

Joint Regional Planning Panel Meeting 13 July 2017
548-552 PACIFIC HIGHWAY, ST LEONARDS

Subject: 548-552 Pacific Highway, St Leonards
Record No: DA16/158-01 - 34262/17
Division: Environmental Services Division
Author(s): Diep Hang

Property:	548-552 Pacific Highway St Leonards	
	548-550 Pacific Highway	Lot 1 DP200301
	552 Pacific Highway	Lot 2 DP200301
DA No:	DA158/2016	
Date Lodged:	12 September 2016	
Cost of Work:	\$24,944,502	
Capital Investment Value (CIV):	\$22,676,820 (excludes GST)	
Owner:	Magnificent Investments Pty Ltd	
Applicant:	David Litkouhi c/- MD&A Architects Australia Pty Ltd	

Description of the proposal to appear on determination	Demolition of existing commercial premises and construction of a fourteen (14) level Hotel comprising of 194 rooms with basement car parking
Zone	B3 Commercial Core
Is the proposal permissible within the zone	Yes
Is the property a heritage item	No
Is the property within a conservation area	No
Is the property adjacent to bushland	No
BCA Classification	Class 3, 6 and 7a
Stop the Clock used	No
Notification	Neighbours See Notification list on the DA file Ward Councillors – All Councillors Progress Association – St Leonards-Wollstonecraft Residents Association Others - North Sydney Council

REASON FOR REFERRAL TO THE SYDNEY NORTH PLANNING PANEL:

This application has been referred to the Sydney North Planning Panel as per Schedule 4A of the Environmental Planning and Assessment Act 1979, as the proposed development has a capital investment value of greater than \$20 million.

EXECUTIVE SUMMARY:

The subject site is a regular shaped allotment with a total area of 594.4m². The site is located on the southern side of Pacific Highway. The site has a gradual slope of 1.6m to 1.9m from Pacific Highway to Christie Lane.

The proposal seeks to vary the permissible building height and floor space ratio as stipulated by Clauses 4.3 and 4.4 respectively, pursuant to Lane Cove Local Environmental Plan (LEP) 2009.

The proposed development is contrary to the desired character envisaged for the St Leonards Christie Precinct, and as such inconsistent with site specific requirements outlined in Council's Development Control Plan (DCP) 2009.

In accordance with Council's notification procedures contained in DCP 2009, the proposal was notified for a period of 14 days between 14 September 2016 and 28 September 2016. During the notification period, eight (8) submissions were received. The primary concerns raised in the submissions include the following:

- Suitability of the development for the site;
- Excessive height of the building;
- Compatibility of the proposal with surrounding buildings and impacts on the streetscape as viewed from Pacific Highway;
- Increased traffic generation on Pacific Highway and surrounding road networks as a result of the proposed development;
- The redevelopment of the site as a hotel is contrary to Council's DCP site specific locality requirements for the precinct, the desired future character of St Leonards and the exhibited Planning Proposal for the St Leonards Plaza Precinct (Winten Site);
- Acoustic and visual privacy;
- Impacts during construction;
- Shadow impacts;
- Isolation of No. 546 Pacific Highway; and
- Vehicular access is proposed from Christie Lane which is to be closed in the future and changed to pedestrian access only.

The application is recommended for **REFUSAL** for a range of reasons including:

- Isolation of the adjoining property to the east, No. 546 Pacific Highway;
- The proposal is unable to achieve adequate vehicular access;
- The proposed development is contrary to the objectives and provisions within the St Leonards Precinct and desired future character of St Leonards;
- Failure to submit a Clause 4.6 written submission to vary the maximum floor space ratio permitted; and
- The proposal seeks variations to both the maximum building height and floor space ratio development standard which would not result in a better planning outcome.

SITE

Property	Lot Nos. 1 & 2 in DP200301
Area	594.4 m ² (As per Survey Plan & Deposited Plan)
Site location	The site is located on the southern side of the Pacific Highway between Christie Street to the east and Lithgow Street to the west, in the St Leonards Commercial locality. The rear boundary of the site adjoins Christie Lane which provides vehicular

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	access to the subject premises.
Existing improvements	<p>The existing development on the site includes both single and two storey buildings that provide commercial office accommodation and shop front retail space to Pacific Highway.</p> <p>There is rear vehicular access to the two storey building sections that provides four off street car parking spaces within the existing building footprints.</p> <p>The buildings that are proposed for demolition to allow for development are older style masonry retail and commercial buildings with flat and skillion roof designs.</p>
Shape	Rectangular
Dimensions	<p>Width 20.155m Front (North) 20.12m Rear (South)</p> <p>Depth 29.195m (West side) 30.365m (East side)</p>
Adjoining properties/and uses	<p>East - Retail at ground floor commercial/residential first floor</p> <p>West - Commercial at ground and first floor</p> <p>North - Pacific Highway</p> <p>South – Christie Lane</p>

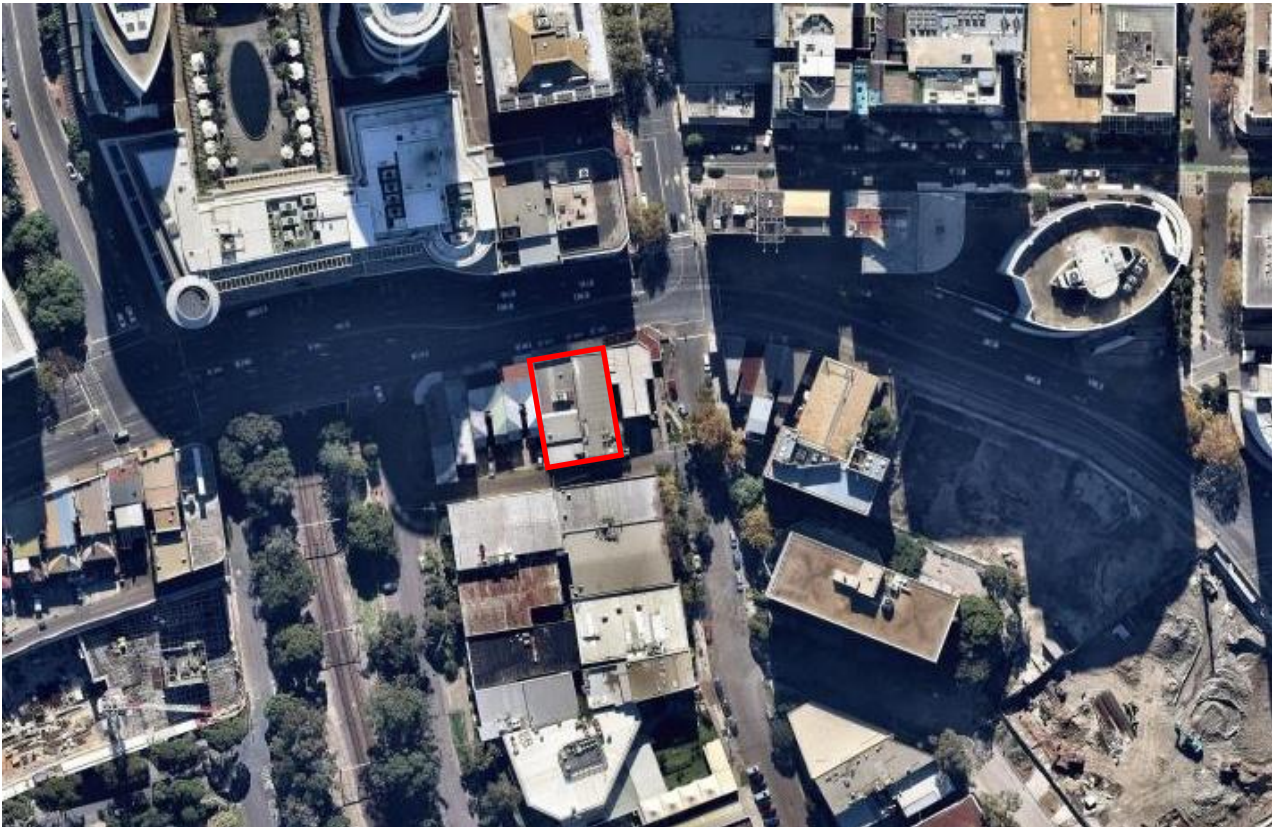


Figure 1 – Aerial image of subject site (NearMap 6 May 2017)



Figure 2 – Site photo of subject site – Pacific Highway frontage (highlighted in white)



Figure 3 – Site photo of subject site from Christie Lane (highlighted in red)

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PREVIOUS APPROVALS/HISTORY

CDC 16/2193 (Council's Ref. CDC16/33) 1 February 2016	Office partition and fit-out of an existing commercial tenancy on Level 1 (548-550 Pacific Highway, St Leonards)
DA 264/10 15 December 2010	Change in use from retail premises to restaurant (44 seats) and take away shop at 548-550 Pacific Highway, St Leonards.

