AMENDED STATEMENT OF ENVIRONMENTAL EFFECTS

496-498 &500 [illegible] PACIFIC HIGHWAY, ST LEONARDS

URBIS

25 OCTOBER 2017
PREPARED FOR NEW HOPE VIMG PTY LTD

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Report Number	Amended SEE _final

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PROPOSED DEVELOPMENT

This amended Statement of Environmental Effects (SEE) has been prepared by Urbis on behalf of New Hope VIMG Pty Ltd. It accompanies an amended Development Application (DA) package for DA 212/15 to Lane Cove Council, seeking approval for the construction of a mixed-use building at 500-520 Pacific Highway and the upgrading of Friedlander Place at 496-498 Pacific Highway, St Leonards. The proposed mixed-use building includes residential, commercial and retail uses together with basement car parking.

The site comprises three allotments, being 500 and 504-520 Pacific Highway, and Friedlander Place at 496-498 Pacific Highway St Leonards, on the southern side of this major arterial road at the south-eastern gateway to St Leonards. The subject site comprises land that has been recognised as having the potential for a high density, mixed use scheme. Development planning to achieve this has been ongoing since 2013.

Determination of the application will be by the Sydney North Planning Panel as the Capital Investment Value of the project exceeds $20 million.

The development application seeks consent for the following:

1. Site Preparation Works

- Excavation to provide eight subterranean levels of car parking.
- Site remediation as required.

2. Built Development

- Construction of car parking over 8 levels (6 full basement levels and two half levels at Nicholson Street and Lower Ground) to accommodate 492 car spaces, 33 motorcycle spaces and 230 bike spaces, storage and plant equipment.
- Construction of a podium containing:
  - Retail/commercial tenancies and residential/commercial lobbies fronting Pacific Highway, the southern building frontage accessed from Nicholson Street and Friedlander Place;
  - Communal resident amenities at the ground and first floor levels;
  - Retail and commercial tenancy space fronting the Pacific Highway on the ground and first floors, and whole floor plate for Level 2 and Level 3; and
  - Commercial tenancies on the southern portion of Levels 4-7.
- Construction of a residential tower (maximum building height including roof features of RL227.4) accommodating 429 residential apartments including a mix of studio, 1, 2, 3, 4 and 5 bed apartments.
- Communal open space on level 35 for use by all residents of the building.
- Public domain including the creation of a public plaza on Friedlander Place.
- Plant equipment and service infrastructure.

3. Access	
• Pedestrian access from Pacific Highway to the tower (residential) and podium (retail and commercial) area with access also from Friedlander Place and Nicholson Street. • A combined vehicle access driveway from Nicholson Street below Friedlander Place, providing separate access to both the commercial and residential car parking areas and loading dock.	
4. Numeric Summary	
Site Area	3,752m^2
Building Height	RL 227.4
Gross Floor Area	47,868m^2 of maximum 56,409m^2 allowable across total site Residential & Residential Amenities: 41,511m^2 / Non-residential: 6,357m^2
Floor Space Ratio	12.75:1 across entire site including Friedlander Place Residential: 11.06:1 / Non-residential: 1.694:1
Apartment Typologies	Studio – 44 1 bedroom – 108 2 bedroom – 221 3 bedroom – 53 4 bedroom – 2 5 bedroom - 1
Parking	Total of 492 spaces allocated as follows: Residential Car Parking – 283 spaces, plus 86 accessible spaces. Residential Visitor Parking – 41 spaces plus 2 accessible spaces. Non Residential Car Parking – 64 spaces plus 7 accessible spaces. Car Share – 9 spaces

BACKGROUND

The land's suitability for redevelopment was considered during a planning process which cumulated in the Lane Cove Local Environmental Plan 2009 (Amendment No 18) (**LEP Amendment**), which commenced in May 2015 and accompanying amendments to the Lane Cove Development Control Plan (**Lane Cove DCP**). '

The rezoning process was the subject of a thorough and detailed assessment by Council the Department of Planning and Environment as follows:

- Council meeting 16 December 2013: Council resolved to submit the planning proposal to NSW Department of Planning and Environment for Gateway determination.
- NSW Department of Planning and Environment issued Gateway approval for the planning proposal.

- Council meeting 14 June 2014: Council resolved to approve the public exhibition of the planning proposal, site specific DCP and Voluntary Planning Agreement (**VPA**).
- Council meeting 14 October 2014: Council resolved to endorse the planning proposal and issue this to NSW Department of Planning and Environment for gazettal. Additionally, Council endorsed the DCP and VPA.

The LEP Amendment re-zoned the entire Friedlander Place Precinct which includes 472 & 486, 496-498, 500 and 504-520 Pacific Highway to B4 Mixed Use and increased the maximum building height for 500-520 Pacific Highway to RL of 227.4m.

The LEP Amendment applicable to the "Friedlander Precinct" was supported by the following documents:

- A VPA for each individual development site; and
- Precinct-specific development controls in the Lane Cove DCP which provide detailed development controls on a site-by-site basis for high density mixed-use development (see Part D of the Lane Cove DCP).

The DA responds to the LEP Amendment and the accompanying DCP amendment.

Planning Proposal Consultation

During the Planning Proposal phase the (then) site owner actively engaged with key community members, government agencies and local authorities to discuss plans for the redevelopment of the site. This process of consultation began prior to the lodgement of the Planning Proposal for the rezoning of the site and continued to gazettal of the LEP Amendment. This preliminary phase of consultation was conducted through the implementation of a comprehensive program of community consultation with local residents and businesses and other stakeholders which included:

- Direct consultation with relevant government agencies and utility and service providers to determine their requirements in respect of the proposal.
- Community consultation.
- Discussions and meetings with Council representatives including a number of Councillor briefing sessions.

This preliminary consultation has informed the detailed design of the project in a number of ways as outlined within this report but the proposed development remains generally consistent with the concept plan depicted in the planning proposal documents that were publicly exhibited, save changed to the proposed development in order to take into account other planning controls.

PROJECT HISTORY AND AMENDED SCHEME

DA 212/15 was originally lodged with Council in December 2015. Since that time there has been extensive ongoing consultation with Council, and a number of design iterations have been presented to Council and its consulting architect, Architectus. In summary, the following have occurred:

- A revised scheme was issued in August 2016, and was reviewed by the Sydney North Planning Panel on 25 January 2017.
- The Panel deferred determination due to the late submission by Council of the independent, technical peer review of the proposed development against the requirements of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) conducted by Architectus (SEPP 65 Report), and additional information provided to the Panel by Council and objectors. The Panel also requested a supplementary report addressing several matters, and the provision of a new, independent review of the SEPP 65 Report.
- In response to these matters, the proponent resolved to comprehensively review the internal design of the building and expanded the Design team to include Warren and Mahoney Architects to assist A+ Design Group in the design process of the amended scheme, which now provides significantly improved amenity, efficiency and design excellence.

This amended Statement of Environmental Effects provides assessment of this revised scheme.

ASSESSMENT

The proposed development has been assessed against the applicable State and local planning policies, including the *Lane Cove Local Environmental Plan 2009* (Lane Cove LEP) (as amended by the LEP Amendment) and SEPP 65. The assessment concludes that the proposal represents a design, quality and form that is consistent with the objectives of the applicable planning policies and will have an acceptable environmental impact.

In summary:

- The proposal is consistent with State and subregional strategic planning objectives. The proposal will deliver high-quality mixed use development in close proximity to public transport infrastructure and the amenities of St Leonards centre. The proposal supports the changing nature of St Leonards to a Specialised Centre supported by associated services and residential accommodation.
- The proposal satisfies the applicable local and state planning policies and is consistent with the early vision identified in the St Leonards and Crows Nest Precinct Planning Process. The proposal complies with the Lane Cove LEP requirements. The building in its entirety sits below the maximum building height of RL 227.4. The proposal presents an overall GFA below the maximum 56,409m^2 available, and satisfies the minimum 1.5:1 non-residential FSR requirement.
- Additionally, the proposal satisfies the desired design quality outcomes and objectives of SEPP 65 and the accompanying Apartment Design Guide.
- The proposal is consistent with the objectives of the B4 Mixed Use zone but relates to and transitions to the adjoining B3 Commercial Core zone.
- The design responds positively to site constraints and opportunities. The proposal has been designed having close regard to the existing site conditions to maximise solar access and visual privacy for residents and neighbours, and presents a high quality built form interface with Pacific Highway and Friedlander Place.
- The proposal achieves a high quality architectural design and appropriate built form and importantly will result in delivery of quality built and open space design within the precinct.
- The proposal achieves a positive outcome for the locality. The proposal will support the changing nature of St Leonards, providing for commercial space in demand by medical and associated professionals in close proximity to Royal North Shore Hospital. It will also ensure the construction of a range of residential accommodation. The proposal will result in an upgraded Friedlander Place consistent with the vision setout by Lane Cove Council making this publicly accessible land more usable for residents and visitors. The redevelopment will help to revitalise the eastern entry point of St Leonards along the Pacific Highway and promote an active precinct at this location.

1. INTRODUCTION

1.1. OVERVIEW

This amended Statement of Environmental Effects (SEE) has been prepared on behalf of New Hope VIMG Pty Ltd (the **Proponent**), for land at

- 500 and 504-520 Pacific Highway St Leonards (Lot 1 DP 1146146 and Lot 1 DP 1203289), and
- 496-498 Pacific Highway - Friedlander Place (Lot 1 DP1179636).

It accompanies an amended Development Application (DA) package for DA 212/15, for the construction of a mixed use development comprising retail, commercial and residential uses on 500-520 Pacific Highway, basement car parking below 496-498 and 500-520 Pacific Highway and upgrading of the publicly accessible Friedlander Place.

1.2. SITE OWNERSHIP

The Proponent is the owner of 500-520 Pacific Highway and Friedlander Place at 496-498 Pacific Highway.

The Proponent and Council have entered into an agreement that prior to the completion of the development, the lots will be amalgamated and a stratum created from the ground plane (Pacific Highway level) slab of Friedlander Place. Ownership of this Friedlander Place ground stratum will be transferred back to Lane Cove Council, who will provide public access over that land in perpetuity.

1.3. BACKGROUND

In 2013, the site and adjacent precinct (including Friedlander Place and 472&486 Pacific Highway) was the subject of a Planning Proposal that sought to amend the Lane Cove LEP by:

- Changing the zoning of land at 500-520 Pacific Highway and 95 Nicholson Street from B3 Commercial Core to B4 Mixed Use to facilitate the development of approximately 1,000 residential apartments and a range of non-residential uses contained within approximately 10,000sqm of floor space.
- Amending the maximum building height for 500-520 Pacific Highway from 72m to RL227.4.
- Introducing a minimum non-residential floor space control (FSR) applicable to 500 and 504-520 Pacific Highway of 1.5:1 within the existing FSR of 17:1.

The Planning Proposal was informed by an in-depth urban design analysis and schematic architectural designs prepared by the former landowner, which supported the change in zoning and building height. The analysis was independently reviewed on behalf of Council by Architectus. No change to the existing FSR control was contemplated as the subject site is capable of accommodating a mixed use residential and retail/commercial scheme within the prior FSR control of 17:1. An additional provision requiring a minimum 1.5:1 of non-residential floor space was however proposed to preserve a reasonable level of employment floor space on the site.

The Planning Proposal was gazetted on 15 May 2015.

The rezoning of the site was subject to a Voluntary Planning Agreement (VPA) between the Proponent and Lane Cove Council. Subject to the granting of development consent for this DA, the VPA provides for the undertaking of works in kind for Friedlander Place upgrade and landscaping works prior to transfer of the Pacific Highway level stratum back to Council. Consent for these works is sought as part of this Development Application.

The overall layout of the Friedlander Precinct responded to Council's *Draft St Leonards Public Domain Masterplan* (August 2014) which identifies public linkages and desire lines between existing and proposed public open space in the broader St Leonards area. Specifically, in relation to the precinct and subject site, Friedlander Place and a new public plaza on 472 & 486 Pacific Highway are identified as attractors. The Masterplan shows a 'future or potential' east-west pedestrian connection linking Friedlander Place and the new public plaza with Christie Street. This link is identified as a retail activated lane along the northern portion of 69 Christie Street, with frontage to the southern side properties at 500- 538 Pacific Highway.

1.4. CONSENT AUTHORITY

The proposed development is permissible with development consent. The application will be assessed under Part 4 of the Environmental Planning and Assessment Act, 1979 (EP&A Act).

This DA is lodged with Lane Cove Council pursuant to Part 4 of the EP&A Act. The cost of works is above the threshold for determination by the Sydney North Planning Panel (SNPP), which is exercising the Council's function as the consent authority for the DA.

1.5. PRE-LODGEMENT CONSULTATION

The previous landowner actively engaged with Lane Cove Council prior to lodgement of and during the initial assessment of the Planning Proposal. This included several meetings with senior officers and participation in Councillor briefing sessions including the following:

- 12 August 2013: Presentation to Lane Cove Council Councillors providing details of draft concepts and strategy position behind the Planning Proposal.
- 12 September 2013: Follow up meeting with Council staff to gain formal feedback on the proposal.
- 23 September 2013: Meeting with Council staff regarding technical inputs required to support the Planning Proposal.
- 17 October 2013: Formal briefing of the General Manager, Director of Planning and Manager of Strategic Planning Prior to lodgement of the Planning Proposal.
- Regular ongoing meetings with Council staff following Council's resolution to forward the Planning Proposal to the Department of Planning and Environment (DP&E) for Gateway Determination on 16 December 2013.

These discussions informed the Draft LEP documentation that was subsequently placed on public exhibition. The proposed development, the subject of this DA, is consistent with the concepts reflected in the publicly exhibited Planning Proposal endorsed by Council.

A pre-lodgement meeting to discuss the detailed design of the proposed development was held with officers of Lane Cove Council on 10 November 2015. At that meeting, Council officers acknowledged the following:

- The landscape design for Friedlander Place should address wind amelioration especially at the southern end.
- Solar access provision should aim to provide the best amenity possible to as many residents, across all apartment typologies, having regard to the site location, building orientation and surrounding urban context.
- The scheme is to provide detail of the range of building lengths, having regard to various balcony extents at different levels.
- For car parking, either rely solely on RMS rates or Council rates. Do not rely on a mix of rates for different use generators in the building.

1.6. POST LODGEMENT CONSULTATION

The Development Application was lodged with Lane Cove Council in December 2015. During the assessment phase there have been numerous meetings between Council, the proponent and design team regarding various aspects of the project.

Such meetings resulted in design development which has seen the evolution of the project to date.

1.7. OTHER APPROVALS

Since lodgement of the DA in December 2015, approval for the proposal has been granted under the *Airports (Protection of Airspace) Regulations 1996* (Cth) and Section 182 of the *Airports Act 1996* (Cth) as the building height exceeds the Conical Surface of the Obstacle Limitation Surface (OLS) above the subject property.

An Aviation Assessment of the proposed building height has been prepared by Thompson GCS which finds that whilst the proposed building and associated construction cranes will penetrate the OLS, they will not exceed to PANS-OPS Surface level over the site. This report is included at Appendix A. The Commonwealth Approval is included at Appendix B

RMS has granted its concurrence for the undertaking of works on the site in proximity to the Pacific Highway, being a classified road. These works include:

- Demolition of all existing structures and installation of the required retention systems to the Pacific Highway elevation;
- Excavation of the site and installation of the required retention systems to the Pacific Hwy elevation.

Correspondence from RMS is included at Appendix C.

Ausgrid has provided its approval for:

- Decommissioning & removal of the substation adjacent to the site which is now complete.
- Installation of a temporary padmounted substation on Nicholson St, providing a temporary power supply to the neighbour at 69 Christie Street, and a temporary power supply for the builder within the site, which is no complete.
- Decommissioning & reroute of High Voltage network cabling within the site. This work is in progress.
- Installation of a temporary power supply to the site from a pillar on Pacific Highway. This work is yet to commence.

Ausgrid Correspondence is included at Appendix D.

1.8. STRUCTURE OF THE SEE

This SEE provides the following information:

- A description of the site context, including identification of the site, existing development on the site and surrounding development.
- A description of the planning background and context.
- Detailed description of the proposed development.
- Assessment of the proposed development against the relevant planning controls.
- Assessment of relevant matters under Section 79C of the EP&A Act.

This SEE should be read in conjunction with the amended architectural drawings and supporting documentation attached at Appendices A-KK as listed below.

Table 1 – Appendices A – KK

Appendix	Document	Revision Date
A	Aviation Assessment	16 December 2015
B	Site Survey	30 November 2015
C	Architectural Plans and Architectural Design Report	
D	SEPP 65 Design Statement	
E	View Impact Study	October 2017
F	View Impact Peer Review & Photomontage Certification	12 October 2017
G	Landscape Report and Plans	October 2017

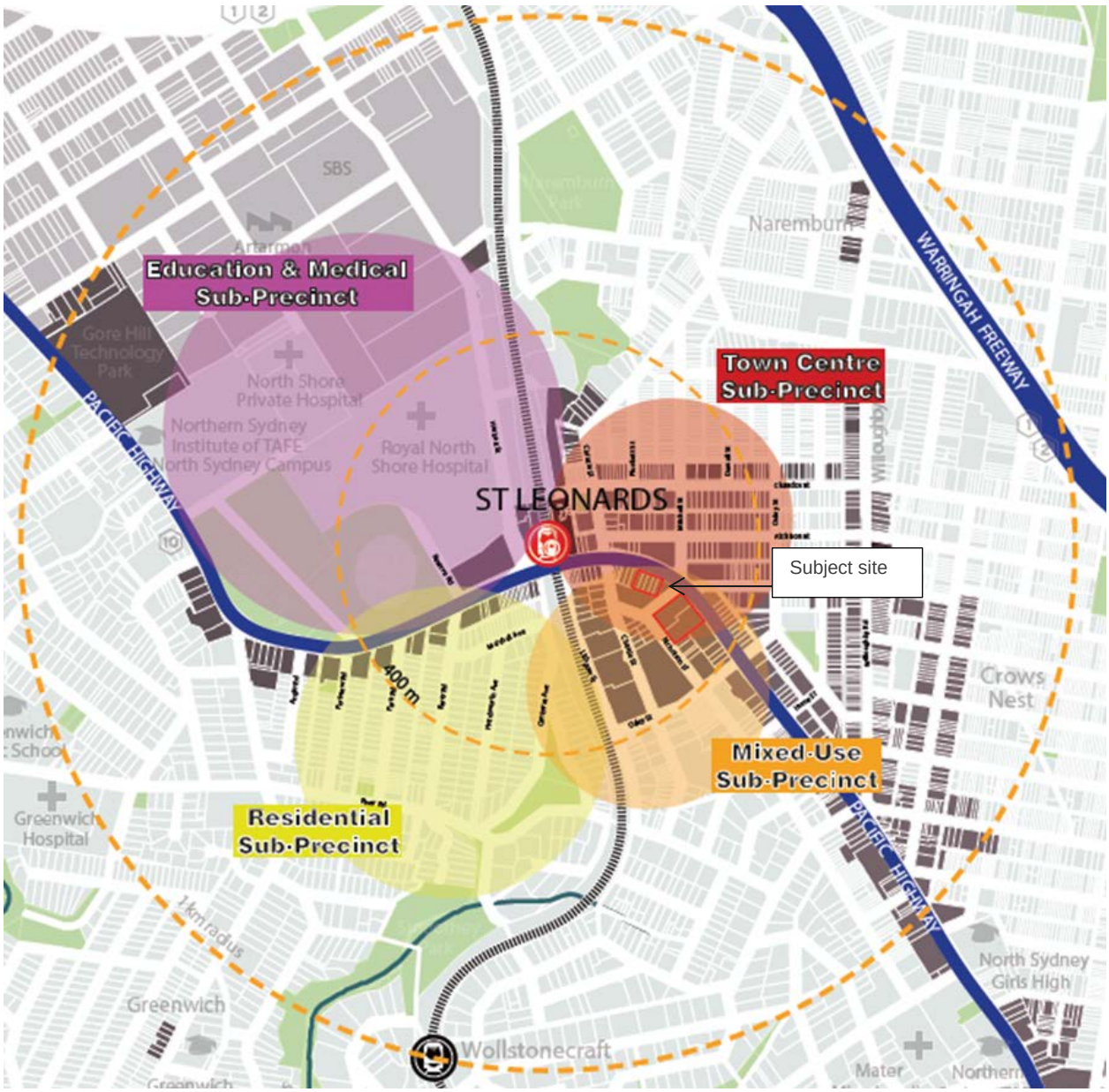
Appendix	Document	Revision Date
H	Traffic & Parking Report	October 2017
I	Civil Drainage Report and Plans	September 2017
J	Site Services – Ausgrid & Telstra	Various
K	Lift Servicing Report	6 October 2017
L	Waste Management Plan	13 October 2017
M	Crime Prevention Through Environmental Design	October 2017
N	Sustainability Management Plan	11 October 2017
O	BASIX Report and Certification	13 October 2017
P	NCC Section J Report	13 October 2017
Q	Structural Engineering Design Brief	3 October 2017
R	Phase 1 Preliminary Site Assessment	18 December 2015
S	Lane Cove DCP Compliance Table	October 2017
T	Arboricultural Impact Assessment	25 February 2017
U	Solar Access Analysis and Deep Unit Lighting Assessment	5 October 2017
V	Acoustic Specification	Undated
W	Geotechnical Assessment	28 October 2014
X	BCA Assessment Report	6 October 2017
Y	Fire Engineering Concept	6 October 2017
Z	Wind Assessment	16 October 2017
AA	Access Review	13 October 2017
BB	Ashurst Easements Advice	17 February 2017
CC	CASA Approval	5 June 2017
DD	RMS Approval	Various
EE	Douglas Partners Metro Advice	September 2017
FF	Cross Ventilation Study	4 October 2017
GG	Ausgrid Approval	Various

2. SITE AND SURROUNDING CONTEXT

2.1. SITE LOCATION

The site is located within the suburb of St Leonards in the Lane Cove Local Government Area (LGA), at the boundary of both Willoughby and North Sydney LGAs as shown in Figure 1 below. St Leonards is located 6km north of the Sydney CBD within Sydney's Lower North Shore. The suburb is in close proximity and highly accessible to the commercial centres of North Sydney, Chatswood and Macquarie Park.

