



23 September 2019

Advice for Gateway Determination Review 2 Greenwich Rd, Greenwich (PP_2018_LANEC_001_00)

1. Introduction

1. On 3 July 2019, the Independent Planning Commission of NSW (the **Commission**) received a request for advice (**referral request**) from the NSW Department of Planning, Industry and Environment (the **Department**) regarding a Gateway Determination review of a planning proposal for land at 2 Greenwich Road, Greenwich (the **site**).
2. Willow Tree Planning Pty Ltd (the **Proponent**) has prepared a planning proposal to amend the planning controls of the *Lane Cove Local Environmental Plan 2009* (**LCLEP 2009**) in relation to the site to:
 - a. introduce shop-top housing as an additional permitted use; and
 - b. increase the maximum building height control from 25 metres to 33m.
3. In accordance with Section 3.34(5) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the Commission was requested by the delegate of the Minister of Planning, in its referral request, “to review the planning proposal and prepare advice concerning the merits of the review request. The advice should include a clear and concise recommendation to the Minister’s delegate confirming whether, in its opinion, conditions 1(a) and 5 should be retained”.
4. Professor Mary O’Kane, Chair of the Commission, nominated Chris Wilson (Chair) and Russell Miller to constitute the Commission to undertake the review and provide advice.

1.1 The Subject Site

5. The site is legally described as Lot 2 DP 566041 and comprises an allotment located approximately 65 metres south of the south-east corner of the Pacific Highway and Greenwich Road (Figure 1).
6. The site has an area of 2,140m² that slopes steeply - with a 5m fall to the rear boundary and 3m fall to the southern boundary. The site is zoned B3 Commercial Core under the LCLEP 2009. The site is subject to a maximum FSR of 3:1 and a maximum building height of 25m. Vehicular access is available from Greenwich Road.
7. The site is occupied by a three-storey commercial building, which was previously the Northside Clinic Private Hospital, a 92-bed mental health care hospital. It closed in 2018 and relocated to a new facility located at 2 Frederick St, St Leonards.



Figure 1 - Subject Land (the site). **Source:** Department of Planning and Environment Gateway Review – Justification Report

1.2 Summary of Planning Proposal

8. According to the Department's Gateway Review Justification Assessment (**Department's Assessment Report**), dated 3 July 2019, the planning proposal seeks to amend the planning controls of the LCLEP 2009, to introduce shop-top housing as an additional permitted use and increase the maximum building height control from 25m to 33m.
9. The planning proposal is supported by two concept designs (scenarios) that would both facilitate an 11-storey mixed-use development comprising ground-floor commercial / retail space (915m²) and 10 storeys of residential dwellings above.
 - Scenario 1 proposes 60 dwellings with an FSR of 2.4:1, potentially resulting in a 'stepping down' built form away from the Pacific Highway.
 - Scenario 2 proposes 70 dwellings with an FSR of 2.7:1, resulting in a 'box-type' built form.
 - Both concepts: seek the same amendments to the LEP. Neither concept seeks to alter the maximum FSR of 3:1, or amend the current B3 Commercial Core zone.
10. The site is currently zoned B3 Commercial Core and is located at the western end of the Department's St Leonards and Crows Nest Station Precinct and in close proximity to the precinct boundary for the St Leonards South Residential Precinct to the east.
11. The site is approximately 600m walking distance from St Leonards Train Station and 1.2km from the future Crows Nest Metro Station.

