

Rezoning of 472-520 Pacific Hwy & 95 Nicholson St, St Leonards

Proposal Title : **Rezoning of 472-520 Pacific Hwy & 95 Nicholson St, St Leonards**

Proposal Summary : **The proposal seeks to amend the Lane Cove Local Environmental Plan 2009 by:**
1. changing the zoning of the five sites that comprise 472-520 Pacific Highway & 95 Nicholson Street from B3 - Commercial Core to B4 - Mixed Use to facilitate 3,930 sqm of retail space, 7,800sqm of commercial space, and 910 residential units;
2. amending the maximum building height for 472-486 Pacific Highway from 65m to 115m (tower fronting Nicholson Street) and 91m (tower fronting Pacific Highway), and for 504-520 Pacific Highway from 72m to 138m.

PP Number : **PP_2014_LANEC_001_00**

Dop File No :

14/01007

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions : **1.1 Business and Industrial Zones**
3.1 Residential Zones
3.4 Integrating Land Use and Transport
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the planning proposal proceed subject to the following conditions:**

- 1. The draft voluntary planning agreement be placed on public exhibition with the planning proposal.**
- 2. The site specific development control plan, which is to include provision for car parking to RTA standards, access and impact of building setbacks on adjoining buildings, to be placed on public exhibition with the planning proposal.**
- 3. The planning proposal is exhibited for 28 days.**
- 4. A timeframe of 12 months to make the LEP.**
- 5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act.**
- 6. A consolidated planning proposal is to be prepared prior to public exhibition and publically exhibited.**
- 7. A social impact assessment is to be prepared prior to public exhibition and publically exhibited.**
- 8. A revised traffic, parking and access study is to be prepared prior to public exhibition and publically exhibited. It is to address:**
 - pedestrian access into and through the site, including options for future pedestrian access at 504-520 Pacific Highway through to the mid-point of Friedlander Place pending future redevelopment of 500 Pacific Hwy;**
 - pedestrian access at the rear of 504-520 Pacific Highway connecting Friedlander Place and Christie Street, noting that current pedestrian access occurs on a site not owned by the proponent;**
 - vehicular access / egress from 504-520 Pacific Highway from Nicholson Street, noting the existing right of way across 69 Christie Street, and future development potential for**

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69 Christie Street, Friedlander Place and 500 Pacific Highway;
- evidence-based responses to each of the issues raised by Lane Cove Council and itemised in the Brown Consulting traffic report.

9. Agency consultation be undertaken with Department of Education and Communities, Energy Australia, Ministry of Health, Transport for NSW - Sydney Trains, Transport for NSW - Roads and Maritime Services, Sydney Water, and Adjoining LGAs.

Supporting Reasons : The planning proposal is supported for the following reasons:
- the provision of mixed use development will provide employment and housing in close proximity to public transport;
- the planning proposal provides a public benefit of improved public domain and it increased area and quality of public open space.

Panel Recommendation

Recommendation Date : 06-Feb-2014

Gateway Recommendation :

Panel Recommendation : The Panel decision was split. Two recommendations were forwarded for consideration - see below:

The Planning Proposal should not proceed for the following reasons:

1. The planning proposal is inconsistent with metropolitan planning priorities for St Leonards as expressed in the Metropolitan Plan for Sydney 2036 and Draft Metropolitan Strategy for Sydney to 2031. Both documents establish St Leonards as a highly important location for employment growth. St Leonards is identified as a Specialised Centre under the 2005 Metropolitan Plan and a Specialised Precinct under the Draft Metropolitan Strategy.
2. The planning proposal seeks to rezone a sizeable area of land within the largest and most intact section of the B3 Commercial Core zoned area. Rezoning this land would significantly jeopardise the ongoing employment function of St Leonards.
3. St Leonards is located within the Global Economic Corridor and is therefore a very important location for employment. Rezoning of the subject site would result in intense pressure for the rezoning of other B3 Commercial Core zoned land in the area for residential development. Sufficient justification for such a variation from the strategic framework has not been provided in support of the planning proposal.

The Planning Proposal should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to revise the planning proposal to ensure that all matters identified in A Guide to Preparing planning proposals are adequately addressed.
2. Prior to public exhibition, a revised traffic, parking and access study is to be prepared to identify pedestrian and vehicular access to and from the land at 504-520 Pacific Highway, St Leonards considering the potential for future development of the surrounding areas. The study is to address all issues raised by Lane Cove Council and be included as part of the exhibition material.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Planning & Infrastructure 2013).
4. Consultation is required with the following public authorities under section 56(2)(d) of

the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- Department of Education and Communities
- Energy Australia
- NSW Health
- Sydney Trains
- Roads and Maritime Services
- Sydney Water
- Adjoining LGA's

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

JAMES MATTHEWS

Date:

10/3/14.

Note: Following the LEP Review Panel meeting, State Strategy were consulted on the relationship of the proposal to the Metropolitan strategic planning context. Further advice was included to the Gateway, including possible mechanisms to proceed while mitigating the impact from loss of employment generating floorspace.