

# Agenda Ordinary Council Meeting 23 May 2024, 7:00 PM

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



## Notice of Meeting

Dear Councillors,

Notice is given of the Ordinary Council Meeting, to be held in the Council Chambers on Thursday 23 May 2024 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 Scott Bennison. 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 to be held 20 May 2024. at 07:00 pm in the Council Chambers 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, 19 May 2024) 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 Director - Corporate Services and Strategy 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**

A Public forum will be conducted on 20 May 2024 at 07:00 pm in the Council Chambers as well as online using the web platform Zoom.

**CONFIRMATION OF MINUTES**

**1. ORDINARY COUNCIL MEETING - 18 APRIL 2024**

**REFERRED REPORTS**

**2. NOTICE OF MOTION - CRISIS FUND SUPPORTING LOCAL FAMILIES WITH EARLY CHILDHOOD EDUCATION COSTS..... 5**

**ORDERS OF THE DAY**

**NOTICES OF MOTION**

**3. NOTICE OF MOTION - MODERN WAYS TO COMMUNICATE WITH RESIDENTS.... 7**

**4. NOTICE OF MOTION - REQUEST TO NORTH SYDNEY COUNCIL AND HERITAGE NSW TO PARTICIPATE IN DISCUSSIONS WITH A VIEW TO THE FORMATION OF A JOINT WORKING PARTY TO PROTECT BADANGI HERITAGE AREA ADJACENT TO BERRYS CREEK, TO MINIMISE POLLUTION OF BERRYS CREEK AND TO MONITOR AND RESPOND TO POLLUTION INCIDENTS IMPACTING BERRYS CREEK. .... 9**

**5. NOTICE OF MOTION – WELLBEING FOR ELECTED COUNCILLORS ..... 11**

**6. NOTICE OF MOTION - CANCELLATION OF PARTIAL CLOSURE OF CANBERRA AVENUE ..... 17**

**OFFICER REPORTS FOR DETERMINATION**

**7. CREATING A MULTIPURPOSE PERFORMANCE SPACE FOR LANE COVE..... 23**

**8. MAY 2024 UPDATE - LANE COVE SPORT AND RECREATION PROJECT..... 29**

**9. DRAFT COUNCILLOR AND STAFF INTERACTION POLICY..... 33**

**10. LANE COVE AQUATIC AND LEISURE CENTRE ELECTRIFICATION ROADMAP . 48**

**11. FINALISATION OF VARIATION TO 472-520 PACIFIC HIGHWAY VOLUNTARY PLANNING AGREEMENT ..... 52**

**12. ST LEONARDS EARLY CHILDHOOD CENTRE FIT OUT PROPOSAL..... 54**

<b>13. PETITION REQUESTING TRAFFIC CHANGES IN INNES AVENUE FROM RESIDENTS AT 6 ULONGA AVENUE .....</b>	<b>58</b>
<b>14. DOGS ON SPORTSFIELDS.....</b>	<b>62</b>
<b>15. FURTHER AMENDMENTS TO COUNCIL'S DEVELOPMENT CONTROL PLAN .....</b>	<b>67</b>
<b>16. 2023/24 BUDGET - THIRD QUARTER REVIEW .....</b>	<b>69</b>
<b>17. COMMUNITY ASSISTANCE GRANTS TO COMMUNITY GROUPS 2024-2025 .....</b>	<b>75</b>
<b>OFFICER REPORTS FOR INFORMATION</b>	
<b>18. DELIVERY PROGRAM AND OPERATIONAL PLAN - 2023/24 THIRD QUARTER REVIEW. ....</b>	<b>84</b>
<b>19. COUNCIL SNAPSHOT - APRIL 2024.....</b>	<b>87</b>
<b>QUESTIONS WITH NOTICE</b>	
<b>20. QUESTIONS WITH NOTICE - CLARIFICATION AND LOCATION OF SIGNAGE FOR BOB CAMPBELL OVAL WORKS .....</b>	<b>88</b>
<b>21. QUESTION WITH NOTICE - DEFINITION OF AFFORDABLE HOUSING IN CHAPTER 2 OF STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 .....</b>	<b>90</b>
<b>22. QUESTION WITH NOTICE - SPORT AND RECREATION FACILITY OPERATING AND MANAGEMENT MODEL .....</b>	<b>91</b>
<b>23. QUESTION WITH NOTICE - UPDATE ON THE NOTICE OF MOTION - DESTRUCTION OF ENDANGERED ECOLOGICAL COMMUNITIES RESOLVED AT THE ORDINARY MEETING OF COUNCIL, 07 DECEMBER 2023.....</b>	<b>93</b>

**Ordinary Council Meeting 23 May 2024**  
**NOTICE OF MOTION - CRISIS FUND SUPPORTING LOCAL FAMILIES WITH EARLY**  
**CHILDHOOD EDUCATION COSTS**

**Subject:** Notice of Motion - Crisis Fund supporting local families with early childhood education costs

Ordinary Council at its meeting on 18 April 2024 resolved that the matter be referred to the next Ordinary Council Meeting to held on the 23 May 2024.

**Record No:** SU140 - 19139/24

**Division:** Lane Cove Council

**Author(s):** Councillor Rochelle Flood

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### **Executive Summary**

A motion to commence work on establishing a crisis relief fund to assist local residents/families with children experiencing financial stress, to help them access and maintain enrolment in early childhood education.

### **Background**

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.

Of particular relevance to this motion is the fact that experts have found that disadvantaged children benefit the most from early childhood education. However, the gap between disadvantaged and least-disadvantaged groups is widening, particularly when it comes to early education targets.

Experts have found that despite the overwhelming benefits, Australian children are still missing out on early education. A report published by the Murdoch Children's Institute in January 2022 found that almost half of all Australian children enrolled in early childhood education, were not enrolled for the recommended number of hours (15 hours per week recommended) to obtain the full benefit. These numbers are even worse for disadvantaged groups.

The Murdoch Children's Institute report provided the following figures on disadvantaged groups and their access to the recommended enrolment hours for early childhood education:

- As few as 12% of children from families with a healthcare card are enrolled for the recommended number of hours
- 50% of Children from Aboriginal and Torres Strait Islander backgrounds were enrolled for the recommended hours
- 13-38% of children with a disability
- 19-32% of children from non-English speaking backgrounds

Furthermore, families have expressed concerns that the new subsidies introduced late last year are already being eroded – with high operating costs and limited places driving up fees (Mary Ward, 'This subsidy released

**Ordinary Council Meeting 23 May 2024**  
**NOTICE OF MOTION - CRISIS FUND SUPPORTING LOCAL FAMILIES WITH EARLY**  
**CHILDHOOD EDUCATION COSTS**

**Discussion**

While we have a patchwork of subsidies available to help improve affordability, including several released late last year – it is clear that this is not enough to help those most in need. With early childhood education costs having a significant impact on household budgets, families who face disadvantage risk being left behind if they fall on hard times and are unable to afford enrolment fees for their children. This may be due to health issues, disability, family or domestic violence impacts, sudden job loss or similar factors that erode a family's ability to pay early childhood education fees.

As outlined above, the impact on children if they do not have access to early education is significant. This will compound with further disadvantage later in life if they do not receive a good start early on. Similarly, for parents looking at maintaining employment, if they are unable to afford the costs of enrolling their children in early education, they may become trapped in a cycle where they find it harder and harder to re-enter the workforce. To this day it is women who often carry the costs in this regard – with the impact felt right through their life and into retirement where they will be left with smaller superannuation balances on which to retire.

While Lane Cove Council cannot fix this problem alone, we could help those most in need in our local community by establishing a crisis fund to provide support to those experiencing difficulties such as those listed above – so they are able to access and maintain enrolment in early education for their children. This aligns with community priority 1.2 – community health and wellbeing. Here, we have several top line strategies which align with this recommendation including – 1.2.2, 'implement and support programs to meet childcare needs'. Council has a clear role to play here in supporting vulnerable people in our community and ensuring that their children are able to receive a good start in life.

**RECOMMENDATION**

That Council:-

1. Establish a 'crisis fund' to assist local families in accessing and maintaining enrolment in early childhood education facilities; and
2. Establish eligibility criteria and a budget allocation which are to be finalised and brought back to a subsequent Council meeting for approval, though they should seek to address the following:
  - a) Families/individuals impacted by family and domestic violence;
  - b) Families/individuals with health issues and/or disabilities that impact their ability to maintain full employment and afford enrolment fees; and
  - c) Families/individuals experiencing acute financial stress who are temporarily unable to afford fees.

**ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 23 May 2024**  
**NOTICE OF MOTION - MODERN WAYS TO COMMUNICATE WITH RESIDENTS**

**Subject:** Notice of Motion - Modern ways to communicate with Residents  
**Record No:** SU8500 - 26084/24  
**Division:** Lane Cove Council  
**Author(s):** Councillor Andrew Zbik

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### **Executive Summary**

The purpose of this Motion is for Council to advocate to the State Government for a modern solution to providing notifications to residents in a timely and accurate manner.

### **Discussion**

The current procedure for giving residents notices about infrastructure works that may impact amenity and mobility is mostly done via letter boxing unaddressed letters or flyers.

This method of communication is becoming outdated for the following reasons:

1. There is less mail delivered today.
2. Residents are checking letter boxes less often.
3. Letter boxed materials are not guaranteed to reach all residents in a household.

All Councillors would be aware that Council regularly receives complaints where residents have not received notice of:

1. Night road works;
2. Footpath works; and
3. Works by infrastructure providers such as Sydney Water, Energy Australia, telecommunication providers etc.

This motion seeks for Council to advocate to the State Government for a modern solution to providing notifications to residents in a timely and accurate manner.

Some examples may be:

1. Allowing targeted text messaging blasts to a certain geography;
2. Allowing access to emails for the purpose of providing notifications about infrastructure works; and
3. Allowing an 'opt in' function on the Service NSW app that residents agree to receive notifications in their immediate area.

**RECOMMENDATION**

That Council:-

1. Write to the Minister for Customer Service and Digital Government - The Hon. Jihad Dib MLA requesting that the NSW Government consider new options that Councils and Infrastructure providers can use to give timely and direct notification to residents about infrastructure works that:
  - a. Take place out of normal business hours,
  - b. May cause disturbance to personal amenity in a private home or workplace; and
  - c. May cause inconvenience in mobility options.
  
2. Update Council's website to include a link to the [Live Traffic website](#) showing Council construction works in the Lane Cove Local Government Area.

Councillor Andrew Zbik  
**Councillor**

**ATTACHMENTS:**

There are no supporting documents for this report.



**Ordinary Council Meeting 23 May 2024**

**NOTICE OF MOTION - REQUEST TO NORTH SYDNEY COUNCIL AND HERITAGE NSW TO PARTICIPATE IN DISCUSSIONS WITH A VIEW TO THE FORMATION OF A JOINT WORKING PARTY TO PROTECT BADANGI HERITAGE AREA ADJACENT TO BERRYS CREEK, TO MINIMISE POLLUTION OF BERRYS CREEK AND TO MONITOR AND RESPOND TO POLLUTION INCIDENTS IMPACTING BERRYS CREEK.**

**Subject:** Notice of Motion - Request to North Sydney Council and Heritage NSW to participate in discussions with a view to the formation of a joint working party to protect Badangi heritage area adjacent to Berrys Creek, to minimise pollution of Berrys Creek and to monitor and respond to pollution incidents impacting Berrys Creek.

**Record No:** SU3912 - 25453/24

**Division:** Lane Cove Council

**Author(s):** Councillor Merri Southwood; Councillor Bridget Kennedy

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### **Executive Summary**

A motion for the consideration for Council to write to North Sydney Council and Heritage NSW to seek their participation in discussions with a view to the formation of a joint working party to protect Badangi heritage area adjacent to Berrys Creek, to minimise pollution of Berrys Creek and to monitor and respond to pollution incidents impacting Berrys Creek.

### **Background**

Smoothey Park, Greendale Park, Holloway Reserve and Manns Point are foreshore parklands and reserves listed in Badangi on the State Heritage Register.

The Minister for Heritage, the Hon Penny Sharpe, has been quoted as saying-

"Badangi provides a beautiful natural space in a highly urbanised city for us to engage with landscape, nature, Aboriginal culture and spectacular views of Sydney Harbour.

"Listing Badangi on the State Heritage Register is an important step in preserving the history and culture of New South Wales.

"Not only does it protect the significance of the place and its associated stories, but it provides a platform for local communities to share and celebrate this cultural heritage into the future."

Berrys Creek (also referred to as Berry Creek) is a watercourse that runs through the Badangi parklands and reserves listed above.

The health of this watercourse is integral to the preservation of Badangi.

Water flows into Berrys Creek from sites located to the north east of River Road, namely St Leonards South and St Leonards.

There is a significant amount of demolition, excavation and construction activity in these areas and this is expected to continue indefinitely.

With the increase in development activity in St Leonards South and St Leonards, there has been a number of incidents in which the waters of Berrys Creek have been polluted or otherwise impacted by sediment and other material.

The monitoring and compliance response to such incidents is complicated by the fact that Berrys Creek runs through an area that marks the boundary between the North Sydney and Lane Cove LGAs.

**Ordinary Council Meeting 23 May 2024**

**NOTICE OF MOTION - REQUEST TO NORTH SYDNEY COUNCIL AND HERITAGE NSW TO PARTICIPATE IN DISCUSSIONS WITH A VIEW TO THE FORMATION OF A JOINT WORKING PARTY TO PROTECT BADANGI HERITAGE AREA ADJACENT TO BERRYS CREEK, TO MINIMISE POLLUTION OF BERRYS CREEK AND TO MONITOR AND RESPOND TO POLLUTION INCIDENTS IMPACTING BERRYS CREEK.**

Responses to incidents and, thereby, the preservation of Badangi would be enhanced by formal collaboration between North Sydney and Lane Cove LGAs and Heritage NSW.

**RECOMMENDATION**

That Council writes to North Sydney Council and Heritage NSW to seek their participation in discussions with a view to the formation of a joint working party to protect Badangi heritage area adjacent to Berrys Creek, to minimise pollution of Berrys Creek and to monitor and respond to pollution incidents impacting Berrys Creek.

Councillor Merri Southwood  
**Councillor**

Councillor Bridget Kennedy  
**Councillor**

**ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 23 May 2024**  
**NOTICE OF MOTION – WELLBEING FOR ELECTED COUNCILLORS**

**Subject:** Notice of Motion – Wellbeing for Elected Councillors  
**Record No:** SU2520 - 26086/24  
**Division:** Lane Cove Council  
**Author(s):** Councillor Bridget Kennedy

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### **Executive Summary**

This motion provides the contents of the ALGWA Survey Report on Bullying, Harassment and Intimidation in NSW Local Government, January 2024 (ALGWA Report **-AT-1**) and seeks that the findings and recommendations of the ALGWA Report will inform and will be integrated into the Council's Workplace Management Plan 2024, Councillor Staff Engagement Policy and Psycho-social Risk Formulation and that these documents will be included as part of the Councillors Induction Program.

### **Discussion**

In January this year, the Australian Local Government Women's Association (ALGWA) NSW Branch released the results of its survey on Bullying, Harassment and Intimidation in NSW Local Government. (139 respondents, 28% of councillors completed the survey).

The results are sobering and many of the comments made by respondents are concerning. These issues are real and action needs to be taken as a priority to address the impact of this behaviour in the workplace.

Here are some of the results;

- 55% of women experienced, bullying, harassment or intimidation during their election campaign;
- During the election campaign, 63% did not feel comfortable advertising their residential address;
- In their first term as an elected member, 65% felt supported by fellow councillors and exec staff. However, 33% of women felt they were not supported by fellow councillors or exec staff, with main areas of concern being feeling ostracised and excluded, a lack of guidance by re-elected councillors and senior staff, difficulties experienced when a councillor feels a lack of support or bullying from the Mayor and/or General Manager.
- 38% felt that details/information were neglected in their induction, calling for more support in the following areas; handling bullying, harassment, slander, confrontation and physical intimidation; handling social media and the negative aspects of social media users; understanding the councillor roles including rights and responsibilities.
- Whilst many responded that they do not do their role for the remuneration, 80% of women thought the remuneration received is inadequate. Prevailing themes included;
  - The role requires 20-40 hours per week;
  - The level of remuneration is a deterrent for those who work full-time;
  - There is a disparity of remuneration across LGAs, however, there is still a high level of responsibility for all councillors regardless of location;
  - Several respondents report they could earn a higher wage at McDonalds or the local supermarket.

**Ordinary Council Meeting 23 May 2024**  
**NOTICE OF MOTION – WELLBEING FOR ELECTED COUNCILLORS**

- 97% thought it would be beneficial if all councillors were provided the opportunities to represent their community by attending openings, events etc. with many citing that their busy schedule only sometimes permits their attendance. Common feedback included;
  - There is a bias towards certain councillors or party-aligned councillors to receive these opportunities;
  - Access to childcare is a barrier for councillors with children to attend these events;
  - Respondents desire equal opportunities to attend these events.
- 78% of respondents agreed that it should be mandatory for all councils in NSW to video record, as well as audio record, Council and committee meetings. Many respondents stated this was already happening. There was concern that any additional recording would place financial impost on councils, and the thought was that audio and video recordings may be a useful tool to deter poor behaviour in meetings.
- Whilst 59% of respondents thought there was an adequate budget available for councillor's training and development needs, several also highlighted;
  - The cost vs benefit of training;
  - That attending training is an additional time commitment and many lack time to attend;
  - The public perception that councillors are at 'junket' events when they are actually attending training;
  - And that there is an unspoken pressure to avoid training opportunities to assist the council budget.
- When elected for the first time, 45% of respondents did not feel confident to speak up and ask questions regarding their role.
- When asked whether there were any areas in the Council workplace where they felt unsafe, more than 25% indicated they did - including;
  - Lack of feeling safe in the council chambers due to a toxic culture and the public gallery sitting behind councillors;
  - Meetings finishing after dark require councillors to use poorly-lit carparks and utilise public transport which impacts their sense of safety;
  - Councillors also reported feeling threatened or unsafe dealing with angry community members and/or fellow councillors.
- Just under half of survey respondents reported experiencing bullying, harassment or intimidation when they voiced their preferences for training, committee selections and/or conference interests. Barriers councillors have encountered include;
  - Selection for committees is determined by a political party affiliation or relationships with senior staff;
  - Councillors have had their preferences ridiculed or dismissed;
  - Reasons provided to councillors for their requests being denied include budget, events are not worthwhile, and training is not applicable to smaller councils.
- When asked whether they were aware of the litigation risks since becoming a councillor, 74% responded that they were, with the following prevailing themes;

**Ordinary Council Meeting 23 May 2024**  
**NOTICE OF MOTION – WELLBEING FOR ELECTED COUNCILLORS**

- Councillors would benefit from a refresher on this topic to ensure their knowledge is up to date, and;
- There are respondents who indicated they have received no information regarding this risk.
- 91% agreed that free legal/financial reimbursement should be available to alleviate the need for councillors to cover their own legal expenses, with many respondents stating that this should only be provided where a councillor has not acted dishonorably or dishonestly; or intentional misconduct has taken place.
- 74% of respondents said they would stand for re-election, with a number stating they were doing this to 'stand up to the bullies'. Key factors that would influence a decision included;
  - The remuneration associated with the role;
  - The impact of being an elected councillor on their mental wellbeing;
  - The desire to give back to the community;
  - Weighing up the work-life balance.
- 35% said they would not feel comfortable lodging a complaint if they would not be supported by their council. Key findings include;
  - 21% felt that the GM/CEO is a roadblock in progressing complaints;
  - There is a lack of action from Office of Local Govt (OLG) when complaints are lodged;
  - There is concern of potential repercussions following lodgement of a complaint;
  - Complaints are not taken seriously or actioned at a council level; and
  - Councillors indicate it is difficult to lodge a complaint when it concerns the GM/CEO and/or The Mayor.
- When asked 'have you been the subject of or witnessed bullying, harassment or intimidation?' the responses were as follows and of these 61% of incidents involved another councillor and 39% of incidents a member of the public;
  - 61% said they had been the subject of bullying.
  - 61% said they had witnessed bullying.
  - 49% said they had been the subject of harassment.
  - 49% said they had witnessed harassment.
  - 7.6% said they had been the subject of sexual harassment.
  - 3.4% had witnessed sexual harassment.
  - 59% said they had been the subject of intimidation.
  - 48% have witnessed incidents of intimidation.
  - 15% said none of the above.

