



St Leonards Plaza

Planning Proposal

Client: Lane Cove Council

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1 Introduction

This Planning Proposal (PP) has been prepared by Elton Consulting (Elton) on behalf of Lane Cove Council (Council) to support an amendment to the *Lane Cove Local Environmental Plan 2011* (LCLEP 2009). This PP has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and 'A Guide to Preparing Planning Proposals' prepared by the (then) NSW Department of Planning and Environment [now NSW Department of Planning, Infrastructure and Environment (DPIE)].

The objective of the PP is to amend Schedule 1 of the LCLEP 2009 to include the development of the area spanning the north shore train line on the south side of Pacific Highway for the purpose of a public plaza. Specifically, the PP states:

- 1. This clause applies to land known as Part Lot 1 DP 127019, being the North Shore Line Train line on the southern side of the Pacific Highway, bound by Canberra Avenue and Lithgow Street.**
- 2. Development for the purposes of a Recreational Area is permissible without consent.**

The PP is considered to be a housekeeping amendment in that it is enabling the delivery of open space infrastructure by Council.

The site was first identified as an opportunity to deliver additional public open space in 2011 when Council met with the then Minister for Transport Gladys Berejiklian to discuss the St Leonards Urban Plan Concept. Since that time significant energy and resources have been expended by Council to realise the vision for the site, including working closely with TfNSW.

At a strategic planning level, the site has been identified in the draft St Leonards and Crows Nest 2036 Plan (draft 2036 Plan) for open space. Locally it is referenced in the Community Strategic Plan and Council has also included initial funding for the project in the Delivery Program and Operational Plan. Additional funding has also been allocated through Voluntary Planning Agreements for adjoining sites. Consistent with strategic planning framework, the amendment will enable the delivery of open space by Council for the benefit of the wider community.

2 Background

Council originally proposed the idea of using the area above the railway corridor between Lithgow Street and Canberra Avenue for open space and community purposes in 2011. Since that time Council has continued to gauge support for the project which requires the collaboration of both Local and State Government.

Following the initial meeting with the Minister for Transport in 2011, a significant body of work has been undertaken to realise the initial vision for the site. The key chronology is outlined below.

- » 2011 - Initial concept proposed, meetings between Council and Local Member, Anthony Roberts Minister for Fair Trade to discuss St Leonards Domain and St Leonards over rail corridor Civic Square and Minister for Transport Gladys Berejiklian, Development of Design Principles and initial concepts, invitation to Winten and Loftex (developments) to be part of the urban design process, representation to, and agreement from NSROC for the project.
- » 2012 - Engagement with North Sydney and Willoughby Councils, NSW Department of Planning Regional Director, TfNSW, Department of Premier and Cabinet, RMS and Railcorp progressing the concept and identifying delivery opportunities.
- » 2013-2014 - Consideration of planning proposal and development application (Winten) in the context of the Plaza site, on-going engagement with agencies and both officer and Ministerial level, preparation of design and delivery program, integration of access with proposed development, discussion as to the tenure arrangement for stratum for air space above rail corridor with TfNSW.
- » 2015-2018 - Negotiation of Terms Sheet with TfNSW. Engagement of TSA Management to project manage the delivery of the St Leonards Plaza. TSA, on behalf of Council are working with RailCorp and TfNSW on the Terms of Agreement for the construction and ongoing operation of the land by Council.
- » 2019 - Confirmation of the Planning Pathway for the delivery of the St Leonards Plaza project consistent with the requirements of both TfNSW and Council.

2.1 Site location and context

The site is situated within the Lane Cove Local Government Area (LGA) adjacent to the boundary of the Willoughby LGA roughly 5km from Sydney CBD.

The site is within close proximity to the St Leonards Station which is located immediately to the north of the site. the site is also within close proximity to a number of bus routes providing public transport to the wider Sydney metropolitan area. The site is central to the heart of St Leonards which suffers from a lack of any significant central meeting place. The site is adjacent to the Pacific Highway which dominates the St Leonards landscape.

The site enjoys high accessibility to the surrounding environment, however is car dominated due to proximity to Princess Highway, and surrounding carparks.

The recent and ongoing transition of St Leonards with additional floor area for mixed use multi-story development will continue to drive the need for additional publicly accessible open space.

Figure 1 Site location and context

Source: Sixmaps

2.2 Site Description

The site is the airspace stratum above the North Shore Railway Line at St Leonards. It is located on the southern side of the Pacific Highway across from the St Leonards Railway Station and the Forum mixed use development. The site is an area of roughly 2,700sqm and abuts the Pacific Highway, extending south towards Marshall Lane and Christie Lane.

The area to be developed is known as part Lot 1 DP 127019, Part Lot 1227 DP 752-67, lot 1 DP 1247727 and that part of Marshall Ave south of Lot 1221.

The site slopes south towards the Sydney CBD, and currently caters for public parking on either side of the railway line. The site encompasses setbacks from the railway which currently contain some mature trees for shading and reduction of visual impact. However, the quality of landscaping in these areas is low, with little to no continuous canopy.

Figure 2 Site

Source: Elton Consulting

2.3 Surrounding Development

The site is opposite the forum mixed use development which comprises of retail, business and residential uses. The adjoining land uses along Pacific Highway include small retail, business and restaurants and cafes. Café Wasabi abuts the site and provides indoor/outdoor dining along Lithgow Street.

A number of new developments have been completed and are currently being completed within the area; the majority of these are high density residential apartments, focusing on proximity to St Leonards Station. Of these developments the most notable are 88 Christie St and 1-13A Marshall Av.

» 1-13A Marshall Avenue – The Embassy by Loftex Development

The development at 1-13A Marshall Avenue is a brand new 98m, 29 Storey high-rise apartment building and 2 accompanying low-rise apartment buildings. The high-rise apartment is situated towards the eastern end of the 1-13A Marshall Avenue land, overlooking Canberra Avenue and the site. The high-rise apartment consists of 219 apartments and the two low rise buildings contain 52 apartments between them, bringing the total to 271 apartments.

» 88 Christie Street – 88 by JQZ

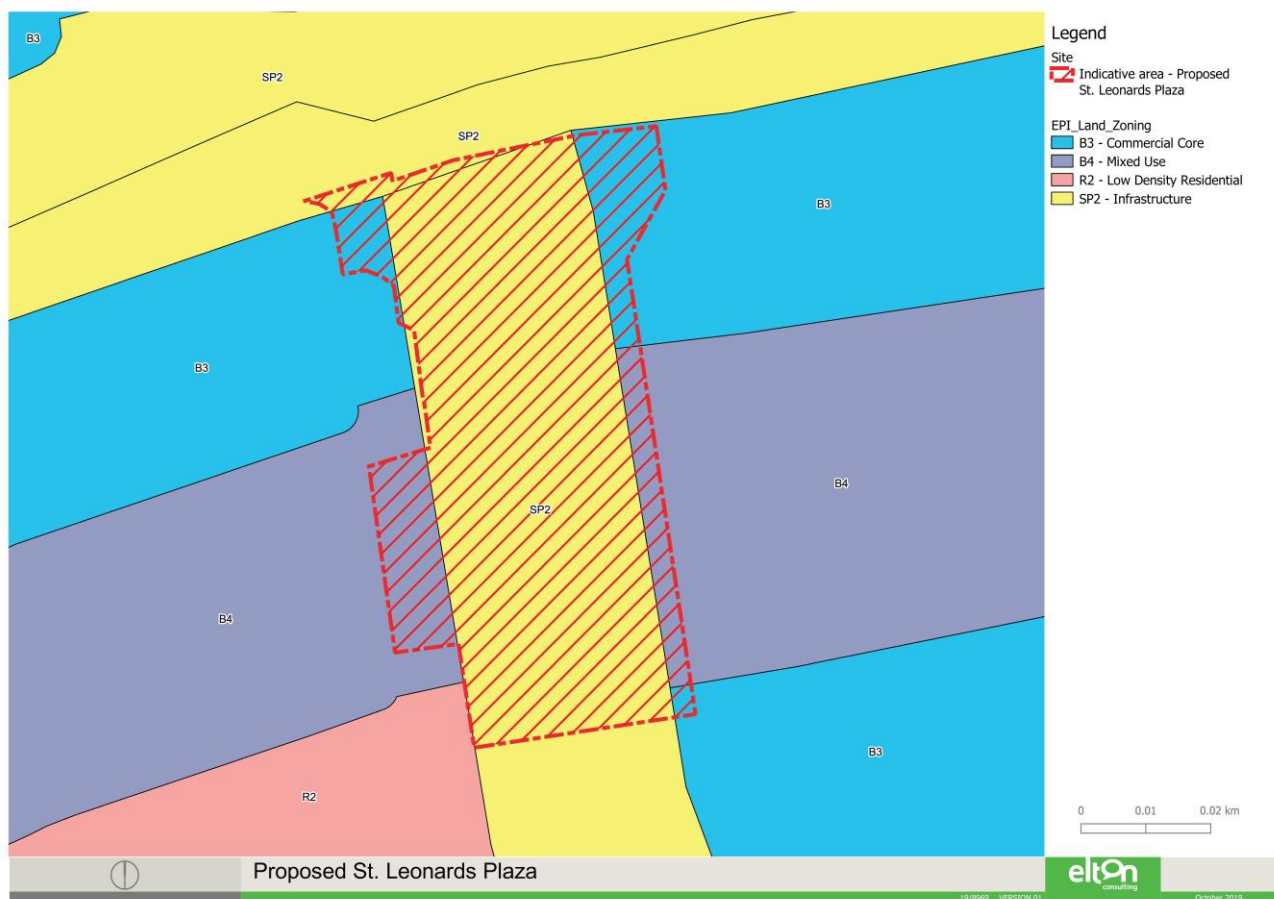
The currently under construction 88 development by JQZ will consist of 2 mixed use towers and one commercial tower. The towers will consist of one 47 storey residential development, one 27 storey residential development and one 15 storey commercial retail development. The site will accommodate a total of 654 apartments.

