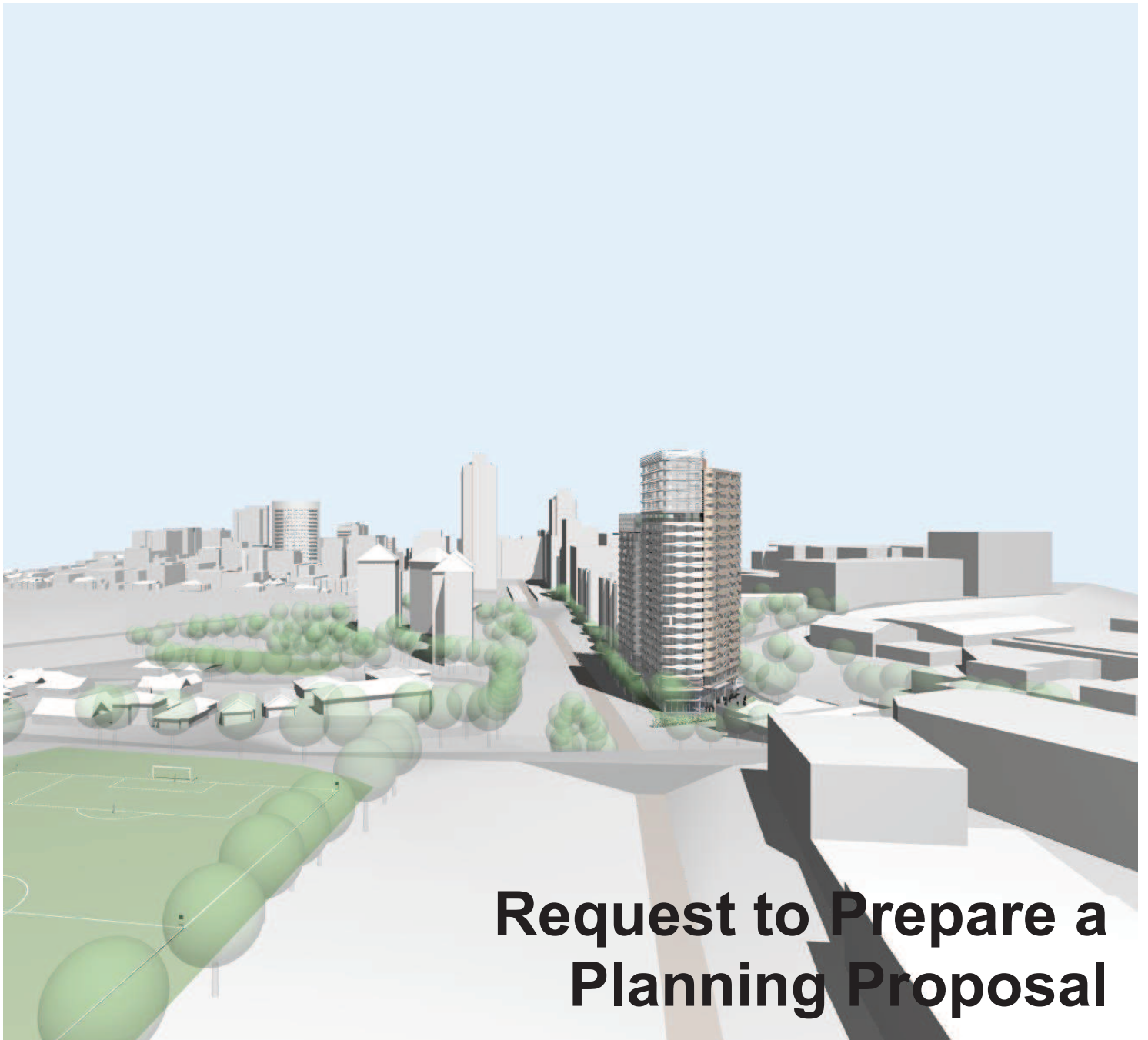




Request to Prepare a Planning Proposal

Nos. 31-35 Herbert Street, St Leonards

December 2015

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Executive Summary

OVERVIEW

This report has been prepared on behalf of *Aqualand* to initiate the preparation of an amendment to the *Willoughby Local Environmental Plan 2012* (WLEP 2012). The amendment relates to Nos. 31-35 Herbert Street, St Leonards and would result in the following:

- A change in zoning from IN2 Light Industrial to B4 Mixed Use;
- A maximum allowable building height of 90m (23 storey equivalent);
- An increase in floor space ratio (FSR) from 1:1 to 6.5:1 (including 1:1 non-residential FSR).

The change in zoning arises as the site is not feasible for industrial development given its size and entry points are not suitable for manufacturing. Industrial development is better suited to outer metropolitan areas where there is sufficient land for larger scale, efficient industrial developments. The zoning also rectifies the current planning anomaly where a prohibited commercial building exists on the site. The B4 zoning will permit commercial development (including retail and office) and residential, which is consistent with the high density residential spine along Herbert Street.

The proposed density for the subject site will facilitate additional residential while maintaining employment uses close to public transport, infrastructure and services. It will also result in a built form that addresses the site's prominent location on Herbert Street and responds to heights up to the Forum at St Leonards Station.

This report has been prepared to assist the Willoughby Council to prepare a Planning Proposal for the LEP amendment of the site in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This report has been prepared in accordance with the NSW Department of Planning and Infrastructure's '*A Guide to Preparing Planning proposals*'.

SECTION 2 - SITE AND SURROUNDING AREA CONTEXT

The subject site is located on the eastern side of Herbert Street and runs in a north south direction along the North Shore Railway Line. The site is legally described as Lots 1 and 2 in DP 744175 and Lot 3 in DP 772072.

The site has an area of approximately 3,650m² and is occupied by a three storey commercial building. The primary tenant of the building, AMP, currently occupies the building for offices, with a café on the ground floor. The large consolidated land holding makes it ideal for redevelopment for the purposes of higher density residential and commercial/retail.

SECTION 3 - STRATEGIC CONTEXT

The site is located in a very strategic location, being close and accessible to St Leonards Centre, Chatswood, North Sydney and the Sydney CBD, which are some of Sydney's largest employment areas and high density residential living areas. In particular, St Leonards includes technology parks, business parks, an education and health precinct, shopping centres and railway station. The proposal will contribute 245 new dwellings to accommodate expected workers and encourage 'work closer to home' initiatives.

It is understood that the Department of Planning and Environment (DPE) will be investigating a potential Priority Precinct in St Leonards. We understand the DPE is considering a broad area for the Priority Precinct and, given its strategic merit, the site should be included in the investigation.

Under *A Plan for Growing Sydney*, the site is within the Global Economic Corridor. The proposal will assist with achieving its priorities as it will:

- Contribute to the movement of people along the Global Economic Corridor via St Leonards Station;
- 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.
- Not impact any natural attributes and is capable of achieving a high level of sustainability through the use of high quality durable materials and passive environmental design measures such as orientation, solar access penetration and cross ventilation.

A Plan for Growing Sydney identifies St Leonards as a Strategic Centre. The key priority for the centre is to retain a commercial core in St Leonards for long-term employment growth but also proposes providing 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.

SECTION 4 - LOCAL PLANNING FRAMEWORK

The WLEP 2012 is the principal Environmental Planning Instrument governing and guiding development within the Willoughby LGA. The subject site is zoned IN2 Light Industrial under the WLEP 2012. Under the LEP, light industries and neighbourhood shops are permitted with consent. However, residential flat buildings, shop top housing and commercial premises are prohibited uses. The existing commercial building is therefore a prohibited use and would rely on existing use rights for any future development. The existing building creates an anomaly in the land use planning for Willoughby.

SECTION 5 – A CASE FOR CHANGE

The demographic and employment profiles of St Leonards and Willoughby LGA are shifting from industrial and manufacturing to a knowledge based economy, particularly with the focus on St Leonards as a health precinct.

These trend shifts have informed the proposed uses and the site specific urban design opportunities have informed the built form controls and proposed concept.

SECTION 6 - PLANNING PROPOSAL OVERVIEW

A Preliminary Concept Design has been prepared by FJMT Architects for the potential redevelopment of the site (separately submitted). Some key features of the Preliminary Concept Design include:

- **Height**: Two tower forms are proposed above podium with heights of 23 and 17 storeys plus roof feature.
- **GFA**: A total GFA of 22,542m² can be accommodated on site, which is an FSR of 6.5:1.
- **Residential**: Redevelopment will provide approximately 245 new dwellings with a residential GFA of approximately 20,140m² (including affordable housing).
- **Retail and Commercial Uses**: A non-residential FSR of 1:1 is proposed for retail, café, office and childcare space at ground, first and second floors to activate the street and retain jobs in the area.

SECTION 7 - PLANNING PROPOSAL OUTCOMES

In summary, the site will achieve the following key planning outcomes:

- Consistency with State Government policy to encourage growth within existing centres.
- Consistency with State government housing targets.
- Sound planning practice and sustainable transport focused development.

- A high quality mixed use development that Aqualand is committed to developing.
- Appropriate built form in a prominent location.
- Street activation to encourage pedestrian activity and vibrancy.
- Landscape opportunities for well-considered landscape areas, communal open spaces and deep soil planting.

Overall, it is considered that the proposal will have significant benefits for the community and is in the public interest.

SECTION 8 - THE PROVISIONS TO BE INCLUDED IN THE PROPOSED LEP

The proposal seeks the following amendments to the WLEP 2012 provisions, in accordance with the Maps in **Appendix B**:

- **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.

SECTION 9 - JUSTIFICATION FOR THE PLANNING PROPOSAL

In accordance with the NSW Department of Planning and Infrastructure's *A Guide to Preparing Planning Proposals*, the Planning Proposal is justified on the following grounds:

- The Planning Proposal is consistent with the draft North Subregional Strategy as it locates jobs and housing close to transport.
- It is the best means of achieving the objectives and intended outcomes. The purpose of the Planning Proposal is to enable the development of high density mixed use to occur on the site. To achieve this, amendments to the zoning and development standards that apply to the site are needed.
- It is consistent with the priorities for *A Plan for Growing Sydney* and the *North Subregional Strategy*.
- It is consistent with the State Government's Metropolitan Strategy and draft Subregional Strategy.
- It is consistent with the applicable State Environmental Planning Policies.
- It is consistent with applicable Ministerial Directions (s.117 directions).
- There is no critical habitat or threatened species, populations or ecological communities, or their habitats, that will be affected as a result of the proposal.
- It is not likely to have any significant environmental impacts. Where an impact may occur it has been mitigated by appropriate siting, layout and scale. Design measures will be incorporated into future buildings to further mitigate against environmental impacts. The proposal is considered appropriate in terms of traffic, parking, overshadowing, solar access, cross ventilation, privacy, sustainability and noise.
- It will have positive social and economic effects on the local community and wider Willoughby LGA.
- The proponent will enter into a VPA with Council to provide public benefits including upgrades to Naremburn Park, upgrades to the footpath connecting to the Talus Street Reserve and 2% additional affordable housing over the standard 4% prescribed under WLEP 2012.
- There is adequate public infrastructure or opportunities to provide infrastructure to support the planning proposal.

SECTION 10 - MAPPING

Draft height and FSR maps are attached at Appendix C.

SECTION 11 - COMMUNITY CONSULTATION

It is anticipated that the public exhibition would be notified by way of:

- A public notice in local newspaper(s).
- A notice on the Willoughby Council website.
- Written correspondence to adjoining and surrounding landowners.

SECTION 12 - PROJECT TIMELINE

It is anticipated that the LEP amendment will be completed within 12 months from December 2015 to January 2017.

CONCLUSION

Following our analysis of the site and its surrounding context and the applicable State and local planning policies, we are of the view that there is clear planning merit to the Planning Proposal. It is therefore recommended that this Planning Proposal be favourably considered by Willoughby Council and that Council resolve to forward it to the Department of Planning and Environment for Gateway Determination in accordance with the *Environmental Planning and Assessment Act, 1979* to allow public exhibition and preparation of the necessary LEP amendment.

1 Introduction

1.1 OVERVIEW

This Planning Proposal has been prepared by Urbis on behalf of *Aqualand* (“the proponent”) to initiate the preparation of a Local Environmental Plan (LEP) to rezone land and increase the density at Nos. 31-35 Herbert Street, St Leonards (“the site”).

The Planning Proposal will seek to rezone the subject site from IN2 Light Industrial to B4 Mixed Use to permit shop top housing with retail, commercial, childcare and residential uses. The rezoning will be accompanied by an increase in height and FSR to 90m (23 storeys equivalent) and 6.5:1, respectively.

Under the IN2 zoning, residential accommodation and commercial premises are prohibited. The current zoning therefore results in a planning anomaly where an existing commercial use is prohibited in the zone. The site may arguably have existing use rights. However, an approval on that basis is not being sought. Immediately to the south of the site is land zoned R4 High Density Residential and this zoning extends south to St Leonards Railway Station.

The site is a large land holding under single ownership with a site area of 3,650m². The large consolidated land holding makes it ideal for redevelopment for the purposes of higher density residential and commercial/retail.

The site is located in a very strategic location, being in close proximity and accessible to St Leonards, which is the sixth largest employment concentration in Sydney, particularly with the knowledge hubs, TAFE and Royal North Shore Hospital. The site is located within close proximity of St Leonards Station, Artarmon Station and The Forum shopping Centre. The proposal will contribute approximately 245 new dwellings and will encourage working closer to home initiatives.

1.2 STRUCTURE OF THE REPORT

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Infrastructure including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. It includes the following:

- Description of the subject site and its context;
- An overview of the strategic context of the site;
- A summary of the local planning controls;
- An overview of the key elements of the Planning Proposal;
- Statement of the objectives and intended outcomes of the proposal;
- Explanation of the provisions of the proposal;
- Justification for the proposal;
- Mapping to accompany the proposal;
- Description of the community consultation process expected to occur regarding the proposal; and
- An approximate project timeline.

The Planning Proposal is accompanied by a range of plans and reports to provide a comprehensive analysis of the site opportunities and constraints. These include:

- Survey prepared by RPS;

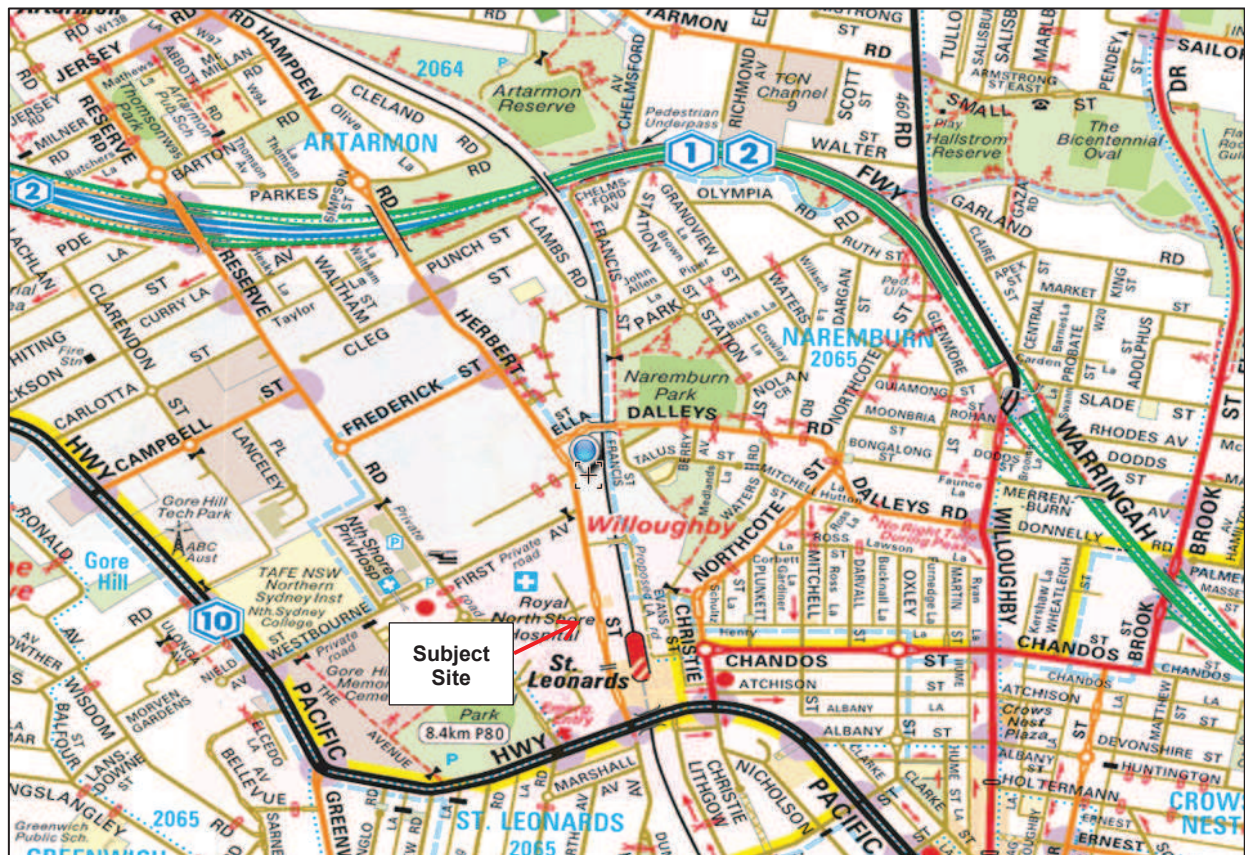
- Preliminary Concept Design and 3D massing model prepared by FJMT;
- Shadow diagrams prepared by FJMT;
- Preliminary SEPP 65 and ADG Assessment prepared by Urbis;
- Traffic and Parking Assessment prepared by Traffix;
- Stage 1 Preliminary Site Investigation prepared by SLR; and,
- Economic Assessment prepared by Location IQ.

