



9 July 2019

Independent Planning Commission Advice St Leonards South Residential Precinct Planning Proposal

1. INTRODUCTION

1. On 20 December 2018, the Independent Planning Commission of NSW (the **Commission**) received a request from the then Minister for Planning (**Minister's request**) to provide advice and consider conducting a public meeting as part of consultation for the St Leonards South Residential Precinct planning proposal (the **planning proposal**), which has been prepared by Lane Cove Council (**Council**).
2. The Minister sought advice from the Commission on specific matters including:
 - *“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 (**Department**) draft St Leonards and Crows Nest 2036 Plan (**draft 2036 Plan**)”;*
 - *“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 (**GSC**)”;* and
 - *“whether some staging of the planning proposal is appropriate”.*
3. The Commission’s advice on the planning proposal is sought prior to finalisation of the draft 2036 Plan. The Minister requested that *“the Commission consider holding a public meeting given the public interest in the planning proposal”* and that *“this meeting be held after the close of exhibition of the draft 2036 Plan”*.
4. Under section 2.9(1)(c) of the *Environmental Planning and Assessment Act 1979 (**EP&A Act**)*, the Commission can advise the Minister on any matter which it is requested by the Minister.
5. Professor Mary O’Kane, Chair of the Commission, nominated Ilona Millar (Chair), Russell Miller and Peter Cochrane to constitute the Commission to provide the advice.

1.1 Subject Site

6. The St Leonards South Planning Proposal site (the **site**) is part of the wider St Leonards South Residential Precinct (the **Precinct**) which extends west to Greenwich Road, is approximately 6.5 hectares (ha) in area and is located within the Lane Cove local government area (**LGA**). The site is bounded by Park Road, the Pacific Highway, Marshall Avenue, River Road and Canberra Avenue (see *Figure 1* below). 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.
7. The north eastern part of the site is approximately 200 metres (**m**) from St Leonards rail station with most of the remainder of the site being within 400m from St Leonards rail station. The eastern part of the site is approximately 450m Wollstonecraft rail station and 400-800m to the

proposed Crows Nest Metro station. The Gore Hill Oval (in the Willoughby LGA) to the north and Newlands Park to the southwest are the two largest open spaces close to the site, and there is a small park at the bottom of Park Road.

8. Under the Lane Cove Local Environmental Plan 2009 (**Lane Cove LEP**), the site is currently zoned R2 Low Density Residential. It is surrounded by B3 Commercial Core and B4 Mixed Use zoning to the north along the Pacific Highway and Marshall Avenue, R2 Low Density Residential zoning to the south across River Road, R4 High Density Residential to the east and R2 Low Density Residential to the west across to Greenwich Road.

Figure 1 – St Leonards South Planning Proposal site



(Source: Lane Cove Council's St Leonards South Planning Proposal)

2. BACKGROUND TO PLANNING PROPOSAL AND DRAFT 2036 PLAN

2.1 St Leonards South Planning Proposal

9. On 13 July 2015, Council resolved to prepare a planning proposal to amend Lane Cove LEP to implement the recommendations of Council's adopted St Leonards South Master Plan.
10. In May 2016, a planning proposal was submitted to the Department for Gateway determination. The planning proposal would:
 - rezone the Precinct for apartments with site-specific floor space ratios (**FSR**) and heights; and
 - provide for two community facilities and child care centres, open space, private shared Green Spines, east-west pedestrian/cycle connectivity, some key worker housing and a

link road (see *Figure 2* below).

11. Specifically, the planning proposal would amend the Lane Cove LEP to:
 - rezone the site from R2 Low Density Residential to R4 High Density Residential;
 - increase building height limits from 9.5m to various building heights up to 65m; and
 - amend the maximum permissible FSR from 0.5/0.6:1 to various FSRs.
12. Council's St Leonards South Master Plan includes an incentive scheme to “*permit additional height and FSR for sites by providing identified community benefits, including a community facility, child care centre, and/or pedestrian links and open space*”. The maximum heights of buildings, with incentives, of the planning proposal consist of 3 x 4 storey, 4 x 6 storey, 13 x 8 storey, 11 x 10 storey, 3 x 12 storey, 2 x 15 storey and 1 x 19 storey buildings (see *Figure 2* below).
13. Council proposes a new clause in the Lane Cove LEP to identify:
 - the size and nature of outcomes identified as required;
 - the location of these public benefits;
 - the bonus heights and FSRs in return for identified outcomes; and
 - specified lots for amalgamation and their minimum site areas.
14. Council also proposed to include an addition to clause 4.6 (Exceptions to Development Standards) of the Lane Cove LEP to prevent both the Incentive maps and the new LEP clause from being varied at the future development application stage.

Figure 2 – Outline of Planning Proposal



(Source: Lane Cove Council's Presentation to the Commission on 23 May 2019)

15. On 2 September 2016, the Department issued a Gateway determination with conditions, which included that, prior to finalisation, Council's planning proposal “*is to be amended to demonstrate consistency with available findings of a draft or final strategic planning review for the St Leonards and Crows Nest Station Precinct*”. Other requirements included the need for

a heritage impact assessment, a traffic and accessibility study, an incentive height of buildings map and an incentive FSR map.

16. Council exhibited the planning proposal from 30 October 2017 to 5 January 2018 and received approximately 340 submissions, the majority of which opposed the planning proposal.
17. On 30 August 2017, the Department granted an alteration of the Gateway determination to extend the timeframe for completing the Lane Cove LEP to 2 June 2018. On 23 April 2018, the Department granted an alteration of the Gateway determination to further extend the timeframe for completing the Lane Cove LEP to 2 June 2019. On 26 April 2019, the Department granted an alteration of the Gateway determination to further extend the timeframe for completing its LEP to 2 December 2019.

2.2 Draft St Leonards and Crows Nest 2036 Plan

18. The planning proposal is located within the Department's St Leonards and Crows Nest Planned Precinct area. The Department has been undertaking strategic planning investigations for this wider area since 2016 and produced the draft 2036 Plan. Through early community engagement during the preparation of the draft 2036 Plan the Department stated in its meeting with the Commission on 10 May 2019 (as outlined in paragraph 22) that the planning proposal is "*contentious amongst the community*" and that "*there is significant community interest both supporting and objecting to the planning proposal*".
19. Between 14 October 2018 and 8 February 2019, the Department publicly exhibited the draft 2036 Plan and the draft Special Infrastructure Contribution (**SIC**) for St Leonards and Crows Nest. The Department received approximately 1,000 submissions from around 925 individual submitters.
20. One of the conditions of the Department's Gateway determination was that the planning proposal be amended to be consistent with available findings of strategic planning investigations for the wider St Leonards and Crows Nest area.

