



PLACE, DESIGN AND PUBLIC SPACES

St Leonards South Planning Proposal

Plan Finalisation Report

August 2020



Published by NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: St Leonards South Planning Proposal

Subtitle: Plan Finalisation Report

First published: August 2020

Department reference number: IRF20/4052

© State of New South Wales through Department of Planning, Industry and Environment 2020. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (August 2020) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Contents

1. Planning Proposal Summary	1
2. Site Description	2
2.1 Site Context	2
2.2 Current Planning Controls.....	4
3. Purpose of the Plan	7
3.1 Planning Proposal.....	7
3.2 Summary of Changes to the Original Planning Proposal.....	11
3.3 Draft Development Control Plan	12
4. State Electorate and Local Member	14
5. Planning Background.....	15
5.1 St Leonards South Masterplan.....	15
5.2 Gateway Determination	16
5.3 Gateway Determination Alterations.....	16
6. Public Exhibition.....	17
6.1 Consultation Process.....	17
6.2 Advice from Public Authorities	17
6.2.1 Roads and Maritime and Transport for NSW	18
6.2.2 Education and Communities	19
6.2.3 Sydney Water	20
6.2.4 Ausgrid	20
6.2.5 Royal North Shore Hospital	20
6.2.6 NSW Health.....	20
6.2.7 Willoughby City Council	20
6.2.8 North Sydney Council	20
6.2.9 Sydney Airport.....	20
6.2.10 Office of Environment and Heritage	20
7. St Leonards South Design Review Workshop.....	21
8. Draft St Leonards and Crows Nest 2036 Plan.....	22
9. Independent Planning Commission's Review	23
10. St Leonards South Design Charette	25
11. St Leonards and Crows Nest 2036 Plan.....	27
12. Council's Response to Issues.....	28
13. Council's Post Exhibition Changes	40
14. Department's Assessment	42
14.1 Assessment of Response to Issues	42
14.2 Section 9.1 Directions.....	61

14.2.1	Direction 2.3 Heritage Conservation	61
14.2.2	Direction 3.1 Residential Zones	61
14.2.3	Direction 3.3 Home Occupations	63
14.2.4	Direction 3.4 Integrating Land Use and Transport.....	63
14.2.5	Direction 3.5 Development Near Regulated Airports and Defence Airfields	64
14.2.6	Direction 6.1 Approval and Referral Requirements	64
14.2.7	Direction 6.2 Reserving Land for Public Purposes	65
14.2.8	Direction 6.3 Site Specific Provisions.....	65
14.2.9	Direction 7.1 Implementation of A Plan for Growing Sydney	66
14.3	State Environmental Planning Policies.....	66
14.3.1	SEPP 55 Remediation of Land	66
14.3.2	SEPP 65 Design Quality of Residential Apartment Development.....	67
14.3.3	SEPP 70 Affordable Housing (Revised Schemes)	67
14.3.4	Affordable Rental Housing SEPP 2009.....	67
14.3.5	SEPP State and Regional Development 2011	69
14.4	State, Regional and District Plans.....	70
14.4.1	Greater Sydney Region Plan – A Metropolis of Three Cities	70
14.4.2	North District Plan.....	71
14.4.3	Lane Cove Council Local Strategic Planning Statement	72
13	Mapping	74
14	Consultation with Council	75
15	Parliamentary Counsel Opinion	75
16	Recommendation	75
	Attachments	77

1. Planning Proposal Summary

Table 1 Planning proposal summary

Item	Description
Department Reference Number	PP_2016_LANEC_001_03 / IRF20/4052
Local Government Area	Lane Cove
Name of Draft LEP	Lane Cove Local Environmental Plan 2009 (Amendment No. 25)
Address / Location	<p>The St Leonards South planning proposal area includes the following properties:</p> <ul style="list-style-type: none"> • 2-54 Park Road, St Leonards • 2-34 Berry Road, St Leonards • 9-47 Berry Road, St Leonards • 2-16 Marshall Avenue, St Leonards • 1-31 Holdsworth Avenue, St Leonards • 2-32 Holdsworth Avenue, St Leonards • 1-41A Canberra Avenue, St Leonards • 42-52 River Road, St Leonards
Amended Draft LEP following Council resolution	<p>The planning proposal seeks to amend Lane Cove Local Environmental Plan 2009 by:</p> <ul style="list-style-type: none"> • Amending the land zoning of much of the site from R2 Low Density Residential to R4 High Density Residential. • Increasing the building height limits for the area from 9.5m to various heights up to a maximum of 65m. • Amending the maximum permissible Floor Space Ratio (FSR) for the area from 0.5-0.6:1 to various FSRs between 2.6:1-3.85:1. • Inserting a new clause and incentive maps to identify bonus height and FSR opportunities in return for identified public benefit outcomes. • Identifying the St Leonards South Area as 'Area 1' to 'Area 23' on the Key Sites Area Map which is tied to the incentive height of buildings and FSR maps and associated public benefits for that land. • Proposing an addition to clause 4.6 (Exceptions to Development Standards) to prevent the planning proposal clauses from being varied, except for relating to lot amalgamation and minimum site area. • Inserting a new design excellence clause for the St Leonards South area to ensure future development is designed to a high architectural and landscape standard. <p>The planning proposal would enable the redevelopment of the site for approximately 2,000 dwellings and the delivery of the following public benefits:</p> <ul style="list-style-type: none"> • Two new community facilities and child care centres.

Item	Description
	<ul style="list-style-type: none"> • New open space including a new park of 3,800sqm, four pocket parks totalling 4,000sqm and the proposed 3,500sqm expansion of Newlands Park through the partial closure of Canberra Avenue. • New east-west pedestrian links. • Up to 43 new affordable housing dwellings. • A new local road between Park Road and Berry Road to improve connectivity.

2. Site Description

2.1 Site Context

The St Leonards South planning proposal (the site) is part of the wider St Leonards South residential precinct. The site is approximately 6.5 hectares of land located south of the Pacific Highway and west of the T1 North Shore railway line. It is bounded by Park Road, Marshall Avenue, River Road and Canberra Avenue and is located within the Lane Cove Local Government Area (LGA).

The site slopes downhill from northwest to southeast, gently sloping on Canberra Avenue and Holdsworth Avenue with steeper gradients in the southern portions of Park Road and Berry Road.

The existing built form is predominantly detached and semi-detached dwellings of 1-2 storey heights to the south and west. Higher densities and heights are located to the north and north east of the site within the St Leonards commercial and mixed use core.

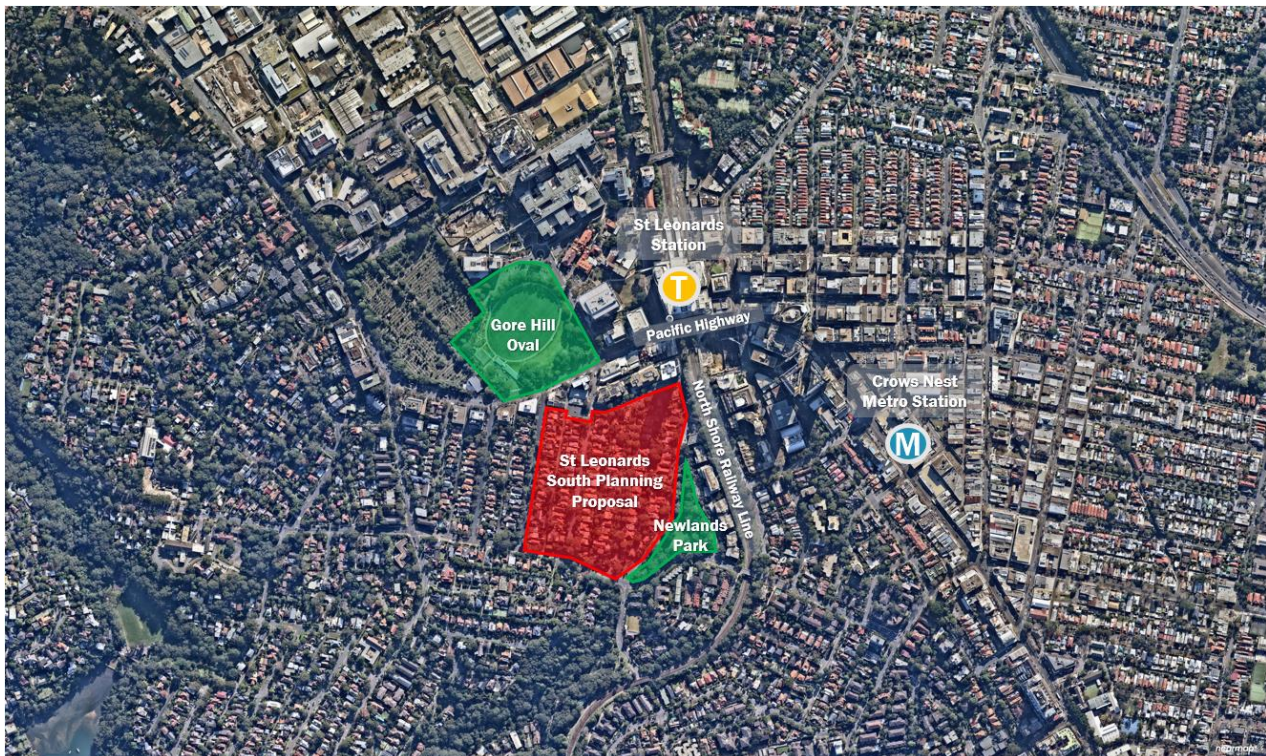


Figure 1: Locality context map (source: NearMap)



Figure 2: Aerial Map of St Leonards South (source: NearMap)



Figure 3: Map of St Leonards South planning proposal area (source: Lane Cove Council)

2.2 Current Planning Controls

Under *Lane Cove Local Environmental Plan 2009* (Lane Cove LEP), the following planning controls apply to the site:

- A land zoning of R2 Low Density Residential (**Figure 4**).
- A maximum building height of 9.5m (**Figure 5**).
- A maximum FSR of 0.5:1 – 0.6:1 (**Figure 6**).
- A minimum lot size of 550sqm applying to part of the site (**Figure 7**)

The planning proposal area is also located adjacent to three local heritage items at 3, 5 and 7 Park Road (**Figure 8**).

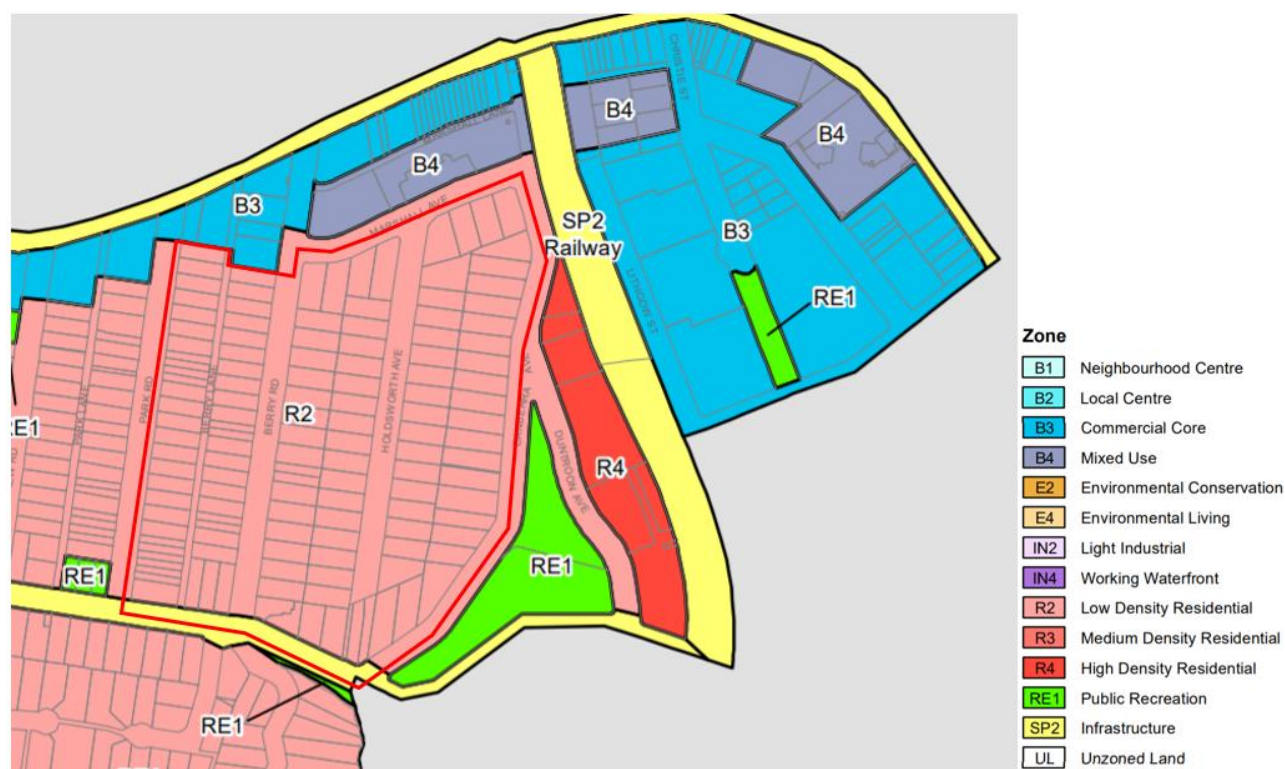


Figure 4: Lane Cove LEP 2009 – Current Land Use Zoning Map

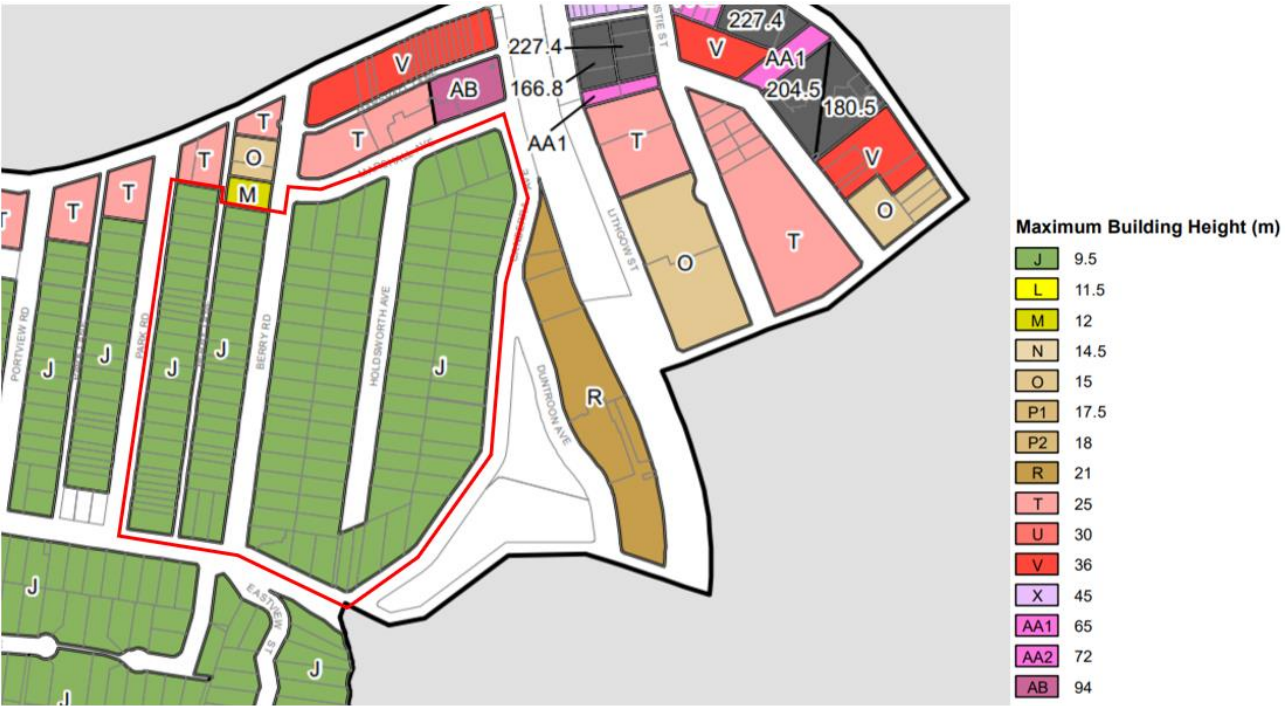


Figure 5: Lane Cove LEP 2009 - Current Maximum Height of Buildings Map

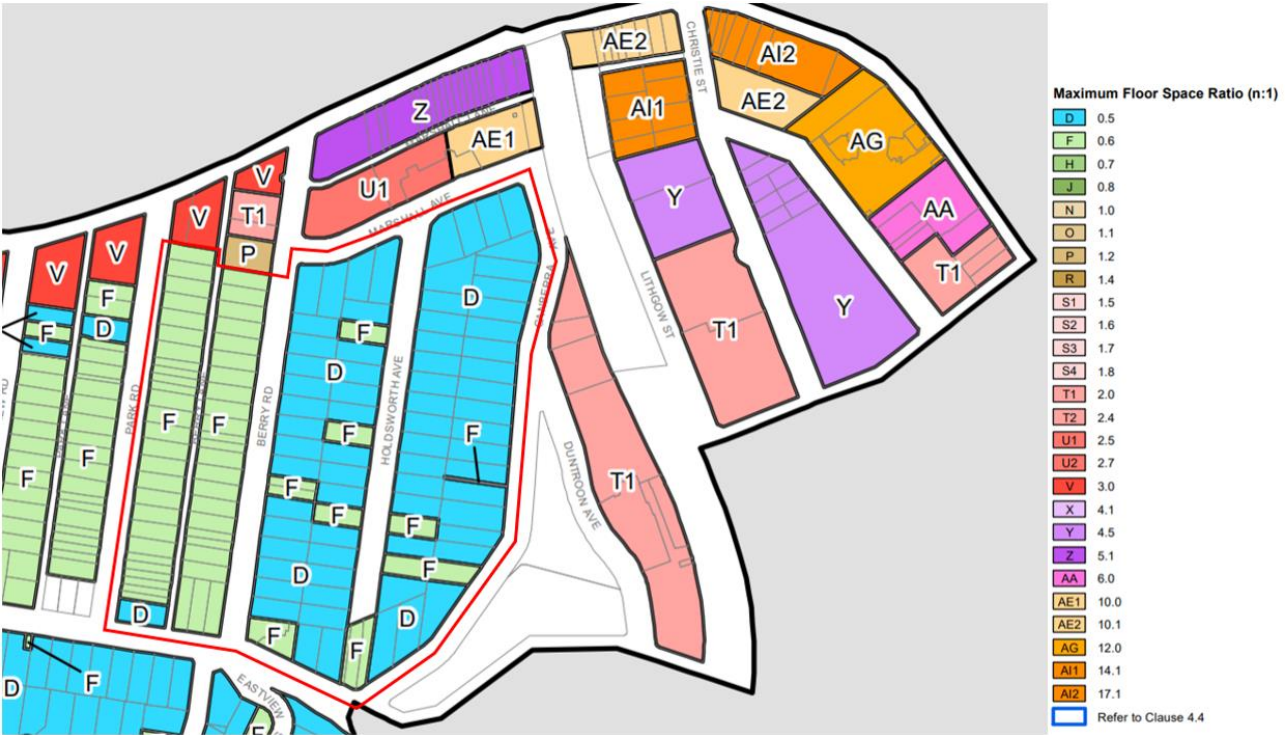


Figure 6: Lane Cove LEP 2009 – Current Maximum FSR Map

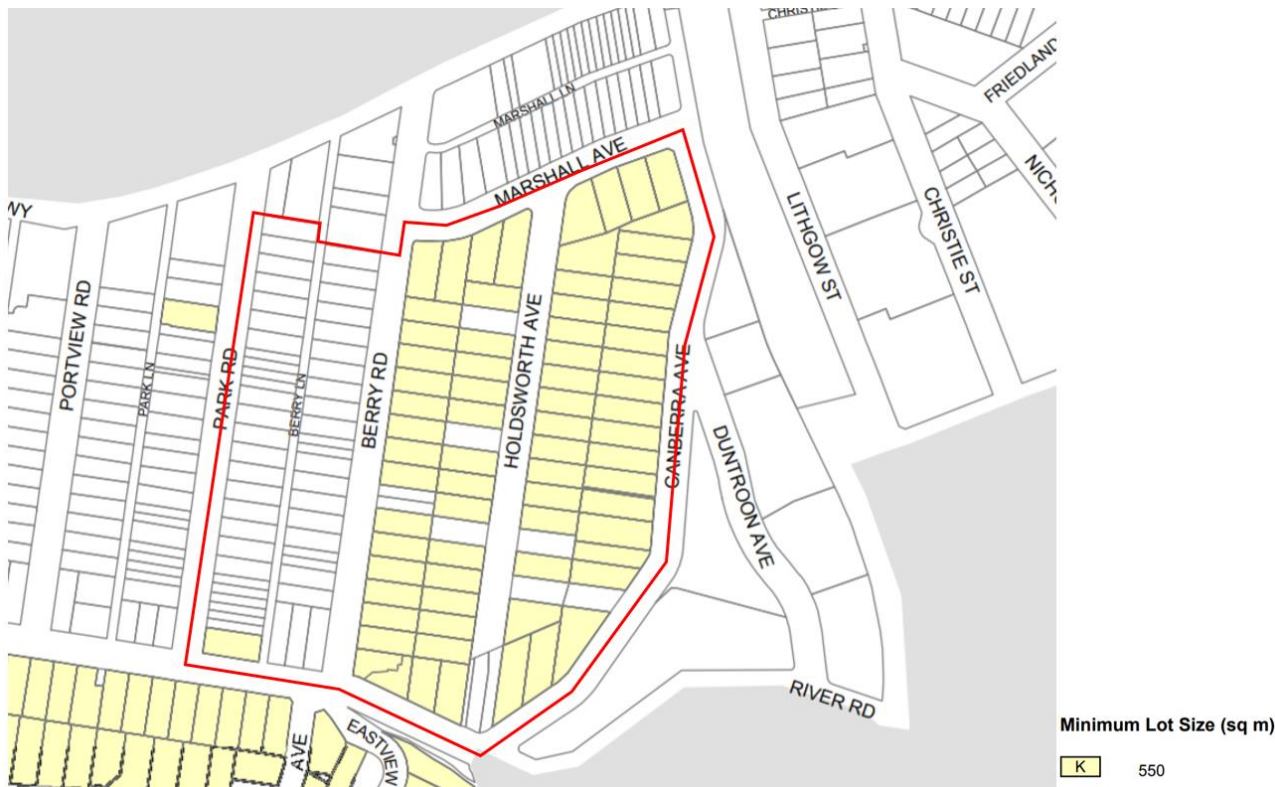


Figure 7: Lane Cove LEP 2009 – Current Minimum Lot Size Map



Figure 8: Lane Cove LEP 2009 – Current Heritage Map

3. Purpose of the Plan

3.1 Planning Proposal

The planning proposal (**Attachment A**) has been prepared in response to Council's vision for St Leonards South, to create a high-amenity urban residential precinct near the existing St Leonards Rail and future Crows Nest Metro Stations, supporting the principles of Transit Oriented Development and liveability. The planning proposal provides for new community infrastructure, public open space, pedestrian networks and more efficient traffic routes to support the proposed uplift in density for the area.

