



Greenwich Community Association Inc

Submission to Sydney North Planning Panel

88 Christie Street, St Leonards

Section 4.55(2) Modification Application

1. Greenwich Community Association request for submission to be considered by the Panel

The Greenwich Community Association Inc (GCA), being the only functioning community association within the Lane Cove LGA representing residents in the area adjacent to the development site, was not notified of the Section 4.55(2) application.

For this reason, it did not make a submission within the time frame specified by Lane Cove Council in its notification to landowners.

The GCA requests that this submission be considered by the Panel in its deliberations.

The GCA also requests the right to address the Panel hearing.

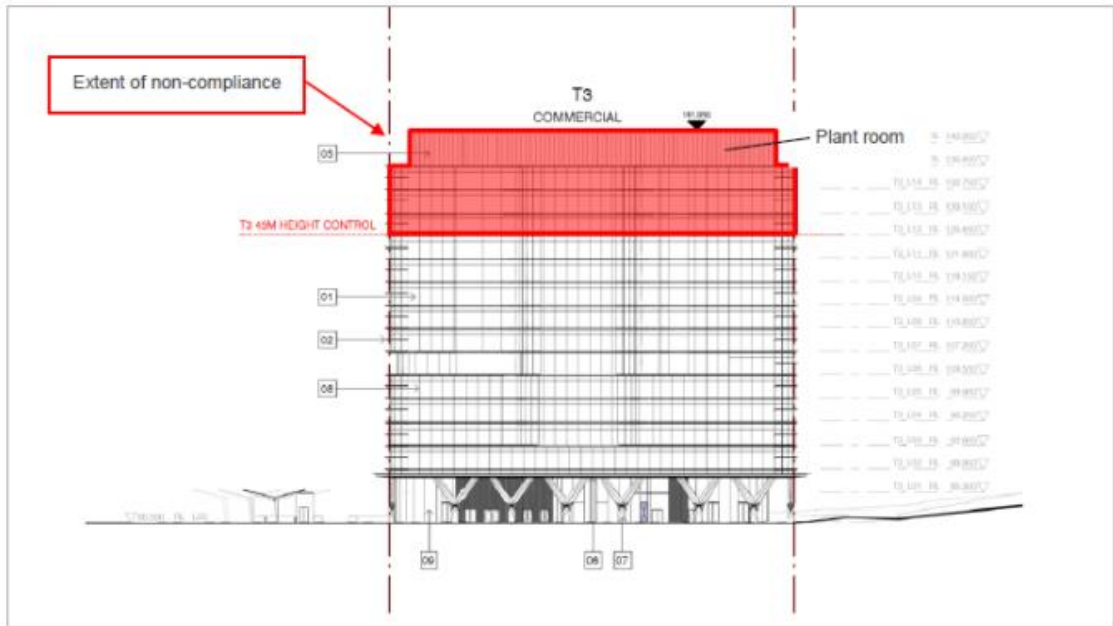
2. Submission Overview

Given the:-

- scale and complexity of the development
- the impacts on adjacent communities
- the significant variations to planning controls sought by the applicant when it lodged its original DA 6/2018 with Council in 2018
- the fact that these variations were approved in the subsequent consent conditions

it is not unreasonable to expect that all aspects of the design of the development (including those now the subject of the Section 4.55(2) application) would or should have been fully investigated prior to submission of the original DA 6/2018 to Lane Cove Council.

In particular, it is noted that the applicant sought and was granted a 36.3% height variation for T3 (45 m raised to 61.35 m) pursuant to a Clause 4.6 application in DA 6/2018.



Details integral to the features required to enhance the marketability of commercial premises, such as the height of foyer ceilings, would have been well known to the applicant when the original DA and Clause 4.6 variation for the development were being finalised.

Similarly, the lift configuration in T1, required to maximise the commercial appeal of the T1 development, should have been well known to the applicant when its original DA documents were in preparation.

The design features of the development as approved by the Panel in 2018 were not acceptable to the community but the community had no choice but to accept the Panel decision on the basis that DA 6/2018 had been through a mandated assessment and consent process and the Panel's decision was final.

The majority of the modifications now sought by the applicant do not go to technical detail that was not known to the applicant when it submitted its original DA.

They go to exactly the sort of issues that the applicant would have had in mind from the outset.

They go to increasing the commercial appeal of the development and return to the developer.

The modifications sought in the current application will adversely impact adjacent communities and those who will use or transit through the development site.

The modifications will not result in a development that is substantially the same development as the development for which consent was originally granted and the application should therefore be refused or amended substantially.

3. Inadequate notification

It seems that notification of the current application was limited and it is not surprising, therefore, that the number of submissions made in respect of this application is limited.