3. THE COMMISSION'S MEETINGS AND SITE INSPECTION

21. As part of its considerations, the Commission met with various parties as set out below, conducted a public meeting and undertook site and locality inspections.

3.1 Meeting with the Department

22. On 10 May 2019, the Commission met with the Department to discuss the planning proposal and the draft 2036 Plan. Issues discussed at the meeting are recorded in the transcript and were made available on the Commission's website on 16 May 2019. The presentation provided by the Department to the Commission at the meeting was made available on the Commission's website on 16 May 2019.

3.2 Site and Locality Inspection

23. On 10 and 23 May 2019, the Commission conducted site and locality inspections to understand the physical attributes and existing built form of the site and the surrounding local area. A copy of the notes for the site and locality inspections was made available on the Commission's website on 24 May 2019.

3.3 Public meeting

24. In response to the Minister's request, the Commission decided to conduct a public meeting due to the level of public interest noted from previous exhibitions of the planning proposal and the draft 2036 Plan. On 20 May 2019, the Commission held a public meeting at the Crows Nest Centre, Crows Nest. A list of the 41 speakers that presented to the Commission is published on the Commission's website. A transcript of the public meeting and copy of the material tendered was made available on the Commission's website on 22 May 2019. An opportunity to lodge any written comments was afforded until seven days after the public meeting. The Commission received a diverse range of comments during and after this period and a summary of the main issues raised in these comments is provided below.
25. Representatives of various developers with an interest in the site who presented at the meeting urged the Commission to allow the planning proposal to proceed as quickly as possible, submitting the following:
 - The planning proposal is wholly aligned with key metropolitan strategic planning objectives;
 - The planning proposal has the potential to deliver substantial housing supply and infrastructure benefits;
 - The planning proposal will provide additional dwellings in a strategic location with excellent access to employment and public transport;
 - The planning proposal is consistent with the vision and design principles of the draft 2036 Plan and has strategic and site-specific merit;
 - The planning proposal lacks flexibility (including with respect to the proposed lot amalgamations) due to the proposed exclusion of the application of Clause 4.6 of the Lane Cove LEP to the site; and
 - Staged release of the site is not necessary or appropriate.
26. Precinct residents, local area residents, representatives of community associations and local professionals urged the Commission to reject the planning proposal for the following reasons:
 - The planning proposal would represent an overdevelopment of the area;
 - The planning proposal would cause further traffic and car parking congestion;
 - The planning proposal would cause additional overshadowing of Newlands Park and overshadow the proposed new park between Park Road and Berry Road;
 - There is insufficient public open space provision in the planning proposal;
 - There is a lack of nearby school capacity;
 - There is a lack of health infrastructure capacity;
 - The planning proposal would impact upon heritage properties adjacent to the site; and
 - There are inconsistencies between the planning proposal and the draft 2036 Plan.
27. The Commission notes that much of the information provided at the public meeting addressed Council's planning proposal more broadly than the specific questions on which the Minister sought advice from the Commission, but this information was nevertheless helpful to the Commission as context in considering its response to those questions.
28. The Commission also heard detailed comments relating to the economics of the planning proposal but notes that this matter is not within the scope of the advice sought from the Commission by the Minister.

3.4 Meeting with Lane Cove Council

29. On 23 May 2019, the Commission met with Council to discuss the planning proposal. Issues

discussed at the meeting are recorded in the transcript and were made available on the Commission's website on 30 May 2019. The presentation provided by Council to the Commission at the meeting was made available on the Commission's website on 24 May 2019.

4. ADDITIONAL INFORMATION

30. A list of the additional information provided to the Commission is in *Annexure 1*.

5. THE COMMISSION'S CONSIDERATION

5.1 Material considered by the Commission

31. In providing the advice sought by the Minister, noted in paragraph 2, the Commission has carefully considered material provided by the Department, the Council and the public and interested parties through their presentations and submissions, which has all been published on the Commission's website.
32. The Commission also received a large amount of additional information (refer to *Annexure 1*) and has carefully considered the relevant aspects of this information.

5.2 Matters for which the Minister has sought advice

33. The Commission sets out below its consideration of the planning proposal's consistency against the provisions of the draft 2036 Plan relevant to the Minister's request for advice.

5.2.1 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 relevant to the planning proposal.

Vision

34. The Commission notes that the draft 2036 Plan's *Vision* is that:

“The St Leonards and Crows Nest area will be a major centre for workers, residents, students and visitors, offering a variety of homes, jobs and activities for the diverse local population. The area will continue to be a place that people are proud to work in, visit and call home.

Continued growth in the health and technology sectors will deliver around 16,500 new jobs across existing, emerging and evolving industries over the next 20 years. People will benefit from a thriving economy with an abundance of work opportunities in the industrial area of Artarmon, Crows Nest village, the Royal North Shore Hospital and the commercial centre of St Leonards.

As a vibrant community that caters for the needs of people of all ages, the St Leonards and Crows Nest area will have a diverse range of homes supported by open spaces, community services, cafes, restaurants and unique local retail experiences.

The village atmosphere of Crows Nest will be retained, with Willoughby Road continuing to be a vibrant high street that is valued by the community and an escape from the hustle and bustle of modern life. A connection to the past will be maintained by protecting heritage conservation areas in Naremburn and Holtermann Estate, celebrating the historic character of the area.

St Leonards Core will be revitalised through a balance of commercial and residential development, providing lively and active streets, safe and interesting laneways for people, and sunny tree-lined public spaces. The best bits of the surrounding leafy neighbourhoods that locals love will be brought into the heart of St Leonards for residents, workers and visitors to enjoy.”

