



Planning Proposal – Part A

Gladesville Planning Proposal (Key Site)

Explanatory Note – 21 February 2018

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1 Introduction

On the 28 June 2017 an amended (post Gateway) planning proposal was submitted for the site in the Gladesville commercial area known as the Key Site (refer map p4). The nature of the planning proposal has significantly altered since it was first lodged on 8 October 2015 due to conditions imposed at the Gateway Determination. As a result concept drawings do not form part of the post-gateway planning proposal. For further explanation of this issue refer to sections 3.5, 3.6, 3.7, 4 & 5.

The post-gateway planning proposal was submitted with a Traffic Impact Assessment (TIA) dated May 2017, which was subsequently reviewed and replaced with an updated TIA, dated November 2017. This updated TIA forms Part C of the exhibition material.

The “Background” section of this report explains the terms *Local Environmental Plan (LEP)*, *planning proposal* and *Gateway Determination* and the changes made to the planning proposal since its initial lodgement.

In November 2017 the State Government provided agreement that the post-gateway planning proposal could proceed to exhibition in February 2018.

Section 55(2) of the Environmental Planning & Assessment Act (Act) specifies the documentation required when submitting and exhibiting a planning proposal:

1. A statement of the **Objectives** of the proposed LEP
2. **Explanation of the Provisions** to be included in the proposed LEP
3. **Justification** for the objectives & provisions
4. Details of **Community Consultation**

1.1 How has the Planning Proposal been presented to meet Act requirements?

The exhibition material consists of 3 parts:

PART A

Council prepared Part A of the exhibition material, which includes:

- Introduction
- Map and Description of the site
- Background
- The **objectives** of the planning proposal
- **Explanation** of Provisions

PART B

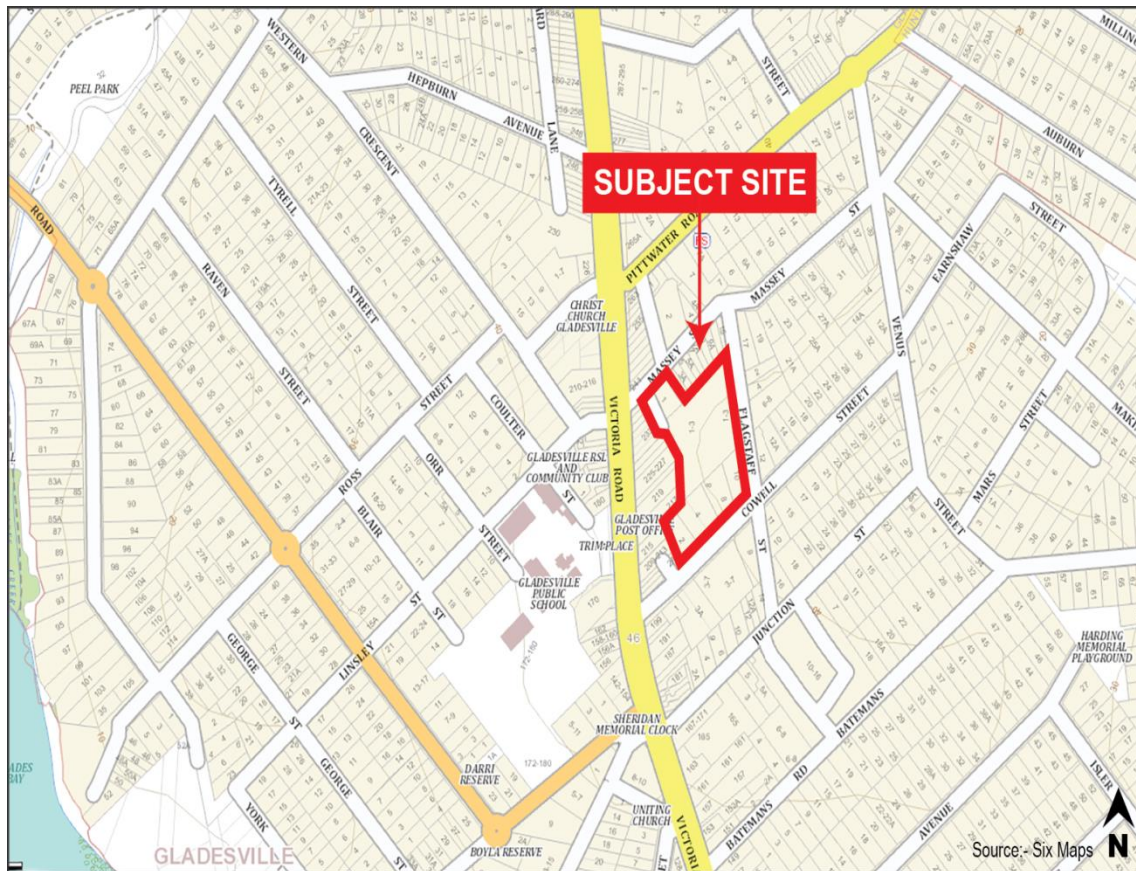
The applicant’s consultant Don Fox Planning prepared Part B of the exhibition material which includes:

- **Justification** of the Planning Proposal
- Details of **Community Consultation**
- A timeline

PART C

The applicant’s traffic consultant Road Delay Solutions prepared Part C of the exhibition material which is a Traffic Impact Assessment (November 2017)

2 The Key Site: Map & Land Description



The land included in the Gladesville Key Site is detailed below.

Site Description	
Property Address	Lot / DP
1 Massey Street, Gladesville	Lot 101 DP 1005097
1C Massey Street, Gladesville	Lot 1 DP 420791
1A Massey Street, Gladesville	Lot 1 DP 858147
1 – 3 Flagstaff Street, Gladesville 1B Massey Street, Gladesville	SP 60903
10 Cowell Street, Gladesville	Lot 1 DP 952446
8 Cowell Street, Gladesville	SP 4051
6 Cowell Street, Gladesville	Lot 38 DP 979222
4 Cowell Street, Gladesville	Lot 37 DP 979222
2 Cowell Street, Gladesville	Lot 36 DP 336297
Part of 215 Victoria Road, Gladesville	Lot 1 DP336297

3 Background

3.1 What is a Local Environmental Plan (LEP)?

A LEP is a legal instrument that zones land imposes height and floor space controls on development and implements state or local policy. An LEP generally comprises a written document and accompanying maps. As LEPs are legal documents they are available on the NSW Legislation webpage.

3.2 What is a Planning Proposal?

A planning proposal seeks to either amend controls in an existing Local Environmental Plan (LEP) or make a new LEP. As LEPs are legal documents the steps required to undertake changes to a LEP are heavily regulated.

3.3 What is Gateway Determination?

Prior to the exhibition of a planning proposal it must be assessed by the State Government and given a favourable Gateway Determination.

A favourable Gateway determination usually includes conditions that must be implemented to the satisfaction of the State Government prior to the planning proposal proceeding to exhibition. The State Government recently (22 November 2017) verified that the post-gateway proposal was able to satisfy the conditions of Gateway and agreed the proposal could proceed to exhibition in mid-February 2018.

3.4 What is the process after Exhibition?

After exhibition all submissions received will be assessed and reported to Hunters Hill Local Planning Panel and Council. The Local Planning Panel's advice and Council's recommendation on the planning proposal will then be reported to the Department. The Department of Planning and Environment acting as a delegate of the Greater Sydney Commission will make the final decision as to whether to proceed with the planning proposal or not. If they decide to proceed the planning proposal will be made into a legal instrument amending or making an LEP.

3.5 What was the original objective of the Planning Proposal?

The original planning proposal for the Key Site, which was lodged on 8 October 2015 sought to increase the existing height and floor space controls which currently apply to the site via the Hunters Hill LEP 2012 maps.

Existing Controls on LEP 2012 maps	Controls Proposed by the Original Planning Proposal to be included on LEP 2012 maps
Floor Space Ratios – 2:3:1 & 2.7:1	Floor Space Ratio 3.4:1
Heights– 26m & 34m	Heights - 29 m to approx. 54 m

Council resolved not to support the original planning proposal on 29 March 2016. In April 2016 the applicant requested the State Government review this decision and on the 16 January 2017 the State Government provided a favourable Gateway Determination (subject to conditions).

