

Ordinary Council Meeting 20 April 2015

PLANNING PROPOSAL TO REZONE 75-79 LITHGOW ST & 84-90 CHRISTIE ST, ST LEONARDS TO MIXED USE

Subject: Planning Proposal to rezone 75-79 Lithgow St & 84-90 Christie St, St Leonards to Mixed Use

Record No: SU5658 - 13814/15

Division: Environmental Services Division

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Executive Summary

This report supports a planning proposal to rezone a site in the St Leonards Specialised Centre for mixed use development and to increase the height and floor space ratio controls under Local Environmental Plan 2009. The proposal, submitted by Winten Property Group, relates to 75-79 Lithgow St and 84-90 Christie St, St Leonards (Site A). An additional option is to also include for amalgamation the eight properties at 546-564 Pacific Highway, opposite St Leonards station, for commercial redevelopment (Site B).

The principal site (Site A) 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.

This planning proposal aims to:-

- rezone the site (Site A) from B3 Commercial Core to B4 Mixed Use
- rezone the part of Lithgow Street which lies adjacent to the site from B3 Commercial Core to B4 Mixed Use
- increase the maximum building height from 65m to 144m (RL 224)
- provide incentive clauses to increase the maximum floor space ratio (FSR) where specific public benefits are provided and
- retain a minimum FSR of between 1.5:1 and 2.5:1 non-commercial floor space, depending on amalgamation of the Highway properties (Site B).

The planning proposal proposes a range of options for a mixed use development to provide significant public benefits, subject to incremental FSR increases, as follows:-

- Option 1: For FSR 14:1 with mixed use conversion from commercial – development contribution to the Rail Plaza
- Option 2: Additional FSR of 1.6:1 – for site amalgamation for commercial purposes of the block bounded by Pacific Hwy, Christie St. Christie Lane and Lithgow St
- Option 3: Additional FSR of 2:1– for providing a 200 space public car park, associated with a supermarket
- Option 2: Additional FSR of 1.0:1 – for undertaking a design excellence process.

The development proposed would comprise two building components, with buildings stepping in height up from approximately 20-27 (average 24) storeys, including plant, matching the Loftex tower at 1 Marshall Av on the west side of the Plaza opposite, up to the approximately 44-47 storeys, matching the Charter Hall at 504 Pacific Hwy (the Charter Hall

site being situated around eight metres uphill of this site). The number of residential flats provided would range between 450 and 625 under FSR incentives. The non-residential floor space would range from 8,045m² – 21,195m², and the combined total floor space would range from 44,758m² - 59,470m².

As part of the planning proposal, Winten seeks to enter into a Voluntary Planning Agreement (VPA) with Council to contribute to the delivery of the future St Leonards Plaza (the Plaza) and associated works and transfer the 200 car space public car park to Council. The Plaza would also incorporate a bus interchange and pedestrian link to St Leonards Station.

The above planning proposal is made with the aim of achieving a significant contribution towards the revitalisation of St Leonards Centre, with improved public domain and amenity, pedestrian connectivity, supermarket/ retail and activation of the eastern side of the Rail Plaza to complement the western precinct and form a central point between the future Marshall Avenue and Charter Hall/ Leighton redevelopments.

A balancing of the residential, commercial and infrastructure components is seen as key to the revitalization of the St Leonards Centre.

The Plaza infrastructure is essential to achieving Council's vision of economic activation and high residential amenity. for such vitality. This planning proposal would complete the set of three sites, clustered around Council's plazas, targeted by Council for mixed use with height and/or FSR incentives to produce an integrated and revitalised precinct on the southern side of St Leonards.

On the basis of the site amalgamation for the Pacific Highway block, and even with mixed use rezoning of the main site, this proposal would comprise approximately the 30% of current LEP capacity in satisfaction of Departmental policies. Furthermore, the creation of an estimated 680 jobs on Site B alone would provide over one quarter of the employment target (estimated at 2,500) for the Lane Cove section of St Leonards under the Metropolitan Strategy

The planning proposal is consistent with the objectives of the NSW *Plan for Growing Sydney* for the future of the St Leonards Centre. It is recommended that Council approve the planning proposal for submission to the NSW LEP Gateway.

