



## **Planning Proposal**

### **Amendment to Lane Cove Local Environmental Plan 2009 to Permit Shop Top Housing as an Additional Permitted Use and Additional Building Height**

**2 Greenwich Road, Greenwich  
Lot 1 in DP 662215 and Lot 2 in DP 566041**

**Prepared by Willowtree Planning Pty Ltd on behalf of  
Ramsay Health Care Ltd**

**April 2017**

## PLANNING PROPOSAL

Amendment to Lane Cove Local Environmental Plan 2009 to Permit Shop Top Housing as an Additional Permitted Use and Additional Building Height  
2 Greenwich Road, Greenwich (Lot 1 in DP 662215 and Lot 2 in DP 56604)

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## EXECUTIVE SUMMARY

This Planning Proposal has been prepared by Willowtree Planning Pty Ltd on behalf of Ramsay Health Care Ltd, and seeks to amend *Lane Cove Local Environmental Plan 2009* (LCLEP2009) to include Shop Top Housing as an Additional Permitted Use, as well as additional building height, on the site within the B3 Commercial Core zone. The land subject to this Planning Proposal is described as 2 Greenwich Road, Greenwich (Lot 1 in DP 662215 and Lot 2 in DP 56604).

Ramsay Health Care have provided two concept design options known as Scenario 1 and Scenario 2 as part of this planning proposal. These scenarios have been prepared and submitted having regard for the current and DRAFT legislative planning framework that applies to the locality and test the suitability of the site for shop top housing with a maximum height of 33m. Scenario 1 has been prepared in the event that the Department of Planning & Environment (DOP&E) led Crow's Nest Priority Precinct Planning process does not eventuate in the immediate future having regard for Ramsay Health Care's immediate commercial and funding requirements for the new purpose-built facility at 2 Frederick Street, St Leonards (approved under SSD 7588 on 15 November 2016). Should the DOP&E's priority precinct planning process come to fruition in the immediate future, the preferred scenario 2 concept design has been provided and prepared to accord with and achieve the likely objectives for the subject site in the context of the wider precinct.

Both concept designs have been informed by detailed site analysis and consideration of the surrounding context in order to provide an optimal development outcome that capitalises on the strategic potential of the land whilst preserving the amenity of adjoining sites and the surrounding public domain.

Scenario 1 demonstrates a concept design for the site that effectively integrates with the current state of the surrounding context whilst requiring only minor amendment to the current planning framework.

Scenario 2 provides an alternative concept design for the site situated within a broader investigative framework for the surrounding area. This design demonstrates the uplift in FSR that would be justified if amendments to the planning framework were to occur at a larger scale and territorial scope.

A table summary of the headline planning metrics for each scenario are provided below and are further detailed in the Urban Design Report (**Appendix 1**):

<i>Scenario 1 Concept Design (Roberts Day, 2017)</i>	
<i>Development Particular</i>	<i>Scenario 1 Concept Proposal</i>
Site Area	2,140m <sup>2</sup>
GFA – Residential	4,230m <sup>2</sup>
Apartment Yield	60
GFA – Commercial	915m <sup>2</sup>
GFA – Total	5,145m <sup>2</sup>
FSR	2.4:1
Building Height	33m (11 storeys)

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<i>Scenario 2 Concept Design (Roberts Day, 2017)</i>	
<i>Development Particular</i>	<i>Scenario 2 Concept Proposal</i>
Site Area	2,140m <sup>2</sup>
GFA – Residential	4,880m <sup>2</sup>
Apartment Yield	70
GFA – Commercial	915m <sup>2</sup>
GFA – Total	5,795m <sup>2</sup>
FSR	2.7:1
Building Height	33m (11 storeys)

Ramsay Health Care’s preference for Scenario 2 will still see the current 3:1 FSR applicable to the site complied with while maintaining the proposed height applied for in both concept design scenarios.

The proposed rezoning included in both scenarios intend to facilitate the future development of the site for mixed use development comprising of ground floor commercial space and upper level residential accommodation. This is intended to replace the current Northside Clinic mental health hospital which is scheduled to be relocated in early 2018 to a larger, modern, purpose-built facility at 2 Frederick Street, St Leonards (approved under SSD 7588 on 15 November 2016). The existing asset at 2 Greenwich Road has reached the end of its useful life and the Northside Clinic operations require new and expanded facilities and will move offsite in early 2018.

The proposed amendments to LCLEP2009 is considered appropriate for the following reasons:

- The proposed rezoning for an Additional Permitted Use will enable the future development of the site for Shop Top Housing including commercial premises and residential accommodation.
- Given the site’s strategic location in proximity of an extensive public transport (train and bus) and road network, it is ideally located in accordance with the principles of transit-oriented development. Therefore, the site provides valuable opportunity to contribute to a sustainable, transit-oriented community providing a high standard of living for residents and workers.
- The proposal will connote significant economic benefit deriving from the provision of new commercial premises. Specifically, economic benefits are associated with the following:
  - The proposal will preserve the use of the site for employment generating development through the provision of ground floor commercial premises.
  - The provision of retail premises, commercial offices, child care and residential accommodation will ensure the retention of suitable employment generating land uses supporting the creation of job opportunities, the provision of retail, business and office premises and the provision of services to support other land uses.
- New housing on the site will support the need for additional housing supply in Sydney in accessible locations close to places of employment and established infrastructure.
- The proposal is consistent with the state, regional and local strategic planning framework. Specifically, the proposal is consistent with the priorities of NSW 2021,

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the strategic directions of A Plan for Growing Sydney, the priorities and targets of the draft North District Plan, the principles for the St Leonards and Crows Nest Priority Precinct and the objectives for Lane Cove 2025, particularly as they relate to providing additional housing in accessible locations, growing the economy, supporting strategic centres and coordinating land uses with transport and other infrastructure.

- The proposed rezoning is considered to align with the relevant s117 Ministerial Directions including as they relate to business zones, residential zones and the integration of land use and transport.
- The proposal is consistent with the aims of the LCLEP2009 as it seeks to facilitate the sustainable development and use of land for housing and commercial activities to meet the needs of local and regional populations.
- The proposal is partly consistent with the objectives of the B3 Commercial Core zone in that it will ensure the continued provision of employment-generating activities through ground floor commercial premises which will also serve the local community. A highly appropriate range of land uses will be provided in an accessible location promoting public transport patronage. The proposal will also provide opportunities for the activation of the site at ground level contributing to an improved public domain characterized by life in the street. Importantly a high level of amenity, including solar access, will be preserved to surrounding sites.
- The proposed 11 storey building height (33m), generous setbacks, active frontage and public plaza will ensure the future built form is compatible with the surrounding area in terms of visual appearance and amenity. As shown in the Urban Design Report (**Appendix 1**), the concept design provides a transition between higher density commercial development adjacent to the Pacific Highway and lower rise residential development to the south.
- The current 3:1 FSR applicable to the site pursuant to the LCLEP2009 will allow a suitable density of development on the site with no amendment required.
- The proposal will not result in any land use conflict but rather will complement and support the range of existing and future land uses and development types in immediate proximity of the site.
- A positive visual outcome will be achieved through high quality urban design, landscaping and architecture, emphasising an active street frontage and ground level.
- A high level of amenity for all residents, workers and visitors will be ensured by designing built form with respect to solar access, views, visual privacy and acoustic privacy.
- The proposal will not exhibit any adverse environmental impact. Rather the proposal will enable the redevelopment of a now redundant asset for higher density, mixed-use development that is highly accessible and serviced by existing infrastructure. As such the proposal maximises the efficiency with which the land may be utilised and provides a sustainable development outcome.
- No adverse social impact will arise from the proposal. Rather the proposal will provide for the needs of a growing population through the provision of new housing

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in an accessible location supported by established infrastructure, employment centres, retail services, public open space and community facilities.

- A small neighbourhood centre and 'heart' for the Greenwich North Transit Village has the potential to develop through the integration of retail, a café, commercial space and a possible childcare centre on the ground floor of a future shop top housing development, thereby providing new employment opportunities, accommodating small businesses, supporting community interaction and addressing the need for a focal point within the community and for additional child care services.
- The proposal is not considered to result in any other undue impacts. Future shop top housing on the site is not expected to generate significantly more traffic than land uses and development that are currently permitted. Further, given the walkability and accessibility by public transport of the site, active and sustainable transport modes will be promoted.

The subject site is therefore considered suitable for Shop Top Housing and greater building height which the proposed amendment to LCLEP2009 would enable. Accordingly it is requested that the Planning Proposal is supported.

