



Lane Cove Council

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Ms Carolyn McNally
Secretary
NSW Department of Planning &
Environment
23-33 Bridge St
SYDNEY NSW 2000

Attention: Ms Carina Lucchinelli

Dear Ms McNally,

Re: Planning Proposal 25 - Response to Gateway Conditions

The purpose of this letter is to respond to Gateway conditions set for the Planning Proposal for the St Leonards South Precinct.

Background

The St Leonards South Master Plan was undertaken by AAUD planning consultants and approved by Council on 13 July 2015. After detailed planning work and additional legal advice, Council formally submitted Planning Proposal 25 and associated documents to NSW Planning & Environment on 19 May 2016.

The Local Environmental Plan amendment for the St Leonards South Precinct (Planning Proposal 25) was granted approval by the LEP Panel on 2 September 2016. This was subject to a number of conditions being satisfied, prior to public exhibition.

A range of specific studies have been completed to address the concerns of the Gateway Determination. Based on these, Council has updated its Planning Proposal and submits the following to the Department for review.

Response to Gateway Determination

- a) *justify the inconsistency with s.117 Direction 2.3 Heritage Conservation, via a study to assess the impacts of the proposal on local heritage houses located at 3, 5 and 7 Park Road.***

A Heritage Impact Statement has been prepared by Dawbin Architects Pty Ltd to address this matter.

The existing provisions of the Planning Proposal included a targeted location of the local park immediately opposite the heritage items in Park Road and significant stepping back of future building facades in the vicinity of these heritage items both at the street level and progressively up the western side of the building.

In particular, the strategic placement of the proposed local park will create open space corridors which provide for enhanced local amenity while responding to

existing view lines and reducing potential impact on the significant curtilage of the three heritage items.

At a precinct level, buildings have been designed to transition (in maximum building height) down from high rise in the north and east at St Leonards train station down to low rise in the west towards the heritage items.

Further building controls will be included in a future DCP for the St Leonards South precinct to improve the urban design quality of future development.

This study concludes that the provisions in the Planning Proposal (and supporting documents) will minimise the impact of development to an acceptable level with respect to the heritage items at 3, 5, and 7 Park Road.

Therefore the provisions of the Planning Proposal that are inconsistent with Section 117 Direction 2.3 Heritage Conservation have been ameliorated and are of minor significance. The full heritage study is attached to this letter and will be made publicly available at the exhibition stage.

b) justify the inconsistency s.117 Direction 3.1 Residential Zones and s.117 Direction 3.4 Integrating Land Use and Transport, via a traffic and accessibility study focussing on the impacts of the current proposal and other approved proposals in the immediate area.

Separate cumulative impact assessments were undertaken in support of the planning proposal to give consideration to the objectives of Direction 3.1 Residential Zones and 3.4 Integrating Land Use and Transport.

Both studies assessed the cumulative impacts caused by proposed development levels on both the southern (St Leonards South rezoning area and Loftex) and eastern (Winten, Mirvac, New Hope & VIMG) sides of the precinct.

Cumulative impacts relating to traffic were assessed by TEF consulting and accessibility was assessed by Parking and Traffic Consultants. The findings of are summarised below.

Traffic

Council originally commissioned Transport Modellers Alliance to model traffic based on future development scenarios up to 2021 for:

- (i) Partial rezoning from Canberra Avenue to Berry Road (potential 2,200 dwellings),
- (ii) Partial increased rezoning from Canberra Avenue to Berry Road with an extension of Park Road (options for potential 2,800, 3,000 and 3,200 dwellings), and
- (iii) Full rezoning from Canberra Avenue to Greenwich Road (potential 5,000 dwellings).