The application comprises the following documents:-

- Planning Proposal by JBA urban planning consultants for Winten (**AT 1**)
 - Appendix A: Concept Design Report by Bates Smart, architects (**AT 2**)
 - Appendix B: Proposed Amendments to the LEP Maps by Bates Smart (**AT3**)
 - Appendix C: Transport Report by Colston Budd Hunt Kafes Pty/Ltd (**AT 4**).
 - Appendix D: Memorandum re costs, WT Partnership (**AT 5**).

Planning Proposal 20 for the Christie/ Lithgow Precinct is recommended for submission to the Department of Planning & Environment, subject to a number of amendments to strengthen the draft LEP provisions relating to floor space ratio bonuses.

Background

The Planning Proposal 20 site is occupied by a range of commercial buildings which are reaching the end of their economic lifespan. The five lots owned by Winten (Stuva Pty Limited) have 124 car spaces and 7 vehicle access points (with others in the optioned lot, 84 Christie St). The 3,197m² site's configuration and tenure are described in detail in Section 3.2 of the JBA planning proposal.

A Concept Approval was granted for the site (without 84 Christie St) in July 2011 by the NSW Planning Assessment Commission. Subsequently a development application for an eighteen-storey retail/commercial building of approximately 31,000m² with 205 car spaces was approved by the Joint Regional Planning Panel in August 2012.

Since that time Winten has attempted to attract a major tenant to pre-commit to lease the building. However, due to the lack of demands for A-Grade commercial floor space within St Leonards they have not been able to secure a tenant and therefore have not commenced the approved commercial development. It is understood that, despite St Leonards' location approximately 6km from the Sydney CBD, a significant factor is the perceived lack of amenity in the centre currently.



 The Site

Figure 5 – Aerial Photo

Source: Nearmap

Notes:-

- (i) The JBA planning proposal refers to the site as the St Leonards Plaza Precinct, but the term is not used in this report as that precinct would comprise the Plaza itself, 1 Marshall Avenue and other properties on the western side.
- (ii) References to the height of the tower proposal for 1-13A Marshall Avenue are indicative only, subject to that site planning processes.

Discussion

The following provides an overview of the planning proposal as described in the JBA Report.

Strategic Context

Changes in the character of the centre:-

The St Leonards Specialized Centre has been identified as a focus for health and education facilities growth since the Metropolitan Strategy for Sydney in 2005, as is confirmed in that strategy's *A Plan for Growing Sydney*, December 2014. A shift in its character away from a traditional commercial centre has been occurring for some years, including the expansion of business parks in North Ryde, Macquarie Park and Gore Hill and the redevelopment of the Royal North Shore Hospital.

St Leonards has consequently experienced a transition from smaller commercial buildings to multi-storey, mixed use development, in particular on the northern side of the Highway. The precinct currently ranges from ageing, low scale commercial buildings to the Forum (a 1990s Winten development) of approximately 35 storeys over the commercial/ retailing and rail/bus interchange on the northern side of the Highway.

Economic Changes:-

As stated in the JBA report:-

- It is noted that Winten has not engaged an independent Economic Impact Assessment (EIA), on the grounds that extensive assessment has been undertaken as part of the Charter Hall/ Leighton Planning Proposal. This included an assessment prepared by Urbis for the proponent and an independent peer review engaged by Council which was undertaken by Hill PDA. The findings of these studies as they apply to the current Planning Proposal are summarised below:-
 - o The decline in demand for commercial office space in the St Leonards Centre has been acknowledged in both economic assessments.
 - o Other suburban centres such as Macquarie Park and North Ryde combine affordable rental rates with higher grade stocks and larger floor plates. These are better placed to attract traditional commercial/ office based industry sectors and tenants.
 - o The St Leonards centre is a Tier 4 office location, which means that projects of the scale permissible under the LEP 2009 may not be viable. In this regard, Hill PDA acknowledged that the greater the quantum of commercial floor space insisted upon on a site, the less attractive the option becomes from a financial perspective, running the risk of redevelopment not being achieved. This is reflected by that fact that Winten has not been able to secure a pre-commitment for the existing commercial approval on the site.
 - o Notwithstanding the above, a smaller component of new, high quality office space has the potential to be attractive to the market, particularly in conjunction with other developments and public domain improvements that would reinvigorate the Precinct.