PROPOSAL

The application proposes the demolition of the existing two (2) commercial buildings to enable the construction of a fourteen (14) storey commercial development above the Pacific Highway Street level with 4 levels of basement car parking.

The proposed development fronts the Pacific Highway with vehicular access to be obtained from Christie Lane at the rear.

The building would include lobby and reception area for the hotel at the Pacific Highway frontage that would also include a recessed entrance area.

The hotel comprises of 194 guest rooms of which 8 are accessible.

Levels 1 to 4 (inclusive) contains 17 rooms at each level, and Levels 5 to 13 (inclusive) would contain 14 rooms at each level.

The roof top area would allow for a terraced area with a pool and landscape plantings along the southern half of the roof.

The car parking areas at each basement level propose security access gates that can be used for access if a future development occurs at the adjoining property being No. 546 Pacific Highway that also has a secondary frontage with Christie Street.

The car parking proposed is for 48 spaces of which 11 would be accessible.

There is a guest drop off (vehicle space) proposed at the rear of the ground floor area that also includes 3 short term spaces, one suitable for a small bus type vehicle, and 14 bicycle spaces.

The design of the building is stepped back from the street frontage at the 6th floor level and provides an awning structure over the front entry way protruding above the public footpath at the Pacific Highway frontage and ground floor level. Planting is indicated above the awning.

The front elevation includes awning type structure above each floor level that extends over the street frontage below the 6th floor level.

The design of the building includes a recessed section on the western and eastern side for the full height of the accommodation section of the building that would enable rooms in the centre of the building to have access to natural light on both the north and south side of the building.

The architectural plans indicate a possible concept building footprint and envelope for future development on the adjoining property to the east being No. 546 Pacific Highway.

There is no indication of a concept building outline or foot print for the property adjoining the site to the west.

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

Local Environmental Plan 2009

The following LEP controls are relevant to the site:

LEP	Control	Proposed	Complies
Clause 2.2 – Zoning	B3 Commercial Core	Hotel accommodation	Yes – Permissible with development consent.
Clause 4.3 – Height of Buildings (maximum)	45m	48.84 m Exceeds max. height by 3.84m which represents a variation of 8.53%	No - Clause 4.6 Submission provided with application for variation to the building height.
Clause 4.4 – Floor Space Ratio	<p>Site Area: 548-550 Pacific HWY – 297.2m² 552 Pacific HWY – 297.2m²</p> <p>Total site area = 594.4m² (As per DP and submitted Survey Plan)</p> <p>Max. FSR = 10.1:1 (max. 6,003.44m²)</p>	<p>Total GFA = 6,070.3m²</p> <p>FSR = 10.21:1</p> <p>Exceeds the max. FSR by 66.87m², which represents a variation of 1.1%</p> <p>The total GFA of the building is agreed to be 6,070.3m².</p> <p>The Applicant has outlined that the FSR complies as a total site area of 602m² was utilised to calculate the FSR. This area does not correspond with the total site area identified on the submitted DP and Survey Plan, which is 594.4m².</p>	No - A written request pursuant to Clause 4.6(3) has not been submitted to vary FSR.
Clause 4.6 Exceptions to development standards	A written request is required to be prepared in accordance with Clause 4.6 of LEP 2009 to vary any development standard, for Council's consideration.	<p>The application seeks approval to vary Clause 4.3 (Height of Buildings), Clause 4.4 (Floor Space Ratio).</p> <p>A written request to vary Clause 4.4 has not been submitted.</p>	<p>Yes – Written request submitted to seek variation to building height.</p> <p>No - A written request has not been submitted to seek variation to FSR.</p>
Clause 5.6 Architectural roof features	To facilitate innovative design without significant impact on local amenity.	An architectural roof feature is not proposed.	N/A
Clause 6.1 – Acid	Ensure that development	Council's LEP maps do	N/A

LEP	Control	Proposed	Complies
Sulfate Soils	does not disturb, expose or drain acid sulphate soils and cause environmental damage.	not indentify the subject site to be impacted by Acid Sulfate Soils.	
Clause 6.1A - Earthworks	Ensure that earthworks for which development consent is required would not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	The extent of excavation is indicated to intersect with groundwater in accordance with the submitted Geotechnical Report and requires an aquifer interference approval from the Department of Primary Industries (Water).	No – An aquifer interference approval from DPI (Water) has not been obtained.

EXCEPTIONS TO DEVELOPMENT STANDARDS WITHIN LANE COVE LEP 2009

Objectives of Clause 4.6 of LCLEP 2009

(1) *The objectives of this clause are as follows:*

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

A written request under the provisions of Clause 4.6 of LCLEP 2009 was lodged as the proposed development seeks a variation to the following development standard:

- **Clause 4.3 Height of Buildings**

The proposal is non-compliant with Clause 4.3 - Height of Buildings that stipulates that the height of a building is not to exceed 45m on the subject site. The proposal provides a maximum building height of 48.84m.

It is noted that the majority of the eight (8) southern rooms located on Level 13, six (6) northern rooms located on Level 13, and the entire roof terrace exceeds the building height requirement by 3.84m.

The maximum building height of the proposed development represents a variation of 8.53% to the development standard.

The extent of the building height variation is shown in Figures 4 and 5 below.

The Applicant's Variation Request to Building Height is located at Annexure B of the accompanying Statement of Environmental Effects.

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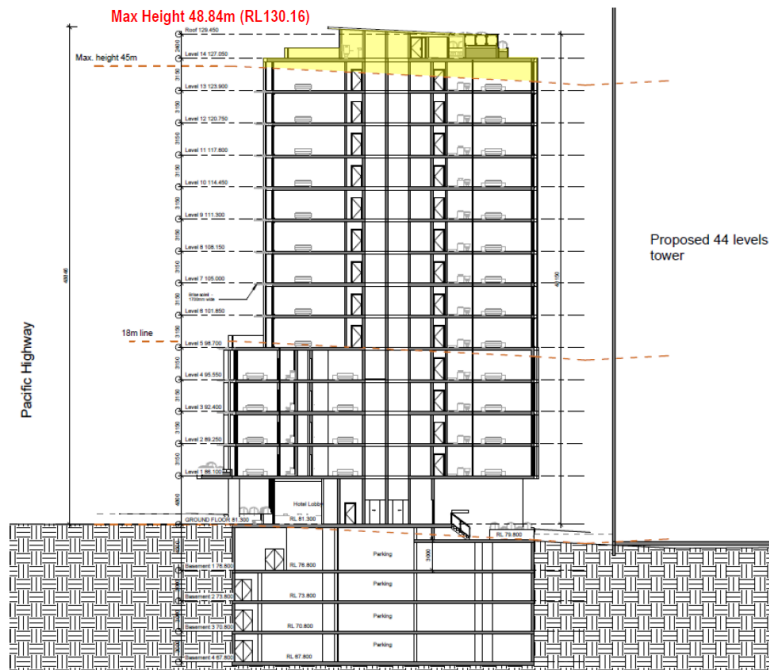