**Ordinary Council Meeting 23 May 2024**  
**NOTICE OF MOTION – WELLBEING FOR ELECTED COUNCILLORS**

- 56% of those who experienced or witnessed bullying, harassment and intimidation reported it. Of those who didn't, the reasons cited included;
  - Lack of confidence the matter would be actioned - either by Council or OLG;
  - There is concern about the repercussions following lodgement of a complaint;
  - The matter concerned the CEO/GM or a mayor or a councillor who is friends with the mayor;
  - Complainants would be seen as weak or not resilient if they lodged a complaint.
- When asked what was the outcome to those who raised a complaint, these were the top responses;
  - 11% behaviour ceased;
  - 12% were offered counselling;
  - 17% additional stress or harassment;
  - 31% report received then ignored;
  - 64% Other - see below;
    - many respondents believe there is no ramifications for the offenders;
    - several who reported an incident commented that they did not know the outcome of their report;
    - 7 respondents indicated their reports were still being investigated. These include reports lodged to council, OLG and Police;
    - 'Other' also includes respondents who indicated their complaint was still in progress, unresolved/dismissed or no action taken.
- When asked about the result of either being a victim or witness to an incident. The respondents identified the following;
  - 46% - decreased job satisfaction;
  - 29% - decreased commitment to their role;
  - 19.5% - lower productivity at work;
  - 21% - financial impact;
  - 55% - self-esteem and confidence decreased;
  - 59% - health implications - mental or physical stress;
  - 29% - other, which included;
    - a decreased level of trust;
    - dissatisfaction with local government in general;
    - seeking professional care to assist with stress and anxiety;
    - the incident also impacted family members of the councillor;

**Ordinary Council Meeting 23 May 2024**  
**NOTICE OF MOTION – WELLBEING FOR ELECTED COUNCILLORS**

- decline in interest in standing for re-election;
- increasing levels of stress or difficulty experienced in their role as a councillor following their report of the incident(s).
- When asked about factors that were barriers to reporting incidents, more than half stated a concern about personal impact or repercussions, and a lack of confidence that the concern would be addressed. Other factors included;
  - They'd raised the concern before and weren't listened to;
  - There was no way to raise the concern anonymously;
  - They didn't feel they were able to judge if the issue was serious enough to be worth raising;
  - Obtaining evidence or witnesses to support their claim;
  - Did not know how to raise a concern.
- 100% of respondents had read and understood their Council's Code of Conduct with 96% supporting compulsory training sessions on this. Feedback included that an external trainer was preferred, and some expressed doubt that training would curb incidents of poor behaviour.
- Only 43% of respondents thought adequate information was available for local government councillors on bullying, harassment and/or intimidation.
- When asked if they had any concerns about whether their Council's Code of Conduct is adhered to, 22% of respondents said yes, and no. 43% made further comments below (a total of 84 people responded to this question);
  - There were calls to have complaints of regarding workplace bullying harassment and intimidation taken out of the hands of the GM/CEO and Mayor;
  - The Code of Conduct does not seem to deter bad behaviour;
  - The Code of Conduct can be weaponised by some councillors for political gain;
  - In cases where the code is not adhered to, there is concern OLG does not take these reports seriously;
  - There needs to be greater penalties for those who do not adhere to the code.

The issue of psychosocial hazards in the workplace is an important one and the potential impact of psychosocial hazards in the workplace has been brought to the council's attention in the last few months.

The mental well-being of all who are engaged in the workplace of Lane Cove Council, including Councillors, must be considered when addressing these concerns.

It's important, as part of this process, to ensure that we implement processes to ensure a supportive environment for all women councillors.

**Ordinary Council Meeting 23 May 2024**  
**NOTICE OF MOTION – WELLBEING FOR ELECTED COUNCILLORS**

**RECOMMENDATION**

That council;

1. Receives and notes the contents of the ALGWA Survey Report on Bullying, Harassment and Intimidation in NSW Local Government, January 2024 (ALGWA Report - **AT 1**);
2. Provides the ALGWA Report to all stakeholders engaged in the development of the Council's Workplace Management Plan 2024, Councillor Staff Engagement Policy and Psycho-social Risk Formulation;
3. Ensures that the findings and recommendations of the ALGWA Report will inform and will be integrated into the documents listed in 2;
4. Reviews its Councillor Induction Program, to be implemented for the coming 2024 Council Term, to include Council's Workplace Management Plan 2024, Councillor Staff Engagement Policy, Psycho-social Risk Formulation and the ALGWA Report;
5. Following the May Council meeting, record all future councillor workshops and committee meetings and stores in the same way as per existing councillor confidential documents.

Councillor Bridget Kennedy  
**Councillor**

**ATTACHMENTS:**

<b>AT-1</b> <a href="#">View</a>	ALGWA Survey Report on Bullying, Harassment and Intimidation in NSW Local Government, January 2024	84 Pages	Available Electronically
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**Ordinary Council Meeting 23 May 2024**  
**NOTICE OF MOTION - CANCELLATION OF PARTIAL CLOSURE OF CANBERRA AVENUE**

**Subject:** Notice of Motion - Cancellation of Partial Closure of Canberra Avenue  
**Record No:** SU1462 - 26260/24  
**Division:** Lane Cove Council  
**Author(s):** Councillor Merri Southwood

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## **Background**

### Overview

On 7 December 2023 Council resolved (**255/2023**) to proceed with the partial closure of Canberra Avenue but to retain public vehicle access until at least 1 November 2025.

[https://lanecove.infocouncil.biz/Open/2023/12/CNL\\_07122023\\_AGN\\_AT.PDF](https://lanecove.infocouncil.biz/Open/2023/12/CNL_07122023_AGN_AT.PDF) p 42  
[https://lanecove.infocouncil.biz/Open/2023/12/CNL\\_07122023\\_MIN.PDF](https://lanecove.infocouncil.biz/Open/2023/12/CNL_07122023_MIN.PDF) pp 4,5

The report to Council for the 7 December 2023 meeting did not reference changes to planning controls in and adjacent to St Leonards South, some details of which were in the public domain at the time of the meeting, namely-

- the affordable housing/ incentive FSR provisions in Chapter 2 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP)
- the Transport Oriented Development (Accelerated Precincts) rezoning program for a high growth area around the Crows Nest Metro Station (TOD).

The impact of these changes on the road network within the St Leonards South Master Plan area (including access roads to River Road and Pacific Highway) will depend on the ultimate scale of changes in development controls and the uptake of developers in response.

The impact is unquantifiable.

Whilst open space is an important consideration with increasing population density, this should not be at the expense of the unknown impacts of increased vehicle movements, in a tight road network, on amenity and safety of residents in the St Leonards and St Leonards South precinct after all developments have been completed and occupied.

In the interests of certainty for all stakeholders, it is appropriate that the partial closure of Canberra Avenue be cancelled now.

### **Council's decision to proceed with partial closure of Canberra Avenue not formalised until 7 December 2023**

Council resolved to start the process for partial closure of Canberra Avenue on 11 May 2020 (**68/2020**).

Top Spring lodged its DA 99/2021 on 29 July 2021.

At the time of lodgement of the DA, Top Spring had no certainty around the partial closure of Canberra Avenue.

Top Spring's DA was set for determination by the Sydney North Planning Panel (SNPP) on 2 March 2022.

**Ordinary Council Meeting 23 May 2024**  
**NOTICE OF MOTION - CANCELLATION OF PARTIAL CLOSURE OF CANBERRA AVENUE**

On 21 February 2022 (before the SNPP determination hearing) Council resolved unanimously that "No action will be taken in respect of any future closure of Canberra Avenue without a further resolution of Council to commence the road closure process". (23/2022).

The Council resolution called, inter alia, for a report detailing impacts on the road network within the St Leonards South Master Plan area (including access roads to River Road and Pacific Highway) of all vehicles after development and occupation of the sites in St Leonards South.

So, when the SNPP hearing took place, Council and, presumably Top Spring, were aware that there was no certainty about the partial closure of Canberra Avenue.

It was not until 7 December 2023 that Council resolved (255/2023) to proceed with the partial closure of Canberra Avenue but to retain public vehicle access until at least 1 November 2025.

**Traffic modelling undertaken to 7 December 2023 decision**

On 21 February 2022 Council resolved (23/2022) to review the proposed partial closure of Canberra Avenue after receipt of a report detailing impacts on the road network within the St Leonards South Master Plan area (including access roads to River Road and Pacific Highway) of all vehicles after development and occupation of the sites in St Leonards South.

The report by Bitzios Consulting was considered by Council at its meeting on 21 July 2022.

The Bitzios report was based on a modelling assessment of 1,974 dwellings in St Leonards South and the development at 88 Christie Street (JQZ).

**Changes to planning controls announced mid to late 2023.**

The changes to planning controls that will impact the number of dwellings and vehicle movements in St Leonards South and the area adjacent to the Crows Nest Metro site are –

- the affordable housing/ incentive FSR provisions in Chapter 2 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP)

These changes were announced in June 2023 and implemented by an amendment to the Housing SEPP on 14 December 2023.

- the Transport Oriented Development (Accelerated Precincts) rezoning program for a high growth area around the Crows Nest Metro Station (TOD). The existence of the TOD scheme was disclosed in an article in the Sydney Morning Herald on 5 December 2023 <https://www.smh.com.au/national/nsw/revealed-the-25-sydney-suburbs-where-the-government-will-seize-control-of-housing-20231205-p5ep72.html>  
In December 2023 the Department of Planning Housing and Infrastructure released its guideline on the TOD program. <https://www.planning.nsw.gov.au/sites/default/files/2023-12/transport-oriented-development-program.pdf>

## **Chapter 2 of Housing SEPP**

The incentive provisions in Chapter 2 of the Housing SEPP have been legislated.

A developer is entitled to a 30% uplift in maximum permissible FSR if 15% or more of the GFA of a development is affordable housing.

A developer that already has an approved DA for a development may lodge a new application to capture the above incentive.

Council will be the assessing authority for development applications with a CIV to \$75 million. Developments with a CIV of over \$75 million will gain access to the State Significant Development pathway whereby Council has only the same rights to make submissions/object as any other party. It is unclear if SSDs will go to the Independent Planning Commission (IPC) if Council lodges an objection.

Most developments in St Leonards South have or will exceed a CIV of \$75 million.

Section 19 (2) includes the following non-discretionary standards for developments that take up the incentives offered by Chapter 2-

- (e) the following number of parking spaces for dwellings used for affordable housing—
  - (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,
  - (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,
  - (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space
  
- (f) the following number of parking spaces for dwellings not used for affordable housing—
  - (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,
  - (ii) for each dwelling containing 2 bedrooms—at least 1 parking space,
  - (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,

The number of car spaces in developments approved under Chapter 2 will depend on the configuration of bedrooms in each development and Council will have no control over this.

There has already been uptake of the Housing SEPP for two developments in St Leonards South. These developments relate to just 4 of 23 St Leonards South development areas, yet, if approved, will add 94 additional apartments and approximately 55 car spaces.

As other developers become aware of the impacts on their developments of the height changes proposed for the two developments already in the pipeline, particularly in terms of view loss and loss of solar access, it is to be expected that they will elect to take advantage of the Chapter 2 incentives as well.

The domino effect.

More dwellings and more car spaces.

The documentation in support of the HPG (Hyecorp) DA 33/2024 – refer below- clearly contemplates this.

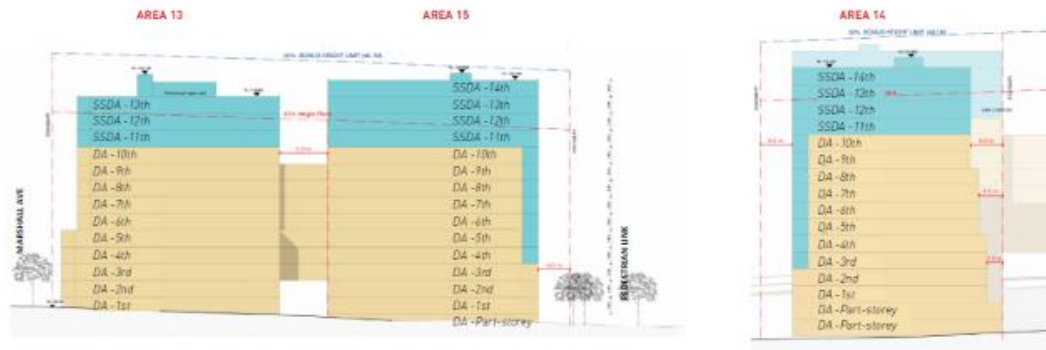
***1. Scoping Report for SSD application by Modern Construction and Development for Areas 13, 14 and 15 of the St Leonards South precinct.***

<https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=PDA-69355956%2120240408T011928.410%20GMT>

**Ordinary Council Meeting 23 May 2024**  
**NOTICE OF MOTION - CANCELLATION OF PARTIAL CLOSURE OF CANBERRA AVENUE**

Modern Construction and Development has already received DA consent (DA 56/2023) from the Sydney North Planning Panel (4 March 2023) for a 10 storey development in 3 buildings to a total of 185 dwellings with basement parking for 240 vehicles.

It now seeks to add 4 storeys to two of the buildings and 3 storeys on the third building.



The number of dwellings in the development will increase from 185 (in the original DA) to 255 under the SEPP incentive scheme.

It is unclear from the Scoping Report the exact numbers and configuration of bedrooms to be included in the build to sell and affordable housing dwellings but “*The proposed development will seek to provide car parking in accordance with parking provisions (e) and (f) of clause 19 of the Housing SEPP, which are minimum parking rate for affordable housing and built to sell units*”.

For this reason, it is not possible to determine the exact impact on car spaces in the development and consequent impacts on the road network.

It is, however, noted that the Scoping Report acknowledges that “*During operation, the proposed development will likely increase traffic movements. Consideration of peak traffic movements will need to be considered and the impact this will have on the surrounding road networks*”

**2. DA33/2024 lodged by HPG General Pty Ltd for 13-19 Canberra Avenue (Hycorp site).**  
 Hycorp already has DA approval (DA 162/2021) for 78 apartments.

It has a pending appeal to the Lane and Environment Court for an additional storey.

The new DA lodged under the affordable housing incentives seeks to increase dwelling numbers by 24/25 dwellings.

[https://ecouncil.lanecove.nsw.gov.au/TRIM/documents\\_TE/323600801/TRIM\\_PAN-425980%20-%20Statement%20of%20Environmental%20Effects%20-%202013%20CANBERRA%20AVENUE%20ST%20LEONARDS%202065%20-%20DA2024%2033\\_1793973.PDF](https://ecouncil.lanecove.nsw.gov.au/TRIM/documents_TE/323600801/TRIM_PAN-425980%20-%20Statement%20of%20Environmental%20Effects%20-%202013%20CANBERRA%20AVENUE%20ST%20LEONARDS%202065%20-%20DA2024%2033_1793973.PDF)

This will add 5 storeys to the currently approved development (to take it to 19 storeys) or 4 if the current appeal is successful.

Residential parking spaces will increase from 78 to 101.

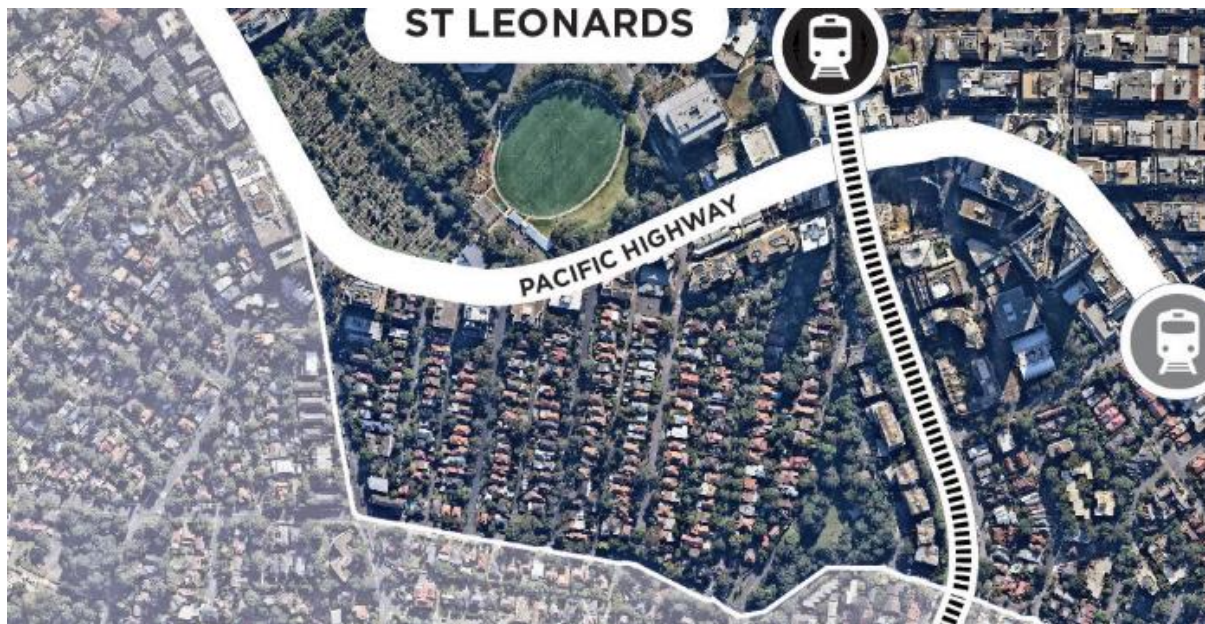
Council will be required to assess the new application with regard to the non-discretionary provisions contained in Section 19(2) of the Housing SEPP.

Council will have no grounds for refusal on the basis of increased car spaces if the proposal is consistent with Section 19(2).



**TOD re-zonings**

The re-zonings for the Crows Nest Metro Accelerated Precinct are state led. Lane Cove Council has been advised that the impact of the re-zonings will not extend to 1.2 k from the Metro site but will be limited to the area within the 2036 Plan.



The exact scope of the TOD will only be clear when the NSW government releases its proposed controls for public comment – expected within a few months.

The impact of the re-zonings on the surrounding road networks is unknown and will depend on the gazetted LEP amendments and controls and on uptake by developers within the planned precinct.

**Bitzios Consulting traffic modelling now out of date**

It is already apparent that there will be far more dwellings and car spaces in the St Leonards South and St Leonards area than contemplated by Bitzios Consulting.

The Conclusion in the Council report for the meeting of 19 October 2023 that “*The network level model determines that the closure of Canberra Avenue will have no noticeable impact on the road network*” has little relevance now that it is apparent there will well in excess of 1,974 dwellings in St Leonards South and an unknown number in the broader TOD precinct.

Future development patterns and volume of traffic movements cannot be quantified.

**Current status of the partial closure of Canberra Avenue**

The Top Spring development, adjacent to Canberra Avenue, is at the excavation stage.

A date for “*near completion*” is not known. There has been no gazettal of the road closure.

The partial closure (or not) of Canberra Ave would have minor, if any, impact on the development, given the location of the Top Spring carpark entrance outside the potentially closed section.

**Ordinary Council Meeting 23 May 2024**  
**NOTICE OF MOTION - CANCELLATION OF PARTIAL CLOSURE OF CANBERRA AVENUE**

**Status of approval under Section 138 of the Roads Act 1993**

On 29 September 2023 Council granted a consent to Top Spring under Section 138 of the Roads Act 1993 to carry out works on Council property including works on Canberra Avenue.

Council can revoke this consent at any time and for any reason by notice in writing served on Top Spring.

**Voluntary Planning Agreement (VPA) for Top Spring site**

Under the terms of the VPA for the Top Spring development, the amount provisioned for the works on Canberra Avenue is offset against the Section 7.11 contributions otherwise payable for the development.

In the event that the partial closure of Canberra Avenue does not proceed, the amount paid to Council by way of Section 7.11 funds remains unchanged.

**In summary**

Open space is an important consideration with increased population.

But this should not be at the expense of the unknown impacts of increased vehicle movements, in a tight road network, on amenity and safety of residents in the St Leonards and St Leonards South precinct after all developments have been completed and occupied.

In the interests of certainty for all stakeholders, it is appropriate that the partial closure of Canberra Avenue be cancelled now.

**RECOMMENDATION**

In the light of detail now available and to become available to Council about changes to planning controls in and adjacent to St Leonards South, namely-

- the affordable housing/ incentive FSR provisions in Chapter 2 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP)
- the Transport Oriented Development (Accelerated Precincts) rezoning program for a high growth area around the Crows Nest Metro Station (TOD) and the unquantifiable impacts of these changes on the road network within the St Leonards South Master Plan area (including access roads to River Road and Pacific Highway), that Council -
  1. rescinds Clause G of Resolution **68/2020**
  2. rescinds Resolution **255/2023**
  3. revokes, to the extent that it relates to works on Canberra Ave, the approval under Section 138 of the Roads Act granted to Top Spring dated 29 September 2023, such revocation to be by notice in writing served on the holder of the consent
  4. advises the Traffic Committee of its intention not to proceed with the partial closure of Canberra Avenue
  5. proceeds with the master planning of Newlands Park in its current configuration

Councillor Merri Southwood  
**Councillor**

**ATTACHMENTS:**

There are no supporting documents for this report.

**Subject:** Creating a Multipurpose Performance Space for Lane Cove  
**Record No:** SU9095 - 23001/24  
**Division:** Community and Culture Division  
**Author(s):** Stephanie Kelly

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### **Executive Summary**

This report updates the progress made towards transforming the Council Chambers into a multifunctional performance space for theatrical productions, as detailed in the 2023/24 Operational and Delivery Plan and Budget.

The development of this project has been challenging due to the requirement for development consent to change the use of the space. As part of this process, it has been identified that any work on the Council Chamber to convert it into a performance space will trigger wider upgrades to the entire Civic Centre to comply with the current Building Code of Australia (BCA). The cost of the work on the building and the disruption to moving staff out of offices to complete the work has added significant costs to the project. It also extends the time needed to complete the project.

As an alternative, a proposal has been developed to convert the Terrace Function Room at Lane Cove Community Hub into an enhanced performance space. This facility has the required development consent for public performances and is similar in size to the Council Chambers. This space can be converted in significantly less time than the Council Chambers and within the already allocated budget.

It is recommended that Council resolves to amend the action in the 2023/24 Operational and Delivery Plan and related Council resolution to convert the Terrace Function Room into a multifunctional performance space targeting theatrical-style productions.

### **Background**

Lane Cove Council's Cultural Action Plan included an action to 'Continue to investigate opportunities for a multipurpose cultural performance space and work alongside community cultural groups to ensure the solution is viable and sustainable.' The main space that has yet to be provided is for theatre/performance, and the conversion of the Council Chambers was aimed at meeting this need.

Council at the meeting of 23 February 2023, resolved *"That Council:-*

- 1. Include the conversion of the Council Chambers into a Performance space targeting theatrical style productions into the 2023/24 Operational and Delivery Plan;*
- 2. Include in the 2023/24 budget an amount to undertake the conversion including the cost of setting up a temporary Council Chambers;*
- 3. Consider if Council meetings should move permanently from the current Council Chambers location once the detailed planning and design phase is completed;*
- 4. In June 2023 seek submissions from interested community members to be part of a reference group to assist in the planning for the project; and*
- 5. Notify all participants in the 31 January workshop of the Council's resolution.*

This report addresses the progress of the actions detailed in the above resolution.

**Ordinary Council Meeting 23 May 2024**  
**CREATING A MULTIPURPOSE PERFORMANCE SPACE FOR LANE COVE**

The conversion of the Council Chambers into a performance space targeting theatrical style productions was included as a major capital works project in the 2023/24 Operational and Delivery Plan along with a financial allocation from the Section 7.11 Contributions Plan of \$1M.

