

**Lane Cove Local Planning Panel Meeting 7 November 2019**  
**ST LEONARDS PLAZA - ADDITIONAL PERMITTED USE - PLANNING PROPOSAL 37**

**Subject:** St Leonards Plaza - Additional Permitted Use - Planning Proposal 37  
**Record No:** SU7134 - 60600/19  
**Division:** Environmental Services Division  
**Author(s):** Terry Tredrea; Christopher Pelcz; Lara Fusco

Property:	Airspace over St Leonards Railway line
PP No:	Planning Proposal No. 37
Date Lodged:	21 October 2019
Owner (Proponent):	Rail Corporation NSW
Applicant:	Lane Cove Council

Site Area	Approx. 2,700 sqm
Description of Proposal	Amend Lane Cove Local Environmental Plan 2009 (LCLEP 2009) to include Recreation Area as an additional permitted use in the air space above The St Leonards train line.
Planning Proposal documents	Links to all the supporting documents are provided in the 'Executive Summary' section of this report.
Relevant Strategic Planning documents	<i>A Metropolis of Three Cities</i> <i>North District Plan</i> <i>Draft St Leonards/Crows Nest 2036 Plan</i> <i>Lane Cove Local Environmental Plan 2009</i> Lane Cove Draft Local Strategic Planning Statement Note: The Draft Local Strategic Planning Statement has completed exhibition and will be forwarded to the Greater Sydney Commission for assurance. However, it can still be taken into account as part of the Strategic Merit test in the 'Discussion' section of this report. <i>St Leonards Strategy 2006</i>
Recommendation	That Planning Proposal No.37 be supported and be forwarded to the Minister for a Gateway Determination.

## PURPOSE OF REPORT

The Lane Cove Local Planning Panel is requested to provide its advice on Planning Proposal No. 37 which will be considered by Council as part of its final determination of this important matter.

## REASON FOR REFERRAL

The Planning Proposal is referred to Council's Local Planning Panel under Section 9.1 of the *EP & A Act*. 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.

Due to the nature of the Planning Proposal, it does not 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 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 air space above SP2-zoned land along the St Leonards train line.

Given the minor 'housekeeping' nature of the amendment, only a [Planning Proposal 37](#) document has been submitted.

The Panel is requested to review and consider issues and amendments proposed by the proponent along with the views and concerns raised in this report. In particular, the Planning Proposal No 37 is supported and should proceed to the Gateway Determination for the following reasons:

### **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 would provide new high quality open space in the area which would 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 would 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 implements 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 would not impact upon any likely future uses surrounding the area.
- 7) Proposed construction would be unlikely to impact on the infrastructure and ongoing operation of the St Leonards Railway Line.

