

19 July 2011

**Concept Plan  
Commercial & Retail uses  
18 storey building envelope  
88 Christie Street St Leonards**

## **1.0 The Proposal**

The proposal seeks **concept plan approval** for:

- An 18 storey building envelope (plus plant) to a maximum height of RL 149.05m AHD with a maximum GFA of 32,599m<sup>2</sup>;
- 6 levels of basement parking for 294 cars, plus service and delivery vehicles;
- Retail/business premises including a café and commercial lobbies at the lower and upper ground levels. Commercial floor space on the upper ground level and levels 1-16; and
- A 1,806m<sup>2</sup> area of publicly accessible through site connection over lower and upper ground levels, colonnade to an upgraded streetscape area on Lithgow Street (subject to future application)

It is noted by the Commission that the subject application is a detailed Concept Plan.

## **2.0 Delegation to the Commission**

On 28 May 2011 the Minister for Planning and Infrastructure, the Hon Brad Hazzard MP, delegated his power to determine the application to the Planning Assessment Commission.

The Commission members nominated to determine the application were Ms Gabrielle Kibble, Emeritus Professor Kevin Sproats (Chair) and Mr Lindsay Kelly. Mr Kelly and Ms Kibble visited the site, Mr Sproats did not visit the site but is familiar with the area.

## **3.0 The Assessment Report**

The Director General's report identified the following key issues:

- Height
- Built form;
- View impacts and outlook; and
- Car parking and traffic.

## **4.0 Submissions to the Department of Planning**

A total of 37 submissions from the public and government agencies were received by the Department during the public exhibition period. The main issues raised in submissions related to:

- Loss of views;
- Height;
- Traffic Impacts;

- Reduction in property values;
- Non-compliance with LEP/DCP controls;
- Bulk and scale;
- Loss of residential amenity;
- Moral obligations of the developer to preserve the views for residents of the Forum buildings; and
- High vacancy rates of existing buildings

The Department considered that the issues raised in submissions can be addressed through appropriate conditions of consent and is satisfied that potential impacts have been adequately addressed by the proponent via the Environmental Assessment, Preferred Project Report, Statement of Commitments and the Department's recommended conditions of approval.

### **5.0 Meeting with the Department of Planning and Infrastructure**

The Commission met with senior Departmental staff on 8 July 2011 for a briefing. The discussion focused on the following issues:

- Building design including height;
- Council controls for the site;
- View loss; and
- Relationship with adjoining sites.

### **6.0 Meeting with Council**

On 12 July 2011, the Commission met with Council staff. The discussion focused on the following issues:

- Building design;
- Height;
- Traffic/car parking;
- View loss
- Potential for amalgamation with adjoining lots.

### **7.0 Meeting with the Proponent**

On 12 July 2011, the Commission met with the Proponent and its consultants. The discussion focussed on:

- Building design;
- Height;
- Traffic and car parking; and
- Attempts at amalgamation with adjoining lots and plans to do so in the future.

### **8.0 Commission's Comment**

The Commission has examined the documents and plans provided by the Department including the Director General's assessment report, public and agencies' submissions to the Department and the Commission and the preferred project report and has focussed on the following 6 key issues:

#### **8.1 Bulk and Scale**

The proposal seeks approval for an FSR of 12.6:1 which is under the LEP maximum for the site of 14:1. However, the proposal does not comply with the DCP controls for street frontage heights of 18m and set backs of 18m to Lithgow Street and 6m to Christie Street and Lane.

The Proponent has explained that these non-compliances are primarily due to land ownership constraints which mean that the site is not of the same dimensions as that which Council's controls have been provided for. The Proponent has also explained that in its current form, if the subject proposal was to comply with Council controls it would result in a tower footprint of approximately 850m<sup>2</sup> with 'L' shaped dimensions and would not be attractive for commercial tenants.

The Proponent addressed the issues of bulk and scale by increasing the setbacks of the proposal to the east and west boundaries from 5.3m to 7m on the lower levels and from 0 to 4m on the tower above. The north façade was also provided with further articulation at the corners to reduce the width of the building by 12m.

The Commission considers that the proponent has adequately addressed the issue of bulk and scale. The Commission also considers that the proposed building envelope is acceptable as it has been adequately demonstrated that the additional view and overshadowing impact of the proposed building envelope would be minor compared to that of a DCP compliant envelope.