This project has made significant strides, including the completion of a comprehensive Feasibility Study by planning expert Arup. This study has been instrumental in defining a project scope. A dedicated Theatre Space Planning Reference Group has been established and has met five times, providing invaluable insights. Furthermore, a survey of local performance groups has been conducted to validate the draft scope, ensuring that the project is aligned with the needs of the community.

Assessments of the impacts of any changes to the Civic Centre have also been undertaken, building upon the details within the Feasibility Study, which have been investigated. This work established that, a development consent is required to change the use of the space. Compliance with current requirements in BCA would be required as part of the project. Compliance with current BCA standards would require work to the entrances to the Council building to meet Disability Discrimination Act (DDA) compliance. Additional fire safety measures, including new water pump equipment, additional sprinklers, fire safety blinds and monitoring would be required across all building floors, which would involve significant work on windows, ceilings, and pipes across the entire Civic Centre building.

Indicative costs were received based on the performance space outlined in the Feasibility Study, by an experienced local contractor. These costs also considered the adaptations required across the entire building to meet the BCA requirements. The indicative price was over three times the budgeted amount.

As directed in the February 2023 Council report, the Terrace Function Room was assessed as a location for the Council meetings. During this assessment, it was also quoted as an alternative location for a performance space, as the dimensions of the space were very similar. However, unlike the Council Chambers, the room is already appropriately approved for public performances. Only minor work would be required to transform the space to meet the many needs identified in the scope of the performance space.

## **Discussion**

As part of the Corporate Planning Weekend held on 10 February 2024, the progress and challenges associated with converting the Council Chambers into a multifunctional performance space were presented to Councillors. As part of this discussion, four options were considered to address the challenges with the time and cost of delivering the project.

The first option is for the project to be pursued as detailed in the 2023/24 Delivery and Operational Plan if additional time, scope, and funding is approved. The additional funding of three-times the original budget has been identified as the likely cost of works. The time for delivering this program would be significantly longer than the proposed year identified in the delivery plan and would take around two years to complete given the complexity and the scope has increased to ensure the entire building complies with the current BCA standards.

The alternative proposal for converting the Terrace Function Room into a multifunctional performance space presents a compelling case. This approach offers additional space, as the room is slightly larger than the Council Chambers, has better access to car parking, is fully accessible, and is already approved for public entertainment. It also requires less structural adaptation than the Civic Centre. The proposed performance space is proposed to have a seating capacity of up to 135 seats and a level stage, making it suitable for a wide range of performances, from theatrical productions, talks and lectures to musical concerts. It is possible to deliver this



**Ordinary Council Meeting 23 May 2024**  
**CREATING A MULTIPURPOSE PERFORMANCE SPACE FOR LANE COVE**

space by the end of the calendar year. The plan for this option includes specific design changes, such as installing soundproofing, stage lighting, and creating a backstage area for performers.

The third option requires the Council to seek license agreements with other local performance facility managers for access to performance spaces to broker time for local groups. While requiring coordination with multiple stakeholders, this option could provide a cost-effective solution by leveraging existing performance spaces in schools and surrounding theatres. Preliminary soundings around this approach with local music groups and some facilities teams suggest it is feasible within a reasonable distance of Lane Cove Village Centre.

The final option offers no resolution in the short term. It involves postponing the project until the Civic Centre can be upgraded, and it includes the opportunity for a theatre in the redevelopment of this site when funds permit. While delaying the delivery of the performance space, this option could provide a more comprehensive solution by incorporating a purpose-built theatre into the redevelopment.

The four options were also discussed with the Theatre Space Planning Reference Group (TSPRG), which consists predominantly of Lane Cove Theatre Company members. The group was formed at the Council's request to provide guidance and support for the project. It has been actively involved in the planning and scoping processes, and its recommendations have been instrumental in shaping the project. After considering several factors and completing a walk around the Terrace Function Room, storeroom and carpark storage space, they indicated that the second option of converting the Terrace Function Room into a multipurpose performance space offered significant benefits and opportunities. Primarily, this could be achieved within budget in a reasonably fast period and provide an exciting local venue. Many of their needs and aspirations can be met in the space, including a 4.5-metre flat performance area with a minimum of 96 seats, level storage space, a back-of-house space, and a street frontage.

In addition, the Terrace Function Room offers benefits over the Civic Centre conversion, including good accessibility for people with poor mobility with extensive undercover parking and lift access into the room, which is essential to support the Different Degrees Theatre Group. It also offers the opportunity for a grand piano to be wheeled in for Lane Cove Music and Culture to be used in performances, which could not be accommodated at the Civic Centre due to the size of the space.

The vision for the multipurpose performance space is to provide “a vibrant, innovative, and inclusive community space that enhances creativity, collaboration, and cultural enrichment in the Lane Cove community.”

The proposed scope for the Terrace Function Room will include:

<b>Deliverables</b>	<b>Inclusive</b>
Design	Concept drawing and construction documents. Design documents to include a consideration of any items to be supplied by the LCTC. Consultant's report recommendation to be included in this package including acoustics and compliance requirements.
Preparation	Removal of redundant elements in the room, such as ceiling tiles, electrical floor plates in the stage area, electric stage and carpet.
Construction	Construction of curtain bays, lighting riggs and bench tops as required.
Air conditioning relocation.	Relocation of air conditioning system to run around the perimeter of the room and over the walkways. This will maximize the ceiling area for tiered seating and lighting structures.
Wall finishes	Repainting of walls ceiling, doors and trims in matt black. Installation of acoustic wall panels with black ash finish and acoustic ceiling panels painted to match. Consider compliance with access

**Ordinary Council Meeting 23 May 2024**  
**CREATING A MULTIPURPOSE PERFORMANCE SPACE FOR LANE COVE**

<b>Deliverables</b>	<b>Inclusive</b>
	requirements. (Also includes appropriate contrast borders as per AS1428 .1 luminescent contrast).
Curtains	Supply and install black curtains: to create- entrance corridor and gathering place at the rear of the room, stage cover at a depth of 3.5 metres and to cover all rear windows. Install blackout blinds along the side windows in matt black. Curtains to create defined dressing areas backstage
Audio visual	Audio-visual works, including the installation of LED stage lighting, additional audio equipment, digital screen, and controls in internal spaces. This excludes electrical works.
Electrical works.	Electrical works to accommodate lighting and AV and install GPOs for the control desk and backstage. Supply and install exit-emergency lights as required
Seating	Supply of portable tiered seating. Reuse of existing seating if possible. Some seating with arms to support people with poor mobility must be included in the design.
Flooring.	Supply and installation of new mid-brown wood look floor cover and carpet in the backstage area. The existing carpet may be reused.
Stage	Floor level stage with dimensions of up to 4.5m by 8m.
Backstage area	Dressing room fit out to include power points, mirrors and lighting. Curtain tracks to create separate spaces within the room. Acoustics of this space need consideration. Appropriate furniture required.
Storage	Storage in the carpark at level with theatre to be created.

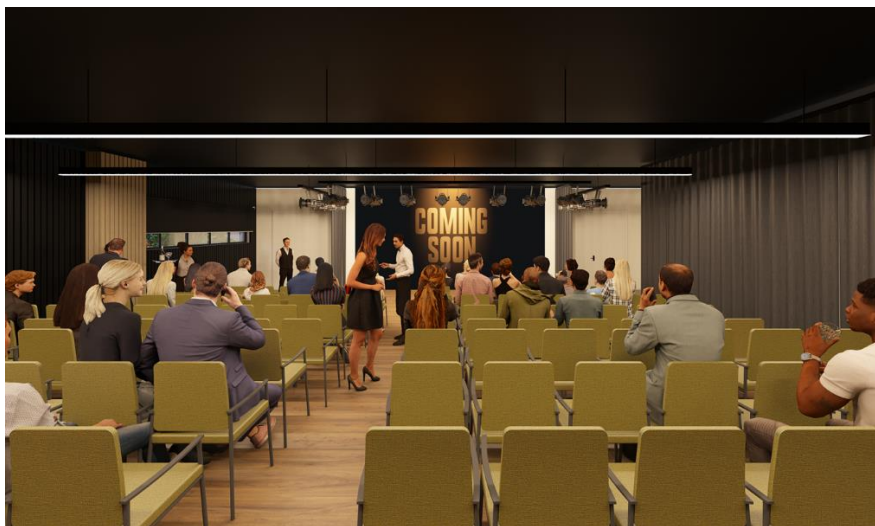
There are some exclusions to this program that should be noted.

- Moving of walls, doors, and windows
- Kitchen modifications, equipment and fit out work
- Any balcony and outdoor works
- Portable audiovisual control desk
- Bathroom works

Artist impressions have been provided for the conversion to help audiences visualise the changes.



**Ordinary Council Meeting 23 May 2024**  
**CREATING A MULTIPURPOSE PERFORMANCE SPACE FOR LANE COVE**



The TSPRG has identified some constraints in transforming the Terrace Function Room. These include the lack of access to the adjacent kitchen. There is insufficient space or funds to create a kitchenette in the backstage area. The kitchen in the Terrace Function room has been leased out to a local business for the next five years. Although this business can cater for any event in the performance space, users of the theatre will have to make alternative arrangements if they want to provide all refreshments during their programming as fundraising. It is possible to provide the user groups with alternative kitchen space within the building.

Additionally, the TSPRG identified that they would prefer a separate performers' toilet installed in the backstage area. Unfortunately, a toilet cannot be retrofitted into the backstage within budget. However, an existing exit to the toilets from the backstage can be used, and it is only metres from the entry into the existing bathrooms.

Subject to Council approval, a comprehensive project plan for the proposal will be created based upon the outlined scope. Council will lead this project in-house and plan to issue separate contracts to specialist tradespeople rather than signing a tender managed externally. This enables the work to be delivered more quickly and helps manage the risks in the project. This plan will also consider the inclusion of as many circular economy principles as possible, including the reuse of current performance group assets, reuse from the existing fabrics in the facility and sustainable construction materials. By incorporating these elements into the project, Council is demonstrating its commitment to environmental sustainability and responsible resource management.

## **Conclusion**

In conclusion, converting the Terrace Function Room into a multipurpose performance space is the best value approach and offers several advantages over converting the Council Chambers. Due to its existing consent for public entertainment, appropriate dimensions, and street presence, the Terrace Function Room offers a cost-effective means of supporting local cultural organisations and attracting a broader array of performances and audiences. Council's current budget provides \$1M for the creation of a performance space, which will be utilised for the project at the new location.

## **RECOMMENDATION**

That Council:

1. Amend 4.2.1.b. in the Operational Plan, which states, "Convert the Civic Centre Council Chambers Space into a Multifunction Theatre Space" and associated budget of \$1,000,000 be amended to "Progress the development of a multifunctional performance space in the Terrace Function Room" with a budget of \$1,000,000"; and
2. Approve the project scope in this report as the key project deliverables.

Stephanie Kelly  
**Director - Community and Culture**  
**Community and Culture Division**

## **ATTACHMENTS:**

There are no supporting documents for this report.

**Subject:** May 2024 Update - Lane Cove Sport and Recreation Project  
**Record No:** SU9115 - 26085/24  
**Division:** General Managers Unit  
**Author(s):** Sebastian Stivala; Craig Wrightson

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### **Executive Summary**

Almost 12 months since commencement of construction, the full detailed design documentation for the Lane Cove Sport and Recreation Centre (LCSRC) is now complete and in parallel three key risks have been identified that are impacting the project. Two of the risks are now forecast to see the \$75 million project budget exceeded. The current forecast is in the order of a 7% increase in cost for the project. In reaching the 100% design milestone and upon finalisation of authority approvals and latent condition works within the near future, Council will have past the peak risk stage of the project in terms of cost exposure. Funding has been identified to address the increased costs, which will not impact Council's existing capital works projects. It is recommended that the report be received and noted and Council update the Long Term Financial Plan at the June council meeting, post exhibition.

### **Background**

Council is currently constructing Lane Cove Sport and Recreation Centre (LCSRC) to address shortfalls in the provision of sporting facilities in the local government area and beyond.

The project features:

- Four (4) indoor multi-sport courts including two (2) show courts.
- Four (4) outdoor multi-sport courts (tennis / netball) including terraced seating.
- Four (4) flexible program spaces totaling more than 700m<sup>2</sup> for recreation and leisure.
- A sustainable building that aligns with good practice design principles of local and international environmental standards as specified by consultants Steensen & Varming.
- Activities, functions, and events spaces (including a "golfer's lounge" and provision for dance floor).
- Performance stage located on the stadium / show courts.
- Meeting Room.
- Kitchen, bar, and outdoor dining area.
- Reception, office, and administration.
- Golf and tennis pro-shop.
- Accessible toilets, changing places amenity, and male / female change rooms.
- Underground (naturally ventilated) car park.
- Enhanced pedestrian and bicycle access on the site

Construction commenced in June 2023 and works have been ongoing with bulk excavation, and detailed excavation including piling to create foundations for the building approaching completion.

The project is being managed by Council's inhouse team who delivered The Canopy, Wadanggari Park and Lane Cove 12ft Skiff Club. Council has also engaged Forge Venture Management as its external project managers to assist.

Council engaged ADCO constructions under a combined design and construct contract, after Council had completed 80% design prior to calling for tenders, at a total project budget of \$75M. The facility is due for completion in late 2025.

## **Discussion**

### *Council's Current Cost Risk Exposure*

Council has been providing progress updates through the monthly snapshot report to each Council meeting. The February Council report highlighted that "There has been a delay in the completion of sewer diversion works due to authority delays. Contractors are realigning program to minimise delays." The March Council Report highlighted "The additional costs of sewer works are under assessment." The April Council Report advised that the revised Remediation Action Plan had been released and "The additional costs of sewer works and revised Remediation Action Plan are under assessment".

At the April Project Control Group meeting, based on forecast estimates of the sewer works and revised Remediation Action Plan, staff became aware that the total project budget of \$75M was likely to be exceeded. Councillors were advised of this at a confidential briefing also in April and Council staff has since been seeking to obtain firm quotations for the variation to the contract value to complete the works associated with the risks. The current forecast is in the order of a 7% increase in cost for the project.

The actual budget impacts from these additional works will not impact the 2023/4 budget, nor the 2024/25 budget, but rather the 2025/26 budget, when the project will be completed. In terms of Council's ability to fund the changes, Council has not committed the interest that is being accrued on the \$75 million put aside for the project for any purpose. In the 2023/24 Budget – Third Quarter Review, included in this business paper agenda, consistent with Council's existing practice for the project, Council is transferring approximately \$2.1M of interest received to the Reserve for the (LCSRC) towards the additional costs. Based on the cash flow for the remainder of the project, additional interest accrued from the balance of the project funds for the project will also be added to the reserve through to completion. To further protect Council's financial stability, Council has an estimated \$10 million in its Capital Works Reserve, all of which is uncommitted to projects at this time.

All of Council's existing capital project commitments, including Bob Campbell Oval, Stage 2 Village Streetscape Improvements, Resurfacing of Blackman Park, and new Lane Cove Theatre, remain unaffected. Based on the estimate and available funding the additional cost is not considered material in the context of Council's current financial position and its Long-Term Financial Plan (the combined value of which approximates \$900 million (fully funded) over the next 10 years) which is currently on public exhibition. Notwithstanding this, Council will seek to update the Long-Term Financial Plan post exhibition.

The following summary is provided of the two key cost risks:-

1. Unexpected Sewer Works - Council was aware it had to divert a small sewer branch line relating to 13 properties to the west of the site. Ultimately, despite earlier advice to the contrary, Council was required by Sydney Water to also undertake reconstruction of the main sewer line which was 6m underground, including installation of two new manholes (6m) and encasement of part of the sewer line under the corner of the proposed building (despite Council having being advised that encasement would not be required). There are additional costs for carrying out these works and associated delay costs for the contractor.

2. Updated Remediation Action Plan – The initial Remediation Action Plan submitted with the Development Application, consistent with contemporary practice, called for the excavation of 3 containment cells for the retention of any contaminated material identified on the site, which would ultimately be encased underneath the building slab. During the initial excavation of the site, contaminated material (bonded asbestos) was identified that included organic matter. This material was unable to be included in the containment cells under the slab as organic material would not allow sufficient compaction to support the building slab. On this basis, Council paid a variation of circa \$1M to remove material from the site. After identifying this contaminated material, a revised Remediation Action Plan was developed whereby the vast majority of the site (rock areas are excluded) would be treated as if it were contaminated, negating the need for specific containment cells. Essentially this requires either a concrete capping or clay capping across the entire site. To eliminate the risk of importing contaminated material for the landscaping of the site, virgin engineered/manufactured soil will be utilised. There are additional costs for carrying out these works and associated delay costs for the contractor.

#### *Council's Ongoing Cost Risk Exposure*

There are two main types of construction contract arrangements:-

1. A combined design and construct contract arrangement; and
2. Separate design contract and separate construct contract arrangement.

Regardless of which method is used, it is standard industry practice that cost risk associated with authority approvals (utilities, e.g. Sydney Water) and latent conditions (in-ground/ sub-surface risks/ conditions) are retained by the Principal (Council). This includes cost escalation from changes in the expected latent conditions and authority works that occur throughout the project and any associated delay costs to the overall construction program. This is because contractors either will not accept the risk associated with this element of the project or if they do accept the risk, they charge additional risk premium (buffer to actual) which is cost prohibitive compared to paying the actual costs incurred. Council has retained the risk for authority approvals (utilities) and latent conditions in the current project as outlined above.

The advantage of a combined Design and Construction contract is that other than authority approvals (utilities) and latent conditions, throughout the construction process, Council doesn't carry the cost risk for any design-related issues unless Council requests design changes. This scenario was highlighted by PWC. as a key cause of the issues associated with the North Sydney Pool project.

The LCSRC has now reached the 100% design stage, with the majority of sub-contracts let by ADCO, with the following principles adhered to:-

1. The facility spaces and capacity within the design will be retained;
2. The design aesthetics of the building design will be retained; and
3. The project will retain a sustainable building design that aligns with good practice design principles of local and international environmental standards as specified by consultants Steensen & Varming.

On this basis there is now very minimal risk of Council requiring design changes which would give rise to a contract price variation.

The Third Risk which has emerged is wet weather delays arising from the extensive rain that has been experienced. Since commencement of the project there have been considerable wet weather events which have seen the original contract provision of 35 days allowance for delays from weather exhausted. Despite this occurring early in the construction program, Council is not exposed to cost risk as under the contract the contractor is entitled to an extension of time to avoid

liquidated damages associated with not meeting the project completion date, but is not entitled to claim additional costs associated with these delays. Despite the wet weather to date, the project is still on target for completion in late 2025.

### **Conclusion**

Council in switching to a design and construct contract arrangement for the construction of the Lane Cove Sport and Recreation Centre has limited the cost risk exposure. In reaching the 100% design milestone and upon finalisation of authority approvals and latent condition works within the near future, Council will have past the peak risk stage of the project in terms of cost exposure. Two risks have given rise to a project cost increase, currently forecast to be in the order of 7%. Funding has been identified to address the increased costs, which will not impact Council's existing projects. The variation is not considered material in the context of Council's Long Term Financial Plan currently on exhibition. It is proposed to update the Long-Term Financial Plan post exhibition upon further detailed information being available.

### **RECOMMENDATION**

That Council:-

1. receive and note the report; and
2. update the Long-Term Financial Plan post exhibition upon further detailed information being available.

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

### **ATTACHMENTS:**

There are no supporting documents for this report.



**Ordinary Council Meeting 23 May 2024**  
**DRAFT COUNCILLOR AND STAFF INTERACTION POLICY**

**Subject:** Draft Councillor and Staff Interaction Policy  
**Record No:** SU241 - 65817/23  
**Division:** Corporate and Strategy Division  
**Author(s):** Stephen Golding

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### **Executive Summary**

The purpose of this report is for Council to consider endorsing the Draft Councillor and Staff Interaction Policy with a view to publicly exhibiting the document for community consultation purposes.

### **Background**

In 2022, the Office of Local Government released the Model Councillor and Staff Interaction Policy (the 'Model Policy'). The Model Policy was developed following two rounds of consultation with the local government sector and represents a 'best practice' approach. The model policy is not mandatory, and Councils are free to choose whether they use it or adapt it to suit their own purposes.

The development of the Draft Councillor and Staff Interaction Policy has been the subject of several resolutions passed by Councillors over the past 9 months and has also been the subject of several discussions with Councillors at Councillor Workshops. A summary of the relevant resolutions passed by Council is provided below:

#### 21 September 2023

*Point 5 of the resolution (154//2023) - "That Council requests that the General Manager prepare, as soon as possible, a draft 'Councillor and Staff Interaction Policy' and amendments to the code(s) to incorporate the recommendations received from Local Government NSW on September 11, 2023, together with any other recommendations from the General Manager that address the concerns raised in the Mayoral Minute".*

#### 7 December 2023

*Point 1 of the resolution (263/2023) - All future Councillor requests for information should temporarily be directed solely to the General Manager until further notice.*

*Point 2 of the resolution (263/2023) - Engage the services of a clinical psychologist to provide training to staff and Councillors in identifying, managing, and eliminating (are far as possible) workplace Psychosocial hazards.*

*Point 3 of the resolution (263/2023) - Obtain legal advice and other professional advice if required, to draft policies that complement the training and advice provided by the clinical psychologist to improve Councillor and Staff interactions*

#### 18 April 2024

*Point 1 of the resolution (84/2024) - Council adopt the current draft Interaction Policy and Flow Chart as a protocol for communication pending the finalisation of the draft, and Councillors are obliged to adhere to a maximum cap of five (5) questions per Councillor per week.*

**Ordinary Council Meeting 23 May 2024**  
**DRAFT COUNCILLOR AND STAFF INTERACTION POLICY**

## **Discussion**

The Draft Councillor and Staff Interaction Policy, attached as **AT-1**, is largely based on the Model Policy issued by the Office of Local Government (all **BLACK** text in the attached Draft Policy indicates OLG Model Policy wording).