Further to the above justification relating to the appropriateness of the subject site for Shop Top Housing, the proposed rezoning and future redevelopment of the subject site would assist Ramsay Health Care in funding the development of the new and expanded Northside Clinic at 2 Frederick Street (approved under SSD 7588). As aforementioned, the successful operations of the Northside Clinic require new and expanded facilities in response to increasing demand for quality mental health services demonstrated by growing waiting lists for many services including a number of critical and unique mental health services which are not readily available elsewhere. In particular Northside Clinic is already the largest provider of inpatient and day patient treatment for people with eating disorders and drug or alcohol dependency and also includes specialised treatment units in mood disorders, drug and alcohol detoxification and rehabilitation, post-traumatic stress disorder and day programs, and it is vital that services are expanded to meet the needs of the community. The development of the new and expanded Northside Clinic will therefore create additional access to mental health services in the LGA and ultimately increased access to health care and related jobs in the area.

The Planning Proposal is structured in accordance with the following:

- Part A Land to Which the Planning Proposal Applies
- Part B Objectives or Intended Outcomes
- Part C Explanation of Provisions
- Part D Justification for Proposed LEP
- Part E Community Consultation
- Part F Conclusion
  
- **Appendix 1** Urban Design Report

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## PART A LAND TO WHICH THIS PLANNING PROPOSAL APPLIES

### 1.1 SITE DESCRIPTION AND LOCAL CONTEXT

The subject site is identified as 2 Greenwich Road, Greenwich, being legally described as Lot 1 in Deposited Plan 662215 and Lot 2 in Deposited Plan 56604.

The site exhibits an area of 2,140m<sup>2</sup> and a perimeter of approximately 185m. The site exhibits a frontage to Greenwich Road to the west of approximately 30m. To the north the site is directly adjoined by a multi-storey commercial office building, to the east the site adjoins residential dwelling houses and to the south the site adjoins a three storey residential flat building.

In its existing state the site comprises the Northside Clinic being a 92 bed mental healthcare hospital with a number of specialized treatment units relating to mood disorders, drug and alcohol detoxification and rehabilitation, eating disorders, intensive care and a range of day programs. Existing site structures include a three storey rendered building with at-grade car parking located adjacent to the northern site boundary and semi-basement car parking and loading areas also provided. Vegetation on the site is limited to scattered trees and shrubs adjacent to the street frontage.

Vehicular access to the site is gained from Greenwich Road via a driveway adjacent to the northern site boundary which in turn facilitates direct access to at-grade and semi-basement car parking and loading areas.

The subject site is surrounded by a number of development typologies accommodating a range of land uses. In particular mid-high rise commercial development is located to the north fronting the Pacific Highway and a variety of residential flat buildings and dwelling houses dominate to the east, south and west. Gore Hill Cemetery and oval are located on the northern side of the Pacific Highway. The site is also located in proximity of the following key local infrastructure and services:

#### 50m-400m

- Pacific Highway
- North Shore Private Hospital
- TAFE NSW – St Leonards Campus
- Greenwich Public School
- Gore Hill Oval
- Urban St Leonards
- Glenwood Aged Care
- Total of 37 local businesses including offices, retail shops, cafes, hotel accommodation, health services, aged care facilities, educational establishments, and sports facilities.

#### 400m-800m

- St Leonards Station
- Royal North Shore Hospital
- North Shore Medical Centre
- Kolling Institute of Medical Research
- Greenwich Library
- KU Greenwich Community Preschool
- Church of Jesus Christ of Letter-day Saints
- Greenwich Hospital

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800m-1200m

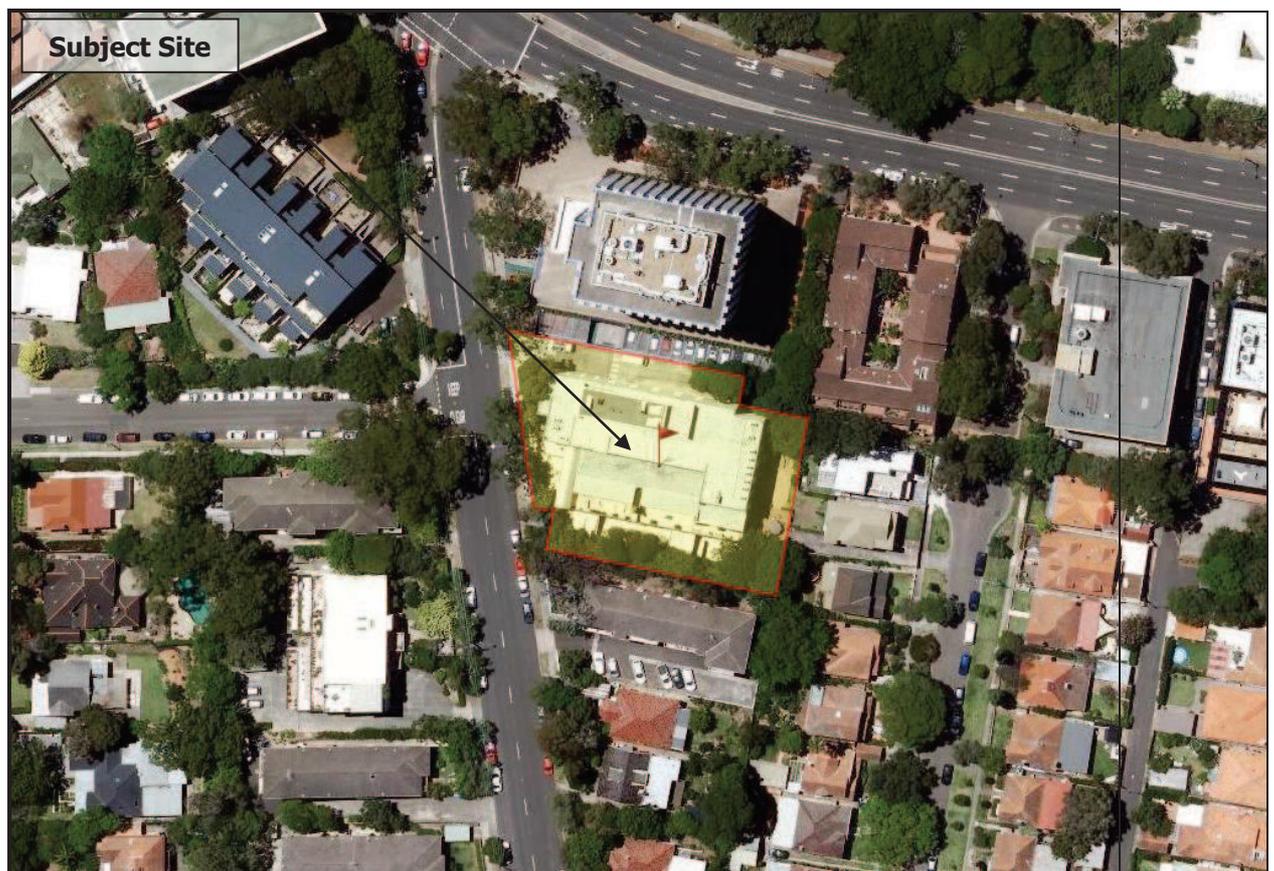
- Wollstonecraft Station

1200m +

- Greenwich Ferry Stop
- Lane Cove Tunnel

The site is accessible via Greenwich Road, by which access is provided to the wider road network including the Pacific Highway. The site is also highly accessible by public transport, being within 600m walking distance of St Leonards train station which is serviced by the Central Coast and Newcastle Line and the T1 North Shore and Northern Line. The site is also in immediate proximity of bus stops providing connections to Lane Cove, McMahons Point, Chatswood, Artarmon, Epping, Sydney CBD, Manly and Botany. This results in the site being awarded a transit score of 71 denoting excellent transit that is convenient for most trips, and a walkscore of 84 representing a very walkable location with most errands accomplishable on foot.

The subject site can be seen in **Figure 1** and **Figure 2** below.



