

Ordinary Council Meeting 23 October 2017
ST LEONARDS SOUTH – DRAFT DEVELOPMENT CONTROL PLAN, DRAFT LANDSCAPE
MASTER PLAN AND DRAFT SECTION 94 PLAN

Subject: St Leonards South – Draft Development Control Plan, Draft Landscape Master Plan and Draft Section 94 Plan

Record No: SU6338 – 57697/17

Division: Environmental Services Division

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Executive Summary

The purpose of this report is to bring Council up to date on actions required by the 13 July 2015 Council resolution in regard to the St Leonards South Master Plan. Since that time, a Draft Development Control Plan, Draft Landscape Master Plan and Draft Section 94 Development Contributions Plan have been prepared. This report also seeks to provide an overview of issues and details contained in these documents prior to exhibition.

The Interim Statement for the St Leonards and Crows Nest Station Precinct, highlighting a series of actions relating to state infrastructure within the larger precinct, has now been released by NSW Planning & Environment.

Following the release of this plan, Council submitted its formal response to the Planning Proposal Gateway Conditions on 29 September 2017. Council has been advised that it has addressed the conditions of the Gateway Determination, however the formal approval to exhibit has not yet been received from the Department of Planning and Environment.

The Draft Local Environmental Plan amendment for St Leonards South will be publicly exhibited for a period of 6 weeks along with its supporting documents. A draft Development Control Plan, Draft Landscape Master Plan and Draft Section 94 Development Contributions Plan have been produced which are commended to be exhibited concurrently.

Background

On 13 July 2015, Council adopted the *St Leonards South Master Plan*. This was the result of an extensive urban design response to a series of public forums and design workshops from mid 2014 to mid 2015.

Council resolved to amend the Master Plan and *Land Cove Local Environmental Plan* to permit the rezoning of a portion of the precinct up to Park Road (east-side) for the purposes of higher density residential development (as seen in Figure 1).

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Figure 1: The liveable precinct boundary

To ensure the community and Council’s vision of a highly liveable precinct, Council resolved to prepare a series of planning documents to support the Planning Proposal.

A Development Control Plan would control the built form, particularly regarding Park Road west and River Road south, to moderate the impacts on properties. A Landscape Master Plan would ensure integration of the built form and private domain with the public domain thereby enhancing the liveability of the precinct. Similarly a Section 94 Development Contributions Plan would ensure that the required infrastructure needed to support such growth can be funded.

Gateway Determination

Council submitted its Planning Proposal for the LEP amendment to NSW Planning and Environment on 19 May 2016. As a result, in its Gateway Determination the Department set out a list of conditions for Council to meet prior to public exhibition.

Council has now submitted its formal response to the conditions outlined in the Gateway Determination on Friday 29 September 2017.

NSW Planning and Environment are in the final stage of reviewing all of Council’s documentation. Once this is completed the formal public exhibition period of the St Leonards South Planning Proposal and its supporting documents can commence.

Infrastructure Commitments from Agencies

Since Council’s 13 July 2015 resolution, staff have consulted with the relevant infrastructure agencies and NSW Planning & Environment.

NSW Planning & Environment have now made available their Interim Statement for the St Leonards and Crows Nest Station Precinct. This document states a series of actions in order to fund and deliver the required infrastructure in the precinct. This includes the Departmental advice that working with local councils the Department:

“will investigate and develop a Special Infrastructure Contribution (SIC) plan for the Precinct. The SIC will assist in funding district level infrastructure upgrades including roads, schools and regional open space over a 20 year timeframe.”

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will work with the Department of Education and landowners to identify a site for new educational facilities such as a new primary school within the Precinct to accommodate future demand.

will work with Transport for NSW to prepare a detailed transport plan for the Precinct.

will refine the local infrastructure requirements for the Precinct and assist Councils to cost local infrastructure upgrades recommended in the Plan”.

Staff have consulted with NSW Education and Communities which advised (28 October 2016) *“that I wish to assure you that the Department is monitoring the range of planning proposals in Lane Cove and adjacent local government areas in order to factor in the anticipated growth into its enrolment estimates on which classroom numbers will be planned.”*

While there is a need for ongoing dialogue (and forms part of the existing Gateway determination), these measures address the requirements of Council’s 2015 resolution to consult with Department Agencies.

Discussion

As stated above, these supporting documents include the Draft Development Control Plan, Draft Landscape Master Plan and Draft Section 94 Development Contributions Plan. An outline of each of these documents, which will need to be jointly exhibited with the Planning Proposal, is provided below.

Draft Development Control Plan

The draft Development Control Plan (see **AT-1** and **AT-2**) was created by Annand Associates Urban Design (AAUD).