3.6 What happened to the original planning proposal at Gateway?

The subject Gateway Determination included a number of conditions, requiring amendments to the planning proposal as follows: -

1. *Prior to community consultation, the planning proposal is to be updated as follows:*
 - (a) *The public open space is to be relocated to the position indicated in the Gladesville Village Development Control Plan (DCP) in relation to the street level accessibility.*
 - (b) *The amount of open space should be determined by the combination of the 600 square metres of public open space required by the DCP plus communal open space which complies with the requirements of the Apartment Design Guide.*
 - (c) *Include a plain English explanation for a clause that will retain the existing building height and floor space ratio and provide additional floor space ratio up to 3.4:1 and building height if the development exhibits design excellence. The additional building height is to be determined by the requirement of keeping Trim Place in sunlight and the building at 3-7 Cowell Street free of shadow for three hours between 9am and 3pm at mid-winter.*
 - (d) *Reference relocation of the heritage item at 10 Cowell Street to a site owned by Council*
 - (e) *Retain the amount of commercial floor space;*
 - (f) *Include a revised traffic impact assessment; and*
 - (g) *Demonstrate consistency with the draft North District Plan, released 21 Nov. 2016.*
2. *Prior to community consultation, the revised planning proposal is to be provided to the Department for review and approval for public exhibition.*
3. *Community Consultation is required under sections 56(2)(c.) and 57 of the Act as follows:*
 - (a) *The planning proposal must be made publicly available for a minimum of 28 days; and*
 - (b) *The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2016).*
4. *Consultation is required with the following public authorities under section 56(2) (d) of the Act:*

<i>Office of Environment and Heritage</i>	<i>Roads and Maritime Services</i>
<i>Transport for NSW</i>	<i>Sydney Water</i>
<i>Energy Australia</i>	<i>Ministry for Health</i>
<i>Department of Education</i>	<i>Ryde City Council</i>

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. *A public hearing is not required to be held into the matter by any person or body under section 56(2) (e.) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).*
6. *The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.*

The conditions of Gateway significantly changed the nature of the planning proposal. The original proposal sought to increase the height and floor space limits specified for the Key Site on the Hunters Hill LEP maps (2012). The Gateway conditions do not provide for alterations to the LEP maps but require two written clauses to be added to the Hunters Hill LEP to ensure the conditions of Gateway are satisfied. The first clause is required to place parameters around the open space to be provided on the Key Site and the second clause is required to connect any potential increase in height and floor space on the Key Site to design excellence.

3.7 Post Gateway Planning Proposal

On 28 June 2017 the applicant lodged an amended planning proposal to address the conditions of Gateway. The Traffic Impact Assessment (TIA - May 2017) lodged with this post Gateway proposal was referred to an independent consultant (McLaren Traffic Engineers) for review and they assessed and provided a letter on 21 September 2017 identifying 9 matters they considered had not been adequately addressed or provided by the applicant.(Refer webpage: Traffic Consultant Review of May 2017 TIA).

On 22 November 2017 the Department of Planning and Environment provided confirmation that the post-gateway proposal satisfied Gateway conditions and could proceed to exhibition subject to:

1. Council preparing an explanation of provisions that described a special provision clause (open space) to address conditions 1. (a) and 1. (b) of the Gateway Determination and a design excellence clause that addressed condition 1 (c.) and 1. (e) of Gateway.
2. The Department providing a statement about how condition 1. (e.) was considered to be satisfactorily addressed through the amended planning proposal.
3. Council providing a resolution about exhibition dates for the amended planning proposal
4. The applicant providing a further amended planning proposal to allow for Council preparing the explanation of amendments proposed to the LEP.
5. The applicant providing a further updated Traffic Impact Assessment to address the first 5 points raised in the review provided by McLaren Traffic and Engineering.
6. Council providing a resolution about possible sites for the purpose of re-location of the heritage item at 10 Cowell Street, Gladesville.

All of these conditions have been addressed allowing for the current exhibition. An updated Traffic Impact Assessment has been provided dated November 2017 and it is included as Part C of the exhibition material. Information to satisfy point 2 and 6 is provided below.

3.8 Department of Planning & Environment Statement: Gateway Condition 1. (e)



IRF18/44

Mr Barry Smith
General Manager
Hunters Hill Council
PO Box 21
HUNTERS HILL NSW 2110

Dear Mr Smith

Planning Proposal PP_2016_HUNTE_001_00 to amend Council Local Environmental Plan 2012

I am writing in relation to planning proposal PP_2016_HUNTE_001_00 to amend development controls at 1, 1A, 1B & 1C Masset Street; 1-3 Flagstaff Street; 2, 4, 8 & 10 Cowell Street; and part 215 Victoria Road, Gladesville.

The Department has reviewed the amended planning proposal and is of the view that the conditions of the Gateway determination have been addressed.

In regard to condition 1(e) "retain the existing amount of commercial floorspace" of the Gateway determination, I acknowledge that the final Gross Floor Area (GFA) is unknown at this stage as any bonus Floor Space Ratio (FSR) or building Height will need to be justified at the development application stage.

