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Department of Planning and Environment
GPO Box 39
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Attention: Carina Lucchinelli

RE: PLANNING PROPOSAL (PP_2018_LANEC_001_00) TO AMEND LANE COVE LOCAL ENVIRONMENTAL PLAN 2009 TO PERMIT SHOP TOP HOUSING AS AN ADDITIONAL PERMITTED USE AND ADDITIONAL BUILDING HEIGHT

2 GREENWICH ROAD, GREENWICH (LOT 1 IN DP 662215 AND LOT 2 IN DP 56604)

Dear Carina,

This letter has been prepared by Willowtree Planning Pty Ltd on behalf of Ramsay Health Care and accompanies a request for Gateway Determination Review. The subject Planning Proposal (PP_2018_LANEC_001_00) seeks to amend *Lane Cove Local Environmental Plan 2009* (LCLEP2009) to include Shop Top Housing as an Additional Permitted Use, as well as additional building height, on the site within the B3 Commercial Core zone. The land subject to this Planning Proposal is described as 2 Greenwich Road, Greenwich (Lot 1 in DP 662215 and Lot 2 in DP 56604).

Through the Gateway Determination dated 6 September 2018, the proposal was approved to proceed, subject to a number of conditions. Pursuant Condition 1(a), the Planning Proposal is required *to be updated to demonstrate consistency with the draft findings of the St Leonards and Crows nest Station Precinct strategic investigation*, and pursuant to Condition 5, the Planning Proposal is required *to be amended to demonstrate consistency with the final strategic planning framework for the St Leonards and Crows Nest Station Planning Precinct*.

Ensuing the Gateway Determination, the *Draft 2036 Plan for St Leonards and Crows Nest* was published online by the Department of Planning and Environment (DPE). Owing to Condition 1(a) and Condition 5 of the Gateway Determination, the *Draft 2036 Plan for St Leonards and Crows Nest* has direct implications for the rezoning of the site.

The *Draft 2036 Plan for St Leonards and Crows Nest* is inconsistent with the Planning Proposal as it has been assessed by DPE to-date. In relation to the site, the *Draft 2036 Plan for St Leonards and Crows Nest* also deviates from the *St Leonards and Crows Nest Interim Statement,* with which the Planning Proposal was consistent.

If the Planning Proposal was required to be amended to be consistent with the *Draft 2036 Plan for St Leonards and Crows Nest*, it would alter significantly from the assessment carried out by DPE, essentially rendering this assessment irrelevant and invalid. The assessment process was however detailed, comprehensive and in accordance with statutory requirements, meaning that the assessment should not be dismissed.

Similarly, the Planning Proposal was determined to exhibit strategic and site-specific merit. The strategic and site-specific merit of the proposal remains unchanged, despite the recently-released *Draft 2036 Plan for St Leonards and Crows Nest.* Accordingly, it would be unjustified to now ignore the proposal's strategic and site-specific merit as previously acknowledged by both the Sydney North Planning Panel and DPE.

On this basis, it is requested that the Gateway Determination is reviewed, specifically with respect to Condition 1(a) and Condition 5. For the reasons outlined above, the Planning Proposal should not be linked to the *Draft 2036 Plan for St Leonards and Crows Nest* or *the final strategic planning framework for the St Leonards and Crows Nest Station Planning Precinct*. Rather, the proposal has been assessed as exhibiting strategic and site-specific merit, and this should be reflected in the amended Gateway Determination. The de-linking of the Planning Proposal from plans for the St Leonards and Crows Nest Precinct has already been discussed with DPE, immediately following the release of the Gateway Determination and associated conditions. As reiterated through this statement, the proposal exhibits strategic and site-specific merit on a standalone basis and therefore there is no need for the rezoning to be contingent on the precinct planning.

Supporting this request, the following documents demonstrate the strategic and site-specific merit of the proposal, accounting for key State regional, district and local Strategic Plans, and the tests prescribed in DPE's *A Guide to Preparing Local Environmental Plans*:

- Planning Proposal Report prepared by Willowtree Planning.
- Urban Design Report prepared by Roberts Day.
- Addendum Letter prepared by Willowtree Planning to address the St Leonards and Crows Nest Interim Statement that was released by the Department of Planning and Environment (DPE) on 4 August 2017.
- Strategic and Site-Specific Merit Test prepared by Willowtree Planning.
- Gateway Determination Report prepared by DPE and dated 4 September 2018.

Additionally, the following chronology assists in demonstrating the comprehensive assessment process through which the Planning Proposal in its current form has progressed:

- 11 April 2017 – Planning Proposal lodged with Lane Cove Council.
- 14 August 2017 – Rezoning Review Request submitted to DPE.
- 18 August 2017 – Strategic and Site-Specific Merit Test submitted to DPE to support Rezoning Review.
- 18 August 2017 – Rezoning Review application formally lodged by DPE.
- 25 October 2017 – Briefing Meeting with Sydney North Planning Panel, DPE, Council, and the Proponent, and Site Inspection.
- 25 October 2018 – Planning Panel determined that the proposed instrument should be submitted for a Gateway determination because the proposal has demonstrated strategic *and* site-specific merit.
- 22 December 2017 – Planning Panel appointed Planning Proposal Authority (PPA).
- 6 September 2018 – Gateway determination by DPE that the proposal should proceed, subject to conditions.