The planning proposal seeks to amend Lane Cove LEP by:

- Amending the land zoning of much of the site from R2 Low Density Residential to R4 High Density Residential (**Figure 9**).
- Including areas of RE1 Public Recreation between Park and Berry Roads and at the southern ends of Holdsworth and Berry Roads (**Figure 9**).
- Increasing the maximum building height limits for the area from 9.5m to various heights up to 65m (**Figure 10**).
- Amending the maximum permissible FSR for the area from 0.5-0.6:1 to various FSRs up to 3.85:1 (**Figure 11**).
- Removing the 550sqm minimum lot size requirement (**Figure 12**).
- Identifying sites for acquisition for the purposes of a new park and a new local road within the Land Reservation Acquisition Map (**Figure 13**).
- Including a new Key Sites Map to label all sites within the St Leonards South area from 'Area 1' to 'Area 23' for the associated delivery of public benefits area (**Figure 14**).
- Inserting a new clause and incentive maps to identify bonus height and FSR opportunities in return for identified public benefit outcomes.
- Inserting an addition to clause 4.6 (Exceptions to development standards) to prevent the incentive maps and the new LEP clause from being varied at the future development application stage, apart from the incentive clause provisions relating to land amalgamation patterns and minimum site areas.
- Inserting a new design excellence clause for the St Leonards South area to ensure future development is designed to a high architectural and landscape standard and for development to be consistent with the Lane Cove DCP.

The planning proposal would enable the redevelopment of the site for approximately 2,000 dwellings and for the delivery of the following public benefits:

- Two new community facilities and child care centres
- New open space including a new park of 3,800sqm, four pocket parks totalling 4,000sqm and the proposed 3,500sqm expansion of Newlands Park
- New east-west pedestrian/cycle links,
- Up to 43 new affordable housing dwellings
- A new local road between Park Road and Berry Road to improve connectivity.

The planning proposal is also supported by a landscape master plan (**Attachment B1**) and development control plan (**Attachment B2-B3**), which provides supporting development controls to guide the precinct's development. Prioritising people friendly public realm and open space has been a key design principle of the planning proposal. Safe and attractive walkable streets have been included in the precinct's design to encourage walking and cycling and to provide access to the existing services and infrastructure of St Leonards and Crows Nest.

The proposal will change the demographics of the St Leonards South precinct. To accommodate this change, additional services and infrastructure will be provided to meet the communities' needs, including new public open space and community facilities. In addition, the precinct is close to St Leonards centre where a range of services currently exist including St Leonards train station and bus interchange, the Royal North Shore Hospital, Artarmon industrial area and the commercial core of St Leonards and the Sydney CBD. This is in addition to the new Crows Nest Metro Station, opening in 2024, which will further increase accessibility and connectivity to and from the wider precinct.

Opportunities to access new and existing services and social infrastructure will be achieved through the proposal's design including wide, tree lined pedestrian and cycle only streets.

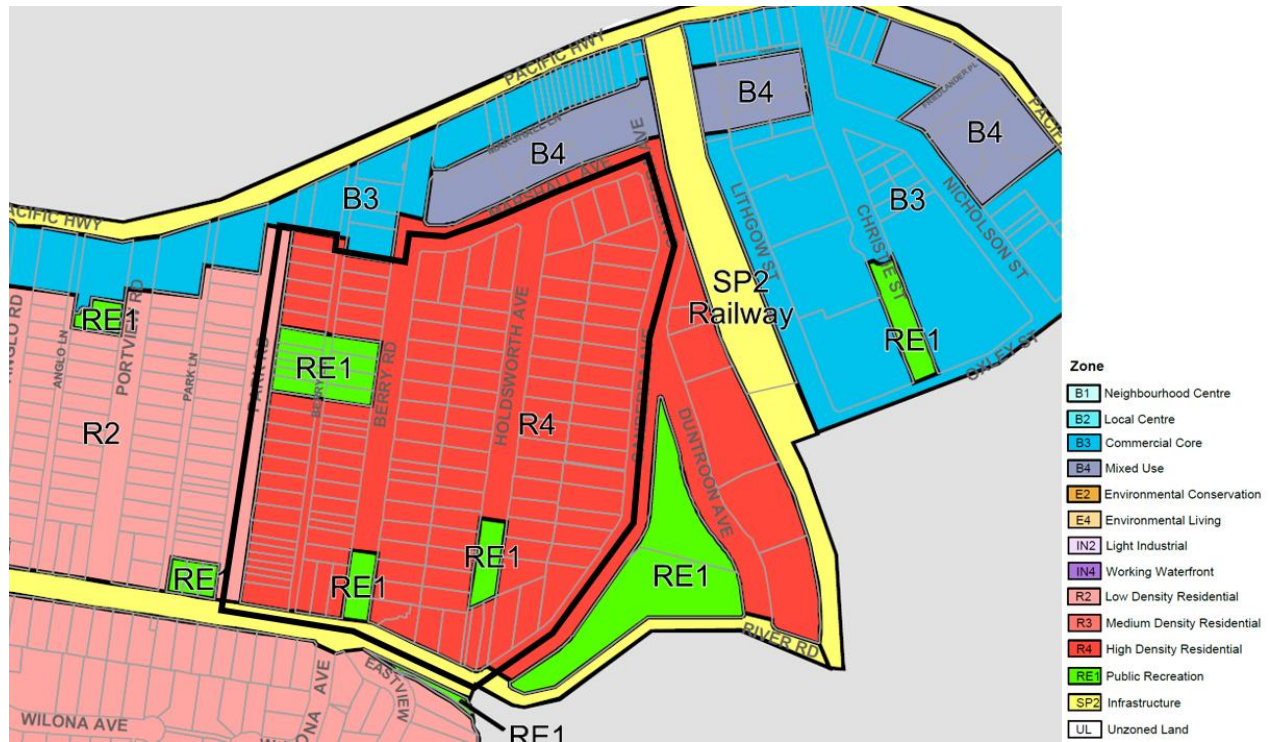


Figure 9: Lane Cove LEP 2009 – Proposed Land Zoning Map

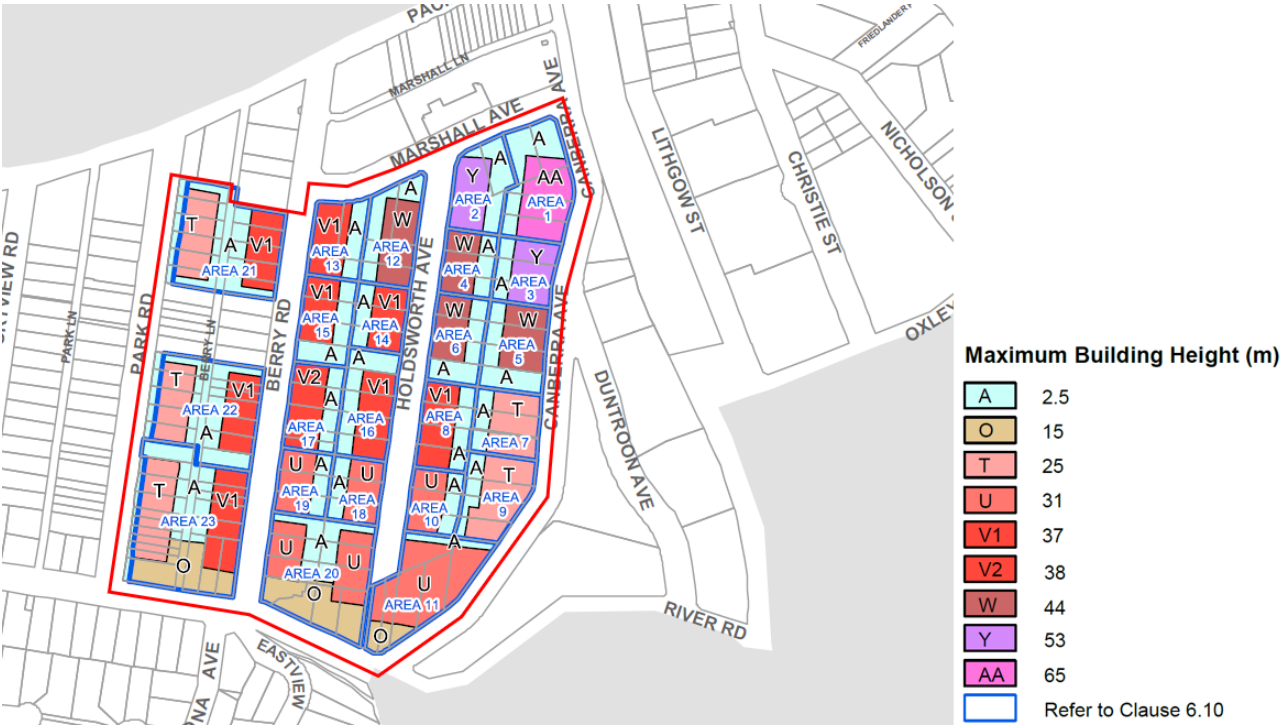


Figure 10: Lane Cove LEP 2009 – Proposed Maximum Height of Buildings Map

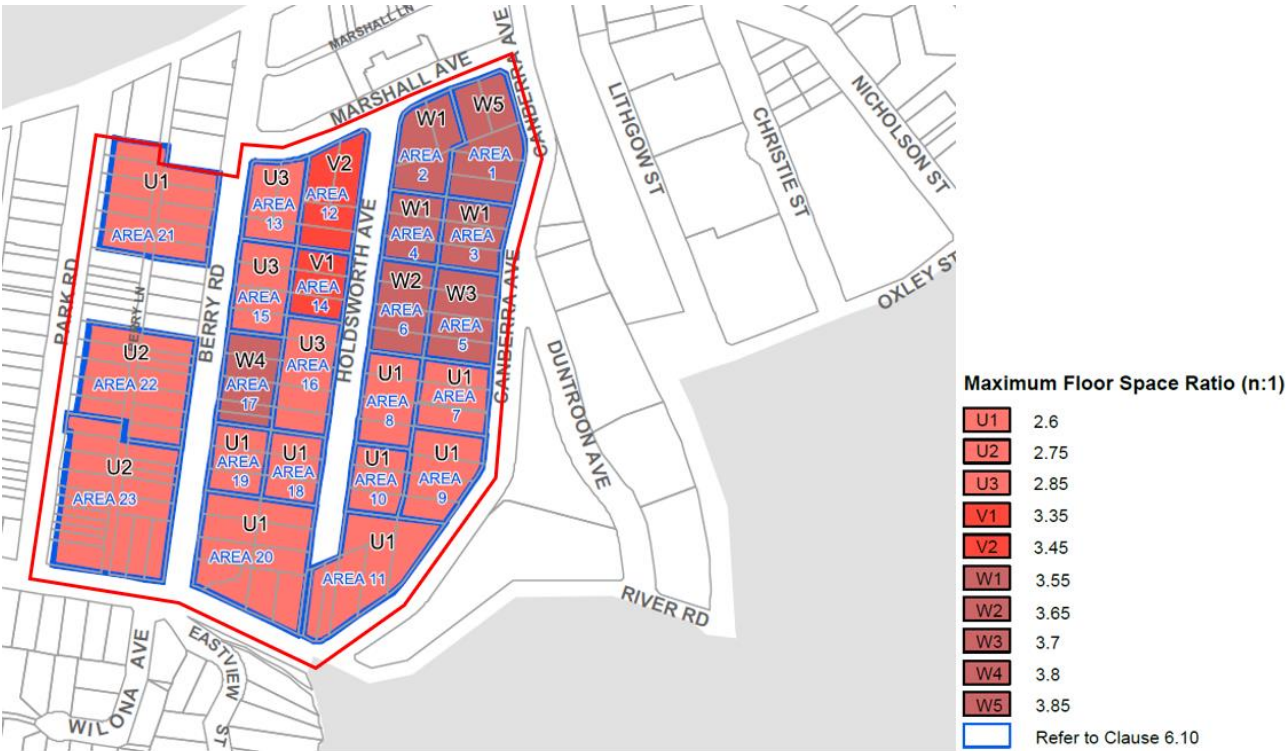


Figure 11: Lane Cove LEP 2009 – Proposed Maximum FSR Map



Figure 12: Lane Cove LEP 2009 – Proposed Minimum Lot Size Map

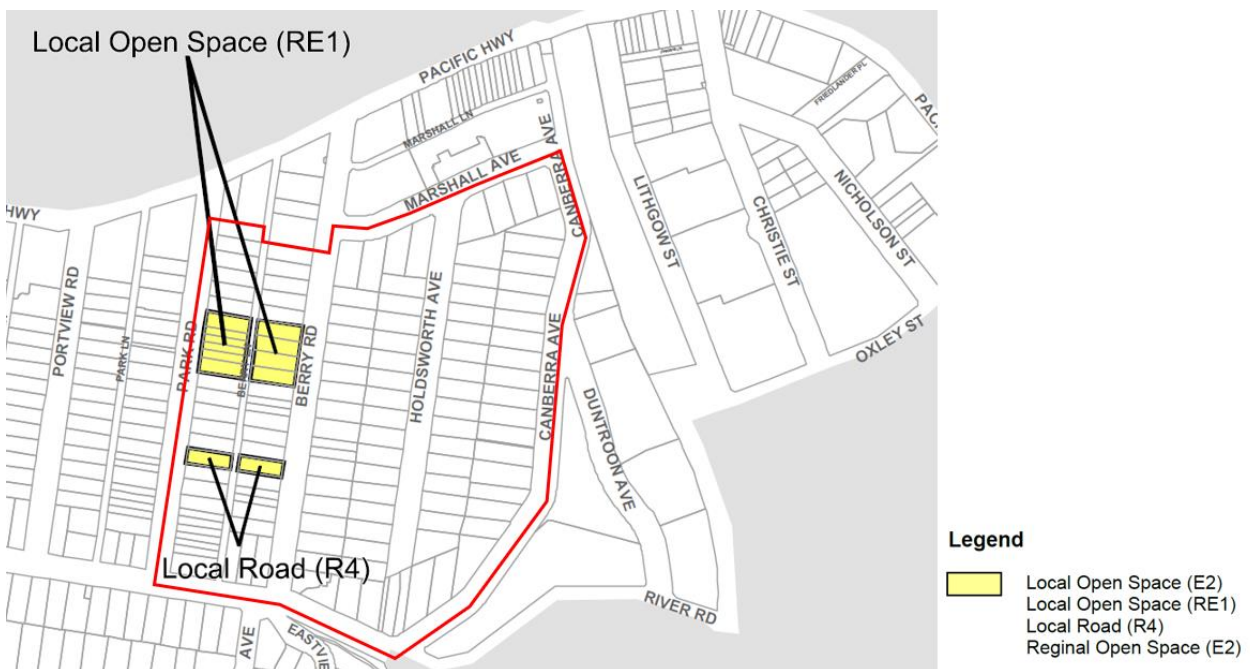


Figure 13: Lane Cove LEP 2009 – Proposed Land Reservation Acquisition Map

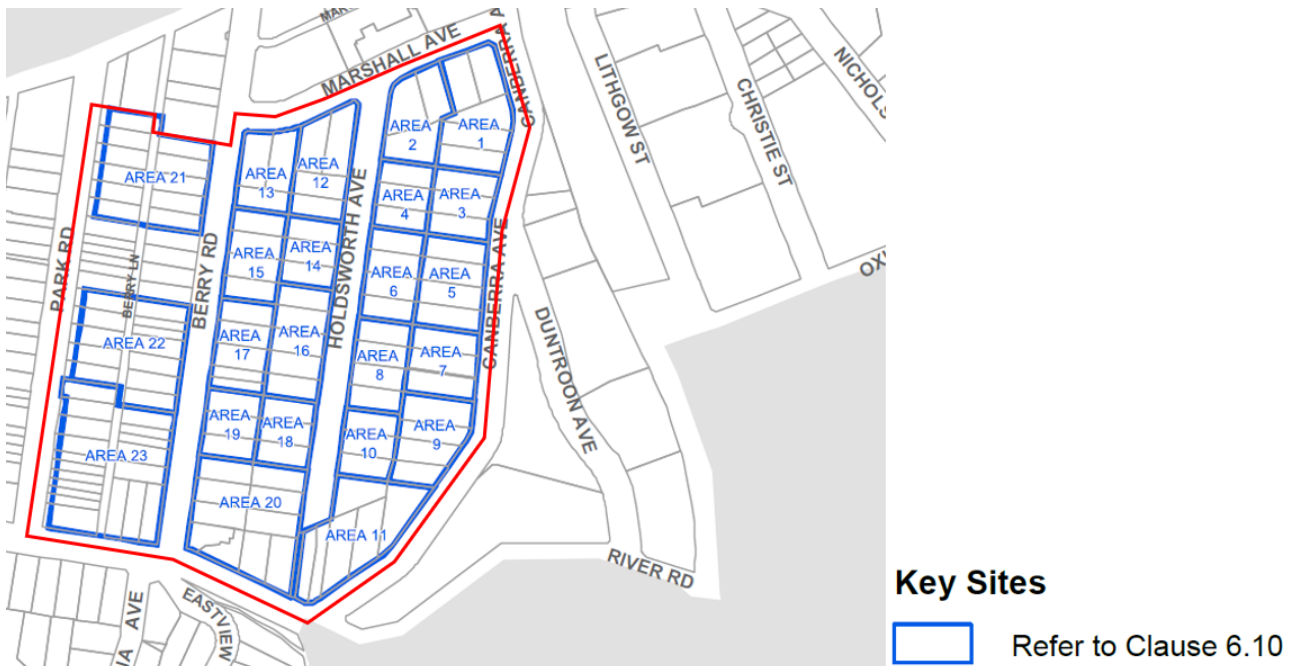


Figure 14: Lane Cove LEP 2009 – Proposed Key Sites Map

3.2 Summary of Changes to the Original Planning Proposal

At its meeting on 11 May 2020, in response to feedback received during community consultation of the planning proposal, IPC advice, the Design Charette Outcomes and Recommendations Report and additional urban design and economic analysis, Council resolved to endorse the planning proposal for finalisation. Council resolved to make a number of changes to the draft proposal that was publicly exhibited. The changes included:

- A 5% reduction in the total FSR across the precinct, resulting in the following changes to the FSR schedule (**Table 2**):

Table 2 Proposed amendments to FSR

Original FSR	Amended FSR
2.75:1	2.6:1
3.0:1	2.85:1
3.1:1	2.95:1
3.5:1	3.35:1
3.7:1	3.55:1
3.8:1	3.65:1
4.0:1	3.85:1

- A redistribution of floor space to create a 6-storey edge to Canberra Avenue and Park Road.
- A resultant 17% reduction in dwelling numbers across the precinct to approximately 1,974.

