



APPLICATION FOR A PLANNING PROPOSAL

Amendment to the *Lane Cove Local Environmental Plan 2009* as it applies to No. 2 Marshall Avenue, St Leonards to increase the height of building for the subject site and allow for “co-living housing”.

2 Marshall Avenue,

St Leonards

Prepared for: Deb Assherton & Rob Hart

REF: M240413

Date: 26 November 2024





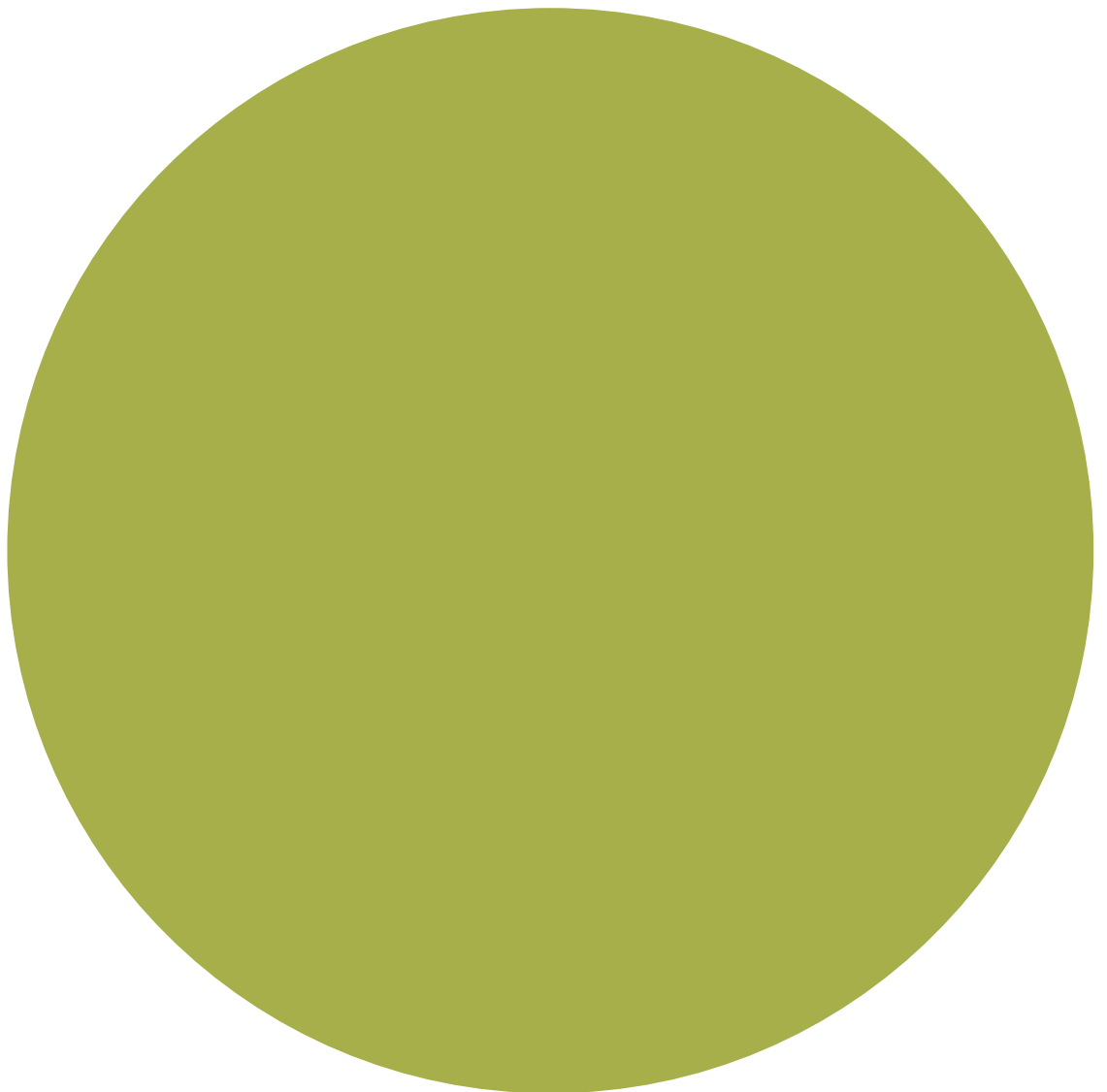
APPLICATION FOR A PLANNING PROPOSAL

Details:

Prepared for: Deb Assherton & Rob Hart

REF: M240413

Date: 26 November 2024





Contents

EXECUTIVE SUMMARY.....	4
1. INTRODUCTION.....	6
2. LOCALITY AND SITE ANALYSIS.....	7
2.1 The Context	7
2.1.1 Metropolitan Context.....	7
2.1.2 St Leonards.....	7
2.2 The Site	8
2.3 Existing and Desired Future Character	11
2.4 Surrounding Development	12
2.5 Connectivity to public transport	14
3. BACKGROUND.....	15
3.1 Development Applications	15
3.2 Discussions With Council	15
4. EXISTING PLANNING PROVISIONS.....	16
4.1 Lane Cove Local Environmental Plan 2009	16
4.1.1 Existing Zoning.....	18
4.1.2 Current Development Standards and Controls.....	19
4.2 Lane Cove Development Control Plan 2010	21
5. PROPOSED LEP AMENDMENTS	23
5.1.1 Amended Development Standard – Co-living Housing	23
5.1.2 Amended Development Standard – Height.....	23
5.1.3 Additional Clause	24
6. PLANNING PROPOSAL.....	25
6.1 Part 1 - OBJECTIVES OR INTENDED OUTCOMES	25
6.1.1 Objectives	25
6.1.2 Intended Outcomes	25
6.2 Part 2 - Explanation of Provisions	25
6.3 Part 3 – Justification of Strategic and Site-Specific Merit.....	26
6.3.1 Section A - The Need for the Planning Proposal	26
6.3.2 Section B – Relationship to the Strategic Planning Framework.....	28
6.3.3 Section C - Environmental, Social and Economic Impacts.....	53
6.3.4 Section D - State and Commonwealth Interests.....	57
6.4 Part 4 - Mapping.....	58
6.5 Part 5 - Community Consultation	58
6.6 Part 6 - Project Timeline	58





7.	CONCLUSION.....	59
----	-----------------	----

FIGURES

Figure 1	The metropolitan context (Source: A Metropolis of Three Cities).....	7
Figure 2	Subject site (edged in red) and surrounding Edgecliff locality (Source: Planning Portal)	8
Figure 3	Aerial image of subject site, edged in red (Source: Near Maps).	9
Figure 4	Aerial image of the site and surrounds.....	10
Figure 5	Subject site as viewed from Marshall Avenue.	10
Figure 6	Subject site as viewed from Canberra Avenue.	11
Figure 7	Vision for the St Leonards South Precinct (Source: LDCP).	12
Figure 8	Site Plan for DA79/2022 (Source: Council DA Tracker).	13
Figure 9	3D generated image of the approved development under DA79/2022 (Source: Council DA Tracker).	14
Figure 10	Extract from LCLEP Land Zoning Map 4site edged in red).....	19
Figure 11	Extract from LCLEP Height of Buildings Map 004 (site edged in red)	19
Figure 12	Extract from LCLEP Floor Space Ration Map 004 (site edged in red).....	20
Figure 13	Extract from LCLEP Incentive Building Height Map 004 (site edged in red).	20
Figure 14	Extract from LCLEP Incentive Floor Space Ratio Map 004 (site edged in red).....	21
Figure 15	Draft building envelope indicating public open space offering on the site.....	22
Figure 16	Extracts of the existing (left) and proposed (right) LCLEP Incentive Height of Buildings Map 004 (site edged in red).....	23
Figure 17	The North City (Source: A Metropolis of 3 Cities: The Greater Sydney Region Plan)	30
Figure 18	The North District Plan excerpt.	34
Figure 19	St Leonards commercial core and surrounds (Site shown with a black star) (Source: Lane Cove LSPS). ..	45
Figure 20	Solar analysis for the planning proposal scheme.....	54
Figure 21	Extract from the 2036 Plan indicating solar access for public open space.	55
Figure 22	Extracts of the existing (left) and proposed (right) LCLEP Incentive Height of Buildings Map 004 (site edged in red).....	58

TABLES

Table 1	Summary of Current Planning Controls	16
Table 2	Greater Sydney Region Plan: A Metropolis of Three Cities Directions	30
Table 3	North District Plan	35
Table 4	Strategic Merit Test	36





Table 5 Site-Specific Merit Test.....	43
Table 6 Relevant State Environmental Planning Policies	47
Table 7 Section 9.1 Ministerial Directions	49
Table 8 Project Timeline	58

Acknowledgement of Country: *Planning Ingenuity acknowledges the Traditional Custodians of the land and pays respect to Elders past, present and future. We recognise First Nations peoples’ unique cultural and spiritual relationships to place and their rich contribution to society.*

©This document and the research reported in it remains the property of Planning Ingenuity Pty Ltd and are protected by copyright. Apart from fair dealings for the purposes of private study, research or review, as permitted under the Copyright Act 1968, no part of the document may be reproduced, by any process, without the written permission of the author. All inquiries in this regard are to be directed to the Managing Director, Planning Ingenuity Pty Ltd.





Executive Summary

This application for a Planning Proposal seeks to amend the provisions of *Lane Cove Local Environmental Plan 2009* (LCLEP 2009) for land at No. 2 Marshall Avenue, St Leonards ('site'). Specifically, the Planning Proposal seeks to amend Clause 7.1 of the LCLEP and the Incentive Height of Buildings Map to increase the height of building to part of the site and allow for co-living development to utilise the height and floor space provisions of the clause. The proposal also seeks to insert an additional subclause under Clause 7.1 to exclude development for the purpose of co-living from the operation of Clause 7.1(4).

There are compelling strategic and Town Planning reasons for an increase to the maximum building height for the site for the purpose of co-living development, as has been considered within the subject application for a Planning Proposal. Specifically, the increase in density presents the opportunity to deliver a high quality urban and architectural design, responding to the accessible location and strategic characteristics of the site. The proposed amendments will provide for a suite of public benefits that will not be realised by the current standards of LCLEP 2009. An increase in building height will allow for an uplift in residential uses within close proximity to the St Leonards Railway Station and the Commercial Centre. Importantly, the proposal would allow for a suitable scale of redevelopment of the subject site within the surrounding context that would otherwise not be achieved. Along with this will be provided significant improvements to the site, continuation of an approved public open space corridor and the delivery of a diverse and affordable housing type.

The application for a Planning Proposal will provide a unique opportunity to unlock the development potential of the subject site given its reasonable site area, dimensions and frontages to Marshall Avenue and Canberra Avenue. The site represents an isolated allotment which will be surrounded by development of up to 25 storeys in height. The flexibility offered by the change in building height, alongside permitting co-living housing to take up the incentive density controls, will allow for the delivery of a development which will be consistent with desired future character of the St Leonards South Precinct, as set out in Part C7 of the LCDCP 2010. The proposal demonstrates both site-specific and strategic merit, as outlined in this Report.

The site is situated just outside the St Leonards Commercial Centre and is within walking distance of the St Leonards Railway Station and is therefore strategically located and can allow for an increased density, rejuvenation and activation. By the way of background, under the amendments made to the LCLEP in 2020, 'Part 7 Additional local provisions – St Leonards South Area' was inserted into the LCLEP. The LCLEP amendments effectively established building envelopes for the precinct as determined by the incentive building height mapping. Further to the building height restrictions, Clause 7.2 of the LEP contains minimum site area requirements for development within each of the 'Areas' identified within the precinct, nominating a minimum development area of 3,000sqm for Area 1 in which the subject site is located.

Importantly, following the amendments of the LCLEP to include the incentive building height provisions for the St Leonards South Area, the land surrounding the subject site, being the rest of Area 1, was purchased and an application to the land surrounding the site was made, excluding only the subject site at No. 2 Marshall Avenue. The development for the adjoining land was approved under DA79/2022 and is currently under construction. Notably, the default height and floor space standards that apply to the subject site under Clause 4.3 and 4.3 of the LCLEP relate to the pre-precinct strategy R2 zoned land standards being:

Maximum height of building: 9.5m

Maximum floor space ratio: 0.5:1

These are the development standards intended for single dwelling houses – not a site located 140m from a major railway station. Furthermore, any new development of this scale would be out of character within the locality where development immediately adjacent to the site exceeds 50m in height.



Consequently, the subject site presents as an isolated allotment which cannot be redeveloped under Part 7 of the LCLEP under the current provisions which would limit development on the site to a height of 2.5m. Furthermore, redevelopment under the base, pre-precinct strategy, LEP controls would be inappropriate for the site given the approved context of the site and the desired future character for the precinct, whereby a residential development, likely for multi-dwelling housing, reaching only 9.5m in height surrounded by 25 storey residential towers would appear incongruous.

As discussed in this document, the application is consistent with the local, regional and state planning strategies for Lane Cove Local Government Area (LGA), North District Plan and Greater Sydney Region Plan. This application has the potential to make a substantial positive contribution to the quality and utility of an isolated site and result in the efficient use of a well-serviced site, to provide a development which is diverse and vibrant, compatible with neighboring properties and delivers a high quality urban environment.

This application for a Planning Proposal has been informed by the building envelope scheme and accompanying solar access diagrams prepared by *Smith and Tzannes* which identify the capability of the site to accommodate a scale of development that is sought by the proposed LEP amendments.

The Planning Proposal has been prepared in accordance with the NSW Department of Planning & Environment's *Guide to Preparing Planning Proposals* and has adequately addressed the relevant strategic and statutory planning considerations.

The planning proposal is considered to satisfy the requirements to enable the amendment of the LCLEP and is submitted to Lane Cove Council for endorsement and submission to the Department of Planning, Industry and Environment for Gateway determination.





1. Introduction

This application for a Planning Proposal ('Report') has been prepared for the owners of the site located at No. 2 Marshall Avenue, St Leonards ('site'). The purpose of this application is to initiate a Planning Proposal process to amend *Lane Cove Local Environmental Plan 2009* (LCLEP 2009) to amend Clause 7.1 of the LCLEP and the Incentive Height of Buildings Map to increase the height of building to part of the site and allow for co-living development to utilise the height and floor space provisions of the clause. The proposal also seeks to insert an additional subclause under Clause 7.1 to exclude development for the purpose of co-living from the operation of Clause 7.1(4).

There are compelling strategic, urban design and town planning reasons for No. 2 Marshall Avenue to be considered for the subject Planning Proposal. Specifically, the subject site represents a unique opportunity to deliver a high-quality, innovative and sustainable development, delivering a suite of public benefits that will not be realized if the current planning controls are retained and the opportunity for redevelopment passes. That is, the current maximum building height is not capable of providing a density on the site which is reflective of its strategic location and superior characteristics.

The application to increase the maximum building height on the subject site will provide for a unique opportunity to deliver a well-considered and refined built form which allows for a significant improvement over the existing dwelling on the site which represents a significant underdevelopment and underutilisation of a strategic site, and will create an inappropriate contrast to the emerging high density context. This application is submitted with a concept building envelope which seeks to deliver a site arrangement and built form consistent with the desired uplift. The Planning Proposal will deliver an outcome which is far superior to the current planning controls, increasing building height within a highly accessible and centralised site, providing with it numerous public benefits.

This application has been prepared in accordance with Division 3.4 and Division 3.5 of the *Environmental Planning and Assessment Act 1979* as well as the NSW Department of Planning, Industry and Environment publication "*Local Environmental Plan Making Guideline*" (September 2022) (DPIE Guideline). It explains the intended effect of the proposed amendment to LCLEP 2009 and sets out the justification for making the amendment to that Plan.

This application demonstrates that the proposed LEP amendments have strategic and site-specific merit. It is aligned with the relevant matters for consideration set out in Lane Cove Council's Local Strategic Planning Statement. As detailed, the primary intent of the application is to initiate a Planning Proposal process to amend the maximum building height, alongside an additional permitted use for co-living housing to take up that permitted density and allow for redevelopment of a strategically superior site.

This increase in building height and subsequent redevelopment is also consistent with local and state government planning strategies to drive more efficient and economic use of urban land which is within close proximity to St Leonards Railway Station and Commercial Centre. The subject site is well located and in close proximity to established transport, services and a variety of infrastructure and facilities. The proposal would allow for a co-living housing development which will contribute to the diversity and affordability of housing within the St Leonards South Precinct which has been marked to provide for a high residential density. Importantly, the provision of co-living housing provides an affordable housing product for key workers, which is ideal for a precinct that is located within 400m from the largest health and education precinct in Sydney's north. Ultimately, the public benefit offered by provision of a diverse housing development within a highly accessible location is considered to be substantial in exchange for the proposed amendments which will allow for a development that is compatible with the context of the locality and characteristics of the site. Overall, the proposal achieves positive environmental, social and economic outcomes, as discussed in this Report.

This report is divided into six sections including a locality and site analysis, existing planning provisions, draft planning provisions, the Planning Proposal and a conclusion.

2. Locality and Site Analysis

2.1 THE CONTEXT

2.1.1 Metropolitan Context

The subject site is located in the suburb of St Leonards approximately 5km north-west of the Sydney CBD and is situated just south of the St Leonards Local Centre and Railway Station. As part of the *Metropolis of Three Cities – The Greater Sydney Region Plan*, St Leonards is within the area covered by the *North District Plan* (District Plan) and is located in proximity to the Harbour CBD. The North District is envisaged to encourage infrastructure and connectivity, liveability, productivity and sustainability.

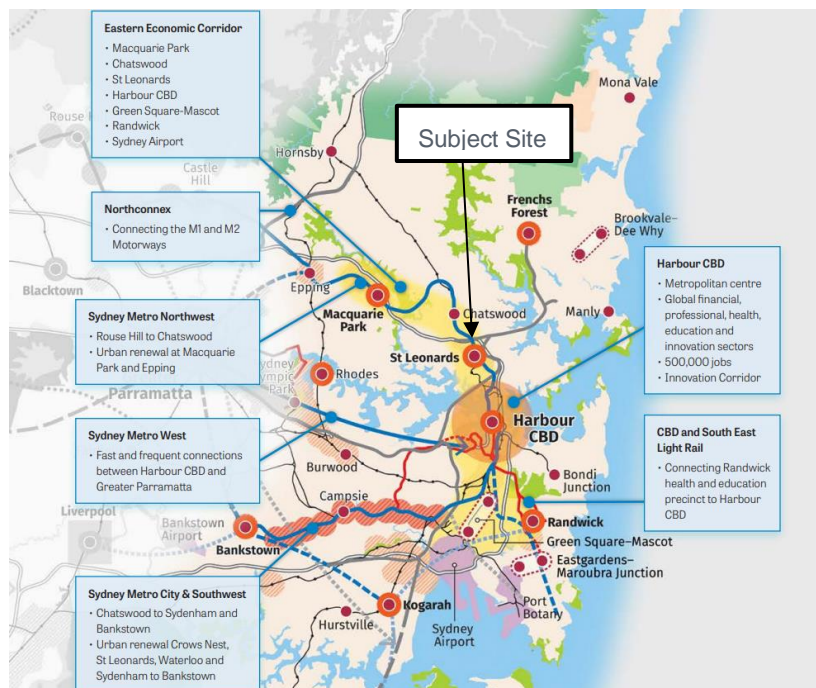


Figure 1 The metropolitan context (Source: A Metropolis of Three Cities).

2.1.2 St Leonards

The subject site is located 140m walking distance from numerous bus services along Pacific Highway and is 190m walking distance from St Leonards Railway Station and is also within proximity to a variety public open spaces, services and facilities. St Leonards benefits from a strategic location which boasts ease of access to a number of transport links, land uses and localities thus solidifying its place as an area capable of accommodating an increase in density.

The locality provides the general public, workers and residents with a high level of amenity due to its centralised location, ease of access and the provision of numerous commercial facilities, including shopping centres and retail premises, public open spaces, recreational facilities and various services. Whilst the subject site is located outside the St Leonards Centre, an increase in density is considered to align with the relevant strategic planning documents, as outlined in this Report.

Figure 2 below demonstrates the location of the subject site and its relationship to the St Leonards Commercial Centre, Railway Station and surrounding localities.

