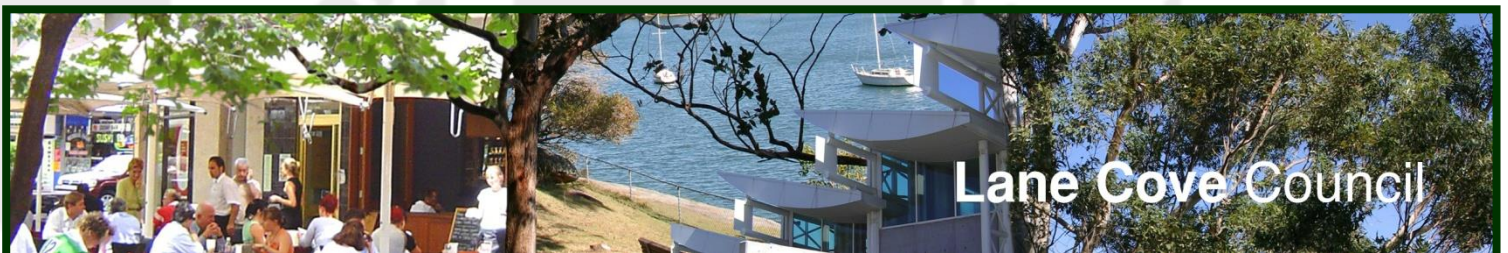




Agenda Extraordinary Meeting of Council 20 June 2022

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



Notice of Meeting

Dear Councillors,

Notice is given of the Extraordinary Meeting of Council, to be held in the Council Chambers on Monday 20 June 2022 commencing at 7.00pm. The business to be transacted at the meeting is included in this business paper.

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

Yours faithfully



Craig Wrightson
General Manager

Council Meeting Procedures

The Council meeting is chaired by the Mayor, Councillor Andrew Zbik. Councillors are entitled to one vote on a matter. If votes are equal, the Chairperson has a second or casting vote. When a majority of Councillors vote in favour of a Motion it becomes a decision of the Council. Minutes of Council and Committee meetings are published on Council's website www.lanecove.nsw.gov.au by 5.00 pm on the Tuesday following the meeting.

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

The Public Forum will hear registered speakers from the Public Gallery as well as online using the web platform Zoom. All speakers wishing to participate in the public forum must register by using the [online form](#) no later than midnight, on the day prior to the meeting (Sunday, 19 June 2022) and a Zoom meeting link will be emailed to the provided email address of those registered as an online speaker. Please note that the time limit of three minutes per address still applies, so please make sure your submission meets this criteria. Alternatively, members of the public can still submit their written address via email to service@lanecove.nsw.gov.au. Written addresses are to be received by Council no later than midnight, on the day prior to the meeting. (500 words maximum).

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

DECLARATIONS OF INTEREST

APOLOGIES

ACKNOWLEDGMENT TO COUNTRY

MINUTE OF SILENCE FOR REFLECTION OR PRAYER

NOTICE OF WEBCASTING OF MEETING

PUBLIC FORUM

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

ORDERS OF THE DAY

NOTICES OF MOTION

1. **NOTICE OF MOTION - ELECTED COUNCIL SUBMISSION TO SYDNEY NORTH PLANNING PANEL IN RELATION TO DEVELOPMENT APPLICATION 162/2021 4**

Extraordinary Meeting of Council Meeting 20 June 2022
NOTICE OF MOTION – ELECTED COUNCIL SUBMISSION TO SYDNEY NORTH PLANNING
PANEL IN RELATION TO DEVELOPMENT APPLICATION 162/2021

Subject: Notice of Motion – Elected Council Submission to Sydney North Planning Panel in Relation to Development Application 162/2021

Record No: DA21/162-01 - 33002/22

Division: Lane Cove Council

Author(s): Councillor Merri Southwood

Executive Summary

The Sydney North Planning Panel is to hold a determination hearing in respect of DA 162/2021 on Wednesday 22 June 2022.

Council staff have submitted to the Sydney North Planning Panel Council's assessment report on DA 162/2021.

The elected Council may lodge a separate submission with the Sydney North Planning Panel in respect of DA 162/2022 in accordance with the *Sydney District and Regional Planning Panels operational procedures August 2020*.