- Improved transition to the existing land use with highest buildings located close to St Leonards CBD transitioning to 6 storey buildings on Canberra Ave and Park Road.
- Expansion of Newland Park through the closure of a large part of Canberra Avenue to River Road, delivering an additional 3,500sqm of open space.
- Increased housing diversity through a minimum 20% studio/1 bed, 20% 2 bed and 20% 3 bed apartment mix for residential development across the precinct.
- An LEP clause that requires the development to demonstrate design excellence and best practice sustainable performance to be eligible for the proposed bonus incentives.

Other minor changes proposed to the built form included:

- For Area 5 in Canberra Avenue, make no adjustment to FSR or height, and be required to provide a portion of the proposed East-West connection in addition to providing the multi-purpose facility.
- For Area 6 in Holdsworth Avenue, an increase in height from 10-12 storeys, and increase in the bonus FSR by an additional 0.3:1 to provide a portion of the 15m wide path linking Canberra Avenue and Holdsworth Avenue and continue to provide affordable housing.
- For Area 12 in Berry Road, an increase in the 8-storey height component to 10 storeys, and increase the bonus FSR by an additional 0/5:1 to provide additional affordable housing.
- For Areas 21 and 22, the frontage of building to the central park would have a DCP control requiring the western buildings to have a 3m setback at and above Level 3 (a 2 storey element) and the eastern building to have a 3m setback at and above Level 5 (a 4 storey element), to improve the interface to the park.
- For Areas 22 and 23 in Park. Berry Road, an increase in the FSR by the inclusion of a bonus FSR of an additional 0.15:1 with no resultant increase in height to provide a contribution of the new East-West Road.

These changes to the proposal will be discussed in greater detail throughout this report.

Table 3 provides a summary of the key planning control changes between the exhibited planning proposal and the amended proposal that was submitted to the Department for finalisation.

Table 3 Changes to key planning controls

Control	Existing	Exhibited Proposal	Amended Proposal
Zone	R2 Low Density Residential	R4 High Density Residential and RE1 Public Recreation	R4 High Density Residential and RE1 Public Recreation
Height	9.5m	2.5m-65m	2.5m-65m
FSR	0.5:1-0.6:1	2.75:1-4:1	2.6:1-3.85:1

3.3 Draft Development Control Plan

Council publicly exhibited a site-specific Development Control Plan (DCP) (**Attachment B2-B3**) to accompany the planning proposal. The DCP provides a framework to guide future development in St Leonards South to facilitate Council's vision for the area, through site-specific controls relating to:

- Access (including street, pedestrian and cycle networks).
- Infrastructure (including east-west links, parks, community facilities and affordable housing).

- Built form (including FSR and height incentives, setbacks, articulation and solar access for example).
- Landscape (including parks, shared streets, pedestrian links, planting, tree conservation, transitions, roof gardens and public art for example).
- Environmental/sustainability.

The desired future character of the St Leonards South Precinct is for a liveable, walkable, connective, safe, dense, transit-oriented precinct which builds upon the transit and land use opportunities of St Leonards Station and commercial centre. This vision is the result of the masterplan prepared by Council with extensive community consultation in 2015 and Council's supplementary report in 2016.

Following the finalisation of the LEP, Council will prepare and adopt a final DCP for the St Leonards South area to support future residential development and to ensure that this development reflects Council's vision for the area.

4. State Electorate and Local Member

The site falls within the Lane Cove state electorate. The Hon. Anthony Roberts MP is the State Member.

The State Member has made representations on behalf of his constituents and Lane Cove Council regarding the St Leonards South planning proposal.

The State Member, as the former Minister for Planning, requested that the Independent Planning Commission (IPC) review the planning proposal against the Draft St Leonards and Crows Nest 2036 Plan. This matter is discussed further within **Section 8** of this report.

The site falls within the North Sydney federal electorate. Mr, Trent Zimmerman MP is the Federal Member.

To the North District Team's knowledge, the Federal Member has not made any representations against the planning proposal.

<p>NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this final planning proposal.</p>
--

<p>During the Gateway assessment of the proposal, the Department was contacted by a registered lobbyist regarding the timing of the finalisation of the proposal and pre-Gateway review. No contact was made by this lobbyist in relation to this final proposal.</p>

<p>NSW Government reportable political donation: There are no donations or gifts to disclose and a political donation disclosure is not required.</p>
--

5. Planning Background

5.1 St Leonards South Masterplan

In 2012, Council resolved to undertake a master planning process for the precinct in St Leonards bounded by the Pacific Highway to the north, the railway line to the east, River Road to the south and Greenwich Road to the west. Council officers developed a Brief for the St Leonards Strategy, to be undertaken in two parts:

- Stage 1 Precinct Report
- Stage 2 Growth Scenarios Report

Stage 1 (2012 – 2014)

Consultants David Lock and Associates (DLA) were engaged to complete Stage 1 of the St Leonards Strategy. The Precinct Report included:

- Consideration of the current State, metropolitan and local strategic planning context.
- A summary of existing conditions such as land use, demographic profile, urban structure and built form, public domain and natural features, vehicular and pedestrian access and movement, and physical infrastructure.
- A summary of the community consultation undertaken as part of Stage 1.
- An analysis of issues and opportunities for the precinct, including that the area 'is well located for potential urban consolidation opportunities'.

Community consultation was also undertaken as part of this process which included the establishment of a website and a community consultation report on Stage 1.

Stage 2 (2014 – 2015)

On 8 December 2014, in response to technical and community feedback received through a series of community sessions and workshops, a draft master plan and supporting documents were prepared by urban planning consultants and endorsed by Council for public exhibition.

The draft master plan discussed potential changes to the zoning and scale of areas in the precinct as well as the provision of community facilities, open space and other matters. It also discussed:

- Density Potential
- Financial Viability
- Sustainable Urban Design & Amenity
- Infrastructure
- Staging and Transition Management

From December 2014 to May 2015, these plans were publicly exhibited and Council convened a number of information days, workshops, and community drop-in sessions during the exhibition period.

Stage 3 (2015 – 2016)

In July 2015, Council adopted the St Leonards South Master Plan and resolved to support an amendment to the Lane Cove LEP 2009 to permit the rezoning of a portion of the precinct for the purposes of higher density residential. The following documents were produced:

- St Leonards South planning proposal (now amended) (**Attachment A**).
- St Leonards South Draft Landscape Master Plan (**Attachment B1**)
- St Leonards South Draft DCP (**Attachment B2-B3**)
- St Leonards South Draft Development Contributions Plan (**Attachment B4**).

5.2 Gateway Determination

On 2 September 2016, a Gateway determination (**Attachment C**) was issued for the site, to amend zoning, FSR, lot size and height of buildings controls under Lane Cove LEP 2009 for the St Leonards South area.

The conditions of the Gateway determination required the planning proposal to include:

- Justification of inconsistency with section 9.1 (formerly section.117) Direction 2.3 Heritage Conservation via a study to assess the impacts of the proposal on adjacent local heritage houses located at 3, 5 and 7 Park Road.
- Justification of inconsistency with section 9.1 Direction 3.1 Residential zones and section 9.1 Direction 3.4 Integrating Land Use and Transport, via a traffic and land use accessibility study.
- Demonstration of no inconsistency with State Environmental Planning Policy (SEPP) Affordable Rental Housing 2009.
- Replacement of clauses 4.6(8)(ca), 5.1 and 6.8 with a plain English explanation.
- Inclusion of incentive building height and FSR maps.
- Replacement of the existing Special Provisions Area Map with a non-LEP version.
- Inclusion of a satisfactory arrangements clause for contributions to dedicated State public infrastructure.
- Demonstration of consistency with any available findings of a draft or final strategic planning review for the St Leonards and Crows Nest Station Precinct.

On 29 September 2017, Council submitted its formal response (**Attachment D**) to the planning proposal Gateway conditions noting that the conditions had now been addressed.

5.3 Gateway Determination Alterations

Due to the pre-exhibition Gateway conditions and the release of the Department's Draft 2036 St Leonards and Crows Nest Plan, a number of requests for a Gateway alteration for extension of time were made by Council. These Gateway alterations were granted by the Department, on the following dates:

- 30 August 2017 (**Attachment E1**)
- 23 April 2018 (**Attachment E2**)

- 26 April 2019 (**Attachment E3**)
- 27 November 2019 (**Attachment E4**)

6. Public Exhibition

6.1 Consultation Process

On 23 October 2017, Council resolved to place the Draft DCP, Draft Landscape Master Plan and Draft Section 94 Plan (now Section 7.11 Plan) on public exhibition, in conjunction with the planning proposal and supporting technical documents for St Leonards South.

Between 30 October 2017 and 5 January 2018, the planning proposal was publicly exhibited. Community Drop-in Sessions were held throughout November and December 2017. These sessions involved the display of information panels outlining the scheme and Council staff were on hand to answer questions.

The proposal received approximately 340 public submissions, the majority of which were opposed to the planning proposal.

A summary of key concerns identified through the public exhibition phase include:

- Scale (built form and amount of development)
- Character and heritage
- Transitional built form
- Topography
- Commercial development
- Use of setbacks
- Amenity
- Traffic
- Transport (i.e. links with new Metro Station and existing St Leonards Station)
- Council's bus/rail interchange
- Parking and access
- Open space (overshadowing and amount of)
- Density
- Tree canopy cover
- Housing diversity/affordable housing
- Overshadowing and privacy
- Lack of information
- Impacts on infrastructure – capacity, schools, sewer, water, and delivery
- Zone boundaries and transition
- Economic analysis

A summary of Council's assessment of the key issues (further to the IPC Review and Design Charette) is provided further within this report in **Table 4**.

6.2 Advice from Public Authorities

Council was required to consult with the following authorities in accordance with the Gateway determination:

- NSW Department of Planning and Environment: Urban Renewal

- Transport for NSW: Sydney Trains
- Transport for NSW: Road and Maritime Services
- Willoughby City Council
- North Sydney Council
- NSW Office of Environment and Heritage
- NSW Department of Education and Communities
- Northern Sydney Local Health District
- Royal North Shore Hospital
- Sydney Airport Corporation Ltd
- NSW Department of Infrastructure and Regional Development
- Civil Aviation Safety Authority

Seven State Government agencies provided comments for the St Leonards South Master Plan in 2015. Key comments are summarised in the following section.

6.2.1 Roads and Maritime and Transport for NSW

The former NSW Roads & Maritime Services (RMS) and Transport for NSW (TfNSW) made initial comments during the master planning phase (**Attachment F1**). Both agencies supported, in principle, the scale of development proposed by the Master Plan as it is consistent with transit-orientated development principles. RMS provided additional comments in April 2019 (**Attachment F2**), in which no further issues against the planning proposal were raised.

Due to the number of dwellings proposed by the master plan, and by other approved planning proposals in the immediate vicinity, concerns were originally raised about the impact the proposed level of development would have on existing public transport infrastructure.

To satisfy these concerns, a cumulative transport and accessibility study was undertaken by Parking and Traffic Consultants. It concludes that with the Sydney Metro, existing train capacity will 'increase by more than twice the existing' which will easily accommodate demand. Additional measures proposed for buses should 'be sufficient to cater for the additional daily bus trips'.

Other measures proposed in the report address these concerns by recommending minor upgrading of Council's existing infrastructure to encourage walking and cycling towards both the St Leonards and Wollstonecraft train stations and Crows Nest Metro Station.

Prior to the Master Plan, Council had engaged independent traffic consultants to develop a future scenario traffic model for the precinct, in liaison with RMS and TfNSW. This traffic model has been approved by both agencies. Transport Modellers Alliance previously provided two separate reports:

1. The Technical Paper – 8 June 2015, which examines the impact of five different development scenarios and supports the Master Plan.
2. The Traffic Modelling Report – 11 September 2015, which includes further developments of Mixed Use in the vicinity of the rail station.

Beginning in January 2016, the findings of the previous reports were independently reviewed and amended by TEF consulting, in accordance with RMS and TfNSW. The findings of the study were that the traffic increases are moderate for each of the sites. It also concluded that 'relatively minor

improvements' would be required to maintain a satisfactory network function because of the development. These improvements were recommended to include:

- Removal of the roundabout at the intersection of Marshall Avenue/Berry Road and replace with a give way intersection.
- Provide a new road connection between Berry Road and Park Road.

6.2.2 Education and Communities

In relation to education infrastructure, NSW Department of Education and Communities (DEC) also provided comments (**Attachment F3**) during the master planning phase. They supported the Master Plan in principle, however, their submission raised a number of key issues which are explained further below. These have now been addressed through the North District Plan, which was published in March 2018.

Council began liaising with DEC in 2014 as part of Council's St Leonards South Master Plan process and any available information regarding growth and development in Lane Cove was provided to DEC.

In November 2018, a development application upgrading both Greenwich Public School campuses were approved by the Sydney North Planning Panel. These improvements would increase the number of students and staff to cater for the existing and proposed growing population caused by St Leonards South and the Draft 2036 Plan. The final 2036 Plan indicates the Department of Education is actively investigating new early childhood, schools and tertiary education facilities in the St Leonards Precinct..

A summary of DEC's response is noted below.

DEC made calculations on Council's suggestion of an approximate figure of 3,000 additional dwellings. Based on the existing rate of children living in similar housing types i.e. apartments in Lane Cove, it is expected that public schooling would be required for 150 primary level children.

Noting that Council has rezoned three (3) properties on the east side of the railway line, and that Willoughby City Council and North Sydney Council are considering a number of large-scale residential projects, the cumulative additional dwellings could see the Government Yield rise to around 500 students.

It is therefore expected that the proposal would significantly increase educational demand in the future, potentially requiring significant investment in new education infrastructure. In response, the DEC supports a shift in planning policies, as follows:

- The infrastructure costs of additional teaching spaces to be funded from developer contributions.
- Optimising the size, amenity and function of existing schools so that they afford greater choice and provide contemporary teaching spaces for students.
- Facilitating out of hours shared use of education facilities such as ovals and halls.
- The removal of planning policy barriers to school development.
- Land and floor space dedications and appropriate zoning in areas where a new school is required.
- Streamlined planning approvals for new education infrastructure.

These issues have been addressed in the revised planning proposal.

6.2.3 Sydney Water

Sydney Water has no objection to the planning proposal (**Attachment F4**) and confirmed that their infrastructure has adequate capacity to service the development. Some upsizing may be required which could be addressed at the development application stage.

6.2.4 Ausgrid

Ausgrid has no objection (**Attachment F5**) and provided details of their processes for undergrounding power lines.

6.2.5 Royal North Shore Hospital

Royal North Shore Hospital requested consideration of traffic impacts as well as helicopter flight path (**Attachment F6**).

6.2.6 NSW Health

NSW Health supports the planning proposal (**Attachment F7**) with a focus on how appropriate urban design can improve health.

6.2.7 Willoughby City Council

Willoughby City Council supported the preparation of the Draft Master Plan (**Attachment F8**), with focus on affordable housing, pedestrian access, employment and traffic should be considered.

6.2.8 North Sydney Council

North Sydney Council supports the proposal (**Attachment F9**), and requests consideration of view lines from River Road properties, employment and traffic (the LGA boundary with North Sydney is immediately east of Eastview Street).

6.2.9 Sydney Airport

The Civil Aviation Safety Authority (CASA) and Federal Department of Infrastructure and Regional Development both requested that the proposal be forwarded to Sydney Airport (**Attachment F10**) but made no comments on the proposal. Sydney Airport raised no objection to any of the proposed building heights (**Attachment F11**).

Council's LEP already has a clause related to airspace operations, but any future development applications in this area will be forwarded to Sydney Airport and Royal North Shore Hospital.

6.2.10 Office of Environment and Heritage

NSW Office of Environment and Heritage (OEH) raised some concerns about the potential impacts on the heritage items in Park Road (**Attachment F12**) but supported the recommendations of Council's heritage study – which were already integrated into the proposal.

7. St Leonards South Design Review Workshop

In March 2018, Council was granted an extension of time to complete the planning proposal to allow for the public release and consideration of the Draft St Leonards and Crows Nest 2036 Plan (Draft 2036 Plan).

In July 2018, a Design Review Workshop was undertaken by Council to examine technical issues raised during the public exhibition. In attendance were consultants, technical specialists and the author of any submission which gave ideas of a technical nature.

The issues raised related to:

- Land amalgamation patterns
- Clause 4.6 objections
- Pedestrian links
- Community infrastructure
- Incentive schemes
- Green spines and basement intrusions
- Tree retention
- Car parking
- Traffic congestion
- Building transitions

A key outcome was the proposed closing of Canberra Avenue to expand Newlands Park which was welcomed by attendees.

Shortly after the review was conducted, the Department publicly exhibited the Draft 2036 Plan. The Draft 2036 Plan recommended that the planning proposal be forwarded to the IPC for advice.

8. Draft St Leonards and Crows Nest 2036 Plan

From October 2018 to February 2019, the Department exhibited the Draft 2036 Plan.

The Draft 2036 Plan was developed by the Department in consultation with North Sydney Council, Lane Cove Council, and Willoughby City Council and other government agencies and through extensive community engagement. The Draft 2036 Plan has been developed as a strategic land use and infrastructure plan to guide future development in the precinct and contribute to the more detailed site specific planning investigations that would be required.

The Draft 2036 Plan area (**Figure 15**) incorporated Lane Cove Council's St Leonards South planning proposal.

The Draft 2036 Plan included design principles to guide the planning of St Leonards South. To ensure the proposal could achieve and demonstrate consistency with these principles, the former Minister for Planning, requested that the Independent Planning Commission (IPC) review the planning proposal against the Draft 2036 Plan (**Attachment G**).

The St Leonards South Design Principles included:

- Consider accessibility to St Leonards and Crows Nest Stations.
- Minimise overshadowing of public open space and streets with significant public domain function within and outside the Plan boundary.
- Minimise overshadowing of Heritage Conservation Areas and residential areas outside of the Plan boundary.
- Ensure new open spaces improve connections to existing surrounding open spaces.
- Improve active transport connections.
- Consider cumulative traffic impacts.
- Transition buildings appropriately to lower scale buildings.

