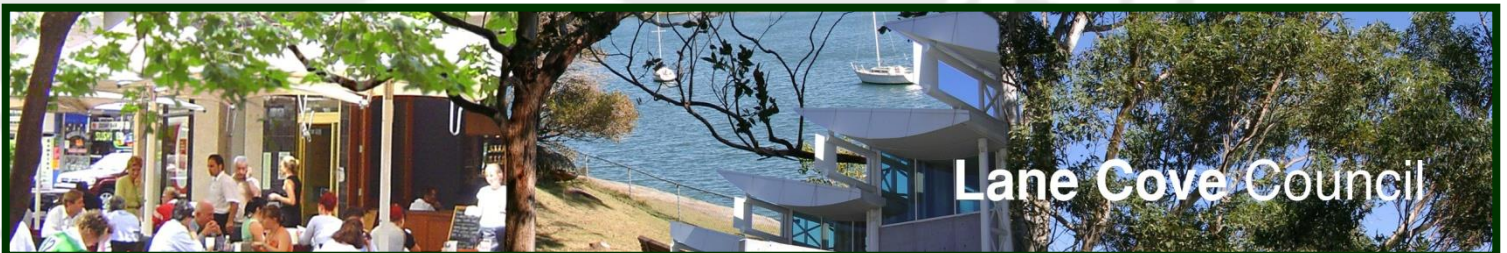


Agenda  
Lane Cove Local Planning Panel Meeting  
17 December 2020, 1pm



## Notice of Meeting

Dear Panel Members,

Notice is given of the Lane Cove Local Planning Panel Meeting, to be held in the Council Chambers on Thursday 17 December 2020 commencing at 1pm. The business to be transacted at the meeting is included in this business paper.

Yours faithfully



Craig Wrightson  
**General Manager**

## Lane Cove Local Planning Panel Meeting Procedures

The Lane Cove Local Planning Panel (LCLPP) meeting is chaired by The Hon David Lloyd QC. The meetings and other procedures of the Panel will be undertaken in accordance with the Lane Cove Lane Cove Local Planning Panel Charter and any guidelines issued by the General Manager.

The order of business is listed in the Agenda on the next page. That order will be followed unless the Panel resolves to modify the order at the meeting. This may occur for example where the members of the public in attendance are interested in specific items on the agenda.

Members of the public may address the Panel for a maximum of 3 minutes during the public forum which is held at the beginning of the meeting. All persons wishing to address the Panel must register prior to the meeting by contacting Council's Office Manager – Environmental Services on 9911 3611. Speakers must address the Chair and speakers and Panel Members will not enter into general debate or ask questions during this forum. Where there are a large number of objectors with a common interest, the Panel may, in its absolute discretion, hear a representative of those persons.

Following the conclusion of the public forum the Panel will convene in closed session to conduct deliberations and make decisions. The Panel will announce each decision separately after deliberations on that item have concluded. Furthermore the Panel may close part of a meeting to the public in order to protect commercial information of a confidential nature.

Minutes of LCLPP meetings are published on Council's website [www.lanecove.nsw.gov.au](http://www.lanecove.nsw.gov.au) by 5pm on the Friday following the meeting. If you have any enquiries or wish to obtain information in relation to LCLPP, please contact Council's Office Manager – Environmental Services on 9911 3611.

Please note meetings held in the Council Chambers are Webcast. Webcasting allows the community to view proceedings from a computer without the need to attend the meeting. The webcast will include vision and audio of members of the public that speak during the Public Forum. Please ensure while speaking to the Panel that you are respectful to other people and use appropriate language. Lane Cove Council accepts no liability for any defamatory or offensive remarks made during the course of these meetings.

The audio from these meetings is also recorded for the purposes of verifying the accuracy of the minutes and the recordings are not disclosed to any third party under the Government Information (Public Access) Act 2009, except as allowed under section 18(1) or section 19(1) of the PPIP Act, or where Council is compelled to do so by court order, warrant or subpoena or by any other legislation.

**DECLARATIONS OF INTEREST**

**APOLOGIES**

**NOTICE OF WEBCASTING OF MEETING**

**PUBLIC FORUM**

Members of the public may address the Panel to make a submission.

**CONFIRMATION OF MINUTES**

**1. LANE COVE LOCAL PLANNING PANEL MEETING - 1 DECEMBER 2020**

**LANE COVE LOCAL PLANNING PANEL REPORTS**

**2. PLANNING PROPOSAL NO. 38 - 46 NICHOLSON STREET, ST LEONARDS..... 4**

# DRAFT REPORT

## Lane Cove Local Planning Panel Meeting 17 December 2020 PLANNING PROPOSAL NO. 38 - 46 NICHOLSON STREET, ST LEONARDS

**Subject:** Planning Proposal No. 38 - 46 Nicholson Street, St Leonards

**Record No:** SU8044 - 55878/20

**Division:** Environmental Services Division

**Author(s):** Lara Fusco; Terry Tredrea; Christopher Pelcz

Property:	46-52 Nicholson Street and 59-67 Christie Street, St Leonards
PP No:	Planning Proposal No. 38
Legal Description:	<ul style="list-style-type: none"> <li>• Lot 11 in DP 654462;</li> <li>• Lots A &amp; B in DP 334878;</li> <li>• Lot 2 in DP 945933;</li> <li>• Lot 2 in DP 528060;</li> <li>• Lot 1 in DP 9409064;</li> <li>• SP54127; and</li> <li>• SP18047.</li> </ul>
Date Lodged:	24 July 2020
Owner (Proponent):	Jemalong Property Group
Applicant:	Ethos Urban
Site Area	2,300 m <sup>2</sup>
Description of Proposal	<p>Jemalong seeks to redevelop the site for a 32 storey commercial office building by:</p> <ul style="list-style-type: none"> <li>• Increasing the FSR controls from 4.5:1 to 16.45:1; and</li> <li>• Introducing a solar height plane control to Newlands Park to control building height.</li> </ul>
Planning Proposal documents	Links to all the proponent's documents are provided in Attachments at the end of this report ( <b>AT-1</b> to <b>AT-17</b> ).
Relevant Strategic Planning documents	<p><i>A Metropolis of Three Cities – dated March 2018</i>  <i>North District Plan – dated March 2018</i>  <i>Final St Leonards/Crows Nest 2036 Plan – dated 29 August 2020 (<b>AT-13</b>)</i>  <i>Lane Cove Local Strategic Planning Statement 2020 – dated 30 March 2020 (<b>AT-14</b>)</i>  <i>Lane Cove Local Environmental Plan 2009</i></p>
Recommendation	That Planning Proposal No. 38 be supported only if its amended to introduce a reduced height control of RL 175.2 metres and reduced FSR of 15:1, and then be forwarded to the Minister for a Gateway Determination.

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Lane Cove Local Planning Panel Meeting 17 December 2020  
PLANNING PROPOSAL NO. 38 - 46 NICHOLSON STREET, ST LEONARDS



Figure 1: Proposed commercial office building

## PURPOSE OF REPORT

The Lane Cove Local Planning Panel is requested to consider and provide its advice on Planning Proposal No. 38.

## REASON FOR REFERRAL

The Planning Proposal is referred to Council's Local Planning Panel under Section 9.1 of the *Environmental Planning and Assessment Act 1979*. This Section requires referral of any Planning Proposal to the Local Planning Panel for advice with an assessment report which sets out recommendations in relation to the Proposal and whether it should be forwarded to the Minister under Section 3.34.

The Planning Proposal fails to meet any of the following matters for exemption from referral:-

- a) the correction of an obvious error in a local environmental plan;
- b) matters that are of a consequential, transitional, machinery or other minor nature; or
- c) matters that Council's General Manager considers will not have any significant adverse impact on the environment or adjoining land.

Therefore, the Planning Proposal must be referred to the Local Planning Panel for advice prior to Council making any determination on the matter.

## EXECUTIVE SUMMARY

The purpose of this report is to consider the planning merits and seek the Panel's advice on the proposal to redevelop the site into a commercial office building, for land at 46-52 Nicholson Street and 59-67 Christie Street, St Leonards.

It is important to note that this Proposal was lodged prior to the release of the final St Leonards and Crows Nest 2036 Plan in August 2020. The applicant has provided an updated analysis to respond to the final plan, which is attached.

The Proposal (**AT-1**) currently seeks to retain the existing B3 Commercial Core zoning with an increase in floor space ratio and height to permit a single 32 storey commercial office tower development.

[Planning Proposal 38](#) is also accompanied by:

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## Lane Cove Local Planning Panel Meeting 17 December 2020 PLANNING PROPOSAL NO. 38 - 46 NICHOLSON STREET, ST LEONARDS

- [Appendix A: Urban Design Report \(AT-2\)](#),
- [Appendix B: View Impact Statement \(AT-3\)](#),
- [Appendix C: Traffic and Transport Assessment \(AT-4\)](#),
- [Appendix D: Economic Impact Assessment \(AT-5\)](#),
- [Appendix E: Proposed LEP maps \(AT-6\)](#),
- [Appendix F: Sustainable Timber Construction \(AT-7\)](#),
- [Vision Statement \(AT-8\)](#),
- [Addendum Information – Letter from applicant \(AT-9\)](#),
- [Addendum Information A – St Leonards and Crows Nest 2036 Plan comparison \(AT-10\)](#),
- [Addendum Information B – Friedlander Place View Corridor \(AT-11\)](#),
- [Addendum Information C – Christie Street Reserve Solar Study \(AT-12\)](#),
- [Applicant letter – response to Council's preferred option \(AT-16\)](#),
- [Applicant's revised massing – response to Council's preferred option \(AT-17\)](#).