Figure 1 – Site Location Plan



2.2. SITE DESCRIPTION

The site comprises three adjoining land parcels which will be consolidated as part of the development proposal (refer to Table 2). The site has a combined site area of 3,752m^2. A site survey accompanies this report at Appendix E.

Part of the site comprises Friedlander Place, formerly public open space. 500 and 504-520 Pacific Highway were previously occupied by two separate commercial office buildings. Consent was granted by way of DA

36/2016 for demolition of all structures on these three lots, down to the ground plane. Works approved by this DA are near completed.

Table 2 details the site address, legal description and existing land use.

Table 2 – Property Description and Existing Development

Address	Lot/DP	Existing Land Use
496-498 Pacific Highway (Friedlander Place)	Lot 1 DP 1179636	Vacant site with all structures demolished Previously terraced public open space
500 Pacific Highway	Lot 1 DP 1146146	Vacant site with all structures demolished Previously 6 storey strata titled commercial building
504-520 Pacific Highway	Lot 1 DP 1203289	Vacant site with all structures demolished Previously 10 storey commercial building

The site is located at the heart of St Leonards within convenient walking distance of the facilities and services available within the St Leonards rail precinct. The area is well advanced in its transition from an older style commercial precinct into a thriving mixed-use area incorporating a mix of commercial and residential land uses. This transition is being supported by current development activity, recent approvals and further planned development. The immediate surrounds include a range of building forms which are predominantly medium and high rise commercial and multi-storey mixed use residential buildings.

The site is bound by the Pacific Highway (six lane carriageway) to the north & north east, Nicholson Street to the south west, and commercial development to the north across the Pacific Highway, west and south, and residential development under construction to the south east.

Figure 2 – Site Plan

Source: Nearmap (January 2016)

2.3. LOCAL CONTEXT

The key assets benefiting the surrounding area are generally summarised as follows:

- Accessibility: Public transport services to St Leonards are well established. Regular train services to the major employment centres of Chatswood, Macquarie Park, Sydney CBD and North Sydney are available from St Leonards station. High frequency bus connections operate along the Pacific Highway. St Leonards has a high usage of public transport compared to other strategic employment centres.

  The new metro station at Crows Nest (to be located on the north eastern corner of Pacific Highway and Oxley Street) is to open in 2024. It will adapt part of the existing 'Chatswood to Epping' heavy rail line into a very high frequency metro service between residential, commercial and retail centres including Rouse Hill, Norwest Business Park, Epping, Macquarie Park, Chatswood, Crows Nest, North Sydney, Sydney CBD, Green Square, Campsie and Bankstown. St Leonards train station will continue to function as a heavy rail station along the T1 North Shore and Northern Line. Once complete, the combination of these two stations will provide an exceptional level of public transport accessibility to the surrounding region and across Metropolitan Sydney.

- Housing: Recent development has redefined the character of the area and this will continue to evolve over the coming years in line with State government policies for the area, as articulated in the Metropolitan Plan *A Plan for Growing Sydney* and Draft *North District Plan*. New higher density development has been approved particularly in the vicinity of the Pacific Highway and it is expected that the locality will experience a high ongoing demand for housing.

  The character of St Leonards is evolving from a purely employment based precinct to support a more diverse range of uses. New development includes high density residential uses which complement (rather than replace) the traditional commercial focus and help to activate the locality outside business

hours. New residential uses are generally concentrated around the St Leonards train station. It is noted that St Leonards South is the subject of a planning proposal for increased residential densities.

- Employment: St Leonards is one of the most highly skilled and educated workforces in the NSW and Australian economy. A wider strategic context including *A Plan for Growing* Sydney and the draft *North District Plan* identifies St Leonards is an integral part of the Global Economic Corridor which is an area of global economic activity stretching from Port Botany and Sydney Airport, through the Sydney Central Business District (CBD), North Sydney and St Leonards to Parramatta. This region accounts for the majority of Sydney's globally orientated commercial businesses and over 50 per cent of the National Gross State Product. The Draft *North District Plan* anticipates that St Leonards will make a significant contribution to this, providing 33,300 jobs by 2031.

- Open space and Heritage: The area enjoys access to high quality regional open space, natural bushland, national parks and the Sydney Harbour. Locally, there are good quality existing open spaces including the Gore Hill Oval, and new open spaces and plazas are proposed across the Precinct.

- Health and Education: The Royal North Shore Hospital (RNSH) meets the health needs of Mosman, Willoughby, Lane Cove and North Sydney LGAs. RNSH is undergoing significant redevelopment and expansion. The redevelopment of the medical and clinical uses of RNSH will be complemented by the development of a 10,000sqm "support zone" which will include staff accommodation, childcare facilities, administration buildings, car parking and commercial / retail uses. Medical and health related services are principal employment uses within St Leonards accounting for 25 per cent of jobs within St Leonards (based on 2011 data). The importance of the health industry to local employment is expected to continue and grow into the future supported by the major redevelopment of RNSH.

2.4. STRATEGIC CONTEXT

In August 2017, St Leonards and Crows Nest was declared a Priority Precinct by the NSW Department of Planning and Environment (**DP&E**). The Precinct boundary and subject site location is shown at Figure 3. Following this declaration, the DP&E released the St Leonards and Crows Nest Station Precinct 'Interim Statement', which provides a high level strategic overview of the likely future role and development context for this locality, including the subject site.

The St Leonards and Crows Nest Station Precinct is identified as one of Sydney's Key Priority Growth Areas in response to the 'game-changing' investment in the Sydney Metro. The release of the Interim Statement marks the completion of the first stage of the planning process for the Precinct and provides the opportunity for the community to make comment on the future of the precinct. The planning process included a strategic review of the existing area, and the undertaking of preliminary technical studies, to create a vision and guiding principles for the future of the area.

The St Leonards / Crows Nest Precinct remains in the early stages of the planning process and the 'Interim Statement' does not have any legal status requiring consideration by Council or the SNPP at this time. However, the proposed development embraces the future direction for St Leonards, and will be a leading example of high quality genuine mixed-use development.

Figure 3 is an extract from the 'Interim Statement' delineating possible future land use categorisations for the Precinct.

Figure 3 – St Leonards and Crows Nest Priority Growth Precinct

Source: NSW Department of Planning & Environment

3. POST LODGEMENT AND AMENDED SCHEME RESOLUTION

This section outlines the process undertaken by the proponent since Development Application DA212/15 was originally lodged in December 2015.

During its initial review of the application, Council raised a number of issues with the design and requested that these be addressed by the Proponent. A number of design iterations have been presented to Council and its consulting architect, Architectus, between May and August 2016. An amended scheme was issued in August 2016 in order to resolve these issues.

An assessment report was prepared by Council in respect to the August 2016 scheme. That report recommended that the SNPP grant consent to the development at its meeting on 25 January 2017.

3.1. SYDNEY NORTH PLANNING PANEL MEETING 25 JANUARY 2017

The revised scheme was considered by the SNPP on 25 January 2017.

Determination of the application was deferred by the Panel due to the late submission of Architectus' peer review SEPP 65 Report and additional information provided by the Council and objectors. The Panel's deferral requested:

"Council to provide a supplementary report which addresses the following:

- *Solar access between the hours of 9am and 3pm mid-winter*
- *Clarification of the need for land owners consent from owners of 69 Christie Street St Leonards in relation to the trees that are proposed to be removed*
- *Potential impacts of 69 Christie Street St Leonards should it be developed under present planning controls*
- *Status of the right of carriageway and public access over 69 Christie Street St Leonards*
- *Clarification of the restriction on hours of construction and high noise generating activities that have been conditioned and agreed informally with the neighbouring Mirvac Project*

In addition to the above, Council is to provide an independent review of the current SEPP65 Report in relation to solar access, overshadowing and privacy.

Council to submit a new set of revised conditions with the supplementary report. Once received, the panel will hold a public meeting to determine the application."

3.2. RESPONSE TO PANEL INFORMATION REQUEST

The revised design has specifically responded to the issues raised by the SNPP in their meeting minutes of 25 January 2017. A response to each issue raised is detailed below.

3.2.1. Solar access between the hours of 9am and 3pm mid-winter

Objective 4A-1 of the Apartment Design Guide (ADG) is to *optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space*. Design Criteria no.1 for this objective requires that living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours' direct sunlight between 9am and 3pm at midwinter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.

SLR has previously completed solar access and natural lighting reports in respect of the proposal, dated 10 August 2016 and 9 September 2016 respectively.

An updated report prepared by SLR reflecting the current scheme is included at Appendix F. The updated report states that the subject proposal provides:

- 64.34% of apartments with 2 hours' solar access between 9am and 3pm at midwinter, being an improvement on the previous scheme at 63.1%; and
- 24% of apartments receive no direct sunlight, which is slightly better than the previous configuration.

Plan reference A701 RevA at Appendix F G details the quantum and location of apartments achieving minimum 2 hours' solar access between 9am and 3pm at midwinter.

It is recognised that 70% compliance is rarely achievable in highly urbanised mixed use and commercial zones such as St Leonards, where solar access is blocked by existing towers. Further, objective 4A-1 of the ADG acknowledges that internal amenity is not solely reliant on solar access, and a balanced approach may need to be taken in some circumstances where achieving the design criteria may not be possible. This includes characteristics of the subject site, which is

- south facing and sloping, and
- where significant views are oriented away from the desired aspect for direct sunlight.

In this instance, the achievement of 64.34% solar compliance with the design criteria in an urban location on a site with an east-west axis is considered to be admirable. Whilst 24% of apartments do not receive direct solar access at midwinter, these apartments benefit from extensive southerly views of the city and harbour. Overall, 88.6% of apartments receive either 2 hours solar access at midwinter, or a view. This level of residential amenity is high.

Further discussion on the scheme's achievement of ADG objectives for resident amenity is provided at Section 5.3 of this SEE.

3.2.2. Clarification of the need for land owners consent from owners of 69 Christie Street St Leonards in relation to the trees that are proposed to be removed

Confirmation is provided that development consent is not sought for the removal of trees located on 69 Christie Street.

There are, however, multiple trees that exist on 69 Christie Street close to the boundary of the subject site. In some cases the roots or branches of those trees have crossed the boundary into the subject site and are now posing an obstacle to development.

At the SNPP meeting on 25 January 2017, Andrew Gough of Storey & Gough Lawyers, on behalf of the Owners Corporation of 69 Christie Street asserted that development consent could not be granted because:

(a) the development would involve the removal of trees from 69 Christie Street;

(b) the removal of trees constitutes development; and

(c) the owners of 69 Christie Street have not provided written consent to the making of the development application pursuant to cl 49 of the *Environmental Planning and Assessment Regulation 2000* (NSW).

This argument was based on the Aboricultural Impact Assessment dated 3 December 2015 and prepared by Arterra Consulting Arboriculture, which recommended that six trees (T47, T48, T49, T52, T53 and T55) be removed because basement excavations on the subject site would involve root incursions and compromise the long-term survival and growth of those trees or undermine their structural stability.

Mr Gough did not submit, nor could he have done so, that the development of the subject site could not remove those parts of the trees, including their roots, that were actually on the subject site.

Original Tree Assessment Methodology

The original recommendation in the Aboricultural Impact Assessment that six trees be removed (T47,48,49,52,53 and 55) was based on the trees' nominal and theoretically calculated Tree Protection Zones (TPZs) and Structural Root Zones (SRZs) radii (using methods outlined in AS4970- Protection of Trees on Development Sites), following a visual site inspection and the taking of various measurements. The calculation of TPZs and SRZs were based on the measured size of the tree trunk diameter at both breast height (1.4m above ground level) and at ground level.

Given the original building proposal involved excavation and construction into these calculated zones (albeit only on the subject site) it was considered by Arterra Consulting Arboriculture, at the time, prudent to recommend the trees' removal.

Further Tree Assessment Undertaken

Further detailed site investigations have been undertaken to ascertain whether having regard to the actual impact on the trees' roots these recommendations for removal are still appropriate.

Physical exploration of the trees' rootzones has now been undertaken by Arterra Consulting Arboriculture, to verify the actual location of tree roots and their relationship to the development. Non-destructive exploratory trenching using water jet and vacuum extraction was undertaken along the property boundary lines adjacent to the trees.

This trenching revealed that, for the majority of the trees, very few roots would be impacted by the proposed development, and certainly no major structural roots. The exception to this was T47 where major roots were found to cross the boundary. Accordingly, Arterra Consulting Arboriculture has concluded that five of the six trees originally recommended for removal would actually not be impacted by the development in any significant way and the recommendation for their removal does not stand. A revised Arboricultural Impact Assessment is provided as Appendix H.

Proposed Tree Protection Approach

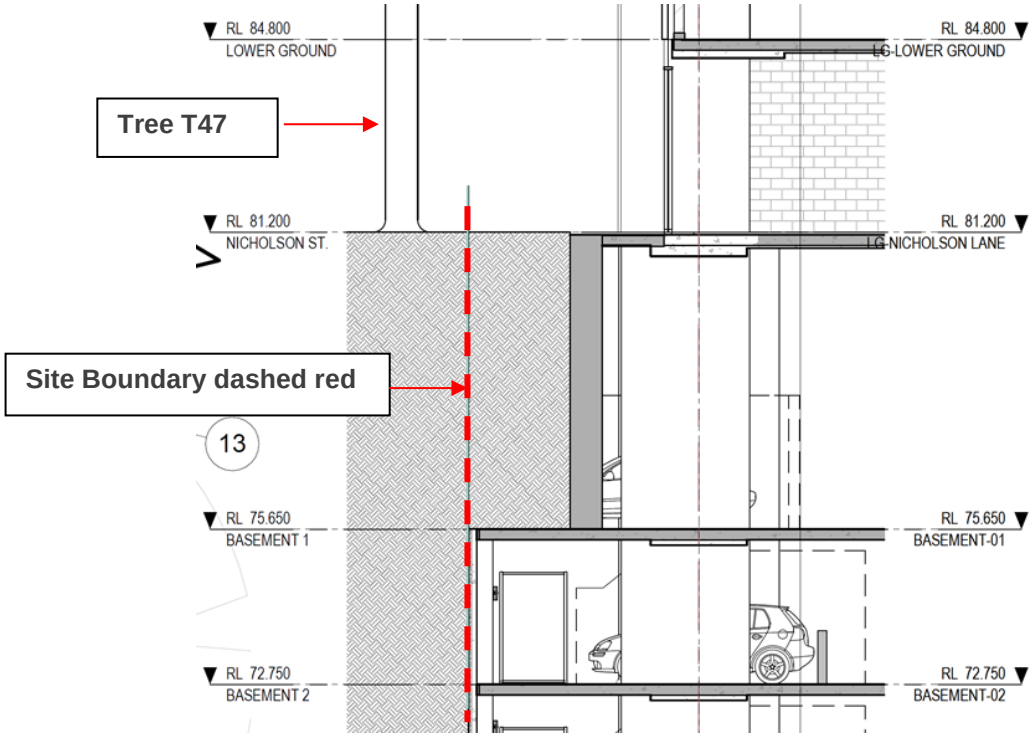
<u>Root Zone of Tree 47</u>

It could be argued that the intrusion of the roots from this tree constitutes a nuisance at law that the developer could require be removed. That is not the approach the Proponent proposes.

Rather, to protect Tree 47, the alignment of Basement Level 1 has been re-designed to step around the tree root zone to provide protection of the tree roots for a minimum distance of 3.0m from the centre line of the trunk of the tree. The structural root zone of this tree is calculated at 2.45m. According to Arterra Consulting Arboriculture, this amendment to the basement design will not prejudice the health of that tree.

The following Figure 4 shows a sketch section through the basement design to accommodate the root zone of Tree 47.

Figure 4 – Sketch section of Basement 1 cut out to accommodate T47 root zone.



Canopies of Trees

Trees T47-49 have pre-existing canopies that were restricted in size and shape by previous buildings on the subject site. Their canopies will therefore be clear of the proposed building and will not significantly impede or be impacted by proposed construction activities.

The canopies of trees T52, T53 & T55 currently overhang the boundary of the subject site to varying degrees and at varying heights. The proposed Friedlander Place plaza is to be constructed at approximately RL89.40 (finished floor level) and is to project above the existing ground level to the current boundary line at the western side of Friedlander Place. The construction of this portion of the building will impact the existing canopies of T53 & T55 that overhang the boundary.

The proposed development will require pruning the parts of the canopies of both T53 and T55 that overhang the subject site. T53 is a Brush Box (*Lophostemon confertus*) and T55 is a relatively small Brush Cherry (*Syzygium australe*). Both of these species are tolerant of pruning.

Arterra Consulting Arboriculture advises that both trees will be able to survive the pruning.

Low height piling equipment will also be required in this vicinity to avoid any further conflict with the tree canopies during construction.

It is the arborist's opinion that all trees on 69 Christie Street can be successfully retained and protected.

Importantly, having regard to Mr Gough's submissions, the development would not require any development to take place on 69 Christie Street, thus their owners consent is not required for this DA.

However, should the owners of 69 Christie Street be amenable to further pruning of the trees to the next main junction (which are closer to the trunks and so are on their land) consistent with good arboricultural practice, the proponent is willing to undertake that further pruning subject to obtaining the relevant separate permits as necessary. The proponent has engaged with the owners of 69 Christie Street and has received email correspondence agreeing to the removal of tree T47 but as a deed is yet to be executed between the parties this proposal maintains tree T47.

Amended plans and an updated arborist advice accompanies this response at Appendix G and Appendix H respectively.

Proposed Tree Protection Condition

In order to permit the pruning of trees T53 and T55 and to address concerns regarding the retention and protection of trees on 69 Christie Street, the proponent proposes the following draft condition of consent:

(a) The applicant must:

(i) Remove the trees on Lot 1 DP 1179636, and

(ii) Prune the trees that intrude into the airspace of Lot 1 DP 1179636 but only to the extent that such pruning takes place within the boundary of Lot 1 DP 1179636,

in accordance with the Tree Protection and Removal Plan (TPRP) included in the Arboricultural Impact Assessment date 25 February 2017.

(b) Prior to carrying out construction within 5 metres of any tree that is identified in the TPRP to be retained, the applicant must implement and maintain during the period that construction takes place within that distance, the tree protection measures set out in the TPRP for the particular tree, or such other appropriate tree protection measures as may be approved by Lane Cove Council's Director of Planning.

The proposed condition is the most appropriate way to address the tree protection issues for the following reasons:

- The Proponent is legally entitled to prune trees that overhang its boundary, subject to obtaining Council's permission.
- The development application does not seek consent to remove trees located on 69 Christie Street, but seeks consent to prune trees to the extent that the trees overhang the boundary of the subject site.
- The proposed condition will allow pruning to occur to the boundary consistent with the TPRP.

- The Arboricultural Impact Assessment and TPRP proposes various tree protection measures, some of which would be located on 69 Christie Street.
- Tree protection measures are not development that requires development consent. Therefore, the tree protection measures that would be required to be implemented do not necessitate the owners of 69 Christie Street's consent to the development application.
- Nevertheless, in order to implement those measures, the applicant will need to seek the owner's permission to enter their land. Accordingly, the applicant will separately seek access to 69 Christie Street once development consent has been granted.
- Alternatively, the applicant must nevertheless construct a construction site fence in accordance with the conditions of consent already proposed by Council in its previous assessment report (draft condition 33). Depending on the nature of that fence, the fence may provide adequate protection to the trees on 69 Christie Street and, after development consent has been granted, if Council considers that such a fence would be adequate to protect the trees, then the Director of Planning may approve the construction site fence as adequate tree protection and not require the additional measures set out in the TPRP.

3.2.3. Potential impacts of 69 Christie Street, St Leonards should it be developed under present planning controls

Accurate diagrams have been prepared by A+ Design Group and Warren and Mahoney detailing development controls and easement restrictions as they apply to 69 Christie Street based on the following:

- The maximum height of building standard applicable under LEP 2009; being 36m;
- The building setback controls contained within Lane Cove DCP Part D Commercial and Mixed-Use Localities (Locality 1, B3), being 6m;
- The minimum floor to ceiling heights for commercial development under the Lane Cove DCP;
- Accurate survey information on ground level heights provided by LTS Surveyors; and
- There are two main easements that benefit 500-520 Pacific Highway and burden the northern part of 69 Christie Street (Easements O and P), which would need to be preserved by any future potential development on 69 Christie Street. Both easements are rights of footway of variable width and limited in stratum.
- The diagrams show that the proposed development at 500-520 Pacific Highway in no way restricts the development potential or capacity of 69 Christie Street under the present planning controls.