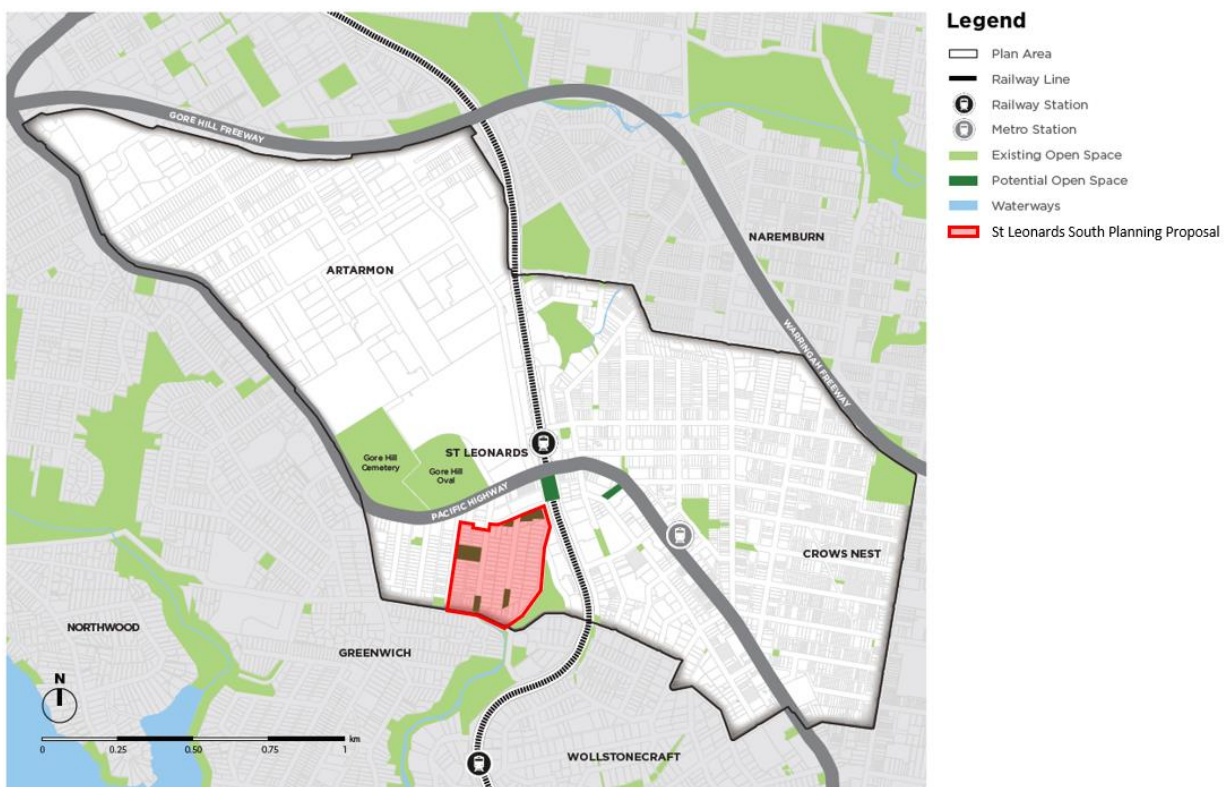


Figure 15: St Leonards and Crows Nest 2036 Plan area (source: DPIE)

9. Independent Planning Commission's Review

Following the referral of the St Leonards South planning proposal to the IPC for advice, the following meetings were held:

- On 10 May 2019, the IPC met with Department staff.
- On 20 May 2019, the IPC convened a public hearing where 41 speakers presented to the IPC. Public submissions were also able to be submitted for the IPC to consider and were made publicly available on the IPC's website. The issues raised within the written and verbal submissions were similar to those raised during public exhibition of the planning proposal.
- On 23 May 2019, the IPC met with Lane Cove Council.

On 24 July 2019, following these meetings and the public hearing, the IPC provided its advice on the St Leonards South planning proposal (**Attachment H**).

The IPC's overall comments regarding the review of the planning proposal against the Draft 2036 Plan are noted below.

- Minister's Direction: *"the consistency of the planning proposal with the overall vision, guiding design principles, and specific design principles of the Department of Planning and Environment's draft St Leonards and Crows Nest 2036 Plan"*
IPC Comment – The St Leonards South planning proposal is inconsistent with a number of elements of the Vision, Guiding Design Principles and St Leonards South Design Principles of the Draft 2036 Plan.
- Minister's Direction: *"the scale of residential development contained in the planning proposal and whether the whole site needs to be rezoned to meet housing targets identified by the Greater Sydney Commission"*
IPC Comment – The scale of residential development contained in the planning proposal would represent an overdevelopment of the site and no rezoning of the site is required to meet the housing targets identified by the GSC.
- Minister's Direction: *"whether some staging of the planning proposal is appropriate"*
IPC Comment – Staging of the planning proposal is not necessary from a strategic planning basis.

In summary, the IPC considered the planning proposal to be inconsistent with key elements of the Draft 2036 Plan as outlined in **Table 4**.

Table 4 Summary of IPC Findings

Issue	IPC Findings
Place	The proposal would represent development of a scale, height and density that is out of character with the remainder of the St Leonards South Precinct, surrounding neighbourhoods and the heritage items on Park Road.
Landscape	The quantum of public open space is insufficient for the site's estimated tenfold increase in population. It is inappropriate to include Gore Hill Oval as public open space for this planning proposal. The proposal would also not provide 'sunny tree-lined public spaces' and 'lively and active streets' as identified in the Draft 2036 Plan Vision.
Built Form	The scale of the development proposed would be out of character with the remainder of the St Leonards South Precinct and surrounding areas.

Issue	IPC Findings
Land Use	The proposal contained insufficient information to demonstrate that a greater mix of homes would be provided to cater for the diverse housing needs for the area.
Movement	<p>Safety implications were raised for residents who may seek to cross River Road to use Wollstonecraft Station.</p> <p>Concern was also raised for active transport given the topography of the site and the ability for future residents to walk and cycle through the site.</p>
Overshadowing	<p>The proposal would not comply with the Draft 2036 Plan overshadowing controls as there would be:</p> <ul style="list-style-type: none"> • Additional and longer duration of overshadowing to Newlands Park. • Significant overshadowing of a new proposed park and pedestrian link.
Street walls	The significant amount of taller buildings clustered at the centre and to the east of the site would have the potential to create a monolithic street wall effect, including along pedestrian walkways.
Transitions	<p>The proposal does not adequately transition to the existing residential area to the west and would be out of character with the existing area.</p> <p>Concern regarding impacts to adjacent heritage items along Park Road resulting from the magnitude of proposed development.</p>
Open Space connections	The planning proposal would allow for several green spines, however many of these are to be private open spaces such that they would not improve connectivity to surrounding open spaces.
Cumulative traffic issued	The IPC was not satisfied that enough information had been provided to address potential cumulative traffic impacts.

10. St Leonards South Design Charette

In response to the advice provided by the IPC, the Department, Government Architect of NSW and members of the State Design Review Panel convened a Design Charette to provide an open and structured forum to discuss the issues raised with Council. The purpose of the charette was to help Council determine whether any changes to the planning proposal were required in response to the issues raised by the IPC.

The Terms of Reference for the design charrette are included in **Attachment I**.

The key recommendations made during the design charette are detailed in the Department's Design Charette Outcomes and Recommendations Report (**Attachment J**). Specifically, Council in finalising the planning proposal was recommended to consider:

1. Plan for a neighbourhood 'heart' for the precinct with centralised facilities.
2. Relocate the park to the area around Holdsworth Avenue and Berry Road.
3. Prepare solar access planes to existing and proposed public spaces will assist in protecting these spaces from overshadowing.
4. Improve connectivity for vehicular and pedestrian movements in, through and from the site.
5. Improve permeability and safe movement within and through the site.
6. Reconsider the nature and role of an east-west link and establish additional pedestrianised east-west links.
7. Minimise car parking available on the site.
8. Ensure public benefit and open space is delivered through planning controls.
9. Diversify typologies through analysis of the location of non-residential facilities and employing other available mechanisms.
10. Confirm future intentions of land to the west of the site.
11. Leverage the opportunity for best practice sustainable performance.
12. Undergo study on existing trees and develop a strategy for any removal and/or replacement.
13. Achieve design excellence through a design excellence strategy and the establishment of a design review panel. Reduce setbacks in east-west transition to Park Road.

Further to the recommendations of the Design Charette, Council undertook additional urban design and feasibility analysis and identified the recommendations that they could support in a revised planning proposal.

On 11 May 2020, at its Extraordinary Meeting, Council noted that several of the Design Charette recommendations were inconsistent with Council's vision, lack of economic viability and/or are inconsistent with the IPC's advice for St Leonards South. Council noted that:

- The expanded and relocated park is not funded and is therefore not achievable.
- The consolidation of open space would result in less public open space.
- The suggested Park Road built form would increase built form bulk and scale in this transition zone.
- The proposed relocation of the east-west links provides no additional benefit to accessibility; and
- Commercial/retail uses located around the new park would not be sustainable in this location.

However, the following Design Charette recommendations were supported by Council including:

- The inclusion of solar access planes to public open space in the Development Control Plan.

- Providing a variety of dwelling typologies e.g. more studios and 3+ bedrooms.
- Investigations for land west of Park Road in the longer term (2026-2036) be included in Council's Local Strategic Planning Statement (LSPS).
- The creation of a 'pedestrian avenue' along Marshall Avenue.
- Focus on sustainable performance.
- Increased Affordable housing.
- Widening of River Road footpath to integrate a shared path, subject to further investigation.
- Lower buildings along Canberra Avenue fronting Newlands Park.
- DCP provisions for townhouse-style development, as part of an integrated apartment complex.
- DCP provisions to reduce maximum car parking rates in the precinct.
- Close part of Canberra Avenue and expand Newlands Park.

11. St Leonards and Crows Nest 2036 Plan

The St Leonards and Crows Nest 2036 Plan (2036 Plan) has been developed by the Department provides a strategic framework to guide future development in the area and supporting infrastructure within walking distance of St Leonards and Crows Nest Stations to 2036.

The St Leonards and Crows Nest 2036 Plan was been informed by a series of objectives and design principles to guide land use and infrastructure planning in the precinct.

These objectives reflect the aspects of St Leonards and Crows Nest valued by the community and their aspirations for good growth. Clear precinct objectives provide the framework for achieving the North District Priorities and delivering the vision for St Leonards and Crows Nest.

The precinct has been planned to provide for:

- Significant additional commercial floor space to support new jobs to realise the North District Plan's target of 63,500 jobs in the area by 2036.
- A variety of mixed-use sites, both for short-term and long-term development.
- Crows Nest Metro Station over-station development for a significant number of new jobs, as well as housing and public domain upgrades.
- Development protection for Willoughby Road, Crows Nest Village, and Heritage Conservation Areas.
- Suitable provisions to allow for the transition of building heights and density in the St Leonards core to surrounding residential areas.
- Funding for open space and infrastructure upgrades through a new State infrastructure levy.
- Support for the long-term growth of the health and education precinct.

The 2036 Plan also includes specific actions under five key themes of place, landscape, built form, land use and movement to realise the opportunities for urban renewal within St Leonards and Crows Nest. Of relevance to the St Leonards South planning proposal, the 2036 Plan includes the following actions to support the delivery of growth in the area:

- Maintain and expand tree canopy in St Leonards South to meet tree canopy targets for the area. Investigate opportunities to expand Newlands Park and new public park in St Leonards South.
- Encourage a mixture of densities in St Leonards South.

The amended proposal includes a tree planting strategy to introduce urban tree canopy cover to all streets and open space. The St Leonards South master plan has been designed to include an accessible network of public and private open space including a large central park, extension to existing Newlands Park and tree lined pedestrian and cycle streets.

The amended planning proposal includes a mix of densities ranging from 2.6:1 to 3.85:1 and a minimum of 20% studio/one-bedroom apartments, 20% two-bedroom apartments, and 20% 3 and 3+ bedroom apartments for residential development across the precinct.

The amended proposal is recognised to have adequately considered and implemented the actions and objectives of the 2036 Plan for St Leonards South.

12. Council's Response to Issues

In response to the issues raised by the IPC, the Design Charette recommendations and the community during public exhibition, Council has prepared its response to submissions (**Attachment K**). A summary of this is provided in **Table 5**.

Table 5 Council response to community issues, IPC comments and Design Charette Recommendations (Source: Lane Cove Council)

Community issues raised	IPC Comment in relation to issue raised	Council's Response
<p>Built form – scale and amount of development</p> <p>Submissions raised concerns over:</p> <ul style="list-style-type: none"> Maximum height should be 3-4 storeys except along Pacific Highway. 2,400 apartments is too dense. Quantum of apartments should be reduced by half. Overcrowding of population. Boundary should be increased to Greenwich Road. 	<p><i>"the dominant local character and scale of the St Leonards South Precinct (including the site) is low density residential development." (para. 63)</i></p> <p><i>"...high density residential development on the scale proposed would not be in keeping with the existing local character of the area." It therefore represents "overdevelopment". (paras 37; 64; 146- 50)</i></p> <p><i>"no rezoning of the site is required to meet the housing targets identified by the GSC" (para 162)</i></p>	<p>Council's Urban Design Review found <i>"The existing character of the precinct is based on single family dwellings/detached cottages. The Planning Proposal (in line with State Policy) is to create high density Transit-Oriented Development. This will inevitably be of different character to existing family dwellings". (p6).</i></p> <p>A design excellence panel for SLS was resolved by Council on 13 July 2015 as part of Council's proposal.</p> <p>Council's current proposal includes a design excellence process for all buildings.</p> <p>In terms of housing targets, the Greater Sydney Commission has now provided Lane Cove with a dwelling target of 3,000 – 3,500 new dwellings in the 6 – 10 year period (2021 – 2026) which St Leonards South will contribute to. This supersedes the previous IPC advice.</p>
<p>Built form – character and heritage</p> <p>The submissions raised concerns over:</p> <ul style="list-style-type: none"> Quality of development is poor. Loss of the existing character of the suburb. Need to insist on quality design outcomes. New developments do not create a culture. Need places to meet. 	<p><i>"...a scale, height and density that is out of character with the heritage items on Park Road." (para 47)</i></p> <p><i>"The Commission also notes that to reduce the impact on heritage items as part of the streetscape, the planning proposal proposes to step back facades in the vicinity of the heritage items on Park Road and transition building heights." (para 80)</i></p> <p><i>"The Commission also considers</i></p>	<p>Whilst the IPC advice found that Council's current proposed park location <i>"would not unreasonably interfere with any existing key views or vistas for these properties"</i>, the alternate Charrette relocation negatively affects views associated with Park Road heritage items.</p> <p>Council's Heritage Impact Statement addresses measures to protect the heritage items, including a proposed reduction of building height along Park Road from 8 to 6 storeys, large building setbacks to the road and the location of the proposed park opposite the heritage buildings.</p>

Community issues raised	IPC Comment in relation to issue raised	Council's Response
<ul style="list-style-type: none"> Buildings should centre around open space. Loss of large family homes with generous gardens. Commit to environmental sustainability. 	<p><i>that the siting, with the proposed setbacks, of high-density residential development opposite the properties on the western side of Park Road would not unreasonably interfere with any existing key views or vistas for these properties". (para. 82) This also applies to the current park location.</i></p>	
<p>Transitional built form</p> <p>The submissions raised concerns over:</p> <ul style="list-style-type: none"> The transition of heights to the existing buildings west of Park Road. 	<p>"...does not adequately transition to the existing residential area to the west of the site." (para. 108)</p> <p>However, Council's proposed scale, tree planting and setbacks on River Road 'would represent an appropriate transition'. (paras 87; 107-8; 141)</p> <p>"...would result in a poor relation to the remainder of the St Leonards South Precinct, being the area from Park Road west to Greenwich Road, as this area would remain characterised by low density residential development." (para. 64)</p>	<p>For Park Road (apart from the site on the corner of Park and River Road), the separation between the proposed units on the eastern side and the houses on the western side is approximately 40 metres, comprising 10 metre setback for the units (additional 3 metres before greater than 2 storeys), 20 metre Road Reserve, and an average 10 metre setback to the houses. Park Rd also includes an extensive tree canopy, providing further visual separation. Given this, Council's proposed transition is considered appropriate.</p> <p>No reason is given by the IPC for the conclusion that the western transition is "inadequate". Reduction in height along Park Road from 8 to 6 storeys is proposed opposite the heritage buildings to improve the transition regardless.</p>
<p>Topography</p> <p>The submissions raised concerns over:</p> <ul style="list-style-type: none"> The gradient of the site will accentuate the impact of the height of the buildings. The development will not be accessible with people with prams as it is steep. The steep slope will make pedestrian flow 	<p><i>"Topography constrains cyclists and pedestrians (para 74)."</i></p> <p><i>"Green spines limit additional public links.(para 129) "</i></p>	<p>Both Council and the Charette's proposal show the same number of six street-to-street east-west links for pedestrians. The Charrette report is unclear about which links are "shared". Secondly, there seems no reason for the new, costly north- west link. The IPC incorrectly stated, <i>"that the proposed east-west pedestrian links would be the only publicly accessible connections through the site" (para 36)</i> – as an additional southern 6-m path connects Canberra Avenue to Berry Road.</p>

Community issues raised	IPC Comment in relation to issue raised	Council's Response
<p>to the station impossible.</p> <ul style="list-style-type: none"> • Development is unsuitable for a sloping site. • Southerly slope provides a poor site for built form. 		<p>Council's <i>Cumulative Transport and Accessibility study</i> delivers a demonstrably better outcome by separating pedestrian and cyclists from vehicles. Council also considers the cross section for Marshall Avenue unnecessary as it would only repeat Council's proposal of shared paths and pedestrian refuges.</p> <p>In response to the IPC seeking "...notably improved connections to existing surrounding open spaces." (para 127), and the Charrette's recommended "Improved permeability and safe movement within and through the site", it is Council's intention to redesign parts of the north-south street parking to widen and plant expanded verges in order to encourage greater, safer pedestrian movement, bicycle paths, increased canopy cover, and undergrounding of services.</p>
<p>Commercial Development</p> <p>The submissions raised concerns over:</p> <ul style="list-style-type: none"> • The existing shops on the southern side of Pacific Highway are dilapidated and should be renewed. • Lack of commercial development within the precinct does not create a true mixed-use precinct. • Lack of commercial development within the precinct will put pressure on Greenwich Village. 	<p><i>"... introducing a new scale and height in excess of anything in the vicinity including the commercial development on the Pacific Highway to the north of the Precinct. ... potential to impact on the heritage buildings and the character of the streetscape". (para 42)</i></p>	<p>The Charette recommendation required creation of centralised commercial facilities within the precinct. The recommendation fails to consider the viability of relocating non-residential uses within the precinct, nor considers precinct's strategic and contextual proximity to a number of existing and proposed commercial and community uses</p> <p>That is, proposed location is within 200m of the commercial properties along Pacific Hwy and 400 metres from a developing commercial/ community centre (at 88 Christie Street) containing library, supermarket, restaurants and other non-residential uses. No evidence is given to support the need or viability for further larger scale employment generating uses within this residential precinct, and they are considered redundant and unviable.</p>

Community issues raised	IPC Comment in relation to issue raised	Council's Response
<p>Amenity</p> <p>The submissions raised concerns over:</p> <ul style="list-style-type: none"> • Loss of amenity • Overshadowing • Looking into apartments – privacy. 	<p><i>“...overshadowing not to cross River Road and impact on the amenity of properties on the south of River Road, which are outside of the Plan boundary. Council confirmed that any overshadowing from the planning proposal would not impact on the amenity of these properties”. (para 123).</i></p>	<p>Council rejects the Charette proposal to reduce and relocate building footprints (& open space). It fails to acknowledge fundamental design and amenity principles of Council's vision and would result in significantly diminished solar access and amenity to communal and public open space for future residents and visitors.</p>
<p>Setbacks</p> <p>The submissions raised concerns over:</p> <ul style="list-style-type: none"> • Inadequate setbacks with existing area to the west. 	<p><i>“...does not adequately transition to the existing residential area to the west of the site.” (para. 108)</i></p> <p><i>“...would result in a poor relation to the remainder of the St Leonards South Precinct, being the area from Park Road west to Greenwich Road, as this area would remain characterised by low density residential development.” (para. 64)</i></p> <p>However, Council's proposed scale, tree planting and setbacks on River Road 'would represent an appropriate transition'. (paras 87; 107-8; 141)</p>	<p>Refer comments in 'Transitions'.</p> <p>The IPC was satisfied that “the planning proposal has considered quality streetscape aspects”, including setbacks.</p> <p>In response, Council is also proposing new setbacks for the two buildings (Areas 21 & 22) fronting the central park. Both areas will have a DCP control requiring the western buildings to have a 3m setback at and above Level 3 (a 2 storey element) and the eastern buildings to have a 3m setback at and above Level 5 (a 4 storey element), to improve the interface to the park.</p>
<p>Traffic</p> <p>The submissions raised concerns over:</p> <ul style="list-style-type: none"> • Traffic congestion – extra traffic on Pacific Highway and River Road. • Pacific Highway/Berry St intersection is currently dangerous for vehicles and pedestrians. 	<p><i>“The Commission notes RMS’ submission to Council, dated 26 February 2018, states that: “Until the Traffic and Transport Impact Assessment for the St Leonards / Crows Nest Precinct is finalised, Roads and Maritime considers the traffic modelling / analysis undertaken for the subject Planning Proposal as inadequate and limited in scope, identifying the traffic impacts associated with the proposed</i></p>	<p>The IPC in their findings did not consider the updated comments from NSW Roads and Maritime Services on 2 May 2019 which stated:</p> <p><i>“It is noted that in the gateway determination dated 2 September 2016, item 1g states ‘that the planning proposal is updated to include a satisfactory arrangements provision for contributions to designated State public infrastructure identified as part of a draft or final strategic planning review for the</i></p>

