

18 December 2019
15254

Craig Wrightson
General Manager
Lane Cove Council
48 Longueville Rd
Lane Cove NSW 1595

Attention: Michael Mason, Executive Manager Environmental Services

Dear Mr Wrightson,

**Planning Proposal – Revised Scheme
524-542 Pacific Highway, St Leonards (Telstra Exchange Site)**

Following our meetings of 10 October 2019 and 22 November 2019 including representatives from the NSW Department of Planning, Industry and Environment (DPIE), we hereby submit a revised scheme on behalf of Grocon for the planning proposal for the Telstra Exchange Site that is currently being considered by Council.

This letter provides additional information to address the revised scheme and is accompanied by the following documents:

- Supplementary design information prepared by PTW Architects (**Attachment A**); and
- Proposed LEP mapping (as revised) (**Attachment B**).

1.0 Overview

The revised concept has been refined so as to eradicate any doubt over the Lane Cove Council and DPIE position that new development should not overshadow low density residential areas outside the boundary of the LUIP 2036.

As a result, the Planning Proposal seeks the following:

- A B4 Mixed Use zoning;
- A (revised) maximum FSR control of 21.3:1, including a commercial FSR of 4.1:1;
- A maximum height of building control 182m.

The revised LEP mapping as a result of this plan revision are included as **Appendix B**.

The 53-storey building will contain:

- Ground / Upper Ground and mezzanine levels responding to the slope of the ground floor plane;
- 10 storeys of commercial uses;
- 39 storeys of residential (Build to Rent) uses providing 330 apartments;
- 1 level of lounge and amenities for residents and occupants.

2.0 Key Issues Addressed

Council noted that the proposal may not comply with the sun access plane in the DPIE Draft 2036 Plan as the shadow impacted on residential areas outside the nominated boundary. However, the Draft 2036 Plan shows a boundary for 'residential outside boundary', to which the sun access plane relates as reproduced at **Figure 1**.



Figure 1 Residential outside boundary

Source: Draft St Leonards and Crows Nest 2036 Plan

The boundary commences approximately one lot back from River Road.

Notwithstanding this, the scheme has been amended to ensure that the proposed shadow **does not affect any residential areas south of River Road**, as shown in **Figure 2**.

