



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

Tel: 9911 3555

Fax: 9911 3600

Date: 30 August 2016
Doc Ref: 52464/16
Dept's Ref: PP_2015_LANEC_002_00

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

Attention: Ms Lauren Templeman

Dear Ms McNally,

RE: Planning Proposal 20 - Request for an Extension of Time

I am writing to request that an extension of time be granted to the Planning Proposal for 75-79 Lithgow St & 84-90 Christie St, St Leonards.

LEP Amendment

The amendment to Council's Local Environmental Plan proposes the following changes for 75-79 Lithgow St & 84-90 Christie St, St Leonards:

- Rezone the site from B3 Commercial Core to B4 Mixed Use;
- Increase the building height to a maximum of RL 224 metres;
- Permit a total floor space ratio (FSR) of 17.6:1, using a bonus FSR mechanism, in return for public benefits. Allowing:-
 - An additional FSR of 2:1 for providing a supermarket with public parking, and
 - An additional FSR of up to 1.6:1 for site amalgamation of shops at 546-564 Pacific Highway, adjacent to the site, for a new commercial building.

Background

Council formally submitted the Planning Proposal and associated documents to NSW Planning & Environment on 8 May 2015. A supporting document included Council's Traffic Model, developed by Transport Modellers Alliance (TMA), to accommodate various development scenarios for St Leonards South.

The Gateway LEP panel considering the Planning Proposal wrote to Council on 21 July 2015 raising a number of key concerns with the nature of the amendment, including:

- The proposed Quantum of commercial floor space;
- Proposed built form;
- Consultation with Transport for NSW; as well as

- The Draft Economic Impact Assessment.

Council and the applicant were required to address these issues prior to any Gateway Determination.

Between July and October 2015, Council and the applicant provided detailed responses and a series of documents to the Department for consideration.

Gateway Determination

The LEP amendment for 75-79 Lithgow St & 84-90 Christie St, St Leonards (Planning Proposal 20) was subsequently granted approval by the LEP Panel on 21 October 2015. Subject to:

“Prior to undertaking public exhibition, Council is to consult and work with Transport for NSW on the cumulative impacts of the proposed development and the capacity of the road network to cater for the mix and intensity of uses proposed and already approved.

Council is to include an appropriate level of assessment of these impacts with the planning proposal for the purposes of public exhibition”.

Council is in the final stages of review of the above information and for abundant caution requests an extension of time to provide the information.

Timeline - Traffic Model

Prior to these Planning Proposals, the original traffic model was developed by GTA consultants. Its purpose was to examine new large scale developments and the impacts additional traffic may have on the surrounding road network in St Leonards. The model was calibrated and validated against the RMS data set and was subsequently approved by RMS as "fit for purpose".

Due to Council receiving a number of Planning Proposals in the St Leonards area, Transport Modellers Alliance (TMA) was engaged by Council, to develop a future scenarios traffic model.

It used the GTA model as a base and added various developments to create the TMA Base Model 2021 with:

- approved developments under LEP 2009;
- general network traffic growth; and
- developments as per the St Leonards South Master Plan bounded by rail line/Marshall Ave/River Rd/Berry Rd

This TMA Base Model 2021 was then used to test impacts of a number of the recently proposed (some of them now approved) developments along Pacific Hwy. The final model, described in the TMA report dated 11 September 2015, was submitted as part of Planning Proposal 20.

After the Gateway Determination was issued, Council staff met with both Transport for NSW and NSW Roads and Maritime Services, in November 2015, to discuss the traffic model. A number of concerns, related to the traffic model and other Planning Proposal documents – these were confirmed in the attached letter (**Attachment A**).

In this joint response from TfNSW & RMS, one of the concerns raised was in relation to the proposed trip generation rates and further explanation of modelling results for TMA Model. Any assumptions used in the model were also required to be documented and explained.

In addition, the letter stated that to ensure completeness of the traffic modelling report for public exhibition, the analysis and modelling to be undertaken and documented should include:

- a) Estimated development generated/attracted traffic from all proposed developments based on new trip generation rates.
- b) Estimated traffic directional distribution – showing where generated traffic is going to & attracted traffic is coming from.
- c) Identify key intersections affected by generated traffic & estimate traffic turning movements – separate b/w background traffic & development traffic.
- d) State what future year traffic signals settings at signalised intersections that were adopted in model.
- e) Provide details on intersection performance (by approach & movement) with & without development traffic.

Based on the new modelling results, the intersection improvements measures (if any) will need to be identified – this will help inform any developer contributions or planning agreements.

Based on this letter, Council decided to engage an independent modelling firm (TEF Consulting) to revisit this model – this occurred in February 2016.

Since then, continuous liaison has occurred between the Council, consultant and TfNSW & RMS. All model suggestions requested by RMS have been discussed and incorporated in the new future scenarios model (dated August 2016). Council is currently awaiting RMS formal sign off for the final model and report.

Other issues

In addition to amending Council's traffic model, the Gateway Determination also stated that:

“Prior to undertaking public exhibition, the planning proposal is to be revised to:

(a) update the Economic Impact Assessment to include detailed urban design consideration of the proposed development in relation to the transition in height to surrounding development, and the minimisation of overshadowing, privacy, and view impacts

(b) update the planning proposal to include the additional information provided by Council to the Department in response to the request by the LEP Panel in its letter dated 21 July 2015 and ensure this information is publicly exhibited

(c) justify the inconsistencies with section 117 Directions 1.1 Business and Industrial Zones and 7.1 A Plan for Growing Sydney.

These aspects are to be undertaken by the applicant (JBA Consulting), subject to the results of the final (approved) traffic model/report, as well as the other concerns raised in **Attachment A**.

Public exhibition of the entire Planning Proposal, and subsequent documents, cannot occur until the raised issues have been resolved.

Conclusion

In summary, due to the Gateway conditions and the nature of the concerns raised by both TfNSW & RMS, Council may not be able to meet the 12 month deadline as set by the Gateway Determination.

Therefore, Council formally requests an extension of time for this Gateway Determination in order for this key Planning Proposal to proceed to the public exhibition stage.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michael Mason', followed by a horizontal line.

Michael Mason
Executive Manager - Environmental Services