

**Subject:** Planning Proposal 37 - St Leonards Plaza Additional Permitted Use  
**Record No:** SU7691 - 63704/19  
**Division:** Environmental Services Division  
**Author(s):** Terry Tredrea; Lara Fusco; Christopher Pelcz

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### **Executive Summary**

The purpose of this report is to consider the planning merits and provide advice on a planning proposal to amend Lane Cove Local Environmental Plan 2009 (LCLEP 2009) to include Recreation Area as an additional permitted use in the SP2-zoned land along the rail line at St Leonards.

Given the minor 'housekeeping' nature of the amendment, [Planning Proposal 37](#) does not require supporting documentation or studies.

Planning Proposal 37 was referred to the Lane Cove Local Planning Panel (LCLPP) for advice on the 7 November 2019. In accordance with Section 9.1 of the EP & A Act, staff prepared an assessment report setting out 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 (**AT-2**).

The LCLPP advises that Planning Proposal No 37 is supported and should proceed to the Gateway Determination.

It is therefore recommended that Planning Proposal No.37 be supported in full and be forwarded to the Minister for a Gateway Determination. This is consistent with advice from the Lane Cove Local Planning Panel (**AT-3**).

### **Background**

#### The site

The site is situated within the Lane Cove Local Government Area (LGA) adjacent to the boundary of the Willoughby LGA roughly 5km from Sydney CBD.

The site is within close proximity to the St Leonards Station which is located immediately to the north of the site (see figure below).



Figure 1: The site

The site subject for this proposal is the North Shore Railway Line at St Leonards. It is located on the southern side of the Pacific Highway across from the St Leonards Railway Station and the Forum mixed use development.

### Proposal

The Planning Proposal seeks to amend Schedule 1 of the Lane Cove Local Environmental Plan. This will introduce a site-specific additional permitted use (Recreation Area), without development consent.

Overall, the Proposal would not result in any change to existing planning controls for the site near its surrounding zonings.

The intent of the Planning Proposal is to facilitate development of the site for the Over-Rail plaza which has been in Council's plans since 2011. The proposed plaza development would include construction of the deck across the air space about the rail corridor and associated works.

### **Discussion**

#### Referral to Local Planning Panel

Planning Proposal 37 was referred for advice to the Lane Cove Local Planning Panel, under Clause 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. All of the discussion is contained within this report (see **AT-2**).

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

- Strategic Merit test; and
- Site-specific merit test.

At the meeting, Council staff provided a broad overview of Planning Proposal 37 and suggested that the Draft Planning Proposal's clause for Schedule 1 be amended to the following:-

***Use of certain land being the North Shore Line on the southern side of Pacific Highway at St Leonards***

1. *This clause applies to land known as Part Lot 1 DP 127019, being the North Shore Rail line on the southern side of Pacific Highway, bound by Canberra Avenue and Lithgow Street.*
2. *Development for the purposes of a Recreation Area is permissible without consent.*

Following this, the Panel deliberated on the PPs and provided their considered advice in the form of recommendations and reasons for their decision, see **AT-3**. The LPP concurs with staff's recommendations, and advises that Planning Proposal No 37 is supported and should proceed to the Gateway Determination.

Advice to Council

In providing their advice to Council (see **AT-3**), the Panel unanimously supported the findings in staff's report. The Panel also added the following commentary:

*The Panel notes that this planning proposal will facilitate the provision of high quality open space within the airspace above the rail corridor by permitting development for the purposes of a recreation area on the site.*

*The Panel considers that the project is an outstanding example of innovation in planning for community facilities which may also have relevance to similar localities in other local government areas. As Sydney's population continues to grow with increasing density around transport nodes, the opportunities to provide local open space become far more challenging.*

*Lane Cove Council is to be commended for this innovative approach to providing high quality open space in a precinct where there is no opportunity for additional land to be reserved for public purposes.*

*The Panel supports the planning proposal with the amendment (as provided to the Panel) to include the site within Schedule 1 of Lane Cove LEP 2009 to permit development for the purposes of a recreation area without consent.*

**Conclusion**

Planning Proposal 37 is consistent with the Strategic and Site-specific merit test and the recommendations of the St Leonards/Crows Nest Draft 2036 Plan.

Having regard to the above, the Lane Cove Local Planning Panel, at its 7 November 2019 meeting, recommended that Planning Proposal 37 be supported (with its amendments) and that it proceed

to Gateway Determination. It is recommended that Council adopt the recommendations of the Panel in full.

## **RECOMMENDATION**

That having considered the advice from the Lane Cove Local Planning Panel meeting of 7 November 2019, Council supports the amended Planning Proposal No. 37 in full and be forwarded to the Minister for a Gateway Determination, as it is:-

### **A. Consistent with the Strategic Merit test**

#### *Reasons*

- 1) The Planning Proposal is consistent with Objective 31 and 32 of *A Metropolis of Three Cities*, as it will provide new high quality open space in the area which will interconnect with other green links being provided around the site.
- 2) The Planning Proposal is consistent with the site-specific Action 34 of the North District Plan, as it will enable a development pathway to deliver this high quality open space to the St Leonards precinct – thus achieving the Actions intent.
- 3) The Planning Proposal is consistent with the Place and Landscape Recommendations of the St Leonards/Crows Nest Draft 2036 Plan for the area.
- 4) The Proposal is consistent with the priorities and actions of all of Council's strategic planning documents (i.e. Draft Local Strategic Planning Statement, Delivery Program and Operational Plan).
- 5) The Planning Proposal also implements the recommendations of previous strategies relevant to the area (i.e. St Leonards Strategy 2006).

### **B. Consistent with the Site-Specific Merit test**

#### *Reasons*

- 6) Delivery of the Over-rail plaza will not impact upon any likely future uses surrounding the area.
- 7) Proposed construction is unlikely to impact on the infrastructure and ongoing operation of the St Leonards Railway Line.

- C.** Council forward Planning Proposal 37 to NSW Department of Planning, Industry and Environment for a Gateway Determination.

Michael Mason  
**Executive Manager**

**Environmental Services Division**

**ATTACHMENTS:**

<b>AT-1</b> <a href="#">View</a>	Planning Proposal - St Leonards Plaza	44 Pages	Available Electronically
<b>AT-2</b> <a href="#">View</a>	Report to Local Planning Panel - 7 November 2019	12 Pages	
<b>AT-3</b> <a href="#">View</a>	ADVICE - Lane Cove Plaza use - Lane Cove Local Planning Panel - 7 November 2019	2 Pages	