2 Site and Surrounding Area Context

2.1 THE LOCALITY

St Leonards is located 10km north of the Sydney CBD and is one of the major strategic centres as it is in close proximity and highly accessible to the education and health precincts of St Leonards TAFE and North Shore Hospital (Figure 1).

FIGURE 1 – SITE LOCATION PLAN



Source: Street-Directory

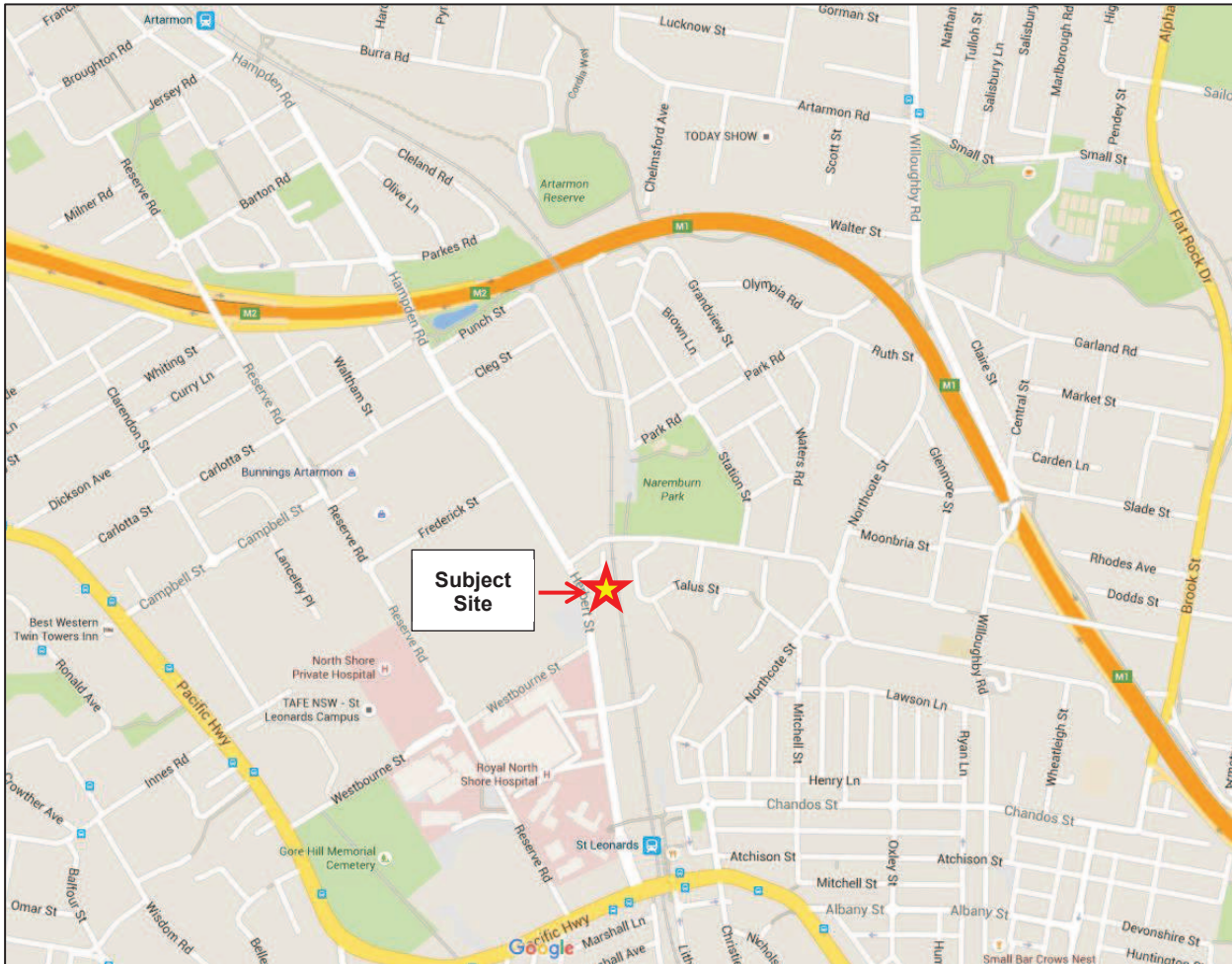
St Leonards is characterised by a mix of land uses generally including public and private hospitals, medical services, commercial buildings, light industrial, high tech, commercial and residential buildings (with a significant number of recently approved mixed use developments currently under construction or soon to be constructed) (refer to Figure 2 and Figure 3). Key land uses in the vicinity of the site include:

- **Shopping:** The site is approximately 600m walking distance to the Forum Shopping Centre, which includes Coles, medical centres and speciality shops.
- **Education:** There are 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.
- **Medical:** The subject site is located opposite Royal North Shore Hospital which includes public and private hospitals, clinical services and medical precinct. Medical centres are also located at The Forum.
- **Parks:** The site is within 400m of 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.

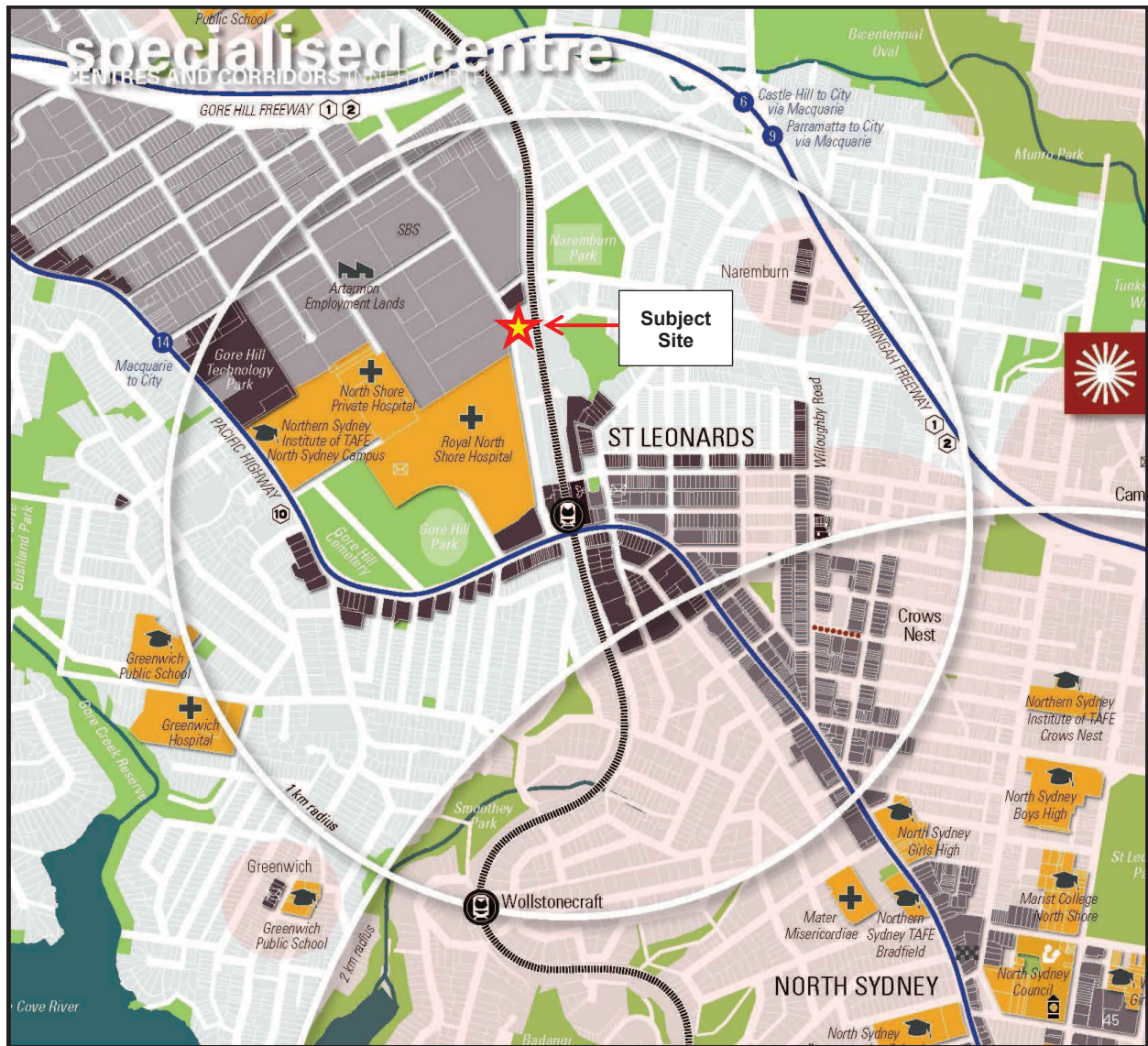
- **Transport:** The property is located within approximately 600m of St Leonards Station and 1.5km from Artarmon Station, which provides connectivity to the North Shore rail line. The Artarmon Loop is a free shuttle service travelling on a loop from St Leonards Station through the Artarmon industrial area. Bus stops at the bottom of Herbert Street provide services between Lane Cove – McMahon's Point, Gore Hill to Botany and Lane Cove West to Sydney CBD. Bus stops at Reserve Road provide connections between Chatswood-Manly.

FIGURE 2 – LOCAL CONTEXT



Source: Google Maps

FIGURE 3 – LOCAL FACILITIES



Source: Draft Inner North Subregional Strategy

2.2 SITE DESCRIPTION AND EXISTING BUILT FORM

The subject site is located on the eastern side of Herbert Street and runs in a north south direction along the North Shore Railway Line. The site is legally described as Lots 1 and 2 in DP 744175 and Lot 3 in DP 772072.

The site has an area of approximately 3,650m² and is occupied by a three storey commercial building. The primary tenant of the building, AMP, currently occupies the building for offices, with a café on the ground floor. The large consolidated land holding makes it ideal for redevelopment for the purposes of higher density residential and commercial/retail.

FIGURE 4 – THE SITE



PICTURE 1 – AS VIEWED FROM THE NORTH TO THE SOUTH



PICTURE 2 – AS VIEWED IN THE CONTEXT OF RESIDENTIAL TO THE SOUTH



PICTURE 3 – AS VIEWED FROM THE SOUTH TO THE NORTH

FIGURE 5 – AERIAL PHOTOGRAPH



Source: NSW Land and Property Information

2.3 CONTAMINATION

A Stage 1 Preliminary Site Investigation has been prepared by SLR (Appendix D). The Investigation report was prepared to identify the potential for soil and/ or groundwater contamination at the site. The Report states:

“Based on a review of available historical data, the following land use activities were identified as potentially occurring on site:

- *Rail related activities;*
- *Industrial activities; and*
- *Demolition activities.*
- *Contaminant laydown mechanisms associated with these land use activities are typically ‘top down’, meaning that contamination could arise from activities occurring at the surface of the site.*
- *It is noted that, since the occurrence of the identified land use activities, the site has been extensively redeveloped, including excavation of two basement levels across the site footprint (conservatively assumed to be to a depth of 6m below existing ground level. It is considered both conservative and reasonable to assess that potential ‘top down’ land contamination associated with historical land use activities, would have been removed during the extensive and deep soil excavation required to construct the current basement levels. This assertion is considered both a reasonable and conservative basis for informing the assessment of site suitability.”*

The Investigation report concludes,

“The potential for unacceptable contamination to be present on the site, as a result of past and present land use activities, is considered to be low.

The site is considered suitable (in the context of land contamination) for the proposal high density residential, overlying ground floor commercial, overlying 3 basement parking levels.”

A full copy of the Investigation is included at Appendix D.

2.4 ACCESS AND PARKING

An existing ingress and egress driveway provides access off Herbert Street at the north western corner of the site. The driveway provides access to two levels of basement car parking. On street car parking is provided on both sides of Herbert Street. Parking is 2 hour time restricted.

2.5 EXISTING CHARACTER AND CONTEXT

Adjacent land uses include:

- The North Shore railway line to the east, with Naremburn Park and residential development beyond;
- Residential apartments immediately to the south of the site progressively increasing in height from 10 storeys to 38 storeys at The Forum (Figure 6 and Figure 7). This creates a high density residential spine along Herbert Street that promotes transit oriented development;
- A mix of uses on the western side of Herbert Street including an Australia Post sorting office, car dealerships, and the SBS studio complex. The Royal North Shore Hospital is also located to the west of the site, slightly further south on Herbert Street; and,
- A retail showroom building to the north of the site occupied by Reece Plumbing.

There is also an emerging development pattern in the St Leonards specialised precinct with a significant amount of non-residential floor space recently been approved (approximately 127,000m²). Such uplift in employment generating development will need to be accompanied by an increase in residential accommodation in the area.

FIGURE 6 – DEVELOPMENT ALONG HERBERT STREET (LOOKING NORTH)



FIGURE 7 – DEVELOPMENT AROUND ST LEONARDS STATION (LOOKING SOUTH)



2.6 SURROUNDING ROAD, RAIL AND BUS NETWORK

2.6.1 ROAD NETWORK

The subject site has a western frontage to Herbert Street and is in the vicinity of the Pacific Highway and Fredrick Street.

- Herbert Street: a local road that runs in a north-south direction between Punch Street in the north and the Pacific Highway to the south. It has a posted speed limit of 50 km/h. Herbert Street generally accommodates a single lane of traffic in either direction within an undivided carriageway.
- Pacific Highway: an RMS highway (HW10) that generally runs in a north-south direction between the Queensland Border at Cobaki Lakes in the north and the Warringah Freeway at North Sydney to the south. It has a posted speed limit of 60 km/h. Generally across St Leonards, the Pacific Highway accommodates three lanes of traffic in either direction within a divided carriageway.
- Frederick Street: a local road that runs in an east-west direction between Herbert Street in the north and Reserve Road in the west. It generally accommodates a single lane of traffic within an undivided carriageway and has a 50 km/h speed zoning.

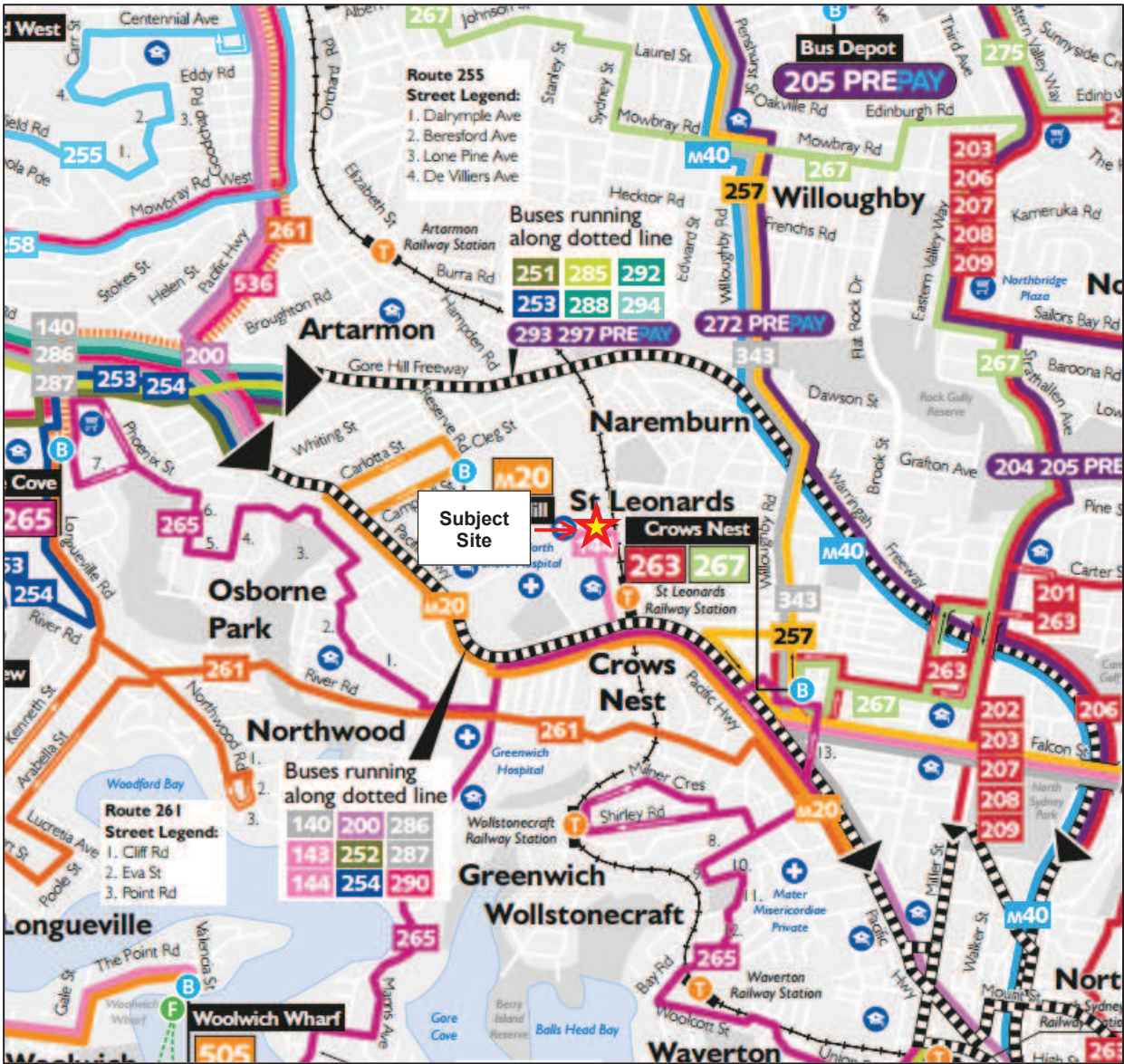
Further details of the surrounding road network are provided in the Transport Impact Assessment (Appendix E).

