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Contact: Alexandra Plumb

Ref: S12645 / 2024/353819
25 October 2024

Email: Shruthi Sriram shruthi.sriram@dpie.nsw.gov.au

Dear Ms Sriram

**PP-2022-2519 Planning Proposal – 4, 12, 14 Cowan Road St Ives
Ku-ring-gai Council Submission**

I refer to your correspondence dating 16 September 2024 requiring Council to provide comments on the proposal in accordance with Condition 3 of the Gateway Determination.

Council considered a report on this matter at OMC 22 October 2024, and resolved to make a submission. A copy of the Council Report and Council Resolution are included at Attachment 1 and 2.

Amended Planning Proposal

The exhibition documentation has been reviewed against the recommended amendments detailed in the Councils assessment on 16 May 2023. A checklist table of the amendments is included at Attachment 3.

Affordable Housing

It is noted that the Strategic Planning Panel of the SNPP required an affordable housing viability report to be prepared. The exhibited report prepared by HillPDA finds that the provision of 10% Affordable Housing is viable for the site. The exhibited Planning Proposal does not contain any mechanism to ensure the provision of Affordable Housing on the site as part of the uplift.

Council supports the finalisation of the Planning Proposal subject to the Planning Proposal being amended to incorporate an additional local provision specific for 4, 12, 14 Cowan Road, St Ives which requires an affordable housing contribution of at least 10% (either monetary or in kind (in perpetuity)), as part of any future development of the site.

Yours faithfully

Antony Fabbro
Manager Urban & Heritage Planning

Attachments:

- [Attachment 1](#) – Council Report OMC 22 October 2024
- [Attachment 2](#) – Council Resolution OMC 22 October 2024
- Attachment 3 – Checklist Table Planning Proposal Amendments OMC 16 May 2023

PLANNING PROPOSAL PYMBLE GOLF CLUB 4, 12 & 14 COWAN ROAD ST IVES - COUNCIL SUBMISSION ON EXHIBITION

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to consider a submission on the planning proposal for 4, 12 & 14 Cowan Road, St Ives (Pymble Golf Club).
BACKGROUND:	<p>On 16 May 2023 Council considered the subject Planning Proposal resolving not to support it. The proponent subsequently lodged a rezoning review which was considered by the Strategic Panel of the Sydney North Planning Panel on 18 October 2023. The SNPP determined that the Planning Proposal should be submitted for a Gateway Determination and appointed itself as Planning Proposal Authority.</p> <p>A Gateway Determination was issued on 12 July 2024. The Planning Proposal is on exhibition from 18 September – 17 October 2024.</p> <p>Council has been specifically requested by the NSW Department of Planning, Housing & Infrastructure (DPHI) to provide comment on the Planning Proposal by way of a condition in the Gateway Determination.</p>
COMMENTS:	The Planning Proposal has been amended in accordance with the recommended amendments contained in the Council Report from OMC 16 May 2023 and the requirements of the Strategic Panel of the SNPP relating to affordable housing and site specific DCP.
RECOMMENDATION: (Refer to the full Recommendation at the end of this report)	That Council make a submission to the NSW Department of Planning, Housing and Infrastructure supporting finalisation of Planning Proposal PP-2022-2519 subject to the proposal being amended to incorporate an additional local provision specific for this site which requires an affordable housing contribution of at least 10%, either monetary or in kind (in perpetuity), as part of future development on the site.

PURPOSE OF REPORT

For Council to consider a submission on the planning proposal for 4, 12 & 14 Cowan Road, St Ives (Pymble Golf Club).

BACKGROUND

The Planning Proposal is for 4, 12 and 14 Cowan Road, St Ives (Pymble Golf Club site) and seeks to make the following amendments to the KLEP 2015:

- rezoning from part R3 Medium Density Residential (R3) and part RE2 Private Recreation (RE2) to R4 High Density Residential (R4). A limited portion of R3 land will be rezoned RE2 to make the development site uniform. No development standards will be applied to this land consistent with surrounding RE2 zoned land;
- increasing the maximum building height (HOB) from 11.5m to part 11.5m, part 14.5m and part 17.5m;
- increasing the maximum Floor Space Ratio (FSR) from 0.8:1 to 0.92:1;
- introducing a minimum lot size of 1200m²; and
- list the single storey dwellings at 12 and 14 Cowan Road as local heritage items.

