## Attachment O: Consistency with applicable Section 117 Directions

Gateway Question Part 3, Section B, Question 6.

The link to S.117 Directions in full on Council's website

Direction	Consistency
Employment and Resources	
1.1 Business and Industrial zones	Does not apply.
1.2 Rural zones	Does not apply.
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply.
1.4 Oyster Aquaculture	Does not apply.
1.5 Rural Lands	Does not apply.

Direction	Consistency	
Environment and Herita	age	
2.1 Environment Protection Zones	Does not apply.	
2.2 Coastal Protection	Does not apply.	
2.3 Heritage Conservation	The area proposed for rezoning is directly opposite a series of heritage items in Park Road, St Leonards.	
	A Heritage Impact Statement has been prepared by Dawbin Architects Pty Ltd in accordance with conditions of the Gateway determination to address this matter. The items are located at 3, 5, and 7 Park Road and are of local significance.	
	A number of measures have been adopted by the planning proposal to mitigate impact of development on the heritage items.	
	Under this Planning Proposal the local park has strategically been located immediately opposite the heritage items in Park Road. Furthermore the western façade of the building in Park road has been significantly setback from the street in the vicinity of these heritage items and progressively stepped up the western side of the building.	
	In particular, the strategic placement of the proposed local park will create open space corridors which provide for enhanced local amenity while responding to existing view lines and reducing potential impact on the significant curtilage of the three heritage items.	
	At a precinct level, buildings have been designed to transition (in maximum building height) down from high rise in the north and east at St Leonards train station down to low rise in the west towards the heritage items.	
	Further building controls will be included in a future DCP for the St Leonards South precinct to improve the urban design quality of future development.	
	This study concludes that the provisions in the Planning Proposal (and supporting documents) will minimise the	

	<ul> <li>impacts of development to an acceptable level with respect to the heritage items at 3, 5, and 7 Park Road.</li> <li>Therefore the provisions of the Planning Proposal that are inconsistent with Section 117 Direction 2.3 Heritage Conservation are of minor significance. The full heritage study will be made publicly available at the later exhibition stage.</li> </ul>
2.4 Recreation Vehicle Areas	Does not apply.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Does not apply.

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Partial increased rezoning, including Berry to Park Rd extension	2,800; 3,000; and 3,200.	Feasible. New lights are not likely to be supported by Roads and Maritime Services at Park Rd, due to proximity to existing lights at Berry and Greenwich Rds. With an E-W link [Berry-to-Park], the Berry /Pacific intersection would operate at maximum thresholds i.e. be feasible with delays particularly at the A.M. peak period.
Full rezoning from Canberra Avenue to Greenwich Road (entire Master Plan precinct)	5,000	Not feasible. The complex series of major network upgrades required would be difficult to plan and be approved. River Rd would fail at key intersections.
"Feasible" means	er, they assu	between acceptable and at ume the minimum network ndertaken.

In terms of impacts upon the broader traffic network, it is recommended that development that will result in above the original Master Plan dwelling numbers, should require certainty of network upgrade works and "3<sup>rd</sup> party approvals" (likely from Roads and Maritime Services).

These scenarios also included potential for mixed use redevelopment along the Pacific Highway Commercial Core. Council resolved not to proceed with rezoning for the existing commercial properties along the Pacific Highway but extend the rezoning to Park Road (east). This was in response to comments from other Gateway Determinations in the same area by NSW Planning & Environment.

As a result, the provisions of the Planning Proposal (including LEP bonuses) result in a potential for 2,400 new dwellings. This effectively reduces the number of proposed dwellings to a level that is in between the traffic model's partial rezoning of 2,200 dwellings and the lower Park Rd extension scenario of 2,800 dwellings.

