

Attachment O:

Consistency with applicable Section 117 Directions

Gateway Question Part 3, Section B, Question 6.

The link to S.117 Directions in full on [Council's website](#)

Direction	Consistency
Employment and Resources	
1.1 Business and Industrial zones	Does not apply.
1.2 Rural zones	Does not apply.
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply.
1.4 Oyster Aquaculture	Does not apply.
1.5 Rural Lands	Does not apply.

Direction	Consistency
Environment and Heritage	
2.1 Environment Protection Zones	Does not apply.
2.2 Coastal Protection	Does not apply.
2.3 Heritage Conservation	The area proposed for rezoning is directly opposite a series of heritage items in Park Road, St Leonards making it inconsistent with this direction. The items include 3, 5, and 7 Park Road and are of local significance. However, the inconsistency is of minor significance as the affected heritage items are proposed to be opposite a large public park (as shown in the zoning map) instead of a new residential flat building. A public park opposite a heritage item will reduce the impact on the curtilage of items 5 & 7 Park Road.
2.4 Recreation Vehicle Areas	Does not apply.

Direction	Consistency
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	The proposal is consistent with this direction as it is in accordance with the regional strategy for Sydney (<i>A Plan for Growing Sydney</i>). <i>A Plan for Growing Sydney</i> identifies St Leonards as a 'strategic centre'. These centres are defined as "priority locations for employment, retail, housing, services and mixed-uses". Furthermore, the specific priorities for the St Leonards strategic centre are: - "identify locations for housing and employment growth; and - investigate potential future employment and housing opportunities associated with a Sydney Rapid Transit train station at St Leonards/Crows Nest". Investigations undertaken at the Master Plan stage identified the St Leonards South area as an ideal location to increase existing residential densities from dwelling houses to apartment buildings. This was due to the areas' close proximity to the existing St Leonards train station. Initial public consultation resulted in a range of indicative development options being produced. They ranged from high density (dispersed & concentrated) to no development. To be consistent with other State Government policies and development strategies, only the area within 400 metres of the existing St Leonards train station is proposed for densification. Council resolved to concentrate high density development in the area nearest the station. This was done to encourage and maintain a variety and choice of housing types to provide for existing and future housing needs. By retaining half of the precinct as existing low density housing (dwelling houses) it will providing a range of housing types and densities to meet future housing needs. While the original Master Plan contained indicative development options for the existing commercial land along the Pacific Highway, Council has resolved to exclude this component from this proposal.

3.2 Caravan Parks and Manufactured Home Estates	Does not apply.
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 is to redevelopment the area from dwelling houses to individual units this direction should not apply. Notwithstanding that, the inconsistency is considered to be 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 <i>Standard Instrument (Local Environmental Plans) Order 2006</i> are almost identical to 'home occupation' thus achieving the intent of this direction via suitable land use alternatives.
3.4 Integrating Land Use and Transport	Consistent. By increasing existing residential densities in the area closest to the existing St Leonards train station it will ensure the creation of transit-orientated development (TOD). Thus achieving the objectives and principles of the Department's <i>Improving Transport Choice</i> policy. It will also achieve the objectives, directions and actions of the Sydney regional plan, known as <i>A Plan for Growing Sydney</i>.
3.5 Development Near Licensed Aerodromes	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 (shown in additional information section). However the site is located within the Obstacle Limitation Surface as having an 'Outer Horizontal Surface of 156m AHD' (see additional information section). 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 Councils' Local Environmental Plan. It states: <i>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.</i> However, even with this LEP clause it is expected that further consultation (at the planning proposal stage) is needed with the relevant Commonwealth Department responsible for aviation. Given that the area is outside of Sydney Airport ANEF noise contours; and Councils' LEP contains a clause requiring approval of Commonwealth authorities prior to issuing of development consent, the inconsistency is considered to be of minor significance. N.B. The area is also subject to the Royal North Shore Hospital Helicopter flight path (see additional information section). While it is not subject to the same Commonwealth rules and regulations as Sydney Airport, it was raised by Northern Sydney Local Health District. Further consultation with Northern Sydney Local Health District is expected (at the planning proposal stage). Given that the St Leonards South area is located within the 'Preferred Helicopter Approach Path' the provisions of Councils' LEP clause 6.7 should also be applied to the Helicopter flight path.
3.6 Shooting Ranges	Does not apply.