**Figure 1. Existing Site Development (SIX Maps, 2016)**

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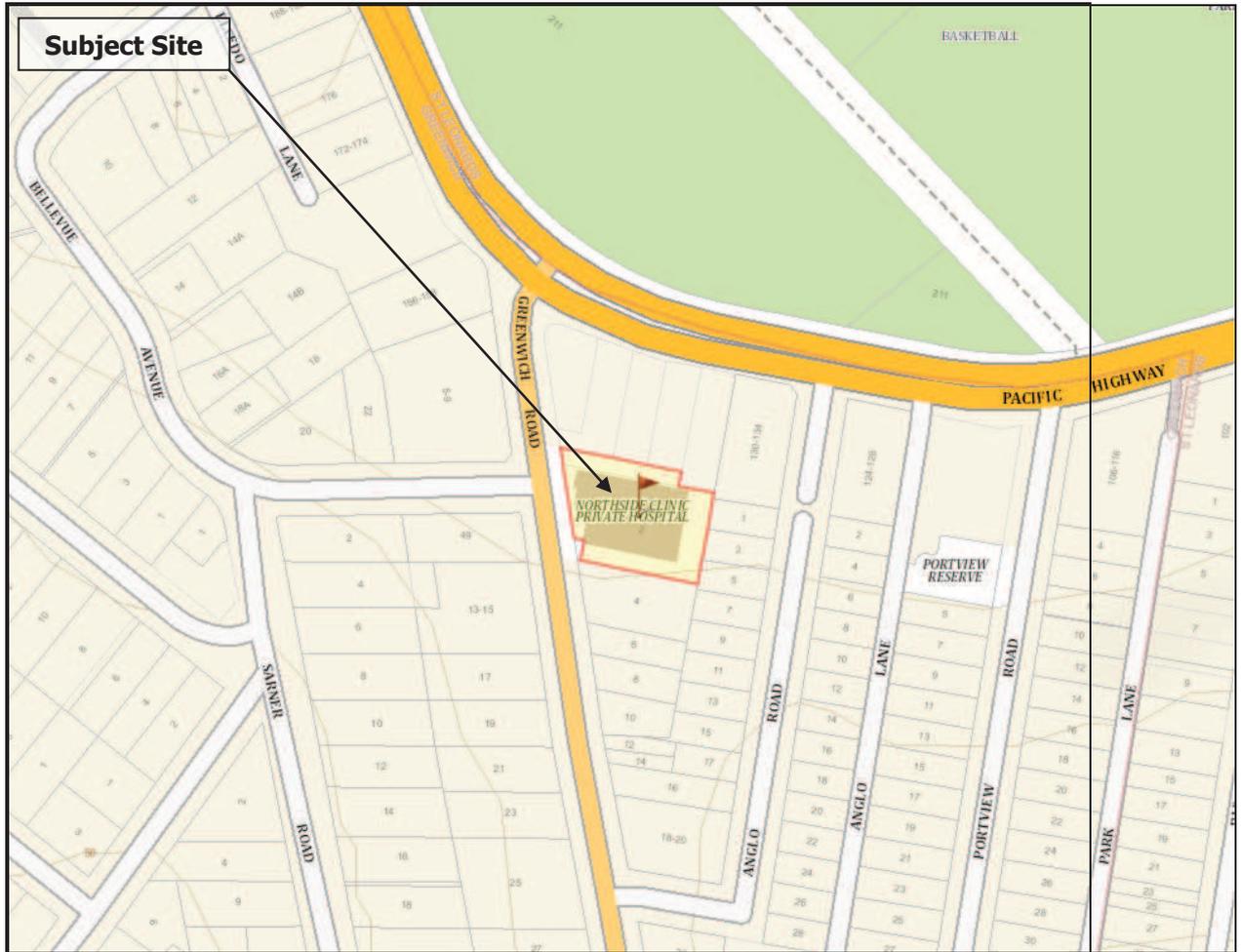


Figure 2. Cadastre Map (SIX Maps, 2016)

### 1.2 REGIONAL CONTEXT

The site is located approximately 850m by road west of the St Leonards core, 4km south of Chatswood, 3km north of North Sydney and 7km north of the Sydney CBD. Accordingly the site is in reasonable proximity of a range of commercial cores, key office markets, retail centres and health and education precincts.

Ready access to these nearby centres as well as wider metropolitan Sydney is facilitated by key transport routes including Pacific Highway, Warringah Freeway, Lane Cove Tunnel, Epping Road and existing and planned rail lines.

The site is also located within the Global Economic Corridor (between North Sydney and St Leonards) and is identified within the St Leonards and Crows Nest Priority Growth Area, as described in greater detail in Part D.

The regional and strategic context of the site is shown in **Figures 3, 4 and 5**.

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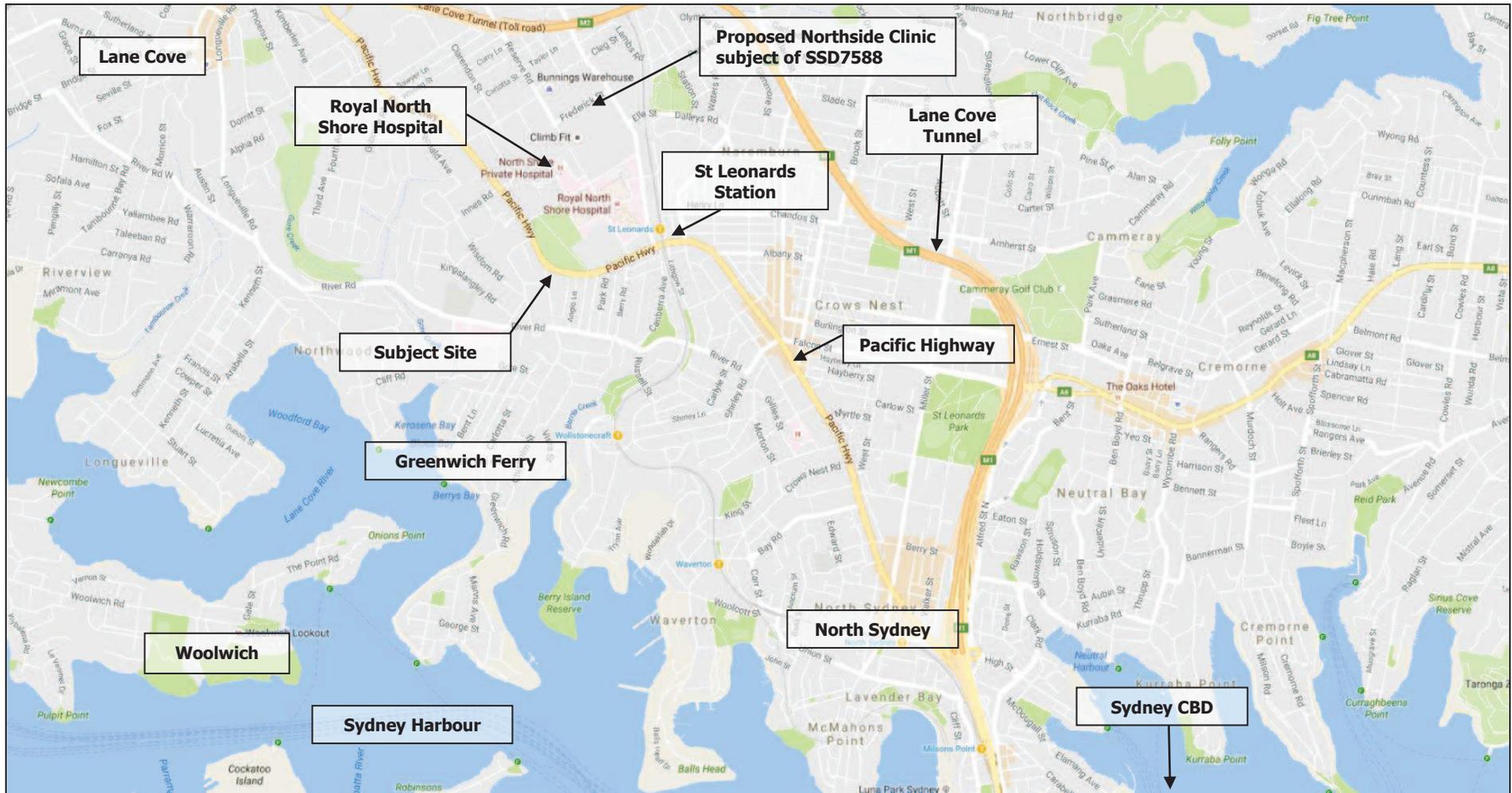


Figure 3. Site Context (Google Maps, 2016)