2.6.2 RAIL AND BUS NETWORK

The site is within 600m of St Leonards Station, providing rail access to jobs and services. The surrounding area also offers excellent public transport connectivity to the rest of Sydney, as demonstrated in Figure 8 and summarised as:

- St Leonards station 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 providing services between Lane Cove – McMahons Point, Gore Hill to Botany and Lane Cove West to Sydney CBD;
- Bus stops at Reserve Road providing connections between Chatswood-Manly.

FIGURE 8 – TRANSPORT



Source: Sydney Buses

3 Strategic Planning Context

3.1 METROPOLITAN STRATEGY – A PLAN FOR GROWING SYDNEY

A Plan for Growing Sydney is a new plan to guide Sydney's growth and to create a strong global city, a great place to live. The Strategy estimates that there will be approximately 689,000 new jobs across Sydney by 2031, a sign of the growing prosperity of the city. Sydney is growing much faster than ever anticipated in previous strategies and to accommodate the bigger population, 664,000 new homes will be needed.

The DPE is developing Subregional Delivery Plans for local areas of Sydney in partnership with communities and local councils. These will replace the current Draft Subregional Strategies.

3.1.1 GLOBAL ECONOMIC CORRIDOR

The site is located in the Strategic Centre of St Leonards. This area is recognised at all levels of government as a critical component of the Global Economic Corridor, which extends from Port Botany and Sydney Airport, through Global Sydney to Parramatta. It includes strategic centres such as Chatswood, Bondi Junction, St Leonards and Macquarie Park, four large universities and major health and entertainment precincts (refer to Figure 9).

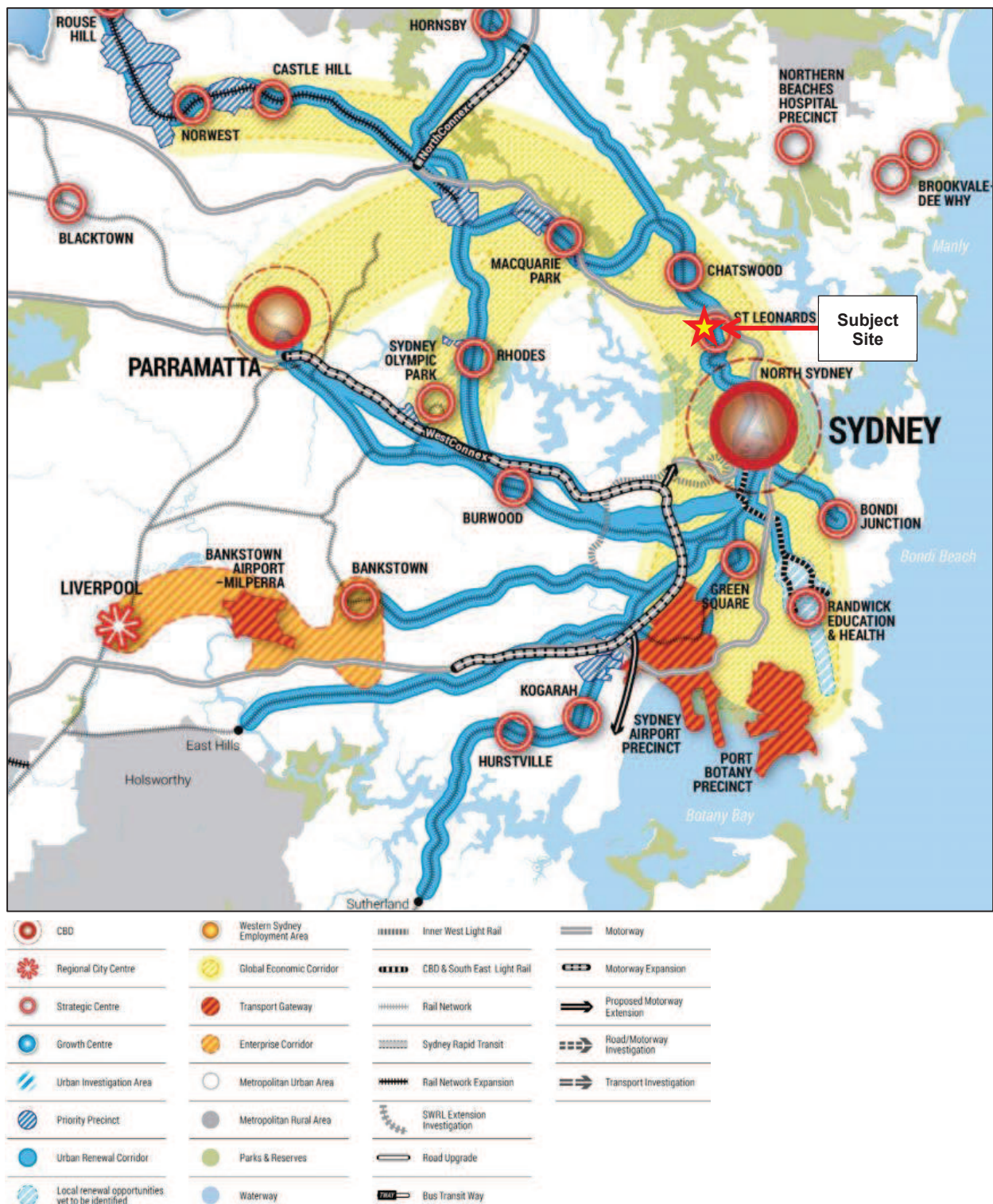
The strategic economic importance of St Leonards has been reinforced by its designation as significant metropolitan health and education precincts. The Metro Strategy describes the Global Economic Corridor as:

“An area (corridor) of concentrated employment, economic activity and other uses in centres, transport gateways and industrial zoned land extending from Port Botany and Sydney Airport, through Sydney CBD, north-west through Macquarie Park, and towards Norwest, Parramatta and Sydney Olympic Park.”

The Strategy estimates that by 2031, there will be demand for around 190,000 new stand-alone office jobs, many of which will be outside the Sydney CBD and North Sydney, in Chatswood, Macquarie Park, Norwest, Parramatta, Rhodes, **St Leonards**, Sydney Olympic Park and South Sydney. St Leonards in particular is performing very strongly and is important for Sydney's continued growth. The following priorities are important for the growth of the North subregion.

- A competitive economy – the site will facilitate the movement of people along the Global Economic Corridor along the North Shore, Northern and Western lines and the future Sydney Rapid Transit.
- Accelerate housing supply, choice and affordability and build great places to live – The site is a suitable location for housing and employment growth given its proximity to infrastructure, train services, St Leonards Centre and the Royal North shore medial and education precinct.
- Protect the natural environment and promote its sustainability and resilience – the site does not contain any natural attributes that will be impacted by development. The proposed concept is capable of achieving a high level of sustainability through the use of high quality durable materials and passive environmental design measures such as orientation, solar access penetration and cross ventilation.

FIGURE 9 – GLOBAL ECONOMIC CORRIDOR



Source: A Plan for Growing Sydney

3.1.2 NORTH SUBREGION

The North Subregion includes the Willoughby LGA and has the second largest Gross Regional Product, following the Central Subregion. Increases in the supply of housing and jobs will be focused around centres with good public transport, including St Leonards. Within the subregion, St Leonards is identified as a Strategic Centre (Figure 10). The key priorities for the Centre and a response to each are provided below:

- *Work with council to retain a commercial core in St Leonards for long-term employment growth.*

Response: Retaining 1:1 FSR for non-residential uses, including office, retail and child care will make provision for employment consistent with the existing permissible FSR. Further, the proposal will locate new dwellings above the commercial podium enabling provision of office development around the railway station.

- *Work with council to provide capacity for additional mixed-use development in St Leonards including offices, health, retail, services and housing.*

Response: The intensification of employment generating uses in the Strategic Centre will be accompanied by a demand for housing close to work. The proposal will contribute new housing stock to accommodate additional workers expected in the area. Cafes, restaurants, child care and retail within the development will service the day to day needs of the new residents. Offices will provide floor area for new businesses, health related enterprises and employment.

- *Support health-related land uses and infrastructure around Royal North Shore Hospital.*

Response: The proposal will increase opportunities for people to work closer to home, being in close proximity to public transport. It will also provide opportunities for workers to access specialist jobs in the medical precinct of Royal North Shore Hospital.

- *Work with council to investigate potential future employment and housing opportunities associated with a Sydney Rapid Transit train station at St Leonards/ Crows Nest.*

Response: The Sydney Rapid Transit Station at St Leonards will provide commuters with faster, more frequent and more reliable services for the CBD and intercity areas. Being located close to the public transport network will provide many people with direct access to a range of job locations, as well as access to education facilities, health centres and hospitals, and sporting, cultural and entertainment facilities.

The draft Subregional Strategy emphasises the retention of a commercial core in St Leonards and providing additional mixed-use development including offices, health, retail, services and housing. Considering this, there is a strong case to support significant residential density increases in locations that are outside the commercial core of St Leonards (which is more focused around the railway station), and still within close proximity of the station.

Further, the Strategy does not set housing or job targets for the subregions. Sydney is growing and targets need to be revised to reflect the exponential growth. Councils will be working with the Greater Sydney Commission to develop new (higher) job and housing targets for strategic centres.

Although North Sydney Council has undertaken a planning study of the St Leonards / Crows Nest area and recommended density uplifts, no study has been released by Willoughby Council for St Leonards. It is unlikely that residential development in the St Leonards / Crows Nest study area and will be able to deliver the increased housing target. The proposal will assist in meeting future targets set for the subregion.

FIGURE 10 – NORTH SUBREGION



Source: A Plan for Growing Sydney

3.2 DRAFT INNER NORTH SUBREGIONAL STRATEGY

St Leonards Specialised Precinct is identified in the draft Inner North Subregional Strategy (Figure 3 and Figure 10). The subject site is located at the northern edge of the St Leonards Specialised Precinct and provides an interface between:

- Specialised employment at St Leonards;
- High density residential along Herbert Street;
- Lower density residential at Naremburn.

A range of businesses and light industrial uses within the specialised precinct include:

- A mix of business park type uses (commercial, small warehousing / storage, and bulky goods), including the subject site and extending through the central part of the Artarmon employment area between Westbourne Street and Cleg Street.
- The specialised health and education precinct which includes the RNSH, North Shore Private Hospital, and TAFE around the southern end of Herbert Street, Reserve Road and Westbourne Street.
- The emergence of a high technology cluster around Gore Hill Technology Park.
- A concentration of light industrial activity in the north-western third of Artarmon employment area between Reserve Road, Campbell Street and the Pacific Highway. This area contains a mix of local service industries (auto repair, basic engineering, building supplies) and wholesalers.
- Commercial office towers and retail uses around St Leonards.

Residential uses are also a significant component of the specialised centre. There is a concentration of high density residential apartments along Herbert Street immediately to the south of the subject site. Strong demand for residential accommodation close to public transport is driving new high density residential development in St Leonards. As result, there is an emerging trend of converting commercial towers to apartment blocks. The high amenity of the area and accessibility to jobs is another key driver towards residential uses in the precinct.

3.3 ST LEONARDS STRATEGY 2007

Council adopted the St Leonards Strategy in 2007. It represented the views of Willoughby, Lane Cove and North Sydney Councils to establish a coordinated planning approach across the three Councils. The subject site is just outside the designated study area for the Strategy. However, sections of the Strategy do give some direction for the future use of the subject land. The Strategy identified the scope for additional residential development to the north of St Leonards CBD, including affordable housing and mixed residential and commercial uses. Figure 9 of the Strategy identifies the site with in the “Northern Residential Precinct”.

4 Local Planning Framework

This section provides a summary of the existing local planning frameworks as may be relevant to the subject site.

4.1 WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012

The WLEP 2012 is the principal Environmental Planning Instrument governing and guiding development within the Willoughby LGA and was gazetted 21 December 2012.

4.1.1 AIMS OF THE PLAN

The particular aims of this Plan relate to:

- Planning framework;
- Sustainability;
- Environmental protection;
- Urban design;
- Amenity;
- Economic sustainability; and,
- Access.

The proposal is consistent with these aims as outlined throughout this Planning Proposal.

4.1.2 ZONING

The subject site is zoned IN2 Light Industrial under the WLEP 2012. Land south of the site is zoned R4 High Density Residential (refer to Figure 11).

4.1.3 ZONE OBJECTIVES

The Objectives of the IN2 zone are stated as:

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.
- To identify and preserve industrial land to meet the current and future light industrial needs of Willoughby and the wider region.
- To accommodate industrial development that provides employment and a range of goods and services without adversely affecting the amenity, health or safety of residents in adjacent areas.
- To protect the viability of business zones in Willoughby by enabling development for the purposes of offices if they are used in conjunction with industrial, manufacturing, warehousing or other permitted uses on the same land.

- To improve the environmental quality of Willoughby by ensuring that land uses conform to land, air and water quality pollution standards and environmental and hazard reduction guidelines.
- To accommodate uses that, because of demonstrated special building or site requirements or operational characteristics, cannot be or are inappropriate to be located in other zones.

4.1.4 PERMISSIBILITY

The permitted and prohibited uses in the IN2 zone are stated:

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Depots; Industrial training facilities; Light industries; Neighbourhood shops; Pubs; Roads; Take away food and drink premises; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4.

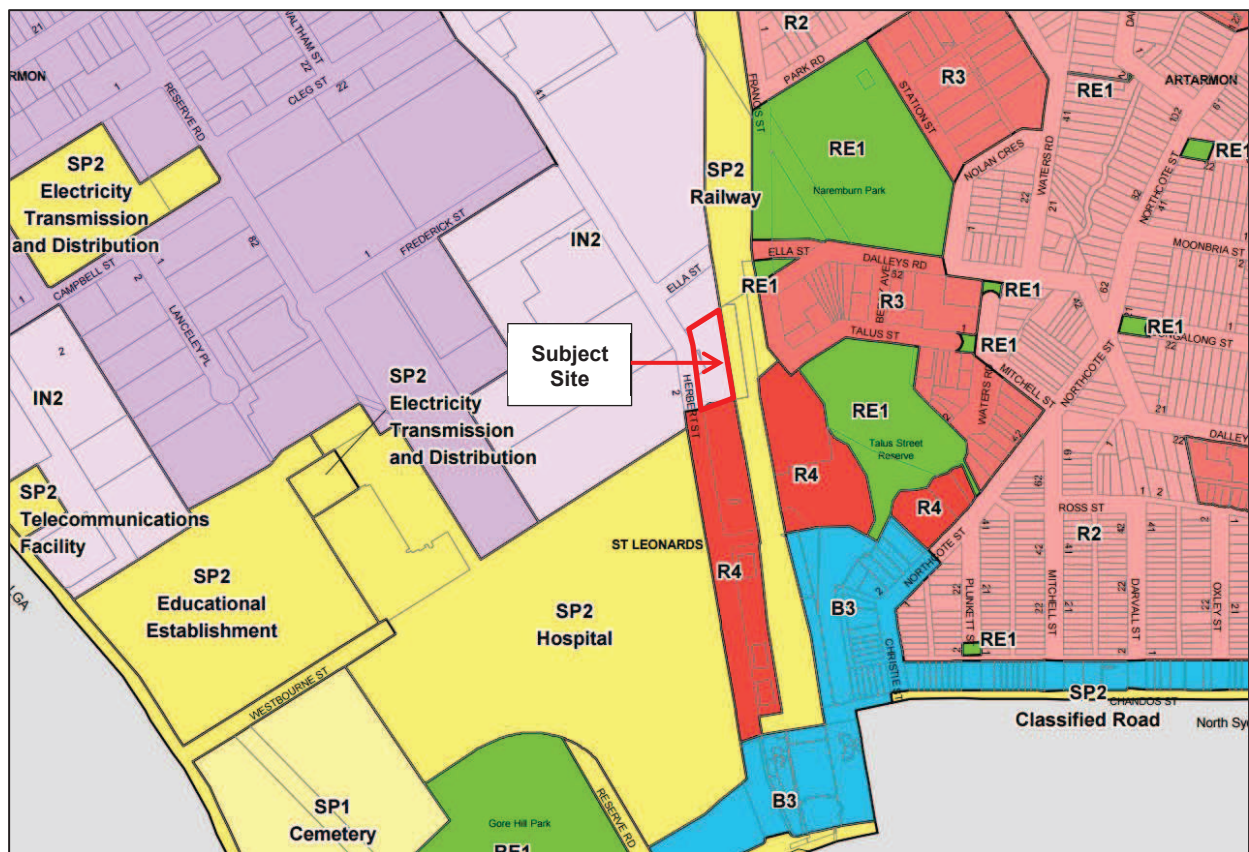
4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; **Commercial premises**; Correctional centres; Crematoria; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Information and education facilities; Marinas; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Recreation facilities (major); Registered clubs; Research stations; **Residential accommodation**; Restricted premises; Rural industries; Sewage treatment plants; Signage; Tourist and visitor accommodation; Transport depots; Truck depots; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies.

