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27 April 2021

The General Manager  
Lane Cove Council,  
48 Longueville Road,  
Lane Cove, NSW 2066

**Attention:** Ms. Philippa Frecklington, Consultant Assessment Officer

Dear Philippa,

## **29-57 CHRISTIE STREET, ST LEONARDS | DA-2020/171 | RESPONSE TO PRELIMINARY ASSESSMENT**

### **1. INTRODUCTION**

This letter has been prepared on behalf of Arrow Capital Partners and Starwood Capital Group, the Applicant for DA-2020/171 which seeks concept approval for three building envelopes (18, 12 and 8 storeys) and detailed development approval for the demolition of an existing building, construction of two commercial buildings, alterations to the existing basement car park, landscaping, and public domain works.

This letter and accompanying documents form a response to the issues raised in Lane Cove Council's (Council) correspondence dated 6<sup>th</sup> April 2021, resulting from a preliminary assessment of DA-2020/171 (the DA).

The following amended documents are submitted for additional information in support of the proposed development:

- Architectural plans prepared by Fitzpatrick + Partners (**Appendix A**)
- Amended Landscape Plans and Design Report prepared by Arcadia (**Appendix B**)
- Amended Traffic Report prepared by PTC. (**Appendix C**)
- Updated clause 4.6 variation request for height (**Appendix D**)

In addition to the issues raised in Council's preliminary assessment, a number of submissions were made on the DA during the public notification period. The issues raised in the submissions have been summarised and a response provided in **Section 3** of this letter.

## 2. RESPONSE TO COUNCIL'S COMMENTS

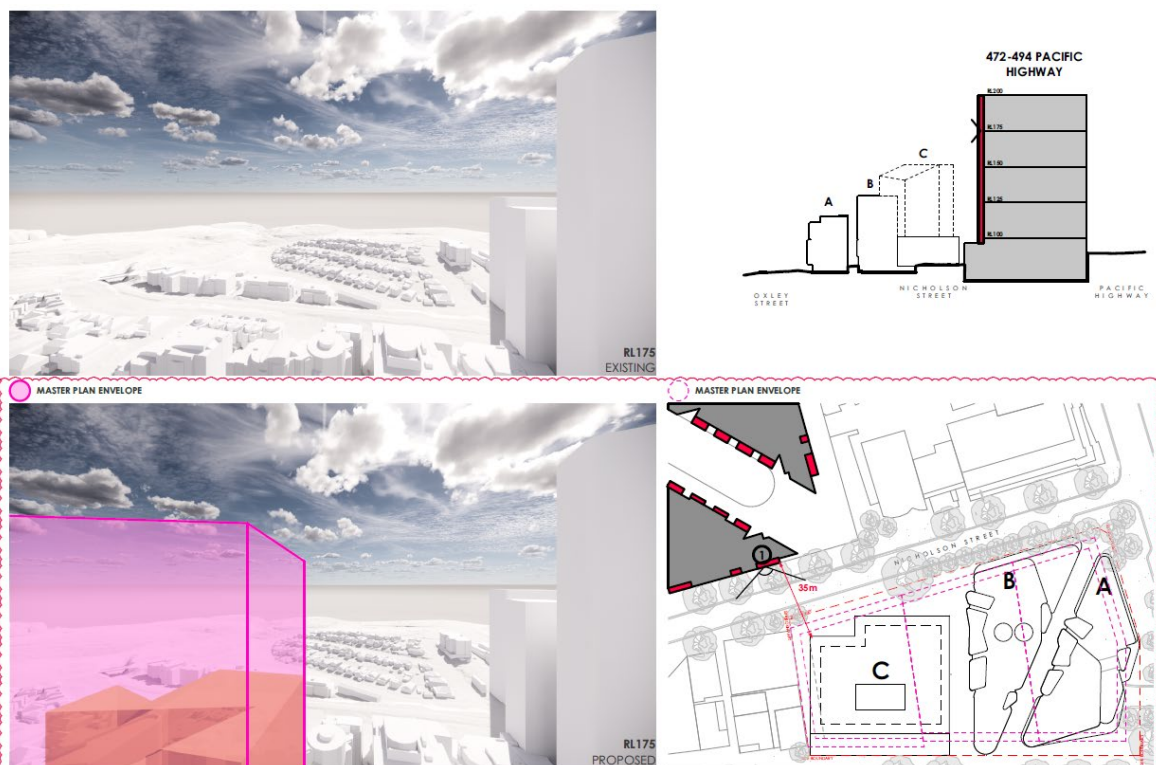
A response is provided in **Table 1** below to the issues raised in Council's correspondence dated 6<sup>th</sup> April 2021.