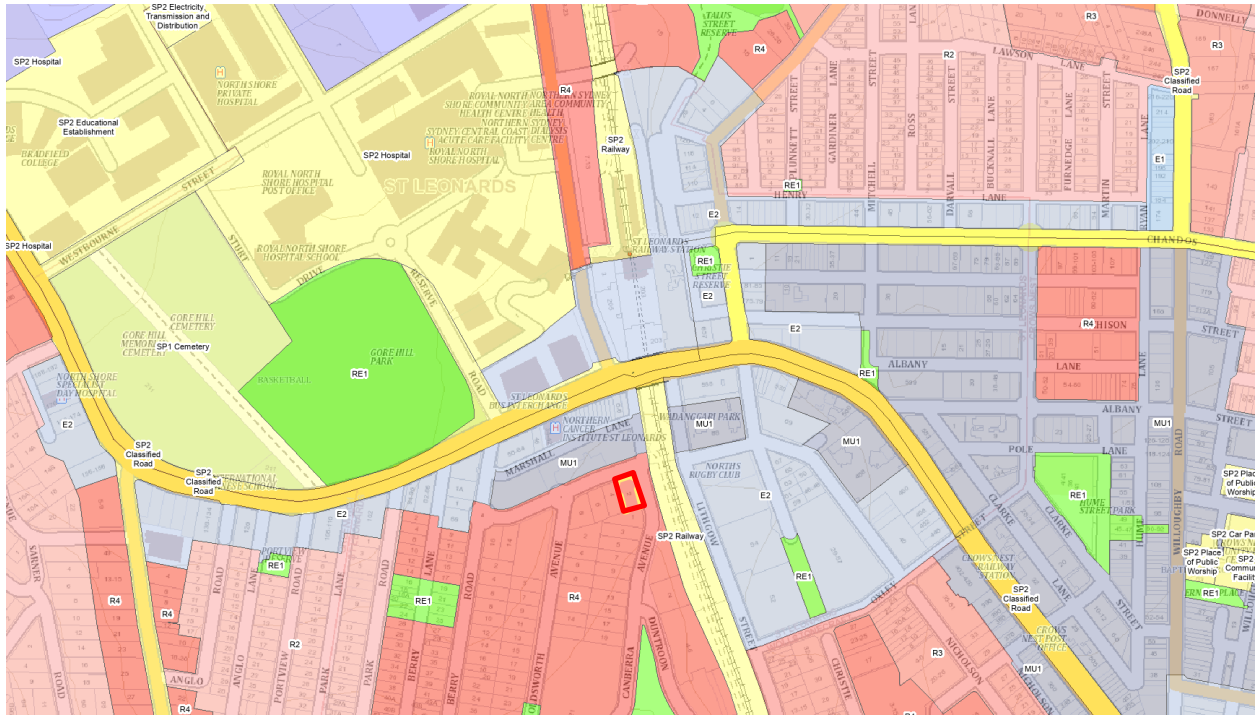


Figure 2 Subject site (edged in red) and surrounding Edgecliff locality (Source: Planning Portal).

2.2 THE SITE

The subject site is known as No. 2 Marshall Avenue, St Leonards. The site is located on the southern side of Marshall Avenue and sit at the corner of Marshall Avenue and Canberra Avenue. The site is legally described as Lot 4 in Section 3 of DP 7259.

An aerial photograph of the site is shown in **Figure 3** overpage.



Figure 3 Aerial image of subject site, edged in red (Source: Near Maps).

The site is relatively rectangular in shape and contains an area approximately 688m². The site has a primary northern frontage to Marshall Avenue measured at 15.6m, with a corner splay of approximately 4.4m, and a secondary eastern frontage to Canberra Avenue of 33.5m.

Existing on the site is a single storey dwelling house with vehicle access provided from Canberra Avenue to a detached garage. The existing dwelling is an older style building and is not considered to contribute to or have any significant impact on the character of the locality which is undergoing significant transition.

The site does not contain any significant vegetation, however, street trees are located at each of the sites frontages.

The context of the subject site and the adjoining area are shown in the aerial image in **Figure 4** and photographs of site are provided at **Figures 5** and **6**.

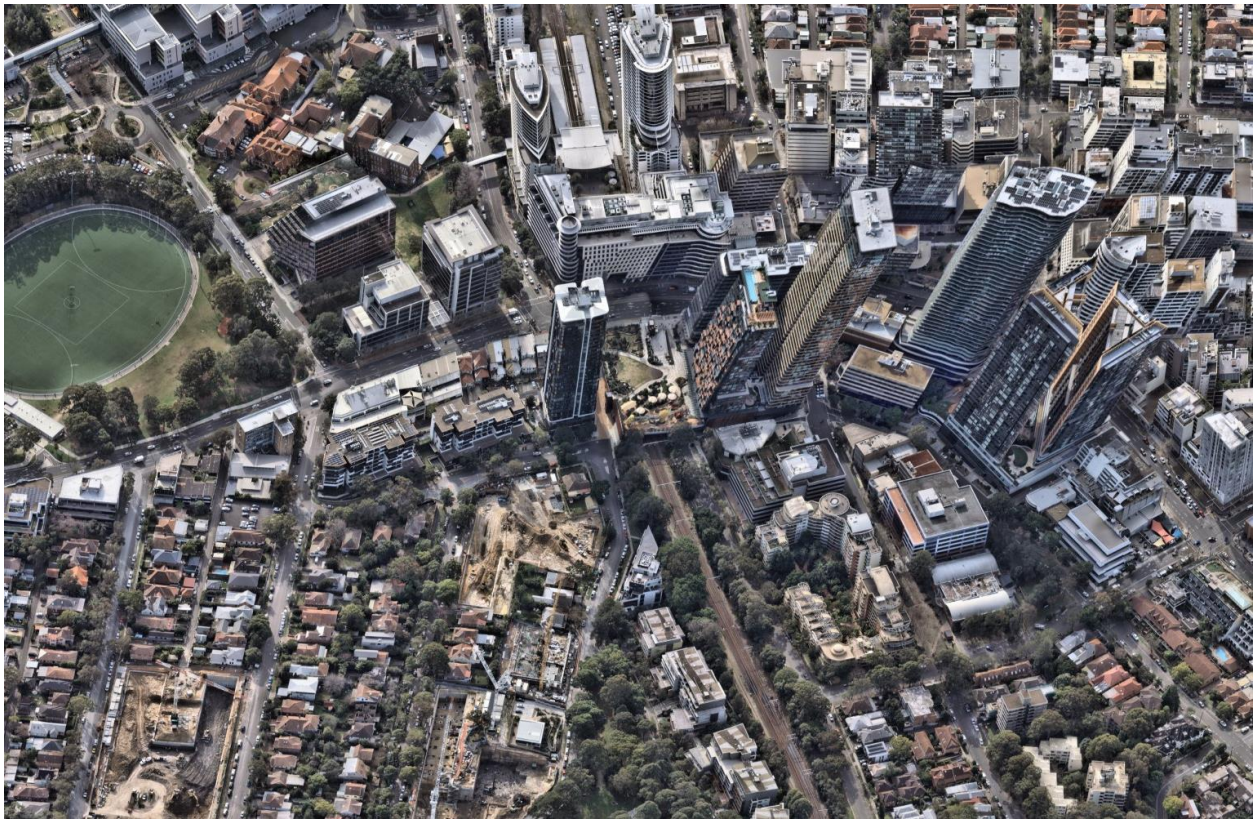


Figure 4 Aerial image of the site and surrounds.

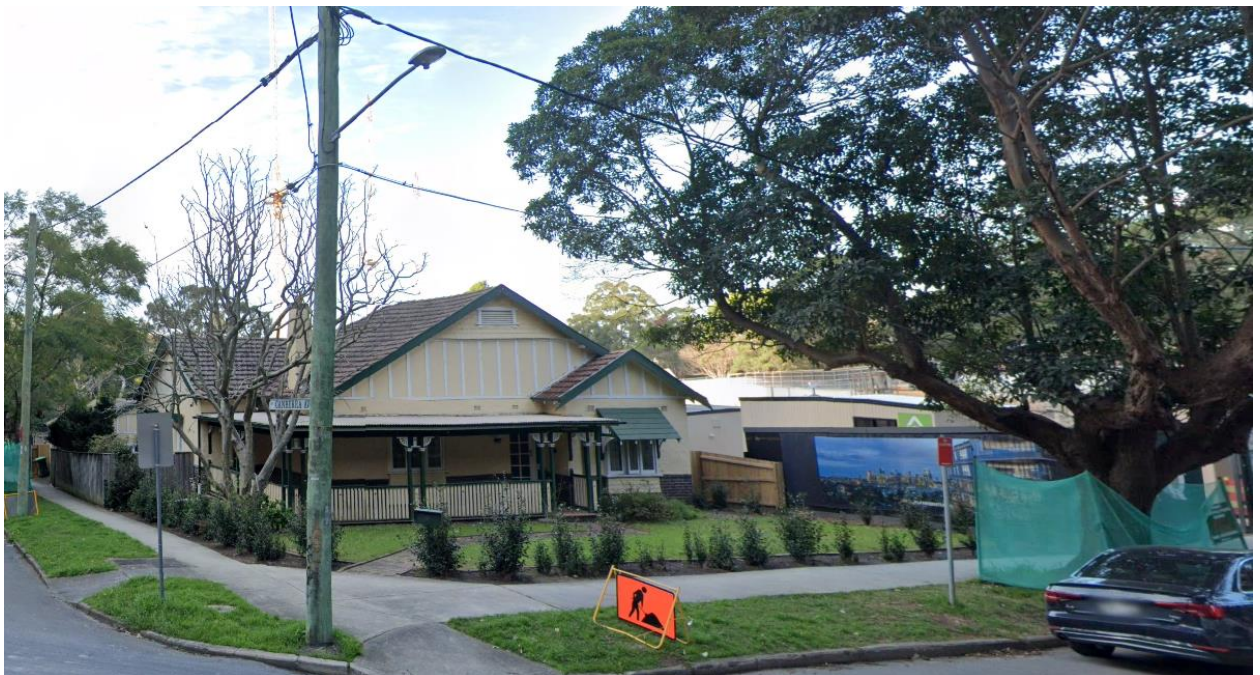


Figure 5 Subject site as viewed from Marshall Avenue.



Figure 6 Subject site as viewed from Canberra Avenue.

2.3 EXISTING AND DESIRED FUTURE CHARACTER

The subject site is located just south of the St Leonards Commercial Centre and is located within the St Leonards South Precinct which has been purposefully selected for an uplift in density. Indeed, amendments to the Lane Cove LEP (LCLEP) in 2020 increased the residential densities permitted in the St Leonards South Precinct to align with the strategic vision for the site to become a high density residential precinct which builds upon the transit and land use opportunities of St Leonards and Metro Stations and commercial centre. The LEP amendments allowed for building heights of up to 65m and FSR limits of up to 3.85:1. Importantly, the uplift in density has already been taken up by a number of sites within the precinct which are currently under construction for large scale residential and mixed use developments, namely the land surrounding the subject site.

Currently, the subject site contains an ageing single storey dwelling house, which is surrounded by larger scale developments, either existing or under construction to achieve the desired high density character for the area.

The overall vision for the precinct which clearly sets out the desired future character is detailed under Section C7 of the LCDCP and is captured within the 3D photo montage of the precinct provided at **Figure 7**, overpage.

Ultimately, the vision for the precinct encourages a significant increase in density within the locality, in which this Planning Proposal only seeks to match for the subject site. Notably, the current restrictions on the redevelopment on the subject site would result in an outcome which is not consistent with the character of the locality or appropriate within a streetscape context. The current planning controls for the site would have a building with a maximum height of 9.5m on the subject site, adjacent to a 65m high residential tower.

Whilst the subject site was partially excluded from the incentive building heights under the LEP, it is strategically placed to satisfy the intent and actions of the vision for the precinct as is discussed in further detail within this Report.



Figure 7 Vision for the St Leonards South Precinct (Source: LDCP).

2.4 SURROUNDING DEVELOPMENT

The subject site is located within an R4 High Density Residential zone. Whilst there are instances of one and two storey residential dwellings within the area these sites are yet to be developed in accordance with the zoning and permissible density controls.

The immediate context of the site is dominated by high density residential buildings, either newly built or under construction, with building heights starting at 5 storeys and reaching more than 20 storeys in height.

To the north of the site is the Embassy Tower at No. 1-13 Marshall Avenue which sits on the opposite side of Marshall Avenue and reaches a height of 29 storeys.

Importantly, and underpinning the reason for this planning proposal, the land directly adjoining the subject site to the east and south is currently under construction in accordance with the approval under DA79/2022 for the following sites:

- 4 Holdsworth Avenue, St Leonards
- 6 Holdsworth Avenue, St Leonards
- 8 Holdsworth Avenue, St Leonards
- 1 Canberra Avenue, St Leonards
- 3 Canberra Avenue, St Leonards
- 5 Canberra Avenue, St Leonards
- 4 Marshall Avenue, St Leonards
- 6 Marshall Avenue, St Leonards
- 8 Marshall Avenue, St Leonards

DA79/2022 was approved by Sydney North Planning Panel on 6 April 2023 for demolition of existing structures and constructions of three (3) residential flat buildings (ranging from 12 to 19 storeys) comprising a total of 232 apartments and basement parking for 348 vehicles.

The site plan for DA79/2022 is provided at **Figure 8** which shows where the site sits in relation to the approved built form, up to 19 storeys in height. Notably, in accordance with the approved development, new public open space will be provided directly west of the subject site. A 3D generated image of the approved development is also provided at **Figure 9**.

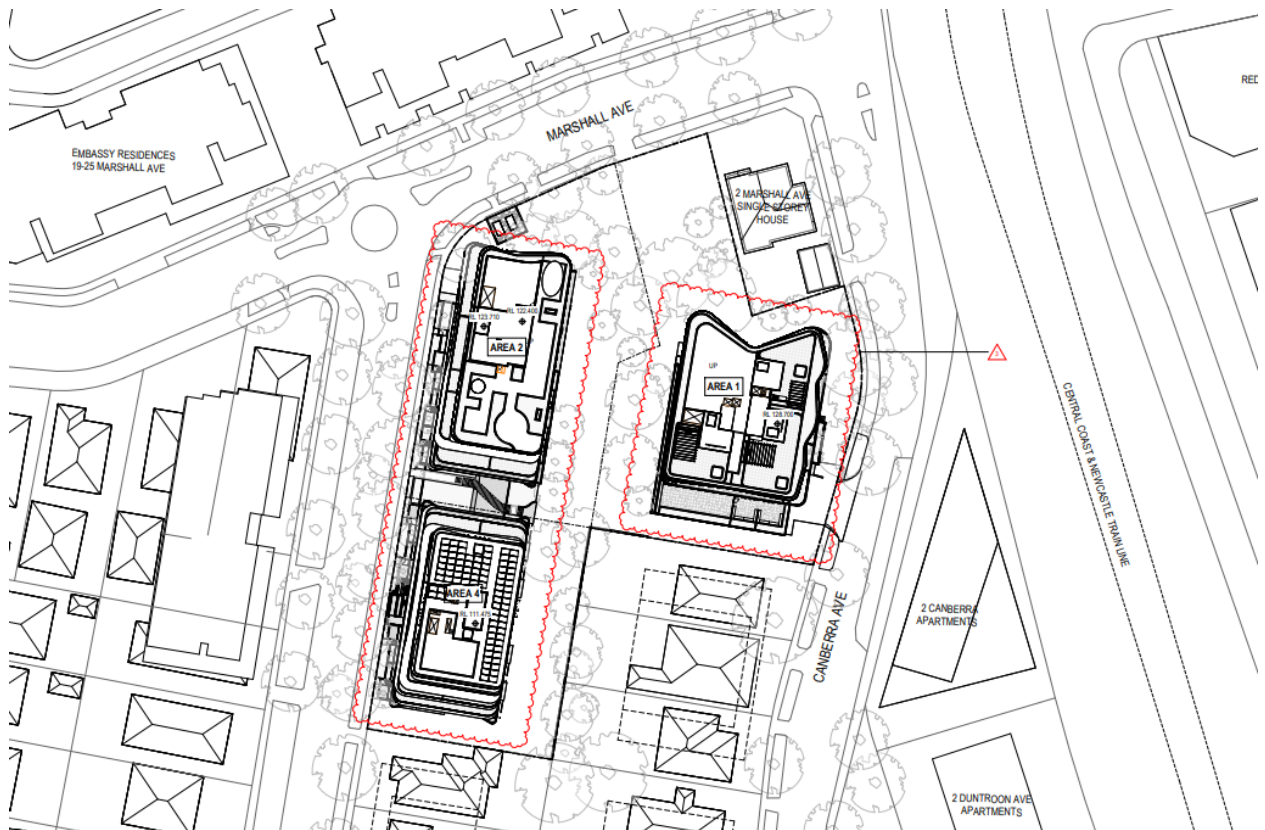


Figure 8 Site Plan for DA79/2022 (Source: Council DA Tracker).

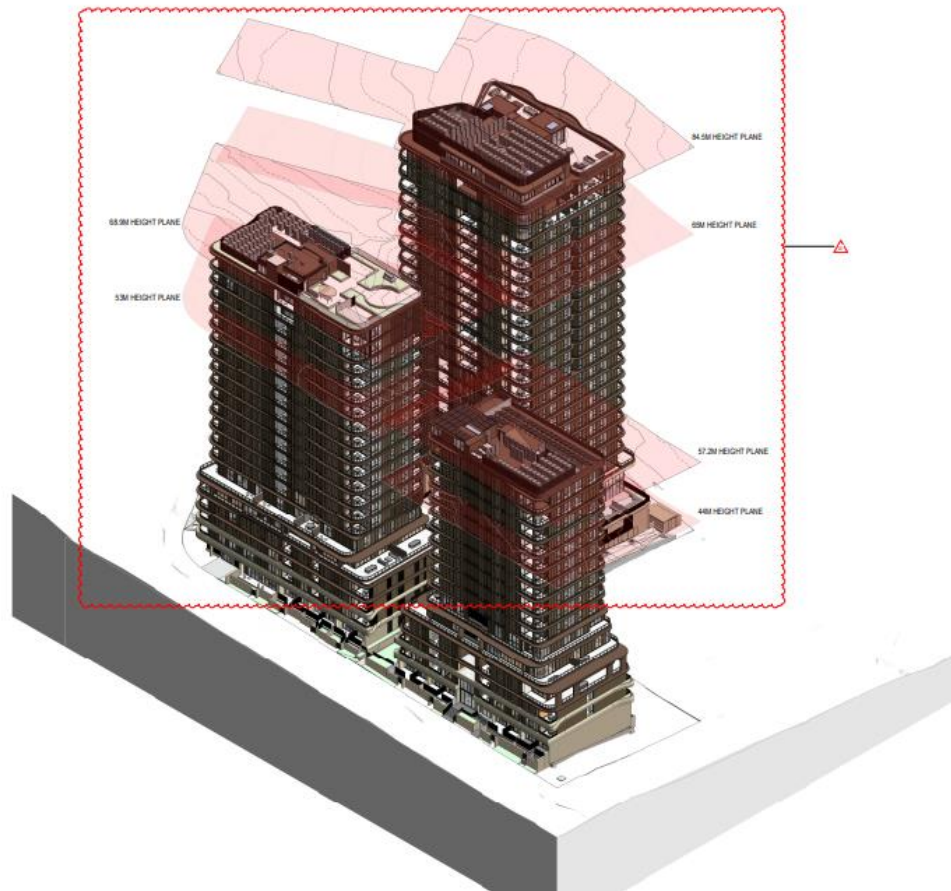


Figure 9 3D generated image of the approved development under DA79/2022 (Source: Council DA Tracker).

To the east of the site is the Central Coast and Newcastle railway line, located on the opposite side of Canberra Avenue.

2.5 CONNECTIVITY TO PUBLIC TRANSPORT

The subject site is situated within a highly accessible location in close proximity to key road corridors, bus stops, and St Leonards Railway Station. Specifically, the site is just south of the Pacific Highway which provides vehicular access to the surrounding suburbs and Sydney CBD. The site is also less than 200m walking distance from St Leonards Railway Station, which provides train and bus access to Sydney CBD, surrounding and wider suburbs.

The site is also located within close proximity other commercial, retail, community and health care facilities, in addition to a variety of public open spaces.



3. Background

3.1 DEVELOPMENT APPLICATIONS

There are no development applications approved on the subject site which are of relevance to this planning proposal.

Notably, and as mentioned above, the land directly adjoining the subject site to the east and south is currently under construction in accordance with the approval under DA79/2022 for three (3) residential flat buildings (ranging from 12 to 19 storeys) comprising a total of 232 apartments and basement parking for 348 vehicles.

3.2 DISCUSSIONS WITH COUNCIL

The Applicant and its representatives have undertaken a preliminary discussion with Lane Cove Council staff regarding the Planning Proposal.

A formal Pre-Planning Proposal meeting was held on 31 October 2024.