The applicant's letter (AT-9) has stated that it is willing to enter into a Voluntary Planning Agreement with Council but this is not the subject of this referral. Council's adopted policy is that any VPA would be assessed separately by Council at a later stage to ensure that any Planning Proposal is considered on its own merit.

The Panel is requested to review and consider issues proposed by the proponent along with the views and concerns raised in this report. In particular, that Planning Proposal No 38 is not supported in its current form. Council's preferred option reduces and specifies the height of building at RL175.2 and FSR of 15:1.

The proponent has agreed to accept the heights and FSR limits in Council's preferred option. Overall, Council's preferred option is supported for the following reasons:

- **Passes strategic merit test, as it is consistent with the following plans and documents:**
  - *A Metropolis of Three Cities*, which identifies the St Leonards Strategic Centre as a major employment asset of the Eastern Economic Corridor for "attracting investment, business activity and jobs in strategic centres across Greater Sydney, close to people's homes and supporting the 30-minute city." (p 119).
  - The *North District Plan's* priorities or actions for the St Leonards Commercial area, which identifies "the importance of the precinct as a key employment centre in Greater Sydney".
  - The overall vision, objectives related to Employment, Movement, Tree Canopy and Built Form objectives (and actions) of the *St Leonards/Crows Nest 2036 Plan*. As it would –
    - i. strengthen the precinct through employment opportunities with an A-grade commercial office space providing over 3,000 new jobs;
    - ii. activate the public domain by ground floor links towards Friedlander Place
    - iii. minimise overshadowing to neighboring recreation spaces (Newlands Park and the new St Leonard's Park); and
    - iv. retain and enhance the existing tree canopy and colonnade.
  - The Proponent's proposal exceeds the 2036 Plan's prescriptive measures. Council's preferred option, by contrast, is not inconsistent with the floor space ratio and building height of the St Leonards/Crows Nest 2036 Plan. Council's preferred option is also

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## Lane Cove Local Planning Panel Meeting 17 December 2020 PLANNING PROPOSAL NO. 38 - 46 NICHOLSON STREET, ST LEONARDS

consistent with the Plan's actions to minimise overshadowing and views impacts to adjoining neighbours, and reduced parking rates for new developments.

- Planning Priorities 6, 7 and 11 of Council's *Local Strategic Planning Statement*, which support the creation of public spaces and facilities that improve our community's quality of life; also meeting the precinct's jobs target, provision of standalone commercial office space, and delivery of a sustainable commercial tower with a minimum target of a 6 Star Green rating.

- **Passes the following aspects of the site-specific merit test, as:**

- It would develop commercial premises in this location that is consistent with recent development and leasing activity.
- It has appropriately responded to any change in circumstances (given compliance with 2036 Plan objectives).
- It reduces the provision of on-site parking which would result in reduced traffic impacts on the surrounding road network – this is also consistent with the action of the *St Leonards/Crows Nest 2036 Plan*.
- Council's preferred option has provided a moderated building envelope of reduced height to mitigate concerns and achieve better consistency with the 2036 Plan's controls.

The height and bulk of the Proponent's proposal would result in an unacceptable loss of district and iconic views for existing residential properties in the vicinity.

It should be noted that some view sharing is to be expected for residential use in a central business district, where residential use is ancillary to the commercial function of the precinct.

### SITE

The site is located at 46-52 Nicholson Street and 59-67 Christie Street, St Leonards (Figure 2).



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## Lane Cove Local Planning Panel Meeting 17 December 2020 PLANNING PROPOSAL NO. 38 - 46 NICHOLSON STREET, ST LEONARDS



Figure 2: Location of proposal

The site contains six commercial buildings ranging in height from two to four storeys, which are reaching the end of their economic lifespan, are in poor repair and in some cases unusable. The eight lots have been combined under a single landholding ownership.

Much of the land on the north and south side of the Pacific Highway has been redeveloped with larger mixed-use buildings and several underdeveloped properties are subject to development consent. Further north of the site is 'The Forum' which forms a town centre of St Leonards and acts as a commercial, retailing and transport hub.

### Current Planning Controls

The current planning controls for the site are as follows:

		Legal Description
<b>Zoning</b>	B3 Commercial Core	Site compromised of: • Lot 11 in DP 654462; • Lots A & B in DP 334878; • Lot 2 in DP 945933; • Lot 2 in DP 528060; • Lot 1 in DP 9409064; • SP54127; and • SP18047.
<b>Site Area</b>	2,300 sqm (proposal)	
<b>Current FSR</b>	4.5:1	
<b>Possible GFA</b>	10,350 sqm	
<b>Height Limit</b>	25 m	
	6-7 (storeys)	

Table 1: Current Planning Controls

If developed entirely for Commercial purposes, under current Lane Cove LEP controls, a potential building could be 6 – 7 storeys in height.



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## Lane Cove Local Planning Panel Meeting 17 December 2020 PLANNING PROPOSAL NO. 38 - 46 NICHOLSON STREET, ST LEONARDS

### BACKGROUND

Council's approach to re-vitalising St Leonards has been detailed in previous reports to the Panel and Council.

In pursuing the revitalization of the St Leonards CBD, Council has taken a measured approach by targeting specific sites to stimulate and broaden the economic base, by permitting a small number of mixed use (B4) sites within the CBD as a whole. The remainder of the sites were to remain as B3 Commercial Core. This approach has been implemented since 2012, through Council's:-

1. Four Pilot projects;
2. Proposed Rail Plaza; and
3. St Leonards Public Domain Master Plan.

This targeted approach, with supporting projects, is a finely tuned policy designed to stimulate the centre's long-term commercial and employment potential with residential development providing a supporting role in the St Leonards CBD. Council is firmly of the view that further residential land uses should only be considered after the 4 pilot projects have been evaluated to gauge impacts and benefits to the Commercial Core.

The Greater Sydney Commission has confirmed this approach as consistent with the North District Plan which states that Councils "*Strengthen St Leonards through approaches that [in part] grow jobs in the centre* (Action 34). It aims for a high jobs growth target of 16,400 between 2016 and 2036. The precinct is important "*as a key employment centre in Greater Sydney*". "*Employment growth is the principal underlying economic goal for metropolitan and strategic centres*" (North District Plan: 2018, page 67) such as this.

While this Planning Proposal in principle validates Council's approach, there are now other (finalised) strategic planning documents to consider. The State Government has released their final 2036 Plan for the St Leonards/Crows Nest area, with an accompanying Special Infrastructure Contribution. Council's adopted Local Strategic Planning Statement should also be considered.

These documents and their relationship to this site are briefly outlined below.

#### *St Leonards and Crows Nest 2036 Plan*

The St Leonards/Crows Nest Planned Precinct is identified by the North District Plan (NDP) as "*a mixed-use centre with high-rise offices, and high-density residential development*". *Action 34 of the NDP focuses growth subject to "growing jobs in the centre"*. Additional capacity for housing supply is a secondary but important function of the precinct. It is from these two purposes of the North District Plan that the 2036 Plan has emerged.

The NSW Department of Planning and Environment released the Draft 2036 Plan and supporting documents for the St Leonards and Crows Nest Planned Precinct for community consultation from October 2018 to 8 February 2019.

The final 2036 Plan for the area was released on 29 August 2020, it required that this site remain as B3 Commercial Core with an increased height and floor space ratio (see Discussion section). The Plan also introduced a Special Infrastructure Contributions rate to apply to all new residential and mixed-use residential development in the area.

It is important to note that page 63 of the final 2036 Plan states that all controls shown in the 'Implementing the Plan' section are **indicative** only. Further, on page 76:

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## Lane Cove Local Planning Panel Meeting 17 December 2020 PLANNING PROPOSAL NO. 38 - 46 NICHOLSON STREET, ST LEONARDS

***“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”.***

### *Special Infrastructure Contributions*

Note that as part of the final 2036 Plan, the Special Infrastructure Contribution (SIC) is to apply to this area of St Leonards and Crows Nest. However, because this site is proposed to be a commercial office building, the SIC would not apply to this site.

### *Lane Cove Local Strategic Planning Statement*

Council's adopted Local Strategic Planning Statement outlines a 20 year vision, planning priorities and actions for land use in Lane Cove. It was on exhibition from Thursday, 5 September 2019 to Thursday 17 October 2019. The LSPS was adopted by Council and sent for Assurance Review in February 2020.

A letter of support from the Greater Sydney Commission was received for the final LSPS on 27 March 2020, which confirms that Council's Statement is consistent with both the Greater Sydney Region Plan and North District Plan. The LSPS came into force on 30 March 2020 and published to the NSW Planning Portal website.

This Statement and other relevant documents must now be used to inform future amendments to Council's Local Environmental Plan and Development Control Plan. The Proposal's consistency with this Statement is detailed in the Discussion section of this report.

