



Lane Cove Council

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Ms Amanda Harvey
Director, Sydney Region East – Planning Services
NSW Department of Planning and Environment
GPO Box 39,
SYDNEY NSW 2001

Attention: Ms Carina Lucchinelli

Dear Ms Harvey,

Re: 2 Greenwich Road - Lane Cove Council's response to Gateway Review

Thank you for notifying Council about this Gateway Review request for the site known as 2 Greenwich Road, St Leonards and Planning Proposal.

It is our understanding that the proponent has formally requested the removal of the Gateway conditions 1(a) and 5, that require the proposal to be updated to demonstrate consistency with the findings of the St Leonards and Crows Nest Station 2036 Plan (SL/CN 2036 Plan).

Council strongly objects to the removal of the condition as the Planning Proposal is inconsistent with the strategic planning framework established by the State's SL/CN 2036 Plan and therefore should not be supported. Undermining the land use planning outlined in the plan so early in its existence diminishes the pre-eminence of the plan and sets a dangerous precedent. Further, the proposal undermines the standard instrument LEP by changing the permissibility of the B3 zoning, which should not be supported as the Sydney North Planning Panel also highlighted. In a planning sense, 'Shop Top' housing in a commercial zone is the same use as permitted in a 'Mixed Use' zone, and is inconsistent with surrounding zonings and the Plan.

We wish to now detail and re-iterate our previous concerns.

Background

In July 2016, the (then) Minister for Planning, announced the strategic planning investigation of the St Leonards and Crows Nest Station Precinct.

On 11 April 2017, a Planning Proposal for 2 Greenwich Rd was lodged, which sought to introduce shop-top housing as an additional permitted use in a B3 Commercial Core zone and increase the maximum permitted building height from 25m to 33m. It was originally not supported by Council and deemed refused.

Following release of the Stage 1 investigations by the Department of Planning in August 2017, the proposal went to the Sydney North Planning Panel (SNPP) for Rezoning Review, which recommended the proposal proceed to Gateway, with the Department being requested to consider:

- 1) *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 Panel recommends that this be reconsidered to be consistent with the current adjoining and likely future zoning.

- 2) *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.*

According to the Gateway Determination report, by the Department, it considered these points and stated:

“the proposal is supported subject to its consistency with the draft Land Use and Infrastructure Implementation Plan (LUIIP) for the St Leonards and Crows Nest Station Planned Precinct investigations, prior to exhibition.

The proposal is also required to be consistent with the final master plan for the precinct before it may be finalised”.

The report also stated that *“the proposal has not demonstrated that it will enable an appropriate built form that is compatible with surrounding development”*. However, this was to be addressed through a revised urban design analysis (submitted prior to exhibition).

Furthermore, the report stated that Action 31 of the North District Plan:

“requires the delivery of a place strategy and infrastructure plan to find the right balance between these competing objectives (co-locating health & education facilities and housing) within the precinct.

This plan is currently underway by the Department in consultation with Council in the form of the Land Use and Infrastructure Implementation Plan for the precinct.

As such, a condition of Gateway requires the proposal to be updated to demonstrate consistency with the infrastructure implementation plan prior to exhibition”.

It is also worth noting that similar Gateway conditions were also included in Gateway Determinations for 75-79 Lithgow Street and 84-90 Christie Street, St Leonards and for the St Leonards South Planning Proposal (please see **AT-1 & 2**).

The Stage 2 draft SL/CN 2036 Plans were released by the State Government on 14 October 2018 along with a package of supporting technical studies relating to planning, urban design, social infrastructure and open space, transport and traffic and the proposed Metro site at Crows Nest. The plans kept the commercial focus on the 2 Greenwich Road site while concentrating the highest density employment and residential growth within 400 metres of the St Leonards train station and Crows Nest Metro site.

On 23 October 2018, The Department of Planning & Environment wrote to Council seeking its response to a Gateway review request, regarding the planning proposal submitted to the Greater Sydney Commission for consideration. Council’s reply is required by 13 November 2018. The Gateway review sought:

...the removal of conditions 1(a) and 5, requiring the proposal to be updated to demonstrate consistency with the findings of the St Leonards and Crows Nest Station Precinct strategic planning investigation.

Sydney North Planning Panel (SNPP) Recommendations

- The Sydney North Planning Panel, in recommending Gateway, made the following recommendations:
 - 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 Panel recommends that this be reconsidered to be consistent with the current adjoining and likely future zoning.**
 - b. That the zoning and 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**

- Council agrees with Recommendation 'a', that an additional permitted use of shop top housing in a Commercial Core B3 zone is inconsistent with the B3 Objectives of Lane Cove Local environmental Plan 2009. These focus on appropriate employment opportunities in accessible locations, and do not support residential objectives.