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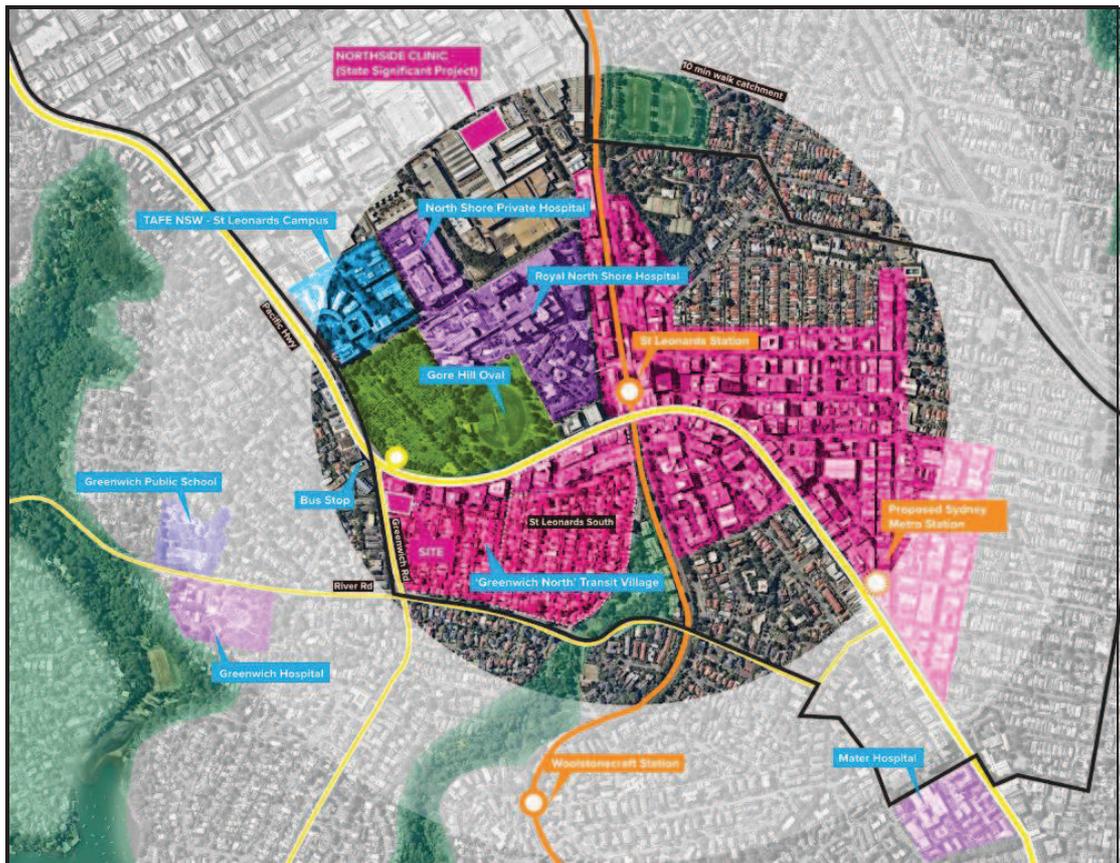


Figure 4. Strategic Context (Roberts Day, 2017)



Figure 5. Strategic Context (Roberts Day, 2017)

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### **1.3 PLANNING CONTEXT**

#### **1.3.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

A rezoning application must have consideration of the objectives of the Environmental Planning and Assessment Act (the Act). The objectives are as follows:

*(a) to encourage:*

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) the protection, provision and co-ordination of communication and utility services,*
- (iv) the provision of land for public purposes,*
- (v) the provision and co-ordination of community services and facilities, and*
- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) ecologically sustainable development, and*
- (viii) the provision and maintenance of affordable housing, and*

*(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*

*(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

This submission is consistent with, and has considered the objects of, the Act which have been addressed in the various sections of this report and summarised as:

- The subject site is not identified in proximity of any area of biodiversity and accordingly the proposal will not exhibit any adverse impact on the natural environment. Rather the proposal relates to a site that has been historically developed and forms part of an established urban area.
- The proposal will facilitate the orderly and economic use and development of land by enabling shop top housing in direct proximity of both established commercial development and residential accommodation and thereby providing a transition to complement this range of land uses.
- The proposal will support surrounding communities by providing housing and commercial space to accommodate current and projected growth in highly accessible locations.

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### 1.3.2 LANE COVE LOCAL ENVIRONMENTAL PLAN 2009

The site is subject to the provisions of *Lane Cove Local Environmental Plan 2009* (LCLEP2009). The aims of the LCLEP2009 are:

- (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.*

The proposal is consistent with the aims of the LCLEP2009 as it seeks to facilitate the sustainable development and use of land for housing and commercial activities to meet the needs of local and regional populations.

Relevant zoning and development standards are summarised in the subsequent sections.

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### ***Zoning and Permissibility***

The subject site is zoned B3 Commercial Core pursuant to LCLEP2009 (**Figure 6**). The objectives of the zone are:

- *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.*
- *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.*

As aforementioned, the proposal is partly consistent with the objectives of the B3 zone in that it will ensure the continued provision of employment-generating activities through ground floor commercial premises which will also serve the local community. A highly appropriate range of land uses will be provided in an accessible location promoting public transport patronage. The proposal will also provide opportunities for the activation of the site at ground level contributing to an improved public domain characterized by life in the street. Importantly a high level of amenity, including solar access, will be preserved to surrounding sites.

Within the B3 zone the following are permissible without consent:

*Nil.*

Within the B3 zone the following are permissible with consent:

*Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Signage.*

Within the B3 zone the following are prohibited:

***Any development not specified in item 2 or 3.***

As Residential Accommodation, including Shop Top Housing, is currently prohibited in the B3 zone, this proposal intends to amend the LCLEP2009 to permit Shop Top Housing as an Additional Permitted Use on the site.

Pursuant to the dictionary of the LCLEP2009, *Shop Top Housing* is defined as followed:

*one or more dwellings located above ground floor retail premises or business premises.*

*Note. Shop top housing is a type of residential accommodation.*

*Residential Accommodation* is defined as follows:

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*a building or place used predominantly as a place of residence, and includes any of the following:*

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,**

*but does not include tourist and visitor accommodation or caravan parks.*

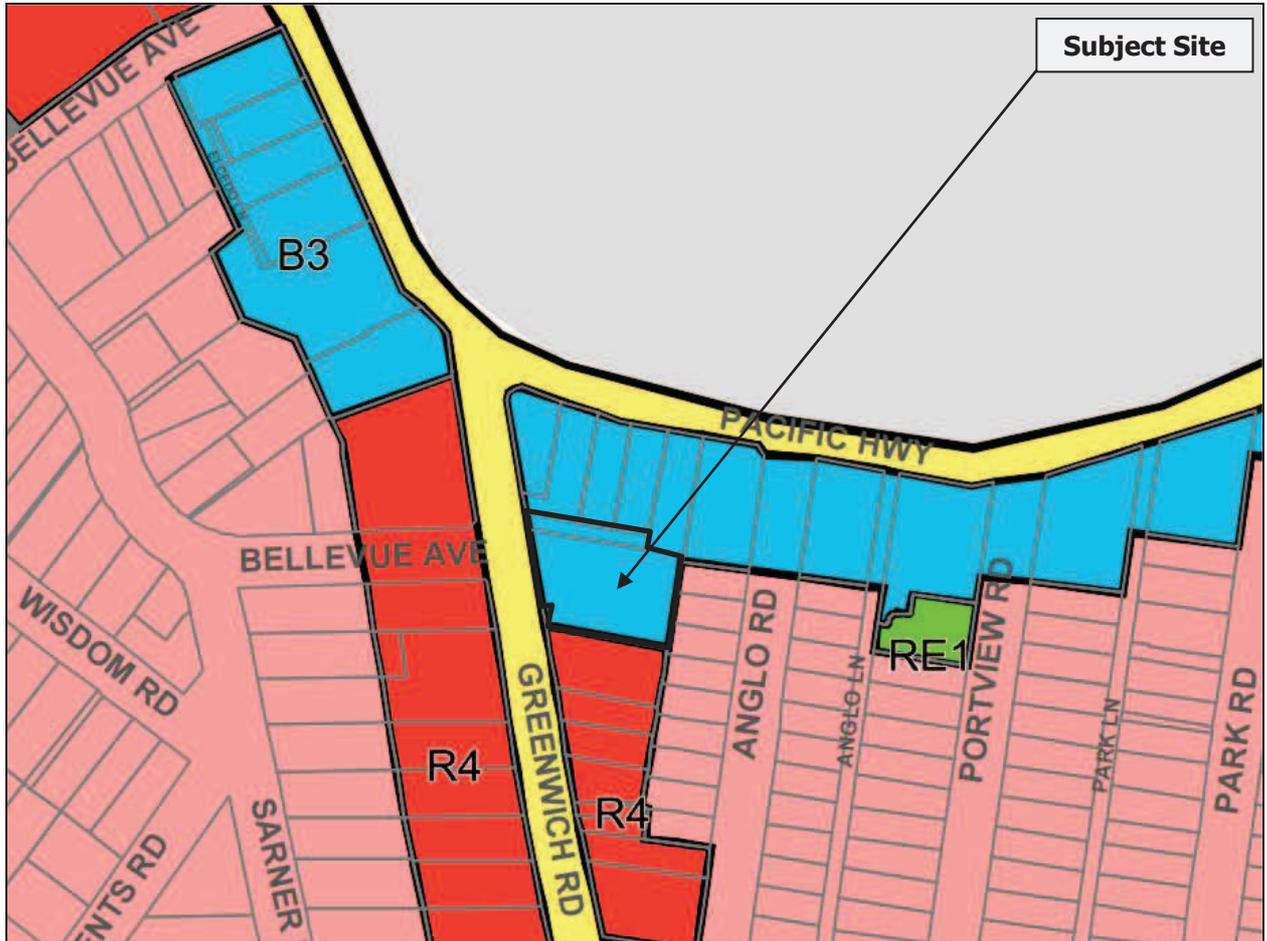


Figure 6. Zoning Map (NSW Legislation, 2016)

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### **Minimum Subdivision Lot Size**

The site is not subject to a minimum lot size pursuant to the LCLEP2009.

