

20 April 2016

The General Manager
Lane Cove Council
PO Box 20
LANE COVE NSW 1595

Attn: Ms Rebecka Groth

Dear Rebecka,

472 - 494 Pacific Highway St Leonards DA222/2014 - Response to JRPP Items

In response to the items raised by the Sydney East Joint Regional Planning Panel meeting of 2 March 2016 in respect to DA222/2014, the following and attached additional information is provided on behalf of the applicant Mirvac to Lane Cove Council. It is intended that this additional information will assist Council and the JRPP in its further assessment of the subject development application, as required by the JRPP.

Proposed Development

As a point of clarification the following are the particulars that relate to the subject application. These particulars reflect a refined application following the original application lodged by the previous landowners Leighton Properties in December 2014 for 570 apartments.

The proposal seeks approval for the following:

- *Demolition of all existing building structures*
- *Construction of a podium building comprising specialty retail and restaurant/cafe tenancies.*
- *Construction of two (2) tower buildings above the podium, Tower 1 being 28 storeys and Tower 2 being 36 storeys. Specifically;*
 - *Three levels accommodate commercial uses including offices within Tower 1*
 - *Communal indoor and outdoor areas*
 - *Commercial/retail, office and supermarket space*
 - *Residential communal facilities including gym, swimming pool, spa,*
- *A total of 539 residential dwellings (reduced from 570 apartments at time of lodgement)*
- *Seven (7) basement parking levels comprising:*
 - *672 car spaces (14 car share spaces), motorcycle spaces and bike racks*

- *Vehicular ingress and egress from Nicholson Street*
- *Landscaping*
- *Subdivision - Consolidation of allotments and strata subdivision*

Apartment Mix

The proposal comprises 539 dwellings in the following mix:

- *41 x studio units*
- *108 x 1 bedroom dwellings.*
- *324 x 2 bedroom dwellings.*
- *66 x 3 bedroom dwellings.*

Of these dwellings, 108 dwellings would be adaptable, being 20% of the total.

Planning Control History

To be abundantly clear, a short history of the planning controls relating to the site is provided below.

At the time of Lane Cove LEP (LLEP) 2009 gazettal, the site's controls were:

- B3 Commercial core zone.
- FSR of 12:1
- Building height of 65 metres.

A Planning Proposal for two sites (472-494 and 500-520 Pacific Highway) was submitted to Council on 25 October 2013 by planning consultancy Urbis on behalf of Leighton Properties and Charter Hall.

Council resolved on 16 December 2013 to submit the planning proposal to the NSW Department of Planning & Environment for approval by the LEP Gateway for exhibition. Gateway determination to exhibit was given on 5 March 2014, subject to conditions that a revised traffic, parking and access study be prepared for the exhibition and that specified government departments be notified. The Development Control Plan was drafted accordingly and reviewed by independent urban planning experts, Architectus. The amended LEP and Draft DCP were then adopted by Council on 21 July 2014 for exhibition with the planning proposal edited accordingly. Following public exhibition the draft LEP amendments were gazetted on 15 May 2015.

The particulars of the Planning Proposal which sought to amend LLEP 2009 for the site and adjacent precinct (including Friedlander Place and 500-520 Pacific Highway) were as follows:

- Rezoning the lands to B4 Mixed Use
- No change to the FSR control

- Increasing building height of the subject site to RL204.46 (tower fronting Nicholson Street) and RL180.46 (tower fronting Pacific Highway). The neighbouring property at 504 Pacific Highway allowable building height went from 72m to RL227.4.
- Introduce a minimum non-residential floor space control (FSR) applicable to the site of 1.5:1 within the total FSR of 12:1.

The rezoning of the site was also subject to a Voluntary Planning Agreement (VPA) between the Applicant and Lane Cove Council. Subject to the granting of development consent for this DA, the VPA provides for contributions to be made by the Applicant. The Planning Proposal was informed by an in-depth urban design analysis and schematic architectural designs prepared by the previous owner of the site who used Sissons Architects and Hassell to undertake an urban design review, which supported the change in zoning and building heights.

The analysis considered key matters such as:

- view sharing from apartments in Abode
- building height impacts e.g. overshadowing
- potential building forms, including tower separation
- sunlight impacts on Abode apartment and overshadowing of properties
- loss of privacy
- traffic and transport accessibility and impacts

Council engaged Architectus to undertake a comprehensive review of the Planning Proposal concept. Particular consideration was given to building separation and building forms. Following the extensive consideration of site planning options of building forms, it was recommended by Architectus and ultimately agreed by Council that a 22 metre tower separation on this site would be acceptable because it represented the best spatial arrangement for development for the context of this site by allowing reasonable relationships between adjoining properties and would result in only a minor variation to the building separation rule of thumb 24m control from SEPP 65 RFDC.

Following the extensive work and independent review, Council prepared site specific Development Control Plan (DCP) controls to give effect to and provide greater certainty that the key design principles could be used at the future Development Application stage.

Response to JRPP items

A response is provided to each of the six items raised by the JRPP, below.

ITEM 1

The two parts of the building are separated by 22m. What would be the impact on the effectiveness of the view corridor and sunlight access if the separation complied with the 24m separation required by the RFDC for the building height?

Response

SEPP 65 provides guidance on separation between residential flat buildings, requiring greater separation as the building height increases. The Residential Flat Design Code requires

- 12m separation between habitable rooms/balconies up to four storeys/12m
- 18m separation between habitable rooms/balconies for five to eight storeys/25m
- 24m separation between habitable rooms/balconies for nine storeys and above/25m

Notwithstanding the above, the DCP controls for the site permit a 22m building separation. This 22m separation is maintained for the fixed blade wall elements at the ends of the buildings however, the proposed scheme includes internal building separation of 22m balcony to balcony (26m habitable room to habitable room) on levels 3 to 14, and 26m balcony to balcony (30m habitable room to habitable room) on levels 15 and above.

The proposed building separation complies with the DCP and with respect to balcony to balcony separation is;

- greater than the RFDC minimum of 12 & 18m for levels 3-8.
- narrower by 2m than the RFDC minimum of 24m for levels 9-14
- greater than the RFDC minimum of 24m for levels 15 and above.

In response to the issue raised on building separation by the JRPP, Sissons Architects has updated the View Study included as part of the DA showing the potential effect on views across the site from the Abode if building separation was increased to 24m. The updated View Study is included at **Appendix A**.

This View Study shows that whilst there may be a marginally increased aperture, there will be little material increase in the extent of view realised. The marginally increased view will not avail residents north of the Pacific Highway any additional view of iconic elements. Views to icons such as the Harbour Bridge, Anzac Bridge and western harbour will still be evident.

Additionally, Architectus was engaged by Council to undertake a SEPP 65 review of the proposal, informing both the Planning Proposal (and development of site specific DCP controls) and completing a detailed assessment of the proposed development scheme during the DA assessment. Architectus did not raise issue with the proposed building separation and commented that the proposed operable louvered screens will enable residents to achieve a good degree of privacy.

With respect to sunlight access, Steve King who undertook the solar studies for the DA has also undertaken the exercise of reviewing what difference a 24m building separation would result in instead of 22m. He has completed this exercise for the building forms as they were being considered on 2 March 2016 and also the new revised proposal where the applicant has reduced roof elements described further at item 4 of this report.

Steve King finds the following:

Increased Building Separation

*Increasing the separation of the two towers by 2 meters makes a small difference to the mutual shading. Because of the particular orientation of the space, **the only non-trivial increase in winter sun exposure would be in the morning for two Apartments in Tower 2, but neither apartment would thereby comply for minimum 2 hours of sun between 9am and 3pm June 21.** Because of overshadowing by the proposed 'Landmark' development, there is no identifiable afternoon benefit.*

In my view, the solar access impact of a possible 2m increase in separation of the towers is negligible.

Variation of Roof Architectural Elements

In effect, the reduction in height of the roof elements on the towers produces the same almost negligible additional benefit, for the same two apartments.

In summary Steve King finds that "increasing the building separation by two metres would not change the previously reported solar access compliance. For completeness, this has also been tested to be the case with proposed reduced roof elements". His report is included in full at **Appendix B**.

Summary

The above demonstrates that the proposal meets the site specific DCP requirements that were endorsed as being appropriate for the site and increasing the building separation to 24m would not result in any significant benefit to the public or future residents of the building in terms of view sharing or solar access. The proposed 22m separation between the fixed blade wall elements is in accordance with the controls and is therefore considered acceptable with the proposal also maintaining 22m balcony to balcony (26m habitable room to habitable room) on levels 3 to 14, and 26m balcony to balcony (30m habitable room to habitable room) on levels 15 and above.

ITEM 2

Information on cumulative traffic generation by this and neighbouring developments on which the RMS based its response to the application. The Panel requests comment from the Council engineer on the impact on Nicholson and Oxley Streets.

