

Rezoning Review Briefing report – RR-2023-16

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.

Summary of Rezoning Review

Element	Description
Date of request	26 June 2023 (fees paid 7 August 2023)
Department reference	RR-2023-16
Local government area	Ku-ring-gai
LEP to be amended	Ku-ring-gai Local Environmental Plan (LEP) 2015
Address	4, 12, and 14 Cowan Road, St Ives
Reason for review	<input checked="" type="checkbox"/> Council notified the proponent it will not support the proposed amendment <input type="checkbox"/> Council failed to indicate support for the proposal within 90 days, or failed to submit the proposal after indicating its support
Has council nominated PPA role?	Council resolved to not support this planning proposal at its May 2023 Ordinary Meeting of Council. Should the Sydney North Planning Panel (Panel) recommend the proposal proceed to gateway, the panel will assume the planning proposal authority (PPA) role.
Consultation	Ku-ring-gai Local Planning Panel (KLPP) considered the proposal on 24 April 2023. The Panel report recommended the proposal, as amended, be submitted to the Department of Planning and Environment (department) for a gateway determination (Attachment C).

Element	Description
Overview of the timeframe/progress of the planning proposal	<p>May 2018: A pre-planning proposal meeting is held with council and the proponent.</p> <p>April 2020: A planning proposal is lodged (including revised documentation. The assessment process runs from 2020-2022.</p> <p>24 April 2023: The KLPP considers the proposal and recommends for it to proceed to gateway, subject to amendments outlined within a Table of Assessment.</p> <p>16 May 2023: Council meets and considers a report which recommends for the proposal to proceed to gateway, subject to amendments. Council resolves to not support the proposal.</p> <p>19 May 2023: Council notifies the proponent of the resolution to not support the proposal.</p> <p>26 June 2023: Proponent lodges the rezoning review with the department for the reason outlined in the point above.</p> <p>7 August 2023: Fees are paid, and invoice is issued to the proponent.</p> <p>13 August 2023: Council provides a response to the rezoning review confirming the rezoning review is the same as the original planning proposal.</p>
Department contact:	Andy Ng – Planning Officer

Planning Proposal

Table 1. Overview of planning proposal

Element	Description
Site Area	10,000sqm (club house, car park, cottages).
Site Description	<p>The subject site is 4,12, and 14 Cowan Road, St Ives. 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.</p> <p>The total site area is approximately 10,000sqm and is located immediately west of Cowan Road. The site contains an existing club house, car park, and 2 timber cottages. A site context map is provided at Figure 1.</p>

Element	Description
<p>Surrounding Area</p>	<p>The golf club adjoins Cowan Road to the east, is near Killeaton Street to the north and Pentecost Avenue to the south, and to the west and far from the part of the club subject to the proposal is Merrivale Lane.</p> <p>The site located on the eastern side of the golf club, west of Cowan Road, near the south side of St Ives town centre at the intersection of Mona Vale Road and Cowan Road.</p> <p>To the north of the site, the land is zoned R3 Medium Density Residential containing 2-3 storey dwelling houses and residential flat buildings.</p> <p>To the north-east is a E1 Local Centre zone (following the recent employment zones reform) containing St Ives Shopping Village and RE1 Public Recreation containing William Cowan Oval and St Ives Village Green.</p> <p>To the east and south-east, the 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, and Christ Church St Ives.</p> <p>An aerial view is provided at Figure 2.</p>
<p>Proposal summary</p>	<p>Amend the KLEP 2015 to:</p> <ul style="list-style-type: none"> • Rezone the site from part R3 Medium Density Residential and part RE2 Private Recreation to part R4 High Density Residential and part RE2 Private Recreation, consistent with the adjoining residential land to the east; • Increase the maximum building height from 11.5m to a combination of 11.5m, 14.5m and 17.5m, consistent with the 11.5m height to the north and the 17.5m height to the east; • Increase the maximum floor space ratio from part 0.8:1 and part no-FSR, to part 0.92:1 over most of the site, consistent with the adjoining residential land to the north and east; • Introduce a minimum lot size of 1200sqm over most of the site, consistent with the adjoining residential land to the north and east; • A small section of the site currently is part of the golf course. This triangular portion is not proposed for development and therefore no maximum height or FSR applies; and