The Model Policy includes prompts where Council can provide input that uniquely reflects their organisation (all **BLUE** text in the attached Draft Policy indicates OLG Model Policy wording).

The Draft Policy includes independent legal advice and recommended criteria for the management of the councillor requests system (marked in **RED** text). A copy of the legal advice has been distributed separately to Councillors.

Importantly, the Draft Policy is aligned with and should be read in conjunction with Council's adopted Code of Conduct, Code of Meeting Practice, the Local Government Act, 1993 and the Work, Health and Safety Act, 2011.

A summary of legal advice and an overview of the Draft Policy was presented to Councillors at a Councillor Workshop, dated 13 May 2024.

## **Community Consultation**

### Statement of Intent

The consultation is designed to inform the community of the new policy and its intent. Any comments received will be reviewed and evaluated before they are presented to Council for consideration and determination on whether to proceed with the new policy or not.

### Method

<b>Level of Participation</b>	Inform	Consult
<b>Form of Participation</b>	Open	Open
<b>Target Audience</b>	Lane Cove Community	Lane Cove Community
<b>Proposed Medium</b>	Website and eNewsletter	Website 'Have Your Say' Written Submissions
<b>Indicative Timing</b>	Late May to early July 2024	Late May to early July 2024

## **RECOMMENDATION**

That Council endorse the Draft Councillor and Staff Interaction Policy for the purposes of publicly exhibiting the document in conjunction with the recommended community consultation plan.

Steven Kludass  
**Director - Corporate and Strategy**  
**Corporate and Strategy Division**

### **ATTACHMENTS:**

**AT-1** [View](#) Final Draft Councillor and Staff Interaction Policy

POLICY-CS-16 – Draft Councillor and Staff Interaction Policy

# Draft Councillor and Staff Interaction Policy

## Purpose

The purpose of the Councillor and Staff Interaction Policy (the Policy) is to provide a framework for councillors when exercising their official functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.

This Councillor and Staff Interaction Policy has been modeled on the Office of Local Government (OLG) Model Councillor and Staff Interaction Policy that was developed in consultation with councils.

It provides an exemplar approach, incorporating examples of best practice from a diverse range of NSW councils. At its core, the policy has three main goals:

- to establish a framework by which councillors can access the information they need to perform their official functions,
- to promote positive and respectful interactions between councillors and staff, and
- to advise where concerns can be directed if there is a breakdown in the relationship between councillors and staff.

This Policy applies to all councillors and council staff, all interactions between councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing and whenever interactions between councillors and staff occur, including inside or outside of work hours, and at both council and non-council venues and events.

This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the General Manager.

The Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to the Council's policies. A breach of this Policy will be a breach of the Code of Conduct including, but not limited to, [Part 3.1b](#), [Part 3.1g](#), [Part 3.8](#), [Part 3.12](#), and [Part 7.2\(c\)](#) of the Code of Conduct.

The Model Councillor and Staff Interaction Policy is structured as follows:

<b>Part 1</b>	Introduction
<b>Part 2</b>	Sets out the scope of the policy
<b>Part 3</b>	Describes the policy's objectives
<b>Part 4</b>	Sets out the respective roles and responsibilities of councillors and staff and the principles that should guide their interactions
<b>Part 5</b>	Sets out the administrative framework for a councillor requests system
<b>Part 6</b>	Identifies which staff councillors can contact directly
<b>Part 7</b>	Addresses councillors' entitlement to access council buildings
<b>Part 8</b>	Describes appropriate and inappropriate interactions between councillors and staff
<b>Part 9</b>	Provides advice about who complaints can be made to
<b>Schedule 1</b>	Contains a template for a list of staff councillors can contact directly under Part 6 of the policy

## Part 1 – Introduction

- 1.1 The Policy, sourced from Part 7.2(c) of the Model Code of Conduct, complements and should be read in conjunction with Lane Cove Council's Code of Conduct (the Code of Conduct), Council's Code of Meeting Practice, the Local Government Act, 1993 and the Work, Health and Safety Act, 2011.
- 1.2 The aim of the Policy is to facilitate a positive working relationship between councillors, as the community's elected representatives, and staff, who are employed to administer the operations of the Council. The Policy provides direction on interactions between councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.
- 1.3 The Policy is also designed to develop a shared understanding of what are considered reasonable expectations when dealing with the needs of Councillors in discharging their official functions on the one hand, with staff's role to efficiently and effectively administer the operations of Council, on the other hand.
- 1.4 It is important to have an effective working relationship that observes various legislative requirements and recognises the important but differing contribution both parties bring to their complementary roles.

## Part 2 – Scope

- 2.1 This Policy applies to all councillors and council staff.
- 2.2 This Policy applies to all interactions between councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing.
- 2.3 This Policy applies whenever interactions between councillors and staff occur, including inside or outside of work hours, and at both council and non-council venues and events.
- 2.4 This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the General Manager, noting that Council can also delegate its functions to the Mayor or a Councillor under s377(1) of the LG Act.
- 2.5 The Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to the Council's policies. A breach of this Policy will be a breach of the Code of Conduct including, but not limited to, Part 3.1b), Part 3.1g), Part 3.8, Part 3.12, and Part 7.2(c) of the Code of Conduct.

## Part 3 – Policy objectives

- 3.1 The objectives of the Policy are to:
  - a. establish positive, effective and professional working relationships between councillors and staff defined by mutual respect and courtesy
  - b. enable councillors and staff to work together appropriately and effectively to support each other in their respective roles
  - c. ensure that councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties
  - d. ensure councillors have adequate access to information to exercise their statutory roles
  - e. provide direction on, and guide councillor interactions with, staff for both obtaining information and in general situations
  - f. maintain transparent decision making and good governance arrangements

- g. ensure the reputation of Council is enhanced by councillors and staff interacting consistently, professionally and positively in their day-to-day duties
- h. ensure that the actions of councillors and council staff have appropriate regard for the safety and wellbeing of one another.
- i. provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.
- j. establish parameters around how the Councillor Requests System is to be managed, including identifying the kinds of requests for information councillors may make, identifying the different ways in which different kinds of requests may be dealt with under the Policy, and establishing a balance between councillors roles under the Local Government Act, 1993 and their desire for information on the one hand and staff's role to efficiently and effectively administer the operations of Council; Council's limited resources; and ability to deal with those requests within the context of its work, health and safety obligations, on the other hand.

## Part 4 – Principles, roles and responsibilities

- 4.1 Several factors contribute to a good relationship between councillors and staff. These include goodwill, understanding of roles, communication, protocols, a good understanding of legislative requirements and appropriate regard for the safety and wellbeing of one another
- 4.2 Individual Councillors, the Council's governing body (as defined in s421B the Local Government Act) and the administration of Council (being staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the General Manager, who in turn, is accountable to the Council's governing body.
- 4.3 Section 232 of the *Local Government Act 1993* (the LGA) states that the role of a councillor is as follows:
  - a) to be an active and contributing member of the governing body
  - b) to make considered and well-informed decisions as a member of the governing body
  - c) to participate in the development of the integrated planning and reporting framework
  - d) to represent the collective interests of residents, ratepayers and the local community
  - e) to facilitate communication between the local community and the governing body
  - f) to uphold and represent accurately the policies and decisions of the governing body
  - g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.
- 4.4 The administration's role is to advise the governing body, deal with Councillor requests for information, implement Council's decisions and to oversee service delivery.
- 4.5 There is no overlap between the role of a councillor and the role of the administration. It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance.
- 4.6 Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover. This is covered in more detailed in Part 5 of this Policy.

4.7 Council commits to the following principles to guide interactions between councillors and staff:

<b>Principle</b>	<b>Achieved by</b>
<b>Equitable and consistent</b>	Ensuring appropriate, consistent and equitable access to information for all councillors within established service levels
<b>Considerate and respectful</b>	Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions
<b>Ethical, open and transparent</b>	Ensuring that interactions between councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct
<b>Fit for purpose</b>	Ensuring that the provision of equipment and information to councillors is done in a way that is suitable, practical and of an appropriate size, scale and cost for a client group of <a href="#">nine Councillors</a> .
<b>Accountable and measurable</b>	Providing support to councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data

4.8 Councillors are members of the Council's governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LGA. Councillors need to accept that:

- a) responses to requests for information from councillors may take time and consultation to prepare and be approved prior to responding
- b) staff are not accountable to them individually
- c) they must not direct staff except by giving appropriate direction to the General Manager by way of a council or committee resolution, or by the mayor exercising their functions under section 226 of the LGA
- d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of staff in the exercise of their functions
- e) they must not contact a member of staff on council-related business unless in accordance with this Policy
- f) they must not use their position to attempt to receive favourable treatment for themselves or others.
- g) **they must not involve themselves in matters or influence others in matters that are the functions and the responsibility of the General Manager.**

4.9 Councillors should also be aware of the following:

- a) **Councillors should not seek to undertake the day to day management of Council operations as this is the domain of the General Manager and council staff (Refer to Section 335 of the Local Government Act, 1993).**
- b) **Councillors should not seek to become involved in or to bring influence to bear on the day to day management, operations and administration of the Council and place pressure on the General Manager and senior staff in the performance of their roles.**
- c) **Councillors risk the Council itself or themselves personally incurring legal liability for actions and decisions that are not properly researched or considered and which cause Council to breach the law or cause third parties loss or damage. The Council and councillors would likely not have protection from liability for such actions and decisions. To avoid this risk, Councillors can and need to request the General Manager to investigate and/or enquire into a matter and provide a report back to Council to consider.**

- d) Councillors have protection from liability under Section 731 of the Local Government Act (NSW) which provides that *“A matter or thing done by a councillor does not, if the matter or thing was done in good faith, and for and on behalf of the council, subject a councillor to any action, liability, claim or demand.”*
- e) Councillors must take reasonable care that their conduct and actions do not adversely affect the health and safety of other persons, including by mitigating the risk that their comments or actions give rise to psychosocial hazards for council staff in the workplace, which can include interfering, undermining and/or bullying (Refer to Section's 3.8 – 3.12 of the Code of Conduct).
- f) While councillors are free, subject to their obligations under the council's Code of Conduct, to advocate a position on matters that are before the council for a decision, once a decision has been made, they are required to uphold the policies and decisions of the council.
- g) Councillors create risk through publishing information that is at risk of waiving legal privilege or leads the public to misinterpret it due to a lack of context.
- h) Councillors cannot seek legal advice (or any advice) from a Council contractor (Refer to Clause 7.2 of the Code of Conduct).

4.10 The General Manager is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay. Council staff need to understand:

- a) they are not accountable to individual councillors and do not take direction from them. They are accountable to the General Manager, who is in turn accountable to the Council's governing body
- b) they should not provide advice to councillors unless it has been approved by the General Manager or a staff member with a delegation to approve advice to councillors
- c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner
- d) they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties
- e) they must provide full and timely information to councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

## Part 5 – The councillor requests system

5.1 Councillors have a right to access to Council information provided it is necessary for the performance of their official functions. This right can only be impinged in order to comply with an overriding duty owed to another person under the Work Health and Safety Act 2011 to take reasonable care that their conduct and actions do not adversely affect other's health and safety. This could include if the requests for information create a psychosocial risk to council staff, for example because it requires them to work longer hours, impacts their abilities to complete their usual tasks, creates unreasonable deadlines, creates undue stress, or requires an unreasonable amount of resources to response.

- a) Responses to Councillor requests and enquiries will be managed using the following criteria as a guide:
    - I. Is the information required related to a matter that is on the upcoming Council Business Paper agenda?
    - II. Is the information necessary for a councillor to discharge their official functions and why is the information considered necessary?
    - III. Is the information required related to a matter that involves a high degree of risk to public/personal safety?
    - IV. Will the information requested involve a disproportionate amount of time/resources in responding (greater than one hour)?
    - V. Is the information requested related to a matter that is in the adopted Delivery Program and Operational Plan?
    - VI. Is the information requested or the total volume of councillors requests (inclusive of the number of issues an/or questions contained within each request) being handled at any one time likely to give rise to a psychosocial hazard that needs to be managed?
    - VII. Is there an alternate forum where the information requested can be discussed with other councillors and senior staff (Councillor Workshop)?
  - b) Councillor requests and enquiries of an administrative nature are exempt (excluded) from the Councillor Requests System. Requests of an administrative nature include clarification of Councillor diary commitments, requests for meetings and/or to attend meetings virtually and other related administrative requests.
  - c) A flowchart is provided in Section 15 to assist in the understanding of how Councillor requests/enquiries are to be managed, in accordance with the role of Councillor as defined by the Local Government act,1993.
- 5.2 Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest, unless the information is otherwise publicly available.
- 5.3 The General Manager may identify Council support staff under this Policy for the management of requests from councillors.
- 5.4 Councillors can use the councillor requests system to:
- a) request access to any information necessary for the performance of their official functions, including any information relating to the affairs of the Council
  - b) bring concerns that have been raised by members of the public to the attention of staff
  - c) request ICT or other support from the Council administration
  - d) request that a staff member be present at a meeting (other than a meeting of the council) for the purpose of providing advice to the meeting, provided the meeting has been approved by the General Manager.
- 5.5 Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a councillor's request lacks specificity, the General Manager or staff member authorised to manage the matter is entitled to ask the councillor to clarify their request and the reason(s) why they are seeking the information.
- 5.6 Staff must make every reasonable effort to assist councillors with their requests and do so in a respectful manner.



5.7 The General Manager or the staff member authorised to manage a councillor request will provide a response within **five (5) working days**. Where a response cannot be provided within that timeframe, the councillor will be advised, and the information will be provided as soon as practicable.

5.8 Requests under clause 5.4 (d) **must be given a minimum notice of 48 hours, Monday to Friday**, before the meeting. The General Manager, or members of staff that are listed at Schedule 1 of this Policy, are responsible for determining:

- a) whether a staff member can attend the meeting; and
- b) which staff member will attend the meeting.

Staff members who attend such meetings must be appropriately senior and be subject matter experts on the issues to be discussed at the meeting.

5.9 Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality requirements.

5.10 Staff will inform councillors of any confidentiality requirements for information they provide so councillors can handle the information appropriately.

5.11 Where a councillor is unsure of confidentiality requirements, they should contact the General Manager, or the staff member authorised to manage their request.

5.12 The General Manager may refuse access to information requested by a councillor if:

- a) the information is not necessary for the performance of the councillor's role as defined in s232 of the Local Government Act, or
- b) responding to the request would, in the General Manager's opinion, result in an unreasonable diversion of staff time and resources, or
- c) **responding to the request causes or is likely to cause a psychosocial harm in the workplace.**
- d) the councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
- e) the General Manager is prevented by law from disclosing the information.

5.13 Where the General Manager refuses to provide information requested by a councillor, they must act reasonably **and according to law**. The General Manager must advise a councillor in writing of their reasons for refusing access to the information requested.

5.14 Where a councillor's request for information is refused by the General Manager on the grounds referred to under clause 5.12 (a) or (b), the councillor may instead request the information through a resolution of the council by way of a notice of motion. This clause does not apply where the General Manager refuses a councillor's request for information under clause 5.12 (c) or (d).

5.15 Nothing in clauses 5.12, 5.13, and 5.14 prevents a councillor from requesting the information in accordance with the *Government Information (Public Access) Act 2009*.

5.16 **If a Councillor persistently makes requests for information which, in the General Manager's opinion, results in a significant and unreasonable diversion of staff time and resources, and may create a psychosocial risk to council staff including, for example, because it requires them to work longer hours, impacts their abilities to complete their usual tasks, or creates unreasonable deadlines, the Council may, on the advice of the General Manager, and as a risk control measure in accordance with the Work, Health and Safety Act 2011, resolve to limit the number of requests (or questions) the councillor can make/ask.**

5.17 Councillor requests are state records and must be managed in accordance with the *State Records Act 1998*.

5.18 A report will be provided to Council on a six monthly basis regarding the performance and efficiency of the councillor requests system against established key performance indicators.

## Part 6 – Access to Council staff

- 6.1 Councillors may directly contact members of staff that are listed in Schedule 1 of this Policy. The General Manager may amend this list at any time and will advise councillors promptly of any changes.
- 6.2 Councillors can contact staff listed in Schedule 1 about matters that relate to the staff member's area of responsibility.
- 6.3 Councillors should as far as practicable, only contact staff during normal business hours **and must keep in mind their duty to take reasonable care that their conduct and actions do not adversely affect the health and safety of that staff member if contacting them outside of normal business hours.**
- 6.4 If councillors would like to contact a member of staff not listed in Schedule 1, they must receive permission from the General Manager.
- 6.5 If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the [General Manager or the Executive Officer](#) to the General Manager who will provide advice about which authorised staff member to contact.
- 6.6 The General Manager or a member of the Council's executive leadership team may direct any staff member to contact councillors to provide specific information or clarification relating to a specific matter.
- 6.7 A councillor or member of staff must not take advantage of their official position to improperly influence other councillors or members of staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person. Such conduct should be immediately reported to the General Manager or Mayor in the first instance, or alternatively to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.

## Part 7 – Councillor access to council buildings

- 7.1 Councillors are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of Council's buildings during normal business hours for meetings. Councillors needing access to these facilities at other times must obtain approval from the General Manager.
- 7.2 Councillors must not enter staff-only areas of Council buildings without the approval of the General Manager

## Part 8 – Appropriate and inappropriate interactions

- 8.1 Examples of appropriate interactions between councillors and staff include, but are not limited to, the following:
- a) councillors and council staff are courteous and display a positive and professional attitude towards one another
  - b) council staff ensure that information necessary for councillors to exercise their civic functions is made equally available to all councillors, in accordance with this Policy and any other relevant Council policies
  - c) council staff record the advice they give to councillors in the same way they would if it was provided to members of the public
  - d) council staff, including Council's executive team members, document councillor requests via the councillor requests system
  - e) council meetings and councillor briefings are used to establish positive working relationships and help councillors to gain an understanding of the complex issues related to their civic duties
  - f) councillors and council staff feel supported when seeking and providing clarification about council related business
  - g) councillors forward requests through the councillor requests system and staff respond in accordance with the timeframes stipulated in this Policy
- 8.2 Examples of inappropriate interactions between councillors and staff include, but are not limited to, the following:
- a) councillors and council staff conducting themselves in a manner which:
    - i) **is contrary to their duties under the *Work Health and Safety Act 2011* to:**
      - a. **take reasonable for their own health and safety,**
      - b. **Take reasonable care of the health and safety of others who may be affected by their acts or omissions, and**
      - c. **Comply with policies or procedures by the Council to ensure workplace health and safety, including this Policy, the Code of Conduct, and the Health and Safety Policy.**
    - ii) constitutes harassment and/or bullying within the meaning of the Code of Conduct, or is unlawfully discriminatory
  - b) councillors approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
  - c) staff approaching councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters

- d) subject to clause 5.12, staff refusing to give information that is available to other councillors to a particular councillor
  - e) councillors who have lodged an application with the council, discussing the matter with staff in staff-only areas of the council
  - f) councillors being overbearing or threatening to staff
  - g) staff being overbearing or threatening to councillors
  - h) councillors making personal attacks on staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media
  - i) councillors directing or pressuring staff in the performance of their work, or recommendations they should make
  - j) staff providing ad hoc advice to councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community
- 8.3 Where a councillor engages in conduct that, in the opinion of the General Manager, puts the health, safety or welfare of staff at risk, the General Manager may restrict the councillor's access to staff **as well as the points raised in Section 5.16 of this Policy.**
- 8.4 Any concerns relating to the conduct of staff under this Policy should be raised with the General Manager.

## Part 9 – Complaints

- 9.1 Complaints about a breach of this policy should be made to the General Manager (if the complaint is about a councillor or member of council staff), or the Mayor (if the complaint is about the General Manager).
- 9.2 Clause 9.1 does not operate to prevent matters being reported to OLG, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency

## Schedule 1 – Authorised staff contacts for councillors

1. Clause 6.1 of this Policy provides that councillors may directly contact members of staff that are listed below. The General Manager may amend this list at any time.
2. Councillors can contact staff listed below about matters that relate to the staff member's area of responsibility.
3. Councillors should as far as practicable, only contact staff during normal business hours.
4. If councillors would like to contact a member of staff not listed below, they must receive permission from the General Manager or their delegate.
5. If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the [General Manager](#) or the [Executive Officer](#) to the General Manager who will provide advice about which authorised staff member to contact.
6. In some instances, the General Manager or a member of the Council's executive leadership team may direct a council staff member to contact councillors to provide specific information or clarification relating to a specific matter.