35. Council stated in its presentation to the Commission on 23 May 2019 that the planning proposal “includes new open space, multi-purpose facilities, key worker housing, E-W accessible connections to create a vibrant new walkable community focussed on transit orientated development”. Council also stated the planning proposal will connect to existing public spaces, including Council’s proposed over-rail plaza, and will provide new child care centres and community facilities.
36. The Commission acknowledges Council’s statements and considers that the above aspects of the planning proposal would contribute to providing a “vibrant community”, which is one element of the *Vision*. However, the Commission notes that the proposed east-west pedestrian links would be the only publicly accessible connections through the site and that there would be a significant amount of private open space in the proposed Green Spines which are presented as north-south connections. The Commission is therefore not satisfied that the planning proposal would deliver enough public open space to provide “sunny tree-lined public spaces” and “lively and active streets”, which are elements of the *Vision*. Further consideration of the planning proposal’s open space provision is provided in paragraphs 48 to 57 below.
37. The Commission notes that an element of the *Vision* is that “The best bits of the surrounding leafy neighbourhoods that locals love will be brought into the heart of St Leonards for residents, workers and visitors to enjoy”. The Commission notes from its site and locality inspection that the St Leonards South Precinct (including the site) and surrounding neighbourhoods to the south and west currently exhibit low density residential development, with wide, tree-lined streets, and that the planning proposal is seeking to deliver high density residential development on the site. The Commission therefore considers that, while redevelopment of the Precinct is not inappropriate, the scale of development proposed under the planning proposal would be out of character with the remainder of the St Leonards South Precinct and surrounding neighbourhoods.
38. The Commission considers that the planning proposal is not consistent with the above elements of the *Vision* of the draft 2036 Plan as the amount of public open space and its scale would not provide a vibrant community and would be out of character with the remainder of the St Leonards South Precinct and surrounding neighbourhoods.
39. The *Vision* also includes five themes: Place, Land Use, Movement, Built Form and Landscape. Under each theme, relevant to the planning proposal the draft 2036 Plan seeks to create:

Place

- “A place that protects its past – Heritage Conservation Areas and buildings are to be retained and celebrated as an important connection to the past”

40. The Commission heard concerns from the community at the public meeting regarding the

planning proposal's impact on the character of local heritage items due to its scale and potential overshadowing.

41. The Commission notes that there are no local heritage items on the site but numbers 3, 5 and 7 Park Road, located within the Precinct immediately adjacent to the site, are listed as heritage items of Local Significance in Schedule 5 of the Lane Cove LEP, *Environmental Heritage*. The heritage items are two-storey residential buildings.
42. Council's Heritage Impact Statement (**HIS**), prepared by Dawbin Architects, states that the proposed built form of the planning proposal has potential for impact on these heritage items as follows:
"The development will be 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. The scale of development proposed has potential to impact on the heritage buildings and the character of the streetscape".
43. However, the HIS notes that the planning proposal incorporates measures that seek to mitigate impacts on the heritage items which include:
 - placement of open space circulation corridors;
 - stepping back of facades in the vicinity of Park Road; and
 - the transition of maximum building height from low rise to high rise between the western and southern areas and the existing high rise at St Leonards Railway Station.
44. In its submission to Council's exhibition of the planning proposal, dated 6 February 2018, the Heritage Council stated that:
"Based upon the information provided in the Heritage Impact Study, we believe that the proposed density of development has the potential to impact on the character of the streetscape and the setting of local heritage items".
45. The Commission notes Council's HIS statement in paragraph 43 and the measures proposed to mitigate impacts on the heritage items on Park Road, in particular, the locating of the new park across Park Road from these heritage items to retain existing view lines. However, the Commission also notes that the location of these heritage items is not directly opposite the new park.
46. While the Commission acknowledges that the heritage items on Park Road are to be retained, the Commission accepts the Heritage Council's statement in paragraph 44 that the proposed density of development has the potential to impact on the setting of the heritage items, which was confirmed from the Commission's observations at the site and locality inspection.
47. For the reasons set out in paragraph 46, the Commission considers that the planning proposal would be inconsistent with this element of the draft 2036 Plan's *Vision* as it would represent a development of a scale, height and density that is out of character with the heritage items on Park Road.

Landscape

- *"A greener place – Parks and public green spaces will provide areas for locals to be active, creative, and enjoy green leafy spaces throughout the area, away from built up areas in St Leonards"*

48. The Commission acknowledges that Objective 4 of Council's planning proposal seeks "To

support the provision of public open space throughout the precinct commensurate with the planned intensity of development in St Leonards South". An outcome of this Objective is to provide "North-south 'green spines' in the form of unfenced community open space between the rears of apartment buildings".

49. The Commission notes that the proposed public open space includes a new park between Berry and Park Roads, pocket parks of varying sizes and two small parks resulting from road closures at the southern ends of Berry Road and Holdsworth Avenue. At its meeting with the Commission on 23 May 2019, Council advised that the north-south Green Spines are intended to be fenced private open spaces for the residents of units, restricting access to the public.
50. The Commission heard concerns at the public meeting that the quantum of public open space and green space under the planning proposal is inadequate for the density of development proposed, would be difficult to deliver due to the site's topography and that some proposed areas of public open space will actually or effectively be private open space for residents of the proposed units on the site.
51. During Council's presentation to the Commission on 23 May 2019, Council stated that the planning proposal "creates a landscape with significantly more public and communal open space than is presently available". Council stated that the Department's "default standard for open space planning seeks 9% of site area, with up to 360 dwellings p/ha" and that the planning proposal "delivers 14% of site area as open space, with 258 dwellings p/ha". Council also noted that in order to achieve its proposed level of open space its controls for the site needed to be prescriptive as any changes would compromise its delivery. To do this Council would exclude the application of clause 4.6 of the LEP to the site.
52. While the Commission notes Council statement in paragraph 51 that the planning proposal will deliver a quantum of open space that complies with the Department's default standard, the Commission has concerns over the quantum of public green spaces that will provide areas for locals to be active, creative, and enjoy green leafy spaces throughout the area.
53. Council stated at its meeting with the Commission on 23 May 2019 that it had included Gore Hill Oval in the overall provision of open space for this site. The Commission notes that Gore Hill Oval serves a wider catchment, including two other LGAs (Willoughby and North Sydney) and the residents of existing and future high-rise buildings around St Leonards station and along the Pacific Highway.
54. The Commission heard from several speakers at the public meeting that including Gore Hill Oval as public open space for this planning proposal was inappropriate as it was 'distant and isolated', 'at capacity' and 'fully utilised over every weekend'. The Commission also heard that including Newlands Park as public open space for this proposal was inappropriate as it has been "inaccurately counted as open space for every development in St Leonards".
55. The Commission considers that it would be inappropriate to include Gore Hill Oval as public open space for this planning proposal as it is also used by a wider catchment of people and separated from the site by the Pacific Highway which would have to be crossed to access it, presenting a safety concern for pedestrians. The Commission also considers that there is an element of double counting by including Newlands Park as dedicated public open space for this proposal alone.
56. The Commission notes that the north-south private Green Spines are proposed to provide usable communal private open space for unit residents and that gated access is proposed. The Commission also notes that these Green Spines represent a significant proportion of the

total open space proposed for the site, even though the space will not be available to the broader community that would reside in the Precinct. The Green Spines would serve effectively as backyards for unit residents, replacing the backyards of existing single storey housing, and would provide no net gain in open space for the broader community.