Each scenario was assessed against a future “base” of no development (i.e. the existing controls in St Leonards South, plus current planning proposals, especially east of the rail line). Likely network upgrades (about future traffic control measures in the area) were factored into testing traffic impacts measured in two ways:

- a) functionality of 10 local intersections, as well as

- b) impacts on total vehicles hours travelled in the local network, especially in the AM peak. The conclusion, based on the modelling the impact of each scenario, is as follows:-

Development Scenarios	Potential Dwellings	Results
Partial rezoning recommended by Council's original Master Plan (Canberra Ave to Berry Rd)	2,200	Feasible. An additional exit lane would be required at Berry / Pacific (removal of a few car spaces at the northern end of Berry Rd).
Partial increased rezoning, including Berry to Park Rd extension	2,800; 3,000; and 3,200.	Feasible. New lights are not likely to be supported by Roads and Maritime Services at Park Rd, due to proximity to existing lights at Berry and Greenwich Rds. With an E-W link [Berry-to-Park], the Berry /Pacific intersection would operate at maximum thresholds i.e. be feasible with delays particularly at the A.M. peak period.
Full rezoning from Canberra Avenue to Greenwich Road (entire Master Plan precinct)	5,000	Not feasible. The complex series of major network upgrades required would be difficult to plan and be approved. River Rd would fail at key intersections.

“Feasible” means anywhere between acceptable and at capacity, however, they assume the minimum network upgrades recommended are undertaken.

In terms of impacts upon the broader traffic network, it is recommended that development that will result in above the original Master Plan dwelling numbers, should require certainty of network upgrade works and “3rd party approvals” (likely from Roads and Maritime Services).

These scenarios also included potential for mixed use re-development along Pacific Highway Commercial Core. Council resolved not to proceed with rezoning for the existing commercial properties along the Highway but extend the rezoning to Park Road (east). This was in response to comments from other Gateway Determination's in the same area by NSW Planning & Environment.

As a result, the provisions of the Planning Proposal (including LEP bonuses) result in a potential for 2,400 new dwellings. This effectively reduces the number of proposed dwellings to a level that is in between the traffic model's partial rezoning of 2,200 dwellings and the lower Park Rd extension of 2,800 dwellings scenarios.

The final cumulative model (for both the St Leonards South and East precincts) was undertaken by TEF consulting in April 2017 and developed in conjunction with Transport for NSW and Roads and Maritime Services. The report concluded:

*Modelling indicates that “relatively minor improvements” would be required to maintain satisfactory network function as a result of **all** development.*

Furthermore, these improvements (illustrated in Figure 4 on Page 9) would “be required regardless of the approved and proposed developments subject of this report”.

The report recommended that the proposed infrastructure required for both the St Leonards South and East is as follows:

- Removal of the roundabout at the intersection of Marshall Ave/Berry Road and replace with a Give Way intersection*, and
- Provide a new road connection between Berry Road and Park Road.
- No infrastructure improvements are recommended for the St Leonards East Precinct.

** However it is recommended that the measure involving the proposed removal of the roundabout be further investigated in detail at the Development Application stage.*

These recommendations were incorporated into this Planning Proposal for St Leonards South Rezoning area and other developments within the vicinity. This Planning Proposal already includes a new vehicular connection between Berry Road and Park Road. Although the removal of the roundabout aspect is recommended to be investigated further at the Development Application stage, this is due to a software issue and does not affect the overall model or its results. This was agreed to by NSW Roads and Maritime, as stated in the report.

The full cumulative traffic report is attached to this letter and will be made publicly available at the exhibition stage.

Therefore, the provisions of the Planning Proposal that are inconsistent with both Direction 3.1 Residential Zones and Direction 3.4 Integrating Land Use and Transport are justified by the cumulative traffic assessment prepared in support of the Planning Proposal.

Transport and Accessibility

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 in the Lane Cove portion of St Leonards.

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

- *“The existing train service (T1 line) is nearing capacity which will be supplemented by the future Crows Nest Metro from 2024;*
- *The Sydney Metro will likely double the existing city rail capacity at St Leonards and will likely cater for the future public transport demand at 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 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;
- 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; and
- 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 full cumulative transport and accessibility report is attached to this letter and will be made publicly available at the exhibition stage.

Therefore, the provisions of the Planning Proposal that are inconsistent with both Direction 3.1 Residential Zones and 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.

Education Infrastructure

The Department's *A guide to preparing planning proposals* allows Councils to consider any draft District Plan within the Greater Sydney Region that has been released for public comment.