1.3 Background of Planning Proposal and Gateway Determination

12. In July 2016, the (then) Minister for Planning, announced the strategic planning investigation of the St Leonards and Crows Nest Station Precinct.
13. On 11 April 2017, Lane Cove Council (**Council**) received the planning proposal for the subject site. According to the Department's Assessment Report (undated), Council's consideration of the planning proposal concluded that the planning proposal "*lacked strategic and site-specific merit as the proposal was inconsistent with the applicable strategic, regional and local planning controls*".
14. On 3 August 2017, the St Leonards and Crows Nest Station Precinct Interim Statement (**Interim Statement**) was released by the Department. The Interim Statement did not make any specific recommendations or changes to land-use provisions or planning controls, but rather identified character and investigation areas.
15. Under the Interim Statement, the site was located within the Pacific Highway Corridor character area identified as a potential high-density, mixed-use corridor with a key focus on employment. Key objectives included the creation of additional employment floorspace and the investigation of new opportunities for employment at lower levels including synergies and associated employment uses between the health and education uses around Royal North Shore, North Shore Private and Mater Hospitals.
16. On 18 August 2017, the Proponent lodged a request for a rezoning review with the Department as Council had not determined the proposal within 90 days of accepting the planning proposal.
17. On 25 October 2017, the request to review the planning proposal was considered by the Sydney North Planning Panel (**SNPP**). The SNPP recommended (with a majority of 3 to 1) that the proposal proceed to Gateway Determination. In doing so the Panel asked the delegate to consider:
 - a. *"That the retention of the B3 zoning and inclusion of shop-top housing is undesirable as it would make this site the only B3 zone in the Lane Cove LEP with shop-top housing permissible. The SNPP recommends that this be reconsidered to be consistent with the current adjoining and likely future zoning; and*
 - b. *That the zoning, density and height be consistent with the Priority Precinct outcomes when finalised early 2018 and that no exhibition should occur until the planning proposal has been amended accordingly"*.
18. On 6 September 2018, the Department issued the Gateway Determination with conditions. The decision determined that the planning proposal to introduce shop-top housing as an additional permitted use and to amend the maximum permitted building height should proceed.
19. The Determination was, however, subject to a number of conditions, noting at the time that the St Leonards and Crows Nest Station Precinct strategic investigation was ongoing. Those conditions relevant to the Commission's review are the need for the planning proposal to:

- 1(a) *Demonstrate consistency with the draft findings of the St Leonards and Crows Nest Station Precinct strategic investigation (being undertaken by the Department in consultation with Lane Cove, Willoughby and North Sydney Council), including the relevant proposed land-use, height and floor space ration; and*
5. *Prior to finalisation, the planning proposal is to be amended to demonstrate consistency with the final strategic planning framework for the St Leonards and Crows Nest Station Precinct.*
20. On 14 October 2018 the Department commenced public exhibition of the draft St Leonards and Crows Nest 2036 Plan (**draft 2036 Plan**), being the findings of the St Leonards and Crows Nest Station Precinct strategic investigation referred to in condition 1(a) and draft of the strategic planning framework referred to in condition 5.

2. Request for Gateway Review

21. On 16 October 2018, the Proponent lodged a Gateway Determination review application, arguing a *“determination had been made that [has] imposed requirements (other than consultation requirements) or makes variations to the proposal”*.
22. On 6 May 2019, the SNPP provided a response to a request for advice from the Department on whether the Conditions had been satisfied. The SNPP confirmed it had reviewed the Proponent’s request and formed the opinion that the planning proposal had not satisfied condition 1(a) of the Gateway determination. The SNPP stated that the planning proposal *“should be consistent with the current draft St Leonards and Crows Nest 2036 Plan and not the St Leonards and Crows Nest Precinct interim report [statement]”*.
23. Upon receiving the SNPP’s advice, the Proponent advised the Department on 17 October 2019 that it still wished to progress the Gateway Determination. The Proponent’s position was that *“if the planning proposal was to be amended to be consistent with the draft 2036 Plan, it would be significantly altered from that which was comprehensively assessed by the Department to date. This would make the assessment irrelevant and invalid.”*
24. On 3 July 2019, the Department requested the Commission review the planning proposal and prepare advice concerning its merits. The Department specified the Commission’s advice should include a recommendation confirming whether or not conditions 1(a) and 5 should be retained (see paragraph 3).
25. To assist the Commission in its review, the Department’s referral included:
- Gateway Review Justification Assessment
 - Attachment A - Gateway Determination
 - Attachment B - Gateway Determination Report
 - Attachment C - Gateway Review Application
 - Attachment D - SNPP Comments
 - Attachment E - Council Comments
 - Attachment F - Rezoning Review SNPP Recommendation
 - Attachment G - Site Identification Map
 - Attachment H - Proponent Legal Advice
 - Attachment I - SNPP Response to Proponents Legal Advice
 - Attachment J - Proponent Submission to 2036 Draft Plan

3. The Commission's Meetings

26. On 2 August 2019, the Commission met with the Department, the Council and the Proponent as part of its review. The meeting transcripts were made available on the Commission's website on or about 8 August 2019.