57. For the reasons set out in paragraphs 55 and 56, the Commission considers that the planning proposal is inconsistent with this element of the draft 2036 Plan's *Vision* as it would not provide sufficient opportunity for the anticipated number of additional residents to be active, creative, and enjoy green leafy spaces throughout the area, and the Commission is not satisfied that the quantum of public open space is sufficient for the site's estimated ten-fold increase in population.

Built Form

- *"A well-designed place – New buildings that model the highest quality design, respecting and enhancing the existing local character of the area"*

58. The Commission acknowledges that Objective 1 to 3 of Council's planning proposal seeks to increase residential density, building heights and permissible FSRs for the site *"to provide a range of residential densities capable of reflecting higher densities generally closer to the St Leonards railway station"*.
59. The Commission notes that Council's planning proposal states *"The subdivision pattern is characterised by the larger-sized lots (500-800 sqm) being closest to St Leonards train station and smaller lots (300-450 sqm) being more towards the west"*.
60. The Commission also observed that there are more recently approved residential developments along Marshall Avenue to the north of the site, and along the ridge at Duntroon Avenue overlooking Newlands Park to the south east of the site. The Department stated at its meeting with the Commission on 10 May 2019 that it had received feedback from previous workshops with the community that the residential developments on Duntroon Avenue were good examples of buildings with transitioning building heights.
61. In its site and locality inspection, the Commission observed that the site and the area of the Precinct from the west of Park Road to Greenwich Road, which was originally included in Council's St Leonards South draft Masterplan, is characterised by a low-density residential of one and two-storey detached and duplex residential dwellings.
62. Council stated in its presentation to the Commission on 23 May 2019 that the planning proposal *"Respects adjacent low-rise development by increased setbacks and building transition"*. Council also stated that *"The draft St Leonards South DCP measures ensure a transition to adjacent lower density residential areas along Park Road and along River Road"*.
63. The Commission notes that the planning proposal envisages a development with four and six storey buildings along River Road and buildings of between eight and 19 storeys over the majority of the site. While the Commission acknowledges that the more recently approved residential developments near the site are typical of the area's transition towards high-density development near St Leonards Station along the Pacific Highway, the Commission considers that the dominant local character and scale of the St Leonards South Precinct (including the site) is low density residential development.
64. The Commission considers that developing the site for high density residential development

on the scale proposed would not be in keeping with the existing local character of the area. Furthermore, it 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.

65. The Commission considers that the design and scale of residential development proposed by the planning proposal does not respect or enhance the existing local character of the area.
66. For the reasons outlined in paragraphs 64 and 65 the Commission considers that the planning proposal is inconsistent with this element of the *Vision* under the draft 2036 Plan.

Land Use

- *“A home for people of all ages – A greater mix of homes will be available to the diverse range of people that live in the area”*

67. With regards to the planning proposal’s provision of a range of dwelling types for the site, Council stated in its presentation to the Commission on 23 May 2019 that:
 - *“St Leonards South is envisaged as a place that provides a variety of dwellings between 19 and 4 storeys, including “some larger apartments and some ground floor/podium townhouses”, similar to 1-13 Marshall Avenue;*
 - *A minimum of 10% 1,2,3+ bedroom apartments must be included in each development to ensure diversity;*
 - *Key Worker housing will be provided in N-E quadrant; and*
 - *DCP implements accessible, visitable (80%) and adaptable (20%) housing requirements which cater for older residents and persons with disability, which is in excess of general standards”.*
68. The Commission notes that Council has sought to create a mix of homes but notes that the planning proposal would mainly provide for a range of apartment types and possibly townhouses, which would be similar to those currently along Marshall Avenue. The Commission considers that the provision of predominantly apartment housing is unlikely to cater for the full range of people that live in the area, in particular those seeking their own areas of private open space.
69. The Commission considers that insufficient information has been submitted to demonstrate that a greater mix of homes would be provided by the planning proposal to cater for the range of people who would want to remain in the area and people who could move to the area and could not conclude that this element of the *Vision* under the draft 2036 Plan will be met.

Movement

- *“An accessible place – An attractive and easy place to walk, cycle and move through, with improved local and regional connections”*

70. The Commission heard concerns at the public meeting regarding the difficulty in walking and cycling around the site due to its topography. The Commission also heard from existing residents in close proximity to the site who stated that they would preferentially cross River Road to the south of the site in order to use Wollstonecraft rail station, as it avoids walking up steep hills to access public transport at St Leonards, and their concerns over safety with an increased population using this route.

71. Council noted in its presentation to the Commission on 23 May 2019 that its planning proposal will have new east-west paths that will improve access to transport, includes measures to improve pedestrian safety (e.g. stairs & lifts, refuge islands, wombat crossings, and pedestrian ramps) and will have widened north-south pedestrian/cyclist street paths with limited on-street parking.
72. Council also noted that the planning proposal applies 'transit-oriented design' principles which utilise public transport and active transport initiatives and that density and pedestrian routes have been focussed on access north-east to two rail stations. In addition, Council stated that their proposed over-rail plaza will, if constructed, provide 5,000m² of new open space and an improved connection in the north eastern corner of the site to the St Leonards rail station.
73. The Commission notes that RMS did not comment on the planning proposal's accessibility with regards to active transport. The Commission notes that NSW Health's submission to Council dated 16 November 2017 states that "*The two public East West thoroughfares will also improve connectivity throughout the precinct for residents and the surrounding community*".
74. The Commission acknowledges Council's statements in paragraphs 71 and 72 but also notes concerns raised by the community with regards to the ease of active transport through the site due to its topography, in particular heading north to St Leonards rail station. Given the site's topography, the Commission notes that it may never be possible to design an easy place to walk and cycle through the site. The Commission also acknowledges that future residents of the southern end of the site may be inclined to cross River Road to use Wollstonecraft rail station for public transport and the safety implications this may have.
75. For the reasons set out in paragraph 74, the Commission therefore does not consider the planning proposal to be wholly consistent with this element of the draft 2036 Plan's *Vision*.

Guiding Design Principles

76. The Minister's request seeks advice on the consistency of the planning proposal with the *Guiding Design Principles* of the draft 2036 Plan.
77. Under the *Guiding Design Principles*, the draft 2036 Plan states that the following design criteria should be considered for future development in the area:

Design Criteria

- *Meet solar height planes in this Plan*

78. The draft 2036 Plan contains nominated places where new development is required to not produce any additional overshadowing during 10.00am to 3.00pm in mid-winter (known as a solar access place). The Commission notes that the planning proposal's new park, Propsting Park and Newlands Park have been identified as nominated places. The Commission's consideration of overshadowing of public open spaces is outlined in paragraphs 90 to 95 but notes that from both the Department's and Council's overshadowing testing that there will be significant overshadowing of the new park and additional overshadowing of Newlands Park between 2.00pm-2.30pm.
79. The Commission therefore considers that the planning proposal would not meet the solar height planes of the draft 2036 Plan and is inconsistent with this element of the design criteria.