88 Christie Street was approved by the minister as a Planning Proposal which amended the zoning and FSR of the site. As noted above, JQZ have subsequently entered into a Voluntary Planning Agreement (VPA) to assist in the delivery of the St Leonards Plaza.

2.4 Current Planning Controls

The land is within the Lane Cove Local Environmental Plan (LCLEP) and is predominately zoned SP2 Infrastructure (Railway), part B3 Commercial Core and part B4 Mixed Use. This Planning Proposal applies solely within the SP2-zoned area (refer **Figure 3**).

Figure 3 Site Zoning



Source: Elton Consulting

2.4.1 Permissibility

The development of the plaza will involve the construction on a deck over the rail corridor. The deck will be constructed while the site is retained in the control of the rail authority to safeguard the rail infrastructure. Following the completion of the deck, the stratum will be leased to council for the use as the St Leonards Plaza.

The characterisation of the land use for the purpose of the *Environmental Planning and Assessment Act* (EP&A Act) has been challenging. Despite both *State Environmental Planning Policy (infrastructure) 2007* (ISEPP) and

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) providing pathways for the delivery of public infrastructure, open spaces and the installation of landscaping, public seating, shade structures and similar works, the combination of the land tenure, land use zone and staging of the project thwart the ordinary approval pathway under the SEPPs.

It is considered that the use could be characterised as a recreation area or community facility for the purposes of the LCLEP. While the latter is permissible with consent in the B3 and B4 zones, both land uses are prohibited in the SP2 zone.

2.5 Open Space Needs

The project has arisen as a result of the identification of a need for accessible open space in this part of St Leonards.

The St Leonards and Crows Nest 2036 Plan proposes an increase in densities close to the St Leonards Station and a number of PP and development applications have been supported in the immediate vicinity of the site. There are two proposals in particular that are of relevance to the delivery of the open space at this location:

- 1) Loftex Planning Proposal at 1-13A Marshall St, St Leonards for residential development included a Voluntary Planning Agreement (VPA) which contributes funding to the development of the St Leonards Plaza project.
- 2) Winten (JQZ) Planning Proposal at 75-79 Lithgow St and 88 Christie St for a mixed-use development that also included the contribution to the delivery of the St Leonards Plaza as a public benefit in exchange for additional FSR.

The St Leonards Plaza was identified within the St Leonards and Crows Nest Draft Green Plan prepared by DPIE (Then Department of Planning and Environment) as part of the St Leonards and Crows Nest 2036 Plan in October 2018. The plan provided the framework for delivery of open space infrastructure in the St Leonards Crows Nest area and classified three categories of open space initiatives and associated time frame for delivery.

Table 1 Green Plan Initiatives

Initiative	Time frame for delivery
Committed Initiative	0 – 10 years
Initiative for investigation	0 – 10 years or 10 – 20 years
Visionary Initiative	20+ years

St Leonards Plaza has been identified as a 'Committed Initiative' within the plan, with the project initially described in the plan as follows

St Leonards Plaza (over railway line between Lithgow St and Canberra Ave) - Lane Cove Council is proposing a 5,000m² plaza and public transport interchange over the railway line south of the Pacific Highway. This would create new open space in the centre of St Leonards and improve links to additional community facilities.

This proposal seeks to deliver a portion of that open space in line with the initial timeframes provided in the St Leonards and Crows Nest 2036 plan.

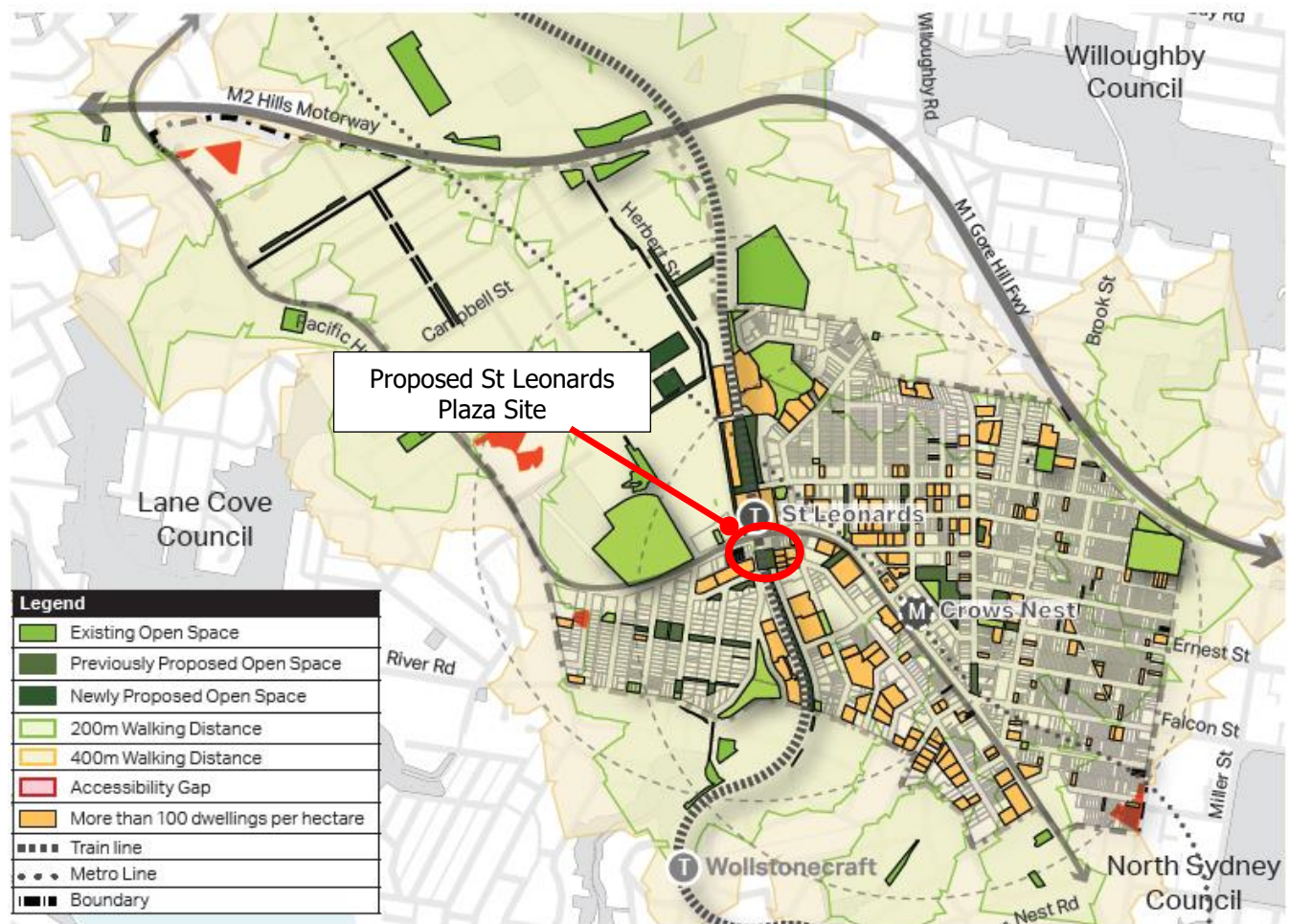
Figure 4 Draft Green Plan

Figure 10: Accessibility to Open Space (Source: AECOM, 2018)

Source: St Leonards and Crows Nest Draft Green Plan 2018

2.6 Voluntary Planning Agreements

The abovementioned developments being undertaken by JQZ and Loftex are currently entered into Voluntary Planning Agreements (VPA) whereby they are providing monetary contributions towards the delivery of the St Leonards Plaza.

Currently Loftex are contributing a sum of \$8.36Million towards the construction of the St Leonards Plaza and Bus/Rail Interchange. This VPA was endorsed on 7 December 2015.

JQZ have put forward a contribution of \$16.6Million, however this is spread over a number of social infrastructure initiatives within the LGA. The portion of the contribution committed to the St Leonards Plaza will be for the Construction and embellishment of the section of the proposed St Leonards Plaza deck over Lithgow Street. This VPA was endorsed 15 May 2017.

2.7 Collaboration with TfNSW

Council has been in discussion with Transport for NSW (TfNSW) and its agencies to facilitate the delivery of the St Leonards Plaza. To this end, as noted above, TfNSW will retain the responsibility and ownership of the site for the duration of the construction of the deck to ensure that the rail infrastructure is protected. It is intended to enable the construction of the deck as development without consent under Part 5.

Following the initial construction of the deck, Council will enter into a lease agreement with TfNSW. The land will be subsequently classified as Operational Land for the purposes of Part 2 of the *Local Government Act*. Classification of the land as operational land will satisfy Division 10 and enable the development of the plaza under Division 12 Parks and other public reserves, under the ISEPP.

