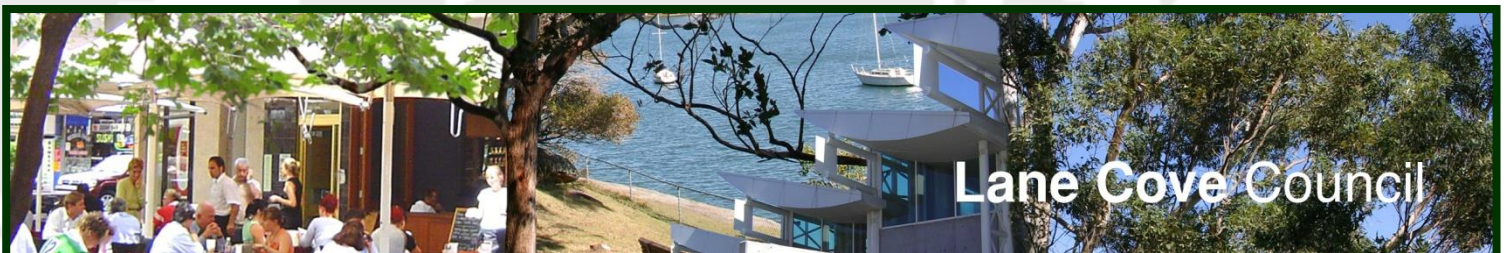


# Agenda Ordinary Council Meeting 21 March 2022

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 March 2022 commencing at 6:30pm. 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.

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 March 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**

**MATTERS RECOMMENDED BY THE GENERAL MANAGER TO BE CONSIDERED IN CLOSED COMMITTEE**

**1. UPDATE ON THE LONG TERM LEASE OF 266 LONGUEVILLE RD TO DESIGN, CONSTRUCT AND OPERATE A SENIORS LIVING VILLAGE.**

It is recommended that the Council close so much of the meeting to the public as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; it further being considered that discussion of the matter in open meeting would be, on balance, contrary to public interest by reason of the foregoing.

**PUBLIC FORUM**

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

**CONFIRMATION OF MINUTES**

**2. ORDINARY COUNCIL MEETING - 21 FEBRUARY 2022**

**3. EXTRAORDINARY COUNCIL MEETING - 28 FEBRUARY 2022**

**ORDERS OF THE DAY**

**NOTICES OF MOTION**

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**Ordinary Council Meeting 21 March 2022**  
**NOTICE OF MOTION - THRIVE BY FIVE UNIVERSAL CHILDCARE**

**Subject:** Notice of Motion - Thrive by Five Universal Childcare  
**Record No:** SU5165 - 14011/22  
**Division:** Lane Cove Council  
**Author(s):** Councillor Rochelle Flood

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### **Executive Summary**

This report seeks Council to endorse the 'Thrive by Five' initiative which supports high quality, universally accessible and affordable early education and care including preschool, kindergarten and long daycare.

### **Discussion**

Local government plays an important role in early childhood. Many councils provide services themselves. The cost of childcare has risen faster than the cost of housing or electricity. A family with two kids in childcare can shell out \$25,000 a year in childcare costs. This has a systemic impact on women's workforce engagement and financial security.

These early years are critical for lifelong learning and well-being. Talking, reading, playing and singing with babies and toddlers helps shape thinking and emotional patterns for life, influences learning, relationships and resilience.

Access to quality early childhood education is a significant predictor of schooling success but 22 percent of children start primary school developmentally vulnerable. Likewise, centres are failing children with 16 percent of centres failing to not meet the existing early learning quality standards. It's clear the system is not providing for all children and families.

The amount invested in childcare by governments in Australia is significantly lower than comparable countries.

The Thrive by Five initiative is a national campaign for high quality, universally accessible and affordable early education and care including preschool, kindergarten and long daycare.

UNESCO says "Early childhood care and education (ECCE) is more than preparation for primary school. It aims at the holistic development of a child's social, emotional, cognitive and physical needs in order to build a solid and broad foundation for lifelong learning and wellbeing. ECCE has the possibility to nurture caring, capable and responsible future citizens."

### **RECOMMENDATION**

That Council:-

1. Endorse the Thrive by Five campaign to support high-quality, universally accessible and affordable early learning and childcare.
2. Formally advises Local Government NSW and the Australian Local Government Association, that Council has endorsed the Thrive by Five campaign and supports the Associations in their involvement in the campaign.
3. Write to our Federal Member Trent Zimmerman, Prime Minister Scott Morrison, the Leader of the Opposition Anthony Albanese, the Minister for Education and Youth Alan Tudge, the Shadow Minister for Early Childhood Education and Youth Amanda Rishworth & our local

**Ordinary Council Meeting 21 March 2022**  
**NOTICE OF MOTION - THRIVE BY FIVE UNIVERSAL CHILDCARE**

Federal Member(s) of Parliament, seeking bipartisan support for the campaign's objectives.

4. Endorse the distribution and display of the Thrive by Five information on Council premises, primarily in childcare centres, as well as involvement in any Relevant actions arising from the initiative

Councillor Rochelle Flood  
**Councillor**

**ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 21 March 2022**  
**NOTICE OF MOTION - PLANT PROTEIN PROCUREMENT REPORT**

**Subject:** Notice of Motion - Plant Protein Procurement Report  
**Record No:** SU5535 - 14008/22  
**Division:** Lane Cove Council  
**Author(s):** Councillor Rochelle Flood

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### **Executive Summary**

This Motion seeks Council to consider options to reduce meat consumption and promote plant-based alternatives at Council functions and events, as well as in Council managed facilities, to improve environmental, as well as human health and animal welfare outcomes.

### **Discussion**

Lane Cove Council has already taken considerable steps towards sustainability by declaring a climate emergency in 2019, and introducing a broad range of policies to help reduce local government area emissions and improve sustainability. Council's energy supply will be 100% renewable from 1 July this year, which is a fantastic initiative. Council has also recognised the issue of climate change in its current community strategic plan, with objective 13 on environmental protection, outlining the following goals:-

- To demonstrate sound environmental management so the community can play a role in addressing climate change.
- To reduce the impact of human activity on the local environment and its diversity of plants and animals.
- To identify and reduce unsustainable demands on energy, water and waste resources.

One way to further Lane Cove's goals under this objective, is to consider options to reduce meat consumption and promote plant-based alternatives. It would help to improve environmental, as well as human health and animal welfare outcomes.

#### Meat Consumption Statistics

Did you know that Australia has one of the highest rates of meat consumption, per capita, in the world? In the last year, Australians consumed 98.80 kg of meat per capita, and this is expected to rise to 99.50kg in 2021.[1] This places Australia second only behind the United States for meat consumption. The Australian dietary guidelines currently recommend a maximum daily consumption of 200g for men, and 120g for women of meat, poultry and game.[2] That's about 73kg per year for men and 44kg for women. Our current consumption levels indicate that the average person consumes more than double the amount of red meat recommended in our guidelines.[3] This overconsumption of meat has a negative impact on public health, the environment, and on animal welfare. Lane Cove Council should look at how our community can help reduce this demand - in order to lead by example and provide clear benefits to the environment and health of our local community.