- o Hill PDA notes that this centre is more affordable and therefore attractive to smaller specialist medical uses and local professional firms. The existing C and D grade space meets a specific market need but would not support the growing demand for high quality commercial space.

The strategic vision for the St Leonards centre is currently under review, with Council noting that whilst Lane Cove has consistently worked to retain the commercial core within the St Leonards centre in accordance with the St Leonards Strategy 2006 and State policies, development has not occurred, despite the uplift in height and FSR provided in LEP 2009.

The site is in a central location adjacent to Council's future St Leonards Plaza. An area over the rail plaza for the south side of the centre was proposed in the St Leonards Strategy 2006 to create open space and improve pedestrian connectivity and bus facilities within the centre.

Since 2011, Council has pursued its plans for the above-rail plaza as part of its vision to create an attractive 'sense of place' in St Leonards and is well progressed in liaison with NSW transport agencies to prepare detailed designs for the project.

It is noted that the DA approved in 2012 for the site was designed, prior to the plaza plans being as advanced, to respond to the existing levels of Lithgow Street. If development were to go ahead in accordance with that DA, it would create a significant impediment to the design and functionality of the future Plaza.

The planning proposal is to be seen in the context also of other significant strategic planning changes in the St Leonards centre. The 472-504 Pacific Hwy Charter Hall/ Leighton Planning Proposal and the 1-13A Marshall Av Planning Proposal have both been proposed to permit mixed use development in conjunction with public domain and other infrastructure. Winten's Christie/ Lithgow Planning Proposal 20 has the potential to complete this suite of public benefits directly related to the St Leonards Plaza-to-Friedlander Place precinct.

The St Leonards South Strategy Stage 2, currently being finalised, proposes higher densities in a precinct immediately west of the rail line, and the public domain improvements proposed in these three planning proposals would benefit this precinct.

These increased densities in the St Leonards precinct are consistent with the NSW Government's strategic planning objectives, and increased accessibility offered by the recently announced Sydney Rapid Transit project with a new rapid transit station to be built in St Leonards / Crows Nest, for transport to the CBD via a second Harbour crossing and to western Sydney.

In December 2014 the Department of Planning and Environment released *A Plan for Growing Sydney*. The Plan supersedes the former *Metropolitan Plan for Sydney 2036* and *Draft Metropolitan Strategy for Sydney to 2031*, and presents a strategy for accommodating Sydney's future population growth for the next 20 years.

The new plan identifies the following priorities for the St Leonards centre:-

- Work with council to retain a commercial core in St Leonards for long-term employment growth
- Work with council to provide capacity for additional mixed-use development in St Leonards including offices, health, retail, services and housing

- Support health-related land uses and infrastructure around Royal North Shore Hospital and
- Work with council to investigate potential future employment and housing opportunities associated with a Sydney Rapid Transit train station at St Leonards/ Crows Nest.

The Planning Proposal is consistent with these priorities as it seeks to provide capacity of additional mixed use development in St Leonards to accommodate a range of residential, retail and offices uses. As stated above, the planning proposal including site amalgamation incentives would achieve the Department's policy of providing 30% of the current LEP's commercial floor space employment capacity.