Figure 4 – Section (A) showing extent of height variation highlighted in yellow (extracted from Applicant's Clause 4.6 submission of SEE)

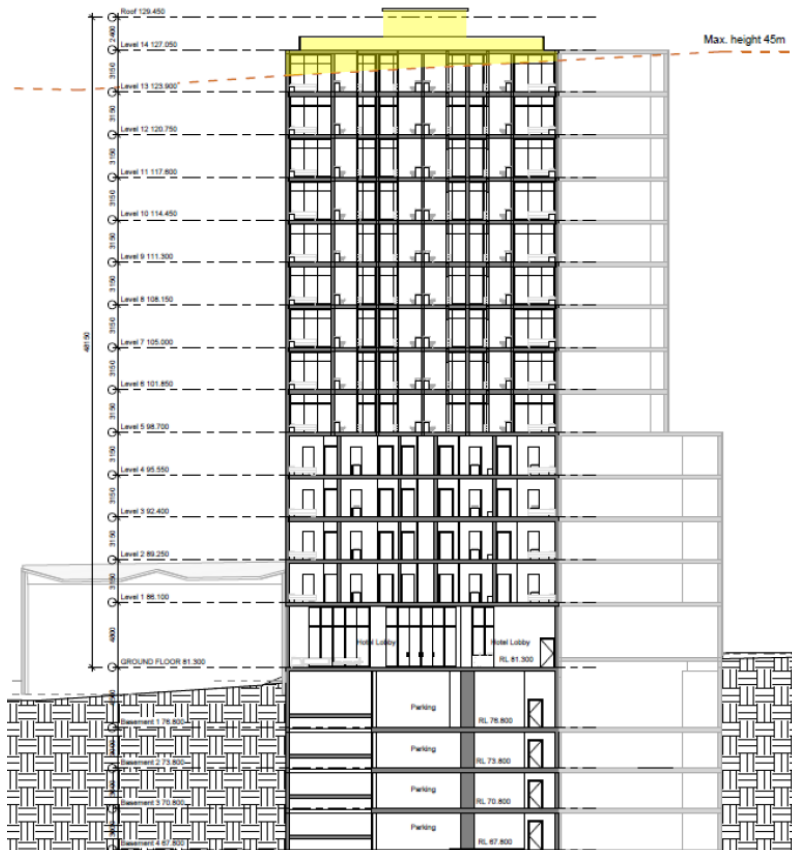


Figure 5 – Section (B) showing extent of height variation highlighted in yellow (extracted from Applicant's Clause 4.6 submission of SEE)

Assessment of the exception under Clause 4.6:

In assessing an exception to vary a development standard, the following needs to be considered:

1. Is the planning control a development standard?

Yes, Clause 4.3 – Height of Buildings is a development standard.

2. What is the underlying object or purpose of the standard?

The purpose of Clause 4.3 is to ensure that transition in built form and land use intensity of the development is suitable with regard to the area of the site and the type of development proposed.

3. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Preston CJ, in Wehbe v Pittwater Council [2007] NSWLEC 827, stated that “the rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).”

Compliance with the development standard is not considered to be unreasonable or unnecessary in the circumstances of the subject proposal. Variation sought to the building height development standard provides the proposal with an additional 14 rooms on Level 13, and roof top terrace located on Level 14. The proposed development achieves the maximum FSR permitted for the site by exceeding the building height in this manner.

In addition, Preston CJ, in Wehbe v Pittwater Council [2007] NSWLEC 827, established a number of ways of determining whether compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. The most common approach is to establish that compliance with the objectives of the control is achieved notwithstanding non-compliance with the particular standard.

In accordance with Clause 4.6(4)(a)(ii) of LCLEP 2009, the consent authority must be satisfied that “the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out”.

Objectives of the particular standard

The objectives of Clause 4.3 Height of Buildings are as follows:

4.3 Height of buildings

(1) *The objectives of this clause are as follows:*

- (a) *to minimise any overshadowing, loss of privacy and visual impacts of development on neighbouring properties, particularly where zones meet, and*
- (b) *to maximise sunlight for the public domain, and*

(c) to relate development to topography.

Overshadowing

With respect to overshadowing, the applicant has outlined that *“overshadowing resulting from the increased height of 3.84m is considered to be negligible and will not give rise to any material increase in shadow impacts beyond that reasonably expected as part of redevelopment of the site”*.

Shadow diagrams of a building with a compliant height of 45m have not been provided to substantiate that the increased height would have negligible overshadowing impacts on adjoining properties.

Loss of Privacy

The proposed hotel is a commercial development operating for extended hours and is not considered to adversely pose privacy or overlooking impacts on adjoining retail and commercial premises, or residences within the immediate vicinity of the site.

Visual Impacts

The proposed development of the subject site without amalgamation with adjoining properties located on Pacific Highway is inconsistent with the Christie block plans identifying the envisioned character and redevelopment of the Christie precinct at St Leonards. The variation to the building height further exacerbates the likely segregated interface the proposal would already present to Pacific Highway, and further increases the appearance of visual bulk when viewed from Christie Lane and premises to the east and west of the site.

Sunlight to Public Domain

The non-compliance with the building height control would marginally increase the length of the shadows casted onto properties to the south. Shadows casted by a proposal which complies with the maximum 45m building height have not been provided to determine the extent of the impact on adjoining properties to the south. However, the shadow diagrams submitted indicate that at least 50% of the future public plaza to the west of the site would receive a minimum 2hours of sunlight between 11am and 2pm.

Relationship of development to topography

There is a 1.5m level difference from the Pacific Highway frontage to Christie Lane boundary of the subject site. The main hotel entry area of the proposed development provides activation of the Pacific Highway frontage. A guest drop off area is provided to rear of the site, level with Christie Lane. The finished floor levels of the main entry, hotel lobby and guest drop off area relate to the level of their respective street frontages. Notwithstanding, it is considered that the variation to the building height is to obtain an additional level of rooms, being 14 rooms on Level 13, as well as a roof terrace, which does not coincide with the objectives of the building height development standard as the departure sought is not a direct result of the proposal responding the topography of the land.

Objectives for development within the zone

The subject site is zoned B3 Commercial Core pursuant to LCLEP 2009.

The objectives of the B3 zone are as follows:

Zone B3 Commercial Core

1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- To encourage appropriate employment opportunities in accessible locations.*
- To maximise public transport patronage and encourage walking and cycling.*
- To integrate business, retail and other development in accessible locations.*
- To maximise sunlight for surrounding properties and the public domain.*
- To encourage urban design maximising attractive public domain and adequate circulation space throughout the St Leonards commercial centre for current and future users.*

The proposed hotel would provide employment opportunities and accommodation for visitors to the area. The subject site is well serviced by both bus and train service, which are within walking distance from the proposal. These aspects of the proposed development are consistent with the objectives of the B3 Commercial Core zone.

The extent of overshadowing resulting from the additional height sought has not been provided as part of the proposed development. The development of only the two subject sites and no amalgamation with adjoining sites is contrary to the block plans established for the precinct.

Having regard to the above, it is considered that greater compliance with the development standard is not unreasonable or unnecessary in these circumstances. The departure sought is not considered to be modest and would result in the appearance of additional bulk when viewed from the existing streetscape, as well as provide a segregated interface with the Pacific Highway, which is inconsistent with the built form desired for the St Leonards CBD precinct.

4. Are there sufficient environmental planning grounds to justify contravening the development standard?

The decision in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, indicates that merely showing that the development standards achieves the objectives of the development standard is insufficient to justify that a development is unreasonable or unnecessary in the circumstances of the case for the purposes of an objection under Clause 4.6. The case also demonstrates that the requirement in Clause 4.6(3)(b) of the LEP to justify there are sufficient environmental planning grounds for the variation, requires identification of grounds particular to the circumstances of the proposed development, and not simply grounds that apply to any similar development on the site or in the vicinity.