The separation diagrams are included below, and within the new SEPP 65 Design Statement at Appendix I.

Figure 5 – Existing setback relationship between 69 Christie Street and 500-520 Pacific Highway

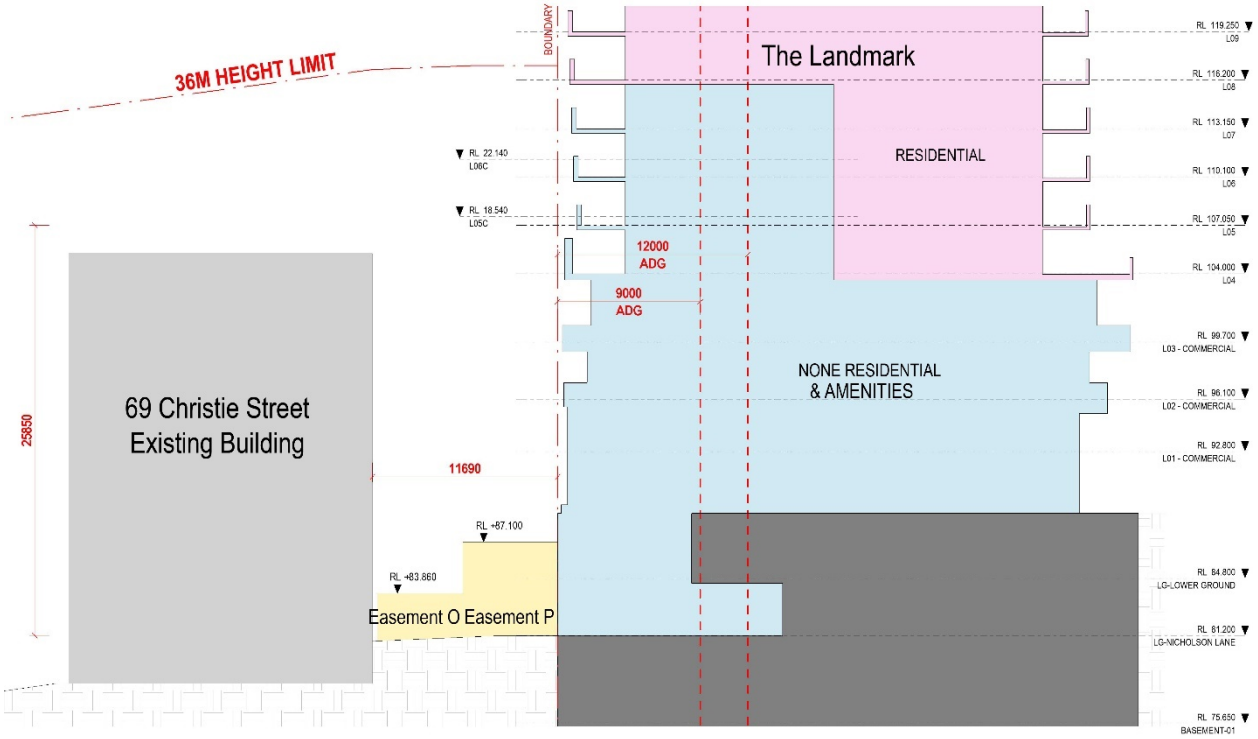
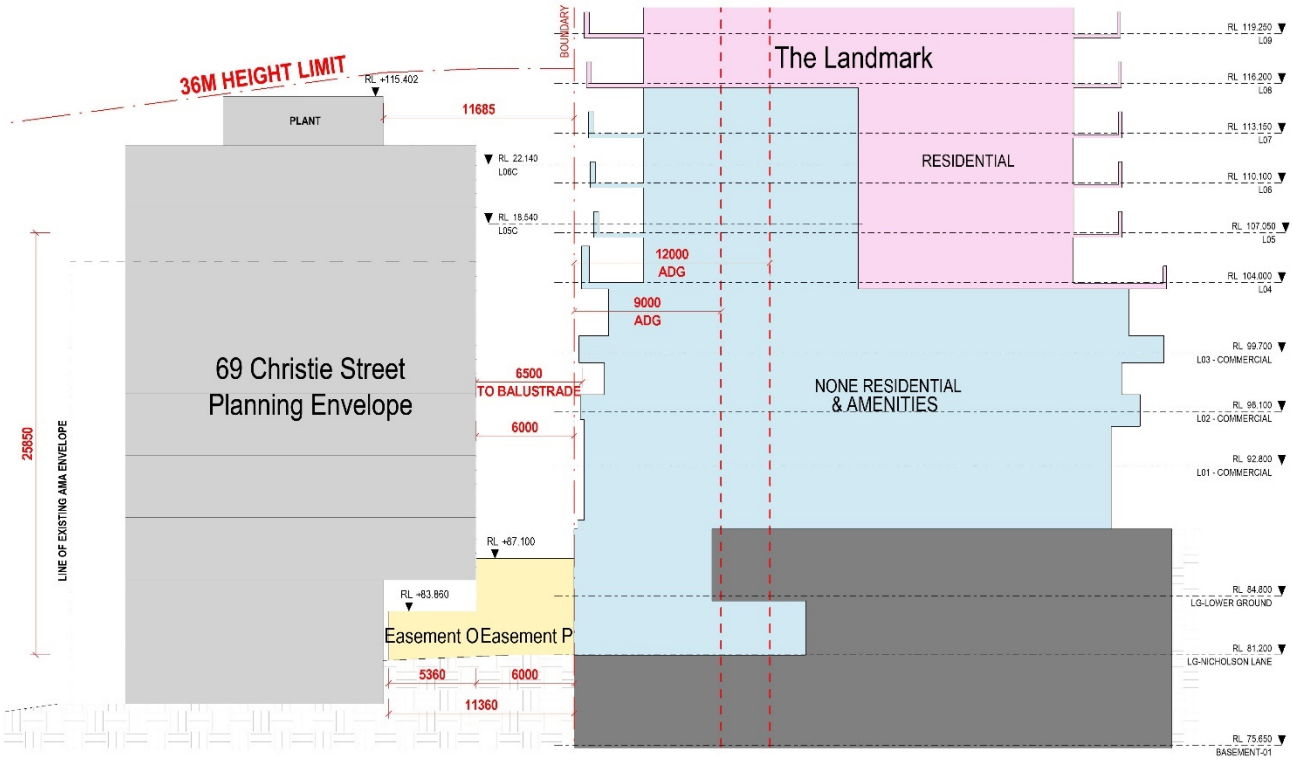


Figure 6 – Future setback relationship between 69 Christie Street and 500-520 Pacific Highway (Cantilever over Easement O)



The section diagrams in Figure 5 and Figure 6 above:

- Include the easement restrictions along the northern side of 69 Christie Street, accurately reflecting the height of those easements;

- Provide options for a maximum building envelope representation of a potential future building on 69 Christie Street, based on the maximum LEP height of 36m from ground level and the minimum DCP setbacks of 6m to 500-520 Pacific Highway, including cantilevering over Easement O;
- Indicate the levels of a future building, having regard to the DCP's minimum floor to ceiling heights for commercial development.

The site at 69 Christie Street is zoned B3 Commercial Core. Residential development is not permitted on that site and as such SEPP 65 and the accompanying ADG is not a matter for consideration in the assessment of a future commercial building on that site (see clause 4 of SEPP 65). A commercial building would not be required to accommodate building separation in excess of the setback requirements required by the DCP, which is 6m for the tower component. The ground level setback to the northern boundary is informed by the easement restrictions along that interface.

To date Lane Cove Council has been supportive of mixed use development on three pilot projects in the St Leonards area, being

- Mirvac development at 472&486 Pacific Highway St Leonards. That site has been rezoned to B4 and development consent has been approved by the former Sydney North Joint Regional Planning Panel for a mixed-use development.
- JQZ development at 84-90 Christie Street St Leonards. The planning proposal for that site has been through Gateway, has completed public exhibition and is with Council for finalisation.
- The subject development at 500-520 Pacific Highway St Leonards. The site has been rezoned and the mixed-use DA is currently being assessed.

Lane Cove Council has expressed support for these three pilot projects *only*, both publicly and to the DP&E. Support for any other mixed-use rezoning in St Leonards has not been provided by Lane Cove Council to the public or the DP&E.

In response to the ongoing design process and discussions with Council regarding the impact on future amenity of the proposed building by the current building envelope potential of 69 Christie Street, the proposed design scheme has been amended to include non-residential floorspace on the south facing Levels 4 – 7. This removes the residential interface for the extent of the current allowable building height limit on 69 Christie Street.

Whilst the upper level residential balcony setbacks vary from 1-5 m from the southern boundary, this design response has no bearing on the redevelopment potential of 69 Christie Street under the current planning framework.

This design resolution is addressed in greater detail in Section 5.3 of this report, and in the SEPP 65 Design Statement in Appendix I.

3.2.4. Status of the right of carriageway and public access over 69 Christie Street St Leonards

At the SNPP meeting on 25 January 2017, the representatives of 69 Christie Street asserted that the terms of the easements, which benefit the subject site over 69 Christie Street do not allow the free right of way of visitors or customers to the commercial or retail premises at the lower ground floor of the southern building frontage of the proposed development, and therefore the location of retail or commercial premises at that lower ground floor location was a poor planning outcome.

The attached legal advice prepared by Ashurst Australia at Appendix J sets out the terms of the following five easements burdening 69 Christie Street.

- Right of footway 1.3 wide and variable width limited in stratum DP 1053017 (Easement O);
- Right of way carriable width DP 638396 (Easement P);
- Right of way and easement for support variable width DP 638396 (Easement Q);
- Right of footway 2 wide DP 638396 (Easement R); and
- Right of footway 1.39 wide DP 638396 (Easement S).

The advice confirms that:

- the terms of the easements permit visitors and invitees to traverse 69 Christie Street to access the proposed development, including the retail and commercial spaces on the lower ground floor; and
- the owners of 69 Christie Street cannot lawfully erect a fence within the areas of the easements in order to prevent access across 69 Christie Street to the proposed development.

Based on this advice, the Proponent contents that the location of retail or commercial premises at the lower ground floor is a good planning outcome, and is appropriate for the following reasons:

- The south facing retail tenancies are set back 4m from the southern site boundary at the lower ground level. This allows a good amount of space within the site to provide an activated frontage without burdening 69 Christie Street, notwithstanding legal right of access over that land. The building overhang also provides weather protection to tenants and customers at the lower ground floor level.
- This frontage has been purposefully designed with retail activation to support Council's expressed desire for future pedestrian connectivity through to Christie Street and St Leonards Plaza as outlined in Council's *Draft St Leonards Public Domain Masterplan*. Entries to the residential building (both the Penthouse lobby and Residential lobby) are also provided at this location. The alternative would be to locate plant and other back of house facilities at this frontage, which is not considered to be a desirable outcome for an identified future pedestrian link.
- Access to the retail space is provided by various routes, ensuring ease of visitation to these tenancies at all times, both prior to and after formalisation of the pedestrian link to Christie Street:
  - Via Friedlander Place - using the large spiral staircase which connects Friedlander Place to the lower ground level. This provides connectivity from Pacific Highway, the Mirvac development and the proposed development, entirely within the development site.
  - From Nicholson Street via Friedlander Place - entirely within the development site, along the pathway from Nicholson Street at grade underneath and adjacent Friedlander Place.
  - From Friedlander Place via the easements O and P burdening 69 Christie Street, being a right of footway and right of way,
  - From Christie Street via Easements O and P burdening 69 Christie Street, and
  - Via internal access from the commercial and residential tower via a lift.
- The layout and design of the retail spaces cater for a number of tenancy scenarios, including service and destination retail which could service the residents and would not necessarily be dependent on foot traffic.

The future use of this space has been considered and factored into the design of the building. As outlined in Council's *Draft St Leonards Public Domain Masterplan*, it is Council's expressed and policy desire for an east-west pedestrian connection linking Friedlander Place with Christie Street. Ignoring this policy position and not supporting Council's vision would present a negative planning outcome and would stymie any future opportunity for a safe and high-quality pedestrian connection to Christie Street. In any event, even if the full pedestrian connection to Christie Street were not to eventuate, the location of retail and commercial premises at the lower ground floor on the southern side of the building would still be an optimum planning outcome. It will accommodate service and destination retail not necessarily dependent on foot traffic, leaving the retail spaces fronting pacific Highway free for different types of retail.

3.2.5. Clarification of the restriction on hours of construction and high noise generating activities that have been conditioned and agreed informally with the neighbouring Mirvac Project

The Draft Hours of Construction condition (condition 18) for the subject application differs from the construction hours approved for other sites in the vicinity, including the adjoining Mirvac development at 472 & 486 Pacific Highway St Leonards. The following applications were also determined with construction hours and conditions the same as Mirvac construction hours and conditions.

- Mirvac 472 & 486 Pacific Highway St Leonards (DA ref 222/2014) – determined 26 May 2016;
- Demolition of buildings on 500-520 Pacific Highway St Leonards (DA ref 36/2016) – determined 24 June 2016; and

- Loftex 1-13 Marshall Avenue St Leonards (DA ref 2015/15) – determined 29 June 2016.

It is understood that Council is recommending the proposed condition as it believes the draft construction and noisy works hours will result in an improved acoustic amenity for neighbouring properties. Our analysis of the implications of the contrasting construction hours across the subject site and the Mirvac site finds the opposite will be true.

The Proponent requests the same construction hours as approved for the Mirvac site for the reasons: The reasons set out below:

- The Mirvac condition allows longer hours (7-4pm) and noisy works on Saturdays. The proposed condition 18 will allow shorter hours (8am-midday) and no noisy work on Saturdays. Prohibiting noisy works on Saturdays will render this day redundant for the most part of the construction program. This is further exacerbated by the shorter permitted construction hours on that day.
- The two conditions require different break times for respite from noisy works during the week days. The Mirvac hours require a one-hour break at midday. The proposed condition 18 requires a one-hour break after three hours of work (which would occur approximately between 10-11am and 2-3pm). These break periods do not overlap, resulting in continuous noisy works across both sites throughout the week providing no cumulative respite from noise for occupants of neighbouring sites.
- Cumulatively, the shorter proposed working hours and more onerous noisy works restrictions will have the effect of extending the construction timeframe overall by 15% (**equivalent to 5-6 months**), protracting the total length of construction noise impact on the locality. Allowing the longer construction hours and noisy works on Saturday will dramatically shorten the construction timeframe.
- Acoustic Logic, the project's acoustic engineer, has reviewed the proposed construction hours condition and provided advice at Appendix K as summarised below, confirming that:
  - The cumulative acoustic effect of construction on both the subject site and the Mirvac site will have a minor impact only and be limited to neighbouring properties to the west only (being commercial buildings). It will have no additional impact on those properties to the north.
  - As the proposed respite periods will not line up with those approved for Mirvac, the neighbours will not benefit from the respite periods (as at least one site will be undertaking construction works between 7am and 530pm Monday to Friday) which will have an overall detrimental effect on neighbouring amenity.
- The site is located in a predominantly commercial precinct. We note the City of Sydney construction hours allow construction and noisy works between 7am and 7pm Monday to Friday and 7am and 5pm on Saturdays in a similar predominantly commercial context.
- The construction hours for the two adjacent sites should be the same, as a matter of consistency.
- Overall it is considered that the proposed construction hours will have a cumulatively negative impact on the acoustic amenity of neighbouring properties both in terms of
  - daily noise intrusion; and
  - length of overall construction timeframe.

As such, the same construction hours as approved for the applications referenced above, are sought for the construction phase of the proposal, being:

> *All demolition, building construction work, including earthworks, deliveries of building materials to and from the site to be restricted as follows:*
>
> | | |
> |---|---|
> | *Monday to Friday (inclusive)* | *7am to 5.30pm. A one hour respite period must be provided at midday for **high noise generating activities, including rock breaking and saw cutting*** |
> | *Saturday* | *7am to 4.00pm. A one hour respite period must be provided at midday for **high noise generating activities, including excavation, haulage truck movement, rock picking, sawing, jack hammering or pile driving**.* |
> | *Sunday* | *No work Sunday or any Public Holiday.* |

A Notice/Sign showing permitted working hours and types of work permitted during those hours, including the applicant's phone number, project manager or site foreman, shall be displayed at the front of the site.

3.2.6. Revised Building Design & SEPP65 Report

In response to the matters raised by the SNPP, the proponent resolved to comprehensively review the internal design of the building and expanded the design team to include Warren and Mahoney Architects in collaboration with A+ Design Group in the design process of the amended scheme.

- Warren and Mahoney took responsibility for refining the internal apartment layouts; and
- A+ Design Group took continuing responsibility for designing the balcony and façade in response to the internal design changes. This ensured the original design intent of the building was retained.

The design changes were enabled through a reduction in the variance of floor plate typologies and also the individual unit typologies per floor. This resulted in major internal modifications, which improved the residential amenity and efficiency, particularly repetitive modules, economies of scale, reduced density and increased constructability. In addition to this, the revised design also resulted in improvements to cross ventilation and daylight access. Solar Access Assessment is included at Appendix F and the Cross-Ventilation Study is included at Appendix L

The revised design now achieves a greatly enhanced level of compliance with the aims and objectives and design quality principles of SEPP 65, and the accompanying ADG. The overall amenity of the building, particularly the residential component, has been materially improved to provide a positive contribution contextually whilst also achieving Council's vision for the surrounding precinct. This revised design will be reviewed by Architectus in light of SEPP 65, with a further peer review of the Architectus report undertaken as requested by the SNPP at its meeting on 25 January 2017.

In summary, the design response makes the following holistic changes to the overall proposal:

- Reduction in floorplate typologies from 15 to 7;
- Reduction in overall GFA from 49,111m^2 to 47,868m^2;
- Increase in non-residential GFA from 5,628m^2 to 6,357m^2;
- Reduction in overall number of apartments from 458 to 429;
- A refined mix of apartment typologies which are located more broadly throughout the building;
  - Studios – reduction from 122 to 44
  - 1B – increase from 51 to 108
  - 2B – increase from 199 to 221
  - 3B – reduction from 80 to 53
  - 4B – reduction from 5 to 2
  - 5B – retention of one apartment
- Removal of residential apartments from the south facing frontage of Levels 4-7 and replacement with commercial floorspace;
- Improved solar access from 63.9% to 64.34%;
- Increased cross ventilation from 62.5% to 67%;
- Removal of snorkel bedrooms; and
- Removal of kitchens from corridor spaces.

The amended scheme is outlined in this revised DA package.

4. PROPOSED DEVELOPMENT

4.1. OVERVIEW

The amended DA seeks consent for the comprehensive redevelopment of the site for a mixed-use building and reconstruction and upgrade of a publicly accessible open space. The proposed development involves the construction of basement car parking across the entire site accessible from Nicholson Lane, a mixed-use building on 500-520 Pacific Highway, and the construction of landscaped open space at the ground plane of Friedlander Place.

The application involves the following components:

- Site excavation works (noting that building demolition has been approved by way of DA 36/2016);
- Built development; and
- Upgrade works on Friedlander Place prior to transfer of the ground level stratum back to Lane Cove Council.

The works proposed are illustrated in the amended architectural plans prepared by A+ and Warren and Mahoney. The amended scheme is accompanied by a new SEPP 65 Design Statement (Appendix I I) prepared by A+ and Warren and Mahoney. This SEPP 65 Design Statement should be read in conjunction with this report as it provides commentary on the design changes between the original DA package and the amended scheme, details of which are addressed in the following sections.

4.2. PROPOSED DEVELOPMENT & NUMERIC OVERVIEW

The application seeks approval for the comprehensive redevelopment of the site for the following buildings and works.

Table 3 – Summary of Proposed Works

Proposed works
5. Site Preparation Works
• Excavation to provide eight subterranean levels of car parking. • Site remediation as required.
6. Built Development
• Construction of car parking over 8 levels (6 full basement levels and two half levels at Nicholson Street and Lower Ground) to accommodate 492 car spaces, 33 motorcycle spaces and 230 bike spaces, storage and plant equipment. • Construction of a podium containing: - Retail/commercial tenancies and residential/commercial lobbies fronting Pacific Highway, the southern building frontage accessed from Nicholson Street, and Friedlander Place; - Communal resident amenities at the ground and first floor level; - Retail and commercial tenancy space fronting the Pacific Highway for Ground and First floors, and whole floor plate for Level 2 and Level 3; and - Commercial tenancies on the southern portion of Levels 4-7. • Construction of a residential tower (maximum building height including roof features of RL227.4) accommodating 429 residential apartments including a mix of studio, 1, 2, 3, 4 and 5 bed apartments.

Proposed works

- Communal open space on level 35 for use by all residents of the building.
- Public domain including the creation of a public plaza at the location of Friedlander Place.
- Plant equipment and service infrastructure.

7. Access

- Pedestrian access from Pacific Highway to the tower (residential) and podium (retail and commercial) area with access also from Friedlander Place and Nicholson Street.
- A combined vehicle access driveway from Nicholson Street below Friedlander Place, providing separate access to both the commercial and residential car parking areas and loading dock.

