

Agenda Ordinary Council Meeting 19 May 2022

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 19 May 2022 commencing at 7.00 pm. The business to be transacted at the meeting is included in this business paper.

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

Yours faithfully

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

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 (Wednesday, 18 May 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

ACKNOWLEDGEMENT TO COUNTRY

MINUTE OF SILENCE FOR RELECTION OR PRAYER

NOTICE OF WEBCASTING OF MEETING

PUBLIC FORUM

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

CONFIRMATION OF MINUTES

1. ORDINARY COUNCIL MEETING - 19 APRIL 2022

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SPORT AND RECREATION FACILITY LOCATIONS AND BUSINESS CASE UPDATE

Subject: Sport and Recreation Facility Locations and Business Case Update
Record No: SU7396 - 24068/22
Division: General Managers Unit
Author(s): David Stevens; Craig Wrightson

Executive Summary

This report outlines the results of the survey in relation to possible alternative locations for a sport and recreation facility and the community workshop in relation to the business case for a facility. At the March 2022 Ordinary Meeting, Council resolved to receive a status report at the May 2022 meeting to “include the outcomes of the community workshop on the business case and community survey on alternative locations”.

Council has undertaken extensive research into alternate locations including the Lane Cove West Business Park and Blackman Park to test their respective suitability for a Sport and Recreation facility. In addition, Council’s Mayor and General Manager have met with Willoughby Council to understand if there is any appetite to partner with Council in the joint delivery of a facility. The report outlines the outcome of these investigations together with consideration of options proposed by the community thorough the online survey.

Council also conducted a Community Workshop on 3 May to provide an opportunity for residents to understand the business case for a sport and recreation facility in Lane Cove, presented by Xypher Sport and Leisure (Xypher). The Workshop included presentations from Basketball NSW (BBNSW) and Northern Suburbs Netball Association (NSNA) which focused on the supply of multi-sport courts locally and the demand challenges faced by each sport.

It is recommended Council receive the report and not proceed with further investigation of any of the alternate locations at this time.

Background

Council at its meeting of 21 March 2022 resolved:-

- “1. Endorse the proposed activities and indicative time frames for a facility to meet the demand for indoor sporting facilities in the Lane Cove area;*
- 2. Replace the community workshop on possible alternate solutions with an online survey;*
- 3. The status report to Council in May 2022 include the outcomes of the community workshop on the business case and community survey on alternative locations;*
- 4. Remove the requirement to refer to the design review panel if it impacts on the overall timeframe;*
- 5. Request the final report to come back to Council by 15 August 2022 or earlier if possible; and*
- 6. Council affirms that is also pursuing additional capacity to meet the short-term training requirements of netball”.*

This report responds to Part 2 and 3 of Council’s resolution, that is, alternate solutions/locations and business case workshop.

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Discussion

Alternate Locations

Council conducted a survey from 13 April to 6 May 2022, which sought to determine if the community was satisfied with the options Council is currently pursuing for a Sport and Recreation Facility, being the Golf Course Curtilage, Joint Facility with Willoughby and a site within the Lane Cove West Business Park. If not satisfied, respondents were requested to provide suggestions on alternatives and the advantages of same.

A total of 189 surveys were completed, 111 (59 %) were satisfied with the options Council was evaluating. A total of 78 respondents (41%) were not satisfied, but the majority of these indicated their dissatisfaction related to one of the actual options, rather than proposing new solutions.

Summary of responses relating to location (suggestions for alternate sports not included).

	Support Golf Course Location	Against a Facility	Support a Facility	Support Willoughby JV	Support Blackman Park	Support Pottery Green	Other
<i>Number</i>	32	18	7	7	5	3	22

Golf Course Site

The full analysis of the site and its level of support is outlined in the report to the Council Meeting of 16 November 2020.

In summary, Council commenced the process for a different offering at the Golf Course site as early as May 2010, when Council considered a report that concluded that the current operating model of separate management of the components;- golf clubhouse, golf course, tennis centre and golf course maintenance was unsustainable and called for the identification of opportunities to provide “a more viable sporting/cultural type development than what currently exists.”

In 2013 Montemare Consulting completed an initial feasibility report which examined opportunities for introducing new sports and facilities into the Golf Course Precinct whilst maintaining a Golf Course. It examined gaps in overall recreation facility provision and highlighted the lack of indoor facilities and facilities which catered for traditional Women’s sports. Council also identified that it wanted the facility to be as flexible as possible to cater for the largest variety of sports possible and not be dominated by any individual sport.

The Lane Cove Golf Course site is the largest recreation area in the Local Government Area. Council has limited the proposed facility to the Golf Course Curtilage on the site, being the only Council owned site large enough to accommodate a facility of significant scale. As outlined in the Business Case, indoor facilities need to be on at least four-courts to be operationally efficient and supported by amenities.

There has been discussion put forward about the site not being serviced by public transport. This is potentially because there is currently low patronage of the existing bus services to the existing facilities, despite a bus stop being located adjacent to the entrance of the Golf Course. In summary, the 261 bus service connects the Lane Cove Village to the precinct and onto North Sydney (and return) every 25 minutes in peak hour and every hour otherwise from Monday to Saturday, with no Sunday service. As Council has experienced with the provision of bus services generally, as demand on routes increases, service levels will respond accordingly, which could include Sundays. This was evidenced when additional services were provided to the Lane Cove interchange and also along Mowbray Road to service the new developments in the area.

Alternatively, and/or in addition, Council could contract a bus service to provide a free shuttle to / from the facility during peak periods, which would cost circa \$100,000 p.a.

As part of the review process of this site included in the March resolution, Council staff are currently exploring an alternate access arrangement with the RMS, which would see traffic signals provided at the existing entrance to the golf course on River Road. Such traffic signals would allow all movements onto and exiting from the site. Should the traffic signals ultimately be chosen as the preferred option, the round-about proposal at Northwood Road and new Stephenson Street alignment would not proceed, however alternative solutions to improve safety at the intersection will be investigated and implemented, noting the RMS will not permit traffic signals due to the site lines and topography.

Consideration of Alternate Locations

Willoughby Council Joint Venture (JV)

Council first discussed with Willoughby Council a JV at the Gore Hill Oval site pursuant to a Council resolution on 16 November 2020. Council in its February 2022 resolution again sought exploration of a JV with Willoughby. On both occasions Willoughby have indicated they do not wish to pursue a JV. The Mayor and CEO/General Manager of the respective councils met on 24 March 2022 following the most recent resolution. From the discussions, the basis for proceeding separately is that their analysis concludes that with both Lane Cove and their own centre, demand will still not be satisfied. This is consistent with Council's business case demand analysis. The large accumulated demand arises from the fact that no additional capacity has been added to the Lower North Shore Region for more than 25 years, despite the area's increase in population. Willoughby did consider three options in terms of the scale of the facility, from six courts up to a nine-court facility. In summary, Willoughby indicated that ultimately a nine-court facility is both cost prohibitive and spatially less favourable, as it would involve additional levels of underground parking at significant cost.

It should be noted Lane Cove Council is proposing to utilise \$20M from s7.11 Developer Contributions to fund a facility. These can only be spent in the area where they were collected (Lane Cove Local Government Area) as the plan does not provide for a cross boundary joint facility, which means in any joint venture or acquisition / use of land outside of Lane Cove Local Government Area for a facility, the s7.11 funds would not be available to Council.

Lane Cove West Business Park

The report to the Council Meeting of 21 February 2022 outlined that Council had engaged Colliers Strategic Advisory (Property) to investigate 10 alternative sites for a Sport and Recreation facility in the Lane Cove West Business Park. At a high level, there were three sites that represented a potential opportunity for adaptation (re-purpose), the remainder would require demolition due to their built form configuration, which makes them unfeasible as they represent land value only.

Basis the above criteria, the most suitable available site was selected for conversion from industrial to a four-court indoor recreational facility. It sits approximately 1.2km from Epping Road via Sam Johnson Way and Orion Road, which are a mixture of dual and single lane roads. The site identification and relevant details financial information are contained in a Confidential Memo circulated separately to Councillors so as not to prejudice the commercial position of the property owner.

Council engaged Mitchell Brandtman Quantity Surveyors (MBQS) to provide a construction cost estimate to convert the identified site into a four indoor court facility with associated amenities. The MBQS scope of works was to deliver a fully compliant four-court indoor sport and recreation centre. The upgrades include making the site accessible, dry and wet fire upgrades, fire stair

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enlargement to accommodate increased occupant capacity, lighting, ventilation (excluding air conditioning as proposed for the SRP facility), adjustment to roof height to accommodate sport clearance levels, new roof and supporting structure (footings, columns), timber sprung flooring, new and enlarged amenities, and new lifts and stairways to connect the car park to the sports halls.

The total cost to acquire and develop the identified site for 4 indoor multi-sport courts, 150 car spaces, amenities and kiosk is \$55m ex GST and excluding contingency.

As the Lane Cove West Business Park configuration does not provide for through traffic, it is not well serviced by public transport. It is serviced by two routes with limited services, one from Wynyard and the other from Chatswood. The bus services only operate on weekdays and there are no services during the middle of the day or weekends.

The Wynyard route goes to the Business Park via Epping Road and has regular weekday morning peak and afternoon peak services. There are no services during the middle of the day or on weekends. The morning peak services run between 6:20am and 9:15am and the afternoon services run between 4:00pm and 7:00pm.

The Chatswood route goes to the Business Park via Mowbray Road and Epping Road and from the Business Park via Epping Road, Centennial Avenue and Mowbray Road. This route only has 2 morning services and 2 afternoon services. Again, it has no services during the middle of the day or on weekends.

Increased demand could provide a case for increased services to the area, however as these routes service a limited precinct, expansion opportunities are likely to be limited.

Finally, the Lane Cove West Business Park due to its relative isolation is disconnected from the Lane Cove community generally, which is advantageous in terms of its operational impacts on any residences. The disadvantage of this however, is that there is minimal opportunity to encourage patrons to utilise the facility beyond their sporting event, i.e. socialise, utilise the café etc. The general activity outside of business hours in the area also translates to a lack of night time activity, which would provide passive surveillance / safety for patrons entering and exiting the facility.

Blackman Park

Blackman Park is Council's largest outdoor recreation area after the Lane Cove Golf Course. It has four sporting fields, tennis courts, two halls and several passive recreation facilities/opportunities.

The park is not serviced by public transport and is accessed via a single lane in each direction residential street. It has a 238 space car park. Despite these limitations, it accommodates a large number of users per day as the following table demonstrates. Based on this, there is little opportunity for further intensification of use in the Park.

<i>Date</i>	<i>Active sport</i>	<i>Passive / other</i>	<i>Total</i>
Saturday 31/10/2020	887	1842	2729
Wednesday 4/11/2020	318	868	1186
Wednesday 21/4/2021	693	998	1691
Saturday 24/4/2021	828	2518	3346

Even if this could be overcome, attached as **AT-1** is a spatial representation of a four-court facility at various locations within the Park. It demonstrates a four-court facility would not fit without impacting the existing grass areas and playgrounds as the depth of the courts and surrounding

circulation space prevents the facility being located over the existing car park. Similarly, it cannot be co-located with the Council depot, as it would take up the whole existing depot and part of the road, making only a 3 court facility possible. Any facility on the depot site would require Council to acquire another site to replace the depot at significant cost.

Pottery Green / Aquatic Centre / Council Civic Centre

Locating a facility with the Lane Cove village would ensure it is centrally located. The area is well serviced by public transport and there is an extensive adjacent road network. However, there are already high levels of traffic congestion within the village and its surrounds and the access points to a facility in this location would rely on the left in left out turn in Little Street and/or place increased burden on Phoenix Street which is a single lane in each direction, residential street.

Attached as **AT-2** is a spatial representation of a four-court facility at various locations within this precinct. It demonstrates a facility is unable to be provided on Pottery Green while maintaining the sports field.

If a facility is located within the car park at the rear of the Civic Centre, only a 3 court facility can be accommodated. It is anticipated that two levels of underground parking would also be required to replace the existing parking and provide suitable parking for the new facility, noting that the Little Street facility at peak times is entirely required for the Swimming Pool (in particular during swimming carnival season) and Saturdays to serve the village generally.

Other sites outside of the Lane Cove Local Government Area - Private

Acquisition of large tracts of land on the lower north shore is expensive, particularly when currently in private ownership and problematic in terms of consolidating significant areas. Broadly speaking such sites are zoned IN2 (Industrial) versus RE1 (Recreation) which is valued at a high rate per sqm metre based on highest and best use. The fact that there are no private indoor facilities in the region, demonstrates that the market will not deliver these facilities as they are not the highest and best use of the land economically. Further, as there are minimal undeveloped sites, the residual value of any structure is also included in the acquisition price regardless of its value for a sports facility. As evidenced by the exercise of costing the conversion of an existing structure in the Lane Cove West Business Park, even where adaptation can occur, the cost per court is significantly higher when a land acquisition cost is included in the costings.

As outlined earlier in the report, for any project outside of the Lane Cove Local Government area, the \$20M in s7.11 funds Developer Contributions proposed to be utilised for the project would not be available to Council.

Other sites

City of Ryde Council have confirmed that, there is a possible re-location of 28 netball courts (plus a new 4 court indoor centre) from Meadowbank Park to the old Marsden High School site in Denistone some 13km by road from Lane Cove. The Development Application proponent at Marsden High School is the NSW Department of Education. Ryde Council have indicated they have no funding proposed until at least 2026 for new multi-court facilities.

The TAFE NSW, St Leonards campus was also suggested, a basic review of the site indicated there is no unused land suitable for a facility, in particular the existing car parks are relatively small. Given land is a scarce resource on the Lower North Shore, it is unlikely the NSW Government would consider proposals on their land including on school sites where there is generally strain on existing land.

Use of facilities at private schools was suggested as an alternative to constructing a facility, however, schools have their own needs/demand, which means they are typically only available at off peak times, if at all

The 266 Longueville Road site was suggested, however it is the subject of a 99 year lease and is no longer available for Council use. It has long been identified as part of the funding package for a sport and recreation facility.

Construction over main roads or the rail line like Council's current over rail project at St Leonards was also suggested. The St Leonards concept was first conceived in 2006, and it took more than 10 years to secure the State Government's approval. Based on this and the probable cost, circa \$45M for the platform excluding a building and car park, this option is time and cost prohibitive.

The category of "other feedback" also included responses for the inclusion / consideration of other sports and / or complimentary uses: art and culture; expansion of passive uses on the golf course including bike tracks; indoor cricket; turf football field; golf driving range; mini golf, 6-hole golf course; and pickleball, which were out of scope for the survey. Council has previously considered some of the suggestions, and committed to the principle that a centre should utilise multi-court to cater for the widest range of sports possible.

Business Case Update

Further to Council's March resolution a community workshop was held on 3 May 2022. Some 55 RSVP's were received with 43 actual attendees. The Mayor chaired the evening whereupon Xypher, BBNSW and NSNA presented on the supply of multi-sport courts locally and how the current inventory does not meet local nor sub-regional demand. The business case, The Business Model and a copy of the presentations from the speakers is available as **AT - 3,4,5, 6 and 7**.

In summary, the business case illustrates the social and economic benefit derived from developing a Sport and Recreation facility to address the shortfall in multi-court facilities to meet community sport and leisure demand. The business case is not focused on a location per se, rather a narrative on the supply versus demand imbalance for multi-sport courts and the operating model for a 9 court facility to determine whether from an operational perspective it is viable or would require an ongoing subsidy.

Xypher explained the research and data gathering process that delivered the business case in support of Council providing a facility to close the supply and demand gap (*needs analysis*). The business case references prior due diligence undertaken by Council (Montemare Indoor Sports Complex Feasibility Study); Basketball NSW State Facilities Strategy; and, Willoughby Council's Gore Hill Indoor Sports Centre Business Case.

Invitations to the Community Workshop included the option for attendees to ask questions in advance which were then answered as part of the Xypher presentation, and more informally during each of the three presentations. Key take-outs from the BBNSW and NSNA presentations included:

- Lane Cove is part of the largest membership clubs and / or associations for basketball and netball state-wide;
- Willoughby Outdoor Courts on a netball usage basis, have the heaviest demand per court in Metropolitan Sydney;
- Netball has become a three day weekend of competition sport versus historically Saturday only (including ALL games already being reduced by 15 minutes);
- 88% of Lane Cove netball members play in Willoughby; and
- 89% of Lane Cove basketball members play in North Sydney.

Attendee questions at the session included the need for an explanation of Xypher's "Active Visitation Model" and how it related (or otherwise) to the Taylor Thomson Whitting (TTW) Traffic Impact Assessment included in Council's Development Application. In simple terms, the TTW report measures a moment in time across three scenarios to ensure there is sufficient parking at the site to meet (for example) Saturday peak demand and / or fire egress safety and compliance with the Building Code of Australia (BCA). Xypher's business case, for the purposes of visitation modelling is benchmarked against similar sport centres and industry data that includes seasonality and associated demand on an intra-week and inter-sport basis; sport season changeover; school holidays; public holidays; and, weekends.

An issue that was raised at the workshop in relation to the non-economic costs of such a facility in terms of tree loss and the like. Xypher indicated such 'costs' are included in a Benefit / Cost Ratio (BCR) that they would prepare for inclusion in any future Grant Funding application(s) that allows the Office of Sport to look at the relative benefit of a proposal compared to other projects of different scale and cost. To calculate the ratio an economist places a dollar value for "non economic costs and benefits", including, but not limited to:

- Loss of residential amenity in the surrounding area;
- Loss of Green Space (including trees);
- Reduced long term need for physical and mental health services; and
- Increased liveability

Based on the feedback from the meeting participants, no specific modifications are required to be made to the business case. When Council ultimately considers whether to proceed with the proposal, updates cost estimates and a funding strategy will be provided as part of the Council report.

Conclusion

In relation to possible alternative locations, Council has now examined all suggestions from the community. To be successful, the site needs to be a minimum four court facility to achieve operational efficiency and have proximity / be accessible to the local community. The Golf Course Curtilage site provides this opportunity for scale, is well located and can deliver the social and economic outcomes. A case for transport services to meet increased demand can be made to Transport for NSW (TfNSW) when demand can be demonstrated to provide increased public transport options or a shuttle bus can be implemented.

The business case survives location, in other words it speaks directly to the social and economic needs of the local and sub-regional communities that a sport and recreation facility will serve. Specifically, there is a well-documented supply shortage to meet increasing demand for indoor and out multi-sports. The business case will provide the platform for future grant applications to help fund the delivery of a sport and recreation facility at 180 River Road.

RECOMMENDATION

That:-

1. The report be received and noted;
2. Council not pursue further investigation of alternative locations for the provisions of a sport and recreation facility at this time; and
3. All respondents to the survey be advised of the outcome of Council's consideration of the alternate options.

Craig Wrightson
General Manager
General Managers Unit

ATTACHMENTS:

AT-1	View	Alternate Multi-Court Facility Location - Blackman Park	1 Page	
AT-2	View	Alternate Multi-Court Facility Location - Pottery Green / Civic Centre	1 Page	
AT-3	View	Lane Cove Sport and Recreation Precinct - Business Case		Available Electronically
AT-4	View	Lane Cove Sport and Recreation Precinct - Business Model - Appendices A		Available Electronically
AT-5	View	LCSRP Business Case - Community Workshop Presentation 3 May 2022		Available Electronically
AT-6	View	BBNSW Community Workshop Presentation 3 May 2022		Available Electronically
AT-7	View	NSNA Community Workshop Presentation 3 May 2022		Available Electronically





Subject: Planning Proposal No. 39 - 448-456 Pacific Highway, St Leonards
Record No: SU8727 - 21761/22
Division: Environmental Services Division
Author(s): Terry Tredrea; Christopher Pelcz

Executive Summary

On 25 March 2022, Council received Planning Proposal 39 from File Planning & Development Services Pty Ltd to amend the Lane Cove Local Environmental Plan 2009 (LCLEP2009) to rezone land located at 448-456 Pacific Highway, St Leonards's **(AT-1)**.

The Proposal was reported **(AT-2)** to the Lane Cove Local Planning Panel (LCLPP) for advice on the 10 May 2022. In accordance with Section 9.1 of the EP & A Act, staff prepared an assessment report with recommendations in relation to the Planning Proposal including whether or not the proposal should be forwarded to the Minister for a Gateway Determination. The Panel was requested to review and consider relevant issues and amendments proposed by the proponent along with the views and concerns raised in the staff report.

The LCLPP advises that Planning Proposal No 39 is not supported and should not proceed to the Gateway Determination **(AT-3)**.

Having regard to the advice of the Lane Cove Local Planning Panel, it is recommended that Planning Proposal No. 39 be rejected and not be forwarded to the Minister for a Gateway Determination.

Background

Site

The subject site comprises 1,661 sqm of land at 448-456 Pacific Highway, St Leonards (Figure 1), on the corner of Oxley Street, strategically located on the Pacific Highway *diagonally opposite* the planned Crows Nest Metro Station which forms part of the Sydney Metro City & Southwest Project and within 400 metres of the existing St Leonards Station.



Figure 1: Site location

Currently, the site comprises a car wash facility located on 448-452 Pacific Highway and a 4-storey commercial building at 456 Pacific Highway. At the corner of Pacific Highway and Oxley Street there is also an at grade car parking and car wash areas, shade sails and a single-storey building. Entry to the car wash is via Oxley Street and exit is to the Pacific Highway. The commercial building fronts Pacific Highway with a car parking entrance fronting the street, car parking at ground level and three levels of commercial floor space above. The site currently contains six commercial buildings ranging in height from two to four storeys, which are claimed to be “*reaching the end of their economic lifespan, in poor repair and in some cases unusable*”. The eight lots have been combined under a single landholding ownership.

Much of the land on the north and south side of the Pacific Highway has been redeveloped with larger mixed-use buildings and several underdeveloped properties are subject to development consent. Further north of the site is ‘The Forum’ which forms a town centre of St Leonards and acts as a commercial, retailing and transport hub.