A copy of the public exhibition version of the Planning Proposal is included at **Attachment A1**. The full Planning Proposal documentation including appendices is available on the NSW planning portal.

This Planning Proposal originally was submitted to Ku-ring-gai Council in April 2020 and assessed by staff. The Planning Proposal was reported to the Ku-ring-gai Local Planning Panel (KLPP) on 24 April 2023 with a staff recommendation to proceed to Gateway Determination. The KLPP provided the following advice:

*That the Ku-ring-gai Local Planning Panel advises Council that the Planning Proposal, amended as per the Table of Assessment at **Attachment A11** of the Officers Assessment report, be submitted to the Department of Planning and Environment for a Gateway Determination.*

Prior to the matter being recommended to Council, the Panel advises that further clarification be sought (refer Page 10-12), to justify the inconsistency with the LSPS and the Ku-ring-gai housing strategy.

The Panel advises Council should investigate whether a community title and or other mechanism be sought to achieve a long term objectives for delivery of the development and the maintenance of the design quality of the site and its heritage items into the long term future.

The Panel advises Council that prior to the development of the site, a Conservation Management Plan be prepared for the two proposed heritage items.

The Panel advises that Council investigate further the bonus provisions that generally apply to the sites containing heritage items, should not extend to the whole of the development site but should only apply to curtilage lots of the heritage items.

Date of Advice: 24 April 2023

Voting: unanimous

The KLPP advice and the Planning Proposal were reported to the OMC 16 May 2023 with a staff recommendation to support the Planning Proposal and proceed to Gateway Determination.

Council resolved:

- A. That the Planning Proposal is not supported by Council.*
- B. That the Department of Planning and Environment be advised of Council's position and the Planning Proposal not be submitted for a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979.*

The proponent subsequently lodged a rezoning review for the Planning Proposal, which was considered by the Strategic Panel of the Sydney North Planning Panel (SNPP) on 18 October 2023.

The SNPP determined that the Planning Proposal should progress for Gateway Determination and appointed itself as the Principal Planning Authority.

A Gateway Determination was issued by the Department of Planning, Housing and Infrastructure on 12 July 2024. As Council is not the Principal Planning Authority, the Department of Planning, Housing and Infrastructure placed the Planning Proposal on public exhibition from 18 September – 17 October 2024.

Condition 3 of the Gateway Determination specifies that:

- 3. Consultation is required with the following public authorities:*
 - *Ku-ring-gai Council;*

As per this condition of the Gateway Determination, the Department of Planning, Housing and Infrastructure have requested comments from Ku-ring-gai Council on the proposal by 31 October 2024.

COMMENTS

Council staff have reviewed the Planning Proposal documentation currently on exhibition and note that the Planning Proposal has been amended to address the recommended amendments from Council's Table of Assessment at OMC 16 May 2023. A table outlining the recommended amendments from OMC 16 May 2023 is included at **Attachment A2**.

The Planning Proposal has also been amended to incorporate the requirements from the Strategic Planning Panel of the Sydney North Planning Panel, which were to:

- Prepare an affordable housing viability report and clarify housing affordability rates;
- Prepare a Site-specific DCP;
- Address the amendments proposed by the KLPP advice from 24 April 2023, which were to:
 - Amend planning proposal as per Council's Table of Assessment

- Further justification of inconsistency with LSPS and Local Housing Strategy

With regards to the site-specific DCP, the Strategic Planning Panel of the Sydney North Planning Panel required that a site-specific DCP be prepared by the proponent in consultation with Ku-ring-gai Council and the Department of Planning and Environment and exhibited with the Planning Proposal. The draft site-specific DCP which forms part of the documentation that is on exhibition has been amended to take into consideration the feedback Council provided in March 2024 to the proponent on a draft version.

