

Post-Exhibition Report – PP-2022-2519

4, 12, and 14 Cowan Road, St Ives – The planning proposal seeks to rezone part of the Pymble golf course to facilitate residential development and to heritage list 2 cottages.

1 Introduction

The planning proposal is at the post exhibition stage, which is the last stage before an LEP may be made and finalised. The Sydney North Planning Panel (the Panel) determined at a rezoning review that the proposal had strategic and site merit 18 October 2024. Subsequently, a Gateway assessment was undertaken, and a Gateway determination was issued on 12 July 2024 for the proposal to proceed, subject to conditions. Consultation with Agencies and the community required by the Gateway determination conditions has now been completed.

The purpose of this report is to provide a summary of the key matters raised by members of the public, Ku-ring-gai Council (Council) and public agencies during the public exhibition of the planning proposal (**Attachment A**) for 4,12 & 14 Cowan Road St Ives (the sites). The report makes a recommendation to the Panel that it submit the proposal to the Department of Planning, Housing and Infrastructure for finalisation.

Element	Description
Date of Gateway Determination	13 July 2024
Date of Public Exhibition	18 September to 17 October 2024
Planning Proposal no.	PP-2022-2519
LGA	Ku-ring-gai Council
LEP to be amended	Ku-ring-gai Local Environmental Plan 2015
Address	4,12 & 14 Cowan Road, St Ives
Brief overview of the timeframe/progress of the planning proposal	<p>April 2020 – Planning Proposal submitted to Council.</p> <p>24 April 2023– Ku-ring-gai Local Planning Panel resolved to support the planning proposal with amendments.</p> <p>16 May 2023 - Council resolves to not support the proposal</p> <p>25 June 2023– Proponent requested a rezoning review.</p> <p>18 October 2023 – The Panel recommends the planning proposal be submitted for Gateway, subject to amendments, and appoints itself as PPA.</p>

Element	Description
	<p>15 April 2024– Proponent submits updated planning proposal for Gateway determination.</p> <p>13 July 2024– Gateway determination issued.</p> <p>26 July 2024– Amended planning proposal submitted to the for public exhibition.</p> <p>18 September 2024 – 17 October 2024 – Planning Proposal is publicly exhibited.</p> <p>25 October 2024 - Council's endorsed submission forwarded to the Department.</p> <p>4 December 2024 – Proponent submits response to community and agency submissions (RtS).</p> <p>19 December 2024 – Updated RtS submitted with a response to CPHR.</p> <p>31 January 2025 – CPHR provides further comments, stating that any outstanding issues can be resolved through the DA process - see Section 3.2 of this report for further details.</p> <p>21 February 2025 – TfNSW provides further comments confirming traffic and transport matters can be further addressed through the DA process - see Section 3.2 of this report for further details.</p>
Finalisation date required by Gateway Determination	09 May 2025
Department contact:	Ayva Hamed – Planning Officer

1.1 The Site and local context

The site is 4,12, and 14 Cowan Road, St Ives and is legally, it is described is part Lot 1 DP 511821, Lot B DP 368565, and Lot 1 DP 531533, Lot 2 DP 531533, Lot 3 DP 531533 (**Figure 1**).

The total site area is approximately 10,000sqm and is located on the eastern side of the golf club to the immediate west of Cowan Road. The site contains an existing club house, car park, and 2 timber cottages.

The site is surrounded by (**Figure 2**):

- to the north - R3 Medium Density Residential zoned land containing 2-3 storey dwelling houses and residential flat buildings;
- to the north-east - is the St Ives Shopping Village and William Cowan Oval and St Ives Village Green; and
- to the east and south-east - land is zoned a combination of R3 Medium Density Residential and R4 High Density Residential, containing a combination of 1-2 storey dwellings and 5 storey residential flat buildings fronting Mona Vale Road.



Figure 1 – Aerial photo of the site - highlighted red (source: Briefing report – September 2023)



Figure 2 – Context image of the site - highlighted red (Base Source: SixMaps, overlay by the Department)

1.2 State Electorate and local member

The site falls within the Davidson state electorate. Matt Cross MP is the State Member.

The site falls within the Bradfield federal electorate. Paul Fletcher MP is the Federal Member.