Response

Calibre Consulting has provided a letter at **Appendix C** which confirms that the following studies undertaken by them in respect to the subject site include the cumulative impact of the subject and adjoining development at 500-520 Pacific Highway.

- 472-486 & 504-520 Pacific Highway, St Leonards – Traffic Report (08/11/13)
- 472-486, 500 & 504-520 Pacific Highway, St Leonards – Traffic, Parking & Accessibility Report - Rev B (20/05/14)
- 472-486, 500 & 504-520 Pacific Highway, St Leonards – Traffic, Parking & Accessibility Report (Rev E) (07/11/14)
- 472 – 494 Pacific Highway, St Leonards - Traffic & Parking Assessment (DA 222/2015) (07/08/15)
- Letter response to Lane Cove Council's Comments (23/12/15)
- Letter addressing modified development proposal (07/01/16)

It is understood that the cumulative methodology was presented to the RMS and considered in their review which requires a SCATS upgrade. The proposal has been referred to the RMS on numerous occasions during both Planning Proposal phase and following lodgement of the DA.

Planning Proposal Referral

The RMS's first written response was in relation to the planning proposal dated 8 December 2014 where it raised "*no objection to the proposed amendments to the LEP*" – refer second paragraph on page 1 of their letter at **Appendix D**.

The main item raised by the RMS was in relation to the intersection at Oxley Street and Pacific Highway where the RMS identified "*Currently the intersection of Pacific Highway and Oxley Street is considered a minor site on SCATS, with pavement loop detectors in the side street (Oxley Street) only. Due to the additional vehicular traffic as a result of the cumulative impacts of the development in this precinct, the intersection may require upgrading to a Critical site in SCATS, in order to make the traffic signal operation more dynamic and responsive to changing traffic conditions. This would involve the installation of pavement loop detectors in the Pacific Highway approaches so that traffic flow data on all approaches at this junction can be provided to SCATS for the optimisation of phase splits*" – please refer third page sixth paragraph of their letter **Appendix D**.

This response indicates that the RMS considered the cumulative impact of traffic generation in the wider precinct and was not isolated to traffic generation impacts from the subject site only.

Development Application Referral

RMS provided its second written submission dated 1 October 2015 following the first DA public consultation. Please refer **Appendix E**.

The RMS again “*raise(d) no objection to the Application*” – refer third paragraph on the front page. They also provide a number of requirements to be included in the development consent.

These items have been included in the recommended conditions of consent drafted by Council that were attached to the JRPP assessment report for the 2 March 2016 meeting.

Importantly, a specific condition and monetary contribution has been proposed as a condition of consent, please refer to draft condition 60, to fund part of the costs required to upgrade the intersection of Oxley Street and Pacific Highway to a ‘critical site’ in SCATS from the existing ‘minor site’ to improve traffic congestion at this location. This follows on from RMS’s initial advice that the cumulative impacts of the development in this precinct would require an upgrade to this intersection.

The recommended condition requiring a contribution by the developer to an upgrade also resulted from a meeting held with RMS and Council, where it is understood that the cumulative impacts of development in the area were discussed. It is understood that RMS and Council determined that the particular intersection upgrade of Oxley Street and Pacific Highway should be shared between the developer of the subject site and the adjoining proposed development site at 500 Pacific Highway.

Summary

The above demonstrates that a cumulative assessment of traffic generation has been undertaken by the applicant with respect to the subject development application and the future intended development on the adjacent 500-520 Pacific Highway. Further, correspondence from the RMS demonstrates that this cumulative impact has also been considered by RMS. Appropriate conditions of consent have been recommended by Council to jointly fund the SCATS upgrade works to the intersection of Oxley Street and Pacific Highway, requiring that the cost of the intersection upgrade be shared by the subject proposal and that proposed at 500-520 Pacific Highway.

ITEM 3

A view analysis of the impact on views, particularly the views of objectors living in the Abode. The Panel accepts that any development will inevitably impact significantly on those views; however, the Panel is required to have an assessment of that impact before it can determine it. That assessment should compare the impact of this application with the impact that would have occurred under the controls that applied to this site under LEP 2009.

Response

The existing commercial buildings on the site are not constructed to the full site potential that was achievable under the LEP 2009 controls prior to gazettal of the recent rezoning (Amendment 18), being 12:1 FSR and 65m height. These existing buildings are only approximately 18-20m in height above the Pacific Highway. Accordingly, views from the upper levels of the Abode building are currently available above the existing buildings.

A Masterplan Options Report has been prepared by Sissons Architects which summaries the numerous options that were considered during the envelope design development for the site which informed the Gazetted rezoning. The report demonstrates a number of design responses and the extent of view corridors that would have been achievable across the site for each option. Please refer to **Appendix F**.

The final option (Gazetted by the rezoning and informing the site specific planning controls), with which the subject development application is consistent, clearly results in the greatest provision of view access across the site.

A View Analysis was undertaken as part of the Planning Proposal and the Development Application to compare the view impact generated by:

- A development scheme that was compliant with the planning controls Under the LEP 2009, and
- A development scheme prepared in accordance with the Planning Proposal.

This analysis shows that:

- Construction of a commercial building to a height of 65m would block views across the site to the City and western Harbour from residents within Abode.
- A 65m building height is generally commensurate to the height of the Abode building and so no views would be available from Abode above the roof of a commercial building that was compliant with the height limit.
- The large commercial footprint would block any view sharing opportunities across the site.
- If a commercial building was designed that complied with the applicable FSR and height controls, residents of the Abode would be looking onto a blank commercial building wall across the Pacific Highway.

The View Study accompanying the Development Application has been updated as required as a result of Item 1 of this response and is attached at **Appendix A**. The View Study demonstrates the comparable view impact.

When compared with the view impact resulting from a compliant scheme under the LEP 2009 planning framework (prior to Amendment 18), it is considered that the net increase in view for residents of the Abode is substantial, both in terms of the width of additional view corridor gained through the centre of the site, and the increased potential for retention of sight lines to iconic views of both the Harbour Bridge, North Sydney, Anzac Bridge and Western Harbour.

Notwithstanding the Gazetted Planning Proposal LEP (Amendment 18) and site specific planning controls have already addressed the issue of view sharing the SEE report lodged with the Development Application assesses the proposed view impact in light of the principles of *Tenacity Consulting v Warringah Council [2004] NSWLEC 140* and *Veloshin v Randwick Council [2007] NSWLEC 428*. An extract of the SEE that addresses view sharing is appended to this report at **Appendix G**. In summary it is considered that:

Having regard to Tenacity:

- The regional vistas to the south, between Sydney CBD and associated landmarks and the Parramatta River, currently enjoyed by residents of Abode will be interrupted by the proposed buildings, however it will not result in a complete blocking of any significant icon from all apartments. Retention of slot views across the site and to the east of the site would be an improved result from that which would be available from a building that complied with the previous LEP 2009 planning controls applicable to the land (prior to Amendment 18).
- Various slot views would be retained from both the 'front' of the building (looking directly out from the respective apartments) and also views obtained from an oblique angle.
- The views to these icons would be retained from both sitting and standing positions within various rooms depending on their specific location within each apartment within the building.
- The view impact is resulting from a proposal that complies with the relevant planning controls contained within the Lane Cove LEP Amendment no. 18 and the site specific DCP.

Having regard to Veloshin;

- The proposed building form fits within the building envelope controls contemplated by the Planning Proposal and reflected in the planning controls in LEP 2009 Amendment 18 and site specific DCP. As such, the resultant view impact is consistent with what could be expected under the governing planning controls.
- The building's bulk and height is consistent with the applicable planning controls. The building footprint at the lower levels is marginally larger than the maximum floor plate GFA of 850m² under the DCP however the impact on view loss would be almost imperceptible and of no material impact.
- The recently adopted planning controls reflect the evolving nature of St Leonards from a mainly commercial to a mixed use precinct. The character of the building form is consistent with this changing development context and a number of recent development applications and approvals in the locality.
- The proposal will introduce new tall more slender residential tower forms into St Leonards CBD, and this is consistent with the evolving nature of the precinct to a mixed use locality.
- The proposal is consistent with the bulk and character intended by the planning controls and an earlier version of the current design was reviewed to support the recent LEP Amendment 18.

Summary

It is considered that the proposed building forms will result in a dramatically increased view opportunity for residents of Abode than would have been available if a complying commercial scheme was developed under the previous LEP 2009 planning framework, prior to Amendment 18. The proposed tower forms will provide an improved view extent (width) as well as view lines to iconic elements in the landscape including the Harbour Bridge, Anzac Bridge and western Harbour.