Authorised staff members name	Position
<a href="#">Craig Wrightson</a>	<a href="#">General Manager</a>
<a href="#">Steven Kludass</a>	<a href="#">Director – Corporate Services &amp; Strategy</a>
<a href="#">Mark Brisby</a>	<a href="#">Director – Planning and Sustainability</a>
<a href="#">Stephanie Kelly</a>	<a href="#">Director – Community and Culture</a>
<a href="#">Martin Terescenko</a>	<a href="#">Director - Open Space and Infrastructure</a>
<a href="#">Corinne Hitchenson</a>	<a href="#">Executive Officer to the General Manager</a>

POLICY-CS-16 – Draft Councillor and Staff Interaction Policy

## 11. Related Policies, Management Directive, Procedures, or Other Documents

Records Reference/ Document Number	Document Title
64714/20	Council's Code of Conduct
NSW OLG	Guidelines for the Appointment and Oversight of the General Manager
NSW OLG	Integrated Planning and Reporting (Handbook for Local Councils in NSW)

## 12. Related Legislation

1. *Local Government Act, 1993*
2. *Local Government (General) Regulation 2021*
3. *Privacy and Personal Information Protection Act 1998*
4. *Government Information (Public Access) Act 2009*
5. *Integrated Planning and Reporting Guidelines for Local Government in NSW*
6. *Work, Health and Safety Act 2011*

## 13. Recording Document Versions/History

This Policy is required to be reviewed in accordance with the review schedule set out in Council's policy framework. All changes approved through that review process are to be recorded in the following table:

Version	Original or Amendment	Authoriser	Date	Details/Reference
1.0	Original CS16	Council		Policy proposed to Council

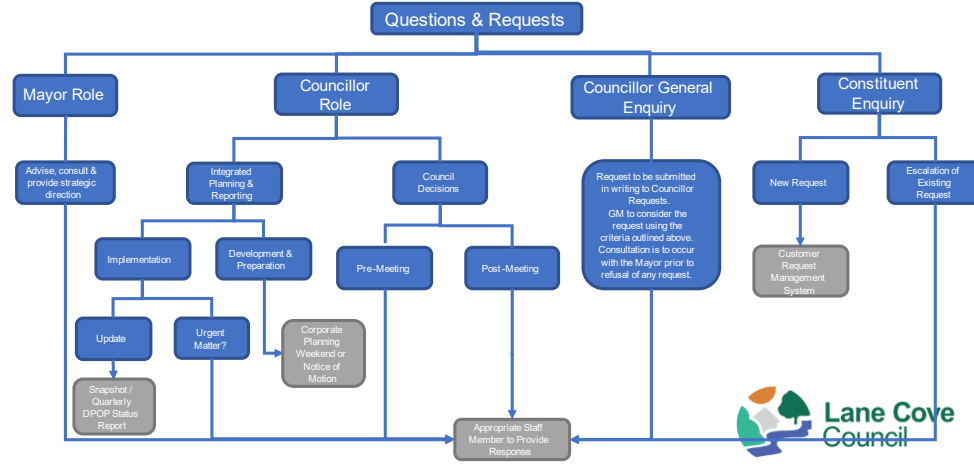
## 14. Administrative Details

Policy Title	Councillor and Staff Interaction Policy
Policy Number	POL-CS - 16
Approval Authority	Council
Date Approved & Commenced	TBA
Department/ Responsible Officer <i>(Responsible for implementing, monitoring &amp; reviewing this policy)</i>	Corporate Service Division
Records Reference	TRIM: 47330/23
Publication Rights	Public

POLICY-CS-16 – Draft Councillor and Staff Interaction Policy

## 15. Diagrams, Forms, Checklists and Flowcharts

**Criteria in Managing Questions & Requests:**  
 1. Is the matter related to an item on the Council Business Papers? 2. Is the information necessary in discharging councillor/official functions? 3. Does the matter involve a high degree of risk to public/personal safety? 4. Will a response require a disproportionate amount and/or diversion of resources? 5. Is the matter related to an item included in the adopted Delivery Program? 6. Is there an alternate forum where the matter can be discussed (eg Councillor Workshop)? 7. Is the volume of requests likely to give rise to a psychosocial hazard that needs to be managed?



**Subject:** Lane Cove Aquatic and Leisure Centre Electrification Roadmap  
**Record No:** SU3046 - 24869/24  
**Division:** Community and Culture Division  
**Author(s):** Stephanie Kelly

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### **Executive Summary**

The Lane Cove Aquatic and Leisure Centre (LCALC) is Council's highest energy using facility, accounting for over 60% of Council's energy usage and 99% of its gas usage.

As part of the Council's long-term plan to improve energy efficiency and reduce emissions across the municipality, a detailed site energy audit was completed and a roadmap for upgrades to the centre's heating and cooling systems has been developed (refer **AT-1**). The roadmap includes modifications to the heating and cooling control systems to improve energy efficiency and restore humidity controls, installation of equipment to implement passive heat recovery, a heat pump heat recovery system to replace gas boilers that heat the indoor pool water and air-conditioning, and a direct pool water heat pump for the outdoor pool. These changes are projected to reduce CO<sub>2</sub> by 740 tonnes and reduces gas usage by 3,470,000 kWh per annum.

The purpose of this report is to inform Council of the development of this roadmap and approach to enable future electrification of the site, including notice of two government grant applications which have been made to fund the infrastructure renewal program.

### **Background**

Lane Cove Aquatic Leisure Centre operates all year round. It is a multifunctional facility serving a range of the community's needs with a fitness centre café, and indoor and outdoor pools. Last year, the centre attracted over one million visitors, hosted 35 different schools, enrolled over 3,500 learn-to-swim participants in three languages, and hosted over 15 community groups. The site is managed by Bluefit on behalf of Council. The pool hall is 2400m<sup>2</sup> and contains a 25m main pool, Program Pool, Leisure Pool with various pool toys, and Spa Pool. The facility also has a 50m outdoor Lap Pool that operates year-round. The proposed upgrades will improve energy efficiency, reduce emissions, and enhance the overall experience of the centre's visitors and users.

LCALC is a challenging site due to its complex location in the centre of Lane Cove village, close to homes, businesses, and high-use areas. The site constraints and issues pose significant challenges for the plant layout and external plant installation. The current plant is distributed across the site in small areas, and limited space is available for new external plant installations. Moreover, multiple heating circuits between external and internal plant areas add complexity to the installation. The significant distance between plant areas further complicates the installation process as shown in figure1 below.



**Ordinary Council Meeting 23 May 2024**  
**LANE COVE AQUATIC AND LEISURE CENTRE ELECTRIFICATION ROADMAP**



Figure 1 Plan and pool layout for LCALC

The building fabric is not well insulated and sealed, which could adversely impact energy efficiency. Aquatic facilities are the most energy-intensive buildings which councils operate. Consequently, facilities have high greenhouse gas emissions and high operational costs.

The road map provides an essential analysis of how a program can be effectively implemented despite site constraints at the LCALC; and identifies feasible solutions to address these issues and ensure efficient plant operation. In addition, LCALC needs improved humidity control in the pool hall, which has a broken building management system (BMS) and poorly insulated building fabric, leading to a high risk of condensation. The building fabric is being strained by condensation, which significantly reduces the longevity of the construction materials and increases operation and maintenance costs.

**Discussion**

The roadmap initially focuses on the aquatics area due to budget and operational constraints. The feasibility assessment considered existing infrastructure, plant areas, and building control systems. The areas of the site with the highest energy consumption (shown in Figure 2) were targeted first.

The long-term plan involves gradually phasing out gas usage and introducing electric alternatives. The proposed electrification is achieved via six stages outlined, and an overall long-term scope of work was identified, which can be found in the feasibility report/roadmap, refer **AT-1**.

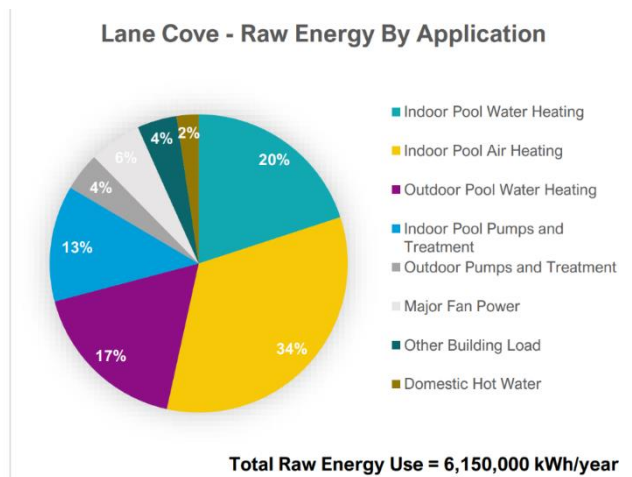


Figure 2 Raw energy By Application at LCCLC

**Ordinary Council Meeting 23 May 2024**  
**LANE COVE AQUATIC AND LEISURE CENTRE ELECTRIFICATION ROADMAP**

The preferred electrification plan was chosen, focusing on retrofitting existing facilities while improving humidity control and energy efficiency. The initial steps include:-

- Upgrading the building control system.
- Adding heat recovery to HVAC systems.
- Installing metering systems.
- Implementing heat pump systems for pool heating.

These steps lay the groundwork for future electrification stages, including connecting the heat pump system to the pool hall HVAC and replacing boiler-based heating with air-source heat pumps.

Implementing the complete electrification initially is cost-prohibitive, so elements of this roadmap will be implemented in the near term through matching grants. This information has been used to apply for two government grants to fund the infrastructure renewal program. The Federal Government Grant, Community Energy Upgrades Fund (CEUF), and NSW Government's Metering Plan Implementation Grant, which are specifically designed to support projects that improve energy efficiency and reduce emissions. Council has offered capital funding of \$700,000 already committed in the current budget to this program as matched funding. A commitment of \$500,000 has also been made by the pool operator Bluefit, which has also been used as leverage funding for the grant application to the CEUF. The CEUF is an important opportunity to accelerate Council's achievement of this roadmap.

Even partial implementation, as would be achieved by the CEUF grant, will achieve substantial progress to being carbon neutral. Installing a heat pump heat recovery to serve only the indoor pools reduces the use of gas by -2,280,000 kWh and reduces CO<sub>2</sub> by 293 – 561 for an investment of \$1,300,000. For the outdoor pool a direct pool water heat pump is proposed reducing use of gas in that facility by 1,190,000 kWh gas and reduces CO<sub>2</sub> by 140 – 179 tonnes for approximately \$700,000. If this grant application is successful, the outdoor pool can be completely removed from gas. The overall CO<sub>2</sub> emission addressed by the program is up to 740 tonnes per year.

This work sets the site up for the long-term complete electrification, where the heat pump heat recovery system will eventually be connected to also provide heating to the pool hall HVAC, and additional air source heat pumps (ASHPs) will be installed to replace the remaining boiler-based heating. This will need to be funded through sustainability initiatives and capital investment in the facility as part of planned maintenance and the replacement of aged equipment.

## **Conclusion**

In conclusion, due to the complex nature of the site, it is crucial to have a detailed roadmap for delivering a sustainable and cost-effective approach in the long run. This roadmap will equip the Council with the necessary tools to reduce fossil fuel consumption and diminish reliance on gas. The project will have a significant impact on the sustainable management of one of Lane Cove's most valued community facilities. Council will be updated on the progress of the grant program.

Acknowledgement of the work of the BECA energy consultancy for their authorship of the report, as well as the significant collaboration of Council's operators Bluefit in the delivery of this comprehensive report and grant applications should be noted.

**RECOMMENDATION**

That Council:

1. Receive and note the report; and
2. Acknowledge BECA and Bluefit for their contributions to this program.

Stephanie Kelly  
**Director - Community and Culture**  
**Community and Culture Division**

**ATTACHMENTS:**

<b>AT-1</b> <a href="#">View</a>	Lane Cove Aquatic and Leisure Centre Energy Audit and Electrification Feasibility Study	46 Pages	Available Electronically
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**Ordinary Council Meeting 23 May 2024**  
**FINALISATION OF VARIATION TO 472-520 PACIFIC HIGHWAY VOLUNTARY PLANNING AGREEMENT**

**Subject:** Finalisation of Variation to 472-520 Pacific Highway Voluntary Planning Agreement  
**Record No:** SU571 - 25314/24  
**Division:** General Managers Unit  
**Author(s):** Corinne Hitchenson

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### **Executive Summary**

At its 21 March 2024 meeting Council resolved to consult with the community on a proposed variation to the existing Voluntary Planning Agreement (VPA) with the New Hope Group, the developer of 472 - 504 Pacific Highway St Leonards.

This report considers the outcomes of the community consultation and the next steps to include "The provision of community infrastructure in the St Leonards Precinct" in the existing VPA given no objections were received.

By proceeding with the agreement Council will be able to deliver important community infrastructure in the St Leonards area and have it operational as the new developments in the precinct come online.

### **Background**

As outlined in the 21 March 2024 Council report, Council entered into a VPA with the proponents of the Planning Proposal for 472-504 Pacific Highway, St Leonards in 2014.

Council staff have now identified the importance of delivering Early Childhood Education Centres and other infrastructure in the precinct which will also be jointly utilised by the new developments in the St Leonards South precinct. The DCP and LEP for the precinct includes the dedication of two Early Childhood Education Centres (Cold Shell) to Council in two of the developments, however Council currently does not have sufficient funding to fit-out the centres once delivered. It was therefore resolved to notify the community of Council's proposal to vary the existing VPA by including an additional purpose to which the funds can be utilised for "The provision of community infrastructure in the St Leonards Precinct."

Council staff have had discussions with New Hope Group the developer of 472 – 520 Pacific Highway who ultimately paid the Voluntary Planning Agreement funds to Council and they support varying the agreement to include the additional purpose. In order to achieve this, it was necessary for Council to go through a public notification process.

### **Discussion**

Council's public notification process ran from 3 April 2024 to 15 May 2024.

The online exhibition opened on 3 April 2024 along with a public notice on Council's website and an additional notice placed in the North Shore Times on 4 April 2024. Notice of the exhibition was also distributed in two of Council's electronic newsletters during the notification period.

Written submissions were encouraged, however none were received.

**Ordinary Council Meeting 23 May 2024**  
**FINALISATION OF VARIATION TO 472-520 PACIFIC HIGHWAY VOLUNTARY PLANNING AGREEMENT**

**Conclusion**

Given no submissions were received during the public notification period and Council has the support of the developer to vary the VPA, Council can be confident that adding in the additional purpose “The provision of community infrastructure in the St Leonards Precinct” will achieve a positive outcome for the community.

Council will be able to deliver important community infrastructure and have it operational as the new developments in the precinct come online.

**RECOMMENDATION**

That Council:

1. Vary the existing Voluntary Planning Agreement with New Hope Group, the developer of 472 – 520 Pacific Highway, to include the additional purpose “The provision of community infrastructure in the St Leonards Precinct”.

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

**ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 23 May 2024**  
**ST LEONARDS EARLY CHILDHOOD CENTRE FIT OUT PROPOSAL**

**Subject:** St Leonards Early Childhood Centre Fit Out Proposal

**Record No:** SU8525 - 23925/24

**Division:** Community and Culture Division

**Author(s):** Stephanie Kelly

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### **Executive Summary**

This report seeks Council's approval to enter into a contract with the developer of Area 5 13-19 Canberra Avenue in St Leonards, HPG General Pty Ltd ABN 53 158 946 331 (Hyecorp) to provide the internal fit-out for the early childhood education centre and the community facility delivered as part of the Voluntary Planning Agreement (VPA). The VPA provided only the building shell, and Council is responsible for the fit-out of the centre.

The report seeks Council approval to enter into this contract without proceeding to tender under the exemption to s55 of the LG Act noted in section 55(3)(i) of the LG Act. Council separately identifies that it is satisfied that no satisfactory result would be achieved if tenders were invited. Council's reason for this is that progressing through a competitive tendering process would not achieve a better outcome. There are five key reasons for this, as summarised below:-

1. *Asset Protection*: protecting our assets by managing the risks associated with the building defects warranties;
2. *Timing*: fulfilling a contract in time to benefit from the developer's proposal to include the fit-out in their program of works on the site;
3. *Community Benefit*: maximising community benefits by prioritising the timely opening of the early childhood education centre and community centres to align with the building's occupation;
4. *Expertise and Economies of Scale*: the achievement quality and economies of scale and
5. *Value of Money*: having reviewed the quotation against a Quantity Surveyor estimate and as a result of the aforementioned elements achieving best value for Council.

### **Background**

The development consent for this site (DA162/2021) required the provision of public benefits to gain access to the incentive floor space and building height. Those public benefits included the provision of an indoor community facility and early childhood education centre with an outdoor play area within the mixed-use development.

As a part of this executed VPA, Hyecorp, the developer, is required to dedicate the following community infrastructure in the cold shell:

- early childhood education centre indoor area – total 692.5m<sup>2</sup>
- early childhood education centre outdoor area – total 462m<sup>2</sup>
- community facility – 139m<sup>2</sup>

**Ordinary Council Meeting 23 May 2024**  
**ST LEONARDS EARLY CHILDHOOD CENTRE FIT OUT PROPOSAL**

Council subsequently worked with a specialised designer to develop the layout, specifications, and detailed finishes for the early childhood education centre on this site. The developed design is available in **AT-1**. This has ensured that Council will receive a fit-for-purpose early childhood education centre. The centre will comprise accommodation for preschool (3-5 year olds), toddler room (2-3 year olds), and nursery room (0-2 year olds). There will be a need to modify the DA to facilitate these changes to the original plans.

In February, Hyecorp, who have a proven track record in delivering a quality early childhood education centre for Council at 2 Waterview Drive, Lane Cove, presented a fit-out quotation. This proposition offered Council value, by bundling the fit-out delivery with suppliers for the remaining construction of the building. It also highlighted the opportunity to include the launch of the community facilities at the same time as new residents moved into the building and the precinct generally.

To utilise this proposal, Council must navigate the responsibilities outlined in the Local Government Act relating to procurement. Section 55(1) of the Local Government Act 1993 (LG Act) ordinarily requires that Council must invite tenders before entering a contract for the provision of work, services or facilities to the Council subject to the exceptions noted in s 55(3) of the LG Act. Section 55(3)(i) provides that s 55(1) of the LG Act does not apply to a "a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders". Section 55(3) of the LG Act requires the Council to pass a resolution stating reasons why a satisfactory result would not be achieved by inviting tenders, in this case based on the extenuating circumstances and/or unavailability of competitive or reliable tenderers, in order to rely on this exemption.

Section 55(3)(i) of the LG Act, requires that the resolution by the Council address the exceptions (in this case) of extenuating circumstances and separately identify that it is satisfied that no satisfactory result would be achieved if tenders were invited. Council must articulate its reasons as to why a better outcome would not be achieved by progressing through a competitive tendering process.

### **Discussion**

Hyecorp has provided a quote (including contingency) for the fit-out of the community infrastructure to be delivered by the suppliers of the remainder of the building's construction. The fit-out includes the early childhood education centre, the community hall, and the outdoor play area. The package includes the preparation of a modification application to the development application consent to reflect the final design changes from Council.

Council subsequently engaged a quantity surveyor (MBM) to prepare a cost estimate report for the proposed fit out of the early childhood education centre and community facility to the same extent and standard as Hyecorp proposal. A separate confidential memorandum has been circulated separately to Councillors containing the confidential commercial information including a comparison between the quotation and the quantity surveyor estimate. Hyecorp's proposal demonstrated value for money for the Council.

**Ordinary Council Meeting 23 May 2024**  
**ST LEONARDS EARLY CHILDHOOD CENTRE FIT OUT PROPOSAL**

Further to the requirement for Council to articulate its reasons as to why a better outcome would not be achieved by progressing through a competitive tendering process, the following reasons are provided:-

1. It provides asset protection. Appointing the developer to manage the fit out of the early childhood education centre helps avoid a range of risks for the Council. The developer's fit-out team will work collaboratively and have access to experts on-site who can guide and ensure the work does not damage any structural elements of the building. If the developer is responsible for all works on-site, any defects that arise in the future are solely their responsibility. Rectifying the problem will be easier since the developer cannot blame the other trades and works for causing defects, which will likely occur when multiple contractors work on a site. This will simplify the Council's management of defects and asset warranties effectively.
2. This is a time-limited offer. The developer has requested the Council respond to their offer to complete the fit-out within a reasonable time to ensure that the work can be included in their tender program for the wider site works. Any Council tender process would add a significant time delay and may risk this opportunity.
3. There is community benefit in this approach. The development being handled by the developer means that the community facilities could be open on the day the building is open. The developer can only allow Council contractors on-site after the site handover, which delays the fit-out by up to twelve months. This lack of time delay means the community has better and faster access to early childhood education centre and community facilities. It also ensures a better outcome for new residents on the site with no conflicts between the fit-out contractors or disruption to continued building on site.
4. Hycorp has a proven track record and delivered high-quality outcomes for the Council at Waterview Drive, Early Childhood Education Centre. Their broad development expertise and value-add through economies of scale have resulted in a quality of finish that surpasses similar projects tendered out by the Council. Early childhood education centre development is not the Council's core competency, and the opportunity to leverage specialised knowledge from the developer's builders will improve quality and reduce costs to the Council.
5. It offers value for money and would achieve best value for Council. Council's team has confirmed through a quantity surveyor who has provided a price above the Hycorp quote. Council will realise an income from this facility up to a year earlier than if the works were tender to the market. Engaging Hycorp directly to fit out of the community facilities represents a sound financial decision for the Council.

### **Conclusion**

This report concludes that a satisfactory result would not be achieved by inviting tenders due to the "extenuating circumstances" which is expected to result in the "unavailability of competitive ...tenderers". This complies with the Local Government Act 1993 part 3, section 55(3)(i) and Councils Tendering Procedure section 5.2.2.

Engaging Hycorp directly for the fit-out of the Early childhood education centre at 13-19 Canberra Avenue represents a sound financial decision for the council.

Council has identified funding for this and the other proposed childcare centre within the precinct by utilising funds from an existing Voluntary Planning Agreement within St Leonards, which is the subject of a separate report to this Council Meeting.



**Ordinary Council Meeting 23 May 2024**  
**ST LEONARDS EARLY CHILDHOOD CENTRE FIT OUT PROPOSAL**

**RECOMMENDATION**

That Council:

1. Award the contract for the fit out for the early childhood education centre and community centres at 13-19 Canberra Avenue in St Leonard's, HPG General Pty Ltd ABN 53 158 946 331 pursuant to section 55(3)(i) of the *Local Government Act* 1993 due to extenuating circumstances, where a satisfactory result would not be achieved through a competitive tendering process pursuant to s 55(1) of the LG Act, for the following reasons:
  - a) **Asset Protection:** protecting Council's asset by managing the risks associated with the building defects warranties;
  - b) **Timing:** fulfilling a contract in time to benefit from the developer's proposal to include the fit out in their program of works on the Site;
  - c) **Community Benefit:** maximising community benefits by prioritising the timely opening of the early childhood education centre and community centres to align with the building's occupation;
  - d) **Expertise and Economies of Scale:** the achievement quality and economies of scale; and
  - e) **Value for Money:** having reviewed the quotation against a Quantity Surveyor estimate and as a result of the aforementioned elements achieving best value for Council.
2. Council delegates authority to the General Manager to finalise and execute the agreement with Hyecorp, and any other documentation required to effect this resolution.

