

# Agenda Extraordinary Meeting of Council 29 August 2022

Council will commence consideration of  
all business paper agenda items at **7.00 pm.**



Lane Cove Council

## Notice of Meeting

Dear Councillors,

Notice is given of the Extraordinary Meeting of Council, to be held in the Council Chambers on Monday 29 August 2022 commencing at 7:00 PM. The business to be transacted at the meeting is included in this business paper.

In accordance with clause 3.26 of the Code of Meeting Practice Councillors are reminded of their oath or affirmation of office made under section 233A of the Act, and of their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

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 5.00 pm on the Tuesday 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, 28 August 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**

**ACKNOWLEDGEMENT TO COUNTRY**

**MINUTE OF SILENCE FOR RELECTION OR PRAYER**

**NOTICE OF WEBCASTING OF MEETING**

**PUBLIC FORUM**

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

**NOTICES OF RESCISSION**

- 1. NOTICE OF RESCISSION - FINAL REPORT - PROVISION OF A SPORT AND RECREATION FACILITY ..... 4**

**ORDERS OF THE DAY**

**NOTICES OF MOTION**

- 2. NOTICE OF MOTION - PROGRESSION ON A SPORT AND RECREATION FACILITY AT 180 RIVER ROAD (GOLF COURSE) SITE..... 9**

**Extraordinary Meeting of Council Meeting 29 August 2022**  
**NOTICE OF RESCISSION - FINAL REPORT - PROVISION OF A SPORT AND RECREATION FACILITY**

**Subject:** Notice of Rescission - Final Report - Provision of a Sport and Recreation Facility  
**Record No:** SU7396 - 47902/22  
**Division:** Lane Cove Council  
**Author(s):** Councillor Andrew Zbik; Councillor David Roenfeldt; Councillor Katherine Mort

**Background**

On Thursday 18th August 2022 Council resolved to proceed with an 8-court facility (4 indoor and 4 outdoor multi-purpose courts) at 180 River Road, Lane Cove (Refer to resolution 158/2022).

Of note, Council officers recommended in the agenda papers (**Refer AT-1**), the below timeline and draft resolution for adoption to progress this project.

Timeline Contained in the Report

<b>“Activity</b>	<b>Council Resolution Required</b>	<b>Start</b>	<b>Finish</b>	<b>Time - Months</b>
<i>Selection of preferred option and Community Consultation ‘Fine Tuning’ Concept Design</i>	Yes	Aug-23	Sep-23	1
<i>Approval for DA Lodgement</i>	Yes	Oct-23	Oct-23	1
<i>Development Application Assessment Period</i>		Nov-22	Mar-23	4
<i>Design documentation to 90% - The Canopy Delivery Model</i>		Nov-22	Mar-23	4
<i>Tender Specification and Draft Contract preparation</i>		Feb-23	Mar-23	2
<i>Status Report to Council – Proceed to Tender/RFQ</i>	Yes	Mar-23	Mar-23	1
<i>Tender/RFQ Period 1 - Demolition and Sediment Control</i>		Mar-23	April-23	2
<i>Tender/RFQ Award 1 - Demolition and Sediment Control</i>		Apr-23	Apr-23	1
<i>Tender Period 1 - Construction</i>		Apr-23	May-23	2
<i>Tender Evaluation, Tender Award 1 - Construction</i>	Yes	Apr-23	Jun-23	2
<i>Work Commencement - Demolition and Sediment Control</i>		Jun-23	Jun-23	1
<i>Detailed Site Investigation Stage 2 and Clearance</i>		Jul-23	Jul-23	1

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**NOTICE OF RESCISSION - FINAL REPORT - PROVISION OF A SPORT AND RECREATION FACILITY**

<b>“Activity</b>	<b>Council Resolution Required</b>	<b>Start</b>	<b>Finish</b>	<b>Time - Months</b>
<i>Work Commencement - Construction</i>		<i>Aug-23</i>	<i>Jan-25</i>	<i>18</i>
<i>Commissioning</i>		<i>Feb-25</i>	<i>Mar-25</i>	<i>1</i>
<i>Opening</i>		<i>Apr-25”</i>		

