

22 September 2020

2200245

Mr Michael Mason
Executive Manager
Lane Cove Council
48 Longueville Road
Lane Cove NSW 2066

Dear Michael,

PLANNING PROPOSAL (46 NICHOLSON STREET, ST LEONARDS) ADDENDUM INFORMATION

This addendum information has been prepared by Ethos Urban on behalf of Jemalong Property Group regarding the above Planning Proposal to amend *Lane Cove Local Environmental Plan 2009* (Lane Cove LEP) relating to land at 46 Nicholson Street, St Leonards (the site).

The applicant met with Council on 18 September 2020 to discuss the proposal with respect to St Leonards Crows Nest 2036 Plan (the 2036 Plan) which has recently been finalised by the Department of Planning, Industry and Environment (DPIE). At this meeting Council requested some additional information to assist with the assessment of the Planning Proposal including a comparison of the proposal and the final 2036 Plan, views through Friedlander Place and solar analysis of Christie Street reserve.

The following documents are provided with this response:

- St Leonards Crown Nest 2036 Plan comparison prepared by Woods Bagot (**Appendix A**);
- Friedlander Place View Corridor prepared by Woods Bagot (**Appendix B**); and
- Christie Street Reserve solar study prepared by Woods Bagot (**Appendix C**).

This addendum response should be read in conjunction with the Planning Proposal prepared by Ethos Urban dated 16 July 2020.

1.0 Executive Summary

The Planning Proposal seeks to amend the Lane Cove LEP to facilitate the proposed development concept for a 32-storey commercial building of approximately 38,000sqm. Accordingly, the Planning Proposal seeks to:

- Increase the maximum floor space ratio from 4.5:1 to 16.45:1; and
- Introduce a solar height plane control to Newlands Park to control building height for the site.

The 2036 Plan has been revised and now identifies the site for a:

- 30 storey building; and
- 15:1 floor space ratio (with minimum 15:1 non-residential floor space ratio)

Underpinning the proposal is extensive design analysis that delivers a contextually appropriate built form that fits within the immediate locality and neighbouring buildings whilst meeting the key spatial requirements to deliver a boutique A-Grade, 6 star Green star building that will meet modern tenant requirements in a way that is not provided

for in St Leonards currently. Notwithstanding the minor numerical difference between the 2036 Plan in terms of storeys and floor space ratio, the proposal is the best outcome for the site.

An analysis of the development concept and the 2036 Plan has been prepared by Woods Bagot at **Appendix A** (see **Figure 1**).