Element	Description
	<ul style="list-style-type: none"> • List the timber cottages at 12 and 14 Cowan Road as local heritage items. • Relocate both cottages to the north east corner of the site. No. 12 is to become a site communal facility and no. 14 is to become a residential unit. <p>The proposal would facilitate four 3 - 5 storey residential flat buildings with a yield of approximately 78 dwellings.</p>
<p>Relevant State and Local Planning Policies, Instruments</p>	<ul style="list-style-type: none"> • Greater Sydney Region Plan • North District Plan • KLEP 2015 • Ku-ring-gai Local Strategic Planning Statement (LSPS) March 2020 • Ku-ring-gai Council Community Strategic Plan • Ku-ring-gai Local Housing Strategy • State Environmental Planning Policies: <ul style="list-style-type: none"> ○ SEPP (Resilience and Hazards) 2021 ○ SEPP (Transport and Infrastructure) 2021 ○ SEPP (Biodiversity and Conservation) 2021 ○ SEPP 65 Design Quality of Residential Apartment Development ○ SEPP (Building Sustainability Index: BASIX) 2004 ○ SEPP (Exempt and Complying Codes) 2008 ○ SEPP (Housing) 2021 • Section 9.1 Ministerial Directions: <ul style="list-style-type: none"> ○ 1.1 Implementation of Regional Plans ○ 1.4 Site Specific Provisions ○ 3.2 Heritage Conservation ○ 5.1 Integrating Land Use and Transport ○ 6.1 Residential Zones



Figure 1. Site context map (Source: dmps)



Figure 2. Aerial view of subject site (Source: Nearmap)

The planning proposal seeks to amend the Ku-ring-gai LEP 2015 as per the changes in Table 2 below:

Table 2. Current and Proposed controls

Control	Current	Proposed
Zone	Part R3 Medium Density Residential and part RE2 Private Recreation	Part R4 High Density Residential and part RE2 Private Recreation
Maximum height of building	11.5m	Part 11.5m, 14.5m and 17.5m for R4 zoned land No HOB for RE2 zoned land
Maximum FSR	Part no-FSR and part 0.8:1	0.92:1 for R4 zoned land No FSR for RE2 zoned land
Minimum Lot Size	1,200sqm	1,200sqm for R4 zoned land No minimum lot size for RE2 zoned land
Schedule 5 Environmental Heritage Part 1 Heritage Items	List no. 12 and 14 Cowan Road as heritage items and update associated maps.	
Number of dwellings	2	78