Direction	Consistency
Hazard and Risk	
4.1 Acid Sulfate Soils	Does not apply.
4.2 Mine Subsidence and Unstable Land	Does not apply.
4.3 Flood Prone Land	Does not apply.
4.4 Planning for Bushfire Protection	Does not apply.

Direction	Consistency
Regional Planning	
5.1 Implementation of Regional Strategies	Does not apply.
5.2 Sydney Drinking Water Catchment	Does not apply.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Does not apply.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked 18 June 2010
5.6 Sydney to Canberra Corridor	Revoked 10 July 2008. See amended Direction 5.1
5.7 Central Coast	Revoked 10 July 2008. See amended Direction 5.1
5.8 Second Sydney Airport: Badgerys Creek	Does not apply.
5.9 North West Rail Link Corridor Strategy	Does not apply.

Direction	Consistency
Local Plan Making	
6.1 Approval and Referral Requirements	Consistent. This directions states that a planning proposal must: <i>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</i> <i>(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> <i>(i) the appropriate Minister or public authority, and</i> <i>(ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),</i> <i>prior to undertaking community consultation in satisfaction of section 57 of the Act, and</i> <i>(c) not identify development as designated development unless the relevant planning authority:</i> <i>(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</i> <i>(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.</i> Council's resolution from its 13 July 2015 meeting specifies that prior to the exhibition of the Draft LEP: <i>i. 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; and</i> <i>ii. Meet with the Department of Education to pursue the commitments to the provision of education</i>

	<i>accommodation.</i> Prior consultation has already occurred with government agencies during the master planning process. In-principle support was received from all of those agencies who replied. However, the original area proposed for rezoning by the master plan was extended (as part of the Council resolution) to include the adjoining block (from Berry Rd West to Park Rd East). Given this extension, it will likely create increased pressure on infrastructure services, requiring additional consultation with the above mentioned agencies. 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.
6.2 Reserving Land for Public Purposes	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 (see Attachment M), 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.
6.3 Site Specific Provisions	A new LEP clause is proposed to be inserted into Council's existing LEP 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