3 The Site

3.1 Site location and context

The site is situated within the Lane Cove Local Government Area (LGA) adjacent to the boundary of the Willoughby LGA roughly 5km from Sydney CBD.

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Figure 5 Site location and context



Source: Sixmaps

3.2 Site Description

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Figure 6 Site



Source: Elton Consulting

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4 Development Concept

Council is proposing to construct a public plaza to provide open space above the rail corridor, on the south side of the Pacific Highway at St Leonards. A key objective of the St Leonards Plaza Project is to provide much needed community open space to cater for the increasing population of the area, and to compliment adjoining developments and to improve commuter and pedestrian movements around the St Leonards transportation network.

4.1.1 St Leonards Strategy 2006

The proposal was first put forward in St Leonards Strategy 2006. The strategic document provides a strategy for the future development for the St Leonards, in particular the area around the St Leonards rail station. the strategy was commissioned by the three Local Government Areas which converge at St Leonards being Lane Cove, North Sydney and Willoughby Councils. The recommendations contained within this draft have been adopted by the three councils.

The site and proposed recreational area have been identified as a suitable outcome to significantly increase pedestrian network and amenity of Lithgow Street.

Lithgow Walk is not particularly inviting, mainly due to its lack of natural light and active edges. There is little that can be done to improve it significantly. However, the development of a new plaza at the southern end as part of an air rights development over the rail line may offer the opportunity to enhance it.

- St Leonards Strategy 2006, page 72

Following the identification of the site and opportunity for the proposed 'plaza', one of the many actions for Lane Cove Council was to,

'Explore the feasibility of an air rights development over the rail line on the southern side of Pacific Highway incorporating a public plaza'.

- St Leonards Strategy, p106

Figure 7 New Plaza and associated air rights

Source: St Leonards Strategy 2006, p72

4.1.2 Lane Cove Council's "Pilot Projects"

Council's overall goal for St Leonards is to support the creation of an area with a high level of liveability, amenity and connectivity. It has sought to achieve this through a range of pilot projects which were consistent with successive Metropolitan Plans for Sydney, as well as the Department's own transport goals. This policy approach was implemented through Local Environmental Plan amendments.

Council seeks to achieve this goal by undertaking a range of programs which are consistent with successive Metropolitan Plans for Sydney, as well as the Department's transport goals.

Council targeted four key sites in the St Leonards Commercial Core area, based on their strategic value, for mixed use development. They include:

- a. 472-494 Pacific Hwy
- b. 500-504 Pacific Hwy,
- c. 88 Christie St, and
- d. 1-13A Marshall Avenue.

While Lane Cove Council had worked consistently to retain the commercial core within the St Leonards centre, commercial development had not occurred in the Lane Cove portion of St Leonards even with the uplift in FSR and height provided in LEP 2009. By targeting these key sites, the rest of the B3 Commercial Core area (within Lane Cove LGA) has always been expected to remain as currently zoned, supporting the Department of Planning, Infrastructure & Environment's aim to avoid isolation of commercial sites. This policy is also consistent with successive Metropolitan Plans for Sydney.

Council has undertaken a range of actions supporting its policy for vitalisation of the St Leonards Strategic Centre. These include the development of the Rail Plaza, LEP floor space ratio uplift for limited commercial properties,

three planning proposals targeted to contribute to that and other major public benefits, DCP controls for retail streetscape activation and other forms of amenity.

4.1.3 Community Strategic Plan

Lane Cove Council's Community Strategic (CSP) is the overarching strategic planning document for the Lane Cove Council and has been prepared to address the needs, wants and values of the community.

The CSP identifies the key issues including social, built environment, natural environment, culture, local economy and the Council governance. The CSP gives the overarching framework to Councils operational plan and budget. The plan identifies the vision, current actions undertaken and key issues the lane cove community are facing.

The proposal has been identified within the needs for the built environment of Lane Cove Council. The vision, and current actions Lane Cove are undertaking support the delivery of the plaza.

Vision for lane cove 2035

- » Lane Cove will be a well designed area. Heritage items and historical areas will be preserved. New residential development will be harmonious with Lane Cove's natural landscapes and with existing and emerging streetscapes and village character. Urban planning will be based on best practice, incorporating sustainable design principles.
- » Lane Cove will be a liveable area. Housing will be located appropriately and meet the life cycle needs of our community. Community assets and infrastructure will be well maintained and responsive to community needs. Asset and infrastructure management will be best practice and adopt appropriate sustainability technologies

Actions already being undertaken

- » development and infrastructure planning in response to State Government targets for population growth
- » programs for management and upgrade of footpaths, street lighting and roads

Further to the vision and actions already undertaken within the CSP the built environment of Lane Cove LGA has been identified as facing infrastructure and public domain issues.

Infrastructure

Infrastructure for open space, recreation, community facilities, transport and other uses will need to be provided for both the existing and growing population by local and State governments, working corroboratively. Council needs to assess existing assets to ensure that they meet the needs of the local community. Where assets have reached the end of their economic life, they need to be assessed for replacement, if needed.

Public Domain

Public domain refers to the interaction of public and private areas in our community. Council uses both physical and non physical means to develop the public domain of an area to create the desired effect.

Improvements to the public domain may include public art, lighting, landscaping, signage, seating, transport and pedestrian movement to improve the accessibility, atmosphere, safety and look and feel of an area. Council will need to consider improvements to the public domain of Lane Cove Plaza and surrounds, and other major areas in the future.

The CSP further identifies specific objectives and strategies to achieve the Vision, and satisfy the issues raised regarding the built environment. Six objectives have been identified with multiple supporting strategies to achieve them. Objective nine of the CSP relates to Assets, Infrastructure and Public Domain. Six strategies have been developed to achieve the objective, of which strategy 9.4 states;

Investigate opportunities to improve the public domain to enhance community lifestyle.

- CSP page 27

This strategy and objective will be further achieved by specific actions as detailed in Lane Cove Council's 2019-2021 Delivery Program and Operational Plan.

4.2 Operational Plan

Lane Cove Council's 2019-2021 Delivery Program and Operational Plan (operational plan) identifies the strategies outlined within the CSP and provides further actions, responsible parties, timeframe and reference to the budget allocation for the delivery of each strategy.

Within the operational plan, the CSP strategy noted above to investigate opportunities to improve the public domain to enhance community lifestyle, is identified as item 9.4. The actions to achieve the strategy are outlined in Table 2 below.

Table 2 Operational Plan 2019-20

Ref	Strategies	Actions	Responsibility	Budget Reference	2019-2020	2020-2021
9.4	Investigate opportunities to improve the public domain to enhance public lifestyle	Develop and implement a Recreational Precinct at Lane Cove Golf Course	OSUS / GM	8.3	✓	
		Undertaken planning and design development for the construction of the St Leonards Plaza	OSUS / GM	8.3	✓	
		Develop an Urban Streetscape Standard for St Leonards including guidelines for the performance requirements, for external materials, pavers, landscape and lighting standards	GM	8.3	✓	
		Restore Longueville Ferry Shelter to its original condition so that it can be better utilised	OSUS	SL		✓
		Reinstate Azalea landscaping feature along Epping Road	OSUS	8.3	✓	

Note* OSUS - Open Space & Urban Services

GM – General Managers Unit

As noted in Table 2 above the operational plan has identified the planning and design development for the construction of the St Leonards plaza has already been undertaken and is already within the Lane Cove Budget for 2019. The operational plan has identified the St Leonards Plaza to be delivered by June 2020.

Part 1 – objectives or intended outcomes

The primary purpose of this PP is to amend the LCLEP to facilitate the development of the site for a recreation area.

The intended outcomes of the PP are to:

- » Allow for the construction of a deck over the railway corridor as development without consent under Part 5
- » Allow for the additional use of the site for public purposes being the St Leonards Plaza
- » Achieve the strategic objectives of public open space consistent with the Community Strategy Plan, Delivery Program and Operational Plan
- » Deliver underprovided open space for the residents of St Leonards

Part 2 – explanation of intended outcomes

Proposed Amendment

The proposed amendment is for the inclusion of the site into Schedule 1 of the LCLEP for the construction of a deck on land above the railway corridor and the subsequent development of a public plaza.

The site is the airspace stratum above the north line railway, on the southern side of Pacific Highway. At present, the site is undeveloped and will require a platform be constructed in order to achieve the proposal. An amendment to Schedule 1 of the LCLEP 2009 will be required to ensure the development of the site for the purpose of a public plaza is permissible in the relevant SP2 zone.

It is anticipated the site will be included in Schedule 1 to read as follows

Use of certain land above the North Shore Line on the southern side of Pacific Highway at St Leonards

1. *This clause applies to land known as Part Lot 1 DP 127019, being the North Shore Line Train line on the southern side of the Pacific Highway, bound by Canberra Avenue and Lithgow Street.*
2. *Development for the purposes of a Recreation Area is permissible without consent.*

The inclusion of such a provision will enable the operation of Divisions 10 and 12 of the ISEPP which provide for the development of land for parks and other public reserves. Following the publication of the amended LCLEP, Council intends to engage the operation of the following provision of the ISEPP.