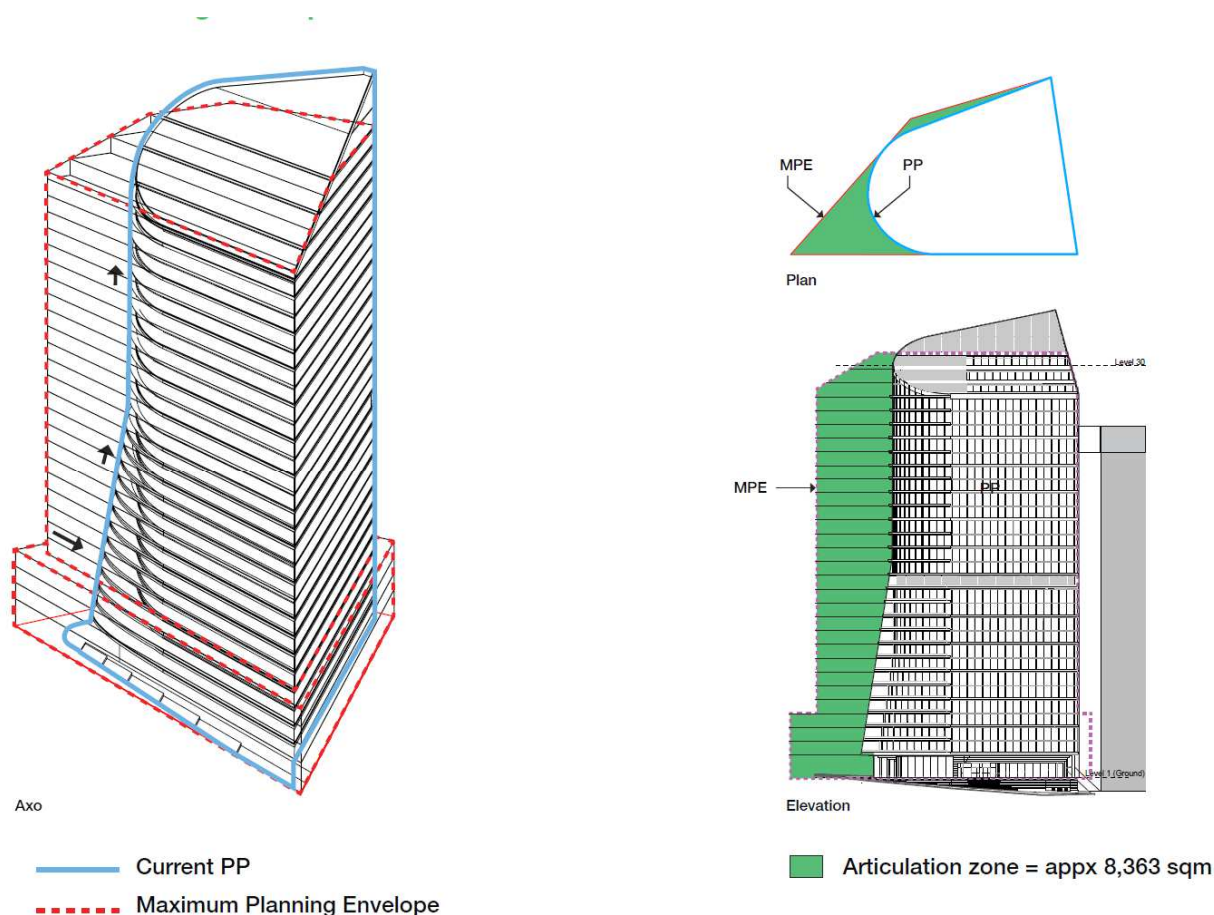


Figure 1 Comparison of the proposed concept and the 2036 Plan envelope

Source: Woods Bagot

In summary the proposal provides a more refined outcome for the site with a range of specific design measures that seek to improve the outcome of the site by delivering a flagship commercial development, including:

- A tailored and slender tower form that provides greater separation to surrounding buildings and reduces the building bulk.
- The tapering also supports better architectural interest and a more elegant form within the skyline;
- The northern portion of the envelope is tapered inwards which will provide greater view sharing opportunities for surrounding buildings in accordance with accepted view sharing principles;
- The tapered envelope ensures that views through Friedlander Place will be maintained;
- Increases the sense of open space at ground level by inclusion of a public colonnade and a public plaza at the corner of Nicholson Street and Christie Street;
- Provides a through site link that will connect to and extend Friedlander Place improving pedestrian connectivity at the heart of St Leonards South CBD;
- Seeks to reduce overshadowing in accordance with the 2036 Plan by providing a chamfered roof that ensures no overshadowing of Newlands Park after 10:00am;

- Proposes high sustainable targets including a 6 Star Green Star rating, 5.5 Star NABERS Energy rating and 4 Star NABERS Water rating, in line with the expectations of contemporary tenants and will be a flagship model for future sustainable commercial development within St Leonards; and
- Meets the minimum spatial requirements for A-Grade commercial buildings including floorplates and overall building floorspace that will attract high quality tenants (business headquarters) to St Leonards. To that end the proposal is carefully designed with a built form requirement that cannot be amended without significant compromise to the building's modern tenant requirements.

1.1 Sustainability / Voluntary Planning Agreement

Jemalong are seeking to deliver an innovative and as far as possible green outcome. Jemalong, is a 100% subsidiary of Twynam Investments which is committed to a decarbonisation investment philosophy. Twynam currently invests in six investment verticals, including Green Building technology and decarbonisation. One of these such technologies is the potential for the cladding of the building to provide solar energy to the grid or to its tenants. Twynam has a history of investing in innovative solutions and will investigate the potential technologies via its network and its long standing association with Vast Solar to investigate the potential for such technology.