- *Consideration of quality streetscape aspects such as setbacks, street wall height and heritage buildings*

80. Council stated in its presentation to the Commission on 23 May 2019 that its Development Control Plan (**DCP**) establishes setbacks that soften impacts on the streetscape and a 10m ground level setback has been provided for on River Road and the majority of Park Road. 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.

81. The Commission considers that the planning proposal has considered quality streetscape aspects and therefore this element of the design criteria has been met. However, the Commission remains concerned about the impact the proposed scale, height and density of the planning proposal would have on the setting of the heritage items on Park Road, as outlined in paragraph 46.

- *Acknowledge key views and vistas such as key long distance vistas which offer sky views, and vistas where a building may terminate the view*

82. From the Commission's site and locality inspection it observed that despite the slope of the site from north to south, the existing trees along each street and to the rear of many properties currently obscure long-distance vistas or sky views. As outlined in paragraph 96, Council stated that no key views or vistas from the heritage items on Park Road have been identified, although as the Commission heard at the public meeting, the residents of one of the heritage items stated that it looks out over the eastern part of St Leonards South, towards Crows Nest and North Sydney. The Commission also considers 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.

83. For the reasons set out in paragraph 82, the Commission considers that the planning proposal would be consistent with this element of the design criteria.

- *Avoid a monolithic street wall effect through the distribution of higher buildings*

84. The Commission acknowledges Council's proposal to transition the highest buildings from the north east of the site, nearer to existing taller buildings in the area, to the lowest buildings at the western and southern edges of the site, nearer to lower density residential development. However, the Commission notes that there would be a significant amount of taller buildings clustered at the centre and to the east of the site that would have the potential to create a monolithic street wall effect. The Commission also considers that there is the potential for a monolithic street wall effect along the east-west pedestrian walkways.

85. For the reasons set out in paragraph 84, the Commission considers that the planning proposal would not avoid creating a monolithic street wall effect and is not satisfied that the planning proposal is consistent with this element of the design criteria.

- *Transition heights from high rise areas down towards existing lower scale areas, including areas not proposed for height changes, and Willoughby Road*

86. The Commission's consideration of the transition of building heights under the planning

proposal is outlined in paragraphs 102 to 108.

87. The Commission considers that the planning proposal is inconsistent with this element of the design criteria as it will represent a development that does not adequately transition to the existing residential area to the west of the site and would be out of character with this area.

Area Wide Design Principles

88. The draft 2036 Plan also states that future planning proposals and development applications within the area under this Plan should have regard to the *Area Wide Design Principles*.
89. The Commission notes that the *Area Wide Design Principles* include five themes: Place, Land Use, Movement, Built Form and Landscape. Under each theme, the draft 2036 Plan seeks to:

Place

- *“Ensure no additional overshadowing of public open spaces and important places”.*

90. With regards to the overshadowing of existing public open spaces, the Department's overshadowing testing for the planning proposal, undertaken by SJB Urban, indicates that there would be additional overshadowing of Newlands Park, a public open space located on the south eastern boundary of the site, between 2.30pm and 3.30pm on the Winter Solstice.
91. After reviewing the Department's testing, Council noted in its submission to the Commission on 27 May 2019 that *“it does not include the correct widths of any of the road reserves in Canberra, Duntroon, Marshall or Holdsworth Avenues, Berry and Park Roads”* and that this *“would affect and impact the results”*.
92. Council also stated that the existing tree canopies already overshadow Newlands Park and that their shadow diagrams confirm there is no additional overshadowing between 10am and 3pm of the existing open space at Propsting Park, a public open space located at the bottom of Park Road.
93. While the Commission acknowledges that there is a difference of interpretation between the Department's and Council's overshadowing testing, with regards to overshadowing of proposed public open spaces, both sets of testing produce very similar results. Both indicate that the proposed new park between Berry and Park Roads and the east-west link will be partially or wholly overshadowed by the planning proposal in the morning between 9.00am-10.00am and in the afternoon from 2.00pm-3.00pm (Department) and 2.30pm-3.30pm (Council). The Commission notes that these are potential peak times for usage of these public open spaces and does not consider that this would be a good urban design outcome. The Commission also notes that both the proposed private open spaces in the Green Spines and the new end-of-street parks would also be overshadowed for a significant proportion of the day.
94. The Commission acknowledges Council's statement in paragraph 92 and accepts that there is currently a degree of overshadowing of Newlands Park from mid-afternoon due to the existing tree canopies. However, the Commission notes from the Department's and Council's overshadowing testing that there will be more extensive overshadowing of this park between 2.00pm-3.30pm generated by this planning proposal. The Commission is not satisfied that any existing overshadowing from the tree canopies is a valid reason for accepting the complete overshadowing of this park, particularly considering the additional overshadowing generated

by this planning proposal. The Commission also notes there is a difference between the filtered shadowing from the tree canopies in the park compared to the darker shadows cast by the substantial built infrastructure in the area around the park.

95. The Commission considers that the planning proposal would be inconsistent with this element of the draft 2036 Plan's *Area Wide Design Principles* as it will:
- generate overshadowing of the proposed new park and east-west link; and
 - generate additional and longer duration overshadowing of Newlands Park.
- *“Ensure new development retains and enhances important heritage elements by using sympathetic building materials and preserving key views and vistas”.*
96. At its meeting with the Commission on 23 May 2019, Council stated that no key views or vistas from the heritage items on Park Road have been identified. Council also noted that the existing Berry Lane has been moved to provide a greater setback from these heritage items to reduce impacts.
97. The Commission notes that the planning proposal does not provide information about building materials and acknowledges that the use of sympathetic building materials that retain and enhance heritage elements would be a consideration at a future development application stage.
98. The Commission accepts Council's comment in paragraph 96 that there are currently no key views or vistas from the heritage items on Park Road but considers that the planning proposal is only partially consistent with this element of the draft 2036 Plans' *Area Wide Design Principles* as it is unable to comment on the use of sympathetic building materials.

Landscape

- *“Incorporate new street trees to improve the overall tree coverage in the area”*
99. Council's presentation to the Commission on 23 May 2019 stated that the landscape design for the planning proposal includes *“enhancing existing street tree planting, particularly where currently in poor condition (e.g. east side of Park Road, Berry Road, west side of Canberra Ave) in association with the undergrounding of power lines”.*
100. Council stated that the planning proposal would retain existing trees, especially within private Green Spines and setback zones, and provide tree and other planting in areas of public and private open space. In addition, Council stated that the Department's *“Draft Green Plan confirms that the urban tree canopy in the ‘Suburban’ area of the precinct achieves the target of 40% across public and private land”.* The Commission notes that the 'Suburban' area referred to in the draft Green Plan incorporates the site and the area west to Greenwich Road; i.e. the entire Precinct.
101. 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.