With regards to Affordable Housing, the Affordable Housing Viability Report (January 2024 prepared by HillPDA) (**Attachment A3**) finds that the provision of 10% Affordable Housing is viable for the site. However, the exhibited Planning Proposal does not contain any mechanism to ensure the provision of affordable housing on the site as part of the uplift.

Council is currently in the process of preparing an Affordable Housing Options Paper and Affordable Housing Policy, with the intention to develop an Affordable Housing Contribution Scheme. It is recommended that Council make a submission and recommend that the Planning Proposal be amended to incorporate an additional local provision specific for this site which requires an affordable housing contribution of at least 10% as part of future development on the site in perpetuity.

INTEGRATED PLANNING AND REPORTING

Theme 3: Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P1.1 Ku-ring-gai's unique visual character and identity is maintained	P1.1.1 Strategies, plans and processes are in place to protect and enhance Ku-ring-gai's unique visual and landscape character	P1.1.1.1 Continue to review the effectiveness of existing strategies, plans and processes across all programs.
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai	P2.1.1 Land use strategies, plans and processes are in place to effectively managed the impact of new development	P2.1.1.2 Continue to review the effectiveness of existing strategies, local environmental plans, development control plans and processes across all programs

GOVERNANCE MATTERS

The process for the preparation and implementation of Planning Proposals is governed by the provisions contained in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

The Planning Proposal was subject to a rezoning review as Council indicated that it did not support the proposal. The Strategic Planning Panel of the Sydney North Planning Panel determined that the proposal has demonstrated strategic and site-specific merit and should proceed to Gateway Determination.

Item GB.16

S12645

In accordance with the Local Environmental Plan Making Guideline (August 2023) the Panel, as delegate of the Minister for Planning, appointed itself as the Planning Proposal Authority under section 3.32 of the *Environmental Planning and Assessment Act 1979* to finalise the planning proposal.

RISK MANAGEMENT

This is a privately initiated Planning Proposal. Councils' resolution of 16 May 2023 to not support the proposal means that Council is not the Principal Planning Authority.

FINANCIAL CONSIDERATIONS

The Planning Proposal was originally subject to the relevant application fee under Council's 2021/2022 Schedule of Fees and Charges. The cost of the review and assessment of the Planning Proposal was covered by this fee.

SOCIAL CONSIDERATIONS

The planning proposal will enable the delivery of approximately 78 dwellings of varying sizes on the subject site to meet the existing and future requirements of a growing and changing community.

ENVIRONMENTAL CONSIDERATIONS

The Planning Proposal is supported by an Ecological Constraints assessment and Aboricultural assessment. The reports concludes that the proposal is suitable for the site and will not have any detrimental impact.

COMMUNITY CONSULTATION

The Planning Proposal is on public exhibition by the NSW DHPI from 18 September 2024 to 17 October 2024 which DPHI have advised it meets their minimum 20 working days exhibition requirement.

INTERNAL CONSULTATION

Where relevant other Departments of Council have been consulted in the preparation of this report.

SUMMARY

The Planning Proposal was submitted to Ku-ring-gai Council in April 2020. The Planning Proposal was reported to the OMC 16 May 2023 with a recommendation to support the proposal to proceed to Gateway Determination.

Council resolved to not support the proposal. The proponent subsequently lodged a rezoning review for the planning proposal, which was considered by the Strategic Panel of the Sydney North Planning Panel on 18 October 2023. The SNPP determined that the proposal should progress for Gateway determination and appointing itself as the Principal Planning Authority.

As Council is by choice not the Principal Planning Authority, the Department of Planning, Housing and Infrastructure placed the Planning Proposal on public exhibition from 18 September – 17 October 2024. Council has been requested by the Department to comment on the exhibited Planning Proposal.

RECOMMENDATION:

That Council make a submission to the NSW Department of Planning, Housing and Infrastructure supporting finalisation of Planning Proposal PP-2022-2519 subject to the proposal being amended to incorporate an additional local provision specific for this site which requires an affordable housing contribution of at least 10%, either monetary or in kind (in perpetuity), as part of future development on the site.