The Planning Proposal outlines the proposals sustainability ambitions at Section 1.1.2, 4.1.8 and 4.3. Jemalong are willing to enter into a Voluntary Planning Agreement that would provide Council with commitments regarding sustainability measures and also improvements proposed in the public domain. Should the proposal be positively received, this offer would be provided following Gateway determination.

Further, Jemalong would also like to co-sponsor with Council a study into a new non incineration waste to energy technology (sierraenergy.com), with a commitment of resources from both sides, with principally access to Council facility as the main contribution from Council. We would be pleased to discuss this further with Council at the appropriate time.

2.0 St Leonards Crows Nest 2036 Plan (Final)

The site's 2036 Plan planning framework, including street wall and setbacks have been modelled which shows a very large maximum planning envelope that could facilitate a 30-storey building with approximately 42,000sqm and 18.4:1 floor space ratio.

The Woods Bagot envelope is tapered to provide relief to its form and provide good separation. This helps to reduce its perceived scale and mass which in turn helps to reduce its perceived height with other development in the skyline. It is noted the extent of the roof above the 2036 Plan largely contains plant, with the upper floors and chamfered roof representing an alternate approach that delivers the same design outcome as the 2036 Plan (see **Appendix A**) with the form aligning with a solar plane to Newlands Park, in accordance with the 2036 Plan and minimising overshadowing.

In particular, the proposal is consistent with key planning instruments that seek to promote the St Leonards Strategic Centre as a key location for investment, jobs, and employment. While it is acknowledged that there is a change to the visual context as a result of the proposal, this is reasonable considering the design of the proposal and the long established role and planning intent for view sharing and the resultant views that are retained to a variety of contexts.

2.1 Commercial Development Viability

This Planning Proposal seeks to take advantage of a short window of opportunity in the commercial market that makes St Leonards a cost-effective location if a suitable scale is achieved. A key requirement to delivering a viable A-Grade is an overall GFA requirement and floorplates that are desirable for hub and spoke operators. Accordingly, the proposal cannot reduce the tower massing or floorplate if the building is to achieve an A-Grade rating and the high-quality tenants sought for a building of this standard.

Lane Cove has consistently worked to retain the commercial core within the St Leonards centre and the proposal responds to the strategic planning framework established by the State and Council for St Leonards. It provides additional employment generating floor space where commercial uses are proposed to be protected and grown.

Historically, delivery of commercial development has been unviable in St Leonards which has resulted in a number of residential proposals being introduced to the St Leonards south CBD to ensure development viability. In North Sydney, Chatswood, Parramatta and the City of Sydney, commercial FSR's are not being capped and instead they are being encouraged and the primary driver for limiting built form are the site's contextual constraints, such as overshadowing of public open spaces and effective building tapering. These factors should be the driver for urban form rather than a capped FSR number.

We note that the 15:1 FSR in the 2036 Plan does not align with the proposed envelope allowance in any event (theoretically the 2036 Plan can facilitate a 18.4:1 FSR building within the envelope) requiring detailed contextual analysis to justify any proposal.

A number of corporate tenants are interested in moving out of CBD locations in the next 12-18 months with an interest in leveraging the lower cost of rent with access to the CBD and other destinations via two railway stations in close proximity. For these tenants to move to St Leonards they need to be in the best building with high sustainability and environmental credentials. The proposal has been carefully designed to meet all these requirements.

The extent of difference between the 2036 Plan and the proposal is minor. The bulk and scale have been significantly reduced from what could be delivered by the 2036 Plan and the slender tower will exceed 30 storeys by two storeys. The extent of variation is shown at **Figure 2** below which illustrates how the roof is set at an equal redistribution of the of the envelope compared to the 2036 Plan (effectively reducing the volume below 30 storeys and relocating the area for plant within the solar plane to the east. The highlighted floors largely contain plant and a single part habitable commercial floor.