Built Form

- *“Consider cumulative impacts of new developments on existing areas, including overshadowing, wind impacts and view loss”*
- *“Contain taller buildings between St Leonards Station and Crows Nest Station and on*

nominated significant sites along the Pacific Highway” (not applicable as the site is not located directly along the Pacific Highway)

- *“In transition areas between low and high-rise developments, new development should consider the prevailing scale and existing character in the design of their interfaces”*

102. Representatives of various developers with an interest in the site presenting at the public meeting stated that:
- any shadowing from the planning proposal will comply with the Department’s Apartment Design Guidelines (**ADGs**) requirements for solar access;
 - the planning proposal provides for an appropriate scale of development in a locality that is undergoing significant transition towards high-density development and taller buildings; and
 - draft planning controls under the planning proposal are highly prescriptive and do not allow any flexibility when it comes to the development application stage.
103. The Commission also heard concerns from members of the public regarding:
- the potential overshadowing of existing properties, including along River Road, caused by locating tall buildings on a sloping site;
 - building heights being too bulky and overpowering; and
 - inappropriate proposed setbacks and transitions to residents of Park Road and River Road given the building heights of the proposed development will be extenuated by the sloping nature of the site.
104. Council stated in its presentation to the Commission on 23 May 2019 that *“Proposed heights have taken into consideration overshadowing and amenity of key public spaces, and opportunity for CBD views”*.
105. Council’s Supplementary Design Report, prepared by Annand Associates Urban Design, states that *“Reduced building heights along River Road are desirable in order to prevent overshadowing of houses on the south side of River Road”*. In its submission to the Commission on 27 May 2019, Council stated *“It is noted that Council’s Shadow Model indicated shadows have been contained to River Road, and do not overshadow the living areas of the dwellings along the south side of River Rd”*.
106. The Commission notes that the planning proposal would represent a significant introduction of new high-density development on the site which interfaces with existing low-density development to the west and south of the site. The Commission acknowledges that Council’s planning proposal attempts to reduce the impact of its scale and subsequent potential impacts from overshadowing on properties to west and south of the site by transitioning building heights and implementing building setbacks.
107. The Commission notes that development on the site adjacent to properties on the south side of River Road is now proposed to be four to six storeys and development adjacent to Park Road is proposed to be eight storeys. 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. However, the Commission notes that properties on Park Road are between one and two storeys and despite the proposed mitigation measures including building setbacks and tree planting, the Commission considers that the transition between high and low density along Park Road and the interface between the proposed development and existing properties on Park Road is inadequate and the proposed development would be out of character with the existing area.

108. The Commission considers that the planning proposal is inconsistent with this element of the draft 2036 Plan's *Area Wide Design Principles* as it would represent a development that does not adequately transition to the existing residential area to the west of the site and would be out of character with this area.

Land Use

- *“Ensure new development contributes to a range of dwelling types in the area to cater for all life cycles”*

109. The Commission notes that this picks up an element of the draft 2036 Plan's *Vision*. The Commission's consideration of the planning proposal's consistency with the draft 2036 Plan with regards to its provision of a mix of homes for a diverse range of people is outlined in further detail in paragraph 67 to 69.

Movement

- *“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”*
- *“Identify opportunities to improve safety along existing pedestrian and cycling routes”*
- *“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”*

110. The Commission's consideration of the planning proposal's contribution to the improvement of the walking and cycling network in the area is discussed in paragraphs 70 to 75.

111. The Commission heard concerns at the public meeting regarding the safety of an increased number of pedestrians crossing River Road to access Greenwich Public School and Wollstonecraft rail station as a result of the planning proposal.

112. The Commission notes that Council's planning proposal *“proposes to create a high amenity residential precinct supporting the principles of transit-oriented development (TOD) and liveability near the existing St Leonards Rail Station and future Crows Nest Sydney Metro Station”*. The Commission also notes that there would be restricted street car parking and that an outcome of Objective 7 of the planning proposal is *“recommendations for new pedestrian crossings/underpaths of River Road to support ease of pedestrian/cycle circulation throughout the precinct”*.

113. 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.

114. While there remain challenges due to the topography of the site and safety concerns regarding crossing River Road, the Commission considers that the planning proposal is otherwise consistent with this element of the draft 2036 Plan's *Area Wide Design Principles*.

St Leonards South Design Principles

115. The Minister's request seeks advice on the consistency of the planning proposal with the St Leonards South Design Principles of the draft 2036 Plan. The Commission also notes that the draft 2036 Plan states that the following St Leonards South Design Principles *“should be*

considered by an independent panel in its review of Lane Cove Council's Planning Proposal":

- *Consider accessibility to St Leonards and Crows Nest Stations*

116. Council states in its planning proposal that it proposes "to create a high amenity residential precinct supporting the principles of transit-oriented development (TOD) and liveability near the existing St Leonards Rail Station and future Crows Nest Sydney Metro Station". Council noted in its presentation to the Commission on 23 May 2019 that its proposed over-rail plaza, if constructed, will provide a better connection in the north eastern corner of the site to the St Leonards rail station.

117. The Commission notes that the Department considered in its comparison of the planning proposal's objectives against the draft 2036 Plan that the planning proposal is consistent with this design principle.

118. As outlined in paragraph 7, the Commission notes that the site is between approximately 200m-400m from St Leonards rail station and 400-800m from the proposed Crows Nest Metro station. As noted in paragraph 70, the Commission heard at the public meeting how Wollstonecraft rail station is used by current residents of the site, particularly at the southern end, as it is closer and more accessible.

119. 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.

- *Minimise overshadowing of public open space and streets with a significant public domain function within and outside of the Plan boundary*

120. The Commission's consideration of the planning proposal's potential overshadowing of public open space within and outside of the Plan boundary is discussed in paragraphs 90 to 95.

121. The Commission considers that the planning proposal is inconsistent with this design principle as it will:

- generate overshadowing of the proposed new park, end-of-street parks and east-west links; and
- generate additional and longer duration overshadowing of Newlands Park.

- *Minimise overshadowing of Heritage Conservation areas and residential areas outside of the Plan boundary*

122. The Commission notes that there are no Heritage Conservation areas within the vicinity of the site but acknowledges the heritage items on Park Road adjacent to the site. At its meeting with the Commission on 23 May 2019, Council stated that their shadow analysis confirmed minimal additional overshadowing of the heritage items.