ITEM 4

*As regards the exceedance of the building height, the Panel requires either a justification under clause 4.6 which takes into account recent case law arising out of *Four2Five v Ashfield*, or a redesign of the screen rising 6m above the permissible building height, by making it much smaller and more like an architectural feature and not go all around the edges of the building making it 6m higher than it needs to be.*

Response

In response to this item, the design architect Sissons Architects and applicant have reconsidered the roof design and amended it to:

- Reduce the height of the architectural blade elements to 3m (from 6m) on both Tower 1 and Tower 2, and
- Reduced the height of the lift over run on Tower 1 to 3m (from 6m), but retained the lift over run on Tower 2 at 6m.

An amended Clause 4.6 variation request has also been prepared, which addresses the revised building heights and recent case law established in *Four2Five v Ashfield*.

The amended plans and updated 4.6 variation are attached at **Appendix H and I** respectively.

Amended Blade Elements and Roof design

The amended height of the architectural blade elements and lift over run (LOR) will reduce the overall maximum building height as follows:

TOWER	MAX LEP RL	ROOF SLAB LEVEL	HEIGHT PER DA PROPOSAL	CURRENT REVISED HEIGHT
Tower 1	RL 180.46	RL 180.70	RL186.46 (top of architectural roof feature)	Blade Elements and LOR – 183.70 (+3.24m from LEP RL)
Tower 2	RL 204.46	RL 203.30	RL 210.46 (top of architectural roof feature)	Blade Elements – 206.30 (+1.84m from LEP RL) Lift Over Run – 209.30 (+4.84 from LEP RL)

Following discussion at the panel meeting in relation to lift servicing requirements, lift consultant ARUP has reviewed the servicing requirements and they have confirmed that Tower 1 (smaller tower) can be serviced by Machine Room-Less lifts – hence a reduction of the LOR from 6 m to 3m. However, in order to achieve the level of serviceability required for the taller Tower 2, a Machine Room is required for the residential passenger lifts hence requiring a 6m LOR area. A letter confirming this requirement prepared by ARUP is included at **Appendix J**.

The LOR and ancillary roof top plant is incorporated into the design of the architectural blade elements which act to screen these items whilst providing an architectural termination to the towers. The proposed design approach has considered the appearance of the rooftop when viewed from above – both within and outside the site. It is considered that the integrated design of LOR, ancillary roof plant and blade elements will result in a considered tidy rooftop appearance that will be visually subservient and unobtrusive when viewed from above. Importantly the minor exceedances in height for the

architectural blade elements and LORs do not affect maximum permissible GFA and creates no additional overshadowing impact to that assessed during the DA, but rather reduces it.

Amended Plan References

The above design changes have resulted in a revision to DA drawings ref L027, L041-L044, and L050-L052 inclusive – Refer **Appendix H**. The updated table of proposed plans is shown below, with the amended plan references bolded and in red.

Drawing Number	Title	Date and Revision	Prepared By
L001	Site Location Plan	Date August 2015 Rev 02	Sissons Architects
L002	Demolition Plan	Date August 2015 Rev 02	Sissons Architects
L010	Basement Level 1	Date January 2016 Rev 05	Sissons Architects
L011	Basement Level 2	Date December 2015 Rev 05	Sissons Architects
L012	Basement Level 3	Date January 2016 Rev 07	Sissons Architects
L013	Basement Level 4	Date December 2015 Rev 04	Sissons Architects
L014	Basement Level 5	Date October 2015 Rev 03	Sissons Architects
L015	Basement Level 6	Date December 2015 Rev 04	Sissons Architects
L016	Basement Level 7	Date October 2015 Rev 03	Sissons Architects
L020	Level 1 Plan	Date January 2016 Rev 05	Sissons Architects
L021	Level 2 Plan	Date January 2016 Rev 05	Sissons Architects
L022	Level 3 Plan	Date January 2016 Rev 04	Sissons Architects

L035	Level 4 Plan	Date January 2016 Rev 04	Sissons Architects
L036	Typical Low-Rise Floor Plan Towers 1 and 2 Level 5	Date January 2016 Rev 05	Sissons Architects
L023	Typical Low-Rise Floor Plan Towers 1 and 2 Levels 6 to 13 inclusive	Date January 2016 Rev 04	Sissons Architects
L024	Level 14 plan Towers 1 and 2	Date January 2016 Rev 04	Sissons Architects
L025	Typical High-Rise Floor Plan Towers 1 and 2 Levels 15-27 inclusive	Date January 2016 Rev 04	Sissons Architects
L026	Tower 1 Penthouse Level Floor Plan Level 28	Date January 2016 Rev 04	Sissons Architects
L027	Roof Plan	Date March 2016 Rev 03	Sissons Architects
L037	Typical High-Rise Floor Plan Towers 1 and 2 Levels 29 -34 inclusive (Tower 2)	Date January 2016 Rev 04	Sissons Architects
L038	Typical High-Rise Floor Plan Towers 1 and 2 Levels 35 and 36 inclusive (Tower 2)	Date October 2015 Rev 03	Sissons Architects
L041	Pacific Highway Elevation	Date March 2016 Rev 04	Sissons Architects
L042	Friedlander Place Elevation	Date March 2016 Rev 05	Sissons Architects
L043	Nicholson Street Elevation	Date March 2016 Rev 05	Sissons Architects
L044	South East Elevation	Date March 2016 Rev 04	Sissons Architects

L050	Site Section 1-1	Date March 2016 Rev 05	Sissons Architects
L051	Site Section 2-2	Date March 2016 Rev 05	Sissons Architects
L052	Site Section 3-3	Date March 2016 Rev 05	Sissons Architects
DA170	Detail Plan Unit 301B Level 3 Tower 2	Date 10.02.2015 Rev A	Mirvac
105, 201	Landscape Master Plan	Date 14 January 2016 Rev 4	Arcadia Landscape Architecture
107	Detail Planting Plan Plaza	Date 14 January 2016 Rev 4	Arcadia Landscape Architecture
401	Detail Planting Plan Ground Level	Date 14 January 2016 Rev 4	Arcadia Landscape Architecture
111, 403	Detail Planting Plan Level 2 Courtyard	Date 14 January 2016 Rev 4	Arcadia Landscape Architecture
501	Hardworks Details	Date 14 January 2016 Rev 4	Arcadia Landscape Architecture
502	Softworks Details + specification	Date 14 January 2016 Rev 4	Arcadia Landscape Architecture

Clause 4.6 Variation

As mentioned above, an updated Clause 4.6 variation has been prepared and is attached at **Appendix I**.

This updated Clause 4.6 variation request demonstrates that the additional building height is acceptable in this particular case and therefore strict imposition of the development standard is unreasonable and unnecessary in this instance.

ITEM 5

An explanation of how the issues raised in the Architectus SEPP 65 report have been dealt with.

Comment

Architectus was engaged by Council to undertake an independent review of the proposal's compliance with SEPP 65. Although not required as the DA was lodged prior to the Apartment Design Guide being introduced, the review also took into consideration the Apartment Design Guide.

Initial feedback was provided by Architectus in December 2015 which resulted in Sissons Architects and the design team refining the DA in conjunction with Architectus to address a number of matters raised.

Architectus provided a final report which can be seen at **Appendix K**.

Following their extensive review, Architectus concluded, *"Overall, the proposed development is considered supportable in light of our assessment against SEPP 65 and the RFDC. The proposal is well suited to the site and reflects Lane Cove Council's vision for St Leonards, as stipulated by the planning controls."*

In order to explain how the items raised in the Architectus SEPP 65 report have been dealt with, we provide the following updated table for the Panel:

ITEM	ARCHITECTUS COMMENT	APPLICANT'S RESPONSE
1	Where the bicycle parking has an interface with Nicholson Street, the façade should be transparent glazing to provide activation to Nicholson Street and direct connection between the bicycle parking and the street (RFDC, Site Access – Parking). This can be conditioned to comply.	It is noted that Council proposes a draft condition 5 in relation to the glazing on Nicholson Street. This condition is acceptable to the applicant.
2	It is considered the frontage to the Pacific Highway could be enhanced by opening up the visual connection between the ground floor uses and the Highway. Should it be structurally practicable, the columns along the Highway frontage should be removed to enable the rental frontage to be opened to view (RFDC, Building Configuration – Mixed Use)	The Pacific Highway frontage is designed to provide visual connectivity with the public domain. Columns have been spaced at a generous span of 8.4m and the retail shopfronts are to be almost entirely full height glass for the full extent. We have investigated the potential of removing the perimeter columns, however structural advice is that this would be impractical and have significant effects upon the building structure. Furthermore, we are unable to relocate the perimeter column line inboard, as the car parking structure is based upon parking bays, aisles and ramps. This limitation has informed the setout of the structural grid across the site. It is considered that requiring the widening of column spacing (notwithstanding the structural issues this would present) would not materially improve the ground level retail presentation to the street.