8. Numeric Summary

Site Area	3,752m^2
Building Height	RL 227.4
Gross Floor Area	47,868m^2 of maximum 56,409m^2 allowable across total site (a reduction from the previous design incorporating 49,111m^2 GFA) Residential & Residential Amenities: 41,511m^2 / Non-residential: 6,357m^2
Floor Space Ratio	12.75:1 across entire site including Friedlander Place Residential: 11.06:1 / Non-residential: 1.69:1
Apartment Typologies	Total of 429 apartments (a reduction from 458 apartments) • Studio – 44 (10.2%) • 1 bedroom – 108 (25.2%) • 2 bedroom – 221 (51.5%) • 3 bedroom – 53 (12.3%) • 4 bedroom – 2 (0.5%) • 5 bedroom – 1 (0.3%)
Parking	Total of 492 spaces allocated as follows: • Residential Car Parking – 283 spaces, plus 86 accessible spaces. • Residential Visitor Parking – 41 spaces plus 2 accessible spaces. • Non- Residential Car Parking – 64 spaces plus 7 accessible spaces. • Car Share – 9 spaces

4.3. DESCRIPTION OF WORKS

4.3.1. Site excavation

The proposal involves excavation associated with the creation of the basement levels. Excavation of 8 levels of basement car parking will extend across the development site. The structure will be built to the boundary.

Demolition and associated works has been approved by way of DA 36/2016.

Approval has been granted from RMS for excavation works in proximity to the Pacific Highway. Refer correspondence at Appendix C.

4.3.2. Subdivision

It is intended that the three allotments will be amalgamated to facilitate the redevelopment. Prior to occupation of the building, the ground level of Friedlander Place will be subdivided into a separate stratum and transferred to Council ownership for the ongoing provision of public access.

The proposed building will also be subject to 3 Stratum Subdivisions for Retail & Commercial, Residential and Penthouse stratums.

4.3.3. Construction Hours

Consent is sought for the undertaking of construction works on the site in accordance with Council's 'Commercial Construction Hours' and in a manner consistent with those approved on the neighbouring Mirvac site being:

> *All demolition, building construction work, including earthworks, deliveries of building materials to and from the site to be restricted as follows:*
>
> | | |
> |---|---|
> | *Monday to Friday (inclusive)* | *7am to 5.30pm. A one hour respite period must be provided at midday for **high noise generating activities, including rock breaking and saw cutting*** |
> | *Saturday* | *7am to 4.00pm. A one hour respite period must be provided at midday for **high noise generating activities, including excavation, haulage truck movement, rock picking, sawing, jack hammering or pile driving**.* |
> | *Sunday* | *No work Sunday or any Public Holiday.* |
>
> *A Notice/Sign showing permitted working hours and types of work permitted during those hours, including the applicant's phone number, project manager or site foreman, shall be displayed at the front of the site.*

These construction hours are considered appropriate in this instance. The site is large in size and located in a commercial precinct that is predominantly surrounded by other commercial buildings. Surrounding developments have been approved with these construction hours, and consistency in construction hours and respite conditions will minimise construction impacts on residential properties as detailed in section 3.2.5 above. The ability to undertake site works in accordance with the above condition will assist in shortening the construction timeframe of the overall project by approximately 5-6 months.

4.4. LAND USE

The proposed development integrates a mix of residential, retail and commercial floor space.

Non-Residential Uses

The lower levels of the development accommodate a range of non-residential uses as follows:

- Retail: Future retail tenancies will generally be located at building frontages to the public domain at the northern, southern and eastern frontages of the building (Ground and Lower Ground Floor).
- Commercial: Future commercial tenancies will be located at Levels 2 and 3 of the podium.
- Commercial: Future commercial tenancies will be located within the southern portion of the building on Levels 4 – 7, with a separate lobby entry facing Friedlander Place and the ground plane at the southern

building facade. This represents a change from the original proposal, redistributing this space from residential to non-residential with a resultant increase in commercial floorspace of 743m^2.

Future approvals will be sought for the internal use (retail/commercial) and fit out of these tenancies, as required. The total non-residential floor space accommodated is 6,357m^2.

Residential

The residential component of the project comprises a total of 429 residential apartments including a mix of studio, 1, 2, 3, 4 and 5 bed apartments, as set out in Table 3 above. All apartments have private open space in the form of terraces or balconies. The apartments are located on the northern side of the building on Level 4 to Level 7, and across the building's entire floorplate from Level 8 to Level 43 of the building.

A total of 86 apartments accommodated within the development, being 20.04% of the total, have been designed to be capable of being adapted as required by Council's DCP. Adaptability is provided across one, two and three-bedroom apartment types with a minimum of 10% of each typology.

All apartments within the building satisfy the visitable requirements in accordance with Council's DCP and the Adaptable Housing Code AS4299.

Residential uses are located in the upper levels of the towers providing separation from the noise impacts of the lower podium uses and surrounding road network.

Roof Level

The uppermost level of the building (Level 43) comprises residential dwellings facing south, with plant and equipment on the northern part of the building, enclosed with a roof feature to cap the building and screen plant.

4.5. DESIGN STATEMENT

The design concept is about creating architecture that responds contextually to its urban setting, to provide opportunities for a series of meeting places, to instigate social gathering, and to enhance quality of life to the residents and visitors. The proposed mixed use residential development will provide a diverse housing mix and a new hub for creativity and convenience.

The proposal responds to the context of the site by creating a landmark iconic precinct which provides visual interest upon approach from all directions. The proposed development satisfies the precinct plan by providing new and enhanced connections utilising Friedlander Place as a new public space that promotes visual connectivity and safety, delivering substantial public benefits to St Leonards Town Centre. The proposal offers active commercial and retail frontages at street level to maximise casual surveillance, as well as providing above the podium a range of housing options in tower form.

The proposal is about creating a distinctive architectural character to the Pacific Highway frontage with engaging and legible entrance points to reinforce St Leonards as a key location and an activity centre.

The basis of the proposal is to provide a new standard in high quality mixed use residential development. The proposal provides a new public space integrated with Friedlander Place to create a distinctive sense of place for residents, workers and visitors. The proposal resembles and relates to the desired future character of the streetscape, ensures that a modern and dynamic development is created and will provide a benchmark for architectural design excellence in the centre of St Leonards.

The proposal, designed by A+ Design Group and Warren and Mahoney Architects achieves the objectives outlined in SEPP 65 and the ADG. The design team believe this will provide a positive contribution contextually, whilst also achieving Lane Cove Council's vision for the precinct.

Figure 7 shows a CGI of the proposed building, viewed from the north-east.

Figure 7 – Indicative image of proposed development

4.6. FLOORSPACE

The development will comprise a gross floor area of 47,868m^2 which is 1,243m^2 less than previously proposed. Gross floor area (GFA) has been calculated in accordance with the definition contained in the Lane Cove LEP.

GFA is broken down as follows:

- Residential Amenities – 1,604m^2 GFA
- Residential – 39,907m^2 GFA
- Non-residential – 6,357m^2 GFA

Plans showing the areas calculated as GFA are included in the Architectural Plan set at Appendix G.

4.7. HEIGHT DISTRIBUTION

The proposed development includes a mixed-use tower incorporating all building structure including lift over run, plant and architectural roof features to a maximum height of RL 227.4, not exceeding the maximum LEP height control. This represents no change from the previous proposal.

4.8. MATERIALS AND FINISHES

The proposed materials and colours of new development will be in keeping with the locality. Materials include a mix of glazing, façade panels and feature spandrels.

The building will comprise those materials and finishes detailed in the Architectural Design Report including:

- Glazed faceted balustrading with frit;
- Planting on the podium balconies;
- Aluminium cladding of the podium balconies; and
- Frameless glass shopfronts, and
- Timber screening.

4.9. COMMUNAL AND PRIVATE OPEN SPACE

All residential units have a balcony. These spaces are accessible from the main living space and have been designed to ensure that residents have a space specifically available for the enjoyment of additional amenity. The size and configuration of the private open space balconies have been improved from the previous design.

Additionally, the proposal includes communal recreation areas on Ground and Level 1, and Level 35.

- Ground level accommodates the residential swimming pool, spa, gym and change rooms.
- Level 1 accommodates lounge/dining; library; two cinemas; a double height kids play area with adjoining art/craft and library space; virtual golf and amenities.
- Communal space 119m^2 in area (including 104m^2 internal area and 15m^2 external area) is provided at Level 35, comprising a multi-use space approximately 10m wide providing all weather access and southerly views for the use of all building residents and their guests.

The range of communal open space provided accommodates the needs of all future building residents, allowing for both passive recreation and social interaction.

4.10. LANDSCAPING OF FRIEDLANDER PLACE

Landscaping of Friedlander Place forms an integral part of the site redevelopment that will contribute to a significant improvement in the usability of this space. Landscape concept plans for Friedlander Place have been prepared by Arcadia and are provided at Appendix M.

The Pacific Highway address to Friedlander Place will present as a generous plaza, opening the site up to the street interface and establishing an iconic site identity. A series of seating, planting and turfed elements provide opportunities for passive and active recreation to complement the open plaza experience that links Friedlander Place through to the adjacent development.

The Terrace area, towards Nicholson Street, will introduce elevated landforms into Friedlander Place to spatially break down the expanse of the plaza. Turfed embankments complemented with sandstone platforms and nooks create new opportunities for play and discovery, and a gathering space for public outdoor events. The level change between Friedlander Place and Christie Street will be addressed with the provision of a lift and stairs.

During construction of Friedlander Place, trees removed during site demolition works will be replaced with those of the same species, in accordance with the arborist and wind assessment requirements.

4.11. SITE PERMEABILITY & ADDRESS

The project proposes a legible and connected site-wide structure for access and address. Active frontages are provided to the Pacific Highway, Friedlander Place and the building's southern frontage to 69 Christie Street and the access easement linking to Christie Street.

Access points and driveways are clearly identified and offer clear and legible routes into the site.

Pedestrian access will be available as follows:

- Directly from Pacific Highway to the residential towers and retail/commercial podium area.
- From Friedlander Place to the residential towers and retail/commercial podium area, as well as the commercial area on Levels 4-7.
- From Christie Street along the public right of way to the north of 69 Christie Street to the building's frontage with Nicholson Lane.
- The basement car parks, commercial and residential uses will be accessible via separate lift cores within each tower.
- From Nicholson Street via pedestrian footpath to the building's Nicholson Lane frontage.
- Footpath connections along the site's street frontage are maintained and will be enhanced through the introduction of pedestrian colonnades at the Pacific Highway entrance and the corner of the building at Pacific Highway/Friedlander Place.

Importantly, public access from the Pacific Highway through Friedlander Place to the southern building entrance and Nicholson Street is maintained. A stairway and lift is proposed from the Friedlander Place plaza level connecting to the southern frontage of the building. Street access will be provided to Christie Street via the right of way easement over the adjacent 69 Christie Street, and via a pedestrian pathway to Nicholson Street.

4.12. VEHICLE ACCESS, TRAFFIC & PARKING

4.12.1. Vehicle Access

The application seeks approval for reconstruction of the vehicular crossing from Nicholson Street at the south of Friedlander Place to provide separate vehicular access to the residential (lower) and commercial (upper) parking levels. The car park entrance will be accommodated within an enclosed structure beneath the extended Friedlander Place plaza.

The basement arrangement will provide for

- Vehicular movements to/from the site for the residential and retail/commercial tenancies within 500-520 Pacific Highway.
- Residential and visitor parking within the basements 1 – 6.
- Commercial/Retail tenant and visitor parking within the Nicholson Lane and Lower Ground level basements.

- Loading dock at the Basement 1 level.
- Waste storage and collection at Basement 1 level.

This arrangement is shown on the architectural plans and described in the traffic assessment report.

Access to the rear of 69 Christie Street will be achieved by accessing the ramping from Nicholson Street onto the hardstand at the rear of their property. A right of access easement will be created over the ramp from Nicholson Street to the rear hardstand benefiting the owners of 69 Christie Street.

This new arrangement will also provide vehicular access to the rear of 69 Christie Street for servicing and deliveries, including 4.3m clear basement and loading dock access routes.

4.12.2. Car Parking

Parking is accommodated over 6 levels within the development's basement and two above ground levels (Nicholson Street and Lower Ground). The total of 492 car spaces will be provided as follows:

- Residential Car Parking – 283 spaces, plus 86 accessible spaces.
- Residential Visitor Parking – 41 spaces, plus 2 accessible spaces.
- Non- Residential Car Parking – 64 spaces, plus 7 accessible spaces.
- Car Share – 9 spaces.

Correspondence from GoGet in respect to operation of the car share is included at Appendix N.

4.12.3. Motorbike Parking

A total of 33 motorbike parking spaces will be provided within the basement including:

- 28 residential motorbike spaces; and
- 5 non-residential motorbike spaces.

4.12.4. Cyclists

The scheme provides for bicycle parking accommodated within each basement level of the development in a dedicated storage area. Separate allocations for residents and non-residents are provided. A total of:

- 152 bicycle spaces will be provided for residents and visitors; and
- 78 bicycle spaces will be provided for commercial and retail (staff and customer).

An assessment of the Traffic and Parking considerations has been provided by Colston Budd Rogers & Kafes included in Appendix O.

4.13. DRAINAGE AND STORMWATER MANAGEMENT

The proposed stormwater management for the proposed development includes the following:

- A 96,000L on-site stormwater detention (OSD) tank located at the lowest point of the site, below ground at the site's Nicholson Street boundary (below the site access driveway). The outlet discharge to the tank will connect to the existing drainage pit in Nicholson Street.
- Sediment and erosion control measures during construction will be finalised in the detailed design phase and specified in the construction management plan. Preliminary erosion and sediment control measures are detailed in the Civil Drainage Report and include sediment fences, mesh and gravel inlet filters, stockpiles and stabilised site access and truck wash-down area.
- The proposed development will generally maintain the existing lawful point of discharge. As such the site will be drained to a single connection point to the existing Council drainage pit on the corner of Friedlander Place and Nicholson Street, via a new on-site detention tank and flow control pit.
- The surface drainage for the podium level will be directed to the Pacific Highway, while the surface drainage for the rear access will be directed to Nicholson Street which is similar to the current site

condition. The existing overland flow path from Christie Street to Friedlander Place will be maintained, however it will be redirected down the new vehicle access point.

A Civil Drainage Report by Webber Design is provided in Appendix P.

4.14. SERVICES AND UTILITIES

4.14.1. Infrastructure Services

The existing infrastructure and utility services available to the site will be extended and modified to service the new development. An on-site Ausgrid chamber substation will be provided to cater for the anticipated electrical load of the proposed development.

The substation will be located on site in accordance with Ausgrid requirements. Refer to Ausgrid Design Contract Offer included at Appendix D.

A number of services currently run through Friedlander Place. Diversion of these services have been approved by the applicable authorities and are in the process of being relocated. These include:

- Decommissioning & removal of substation adjacent to the site. This work is complete.
- Installation of a temporary padmounted substation on Nicholson St, providing a temporary power supply to the neighbour at 69 Christie St, and a temporary power supply for the builder within the site. This work is complete.
- Decommissioning & reroute of High Voltage network cabling within the site. This work is in progress.
- Installation of a temporary power supply to the site from a pillar on Pacific Highway. This work is yet to commence.
- Telstra fibre optic network.
- Optus fibre optic within Telstra conduits.
- Nextgen fibre optic within Telstra conduits.

Services replication drawings and authority correspondence are provided at D showing the relocation routes that are currently in progress. It is anticipated that the diversions will be completed towards the end of 2017.

The following additional works will need to be certified by Ausgrid required as part of the development:

- Installation & commissioning of a High Voltage network supply to a chamber type substation within the site; and
- Decommissioning & removal of padmounted substation on Nicholson St.

The Ausgrid approvals are provided at Appendix D.

4.14.2. Building Services

A building services report prepared by ADP and included at Appendix Q outlines the proposed mechanical, electrical, hydraulics and fire services required by the proposed building. It is intended that the scope of services outlined in that report will be developed in further detail during the design development phase of the proposal.

4.15. VERTICAL CIRCULATION

A total of nine (9) dedicated passenger lifts will be configured as follows:

- 2 lifts serving Lower Ground level to retail/commercial podium Level 3 (excluding Level 1);
- 6 lifts serving Basement Levels to Residential Level 9 (excluding Lower ground and Level 2, noting that one of these lifts is the emergency lift serving all levels);
- 3 lifts serving Basement levels to Residential Level 21 (excluding Lower ground and Level 2, noting that one of these lifts is the emergency lift serving all levels);

- 4 lifts serving Basement levels to Residential Levels 20 to 42 (noting that one of these lifts is the emergency lift serving all levels).
- 1 dedicated lift serving the Commercial tenancies on the southern portion of Levels 4 – 7.

A Lift Services Summary Report by Arup Engineers is provided in Appendix R.

4.16. WASTE MANAGEMENT

A servicing and waste management strategy / operational waste management plan has been developed to ensure there will be adequate servicing provisions for all the land uses and sufficient waste storage within the proposed development. All waste facilities and equipment will be designed and constructed in accordance with BCA and Australian Standards.

The proposal provides off street facilities for waste storage and servicing access within the building's basement areas.

Residents will be responsible for ensuring their waste is disposed of in accordance with the building waste management systems. This will involve a diverter system to accommodate both garbage and recycling.

The waste area of the property has been designed to facilitate the cleaning of the waste receptacles so as to minimise pest activity.

Generally, all commercial and retail tenants will utilise private contractor services on scheduled collection days, and appropriate space allocations have been made at the loading bay at Basement 1. Notwithstanding the anticipated use of a private contractor, the basement levels have been designed to accommodate Council waste truck heights and swept paths, should this service be required.

All residential waste will be collected by Council via the Loading Dock on Basement 1. The building caretaker will be responsible for moving the residential garbage and recycling bins to the temporary bin holding bay adjacent to the loading dock prior to collection and then their return post collection.

A Waste Management Plan by Elephants Foot is provided in Appendix S.

4.17. SAFETY AND SECURITY

The safety of residents, staff and visitors to the site is a priority. The following measures will be adopted:

- Access to the building for apartment residents via proximity card into the ground floor lobby then to the relevant floor via the lift.
- Access to individual apartments shall be achieved using traditional mechanical (non-electronic) keying.
- Apartment visitor video intercom (integrated with the access control system). Visitor access via video intercom and remote door release in the apartment providing access to a secure airlock/lobby on ground floor and then via the lift system to the relevant floor of the apartments or to be met by the resident in the lobby and escorted to the relevant apartment.
- CCTV monitoring of perimeters, car park entry, and other strategic locations with digital recording equipment.
- Perimeter doors and high-risk plant areas alarmed and monitored by the security system to detect unauthorised access and forcing.
- A fire sprinkler and alarm system will be installed as required by the relevant regulations.

A CPTED report detailing the proposed site safety inclusions, and a separate Emergency Management Plan has been prepared by Beware Solutions and is included at Appendix T.

4.18. STAGING OF WORKS AND CONSTRUCTION MANAGEMENT

It is likely that the project will be constructed in a single stage.

Planning for construction is necessarily broad at this stage and may be subject to modification during site development. A preliminary Construction Traffic Management Plan is included in the Traffic Report attached at Appendix O.

4.19. ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT

The proposed development will meet the regulatory sustainability requirements of BASIX (applicable to residential apartments) and Section J of the BCA (applicable to commercial areas).

Additional initiatives have been deemed suitable for this project and are currently adopted or under consideration. Best endeavours will be made to include these in the fully developed design:

- Management – improvement of sustainability practices throughout construction and operation.
- Improvement of indoor environmental quality through the integration of passive design measures and materials specification.
- Energy efficiency through implementation of energy saving initiatives.
- Transport efficiency through encouraging public and active transport modes to and from the site.
- Water efficiency through implementation of water initiatives.
- Materials minimisation and sustainability.
- Waste minimisation and recycling.
- Minimisation of operational emissions.

All energy efficiency measures to be included will be of industry best practice at the time of installation.

Further details relating to each of these categories are provided in the Sustainability Management Plan prepared by ADP Consulting which is included at Appendix U of this report.

Further technical reports relating to ESD and building performance matters are included as follows:

- Report and Certification outlining compliance with BASIX requirements, by ADP, is provided in Appendix V.
- A Section J Report by ADP is provided in Appendix W.

5. PLANNING FRAMEWORK

5.1. OVERVIEW

The primary planning legislation, policy and controls relevant to the proposal are summarised below. An assessment of the proposal's compliance against these controls is contained in this section of the SEE.

- *State Environmental Planning Policy No. 55 Remediation of Land.*
- *State Environmental Planning Policy No. 65 Design Quality of Residential Flat Buildings (**SEPP 65**).*
- *State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP).*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.*
- *Lane Cove Local Environmental Plan 2009.*
- *Lane Cove Development Control Plan.*

5.2. STATE ENVIRONMENTAL PLANNING POLICY NO.55 – REMEDIATION OF LAND

SEPP55 requires Council to consider whether land the subject of any development application is contaminated. If the land requires remediation to ensure that it is made suitable for a proposed use, Council must be satisfied that the land can and will be remediated before the land is used for that purpose.

SEPP55 further requires the preparation of a report specifying the findings of a preliminary investigation of the land concerned, carried out in accordance with the contaminated land planning guidelines, to be considered by the consent authority before determining an application for consent to carry out development that would involve a change of use on that land.