The Planning Proposal

The planning proposal comprises two residential components referred to as the 'plaza building' at the interface of the future Plaza and 'the tower' located further to the east, with their heights ranging respectively from 20 to 44 storeys, or 27 to 47: It provides for a number of options, with differing land uses and increases in scale from the current base FSR of 14:1 up to 18.6:1 (i.e. totalling up to 4.6:1), subject to specific public benefits identified by Council (referred to by JBA as the "Public Benefits Incentives Scheme"):-

- Scheme 1: Rezone the site (Site A) from commercial to mixed use with the existing FSR of 14:1– with a voluntary planning agreement for financial contributions to the St Leonards Plaza and associated works
- Scheme 2: Increase the FSR by 2:1 – with the construction of a 200-space public car park to be transferred to Council and an associated large supermarket
- Scheme 3: Increase the FSR by 1:1 – for providing "design excellence"
- Scheme 4: Increase the FSR by 1.6:1 – for amalgamating the eight lots comprising the adjacent block bounded by Pacific Hwy, Christie St, Christie Lane and Lithgow St (Site B), to facilitate a 17,000m² commercial development.

A diagram of this range of schemes is shown below (from page 23 of the JBA report).

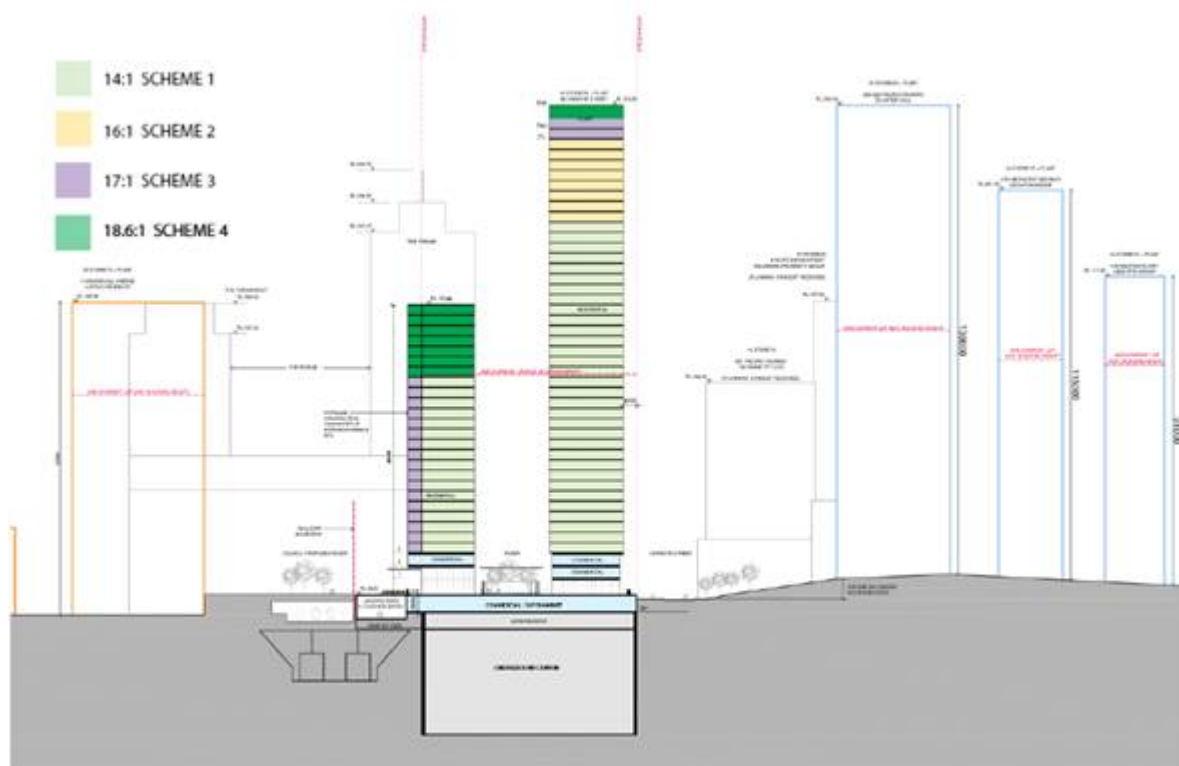


Figure 28 – Implications of various incentives on the massing of the scheme

Source: Bates Smart

The detailed design of these elements would form a future development application. An indicative photomontage of the scheme is provided further in this report (from page 15, JBA). A detailed description of the public amenity/ benefits is provided at page 45 of the JBA report.