(3) Any of the following development may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council:

(a) development for any of the following purposes:

- (i) roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges,*
- (ii) recreation areas and recreation facilities (outdoor), but not including grandstands,*
- (iii) visitor information centres, information boards and other information facilities,*
- (iv) lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard,*
- (v) landscaping, including landscape structures or features (such as art work) and irrigation systems,*
- (vi) amenities for people using the reserve, including toilets and change rooms,*
- (vii) food preparation and related facilities for people using the reserve,*
- (viii) maintenance depots,*
- (ix) portable lifeguard towers,*

(b) environmental management works,

(c) demolition of buildings (other than any building that is, or is part of, a State or local heritage item or is within a heritage conservation area).

Part 3 – justification

Part 3 of the PP provides the justification of the proposal within the relevant strategic planning context, and provides consideration to environmental, heritage, social and economic impacts.

In accordance with the guidelines the level of justification is to be proportionate to the impact of the proposal and the stage of the of the LEP amendment process. At this initial stage the issues relevant to the proposal must be identified to provide sufficient confidence to DPIE the amendment may be completed within the timeframes identified in the PP.

The proposal does not include any further assessment of environmental, social and economic issues. The proposal as presented will provide a public service and positive social outcome for the St Leonards community. Further investigation into the design of the proposal can be reviewed during the Review of Environmental Factors process for construction certificate.

4.2.1 Lane Cove Local Environmental Plan 2009.

The aims of the LCLEP 2009 are outline below. In particular, the PP will give effect to (2)(b) in relation to improving character and amenity, and (2)(e)(iv) linking open space areas for public enjoyment.

(1) This Plan aims to make local environmental planning provisions for land in Lane Cove in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

(2) The particular aims of this Plan are as follows:

(a) to establish, as the first land use priority, Lane Cove's sustainability in environmental, social and economic terms, based on ecologically sustainable development, inter-generational equity, the application of the precautionary principle and the relationship of each property in Lane Cove with its locality,

(b) to preserve and, where appropriate, improve the existing character, amenity and environmental quality of the land to which this Plan applies in accordance with the indicated expectations of the community,

(c) in relation to residential development, to provide a housing mix and density that:

(i) accords with urban consolidation principles, and

(ii) is compatible with the existing environmental character of the locality, and

(iii) has a sympathetic and harmonious relationship with adjoining development,

(d) in relation to economic activities, to provide a hierarchy of retail, commercial and industrial activities that enables the employment capacity targets of the Metropolitan Strategy to be met, provides employment diversity and is compatible with local amenity, including the protection of the existing village atmosphere of the Lane Cove Town Centre,

(e) in relation to the management of open space, public and privately-owned bushland, riparian and foreshore land:

(i) to protect and, where possible, restore all bushland areas, including all rare and threatened species and communities, and

(ii) to protect and, where possible, restore all riparian land along, and the inter-tidal zones and foreshores of, the Lane Cove River and Sydney Harbour and their tributary creeks, and

(iii) to make more foreshore land available for public access, and

(iv) to link existing open space areas for public enjoyment,

(f) in relation to conservation:

- (i) to protect, maintain and effectively manage public and privately-owned watercourses and areas of riparian land, foreshores and bushland and, where possible, restore them to as close a state to natural as possible, and*
- (ii) to ensure that development does not adversely affect the water quality or ecological systems of riparian land or other areas of natural environment, and*
- (iii) to control all new buildings to ensure their compatibility with surrounding existing built form and natural environmental character, and*
- (iv) to conserve heritage items,*
- (g) in relation to community facilities, to provide for the range and types of accessible community facilities that meet the needs of the current and future residents and other users,*
- (h) in relation to the principle of integrating land use and transport, to relate development to sustainable traffic levels,*
- (i) in relation to accessibility, to increase the number of accessible properties and facilities in Lane Cove,*
- (j) in relation to housing, to increase the number of affordable dwellings in Lane Cove and to promote housing choice.*

This PP gives effect to these objectives.

Zoning

The site currently straddles three zones. The PP does not seek to amend the specific planning controls in relation to the land use zone. Rather, the proposal seeks to include an additional permissible use under clause 5 and Schedule 1 of the LCLEP 2009. The development will relate predominately to the SP2 Infrastructure zone. The purpose of the SP2 zone is to identify land that is highly unlikely to be used for a different purpose.¹ In this case, the primary use annotated on the map is railway.

The objectives of the SP2 zone are:

SP2 – Infrastructure (Railway)

- » To provide for infrastructure and related uses.
- » To prevent development that is not compatible with or that may detract from the provision of infrastructure.

While the development cannot be said to be a “related use”, it has been deemed to be compatible with the primary purpose in so far as, the railway can operate below the plaza. Further, the PP will facilitate the development of the deck which will protect the rail infrastructure.

The objectives of the two relevant business zones are outlined below (emphasis added)

B3 – Commercial Core

- » To provide a wide range of retail, business, office, entertainment, community and **other suitable land uses that serve the needs of the local and wider community.**
- » To encourage appropriate employment opportunities in accessible locations.
- » To maximise public transport patronage and encourage walking and cycling.
- » To integrate business, retail and other development in accessible locations.

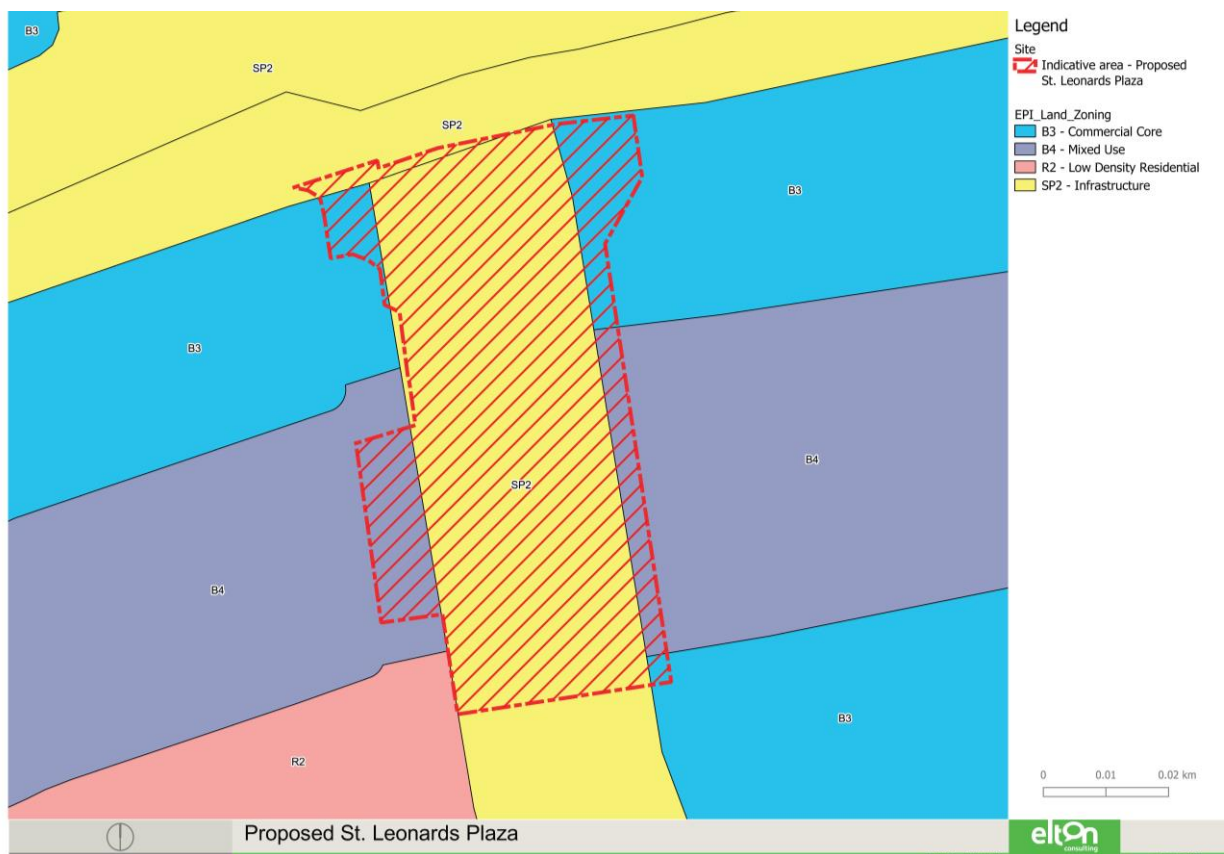
¹ <https://www.planning.nsw.gov.au/-/media/Files/DPE/Practice-notes/preparing-LEPs-using-the-standard-instrument-standard-zones-2011-03-10.pdf>

- » To maximise sunlight for surrounding properties and the public domain.
- » **To encourage urban design maximising attractive public domain and adequate circulation space throughout the St Leonards commercial centre for current and future users**

B4 – Mixed Use

- » **To provide a mixture of compatible land uses.**
- » To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- » **To encourage urban design maximising attractive public domain and adequate circulation space for current and future users.**
- » To maximise sunlight for surrounding properties and the public domain.