Table 1 Response to Council's comments

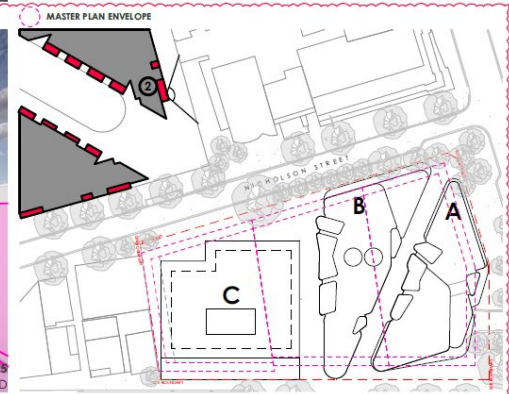
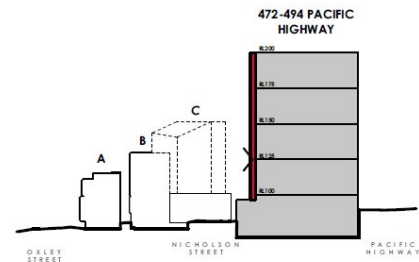
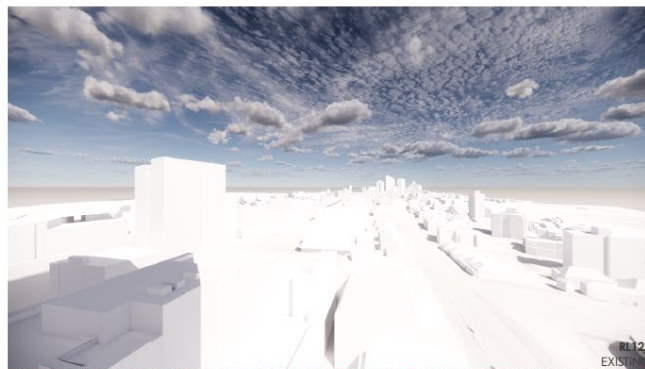
Comment	Response
<b>1. Built Form</b>	
<p><b>Building Height and Floor Space Ratio (FSR)</b></p> <ul style="list-style-type: none"> <li><i>View analysis: The submitted view analysis is to be expanded to show the loss of view resulting from the non-compliant section of Buildings A and B with the height control under the St Leonards and Crows Nest 2036 Plan.</i></li> </ul>	<p>The view analysis prepared by Fitzpatrick + Partners has been updated to show the St Leonards and Crows Nest 2036 Plan (2036 Plan) building envelopes to facilitate a comparison between those permitted under the 2036 Plan and the proposed building envelopes.</p> <p>An extract of the view analysis is provided at <b>Figure 1</b> below.</p> <p>Refer to drawing numbers DA 42-55, Rev D at <b>Appendix A</b>.</p>
<ul style="list-style-type: none"> <li><i>Clause 4.6: The Sydney North Planning Panel will consider the Clause 4.6 written requests to vary the height and FSR development standards based on merit. These justifications should be succinct. As per comments above, the Clause 4.6 is to be revised to address the impacts of a compliant scheme with the building heights indicated under the 2036 Plan for Buildings A and B in terms of views, privacy amenity, and solar access for impacted existing and approved surrounding residential development.</i></li> </ul>	<p>The clause 4.6 variation request for height has been revised to assess the impacts of the proposed height variation in comparison to a development with a compliant LEP height and a development with a compliant building height under the 2036 Plan.</p> <p>The assessment demonstrates that the proposed height of buildings is suitable for the site in the context of the locality and will result in negligible impacts beyond those associated with a height compliant with the 2036 Plan. In regard to view loss, the proposed development will result in a better outcome for the residential units to the north-east of the site in relation to Building C when compared to the allowable height under the 2036 Plan. The minor exceedance in height beyond the 2036 Plan envelope for Building A and B does not result in significant view loss from the residential units to the north-east, noting that views to the North</p>

Comment	Response
	<p>Sydney CBD will be retained from the residential units of 472-494 Pacific Highway.</p> <p>The amended clause 4.6 variation request for building height is provided at <b>Appendix D</b>.</p> <p>A clause 4.6 variation request for FSR was submitted with the original DA and remains applicable to the proposed development.</p>

Figure 1 Updated view analysis



The above image shows that views will be retained from the upper levels of 472-494 Pacific Highway as a result of the proposed Building C envelope (shown in orange), in comparison to an envelope permitted under the 2036 Plan (shown in pink).