During the meeting Council did not dispute that the Planning Proposal had strategic merit, however, put forward that the site specific merit for the proposal would need to be proven by the applicant. Both the strategic and site specific merits for the Planning Proposal are addressed in this report.



4. Existing Planning Provisions

4.1 LANE COVE LOCAL ENVIRONMENTAL PLAN 2009

The current planning controls that apply to the site under *Lane Cove Local Environmental Plan 2009* (LCLEP) are summarised as follows:

Table 1 Summary of Current Planning Controls

Control	Existing Requirement	Figure
Zoning	Zone R4 High Density Residential	10
Clause 4.3 - Height of Buildings	9.5m	11
Clause 4.4 - Floor Space Ratio	0.5:1	12
Clause 6.4 - Earthworks	-	-
Clause 7.1 – Development on land in St Leonards South Area	<p>(2) This clause applies to development that involves the erection of 1 or more new buildings for the purposes of residential flat buildings on land within the St Leonards South Area.</p> <p>(3) Despite clauses 4.3 and 4.4, the consent authority may consent to development on land to which this clause applies that will result in a building with both of the following—</p> <p>(a) a building height that does not exceed the increased building height identified on the Incentive Height of Buildings Map,</p> <p>(b) a floor space ratio that does not exceed the increased floor space ratio identified on the Incentive Floor Space Ratio Map.</p> <p>(4) Development consent must not be granted under this clause unless the consent authority is satisfied that—</p> <p>(a) at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development will be studio or 1 bedroom dwellings, or both, and</p> <p>(b) at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development will be 2 bedroom dwellings, and</p> <p>(c) at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development will be 3 or more bedroom dwellings, and</p> <p>(d) the development will provide appropriate building setbacks to facilitate communal open space between buildings, and</p> <p>(e) the development will comply with the requirements of clause 7.2 in relation to the minimum site area of the development, and</p> <p>(f) the development will, if applicable, comply with the requirements of clause 7.3 in relation to the minimum number of dwellings that will be used for the purposes of affordable housing, and</p> <p>(g) the development will, if applicable, comply with the requirements of clause 7.4 in relation to the minimum area that will be used for the purposes of recreation areas and community facilities, and</p>	13 and 14

Table 1 Summary of Current Planning Controls

	(h) the development will, if applicable, comply with the requirements of clause 7.5 in relation to the provision of pedestrian links and roads.	
Clause 7.2 – Minimum site area Requirements	For the purposes of clause 7.1(4)(e), the minimum site area for development on land to which clause 7.1 applies is the area specified in the table to this clause. Area 1 – 3,000m ²	-
Clause 7.3 – Minimum affordable housing requirements	For the purposes of clause 7.1(4)(f), the following is the minimum number of dwellings required to be used for the purposes of affordable housing in development on land to which clause 7.1 applies— (a) for Area 1—14 dwellings,	-
7.4 Minimum recreation area and community facility requirements	For the purposes of clause 7.1(4)(g), the following requirements apply to development on land to which clause 7.1 applies— (a) for Area 1—at least 900 square metres will be used for the purposes of recreation areas,	-
7.6 Design excellence – St Leonards South Area	(3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence. (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters— (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain, (c) whether the development protects and enhances the natural topography and vegetation including trees or other significant natural features, (d) whether the development detrimentally impacts on view corridors, (e) whether the development achieves transit-oriented design principles, including the need to ensure direct, efficient and safe pedestrian and cycle access to nearby transit nodes, (f) the requirements of the Lane Cove Development Control Plan, (g) how the development addresses the following matters— (i) the suitability of the land for development, (ii) existing and proposed uses and use mix, (iii) heritage issues and streetscape constraints, (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (v) bulk, massing and modulation of buildings, (vi) street frontage heights, (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity, (viii) the achievement of the principles of ecologically sustainable development, (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,	-

Table 1 Summary of Current Planning Controls

	(x) the impact on, and any proposed improvements to, the public domain, (xi) the configuration and design of publicly accessible spaces and private spaces on the site.	
--	--	--

The land is not subject to any other environmental or hazard constraints, excluding flooding. Flooding has been resolved by development on the surrounding sites and there is no reason that development of the subject site would be severely impacted by the sites flood affectation. Of the above listed provisions, this Planning Proposal seeks to amend the Clause 7.1 with regards to the maximum incentive building height and as described in Section 5. This Planning Proposal also seeks to allow for co-living development to utilise the height and floor space provisions of Clause 7.1 and to insert an additional subclause under Clause 7.1 to exclude development for the purpose of co-living from the operation of Clause 7.1(4).

Furthermore, its important to acknowledge that the proposal would not impact or require amendments to any of the other provisions under Part 7 of the LCLEP, noting the following:

- The land is currently mapped with a floor space ratio of 3.85:1, therefore no amendment is needed to this map.
- The 900sqm of recreation area required (Clause 7.4) has already been provided in the approved DA on the remainder of Area 1 land. (which is currently under construction)
- The affordable housing (14 dwellings) required for Area 1 (Clause 7.3) has already been provided in the approved DA. Co-living provides for housing that meets an identified demand in the area.
- This amendment would not permit a residential flat building on the site as a residential flat building would still need to meet the minimum lot size criteria in the LEP.

4.1.1 Existing Zoning

The zoning table for the R4 – High Density Residential zone states the following:

‘Zone R4 High Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a medium density residential*
- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a high concentration of housing with good access to transport, services and facilities.*
- *To ensure that the existing amenity of residences in the neighbourhood is respected.*
- *To avoid the isolation of sites resulting from site amalgamation.*
- *To ensure that landscaping is maintained and enhanced as a major element in the residential environment.*

2 Permitted without consent

Nil

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Exhibition homes; Group homes; Home businesses; Home industries; Hotel or motel

accommodation; Local distribution premises; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Shop top housing; Signage

4 Prohibited

Any other development not specified in item 2 or 3'

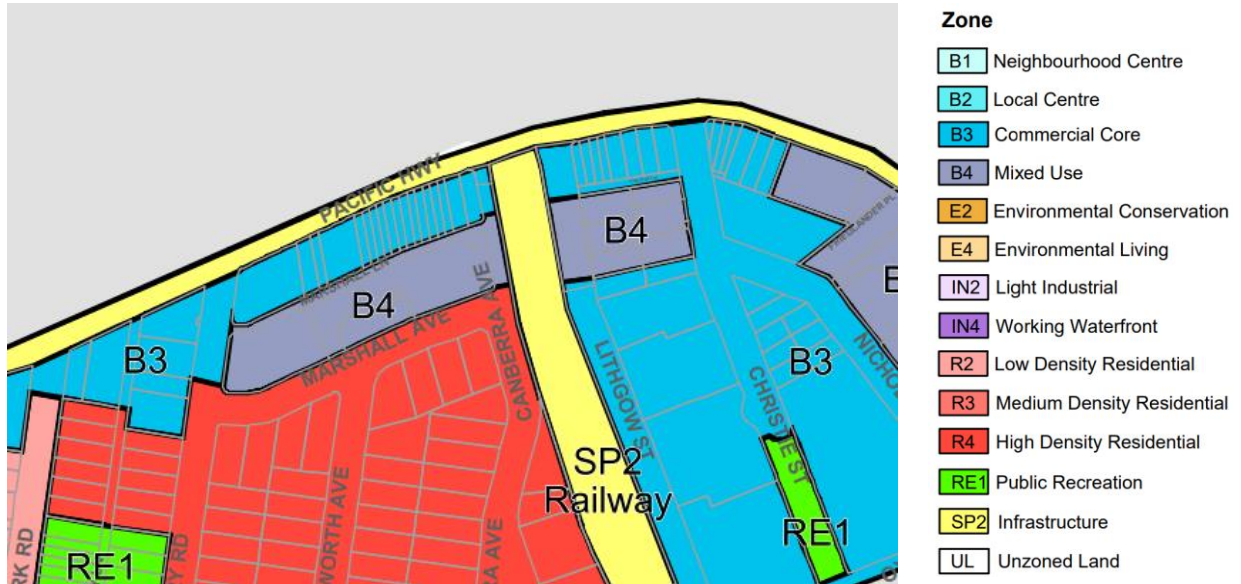


Figure 10 Extract from LCLEP Land Zoning Map 4(site edged in red).

4.1.2 Current Development Standards and Controls

The current development standards are detailed in the following maps:

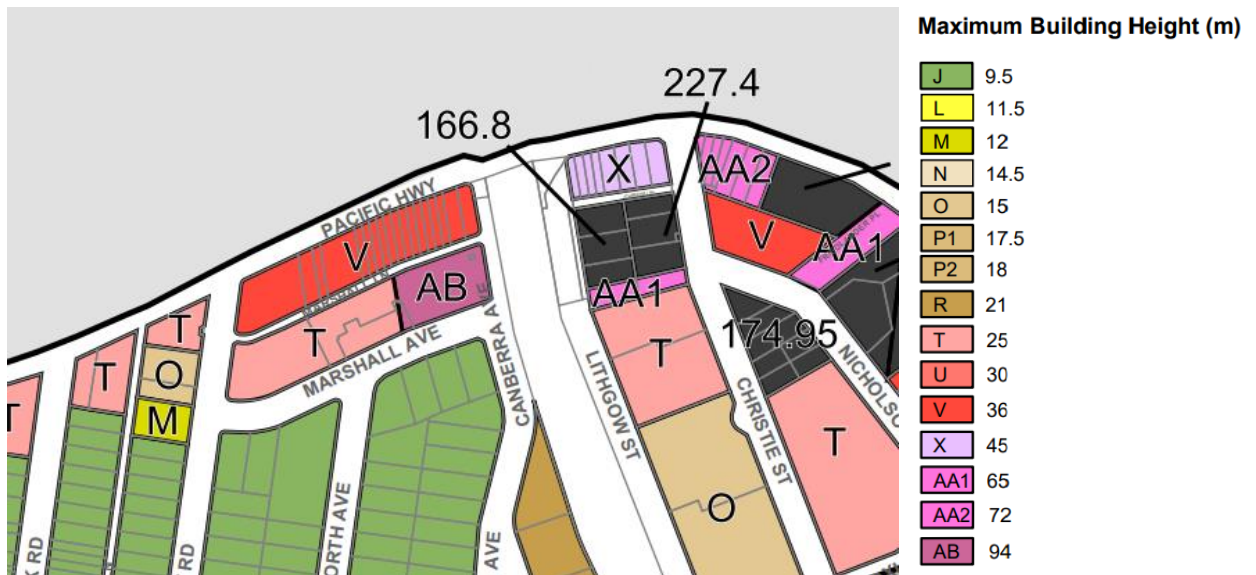


Figure 11 Extract from LCLEP Height of Buildings Map 004 (site edged in red).

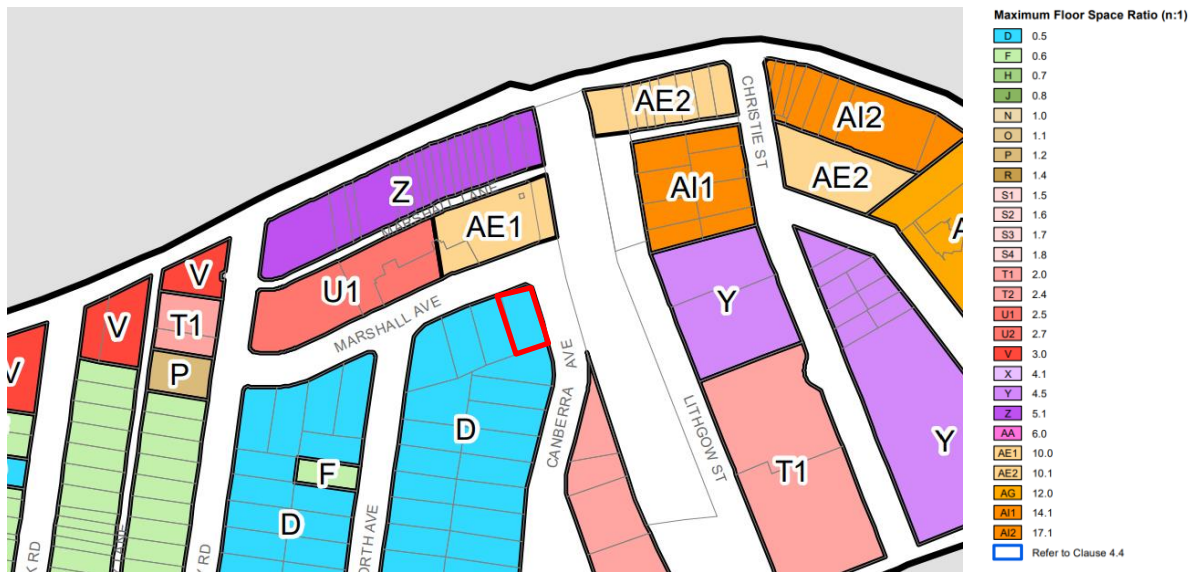


Figure 12 Extract from LCLEP Floor Space Ratio Map 004 (site edged in red).

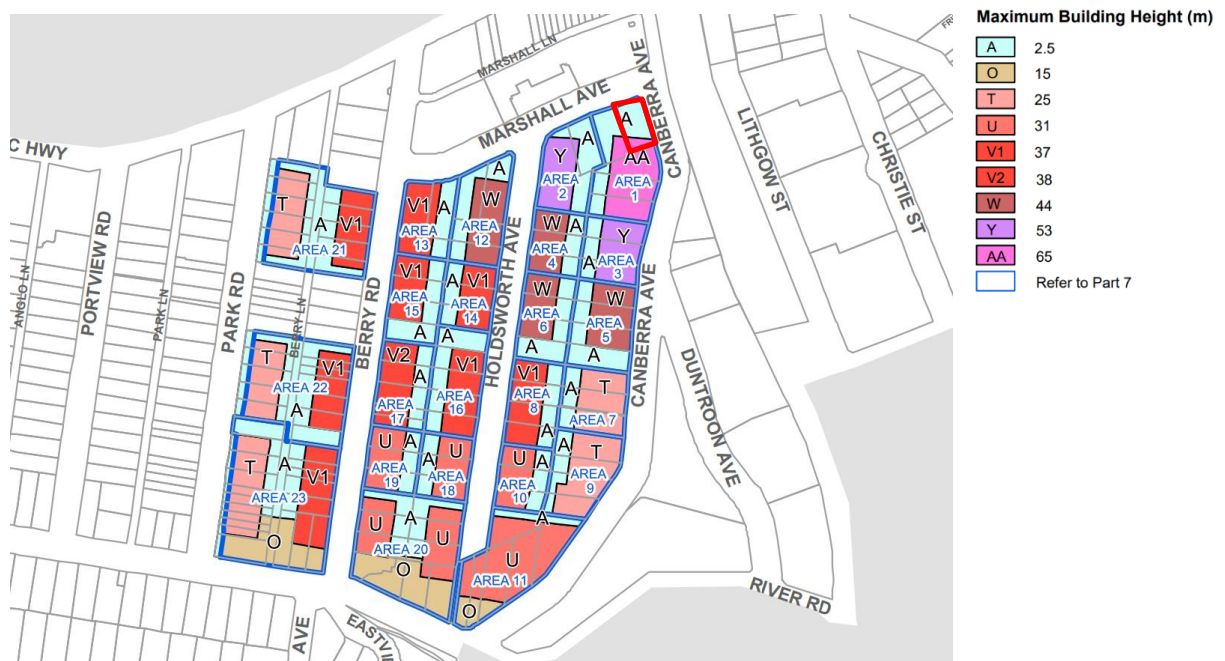


Figure 13 Extract from LCLEP Incentive Building Height Map 004 (site edged in red).

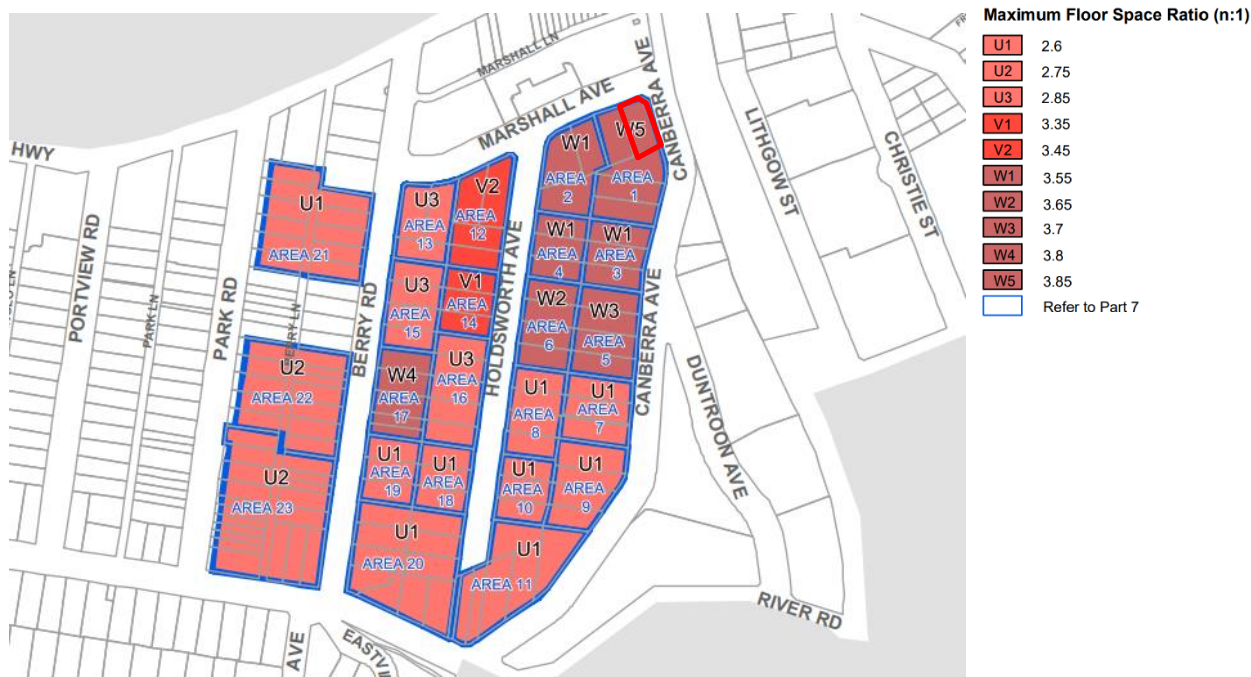


Figure 14 Extract from LCLEP Incentive Floor Space Ratio Map 004 (site edged in red).

4.2 LANE COVE DEVELOPMENT CONTROL PLAN 2010

The Lane Cove Development Control Plan (LCDCP) 2010 applies to the subject site and its surrounds. Any development proposals either on the site or on adjoining sites are required to address any relevant LCDCP controls.

The site is within the St Leonards South Precinct as identified in Part C of the LCDCP which specifies objectives for the precinct and outlines the various controls that any new development proposals are required to address. The proposed reduction to the extent of area marked for open space is consistent with the objectives St Leonards South Precinct. Whilst it is acknowledged that the proposal does not strictly align with the structure plan for the precinct, since the entirety of the site was previously marked for open space, the proposal satisfies the objectives and intentions of the DCP in that it will contribute to the creation of a highly liveable transit-oriented residential precinct which offers a variety of housing types. Importantly, the required amount of public open space has been provided on the adjoining amalgamated site, and therefore is no longer required to be provided by the subject site with regards to achieving compliance with the LCLEP 2009. Notwithstanding this, the proposal will continue to align with the intentions of the DCP in terms of open space as it would continue to provide for the intended green spine along Marshall Avenue by allocating publicly accessible communal open space which connects to the approved communal open space on the adjoining site.

This is shown in the concept building envelope prepared by *Smith and Tzannes* and provided at **Figure 15** overpage.