To the team's knowledge, neither MP has made any written representations regarding the proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

1.3 Planning Proposal

Table 1 – Overview of planning proposal

Element	Description
Site Area	10,000m ² (club house, car park, cottages).
Site Description	4, 12 & 14 Cowan Road, St Ives (Lot 1 DP 511821, Lot B DP 368565 and Lot 1 DP 531533, Lot 2 DP 531533, Lot 3 DP 531533)
Proposal summary	<p>The exhibited planning proposal (Attachment A) seeks to amend the Ku-ring-gai LEP 2015 to facilitate several 3 to 5 storey residential flat buildings with a yield of approximately 78 dwellings.</p> <p>The exhibited amendments to the Ku-ring-gai LEP 2015 are discussed in further detail in Table 2 of this report.</p> <p><u>Development Control Plan</u></p> <p>The proposal is accompanied by a draft site-specific DCP (Attachment A2-A4) which includes setbacks, built form, access and heritage development controls to guide the planned future character and controls relating to the precinct.</p> <p>Council noted in its submission that this document aligned with its latest feedback. It's understood Council and the proponent are now working to finalise the draft DCP.</p>

The exhibited planning proposal (**Attachment A**) seeks to amend the Ku-ring-gai LEP 2015 per the changes in **Table 2** below.

Table 2 – Current and proposed controls

Control	Current	Proposed
Zone	<ul style="list-style-type: none">Part R3 Medium Density ResidentialPart RE2 Private Recreation	<ul style="list-style-type: none">Part R4 High Density ResidentialPart RE2 Private Recreation (small portion to make the development site uniform)
Maximum height of the building	<ul style="list-style-type: none">11.5m for R3 landNo HOB for RE2 land	<ul style="list-style-type: none">11.5m, 14.5m and 17.5m or 3 – 5 storeys across R4 landNo HOB for RE2 land

Control	Current	Proposed
Floor space ratio	<ul style="list-style-type: none"> No FSR for RE2 land 0.8:1 for R3 land 	<ul style="list-style-type: none"> 0.92:1 for R4 land No FSR for RE2 land
Local Heritage Listing	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> List 12 and 14 Cowan Road as local heritage items
Minimum lot size	<ul style="list-style-type: none"> 1,200m² 	<ul style="list-style-type: none"> No change.
Number of dwellings	<ul style="list-style-type: none"> 2 	<ul style="list-style-type: none"> 78

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

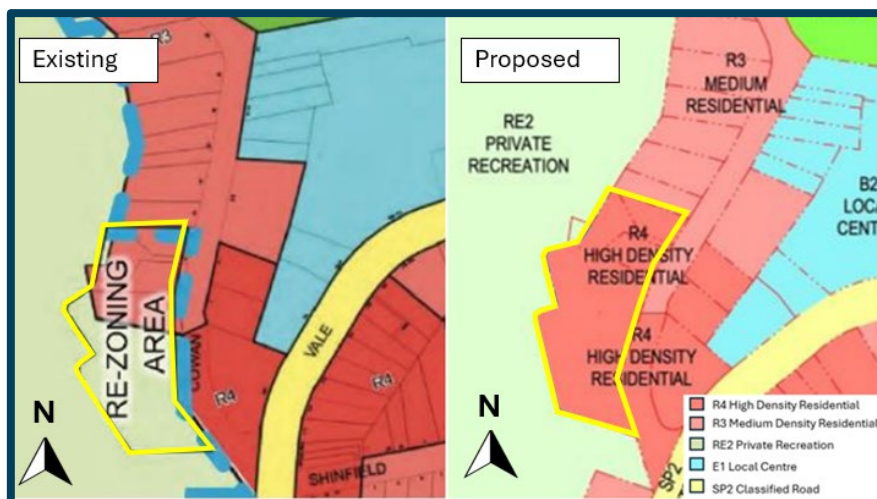


Figure 3 - Current and proposed zoning (source: planning proposal – July 2024)

