

ATTACHMENT 2

DETAILED ASSESSMENT

The Site

In April 2020 the applicant submitted to Council a Planning Proposal for Lots 1-6, Section 28, DP 4241 12 Chandos Street, St Leonards. The site is owned by Billan Property Pty Ltd and is located in the commercial centre of St Leonards. The entire area (lots 1- 6 Section 28 DP 4241) is bound by Chandos Street to the south, Christie Street to the east and Evans Lane to the north. To the west is the St Leonards Station carpark and St Leonards Station. The site is generally square in shape and comprises six allotments of land identified as Lots 1- 6 in DP 4241. Overall the site has a combined area of 1,379m².

The current Planning Proposal applies to the subject site outlined in red in Figure 1. Existing development on the site includes the College of Law Building. The existing commercial building is five storeys in height with underground parking. The site is zoned B3 Commercial Core and is approximately 100m from St Leonards Railway Station and is also serviced by a number of regular bus routes in the vicinity.

Figure 1: Location Plan



The Locality

Surrounding properties and uses include:

- A range of commercial (office uses) directly to the east,
- Christie Street Reserve directly to the south
- St Leonards Station car park and Station to the west
- Commercial uses to the north, with a low density residential heritage conservation area located in close proximity to the north-east.

Properties on all sides of the subject site are zoned B3 Commercial Core, with the exception of land on the southern side zoned RE1 Public Recreation (Christie Park) refer Figure 2.

Figure 2: 12 Chandos St Locality Land Use Zoning



The subject site is located within the St Leonards boundary identified in the *St Leonards and Crows Nest 2036 Draft Plan*. The *St Leonards and Crows Nest 2036 Draft Plan* is intended to establish a strong framework to guide all future development in the St Leonards and Crows Nest area over the next 20 years. Its purpose is to ensure that the area will be a major centre for workers, residents, students and visitors, including a thriving economy with an abundance of work opportunities in the industrial area of Artarmon, Crows Nest village, the Royal North Shore Hospital and the commercial centre of St Leonards. As outlined in Council's report, the proposal is considered to be inconsistent with both the *St Leonards and Crows Nest 2036 Draft Plan* and the *Local Strategic Planning Statement (LSPS)*.

PLANNING PROPOSAL

The Planning Proposal seeks to amend the *Willoughby Local Environmental Plan (LEP) 2012* in response to the State government's *St Leonards and Crows Nest 2036 Draft Plan* in relation to 12 Chandos Street St Leonards as follows:

- Rezone the site from B3 Commercial Core to B4 Mixed Use;
- Increase the total FSR from 2.5:1 to 34.5:1 (including a minimum of 2.5:1 to be dedicated to non-residential uses); and
- Increase the maximum building height from 20m to 243m (RL 319.2 AHD).

Conceptual redevelopment of the site includes:

- Demolition of the existing College of Law Building.
- Construction of a 70-storey mixed-use tower, including: non-residential uses equivalent to 2.76:1, incorporating:
 - ground floor retail uses
 - five floors of commercial uses
 - 58 floors of residential apartments
 - a rooftop communal open area
 - basement car parking and
 - associated plant and equipment

- Provision of various public domain improvements are shown as part of a Planning Agreement, including;
 - on the 12 Chandos Street site, provision of ground level public open space/plaza areas
 - on Chandos Street, construction of a new public domain deck above the existing street, integrating with the 12 Chandos Street public domain and Christie Park, providing open space and pedestrian access to St Leonards Station

The proposal is not supported, as the proposed mixed use zoning on this B3 site is not considered suitable in the St Leonards commercial core. This area is reserved for employment-related uses. The proposal is also contrary to the *Draft SLCN Plan* and Council's *Local Strategic Planning Statement (LSPS)* which also identifies this centre for employment-related purposes.

The applicant's Planning Proposal and Concept Plans are at **Attachment 3**. The Planning Proposal is accompanied by a Voluntary Planning Agreement Letter of Offer involving a number of public domain upgrades including a plaza to be constructed above Chandos Street. A copy of this letter of offer is at **Attachment 4**, however it has not been pursued.