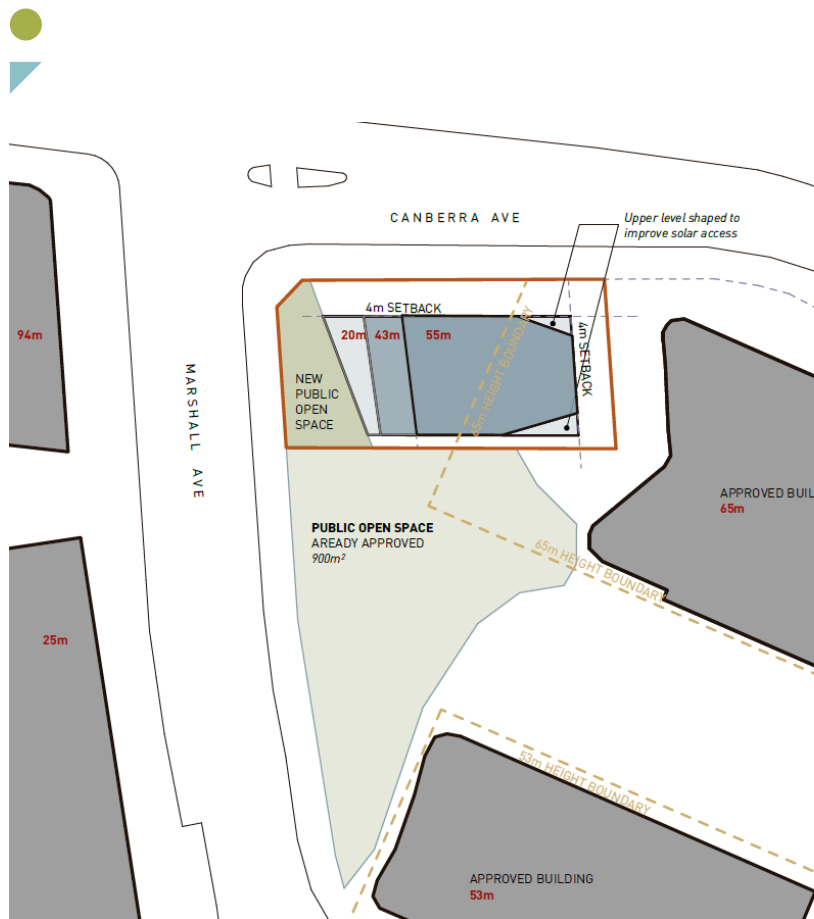


Figure 15 Draft building envelope indicating public open space offering on the site.

5. Proposed LEP Amendments

5.1.1 Amended Development Standard – Co-living Housing

The proposal seeks to amend Clause 7.1(2) of the LCLEP to allow for Clause 7.1 to apply to co-living housing on the subject site.

As such it is requested that Clause 7.1(2) be re-written as follows:

*(2) This clause applies to development that involves the erection of 1 or more new buildings for the purposes of residential flat buildings on land within the St Leonards South Area **and for the purposes of co-living housing on land at No. 2 Marshall Avenue, St Leonards.***

Notwithstanding the above, whether this amendment should apply to the entire St Leonards South Area or just the subject site is up to the discretion of Council.

5.1.2 Amended Development Standard – Height

The proposal seeks to amend the maximum building height across the site under Clause 7.1(3) of the LCLEP to increase the height of building for part of the northern portion of the site to 53m where it is currently limited to 2.5m.

Clause 7.1(3) is reproduced below:

(3) Despite clauses 4.3 and 4.4, the consent authority may consent to development on land to which this clause applies that will result in a building with both of the following—

(a) a building height that does not exceed the increased building height identified on the Incentive Height of Buildings Map,

(b) a floor space ratio that does not exceed the increased floor space ratio identified on the Incentive Floor Space Ratio Map.

The proposed amendments can be achieved by updating the Incentive Height of Buildings Map and does not require a change to Clause 7.1(3) of the LCLEP 2009. A comparison between the existing Incentive Height of Buildings Map and the proposed amendments is provided in the map extracts at **Figure 16** below.

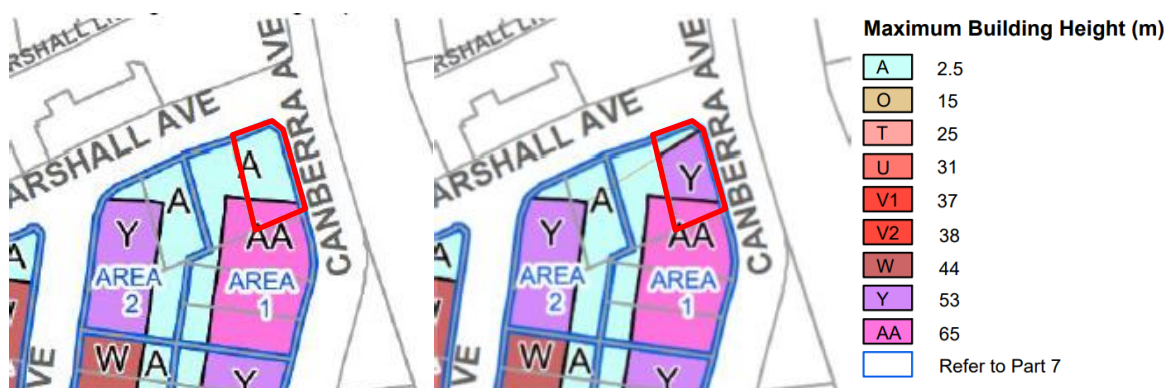


Figure 16 Extracts of the existing (left) and proposed (right) LCLEP Incentive Height of Buildings Map 004 (site edged in red).

As outlined in this Report, the current height mapping does not deliver a density which is reflective of the site's characteristics and strategic location. Discussions regarding the site-specific merit of the proposed increase in height are provided within Section 6.3.2.5 of this Report.

5.1.3 Additional Clause

The proposal seeks to implement an additional subclause, Clause 7.1(6) which is to be written as follows:

(6) Subclause (4) does not apply to development for the purpose of co-living at No. 2 Marshall Avenue, St Leonards.

The above subclause would ensure that a co-living development on the subject site would not be required to comply with the requirements set out in Clause 7.1(4) of the LCLEP which is reproduced below.

(4) Development consent must not be granted under this clause unless the consent authority is satisfied that—

(a) at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development will be studio or 1 bedroom dwellings, or both, and

(b) at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development will be 2 bedroom dwellings, and

(c) at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development will be 3 or more bedroom dwellings, and

(d) the development will provide appropriate building setbacks to facilitate communal open space between buildings, and

(e) the development will comply with the requirements of clause 7.2 in relation to the minimum site area of the development, and

(f) the development will, if applicable, comply with the requirements of clause 7.3 in relation to the minimum number of dwellings that will be used for the purposes of affordable housing, and

(g) the development will, if applicable, comply with the requirements of clause 7.4 in relation to the minimum area that will be used for the purposes of recreation areas and community facilities, and

(h) the development will, if applicable, comply with the requirements of clause 7.5 in relation to the provision of pedestrian links and roads.

The above requirements under Subclause (4) are not relevant to co-living housing and therefore should not apply to the subject site which will strictly provide for a co-living housing development in order to achieve the Incentive Height of Buildings.

6. Planning Proposal

6.1 PART 1 - OBJECTIVES OR INTENDED OUTCOMES

6.1.1 Objectives

The objectives for this application for a Planning Proposal are:

- i. Contribute towards the growth and revitalisation of St Leonards by enhancing the architectural appearance and urban design of development on the site to reinforce the importance of the St Leonards Commercial Centre;
- ii. Contribute to the housing supply within a prime location identified for high density residential development;
- iii. Concentrate urban growth and activation adjacent to a local centre with excellent public transport offerings;
- iv. Ensure development is of a scale, location and design to have a positive impact in the visual amenity of the locality whilst being compatible with the surrounding built and natural environment;
- v. Deliver much needed diverse and affordable housing and increase the mix of housing choices within the St Leonards locality;
- vi. Create a built form and active public domain which will create livable communities by virtue of the increased density; and
- vii. Deliver the highest standards of urban planning and excellence in architectural design.

6.1.2 Intended Outcomes

The Planning Proposal will amend LCLEP 2009 to facilitate redevelopment of the site in a flexible and appropriate manner similar to the concept building envelope prepared by *Smith and Tzannes*. The intended outcomes are as follows:

- i. Establish a maximum building height with the potential to deliver a built form suitable to its location, which will integrate with the setting and context of the emerging character and built form in the surrounding area;
- ii. Increasing the density on site to meet the housing targets set by state, regional and local strategies;
- iii. Deliver housing opportunities with improved amenity and good access to a variety of transport, social infrastructure and recreational spaces;
- iv. Delivery of diverse housing under the SEPP Housing 2021, through providing co-living housing on the site;
- v. Provide for a development which will maximise the amenity of surrounding public open space; and
- vi. Allow for the orderly and economic development of the land.

6.2 PART 2 - EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by amending the LCLEP 2009 as follows:

- Incentive Height of Buildings Map Sheet IHOB_004 to increase the maximum building height for a portion of the subject site to 53m which is accompanied by an amendment to Clause 7.1(2) as detailed in Part 5.1.1 (above) to permit co-living housing development to take up the incentive building height and floor space ratios; and
- Insert an additional provision into Clause 7.1 to exclude co-living development on the subject site from the provisions of Clause 7.1(4).

All other provisions of LCLEP 2009 are to remain unchanged.

6.3 PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

This section details the reasons for the proposed LEP amendment and is based on a series of questions and matters for consideration as outlined in the DPIE Guideline (September 2022). The matters to be addressed include the strategic planning context of the amendments, strategic merits, site-specific merits, potential State and Commonwealth agency interests, environmental, social and economic impacts.

In summary, the proposed amendments to LCLEP outlined above and in Part 5 of this Report will:

- Align with the relevant key priorities and strategic merit matters in the *Greater Sydney Regional Plan* and *North District Plan*;
- Be consistent with the relevant key planning priorities, and strategic and site-specific merit matters contained in the *Lane Cove Local Strategic Planning Statement*
- Reflect the intent of the *St Leonards and Crows Nest 2036 Plan*, in addition to the *Crows Nest TOD* program, due to its highly strategic location and characteristics;
- Respond to the shortfall in housing as required by the *Lane Cove Local Housing Strategy*;
- Provide diverse housing, in accordance with the relevant strategic documents. Specifically, the provision of a co-living housing development which is encouraged under SEPP Housing 2021;
- Respond to the circumstances of the site not recognized by the existing development standards, in that the current standards do not encourage redevelopment of the site; and
- Deliver a development which will be compatible with the character of the locality.

Questions for consideration in demonstrating justification

6.3.1 Section A - The Need for the Planning Proposal

Q1: Is the Planning Proposal the result of any strategic study or report?

Yes. The site is located within the St Leonards South Precinct which has already been subject to strategic planning which led to the preparation of a planning proposal by Lane Cove Council for the rezoning of the precinct from R2 Low Density Residential to R4 High Density Residential to allow for residential development up to 19 storeys in height.

Importantly, the planning proposal for the St Leonards South Precinct was referred to the Independent Planning Commission (IPC) to ensure consistency with the then draft St Leonards and Crows Nest 2036 Plan. Following IPC advice, collaboration between DPIE, the Government Architect NSW, the State Design Review Panel and Lane Cove Council occurred to address IPC comments and finalise the planning proposal.

In August 2020, the Minister's delegate determined to approve the planning proposal and the LCLEP 2009 was amended to include the following:

- Changes to land use zone from R2 Low Density Residential to R4 High Density Residential.
- Inclusion of an area of RE1 Public Recreation between Park Road and Berry Road.
- Increasing the maximum building height limits for the area from 9.5 metres to various heights up to 65 metres (equivalent of up to 20 storeys at certain locations).
- Increasing the maximum permissible FSR for the area from 0.5-0.6:1 to various FSRs up to 3.85:1 to enable the delivery of approximately 2,000 dwellings.
- Introducing a new clause and incentive maps to identify bonus height and FSR opportunities in return for identified infrastructure and public benefit.
- A new design excellence clause to ensure best practice urban, architectural and landscape design.

The planning framework for St Leonards South also established the following public benefits:

- Provision of two new community facilities and childcare centres.
- 3,500sqm of new open space.
- East-west pedestrian/cycle links to improve pedestrian connections.
- Around 43 new affordable housing units.
- A new local road between Park Road and Berry Road to improve permeability.
- A mix of dwellings to meet the needs of the area's growing population.

Despite being located within the St Leonards South Precinct, the site has become an isolated allotment and is not afforded the same density uplift as other sites within the locality, and instead was marked for open space in accordance with the indicative mapping under the St Leonards and Crows Nest 2036 Plan (2036 Plan). Despite this, the surrounding land, which has since been amalgamated and subject to approval, provides for the required open space that was previously marked for the subject site.

Therefore, the site should no longer be restricted to provide open space and instead should be permitted to provide a high density residential development as intended by the rezoning of the precinct and strategic studies for the locality.

It is also noted that the strategic location of the locality has been emphasised by the Crows Nest Rezoning Proposal which responds to the identification of Crows Nest as a Transport Oriented Development (TOD) Accelerated Precinct.

Consistent with the previous rezoning for the area, the TOD proposal confirms the St Leonards South Precinct as a prime location for high density residential development given its strategic location within close proximity to St Leonards rail and bus interchange, and the St Leonards Commercial Centre. Overall, the proposal supports the need for more housing close to existing public transport, and seeks to allow for the redevelopment of an underutilised allotment which responds to the aims and objectives of the various strategies by providing housing of a diverse and affordable nature, in a well-located site.

Notably, the proposal is also consistent with the *Lane Cove Local Strategic Planning Statement* and the *Lane Cove Local Housing Strategy* which directly encourage high density residential development within the St Leonards South precinct.

Q2: Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. A Planning Proposal is the best and only means of achieving the objectives and intended outcomes discussed in Part 6.1.1 and 6.1.2 of this report. The Planning Proposal will permit an uplift to a maximum height limit to 53m for most of the subject site, in addition to allowing for co-living housing to be subject to the incentive building height and FSR permitted under Clause 7.1 of the LCLEP 2009. The proposal also ensures that development for the purpose of a co-living development on the site would not be subject to the provisions under Clause 7.1(4) in order to deliver flexibility in use, which provides for public benefits on the site.

The current maximum building height under Clause 7.1 of the LCLEP is predominately 2.5m as the site was marked for potential open space under the 2036 Plan. Notably, a small portion of the site is marked for a building height of 65m, however this could never be realised by any meaningful development.

Of most importance to this planning proposal is that whilst this site is marked for potential communal open space, the required open space for the precinct, as stipulated under Clause 7.4, has been provided for on the surrounding sites in accordance with the approval under DA79/2022. Therefore, the site is no longer needed to achieve the communal open space requirements as set out in the strategic and statutory documents for the precinct, and instead should be redeveloped for residential purposes in line with the vision for the area as a high density residential precinct. It is also important to highlight that the site is subject to an FSR of 3.85:1 which could never be facilitated under the 2.5m building height restriction placed on the majority of the site.

It is acknowledged that redevelopment of the site could apply the base LEP development standards under Clause 4.3 and 4.4 of the LCLEP 2009 which permit a building height of 9.5m and FSR of 0.5:1, respectively. However, a development of this scale, which would likely take form as a three storey multi-dwelling development, or the like, would represent a gross underutilisation of the site and appear considerably out of context when compared to the adjacent residential towers reaching up to 19 storeys in height. Ultimately, the existing controls do not permit a built form and density which is reflective of the site's superior characteristics (including sufficient area and frontages) and strategic location. Furthermore, under the current planning controls, redevelopment options for the site are limited and do not reflect the established (and emerging) streetscape character or desired amenity within the public domain, particularly within close proximity of the St Leonards Commercial Centre.

Under less restrictive controls, the site is capable of facilitating the delivery of a development which is comparative to its location and characteristics, providing high quality residential accommodation. Not only will the Planning Proposal achieve the objectives and intended outcomes, but will also deliver the following public benefits:

- Provision of high-quality, residential development, that will better define the street frontages and relate to surrounding developments and strategic location of the site;
- Opportunities to improve the amenity of the public domain, through improvements to accessibility, activation and street frontage character;
- Result in a well-considered distribution of massing cognisant of the surrounding built and natural environment, thus creating an appropriate visual amenity and relationship to surrounding developments;
- Contribution to a more cohesive streetscape and skyline and improvement to the urban fabric of the site;
- Opportunity to contribute to the diversity of housing supply within the locality;
- Delivery of an affordable housing type in a highly accessible location within 400m from the largest health and education precinct in Sydney's north will make an important contribution to housing supply and affordability for key workers within the locality;
- Activation of the ground plane to allow for the provision of new, publicly accessible open spaces that provide links between the various streets; and
- Improved activation and natural surveillance of the new publicly accessible open spaces and public domain through flexibility in building mass arrangement.

The public benefits can only be delivered through the proposed amendments to the LEP. It is noted that these LEP Amendment fits the category of a 'Standard' planning proposal described in the DPIE Guideline as follows:

Standard	A standard planning proposal refers to any one or more of the following proposed LEP amendment types, including an amendment:
	<ul style="list-style-type: none"> • To change the land use zone where the proposal is consistent with the objectives identified in the LEP for that proposed zone • That relates to altering the principal development standards of the LEP • That relates to the addition of a permissible land use or uses and/or any conditional arrangements under Schedule 1 Additional Permitted Uses of the LEP • That is consistent with an endorsed District/Regional Strategic Plan and/or LSPS • Relating to classification or reclassification of public land through the LEP

As discussed, the proposal seeks to increase the maximum building height to a portion of the site which is currently restricted to 2.5m under Clause 7.1 of the LCLEP 2009 and allow for co-living housing development on the subject site to take up the incentive building height and FSR without being subject to the requirements under Clause 7.1(4). The Planning Proposal is the only way to satisfy objectives and intended outcomes as detailed above.

6.3.2 Section B – Relationship to the Strategic Planning Framework

Q3: Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. The planning proposal is consistent with the relevant objectives and actions of the *Greater Sydney Region Plan: A Metropolis of Three Cities* and the *North District Plan*, as discussed below.

6.3.2.1 Greater Sydney Region Plan – A Metropolis of Three Cities (GSRP)

On 23 March 2018, the Greater Sydney Commission released *A Metropolis of 3 Cities: The Greater Sydney Region Plan* (GSRP) which sets out strategic priorities for 2016 to 2036. The Regional Plan contains ten directions for the Greater Sydney Metropolitan Area. The Directions include the following:

1. A city supported by infrastructure;
2. A collaborative city;
3. A city for people;
4. Housing the city;
5. A city of great places;
6. A well connected city;
7. Jobs and skills for the city;
8. A city in its landscape;
9. An efficient city;
10. A resilient city.

The Metropolitan Strategy identifies St Leonards as a strategic centre given its prime location within close proximity to the Harbor CBD and Eastern Economic Corridor, as shown in **Figure 17**.

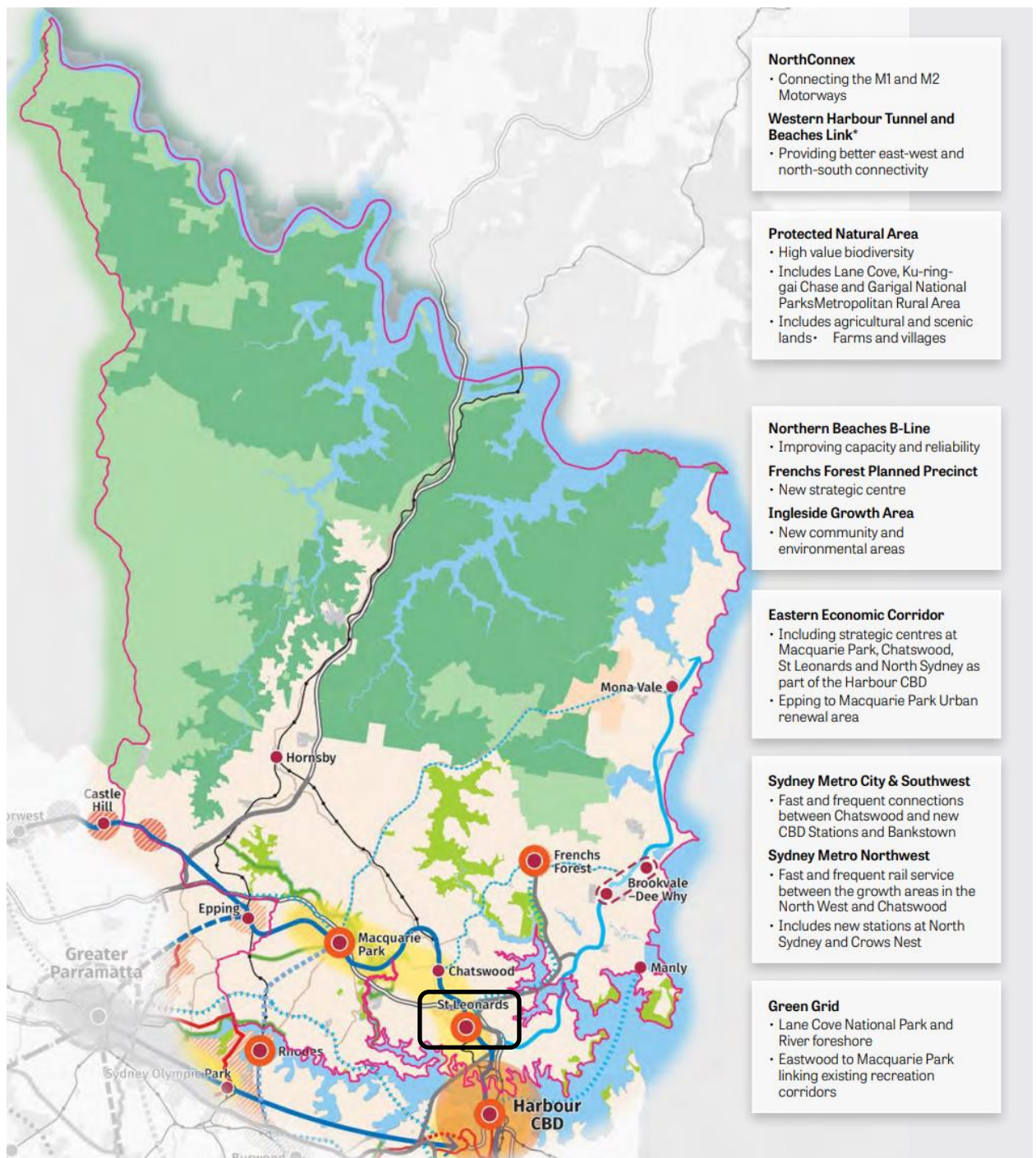


Figure 17 The North City (Source: A Metropolis of 3 Cities: The Greater Sydney Region Plan)

An assessment against the relevant directions and their objectives is provided in the table below.