## PROPOSAL

The proponent-led Planning Proposal seeks the following amendments to Lane Cove LEP 2009 (see proponent's Draft LEP maps):-

- Increase the FSR controls from 4.5:1 to 16.45:1; and
- Introduce a solar height plane control to avoid shadowing of Newlands Park to control building height.\*

\* Height of building only to be defined by wording that: *“the development does not result in any additional overshadowing on the land shown with blue hatching as ‘Newlands Park’– between 10.00am and 3.00pm on 21 June in each year”.*

Overall, the proposed controls could potentially result in the following outcomes:

	CURRENT LEP CONTROLS	2036 PLAN	PROPOSAL
<b>Zoning</b>	B3	B3 Commercial	Retain zoning

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## Lane Cove Local Planning Panel Meeting 17 December 2020 PLANNING PROPOSAL NO. 38 - 46 NICHOLSON STREET, ST LEONARDS

	Commercial Core	Core			
<b>FSR</b>	4.5:1 (commercial)	15:1 (indicative)	15.96:1 (commercial)	0.49:1 (retail)	<b>16.45:1 (Total)</b>
<b>Gross Floor Area</b>	10,350 sqm (commercial)	34,500 sqm (indicative)	36,693 sqm (commercial)	1,149 sqm (retail)	<b>37,842 sqm (Total)</b>
<b>Height</b>	25 metres (6-7 storeys)	30 levels/storeys - indicative (no height shown in metres or RL)	Solar height plane control (to Newlands Park) but proponent's plans show RL 198.6m (32 storeys)		
<b>Parking Spaces</b>	367 (based on Council's parking controls)	No control, but action to " <i>limit the amount of car parking provided for new developments</i> ".	122		

**Table 2:** Current and Proposed Planning Controls

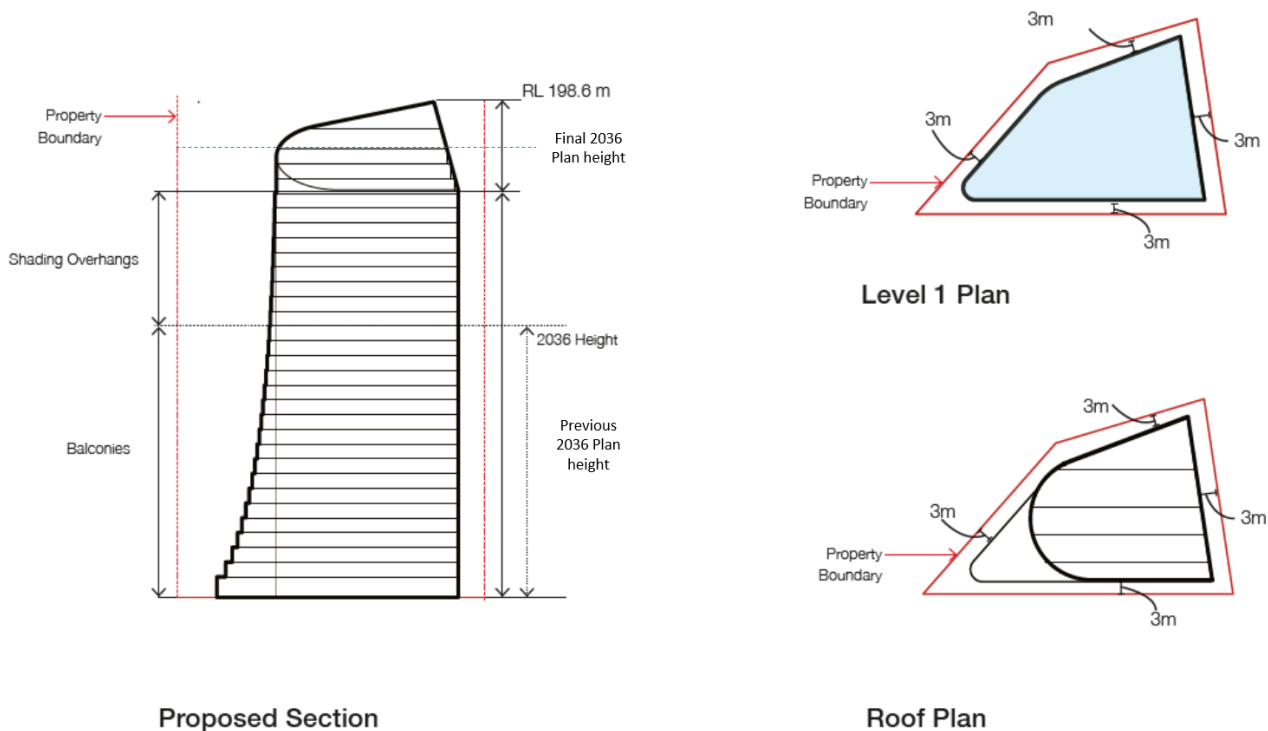
This would result in:-

- A 32 storey commercial office building with a total GFA of 37,842 sqm (FSR of 16.45:1), including ground floor retail and top two levels of plant;
- Three levels of basement car parking with capacity for 122 car spaces with access from Christie Street;
- Above-ground balconies (up to Level 27);
- Public domain improvements including an activated ground floor with public open space on the corner of Christie Street and Nicholson Street, and public through-site link from Christie Street to Nicholson Street;
- Roof top garden terraces;
- Above ground outdoor balcony space for over half the floors; and
- 3 meters setback (at ground level) to all frontages and rear boundary.

Refer to Figure 3 below.

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## Lane Cove Local Planning Panel Meeting 17 December 2020 PLANNING PROPOSAL NO. 38 - 46 NICHOLSON STREET, ST LEONARDS



### Council's Preferred Option

In response to the negative impacts of the applicant's proposal on the amenity of nearby residents (see Discussion item iii below.- *District views from residential neighbours impacted*), Council sought external advice from planning firm Architectus to consider alternative built forms for the subject proposal (see **AT-15**).

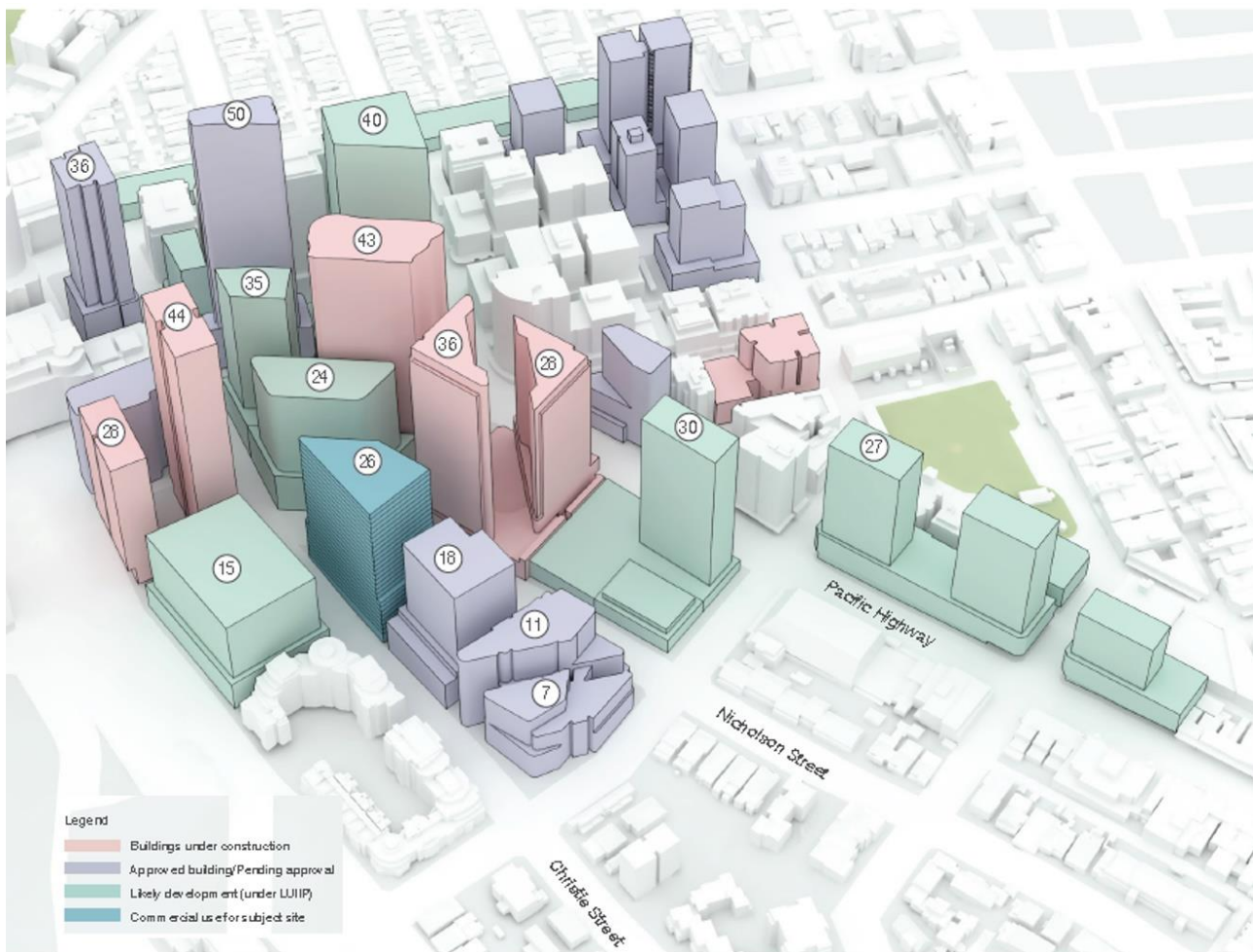
The alternative building envelope recommended for the proposal comprises the following:

- 26 storeys, with 24 office floors plus a plant level plus part rooftop plant;
- 15:1 FSR;
- 8 storey podium (street wall height) with 0m setback only along Christie Street;
- 3m setback to Nicholson Street and southern boundary (rear); and
- 3m setback above podium.