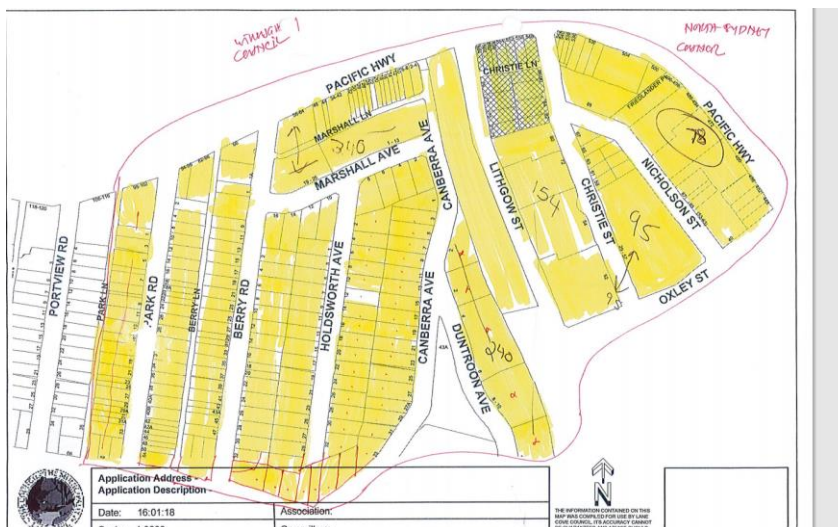
3.1 Council notification

The scope of Council's DA notification process for this Section 4.55(2) application was narrow.

The original DA for this development attracted over 57 submissions from the community, most of which expressed concern about the scale or design features of the development. Furthermore, several residents appeared before the Panel on 28 November 2018.

For this reason, Lane Cove Council should have ensured that, at minimum, notification of the Section 4.55(2) application was advised to all who had lodged submissions in respect of the original DA or who had appeared before the Panel, including the GCA.

This did not happen.



3.2 Did the applicant notify the community through a newsletter in terms of Condition 3 of its original DA consent conditions?

Condition 3 of the consent conditions for DA 6/2018 includes a requirement that the applicant establish a Community Liaison Committee and that this committee should produce a monthly newsletter to be circulated to adjoining residents and neighbours.

3. Community Liaison Committee

The applicant, Christie Street Development Pty Ltd, is to establish a Community Liaison Committee, consisting of the applicant's representatives as necessary, three community representatives, and an appointed Council staff representative, to facilitate information flow to the community regarding the development progress, issues and complaints and solutions initiated. A newsletter should be produced and circulated to adjoining residents and occupants on a minimum monthly basis or as agreed. Meetings are to be chaired by the applicant representatives.

(Reason: To manage community expectations).

This newsletter should have provided community members with information as to the current Section 4.55(2) application.

It is the understanding of the GCA that residents of Duntroon Avenue, who are adjacent to the development site, have received no notification of the current application through the monthly newsletters as required by Condition 3.

4. The documents lodged in support of the applicant's Section 4.55(2) application do not relate to some of the modifications sought in the application.

- (a) The modification to the height of T1 (RL 227.4) is depicted in 3.1.5 of Annexure 6 (Urbis Report) as being required to accommodate the lift overrun of a replacement lift(s).

This is not supported by Annexure 12, the Lift Advice dated 12 September 2019.

Annexure 12 includes the following statement:-

Considering the DA condition that the building maximum LEP height of 227.4m the original design was that lifts R1.1, R1.2 & R1.3 would be the serviced by the Schindler 5500 MRL (Machine Room Less) product line. Due to product and design restrictions of the MRL product line the proposal was that these lifts would serve ground floor to level 29. These lifts would not serve the basement levels. Naturally this would prove to be a major inconvenience factor for the residents as they would have to change lifts at ground floor to access the basement levels.

T1 is the building with an RL maximum of 227.4.

The Lift Advice relates to access from the basement levels **to Level 29 only**.

Noting that T1 has approval for 47 storeys (not 49, as stated in the Urbis advice), it is important for the Panel to be clear as to what lift arrangements are proposed for storeys 30 – 47.

It is unlikely that a lift that travels from levels 30 - 47 will require a Schindler 7000 MR lift.

- (b) The photograph aerial view at the beginning of the View Impact Analysis (Annexure 9) “updated on 12.12.2019” does not reflect the completed Embassy building on the other side of the rail line, the completed Mirvac development known as St Leonards Square and the partly constructed Landmark development.

This is the same aerial view that was included in a PTW View Impact Analysis dated **17.11.2017**.