123. Council also stated that one of their overshadowing objectives was for 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.

124. From reviewing Council's and the Department's overshadowing testing, the Commission

accepts Council's statement in paragraphs 122 and 123 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.

125. The Commission therefore considers that the planning proposal is consistent with this design principle as it will have a minimal overshadowing impact on these heritage items and residential areas outside the draft 2036 Plan boundary.

- *Ensure new open spaces improve connections to existing surrounding open spaces*

126. Council stated in its meeting with the Commission on 23 May 2019 that the planning proposal's new park and east-west links have been designed to provide a connection to Newlands Park. However, the Commission also notes that a large proportion of the planning proposal's open space, through its Green Spines, would be private open space, which limits and does not improve public connections to surrounding open spaces, including the proposed pocket parks at the southern ends of Berry Road and Holdsworth Avenue.

127. The Commission therefore considers that the planning proposal is not wholly consistent with this design principle as the proposed new open spaces would not notably improve connections to existing surrounding open spaces.

- *Improve active transport connections*

128. The Commission's consideration of active transport connections to and from the site is included in paragraphs 70 to 75.

129. While the site is proximate to public transport nodes, the topography of the site would be a constraint to active transport connections through the site, particularly for cyclists. In addition, there would be limited additional publicly accessible linkages and opportunities for active transport connections through the site due to the amount of proposed private open space in the Green Spines.

130. For the reasons set out in paragraph 129, the Commission does not consider the planning proposal to be wholly consistent with this design principle.

- *Consider cumulative traffic impacts*

131. The Commission heard concerns at the public meeting regarding the generation of traffic on the Pacific Highway and River Road as a result of the proposed increase in population in the St Leonards South area, and the loss of on-street car parking. Concerns were also raised with regards to the impact of traffic on emergency vehicle access to the nearby Royal North Shore Hospital and the adequacy of traffic reports submitted by Council in considering cumulative traffic impacts.

132. The Commission acknowledges that Objective 8 of Council's planning proposal seeks *"To support the provision of efficient traffic routes in St Leonards South"* by providing a new minor road between Berry Road and Park Road (but not between Holdsworth Avenue and Berry Road) for access to lights at the Pacific Highway/Berry Road intersection. The Commission also notes that there would be limited street car parking on the site.

133. Council's presentation to the Commission on 23 May 2019 stated that *"Council completed traffic modelling of the cumulative developments in the St Leonards area in 2015"* which showed that *"the precinct could accommodate approximately 2,400 new dwellings, subject to*

traffic measures being undertaken”.

134. Council also stated that *“Council’s ‘Cumulative Traffic Study’ independently assessed the traffic impacts of the planning proposal as ‘moderate’ and determined that only minor network modifications would be required”.*
135. Council’s Cumulative Traffic Study, prepared by TEF Consulting states that *“although total traffic delays for the whole network generally increased with each additional development, some intersections even experienced slight improvements (due to traffic redistribution), whilst increased delays at other intersections were minor to moderate. Levels of Service remained essentially the same for all models”.*
136. Council noted that the Department commissioned a Strategic Transport Study as part of its preparation of the draft 2036 Plan which recommended *“Transport for NSW (TfNSW) and RMS undertake more detailed transport network modelling to analyse the impacts of the proposed land uses and development uplift ...”.*
137. 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 development and not the cumulative traffic impacts associated with full development uplift in the Planned Precinct.”*
138. The Commission has concerns over the limited capacity of the site for street parking and traffic movement, in particular additional traffic exiting onto the busy roads of the Pacific Highway and River Road. Given the scale of development proposed under the planning proposal the Commission considers that current traffic and parking constraints related to the site are likely to be exacerbated.
139. The Commission also acknowledges comments from the Department’s Strategic Transport Study and RMS recommending that more detailed analysis of the transport network is required to analyse the impacts of the planning proposal. The Commission is not satisfied that adequate information has been provided to analyse and address potential cumulative traffic impacts and considers that the planning proposal cannot be considered as consistent with this design principle without further detailed analysis.

- Transition buildings appropriately to lower scale buildings

140. The Commission’s consideration of the planning proposal’s transition of building heights is discussed in paragraphs 102 to 108.
141. The Commission considers that the planning proposal is inconsistent with this design principle as it will represent a development that does not adequately transition to the existing residential area to the west of the site and would be out of character with this area.

5.2.2 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 (GSC)

Scale of Residential Development

142. The Commission notes that Objective 1 of Council's planning proposal seeks *"To increase the residential density of much of the site shown in Figure 1 from R2 Low Density Residential to R4 High Density Residential..."*.
143. The Commission heard at the public meeting and received comments disputing the scale of residential development contained in the planning proposal:
- The Commission heard that the planning proposal would provide for an appropriate scale of development in a locality that is undergoing significant transition towards high-density development and taller buildings, and the scale of the proposed rezoning is appropriate and will provide approximately 2,400 additional dwellings in a strategic location with excellent access to employment and public transport to meet dwelling targets and support government investment in infrastructure.
 - Conversely, the Commission heard that the scale of planning proposal is vastly excessive, will place unacceptable pressure on the capacity of infrastructure in the surrounding area, including roads, schools and the Royal North Shore Hospital, and is considered an overdevelopment of the area in general.
144. Council stated in its presentation to the Commission on 23 May 2019 that the NSW Department of Education and Communities (**DEC**) previously indicated that it did not favour new investment in the site and has subsequently announced upgrades to Greenwich Public School as part of their strategy to deal with growth. The DEC stated in its submission to Council's exhibition of its planning proposal dated 19 January 2018 that *"This planning was based on enrolment projections incorporating the additional dwelling estimates for recent and proposed rezonings for St Leonards, including the St Leonards South precinct"*. Council also stated that it had offered to allocate a site within the Precinct for a school, but that DEC had not taken this up.
145. Council also stated that the DEC has now indicated that it is also considering a range of options for a new school which is currently being explored as part of the St Leonards/Crows Nest Station Investigation Precinct work.
146. The Commission heard at the public meeting that the Royal North Shore Hospital, located approximately 300m from the site, is currently overcrowded and would require upgrading to accommodate the population increase proposed by the planning proposal. While there was some discussion at the public meeting on the capacity of the Royal North Shore Hospital to accommodate additional demand associated with the scale of residential development proposed, no evidence on this was presented to the Commission.
147. The Commission's consideration of the impact on the road network as a result of the scale of residential development is outlined in paragraphs 131 to 139. The Commission is not satisfied that adequate information has been provided to address potential cumulative traffic impacts.
148. The Commission's consideration of the quantum of public open space to serve the scale of residential development is outlined in paragraphs 48 to 57. The Commission is not satisfied that the quantum of public open space is sufficient for development of the scale proposed.
149. From conducting its site and locality inspections, the Commission noted that there are a few residential developments with building heights lower than the majority of those in the planning proposal in the surrounding area, including residential developments on Duntroon Avenue.