Under the LEP, childcare facilities are permitted with consent. Residential accommodation, shop top housing, retail (other than those nominated) and commercial premises are prohibited uses. The existing commercial building is therefore a prohibited use and would rely on existing use rights for any future development. The existing commercial building creates an anomaly in the land use planning for Willoughby.

In order to facilitate redevelopment of the site for mixed use, including residential, retail, commercial and child care amendments to the WLEP 2012 are required.

FIGURE 11 – EXTRACT FROM WLEP 2012 ZONING MAP



Source: WLEP 2012

4.1.5 HEIGHT

There is no height limit in the LEP for the subject site. Heights in the vicinity of the site are:

- Maximum of 34m for properties immediately to the south;
- Maximum RL of 98m AHD for properties further south;
- Maximum RLs of 81.3m to 190m AHD for development at the end of Herbert Street around the railway station.

4.1.6 FSR

Under the LEP, the subject site has a maximum FSR of 1:1 (refer to Figure 12). FSRs in the vicinity of the site are:

- 3.3:1 for properties immediately to the south;
- 3:1 for properties further south;
- 5.5:1 for development at the end of Herbert Street around the railway station.

FIGURE 12 – EXTRACT OF FSR MAP



Source: WLEP 2012

5 A Case for Change

The following sections detail the existing environment in St Leonards which shape future built form on the site and has been informed by the following:

- Industrial Impact Assessment.
- Urban Design Analysis.
- Traffic Impact Assessment.

5.1 DEMOGRAPHIC CHANGES

5.1.1 DEMOGRAPHIC PROFILE

The suburb of St Leonards comprises commercial and industrial components located in the northern part of the suburb as well as residential provided to the south and east.

The popularity of St Leonards and the Willoughby LGA as a desirable residential area has increased significantly. This is reflected in the population growth since 2001. The population was 58,250 in 2001 and has increased by some 16,000 persons over the past 13 years, representing an average annual growth rate of 1.9% as compared with the Australian growth rate of 1.4% - 1.5% over the same period.

Population projections by New South Wales Planning (2014) suggest that the Willoughby LGA will increase to between 90,300 persons by 2031. This is significant growth in excess of 15,000 people over the next 15 years at an average annual growth rate of 0.9%.

This projected growth will require a substantial amount of additional dwellings. For example, the additional 15,000 persons, at 2.2 persons per dwelling, would result in a further required 6,818 dwellings.

5.1.2 EMPLOYMENT PROFILE

There are approximately 33,655 people in the Willoughby LGA who are currently employed (95.4% of labour force participants).

The majority of workers were employed in white collar positions with a high proportion of managers and professionals. There are a large proportion of employees in the financial and insurance services and professional, scientific and technical services sectors. Both of which are higher than the Sydney and Australian benchmarks.

Trends in employment industries highlight the change in key industries between the 2006 and 2011 Census. This indicates an increase in white collar jobs such as professional, scientific and technical services from 17.7% of the workforce to 18.7% and a decline in industrial type industries such as manufacturing from 4.8% to 4.3%.

Only 16.8% of St Leonards/Naremburn residents actually work in the area, with some 26.0% traveling to the Sydney CBD to work. Approximately 24.2% of Willoughby LGA residents travel to the Sydney CBD for work which is a similar proportion to St Leonards/Naremburn. Local job retention within the Willoughby LGA is therefore low but typical of an inner city area with white collar workers who generally work within 10 – 20 km of their home.

The professional, scientific and technical services industry as well as healthcare and social assistance represent the two largest industries within the St Leonards/Naremburn. Overall, workers within St Leonards/Naremburn area are generally made up of healthcare workers associated with the Royal North Shore Hospital and a number of technical services firms. Industrial facilities within St Leonards/Artarmon, therefore, are of diminishing relevance to local residents in terms of providing a source of employment.

There is more growth in commercial type job markets than industrial employment between 2011 and 2041. Therefore, overall there is anticipated to be higher growth in commercial employment than industrial.

5.2 SHIFT FROM INDUSTRIAL TO KNOWLEDGE BASED ECONOMY

There has been a nation-wide shift away from manufacturing industries towards a knowledge based economy. In metropolitan Sydney this has generally seen a concentration of manufacturing, warehouse and distribution uses in the western Sydney where land is cheaper and offers superior access to the motorway network.

For St Leonards, this means that true industrial uses are somewhat limited, and becoming redundant. In 2011, ABS statistics indicate just 18% of jobs within Artarmon were industrial in nature (manufacturing, warehousing, construction, utilities) and this will decline to significantly by 2031.

The largest share of employment within Artarmon continues to be in health care, professional scientific and technical services, information media and telecoms, and retail and wholesale trade (62% collectively). These sectors are forecast to represent two thirds of all employment in Artarmon by 2031.

Across St Leonards employment growth is forecast in office based employment sectors, whilst there is a projected decline in manufacturing industries, construction and warehouse based activities.

- Key growth sectors are identified as:
- Health care and social assistance
- Professional, scientific and technical services
- Other services
- Education and training

These key factors are reshaping land use patterns within St Leonards. The unique connectivity to employment precincts is also driving demand for high density residential.

By incorporating business uses into redevelopment and increasing the employment density on site the proposed development can make a positive contribution to the economic viability of St Leonards specialised precinct.

Additional population that comes from residential growth will increase demand for, and the financial viability of, retail activity in the St Leonards specialised precinct which will benefit both existing and future businesses and residents.

5.3 INCREASING FOCUS ON ST LEONARDS AS A HEALTH PRECINCT

Office based health businesses will seek specialised office space in close proximity to health services and facilities.

St Leonards has a significant health focus due to the presence of the only Tertiary hospital on the North Shore and one private hospital (NSPH) with another close by at Crows Nest (The Mater). There is a significant utilisation of commercial space within the centre for health related purposes (medical centres and specialist consulting rooms), which is so located to take advantage of proximity to the hospitals.

Health is one of the fastest growing employment sectors in NSW, and it is considered that St Leonards will continue to support employment in this sector through the utilisation of space for health and allied purposes. The ongoing redevelopment of RNSH earmarks land on this site for the purpose of health related employment. Approximately 73,000m² of specialised commercial space has been approved in principle for health related employment on the RNSH campus. The shift in focus away from traditional commercial premises can be facilitated by a westward shift in employment location, centred around the

railway station and RNSH, ideally placing those sites on the western periphery for mixed use development.

Based on Bureau of Transport Statistics (BTS) forecasts, if metropolitan Strategy targets are to be met there will be an additional 3,980 health care and social assistance jobs within the St Leonards Specialised Centre by 2031. Urbis estimates that approximately 400 of these will be office based health jobs. This approximately equates to between 6,000 and 8,000m² in commercial space that will ideally be co-located with health services. This would create a health services hub, similar to the Westmead Health specialised centre.

5.4 SITE SPECIFIC URBAN DESIGN OPPORTUNITIES

5.4.1 TRANSIT ORIENTED DEVELOPMENT

The site is ideally located for residential development demonstrating consistency with TOD principles, being in close proximity to rail and bus networks which provide high levels of accessibility for residents to the broader metropolitan area.

The subject precinct is within 600m walking distance of St Leonards Railway Station and bus stops on the Pacific Highway which provide frequent public transport links to the broader metropolitan area. High levels of accessibility are afforded to:

- Multiple employment centres including Chatswood, Sydney CBD, North Sydney and Macquarie Park.
- Educational facilities such as Macquarie University, University of Sydney and UTS.
- Destination retail and entertainment facilities.
- Access via the rail network is supplemented by bus services across the north shore and into the city.

The site's proximity to transport and ease of access to the wider metropolitan region will go a long way to reducing dependence on cars for journey to work travel and also for recreational travel for residents of the precinct. St Leonards Station offers access to more jobs within a 20 minute commute than any other location in Australia.

5.4.2 URBAN DESIGN ANALYSIS INFORMING BUILT FORM

Substantial analysis has been undertaken on a precinct basis (urban design) and site basis (architecture) to understand the potential impacts of the proposed building forms. This has informed the height controls being sought for the sites. The design principle is to create a positive, engaging and interesting gateway to St Leonards, and to reinforce St Leonards as a key location as an activity centre.

The design principles facilitate visual exposure, view sharing, sufficient solar access to the units within the development and the surrounding residential neighbourhood and an improved pedestrian experience.

Visual Exposure

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.

Views

The taller tower forms 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.

Solar Access

The proposed shadows cast from the indicative built forms will impact on development to the east in the afternoon hours but western and northern elevations will not be impacted on for the remainder of the day. The development to the south will be impacted on in the midday and afternoon hours but will maintain a minimum of 3 hours of direct sunlight between 9am and 3pm at midwinter.

Improved Pedestrian Experience

The proposal will promote a vibrant street life that encourages the community to engage. 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.

Provision has been made in the design for future connection to the Ella Street bridge if the adjoining Reece Plumbing site is redeveloped. A public right of way can be provided to give effect to this potential access.

5.4.3 LEAD THE WAY FOR DESIGN EXCELLENCE IN AN AREA IN TRANSITION

The proposal offers an opportunity to lead the way for design excellence through high quality architecture and improved public domain treatment.

It is the proponent's intention to continue FJMT through to the preparation of the development application in order to achieve the highest standard of design excellence, exhibited in the concept proposal. An outstanding architectural product in this location will make a significant contribution to the character of Herbert Street and St Leonards and mark the entry to the Centre.

The existing building does not encourage activity and vibrancy along Herbert Street. The proposal will renew the uses of the site to create a mixed-use development with well-thought out public domain and publicly accessible open spaces.

The relocation of the vehicle access driveway to the southern boundary enables a new landscape forecourt to be provided with good solar access on the north of the site. The design of the new driveway will incorporate dense buffer planting, acoustic treatment and screening to mitigate any impact on the adjoining properties to the south.

6 Planning Proposal Overview

6.1 OVERVIEW

A Preliminary Concept Design has been prepared by FJMT for the potential redevelopment of the site. Some key features of the Preliminary Concept Design include:

- **Height:** Two tower built forms are proposed above podium with heights of 23 and 17 storeys plus roof feature. The increase in height can visually act as a northern bookend to the height of the Forum and creates a landmark at the northern end of the street where a change in alignment occurs on Herbert Street.
- **GFA:** A total GFA of 22,542m² can be accommodated on site, which is an FSR of 6.5:1.
- **Residential:** Redevelopment will provide approximately 245 new dwellings with a residential GFA of approximately 20,140m² (including affordable housing). The proposal provides a mix of unit types, including 32% one bedroom, 58% two bedroom and 10% three bedroom units. The proposal includes provision for 6% affordable housing (2% over the standard 4% prescribed under WLEP 2012). The floor area of the affordable housing is excluded from the calculation of gross floor area in accordance with clause 4.4 (2A) of the LEP.
- **Retail and Commercial Uses:** A non-residential FSR of 1:1 is proposed for retail, café, office and childcare space at ground, first and second floors to activate the street and retain jobs in the area. These uses will activate the street levels and cater for the new population near transport nodes and provide opportunities to work closer to home. The proposed non-residential FSR matches the permissible FSR for the current industrial zone.
- **Employment generation:** The site has a history of primarily commercial and office uses, including AMP and Suncorp. At 1:1 the proposal will generate a similar number of jobs to the existing uses.
- **Access:** Vehicular access is provided via a driveway at the southern end of the site off Herbert Street that ramps down to basement car parking. The driveway will provide access to at grade loading and waste collection, with designated collection and bin store areas adjacent. A 4m wide deep soil zone along the southern boundary will provide sufficient soil depth for appropriate species for visual screening. Any future detailed DA would incorporate design measures to mitigate against impacts from the driveway.
- **Open Space:** The building configuration has been designed to maximise landscaping and public open space. Approximately 1,050m² communal open space is provided throughout the site and 700m² landscaping on the ground floor.

The proposal is demonstrated in Figures 13-18.

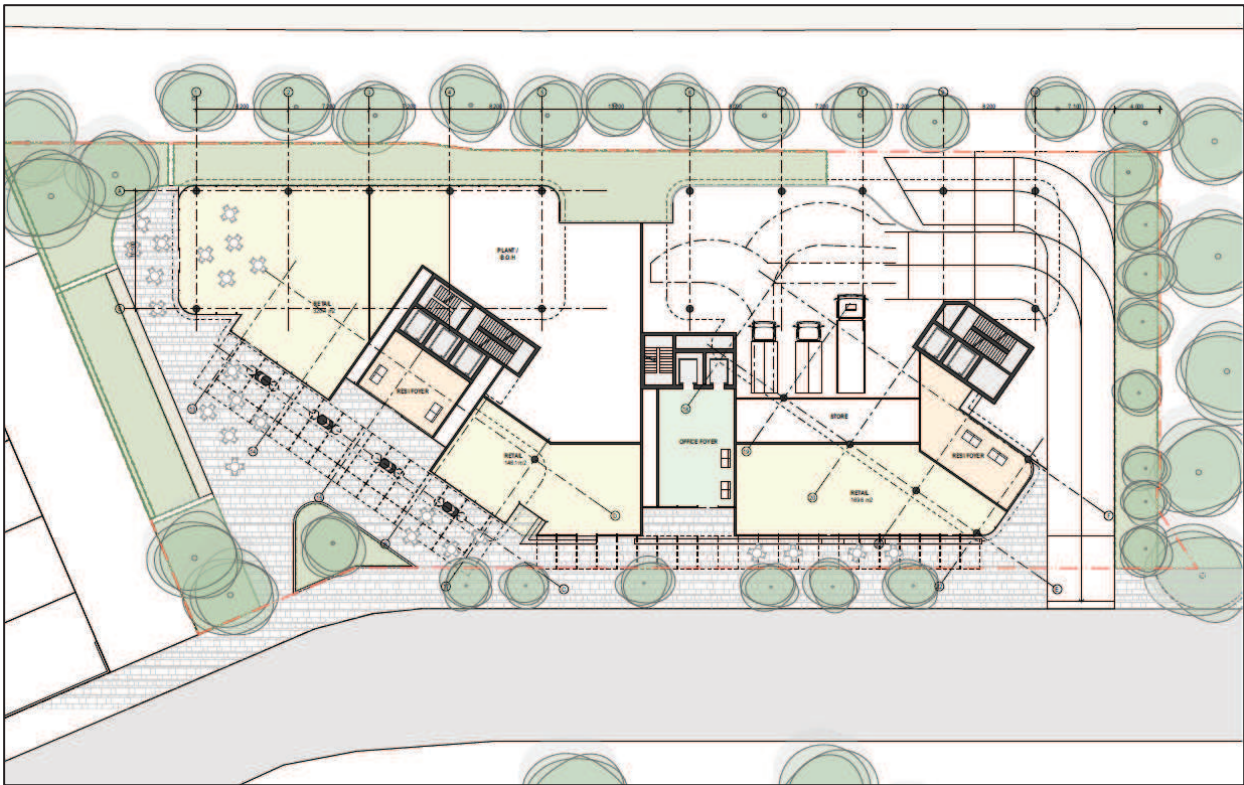
The site plan illustrates the proposed development on a rectangular lot. The lot is bounded by Herbert Street to the south and a residential street to the east. The plan shows two main building footprints, each with a complex internal layout of rooms and corridors. A parking area is located to the left of the buildings, with a dashed line indicating a 100-foot dimension. A landscaped area with trees is shown to the right of the buildings, with a dashed line indicating a 100-foot dimension. The plan also shows a small rectangular area to the left of the buildings, possibly a parking area or a landscaped area, with a dashed line indicating a 100-foot dimension. The overall layout is designed to maximize the use of the lot while providing a high-quality development.