Draft Resolution Contained in the Report

“That Council:-

1. *Adopt the concept design for the provision of a Sport and Recreation Facility at the 180 River Road, Northwood location;*
2. *Prepare a revised Development Application based on the updated concept design of a 9 Court Facility as prepared by Allen Jack and Cottier;*
3. *Prior to lodgement of a Development Application, Council:-*
  - a. *Undertake a further round of consultation in relation to the concept design to ‘fine tune’ the design as outlined in the report.; and*
  - b. *Receive a report on the results of the consultation to the October 2022 meeting to finalise the design and authorise submission of the Development Application.*
4. *Adopt the funding strategy outlined in the report for the project and the revised Long Term Financial Plan attached to the report for the purposes of exhibition and proceed with community consultation on the revised Long Term Financial Plan as outlined in the report;*
5. *Council determine a minimum Level of Sustainability / Greenstar Rating and aspirational level and the determined level be stated in the Development Application;*
6. *the future construction procurement strategy obtain pricing for both Option 1, a five Indoor / four outdoor courts facility and Option 2, a four indoor / 4 outdoor court facility, as amended;*
7. *Adopt the Business Case for the project, subject to it being updated to reflect the change in Project Costs and the reduction in Debt funding;*
8. *Council lodge an application under the NSW Government’s Multi-Sport Community Facility Fund for \$5M funding towards the project;*
9. *Council lodge a Capital Expenditure Review with the Office of Local Government for the project;*
10. *Delegate authority to the General Manager to enter into a fixed loan agreement for \$10 million over 10 years with TCorp utilising the NSW Department of Planning, Industry and Environment interest rate subsidy under the Low-Cost Loans Initiative.”*

It has been brought to my attention by Council officers that the adopted resolution does not match the timing/sequencing recommended by Council officers in the report, which was designed to ensure Council can meet the criteria for a \$5m grant from the NSW Government’s Multi - Sport Community Facility Fund which was part of the funding strategy.

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Specifically, the adopted timing/sequencing will not allow Council to demonstrate a key condition of the grant, that Council can commence construction by 1 July 2023 should it be successful in receiving the grant.

Therefore, in this motion it is proposed that Council rescind its resolution of 18 August, 2022. Council then has two alternatives to progress the project:-

1. Pass a new similar resolution which does not include making an application for a \$5m grant from the NSW Government's Multi - Sport Community Facility Fund and identifies alternative funding sources for the project; and
2. Pass a new similar resolution which includes changes to timing/sequencing to facilitate making an application for a \$5m grant from the NSW Government's Multi - Sport Community Facility Fund and a number of other minor amendments to the process.

A Notice of Motion has been submitted to pursue Option 2.

### **RECOMMENDATION**

That Council's resolution adopted on the 18 August 2022, Resolution No. 158/2022 be rescinded, viz:-

*"That Council:-*

1.
  - a. *Resolves to progress the design and construction of a Sports and Recreation Facility of a maximum of 8 courts (4 indoor and 4 multi-purpose outdoor) (8 Court concept) on the golf course site at 180 River Road, Lane Cove; and*
  - b. *Seeks to expedite the procurement of information required to assist it in the consideration of a concept plan for the 8 Court Concept.*
2. *Proceeds with concept planning and design to achieve a total project budget of up to \$75 million and by so doing:-*
  - a. *Instructs Allen Jack and Cottier (existing Architect for the project) to develop a concept plan for 4 indoor and 4 outdoor multipurpose courts (8 Court Concept Plan ), in doing so to investigate opportunities to reduce the overall footprint of the building on the site further;*
  - b. *Procures a revised business model from Xypher Sport and Leisure to reflect an 8 court and a 7 court concept (if necessary at the tender phase);*
  - c. *Engages Steensen Varming (currently the Sustainability Consultant on the project) to prepare target goals to reach the equivalent of the Green Building Council of Australia (GBCA) 5 Star Rating; and*
  - d. *Procures a report on indicative cost of an 8 and 7 court concept by Mitchell Brandtman or other quantity surveyor appointed by Council for this purpose.*
3. *Reviews, in the September Council meeting, or an Extraordinary Meeting convened for this purpose, the 8 Court Concept Plan and the information detailed in 2a.,2c.,2d. above, and the information in 2b. be circulated to Councillors for information.*
4. *In the event that it resolves to proceed with the 8 Court Concept Plan to the Development Application (D.A.) stage:-*
  - a. *Exhibits for community consultation, for a period of 28 days, the 8 Court Concept Plan together with the documents listed in 2 above and other information that may inform the*