The proponent should be required to update this image to depict the actual built environment in which the JQZ development will be located.



- (c) The applicant seeks modification of the Y shaped supports at the base of T3.

The structural advice of abc Consultants (Annexure 10) does not reference T3 only. It refers generally to Y shaped and V shaped supports.

There is a discrepancy between the depiction of the supports in the architectural drawings submitted as part of the application (that depict changes to both T2 and T3) and the Urbis Planning report (Annexure 6) that refers to *Replacement of Y-columns on T3 building façade and minor changes to awning design*.

Is it proposed to alter the columns at the base of T3 only?



Picture 6 – Photomontage of Proposed Modification

5. **The cumulative impact of modifications sought under the current Section 4.55(2) application will not result in a development that is substantially the same as the development approved late 2018.**

Outlined below are just some of the more significant modifications that will change the development such that it will not be substantially the same as the development approved in late 2018.

5.1 Impact of increased height of T1

Residents to the south of the Pacific Highway are now impacted by a wall of overbearing tower developments that were not evident when the original DA 6/2018 was approved. This impact is exacerbated by the downward slope of sites to the south of the Pacific Highway.

Please refer below to photographs taken 20/06/2020.

Condition 7 of the consent conditions of the Panel after its hearing on 28 November 2018 is clear:-

7. Maximum Building Height

- (i) **The height of Tower 1 including any plant and lift overruns shall not exceed RL 227.4.**

The consent conditions contemplated the need to provision for plant and lift overruns and a height limit was approved that incorporated them.

Notwithstanding the discrepancies in the number of storeys in the various application documents, it is assumed that it is intended that lifts will now service from car basement levels to level 47.

The applicant should not be granted additional height to cover plant and lift overruns when this had already been factored into the approved height for T1 in the original consent conditions.



A height increase of 4.52m or 1.5 storeys in the T1 tower will further erode the amenity of the precinct for those who live behind it.

The visual impact of the increased height of T1 will render the development substantially different from the current approved development.

The height of the tower should remain unchanged from its currently approved height and configuration of units rearranged to accommodate the lift overrun, noting that the applicant has no technical impediment to reverting to the lifts proposed in its original specifications.

5.2 Impacts of changes to design of support columns and proposed replacement of tree planting by planter boxes on Pacific Highway

Notwithstanding the inconsistencies outlined above, it is assumed that it is the applicant's intention to alter the design of all supporting columns for both T2 and T3 as depicted in the architectural drawings p 1.



It is noted that the V shaped columns for T3 are significantly thicker and shorter than the columns proposed for T2.

This will result in a development that is not well integrated from a design perspective.

Of more concern is the impact the V shape will have in terms of pedestrian accessibility and flow and capacity for outdoor activity. The amount of usable open space will be reduced by the need to leave clearance around the lower levels of the V columns.

This is particularly relevant in relation to the columns along the Pacific Highway frontage of T3.

T3 has a minimal setback from Pacific Highway.

The proposed V shaped support columns at the base of the building will impede pedestrian movement significantly more than the original narrow vertical column of a Y shaped structure.

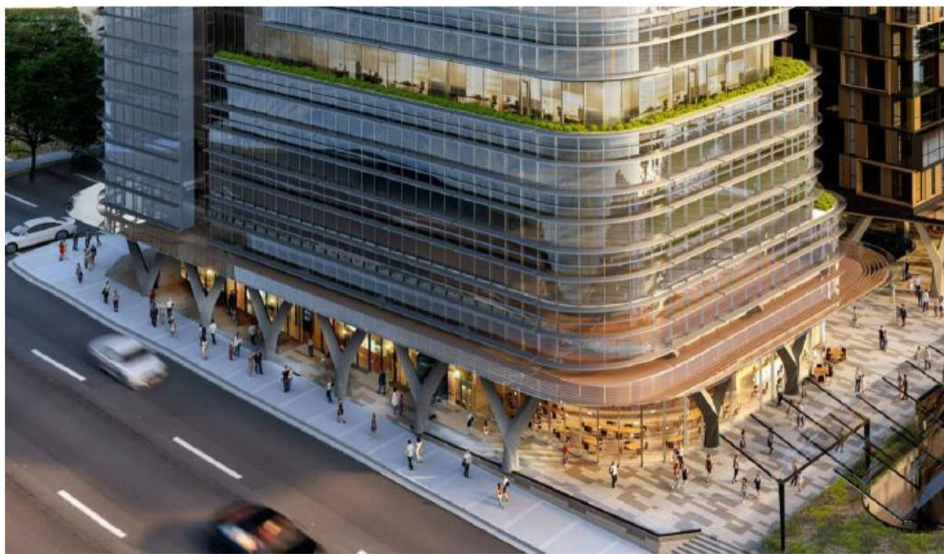


Figure 74. Proposed colonnade design to the commercial building with frontage to the Pacific Highway.