Figure 8 Current zone



Source: Elton Consulting

4.3 Strategic Planning Context

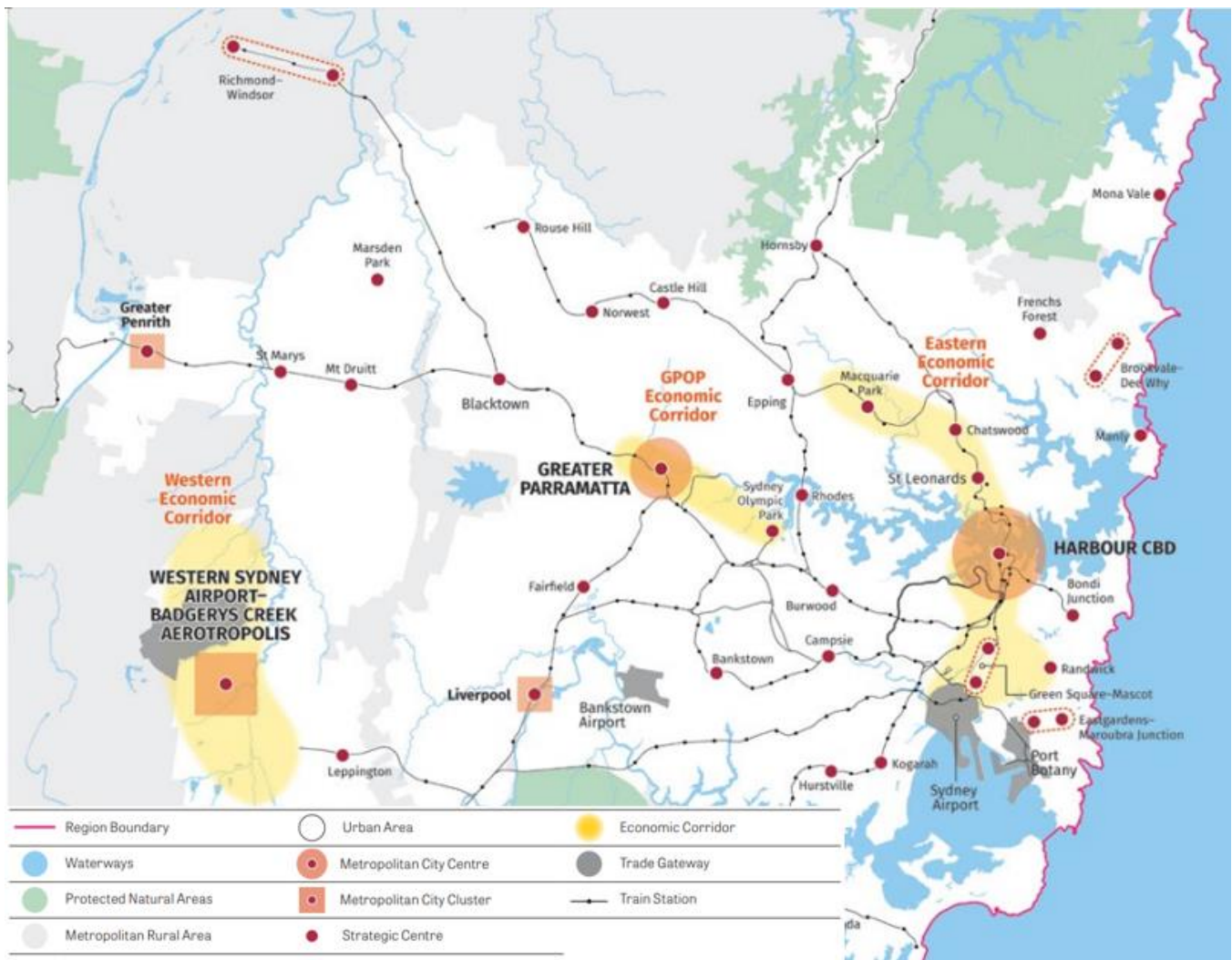
Greater Sydney Region Plan

A Metropolis of Three Cities – the Greater Sydney Region Plan, is the overarching strategic document for land use planning in the Sydney Metropolitan area. The region plan provides the overarching 40-year vision for metropolitan Sydney including implementing three CBD's within the region and enabling a 30-minute city for Sydney residents.

Ten directions are highlighted within the plan to form the strategic framework of a liveable, productive and sustainable metropolis. Each direction is further supported by 40 objectives and subsequent strategies to achieve them. Of those, the following are relevant to this PP.

Direction: A city in its landscape

- » **Objective 31:** Public open space is accessible, protected and enhanced
 - > **Strategy 31.1.**
 - providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow
 - investigating opportunities to provide new open space so that all residential areas are within 400 metres of open space and all high density residential areas (over 60 dwellings per hectare) are within 200 metres of open space
 - delivering or complementing the Greater Sydney Green Grid
- » **Objective 32:** The Green Grid links parks, open spaces, bushland and walking and cycling paths
 - > **Strategy 32.1**
 - Greater Sydney Green Grid priority corridors
 - opportunities for connections that form the long-term vision of the network
 - walking and cycling links for transport as well as leisure and recreational trips.

Figure 9 Greater Sydney Region Plan

Source: A Metropolis of Three Cities; DPIE 2018

Government Architects Sydney Green Grid

The Office of the Government Architect has prepared a Sydney Green Grid document to identify a network of high-quality green space that connects town centres, public transport hubs and major residential areas. The Green Grid forms part of the Greater Sydney Region Plan and subsequent District Plans.

St Leonards is identified within the Green Grid as project opportunity and priority for open space and green streets.

Figure 11 North District Plan

Source: GSC North District Plan

Draft St Leonards and Crows Nest 2036 Plan

St Leonards and Crows Nest has been identified by the NSW Government as a key precinct with opportunities for rejuvenation largely driven by the new Metro traversing the precinct.

In preparation for this transformation, DPE have prepared and exhibited a draft package of key planning documents including:

- » Draft Local Character Statement
- » Draft 2036 Plan
- » Draft Green Plan
- » Draft Special Infrastructure Contribution
- » Draft proposed rezoning for the Crows Nest Metro station site

The proposal is consistent with the Draft Plan 2036 which identifies the site as “Council Proposal Open Space” (**Figure 12** below).

Figure 12 Draft 2036 Plan

Source: St Leonards and Crows Nest 2036 Draft Plan, Extract Figure 1, DPE, 2018.

Draft Green Plan

The Draft Green Plan was developed as part of the planning package to support the St Leonards and Crows Nest 2036 plan. The Draft Green Plan responded to the outcomes from initial community consultation.

Section 2.3 What the Community told us, notes that the community expressed a strong interest in the improvement of existing and provision of additional high-quality open space. The key recommendations identified in the Draft Green Plan included:

- » More open spaces for community gathering such as: weekend markets, children's play areas and laneways with shops and cafés.
- » Preservation of the "village atmosphere", retaining the human scale and family-oriented character of the neighbourhood.
- » Improved existing open spaces with cafés, outdoor fitness equipment, more bench seats and playgrounds.
- » Added green spaces in St Leonards' higher density areas.
- » Improved urban tree canopy to protect biodiversity, encourage walking
- » Enhanced pedestrian & cycle accessibility to train station
- » Improved quality & connection of cycle paths
- » Improved amenity along Pacific Highway, including street tree planting.