#### Environmental Benefits to promoting plant protein

The Intergovernmental Panel on Climate Change (IPCC) has identified animal agriculture as one of the largest greenhouse gas emission sources in the world.[6] In Australia, ruminants (cows, sheep, and goats) are responsible for 73% of emissions from agriculture, a sector that represents 13% of the country's total emissions.[7] Alternatively, higher consumption of plant-based foods has shown to result in a reduced environmental impact, including lower greenhouse gas emissions.[8] Councils across Australia have declared climate emergencies – clearly recognising the need to reduce our emissions to stay below 1.5 degrees warming. Opting for more plant-based options in

**Ordinary Council Meeting 21 March 2022**  
**NOTICE OF MOTION - PLANT PROTEIN PROCUREMENT REPORT**

Lane Cove Council's catering procurement process is an easy way to lead by example in reducing your climate footprint.

Health Benefits

The average Australian currently consumes more meat than the recommended dietary guidelines. It is now well established that high consumption levels of red meat, particularly processed meat, can lead to increased incidence of and mortality from colorectal cancer cardiovascular disease and type 2 diabetes mellitus.[4] Reflecting the dangers this poses for public health, the Heart Foundation in 2019 revised their guidelines to recommend that people get most of their protein from plant-based sources and seafood, adding recommended limits on the consumption of red meat.[5] Local Councils can help improve public health outcomes by offering more plant-based meals at council run events.

Animal Welfare Benefits

Of the 70+ billion animals farmed annually around the world, 50 billion are forced to live and suffer in factory farms. They're treated like cogs in a machine and endure short, miserable lives in small cages, crates or pens where they can't behave naturally. Both in Australia and around the world, chickens suffer at the largest scale in factory farms. Over 600 million chickens are slaughtered each year in Australia.[9] These intelligent birds frequently suffer from cramped conditions and low welfare standards leading to serious health conditions and emotional distress. Animals are sentient beings that feel pain and emotions like joy, or fear. They deserve lives worth living. The huge demand for meat products continues to prop up the factory farming system that entrenches the suffering of billions of animals. Councils could choose to procure more plant-based offerings to help reduce this demand. Eating less, but higher welfare meat can help deliver better outcomes for billions of animals.

**RECOMMENDATION**

That Council produce a report for the April Ordinary Council meeting detailing how Council can transition their catering procurement process to prioritise more plant-based offerings in order to reduce the volume of meat being ordered and served at Council functions and events, as well as in Council managed facilities (e.g. - childcare centre Kindy Cove).

Councillor Rochelle Flood  
**Councillor**

**ATTACHMENTS:**

There are no supporting documents for this report.



**Ordinary Council Meeting 21 March 2022**  
**NOTICE OF MOTION - REPORT INTO AFFORDABLE COUNCIL CHILDCARE**

**Subject:** Notice of Motion - Report Into Affordable Council Childcare  
**Record No:** SU5165 - 14002/22  
**Division:** Lane Cove Council  
**Author(s):** Councillor Rochelle Flood

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### **Executive Summary**

This motion seeks to better understand the role that Lane Cove Council could play in both offering more affordable options for local families on low incomes, and by increasing the number of spaces available in Council owned facilities. It is important that Council does all it can to help close the gap for children from low income households, ensuring that they do not fall behind from the outset.

### **Discussion**

Lane Cove Council currently owns several childcare facilities across the LGA and maintains the operation of one - Kindy Cove. While Kindy Cove fees are currently lower than many for profit competitors, even with the Government subsidies, there remains a significant out of pocket expense for families, particularly those with more than one child enrolled. Furthermore, Kindy Cove has limited spaces available, which results in some families moving to the other more expensive for-profit providers.

Research clearly supports the benefits of early childhood education. Babies are born ready to learn, with around 90 percent of brain development occurring in the first five years of life. The early years are important, as how the brain grows is strongly influenced by what's happening in a child's environment and their interactions with the people around them. Research shows that children who participate in quality early childhood education programs are more likely to arrive at school equipped with the social, cognitive and emotional skills they need to help them to continue learning. These benefits extend well beyond primary school. Higher levels of educational success, employment and social skills have all been linked to moderate levels of participation in quality early childhood education. Without affordable childcare options for low income households, we are creating a gap in our community whereby some children are denied this important start in life.

Affordable childcare would also help primary caregivers move back into the workforce, helping to improve not only the families financial outlook, but also that of the broader economy. High early childhood education fees means that for many caregivers, most or sometimes all of their salary would go towards putting their children in early childhood care. For many, this means enrolling their children is not financially viable, so they are forced to remain at home, or to only work limited hours. The Household, Income and Labour Dynamics in Australia (HILDA) Survey from 2019 found that this predominantly impacts women. Women often have lower take-home pay than men, meaning that they are often the ones who remain at home as the primary caregivers. Introducing subsidies for low income families would help women get back into the workforce. This would help to remove one significant disadvantage faced by women. It would also help benefit the community more broadly, as more people would be earning a wage which would help stimulate the economy.

### **RECOMMENDATION**

That Council:-

1. Requests a report be tabled at the May Ordinary Council meeting that includes the following:-
  - a. Outlines options for means tested subsidies from council for low income local

**Ordinary Council Meeting 21 March 2022**  
**NOTICE OF MOTION - REPORT INTO AFFORDABLE COUNCIL CHILDCARE**

- families to improve the affordability of childcare options at Kindy Cove. Include forecasted budget impacts over the first year, and for five years thereafter.
- b. Outlines the feasibility of expanding the number of places on offer at Kindy Cove to further accommodate dedicated subsidised places.
  - c. Provides details on when contracts outsourcing the management of other council owned childcare facilities (such as Montessori and KU) are up for renewal.
  - d. A cost benefit analysis of bringing the management of those facilities back in house at the end of their contract and offering dedicated subsidised places for low income families.
2. Resolves to monitor for updates on plans for universal childcare at either State or Federal level and undertakes to make submissions to inquiries if opportunities are available.

Councillor Rochelle Flood  
**Councillor**

**ATTACHMENTS:**

There are no supporting documents for this report.

**Note from General Manager**

In relation to Part 1d, of the motion, Council does not have the expertise in house to produce a cost benefit analysis of bringing the management of all child care facilities in house. An estimate for such work by a qualified consultant would be circa \$20,000, and there is currently no budget for this work. A source of funds would need to be identified by Council if the motion is passed.

**Ordinary Council Meeting 21 March 2022**  
**BOB CAMPBELL OVAL MASTERPLAN RE-DESIGN - PROCUREMENT OF LANDSCAPE**  
**ARCHITECTURAL CONSULTANTS**

**Subject:** Bob Campbell Oval Masterplan Re-design - Procurement of Landscape  
Architectural Consultants

**Record No:** SU5606 - 13278/22

**Division:** Open Space and Urban Services Division

**Author(s):** Ted Webster

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### **Executive Summary**

Council prepared a Request for Quote which was sent to seven external Landscape Architectural Consultants in accordance with Council's resolution of 24 January 2022, to quote on the design of a Masterplan for Bob Campbell Oval. All consultants were chosen from the Local Government Procurement supplier list. Of the seven consultants approached, five submitted conforming quotes and the remaining two declined to submit. The recommended applicant is Taylor Brammer Pty Ltd as they satisfied the selection criteria and have the most competitive offer.