However, notwithstanding the presence of high-rise, high density buildings in close proximity along the Pacific Highway, the Commission considers that the scale of residential development proposed under the planning proposal would be out of character with the remainder of the St Leonards South Precinct and surrounding neighbourhoods.

150. For the reasons outlined in paragraphs 146 to 149, the Commission considers the scale of residential development in Council's planning proposal would represent an overdevelopment of the site.

North District Plan Housing Supply Targets

151. The Commission notes that the Lane Cove LGA 5-year housing supply target for the LGA under the Greater Sydney Commission's *North District Plan*, to 2021, is 1,900 dwellings. The Commission also notes that a housing supply target has not been set for any future period.
152. The Commission heard at the public meeting and received comments stating that the planning proposal contributed to the above housing supply target. It was further noted that the *Greater Sydney Region Plan's* 2016-2021 housing supply targets are a minimum and that Council will need to find additional opportunities to exceed their target to address demand.
153. The Commission notes that Council received a letter from the GSC dated 16 May 2018, which stated that Council:
"is not only on track to achieve its 5-year target of 1,900 dwellings (to 2021), but to exceed it. This is evident in the Department of Planning and Environment's most recent 5-year housing supply forecast which estimates a development pipeline of 2,800 dwellings completed by 2022".
154. The Commission notes that the planning proposal is estimated to deliver 2,400 dwellings but the Department stated in its meeting with the Commission on 10 May 2019 that *"The exhibited St Leonards South Planning Proposal is not expected to contribute to the initial 2017 to 2021 5-year housing target, simply because the dwellings are not expected to be built before 2021"*.
155. The Commission considers that no rezoning of the site is required to meet the GSC's current housing targets under its *North District Plan* as the housing targets are currently likely to be exceeded without the proposed delivery of a further 2,400 dwellings. The Commission also notes that in the absence of any housing supply targets for future periods it is unable to comment on how the planning proposal would contribute to those future housing supply targets.

5.2.3 Whether some staging of the planning proposal is appropriate

156. At the public meeting, the Commission heard from representatives of various developers with an interest in the site that the staging of the planning proposal would not be practical, is not necessary and would impact the future viability of the development of the site. The Commission also heard that none of the strategic planning documents applicable to the site, including the St Leonards South Master Plan, the draft 2036 Plan, the Land Use and Infrastructure Plan, the *North District Plan* and Council's planning proposal itself, mention staging. It was therefore considered by the developers' representatives that there is no strategic planning basis for staging of the planning proposal.
157. The Commission notes that the Minister's request for advice did not specify whether the reference to staging was in the context of strategic planning for the site itself or more generally in terms of when regional infrastructure (such as road, school and hospital capacity) would be

available to serve new residents.

158. The Commission accepts the comments outlined in paragraph 156 that staging of development at the site would not be appropriate from a site-specific strategic planning basis.
159. 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.

6. HOW THE COMMISSION TOOK COMMUNITY VIEWS INTO ACCOUNT IN PROVIDING ITS ADVICE

160. The views of the community were expressed through the comments made at the Commission's public meeting on 20 May 2019 and comments received since. The Commission also considered the comments previously submitted to the exhibition of Council's planning proposal and comments submitted to the Department during its exhibition of the draft 2036 Plan.
161. The Commission has carefully considered all of the relevant comments as part of its process of providing advice. The way in which these concerns were taken into account by the Commission is set out in **section 5** above. For the reason set out in paragraph 28, the Commission has not taken into account the economics of the planning proposal.

7. THE COMMISSION'S ADVICE

162. Having regard to all considerations in **section 5** and in response to the matters the Minister has sought the Commission's advice on, the Commission considers that:
 - with regards to:
"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";
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;
 - with regards to:
"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";
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; and
 - with regards to:
"whether some staging of the planning proposal is appropriate".
staging of the planning proposal is not necessary from a strategic planning basis.



Ilona Millar (Chair)
Member of the Commission



Russell Miller AM
Member of the Commission



Peter Cochrane
Member of the Commission

Annexure 1 – Additional Information

On 3 April 2019, the Department provided a letter from the Greater Sydney Commission to Council, dated 16 May 2018, regarding the Lane Cove LGA housing targets and a letter from NSW Education and Communities to Council, dated 3 June 2015, regarding the St Leonards South draft Masterplan. Both letters were uploaded to the Commission's website on 9 April 2019.

On 24 April 2019, Council provided a letter to the Commission outlining its views on the submission of planning proposals and Concept Development Applications (DAs) from the landowners of sites within the St Leonards South area. This letter was uploaded to the Commission's website on 1 May 2019.

On 2 May 2019, Council provided the latest advice from Roads and Maritime Services (**RMS**) in relation to the St Leonards South Planning Proposal and it was uploaded to the Commission's website on 9 May 2019.

On 16 May 2019, the Commission wrote to the Department requesting the following information:

- a digital model of the overshadowing testing carried out by the Department;
- access to the 3D model of the St Leonards South planning proposal area, which was used during the Department's community consultation and referred to on page 6 of the Department's presentation to the Commission;
- an outline of the Department's factual consideration of the consistency of Council's Planning Proposal objectives (pages 5 and 6) with the draft St Leonards and Crows Nest 2036 Plan; and
- a copy of the speaking notes from Brett Whitworth used at the Department's meeting with the Commission.

The Department provided this additional information on 17 May 2019 and it was uploaded to the Commission's website on 23 May 2019.

On 23 May 2019, Council provided a St Leonards and Crows Nest Draft 2036 Plans Workshop Report and Fact Sheet and a timeline for the St Leonards South Planning Proposal. These were uploaded to the Commission's website on 24 May 2019.

On 24 May 2019, Council provided a Cumulative Traffic Report for St Leonards South and a St Leonards South Community Engagement Report. These were uploaded to the Commission's website on the same day.

On 27 May 2019, the Commission provided Council with an opportunity to comment on the Department's overshadowing testing for the planning proposal. Council provided a response on 27 May 2019. This was uploaded to the Commission's website on 31 May 2019.

On 27 May 2019, Council provided an Addendum Traffic Report – 88 Christie Street, St Leonards and Revised Addendum Traffic Report – 88 Christie Street, St Leonards. These were uploaded to the Commission's website on 31 May 2019.