For the purposes of this report and Planning Proposal, site mapping amendments to *Willoughby Local Environmental Plan 2012* have not been prepared as the Planning Proposal is not supported, however maps showing the existing zone, building height and FSR are included in the Planning Proposal submitted by the applicant. A copy of the applicant's Planning Proposal is at **Attachment 3**

DISCUSSION

This Planning Proposal involves a site located within the St Leonards commercial centre identified in the State Government's *North District Plan* and *St Leonards and Crows Nest 2036 Draft Plan* as well as Council's endorsed *Local Strategic Planning Statement, March 2020*.

St Leonards and Crows Nest 2036 (SLCN) Draft Plan

Consistent with the *North District Plan*, the *Draft SLCN Plan* identifies that the core commercial areas at St Leonards should be retained for employment purposes (Fig. 13, p.29). It is also noted that there is a mixed-use areas nearby in North Sydney Council area which is more suitable for mixed-use development. The *Draft SLCN Plan* also states that a number of open space areas, including Christie Street Reserve should be protected from over-shadowing during the hours of 10am – 3pm in mid-winter. This restricts the future scale of development on the site at 12 Chandos Street St Leonards and as a result the *Draft SLCN Plan* does not recommend any building height increases on the subject site.

Willoughby Local Strategic Planning Statement (LSPS) March 2020

The LSPS notes the strategic centres of both St Leonards and Chatswood are a key part of Sydney's Eastern Economic Corridor and therefore the employment potential of both these centres needs to be retained and strengthened. This also includes working with neighbouring Councils and other stakeholders to support and strengthen the strategic centre of St Leonards. The Eastern Economic Corridor is identified as the most important economic corridor in Australia (*LSPS* March 2020 p.112).

Land Use

The site is currently occupied by the College of Law building.

Traffic and transport

A Traffic and Access Plan prepared by GTA Consultants has been submitted as part of the Planning Proposal. Internal Council comments on the proposal in relation to traffic and parking have raised a number of issues required to be addressed if the proposal was to proceed. Comments on the proposal include the following:

- It is noted that 205 parking spaces are proposed, which would be only 35% and 32% of the RMS and DCP requirements respectively. While Council would generally support a lower parking space provision, given the site's location close to major public transport links, this requires further consideration and justification from the proponent if the proposal is supported, based on the information and requirements as per Chapter C4 of the DCP.
- A draft Green Travel Plan (GTP) should be developed as part of the Planning Proposal process, outlining how the proposal will support an increased modal share for sustainable transport options (i.e. walking, cycling and public transport). This could include a higher provision of bicycle parking spaces and end-of-trip facilities, internal car share spaces and electric vehicle charging points. This would also serve to support the reduced car parking provision. Other sustainable transport mode facilities are required to be provided and connected to existing footpaths, shared paths and cycle ways/paths (including Transport for NSW's Principal Bicycle Network).
- For bicycle and motorcycle parking, 89 and 23 spaces are required based on the DCP. It is noted that the proposal does not nominate a potential figure and that this (along with end-of-trip facilities) would need to be defined as part of any future DA. It is stated that the provision of these spaces be complied with or exceeded to demonstrate the development's green travel credentials. It is recommended that a provision higher than the DCP requirement be provided, given the overall stated strategy of the proponent to replace as many private vehicle trips as possible by active and public transport options.
- The proposal details that the only means of access to 5 levels of parking for up to 195 vehicles is via two car lifts. The use of car lifts as the only means of access to the parking areas is not acceptable. In addition to the risk of breakage preventing access, they will potentially cause delays to vehicles entering the site, requiring traffic to queue out into the laneway. In addition, the structure associated with the car lifts will prevent access to some of the space shown on the drawings. The layout of the parking area also requires vehicles to use a specific lift to access a particular side. Access to the basement parking areas must be via ramps compliant with AS /NZS 2890.1.
- Loading/servicing requirements are not specified in any detail in the report and this is to be based on further research and discussion with Council.
- Separate loading/servicing areas should be provided for each land use, unless a management plan is provided that shows how a common space would be managed.