The proposal to add substantial residential use to this B3 Commercial Core site is predicated on the argument that, "the collocation of residential accommodation on the site represents a highly suitable land use required to meet the housing needs of the local population." (Planning Proposal page 39). This case has not been supported by any evidence and is in conflict with the views of the Sydney North Planning Panel and the St Leonards & Crows Nest 2036 Plan.

- Council also supports the SNPP's Recommendation 'b', which seeks consistency with SL/CN 2036 Plan in terms of Zoning, Density and Height. However, the Proposal is only consistent in terms of Density (FSR).
 - Zoning. The Land Use Zone Changes map (p56 of the 2036 Plan) shows the site as **remaining B3**. The Built Form map (p29) shows the site as "Periphery commercial office", continuous with the B3 zone along Pacific Highway. This is reiterated in the Land Use & Activity map (p 54 of the Urban design Report). The rationale is "to encourage renewal and growth of the commercial strip along the length of Pacific highway"
 - Height. The Height Changes map (p 50 of the 2036 Plan) shows the site as proposed 6 storeys. This is reiterated on p63 of the Urban Design report. This is less than the current 25 m (8 storeys), and less than the 33m (11 storeys) sought by the applicant.
 - Density. The Overall FSR Changes map (p51 of the 2036 Plan) maintains the current 3:1 FSR.
- The Planning Proposal remains inconsistent with the *North District Plan*, which:
 - envisages the Precinct as a "Health and Education Super Precinct" (p.51); and
 - supports the strategic objective "to leverage health, education and knowledge clusters" (p.5). Yet,
 - by providing 950 m², a relatively small quantity of employment land, the Planning Proposal undermines the site's potential for future employment use.
- It is claimed that the proposal is consistent with the *St Leonards South Master Plan* (2014). However, residential high-rise (33m) would set a precedent for up-scaling the rest of the Greenwich Road R4 zone that is currently 12m. This is in the context of the

imminent exhibition of the Planning Proposal for the St Leonards South (eastern side), which seeks to protect the orderly development of the precinct by containing residential uplift to the area east of Park Road, closest to the railway station. This is supported by the generally 3-storey height shown in the 2036 Plan's Height Changes map (p 50). An extension of the proposed 2.75:1 FSR to the western (Park Road & west) side of the St Leonards South precinct is inconsistent with the strategic direction of the current LEP, Planning Proposal for St Leonards South and Master Plan, the western limits of which would need to be based on separate traffic and feasibility analyses.

- The proponent's Scenario 2 assumes "the remaining portion of North Greenwich [St Leonards South] suburb, between Greenwich road and Park Road to follow a similar path in terms of densification and strategic response to the current context" (Urban Design Report, Part 4). The pattern for St Leonards South, however, trends downward as it progresses west, down to a height of 25m and FSR of 2.75:1. While Scenario 2 corresponds with the FSR, it is 8m higher (at 33m). It also assumes a change of use to shop top housing, which is not part of the St Leonards South Master Plan.

General Consistency with the St Leonards and Crows Nest Station Precinct strategic planning investigation (SL/CN 2036 Plan and associated studies).

- The SL/CN 2036 Plan & associated studies are consistent with the strategic direction for the area set by the *Greater Sydney Region Plan* and the *North District Plan*, which have both helped to shape this Plan. It applies the principles of a Planned Precinct process to this urban renewal area. Any subsequent planning proposal that is inconsistent with the SLCN 2036 Plan, which this review seeks for it to be, is inconsistent with the two State master plans for Sydney and the North District of Sydney.

For example, the *Greater Sydney Region Plan* aims to "support employment growth in St Leonards as a strategic centre". In detail, the *North District Plan* sets a "base jobs target of 54,000 and high target of 63,500 by 2036." Likewise, it aims to "promote synergies between the Royal North Shore Hospital and other health and education-related activities, in partnership with NSW Health". Yet this planning proposal provides 950 m² of employment floor space, mostly as retail. "Shop top" is a restrictive land use that does not address the fundamental objectives to protect and facilitate employment lands.

