
ST IVES SHOPPING VILLAGE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To consider a proposal from EK Nominees Pty Limited in relation to future planning and redevelopment of the St Ives Shopping Village.

BACKGROUND:

Following a Council resolution on 9 April 2013 a meeting between Councillors, staff and representatives of EK Nominees was held on 6 August 2013. A further meeting and inspection of the St Ives Shopping Centre involving Councillors, Council staff and representatives from EK Nominees was conducted on 10 September 2013.

COMMENTS:

On 16 October 2013, following on from the meetings between EK Nominees and Council, a formal letter was submitted to Council by EK Nominees. The letter clarifies EK Nominees' vision for the St Ives Shopping Village and sets out the steps for Council to undertake if it is of a mind to participate in the proposal.

RECOMMENDATION:

That Council commences the process of reclassification for 3 parcels of land: the Council car park known as 176 Mona Vale Road; Village Green Parade (which includes a Council car park, St Ives Library, St Ives Early Childhood Centre and St Ives Neighbourhood Centre); and the Council car park known as 11-21 Cowan Road, St Ives.

PURPOSE OF REPORT

To consider a proposal from EK Nominees Pty Limited in relation to future planning and redevelopment of the St Ives Shopping Village.

BACKGROUND

At its meeting of 9 April 2013, Council adopted a Notice of Motion (NoM) submitted by Councillor Ossip in relation to St Ives Shopping Village. The NoM reads as follows:

"The St Ives Shopping Village is a focal point for the community of St Ives. Together with the Village Green, it is at the heart of the community. The shopping village is one of the oldest shopping centres in Sydney and is long overdue for a major revamp.

I understand that the owners of the site briefed the former Council and staff a number of times on their plans for upgrading the centre. Now that the Local Centres LEP has been gazetted, it would be appropriate for the new Council to be briefed on plans for the Shopping Village as well.

I move that:

"Council staff facilitate a meeting between Councillors and the owners of St Ives Shopping Village so that Councillors can be briefed on any plans for upgrading the Shopping Village."

Following the Council resolution on 9 April 2013, Council wrote to EK Nominees advising of Council's resolution. A meeting between Councillors and representatives of EK Nominees was held on 6 August 2013. A further meeting and inspection of the St Ives Shopping Centre involving Councillors, Council staff and representatives from EK Nominees was conducted on 10 September 2013.

COMMENTS

On 16 October 2013, following on from the meetings between EK Nominees and Council, a formal letter was submitted to Council from EK Nominees (refer **Attachment A1**). The letter clarifies EK Nominees' vision for the St Ives Shopping Village and sets out the steps for Council to undertake, if it is of a mind to, participate in the proposal.

The letter addresses the following matters:

1. the vision of the St Ives Shopping Village owner;
2. establishing a planning framework (primarily building height and floor space ratio) which allows economically feasible development of the centre;
3. the closure of a number of public roads to provide a consolidated building footprint;
4. reclassification of certain Council-owned lands from community to operational to provide a consolidated building footprint and space and expansion of the centre;
5. the formalisation of certain easements and rights; and
6. a delivery mechanism.

Vision

EK Nominees indicate that, on the whole, their vision is aligned with Council's vision as expressed in Council's Public Domain Plan however they note that under the current planning controls there is no means for the vision to be delivered. Key elements of the EK Nominees' vision are as follows:

- a pedestrian through-site link between Mona Vale Road and the Village Green;
- the creation of a new public space along the northern edge of the centre adjoining the Village Green;
- new community facilities such as child care, a new library and a neighbourhood centre;
- a new town square;
- improved traffic conditions and circulation;
- improvements to the safety of the area particularly at night; and
- greater levels of amenity and events.

Staff Commentary

Council's vision for the area is set out in the *Town Centres Public Domain Plan, 2010*; the *Ku-ring-gai Contributions Plan, 2010*; the *Ku-ring-gai Local Environmental Plan (Local Centres), 2012* and the *Local Centres DCP 2013*. The key elements are:

- a new town square;
- a new free-standing, Council-owned, multi-purpose community facility;
- a new one-way Village Green Parade;
- a pedestrian promenade;
- partial closure of Denley Lane;
- streetscape improvements;
- closure of Durham Lane for a new civic space; and
- traffic and parking improvements.