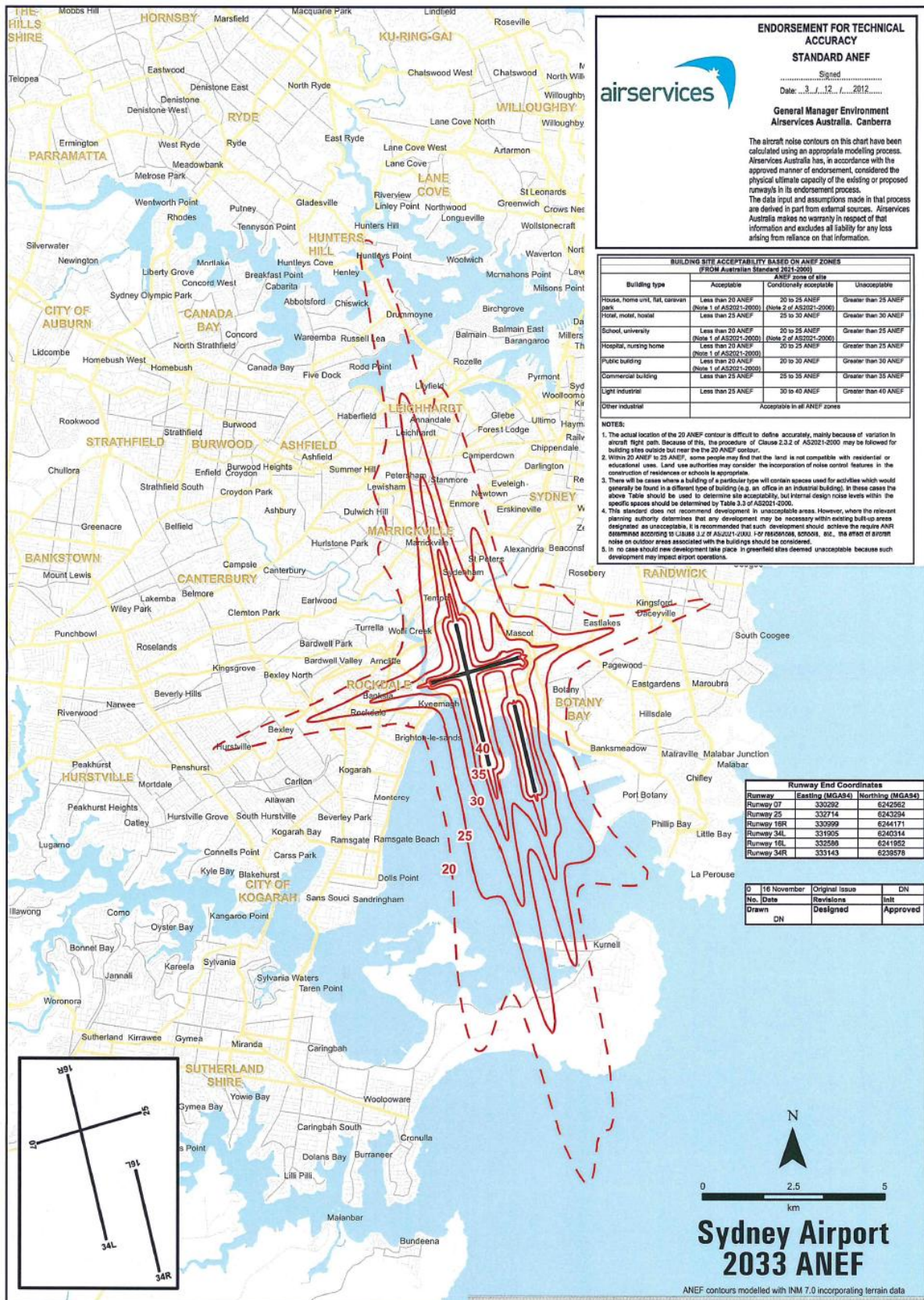
	increases in return for public benefit. These benefits were in the form of more open space, community facilities, through site connections. Such provisions would need to be transferred into Council's LEP in order to achieve the vision of the master plan. Hence, without these specific land uses being mandated in the LEP, these benefits would not be provided. 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.
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Direction	Consistency
Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	Consistent. 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”. A Plan for Growing Sydney contains four major goals with a series of subsidiary directions/actions to achieve. It also contains a list of priorities for each of the sub-regions. The four main goals are: 1. A competitive economy with world-class services and transport; 2. A city of housing choice, with homes that meet our needs and lifestyles 3. A great place to live with communities that are strong, healthy and well connected; and 4. A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources. Under this strategy, St Leonards is designated as a “strategic centre” which is 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 use”. The master plan and planning proposal is consistent with the goals and directions in this Strategy in relation to St Leonards. It is consistent with the <i>Action 2.1.1 (Accelerate Housing Supply and Local Housing Choices)</i> as it will: - target locations which deliver homes closer to jobs; - The most suitable areas for significant urban renewal are those areas best connected to employment & include –