Stephanie Kelly  
**Director - Community and Culture**  
**Community and Culture Division**

**ATTACHMENTS:**

<b>AT-1</b> <a href="#">View</a>	Design for the Early Childhood Education Centre 13-19 Canberra Avenue, St Leonards	20 Pages	Available Electronically
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**Ordinary Council Meeting 23 May 2024**  
**PETITION REQUESTING TRAFFIC CHANGES IN INNES AVENUE FROM RESIDENTS AT 6**  
**ULONGA AVENUE**

**Subject:** Petition Requesting Traffic Changes in Innes Avenue from Residents at 6 Ulonga Avenue  
**Record No:** SU1326 - 25583/24  
**Division:** Open Space and Infrastructure Division  
**Author(s):** Sri Sritharan

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### **Executive Summary**

Council has received a petition comprising 38 residents from resident of the aged care facility at 6 Ulonga Avenue.

The petition states that there is limited visibility at the intersections of Ulonga Avenue and Innes Road and Ronald Avenue and requests it to be improved to address the safety hazards. There were also a number of other requests including the removal of on-street parking on Innes Road and the installation of convex mirrors.

This report investigates the above requests. The report concludes that there is adequate visibility when exiting the subject intersections however, Council will arrange to trim the vegetation on the south side of Innes Road between Pacific Highway and Ulonga Avenue to further improve visibility. No further action is required at these intersections.

Council's Road Safety Officers will also visit the aged care facility at 6 Ulonga Avenue and establish initial contact with the management and offer Community Road Safety Educational Programs if there is interest.

### **Background**

Council has received a petition comprising 38 residents from resident of the aged care facility at 6 Ulonga Avenue.

The petition states that there is limited visibility at the intersections of Ulonga Avenue and Innes Road and Ronald Avenue and requests it to be improved to address the safety hazards. In addition to the above, the petition also requests the following:

- Reviewing the existing parking arrangement in Innes Road to improve access and traffic congestion.
- Trimming of vegetation.
- Installation of convex mirrors.
- Revising the geometry of the intersection i.e. road widening
- Increase community awareness and education regarding safe driving practices and pedestrian awareness.

### **Discussion**

Inness Road, Ronald Avenue and Ulonga Avenue are local streets. The kerb-to-kerb road width of Innes Road is 7.0m. A very high percentage of the local streets in Lane Cove Council area are 7.0m and parking is allowed on both sides of the streets. This arrangement acts as traffic calming and reduces the vehicle speeds and prevent mid-block type accidents.

**Ordinary Council Meeting 23 May 2024**  
**PETITION REQUESTING TRAFFIC CHANGES IN INNES AVENUE FROM RESIDENTS AT 6**  
**ULONGA AVENUE**

Traffic volume and speed counts were undertaken on Innes Road between Ulonga Avenue and Ronald Avenue with the following results:

<b>Innes Road 1/7/23 to 11/8/23</b>			
<b>Volume</b>		<b>85<sup>th</sup> percentile speed</b>	
<b>Westbound</b>	<b>Eastbound</b>	<b>Westbound</b>	<b>Eastbound</b>
41veh/h	53 veh/h	36.9km/h	39.3 km/h

Accident History

According TfNSW accident data, no crashes have been reported over a 5 year period (2018-2023) at the above mentioned intersections.

*Limited visibility at the intersection of Innes Road and Ulonga Avenue*

This intersection is adequately sign posted with 'No Stopping' zone as per the requirements of the NSW Road Rules. The south side of Innes Road from Ulonga Avenue to Pacific Highway is sign posted with a 'No Parking' Zone. There are no visibility issues when egressing from Ulonga Avenue on to Innes Road.

Innes Road is a collector street, and it has low traffic volume and speed environment (94 veh/h and 85<sup>th</sup> percentile of 38.4 km/h in both directions). In accordance with the Guide to Traffic Generating Developments the desirable maximum capacity of a collector road is 300 veh/h. The recorded traffic volume of 94 veh/h demonstrates that it is only carrying 33.3% of acceptable road capacity for a collector road. There have been no reported accidents and therefore no further action is proposed for this intersection.

Council will arrange to trim all the vegetation on the south side of Innes Road between Pacific Highway and Ulonga Avenue to further improve visibility.



*Figure 3: visibility at the Ulonga Avenue/Innes Road Intersection looking east.*

**Ordinary Council Meeting 23 May 2024**  
**PETITION REQUESTING TRAFFIC CHANGES IN INNES AVENUE FROM RESIDENTS AT 6**  
**ULONGA AVENUE**

*Visibility concerns at intersection of Innes Road and Ronald Avenue*

This intersection is adequately sign posted with a 'No Stopping' zone as per the requirement of NSW Road Rules. There are no visibility issues when egressing from Ronald Avenue on to Innes Road. Innes Road is a local road it has lower volume and speed (94 veh/h and 85<sup>th</sup> percentile of 38.4 km/h in both directions). In accordance with the Guide to Traffic Generating Developments states that the desirable maximum capacity of a collector road should be 300 veh/h. The recorded traffic volume of 94 veh/h demonstrates that it is only carrying 33.3% or a third of acceptable road capacity for a local road. There have been no reported accidents reported at this intersection and therefore no further action is proposed for this intersection.



*Figure 4: visibility when exiting Ronald Avenue into Innes Road*

*Review of existing parking arrangement in Innes Road*

Parking demand is very high in this area. Removal of any parking spaces would require community support. The vehicle crossings to the properties along the street provide gaps for traffic flow and to navigate through the street. This arrangement provides the lower speed environment. Therefore, removal of any parking spaces is not supported. Given that the traffic volumes are within the environmental capacity for a collector road, traffic congestion does not seem to be an issue on Innes Road.

*Installation of convex mirrors.*

**Ordinary Council Meeting 23 May 2024**  
**PETITION REQUESTING TRAFFIC CHANGES IN INNES AVENUE FROM RESIDENTS AT 6**  
**ULONGA AVENUE**

The installation of convex mirrors on public roads to improve visibility is not supported by Transport for NSW and Council. Convex mirrors provide a distorted image and the distance of on-coming traffic and can potentially be misinterpreted by motorists. Further to this, convex mirrors do not work well at night and during wet weather which can cause confusion for motorists.

As such, Council is not proposing to install any new convex mirrors on public roads.

*Increase community awareness and education regarding safe driving practices and pedestrian awareness.*

Council's Road Safety Officers will visit the aged care facility at 6 Ulonga Avenue and establish initial contact with the management and offer Community Road Safety Educational Programs if there is interest.

### **Conclusion**

Visibility at the intersections of Innes Road/Ulonga Avenue and Innes Road/Ronald Avenue was investigated and it was found that there is adequate visibility when exiting these intersections. However, vegetation on the south side of Innes Road between Pacific Highway and Ulonga Avenue will be trimmed to further improve visibility.

No changes to the existing parking arrangement are proposed on Innes Road given that the traffic volumes are within the environmental capacity for a collector Road.

Convex mirrors on public roads are not supported by Transport for NSW and Council due to the distortion of the images. As such, no new convex mirrors are proposed on public roads.

Council's Road Safety Officers will visit the aged care facility at 6 Ulonga Avenue and establish initial contact with the management and offer Community Road Safety Educational Programs if there is interest.

### **RECOMMENDATION**

That Council:

1. receive and note the report; and
2. The vegetation on the south side of Innes Road between Pacific Hwy and Ulonga Avenue be trimmed.

Martin Terescenko  
**Director - Open Space and Infrastructure**  
**Open Space and Infrastructure Division**

### **ATTACHMENTS:**

There are no supporting documents for this report.

**Subject:** Dogs on Sportsfields  
**Record No:** SU8288 - 26054/24  
**Division:** Open Space and Infrastructure Division  
**Author(s):** Martin Terescenko

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### **Executive Summary**

Council has had ongoing issues with off-leash dog walking on sports fields. These issues relate to damage caused to sports fields, often when sports fields are not being used for organised sport or training. This damage includes digging of holes and dog excrement being left on the fields. There are also issues with some dog walkers not leaving the field when sport is being played.

Council at its March 2024 meeting resolved, to discuss the Notice of Motion relating to “Measures to Minimise Impacts of Dogs on Grassed Off-Leash Sports Field” at a Councillor Workshop. This topic was discussed at the May 2024 Councillor Workshop. This report provides a summary of the workshop discussion and recommends that Council undertake community consultation to seek suggestions from the community for solutions to the issues raised.

### **Background**

Council has had ongoing issues with off-leash dog walking on our sports fields, receiving many complaints from sporting codes who pay fees to hire Council’s sports fields. These issues relate to damage caused to sports fields, often when sports fields are not being used for organised sport or training. This damage includes digging of holes, dog excrement being left on the fields or leaving of sticks on the playing surface after they have been used for dog play. There are also issues with some dog walkers not leaving the field when sport is being played and dogs running onto the field during training or games. To try and address these issues Council developed a Dog Strategy and created the Dog Advisory Committee.

Council at its March 2024 meeting resolved to discuss the Notice of Motion relating to “Measures to Minimise Impacts of Dogs on Grassed Off-Leash Sports Field” at a Councillor Workshop.

The main issues raised in the Notice of Motion were:

- Signage around sports fields
- Dog holes on sports fields
- Dog excrement on sports fields
- Data on fines/cautions

In addition to the points raised above Council also liaised with other NSROC councils (Hornsby, Hunter’s Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Ryde and Willoughby), to find out whether they allow dogs on sports fields and if they have any ongoing issues with dogs on their sports fields.

### **Discussion**

This topic was discussed at the May 2024 Councillor Workshop and this report provides a summary of the discussion.



### Dog Registrations in Lane Cove

The dog population in our Local Government Area (LGA) is increasing. There is limited reporting available from the NSW Dog Registry. Data on dog registrations shows that between 2015 and 2019 there were 871 dogs registered in our LGA and between 2020 to May 2024 there has been 1,122 dogs registered. By deduction this shows that there are approximately 2000 registered, dogs, with the number increasing by 29% since 2020.

Unfortunately, this data does not show the true number of dogs in the LGA as during our "Pawsome Party" that was held in September 2023 our Rangers undertook an education activity where they were scanning dogs to see if they were registered. This activity indicated that 60% of dogs checked were unregistered, anecdotally as many residents may think that microchipping results in registration.

### Sports Fields

The Lane Cove LGA has a high demand for sports fields. There are 6 sports field reserves which have a total area of 14.21ha. This equates to 0.35ha of sports fields per thousand residents. The NSROC Average is 1.83ha of sports field per thousand residents. This demonstrates the high demands placed on Council's sports fields to service the population, which has increased by 25% since 2010.

Table 1 below shows that Lane Cove Council has the lowest area of sports fields out of all the 8 NSROC councils.

	SUPPLY BY FACILITY TYPE (HECTARES)				
	Playing Fields	Outdoor Courts	Outdoor Speciality	Indoor Courts	Indoor Speciality
Hornsby	74.48	10.45	18.55	1.81	2.15
Hunter's Hill	16.15	0.37	0.00	0.00	0.02
Ku-ring-gai	91.98	6.47	5.32	0.44	0.73
Lane Cove	14.21	2.32	1.29	0.27	0.25
Mosman	16.49	5.31	1.68	0.17	0.16
North Sydney	14.60	1.56	1.00	0.61	0.86
Ryde	94.60	10.79	9.67	0.73	1.25
Willoughby	35.72	10.49	3.13	0.17	0.57
<b>NSROC</b>	<b>358.24</b>	<b>47.77</b>	<b>40.64</b>	<b>4.21</b>	<b>5.99</b>

Table 1: Total Sports Field Area for NSROC councils

### Off-Leash Dog Areas

The Lane Cove LGA provides the second highest number of off-leash dog areas out of all the NSROC councils. Lane Cove has 19 off-leash dog areas:

- 6 of which are sports fields;
- 2 are purpose built fully enclosed dog areas - Blackman Park and Turrumburra Park;
- 11 are in parks.

This equates to 2,133 residents per off-leash dog area while the NSROC average is 6,382 residents per off-leash dog area.

**Ordinary Council Meeting 23 May 2024  
DOGS ON SPORTSFIELDS**

The Table 2 below compares the availability of off-leash dog areas for the 8 NSROC councils.

Councils	Off-leash Areas		Total Population (June 2020)	Population per Off-leash Area (June 2020)
	Time-restricted OLAs	Total OLAs		
Lane Cove	6	19	40,534	2,133
Hunters Hill	2	4	14,962	3,740
Mosman	7	12	30,785	2,565
Ku-ring-gai	9	21	127,603	6,076
Willoughby	8	13	81,196	6,245
Ryde	5	13	133,224	10,248
Hornsby	3	9	152,419	16,935
North Sydney	n/a	n/a	75,094	n/a

Table 2: Comparison of off-leash dog areas in NSROC

### Signage Around Sports Fields

There are 6 sports field reserves in Lane Cove: Blackman Park, Kingsford Smith Oval, Tantallon Oval, Pottery Green Reserve, Bob Campbell Oval and Burns Bay Reserve. Council has undertaken a signage audit of 5 of these sports field reserves (Bob Campbell Oval was not audited as it currently closed for an upgrade).

Below is a summary of the sign audit, maps and further information can be found in attachment **AT-1**.

- Blackman Park, has a total of 60 Council signs, 35 of which contain information relating to dogs
- Kingsford Smith Oval, has a total of 41 Council signs, 23 of which relate to dogs
- Tantallon Oval, has a total of 32 signs, 13 of which relate to dogs
- Pottery Green Reserve has a total of 25 signs, 7 of which relate to dogs
- Burns Bay Reserve has a total of 34 signs, 10 of which relate to dogs

### Dog Holes and Excrement on Sports Fields

As a result of the Notice of Motion in March 2024, over the past 2 months Council has been collecting data on the numbers of dog holes and dog excrement on our sports fields. The audit was undertaken every Friday morning prior to our Depot Staff filling the dog holes to make the fields safe for weekend sport. The data from this audit indicates that:

- Kingsford Smith Oval has the highest volume of the dog holes and excrement
- Blackman Park has the second highest volume of the dog holes and excrement

Attachment **AT-2** shows the data collected for each of the 6 sports field reserves.



### Ranger Dog Patrols

Over a 4-month period Council's Rangers were keeping records of their patrols which were mainly undertaken at Blackman Park. During weekdays, these patrols were undertaken between 5:00pm and 7:00pm and on weekends, the patrols were during the day. For the 4 month period 58 patrols were completed and 27 offences were recorded and verbal warnings were issued in these instances. Of the recorded offences only 7 related to dogs being on the sports fields.

Anecdotally, Council's Rangers have commented that 95% of dog walkers are doing the right thing, 4% are not following the rules but are not causing any issues and 1% are not following the rules and their dogs are causing issues.

### NSROC Councils

Council has liaised with our NSROC councils to establish whether they allow dogs on their sports fields and if they have similar issues to ones occurring in Lane Cove:

- Hornsby Council only allows off-leash dog walking on 2 sports fields
- Mosman Council does not allow dogs on sports fields
- Ku-ring-gai Council allows dogs off-leash on 10 of its sports fields
- North Sydney Council allows dogs off-leash on all of its sports fields except North Sydney Oval & St Leonards Oval
- Ryde Council allows dogs off-leash on some sports fields
- Willoughby Council allows dogs off-leash on some of its sports fields

All these councils have reported that they are experiencing the same issues relating to dogs that are being experienced in Lane Cove, i.e. holes and excrement and they all provide soil for people to repair their dog's holes.

## **Community Consultation**

### Statement of Intent

Having assembled the information Council is undertaking community consultation to seek suggestions for solutions to manage the issues raised in this report and how to reduce the conflicts which arise from the use of sports fields for sport and as a dog off-leash area.

The consultation will take place for a period of six (6) weeks and any comments received will be reviewed and evaluated to assist Council determining solutions.

### Method

<b>Level of Participation</b>	Inform	Inform	Consult
<b>Form of Participation</b>	Open	Targeted	Open
<b>Target Audience</b>	Lane Cove Community	Dog Advisory Committee Sporting Club Advisory Committee	Lane Cove Community
<b>Proposed Medium</b>	Advertisement and eNewsletter	Item discussed at Committee Meeting	Public Exhibition, Website Exhibition and Survey

**Ordinary Council Meeting 23 May 2024  
DOGS ON SPORTSFIELDS**

<b>Indicative Timing</b>	Timing of consultation (June - August 2024)	Timing of consultation (June - August 2024)	Timing of consultation (June - August 2024)
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**Conclusion**

Council has had ongoing issues with off-leash dogs on sports fields. These issues mainly relate to the digging of holes and dog excrement being left behind on our sports fields or dog walkers not leaving the field when sport is being played.

These issues are also occurring in our surrounding NSROC councils and are complex and difficult to address.

**RECOMMENDATION**

That Council:

1. Receive and note the report; and
2. Undertake community consultation to seek suggestions for solutions to manage the conflicts which arise from the use of sports fields for sport and as a dog off-leash area.

Martin Terescenko  
**Director - Open Space and Infrastructure**  
**Open Space and Infrastructure Division**

**ATTACHMENTS:**

<b>AT-1</b> <a href="#">View</a>	Dogs on Sports Field - Sign Audit	17	Available
		Pages	Electronically
<b>AT-2</b> <a href="#">View</a>	Dogs on Sports fields - Dog hole and Excrement Audit	3 Pages	Available
			Electronically

**Ordinary Council Meeting 23 May 2024**  
**FURTHER AMENDMENTS TO COUNCIL'S DEVELOPMENT CONTROL PLAN**

**Subject:** Further amendments to Council's Development Control Plan  
**Record No:** SU6808 - 23747/24  
**Division:** Planning and Sustainability Division  
**Author(s):** Christopher Pelcz; Terry Tredrea

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### **Executive Summary**

The purpose of this report is to amend Council's Development Control Plan, particularly Parts C (Residential Development), J (Landscaping and Tree Preservation) and S (Environmental Sustainability).

Changes include:

- Removing the control on pool heating systems (in Part C) as this is a direct conflict with state policy,
- Rewording the tree preservation guidelines (in Part J) to make it consistent with Council's existing policies and approach, and
- Rewording some of the objectives in Part S to better reflect the focus on human health.

These changes are not major policy changes, they have arisen in application of the controls in Development Applications (DA) process and inconsistencies with existing Council policies and state policies. As such they do not need to be reviewed by the Design Review Panel.

It is recommended that Council publicly exhibit the draft Development Control Plans prior to adoption.

### **Background**

At its 21 September 2023 meeting, Council adopted several housekeeping amendments to its Development Control Plan (DCP) along with a new Part S – Environmental Sustainability.

These policies have been in place for over 6 months and have been applied to all relevant Development Applications. During this time, some minor inconsistencies with Council's internal policies have been noticed along with direct conflict with a State Policy, as described below.

### **Discussion**

Section 1.10.1 of Part C deals with private swimming pools and states that "*new swimming pool heating systems cannot utilise gas heating*". However, Schedule 2 (section 4) of the *State Environmental Planning Policy (Sustainable Buildings) 2022* allows both a swimming pool or a spa to utilise gas or electric heating systems. This is considered a competing provision under the SEPP and would be of no effect – as a result this provision should be replaced in Part C of the DCP with "*To achieve net zero, new swimming pool heating systems should preferably not utilise gas heating*", see page 18 of **AT-1**.

The changes in Part J (see **AT-2**) include minor re-wording and particularly affect Section 4.2 which is the regulatory controls for tree preservation and vegetation.

The changes in Part S (see **AT-3**) are to better align this section with the original intent of the document which is focus on human health. "Reduce indoor and outdoor air pollutants associated with the combustion of gas or wood and improve human health ~~air quality~~". The changes do not change any policy intent.

**Ordinary Council Meeting 23 May 2024**  
**FURTHER AMENDMENTS TO COUNCIL'S DEVELOPMENT CONTROL PLAN**

**Community Consultation**

Statement of Intent

The consultation is designed to consult with the Lane Cove community. Any comments received will be reviewed and evaluated to determine whether or not to proceed with the amendments.

Method

<b>Level of Participation</b>	Inform	Consult
<b>Form of Participation</b>	Open	Open
<b>Target Audience</b>	Lane Cove Community	Lane Cove Community
<b>Proposed Medium</b>	E-Newsletter	Public Exhibition, Website Exhibition
<b>Indicative Timing</b>	6 weeks	6 weeks

**Conclusion**

Following the adoption of the Development Control Plan amendments, a 6 month review has found some minor inconsistencies with Council internal policies and one inconsistency with a State policy.

The change to Part S is only to ensure that the document more accurately aligns to the focus on human health.

These changes are recommended to be placed on public exhibition for comments.

**RECOMMENDATION**

That Council:

1. Endorse the draft Development Control Plan (see **AT-1, AT-2 & AT-3**) for public exhibition for a period of 6 weeks.
2. Following public exhibition, receive a further report on the consultation results.

Mark Brisby  
**Director - Planning and Sustainability**  
**Planning and Sustainability Division**

**ATTACHMENTS:**

<b>AT-1</b> <a href="#">View</a>	Draft Part C - Residential Development	41	Available
		Pages	Electronically
<b>AT-2</b> <a href="#">View</a>	Draft Part J - Landscaping and Tree Preservation	42	Available
		Pages	Electronically
<b>AT-3</b> <a href="#">View</a>	Draft Part S - Environmental Sustainability	13	Available
		Pages	Electronically

**Ordinary Council Meeting 23 May 2024  
2023/24 BUDGET - THIRD QUARTER REVIEW**

**Subject:** 2023/24 Budget - Third Quarter Review  
**Record No:** SU9506 - 21784/24  
**Division:** Corporate and Strategy Division  
**Author(s):** Don Johnston

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### **Executive Summary**

The 2023/24 Budget - Third Quarter Review involves a number of variations to both income and expenditure estimates. Taking into consideration the variations from the Third Quarter Review, the projected 2023/24 overall operating result has been revised to a surplus of \$28,580K, with the operating result before capital grants and contributions forecast to be a surplus of \$2,492K. Capital expenditure has been decreased by \$(7,879K) to \$69,761K mainly due to the re-phasing of a number of projects' budgets into the 2024/25 financial year budget. When transfers to and from Reserves are taken into account, the net result of the quarterly review is a small surplus of \$3,018.