For comparison purposes full details of the community infrastructure proposed by Council for the area is included in **Attachment A4**.

Figure 1 below is taken from DCP 2013 and shows the key community infrastructure elements for the area.

Item GB.12

S09318
17 October 2013

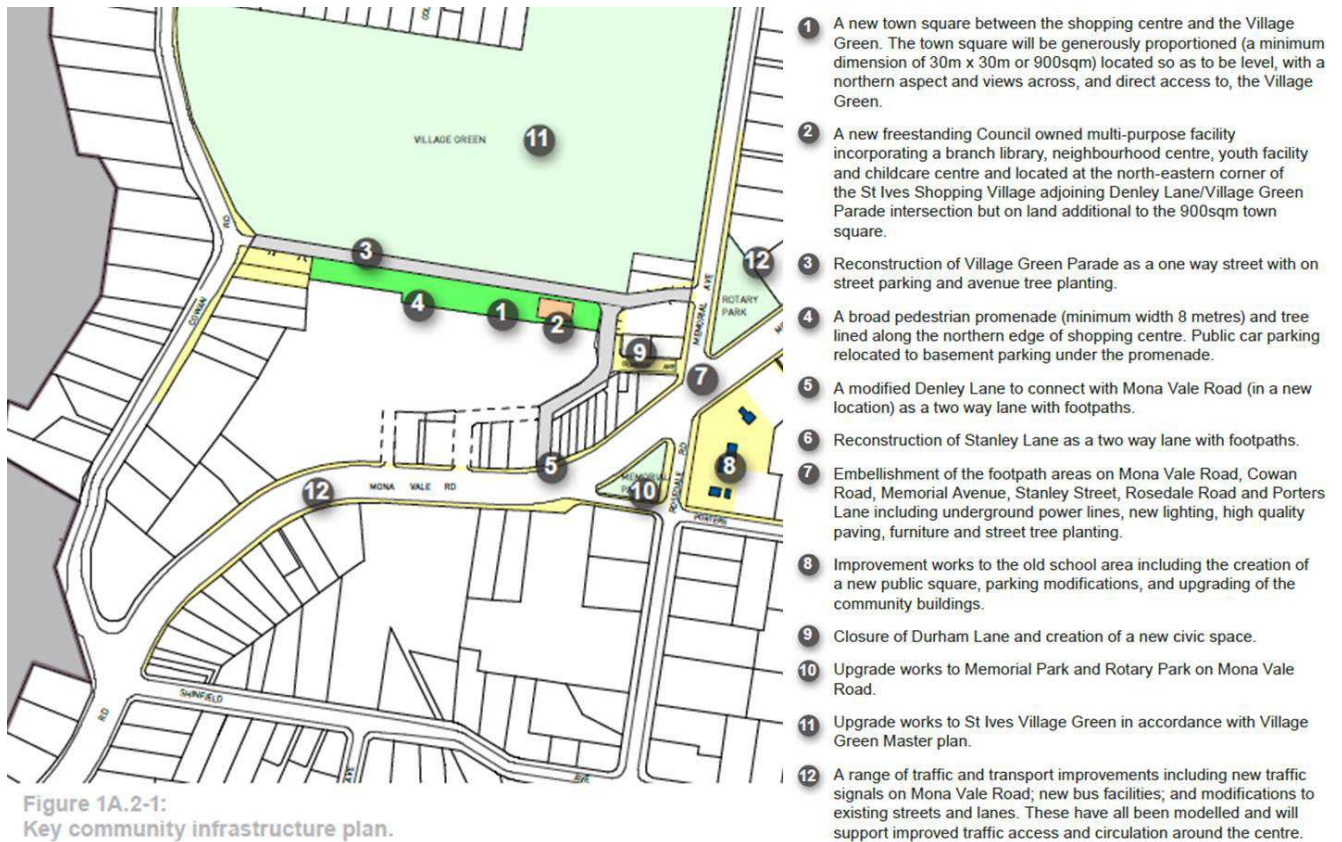


Figure 1- Local Centres DCP 2013 – Key Community Infrastructure Plan

Planning framework

EK Nominees’ note that the current provisions in the Local Centres LEP 2012 do not allow economically feasible development and request that the planning controls for the site be set out follows:

- FSR of 2.0:1 with potential to increase to 2.3:1;
- maximum building height of 26.5 metres (8 storeys) with potential to increase to 29.5 metres (nine storeys); and
- maintain the current B2 – Local Centre zone allowing shop top housing.