4. Meeting with the Proponent

27. On 2 August 2019, the Commission met with the Proponent regarding the Gateway Determination review specifically the deletion of conditions 1(a) and 5. The key points raised by the Proponent included the following:
- Background to the planning proposal, including relocation of the existing health facility from the subject site and associated employment (full time equivalent positions);
 - The Proponent submitted that the planning proposal has demonstrated strategic and site-specific merit in its own right;
 - Questions regarding the validity of the subject conditions, which were said to be unclear and "*inherently problematic*", particularly the need to have conditions requiring consistency with strategic documents not yet released;
 - The Proponent submitted that the planning proposal is consistent with the draft 2036 Plan, given it provides for "*a fairly ideal transition between commercial development on the Pacific Highway and residential development behind.*"
 - The Proponent noted that it would be happy with the adoption of a R4 zoning for the site, noting retention of commercial floor space and the additional shop-top housing use was being progressed to satisfy Council requirements to maintain employment floor space.
28. The Proponent's oral submissions supplemented the written materials listed in paragraph 25.

5. Meeting with the Council

29. On 2 August 2019, the Commission met with the Council regarding the Gateway Determination review specifically the deletion of conditions 1(a) and 5. The key points raised by the Council included the following:
- That the planning proposal should not be assessed primarily against the draft Interim Statement because the document was meant only to inform the more recent strategic planning framework to guide future development and infrastructure delivery over the next 20 years.
 - The planning proposal was assessed as having strategic and site-specific merit subject to its consistency with the draft 2036 Plan. The planning proposal is inconsistent with the draft 2036 Plan and with the objectives of the North District Plan's vision of the precinct as a health and education super-precinct focused on employment growth.
 - The planning proposal represents an 86% reduction in potential employment floor space on the site.
 - If shop-top housing was permitted on the site, it would be the only B3 Commercial Core site with such a provision. This would set a compromising precedent for the rest of the precinct and other strategic plans that are at an advanced stage.

- If the Proponent was permitted to increase the height of building up from 25 metres to 33 metres the impact would include overshadowing of adjacent residential land.
30. The Council's oral submissions supplemented the written materials listed in paragraph 25.

6. Meeting with the Department

31. On 2 August 2019, the Commission met with the Department regarding the Gateway Determination review specifically the deletion of conditions 1(a) and 5. The key points raised by the Department included the following:
- Timing of the Gateway Determination, specifically that it was made before exhibition of the draft 2036 Plan, so it was not possible to wait for what was ultimately the draft 2036 Plan. Therefore, the decision was made to impose the Gateway conditions to accommodate what may or may not happen as a result of the precinct planning work.
 - That the planning proposal is inconsistent with the draft 2036 Plan, noting the draft 2036 Plan doesn't contemplate a land-use change that would introduce residential uses. Commercial uses in the form of the B3 zone apply to the site in the draft 2036 Plan.
 - The key objective of the B3 zoning in the Draft 2036 Plan is ensure the retention and improvement of employment / commercial uses within the St Leonards Crows Nest Station Precinct.
32. The Department's oral submissions supplemented the written materials listed in paragraph 25.

7. Site Inspection and Locality Tour

33. The Commission determined that a site inspection was not necessary as part of this review as the key issues relating to the planning proposal Gateway Determination could be assessed on the information provided by the Department, Council and the Proponent.

8. The Commission's Consideration

8.1. Material considered by the Commission:

34. In undertaking the review of the Gateway Determination, the Commission has considered the following material:
- the Proponent's planning proposal, dated 18 July 2018;
 - the SNPP's Rezoning Review - record of decision, dated 25 October 2018;
 - the Department's Gateway Determination Report (PP_2018_LANEC_001_00), dated 6 September 2018;
 - the Department's Gateway Determination (including conditions) (PP_2018_LANEC_001_00), dated 6 September 2018;
 - the Department's referral letter to the Commission, dated 3 July 2019;
 - the Department's Gateway Review Justification Assessment, dated 3 July 2019 and attachments A to J:

- Attachment A - Gateway Determination
 - Attachment B - Gateway Determination Assessment
 - Attachment C - Gateway Review Application
 - Attachment D – SNPP Comments
 - Attachment E - Council Comments
 - Attachment F – SNPP Rezoning Review Recommendation
 - Attachment G - Site Identification Map
 - Attachment H – Proponent’s Legal Advice
 - Attachment I – SNPP Response to Legal Advice
 - Attachment J - Proponent Submission to draft 2036 Plan
- *Greater Sydney Region Plan: A Metropolis of Three Cities*
 - *North District Plan*
 - *Draft St Leonards and Crows Nest 2036 Plan* (draft 2036 Plan)
 - Ministerial Section 9.1 Directions issued 1 July 2009 under the EP&A Act;
 - *Lane Cove Local Environmental Plan 2009*
 - *Local Environment Plans: A guide to preparing local environment plans (a Guide to LEPs)*, dated December 2018;
 - Minister’s section 9.1 Ministerial Directions issued 1 July 2009 under the EP&A Act; and
 - Information presented and discussed with the Commission at its separate meetings with the Proponent, Council and the Department on 2 August 2019, as set out on the transcripts on the Commission’s website.