- The applicant's April 2017 Planning Proposal sought to respond to the anticipated outcome of the SL/CN 2036 Plan. In particular, the proposed "Scenario 2" design "demonstrates the uplift in FSR that would be justified if amendments to the planning framework were to occur at a larger scale and territorial scope" (meaning supported by the anticipated SC/CN 2036 Plan). This is the "preferred concept design" (Urban Design Report, p43). It is based on a speculative "vision for Greenwich North Transit Village" which does not now accord with the built form proposed by the actual draft SL/CN 2036 Plan. In effect, the planning proposal sought to reflect a speculative SL/CN 2036 Plan. Now the actual Plan is released, the applicant has sought to distance themselves from a strategic precinct plan that does not support their conjectured proposal.

Consistency with North District Plan

- Action 31 of the North District Plan also required the delivery of a place strategy and infrastructure plan to find the right balance between competing objectives, such as co-locating health & education facilities and housing, within the precinct.

As stated in the Department's report: *"This plan is currently underway by the Department in consultation with Council in the form of the Land Use and Infrastructure Implementation Plan for the precinct"*.

Therefore, it is entirely reasonable to impose the Gateway condition stating that the Planning Proposal should be made consistent with any available draft findings of the strategic investigation for the area as this would achieve and be consistent with Action 31 of the North District Plan.

- Regardless of the above, Gateway condition 1 (e) of this Proposal requires the Planning Proposal to be updated to address relevant priorities and actions of both the Greater Sydney Region Plan and the North District Plan – which includes Action 31 and others which identify St Leonards as a Planned Precinct.
- In addition, it is also critically important for this condition requiring the Proposal to be amended for consistency with these strategic investigations (which will eventually form part of the final strategic planning framework) prior to being finalised as similar Gateway conditions were imposed on Planning Proposals in the surrounding vicinity, prior to the release of either Stage 1 or 2 documents.

Consistency with previous Gateway Determinations

- Both the Panel and Department's recommendation to incorporate Gateway conditions requiring Planning Proposals to be amended and made align with the State Government's Plans for the area is consistent with two separate Planning Proposals in St Leonards. Although these previous Proposals were submitted prior to 2 Greenwich Road, they also contained similar Gateway conditions which were required to be addressed.
- One of Council's 'pilot' projects at 75-79 Lithgow Street and 84-90 Christie Street, St Leonards contained the following condition in 2015:

"Prior to finalisation, the planning proposal is to be amended to respond to the findings of the Strategic Planning Review being undertaken by the Department in consultation with Council and demonstrate consistency with that work".

This amendment was finalised on 1 December 2017, following the release of the Department's Interim Statement (Stage 1) in August 2017 which was consistent with the draft plans.

- In addition, the Planning Proposal for the St Leonards South area also contains the following condition in 2016:

"Prior to finalisation, the planning proposal is to be amended to demonstrate consistency with any available findings of a draft or final strategic planning review for the St Leonards and Crows Nest Station Precinct".

Having found to be consistent with the Department's Interim Statement (Stage 1) in August 2017, Council resolved to proceed to the public exhibition stage subject to achieving the other conditions of the Gateway Determination.

- Given that the Gateway conditions applied to 2 Greenwich Road are almost identical both these conditions are consistent with earlier Gateway Determinations issued in the immediately surrounding area of St Leonards. Therefore, these conditions are supported by Council and are fundamental to the legitimacy of the St Leonards & Crows Nest 2036 plans and public perception of the role of the plan.

In conclusion, Council does not support this request to remove these Gateway conditions and maintains that the Planning Proposal should be refused as we believe that it is:

- Inconsistent with the findings of the St Leonards & Crows Nest 2036 Draft Plan. Undermining the Plan so early in its 20 year life cycle is a dangerous precedent;
- Undermining the standard instrument LEP by changing the permissibility in the B3 zoning which effectively changes the site to a 'Mixed Use' zone, which is not consistent with the surrounding zoning;
- Inconsistent with the Actions of the North District Plan;
- Inconsistent with the strategic planning framework established by State & Local Governments and the Greater Sydney Commission; and
- These conditions are similar to previous Gateway conditions applied to other Planning Proposals within the same area, which both the Sydney North Planning Panel and Department of Planning had regard to.

Council has also attached its previous report on the Planning Proposal to outline original grounds for objection (see **AT-3**).

If you have any further questions, please don't hesitate to contact Council's Coordinator, Strategic Planning on (02) 9911-3516.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Craig Wrightson', written over a horizontal line.

Craig Wrightson
General Manager

AT-1: Gateway Determination for JQZ site in St Leonards;

AT-2: Gateway Determination for St Leonards South Precinct; and

AT-3: Council Report on Original Planning Proposal.