EK Nominees’ note that these provisions are the same as the former (invalid) Ku-ring-gai Local Environmental Plan (Town Centres) 2010.

Staff Commentary

The current LEP provisions applicable to the St Ives Shopping Centre are as follows:

- B2 Local Centre Zone;
- Maximum building height 14.5 metres (equivalent to 4 residential storeys);
- FSR of 1.6:1.

Figures 2, 3, and 4 show the relevant map extracts.

Item GB.12

S09318
17 October 2013

The variable heights and FSRs referred to in the EK Nominees' letter are in relation to the design excellence clause from the former Town Centres LEP 2010. As this clause is not available within the Local Centres LEP 2012 it will be necessary for EK Nominees to accurately define the proposed building height and FSR they seek should they prepare a Planning Proposal for their land and the surrounds. It is not the purpose of this report to consider the merits of height and floor space beyond that within the Local Centres LEP 2012. It is incumbent upon EK Nominees to make their own case in a formal Planning Proposal.

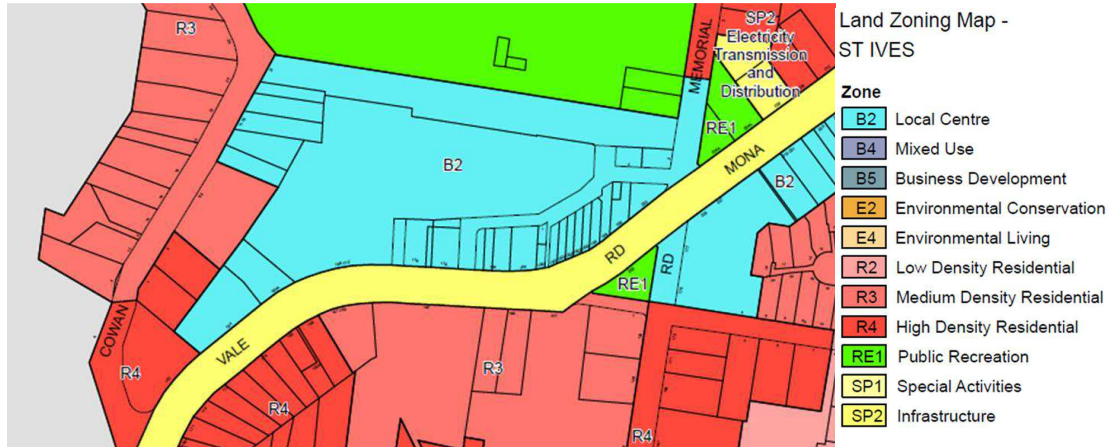


Figure 2 - Local Centres LEP 2012 – Land zoning map extract – St Ives

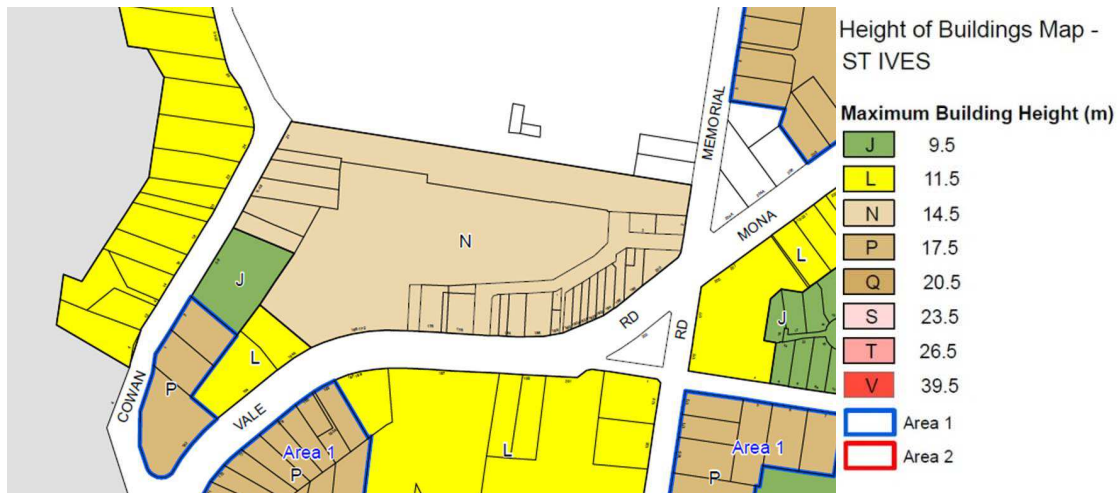


Figure 3 - Local Centres LEP 2012 – Height of buildings map extract – St Ives

Item GB.12

S09318
17 October 2013



Figure 4 - Local Centres LEP 2012 – FSR map extract – St Ives