The final cumulative model (for both the St Leonards South and East precincts) was undertaken by TEF consulting in April 2017 and developed in conjunction with Transport for NSW and Roads and Maritime Services. The report

concluded:
Modelling indicates that "relatively minor improvements" would be required to maintain satisfactory network function as a result of <b>all</b> development.
Furthermore, these improvements (illustrated in Figure 4 on Page 9) would "be required regardless of the approved and proposed developments subject of this report".
The report recommended that the proposed infrastructure required for both the St Leonards South and East is as follows:
<ul> <li>Removal of the roundabout at the intersection of Marshall Ave/Berry Road and replace with a Give Way intersection*, and</li> <li>Provide a new road connection between Berry Road and Park Road.</li> <li>No infrastructure improvements are recommended for the St Leonards East Precinct.</li> </ul>
* However it is recommended that the measure involving the proposed removal of the roundabout be further investigated in detail at the Development Application stage.
These recommendations were incorporated into this Planning Proposal for St Leonards South Rezoning area and other developments within the vicinity. This Planning Proposal already includes a new vehicular connection between Berry Road and Park Road. Although the removal of the roundabout aspect is recommended to be investigated further at the Development Application stage, this is due to a software issue and does not affect the overall model or its results. This was agreed to by NSW Roads and Maritime, as stated in the report.
The full cumulative traffic report is attached to the Planning Proposal.
Therefore, the provisions of the Planning Proposal that are inconsistent with Direction 3.1 Residential Zones are reasonable and justified by the cumulative traffic assessment prepared in support of the Planning Proposal.
Transport and Accessibility
The results of the cumulative Transport and Accessibility Study show that cumulative development levels result in an additional 7,500 residents (around 50% of this is from the rezoning area alone) and 3,700 employees are expected in the Lane Cove portion of St Leonards.

In terms of public transport infrastructure, the following facts are known:
- "The existing train service (T1 line) is nearing capacity which will be supplemented by the future Crows Nest Metro from 2024;
- The Sydney Metro will likely double the existing city rail capacity at St Leonards and will likely cater for the future public transport demand at this precinct;
- The existing bus network in the locality has good coverage; however, the bus usage at the precinct is relatively low possibly for the unreliable travel time due to high congestion of the Pacific Highway".
The additional demand (created by this Proposal and other approved proposals in the vicinity) can be accommodated by upgrading the existing local infrastructure as suggested in the report.
Therefore, the provisions of the Planning Proposal that are inconsistent with Direction 3.1 Residential Zones are reasonable and justified by the cumulative Transport and Accessibility assessment prepared in support of the Planning Proposal.
Education Infrastructure
The Department's <i>A guide to preparing planning proposals</i> allows Council's to consider any draft District Plan within the Greater Sydney Region that has been released for public comment.
Previous comments made by NSW Education & Communities in relation to St Leonards South are consistent with Liveability Priority 10 and Action P4 of the Draft North District Plan. Therefore, the Planning Proposal is in accordance with both 'A Plan for Growing Sydney' and the 'Draft North District Plan' which give consideration to the objectives of both Directions.
At the time of the Draft Master Plan in 2015, the Department of Education and Communities had already calculated the cumulative impact of the proposed St Leonards precinct.
Overall, NSW Education and Communities were supportive of a shift in planning decisions and policies which would encourage:
<ul> <li>"the infrastructure costs of additional teaching spaces to be funded from developer contributions;</li> <li>optimising the size, amenity and function of existing schools so that they afford greater choice and</li> </ul>