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

Mapping

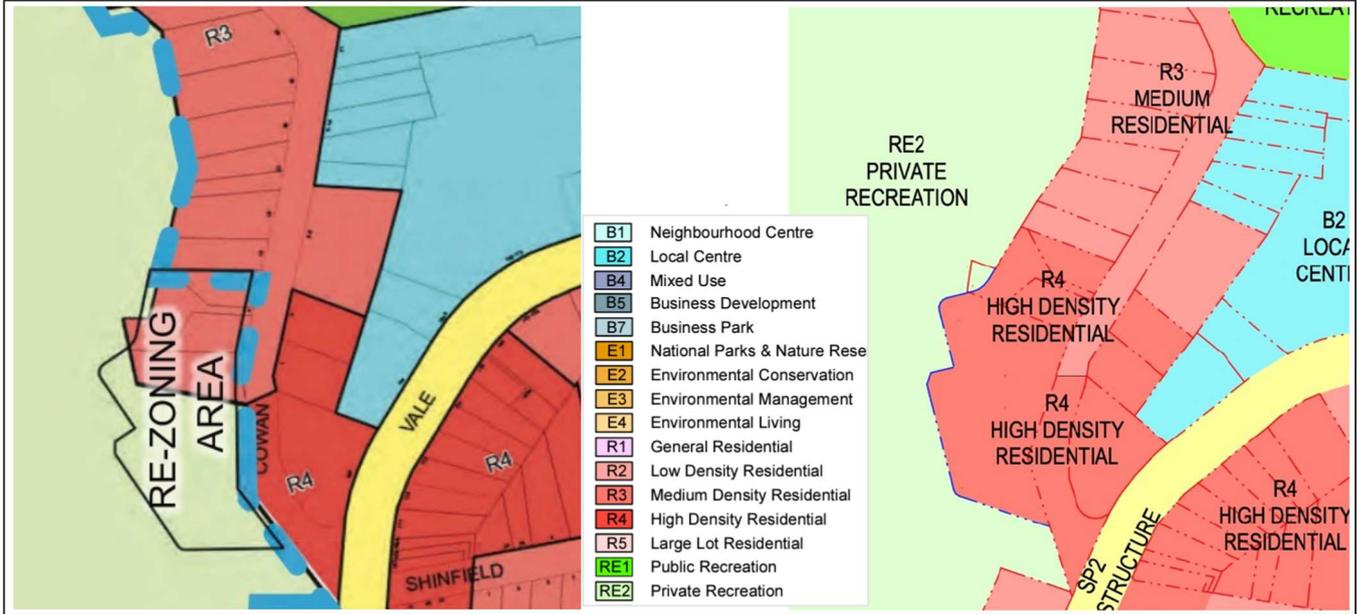


Figure 3. Existing and proposed zoning (Source: dmps)

**N.B St Ives Shopping Village is now zoned E1 following the recent employment zones reform. The submitted mapping shows B2 due to the rezoning review being lodged prior to the reform being finalised.*

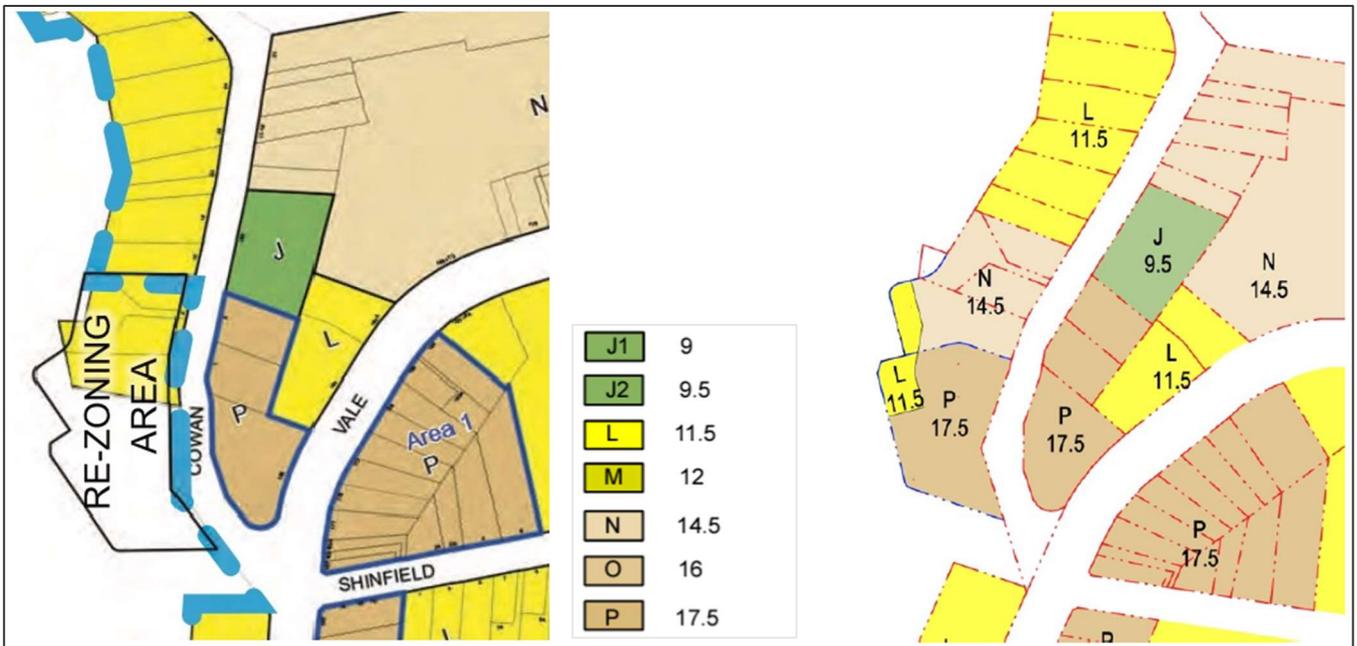


Figure 4. Existing and proposed height of building (Source: dmps)