The site is located in the corridor between the existing St Leonards Station and the planned Crows Nest Metro Station. This area is undergoing rapid urban renewal and change in response to major government infrastructure investment in the form of the Sydney Metro City & Southwest Project and the vision set out under the 2036 Plan.

Proposal

The Planning Proposal seeks to rezone the existing B3 Commercial Core site to a B4 Mixed Use zone. It further seeks an increase in floor space ratio and height to permit one of three development Options:

- Option A – a single 30-storey commercial podium/residential tower development; or
- Option B – a single 37-storey commercial podium/residential tower development; or
- Option C – a 44-storey commercial podium/residential tower development.

The additional planning controls (mentioned below) would be dependent on which option is adopted:

- Increase the FSR controls from 6:1 and 2:1 (current LEP control) to one of three options – 13.13:1, or 16.14:1, or 19.15:1;
- Require any building on the land shown on the *Non-Residential Floor Space Ratio Map* as having an FSR of 1.76:1; and
- Increase the Height of Building controls from 36m and 15m (current LEP control) to one of three options – 30 storeys (RL 190.9) or 37 storeys (RL 212.6), or 44 storeys (RL 234.3).

Overall, the proposed controls could potentially result in the following outcomes:

- A mixed use commercial/residential podium/tower of between 30 (see Figure 2) and 44 storeys, with a total GFA of between 21,800 sqm and 31,800 sqm (FSR of between 13.13:1 and 19.15:1), including ground floor retail as part of a 4-storey podium;
- Seven levels of basement car parking with provision of car spaces “*to be determined at the D.A. stage*” consistent with the Lane Cove DCP Part R. Access will be from Oxley Street, with “*consideration ... given to providing an exit from the site to Pacific Highway*”, again at the D.A. stage;
- Public domain improvements including an activated through-site link along the southern boundary connecting to an on-site plaza (refer to Figure 3).

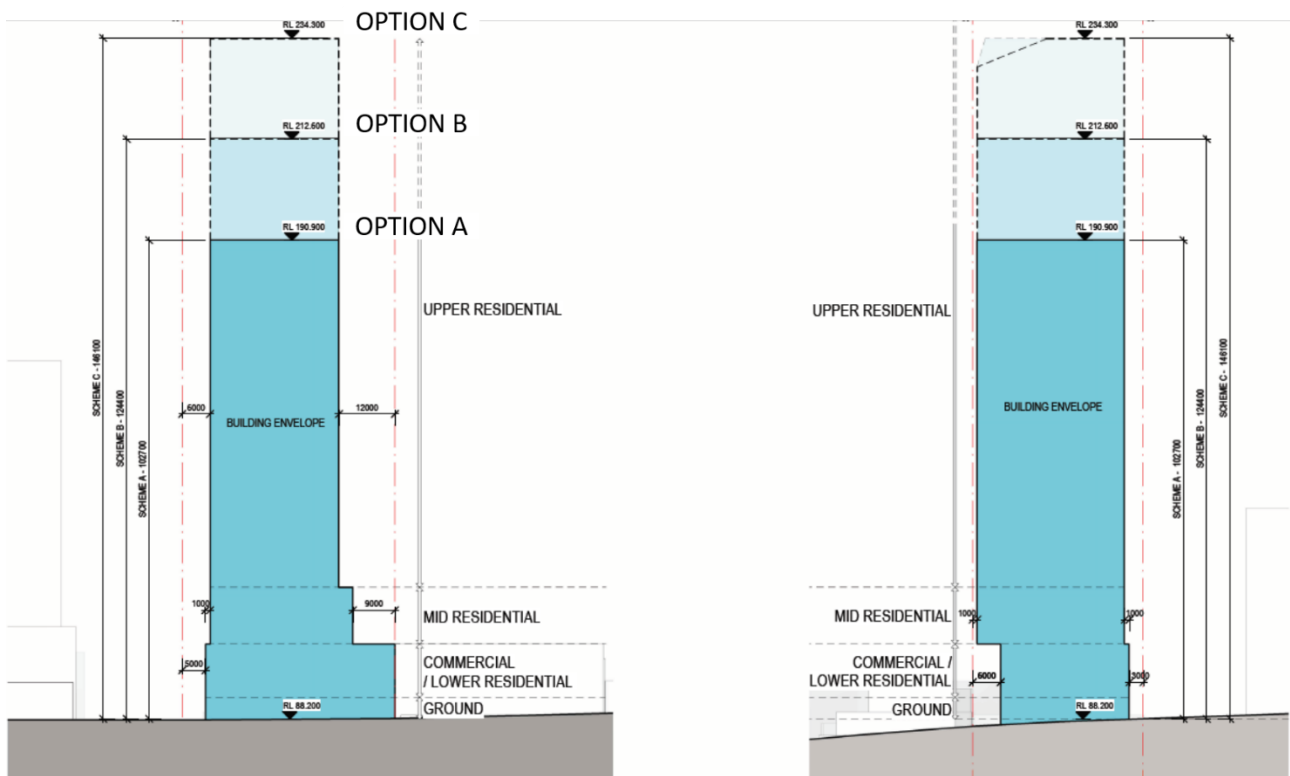


Figure 2: Pacific Highway / Oxley sections

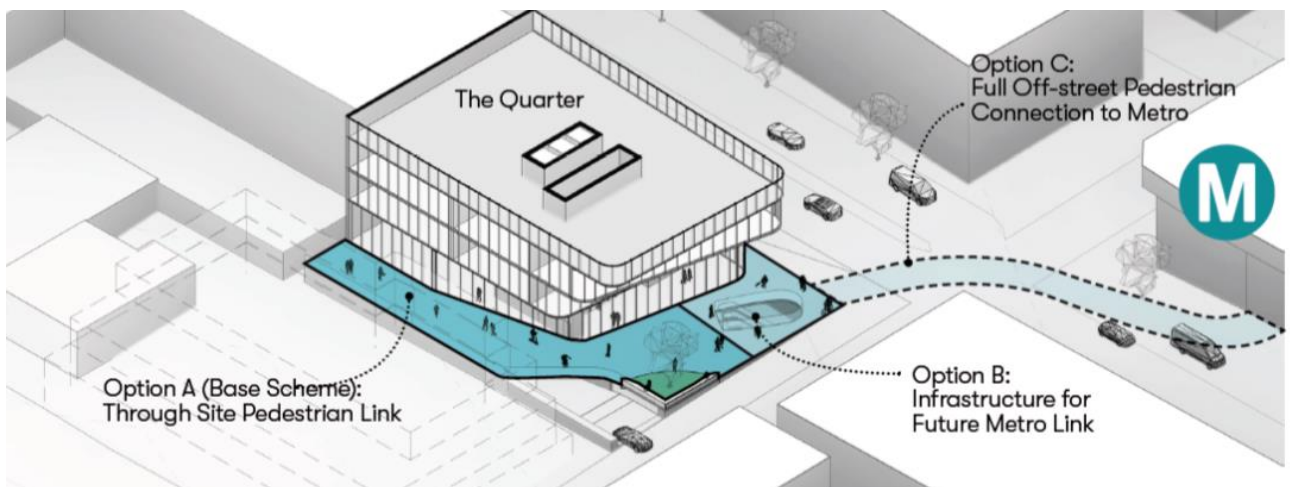


Figure 3: Through-site connection options linking to Crows Nest Metro Station

The proposal is offering public benefits, which are associated with the separate development options:

Option A proposes:

- A 6m-wide through-site pedestrian link along the west boundary (of active retail);
- An on-site public plaza fronting Oxley Street,
- 5% affordable apartments (approx. 11-16), and
- “best practice sustainability outcomes”.

Option B proposes, in addition to A:

- Underground provision for tunnel connection to site boundary.

Option C proposes, in addition to A:

- Direct underground tunnel connection to Metro station.

In return for design excellence (facilitated through a design competition) in all options, the applicant also seeks a bonus 10% FSR.

Planning Agreement

Although a Planning Agreement is mentioned in the Proposal one was not submitted with the initial application – a subsequent letter of offer (**AT-4**) was received on 6 May 2022. In any event, Council's adopted policy is that any Planning Agreement would be assessed separately by Council at a later stage to ensure that any Planning Proposal is considered on its own merit.

Submissions

No public submissions were received by Council, however North Sydney Council provided initial comments. Their comments are discussed in **AT-2**.

Discussion

Referral to Local Planning Panel

Planning Proposal 39 for 448-456 Pacific Highway, St Leonard's was referred for advice to the Lane Cove Local Planning Panel, under Section 9.1 of the EP&A Act 1979. The Panel was requested to review and consider issues and amendments proposed by the proponent along with the views and concerns raised in a staff report (**AT-2**).

The Report to the Lane Cove Planning Panel examines the detailed provisions of the proponent's Planning Proposal against the strategic and site-specific merit test as well as other relevant matters. The discussion is contained within that report (see **AT-2**).

In general terms, the matters for consideration that are addressed were:

- Strategic Merit test (inconsistencies with the Regional Plan, North District Plan, Local Strategic Planning Statement, St Leonard's/Crows Nest 2036 Plan, and Local Housing Strategy);
- Inconsistency with Section 3.33 (Explanation and Justification of Planning Proposals) of the *NSW Environmental Planning & Assessment Act 1979*;
- Site-specific merit test (matters such as commercial floor space, view impacts, traffic, shadowing); and
- Insufficient information on key matters, including:
 - Explanation of how Oxley Street will be landscaped to become a 'tree-lined street';
 - The proposed public plaza, through-site link and canopy cover requirements;
 - Parking and traffic impacts;
 - Impacts on district views from adjoining Local Government Areas; and
 - Public amenity issues such as solar access, wind comfort and what is meant by 'best practice sustainability outcomes'.

At the meeting, Council staff provided a broad overview of Planning Proposal 39. The proponent addressed the Panel.

Following the meeting, the Panel deliberated and provided their considered advice in the form of recommendations and reasons for their decision.

Panel advice to Council

In providing their advice to Council (see **AT-3**), the Panel (LCLPP) unanimously supported the findings in the staff's report and provided the following additional commentary:-

The Panel notes that the presentation by the proponent amended the Planning Proposal by indicating that the 10% bonus for design excellence was fundamental to the provision of the public benefit, including an extended pedestrian link, tunnel portal or tunnel access to the Metro Station. Depending on the option the public benefit was provided in part or in total.

Further, when asked to explain how the 10% bonus would be incorporated in the proposal, the applicant said that Option A would increase by a further 3 storeys in height, Option B would increase by 4 storeys and Option C would increase by 5 storeys, resulting in additional environmental impacts, particularly overshadowing with the residential areas to the south.

The Panel also notes that the quote from the 2036 plan used to justify the variation(s) (by the proponent) was not provided in full and is important to the Panel's consideration as it provides the full context. The relevant complete paragraph is repeated below:

"There may be opportunities for specific sites to accommodate additional density and height where the public benefits proposed to be delivered as part of a development proposal is of exceptional value, beyond what could be secured under a standard practice approach that should be considered within the precinct. In these instances, the proposal would still need to be consistent with the vision, objectives and actions, including solar access controls, in this Plan". (2036 Plan: 2020, page 36)

The Panel is of the view that the Planning Proposal is fundamentally flawed and lacks strategic merit.

Conclusion

In conclusion, the proponent's planning proposal is not consistent with the Strategic and Site-specific merit tests. Insufficient information has been provided on the key matters raised above.

Having regard to the above, it is recommended that Planning Proposal No 39 not be supported and not proceed to the Gateway Determination.

RECOMMENDATION

That having considered the advice of the Lane Cove Local Planning Panel meeting of 10 May 2022, Council rejects Planning Proposal No. 39 in full and as such not be forwarded to the Minister for a Gateway Determination, as it:

A. Does not Pass the Strategic Merit Test

Reasons:

- 1) Is inconsistent with *A Metropolis of Three Cities*, which identifies the St Leonard's Strategic Centre as a major employment asset of the Eastern Economic Corridor for "attracting investment, business activity and jobs in strategic centres across Greater Sydney, increasing access to a wide range of jobs, goods and services close to people's homes and supporting the 30-minute city." (p 119)

- 2) Is inconsistent with the *North District Plan's* priorities or actions for the St Leonard's Commercial area, which identifies "*the importance of the precinct as a key employment centre in Greater Sydney*". Particularly as a health and education (employment) "*super precinct*".
- 3) Because of its low non-residential floor space ratios (across all options) it will not achieve the high jobs target set for St Leonard's area by both *A Metropolis of Three Cities* and *North District Plan*.

Under the 2036 Plan, this site would realise approximately 370 jobs, well above the 160 likely proposed, and an underachievement of the total employment potential of the strategic centre of St Leonard's Crows Nest.

- 4) Is inconsistent with the following aspects of the *St Leonard's/Crows Nest 2036 Plan*:-
 - a. Not addressing the vision of a 'tree-lined' Oxley Street;
 - b. Insufficient non-residential FSR is proposed (across all options) "*to meet the North District Plan high jobs target*" – a key action of the 2036 Plan;
 - c. Does not justify Height above 2036 Plan in Options B and C;
 - d. No justification for any additional floor space ratio/height for design excellence over and above what is stated in the 2036 Plan;
 - e. Does not "*encourage the renewal of St Leonards through the delivery of new A-grade commercial floor space*" (the 2036 Plan's primary rationale and action for rezoning from B3 Commercial Core to B4 Mixed Use);
 - f. An FSR at least 185% of that proposed in the 2036 Plan;
 - g. Does not clarify "best practice sustainability outcomes" as part of public benefits;
 - h. Proposes an imbalance of commercial and residential uses within St Leonards Core; and
 - i. Does not attempt to "limit the amount of car parking" expected of a TOD precinct.
- 5) Based on the above, the Planning Proposal is inconsistent with Section 9.1 Ministerial Direction 1.13 because it does not achieve (and undermines) the 2036 Plan's vision, objectives and actions and the inconsistencies (with the 2036 Plan) are not of minor significance.
- 6) Is inconsistent with the following aspects of Council's *Local Strategic Planning Statement*:
 - a. *Planning Priority 5*: Plan for growth of housing that creates a diverse range of housing and encourages housing that is sustainable, liveable, accessible and affordable.
 - b. Principles for Location of Additional Housing.
 - c. *Planning Priority 7*: Council's long-term approach to St Leonards Strategic Centre is to leverage off the Crows Nest Metro Station to deliver additional employment capacity, achieving a balance of commercial and residential development in the St Leonards Strategic Centre. In particular, "*to manage the impact of residential development to not crowd out commercial activity*".
 - d. *Planning Priority 11*: The proposal does not address Council's priority to practise sustainable measures relating to water and energy use.
- 7) Is inconsistent with Council's adopted Local Housing Strategy which states that no further rezonings are needed to achieve housing capacity over the next 20 years.

B. Does not comply with Section 3.33 of the Environmental Planning and Assessment Act

Reason:

This section of the Act deals with the preparation, explanation and justification of Planning Proposals – which requires Proposals to state whether they will give effect to both a Local Strategic Planning Statement and comply with the relevant directions under section 9.1.

Having considered the above, the Planning Proposal is inconsistent with Section 3.33 (2)(c) of the EP&A Act because the Planning Proposal will not “give effect to” Council’s Local Strategic Planning Statement and does not comply with the relevant Section 9.1 Ministerial Direction (i.e. Direction 1.13).

C. Does not pass the Site-specific Merit Test

Reasons:

- 8) It does not propose sufficient commercial floor space consistent with recent development approvals and leasing activity in this location;
- 9) traffic generation has not been assessed in any sufficient detail so far, so no Base A rate is established from which to make the conclusion that: "*such low traffic generations would not have noticeable effects on the operation of the surrounding road network*";
- 10) Suggests an exit onto Pacific Highway, a busy State road;
- 11) Has yet to demonstrate acceptable view impacts on adjacent development; and
- 12) Option C does not entirely minimise overshadowing of adjoining residential areas.

D. Insufficient information has been provided

- Needs to show how Oxley Street will be landscaped to become a ‘tree-lined green street’ as described in the 2036 Plan;
- More detail is needed on the public plaza and through-site link proposal, including canopy cover requirements;
- Parking and traffic impacts have not been adequately addressed in the current Traffic study;
- Further assessment is needed to show that view impacts on adjacent development are acceptable (Note – some view sharing is expected from residential use in a central business district, where residential use is ancillary to the commercial function of the precinct); and
- Public amenity issues such as solar access and wind comfort are yet to be addressed.

E. The Council notify the applicant of its decision in writing as soon as practicable.

<p style="text-align: center;">Ordinary Council Meeting 19 May 2022 PLANNING PROPOSAL NO. 39 - 448-456 PACIFIC HIGHWAY, ST LEONARDS</p>

Mark Brisby
Executive Manager
Environmental Services Division

ATTACHMENTS:

AT-1	View	Planning Proposal 39 - 448-456 Pacific Highway, St Leonards	68 Pages	Available Electronically
AT-2	View	Local Planning Panel REPORT - 10 May 2022	28 Pages	
AT-3	View	Local Planning Panel ADVICE - Planning Proposal 39 - 448-456 Pacific Highway, St Leonards	5 Pages	
AT-4	View	VPA letter of offer - 6 May 2022	3 Pages	Available Electronically
AT-5	View	Appendix A - Urban Design Report	77 Pages	Available Electronically
AT-6	View	Appendix B - Traffic Study	17 Pages	Available Electronically

Lane Cove Local Planning Panel Meeting 10 May 2022
PLANNING PROPOSAL NO. 39 - 448-456 PACIFIC HIGHWAY, ST LEONARDS

Subject: Planning Proposal No. 39 - 448-456 Pacific Highway, St Leonards
Record No: SU8727 - 17465/22
Division: Environmental Services Division
Author(s): Terry Tredrea; Christopher Pelcz

Property:	448-456 Pacific Highway, St Leonards																				
PP No:	Planning Proposal No. 39																				
Legal Description:	<ul style="list-style-type: none">• Lots 1, 2 & 3, Section 16 in DP 3175; and• Lot C in DP 414984.																				
Date Lodged:	25 March 2022																				
Owner (Proponent):	The Quarter St Leonards Pty Ltd																				
Applicant:	File Planning & Development Services Pty Ltd																				
Site Area	1,661 m ²																				
Description of Proposal	<p>The Quarter St Leonards Pty Ltd seeks to rezone the site from B3 Commercial Core to B4 Mixed use; and to redevelop the site for a mixed-use commercial podium /residential tower with:</p> <ul style="list-style-type: none">• Ground floor retail / Lobby, plus public plaza/corridor;• 3 floors of commercial / amenities podium;• 7 floors of basement (incl. one part-floor commercial);• one of three Options for increasing the height and floor space ratios (FSR) of the building: <table><tr><td></td><td>Option A</td><td>Option B</td><td>Option C</td></tr><tr><td>Proposed zoning</td><td colspan="3">B4 Mixed use</td></tr><tr><td>Proposed heights</td><td>30 storeys (RL190.9)</td><td>37 storeys (RL 212.6)</td><td>44 storeys (RL 234.3)</td></tr><tr><td>Proposed FSR (overall)</td><td>13.13:1</td><td>16.14:1</td><td>19.15:1</td></tr><tr><td>Proposed non-residential FSR</td><td>1.76:1</td><td>1.76:1</td><td>1.76:1</td></tr></table> <ul style="list-style-type: none">• Public benefits: A 6m-wide through-site pedestrian link along the west boundary (of active retail) + on-site public plaza fronting Oxley Street + 5% affordable apartments (approx. 11-16 units).		Option A	Option B	Option C	Proposed zoning	B4 Mixed use			Proposed heights	30 storeys (RL190.9)	37 storeys (RL 212.6)	44 storeys (RL 234.3)	Proposed FSR (overall)	13.13:1	16.14:1	19.15:1	Proposed non-residential FSR	1.76:1	1.76:1	1.76:1
	Option A	Option B	Option C																		
Proposed zoning	B4 Mixed use																				
Proposed heights	30 storeys (RL190.9)	37 storeys (RL 212.6)	44 storeys (RL 234.3)																		
Proposed FSR (overall)	13.13:1	16.14:1	19.15:1																		
Proposed non-residential FSR	1.76:1	1.76:1	1.76:1																		
Planning Proposal documents	Links to all the proponent's documents are provided in Attachments at the end of this report (AT-1 to AT-3).																				
Relevant Strategic Planning documents	<i>A Metropolis of Three Cities – dated March 2018</i> <i>North District Plan – dated March 2018</i> <i>Final St Leonards/Crow's Nest 2036 Plan – dated 29 August 2020 (AT-4)</i> <i>Section 9.1 Ministerial Directions (AT-5)</i> <i>Local Strategic Planning Statement 2020 – dated 30 March 2020 (AT-6)</i> <i>Local Housing Strategy (AT-7)</i> <i>Local Environmental Plan 2009</i>																				
Recommendation	That Planning Proposal No. 39 in the current form of three development Options not be supported.																				

PURPOSE OF REPORT

<p style="text-align: center;">Lane Cove Local Planning Panel Meeting 10 May 2022 PLANNING PROPOSAL NO. 39 - 448-456 PACIFIC HIGHWAY, ST LEONARDS</p>

The Lane Cove Local Planning Panel is requested to consider and provide its advice on Planning Proposal No. 39.

REASON FOR REFERRAL

The Planning Proposal is referred to Council's Local Planning Panel under Section 9.1 of the *Environmental Planning and Assessment Act 1979*. This Section requires referral of any Planning Proposal to the Local Planning Panel for advice with an assessment report which sets out recommendations in relation to the Proposal and whether it should be forwarded to the Minister under Section 3.34.

The Planning Proposal fails to meet any of the following matters for exemption from referral:-

- a) the correction of an obvious error in a local environmental plan;
- b) matters that are of a consequential, transitional, machinery or other minor nature; or
- c) matters that Council's General Manager considers will not have any significant adverse impact on the environment or adjoining land.

Therefore, the Planning Proposal must be referred to the Local Planning Panel for advice prior to Council making any determination on the matter.

