

7 April 2016

Karen Armstrong
Director of Regions
NSW Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Karen,

Pre-Gateway Review Request – Planning Proposal at Nos. 31-35 Herbert Street, St Leonards

1 Introduction

This letter and accompanying documents have been prepared on behalf of *Aqualand* and is a request for Pre-Gateway review of a planning proposal submitted to Willoughby City Council (Council). This letter provides the proponent's justification for why a review is warranted.

We believe that the considerable merits of the planning proposal have been ignored by Council, and their planning officers. Council has a clear agenda to block development on industrial zoned land, irrespective of merit and the inappropriateness of the industrial zoning. This is inconsistent with the NSW Department of Planning and Environment's (DPE) guiding principle to increase housing choice around strategic centres and transport through urban renewal in established areas. Further, Council's consideration of the matter is inconsistent with their obligations to promote and coordinate the orderly and economic use and development of land. In the absence of proper consideration of the merit of this proposal by Council, the proponent has therefore sought a Pre-gateway review.

We do not believe that Council has given adequate consideration to the merits of a genuine proposal to provide new housing stock in the Willoughby LGA. This proposal is exactly what the DPE is trying to achieve through its metropolitan planning. The proposal is consistent with *A Plan for Growing Sydney* and the *Draft Inner North Subregional Strategy* as it will generate new employment and housing opportunities within walking distance of major employment, retail, health and education facilities and excellent public transport connectivity. The proposal will increase the density on the subject site to provide opportunities for additional dwellings, in accordance with housing targets set by the DPE and to accommodate tech and health workers expected in the area.

The purpose of the Planning Proposal is to amend *Willoughby Local Environmental Plan 2012* (WLEP 2012) to allow redevelopment of the site for the purposes of residential, retail, commercial and child care uses. The proposal seeks the following amendments to the WLEP 2012 provisions:

- Zoning: A change in zoning from IN2 Light Industrial to B4 Mixed Use;
- Height of buildings: A maximum allowable building height of 90m (23 storey equivalent);
- FSR: An increase in FSR from 1:1 to 6.5:1.

Council voted not to support the Planning Proposal at the Council Meeting held on 14 March 2016. Therefore, we request a Pre-Gateway review of the Planning Proposal by the DPE.

In addition to this letter, the following information has been provided in this request:

- A completed Pre-Gateway Review application form.
- A copy of the Planning Proposal Report prepared by Urbis dated December 2015 (Appendix A).
- A copy of the Preliminary Concept Design prepared by FJMT dated November 2015 (Appendix B).
- A copy of Council's Agenda and Minutes for the meeting held 14 March 2016 (Appendix D).
- An electronic copy of the above documentation (CD).
- The relevant application fee: \$5,000.

2 Justification for the Pre-Gateway Review

Council have recommended refusal of the Planning Proposal on the basis that it is premature to proceed prior to completion of state and local studies currently being prepared for the St Leonards/Artarmon area.

However, we believe the Planning Proposal should proceed to Gateway given its strategic context and consistency with DPE's policy to locate housing and jobs close to transport and services. The proposal provides an opportunity to increase housing without impacting on industrial land because the existing development is commercial and would be retained. A priority for St Leonards under *A Plan for Growing Sydney* is to provide capacity outside the St Leonards centre for additional mixed-use development, including offices, health, retail, services and housing.

Further, our analysis of the site and its physical context and the envelope concept demonstrates that the Planning Proposal has considerable merit and should be approved.

In accordance with the DPE's *A Guide to Preparing Local Environmental Plans*, this pre-gateway review is warranted for a number of compelling reasons outlined in the following sections.

1. **Inappropriate Industrial Zoning**

The current IN2 zoning is not appropriate for the site:

- The current commercial use is prohibited and relies on existing use rights. Current and previous uses have not been industrial since 1989.
- The adjoining and surrounding uses are not industrial. There is retail to the north and residential to the south along the railway to St Leonards Station.
- The site is not suited for industrial uses as the size is insufficient for larger truck loading, on site manoeuvring and access to Herbert Street.
- ABS data demonstrates that the largest share of employment in Artarmon continues to be in health care, professional scientific and technical services, information media and telecoms, and retail and wholesale trade (62% collectively).
- Across St Leonards employment growth is forecast in office based employment sectors, with a projected decline in manufacturing industries, construction and warehouse based activities.
- There will be a move towards office based health businesses in close proximity to health services and facilities at the Hospital.

