

Our Ref: 262

Your Ref: Landmark Square Planning Proposal (PP2015/0001)

8 February 2016

Mayor - His Worship The Mayor, Councillor Vince Badalati,
Deputy Mayor - Councillor Philip Sansom (Emeritus Mayor), and
Councillors

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Councillors,

Re: Landmark Square Planning Proposal (PP2015/0001)

We understand that you will be work-shopping the issue of the strategic land use planning direction for the eastern precinct of the Hurstville City Centre this coming week having received several planning proposals (PP) and a further desktop review by GMU.

We write to point out the glaring difference between Dickson Rothschild's current PP2015/0001 for Landmark Square and every other proposal seeking additional HOB and FSR in the Hurstville City Centre and that is that PP2015/0001 seeks to include a 150 room hotel.

The Vision



Figure 1 - Dickson Rothchild - Amended PP2015/0001 – Forest Road Perspective – Extract January 2016 Presentation

To summarise what is extensive environmental planning justification in the terms of work by Dickson Rothschild (Urban Design), Hill PDA (Jobs and Land Economics) and Mott McDonald

(TMAP), for the site known as Landmark Square, the jobs and economic benefits are demonstrably better than the existing land uses and any other proposal Council has considered in recent history, with no unacceptable traffic, parking or urban form impacts.

The Team

It must be observed that Hurstville City Centre Urban Form Study (2007) was produced by Nigel Dickson's firm, as briefed by Council, and Nigel has an intimate knowledge of the strategic planning history that underpins where Hurstville has come from and where it should position itself for the future. Likewise, HillPDA's Director Sarah Hill was recently appointed to the Committee for Sydney Executive Board by Committee for Sydney Chair Lucy Turnbull. With respect to the TMAP, Gordon Hughes, Practice Leader NSW – Transport Planning for Mott MacDonald was the lead consultant that prepared Council's TMAP.

This highly competent team of experts have been engaged by the proponents to deliver a proposal with a high degree of rigour. The proposal is a legitimate vision to deliver of a new 150 room hotel, function facilities, its associated jobs and long term economic benefits, and a high quality mixed use development.

Voluntary Planning Agreement

In addition, the Applicant has proffered a VPA. Dr John Roseth and others have been critical of an overreliance upon VPA during the DA process. Both the Court and the JRPP have stated that VPAs are better employed within the strategic planning framework under Part 3 of the *Environmental Planning and Assessment Act 1979*. The proponent has followed this approach and the VPA seeks to deliver tangible public benefits to improve critical traffic infrastructure in this precinct. The contributions would make a commitment that more than offsets any transportation, traffic and parking impacts beyond the Traffic report concluding that there are no traffic impacts that cannot be addressed by minor intersection modifications at Durham Street and Forest Road.

Regional Context

The FSR and the HOB sought are not excessive given the importance of Hurstville in the Sydney Region as a Major Centre and in the sensible application of centres hierarchy in Sydney.

Lesser and more remote centres from Sydney's CBD such as Sutherland and Caringbah (FSR 4:1 and HOB 40m), Blacktown (Altitude Tower 24 storeys) and Penrith (10 storeys approved - St Hilliers and First Point Projects and Draft PP for 16 storeys afoot), are pushing ahead with densities significantly greater than most sites Hurstville City Centre.

The rule book on building height is being rewritten in higher order centres such as Parramatta where building height limits have been overturned by NSW Planning minister Rob Stokes, in a bid to see a 306m, 90 storey skyscraper built in Sydney's second CBD. Hurstville's LEP is lagging not only the strategic planning direction of many other parts of Sydney, but the fact that in lesser and more remote centres can attain higher buildings at increased densities, particularly Sutherland and Caringbah, with 4:1 and 40m, demonstrates a really need for Councillors to take a proactive role in championing a new strategic direction for this eastern precinct of the Hurstville City Centre.

Council should not look to its current LEP or previous studies for any real direction.

The irrelevance of the existing LEP

Whilst the existing LEP and DCP are statutory considerations under the Part 4 development assessment process as the JRPP observed, unanimously in the determination of 1-5 Treacy Street, Hurstville, they have been abandoned in any case:

Reasons for the panel decision:

1. The Panel concluded that the strict imposition of the height and FSR planning controls in DCP 2 Hurstville City Centre was unreasonable and unnecessary by virtue of the fact that those controls have been virtually abandoned by approvals by the council, the Land and Environment Court and the Planning Assessment Commission in the vicinity of the site under the same DCP controls. (see *Wehbe v Pittwater Council* (2007) NSWLEC 827) The proposal will fit into the scale of the Treacy Street Precinct as it is actually developing.
2. The minor variations of the "rules of thumb" in the Residential Flat Design Code have been justified.
3. The proposal has no adverse impact on solar access and privacy of adjoining developments.

We are not at all critical of the JRPP in making this honest observation. We also believe that the staff support for 1-5 Treacy Street was correct despite significant variations to existing development standards.

To use a common analogy, the horse has bolted. The desired future character the LEP and previous DCP 2 has been abandoned and it offers nothing to Councillors in consideration of new development standards.