FIGURE 14 – VIEWS IN CONTEXT



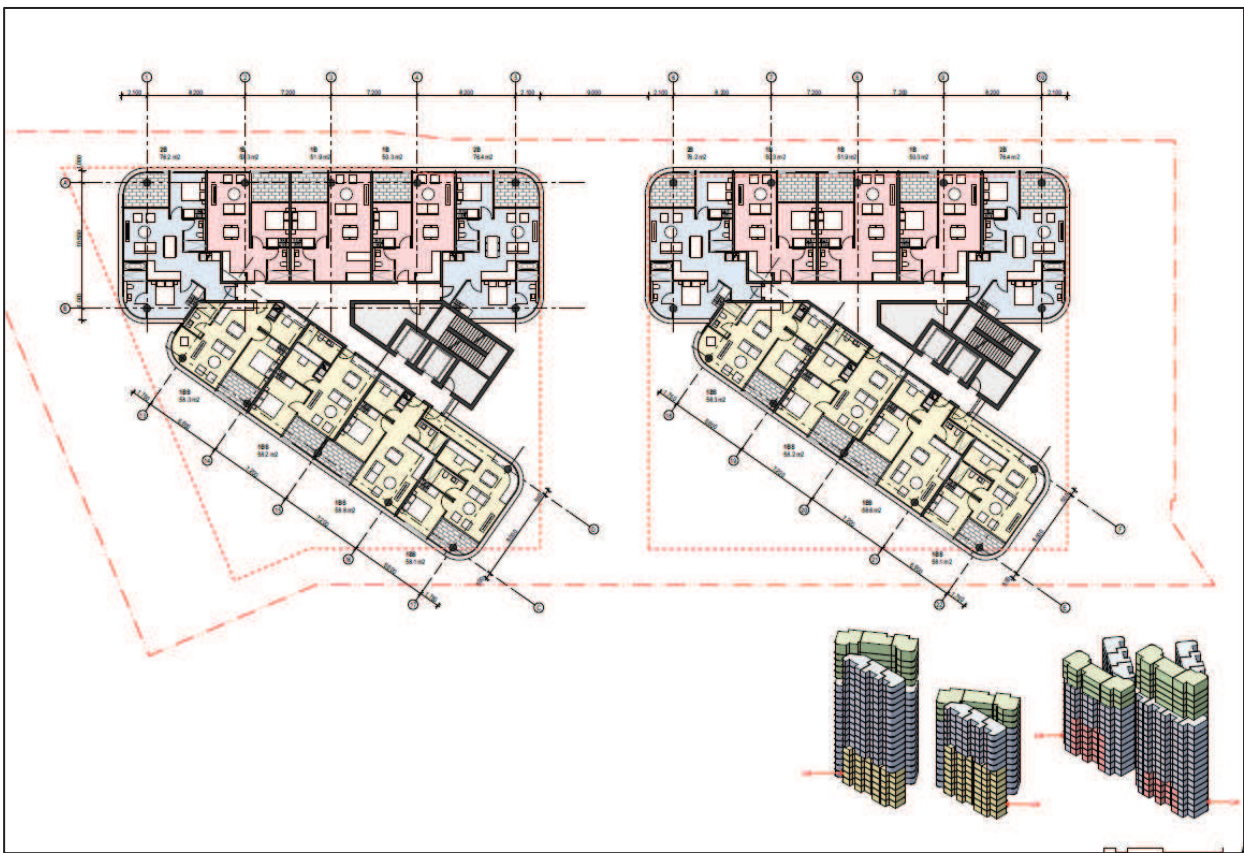
URBIS
SA5732_PLANNING PROPOSAL_33 HERBERT STREET

FIGURE 15 – GROUND FLOOR PLAN



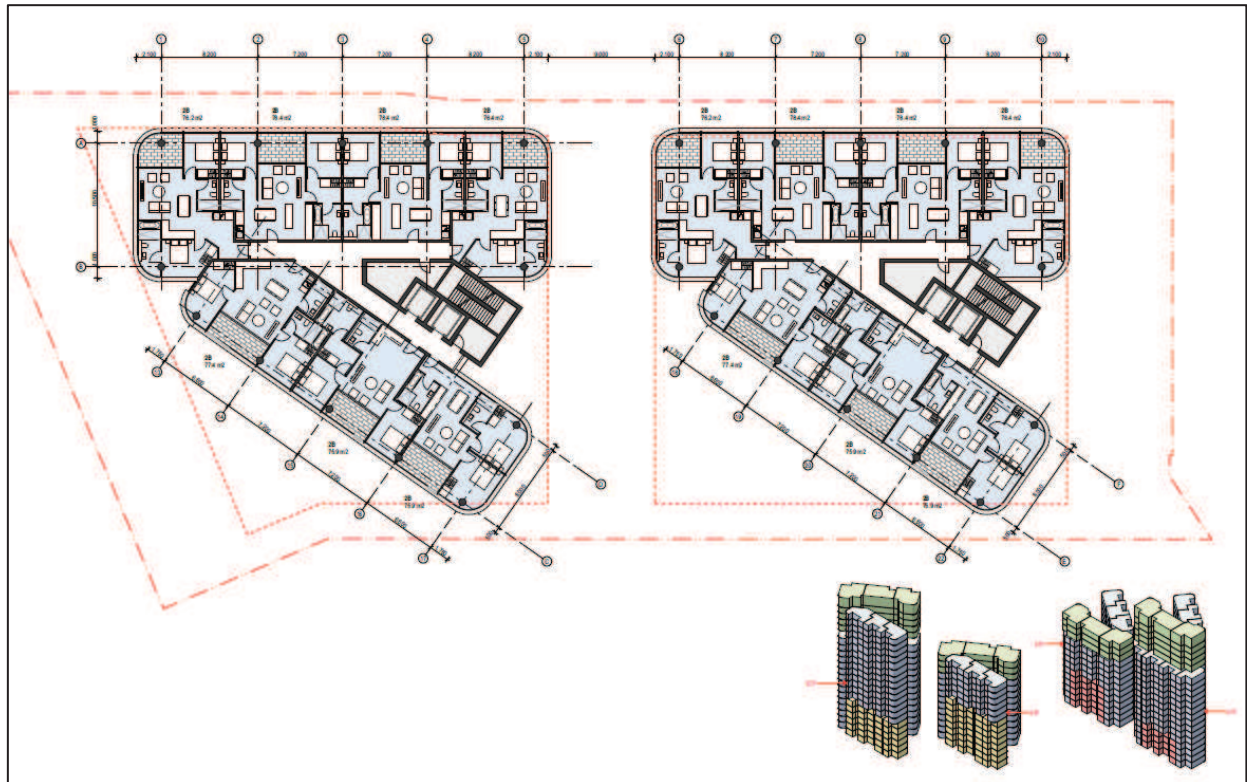
Source: FJMT

FIGURE 16 – TYPICAL LOW RISE LEVEL



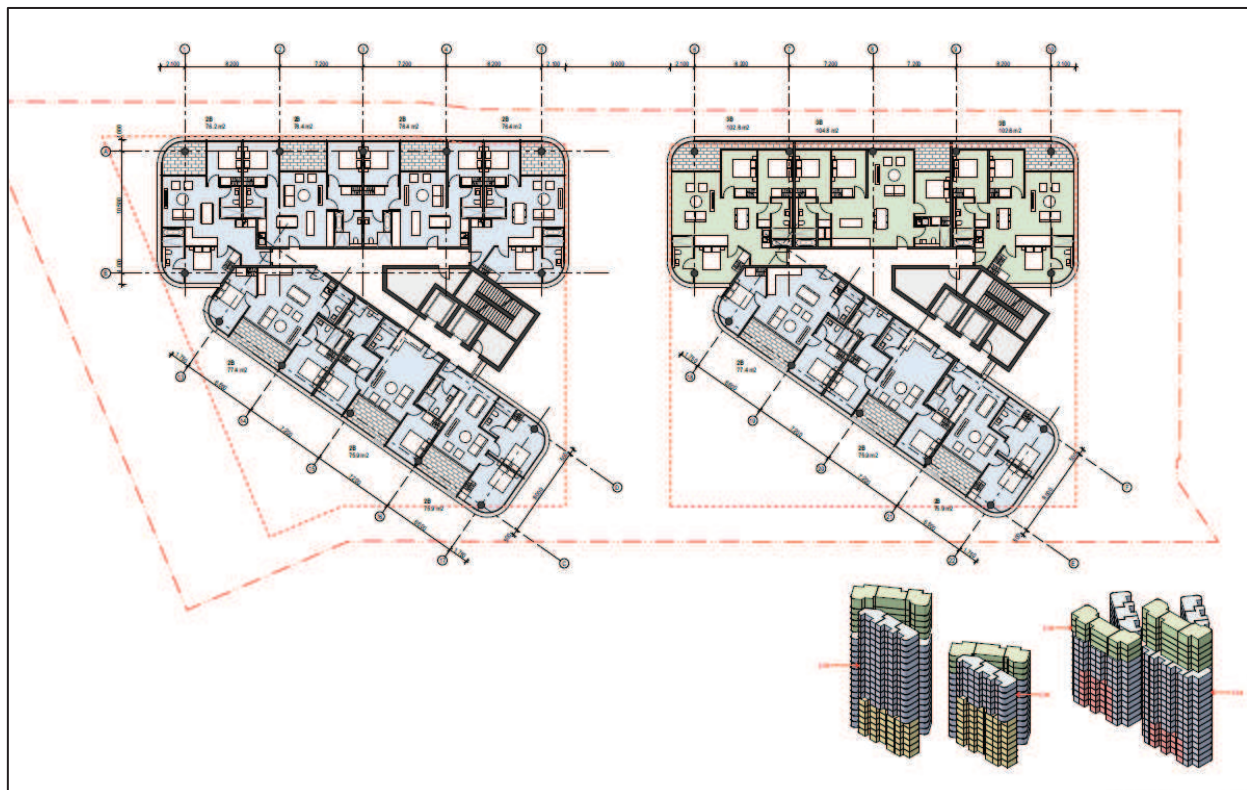
Source: FJMT

FIGURE 17 – TYPICAL MID RISE LEVEL



Source: FJMT

FIGURE 18 – TYPICAL HIGH RISE LEVEL



Source: FJMT

6.2 PROPOSED USES

The proposed concept provides a three storey podium (consistent with the existing development) with:

- Retail and commercial/residential foyers on the ground floor. The tenancies will likely be fine grain retail, neighbourhood shops and cafes to activate the street;
- Commercial on the first floor;
- Commercial and childcare on the third floor. The childcare will have an indoor outdoor space, which is desirable for amenity and weather protection. A pergola between the towers will ensure natural light is provided to the childcare as needed.

Two residential towers sit above the podium, angled to maximise views and solar access.

6.3 BUILDING HEIGHT

The design concepts have considered a built form strategy that provides variety and modulation of building heights along Herbert Street. The building height reflects the change in alignment and direction of Herbert Street and provides a marker to St Leonards on the southern approach to Artarmon on the northern approach. The height creates a transition from the residential development to the south of the site to large land holdings to the north. These areas are likely to undergo character changes as demand for residential in St Leonards surpasses demand for industrial.

Taller residential apartment buildings are located adjacent to St Leonards Station. The provision of a stepped skyline towards Ella Street, with variety in articulation, balcony treatment, pedestrian scale street edge and landscape plantings contribute to a varied and vibrant urban pattern.

6.4 SEPP 65 COMPLIANCE

The Preliminary Concept has been developed in accordance with the principles of SEPP 65, having regard to amenity and impacts upon both residents and neighbouring buildings.

During the future design development of the project, specific issues related to SEPP 65 compliance can be addressed in detail to ensure satisfactory compliance.

This exercise will be completed with assistance from expert consultant teams during the Development Application process. It is anticipated that these aspects can be addressed to the satisfaction of the consent authorities during the assessment stage.

The future detailed design of these buildings will ensure compliance with SEPP 65 for apartment design and will achieve good building separation for privacy between dwellings.

6.5 ACCESS AND PARKING

The existing separate entry-exit driveway on Herbert Street provides the sole vehicular access to the site at the northern end. The proposal is to remove this driveway crossing to provide north facing public open space. The proposal is for a new entry-exit driveway on Herbert Street at the southern end.

The driveway will provide access to on grade loading area at the rear of the southern tower and access to the basement levels. Parking is to be provided as follows:

- 371 spaces, including visitor and affordable housing spaces.
- 27 accessible parking spaces
- 14 motorcycle parking spaces based on the car parking requirement for 350 parking spaces.
- 55 bicycle parking spaces which comprise 25 residential, 20 residential visitor, 5 commercial staff, 1 commercial visitor, 1 retail staff and 4 retail visitor spaces.

6.6 ADJOINING SITE TO THE NORTH

Negotiations with the owners of the adjoining site to the north at Nos. 37-39 Herbert Street (Reece Plumbing) were not sufficient to achieve a consolidated site through a joint Planning Proposal. The Planning Proposal for the subject site does not preclude commercial consideration at a future time of an alternative zoning for the adjoining site. The adjoining site would be suitable for a mixed use development or public open spaces to supplement Naremburn Park.

6.7 LETTER OF OFFER FOR VOLUNTARY PLANNING AGREEMENT

The proponent has prepared a Letter of Offer to enter into a Voluntary Planning Agreement (VPA) with Willoughby Council for public benefits associated with the Planning Proposal. The proponent offers the following public benefits:

- Contribute \$1,000,000 to Council to Install synthetic grass on the top oval at Naremburn Park. This will reduce the Council's long term recurrent maintenance cost for the oval and support its use by sporting clubs and for training purposes. We believe it is preferable that the other oval remain with natural grass for general recreation purposes though this is a matter for Council to decide.
- Contribute \$200,000 to upgrade the pedestrian pathway running alongside the eastern edge of the railway corridor from the Ella Street Bridge to Talus Street. This will improve the pedestrian amenity of the link which provides a connection to the St. Leonards railway station though the Talus St. Reserve. The funds could be used for paving, seating, signage and lighting along the path as Council sees fit for the improvement works.
- An additional 2% of the residential gross floor area dedicated to Council for affordable housing on top of the 4% that would ordinarily be provided in accordance with Council's Affordable Housing Policy when land is rezoned for higher density residential use. The total value of the 6% is estimated to be \$13,200,000.

The value of the public benefit offer is estimated to be \$14,400,000. A copy of the Letter of Intent is provided at Appendix G.

In relation to the proposed building design, it is the proponent's intention to engage fjmt, Architects, to continue through the preparation of the development application and design documentation for the development. A key outcome of the Planning Proposal will be to achieve a high standard of design excellence for the final development that will deliver an outstanding architectural product in a way that will make a significant contribution to the character of St Leonards. A continuing role for fjmt will enable the proponent to achieve this outcome.

If Council determines that the public benefits warrant inclusion in a VPA then a draft VPA and Explanatory Note will be prepared for and public exhibition with the Planning Proposal once it has received gateway approval.

6.8 SUMMARY OF BENEFITS OF THE PROPOSAL

The Planning Proposal provides a range of benefits to the St Leonards and local community. These are summarised as follows:

- The proposal takes advantage of St Leonards' excellent public transport access and the excellent accessibility provided to major employment and shopping locations in Sydney. The site has access to the highest number of jobs within a 20 minute commute than any other centre in Australia.
- The proposal is consistent with the directions of the Metropolitan Strategy, yet recognises the shift in employment focus from industrial to health/high tech/office uses in St Leonards.
- The proposal responds to the long term trend of declining commercial office investment in St Leonards and provides viable market investment opportunities for significant residential accommodation.

- The proposal provides an opportunity for the provision of new flexible use office floor space in the lower levels of the buildings that can play an important role in catering to the needs of start-up businesses.
- The proposal provides a childcare centre, which would contribute to satisfying demand in the area with incoming residential and increased workers for the hospital precinct.
- The proposal includes an offer to provide financial commitments to Council that will contribute to Council's investment plans to enhance the centre.

The proposal will facilitate development activity in St Leonards, supporting the diverse mixed use nature of the precinct.

6.9 PARTS OF THE PLANNING PROPOSAL

This Planning Proposal has been prepared in accordance with Sections 55 (1) and (2) of the *Environmental Planning and Assessment Act 1979* with consideration of the relevant guidelines, namely "A Guide to Preparing Planning Proposals" issued by the Department of Planning and Infrastructure in April 2013.

Accordingly, the proposal is discussed in the following parts:

- **Part 1** – A statement of the objectives or intended outcomes.
- **Part 2** – An explanation of the provisions that are to be included in the proposed LEP.
- **Part 3** – The justification for the planning proposal and the process for the implementation.
- **Part 4** – Mapping.
- **Part 5** – Details of community consultation that is to be undertaken for the planning proposal.
- **Part 6** – Project timeline.

Discussion for each of the above parts is outlined in the following chapters.

7 Part 1 – Objectives and Intended Outcomes

This section identifies the objectives and intended outcomes of the Planning Proposal.

7.1 OBJECTIVES

The primary objective of the planning proposal is to provide quality high density mixed retail/commercial and residential development in an appropriate and accessible location.

The rezoning and increased density will create a high quality mixed use development that, alongside the redevelopment of surrounding lands, will make a meaningful contribution to the growth of St Leonards and the broader Willoughby LGA.

7.2 INTENDED OUTCOMES

The proposed amendments to the WLEP 2012 will have the following key outcomes:

- Consistency with State government policy to encourage growth within existing centres: The proposal would maintain employment floor space and provide new housing opportunities within walking distance of major employment, retail, health and education facilities and excellent public transport connectivity.
- Consistency with State government housing targets: The proposal will increase the density on the subject site to provide opportunities for additional dwellings, in accordance with housing targets set by the NSW State Government and to accommodate the expected workers and students to the area.
- Sound planning practice and transport focused development: Increased densities around strategic centres with services and transport is consistent with good planning practice and promotes more sustainable and transport focused development.
- Timely delivery of the redevelopment of the site: The Planning Proposal provides an opportunity to manage future development of the site in a timely, logical and comprehensive manner, allowing for the introduction of development infrastructure of a suitable scale and nature.
- High quality built form on a prominent corner location: Building height is massed in tower forms above podium to create a human scale on Herbert Street and properly address the visual bend in the road for vehicles travelling north and south. The height of the towers is consistent with taller buildings to the south.
- Street activation: New local cafes, retail facilities and public spaces will activate Herbert Street and complement the proposed land uses to encourage pedestrian activity and vibrancy.
- Landscape opportunities: The development provides opportunities for well-considered landscape areas and communal open spaces.
- Public domain improvements: Redevelopment provides opportunities for public domain improvements through a VPA. The proponent proposes upgrades to Naremburn Park, including synthetic football fields for low maintenance and year round use.