9. Views on the deletion of Conditions 1(a) and 5

35. The Proponent seeks to have Conditions 1(a) and 5 of the Gateway Determination deleted. The Department has requested the IPC review the planning proposal and prepare advice concerning the merits of the review request (i.e. the merits of deleting conditions 1(a) and 5). The views of key parties are outlined below in paragraphs 36 – 49.

Proponent’s Position

36. On 17 October 2018, the Proponent provided a submission to the Department regarding the imposition of Conditions 1(a) and 5. On 7 December 2018 the Proponent also provided a submission to the exhibition of the draft 2036 Plan (available on the IPC website). Key matters raised in these submissions were as follows:
- a. *“the site was previously included within the St Leonards and Crows Nest Interim Statement but has now been excluded from the draft 2036 Plan;*
 - b. *the Department has previously acknowledged the merit of a higher density, mixed-use development on the subject site through the Interim Statement and by issuing of the Gateway Determination;*
 - c. *the proposal has been determined to exhibit strategic and site-specific merit on a standalone basis without being reliant on planning for the wider precinct;*
 - d. *the proposed broadening and densification of uses on the site will increase the supply and diversity of available commercial floor space and housing in a highly accessible location;*

- e. *by providing residential accommodation in conjunction with commercial premises, a wide range of people will be accommodated. Specifically, the provision of shop-top housing on the site will contribute to the delivery of the new 1,900 dwellings required for Lane Cove over the next 5 years;*
- f. *the proposal will augment the efficiency with which land is used through the diversification and densification of uses that are highly compatible with surrounding development and coordinated with supportive infrastructure;*
- g. *the proposal was consistent with the previous iteration of planning for St Leonards and Crows Nest Station Precinct. The site was identified as being in between the Pacific Highway Corridor and St Leonards South character areas. Shop-top housing would allow for the site to provide a transition between these two character areas;*
- h. *the proposal is consistent with local strategic plans including Liveable Lane Cove 2035;*
- i. *the subject site is not identified in proximity of any area of biodiversity and accordingly the proposal will not exhibit any adverse impact on the natural environment;*
- j. *shop-top housing on the site would complement the surrounding context by assisting in the creation of a neighbourhood centre for Greenwich North;*
- k. *the site is highly accessible being within 600m walking distance of St Leonards train station and 1.2km of the new Crows Nest Metro station; and*
- l. *in their favourable assessment and determination of the rezoning review, the Sydney North Planning Panel concluded the proposal demonstrates strategic and site-specific merit. The proponent has sought for the draft 2036 Plan to be amended to facilitate the intended outcome of the planning proposal.”*

37. In its meeting with the Commission, the Proponent submitted that the planning proposal should be uncoupled from the draft 2036 Plan. It is also noted that it had requested the Sydney North Planning Panel, as PPA, to progress the planning proposal given that in the Proponent’s view, consistency with condition 1(a) had been demonstrated. This request was supported by legal advice which states that the proposal is consistent with condition 1(a) of the Gateway Determination given that:
- *“the planning proposal is consistent with the St Leonards and Crows Nest Station Precinct Investigation;*
 - *the planning proposal has strategic and site-specific merit;*
 - *the proposed shop-top housing use will act as an ideal transition between the commercial / retail and residential uses surrounding the site;*
 - *the proposal will promote greater housing opportunities and greater housing choice; and*
 - *the site is accessible to public transport and promotes walkability.”*

Lane Cove Council’s Position

38. On 9 November 2018, Council provided comments to the Department on the Gateway review request. Council’s comments are available on the IPC website. Council advised that it objects to the removal of conditions 1(a) and 5 because:
- a. *“The planning proposal is inconsistent with the strategic planning framework established by the draft 2036 Plan and therefore should not be supported;*
 - b. *undermining the land-use planning set out in the draft 2036 Plan would set a dangerous precedent;*
 - c. *the proposal undermines the standard instrument by changing the permissibility of the B3 zoning, as highlighted by the Sydney North Planning Panel. Shop-top housing is not consistent with the objectives of the B3 Commercial Core zone.*