The above image shows that views to North Sydney CBD will be retained from the residential component of 472-494 Pacific Highway notwithstanding the minor exceedance of the proposed Building A and B height beyond the envelope permitted under the 2036 Plan (shown in pink).

### Street Setbacks and Street Wall Height

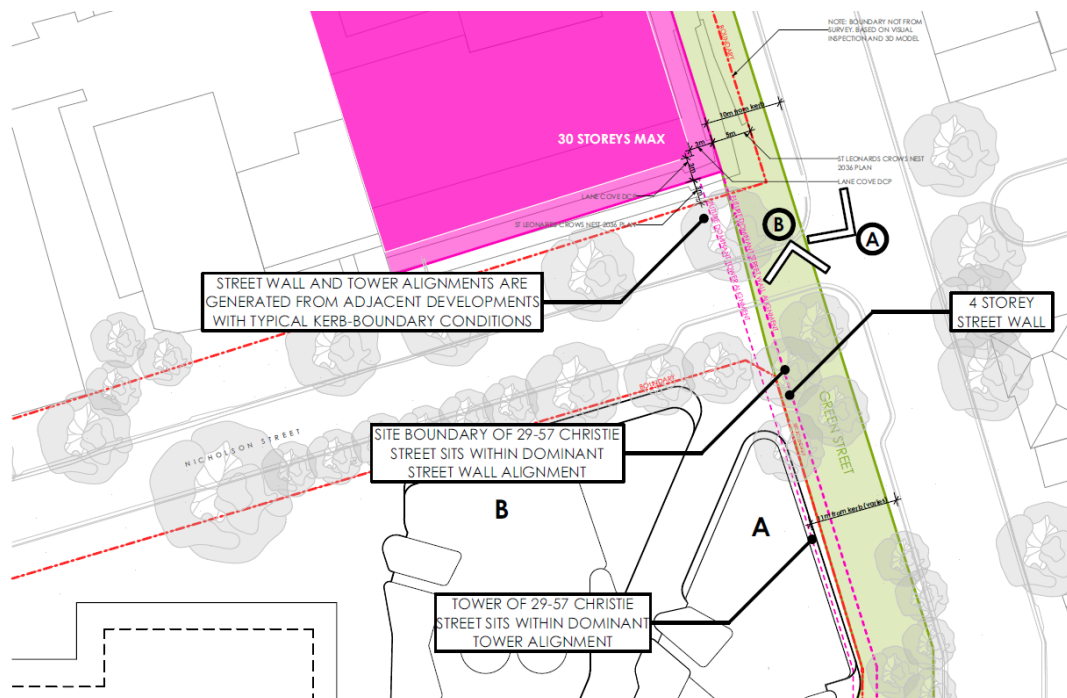
- 2m setback to Oxley Street for the northern wall to Building A is inconsistent with 5m setback under the 2036 Plan and is not supported due to the length of the non-compliant wall and associated increase in perceived and actual bulk at the pedestrian scale.

The proposed setback at the northern wall of Building A is considered appropriate in the unique circumstances of the site. The project architect has undertaken extensive investigations to inform the siting of the built forms including analysis of site boundaries and building alignments of other sites along Oxley Street.