No change to the minimum subdivision lot size control is required to support the proposed Additional Permitted Use.

### **Height of Buildings**

The site is subject to a maximum building height of 25m pursuant to the LCLEP2009.

In order to promote the efficient and sustainable use of land it is also proposed to amend the Height of Buildings development standard, as described in Part C.

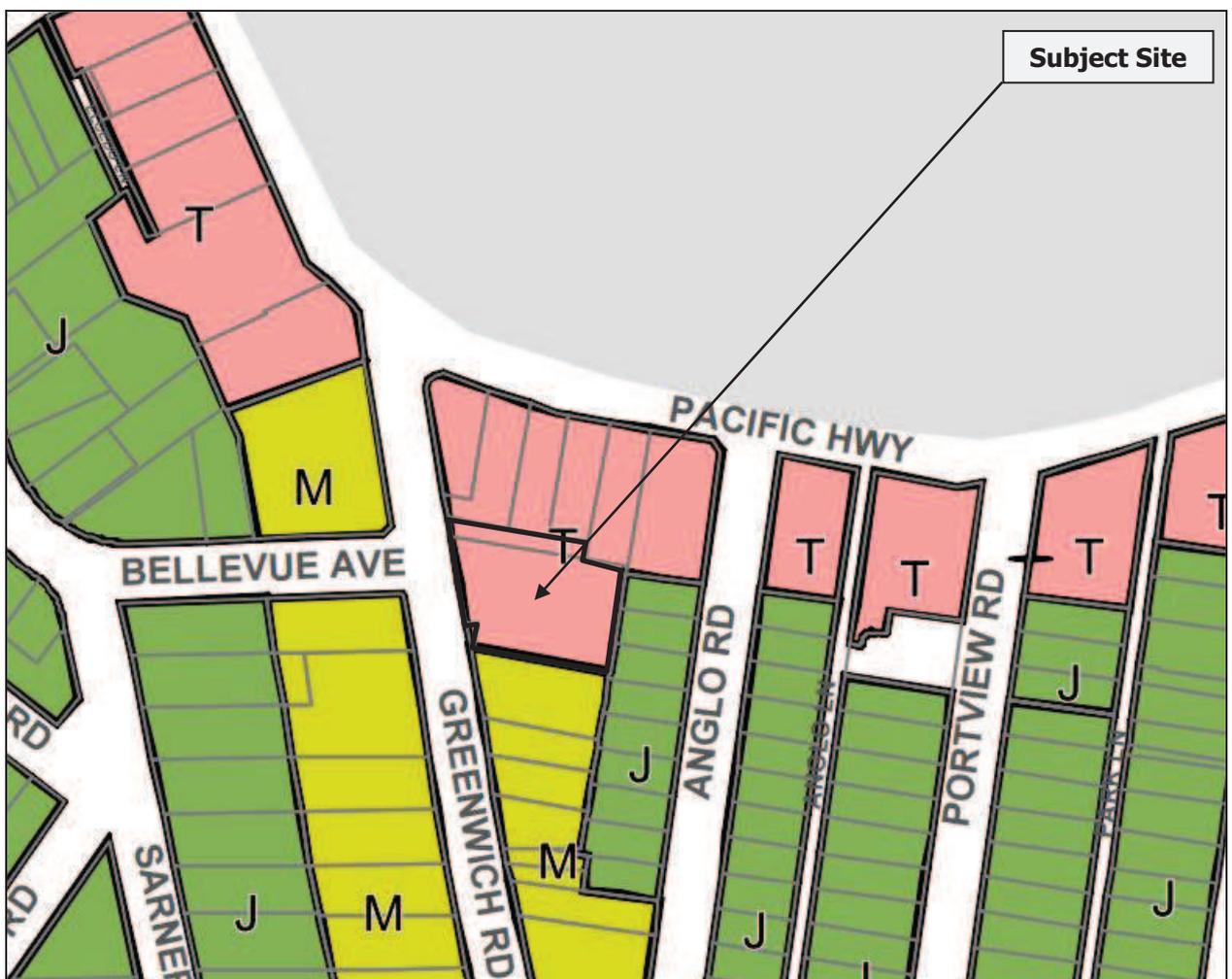


Figure 7. Height of Buildings Map (NSW Legislation, 2016)

### **Floor Space Ratio**

The site is subject to a maximum floor space ratio of 3:1 pursuant to the LCLEP2009.

No change to the maximum FSR control is required to support the proposed Additional Permitted Use.

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### ***Land Reservation***

The site is not subject to any land reservations identified in the relevant LCLEP2009 map.

### ***Heritage Conservation***

The site is not identified as an item of environmental heritage or within a heritage conservation area. Neither is the site located in direct proximity of any heritage items or heritage conservation areas.

### ***Acid Sulfate Soils***

The site is not identified as containing any acid sulfate soils in the relevant LCLEP2009 map.

### ***Foreshore Building Line, Riparian Land and Environmental Protection Areas***

The site is not identified in as containing any areas of foreshore, riparian land or environmental protection.

## **1.3.3 STATE ENVIRONMENTAL PLANNING POLICY NO. 65 DESIGN QUALITY OF RESIDENTIAL APARTMENT BUILDINGS**

*State Environmental Planning Policy 65 – Design Quality of Residential Apartments Buildings* (SEPP 65) contains nine design principles aimed to ensure a high quality of residential apartment development. More detailed design criteria is provided within the Apartment Design Guide (ADG).

Future redevelopment of the site for shop top housing is required to consider SEPP 65 and the Apartment Design Guide. As detailed in the Urban Design Report at **Appendix 1**, the Concept Design is capable of compliance with the key requirements of the ADG, including in respect to building setbacks, building depth, visual privacy, open space, solar access, parking, apartment size and mix, and apartment design. Whilst detailed assessment of a proposed development for the site would be undertaken at the DA stage, the concept design demonstrates that future shop top housing on the site can be designed to provide a high level of amenity for residents of the subject and neighbouring sites.

## **1.3.4 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

There are no draft Environmental Planning Instruments applicable to the proposed development on the subject site.

## **1.3.5 LANE COVE DEVELOPMENT CONTROL PLAN 2009**

*Lane Cove Development Control Plan 2009* (LCDCP2009) applies to all land within the Lane Cove LGA and complements the LCLEP2009 by providing more detailed controls to guide development. The overriding aim of the LCDCP2009 is to *'achieve high quality development for all uses and building types throughout the Lane Cove LGA.'*

Any future development on the site would consider the objectives and provisions of the LCDCP2009.

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### **1.4 PRE LODGEMENT MEETING LANE COVE COUNCIL**

A pre Lodgement Meeting was held with Lane Cove Council on 17 October 2016, at which time the intended rezoning of the site and initial concept development were discussed. An extract from the meeting Minutes is provided as follows:

- *Preferred by Ramsay – submit a Planning Proposal to leave as B3 Commercial Core but amend LEP Schedule 1 (Additional permitted uses) to include 'shop top housing' and increase Building Height.*
- *Number of options discussed:*
  - *Leave as is for the moment and wait for the outcome of the St Leonards/Crows Nest Strategic Employment Review.*
  - *Extend existing R4 zoning provisions from the south (including 12m height & 0.8:1 FSR restrictions).*
  - *Rezone to B4 Mixed Use with new proposed controls.*
- *No real outcomes or options were determined at this meeting by either Council or the applicant.*
- *Applicant to discuss with Department of Planning (Ms Anne-Maree Carruthers & her team) – where does it fit in with the St Leonards/Crows Nest Strategic Employment Review?*

The above summarise the main matters discussed at the meeting, and have been considered in the preparation of the Planning Proposal.