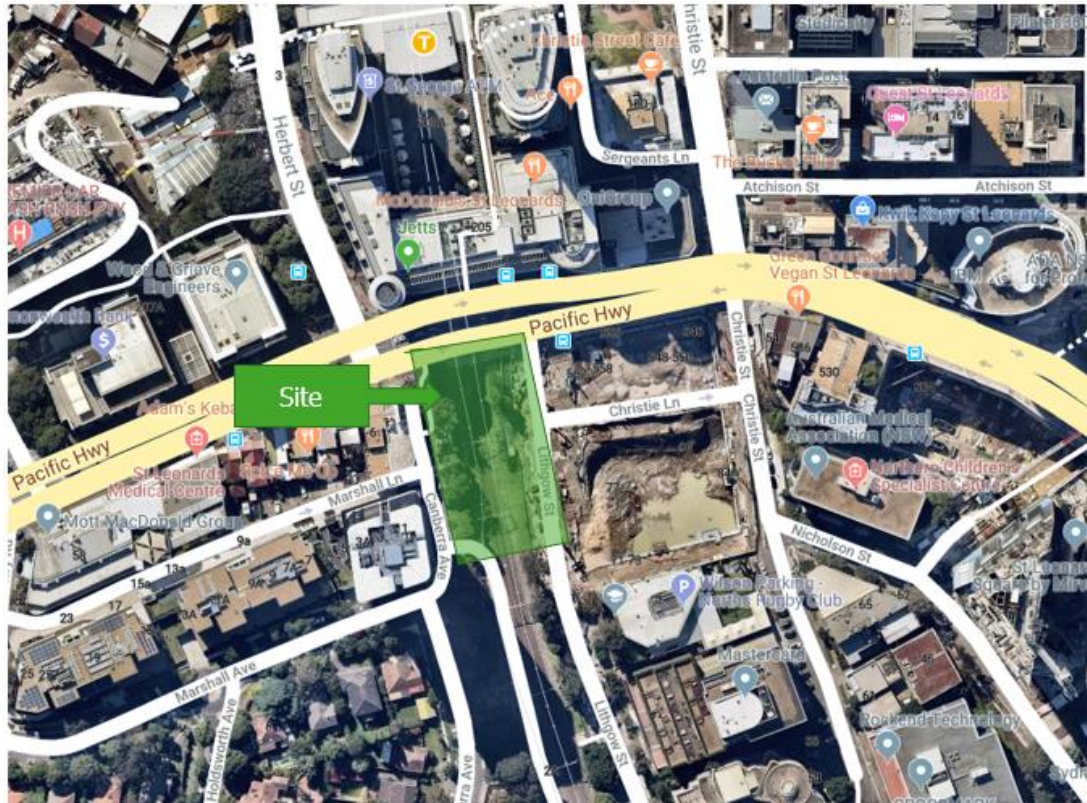
## **SITE**

# Lane Cove Local Planning Panel Meeting 7 November 2019

## ST LEONARDS PLAZA - ADDITIONAL PERMITTED USE - PLANNING PROPOSAL 37

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 to this proposal is the airspace stratum above 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.

### Current Planning Controls

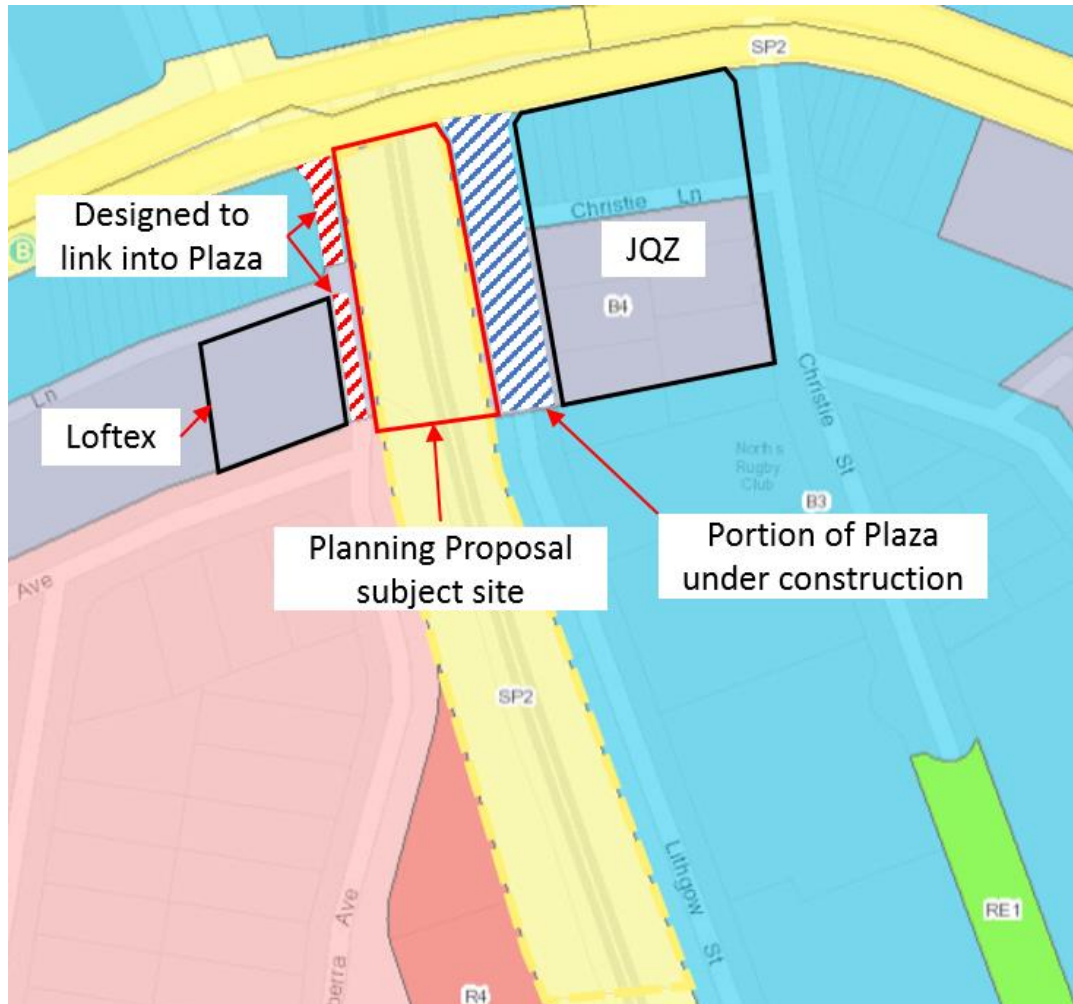
The current planning controls for the site are as follows:

<b>Zoning</b>	SP2 Infrastructure ("Railways")
<b>Site Area</b>	2,700 sqm (proposal)
<b>Current FSR</b>	None
<b>Possible GFA</b>	None
<b>Height Limit</b>	None

### **BACKGROUND**

Lane Cove Council (LCC) is proposing to construct a portion of the public open space plaza concourse of roughly 2,700 sqm on the southern side of the Pacific Highway, across from the St Leonards Railway Station and the Forum mixed use development.

The over-rail plaza constructed by Council and connect into the remaining portion of the plaza (1,708 m<sup>2</sup>) currently being constructed by the adjoining development at JQZ (75 – 79 Lithgow and 88 Christie Street). It is envisaged that part of Canberra Avenue will be designed to connect to the future Plaza. This is shown in the figure below.



**Figure 2: Development surrounding the proposed plaza**

The plaza concourse would be constructed on a platform above the existing North Shore Railway, a portion of Christie Street and a portion of Lithgow Street.

A road bridge currently allows the Pacific Highway to overpass the Railway line. The existing St Leonards South Railway Underpass is located adjacent to Lithgow Street and passes under the existing road bridge. The open space would be constructed on a platform adjacent to Pacific Highway. St Leonards Railway Underpass would be retained.

Vehicular access to Pacific Highway from Lithgow Street would be replaced by pedestrian access only. The project would provide the area with much needed open space catering for the current and continuing increase in residential population surrounding St Leonards Rail Station.

The plaza concourse would contain public domain, landscaping, increased access to public transport, increased pedestrian pathways along Pacific Highway and transport to the plaza concourse.

*Draft St Leonards and Crows Nest 2036 Plan*

The NSW Department of Planning and Environment released the draft plans and supporting documents for the St Leonards and Crows Nest Planned Precinct for community consultation from October 2018 to 8 February 2019.

The Draft 2036 Plan, and supporting documents, provide support to Council's plan to deliver an over-rail plaza. Council provided its submission to the Draft 2036 Plan and its supporting documents on 8 February 2019.

## **PROPOSAL**

The Planning Proposal seeks to amend Schedule 1 of the Lane Cove Local Environmental Plan. This would introduce a site-specific additional permitted use (recreation area) on the airspace above the railway land, without development consent.

The inclusion of such a provision would enable the operation of Divisions 10 and 12 of the Infrastructure State Environmental Planning Policy which provide for the development of land for parks and other public reserves without 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 and associated works however, the final detail of works would be developed at the later Development Application stage.

## **DISCUSSION**

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

When considering a Planning Proposal, *A guide to preparing Local Environmental Plans* (prepared by NSW Department of Planning & Environment) applies to the following strategic and site-specific merit test to assess proposals.

### *Strategic Merit test*

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

### A Metropolis of Three Cities

The Planning Proposal is consistent with Objective 31 of *A Metropolis of Three Cities* "Public Open Space is accessible, protected and enhanced" and Objective 32 "The Green Grid links parks, open spaces, bushland and walking and cycling".