Community issues raised	IPC Comment in relation to issue raised	Council's Response
<ul style="list-style-type: none"> Duntroon Ave and Canberra Ave are too narrow for additional traffic and construction traffic. No pedestrian crossing on River Road which is a safety concern. Impacts of construction traffic – noise, dust, safety 	<p><i>development and not the cumulative traffic impacts associated with full development uplift in the Planned Precinct.” (para 137)</i></p> <p>The RMS recommends “... more detailed analysis of the transport network is required to analyse the [cumulative] impacts of the planning proposal.” (para 139) – dated 26 February 2018</p>	<p><i>St Leonards and Crows Nest Station Precinct.</i></p> <p><i>Considering this condition, provided that Council has included a satisfactory arrangements clause (to be levied on the residential component) that is commensurate with the draft SIC, Roads and Maritime would raise no further objection to the planning proposal proceeding prior to the St Leonards and Crows Nest Planned Precinct being finalised.”</i></p> <p>The cumulative traffic impacts of the Planning Proposal have been modelled, considered and supported by the relevant authorities.</p>
<p>Transport – connections to new and existing stations</p> <p>The submissions raised concerns over:</p> <ul style="list-style-type: none"> Existing capacity issues on the train line. 	<p>In terms of accessibility to St Leonards and Crows Nest Stations:</p> <p><i>“The Commission considers that the planning proposal is consistent with this design principle under the draft 2036 Plan as it is in a location that has adequate accessibility to St Leonards and the proposed new Crows Nest rail stations, and to Wollstonecraft rail station if the safety issue of crossing River Road is addressed.” (para 119)</i></p> <p><i>“...the proposed new open spaces would not notably improve connections to existing surrounding open spaces.” (para 127)</i></p>	<p>Council's <i>Cumulative Transport and Accessibility</i> study delivers a demonstrably better outcome by separating pedestrian and cyclists from vehicles. Council also considers the cross section for Marshall Avenue unnecessary as it would only show Council's proposal of shared paths and pedestrian refuges.</p> <p>Further, Council's revised plans (i.e <i>Cumulative Transport and Accessibility Study</i>) also supports the closure of the intersection of River Road and Canberra Avenue.</p> <p>In response to the IPC seeking “...notably improved connections to existing surrounding open spaces.” (para 127), and the Charrette's recommended “Improved permeability and safe movement within and through the site”, it is Council's intention to redesign parts of the north-south street parking, as shown in the Report. The purpose is to widen and plant expanded</p>

Community issues raised	IPC Comment in relation to issue raised	Council's Response
		<i>verges in order to encourage greater, safer pedestrian movement, bicycle paths, increased canopy cover, and undergrounding of services.</i>
Council's proposed bus/rail interchange	The Commission noted the proposal but offered no comments.	<p>While the relocation of the park (from the Charrette) is discussed in Council's report, St Leonards Over Rail Park/Plaza has continued to progress contractual documentation for delivery of the project via Transport for NSW.</p> <p>Council 's consultants have developed a detailed design for submission to Sydney Trains for approval and lodged a Planning Proposal for the site to amend Schedule 1 of Lane Cove LEP including a Recreation Area. The project is fully funded via Voluntary Planning Agreements. Total funds of \$52M are provided by the Agreements for this purpose, with approximately \$46M already collected, ensuring the project can proceed once contracts are executed and authority.</p>
Parking The submissions raised concerns over: <ul style="list-style-type: none"> • On street parking congestions around St Leonards Station will get worse. • Insufficient parking for residents and visitors. • Lack of commuter parking. • Car parking in the development should be restricted to encourage public transport use. 	<i>"The Commission considers that the proposal to create a transit-oriented development near the existing St Leonards rail station and the future Crows Nest Metro Station, and the restriction of street car parking would encourage the use of public transport and potentially reduce the need for residents to use private cars." (para 113)</i>	The issue of parking is a DCP issue and any change will not result in changes to the built form in the LEP for the Planning Proposal.
Access	<i>"Given the site's topography, the Commission notes that it may</i>	Council's St Leonards Cumulative Transport and Accessibility Study

Community issues raised	IPC Comment in relation to issue raised	Council's Response
<p>The submissions raised concerns over:</p> <ul style="list-style-type: none"> • The precinct should be pedestrian and cycle friendly. • Improve walkways into bushland. • Provide safe bike access to the station. 	<p><i>never be possible to design an easy place to walk and cycle through the site.” (para 74)</i></p> <p>However, in paragraph 114, the Commission found that Council's proposal was consistent with the Movement principles in the Draft 2036 Plan which were:</p> <p><i>“New development should contribute to the improvement of the walking and cycling network in the area as well as help to connect to wider regional areas”</i></p> <p><i>“Identify opportunities to improve safety along existing pedestrian and cycling routes”</i></p> <p><i>“New development should encourage use of public transport and reduce the need to use a private car. Innovative solutions such as car sharing are encouraged”</i></p>	<p>addresses these and other accessibility solutions for pedestrian, bike and public transport demand generated by the planned growth of the St Leonards south precinct. It delivers a demonstrably better outcome by separating pedestrian and cyclists from vehicles.</p> <p>The post Charrette review highlighted significant areas of commonality with Council's proposal in areas of traffic management (e.g. verge design).</p> <p>The Council plan focuses on pedestrian friendly and accessible links with no vehicular connections in the mid-block connection. The addition of the integrated multi- purpose facilities in buildings on Canberra Avenue and Berry Road along these connections is to further promote community interaction and connectivity. The Charrette proposal would remove Council's coherent and accessible central east-west pedestrian-and-cycle-only link between the two major parks.</p> <p>In terms of accessibility, both the Charrette's recommendation and Council's design, require ramps and lifts from Canberra Avenue and Berry Road to ensure compliance with the Disability Discrimination Act. This is because the fall between Berry Road and Canberra Avenue is 18 metres, (6 storeys).</p> <p>Council's plans deliver a demonstrably better outcome by separating pedestrians and cyclists from vehicles.</p> <p>Smaller block/ footprint sizes would reduce solar access and viability, and therefore opportunities for public</p>

Community issues raised	IPC Comment in relation to issue raised	Council's Response
		<p>benefits.</p> <p>* Both proposals show the same number of six street- to-street east-west links for pedestrians. The IPC incorrectly stated, <i>“that the proposed east-west pedestrian links would be the only publicly accessible connections through the site” (para 36)</i> – as an additional southern 6-m path connects Canberra Avenue to Berry Road.</p>
<p>Open space – overshadowing</p> <p>The submissions raised concerns over:</p> <ul style="list-style-type: none"> • Lack of sunlight into the development will limit landscaping opportunities. • Cumulative impacts of overshadowing of parks from all the development in St Leonards. • Overshadowing of heritage buildings on Park Road. 	<p><i>“... significant overshadowing of the new park and additional overshadowing of Newlands Park” (pars 78; 94 and 121) between 2.00pm- 3.30pm.</i></p> <p><i>“...generates overshadowing of the proposed new park and east-west link” (para 95)</i></p> <p><i>“The Commission considers that the scale of the proposed development, existing tree planting and proposed setbacks adjacent to properties on River Road would represent a transition that would not adversely impact the character of the area or the amenity of these properties from overshadowing”. (para 107)</i></p> <p>In paragraphs 124 & 125, the Commission accepted that “there would be minimal additional overshadowing of the heritage items on Park Road and no overshadowing of properties outside of the Plan boundary as a result of the planning proposal” (i.e. properties on the other side of</p>	<p>The Commission did not use the correct times for overshadowing of public open space as specified in the Draft 2036 Plan, as the time for assessment stops at 3pm. Nevertheless, it is accepted that the overshadowing mentioned by the IPC occurs between 2pm to 3pm.</p> <p>The use of solar planes is supported, however, proposed building heights would effectively be a ‘defacto’ solar access plane.</p> <p>Council’s proposed built form provides better solar access to the adjoining proposed park from 2pm – 3pm, compared with the Charrette’s design.</p> <p>Note: Council proposes some 6 storey buildings along Canberra Avenue fronting Newlands Park.</p>

Community issues raised	IPC Comment in relation to issue raised	Council's Response
	River Road).	
Open space – quantum The submissions raised concerns over: <ul style="list-style-type: none"> • A large central open space is needed. • Confirmation as to whether the green spaces are public or private. • Inadequate open space is proposed. • Small parks are unusable. • Gore Hill Oval should not be included in open space calculations. • Roof gardens should not be considered in open space calculations. 	<p>The amount of public open space and its scale would not <i>“provide a vibrant community”</i>. (paras 36;38)</p> <p><i>“...the quantum is insufficient for development of the scale proposed.”</i> (paras 52, 57,148)</p>	<p>The Charrette's proposal ultimately delivers less open space (than Council's proposal), is more expensive, and reduces open space access to the R2 zone.</p> <p>Council's revised proposal results in a decreased built form scale (particularly near open space), reduced number of dwellings and increase new open space. This would address all comments from the IPC about the quantum of open space.</p>
Density – bulk and scale vs existing local character	Refer 'Built form – scale and amount of development'	Refer 'Built form – scale and amount of development'
Tree canopy cover The submissions raised concerns over: <ul style="list-style-type: none"> • Loss of existing trees. • No large trees will be able to grow 	<p><i>“The Commission considers that the planning proposal is consistent with this element of the draft 2036 Plan's Area Wide Design Principles as it will enhance existing tree planting whilst also providing new tree planting to improve the overall tree coverage in the area.”</i> (para 101)</p>	<p>The IPC found Council's proposal consistent with the Draft 2036 Plan.</p> <p>However, in response to the Charrette findings, these actions are already addressed by Council's <i>Draft Landscape Master Plan</i> in terms of tree removal / retention of public and private trees and <i>Street Tree Master Plan</i>.</p>
Housing diversity The submissions raised concerns over: <ul style="list-style-type: none"> • The proposal is for apartments only – there is no variety in housing type. 	<p>The Commission considered that there was insufficient information and that to demonstrate that <i>“... a greater mix... to cater for the range of people who would want to remain in the area and people who could move to the area...”</i></p>	<p>Council's recommendation now includes DCP provisions for townhouse-style development, as part of an integrated apartment complex.</p> <p>Separate medium density dwellings are generally considered unviable in St Leonards South. This has been</p>

Community issues raised	IPC Comment in relation to issue raised	Council's Response
<ul style="list-style-type: none"> There is no housing mix. Consideration should be given to the inclusion of townhouses and detached homes. 	(para 69)	<p>confirmed by previous Council studies, findings of State Government 2036 Plan and updated feasibility studies.</p> <p>A revised bedroom mix decreasing number of studio/1 bedrooms and increasing 3/3+ bedrooms (based on Development Applications, market demand and Feasibility analysis) is supported as part of the amended Council proposal.</p>
<p>Affordable housing</p> <p>The submissions raised concerns over:</p> <ul style="list-style-type: none"> There is a lack of affordable housing. Who would be eligible to live in the affordable housing. 34 affordable homes is insufficient. There is no social housing. 	No comment from IPC	<p>Additional height and FSR (above the 2.75:1) incentives have been carefully calculated and locations nominated that provide public benefits in return for bonuses e.g. provision of Affordable Housing, and other items.</p>
<p>Overshadowing and privacy of buildings</p> <p>The submissions raised concerns over:</p> <ul style="list-style-type: none"> The apartment being too close and privacy issues. Overshadowing of heritage buildings on Park Road. 	<p>For properties in River and Park Road, Council's proposal <i>"would not adversely impact the character of the area or the amenity of these properties from overshadowing"</i> (para. 107)</p> <p><i>"there would be minimal additional overshadowing of the heritage items on Park Road and no overshadowing of properties outside of the Plan boundary as a result of the planning proposal"</i>. (para 124)</p>	<p>The current building footprints enable additional solar access and landscaping for residents' amenity and should remain.</p> <p>The grid pattern proposed by the Charrette with shared zones will also result in smaller block/ footprint sizes which would reduce solar access to both building and communal open space.</p>
<p>Lack of information</p> <p>The submissions raised concern over:</p>	No comment from IPC	<p>All relevant strategic considerations for Planning Proposal 25 were incorporated into the IPC advice and Charrette Report.</p>

Community issues raised	IPC Comment in relation to issue raised	Council's Response
<ul style="list-style-type: none"> • Lack of co-ordinated planning with the St Leonards/Crows Nest Plan. • Lack of information on environmental sustainability. • Lack of technical information made available. • Lane Cove has already reached it's housing target and does not need to provide more. • Insufficient consideration of SEPP 65. • Public exhibition should not occur during Christmas holidays. 		Council's report also details the extensive planning of St Leonards South since 2012.
<p>Infrastructure capacity – schools</p> <p>The submissions raised concern over:</p> <ul style="list-style-type: none"> • Existing schools are at capacity. • Lack of amenities – child care, swimming pools, libraries, schools. • Hospitals are over crowded. 	No comment from IPC	<p><i>“The NSW State Budget 2019-2020 identifies the following initiatives within the broader area of Education at Artarmon Public School, Greenwich Public School, Cammeraygal High School Senior Campus (new school) and St Leonards Education Precinct”.</i></p>
<p>Infrastructure capacity – sewer, water etc and delivery</p> <p>The submissions raised concern over:</p> <ul style="list-style-type: none"> • There is insufficient infrastructure in the area to support 2,400 apartments. • Pressure on water and sewer infrastructure. 	<p><i>“With respect to the more general question of timing of the release of the site having regard to the need to manage impacts on local and regional infrastructure, the Commission considers that it has insufficient evidence to express a view.” (para 159)</i></p>	<p>Council has liaised with State agencies with a view to initiating future integrated infrastructure provision with precinct development.</p> <p>All relevant Government infrastructure agencies supported the Planning Proposal as exhibited.</p>

Community issues raised	IPC Comment in relation to issue raised	Council's Response
Zone boundaries and transition	Refer 'setbacks' and 'transitional built form'.	Refer 'setbacks' and 'transitional built form'.
Economic analysis The submissions raised concern over: <ul style="list-style-type: none"> • The development will devalue existing properties. • Height variation should be permitted to enable the development to be feasible. 	<p><i>"...this matter is not within the scope of the advice sought from the Commission by the Minister." (para 28)</i></p> <p><i>"For the reason set out in paragraph 28, the Commission has not taken into account the economics of the planning proposal." (Para 161)</i></p>	HillPDA conducted an updated feasibility analysis that reviewed options for reducing the proposed floor space ratio (FSR) and height. It also examined what feasibility would be needed to provide Affordable Housing and community facilities (i.e. multi-purpose facilities). Some measures from the Charrette (i.e. parking rates and revised bedroom mix) were also included, along with Council's increased rates in its Draft Section 7.11 contributions plan.

13. Council's Post Exhibition Changes

At its meeting on 11 May 2020, in response to feedback received during community consultation of the planning proposal, IPC advice, Design Charette Outcomes and Recommendations Report and additional urban design and economic analysis, Council resolved to endorse the planning proposal (**Attachment L**) subject to the following changes:

1. Adopt a 5% reduction of the base FSR down to 2.6:1 across the entire precinct, resulting in changes to the FSR schedule as outlined in **Table 6**.

Table 6 Revised FSR Schedule

Original FSR	Amended FSR
2.75:1	2.6:1
3.0:1	2.85:1
3.1:1	2.95:1
3.5:1	3.35:1
3.7:1	3.55:1
3.8:1	3.65:1
4.0:1	3.85:1

2. Adopt the changes to the building height controls in the precinct as shown in **Figure 16**.



Figure 16: Revised building height controls (source: Lane Cove Council)

3. Area 5 in Canberra Avenue, no adjustment to height and FSR and require a portion of the 15m wide path linking Canberra Avenue and Holdsworth Avenue in addition to providing the multi-purpose facility.

4. Area 6 in Holdsworth Avenue, increase the height from 10 to 12 storeys, and increase the bonus FSR by an additional 0.3:1 to provide a portion of the 15m wide path linking Canberra Avenue and Holdsworth Avenue and continue to provide affordable housing.
5. Area 7 in Canberra Avenue, no longer require a portion of the 15m wide path linking Canberra Avenue and Holdsworth Avenue.
6. Area 8 in Holdsworth Avenue, no longer require a portion of the 15m wide path linking Canberra Avenue and Holdsworth Avenue.
7. Area 12 in Berry Road, increase the 8 storey height component to 10 storeys, and increase the bonus FSR by an additional 0.5:1 to provide additional affordable housing.
8. Area 17 in Berry Road, no adjustment to height and FSR but require an increased contribution to infrastructure in addition to providing the multi-purpose facility (to ensure an equitable contribution by all areas in accordance with the HillPDA Analysis).
9. Areas 21 and 22 the frontage of buildings to the central park have a DCP control requiring the western buildings to have a 3m setback at and above Level 3 (a 2 storey element) and the eastern buildings to have a 3m setback at and above Level 5 (a 4 storey element), to improve the park interface.
10. Area 22 and 23 in Park/Berry Road, increase in the FSR by the inclusion of a bonus FSR of an additional 0.15:1 with no resultant increase in height to provide a new road linking Berry Road to Park Road.
11. A clause be included which requires a minimum of 20% studio/one-bedroom apartments, 20% two-bedroom apartments, and 20% 3 and 3+ bedroom apartments for residential development across the precinct.
12. A clause be included to ensure buildings are optimised to minimise shadowing to public and private open spaces and facilitate ADG compliance for surrounding buildings.
13. A clause be included to encourage ground-floor, direct street-access, townhouse-like apartments, particularly in Park Road.
14. A clause be included which requires the development to demonstrate design excellence and best practice sustainability performance to be eligible for the incentives outlined in Clause 6.8.
15. Council commence the process to close Canberra Avenue, between River Road at its intersection with Duntroon Avenue to integrate the land into Newlands Park.
16. Council commit to not considering future development west of Park Road to Greenwich Road in the short - medium term (2021-2026).
17. Council investigate widening of River Road footpath to integrate a shared path.
18. A further report be submitted to Council to consider adoption of a maximum parking rate which reduces on-site parking for this precinct, in light of increasing public transport options.

14. Department's Assessment

14.1 Assessment of Response to Issues

The Department's assessment of issues raised against the planning proposal is provided within **Table 7** and includes the following:

- Column 1 – Issues identified by the IPC.
- Column 2 – Community issues that column 1 relates to.
- Column 3 – Findings from the IPC review.
- Column 4 – Key recommendations from the Design Charette in relation to the IPC issues.
- Column 5 – Council's response to the Design Charette recommendations,
- Column 6 – Department's assessment of the issues raised.

In Council's request to finalise the planning proposal, it was asked if further community consultation is required prior to the plan being finalised.

Section 3.35 of the *Environmental Planning and Assessment Act (1979)* states:

- (1) The planning proposal authority may, at any time, vary its proposals as a consequence of its consideration of any submission or report during community consultation or for any other reason.*
- (2) if it does so, the planning proposal authority is to forward a revised planning proposal to the Minister.*
- (3) Further community consultation under Schedule 1 is not required unless the Minister so directs in a revised determination under section 3.34.*
- (4) The planning proposal authority may also, at any time, request the Minister to determine that the matter not proceed.*

The Department has considered Council's post exhibition amendments and has formed the view that further exhibition of the proposal is not required. The Department is satisfied that Council's post-exhibition changes to the planning proposal are directly in response to public exhibition, the IPC's advice and the Design Charette Outcomes and Recommendations Report. The amended proposal has satisfactorily reduced the impact of any future development on surrounding sensitive low density residential areas, current and proposed public open space, infrastructure and traffic and parking.

Council's response to submissions also adequately addresses the key issues in relation to the planning proposal raised during public exhibition.

Considering that the amended planning proposal results in a reduced development impact and has been the subject of significant community consultation including the master planning stage, public exhibition of the planning proposal, a post exhibition design charette led by Council, and the public hearing during the IPC review, the Department is satisfied that no further community consultation for the planning proposal is required prior to finalisation.