The analysis presented in drawing RFI 01 and RFI 02 of the architectural package at **Appendix A** clearly demonstrates that the Oxley Street boundary of the sites to the north-east of the site align with the public footpath along Oxley Street, meaning a 5m setback from this boundary will provide additional amenity to pedestrians at this location. In contrast, a 10m-wide landscaped strip sits between the Oxley

	<p>Street boundary of the subject site and the road reserve which provides a generous setback to the proposed built form. The 10m-wide landscaped strip will be the subject of public domain upgrades and tree planting as part of the DA. These unique conditions of the site do not warrant a further 5m setback from the site boundary as it is considered that the proposed siting meets the intent of the setback control and aligns with the dominant building alignment along Oxley Street.</p> <p><b>Figure 2</b> below demonstrates the appropriate siting of the development in the context of the existing building at 40 Oxley Street and in a future scenario if that site was redeveloped.</p> <p>Refer to drawing RFI 01 and RFI 02 at <b>Appendix A</b> for further information.</p>
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Figure 2 Site setback analysis



Source: Fitzpatrick + Partners

<ul style="list-style-type: none"> <li>▪ <i>The 600mm setback of the western tip of Building B shall be increased to at least 3200mm (Note: 5m setback specified).</i></li> </ul>	<p>The proposed 600mm setback on the western tip of Building B has been purposely designed to align with the existing and retained Building C and the new civic green alignment, as demonstrated on drawing number RFI 02 at <b>Appendix A</b>.</p> <p>This results in an improved built form presentation to the Christie Street civic green, particularly when approaching from Oxley Street. At ground level this corner is proposed to be occupied by a café which will have floor to ceiling glazing to reduce the visual perception of bulk at this corner. The architectural design and proposed use will combine to activate this corner.</p>
<ul style="list-style-type: none"> <li>▪ <i>The proposal is to be amended to comply with the street wall heights specified for the site under the 2036 Plan. Improved articulation/modulation of the facades to be addressed.</i></li> </ul>	<p>The proposed street wall heights have also been informed by detailed context analysis.</p> <p>The street wall of Building B complies with the 4-storey street wall height nominated by 2036 Plan.</p> <p>Across Nicholson Street, the future street wall is 4 storeys.</p> <p>Under the 2036 Plan, the street wall height for Building A to Oxley Street is 3 storeys and to Christie Street is 4 storeys.</p> <p>The street wall of Building A has been designed to align with the adjacent sites providing:</p> <ul style="list-style-type: none"> <li>- a stronger and more resolved urban form.</li> <li>- a better architectural response to the corner and reading of Building A and B as a pair of buildings.</li> <li>- a prominent demarcation of the through-site link between Building A and B.</li> </ul> <p>The proposed street wall height, in combination with the varied architectural form and appropriate street setbacks, removes any</p>

	<p>perception of visual bulk and reduces the visual scale of the development.</p> <p>It is considered that the proposed street wall heights are entirely appropriate for the site and the proposed built form will deliver a quality streetscape and urban design outcome.</p> <p>Refer to drawing number RFI 03 at <b>Appendix A</b>.</p>
<b>2. Waste Management</b>	
<p><b>Swept Path Analysis</b></p> <ul style="list-style-type: none"> <li>▪ <i>Swept Path Analysis is to be submitted to show that waste trucks can enter and exit the loading dock in a forward direction.</i></li> </ul>	<p>A Swept Path Analysis is provided in the traffic response prepared by PTC, provided at <b>Appendix C</b>.</p> <p>The Swept Path Analysis demonstrates that waste trucks can enter and exit the loading dock in a forward direction.</p>
<b>3. Landscaping</b>	
<p><b>Communal Open Space Areas</b></p> <ul style="list-style-type: none"> <li>▪ <i>Details of services/facilities for the rooftop open space areas are to be provided.</i></li> <li>▪ <i>Consideration to be given to retractable shade devices to the northern side of the level 4 and 6 terrace areas.</i></li> <li>▪ <i>Solar access should inform plant selection to the communal open space areas to ensure longevity.</i></li> </ul>	<p>Service/facilities details for the rooftop open space of Building A are provided on drawing number DA 15, Rev D.</p> <p>Retractable shade devices are shown on Level 4 and Level 6 terraces of Building A on drawing number DA14, 20 and 22, Rev D.</p> <p>Arcadia have confirmed that the plants nominated for the communal open space areas are suitable for the level of solar access they will received – refer to Landscape Plans provided at <b>Appendix B</b>.</p>
<p><b>Revised Landscape Plan</b></p> <ul style="list-style-type: none"> <li>▪ <i>The submitted Landscape Plan does not address the two (2) exhaust towers that appear on the eastern side of the “Arcade”. Revised landscape documentation is to be submitted to address this.</i></li> </ul>	<p>The landscape plans have been updated to locate planting to be around the exhaust towers to avoid potential conflicts with planting – refer to Landscape Plans and p18 of Landscape Design Report provided at <b>Appendix B</b>.</p>