Background

On 23 October 2017 Council resolved to place on exhibition for public consultation Council's Draft Development Control Plan for Locality 8 St Leonards South Precinct together with Council's Draft Local Environmental Plan amendments for St Leonards South, Draft Landscape Plan and Draft Section 94 Plan (the SLS Master Plan documents). Public consultation ended on 5 January 2018.

Over 339 submissions were made to Council in respect of the SLS Master Plan documents. On 19 October 2020, almost 3 years after the community consultation in respect of the Draft Development Control Plan for Locality 8 St Leonards South Precinct, Council resolved to adopt the Development Control Plan for Locality 8 St Leonards South Precinct (SLS DCP).

The report to Council for the meeting of 19 October 2020 included the following statements:-

- *In order to deliver the precinct, all future Development in this precinct will be required to be constructed and completed to the specifications of the DCP and LMP in order to qualify for LEP Incentive Height of Buildings and Floor Space Ratios bonus components.*
- *Specific setback provisions have been included for the East-West link and new road to ensure improved building separation and amenity*
- *The changes made to the document (Draft Development Control Plan for Locality 8 St Leonards South Precinct) reflect Council's resolution in response to the community consultation undertaken.*

On 10 November 2021 DA 162/2021, for sites known as 13-19 Canberra Avenue St Leonards, was lodged with Council. This site is depicted as Area 5 in Figure 8 below.

**Extraordinary Meeting of Council Meeting 20 June 2022
 NOTICE OF MOTION – ELECTED COUNCIL SUBMISSION TO SYDNEY NORTH PLANNING
 PANEL IN RELATION TO DEVELOPMENT APPLICATION 162/2021**



Figure 8: Required Amalgamations

PART C: RESIDENTIAL LOCALITIES

<http://ecouncil.lanecove.nsw.gov.au/trim/DocumentLink.asp?Recid=63631/20> p44



Figure 5: Subject Site in Future Envisaged Context

<http://ecouncil.lanecove.nsw.gov.au/trim/DocumentLink.asp?Recid=33231/22> p11

Extraordinary Meeting of Council Meeting 20 June 2022
NOTICE OF MOTION – ELECTED COUNCIL SUBMISSION TO SYDNEY NORTH PLANNING
PANEL IN RELATION TO DEVELOPMENT APPLICATION 162/2021

DA 162/2021 seeks approval of a development that includes several non-compliances with the provisions of the SLS DCP as detailed in Council’s assessment report:-

DCP control	Required in DCP	Proposed	Approval proposed in Council Assessment Report?
Set back from East West link to level 5	6 m at park level	0 m – 3 m	YES
Set back from East West link above level 5	9 m	3 m	YES
Building separation on northern boundary to level 4	6 m (habitable rooms)	2.9 m (level 1) 3.9 m (level 2)	YES
Building separation on northern boundary levels 5-8 levels 9 and over	9 m 12m (habitable rooms)	6 m 6 m	YES
Maximum building length	35 m	39 m	YES
Building depth	18-22 m max	26.4 m for building	YES

The east-west link that runs from Berry Road to Canberra Avenue is the main pedestrian and cyclist thoroughfare in the St Leonards South Precinct. The DCP requires buildings abutting the link to be set back 6m at ground level and 9m from level 6. This requirement was complied with by the development in DA 99/2021 determined by the Sydney North Planning Panel on 4 March 2022.

As shown in Figure 51 below, it is proposed that the setback for Area 5, across the link from the site in DA 99/2021, will have no setback from the link to level 5 and 3m (rather than 9m) from level 5.