In this regard, it is considered that there are insufficient environmental planning grounds to support variation to the building height standard as the proposal is contrary to both the objectives of the building height development standard and B3 zone, and as such

redevelopment of the site as proposed would not be in the public interest for the following reasons:

- The development seeks a number of non-compliances with the design requirements and block plans identified within the DCP.
- The development once constructed, would not be of a comparable bulk and scale with adjoining and nearby properties zoned B3 Commercial Core located within the Christie Block plans and would create a precedent for further breaches along this street block.
- The variation sought to the maximum 45m building height would be dissimilar to developments located within the Christie Block Precinct where higher density development is anticipated on amalgamated sites, and as such considered to be unreasonable.
- The building would not provide an appropriately scaled development that compliments the adjoining sites and developments.
- The proposal puts at risk and detracts from the achievement of useable and pleasant streets and public domain areas in terms of bulk and scale.

5. Is compliance with the development standard consistent with the objectives of the development standard and the relevant objectives of the land zone?

Given that the proposed development is not considered to appropriately respond to the site, and compromises relationships with adjoining development and relevant development controls, the proposal is considered to be inconsistent with the objectives of both the building height requirements and B3 Commercial Core zone.

6. Will strict compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act?

Strict compliance with the development standards would not hinder attainment of the objectives specified in section 5(a)(i) and (ii) of the EPA Act as it would retain the social and economic welfare of the community, particularly that of neighbouring development within the subject site.

7. Is the exception well founded?

The proposal is considered to be inconsistent with the development standard and with the objectives of the zone. As such, the exception is not well founded and cannot be supported.

- **Clause 4.4 Floor Space Ratio**

The proposal does not comply with the FSR standard, and no request has been submitted to vary the development standard in accordance with Clause 4.6(3) of the LCLEP 2009.

The maximum FSR permitted on the site as prescribed by Clause 4.4 is 10.1:1.

The total GFA of the proposal is 6,070.3m².

The Applicant has outlined that the FSR of the proposed development complies as a total site area of 602m² was utilised to calculate the FSR. This site area does not correspond with the total site area identified on the submitted DP and Survey Plan, which is 594.4m².

Applicant's total FSR calculations based on a site area of 602m²:

FSR = 6,070.3m²/602m² = 10.08:1

Council officer's total FSR calculations based on a site area of 594.4m² (as per DP & Survey Plan):
 FSR = 6,070.3m²/594.4m² = 10.21:1

Based on a total site area of 594.4m², the proposed development exceeds the maximum FSR permitted by 66.87m². This represents a variation of 1.1% to the FSR development standard.

Development consent cannot be granted for the proposal as it would contravene the FSR development standard – Clause 4.4 of LCLEP 2009, unless the applicant provides written request in accordance with Clause 4.6(3) of LCLEP 2009 and justifies the contravention.

Furthermore, it should be noted that the objective of Clause 4.4 is to ensure that the bulk and scale of development is compatible with the character of the locality. The variation to both the building height and FSR standards suggests that the proposed development is not harmonious with the envisioned character of the precinct.

THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN

Section 79(C)(1)(a)(iii)

Lane Cove Development Control Plan 2009

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

The following DCP controls are relevant to the site:

Part B – General Controls

B.2 Public Domain	Proposal	Comment
<p>The objectives for public domain are</p> <p>a) To provide public space that contributes to the identity and enjoyment of an area.</p> <p>b) To provide street furniture, landscaping works, water features, utilities, etc that contribute to the community's enjoyment of the public domain, but does not impede pedestrian movement and safety nor visual quality.</p> <p>c) To provide venues for public entertainment and expression of community identity.</p> <p>d) To provide areas for public art that contributes to the cultural life and enjoyment of the centre, and allows for community self expression.</p> <p>e) To provide pedestrian surfaces that are safe for all users, clearly demarcated and constructed from materials that</p>	<p>The applicant has indicated that the proposal is consistent with the St Leonards Public Domain Master Plan by delivering:</p> <ul style="list-style-type: none"> - improvements to the footpath pavement along the Pacific Highway frontage and improvements to Christie Lane - improved pedestrian amenity created by the weather protection of the awning and colonnade across the Pacific Highway frontage - improve safety of the public domain with lighting to Australian Standards AS/NZS 1158.1.1, passive and active surveillance to both adjoining streets - diversity of land use with operational hours extending beyond typical retail trade hours - CPTED compliant design - a landmark façade to the Pacific Highway which is distinctly different from, but integrated with, existing and likely future retail and service shop fronts 	<p>The submission has been reviewed and is considered that the requirements and works proposed adjoining the public domain and Pacific Highway frontage, the rear Christie Lane access way are acceptable and would meet with the objectives of B.2.</p> <p>However, the redevelopment of the subject site is inconsistent with the desired future character of the Christie Precinct. This is discussed further within the body of this report.</p>

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B.2 Public Domain	Proposal	Comment
provide consistency and continuity of streetscape	- no detrimental impacts to the potential amenity and public utility of the future St Leonards Plaza space	

B2.2 Public Domain Projects St Leonards	Proposal	Comment
To achieve the desired future character for St Leonards there are a number of key public domain upgrades that are to be achieved through Voluntary Planning Agreements or Section 94 contributions	The application indicates that Council would impose appropriate conditions for the design and specification of works within the public footpath reserve of the Pacific Highway and for any contributions payable or works required towards public domain projects.	Council would impose conditions on any consent that would address the upgrading of identified public domain spaces and also apply the relevant Section 94 Contributions for Public Domain works and facilities, should development consent be granted.

B.3 Site Amalgamation and development on Isolated sites	Proposal	Comment
<p>The objectives for site amalgamation and development on isolated sites are:</p> <p>a) To provide for a development that achieves the required employment and dwelling yields.</p> <p>b) To encourage the promotion and co-ordination of the orderly and economic use and development of land.</p> <p>c) To encourage site consolidation of allotments for development in order to promote the desired urban design outcomes and the efficient use of land and to avoid the creation of isolated sites.</p> <p>d) To encourage the development of existing isolated sites in a manner that responds to the desired built form pattern, site context and maintains a satisfactory level of amenity.</p>	<p>The application proposes the amalgamation of Nos. 548 and 552 Pacific Highway that have a common side boundary.</p> <p>The applicant indicates that the site is not subject to a block plan that requires amalgamation and there are no controls for a minimum lot size or lot dimensions that would apply to the proposal.</p> <p>The applicant states that the proposal does not constrain the redevelopment of neighbouring sites.</p> <p>The design does allow for the provision of an internal car parking connection at a future date with the neighbouring property to the east.</p>	<p>The subject site is subject to a block plan being Block 2 - Christie Precinct.</p> <p>The proposal as indicated in the submitted DA would isolate No. 546 Pacific Highway.</p> <p>It is considered that the proposal would not meet the objectives of the B.3 regarding the amalgamation of sites as it would isolate the adjoining site to the east.</p> <p>If the adjoining site at No. 546 Pacific Highway was amalgamated with the proposal, it would enable and promote a more effective design and efficient economic outcome for the locality.</p> <p>The proposal would create an undesirable isolated site.</p>
Block Plans		
"Block plan" diagrams have	The applicant indicates that the	The proposal is inconsistent