This reduction in height responds to concerns, by reducing the impacts of over-looking and loss of district views to adjoining/neighbouring residences, as well as transitioning the height and bulk more appropriately to the surrounding context (see Figure 4). The reduced FSR of 15:1 is consistent with the 2036 Plan.

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## DISCUSSION

This section examines the provisions of the proponent's Planning Proposal against the strategic and site-specific merit tests, as well as consistency against Council's Local Environment Plan. It also considers the relative merits of Council's preferred option.

When considering a Planning Proposal, *A guide to preparing Local Environmental Plans* (prepared by NSW Department of Planning & Environment) addresses the following strategic and site-specific merit tests in assessing proposals.

*Strategic Merit test:*

- 1. Does the Planning Proposal give effect to regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment?**

- a) A Metropolis of Three Cities

It is claimed that the Proposal supports the achievement of the regional *Planning Priority N12: Delivering integrated land use and transport planning and a 30-minute city*, and *Objective 14 – A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities*.

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## Comment:

The Proposal is consistent with Objective 22 of *A Metropolis of Three Cities*. This objective states that the expectations of all strategic centres include both:

- “co-location of a wide mix of land uses, including residential” (page 118);
- “**areas identified for commercial uses, and where appropriate, commercial cores**” (page 119).
- “**Employment growth is the principal underlying economic goal for metropolitan and strategic centres** (page 119).
- **A balance is required in providing adequate mixed use or residential zoned land around a commercial core** that allows new residential developments to benefit from access and services in centres” (*A Metropolis of Three Cities*, page 120).

Based on these considerations, Council's existing land use approach and programs of targeting just four key sites around open space for mixed use development (i.e. pilot projects) achieves the directions specified in both *A Metropolis of Three Cities* and the *North District Plan*. This approach seeks to achieve an appropriate balance between commercial and residential development and supports a commercial-only development on the subject site at this time.

The Proposal's commercial only approach is considered to be consistent with the objectives and expectations (of strategic centres) of *A Metropolis of Three Cities*.

## b) North District Plan:

It is claimed that the District Plan also contains specific actions for St Leonards. Relevant actions that the proposal is consistent with included:

- Leverage the new Sydney Metro Station at Crows Nest to deliver additional employment capacity;
- Grow jobs in the centre;
- Reduce the impact of vehicle movements on pedestrian and cyclist accessibility; and
- Deliver new-high quality open space, upgrade public areas, and establish collaborative place-making initiatives.

## Comment:

Both *A Metropolis of Three Cities* and the *North District Plan (NDP)* identify St Leonards as a 'strategic centre'. The District Plan considers that the strategic centres play an important economic role in supporting the growth of Sydney as a global city. Particularly as a health and education (employment) 'super precinct' (page 60).

Council must assess this planning proposal against Planning Priorities N9 & N10 and Action 34 of the District Plan, in regards to St Leonards.

*Planning Priority N9: Growing and investing in health and education precincts*

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## Lane Cove Local Planning Panel Meeting 17 December 2020 PLANNING PROPOSAL NO. 38 - 46 NICHOLSON STREET, ST LEONARDS

Page 64 reinforces “*the importance of the precinct as a key employment centre in Greater Sydney*”. Action 34, a Productivity Action, is primarily focused on additional employment capacity by growing jobs. In particular, a higher jobs target of an extra 16,400 jobs identified by 2036.

This Proposal states that it would realise 3,430 additional jobs (21%) of the total employment potential of the strategic centre of St Leonards Crows Nest. Medical office suites are also proposed to be delivered at the lower levels of the building. This would further support the health and education precinct of St Leonards and Royal North Shore Hospital.

Council's preferred option, with an FSR of 15:1 is consistent with the 2036 Plan and contributes to the precinct's high jobs target in a manner similar to the applicant's proposal.

*Planning Priority N10: Growing investment, business opportunities and jobs in strategic centres*

Page 67 of the NDP reinforces that, “*the growth, innovation and evolution of centres will underpin the economy of the North District.*”

The Proposal is consistent with the central objective of supporting an employment hub, such as St Leonards, that can provide 16,400 additional jobs over the next 20 years. If combined with Council's 'pilot project' sites, approximately 4,691 additional jobs will be created in the Lane Cove portion of St Leonards. This would be counted towards the high jobs target for the area.

### c) St Leonards/Crows Nest 2036 Plan:

The Planning Proposal argues that it is consistent with the Vision and Area Wide Design Principles of the 2036 Plan. More specifically, Table 3 in part addresses the Design Criteria which should be complied with, and compares compliance by the applicant's proposal with Council's preferred option.

	Applicant's Proposed	Council's Preferred	2036 Plan
<b>Land Use</b>	* Entirely commercial * in A-grade office	* Entirely commercial * in A-grade office	* Entirely commercial * in A-grade office
<b>FSR</b>	16.45:1 (15.96:1 = commercial; 0.49:1 = retail)	15:1	15:1 (indicative)
<b>Height</b>	32 storeys (approx. RL 198.6) No actual height control (based on no overshadowing of Newlands Park by 10am)	26 storeys (RL175.2)	30 storeys (indicative – no height)
<b>Setbacks</b>	3m. (only tapers upward on western corner) South-east side; 3m towards rear boundary.	0m setback along Christie; 3m to Nicholson and rear boundary; 8 storey street wall height; Further 3m above podium.	3m setback; 4 storey street wall height; Activate corner streetscape
<b>Parking</b>	122 spaces (3 level basements)	122 spaces (3 level basements)	Keep parking to a minimum
<b>Overshadowing</b>	No impact on Newlands Park after 10am.	Further reduced impact on Newlands	Avoid “substantial additional



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	Applicant's Proposed	Council's Preferred	2036 Plan
		Park.	overshadowing" 10-3 Newland Park & new park (p37) * Minimise overshadowing of adjoining residential
<b>Connections</b>	Provides: * mid-block pedestrian link; * 3m colonnade along both streets (in addition to 3m setbacks on both streets)	Provides: * mid-block pedestrian link; * 3m colonnade along both streets (in addition to 3m setback on Nicholson)	East-west ped. connection from Plaza to Crows Nest station via Nicholson. North-south bike path down Christie

**Table 3:** Design Criteria Assessment against 2036 Plan

Within this section of Strategic Merit, the Proposal is assessed in terms of design elements of the 2036 Plan.

### *Positives:*

- An increase in employment (jobs) to meet the Precinct's high jobs target;
- A-grade office space (no residential);
- Capacity to achieve a 6 star-green energy and NABERS rated building;
- Activated ground floor links towards Friedlander Place;
- Minimises shadowing of Newlands Park;
- Colonnade along Nicholson and Christie Streets.

### *Concerns:*

- i. Height & FSR above 2036 Plan;
- ii. Uncertain height defined by solar impact on Newlands Park;
- iii. District views from residential neighbours impacted;
- iv. Christie St park overshadowed till approx. 1.30pm;
- v. Overshadowing of adjacent residential;
- vi. Amount of tree canopy cover;
- vii. Traffic network impacts.

These seven issues of possible concern are addressed below.

#### i. Height and FSR above 2036 Plan limits

The applicant's proposed height of the building is 32 storeys which is two storeys above the 2036 Plan of 30 storeys. The applicant's FSR of 16.45:1 is 1.45:1 above the FSR of the 2036 Plan.

### Comment:

The indicative number of storeys and indicative proposed floor space ratios for the site and its surrounds under the 2036 Plan are shown in **AT-13** (on pages 66 and 67).

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Note that the proposed Ground floor provides approximately 575m<sup>2</sup> of public open space. This reduces the effective (private) FSR down to 16.2:1.

The proposed 3m ground level setback and 4 storey street wall height, the other contributor to perceived bulk and scale, is consistent with the 2036 Plan (as shown in Figures 3 and 5).



Figure 5: Setbacks in 2036 Plan

Notwithstanding the proposal's compliance with the 2036 Plan for setbacks and street wall heights, variations to the indicative FSR and height in storeys is not supportable from an amenity perspective.

Modifications to the height, FSR and setbacks of the proposal were investigated by Council and are addressed elsewhere in this report (refer to *Council's Preferred Option*).

Based on the controls in the final 2036 Plan, the applicant created an indicative maximum building envelope (see **AT-9**) using the setbacks shown in Figure 5 to achieve the indicative storeys shown in the final 2036 Plan (**AT-13**, page 66). The resulting floor space ratio (shown in Figure 6) is significantly larger than the FSR in the final 2036 Plan at 18.4:1 and achieve approx. 42,000 sqm of gross floor area.