It will become Locality 8 of Council’s Development Control Plan 2009, in *Part C – Residential Localities*. The desired future character of the precinct is for *“a liveable, walkable, connective, safe, dense Transit-Oriented Development, which builds upon the transit and land-use opportunities of St Leonards Station and commercial centre.”*

Figure 2 envisages a pattern of public east-west pedestrian paths, linking two major open spaces – Newlands Park and a new 3,800 m² local (central) park. Crossing this are public north-south shared paths and private green spines. Two buildings will also provide multi-purpose (child-care centres and community hall) facilities.

Pocket parks will be created on Marshall Ave and at the bottom of Holdsworth Avenue and Berry Road. Buildings are located and their heights calculated to provide greater scale in proximity to St Leonards Station.

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Figure 2: The liveable precinct (note: some of the number of storeys shown have since had minor amendments, see Draft DCP)

In total the St Leonards Precinct will provide more than 16,600sqm of public open space; made up of Newlands Park, the new local Park, various pocket parks, east/west landscaped pedestrian links and part closed roads. Additional to such Council will establish the over rail urban open space plaza of 5000-6000m² and is in close proximity to the regional open space of Gore Hill Oval 3.3 ha. The quantum of public open space when combined with the requirement to provide private open space in the form of communal green spines provides a generous choice of open space type and size for urban living in close proximity to the major transport hub of St Leonards CBD.

This equates to a precinct open space provision of approximately 0.42 ha per 1000 people with the inclusion of Gore Hill Oval and the over rail open space, this increases to 1.16ha per 1000 people. The general open space provision for LGA is 2.59 ha per 1000 people. As a comparison Green Square which is a urban environment provides 0.2 ha per 1000 people and the neighbouring North Sydney LGA is 0.91ha per 1000 people.

Access Network

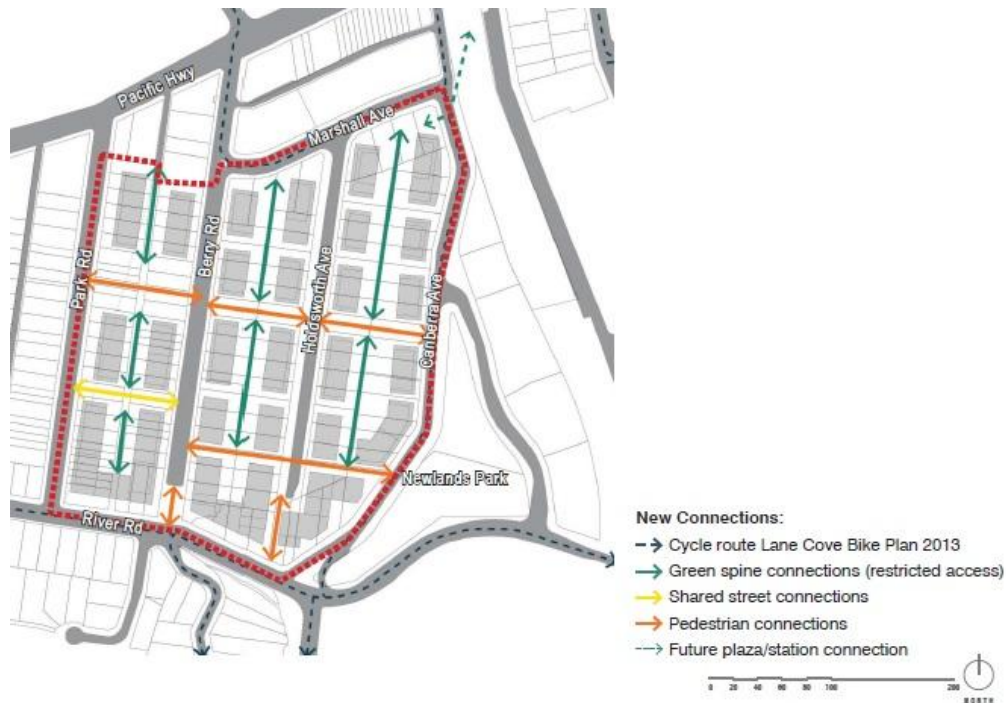


Figure 3: The access network

Figure 3 illustrates the broad principles of access within the precinct. East-west pedestrian pathways connect the central and western portions of the precinct to Newlands Park and the St Leonards railway station. This is elaborated upon in the Landscape Master Plan. A new roadway between Park and Berry Roads will relieve traffic seeking to access River Rd and Pacific Highway. Further studies will detail the dual-use pathways linking north-south to the cycle route. The Green spines provide further private north-south pedestrian access.

Undergrounding of Services

Services such as electricity and street lighting are to be set underground at the developer’s expense. Council will commission a master plan of all utility services following public exhibition. AusGrid will coordinate reticulation of electricity and lighting within the precinct.

Setbacks

As a general rule, the buildings are predominantly set back 4m from the street. At Level 6, each building is setback a further 3m.