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**NOTICE OF RESCISSION - FINAL REPORT - PROVISION OF A SPORT AND RECREATION FACILITY**

*community as to the scope, projected cost and funding sources for the project; and*

- b. Conducts a community workshop at the golf course site no later than one week before the date close of submissions to seek community input into preferred design features.*

*5. During the consultation period:-*

- a. Procures a peer review of the revised business case detailed in 2b. for the information of Council and Community;*
- b. Conducts a workshop for Councillors to agree targets to reach the equivalent of the Green Building Council of Australia (GBCA) 5 Star Rating, and resolves to incorporate into the design of a development application for the Sports and Recreation Facility if it proceeds; and*
- c. Procures from Mitchell Brandtman or other quantity surveyor appointed by Council for this purpose an update of the report in 2d. above.*

*6. Upon the conclusion of the community consultation, reviews at a Council Meeting the:-*

- a. Report on the outcomes of the community consultation process; and*
- b. Information detailed in 5 above and other information required to determine if it will proceed to engage a design team to develop the documents required to support a Development Application for the 8 court facility and to achieve the finalised 5 star Green Star targets determined in 2c. above and to incorporate design features outlined in the community consultation process (8 Court DA).*

*7. Reviews at a Council Meeting, and if approved, authorise the submission of the 8 Court Development Application to the Sydney North Planning Panel.*

*8. During the assessment of the 8 court DA, prepares design documentation, tender specifications and a draft contract.*

*9. Approves at a Council meeting, the release of tender and RFQ documentation for the 8 court project.*

*10. Reviews in a Council meeting, the evaluation of tenders (including all supporting documentation) and, if so resolved, approve the award of a tender for the construction of the 8 court project.*

*11. Adopts the funding strategy outlined in the report for the project and the revised Long Term Financial Plan attached to the report for the purposes of exhibition and proceed with community consultation on the revised Long Term Financial Plan as outlined in the report.*

*12. Lodges a Capital Expenditure Review for the project with the Office of Local Government.*

*13. Delegates authority to the General Manager to enter into a fixed loan agreement for \$10 million over 10 years with TCorp utilising the NSW Department of Planning, Industry and Environment interest rate subsidy under the Low-Cost Loans Initiative.*

*14. Lodge an application under the NSW Government's Multi-Sport Community Facility Fund for \$5M funding towards the project;*

*15. Acknowledges that the development of the Sports and Recreation Facility will necessitate changes in access of some stakeholders to facilities at the golf course site to the level they currently enjoy.*

*16. Will, in the event that it proceeds with the proposed project, ensure the operation of the facility will provide all stakeholders with balanced access to the sporting facilities.*

*17. Continue to seek to locate alternative netball and tennis sporting facilities and improve existing facilities for these sports within Lane Cove to supplement the facilities to be provided in the Sports and Recreation Facility”.*

**Extraordinary Meeting of Council Meeting 29 August 2022**  
**NOTICE OF RESCISSION - FINAL REPORT - PROVISION OF A SPORT AND RECREATION FACILITY**

Councillor Andrew Zbik  
**Mayor**

Councillor David Roenfeldt  
**Councillor**

Councillor Katherine Mort  
**Councillor**

**ATTACHMENTS:**

<b>AT-1</b> <a href="#">View</a>	Final Report - Provision of a Sport and Recreation Facility	28 Pages	Available Electronically
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**Extraordinary Meeting of Council Meeting 29 August 2022**  
**NOTICE OF MOTION - PROGRESSION ON A SPORT AND RECREATION FACILITY AT 180 RIVER ROAD (GOLF COURSE) SITE**

**Subject:** Notice of Motion - Progression on a Sport and Recreation Facility at 180 River Road (Golf Course) site  
**Record No:** SU7396 - 48144/22  
**Division:** Lane Cove Council  
**Author(s):** Councillor Andrew Zbik

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**Note: This Notice of Motion will only be considered if the “Notice of Rescission - Final Report - Provision of a Sport and Recreation Facility is carried.**

As part of the Council’s consideration and decision to progress the design and construction of an 8 court Sports and Recreation Facility on the golf course site at 180 River Road, Lane Cove, Council established a \$75M Budget and funding sources for the project.

Post Council's resolution, Council officers have identified that the adopted resolution does not match the timing/sequencing recommended by Council officers in the report, which was designed to ensure Council can meet the criteria for a potential \$5m grant from the NSW Government’s Multi - Sports Community Facility Fund, which is a proposed funding source.