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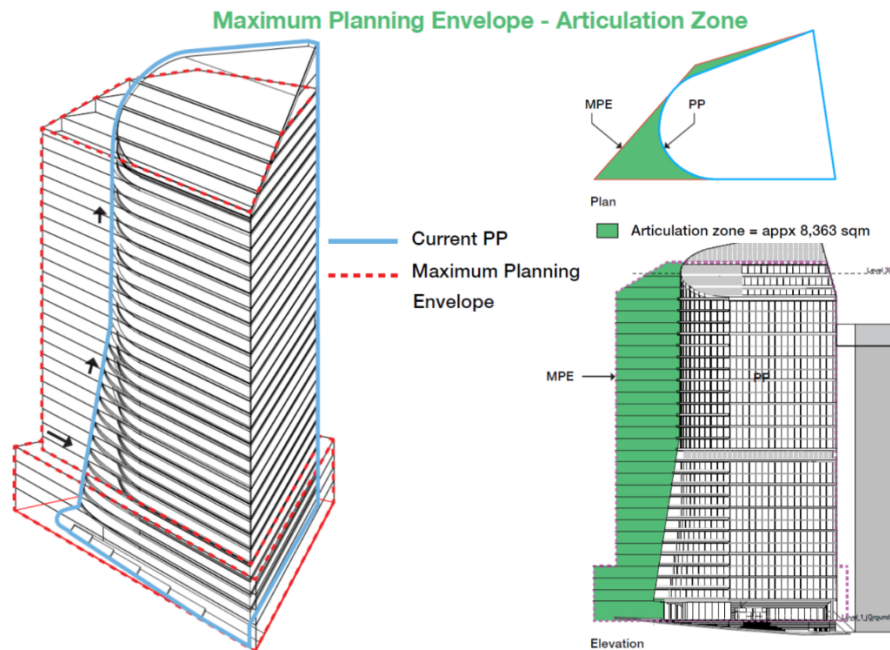


Total GFA:	42,292 sqm
FSR:	18.4:1
Number of Levels:	30

This is discussed further in section iii *District views from residential neighbours impacted.*

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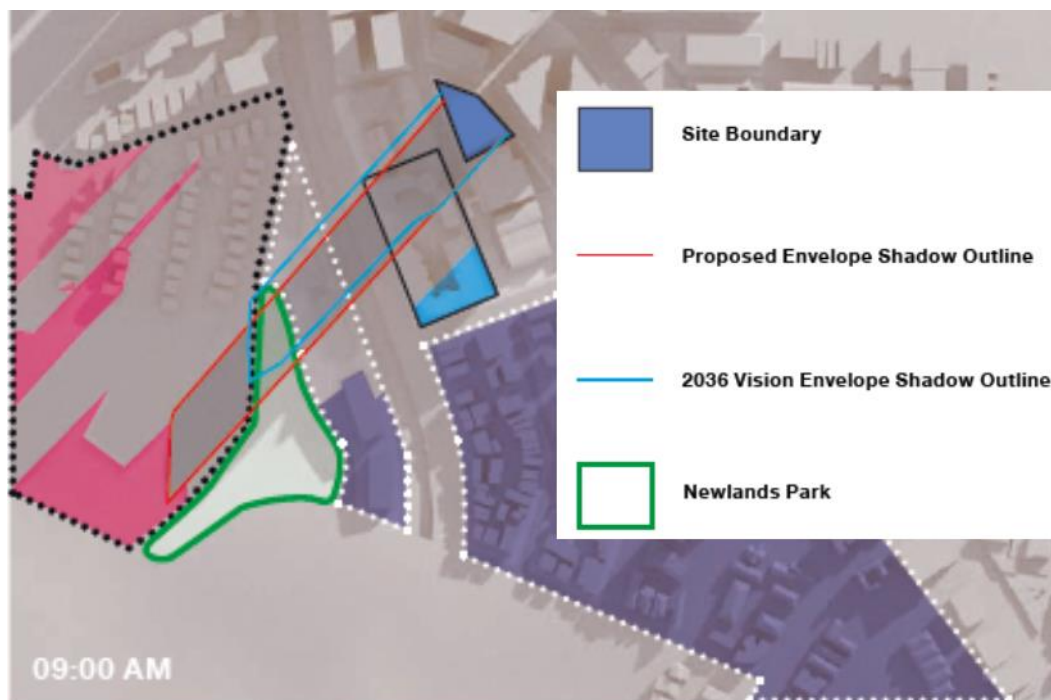
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**Figure 7:** Applicant's proposed envelope

ii. Uncertain height defined by solar impact on Newlands Park

It is proposed to define height in terms of a solar height plane to Newlands Park where no shadow falls on Newlands Park between 10.00am-3.00pm on 21 June. This was a requirement of the 2036 Plan.



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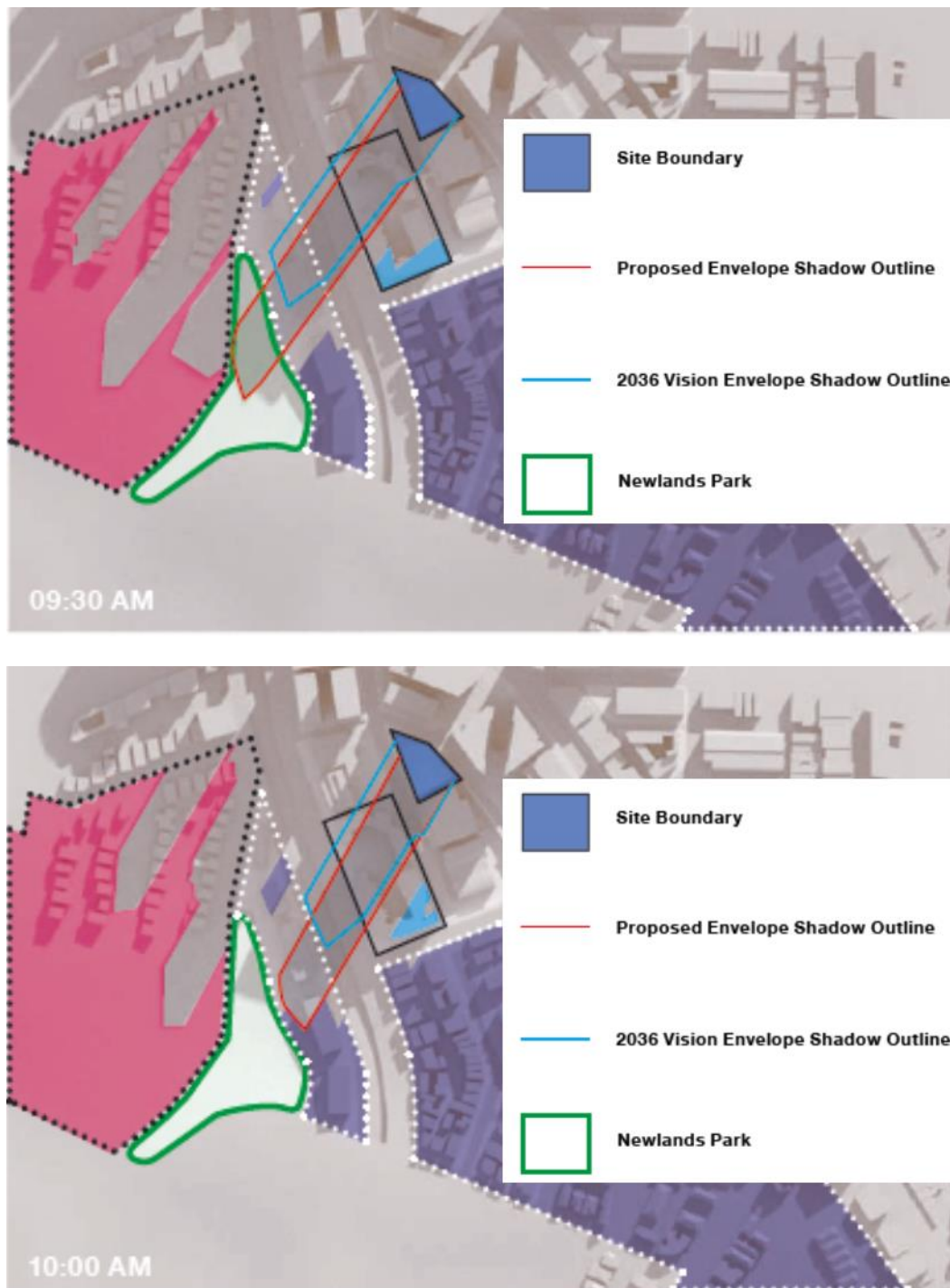


Figure 8: Shadow modelling at 9am, 9:30am and 10am

## Comment:

This is no longer a requirement of the final 2036 Plan. One of the new actions on page 33 of the 2036 Plan states that new development must:

***“Minimise overshadowing of key open spaces, public places and adjoining residential areas. Solar height planes should be adhered to as indicated within the Solar Access Map” (page 33 of 2036 Plan).***



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When read in conjunction with the solar access map (on page 38 of the Plan), it is made clear that any new building must seek to 'minimise overshadowing of key open spaces' between the hours of 10am – 3pm (mid-winter), in this case Newlands Park.