Previous comments made by NSW Education & Communities in relation to St Leonards South are consistent with Liveability Priority 10 and Action P4 of the Draft North District Plan. Therefore, the Planning Proposal is in accordance with both 'A Plan for Growing Sydney' and the 'Draft North District Plan' which give consideration to the objectives of both Directions.

At the time of the Draft Master Plan in 2015, the Department of Education and Communities had already calculated the cumulative impact of the proposed St Leonards precinct.

Overall, NSW Education and Communities were supportive of a shift in planning decisions and policies which would encourage:

- *“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; and*
- *land and floor space dedications and appropriate zoning in areas where a new school is required; and streamlined planning approvals for new education infrastructure”.*

However, notwithstanding these comments, Council's resolution from its 13 July 2015 meeting was to 'obtain firm commitments' from infrastructure agencies (i.e to ensure that education infrastructure is able to meet demand) prior to exhibition. In accordance with this, NSW Education was contacted to resolve this matter, and responded on 28 October 2016 (see attached letter).

In addition to its previous comments (in 2015) it was stated that current planning for education infrastructure:

“is being undertaken in liaison with NSW Department of Planning and Environment”.

Furthermore, NSW Education *“is monitoring the range of Planning Proposals in Lane Cove and adjacent Local Government Areas in order to factor the anticipated growth into its enrolment estimates on which classroom numbers will be planned”.*

Since that time, the Draft North District has introduced Action P4 which identifies:

“St Leonards as a Collaboration Area. Subject to the availability of resources, we will assist in facilitating a partnership with State agencies and local governments to coordinate growth in the area”.

In order to fund such growth *“A Special Infrastructure Contribution will be considered as an option to fund transport, open space and community and education facilities”.*

In addition to Action P4, there is *“Liveability Priority 10: Support innovative school planning and delivery”.* This requires that authorities give consideration, particularly to *“innovative land use and development approaches”.*

Given the intent of both Action P4 and Liveability Priority 10 is to provide and support school planning and delivery, the previous comments raised by NSW Education & Communities are entirely consistent with both the Action and Priority.

These comments were not incorporated into the original Planning Proposal as the Draft North District Plan was not released for public comment until November 2016.

Therefore, the provisions of the Planning Proposal are in accordance with the Actions and Priorities of the Draft North District Plan which give consideration to the objectives of both Direction 3.1 Residential Zones and Direction 3.4 Integrating Land Use and Transport.

c) demonstrate that there is no inconsistency with State Environmental Planning Policy Affordable Rental Housing.

Part of Council’s ‘incentive-style’ mechanism previously included site-specific bonuses for a component of Affordable Housing. While this has now been amended to say Key Worker Housing, Council’s Planning Proposal remains consistent with the floor space ratio (FSR) bonus scheme provided under the SEPP.

In terms of the St Leonards South Planning Proposal, it is expected that sites in the precinct will be able to achieve a maximum FSR of 2.75:1 and above (for certain sites) if the preferred amalgamation pattern and high level of landscaping is provided on site. In order for the sites closest to the St Leonards Train Station to qualify for additional FSR, identified sites are required to deliver specific outcomes, based on economic feasibility testing.

Initial analysis by HillPDA demonstrates that it is not feasible for every site to deliver key worker housing. As a result, the HillPDA analysis (*see attached study*) only recommended seven sites to deliver key worker housing. The final results are shown in Table 3 of the document as follows:

Test case no.	Site Area	Maximum FSR available	Affordable Housing Units	% of total stock (by enclosed floor area*)
<i>Base case</i>	<i>2,100m²</i>	<i>2.75:1</i>	<i>nil</i>	<i>nil</i>
Area 1	3,415m ²	4:1	10	4.8%
Area 2	2,315m ²	3.7:1	6	4.6%
Area 3	1,897m ²	3.7:1	6	5.7%
Area 4	1,669m ²	3.7:1	5	5.4%
Area 6	1,669m ²	3.5:1	3	3.4%
Area 13	1,967m ²	3:1	1	1.1%
Area 14	1,669m ²	3.5:1	3	3.4%

**enclosed floor area is 95% of gross floor area (GFA).*

The formulae in Clause 13 of the SEPP (Affordable Rental Housing) 2009 states that the application of bonus FSR depends on existing maximum floor space ratio and how much gross floor area is used for Affordable Housing.