<ul style="list-style-type: none"> <li>▪ <i>Planting in the Arcade should incorporate more shade tolerant plants.</i></li> </ul>	<p>Additional shade tolerant plans have been incorporated into the landscape design – refer to Landscape Plans at <b>Appendix B</b>.</p>
<ul style="list-style-type: none"> <li>▪ <i>An in-depth solar access analysis is to be conducted to ascertain how much direct natural sunlight will be available to all external spaces.</i></li> </ul>	<p>A solar analysis is provided at p37-40 of the Landscape Design Report at <b>Appendix B</b>.</p> <p>The solar analysis demonstrates that the rooftop open spaces for Building A and B will receive the greatest extent of solar access in the morning hours of June 21<sup>st</sup>. The civic green on Christie Street will receive limited solar access on June 21<sup>st</sup>, however this space will receive solar access from 1pm on September 21<sup>st</sup>.</p>
<ul style="list-style-type: none"> <li>▪ <i>Seating in the entry grove is to be fully detailed in the revised landscape package.</i></li> </ul>	<p>Seating in the entry grove has been detailed in Sheet 136 of the Landscape Plans (<b>Appendix B</b>).</p>
<ul style="list-style-type: none"> <li>▪ <i>Details of the three (3) proposed trees to the Christie Street entrance are to be fully detailed including species, pot size and height at maturity. More advanced species at the time of planting are encouraged.</i></li> </ul>	<p>These trees have been fully detailed within the Landscape Plans provided at <b>Appendix B</b>.</p>
<ul style="list-style-type: none"> <li>▪ <i>A table is to be detailed on the landscape drawings of the existing trees and shall include the following information: assigned number, species, height, trunk diameter and canopy spread with reference to the Arborist Report Impact statement.</i></li> </ul>	<p>A table is provided in Sheet 001 of the of the Landscape Plans addressing the criteria nominated by Council.</p>
<ul style="list-style-type: none"> <li>▪ <i>The planting schedule outlines 20 x 800 litre Corymbia citriodora trees which is considered to satisfactorily offset the tree canopy loss, however, some of these species appear to be specified for free standing pots. This needs to be reviewed by Arcadia and fully resolved and presented to Council's Landscape Architect for approval.</i></li> </ul>	<p>This has now been clarified in the Landscape Plans to show these trees are <b>not</b> in freestanding pots.</p>

<ul style="list-style-type: none"> <li>▪ <i>Accessibility compliance of through-site-linkages to the external spaces is to be demonstrated.</i></li> </ul>	<p>Accessible access between Christie Street and Nicholson Street is provided by a combination of pathway and lift access in Building B.</p> <p>The accessible path of travel is shown on drawing number RFI 05 at <b>Appendix A</b>.</p>
<ul style="list-style-type: none"> <li>▪ <i>Line of existing basement to be clearly shown on drawings to indicate any additional excavation outside of existing basement and building footprint that might be used to maximise opportunities for deep soil planting.</i></li> </ul>	<p>The line of the existing basement has been added to the Landscape Plans. See Sheet 114 at <b>Appendix B</b>.</p>
<ul style="list-style-type: none"> <li>▪ <i>Details of plantings to perimeter planter boxes as depicted in landscape package and architectural plans to be provided.</i></li> </ul>	<p>Details have been provided on p29 of the Landscape Design Report.</p>
<b>4. Traffic</b>	
<p><b>Traffic impact modelling</b></p> <ul style="list-style-type: none"> <li>▪ <i>The traffic impact is to be assessed in AIMSUM utilising the traffic model prepared by TEF Consulting for the St Leonards South precinct. This model contains the projected traffic volumes for the year 2021 as well as the cumulative traffic impacts of previously approved large-scale developments.</i></li> </ul>	<p>PTC have provided a response to this request in their letter at <b>Appendix C</b> which concludes that the use of AIMSUM modelling is unnecessarily onerous and would take a significant amount of time to complete. SIDRA modelling is considered appropriate for the proposed development as it is widely used across Sydney LGAs and is supported by TfNSW.</p> <p>Similar scale developments in the vicinity of the site (e.g., 88 Christie Street) have provided their assessment through SIDRA under the endorsement of TfNSW which was accepted by Council under DA-6/2018.</p>
<p><b>On-site Accessible parking provision</b></p> <ul style="list-style-type: none"> <li>▪ <i>The development has a short fall of 15 accessible parking spaces and is required to be provided as per Lane Cove Council's DCP Part R</i></li> </ul>	<p>PTC has reviewed this issue and provide their response at <b>Appendix C</b>. In summary, PTC conclude that the proposed provision of 12 accessible parking spaces is appropriate for the large scale of development proposed and in the context of surrounding LGA accessible parking requirements.</p>