Notwithstanding that, shadow modelling in Figure 8 shows that the proposed building will not overshadow Newlands Park at all after 10am mid-winter. Therefore, the proposed LEP height control in the Planning Proposal is no longer applicable to the action of the final 2036 Plan.

An RL, as seen in the applicant's proposal (RL 198.6 metres) and/or equivalent height in metres gives assurance of height to adjoining land owners. Conversely, the definition of height in terms of a solar height plane is uncertain and unnecessary in this Planning Proposal due to a new action in the final 2036 Plan. It is recommended that the Panel advise that the applicant's Planning Proposal be amended to remove the proposed LEP height control (expressed as a solar height plane) and replace it with an RL. Council's preferred Option of 26 floors is equivalent to RL175.2.

### iii. District views from residential neighbours impacted:

Impacts on district views, including iconic views (to the Sydney Harbour Bridge and the Sydney CBD) are partly addressed in the applicant's Urban Design Report (**AT-2**), and View Impact Assessment (**AT-3**).

The greater articulation towards Nicholson Street, would reduce the potential visual impact for the properties in nearby Landmark development (500-504 Pacific Highway, St Leonards). It would also maintain an important view corridor (from the Abode building in North Sydney towards Friedlander Place) which was a key part of Council's original 'pilot project' approach to the area.

Using these assessments, plus reference to the development consents for the nearby residential towers, the visual impacts are measured from the nearby residential towers at 472, 486 (Mirvac development) and 504 (Landmark development) Pacific Highway, St Leonards, as well as the soon-to-be-completed 88 Christie Street mixed-use residential towers. These buildings are within the line-of-sight of this Proposal. Views were measured from low, medium and high levels, and from apartments between the far west and far east end of buildings.

### Comment:

An impact comparison is made between the proponent's Planning Proposal 38 (32 storeys) and Council's preferred option.

In summary:

	Height of top of the building (in RL metres)	No. of storeys	46 Nicholson Street Proposal (RL 198.6; 32 storeys)	Council's preferred option for 46 Nicholson Street (RL 175.2; 26 storeys)
<b>(Mirvac) Rear Tower</b>	RL 204.46	35 levels + roof and plant	Approximately 2 storeys of unimpeded views	Approximately 9 storeys of unimpeded views
<b>(Mirvac) Front Tower</b>	RL 180.46	27 levels + roof and plant	Minimal impact	Minimal impact
<b>504 Pacific Hwy (Landmark)</b>	RL 227.4	43 storeys	Approximately 9 storeys of unimpeded views	17 storeys of unimpeded views
<b>88 Christie St (JQZ)</b>	RL 227.31	47 storeys	Approximately 15 storeys of unimpeded views	21 storeys of unimpeded views

**Table 4:** View impacts

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Table 4 shows that under the applicant's proposal (RL198.6; 32 storeys), district view losses occur from 486 (Mirvac) and 504 (Landmark) Pacific Highway, and to a lesser extent from 88 Christie (JQZ). View sharing (loss) is to be expected from residential use in a central business district, where residential use is ancillary to the commercial function of the precinct. Council's preferred option (RL 175.2; 26 storeys) significantly increases the storeys with unimpeded views. It is concluded that Council's preferred option has a more moderate impact on this nearby residential amenity of B4 Mixed Use towers.

### iv. Christie St park overshadowing

Figure 9 shows that the existing Christie St park is within close proximity to the site. According to the applicant's studies it is overshadowed till 1.30pm. The 2036 Plan requires development to avoid "substantial additional overshadowing" of Newlands Park & the new St Leonards South park from 10am-3pm. This does not apply to Christie Street Park (see Figure 9).

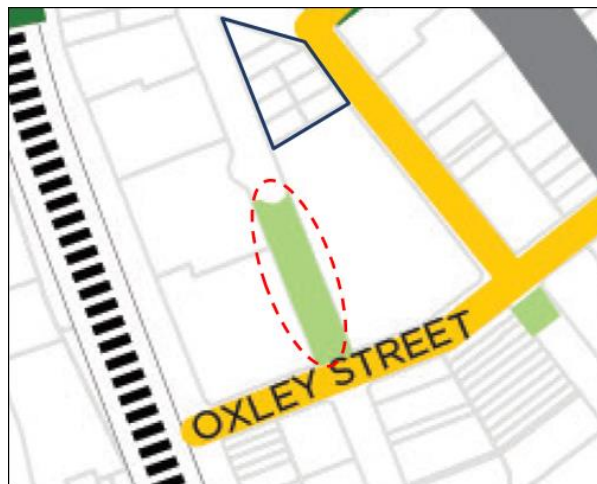


Figure 9: Christie Street Park

### Comment:

Shadow modelling (**AT-2** p 66) shows the park at the southern end of Christie Street would experience overshadowing until approx. 1.30pm. While the 2036 Plan requires development to avoid "substantial additional overshadowing" of Newland Park & the new St Leonards South park from 10am-3pm (p 37), this does not apply to Christie Street Park.

Although the park would be protected under Council's current 25 metre height limit, the 30 levels stated in the 2036 Plan and 32 levels in this proposal would significantly overshadow Christie Street park. Christie street enjoys a northern orientation and this is not altered by either proposal.

The proposed development would need to be approximately half its current height to result in any reduction in overshadowing of the park. This is an onerous requirement of a commercial building in a Commercial Core zone and is against the intent, objectives and actions of the 2036 Plan.

### v. Overshadowing of adjacent residential

The 2036 Plan (**AT-13**) requires that development "*Minimise overshadowing of ... adjoining residential areas.*" The solar access map states that this applies to "*residential areas inside the boundary (for at least 2 hours)*"

### Comment:



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The proponent's shadow modelling is contained on pages 64-71 (in **AT-2**). It highlights that in:

- Lithgow Street residential (Northmark/Shoremark) – shadow gone by 12:15 pm. (i.e. 2.75 hours in pm). Additional shading is very similar to 2036 Plan potential shadowing.
- Duntroon Ave – shadow gone by 12:30pm.
- Canberra Ave – shadow gone by 9:30am.

These are considered acceptable levels of solar access as defined by the final 2036 Plan and Apartment Design Guide. It is noted that this is a commercial office building and such high standards (as defined in the Apartment Design Guide) do not necessarily apply to this site. Council's preferred option is lower in height, so its shadow impacts would be reduced further than the applicant's.

vi. Amount of tree canopy cover

A tree canopy cover target of 25.7% has been identified for this 'urban' sub-precinct in the 2036 Plan (**AT-13** pp 3 and 29). This is not addressed in the Planning Proposal or its documents.

Comment

In the 2036 Plan vision map (see **AT-13** pg 6), Nicholson Street is identified as a "*tree-lined green street*" while Christie Street is not. The objectives are to "*incorporate new street trees to realise the tree canopy targets*" (**AT-13** pg 10) but there are no related actions that apply to this site (see **AT-13** pg 27).

The proponent's ground floor plan (seen in Figure 10) shows that there is consistent street tree planting proposed along both street frontages (Nicholson and Christie Streets) but the exact amount of tree canopy cover has not been specified by the proponent.

However, as stated above, there are **no direct actions in the 2036 Plan on tree canopy cover which affect this site (see AT-13, pg 27)**. Notwithstanding this, it appears that there is potentially enough space to accommodate increased tree planting if needed, based on the proposed ground floor plan (seen in Figure 10).

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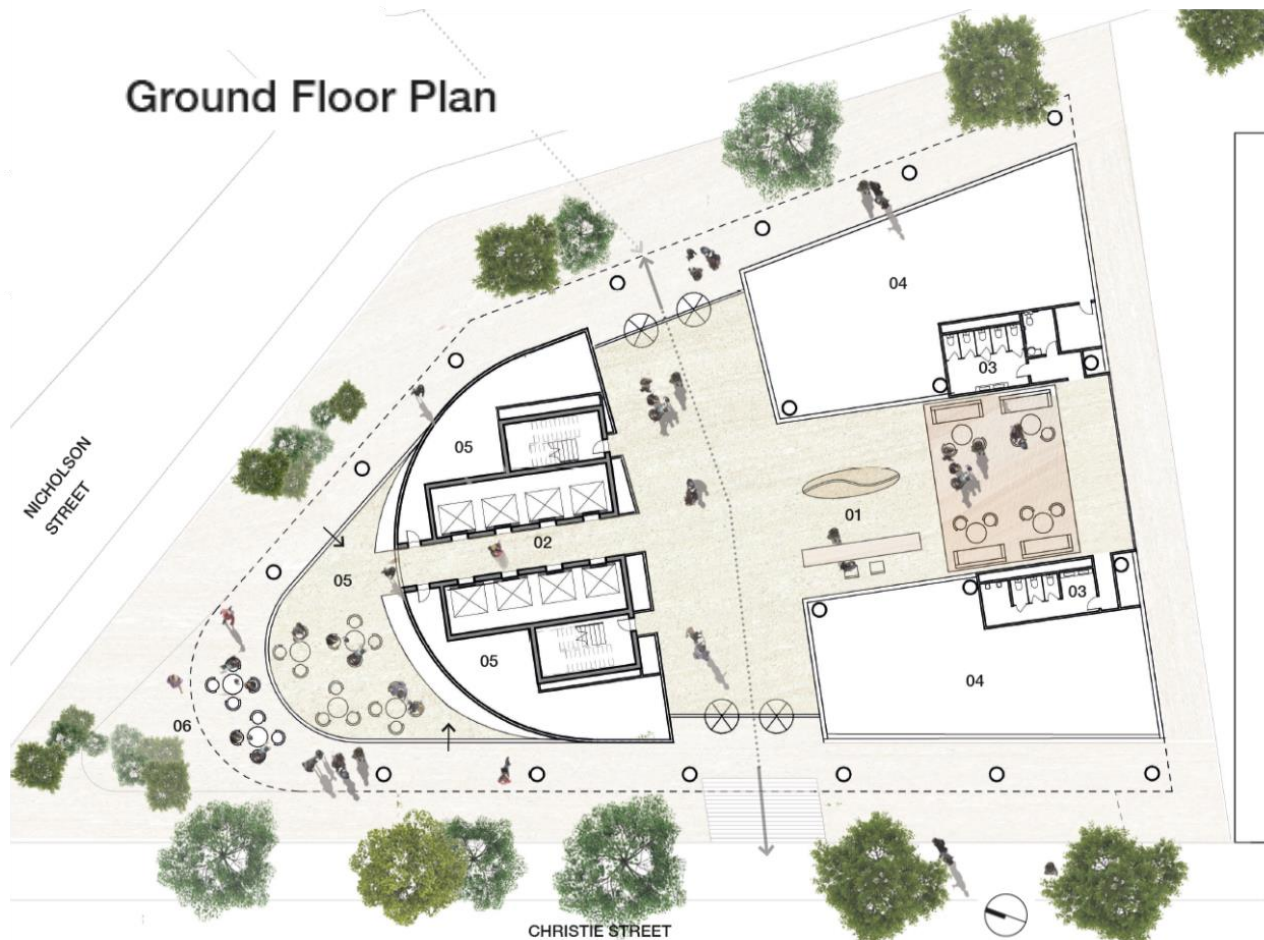