EXECUTIVE SUMMARY

The purpose of this report is to consider the planning merits and seek the Panel's advice on the proposal to redevelop land at 448-456 Pacific Highway, St Leonard into a mixed-use commercial podium / residential tower.

This Proposal is lodged in the form of three Options, differing only in the height of the residential component of the tower and associated floor space ratios, and associated public benefits offered.

The Proposal (**AT-1**) currently seeks to rezone the existing B3 Commercial Core zoning to a B4 Mixed Use zone. Further, it seeks an increase in floor space ratio and height to permit one of three development Options:

1. Option A – a single 30-storey commercial podium /residential tower development; or
2. Option B – a single 37-storey commercial podium /residential tower development; or
3. Option C – a 44-storey commercial podium /residential tower development.

[Planning Proposal 39](#) is also accompanied by:

- [Appendix A: Urban Design Report \(AT-2\)](#),
- [Appendix B: Traffic Study \(AT-3\)](#),
- [Final St Leonards/Crow's Nest 2036 Plan](#) – dated 29 August 2020 (**AT-4**),
- [Section 9.1 Ministerial Directions](#) – as of 1 March 2022 (**AT-5**),
- [Lane Cove Local Strategic Planning Statement 2020 \(AT-6\)](#),
- [Lane Cove Local Housing Strategy \(AT-7\)](#).

Although a Planning Agreement is mentioned in the Proposal it was not submitted with the application – in any event, it is not the subject of this referral. Council's adopted policy is that any VPA would be assessed separately by Council at a later stage to ensure that any Planning Proposal is considered on its own merit.

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PLANNING PROPOSAL NO. 39 - 448-456 PACIFIC HIGHWAY, ST LEONARDS

The Panel is requested to review and consider issues proposed by the proponent along with the views and concerns raised in this report. In particular, Planning Proposal No. 39 is not supported in its current form. While Option A is similar in height to that proposed in the *St Leonards Crow's Nest 2036 Plan* for the site, it has an insufficient non-residential FSR of 1.76:1, rather than 4:1 of the Plan. In addition, the non-residential floor space ratio (FSR) specified in the 2036 Plan (as an action) is needed as it will achieve the *A Metropolis of Three Cities* and *North District Plan's* high jobs target set for St Leonards. Therefore, the proposal's low non-residential FSR across all options also makes it inconsistent with both *A Metropolis of Three Cities* and *North District Plan* high jobs target. Both Plans also identify the St Leonards Strategic Centre as a major employment asset of the Eastern Economic Corridor.

A. Fails the strategic merit test.

Reasons:

- 1) The Planning Proposal is not consistent with *A Metropolis of Three Cities*, which identifies the St Leonards Strategic Centre as a major employment asset of the Eastern Economic Corridor.
- 2) The Planning Proposal is not consistent with the *North District Plan's* priorities or actions for the St Leonards Commercial area, as "*a key employment centre in Greater Sydney*".
- 3) Because of its low non-residential floor space ratios (across all options) it will not achieve the high jobs target set for the St Leonards area by both *A Metropolis of Three Cities* and *North District Plan*.
- 4) The Planning Proposal is directly inconsistent with the overall vision and objectives of the *St Leonards/Crow's Nest 2036 Plan* as they relate to employment, street trees, carparking and Built Form objectives (and actions). In particular:
 - not addressing the creation of a 'tree-lined' Oxley Street (which is part of the 2036 Plan's vision);
 - It does not achieve the minimum non-residential FSR of 4:1 across any option (this is a key action of the 2036 Plan);
 - there is no sufficient justification for the height above 2036 Plan in Options B and C;
 - there is no justification for any additional floor space ratio/height for design excellence over and above what is stated in the 2036 Plan;
 - not addressing A-grade commercial office space;
 - an overall FSR of at least 185% of that proposed in the 2036 Plan;
 - an imbalance of commercial and residential uses; and
 - failure to reduce the parking provision in a Transit-orientated development precinct.
- 5) Based on the above, the Planning Proposal is inconsistent with Section 9.1 Ministerial Direction 1.13 because it does not achieve (and undermines) the 2036 Plan's vision, objectives and actions and the inconsistencies (with the 2036 Plan) are not of minor significance.
- 6) The Planning Proposal is not consistent with the following aspects of Council's *Local Strategic Planning Statement*: -

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- a) Planning Priority 5: Plan for growth of housing that creates a diverse range of housing types and encourages housing that is sustainable, liveable, accessible and affordable.
 - b) Principles for Location of Additional Housing.
 - c) Planning Priority 7: Council's long-term approach to St Leonards Strategic Centre is to deliver additional employment capacity.
 - d) Planning Priority 11: The proposal does not address Council's priority to practice sustainable measures relating to water and energy use.
- 7) The Planning Proposal is not consistent with Council's adopted Local Housing Strategy which states that no further rezonings are needed to achieve housing capacity over the next 20 years.

B. Inconsistent with Section 3.33 of the *Environmental Planning and Assessment Act*.

Reason

This section of the Act deals with the preparation, explanation and justification of Planning Proposals – which requires Proposals to state whether they will give effect to both a Local Strategic Planning Statement and comply with the relevant directions under section 9.1.

Having considered the above, the Planning Proposal is inconsistent with Section 3.33 (2)(c) of the EP&A Act because the Planning Proposal will not "give effect to" Council's Local Strategic Planning Statement and does not comply with the relevant Section 9.1 Ministerial Direction (i.e. Direction 1.13).

C. Fails the site-specific merit test.

Reasons:

- 8) The Planning Proposal does not propose sufficient commercial floor space consistent with recent development approvals and leasing activity in this location;
- 9) traffic generation has not been assessed in any sufficient detail so far, so no Base A rate is established from which to draw the conclusion that: "*such low traffic generations would not have noticeable effects on the operation of the surrounding road network*";
- 10) suggests an exit onto Pacific Highway, a busy State road;
- 11) has yet to demonstrate acceptable view impacts on adjacent development; and
- 12) Option C does not meet the requirements of the 2036 Plan in relation to overshadowing.

D. Insufficient information has been provided.

- Does not demonstrate how Oxley Street will be landscaped to become a 'tree-lined green street' as described in the 2036 Plan;
- Further detail is needed on the public plaza and through-site link proposal, including canopy cover requirements;
- Parking and traffic impacts have not been adequately addressed in the current Traffic study;

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- Further assessment is needed to show that view impacts on adjacent development are acceptable; and
- Public amenity issues such as solar access and wind comfort are not fully addressed.

Further, details of "*best practice sustainability outcomes*" would assist assessment of the proposed public benefits.

In terms of amenity impacts, neighbours at 472-486 Pacific Highway (Mirvac) and 545-553 Pacific Highway (opposite) will experience some view sharing. The analysis is incomplete. Moreover, no view analysis has been made for residents diagonally opposite in 563 and 567 Pacific Highway..

In conclusion, the land use mix (of between 9% and 13% commercial compared to between 91% and 87% residential) is inconsistent with the employment focus for the precinct as addressed by strategic controls - *A Metropolis of Three Cities*, *The North District Plan*, and the *St Leonards/Crow's Nest 2036 Plan*. Moreover, the heights of Options B & C exceed those of the 2036 Plan.

In addition to the inconsistencies mentioned above, there is also inadequate information by which to assess strategic and especially site-specific merit - no jobs analysis is provided, the traffic study is inconclusive, there is no landscape concept plan, and no sustainability measures are addressed.

SITE

The subject site comprises 1,661 sqm of land at 448-456 Pacific Highway, St Leonards (Figure 1), on the corner of Oxley Street, strategically located on the Pacific Highway *diagonally opposite* the planned Crow's Nest Metro Station which forms part of the Sydney Metro City & Southwest Project and within 400 metres of the existing St Leonards Station.



Figure 1: Location of site

The site comprises a car wash facility located on 448-452 Pacific Highway (Lots 1-3 Part 16 DP3175) and a 4-storey commercial building at 456 Pacific Highway (Lot C DP414984). The car wash is located on the corner of Pacific Highway and Oxley Street and comprises at grade car parking and car wash areas, shade sails and a single-storey building. Entry to the car wash is via Oxley Street and exit is to the Pacific Highway. The commercial building fronts Pacific Highway with a car parking entrance fronting the street, car parking at ground level and three levels of commercial floor space above. The site currently contains six commercial buildings ranging in

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height from two to four storeys, which are claimed to be “reaching the end of their economic lifespan, in poor repair and in some cases unusable.” The eight lots have been combined under a single landholding ownership.

The site is located in the corridor between the existing St Leonards Station and the planned Crow's Nest Metro Station. This area is undergoing rapid urban renewal and change in response to major government infrastructure investment in the form of the Sydney Metro City & Southwest Project and the vision set out under the 2036 Plan. The existing and future built form context is shown in Figure 2 below.

Much of the land on the north and south side of the Pacific Highway has been redeveloped with larger mixed-use buildings and several underdeveloped properties are subject to development consent. Further north of the site is 'The Forum' which forms a town centre of St Leonards and acts as a commercial, retailing and transport hub.

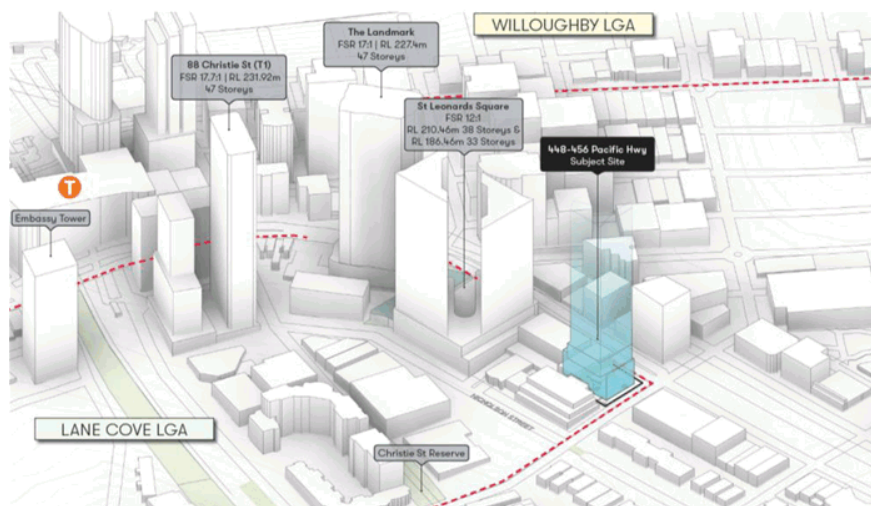


Figure 2: Development context, including indicative proposal

Current LEP Planning Controls

Figure 3 shows the current LEP controls for maximum floor space ratio and height on the site.

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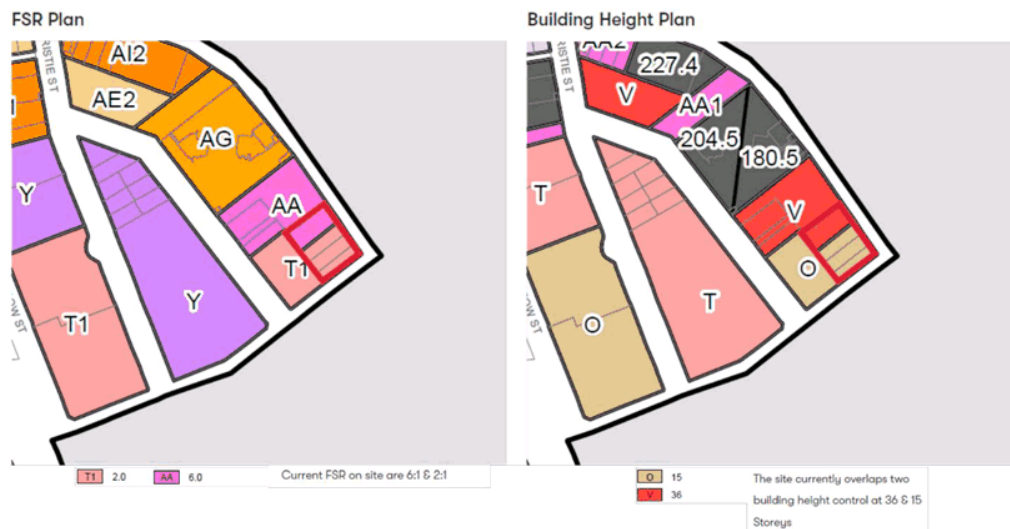


Figure 3: Lane Cove LEP – current FSR & height controls

Based on the current commercial only zoning and FSR and height controls, if developed entirely for commercial purposes, a potential building could be 15 metre and 36 metre in height with a total commercial GFA of 5,649 sqm. This would translate to approximately 314 new jobs.

St Leonards Crow's Nest 2036 Plan Controls

Figure 4 shows the current controls (under the 2036 Plan) for maximum floor space ratio and height (in storeys) on the site.



Figure 4: 2036 Plan – FSR & height controls

Based on the 2036 Plan controls, if developed partly for commercial/residential purposes, under the current *St Leonards/Crow's Nest 2036 Plan* controls, a potential building could be 30 storeys in total

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height with a possible commercial GFA of 6,644 sqm. This would translate to approximately 370 new jobs. This commercial GFA is due to the 2036 Plan requiring the site to deliver a non-residential floor space ratio of 4:1, inclusive of the overall FSR of 7:1 (see Figure 5).



Figure 5: 2036 Plan – Minimum non-residential FSR control

BACKGROUND

Council's approach to re-vitalising St Leonards has been detailed in previous reports to the Panel and Council.

In pursuing the revitalization of the St Leonards CBD, Council has taken a measured approach by targeting specific sites to stimulate and broaden the economic base, by permitting a small number of mixed use (B4) sites within the CBD as a whole. The remainder of the sites were to remain as B3 Commercial Core. This approach has been implemented since 2012, through Council's:-

1. Four Pilot projects;
2. Proposed Rail Plaza; and
3. St Leonards Public Domain Master Plan.

This targeted approach, with supporting projects, is a finely tuned policy designed to stimulate the centre's long-term commercial and employment potential with residential development providing a supporting role in the St Leonards CBD. Council is firmly of the view that further residential land uses should only be considered after the 4 pilot projects have been evaluated to gauge impacts and benefits to the Commercial Core.

The Greater Sydney Commission has confirmed this approach as consistent with the North District Plan which states that Councils “*strengthen St Leonards through approaches that [in part] grow jobs in the centre (Action 34)*”. It aims for a high jobs growth target of 16,400 between 2016 and 2036. The precinct is important “*as a key employment centre in Greater Sydney*”. “*Employment*

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growth is the principal underlying economic goal for metropolitan and strategic centres" (North District Plan: 2018, page 67) such as this.

While this Planning Proposal in principle validates Council's approach, there are also other strategic planning documents to consider. These documents and their relationship to this site are briefly outlined below.

St Leonards and Crow's Nest 2036 Plan

The St Leonards/Crow's Nest Planned Precinct is identified by the North District Plan (NDP) as "a mixed-use centre with high-rise offices, and high-density residential development". Action 34 of the NDP focuses growth subject to "growing jobs in the centre". Additional capacity for housing supply is a secondary but important function of the precinct. It is from these two purposes of the *North District Plan* that the 2036 Plan has emerged.

The 2036 Plan (**AT-4**) recommends that this site be rezoned from B3 Commercial Core to B4 Mixed Use, with an increased height and floor space ratio (see Discussion section), plus "a minimum non-residential floor space requirement for the B4 Mixed Use zone to meet North District Plan high jobs target." (p44)

It is important to note that page 63 of the final 2036 Plan states that all controls shown in the 'Implementing the Plan' section are indicative only, however this is still subject to consideration of the Section 9.1 Ministerial Directions.

The Plan also introduced a Special Infrastructure Contributions rate which now applies to all new residential and mixed-use residential development in the area.

Special Infrastructure Contributions

As part of the final 2036 Plan, the Special Infrastructure Contribution (SIC) applies to this area of St Leonards and Crow's Nest but only for the residential development component.

Section 9.1 Ministerial Directions

All Planning Proposals are required to address Section 9.1 Ministerial Directions, where they are applicable to the site. However, in this instance Ministerial Direction 1.13 (see **AT-5**) is relevant because it specifically deals with the implementation of St Leonards and Crow's Nest 2036 Plan.

It states that Planning Proposals may be inconsistent with the Plan if it can be demonstrated that the inconsistency is of minor significance while still achieving the vision, objectives and actions identified in the Plan.

Local Strategic Planning Statement

Council's adopted *Local Strategic Planning Statement* (**AT-6**) outlines a 20-year vision, planning priorities and actions for land use in Lane Cove. The LSPS came into force on 30 March 2020 and was published to the NSW Planning Portal website.

This Statement and other relevant documents must now be used to inform future amendments to Council's Local Environmental Plan and Development Control Plan. The Proposal's consistency with this Statement is detailed in the Discussion section of this report.

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Local Housing Strategy

Council's adopted Local Housing Strategy (LHS) provides an evidence-based framework that informs how and where residential development is planned to be delivered in the LGA for the next 20 years.

Because the Planning Proposal involves mixed use development with a residential component, this Strategy (**AT-7**) is relevant.

PROPOSAL

The proponent-led Planning Proposal seeks the following amendments to Lane Cove LEP 2009 (see proponent's Draft LEP maps) for the subject site:-

- Rezone the site from B3 commercial core to B4 Mixed Use;
- Increase the FSR controls from a combination of 6:1 and 2:1 to one of three options – 13.13:1, or 16.14:1, or 19.15:1;
- Require any building on the land shown on the *Non-Residential Floor Space Ratio Map* as having an FSR of 1.76:1; and
- Increase the Height of Building controls from a combination of 36m and 15m to one of three options – 30 storeys (RL 190.9), or 37 storeys (RL 212.6), or 44 storeys (RL 234.3).

Overall, the proposed controls could potentially result in the following outcomes:

- A mixed use commercial/residential podium/tower of between 30 (see Figure 6 for 3D concept) and 44 storeys, with a total GFA of between 21,800 sqm and 31,800 sqm (FSR of between 13.13:1 and 19.15:1), including ground floor retail as part of a 4-storey podium;
- Seven levels of basement car parking with provision of car spaces "*to be determined at the D.A. stage*" consistent with the Lane Cove DCP Part R. Access will be from Oxley Street, with "*consideration ... given to providing an exit from the site to Pacific Highway*", again at the D.A. stage;
- Public domain improvements including an activated through-site link along the southern boundary connecting to an on-site plaza (see Figure 7);

Note the absence of detail regarding parking, building articulation, and the through-site pedestrian link.

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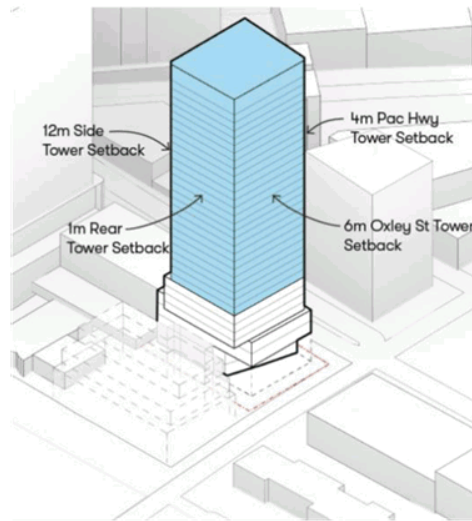


Figure 6: Concept 3D view (with setbacks)

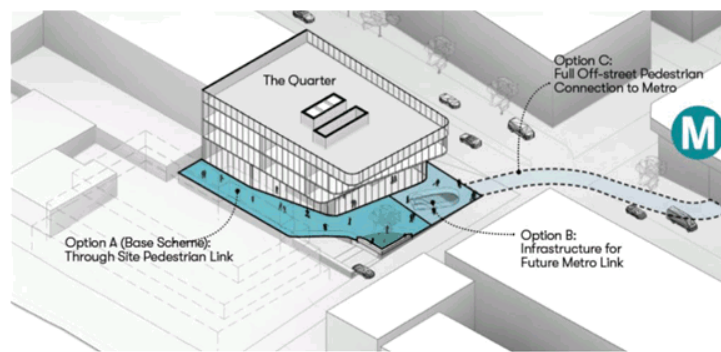


Figure 7: Through-site connection options linking to Crows Nest Metro Station

Figure 8 shows the indicative sections of each option along Pacific Highway and Oxley Streets.

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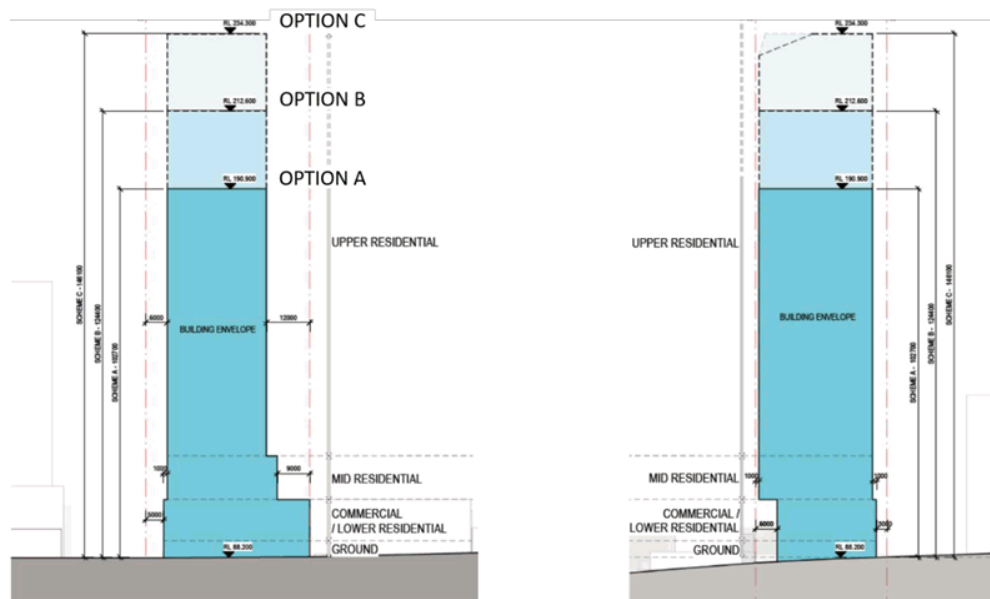


Figure 8. Pacific Highway / Oxley sections

Potential public benefits

The proposal is offering public benefits, which are associated with the separate development options:

Option A proposes:

- A 6m-wide through-site pedestrian link along the west boundary (of active retail);
- An on-site public plaza fronting Oxley Street,
- 5% affordable apartments (approx. 11-16), and
- "best practice sustainability outcomes".