The most obvious exceptions to this are the setbacks facing low density residences along Park Road and River Road. Figure 4 for Park Road indicates a much reduced bulk and scale to protect visual and sunlight amenity of residents opposite. Figure 5 shows likewise, particularly to River Road

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Note that strong street planting, fences/ hedges, 10m setbacks (level 1 and 2) and 3m setbacks above will create a comfortable transition across Park Road

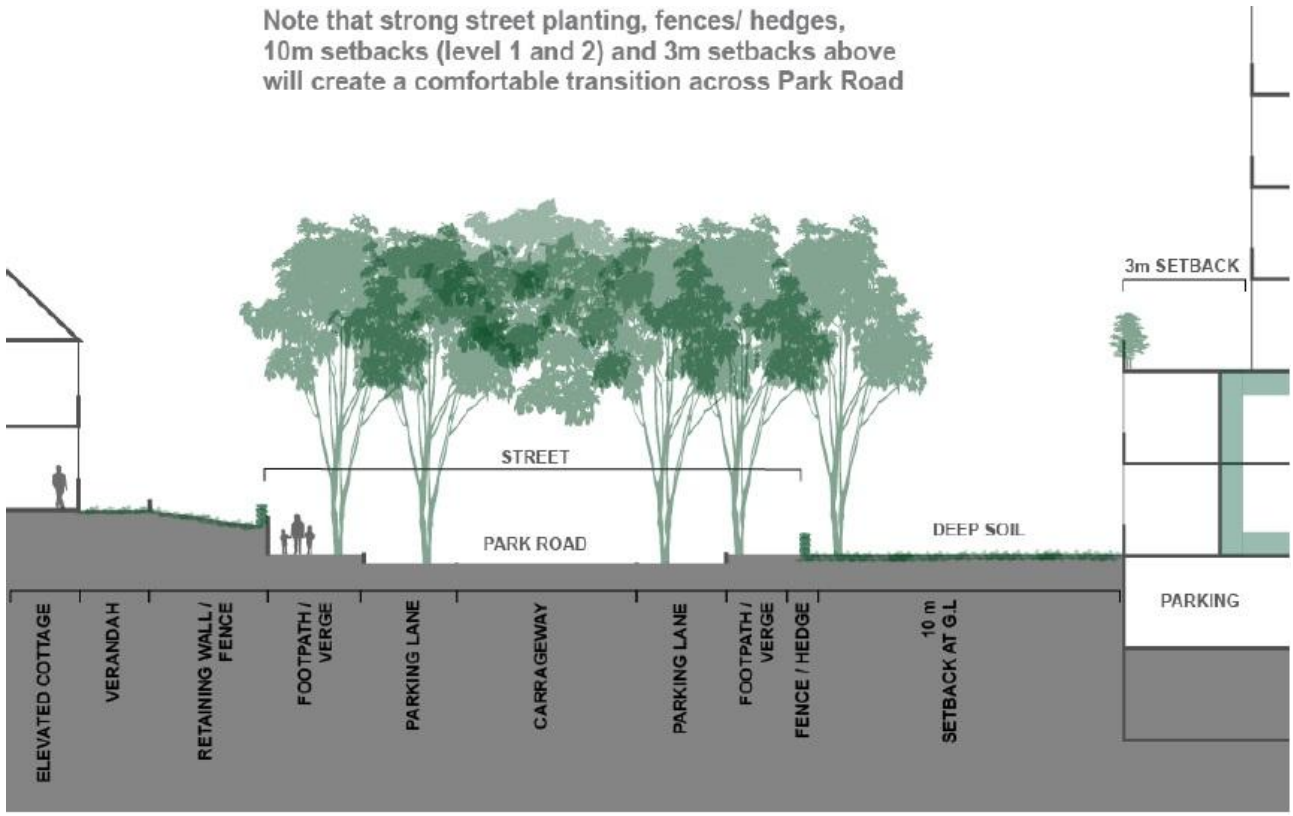


Figure 4: Setback to Park Road

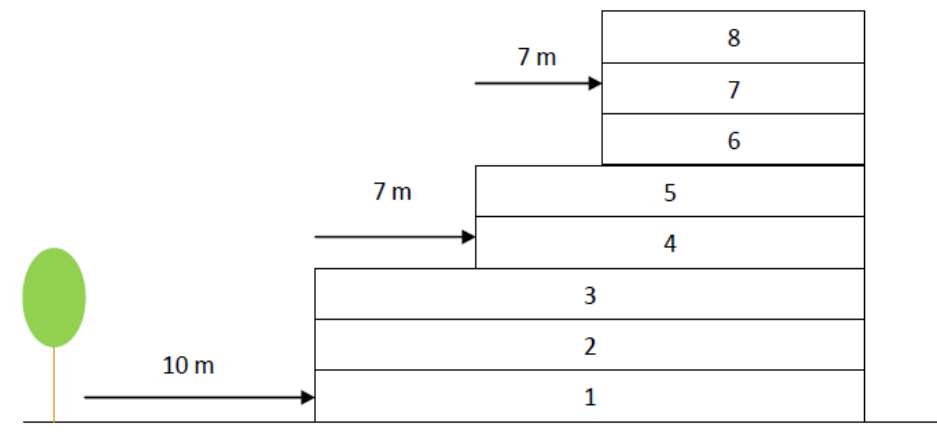


Figure 5: Setback to River Road

Building Height

Section 6 of the DCP shows building height as the maximum height that may be achieved for a site by taking advantage of an incentive by conforming with Council’s requirement for community benefits. This process is addressed below under *Incentives*. Height has been assessed against sunlight requirements of the *Apartment Design Guidelines*. Heights decrease with distance from the St Leonards rail station. While the LEP measures height in metres from natural ground level, the DCP provides and specifies the equivalent number of storeys.

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All levels are measured from the street/property frontage. In response to the southerly slope of the precinct, stepping in building height will occur in a southerly direction at the building cores. Building heights will not step E-W.

The top most level is for roof garden only and should allow 4.5-5.1m for lift access to roof level and lift over run (the area of lift over run varies considerably with building height, lift speed etc).

The ground level of buildings has been established by the Landscape Master Plan. This is based on stepping the communal open space between the buildings in equal steps north to south and west to east. See Figure 8.26 of the DCP, entitled *Required Site Level*.

Incentives

Schedule 8.1 and Section 9 of the DCP reiterates the provisions of the LEP amendment. Each “Area” is identified and individually linked to a list of requirements sought by Council in return for bonus FSR and Height.

As explained in Section 9, in order to achieve these “development incentives”, each site must amalgamate in the pattern indicated by Council. This pattern is based on maximising solar access, and ensuring no lot is isolated by development. It is also informed by economic viability analysis. In addition, all Areas are required to be consistent with the Landscape Master Plan (for public and private open space).