Road closures

EK Nominees’ request that Council move forward with the closure of certain Council-owned lane ways. The lanes identified by EK Nominees are:

- Denley Lane;
- An “unnamed lane” located immediately to the west of council’s car park at 176 Mona Vale Road.

Figure 5 shows the location of these lands.

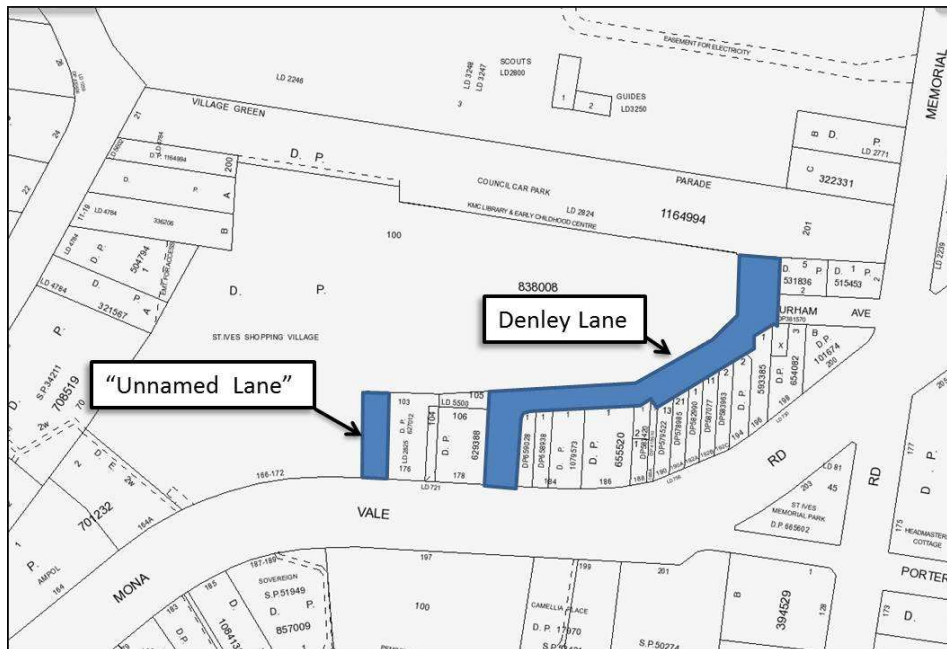


Figure 5 – Council owned lane ways – EK Nominees requesting closure or part closure

Item GB.12

S09318
17 October 2013

Staff commentary

The Ku-ring-gai DCP (Local Centres) 2013 assumes closure of the “unnamed lane”, which runs along the western boundary of 176 Mona Vale Road, and incorporation into an amalgamated site. The Local Centres DCP assumes partial closure of Denley Lane between Mona Vale Road and the property at 190 Mona Vale Road. Full closure of Denley Lane has not been considered to date as the properties at 190-192B Mona Vale Road, 200 Mona Vale Road, 2 Durham Avenue and 2 Memorial Avenue will require ongoing access to their properties via Denley Lane. This situation may change if ownership patterns change in the area in the future.

Council previously resolved to close the subject roads. Formal consultation with affected property owners was not carried out as EK Nominees had not demonstrated that ongoing access was available to properties fronting Mona vale Road which they did not own.