Option B proposes, in addition to A:

- Underground provision for tunnel connection to site boundary.

Option C proposes, in addition to A:

- Direct underground tunnel connection to Metro station.

In return for design excellence (facilitated through a design competition) in all options, the applicant also seeks a bonus 10% FSR.

DISCUSSION

This section examines the provisions of the proponent's Planning Proposal 'Options' against the strategic and site-specific merit tests, as well as consistency against Council's Local Environment Plan.

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When considering a Planning Proposal, the *Local Environmental Plan Making Guideline* (prepared by NSW Department of Planning & Environment) addresses the following four strategic and two site-specific merit test questions in assessing proposals.

STRATEGIC MERIT TEST

- 1. Does the Planning Proposal give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment or a draft/place strategy?**

a) A Metropolis of Three Cities

It is claimed that the Proposal supports the achievement of the regional *Planning Priority N12: Delivering integrated land use and transport planning and a 30-minute city*, and *Objective 14 – A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities*.

Comment:

The Proposal is inconsistent with Objective 22 of *A Metropolis of Three Cities*. This objective states that the expectations of all strategic centres include both:

- “co-location of a wide mix of land uses, including residential” (page 118);
- “**areas identified for commercial uses, and where appropriate, commercial cores**” (page 119).
- “**Employment growth is the principal underlying economic goal for metropolitan and strategic centres** (page 119).
- **A balance is required in providing adequate mixed use or residential zoned land around a commercial core that allows new residential developments to benefit from access and services in centres**” (*A Metropolis of Three Cities*, page 120).

With regard particularly to the last two expectations, the Proposal's imbalance between 9-13% commercial land use and 87-91% residential land use is inconsistent with the objectives and expectations (for strategic centres) of *A Metropolis of Three Cities*.

b) North District Plan

It is claimed that the proposed options are consistent with Action 3 of the NDP – to “align forecast growth with infrastructure.” The proposal seeks “to align housing and jobs growth with existing and planned transport infrastructure and enhance connectivity to the adjacent stations.” The proposal does offer to improve connectivity to the new Crow's Nest station.

Comment:

However, it does not attempt to provide the number of jobs the site is capable of providing under the 2036 Plan. Most likely, the very small non-residential FSR of 1.76:1 will provide at most approx. 160 jobs, and not 290 jobs as claimed. This is based on a calculation of 2,930 sqm GFA divided by 18 sqm per employee (a rate used in the economic analysis on which the 2036 Plan is based).

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As a result, the proposal has missed the opportunity to enact other specific actions of the NDP for St Leonards, to:

- leverage the new Sydney Metro Station at Crow's Nest to deliver additional employment capacity;
- grow jobs in the centre; and
- reduce the impact of vehicle movements on pedestrian and cyclist accessibility.

Both *A Metropolis of Three Cities* and the *North District Plan (NDP)* identify St Leonards as a 'strategic centre'. The District Plan considers that the strategic centres play an important economic role in supporting the growth of Sydney as a global city. Particularly St Leonards as a health and education (employment) 'super precinct' (page 60).

Council must assess this planning proposal against Planning Priorities N9 & N10 and Action 34 of the District Plan, in regard to St Leonards.

District Plan Planning Priority N9: Growing and investing in health and education precincts

Page 64 reinforces "***the importance of the precinct as a key employment centre in Greater Sydney***". Action 34 of the District Plan, a Productivity Action, is primarily focused on additional employment capacity by growing jobs. In particular, a higher jobs target of an extra 16,400 jobs by 2036 in the entire precinct.

The 2036 Plan proposes a non-residential FSR of 4:1 for the site, which translates approximately to 370 jobs. This represents approx. 2.3% of the total employment potential of the precinct. By contrast, this Proposal states that it would realise 290 jobs (1.8%) of the total employment potential of the strategic centre of St Leonards Crow's Nest. In reality, this is more likely to be 160 jobs (1% of the Precinct's potential).

District Plan Planning Priority N10: Growing investment, business opportunities and jobs in strategic centres

Page 67 of the NDP reinforces that, "***the growth, innovation and evolution of centres will underpin the economy of the North District.***"

The Proposal is inconsistent with the central objective of supporting an employment hub, such as St Leonards, that can provide 16,400 additional jobs over the next 20 years. If combined with Council's 'pilot project' sites, approximately 4,691 additional jobs will be created in the Lane Cove portion of St Leonards. This would be counted towards the high jobs target for the area.

It is claimed that the delivery of between "216 and 328" dwellings supports Action 17 in delivering on the Local housing Strategy's 6-10-year housing target. Council's approved LHS is currently delivering on its housing targets up to 2036. There is no further requirement for housing in the St Leonards/Crow's Nest precinct.

c) *St Leonards/Crow's Nest 2036 Plan*

The Planning Proposal claims that it is consistent with the vision, objectives and actions of the 2036 Plan. Table 1 in part addresses the criteria which should be complied with:

	2036 Plan	Option A	Option B	Option C
Land use	"encourage a	13% commercial,	11% commercial,	9% commercial,

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	2036 Plan	Option A	Option B	Option C
	balance of commercial and residential uses within the St Leonards Core"	87% residential.	89% residential.	91% residential.
Total FSR	7:1	13.13:1	16.14:1	19.15:1
Non-res. FSR	4:1		1.76:1	
Height	30 storeys (100 metres)	30 storeys = RL190.9 (102.7 metres)	37 storeys = RL212.6 (124.4 metres)	44 storeys = RL 234.3 (146.1 metres)
Dwelling yield	56 (approximately)	216	272	328
Jobs potential	Approximately 370 jobs within A-grade office	Claims 290, but no mention of A-grade office space		
Podium Setbacks	*Pacific Hwy = 3m; *Oxley St = 5m; **"West" (to 460 Pacific Hwy) = 0m; **"South" (to 40 Oxley) = 0m (2036 Plan -> 40 Oxley is 5 storeys)	*Pacific Highway = 3m *Oxley = 5m + extra for public plaza **"West" = 0m **"South" = 6m		
Tower Setbacks -above 5 storeys** (from ADG) **assumes 5 storeys is 15m	* Pacific Hwy = 4m; * Oxley = 5m ; * "West" (to 460 Pac) = 9 & 12m; * "South" (to 40 Oxley) = 0m	* Pacific Highway = 4m * Oxley = 6m * "West" = 9m/12m * "South" = 1m tower		
Parking	"reduced"	DCP Part R		
Overshadowing	"no substantial additional overshadowing especially 9-3 to the areas south of River Road.	Insufficient information to assess against 2036 Plan requirements. Potentially, overshadows part south of River R.		
Connection to Crow's Nest station	"Investigate delivery of the crossing at Oxley Street as part of Crow's Nest Station integration works."	Through site link along the west boundary plus 300sqm Public plaza fronting Oxley Street [does not cross Pacific Highway] = Effectively a 6m-wide 4-storey high corridor beside 40 Oxley.	Through site link and 300sqm plaza + Provision for future Metro connection = Underground provision for tunnel connection to site boundary .	Through site link and 300sqm plaza + Direct underground tunnel connection to Metro station.
Street trees	Oxley = "tree-lined green streets... to allow for setbacks with grass and canopy trees."	No information provided		
View impact	Resulting from building heights of	"A review of the surrounding	Claimed to be equal to Option A (pp 57 + of Urban Design Report)	

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	2036 Plan	Option A	Option B	Option C
	30 storeys at subject site and adjacent development at 460 Pacific Hwy.	buildings sightlines indicates the proposed envelope has a minor [additional] impact on access to views"		
Affordable housing	Identify an appropriate target for affordable housing, consistent with Council's affordable rental housing target schemes.	5% of residential floor space (i.e 11 units)	5% of residential floor space (i.e 14 units)	5% of residential floor space (i.e 16 units)

Table 1: Design Criteria Assessment against 2036 Plan

When the Proposal is assessed against the design criteria of the 2036 Plan the following elements arise.

Compliant elements:

- i. Consistent with the principle of "tall buildings within 150-200m of either station";
- ii. The provision of an activated laneway/through-site link and public plaza;
- iii. Improves the connectivity from St Leonards over-rail plaza to Crow's Nest Metro station (proposing public benefits "of exceptional value, beyond... a standard practice approach");
- iv. Complying 5m setback on Oxley Street which could allow for avenue tree-planting;
- v. Provision of a potentially "appropriate target for affordable housing" (5%); and
- vi. Conforming street wall heights and setbacks.

Concerns:

- i. Overall FSR exceeds 2036 Plan in all Options;
- ii. Insufficient non-residential FSR "to meet the North District Plan high jobs target" and 2036 Plan requirements in all options;
- iii. Additional FSR/height bonus of 10% for design excellence in all options is not a vision, objective or action and would further exceed 2036 Plan outcomes;
- iv. Imbalance of commercial and residential uses within St Leonards Core;
- v. Does not "encourage the renewal of St Leonards through the delivery of new A-grade commercial floor space" (this was the primary rationale for rezoning from B3 to B4 in the 2036 Plan);
- vi. While height in Option A complies, height exceeds 2036 Plan in Options B and C;
- vii. Does not address Plan's vision of tree-lined 'green streets' required along Oxley Street;
- viii. Option C does not entirely minimise overshadowing of adjoining residential areas; and
- ix. Does not attempt to "limit the amount of car parking" as part of a TOD precinct.

These issues of concern are addressed further below.

i. FSR above 2036 Plan limits

The applicant's range of FSR of between 13.13:1 and 19.15:1 (Options A to C) is significantly above the FSR of 7:1 of the 2036 Plan (see Figure 9). The resultant gross floor area is likewise much higher:

	2036 Plan	Option A	Option B	Option C
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	<i>2036 Plan</i>	<i>Option A</i>	<i>Option B</i>	<i>Option C</i>
FSR	7:1	13.13:1	16.14:1	19.15:1
GFA	11,627 sqm	21,810 sqm	26,808 sqm	31,806 sqm
% of 2036 Plan	100%	185%	230%	274%

Table 2: Comparison of FSRs

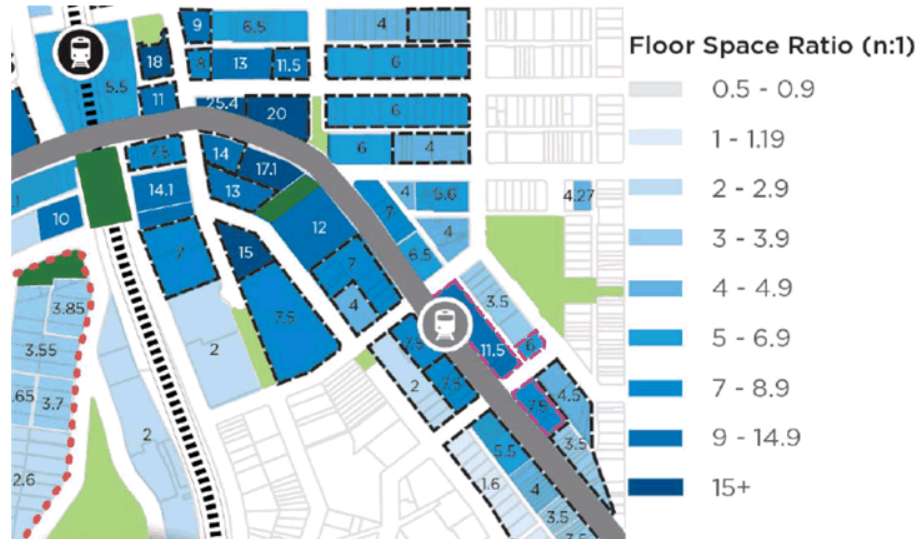


Figure 9: FSRs in 2036 Plan

It is argued that an FSR of between 13.13:1 and 19.15:1 is more consistent with the FSRs recommended in the Plan (see Figure 10) for the taller buildings proposed to be located within 150-200m of either train station. The urban design principle is that *“Density is located close to a transport hub such as St Leonards Station or the Crow’s Nest Metro Station.”*

The applicant argues that the 7:1 FSR (described in the 2036 Plan) is “a significant mismatch with the desired height of 30 storeys”, resulting from “the assumption that the site is amalgamated with landholdings to the north”. This is not clearly explained, although the land to the north is nevertheless only given an FSR of 12:1. Regardless of how 7:1 was arrived at, it is clear the 2036 Plan’s intended built form outcome was for the site to be predominantly commercial/retail development with limited residential uses. This is evidenced by the non-residential floor space ratio expressed in the 2036 Plan.

- ii. *Insufficient non-residential FSR "to meet the North District Plan high jobs target";*

The applicant's proposed non-residential (commercial/retail) FSR is 43% of the 2036 figure (as illustrated in Table 3). It is claimed that this is "consistent with the recommended four storey podium and well above the desired level of non-residential floor space needed for a mixed-use tower in this precinct".

	<i>2036 Plan</i>	<i>Option A</i>	<i>Option B</i>	<i>Option C</i>
Non-residential FSR	4:1	1.76:1		
Non-residential GFA	6,644 sqm	2,930 sqm		
Potential jobs (based on 2036 Plan assumptions)	370	160		

Table 3: Non-residential outcomes

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The 2036 Plan identifies St Leonards as primarily playing:

“a significant economic role as the sixth largest office market in the Sydney Region. New ‘A Grade’ employment floorspace opportunities will be unlocked through mixed-use development with minimum requirements for non-residential floor space to balance the proportion of employment to residential uses.”

The Plan seeks between 2,160 and 4,570 new jobs in this St Leonards sub-precinct alone by 2036. The application states that a non-residential FSR of 1.76:1 (equal to 2,930 sqm of non-residential floorspace) will provide 290 jobs. But using a rate of 18 sqm GFA per job (a rate used in the economic analysis on which the 2036 Plan is based), at most this provides only 160 jobs. This is 43% of the approx. 370 jobs likely to result from an FSR of 4:1. The proposed non-residential FSR is, therefore, inadequate as a contribution to the jobs target for the St Leonards Strategic Centre. See also Local Strategic Planning Statement (LSPS) below for further discussion.

iii. *No justification for design excellence bonus*

The applicant proposes that:

“Each option would seek to deliver a design excellence outcome through a design competition, and through that process secure a 10% bonus on either the agreed height or FSR” (AT-1: page 8).

This is not an outcome envisaged or expressed by the 2036 Plan and would be inconsistent with its vision, objectives and actions. This is because the increased building heights (and/or FSRs) would have a detrimental impact on the solar access controls (which helped inform building heights and FSRs) established by the Plan.

It is important to note that the Plan did mention that both North Sydney and Lane Cove’s Local Environmental Plan include Design Excellence clauses (for the Metro Station sites and St Leonards South). However, both these clauses did not include or allow further height or FSR bonuses if design excellence is achieved.

Therefore, the proposed bonus for design excellence in any option is not able to be justified.

iv. *Imbalance of commercial and residential uses within St Leonards Core*

The proposed non-residential FSR of 1.76:1 is between 9% and 13% of total FSR, against 87% to 91% residential. This does not match with the “significant economic role” St Leonards is playing in the Sydney region. It does little to help “meet the North District Plan high jobs target.”

v. *Does not “encourage the renewal of St Leonards through the delivery of new A-grade commercial floor space”*

In addition to non-residential FSRs, the 2036 Plan incentivises rezoning from commercial-only B3 to mixed-use B4 zone in return for provision of A-grade office space – which is the primary rezoning rationale. This is expressed in the action:

“Permit mixed-use development on key sites to encourage the renewal of St Leonards through the delivery of A-grade commercial floor space” (AT-4: page 42).

The proposal makes no mention of any grade of office space.

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vi. Height exceeds 2036 Plan in Options B and C

The proponent compares the height of the three Options with neighbouring developments:

“Option A (Base Case) and Option B relate to neighbouring developments located between the two stations, while Option C is in line with the twin peak vision of the 2036 plan where taller buildings are located adjacent to each of the stations.”

These differences are shown in Table 4 and Figure 10 below.

	2036 Plan	Option A	Option B	Option C
Storeys	30	30	37	44
Metres high	Approx. 100m	102.7m	124.4m	145.1m
RL height	Approx. RL 190	RL190.9	RL212.6	RL234.3
Comparable with St Leonards Square / The Landmark		St Leonards Square (building 1) = RL186.4	St Leonards Square (building 2) = RL210.6	The Landmark = RL227.4

Table 4: Heights

The breach of height from the 2036 Plan is not supported.

vii. Does not address tree-lined ‘green streets’ along Oxley Street

The 2036 Plan proposes that Oxley Street become one of the ‘tree-lined green streets’ of the precinct, in order to “allow for setbacks with grass and canopy trees.” In the absence of a landscape concept plan, this requirement cannot be assessed.

viii. Option C does not entirely minimise overshadowing of adjoining residential areas

The solar access requirement of the 2036 Plan, includes:

that new development in the area does not produce substantial additional overshadowing during specific hours in mid-winter (21 June).

In particular, there is a requirement to not overshadow ‘residential outside boundary’ at all from 9am to 3pm. This applies to the area south of River Road and has not been assessed by the applicant for any of the options. However, based on the applicant’s shadow diagrams for Options A & B it is unlikely that either of these proposed building(s) would breach this control at 9am.

While the applicant’s shadow diagram for Option C (44 storeys) did not assess the 9am period it is likely that (based on the shadow patterns) it would potentially affect the ‘residential outside boundary’ area between 9am-10am mid winter (as illustrated indicatively in Figure 10).

If proven to be correct, this would be inconsistent with the 2036 Plan. Notwithstanding that, no shadow diagrams have been provided for any of the options from 9am – 3pm (mid-winter). Therefore, accurate solar access maps (for all options) for the period 9am to 3pm are required.

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Figure 10: Shadow diagram with (omitted) potential impact of Option C at 9am

- ix. Does not attempt to “limit the amount of car parking” as part of a TOD precinct

The Traffic Study (AT-3) states that:

“The final parking provision will be determined at the development application stage, having regard to the above rates [of] Part R of the Lane Cove Development Control Plan (Traffic, Transport and Parking).”

No assessment is therefore provided of consequent traffic impacts of parking numbers, but it is implied that the actual planning proposal will not comply with the 2036 Plan requirement to “limit the amount of car parking” as part of a TOD precinct.

The Traffic Study concludes that, “such low traffic generations would not have noticeable effects on the operation of the surrounding road network”. However, the Traffic Study has not completed an assessment of Traffic generation so far, so no Base A rate is established from which to make this assertion.

STRATEGIC MERIT TEST

2. Does the Planning Proposal give effect to the relevant local strategic planning statement, or strategy that has been endorsed by the Department or required as part of a regional or district plan?

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Local Strategic Planning Statement (LSPS)

Council's local strategic planning statement (see **AT-6**) was formally endorsed by the Greater Sydney Commission in March 2020.

Under the Liveability section, Council established a series of principles for the location of additional housing. One of the principles was:

- *"Locate higher density housing types within a 5 minute walk (400 metre radius) of the St Leonards Strategic Centre (train station) and Crow's Nest Metro Station **but not at the expense of the attraction and growth of jobs, retailing and services in existing B3 Commercial Core zoned land**" (AT-6: 2020, page 30).*

Furthermore, the Productivity section states that:

*"St Leonards had a base estimate of 47,100 jobs in 2016. By 2036, it is expected that St Leonards could accommodate a higher jobs target of up to 63,500 jobs, an increase of 16,400 new jobs. Lane Cove has already contributed to this higher jobs target as all four of its pilot projects have now been approved with commercial/retail/office floor space in excess of current planning controls. They provide an additional 22,696 sqm of non-residential floor space which translates to 1,261 new jobs (based on the Draft 2036 Plan findings). In addition, a world class commercial tenant MasterCard has now established a technology hub in an existing commercial office building in St Leonards, **highlighting the need for stand-alone commercial office space**".*

*Council's targeted approach to expansion, involved leaving the remainder of the B3 Commercial Core area in Lane Cove LGA as currently zoned, avoiding isolation of commercial sites. Further, these pilot projects were to be monitored in terms of their effectiveness in stimulating the commercial sector in advance of any consideration of similar rezonings. **Council's pilot project approach and recent construction approvals provide overwhelming evidence that stand alone commercial development is now viable and may potentially become more viable as a result of Crow's Nest Metro Station according to the Draft 2036 Plan findings.***

In its Draft 2036 Plan submission, Council proposed not pursuing any further mixed use rezonings (as proposed in the Draft 2036 Plan) and a development phasing plan reviewing the Plan in 2026 after delivery of the Sydney Metro project in 2024, to ensure opportunities for commercial development are maximised.

...Council's long term approach outlined above would leverage off the Crow's Nest Metro Station to deliver additional employment capacity. It will also achieve a balance of commercial and residential development in the St Leonards Strategic Centre". (AT-6: 2020, page 42).

This translates into the ongoing action:

"Achieve a balance between the designated commercial core and residential development in the St Leonards Strategic Centre to manage the impact of residential development in crowding out commercial activity" (page 44).

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Council is mindful of providing for jobs growth in the B3 zone of St Leonards, a policy with which the applicant's unbalanced proposal is inconsistent and will come at the expensive of the attraction and growth of jobs, retailing and services in existing B3 Commercial Core zoned land.

As part of its LSPS approval, the Greater Sydney Commission required Council's future Local Housing Strategy to demonstrate that it could meet a target range of between 3,000-3,500 new dwellings (from 2021-2026).