3A	Internal amenity and façade appearance: A condition of consent should be imposed to ensure that a consistent colour and blind type be required for all residential apartments that choose to install internal blinds. This will ensure a consistent façade design and appearance (RFDC, Building Form – Façades).	Council has proposed draft condition 6 in relation to ensuring a consistent blind colour type.
3B	Kitchen in hallways should be avoided. Where practical, Architectus recommends the reconfiguration of apartment layouts, to remove the kitchen from the main corridor for the following apartments (RFDC, Building Configuration – Apartment Layout): Tower 1: Unit type 09A, 10A Tower 2: Unit type 09B, 10B	Alternative designs for the apartments in question have been extensively explored, in conjunction with Architectus. The other design options were not as optimal nor offered the amount of amenity that the current layouts offer. The subject layouts both offer good sized living areas, bedrooms, kitchen spaces, storage and work in the context of the overall floor plan configuration. A high level of internal amenity provision is provided to each unit in relation to their context and constraints of the building footprint. The open kitchens in the 09A and 09B type apartments are a floor plan type that is tried and tested in the market place and is an acceptable feature for apartment owners and occupiers. With respect to the 10A and 10B type, multiple configurations were considered, reviewed and tested, and in conjunction with Architectus, amended to have a wider kitchen opening (from 1200mm to 1500mm). The apartment layout offers the most optimal design layout for its context on the floor plate.
3C	As residential cores will provide access to more than eight apartments, it is preferable that natural daylight and/or ventilation be provided to the corridors to enhance internal circulation area amenity (RFDC, Building Configuration – Internal Circulation).	Whilst this item may be preferable it has not been provided as the benefit, if any, is extremely marginal to building users. External views from extended corridor spaces are limited and would only be experienced fleetingly as residents move from the lift core into the front door of the apartments themselves. All apartments will offer high interior amenity available immediately on entering each apartment with wider, more panoramic views further into each apartment. It is therefore considered that the provision of views from the

		common circulation space is not necessary in this instance. The extension of corridors to the building façade would result in unreasonably long circulation spaces within the building, resulting from the required triangular building form. The opportunity for light penetration from any such window into the core of the building would be severely limited by this distance. The provision of natural light would therefore be negligible for the majority of the corridor length and provide no material amenity benefit. The provision of outlook from the internal corridors will also create internal planning compromises to the apartments themselves, as spaces will be unnecessarily tightened to create unusable common areas. This is an inefficient use of the available GFA and will have a material effect on the proposal. Implications not only affect the layouts, interior amenity, adaptability, flexibility and size of affected apartments, but also transform foyer spaces into very long, and substantially unused corridors. Amenity benefits for the users of the building are better supported by the incorporation of this space into the body of the apartments. Furthermore, the extended corridors would create the necessity for a complex fire engineered solution due to non-compliance with the BCA. On balance, the provision of extremely high resident amenity elsewhere in the development more than compensates from any lack of view from or natural light into the internal corridors.
4	The use of the podium for residential open space is considered a positive outcome for this development. Should the podium level of Tower 2 be used for multiple commercial tenancies, it is desirable that a direct access between the Tower 2 lift lobby and the residential communal open space be provided (RFDC, Site Configuration – Open Space).	Following the deletion of the childcare centre, a new dedicated resident feature staircase was added to Tower 1 for easier access for Tower 2 residents. Whilst it may be desirable for even greater direct access to be provided, there are implications of having to do so, i.e. cutting an office floor, different user interface issues, reducing non-residential GFA etc. Accordingly, we do not believe this suggestion is appropriate. Notwithstanding this, Council is recommending condition 7 which states “Prior to the

		<i>relevant construction certificate, the Private Certifying Authority shall ensure the plans enable the residents of Tower 2 direct access from the residential component of Tower 2 to the residential open space on the podium level."</i> The proposed condition is acceptable to the applicant.
5	If practicable, the number of vehicular entry points should be reduced from three to two driveways (RFDC, Site Access – Vehicular Access).	Presently there are 4 access points of Friedlander Place/Nicholson Street into the existing buildings. The proposal seeks to reduce that to three. This recommendation to further reduce the crossings to two is not practicable due to the complex basement design and level differences across and through the basement. Extensive work was undertaken to specifically isolate different uses such that each system could operate independently. This concern has not been raised by the RMS. The proposed vehicular entry design into the site is considered appropriate given the complex design of the basement and the separation provided to different basement user groups. Reducing the number of driveways would make the access arrangements worse on Nicholson Street, with the potential to affect ingress and egress queuing both within the site and on the public roadway. RMS and Council engineers have not commented on this item as being an issue.

The applicant and design team are of the view that SEPP 65 items have been substantially and satisfactorily addressed in the current scheme and the proposal is of high quality.

ITEM 6

In general, the assessment report needs to consider the impact of the proposal in more detail and justify the variations of standards more convincingly.

Council Response

For completeness we provide a full compliance table with explanatory commentary as required as follows.

THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT (Section 79 (C) (1) (a)(i))

Lane Cove Local Environmental Plan 2009

	Standard	Proposed	Comment
Clause 2.2- Zoning	B4 – Mixed Use zone	Mixed use development comprising two (2) buildings, residential units & retail/commercial spaces	Complies
Clause 4.3 - Height of Buildings (maximum)	Tower 1 = RL 180.46m	Tower 1 proposes an overall building height of RL 183.7 measured to the uppermost point of the lift over-run architectural roof blade elements.	Amended Clause 4.6 variation submitted and is discussed in earlier section of this report. Variation justified.
	Tower 2 = RL 204.46m	Tower 2 proposes an overall building height of RL 209.30 measured to the uppermost point of the lift over run. The maximum height of the architectural roof blade elements however is 3m lower at RL 206.30.	Amended Clause 4.6 variation submitted and is discussed in earlier section of this report. Variation justified.

Floor Space Ratio

The following table indicates the proposal is compliant with the maximum permitted FSR on the subject site.

	Standard	Proposed	Comment
Clause 4.4 - Floor Space Ratio	12:1 (Permitted GFA = 61,596m ²)	11.6:1 (GFA = 59,648m ²)	Complies

THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN (Section 79 (C) (1) (a)(iii))

Lane Cove Development Control Plan 2010

To avoid duplication, where sections of the DCP require consideration of the same matter, the control is not repeated.

Clause	DCP	Proposed	Comment
Part B – General Controls			
B2 Public Domain	b) Provide seating in public spaces that is not allocated to a specific use (e.g. a café) for people to 'hang out', take refuge and rest.	The plaza incorporates formal and informal areas	Complies
	e) Keep public areas free from clutter and unclear level changes, having particular regard for accessibility.	Accessibility was a key consideration in the design of the plaza	Complies
	f) Maintain a high quality of lighting for security and amenity.	Lighting will be provided	Complies
	g) Provide formal and informal spaces for public entertainment including multi-functional street furniture, e.g. a flat bench may become an informal plinth for performance artists.	Street furniture is proposed	Complies

Clause	DCP	Proposed	Comment
	i) Provide public notice boards and kiosks in locations where people will be gathering.	Potential for these to be accommodated within the public plaza and Friedlander Place	Complies
	j) Integrate artworks into the design of public spaces. Consider artworks that serve a dual role, e.g. as play equipment for children, informal seating or a marker for a meeting place.	Public art is proposed in the plaza	Complies
	l) Except where negotiated with the Council, provide all footpath paving along property frontages in accordance with Council's specifications including requirements for disabled. The extent, nature and type of paving materials includes tactile surfaces in appropriate locations to assist the visually impaired	Footpath paving within the Plaza and surrounds will comply	Complies
	m) Include water features in public spaces, building entrances, foyers, facades and rooftops	A water feature is proposed within the plaza	Complies
	n) Provide roof top gardens where practicable and permissible in commercial buildings and residential flat buildings.	Rooftop podium garden included in revised proposal following Architectus review. Top of building roof garden not deemed suitable due to high level of amenity of podium garden and substantial resident amenities included in the development including amongst any other items an outdoor terrace / BBQ area on level 14 of the building.	Complies
	o) Plant trees where appropriate for shade, shelter and fauna and use native species and planting methods which	The plaza landscape design incorporates tree plantings	Complies

Clause	DCP	Proposed	Comment
	minimise potable water consumption		
	p) Where possible, make provision for bicycle parking spaces.	Bicycle parking is provided	Complies
2.2 Public Domain Projects in St Leonards	d) Redefinition of Friedlander Place i. Incorporate Friedlander Place within a major development. Such development is to maintain a 24 hour, 7 day a week public access from Pacific Highway to Nicholson Street. This public link shall comply with AS 1428 for disability access and mobility. ii. The design of this area is to improve the pedestrian amenity and way finding through this link including the existing car park accesses.	The application does not apply to Friedlander Place however the design scheme is integrated with its proposed master plan design and will support its ongoing use as a public open space connecting the Highway with Nicholson Street	Complies
B3 – Site Amalgamation and Development of Isolated Sites	a) Development for the purpose of residential flat buildings and high density housing should not result in the isolation of sites such that they cannot be developed in compliance with the relevant planning controls, including Lane Cove LEP 2009 and this DCP.	The subject development will not render nearby sites incapable of future development	Complies
B4 – View sharing	Views are to be shared Views from commercial development will not carry the same weight as views from dwellings. Views will be tested against the extent of view available. Where	View sharing is discussed in detail in the impacts section of this report. Properties to the north of the site on the opposite side of the Pacific Highway enjoy views of the Sydney Harbour Bridge, Sydney Tower, CBD and Harbour. The impact of view loss resulting from the proposal was considered in	View loss was considered and dealt with as part of the Planning Proposal, LEP Gazettal and creation of site specific planning controls. Notwithstanding the above, the extent of view loss that will result from the proposal is