Table 2 Greater Sydney Region Plan: A Metropolis of Three Cities Directions

Direction 1 – A city supported by infrastructure

Objectives 1 to 4

These objectives relate to the provision of infrastructure to support the future needs of the three cities.

Table 2 Greater Sydney Region Plan: A Metropolis of Three Cities Directions

As detailed in Section 1 of this Report, the subject site represents a unique opportunity whereby it sits as an isolated allotment with an area and frontages which would allow for a decent size residential development. The characteristics of the site is further bolstered given it is located less than 200m from St Leonards Railway Station and bus interchange. The St Leonards locality represents a strategically located precinct which is identified to deliver additional higher density housing given its proximity to the railway station and the St Leonards Commercial Centre. As made evident by recent studies, the subject site is extremely well-suited to such an increase in density, as is proposed. It is clear that there is no fundamentally better location to establish an increase to building height, which will facilitate the applicable FSR, as the subject site is supported by existing public transport, a variety of infrastructure and open space.

As such, the subject site presents a unique opportunity which will improve the availability of housing in close proximity to high speed, heavy rail. The proximity of the site to established public transport and roadways (including the Pacific Highway) is considered to deliver for a logical and strategic increase of density on-site.

Direction 3 – A city for people

Objective 6: Services and infrastructure meet communities' changing needs

This objective is about providing social infrastructure and public places that reflects the needs of the community now and in the future.

The proposal will facilitate the delivery of additional high quality public open spaces, which is not required by the current controls. The provision of this additional open space, which will complement the approved open space surrounding the site, is afforded through the increase in density and flexible arrangement of built form on the subject site. As such the proposal will deliver a vital public benefit which will only be realised through the ability to increase density in a strategic and well-located site.

Objective 7 Communities are healthy, resilient and socially connected

This objective is about creating a lively connected neighbourhood that is in close proximity to shops, creative arts centres, schools, health care centres and community facilities. It promotes the benefits of mixed-use centres and the opportunities for public and alternative forms of transport.

The subject site is located on the periphery of the St Leonards . The site is also within 200m walking distance from the St Leonards Railway Station and bus interchange, which provide access to the immediate and wider locality. The site affords excellent connectivity and access to the facilities provided around the subject site and within the wider locality . Given the site is well serviced by public transport and various facilities, active transport (being walking and cycling) will be encouraged.

Due to the subject site's strategic location, that is, in proximity to a wide range of services and facilities, an increase in density will achieve the connectedness envisaged by the GSRP. The increase in density will also allow for revitalisation of the site, providing for additional publicly accessible open spaces, which will connect to the approved open space on the surrounding sites. This will improve the public domain which will enhance connectivity for the surrounding residents and encourage more travel by walking and cycling.

Objective 8 - Greater Sydney's communities are culturally rich with diverse neighbourhoods

This objective is about fostering cultural diversity and facilitating their growth.

The increase in density will allow for housing which will directly satisfy the relevant district and local strategic plans which apply to the St Leonards locality. The provision of additional accommodation, particularly a diverse and affordable type of housing, in a highly accessible location, will foster cultural diversity and facilitate growth. The communal open space, which will extend the approved communal open space on the surrounding sites, will provide for a focal point on-site and within the St Leonards locality, and will contribute to the diverse and interactive environment.

In addition to the above, the provision a diverse and affordable housing type under the SEPP Housing 2021 will also allow for a greater cross section of the community, including key workers, to live and reside in this area. Currently, the Lane Cove Local Government Area does not provide for an appropriate amount of affordable housing, particularly given St Leonards contains the

Table 2 Greater Sydney Region Plan: A Metropolis of Three Cities Directions

largest health and education precinct in Sydney's North. The delivery of a co-living housing development will create diverse neighbourhoods.

The proposal provides for greater satisfaction of Objective 8, whereby the current controls do not respond to its strategic location and beneficial characteristics.

Direction 4 – Housing the city

Objective 10 - Greater housing supply

The NSW Government has identified that 725,000 new homes will be needed to meet demand based on current population projections to 2036.

The concept building envelope will provide a supply of dwellings as desired within the St Leonards locality. As discussed, the subject site is suited to a significant uplift in density, as made evident by the recent permitted upzoning for the St Leonards South Precinct, which cannot be achieved under the current planning controls for the site. As shown in the concept building envelope, the proposal will provide for a high density residential development up to 53m in height on a site with a high level of accessibility in terms of public transport, services, facilities and public open spaces. Furthermore, the subject site represents an isolated allotment which would be severely underutilised under the current controls when considering its close proximity to a railway station in the Lane Cove LGA. It would be contrary to the various strategic documents to deny an uplift in density given the numerous benefits offered by the site.

Objective 11 - Housing is more diverse and affordable

The Plan encourages the provision of a supply of diverse housing supply and encourages the provision of Affordable Housing.

The proposal will add to the diversity of accommodation in the locality through the provision of a co-living housing development. The increase in housing density and diversity on-site will, by virtue of choice, allow for an increase in affordability.

Lane Cove Council's established position to focus growth within the St Leonards South Precinct will allow for the LGA to meet the anticipated dwelling demand to 2036, subject to full delivery of the precinct. The subject site represents an isolated allotment which, if left subject to the current controls, would not allow for the full capacity of the precinct to be realised. The proposal would allow for the delivery of additional housing to contribute to the existing and approved housing supply which will increase the overall affordability of housing, and present more diverse housing opportunities through the provision of co-living housing.

Furthermore, in accordance with the Lane Cove Local Housing Strategy, the Lane Cove LGA contains an undersupply of affordable housing. The proposal, which will allow for an increase in density in a strategic locality, will bring with it additional housing that will assist in satisfying the current and future demand. As discussed, the St Leonards South Precinct is the best location to meet dwelling targets given its relationship to existing heavy rail, bus services and the Sydney CBD. As such, the variety of supply which can be achieved through the proposal will satisfy Objective 11.

Division 6: A well-connected city

Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities

This objective seeks to create a well-connected city with transport and other services.

The subject site is ideally situated less than 200m from St Leonards railway station, in an area that is marked to accommodate additional density as evidenced by the 2036 Plan. The proposal will provide for an uplift in density that will create walkable and 30-minute cities, not possible under the current planning controls on the site.

Division 7: Jobs and skills for the city

Objective 22: Investment and business activity in centres

This objective seeks to strengthen centres through attracting investment, business and jobs.

Table 2 Greater Sydney Region Plan: A Metropolis of Three Cities Directions

The planning proposal will provide additional residential accommodation which will support the St Leonards Commercial Centre and local businesses. Furthermore, the development during and post construction will result in wholesale economic benefits to the locality.

Direction 8 – A city in its landscape

Objective 30 - Urban tree canopy cover is increased

The Metropolitan Plan seeks to expand the urban tree canopy in the public realm.

There are no significant trees or vegetation existing on the subject site and therefore the uplift in density will protect the existing vegetation where practicable but especially around the periphery of the site, with the capacity to improve canopy coverage and landscaped character throughout the site. As discussed, the increase in density and reimagining of the site will allow for the delivery of publicly accessible spaces which will allow for improvements to the urban canopy and public realm. Subsequently, the choice of landscaping and its placement around the periphery of the site and within the public open spaces will enhance ground level amenity and provide a leafy outlook for future occupants of the site.

Objective 31: Public open space is accessible, protected and enhanced

The Metropolitan Plan seeks to deliver public open spaces across Greater Sydney.

As detailed, the concept building envelope will allow for the delivery of publicly accessible open space. This will enhance the provision of open spaces within the locality and can only be achieved by the benefits afforded by this Planning Proposal. Notably, the provision of public open space on the subject site would exceed the requirements for the precinct under the LEP, since the adjoining site has been approved with an area of open space which achieves the minimum requirements.

Direction 9 – An efficient city

Objective 34: Energy and water flows are captured, used and re-used

The Metropolitan Plan supports precinct based initiatives to increase renewable energy generation and efficiencies.

It is proposed to explore a number of sustainability measures through the redevelopment of the site at the Development Application stage. It is noted that the increase of density sought as part of this proposal will ensure high levels of amenity for future residents, neighboring properties and the public domain.

6.3.2.2 North District Plan (NDP)

The North District Plan (NDP) adopts the Directions of the GSRP and lists Planning Priorities relevant for consideration in this Planning Proposal. The NDP applies to City of Ryde, Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Northern Beaches and Willoughby. The District Plan sets out a 20-year plan and aims to enhance liveability, productivity and sustainability. **Figure 18** details that St Leonards is a strategic centre.



Figure 18 The North District Plan excerpt.

The District Plan establishes a number of priorities and actions to guide growth, development and change, relating to productivity, liveability and sustainability. Additional housing to improve diversity and affordability co-ordinated with transport, development of centres and services is required in response to population growth. As such, the local area will require more dwellings, jobs and infrastructure in order to accommodate the needs of the growing population.

Lane Cove Council has a housing target of 4,900 to 5,400 dwellings by 2026. To achieve this target, the District Plan has encouraged renewal of strategically located sites, where sites are located in close proximity to services and infrastructure. The District Plan also encourages aligning growth with social and green infrastructure, to deliver sustainable and smart solutions.

The District Plan specifically identifies the St Leonards/Crows Nest Planned Precinct as having additional capacity for housing supply as an area of urban renewal. Indeed, the District Plan encourages renewing great places and local centres which are a focal point for neighbourhoods and include transport interchanges critical for the growth of the 30-minute city.

Overall, the District Plan emphasises the importance of supplying new housing in the 'right places', and clearly identifies the St Leonards South Precinct as an ideal location for additional housing, as supported by other previous studies for the precinct which led to the 2020 rezoning amendments. Furthermore, the District Plan highlights the need to meet the demand for different housing types, tenure and price points. The proposal seeks to provide an opportunity to construct a co-living housing development, which offers a diverse form of housing within the current and approved housing supply.

As such, the provision of additional housing in the form of a co-living development in a highly accessible location will certainly cater for the additional population and the diverse housing demand. The Planning Proposal is consistent with the priorities of the Greater Sydney Region and District Plans.

In accordance with the above, the Proposal supports a number of the *Directions* and *Planning Priorities* outlined in the plan as outlined in the following table:

Table 3 North District Plan
<i>Direction 1 - A city supported by infrastructure</i>
<i>Planning Priority N1 Planning for a city supported by infrastructure</i>
<p>The proposal will allow for the delivery of increased residential accommodation within a highly accessible location in close proximity to numerous services, facilities and public transport options. As part of this concept proposal and uplift in density, the proposal will increase residential accommodation on the site, inclusive of much needed diverse and affordable housing, which will support the infrastructure established in the locality.</p> <p>As described, the subject site is suited to the increase in density given its characteristics and highly accessible nature and will encourage a 30-minute metropolitan centre.</p>
<i>Direction 3 – Housing the city</i>
<i>Planning Priority E5 Providing housing supply, choice and affordability with access to jobs, services and public transport</i>
<p>The proposal will contribute to the housing supply with the precinct, which is specifically identified for high density residential development, as made evident across all strategic documents for the locality. Importantly, the proposal will provide for a co-living development which would cater of the diverse needs for housing and overall contribute to the housing supply and ultimately the amount of affordable housing within the LGA. This Planning Proposal, which seeks to increase the density in a strategic and well-suited location, will deliver a diverse offering of residential accommodation which will cater for the current and future population.</p> <p>Importantly, the provision of co-living housing provides an affordable housing product for key workers, which is ideal for a precinct that is located within 400m from the largest health and education precinct in Sydney's north. Ultimately, the public benefit offered by provision of a diverse housing development within a highly accessible location is considered to be substantial in exchange for the proposed amendments which will allow for a development that is compatible with the context of the locality and characteristics of the site.</p>
<i>Direction 6 – A well connected city</i>
<i>Planning Priority E10 Delivering integrated land use and transport planning and a 30-minute city</i>
<p>The Planning Proposal will have no negative bearing on delivering integrated land uses and transport planning. In fact, the provision of increased density in a highly accessible location will assist in the delivery of a '30-minute city'. The proposal will provide for additional residential accommodation within 200m walking distance from the St Leonards Railway Station and bus interchange.</p>
<i>Direction 7 – Jobs and skills for the city</i>
<i>Planning Priority E7 Growing a stronger and more competitive Harbour CBD</i>
<p>The subject site is located outside the Harbour CBD this priority is not a matter for consideration. However, it is noted that the provision of increased residential accommodation in a highly accessible area will support local businesses and services, therefore resulting in a positive economic benefit.</p>

Table 3 North District Plan**Direction 8 – A city in its landscape***Planning Priority E15 Protecting and enhancing bushland and biodiversity*

This Planning Proposal will ensure that the existing vegetation on the subject site and surrounding properties will be retained and protected where possible. Notably, there is no significant vegetation existing on the subject site that would be impacted by the proposal, and the proposal would allow for the provision of a landscaped communal open space to enhance the landscape setting within the locality.

Planning Priority E17 Increasing urban tree canopy cover and delivering Green Grid connections

The proposal will enhance the public domain by delivering publicly accessible areas and vegetation around the periphery of the site to maintain and improve upon the urban tree canopy and make connections with the existing tree network, established at the open space provided on the adjoining sites.

Planning Priority E18 Delivering high quality open space

The concept proposal includes delivery of publicly accessible open space which would connect to the approved extent of open space on the adjoining sites. This would create one larger, connected green space, with a high level of amenity for the community.

Direction 9 – An efficient city*Planning Priority E19 Reducing carbon emissions and managing energy, water and waste efficiently*

It is proposed to explore a number of sustainability measures during the development application stage. Whilst the proposal will increase density on-site, the measures to ensure energy, water and waste efficiency ultimately leading to a sustainable development will also be increased. In addition to this, any future development will need to provide for a high level of amenity for future residents, inclusive of solar access and ventilation, to ensure a more sustainable outcome.

6.3.2.3 Future Transport 2056

Future Transport 2056 was released by Transport for NSW and sets out the 40-year vision, directions and outcomes framework for customer mobility in NSW, and seeks to ensure that NSW's overarching strategies for transport and land use planning align and complement each other. The proposal clearly addresses the principles for future transport by providing additional density adjacent to a key train stations. Importantly, this ensures that the St Leonards locality is a successful place providing liveability, amenity and economic success which is supported by the nearby transport network.

6.3.2.4 Strategic Merit

In addressing Question 3, the DPIE Guideline requires an application for a Planning Proposal to address the assessment criteria for strategic merit. The DPIE Guideline provides assessment criteria to determine if a planning proposal has strategic and site-specific planning merit. Accordingly, the planning proposal is considered against the assessment criteria below.

Strategic Merit

The assessment criteria to determine if a Planning Proposal has strategic planning merit is addressed in **Table 4** below (known as the 'strategic merit test').

Table 4 Strategic Merit Test

Assessment Criteria	Comment
Will the proposal "give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans	The applicable strategic plans are the <i>A Metropolis of 3 Cities: The Greater Sydney Region Plan</i> and the <i>North District Plan</i> , both of which have been prepared by the Greater Sydney Commission.

Table 4 Strategic Merit Test

<i>applying to the site, including any draft regional, district or corridor/precinct plans released for public comment”.</i>	Alignment with the relevant Planning Priorities of both the GSRP and NDP has been demonstrated in Section 6.3.2.1 and 6.3.2.2, respectively. It has been demonstrated that the planning proposal is considered to give effect to both strategic documents, achieved primarily by increasing density within a highly accessible and strategic location. The increase in maximum building height, alongside the provision of co-living housing, has considered the relationship to the surrounding locality and any impacts. This is outlined in this Report.
Will the proposal “ <i>demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan</i> ”.	Consideration of the proposal against the Lane Cove Local Strategic Planning Statement is addressed in detail under ‘Question 4’ below, and Section 6.2.3.5 of this Report. In summary, the proposal will give effect to the LSPS by being aligned with the relevant strategic goals and the potential public benefits that can be realised by facilitating an increased density for the site. As discussed, the proposal will provide publicly accessible space and increased residential accommodation, within a strategically located site.
Does the proposal “ <i>Respond to a change in circumstances that has not been recognised by the existing planning framework</i> ”.	The proposal is a response to the limitations of the current building height development standard for the site. That is, the current standards do not allow for an increase in density which is considered to be appropriate for the site, or even allow for the permissible FSR to be realised. Further to this, the proposal is response to the existing strategic plans, as it is cognisant of the <i>St Leonards and Crows Nest 2036 Plan</i> and the more recent <i>Crows Nest Rezoning Proposal for TOD Accelerated Precincts</i> . In addition, the proposal responds to the <i>Lane Cove Local Strategic Planning Statement</i> and <i>Lane Cove Local Housing Strategy</i> . This is discussed throughout this Report.

6.3.2.5 Site-Specific Merit

Site-Specific Merit

The planning proposal has site-specific merit given the following:

- The site is located in a highly accessible location and is within close proximity to numerous features within the locality, including the following;
 - St Leonards railway station;
 - St Leonards bus interchange;
 - St Leonards Commercial Centre;
 - Numerous public open spaces, namely, Newlands Park and new open space approved on the adjoining site; and
 - A variety of uses including commercial, religious, educational and healthcare facilities, amongst others.
- The site contains numerous characteristics which also enable site-specific merit. This includes the following:
 - It is within a highly accessible and strategic location (as noted above);
 - A suitable site area of 688m² capable of accommodating a high density residential development;
 - Two street frontages, being to Marshall Avenue and Canberra Avenue, allowing for flexible in built form in terms of building separation and appropriate vehicle access; and
 - Approved communal open space immediately adjacent to the site.
- The increase in building height and the provision of an additional permitted use for co-living housing will allow for an innovative and flexible design, site arrangement and built form. This will enable superior urban design and architectural outcomes, such as;
 - Improved presentation to both Marshall Avenue and Canberra Avenue;



- Distribution of massing increasing visual amenity through building arrangement, bulk and scale, whilst delivering an increase in density in a highly strategic location;
 - Allowing for a building height which will relate to the emerging scale and density of development within the St Leonards South Precinct and is commensurate to the site, ultimately delivering a hierarchy in built form as it relates to roadways and public domain;
 - Opportunity to deliver more public open space which relates to the approved public open space on the adjoining site;
 - Opportunity to provide greater housing diversity and supply within an accessible location, in a desirable LGA; and
 - Improvements to public safety and amenity by permitted redevelopment and revitalisation of the site.
- The Planning Proposal will not result in any significant adverse environmental impacts, which are outlined as follows:
 - **Solar access and ventilation:** Future residential accommodation will be capable of meeting minimum solar access and ventilation requirements as a north facing development which can be designed to maximise north facing dwellings. In terms of overshadowing to the neighbouring properties and public domain, the site is capable of accommodating a scale of development that will have no adverse or unreasonable impact to the surrounding locality. In terms of solar access to the public domain, mostly the approved public open space on the adjacent site, the proposal will not cause any adverse additional overshadowing at 9am or after 11am during mid-winter, when factoring in shadow cast by existing and approved developments within the immediate locality, as shown on the submitted solar analysis prepared by *Smith and Tzannes*. The solar gain of surrounding properties is also shown on the submitted solar analysis which identifies solar access to living rooms is maintained at various times during mid-winter, noting that shadowing caused by a development on the subject site fall within the shadows caused by existing and approved developments in the immediate locality.
 - **Visual Privacy:** Subject to detailed applications, inter dwelling visual privacy and visual privacy between the proposal and neighbouring properties will be appropriately protected as anticipated by the Apartment Design Guide (ADG). Notably, the site has two street frontages and in accordance with the approved development on the adjoining site, will adjoin a public open space. As such, it is likely that a residential development can be designed to ensure dwellings are oriented away from the adjoining residential development to the south.
 - **Acoustic Privacy:** The acoustic privacy of future residents will form part of detailed applications. Notwithstanding, the subject site does not contain any significant constraints with respect to acoustics, in terms of St Leonards train station, bus interchange and Pacific Highway. As such, the acoustic privacy of future residents will not be adversely impacted by this proposal. It is also noted that the acoustic privacy of neighbouring properties is also acceptable and can be appropriately maintained through setbacks, privacy elements and materiality.
 - **Views:** The increase to building height is not considered to result in any adverse view loss from the surrounding developments or public domain. That is, the proposal would provide a relatively slender tower which will form part of the existing and approved skyline. This ensures that any potential view loss will be consistent with the envelopes established within the St Leonards commercial centre and on the adjoining sites within the St Leonards South Precinct. Ultimately, the proposal would appear consistent with the St Leonards commercial centre and the St Leonards South Precinct to ensure any potential view impact is acceptable in the context of the locality.
 - **Traffic:** The site is well located to accommodate the increase in density and will result in minor traffic impacts to the surrounding locality, particularly when considered the density of development anticipated for the precinct.