8 Part 2 – Explanation of the provisions that are to be included in the proposed LEP

The section provides an explanation of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed through an LEP amendment.

8.1 OVERVIEW

The purpose of the Planning Proposal is to amend WLEP 2012 to allow the comprehensive redevelopment of the site for the purposes of residential, retail, commercial and medical uses. Accordingly 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 (24 storey equivalent);
- FSR: An increase in FSR from 1:1 to 6.5:1.

8.2 AMENDMENT TO ZONING

It is proposed to amend the zoning from IN2 Light Industrial to B4 Mixed Use in order to permit shop top housing, retail, commercial and child care centres on the site. The proposed outcome will be achieved by amending the WLEP 2012 Zoning Map applicable to the site in accordance with the proposed zoning map, which indicates a B4 zone for the site (refer to Appendix C and Figure 19). It makes planning sense to extend the zoning to Ella Street and include No. 37 Herbert Street. This is a logical extension of the residential spine and the road delineates the residential from the industrial to the north. A mixed use zone on No. 37 Herbert Street could also enable the current commercial use to become permissible in the zone.

This is for Council to consider in respect of a boundary for the Planning Proposal. However, the Planning Proposal for Nos. 31-35 Herbert Street can proceed without inclusion of No. 37 Herbert Street.

Following a meeting with Council in April 2015, the proponent and the owners of No. 37 Herbert Street discussed a coordinated approach to the Planning Proposal. Between 20 April 2015 and 13 May 2015, the parties commenced preparation of a Memorandum of Understanding for a joint planning proposal venture.

From 20 May 2015 the owners of No. 37 Herbert Street indicated their intention to delay involvement in any joint Planning Proposal until plans for redevelopment of Mirvac land to the north of Ella Street has been revealed. At that time the proponent decided to go ahead with the Planning Proposal and concept for their site.

8.3 AMENDMENT TO BUILDING HEIGHT

The existing Height of Building Map does not nominate a maximum height for the subject site. The proposed outcome of the Planning Proposal will be achieved by amending the WLEP 2012 Height of Building Map in accordance with the proposed height map, which indicates a maximum permissible height of 90m applicable to the site (refer to Appendix C and Figure 19). It should be noted that the Preliminary Concept Drawings propose varied heights of 23 storeys and 17 storeys. A height limit of 90m is proposed across the site. The maximum height of future towers will be determined by the maximum FSR and maintaining amenity to adjoining properties in accordance with SEPP 65, the ADG and the DCP.

We note that the current Height of Building Map does not reflect the changing character of the area which is transitioning from low scale to high density mixed use, for example:

- 177 Pacific Highway – 95m (approx.)
- 472-494 Pacific Highway – 115m
- 500-520 Pacific Highway – 138m

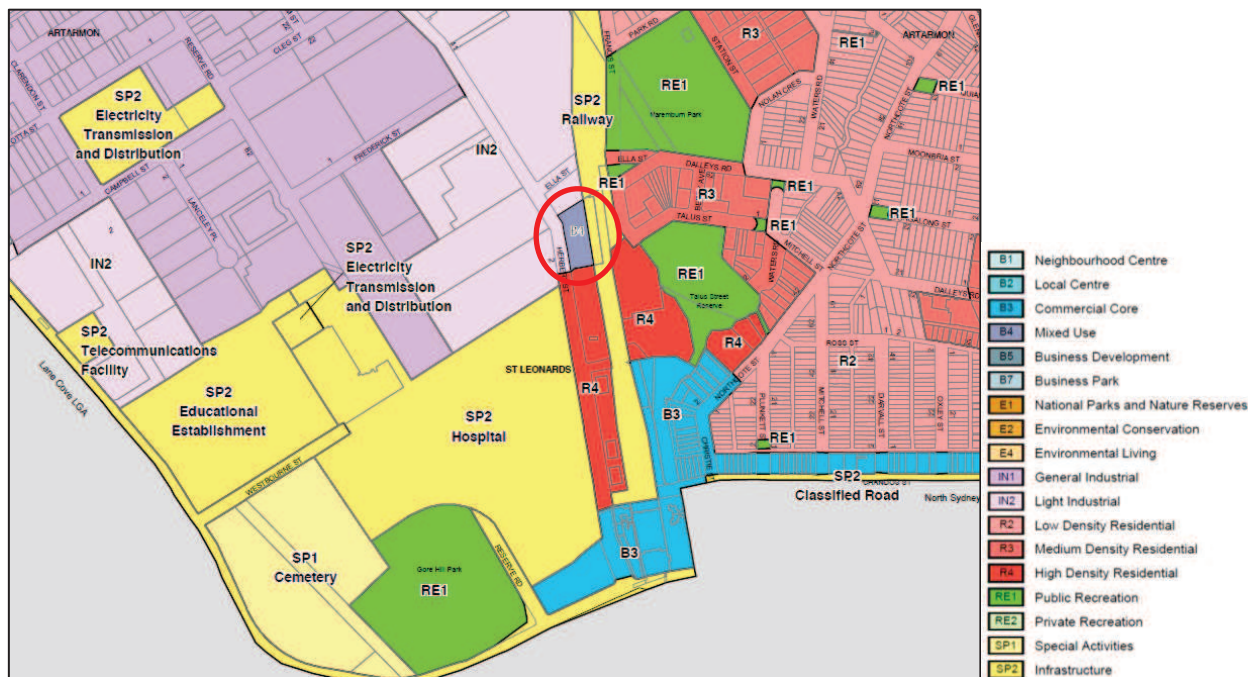
8.4 AMENDMENT TO FSR

The existing FSR Map prescribes a maximum FSR of 1:1 for the site. It is proposed to amend the FSR development standard to permit a maximum FSR of 6.5:1. The residential component will be 5.5:1 and the non-residential component will be 1:1, to maintain existing employment. The proposed outcome will be achieved by amending the WLEP 2012 Floor Space Ratio Map in accordance with the proposed FSR map, which indicates a maximum permissible FSR of 6.5:1 applicable to the site (refer to Appendix C and Figure 19).

8.5 RELATIONSHIP TO EXISTING LOCAL PLANNING INSTRUMENT

It is proposed that WLEP 2012 will continue to apply to the site and will be amended by the site specific LEP.

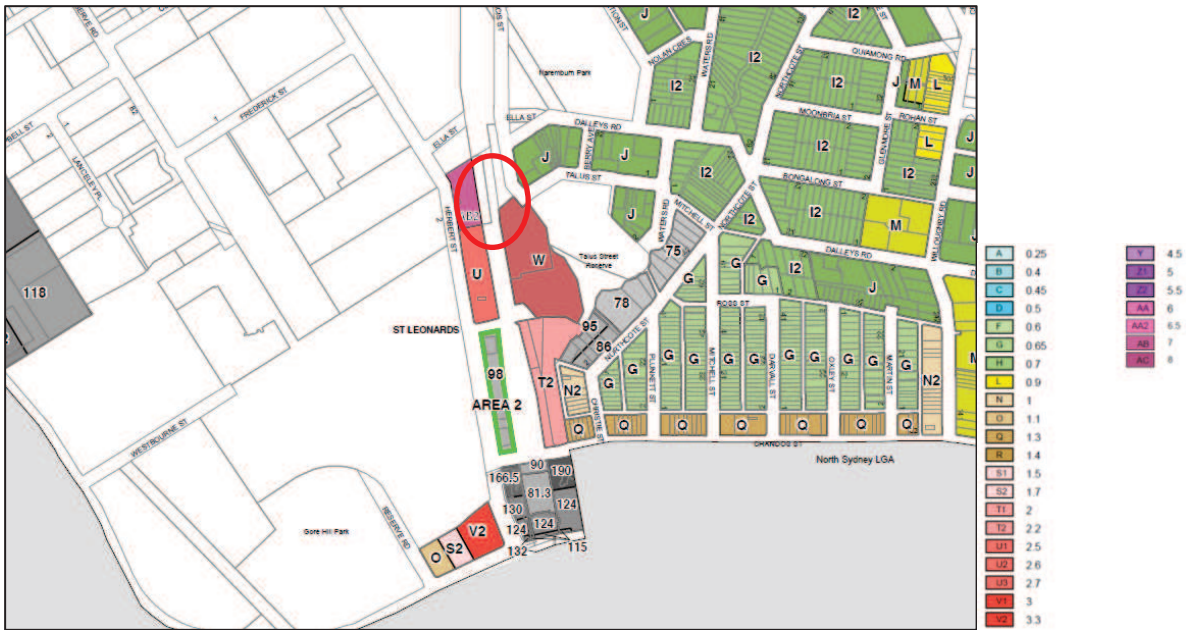
FIGURE 19 – PROPOSED LEP MAPS



PICTURE 4 – ZONING MAP



PICTURE 5 – HEIGHT OF BUILDINGS MAP



PICTURE 6 – FSR MAP

9 Part 3 – Justification for the Planning Proposal

This section provides the justification for the planning proposal and the process for the implementation.

9.1 PLANNING AND STRATEGIC JUSTIFICATION OVERVIEW

There are a number of compelling planning and strategic reasons to justify the proposed rezoning and increase in density, as outlined below.

Inappropriate Industrial Zoning

- The current and previous uses on the site have not been industrial uses since its occupation in 1989. The site is currently occupied by commercial uses.
- The site was included in the Industrial zone under Willoughby 1995 to replace the former “Special Uses – Railway zone” applying to the site from the time of the earlier Willoughby Planning Scheme Ordinance. That zone essentially allowed any use.
- The adjoining and surrounding uses are not industrial. The property to the north is Reece Plumbing, a retail use. The property opposite is the Australia Post Business Hub for mail and parcel sorting/collection and the properties to the south are residential flat buildings.
- The subject site and the Reece plumbing site ends the residential spine that would extend from The Forum to Ella Street. It makes planning sense to rezone the site for to allow residential to enable that logical extension.
- The site is not suited for industrial uses due to the size and depth of the site being insufficient for larger truck loading, on site manoeuvring and access to Herbert Street.
- Given that the existing development is a non-confirming use, redevelopment for a permissible industrial building would require demolition of the existing three storey building and construction of a two storey building to comply with the controls. A compliant 1:1 FSR would allow 3650m², less than the existing 6065m². The site would remain undeveloped under the current LEP controls.

Strategic Location

- The site is located in a very strategic location, being close and accessible to Chatswood, St Leonards, North Sydney and the Sydney CBD, which are some of Sydney’s largest employment areas and high density residential living areas. In particular, St Leonards includes technology parks, business parks, an education and health precinct, shopping centres and railway station. The proposal will contribute 245 new dwellings to accommodate expected workers and encourage ‘work closer to home’ initiatives.
- The site is within a Proposed Priority Precinct (formerly UAP), which is being investigated by the Department of Planning. The Priority Precinct would be bound by the Gore Hill Freeway to the north, the railway to the east, the Pacific Highway to the south and Herbert Street to the west. The Priority Precinct would incorporate an extension of the existing high density residential spine along Herbert Street/railway corridor and include mixed use commercial and residential development. In particular, the Priority Precinct identifies the significant redevelopment potential for Nos. 31-35 Herbert Street. We understand the Department of Planning and Environment is considering a broader area for the Priority Precinct.

Proximity to Infrastructure and Services

- The surrounding area offers excellent pedestrian, cycling, public transport and vehicular connectivity to the rest of Sydney. The property is located within approximately 600m of 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.

- The site's proximity to transport (existing and future), infrastructure, employment and other services, make it ideal to accommodate more intensive use and mixed use development than the current planning controls allow.

Employment

- The proposal will retain jobs by providing a non-residential floor space of 1:1. The proposed B4 zoning will permit commercial development, consistent with existing non-conforming uses. Further, the current IN2 zoning is no longer appropriate for the site, and the broader area. An Industrial Impact Assessment prepared by Location IQ has assessed the likely economic implications from the proposed rezoning. Location IQ concludes that the site is not suitable for industrial uses for the following key reasons:
 - 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. There is also a limited ability for new sites to service the future needs of industrial tenancies due to the constraints of encroaching residential development and densification. 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.
- Further, demand for commercial floor space is better located in the St Leonards area closer to the hospital precinct. There is sufficient supply of existing vacant and proposed office stock to accommodate projected demand and so a non-residential floor space of 1:1 is considered appropriate.
- In addition, the proposed development will create construction jobs and will create a significant number of fulltime equivalent jobs.

Housing

- As St Leonards develops into a true specialised precinct with a focus on health and education, the employment uplift in these sectors is driving demand for residential accommodation, providing people with an opportunity to live close to their place of work. The site is well placed to contribute to the much needed supply of accommodation.
- This is a significant contribution to the State Government's housing target of 159,000 by 2031 for the Inner North subregion. Furthermore, the site is well connected to public transport and highly accessible, with access to jobs within 20 minutes.
- There is also an emerging development pattern in the St Leonards specialised precinct with a significant amount of non-residential floor space recently been approved (approximately 127,000m²). Such uplift in employment generating development will need to be accompanied by an increase in residential accommodation in the area.

Built Form and Amenity Impacts

- 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 Design Guidelines in the Apartment Design Guide as it:

- Achieves solar access and sunlight to apartments and open space within the development
- Maintains solar access to adjoining residential properties to the south
- Minimises privacy and visual amenity impacts by orienting apartments to the east and west, with living rooms, balconies and bedrooms angled to look east and west. Screens can be incorporated into future detailed design to further minimise impacts.
- The proposed driveway can be designed with landscaping and acoustic screening to maintain the amenity and outlook to the adjoining apartments to the south.
- Shadow diagrams have been prepared that 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.

Accordingly, based on the above, there is sufficient planning and strategic justification to rezone the site for mixed use and increase the density.

9.2 QUESTIONS TO CONSIDER WHEN DEMONSTRATING THE JUSTIFICATION

9.2.1 SECTION A – NEED FOR THE PLANNING PROPOSAL

Q1. Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of a strategic study or report prepared by Council but is supported by detailed analysis prepared by the proponent.

In addition, there are a number of strategic documents which have been reviewed and relate to the proposal. These are discussed in Section 3.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes.

The purpose of the Planning Proposal is to enable the development of high density mixed use to occur on the site. To achieve this, amendments to the zoning and development standards that apply to the site are needed. As the existing zoning is IN2, the proposed residential, commercial and retail uses are prohibited. The proposed B4 zone will support the proposed retail and office premises and residential uses enabling the changing character of St Leonards.

An amendment to the height and FSR standards is required to accommodate a high quality design outcome which responds to the site and surrounding land uses.

There is a strong case for higher density development given the proximity to existing public transport and infrastructure at St Leonards Station. Importantly, increasing development density on the site will provide accommodation for the expected workers within the Global Economic Corridor.

Without an amendment to the planning controls the proposed Concept Plan for the site cannot be achieved and the associated public benefits would be lost. The site is a logical and appropriate place to concentrate future growth within the Willoughby LGA, being in an area transitioning to higher density.

9.2.2 SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes.

The Planning Proposal is consistent with the objectives, actions and targets of *A Plan for Growing Sydney* and the *Draft Inner North Subregional Strategy* for the reasons outlined in Sections 3.1 and 3.2 of this Report.

The proposal is directly consistent with the principles of a range of broader strategic planning considerations contained within the metropolitan strategy and the draft Inner North Subregional Strategy which support a transit-orientated and centres based approach to managing growth. As such the site represents a logical location to accommodate new housing and employment opportunities in close proximity to existing services and infrastructure consistent with this approach. It allows opportunities for the growing number of people working and studying in St Leonards and the broader Willoughby area to live and work/study in the same district, thereby reducing travel demand and associated car based pollution and congestion. The proposal has the potential to contribute a valuable and sustainable component of the future commercial and residential development of St Leonards.

Q4. Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

There is no local Strategy that specifically applies to the subject site.

St Leonards Strategy 2006

The proposal is consistent with Council's St Leonards Strategy, which was prepared by David Lock Associates on behalf of Willoughby, Lane Cove and North Sydney Councils as well as the, then, Department of Planning and Infrastructure (DPI). It set out an agreed approach to guide the coordinated development St Leonards centre, and supported the direction of the Metropolitan Strategy for Sydney 2036.

The St Leonards Strategy 2007 does not include the site in its study area. However, the site is on the boundary of the study area. In particular, the site adjoins the Northern Residential Precinct (north of the station) (Figure 20). This precinct is higher-density residential. There is only one site remaining to be redeveloped in this area.