Clause	DCP	Proposed	Comment
	appropriate the views will also be tested against the view sharing principles stated by the Land and Environment Court.	the planning proposal and informed the current footprint of the proposal allowing a view corridor in between Tower 1 and Tower 2	significantly less than would have resulted from a commercial development designed to comply with the previous LEP 2009 standards, including a 65m building height and no view slot. Whilst the Abode residential building is currently afforded views above the existing commercial buildings on the subject site, this is a result of the subject site potential yield not being taken up. The view impact study demonstrates that there is a significantly better provision of views across the site than would otherwise be the case should a commercial development have proceeded under LLEP 2009 controls, including retention of views to iconic landmarks. The proposal is considered to satisfy this criterion, based on the Planning Proposal having been approved, LEP made and site specific controls applying to the site, with which the proposal accords. Additionally, the View Study referred to earlier in this report demonstrates the significant benefit if the current scheme as opposed to a Commercial Building that could have been developed under LLEP 2009.
B6 – Environmental Management			

Clause	DCP	Proposed	Comment
6.1 Sunlight to public spaces	a) 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. b) The location of the sunlight during these hours for urban plazas is to be adjacent to building frontages to allow for outdoor seating during the lunchtime period.	Achieved Addressed in assessment table and comments provided from Council's consultant architect discussed in the SEPP 65 section of this report	Complies
6.2 Wind Standards for St Leonards	The following maximum wind criteria are to be met by new buildings in St Leonards Centre: a) 13 metres/second along major streets and public places and 16 metres/second in all other streets. b) Design buildings to minimise the adverse wind effects on recreation facilities on podium terraces within developments. c) A Wind Effects Report is to be submitted for all buildings within the St Leonards precinct taller than 40m above street level.	A Wind Tunnel Tests report prepared by CPP was submitted with the DA. Council's Environmental Wind expert reviewed the report and raised concern with the modelling and subsequent results. The wind experts undertook further testing and developed additional mitigation measures. The proposal is considered to result in appropriate wind impacts for its intended use. This matter is discussed in detail in the impacts section of this report.	Complies
B7 – Development near busy Roads and Rail Corridors	LAeq levels: (i) In any bed room 35dB(A) 10.00pm to 7.00am. (ii) anywhere else 40dB(A)	The submitted Acoustic Report prepared by Acoustic Logic assessed the external noise intrusion into the proposal and concludes that noise impacts within apartments can be made to comply the relevant criteria with the use of suitable glazing and seals where	Complies

Clause	DCP	Proposed	Comment
		required. The recommendations made within the report shall be included as a condition of consent (refer to draft condition 10).	
B8 – Safety & security	A safe and secure environment encourages activity, vitality and viability, enabling a greater level of security	The proposal has been considered with regard to the safer by design principles and is generally consistent with the principles	Complies
Part D – Commercial Development & Mixed Use Localities			
Locality 5 - 472-504 Pacific Highway, St Leonards 1. FSR	1.5:1 min. (non-residential) 10.5:1 max (residential) 12:1 max (total)	1.6:1 GFA = 8,263m ² 10.02:1 GFA = 51,385m ² 11.62:1 GFA = 59,648m ²	Complies Complies Complies
2. Building Height	91m max. – building at front (Pacific Hwy) – Tower 1 115 m max. – building at rear (Nicholson St) – Tower 2 Above ground level Pacific Hwy	The control replicates the provisions within the LEP which express the maximum height of buildings as RLs.	Refer to Item 4 of this response. Amended Clause 4.6 variation is submitted with this response.
3. Floor to Floor Height Non-Residential - Ground Level	4.8 m min.	Tower 1 and Tower 2 = 4.7m	The proposed 100mm variation is considered minor and will be imperceptible from both within the space and from the public domain. The proposed 4.7m floor to floor height will still provide

Clause	DCP	Proposed	Comment
Non-Residential - Each Level, Other Than Retail	3.6 m min. Above ground level Pacific Hwy	Tower 1 and Tower 2 = 3.4m	required servicing ability and flexibility in the use of the ground floor tenancies over time and is therefore considered acceptable. The minor height variation will have no effect on the useability of retail space. A minor variation of 200mm is proposed. The 3400mm floor to floor height is considered acceptable for the intended commercial uses at these lower levels. The variation itself will be imperceptible from within the tenancy and the public domain. The proposed variation will still allow appropriate servicing ability and is considered minor and will not affect the ability to use the spaces and is therefore considered acceptable.
4. Building Floorplate of Each Residential Tower	850 m ² max. Excluding balconies	Tower 1 Level 5 = 897m² Levels 6 to 13 = 922m² Level 14 = 698m² Levels 15 to 27 = 849m² Level 28 = 770m² Tower 2 Levels 3 to 14 = 911m² to 922m²	Variation proposed for Levels 3 to 14 of Tower 1. The largest variation is 72m GFA for 8 levels of the building. The proposal complies with the DCP control for balcony separation of 22m for these floors. The variation is considered imperceptible in real terms and is considered acceptable. Levels 15 to 28 comply. A variation of 72m² per floor is proposed for Levels 3 to 14 of Tower 2. This is considered acceptable as it is for the lower portion of the

Clause	DCP	Proposed	Comment
		Levels 15 to 27 = 850m² Level 28 to 34 = 850m² Levels 35 and 36 = 785m²	building only and will be imperceptible in real terms from the public domain. Levels 15 to 28 Comply. The proposed tower forms are consistent with the building envelope that informed the Planning Proposal. The profile of the buildings narrow as the towers rise emphasising the verticality of the design and reducing the footprint size, creating variation in the form of the building. The towers have a slim appearance and will be visually appealing due to their triangular shape and articulation of the façade.
5. Levels – Non-Residential	4 levels min - front building (Tower 1) To be entire levels of the building fronting Pacific Highway	4 entire levels in Tower 1	Complies
6. Setbacks – Ground Level	4.0 m min. from Pacific Hwy	Tower 1 is setback 2m from Pacific Highway	A minor variation is proposed. The priority is to provide an activated street frontage to Pacific Highway and the proposal meets this requirement. A 4m setback is considered to be excessive from a design and activation perspective as it would result in too great a separation of the retail tenancies from the footpath and reduce activation along this frontage. 2m is considered to be more

Clause	DCP	Proposed	Comment
			appropriate in providing building articulation and creating a satisfactory urban design outcome. The proposed 2m setback also aligns with the neighbouring building line at 470 Pacific Highway. The proposed colonnade will allow a suitable degree of shade to the retail tenancy facades and weather protection for pedestrians along Pacific Highway. Due to noise exposure and proximity to a major roadway, outdoor dining, for which a 4m setback could be suitable, is not considered desirable along this property frontage. Café and restaurant seating will be more desirable within the plaza and courtyard internal to the site.
	2m min. elsewhere in site	Tower 2 is setback 1.8m from Friedlander Place	A minor variation of 200mm to this setback requirement is proposed. The ground level treatment will allow for a colonnade form along the Friedlander Place boundary providing weather protection to the retail frontage at ground level. The minor variation is considered imperceptible from an urban design perspective and will not affect usability.
		Tower 1 and 2 = 0 setback proposed to south-eastern boundary	Variation proposed. A zero setback to Nicholson Street is proposed. The building line at the Nicholson

Clause	DCP	Proposed	Comment
	Colonnade form	Columns have been spaced at a span of 8.4m along the frontages of the ground levels	Street frontage responds to the street edge of the property adjacent to present a strong and consistent frontage to this Street. A 6m pedestrian reserve is maintained. The proposed design will incorporate new landscaping and an awning along Nicholson Street to improve the amenity along Nicholson Street. Together with proposed draft consent condition 5 which requires a mural and transparent material to activate Nicholson Street, this departure is considered acceptable and is contextually suitable. Complies
7. Setbacks – Non-Residential Podium	0 m from all boundaries bar Friedlander Place 0 m from all boundaries bar Friedlander Place Min 20m from Friedlander Place – front building (Tower 1)	Tower 1 = 0m setbacks Tower 2 = a 1.8m is proposed to the glass line of the level 2 commercial tenancy space to Friedlander Place boundary and Nicholson Street boundary. The balcony extent has a zero lot boundary setback along these frontages. Tower 1 non-residential podium setback 11-27m	Complies The building form complies with the minimum nil boundary setback. The increased setback to the glass line at Level 2 is considered acceptable as it will assist in creating outdoor seating zones for retail spaces and provide some building articulation at this level. A minimum 11m setback to Friedlander Place is provided towards the north-eastern corner of Tower 1. The 20m setback control was