### **Background**

Council's Notice of Motion, 24 January 2022, resolved to undertake a new Masterplan for Bob Campbell Oval incorporating a natural turf oval design. The decision was to engage an external consultant to prepare the new Masterplan for Bob Campbell Oval including a natural grass oval, coordination with a turf/soil specialist and conducting two community/stakeholder workshops.

### **Discussion**

As part of the selection and evaluation process the quotations were evaluated on the following criteria:-

- Price
- Capacity and Capability
- Experience in Sports Field Masterplans
- Experience/Capacity in Community Consultation
- Environmental/Sustainability Policy

Five quotations were received by Council and all consultants met the selection criteria. These five consulting firms were:-

1. Complete Urban
2. JMD
3. Tract
4. Taylor Brammer
5. Clouston Associates

The quotes submitted varied in price and deliverables considerably. A separate confidential memorandum has been circulated separately to the Councilors detailing the prices submitted by each quote, details of deliverables, capability and capacity to undertake the works, experience in design masterplans for sports fields, experience in community consultation and reference checks undertaken of the recommended consultants.

**Ordinary Council Meeting 21 March 2022**  
**BOB CAMPBELL OVAL MASTERPLAN RE-DESIGN - PROCUREMENT OF LANDSCAPE ARCHITECTURAL CONSULTANTS**

**Quote Evaluation**

The five submissions were assessed and evaluated by Councils Open Space Team.

<b>Company</b>	<b>Price (20%)</b>	<b>Capacity &amp; Capability (25%)</b>	<b>Experience in Sports Field Masterplans (25%)</b>	<b>Experience/Capacity in Community Consultation (10%)</b>	<b>Environmental/Sustainability Policy (5%)</b>	<b>Rank</b>
<i>Complete Urban</i>			Equally preferred	Equally preferred	Preferred	<b>2</b>
<i>JMD</i>		Equally preferred	Equally preferred			<b>3</b>
<i>Tract</i>		Equally preferred	Equally preferred		Preferred	<b>5</b>
<i>Taylor Brammer</i>	Preferred		Equally preferred	Equally preferred		<b>Preferred</b>
<i>Clouston Associates</i>		Equally preferred	Equally preferred			<b>4</b>

After applying a weighted scoring evaluation on all submissions, Taylor Brammer was the preferred consultant. It is recommended that Taylor Brammer be accepted for the Masterplan design of Bob Campbell Oval.

Taylor Brammers' submission had satisfied all criteria of the Request for Quote and had demonstrated experience in both sports field Masterplan design and community consultation and had received positive reference checks.

**Conclusion**

**Ordinary Council Meeting 21 March 2022**  
**BOB CAMPBELL OVAL MASTERPLAN RE-DESIGN - PROCUREMENT OF LANDSCAPE**  
**ARCHITECTURAL CONSULTANTS**

Having met the selection criteria, providing the most cost-effective pricing structure and having positive reference checks about the quality and reliability of their work, it is recommended that Council accept the quote from Taylor Brammer Pty Ltd.

**RECOMMENDATION**

That:-

1. Council accept the quote from Taylor Brammer Pty Ltd for \$37,000; and
2. Authorise the General Manager to engage Taylor Brammer Pty Ltd to undertake the Master Plan design.

Martin Terescenko

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

**ATTACHMENTS:**

AT-1 [View](#) Scope of Works - Masterplan - Bob Campbell Oval 8 Pages

**Ordinary Council Meeting 21 March 2022**  
**PROGRESSION OF A SPORT AND RECREATION FACILITY**

**Subject:** Progression of a Sport and Recreation Facility  
**Record No:** SU7396 - 14305/22  
**Division:** General Managers Unit  
**Author(s):** David Stevens; Craig Wrightson

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### **Executive Summary**

Council has withdrawn the Development Application for a Sport and Recreation facility on the curtilage of the Lane Cove Golf Course. In doing so Council indicated its intent to consider all available options to meet the demand for indoor sporting facilities in the Lane Cove area.

To achieve this a basic program of activities and timelines has been prepared for Council's consideration and endorsement.

### **Background**

Council's at its meeting of 21 February 2022 resolved that:-

1. *Receive and note the report;*
2. *Note that the Sydney North Planning Panel has refused Council's request to defer the hearing of DA 64/2021 and that the hearing will proceed on 2nd March 2022;*
3. *Restates its resolution of 24 January 2022 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 possible options. In so doing:-*
  - a. *That Council organise an open community workshop on sport and recreation requirements in Lane Cove with attendance open to residents of other LGAs; and*
  - b. *That promotion of the workshop will be designed to ensure the widest possible range of attendees.*
4. *Schedule a working session with Councillors on the details behind the current Business case for the project (with clarification of the source AT-1 or the Xypher Report). And following the internal working session, that Council conducts a public forum, with the current Business Case presented, and a Question and Answer session;*
5. *If Council decides to proceed with the Detailed Design phase of the current design proposal, undertake the following actions:-*
  - a. *Engage the Sustainable Design Consultant to set Green Star or equivalent goals for the current building design;*
  - b. *Undertake a new Traffic Report which accounts for the increase in traffic to River Road with the three major proposed new developments in that precinct and in line with the Business Case modeling user numbers;*
  - c. *Arrange a review of the current scheme by the Lane Cove Design Review Panel, including the siting and review of the significant trees; and*
  - d. *Update the Building Cost Report and the Business case in preparation for re-release following the completion of points (a) to (c) above.*
6. *Not seek funding grants at this stage in the process."*

**Ordinary Council Meeting 21 March 2022**  
**PROGRESSION OF A SPORT AND RECREATION FACILITY**

This was followed by Council at its Extraordinary meeting of 28 February 2022 resolving that:-

- “1. Advises the Sydney North Planning Panel that it formally withdraws DA 64/2021 for the Lane Cove Sport and Recreation Facility;
2. Confirms that the two workshops from resolution 37/2022 will proceed as planned;
3. Reaffirms Council’s intent to consider all available options to meet the demand for indoor sporting facilities in the Lane Cove area; and
4. In relation to point three (3), receive an updated project timeline at the March Council meeting.”

**Discussion**

The above two resolutions have some overlap and some no longer have any work to do. Therefore to ensure the future activities are clear in relation to the provision of a Sport and Recreation facility the following is proposed to be undertaken with the indicated indicative timeframe. It is intended to do activities in parallel, should any activity significantly impact another, further direction will be sought from Council.