	PTC consider Lane Cove Council's DCP requirements for accessible parking to be more suited to smaller-scale developments and that neighbouring LGA's including North Sydney and Willoughby LGA have DCP accessible parking requirements that are more suited to this type of large-scale development. Therefore, their rates were considered in PTC's accessible parking assessment. The proposed development provides in excess of the accessible parking requirement set out in both North Sydney and Willoughby Council LGA.
<b>Driveway</b> <ul style="list-style-type: none"> <li><i>Details of the driveway profile are to be provided.</i></li> </ul>	Sections are provided in the architectural drawing package under drawing number RFI 07, provided at <b>Appendix A</b> which detail the driveway profile.
<b>Vertical clearance</b> <ul style="list-style-type: none"> <li><i>Vertical clearance for the waste collection vehicle(s) is to be provided in accordance with relevant standards.</i></li> </ul>	<p>Vertical clearance is shown on drawing number RFI 07, provided at <b>Appendix A</b>.</p> <p>The vertical clearance will enable waste collection vehicles to enter and leave the site in accordance with the relevant standards.</p>
<b>Pedestrian access</b> <ul style="list-style-type: none"> <li><i>Note: The existing pedestrian access from Oxley Street to Christie Street is to be maintained post construction. This matter can be conditioned.</i></li> </ul>	Noted. A note has been added to drawing number DA-09 to this effect and can be conditioned.
<b>5. Streetscape</b>	
<ul style="list-style-type: none"> <li><i>Consideration to be given to the integration of any utility/services infrastructure (fire hydrants etc.) and provider requirements into the design of the building with minimal visibility from the public domain.</i></li> </ul>	Integration of utilities and services infrastructure is demonstrated on drawing number RFI 04, provided at <b>Appendix A</b> .
<ul style="list-style-type: none"> <li><i>Clarification sought regarding awning projections depicted in Architectural Design Statement over lower plaza beyond the property boundary.</i></li> </ul>	The awning projections on the western side of Building A and B are now indicated on drawing number DA-09, provided at <b>Appendix A</b> .

	These awning projections contribute to the architectural expression of the proposed development and offer weather protection at the Christie Street entrances to Building A and B.
<ul style="list-style-type: none"> <li>Refer above comments re: street wall heights and articulation.</li> </ul>	Addressed under Issue 1 above.
<b>6. Amenity</b>	
<ul style="list-style-type: none"> <li>Consideration of acoustic amenity to external roof top open space areas in close proximity to mechanical plant.</li> </ul>	<p>While detailed design and selection of mechanical plant is still underway, the Acoustic Report submitted with the DA includes suggested acoustic treatments for the proposed mechanical plant and HVAC equipment to limit noise emissions and mitigate adverse impacts associated with the equipment. Treatment can include a combination of any of the following depending on the final design of the plant:</p> <ul style="list-style-type: none"> <li>Selection of low noise units.</li> <li>Strategic location of equipment away from most sensitive receivers.</li> <li>Duct internal acoustic lining.</li> <li>Acoustic attenuators.</li> <li>Acoustic louvres.</li> <li>Acoustic barriers.</li> </ul> <p>The rooftop plant will be designed to comply with NSW Environmental Protection Agency (EPA) guidelines in relation to industrial noise.</p>

