

**REGARDING: REQUEST TO THE NSW INDEPENDENT PLANNING COMMISSION FOR GATEWAY DETERMINATION REVIEW**

**SITE: 2 GREENWICH ROAD, ST LEONARDS**

**THE PROPOSAL: PLANNING PROPOSAL (PP\_2018\_LANEC\_001\_00) TO AMEND LANE COVE LOCAL ENVIRONMENTAL PLAN 2009 TO PERMIT SHOP TOP HOUSING AS AN ADDITIONAL PERMITTED USE AND ADDITIONAL HEIGHT.**



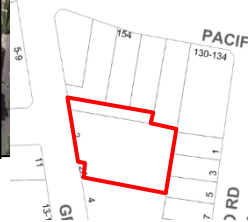
**THIS DOCUMENT: LANE COVE COUNCIL RESPONSE.**

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**Background:**

On 3 July, 2019, the Department of Planning, Industry & Environment (the Department) informed Council that the proponent has sought a review of the Gateway Determination dated 6 September, 2018 for Planning Proposal No32 for 2 Greenwich Road, St Leonards. Council's views on the planning proposal, sent to the Department on 9 November 2018, were considered by the Department in preparing its report to the Commission. However, Council wishes to respond to the more recent contentions given by the proponent.

**Site: 2 Greenwich Rd, Greenwich. Lot 1 DP662215 & Lot 2 DP566042**



**Current Controls:**

<i>Zoning</i>	B3 Commercial Core
<i>Site Area</i>	2,140 sqm
<i>Current FSR</i>	3.0:1
<i>Possible GFA</i>	6.420 sqm
<i>Height Limit</i>	25 metres

**Timeline:**

July 2016	Announcement of St Leonards/Crows Nest strategic investigation
April 2017	Lodgement of Planning Proposal by WillowTree
May-Aug 2017	PP temporarily halted by applicant to await SL/CN Interim Statement. Council unable to reactivate due to Local govt elections
Aug 2017	Release of SL/CN Interim Statement
	Request to DPE for Rezoning Review by WillowTree
Oct 2017	Sydney North Planning Panel (SNPP) supports going to Gateway with conditions (incl. consistency with SL/CN)
Jan-Sep 2018	Gateway on hold
Sept 2018	Gateway determined (incl. conditions re. SL/CN Plan)
Oct 2018	Release of SL/CN 2036 Plan
	WillowTree seeks Gateway Review (deletion of conditions re. SL/CN Plan)
May 2019	SNPP reiterates that conditions of Gateway should be met
July 2019	IPC requested by Dept of Planning, Industry & Environment to review conditions of the Gateway Determination by SNPP – i.e. should the Proposal be assessed against the draft and final 2036 Plan for St Leonards/Crows Nest?

**Council Response:**

The following summarises the contentions by the proponent for the Determination Review and identified by Council in the proponent's:

1. Gateway Review Covering Letter dated 17 October, 2018; and
2. Legal Advice to SNPP, dated 11 December, 2018.

Council's response follows in the right-hand column of the table at Attachment 1. In summary, Council supports the SNPP decision that the Proposal be assessed against the

draft and final 2036 Plan for St Leonards/Crows Nest for the following reasons:

1. The Planning Proposal should not be assessed primarily against the Draft Interim Statement because that document was meant only to inform the more recent “strategic planning framework to guide future development and infrastructure delivery over the next 20 years,” (p2) that is, the Draft 2036 Plan.
2. The Gateway Determination only gave the Proposal “strategic merit” subject to its consistency with the Draft 2036 Plan. And “Site specific merit” is “limited” to being conditional on certain future studies.
3. The Proposal is inconsistent with the objectives of the *North District Plan’s* vision of the Precinct as a “Health and Education Super Precinct”, focussed on employment growth. By replacing 6,420m<sup>2</sup> of potential commercial floorspace with 915m<sup>2</sup> of commercial floorspace this represents an 86% reduction in potential employment floorspace here, regardless of what may or may not eventuate elsewhere.
4. The Proposal cannot claim to be consistent with the St Leonards South (SLS) Proposal for greater residential density. The SLS Proposal, notwithstanding Council’s support for the draft Planning Proposal, cannot be the basis on which to make strategic decisions about the adjoining area.
5. The additional permitted use of shop top housing would be the only B3 Commercial Core site with such permission. It sets a compromising precedent for the rest of the precinct and other strategic plans that are at an advanced stage.
6. The Proposal represents:
  - a. a net loss of employment/commercial floorspace;
  - b. an excessive height of building (up from 25m to 33m) and consequent adverse impacts that include overshadowing of adjacent residential land use.As a result of this, the replacement of potential commercial floorspace with residential floorspace is inconsistent (as opposed to “not inconsistent”) with the Draft 2036 Plan.