Further bonus FSR and heights are linked to targeted sites for community benefit. These include:

- East-West Connections (will be embellished by developer and then dedicated to Council)
- Key Worker Housing (units will be transferred to Council’s ownership in perpetuity)
- Open Space (will be embellished by developer and then dedicated to Council)
- Multi-purpose facilities which will include Child Care Centres & Community Halls (including fit-out).

In terms of landscaping, major provisions of the Draft Landscape Master Plan (**AT-3**) have been repeated in the Draft Development Control Plan to ensure consistency across all planning documents.

Vehicle Access

Figure 6 shows an indicative intrusion of basement parking to a maximum of 50% of the Green Spines (private communal open space). Actual locations will depend on a variety of factors. Basements are only permitted to intrude in certain circumstances, this is explained in section 6.9 of the Draft Development Control Plan.

Vehicle access should be provided from the street frontage at the lowest point of each site. Basements which project out of the ground should be treated as per the Landscape Master Plan.

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Figure 6: Indicative Vehicle Access/Parking

Draft Landscape Master Plan

The draft Landscape Master Plan (see **AT-3**) was created by Oculus Landscape Architecture & Urban Design (Oculus).

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Figure 7: The landscaped vision

The Landscape Master Plan is a stand-alone document and will form a section within the precinct-specific DCP for St Leonards South. It also provides the basis for much of the Draft Section 94 Development Contributions Plan. Given its integral role, legal and technical advice has been sought on mechanisms to enforce the provisions of this Landscape Master Plan.

In order to promote and deliver the designs explained in this document, all future Development Applications in this precinct will be required to be constructed and completed to its exact specifications in order to qualify for the LEP Incentive Height of Buildings and Floor Space Ratios components.

The Landscape Master Plan document demonstrates the interrelationship of the public and private open space typologies (as seen in the figure below).

