



Lane Cove Council

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8 May 2015
Our Ref: 25781/15

Ms Carolyn McNally,
Secretary,
NSW Department of Planning & Environment,
Level 3
4-6 Bligh Street
SYDNEY NSW 2000

Attention: Mr Tim Archer

Dear Ms McNally,

**RE: PLANNING PROPOSAL 20: 75-79 LITHGOW ST, 84-90 CHRISTIE ST AND
PORTION OF LITHGOW ST, ST LEONARDS**

- **Submission to LEP Gateway seeking exhibition**
- **Request for Council's General Manager to use delegation**

At the Council meeting of 20 April 2015, Council resolved to submit to the Department a planning proposal under Local Environmental Plan 2009 for the above site in the St Leonards Strategic Centre, requesting Gateway approval to proceed to exhibition and the use of delegation by Council's General Manager.

The planning proposal was prepared by JBA Urban Planning Consultants Pty Ltd on behalf of Winten Property Group.

The site currently has development approval for an eighteen-storey commercial building under the former NSW Part 3A system. The permissible FSR is 14:1 and height is 65 metres. The site area is 3,197m² approximately.

As outlined in the Council Report, the aim of the planning proposal is to contribute to the revitalisation of St Leonards at the proposed St Leonards Rail Plaza, with improved public amenity, pedestrian connectivity, supermarket/ retail and activation of the eastern side of the Rail Plaza.

Documentation

The documentation is, as discussed, to be provided electronically via emailed links, and comprises the following:-

- Council Report of 20 April 2015, with attachments:-
 - AT 1: Planning Proposal by JBA
 - AT 2: Appendix A: Concept Design Report, Bates Smart
 - AT 3: Appendix B - Proposed LEP Maps, Bates Smart
 - AT 4: Appendix C: Transport Report, Colston Budd Hunt & Kafes P/L

(Note: Attachments 5 and 6 to the Council Report related to a proposed bonus for design excellence. Council resolved not to proceed with this scheme and so those two attachments are not relevant to this application.)

- Council Minutes of 20 April 2015
- A letter to Council from Bates Smart Pty Ltd, Winten's architect, dated 7 May 2015, relating to height.

Proposal

The Council report provides a summary of the proposal. The purpose in brief is to:-

- Rezone the site from B3 Commercial Core to B4 Mixed Use, to allow the development of two residential towers above retail/ commercial; this includes the adjoining portion of Lithgow St in accordance with mapping guidelines.
- Provide an incentive bonus scheme for increases above the FSR and height for public benefits, subject to:-
 - providing a supermarket with public parking (additional FSR of 2:1) and/or
 - site amalgamation of ageing shops at 546-564 Pacific Highway, adjacent to the site, for a new commercial building (additional FSR of up to 1.6:1).
 - This would result in a total potential FSR of 17.6:1.
- The height is proposed to increase to a maximum of 224 metres.
 - This would apply to Winten's tower on Christie St, and is comparable with the Charter Hall building's height, at 504 Pacific Hwy, proposed in Planning Proposal 18 which is shortly to be gazetted.
 - The second Winten tower, on Lithgow St, would front the east side of the rail plaza and be up to around 29 storeys, to be comparable with the Loftex tower at 1-13A Marshall Avenue proposed front the west side of the rail plaza (under Planning Proposal 22, to be submitted shortly).

Council resolved that a Voluntary Planning Agreement, to provide a monetary contribution towards the St Leonards Plaza and associated works, and Development Control Plan are to be drafted for exhibition with the planning proposal.

As Council resolved not to proceed with a design excellence scheme for an additional 1:1 FSR, the maximum FSR of 17.6:1 is a reduction from that described in Council's report (of 18.6:1).

Technical matters

(i) Height

Council resolved that the height of the proposed higher tower should be reduced proportionally to the proposed FSR loss of 1:1. However, given that the letter from Bates Smart indicates that this would result in a reduction of only one level, Council requests that the height remain as mapped at 224.0 metres, to respond to possible design constraints and variations.

(ii) LEP wording

Council resolved that the draft LEP clauses proposed by the applicant (at page 26 of the JBA report) should be strengthened before exhibition, in liaison with the Department, to:-

- Require as a condition of development approval that the above Voluntary Planning Agreement be entered into with Council to provide a monetary contribution towards the St Leonards Plaza and associated works;
- Require the provision of a supermarket with a minimum of 3,000sqm and a 300-space public car park dedicated to Council located in the upper levels of the car park in proximity to the supermarket - as a joint requirement to obtain a bonus of FSR 2:1; and
- Prohibit "residential flat buildings" as a stand-alone land use for the B4 Mixed Use Zone as it applies to this site.
The draft LEP wording relating to the FSR 1.6:1 bonus for commercial amalgamation adjacent to the site was accepted as in the JBA report.

In summary, Council requests that the Department's LEP Gateway approve Planning Proposal No. 20 to proceed to public exhibition, subject to the following conditions:-

- A draft Voluntary Planning Agreement and a site-specific Development Control Plan be drafted for exhibition with the planning proposal ,
- The draft LEP wording be strengthened, in liaison with Department staff, to amend the draft clauses in the JBA proposal, as above
- The height and FSR mapping methods be discussed with the Department having regard to the bonus scheme, and in particular to use Relative Levels, and
- Bates Smart be requested to provide clearly legible shadow diagrams prior to exhibition.

Please feel welcome to contact Stephanie Bashford, Manager - Strategic Planning, on 9911 3612 or at sbashford@lanecove.nsw.gov.au to discuss any matters relating to the submission.

Yours sincerely



Michael Mason

Executive Manager – Environmental Services