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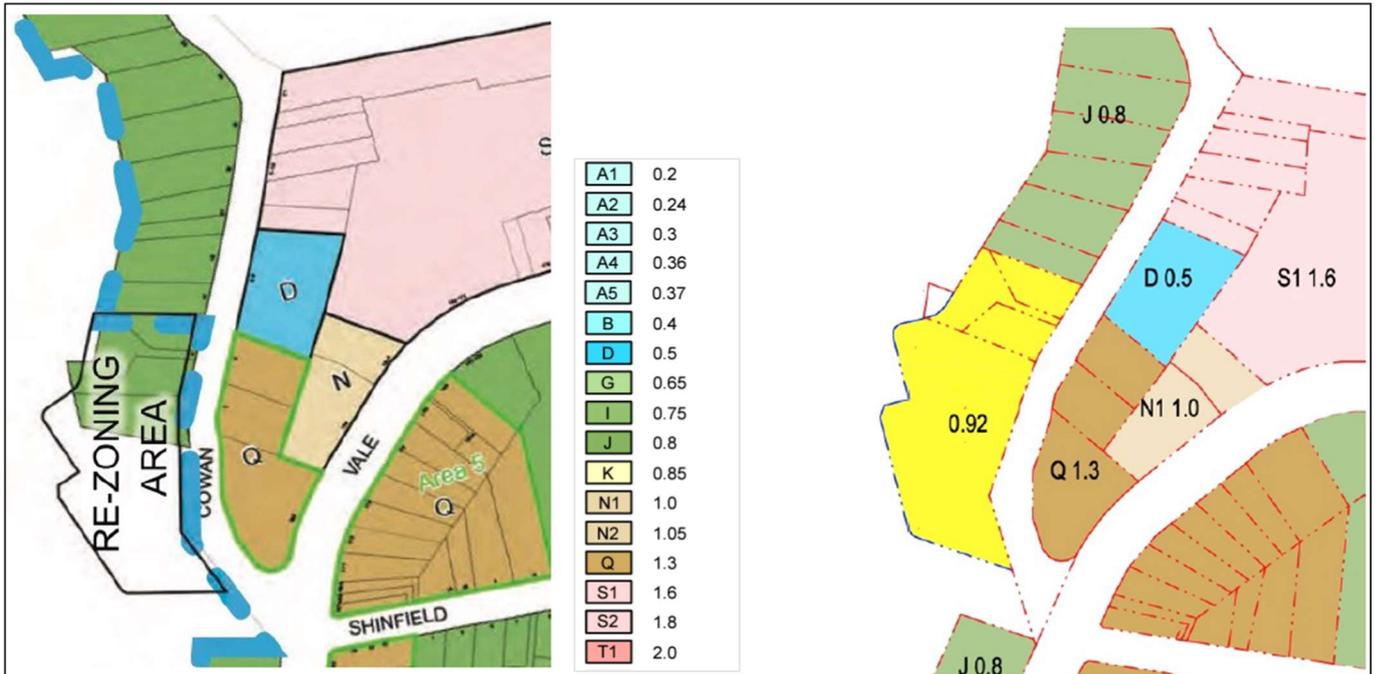


Figure 5. Existing and proposed floor-space-ratio (Source: dmps)