I also note the GFA figures used in the Traffic Impact Assessment in relation to non-residential FSR are appropriate for the planning proposal stage. Further assessment would be undertaken at the DA stage when the final non-residential and residential GFA is available.

Given these circumstances, it is considered appropriate for the planning proposal to describe non-residential FSR as a minimum FSR or percentage for public exhibition purposes.

Should you have any further enquiries about this matter, I have arranged for Ms Carina Lucchinelli to assist you. Ms Lucchinelli can be contacted on 9274 6563.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Catherine Van Laeren'.

12/01/18

Catherine Van Laeren
Director, Sydney Region East
Planning Services

3.9 Potential Re-location Sites for Heritage Item: 10 Cowell Street, Gladesville

The timber cottage located at 10 Cowell Street Gladesville is listed as a local heritage item and forms part of the Key Site which is the subject of the planning proposal. The planning proposal references the removal of the cottage to a site suitable to Council. The Gateway Determination included this as a condition requiring the exhibited planning proposal to “reference relocation of the heritage item at 10 Cowell Street to a site owned by Council”.

For the planning proposal to reference relocation of the heritage item to a site owned by Council, Council needs to have identified potential suitable uses and sites for the cottage.

This matter was discussed with the General Manager and a number of future uses and sites for the cottage were put forward. The following three were options were considered to have the most merit:

Proposed Use	Location	Land Ownership
Dwelling House	Heydon Park Rocher Avenue	Council
Café/Restaurant	Valentia Street Reserve Adjacent to Valentia Street Ferry Wharf	Council
Café/Restaurant	Gladesville Reserve Adjacent to Huntleys Point Ferry Wharf	Crown Land

The possible re-location of the heritage timber cottage at 10 Cowell Street, Gladesville is not being proposed as part of the current planning proposal. The potential re-location of the cottage will only become imminent once a development application is received for the site. However, it was considered beneficial to propose uses and relocation for the sites during the planning proposal exhibition as it allows Council to canvas the community’s and the applicant’s views on available options.

Additionally, the community may suggest further uses and locations for the cottage that are considered preferable to those put forward by Council.

4 Current Planning Proposal Objectives

The objective of the current planning proposal is to add two clauses into Hunters Hill Local Environmental Plan 2012 which will apply to the Key Site:

- a. The first clause includes parameters regarding the location, area and type of open recreation space to be provided on the site.
- b. The second clause links any future development application seeking additional height and floor space on the site to design excellence provisions.

The key site is shown in Figure 1 – page 2 of this document.

5 Explanation of Provisions

5.1 Proposed amendment to Hunters Hill LEP 2012

To achieve the objectives of the Planning Proposal it is intended to:

- Retain the existing building height and floor space ratio development controls applying to the key site as specified in Hunters Hill LEP 2012;
- Amend Hunters Hill LEP 2012 to include the subject site as a Key Site on a Key Site Map; and
- Include a special provision clause (open space) and design excellence clause in Hunters Hill LEP 2012 that will apply to the Key Site and any Development Application applying to the Key Site or part thereof.
- Specify that clause 4.6 (Exemptions to Development Standards) will not apply to the Key Site.

The special provision clause (open space) and design excellence clause will satisfy conditions (a) to (e.) of the Gateway Determination.

In 2014 Council carried out community consultation regarding aspirations for the future development of the Gladesville commercial area which includes the Key Site. The results of the consultation which involved 750 stakeholders identified the top priorities for the area were for it to be green, engaged and social. The provision of green, visible and publicly accessible open space on the Key Site was seen as critically important for improving the public domain and providing a heart to Gladesville. The results of this community consultation work were translated into controls and incorporated into chapter 4.4 (Gladesville Village Centre) of the Hunters Hill Development Control Plan 2013.

The inclusion of a special provision clause (open space) will specify that development of the Key Site is subject to two open, publicly accessible, recreation spaces being provided.

The first open recreation space is to have a minimum area of 600sqm and be located adjacent to Cowell Street as shown on Figure 3 - Chapter 4.4 of the Hunters Hill Development Control Plan 2013. This location will ensure the landscaped open space is highly visible, enhances the existing pedestrian network and has a level connection to the Cowell Street footpath.

The second open recreation space is to have a minimum area of 25% of the Key Site area. This area is to be visible and easily accessible to both the public and residents of any Key Site development. At least 75% of the space is to be provided in one consolidated area.