Clause	DCP	Proposed	Comment
			intended to ensure the public ground level plaza flows into and is read coherently with the open space within Friedlander Place, whilst providing for a substantial opening to the Northern end of the internal plaza within 472-494 Pacific Highway to maximise solar access. This objective has been achieved by “rotating” the civic plaza space by 45 degrees to align with the tower forms above. The space provided on the ground floor is substantial in area and allows for activation on all sides of the plaza areas. When viewed from the highway, the northern plaza will read as a continuation of Friedlander Place with a good level of solar access provided as it is oriented Due North. The building forms, locations and setbacks are consistent with the building forms that informed the planning proposal and are considered appropriate.
	All commercial, except where retail colonnade provided	Achieved	Complies
8. Setbacks – Residential Tower	4.0 m min. from Pacific Hwy - front building (Tower 1) 0 m min. from Nicholson St – rear building (Tower 2) 7.0 m min. from side boundary with No.470 Pacific Highway	Tower 1 = 4m to 5.5m Tower 2 = 0 to 2m Tower 1 = 6.315 in some areas	Complies Complies A 685mm incursion to an element of the façade of Tower 1 is proposed. The

Clause	DCP	Proposed	Comment
		Tower 2 = Min 21m	proposed setback along this boundary has been retained from the rezoning stage designs and is required in order to achieve the required separation between the residential towers across the central space. It is also required in order to achieve the required structural grid for the building. Having to adjust the setback in this location would affect other areas of the design and have a flow on effect which would impact the whole scheme flowing down into the basement. Importantly the minor departure will not impede any future redevelopment of the adjoining property. The proposed setback is therefore considered to be acceptable. Tower 2 complies
	0 m from side boundary with Friedlander Place	Tower 2 = 0 to 2m	Complies
9. Balcony Area	10m ² min.	6.8m ² to 15.6m ²	Balcony sizes have been considered and assessed by Architectus in their SEPP 65 review. The balconies as proposed are considered acceptable to Architectus. All balconies are provided off the main living area of each apartment and can accommodate at a minimum a table and chair setting and have been designed to seamlessly integrate

Clause	DCP	Proposed	Comment
			with adjoining internal living areas. Further, residents would have access to the communal outdoor space on the landscaped podium garden and also recreation facilities on Level 14 and level 2 of the tower 1 building.
10. Balcony Articulation Zone	2m min. Behind all building setbacks	2m achieved Balconies are staggered along the setbacks and are sometimes in line with the building setback	Complies Balconies are both recessed and staggered along facade lines. The proposed balcony designs enhance the appearance of the building. Privacy has been addressed through relative balcony location and appropriate screening where required. . The staggering of the balcony setbacks provide visual relief within the building façade and do not present the façade as a single plane to the street. Balcony profiles are considered acceptable.
11. Building Separation	22m min. between balconies	22m achieved	Complies
12. Retail Plaza Width	22 m min.	20.15m	A detailed review was undertaken by retail specialists Brain and Poulter which was included as part of the DA. Their recommendation was to reduce the width of

Clause	DCP	Proposed	Comment
			the retail plaza width in order to provide a more intimate setting and "laneway" feel. This recommendation aims to improve the retail spaces to make the central plaza a more active, vibrant precinct. The proposed design allows for adequate outdoor seating space and circulation/recreation space within the plaza and accommodates weather protection to enhance the amenity of the outdoor seating areas. Brain and Poulter believe that the proposed plaza width will provide a more dynamic and sustainable offering which will increase its activation and useability all year around.
13. Vehicle Access	From Nicholson St/ Friedlander Place Via rights of way as necessary	Vehicular access is proposed via Nicholson Street	Complies
14. New Public Open Space To ensure that the new public open space is provided at that location and contributes a desirable quality of public amenity.	The proposed new public open space at the northern end of the site is to have a min area of 325m ²	Min 325m ² public open space at northern end of site is achieved	Complies
15. Pedestrian Link	2m min. within the property	2m wide path through the site connecting Friedlander Place and the Pacific Highway is provided. The pathway is situated adjacent to the facade fronting Friedlander Place	Complies

Clause	DCP	Proposed	Comment
Part D – Commercial Development and Mixed Use D.1 – General provisions			
Building Form	New developments are to have street frontages built predominantly to the street alignment Street setback of maximum of 2m is permitted for suitable uses such as outdoor seating cafe	Appropriate setbacks have been provided that relate to the site	Complies
Street frontage activities	All street frontage windows at ground floor level are to have clear glazing. Provide multiple entrances for large developments including an entrance on each street frontage	Achieved Achieved	Complies Complies
Building depth & bulk For Mixed Use Developments:	I. The maximum horizontal dimension of the residential component parallel to the street frontage is to be 40m.	The maximum building depth is approximately 55m, generating a long north-south elevation. Whilst this is a significant departure from the RFDC rule of thumb (SEPP 65) and the DCP, Council's considers this acceptable due to the triangular form of each tower (building depth ranging from 5 to 55 metres in depth).	Architectus has reviewed this item as part of their SEPP 65 / RFDC analysis. Whilst acknowledging that the 55m building will result in a long north-south elevation, Architectus finds the design response acceptable due to the triangular form of each tower. The building form is derived from the site specific controls which have been designed to maximise view sharing opportunities and protect the amenity of neighbouring sites.
Building design & exteriors	b) Materials, colours, finishes, proportion and scale of new development should add interest to façades and	Achieved	Complies

Clause	DCP	Proposed	Comment
	the streetscape c) Avoid large unbroken expanses of blank wall on any facade adjacent to the public domain e) The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building.	The proposal is well articulated through the implementation of staggered balconies, varied setbacks and use of a variety of materials The plant rooms are incorporated into and screened by the revised architectural roof feature design.	Complies Following the JRPP meeting on 2 March 2016, a design amendment has been made to the rooftop design that integrates the lift over run and ancillary roof top plant, incorporating it into the design of the architectural blade elements which act to screen these items whilst providing an architectural termination to the towers, plant and lift over run structures. The proposed design approach has considered the appearance of the rooftop when viewed from above – both within and outside the site. It is considered that the integrated design will result in a considered tidy rooftop appearance that will be visually subservient and unobtrusive when viewed from above. An amended 4.6 variation has been prepared in this regard and accompanies this response at Appendix I.
	f) Balconies and terraces should be provided, particularly where buildings overlook public open spaces. They should be avoided where they overlook the private	Balconies are proposed which overlook the proposed public plaza between Tower 1 and Tower 2	Complies

Clause	DCP	Proposed	Comment
	open spaces and severely impact the privacy of the adjoining residential properties		
Excavation	a) All development is to relate to the existing topography of the land at the time of the adoption of this DCP	Achieved	Complies
	d) Uses at ground level are to respond to the slope of the street by stepping frontages and entries to follow the slope.	Achieved	Complies
Design & location of on-site parking	b) All developments must incorporate the required car parking on-site.	Achieved	Complies
Design & location of on-site parking	c) All on-site parking, loading facilities and vehicle access points must be: I. accessed from a rear lane wherever available II. fully concealed from view from any public street or arcade III. accessible from only one opening in the rear lane facade for both on-site parking and loading.	Vehicular access is proposed from Nicholson Street. To ensure the seven (7) levelled basement functions efficiently, three (3) separate entrances are required. Council's Traffic and Transport Team raise no objection to this matter	Complies
Design & location of on-site parking	Access openings are to be fitted with a garage door or roller shutter. f) Vehicle entry should be: I. easily accessible and recognisable to motorists II. located to minimise traffic hazards and queuing of vehicles on public roads III. located to minimise the loss of on street car parking, and to minimise	Garage or roller doors are not considered appropriate given the large numbers of vehicles entering and leaving the site. This may result in queuing in the local road network and unnecessary noise generation upon frequent opening and closing. It is recommended boom gates be installed within the basement of the development to control vehicular movements	Council has recommended condition 16 which is acceptable to the applicant.