Local Housing Strategy (LHS)

The applicant claims that the proposal (depending on the option) will contribute to the 6-10 year housing target (from 2021-2026) through the delivery of between 216 and 328 new dwellings.

Council's approved LHS (AT-7) confirms that with the recent rezoning of the St Leonards South precinct, the LGA already has capacity to achieve 3,100 new dwellings during this same period. Based on its evidence, the strategy recommends that no upzoning is needed for the duration of the Strategy (up to 2036) for the purpose of increasing overall capacity and has an ongoing action that:

"Further upzoning is not required to meet housing capacity requirements for the LGA. Planning proposals should expressly be linked to furthering the objectives, priorities, principles and actions of the Local Strategic Planning Statement and LHS" (AT-7: 2021, page 94).

As a result, Council's approved LHS is currently delivering on its housing targets up to 2036. There is no further requirement for additional housing in the St Leonards/Crow's Nest precinct (Lane Cove portion) – as this is largely being delivered in the St Leonards South precinct. The proposal is not required to 'contribute' to any dwelling targets and it does not 'give effect' to the LHS.

STRATEGIC MERIT TEST

3. Does the Planning Proposal respond to a change in circumstances that has not been recognised by existing planning framework?

As stated in previous reports, the new Crow's Nest Metro Station will act as a catalyst for more stand-alone commercial office development in the area. For example, a world class commercial tenant MasterCard has now established a technology hub in an existing commercial office building in St Leonards, highlighting the need for stand-alone commercial office space. Furthermore, recent DA approval for commercial office buildings at 29-57 Christie Street, St Leonards and recent Planning Proposal approval for 46 Nicholson Street, St Leonards indicate a strong and growing commercial focus near the stations.

As quoted above, the 2036 Plan only incentivises rezoning from commercial-only B3 to mixed-use B4 zone in return for provision of A-grade office space. The proposal makes no mention of any grade of office space.

SITE-SPECIFIC MERIT TEST

If the Planning Proposal has demonstrated strategic merit, then the site-specific merit test must have regard to:

4. the natural environment (including known significant environmental values, resources or hazards)

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Significant environmental values or resources are not likely to be impacted as a result of the applicant's proposal; nor is the land affected by any known natural hazards.

5. the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal

i. View sharing:

A view analysis has been prepared as part of the Urban Design Study (AT-2) which considers view impacts on adjacent buildings, and indicates that from St Leonards Square (472-486 Pacific) some City/Harbour views will be compromised. It is also claimed that Options B and C, will have no additional view impacts. Furthermore, that the impact of the proposed development is shown to be much the same as that created by the built form on the adjacent site (460 Pacific) envisaged under the 2036 Plan. However, **view analysis is insufficient to clearly demonstrate** the impacts on views of the increased heights associated with Options B and C

It is stated that for the apartments directly facing, the proposed development "*represents the most significant impact*" and that the impact is on views to Western Sydney, while "*with views towards the city and Harbour maintained*". This is not demonstrated.

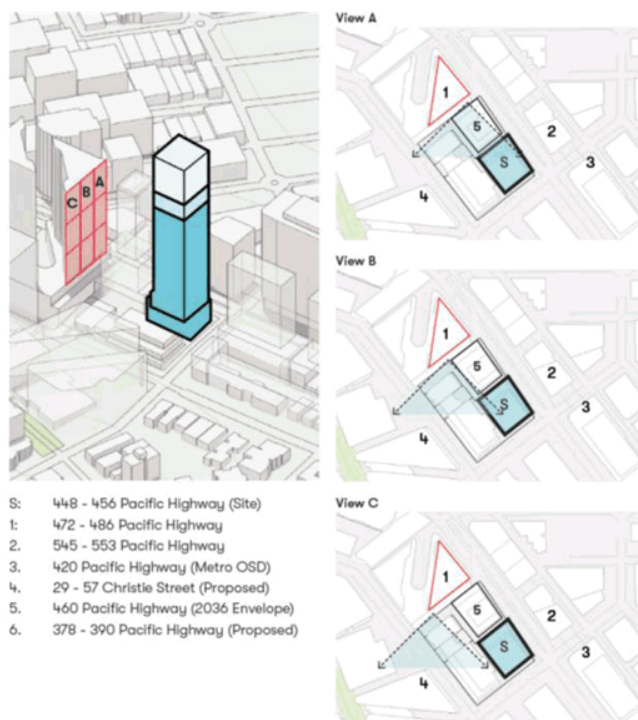


Figure 11: typical analysis of views

Some view sharing is to be expected for residential use in a central business district, where residential use is ancillary to the commercial function of the precinct. In relation to the 'Tenacity' [LEC Principle] analysis of view sharing, "impact" also depends on the value given to the object being viewed.

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- ii. The proposal improves the connectivity from St Leonards over-rail plaza to Crow's Nest Metro station, particularly options B and C, proposing public benefits *"of exceptional value, beyond... a standard practice approach"*.
- iii. Traffic generation has not been assessed so far, and will be required. As a result, no Base A rate is established from which to reach the conclusion that, *"such low traffic generations would not have noticeable effects on the operation of the surrounding road network"*;
- iv. The Traffic Study suggests an exit onto Pacific highway:

"Consideration could also be given to providing an exit from the site to Pacific Highway. This would be further explored at the development application stage."

This suggestion is inconsistent with common practice on State roads. More general consultation with TfNSW (including Sydney Metro and RMS) is recommended.

6. the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The subject site is near to the Crow's Nest Metro station, due to open in 2024. As a result, off-street parking should consider this new reality and propose a lower provision than that required in Council's DCP Part R. The reduced provision of parking would result in reduced traffic impacts on the surrounding network, which Council supports.

As stated in the Planning Proposal, the provisioning of a tunnel and delivery of the affordable housing would be done via a Planning Agreement. Council's adopted policy is that any Planning Agreement would be assessed separately by Council at a later stage to ensure that any Planning Proposal is considered on its own merit.

SUBMISSIONS

No submissions have been received by Council. It should be noted that North Sydney Council has made comment, **(AT-8)** while acknowledging that *"the submission of a planning proposal does not necessitate its exhibition"*. As stated in the Department of Planning's *Local Environmental Plan Making Guideline*:

"The most appropriate time for community consultation for planning proposals is after a Gateway determination is issued and all relevant studies and reports have been completed. This ensures the community has clear and evidence-based information available to help them make informed comments on the proposal." (p23)

Nevertheless, North Sydney Council recommended "absolute consistency" with the *St Leonards and Crow's Nest 2036 Plan*. They stress the need for inter-council consultation *"on the design and performance of the underground pedestrian tunnel"* (should Council support either of these options).

CONCLUSION

Council has taken a balanced and measured approach to the revitalization of the St Leonards CBD by targeting sites that will stimulate and broaden the economic base to increase the centre's long-term employment potential.

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The regional plan (*A Metropolis of Three Cities*) describes St Leonards as “a major asset” of the Eastern Economic corridor. It states:

“Attracting investment, business activity and jobs in strategic centres across Greater Sydney increases access to a wide range of jobs, goods and services close to people’s homes and supports the 30-minute city.” (p 119)

Council’s approach is acknowledged in the *North District Plan* where it defines St Leonards as a “strategic” centre which plays an important economic role in supporting the growth of Sydney as a global city. Particularly as a health and education (employment) “super precinct”.

It also reinforces “***the importance of the precinct as a key employment centre in Greater Sydney***”. Action 34 states that St Leonards is primarily focused on additional employment capacity by growing jobs and not permitting residential development to crowd out commercial development.

Based on these considerations, none of the proposed Options is considered to be consistent with either the Regional Plan or North District Plan, as they significantly underprovide any grade of commercial office floorspace to contribute to the high jobs target for the area.

Further, they are inconsistent with the vision, objectives and actions of the final *St Leonards/Crow’s Nest 2036 Plan* and these inconsistencies are not of minor significance.

Compared with the current LEP, Option A seeks an increase in GFA of between approx. 220% and 650%, and an increase in the current height of between approx. 285% and 685%. This is similar to the height permitted by the 2036 Plan, but far more GFA. This suggests a significant mismatch between the height proposed and the excessive FSR.

As addressed above, Planning Proposal No. 39 fails the strategic merit test, and it fails the site-specific merit test.

It is suggested that Planning Proposal No. 39 consider a reduced overall FSR, with a non-residential FSR of at least 4:1, and a height control of approx. RL 190.9 metres. However, it is not the role of Council to pick an option – that is for the proponent to decide.

Sufficient information for a thorough strategic merit assessment has not been provided to:

- a. ensure that that Oxley Street is proposed as one of the “tree-lined green streets” described in the 2036 Plan;
- b. understand detail of the public plaza and through-site link proposal in a landscape concept plan, including canopy cover requirements and a detailed site and context analysis. Minimum landscape standards should align with SLCN 2036 Plan and GANSW’s *Draft Greener Places Guide*, including tree canopy targets;
- c. address parking and traffic impacts in the Traffic study;
- d. assess commitments to using resources efficiently, including reducing embodied emissions, water efficiency and any onsite energy production potential;
- e. show that view impacts on adjacent development are acceptable; and
- f. address public amenity issues such as solar access and wind comfort.

Further, details of “best practice sustainability outcomes” would assist assessment of public benefits. These should include the principles of ecologically sustainable development (as defined in clause 7(4) of Schedule 2 of the EP&A Regulation);

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RECOMMENDATION

Pursuant to Section 9.1 of the *Environmental Planning and Assessment Act 1979*, the Lane Cove Planning Panel at its meeting of 10 May 2022 is recommended to **not** support Planning Proposal No. 39, for the following reasons:

A. Does not Pass the Strategic Merit Test

Reasons:

- 1) Is inconsistent with *A Metropolis of Three Cities*, which identifies the St Leonards Strategic Centre as a major employment asset of the Eastern Economic Corridor for “*attracting investment, business activity and jobs in strategic centres across Greater Sydney, increasing access to a wide range of jobs, goods and services close to people’s homes and supporting the 30-minute city.*” (p 119)
- 2) Is inconsistent with the *North District Plan*’s priorities or actions for the St Leonards Commercial area, which identifies “*the importance of the precinct as a key employment centre in Greater Sydney*”. Particularly as a health and education (employment) “*super precinct*”.
- 3) Because of its low non-residential floor space ratios (across all options) it will not achieve the high jobs target set for St Leonards area by both *A Metropolis of Three Cities* and *North District Plan*.

Under the 2036 Plan, this site would realise approximately 370 jobs, well above the 160 likely proposed, and an underachievement of the total employment potential of the strategic centre of St Leonards Crow’s Nest.

- 4) Is inconsistent with the following aspects of the *St Leonards/Crow’s Nest 2036 Plan*:-
 - a. Not addressing the vision of a ‘tree-lined’ Oxley Street;
 - b. Insufficient non-residential FSR is proposed (across all options) “*to meet the North District Plan high jobs target*” – a key action of the 2036 Plan;
 - c. Does not justify Height above 2036 Plan height in Options B and C;
 - d. no justification for any additional floor space ratio/height for design excellence over and above what is stated in the 2036 Plan;
 - e. Does not “*encourage the renewal of St Leonards through the delivery of new A-grade commercial floor space*” (the 2036 Plan’s primary rationale and action for rezoning from B3 Commercial Core to B4 Mixed Use);
 - f. An FSR at least 185% of that proposed in the 2036 Plan;
 - g. Does not clarify “best practice sustainability outcomes” as part of public benefits;
 - h. Proposes an imbalance of commercial and residential uses within St Leonards Core; and
 - i. Does not attempt to “limit the amount of car parking” expected of a TOD precinct.
- 5) Based on the above, the Planning Proposal is inconsistent with Section 9.1 Ministerial Direction 1.13 because it does not achieve (and undermines) the 2036 Plan’s vision, objectives and actions and the inconsistencies (with the 2036 Plan) are not of minor significance.

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PLANNING PROPOSAL NO. 39 - 448-456 PACIFIC HIGHWAY, ST LEONARDS

- 6) Is inconsistent with the following aspects of Council's *Local Strategic Planning Statement*:-
- a. *Planning Priority 5*: Plan for growth of housing that creates a diverse range of housing and encourages housing that is sustainable, liveable, accessible and affordable.
 - b. Principles for Location of Additional Housing.
 - c. *Planning Priority 7*: Council's long-term approach to St Leonards Strategic Centre is to leverage off the Crow's Nest Metro Station to deliver additional employment capacity, achieving a balance of commercial and residential development in the St Leonards Strategic Centre. In particular, "to manage the impact of residential development to not crowd out commercial activity".
 - d. *Planning Priority 11*: The proposal does not address Council's priority to practise sustainable measures relating to water and energy use.
7. Is inconsistent with Council's adopted Local Housing Strategy which states that no further rezonings are needed to achieve housing capacity over the next 20 years.

B. Does not comply with Section 3.33 of the Environmental Planning and Assessment Act

Reason:

This section of the Act deals with the preparation, explanation and justification of Planning Proposals – which requires Proposals to state whether they will give effect to both a Local Strategic Planning Statement and comply with the relevant directions under section 9.1.

Having considered the above, the Planning Proposal is inconsistent with Section 3.33 (2)(c) of the EP&A Act because the Planning Proposal will not "give effect to" Council's Local Strategic Planning Statement and does not comply with the relevant Section 9.1 Ministerial Direction (i.e. Direction 1.13).

C. Does not pass the Site-specific Merit Test

Reasons:

It does not propose sufficient commercial floor space consistent with recent development approvals and leasing activity in this location;
 traffic generation has not been assessed in any sufficient detail so far, so no Base rate is established from which to make the conclusion that: "*such low traffic generations would not have noticeable effects on the operation of the surrounding road network*";
 Suggests an exit onto Pacific Highway, a busy State road;
 Has yet to demonstrate acceptable view impacts on adjacent development; and
 Option C does not entirely minimise overshadowing of adjoining residential areas.

D. Insufficient information has been provided

- Needs to show how Oxley Street will be landscaped to become a 'tree-lined green street' as described in the 2036 Plan;
- More detail is needed on the public plaza and through-site link proposal, including canopy cover requirements;
- Parking and traffic impacts have not been adequately addressed in the current Traffic study;
- Further assessment is needed to show that view impacts on adjacent development are acceptable (Note – some view sharing is expected from residential use in a central

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PLANNING PROPOSAL NO. 39 - 448-456 PACIFIC HIGHWAY, ST LEONARDS

- business district, where residential use is ancillary to the commercial function of the precinct); and
- Public amenity issues such as solar access and wind comfort have not been addressed.

Mark Brisby
Executive Manager
Environmental Services Division

Minutes
Lane Cove Local Planning Panel Meeting
10 May 2022



**Lane Cove Local Planning Panel 10 May 2022
MINUTES**

PRESENT: Mr Mark Gifford, Chairman, Mr Kevin Hoffman, Planning Expert, Mr Graham Brown, Planning Expert and Ms Jane Blackmore, Community Representative

ALSO PRESENT: Mr Mark Brisby, Executive Manager, Environmental Services, Mr Rajiv Shankar, Manager Development Assessment, Mr Christopher Pelcz, Co-ordinator Strategic Planning, Mr Terry Tredrea, Strategic Planner and Ms Angela Panich, Panel Secretary

DECLARATIONS OF INTEREST: Nil

LANE COVE LOCAL PLANNING PANEL REPORTS**PLANNING PROPOSAL NO. 39 - 448-456 PACIFIC HIGHWAY, ST LEONARDS****PANEL COMMENTARY**

In providing advice to Council, the Panel has given careful consideration to the following:

- The context of the site with respect to surrounding and nearby developments which have been recently completed, approved and under construction;
- The relevant regional and local strategies which apply to the site and the important role of St Leonards as a key employment centre in Greater Sydney;
- The size and scale of the proposed built form compared to the emerging built form in a number of approved and completed nearby developments;
- The information provided in the planning proposal, supporting documents and by the proponent in response to questions from the Panel; and
- The Council officer's assessment of the planning proposal.

The Panel unanimously endorses the Officer's report and the recommendation not to proceed to Gateway Determination for the reasons listed in the report.

The Panel notes that the presentation by the proponent amended the Planning Proposal by indicating that the 10% bonus for design excellence was fundamental to the provision of the public benefit, including an extended pedestrian link, tunnel portal or tunnel access to the Metro Station. Depending on the option the public benefit was provided in part or in total.

Further, when asked to explain how the 10% bonus would be incorporated in the proposal, the applicant said that Option A would increase by a further 3 storeys in height, Option B would increase by 4 storeys and Option C would increase by 5 storeys, resulting in additional environmental impacts, particularly overshadowing with the residential areas to the south.

The Panel also notes that the quote from the 2036 plan used to justify the variation(s) (by the proponent) was not provided in full and is important to the Panel's consideration as it provides the full context. The relevant complete paragraph is repeated below:

"There may be opportunities for specific sites to accommodate additional density and height where the public benefits proposed to be delivered as part of a development proposal is of exceptional value, beyond what could be secured under a standard practice approach that should be considered within the precinct. In these instances, the proposal would still need to be consistent with the vision,

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objectives and actions, including solar access controls, in this Plan". (2036 Plan: 2020, page 36)

The Panel is of the view that the planning proposal is fundamentally flawed and lacks strategic merit.

RECOMMENDATION

Pursuant to Section 9.1 of the *Environmental Planning and Assessment Act 1979*, the Lane Cove Planning Panel at its meeting of 10 May 2022 advises the Council to **not** support Planning Proposal No. 39, for the following reasons:

A. Does not Pass the Strategic Merit Test*Reasons:*

- 1) Is inconsistent with *A Metropolis of Three Cities*, which identifies the St Leonards Strategic Centre as a major employment asset of the Eastern Economic Corridor for "attracting investment, business activity and jobs in strategic centres across Greater Sydney, increasing access to a wide range of jobs, goods and services close to people's homes and supporting the 30-minute city." (p 119)
- 2) Is inconsistent with the *North District Plan's* priorities or actions for the St Leonards Commercial area, which identifies "the importance of the precinct as a key employment centre in Greater Sydney". Particularly as a health and education (employment) "super precinct".
- 3) Because of its low non-residential floor space ratios (across all options) it will not achieve the high jobs target set for St Leonards area by both *A Metropolis of Three Cities* and *North District Plan*.

Under the *St Leonards/Crows Nest 2036 Plan*, this site would realise approximately 370 jobs, well above the 160 likely proposed, and an underachievement of the total employment potential of the strategic centre of St Leonards Crow's Nest.

- 4) Is inconsistent with the following aspects of the *St Leonards/Crow's Nest 2036 Plan*:-
 - a. Not addressing the vision of a 'tree-lined' Oxley Street;
 - b. Insufficient non-residential FSR is proposed (across all options) "to meet the *North District Plan high jobs target*" – a key action of the 2036 Plan;
 - c. Does not justify height above the 2036 Plan height in Options B and C;
 - d. No justification for the additional floor space ratio/height sought for design excellence over and above what is stated in the 2036 Plan;
 - e. Does not "encourage the renewal of St Leonards through the delivery of new A-grade commercial floor space" (the 2036 Plan's primary rationale and action for rezoning from B3 Commercial Core to B4 Mixed Use);
 - f. An FSR at least 185% of that proposed in the 2036 Plan;
 - g. Does not clarify "best practice sustainability outcomes" as part of public benefits;
 - h. Proposes an imbalance of commercial and residential uses within St Leonards Core; and
 - i. Does not attempt to "limit the amount of car parking" expected of a transit-oriented development (TOD) precinct.
- 5) Based on the above, the Planning Proposal is inconsistent with Section 9.1 Ministerial Direction 1.13 because it does not achieve (and undermines) the 2036 Plan's vision, objectives and actions and the inconsistencies (with the 2036 Plan) are

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not of minor significance.

- 6) Is inconsistent with the following aspects of Council's *Local Strategic Planning Statement*:-
- a. *Planning Priority 5*: Plan for growth of housing that creates a diverse range of housing and encourages housing that is sustainable, liveable, accessible and affordable.
 - b. Principles for Location of Additional Housing.
 - c. *Planning Priority 7*: Council's long-term approach to St Leonards Strategic Centre is to leverage off the Crow's Nest Metro Station to deliver additional employment capacity, achieving a balance of commercial and residential development in the St Leonards Strategic Centre. In particular, "to manage the impact of residential development to not crowd out commercial activity".
 - d. *Planning Priority 11*: The proposal does not address Council's priority to practise sustainable measures relating to water and energy use.
7. Is inconsistent with Council's adopted Local Housing Strategy which states that no further rezonings are needed to achieve housing capacity over the next 20 years.

B. Does not comply with Section 3.33 of the Environmental Planning and Assessment Act

Reason:

This section of the Act deals with the preparation, explanation and justification of Planning Proposals – which requires Proposals to state whether they will give effect to both a Local Strategic Planning Statement and comply with the relevant directions under section 9.1.

Having considered the above, the Planning Proposal is inconsistent with Section 3.33 (2)(c) of the EP&A Act because the Planning Proposal will not "give effect to" Council's Local Strategic Planning Statement and does not comply with the relevant Section 9.1 Ministerial Direction (i.e. Direction 1.13).

C. Does not pass the Site-specific Merit Test

Reasons:

It does not propose sufficient commercial floor space consistent with recent development approvals and leasing activity in this location;

Traffic generation has not been assessed in any sufficient detail so far, so no Base rate is established from which to make the conclusion that: "*such low traffic generations would not have noticeable effects on the operation of the surrounding road network*";

Suggests an exit onto Pacific Highway, a busy State road;

Has yet to demonstrate acceptable view impacts on adjacent development; and
Option C does not entirely minimise overshadowing of adjoining residential areas.

D. Insufficient information has been provided

- Needs to show how Oxley Street will be landscaped to become a 'tree-lined green street' as described in the 2036 Plan;
- More detail is needed on the public plaza and through-site link proposal, including canopy cover requirements;
- Parking and traffic impacts have not been adequately addressed in the current

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Traffic study;

- Further assessment is needed to show that view impacts on adjacent development are acceptable (Note – some view sharing is expected from residential use in a central business district, where residential use is ancillary to the commercial function of the precinct); and
- Public amenity issues such as solar access and wind comfort have not been addressed.