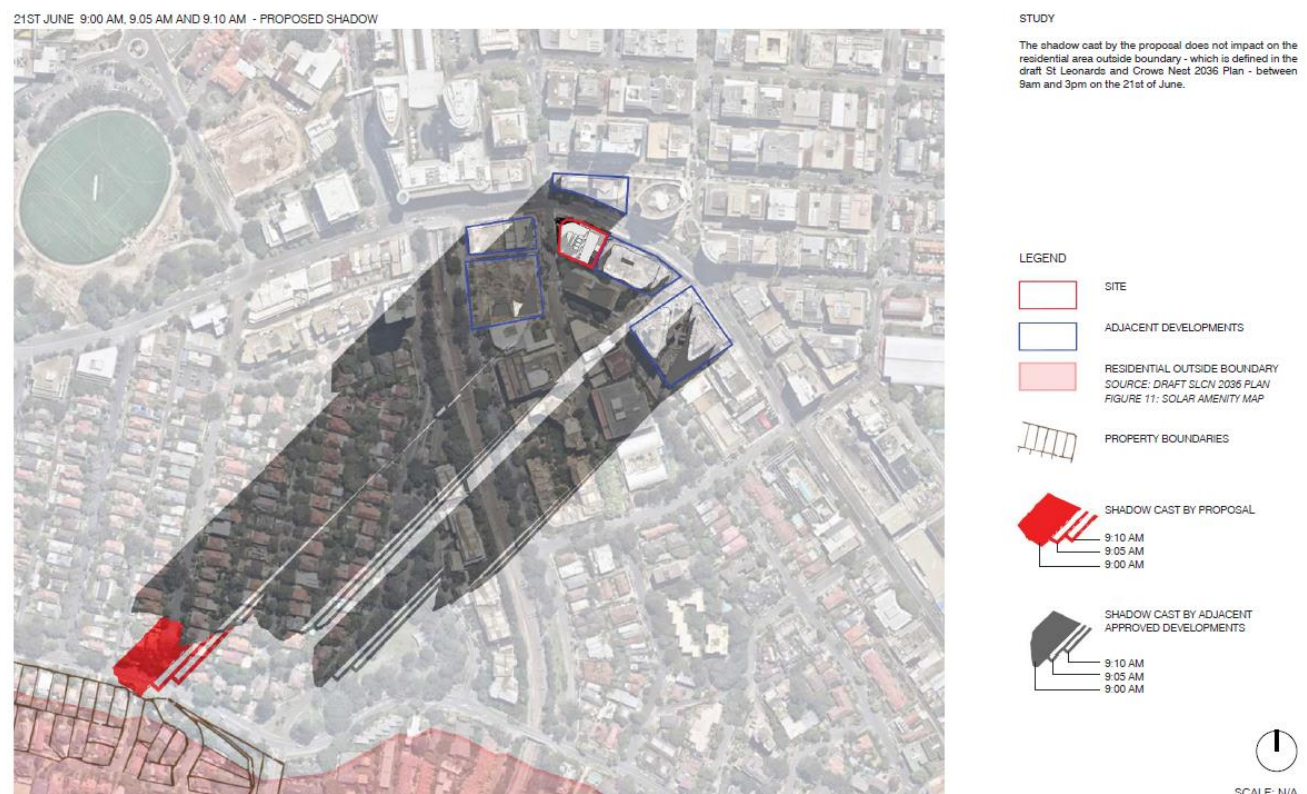


Figure 2 Residential outside boundary

Source: Draft St Leonards and Crows Nest 2036 Plan

PTW has undertaken detailed analysis to detail a scheme that does not encroach on the 'residential outside boundary' area.

Based on this analysis, our view is that the proposal complies with the 'residential outside boundary' sun access plane as defined by the Draft 2036 Plan.

2.1 Shadow Impact to Newlands Park

In addition to the arguments already put before Council as part of the all previous planning and design submissions, we highlight the Stage 2 Urban Design Study prepared by SJB that underpins the 2036 Plan states the following regarding overshadowing impacts (our emphasis):

*"Built form controls have considered overshadowing of critical open spaces and surrounding low density residential areas, ensuring future envelopes do not result in **additional significant impact** within the time periods identified below. **The degree of acceptable additional impact has been assessed according to the site-specific characteristics and existing performance quality of each space.**"*

Based on this statement, there is an acknowledgement that the controls proposed for other sites in the 2036 Plan allow some flexibility in the nominated sun access planes recommended by the same plan.

Further, the DPIE have clearly intended that it will be Council that will make the end plans as directed in the LUIP 2036. Therefore, these shadowing controls will be absorbed into the Lane Cove Council DCP, which, in relation to (B.6) Environmental Management; Section 6.1 Sunlight to Public Spaces states:

"Sun access especially during lunchtime hours is desirable in all public spaces. Therefore overshadowing of major public or urban space should be avoided during the lunchtime period in commercial and retail centres throughout the Lane Cove LGA.

The objectives for sunlight to public spaces are:

- a) To create public spaces with **high amenity** that encourages visitors to linger.*
- b) To ensure that there is adequate sun access to publicly accessible spaces during winter **at times of the day when the space is likely to have its highest use by visitors and residents.***
- c) To provide sufficient **sunlight access for the growth of mature landscaping**"*

The proposed development is entirely consistent with this statement and the objectives of the control as the proposal does not affect the amenity of Newlands Park, particularly at key hours such as lunchtimes and will not affect the ability of mature landscaping to access sunlight.

Critically, the proposal meets the Council's DCP provisions in that "New development must allow for a minimum of 2 hours of solar access to at least 50% of new and existing public open areas or plazas between the hours of 11am and 2pm on 21st June."

This is demonstrated in full in **Figure 3** below.



Figure 3 Proposed Shadow – 21 June 10.15 – 10.45am
Source: PTW Architects

2.2 Consideration of Planning Proposals

As Council is aware, a planning proposal must demonstrate strategic merit (Department of Planning and Environment, *A Guide to Preparing Planning Proposals*, page 5). This means that it must “*give effect to the relevant 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 Guide to Preparing Planning Proposals*, page 12).

This Planning Proposal is consistent with the Draft 2036 Plan vision statement.

Council will continue to have the responsibility of assessing planning proposals for land within the Lane Cove LGA and, as part of this assessment, Council will consider whether a proposal demonstrates strategic merit (and site-specific merit) and will resolve whether or not to allow the proposal to proceed through the Gateway process. If Council is concerned about the Draft 2036 Plan being undermined, it can address this during its own assessment of individual planning proposals against the provisions of the Draft 2036 Plan.

We are of the opinion that the proposal meets the requirements and necessary tests of both strategic and site-specific merit.

3.0 Conclusion

We trust this revised scheme serves to address the most recent issues raised by Council. This material is to be read as part of the full suite of documents already submitted as part of the planning proposal for the site.

Should you have any questions, please feel free to contact me at tgoode@ethosurban.com.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tom Goode', followed by a period.

Tom Goode
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