Figure 10: Ground floor proposal

The street tree plantings indicatively proposed along Nicholson Street are consistent with the vision of the 'tree-lined street', with the addition of tree plantings on the site (along Christie Street which currently has limited or no trees – see **AT-1** pp 17-18) will achieve the objective and will likely realise increased tree canopy cover across both streets. Nevertheless, the applicant is requested to specify the tree canopy cover in an amended Planning Proposal.

## vii. Traffic

The proponent's traffic and transport study (**AT-4**) states that:

*"... will not result in adverse impacts on the surrounding road network. All intersections retain an acceptable level of service during both the AM and PM peak hours, with no additional measures required to accommodate future traffic demands."* (**AT-4** p. 25).

## Comment:

Parking is proposed for 122 bays which is lower than Council's DCP Part R requirement (see Table 2). It is much closer to the rate for North Sydney which specifies 1 space/400m<sup>2</sup> GFA (using this calculation the proposal would provide approximately 92 parking spaces). It is also consistent with the action of the 2036 Plan to "Limit the amount of car parking provided for new developments".

The proponent's traffic and transport study (**AT-4**) also outlines a Green Travel Plan with a suite of measures to reduce the need to travel and promotion of sustainable means of transport. This includes cycling, walking, public transport (St Leonards train station and Crows nest Metro), and

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carshare/carpooling. All of these measures are consistent with Part R of Council's Development Control Plan and will assist in achieving the action of the 2036 Plan. Hence the impacts on the surrounding network are considered acceptable.

Entry to the basement is proposed off Christie Street (at the south-east end). Council's DCP suggested off Nicholson (thereby forcing southbound arrivals to turn across Nicholson). By this route the proposed entry is a preferable solution.

### **2. Does the Planning Proposal give effect to a relevant local strategy that has been endorsed by the Department, such as the local strategic planning statement, housing strategy?**

Council's Local Strategic Planning Statement (LSPS):

Council's local strategic planning statement (see **AT-14**) was formally endorsed by the Greater Sydney Commission in March 2020.

Comment (LSPS):

Under the Productivity section, Council states that:

*"St Leonards had a base estimate of 47,100 jobs in 2016. By 2036, it is expected that St Leonards could accommodate a higher jobs target of up to 63,500 jobs, an increase of 16,400 new jobs. Lane Cove has already contributed to this higher jobs target as all four of its pilot projects have now been approved with commercial/retail/office floor space in excess of current planning controls. They provide an additional 22,696 sqm of non-residential floor space which translates to 1,261 new jobs (based on the Draft 2036 Plan findings). In addition, a world class commercial tenant MasterCard has now established a technology hub in an existing commercial office building in St Leonards, **highlighting the need for stand-alone commercial office space**".*

*Council's targeted approach to expansion, involved leaving the remainder of the B3 Commercial Core area in Lane Cove LGA as currently zoned, avoiding isolation of commercial sites. Further, these pilot projects were to be monitored in terms of their effectiveness in stimulating the commercial sector in advance of any consideration of similar rezonings. **Council's pilot project approach and recent construction approvals provide overwhelming evidence that stand alone commercial development is now viable and may potentially become more viable as a result of Crows Nest Metro Station according to the Draft 2036 Plan findings.***

*In its Draft 2036 Plan submission, Council proposed not pursuing any further mixed use rezonings (as proposed in the Draft 2036 Plan) and a development phasing plan reviewing the Plan in 2026 after delivery of the Sydney Metro project in 2024, to ensure opportunities for commercial development are maximised.*

*...Council's long term approach outlined above would leverage off the Crows Nest Metro Station to deliver additional employment capacity. It will also achieve a balance of commercial and residential development in the St Leonards Strategic Centre". (Local Strategic Planning Statement: 2020, page 42).*

This translates into the ongoing action:

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*“Achieve a balance between the designated commercial core and residential development in the St Leonards Strategic Centre to manage the impact of residential development in crowding out commercial activity” (page 44).*

Council is mindful of providing for jobs growth in the B3 zone of St Leonards, which the applicant's proposal is consistent with. Council's preferred option, which compares the applicant's proposed FSR of 16.45:1 against Council's preferred 15:1 FSR. The preferred GFA continues to support a substantial A-grade office footprint that still achieves the NDP high jobs target.

### **3. Does the Planning Proposal respond to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls?**

As stated in previous reports, the new Metro Station at Crows Nest will act as a catalyst for more stand-alone commercial office development in the area.

Both the original Planning Proposal and Council's preferred option also respond to Council's recent Climate Emergency declaration by having a greater focus on sustainability (see **AT-8**).

Overall, the original Proposal and Council's preferred option have strategic merit as they are consistent with the existing strategic planning framework for the area, respond to the investment by State government in the Metro Station at Crows Nest, and respond to Council's Climate Emergency resolution. Reduced on-site parking should also be considered given the location of the Metro Station and need to increase pedestrian connectivity.

#### *Site-specific Merit Test*

If the Planning Proposal has demonstrated strategic merit, then the site-specific merit test must have regard to:

### **4. the natural environment (including known significant environmental values, resources or hazards)**

Significant environmental values or resources are not likely to be impacted as a result of either the applicant's proposal or Council's preferred option, nor is the land affected by any known hazards.

### **5. the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal**

The proposed height and bulk of the applicant's proposal would result in loss of district and iconic views for Mixed Use residential uses along Pacific Highway. The Planning Proposal fails to satisfactorily justify loss of view and amenity to existing dwellings beyond the 30 levels specified in the 2036 Plan. The additional FSR of 1.45:1 sought by the proponent cannot be justified on the grounds that it would achieve a better planning outcome. Further, they have also failed to appropriately consider the cumulative impacts of development on view loss.

The applicant responded to Council's preferred option (**AT-16** and **AT-17**) and supported a reduced FSR of 15:1 but did seek an additional 10% (approximately 2-3 storeys) in height above Council's preferred 26 storeys, without giving a reason for this height. As stated above this increased height (to approximately 28-29 storeys) fails to consider and address the cumulative impacts of development on view loss.

Therefore, in response to this negative amenity impact, Council's preferred option has provided a moderated building envelope of reduced height to mitigate concerns. However, some view sharing

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is to be expected from residential use in a central business district, where residential use is ancillary to the commercial function of the precinct.

On 10 December 2020, the proponent confirmed that the height and FSR limits in Council's preferred option (RL 175.2 and 15:1) is accepted. The Panel is recommended to support this.

**6. *the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.***

The subject site is near to the Crows Nest Metro station, due to open in 2024. As a result, off-street parking should consider this new reality and address the requirements of Council's DCP Part R in terms of impacts. The reduced provision of parking would result in reduced traffic impacts on the surrounding network, which Council supports.

### CONCLUSION

Council has taken a balanced and measured approach to the revitalization of the St Leonards CBD by targeting sites that will stimulate and broaden the economic base to stimulate the centre's long-term employment potential.

The regional plan (*A Metropolis of Three Cities*) describes St Leonards as **"a major asset" of the Eastern Economic corridor**. It states:

***"Attracting investment, business activity and jobs in strategic centres across Greater Sydney increases access to a wide range of jobs, goods and services close to people's homes and supports the 30-minute city."*** (p 119)

Council's approach is acknowledged in the *North District Plan* where it defines St Leonards as a "strategic" centre which plays an important economic role in supporting the growth of Sydney as a global city. Particularly as a health and education (employment) "super precinct".