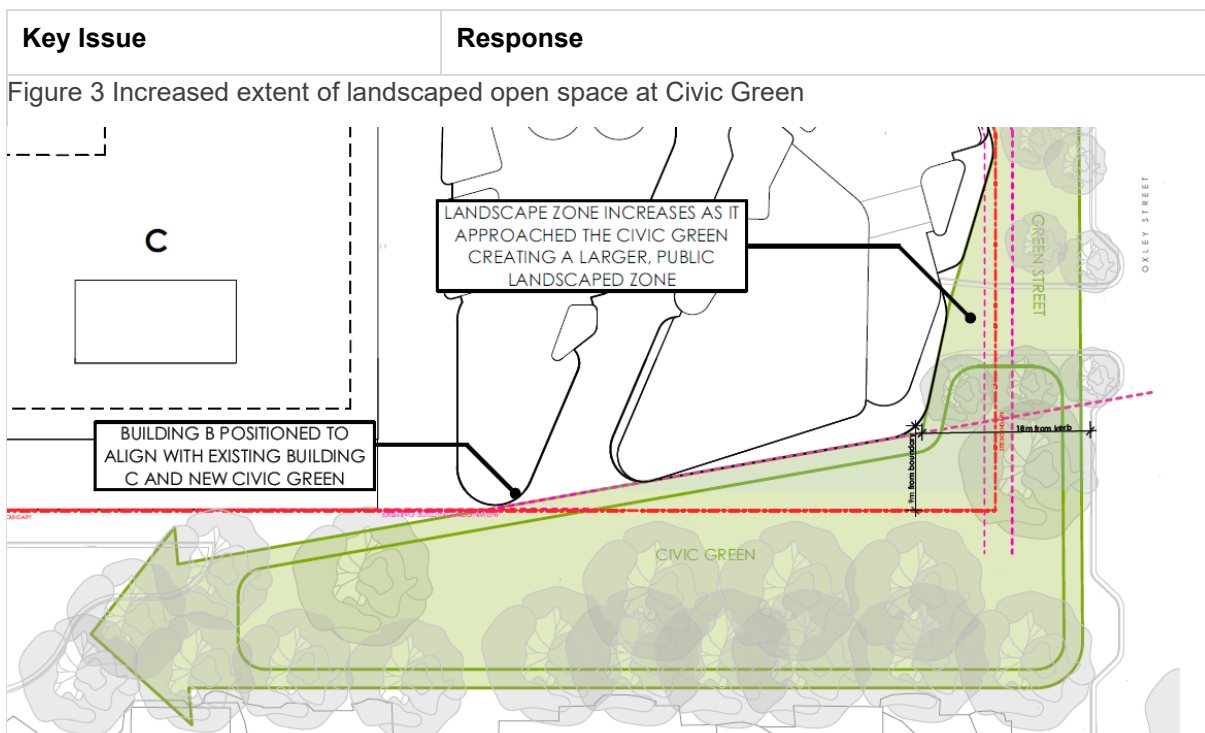
### 3. RESPONSE TO SUBMISSIONS

The key issues raised in the public submissions to the DA are provided with a response in **Table 2** below.

Table 2 Response to public submissions

Key Issue	Response
Traffic and Parking Impacts	<p>The Traffic Impact Assessment prepared for the DA provides an assessment of the traffic impacts associated with the proposed development and has concluded that the development will not result in adverse impacts to the surrounding road network or the availability of street parking in the vicinity of the site.</p> <p>The proposed alterations and additions to the basement car park result in a net increase of only 37 spaces, which is assessed as resulting in limited additional traffic within the local and regional road network, and appropriate for the proposed use in a highly accessible location.</p> <p>The proposed extent of parking has been assessed as acceptable in the context of the site's proximate location to numerous public transport services including St Leonards Railway Station, Crows Nest Rail and Metro Station and bus services along the Pacific Highway.</p>
Height of buildings and associated amenity impacts including overshadowing, privacy and view impacts	<p>The proposed height of buildings A and B and envelope for Building C has been guided by the built form controls contained in the 2036 Plan.</p> <p>The objectives of the 2036 Plan include the requirement to contain taller buildings between St Leonards Station and Crows Nest Metro Station. In addition, the 2036 Plan includes an action to provide appropriate transitions in height to adjoining low scale residential areas. The heights of the proposed three buildings have been deliberately designed to provide the lowest built form closest to the low-density locality to the south across Oxley Street and the highest built form closest to St Leonards Station and the taller buildings fronting the Pacific Highway to the north.</p> <p>It is noted that the height of Building C is well below the 25-storey height control nominated for the site under the 2036 Plan. Whilst the height of Building A and B are above the 6 and 11-storey height limits for the site under the 2036 Plan, the proposed height of 8 and 12 storeys for Building A and B respectively do not result in any material adverse impact when</p>