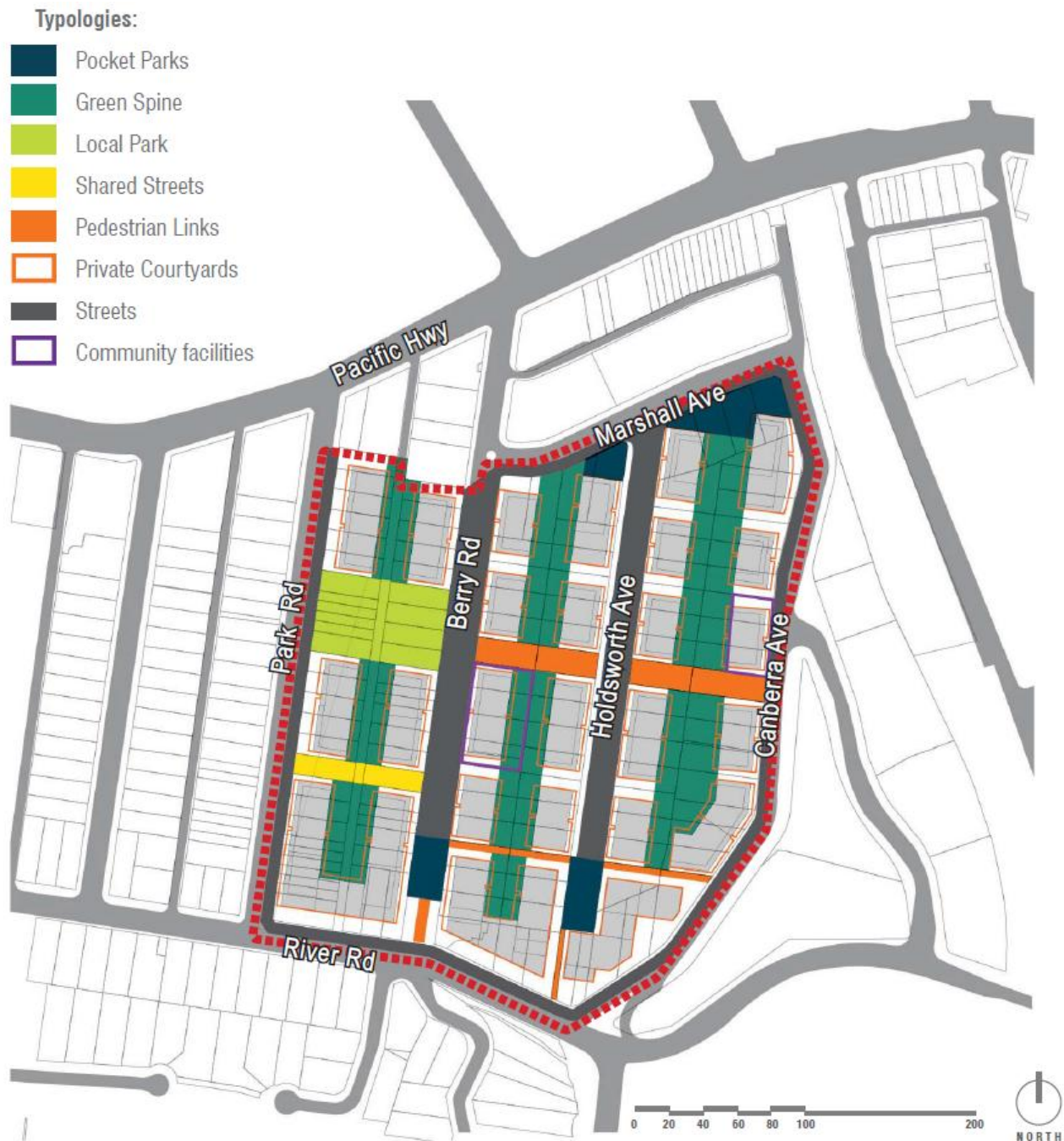


Figure 8: Open Space Typologies

Section 4 of the Draft Landscape Master Plan highlights and explains the preferred designs of:-

- Public Open Space
 - o parks (new local park and pocket parks),
 - o streetscape,
 - o East-West pedestrian/cycle links, and
 - o Shared Streets (East-West vehicular link).

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- Private Open Space
 - o shared communal open space surrounding the apartments (“green spines”),
 - o setbacks,
 - o private courtyards and terraces, and
 - o roof gardens.

Public: Local Park and east-west link

As suggested by the Master Plan, a new park is envisaged, linked to Newlands Park by an accessible east-west pedestrian pathway. Figure 9 illustrates the informal nature of the park. Pocket parks are to be embellished and dedicated along part of Marshall Avenue, as well as use of the southern portions of Holdsworth Avenue and Berry Road. The east-west pathway (Figure 10) illustrates the proposed measures to ensure accessibility by using public east-west connections and public lifts in the two community buildings.