### **1.5 PRE LODGEMENT DISCUSSIONS DEPARTMENT OF PLANNING AND ENVIRONMENT**

The Department of Planning and Environment has also been included in discussions pertaining to the intention to lodge a Planning Proposal to amend the LCLEP2009 to permit development for the purposes of Shop Top Housing on the site.

A meeting was held with the Department of Planning and Environment, including Ms Anne-Maree Cattuthers, on 3 November 2016.

The following summarises matters discussed:

- DOP&E were advised that Lane Cove Council had been consulted and that they had advised that due to the pending amalgamation that their hands were tied in respect of making strategic planning decisions including rezoning matters.
- The DOP&E advised that SGS Consulting were currently finalising their employment land study which will assist the DOP&E in affirming their position in relation to where best to keep employment generating uses and where best to focus the introduction of residential density.
- The DOP&E are calling for land owners to present their intended residential yields such that all land owners aspirations can be modelled.

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- A two staged DOP&E led process has been established which includes a Discussion Paper to be released later this year (December/January) followed by an Infrastructure Strategy next year (not certain on timing).
- The RHC/Roberts Day Scheme was presented by Stephen Moore of Robert Day.
- A brief discussion was held in relation to the FSR and Height controls not matching and the fact that our design was predicated on ADG compliance and relationship to topography.
- In terms of timing, DOP&E were advised that there was an immediate need to instigate a proponent led planning proposal owing to the significant Capital Investment being undertaken by RHC at 2 Frederick Street, St Leonards for a state-of-the-art Mental Health Facility which see an increase in patient bed numbers and employment for the LGA.
- The DOP&E advised that while the lodgement of a PP to Lane Cove or Ryde Council that this would be a commercial decision for RHC and that the Discussion Paper due to be released late 2016/ early 2017 will hold Urban Design Principles and other key guidelines which should be considered in any PP submitted. Ramsay Health Care have commercial commitments and pressures to ensure suitable funding is available for the new purpose-built facility at 2 Frederick Street, St Leonards. The funding requirements and attached timelines has required this Planning Proposal to be submitted in the first calendar quarter of 2017.
- State Infrastructure Contributions will also likely be levied for the new precinct at a \$ rate per dwelling.
- We were advised, that in general and as applies to all PP's, that if for whatever reason a Council were not to accept a PP that the DOP&E would need the statutory 90 days to take the matter to a JRPP or Greater Sydney Commission Panel.

These matters have been duly considered in the preparation of the Planning Proposal.

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## **PART B OBJECTIVES OR INTENDED OUTCOMES**

### **2.1 OBJECTIVES AND INTENDED OUTCOMES**

The key objective of the proposed rezoning is to enable development for the purpose of Shop Top Housing on the site through an amendment to the LCLEP2009. This intended outcome will be achieved with respect to the following secondary objectives:

- Provide shop top housing on the site incorporating ground floor commercial premises and upper level residential accommodation.
- Introduce a transitional development that complements the range of surrounding land uses and integrates with adjoining built form.
- Promote the sustainable use of land through appropriate development typologies and scales.
- Provide new housing in a highly accessible, established urban area to improve housing choice and affordability in the area and ultimately meet the housing needs of the growing population.
- Preserve employment generating activities on the site so as to provide jobs and services to support the local population.
- Activate the site and public domain at street level through the provision of active ground floor uses and high quality architectural design.
- Augment the amenity of the subject site whilst preserving the amenity of adjoining sites, including solar access, natural ventilation and privacy.
- Assist in the creation of a neighbourhood centre for Greenwich North to enhance the amenity, convenience and level of service afforded to residents and workers of the area.
- Support the required growth of mental health services and provision of enhanced healthcare by assisting in funding the approved new Northside Clinic at 2 Frederick Street, to be achieved through the redevelopment of the soon-to-be redundant asset on the subject site.

The future development of the site for shop top housing will be subject to separate approval under a Development Application (DA).

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## PART C EXPLANATION OF PROVISIONS

### 3.1 OVERVIEW

It is proposed to rezone the site through an amendment to *Lane Cove Local Environmental Plan 2009* (LCLEP2009) in order to permit Shop Top Housing on the site as an Additional Permitted Use and allow for greater building heights.

### 3.2 AMENDMENT TO LANE COVE LEP 2009 LAND USE ZONING

The objectives of this Planning Proposal may be achieved through the amendment of LCLEP2009 to provide an Additional Permitted Use on the site for Shop Top Housing.

Accordingly it is proposed to include Shop Top Housing within Schedule 1 of LCLEP2009. Pursuant to the dictionary of the LCLEP2009, *Shop Top Housing* is defined as followed:

*one or more dwellings located above ground floor retail premises or business premises.*

*Note. Shop top housing is a type of residential accommodation.*

*Residential Accommodation* is defined as follows:

*a building or place used predominantly as a place of residence, and includes any of the following:*

- (a) attached dwellings,*
- (b) boarding houses,*
- (c) dual occupancies,*
- (d) dwelling houses,*
- (e) group homes,*
- (f) hostels,*
- (g) multi dwelling housing,*
- (h) residential flat buildings,*
- (i) rural workers' dwellings,*
- (j) secondary dwellings,*
- (k) semi-detached dwellings,*
- (l) seniors housing,*
- (m) shop top housing,***

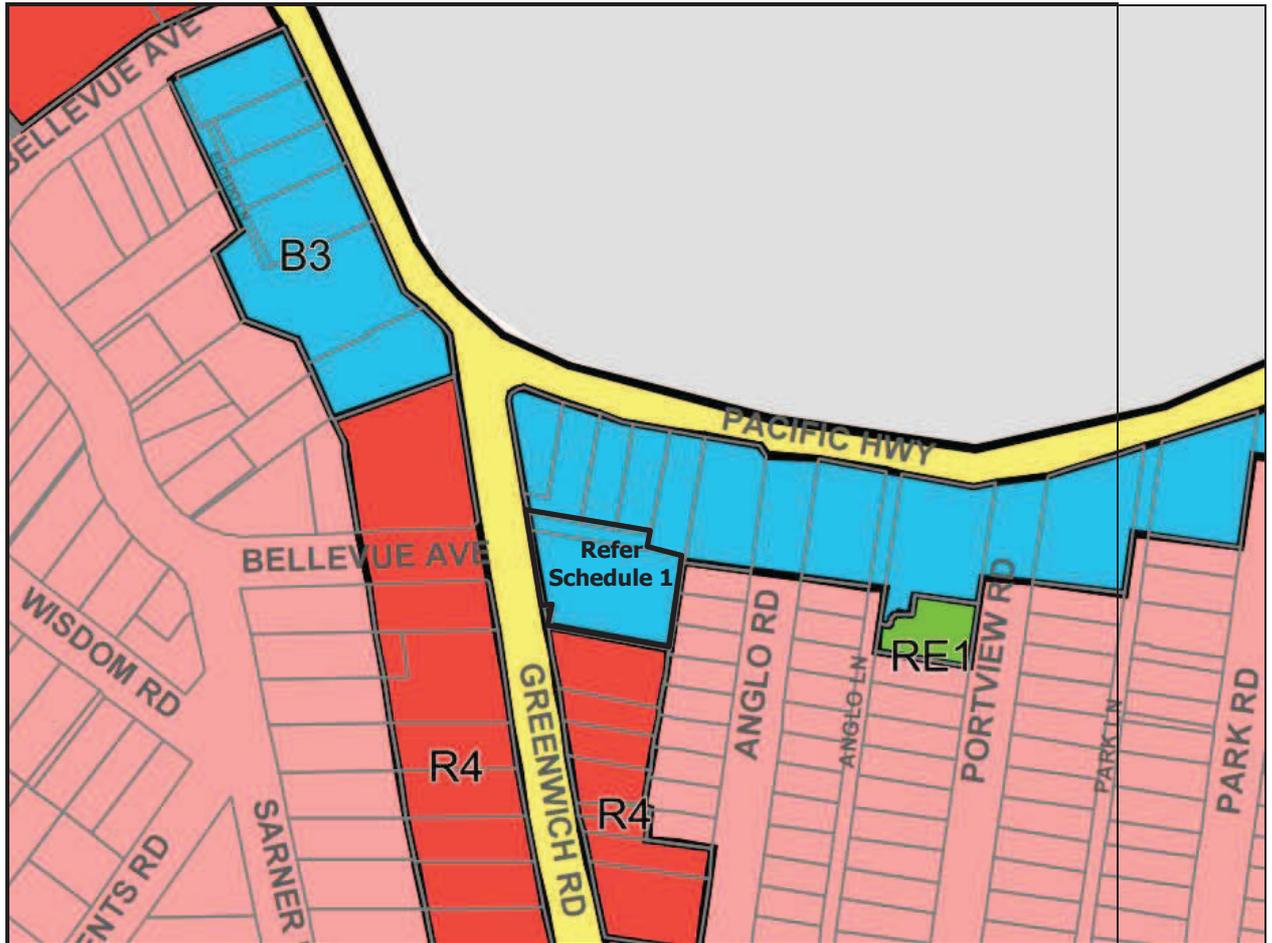
*but does not include tourist and visitor accommodation or caravan parks.*

It is noted that to support the inclusion of Shop Top Housing on the subject site as an Additional Permitted Use, it is proposed also to amend the relevant zoning map (LZN\_004) to reference Schedule 1 as indicatively shown in **Figure 8**.