A number of investigations and reports have been prepared by Senversa in respect to contamination on the subject site between December 2015 and May 2017. These include

- Preliminary Site Investigation, 95 Nicholson Street and 500/505 Pacific Highway St Leonards NSW (Senversa, 18 December 2015)
- Limited Site Investigation, 95 Nicholson Street and 500/505 Pacific Highway St Leonards NSW (Senversa, 2016)
- In-Situ Waste Material Classification Report, 95 Nicholson Street and 500/505 Pacific Highway St Leonards NSW (Senversa, 2016)
- Detailed Site Investigation, 95 Nicholson Street and 500/505 Pacific Highway and Friedlander Place St Leonards NSW (Senversa, 3 May 2017)

The findings of these investigations informed the site's Remedial Action Plan, 95 Nicholson Street and 500/505 Pacific Highway St Leonards NSW (Senversa, 12 May 2017), which has received approval from the Site Auditor in May 2017.

The above reports are included at Appendix X.

The remediation works are classified as 'Category 2 Remediation Work' under SEPP 55 and as such do not require development consent under that policy.

Works relating to the implementation of the auditor approved RAP are in progress, albeit on hold at the moment. The remediation strategy for impacted soils involve the excavation and subsequent offsite disposal of impacted material to a licenced waste facility. Correspondence included at Appendix X confirms the removal of excavated material at the site, as per the RAP, to date. Such material removed includes general solid waste, ENM, VENM and special waste (asbestos) as part of the implementation of the RAP.

The Site Auditor is kept notified of remedial progress and unexpected finds throughout the course of site works. The Site Auditor has been commissioned to provide a Site Audit Statement certifying the suitability of

the site for the proposed residential land use upon the final removal of asbestos pipework and validation of the material as asbestos-free.

5.3. STATE ENVIRONMENTAL PLANNING POLICY NO.65 – DESIGN QUALITY OF RESIDENTIAL FLAT BUILDINGS

SEPP 65 applies to residential flat buildings and mixed use development with a residential development component comprising three or more storeys and four or more self-contained dwelling units. The principal aim of SEPP 65 is to improve the design quality of residential flat development in NSW through the orderly design of new buildings based on improving the economic, cultural, environmental and social benefits of development.

Clause 50(1A) *Environmental Planning and Assessment Regulation 2000* (NSW) requires that a development application for a residential flat building must be accompanied by a design verification statement from a qualified designer, being a statement in which the qualified designer verifies:

- that he or she designed, or directed the design, of the residential flat development, and
- provides an explanation that verifies how the development addresses how the design quality principles are achieved and demonstrates, in term of the ADG, how the objectives in Parts 3 and 4 of that guide have been achieved.

Qualified designer means a person registered as an architect in accordance with the *Architects Act 2003* (NSW).

A design verification statement has been prepared by A+ and Warren and Mahoney, the architects for the project.

SEPP 65 and its accompanying ADG set out design quality principles that should guide the design of residential flat buildings. Clause 28(2)(c) of SEPP 65 requires that the consent authority take into consideration the design quality of the development when evaluated in accordance with the design quality principles, and the ADG when assessing applications for residential flat buildings. These design quality principles and the objectives of the ADG have guided the design development of the project. An assessment of compliance with the design principles in SEPP 65 has been undertaken by the project architect. The required documents are attached at Appendix I.

As identified in Section 3 of this report, the original scheme proposed some departures from strict numeric compliance with the ADG. Following deferral of the application by the SNPP, Council and its consulting architect, Architectus provided some recommended design changes. In response to this, Warren and Mahoney and A+ prepared a new SEPP 65 Design Report to accompany the amended design which addresses these items in detail.

Refer to Appendix I.

Where non-compliances with the numerical design criteria in the ADG are proposed in the amended scheme, these are listed in Table 6 below. The discussion demonstrates that notwithstanding part of the design not being strictly compliant with specific numerical criteria of the ADG, the design response ensures that the objectives of SEPP 65 and Apartment Design Guide are satisfied and that the residential amenity both on the subject site and in surrounding dwellings is maximised and considered appropriate given the site location and constraints.

Table 4 – ADG Non-compliances with numerical design criteria

ADG criterion	Proposal	Discussion
3D-1 Communal and Public Open Space. *Communal open space*	The upgraded Friedlander Place will provide a ground level public open space, totalling 1,405sqm equating to 37.44% of the site, for active and passive use by building residents.	Whilst the design does not provide 25% of the site area as communal open space, the ADG guidance in relation to objective 3D-1 recognises that this may not be achievable in a dense urban environment or on sites within business zones. In those circumstances, the ADG suggests that

ADG criterion	Proposal	Discussion
has a minimum area equal to 25% of the site area	Communal recreation spaces for residents are provided in a variety of forms throughout the development. • A gym and pool with associated change facilities are located at the Ground Level at the rear of the building; • Simulated golf, two cinema rooms, a double height kids playspace with adjoining art & craft and library, and a lounge/dining space is located at Level 1; • Upper level communal space at Level 35 will be available for resident use. This provides both indoor and outdoor areas with a south facing balcony.	developments should provide larger balconies and demonstrate good proximity to public open space. In this instance, the site is located immediately adjoining public open space. The proposal provides a significant contribution to public open space. Additionally, facilities of various types are provided within the building, and private balconies are provided that exceed the ADG criteria. In this regard, the proposal meets the objectives of 3D-1 providing adequate communal space. The range of communal facilities provided cater for all future resident age groups, and a range of interest areas. The kids play area is a generous space with a double height ceiling, located central to the main communal residents' area. This will encourage simultaneous use of various spaces by residents, especially families with young children. The formal spaces will be made available for private functions when required, in instances where residents wish to host larger gatherings that may not be able to be accommodated within their individual apartment. These common facilities will greatly enhance the quality of life enjoyed by future residents, allowing for active and passive recreation pursuits on site.
3E-1 Deep Soil zones *Deep soil zones provide area on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote*	The site is unable to achieve compliance with the requirement for deep soil zone as it is located in an urbanized environment and the planning controls with the approved site Specific DCP permits basement parking.	Despite the technical non-compliance the proposal is able to provide adequate landscaping and planting in Friedlander Place. There are a number of 1200mm deep mounted planter box being installed to provide good sun shading cover for the Park users, but also act as high-quality wind amelioration. The proposed development also provides for suitable storm water reuse treatment to facilitate drainage flow. Therefore the proposal is able to satisfy the objective of deep soil zones pursuant to ADG and

ADG criterion	Proposal	Discussion
management of water and air quality		proposed arrangements are considered satisfactory.
3F-1 Visual Privacy *Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.*	Southern residential setbacks Level 8 and above are 1-5m from southern boundary. These levels do not interface with the potential maximum development envelope on 69 Christie Street under current planning controls applying to that site, which is zoned B3 Commercial Core on which residential development is prohibited (see Figure 5 and Figure 6).Therefore, the visual privacy objective is achieved.	Whilst the proposal varies from the numerical design criteria for building separation distances, the proposed 11.69m separation between the proposed development and the existing commercial building on 69 Christie Street achieves visual privacy to the proposed apartments in the surrounding commercial context. Additionally, overlooking from 69 Christie Street will not result from either the current building or a potential future development on that site under the current planning controls. Refer discussion at 5.3.1 below.
	Western residential setback minimum 7m from boundary.	Whilst the proposal varies from the numerical design criteria for building separation distances, the proposal achieves visual privacy to the proposed apartments. 530-542A Pacific Highway are zoned B3. Residential development is not permitted in that zone. Council's DCP control for 530-542A Pacific Highway requires an eastern setback of 6m for a commercial building, which, combined with the proposed 7m setback on the subject site would result in an overall 13m separation from the proposed balcony line and 15m from the proposed glazing line to any future commercial development. It is noted that the north and south facing apartments on this western façade have primary balcony areas oriented away from 530 Pacific Highway, strengthening visual privacy and minimising opportunities for direct views between the two sites. Refer discussion at 5.3.1 below.

ADG criterion	Proposal	Discussion
4A-1 Solar and Daylight Access *Living rooms and private open spaces of at least 70% of apartments receive a minimum of 2 hours direct sunlight between 9 and 3pm at midwinter* *Maximum 15% of apartments receive no direct sunlight between 9am and 3pm at midwinter*	64.34% of apartments will receive a minimum of 2 hours solar access between 9am and 3pm at midwinter. 24% of apartments receive no direct sunlight.	Technical compliance with the 70% guideline in the ADG could be achieved if a higher proportion of one bedroom apartments were located along the building's northern façade. This would, however, provide inequitable solar access to the varying apartment typologies throughout the building and not constitute a good design outcome. A more balanced approach to building design has been taken in this instance – spreading the apartment types throughout the building to maximise overall solar benefit to the full range of apartment types. Further, it is recognised that 70% compliance is rarely achievable in highly urbanised mixed use and commercial zones such as St Leonards, where solar access is blocked by existing towers. It is noted that the adjoining Mirvac development was approved with a solar compliance of 52.7% including consideration of the shadows cast by a future building form on 500 Pacific Highway. The subject proposal achieves a higher figure. In this regard, it is considered that despite the technical non-compliance, the proposal would still achieve a level of solar provision that is acceptable in a highly urbanised centre. Objective 4A-1 of the ADG acknowledges that internal amenity is not solely reliant on solar access, and a balanced approach may need to be taken in some circumstances where compliance with the design criteria may not be possible. This includes • on south facing sloping sites, or • where significant views are oriented away from the desired aspect for direct sunlight. The subject site has a long east-west axis, slopes north to south and benefits from the potential for sweeping southerly views to North Sydney and Sydney CBD, and the

ADG criterion	Proposal	Discussion
		Harbour. Whilst 24% of apartments receive no direct sunlight, when balancing both access to views and solar access, 88.6% of apartments receive either 2 hours' solar and daylight access at midwinter or access to views (or both). This is well in excess of the 70% solar access compliance figure, and the proposed approach has been supported by Lane Cove Council and its independent, consultant architects, Architectus. Daylight access is maximised to those south facing apartments, consistent with Objective 4A-2, by the use of full height glazing across the entire frontage of the living areas, and large windows to the bedrooms. Given the site context and orientation, it is considered that there has been a balanced approach to apartment amenity considering solar access and views. Overall 88.6% of apartments achieve 2 hours solar access or a view which is considered to be an excellent outcome for apartment amenity given the site's location and orientation.
4D-2 Apartment Size and Layout *In open plan layouts the maximum habitable room depth is 8m from a window*	Two apartment typologies exceed the 8m depth to back of kitchen – apartment U4007 and U4207. The proposed apartment depths are 8.575m and 9.845m respectively.	The apartment types U4007 and U4207are all large apartments, 2 or 3 bedrooms, that have greater internal amenity than minimum size apartments. The intent of the apartment depth provision in the ADG is to provide good levels of natural light to kitchen and living spaces. Solar specialist SLR undertook a study of the luminance levels achieved in these living and kitchen spaces for the proposed design, and compared these to a complying design where the glazing line was pulled in to meet numerical compliance. The report, attached at Appendix Y shows that adequate levels of lighting are provided in both cases, and that the lighting level to the kitchen is slightly improved in the proposed scenario. As such, these apartments will still achieve a high level of natural light to the kitchens as proposed, reducing the need for reliance on artificial lighting.

ADG criterion	Proposal	Discussion
		The design resolution for these apartment typologies is considered to create a good level of internal amenity for those apartments via an alternate solution.
4F-1 Common Circulation and Spaces *The maximum number of apartments off a circulation core on a single level is eight* *For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40*	The apartments per floor exceed the ADG guideline of 12, on levels 4-21. The breakdown is as follows: 13 Apartments per floor: 17 levels 12 Apartments per floor: 7 levels 10 Apartments per floor: 5 levels 8 Apartments per floor: 5 levels	The ADG guidance on objective 4F-1 provides that where the design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level. An holistic review and redesign of the apartment tower floor plates has allowed for the adjustment and redistribution of the apartment typology and yield, which has resulted in an overall reduction of the number of apartments per floor. As a result, the number of non-compliant floors has been reduced, and the number of apartments per floor has been reduced from a maximum of 15, down to 13. Notwithstanding the variation, the circulation spaces on each floor have been designed to a high internal amenity. Corridors are generally 2000mm in clear width. All have solar access and natural ventilation via floor-to-ceiling windows, relief spaces adjacent dwelling entries, and sitting areas adjacent the lift cores. Each residential floor accommodating 12 or more apartments is served by 6 high frequency lifts, ensuing wait time is minimised. Overall a high level of internal amenity will be achieved on all floors including those with 13 apartments. A vertical transportation study was prepared by ARUP to ensure that there are sufficient lifts of requisite frequency to service the apartments, such that waiting time for the residents is minimised.

5.3.1. Visual Privacy and Building Separation

The objective of visual privacy is to allow residents within an apartment development and on adjacent properties to use their private spaces without being overlooked. Visual privacy balances site and context specific design solutions with views, outlook, ventilation and solar access. The ADG recognises that the adjacent context, site configuration, topography, the scale of the development and the apartment layout all

need to be considered. The ADG also emphasises that degrees of privacy are influenced the activities of each of the spaces where overlooking may occur and the times and frequency these spaces are used.

The proposed residential tower has been specifically designed to respond to the site's context which includes predominantly commercial uses as immediate neighbours. The design allocates residential and non-residential uses within various zones of the building, so that the setback and interface condition of these uses with the immediate neighbours responds appropriately to the specific contextual scenario having regard to the site configuration, apartment layout, scale of the development and the times and frequency that habitable areas will be used compared to the immediate neighbours.

Although not every side of the proposed development is technically consistent with the separation design criteria in ADG 3F Visual Privacy, due to the site-specific design response, the proposal achieves the visual privacy objectives of 3F-1 (set out above) because all residents of the proposed development will be able to use their private spaces without being overlooked. The following text addresses specifically how the southern, western and eastern sides of the building are designed to achieve the objective of visual privacy.

Southern Setback

As noted above, 69 Christie Street (the immediate neighbour to the south) is zoned B3 Commercial Core in which residential development is prohibited. Having regard to this adjacent context, the visual privacy objective is achieved by the proposed development, as the residents on the southern side of the proposed development will not be overlooked.

Section 3.2.3 of this report addressed the interface between the proposed building and the current and potential future built form on 69 Christie Street under the current planning controls. As discussed, accurate diagrams have been prepared by A+ Design and Warren and Mahoney detailing development controls and easement restrictions as they apply to 69 Christie Street based on the following:

- The primary height of building standard applicable under *Lane Cove Local Environmental Plan 2009,* being 36m;
- The building setback controls contained within Lane Cove Development Control Plan Part D Commercial and Mixed-Use D1 General Provisions, being 6m (note that the Commercial and Mixed-Use Localities, Locality 1 Block 3 does not specify a side setback that would apply at this interface);
- The minimum floor to ceiling height controls contained within Lane Cove DCP Part D Commercial and Mixed-Use D1 General Provisions, being 3.3m;
- Accurate survey information on ground level heights from LTS Surveyors; and
- An accurate representation of the terms of the various easements affecting 69 Christie Street being easement O and P documented in the survey information.

The proposed building design includes non-habitable and non-residential uses from the ground level to level 7 at the southern face of the building, whereas previously these levels accommodated residential apartments. The revised scheme now provides a non-residential interface to the current height limit over 69 Christie Street. As such, the combined minimum separation distance is approximately 12 metres between the commercial interfaces.

The south facing residential apartments in the proposed building on Level 8 and above do not interface with the existing building nor the maximum building envelope control over 69 Christie street. As such, there is no opportunity for overlooking between current or future commercial tenants within a building on 69 Christie Street and the proposed residential dwellings, achieving the visual privacy objective.

Western Setback

The western building façade also presents a numerical non-compliance with the ADG building separation design criteria for objective 3F-1 relating to visual privacy, presenting a minimum 7m setback to balcony and 9m setback to internal apartments.

Similarly to 69 Christie Street, properties to the west of the subject site are zoned B3 Commercial Core which does not permit residential accommodation. As such, any redevelopment of that land under the current planning controls would not be subject to the provisions of SEPP 65 and the ADG.

The commercial zoning of that land surrounding the subject site informed in part Council's site-specific DCP controls for the subject site.

The design criteria and design guidance set out in Part 3 of the ADG for visual privacy override DCP setback controls in relation to developments to which SEPP 65 applies. Therefore, the DCP setback controls are of no effect (see clause 6A of SEPP 65). However, the proposal provides a 7m setback to the western boundary, which achieves the visual privacy objective of the ADG in the circumstances and context of the proposed development. Further, the building complies with the site-specific DCP building length control of 51m (including balconies) which was considered by Council as an appropriate measure, among others, to guide a tower form and scale of the development on the site, which is one aspect that is recognised by the ADG as a factor to consider in relation to visual privacy (see above).

530-542A Pacific Highway comprises five separate parcels in separate ownership developed as generally low rise (2 storey) commercial and retail premises. The Telstra telephone exchange is sited immediately adjacent to the subject site at 530 Pacific Highway, and contains a brick building with no windows. If this group of properties were to be retained for their current purpose, the proposed west-facing residential apartments will overlook the existing buildings at 530-542A Pacific Highway with no interface concerns and achieving the visual privacy objective of ADG 3F-1.

The current planning framework allows redevelopment of 530-542A Pacific Highway for commercial purposes to a maximum height of 72m. The proposed development provides a setback of 7m to the western boundary and the DCP provides a 6m setback on the adjoining western site. Together these setbacks would result in a total separation distance of 13m to the balcony and 15m from the proposed glazing line to any future commercial development on that site. It is noted that the north and south facing apartments on this western façade have primary balcony areas oriented away from 530 Pacific Highway, strengthening visual privacy and minimising opportunities for direct views between the two sites.

The most affected apartments, being the two in the centre of the western floorplate on Levels 4-29, are sized at or significantly above the ADG minimums, providing improved internal amenity for these spaces. The design allows:

- 41m^2 for the studio apartment typology, being 6m^2 or 17% larger than 35m^2 minimum;
- 60m^2 for the one-bedroom-plus-study apartment typology (Levels 04-29) being 10m^2 or 20% larger than 50m^2 minimum.

Further to the above, commercial buildings are generally occupied during business hours Monday – Friday and do not conflict with the main occupancy times for residential dwellings - being after 6pm weekdays and on weekends. The contrary occupation times for the neighbouring commercial and residential uses will further assist in ensuring adequate visual privacy to residential dwellings in the proposed development, meeting the objective of ADG 3F-1.

Eastern Setback

A 24m building separation is provided on residential levels 4 – 36 between the habitable rooms and trafficable balconies of the proposed building and those of the neighbouring Mirvac development at 472 & 486 Pacific Highway, across Friedlander Place. Within the 24m separation zone, however, non-accessible balcony elements are proposed to maintain continuation of the curved balustrade. These elements extend up to 2m into the 24m separation zone. The design response achieves the visual privacy objective 3F-1 whilst maintaining a cohesive building aesthetic with high visual amenity when viewed from the public domain that would not be achievable if the non-accessible balcony spaces were removed.

Levels 37-43 of the proposed building are located higher than the uppermost residential floor of the neighbouring Mirvac development. The trafficable balcony zone to these apartments extends 2m beyond the separation zone that applies to the levels below. Residential privacy to the proposed dwellings on these levels will not be compromised as there will be no direct overlooking from an adjoining residential apartment to these dwellings.

Notwithstanding some design refinements, this design approach is consistent in principle with that of the previous design that was accepted by Architectus and recommended for approval by Council to the SNPP meeting on 25 January 2017.

5.4. STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Clause 104 and Schedule 3 of SEPP Infrastructure 2007 nominates certain development as traffic-generating development. The proposal exceeds the thresholds of 300 apartments in a residential flat building, and parking for 200 or more motor vehicles, triggering referral to RMS.

5.5. STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX BASIX) 2004

The SEPP aims to encourage sustainable development by requiring certain residential proposals to include a range of sustainability commitments. The Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

The BASIX scheme requires residential development to specify ways in which that proposal can reduce energy and water consumption from the 'pre-BASIX' average home in NSW, as well as ensuring good levels of internal thermal comfort.

A BASIX assessment has been undertaken by ADP for the proposed apartments (refer to Appendix V). The assessment provides a number of recommendations for inclusion in the delivery of the building that will ensure the BASIX targets are met or exceeded.