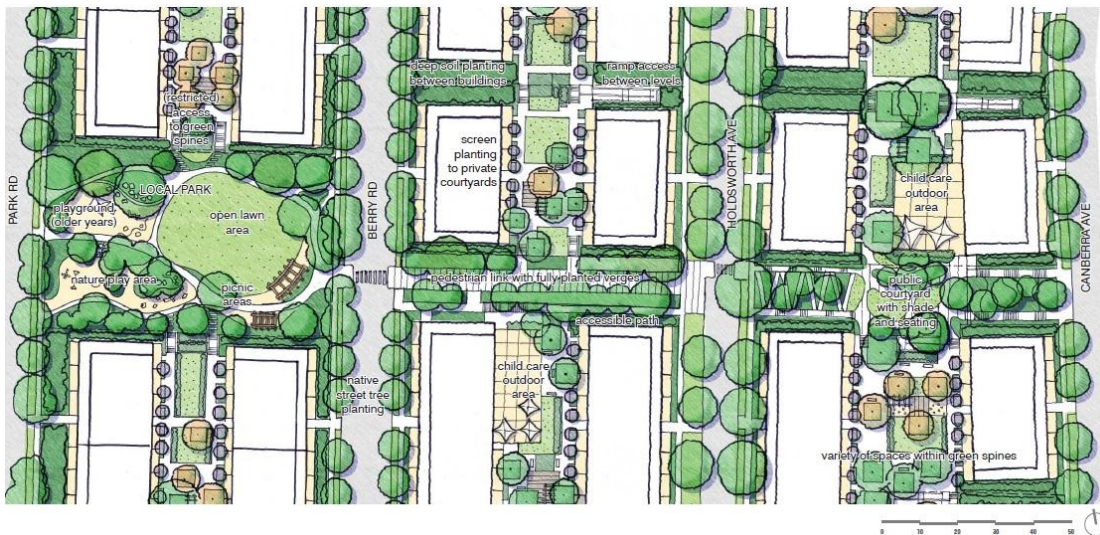


Figure 9: Local Park and east-west pedestrian link

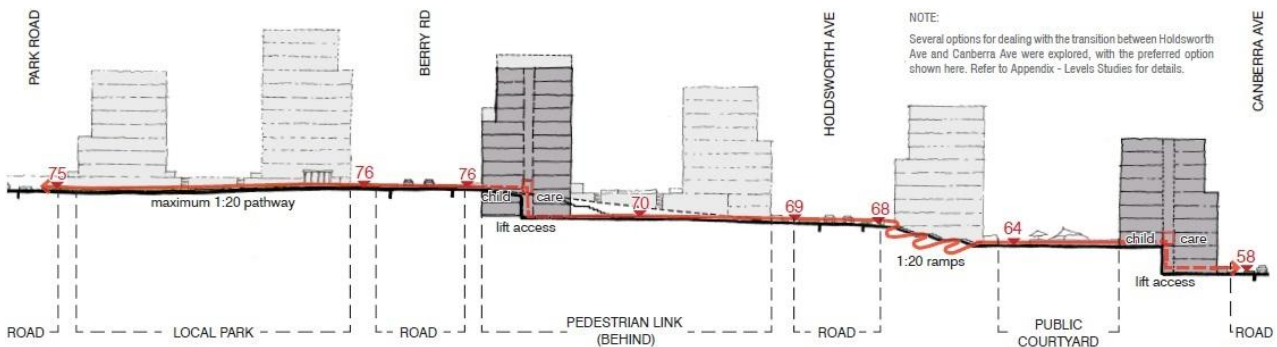


Figure 10: Accessibility link for east-west pedestrian pathway

Public: Private property boundaries and ‘Green Spines’.

Figure 11 illustrates how each logical collection of buildings is fenced for privacy, but envisages a shared central, communal landscaped area, known as the ‘Green Spine’. The Spines are accessible and connected (by a lockable gate) to the adjacent east-west pedestrian links.

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Figure 11: Private Property Boundary and Entry Points

Figure 12 is a typically landscaped Green Spine, showing an equitable distribution of landscape elements such as playground, BBQ area and seating, tree retention and lawn. Each collection, or ‘pod’, has a landscape plan specific to that pod. It is a requirement of bonus height and density that the specific landscape plan is complied with.

Basements may intrude into 50% of the Green Spines area, allowing for one metre of topsoil for deep soil planting. In other locations, basements may intrude up to 1.5m above ground, but only where suitably clad and landscaped.

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Figure 12: Typical design of green spine

Private Setbacks & Courtyards

These are typically 4m from the front boundary and able to contain deep soil planting (trees). They provide privacy for apartments and may accommodate level changes (see Fig. 13). Within the Green Spines, private courtyards provide privacy, while opening onto communal open space.



Figure 13: Typical Setbacks

Roof Gardens

Roof gardens are recommended to maximise private communal open space opportunities for a building with the Green Spine, with potentially longer hours of daily sunlight. They complement the Green spines, but are accessed by lift. They contain shelters and balustrades for protection. The

enclosed spaces on the roof are typically 4.5m above the building height control, and should contain only non-habitable communal floor space.