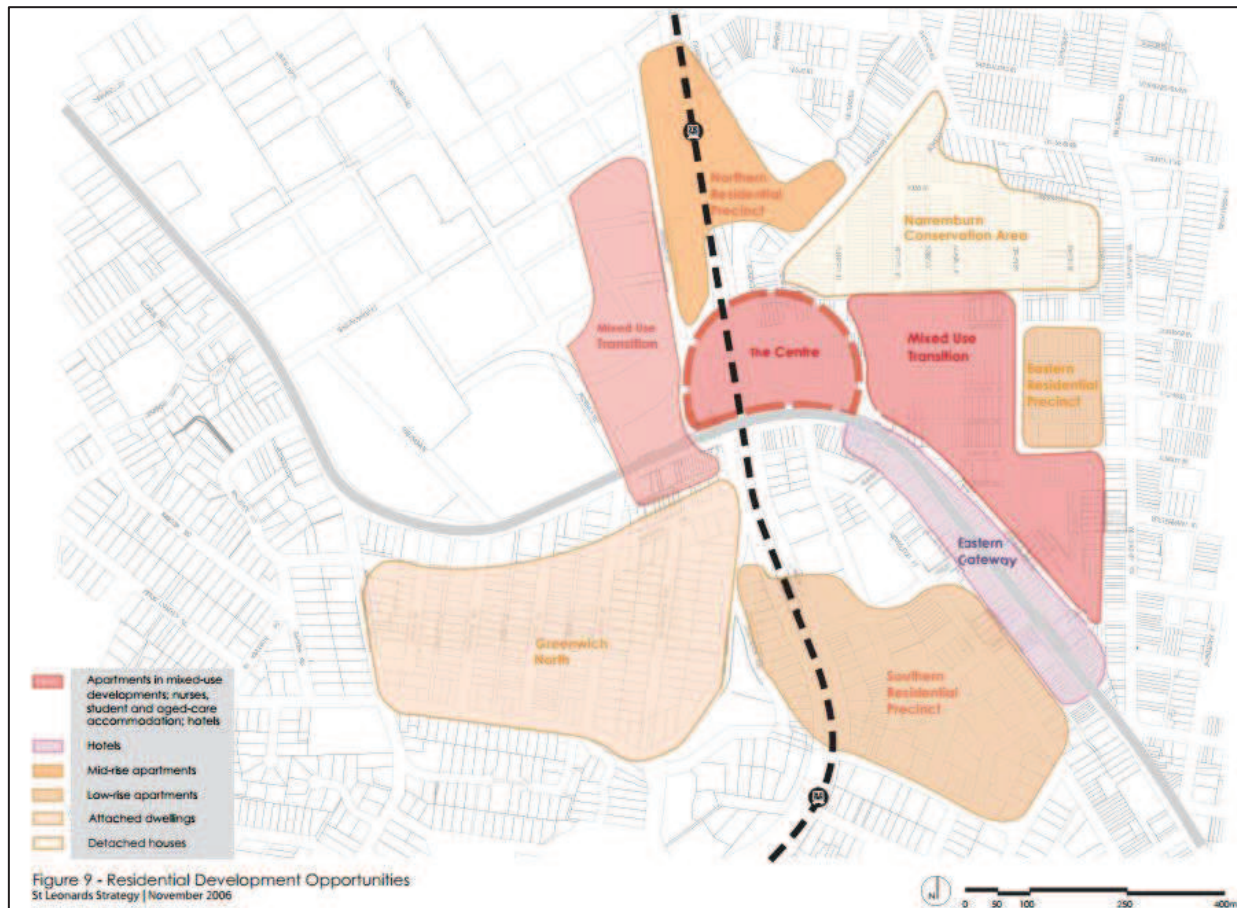
The Strategy recognises that the additional commercial space required to achieve the jobs target for the St Leonards centre can be achieved within the business and mixed-use areas. As such there is no need to introduce commercial floor space into the residential precincts. However, there is scope for redevelopment to add to the number of dwellings. Notwithstanding this, the Strategy makes no recommendations for change in the Northern Residential Precinct.

The St Leonards Strategy overlooks key market trends and is therefore out-dated in the context of the proposal as follows:

- The report was prepared in November 2006, prior to the completion of the Epping-Chatswood Rail Link and the completion of the Royal North Shore Hospital development. The Strategy does not adequately anticipate the outcomes of these major projects.
- The Study area does not include the industrial zoned land within St Leonards and does not take into consideration that the smaller size of land parcels in the St Leonards/Artarmon industrial area does not typically meet the needs of a modern industrial tenant. These tenants are moving to larger lots in industrial parks in other parts of Sydney. A large proportion of land within the Sydney metropolitan area has been converted from industrial to other uses.

The proposed rezoning is supported by an Economic Assessment which provides justification for the change in zoning to a mixed use zone.

FIGURE 20 – RESIDENTIAL DEVELOPMENT OPPORTUNITIES IN ST LEONARDS STRATEGY



Willoughby Structure plan 2010

The Willoughby Structure Plan is a broad framework for strategic land use planning to the year 2020. The plan identifies where priorities lie and sought to coordinate delivery through the new LEP and DCP. The priorities identified in the Structure Plan are mainly translated from objectives in the Willoughby City Strategy as well as specific targets that have been defined for Council by the NSW State Government. The key

Economic Growth

The Structure Plan states that additional jobs as defined for St Leonards are primarily based in the redevelopment of the Royal North Shore Hospital site. It further states that maintaining and promoting growth in the strategic centre of St Leonards (and other centres) provides a sustainable option to meeting government employment targets as they are already established employment centres and located close to public transport and major road transport networks to the Sydney Metropolitan Area, airport and beyond. The proposed 1:1 non-residential FSR ensures employment is maintained on the site (at a higher density than industrial) without precluding residential development.

Centres

The Structure Plan identifies the following priorities to promote the viability and vitality of centres by proposals that:

- Encourage a wide range of retail, commercial, business, entertainment, leisure and residential opportunities;
- Provide development of a size and scale appropriate to the function of the centre and serve the needs of its catchment; and

- Identify sufficient land to accommodate projected growth.

The LEP 2012 informed by the Structure Plan will not be able to achieve projected growth that will be identified in the plans for the subregions/districts. The Planning Proposal is of a scale that provides commercial to serve the needs of the community and residential to accommodate workers coming into the centre.

Housing

The Structure Plan aims to locate all proposed high rise densities within 800m of a railway station. Residential growth should be located in areas close to public transport and existing controls and services will not be able to meet growth targets. The proposed controls and concept design allow for a range of housing types to cater for changing needs in Sydney.

The proximity to public transport will maximise walking and cycling is intended to encourage the decreased use of the private car.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes.

The proposal is consistent with the relevant State Environmental Planning Policies (SEPPs). The relevant SEPPs are identified below.

- SEPP (Buildings Sustainability Index: BASIX) 2004;
- SEPP (Infrastructure) 2007;
- SEPP 55 Remediation of Land;
- SEPP 65 Design Quality of Residential Flat Buildings and Apartment Design Guide.

TABLE 1 – SEPP CONSISTENCY

SEPP	REQUIREMENT	PROPOSAL	COMMENT
SEPP (Buildings Sustainability Index: BASIX) 2004	Residential development to achieve mandated levels of energy and water efficiency.	The proposed development concept has been designed with building massing and orientation to facilitate future BASIX compliance, which will be documented at the development application stage.	Capable of complying
SEPP (Infrastructure) 2007	Facilitate the effective delivery of infrastructure	Future proposed development will require existing utility services to be upgraded and/or augmented to enable the future residential population to be accommodated in accordance with the provisions of the SEPP. The site is has frontage to a classified road and requires,	Will be referred to the RMS

SEPP	REQUIREMENT	PROPOSAL	COMMENT
		where practicable, vehicular access to be provided by a road other than the classified road. It also requires that the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development. Access to the site will be off Herbert Street. The access arrangements have been addressed in the Transport Impact Assessment at Appendix E. Development on the site will be referred to the RMS. The proposed development is identified as traffic generating development to be referred to the RMS in accordance with Schedule 3 of the SEPP.	
SEPP 55 Remediation of Land	Consider whether land is contaminated prior to consent of a development application.	A Preliminary Site Investigation has been prepared by SLR concludes that the potential for contamination is low and the site is suitable for the development.	The proposal is consistent with SEPP 55 requirements. Refer to Appendix D
SEPP 65 Design Quality of Residential Flat Buildings	Improve the design quality of residential flat development	A summary of the proposal's consistency with the design principles is provided in Table 2. Detailed assessment of the residential apartments against the requirements of the Apartment Design Guide (ADG) will be undertaken in future stages of development. A preliminary assessment of the Preliminary Concept Design is provided in Table 3.	Consistent with SEPP 65 Refer to Table 2 and Table 3.

TABLE 2 – SEPP 65

DESIGN PRINCIPLE	PLANNING RESPONSE
Context and Neighbourhood Character	▪ The character of St Leonards is in transition as more jobs and housing is required to meet the targets of the strategic centre. ▪ The proposed development has heights of up to 23 storeys, which will provide a bookend to development at the Forum, and any potential future development to the north that is likely to be significantly uplifted under a Priority Precinct being considered. ▪ Redevelopment of the subject site will support the St Leonards centre and the Royal North Shore Hospital redevelopment through increased residential density integration of land use and transport.
Built Form and Scale	▪ The southern tower is 17 storeys and provides an appropriate transition to the ten storey development to the south. Development further south increases in height towards the Forum. ▪ The northern tower steps up to 23 storeys providing a bookend to the Forum and to mark the change in alignment in the street. ▪ On the eastern elevation the top six levels of the northern tower (plus roof feature) have been designed with lighter, more open elements to break up the building mass reduced the perceived bulk of the tower. ▪ The ribbons across the building facades create a sense of liveliness and movement that will contribute to an interesting skyline when viewed from the surrounds. In the current context, the proposed scheme is a better urban design outcome than continuing the blocky forms of the ten storey buildings to the south.
Density	▪ The proposal has an FSR of 6.5:1. ▪ The proposal provides sufficient separation distances and landscaping and is consistent with the intent of the ADG. ▪ The proposal will provide retail tenancies and approximately 245 dwellings to contribute to future housing targets needed to accommodate the growing population of St Leonards and surrounds.
Sustainability	▪ The residential towers are designed, angled and oriented with northerly, easterly and westerly aspects to maximise solar access to apartments and communal open spaces across the site. ▪ The proposal complies with the ADG solar access requirement. ▪ Cross ventilation can be achieved. ▪ Deep soil zones allow for significant tree planting, providing shade, amenity, and an enhanced living environment for residents both at ground and podium level.
Landscape	▪ The proposed site layout provides deep soil areas around the perimeter of the site. ▪ A pocket of deep soil is provided on the Herbert Street frontage and will be capable of accommodating a signature street tree. ▪ Landscaping above the podium will achieve pleasant courtyard areas between towers. ▪ Residents will have access to communal open space within the development site. ▪ Residents will have access to the extensive parklands and facilities of Naremburn

DESIGN PRINCIPLE	PLANNING RESPONSE
	Park and other numerous nearby parks.
Amenity	▪ The development exceeds solar access requirements for indicative apartments. ▪ No apartments are single aspect south facing. ▪ Each apartment will be provided with a balcony with district views to the north, east and west. ▪ Residents will have access to communal open space within the development and adjoining parklands. ▪ Separation and orientation will provide privacy between apartments. Where separation distances are not technically achieved, design elements are incorporated to direct sightlines away from apartments, including privacy screen. ▪ The detailed design of the external spaces and apartment interiors will be the subject of future Development Applications.
Safety and Security	▪ Buildings address Herbert Street and the open spaces and provide passive surveillance of these areas. ▪ Buildings are oriented so entry points are visible from the street. ▪ Communal open spaces provide recreation areas and encourage shared ownership.
Housing Diversity and Social Interactions	▪ The proposal provides an indicative mix of one (32%), two (58%) and three (10%) bedroom units and increases the housing choice in the area. ▪ 58% of units are two bedrooms, which respond to the market demand and demographic make-up of the area. This is indicative only and subject to change in future DAs. ▪ The proposal provides for 6% of the GFA to be dedicated as affordable housing. ▪ Dwellings will be designed to be adaptable to the needs of people with disabilities in future DAs. ▪ The site is located close to jobs, shops, infrastructure and services. ▪ The site is located close to a variety of public transport options.
Aesthetics	▪ The V shaped towers challenge the traditional blocky form of the buildings to the south and in doing so maximise opportunities for solar access and views. ▪ Variation in tower height, footprint and orientation across the site contributes to the design aesthetic. ▪ Differing building bulk together with future design (modulation, solar shading, privacy screen, balustrades) will articulate the facades and provide visual interest. ▪ The architectural design of the proposal, including materials, finishes, and articulation of the building forms, will be the subject of a future Development Application. ▪ As indicated, the proponent's intention is to engage fjmt to continue the preparation of the development application and design documentation to achieve a high standard of design excellence. A continuing role for fjmt will deliver an outstanding architectural product in a way that will make a significant contribution to the

DESIGN PRINCIPLE	PLANNING RESPONSE
	character of St. Leonards.

TABLE 3 – ADG ASSESSMENT

PROVISION	REQUIREMENT	PROPOSAL	COMPLIES/COMMENT
Building Depth	12m to 18m glass line to glass line	Maximum 12.5m	YES
Building Separation and Privacy	Up to four storeys (approximately 12m): 12m between habitable rooms/balconies 9m between habitable and non-habitable rooms 6m between non-habitable rooms	Minimum 18m to a future building to the north 21m to the building to south 9m between northern and southern towers	Generally complies on the lower levels. The intent of the ADG is achieved with building orientation and design measures. This is discussed further in Section 9.3.
	Five to eight storeys (approximately 25m): 18m between habitable rooms/balconies 12m between habitable and non-habitable rooms 9m between non-habitable rooms		
	Nine storeys and above (over 25m): 24m between habitable rooms/balconies 18m between habitable and non-habitable rooms 12m between non-habitable rooms		
Communal Open Space	A minimum area equal to 25% of the site	A minimum of 25% of the site is communal open space above the podium level, on Level 18 of the northern tower and on the	YES

		roof of the southern tower	
Pedestrian Access and Entries	Multiple entries	Two residential foyers, one for each tower	YES
Car Parking	Car parking in accordance with Council's provisions	Car parking in accordance with Council's provisions	YES
Solar Access	Minimum 70% for 2 hours between 9am and 3pm	Minimum 70% for 2 hours between 9am and 3pm (approx. 80%)	YES
	Maximum of 15% receive no direct sunlight between 9am and 3pm	All apartments receive sunlight as none are single aspect south facing apartments.	YES
Cross Ventilation	Minimum 60% of apartments naturally cross ventilated in the first 9 levels.	Minimum 60% of apartments naturally cross ventilated in the first 9 levels, or with alternative solution.	YES
Ceiling Heights	Minimum 2.7m for habitable rooms	Minimum 2.7m for habitable rooms	YES
	3.3m on the ground and first floor to promote flexibility	3.3m on the ground and first floor	YES
Apartment Size	Studio – 35m ² 1 bed – 50m ² 2 bed – 70m ² 3 bed – 90m ²	Capable of complying	YES
Primary Balcony	Studio – 4m ² 1 bed – 8m ² 2 bed – 10m ² 3+ bed – 12m ²	Capable of complying	YES
Common Circulation	The maximum number of apartments off a circulation core on a single level is eight	Nine apartments of a circulation core. Amenity is achieved to the corridors with unique V shape and ventilation from open ends.	YES

	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Two lifts are provided per core, per tower.	YES
Apartment Mix	A variety of apartment sizes is to be provided	A variety of apartment sizes is provided	YES

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes.

The Planning Proposal has been assessed against the applicable s117 Ministerial Directions and is consistent with each of the relevant matters, as outlined below.

DIRECTION	COMMENT
1. Employment and Resources	
1.1 Business and Industrial Zones	- The proposal is consistent with the Direction as follows: - The proposed development will have a positive employment impact, by maintain a similar number of jobs to the existing and also creating opportunities for new jobs during the construction and operational and maintenance phases of development. - The proposal will not undermine the integrity and core purpose of the St Leonards Strategic Centre as residential development will be focused outside the commercial core.
1.2 -1.5	Not Applicable
2. Environment and Heritage	
2.1-2.4	Not Applicable
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	- The proposal will broaden the range of housing choices to provide for existing and future housing needs. The subject site is well placed to accommodate this type of residential accommodation. - The site is located in close proximity to existing public transport and medical and education infrastructure plus commercial services. The proposal will make efficient use of existing infrastructure and services. - The proposal will provide opportunity for good urban design. - The built form and building layout minimises the impact of residential development.

DIRECTION	COMMENT
	The proposed mixed use development will make efficient use of existing services and infrastructure and will provide sufficient housing to help meet infill housing targets and reduce the need for land release on the metropolitan fringe for a commensurate number of dwellings.
3.2 -3.3	Not Applicable
3.4 Integrating Land Use and Transport	- The site supports the principle of integrating land use and transport. - The site exhibits good access to public and private transportation use, being within walking distance of the St Leonards Railway Station and nearby bus stops on the Pacific Highway. The station offers access to Chatswood, North Sydney, Sydney CBD and Macquarie Place within 20 minutes commute. - The site's proximity to public transport will provide opportunities for residents and employees to access the site and reduce the dependence on private vehicle use/ownership. - The proposal will provide employment opportunities within the within close proximity to existing services and infrastructure, reducing travel demand, the number of trips generated by development and the distances travelled, especially by car. - The proposal supports the efficient and viable operation of public transport services.
3.5-3.6	Not Applicable
4. Hazard and Risk	
4.1 Acid Sulfate Soils	No physical works, including excavation, are proposed. Future detailed development applications will address environmental impacts in relation to acid sulphate soils.
4.2 – 4.4	Not Applicable
5. Regional Planning	
5.1 -5.8.	Not Applicable
6. Local Plan Making	
6.1 Approval and Referral Requirements	This is an administrative requirement for Council.
6.2 Reserving Land for Public	This is an administrative requirement for Council.