5.6. LANE COVE LOCAL ENVIRONMENTAL PLAN 2009

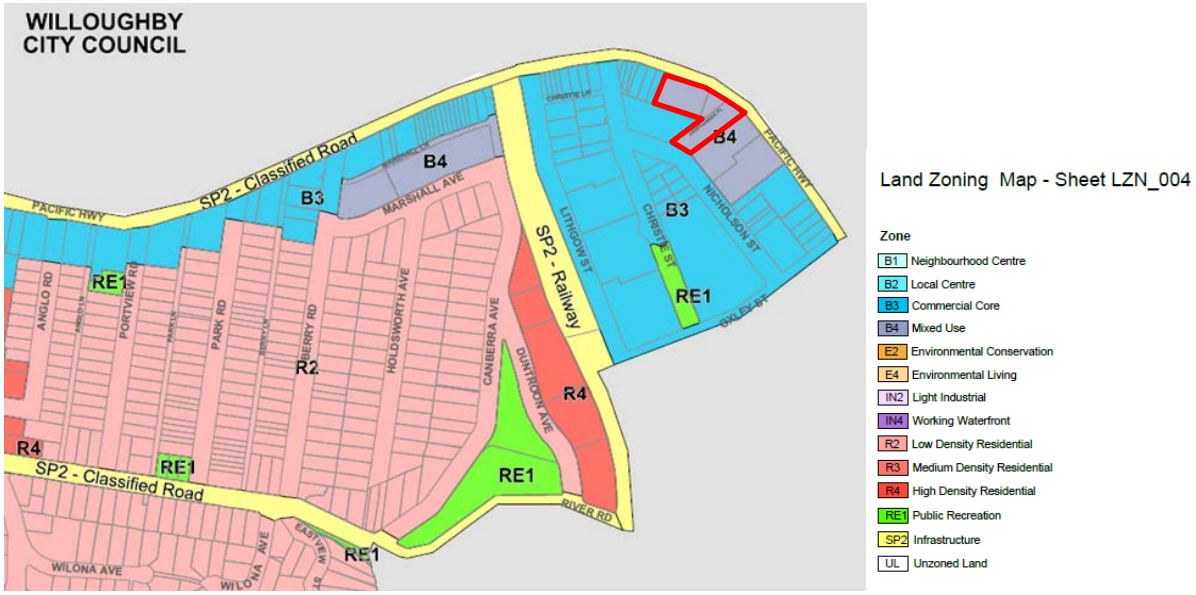
The site is situated within the boundaries of the Lane Cove Local Government Area (LGA) and is subject to the relevant provisions of the Lane Cove LEP as detailed below.

5.6.1. Zoning and Permissibility

The site is zoned B4 Mixed Use, and the proposal seeks consent for the following land uses:

- Shop top housing (residential apartments) and ancillary resident-only recreation areas.
- Commercial premises (office, business, retail and food and drink premises).
- Provision of at-grade landscaping of Friedlander Place.
- Ancillary basement car parking.

Figure 8 – Zoning



All the uses proposed are permissible on the land.

The objectives of the B4 zone and consistency of the proposal with these objectives are discussed below.

Table 5 – B4 Zone Objectives

Objective	Compliance	Proposed Development
• *To provide a mixture of compatible land uses.*	Yes	• Provides a new high quality mixed retail, commercial and residential development within a centre undergoing a change in land use mix and density.
• *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*	Yes	• Provides a high concentration of jobs and new housing in close proximity to major transport routes, employment and services.
• *To encourage urban design maximising attractive public domain and adequate circulation space for current and future users.*	Yes	• Will provide an attractive building form that interfaces with the Pacific Highway and frames an upgraded space that will be accessible to the public.
• *To maximise sunlight for surrounding properties and the public domain.*	Yes	• Solar access to surrounding residential properties and the public domain is maximised by the proposed development.

5.7. DEVELOPMENT STANDARDS

The Lane Cove LEP includes a number of provisions of relevance to the proposal as discussed below.

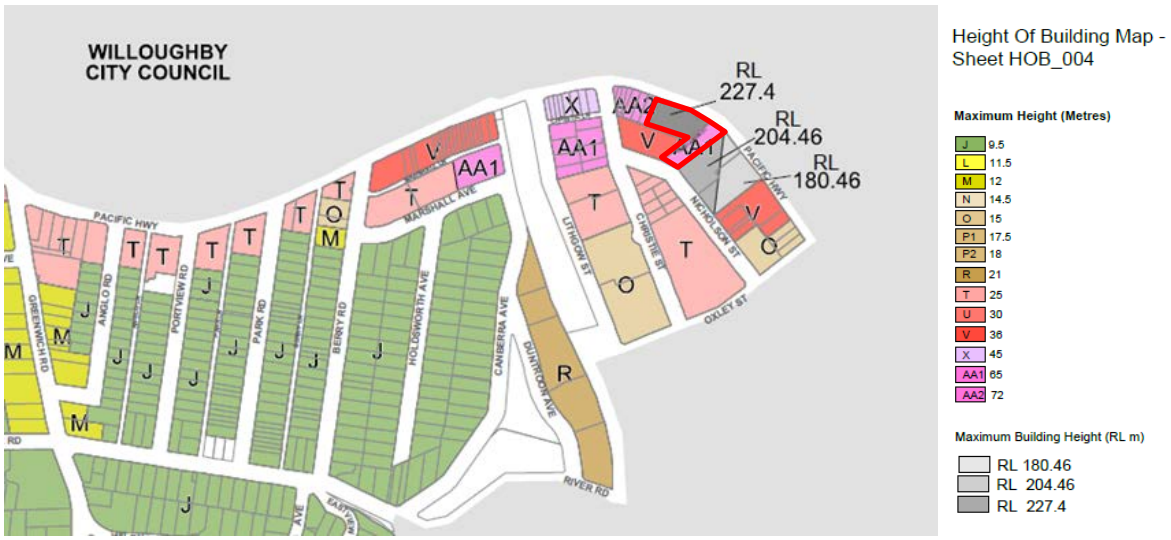
Clause 4.3 Height of Buildings

A maximum building height of RL227.4 applies to 500-520 Pacific Highway. A maximum height of 65m applies to Friedlander Place (refer to Figure 9).

The maximum building height proposed to the top of building at 500-520 Pacific Highway, including all plant and equipment and roof features is RL227.4, compliant with the LEP building height standard.

All structures proposed on Friedlander Place fall well below the 65m maximum building height standard.

Figure 9 – Height Map



Clause 4.4 Floor Space Ratio

A maximum floor space ratio of 17:1 applies to 500-520 Pacific Highway, and 12:1 to Friedlander Place (refer to Figure 10).

- 500-520 Pacific Highway has a total site area of 2,277m^2 and therefore an available GFA of 38,709m^2.
- Friedlander Place has a total site area of 1,475m^2 and therefore an available GFA of 17,700m^2.

The total gross floor area proposed is 47,868m^2, below the maximum allowable GFA of 56,409m^2. This equates to an FSR of 12.75:1. The proposal does not utilise the maximum allowable floor space and therefore complies with the control.

Figure 10 – FSR Map

In addition, a site specific LEP provision contains the following development standard that relates to FSR.

Clause 6.6 (4)

> *Development consent must not be granted to the erection of a building on land to which this clause applies unless the building includes development for a purpose other than residential accommodation and that development has a floor space ratio of at least 1.5:1.*

The total non-residential component of the proposal will equate to an FSR of 1.69:1, being a GFA of 6,357m^2 across the site area of 3,752m^2, meeting the requirements of the clause.

A summary of compliance with the relevant provisions of Lane Cove LEP is included in Table 8 below.

Table 6 – Summary of Compliance with Development Standards

Clause	Controls	Compliance	Details
4.3 Height of buildings	Part RL227.4 (500-520 Pacific Highway) Part 65m (Friedlander Place)	Yes Yes	Maximum building height including all plant and roof structures is RL 227.4 The reconstructed Friedlander Place will be built to the level of the Pacific Highway. Small structures on the site will fall well below the 65m height limit.
4.4 Maximum Floor Space Ratio (as GFA)	Maximum GFA of 56,409m^2 across the entire site area equates to FSR of 15.03:1	Yes	12.75:1 (being a total of 47,868m^2 GFA)
Minimum non-residential floor space ratio	1.5:1	Yes	1.694:1 (being a total of 6,357m^2 GFA)

5.8. LANE COVE DEVELOPMENT CONTROL PLAN

The Lane Cove Development Control Plan (DCP) includes provisions for development within the St Leonards Centre and site-specific provisions for the Friedlander Precinct including 500-520 Pacific Highway St Leonards. The specific provisions of the DCP are addressed in relation to the proposed development within the Compliance Schedule at Appendix Z. Departures from the site-specific provisions are addressed below.

5.8.1. DCP Departures

The Environmental Planning and Assessment Amendment Act 2012, which commenced on 1 March 2013, clarified the purpose and status of development control plans, being to 'provide guidance' to proponents and Councils in achieving land use zone objectives and facilitating permissible development under an environmental planning instrument. Furthermore, to assist in the assessment of DAs, the legislation states that where a proposal does not comply with DCP controls, the consent authority is to be 'flexible in applying those provisions' and allow for 'reasonable alternative solutions' that achieve the objectives of those standards for dealing with that aspect of the development (see section 79C(3A)(b) of the EP&A Act).

Further, clause 6A of SEPP 65 provides that requirements, standards or controls contained within Council DCPs in relation to a matter to which clause 6A applies (i.e. certain parts of the Apartment Design Guide, including in relation to visual privacy, solar and daylight access, apartment size and layout, ceiling heights and private open space and balconies) are of no effect.

Balcony Articulation and Residential Setbacks to Pacific Highway

The DCP requires that a Balcony Articulation zone of 2m be provided behind all building setbacks. A 4m setback is required to all residential levels from the Pacific Highway.

A variation is proposed resulting in the projection of some balcony elements into the 4m setback zone along the Pacific Highway frontage, generally consistent with the previous design. In these locations, the building

setback will be less than 4m to the Pacific Highway, however the glass line of the apartments will remain at the required 6m (being the 4m setback plus 2m articulation zone).

The entire northern façade has been designed to accommodate the minimum ADG balcony depth and size requirements. The balcony design also retains the integrity and curvilinear form of the original façade design intent.

In order to ensure a building façade of high aesthetic amenity when viewed from the public domain along the Pacific Highway, as well as provide ADG compliant balcony dimensions, projection of the balcony line into the 4m setback is necessary.

In consultation with Council, the proponent presented a number of design options for the setback, with Council supporting the current approach.

This approach is considered to be acceptable from a design perspective, as it allows ADG compliance for balcony depth and area, whilst maintaining the 'wave' design of the façade and an attractive building aesthetic when viewed from the east and west along the Pacific Highway.

As the buildings immediately to the west of the site are low rise with a strong zero-lot building line, the proposed encroachment into the setback zone will not undermine the established strong urban setback line in this location. Overall protrusion of the curved balustrade line into the setback zone will contribute to the achievement of a building with a high visual aesthetic, consistent with the overall site specific DCP objectives.

Building Separation

The DCP requires a 24m building separation between the subject building and that on the neighbouring site across Friedlander Place (472 & 486 Pacific Highway).

Notwithstanding the ADG separation requirements being less onerous for the lower building levels 4 – 8 as follows:

- 12m for up to 4 storeys;
- 18m for 5-8 storeys; and
- 24m for 9 storeys and above,

all residential apartments and trafficable balconies are located behind the 24m setback line for Levels 4-36.

To retain the design integrity of the building, the balustrade lines continue to wrap around the building however all space between the balustrade and the 24m setback line for Levels 4 – 36 has been designed to be non-trafficable. These areas are not accessible from the trafficable portion of the balcony yet are designed and dimensioned to ensure variation in the façade line across each level of the building is maintained. For maintenance purposes, access will be provided from neighbouring apartments or via external abseil access. The internal materiality and finishing of these spaces will reflect their non-trafficable nature. Given this, the visual privacy design objective is met and the expected privacy levels between buildings is achieved. This aspect of the design is unchanged from the previous proposal where no issue was raised in the assessment.

For levels 37-43, being above the height of the neighbouring Mirvac development at 472 & 486 Pacific Highway, trafficable balconies up to 2m depth are provided to this corner of the building.

This design resolution is considered acceptable in that it provides for adequate building separation to 472&486 Pacific Highway.

5.9. PLANNING AGREEMENTS

Under Section 94 of the EP&A Act and the Lane Cove Section 94 Contributions Plan the Council is able to levy contributions for the provision of public services and facilities required as a consequence of development. Contributions for residential and commercial development under Lane Cove's Section 94 plans are required for community facilities, open space and recreation and roads.

Section 93F of the EP&A Act enables the proponent to enter into a Voluntary Planning Agreement (VPA) with Council as an alternative mechanism for securing contributions (material and / or monetary) for the provision of public services and facilities to support new development. A VPA applies to the subject site. The

VPA was exhibited with the Planning Proposal and the accompanying draft DCP amendment. No changes to the agreement are proposed in this revised design.

The VPA is relevant to the proposed development. Under the VPA the Applicant is required to provide public benefit in the form of a monetary contribution to be used for the enhancement of the public domain for 496-498 Pacific Highway, St Leonards, Friedlander Place and its surrounds. In this instance Friedlander Place upgrades will be provided as works-in-kind.

6. SECTION 79C ASSESSMENT

In determining the development application, the consent authority is required to consider those relevant matters listed in Section 79C of the EP&A Act. The relevant matters are addressed below.

6.1. SECTION 79C(1)(A) STATUTORY PLANNING CONSIDERATIONS

Section 5 of this report provides an assessment of the proposal against the requirements of the relevant planning controls and instruments, including:

- Lane Cove LEP 2009 and DCP 2010;
- SEPP 65 and accompanying ADG; and
- The VPA applicable to the site.

The proposal is considered to be consistent with the requirements of these planning controls and instruments. Where departures are sought, they are considered to be well founded and achieve the objectives of the relevant provisions or, on balance, contribute to a high-quality design outcome for site residents and neighbours.

6.2. SECTION 79C(1)(B) ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

The likely impacts of the development including environmental impacts on both the natural and built environment, and the potential social and economic impacts of the proposal have been assessed. The relevant issues are addressed below.

6.2.1. Strategic compatibility with St Leonards Centre

The proposed development involves the construction of a mixed-use development comprising residential, commercial and retail uses. These uses are entirely compatible with the envisaged context for the area and will directly support the changing nature of St Leonards.

- The proposal will provide a mix of compatible land uses, providing a high-quality contribution to residential floor space within the St Leonards area and ensuring a range of accommodation options for future residents.
- The proposal will provide a high-quality contribution to commercial floor space within the area that is appropriate to the identified market demand given the changing employment nature of St Leonards focusing increasingly on the health sector and related services.
- The proposal positively addresses and improves the public domain, and will involve significant landscaping upgrades of Friedlander Place making it more usable by the public for passive recreation and improving linkages to Nicholson Street.
- The proposal provides for active retail uses at ground level fronting the Pacific Highway and the site's southern interface with 69 Christie Street.

6.2.2. Context, Built Form and Scale

The building form proposed is generally consistent with the design quality principles of SEPP 65, including context and neighbourhood character and built form and scale. The building form is also generally consistent with the objectives and design criteria of the ADG and the building envelope requirements of the Lane Cove DCP.

The proposed residential tower has been designed to respond to the site's context which includes predominantly commercial uses as immediate neighbours. The design allocates residential and non-residential uses within various zones of the building, so that the setback and interface condition of these uses with the immediate neighbours responds appropriately to the specific contextual scenario. Although not technically consistent with the setback and separation guidelines outlined in ADG Principal 3F Visual Privacy, due to the site-specific design response, the proposal achieves the visual privacy objectives of 3F-1.

The proposed development satisfies the overall intention for the redevelopment of the Friedlander Place precinct by providing new and enhanced connections to and from the public domain, leveraging off Friedlander Place as a new public space that promotes visual connectivity and safety, delivering substantial public benefits to St Leonards Town Centre. The proposal offers active non-residential uses at street level to maximise casual surveillance, as well as providing a range of housing options in a tower form above the podium.

The proposal will provide an upgraded public space at Friedlander Place that will significantly improve on the current open space quality and create a distinctive sense of place for residents, workers and visitors. The proposal resembles and relates to the desired future character of the streetscape, ensures that a modern and dynamic development is created and will provide a benchmark for architectural design excellence in the centre of St Leonards.

The façade design will create a building appearance that is of a high visual quality. The building has been designed to provide a distinctive podium element comprising non-residential, commercial and retail tenancies which will create vibrancy at the street interface and enhance the building's relationship with Friedlander Place and the desired location for Council's future laneway connection to Christie Street.

The tower form above will read as a separate element however will be highly integrated in appearance with the podium. The residential building steps back from the podium facade at its lower levels, creating a gradual transition which will be pleasing in appearance from the public domain.

The modern building appearance will comprise high quality materials and finishes which will enhance the human experience at the ground level public domain interface, and will appropriately reflect the importance of this upgraded precinct at the eastern entry to St Leonards. The building is consistent in scale and form with the applicable planning controls which reflect the desired future building scale and character of Lane Cove Council's controls.

6.2.3. Ground Level Activation and the Public Domain

The proposed development will enhance activation of the street at ground floor level through the introduction of retail shopfronts fronting the Pacific Highway, Friedlander Place and the southern ground plane fronting 69 Christie Street linking with Nicholson Street. Multiple access points to the residential portion of the building, from the Pacific Highway, Nicholson Street/southern boundary and Friedlander Place frontages reinforce this activation.

Activation of Pacific Highway Frontage

The building's frontage to the Pacific Highway provides weather protection within the site boundary. A generous forecourt is provided to both the residential and retail entrances providing an extension to the public domain along this elevation.

Interface with and Upgrade of Friedlander Place

The building's interface to and relationship with the upgraded Friedlander Place will encourage use of this publicly accessible space by residents and members of the public. This will also create a positive dynamic with the public plaza being constructed by Mirvac on 472 & 486 Pacific Highway. The ground floor tenancies fronting Friedlander Place have been designed to maximise the width of the Friedlander Place opening to the Pacific Highway, whilst creating a more intimate condition at the rear of the public open space, helping to draw activity into that southern part of the site.

Friedlander Place will be significantly upgraded from its current condition, which will promote accessibility to and through, and use of this publicly accessible space.

The usable area of Friedlander Place will be significantly enlarged and its usability improved. The works to Friedlander Place include:

- Hard and soft landscaping creating a variety of areas for public recreation;
- Paving that will interface with the proposed building and plaza at 472&486 Pacific Highway; and
- Vertical transport and stair access to Nicholson Lane.

The details of the public domain works are included in the Landscape plan at Appendix M.

Tree removal on the site was approved by DA 36/2016. The Arborist Report by Arterra provided in Appendix H details tree protection measures for trees on adjoining sites for implementation during construction stage.

Southern Ground Level Activation

Retail frontages and residential lobbies on the southern side of the building at the Nicholson Street level will provide for activation at this lower level of the site. A 4m setback zone from the site boundary allows for pedestrian circulation and weather protection at the base of the building. The design of this frontage supports Council's vision for a future pedestrian link between Friedlander Place to Christie Street along the northern side of 69 Christie Street.

6.2.4. Residential Amenity

Internal residential amenity has been thoroughly addressed in the SEPP 65 Design Statement (Section 2.6) included at Appendix I and Section 5.3 in this report. Overall the proposal will result in a high level of amenity for future residents.

Non-ADG related amenity issues are addressed below.

6.2.4.1. Apartment Mix and Size

The Lane Cove DCP requires at least 10% of each apartment type to be provided, which is met by this proposal. The mix and size of apartments is set out in Table 7 below.

Table 7 – Apartment Mix and Size

Apartment Type	Number	Size Range	Balcony Range	% of all Apartments
Studio	44	41m^2	7m^2-32m^2	10.2%
1-bedroom	108	51m^2-66m^2	9m^2-51m^2	25.2%
2-bedroom	221	71m^2-108m^2	15m^2-147m^2	51.5%
3-bedroom	53	118m^2-218m^2	27m^2-59m^2	12.3%
4-bedroom	2	206m^2-321m^2	81m^2-99m^2	0.5%
5-bedroom	1	262m^2	94m^2	0.3%
Total	**429**			**100%**

Apartments range from studios to 4 and 5 bedroom apartments, with a high level of provision of each type – 1 bedroom, 2 bedroom and 3/3+bedroom. Each typology meets or exceeding the minimum ADG internal area requirements. The mix of apartments will cater to a range of future owner and tenant needs, with each dwelling providing a generous living space, enhancing the liveability and amenity of the apartments.

A schedule of apartment size and mix is included with the Architectural drawing set at Appendix G.

6.2.4.2. Visual Privacy between Dwellings

Visual privacy between private open space is achieved through the use of fin walls dividing balcony areas.

It is considered that the proposed apartments have adequate separation to current and future neighbouring residential buildings to ensure visual privacy to residents.

Visual privacy between the proposed apartments and neighbouring building occupants will be achieved through:

- 24m building separation at the most sensitive point for visual privacy, being between habitable rooms/balconies of the proposed development to 472 & 486 Pacific Highway to the south east.
- Locating residential apartments above the maximum allowable building height envelope applicable to the commercially zoned 69 Christie Street to the south. This eliminates the potential for direct views between

the proposed apartments and the existing and potential future commercial building at 69 Christie Street; and

- Provision of minimum 7m balcony line setback and 9m glazing line setback to the western boundary, along with the inclusion of larger internal and external living areas to the central apartments along this façade to improve overall amenity by balancing the various design features as contemplated by the design guidance in the ADG.

Refer discussion at section 5.3.1.

6.2.4.3. Noise

Where possible, residential apartments have been designed to locate like-for-like uses adjacent to each other to minimise disturbance from noise transference. All walls will be constructed to meet required acoustic attenuation standards.

An Acoustic Report is included at Appendix AA. The report provides glazing and noise amelioration standards to ensure the proposal meets the relevant internal and external noise criteria. It also provides that suitable noise amelioration measures can be specified during the normal detailed design and specification process to ensure mechanical plant does not exceed the relevant noise criteria.

6.2.4.4. Private Open Space

A total of 429 apartments are provided with large, usable balconies or terraces which provide an outdoor space for private use. These balconies meet or greatly exceed the minimum area requirements of the ADG.