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.

Using both Table 3 of the HillPDA analysis and the formula provided by the SEPP (Affordable Rental Housing) 2009, the percentage of additional floor space has been calculated as follows:

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)
<i>Base case</i>	<i>nil</i>	<i>nil</i>	<i>nil</i>	<i>nil</i>
Area 1	10	4.8%	1.92%	2.02%
Area 2	6	4.6%	1.84%	1.94%
Area 3	6	5.7%	2.28%	2.40%
Area 4	5	5.4%	2.16%	2.27%
Area 6	3	3.4%	1.36%	1.43%
Area 13	1	1.1%	0.44%	0.46%
Area 14	3	3.4%	1.36%	1.43%
<i>Max. SEPP case</i>			<i>Less than 50%</i>	<i>Less than 20%</i>

By analysing the formulas in the SEPP, it is clear that the maximum additional Floor Space Ratio bonus (in this instance) for each development cannot exceed 20%. As the above table demonstrates, the proposed bonuses are well within the allowable range permitted.

Therefore, the attached HillPDA analysis demonstrates that the provisions of the Planning Proposal are consistent with the FSR bonus provisions of the SEPP (Affordable Rental Housing) 2009.

d) replace proposed clauses 4.6(8)(ca), 5.1 and 6.8 with a 'plain English' explanation to explain Council's intention/outcomes for the St Leonards South Precinct while allowing flexibility in the drafting of provisions.

The plain English explanation of Council's proposed clauses is attached to this letter and will be made publicly available at the exhibition stage.

e) include an Incentive Height of Buildings Map and an Incentive Floor Space Ratio Map.

These 'incentive-style' maps and supporting clauses are currently being used in the Ryde Local Environmental Plan 2014 as part of the Macquarie Park Corridor Precinct.

Both the clause and the maps operate by specifying the maximum height of buildings and Floor Space Ratios allowable for each site, provided that certain conditions are met. If these conditions are not satisfied, then a development does not qualify for any bonus provision. This was the original intent of Council's Special Provisions Area Map, however it is agreed that these maps will achieve the same outcome.

The proposed maps are attached to this letter and will be made publicly available at the exhibition stage.

f) replace the existing Special Provisions Area Map with a non-LEP version.

As requested, the proposed Special Provisions Area Map has been removed from the amendment. It will instead be placed in the Draft Development Control Plan, which will also be publicly exhibited with the Planning Proposal.

g) 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 St Leonards and Crows Nest Station Precinct.

The 'Plain English' explanation of the Proposal has incorporated a statement which includes these satisfactory arrangements.

Conclusion

Based on the information provided by additional studies and review, Council now considers that the Gateway conditions, to be undertaken and reviewed prior to exhibition, have now been addressed.

The Planning Proposal and its supporting documents have also been amended to incorporate the findings of these studies. Therefore, we submit Council's amended Planning Proposal to the Department for review.

Please feel welcome to contact Christopher Pelcz, Acting Manager – Strategic Planning on 9911 3516 if you would like to discuss the matter.

Yours sincerely



Michael Mason
Executive Manager - Environmental Services

Attached:

- ❖ Heritage Impact Statement by Dawbin Architects;
- ❖ Cumulative Traffic Assessment by TEF consulting;
- ❖ Cumulative Transport and Accessibility Assessment by PTC;
- ❖ Letter from NSW Education – dated 28 October 2016;
- ❖ Affordable Housing Feasibility Study by HillPDA;
- ❖ Plain English explanation of Planning Proposal;
- ❖ Incentive Floor Space Ratio Map;
- ❖ Incentive Height of Buildings Map;
- ❖ Amended Planning Proposal;
- ❖ Amended Consistency with State Environmental Planning Policies; and
- ❖ Amended Consistency with Section 117 Directions.