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B.3 Site Amalgamation and development on Isolated sites	Proposal	Comment
<p>been inserted before exhibition of the DCP for several sections. Council emphasises that these are intended to indicate the elements which should together comprise the urban design for the area. Applicants must show a genuine attempt at site amalgamation, in accordance with the block plan.</p>	<p>site is not subject to a block plan that requires amalgamation and there are no controls for a minimum lot size or lot dimensions that would apply to the proposal.</p> <p>The applicant has advised verbally that they have approached the owners of No. 546 Pacific Highway to purchase and amalgamate the site for redevelopment. The applicant has advised that the owner of No. 546 Pacific Highway has declined their offer to purchase the site and amalgamated redevelopment.</p>	<p>with Block Diagrams, which envisions development with the adjoining property - No. 546 (isolated site), properties to the west being Nos. 554-564 Pacific Highway (inclusive), and the 'Winten site/Site A' (located south of Christie Lane).</p> <p>There is no written evidence of the offer to the owners of No. 546 Pacific Highway, and decline from the owners submitted as part of this DA. As such, there has been no evidence submitted to demonstrate that a reasonable attempt has been made by the applicant to purchase No. 546 Pacific Highway.</p> <p>Any offer made to the owners of No. 546 Pacific Highway requires 2 written evaluations that represent the property's potential value. The evaluations are to be undertaken by 2 independent valuers, registered with the Australian Institute of Valuers. The offer made to the owner of No. 546 Pacific Highway is to reflect and correspond with values devised from the 2 evaluations prepared at the time the offer was made, in order to be considered a reasonable and genuine offer.</p> <p>In this regard, there is no written evidence submitted to demonstrate that a genuine attempt at site amalgamation, in accordance with the block plans has been carried out.</p>
B.4 View Sharing	Proposal	Comment
<p>The objectives for view sharing are:</p>	<p>The applicant indicates that there are no existing view</p>	<p>The development opposite the property on the northern side</p>

B.3 Site Amalgamation and development on Isolated sites	Proposal	Comment
<p>a) To ensure that public view corridors between buildings or along streets are retained and enhanced from streets or public spaces.</p> <p>b) To minimise the impact of new development on existing public and private views and vistas.</p> <p>c) To preserve or fairly share water views for foreshore residents.</p>	<p>corridors that would be obstructed as a result of the development.</p>	<p>of the Pacific Highway is mainly office and retail space, which also comprise residential apartments above.</p> <p>Development directly adjoining the site to the east and west, are low set two storey retail and commercial developments, some of which comprise residences on the first floor.</p> <p>It is considered that the proposal would not significantly obstruct existing significant view corridors.</p>

B.6 Environmental Management	Proposal	Comment
<p>6.1 Sun light to public spaces</p> <p>The objectives for sunlight to public spaces are:</p> <p>a) To create public spaces with high amenity that encourages visitors to linger.</p> <p>b) To ensure that there is adequate sun access to publicly accessible spaces during winter at times of the day when the space is likely to have its highest use by visitors and residents.</p> <p>c) To provide sufficient sunlight access for the growth of mature landscaping.</p> <p><u>Provisions</u></p> <p>a) New developments must allow for a minimum of 2 hours of solar access to at least 50% of new and existing public open areas or plazas between the hours of 11am and 2pm, on 21st June.</p> <p>The location of the sunlight during these hours for urban</p>	<p>The application includes shadow and solar provision plans which show the shadow cast at 9am, noon and 3pm, on 21st June.</p> <p>Shadow impacts to the future St Leonards Plaza is shown to be limited to prior to 9am in mid-winter and would not be detrimental to the quality and amenity of this open public space.</p>	<p>The site has a north-south orientation and the maximum permissible building height is 45m pursuant to Clause 4.3 of Lane Cove LEP 2009.</p> <p>The proposal has a nominated height of 48.84m, and exceeds the development standard by 3.84m.</p> <p>The non-compliance with the building height control would increase the length of the shadows casted onto properties to the south.</p> <p>Shadows casted by a proposal which complies with the maximum 45m building height have not been provided to determine the extent of the impact on adjoining properties to the south.</p> <p>The shadow diagrams submitted indicate that at least 50% of the future public plaza to the west of the site would receive a minimum 2 hours of</p>

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B.6 Environmental Management	Proposal	Comment
plazas is to be adjacent to building frontages to allow for outdoor seating during the lunchtime period.		sunlight between 11am and 2pm.

6.2 Wind Standards for St Leonards	Proposal	Comment
<p>The objectives for wind standards are:</p> <p>a) To ensure that new developments satisfy nominated wind standards and maintain comfortable conditions for pedestrians.</p> <p>b) To ensure that the moderate breezes are able to penetrate the streets of the St Leonards centres</p> <p><u>Provisions</u></p> <p>a) 13metres/second along major streets and public places and 16metres/second in all other streets.</p> <p>Design buildings to minimise the adverse wind effects on recreation facilities on podium terraces within developments.</p> <p>A Wind Effects Report is to be submitted with the DA for all buildings within the St Leonards precinct taller than 40m above street level.</p>	<p>The proposal has a nominated height of 48.84m and is located within the St Leonards precinct.</p> <p>The application is supported with a Pedestrian Wind Environmental Study (dated 19 August 2016) and a Pedestrian Wind Environment Statement (dated 20 July 2016), both prepared by Windtech.</p>	<p>Section 6 of the Report being Results and Discussion indicates the following: The wind conditions for the majority of trafficable outdoor areas associated would satisfy the target criteria without the need for ameliorative treatments.</p> <p>Table 9 indicates the Wind Tunnel Results Summary and the only area that suggest treatment needs to be provided is point 12 being on the top most level of the building on the western side of the outdoor terrace area.</p> <p>Should development consent be granted, conditions of consent would be imposed requiring the recommended measures outlined in the Wind Assessment achieving the nominated wind standards be implemented to the satisfaction of a qualified wind consultant prior to the issue of a Final Occupation Certificate.</p>

6.3 Energy and Water Efficiency for buildings	Proposal	Comment
<p>All Development:</p> <p>a) Incorporate passive solar design techniques to optimise heat storage in winter and heat transfer in summer.</p> <p>b) Improve the control of mechanical heating and cooling by designing systems to allow individual control of different rooms, zones or</p>	<p>Louvres are provided to the northern façade to create shade to windows during summer, and assist with heat storage during winter.</p> <p>All rooms are generally oriented to street frontages being Pacific Highway or Christie Lane. Rooms located</p>	<p>The proposed building is considered to be capable of achieving satisfactory energy and water efficiency.</p> <p>However, with respect to water efficiency and opportunities for rainwater capture, Council's Development Engineer has reviewed the proposed</p>

6.3 Energy and Water Efficiency for buildings	Proposal	Comment
<p>tenancies combined with the ability to open windows and facades for natural ventilation when climatic conditions allow.</p> <p>c) Orientation of building and façade design of all developments should capture and manage solar access, natural ventilation and breezes into the building.</p> <p>d) Provide external sun shading – vertical shading for east and west windows, and horizontal sun shading for north facing windows.</p> <p>e) Use high performance glass with minimal glare impacts where possible.</p> <p>f) The use of light wells as the primary source of daylight is prohibited for habitable rooms. Where they are proposed for other rooms or spaces, they are to have a minimum dimension of at least 6m by 12m.</p> <p>g) All developments are to capture and reuse rainwater for irrigation of landscape areas and for apartments, townhouses, villas, mixed use or commercial development also for toilet flushing and washing machines.</p> <p><u>Commercial/Mixed Use:</u> The design of any new mixed use (commercial component) or commercial building including the base building, its services and fit outs must be capable of achieving a minimum 5 star rating under the National Australian Built Environment Rating System (NABERS) Building Greenhouse Rating Scheme.</p>	<p>at the centre of the building provide openings facing the recessed section on the western and eastern side for the full height of the building, to obtain natural light and ventilation.</p> <p>Glazing is proposed to address acoustic and glare impacts, as well as provide for thermal qualities.</p> <p>A NABERS Assessment has not been provided due to the nature of the proposed use as a hotel.</p>	<p>stormwater plans and advises that an adequate on-site detention system designed in accordance with Part O of the DCP, are required for the proposal.</p>

B7 Developments near Busy Roads and Rail Corridors	Proposal	Comment
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B7 Developments near Busy Roads and Rail Corridors	Proposal	Comment
Provide an acoustic assessment for noise sensitive developments as defined in Clauses 87 and 102 of the Infrastructure SEPP.	<p>The subject site has frontage to a classified road, being the Pacific Highway and is located within close proximity to the St Leonards railway.</p> <p>A Road Traffic Noise Assessment (Report No. nss22478, prepared by Noise and Sound Services, dated July 2016) has been submitted with the application.</p>	<p>Council's Environmental Health Officer has reviewed the proposal and accompanying report and outlined that supplementary information as follows is required with respect to noise:</p> <ul style="list-style-type: none"> - Construction Noise Management Plan. - Acoustic Report to address the impact of the proposal (mechanical plant, cooling towers, refrigeration, general operational noise particularly in service areas, deliveries, waste removal and traffic) on surrounding land uses, and internal noise levels of the hotel rooms as the site is in close proximity to major rail and road corridors.