Activity	Details	Timing
Conduct Councillor workshop	1. Possible alternative solutions /sites 2. Business Case	Conducted 14 March
Explore possible joint facility	Willoughby Council - Gore Hill facility	Initial meeting scheduled 24 March
3. Conduct community workshops	4. Possible alternative solutions /sites 5. Business Case	By end April 2022
Explore alternate location for the facility	Most suitable site within the Lane Cove Business Park identified, with feasibility study to be undertaken, including acquisition costs and adaptation QS estimate.	By end May 2022
Status Report to Council	<ul style="list-style-type: none"> <li>• Outcome of community workshops. (Alternative options not under consideration would be added to the program for consideration by Council as part of the final outcome report)</li> </ul>	16 May 2022
Review the Current Development Application	<ul style="list-style-type: none"> <li>• Access to the site alternatives</li> <li>• Sustainability inclusions</li> <li>• Tree Impacts</li> <li>• Review Traffic Modelling</li> <li>• Golf course maintenance facility requirements</li> <li>• Update Cost Report</li> </ul>	By end May 2022
Refer any future proposal to the Design Review Panel	Post design refer for review	By end July 2022
Outcome report to Council	<ul style="list-style-type: none"> <li>• Recommended facility option – Current location, alternate location or joint facility</li> <li>• Financing model</li> </ul>	15 August 2022

**Conclusion**

The activities and timeline outline will provide an indicative time table for Council to undertake further activities in relation to its intention to meet the demand for indoor sporting facilities in the Lane Cove area.

**RECOMMENDATION**

That Council endorse the proposed activities and indicative time frames for a facility to meet the demand for indoor sporting facilities in the Lane Cove area.

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

**ATTACHMENTS:**

There are no supporting documents for this report.



**Subject:** Naming of St Leonards New Green Space  
**Record No:** SU7134 - 13183/22  
**Division:** Human Services Division  
**Author(s):** Corinne Hitchenson

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### **Executive Summary**

In May 2021 Council received a report which included the process for the permanent naming of the new green space project at St Leonards which has commonly been referred to as St Leonards Plaza.

The community were asked to make suggestions for appropriate names for the space which are local, meaningful, inclusive and conform with the principles set out by the Geographical Names Board.

This report provides the proposed shortlist of names for the final stage of community consultation.

### **Background**

During the concept and construction of the new green space in St Leonards, the project has commonly been referred to as St Leonards Plaza. In May 2021 Council agreed to commence community consultation on the permanent name for this exciting public space.

The adopted process required:-

1. **Community Input:** The community will be invited to suggest place names which are local, meaningful and reflect an inclusive space.
2. **Name Shortlist:** Council will review the names and develop a shortlist of names.
3. **Community Consultation:** Of the names shortlisted, the community is asked to nominate their least preferred name.
4. **Name Selection:** Council considers the feedback from the consultation and chooses a name from the most preferred names.

The first stage of the process ran from Friday 21 May 2021 to Sunday 11 July 2021. A total of 18 names were received during the consultation period.

Stage two involved the review of the names based on the three principles 'local, meaningful and inclusive' as well as the guiding principles for naming set out by the Geographical Names Board. During this time Council also referred any Aboriginal names to the Northern Sydney Aboriginal Heritage Office for comment.

It is now time for Council to consider the shortlisted names and the proposed consultation commencing in April 2022.

### **Discussion**

The shortlist for the permanent name of the new green space is:-

Bulga Ngurang  
*Meaning - green place*

**Ordinary Council Meeting 21 March 2022  
NAMING OF ST LEONARDS NEW GREEN SPACE**

Bulga Park  
*Meaning - green park*

McKenzie Plaza  
*Named after Florence Violet McKenzie (1890-1982), see Attachment 1 for details*

St Leonards Plaza  
*To reflect the location*

Wadanggari Place  
*Meaning: 'Banksia Place' to reflect plantings and the Banksia design features of the playground*

It is proposed that the community considers the proposed names and then Council can consider the results of the consultation and select a name to proceed to the Geographical Names Board for consideration.

### **Community Consultation**

#### Statement of Intent

This consultation is designed to understand the community's preferences for the shortlisted place names for St Leonards New Green Space. This will help inform Council's decision on selecting the final name for the project and help to make sure it is incorporated into the final stages of the project.

#### Method

<b>Level of Participation</b>	<b>Inform</b>	<b>Consult</b>
<b>Form of Participation</b>	Open	Open
<b>Target Audience</b>	Lane Cove Community	Lane Cove Community
<b>Proposed Medium</b>	Advertisement Website & Public Exhibitions Council Quarterly Newsletter Project Updates for St Leonards New Green Space	eNewsletters Online survey
<b>Indicative Timing</b>	April to May	April to May

### **Conclusion**

This community consultation will provide the opportunity to receive feedback from the community on the shortlisted names proposed. This will help to inform Council's decision on the final name in the second half of 2022.

**RECOMMENDATION**

That:-

1. Council endorse the shortlisted place names for St Leonards New Green Space for the purpose of further community consultation;
2. Council undertake community consultation for a period of six (6) weeks as per the consultation strategy outlined in the report; and
3. Following public exhibition, review the community feedback and report the selected name to Council.

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

**ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 21 March 2022**  
**CREATION OF A ST LEONARDS SOUTH COORDINATION UNIT - FURTHER REPORT**

**Subject:** Creation of a St Leonards South Coordination Unit - Further report  
**Record No:** SU4426 - 11217/22  
**Division:** Environmental Services Division  
**Author(s):** Christopher Pelcz; Rajiv Shankar; Henry Burnett

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### **Executive Summary**

At its meeting of 21 February 2022 Council resolved to receive a report to the meeting of 21 March 2022 on the establishment of a St Leonards South Coordination Unit.

This report discusses the legal limitations of Council, existing resources and systems in place and how the objectives for the establishment of the proposed unit are currently achieved.

### **Background**

In the St Leonard's South precinct plans, there are 23 amalgamated sites within 8 hectares, with at least 1,974 dwellings to be constructed in developments ranging from 6 story's (25m) to 19 story's (65m).

It is expected that there would be a total of 11 Development Applications for the whole of St Leonards South Precinct.

At the time of writing this report, three development applications had been lodged and publicly exhibited. They are:-

- DA21/99 – 21-41 Canberra Avenue and 18-32 Holdsworth Avenue (Areas 7-11);
- DA21/162 – 13-19 Canberra Avenue (Area 5); and
- DA21/187 – 10-12 Marshall Avenue and 1-3 Holdsworth Avenue (Area 12).

The remaining amalgamated sites are yet to lodge Development Applications with Council.

Further to this it should be noted that on 4 March 2022, DA21/99 for Areas 7-11 was approved by the Sydney North Planning Panel subject to recommended conditions.

### **Discussion**

Based on Council's resolution the suggested objectives of the proposed Unit are as follows:-

- to manage and coordinate delivery of the individual development projects;
- to minimise disruption to amenity of the communities within these areas;
- to ensure smooth delivery of development projects; and
- compliance with conditions of consent.

The information sought by this report is as follows:-

- a risk management plan and a monitoring framework for enforcing development application conditions of consent;
- coordination of construction and non-construction traffic movement;

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- 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; and
- Proposed representation on the Unit.

The delivery and management of individual development projects can only be carried out by the respective developers / property owners. They are required to submit a Development Application with Council for assessment.

Under the *NSW Environmental Planning & Assessment Act 1979*, a Council has no authority (legal or otherwise) to stop or restrict any applicant from lodging a Development Application. Similarly, Council has no legal authority to sequence when construction may commence via a development consent condition or otherwise.

The determination authority for Development Applications in the St Leonard's South precinct is the Sydney North Planning Panel under the current referral criteria.

Post determination, construction certificates {CC} are required prior to commencement of construction. These certificates are issued by a Principal Certifying Authority (PCA) appointed by the applicant. Only the applicant can appoint a Private Certifier to be the PCA who would then take on the role and responsibility to manage and coordinate the delivery of the project.