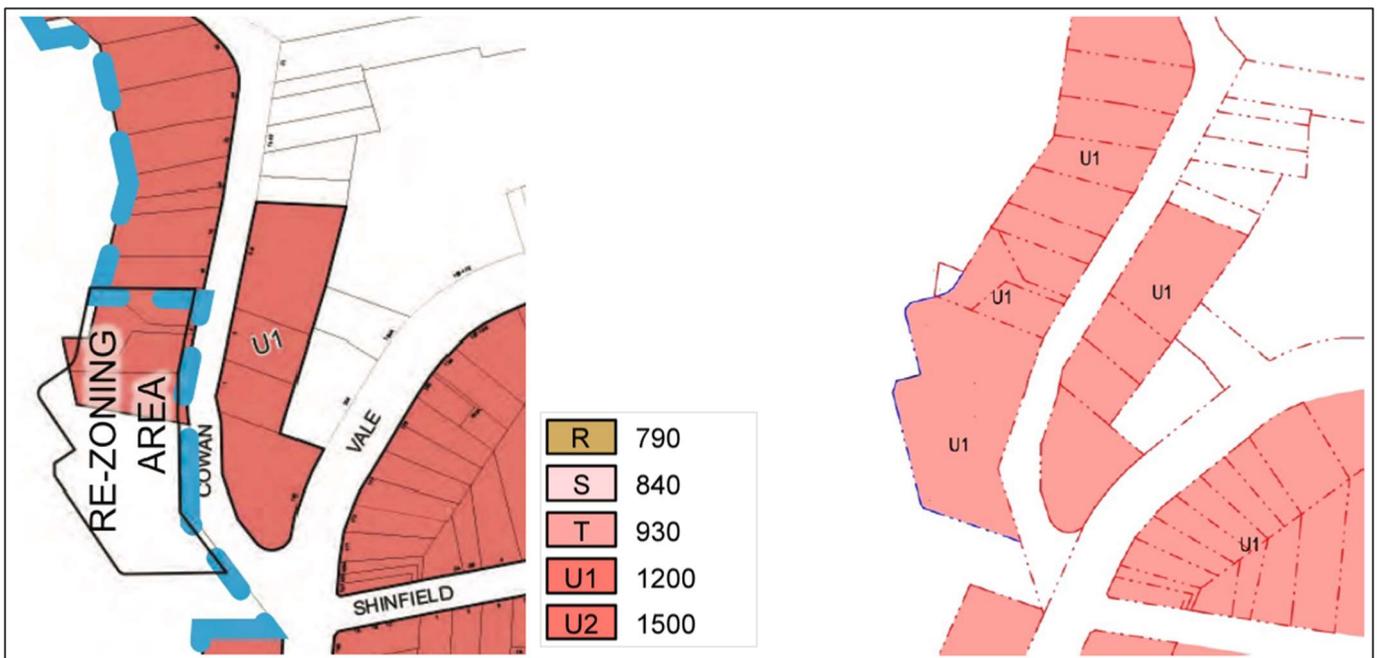


Figure 6. Existing and proposed minimum lot size (Source: dmps)



Figure 7. Existing and proposed location of cottages with heritage listing (Source: *dmps*)

Built Form



Figure 8. Proposed massing (Source: Mayoh)



Figure 9. Proposed ground floor plan (Source: Mayoh)

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Figure 10. Proposed first floor plan (Source: Mayoh)



Figure 11. Proposed fourth floor plan (Source: Mayoh)

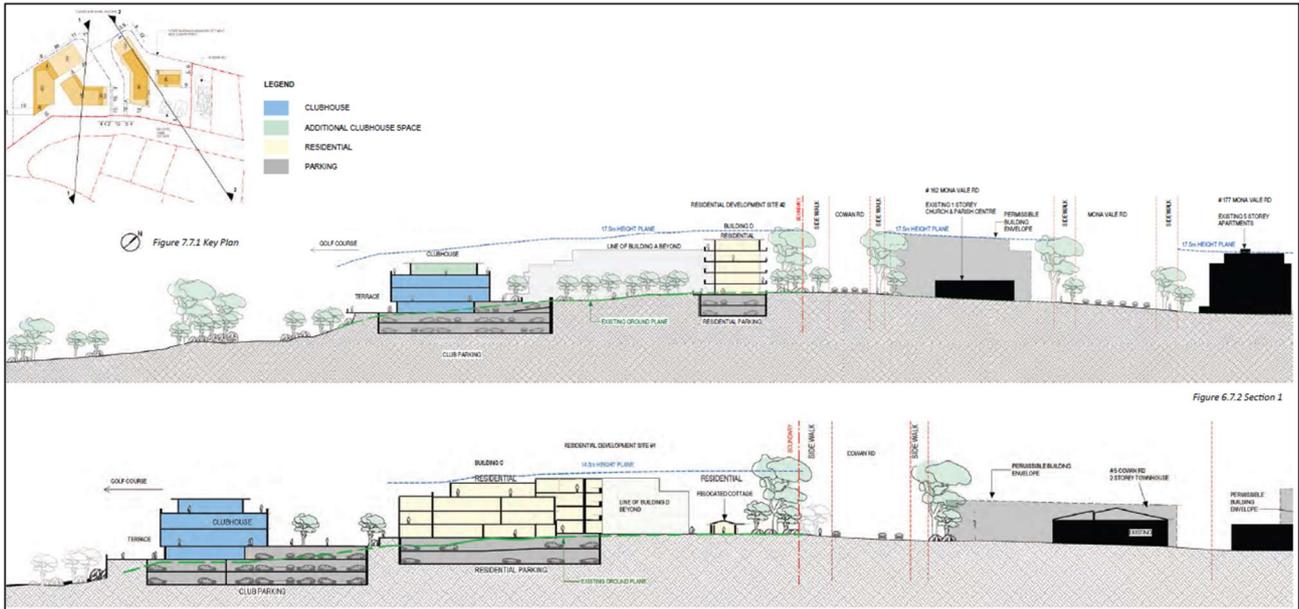


Figure 12. Indicative section plans (Source: Mayoh)

Key Issues

The following section summarises the key issues drawn from the proponent's planning proposal (**Attachment B**) and rezoning review request (**Attachment A**), Council report (**Attachment E**) and minutes (**Attachment F**), and Council's response to the rezoning review (**Attachment G**).