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**Figure 8. Proposed Zoning Map (LZN\_004) (NSW Legislation, 2016)**

The proposed amendment to the LCLEP2009 to include Shop Top Housing as an additional permitted use within the B3 zone on the subject site is considered appropriate, having regard to the following matters:

- The proposed rezoning will enable the future development of the site for mixed use development incorporating a complementary range of uses including ground floor commercial premises and upper level residential accommodation, thereby supporting the provision of new jobs, housing and complementary facilities to meet the needs of the local and regional populations.
- The proposal will achieve the objectives of the B3 Commercial Core zone through the integration of a mixture of compatible land uses, including commercial premises and thereby employment generating activities, in a highly accessible location.
- Demand for housing will be accommodated through the provision of new housing in an accessible location close to key employment centres, transport infrastructure, educational and health establishments, retail services, community facilities and utilities. By providing new housing supply, the proposal will improve housing affordability and choice in the area.
- New economic activity will be stimulated through the provision of commercial premises that are commensurate with surrounding land uses and development within the Pacific Highway corridor.

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- Opportunities for the improvement of the environment will arise and be responded to by activating the site at ground level and promoting new development that is of a high standard.
- An effective transition of land use and built form will be provided between mid-high rise commercial development to the north and low-medium density residential accommodation to the east, south and west.
- The amenity of surrounding sites will not be unreasonably compromised in respect of solar access, natural ventilation or privacy.
- A small neighbourhood centre and 'heart' for the Greenwich North Transit Village has the potential to develop through the integration of retail, a café, commercial space and a possible childcare centre on the ground floor of a future shop top housing development, thereby providing new employment opportunities, accommodating small businesses, supporting community interaction and addressing the need for a focal point within the community and for additional child care services.

For the reasons outlined above, the proposal is considered highly appropriate and desirable for the site and also for the surrounding area.

Further to the above justification relating to the appropriateness of the subject site for Shop Top Housing, the proposed rezoning and future redevelopment of the subject site would assist Ramsay Health Care in funding the development of the new and expanded Northside Clinic at 2 Frederick Street (approved under SSD 7588). As aforementioned, the successful operations of the Northside Clinic require new and expanded facilities in response to increasing demand for quality mental health services demonstrated by growing waiting lists for many services including a number of critical and unique mental health services which are not readily available elsewhere. In particular Northside Clinic is already the largest provider of inpatient and day patient treatment for people with eating disorders and drug or alcohol dependency and also includes specialised treatment units in mood disorders, drug and alcohol detoxification and rehabilitation, post-traumatic stress disorder and day programs, and it is vital that services are expanded to meet the needs of the community. The development of the new and expanded Northside Clinic will therefore create additional access to mental health services in the LGA and ultimately increased access to health care and related jobs in the area.

### 3.3 AMENDMENT TO LANE COVE LEP 2009 HEIGHT OF BUILDINGS

Amendment is sought to clause 4.3 Height of Buildings of the LCLEP2009 in order to achieve the objectives of the proposal being the future development of the site for Shop Top Housing.

Pursuant to clause 4.3 of the LCLEP2009 the site is subject to a 25m maximum building height.

It is requested to amend the provisions of clause 4.3 to provide a 33m maximum building height for the site. This will enable the future development of the site for mixed use development in accordance with the objectives of this Planning Proposal.

The objectives of clause 4.3 are as follows:

- a) *to minimise any overshadowing, loss of privacy and visual impacts of development on neighbouring properties, particularly where zones meet, and*
- b) *to maximise sunlight for the public domain, and*

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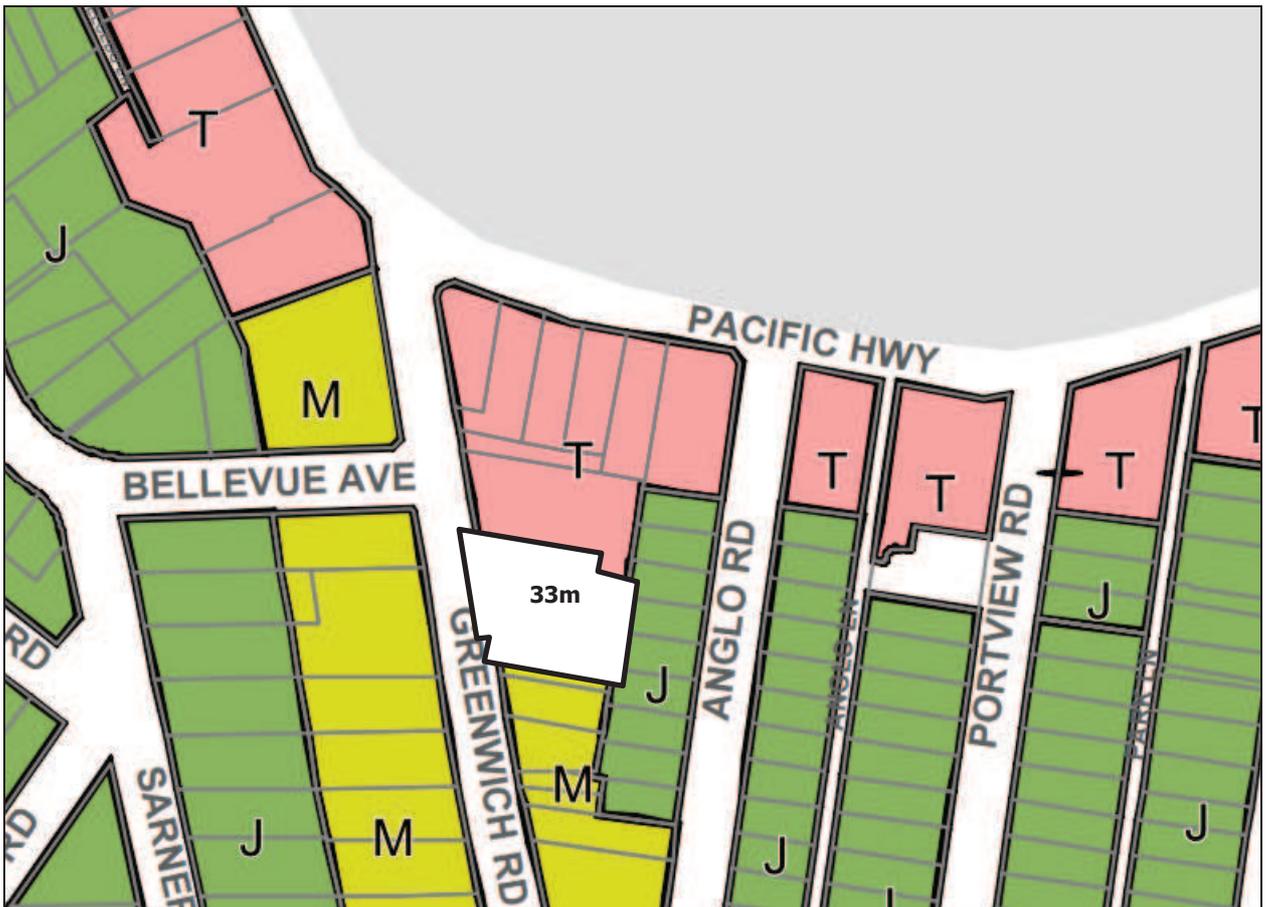
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c) to relate development to topography.

The existing objectives of clause 4.3 will not be altered by this proposal but rather will be achieved by the amendment. The proposed building height of 33m will enable a suitable density of development to be provided on the site to ensure the sustainable use of land whilst preserving the amenity of surrounding sites and the public domain, including in respect to solar access, privacy and visual appearance. As shown within the Concept Design at **Appendix 1**, the proposed height control will also allow for development that responds to the natural topography of the land.