B8 Safety and Security	Proposal	Comments
<p>Address safety, security and crime prevention requirements in the planning and design of the development</p> <p>a) Ensure that the building design allows for casual surveillance of access ways, entries and driveways</p>	<p>The design provides a reasonable level of safety and security. In accordance with Part B8, a formal crime risk assessment has also been submitted and concludes that the proposal has low CPTED risk rating.</p> <p>In addition, the proposal is orientated towards both street frontages being Pacific HWY and Christie Lane to provide passive surveillance. CCTV will also be installed within the lobby area and access points which adjoin public spaces.</p>	<p>The design of the building is considered acceptable with respect to safety and security.</p>

Part D – Commercial Development and Mixed Use

D1 General Provisions		
1.1.4 Building Depth and Bulk	Proposal	Comment
a) For commercial developments in all business zones:		Complies, while there is no min. floor plate requirement, the floor plate proposed

D1 General Provisions		
1.1.4 Building Depth and Bulk	Proposal	Comment
i. The max. floor plate area of any commercial building is to be 2,000m ² subject to other requirements in the DCP.	Max. floor plate is 496.19m ²	becomes problematic when considering or proposing services and accommodating minimum standards for vehicles and the like.
iii. The horizontal dimensions of any single building façade must not exceed 50m.	All facades have dimensions less than 50m.	Complies
v. Use atria, light wells and courtyards to improve internal building amenity and achieve cross ventilation and/or stack effect ventilation.	<p>The building proposes a roof garden above the Pacific Highway awning, and garden bed on Level 1 along the eastern and western boundaries which separate the northern and southern portion of the hotel.</p> <p>All rooms of the hotel have windows facing Pacific HWY, Christie Lane or the internal courtyard located on Level 1 for natural sunlight and cross ventilation.</p>	<p>Satisfactory</p> <p>NOTE: Roof garden is proposed over the awning above the Pacific Highway footpath which is not part of the subject site. As such, the roof garden above awning would be subject to a separate approval.</p>

1.1.6 Setbacks	Proposal	Comment
Front – Min. 5m	<p><u>Ground floor to Level 4 (inclusive)</u> provides 0m setback to Pacific HWY.</p> <p><u>Level 5 to 13 (inclusive)</u> provides 4m setback to Pacific HWY to windows, 3.5m to blade walls.</p> <p>Level 14 (Rooftop Terrace) – 5.5m to services roof edge 10.4m to northern wall of toilet facilities.</p>	Non-compliances to the front setback for the ground floor to Level 13 (inclusive) are not supported as the departures contribute to the increase of the building's appearance of bulk and scale to the street and affords to solar access impacts on properties to the south of the site. Also, this CBD site would experience significant pedestrian traffic on what would be a narrow footpath.
Side – 0m for 1 st storey and 2 nd storey, 6m for 3 rd storey and above	<p>Ground Floor and majority of proposal – Nil to eastern and western boundaries.</p> <p>Level 1 to 13 (inclusive) – 7.2m (west) & 6.7m (east) to external wall of central fire stairs and lift</p>	The development of the subject premises contrary to the Block Plan has resulted in non-compliances with building design controls pertaining to setbacks. The non-

1.1.6 Setbacks	Proposal	Comment
<p>Rear – 3m for 1st and 2nd storey, 6m for 3rd storey and above</p> <p>Laneway – 3m to allow colonnades and landscaping, 0m for 2nd storey, 6m for 3rd storey and above.</p>	<p>core</p> <p>Rear boundary is Christie Lane.</p> <p>Ground Floor – 8.2m to southern wall of pick up/drop off area.</p> <p>Levels 1 to 13 (inclusive) – Nil to 0.5m (SE corner)</p> <p>Level 14 (Rooftop Terrace) – Min. 2.5m to edge of planter boxes</p>	<p>compliances sought are not supported as the development of the subject site would result in a fragmented and inconsistent streetscape to Pacific Highway which may also impact the functionality of pedestrian movement and activation desired within the precinct.</p>

1.1.7 Building Design and Exteriors	Proposal	Comment
<p>b) Materials, colours, finishes, proportion and scale of new development should add interest to facades and the streetscape.</p> <p>c) Avoid large unbroken expanses of blank wall on any façade adjacent to the public domain.</p> <p>d) Provide flexible building layouts and floor to ceiling heights which allow variable tenancies or uses on the first floor of a building above the ground floor.</p> <p>e) The design of the roof plant rooms and lift overruns to be integrated into the overall architecture of the building.</p> <p>f) Balconies and terraces should be provided, particularly where buildings overlook public open spaces. They should be avoided where they overlook the private open spaces and severely impact the privacy of the adjoining residential properties.</p> <p>g) Gardens on the top of setback areas of</p>	<p>The design of the building features a variety of materials, colours and finishes to articulate the buildings' facades.</p> <p>The building has blank walls along the eastern and western elevations.</p> <p>The proposal has been designed specifically for use as a hotel and does not include, or propose flexible uses on the first floor.</p> <p>The roof plant is setback from the Pacific Highway frontage and side boundaries. The lift is centrally located.</p> <p>Hotel rooms do not incorporate balconies or terraces. The rooftop terrace includes landscaping along the boundaries and not considered to overlook private open spaces or nearby residences.</p>	<p>The design and exterior of the building has taken into consideration the provisions outlined in 1.1.7.</p> <p>Notwithstanding this, the proposed development of only the two subject premises is contrary to the Christie block plan and results in a segregated interface and streetscape along Pacific Highway.</p> <p>The proposal does not meet the objectives for building design and exteriors in that the development would not achieve and present a cohesive streetscape to Pacific Highway.</p>

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buildings are encouraged.		
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1.2 Excavation	Proposal	Comment
<p>a) All development is to relate to the existing topography of the land at the time of adoption of this DCP.</p> <p>b) Excavation for major development is to be contained within the footprint of the development.</p> <p>c) For development within Centres, Council may consider full site coverage for underground excavation and podium footprints where it is demonstrated that mature landscaping, landscaped area and rainwater retention is able to be provided as roof terraces on podium structures.</p> <p>d) Uses at ground level are to respond to the slope of the street by stepping frontages and entries to follow the slope.</p>	<p>The footprint of the proposed development is over the entire site coverage.</p> <p>The ground floor and lobby area has been designed to be level with the Pacific Highway footpath frontage.</p> <p>To the rear of the site, there is a 1.5m level difference to Christie Lane and the hotel lobby level. The guest drop-off and short stay parking has been provided to be level with Christie Lane.</p> <p>A Geotechnical Report has been submitted with the DA.</p> <p>The Geotechnical Report (Project No. 2016-109, prepared by Crozier Geotechnical Consultants, dated 16/6/16) outlines that <i>"the proposed excavation is expected to intersect ground water in the form of seepage below approximately 3.0m to 5.0m depth and may intersect a significant volume near the base of the proposed excavation... It is recommended that groundwater wells be installed as part of additional geotechnical investigation with monitoring of site groundwater levels over a minimum 6 month period. It is understood that nearby large basements extend to similar depths as the proposed development (St Leonards Forum) and therefore groundwater draw-down impacts may already be apparent in the vicinity of the site".</i> (Page 6 of Geotech Report)</p>	<p>The extent of excavation is contained within the footprint of the building.</p> <p>However, the supporting Geotechnical Report submitted with the proposal indicates that the proposed excavation required for the basement levels would intersect groundwater.</p> <p>As the extent of excavation proposed to accommodate the on-site car parking for the development would intersect groundwater, an aquifer interference activity approval is required to be obtained from the Department of Primaries Industries (Water).</p> <p>The information requirements for such an authorisation are explicitly detailed in the <i>NSW Aquifer Interference Policy</i> – including the need to provide a thorough hydrogeological assessment of the predicted impacts of the proposed development and calculations of the volumes likely to be extracted.</p> <p>This information has not been provided.</p>
1.3 Design and Location of on-site Parking	Proposal	Comment
<p>a) Parking of vehicles is prohibited in setback areas.</p>	<p>Basement parking provided via Christie Lane.</p>	<p>The Christie Block Plan indicates that Christie Lane</p>