The inclusion of a design excellence provision will provide for a development proposal that exceeds the current height and floor space ratio controls only if the development exhibits design excellence.

The maximum floor space that can be achieved under this clause is 3.4:1. To achieve additional floor space and height along with design excellence the applicant will be required to demonstrate that all existing sunlight to Trim Place is retained and that the residential flat building at 3-7 Cowell Street will be free of shadow for 3 hours between 9am and 3pm at mid-winter.

The new design excellence provision will set out the range of matters to be considered in determining whether a development application exhibits design excellence. The consent authority will not be able to determine a development application that proposes building height and floor space above the existing controls unless it is satisfied that the development exhibits design excellence.

A draft of a special provision clause (open space) and design excellence clause is provided below. These draft clauses may be subject to change as a result of submissions and legal drafting requirements which will apply if the Department chooses to make an LEP.

5.2 Draft Clause - 6.11 Special Provision (Open Space)

- (1) The objective of this clause is to ensure any development involving the Key Site achieves the character objectives specified in Chapter 4.4 of the Hunters Hill Development Control Plan 2013.
- (2) Development consent must not be granted to any development to which this clause applies unless at a minimum two publicly accessible, open landscaped recreation spaces are provided:
 - (a) The first open recreation space is to have a minimum area of 600sqm and be located adjacent to Cowell Street as shown on Figure 3 - Chapter 4.4 of the Hunters Hill Development Control Plan 2013. This location will ensure the landscaped open space is highly visible, enhances the existing pedestrian network and has a level connection to the Cowell street footpath.
 - (b) The second open recreation space is to have a minimum area of 25% of the Key Site area. This area is to be clearly visible and easily accessible to both the public and residents of a Key Site development. At least 75% of the space is to be provided in one consolidated area.

5.3 Draft Clause - 6.12 Design excellence

- (1) The objective of this clause is to deliver the highest standard of architectural, landscape and urban design.
- (2) This clause applies to development involving any Key Site land and the erection of a new building; or external alterations to an existing building.
- (3) Clause 4.6 (Exemptions to Development Standards) does not apply to development to which this clause applies.
- (4) Despite Clause 4.3 and 4.4, the consent authority may grant consent to the erection or alteration of a building on the Key Site that has a floor space ratio of up to 3.4:1 and a building height greater than that allowed by clause 4.3 if:
 - (a) the existing level of solar access to Trim Place is maintained; and
 - (b) the residential apartments at 3 - 7 Cowell Street are kept free of shadow for three hours between 9am and 3pm on 21 June; and
 - (c) the development exhibits design excellence.
- (5) In considering whether the development exhibits design excellence, the consent authority must be satisfied that the applicant has demonstrated and documented that the proposal:

- (a) has a high standard of architectural, landscape and urban design and will be constructed with quality materials;
- (b) has a high standard of detailing that reflects the building type, location and any surrounding buildings, especially heritage items, which add to the amenity of the area;
- (c) has overall heights which allow for appropriate transition from the low scale heritage main street and surrounding residential neighbourhood;
- (d) has minimised street frontage heights;
- (e) does not detrimentally impact on view corridors;
- (f) meets the requirements of the Hunters Hill Development Control Plan 2013, particularly Chapter 4.4;
- (g) will significantly improve the quality and amenity of the public domain through the use of materials, landscaping and built form at street level which maximises the comfort and amenity of pedestrians.
- (h) is designed with active frontages at or near street level, particularly around the two main open recreation spaces. At a minimum 23% of the Gross Floor Area of any development involving Key Site land is to be commercial floor area;
- (i) will contribute positively to the configuration of the local vehicle, cycle and pedestrian networks. Cross-site pedestrian paths (both north-south and east-west) are to be provided which link to the two main open recreation areas and existing surrounding pedestrian access points;
- (j) has integrated landscape design into the development in an exemplary way, to provide green, comfortable, attractive spaces throughout the development. The two main open recreation spaces are to include layered landscaped areas that include grass, shrubs and trees;
- (k) has evidently integrated the provision of essential services such as car parking and pedestrian and vehicular access, waste collection/removal, stormwater management and electricity requirements into the development at design stage.
- (l) has addressed the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of providing adequate separation, setbacks, solar access, acoustic and visual privacy;
- (m) has addressed environmental impacts and factors such as sustainable design, noise, wind, reflectivity, water and energy efficiency and water sensitive urban design.