The roof provides an architectural feature that will enhance St Leonards in Lane Cove as a commercial destination, while the form respects and responds to the specific solar constraints of the site with respect of Newlands Park. The architectural response has accordingly delivered a form that is very responsive to it's context.

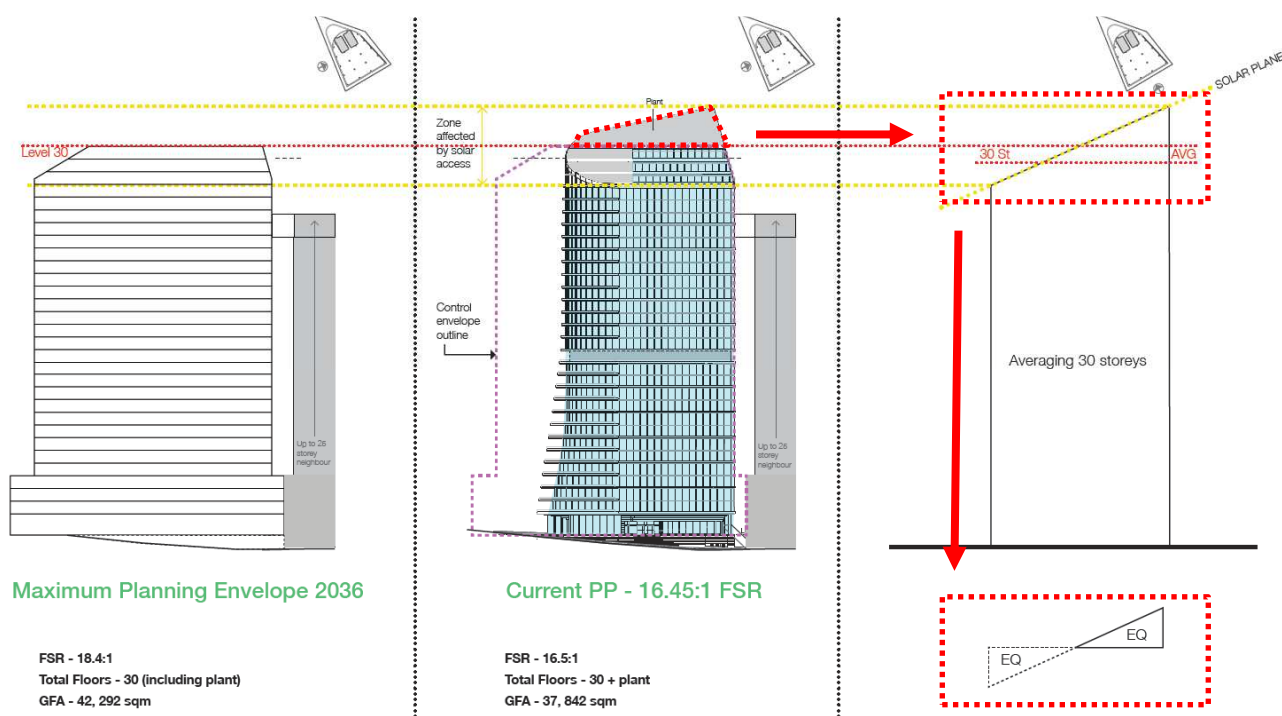


Figure 2 2036 Plan Envelope comparison

Source: Woods Bagot

It is noted that Section 9.1 of the EP&A Act requires that the rezoning be consistent with the 2036 Plan. Planning proposals may be inconsistent with the Plan if it can be demonstrated to the Secretary of the Department of Planning, Industry and Environment that the inconsistency is of minor significance while still achieving the vision, objectives and actions identified in the Plan.

As outlined in the Planning Proposal and this addendum the extent of inconsistency is of minor significance and the proposal will achieve the vision, objectives and actions identified in the 2036 Plan.

3.0 Views

It is noted that there is no formal view corridor through Friedlander Place and the DCP does not identify any regionally significant views to be maintained in this location. The then Joint Regional Planning Panel (JRPP) in determining DA 2014/2222 for 472-494 Pacific Highway, St Leonards (Mirvac) provided an assessment of view impacts by that DA. The JRPP assessment stated:

This issue was considered in detail in preparation of the LEP 18 amendment recently gazetted, and it is considered that the proposal, in particular its triangular tower form, produces as satisfactory and reasonable a design as possible on that site to allow view-sharing through view corridors from the north side of the Highway.