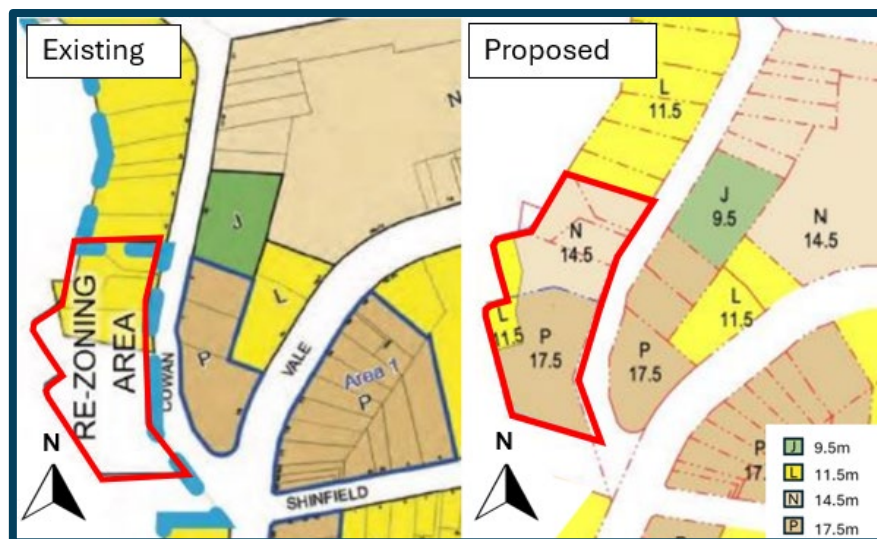


Figure 4 - Current and proposed height of building controls (source: planning proposal – July 2024)

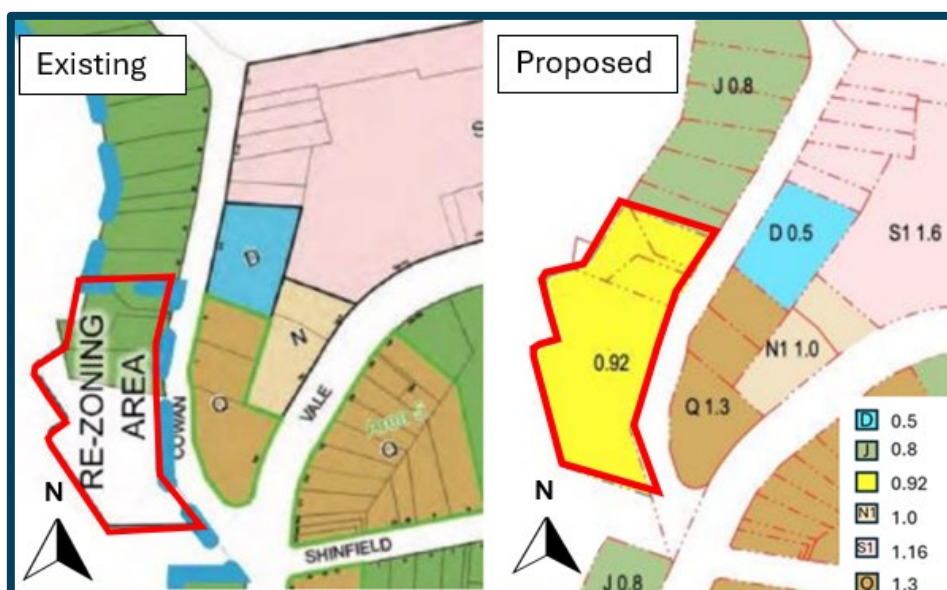


Figure 5 - Current and proposed floor space ratio (source: planning proposal – July 2024)



Figure 6 - Current and proposed heritage items (source: planning proposal - July 2023)

1.4 Rezoning Review

On 11 October 2023, the Sydney North Planning Panel (the Panel) considered a rezoning review for this planning proposal because Council notified the proponent it will not support the proposed amendment.

The Panel determined to support the planning proposal because it demonstrated strategic and site-specific merit and is consistent with State and Local Strategies. The Panel made the following recommendations (**Attachment B**):

- Prepare an affordable housing viability report and clarify affordability rates, including floor space and number of units and method of management to consider delivery of affordable housing in the development consistent with governments housing targets in the range of 5-10% of new residential floor space subject to viability;
- The amendments proposed by Ku-ring-gai Local Planning Panel on 2 April 2023; and
- Site-specific Development Control Plan (DCP) be prepared by the proponent in consultation with Ku-ring-gai Council and Department of Planning and Environment and exhibited with the planning proposal.

The Panel's determination and reasons for its decision are provided in **Attachment B**.

The Panel appointed itself as the planning proposal authority (PPA).

The proposal was submitted to the Department for a Gateway determination on 15 April 2024.