provide contemporary teaching appears for students;
provide contemporary teaching spaces for students; and
- land and floor space dedications and appropriate
zoning in areas where a new school is required; and
streamlined planning approvals for new education infrastructure".
However, notwithstanding these comments, Council's
resolution from its 13 July 2015 meeting was to 'obtain firm
commitments' from infrastructure agencies (i.e to ensure
that education infrastructure is able to meet demand) prior to exhibition. In accordance with this, NSW Education was
contacted to resolve this matter, and responded on 28
October 2016 (see attached letter).
In addition to its previous comments (in 2015) it was stated
that current planning for education infrastructure:
"is being undertaken in liaison with NSW
Department of Planning and Environment".
Furthermore, NSW Education "is monitoring the range of
Planning Proposals in Lane Cove and adjacent Local
Government Areas in order to factor the anticipated growth into its enrolment estimates on which classroom numbers
will be planned".
Since that time the Droft North District has introduced
Since that time, the Draft North District has introduced Action P4 identifies:
"St Leonards as a Collaboration Area. Subject to
the availability of resources, we will assist in
facilitating a partnership with State agencies and local governments to coordinate growth in the area".
In order to fund such growth "A Special Infrastructure
Contribution will be considered as an option to fund
transport, open space and community and education facilities".
In addition to Action P4 is "Liveability Priority 10: Support
<i>innovative school planning and delivery</i> ". This states that authorities give consideration, particularly to " <i>innovative</i>
land use and development approaches".
Given the intent of both Action P4 and Liveability Priority 10
is to provide and support school planning and delivery, the previous comments raised by NSW Education &
Communities are entirely consistent with both the Action
and Priority.
Therefore, the provisions of the Planning Proposal are in
accordance with the Actions and Priorities of the Draft
North District Plan which give consideration to the
objectives of Direction 3.1 Residential Zones.

3.2 Caravan Parks and Manufactured Home Estates	Does not apply.
3.3 Home Occupations	The proposal is inconsistent with this direction as the proposed R4 High Density Residential zone prohibits 'home occupations' as a permissible land use.
	According to the direction, "Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent". Given the intent is to redevelopment the area from dwelling houses to individual units this direction should not apply.
	Notwithstanding that, the inconsistency is considered to be of minor significance as the R4 zone permits other alternative land uses such as 'home businesses' and 'home industries' (only with consent). Definitions of both 'home businesses' and 'home industries' under the <i>Standard</i> <i>Instrument (Local Environmental Plans)</i> Order 2006 are almost identical to 'home occupation' thus achieving the intent of this direction via suitable land use alternatives.
3.4 Integrating Land Use and Transport	The objectives of s.117 Direction 3.4 Integrating Land Use and Transport requires consideration to be given planning objectives including improving access to housing, jobs and services and increasing choice of available transport.
	Parking and Traffic Consultants (ptc) has undertaken an assessment of cumulative impacts of proposed development at both the southern (St Leonards South rezoning area and Loftex) and eastern (Winten, Mirvac, New Hope & VIMG) sites. The findings are summarised below.
	Transport and Accessibility
	The results of the cumulative Transport and Accessibility Study show that cumulative development levels result in an additional 7,500 residents (around 50% of this is from the rezoning area alone) and 3,700 employees are expected in the Lane Cove portion of St Leonards.
	In terms of public transport infrastructure, the following facts are known:
	- "The existing train service (T1 line) is nearing capacity which will be supplemented by the future Crows Nest Metro from 2024;
	- The Sydney Metro will likely double the existing city rail capacity at St Leonards and will likely cater for the future public transport demand at this precinct;

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	- The existing bus network in the locality has good coverage; however, the bus usage at the precinct is relatively low possibly for the unreliable travel time due to high congestion of the Pacific Highway".
	The additional demand (created by this Proposal and other approved proposals in the vicinity) can be accommodated by upgrading the existing local infrastructure as suggested in the report.
	The measures described in the Transport and Accessibility study give consideration to the objectives of Direction 3.4 as it will:
	<ul> <li>Improve access to housing, jobs and services by making walking, cycling and public transport more attractive;</li> <li>The addition of the Metro system in 2024 will increase capacity of the existing public transport network and reduce dependency on cars within the precincts (South and East). It will also reduce travel demand (by car) generated by the development; and</li> <li>Upon completion of the Metro, relevant State Government agencies will actively consider other public transport (i.e. Buses, Trains) measures to encourage a public transport system which is more efficient and viable.</li> </ul>
	The full cumulative transport and accessibility report is attached to the Planning Proposal.
	Therefore, the provisions of the Planning Proposal that are inconsistent with Direction 3.4 Integrating Land Use and Transport are reasonable and justified by the cumulative transport and accessibility assessment prepared in support of the Planning Proposal.
3.5 Development Near Licensed Aerodromes	St Leonards South is located within the vicinity of the existing Sydney Airport but is not located within the Australian Noise Exposure Forecast (ANEF) contours.
	The area proposed for rezoning is located outside of the 20 ANEF contour (shown in additional information section). However the site is located within the Obstacle Limitation Surface as having an 'Outer Horizontal Surface of 156m AHD' (see additional information section).
	This means that if a building exceeds the 156m AHD height restriction they must require approval from the relevant Commonwealth Aviation Authority. It is possible that some buildings within the St Leonards South area may exceed