### Comment:

The Proposal is consistent with both objectives mentioned above as the proposed public plaza would provide high quality public open space in an area identified for growth (i.e. St Leonards). In addition, it would connect both sides of the railway providing greater accessibility and permeability.

St Leonards has also been identified by the Government Architect as an opportunity and priority for the Green Grid, to provide an interconnected network of key open spaces and green links. The proposed plaza would achieve this, in addition to the public domain upgrades being delivered around the site.

North District Plan:

The Planning Proposal is consistent with Action 34, which contain actions specifically for St Leonards.

Comment:

The construction of the proposed plaza would achieve Action 34 e. which is to Strengthen St Leonards through approaches that:

*“deliver new high quality open space, upgrade public areas, and establish collaborative place-making initiatives”.*

While this Planning Proposal would deliver new open space to an area envisaged for growth, and surrounding public areas are currently being upgraded, the proposed plaza is also consistent with the place making initiatives contained in the draft precinct plans for the area. This is discussed below.

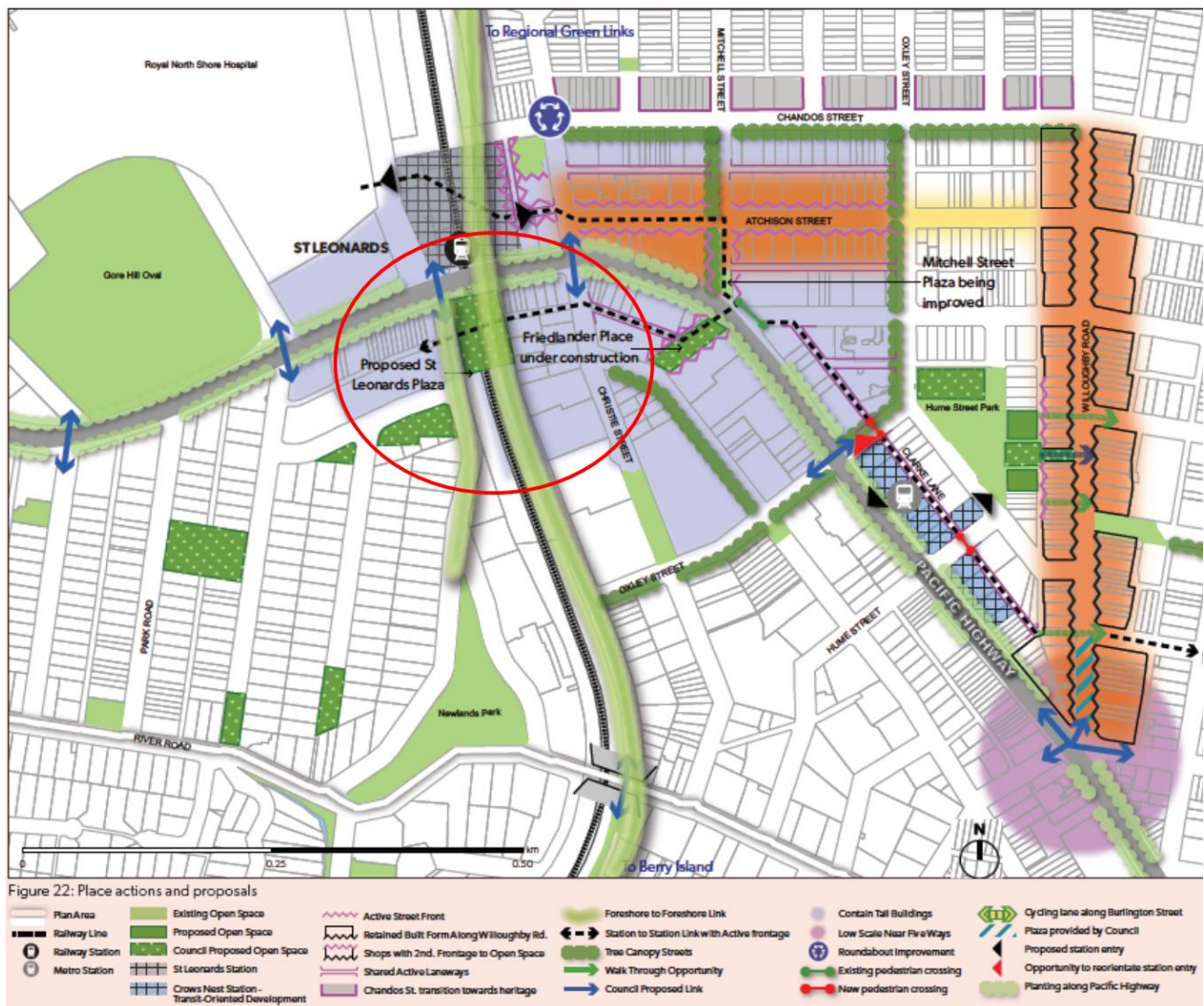
Draft St Leonards/Crows Nest “2036 Plan”:

The relevant precinct plan for the area is the St Leonards/Crows Nest Draft 2036 Plan (‘Draft 2036 Plan’).

Comment:

The proposed plaza is consistent with the current draft precinct plans for the area (Draft 2036 Plan). In the draft 2036 Plan, the proposed plaza is shown as ‘Council Proposed Open Space’ as it would be delivered by Council. They are also consistent with the Place recommendations and Landscape Recommendations shown in the figures below.

**Lane Cove Local Planning Panel Meeting 7 November 2019**  
**ST LEONARDS PLAZA - ADDITIONAL PERMITTED USE - PLANNING PROPOSAL 37**



**Figure 3: Place recommendations from the Draft 2036 Plan (on page 45)**

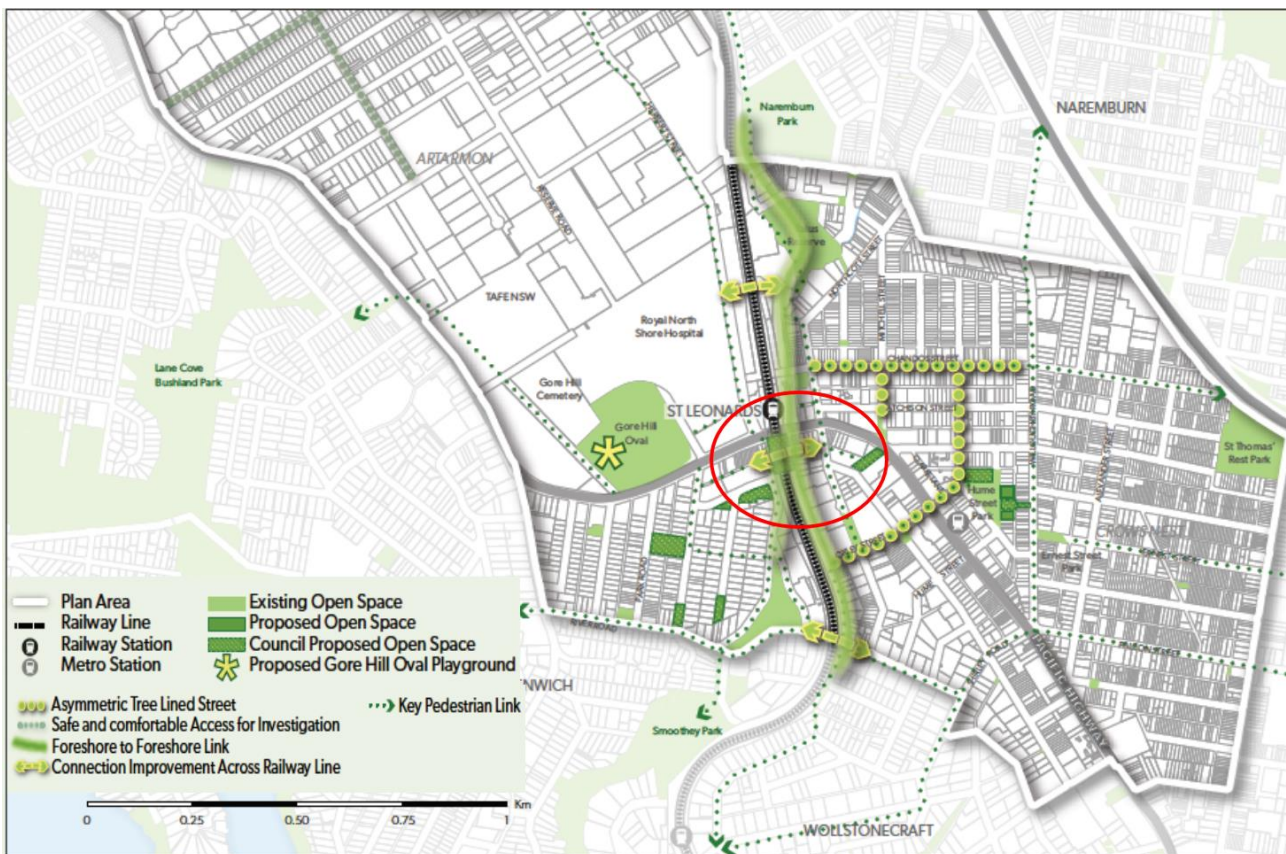


Figure 23: Landscape

Figure 4: Landscape recommendations from the Draft 2036 Plan (on page 47)

Overall, the proposal is consistent with the Greater Sydney Commission's strategic planning framework, including A Metropolis of Three Cities, North District Plan, and the State Government's St Leonards/Crows Nest Draft 2036 Plans.

- ***Does the Planning Proposal give effect to a relevant local strategy that has been endorsed by the Department, such as the local strategic planning statement, housing strategy?***

Comment:

Council's *Draft Local Strategic Planning Statement* (DLSPS) was on public exhibition between 5 September and 17 October 2019, and is yet to be endorsed by the Greater Sydney Commission or Dept of Planning. It is still a valid consideration given that the draft statement was publicly exhibited from 5 September to 17 October 2019.

Actions for Planning Priority 6 ("Create and renew public spaces and facilities to improve the community's quality of life") include:

*Undertake planning and design development for the construction of the St Leonards Plaza (Short Term). (p33)*