- **Arboriculture and Landscaping:** There are no significant trees or vegetation existing on the subject site that would be impacted by the proposal. Any existing street trees around the periphery of the site could be maintained and protected by future built form.
- The proposal will appropriately respond to the objectives of the R4 High Density Residential zone, as discussed below:

- *To provide for the housing needs of the community within a high density residential environment.*

Comment: The proposal will provide for an uplift in density suitable to the site location, which will meet the housing needs of the community. Whilst increasing the building height, the FSR for the site would be maintained and could be facilitated to allow for the site to reach its full capacity.

- *To provide a variety of housing types within a high density residential environment.*

Comment: The proposal would offer a diverse form of housing within the locality which is currently lacking. The proposed co-living housing use would add to the variety of accommodation offered within the precinct and the wider LGA, and would also offer a level of affordability due to the type and form of housing which co-living takes on, being smaller dwellings than standard residential apartments. This will improve access to a variety of housing in the zone and throughout St Leonards.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment: The proposal would redevelopment an existing residential dwelling and therefore would not impact upon any existing facilities or services within the locality. Notably, the site is well serviced by public transport and located within close proximity to the St Leonards Commercial Centre which offers facilities and services meeting the day to day needs of residents in the surrounding locality. Furthermore, the increase in residential density will also support the various local businesses in St Leonards.

- *To provide for a high concentration of housing with good access to transport, services and facilities.*

Comment: The proposed building height would allow for additional residential accommodation on the site, increasing the concentration of housing within the locality which has excellent access to transport, services and facilities given its prime location within proximity to the St Leonards railway station and commercial centre.

- *To ensure that the existing amenity of residences in the neighbourhood is respected.*

Comment: The proposed building height would result in a scale of development that is consistent with the context of the locality. The site is capable of accommodating this scale of development without adversely impacting the amenity of surrounding dwellings. Notably, the site has two street frontages with a northern orientation, and therefore can be strategically designed to face habitable spaces away from neighbours to take advantage of the separation offered by the road carriageways, as well as the adjoining public open space.

- *To avoid the isolation of sites resulting from site amalgamation.*

Comment: The subject site represents an isolated allotment as a result of the amalgamation of the surrounding sites and subsequent approved development on the amalgamated land which is currently under construction. The proposal would allow for redevelopment of the site to ensure that it achieved its full capacity and utilization despite being previously isolated. Redevelopment of the site for a high density residential development would be appropriate in the context of the site and immediate locality and would ensure that the site did not appear isolated or out of character from the surrounding high density developments. Notably, the isolation of the site would be visually obvious when viewed from the streetscape if the existing dwelling on the site were to be retained, or the site was redeveloped for a 9.5m building under the current controls, against the backdrop of 19 storey height residential towers on the adjoining land.

- *To ensure that landscaping is maintained and enhanced as a major element in the residential environment.*



Comment: The site does not contain any existing significant vegetation or trees that would be impacted by redevelopment. The proposal would enhance the overall landscape setting of the site, particularly as it relates to the public domain.

Detailed analysis of the proposed amendments are provided below.

Increase in building height

Under Clause 7.1 of the LCLEP the site is currently subject to a 2.5m building height, with a small portion of the southern area of the site subject to a 65m height limit. The current building height limits restrict any form of redevelopment of the site. Whilst it is acknowledged that the applicable building height limits set by the Incentive Building Heights Map under Clause 7.1 have established building envelopes for the redevelopment of each area within the precinct, the subject site has become isolated from the adjoining sites and cannot be developed in isolation in accordance with the current provisions. Indeed, the approved development on the land surrounding the site has left the subject site isolated and incapable of achieving any form of meaningful development under the precinct specific provisions.

Whilst it is noted that the standard height of buildings limit under Clause 4.3 of the LCLEP remains available to the subject site, any development proposed at that scale, some 55m below what is permitted on the adjoining sites, would not be appropriate for the context of the site or locality, and would not align with the strategic planning vision for the precinct.

The proposal seeks to increase the building height on the site to permit a development of up to 55m in height. A building height of 55m on the site would allow for a development which provides a reasonable residential density on the site, in line with both the statutory and strategic planning initiatives for the precinct.

The proposal provides for a height which is consistent with the adjoining properties and establishes an appropriate urban transition from the higher density 29 storey development to the north of the site to the approved 19 storey development to the south.

Ultimately, retaining the existing single storey dwelling house, or constructing a development that is only 3 storeys high is not a good environmental planning outcome, is not an efficient use of land that is ideally located within close proximity to public transport, employment uses and social infrastructure, and does not align with the strategic planning intentions for the precinct. Amending the Incentive Building Height Map would resolve this and allow for an appropriate redevelopment of the site which will not offend the remaining provisions under Part 7 of the LCLEP. Indeed, and as previously discussed, the approved development within Area 1 and Area 2 of the precinct have allowed for the required affordable housing provision and recreation area required under Clause 7.3 and Clause 7.4 of the LCLEP, respectively. Notwithstanding this, redevelopment of the site as a co-living development would contribute to the affordability and diversity of housing within the precinct and would allow for further allocation of public open space.

Furthermore, the proposed building height amendments would allow for the applicable FSR for the site of 3.85:1 to be realised.

Overall, the current controls constrain the above vision for the site and severely impact the diversity of housing supply within the precinct. Importantly, the concept proposal would enable a development of high quality co-living housing development that seeks to meet housing demand and allow for the continuation of a public open space corridor within the precinct. These benefits cannot be easily accommodated on other sites which do not currently provide for uses which are vital to the housing supply for the local community

For completeness, the objective of Clause 7.1 which permits incentive building heights for the St Leonards South Area is reproduced and considered below:

(1) The objective of this clause is to promote, by providing building height and floor space incentives, residential development within the St Leonards South Area that provides for—

(a) community facilities, open space, including communal open space, and high quality landscaped areas, and

(b) efficient pedestrian and traffic circulation, and

(c) a mix of dwelling types in residential flat buildings, providing housing choice for different demographics, living needs and household budgets, including by providing affordable housing, and

(d) the amalgamation of lots to prevent the fragmentation or isolation of land.

Comment: The proposed building height is consistent with the strategic location of the site and its relationship with St Leonards Commercial Centre and Railway Station. As per the concept building envelope prepared by *Smith and Tzannes*, the proposal will allow for residential development which allows for a publicly accessible open space to be provided on the site, as well as building setbacks which will permit future landscape areas for high quality plantings. As a corner allotment, vehicle access would be off the lower order road to ensure efficient traffic flow and pedestrian access along the public domain would be unaffected by the proposal, if not enhanced by the additional public open space provided at the street frontage.

The proposal intends to increase the diversity of housing offered within the locality by providing a co-living housing development which seeks to cater for different household types and offer a level of affordability. Indeed, the provision of co-living in a highly accessible location within 400m from the largest health and education precinct in Sydney's north will make an important contribution to housing supply and affordability for key workers within the locality

Importantly, the site, in its existing context, presents as an isolated allotment. The proposal seeks to rectify this site isolation to allow for a suitable redevelopment of the site that would fit within the context of the locality as a high density residential precinct. Indeed, the proposed building height of 53m would ensure that the site does not appear out of character or inappropriate, as it would complement the height of approved and exiting developments within the immediate locality. Conversely, if the site were redeveloped under the current building height limit, the development would appear grossly out of character when compared to the immediately surrounding developments which measure up to 65m to the south and 94m to the north of the site, and overall would present as isolated in terms of character, bulk and scale.

As such, the proposed building height is considered to achieve the objectives of Clause 7.1 of the LCLEP 2009.

Co-living Housing:

The drafting of Part 7 of the LCLEP is unique in that it only amended development standards for height and floor space for a single land use – residential flat buildings.

Any other land use retains the R2- Low Density Residential land use controls – despite the land being rezoned for R4- High Density Residential.

At the time of drafting (2020) co-living housing was not a defined land use. Co-living was included in the Housing SEPP in November 2021.

Co-living housing is an important rental product that is in low supply across NSW. Whilst not a direct affordable housing type, co-living housing assists with the affordability of housing since it generally attracts lower rental prices due to smaller dwelling sizes. Furthermore, the contribution to housing availability and diversity will generally contribute to the increase in housing affordability within the precinct.

The proposal directly addresses the key strategic planning documents for both Lane Cove and the wider Greater Sydney Region which seek to increase housing diversity and provide high density residential accommodation within highly accessible locations. As previously discussed, the site is ideally located for high density development and the proposal seeks to allow for the intended residential density for the precinct.

As described under height, the current planning controls constrain this vision for the site and there are compelling reasons to support an increase in the height development standard.

Therefore the proposal seeks to offer a diverse type of housing on the site which is not currently provided for within the St Leonards South Precinct. In doing so, the proposal seeks to amend Clause 7.1(2) to specifically allow for the

incentive building height and FSR offered by Clause 7.1(3) to apply to a co-living housing development at the subject site.

Notably, co-living housing would be permitted on the site under Chapter 3, Part 3 of the SEPP (Housing) 2021, whereby co-living housing is permitted with consent on land in a zone in which development for the purpose of residential flat buildings or shop top housing is permitted under another environmental planning instrument. Both residential flat buildings and shop top housing are permissible in the R4 zone under the LLCEP 2009, and therefore co-living housing would be permitted on the subject site.

Since co-living housing would be permissible with consent on the site, it is considered that implementing a provision to allow for co-living housing to take up the incentive building height and floor space afforded by Clause 7.1 of the LCLEP 2009 is entirely appropriate and conducive to a good planning outcome for the subject site.

Importantly, the provision of co-living in a highly accessible location within 400m from the largest health and education precinct in Sydney's north will make an important contribution to housing supply and affordability for key workers within the locality.

For completeness, the objectives of the R4 zone under the LCLEP 2009 are reproduced and considered below:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a high concentration of housing with good access to transport, services and facilities.*
- *To ensure that the existing amenity of residences in the neighbourhood is respected.*
- *To avoid the isolation of sites resulting from site amalgamation.*
- *To ensure that landscaping is maintained and enhanced as a major element in the residential environment.*

The provision of a co-living housing development would contribute to meeting the housing needs of the community by providing a diverse housing type in a highly accessible location. The use of the site for co-living would not impact any existing land uses which provide facilities and services to meet the needs of residents, and the locality is capable of accommodating the additional residential density. The proposed use would increase the concentration of housing within a highly accessible location, noting that co-living housing provides for smaller dwellings, allowing for a greater dwelling density to be provided on the site. Furthermore, as made evident by the concept building envelope prepared by *Smith and Tzannes*, the site is capable of accommodating an appropriate building envelope which, subject to specific design features, would not have any adverse impact on the amenity of surrounding dwellings. Notably, use of the site for the purpose of co-living would assist in rectifying the existing isolation which was caused by the amalgamation of the surrounding allotments.

Accordingly, the inclusion of co-living housing as a type of development which is subject to the operation of Clause 7.1, is considered to be consistent with the objectives of the R4 zone, and is entirely reasonable and will provide distinct benefits to the diversity of housing provided within the St Leonards South Precinct.

Furthermore, the proposed inclusion of co-living housing under Clause 7.1(2) necessitates an additional clause under Clause 7.1 to be written as follows:

(6) Subclause (4) does not apply to development for the purpose of co-living at No. 2 Marshall Avenue, St Leonards.

Ultimately, Subclause (4) is not relevant to co-living housing as it refers to dwelling mix in a residential flat building and subclause (2) would effectively be superseded by Clause 69(1)(b)(ii) of SEPP (Housing) 2021.

The assessment criteria outlined in the DPIE Guideline to determine if a planning proposal has site-specific planning merit is addressed in **Table 5**.

Table 5 Site-Specific Merit Test

Site-Specific Merit Test	Comment
<i>Does the proposal have site-specific merit, with regards to the following:</i>	
<i>The natural environment (including known significant environmental values, resources or hazards)</i>	<p>The site is not subject to any hazards or risks, excluding flooding as detailed above. Flooding has been resolved by development on the surrounding sites and there is no reasons that development of the subject site would be severely impacted by the sites flood affectation.</p> <p>Furthermore, the site does not contain items or features that have significant natural or environmental values.</p>
<i>The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal</i>	<p>The change to maximum building height will not impact or restrict the existing or future development of neighbouring properties. Whilst increasing the density on-site, the proposal will facilitate options for future development which is compatible with the context and setting of the environment.</p> <p>With regards to the additional permitted use of co-living under Clause 7.1(2), which seeks to allow for a specific use of the subject site for co-living, it will not have any adverse impact to the surrounding properties in terms of amenity or supply of standard residential apartment development. The provision of co-living housing on the site would increase the diversity of housing offered within the locality and have an overall positive impact on the housing supply for the LGA.</p>
<i>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision</i>	<p>The proposed increase of density will be suitably supported by the services and infrastructure existing within the locality.</p>

As demonstrated in the above assessment, the planning proposal has both strategic and site-specific merit and is suitable to be progressed to a Gateway determination.

Q4: Is the Planning Proposal consistent with a Council's local strategic or other local strategic plan?

The relevant local strategic plans or policies include the following and are addressed in detail below.

- *Lane Cove Local Strategic Planning Statement;*
- *Lane Cove Community Strategic Plan – Liveable Lane Cove 2035;*
- *St Leonards and Crows Nest 2036 Plan;*
- *Crows Nest Rezoning Proposal for TOD Accelerated Precincts;*
- *and*
- *Lane Cove Local Housing Strategy.*

6.3.2.6 Lane Cove Local Strategic Planning Statement (LSPS)

The Lane Cove Local Strategic Planning Statement (LSPS) came into force on 30 March 2020 and endorsed by the Greater Sydney Commission. The LSPS sets out a 20-year land use vision to guide land use planning for the LGA. The LSPS will provide Council with strategic direction for planning and help facilitate a coordinated approach to managing growth and development in the Lane Cove LGA. The LSPS will align with the Community Strategic Plan and North District Plan.

The final Planning Proposal Report will detail how the Planning Proposal is consistent with the relevant vision and strategic goals of the Lane Cove LSPS and will consider the following headings:

- *Infrastructure;*
- *Liveability;*
- *Productivity; and*

- *Sustainability*

Of relevance to this Planning Proposal is Planning Priority 5, which is to *Plan for the growth of housing that creates a diverse range of housing types and encourages housing that is sustainable, liveable, accessible and affordable*. This Planning Priority includes a number of Principles and Actions, which are to locate housing around strategic centres, within walking distance of public transport and focus on increasing the diverse range of housing available, including affordable housing.

Furthermore, under Planning Priority 5, the LSPS contains Principles for the Location of Additional Housing to guide the future housing supply within Lane Cove.

The Principles for the Location of Additional Housing are addressed in turn below.

Principle 1

- *Consolidate housing around Strategic (St Leonards train station) and Local (Lane Cove Village/Plaza) centres to achieve transit orientated development.*

Planning Proposal: The site is located within 200m walking distance from St Leonards train station and therefore is considered to constitute transit oriented development.

Principle 2

- *Locate higher density housing types within a 5 minute walk (400 metre radius) of the St Leonards Strategic Centre (train station) and Crows Nest Metro Station but not at the expense of the attraction and growth of jobs, retailing and services in existing B3 Commercial Core zoned land.*

Planning Proposal: The site is located within 190m walking distance from St Leonards train station within a R4 High Density Residential zone, and therefore does not diminish commercial development within the commercial core.

Principle 3

- *Retaining all existing land zoned R3 Medium Density Residential in Mowbray Road, Burns Bay Road, Centennial Avenue, Bridge Street, Murrarah Place, Austin/Sera Streets and Kara Street.*

Planning Proposal: The site is zoned R4 High Density Residential.

Principle 4

- *Locate any new medium density built forms on interface and transition areas where they function as a buffer between differing scales of building or differing land use types.*

Planning Proposal: The proposal would provide a suitable height transition between the approved development to the south and the existing development to the north.

Principle 5

- *In considering areas for future medium, high density and mixed use housing forms, the following areas are to be avoided:*
 - *Areas further than 800 metres from either a Strategic (i.e. St Leonards train Station or Crows Nest Metro Station) or Local Centre (Lane Cove Village/Plaza);*
 - *Areas with high environmental values;*
 - *Areas that are bush fire prone;*
 - *Centres with limited transport and service access until improvements are implemented;*
 - *Known hazardous areas affected by contaminated land and acid sulfate soils.*

Planning Proposal: The site is located within 190m of St Leonards train station, is not an area of high environmental value, is not bush fire prone land, is located within walking distance of bus and train services and is not a known hazardous area.

As above, the site is ideally located for high density residential development in line with the priorities of the LSPS.

The map in **Figure 19** sets out the land uses for the Lane Cove commercial core and surrounds. Notably, the site is largely identified for high density housing, with a small portion marked as proposed parks and public space. With regard to the area marked for parks and public space, the 900sqm of recreation required to be provided within the Area 1 site under Clause 7.3 of the LCLEP has been provided, in its entirety, within the approved development on the adjoining site which is currently under construction. Whilst the subject site would not be required to provide additional public open space, the proposal does account for the approved public space to be extended across the subject site to provide a corridor of open space for the community.

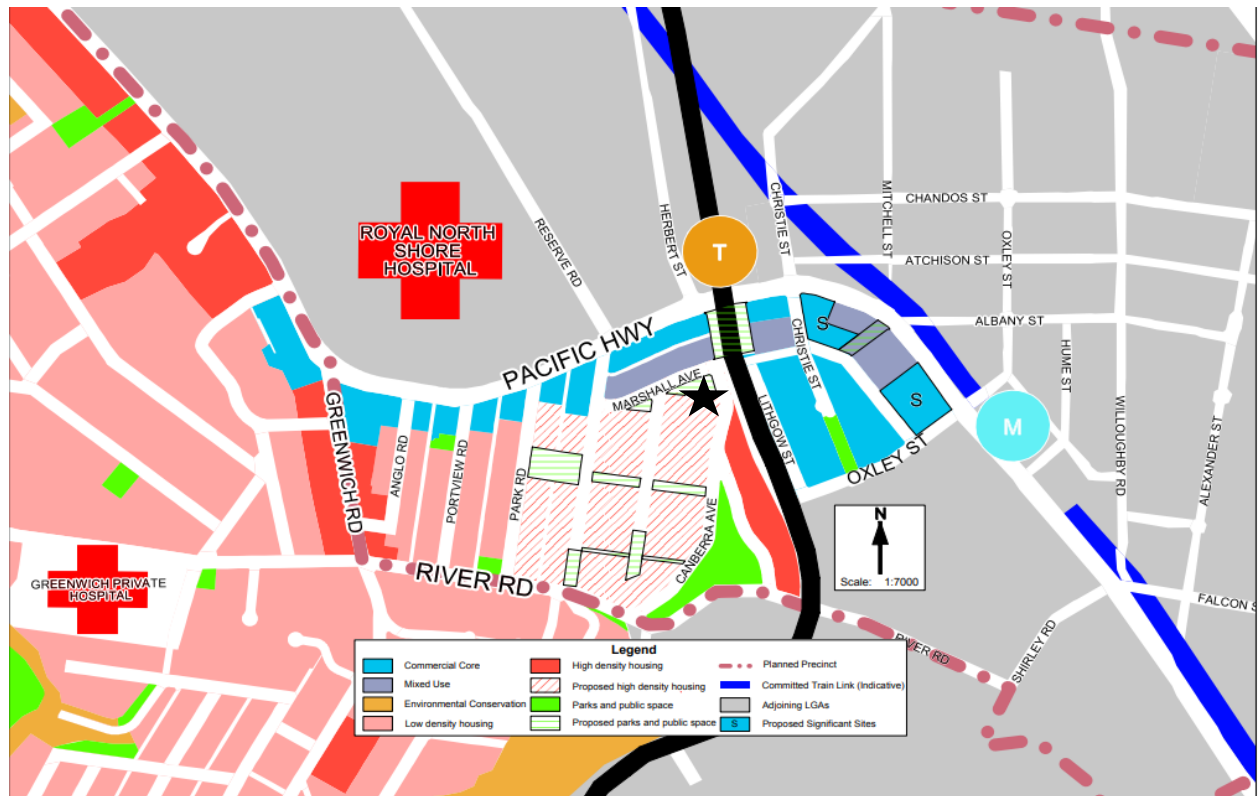


Figure 19 St Leonards commercial core and surrounds (Site shown with a black star) (Source: Lane Cove LSPS).