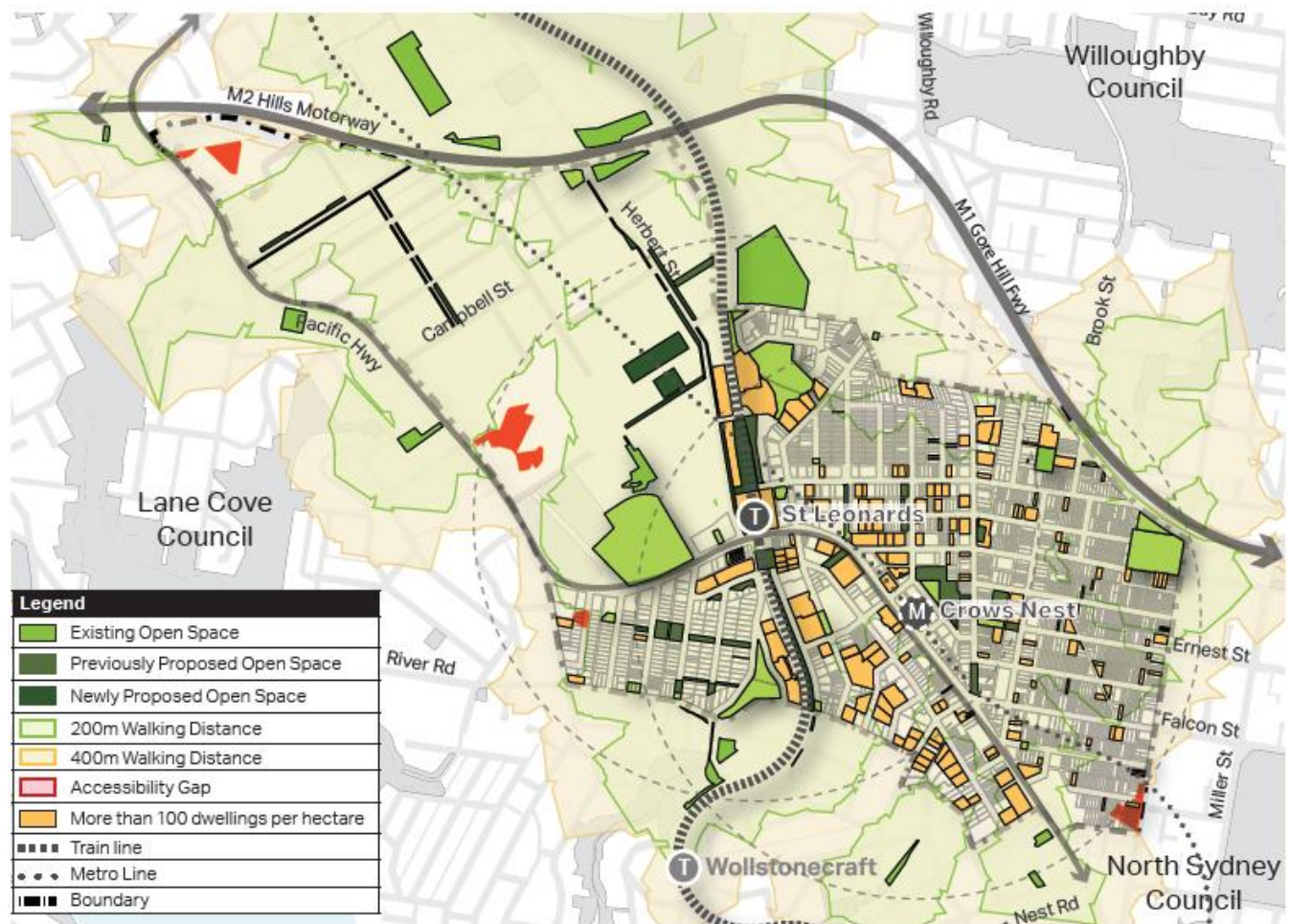
Figure 13 Draft Green Plan 2036

Figure 10: Accessibility to Open Space (Source: AECOM, 2018)

Source: St Leonards Crows and Nest Draft Green Plan 2018

Questions to consider when demonstrating the justification

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The PP will enable Council to meet the commitment in the Strategic Community Plan to Investigate opportunities to improve the public domain to enhance community lifestyle, and in turn the Delivery and Operational Plan 2019-2021.

The St Leonards Plaza Project has consistently been part of all of the conversations and planning work that has been undertaken by both Council and DPIE over the past few years gaining increasing support and resulting in a commitment in the current Operational Plan.

Liveable Lane Cove – Community Strategic Plan 2035

Adopted in June 2018, the Liveable Lane Cove – Community Strategic Plan 2035 provides a series of goals, strategies and objectives to fulfil the visions for Lane Cove as *a connected, inclusive, sustainable community*. This includes strategies under the theme of “Our Built Environment” to investigate opportunities to create more open space and to identify innovative funding and partnerships to provide for new and upgraded assets and

infrastructure. Included under the theme of “Our Local Economy” are strategies including “revitalising smaller shopping villages in the Lane Cove area and providing and maintaining supporting infrastructure such as car parks, vibrant public spaces and transport options.

The Deliver Program and Operational Plan 2019-2021 includes the following strategy and associated action for 2019-2020:

Strategy: Investigate opportunities to improve the public domain to enhance public lifestyle

Action: Undertaken planning and design development for the construction of the St Leonards Plaza

Resources have been allocated to the St Leonards Plaza Project in the 2019-2020 budget.

Local Strategic Planning Statement

The Lane Cove LSPS was on exhibition from Thursday, 5 September 2019 to Thursday 17 October 2019. The LSPS was adopted by Council and sent for Assurance Review in February 2020. A letter of support from the Greater Sydney Commission was received for the final LSPS on 27 March 2020 and published to the NSW Planning Portal website.

This PP is consistent with the objective of Planning Priority 6 of the LSPS which states

Planning Priority 6 - Create and renew public spaces and facilities to improve the community's quality of life.

Council's approach to allowing increased residential development in appropriate locations includes delivering new open spaces such as parks, plazas and meeting places. Planning priority 6 also makes explicit reference to improving streetscapes and having 'streets as places' to support active street life in the area.

Council has prepared 11 actions to achieve Planning Priority 6, two of which will be achieved through the PP. These actions include

Table 3 Actions for Planning Priority 6

Actions	Timeframe of delivery	Assessment
» Identify opportunities for the provision of more open space in the planning and assessment of Planning Proposals	Ongoing	The site is identified within the plan for open space. the PP will achieve the delivery of the site and increase the provision of open space within Lane Cove
» Undertake planning and design development for the construction of the St Leonards Plaza	Short Term	This action identifies the project and the need to complete the necessary planning and design for the delivery of the project in the future.

St Leonards & Crows Nest Draft Local Character Statement

The St Leonards & Crows Nest Draft Local Character Statement (Character Statement) has been prepared by DPIE as part of the package of work associated with the draft St Leonards & Crows Nest Plan based on consultation DPIE undertook in early 2018. The Character Statement was exhibited to the public for comment from 14 October 2018 until 8 February 2019.

Page 13 of the Character Statement identified the site as 'Plaza' with the understanding the site is to provide quality open spaces and public areas. The Character Statement Landscape plan has been provided in **Figure 14**.

Figure 14 Draft St Leonards and Crows Nest Local Character Statement

Source: Draft Local Character Statement (DPIE)

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This PP for the Schedule 1 amendment is the best way forward. A review of the planning pathways available has been undertaken by Elton Consulting in conjunction with discussions with both State Government and Council.

The proposed works was initially assumed to be a straightforward development under Division 12 of the State Environmental Planning Policy (infrastructure) 2007 (ISEPP) that deals with parks and reserves to be undertaken by Council on operational land. However, TfNSW require that the deck, which will be constructed to straddle the rail corridor and on which the open space will be placed, will need to be completed prior to TfNSW relinquishing responsibility for the site to Council. As Council will not retain control of the land until after the deck has been constructed, an alternative planning approval pathway was required.

Council had also considered the option of a State Significant Development application to the Minister. However, consultation with DPIE revealed the Department was not supportive of the application.

It has been concluded that a Schedule 1 amendment allows for the most efficient and effective process for delivering the desired infrastructure at the site. The amendment will not require any land to be rezoned, rather provides the opportunity to have an additional use supported by the LCLEP in a SP2 – Infrastructure Zone, specifically at the site.

Section B – Relationship to strategic planning framework.

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Yes, the PP will give effect to the following strategic plans. The relevant items within each plan have been identified and assessed as they relate to the PP.

Greater Sydney Region Plan

As detailed in section 4.3 of this report the proposed development will adequately address objectives 31 & 32 of the Greater Sydney Region Plan.

Objective 31: Public open space is accessible, protected and enhanced

Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths

The proposal will deliver the St Leonards Plaza, a noted piece of public open space within the Government Architects Green Grid.

The green grid focuses open space around strategic Centres and Urban Renewal Corridors. St Leonards has been identified as a strategic centre and situated between two major urban renewal corridors.

Table 4 Greater Sydney Region Plan assessment

Clause	Assessment
Objective 31: Public open space is accessible, protected and enhanced	
Strategy 31.1	
Maximise the use of existing open space and protect, enhance and expand public open space by:	The proposal will provide an area of 2,700m ² , high quality open space. The open space has been identified in the green grid and provides much needed space for adjoining residents in high density developments in particular those future residents of the JQZ and BLAH VPA.
» providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow	
» investigating opportunities to provide new open space so that all residential areas are within 400 metres of open space and all high-density residential areas (over 60 dwellings per hectare) are within 200 metres of open space	The proposal provides high quality open space in a high-density residential area. the provision of open space at the site will increase the number of residents within St Leonards who live within 200m and 400m of high-quality open space.
» delivering or complementing the Greater Sydney Green Grid	The proposal delivers the open space identified within the Green Grid Plan.
Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths	
Strategy 32	
Progressively refine the detailed design and delivery of:	The proposal will achieve the delivery of an item (St Leonards Plaza) on the Greater Sydney Green Grid Priority Corridor
» Greater Sydney Green Grid priority corridors	

Clause	Assessment
» opportunities for connections that form the long-term vision of the network	The proposal supports the long-term vision of the Greater Sydney Region Plan
» walking and cycling links for transport as well as leisure and recreational trips.	The proposal supports and encourages pedestrian access to the site.

North District Plan

The proposal will facilitate the delivery of open space as identified within the north District Plan. Action 34 of the North district Plan identifies the need to strengthen St Leonards as a strategic centre and has identified seven approaches to achieve this action.