Specifically, the adopted timing/sequencing will not allow Council to demonstrate a key condition of the grant, that Council can commence construction by 1 July 2023 should it be successful in receiving the grant.

The timeframes for progressing the project are interrelated with the grant timeframes and to this end, the timeline contained in the report requires the preparation of a Development Application (DA) to commence immediately, with Council required to authorise its submission in October 2022, with the actual lodgement to occur in November 2022. This was reflected in 2. of the Council officer’s draft resolution (which would now read 8 Court), viz:-

*“Prepare a revised Development Application based on the updated concept design of a 9 Court Facility as prepared by Allen Jack and Cottier”;*

This course of action is precluded by part 6b. of Council's resolution, which would see the process to prepare a DA not commence until October 2022, viz (emphasis added):-

- “6. Upon the conclusion of the community consultation, reviews at a Council Meeting the:-
- a. Report on the outcomes of the community consultation process; and
  - b. Information detailed in 5 above and other information required to **determine if it will proceed to engage a design team to develop the documents required to support a Development Application for the 8 court facility** and to achieve the finalised 5 star Green Star targets determined in 2(c) above and to incorporate design features outlined in the community consultation process (8 Court DA).”

It has further been identified in relation to 6b. that the wording “to incorporate design features outlined in the community consultation process” should be amended to, ‘Council will consider incorporating design features identified in the community consultation process’, not commit upfront to incorporate them.

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**NOTICE OF MOTION - PROGRESSION ON A SPORT AND RECREATION FACILITY AT 180 RIVER ROAD (GOLF COURSE) SITE**

Other proposed amendments to the previous resolution include:-

1. The wording contained in 4. linked community consultation with a decision to progress to the "Development Application Stage", per the above, it also requires amendment to allow preparation of the DA to commence immediately. Further the resolution does not endorse the Consultation Plan outlined in the report, which covered both the 8 Court Concept Plan and revised Long Term Financial Plan, and therefore needs to be referenced.
2. The wording contained in 5b. states that: -
  - "5. During the consultation period -*
  - a. ....*
  - b. conducts a workshop for Councillors to agree targets to reach the equivalent of the Green Building Council of Australia (GBCA) 5 Star Rating, and resolves to incorporate into the design of for a Development Application for the Sports and Recreation Facility if it proceeds;"*

Under the Code of Meeting Practice, Council cannot make a decision, "agree" and "resolves to incorporate" at a Councillor Workshop, therefore the wording needs to be altered to review, and subsequent adoption must occur at a Council Meeting.

Finally, given the timeframes associated with progressing the project, it is necessary to alter the meeting schedule for Council's next two Ordinary Meetings to avoid the necessity for Extraordinary Council Meetings. Council staff have consulted with AJ+C Architects about a proposed timetable for September / October 2022, and propose as follows:-

- |              |   |
|--------------|---|
| 12 September | Councillor Workshop (8 Court Design and capacity for 5 Star Equivalent).                                      |
| 29 September | Council Meeting (Review of 8 Court Design).   |
| 30 September | 8 court design released for community consultation.   |
| 8 October    | Design presentation during the community consultation period at the Golf Club.                                |
| 16 October   | Community consultation closes.  |
| 27 October   | Council Meeting to finalise the design and consider authorising the lodgement of the Development Application. |

This program would ultimately provide for Council to be able to lodge a Development Application by the end of November, with the statutory Development Application notification period to occur prior to Christmas.

## **RECOMMENDATION**

That Council:-

1. a. Resolves to progress the design and construction of a Sports and Recreation Facility of a maximum of 8 courts (4 indoor and 4 multi-purpose outdoor) (8 Court concept) on the golf course site at 180 River Road, Lane Cove; and
- b. Seeks to expedite the procurement of information required to assist it in the consideration of a concept plan for the 8 Court Concept.