this height restriction.
Similar proposals for taller buildings in the St Leonards area required consultation with the relevant Commonwealth Department's responsible for aviation. Through this process, clause 6.7 Airspace Operations was inserted into Councils' Local Environmental Plan. It states:
The consent authority must not grant development consentunless the applicant has obtained approval for the controlled activity under regulations made for the purposes of that Division.
However, even with this LEP clause it is expected that further consultation (at the planning proposal stage) is needed with the relevant Commonwealth Department responsible for aviation.
Given that the area is outside of Sydney Airport ANEF noise contours; and Councils' LEP contains a clause requiring approval of Commonwealth authorities prior to issuing of development consent, the inconsistency is considered to be of minor significance.
<b>N.B.</b> The area is also subject to the Royal North Shore Hospital Helicopter flight path (see additional information section). While it is not subject to the same Commonwealth rules and regulations as Sydney Airport, it was raised by Northern Sydney Local Health District.
Further consultation with Northern Sydney Local Health District is expected (at the planning proposal stage).
Given that the St Leonards South area is located within the 'Preferred Helicopter Approach Path' the provisions of Councils' LEP clause 6.7 should also be applied to the Helicopter flight path.
Does not apply.

Direction	Consistency
Hazard and Risk	
4.1 Acid Sulfate Soils	Does not apply.
4.2 Mine Subsidence and Unstable Land	Does not apply.
4.3 Flood Prone Land	Does not apply.
4.4 Planning for Bushfire Protection	Does not apply.

Direction	Consistency	
Regional Planning		
5.1 Implementation of Regional Strategies	Does not apply.	
5.2 Sydney Drinking Water Catchments	Does not apply.	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Does not apply.	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply.	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked 18 June 2010	
5.6 Sydney to Canberra Corridor	Revoked 10 July 2008. See amended Direction 5.1	
5.7 Central Coast	Revoked 10 July 2008. See amended Direction 5.1	
5.8 Second Sydney Airport: Badgerys Creek	Does not apply.	
5.9 North West Rail Link Corridor Strategy	Does not apply.	
5.10 Implementation of Regional Plans	Does not apply.	

Direction	Consistency
Local Plan Making	
6.1 Approval and Referral Requirements	Consistent.
	This directions states that a planning proposal must:
	(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and
	(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:
	(i) the appropriate Minister or public authority, and
	(ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),
	prior to undertaking community consultation in satisfaction of section 57 of the Act, and
	(c) not identify development as designated development unless the relevant planning authority:
	(i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and
	(ii) has obtained the approval of the Director- General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.
	Council's resolution from its 13 July 2015 meeting specifies that prior to the exhibition of the Draft LEP:
	<i>i.</i> Obtain firm commitments from each of the relevant government agencies responsible for the delivery of infrastructure to deliver the required infrastructure, in particular the Department of Education and RMS; and
	ii. Meet with the Department of Education to pursue the commitments to the provision of education