- The proposed 1:1 commercial FSR will allow this co-location of services and will allow employment land to be maintained. Commercial, retail, childcare and residential will make this a true mixed use development appropriate for its location close to transport and jobs.
- The current light industrial/commercial uses at the site and within the St Leonards/Artarmon industrial area are not necessary to serve the needs of the local population and could effectively locate in any industrial precinct.
- The area has some of the highest rents for industrial tenancies in Sydney as well as comparatively expensive industrial land. Industrial tenancies are unable to effectively compete with more intensive land uses that can benefit from access to public transport. This is anticipated to have further upward pressure on rents and land values in the future.
- The combination of small lot sizes and increasing costs for industrial tenants is likely to push marginal tenants out to areas where rents and land are cheaper and there is enough space to gain efficiencies of a consolidated location as well as serving a broader population base.

2. Proximity to public transport, services and infrastructure

- The subject site is extremely well serviced by public transport:
 - 600m from St Leonards Station and 1.5km from Artarmon Station, which provides connectivity to the North Shore rail line.
 - The Artarmon Loop is a free shuttle service travelling on a loop from St Leonards Station through the Artarmon industrial area.
 - Bus stops at the bottom of Herbert Street provide services between Lane Cove – McMahons Point, Gore Hill to Botany and Lane Cove West to Sydney CBD.
 - Bus stops at Reserve Road provide connections between Chatswood-Manly.
- There is extensive infrastructure surrounding the site, including schools, open space, medical centres and shopping:
 - 600m walking distance to the Forum Shopping Centre, which includes Coles, medical centres and speciality shops.
 - A number of schools in the local area including Naremburn Primary School, Artarmon primary School, Greenwich Public School, St Phillip Neri's Catholic Primary, Willoughby Girls High, Chatswood High, North Sydney Boys, North Sydney Girls, Marist North Shore and Cammeraygal High School. In addition St Leonards TAFE is located approximately 400m to the west.
 - Royal North Shore Hospital opposite the site which includes public and private hospitals, clinical services and medical precinct. Medical centres are also located at The Forum.
 - 400m from Naremburn Park, which includes BBQ, picnic tables, amenities building, Scout Hall, playground, trike track, 2 sportsgrounds, netball/basketball courts and Bocce court. The wider locality contains numerous other parks and reserves, including Artarmon Park, Talus Street Reserve and Artarmon Reserve.
- Increased densities around centres and transport nodes is consistent with good planning practice and promotes more sustainable and transport focused development.

3. Consistent with Strategic Metropolitan Planning

- The proposal is consistent with *A Plan for Growing Sydney* and the *Draft Inner North Subregional Strategy* as it:
 - Will contribute to the movement of people along the Global Economic Corridor via St Leonards Station;
 - Will ensure a suitable location for housing and employment growth given its proximity to infrastructure, train services, St Leonards Centre and the Royal North shore medical and education precinct.
 - Will provide capacity outside the centre for additional mixed-use development, including offices, health, retail, services and housing. The proposal provides an opportunity to increase housing without impacting on the employment land in the centre or loss of any industrial use.
 - Provides opportunities for people to work closer to home and contributes new housing stock to accommodate additional health workers expected in the area. The proximity to transport options provides direct access to a range of job locations.
 - Contributes 245 new dwellings towards the State Government's housing targets. These targets are minimums, not maximums.
 - Contributes additional housing types that will assist with the supply, variety and affordability of housing stock within the area. The proponent is proposing an additional 2% affordable housing above Council's mandatory 4%.
- The North District Plan is some time away and until it is available, the Draft Inner North Subregional Strategy is the applicable document. The proposal is consistent with the objectives of the Subregional Strategy, as detailed in the Planning Proposal Report.
- The housing targets in the Subregional and *A Plan for Growing Sydney* (664,000 additional homes and 689,000 new jobs by 2031) are not maximum targets. They are minimums. This is clearly stated throughout the Strategies. There is wider acknowledgement that not all Local Government Areas will be able to deliver houses and jobs and those shortfalls will need to be picked up in other areas with public transport infrastructure. Willoughby LGA has significant transport infrastructure with two railway stations and the Sydney Rapid Transit system expected to deliver up to 20 trains an hour through St Leonards Station.
- The DPE anticipate that St Leonards Strategic Centre planning studies are some time away, as is the District Plan. The Planning Proposal should be considered given the very early status of these studies. This Proposal provides an opportunity to manage future demand for residential in a timely manner.