The decision of the Panel unanimous.

The meeting closed at 12.15pm

CHAIRPERSON

***** END OF MINUTES *****

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Ordinary Council Meeting 19 May 2022
DRAFT COMMUNITY DOG ADVISORY COMMITTEE CHARTER

Subject: Draft Community Dog Advisory Committee Charter
Record No: SU8288 - 22973/22
Division: Open Space and Urban Services Division
Author(s): Helen Haigh

Executive Summary

At its October 2021 Council meeting Council resolved to establish a new advisory committee to advise on residents' issues around dogs, the needs of dog owners, consider possible dog related events for the Lane Cove LGA, and what resources might be required to be provided by Council to ensure that both the interests of dog owners and the wider community are being looked after.

This report also seeks to determine the Councillor representation on this Committee for the current Council term and commence a process by which community representatives can express an interest in joining the Community Dog Advisory Committee.

Background

At the Council meeting of 18 October 2021 Council passed the following resolution.

“RESOLVED a motion was moved by Councillors Brooks-Horn and Bennison that Council:-

1. *Convene a new advisory committee called the “Community Dog Advisory Committee” to advise on residents’ issues around dogs, the needs of dog owners, consider possible dog related events for the Lane Cove LGA, and what resources might be required to be provided by Council to ensure that both the interests of dog owners and the wider community are being looked after;*
2. *Write a constitution governing the activities of the committee, to be approved by council;*
3. *Committee’s responsibilities are to (examples):-*
 - a. *meet at least twice within 6 months of the committee being constituted to review and suggest changes to the Revised Draft Dog Strategy Plan 2021 prior to it being referred back to council for adoption or further review;*
 - b. *help council with the implementation and planning of any recommendations arising in the final Dog Strategy Plan which is ultimately accepted by council; and*
 - c. *help council with the implementation and planning of any dog related events proposed by the final Dog Strategy Plan, noting that “dog related events” can include, but are not limited to, any activity in which the community can be involved which allows dogs to be a part of it. Examples of this may include community dog obedience training; dog shows; dog events like Paws in the Park or Street Paws festivals.*
4. *Council advertise for community representatives in the local area; and*
5. *The possible advisory committee representatives include, but not be limited to, and be determined by the next Council term:-*
 - a. *Five community representatives, being:-*
 - I. *Three dog owners from within the Lane Cove LGA, one from each Council Ward;*
 - II. *One local dog owner from the pet industry with a relevant business background; and*
 - III. *One local dog owner from the veterinary profession.*

<p style="text-align: center;">Ordinary Council Meeting 19 May 2022 DRAFT COMMUNITY DOG ADVISORY COMMITTEE CHARTER</p>

- b. A representative as designated by the Lane Cove State MP;*
- c. Two representatives from sporting clubs who play within the LGA (e.g. LCCC & St Michael's Football Club);*
- d. Two sitting councillors”.*

A workshop to inform the Draft Charter was facilitated by an external consultant and held in consultation with stakeholders including representatives from the community and Council staff on 29 March 2022.

The local community stakeholders were represented by residents of the 3 Council Wards, dog owners, a non-dog owner, a dog owner in the vet industry, a dog owner in the pet industry, a sporting club member who plays on grass fields, a member of the Lane Cove Dog Lovers Association and a person with an understanding bushland ecology.

The workshop began by providing a background on the Dog Strategy and resolution to form a Dog Advisory Committee followed by the responsibilities of the Committee. The consultant then facilitated the workshoping to develop the Charter with the group.

Discussion

A draft Charter for the Community Dog Advisory Committee was developed with the feedback from workshop and is attached as **AT-1**.

Upon Council adoption of the Charter, calls for expressions of interest for community representatives on the Community Dog Advisory Committee will commence in June 2022 and conclude in July 2022. Council's selection committee will provide recommendations on community representative appointments for consideration at the August 2022 Council meeting.

Upon formation of the new committee they will be tasked with reviewing the Charter and providing feedback on whether any amendments should be considered by Council.

Conclusion

The Draft Charter is now ready for adoption and calls for expressions of interest for community representatives on the Community Dog Advisory Committee can now commence.

RECOMMENDATION

That Council:-

1. Adopt the Charter for the Dog Advisory Committee attached as **AT-1**;
2. Determine the two Councillor representatives on the Community Dog Advisory Committee;
3. Authorise the Councillor representatives on the Community Dog Advisory Committee to arrange an alternate as required; and
4. Call for expressions of interest for community representatives on the Community Dog Advisory Committee.

Martin Terescenko

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

ATTACHMENTS:

AT-1 [View](#) Draft Charter Community Dog Advisory Committee

7 Pages



COMMUNITY DOG ADVISORY COMMITTEE CHARTER

PREAMBLE

Dog walking is a popular recreation activity in the Lane Cove Council (LCC) area. When the Lane Cove Open Space Plan was being prepared in 2016, it was found to be the fourth most popular use of Council's public open space.

In the last decade, the Lane Cove LGA has seen a significant increase in its resident population and along with an increase in dog registrations.

The increases in dog registrations also accelerated over the COVID period with dog owning households across Australia increasing 7% (Animal Medicines Australia, 2021). In 2022, there are approximately 7000 registered dogs in LCC.

As the population has grown over the last 10 years, especially in high and medium density forms of housing, the demand for public open space by all users of public open space has also grown. This includes increasing demand by dog owners for places to walk their dog.

Council wish to ensure that the services, facilities and provisions for dogs and their owners are the best they can be and further that they are managed for the long term benefit for all members of the community. Council believes this will be achieved by all stakeholders working together collaboratively.

Council values Advisory Committees as an important medium for community engagement, consultation, advice and feedback to Council on the implementation and reviews of the Community and Council plans, strategies and priorities. The Community Dog Advisory Committee has an important role in advising for the future of dogs and their owners in the LCC area.

For these reasons, the Committee referred to in this Charter ~~is~~ was established by a resolution of Council on the xx the day of [month] [year].

The Committee aims to reflect the diversity of the local community with respect to gender, sexuality, age, ethnicity, cultural background, disability and appropriate factors representative of the community profile, to the extent practicable.

1 NAME OF THE COMMITTEE

The name of the committee is: Community Dog Advisory Committee (The Committee).

2 STATUS AND TERM OF THE COMMITTEE

The Committee is formed under the *Local Government Act 1993*. It is constituted to achieve the objective stated below.

The Committee commences on the day following the date that first appeared in this Charter and terminates on the day before the date of the next general election of Council unless dissolved by Council earlier.

3 OBJECTIVE

To act as a central point of communication between Council and community stakeholder representatives, as users of open space for dogs in the Lane Cove LGA, to provide advice on the provision of:

- Reviewing and suggesting any changes to the Dog Strategy 2021 and any future reviews of the Dog Strategy;
- Assisting Council with the implementation and planning of any recommendations arising in the Dog Strategy;
- Assisting Council with the implementation and planning of any dog related events proposed by the Dog Strategy, noting that “dog related events” can include, but are not limited to, any activity in which the community can be involved which allows dogs to be a part of it. Examples of this may include community dog training; dog shows; dog events like Paws in the Park or Street Paws festivals
- Proactively engaging with stakeholders to attend Committee meetings for expert advice
- Strive to achieve best practice for Lane Cove community

4 FUNCTIONS

The Committee acts as the formal interface between Council and the community and has the following functions:-

- a) Through the General Manager provide advice requested of the Committee and to provide feedback to the General Manager on the review of the Dog Strategy;

Community Dog Advisory Committee Charter
PO Box 20, Lane Cove NSW 1595

- b) To assist with implementing Council's Dog Strategy;
- c) To focus on the topic matter or project-based subject matter of the Committee (in relation to the interface between Council and community engagement); and
- d) To support the long term vision and aspirations of Council's Community Strategic Plan and Council's key relevant strategies, policies and plans such as the Dog Strategy.

5 MEMBERSHIP OF THE COMMITTEE

Subject to the membership being confirmed by the Committee, its members are appointed in the following manner:

Community Members –

- a) Five (5) community representatives, being: -
 - i. Three (3) dog owners from within the Lane Cove LGA local government area, including one from each Council ward;
 - ii. One (1) local dog owner from the local dog services industry (i.e. dog walking, dog training); and
 - iii. One (1) local dog owner from the veterinary profession.
- b) One (1) representative from a sporting club from the LCC area who is a dog owner
- c) One (1) member from the Bushland Management Advisory Committee
- d) One (1) member from the Sports Advisory Committee
- e) One (1) non-dog owner

Council Members

- a) Two (2) Councillor, and two (2) alternate Councillor, appointed by a formal resolution of Council in [September] each year; and
- b) A member of staff appointed by the General Manager.

Term of Membership

Members remain on the Committee for their term of appointment, unless:

- they resign or vacate or no longer have the capacity to attend
- they have missed three (3) consecutive meetings or missed 50% of the total number of meetings between September and August each year, without giving

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acceptable reasons and the Committee resolves that the office of that Member be vacated

- they cease to be a member of the organisation which they represent for which their appointment was made
- they become insolvent under administration or are prohibited by a court order or an order made under other applicable legislation from being a Board Director
- they are subject to an allegation of a serious breach of the Code of Conduct or of bullying, discrimination, harassment or intimidation against a person, or charged with an offence related to child sexual assault, child abuse, assault against a person, a summary offence related to dishonesty and/or an indictable offence that carries a maximum penalty of 2 years; and the Committee resolves that the office of that Member be vacated
- they are found in breach of the Code of Conduct for a serious misconduct such as corrupt activity or conflict of interest

Skills, Experience and Diversity

In appointing the Community Members, in addition to personal qualities, relevant or required skills, experience and/or expertise knowledge, the Council's selection committee shall consider succession planning when appointing members and also consider the diversity of the Committee with respect to gender, sexuality, age, ethnicity, cultural background, person with disability (with any provision of reasonable adjustment) and other appropriate factors reflective or representative of the local community demographic profile, to the extent practicable.

Ongoing mentoring among committee members should be encouraged so as to maintain interest and assist with succession planning.

Casual Vacancies

Casual vacancies are filled in the manner prescribed in this clause 5 and are appointed for the remainder of the Term of the Committee.

Replacement of any of the Community Members, whose term has concluded, is undertaken by the Council's selection committee as soon as is reasonably practicable.

Attendance

Community representatives who do not attend meetings regularly may be removed from a committee. Council resolved on 16 September 2013 to *"Remove community representatives of an Advisory Committee where they have missed three (3) consecutive meetings or missed 50% of the total number of meetings between September and August each year, without giving acceptable reasons."*

Committee to consider inviting 'external' guests of expertise where it will add value to the Committee's agenda.

Code of Conduct

All members are required to observe and adhere to the provisions of Council's *Code of Conduct* and the *Child Protection Policy* and related Code and legislation.

Community Dog Advisory Committee Charter
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6 EXECUTIVE POSITIONS

Chair

A Chair is to be elected by a simple majority at the first meeting after September each year from the Councillors appointed to the Committee (or at the first meeting with the newly appointed Committee members in the new term of Council after the local government elections).

The functions of the Chair are to:-

- a) Chair meetings;
- b) Ensure the Agenda and Minutes are distributed prior to each meeting;
and
- c) Convene sub-committees from time to time to address specific issues or prepare reports for Council.

Deputy Chair

A Deputy Chair is elected from Community Members by a simple majority at the first meeting after September each year (or at the first meeting with the newly appointed Committee members following the open advertisement in the new term of Council after the local government elections), to carry out the functions of the Chair should the Chair be unavailable.

Or, if the Chair is a Councillor:

The other Councillor appointed to the Committee [or the alternate Councillor representative] will carry out the functions of the Chair should the Chair be unavailable.

7 MEETING PROCEDURE

- a) The quorum of the Committee is 50% of the total Members plus one e.g. if the Committee has a total of 11 members, then the quorum is 6.
- b) Decisions of the Committee are made, generally, on a consensus basis. However, at the discretion of the Chair, formal voting may be called.
- c) The Chair, in consultation with the appointed member of staff, has the responsibility for preparing and distributing the Agenda and Minutes.
- d) The Minutes of the Committee shall be kept by the staff member appointed to the Committee.
- e) A copy of the Agenda and Minutes shall be sent to the General Manager for distribution to Councillors.

8 MEETING SCHEDULE

The Committee shall decide the meeting schedule for itself, but meetings shall be held at least quarterly.

The Committee will meet bimonthly for the first 12 months after its formation. After 12 months, the Committee will review its meeting schedule and may decide to meet quarterly thereafter.

The Committee may conduct site visits as required. Site visits will substitute a scheduled regular meeting. Notice of such visits should be given in writing to the General Manager two weeks in advance.

9 REPORTING RELATIONSHIP

The Committee makes recommendations to the General Manager.

However, on matters of policy, the Committee may upon a majority vote request the General Manager to place a report prepared by the Executive of the Committee to a meeting of Council.

The Committee accepts that decisions and recommendations made by the Committee are not formal resolutions of Council and are not made on behalf of Council.

The Committee may provide reports to the General Manager detailing positive initiatives implemented in achieving the objectives and functions of the Committee from time to time.

10 DISSOLUTION OF THE COMMITTEE

Unless otherwise dissolved by Council, the Committee shall dissolve on the day before the date of the next General Election of the Council.

11 REVIEW OF COMMITTEE EFFECTIVENESS

Committee members will participate in any review of the Committee's effectiveness in carrying out its responsibilities.

12 CHARTER REVIEW

Council shall review this Charter every term of Council or as required.

Any modifications to or replacements of this Charter must be approved by Council.

Subject: Sporting Club Advisory Committee
Record No: SU7169 - 24207/22
Division: Open Space and Urban Services Division
Author(s): Martin Terescenko

Executive Summary

At its February 2022 meeting, Council resolved to establish a new Council advisory committee to advise on issues around sporting clubs and the demand for sporting facilities within the Lane Cove LGA.

This report seeks to adopt a Draft Charter for the Sporting Club Advisory Committee, determine the Councillor representation on this Committee for the current term of Council and commence a process by which community representatives can express an interest in joining the Sporting Club Advisory Committee.

Background

At the Council meeting of 21 February 2022, Council resolved:

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

Discussion

A Draft Charter for the Sporting Club Advisory Committee has been developed based on the standard charters that have been adopted for Council’s other advisory committees and is attached as **AT-1**.

Calls for expressions of interest for community representatives on Sporting Club Advisory Committee will commence in June 2022 and conclude in July 2022. Council’s selection committee will provide recommendations on community representative appointments for consideration at the August 2022 Council meeting.

Upon formation of the new committee they will be tasked with reviewing the Charter and providing feedback on whether any amendments should be considered by Council.

Conclusion

The Draft Charter is now ready for adoption and calls for expressions of interest for community representatives on the Sporting Club Advisory Committee to commence.

RECOMMENDATION

That Council:-

1. Adopt the Charter for the Sporting Club Advisory Committee included as **AT-1**;
2. Determine Councillor representation on the Sporting Club Advisory Committee;
3. Authorise the Councillor representative on the Sporting Club Advisory Committee to arrange an alternate as required; and
4. Call for expressions of interest for community representatives on the Sporting Club Advisory Committee.

Martin Terescenko

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

ATTACHMENTS:

AT-1 [View](#) Draft - Sporting Club Advisory Committee Charter 7 Pages



SPORTING CLUB ADVISORY COMMITTEE CHARTER

PREAMBLE

The significant growth in participation of all sports has seen an increased demand on the use and management of the limited outdoor facilities in Lane Cove. In Australia, the rising profile of women's sport has been the greatest driver in the growth of participation numbers in all sporting codes. Young women can now envisage a pathway in their chosen sport as female sporting teams gain greater coverage while competing both on home soil and on the world stage.

In the last decade, the Lane Cove LGA has witnessed a significant growth in its residential population resulting in an increase in sport registrations. As the population has grown, especially in high and medium density forms of housing, the demand for public open space by all users of public open space has also grown. This includes an increasing demand for sport and recreational use of Councils outdoor facilities such as ovals, parks and playgrounds.

Council wish to ensure that our services and facilities are the best they can be and that they are managed for the long-term benefit of all members of the community. Council believes this will be achieved by all stakeholders working together collaboratively.

Council values Advisory Committees as an important medium for community engagement, consultation, advice and feedback to Council on the implementation and review of the Community and Council plans, strategies and priorities.

The Sporting Club Advisory Committee has an important role in advising Council, on behalf of the many sports participants, families and sports associations, on the management and provisioning of sporting and recreational facilities in the Local Government Area.

For these reasons, the Committee referred to in this Charter **is/was** established by a resolution of Council on the **[day] of [month] [year]**.

The Committee aims to reflect the diversity of the local community with respect to gender, sexuality, age, ethnicity, cultural background, disability and appropriate factors representative of the community profile, to the extent practicable.

1 NAME OF THE COMMITTEE

The name of the committee is: Sporting Club Advisory Committee (The Committee).

2 STATUS AND TERM OF THE COMMITTEE

The Committee is formed under the *Local Government Act 1993*. It is constituted to achieve the objective stated below.

The Committee commences on the day following the date that first appeared in this Charter and terminates on the day before the date of the next general election of Council unless dissolved by Council earlier.

3 OBJECTIVE

To act as a central point of communication between Council and community stakeholder representatives, as users of open space facilities in the Lane Cove LGA, to provide advice on the provision of:

- Reviewing and suggesting any changes to the Open Space Plan 2016 - 2026 and any future reviews of the Open Space Plan;
- Assisting Council with the implementation and planning of any recommendations arising in the Open Space Plan;
- Proactively engaging with stakeholders to attend Committee meetings for expert advice;
- Act as a focus of communication between Council and codes in the LGA; and
- Strive to achieve best practice for Lane Cove community.

4 FUNCTIONS

The Committee acts as the formal interface between Council and the community and has the following functions:

- a) Through the General Manager provide advice requested of the Committee and to provide feedback to the General Manager on the review of the Open Space Plan;
- b) To assist with implementing Council's Open Space Plan;
- c) To focus on the topic matter or project-based subject matter of the Committee (in relation to the interface between Council and community engagement); and
- d) To support the long term vision and aspirations of Council's Community Strategic Plan and Council's key relevant strategies, policies and plans such as the Open Space Plan;

5 MEMBERSHIP OF THE COMMITTEE

Subject to the membership being confirmed by the Committee, its members are appointed in the following manner:

Community Members

The following Community representatives will participate in this committee,

- One (1) representative from each sporting club using the LCC sporting facilities. These sports include but are not limited to AFL, Cricket, Rugby League, Rugby Union and Football.
- One (1) member from each School who use Councils sporting facilities
- One (1) member from the Community Dog Advisory Committee

Council Members

- One (1) Councillor, and one (1) alternate Councillor, appointed by a formal resolution; and
- A member of staff appointed by the General Manager.

Term of Membership

Members remain on the Committee for their term of appointment, unless:

- they resign or vacate or no longer have the capacity to attend;
- they have missed three (3) consecutive meetings or missed 50% of the total number of meetings between September and August each year, without giving acceptable reasons and the Committee resolves that the office of that Member be vacated;
- they cease to be a member of the organisation which they represent for which their appointment was made;
- they become insolvent under administration or are prohibited by a court order or an order made under other applicable legislation from being a Board Director;
- they are subject to an allegation of a serious breach of the Code of Conduct or of bullying, discrimination, harassment or intimidation against a person, or charged with an offence related to child sexual assault, child abuse, assault against a person, a summary offence related to dishonesty and/or an indictable offence that carries a maximum penalty of 2 years; and the Committee resolves that the office of that Member be vacated;
- they are found in breach of the Code of Conduct for a serious misconduct such as corrupt activity or conflict of interest; and

Skills, Experience and Diversity

In appointing the Community Members, in addition to personal qualities, relevant or required skills, experience and/or expertise knowledge, the Council's selection committee shall consider succession planning when appointing members and also consider the diversity of the Committee with respect to gender, sexuality, age, ethnicity, cultural background, person with disability (with any provision of reasonable adjustment) and other appropriate factors reflective or representative of the local community demographic profile, to the extent practicable.

Ongoing mentoring among committee members should be encouraged so as to maintain interest and assist with succession planning.

Casual Vacancies

Casual vacancies are filled in the manner prescribed in this clause 5 and are appointed for the remainder of the Term of the Committee.

Replacement of any of the Community Members, whose term has concluded, is undertaken by the Council's selection committee as soon as is reasonably practicable.

Attendance

Community representatives who do not attend meetings regularly may be removed from a committee. Council resolved on 16 September 2013 to *"Remove community representatives of an Advisory Committee where they have missed three (3) consecutive meetings or missed 50% of the total number of meetings between September and August each year, without giving acceptable reasons."*

Committee to consider inviting 'external' guests of expertise where it will add value to the Committee's agenda.

Code of Conduct

All members are required to observe and adhere to the provisions of Council's *Code of Conduct* and the *Child Protection Policy* and related Code and legislation.

6 EXECUTIVE POSITIONS**Chair**

A Chair is to be elected by a simple majority at the first meeting after September each year from the Councilors appointed to the Committee (or at the first meeting with the newly appointed Committee members in the new term of Council after the local government elections).

The functions of the Chair are to:

- a) Chair meetings;
- b) Ensure the Agenda and Minutes are distributed prior to each meeting;
and
- c) Convene sub-committees from time to time to address specific issues or prepare reports for Council.

Deputy Chair

A Deputy Chair is elected from Community Members by a simple majority at the first meeting after September each year (or at the first meeting with the newly appointed Committee members following the open advertisement in the new term of Council after the local government elections), to carry out the functions of the Chair should the Chair be unavailable.

Or, if the Chair is a Councillor:

The other Councillor appointed to the Committee [or the alternate Councillor representative] will carry out the functions of the Chair should the Chair be unavailable.