With regard to the overarching coordination of these different projects, Council is aware that individual developers are in constant communication with each other to coordinate required development works.

With a view to minimise disruption to amenity of the communities within these areas, Council's assessment team considers these concerns and will apply appropriate conditions of consent which require for example:-

- Construction/Demolition Traffic Management Plan;
- Construction Site Management Plan;
- Erosion and Sedimentation Control Plan;
- Construction Waste Management Plan; and
- and a significant number of conditions to facilitate the development.

The community has raised concern with the disruption that maybe caused by the construction related traffic. As previously mentioned conditions of consent will require the submission of a Construction/Demolition Traffic Management Plan {CDTMP} prior to the issue of the construction certificate.

The PCA is required to submit the proposed CDTMP to Council for approval. These plans are assessed by Council's Development Engineer for adequacy including the cumulative impacts of each ongoing development.

In accordance with the Council resolution of 21 February 2022 a report outlining the effects of construction traffic for St Leonard's South will be prepared for the Council.

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To assist the community, it is proposed to publish the approved Construction/Demolition Traffic Management Plans on Councils website following the issue of the construction certificate by the Private Certifier.

Council staff are always available to provide any assistance to facilitate the smooth delivery of any development project.

In relation to compliance with the conditions of consent under the regulations this is the responsibility of the Private Certifier. In the event there are any breaches of the conditions, the Certifier is required to advise the builder of such and give directions to rectify.

If the PCA and builder are unable to resolve, the Certifier will issue a directions order and provide a copy to Council. Council's building compliance team would then pursue the matter with the builder and take any necessary action which may include:-

- the issue of a written notice of direction;
- penalty infringement notices or; and
- take legal action in the Land & Environment Court.

In addition to the above, Council's Rangers staff regularly monitor construction sites, identify any breaches of development consent conditions and take appropriate action including the issue of penalty notices.

The resolution suggested the creation of a co-ordination unit to facilitate developments within the precinct. As discussed in this report Council or any proposed unit / committee would be unable to control the delivery of developments.

It is considered Councils organisational structure is best placed to protect the amenity of the community during the development phase of the precinct. The assessment of development applications will consider public amenity and apply appropriate conditions. Council's development engineers will consider the cumulative impacts and effects of construction traffic. The building compliance team will respond to breaches of the consent conditions and liaise with the individual private certifiers to enforce the development consents. Councils Rangers team will monitor the precinct daily and are able to take immediate action.

The ability to respond quickly to breaches at building sites is imperative in protecting the amenity of the community. It is not envisaged that the first construction will commence until the second quarter of next year and as such Council has time to consider available options.

## **Conclusion**

As discussed it is the responsibility of Private Certifiers (appointed by the applicants) to ensure project coordination and management for their own sites. This would include the development of any subsequent plans/strategies associated with the development approval.

While Council's role in an overarching coordination of projects can only be very limited, staff will assist in the coordination of the individual projects where they can, continue to monitor the construction activity on a regular basis, check for compliance with conditions of consent, take rectification measures as and when needed.

To assist awareness in the community it is proposed that the approved Construction/ Demolition Traffic Management Plans be published on Councils website following the issue of the construction certificate.

**RECOMMENDATION**

That:-

1. Council receive and note the report; and
2. The approved Construction/ Demolition Traffic Management Plans for St Leonard's South be published on Councils website following the issue of the construction certificate.

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

**ATTACHMENTS:**

There are no supporting documents for this report.

**Subject:** Rates - Additional Special Variation for 2022-23  
**Record No:** SU8618 - 12531/22  
**Division:** Corporate Services Division  
**Author(s):** Steven Kludass

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## **Executive Summary**

The Office of Local Government (OLG) released a circular on 7 March 2022 in relation to the Independent Pricing and Regulatory Tribunal (IPART) accepting an additional round of Special Variation applications from Councils with respect to 2022/23 Rates. The closing date for applications is 29 April 2022.

The purpose of this report is to outline the process for making application for a Special Variation to rates for the 2022/23 financial year and to seek Council's endorsement to pursue such a Special Variation.

## **Background**

Council was advised of its proposed rate increase for 2022/23 in late 2021. IPART determined that Council was eligible for a rate increase of only 0.7%. In its determination, IPART also advised that Council would not be receiving an additional rate increase for population growth for 2022/23. The announcement of a 0.7% rate increase came as a major surprise to Councils throughout NSW as it was one of the lowest rate increases announced since rate pegging was first introduced in 1977.

Since the announcement, there has been significant concerns about the impacts of the low rate increase raised by councils, particularly given the increasing costs associated with providing essential services to the community. The OLG and IPART recognise that, due to the delayed council elections and the determination of the 2022-23 rate peg at a lower rate than councils had forecast, councils may not have had sufficient time to prepare special variation application within the normal timeframe. This may result in some councils not having sufficient funds to pay for required infrastructure and services. As such, the NSW Government and IPART have agreed to a one-off Special Variation to Rates round for the 2022-23 financial year only.

This process is not intended to address applications from councils that require a special variation (above 2.5%) to achieve long term financial sustainability for reasons other than those set out in the criteria above, which should be addressed through the standard special variation process.

## **Discussion**

The OLG Circular (03-22, dated 7 March 2022) provides an insight into the process by which Councils can make application for the Special Variation to rates for 2022/23. The Circular is provided as an attachment to this report (**AT-1**). A summary of the process and eligibility follows:-

- The Independent Pricing and Regulatory Tribunal (IPART) will accept and process an additional round of 2022-23 Special Variation (ASV) applications from councils.
- For applications made under the ASV process, the ASV Guidelines set out in the circular apply in place of the 'normal' Guidelines for the Preparation of an Application for a Special Rate Variation to General Income issued by the OLG in 2020.
- This is a 'one-off' ASV round and is available for the 2022-23 financial year only.
- This 'one-off' ASV round is for councils that can demonstrate the need for a special variation to meet the obligations they set for 2022-23 in their 2021-22 Integrated Planning and Reporting (IP&R) documentation.