The balconies are provided off the living spaces and are generally oriented to maximise solar access. In some instances, balconies are located on the southern side of the building to maximise view amenity to the south.

The proposal presents generous private open spaces to all apartments which will enhance the liveability of these dwellings for future residents.

6.2.5. Impacts on Neighbouring Properties

6.2.5.1. Privacy to Neighbouring Dwellings

The building has responded to the location of the future apartment locations on 472 & 486 Pacific Highway providing 24m building separation between trafficable balconies and habitable rooms, in accordance with the ADG and site specific DCP requirements. Visual privacy to those dwellings will be achieved as a result of this building separation.

The proposal has a varying setback to the southern neighbour at 69 Christie Street, and a minimum 7m setback to the western neighbour at 530 Pacific Highway. These sites are zoned B3 Commercial Core and do not permit residential accommodation. Therefore, there will be minimal if any impact on privacy to those buildings.

The Pacific Highway will provide adequate separation between the proposal and the existing and future buildings in the B3 Commercial Core zone on the northern side of the Highway.

In this regard, and having regard to the proposed design, it is considered that the building will ensure visual privacy of residential apartments on nearby sites.

6.2.5.2. View sharing and Visual Impact

Planning Proposal View Impact Assessment

As part of the Planning Proposal analysis, the proposed building envelope was analysed in terms of view loss impact to surrounding residential buildings. This development application generally complies with the building envelope that was assessed as acceptable for the subject site and adopted as part of the LEP Amendment.

Despite the building envelope being supported by Council and the DP&E and reflected in the adopted LEP and DCP controls, further analysis has been undertaken in respect to the views that will be available from residential buildings north of the subject site.

Proposed Development View Impact Study

The view impact study has been undertaken by A+ Design Group specifically in relation to the proposed building form contemplated by this DA, and is included within the View Impact Study at Appendix BB. This study addresses view loss from the nearby Abode residential building. The methodology for this View Impact Assessment has been assessed and verified by Dr Richard Lamb of Richard Lamb & Associates. This Peer Review and Photomontage Certification is included at Appendix CC.

The Abode is a residential building located across the Pacific Highway and to the east of the subject site. As significant harbour and city views are located to the south and east for the upper levels of Abode, these views from Abode will not be affected by the proposed residential tower. Views potentially affected are those generally towards the upper parts of the Lane Cove district and Gore Hill area.

This view study demonstrates that:

- Iconic views to the city and main harbour from Abode are to the south and east of the subject building. These iconic views will not be affected by the proposal.
- Views to the western Harbour and Parramatta River were achieved above the roof of the commercial building previously occupying 500 & 504 Pacific Highway (now demolished).
- More extensive views will be achieved from residents of the Abode to the west than would be achieved by a commercial building constructed to the building envelope allowable on the site prior to the LEP Amendment.
- Importantly, more extensive views will be achieved to the west from apartments within the Abode than would be achieved by a mixed-use building constructed to the building envelope currently allowable on the site.

This is demonstrated by the extract at Figure 11, showing a comparison of the previous LEP 2009 site envelope (prior to the LEP Amendment in 2015), the current site specific LEP/DCP envelope, and the proposed building envelope.

Figure 11 – Building Envelopes when viewed from Abode

Proposed Development – View Impact Assessment

The assessment of view sharing impact is guided by the planning principles outlined in the NSW Land and Environment Court in *Tenacity Consulting Pty Ltd v Warringah Council* [2004] NSWLEC 140 and *Veloshin v Randwick Council* [2007] NSWLEC 428. These principles have been addressed in turn in respect to the potential impact on views from the Abode residential building north of the subject site.

The case law has well established that whilst the principles should be used as a guide to decision makers in respect to the proper assessment of view impact, the law is clear that property owners do not have a right to a view.

This was established by the High Court in *Victoria Park Racing & Recreation Grounds Co Ltd v Taylor* (1937) 58 CLR 479;[1937] HCA 45 where Latham CJ stated (at 496-497) "I find difficulty in attaching any precise meaning to the phrase 'property in a spectacle'. A 'spectacle' cannot be 'owned' in any ordinary sense of that word."

In *Robson v Leischke* (2008) 72 NSWLR 98; [2008] NSWLEC 152, Preston CJ summarised the limited powers available to an aggrieved land owner (at [86]) when he stated "a defendant may erect a building or other structure such as a fence, or plant a tree on his or her land which interferes with the neighbour's enjoyment of their land. The building, structure or tree may…spoil the neighbour's view…yet such interferences are not actionable as a nuisance."

This position has been reinforced in several judgments and as a legal principle remains relatively unchanged.

Tenacity v Warringah Council

In the *Tenacity* decision, Roseth SC outlined the following four-step consideration of whether or not view sharing is reasonable. This decision was made for a development within a residential context. Whilst the subject proposal is located in a commercial core context where residential is not a primary use, an assessment of the proposal is undertaken here against those principles. This assessment demonstrates that the extent of view sharing proposed is substantial notwithstanding the reduced expectation to retain views from residential dwellings within a commercial core context.

> *"The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured."* (at [26])

Significant water views to Sydney Harbour, and iconic views of the Opera House, Harbour Bridge and City CBD from nearby residential apartment buildings will not be affected by the proposed mixed use development. View corridors to these natural and built features from Abode fall to the east of 500-520 Pacific Highway.

A reduction will occur to the current view enjoyed by residents of the upper levels of Abode to the south west, across to Hunters Hill and Woolwich. The view affectation will occur to a view currently enjoyed by residents of the upper floors of Abode that falls to the south west of Abode. Some view loss will result to the western harbour in that case.

Similarly, views to iconic landmarks from the Forum will be retained following redevelopment of 500-520 Pacific Highway as view corridors to the City from the Forum fall to the south of the subject site. Any loss of view from the Forum resulting from the proposed development falls within the same view line as the approved Mirvac building at 472 &486 Pacific Highway.

> *"The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic."* (at [27])

Views from the Abode building that are potentially affected could be considered to be views from the 'front' of the building, given its corner location on Pacific Highway. Depending on the height of the apartment, the views could be sitting or standing views. The View Study included at Appendix BB has assessed view impact from various levels of the Abode apartment building – aligned generally with Levels 4, Level 9, Level 14 and Level 19 of Abode. The study demonstrates that views to iconic elements will not be affected. Some view loss to landscape and possible water interface elements will occur. However slot views across the precinct above Friedlander Place will be retained. It is noted that the resulting views will be more extensive than those which would have been available should a commercial development of the site have been undertaken in compliance with the previous planning framework (prior to the LEP Amendment in 2015). In that instance, a commercial building could have been constructed to the site boundaries to a height of 72m, being higher than the Abode building itself and wider than the proposed development.

Similarly, the views from the Forum building that are potentially affected could be considered from the 'front' of the building given its location and the orientation of apartments within the Forum. Again, views affected could be sitting or standing views. The potential view loss resulting from the proposed development could be considered a 'peripheral' view as it sits well to the east of the view corridor from the Forum to the main Sydney CBD and Harbour. When viewed from the Forum, the proposed building aligns generally with the position of the approved building at 472 & 486 Pacific Highway and as such there is only marginal view loss that will result to the Forum as a result of the proposed development.

> *"The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating."* (at [28])

The existing views would be obtained from both living and sleeping areas within various residential apartments, and both from sitting and standing positions within both the Abode and Forum buildings depending on the elevation of the respective apartment. Whilst the extent of view loss from some apartments may be greater than from others, the significance of view loss extent is considered to be negligible in terms of 'iconic view loss' and potentially up to moderate when considering the loss of views from Abode to the south west. It is noted that slot views will still be achievable to the western Harbour across Friedlander Place. It is noted, however, that this view loss is relative to the previous commercial building on the site (now demolished). The proposed scheme will result in an improved extent of view to the east and west of the mixed use building than that which would have resulted from a development built to the maximum envelope allowable on the site prior to LEP Amendment.

> *"The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable."* (at [29])

The view loss from the Abode and Forum apartments will result from a building form that complies with the allowable building envelope. The building envelope adopted for the site by the LEP Amendment resulted from the significant testing of different envelope options by the former landowner, Council and Council's independent urban designer during the Planning Proposal process and was considered to be the most appropriate for the site, when balancing the aspirations by State and local government to optimise the development of this strategically located site. In this regard, the extent of view sharing that could be realised from the resultant building form has been assessed by Council and the DP&A and has been considered acceptable.

The consideration of "reasonableness of the proposal" is further considered with reference to the judgement in Veloshin v Randwick Council [2007] NSWLEC 428 which is relevant when considering the impacts of height, bulk and scale in the context of existing planning controls. These Planning Principles are addressed in turn below.

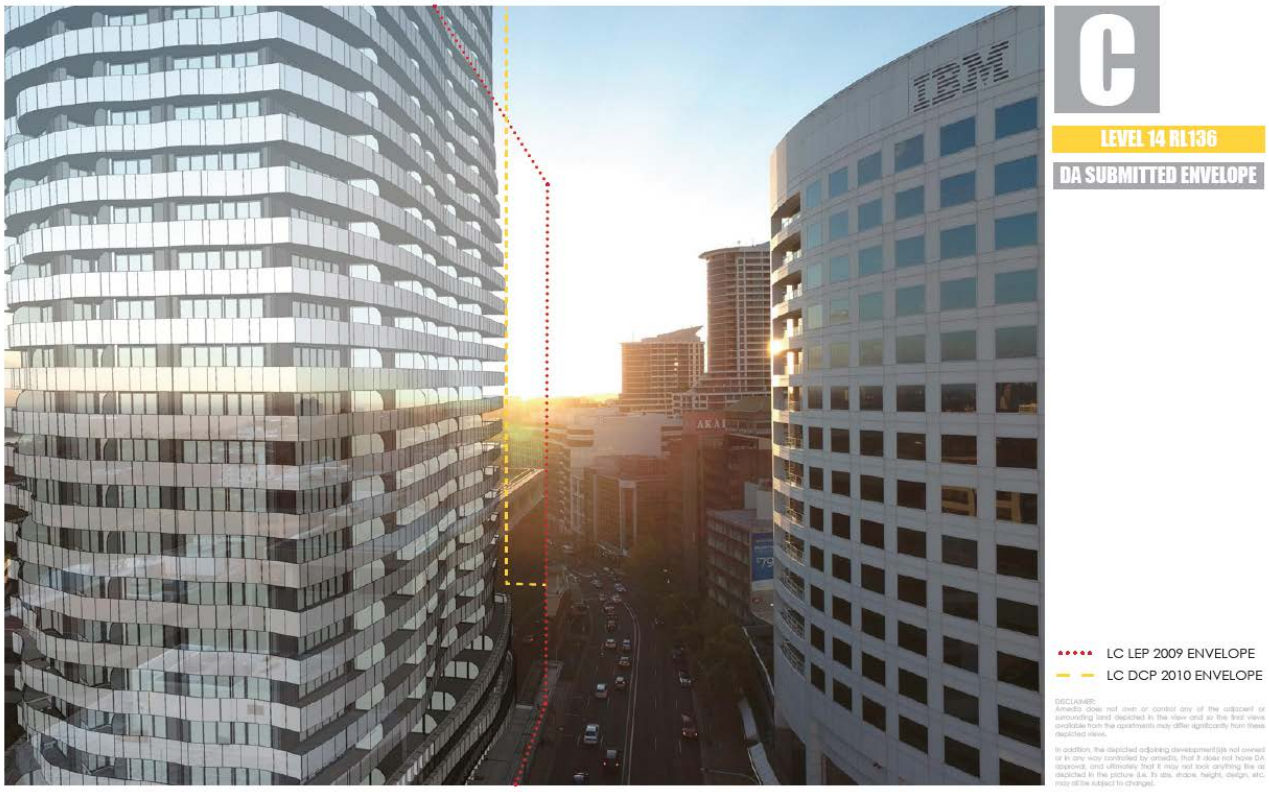
> *Are the impacts consistent with the impacts that might be reasonably expected under the controls? It is noted that for a non-complying development the question cannot be answered unless the difference between the impacts of a complying and non-complying development is quantified.* (at [32])

The current built form controls were subject to a thorough analysis by Lane Cove Council and the DP&E during the Planning Proposal phase, including view impact analysis. The impacts generated by the proposed building envelope controls were considered acceptable and those building envelope controls are now adopted into the Lane Cove LEP and DCP.

One minor departure to the DCP envelope results from the proposed balcony encroachment into the 4m setback requirement to the Pacific Highway at varying locations. The view impact generated by this proposed encroachment will be almost unperceivable when viewed from The Abode. The building has been

designed to be cut back at its north eastern corner, minimising the appearance of building bulk when viewed down the Pacific Highway corridor. The maximum 1.5m balcony incursion will fall within the building mass itself and will not impact on views from The Abode. This is demonstrated at Figure 12 below.

Figure 12 – View Impact of balcony setback to Pacific Highway



The impact of the proposed building form on the views currently enjoyed by residents of Abode and the Forum is generally consistent with those that informed the Planning Proposal assessment. It is therefore considered that the view impacts generated by the proposal are consistent with those that are to be expected under the controls.

> *How does the proposal's height and bulk relate to the height and bulk desired under the relevant controls?* (at [32])

The height and bulk of the proposal is consistent with the height and bulk anticipated under the Lane Cove LEP and site specific DCP. The building generally sits within the building envelope intended for the site and reinforced by the site specific planning controls. The partial maximum 1.5m building encroachment into the Pacific Highway setback will have a negligible impact on view retention from the Abode and Forum apartments as discussed above and shown in Figures 11 and 12.

> *Does the area have a predominant existing character and are the planning controls likely to maintain it? Does the proposal fit into the existing character of the area?* (at [32])

The St Leonards precinct is currently characterised by high-rise mixed-use buildings on the northern side of Pacific Highway, including the Forum and numerous residential apartment buildings. High rise buildings are particularly characteristic of that section of St Leonards that falls within the North Sydney LGA. On the southern side of the Pacific Highway, St Leonards is currently characterised by older-stock commercial buildings. These buildings do not necessarily reflect the development potential of these sites under the current planning controls nor those that were applicable to the Friedlander Precinct prior to gazettal of the LEP Amendment . It is noted that the adjacent Mirvac mixed use development has been approved by the Sydney North JRPP and is currently under construction, establishing a new building height and scale for the southern side of the Pacific Highway.

St Leonards is a precinct undergoing significant change in character and building typology. It is evolving from a commercial centre to a high-rise mixed-use centre, and development is taking advantage of the precinct's proximity to employment and transport and its state designation as a Specialised Centre. There have in recent times been a number of development approvals granted for tall mixed-use buildings. As a result of the

North Sydney Council's Planning Study for St Leonards, building heights in that part of the centre have already begun to increase and future applications will follow. Since gazettal of the Lane Cove the LEP Amendment, North Sydney Council has also adopted the recommendations of an Urban Design Study which identifies opportunities for additional tall towers within its portion of St Leonards. North Sydney Council has recently supported a Planning Proposal for 617-621 Pacific Highway (opposite the subject site) which envisages a 50-storey mixed use tower. This Planning Proposal is currently awaiting gateway determination.

The planning controls applicable to the subject site and its wider precinct including 472 & 486 Pacific Highway will change the character of development on the southern side of the Pacific Highway in a manner that is not inconsistent with building forms contemplated elsewhere in St Leonards centre, especially the precinct to the north of the Pacific Highway across from the subject site. It would therefore be unreasonable to accept any proposition that all existing views must be preserved as this Specialised Centre will continue to accommodate increased density and height commensurate with its metropolitan status.

Does the proposal look appropriate in its context? (at [32])

The proposal will look appropriate in the broader context of St Leonards, which is evolving in character from a mainly commercial precinct to a mixed use, transit-oriented suburb comprising tall tower forms. It will achieve a compatible height relationship with the recently approved Mirvac development to the south on the opposite side of Friedlander Place as well as future proposals on the opposite side of Pacific Highway that will be taller.

Is the proposal consistent with the bulk and character intended by the planning controls?

The proposal is consistent with the bulk and character intended by the planning controls. The proposal complies with the height, FSR and land-use mix allowed on the site by Lane Cove LEP and DCP. It is consistent with the architectural scheme from which the planning controls were derived. The minor departure from the building envelope at the Pacific Highway frontage will have no material impact on views from nearby residential dwellings, as discussed in detail above and shown in Figures 11 and 12. In this regard, the extent of view impact to surrounding residential apartments including the Abode and Forum is consistent with that which was assessed as acceptable to inform the current planning controls.

Conclusion

The subject proposal is the result of Council and State Government recognition that St Leonards should accommodate taller building forms to leverage off the precinct's transport and employment access. The views and outlook currently enjoyed by residents in apartments to the northern side of the Pacific Highway have been available as a result of sites on the southern side of Pacific Highway not being developed to their full capacity due to a low demand for commercial office space in St Leonards. The retention of such views within a Specialised Centre that is undergoing significant change should not and cannot reasonably be expected to remain unaffected in perpetuity. The proposed building forms have been resolved in such a way as to promote view sharing to residents of nearby apartment buildings as much as is practicable. Views will not be completely blocked by the proposed development, and sight lines to iconic landscape and built elements will not be affected by this proposed building. The proposal is considered to present an appropriate design response for the site, balancing compliance with the controls and achieving a reasonable view sharing outcome.

6.2.5.3. Overshadowing

During the assessment of the Planning Proposal, Lane Cove Council prepared an independent shadow analysis of the proposed building mass to ascertain the likely impact on adjacent properties to the south of the subject site. The analysis demonstrated that affected properties will receive at least 2 hours of sunlight at midwinter, between 9am and 3pm.

Notwithstanding that overshadowing was considered as part of the Planning Proposal request, further analysis has been undertaken in respect to the proposed building form the subject of this Development Application.

The shadows cast by the proposal will have no material impact on the solar access to affected properties. The tall tower form creates a fast moving shadow that does not rest upon any property for greater than 30 minutes throughout the day, exceeding the minimum performance criteria.

Shadow diagrams for the proposed development have been prepared. This overshadowing analysis of the proposed building forms at the winter solstice (21 June), included at Appendix G confirms that:

- Between the hours of 9:00am and 10:30am, the orientation of the tower building form combined with the angle of the sun casts a narrow fast moving shadow that moves quickly from the R2 zoned land and R3 zoned land west of the railway corridor to the B3 zoned land east of the railway corridor.
- The majority of the R2 zoned land is impacted for less than 30 minutes.
- Between the hours of 10:30am and 12:30pm, the shadow shortens significantly and falls on commercially zoned land to the south of the site. During this time only a small area of additional shadow is cast (in addition to that cast by existing buildings).
- Between the hours of 1:00pm and 2:00pm, new overshadowing is cast onto a small strip of R3 land fronting Oxley Street and Nicholson Street.
- Between 3.00pm and 3.30pm new shadow will be cast over buildings towards Willoughby Road/Pacific Highway intersection. The majority of these sites are non-residential in nature.
- It is noted that the RE1 zoned land at Christie Street will be affected by a small window of shadow after 11am and before 12:30. The majority of this space will receive good solar access from approximately 12:15 as the shadow moves across the space. Solar access to the majority of the space will then be available until after 2:30pm.
- All residential zoned land affected by the shadows created by the proposed buildings will receive more than two hours of solar access between 9am and 3pm.

The assessment of the Mirvac development at 472 & 486 Pacific Highway at all times took into account the potential redevelopment of 500-520 Pacific Highway, by way of inclusion of an approvable building envelope on that site to inform solar access analysis. The overshadowing impact of the prospective development of 500-520 Pacific Highway was critical in assessment of solar access for all apartments in the Mirvac development which rely on the north-west façade of 'Building B/Tower 2'. Verification has been provided by Stephen King at Appendix DD that the shadow cast on the Mirvac development at 472 & 486 Pacific Highway by the proposed development does not affect the level of solar compliance of that building approved by the Sydney North Joint Regional Planning Panel. The full 3D digital model analysis undertaken by Steve King demonstrates that there are small, if not negligible differences in the now projected overshadowing impact on 472 & 476 Pacific Highway as follows:

- *For the one 'stack' of apartments which were not achieving a complying minimum of two hours solar access at 21 June, there is actually a small improvement.*
- *For the three 'stacks' of apartments which were reported as complying, there is a small loss of sub which does not affect their compliance status.*

In respect to the provision of solar access to the Friedlander Place and ground floor public plaza space at 472 & 486 Pacific Highway at midwinter (21 June), the following observations are concluded from the Overshadowing Analysis:

- Sunlight access is provided to portions of Friedlander Place from 930am midwinter. The area receiving solar access increases until 11am when it then starts to reduce again.
- Friedlander Place is entirely in shadow from 1pm at midwinter.
- Overall, solar access is provided to parts of Friedlander Place from 9.30am until 1pm at midwinter.

It is considered that the level of solar access to the ground level public open spaces will provide adequate enjoyment of these spaces at midwinter. Sun access will be available within different areas of Friedlander Place and the proposed plaza at 472 & 486 Pacific Highway from 930am until 3pm at midwinter.

6.2.6. Access, Traffic and Parking

A Traffic Impact Assessment has been prepared by Colston Budd Hunt and Kafes and is submitted at Appendix O. The report considers the adequacy of car parking provision, the proposal's impact on the local traffic network, the parking area's compliance with relevant access and circulation standards, and the provision of servicing areas within the development. The key issues are discussed below.