DIRECTION	COMMENT
Purposes	
6.3 Site Specific Provisions	The Planning Proposal has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with the WLEP 2012.
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Plan	The planning proposal is consistent with the aims of <i>A Plan for Growing Sydney</i> as detailed previously within the Planning Proposal.

9.3 SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

The site is fully developed and comprises little vegetation. There are no known critical habitats, threatened species or ecological communities located on the site and therefore the likelihood of any negative impacts are minimal.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are not likely to be any environmental impacts associated with the future development of the land that cannot be suitably mitigated through detailed design development. The following sections address the environmental impacts.

TRAFFIC

A Traffic Impact Assessment has been prepared by Traffix that describes the existing local traffic context and assesses the potential traffic implications of the proposed concept. A copy of the report is submitted with the Planning Proposal at Appendix E. In summary, the traffic analysis indicates that:

- The existing development generates 96 vehicle trips per hour during the AM Peak (77 in 19 out) and 72 vehicle trips per hour during the PM Peak (14 in, 58 out).
- The proposal, including high residential, retail, office and child care uses, will generate 141 vehicle trips per hour during the AM peak period (69 in, 72 out) and 117 vehicle trips per hour during the PM peak period (74 in, 43 out).
- Taking into consideration the existing development, which generates in the order of 30 peak vehicle trips, the proposal results in an additional 45 peak vehicle trips. These volumes equate to an additional vehicle trip being generated every 1 minute and 20 seconds and is considered to result in minimal impacts on the surrounding road network.
- The trip rates adopted in this analysis do not take into account the excellent access to public transport available within proximity to the site, which is likely to offset traffic generation for residents and employees.
- As the development is not situated in proximity to any signalised intersections, intersection modelling is not considered warranted at this stage.

Given the low volume of additional traffic, there is not likely to be any significant impacts on the capacity and function of the surrounding roads and intersections. Furthermore, the site is uniquely located to take advantage of extensive public transport services. Residents would also benefit from short walking

distances to a wide range of services and jobs in St Leonards and North Sydney, reducing the need for vehicular travel.

PARKING

The Traffic Impact Assessment also considers the existing parking conditions of surrounding the site and the suitability of the proposed parking in terms of supply and concept layout. In summary, the parking analysis indicates that:

- The Preliminary Concept Design generates a demand for 350 car parking spaces based on Council's requirements under the Willoughby Development Control Plan (DCP) 2006.
- The Preliminary Concept Design proposes a total of 371, including visitor and affordable housing spaces, and complies.
- The Preliminary Concept Design will require 27 accessible parking spaces. This can be confirmed once detailed design of the basement car park has been undertaken.
- The Preliminary Concept Design will need to demonstrate 14 motorcycle parking spaces based on the car parking requirement for 350 parking spaces.
- The Preliminary Concept Design will need to demonstrate 55 bicycle parking spaces which comprise 25 residential, 20 residential visitor, 5 commercial staff, 1 commercial visitor, 1 retail staff and 4 retail visitor spaces.

The proposal is likely to satisfy the car parking demand generated by the proposal.

OVERSHADOWING

Shadow diagrams have been prepared to assess the proposed impact on solar access to neighbouring properties between 9am and 3pm for the Winter Solstice (June 21). The subject site is oriented in a north south direction with a rail line to the east and road to the west and will not significantly impact on solar access of adjoining dwellings. Dwellings within the development receive sunlight in accordance with SEPP 65 and the ADG.

- At 9am, the proposed built form will cast shadow over Herbert Street and the non-residential development to the west. These properties will not be impacted by the proposal during the midday and afternoon hours.
- At midday, shadow will be cast over the development to the south. This development will not be impacted on by the proposal in the morning and afternoon hours, ensuring that the north facing windows of living areas and recreational open spaces maintain sun for at least 3 hours between 9am and 3pm on June 22, in accordance with the Willoughby DCP 2006.
- At 3pm, the proposed built form will cast shadow over the railway and the west facing elevation of residential development between the tennis courts and railway. These properties will not be impacted by the proposal during the morning and midday hours, ensuring that the north facing windows of living areas and recreational open spaces maintain sun for at least 3 hours between 9am and 3pm on June 22, in accordance with the Willoughby DCP 2006.

Accordingly, the proposed built form will not reduce the solar access of adjoining development to less than three hours between 9am and 3pm and complies with the DCP provisions.

SEPARATION, VISUAL AND ACOUSTIC PRIVACY

Separation distances are provided to achieve the intent of the ADG, which is to mass appropriately and achieve residential amenity in terms of solar access, acoustic and visual privacy and outlook. The distances proposed are:

- Minimum 18m to a future building to the north;
- 21m to the building to south;

- 9m between northern and southern towers.

Separation to the North

- Currently there is a two storey retail development to the north and there will be no impacts on this development.
- If the site was to be development in the future, a shared separation of 18m is considered appropriate given that the living areas and balconies of apartments in the concept scheme are oriented to the east and west. It is unlikely that a future development on the Reece Plumbing site would focus residential development facing south.
- Minimal windows are provided on the northern elevation and screening can be incorporated into future detailed design to further mitigate privacy impacts.

Separation to the South

- There is 3m non-compliance for the distance to the building to the south, which is considered appropriate in the context. The non-compliance does not create a sense of tower clutter as 21m is sufficient to separate building mass and provide landscaping opportunities.
- Living areas and balconies of apartments are oriented to the east and west, rather than the south. Minimal windows are provided on the southern elevation and screening can be incorporated into future detailed design to further mitigate privacy impacts.
- A deep soil planting zone of 4m is provided on the southern boundary to accommodate taller trees. These trees will provide a visual buffer between developments.

Tower Separation

- Living areas and balconies of apartments are oriented to the east and west rather than across the towers.
- The 9m separation is for the eastern wings of the development. Separation is increased as the buildings angle out towards the west.
- The western wings are a minimum of 18m from each other or across from service areas. The screening element of the façade design will assist reducing impacts.

The proposal has been designed and sited with due consideration to the privacy of adjoining and future incoming residents. Appropriate setbacks, building separation, balcony orientation and use of landscaping have been incorporated into the design to minimise privacy impacts. The use of materials and privacy screening at the detailed design stage will further enhance these proposed privacy measures.

ACOUSTIC ENVIRONMENT

The site is affected by road noise from Herbert Street and train noise. The three storey podium will assist with reducing noise impacts by locating residential development higher up. Mitigation measures will be required at detailed design stage to address noise for residential units. The buildings are setback between 4.5m and 7.5m from the site boundary to provide separation from the roadways.

The proposed southern driveway access will be designed with suitable landscape screening and acoustic treatment to mitigate impacts on adjoining properties.

SUMMARY

Overall, it is considered that the site will not result in any significant environmental effects that would preclude the LEP amendment and the ultimate redevelopment of the site for high density mixed use, including residential development.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The key issues to be balanced in weighing the social and economic impacts of the proposal are considered to be:

ECONOMIC IMPACT

The Industrial Impact Assessment prepared by Location IQ considers whether the withdrawal of the subject site from the industrial market in St Leonards/Artarmon industrial area could constrain the area's capacity to accommodate jobs growth targets and examines the highest and best use for the site, including a mixed use development.

The EIA makes the following key points regarding the current industrial zone:

- One of the most notable factors that has led to the change of use of industrial precincts in built up areas of Sydney has been the growth of industrial precincts in outer Sydney areas that possess larger and more affordable sites, superior road and rail transport, and are situated closer to the major population growth centres of Sydney.
- The development of new facilities on the urban fringe and in large industrial estates has freed up industrial land in the built up areas of Sydney for alternative uses. The retention of appropriate employment uses in the built up areas of Sydney is important in order to ensure jobs are located close to homes. However, the nature of jobs close to homes in built up areas is changing, with demand for commercial, aged care and health care services increasing.
- 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. There is also a limited ability for new sites to service the future needs of industrial tenancies due to the constraints of encroaching residential development and densification. 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.
- The site is significantly smaller than the average new industrial facility in Sydney and is occupied by a commercial building. Consequently, to be used for industrial purposes (typically one or two storeys) would not be financially viable to demolish the existing building and rebuild for a smaller industrial tenant with a lower rental yield.
- Overall, the smaller size of the site, the existing commercial use and financial viability means that it is no longer appropriate as a light industrial (IN2) zoned site.

Location IQ have considered the recent trends in industrial land supply and recommend that the site would be better suited for mixed uses based on the following:

- Increasing population pressures as outlined in the *Willoughby City Strategy 2013 - 2029*, which identifies the need for an additional 6,800 dwellings in Willoughby.
- Lack of land available for residential development in Willoughby to allow for the dwelling targets outlined in the *Willoughby City Strategy 2013 – 2029* to be achieved.
- The built up nature of the land surrounding the site, with dense residential land located immediately to the south of the site and also on the northern side of the Gore Hill Freeway.
- The close proximity of supporting infrastructure and other facilities to the site.

- The change of use from light industrial (IN2) to residential uses would form a natural progression in the surrounding precinct, with the shift to more mixed uses, including residential already underway to the south along Herbert Street.
- The continued use of the site for commercial floor space makes it adaptable to market conditions.
- The ongoing need for commercial high tech facilities could be incorporated as part of a mixed use site.
- The mix of uses could potentially include childcare and limited retail facilities at a local neighbourhood shop level.

The proposed development will result in the following direct and indirect employment benefits:

- Ongoing employment yield from the commercial / retail component of the proposed development and ongoing annual wages.
- Job creation will be similar to the existing development and considerably higher than a light industrial use as the employment density is typically higher than industrial.
- The proposal will create job opportunities during the construction, maintenance and operation phases of future development.
- The proposed retail uses are more fine grained and will not impact on the viability of the St Leonards Centre. Rather, the increase in resident population will provide economic support to the businesses and services in the commercial core of St Leonards.
- This Planning Proposal supports the State government's current direction of increasing density and broadening land uses in proximity to public transport infrastructure.
- The Planning Proposal achieves the right balance of maintaining a strong employment focus while also recognising the benefits of providing residential development to take advantage of the locational and amenity benefits that the site offers. The proposal will not detract from the employment growth earmarked for St Leonards/Crows Nest.
- Optimising the potential to redevelop the site will assist State Government and Council to deliver the targets set out in *A Plan for Growing Sydney* but also, importantly will ensure that new housing and employment opportunities can be delivered with greater certainty.

SOCIAL IMPACT

The proposal will have positive social impacts on the local community and wider LGA:

- The proposal locates high-density residential development in an accessible location, close to jobs and transport infrastructure.
- The proposal will assist in meeting housing and job targets set by the State Government with greater housing choice and local employment opportunities.
- The proposal will achieve a high-quality architectural and urban design outcome for the site in relation to its context.
- The proposal has been designed and sited with due consideration to the privacy of adjoining and future incoming residents. Appropriate setbacks, building separation, balcony orientation and use of screening and landscaping have been incorporated into the design to minimise privacy impacts.
- The proposal will not reduce the solar access of adjoining development to less than 3 hours in Winter and complies the DCP provisions.

- The proposal will provide a high level of security and design elements will deter criminal behaviour. Casual surveillance is also available over the private open space and entry areas from units and common areas. The proposal is therefore consistent with CPTED principles.
- The proposal has the potential to contribute approximately 245 new dwellings to the local housing stock. The proposed concept design provides flexibility with the future detailed design to accommodate a variety and size of dwelling types consistent with the ADG.
- The proposal will maintain a non-residential FSR of 1:1 to ensure continued employment opportunities and wages.
- Impacts on demand for social infrastructure services as a result of increased population.
- A comprehensive audit of existing facilities within the locality and the capacity of these facilities to accommodate increased demand associated with the development of the site has been undertaken to identify any gaps in the availability of social infrastructure. Future redevelopment of the site will be accompanied by a Voluntary Planning Agreement between the developer and Council to contribute to the delivery of infrastructure in the LGA, including 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% of the residential gross floor area dedicated to Council for affordable housing.

SUMMARY

The planning proposal will therefore have positive economic and social benefits, with a multiplier effect that will benefit the broader community. In our opinion, the proposal has addressed social and economic impacts and is in the public interest.

9.4 SECTION D – STATE AND COMMONWEALTH INTERESTS

Q10. Is there adequate public infrastructure for the planning proposal?

Yes. The site is served by existing utility services and is located to allow incoming residents and workers to capitalise on the wide range of infrastructure and services existing and planned within the area. It will reinforce existing investment in public transport infrastructure, through increased patronage of the existing station at St Leonards.

A range of established services are available within close proximity of the site, including health, education and emergency services networks.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

No consultation with State or Commonwealth authorities has been carried out to date on the Planning Proposal. It is acknowledged that Willoughby Council will consult with relevant public authorities following the Gateway determination.

10 Part 4 – Mapping

Draft zoning, height and FSR maps are attached at Appendix C.

11 Part 5 – Community Consultation

11.1 PUBLIC CONSULTATION

Clause 57 of the *Environmental Planning and Assessment Act 1979* requires the relevant planning authority to consult with the community in accordance with the gateway determination. It is anticipated that the Planning Proposal will be required to be publicly exhibited for 28 days in accordance with the requirements of the Department of Planning and Infrastructure guidelines “*A Guide to Preparing Local Environmental Plans*.”

It is anticipated that the public exhibition would be notified by way of:

- A public notice in local newspaper(s).
- A notice on the Willoughby Council website.
- Written correspondence to adjoining and surrounding landowners.

12 Part 6 – Project Timeline

It is anticipated that the LEP amendment will be completed within 9-12 months. An indicative project timeframe is provided below.

TABLE 4 – INDICATIVE PROJECT TIMELINE

STAGE	DATES
Consideration by Willoughby Council	December 2015/ January 2016
Planning Proposal referred to Department of Planning and Environment for Gateway Determination	May 2015
Gateway Determination by Department of Planning and Environment	June 2016
Commencement and completion of public exhibition	July 2016
Consideration of submissions and consideration of the proposal post-exhibition	September 2016
Submission to the Department of Planning and Environment to finalise the LEP	November 2016
Gazettal of Local Environmental Plan Amendment	December 2016

13 Conclusion

This Planning Proposal seeks an amendment to WLEP 2012 to allow for high density mixed use development at Nos. 31-35 Herbert Street, St Leonards. The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Infrastructure including “*A Guide to Preparing Local Environmental Plans*” and “*A Guide to Preparing Planning Proposals*.” It sets out the justification for the proposed LEP amendments applicable to the subject site to allow for a high density mixed use development.

The Preliminary Concept Design accompanying the Planning Proposal has been informed by a detailed site analysis. As a result, the proposed LEP changes in our view will achieve an appropriate development outcome for the following reasons:

- **From a local context perspective:** The Planning Proposal achieves an appropriate built form and scale having regard to maintaining the amenity of adjacent and surrounding lands.

The current industrial zoning is redundant and does not take account of the existing commercial development. The Planning Proposal will address this anomaly in the land use planning for the site.

- **From a strategic policy perspective:** The proposal will positively contribute to the State planning strategic goals of increasing employment and housing densities in centres with access to public transport. The level of residential development proposed will support the St Leonards Centre without impacting on employment lands in the Global Economic Corridor.
- **From a community benefit perspective:** The proposal will deliver a range of benefits for the community, including:
 - The proposal will provide 1:1 FSR to maintain employment in the area. The Proposal will also create new jobs during construction and maintenance of the development.
 - The proposal will provide approximately 245 new dwellings, which will increase housing choice and diversity within close proximity to public transport infrastructure and services.
 - The VPA will upgrade existing facilities at Naremburn Park and the footpath connecting Ella Street to Talus Street, as well as increasing the affordable housing offer to Council.
- **From an environmental perspective:** The proposal will have minimal environmental impacts in terms of traffic, parking, overshadowing, privacy and noise. Further, the provision of a mix of uses on the site with good accessibility to services and public transport will achieve environmental benefits by encouraging more trips in the centre without cars.

Overall, it is considered that the proposal will result in significant public benefits facilitating the development of a high quality mixed use development. This Planning Proposal supports the State government's current direction of increasing density in major centres with good access to public transport and facilities.

The Planning Proposal achieves the right balance of maintaining a strong employment focus while also recognising the benefits of providing residential development to take advantage of the locational and amenity benefits this site can provide.

The Planning Proposal will have positive social and economic benefits and we therefore have no hesitation in requesting the Council resolve to forward this planning proposal to the Department of Planning and Environment for LEP Gateway determination.

Appendix A

Survey

Appendix B

Preliminary Concept Design

Appendix C

LEP Mapping

Appendix D

Stage 1 Preliminary Site Investigation

Appendix E

Transport Impact Assessment

Appendix F

Economic Assessment

Appendix G

Letter of Intent for VPA

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