1.5 Gateway determination

The Gateway determination issued on 12 July 2024 (**Attachment C**) determined that the proposal should proceed subject to the following conditions:

1. *Prior to community consultation, the planning proposal is to be updated to include a revised project timeline in accordance with the Gateway determination timeframes.*
2. *Public exhibition is required for a minimum of 20 working days;*
3. *Consultation is required with the following public authorities for a minimum of 30 working days:*

- | | |
|----------------------------------|---|
| • <i>Ku-ring-gai Council;</i> | • <i>Department of Climate Change,</i> |
| • <i>Transport for NSW;</i> | • <i>Energy, the Environment and Water</i> |
| • <i>Heritage NSW;</i> | • <i>(Biodiversity Conservation and</i> |
| • <i>NSW Rural Fire Service;</i> | • <i>Science); and</i> |
| • <i>Sydney Water;</i> | • <i>Other relevant utility providers, such</i> |
| | • <i>as Ausgrid.</i> |

The Gateway determination identifies that the proposal is to be finalised before 9 May 2025.

All conditions of the Gateway determination have been met (**Attachment D**).

2 Community Consultation

2.1 Public Exhibition

On 13 September 2024, the PPA team advised the Panel that the proposal have been satisfactorily amended to meet the Gateway Conditions for public exhibition to commence (**Attachment E**).

In accordance with the Gateway determination, the planning proposal and supporting material were publicly exhibited on the NSW Planning Portal for 20 days, from 18 September 2024 to 17 October 2024.

3 Submissions

3.1 Submissions during exhibition

A total of 15 submissions were received during the exhibition period, including:

- 8 community submissions (**Attachment I**);
- 6 Agency submissions (**Attachment H**); and
- a submission from Ku-ring-gai Council (**Attachment G**).

The 8 community submissions objected to the planning proposal (**Attachment I**).

A table outlining the Proponent and the PPA Team's response to submissions is provided at **Attachment F**.

3.1.1 Submissions supporting the proposal

There were no submissions received from the community supporting the proposal during exhibition.

3.1.2 Submissions objecting to and/or raising issues about the proposal

In summary, the main concerns raised in community submissions include:

- traffic congestion and access (100%);
- built form and density (50%);
- flooding and stormwater (38%); and
- lack of affordable housing (13%).

3.1.3 Submissions from Agencies and Council

In accordance with the Gateway Determination, the following agencies were consulted:

- Heritage NSW;
- Department of Climate Change, Energy, the Environment and Water (Biodiversity Conservation and Science);
- Ausgrid;
- Transport for NSW (TfNSW);
- New South Wales Rural Fire Service (RFS); and
- Sydney Water.

Submissions were received from all agencies consulted (**Attachment H**). The matters raised by agencies have been adequately resolved – which are further discussed in **Section 3.2 and Attachment F of this report**.

A submission was received from Ku-ring-gai Council which reflects a resolution of Council (**Attachment G**). Council's submission supported the finalisation of the planning proposal subject to the 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 – this is discussed further in **Section 3.2.3 of this report**.

3.1.4 Representation from Parliamentary Members and Lobbyists

To the team's knowledge, neither MP has made any written representations regarding the proposal.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

3.2 Key Issues from submissions

The key issues raised during community and agency consultation are discussed in detail below, including the proponent's and Planning Proposal Authority team's response.

3.2.1 Issue – Traffic congestion and access

Community:

Traffic and access issues raised in community submissions include:

- new development will contribute to high volume of traffic and noise already present between Cowan Road and Mona Vale Road;
- vehicles are unable to turn into Cowan Road from Killeaton Street in current traffic conditions; and
- traffic conditions exacerbated by lack of public transport options.

Council submission:

Council's submission did not raise any concerns on the proposal's traffic impacts.

TfNSW submission dated 2 October 2024:

TfNSW raised no objections to the but requested the following additional survey data is out of date now and new traffic surveys should be undertaken with current counts to accurately inform the traffic impacts.

Proponent Response:

The proponent provided additional information responding to TfNSW and community submissions, including:

- new traffic surveys conducted in November 2024 and updated SIDRA modelling based on the new data;
- new SIDRA modelling confirms an additional 338 vehicles per hour during AM peak and 322 vehicles per hour during PM peak compared to the 2017 modelling;
- the revised assessment finds minor increases in average intersection delay as a result of the proposed development compared to the Future Base case scenario;
- access to the site is proposed to be restricted to left-in/left-out only, consistent with the Traffic Impact Assessment. This assists in minimising delays at the site access and potential issues for site egress; and
- Northern Beaches Transport Action Plan states \$125 million is being invested to deliver kerbside Bus Rapid Transit (BRT) service through Mona Vale to the Northern Beaches. This will be supported by new bus lanes and 800 new commuter car parking spaces. Bus services are currently available within 2 minutes walking distance of the site.