1.2 Excavation	Proposal	Comment
<p>b) All developments must incorporate the required car parking on site.</p> <p>c) All on-site parking, loading facilities and vehicle access points must be:</p> <ul style="list-style-type: none"> i. Accessed from a rear lane wherever available. ii. Fully concealed from view from any public street or arcade. iii. Accessible from only one opening in the rear lane façade for both on-site parking and loading. Access openings are to be fitted with a garage door or roller shutter. <p>d) For developments with a rear lane façade width with less than 12m, this opening must not be wider than 3m.</p> <p>e) For developments with a rear lane façade width equal or greater than 12m, this opening must not be wider than 6m.</p> <p>f) Vehicle entry should be:</p> <ul style="list-style-type: none"> i. Easily accessible and recognisable to motorists. ii. Located to minimise traffic hazards and queuing of vehicles on public roads. iii. Located to minimise the loss of on street car parking and to minimise the number of access points. iv. Located away from main pedestrian entries and on secondary frontages. v. Located having regard to any approved cycling routes. <p>g) Avoid black holes in the façade for major developments by providing security doors to car park entries.</p> <p>h) Return the façade material</p>	<p>Three (3) short stay parking spaces are proposed within the rear setback, including one short stay space for a small bus/Toyota coaster.</p> <p>Service/delivery areas have not been provided for the development.</p> <p>The site has a frontage of greater than 12m along Christie Lane.</p> <p>One opening is provided to the basement.</p> <p>A garage door/security grill is provided at the basement entry.</p> <p>The opening is 6m in width.</p> <p>The basement entry is located away from the pedestrian pick up/drop off area provided along the eastern boundary.</p> <p>The vehicle entry to the basement is from Christie Lane and easily identified to motorists.</p> <p>The site slopes to the rear of the site which results in minor portions of the basement being located above NGL. The protrusion of the basement does not project greater than 1.2m above NGL.</p> <p>The basement car park will be mechanically ventilated.</p>	<p>would be closed for vehicles to provide a pedestrian connection to the future Urban Plaza above the existing St Leonards Railway (south).</p> <p>The new vehicle entry point for 'Site A' as identified on the block plan is to be provided off Christie Street.</p> <p>The relocation of the existing laneway (Christie Lane) to the south of 'Site A' would better align with Nicholson Street and provide the opportunity for a wider 6m carriageway with 2m footpath on each side.</p> <p>Vehicular access to the proposed basement from Christie Lane is not supported and is contrary to the provisions and objectives the precinct.</p>

1.2 Excavation	Proposal	Comment
<p>into car park entry recess up to the extent visible from the street.</p> <p>i) Parking and service/delivery areas are to be located underground within building footprint or screened from adjacent residential uses or public domain by sleeving with active uses.</p> <p>j) Parking and service/delivery areas are to be located to minimise conflict between pedestrians/cyclists and vehicles and to minimise impact on residential amenity.</p> <p>k) Extensive areas of blank walls are to be avoided.</p> <p>l) Vehicular access is not permitted along the boundary adjacent to residential zone unless there is no other practical solution.</p> <p>m) Residential and non-residential car parking spaces are to be physically separated.</p> <p>o) Integrate ventilation grills or screening devices of carpark openings into the façade design and landscape design.</p> <p>p) Provide safe and secure access for building users, including direct access to residential apartments, where possible.</p> <p>q) Basement car parking is to be:</p> <ul style="list-style-type: none"> i. Adequately ventilated. ii. Predominantly located within the building footprint. iii. Located fully below NGL. <p>Where slope conditions mean that this is unachievable, the max. basement projection</p>		

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1.2 Excavation	Proposal	Comment
above NGL is to be 1.2m but not to the street front.		

1.4 Car parking	Proposal	Comment
<p><i>Car parking rates for St Leonards in Part R – Traffic, Transport & Parking - Table 2</i></p> <p><i>Car parking rates near St Leonards Railway Station.</i></p> <p><u>Tourist & Visitor Accommodation</u></p> <p><u>Hotel/motel</u></p> <p><i>Residents & Employees</i> 2 spaces + 1 per 20 rooms (staff parking)</p> <p><i>Customers/Visitors</i> 1 space per 3 rooms + 1 space per 20m² of convention/conference facility + 1 space per 10 seats in restaurant 1 disabled space per 10 car spaces (min. 1 disabled space)</p>	<p>The proposed hotel comprises of 194 rooms, and does not provide convention/conference facilities or a restaurant.</p> <p><u>Employee Parking</u> Required: 2 + (194 rooms/20) = 12 spaces (rounded up from 11.7)</p> <p>2 staff parking spaces provided underneath ramp on Basement Level 4.</p> <p><u>Customer/Visitor Parking</u> Required: 194 rooms/3 = 65 spaces (rounded up from 64.6)</p> <p><i>Parking spaces provided on each basement level:</i> Level 1 – 11 spaces Level 2 – 11 spaces (includes 2 accessible) Level 3 – 11 spaces (includes 2 accessible) Level 4 – 13 spaces (includes 2 accessible and 2 staff spaces under ramp). Total: 46 spaces</p> <p>Total customer/visitor spaces = 46 – 2 staff spaces = 44 spaces</p> <p>3 short stay parking spaces are provided to the rear of the site at grade level to Christie Lane.</p> <p>The proposal provides a total of 49 spaces (44 customer, 2 staff, 3 short stay).</p>	<p>The proposal is deficient 21 customer/visitor spaces and 10 staff parking spaces.</p> <p>In addition, no details have been provided regarding the number of staff anticipated for the operation of the proposed hotel to determine the adequacy of only 2 staff parking spaces.</p>
<p><i>Part R – Traffic, Transport & Parking</i></p> <p><u>R2 Parking – 2.7 Motorcycle Parking</u></p> <p>a) Developers shall provide 1 motorcycle parking space</p>	<p>Required: 49 spaces/15 = Min. 3 motorcycle spaces (rounded down from 3.26)</p>	<p>No motorcycle spaces have been provided.</p>