Comments on Each Scheme

The proposed draft LEP clauses described below are at page 26 of the JBA report.

Scheme 1 – Rezoning from Commercial to Mixed Use

The rezoning to mixed use is supported as part of Council's integrated strategy to revitalise the centre by rebalancing its proportions of residential and employment floor space and providing the public domain, transport and other infrastructure needed for both sectors.

The planning proposal provides an assurance that a voluntary planning agreement would be entered into with Council to provide a monetary contribution towards the St Leonards Plaza and associated works. It is recommended that the draft LEP require this as a condition of development approval.

Scheme 2 – Public car park/ Supermarket

The draft LEP proposes that:-

“(5) Development that includes provision of a 200 space public car park is eligible for an additional floor space ratio of 2:1”.

The planning proposal further states that, in addition to facilitating and maximising Plaza use, a public car park would be the catalyst for the incorporation for a “full line” supermarket within the proposed development.

Comment: This is not, however, reflected in the draft LEP. The supermarket would be, however, a very important contribution to the retail offering and amenity of the centre for its residents, workforce and visitors. The current provision is limited to a small mini-market at the Forum. It is recommended that the Draft LEP clause be strengthened to ensure that provision of a supermarket in association with a 200-space public car park is a joint requirement to obtain the bonus.

Scheme 3 – Design excellence

At present the draft LEP (JBA, page 23) requires only that:

“(7) Development that demonstrates an international standard of architecture at the eastern interface with the Plaza is eligible for an additional floor space ratio of 1:1. In considering whether development to which this clause applies exhibits an international standard of architecture, the consent authority must have regard to the following matters:

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location would be achieved for the interface with the St Leonards Plaza, and
- (b) whether the form and external appearance of the proposed development at the interface with the St Leonards Plaza would improve the quality and amenity of the public domain,

An architectural design competition is not required in order for a development to demonstrate that it is of an international standard.”

Comment: It is considered that the draft LEP should be strengthened to respond to the following concerns:-

- To achieve such a bonus, design excellence considerations to apply to all of the site’s building components, not only the western facade.
- The applicant to be required to satisfy an exemplar standard rather than merely whether the design would improve the quality and amenity of the public domain, given the low starting-point of the current public domain.
- Guidance is required as to how the consent authority is to have regard to these matters, and as a minimum it is considered appropriate that an internationally recognised independent architectural assessment to be undertaken.

In view of the strategic location and high visibility of the site from the future St Leonards Plaza (and other aspects) and the interface of the Plaza with the adjoining buildings, it is reasonable for Council to expect architecture of an international standard. The JBA report notes that outstanding architecture in high-rise structures manifests in significant cost imposts, but that the economic justification for such expenditure cannot be supported in suburban locations where sales values are more limited.



On the basis of “an indicative artist impression” above, WT Partnership has provided an estimated “extra over” to normal construction costs (page 17, JBA) of \$6.5 -7.5 million. A resulting FSR bonus of 1:1 has been calculated. It is also observed that the Sydney City Council allows a bonus of up to 10% for design excellence, which would be up to 1.4:1 for this site (as FSR 14:1 is currently permissible). The image shows a heavily balconied western façade with timber effect, extending over Council land (Lithgow St). This indicates an architectural concept of “design excellence” and aspiration to an international design quality.

It is standard practice for the facades of apartment blocks to be repetitiously covered with balconies. This in itself would not constitute an interrelationship with the Plaza merely because the balconies extend over it.

Consequently, the aim is to ensure a design that produces irregular, random building elements to create the façade’s sense of openness, articulation and visual interaction with the Plaza.