- The report summarises that there will be “negligible difference to the performance of this key roundabout intersection” (referring to the intersection of Christie St/Chandos St) however recommends that updated traffic surveys and intersection modelling be undertaken to understand the traffic impacts in greater detail. Council would agree with this statement and recommend this be done, should the proposal progress.
- The proposal should minimise impacts on the performance of the surrounding road network including key intersections (e.g. Chandos St/Christie St roundabout and Christie St/Pacific Hwy signalised intersection).
- The safety impacts (for all road users) plus anticipated performance levels, queue length and impacts on surrounding streets need to be assessed should the proposal progress.
- Further detail needs to be provided as to how the park in air space above Chandos Street will provide a wider community benefit, given it is proposed to use the air space over a Council road, including whether 24hr access will be provided to the space for use by the public and not just during business hours (or for residents only).
- The proponent should also note the comments from North Sydney Council in relation to this aspect of the proposal, including the impacts on pedestrian desire lines to/from St Leonards station. The proposal must further demonstrate the advantages that may be gained for the site i.e. environmentally-friendly, more open spaces for landscaping / greenery etc.
- The concept plans show stairs in the road reserve along Chandos St. These are not acceptable, particularly as they block access to properties further along Chandos Street.

Council Officers also referred the proposal to Transport for NSW. No response has been received from Transport for NSW on the proposal at this stage.

Heritage

The subject site adjoins the Naremburn Heritage Conservation Area at its south western corner. The conservation area was first subdivided in 1903 and development boomed until 1930s. The National Trust of Australia (NSW) classified this area as an Urban Conservation Area in 1983.

The subject site is also diagonally opposite No. 1 Chandos Street (legally known as Lot 1 DP 564685), which is listed as Heritage item (I1033) within the North Sydney LEP 2013 and is considered to have local significance.

Clause 5.10 (5) of the WLEP 2012 states as follows:

"(5) *Heritage assessment*

The consent authority may, before granting consent to any development:

- (a) *on land which a heritage item is located, or*
- (b) *on land that is within a heritage conservation area, or*

- (c) *on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned."*

In support of the Planning Proposal, the applicant has submitted a Heritage Impact Statement, prepared by Urbis.

The Statement of Significance in Council's Development Control Plan for Naremburn Heritage Conservation Area states as follows:

"This is a unique, cohesive and generally intact Federation era suburb which has remained so largely because of the small size of the cottages and the restrictive [subdivision](#) pattern. The closely spaced cottages create a set of similarly patterned and cohesive streetscapes - uninterrupted vistas of almost uniform roof shapes and similarly massed façades in original materials. These small buildings have aesthetic significance for their shared Federation style characteristics and the individual expression of these in a wealth of original detailing, generally in good repair. Their turned and fretted woodwork, strapwork, shingled and pebbledash gable infills and coloured glazing distinguishes them individually and further integrates the group. The area has historic and aesthetic significance as a highly intact precinct of working class cottages of the Federation period, that developed in response to the extension of the tramline to Willoughby."

The area is generally dominated by single storey dwellings and homogeneous streetscape, with occasional second storey added as rooms within the roof to the rear of the property. The maximum permissible height for the area is 8.5 metres as per the height map in the Willoughby Local Environmental Plan (WLEP) 2012. The properties to the south of the conservation area, including the subject site, has a height limit of 20 metres. The properties north of the subject site, along Christie Street is limited to 14 metres in height. This can be considered as a buffer zone for the conservation area. This protects the conservation area from high rise buildings and its consequential adverse impact on the area. The maximum permissible FSR for the subject site is 2.5:1 under the WLEP 2012.

The Planning Proposal is for increasing the height to 243 metres and FSR of 34.5:1, with a concept submitted for a 70 storey mixed use tower. It is considered that the proposal to increase the height to 243 metres will have an adverse impact on the Naremburn Heritage Conservation Area, as any subsequent DAs for building on the site, based on the amended development controls will not only overshadow the conservation area but will also take away the buffer zone currently protecting the conservation area. The buffer zone to the conservation area is considered to be critical in maintaining the heritage significance of the conservation area. The proposed height is way above any development in the area surrounding the conservation area and will protrude out above all the adjoining developments. The proposed planning controls and any subsequent DAs will therefore impact on the vistas of the conservation area.

The Planning Proposal, in its current form, is considered to be unacceptable from a heritage point of view, as it will have an adverse impact on the heritage conservation area and the buffer zone around the conservation area. It will be detrimental to the Naremburn Heritage Conservation Area and therefore cannot be recommended for approval.

Stormwater Drainage

Full details of the proposed on-site stormwater detention system in accordance with Part C.5 and Technical Standard 1 need to be provided should a development application proceed on the site. The standard engineering requirements, including a detailed stormwater drainage plan and vehicle crossing details and sections will also need to be provided as part of any future development application for the site.

Contamination

A Phase 1 Preliminary Site Investigation (PSI) was undertaken by Douglas Partners (Attachment 3 Appendix D) to determine the potential risk for land contamination from past and current activities in accordance with the requirements of State Environmental Planning Policy No. 55 - Remediation of Land.