Parking

Car parking will be provided over 8 levels including 6 basement levels and two part-levels at Nicholson Street and Lower Ground level. Across these levels, parking will be provided for 369 resident, 43 visitor and 9 car share spaces, with 71 spaces (7 of which will be accessible spaces) allocated to the commercial and retail tenancies, totalling 492 spaces. Car park access will be provided from Nicholson Street.

A breakdown of parking provision for all vehicle types is provided in Table 8 below.

Table 8 – Parking – All types

Parking Type	Residential	Non-Residential	Total
Car spaces (including accessible spaces and car share)	421	71	**492**
Accessible	86 resident 41 residential visitor	7	**124**
Motorcycle	28	5	**33**
Bicycle spaces	152	78	**230**

Residential Parking

Objective 3J of the ADG provides that for sites within 800m of a railway station in the Sydney Metropolitan Area, the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments. The car parking provision proposed accords with the RMS Guide to Traffic Generating Development.

Clause 30 of SEPP 65 provides that a consent authority cannot cite car parking provision as a reason for refusal of an application for a residential apartment building where car parking for the building will be equal to or greater than the recommended minimum amount of car parking specified in Part 3J of the ADG.

Non-Residential Parking

The RMS rate of 1 space / 100m^2 GFA plus one accessible space per 10 standard spaces has been adopted for the proposal. A total of 71 spaces will be provided for the non-residential space component, including 7 accessible spaces.

Motorcycle and Bicycle Parking

Council's DCP includes a requirement for motorcycle parking at a rate of 1 space per 15 car spaces. A total of 33 motorcycle spaces are therefore required in this case. The proposed development meets this requirement for motorcycle spaces providing a total of 33 spaces within the building's basement.

Bicycle parking is also provided. A total of 230 spaces are proposed for residents, visitors and non-residential.

Traffic Generation

An analysis of traffic generation arising from the proposed development is included in the Traffic Report at Appendix O.

Based on RMS Guidelines the previous commercial use on the site (some 12,382m^2 GFA) generated some 205 vehicles per hour (two-way) in the weekday morning peak hour (based on 1.6 vehicles/100m^2) and 150 vehicles per hour (two–way) in the weekday afternoon peak hour (based on 1.2 vehicles/100m^2).

Utilising the RMS Guidelines, the proposed mixed use development would generate 180 and 140 vehicles per hour (two-way) in the weekday morning and weekday afternoon peak hours respectively. Thus the traffic generation of the proposed development would be less than the previous commercial use of the site in the morning peak period, and similar in the weekday afternoon peak period.

Therefore the proposed development would not result in additional traffic impacts compared to the previous commercial development on the site.

A cumulative assessment of the traffic impacts of the subject site and adjacent developments was undertaken as part of the DA traffic report for 472 & 486 Pacific Highway. This assessment found that with some minor adjustments to the phasing/signal timing at the intersection of Pacific Highway/Oxley Street intersection, the additional traffic could be satisfactorily accommodated by the surrounding road network.

In the JRRP assessment report for the proposed development at 472 & 486 Pacific Highway, with respect to traffic, it noted that the traffic generation rates used in the assessment of the proposal are within the range forecast by the traffic model developed for Lane Cove Council by TMA and on this basis, are considered acceptable. It has been identified that the proposal and surrounding developments would result in the upgrade of the intersection of Pacific Highway and Oxley Street.

Vehicular Access

Vehicular access to the site will be provided from Nicholson Street. Access will be gained to the basement car parking areas via the undercroft of the new structure extending Friedlander Place. This will provide for segregated and dedicated access to residential parking levels and non-residential parking levels for private and commercial vehicles including waste collection services.

The internal car park layout has been designed to comply with relevant Australian Standards.

Servicing

A loading bay is provided within the north-eastern corner of the basement car park at the Basement 1 level. This loading bay will service the retail and commercial tenancies providing for delivery and pick up, as well as removalist trucks for residents. Garbage collection will also occur from this space. Adequate garbage storage rooms have been provided adjacent to the loading dock for this purpose.

The Traffic Consultant has advised that given the mix of uses on the site, operation of the dock will need to be managed to ensure that service vehicles do not have to wait to access the dock.

An operational loading dock management plan will be created to inform the management of the building once more detail is known regarding future tenants. This plan will be completed for implementation prior to occupation of the buildings. The Plan will cater to the various end user groups –residents moving in/out of the building; residential waste collection; non-residential waste collection; commercial/retail deliveries.

Travel Access Guide

The traffic report sets of the principles of a Traffic Access Guide to be developed by the applicant in consultation with the building owner, Council, RMS, Sydney Buses and other stakeholders. This document will take the form of a Green Transport Plan or Work Place Travel Plan. The travel access guide will assist in delivering sustainable transport objectives by considering the means available for reducing dependence solely on cars for travel purposes, encouraging the use of public transport and supporting the efficient and viable operation of public transport services, and will be prepared for future tenants prior to occupation of the building.

Summary

The proposed parking rates and traffic impact are considered appropriate as follows:

- Appropriate on-site car parking for cars and bicycles will be provided, consistent with the RMS Guide and the development's good public transport access;
- Car park access, internal circulation and layout has been designed in accordance with AS2890.1-2004 and AS2890.6-2009;
- Appropriate service arrangements will be provided subject to the implementation of a loading dock plan;
- The service areas will be designed to comply with AS2890.2-2002 and allow service vehicles to enter/depart the site in a forward direction;
- The proposed access arrangements maintain access to Nicholson Street for the service area located at the rear of 69 Christie Street;

- The traffic generation of the proposed development is similar or less than the previous commercial use on the site;
- A cumulative assessment of the traffic impacts of the subject site and adjacent developments was undertaken as part of the DA traffic report for 472 & 486 Pacific Highway. That assessment found that with some minor adjustments to the phasing/signal timing at the intersection of Pacific Highway/Oxley Street intersection, the additional traffic could be satisfactorily accommodated by the surrounding road network; and
- The traffic report sets out principles of construction management. Preparation of a detailed construction traffic management plan, signage detail, control of pedestrians and control and management of construction activity / vehicles in the vicinity of the site will be the responsibility of the appointed builder.

6.2.7. ESD/ Environmental Design

The proposed development will meet the regulatory sustainability requirements of BASIX (applicable to residential apartments) and Section J of the BCA (applicable to commercial areas). The detailed specifications for fitout and operation of the building required to achieve BASIX targets are detailed in the reports at Appendix V and Appendix W.

6.2.8. Crime Prevention Through Environmental Design

In accordance with the Department of Planning's guideline – Crime prevention and the assessment of development applications – Crime Prevention Through Environmental Design (CPTED) principles have been considered in the design for the proposal.

Situational crime prevention involves changing various aspects of the environment so that the efforts and risks required to commit crime are increased, and offender's perceived rewards are reduced. Crimes such as vandalism, assault, break and enter; theft, trespassing, and motor vehicle theft tend to be more responsive to situational crime prevention strategies. These are the types of crimes that most commonly occur in public spaces.

This knowledge has been applied through the CPTED principles to inform the planning and design stages of buildings and public spaces. The key CPTED principles are:

- Natural surveillance – maximising opportunities for passers-by or residents to observe what happens in an area (the 'safety in numbers' concept). This may be achieved through, for instance, the placement of physical features, activities and people.
- Access control – control of who enters an area so that unauthorised people are excluded, for instance, via physical barriers such as fences and grills.
- Territorial reinforcement / ownership – people are more likely to protect territory they feel they own and have a certain respect for the territory of others. This can be expressed through installation of fences, paving, signs, good maintenance and landscaping.
- Space management – ensures that space is appropriately utilised and cared for. Space management strategies include; activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out lighting and the removal or refurbishment of decayed physical elements.

A CPTED report has been prepared by Beaware Solutions Pty Ltd and is included at Appendix T.

This report reviews the proposed design and makes recommendations to ensure opportunities for crime are minimised. The recommendations relate to:

- CCTV installation and operation;
- Lighting;
- Landscaping;
- Balcony design;
- Electronic Access Control;
- Fencing and Gates;

- Graffiti Prevention and Response;
- Skateboard Deterrents and Anti Skate Fittings;
- Security Doors;
- Mechanical Locking of doors within the building;
- Security of Utilities;
- Security mirrors;
- Delineation between Private and Public Areas;
- Parking;
- Street numbering and Directional Signage;
- Mail Box Security;
- Emergency Management and Evacuation Strategies; and
- Construction Site Security Requirements.

The strategies identified within the CPTED Report have been developed through research, awareness, and general discussion, with the objective of 'target hardening' the development to deter possible offenders. With surveillance and access control, lighting, open public spaces and clear signage and sight lines, there is sufficient security and safety provisions to mitigate the risk of crime.

6.2.9. Geotechnical Conditions

A geotechnical assessment of the site has been undertaken by Aargus which is included at Appendix EE.

The results of the geotechnical site investigation and assessment for this site indicate the ground conditions in general are suitable for the proposed development subject to adoption of the recommendations made within the report.

- It is recommended that an additional geotechnical investigation should be carried out following demolition of some parts of the existing building, in order to confirm the ground conditions, preliminary conclusions and recommendations presented in the report.
- It is also recommended the design drawings be provided to Aargus for further assessment and confirmation of a suitable foundations, retaining walls and dewatering system.

Excavation and construction will be undertaken in accordance with the recommendations of the report.

Douglas Partners has also undertaken an assessment of the impacts of bulk basement excavation on the site, to estimate the rock mass movements likely to be induced at the proposed alignment of the future twin tunnels of the Chatswood to Sydenham Sydney Metro line.

The assessment found that the proposed bulk excavation will result in a maximum horizontal movement of 30mm at the excavation face analysed and a maximum vertical movement of 27mm behind the face. The maximum horizontal rock mass movements at the proposed tunnel alignment are expected to be 6mm. No vertical rock mass movement is expected to be experienced at this location.

Although a maximum 6mm horizontal movement is predicted to occur at the closest proposed tunnel location, it is understood that the bulk excavation will be completed prior to the future tunnel excavation. As such, any stress relief movement at the location of the tunnels will have occurred prior to driving and will therefore not change the stress in the tunnel lining or cause movement of the lining because it will not be in place.

The temporary ground anchors and temporary rock bolts are proposed within zones that appear to be outside the 'typical acquisition zone' provided by Sydney Metro. Further, footings for the proposed building will not be constructed within the zone of influence of the tunnel.

On this basis the proposed site excavation and building structures are not expected to cause any impacts on the future Sydney Metro tunnels.

The Douglas Partners' report is included at Appendix FF.

6.2.10. Building Code of Australia (BCA) and Accessibility

BCA & Fire Safety

A BCA Assessment Report has been prepared and is submitted with this DA at Appendix GG. The report confirms that the building has been designed having regard to the requirements of the BCA and the proposed development either complies or is capable of complying with the relevant provisions of the BCA.

The proposed building design will entail a combination of compliance with the DTS provisions and Performance Requirements of the BCA, by the development and justification of Performance Based Alternative Solutions. Those elements requiring a performance based solution are identified in the BCA Assessment Report.

A Fire Engineering Concept Report detailing the basis of potential Alternative Solutions to the Deemed to Satisfy solutions is also included at Appendix HH.

Accessibility

A total of 86 adaptable apartments are provided within the development, consistent with the 25% provision requirement by Council's DCP. Plans showing the adapted internal layout are provided at Appendix G. These plans demonstrate compliance with relevant standards for internal design.

All apartments within the development satisfy the visitable requirements of Council's DCP and the Adaptable Housing Code AS4299.

A review of accessibility having regard to the DDA has been undertaken by MGAC and is included at Appendix II. With the inclusion of recommendations made in the Access Review Report, which can be easily accommodated, the proposed plans are capable of meeting the relevant accessibility and DDA requirements. This will be refined during detailed design phase.

6.2.11. Wind Impact

A detailed wind assessment has been undertaken of the proposed building design by Windtech whose wind environment report is included at Appendix JJ. Testing was performed using Windtech's boundary layer wind tunnel of a 1:300 scale detailed model of the development. The effect of nearby buildings and land topography was accounted for through the use of a proximity model which represents a diameter of approximately 750m.

The existing wind conditions for the pedestrian footpaths within and around the site have also been tested to determine the impact of the proposed development. Following review, it was found that some treatments must be implemented to achieve the desired wind conditions for certain outdoor trafficable locations. The suggested treatments are listed below:

Ground Level

- Retain proposed densely foliating trees in Friedlander Place
- Retain proposed densely foliating shrub planting to 1.5m high underneath proposed trees in Friedlander Place.
- Retain 3m high impermeable screen on the southern and western boundary of Friedlander Place.
- Inclusion of densely foliating evergreen shrubs, capable of growing to a height of at least 1.5m in Friedlander place.
- Retain proposed densely foliating evergreen shrubs, capable of growing to a height of at least 1.5m on the north-western corner of the development.

Level 2

- Inclusion of a full-height 25% porous screen on the north-eastern corner of the terrace.

- Retain proposed full-height 25% porous screen on the south-eastern corner of the terrace.
- Retain proposed 1-2m high densely foliating evergreen shrubs or hedge planting along the terrace perimeter.
- Retain proposed porous façade on the south-western corner of the development.

Level 3

- Full-height 25% porous return screen on the south-eastern corner of the terrace.
- Full-height 25% porous return screen along the north-eastern corner of the terrace.
- Inclusion of wind sensors with warning systems on the south-western and north-eastern corner areas of the terrace.
- Retention of proposed full-height impermeable screen on the south-eastern corner of the development.

Level 4 - 43

- Inclusion of wind sensors with warning systems on the north-western, north-eastern, south-eastern and south-western corner balconies.

The wind report includes plans of typical floor levels showing where these amelioration measures will be required.

The wind tunnel study has identified various corner balconies where wind speeds are expected to exceed the safety limit. To address this, it is proposed that the Strata Bylaws will incorporate a provision to prohibit the placement of light furniture anywhere on the corner balconies unless it is securely attached to the terrace floor slab. In addition, wind speed sensors will be installed near the respective corners of building at various heights and to be set to trigger a warning to the occupants (such as a warning light) whenever the mean wind speed exceeds 8m/s (or 20m/s gust).

The warning light system will alert residents to a high wind condition on their balcony, and will avoid the need for the installation of intrusive solid elements on the building corners that will detract from the usability of the balcony spaces, the building aesthetic, and may further reduce the view amenity enjoyed by neighbouring residents.

With the inclusion of these recommended treatments to the final design, the results of the wind study indicate that wind conditions for all outdoor trafficable areas within and around the subject development will be suitable for their intended uses. The study notes that the inclusion of additional densely foliating vegetation within and around the outdoor trafficable areas of the subject development is expected to further enhance the localised wind conditions.

6.2.12. Civil and Structural Review

A Structural Engineering Design Brief has been prepared by Webber Design and is included at Appendix KK. The structural design to date has been developed in consultation with the design team to prepare sufficient documentation for DA stage. The Design Brief details the various building constraints and structural options considered for the building, as well as identifying key structural issues in the proposal.

These can be resolved during detailed design stage.

6.2.13. Social and Economic Impact

The proposed development seeks to contribute to the range and quality of retail and commercial facilities currently available within the locality and not undermine these uses.

Noting St Leonards designation as a Specialised Centre, economic impact was a key consideration in the Planning Proposal and was rigorously assessed by Council. An economic impact assessment prepared by Urbis to inform the Planning Proposal identified the following key points:

- Demand for traditional office spaces is better accommodated in competing commercial centres that can provide either more affordable or better located office stock. There is a lack of tenant interest in new development within St Leonards.
- There is sufficient supply of existing vacant and proposed office stock to accommodate the office component of the employment target identified for St Leonards in the Metropolitan Strategy.

- Specialised health based office space will seek to co-locate within the Royal North Shore Hospital development, close to the delivery of health services (as opposed to more distant sites such as the subject site).
- The provision of additional housing is likely to attract workers and could improve the proportion of workers employed in the Centre also living locally.

The proposal will have a number of positive economic effects including:

- Redevelopment of the overall Friedlander Precinct (of which the subject site forms a part) will result in a capital investment of $400 million to the local economy, generating a total of 821 construction jobs. Additionally, the commercial / retail component to be accommodated within the broader Friedlander Precinct redevelopment is expected to generate between 540-670 jobs. This equates to expected annual wages in the order of $36.7 million per annum. The proposed development is a key component in the redevelopment of the Friedlander Precinct.
- Provision of non-residential floorspace in various configurations and in excess of the minimum 1.5:1 FSR. Such non-residential floorspace will provide high quality commercial tenancies catering to the current demand for office accommodation in close proximity to Royal North Shore Hospital.
- It will increase the residential population of St Leonards, leading to greater expenditure in the local economy, benefiting local shops and service providers.

The proposal will have a number of positive social effects including:

- It will deliver the much-needed upgrade to the quality and usability of open space in St Leonards through the reconstruction of Friedlander Place as an attractive and safe space that people want to visit and linger.
- The ground floor tenancies will diversify the retail offer available in St Leonards and provide improved choice for local residents.
- The proposal will encourage behavioural change of residents to realise greater use of public transport given the site's proximity to bus and rail services.

For these reasons, the proposal will have an overwhelming positive social and economic benefit.

7. SECTION 79C(C) THE SUITABILITY OF THE SITE

The site is suitable for the proposed development for the following reasons:

- The site has been rezoned B4 Mixed Use with an increased height limit, acknowledging the suitability of a mixed residential and retail/commercial development on the subject site.
- The site is located in close proximity to public transport, shops, services and employment, making it a highly desirable residential location.
- The site is located in close proximity to high quality infrastructure services, shops and community services and has high amenity.
- All necessary urban services are available and there are no site development hazards such as flooding, bushfire, land-slip or soil contamination that would preclude the proposal.
- The site is an under-utilised site in a strategic location and is ideal for redevelopment.
- That part of the site comprising Friedlander Place is in need of a significant upgrade which will be provided as part of this proposal.

8. SECTION 79 C(D) ANY SUBMISSIONS

DA 212/15 was publicly notified in 2016. Submissions received by Council in relation to the previous design have been taken into account in the revised design of the proposed development and this SEE.

Any further submissions will need to be considered by the Council in its assessment of the application and by the Sydney North Planning Panel in their determination of the DA.

9. SECTION 79C(E) THE PUBLIC INTEREST

The proposed developed is considered to be in the public interest for the following reasons:

- It is consistent with the current planning controls for the site contained within Lane Cove LEP 2009 and DCP 2010.
- The proposal provides residential accommodation of high internal amenity which will increase diversity of good quality housing stock in St Leonards.
- It will contribute to the regeneration of the broader Friedlander Precinct and significantly upgrade the publicly accessible Friedlander Place.
- It will facilitate redevelopment of two sites previously occupied by underutilised commercial buildings for the primary purpose of residential apartments, in close proximity to services and amenities, increasing the availability and diversity of housing stock in this desirable location.
- It will make available new high-quality retail and commercial space, providing opportunities for office accommodation close to Royal North Shore Hospital.
- It will generate temporary and permanent employment.
- It will encourage and set a high standard for future investment in the surrounding sites in the precinct.

Through the VPA commitment agreed at Planning Proposal stage, the proposal will contribute towards Council's bus interchange masterplan which will itself create additional public space and vibrant spaces for residents and workers in St Leonards.

If the proposal did not proceed, the site would not be utilised to its full potential and would negatively impact on the future economic and social role and function that is desired for the Friedlander Precinct.

10. CONCLUSION

The subject Development Application seeks approval for site excavation and construction of a mixed-use building along with the significant upgrading of publicly accessible open space. The proposal will result in the provision of high quality residential accommodation, retail and office space and public open space in close proximity to urban services and transport links.

The proposed development is consistent with the applicable planning controls for the site and the corresponding site-specific DCP. The proposal has been assessed against the relevant planning policies. In summary, the proposal:

- Is consistent with State and subregional strategic planning objectives. The proposal will deliver high-quality mixed-use development in close proximity to public transport infrastructure and the amenities of St Leonards centre.
- Satisfies the applicable local and state planning policies. The proposal has been determined to generally comply with Council's planning controls, and where variations are proposed they present a suitable design and amenity response.
- The proposal is consistent with the building height and FSR standards applicable to the site, exceeding the minimum 1.5:1 non-residential FSR requirement.
- The proposal satisfies the desired quality and residential amenity outcomes sought from SEPP 65 and its accompanying Apartment Design Guide. Where variances are proposed to the design criteria in the ADG, achievement of the underlying objective is demonstrated.
- Achieves a high quality architectural design and appropriate built form and responds to the importance of the site as the eastern entrance to St Leonards.
- Achieves an optimal outcome for the locality. The proposal will support the changing nature of St Leonards, providing office accommodation in close proximity to Royal North Shore Hospital. It will also ensure the construction of a variety of residential accommodation. The upgrading of Friedlander Place will provide a reinvigorated publicly accessible open space for use by local residents and employees. The building will help to revitalise the eastern entry point of St Leonards along the Pacific Highway.

Having considered all the relevant matters, it is concluded that that the proposal represents a sound development outcome that upholds Council's vision for the future of this key precinct and acts as a high-quality catalyst for the intended revitalisation. Given this, the proposal in our opinion warrants the granting of development consent by the Sydney North Planning Panel.

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