6.3.2.7 Lane Cove Community Strategic Plan – Liveable Lane Cove 2035

The Lane Cove Community Strategic Plan 2022-2032 (CSP) identifies the strategic direction and integrated planning framework for the Lane Cove Municipality. This Plan sets out the community's vision to 2035 and sets out six strategic themes to deliver that vision:

- Theme One: Our Society.
- Theme Two: Our Built Environment.
- Theme Three: Our Natural Environment.
- Theme Four: Our Culture.
- Theme Five: Our Local Economy.
- Theme Six: Our Council.

The proposal is compatible with the vision set out within the CSP, particularly with regard to the long term objective for housing under theme two and the strategies to achieve that objective which are as follows:

2.2.1 Ensure planning controls require a diverse range of high quality housing types and encourage housing that is adaptable, accessible and affordable.

2.2.2 Plan for the growth of housing and transport services that create sustainable and liveable communities.

2.2.3 Identify opportunities to acquire affordable rental housing to contribute to affordable housing availability.

The proposal seeks to increase the diversity of housing within the locality throughout the provision of a co-living housing development on a site with excellent access to services and facilities. The proposal will contribute to the affordable housing availability within the LGA and will provide for an appropriate density of development on the site. The ability of the site to contribute to the housing supply of the locality relies on the amendments to the LEP requested by this proposal. Without the requested amendments the subject site would be limited to a small scale residential development, or would remain undeveloped, which does not align with the vision for land within the St Leonards South precinct, which is identified as a prime location for high density residential development across all Lane Cove strategic planning documents.

6.3.2.8 Crows Nest Rezoning Proposal for TOD Accelerated Precincts

The site is located just outside the Crows Nest 'Transport Oriented Development' (TOD) precinct and is therefore excluded from the rezoning proposal and all requirements set out within the current proposal package which is imminent.

Despite not applying to the site, it should be acknowledged the rezoning proposal describes the St Leonards South Precinct as follows:

St Leonards South is currently under development with many approved and under construction residential flat buildings in progress. Higher densities will be focused in those areas closest to St Leonards Station with improvements along Pacific Highway to emphasize a gateway into the precinct from the west.

Of note, the above identifies higher densities closest to St Leonards Station. The subject site sits at the corner of Marshall Avenue and Canberra Avenue and is the closest site to the St Leonards Station within the entire precinct. The existing controls would not allow for a high density development to be achieved on the site and therefore do not align with the strategic vision for the precinct, which is progressively becoming reality, as set out across all strategic documents and current planning controls for other sites within the St Leonards South Precinct.

It should also be noted that the Planning Proposal will satisfy the intent of the TOD precinct in that it seeks to provide for an increase height and overall density of development within a highly accessible location, which has been identified as an accelerated precinct under the TOD program due to its close proximity to a metro station and key public transport interchanges, promoting walking and cycling opportunities.

6.3.2.9 St Leonards and Crows Nest 2036 Plan

The St Leonards and Crows Nest 2036 Plan (2036 Plan) was finalised in August 2020 and seeks to transform the St Leonards and Crows Nest area as a 'jobs powerhouse', mixing commercial and residential uses to offer workers and residents a variety of housing, jobs and activities within a highly accessible location.

Of importance to the subject site, the 2036 Plan details the past strategic planning which occurred for the St Leonards South Precinct and led to a planning proposal led by Lane Cove Council for rezoning of the precinct to R4 High Density Residential and development up to 19 storeys in height. Resultantly, the LEP was amended in 2020 to permit an increase in residential density within the St Leonards South Precinct, specifically by the inclusion of Part 7 – Additional Local Provisions – St Leonards South Area.

Apart from detailing the strategic history of the St Leonards South Precinct, the 2036 Plan identifies indicative green space within the precinct, which includes the subject site. Importantly, the mapping provided within the 2036 Plan is indicative only, and since the preparation of the plan in 2020, development on land surrounding the subject site has been approved and has accounted for the numerical requirement for public open space as stipulated under Part 7 of the LEP.

Notably, the proposal will also allow for additional public open space to be provided across the northern portion of the site, which will connect to the surrounding approved open space, and align with the indicative vision for the precinct detailed within the 2036 Plan.

6.3.2.10 Lane Cove Local Housing Strategy

The *Lane Cove Local Housing Strategy* (Housing Strategy) is a response to the Greater Sydney Region Plan and District Plan. The Housing Strategy is to guide housing over the next 20 years within the Lane Cove LGA. Of relevance to the proposal, the following is noted within the Housing Strategy:

Lane Cove Council's established position is to focus growth within the recently zoned St Leonards South precinct, with over 1,850 net new dwellings anticipated upon completion. As discussed above, full delivery of the precinct is more than sufficient to meet anticipated dwelling demand to 2036. Given the proximity of the area to public transport and significant planned infrastructure improvements in the area, it is recommended that Council's position, as expressed in its LSPS, be maintained.

The site is located within the St Leonards South precinct and therefore is the prime location identified for additional dwellings to be provided.

Furthermore, the Housing Strategy also states the following with regard to planning proposals:

Additional proposals should not be pursued unless they substantially achieve priorities related to affordable housing and are consistent with Council's 'Principles for the location of additional housing' in its LSPS.

As previously addressed above, the proposal is consistent with Council's principles for the location of additional housing as set out in the LSPS. Furthermore, the proposal seeks to provide co-living housing, a generally affordable and diverse form of housing which will contribute to the diverse housing supply offered within the St Leonards South precinct and within the wider LGA.

In accordance with the above, it has been acknowledged that the site represents an ideal location for residential development and the proposal seeks to provide achievable opportunity to increase housing in a strategic location, which will be supported by numerous public benefits, including the increase in the diversity of housing offered within the locality.

Furthermore, it is important to acknowledge that the Greater Sydney Region is undergoing a significant housing crisis. In this regard, the proposed uplift in density, which is consistent with the uplift generally applied across the St Leonards South precinct, will satisfy the intent of the Housing Strategy through delivering high quality, diverse residential accommodation in a strategic location.

Q5: Is the planning proposal consistent with applicable state and regional studies or strategies?

There are no other state and regional studies or strategies to which the proposed LEP amendments are required to align.

Q6: Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

There are no State Environmental Planning Policies (SEPPs) or draft Policies or Deemed SEPPs that would prohibit or restrict this Planning Proposal. A list of relevant SEPPs is included in **Table 6**.

Table 6 Relevant State Environmental Planning Policies

SEPP	Relevance	Y/N	Comments
SEPP Resilience and Hazards 2021	The Resilience and Hazards SEPP repealed and replace three former SEPPs related to coastal management, hazardous and offensive development and remediation of land.	Yes	The application for a Planning Proposal will not change the land use zoning and therefore any development for residential will require contamination investigations. It is also noted that the site is currently zoned for High Density Residential in which it is occupied by an existing dwelling. The proposal is consistent with the use already established on-site.

Table 6 Relevant State Environmental Planning Policies

SEPP	Relevance	Y/N	Comments
SEPP (Building Sustainability Index: BASIX) 2004	This SEPP requires residential development to achieve minimum performance standards for thermal comfort and water efficiency with the intention of reducing demand for energy and potable water.	Yes	<p>In terms of Coastal Management and Hazardous or Offensive Material, the application does not change the manner in which the chapters of the SEPP applies to the site.</p> <p>This application does not change the manner in which this SEPP will apply to any future development application for new residential accommodation.</p>
SEPP (Housing) 2021	<p>This SEPP aims to incentivise the supply and ensure the effective delivery of new affordable and diverse housing. The Housing SEPP consolidates five existing housing related policies, including:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP); • State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors SEPP); • State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes) (SEPP 70); • State Environmental Planning Policy No 21 - Caravan Parks; and • State Environmental Planning Policy No 36 - Manufactured Home Estates. <p>The SEPP now also covers the provisions of the repealed SEPP 65 (Design Quality of Residential Apartment Development).</p>	Yes	<p>This application does not change the manner in which this SEPP applies to the site. As the site is within 800m of a railway station it would be deemed in an accessible area, and the SEPP (Housing) 2021 would apply, notably Chapter 3, Part 3 of the SEPP which permits co-living housing on the subject site. Any co-living housing development on the site would be subject to an FSR increase of 10%, however, would still need to comply with the building height permitted under the LCLEP 2009. Notably, all residential developments within this locality, would be capable of receiving a greater FSR and height bonus of up to 30% for the provision on affordable housing under Chapter 2, Part 2 of the SEPP.</p> <p>The provisions of Chapter 4 of the Housing SEPP and the ADG would not apply to the site with the exception of building separation.</p> <p>The concept building envelope prepared by <i>Smith and Tzannes</i> submitted with the application would allow for compliance with the ADG provisions for separation, subject to certain design elements such as orientation of dwellings, privacy screens and blank walls. The application for a Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.</p>
SEPP (Exempt and Complying Development Codes) 2008	This SEPP defines types of development for which development consent is not required.	Yes	This application for a Planning Proposal does not change the manner in which this SEPP applies to the site.
SEPP (Transport and Infrastructure) 2021	<p>This SEPP aims to facilitate the delivery of new infrastructure and protect the safe and efficient operation of existing infrastructure.</p> <p>This SEPP repeals and replaces four</p>	Yes	The application for a Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.

Table 6 Relevant State Environmental Planning Policies

SEPP	Relevance	Y/N	Comments
	former SEPPs related to infrastructure, transport, education and childcare.		Acoustic impacts from the surrounding locality will be further investigated with any future detailed application to ensure new dwellings are compatible with the ongoing operation of the surrounding locality. On-site parking will be considered with any future detailed application to ensure an appropriate amount of parking is provided to service the development.
SEPP (Biodiversity and Conservation) 2021	This SEPP repeals and replaces 11 previous SEPPs.	Yes	The application for a Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site. The removal of vegetation will be subject to a future development application, noting there is not considered to be any significant vegetation existing on the site.
SEPP (Industry and Employment) 2021	This SEPP repeals and replaces two former SEPPs related to employment lands in Western Sydney and advertising and signage.	Yes	The Planning Proposal does not change the way in which the SEPP (specifically, Chapter 3 Advertising and Signage) would apply to the site or to future development upon the site.
SEPP (Sustainable Buildings) 2022	This SEPP encourages the design and delivery of more sustainable buildings across NSW. It sets sustainability standards for residential and non-residential development and starts the process of measuring and reporting on the embodied emissions of construction materials.	Yes	This application does not change the manner in which this SEPP will apply to any future development application for new development.

Q7: Is the Planning Proposal consistent with the applicable Ministerial Directions?

The proposal is consistent with all applicable Ministerial Directions under Section 9.1 of the *Environmental Planning and Assessment Act 1979* as outlined in the below table.

Table 7 Section 9.1 Ministerial Directions

Ministerial Direction	Relevance	Y/N	Comments
1. Planning Systems			
1.4 Site Specific Provisions	This direction applies to all relevant planning authorities when preparing a planning proposal that will allow a particular development to be carried out.	Yes	This Planning Proposal will permit the provision of co-living housing on the site for the purpose of the application of incentive building height and FSR, however, will not rezone the site. The Planning Proposal satisfies the objectives by allowing additional

Table 7 Section 9.1 Ministerial Directions

			uses in appropriate locations rather than restrictive site specific planning controls
1.13 Implementatio n of St Leonards and Corws Nest 2036 Plan	<p>This direction applies when a planning proposal authority prepares a planning proposal for land within the St Leonards and Crows Nest Precinct in the North Sydney, Lane Cove, and Willoughby local government areas as shown on Map LAP_001 St Leonards and Crows Nest 2036 Plan Ministerial direction published on the Department of Planning and Environment website on 29 August 2020.</p> <p>(1) A planning proposal authority must ensure that a planning proposal is consistent with the St Leonards and Crows Nest 2036 Plan, approved by the Minister for Planning and published on the Department of Planning and Environment website on 29 August 2020.</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the planning proposal authority can satisfy the Planning Secretary (or their nominee), that:</p> <p>(a) the provisions of the planning proposal that are inconsistent are of minor significance, and</p> <p>(b) the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of the Plan's vision, objectives and actions</p>		<p>The site is located within the St Leonards and Crows Nest Precinct.</p> <p>The planning proposal aligns with the 2036 Plan with the exception of the indicative public open space which is marked for the entirety of the subject site. Importantly, and as discussed throughout this proposal, the open space is marked as indicative only and has been provided for, in entirety, in accordance Clause 7.4 of the LCLEP 2009 on the adjoining amalgamated site. The requirement to continue to provide the entirety of the subject site as open space does not align with the intentions of the 2036 Plan, and instead the proposal, which seeks to provide additional residential density in a highly accessible location, as well as additional public open space in excess of the requirements, is considered to provide for a better outcome for the site and locality which achieves the plan's vision.</p>
3. Biodiversity and Conservation			
3.1 Conservation Zones	<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas</p>	N/A	The subject site is not zoned or identified as environmentally sensitive land and therefore this direction does not apply.
3.2 Heritage Conservation	<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>A planning proposal must contain provisions that facilitate the protection and conservation of heritage significance and Indigenous heritage significance</p>	N/A	The subject site is not located in a heritage conservation area or within close proximity to a heritage item and therefore this direction does not apply.
3.7 Public Bushland	<p>This direction applies when a planning proposal authority prepares a planning proposal for land in the Woollahra Local Government Area.</p> <p>A Planning Proposal must retain public bushland unless the planning proposal authority is satisfied that significant environmental, economic or social benefits will arise that outweigh the value of the public bushland.</p>	N/A	The subject Planning Proposal is not located within any public bushland.

Table 7 Section 9.1 Ministerial Directions

3.9 Sydney Harbour Foreshores and Waterways Area	This direction applies when a planning proposal authority prepares a planning proposal for land within the Foreshores and Waterways Area as defined in the State Environmental Planning Policy (Biodiversity and Conservation) 2021.	N/A	The subject site is not located within the foreshore and waterways area and therefore this direction does not apply.
4. Resilience and Hazards			
4.1 Flooding	This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	Yes	Any required flood studies would be subject to separate development applications. Notably, the adjoining sites have been redeveloped to provide for residential accommodation and as such there is no reason to assume why the subject site would be impacted by the sites flood affectation, noting there is an existing residential dwelling on the site.
4.4 Remediation of Contaminated Land	<p>This direction applies when a planning proposal authority prepares a planning proposal that applies to:</p> <p>(a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:</p> <p>i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p>	Yes	The site has been previously used for residential development and the adjoining sites have just approved to accommodate new residential towers. As such, the site is not considered to be subject to any hazards or contamination. Any required site investigations or remediation works will be subject to separate development applications.
4.5 Acid Sulfate Soils	<p>This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils when preparing a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment.</p> <p>The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p>	N/A	The land is not mapped as containing acid sulfate soils and therefore this direction does not apply.

Table 7 Section 9.1 Ministerial Directions

5. Transport and Infrastructure

5.1 Integrating Land Use and Transport	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>(1) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001)</p>	Yes	<p>This Planning Proposal will increase maximum building height, including to apply it to an additional permitted use, on the subject site. Therefore, the maximum density on-site will be increased.</p> <p>The proposal is not considered to have any adverse impacts on the surrounding road network.</p>
5.2 Reserving Land for Public Purposes	<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>(1) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).</p>	N/A	Not applicable to subject Planning Proposal.
5.3 Development Near Regulated Airports and Defence Airfields	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.</p>	N/A	The site is not located near a regulated airport and therefore this direction does not apply.

6. Housing

6.1 Residential Zones	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>(1) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p>	Yes	<p>The Planning Proposal will increase the maximum building height which applies to the R4 High Density Residential zone, on the subject site. This will result in an increased density, in which the proposal is considered to align with Direction 6.1.</p> <p>The increase in density will offer the opportunity to increase housing diversity in a high-density environment which is consistent with the strategic location of the site.</p> <p>The Planning Proposal will increase the density permitted on-site, and therefore result in a more efficient use of the infrastructure and services within the surrounding locality.</p>
-----------------------	---	-----	---

Table 7 Section 9.1 Ministerial Directions

	<p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(2) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>		<p>The Planning Proposal will allow for an increase of density in a highly accessible location, with a desirable local government area.</p> <p>The proposal will deliver a high quality, development. This will also be subject to further consideration during the development application phase.</p> <p>The land is adequately serviced and residential accommodation is permitted under the current zoning, which will not be changed.</p> <p>As above.</p> <p>The application for a Planning Proposal is therefore consistent with Direction 6.1.</p>
7. Industry and Employment			
7.1 Business and Industrial Zones	This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	N/A	The site is zoned R4 High Density Residential and this direction does not apply.

6.3.3 Section C - Environmental, Social and Economic Impacts

Q8: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject site does not contain any significant trees or vegetation that would be impacted by redevelopment of the site in accordance with the proposed uplift.

Notably, the site is part of an urban environment and does not contain habitat for threatened species, populations or ecological communities.

Q9: Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The concept building envelope included in this Planning Proposal demonstrates the site arrangement and building envelope which can be achieved on the site, subject to the increase in maximum building height. Future detailed design would ensure that any environmental effects will be appropriately managed, as discussed in detail below.

Solar Access

A solar analysis has been prepared by *Smith and Tzannes* and demonstrate the extent of shadows cast by the concept envelope between 9am and 3pm on 21 June. The solar analysis demonstrates that the scale of development permitted by the proposal would not have any adverse impacts with regards to shadowing on existing and future development in the surrounding locality.

The solar analysis of the potential shadows has been considered for the approved residential development to the south as well as the public open space provided for on the adjoining site.

As shown in the solar analysis provided at **Figure 20** overpage, the scale of development sought by this planning proposal would predominately sit within the shadow of the existing and approved residential towers within the

immediate locality. As indicated on the analysis, the greatest impact the proposal will have on the residential tower approved to the south of the site is at 10am during mid-winter. The extent of impact is considered reasonable given living rooms of the development will receive solar access at 10am, and after 1pm, ensuring a high level of solar access and amenity is maintained by the approved development.