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**NOTICE OF MOTION - PROGRESSION ON A SPORT AND RECREATION FACILITY AT 180**  
**RIVER ROAD (GOLF COURSE) SITE**

2. Proceeds with concept planning and design to achieve a total project budget of up to \$75 million and by so doing:-
  - a. Instructs Allen Jack and Cottier (existing Architect for the project) to develop a concept plan for 4 indoor and 4 outdoor multipurpose courts (8 Court Concept Plan), in doing so to investigate opportunities to reduce the overall footprint of the building on the site further;
  - b. Procures a revised business model from Xypher Sport and Leisure to reflect an 8 court and a 7 court concept (if necessary at the tender phase);
  - c. Engages Steensen Varming (currently the Sustainability Consultant on the project) to prepare target goals to reach the equivalent of the Green Building Council of Australia (GBCA) 5 Star Rating; and
  - d. Procures a report on the indicative cost of an 8 and 7 court concept by Mitchell Brandtman or other quantity surveyor appointed by Council for this purpose.
  - e. Prepare a revised Development Application for an 8 Court Facility.
3. Reviews, in the September Council meeting, or an Extraordinary Meeting convened for this purpose, the 8 Court Concept Plan and the information detailed in 2a., 2c., 2d. above, and the information in 2b. be circulated to Councillors for information.
4. Subject to receipt and endorsement of the 8 Court Concept Plan and the information detailed in 2a., 2c., 2d. above:-
  - a. Exhibits for community consultation the 8 Court Concept Plan together with the documents listed in 2. above and other information that may inform the community as to the scope, projected cost, and funding sources, for a minimum of 14 days, and otherwise as outlined in the Consultation Plan in the report; and
  - b. Conduct a community workshop at the golf course site no later than one week before the close of submissions to seek community input into preferred design features.
5. During the consultation period: -
  - a. Procures a peer review of the revised business case detailed in 2b. for the information of the Council and Community;
  - b. Conducts a workshop for Councillors to review targets to reach the equivalent of the Green Building Council of Australia (GBCA) 5 Star Rating to incorporate into the design for a Development Application for the Sports and Recreation Facility; and
  - c. Procures from Mitchell Brandtman or other quantity surveyor appointed by Council for this purpose an update of the report in 2(d) above.
6. Upon the conclusion of the community consultation, reviews at a Council Meeting the:-
  - a. Report on the outcomes of the community consultation process; and
  - b. Information detailed in 5 above, the final proposed 5 star Green Star targets following the review, refer 5b. above, and to consider incorporating design features identified in the community consultation process (8 Court Development Application).
7. Subject to 6, authorise the submission of the 8 Court Development Application to the Sydney North Planning Panel.
8. During the assessment of the 8 court Development Application, prepares design documentation, tender specifications, and a draft contract.
9. Approves at a Council meeting, the release of tender and RFQ documentation for the 8 court project.

**Extraordinary Meeting of Council Meeting 29 August 2022**  
**NOTICE OF MOTION - PROGRESSION ON A SPORT AND RECREATION FACILITY AT 180 RIVER ROAD (GOLF COURSE) SITE**

10. Reviews in a Council meeting, the evaluation of tenders (including all supporting documentation) and, if so resolved, approve the award of a tender for the construction of the 8 court project.
11. Adopts the funding strategy outlined in the report for the project and the revised Long Term Financial Plan attached to the report for the purposes of exhibition and proceed with community consultation on the revised Long Term Financial Plan as outlined in the report.
12. Lodges a Capital Expenditure Review for the project with the Office of Local Government.
13. Delegates authority to the General Manager to enter into a fixed loan agreement for \$10 million over 10 years with TCorp utilising the NSW Department of Planning, Industry and Environment interest rate subsidy under the Low-Cost Loans Initiative.
14. Lodge an application under the NSW Government's Multi-Sport Community Facility Fund for \$5M funding towards the project.
15. Acknowledges that the development of the Sports and Recreation Facility will necessitate changes in access of some stakeholders to facilities at the golf course site to the level they currently enjoy.
16. Will, in the event that it proceeds with the proposed project, ensure the operation of the facility will provide all stakeholders with balanced access to the sporting facilities.
17. Continue to seek to locate alternative netball and tennis sporting facilities and improve existing facilities for these sports within Lane Cove to supplement the facilities to be provided in the Sports and Recreation Facility.
18. Amends the meeting schedule for Ordinary Council Meetings as follows:-
  - a. Change the scheduled meeting from 22 September 2022 to 29 September 2022.
  - b. Change the scheduled meeting from 20 October 2022 to 27 October 2022.

Councillor Andrew Zbik  
**Mayor**

**ATTACHMENTS:**

<b>AT-1</b> <a href="#">View</a>	Final Report - Provision of a Sport and Recreation Facility	28 Pages	Available Electronically
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