Douglas Partners have provided an assessment of the previous site land uses as well as a site inspection to determine any signs of contaminated materials or potentially contaminating activities. A review of the site history indicated the site was predominantly used for residential purposes from at least 1909 until the construction of the current College of Law building in approximately 1975.

The site was previously uncontaminated, however, since the construction of the College, friable asbestos was found to be present in rope gaskets to the boiler located in the boiler room on the roof level of the building and is also assumed to be present within waterproofing material to the roof, lift motor brake shoes, spark arrestors to lift motors, electrical backing boards and fire door cores. Given the current occupation of the building, samples were unable to be taken and further examined to understand the full impact of contamination.

Additionally, an underground heating oil storage tank was observed to be present beneath a concrete slab in the loading dock which is presumably no longer in operation. Douglas Partners confirm that due to the location of the tank and current occupation of the building, no additional information could be obtained about the nature of the tank and thus should be treated as a risk of soil contamination.

Given the above findings, Douglas Partners concludes that the land has not been identified as significantly contaminated land within the meaning of the Contaminated Land Management Act 1997 (CIM Act), and the abovementioned risks to site contamination are unlikely to prevent the site from being redeveloped in future. The report states that this can be ensured by rendering the site to standards suitable for the proposed change of zoning to B4 mixed-use high density commercial and residential development, if the findings of the recommendations contained within the report are adopted appropriately.

The report therefore concludes that the site is capable of being made suitable for commercial and residential uses. Due to the risk of soil contamination, further detailed contamination assessment would be required prior to public exhibition if the Planning Proposal is supported.

Aeronautical assessment

An preliminary aeronautical assessment has been undertaken as part of the proposal. The critical airspace controlling operational surfaces over the site are the following:

- Obstacle Limitation Surfaces (OLS) - Outer Horizontal Surface - 156m AHD,
- Procedures for Air Navigation Services - Aircraft Operations (PANS-OPS) - 340m AHD
- Radar Terrain Clearance Chart (RTCC) – 335.28m AHD
- Omni Directional - 465m AHD

The proposed building and temporary construction cranes are proposed to remain below the PANS-OPS, RTCC and Combined Radar Departure Assessment Surfaces, and therefore the currently published flight operation surfaces will not be affected by the proposed development at the site.

However, since the OLS will be penetrated both permanently by the building and temporarily by construction cranes, the proposal will require a detailed aeronautical assessment and will be classified as a "controlled activity", triggering the need for a detailed aviation assessment and approval. It is anticipated that further referrals would be required during the public exhibition stage should this Planning Proposal be supported.

Development Planning

Detailed construction and traffic management plans will be required for the proposed works at development application stage. This is to include but not be limited to proposed spoil routes, access, parking, any conflicts with existing operations on the site, and the adjoining sites and uses. Potential impact on parking and access in the vicinity must also be suitably addressed.

Landscape and Urban Design

The revised Planning Proposal document and Urban Design Report for 12 Chandos Street provides an overview of the urban design concepts and approach and significant landscaping proposed on the site.

There are a number of concerns regarding the proposal from an urban design perspective. It is considered that there is inadequate justification for the proposed design and height of the building in the context of existing and proposed building heights in the St Leonards strategic centre. It is also considered that there are adverse off-site impacts, including on the adjoining public street domain and Christie Street Reserve. There is no adequate justification provided for the proposed building height which is considered excessive in relation to existing WLEP controls, the adjoining North Sydney Council planning controls and the proposed height controls as set out in the *draft St Leonards Crows Nest Strategic Plan*.

The impact on the adjoining Christie Street Reserve is considered unacceptable from an over-shadowing viewpoint. There is also concern regarding the proposed public plaza and the future movement of both people and vehicles in the adjoining streets as well as access to St Leonards station. While the proposed plaza may provide additional public amenity, the additional development proposed is considered to be unacceptable due to the overshadowing impact on Christie Park. Should the proposal proceed, the plaza would need to be fully accessible to the public at all times. Council would have significant concerns concerning any potential privatisation of public space. A management plan for the public space would be required at a future development application stage if the proposal proceeds. Any future development proposal would also be subject to satisfying the Willoughby Design Excellence Policy through a Design Excellence Competition.