Key Issue	Response
	<p>compared with a 'compliant' building envelope under the 2036 Plan.</p> <p>The additional view analysis provided at <b>Appendix A</b> demonstrates that the proposed heights result in a similar or better view impact in comparison to a compliant scheme under the 2036 Plan.</p> <p>The proposed height variation retains a greater degree of view sharing from the upper-level residential units at 472-494 Pacific Highway in relation to Building C, in comparison to a building with a height of 25-storeys which would be compliant under the 2036 Plan.</p> <p>In addition, the proposed building height of Build A and B retain views to the North Sydney CBD from the residential units at 472-494 Pacific Highway.</p> <p>The amended clause 4.6 for height provided at <b>Appendix D</b> provides further justification for the proposed height of buildings, including lack of adverse environmental impact in relation to privacy, overshadowing and view loss.</p>
Removal of childcare centre	<p>There is potential for a childcare centre to occupy a commercial tenancy within Building A or B, subject to future DA approval.</p>
Reduction of landscaped open space and sunlight to open spaces	<p>The proposed development will result in an increase in publicly accessible landscaped open space through the provision of increased setbacks beyond those required by the 2036 plan at the south-western corner of the site where the civic green meets Oxley Street (shown in <b>Figure 3</b> below). Increased setbacks combined with integration of the site's public domain with the enhanced Christie Street Reserve (to be known as Civic Green) will create a high-quality landscaped open space.</p> <p>Extensive upgrades are proposed to the quality of the existing open space within the existing Christie Street Reserve to make this space more usable and enjoyable for the public.</p>



Source: Fitzpatrick + Partners

Construction impacts	<p>The DA is accompanied by a draft Construction Management Plan which sets out measures to mitigate potential adverse impacts associated with the construction of the proposed development.</p> <p>Appropriate conditions of consent can be imposed to require a comprehensive CMP to be prepared (by the principal contractor once appointed) and submitted to the PCA which will include appropriate management and mitigation measures in regard to construction traffic, noise and waste.</p>
Use of clause 4.6 to justify extent of height and FSR variations.	<p>The use of clause 4.6 to justify the proposed height and FSR variations has been discussed on numerous occasions with Council prior to lodgement of the DA. No objections were raised by Council to this approach during pre-lodgement discussions held with Council.</p> <p>Clause 4.6 is considered an appropriate mechanism to justify the proposed variations as it can be demonstrated that the proposed LEP height and FSR controls are unreasonable and unnecessary in the context of the 2036 Plan, there are sufficient environmental grounds to permit the variations in this</p>

Key Issue	Response
	instance, and the proposed development will deliver a public benefit in the form of an enlarged and enhanced publicly accessible open space to be known as Civic Green, without delivering any adverse impacts in terms of view loss, overshadowing or building scale.

## 4. CONCLUSION

This letter and annexed documentation have been prepared to address the matters raised by Council in the preliminary assessment of DA-2020/171 and the public submissions received from the exhibition of the DA.

As outlined throughout this letter and supporting documents, the proposed development is suitable for the site and locality, environmental impacts have been assessed as acceptable and the proposed development is in the public interest.

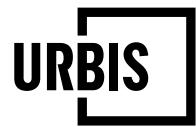
We would be happy to meet with Council to discuss the contents of this letter.

If you have any questions on the enclosed, please do not hesitate to contact me.

Yours sincerely,

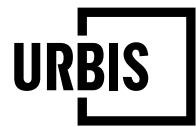


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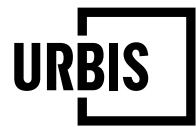
## **APPENDIX A**

## **ARCHITECTURAL PLANS**



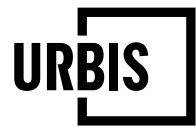
## **APPENDIX B**

## **AMENDED LANDSCAPE DESIGN REPORT AND LANDSCAPE PLANS**



## **APPENDIX C**

## **TRAFFIC RESPONSE**



## **APPENDIX D**

## **AMENDED CLAUSE 4.6 VARIATION FOR HEIGHT**