This and other issues, in particular setbacks, would be the subject of a site-specific development control plan section. It would be Council's purpose to clarify that the façade's extension over the Plaza would be limited as follows: A 4 metre extension zone over the Plaza would be permitted to include a part of the building structure's floor space but only to a maximum area of 36% of this air space (current estimate by Council - to be confirmed in the DCP); and in addition balconies would be permitted, with considerable air space remaining, the proportion to be set in the DCP.

It is recommended that JBA's draft LEP clause be strengthened, in liaison with the Department before exhibition, to specify a design excellence process comparable with that of Sydney City Council or including, as a minimum, an independent architectural assessment.

A range of possible considerations may include the massing of building components, modulation in scale between the podiums and towers, articulation, proportions of the retail arcade entries and other key features, compatibility of the plaza building's western façade with its others and those of the eastern tower, relationship with the site's visual context, internal amenity, sustainability and other urban design factors. Retail activation of Christie Lane, which was a feature of discussions for the former Concept Plan but was not produced in the 2012 DA, would be central to the quality of the broader pedestrian network, and must be ensured regardless of the short-term future of the Site B block.

Examples of such design excellence processes are shown as **AT 6**.

A number of the concept design's features are commended, including the transitioning from the Charter Hall scale at the east towards the Loftex tower's scale at the west (the exact is to be confirmed in that site's current planning processes), to provide compatible building scales facing across the Plaza, the north-south orientation providing view lines towards the city and the building separation of 24 metres with retail courtyard between. The JBA report comments that, because of the Plaza interface, a large quantum of the future GFA (approximately 3,150m² / 1:1) is subterranean and therefore does not contribute to the bulk and scale of the development.

Bates Smart has undertaken a preliminary analysis of the key provisions of *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) to state that their indicative residential towers are capable of achieving a high level of internal residential amenity.

- Solar access: During mid-winter on the 22 June, more than 70% of apartments will receive a minimum of 2 hours of direct sunlight to living rooms and private open spaces between 9am and 3pm.
- Cross-ventilation: The floor plates of the proposed residential towers are able to be planned to ensure that a minimum of 60% of apartments are capable of achieving natural cross flow.
- Building separation: A separation distance of 24m is provided between the plaza building and tower component, with a greater separation of than required under the RFDC at the lower levels and a minor variation of 1.5m at the upper levels (Levels 9-24).
- Privacy: Apartments in the plaza building are laid out to ensure that living areas do not face the courtyard or residential tower opposite. A minimum separation distance of 24m is provided to the Telstra site. The buildings would have distant views to residential developments in the surrounding area, such as the Forum; however the

considerable separation would ensure there are no adverse privacy impacts on those dwellings.

- View-sharing: The north-south orientation of the proposed residential towers, together with the 4m setback to the eastern boundary, aims to ensure that the slenderest possible form is presented to existing apartments in The Forum to the north. The separation of 24m between the two residential elements seeks to maintain a key view corridor from The Forum buildings towards the Sydney CBD, as shown in the photo-montages in the JBA report (pages 42). A view corridor to the city is provided to all levels, by contrast with the current approval for a bulky eighteen-storey commercial building.

- Overshadowing: As stated in the JBA report:-

- o Between 9am and 11am the proposed development casts some additional shadow on the existing low density residential precinct to the south-west of the site; however the slender nature of the tower results in this effect being fast moving, and passes by 11am. The shadows cast by the building would not impact the ability of these surrounding dwellings to achieve a minimum of 3 hours of direct solar access.
- o Between 11am and 12:30pm, the majority of shadows cast would fall into the railway line.
- o “In the afternoon period the shadows predominantly fall on the commercial buildings in the precinct.”

Comment: The report lacks comment, however, on the impact on the residential flats “Northmark” and “Shoremark” 90 metres south of the site. The shadow diagrams by Bates Smart are also of poor legibility. It is recommended that clearer shadow diagrams be required from Bates Smart before exhibition, and that analysis be provided of the shadow impacts on these properties.