It is noted that at the time of determining the Rezoning Review and recommending the submission of the proposal to the Gateway, the Planning Panel considered the merits of rezoning the site to *R4 High Density Residential* as an alternative to introducing an Additional Permitted Use for Shop Top Housing. At the time, the Applicant explained that the proposed Additional Permitted Use represented an effort to retain employment on the site, however also indicated they would consent to the amendment of the proposal if an R4 rezoning was deemed by the Panel to exhibit greater strategic and site-specific merit. The Panel then however determined to proceed with the proposal in its original form, being for an Additional Permitted Use for Shop Top Housing.

As described herein, the primary reason for this Gateway Determination Review relates to the deviation of the *Draft 2036 Plan for St Leonards and Crows Nest* from the planning that has been carried out for the site prior to its release, and thereby the need to de-link the Planning Proposal from the *Draft 2036 Plan for St Leonards and Crows Nest*. Justification relies on the strategic and site-specific merit of the Planning Proposal in its current form (as distinct from the *Draft 2036 Plan for St Leonards and Crows Nest*). The following summarises the grounds on which the proposal exhibits strategic and site-specific merit, thereby justifying the Gateway Review:

- The proposal is consistent with the *Greater Sydney Region Plan* and *North District Plan*:
    - In accordance with the Plan's Productivity Priorities, the proposed broadening and densification of uses on the site will increase the supply and diversity of available commercial floor space and housing in a highly accessible location.
    - By providing new residential accommodation in conjunction with commercial premises, a wide range of people will be accommodated, as required by the Plan's Liveability Priorities. Housing affordability and choice will therefore be improved whilst promoting high standards of living, ultimately creating a liveable and loveable place to live, work and visit. Specifically, the provision of shop top housing on the site will contribute to the delivery of the 1,900 new dwellings required for Lane Cove over the next five (5) years.
    - Commensurate with Sustainability Priorities, the proposed rezoning will also augment the efficiency with which land is used through the diversification and densification of uses that are highly compatible with surrounding development and coordinated with supportive infrastructure.
- The proposal was consistent with the previous iteration of planning for the St Leonards and Crows Nest Station Precinct. Notably, the site was identified *in-between* the Pacific Highway Corridor and St Leonards South Residential precinct. In accordance with the vision for the Pacific Hwy corridor, the proposal would provide lower-floor employment-generating uses, whilst also being consistent with the vision for St Leonards South which *is proposed to be a higher density residential area over time*. Shop top housing would allow for the site to provide a transition between these two character areas.
- The proposed rezoning is consistent with local strategic plans including *Liveable Lane Cove 2035* (being Council's adopted Community Strategic Plan). The proposal will contribute to the creation of a liveable area offering a range of housing connected to infrastructure, jobs and community facilities by an integrated transport network.
- The subject site is not identified in proximity of any area of biodiversity and accordingly the proposal will not exhibit any adverse impact on the natural environment. Neither does the site comprise any other environmental values, resources or hazards. Rather the proposal relates to a site that has been historically developed and forms part of an established urban area.
- The site is located within the transition zone between high density commercial development adjacent to the Pacific Highway and lower density residential development to the south. Shop top housing responds to this transitionary context through the integration of both commercial and residential uses contained within a built form that makes efficient use of the site whilst also protecting neighbouring amenity. Further details of the contextually-responsive and sympathetic conceptual design are provided within the Urban Design Report.
- Shop top housing on the site would also complement the surrounding context by assisting in the creation of a neighbourhood centre for Greenwich North to enhance the amenity, convenience and level of service afforded to residents and workers of the area.

- The site is serviced by existing infrastructure that is capable of servicing higher density commercial and residential development.

- The site is highly accessible and ideally located in accordance with the principles of Transit Oriented Development (TOD). Specifically, the site is within 600m walking distance of St Leonards train station, 1.2km of the new Crows Nest Metro station and in immediate proximity of multiple bus stops, has been a transit score of 71 denoting excellent transit that is convenient for most trips, and has a walkscore of 84 representing a very walkable location with most errands accomplishable on foot.

- In their favourable assessment and determination of the Rezoning Review, the Sydney North Planning Panel concluded the proposal demonstrates **strategic *and* site-specific merit**.

- By approving the Planning Proposal to proceed through the Gateway, DPE acknowledged the **merit of the proposal**, specifically on the basis of it **delivering housing supply and choice** in an area **supported by existing and future public transport infrastructure**.

This request for Gateway Review is also supported by the following enclosed documents:

- Gateway Determination Review Application Form.
- Cover Letter (Justification for Review of Gateway Determination).
- Planning Proposal (as submitted to the Gateway), including:
  - Planning Proposal Report.
  - Urban Design Report.
  - Addendum Letter (Review of St Leonards and Crows Nest Interim Statement).
  - Strategic and Site-Specific Merit Test.
- Gateway Determination Documents.

The letter and the enclosed documents are considered to suitably justify the amendment of *Lane Cove Local Environmental Plan 2009* (LCLEP2009) to include Shop Top Housing as an Additional Permitted Use, as well as additional building height, on the site. It is therefore recommended that the Gateway Determination is reviewed and amended as requested as soon as practical.

Yours faithfully,

Chris Wilson
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