Wind Impact Assessment

As part of the submitted proposal, Windtech undertook a preliminary assessment in regard to wind activity examined for the three principal wind directions for the Sydney region; namely the north-easterly, southerly and westerly winds. The results of this assessment indicated that wind conditions within and around the site are expected to benefit slightly from the surrounding buildings directly to the south which have the potential to shield any serious impacts arising from wind activity. Further assessment of this issue would be required should this issue proceed to the development application stage.

Public Benefit Offer

The offer proposes the following contributions to a value determined by the proponent to be \$43,683,053, comprising:

Public domain improvements to an estimated value of \$25,100,300, including:

- a 1,193 m² elevated public domain link over Chandos Street;
- embellishment of Christie Park to integrate it with the new public domain link, including a 350 m² retail space and a standalone kiosk on the elevated link; and
- 1020 m² of public open space on the site, as well as a 331 m² end of trip facility for use by commuters.

An additional monetary contribution of \$18,582,753 is proposed for the embellishment and improvement of Gore Hill Oval.

Strategic Planning Assessment

Zoning

The existing zone is B3 Commercial Core zone. The Planning Proposal seeks to rezone the site to B4 Mixed Use. The objectives of the proposed B4 Mixed Use zone are set out below:

Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To allow for city living on the edges of the city centre of Chatswood, which supports public transport use, shopping, business and recreational services that contribute to the vitality of the centre, without undermining its commercial role.

It should be noted that there is currently no B4 Mixed Use zone land in the St Leonards strategic centre as it is reserved for employment uses, however there is B4 Mixed Use land located on the periphery of this strategic centre in the North Sydney Council area.

Height

It is proposed to increase the maximum building height from 20m to 243m (RL 319.2 AHD).

Floor space ratio

The FSR on the site is proposed to be increased from 2.5:1 to 34.5:1 (including a minimum of 2.5:1 to be dedicated to non-residential uses).

Department of Planning Requirements

The Planning Proposal is considered to have some inconsistencies in accordance with the requirements under Clause 33.3 of the Environmental Planning and Assessment Act 1979 and the Department of Planning's requirements set out in "*A guide to preparing Planning Proposals*" (October 2012). This document establishes six parts for consideration of a Planning Proposal which are addressed below:

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to facilitate the development of a high-density mixed-use tower with associated public domain improvements at ground level.

More specifically, the proposal states that it will:

- enhance pedestrian amenity and connection to St Leonards Station via a new urban-green landscape connecting the site to Christie Park with the innovative ground floor public domain proposed;
- provide an integrated mixed-use building in an evolving mixed-use precinct;
- maintain a viable commercial presence on the site, at a scale that will meet the future needs of permanent new jobs to support the medical and service-based future role of St Leonards;
- deliver new residential apartments that will enjoy excellent amenity, taking advantage of the site's strategic location, proximity to services and existing and planned rail networks with direct connections to other major employment destinations.

PART 2 – EXPLANATION OF PROVISIONS

The outcome proposed in the Planning Proposal will be achieved by preparing an amendment to WLEP2012, which will include:

- Rezoning the site from B3 Commercial Core to B4 Mixed Use;
- Increasing the total FSR from 2.5:1 to 34.5:1 (including a minimum of 2.5:1 to be dedicated to non-residential uses); and
- Increasing the maximum building height from 20m to 243m (RL 319.2 AHD).

PART 3 – JUSTIFICATION

Section A- Need for the Planning Proposal

1) Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal did not result from a strategic study or report.

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

The Planning Proposal facilitates the use of the subject site for mixed use development that is currently not permitted within the zone. A Planning Proposal is the only way to enable the uses.

Section B- Relationship to strategic planning framework

3) 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)?

The Planning Proposal as submitted is not considered to be consistent with applicable regional strategies. The strategic planning context of the subject site is established by various State planning documents.

The following planning priorities for the *Greater Metropolitan Strategy* and *North District Plan* are relevant for the proposal:

Planning Priority N8 - Eastern Economic Corridor is Better Connected and More Competitive.

Planning Priority N10 – Growing Investment, Business Opportunities and Jobs in Strategic Centres.

The site is located in the core of St Leonards strategic centre which is reserved for employment purposes. It is considered that the proposal is not consistent with these Planning Priorities as the proposed uses will include mixed use development incorporating both commercial and residential uses. It is considered that these mixed uses should be located on the periphery of the St Leonards strategic centre rather than in the commercial core.