Issue No. 1 – KLPP and Council officer's recommended Table of Assessment

- The KLPP April report includes the recommendation that the proposal, as amended by a Table of Assessment (Attachment C), be submitted to the department for a gateway determination. The amendments involve:
 - *Update the proposal to reflect the updated Heritage Impact Assessment and the intent to heritage list no. 12 and 14 Cowan Road.*
 - *Nominate Heritage NSW to the list of agencies to be consulted.*
 - *Amend the proposed heritage map to include the access handle of the lot between the two cottages.*
 - *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.*
 - *Remove 'Land to which this Planning Proposal applies' as this has been covered in the overview and background section.*
 - *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.*
 - *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.*
 - *Correct error to remove 'Items or places of non-Aboriginal or Aboriginal cultural heritage not already addressed elsewhere.'*
 - *The recommended amendments to include the *Angophora costata* 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.*
- The KLPP minutes advise Council that the proposal, as amended by the table of assessment and subject to further recommendations (as below), should be submitted to the department for a gateway determination:
 - *Further clarification be sought to justify the inconsistency with the LSPS and the Ku-ring-gai housing strategy.*
 - *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 in the long term future.*

- *Advises Council that prior to the development of the site, a Conservation Management Plan be prepared for the two proposed heritage items.*
- *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.*

Council view

- The May Council report (**Attachment E**) recommends that the proposal has sufficient strategic and site-specific merit to proceed to gateway, subject to amendments outlined in the Table of Assessment.
- The further recommendations of the KLPP have been addressed within the council report, concluding that no further changes are required to the proposal.
- There are no differences in the Table of Assessment within the KLPP report and Council report. The Council report does not indicate whether the proponent has had the opportunity to address the amendments.
- Council considered the Council report (which is consistent with the KLPP advice) and resolved (**Attachment F**) to not adopt the staff recommendations and without providing any written justification for its decision.

Proponent view

- Between the April KLPP and the May Council meeting, the proponent did not submit any additional documentation as both reports recommended the proposal be submitted to the department for a gateway determination.
- Council staff had supported this proposal, and the proponent would likely have been given the opportunity to prepare amended documentation prior to a gateway lodgement.
- The proponent lodges a rezoning review immediately after being notified of council's resolution to not support the proposal (**Attachment A**).
- The proponent currently has no avenue to submit amended documentation until the Panel makes a recommendation on the proposal.

Issue No.2 – Council's resolution to not support the proposal; and DCP responsibility

Council view

- While the Council report recommends the proposal proceed to gateway, subject to amendments, Council resolved (**Attachment F**) to not support the proposal.
- The Council report recommended '*that a site-specific DCP be prepared by Council in accordance with the details in this report, paid for by the proponent in accordance with Council's Fees and Charges*'.
- Should the Panel recommend for this proposal to proceed to gateway, the party responsible for preparing the site-specific DCP will need to be confirmed as Council can no longer be the planning proposal authority.

Proponent view

- In the rezoning review lodgement documents, the proponent correctly identifies that Council has not provided any formal written justification for its refusal to not support the proposal (**Attachment A**).
- The Urban Design Report (**Attachment B5**) prepared by the proponent aims to assist the preparation of a site-specific DCP to guide future development of the land.



Date: 18/9/2023

Brendan Metcalfe

Director, North District, Metro Central and North



Date: 10.9.23

David Hazeldine

Manager, Place and Infrastructure, North District

Assessment officer

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Attachments

Attachment A – Rezoning review request (June 2023)

Attachment B – Planning proposal (March 2023)

Attachment B1 – Survey plan

Attachment B2 – Detailed site investigation

Attachment B3 – Ecological constraints assessment

Attachment B4 – Arboricultural impact assessment report

Attachment B5 – Urban design report

Attachment B6 – Statement of heritage impact

Attachment B7 – Transport Impact Assessment

Attachment B8 – Photomontage Images

Attachment C – KLPP Agenda (April 2023)

Attachment D – KLPP Minutes (April 2023)

Attachment E – Council meeting agenda (May 2023)

Attachment F – Council meeting minutes (May 2023)

Attachment G – Council’s response to the rezoning review request (August 2023)

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