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**RATES - ADDITIONAL SPECIAL VARIATION FOR 2022-23**

- Councils seeking a permanent special variation will also need to demonstrate the financial need for the special variation to be included in their rate base on an ongoing basis.
- Separately, IPART has also agreed to undertake a broader review of its rate peg methodology, including the Local Government Cost Index, with outcomes from the review expected to shape rate peg determinations in future years.
- The ASV Guidelines set out in the Circular apply where council is applying for:
  - a temporary or permanent single year special variation for 2022-23 under section 508(2) of the Local Government Act 1993 (the Act), AND
  - the percentage sought in the application is the lower of:
    - 2.5% (including population factor) or
    - the council's assumed 2022-23 rate peg as exhibited in its 2021-22 Long Term Financial Plan (LTFP) (including population factor)
- For ASV applications made under the Guidelines set out in this Circular, councils will need to demonstrate that:
  - Council has demonstrable financial need such that, in the absence of a special variation, council would not have sufficient funds to meet its obligations as identified in its 2021-22 LTFP as and when they fall due in 2022-23; and
  - Where councils are applying for a permanent special variation, in addition to the above criterion, the council has demonstrable financial need for the special variation to be retained in its rate base on an ongoing basis; and
  - Council's 2021-22 IP&R documentation budgeted for an income increase above the percentage specified for the council for 2022-23; and
  - Council has resolved to apply for the special variation under section 508(2) of the Act and that the resolution clearly states:
    - whether the resolution is for a temporary or permanent special variation under section 508(2) of the Act; and
    - the additional income that council will receive if the special variation is approved; and
    - why the special variation is required; and that the council has considered the impact on ratepayers and the community in 2022-23 and, if permanent, in future years if the special variation is approved and considers that it is reasonable.
- The ASV application process will be a simpler more targeted application process.
- IPART will not require councils to demonstrate community consultation outside of the processes outlined above. To demonstrate community consultation, IPART will consider the consultation undertaken through the IP&R process and consider whether the resolution to apply for a ASV meets the requirements outlined above.
- IPART will release streamlined application forms and further information shortly.
- Under this ASV round of applications
  - IPART will accept applications until 29 April 2022;
  - IPART will publish applications to enable community consultation for a period of at least three (3) weeks; and
  - IPART will notify councils of its decision no later than 21 June 2022.

### Integrated Planning and Reporting - Long Term Financial Plan

Council's adopted Long Term Financial Plan includes an estimated rate increase of 2.0% for 2022/23. The difference between 0.7% and 2.0% is approximately \$350,000 in additional rates revenue. Council is currently finalising its financial estimates as part of the 2022/23 Budget process and the additional rates revenue will go a long way towards council balancing its budget.

Whilst the adopted Long-Term Financial Plan indicates a small budget surplus for 2022/23, it was predicated on a 2.0% rate increase and was prepared almost 12 months ago prior to the finalisation of Council's 2020/21 annual financial statements. Since that time, additional depreciation has been brought to account as an expense which requires additional funding to ensure our infrastructure renewal spend is such that our key infrastructure renewal and backlog ratios remain above 'fit for the future' standards.

Importantly, a rate increase of only 0.7% will also have a long term cumulative impact on council's ability to not only balance budgets in the future but may also compromise Council's ability to provide services and service levels the community has come to expect. From a financial perspective, an additional 1.3% in rate revenue (difference between a 2.0% increase and a 0.7% increase in rates) amounts to more than \$4m in foregone revenue over the next 10 years.

The financial impacts of Covid-19 continue to adversely impact Council's income and expenditure estimates. There is no provision in the 2022/23 Budget for covid-19 related impacts. By way of example, the financial impact of Covid-19 in 2020/21 was \$1.6m and in the current 2021/22 Budget, it is forecast to be \$1.0m.

### Impact on Average Rates

Council's average residential rate is approximately \$1,300 per annum. A 0.7% rate increase equates to a \$9.10 per annum increase (or 18 cents per week). A 2.0% rate increase equates to a \$26 per annum increase (or 50 cents per week). The incremental increase in residential rates from 0.7% to 2.0% is considered relatively minor.

Council's average business rate is \$4,800 per annum. A 0.7% rate increase equates to a \$33.60 per annum increase (or 65 cents per week). A 2.0% rate increase equates to a \$96 per annum increase (or \$1.85 per week). The incremental increase in business rates from 0.7% to 2.0% is considered relatively minor.

### **Consultation**

Council will include commentary of the proposed application for a Special Variation to Rates during its public exhibition of the Delivery Program and Operational Plan (including Budget) which will commence in late April 2022. The Revenue Policy section of the Operational Plan will specifically include commentary regarding the proposal to increase rates from 0.7% to 2.0%. It should be noted that IPART will separately be consulting with the community for a period of 3 weeks with respect to those councils that have sought application to increase rates.

### **Conclusion**

The NSW State Government has announced that the IPART will accept and process an additional round of 2022-23 Special Variation (ASV) applications from councils before 29 April 2022. The OLG and IPART recognise that, due to the delayed council elections and the determination of the 2022-23 rate peg at a lower rate than councils had forecast, councils may not have had sufficient time to prepare a special variation application within the normal timeframe.

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**RATES - ADDITIONAL SPECIAL VARIATION FOR 2022-23**

It is recommended that Council make application for a special variation to 2022/23 rates of 2.0% to reflect the rate increase modelled in its adopted long-term financial plan.

**RECOMMENDATION**

That Council endorse making application to the Independent Pricing and Regulatory Tribunal, under Section 508(2) of the Local Government Act, 1993, for a permanent single year Special Rate Variation of 2.0% (including the rate peg of 0.7%) for the 2022/23 financial year.

Steven Kludass

**Executive Manager - Corporate Services**  
**Corporate Services Division**

**ATTACHMENTS:**

AT-1 [View](#) OLG Circular - Additional Special Variation to Rates for  
2022-23

**Ordinary Council Meeting 21 March 2022**  
**LANE COVE COMMUNITY LAND PLAN OF MANAGEMENT (CROWN RESERVES WITH COUNCIL MANAGER)**

**Subject:** Lane Cove Community Land Plan of Management (Crown Reserves with Council Manager)  
**Record No:** SU264 - 14206/22  
**Division:** General Managers Unit  
**Author(s):** Evan Singer

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### **Executive Summary**

A Draft Community Land Plan of Management (PoM) for the care, control and management of community land in Lane Cove LGA and proposed categories for parcels of Crown Land were endorsed for public exhibition at the Ordinary Council Meeting on 20 May 2019.

The Draft "Lane Cove Community Land Plan of Management" dated October 2019 and post-consultation report was submitted to Council and adopted on 21 October 2019. The Draft was then submitted to Crown Lands for Ministerial approval. Crown Lands raised matters to be clarified and amended. The resultant amended draft re-titled "Plan of Management (Crown Reserves with Council Manager) dated July 2021 received Ministerial approval on 8 October 2021.

Legislative requirements require Council to exhibit the amended Plan of Management as approved by The Minister prior to adoption by Council. It is recommended Council undertake consultation in relation to the update Plan.

### **Background**

As a result of reforms set out within the *Crown Land Management Act 2016*, Council now manages dedicated or reserved Crown Land as public land for use by the general community, in accordance with Section 36 of the *Local Government Act 1993*, rather than under Crown Lands legislation.

The Community Land Plan of Management (CLPOM) authorises Council to grant leases, licenses, hire arrangements or other estates required for the use of the land and/or buildings on the land, in accordance with Section 46 of the *Local Government Act 1993*.

The Draft Community Land Plan of Management (**AT-1**) was revised to include Crown Lands now managed under the Local Government Act as community land. The Plan identifies categories of community land use by the general public and provides objectives for each of these categories.

As a result of the reforms, Crown Land that has been identified as under Council control is now incorporated into Council's Community Land Asset Register.

The Draft CLPOM was on public exhibition for 6 weeks from 24 June 2019 to 9 August 2019. The consultation was intended to gauge the level of community support for the values, desired outcomes and performance targets included within the draft Community Land Plan of Management, before adoption by Council.