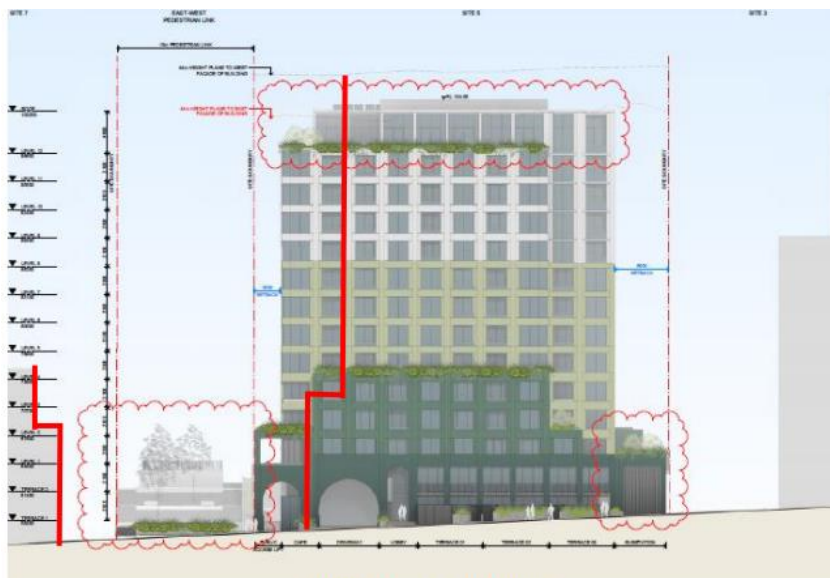


Figure 51: Required Setbacks
 (Compliant – Left – DA99/2021, Proposed – Right – DA162/2021)

The Sydney North Planning Panel will be the determining authority for DA 162/2021. The assessment report prepared by Council staff has been provided to the Panel. The report proposes approval of DA 162/2021, notwithstanding the non-compliances with the SLS DCP outlined above. It is acknowledged by the elected Council that a decision of Council staff members to recommend approval is based on their professional assessment of the DA.

It is also acknowledged that Council staff member(s) are not subject to direction by the Council or by a Councillor as to the content of any advice or recommendation made by the staff member(s).

Extraordinary Meeting of Council Meeting 20 June 2022
NOTICE OF MOTION – ELECTED COUNCIL SUBMISSION TO SYDNEY NORTH PLANNING
PANEL IN RELATION TO DEVELOPMENT APPLICATION 162/2021

The Record of Briefing, dated 6 April 2022 for DA 162/2021, is on the Sydney North Planning Panel website and includes the following statement by the Sydney North Planning Panel:-

- *The Panel understands that the subject DA is among the first few development applications to apply the relatively recently adopted (October 2020) precinct-specific DCP. The DCP results from comprehensive strategic planning over a number of years, with extensive consultation and refinement, and the Panel considers that the Lane Cove community would have the reasonable expectation that these strategic parameters would be adhered to by applicants; and*
- *The Panel is conscious of the precedent effect any approval of variations to the relative recently adopted DCP may have on future applications within the precinct.*

Elected Councillors are concerned as to the possible precedent effect of the approval of a Development Application with such significant non-compliances with controls that go to the underlying principles of the St Leonards South Master Plan, in particular, but not limited to, the setback from the east-west link.

RECOMMENDATION

That the elected Council:-

1. Notes that the Development Control Plan for Locality 8 St Leonards South Precinct (SLS DCP) was the subject of extensive community consultation and that the SLS DCP, as approved by Council on 19 October 2020, was refined to reflect the results of this consultation;
2. Notes that the community had and continues to have an expectation that Council will, as stated in the report to Council of 19 October, 2020, require Development Applications lodged for the St Leonards South Precinct to be constructed and completed to the specifications of the SLS DCP in order to qualify for LEP Incentive Height of Buildings and Floor Space Ratios bonus components;
3. Notes that Area 5, being the site of DA 162/2021, is the first of 6 remaining contiguous sites that run along the east-west link that have not yet been the subject of a Development Application determination; and
4. Has strong grounds for concerns that approval of DA 162/2021 with significant non-compliances with the SLS DCP will have a precedent effect in respect of Areas 6, 14, 15, 16 and 17.
5. Authorises the Mayor to make a submission to the Sydney North Planning Panel, in the name of the elected Council, in the terms of this resolution, such submission to:-
 - (a) request the Sydney North Planning Panel to refuse approval of DA 162/2021 in its current form and to require compliance with the specifications of the DCP, including setback from the east-west link, building separation, building depth and building length; and
 - (b) authorise a Councillor nominated by the elected Council to address the Panel determination hearing for DA 162/2021.

Councillor Merri Southwood
Councillor

ATTACHMENTS:

There are no supporting documents for this report.