accommodation.	
	Prior consultation has already occurred with government agencies during the master planning process. In-principle support was received from all of those agencies who replied. However, the original area proposed for rezoning by the master plan was extended (as part of the Council resolution) to include the adjoining block (from Berry Rd West to Park Rd East). Given this extension, it will likely create increased pressure on infrastructure services, requiring additional consultation with the above mentioned agencies.
	The proposal does not seek to introduce any LEP mechanisms that require concurrence, consultation or referral to Government agencies. Hence, the planning proposal is consistent with this direction.
6.2 Reserving Land for Public Purposes	The proposal includes provisions to rezone new land for RE1 Public Recreation purposes, there is also provision for a new local road (between Park to Berry Road).
	The need for an additional local road was identified in Council's traffic studies during the master planning phase, to improve traffic flow. This road is considered to be essential to maintain current and future efficient traffic flow in the precinct.
	Under the master plan, open space is to be provided by developers. Various mechanisms including: land dedications, central green spines (see Attachment M), community facilities were tested and proven to be feasible for both developers and Council. However, a larger open space is proposed to be within the Park Road East to Berry Road West area. Given the large number of predicted residents that this precinct will generate, this additional open space is also considered to be necessary to ensure a high level of liveability.
6.3 Site Specific Provisions	A new LEP clause is proposed to be inserted into Council's existing LEP as part of this proposal. It specifies that certain development sites must include a specific land use prior to development consent being issued.
	However, this inconsistency is considered to be of minor significance as the intent of these provisions is considered justified in the master plan itself.
	The master plan identified certain sites, closest to the railway station, which could receive floor space and height

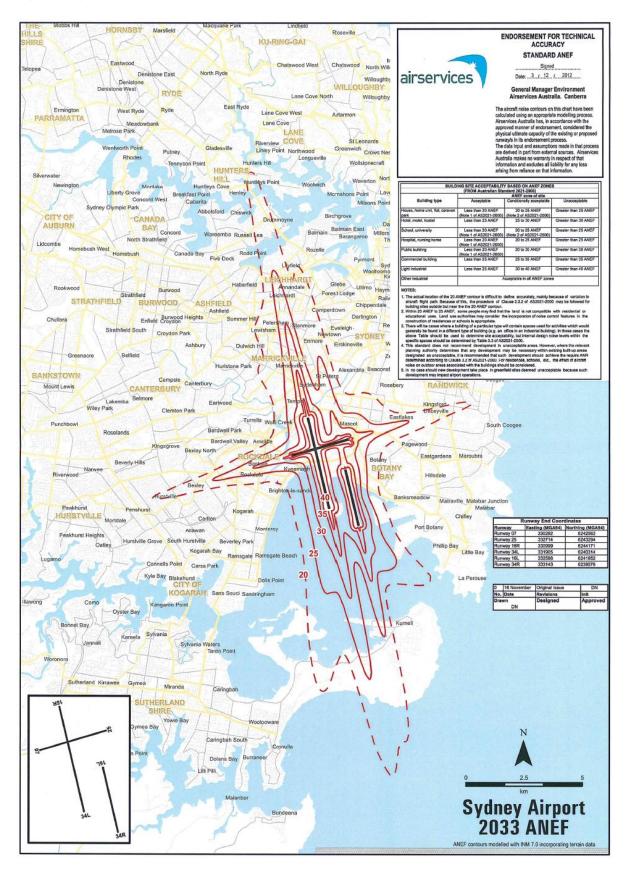
increases in return for public benefit. These benefits were in the form of more open space, community facilities, through site connections.
Such provisions would need to be transferred into Council's LEP in order to achieve the vision of the master plan. Hence, without these specific land uses being mandated in the LEP, these benefits would not be provided.
Imposing these restrictions on specific sites is not considered to be unreasonable or unnecessary. It provides benefit to the developer as it results in more floor space and coupled with open space through site links, makes it more attractive to potential buyers.
It is also beneficial to Council as local infrastructure is provided at the same time as development occurs.