## **8.2 View Impacts**

The Proponent's view analysis indicates that the proposal will impact primarily on southerly views from 20 apartments located between levels 15 - 24 within the Forum tower and 7 apartments between levels 17 - 23 of the Forum west of the building. The proposal will also impact upon the views from all levels of the commercial podium.

The Commission considers that the view impact of the proposal is reasonable as the proposal includes only minor non-compliances with the LEP height limit and any building envelope complying with Council's controls would provide only a relatively minor reduction in view loss when compared to that proposed.

It is also acknowledged that the proposal seeks to maximise the development opportunities in the LEP whilst meeting strategic objectives in the Metropolitan Plan and Sub-regional Strategy and any reduction in floor plate and height would fail to achieve the maximum development potential of the opportunities provided in the LEP.

## **8.3 Traffic and Car Parking**

The proposal includes the provision of 294 car spaces which complies with Council's DCP, however Council and Transport NSW advised that the proposal should reduce its car parking provision given its location in close proximity to public transport.

The Proponent indicated that the majority of additional traffic movements associated with the proposal will effect the intersections of the Pacific Highway/Oxley Street and the Pacific Highway and Christie Street. The Proponent's Traffic Study indicated that the highest levels of additional traffic (81 peak hour movements) are expected on Oxley and Lithgow Streets.

The Proponent's study estimated that the additional traffic could be accommodated within the existing road network without reducing the current level of service at key intersections. However the RTA raised concerns that the traffic generation rates forecast by the Proponent were based on rates generated by developments in North Sydney rather than St Leonards.

Using the higher rate of 0.8 vehicle movements per car pace as suggested by the RTA, it is estimated that the proposal would generate approximately 195 additional movements in the morning and even peak periods. Given the proximity of the proposal to public transport and to ensure that the additional traffic generated by the proposal could be accommodated on the local road network the Department recommended that the proposed number of parking spaces be reduced from 294 to 206 spaces.

The Commission supports this recommendation and considers 206 parking spaces to be sufficient for this proposal.

#### **8.4 Height**

The western portion of the proposed building exceeds the 65m height limit in the Lane Cove LEP by a maximum of 4.25m due to the fall from east to west.

It is considered that the exceedance in height is acceptable as the building will generally comply at the Christie Street frontage and the non-compliance is only 4.25m at the Lithgow Street frontage due to the sloping nature of the site. When compared to the height limits prescribed in the Lane Cove LEP the additional 4.25m will result in minor additional view, shadow and privacy impacts.

#### **8.5 Site Amalgamation**

The proposal comprises 5 sites within the centre of the 'Lithgow-Christie Street Precinct' which is defined in Council's DCP. This precinct comprises 17 properties, 5 of which are owned by Winten and 12 additional properties that are under individual ownership. The Council's preferred development scenario rests on the ability of a developer to amalgamate all 17 properties within the defined precinct. From the outset the Commission acknowledged the potential of such an amalgamated site for an excellent development and design outcome contributing to this important area.

This issue was also addressed by the Department in the provision of their Director General's Requirements (DGRs) which required the proponent to address amalgamation with the three properties to its south and if this could not be achieved they were required to demonstrate that the adjacent land could maximise the development opportunities available under the LEP.

The Proponent explained that they had attempted to amalgamate with the other properties within this precinct and was successful in purchasing only 2 of the 8 properties between the Pacific Highway and Christie Lane due to reasons including;

- recent refurbishments, long-term leases/profitable retail premises fronting the highway,
- some buildings being the location of head offices; and
- offers deemed inadequate by existing owners.

During its meeting with the Commission, the Proponent explained that they would continue to try to purchase the adjoining sites fronting the Pacific Highway, identified in Council's DCP, with a view to developing an amalgamated site fronting the highway.

The Commission recognises that approval of this proposal will impact on the potential for the extensive amalgamation and development envisaged in Council's defined 'Lithgow-Christie Street Precinct' DCP. The Commission considers it preferable that at a minimum it preferable that the subject site was amalgamated with the properties to its north fronting the Pacific Highway. Nevertheless, the Commission has considered the currently amalgamated site before it.

#### **9.0 Commission's Determination**

The Commission considers that while a better design outcome may have been achieved if the proposal included the properties adjoining the Pacific Highway to its north, it has considered the proposal as submitted and assessed in the Director General's Assessment Report.

The Commission is satisfied that the Department has appropriately considered all relevant aspects of the proposal in their assessment and has determined that the Concept Plan should be approved, subject to the recommended conditions by the Department.



Gabrielle Kibble  
PAC Member



Lindsay Kelly  
PAC member



Kevin Sproats  
PAC Member