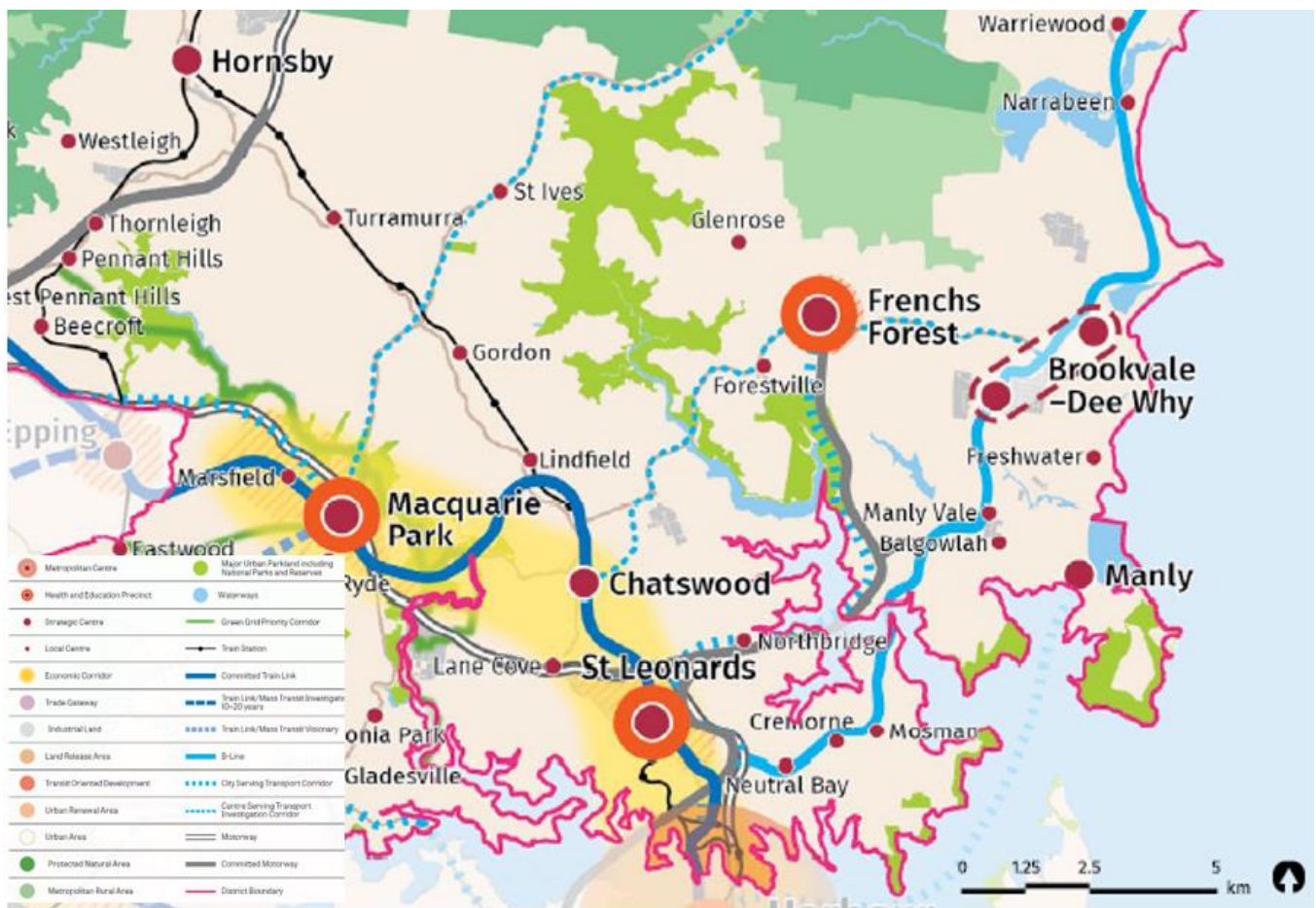
34. Strengthen St Leonards through approaches that:

e. deliver new high quality open space, upgrade public areas, and establish collaborative place-making initiatives

The relevant agencies to deliver approach 'e' of the plan have been identified as the NSW Department of Planning and Environment, State agencies, Greater Sydney Commission, NSW Health, Lane Cove Council, North Sydney Council and Willoughby City Council.

The PP will satisfy approach 'e' of Action 34 of the North District Plan by facilitating the ability of the Lane Cove Council to deliver recreation area with minimal administrative barriers.

The PP for 'recreation area' as an additional use permitted without consent within Schedule 1 of the LC LEP 2009 will provide the ability of the Council or other any other to provide recreational area at the site without having to lodge a development application to council for consent.

Figure 15 North District

Source: GSC North District Plan

Draft St Leonards and Crows Nest 2036 Plan

St Leonards and Crows Nest has been identified by the NSW Government as a key precinct with opportunities for rejuvenation largely driven by the new Metro traversing the precinct.

In preparation for this transformation, DPE have prepared and exhibited a draft package of key planning documents including:

- » Draft Local Character Statement
- » Draft 2036 Plan
- » Draft Green Plan
- » Draft Special Infrastructure Contribution
- » Draft proposed rezoning for the Crows Nest Metro station site

The proposal is consistent with the Draft Plan 2036 which identifies the site as "Council Proposal Open Space" (**Figure 16** below).

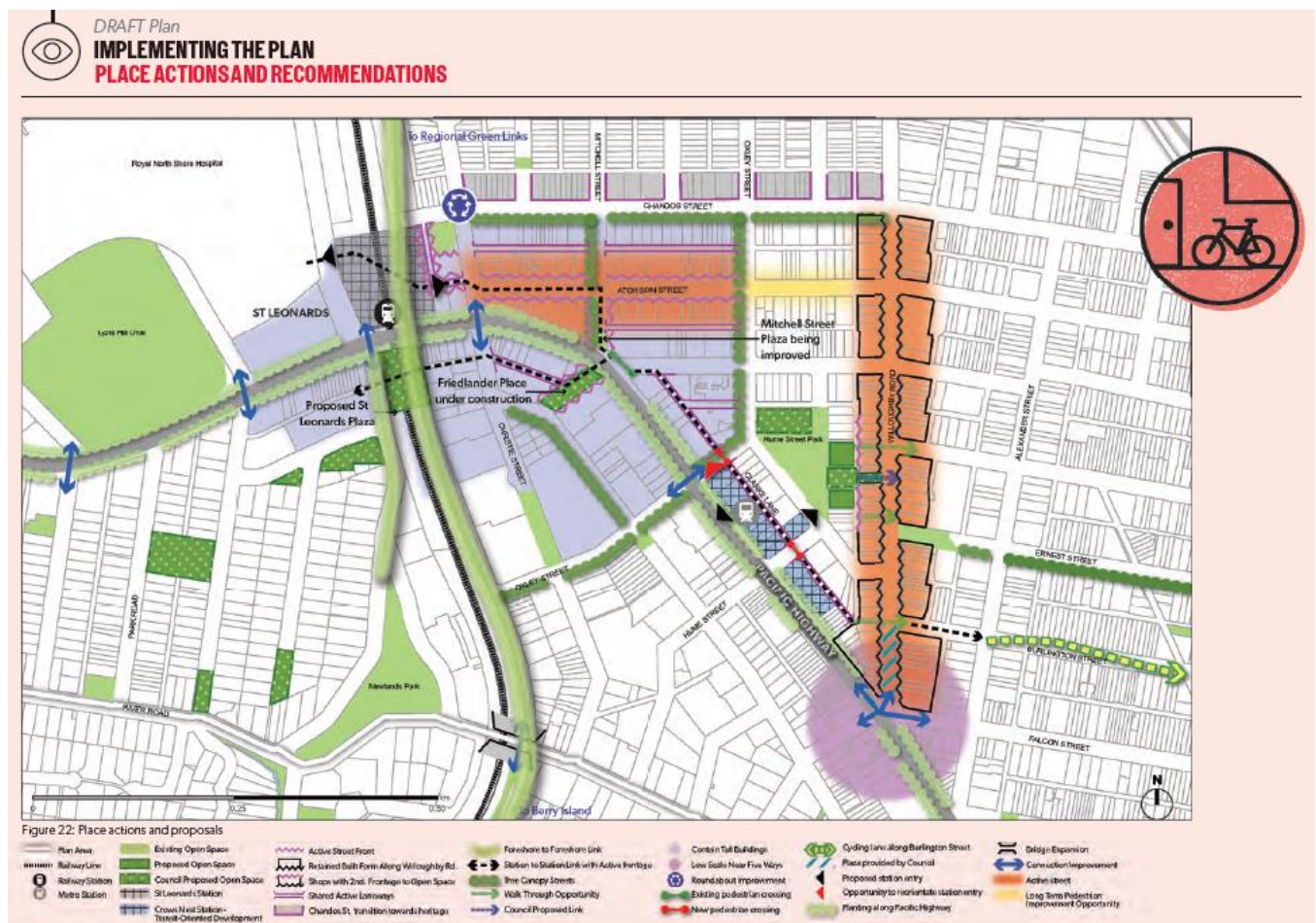
Figure 16 Draft 2036 Plan

Source: St Leonards and Crows Next 2036 Draft Plan, Extract Figure 1, DPE, 2018.

Moreover, the plan identified five guiding design principles being Place, Landscape, Built Form, Land Use, and Movement. The St Leonards Plaza is identified as achieving the guiding principles of the plan as follows.

Place

The proposal has not been specifically listed as an item contributing to the place of St Leonards, the implementation plan for this objective identifies having a 'Station to station' link across the proposed recreational area.

Figure 17 SLCN 2036 Place actions and recommendations plan

Source: Draft St Leonards and Crows Nest Plan 2036, 2018

Landscape

The St Leonards plaza has been identified as a key opportunity for delivery by 2036. The Plaza will encourage the Councils overarching vision to establish a north-south link known as the 'foreshore to foreshore' link which will link Naremburn park to Newlands Park before continuing into the North Sydney LGA.