This is in response to the stated aim:

*"Council's approach to allowing increased residential development in appropriate locations includes delivering new open spaces such as parks, plazas and meeting places. This*

*approach would expand the existing open space network and ensure a distribution of well-designed areas to maintain the LGA's high standards of liveability." (p 30)*

In addition, the Proposal is consistent with Council's adopted Delivery Program and Operational Plan reference number 9.4 which is to:

*"Undertake planning and design development for the construction of the St Leonards Plaza"*

Overall, the proposal is consistent with Council's strategic planning framework, including its (Draft) Local Strategic Planning Statement and Delivery Program and Operational Plan.

- ***Does the Planning Proposal respond to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls?***

St Leonards Strategy 2006:

St Leonards Strategy 2006 was a previous Strategy for the future of St Leonards. It was commissioned by Lane Cove, North Sydney and Willoughby Councils and the Department of Planning.

The recommendations contained within this strategy have been adopted by the three councils.

Comment:

Page 72 of the Strategy suggests the following Action:

*Lithgow Walk is not particularly inviting, mainly due to its lack of natural light and active edges. There is little that can be done to improve it significantly. **However, the development of a new plaza at the southern end as part of an air rights development over the rail line may offer the opportunity to enhance it.***

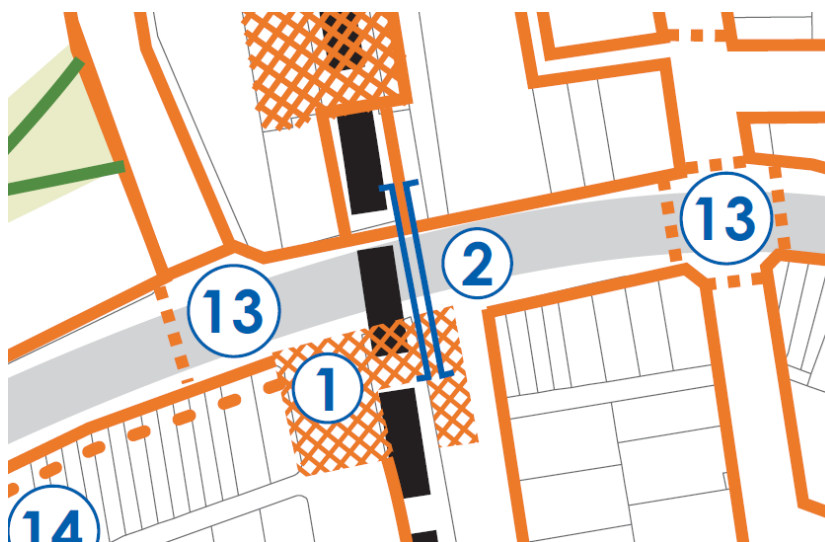


Figure 5: New plaza associated with air rights development (p73)