Reclassification of Council lands

EK Nominees request that Council move forward with the reclassification of certain Council-owned lands from community to operational. The lands identified by EK Nominees are:

- Council car park - known as 176 Mona Vale Road, St Ives being Lot 103 DP 627012 & Lot 105 DP 629388;
- Village Green Parade (incorporating the St Ives Library, St Ives Early Childhood Centre and St Ives Neighbourhood Centre) being Lot 1 in DP 420106 and Lot2 in DP 822373; and
- the Council car park known as 11-21 Cowan Road, St Ives being Lot A in DP 336206, Lot B in DP 336206, Lot 1 in DP 504794 and Lot A in DP 321567.

EK Nominees argue that reclassification of these lands is essential to allow redevelopment of the centre.

Staff Commentary

It is noted that the letter from EK Nominees lists two Lot and DP references in relation to the Village Green Parade which could not be located on Council’s property system, namely Lot 1 in DP 420106 and Lot 2 in DP 822373. These references relate to an earlier Lot and DP plan which existed prior to Council re-subdividing (boundary adjustment) for the land in August 2011.

The correct references are as follows:

- The Village Green Parade Lot 201 in DP 1164994; and Lot 200 in DP 1164994.

Council may also wish to consider reclassification of the St Ives Occasional Child Care Centre - known as 261 Mona Vale Road, St Ives being Lot 31 DP719052. If a new child care centre is provided as part of a future redevelopment of the Shopping Centre then this site will no longer be required as the service could considered for possible relocation to the new centre along with other children’s services.

Figure 6 shows the location of these lands and **Attachment A3** provides a detailed Lot and DP diagram.



Figure 6 – Council-owned land classified community

Easements and rights

EK Nominees request that Council address the matter of formalisation of various easements and rights between Council’s land, namely car parking areas and access ways, and the centre’s land. EK Nominees note that they have been seeking formalisation of this matter over a number of years. A plan of easements was prepared.

Staff commentary

Council received correspondence from EK Nominees in 2010, seeking to formalise access rights over the Council owned car park land. Council staff have obtained legal advice in relation to the request (refer **Attachment A2**).

The reclassification of lands and discharging all interests over Council’s land holdings will make the request to formalise these rights redundant.

Delivery mechanism

EK Nominees indicate that an appropriate development agreement, such as a Voluntary Planning Agreement (VPA) or deed, could be established between Council and the owners of the centre which provides a framework for the sale or lease of Council land and the provision of community facilities. The letter notes that similar successful redevelopments on the north shore have used similar agreements such as Lane Cove and Willoughby Councils.

Staff commentary

There is a range of mechanisms Council can utilise to ensure delivery of community infrastructure. Council will require further advice in this regard.

GOVERNANCE MATTERS

The adopted Delivery Program and Operational Plan (Places, Spaces and Infrastructure) sets out Council’s 4 year Term Achievement to deliver for St Ives; The Operational Plan for 2013/2014 also identifies the a series of actions to achieve the Term Achievement.

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| P4.1.2 | | | |
| Planning opportunities are investigated for the revitalisation of the St Ives Centre and surrounding precincts in collaboration with owners, developers, govt agencies and local residents. | The MasterPlan for the St Ives Centre and surrounding precincts is implemented. | Engage with relevant stakeholders to establish timing, extent and partnership opportunities. | Manager Urban Planning Manager Integrated Planning, Property & Assets |
| | | Undertake due diligence and undertake project scope. | Economic and Social Development Coordinator |
| | | Identify and engage with the key stakeholders. | Manager Community Development |

Council’s recently revised and adopted Community Strategic Plan 2030 (CSP), identifies the revitalisation of our centres as an important long term objective for the community.

Specifically our community desires that the St Ives, Lindfield and Gordon centres offer a broad range of shops and services and contain lively urban village spaces and places where people can live, work, shop, meet and spend leisure time.

The CSP endorses Council’s role to lead, facilitate and deliver the following for St Ives:

- Plans to revitalise local centres are being progressively implemented and achieve quality design outcomes in collaboration with key agencies, landholders and the community.
- Planning opportunities are investigated for the revitalisation of the St Ives Centre and surrounding precincts in collaboration with owners, developers, government agencies and local residents.