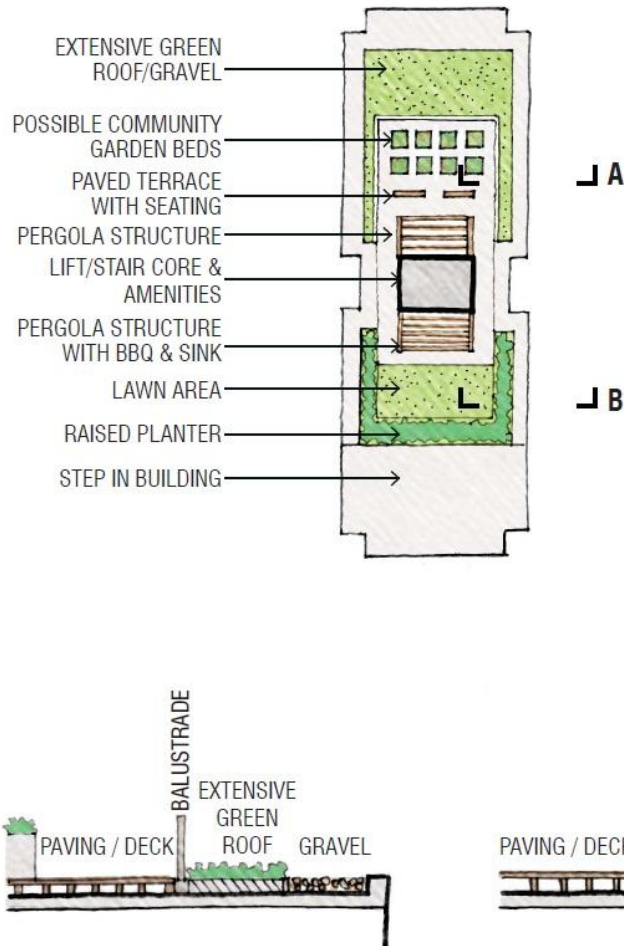


Figure 14: Design of Roof Gardens

Trees (Public and Private)

Trees are valued for their microclimate amenity and their ability to soften building bulk and scale. Council’s starting position is that existing street and private trees be retained (subject to a Preliminary Tree Assessment Report). However, the LMP identifies streets whose trees are to be removed for a variety of reasons (see **AT- 3: Tree Removal & Retention page**). These include the harmful impacts of power lines on trees, root destruction of walking/cycling paths, and conflict with the proposed water-sensitive *rootcell* system for street drainage (see *Sustainability*). Further conflicts may arise in the undergrounding of services.

Public trees are identified in the Street Tree Masterplan (Figure 15), whose species are consistent with the existing character of the precinct.

Private trees within the Green Spines are to be retained (subject to a Preliminary Tree Assessment Report). The Green spines are to have a minimum canopy cover of 50% (existing plus planted). A palette of suitable species is provided as part of the Landscape Master Plan.

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Figure 15: Street Tree Masterplan

Other Landscaping Elements

These include materials, lighting, public art, sustainability and the practicalities of staging development. Environmental measures, such as soil management, noise/vibration, solar access, wind impact, and water conservation are more directly addressed in the DCP, Section 8.

Draft Section 94 Developer Contributions Plan

The draft Section 94 Developer Contributions Plan (see **AT-4**) was researched and prepared by GLN Planning (GLN). The document is supported by a detailed costing of works by Quantity Surveying firm Mitchell Brandtman and studies from HillPDA on Open Space Acquisition.

Note: Other HillPDA documents were also used to support the St Leonards South Planning Proposal. All these documents include recent sales data and will be jointly exhibited with the St Leonards South Planning Proposal.

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Purpose of a Section 94 Plan

Under the provisions of the NSW Environmental Planning & Assessment Act, Councils are able to obtain development contributions as a means of funding local infrastructure required as a result of new development. The plan must establish the relationship between the expected types of development in the area to which the plan applies and the demand for public amenities and services to meet that development.

Currently in NSW, there is a Section 94 contributions cap of \$20,000 per residential lot or dwelling. However a recent Planning Circular (**AT-5**) by NSW Planning & Environment allows this to be increased if the plan is reviewed by the NSW Independent Pricing and Regulatory Tribunal (IPART). It states that:

“In areas where a contributions plan is proposed that exceeds the thresholds, the council will be able to have the plan assessed by IPART in accordance with the Department’s Development Contributions Practice Note (February 2014) to ensure the plan only contains essential local infrastructure”.

Types of works

Most of Council’s proposed works are deemed as essential local infrastructure. Such works include:

- Social infrastructure (Open Space)
- Roads and drainage; and
- Plan Administration.

Although a definition of ‘non-essential works’ is not explained in the practice notes prepared by NSW Planning and Environment, the non-essential works actually refers to the fit- out of the multi-purpose facilities (child-care facilities and community halls). These can be funded through other means (namely the Planning Proposal bonus mechanisms).

IPART Review

IPART’s role in the process is explained in its fact sheet attached to this report (**AT-6**). They will ultimately determine whether:

- the contributions plan complies with the requirements of the *Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Department of Planning and Infrastructure’s Development Contributions Practice Notes (July 2005)*,
- each plan includes appropriate Essential Infrastructure as required for the proposed development (as defined in the IPART Practice Note), and
- the costs (including both land value and capital costs for construction/works) assigned to this infrastructure are reasonable.

When a plan is to be submitted to IPART, the existing Practice Note recommends that:

*“new contributions plans that require assessment **are to be submitted for review following public exhibition, but prior to adoption by council.** The plans that the council*

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submits to IPART should incorporate any changes made in response to submissions the council received during the exhibition period”.