**In conclusion**, as shown on pages 43, 50, 51 and 56 of the Draft 2036 Plan, the Proposal is inconsistent with the relevant land use, height and floor space ratio of the Draft 2036 Plan. Council agrees with the SNPP that if zoning decisions within the precinct are inconsistent with the planning work (i.e. Draft 2036 Plan), then “the effectiveness of this work is seriously weakened”. (comments November 2018 – see Attachment 2)

Yours sincerely



**Michael Mason**  
**Executive Manager, Environmental Services**

**ATTACHMENT 1 Summary of Council Responses to Reasons Given for Removal of Conditions**

Ramsay Contention (17 Oct 2018)	Council Response
<p>1. <b>2036 Plan is inconsistent with <i>Interim Statement</i></b> (Planning Proposal was consistent with latter). Therefore the Proposal should be assessed against the strategic document as it existed at that time, and with which it was not inconsistent.</p>	<p>Interim Statement states that it is simply:</p> <p>“...a vision, objectives and guiding principles for the Precinct. A Land Use &amp; Infrastructure Implementation Plan (‘the Plan’) is now being prepared to provide a strategic planning framework to guide future development and infrastructure delivery over the next 20 years.” (p2)</p> <p>The intention of the Interim Statement is therefore to provide broad principles, and not to be relied upon for guidance of future development – which will be the province of the LUIP (later called the 2036 Plan).</p>
<p>2. SNPP assesses Proposal as having both “<b>strategic and site-specific merit</b>”. It would be “unjustified to ignore” this merit just because a later strategic document supercedes it. This should therefore overrule the need for consistency with the later 2036 Plan.</p>	<p>Gateway Determination Report 2017:</p> <ol style="list-style-type: none"> <li>1. Has “strategic merit” on the basis of housing supply and choice near transit node (yet merit is “supported <u>subject to</u> its consistency with the draft LUIPP” ie. consistency with the future precinct plan).</li> <li>2. Its “Site specific merit” is “limited”, conditional on traffic assessment and ADG assessment/redesign (e.g. overshadowing; depth; etc.).</li> </ol> <p>In both instances, merit is conditional on or subject to conditions of consistency being met.</p>
<p>3. Is consistent with the GSC’s regional and (northern) <b>district principles</b>: “...will increase the supply and diversity of available commercial floor space and housing in a highly accessible location”.</p>	<p>Replacing 6,420m<sup>2</sup> potential commercial floorspace with 915m<sup>2</sup> commercial floorspace represents an 86% reduction in potential employment GFA. Such a reduction of employment floorspace is inconsistent with the objectives of the <i>Interim Statement</i>, which reiterate the <i>North District Plan’s</i> vision of the Precinct as a “Health and Education Super Precinct” The NDP sets a higher employment target of 63,000 jobs by 2036, and this is reiterated in the 2036 Plan. This requires additional employment floorspace of 284,000sqm, not less. In addition, the 2036 Plan is supported by an employment review which supports the jobs targets.</p>
<p>4. Is consistent with the “vision for <b>St Leonards South</b> which is proposed to be a</p>	<p>The SLS Proposal, notwithstanding Council’s support for the draft Planning Proposal, cannot be the basis on which to make strategic decisions about the adjoining area.</p>