Clause	DCP	Proposed	Comment
Design & location of on-site parking	the number of access points. IV. Located away from main pedestrian entries and on secondary frontages.	Achieved	Complies
Design & location of on-site parking	V. Located having regard to any approved cycling routes.	There are no cycle routes within Nicholson Street	Complies
Design & location of on-site parking	g) Avoid black holes in the facade for major development by providing security doors to car park entries h) Return the facade material into the car park entry recess up to the extent visible from the street.	Security door issue discussed above. Not deemed suitable in this location due to risk of queuing within local roads	Council has recommended condition 16 which is acceptable to the applicant.
Design & location of on-site parking	i) Parking and service/delivery areas are to be located underground within building footprint or screened from adjacent residential uses or the public domain by sleeving with active uses.	Vehicle parking is proposed within the basement levels of the development accessible via Nicholson Street. The loading dock for service deliveries is situated on Basement Level B3 accessible via Nicholson Street. It is proposed that a portion of the facade fronting Nicholson Street is the subject of a mural to create visual interest and reduce opportunities for graffiti at the pedestrian level, and is discussed within the SEPP 65 assessment	Complies
Design & location of on-site parking	j) Parking and service/delivery areas are to be located to minimise conflict between pedestrians/ cyclists and vehicles and	Parking and service/delivery areas are located within the basement. Three entry points are needed to ensure the efficient functioning of the proposal	Complies

Clause	DCP	Proposed	Comment																		
Design & location of on-site parking	to minimise impact on residential amenity. p) Provide safe and secure access for building users, including direct access to residential apartments, where possible.	Direct and secure access to the residential towers is available through the lobby areas and within the basement	Complies																		
Design & location of on-site parking	q) Basement car parking is to be: I. adequately ventilated II. predominantly located within the building footprint III. located fully below natural ground level. Where slope conditions mean that this is unachievable, the maximum basement projection above natural ground level is to be 1.2m but not to the street front.	The basement levels for car parking are partly underground and partly above ground. This is consistent with the existing arrangements on site. Due to the fall in the land from Pacific Highway to Nicholson Street it would not be practical to have basement parking fully below ground. Four (4) levels will be visible from Nicholson Street.	The proposed design response reflects the site conditions and is considered appropriate in this instance. It is noted that Council is recommending condition 5 in this regard, requiring treatment of the wall fronting Nicholson Street with a mural to improve the streetscape presentation. This is acceptable to the applicant.																		
Number of car parking spaces	Refer to SEPP 65 assessment and referrals section of this report	Refer to SEPP 65 assessment and referrals section of this report. As discussed in these sections the proposed number of parking spaces is consistent with SEPP 65. <table><tr><th>Use</th><th>Quantity</th></tr><tr><td>Residential</td><td>473</td></tr><tr><td>Visitors</td><td>33</td></tr><tr><td>Car share</td><td>14</td></tr><tr><td>Supermarket</td><td>84</td></tr><tr><td>Retail</td><td>11</td></tr><tr><td>Commercial office</td><td>44</td></tr><tr><td>Commercial office (previously child care)</td><td>13</td></tr><tr><td>TOTAL</td><td>672 car spaces</td></tr></table>	Use	Quantity	Residential	473	Visitors	33	Car share	14	Supermarket	84	Retail	11	Commercial office	44	Commercial office (previously child care)	13	TOTAL	672 car spaces	Complies
Use	Quantity																				
Residential	473																				
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TOTAL	672 car spaces																				

Clause	DCP	Proposed	Comment
Traffic & accessibility report	A Transport and Accessibility Report may be required by the Traffic Manager	It is understood that the traffic report accompanying the DA has been supported by Council's Traffic and Transport team.	Complies
Reflectivity	Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%	Complies	Complies
External lighting to buildings	a) Any external lighting of buildings is to be considered with regard to: I. the integration of external light fixtures with the architecture of the building (for example, highlighting external features of the building) II. the contribution of the visual effects of external lighting to the character of the building, surrounds and skyline III. the energy efficiency of the external lighting system IV. the amenity of residents in the locality. b) Floodlights for buildings are prohibited	Details regarding external lighting are not available at this stage. To ensure lighting does not cause a nuisance to surrounding properties. A draft condition of consent is recommended requiring the Private Certifying Authority to review the external lighting details (refer to draft condition 8).	Council is seeking to impose condition 8 in this regard. This is acceptable to the applicant.
Landscaping	a) Locate basement car parking predominately under the building footprint to maximize opportunities for landscaped area b) Deep soil zones in atria, courtyards and boundary setbacks are encouraged	The basement car parking is proposed to extend up to the boundaries of the site which is consistent with the buildings' footprints. There is no opportunity for deep soil plantings however where possible "deeper" type planters have been proposed to landscaped areas.	The response is considered appropriate given the urban context of the site. Planting will be accommodated in the proposed deep planters, which will provide an appropriate landscape outcome for the site and its future use.
Planting on structures - controls apply for	a) Areas with planting on structures should be	Council's Landscape Architect reviewed the	Complies. Council has

Clause	DCP	Proposed	Comment
planting on roof tops or over car park structures.	irrigated with recycled water and appropriate drainage provided. b) Provide sufficient soil depth and area to allow for plant establishment and growth.	landscape masterplan for the proposal and advised adequate detail to provide a considered landscape concept and design intent for the proposal. Further details would be needed at the construction stage in accordance with the DCP to ensure compliance	recommended the imposition of conditions 82 - 96 which are acceptable to the applicant.
Solar access	a) Mixed use developments are not to reduce sunlight to dwellings in the adjacent or same zone below a minimum of 3 hours of sunlight on a portion of the windows of the habitable rooms between 9am and 3pm on 21 June (mid winter). c) Habitable rooms in at least 70% (188 units) of dwellings in high density residential developments should receive a min of 3 hours direct sunlight between 9am & 3pm on 21st June, in total between any portions of those rooms. In dense urban areas a minimum of two hours may be acceptable. A reasonable proportion of both the common & private open space in those sites is also to receive sunlight during that period, according to the circumstances of the sites	The submitted shadow study demonstrates that sufficient solar access would be retained to nearby properties. The buildings are in accordance with the forms resolved at the planning proposal stage. Without the inclusion of the future adjoining development at 500-520 Pacific Highway a minimum of 2 hours solar access would be provided to 59.8% of dwellings between 8am and 3pm at midwinter. With the inclusion of the adjoining site being redeveloped at 500-520 Pacific Highway, a minimum of 2 hours solar access would be provided to 52.7% of dwellings between 8am and 3pm at midwinter.	Complies A thorough expert solar access analysis was completed by Steve King and included as part of the DA. He advises that <i>"While this may appear a significant shortfall from the target 70% of apartments suggested by the Rules of Thumb in the RFDC, it is in fact a relatively high proportion if we pay regard to the effect of the adverse orientation of two major elevations."</i> He goes on to state; <i>"In my view the scheme retains close to potential maximum solar access compliance, without resorting to the artifice of deliberately distorting the unit mix, or – in order to eliminate self shading – arbitrarily applying what would be in effect a glass curtain wall with minimal relief."</i>

Clause	DCP	Proposed	Comment
			He concludes; <i>"I am of the view that the design approach represents a skilful resolution of very high holistic amenity for dwellings within the scheme, and achieves a significant public benefit. The level of solar access compliance is an outcome of reasoned trade-offs between adverse orientation and highly desirable view amenity. As such, in my considered opinion, the development complies for solar access amenity as provided for by the controls, and is capable of being supported for approval."</i> In addition to the above, Architectus undertook a full SEPP 65 compliance review for Council in relation to the proposal. A copy of their report is provided at Appendix K. With respect to this item Architectus conclude; "<i>The achievement of solar access is considered satisfactory for this proposal, despite achieving 2 hours of solar access to only 52.7% of apartments (factoring in the potential future Charter Hall development to the north) between 8 am and 4 pm in mid-winter, given that:</i> <i>a) In such dense urban environments, where FSRs</i>

Clause	DCP	Proposed	Comment
			exceed 6:1, full compliance with the RFDC and ADG solar access requirements is difficult to achieve, and unreasonable. In this instance, the proximity to St Leonards and other key centres, and the desirable southern outlook is considered an appropriate alternative to strict compliance with the solar access requirements b) The proportion of south facing single aspect dwellings, being 8.3% is less than the 10% recommended by the RFDC, and considerably below the ADG rule of thumb of 15%. c) The majority of apartments not achieving the minimum 2 hours of solar access generally face south east or south west, which have highly desirable views toward Sydney CBD and Harbour. This is considered a more desirable and visually interesting, providing an alternative to direct solar access compliance for these apartments. d) The façade treatment to the living areas of south-east and south-west facing apartments is floor to ceiling glazing which provides

Clause	DCP	Proposed	Comment
			<i>maximum daylight exposure.</i> <i>e) Views to the south east and south west of the site are unlikely to be significantly impeded in the longer term due to the fall of topography away from the sites ridgeline position</i> <i>f) Solar access achieved between 8am to 4pm is considered a reasonable measure for development in a dense environment</i> The level of solar access has been thoroughly reviewed and is considered acceptable given the site characteristics, the adjoining future development and the site being situated within a dense urban area. The solar compliance position has been optimised for the scheme and is considered acceptable.
	d) The number of single-aspect dwellings with a southerly aspect (SW-SE) should be limited to a maximum of 10% of the total dwellings within a high density residential development (54 dwellings).	8.3% (43 dwellings)	Complies
Access & mobility	a) Any new development must comply with Australian Standards AS 1428 Design for Access and Mobility, AS 4299 Adaptable Housing, AS 2890 Parking Facilities and AS 1735 Lifts,	Council's Access Consultant advises the development can comply with the relevant Australian Standards and Part F of the DCP. Compliance with the recommendations of the Morris-Goding Access	Complies. Council has recommended condition 9 which is acceptable to the applicant.