### **Discussion**

Part of the procedural process in the creation of Council Plans of Management for is Ministerial Approval via The Crown Lands Office (CL). In this process, Crown Lands reviewed the Draft Plan of Management and entered a dialogue with Council seeking clarification, and amendments as per the following:-

**Ordinary Council Meeting 21 March 2022**  
**LANE COVE COMMUNITY LAND PLAN OF MANAGEMENT (CROWN RESERVES WITH COUNCIL MANAGER)**

- Schedule of Crown Lands in LGA, identifying Lot and Deposit Plan numbers, Reserve purposes, initial categorisations and Zoning. Page 5;
- Schedule of Crown Lands in LGA and the proposed categorisations. Pages 10-12;
- Appendix 1 - Permitted Development and Uses. Pages 48-50;
- Appendix 2 – Current Leases and Licenses on Crown Land with Council Manager. Page 51; and
- Appendix 3 – Categorisation Maps with colour codes and Lot & Deposit Plan numbers. Page 52.

The amendments to the Plan of Management as recommended and approved by Crown Lands more clearly identifies in layman's terms location specifics by mapping and title and any changes to categorisation. The Appendices have been updated to include lists of current or expired / holding over, tenure agreements.

### **Consultation Strategy**

#### Consultation Statement of Intent

The consultation is designed to determine whether the final Draft Community Land Plan of Management incorporating the changes required by Crown Lands are appropriate before adoption by Council.

#### Methods of Consultation

<b>Level of participation</b>	Inform	Inform	Consult
<b>Form of participation</b>	Open	Targeted	Open
<b>Target Audience</b>	General community	Key message givers e.g. BMAC, RPAC, Sports clubs & associations	LC community and community groups
<b>Proposed Medium</b>	Advertisement, eNewsletter and Social Media	Notification letters	Public exhibition and website exhibition
<b>Indicative Timing</b>	April – May 2022		

### **Conclusion**

The Draft Community Land Plan of Management governs the use and management of community land. It is recommended that the Draft Plan and proposed categorisation of the Crown Land parcels be placed on public exhibition allowing the community the opportunity to comment on the content of the plan and categories.

In addition, Crown Land that has been identified as under Council control, as part of this process, be incorporated into Council's Community Land Asset Register using the average land value per square meter provided by the Valuer General as at 2016 for rating purposes.

If the draft PoM is amended following public exhibition, Council is required to obtain the Ministers consent to adopt the PoM. If Council makes no alteration post exhibition, a copy of report from the Public Exhibition must be submitted with the Council Resolution to Crown Lands for information.

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**LANE COVE COMMUNITY LAND PLAN OF MANAGEMENT (CROWN RESERVES WITH COUNCIL MANAGER)**

**RECOMMENDATION**

That:-

1. Council proceed to exhibit the updated “Plan of Management (Crown Reserves with Council Manager) dated 8/10/ 2021 (**AT-1**) for the use and management of community land in the Lane Cove Local Government Area for a period of six weeks as per the consultation strategy outlined in the report; and
2. Upon completion of the public exhibition, a report be submitted to Council outlining the results of submissions for consideration by Council.

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

David Stevens  
**Manager - Commercial Operations**  
**General Managers Unit**

**ATTACHMENTS:**

<b>AT-1</b> <a href="#">View</a>	Lane Cove Council Draft Community Land Plan of Management (Crown Reserves with Council Manager) Final approved by Crown Lands	68 Pages	Available Electronically
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**Ordinary Council Meeting 21 March 2022**  
**PROPOSED VOLUNTARY PLANNING AGREEMENT FOR AREA 5 - 13-19 CANBERRA AVENUE, ST LEONARDS - ST LEONARDS SOUTH PRECINCT**

**Subject:** Proposed Voluntary Planning Agreement for Area 5 - 13-19 Canberra Avenue, St Leonards - St Leonards South Precinct  
**Record No:** SU8525 - 13016/22  
**Division:** General Managers Unit  
**Author(s):** David Stevens

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### **Executive Summary**

Council undertook community consultation on the proposed Voluntary Planning Agreement (VPA) for Area 5 at the St Leonards South Precinct between 16 November and 14 December 2021. The VPA seeks only to make the necessary equivalent s7.11 Developer Contributions in the absence of the precinct specific contributions plan and undertake works outlined in the DCP Part 7 Additional Local Provisions—St Leonards South Area, for which a partial 7.11 Contribution offset is available. No amendments to development standards are provided by this proposed VPA. The purpose of this report is to outline the results of the consultation and recommends that Council enter into a VPA with the proponent, SLS Five Pty Ltd as trustee for SLS Five Trust.

### **Background**

At the Council Meeting of 7 December 2020, Council resolved in part to grant delegated authority to the General Manager to exhibit in conjunction with relevant Development Applications, VPA's received in respect of the precinct whose incentives accord with Council's previously adopted incentives contained in the DCP for each Area and then be reported to Council for consideration.

SLS Five Pty Ltd as trustee for SLS Five Trust propose to undertake a development on the land that comprises a multi-story residential flat building compliant with the Lane Cove LEP 2010 and Lane Cove Development Control Plan, Part C – Residential Localities - Locality 8. The Development utilises Part 7 Additional local provisions—St Leonards South Area under Lane Cove LEP 2010. No amendments to these development standards are provided by this proposed Voluntary Planning Agreement.

Subject to the granting of development consent for the Development, the VPA provides for:-

1. the payment of monetary contributions equivalent to the section 7.11 Development Contributions proposed for the St Leonards South Precinct in the Draft Lane Cove Council, St Leonards South Contributions Plan, pending its approval by the Independent Pricing and Regulatory Tribunal; and
2. the construction and dedication to Council of Infrastructure supporting the St Leonards South Precinct as noted in Schedule 4 of the VPA.

### **Discussion**

From a public benefit perspective, in addition to the S7.11 Developer Contributions to fund precinct wide community infrastructure, the 13-19 Canberra Avenue works will deliver the following in accordance with the *"Specifications for Private Open Space in the St Leonards South Precinct"*:-

1. Childcare centre measuring 450m<sup>2</sup> (internal) fit out to a cold shell and a 530m<sup>2</sup> outdoor play area;
2. A multi-purpose community hall measuring 150m<sup>2</sup> including a 34m<sup>2</sup> balcony;
3. Public lifts associated with the multi-purpose facility (childcare centre and community hall);
4. A portion of a 15m wide pedestrian and bicycle (East-West) link connecting Canberra and Holdsworth Avenue(s)

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**PROPOSED VOLUNTARY PLANNING AGREEMENT FOR AREA 5 - 13-19 CANBERRA AVENUE, ST LEONARDS - ST LEONARDS SOUTH PRECINCT**

5. Broadly, the provision of appropriate building setbacks to facilitate shared communal space between buildings (green spines) with a positive covenant granting shared access in accordance with Section 88E of the Conveyancing Act 1919.

On 16 November the VPA was placed on public exhibition in parallel with the notification of the Development Application for community consultation, with submissions received until 14 December 2021. Of all the submissions received regarding DA21/162-01, only three (3) referred directly to the draft planning agreement, stating:

1. A Childcare facility for 60 children is not reason enough to contravene controls and provide a VPA;
2. The VPA should not offer a mechanism by which this building height could vary as the VPA should be given little, if any, weight in assessing a clause 4.6 variation. As the public interest consideration of a childcare facility is not such a major contribution to the community;
3. The comment states "The explanatory note to the VPA is required to state in plain English the effect of the VPA.... If departures are being made, this should not be occurring given the undertakings and background in relation to the LEP."