Table 5 Assessment of Issues Raised

1. IPC Issue	2. Community Issue (refer Table 5)	3. IPC Findings	4. Charette Recommendation	5. Council Response	6. Department Assessment
Place	<p>Built form – scale and amount of development.</p> <p>Built form – character and heritage.</p> <p>Density – bulk and scale versus existing local character.</p> <p>Amenity</p> <p>Lack of information</p>	The proposal would represent development of a scale, height and density that is out of character with the remainder of the St Leonards South Precinct, local heritage items and surrounding neighbourhoods.	-	<p>In response to the findings from the Charette, Council undertook additional urban design and economic viability testing to determine which design elements could be supported.</p> <p>Council reviewed height and FSR across the site and proposed the following changes to the planning proposal design which will reduce dwelling numbers by 17% to approximately 2,000:</p> <ul style="list-style-type: none"> • 5% FSR reduction to the minimum base FSR • Changes to the dwelling mix to include a minimum 20% 1, 2 and 3 bedroom units within any residential development. • Building height reduced to 6m to Canberra Ave and Park Road to improve transition and reduce impacts on open space. 	<p>Council acknowledged the IPC advice regarding scale, height and density of the development and has undertaken urban design and economic analysis to consider the Design Charette recommendations.</p> <p>The Department notes that the planning proposal has been designed with the aim that all buildings will comply with minimum SEPP 65 and ADG requirements. As part of any future DA, a Design Review Panel will be established to consider and overview the application of SEPP 65 provisions.</p> <p>Council's amended planning proposal will reduce FSR across the precinct, increase dwelling mix, redistribute building height to better transition to the surrounding neighbourhoods, reduce dwelling yields from 2,400 as exhibited to under 2,000 dwellings and improve the impact on open space. These changes are considered a good outcome and would result in improvements from the exhibited proposal.</p>

1. IPC Issue	2. Community Issue (refer Table 5)	3. IPC Findings	4. Charette Recommendation	5. Council Response	6. Department Assessment
					<p>The proposed reduction of building height along Park Road from 8 to 6 storeys, along with the current location of the proposed park and significant (10m) setbacks to buildings on Park Road have responded to concerns of the potential impact on the heritage items.</p> <p>It is the Department's opinion that the IPC issues relating to 'the scale, height and density of the development' have been addressed in Council's amended planning proposal.</p>
Landscape	<p>Open space – quantum.</p> <p>Tree canopy cover.</p> <p>Commercial development.</p>	<p>The quantum of public open space is insufficient for the site's estimated tenfold increase in population. It is inappropriate to include Gore Hill Oval as public open space for this planning proposal.</p> <p>The proposal would also not provide 'sunny tree-lined public spaces' and 'lively and active streets' as identified in the Draft 2036 Plan Vision.</p>	<p>Recommendation 1</p> <p>Plan for a neighbourhood 'heart' for the precinct with centralised facilities.</p> <p>Recommendation 2</p> <p>Relocate the park to the area around Holdsworth Avenue and Berry Road.</p> <p>Recommendation 4</p> <p>Improve connectivity for vehicular and pedestrian movements in, through and from the site.</p>	<p>Council do not support Recommendation 1 and 2.</p> <p>Relocation of the park to a central location was considered in the Design Charette. Council note that whilst this has the benefit of being one larger consolidated park, it ultimately delivers less open space, is located across a sloping site, is more expensive, reduces access to open space for the adjoining R2 zone, suggests removal of Propsting Playground, negatively affects views associated with the Park</p>	<p>The IPC found that the quantum of open space in the proposal was insufficient.</p> <p>The recommendation of the Charette was to relocate the park to a more central location. Council has further analysed this from an urban design and feasibility perspective and concluded that the relocation would not be viable. In addition, the relocated park would not create additional open space.</p> <p>Council's amended proposal includes further investigations into the closing Canberra Avenue</p>

1. IPC Issue	2. Community Issue (refer Table 5)	3. IPC Findings	4. Charette Recommendation	5. Council Response	6. Department Assessment
			<p>Recommendation 5</p> <p>Improve permeability and safe movement within and through the site.</p> <p>Recommendation 6</p> <p>Reconsider the nature and role of an east-west link and establish additional pedestrianised east-west links (refer 'Movement' section below).</p>	<p>Road heritage items and creates a canyon effect along Marshall Avenue.</p> <p>Recommendation 1 does not consider the viability of relocating non-residential uses within the precinct. The precinct is strategically located close to several existing and proposed commercial and community uses and so relocation of non-residential uses is not supported. In any case, the R4 zone permits neighbourhood shops and cafes which could be accommodated along the east-west link.</p>	<p>between River Road and Duntroon Road and expanding Newlands Park which would increase the level of open space by 3,500sqm within the precinct.</p> <p>This increases open space from 14% to 17% of the total site area, more than the Recreation and Open Space Planning Guidelines standard for open space of 9%. It is noted that Gore Hill Oval and the 'green spines' are not included in these calculations.</p> <p>The Department notes that the precinct is strategically located close to existing commercial uses within St Leonards. The proposed R4 zone permits neighbourhood shops and cafes to be developed which would future activate the precinct.</p> <p>It is the Department's opinion that the IPC issues relating to open space have been addressed in Council's amended planning proposal. An increase in the quantum of open space has been achieved and will provide opportunities for the community to be active, creative and enjoy leafy spaces. The provisions of the R4</p>

1. IPC Issue	2. Community Issue (refer Table 5)	3. IPC Findings	4. Charette Recommendation	5. Council Response	6. Department Assessment
					<p>zone enable local commercial development to occur which would enable lively and active streets to be created.</p> <p>It has not been demonstrated to be necessary to relocate the central park to achieve these outcomes</p>
Built Form	<p>Built form – scale and amount of development.</p> <p>Built form – character and heritage.</p> <p>Density – bulk and scale versus existing local character.</p>	The scale of the development proposed would be out of character with the remainder of the St Leonards South Precinct and surrounding areas.	-	Refer comments under 'Place'	Refer comments under 'Place'
Land Use	Housing diversity	The proposal contained insufficient information to demonstrate that a greater mix of homes would be provided to cater for the diverse housing needs for the area.	Recommendation 9 Diversify typologies through analysis of the location of non-residential facilities and employing other available mechanisms.	<p>Council support Recommendation 9.</p> <p>Council supports the recommendation to provide a greater variety of dwelling typologies but not through relocation of non-residential uses or by reducing block sizes.</p> <p>Council recommend a clause be included in the DCP that requires a minimum of 20% 1, 2,</p>	<p>Council has recommended new clauses be included in the LEP and DCP to create a greater housing mix within residential developments. A minimum mix of 20% 1 bed/studio, 20% 2 bed and 20% 3 bed dwellings for residential development across the precinct is proposed.</p> <p>Market research has concluded that an R3 Medium Density Residential Zone would not be viable in this</p>

1. IPC Issue	2. Community Issue (refer Table 5)	3. IPC Findings	4. Charette Recommendation	5. Council Response	6. Department Assessment
				<p>3 bedroom apartments be provided for residential development (an increase from the current DCP control of 10%).</p> <p>Council has undertaken additional market analysis which concludes that R3 Medium Density Residential development is generally unviable in the area. Council recommend a clause be included to encourage ground-floor, direct street access, townhouse-like apartments, particularly in Park Road</p>	<p>location. In response, a clause will be included in the draft DCP to encourage ground-floor, direct access townhouses to be included in apartment complex design. This is a reasonable compromise with a clear aim to deliver greater housing diversity within the precinct.</p> <p>It is the Department's opinion that the IPC issue relating to 'land use' has been addressed in Council's amended planning proposal.</p>
Movement	<p>Traffic</p> <p>Topography</p> <p>Transport – connections to new and existing stations</p> <p>Council's proposed bus/rail interchange</p> <p>Parking</p> <p>Access</p>	<p>Safety implications were raised for residents who may seek to cross River Road to use Wollstonecraft Station.</p> <p>Concern was raised for active transport given the topography of the site and the ability for future residents to walk and cycle through the site.</p> <p>The proposal would not provide 'sunny tree-lined public spaces' and 'lively and active streets' as</p>	<p>Recommendation 4 Improve connectivity for vehicular and pedestrian movements in, through and from the site.</p> <p>Recommendation 5 Improve permeability and safe movement within and through the site.</p> <p>Recommendation 6 Reconsider the nature and role of an east-west link and establish additional pedestrianised east-west links.</p>	<p>Council generally supports Design Charette Recommendations 4, 5 and 6.</p> <p>Council supports widening verges, traffic lights to assist crossing of River Road and dual-use paths. Where feasible, widening of footpaths along River Road is supported.</p> <p>The Design Charette proposed additional east-west vehicular links which are not supported by Council due to concern for pedestrian safety and amenity.</p>	<p>The IPC raised concerns about the safety of residents crossing River Road. Council support installation of traffic signals on River Road to improve safety and access to Wollstonecraft Station.</p> <p>In terms of pedestrian and cyclist safety and permeability through the site, Council's proposal includes east to west pedestrian zones which separate pedestrians and cyclists from vehicles and aim to encourage active transport through the site.</p>

1. IPC Issue	2. Community Issue (refer Table 5)	3. IPC Findings	4. Charette Recommendation	5. Council Response	6. Department Assessment
		identified in the Draft 2036 Plan Vision.		<p>In response to the IPC and the Design Charette, Council recommend redesign to parts of the north-south street parking to create wider, green verges to provide for safer pedestrian and cycling movement, undergrounding of services and increase canopy cover.</p> <p>In terms of accessibility, both Council's proposal and the Design Charette's recommendation require ramps and lifts between Canberra Avenue and Berry Road to achieve Disability Discrimination Act (DDA) compliance.</p>	<p>In response to the Design Charette, Council has redesigned the north-south roads. This will improve safety and amenity for pedestrians and cyclists by expanding verges, undergrounding services and increasing canopy cover. The revised street design will create 'tree-lined' and 'lively and active streets'.</p> <p>The topography of the site is such that there is approximately an 18 metre fall between Berry Road and Canberra Avenue. Whilst challenges due to topography will remain, the use of ramps and lifts will enable that the east to west pedestrian link is DDA compliant.</p> <p>It is the Department's opinion that the IPC issues relating to 'movement' have been addressed in Council's amended planning proposal.</p>
Overshadowing	<p>Open space – overshadowing</p> <p>Overshadowing and privacy of buildings.</p> <p>Amenity</p>	<p>The proposal would not comply with the Draft 2036 Plan overshadowing controls as there would be:</p> <ul style="list-style-type: none"> Additional and longer duration of 	Recommendation 3 Prepare solar access planes to existing and proposed public spaces will assist in protecting these spaces from overshadowing.	<p>Council supports Design Charette Recommendation 3.</p> <p>Preparation of solar access planes was supported and has been undertaken. Council note that the proposed building heights have been modelled and</p>	The IPC noted that the planning proposal's new park, Propsting Park and Newlands Park are all nominated places within the Draft 2036 Plan, and as such new development should not produce any additional overshadowing

1. IPC Issue	2. Community Issue (refer Table 5)	3. IPC Findings	4. Charette Recommendation	5. Council Response	6. Department Assessment
		<p>overshadowing to Newlands Park.</p> <ul style="list-style-type: none"> Significant overshadowing of a new proposed park and pedestrian link. 		<p>optimised in the development of the height control to minimise shadow and achieve Apartment Design Guide (ADG) compliance for surrounding buildings.</p> <p>Council note that the IPC had concerns about the impact of overshadowing on the proposed park, the east-west pedestrian link and Newlands Park between 2-3pm.</p>	<p>between 10 am – 3pm in mid-winter.</p> <p>Council has undertaken solar modelling which takes into account the proposed changes to the amended planning proposal, such as reducing building height to Canberra Road and Park Road to 6m.</p> <p>From Figures 16-19 below, it can be seen that the Design Charette and Council's amended proposal produce similar solar access impacts on Newlands Park between 2 and 3pm.</p> <p>In terms of the new park, the solar modelling illustrates that the planning proposal built form provides better solar access from 2-3pm compared to the Design Charette recommendation. The Design Charette shows clustering of 10 storey building on all four sides of the park which increases the extent of overshadowing.</p> <p>It is the Department's opinion that the issues relating to 'overshadowing' raised by the IPC have been addressed in Council's amended planning proposal.</p>

1. IPC Issue	2. Community Issue (refer Table 5)	3. IPC Findings	4. Charette Recommendation	5. Council Response	6. Department Assessment
Street walls	<p>Built form – scale and amount of development.</p> <p>Transitional built form.</p> <p>Topography</p>	<p>The significant amount of taller buildings clustered at the centre and to the east of the site would have the potential to create a monolithic street wall effect, including along pedestrian walkways.</p>	-	<p>Recognising the sloping nature of the site, Council's planning proposal transitions from the highest building in the north east of the precinct, nearer to existing tall buildings, to the lowest buildings in the south and west, close to existing low-density dwellings.</p> <p>Council's proposal includes 1,700sqm of pocket parks along Marshall Avenue to moderate the effect of tall buildings. The Design Charette recommendation proposes to remove these parks and replace them with development. This is not supported by Council.</p>	<p>Council's planning proposal considers the sloping nature of the site and positions the tallest buildings in the north-east, close to the St Leonards CBD. This design provides a suitable transition to the existing homes to the west.</p> <p>The planning proposal includes pocket parks along Marshall Avenue to provide some relief from the tall buildings along the east to west pedestrian walkways.</p> <p>Further consideration to the final design of the buildings along the walkway will be considered through the development application stage, to be informed by a new design excellence clause in Lane Cove LEP. This requires development of new buildings within St Leonards South to exhibit design excellence and to achieve the highest standard of architectural, urban and landscape design.</p> <p>It is the Department's opinion that the issue relating to 'street walls' raised by the IPC has been addressed in Council's amended planning proposal.</p>

1. IPC Issue	2. Community Issue (refer Table 5)	3. IPC Findings	4. Charette Recommendation	5. Council Response	6. Department Assessment
Transitions	<p>Transitional built form.</p> <p>Setbacks</p> <p>Zone boundaries and transitions.</p>	<p>The proposal does not adequately transition to the existing residential area to the west and would be out of character with the existing area.</p> <p>Concern regarding impacts to adjacent heritage items along Park Road resulting from the magnitude of proposed development.</p>	<p>Recommendation 10</p> <p>Confirm future intentions of land to the west of the site.</p>	<p>Council support Design Charette Recommendation 10.</p> <p>Council's LSPS notes that no development is foreshadowed in the area to the west to meet Council's 6-10 year housing target.</p>	<p>Council has confirmed that the area to the west of the precinct is not identified for development to meet the 6-10 year housing targets. The area to the west of Park Road will remain R2 Low Density Residential characterised by 1-2 storey detached dwellings.</p> <p>The IPC raised concern about the adequacy of the transition to the existing residential area to the west. In response, Council has undertaken further design work and recommends a reduction of the height of buildings along Park Road from 8 to 6 storeys. In addition, Council propose a clause in the DCP to encourage ground-floor, direct street access, townhouse-style development particularly in Park Road.</p> <p>The amended planning proposal includes large setbacks to buildings along Park Road (10m). The combination of setbacks, reduced heights and opportunity to provide townhouses along Park Road will provide an improved transition to the area to the west.</p> <p>This improved transition, along with the location of the proposed park,</p>

1. IPC Issue	2. Community Issue (refer Table 5)	3. IPC Findings	4. Charette Recommendation	5. Council Response	6. Department Assessment
					<p>will also reduce the impact on the Park Road heritage items.</p> <p>It is the Department's opinion that the IPC issues relating to 'transitions' have been addressed in Council's amended planning proposal</p>
Open space connections	<p>Open space – quantum.</p> <p>Tree canopy cover</p> <p>Commercial development</p>	The planning proposal would allow for several green spines, however many of these are to be private open spaces such that they would not improve connectivity to surrounding open spaces.	<p>Recommendation 1 Plan for a neighbourhood 'heart' for the precinct with centralised facilities.</p> <p>Recommendation 2 Relocate the park to the area around Holdsworth Avenue and Berry Road.</p>	Refer 'Landscape' above.	Refer 'Landscape' above.
Cumulative traffic issues	<p>Traffic</p> <p>Transport – connections to new and existing stations.</p>	The IPC was not satisfied that enough information had been provided to address potential cumulative traffic impacts.	Recommendation 4 Improve connectivity for vehicular and pedestrian movements in, through and from the site.	<p>Council supports Design Charette Recommendation 4.</p> <p>A cumulative transport and accessibility study has been undertaken and concludes that:</p> <ul style="list-style-type: none"> With the Sydney Metro, existing train capacity will “<i>increase by more than twice the existing</i>” which will easily accommodate demand. Additional measures proposed for buses 	<p>Council has considered the cumulative impacts of traffic and the proposal includes recommended improvements to road infrastructure and access to public transport.</p> <p>The Department notes that the management of construction traffic and related issues will be managed through a Construction Management Plan at DA/Construction Certificate stage.</p>

1. IPC Issue	2. Community Issue (refer Table 5)	3. IPC Findings	4. Charette Recommendation	5. Council Response	6. Department Assessment
				<p>should “<i>be sufficient to cater for the additional daily bus trips</i>”.</p> <ul style="list-style-type: none"> Minor upgrading of existing infrastructure will encourage walking and cycling towards both the St Leonards and Wollstonecraft train stations and Crows Nest Metro Station. Relatively minor improvements would be required to maintain a satisfactory network function because of the development. These improvements include removal of the roundabout at the intersection of Marshall Avenue/Berry Road and replace with a give way intersection, and a new road connection between Berry Road and Park Road. These have been incorporated into the planning proposal. 	It is the Department's opinion that the IPC issues relating to 'traffic' have been addressed in Council's planning proposal

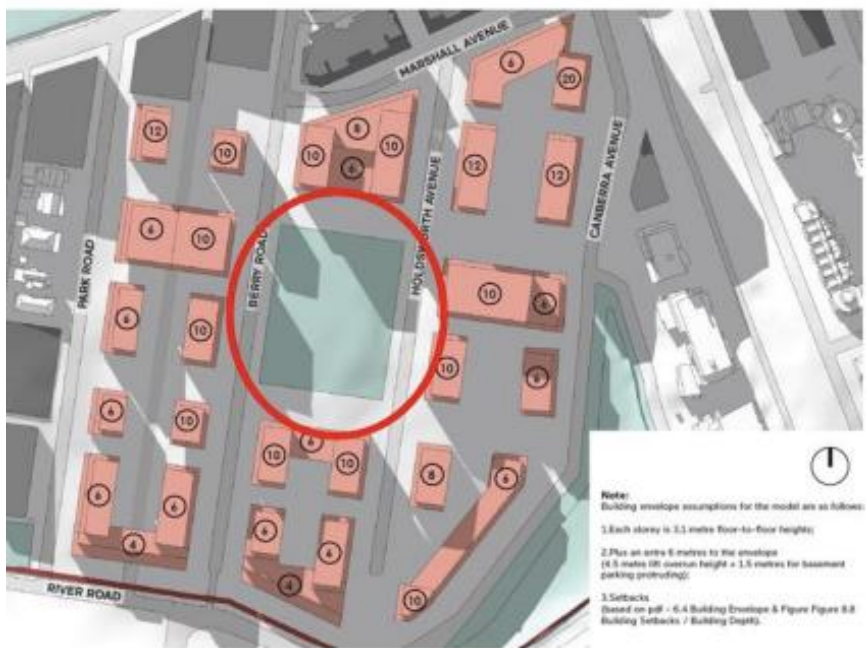
1. IPC Issue	2. Community Issue (refer Table 5)	3. IPC Findings	4. Charette Recommendation	5. Council Response	6. Department Assessment
-	Parking	-	Recommendation 7 Minimise car parking available on the site.	Council support Design Charette Recommendation 7. Council support the use of a maximum parking rate but note that this is a DCP issue and will not impact on the finalisation of the planning proposal and LEP.	The IPC did not raise car parking as a specific issue to be addressed. The IPC commented that <i>'...restriction of street car parking would encourage the use of public transport and potentially reduce the need for residents to use private cars.'</i> Recommendation 7 of the Design Charette was to minimise car parking available on the site. Council note that car parking is a matter to be addressed as a control in the DCP. Bearing in mind the changing nature of the precinct with additional transport options such as the Crows Nest Metro Station Council, Council are supportive of reviewing car park rates. This does not impact the finalisation of the current planning proposal. It is the Department's opinion that the Design Charette recommendation relating to 'car parking' has been addressed in Council's planning proposal.
	Open space – quantum Affordable housing		Recommendation 8 Ensure public benefit and	Council support Design Charette Recommendation 8	Council has undertaken extensive design analysis to identify the most appropriate FSR and height incentives and nominated locations

