



# Lane Cove Council

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30 August 2010  
Our ref: 35584/10

Major Projects Assessment,  
Department of Planning,  
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SYDNEY NSW 2001  
via email to: [plan\\_comment@planning.nsw.gov.au](mailto:plan_comment@planning.nsw.gov.au)

Dear Sir or Madam,

**RE: 88 CHRISTIE STREET, ST LEONARDS - CONCEPT PLAN APPLICATION No. MP09\_0210**

I refer to your letter of 1 August 2010 inviting submissions on the Concept Plan application no. MP09\_0210 for 88 Christie Street, St Leonards. Council wishes to make the following comments.

Council welcomes the project's potential contribution to the reinvigoration of the southern side of St Leonards commercial centre, in particular the introduction of a pedestrian retail/café precinct linking the Lithgow Street rail tunnel entry with Nicholson Street and the centre's eastern portion.

Council, however, emphasizes the importance of balancing these goals with consideration of the site's context, in particular protection of the amenity of surrounding residential development.

The Director-General's Requirements in February for the Concept Plan included that: "The Environmental Assessment shall address the height, bulk and scale within the context of the locality". That context includes the existing residential development in Lane Cove, Willoughby and North Sydney, and should be recognized by compliance with LEP 2009's height standard. Council's aim is to minimize loss of local amenity while providing adequate scale to ensure the revitalization of the St Leonards Specialised Centre.

Consequently the following issues should be addressed by amendment to the Concept Plan as a pre-requisite to its approval.

**Height standard under LEP 2009**

The proposal breaches LEP 2009's development standard of a maximum 65 metres height, and resultant height plane, as follows:-

Site corner	LEP 2009 – 65 metres max	Winten	Breach	Effectively in excess by
North-western corner - Pacific Highway/ Lithgow St	RL141.60	149.75	8.15m	1 ¼ storeys
North-eastern corner – Pacific Highway/ Christie St	RL145.65	149.75	4.10m	¾ storey
South-western corner Lithgow St/ No.73 Lithgow St	RL140.35	149.75	9.4m	2 storeys
South-eastern corner Christie St/ No.84 Christie St	RL144.50	149.75	5.25m	1 ¼ storeys

- (ii) **Precedent under LEP 2009:** It would set an undesirable precedent under the new LEP 2009, for future DAs to seek comparable breaches, if this application's height were approved.

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Council's firm policy is to require compliance throughout the municipality generally, based on the important principles of ensuring equity and consistency in character within each zone. This is particularly important since the LEP was notified only in February 2010 and Council has required applicants in other areas to comply, an approach supported in recent briefings with the Joint Regional Planning Panel.

- (iii) **Precedent under NSW Standard LEP:** It would set an undesirable precedent under the new NSW Standard LEP if this development were not required to comply with the definition of height, especially as this is one of the new system's first LEPs. "Building height" is defined as "including plant and lift overruns".

The applicant's reliance on "architectural roof features" is not justified. Under the NSW Standard LEP's clause 5.6, development consent must not be granted unless the consent authority is satisfied that the architectural roof feature:-

- "comprises a decorative element": The fencing around the perimeter of the roofline is not decorative and does not in any way satisfy the clause's Objective of facilitating "innovative design". It is indistinguishable from being a disguise for the plant and lift overrun to avoid their inclusion under the height definition;
- "is not reasonably capable of modification to include floor space area": The fencing is one and a half storeys in height around an extensive rooftop area which could foreseeably be modified to contain future rooms;
- if including plant etc, these are to be "fully integrated into the design of the roof feature": That is not the case and it is likely that they would be clearly viewed as a service box from higher apartments to the north;
- "will cause minimal overshadowing": The addition of an extra 5.7m high "decoration", three-dimensional in effect over the entire building, increases shadow compared with decorative embellishments typically set on only a part of a roof.

- (iv) **View loss:** View loss should be minimized. The proposal is 18 ½ storeys viewed from The Forum to the north. If the LEP's height is complied with, the building would be reduced to 15 storeys (RL136.65, as shown on the northern elevation plan PA05-004) plus plant room/ lift overrun (shown as 5.7m high and set in 1 metre from each side, on the southern elevation section plan PA06-0). As the site is set a storey lower than the Forum due to topography, the proposal would then be in effect 14 storeys plus plant/ lift overrun viewed from the Forum. The proposal would be more acceptable to Council as it would then be close to the height of the Forum's lower portion. This is important as it would preserve views for most of the Forum's residential tower units as intended by Council in setting its LEP controls.
- (v) **Shadowing:** Shadowing should be minimized by compliance with the height standard in view of the site's proximity to residential zoning and open space, including Christie Street South park, where even minor increases in sunlight are beneficial.
- (vi) **Balance of economic viability with amenity:** The LEP's height and floor space standards should both be complied with, not either one in the alternative. Compliance with the height standard would not preclude the viable and economic transition of the commercial area's character, given the generous FSR increase under LEP 2009 relative to the site's former controls of only FSR 2:1, and having regard to other submissions received for the area during the LEP's preparation.
- (vii) **Concept Plan exceeded:** The Concept Plan application submitted by Winten in February 2010 (your ref: MP\_090210 of 16 February 2010) was for the development of a 16 storey building. Council response accepted this on the basis that it remained within the LEP height plane; however for the reasons above the building itself should be reduced to 15 storeys to allow for the 5.7 plant/ lift overrun as indicated above.
- (viii) **LEP's height objective:** Exceeding the height standard does not satisfy the LEP's height objective of minimizing overshadowing and visual impacts of development on neighbouring properties, particularly where zones meet, notwithstanding that some impact is inevitable for the upgrading of the currently under-developed St Leonards Specialised Centre identified under Metropolitan Strategy for Sydney.

### **Traffic generation**

Lane Cove DCP's parking rate, coordinated currently with that of Willoughby Council opposite, is under review and may be reduced to minimise future vehicle generation in the centre, having regard to its location at a transport interchange. The car parking resulting from to an additional storey's floor space is not justified.

### **Pedestrian access**

Adequate pedestrian circulation space should be provided in accordance with the DCP's objectives and controls, by providing satisfactory setbacks around the site's perimeter as well as through the retail link. This is particularly important in Christie Lane, where afternoon peak hour vehicles would be exiting eastwards to Christie Street as pedestrians head westwards to the rail tunnel in Lithgow Street.

### **Sustainability**

The proposal's sustainability measures are supported in principle but references to 4.5/ 5star ratings in the documentation should be clarified.

### **Developer Contributions**

Council looks forward to discussing in detail with the developer the process for paying Section 94 contribution/ undertaking a Voluntary Planning Agreement, in confirmation of previous discussions with Council and the undertaking on page 18 of the JBA report.

### **Summary**

Council urges the Minister to ensure that this landmark development balances revitalization of the St Leonards Specialised Centre with a model precedent for compliance with the new NSW Standard LEP and Lane Cove LEP/ DCP's development standards and definitions.

Thank you for the opportunity to comment.

Yours sincerely,



Michael Mason,  
Executive Manager