The applicant also wishes to replace tree planting on the Pacific Highway (Princess Highway in Urbis report) frontage with planter boxes.

The rationale behind the planting of street trees was clearly articulated in Condition 18 of the original consent conditions.

18. Street Trees / Pacific Highway

Street trees shall be provided along the Pacific Highway frontage in accordance with RMS requirements for landscaping in *Clear Zones* and *Austrroads Guide to Road Design – Part 6: Roadside Design, Safety and Barriers - Section 5.4.1*, and shall be approved by Council.

The approved Landscape Plans are to be amended accordingly, prior to the issue of the relevant Construction Certificate.

Note: A structural root cell system is encouraged to work in conjunction with existing underground services. Raised planter boxes will not provide trees with enough growing media to reach a size and shape that will benefit the streetscape.

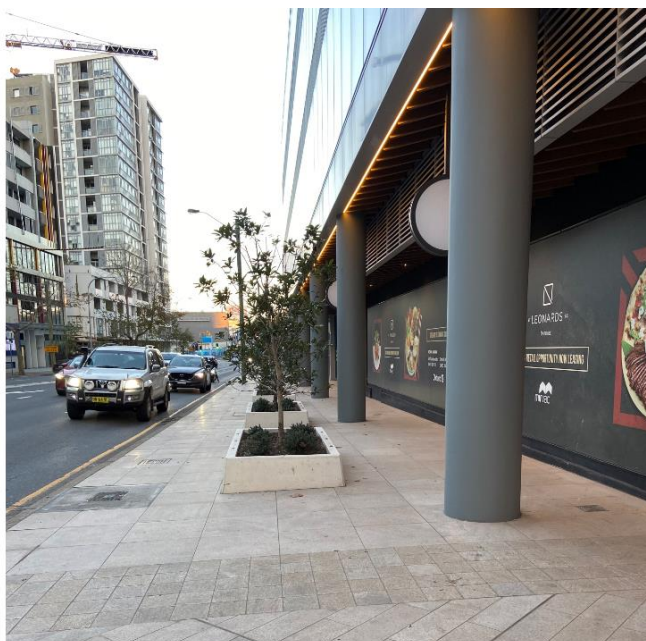
(Reason: To enhance streetscape amenity and be consistent with recently approved developments.)

The Council report on the Section 4.55(2) modification does not address the concern expressed in Condition 18 that planter boxes will not provide trees with enough growing media to reach a size and shape that will benefit the streetscape.

There are also significant pedestrian and cyclist safety issues with placing planter boxes in the middle of footpaths.

The St Leonards Square development is a clear example of this.

Wide supporting pillars and planter boxes placed in the middle of the footpath have rendered the footpath an unsafe and diminished public space – refer photograph below taken 20/6/2020.



It is hoped that Panel members will familiarise themselves with the mistakes that have been made with the Pacific Highway frontage of the St Leonards Square development and decline approval for the planter box modification proposed for the JQZ site.

The proposed change to a V shaped design for support columns will result in open space options that will not be substantially the same as those possible with the currently approved Y shaped supports.

They will impede accessibility generally around the base of T2 and T3.

In conjunction with planter boxes proposed for the Pacific Highway frontage of T3, the V supports will impede pedestrian and cyclist movement on the footpath and place the public in a position of danger adjacent to the traffic on Pacific Highway.

The inclusion of planter boxes on the Pacific Highway frontage of T3 should be refused.

The applicant should be required to explore alternative support structures that enhance, not diminish, use, enjoyment and safety of the open space around T2 and T3.

5.3 Removal of planter boxes on Western sides of T2 and T3

At 3.1.6 on p 9 of the Urbis report it is stated that “ *Removal of planter boxes on the western façade of T2 are proposed as they cannot be safely maintained and were included in the plans as the result of an architectural drafting error*”.

The Overview of the Urbis report also states that “*This application now also seeks the removal of planter boxes on the western elevation of T3 and an amendment of the relevant condition.*” This is not reflected in the proposed amendments to conditions of consent outlined in the Urbis report.

It is unclear what the real reasons are for the proposed deletion of the planter boxes.

It is hard to understand how these planter boxes had been included in error in the original architectural drawings.

They had been included in architectural drawings from the outset. Furthermore, the applicant had the opportunity to review the draft consent conditions with Council after the 2018 Panel hearing. It seems that these conditions were not raised as concerns as they remained in the conditions of consent.