*Response*

*In response to points 1 -3 above, the inclusion of a child care centre and / or multi-purpose community facility under the VPA will not result in a contravention of controls, including any variation to the building height, as the development is compliant with the controls under **Part 7 of LCLEP 2009**, which establishes incentive building heights and floor space ratio limits. The provision is designed to ensure the delivery of a child care centre and multi-purpose community facility which will deliver considerable value and amenity to the St Leonards South Precinct. If the Part 7 controls were to be altered by the VPA, this would be described within the Explanatory note.*

**Conclusion**

The proposed VPA will benefit the community and future residents of the proposed development of Area 5 (13-19 Canberra Avenue St Leonards) at the St Leonards South Precinct via the delivery of a childcare centre, multi-purpose community hall, and connectivity and amenity via the East-West link. It is therefore recommended that Council note the submissions received during the community consultation process and proceed with the proposed Voluntary Planning Agreement for Area 5 (13-19 Canberra Avenue St Leonards) at the St Leonards South Precinct.

**RECOMMENDATION**

That:-

1. Council receive and note the report;
2. Council enter into a Voluntary Planning Agreement with SLS Five Pty Ltd as trustee for SLS Five Trust in respect of the development of Area 5 (13-19 Canberra Avenue St Leonards) at the St Leonards South Precinct; and
3. The General Manager review the trustee assignment provisions of the VPA and be authorised to finalise the wording of the proposed Voluntary Planning Agreement and sign the Agreement on behalf of Council.

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

**ATTACHMENTS:**

There are no supporting documents for this report.



**Ordinary Council Meeting 21 March 2022  
REVIEW OF ORGANISATION STRUCTURE**

**Subject:** Review of Organisation Structure  
**Record No:** SU212 - 13173/22  
**Division:** General Managers Unit  
**Author(s):** Craig Wrightson

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### **Executive Summary**

Under s332 of the Local Government Act 1993 (NSW) a Council must determine an organisational structure and those positions within the organisational structure that are senior staff positions.

Under s333 of the Local Government Act 1993 (NSW) the organisational structure must be re-determined by Council within 12 months of any ordinary election.

This report recommends a change to the structure to further focus on Sustainability and Resilience post Council's declaration of a Climate Emergency. It is recommended that both the proposed organisational structure and senior staff positions be endorsed.

### **Background**

During the induction process Councillors have gained a reasonable understanding of how the Council's organisational structure works and the appropriateness or otherwise in achieving the goals of Council.

The current structure has enabled Council to perform its responsibilities efficiently and effectively, evidenced by Council being one of only a few which has consistently met all the State Government Key Performance Criteria. Also the Local Government Area being ranked equal first in the 2021 Australian Liveability Census funded in part by the Australian Department of Industry, Science, Energy and Resources.

### **Discussion**

The Local Government Act 1993 sets out a set of guiding principles for councils as shown in **AT-1**.

Council applies a Quadruple Bottom Line Framework and sets out its forward delivery program and reports on its performance within its Integrated Planning and Reporting Framework which also highlights the responsible areas of Council for each of the required actions.

Council operates under a flat organisational structure with four Executive Managers each responsible for a Division of Council reporting directly to the General Manager.

It is proposed to retain the existing four Division structure with one change within the Environmental Services Division as shown in **AT-1**. It is proposed to redesign the Environmental Health section with an even greater emphasis on Sustainability and Resilience. As reported to Council in 2021, Council is on track for the Council's operations to reduce its emissions in line with Council's declaring a Climate Emergency. Council's operations previously represented 2% of emissions within the LGA, from 1 July 2022 this will have reduced to 0.5%. In line with Council's overall emission reduction targets, a greater emphasis now needs to be placed on working with the community and businesses to reduce their emissions, which is more complex and requires significant community engagement. Also Council, with the adoption of its first Resilience Plan, has recognised the importance of building community capacity to respond to a changing climate. The Environmental Health Section will have its health regulatory responsibilities transferred to Development Assessment section, with this section renamed Development Assessment and

**Ordinary Council Meeting 21 March 2022  
REVIEW OF ORGANISATION STRUCTURE**

Compliance. As per the Local Government Award, a consultation process will need to be undertaken regarding the proposed change.

The positions of Executive Manager Human Services, held by Ms Jane Gornall, Executive Manager Environmental Services, held by Mr Mark Brisby, Executive Manager Corporate Services held by Mr Steve Kludass and Executive Manager Open Space & Urban Services held by Mr Martin Terescenko are designated senior staff positions. It is not proposed to change the responsibilities of these positions at this time.

**Conclusion**

The current organisational structure and senior staff positions is recommended for endorsement.

**RECOMMENDATION**

That Council:-

1. Determine the Organisation Structure to be as detailed in **AT-1**; and
2. Determine the positions of Executive Manager, Open Space & Urban Services; Human Services; Environmental Services and Corporate Services as senior staff positions within the organisational structure.

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

**ATTACHMENTS:**

**AT-1** [View](#) Lane Cove Council Organisation Structure 2022

1 Page

**Subject:** Pecuniary Interest Returns 2022  
**Record No:** SU2095 - 9771/22  
**Division:** Corporate Services Division  
**Author(s):** Stephen Golding

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### **Executive Summary**

The purpose of this report is to table the Pecuniary Interest Returns of Designated Staff and Councillors as required by the Local Government Act 1993. This report recommends that Council notes the tabling of these returns.

### **Background**

Section 449(3) of the Local Government Act 1993 ("LG Act") requires Designated Staff and Councillors holding these positions as of 30 June each year to lodge a "Disclosures by Councillors and Designated Persons Return" to the General Manager by 30 September that year.

Council's Code of Conduct replicates the Local Government Act, which requires that Councillors complete and lodge with the General Manager a return disclosing their pecuniary interests within three (3) months of:-

- Becoming a Councillor or designated person;
- 30 June of each year, and
- Becoming aware of a new interest that must be disclosed in the return.

The disclosure of interest returns, written declarations and the disclosure of pecuniary interests at Council and Council committee meetings, supports community confidence in local government and ensures staff act honestly and responsibly, when carrying out Council functions.

### **Discussion**

Under the *Model Code of Conduct for Local Councils in NSW* (Model Code of Conduct) all councillors, must lodge a written return of interests with the general manager within three months of their election or appointment unless they have submitted a return within the previous three months. As the last returns were received in September 2021, all current Councillors are required to lodge a written return of interests.

### **Conclusion**

All returns for Councillors in office as at 11 March 2022 have been submitted and received within 3 months of being elected.

**RECOMMENDATION**

That Council note the report and tabling of Pecuniary Interest Returns of Designated Staff and Councillors for the return period 1 July 2021 to 11 March 2022.

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

**ATTACHMENTS:**

There are no supporting documents for this report.

**Subject:** Council Snapshot February 2022  
**Record No:** SU220 - 13449/22  
**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 in February 2022.

**RECOMMENDATION**

That the report be received and noted.

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

**ATTACHMENTS:**

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