TfNSW further comments dated 20 February 2025:

TfNSW provided further comments suggesting that further detailed assessment should be conducted as part of the future master planning / development application stage for the site to assess access arrangements.

PPA Team Response:

The planning proposal adequately addresses community concerns with traffic, because:

- TfNSW's considers that the traffic matters can be further resolved through the development application process;
- Council in its previous assessment and submission on the proposal have not raised traffic impacts as a concern. Council's strategic Transport Engineer has reviewed the TIA and has identified the intersection of Killeaton Street/Cowan Road to only experience minor additional delays; and
- should an upgrade of the intersection be deemed necessary during the development application process, the proponent may secure the delivery of road infrastructure through a Voluntary Planning Agreement (VPA), a contributions mechanism, or a Works Authorisation Deed (WAD) with TfNSW, subject to TfNSW's design, safety, and construction requirements.

It is noted that the upgrade to signals at the Cowan Road / Killeaton Street intersection is identified in Council's contributions plan. The scope and design of this upgrade will be a matter for Council's consideration when the upgrade is to be developed.

3.2.2 Issue – Built form and urban design

Community:

Built form and urban design issues raised in community submissions include:

- built form will lead to overshadowing, restricted views, and lack of privacy;
- the height of the development will be inconsistent with surrounding infrastructure; and
- neighbouring properties ground level are approx. 8m lower than the planning proposal's site making the 17.5m building appear 25.5m tall.

Council submission:

Council submission raised no concerns with the built form and noted the exhibited DCP document adequately addressed their latest feedback.

Proponent Response:

The proponent's response to community submissions raising concerns with built form includes:

- the proposed maximum 17.5m building height (a maximum 5 storeys) is consistent with high density development in the neighbouring St Ives urban centre;
- the proposed development will have no impact upon the northerly aspect or views of the nearest residential property (16 Cowan Road);
- due to separation, retained and proposed landscaping, the proposed development would have a negligible impact on views for residential properties at 154 – 158 Mona Vale Road; and

- the proposed draft DCP ensures building setbacks (minimum 9m) promoting an appropriate transition in scale, opportunity for landscaping in a deep soil zone, and suitable separation for privacy.

PPA Team Response:

The planning proposal adequately demonstrates an appropriate built form can be achieved on the site, including:

- alignment with draft Development Control Plan document which Council's submission has confirmed aligns with their latest feedback. It is noted that Council's submission has not raised any built form objections to the planning proposal;
- results in no additional overshadowing to adjoining residential development at mid-winter (21 June);
- assessment against the provisions of the Apartment Design Guide which demonstrates the intended development outcome can achieve compliance with relevant controls, including solar access, communal open space and deep soil zones; and
- adequate height transition to neighbouring development, including a 9m boundary setback to proposed 3 storey built form from 16 Cowan Street, which includes an existing 2 storey dwelling.

3.2.3 Issue – Affordable housing

Community submissions:

Community submissions raised concerns with the provision of affordability of housing on the site.

Council submission:

Council's submission required an amendment to incorporate a LEP provision for an affordable housing contribution of at least 10%, either monetary or in kind (in perpetuity), as part of future development on the site.

Proponent Response:

The proponent's response to community and Council's submission raised no objection to the inclusion of an appropriate mechanism to ensure provision is made for an affordable housing contribution of at least 10% (either monetary or in kind (in perpetuity)), as part of any future development of the site.

The proponent's support is not contingent on being able to make an equivalent monetary contribution in lieu of providing a minimum 10% floor space for affordable housing.

PPA Team Response:

One of the Panel's rezoning review conditions required the proponent to *'prepare an affordable housing viably report and clarify affordability rates, including floor space and number of units and method of management to consider delivery of affordable housing in the development consistent with governments housing targets in the range of 5-10% of new residential floor space subject to viability'*.