**Figure 9** provides the proposed height of buildings map for the site.



**Figure 9. Proposed Height of Buildings Map (HOB\_004) (NSW Legislation, 2016)**

### 3.4 CONCEPTUAL BUILT FORM

To test the suitability of the site for shop top housing with a maximum height of 33m, two (2) concept development schemes (Scenario 1 and Scenario 2) have been prepared by Roberts Day and are provided at **Appendix 1**.

These scenarios have been prepared and submitted having regard for the current and DRAFT legislative planning framework that applies to the locality and test the suitability of the site for shop top housing with a maximum height of 33m. Scenario 1 has been prepared in the event that the Department of Planning & Environment (DOP&E) led Crow's Nest Priority Precinct Planning process does not eventuate in the immediate future having regard for Ramsay Health Care's immediate commercial and funding requirements for the new purpose-built facility at 2 Frederick Street, St Leonards (approved under SSD 7588 on 15 November

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2016). Should the DOP&E's priority precinct planning process come to fruition in the immediate future, the preferred scenario 2 concept design has been provided and prepared to accord with and achieve the likely objectives for the subject site in the context of the wider precinct.

Both concept designs have been informed by detailed site analysis and consideration of the surrounding context in order to provide an optimal development outcome that capitalises on the strategic potential of the land whilst preserving the amenity of adjoining sites and the surrounding public domain.

Scenario 1 demonstrates a concept design for the site that effectively integrates with the current state of the surrounding context whilst requiring only minor amendment to the current planning framework.

Specifically a stepped built form is envisaged as part of Scenario 1, providing a transition in height and scale from north to south in response to the topography of the land and character of existing development on surrounding sites. Commercial premises (including retail and a café), a childcare centre and a public plaza are proposed for the ground floor whilst residential apartments are proposed for upper levels. As such a transition in land use is also provided resulting in a development that integrates with both established commercial development to the north and residential development to the east, south and west.

The capability of the Scenario 1 concept design complying with the Australian Design Guide (ADG) has also been confirmed within the Urban Design Report at **Appendix 1**, including in respect to building setbacks, building depth, visual privacy, open space, solar access, parking, apartment size and mix, and apartment design. Whilst detailed assessment of a proposed development for the site would be undertaken at the DA stage, the concept design demonstrates that future shop top housing on the site can be designed to provide a high level of amenity for residents of the subject and neighbouring sites.

The proposed mix of land uses and concept design also accord with the seven (7) principles of the 'Better Placed' Draft Design Policy, as detailed in **Appendix 1**.

Development particulars for Scenario 1 are summarised in **Table 1**.

<b>Table 1. Scenario 1 Concept Design (Roberts Day, 2017)</b>	
<b>Development Particular</b>	<b>Scenario 1 Concept Proposal</b>
Site Area	2,140m <sup>2</sup>
GFA – Residential	4,230m <sup>2</sup>
Apartment Yield	60
GFA – Commercial	915m <sup>2</sup>
GFA – Total	5,145m <sup>2</sup>
FSR	2.4:1
Building Height	33m (11 storeys)

The Scenario 1 concept design for the future development of the site for Shop Top Housing is shown in **Figures 10-13**.

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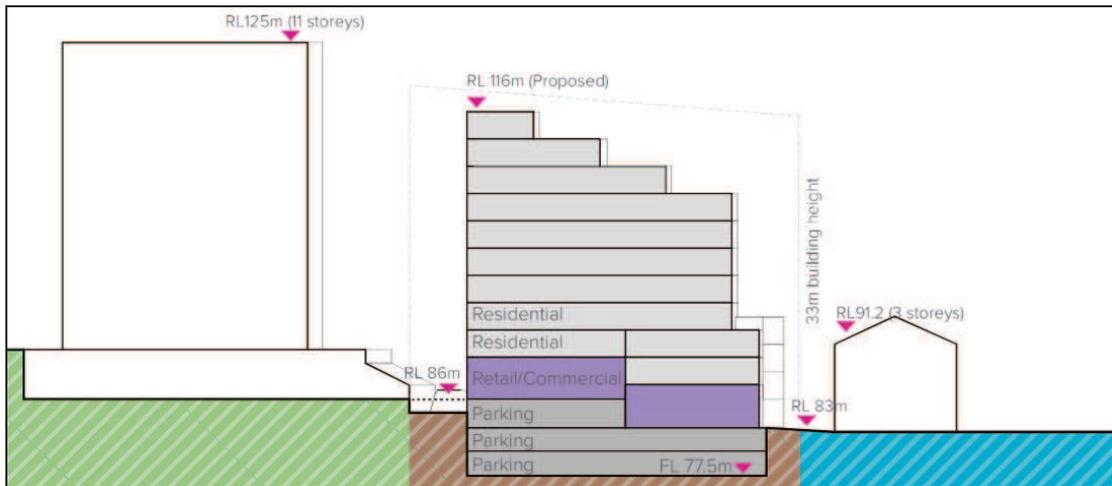


Figure 10. Concept Section (Roberts Day, 2017)



Figure 11. Concept Site Plan (Roberts Day, 2017)

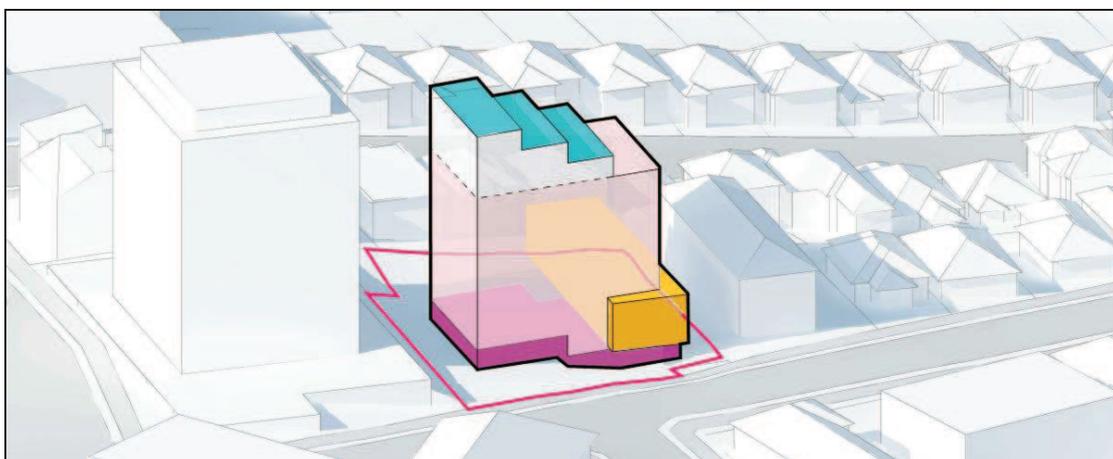


Figure 12. Concept Massing Model (Roberts Day, 2017)

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**Figure 13. Concept Design (Roberts Day, 2017)**

Scenario 2 provides an alternative concept design for the site situated within a broader investigative framework for the surrounding area. This design demonstrates the uplift in FSR that would be justified if amendments to the planning framework were to occur at a larger scale and territorial scope.

These broader planning amendments would see additional building heights adopted across the precinct based on the St Leonards South Master Plan and Gateway approval. Accordingly the stepped design of the concept building on the subject site would no longer be required, thereby allowing for additional FSR to be provided over the site. Subject to the surrounding area being developed in accordance with this precinct-wide uplift scenario, the future building on the subject site would suitably protect neighbouring amenity and achieve ADG compliance.

Consistent with Scenario 1, Scenario 2 would also effectively activate the streetscape through generous front setbacks, forecourt space and an engaging mixed use ground floor to support a growing community and population.

Ramsay Health Care's preference for Scenario 2 will still see the current 3:1 FSR applicable to the site complied with while maintaining the proposed height applied for in both concept design scenarios.

Development particulars for Scenario 2 are summarised in **Table 2**.

<b>Table 2. Scenario 2 Concept Design (Roberts Day, 2017)</b>	
<b>Development Particular</b>	<b>Scenario 2 Concept Proposal</b>
Site Area	2,140m <sup>2</sup>
GFA – Residential	4,880m <sup>2</sup>
Apartment Yield	70
GFA – Commercial	915m <sup>2</sup>
GFA – Total	5,795m <sup>2</sup>
FSR	2.7:1
Building Height	33m (11 storeys)

The Scenario 2 concept design for the future development of the site for Shop Top Housing is shown in **Figures 14-17**.