RISK MANAGEMENT

An important risk that would need to be identified is the integrity and due protection of the value of the public assets held and administered by the council, or the public interest generally. Such a risk may be reputational as well as financial.

A second risk would be the possible inability of the Council to discharge its Charter obligations to provide adequate, equitable and appropriate services and facilities for the community. Such a risk may be reputational as well as financial.

FINANCIAL CONSIDERATIONS

Council has funds it could contribute to the project through the Ku-ring-gai Contributions Plan 2010. It is also noted that Council would expect some form of cash payment for its land in addition to any in-lieu development contributions that may be agreed to.

A Planning Proposal from EK Nominees as outlined in their letter would be subject to Council’s fees and charges and charges – this would assist in covering the costs of review, analysis, exhibition and reporting the draft Plan.

SOCIAL CONSIDERATIONS

The reclassification of Council land could potentially provide Council with the opportunity to plan for and provide a wider range of new and updated community facilities and services for St Ives residents.

Council provides a wide range of community facilities within St Ives local centre. In 2009 Elton Consulting, on behalf of Council, undertook a review of existing community facilities to determine the current provision of community facilities in Ku-ring-gai and to identify key issues regarding their adequacy in meeting the demands of the community. The overall picture is of highly valued and well-used facilities that are short of space; in buildings not built-for-purpose; buildings that are ageing; and facilities in need of maintenance and renovation.

The descriptions below are extracts from the *Community Facilities Strategy, 2009* prepared by Elton Consulting.

St Ives Library

- heavily used library in relatively small space;
- cramped and limited space for required uses creates noise issues; and
- particular shortage of study space, display space, lounge reading space, meeting room space.

St Ives Community Centre

- extremely popular and highly utilised space; and
- limited capacity.

Ku-ring-gai Community Groups Centre

- maintenance and upgrading needs identified in building condition audit, especially to address "meets minimum standards for egress", OH&S and accessibility;
- need for space to enable service expansion, and particularly more meeting space for carer meetings/carers forums; space for staff amenities; and space for volunteer training;
- parking is a real issue – 2 hour limit is a real problem for staff (even with the allocated bays);
- need a room for staff to meet – a shared one with all the other service providers could work;
- only one bathroom for the whole centre and a sink (no kitchen facilities on site);
- safety and security is an issue;
- a more suitable premises could be identified which addresses concerns raised in regard to need for more space as demand will grow as population increases.

Ku-ring-gai Neighbourhood Centre

- looking to improve the service in the future to support carers; and
- would like additional space to provide respite while carers are shopping.

St Ives Occasional Care Centre

- building ageing - service has been in this location for 30 years;

Item GB.12

S09318
17 October 2013

- full to capacity; and
- purpose-built would be preferable and better to deal with childcare environment.

St Ives (Fitz) Youth Centre

- facilities limited to one room – limits leisure activities that can be provided;
- lack of equipment for youth centre;
- renovation of the space is required;
- not set up with furnishings or amenities/activities for young people (this limits ownership of the space).

The value of the Council facilities to the community and the need for modern facilities is further emphasised by a recent submission to Council of a proposal by the St Ives Progress Association for a multi-purpose community centre for St Ives on community land on Cowan Road (received 22 October 2013). Discussion of the document is not provided here as SIPA request that the proposal remain confidential.

The important point to note is that the existing facilities are highly valued and well-used facilities which now require modern built-for-purpose buildings that will meet the future social needs of St Ives residents. This conclusion is further supported by a prominent local community group.

ENVIRONMENTAL CONSIDERATIONS

The redevelopment of the St Ives Shopping Centre and the reclassification of Council-owned land will have environmental implications. These would be addressed in the formal Planning Proposal and open for further public review and comment.

The KLEP 2012 indicates there are no areas of biodiversity significance or heritage within the lands owned by council or the Shopping Village.

COMMUNITY CONSULTATION

There has been significant community consultation since 2005 on earlier proposals for reclassification of Council's land holdings in St Ives.

The *Town Centres Public Domain Plan, 2010*; the *Ku-ring-gai Contributions Plan, 2010*; and the *Local Centres DCP, 2013* have all been through community consultation and public exhibition processes.