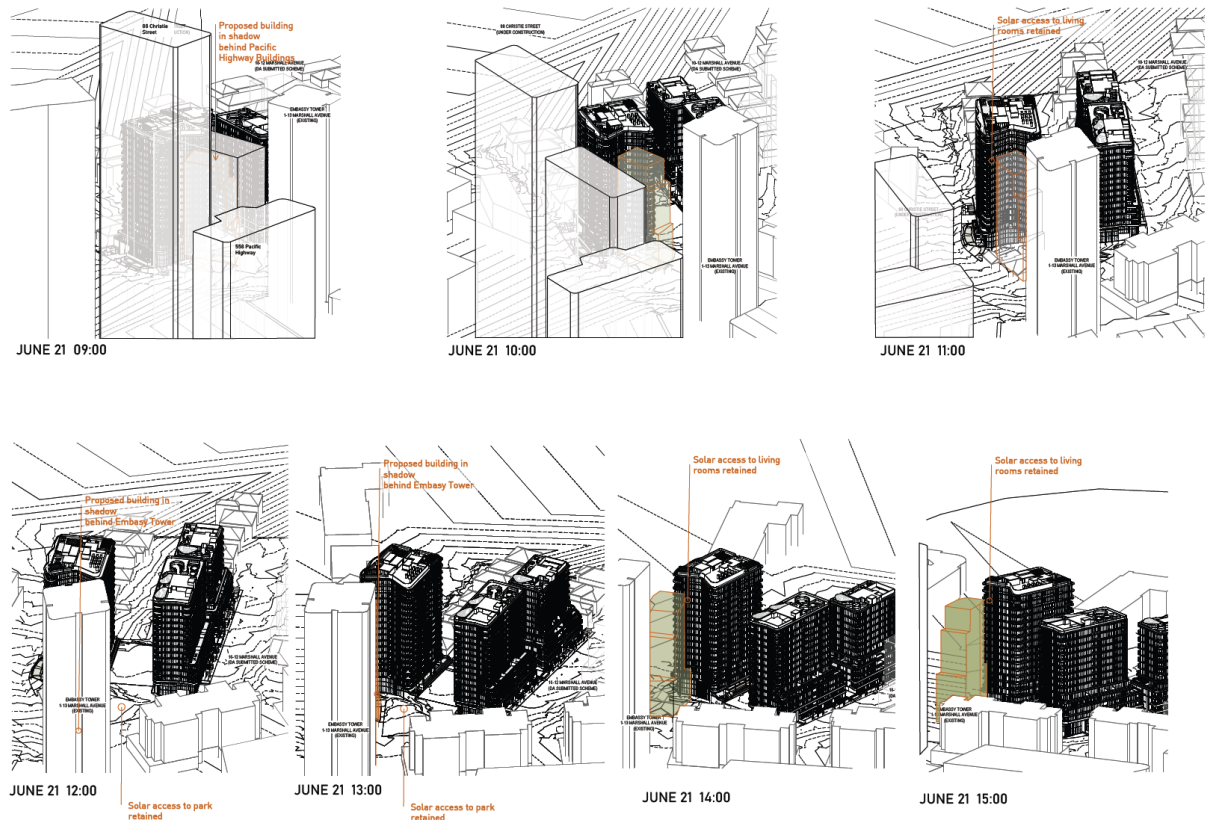


Figure 20 Solar analysis for the planning proposal scheme.

With regard to the public open space provided within the approved development on the south adjoining site, the proposal is not considered to have an adverse or unreasonable impact with regard to overshadowing. As shown in the solar analysis above, the planning proposal would only impact the public open space on the adjoining site at 10am during mid-winter, with solar access achieved from 12pm to 1pm.

Importantly, the 2036 Plan provides solar access requirements for public open space within the locality, as indicated in **Figure 21** overpage.

The requirements intend to protect solar access to potential open spaces between 10am and 3pm. Importantly, the proposal would only have an impact to a portion of the open space at 10am, with the park either receiving good solar access at other times or overshadowed by the existing development known as the Embassy Tower on the northern side of Marshall Avenue.

Despite resulting in an extent of shadowing at 10am, it is important to highlight that the planning proposal intends to provide additional public open space at the front of the subject site. This space would be in addition to the 900sqm of open space provided on the adjoining site, and therefore provides open space for 'Area 1' within the precinct that is greater than the minimum required. This additional open space would achieve solar access from 2pm to 3pm.

Overall, the planning proposal is considered to have an appropriate impact with regard to solar access of the approved public open space on the adjoining site, as well as the proposed additional public open space on the subject site, which when combined are considered to achieve the objectives of the 2036 Plan to provide quality public open space with good levels of solar access.

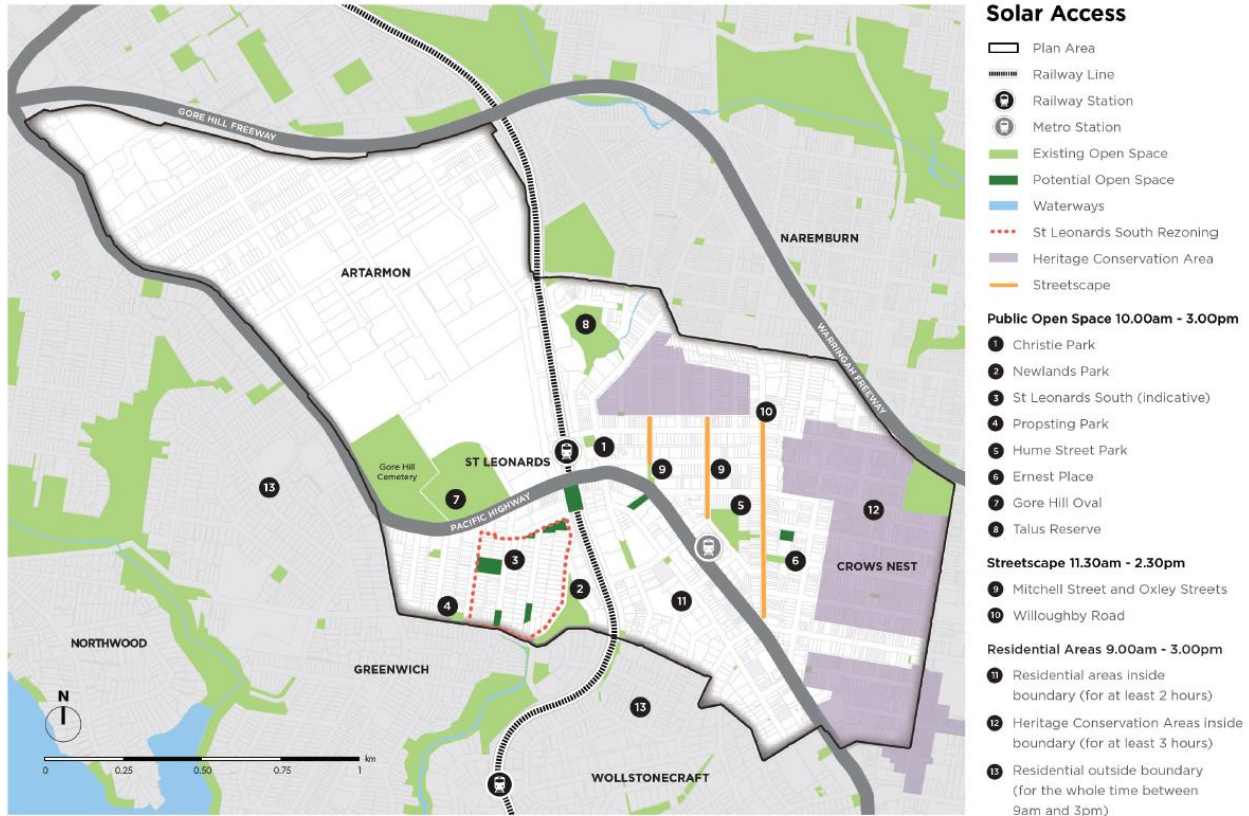


Figure 21 Extract from the 2036 Plan indicating solar access for public open space.

In terms of solar access to the concept proposal and concept building envelope, this will be subject to future detailed applications. Notwithstanding, the site is north facing and therefore will be designed to maximise dwellings to the north to ensure the maximum number of dwellings receive solar access during mid-winter.

Visual Privacy and Building Separation

In terms of privacy and building separation, the subject site, containing two street frontages, allows for the provision of residential development that can be designed to minimise, as far as practicable, the likelihood of any adverse visual impact and overlooking to neighbouring properties. Subject to future detailed design, the envelope have been designed to ensure appropriate separation and orientation can be provided to protect the visual privacy of surrounding properties and future residents.

The separation distances, in accordance with the orientation of living areas and private open spaces, blank facades and privacy elements, ensures that any future development will be capable of satisfying the visual privacy objective of Part 3F of the ADG, which applies to co-living housing development.

Aural Privacy

The acoustic privacy of future residents will form part of detailed applications. Notwithstanding, the subject site does not contain any significant constraints with respect to acoustics, in terms of St Leonards train station, bus interchange and Pacific Highway. As such, the acoustic privacy of future residents will not be adversely impacted by this proposal. It is also noted that the acoustic privacy of neighbouring properties is also acceptable and can be appropriately maintained through setbacks, privacy elements and materiality

Views

The increase to building height is not considered to result in any adverse view loss from the surrounding developments or public domain.

The proposal will deliver a relatively narrow and slender tower form which is consistent with the St Leonards South Precinct to ensure any potential view impact is acceptable in the context of the locality.

Overall, the potential view loss created by proposed concept envelope is direct result of the underdeveloped nature of the subject site, relative to its strategic location and the permissible scale of development within the locality. As such, any subsequent view loss impact created by the proposal is considered entirely reasonable.

Visual Impact

The proposal will allow for a scale of development that will appropriately integrate with the built form and character desired within the surrounding locality, including that anticipated by St Leonards South Precinct and the 2036 Plan. From various viewpoints within the immediate and wider locality, the built form will form part of the varied skyline and appropriately integrates with the desired increase of density centric to St Leonards Railway Station.

Overall, the proposal, whilst increasing the building height and density will not appear to be out of character or visually jarring given the strategic location of the site and its relationship to St Leonards Commercial Centre and railway station.

Importantly, it is considered that a redevelopment of the subject site at the scale permitted by the existing planning controls would result in a poorer outcome for the site and locality with regard to visual impact. Indeed, the construction of a 3 storey built form under the existing maximum building height for the site would appear grossly out of character and inappropriate for the context of the immediate locality which is dominated by existing and approved residential and mixed use towers reaching up to 94m in height.

Demand for infrastructure, utilities and services

The proposal will seek to increase the density on the subject site. Any potential upgrades required to existing electrical, hydraulic, civil and stormwater services would need to be addressed by any future development application, noting that the site is identified for high density residential development and will be capable of accommodating the necessary services to support any future development.

Q10: Has the Planning Proposal adequately addressed any social and economic effects?

This Planning Proposal will result in positive social and economic effects, including the provision of enhanced residential land use on the site and provision of public open space on the site. There are clear benefits associated with the increase in density delivered through the increase in building height and provision of co-living on the site. These are described further below.

Social Impact

The proposal will offer distinctive social benefits through increasing residential accommodation in a desirable area, whilst providing open space in addition to that already approved within the precinct.

The Planning Proposal will deliver additional, high-quality housing in the St Leonards locality. The increase of residential accommodation is well suited to the highly accessible and strategic location of the site, with future residential accommodation capable of achieving high levels of amenity. The provision of additional residential accommodation will improve housing choice and affordability in the St Leonards locality, noting that the existing development on the site is for a single dwelling house, which represents a significant underutilisation of the site with no public benefit.

Further to this, the applicant is committed to providing co-living housing for the subject site under SEPP Housing 2021. The provision of co-living housing will deliver with it an important public benefit and provide much needed accommodation for key and low-income workers in the locality.

Other Public Benefits

In addition, the concept proposal will provide a number of other indirect public benefits which include, but are not limited to:

- Renewal of the existing dwelling house that does not provide any presence or benefit to the streetscape with

a high-quality residential development that defines and revitalises the street frontage and provide generous and well defined open space surrounding the built form;

- A variation to building height will contribute to a more appropriate and consistent skyline which will positively contribute to the creation of an attractive and balanced form that follows the height of buildings established within the locality;
- The provision of publicly accessible open space (in private ownership) which will improve connectivity and vibrancy of the urban space; and
- Increased activation and natural surveillance of the new publicly accessible open spaces and public domain.

In conclusion, the public benefits offered (above) are considered to be substantial in exchange for the increased density.

Economic Impact

As discussed, this Planning Proposal will allow for a strategic increase in the quantum of residential floor area on the subject site.

The St Leonards locality and wider Lane Cove LGA contains a strong demand for the provision of residential accommodation, particularly in the form of higher density apartments.

The St Leonards South Precinct has been projected to provide over 1,850 new dwellings. The proposal, which will provide for increased residential accommodation within the St Leonards South Precinct, will provide for direct and positive economic impacts in terms of residential growth, increased expenditure and the subsequent support of surrounding local businesses.

Ultimately, the proposal will provide for economic benefits during and post construction. Post construction benefits are afforded through the increased expenditure of future employees and residents on-site, thus supporting the local economy.

6.3.4 Section D - State and Commonwealth Interests

Q11: Is there adequate public infrastructure for the Planning Proposal?

The site is within an urban area that is well served by existing public infrastructure, including existing public transport, education, public open space, community and health facilities. The site is within a highly accessible location, being located in close proximity to St Leonards railway station and is therefore considered to be well serviced by public infrastructure. Whilst increasing the density on site, this is consistent with the strategic plan for the area and will not trigger requirements for local or regional scale amplification or introduction of new infrastructure, services or facilities.

Appropriate Development Contributions will be levied at the time of development consent for any future building work.

Q12: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The relevant authorities will be consulted as part of the full Planning Proposal process, in accordance with the relevant legislative requirements. It is noted that the proposed LEP amendments will not trigger any changes to:

- Infrastructure and services provided by State agencies and public authorities;
- Resources managed by State agencies and public authorities.

The proposal does not trigger the referral criteria in Attachment B to the DPIE Guideline. For these reasons no referrals or consultation with State agencies and authorities are considered necessary.

A future Gateway determination will specify the list of agencies and public authorities required to be consulted and the methods and timing of such consultation.

6.4 PART 4 - MAPPING

The planning proposal necessitates the amendment to the LCLEP Incentive Height of Building Map (Sheet IHOB_004) to increase the permissible building height on the site under Clause 7.1(3) of the LEP. A comparison between the existing Incentive Height of Buildings Map and the proposed amendments is provided in the map extracts at **Figure 22** below.

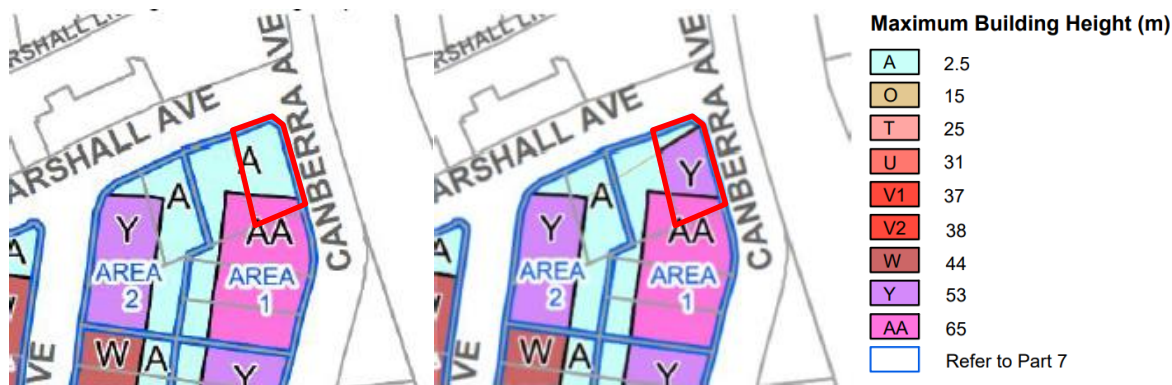


Figure 22 Extracts of the existing (left) and proposed (right) LCLEP Incentive Height of Buildings Map 004 (site edged in red).

6.5 PART 5 - COMMUNITY CONSULTATION

Consistent with the requirements for a Standard LEP amendment and the DPIE Guidelines, it is anticipated that a draft Planning Proposal would be publicly exhibited for a period of 28 days. The exhibition material will include documents as specified in the Gateway determination and will include a copy of the Planning Proposal, an explanation of provisions, draft LEP maps and an indication of the timeframes for completion of the process as estimated by Council.

It is anticipated that the Community Consultation methods will include forwarding copies of relevant documents to appropriate State and Commonwealth agencies, notice of public exhibition in a local newspaper and on Lane Cove Council's website, providing copies of exhibition material in electronic and hard copy form at relevant local government premises and letters of notification to nearby and potentially affected land owners.

6.6 PART 6 - PROJECT TIMELINE

The estimation of the project timeline is provided below with the intention of optimising efficiency in the process:

Table 8 Project Timeline	
Phase	Timing
Gateway determination date	TBD (by Department of Planning & Environment)
Completion of required technical information	No additional supporting studies required at this stage.
Government agency consultation (pre-exhibition)	Not required
Government agency consultation (during exhibition)	Concurrent with public exhibition (28 days)
Commencement and completion dates for public exhibition period	TBD
Consideration of submissions	Two weeks from close of public exhibition
Post-exhibition consideration of the application	Four weeks from close of public exhibition
Date of submission to the Department to finalise the LEP / anticipated date RPA will make the plan (if delegated)	Six weeks from close of public exhibition

7. Conclusion

This application for a Planning Proposal seeks to amend the provisions of *Lane Cove Local Environmental Plan 2009* (LCLEP 2009) for land at No. 2 Marshall Avenue, St Leonards ('site'). Specifically, the Planning Proposal seeks to amend Clause 7.1 of the LCLEP and the Incentive Height of Buildings Map to increase the height of building to part of the site and allow for co-living development to utilise the height and floor space provisions of the clause. The proposal also seeks to insert an additional subclause under Clause 7.1 to exclude development for the purpose of co-living from the operation of Clause 7.1(4).

This application for a planning proposal has been prepared in accordance with Division 3.4 and Division 3.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as well as the NSW DPIE "*Local Environmental Plan Making Guideline*" (September 2022).

The application demonstrates the proposed LEP amendment has strategic and site-specific merit. The amendment is consistent with the Greater Sydney Regional Plan, the North District Plan, majority of key priorities of the Local Strategic Planning Statement, applicable State Environmental Planning Policies and Ministerial Directions as prescribed by Section 9.1 of the EP&A Act.

There are compelling strategic and Town Planning reasons for an increase to the maximum building height for the site for the purpose of co-living development, as has been considered within the subject application for a Planning Proposal. Specifically, the increase in density presents the opportunity to deliver a high quality urban and architectural design, responding to the accessible location and strategic characteristics of the site. The proposed amendments will provide for a suite of public benefits that will not be realised by the current standards of LCLEP 2009. An increase in building height will allow for an uplift in residential uses within close proximity to the St Leonards Railway Station and the Commercial Centre. Importantly, the proposal would allow for a suitable scale of redevelopment of the subject site within the surrounding context that would otherwise not be achieved. Along with this will be provided significant improvements to the site, continuation of an approved public open space corridor and the delivery of a diverse and affordable housing type.

The application for a Planning Proposal will provide a unique opportunity to unlock the development potential of the subject site given its reasonable site area, dimensions and frontages to Marshall Avenue and Canberra Avenue. The site represents an isolated allotment which will be surrounded by development of up to 25 storeys in height. The flexibility offered by the change in building height, alongside permitting with consent co-living housing, will allow for the delivery of a development which will be consistent with desired future character of the St Leonards South Precinct, as set out in Part C7 of the LCDCP 2010. The proposal demonstrates both site-specific and strategic merit, as outlined in this Report.

The proposal is considered to have strategic and site-specific merit and not only provides a vehicle to deliver more and higher quality residential floor space but will also provide for public domain improvements. These benefits will not be realised if this Planning Proposal is not supported, and redevelopment is thwarted. As a summary, the changes to the planning controls will:

- Establish a maximum building height with the potential to deliver a built form suitable to its location, which will integrate with the setting and context of the emerging character and built form in the surrounding area;
- Establish a maximum building height with the potential to facilitate the maximum FSR permitted on the site under the current controls and reflective of the site's strategic location and characteristics, including size, frontages and proximity to public transport and public open space;
- Ensuring that the significance and character of the surrounding locality will be protected;
- Deliver a scheme that allows for flexibility in built form and site arrangement, facilitating and supporting open space;
- Increasing the density on site to meet the housing targets set by state, regional and local strategies;

- Deliver housing opportunities with improved amenity and good access to a variety of transport, social infrastructure and recreational spaces;
- Deliver co-living housing, being a diverse form of housing, under SEPP Housing 2021, in a highly accessible location within 400m from the largest health and education precinct in Sydney's north;
- Provide for a development which will maximise the amenity of approved public open spaces;
- Protect and enhance the landscaped character of the site and surrounding locality, through holistic landscaped strategy which retains significant vegetation; and
- Allow for the orderly and economic development of the land.

The application is entirely consistent with the local, regional and state strategic planning directions. It follows that the concept scheme will not result in unacceptable environmental effects or demands for new or augmented local and regional infrastructure and services. The amendment will facilitate future development options on the site that:

- are consistent with adopted key planning strategies;
- are compatible with the context and setting including the existing and approved streetscape; and
- can deliver future social, environmental, cultural and economic benefits.

This application for a Planning Proposal has been informed by the building envelope scheme and accompanying solar access diagrams prepared by *Smith and Tzannes* which identify the capability of the site to accommodate a scale of development that is sought by the proposed LEP amendments.

This Planning Proposal concludes that the concept proposal contributes to the St Leonards locality to allow for the delivery of a built form which is entirely compatible with the existing and continually emerging character of the locality. This application for a Planning Proposal is therefore worthy of Council's support.