Scheme 4 - Site Amalgamation

The quantum of non-residential floor space proposed in the base scheme (14:1) is 8,045m². However an FSR incentive of up to 1.6:1 is provided on the site if the development application also includes amalgamation of the ageing shop sites to the north along the Pacific Highway between Lithgow and Christie Streets. If this were to occur, retail would still be provided on Site A but much of the commercial shown in the podium under the base scheme would be relocated to Site B remaining B3 Commercial Core. This would result in 4,195m² of non-residential floor space on Site A, with a total of 21,195m² of non-residential floor space including Site B.

The two Sites A (3,197m²) and B (over 1,700m²) comprise a total area of 4,897m². As a conservative estimate under their respective FSRs (14:1 and 10:1), their total commercial potential floor area is 61,758m². The provision of 17,000m² commercial floor space on Site B would comprise 28% of this total employment capacity of the combined sites, i.e.

approximately the 30% of current LEP capacity in satisfaction of Departmental policies, with the Site A retail floor space added.

The Metropolitan Strategy has to date set an employment target for St Leonards (as a total all three council areas) of 8,000 jobs. The amalgamated Site B's 17,000m² commercial floor space would (based on a conservative standard of 1 worker/ 25m²) provide 680 jobs. The RNS Hospital is to provide 3,000 jobs in the Willoughby LGA. Assuming the balance of 5,000 were split between Lane Cove and North Sydney Councils, each would provide 2,500 jobs. The 680 jobs on Site B alone would provide over one quarter of this target for the Lane Cove section of St Leonards.

Comment: The site amalgamation is supported, as it is anticipated to generate an overall floor space of 17,000m², having the potential to provide the additional commercial floor space that would not otherwise be likely to be delivered due to Pacific Highway sites' fragmented ownership.

Sites A and B Car Parking

It is noted, in relation to the proposed amalgamation of Site B, that the draft LEP proposes:-

"(4)...The consent authority may grant consent to development within Site B or Christie Lane for basement car parking that is ancillary to a residential use within Site A even though development for that purpose would otherwise not be allowed by this Plan."

Should Council endorse that policy, the Department would be consulted as to the technical aspects of the draft clause.

Mixed Use Zone Land Uses

The LEP's B4 Mixed Use Zone permits residential flat buildings to be developed without retail, commercial or other uses. It is recommended that a site-specific clause be added to the draft LEP to prohibit this outcome for the site, given its strategic significance in relation to the public St Leonards centre and adjacent Plaza.

Traffic and Transport

The JBA report states that the Transport Report prepared by Colston Budd Hunt & Kafes Pty Ltd is focussed on the base scheme, as the extent of additional FSR (if any) is not yet known. Further analysis would be undertaken if the bonus provisions are adopted as part of a future development application. It is noted, however, that the consultant's report does give some indicative assessments.

- Due to factors including access to public transport, traffic generation would be at the lower end of the typical ranges.
- Based on the areas in the indicative base scheme, the total traffic generation would be as follows:-
 - o 210 vehicles per hour two-way during weekday morning peak hours; and
 - o 350 vehicles per hour two-way during weekday afternoon peak hours.
- This represents an increase of some 70 and 240 vehicles per hour two-way during the weekday morning and afternoon peak hours respectively, compared with the approved commercial scheme.

- In determining appropriate parking rates for the site, CBH&K has considered the rates provided by both Lane Cove Council and RMS (for both sub-regional centres and CBDs).
- Prior to exhibition, Council would seek confirmation of the appropriate rates having regard to recent policy shifts, under the DCP's Part R and the draft *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*. Draft SEPP 65 provides that residential developments within 400m of a railway station or light rail stop, in nominated inner and middle ring metropolitan Sydney areas (such as Lane Cove), are not required to provide any parking.

The subject Planning Proposal would form an input into Council's traffic modelling for the subregion. Exhibition material supporting the planning proposal would include comments from Council's Traffic Section based on the latest available data at that time.

Section 117 Directions & SEPPs

The planning proposal is considered satisfactory in relation to Section 117 Directions and State Environmental Planning Policies as detailed in the JBA Report.