If it is a question of ensuring safety in the maintenance of the planter boxes, presumably the developers of the Central Park development on Broadway may be able to offer some insight – refer photo below.



The planter boxes are a significant feature that gives articulation to the façades of T2 and T3 and they should be retained.

The removal of this key feature of the façades of T2 and T3 will render the external impact of the development substantially unlike the façades in the original approved plan.

5.4 Reduction in car parking spaces

The Urbis report states at 3.1.8 that the applicant seeks a reduction in overall car parking spaces from 1073 to **1037** ie 36 lost spaces.

It is noted that further in the report at 5.5.3 the Urbis states that “It is proposed to provide a total of **1,029** car parking spaces.”

What is very clear is that there is no clarity around what car parking reduction is proposed and how it will be achieved.

What is clear is that, as with many of the modifications sought, car parking changes will preserve or enhance the applicant’s commercial return on the development.

With the proposed reconfiguration of units, the total number of units will reduce by 17 but there will be no corresponding reduction in residential car spaces. This will remain at 542.

Table 4 of Annexure 11 (MLA Transport Planning Report) states as follows:-

Table 4: Revised Proposed Development Parking Requirements

Land Use	Dwellings/ Floor Area	Parking Rates	Parking Requirements	Proposed Parking Provision	Previous Scheme Required Parking	Previous Approved Parking
Residential Use						
- 1-Bedroom	0	0.5 spaces per unit	0	542	1	542
- 1-Bedroom	181	0.5 spaces per unit	91		99	
- 2-Bedroom	381	0.9 spaces per unit	343		356	
- 3-Bedroom	71	1.4 spaces per unit	99		78	
- 4-Bedroom	4	2.0 spaces per unit	8		8	
- <i>Tenant Sub-Total</i>	-	-	541	542	542	542
- Visitors	-	1.0 space per 5 units	127	NA [§]	131	NA [§]
- <i>Residential Sub-Total</i>	637	-	668	542	673	542
Non-Residential Use						
- Supermarket (Site A)	2,920m ² GLA	6.1 spaces per 100m ²	178	316 [§]	163	316 [§]
- Specialty (Site A)	2,949m ² GLA	1 space per 110m ²	27		28	
- Supermarket (Site B)	669m ² GLA	6.1 spaces per 100m ²	41	58	66	90
- Specialty (Site B)	1,484m ² GLA	1 space per 110m ²	13		24	
- <i>Retail Sub-Total</i>	-	-	259	374	281	406
- Commercial	19,535m ² GFA	1 space per 100m ²	195	121	193	125
- <i>Commercial Sub-Total</i>	-	-	195	121	193	125
Total	-	-	1,122	1,037	1,147	1,073

This table indicates that residential spaces will remain unchanged at 542, Site A supermarket and specialty (known as Council spaces) will remain at 361, Site B supermarket and specialty will reduce by 32 and commercial will reduce by 4.

Contrast the Council report that states that the reduction will come from a reduction in commercial spaces (**not the Site B supermarket and specialty**)

Item 18 of the report states as follows:-

18. The modified proposal provides compliant car parking spaces for the residential use and the retail use. The exception is the proposed car parking provision for the commercial use. A shortfall of 68 spaces was approved. A shortfall of 74 spaces is proposed. The proposed variation to the DCP requirement is supported by Council's Traffic Engineer due to the site's proximity to St Leonards train station and bus services as well as the future Crows Nest Metro Station.

It is hoped that the Panel will ensure that there is clarity around the applicant's proposed car parking modifications.

It is apparent that the proposed car parking changes are substantially changed from the original development and should not be approved on this basis.

Any changes to car parking should not be made at the expense of the public amenity requirements for adequate car parking for the supermarket, specialty shops and the library (noted that the library is not mentioned in Table 4 above).

6. Summary

The documents that support this Section 4.55(2) modification application lack consistency in respect of key elements of the applicant's proposed changes.

It is not possible to gain an accurate understanding of what is being proposed in terms of modifications.

It is clear, however, that most modifications do not derive from technical considerations that have come to light only since the original consent conditions for this development were issued.

Most of the proposed modifications will enhance the commercial value of the residential and commercial components of the development.

The modifications will negatively impact the amenity of adjacent residents and members of the public who will pass through or by the development, as users of the library or outdoor space, customers of the supermarket or specialty stores or pedestrians or cyclists moving through the precinct.

The development will not be substantially the same as the development approved under the consent conditions approved by the Panel in 2018.

The application should be refused or amended substantially to preserve the public amenity embedded in the original conditions of consent.

Merri Southwood
President
Greenwich Community Association Inc
0412 361331
southwood@bigpond.com