Clause	DCP	Proposed	Comment
	Escalators and Moving Walks and with the Part F of this DCP – Access and Mobility	Report report would be required (refer to draft condition 9)	
Signage	a) All signage shall comply with the Part N of this DCP – Signage and Advertising	Signage is not proposed in conjunction with this DA.	N/A
Part D.5 – Development in B4 Mixed Use Zone			
5.4 Noise	Noise generated by residents, visitors, retail or commercial part and mechanical plant and equipment should not exceed the following repeatable maximum L Aeq (1 hour) level, on weekdays: Day 7am-6pm: 55dB(A) Evening 6pm- 10pm: 45dB(A) Night 10pm-7am: 40dB(A) and on weekends: Day 8am-7pm: 50dB(A) Evening 7pm-10pm: 45dB(A) Night 10pm-8am: 40dB(A) or in any case not more than 5 dB(A) above the background level during the day and evening and not exceeding the background level at night when measured at the boundary of the property. b) Incorporate noise reduction measures on plant and machinery. c) Use design features or planning that will reduce noise.	Mechanical plant equipment is not known at this stage. It is noted that plant equipment would be situated on the rooftop of each building.	Council is recommending condition 10 to ensure mechanical plant meets relevant noise standards. This is acceptable to the applicant.

Clause	DCP	Proposed	Comment
	d) Incorporate adequate measures for tonal, low frequency, impulsive, or intermittent noise		
5.6 Access, entries and servicing	a) Separate commercial service requirements, such as loading docks, from residential access, servicing needs and primary outlook	The proposal includes separate vehicle entry points for commercial and residential access points and the service/loading dock area	Complies
	c) Clearly separate and distinguish commercial and residential entries and vertical circulation.	The commercial and residential entries are clearly separated and can be accessed directly from the ground level/street	Complies
5.7 Residential Component within Mixed Use	The provisions for Residential Flat Buildings in Part C Residential Development section of this DCP and the Residential Flat Design Code associated with SEPP 65, and the additional following provisions shall apply to the residential component within mixed use developments.	Generally complies Reviewed by independent architect Architectus and addressed in assessment table. Addressed in the SEPP 65 review report and proposal considered appropriate.	Generally complies
	d) Minimise the amount of glazed area on the eastern and western elevations and incorporate shading devices	Reviewed by independent architect Architectus and addressed in assessment table. Addressed in the SEPP 65 review report (outlined in this report) and proposal considered appropriate.	Generally complies
Part C3 – Residential Flat Buildings			
3.10 Size & mix of dwellings	At least 10% of 1, 2 & 3 bedroom dwellings to be provided	Total development proposal 539 units: 41 x studio = 7% 108 x 1 bedroom = 20% 324 x 2 bedroom = 60% 66 x 3 bedroom = 12%	Complies

Clause	DCP	Proposed	Comment
3.14 Storage	b) In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: I. studio dwellings 6m³ II. one-bedroom dwellings 6m³ III. two-bedroom dwellings 8m³ IV. three plus bedroom dwellings 10m³ A minimum of 50% of this storage volume is to be provided within the dwelling accessible from the hall or living area as hall cupboards.	Achieved	Complies
3.16 Natural Ventilation	Sixty percent (60%) (323 units) of dwellings should be naturally cross ventilated. Ventilation provided to one end of a dwelling via windows onto an open access corridor does not satisfy this requirement due to privacy and acoustics' impacts. Twenty five percent (25%) (135 units) of kitchens within a development should have access to natural ventilation.	Achieved approximately 89% of units are at a height of 10 storeys or above, as per the ADG they are deemed to be cross ventilated	Complies
Part F - Access and Mobility 3.3 Public spaces and link to private properties	Development on public and private properties must provide and maintain accessible links and paths of travel between Class 2 to Class 10 buildings and to adjacent public spaces or pedestrian networks	Compliance with the BCA forms a draft condition of consent.	Complies

Clause	DCP	Proposed	Comment
	Provide 1 accessible parking space (dimensions in accordance with relevant Australian Standards) for each adaptable housing unit within the total calculation of spaces required for that dwelling = 107 spaces	107 accessible spaces provided for residents	Complies
3.6 Adaptable and Visitable housing	Adaptable housing to be provided at the rate of 1 dwelling per 5 dwellings = 107 dwellings	Provided	Complies
	Adaptable housing to be equitably distributed throughout all types and sizes of dwellings	Adaptable housing provided in 1, 2, 3 bedroom dwelling layouts	Complies
3.7 Mobility impaired access to and within buildings	80% of the dwellings are to be visitable = 431 dwellings	The Access Report included as part of the DA prepared by MGAC confirms that compliance can be achieved.	Council is recommending condition 9 to ensure compliance. This is acceptable to the applicant.
	Mobility impaired access is required to common areas and all dwellings.	Achieved	Complies

Conclusion

This report has been provided as additional information to Lane Cove Council following the deferred decision of the subject application DA 222/2014 by the JRPP on 2 March 2016. It responds to and addresses the six items raised by the Panel in greater detail to assist Council in its further assessment of the proposal.

The proposal complies with the provisions of Lane Cove Council's Local Environmental Plan and seeks to vary the building height of Towers 1 and 2 as detailed in the amended Clause 4.6 Variation outlined and provided as part of this report. The variation to the building height is considered to be acceptable given its minor nature and there are no subsequent environmental impacts.

The proposed development generally complies with the provisions of the Lane Cove Development Control Plan. There are a number of variations proposed in response to the site specific DCP, however these have all been considered as part of a detailed design review and are considered to be appropriate as they do not compromise the intent of the DCP nor have any material impacts as a result of their departures. The proposal meets the objectives of the DCP.

The items raised by neighbours within Lane Cove Council LGA and North Sydney Council's LGA are predominantly revisiting items that were considered and addressed as part of the rezoning of the site. Other items have been considered by Council and where appropriate addressed in proposed conditions of consent.

The proposal meets the objectives of the SEPP 65 planning principles and represents a high quality development that would complement and guide the future character of the area. The proposal responds well to the surrounding commercial and residential developments. This proposal maintains adequate solar access to residential properties surrounding the site. Despite views of the distant Sydney Harbour Bridge and Sydney Harbour being impacted, in particular from some neighbouring residential dwellings, the proposal maintains reasonable access to existing views of the CBD through tower separation within the development. This item was also considered and addressed as part of the rezoning and further described in this supplementary report to the JRPP. Given the character of St Leonards this level of view sharing is considered acceptable and appropriate.

The revised Clause 4.6 variation provided with this response demonstrates that there are negligible impacts resulting from the architectural blade elements and lift over runs proposed on the roof's. It is noted that these have been lowered in part following the JRPP meeting on 2 March 2016.

A VPA applies to the site where a monetary contribution will be payable as a result of the proposal. The VPA contribution is in addition to any contribution payable under Council's Section 94 Plan for the development in its entirety.

If the development application is approved, we understand the payment would be made for the purpose of contributing towards the funding and construction of a proposed St Leonards Rail Plaza and Bus/Rail Interchange over the railway line in St Leonards. In the event the St Leonards Rail Plaza and Bus/Rail Interchange does not proceed, funds may be used for the provision of public infrastructure generally within St Leonards.

The VPA is in the public interest.

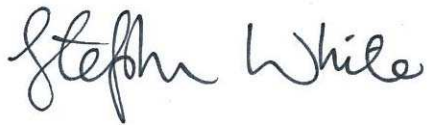
The site is situated within a precinct undergoing revitalisation. The Lane Cove Council LGA portion of the Pacific Highway at St Leonards has undergone redevelopment at the same rate as those properties located in the North Sydney LGA. The site is constrained as a result of the surrounding developments, views and the existing environmental wind conditions. The nominated building

envelopes have influenced the resultant triangular design of both towers. The result is a quality development which places a priority on solar access to public areas and creating a view corridor through the site.

The development proposal would make a positive contribution to the St Leonards CBD and surrounding precinct and Lane Cove Local Government Area in particular as a result of the public plaza and the additional housing.

Should you require any further clarification of the issues addressed in this response, I can be contacted by email on swhite@urbis.com.au or by phone on 8233 9955.

Yours sincerely,

A handwritten signature in black ink that reads "Stephen White". The signature is written in a cursive, flowing style.

Stephen White
Director