Direction	Consistency
Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	Consistent.
	The planning proposal is consistent with this direction as it will "give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney".
	A Plan for Growing Sydney contains four major goals with a series of subsidiary directions/actions to achieve. It also contains a list of priorities for each of the sub-regions. The four main goals are:
	<ol> <li>A competitive economy with world-class services and transport;</li> <li>A city of housing choice, with homes that meet our needs and lifestyles</li> <li>A great place to live with communities that are strong, healthy and well connected; and</li> <li>A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.</li> </ol>
	Under this strategy, St Leonards is designated as a "strategic centre" which is defined as "locations that currently or are planned to have at least 10,000 jobs. These are priority locations for employment, retail, housing, services and mixed use".
	The master plan and planning proposal is consistent with the goals and directions in this Strategy in relation to St Leonards.
	It is consistent with the Action 2.1.1 (Accelerate Housing Supply and Local Housing Choices) as it will:
	- target locations which deliver homes closer to jobs;
	<ul> <li>The most suitable areas for significant urban renewal are those areas best connected to employment &amp; include –</li> </ul>

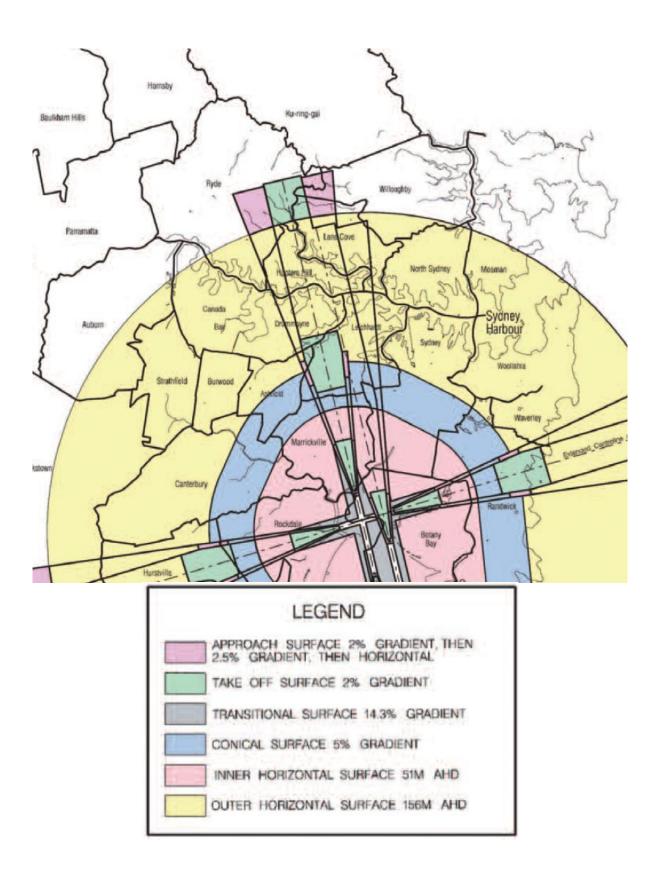
	<ul> <li>in and around centres that are close to jobs and are serviced by public transport services that are frequent and capable of moving large numbers of people; and         <ul> <li>in and around strategic centres.</li> </ul> </li> <li>It is also consistent with the priorities for the North Subregion (includes Lane Cove LGA) as it will:         <ul> <li>Preserve the corridor for Sydney Rapid Transit including a second harbour rail crossing;</li> <li>identify locations for housing and employment growth; and</li> <li>investigate potential future employment and housing opportunities associated with a Sydney Rapid Transit train station at St Leonards/Crows Nest.</li> </ul> </li> <li>Therefore, the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.</li> </ul>
7.2 Implementation of Greater Macarthur Land Release Investigation	Does not apply.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Does not apply.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Does not apply.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Does not apply.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Does not apply.

**ADDITIONAL INFORMATION** 

## Sydney Airport – Current ANEF contours



## Sydney Airport – Current OLS



## **Royal North Shore Hospital – Current HLS**