- It is the same use as permitted in a B4 Mixed-Use zone and is inconsistent with surrounding zonings and the plan;*
- d. the requirement for consistency with the draft 2036 Plan was a recommendation of the SNPP through the rezoning review process;*
 - e. the requirement for consistency with the [draft] 2036 plan formed part of the Department's Gateway [determination] of the planning proposal;*
 - f. similar conditions requiring consistency with the St Leonards and Crows Nest strategic planning framework were included in the Gateway Determinations for 75- 79 Lithgow Street and 84-90 Christie Street St Leonards and for the St Leonards South planning proposal and have been adhered to;*
 - g. the [draft] 2036 plan maintains the commercial focus on 2 Greenwich Road, Greenwich while concentrating the highest-density employment and residential growth within 400m of the St Leonards train station and the Crows Nest Metro station;*
 - h. the planning proposal remains inconsistent with the North District Plan, which: envisages the precinct as a 'Health and Education Super Precinct'; and supports the strategic objective to 'leverage health, education and knowledge clusters';*
 - i. by providing 950m² of commercial floor space, a relatively small amount, the proposal undermines the site's potential for future employment use;*
 - j. the [draft] 2036 plan seeks to give effect to the Greater Sydney Region Plan and the North District Plan. The proposal would undermine the ability to meet the jobs target and strategic direction of these plans; and*
 - k. the proposal provided a preferred concept design that envisaged the densification of land surrounding the site, given its location within the strategic investigation area for St Leonards and Crows Nest, to provide justification for the proposal. As the [draft] 2036 plan has been released and does not recommend the densification of Greenwich, the applicant has sought to distance themselves from the strategic investigations."*

Sydney North Planning Panel's Response to the Gateway Review Request

39. The Sydney North Planning Panel was asked by the Department to provide comments on the Gateway Review request. The SNPP response, dated 23 November 2018, is available on the IPC website.
40. In its original recommendation (dated 25 October 2017) the majority of the SNPP agreed that the planning proposal proceed to Gateway, subject to the condition that the permissible uses, density and height should be consistent with the outcome of the strategic investigation for the St Leonards and Crows Nest Station Precinct.
41. In the letter to the Department, dated 23 November 2018, the SNPP set out its position regarding the Gateway Review Request:
 - a. "the Panel was of the understanding that the improvement in public transport accessibility of the precinct due to the new Crows Nest Metro Station justified a review of the existing planning controls;*
 - b. the precinct has long suffered from poor coordination of planning decisions because it was administratively divided between North Sydney, Lane Cove and Willoughby City Councils, and the Panel therefore supported the strategic investigations being undertaken by the Department for the precinct; and*
 - c. unless zoning decisions within the precinct were consistent with the strategic planning work, the effectiveness of this work was seriously weakened".*

42. The SNPP noted that *“as the draft 2036 Plan suggests no change to the zoning or development standards that apply to the site at 2 Greenwich Road, it is reasonable to assume that the zoning and densities of the draft plan have been tested by traffic studies and in relation to the future capacity of public transport. Therefore, the Panel [SNPP] considers the rezoning of the subject site should be consistent with the draft 2036 Plan.”*
43. Furthermore, the SNPP stated *“if the draft plan suggests no changes to the zoning, density and height for the site, the SNPP formed the view that the planning proposal should not proceed... [and] should the final plan for St Leonards and Crows Nest 2036 change from the draft [2036] plan in respect of the subject site, the planning proposal should be updated to ensure consistency with the final [2036] plan.”*
44. The SNPP notes in its letter to the Department, dated 6 May 2019, that they *“do not believe that the current planning proposal satisfies condition 1(a) of the Gateway Determination”*.