As a result of this, Council “*should not proceed with adoption of the plan until such time as they have received confirmation in writing that all issues raised have been satisfactorily addressed*”.

Contributions for Affordable Housing

Under Section 94F of the NSW Environmental Planning and Assessment Act 1979, a Council cannot collect money, via a levy for affordable housing unless they are specified in a State Environmental Planning Policy.

State Environmental Planning Policy 70 – Affordable Housing (SEPP 70) does not apply to the Lane Cove LGA and Council does not have an Affordable Housing Policy for the Lane Cove LGA. Therefore Council could not apply a section 94 developer contribution or an Affordable Housing Levy to this precinct.

Staff have met with senior management of NSW Planning and Environment to discuss Council’s commitment to provide “Key Worker Housing” in the St Leonards South Precinct both for the benefit of future residents of this precinct and for current employees of Royal North Shore Hospital and other hospitals in the area. The Department has indicated that it has no objection to the principle of amending SEPP 70 so as to allow Key Worker Housing (KWH) to be provided as housing units.

In the meantime, in the absence of an amended SEPP 70 mechanism, Council is able to finalise and exhibit the Planning Agreement to provide KWH in the form of units. It is our strong preference for the completed units to be transferred to Council in perpetuity and be managed by a registered Community Housing Provider.

The opportunity has been taken to locate KWH in the north-east corner of the site so as to maximise the number of units that can be provided (34 units) and so as to locate units as close as possible to public transport – St Leonards Railway Station and bus and rail transport.

Community Consultation

Statement of Intent

This exhibition represents a significant change for the Precinct and calls for detailed community consultation, and as such the consultation is designed to allow public comment on the St Leonards South Draft Development Control Plan, Landscape Master Plan, Section 94 Developer Contributions Plan. These documents (and others) will be publicly exhibited jointly with the St Leonards South Local Environmental Plan amendment, subject to Gateway Determination requirements. Any comments received will be reviewed and evaluated to determine whether or not to proceed with the proposal as exhibited.

Method

Level of Participation	Inform	Inform	Consult
Form of	Open	Targeted	Open

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Participation			
Target Audience	Lane Cove Community and community groups	Surrounding Property Owners and tenants within the St Leonards South precinct, Government Agencies and Greenwich Community Association.	Property Owners adjoining the St Leonards South precinct.
Proposed Medium	Advertisement and eNewsletter	Notification Letters	Public Exhibition, Website Exhibition Community information sessions during public exhibition period.
Indicative Timing	6 weeks	6 weeks	6 weeks

It is recommended that Council organise at least two (2) information sessions during the public exhibition period to explain all these planning documents.

Conclusion

Council's vision for St Leonards South is to create a liveable precinct by ensuring a holistic best practice approach to housing while having regard to amenity, urban design, open space, pedestrian and traffic movements.

The documents explained in this report are the next step in the process of achieving this vision by implementing site-specific planning controls which will coordinate development. All planning documents produced for St Leonards South will ensure delivery and funding of the community and Council's vision for a highly liveable precinct.

Upon formal sign off by NSW Planning and Environment the formal public exhibition period will commence.

It is recommended that Council endorse the documents described in this report for public exhibition and be jointly exhibited with the Planning Proposal.

RECOMMENDATION

That Council:-

1. Receive and note the report;
2. Endorse the Draft Development Control Plan, Draft Landscape Master Plan and Draft Section 94 Plan for public exhibition in conjunction with the Draft Local Environmental Plan amendment for St Leonards South for a period of 6 weeks in accordance with the consultation strategy outlined in this report.

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Michael Mason
Executive Manager
Environmental Services Division

ATTACHMENTS:

AT-1 View	St Leonards South Draft DCP - Part A	30 Pages	Available Electronically
AT-2 View	St Leonards South Draft DCP - Part B	35 Pages	Available Electronically
AT-3 View	St Leonards South Draft Landscape Master Plan	76 Pages	Available Electronically
AT-4 View	St Leonards South Draft Section 94 Plan	60 Pages	Available Electronically
AT-5 View	Planning Circular - Changes to Section 94 Plans	3 Pages	
AT-6 View	Fact Sheet - Contribution Plans IPARTs Assessment Process	15 Pages	

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MINUTES**

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149 RESOLVED on the motion of Councillors Strassberg and Zbik that Council:-

1. Receive and note the report.
2. Place for a period of eight (8) weeks from Monday 30 October 2017, in accordance with the consultation strategy outlined in this report, the Draft Development Control Plan, Draft Landscape Master Plan and Draft Section 94 Plan for public exhibition, in conjunction with the Draft Local Environmental Plan amendment for St Leonards South.

For the Motion were Councillors Hutchens, Palmer, Bennison, Brooks-Horn, Strassberg, Zbik and Morris (Total 8).

Against the Motion was Councillor Vissel (Total 1).