In response, a feasibility analysis was undertaken to determine the appropriate affordable housing requirement for the site, which found that up to 10% would be feasible. It is understood that the proponent intended this be secured through a voluntary planning agreement. The Department notes Council has not prepared or adopted an affordable housing contribution scheme (AHCS), as

such Council was consulted during exhibition on their preferred option for managing such a contribution.

In response, Council requested a 10% affordable housing contribution be applied to the site as a post-exhibition amendment. The proponent does not object to this post-exhibition amendment. The PPA team supports the proponent's proposed post-exhibition amendment in response –see further discussion in **Section 3.3 of this report**.

3.3 Proponent lead Post-exhibition changes

The PPA team agrees that an affordable housing contribution of 10% of the floor space is an appropriate and feasible outcome for this site and recommends this post-exhibition amendment be included in the planning proposal by the Panel. Options for the delivery of this contribution in the LEP can be explored and determined by the Department at finalisation, including:

- a floor space contribution. This requirement has been included in several LEPs and does not require an AHCS; and/or
- levying for a monetary affordable housing contributions in appropriate circumstance may now be possible (see clause 7.5 of the North Sydney LEP).

This approach can allow either a 10% floor space provision or an equivalent in lieu monetary contribution for affordable housing. This approach can provide proponent's greater flexibility for an affordable housing contribution.

4 Next Steps

The Department is the Local Plan-Making Authority (LPMA) for this planning proposal.

The Panel's decision and the final planning proposal will be submitted to the Department through the NSW Planning Portal for finalisation.

The Department will prepare a finalisation report in accordance with the LEP Making Guidelines (August 2023) and will determine whether to make the LEP, with or without variation. The Department may defer the inclusion of a matter in the proposed LEP or not make the LEP.

In accordance with section 3.36(1) of the EP&A Act, the Department will organise drafting of the LEP and finalisation of maps and will consult the panel on any draft instrument.

5 Recommendation

Based on this post-exhibition report, it is recommended that the Sydney North Planning Panel determine that the planning proposal should be updated as follows, then submitted to the Department for finalisation:

- to incorporate a provision which requires an affordable housing contribution of at least 10% on the site in perpetuity (either monetary or as floor space (in perpetuity)).

The planning proposal (as amended above) is considered suitable for finalisation because:

- the proposal demonstrates strategic and site specific merit;
- the conditions of the Gateway have been met;

- agency and community consultation has occurred in accordance with the Gateway determination, with all submissions adequately addressed; and
- the post-exhibition change does not alter the intent of the planning proposal and adequately addresses community and Council's submissions.

5.1 Attachments

Attachment A – Planning proposal (July 2024)

Attachment A1 – Affordable Housing Viability report (January 2024)

Attachment A2 - Draft Site Specific Development Control Plan Document

Attachment A3 – Site Specific DCP - Excerpt Amended Greenweb Map Sheet

Attachment A4 - Site Specific DCP - Amended Greenweb Map Sheet

Attachment A5 – Statement of Heritage Impact (December 2023)

Attachment A6 – Survey Plan

Attachment A7 – Detailed Site Investigation (March 2019)

Attachment A8 – Ecological Constraints Assessment (June 2022)

Attachment A9 – Arboricultural Impact Assessment (January 2023)

Attachment A10 – Urban Design Report – Revision 5 (March 2023)

Attachment A11 – Transport Impact Assessment – Revision 7 (September 2022)

Attachment A12 – Photomontage Images

Attachment B – Rezoning Review Record of Decision (October 2023)

Attachment C – Gateway Determination (July 2024)

Attachment D – Assessment Against Gateway Determination

Attachment E – Authorisation of exhibition (September 2024)

Attachment F – Summary of community submissions and responses

Attachment G – Ku-ring-gai Council submission

Attachment H – Agency submissions

Attachment I – Community submissions (redacted)

Attachment J – Proponent response to submissions



11 April 2025

Alexander Galea

Manager, Planning Proposal Authority

Post-Exhibition Report

PP-2022-2519 - 4, 12, and 14 Cowan Road, St Ives



17 April 2025

Louise McMahon

Director, Planning Proposal Authority

Assessment officer

Ayva Hamed

Planning Officer, Planning Proposal Authority

02 9769 9907

© State of New South Wales through Department of Planning, Housing and Infrastructure 2025. The information contained in this publication is based on knowledge and understanding at the time of writing (April 2025). However, because of advances in knowledge, users should ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate departmental officer or the user's independent adviser.