A formal Planning Proposal process will include statutory consultation for the exhibition of the planning proposal and the public hearing process. Throughout the process there will be series of Council reports and further opportunity for community involvement.

INTERNAL CONSULTATION

To date Council has met with the proponent on two occasions to further understand the position of the St Ives Shopping Centre. Where relevant, consultation with other sections of Council has been undertaken in the preparation of this report.

SUMMARY

Over the past years there have been several meetings between Council and the St Ives Shopping Centre on their plans for upgrading and redeveloping the shopping centre.

Following the Ku-ring-gai LEP Local Centres, 2012 gazettal on 25 January 2013 and the Local Centres Development Control Plan adoption by Council, it is timely for Council to consider using its landholdings to assist in facilitating the redevelopment of the St Ives Shopping Centre, whilst capitalising on the returns to Council and the potential community benefits.

Reclassification

Council is a strategic landholder within the St Ives precinct. Reclassification of Council's land (see figure 6 - Proposed Reclassification of Land in St Ives) from community to operational will assist in the first steps of Council both achieving its objectives under the Community Strategic Plan 2030, the Delivery Program 2013-2017 and Operational Plan 2013-2014, whilst attaining the significant public benefit which could arise from the inclusion of Council's landholdings within the planning and redevelopment process for the St Ives precinct.

If Council wishes to proceed in this direction outlined in the letter from EK Nominees and the discussion in this report, then the first step is to adopt the following sites for the purpose of reclassification from community to operational land status via an amendment to the Ku-ring-gai Local Environmental Plan (Local Centres) 2012;

The Planning Proposal process for reclassification is as follows:

1. Council resolves to reclassify its land holdings;
2. Council submits a Gateway form to DOPI;
3. Exhibition of Planning Proposal (call for submissions);
4. Notice of public hearing (call for submissions);
5. Public hearing held;
6. Public hearing chairperson prepares report and report released;
7. Council consideration of submissions and the public hearing report;
8. Council sends Planning Proposal to DOPI requesting Plan be made; and
9. DOPI determination of the plan.

This process normally takes a minimum of 12 months.

The relevant parcels of land are as follows:

- Council Car Park - known as 176 Mona Vale Road, St Ives being Lot 103 DP627012 & Lot 105 DP629388.
- St Ives Village Green Parade (incorporating St Ives Library, Early Childhood Centre and Neighbourhood Centre St Ives Lot 201 in DP 1164994 & Lot 200 in DP 1164994.
- Council's car park known as 11-21 Cowan Road, St Ives being:
 - Lot A in DP336206,
 - Lot B in DP336206,
 - Lot 1 in DP504794,

Item GB.12

S09318
17 October 2013

- Lot A in DP321567,
- St Ives Occasional Child Care Centre - known as 261 Mona Vale Road, St Ives being Lot 31 in DP719052.

Closure of public roads

Council is the owner of roads and lanes within the precinct. Two of these are identified in this report as having potential for closure, and these are shown on Figure 5. The relevant public roads are the "unnamed lane", which runs along the western boundary of 176 Mona Vale Road; and partial closure of Denley Lane between Mona Vale Road and the property at 190 Mona Vale Road.

There are two ways a road can be closed:

- Closure of public road by Minister;
- Closure of public roads by Compulsory Acquisition.

The first process can take up to two years to complete while the second process will take significantly less time than closure by the Minister.

Closure of public road by Minister

- The Council as roads authority for a public road, may make an application for the closing of it to the Minister;
- After the Council has lodged the application form with the Crown Lands Division on behalf of the Minister, the Minister must cause notice of the proposed closing of a public road to be published in a local newspaper;
- Any person may make a submission to the Minister with respect to the closing of the road;
- After considering any submissions duly made, the Minister may, by notice published in the Gazette, and with the consent of the Council, close the public road;
- On publication of the notice closing the public road the road ceases to be a public road.

Closure of public roads by Compulsory Acquisition

- Section 41 of the Roads Act states that a '*public road that is compulsorily acquired under this or any other Act or law ceases to be a public road as a consequence of its compulsory acquisition*';
- The process for compulsory acquisition is found in the Just Terms Act;
- The land is compulsorily acquired when, with the approval of the Governor, a notice is published in the Gazette that declares that the land is acquired by compulsory process;
- The acquisition notice is, if practicable, to be published in at least one newspaper circulating in the Ku-ring-gai district.