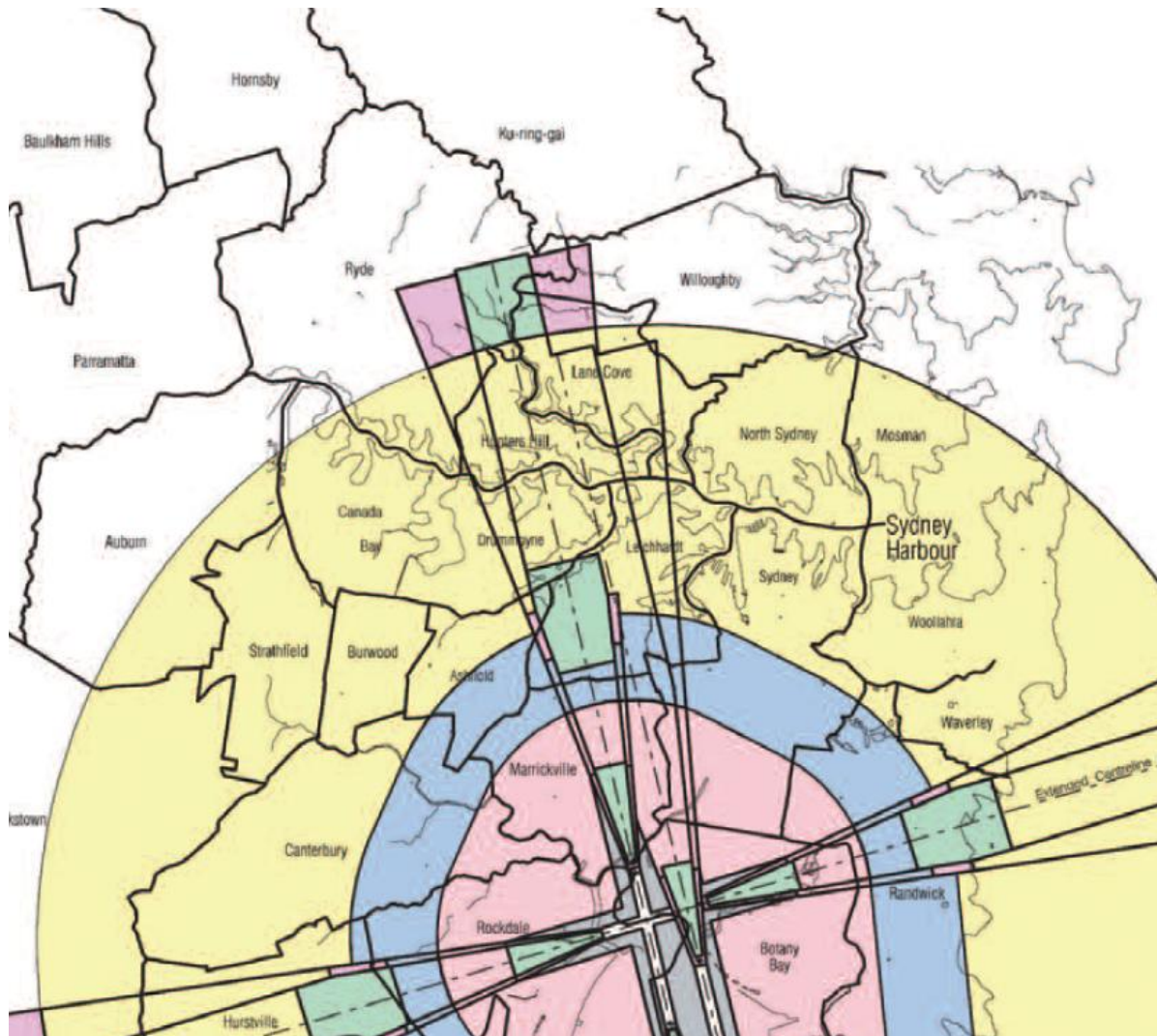
	○ in and around centres that are close to jobs and are serviced by public transport services that are frequent and capable of moving large numbers of people; and ○ in and around strategic centres. It is also consistent with the priorities for the North Subregion (includes Lane Cove LGA) as it will: - Preserve the corridor for Sydney Rapid Transit including a second harbour rail crossing; - identify locations for housing and employment growth; and - investigate potential future employment and housing opportunities associated with a Sydney Rapid Transit train station at St Leonards/Crows Nest. Therefore, the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.
7.2 Implementation of Greater Macarthur Land Release Investigation	Does not apply.

ADDITIONAL INFORMATION

Sydney Airport – Current ANEF contours



Sydney Airport – Current OLS



LEGEND

-  APPROACH SURFACE 2% GRADIENT, THEN 2.5% GRADIENT, THEN HORIZONTAL
-  TAKE OFF SURFACE 2% GRADIENT
-  TRANSITIONAL SURFACE 14.3% GRADIENT
-  CONICAL SURFACE 5% GRADIENT
-  INNER HORIZONTAL SURFACE 51M AHD
-  OUTER HORIZONTAL SURFACE 156M AHD

Royal North Shore Hospital – Current HLS