4. Amenity

- The proposal responds to adjacent dominant road and rail infrastructure and balances the mass and form to minimise impacts on adjoining development. The southern tower is 21m from the façade of the building to the south and is consistent with the ADG.
- Shadow diagrams demonstrate that the majority of shadow falls over the road and railway line. The building to the south is impacted only during the midday hours. However, sunlight is

maintained in the morning and afternoon hours. Some buildings east of the rail line are impacted in the afternoon hours, but not for the remainder of the day.

- The proposed concept demonstrates that apartments within the development will have a high level of amenity and are consistent with the guidelines of the ADG:
 - Approximately 80% of apartments within the development receive solar access for 2 hours or more.
 - The indicative layouts of the Concept Design minimises south facing units.
 - A minimum of 60% of apartments will be naturally cross ventilated in the first 9 levels, or have an alternative solution.
 - Each apartment will be provided with a balcony accessed from living areas.
 - Residents will have access to communal open space within the development and adjoining parklands.
 - Separation, setbacks and building orientation will provide privacy to apartments.

5. Architectural merits of the proposal

- The proposal offers an opportunity to lead the way for design excellence through high quality architecture and improved public domain treatment.
- The proposed tower forms will create views and make the development an ideal place to live. The taller towers will provide elevated views overlooking Naremburn Park. Elevated views to the east and north will allow views of the vegetated ridge-lines of Willoughby and Chatswood, as well as long distance views of Middle Harbour.
- The site has high visual exposure and access and assumes a prominent position within the local area and within the northern sections of Herbert Street. The site is clearly visible from the North Shore railway line and from Naremburn Park. Ella Street offers a visual connection to the site.
- Ground floor activation will promote a vibrant street life and community engagement. Public domain improvements and public open spaces on the ground floor will activate the street and prioritise retail and services along this edge. New public open spaces within the site and landscaped areas will improve public amenity and outlook.

6. Public Benefit

- The proposal recognises and aims to fill the gaps in the availability of social infrastructure. A VPA is proposed to deliver upgrades to Naremburn Park, upgrades to the pedestrian pathway running alongside the eastern edge of the railway corridor from the Ella Street Bridge to Talus Street and an additional 2% (6% total) of GFA for affordable housing.
- The proposal locates residential development in an accessible location, close to jobs and transport infrastructure.
- The proposal will assist with meeting housing and job targets set by the State Government with greater housing choice and local employment opportunities.

- The Planning Proposal will not prejudice the St Leonards Centre Strategic Review as it retains employment potential for the site. It does not remove an existing remove and existing industrial use and the site adjoins residential land to the south and retail to the north.

3 Conclusion

In view of the above we do not believe that the Council has provided adequate consideration of a genuine merit based proposal to provide additional housing in accordance with DPE's target and policy to locate housing close to transport nodes and infrastructure.

The proposal is directly consistent with the principles of a range of broader strategic planning considerations contained within *A Plan for Growing Sydney* and the *Draft Inner North Subregional Strategy*, which support a centres-based approach to managing growth. The site is a logical location to accommodate new housing opportunities in close proximity to extensive existing and future services and infrastructure consistent with this approach.

Should you have any queries in respect to this request please do not hesitate to contact the undersigned (02) 8233 9927.

Yours sincerely,



Elaine Roff
Senior Consultant, Urban Planning

Appendices

Appendix A - Planning Proposal Report prepared by Urbis

Appendix B - Preliminary Concept Design prepared by FJMT

Appendix C - Agenda and Minutes for the Council Meeting held 14 March 2016.

Appendix A

Planning Proposal Report

Appendix B

Preliminary Concept Design

Appendix C

Agenda and Minutes for the Council Meeting held 14 March 2016

SYDNEY

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