Action page 106 states, "Explore the feasibility of an air rights development over the rail line on the southern side of Pacific Highway incorporating a public plaza."

In order to deliver the plaza, originally proposed in the 2006 strategy, Council developed its 'pilot project' approach.

Council's "Pilot Projects" in St Leonards:

Lane Cove Council's overall goal for St Leonards is to support the creation of an area with a high level of liveability, amenity and connectivity. Council seeks to achieve this goal by undertaking a range of programs which are consistent with successive Metropolitan Plans for Sydney, as well as the Department's transport goals. These are discussed below.

*Council's targeted sites*

Council targeted four key sites in the St Leonards Commercial Core area, based on their strategic value, for mixed use development. They include:

- a) 472-494 Pacific Hwy,
- b) 500-504 Pacific Hwy,
- c) 88 Christie St, and
- d) 1-13A Marshall Avenue.

While Council had worked consistently to retain the commercial core within the St Leonards centre, commercial development had not occurred in the Lane Cove portion of St Leonards even with the uplift in FSR and height provided in LEP 2009. By targeting these key sites, the rest of the B3 Commercial Core area (within Lane Cove LGA) has always been expected to remain as currently zoned, supporting the Department of Planning, Infrastructure & Environment's aim to avoid isolation of commercial sites. This policy is also consistent with successive Metropolitan Plans for Sydney.

Council has undertaken a range of actions supporting its policy for vitalisation of the St Leonards Strategic Centre. These include the development of the Rail Plaza, LEP floor space ratio uplift for limited commercial properties, three planning proposals targeted to contribute to that and other major public benefits, DCP controls for retail streetscape activation and other forms of amenity.

**Having considered all of the above, the Planning Proposal is consistent with the Strategic Merit test.**

*Site-specific Merit test*

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

- ***the natural environment (including known significant environmental values, resources or hazards)***

Significant environmental values or resources are not likely to be impacted as a result of this Proposal, nor is the land affected by any known hazard.

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

The proposed plaza is consistent with the future approved land uses being developed around the site and Council's pilot project approach.

The Draft 2036 Plan does not call for any land use changes that would affect Council's ability to deliver the proposed plaza.

- ***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.***

#### Operation of Railway:

During construction of the over-rail deck of the plaza, the railway would continue to operate.

#### Comment:

It is envisaged that the construction of the deck would have regard to the need for continued operations of this vital piece of railway infrastructure. This would be addressed at the construction phase of the project with the relevant public authorities.

It would also need to be consistent with the Infrastructure State Environmental Planning Policy provisions relevant to the development application stage.

### **CONCLUSION**

In conclusion, the Planning Proposal is consistent with the Strategic and Site-specific merit tests. A number of other provisions of the Planning Proposal are relatively minor in nature and can be addressed at the Development Application stage.

The St Leonards Plaza seeks to provide a high amenity and much needed urban open space for a changing St Leonards CBD which has been identified as central to District outcomes and local development.

Having regard to the above, it is recommended that Planning Proposal 37 be supported and proceed to a Gateway Determination.

### **RECOMMENDATION**

Pursuant to Section 9.1 of the Environmental Planning and Assessment Act 1979, the Lane Cove Planning Panel at its meeting of 7 November 2019 recommends forwarding Planning Proposal No. 37 to the Minister of Planning for a Gateway Determination for the following reasons:

#### **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.

Michael Mason  
**Executive Manager**  
**Environmental Services Division**

**ATTACHMENTS:**

**AT-1** [View](#) Planning Proposal - St Leonards Plaza

44  
Pages