1. IPC Issue	2. Community Issue (refer Table 5)	3. IPC Findings	4. Charette Recommendation	5. Council Response	6. Department Assessment
	Economic analysis		open space is delivered through planning controls.	<p>The proposed height and FSR incentive clauses have been carefully designed to maximise public benefits of open space, east-west connections, community facilities, childcare and affordable housing. A new Clause 6.10 is proposed to be inserted into the LEP (Attachment 11).</p> <p>Council proposes an amendment to Clause 4.6 to restrict development from contravening Clause 6.10, except for sub clauses 3(a) and 3(b) which relate to site amalgamation and minimum site area.</p>	<p>e.g. affordable housing requirements and new community facilities. These are captured in proposed LEP clauses and mapping.</p> <p>Clause 7.1(1) has been developed to promote the objectives of the St Leonards South Area which include:</p> <p><i>(1) The objective of this clause is to promote, by providing building height and floor space incentives, residential development within the St Leonards South Area that provides for –</i></p> <p><i>(a) community facilities, open space (including communal open space) and high quality landscaped areas</i></p> <p><i>(b) efficient pedestrian and traffic circulation</i></p> <p><i>(c) a mix of dwelling types in residential flat buildings, providing housing choice for different demographics, living needs and household budgets, including by providing affordable housing</i></p>

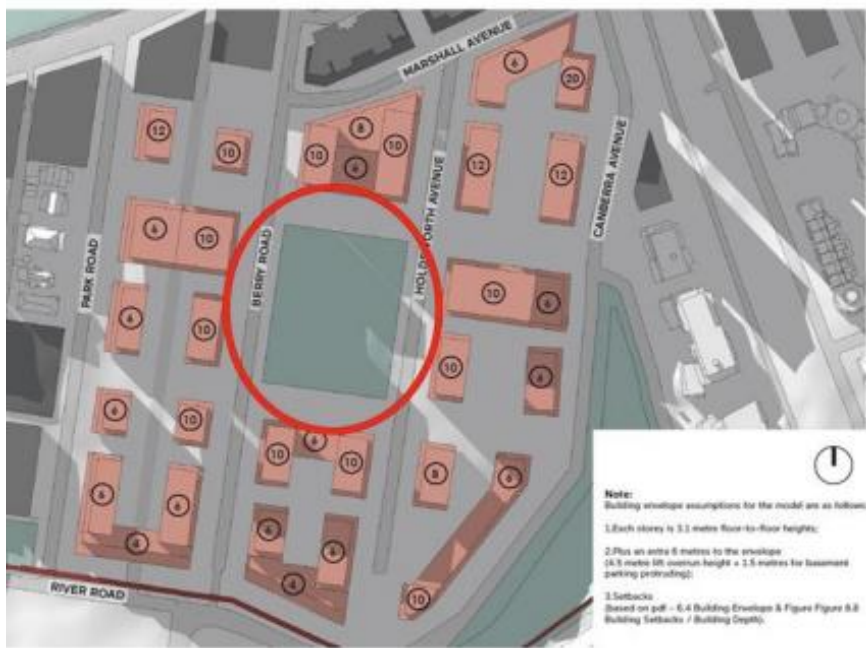
1. IPC Issue	2. Community Issue (refer Table 5)	3. IPC Findings	4. Charette Recommendation	5. Council Response	6. Department Assessment
					<p><i>(d) the amalgamation of lots to prevent the fragmentation or isolation of land.</i></p> <p>Clause 7.1 specifies Areas where the clause can be applied. These Areas require various outcomes to be achieved including consolidation of identified lots into a single lot, affordable housing and design excellence outcomes.</p> <p>Council has recommended a sub-clause 4.6(8) (cb) be introduced to exclude clause 7.1 from being varied except for subclauses 7.1(4)(d) and 7.2 which relates to land amalgamation patterns and minimum lot sizes.</p> <p>This is to ensure that any future development application must be consistent with the provisions of the masterplan introduced under the St Leonards South planning proposal. This includes building height, FSR, provision of public benefits and community infrastructure, design excellence and the objectives of the clause.</p> <p>However, the clause has been designed to acknowledge that the specific land amalgamation patterns sought under the key sites</p>

1. IPC Issue	2. Community Issue (refer Table 5)	3. IPC Findings	4. Charette Recommendation	5. Council Response	6. Department Assessment
					<p>map, and incentive height and FSR maps may not be possible. It allows for alternative land amalgamation schemes to be considered by Council as the consent authority provided an alternative scheme is still able to achieve the objectives of the clause can deliver the nominated public benefit, community infrastructure, landscaping requirements and design excellence in that Area.</p> <p>It is the Department's opinion that the Design Charette recommendation relating to 'ensuring public benefit is delivered thorough planning controls' has been fully addressed in Council's planning proposal.</p>
-	Sustainability	-	<p>Recommendation 11 Leverage the opportunity for best practice sustainable performance.</p>	<p>Council support Design Charette Recommendation 11.</p> <p>Sustainability measures are reflected in the proposed site-specific DCP and Landscape Master Plan.</p> <p>Council's existing DCP also requires buildings to incorporate rainwater reuse and passive solar design techniques.</p>	<p>It is the Department's opinion that the design Charette recommendation relating to 'sustainability' has been addressed in Council's planning proposal.</p>

1. IPC Issue	2. Community Issue (refer Table 5)	3. IPC Findings	4. Charette Recommendation	5. Council Response	6. Department Assessment
-	Tree canopy cover	-	Recommendation 12 Undergo study on existing trees and develop a strategy for any removal and/or replacement.	Council support Design Charette Recommendation 12. A tree study has already been undertaken as part of the Landscape Master Plan. The majority of large trees will be retained in the proposed green spines.	It is the Department's opinion that the Design Charette recommendation relating to 'tree strategy' has been addressed in Council's planning proposal.
-	Built form – character and heritage	-	Recommendation 13 Achieve design excellence through a design excellence strategy and the establishment of a design review panel. Reduce setbacks in east-west transition to Park Road.	Council partly support Design Charette Recommendation 13. Council has resolved to establish a Design Review Panel to ensure a high standard of design is incorporated into future development applications. Council does not support the recommendation to reduce the setbacks to Park Road. This would be contrary to the intention of the design which is to improve the transition to Park Road.	A design excellence clause has will be introduced in Lane Cove LEP to apply to future developments in the precinct. This will ensure that any future development achieves the highest standards of urban, built and landscape design. It is the Department's opinion that the Design Charette recommendation relating to design excellence has been addressed in Council's planning proposal.



CHARRETTE'S PROPOSAL 21 th JUNE - 03:00PM



Figures 17-18: Shadow modelling of the Design Charette proposal, during mid-winter at 2pm (top) and 3pm (bottom) (source: Annand and Associates)

ST LEONARDS SOUTH

Date: 07/05/2020

OPTION 2 - 21 th JUNE - 02:00PM



ST LEONARDS SOUTH

Date: 07/05/2020

OPTION 2 - 21 th JUNE - 03:00PM



Figure 19-20: Shadow modelling of the Council's amended proposal during winter at 2pm (top) and 3pm (bottom) (source: Annand and Associates)

14.2Section 9.1 Directions

14.2.1 Direction 2.3 Heritage Conservation

This direction seeks to conserve items, areas, objects and places of environmental and indigenous heritage significance.

The potential impact on the local heritage listed items at 3, 5 and 7 Park Road was raised in consultation with OEH. In addition, the Gateway determination specifically requested that the planning proposal be updated, further to a heritage impact study.

A *Heritage Impact Statement* was prepared by Dawbin Architects Pty Ltd, to consider this matter. As a result, a number of measures have been adopted by the planning proposal to mitigate impact of the development on the heritage items. This includes:

- The strategic location of the park on Park Road, opposite the heritage items, to enhance local amenity, respond to existing view lines and reduce the potential impact on the heritage curtilage.
- Significant setbacks from the street of the buildings on the western side of Park Road, immediately opposite the heritage items.

The revised planning proposal is considered consistent with Direction 2.3 Heritage Conservation as the heritage listed buildings adjacent to the precinct have been identified and considered in the of the amended proposal design. Proposed buildings opposite the heritage buildings will have a reduced height and increased building setbacks from the road to reduce potential impact of the development on these items.

14.2.2 Direction 3.1 Residential Zones

This direction seeks to encourage a variety of housing types to provide for existing and future housing needs, ensure new housing has appropriate access to infrastructure and services and to minimise the impacts of residential development.

The planning proposal intends to rezone an existing parcel of R2 Low Density Residential to R4 High Residential Development in an infill rather than an urban fringe location. The planning proposal includes a clause to require a minimum of 20% 1, 2 and 3 bedroom apartments within residential development to deliver a variety of housing choice. All future development applications for residential apartments will be referred to a Design Review Panel to ensure future development achieves good design.

The proposal will also create a minimum of 43 affordable dwellings within the precinct as detailed in **Table 8**. Council intends to further allocate these dwellings for the purposes of 'Key Worker Housing' within its DCP to enable any further development to support key workers living in the area and wider St Leonards Health and Education Precinct, such as nurses and teachers.

Table 8 Affordable housing quantum

SLS Key Site Area	Affordable Housing/Key Worker Housing Quantum
Area 1	14 dwellings
Area 2	7 dwellings
Area 3	7 dwellings
Area 4	7 dwellings

SLS Key Site Area	Affordable Housing/Key Worker Housing Quantum
Area 6	2 dwellings
Area 12	2 dwellings
Area 13	1 dwelling
Area 14	2 dwellings
Area 17	1 dwelling

Relevant service agencies have been consulted on the proposal. All services have the capacity or can be upgraded to support the proposed development.

Traffic modelling undertaken by TEF Consulting concluded that 'relatively minor improvements' would be required to maintain a satisfactory network function because of the development. These improvements include:

- Removal of the roundabout at the intersection of Marshall Ave/Berry Road and replace with a Give Way intersection.
- Provide a new road connection between Berry Road and Park Road.

The cumulative traffic assessment noted that the existing T1 Northern Line train service is nearing capacity, but this will be supplemented by the future Crows Nest Metro Station from 2024 which will likely double capacity.

The provisions of the planning proposal relating to road infrastructure and public transport that are inconsistent with Direction 3.1 are considered reasonable and justified by the outcomes of the cumulative traffic assessment.

In terms of school infrastructure, DEC made calculations considering the proposed impacts of the St Leonards South development, plus three properties on the east side of the railway line which have been rezoned and large-scale projects being considered by Willoughby City and North Sydney Councils.

It is expected that the proposal would significantly increase educational demand in the future, potentially requiring significant investment in new education infrastructure. In response, the DEC supports a shift in planning policies, as follows:

- The infrastructure costs of additional teaching spaces to be funded from developer contributions.
- Optimising the size, amenity and function of existing schools so that they afford greater choice and provide contemporary teaching spaces for students.
- Facilitating out of hours shared use of education facilities such as ovals and halls.
- The removal of planning policy barriers to school development.
- Land and floor space dedications and appropriate zoning in areas where a new school is required.
- Streamlined planning approvals for new education infrastructure.

Since DEC provided comments, the Greater Sydney Commission's North District Plan has been adopted. Planning Priority N2 *Working through collaboration*, introduces a new collaborative way

for parties to work together in identified Planned Precincts, such as St Leonards and Crows Nest. Action 8 of the North District Plan notes the Commission's role will be *'to provide expert advice on the significant collaborations for St Leonards'*. This will entail bringing together Councils, government agencies and service providers.

Planning Priority N3 focuses on *Providing services and social infrastructure to meet people's changing needs*. Action 9 aims to *'deliver social infrastructure that reflects the needs of the community now and in the future.'* The North District Plan notes that planning for school facilities requires innovative approaches to the use of land and floor space, including potential co-locations.

Given the intent of Planning Priority N2 and N3 is to work collaboratively with state agencies to find innovative solutions for schools infrastructure, it is considered that the previous comments raised by DEC are entirely consistent with the North District Plan. These issues have been addressed in the revised planning proposal.

The provisions of the planning proposal relating to school infrastructure that are inconsistent with Direction 3.1 are considered reasonable and are justified by their consistency with the Actions and Priorities of the North District Plan.

14.2.3 Direction 3.3 Home Occupations

The proposal is inconsistent with this direction as the proposed R4 High Density Residential zone prohibits 'home occupations' as a permissible land use. According to the direction, *'Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent'*. Given the intent of the planning proposal is to redevelop the area from dwelling houses to individual units this direction should not apply.

Notwithstanding that, the inconsistency is of minor significance as the R4 zone permits other alternative land uses such as 'home businesses' and 'home industries' (only with consent). Definitions of both 'home businesses' and 'home industries' under the Standard Instrument (Local Environmental Plans) Order 2006 are almost identical to 'home occupation' thus achieving the intent of this direction via suitable land use alternatives.

14.2.4 Direction 3.4 Integrating Land Use and Transport

The objectives of Direction 3.4 Integrating Land Use and Transport requires consideration to be given to planning objectives including improving access to housing, jobs and services and increasing choice of available transport.

Parking and Traffic Consultants (PTC) has undertaken an assessment of cumulative impacts of proposed development at both the southern (St Leonards South rezoning area) and eastern sites.

The results of the cumulative Transport and Accessibility Study show that cumulative development levels result in an additional 7,500 residents (around 50% of this is from the rezoning area alone) and 3,700 employees are expected in the Lane Cove portion of St Leonards.

In terms of public transport infrastructure, the following facts are known:

- The existing train service (T1 North Shore line) is nearing capacity which will be supplemented by the future Crows Nest Metro Station from 2024.
- Services offered by the Sydney Metro will likely double the existing city rail capacity at St Leonards and will likely cater for the future public transport demand of this precinct.
- The existing bus network in the locality has good coverage, however, the bus usage at the precinct is relatively low possibly for the unreliable travel time due to high congestion of the Pacific Highway.

The additional demand (created by this planning proposal and other approved proposals in the vicinity) can be accommodated by upgrading the existing local infrastructure as suggested in the report.

The measures described in the Transport and Accessibility study give consideration to the objectives of Direction 3.4 as it:

- Will improve access to housing, jobs and services by making walking, cycling and public transport more attractive.
- Notes the addition of the Metro system in 2024 will increase capacity of the existing public transport network and reduce dependency on cars within the precincts (south and east). It will also reduce travel demand (by car) generated by the development.
- Notes that upon completion of the Metro, relevant State Government agencies will actively consider other public transport (i.e. buses, trains) measures to encourage a public transport system which is more efficient and viable.

The provisions of the planning proposal that are inconsistent with Direction 3.4 Integrating Land Use and Transport are reasonable and justified by the cumulative transport and accessibility assessment prepared in support of the planning proposal.

14.2.5 Direction 3.5 Development Near Regulated Airports and Defence Airfields

The objective of Direction 3.5 is to ensure efficient and safe operation of regulated airports and to ensure their operation is not compromised by development.

St Leonards South is located within the vicinity of the existing Sydney Airport but is not located within the Australian Noise Exposure Forecast (ANEF) contours. The area proposed for rezoning is located outside of the 20 ANEF contour. However, the site is located within the Obstacle Limitation Surface as having an 'Outer Horizontal Surface of 156m AHD'.

This means that if a building exceeds the 156m AHD height restriction they must require approval from the relevant Commonwealth Aviation Authority. It is possible that some buildings within the St Leonards South area may exceed this height restriction.

Similar proposals for taller buildings in the St Leonards area required consultation with the relevant Commonwealth Department's responsible for aviation. Through this process, clause 6.7 Airspace Operations was inserted into the Lane Cove LEP 2009. It states:

'The consent authority must not grant development consent...unless the applicant has obtained approval for the controlled activity under regulations made for the purposes of that Division.'

Further consultation has taken place with CASA as part of the planning proposal who made no comments on the proposal. They requested that the proposal be forwarded to Sydney Airport who raised no objection to building height.

Given that the area is outside of Sydney Airport ANEF noise contours; and the Lane Cove LEP 2009 already contains a clause requiring approval of Commonwealth authorities prior to issuing of development consent, the inconsistency is considered to be of minor significance.

The area is also subject to the Royal North Shore Hospital Helicopter flight path. While it is not subject to the same Commonwealth rules and regulations as Sydney Airport, it was raised by Northern Sydney Local Health District. No objections were raised during consultation with Royal North Shore Hospital and Northern Sydney Local Health District. Given that the St Leonards South area is located within the 'Preferred Helicopter Approach Path' the provisions of the Lane Cove LEP 2009 clause 6.7 should also be applied to the Helicopter flight path.

14.2.6 Direction 6.1 Approval and Referral Requirements

This direction states that a planning proposal must:

(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and

(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:

(i) the appropriate Minister or public authority, and

(ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and

(c) not identify development as designated development unless the relevant planning authority:

(i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and

(ii) has obtained the approval of the Director General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.

Council's resolution from its 13 July 2015 meeting specifies that prior to the exhibition of the Draft LEP, it will:

- Obtain firm commitments from each of the relevant government agencies responsible for the delivery of infrastructure to deliver the required infrastructure, in particular the Department of Education and RMS.
- Meet with the Department of Education to pursue the commitments to the provision of education accommodation.

Consultation has already occurred with government agencies during the planning proposal process. In-principle support was received from all of those agencies who replied.

The proposal does not seek to introduce any LEP mechanisms that require concurrence, consultation or referral to Government agencies. Hence, the planning proposal is consistent with this direction.

14.2.7 Direction 6.2 Reserving Land for Public Purposes

The objective of Direction 6.2 is to facilitate the provision of public services and facilities by reserving land.

The proposal includes provisions to rezone new land for RE1 Public Recreation purposes, there is also provision for a new local road (between Park to Berry Road). The need for an additional local road was identified in Council's traffic studies during the master planning phase, to improve traffic flow. This road is considered to be essential to maintain current and future efficient traffic flow in the precinct.

Under the master plan, open space is to be provided by developers. Various mechanisms including: land dedications, central green spines, community facilities were tested and proven to be feasible for both developers and Council. However, a larger open space is proposed to be within the Park Road East to Berry Road West area. Given the large number of predicted residents that this precinct will generate, this additional open space is also considered to be necessary to ensure a high level of liveability for the area.

The proposal is considered to be consistent with this direction.

14.2.8 Direction 6.3 Site Specific Provisions

The objective of Direction 6.3 is to discourage unnecessarily restrictive site-specific planning controls.

A new LEP clause is proposed to be inserted into the Lane Cove LEP 2009 as part of this proposal. It specifies that certain development sites must include a specific land use prior to development consent being issued. However, this inconsistency is considered to be of minor significance as the intent of these provisions is considered justified in the master plan itself.

The master plan identified certain sites, closest to the railway station, which could receive floor space and height increases in return for public benefit. These benefits were in the form of more open space, community facilities, through site connections. Such provisions would need to be transferred into Council's LEP in order to achieve the vision of the master plan.

Hence, without these specific land uses being mandated in the LEP, these benefits would potentially not be delivered as intended if at all. Imposing these restrictions on specific sites is not considered to be unreasonable or unnecessary. It provides benefit to the developer as it results in more floor space and coupled with open space through site links, makes it more attractive to potential buyers. It is also beneficial to Council as local infrastructure is provided at the same time as development occurs.

The provisions of the planning proposal that are inconsistent with Direction 6.3 Site Specific Provisions are reasonable and justified by the master plan prepared in support of the planning proposal.

14.2.9 Direction 7.1 Implementation of A Plan for Growing Sydney

The planning proposal is consistent with this direction as it will *'give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney'*.

The planning proposal is consistent with the objectives, directions and actions of the *Metropolitan Strategy: A Plan for Growing Sydney*. St Leonards is identified as a Strategic Centre in A Plan for Growing Sydney. These centres are defined as *"locations that currently or are planned to have at least 10,000 jobs*. These are priority locations for employment, retail, housing, services and mixed uses'.

Council's Master Plan proposes to increase residential densities in the area surrounding both the St Leonards railway line and strategic centre, while still maintaining high-level amenity. The planning proposal seeks to implement its vision as it will also assist St Leonards in achieving its role as a Strategic Centre.

14.3 State Environmental Planning Policies

14.3.1 SEPP 55 Remediation of Land

This policy deals with the remediation of contaminated land and is applicable when either rezoning land or considering a development application.

Under clause 6, a planning authority (when rezoning) must consider:

- Whether the subject land is contaminated.
- If it is, whether the proposed zone is suitable for the permissible uses of the new zone.
- If the land requires remediation to make the land suitable for the proposed zone.

No evidence has been provided confirming that the land within St Leonards South is contaminated. Considering the land has been used for low density residential housing for an extended period of time it is unlikely that the subject site is contaminated. Further testing can be carried out at development application stage if necessary.