7 MEETING PROCEDURE

- a) The quorum of the Committee is 50% of the total Members plus one e.g. if the Committee has a total of 11 members, then the quorum is 6.
- b) Decisions of the Committee are made, generally, on a consensus basis. However, at the discretion of the Chair, formal voting may be called.
- c) The Chair, in consultation with the appointed member of staff, has the responsibility for preparing and distributing the Agenda and Minutes.
- d) The Minutes of the Committee shall be kept by the staff member appointed to the Committee.
- e) A copy of the Agenda and Minutes shall be sent to the General Manager for distribution to Councillors.

8 MEETING SCHEDULE

The Committee shall decide the meeting schedule for itself, but meetings shall be held at least quarterly.

The Committee will meet bimonthly for the first 12 months after its formation. After 12 months, the Committee will review its meeting schedule and may decide to meet quarterly thereafter.

The Committee may conduct site visits as required. Site visits will substitute a scheduled regular meeting. Notice of such visits should be given in writing to the General Manager two weeks in advance.

9 REPORTING RELATIONSHIP

The Committee makes recommendations to the General Manager.

However, on matters of policy, the Committee may upon a majority vote request the General Manager to place a report prepared by the Executive of the Committee to a meeting of Council.

The Committee accepts that decisions and recommendations made by the Committee are not formal resolutions of Council and are not made on behalf of Council.

The Committee may provide reports to the General Manager detailing positive initiatives implemented in achieving the objectives and functions of the Committee from time to time.

10 DISSOLUTION OF THE COMMITTEE

Unless otherwise dissolved by Council, the Committee shall dissolve on the day before the date of the next General Election of the Council.

11 REVIEW OF COMMITTEE EFFECTIVENESS

Committee members will participate in any review of the Committee's effectiveness in carrying out its responsibilities.

12 CHARTER REVIEW

Council shall review this Charter every term of Council or as required.

Any modifications to or replacements of this Charter must be approved by Council.

Ordinary Council Meeting 19 May 2022
SUBSEQUENT NOMINATIONS FOR COMMUNITY REPRESENTATIVES TO ADVISORY COMMITTEES

Subject: Subsequent Nominations for Community Representatives to Advisory Committees
Record No: SU827 - 22873/22
Division: Corporate Services Division
Author(s): Emma McLennan

Executive Summary

Following the Nominations for Community Representatives to Advisory Committees report to the Ordinary Council Meeting of 19 April 2022, Council reopened nominations for Community Representatives to nominate for six (6) of Council's eight (8) Advisory Committees which were undersubscribed.

This report outlines the recommendations of the Council Selection Committee and recommends that Council endorse the appointment of additional Community Representatives to a number of undersubscribed Advisory Committees.

Background

Council made an initial call for community members who are interested in becoming Community Representatives on a Council Advisory Committee to submit their expression of interest to Council by 27 March 2022. Council considered Community Representation on Council Advisory Committees at the Ordinary Council Meeting of 19 April 2022. Following this meeting, six (6) or the eight (8) advisory committees were undersubscribed. Council therefore resolved to reopen nominations for the vacant community representative positions of the six (6) Advisory Committees for a further two weeks until 4 May 2022.

The six (6) undersubscribed Advisory Committees were as follows:

- Age-Friendly Advisory Committee;
- Lane Cove Access and Inclusion Committee;
- Lane Cove Bicycle Advisory Committee;
- Lane Cove Festival Committee; and
- Lane Cove Public Art Advisory Committee; and
- Recreation Precinct Liaison Advisory Committee.

All additional nominations received were presented to the Council Selection Committee on 9 May 2022, for consideration. This report outlines the recommendations of the Council Selection Committee and recommends that Council endorse the recommendations for additional Community Representative appointments to Council's Advisory Committees.

Overall, council received 60 expressions of interest from community members to join Council's Advisory Committees, 51 of which were received in the first round of nominations and a further 9 received in the second round of nominations.

<p style="text-align: center;">Ordinary Council Meeting 19 May 2022 SUBSEQUENT NOMINATIONS FOR COMMUNITY REPRESENTATIVES TO ADVISORY COMMITTEES</p>

Discussion

The Council Selection Committee met on 9 May 2022 and considered all additional applications received during the second round nomination period.

Age Friendly Advisory Committee

The Age Friendly Committee Charter allows for up to twelve (12) Community Representatives. Eight (8) representatives were appointed to the committee following the first round of nominations.

As a result of the second round of nominations, a total of three (3) applications were received and considered for nomination. Following a review of each applicant's skills, experience and interest, the Council Selection Committee recommends the following nominees be appointed to the Age Friendly Advisory Committee:

- Balu Moothedath;
- Greeta Rani; and
- Nicholas Carter.

Lane Cove Access and Inclusion Committee

The Access and Inclusion Committee Charter allows for up to eight (8) community representatives, in addition to five (5) representatives of access related service providers. A total of seven (7) representatives were appointed to the committee following the first round of nominations.

As a result of the second round of nominations, one (1) application was received and considered for nomination. Following a review of the applicant's skills, experience and interest, the Council Selection Committee recommends the following nominee be appointed to the Age Friendly Advisory Committee:

- Anthony Nolan.

Lane Cove Bicycle Advisory Committee

This Lane Cove Bicycle Advisory Committee's Charter allows for the appointment of up to seven (7) Community Representatives. Six (6) representatives were appointed to the committee following the first round of nominations.

As a result of the second round of nominations, a total of two (2) applications were received and considered for nomination. Following a review of each applicants skills, experience and interest, the Council Selection Committee recommends the following nominee be appointed to the Access and Inclusion Advisory Committee:

- Don Murchinson

Lane Cove Festival Committee

The Lane Cove Festival Committee Charter allows for up to twelve (12) Community Representatives. Seven (7) representatives were appointed to the committee following the first round of nominations.

As a result of the second round of nominations, a total of two (2) applications were received and considered for nomination. Following a review of each applicant's skills, experience and interest,

Ordinary Council Meeting 19 May 2022
SUBSEQUENT NOMINATIONS FOR COMMUNITY REPRESENTATIVES TO ADVISORY COMMITTEES

the Council Selection Committee recommends the following nominees be appointed to the Lane Cove Festival Advisory Committee:

- Ruhi Payman; and
- Greeta Rani.

Lane Cove Public Art Advisory Committee

The Public Art Advisory Committee Charter allows for up to seven (7) Community Representatives. Three (3) nominees were appointed to the committee following the first round of nominations.

As a result of the second round of nominations, one (1) application was received and considered for nomination. Following a review of the applicants skills, experience and interest, the Council Selection Committee recommends the following nominee be appointed to the Access and Inclusion Advisory Committee:

- Anthony Nolan

Lane Cove Recreation Precinct Advisory Committee

No further nominations were received for the Lane Cove Recreation Precinct Advisory Committee during the second round of nominations.

RECOMMENDATION

That:-

1. Council endorse the following additional nominations for Council's Advisory Committees:
 - a) Balu Moothedath, Greeta Rani and Nicholas Carter be appointed as community representatives to the Age Friendly Advisory Committee;
 - b) Anthony Nolan be appointed as a community representative to the Lane Cove Access and Inclusion Committee;
 - c) Don Murchinson be appointed as a community representative to the Lane Cove Bicycle Advisory Committee;
 - d) Ruhi Payman and Greeta Rani be appointed as community representatives to the Lane Cove Festival Committee; and
 - e) Anthony Nolan be appointed as a community representative to the Lane Cove Public Art Advisory Committee.
2. All nominees be advised of Council's decision.

Steven Kludass
Executive Manager - Corporate Services
Corporate Services Division

ATTACHMENTS:

There are no supporting documents for this report.

<p style="text-align: center;">Ordinary Council Meeting 19 May 2022 SUPERANNUATION CONTRIBUTION PAYMENTS FOR COUNCILLORS</p>

Subject: Superannuation Contribution Payments for Councillors
Record No: SU834 - 13753/22
Division: Corporate Services Division
Author(s): Stephen Golding

Executive Summary

Under the Local Government Amendment Act 2021, Councils have the option to make superannuation contribution payments for councillors from 1 July 2022 (equivalent in amount to superannuation guarantee payments, payable with the annual fee payable to each Councillor).

The decision to make superannuation contribution payments must be made by resolution at an Open Council Meeting.

Background

In March 2020, the Office of Local Government (OLG) released the *Councillor Superannuation Discussion Paper* to seek the views of councils and local communities on whether councillors should receive superannuation payments. This was prompted by concerns raised by mayors and councillors that the ineligibility of councillors to receive superannuation payments is inequitable and is a deterrent to women and younger people standing as candidates at council elections.

This discussion paper was reported to Council at Ordinary Council Meeting of 20 April 2020, with the resolution, No. 65, *That Council advise the Office of Local Government that consideration of the issues be deferred until such time as the COVID-19 crisis and economic impacts abate*.

The NSW Government, after consultation, legislated through the *Local Government Act Amendment Act 2021* to allow councils the option to make superannuation contribution payments for Councillors.

The Local Government Amendment Act 2021 was subsequently passed by the NSW Parliament on 13 May 2021, with provisions relating to superannuation included under section 254B of the Local Government Act 1993 and referenced in the OLG's Circular dated 27 May 2021 - [Circular 21-07 "Commencement of Local Government Amendment Act 2021"](#).

Discussion

The process by which Superannuation payments can be made for Councillors has been outlined by the OLG via [Circular 22-04/15 March 2022](#) and is summarised as follows as follows: -

- To exercise the option of making superannuation contribution payments for Councillors, Councils must first resolve at an Open Council Meeting to make superannuation contribution payments for the Councillors;
- Where a council resolves to make superannuation contribution payments for its Councillors, the amount of the payment is to be the amount the Council would have been required to contribute under the Commonwealth Superannuation Guarantee (Administration) Act 1992 as superannuation if the councillors were employees of the council;
- As of 1 July 2022, the superannuation guarantee rate will be 10.5%. The rate will increase by half a percent each year until 1 July 2025 when it reaches a maximum of 12%;

<p style="text-align: center;">Ordinary Council Meeting 19 May 2022 SUPERANNUATION CONTRIBUTION PAYMENTS FOR COUNCILLORS</p>

- The superannuation contribution payment is to be paid at the same intervals as the annual fee is paid to Councillors;
- To receive a superannuation contribution payment, each Councillor must first nominate a superannuation account for the payment before the end of the month to which the payment relates. The superannuation account nominated by councillors must be an account for superannuation or retirement benefits from a scheme or fund to which the Commonwealth Superannuation Guarantee (Administration) Act applies;
- Councils must not make a superannuation contribution payment for a Councillor if the Councillor fails to nominate an eligible superannuation account for the payment before the end of the month to which the payment relates;
- Individual Councillors may opt out of receiving superannuation contribution payments or opt to receive reduced payments. Where this is the case, Councillors must do so in writing;
- Councils must not make superannuation contribution payments for Councillors during any period in which they are suspended from their civic office or their right to be paid any fee or other remuneration, or expense, is suspended under the Act; and
- Councillors are also not entitled to receive a superannuation contribution payment during any period in which they are not entitled.

Adequate funding has been allocated in the 2022/23 Draft Budget to accommodate superannuation payments for all Councillors if Council resolves to make the contribution.

Conclusion

The NSW Government has amended the Local Government Act to allow local Councils the option to make superannuation guarantee payments to Councillors. It is recommended that Council resolve to make such payments to its Councillors, commencing 1 July 2022, equivalent in amount to superannuation guarantee payments.

RECOMMENDATION

That Council commence superannuation contribution payments for Councillors from 1 July 2022 at the same rate required under the Commonwealth Superannuation Guarantee (Administration) Act 1992, pursuant to section 254B of the Local Government Act 1993.

Steven Kludass
Executive Manager - Corporate Services
Corporate Services Division

ATTACHMENTS:

There are no supporting documents for this report.

Ordinary Council Meeting 19 May 2022
VILLAGE PUBLIC ART PROGRAM - BIRDWOOD LANE - COMMONWEALTH BANK
BUILDING UPDATE

Subject: Village Public Art Program - Birdwood Lane - Commonwealth Bank Building Update
Record No: SU2509 - 24055/22
Division: Human Services Division
Author(s): Bianca Couchman

Executive Summary

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

Background

As per the February 2022 Report, the artwork on the rear of the Commonwealth Bank building was part of the Village Public Art program which aimed to 'brighten up' some of the blank walls facing Birdwood Lane. The artwork on the southern face at the rear of the Commonwealth Bank building is in addition to the artwork on the rear of the Lane Cove Newsagency, also part of the Village Public Art program, completed in August 2021.

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

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

Discussion

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

Information required	Details
1. Person for whom the work was carried out	Elizabeth Bay Nominees Pty Limited
2. The Nature of the Work	Creation of a public artwork by artist Katherine Gailer including artwork conception and delivery. Final artwork is 18.5m in length and 5m in height. The wall was cleaned and primed prior to artwork application and sealed with a sacrificial graffiti proof coating. All necessary safety requirements were adhered to for delivery including the contracting of traffic control for the development of a Traffic Control Plan and traffic controllers during periods of artwork application.
3. The type and quantity of materials used	Wall preparation – Dulux Colourbond paint in Shale Grey Artwork – Dulux Weathershield and Taubmans Sunproof Exterior paints, various colours
4. The charge made for those materials	Wall preparation - \$5,950 Artists Fees - \$21,800

Ordinary Council Meeting 19 May 2022
VILLAGE PUBLIC ART PROGRAM - BIRDWOOD LANE - COMMONWEALTH BANK
BUILDING UPDATE

	Graffiti proofing - \$1043 Decal Printing - \$130
5. The total number of hours taken by each person who carried out the work	Hours spent on site at Commonwealth Bank Wall preparation Supervisor - 8 hours Wall preparation Painter 1 - 10 hours Wall preparation Painter 2 - 10 hours Wall preparation Painter 3 - 8 hours Artist - 55 hours Artist Assistant 1 - 55 hours Graffiti proofer - 5.5 hours
6. The total amount charged for carrying out the work (including the charge made for the materials.	No charge was levied on the property owner for the public artwork. Council assisted in the organisation of repair works to the wall surface, which the property owner paid in accordance with contractual requirements.
7. The reason for carrying out the work	The work was carried out as part of a Village Public Art program to enhance the look of the Village and in particular the area adjacent to The Canopy

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

Conclusion

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

RECOMMENDATION

That Council receive and note the Report.

Jane Gornall
Executive Manager - Human Services
Human Services Division

ATTACHMENTS:

AT-1 [View](#) Village Public Art Program Commonwealth Bank Complete 3 Pages





Commonwealth Bank Lane Cove,
Birdwood Lane, Southern Facing



Ordinary Council Meeting 19 May 2022
THIRD QUARTER BUDGET REVIEW - 2021/22 BUDGET

Subject: Third Quarter Budget Review - 2021/22 Budget
Record No: SU8604 - 23567/22
Division: Corporate Services Division
Author(s): Sarah Seaman

Executive Summary

The 2021/22 Budget - Third Quarter Review involves a number of variations to both income and expenditure estimates as at 31 March 2022. Taking into consideration the variations from the Third Quarter Budget Review, the projected 2021/22 overall operating result has been revised to a surplus of \$5.65M, with the operating result before grants and capital contributions forecast to be a deficit of \$1.33M. The deficit is primarily due to the financial impacts arising from the ongoing COVID-19 pandemic and the effect they continue to have on Council's Budget. It is recommended that the Budget be varied in accordance with this report.

Background

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

The financial impacts of COVID-19 continue to have an adverse impact on Council's Budget. The financial impact for the third quarter is estimated to be \$0.5M (this is in addition to the \$1M reported in the First and Second Quarterly Budget Reviews) and is primarily attributed to reduced income derived from leases and parking. This brings the total estimated cost of COVID-19 to \$1.5M for the 2021/22 financial year.

Discussion

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

	Original Budget (000's)	Sept & Dec Quarter Adjustments (000's)	March Quarter Adjustments (000's)	Revised Budget (000's)
Expenditure - Operating	\$53,045	\$1,079	\$188	\$54,312
Income - Operating	\$53,185	(\$4)	(\$200)	\$52,981
Surplus/(Deficit) before Capital Grants & Contributions	\$140	(\$1,083)	(\$388)	(1,331)
Income - Capital	\$5,798	\$1,138	\$50	\$6,986
Surplus/ (Deficit)	\$5,938	\$55	(\$338)	\$5,655

Summary of Budget Movements

Operational Income:

- \$200K Decrease in Operational Income which is made up of:
 - \$300K Increase – additional income received from the growth of Domestic Waste Management services.
 - \$500K Decrease – additional income loss from COVID-19.

Operational Expenses:

- \$188K Increase in Operational Expenditure which is made up of:
 - \$125K Decrease – Organisation-wide Salary & Wages expenditure savings.
 - \$80K Decrease – Organisation-wide Materials & Services expenditure savings
 - \$30K Increase – additional expenditure associated with the preparation of a Review of Environmental Factors at Lovetts Reserve following the discovery of soil contamination
 - \$250K Increase – additional expenditure associated with remediation works at Lovetts Reserve
 - \$20K Increase – additional expenditure associated with Bushland Management
 - \$23K Increase – additional expenditure associated with the production of the St Leonards South Public Domain Guide
 - \$70K Increase – additional expenditure associated with landscape design reviews for Development Applications in St Leonards South

Capital Income

- \$70K Increase in Capital Income which is made up of:
 - \$20K Increase – Solar Panels for Depot Roof (funded from the Sustainability Levy)
 - \$15K Increase – Grant funding received for Osborne Park Preschool Roof
 - \$15K Increase – Grant funding received for Greenwich Baths footpath and landscaping
 - \$20K Increase – Grant funding received for Greenwich Scout Hall Roof

Capital Expenditure

- \$70K Increase Capital Expenditure which is made up of:
 - \$20K Increase – Solar Panels for Depot Roof (funded from the Sustainability Levy)
 - \$15K Increase – Osborne Park Preschool Roof
 - \$15K Increase – Greenwich Baths footpath and landscaping
 - \$20K Increase – Greenwich Scout Hall Roof

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

Conclusion

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

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

Ordinary Council Meeting 19 May 2022
THIRD QUARTER BUDGET REVIEW - 2021/22 BUDGET

RECOMMENDATION

That the 2021/22 Budget be revised in accordance with the adjustments identified in the Third Quarter 2021/22 Budget Review, as follows:

	Original Budget (000's)	Sept & Dec Quarter Adjustments (000's)	March Quarter Adjustments (000's)	Revised Budget (000's)
Expenditure - Operating	\$53,045	\$1,079	\$188	\$54,312
Income - Operating	\$53,185	(\$4)	(\$200)	\$52,981
Surplus/(Deficit) before Capital Grants & Contributions	\$140	(\$1,083)	(\$388)	(1,331)
Income - Capital	\$5,798	\$1,138	\$50	\$6,986
Surplus/ (Deficit)	\$5,938	\$55	(\$338)	\$5,655

Steven Kludass
Executive Manager - Corporate Services
Corporate Services Division

ATTACHMENTS:

AT-1 [View](#) Budget Review for the Quarter ended 31 March 2022

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Pages



3rd Quarter Report on the 2021 - 2022 Budget Review

January – March 2022





Recommended changes to revised budget

		Effect on Operating		Recommended Budget
Program	Resource Description	Results	Comments	Adjustment
Operating Income				\$200,000
Waste Management	DWM Charges	Yes	Additional charges received from DWM	-\$300,000
Finance	Other Revenue	Yes	Estimated Covid Loss for Q3 2021/22	\$500,000
Operating Expenditure				\$188,000
Bushland	Contractor costs	Yes	Fund required for Review of Environmental Factors (REF) at Lovetts Reserve Contamination Area	\$30,000
		Yes	Urgent remediation works at Lovetts Reserve	\$250,000
		Yes	Additional funds required for Bushland Management	\$20,000
Open Space & Urban Services	Consultancy costs	Yes	Funds required for the development of St Leonards South Public Domain Guide	\$23,000
		Yes	Funds required for landscape design reviews for DA's for St Leonards South	\$70,000
Finance	Contractor costs	Yes	Council Wide Material & Service savings	-\$80,000
	Salaries and wages	Yes	Council Wide Salary & Wages savings	-\$125,000



Recommended changes to revised budget

Program	Resource Description	Effect on Operating Results	Comments	Recommended Budget Adjustment
Capital Income				-\$69,750
Sustainability Levy	TF-Sustainability levy	No	Additional funds required to complete solar panels on Council's Depot roof funded from Sustainability Levy	-\$20,000
Facilities Management	Cap grants-Recreation and culture	Yes	Grant Received for 50/50 funding for Osborne Park Preschool Roof	-\$15,000
		Yes	Grant Received for 50/50 funding for Greenwich Bath footpath & landscape	-\$15,000
Public Halls	Cap grants-Recreation and culture	Yes	Grant Received for 50/50 funding for Greenwich Scout Hall Roof	-\$19,750
Capital Expenditure				\$69,750
Sustainability Levy	Contractor costs	No	Additional funds required to complete solar panels on Council's Depot roof funded from Sustainability Levy	\$20,000
Facilities Management	Contractor costs	No	Grant Received for 50/50 funding for Greenwich Scout Hall Roof	-\$19,750
		No	Grant Received for 50/50 funding for Osborne Park Preschool Roof	\$15,000
		No	Grant Received for 50/50 funding for Greenwich Bath footpath & landscape	\$15,000
Public Halls	Contractor costs	No	Grant Received for 50/50 funding for Greenwich Scout Hall Roof	\$39,500
Grand Total				\$388,000