It would be unreasonable and inequitable to expect that redevelopment would be prevented indefinitely for properties on the south side in order to preserve an unimpeded outlook held by apartments on the north side.

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View sharing is discussed in detail in the impacts section of this report. Views from properties to the north of the site on the opposite side of the Pacific Highway enjoy views of the Sydney Harbour Bridge, Sydney Tower, CBD and Harbour. This issue was considered in the planning proposal and informed the current footprint of the proposal allowing a corridor in between Tower 1 and Tower 2.

A view through Friedlander Place (looking south) has been prepared by Woods Bagot (**Appendix B**). The view model shows that by designing the northern portion of the envelope to be tapered inwards Friedlander Place will provide view sharing opportunities for properties from the north of the Pacific Highway through to the harbour beyond. The 2036 Plan envelope would obscure the view in whole.

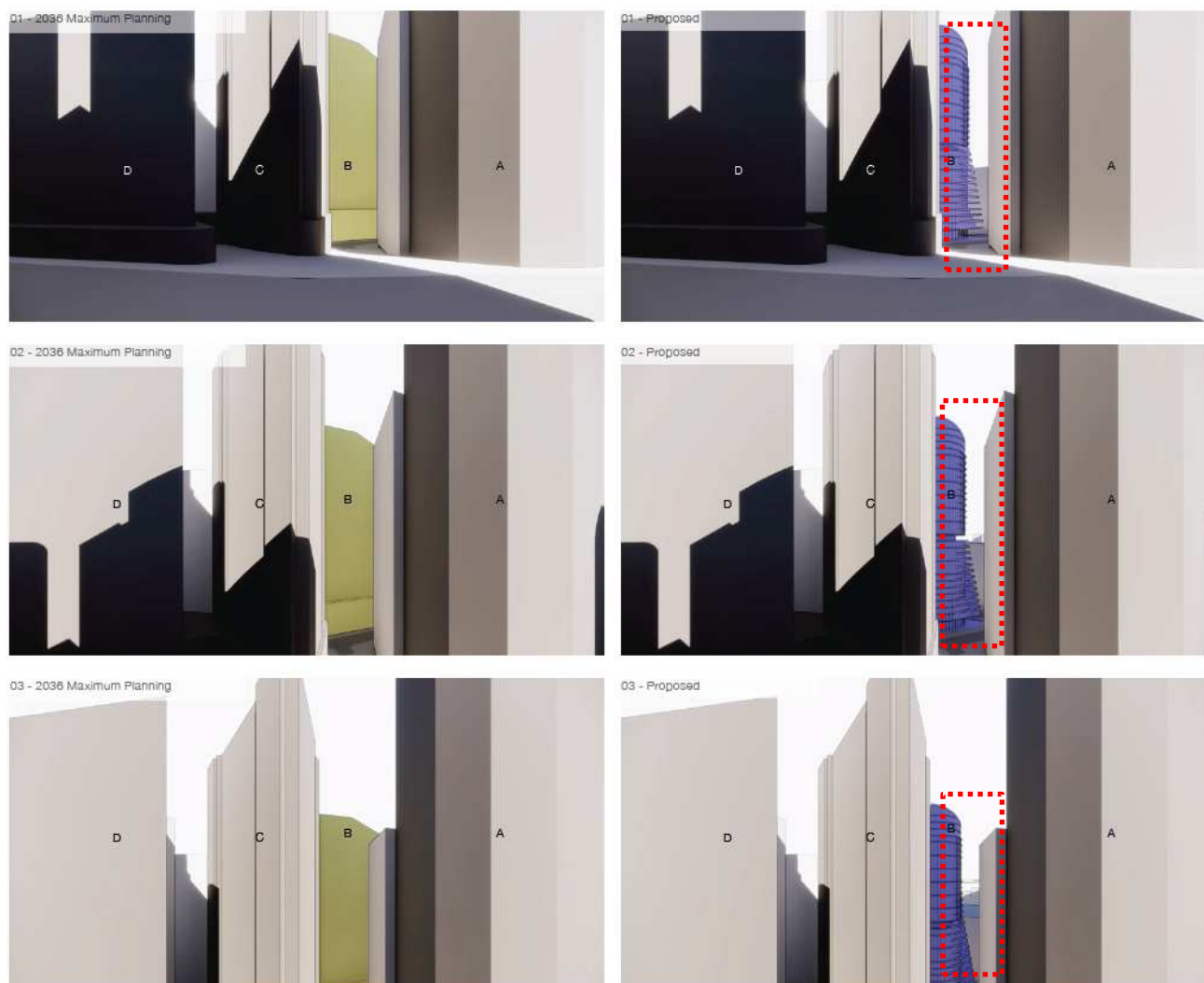


Figure 3 Views through Friedlander Place

Source: Woods Bagot

Notwithstanding, and consistent with the JRPP assessment for the Mirvac site, it would be unreasonable and inequitable to expect that redevelopment on the southern side be prevented to preserve unimpeded outlooks held by apartments to the north. A detailed view impact assessment was provided at Section 8.6 and Appendix B of the Planning Proposal. The analysis was based on the previous 2036 Plan and an updated view model has been prepared by Woods Bagot. An additional view model for the western view has been prepared that shows the proposal results in an improvement to the 2036 Plan envelope by proposing a slender and tapered form for the northern portion of the envelope (see **Figure 4** and **Appendix B**). This ensures views to the harbour are retained, compared to the 2036 Plan which would obscure this view in whole.