14.3.2 SEPP 65 Design Quality of Residential Apartment Development

This policy applies to development for purposes of residential flat buildings, shop top housing or mixed-use development with a residential component.

The St Leonards South Master plan was designed with the aim that all buildings, within and adjoining the precinct would be able to achieve the requirements of SEPP 65 and the accompanying ADG.

Built form analysis focused on buildings within the precinct that would generally be able to achieve the minimum provisions of the ADG provided that:

- Buildings were orientated in north-south alignment only.
- There was a 12-metre building setback from the rear boundary (this allows for 24 metres separation between buildings).
- Given the proximity to adjoining residential houses – a high level of street tree planting is essential to obtain visual transition.

While previous building envelope modelling indicated that most buildings would generally be able to comply with most of the ADG provisions, 2 hours solar access in mid-winter has proved difficult to achieve across the precinct.

Due to the south facing slope of the precinct, some buildings are only able to achieve 1.5 hours solar access in mid-winter. Objective 4A-1 of the ADG makes allowances for this: *Achieving the design criteria may not be possible on some sites.* This includes:

- *Where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source.*
- *On south facing sloping sites.*
- *Where significant views are oriented away from the desired aspect for direct sunlight design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the objective.*

These, along with other, controls have been implemented in the draft site-specific DCP for the St Leonards South area.

As part of Council's resolution, a SEPP 65 Design Review Panel will also be established for this precinct.

14.3.3 SEPP 70 Affordable Housing (Revised Schemes)

The planning proposal does not contain provisions that would be inconsistent with, or hinder the application of the SEPP.

14.3.4 Affordable Rental Housing SEPP 2009

The planning proposal is not inconsistent with the Affordable Rental Housing SEPP (AHSEPP) as it enables a component of affordable housing to be incorporated into the development and contributes toward the supply and diversity of affordable rental and social housing in the state.

Council has introduced an incentive-style mechanism which previously included site-specific bonuses for a component of affordable housing. Although this has now been amended to refer to 'affordable housing', the planning proposal is still consistent with the FSR bonus scheme provided under the AHSEPP.

Clause 13 of the AHSEPP sets out the rules and formulae for calculating bonus affordable housing floor space.

13 Floor space ratios:

(1) This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.

(2) The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:

(a) if the existing maximum floor space ratio is 2.5:1 or less:

(i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or

(ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:

AH is the percentage of the gross floor area of the development that is used for affordable housing.

$$Y = AH \div 100 \text{ or}$$

(b) if the existing maximum floor space ratio is greater than 2.5:1:

(i) 20 per cent of the existing maximum floor space ratio—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or

(ii) Z per cent of the existing maximum floor space ratio—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:

AH is the percentage of the gross floor area of the development that is used for affordable housing.

$$Z = AH \div 2.5$$

The formulas in Clause 13 of the AHSEPP explain that the application of bonus FSR depends on existing maximum floor space ratio and how much gross floor area is used for affordable housing. Therefore, if less than 50 per cent of the gross floor area of the development is used for affordable housing then any additional FSR bonus must be less than 20 per cent of the existing FSR.

In relation to the St Leonards South planning proposal, it is expected that sites in the precinct will be able to achieve a maximum FSR of between 2.6:1-3.85:1 if the preferred amalgamation pattern, community facilities, open space and high level of landscaping is provided on a site by site basis. In order for the sites closest to St Leonards Station to qualify for additional FSR, certain sites were required to deliver specific outcomes, based on economic feasibility testing completed by HillPDA.

Initial analysis by HillPDA demonstrated that it was not feasible for every site to deliver affordable housing. As a result, only nine sites were recommended to include affordable housing.

By analysing the formulas in the SEPP, it is clear that the maximum additional FSR bonus (in this instance) for each development cannot exceed 20%. **Table 9** demonstrates, the proposed bonuses are well within the allowable range permitted.

Table 9 Calculated FSR bonus for St Leonards South

Column 1	Column 2	Column 3	Column 4	Column 5
Area	No of Units	% of total stock (by enclosed floor area)	Equivalent gross floor area in column 3 (as a %)	Applicable FSR bonus (Z = column 4 / 2.5)
Base case	nil	nil	nil	nil
Area 1	14	8.7%	9.1%	4.64%
Area 2	7	6.7%	7%	2.8%
Area 3	7	6.7%	7%	2.8%
Area 4	7	6.7%	7%	2.8%
Area 6	2	1.9%	2%	0.8%
Area 12	2	1.9%	2%	0.8%
Area 13	1	1%	1.05%	0.6%
Area 14	2	1.9%	2%	0.8%
Area 17	1	1%	1.05%	0.6%
Max SEPP case			Less than 50%	Less than 20%

In conclusion, Council has utilised incentives in a manner that is consistent with the AHSEPP bonus provisions. The aim is to encourage developments closest to St Leonards Station to provide affordable housing within the precinct.

14.3.5 SEPP State and Regional Development 2011

While St Leonards South does not contain land that is declared as either State Significant Development or State Significant Infrastructure it is within the vicinity of Critical State Significant Infrastructure being the Crows Nest Metro Station.

Under Schedule 5 the area is associated with the Sydney Metro City and Southwest project. The development is for construction of stations and associated underground rail infrastructure for the Sydney Metro project.

However, *‘the development does not include surveys, test drilling, test excavations, geotechnical investigations, contamination investigations or other tests, surveys, sampling or works for the purposes of the design or assessment of Sydney Metro City and Southwest’*.

The planning proposal is still consistent with this policy as it does not contain provisions that would be inconsistent with, or hinder the application of the SEPP.

14.4 State, Regional and District Plans

14.4.1 Greater Sydney Region Plan – A Metropolis of Three Cities

The Greater Sydney Region Plan sets a vision up to 2056 and seeks to establish a 20-year plan to manage growth and change for Greater Sydney in the context of economic, social and environmental matters. It provides objectives and directions to inform district and local plans and the assessment of planning proposals.

The Lane Cove LGA is located within the Eastern Harbour City, which is projected to grow from 2.4 million people in 2016 to 3.3 million people by 2036.

St Leonards is identified as a Strategic Centre in the Region Plan. These centres vary in size, location and mix of activities. They enable access to a wide range of goods, services and jobs.

Council's planning proposal proposes to increase residential densities in the area surrounding both St Leonards Station and strategic centre, while still maintaining high-level amenity. The planning proposal seeks to implement the Region Plan's vision as it will also assist St Leonards in strengthening its role as a Strategic Centre.

The planning proposal supports the following of the Region Plan's 10 Directions and 40 Objectives as summarised in **Table 10**.

Table 10 Assessment of the planning proposal against the Region Plan Directions and Objectives

Directions and Objectives	Proposal's Consistency
Direction – A city for people Objective 6 – Services and infrastructure meet communities' changing needs Objective 7 – Communities are healthy, resilient and socially connected	<p>The proposal will change the demographics of the St Leonards South precinct and services and infrastructure will be provided to meet the communities' needs.</p> <p>Public open space and community facilities will be provided within the precinct. In addition, the precinct is close to St Leonards centre where a range of services currently exist including various forms of transport, the Royal North Shore Hospital and the Sydney CBD.</p> <p>Opportunities to access new and existing services and social infrastructure will be achieved through the proposal's design including wide, tree lined pedestrian and cycle only streets.</p>
Direction – Housing the city Objective 10 – Greater housing supply Objective 11 – Housing is more diverse and affordable	<p>The Eastern Harbour City has a 5-year housing target of 46,550 dwellings (to 2021). The proposal will deliver approximately 1,974 dwellings with a minimum 20% 1, 2 and 3 bedroom mix in residential apartments catering for different housing needs and choice. The proposal will also create 41 affordable dwellings within the development.</p> <p>The proposal is an urban renewal location close to the St Leonards strategic centre and rail station and the future Crows Nest Metro Station. New housing will be created in a good location, close to local infrastructure and jobs.</p>

Directions and Objectives	Proposal's Consistency
<p>Direction – A city of great places</p> <p>Objective 12 – Great places that bring people together</p> <p>Objective 13 – Environmental heritage is identified, conserved and enhanced</p>	<p>The planning proposal is supported by a master plan which focuses on place-based planning. Prioritising people friendly public realm and open space has been a key design principle. Safe and attractive walkable streets have been included in the design to encourage walking and cycling and to provide access to the existing services and infrastructure of St Leonards.</p> <p>Heritage listed buildings adjacent to the precinct have been identified and considered in the design. Proposed buildings opposite the heritage buildings will have a reduced height and increased building setbacks from the road to reduce potential impact of the development.</p>
<p>Direction - A well connected city</p> <p>Objective 14 – A Metropolis of Three Cities: integrated land use and transport centres creates walkable and 30-minute cities</p>	<p>The proposal enables future residents to be within a 30-minute walk, cycle or public transport trip of St Leonards and the other nearby strategic centres of North Sydney, Sydney CBD, Chatswood and Macquarie Park.</p>
<p>Direction – A city in its landscape</p> <p>Objective 30 – Urban tree canopy is increased</p> <p>Objective 31 – Public open space is accessible, protected and enhanced.</p>	<p>The proposal includes a tree planting strategy to introduce urban tree canopy cover to all streets and open space. The master plan has been designed to include an accessible network of public and private open space including a large central park, extension to existing Newlands Park and tree lined pedestrian and cycle streets.</p>

14.4.2 North District Plan

The North District Plan was released in March 2018 and establishes the planning priorities for improving the quality of life for residents as the district grows and refines the previous work commenced by the Greater Sydney Region Plan.

An assessment of the relevant priorities of the North District Plan are provided within **Table 11**.

Table 11 Consistency with the North District Plan

Greater Sydney Region Plan Direction	North District Plan Priority	Proposal's Consistency
A city for people	<p>N3: Providing services and social infrastructure to meet people's changing needs.</p> <p>N4: Fostering healthy, creative, culturally rich and socially</p>	<p>The proposal will change the demographics of the St Leonards South precinct and services and infrastructure will be provided to meet the communities' needs. Public open space and community facilities will be provided within the precinct.</p> <p>In addition, the precinct is close to St Leonards centre where a range of services currently exist including various forms of transport, the Royal North Shore Hospital and the Sydney CBD.</p> <p>Opportunities to access new and existing services and social infrastructure will be achieved through the proposal's</p>

Greater Sydney Region Plan Direction	North District Plan Priority	Proposal's Consistency
	connected communities.	design including wide, tree lined pedestrian and cycle only streets.
Housing the city	N5: Providing housing supply, choice and affordability, with access to jobs, services and public transport.	<p>The Eastern Harbour City has a 5-year housing target of 46,550 dwellings (to 2021). The proposal will deliver approximately 1,974 dwellings with a minimum 20% 1, 2 and 3 bedroom mix in residential apartments catering for different housing needs and choice. The proposal will also create 43 affordable homes within the development.</p> <p>The proposal is an urban renewal location close to St Leonards strategic centre and rail station and the future Crows Nest Metro Station. New housing will be created in a good location, close to local infrastructure and jobs.</p>
A city of great places	N6: Creating and renewing great places and local centres, and respecting the district's heritage	<p>The proposal is supported by a master plan which focuses on place-based planning. Prioritising people friendly public realm and open space has been a key design principle.</p> <p>Safe and attractive walkable streets have been included in the design to encourage walking and cycling and to provide access to the existing services and infrastructure of St Leonards.</p> <p>Heritage listed buildings adjacent to the precinct have been identified and considered in the design. Proposed buildings opposite the heritage buildings will have a reduced height and increased building setbacks from the road to reduce potential impact of the development.</p>
A well connected city	N12: Delivering integrated land use and transport planning and a 30-minute city	The proposal enables future residents to be within 30-minutes walk, cycle or public transport trip of the St Leonards strategic centre and other nearby centres.
A city in its landscape	<p>N19: Increasing urban tree cover and delivering Green Grid connections.</p> <p>N20: Delivering high quality open space.</p>	<p>The proposal includes a tree planting strategy to introduce urban tree canopy cover to all streets and open space.</p> <p>The master plan has been designed to include an accessible network of public and private open space including a large central park, extension to existing Newlands Park and tree lined pedestrian and cycle streets.</p>

14.4.3 Lane Cove Council Local Strategic Planning Statement

The Lane Cove Local Strategic Planning Statement (LSPS) was adopted in March 2020. It outlines the 20-year vision, planning priorities and actions for land use in Lane Cove LGA. It translates the structure plan of the Region Plan and North District Plan to a local level.

The planning proposal is consistent with the following Planning Priorities that have been established in the LSPS in response to the Directions of the Region Plan (**Table 12**). Specifically, Planning Priority 5 identifies the St Leonards South proposal as an area that will be rezoned and will contribute to Council's 6-10 year housing target.

Table 12 Assessment of the planning proposal against the Lane Cove LSPS Planning Priorities

Region Plan Direction	LSPS Planning Priorities	Proposal's Consistency
A city for people	LSPS Planning Priority 4: Facilitate socially connected communities and enhance our culture identity.	The proposal will change the demographics of the St Leonards South precinct and services and infrastructure will be provided to meet the communities' needs. Public open space and community facilities will be provided within the precinct. Opportunities to access new and existing services and social infrastructure will be achieved through the proposal's design including wide, tree lined pedestrian and cycle only streets.
Housing the city	LSPS Planning Priority 5: Plan for the growth of housing that creates a diverse range of housing types and encourages housing that is sustainable, liveable, accessible and affordable.	The Eastern Harbour City has a 5-year housing target of 46,550 dwellings (to 2021). The proposal will deliver approximately 1,974 dwellings with a minimum 20% 1, 2 and 3 bedroom mix in residential apartments catering for different housing needs and choice. The proposal will also create 41 affordable homes within the development. The proposal is an urban renewal location close to St Leonards strategic centre and rail station and the future Crows Nest Metro Station. New housing will be created in a good location, close to local infrastructure and jobs.
A city of great places	LSPS Planning Priority 6: Create and renew public spaces and facilities to improve our community's quality of life.	The proposal is supported by a master plan which focuses on place-based planning. Prioritising people friendly public realm and open space has been a key design principle. Safe and attractive walkable streets have been included in the design to encourage walking and cycling and to provide access to the existing services and infrastructure of St Leonards.
A well connected city	LSPS Planning Priority 7: Facilitate location of a diverse range of retail, commercial and industrial business in Lane Cove.	The proposal enables future residents to be within 30-minutes walk, cycle or public transport trip of the St Leonards strategic centre and other nearby centres.

Region Plan Direction	LSPS Planning Priorities	Proposal's Consistency
A city in its landscape	LSPS Planning Priority 10: Enhance our urban tree canopy, bushland and water ways.	The proposal includes a tree planting strategy to introduce urban tree canopy cover to all streets and open space.

13 Mapping

The planning proposal seeks to revoke the following map sheets, as set out in **Table 13**.

Table 13 LEP maps to be revoked

Current Map Sheet	Current Map Identification Number
Land Zoning Map: LZN_004	4700_COM_ LZN_004_010_20200120
Lot Size Map: LSZ_004	4700_COM_ LSZ_004_010_20090923
Land Reservation Acquisition Map: LRA_004	4700_COM_ LRA_004_010_20121113

The planning proposal seeks to adopt the following map sheets, as set out in **Table 14**.

Table 14 LEP maps to be adopted

New Map Sheet	New Map Identification Number
Land Zoning Map: LZN_004	4700_COM_ LZN_004_010_20200710
Lot Size Map: LSZ_004	4700_COM_ LSZ_004_010_20200710
Land Reservation Acquisition Map: LRA_004	4700_COM_ LRA_004_010_20200710
Incentive Floor Space Ration Map: IFSR_004	4700_COM_ IFSR_004_010_20200710
Incentive Height of Buildings Map: IHOB_004	4700_COM_ IHOB_004_010_20200710
Key Sites Map: KSY_004	4700_COM_KSY_004_010_20200818

The mapping (**Attachment Maps**) and map cover sheet (**Attachment MCS**) have been checked by the Department's e-planning data and information team and are considered to be adequate. The mapping and signed map cover sheet will be forwarded to Parliamentary Counsel's Office following notification of the LEP amendment.

14 Consultation with Council

Council was consulted on the terms of the draft instrument (**Attachment LEP**) under section 3.36(1) of the *Environmental Planning and Assessment Act (1979)* (**Attachment M**).

On 26 August 2020, Council advised that whilst some of the provisions were not consistent with its preferred approach, the rezoning would nevertheless be made. (**Attachment N**).

15 Parliamentary Counsel Opinion

On 27 August 2020, Parliamentary Counsel provided its final opinion (**Attachment PC**) confirming that the proposed LEP can be legally made.

16 Recommendation

The planning proposal enables the redevelopment of the St Leonards South area to provide for residential development close to the St Leonards strategic centre and train station and future Crows Nest Metro Station. The development will enable new community facilities and child care centre, new open space, private-shared green spines, east-west pedestrian/cycle connectivity, affordable housing and a new local road to improve access.

Subsequent to its public exhibition, the planning proposal was referred to the IPC for advice and has been reviewed by the Government Architect NSW and members of the State Design Review Panel through a Design Charette. Council has considered the issues raised by stakeholders during public exhibition, the IPC's advice and the recommendations contained within the Design Charette Outcomes and Recommendations Report in finalising the planning proposal.

Council has considered and satisfied all of the Gateway conditions. Council has also considered and adequately addressed the issues raised in the IPC's advice and the recommendations of the Design Charette.

The Department is satisfied that Council's post-exhibition changes to the planning proposal are directly in response to public exhibition, the IPC's advice and the Design Charette Outcomes and Recommendations Report. The amended proposal has satisfactorily reduced the impact of any future development on surrounding sensitive low density residential areas, current and proposed public open space, infrastructure and traffic and parking.

Council's response to submissions (**Attachment K1-K2**) adequately addresses all key issues in relation to the planning proposal raised during public exhibition.

Considering that the amended planning proposal results in a reduced development impact and has been the subject of significant community consultation including the master planning stage, public exhibition of the planning proposal, Council's post exhibition design review workshop, and the public hearing during the IPC review, the Department is satisfied that no further community consultation for the planning proposal is required prior to finalisation.

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the *Environmental Planning and Assessment Act 1979* because:

- The proposal has demonstrated strategic merit and is consistent with the Directions and Priorities of the Greater Sydney Region Plan, the North District Plan and the Lane Cove Local Strategic Planning Statement.
- There are no unresolved inconsistencies with the applicable Section 9.1 Directions or SEPPs.
- There is no unresolved objection from relevant Government agencies and public authorities.
- The issues raised in the submissions have been satisfactorily addressed by Council.
- The proposal will encourage residential development which exhibits design excellence and the highest standard of architectural, urban and landscape design, in an infill location, close to public transport and the St Leonards strategic centre.
- The proposal will provide public benefit to the community through the provision of public open space, community facilities, child-care centre, east-west pedestrian/cycle connectivity and 43 affordable homes.
- Subject to the proposed amendments to the LEP, adoption of the site-specific DCP and further detail at the DA stage, the proposal:
 - Is an appropriate scale, density and height for the locality and does not have undue impacts on adjacent properties.
 - Will assist in providing housing choice in the area with a minimum of 20% of 1, 2 and 3 bedroom units to be provided in residential development.
 - Will encourage a high standard of design to be incorporated into future DAs with the establishment of a Design Review Panel.




26 Aug 2020

Stewart Doran
A/ Manager, North District
Eastern Harbour City
Greater Sydney, Place and Infrastructure

Luke Downend
A/ Director, North District
Eastern Harbour City
Greater Sydney, Place and Infrastructure

Assessment Officers

Nick Armstrong
 Senior Planning Officer,
 North District
 8275 1219

Stewart Doran
 A/ Manager, North District
 9373 2837

Luke Downend
 A/ Director, North District
 8217 2034

Attachments

Attachment	
A	Planning proposal
B1-B9	Planning proposal supporting documents
C	Gateway determination
D	Council response to Gateway conditions
E1-E4	Gateway alterations
F1-F12	Public agency submissions
G	Referral of planning proposal to IPC
H	IPC advice
I	Design Charette Terms of Reference
J	Design Charette Outcomes and Recommendations Report
K1-K2	Council's finalisation report and response to issues raised
L	Council's resolution
M	Section 3.36 consultation with Council
N	Council's support for draft LEP
PC	Final Parliamentary Counsel Opinion
Maps	Draft LEP maps
LEP	Draft Local Environmental Plan
MCS	Map Cover Sheet
Council	Letter to Council notifying LEP has been made