Closure of the unmade Hall Street within what is now the B2 subdivision was done by compulsory acquisition.

If Council is of a mind to proceed with reclassification and road closures as outlined in this report then the onus will be on the St Ives Shopping Village to prepare a Planning Proposal for submission to Council and make their own case in relation to height and floor space ratio.

Item GB.12

S09318
17 October 2013

A Planning Proposal for reclassification is not proposed to be processed independent of a planning proposal by EK Nominees.

RECOMMENDATION:

- A. That a Planning Proposal be prepared, in accordance with section 55 of the *Environmental Planning and Assessment Act, 1979*, to reclassify the council car park known as 176 Mona Vale Road, St Ives, being Lot 103 in DP627012 & Lot 105 in DP629388, from community land to operational land via an amendment the Ku-ring-gai LEP Local Centres (2012).
- B. That a Planning Proposal be prepared, in accordance with section 55 of the *Environmental Planning and Assessment Act, 1979*, to reclassify the Council land known as Village Green Parade (which includes a Council car park, St Ives Library, St Ives Early Childhood Centre and St Ives Neighbourhood Centre) being Lot 201 in DP 1164994 & Lot 200 in DP 1164994 from community land to operational land via an amendment the Ku-ring-gai LEP Local Centres (2012).
- C. That a Planning Proposal be prepared, in accordance with section 55 of the *Environmental Planning and Assessment Act, 1979*, to reclassify the Council car park known as 11-21 Cowan Road, St Ives, being:
- Lot A in DP 336206,
 - Lot B in DP 336206,
 - Lot 1 in DP 504794 and
 - Lot A in DP 321567 from community land to operational land via an amendment the Ku-ring-gai LEP Local Centres (2012).
- D. That a Planning Proposal be prepared, in accordance with section 55 of the *Environmental Planning and Assessment Act, 1979*, to reclassify the Council land known as the St Ives Occasional Child Care Centre, 261 Mona Vale Road, St Ives being Lot 31 in DP 719052 from community land to operational land via an amendment the Ku-ring-gai LEP Local Centres (2012).
- E. That Council undertake a public hearing under the provisions of the *Local Government Act, 1993* for the proposed reclassification of the land resolved by Council in resolution A from community land to operational land.
- F. That Council formally seek to discharge all interests for the St Ives Council land holdings as set out in the Planning Proposal.
- G. That the Planning Proposal be submitted to the Department of Planning and Infrastructure for a Gateway Determination in accordance with Section 56 of the *Environmental Planning and Assessment Act, 1979*.
- H. That upon receipt of a Gateway Determination, the exhibition and consultation process is carried out in accordance with the requirements of the *Environmental Planning and Assessment Act, 1979* and with the Gateway Determination requirements.
- I. That a report be brought back to Council at the end of the exhibition and public hearing

Item GB.12

S09318
17 October 2013

processes.

- J. That Council's submission of a final Planning Proposal to DOPI is contingent on the prior submission and Council adoption of a Planning Proposal by EK Nominees, in relation to height and floor space ratio.
- K. That Council write to EK Nominees notifying them of its resolution.
- L. That a further report be brought to Council in relation to the compulsory acquisition of the unnamed lane and part Denley Lane as shown in Figure 5.
- M. That Council commence preparation of a detailed community facilities strategy for St Ives and that a budget of \$60,000 is allocated for the study from S94 2010 Plan – local recreational, cultural and social facilities.

Bill Royal
Team Leader Urban Design

Antony Fabbro
Manager Urban & Heritage Planning

Andrew Watson
Director Strategy & Environment

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| Attachments: | A1 | EK Nominees letter dated 16 October 2013 | 2013/266688 |
| | A2 | Sparke Helmore legal advice dated 9 July 2013 | <i>Confidential</i> |
| | A3 | St Ives Shopping centres Lot & DP plan | 2013/267616 |
| | A4 | Proposed Community Infrastructure - St Ives Local Centre | 2013/298814 |