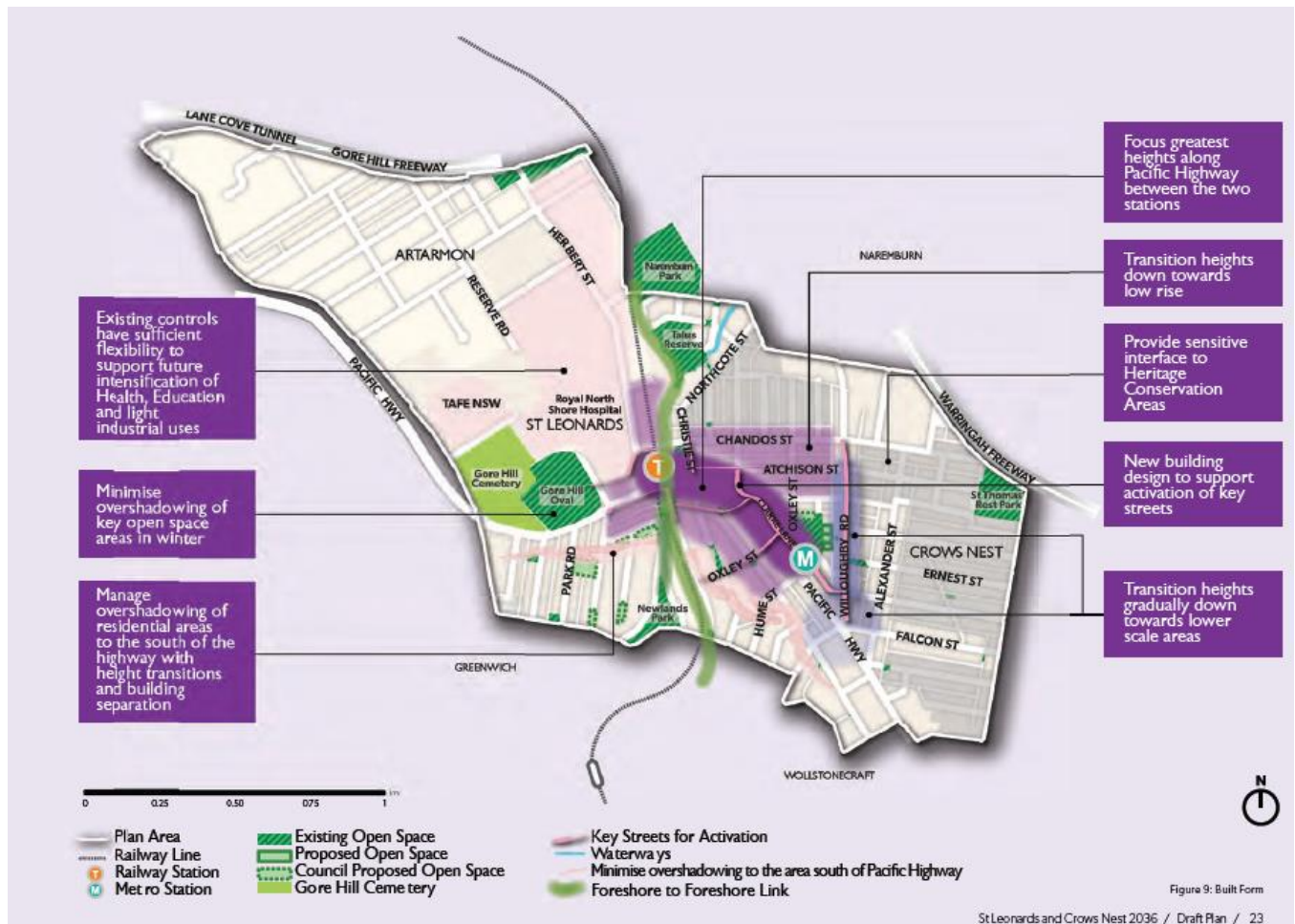
Further to the identification of the proposal as a key opportunity the plan identifies an objective and actions and recommendations to deliver the infrastructure

Table 5 Landscape actions and recommendations

Objective	Action
Leverage the improved amenity and connectivity opportunities arising from Lane Cove Council's plans for St Leonards Plaza.	<p>Complement plans for an overall rail plaza on the southern side of the Pacific Highway across from St Leonards Station, with:</p> <ul style="list-style-type: none"> » Investigation of improvements to crossing of Pacific Highway » Connections to the regional pedestrian and cycling link linear park south of Lithgow Street » Support for investigation of indented bus stops as part of the plaza

Objective	Action
	» Support for links to recent and proposed developments either side of the plaza

Figure 18 SLCN2036 Landscape plan



Source: Draft St Leonards and Crows Nest Plan 2036, 2018

Movement

The proposal has also been identified as contributing to the overall improvement of the St Leonards traffic Network. The proposal is currently under investigation as to how the closure of Lithgow Street / Pacific Highway intersection could potentially benefit not only the traffic movements associated with the proposal but the overall traffic movements within the LGA.

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Refer response to Q1 above.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes, please see the below table outlining the relevant State Environmental Planning Policies (SEPPs) and the proposals compliance with them.

Table 6 Applicable State Environmental Planning Policies

SEPP	Assessment
SEPP (Exempt and Complying Development Codes) 2008	
This Policy aims to provide streamlined assessment processes for development that complies with specified development standards.	Consistent This PP will facilitate future development of the site as recreation area as development without Consent.
SEPP Infrastructure 2007	
The aim of this Policy is to facilitate the effective delivery of infrastructure across the State.	Consistent The ISEPP aims to facilitate the effective delivery of infrastructure across the state. The proposal will enable the site to be developed under Division 12 of the ISEPP parks and other public reserves. And in doing so improve the efficiency of the planning process and delivery of key community infrastructure.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)

Yes, please see the below table of compliance with the s.9.1 Ministerial Directions. The relevant directions are addressed in the following table.

Table 7 Ministerial Directions

Ministerial Direction and objective	Assessment
3. Housing, Infrastructure and Urban Development	
3.4 Integrating Land Use and Transport (1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	Complies The proposal will increase the pedestrian permeability within the St Leonards town Centre which will improve the pedestrian access to housing from public transport in the area. This is especially true for future residents of the JQZ and Loftex developments adjacent to the site. The proposal will also support the efficient and viable use of public transport within St Leonards by providing a pedestrian respite area for commuters and by providing a platform for the recreation area which does not interfere with existing TfNSW infrastructure.
5. Regional Planning	
5.10 Implementation of Regional Plans	Complies

Ministerial Direction and objective	Assessment
(1) The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	The proposal directly achieves the vision, land use strategy, goals, directions and actions contained within the Greater Sydney Metropolitan Region Plan.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Complies
(1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	This proposal does not contain any provisions that require any further concurrence for approval. the proposal will ensure the final delivery of recreation area will be solely assessed and approved pursuant to the LC LEP 2009.
6.2 Reserving Land for Public Purposes	Complies
(1) The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	The land, once created, will be dedicated to council for the public purpose of recreational area.
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	Complies
(1) The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney	The site has been identified within 'A Metropolis of Three Cities – The Greater Sydney Region Plan' as open space. this proposal directly achieves the planning principles, directions and priorities of the Region Plan.

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The proposal is relevant to airspace above current built form with no ecological value.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. the proposal will not result in any other adverse environmental impacts. The project, once completed, will facilitate a recreation area for the general public. It is understood that the final outcome will provide some form of street tree planting to increase the ecological value of the site.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Social effects

The proposal will increase the provision of much needed public open space in the area of St Leonards. The provision of public open space at the site will increase the pedestrian permeability to the area as well allowing for pedestrian traffic to cross the site with ease, which was previously unavailable.

The site is well located to public transport. St Leonards Station entrance is roughly 100m north from the site, providing access to the CBD and wider Sydney Metro Region. The site is also within a 50m radius of four bus stands. The proposal will provide respite for commuters when waiting or arriving at either of those stands.

The proposal will activate a poorly delivered area of St Leonards town centre. Providing recreational area in the location will facilitate further activation of the space by visitors and residents alike, enhancing the vibrancy of the St Leonards streetscape.

Economic effects

The proposal will facilitate the construction of a platform or deck for the provision of recreational area at the site. The success of the proposal will result in future the engagement of engineers and builders to complete the project, increasing the economic activity within the St Leonards Town Centre.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

This proposal is for the addition of recreation area at the site within Schedule 1 of the LC LEP 2009. As the project progresses to construction phase it is envisaged that engineering plans will be undertaken to assess and ensure the ability of the recreational area to provide adequate lighting utilities. It is not envisaged that the space would require further servicing beyond electrical lighting however, further assessment will be made during construction certification stages.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

To date, no formal consultation has been undertaken with the Commonwealth Government to progress the PP. This matter will be considered after the PP progresses through Gateway.

Part 5 – community consultation

The EP&A Act provides the statutory requirements for community consultation and public exhibition of PPs to be confirmed by the Minister at Gateway. Public consultation will occur in accordance with the Gateway Determination made by the Minister, in accordance with clause 3.34 and Schedule 1 of the EP&A Act.

Council has a policy whereby it exhibits Planning Proposals for a minimum period of six weeks. In this instance, the PP will not rezone land, rather, enable the development of a site for a community purpose consistent with both the adopted Community Strategy Plan, current Delivery Program and Operational Plan budget and Draft LSPS all of which have been developed following a thorough community engagement process. It is recommended that the Council, in making the request for a Gateway Determination, also request a 14 day public exhibition process consistent with Schedule 1 of the EP&A Act.

Part 6 – project timeline

Part 6 of the PP aims to set an indicative timeline for the progress of the PP through the plan making process. It is generally assumed that the process of determining a PP of this nature will be 6-9 months. The proposed timeline will commence from the date of PP submission to Council and assumes Council and DPIE support for progressions.