It is recommended that the 2023/24 Budget be varied in accordance with this report.

### **Background**

Council is required to prepare a Budget Review Statement each quarter, in accordance with Clause 203 of the Local Government (General) Regulation 2021. The purpose of these reviews is to ensure that the impacts of financial variations are reflected in the forecast of Council's financial position to 30 June 2024, and that it remains satisfactory.

The main third quarter adjustments include:

- Additional receipts of St Leonards South section 7.11 developer contributions totalling \$7,220K plus an increase in LGA Wide contributions of \$94K, a total increase in income of \$7,314K;
- An additional \$3,155K in interest on investments - \$2,486K general interest and \$669K interest on s7.11 contributions and associated transfers to Reserves outlined below;
- A \$1,714K reduction in the budget provision for the acquisition of properties in St Leonards South, as there will be no further acquisitions this financial year, with the balance being returned to the s7.11 St Leonards South Reserve;
- The transfer of \$750K Little Street remediation to the operating budget plus additional \$350K for fire safety and associated works;
- An additional \$550K (net) in fines income - \$450K in parking fines and \$300K in other fines, offset by a \$200K increase in processing costs;
- An additional \$450K to complete St Leonards Over Rail Plaza, funded from s7.4 VPAs;
- Transfer \$350K from the Capital Works Reserve to fund Local Roads – Capital, freeing up general revenue to fund additional Little Street works;
- A \$300K budget for the replacement of the Aquatic Centre building management system, funded from the Aquatic Centre Reserve;
- An additional \$268K in s7.11 administration fees arising from additional contributions received;
- Additional income and expenditure provisions of \$225K for new grant funded projects – Longueville Road Threshold (\$140K) and Lloyd Rees Drive Raised Pedestrian Crossing (\$85K);
- A \$200K reduction in the Longueville Road Paving project with unexpended funds returned to the Capital Works Reserve;
- A \$6,609K reduction in capital budget expenditure and funding due to the re-phasing of the following projects' budgets into the 2024/25 financial year budget:

**Ordinary Council Meeting 23 May 2024  
2023/24 BUDGET - THIRD QUARTER REVIEW**

○	Bob Campbell Oval upgrade	\$4,517K
○	The Terrace Performance Space	\$800K
○	Burns Bay Road Paving	\$600K
○	Aquatic Centre	\$392K
○	Linley Point Bicycle Facilities	\$300K
●	Additional transfers to Reserve totalling \$10,473K as detailed below:	
○	s7.11 St Leonards South contributions and interest	\$7,544K
○	Sport & Recreation Facility Interest on Reserve balance	\$1,606K
○	Sport & Recreation Facility Loan Interest on Reserve balance	\$492K
○	s7.11 LGA Wide contributions and interest	\$439K
○	The Canopy Replacement additional net income	\$145K
○	Bushland Remediation contributions received	\$106K
○	Affordable Housing additional net income	\$82K
○	Market Square Replacement	\$59K

The combined transfers to the Sport and Recreation Facility (\$2,098K) are consistent with the report titled 'May 2024 Update – Lane Cove Sport and Recreation Project' also being considered by Council in this business paper agenda.

In addition to these main adjustments there were numerous adjustments to align income and expenditure forecasts with year-to-date actuals and/or additional information that has come to hand.

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

### Discussion

A summary of Council's revised Budget for 2023/24 and a summary of budget movements have been included in this report:

	Original Budget (000's)	First Quarter Adjustments (000's)	Second Quarter Adjustments (000's)	Third Quarter Adjustments (000's)	Revised Budget (000's)
Operating Income	59,815	574	665	4,770	65,824
Operating Expenditure	59,742	576	663	2,351	63,332
<b>Surplus/(Deficit) before Capital Grants/Contributions</b>	<b>73</b>	<b>(2)</b>	<b>2</b>	<b>2,419</b>	<b>2,492</b>
Capital Grants/Contributions	5,944	370	15,092	4,683	26,088
<b>Surplus/ (Deficit)</b>	<b>6,017</b>	<b>368</b>	<b>15,094</b>	<b>7,102</b>	<b>28,580</b>
Operating Budget Reserve movements:					
Net transfer to Reserves	4,127	-	15,435	9,656	29,218
Non-cash items – depreciation, leave entitlements accrual, book value of assets disposed	(10,713)	-	147	71	(10,495)
<b>Capital Expenditure</b>	<b>54,839</b>	<b>7,408</b>	<b>15,393</b>	<b>(7,879)</b>	<b>69,761</b>
<i>Funded by:</i>					
Transfers from Reserves	43,174	7,040	15,884	(5,250)	60,848

**Ordinary Council Meeting 23 May 2024**  
**2023/24 BUDGET - THIRD QUARTER REVIEW**

Grants and Contributions	4,944	370	(521)	(2,632)	2,161
Internal Plant Hire	96	-	-	-	96
Sale of Assets	241	-	-	-	241
General Revenue	6,384	(2)	30	3	6,415
<b>Total Funding</b>	<b>54,839</b>	<b>7,408</b>	<b>15,393</b>	<b>(7,879)</b>	<b>69,761</b>

**Summary of Budget Movements**

Operating Income:

The Review includes a \$4,770K net increase in Operating Income made up of:

- \$3,155K increase in interest on investments arising from higher interest rates and a larger average portfolio than envisaged in the original budget, \$2,486 general interest and \$669K s7.11 interest;
- \$750K increase in fines income based on fines received year-to-date, partly offset by a \$200K increase in processing costs;
- \$268K increase in s7.11 administration fees due to additional contributions received;
- \$136K in various new contributions which are offset by increased expenditure;
- \$127K increase in Council's Financial Assistance grant based on Grants Commission advice regarding the 2023/24 grant allocations;
- \$121K additional rates to recognise rates levied year-to-date;
- \$106K in contributions received for Burumin Reserve remediation which has been transferred to a newly created Bushland Remediation Reserve to be drawn down over the next ten years;
- \$95K additional income from The Canopy which has been transferred to The Canopy Replacement Reserve;
- \$91K in additional construction zone fees arising from the current level of construction activity;
- \$(110K) reduction in development assessment income streams due to the current level of applications; and
- \$31K net increase in income from various other sources

Operating Expenditure:

The Review includes a \$2,351K net increase in Operating Expenditure made up of:

- \$1,100K for Little Street remediation, \$750K transferred from the capital budget (the work being undertaken is not on a Council asset) plus an additional \$350K for fire safety and associated works;
- \$291K increase in mechanical sweeping due to an increase in tipping charges – Council was originally paying the lower green waste rate but due to the level of contamination, is now paying the general waste rate;
- \$200K increase in fine processing costs due to an increase in the number of fines issued;
- \$154K increase in maintenance and repair budgets across Council;
- \$142K additional budget required for St Leonards Library and car park to cover strata levies, ticketless parking, and cleaning;
- \$136K additional expenditure associated with new contributions received;
- \$106K required for temporary contract staff to fill short-term vacancies;
- \$100K increase in development assessment legal fees due to the current number of appeals;
- \$40K required for additional tree contract works;
- \$36K increase required to cover additional bulky waste collections – funded from the Domestic Waste Management Reserve;
- \$35K increase required for external audit fees based on advice received from the NSW Audit Office;
- \$33K for software support charges – the original budget was deficient;

**Ordinary Council Meeting 23 May 2024  
2023/24 BUDGET - THIRD QUARTER REVIEW**

- \$32K for additional Corporate Services legal fees;
- \$(72K) in operational Sustainability Levy project funding transferred to capital; and
- \$18K for all other adjustments to operating expenditure budgets.

Capital Income

The Review includes a \$4,683K net increase in Grant and Contributions for Capital Purposes made up of:

- \$7,314K increase in developer contributions (\$7,220K St Leonards South and \$94K LGA Wide);
- \$285K for four new grant funded projects; and
- (\$2,917K) decrease in grant income due to the re-phasing of the Bob Campbell Oval upgrade project into the 2024/25 financial year budget.

Capital Expenditure

The Review includes a \$(7,879K) net decrease in Capital Expenditure made up of:

- \$450K increase to complete the St Leonards Over Rail Plaza project, funded from s7.4 VPAs;
- \$300K increase to fund replacement of the building management system at Lane cove Aquatic Centre;
- \$225K increase for two new grant funded projects – Longueville Road Threshold (\$140K) and Lloyd Rees Drive raised pedestrian crossing (\$85K);
- \$128K additional budget for replacement goal posts and net, partly funded by grant;
- \$117K increase to upgrade parking meter 3G SIMs;
- \$72K in Sustainability Levy funding transferred from the operating budget to fund the Gallery Lighting Upgrade and partly fund Civic Centre Solar Panels;
- \$72K for Kingsford Smith Oval cricket nets, partly funded by grant;
- \$68K additional budget required to complete the Pottery Oval Amenities upgrade;
- \$50K for St Leonards South Child Care to fund fitout design and QS evaluation of fitout cost;
- \$28K net increase to complete various projects;
- \$(117K) reduction in the completed St Leonards South drainage with unexpended funds returned to the s7.11 St Leonards South Reserve;
- \$(200K) reduction related to the completed Longueville Road paving with unexpended funds being returned to the Capital Works Reserve;
- \$(750K) Little Street remediation transferred to the operating budget;
- \$(1,714K) reduction in St Leonards South land acquisitions due to no further acquisitions this financial year with unexpended funds being returns to the s7.11 Reserve; and
- \$(6,609K) reduction due to the re-phasing of the projects below into the 2024/25 financial year budget:

▪ Bob Campbell Oval upgrade	\$4,517
▪ The Terrace Performance Space	\$800K
▪ Burns Bay Road Paving	\$600K
▪ Lane Cove Aquatic Centre	\$392K
▪ Linley Point Bicycle Facilities	\$300K.



**Ordinary Council Meeting 23 May 2024  
2023/24 BUDGET - THIRD QUARTER REVIEW**

Reserve Movements

The table below summarises the Reserve movements proposed in the Third Quarter Review.

<b>Operating Budget</b>	
<i>Transfers to Reserves:</i>	
s7.11 Reserve – additional contributions and interest	\$7,983K
Sport & Recreation Facility Reserve – interest on Reserve balance	\$1,606K
Sport & Recreation Facility Loan Reserve – interest on Reserve balance	\$492K
Other Reserves – additional net income	\$392K
<i>Transfers from Reserves:</i>	
Insurance Reserve – funding transferred from the capital budget for Little Street	\$(750)
Sustainability Levy – project funding transferred to the capital budget	\$72K
Employee Leave Entitlements – to fund leave entitlement payments	\$(73K)
Domestic Waste Management – to cover additional operational expenses	\$(57)
Bushland Remediation – year 1 of Burumin Reserve remediation expenditure	\$(10K)
<b>Net Operating Budget transfer to Reserves</b>	<b>\$9,656K</b>
<b>Capital Budget</b>	
<i>Transfers from Reserves:</i>	
s7.11 St Leonards South – unexpended land acquisitions and drainage budgets	\$1,831K
Insurance Reserve – Little Street remediation funding transferred to operating	\$750K
s7.4 VPAs – funding for completion of St Leonards over Rail Plaza and Child Care expenditure	\$(500K)
Capital Works Reserve – funding for Local Roads – Capital to free up general revenue to fund additional Little Street expenditure	\$(350K)
Aquatic Centre – funding for building management system replacement	\$(300K)
Capital Works – unexpended Longueville Road Paving budget	\$200K
Sustainability Levy – project funding transferred from Operating budget	\$(72K)
Budget re-phasing – projects transferred to the 2024/25 financial year budget:	
Bob Campbell Oval upgrade – s7.11	\$1,100K
Bob Campbell Oval upgrade – Capital Works	\$500K
The Terrace Performance Space – s.7.11	\$800K
Burns Bay Road Paving – Capital Works	\$600K
Lane Cove Aquatic Centre – Aquatic Centre	\$392K
Linley Point Bicycle Facilities – s7.11	\$300K
<b>Capital Budget transfer from Reserves</b>	<b>\$5,250K</b>
<b>Net Transfer to Reserves</b>	<b>\$14,906K</b>

**Conclusion**

The variations recommended in the Third Quarter Review see the projected 2023/24 overall operating result increasing to a revised surplus of \$28,555K, with the operating result before capital grants and contributions forecast to be a surplus of \$2,467K. Capital expenditure has been decreased by \$(7,954K) mainly due to the re-phasing of a number of projects' budgets into the 2024/25 financial year budget. When transfers to and from Reserves are taken into account, the net result of the review is a small surplus of \$3,018.

The following statement by the Responsible Accounting Officer is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2021.

**Ordinary Council Meeting 23 May 2024**  
**2023/24 BUDGET - THIRD QUARTER REVIEW**

*It is my opinion that the Quarterly Budget Review Statement for Lane Cove Council for the quarter ended 31 March 2024 indicates that Council's projected financial position will be satisfactory at year end 30 June 2024, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.*

**RECOMMENDATION**

That the 2023/24 Budget be varied as follows: -

	Original Budget (000's)	First Quarter Adjustments (000's)	Second Quarter Adjustments (000's)	Third Quarter Adjustments (000's)	Revised Budget (000's)
Operating Income	59,815	574	665	4,770	65,824
Operating Expenditure	59,742	576	663	2,351	63,332
<b>Surplus/(Deficit) before Capital Grants/Contributions</b>	<b>73</b>	<b>(2)</b>	<b>2</b>	<b>2,419</b>	<b>2,492</b>
Capital Grants/Contributions	5,944	370	15,092	4,683	26,088
<b>Surplus/ (Deficit)</b>	<b>6,017</b>	<b>368</b>	<b>15,094</b>	<b>7,102</b>	<b>28,580</b>
Operating Budget Reserve movements:					
Net transfer to Reserves	4,127	-	15,435	9,656	29,218
Non-cash items – depreciation, leave entitlements accrual, book value of assets disposed	(10,713)	-	147	71	(10,495)
<b>Capital Expenditure</b>	<b>54,839</b>	<b>7,408</b>	<b>15,393</b>	<b>(7,879)</b>	<b>69,761</b>
<i>Funded by:</i>					
Transfers from Reserves	43,174	7,040	15,884	(5,250)	60,848
Grants and Contributions	4,944	370	(521)	(2,632)	2,161
Internal Plant Hire	96	-	-	-	96
Sale of Assets	241	-	-	-	241
General Revenue	6,384	(2)	30	3	6,415
<b>Total Funding</b>	<b>54,839</b>	<b>7,408</b>	<b>15,393</b>	<b>(7,879)</b>	<b>69,761</b>

Steven Kludass  
**Director - Corporate and Strategy**  
**Corporate and Strategy Division**

**ATTACHMENTS:**

AT-1 [View](#) Quarterly Budget Review Statement - March 2024

Available  
Electronically

**Subject:** Community Assistance Grants to Community Groups 2024-2025  
**Record No:** SU9671 - 25902/24  
**Division:** Community and Culture Division  
**Author(s):** Susan Heyne

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## **Executive Summary**

This Report discusses the 2024/2025 financial assistance application process and recommends various grants. Under Section 356 of the *Local Government Act 1993*, Council may grant financial assistance to community organisations. Each year Council calls for applications for financial assistance from community groups either based in the Lane Cove Local Government Area (LGA) or those whose assistance addresses the identified needs of people within the LGA.

Applications for the 2024/2025 Community Assistance Grants program opened 14 December 2023 and closed 1 March 2024. The funding program was promoted through Council's Website, eNewsletters, and social media. The 2024/2025 budget includes a provision for financial assistance to community groups and programs. Council received a total of 23 applications requesting funds to the value of \$595,272.

## **Background**

Community organisations play a critical role in providing vital community and recreational activities and keeping the community healthy and connected. Council's approach to working with local community organisations is to work in partnership so that the local community can receive high quality services and participate in volunteering and community orientated activities improving their connectedness and ability to participate.

### *Community Grant Applications Received for 2024/2025*

Currently Council's Community Grants to community organisations fall into the following categories: -

- arts and cultural programs
- services for youth, children, and families
- community services for seniors and people with disability
- community development and social inclusion
- sporting programs

Applications are assessed against the criteria provided in the Guidelines attached as **AT-1**.

Applicants are required to show how their application meets the needs of Lane Cove by referring to Council's Plans. The application form also includes questions regarding inclusion to ensure people living with disability and people from culturally and linguistically diverse backgrounds are considered and included in the projects.

The commitment for Council based on the recommendations from the Council Selection Committee of 13 May 2024 is \$529,973. A copy of these recommendations has been circulated separately to Councillors in a Confidential Memo.

Recurring commitments to community organisations total \$34,034.55 and are listed in **AT-2**. The majority of these are longstanding commitments relating to Council's contributions to rate payments, or the waiving of payments and other costs. This has been allocated within the Financial

Assistance budget.

Two community groups have taken up the opportunity of the Cultural Venue Performance Hire Subsidy Funds for the 2024/2025 financial year of \$2,067.

An amount of \$18,000 has been set aside for Council to manage funds for the Lane Cove Art Award and \$2,000 has been allocated for the ANZAC Day Ceremony.

The total amount of the Financial Assistance Grants Program recommended in this Report is \$584,074.55.

## **Discussion**

The funding recommendations were made with a focus on several areas including:

- Support to longstanding and established organisations within the community, namely Sydney Community Services and Centrehouse;
- Support to projects that can be successfully completed within the 2024/2025 financial year.
- Support to new projects that have been identified as a need in the Lane Cove community, namely The Lane Cove Toy Library

### Sydney Community Services and Centrehouse

In the 2020/2021 round of financial assistance a 3-year Service Agreement was made with both Sydney Community Services and Centrehouse (trading as Gallery Lane Cove + Creative Studios). These agreements end on 30 June 2024.

In 2024/2025 both Sydney Community Services and Centrehouse will be offered 3-year service agreements. The 3-year agreements will provide funding security to the organisations whilst also allowing for flexibility if circumstances change for the organisations.

### The Lane Cove Toy Library

At the Council meeting held 29 September 2022, it was resolved that Council enter into a funding and licence agreement with The Sydney Library of Things to operate a Toy Library, and to provide funding to cover initial establishment costs.

A 2-year service agreement will be offered to The Lane Cove Toy Library.

### Managing Applicant expectations

In previous years, some applications for funding have asked that Council bear the full cost of the project. In 2021 Council resolved to require applicants to provide a co-contribution, either as funding or an in-kind contribution. Organisations who are unable to provide a co-contribution are required to provide an explanation as to why the organisation is unable to contribute to the program. The guidelines and application form for the 2024/2025 funding round clearly indicate Council's expectations regarding co-contributions.

To ensure a range of services and programs are supported by the grants program, Council limited the maximum amount of funding available to groups to \$10,000, unless prior approval by Council has been granted. The average amount of funding requested in 2024/2025 was \$7,075.

Organisations with service agreements are exempted from this funding limit.

### Financial Assistance Grants Comparisons with Other Areas

It is difficult to compare Council's financial assistance program with other Council areas because:-

- Each council is different as there is a mix of community based and local government services;
- In some areas organisations apply for funds under the ClubGRANTS program;
- There is no consistent accounting procedure across councils which captures the value of contributions that councils provide to local organisations; and
- Some councils may support local groups out of separate line items as identified in their Delivery and Operational Plans and budgets.

### Community Grants Presentation

Each year Council invites all funded groups to a presentation ceremony on the first Wednesday in August. This provides the opportunity for Council to showcase its Grants Program and for local groups to receive recognition for the work they do in a wider forum. It also offers community groups the opportunity to network and connect with other local organisations. It is suggested that the practice be continued, and the ceremony take place on Wednesday 7 August 2024. The presentation evening is funded out of the Community Assistance Grants budget.

### **Conclusion**

Council's Financial Assistance Grants Program assists in the development of a range of community based services which meet, and are responsive to, changes in the needs of people living and working in Lane Cove. It promotes equitable outcomes in terms of access to services and quality of life for all residents. Council uses its planning documents to assist in organisations' understanding the needs of the community and in assessing the grant submissions.

### **RECOMMENDATION**

That Council:

1. Approve the recommended Community Assistance Grants and Cultural Venue Performance Hire Subsidy Funds to Community Groups for 2024-2025;
2. Approve the recurring commitments to community organisations for 2024-2025;
3. Negotiate a 3-year service agreement with both Sydney Community Services and Centrehouse, commencing 1 July 2024;
4. Negotiate a 2-year service agreement with The Lane Cove Toy Library commencing 1 July 2024
5. Host the Community Assistance Grants presentation ceremony in August 2024.

Stephanie Kelly  
**Director - Community and Culture**  
**Community and Culture Division**

### **ATTACHMENTS:**

<b>AT-1</b> <a href="#">View</a>	CAG 2024-2025 - Community Assistance Grants - Guidelines and Information for Applicants	5 Pages
<b>AT-2</b> <a href="#">View</a>	CAG 2024-2025 - Recurring payments - Standard rates and contributions	1 Page



# Community Assistance Grants Program

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## Guidelines and Information for Applicants

### Introduction

The Community Assistance Grants Program provides one-off grants of up to \$10,000 to eligible organisations.

Funding is for projects that primarily benefit the residents of the Lane Cove Local Government Area. Organisations applying for funding are expected to make a co-contribution to the project either as funding or an in-kind contribution.

Please read these guidelines as well as Council's 'Financial Assistance to Community Groups Policy' thoroughly before considering the development of your project and completing the application form.

The information you supply on the application is the main way that Council assesses your application.

The funds are for projects that will be implemented in the upcoming financial year only. Council cannot fund retrospectively.

**Please note:** It is essential that the budget section is completed accurately and that your numbers are correct in each section.