We encourage Council to give, as a collegiate body, strident direction to staff as to the Council's new vision for this precinct.

Design Review Panel (DRP) & GMU Review

We have found the advice of the DRP, in 3 meetings, to be driven by personal preferences lacking a strategic vision consistent with regional planning and the objective of increasing transit oriented development. One member stated during a DRP meeting that they do not like tall buildings. If one does not like tall buildings, where very tall buildings within 200m and tall buildings within 400m to 800m, of heavy railway stations, are now encouraged to meet demands for more affordable housing and transit oriented development, then in my opinion, they hold a delusional view of regional planning for Sydney and more specifically Hurstville.

With respect to the JBA review there was no opportunity for landowners to speak too or make submissions to JBA despite our direct requests for this. We have no understanding of the GMU report contents but would expect that it should be very mindful of the centres hierarchy in Sydney and the strategic planning objectives for greater Sydney. If JBA find that a bases FSR below 3:1, an incentive FSR below 4.6 for a hotel use and HOB below the Obstacle Limitation Surface and PANS- OPS surface for Sydney Airport, are not supported, then it is our professional opinion that the objective of section 5(a)(ii) of the *Environmental Planning and Assessment Act* 1979 to encourage "*the promotion and co-ordination of the orderly and economic use and development of land*" would be thwarted.

There will be one opportunity to develop the Landmark site, deliver a 150 room hotel. What ever is built will stay for the better part of a century or more. The worst outcome would be to underdevelop this strategically important site, locking in suboptimal utilisation of valuable land. This outcome would be a direct affront to the objective of section 5(a)(ii) above.

Affordable Transit Oriented Development

It is clear that there is a high demand for more high density living in Hurstville's City Centre. The queues at commencement of sales for the Toga Development and the pre-commitments we observe for 1-5 Treacy Street, Hurstville, demonstrate that demand. The new apartment dwellers are already starting to add a new vitality to Hurstville City Centre and this has a very positive jobs and economic benefit for Hurstville as detailed by the HillPDA report.

The eastern precinct presents a great opportunity to create taller slender towers above a very well active hotel precinct, further supported by the proposed 150 room hotel, adjoining the highly valued Kemp Field open space with walking access to two railway stations.

It is my professional opinion that Dickson Rothschild's current PP2015/0001 for Landmark Square is wholly appropriate, consistent with the wider Sydney Regional planning regime and the centres hierarchy. I stress again with lesser centres, more remote from Sydney's CBD and lower in the centres hierarchy than Hurstville achieving significantly higher HOB and FSR, that any one that supporting significantly lower heights and density in Hurstville on site that are within acceptable walking distances to both Hurstville and Allawah Stations, do not understand the centres hierarchy in Sydney and the strategic planning objectives for greater Sydney.

A new direction is required and whether the Design Review Panel like high buildings or not they are inevitable if affordable, high amenity transit oriented development is to be delivered.

The way forward

We agreed with Council's strategic planning staff that to lock in such a high quality outcome there must be an LEP amendment with a bonus clause related to the hotel use, a site specific DCP. The 4.6:1 FSR would only be achievable for the site on the basis that the proposal delivers not less than 150 hotel rooms. The base FSR should not be less than 3:1. HOB should extend to the the Obstacle Limitation Surface and PANS- OPS surface for Sydney Airport

Councillors should give strident direction to staff as to the Council's vision for this precinct and its support in particular to a bonus FSR of 1.6:1 above the base FSR 3:1 and the maximum height defined by the Obstacle Limitation Surface and PANS- OPS surface for Sydney Airport under PP2015/0001 for Landmark Square.

The proponent is keen to finalise Gateway level documentation to progress Dickson Rothschild's current PP2015/0001 for Landmark Square and seeks Council's governance support to achieve demonstrable public benefits detailed by the HillPDA's report.

Further detail

The Dickson Rothchild's vision can be downloaded from the following Dropbox ® links:

- [January 2016 Presentation](https://www.dropbox.com/s/ejkqle2h623tvw/January%202016%20Prepresentation.pdf?dl=0) -
<https://www.dropbox.com/s/ejkqle2h623tvw/January%202016%20Prepresentation.pdf?dl=0>
- [HillPDA – Economic Report](https://www.dropbox.com/s/xspjimi30fg46g0/Appendix%202_Economic%20Report.pdf?dl=0) –
https://www.dropbox.com/s/xspjimi30fg46g0/Appendix%202_Economic%20Report.pdf?dl=0
- [Mott MacDonald Traffic Report](https://www.dropbox.com/s/fb811lqx9dpurf9/Appendix%203_Traffic%20Report.pdf?dl=0) -
https://www.dropbox.com/s/fb811lqx9dpurf9/Appendix%203_Traffic%20Report.pdf?dl=0

Councillors, if you have any specific questions or concern in regard to more detailed issues please feel free to contact myself (+61 408 463 714 or brett@daintry.com.au) or Mr Nigel Dickson (+61 419 228 204 or ndickson@discksonrothschild.com.au).

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Brett Daintry', with a long horizontal flourish extending to the right.

Brett Daintry, MPIA, MAIBS, MEHA
Director