Alexandra Plumb
Urban Planner

Craige Wyse
Team Leader Urban Planning

Antony Fabbro
Manager Urban & Heritage Planning

Andrew Watson
Director Strategy & Environment

Attachments:	A1	Exhibition version - Pymble Golf Club Planning Proposal - July 2024	2024/330080
	A2	Checklist Table - Pymble Golf Club Planning Proposal - Amendments from OMC 16 May 2023	2024/329773
	A3	Affordable Housing Viability Report (January 2024)- Pymble Golf Club Planning Proposal	2024/330081

201 **Planning Proposal Pymble Golf Club 4, 12 & 14 Cowan Road St Ives - Council Submission on Exhibition**

File: S12645

Vide: GB.16

For Council to consider a submission on the planning proposal for 4, 12 & 14 Cowan Road, St Ives (Pymble Golf Club).

Resolved:

(Moved: Councillors Taylor/Pettett)

That Council make a submission to the NSW Department of Planning, Housing and Infrastructure supporting finalisation of Planning Proposal PP-2022-2519 subject to the proposal being amended to incorporate an additional local provision specific for this site which requires an affordable housing contribution of at least 10%, either monetary or in kind (in perpetuity), as part of future development on the site.

CARRIED UNANIMOUSLY

**CHECKLIST – COUNCIL RECOMMENDED AMENDMENTS
FROM OMC 16 MAY 2023**

4, 12 and 14 COWAN ROAD ST IVES (PYMBLE GOLF CLUB) 1

PLANNING PROPOSAL		
PAGE/ SECTION	RECOMMENDED AMENDMENT OMC 16 MAY 2023	COMMENT
Explanation of provisions	Remove 2.2 Amendment to Ku-ring-gai Development Control Plan 2021 and enter into Q4 of Section A – make reference to the KDCP and outline the intended amendments provided in the summary.	Amended
Part 3 – Justification of strategic and site-specific merit	Remove ‘Land to which this Planning Proposal applies’ as this has been covered in the overview and background section.	Amended
Section A 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)?	Update the ‘comment’ against Objective 13 of the Greater Sydney Region Plan and Planning Priority N4 and N6 of the North District Plan to reflect the updated Heritage Impact Assessment and the intent to heritage list 12 and 14 Cowan Road, St Ives.	Amended
Section B Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?	Amend 3.2 Heritage Conservation to complete sentence and to reflect the updated Heritage Impact Assessment and the intent to heritage list 12 and 14 Cowan Road, St Ives.	Amended
Section C Q10. Has the planning proposal adequately addressed any social and economic effects?	Correct error to remove ‘ <i>Items or places of non-Aboriginal or Aboriginal cultural heritage not already addressed elsewhere.</i> ’	Amended
Section E Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?	Add Heritage NSW to list of agencies to be consulted.	Amended

**CHECKLIST – COUNCIL RECOMMENDED AMENDMENTS
FROM OMC 16 MAY 2023**

4, 12 and 14 COWAN ROAD ST IVES (PYMBLE GOLF CLUB) 2

Part 4 Maps	Amendment required to the heritage map to include the access handle of Lot 2. See below comments regarding heritage for further detail & justification.	Amended
Part 5 Community Consultation	Remove 'This section of the planning proposal must describe.'	Amended
Part 6 Project Timeline	Remove blurb taken from the guideline, all that is needed in this section is the table.	Amended
APPENDIX C – Ecological Constraints Assessment		
The recommended amendments to include the <i>Angophora costata</i> on the eastern boundary of 10 Cowan Road, Pymble will be incorporated into Council's upcoming review of the Greenweb mapping within the Development Control Plan.		Greenweb mapping has been prepared which incorporates the <i>Angophora costata</i> on the eastern boundary of 10 Cowan Road as 'Canopy Remnant' Category 5. The Greenweb mapping will need to be exhibited and incorporated as part of the DCP process to include site-specific DCP control for the site.
APPENDIX F – Statement of Heritage Impact		
Amend the proposed heritage map in Part 4 of the Planning Proposal to include the access handle of Lot 2 following the diagonal line - this can be redefined once the building are moved.		Amended