The proposal is also not considered to be consistent with the *St Leonards and Crows Nest 2036 draft Plan*. This is due to the fact that this area is identified for employment uses in the *draft Plan*, in addition to the unacceptable impact of the proposed height on adjoining Christie Street Reserve not supported in the *draft Plan*. The *draft 2036 Plan* does not nominate any changes to the planning controls for this site.

4) Is the proposal consistent with a council's local strategy or other local strategic plan?

The proposal for mixed-use development for this site is inconsistent with the Willoughby *Local Strategic Planning Statement (LSPS)* as the St Leonards strategic centre is reserved for employment purposes. Further discussion on consistency of the proposal with the *LSPS* is outlined earlier in this report.

5) Is the proposal consistent with applicable State Environmental Planning Policies?

The applicant has provided a Table highlighting consistency with relevant SEPPs and can be viewed at Attachment 3. The report notes that the proposal is consistent with the following SEPPs:

SEPP 55 Remediation of Land
SEPP 64 Advertising and Signage
SEPP 65 Design quality of Residential Apartment Development
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Infrastructure) 2007
SREP (Sydney Harbour Catchment) 2005

The main SEPP which requires addressing is SEPP 55 - Remediation of Contaminated Lands. The applicant has submitted a Preliminary site investigation which identified a number of sources of potential contamination. Should a Planning Proposal be supported for the site, the applicant would be requested to submit a Phase 1 Contamination Assessment prior to the exhibition of the Planning Proposal.

These matters are discussed in the detailed assessment above. Further consideration of the relevant SEPPs may be required should the proposal be supported to be forwarded for gateway determination.

6) Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions?)

The Ministerial Directions issued to councils under s.9.1 of the EP&A Act 1979 require that a Planning Proposal does not conflict with the Directions. The following is a summary of the Planning Proposal against the relevant Section 9.1 Directions.

1. EMPLOYMENT AND RESOURCES

1.1 Business and Industrial Zones

The Planning Proposal will support minimal employment generation, however it will not support the viability of the identified strategic centre of St Leonards as the proposal would allow a significant residential development in the core employment centre of St Leonards. These uses are more appropriately located in nearby existing mixed-use or residential areas. The proposal is therefore not consistent with this Direction.

2. ENVIRONMENT AND HERITAGE

2.3 Heritage Conservation

The Planning Proposal will impact adversely on items of heritage conservation and the adjoining Naremburn heritage conservation area. It is therefore not consistent with this direction.

2.6 Remediation of Contaminated Land

The proposal is considered to be potentially consistent with this direction. Further information on contamination issues is addressed under SEPP 55 assessment.

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT

3.1 Residential Zones

The proposal will provide for residential development as part of mixed-use development, however it is considered that it is not appropriate to allow housing in a core commercial zone.

3.4 Integrating Land Use and Transport

The site is well located close to public transport linkages and is therefore partially consistent with this direction. It is noted that some of the additional uses proposed, including residential uses may encourage additional car-related trips rather than by public transport.

4. HAZARD AND RISK

4.1 Acid Sulfate Soils

The subject site is identified as Class 5 on the Acid Sulfate Soils Map of WLEP 2012 and is consistent with this direction.

5. REGIONAL PLANNING

5.10 Implementation of Regional Plans

It is considered that the Planning Proposal is not consistent with *A Plan for Growing Sydney* and the *North District Plan* due to the proposal to introduce mixed uses in the Commercial Core zone at St Leonards.

6. LOCAL PLAN MAKING

6.1 Approval and Referral Requirements

The Planning Proposal is consistent as it does not contain any provisions which require concurrence, consultation or referral to the Minister.

6.3 Site specific provisions

The Planning Proposal intends to permit additional uses on the subject site through rezoning the site to B4 Mixed Use and changes to the building height and FSR provisions that apply to the site. No site specific provisions are proposed

7. METROPOLITAN PLANNING

7.1 Implementation of *A Plan for Growing Sydney*

The Planning Proposal is not consistent with *A Plan for Growing Sydney* as outlined in the report above.

Section C- Environmental, social and economic impact

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 subject site and adjoining lands have not been identified as containing any areas of critical habitat or threatened species, populations or ecological communities or habitats.