Income and Expense

	Original Budget 2021/22	Approved Changes			Revised Budget	Recommended Budget changes	Projected Year End Results	YTD Actuals 2021/22
		Sep Review	Dec Review	Mar Review				
	000's	000's	000's	000's	000's	000's	000's	000's
OPERATING INCOME								
Rates and Annual Charges	34,517	-	-	-	34,517	300	34,817	34,837
User Charges and Fees	4,974	-	-	-	4,974	-	4,974	3,266
Interest and Investment Revenue	755	-	-	-	755	-	755	494
Grants and Contributions - Operating Purposes	3,575	462	102	-	4,139	-	4,139	2,265
Other Revenues	2,368	(438)	(230)	-	1,700	(500)	1,200	2,730
Net Gain from the disposal of assets	148	-	-	-	148	-	148	1,914
Other Income	6,848	50	50	-	6,948	-	6,948	4,362
Total Operating Income	53,185	74	(78)	-	53,181	(200)	52,981	49,868
OPERATING EXPENDITURE								
Employee Benefits and On-Costs	21,498	-	-	-	21,498	(125)	21,373	14,784
Materials and services	21,399	785	194	-	22,378	313	22,691	14,117
Depreciation and amortisation	8,052	-	-	-	8,052	-	8,052	6,022
Other Expenses	2,096	-	100	-	2,196	-	2,196	1,649
Total Operating Expenditure	53,045	785	294	-	54,124	188	54,312	36,572
SURPLUS (DEFICIT) FROM ORDINARY ACTIVITIES	140	(711)	(372)	-	(943)	(388)	(1,331)	13,296
	Surplus	Deficit	Deficit		Deficit	Deficit	Deficit	Surplus
Grants and Contributions - Capital Purposes	5,798	1,138	-	-	6,936	50	6,985	2,682
SURPLUS (DEFICIT) FROM ORDINARY ACTIVITIES AFTER CAPITAL AMOUNTS	5,938	427	(372)	-	5,993	(338)	5,655	15,978



Capital Budget

	Approved Changes				Revised Budget	Recommended Budget changes	Projected Year End Results	YTD Actuals 2021/22
	Original Budget 2021/22	Sep Review	Dec Review	Mar Review				
	000's	000's	000's	000's	000's	000's	000's	000's
Capital Funding								
Net cash from 2021/22 operating activities	5,561	-	-	-	5,561	-	5,561	2,053
Unrestricted Cash	-	-	-	-	-	-	-	-
Capital Grants and Contributions	4,858	-	-	-	4,858	50	4,908	1,923
Restricted Cash	-	-	-	-	-	-	-	-
- Internal restricted reserves	4,292	351	800	-	5,443	20	5,463	2,121
- External restricted reserves	23,000	-	-	-	23,000	-	23,000	6,572
Income from sale of assets	-	-	-	-	-	-	-	-
- plant and equipment	149	-	-	-	149	-	149	-
Total Capital Funding	37,860	351	800		39,011	70	39,081	12,669
Capital expenditure								
New assets								
- roads, footpaths	23,662	-	870	-	24,532	-	24,532	7,474
- stormwater drainage	445	-	-	-	445	-	445	-
- buildings/open space	847	203	-	-	1,050	20	1,070	244
- Parks	135	329	-	-	-	-	-	42
Renewals (replacement)								
- roads, footpaths	3,042	-	-	-	3,042	-	3,042	645
- stormwater drainage	1,607	-	-	-	1,607	-	1,607	789
- buildings/open space	2,747	680	-	-	3,427	20	3,447	1,661
- Parks	3,725	277	40	-	-	30	30	953
- plant and equipment	910	-	40	-	950	-	950	503
- office/computer equipment	408	-	20	-	428	-	428	184
- furniture and fittings	14	-	-	-	14	-	14	-
- library books	318	-	-	-	318	-	318	174
Total Capital Expenditure	37,860	1,489	970	-	35,813	70	35,882	12,669

This document forms part of Lane Cove Council's Quarterly Budget Review Statement for the quarter ended as at 31 March 2022 and should be read in conjunction with other documents in the QBRs.



Cash and Investments

nt	Original Budget 2021/22	Approved Changes			Revised Budget	Recommended Budget changes	Projected Year End Results	YTD Actuals 2021/22
		Sep Review	Dec Review	Mar Review				
	000's	000's	000's	000's	000's	000's	000's	000's
Externally restricted								
Developer contributions	53,858	-	-	-	53,858	-	53,858	47,284
Domestic waste management	2,368	-	-	-	2,368	-	2,368	2,368
Special purpose grants	6,006	-	-	-	6,006	-	6,006	6,006
Total externally restricted	62,232	-	-	-	62,232	-	62,232	55,658
Internally restricted								
Lane Cove Market Square	529	-	-	-	529	-	529	779
Lane Cove Aquatic Centre	500	-	-	-	500	-	500	638
Employee leave entitlements	3,487	-	-	-	3,487	-	3,487	3,487
Replacement of plant & vehicles	34	-	(40)	-	(6)	-	(6)	88
Office Equipment	102	-	(20)	-	82	-	82	144
Building Maintenance	15	-	-	-	15	-	15	15
Public Liability Insurance (excess)	100	-	-	-	100	-	100	100
Sustainability Levy	903	(468)	(40)	-	395	(20)	375	1,340
Capital Works	7,007	-	(700)	-	6,307	-	6,307	5,647
Lane Cove Plaza	221	-	-	-	221	-	221	-
Property acquisition	2,300	-	-	-	2,300	-	2,300	2,400
Affordable Housing	1,221	-	-	-	1,221	-	1,221	1,221
The Canopy	250	-	-	-	250	-	-	925
Child care	552	-	-	-	552	-	552	541
Election	311	-	-	-	311	-	311	311
Special rates - Parking	173	-	-	-	173	-	173	350
Total internally restricted	17,705	(468)	(800)	-	16,437	(20)	16,167	17,985
Total restricted	79,937	(468)	(800)	-	78,669	(20)	78,399	73,643
Total Unrestricted	3,763					-	4,833	8,188
Total cash and investments	83,700					(20)	83,232	81,830



Cash and Investments

Notes:

The unrestricted cash position excludes restricted funds. External restrictions are funds that must be spent for a specific purpose and cannot be used by Council for general operations. Internal restrictions are funds that Council has determined will be used for a specific future purpose

Statements:

Cash

The bank reconciliation has been completed as at 31 March 2022

Investments

All restricted funds are invested in accordance with Council's investment policies and in accordance with Local Government Ministerial Investment Order dated 12/01/2011.

All funds invested in term deposits, with investments returns as per budget.

Cash and cash equivalents and investments totalled \$81,830 KK as at 31 March 2022

Externally Restricted	\$55,658 K
Internally restricted	\$17,985 K
Unrestricted	\$8,188 K
TOTAL	\$81,830 K



Balance Sheet

	Actual YTD 31/03/2022 \$'000	Actual O/Bal 01/07/2021 \$'000
ASSETS		
Current assets		
Cash & cash equivalents	936	2,373
Investments	70,894	57,899
Receivables	12,739	4,455
Inventories	7	7
Other	254	391
Total current assets	84,830	65,125
Non-current assets		
Investments	10,000	23,428
Infrastructure, property, plant & equipment	766,730	760,083
Investments accounted for using the equity method	1,413	67,230
Investment property	67,230	28
Total non-current assets	845,373	850,769
Total assets	930,203	915,894
LIABILITIES		
Current liabilities		
Payables	10,589	11,112
Contract Liabilities	8,368	5,969
Employee benefit provision	6,647	6,713
Provisions	110	110
Total current liabilities	25,715	23,904
Non-current liabilities		
Payables	2,724	6,363
Provisions	151	151
Total non-current liabilities	2,875	6,514
Total liabilities	28,590	30,418
Net assets	901,614	885,476
EQUITY		
Retained earnings	488,056	471,918
Revaluation reserves	413,558	413,558
Total equity	901,614	885,476



Key Performance Indicators

	31/03/2022	Industry Benchmark
Unrestricted current ratio		
<u>Current assets less all external restrictions</u>	1.13%	>1.00%
Current liabilities less specific purpose liabilities	9 Months YTD	
Rate coverage ratio		
<u>Rates and annual charges</u>	66.29%	>60.00%
Income from continuing operations	9 Months YTD	
Rates and annual charges outstanding percentage		
<u>Rates and annual charges outstanding</u>	26%	<25%
Rates and annual charges collectable	9 Months YTD	
Buildings and infrastructure renewals rate		
<u>Asset renewals (buildings and infrastructure)</u>	67.23%	>100.00%
Depreciation (buildings and infrastructure)	9 Months YTD	



Contracts

Contractor	Contract detail & purpose	Contract value	Commencement date	Duration of contract	Budget (Y/N)
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Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations or \$50,000 whichever is the lesser.
2. Contracts to be listed are those entered into during the quarter and have yet to be fully performed, excluding contractors that are on Council's preferred supplier list.
3. Contracts for employment are not required to be included.
4. Where a contract for services etc was not included in the budget, an explanation is to be given (or reference made to an explanation in another Budget Review Statement).



Consultancy and Legal Expenses

Expense	YTD Actuals 2021/22	YTD Budget 2021/22
Consultancies	255,957	477,625
Legal fees	349,774	437,400

Definition of a Consultant

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management.

Generally it is the advisory of the work that differentiates a consultant from other contractors.

Ordinary Council Meeting 19 May 2022
BLACKMAN PARK LIGHTING UPGRADE TENDER

Subject: Blackman Park Lighting Upgrade Tender
Record No: SU8726 - 24212/22
Division: Open Space and Urban Services Division
Author(s): Helen Haigh

Executive Summary

The current sports field lighting for fields B3 and B4 (turf fields) at Blackman Park do not meet Australian Standards. Due to the limited power available at Blackman Park, to undertake any upgrades to lighting the current lighting on the synthetic fields needs to be converted to LED.

Council was successful in obtaining \$500,000 in grant funding through the Federal Government's Local Roads and Community Infrastructure Program. Council has also included funding in its 2022/23 budget to cover the remainder of the project costs.

A lighting design for the project was developed and Council called for tenders in accordance with Council's Tender and Quotation Procedure for the Blackman Park – Lighting Upgrade. The Request for Tenders to procure this work was made via Vendor Panel on 11 May 2022 and closed on 1 April 2022.

Council received six conforming submissions and Havencord Pty Ltd, trading as Floodlighting Australia, are the recommended tenderer.

Background

Current Blackman Park Lighting

Blackman Park synthetic fields, B1 and B2, were upgraded in 2014 with 6 new 25m poles using halide lights. At that time, halide lighting was best practice for sports field lighting as LED technology for sports field lighting was in its infancy. The available electrical power for Blackman Park is limited and the current lighting set up for fields B1 - B4 uses all this available power. There is currently no lighting of the dog park, cricket nets or 3x3 basketball court, which limits their utilisation.

Fields B3 and B4 have always had inadequate lighting, which does not meet Australian Standards for sports field lighting. Until now, Council has been unable to upgrade the lighting because of the lack of available electrical power. Due to LED lighting's inherent low energy requirements, it is now possible to upgrade the lighting at Blackman Park for all 4 sports fields, the cricket nets, 3x3 basketball court and dog park if they are lit with LED lighting.

Funding

Council nominated the Blackman Park Lighting Upgrade infrastructure project as part of the Local Roads and Community Infrastructure Program funded through the Federal Government Department of Infrastructure, Transport, Regional Development and Communications. Under the grant scheme, the project is to be agreed with the local Federal Member, and to this end Trent Zimmerman MP has supported the project, resulting in the \$500,000 grant.

The successful tenderers price for the lighting upgrade is \$560,000. Council has included funding in its 2022/23 budget to cover the remainder of the project costs.

Lighting Design

A brief was prepared for a request for quote for the lighting and electrical design and specification for Blackman Park. The project brief included provision for an upgrade to the existing sports field lighting, new lighting for the dog park, 3x3 basketball court, cricket nets and associated electrical works.

The lighting upgrade project involves upgrading the current lighting at Blackman Park to increase the hours of availability for sports. There are 4 main sports fields referred to as B1 through to B4; the fields accommodate AFL, cricket, soccer and rugby but are not limited exclusively to these sports. This project will replace the existing halide lamps with LED at B1 and B2 and install LED lighting with a 100lux rating for B3 and B4 grass fields.

The design has improved the lighting on B3 and B4 fields to meet Australian Standards, hence improving safety, and will extend hours of use for the community, therefore providing more access to sport and addressing the demand on the fields.

The dog park has no current provision for lighting and utilises the light spill from B4 when it has been hired. The design incorporates lighting provision for this facility.

The 3x3 basketball court is a relatively new facility and has been built to Olympic specifications. The design includes lighting for this facility to accommodate play and training.

The cricket nets are a well-used facility and they currently have no lighting. Council has been approached by the local cricket club to install lighting on this facility to practice into the evening. The design has addressed the Australian Standards for training use of the cricket nets.

The design called for tenders to minimise light spill towards residential boundaries and adjacent bushland and wetlands.

Approval Process for the Works

The approval process for infrastructure projects on Council property is governed by the State Environmental Planning Policy Infrastructure (SEPP). For the Blackman Park Lighting Upgrade, the SEPP states that the approval process for this project requires a Part 5 Assessment under the Environmental Planning and Assessment Act 1979 to be undertaken which in turn requires a Review of Environmental Factors (REF) for the project.

Discussion

Tender Process

A tender specification was prepared by Lighting and Electrical Engineer Gary Roberts and Associates Pty Ltd. Council advertised the tender through Vendor Panel and on Council's website. Tenders opened on 11 May 2022 and closed at 5pm on Friday, 1 April 2022 and Council received six conforming submissions. The request for tender called for suitably qualified and experienced contractors/suppliers for the construction and installation of lighting upgrade to sports fields B1-B4, new lighting for the dog park, 3x3 basketball court, cricket nets and associated electrical works.

The specification outlined that the tender submissions would be assessed based on the following weighted criteria:

Ordinary Council Meeting 19 May 2022
BLACKMAN PARK LIGHTING UPGRADE TENDER

Criteria 1: Price

Weighting: 25%

Based on the Tender Price and schedule of rates provided in the mandatory schedules.

The bids were scored based on a pro rata difference in prices submitted, with the lowest price receiving 25 points.

Criteria 2: Capability and Capacity

Weighting: 25%

Capability & Capacity Assessment refers to the experience of the tenderer and its personnel, including management and supervision, the experience of any sub-contractors to be used, the capability of the tenderer to work within relevant policy frameworks and applicable legislation, and any initiatives for change and improvement.

To achieve the maximum score the tenderer is to have past record and/or demonstrated ability to provide goods/services, technical expertise; resource and financial management skills including, proposed methods of service delivery/ detailed management systems, demonstrated continuous improvement practices,

Criteria 3: Experience

Weighting: 20%

Refers to the demonstrated ability of the tenderer and its personnel, including management and supervisors and the experience of any sub-contractors to be used.

To achieve the maximum score the tenderer is to have provided the relevant experience of the Respondent and key personnel and the extent of skills/qualifications of the people who will be engaged to carry out the contractor's obligations under the Contract, structure of the Organisation, Contracts of similar nature with other NSW Councils.

Demonstrated financial capability to provide the Work/Services at both a financial and operational level with a clearly identifiable management structure, experience of Sub-Contractors, referees responses.

Simply providing a list of qualifications / certifications will not be accepted as experience relation to a particular area of work

Criteria 4: Availability and Starting Time / Program:

Weighting: 10%

Availability and Starting Time / Program refers to the timeliness of supply of Work.

To achieve the maximum score a program must be provided showing the earliest start date, the order in which the Work is intended to be carried out, the estimated time to complete each element, significant milestones and hold points for the Work, show lead times for items which will require to be ordered more than one week in advance of being required, time for obtaining approvals / registration (where required) etc. The timeline must provide sufficient detail in order to assess the Work which is planned to be carried out Tenderers should be aware that following the award minor alterations to the submitted program may be requested by Council.

Ordinary Council Meeting 19 May 2022
BLACKMAN PARK LIGHTING UPGRADE TENDER

Criteria 5: Risk Management, Workplace Health and Safety and Environmental Factors
 Weighting: 15%

Risk management and Workplace Health and Safety refers to the tenderer's commitment to and compliance with the Occupational Health & Safety Act 2000 and Occupational Health & Safety Regulation 2001.

To achieve the maximum score the tenderer is to and will be assessed based on completed applicable Returnable Schedules

Sustainability and Environment Assessment refers to the manner in which environmental issues are to be appropriately addressed, including commitment to due diligence and the principles of ecologically sustainable development (ESD) in regard to environmental legislation and documentation outlining past performance in regard to environment protection and enhancement initiatives.

To achieve the maximum score the tenderer is to assessed based on completed applicable Returnable Schedules

Criteria 6: Product Technical Information and Details, Maintenance Services and Warranties provided.
 Weighting: 10%

Product Technical Information and Details, Maintenance Services and Warranties relates to the provision of these Returnables in the submission.

Tender Evaluation

The six submissions were assessed and evaluated by the tender evaluation panel which consisted of Council's Manager Facilities, Manager Civic Services, Landscape Architect and a Lighting and Electrical Engineer consultant from Gary Roberts and Associates Pty Ltd, who has previously assisted other Sydney Councils with public and sports field lighting upgrades.

Company	Price (25%)	Capacity & Capability (25%)	Experience (20%)	Availability and Starting Time / Program (5%)	Risk Management, Workplace Health and Safety and Environmental Factors (15%)	Product Technical Information and Details, Maintenance Services and Warranties provided.	Rank
<i>Rees Electrical</i>		Preferred	Preferred			Preferred	2
<i>MBS Electrical</i>							4
<i>Metwest Engineering</i>							5
<i>Hix Group</i>							6

**Ordinary Council Meeting 19 May 2022
BLACKMAN PARK LIGHTING UPGRADE TENDER**

Company	Price (25%)	Capacity & Capability (25%)	Experience (20%)	Availability and Starting Time / Program (5%)	Risk Management, Workplace Health and Safety and Environmental Factors (15%)	Product Technical Information and Details, Maintenance Services and Warranties provided.	Rank
<i>EC Power</i>				Equally preferred	Equally preferred		3
<i>Havencord</i>	Preferred			Equally preferred	Equally preferred		Preferred

After applying a weighted scoring evaluation on all submissions, Havencord was the preferred contractor. It is recommended that Havencord be accepted for the Blackman Park Lighting Upgrade. Havencord's submission satisfied all criteria of the Request for Tender and had demonstrated experience with positive reference checks.

A separate confidential memorandum has been circulated to the Councillors with the panel's report including the prices submitted by each tenderer and reference checks undertaken of the recommended contractor.

Conclusion

Having recorded the highest score across the weighted criteria and having received positive reference checks about the quality and reliability of their work, the Tender Panel recommends that Havencord Pty Ltd, trading as Floodlighting Australia, be awarded the contract for the Blackman Park Lighting Upgrade.

RECOMMENDATION

That:-

1. Council accept the quote from Havencord Pty Ltd T/A Flood Lighting Australia for \$560,000; and
2. Authorise the General Manager to engage Havencord Pty Ltd T/A Flood Lighting Australia to undertake the Blackman Park Lighting Upgrade.

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

ATTACHMENTS:

There are no supporting documents for this report.

Ordinary Council Meeting 19 May 2022
THIRD QUARTER REVIEW OF THE 2021/22 DELIVERY PROGRAM AND OPERATIONAL PLAN

Subject: Third Quarter Review of the 2021/22 Delivery Program and Operational Plan
Record No: SU238 - 23068/22
Division: Corporate Services Division
Author(s): Stephen Golding

Executive Summary

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

Background

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

Discussion

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

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

- Seventeen (17) additional activations within Lane Cove village in January/February compared to the same time last year. This vibrant backdrop included a Village Night Lights program which ran for more than two weeks from 7:30pm - 10:30pm. The Plaza and The Canopy were illuminated as part of this activation. Council also screened a series of Beijing Games and sporting events as well as film screenings in January and February. Live music and a signature music concert also extended the living hours of the village;
- A series of nine Aboriginal artworks from Council's Municipal Art collection have been curated for display at Lane Cove Library thanks to a grant from the Australia Day Council. Alongside the Aboriginal Art Display at Lane Cove Library, Dharug artist Chris Tobin shared his connection to his art practice and how this relates to sharing stories of Country via an online presentation;
- Successful Australia Day, Lunar New Year and Autumn Harmony activations;
- A Diversitea event was held in the Library to celebrate Harmony Day – Lane Cove community members shared welcome traditions and insights into their diverse cultures; and
- The Military Talks series in partnership with the Lane Cove RSL Sub-Branch recommenced in February 2022 with a talk about the Battle of Crete.

<p style="text-align: center;">Ordinary Council Meeting 19 May 2022 THIRD QUARTER REVIEW OF THE 2021/22 DELIVERY PROGRAM AND OPERATIONAL PLAN</p>

Other highlights included:

- Helen St Reserve Playground upgrade was completed and opened in March 2022
- The introduction of a new weekly video hosted on Council's social media page and website featuring latest news, consultations and events;
- Three artists were appointed for upcoming small public art projects for a new ping pong table, traffic signal box artwork and street library;
- The Heritage Office approved the application to replace the roof at Carisbrook House. The project is 50/50 funded by a grant from the NSW Government and Council;
- The Disability Inclusion Action Plan (DIAP) consultation plan was prepared. The updating of the Plan is a joint Lane Cove and Hunters Hill Council project;
- Following the December 2021 Local Government Elections, the induction of Councillors through a series of defined strategic and operational workshops and sessions between January and March 2022;
- A comprehensive review of the Community Strategic Plan involving over 700 individual participants from the Lane Cove community; and
- Food Organics and Garden Organics trial has commenced with 800 households.

RECOMMENDATION

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

Steven Kludass

Executive Manager - Corporate Services
Corporate Services Division

ATTACHMENTS:

AT-1 [View](#) Third Quarter Review 2021/22

178	Available
Pages	Electronically

Ordinary Council Meeting 19 May 2022
COUNCIL SNAPSHOT APRIL 2022

Subject: Council Snapshot April 2022
Record No: SU220 - 24097/22
Division: General Managers Unit
Author(s): Craig Wrightson

Attached for the information of Councillors is a review of Council's recent activities. This report provides a summary of the operations of each division in April 2022.

RECOMMENDATION

That the report be received and noted.

Craig Wrightson
General Manager
General Managers Unit

ATTACHMENTS:

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

31 Available
Pages Electronically