It also reinforces **"the importance of the precinct as a key employment centre in Greater Sydney"**. Action 34 states that St Leonards is primarily focused on additional employment capacity by growing jobs and not permitting residential development to crowd out commercial development.

Based on these considerations, Council's preferred option is considered to be consistent with both the Regional Plan and North District Plan as it will allow for a commercial office building to provide jobs which will contribute to the high jobs target for the area.

It is also in principle consistent with the vision, objectives and actions of the final *St Leonards/Crows Nest 2036 Plan*.

The 2036 Plan provides the proponent with considerable FSR and height above Council's existing planning controls. The additional height and FSR sought by the proponent represent an increase of 2 levels and FSR of 1.45:1 (respectively) as stated by the 2036 Plan. These increases would impact views and amenity of nearby residential towers.

The proponent endeavored to consider these potential impacts by reducing the building envelope and encouraging pedestrian connectivity at the street and within the building. The proposal results in a significant negative impact on visual amenity in the vicinity. Council's preferred option will reduce these impacts (and others) with a more moderated built form.

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The land uses (commercial while accommodating pedestrian connectivity) of the original and Council preferred proposals are also consistent with Council's Local Strategic Planning Statement Priorities and Actions as they would achieve a balance in the St Leonards Commercial area of residential and commercial development.

The final 2036 Plan Action is now to "*minimise overshadowing of key public open spaces*" and the proposed LEP amendment is not consistent with this. Even though it is likely that tree canopy cover on site will be increased by the proposed development and achieve the target of 25.7%, the proponent is requested to specify the amount of tree canopy cover.

While the proponent's Planning Proposal No. 38 passes the strategic merit test, it cannot be supported in its current form as submitted by the applicant, as it fails the site-specific merit test on unacceptable visual amenity grounds.

Planning Proposal No. 38 could be supported if amended by the introduction of a reduced height control of RL 175.2 metres and a reduced FSR of 15:1. The proponent has written to Council confirming that these height and floor space ratio amendments are accepted. It is recommended that the Panel support these changes and Planning Proposal No. 38 be amended accordingly.

### RECOMMENDATION

Pursuant to Section 9.1 of the *Environmental Planning and Assessment Act 1979*, the Lane Cove Planning Panel at its meeting of 17 December 2020 is recommended to support Planning Proposal No. 38, only with the following amendments:

#### A. Amendments

- to show a (reduced) numerical height control of RL 175.2 metres; and
- reduce the proposed floor space ratio (FSR) to 15:1.

The Panel is also recommended to advise Council to forward the amended Proposal (stated in point A.) to the Minister of Planning for a Gateway Determination, as it would pass the Strategic Merit Test and the Site-Specific Merit Test for the following reasons:

#### B. Amended Proposal - Passes Strategic Merit Test

##### *Reasons*

- 1) Is consistent with *A Metropolis of Three Cities*, which identifies the St Leonards Strategic Centre as a major employment asset of the Eastern Economic Corridor for "*attracting investment, business activity and jobs in strategic centres across Greater Sydney, increasing access to a wide range of jobs, goods and services close to people's homes and supporting the 30-minute city.*" (p 119)
- 2) Is consistent with the *North District Plan's* priorities or actions for the St Leonards Commercial area, which identifies "*the importance of the precinct as a key employment centre in Greater Sydney*". Particularly as a health and education (employment) "super precinct". This Proposal would realise close to approximately 3,000 additional jobs of the total employment potential of the strategic centre of St Leonards Crows Nest.
- 3) Is consistent with the following aspects of the *St Leonards/Crows Nest 2036 Plan*:-
  - a. The Plan's vision will be achieved with this proposal because it will be 'a balance of

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commercial' and contribute to the 'sunny tree-lined public spaces'.

- b. The relevant objectives of the Plan will be achieved as the preferred option has considered the cumulative impacts of overshadowing and view loss and altered the building's design. The commercial offices will also 'ensure new employment sites in the area cater to a range of business types and sizes' while 'protecting the site for future employment uses'. The design also incorporates street tree planting which will likely increase the tree canopy cover on the site to achieve the target.
  - c. Under Employment, (p 51) "*The Plan supports jobs within the precinct through the identification of five (5) key employment areas including St Leonards requiring an extra 2,160 to 4,570 new jobs by 2036*". The amended proposal focus on over 3,000 new jobs supports this target.
  - d. The Plan seeks to "*to encourage the renewal of St Leonards through the delivery of new A-grade commercial floor space...*" (p 42). The amended proposal is for A-grade office space (and no residential floor space).
  - e. Under Movement (p 55), the Plan aims to "*provide clear, continuous and direct pedestrian and cycle routes to priority destinations such as St Leonards Station and surrounding commercial core*". By activating ground floor links to Friedlander Place as well as providing colonnades along both street frontages, the amended proposal supports this action.
  - f. The amended proposal is consistent with the action (p 37) to minimise substantial overshadowing of Newlands Park.
  - g. Under Tree Canopy (p 29) the Plan aims to "*retain and enhance the existing network of tree-lined streets*". This is supported by the proposed street trees and colonnade.
  - h. Under Built form, the Plan seeks to "*consider cumulative impacts of new developments on existing areas, including overshadowing, wind impacts and view loss.*" As addressed above, the proposal as amended gives careful consideration of the cumulative overshadowing and view impacts on the surrounding area.
  - i. The Plan seeks to "*Limit the amount of car parking provided for new developments.*" As addressed above, the reduced parking provision supports this Action.
- 4) Council's preferred option is not inconsistent with the floor space ratio and building height of the *St Leonards/Crows Nest 2036 Plan*. The original proposal, by contrast, exceeds the 2036 Plan's prescriptive measures.
- 5) Is consistent with the following aspects of Council's *Local Strategic Planning Statement*:-
- a. *Planning Priority 6*: Through the creation of a ground floor public domain and through-site walkway, the proposal supports the creation of public spaces and facilities to improve our community's quality of life;
  - b. *Planning Priority 7*: By meeting the precinct's jobs target and provision of standalone commercial office space, the proposal facilitates location of a diverse range of retail, commercial and industrial businesses in Lane Cove; and
  - c. *Planning Priority 11*: The proposal is to comprise sustainable practice relating to water and energy use and to deliver a highly sustainable commercial tower, with a minimum



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target of a 6 Star Green rating, 5.5 Star NABERS Energy rating and 4 Star NABERS Water rating, the proposal would improve the management of energy, water, and waste resources.

### **C. Amended Proposal - Passes Site-specific Merit Test**

#### *Reasons*

- 6) The proposal to develop a commercial premise in this location is consistent with recent development and leasing activity.
- 7) Due to the compliances with the 2036 Plan objectives, design criteria, design principles and actions, the proposal as amended has appropriately responded to any change in circumstances.
- 8) In response to the negative amenity impact of loss of district and iconic views for residential properties in the vicinity, Council's preferred option has provided a moderated building envelope of reduced height to mitigate concerns. It should be noted that some view sharing is to be expected from residential use in a central business district, where residential use is ancillary to the commercial function of the precinct.
- 9) The reduced provision of parking would result in reduced traffic impacts on the surrounding network which is consistent with the action of the *St Leonards/Crows Nest 2036 Plan*.

Mark Brisby  
**Executive Manager**  
**Environmental Services Division**

#### **ATTACHMENTS:**

<b>AT-1</b> <a href="#">View</a>	Planning Proposal 38	57 Pages
<b>AT-2</b> <a href="#">View</a>	Appendix A: Urban Design Report	79 Pages
<b>AT-3</b> <a href="#">View</a>	Appendix B: View Impact Statement	24 Pages
<b>AT-4</b> <a href="#">View</a>	Appendix C: Traffic and Transport Assessment	39 Pages
<b>AT-5</b> <a href="#">View</a>	Appendix D: Economic Impact Assessment	29 Pages
<b>AT-6</b> <a href="#">View</a>	Appendix E: Proposed LEP Maps	2 Pages
<b>AT-7</b> <a href="#">View</a>	Appendix F: Sustainable Timber Construction	2 Pages
<b>AT-8</b> <a href="#">View</a>	Vision Statement	4 Pages
<b>AT-9</b> <a href="#">View</a>	Addendum Information - Letter from applicant	9 Pages
<b>AT-10</b> <a href="#">View</a>	Addendum Information A - St Leonards and Crows Nest 2036 Plan comparison	9 Pages
<b>AT-11</b> <a href="#">View</a>	Addendum Information B - Friedlander Place View Corridor	5 Pages
<b>AT-12</b> <a href="#">View</a>	Addendum Information C - Christie Street Reserve	4 Pages

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<b>AT-13</b> <a href="#">View</a>	Solar Study Final St Leonards and Crows Nest 2036 Plan	80 Pages	
<b>AT-14</b> <a href="#">View</a>	Local Strategic Planning Statement	83 Pages	
<b>AT-15</b> <a href="#">View</a>	Urban Design analysis - Architectus - 46 Nicholson	57 Pages	Available Electronically
<b>AT-16</b> <a href="#">View</a>	Applicant Letter - Response to Council's preferred option	2 Pages	Available Electronically
<b>AT-17</b> <a href="#">View</a>	Applicant revised massing - response to Council's preferred option	2 Pages	Available Electronically