Community Consultation

Statement of Intent

The consultation is designed to allow public comment on Planning Proposal 20 subject to NSW Gateway requirements. Any comments received will be reviewed and evaluated to determine whether or not to proceed with the proposal.

Method

Level of Participation	Inform	Inform	Consult
Form of Participation	Open	Targeted	Open
Target Audience	Lane Cove Community and community groups	Surrounding land owners	Lane Cove Community
Proposed Medium	Advertisement and eNewsletter	Notification Letters	Public Exhibition, Website Exhibition
Indicative Timing	6 weeks	6 weeks	6 weeks

Conclusion

The planning proposal submitted by Winten Property Group for rezoning of the site from B3 Commercial Core to B4 Mixed Use comprises a range of options for providing substantial public benefits subject to incremental floor space ratio bonuses. These benefits comprise a contribution to the Rail Plaza, supermarket, design excellence and amalgamation of the commercial block adjacent on Pacific Highway.

The technical mechanisms in the LEP would be undertaken in accordance with the Department's requirements after Gateway approval for exhibition. These may relate to such matters as the controls for FSR options expressed in text and maps, clarification of the design excellence process and a means of ensuring a non-residential component FSR under any option. Comparable approaches are in use in Sydney City and other councils.

The built form is appropriate in terms of its transitional scale stepping from the height of the tower at 504 Pacific Hwy to the east down towards the Loftex tower on the opposite side of the plaza to the west, and having regard to the visual context of the Forum to the north, with view lines to be provided between the buildings. Draft DCP controls would be prepared for public exhibition with the planning proposal.

The planning proposal is consistent with the objectives of the NSW Government's *A Plan for Growing Sydney* for the future of the St Leonards Centre and with the Section 117 Directions and relevant State Environmental Planning Policies.

The proposal would complement the suite of developments clustered near the Rail Plaza, designed to contribute to Council's vision for the revitalisation of the St Leonards Centre through public domain, retail, commercial and other improvements. Specifically this development would activate the eastern side of the new plaza, provide pedestrian connectivity between the station via the plaza and Christie St and to the new supermarket, and complement the mixed use tower on the western side of the plaza.

Planning Proposal 20 is recommended for submission to the Department to seek Gateway approval for exhibition.

RECOMMENDATION

That:-

1. Council approve Planning Proposal 20 for 75-79 Lithgow and 84-90 Christie Sts, St Leonards for submission to the NSW Department of Planning & Environment seeking Gateway approval for exhibition to rezone subject lands from B3 Commercial Core to B4 Mixed Use with associated height and FSR controls, as defined in the Draft Planning Proposal.
2. The draft LEP clause be strengthened before exhibition, in liaison with the Department, as follows:-
 - Require as a condition of development approval that a 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 in association with a 200-space public car park - as a joint requirement to obtain a bonus of FSR 2:1.
 - Require a design excellence process comparable with that of Sydney City Council or including, as a minimum, an independent architectural assessment of any future development application for the site, to obtain a further bonus of FSR 1:1.
 - Prohibit "residential flat buildings" as a stand-alone land use for the site.
3. Council request the Department to authorise the General Manager to exercise delegation for this planning proposal.
4. A draft Voluntary Planning Agreement is to be prepared by Council with the proponent for exhibition with the planning proposal.
5. A draft Development Control Plan is to be prepared by the proponent and reviewed by Council for exhibition with the planning proposal.

Michael Mason
Executive Manager
Environmental Services Division

ATTACHMENTS:

AT-1	View	Planning Proposal - Lithgow/ Christie Precinct, JBA urban consultants	54 Pages
AT-2	View	Appendix A: Concept Design Report, Bates Smart	57 Pages
AT-3	View	Appendix B - Proposed LEP Maps, Bates Smart	3 Pages
AT-4	View	Appendix C: Transport Report, Colston Budd Hunt & Kafes P/L	27 Pages
AT-5	View	Appendix D: Memorandum re costs, WT Partnership	2 Pages
AT-6	View	Design Excellence Examples	11 Pages