8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The following environmental impacts of the proposal and their proposed management are discussed in this report in the relevant sections above:

- Floor space
- Height
- Traffic and transport
- Heritage
- Contamination
- Stormwater and drainage
- Urban design and landscape
- Aeronautical assessment
- Wind impact assessment

9. Has the Planning Proposal adequately addressed any social and economic effects?

It is considered that the Planning Proposal has not adequately addressed social and economic effects of the provision of a mixed use development on the site. The Commercial Core zone at St Leonards is reserved for employment and associated commercial uses. Adverse impacts may include increased reliance on private transport options and intensified land-use and traffic conflicts with existing commercial uses.

10. Is there adequate public infrastructure for the Planning Proposal?

The subject site is located within an established commercial area serviced by existing utilities infrastructure, and within walking distance from St Leonards Railway Station.

The proponent has prepared a draft formal Letter of Offer showing an intention to enter into a Voluntary Planning Agreement and any necessary supporting information required by Councils policy, as part of the Gateway Planning Proposal process.

The proponents proposed an initial letter of offer in September 2019, however at this stage discussions regarding a Voluntary Planning Agreement have not been held with Council officers. A copy of the letter of offer is included in **Attachment 4**. The letter of offer includes support for provision of a public plaza over Chandos Street and linking to Christie Street Reserve, in addition to provision of a monetary contribution for upgrade of facilities at Gore Hill Oval.

Should Council support the Planning Proposal, an updated letter of offer will be required as a basis of further consideration by Council. Once such discussions have occurred on the detail of the proposed Agreement, this matter will be separately reported to Council.

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

Transport for NSW has been sent an initial consultation on the Planning Proposal and has not responded at this stage.

PART 4 – MAPPING

Should it be supported, this Planning Proposal involves amending the Zoning, Floor Space Ratio and Height of Buildings maps.

PART 5 – COMMUNITY CONSULTATION

The Planning Proposal has been referred both internally and to Transport for NSW and North Sydney Council at this initial stage. A number of issues have been raised in relation to the Planning Proposal, which are outlined in the discussion on the proposal above. These are to be addressed either at Planning Proposal or Development Application stage, should the proposal be supported.

As the site adjoins the North Sydney Council area the Council has been consulted on the proposal. North Sydney Council has expressed a number of concerns with the proposal, including excessive building heights in the context of the *St Leonards and Crows Nest 2036 draft Plan*, impact of proposed public domain upgrades on pedestrian links and streets, traffic management and overshadowing of Christie Street Reserve. A copy of the response from North Sydney Council is at **Attachment 5**.

It should also be noted that a number of residents living nearby have also written to Council expressing their opposition to the proposal.

The Proposal has received internal comments from:

- Traffic and Transport
- Engineering (stormwater and flooding)
- Urban Design
- Heritage

Should Council support the Planning Proposal for public exhibition, it will proceed to the Planning and Infrastructure “Gateway” process to seek endorsement for the proposal to be placed on public exhibition. Public exhibition will be in accordance with the Department of Planning, Industry and Environment’s Gateway Determination requirements and should include the draft WLEP 2012 Amendment (written instrument and maps), and the draft WDCP Site Specific Requirements in Part F.6. This would involve appropriate notification and receipt of submissions on the documents from relevant state agencies and the general community.

PART 6 – PROJECT TIMELINE

The Planning Proposal as currently submitted is not supported and therefore a timeline for the proposal has not been provided at this stage.

Department of Planning and Environment Requirements

The Planning Proposal is considered to not be generally in accordance with the requirements under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (August 2016) *A Guide to Preparing Planning Proposals*. This document establishes six parts for consideration of a Planning Proposal, which are addressed above.

Conclusion

The Planning Proposal is not consistent with the strategic objectives of *A Metropolis of Three Cities Greater Sydney Region Plan* and the *North District Plan*. It is also inconsistent with Council's endorsed *LSPS*. Part of the vision for Greater Sydney as *A Metropolis of Three Cities* seeks to deliver a more productive region. This is to be achieved by driving opportunities for investment, business and jobs growth.

It is considered that the relevant requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the matters identified in the Department of Planning and Environment's *A Guide to Preparing Planning Proposals* are not adequately addressed and that the environmental impacts are not acceptable for referral to Gateway.

Based on the above, it is recommended that Council not support the Planning Proposal to the Department of Planning and Environment, seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*. Should Council support the proposal, it is recommended that Council advise the Department of Planning and Environment that the Planning Manager, Mr Ian Arnott, be nominated as delegate to process and finalise the Planning Proposal.