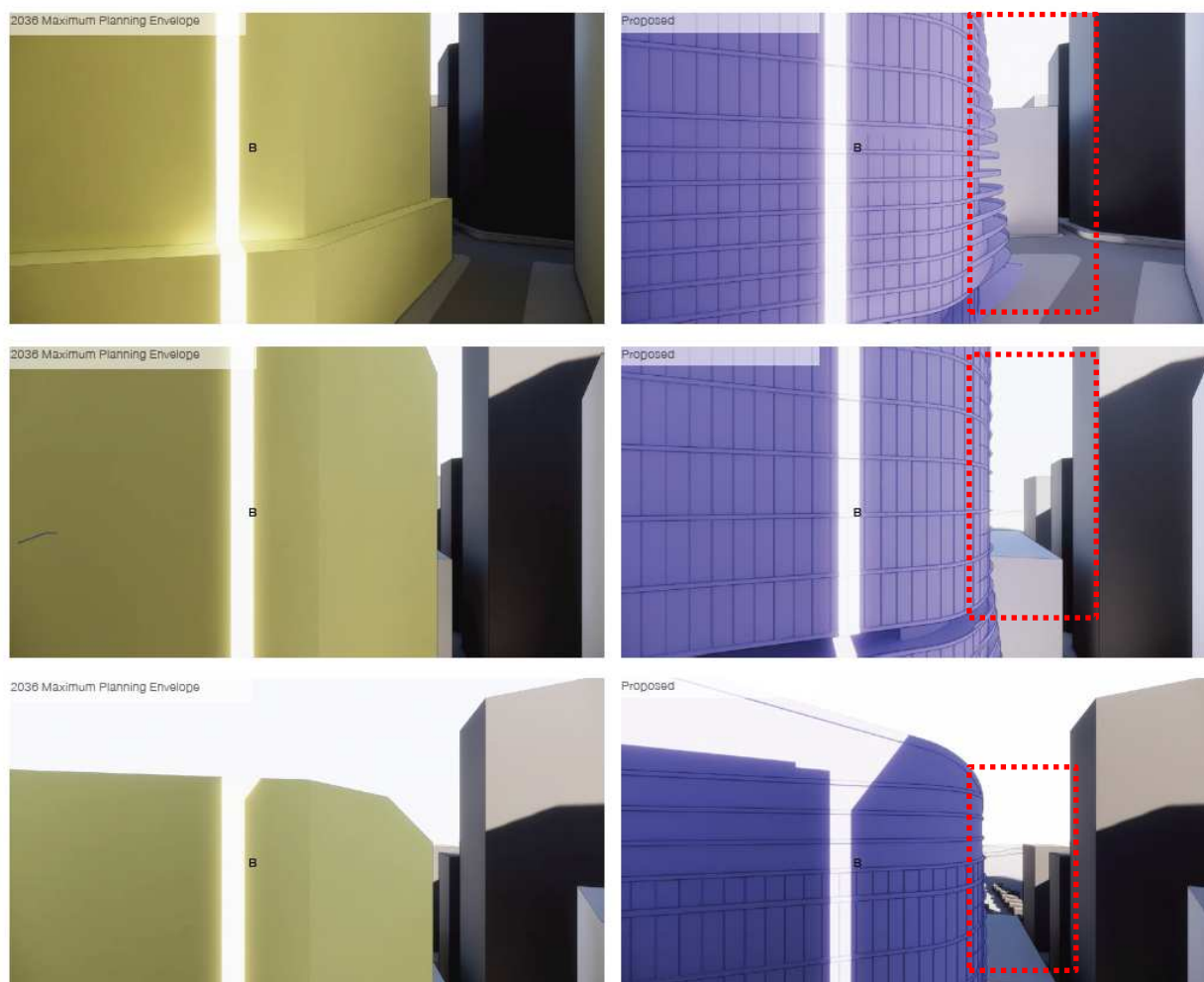


Figure 4 486 Pacific Highway (western outlook)

Source: Woods Bagot

The overall visual impact of the proposal continues to be acceptable on a balance of considerations. In particular, the proposal is consistent with key planning instruments that seek to promote the St Leonards Strategic Centre as a key location for investment, jobs, and employment. While it is acknowledged that there is impact on units at 486 and 504 Pacific Highway, this is reasonable considering nature of the views, the design of the proposal and the long-established role and planning intent for view impacts and views are retained to a variety of contexts.

4.0 Christie Street Solar Analysis

Christie Street reserve is a popular space for lunchtime passive recreation. Additional solar modelling of the Christie Street Reserve has been carried out by Woods Bagot (**Appendix C**) to understand the impact the proposal may have on the space. The modelling shows that overall, the concept proposal will have a better outcome compared to the 2036 Plan envelope. This is due to the increased tower setback from Christie Street.

It is noted that the impact of the subject site on solar access to the Reserve is minimal due to the position of the site in relation to the angle of sun during the lunch period.

Notwithstanding, as shown at **Figure 5** there are a number of open spaces within 7 minutes' walk that will ensure that workers in St Leonards have a choice of public spaces to enjoy passive recreation and sunshine during lunch hours.



Figure 5 Open space network within walking distance

Source: Woods Bagot

5.0 Conclusion

The Planning Proposal is underpinned by a vision to deliver an innovative and first-class tower project which will contribute to the continued commercial growth of St Leonards as an eminent Strategic Centre. More specifically, this Planning Proposal will establish the planning framework to facilitate:

- An environmentally sustainable office tower capable of providing market-specific, in-demand A grade commercial floor space, which will support significant employment growth in St Leonards;
- A destination at ground level, by leveraging off the site's scale and length of frontage to provide a completely new and invigorated street level outcome, supporting fine-grain activation and permeability;
- A high standard of architectural design, and provide a recognisable and high-quality contribution to the St Leonards skyline, reinforcing St Leonards status as a Strategic Centre within the Eastern Economic Corridor; and
- Sustainability initiatives of the highest level, supporting the improved environmental performance of commercial development in St Leonards.

This Planning Proposal is consistent with the 2036 Plan and can suitably accommodate Jemalong's vision for a commercial tower project, whilst also ensuring environmental impacts and respecting the amenity of surrounding development. More broadly, the Planning Proposal has demonstrable strategic merit and is in alignment with the actions and intended outcomes of the strategic planning framework established by the State and Lane Cove Council and 2036 Plan.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C. McGillick', written in a cursive style.

Chris McGillick
Principal