Ramsay Contention (17 Oct 2018)	Council Response
higher residential area over time.”	<p>Secondly, an extension of the proposed 2.75:1 FSR to the western side of the SLS precinct is counter to the recommendations of the Master Plan, on which the SLS Proposal is based.</p> <p>Finally, the vision for St Leonards South is as a transit orientated development in close proximity to the St Leonards train station. The site is approximately a 770m walk to the station, a considerable distance for pedestrians.</p>
5. The proposed shops would support a “Greenwich North” <b>neighbourhood centre</b> .	The additional permitted use of shop top housing would be the only B3 Commercial Core site with such a permission. It sets a compromising precedent for the rest of the precinct.
6. “...the Site should provide an ideal <i>transition</i> between the two areas for employment uses and residential uses. That said, ...arguably the site could be designated for one use or the other <b>without being inconsistent</b> in the legal sense; but a transition (as proposed) is the safer and entirely uncontroversial course.” (legal advice, Dec. 2018)	<p>The “transition” of uses (commercial-to-residential) is not the major concern here. A mixed-use zoning would achieve the same effect. The concerns are:</p> <ol style="list-style-type: none"> <li>1. The loss of employment/commercial floorspace;</li> <li>2. The excessive height of building (up from 25m to 33m) and consequent adverse impacts that include overshadowing (mitigated in Scenario 1).</li> </ol> <p>As a result of #1, the reduction in commercial floorspace is inconsistent (as opposed to “not inconsistent”) with the 2036 Plan. This is because as argued above under point 3, this proposal is counter to the North District Plan employment targets, and to the objective quoted in the 2036 Plan from the Regional plan:</p> <p style="padding-left: 40px;">“St Leonards, a strategic centre with the sixth largest office market in the Sydney Region, should grow to provide greater access to jobs close to where people live.”</p>
	More generally, as stated by the SNPP, if zoning decisions within the precinct are <b>inconsistent with the planning work</b> (i.e. 2036 Plan), then “the effectiveness of this work is seriously weakened”. (SNPP comments November 2018)

**ATTACHMENT2: Letter to Dept from SNPP, November 2018**



23 November 2018

Department of Planning & Environment  
320 Pitt Street  
Sydney NSW 2000

Dear Carina,

RE: Gateway Review Request at 2 Greenwich Road Greenwich

On 25 October 2017 the Sydney North Planning Panel considered a planning proposal for 2 Greenwich Road, Greenwich. The planning proposal was for the inclusion of residential uses among the permissible uses and an increase in height and FSR. The majority of the Panel (three out of four members) recommended that the proposal proceed to Gateway. This recommendation was subject to the condition that the permissible uses, density and height should be consistent with the outcome of the strategic investigation being undertaken by the Department of Environment and Planning for the St Leonards-Crows Nest Precinct.

There were three reasons for the Panel's recommendation. First, the Panel thought that the improvement in public transport accessibility of the Precinct as a result of the new metro station in Crows Nest justified a review of the existing planning controls, which had been determined before the station was announced. Second, the Panel was aware that the Precinct has long suffered from poor coordination of planning decisions because it was administratively divided between North Sydney, Lane Cove and Willoughby Councils. The Panel was therefore pleased to learn of the Department's efforts to undertake a strategic planning exercise, in which all three councils were involved and which looked at the Precinct as a single entity.

The third reason for the recommendation was that the Panel considered that, unless zoning decisions within the Precinct were consistent with the strategic planning work, the effectiveness of this work was seriously weakened.

In October 2018 the Department released the *Draft Plan for St Leonards and Crows Nest 2036*. The Draft Plan suggests no change in the zoning or the development standards that apply to 2 Greenwich Road. It is reasonable to assume that the zonings and densities of the Draft Plan have been tested by traffic studies and also in relation to the future capacity of public transport. For this reason the Panel still considers that the rezoning of a single site, such as suggested for 2 Greenwich Road should be consistent with the Draft Plan. If the Draft Plan suggests no change of zoning, density and height for the site, then the planning proposal should not proceed.

It goes without saying that, should the Final Plan for St Leonards and Crows Nest 2036 change from the Draft Plan in respect of this site, the planning proposal should be consistent with the Final Plan.

Yours sincerely

A handwritten signature in black ink, appearing to read "John Roseth". The signature is written in a cursive, flowing style.

John Roseth  
Chair (Acting), Sydney North Planning Panel