Department’s Consideration

45. The Department’s Gateway Assessment Report states that the planning proposal demonstrated sufficient strategic merit for a conditional Gateway Determination to be issued, as it would assist in delivering housing supply and choice in an area supported by existing and future public transport infrastructure, being St Leonards Station and the future Crows Nest Metro station.
46. However, the Gateway Assessment Report also noted *“while the planning proposal does not rezone the B3 Commercial Core zone and will continue to permit employment generating activities, the introduction of residential use on the site would reduce the likely development potential for commercial uses”*.
47. In relation to commercial areas in strategic centres such as St Leonards, the Greater Sydney Commission’s North District Plan states that planning authorities are to create the conditions for residential development in strategic centres but not at the expense of growth in jobs, retail and services.
48. The Department stated in its Gateway Assessment Report that the Gateway Determination only supported changes to the B3 Commercial Core zone on the site if those changes were consistent with the precinct-wide land-use planning investigations (i.e. draft 2036 Plan and its final iterations).
49. The Department noted that the SNPP had advised that it had formed the opinion that the planning proposal was not consistent with the draft 2036 Plan and therefore had not satisfied condition 1(a) of the Gateway Determination.

Commission’s Consideration

50. In undertaking the review, the Commission has not considered the strategic or site-specific merit of the planning proposal. The Commission has however considered the views of the Proponent, the Council, the Sydney North Planning Panel and the Department regarding the need for the conditions to account for the emerging strategic planning context for the St Leonards Crows Nest Station Precinct.
51. The Commission accepts that Council, the SNPP and the Department all considered the outcomes of the ongoing investigations into the St Leonards and Crows Nest Station Precinct as a key determining factor in the progression of the planning proposal. This was despite both the SNPP and the Department determining that the

planning proposal at the time (i.e. prior to the release of the draft 2036 Plan) had both strategic and site-specific merit, particularly in terms of housing delivery.

52. However, the determinations of both the SNPP and the Department found that the planning proposal should only proceed if it was consistent with the proposed land use, height and floor space ratio (FSR) provisions established by the St Leonards and Crows Nest Station Precinct strategic investigations. It is noted that similar conditions were imposed by the Department on other planning proposals (see IPC website) within the St Leonards and Crows Nest Precinct. Under these circumstances the Commission accepts that Conditions 1(a) and 5 were reasonable having regard to the strategic importance of the draft 2036 Plan to the future planning of the St Leonards and Crows Nest Precinct.
53. The draft 2036 Plan was released in late 2018 and subsequently publicly exhibited. A key objective of the draft 2036 Plan is to protect B3 Commercial Core zoned land within the Precinct. The draft 2036 Plan does not recommend any land-use changes for the site retaining the existing B3 Commercial Core zone and applicable controls as opposed to the mixed-use investigation zone envisaged in the Interim Statement along the Pacific Highway.
54. The Commission notes that the mixed use objectives of the planning proposal are at odds with the employment objectives of the B3 Commercial Core zoning. Until the hospital closed in 2018 it generated approximately 80-90 full-time equivalent (FTE) positions. The commercial component of the planning proposal would generate approximately 15 FTE positions (an approximate decrease of 70%).
55. The Commission considers that any redevelopment of the site consistent with the current B3 Commercial Core zoning is likely to realise significantly more employment than either the site's former use as a hospital, or the employment outcomes of the planning proposal, noting that residential uses would account for approximately 80% of the proposed floorspace under the planning proposal.
56. Consequently, the employment outcomes of the planning proposal are not consistent with the employment objectives of the draft 2036 Plan noting that a key objective of the draft 2036 Plan is to retain and protect B3 Commercial Core zoned sites to ensure housing is not provided at the expense of employment growth. The Commission considers there to be no justification to warrant the planning proposal being divorced from the strategic planning position established in the draft 2036 Plan which further supports the retention of Conditions 1(a) and 5.
57. The Commission does note however that the Proponent has made a submission to the draft 2036 Plan and accepts that a different iteration of the (final) St Leonards and Crows Nest 2036 Plan may eventuate once all submissions have been fully considered.

10. The Commission's Advice

58. The Commission finds that Conditions 1(a) and 5 should be retained but amended to reflect the fact that the draft 2036 Plan may be subject to further amendment. The Commission therefore considers that Condition 1(a) should be redrafted as follows:

“demonstrate consistency with the proposed land-use, building height and floor space ratios identified in the draft or final strategic planning framework for the St Leonards and Crows Nest Planned Precinct (whichever is relevant at the time community consultation is undertaken for the planning proposal)”.

59. The Commission also finds that a new Gateway expiry date should be established having regard to the finalisation of the draft St Leonards and Crows Nest 2036 Plan.



Chris Wilson (Chair)
Member of the Commission



Russell Miller AM
Member of the Commission