### Aim

The purpose of the Community Grants Program is to assist the development of a range of community-based programs that meet, and are responsive to:

- changes in the needs of people living and working in the Lane Cove Local Government Area, and
- promote equitable outcomes in terms of access to programs and quality of life for all residents.

### Objectives

- increase the range and quality of community programs.
- provide a stimulus to new and innovative programs.
- improve access to programs and facilities.
- improve quality of life for all residents.
- support the inclusion of people with disability in the community.
- encourage programs that support and celebrate cultural diversity.
- support the responsible use of resources, including sharing resources where possible, and the coordination of service delivery.
- address priority issues as identified in [Council's Plans](#), including but not limited to the Community Strategic Plan, Cultural Plan, Strategy for an Age-Friendly Lane Cove, Disability Inclusion Action Plan or other Plans.

**NB:** Please refer to the strategies and actions in [Council's Plans](#) to guide the development of your project.



### Eligibility Criteria

Grants of **up to \$10,000** are available to eligible organisations. These are competitive grants and not all grant requests will be successful. To be eligible for funding an organisation must:

1. Be either an incorporated not-for-profit organisation based in and/or providing services within the Lane Cove Local Government Area (LGA), OR a community group in the local area that is auspiced by an incorporated not-for-profit organisation.
2. Offer a project primarily for the benefit of residents of the Lane Cove LGA
3. Undertake the project within the time frame specified.
4. Provide a co-contribution to the project either as funding or an in-kind contribution.
5. Submit the application by the closing date.
6. Have acquitted funds gained through Council's previous grants programs.

To be considered in the Community Grants Program you must submit as part of your application the following documents:

1. Copy of your organisation's constitution
2. Copy of your organisation's most recent annual financial statement
3. Statutory declaration stating compliance to the requirements outlined by the Office of the Children's Guardian (if applicable to your project – see notes on page 3)
4. Certificate of Currency for Public Liability insurance of at least \$10 million.

### Assessment Criteria

Council will assess all applications against the following criteria:

The project will:

1. Provide a benefit to the community and address a need in the community as identified in the [Community Strategic Plan](#) and/or other plans;
2. Stimulate community development in the Lane Cove LGA.
3. Contribute to community connectedness, reduce social isolation, or engage previously disengaged members of the community.
4. Be inclusive, promote social justice and have a significant reach into the community.
5. Be new and innovative and not duplicate an existing service.
6. Have a reasonable level of volunteer involvement.
7. Require contributions for specific project costs. General running costs such as insurance, stationery and catering are to be covered by the organisation.
8. Not lead to the organisation becoming dependent on Council for future funds.
9. Be considered in relation to other in-kind contributions of Council, for example subsidised rent.



### Decision making and appeals process

Each application received is assessed using the eligibility and assessment criteria listed in these guidelines and the *Financial Assistance to Community Groups Policy* with recommendations for funding made based on the assessment.

Recommendations are submitted to the selection committee along with a copy of each application.

The selection committee reviews all applications and recommendations. The selection committee then makes recommendations for funding to Council.

A report based on the selection committee's recommendations is submitted to Council for approval at a Council meeting.

Once the financial assistance grants are approved at the Council meeting, successful organisations are formally notified and asked to submit invoices which will be paid at the start of the coming financial year. Organisations whose applications are not successful are also notified in writing.

All applicants are offered the opportunity to discuss their application with the Manager Community Services.

Organisations wishing to appeal the outcome of their grant application can email Council within 4 weeks of the date of their notification letter, detailing the reasons for their appeal. Their submission will be reviewed, in the first instance, by the Manager Community Services and Director of Community and Culture. A recommendation will be submitted to the selection committee who will submit a report with their recommendation to Council for determination. Once Council has made a decision, the organisation will be notified in writing of the outcome of their appeal.

### Allocation of Funds

1. The submission of an application by an organisation does not imply that Council will fund the application, nor does it imply that the Council will fund the full amount requested.
2. Lane Cove Council's Community Grants Program should not be considered as an ongoing or an annual source of funds for your organisation or project.
3. All applications received are reviewed internally against the assessment criteria as listed in these guidelines and
4. All recommended applications go out on public exhibition as part of the funding process and in accordance with section 356 of the *Local Government Act 1993* (NSW).
5. In accepting funding from Council, an organisation agrees to complete the project that is outlined and for which Council has granted funding. If an organisation cannot fulfil the project or would like to vary the project, the organisation must write to Council and advise Council of the circumstances immediately. Council will assess the relevant information and advise accordingly.
6. All organisations will be required to report on their financial assistance. Any organisation that does not spend the funds received as designated will not be eligible for financial assistance the following year. Any unexpended funds will be required to be returned to Council.





### Working with Children

If your project involves programs for children, you must comply with the requirements of the Office of the Children's Guardian and ensure all adults have the appropriate 'Working with Children Checks'. You will be required to submit a Statutory Declaration to this effect for your application to be deemed eligible. To understand the requirements please go to the Office of the Children's Guardian [website](#).

### Building work, installations, and erection of structures

Organisations must seek advice relating to building modifications, installations (such as air-conditioners, aeriels, etc) and erections of structures (such as shade cloth, decks etc) from Council's Environmental Services Division as to whether a Development Application (DA) or other requirements are needed.

In the case of Council owned buildings requests for capital assistance, building maintenance or modifications and changes to buildings will not be considered without organisations first having formal discussions with Council's Manager – Facilities. The organisation should then confirm these discussions with follow-up correspondence by letter or email to the Manager - Facilities outlining your discussions and any agreed obligations.

Please note: the process of lodging a DA is independent of financial assistance provided by Council. All fees and charges are applicable to any DA lodged. Council's Planning and Sustainability Division assess all DA's on their merit. An organisation is not to assume that, by receiving funding under the Community Grants Program, Council has approved the modification or installation of building structures.

All DA's for Council buildings are required to be submitted to the Lane Cove Independent Planning Panel for determination.

### Acknowledgement of Funding

Where an organisation's promotional material refers to funding support by Lane Cove Council, the standardised text and logo provided by Council should be used. Council will provide a copy of these guidelines at the time of acknowledging a successful grant application. Permission should be sought for use of the Council logo outside of these guidelines.

### Acquittal of funding

All organisations are required to report on their financial assistance.

A report on the funded project must be provided to Council no later than 31 March each year. If the project has not been completed by this date, a progress report must be submitted with a final report due 30 June. Organisations that do not submit a report by the due dates will not receive any future funding until the report has been received.

Any organisation that does not spend the funds received as designated will not be eligible for financial assistance the following year. Any unexpended funds will be required to be returned to Council.

### Conflicts of Interest

All decisions regarding financial assistance by Council will be made in accordance with Council's Code of Conduct regarding Pecuniary Interest.



**Further information**

If you would like to discuss your application or clarify any of the questions please contact Susan Heyne, Manager - Community Services on 9911 3592 or email [sheyne@lanecove.nsw.gov.au](mailto:sheyne@lanecove.nsw.gov.au) .

**Applications:** must be submitted by the due date.

**Recurring Commitments**

<b>Proposed Standard Rates and Contributions: 2024/2025</b>		
Anzac Ceremony	Event costs	\$2,000
Lane Cove Art Award	Prize money and event costs	\$18,000
Birralee Kindergarten	100% Waste charges	\$4,074.84
Lane Cove Bowling and Recreation Club	50% of total annual rates	\$7,740.90
Longueville Sporting Club (The Diddy)	50% of total annual rates	\$4,546.75
Pottery Gardens Aged Homes	100% Garbage services	\$15,672.06
<b>TOTAL</b>		<b>\$52,034.55</b>

**Ordinary Council Meeting 23 May 2024**  
**DELIVERY PROGRAM AND OPERATIONAL PLAN - 2023/24 THIRD QUARTER REVIEW.**

**Subject:** Delivery Program and Operational Plan - 2023/24 Third Quarter Review.  
**Record No:** SU238 - 21657/24  
**Division:** Corporate and Strategy Division  
**Author(s):** Stephen Golding

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### **Executive Summary**

This report outlines the 2023/24 Third Quarter progress towards achieving the projects and activities listed in the adopted 2023/24 Delivery Program and Operational Plan. It is recommended that the report be received and noted.

### **Discussion**

The 2023/24 Delivery Program and Operational Plan was adopted by Council on 22 June 2023. Council's 2023/24 Delivery Program and Operational Plan outlines the strategies, actions and new initiatives proposed to be undertaken during the financial year in order to advance the goals and objectives of the Community Strategic Plan: Liveable Lane Cove: 2035.

The Third Quarter Review of the 2023/24 Delivery Program and Operational Plan is attached at **AT-1**. The report indicates the responsible work area and includes a short progress report and action status. Some highlights for the Second Quarter include;

- The Australia Day celebration saw 110 conferees become Australian Citizens. Recognition for Aboriginal people and culture was achieved with a smoking ceremony, bushtucker offered to all our guests and a gift or an Aboriginal art fan and native plant for guests. Later that day there was live music in the Plaza and a celebration of Australian Rock Music with Oils Ain't Oils at The Canopy. This program was kindly supported by The Australia Day Council Grant,
- Sunset in the Village and Autumn Harmony events were held this quarter and were promoted widely across digital and print platforms,
- Taylor and her Besties show at The Canopy was the biggest event to be held there to date with over one thousand participants in person and thousands more engaged on social media,
- Summer In Wadanggari Park was a three-week festival for Lunar New Year and Summer involving movie in the park, live music, big games, craft workshops, photos stages and giveaways. Over one thousand people were engaged and the program was made possible through sponsorship by Mall 88 through Colliers Real Estate Agents,
- The Senior's Festival was held in March with a program of over 30 events that proved popular with many being booked out. Events hosted by Council included a Senior's Health Talk, Exercise in the Park programs and a Laughter Workshop. The program featured local artist John Palmer, a Lane Cove local,
- International Women's Day was celebrated in partnership with our Business Breakfast event. Guest speaker was Shirley Chowdhary, an internationally experienced leader and is always pushing for positive change and connection within the community.
- The Youth Advisory Committee was formed and launched.

**Ordinary Council Meeting 23 May 2024**  
**DELIVERY PROGRAM AND OPERATIONAL PLAN - 2023/24 THIRD QUARTER REVIEW.**

- A Mardi Gras program hosted to support the LGBTQIA+ community. Events such as the Silver Rainbow Walk, Mardi Gras Anthems DJ performance at The Canopy and a Connect with Pride panel discussion were well received,
- A new Management Advisory Committee for Kindy Cove was appointed,
- Council's 'On the Verge' program planted 388 plants for nature strips and pocket parks during the third quarter,
- 241 solar panels, boasting a capacity of 99.6kW, were recently installed on the roof of Council's Civic Centre. This upgrade marks a significant step towards our commitment to sustainable energy practices and reducing our environmental footprint with the total installed solar capacity across Council-owned buildings now standing at 541.4kW. The system installation was made possible with the assistance of the Sustainability Levy,
- Council was recognised for exceptional planning and implementation of Wadanggari Park and St Leonards Library precinct by Place Leaders Asia Pacific in their international competition for Excellence in Governance Award,
- Community meeting held and submission made to the NSW State Government in relation to the proposed Planning Reforms,
- Council participating in the TOD project team in relation to the Crows Nest Metro Station as part of the NSW Planning Reforms,
- Launch of the new HomeCycle Service, following a successful 12-month trial of the RecycleSmart service for the collection of 'tricky to recycle' items from households in Lane Cove, Council launched the new HomeCycle Service for the ongoing collection and recycling of problematic materials such as soft plastics, e-wastes, and textiles. The HomeCycle service is being delivered by Southern Cross Recycling, who were selected as the preferred service provider following a competitive procurement process. This quarter a total of 5,530 kg's was collected, with textiles, e-waste and soft plastics being the most common items placed out by residents,
- Resilience and Social Cohesion - Heat was the focus of a range of events this quarter, with Council delivering six 'Get to Know Your Neighbour' engagement events at St George Community Housing complexes and Pottery Gardens Retirement Home where residents learnt about the issue of heat and identified potential challenges and opportunities specific to their buildings. Council also partnered with Sydney Community Services to trial the concept of a 'Cool Centre' to provide a safe space for vulnerable residents to seek relief from the heat, and provided Cool Kits to clients of Sydney Community Services during a declared heat event, and
- Sustainability Rebates - Since commencement of the rebates program, Council has approved 127 pre-approval applications, with 65 applications for solar panels, 35 applications for batteries, 22 applications for EV chargers and 5 applications for rainwater tanks. A total of 96 final claims have been received and approved. Based on figures from pre-approval applications, community investment in sustainability products through this program will total \$1,273,647, providing estimated emission reductions of 1,728 tonnes per year.

**RECOMMENDATION**

That the Third Quarter Review of the 2023/24 Delivery Program and Operational Plan be received and noted.

Steven Kludass  
**Director - Corporate and Strategy**  
**Corporate and Strategy Division**

**ATTACHMENTS:**

<b>AT-1</b> <a href="#">View</a>	Delivery Program and Operational Plan - 3rd Quarterly Review - 2023-2024	207 Pages	Available Electronically
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**Ordinary Council Meeting 23 May 2024  
COUNCIL SNAPSHOT - APRIL 2024**

**Subject:** Council Snapshot - April 2024  
**Record No:** SU220 - 26337/24  
**Division:** General Managers Unit  
**Author(s):** Corinne Hitchenson

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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 within Council for April 2024 at **AT-1**.

Included at **AT-2** is Council's Resolution Tracker showing the progress of Council's resolutions.

**RECOMMENDATION**

That Council:

1. Receive and note the report.

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

**ATTACHMENTS:**

<b>AT-1</b> <a href="#">View</a>	Council Snapshot April 2024	44 Pages	Available Electronically
<b>AT-2</b> <a href="#">View</a>	Resolution Tracker for the 23 May 2024 Council Meeting	39 Pages	Available Electronically

**Ordinary Council Meeting 23 May 2024**  
**QUESTIONS WITH NOTICE - CLARIFICATION AND LOCATION OF SIGNAGE FOR BOB CAMPBELL OVAL WORKS**

**Subject:** Questions with Notice - Clarification and Location of Signage for Bob Campbell Oval Works  
**Record No:** SU9881 - 26237/24  
**Division:** Lane Cove Council  
**Author(s):** Councillor Merri Southwood

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Councillors have received emails from a community member and from the Lane Cove Bushland and Conservation Society regarding location of signage for the works at Bob Campbell Oval and detail of works in the C2 zone as described in the REF for the works and as depicted on the plan displayed at the corner of Gore Street and St Vincents Road.

Community members have been observed attempting to walk through Gore Creek Reserve unaware, until they reach the fenced off approaches to the reserve, of the closure of the reserve.

Question 1

Is Council proposing to erect signage at other approaches to Gore Creek Reserve to advise that the reserve is closed? I refer to the Fleming Street access path and to the access path at 139 River Road. If not, will Council investigate this?

Answer to Question 1: Yes

Question 2

Will Council restore the existing bushland in the C2 zone and create a vegetation buffer between the RE1 and C2 zones at Gore Creek Reserve?

If yes to the above, could this be clarified in the description of works in the legend for Area 2?

Answer to Question 2: No, this was not part of the scope for the tender process conducted. The land is reclaimed land which has been grassed since the oval was created. The following aerial photo from 1942, depicts this.





**Ordinary Council Meeting 23 May 2024**  
**QUESTIONS WITH NOTICE - CLARIFICATION AND LOCATION OF SIGNAGE FOR BOB CAMPBELL OVAL WORKS**

Question 3

The area marked on the plan as Area 4 Off-leash dog Park does not depict a proposed fence line for the enclosed area. Could this be depicted on the plan?

And could the plan include an explanation of the yellow line between Areas 2 and 4?

Answer to Question 3: Yes and yes

Question 4

Noting that the works to be carried out at Gore Creek Reserve differ from the works depicted on the Master Plan and in the Detailed Design documents included in the REF, could the BCO page on Council's website be updated to include a plan depicting actual works proposed for Gore Creek Reserve?

Answer to Question 4: Yes, Council can update the website with the same image as the onsite project sign including, the new fence, and an explanation of the yellow line between Areas 2 and 4.

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

**ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 23 May 2024**  
**QUESTION WITH NOTICE - DEFINITION OF AFFORDABLE HOUSING IN CHAPTER 2 OF**  
**STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021**

**Subject:** Question with Notice - Definition of Affordable Housing in Chapter 2 of State Environmental Planning Policy (Housing) 2021  
**Record No:** SU8556 - 26240/24  
**Division:** Lane Cove Council  
**Author(s):** Councillor Merri Southwood

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There is a lot of discussion about the need for affordable housing.

Chapter 2 of the State Environmental Planning Policy (Housing) NSW 2021 (SEPP) details incentives available for development if the developments include affordable housing.

Question

Does affordable housing in the SEPP refer to housing available for rent or does it refer to dwellings built for sale?

Answer

The SEPP relates to the provision of dedicated Affordable Housing for rent.

While the dedicated affordable housing is able to be sold it must be maintained as Affordable Housing for the 15 year period.

The SEPP requires the housing to be managed by a registered community housing provider.

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

**ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 23 May 2024**  
**QUESTION WITH NOTICE - SPORT AND RECREATION FACILITY OPERATING AND MANAGEMENT MODEL**

**Subject:** Question with Notice - Sport And Recreation Facility Operating And Management Model  
**Record No:** SU9115 - 26254/24  
**Division:** Lane Cove Council  
**Author(s):** Councillor Merri Southwood

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The Conclusion in the report to Council on 23 November 2023 for Item: Sport and Recreation Facility – Management and Operating Model states as follows:

*The next steps in the process would be for Council to call for tenders for a Key Operator, such will provide for operation of the whole facility and separate sub-tenancies for Bistro operations and Golf Course Management. As part of this process, Council staff will work with potential community users of the facility to understand their proposed utilisation rates of the facility.*

Council resolved as follows at a meeting on 7 December 2023:

1. *Receive and note the report;*
2. *Undertake an open Request for a Key Operator which will include the option of subletting of the Management of Golf Operations including coaching and Bistro / Event disciplines;*
3. *Undertake a process with potential community users of the facility to understand their proposed utilisation rates for utilisation of the facility prior to the acceptance of any tender;*
4. *Undertake a separate process to identify an operator for the Bistro / Event activities as a priority to facilitate fit-out prior to the opening of the facility;*
5. *Receive a report on the outcome of the tender process at the appropriate time for consideration and determination by the Council. In line with Parts 15 and 16 of Council's resolution of 29 August 2022, the report is to include how the operation of the facility will provide all stakeholders with balanced access to both the sporting and recreation facilities; and*
6. *Confirms that the core goal of the facility is to operate as a service to the community.*

#### Questions

Question 1: Has Council called for tenders for a key operator of the Sport and Recreation Facility?

Answer Question 1: No

Question 2: If no to the above, when will this happen?

Answer to Question 2: Scheduled for Q1 of 2024/25 financial year

**Ordinary Council Meeting 23 May 2024**  
**QUESTION WITH NOTICE - SPORT AND RECREATION FACILITY OPERATING AND**  
**MANAGEMENT MODEL**

Question 3: Please provide a list of potential community users of the facility who have or will be contacted to understand their proposed utilisation rates for the facility.

Answer to Question 3: The following potential user groups were contacted on 19/4 to estimate potential usage including parameters around time, day/s and season:

Northern Suburbs Netball Association  
Netball NSW  
All local netball clubs  
All local government primary schools  
NSW PSSA  
Northern Suburbs Basketball Association  
Basketball NSW  
Volleyball NSW  
Sydney North Volleyball  
Pickleball Association Australian  
Pickleball NSW  
Save the Dancefloor

Question 4. If the above list does not include community associations, is it intended that this be done? If yes, which associations?

Answer to Question 4: Generally speaking community groups/associations will be welcome to utilise the space however the focus has been on understanding the intensity and style of use by sporting groups and a previous recreation user affiliated with the site (Save the Dancefloor).

Question 5: Will contact in 3 and 4 above be undertaken before a request for tender has been issued or prior to acceptance of the tender?

Answer 5: It is not our intention to consult with individual community associations and groups regarding utilisation of the space prior to Tender where they are not the primary user. If there are user groups who wish to contact Council regarding the project, they are most welcome to do so.

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

**ATTACHMENTS:**

There are no supporting documents for this report.

**Ordinary Council Meeting 23 May 2024**  
**QUESTION WITH NOTICE - UPDATE ON THE NOTICE OF MOTION - DESTRUCTION OF**  
**ENDANGERED ECOLOGICAL COMMUNITIES RESOLVED AT THE ORDINARY MEETING OF**  
**COUNCIL, 07 DECEMBER 2023.**

**Subject:** Question with Notice - Update on the Notice of Motion - Destruction of Endangered Ecological Communities resolved at the Ordinary Meeting of Council, 07 December 2023.

**Record No:** SU6014 - 26092/24

**Division:** Lane Cove Council

**Author(s):** Councillor Kathy Bryla

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Question

Q1. What is the latest update for the community on the action being taken as per the Notice of Motion resolved on the 7 December 2023 to be addressed as per the resolved points:

- 1.1. What is the update on the enforcement action that council is seeking to enforce?
- 1.2. Has the GM engaged with the Hon. Anthony Roberts, neighbouring Mayors, State Members of Parliament and the LGNSW to collectively lobby the State Government for increased penalties for these types of crimes on the environment and what was the outcome/reporting from these engagements?

Answers

1.1 Council under the direction of its Lawyers continues the investigation and gathering of evidence. A public update on the status is now available on Council's website: [Tree Vandalism in Longueville | Lane Cove Council \(nsw.gov.au\)](#)

1.2 Yes. In response to Lane Cove Council's resolution and letter Willoughby Council through the Mayor Tanya Taylor has instigated a working group related to tree vandalism which includes representatives from Lane Cove, Willoughby, Hunters Hill and Mosman councils.

The initial meeting was held on Tuesday 30 April 2024. The group plans to continue to meet and share knowledge and experience in dealing with tree issues which may identify further opportunities to collectively lobby for a review of penalties.

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

**ATTACHMENTS:**

There are no supporting documents for this report.