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1.4 Car parking	Proposal	Comment
<p>per 15 car spaces for all types of development.</p> <p>b) Motorcycle parking spaces are to have an area of 1.2m x 3m.</p>		
<p><i>Part R – Traffic, Transport & Parking</i></p> <p><u>Table 3 – Bicycle Parking Rates</u></p> <p>Hotel/motel</p> <p><i>Residents/Employees</i> 1 per 4 staff</p> <p><i>Customers/Visitors</i> 1 rack + 1 rack per 20 rooms</p>	<p>Customer/Visitors Requires: 1 + (194 rooms/20) = 11 racks (rounded up from 10.7)</p> <p>5 bicycle parking spaces are provided adjacent to the short stay parking spaces to the rear of the site.</p>	<p>No details are provided regarding the number of staff to determine the required staff bicycle spaces.</p> <p>The proposal is deficient bicycle spaces for visitors.</p>
1.5 Awnings	Proposal	Comment
<p>a) Continuous street frontage awnings are to be provided for all new developments on main streets or major retail streets in centres except where colonnades are required.</p> <p>b) Awning design must be coordinated with building facades and be complementary in alignment and depth to the adjoining buildings and its awning.</p> <p>c) Where a building is sited on a street corner, wrap awnings are to be provided around corners for a min. 6m unless there is continuity in active uses and in such case they should be continued.</p> <p>d) Awnings should generally be:</p> <p>i. Min. soffit height of 3.3m</p> <p>ii. Low profile, with slim vertical fascia or eaves (generally not</p>	<p>The Christie Block plans indicate that a colonnade is required to the Pacific Highway frontage of the site. The proposal has provided a recessed main entry and an awning along the entire Pacific Highway frontage.</p> <p>The proposed awning is greater in height to existing awnings along Pacific Highway, adjoining the site. The proposed awning is compatible with the overall design of the proposed building with regard to colours and materials.</p> <p>N/A – not a corner allotment.</p> <p>Soffit height: Varies from 4-5m.</p> <p>Fascia height: 0.9m. Non-trafficable roof garden proposed above awning.</p>	<p>The proposed awning is inconsistent with the Christie Block plans which indicate a continuous street frontage and amalgamated development of sites fronting Pacific Highway.</p>

1.5 Awnings	Proposal	Comment
<p>to exceed 300mm height)</p> <p>iii. Setback a min. 60mm from the kerb.</p> <p>iv. Located and designed to ensure no conflict with street trees.</p> <p>e) Awnings are to allow for street trees or poles via innovative solutions, which may include cut outs.</p> <p>f) To control sun access/protection, canvas blinds along the street edge may be permitted, subject to design merit and assessment.</p> <p>g) Under awning recessed lighting is to be provided to facilitate night use and public safety.</p>	<p>No existing street trees along Pacific Highway frontage.</p> <p>No existing street trees located along the Pacific Highway frontage of the site. There is an existing street light post which fronts the site. It is unclear whether the proposed awning conflicts with the existing light post.</p> <p>No sun control devices proposed along the frontage of the awning. However, sun shading is proposed along the western elevation of the awning.</p> <p>Lighting will be required to be incorporated under the awning.</p>	

1.6 Reflectivity	Proposal	Comment
<p>Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.</p>	<p>The selection of building materials and articulation of the building shown in the photomontage indicates that reflectivity from building would be acceptable.</p>	<p>Acceptable</p>

1.7 External lighting of buildings	Proposal	Comment
<p>a) Any external lighting of buildings is to be considered with regard to:</p> <p>i. The integration of external light fixtures with the architecture of the building (for example, highlighting external features of the building).</p> <p>ii. The contribution of the visual effects of external lighting to the character of the building, surrounds and skyline.</p>	<p>Details of external lighting of the building have not been provided.</p> <p>No flood lights are proposed for the building.</p>	<p>Insufficient information has been provided with respect to external lighting of the building.</p>

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1.7 External lighting of buildings	Proposal	Comment
iii. The energy efficiency of the external lighting system. iv. The amenity of residents in the locality. b) Flood lights for buildings are prohibited.		

1.8 Landscaping	Proposal	Comment
a) Locate basement car parking predominantly under the building footprint to maximize opportunities for landscaped area. b) Deep soil zones in atria, courtyards and boundary setback are encouraged.	The basement car park is located under the building footprint. No deep soil is provided. An exterior garden is provided on the roof of the recessed eastern and western section of the building.	Council's Landscape Architect has reviewed the proposed landscaping plans and raised various issues with respect to the proposed landscaping – See referral section of report.
1.9 Planting on Structures a) Areas with planting on structures should be irrigated with recycled water and appropriate drainage provided. b) Provided sufficient soil depth and area to allow for plant establishment and growth	A roof garden is also proposed above the Pacific Highway frontage awning over the Council footpath of the site Landscaping and planting is also provided at the ground floor hotel entry and roof top terrace.	

1.10 Solar Access	Proposal	Comment
a) Commercial and mixed use developments are not to reduce sunlight to dwellings in the adjacent or same zone below a min. of 3 hours of sunlight on portion of the windows of the habitable rooms between 9am and 3pm on 21 June.	Properties within the immediate vicinity of the site are commercial. A number of properties located on Pacific Highway, adjacent to the west of the site contain residences above the shop. These residences are capable of receiving a minimum 3 hours of sunlight between 9am and 3pm, on 21 June.	The proposal is not considered to unduly impact on residential properties within the immediate vicinity of the site.

1.11 Access and Mobility	Proposal	Comment
Any new development must comply with Australian Standards AS 1428 Design for Access and Mobility, AS 4299 Adaptable Housing, AS 2890 Parking Facilities and AS 1735 Lifts, Escalators and Moving	8 accessible rooms are provided within the proposed hotel. <u>Ground Floor hotel lobby:</u> An accessible public toilet is provided.	Council's Community Development, Ageing and Disability officer has reviewed the proposal and raised the following concerns: i. A number of entrances to, and throughout the building

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1.11 Access and Mobility	Proposal	Comment
Walks and with Part F of the DCP (Access and Mobility)	<p>A wheelchair lift is provided to access the guest drop-off area from the rear of the hotel.</p> <p><u>Roof top terrace:</u> An accessible toilet is provided. It is noted to plans that the pool will provide a platform swimming pool lift and an aquatic wheelchair.</p>	<p>(including corridors) are not accessible.</p> <p>ii. Passing space and turning space dimensions not shown on plans.</p> <p>iii. Insufficient details regarding the dimensions of the accessible bathrooms of adaptable rooms, as well as ambulant toilets on the ground floor and roof top recreation/pool area.</p> <p>iv. An accessible shower facility will be required for the roof top level if the pool area is made accessible as indicated.</p> <p>v. There are no alternative accessible solutions should the wheelchair lift at the drop off area be occupied.</p>
1.12 Signage	Proposal	Comment
All signage shall comply with Part N – Signage and Advertising of the DCP.	Signage is not sought as part of this DA.	N/A

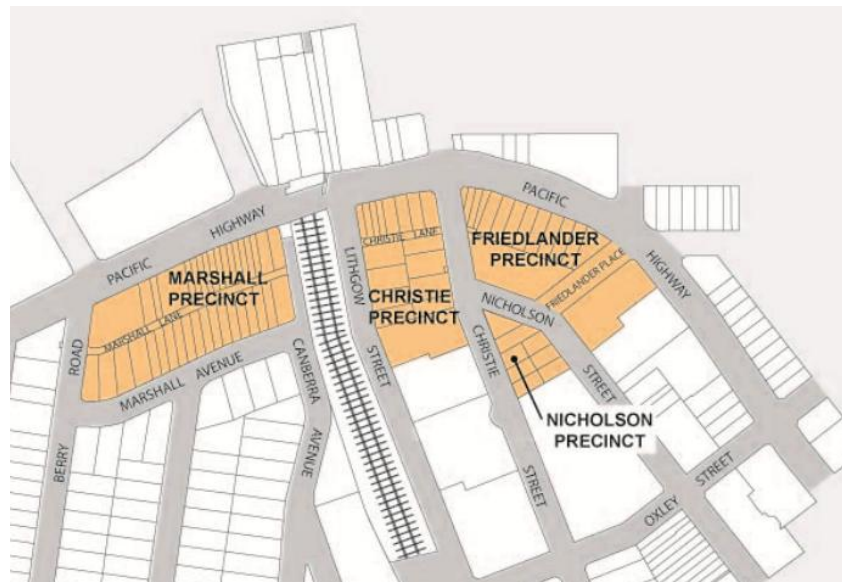


Figure 6 – St Leonards Key Precincts (Extracted from Part D – Commercial Development and Mixed Use Localities of DCP)

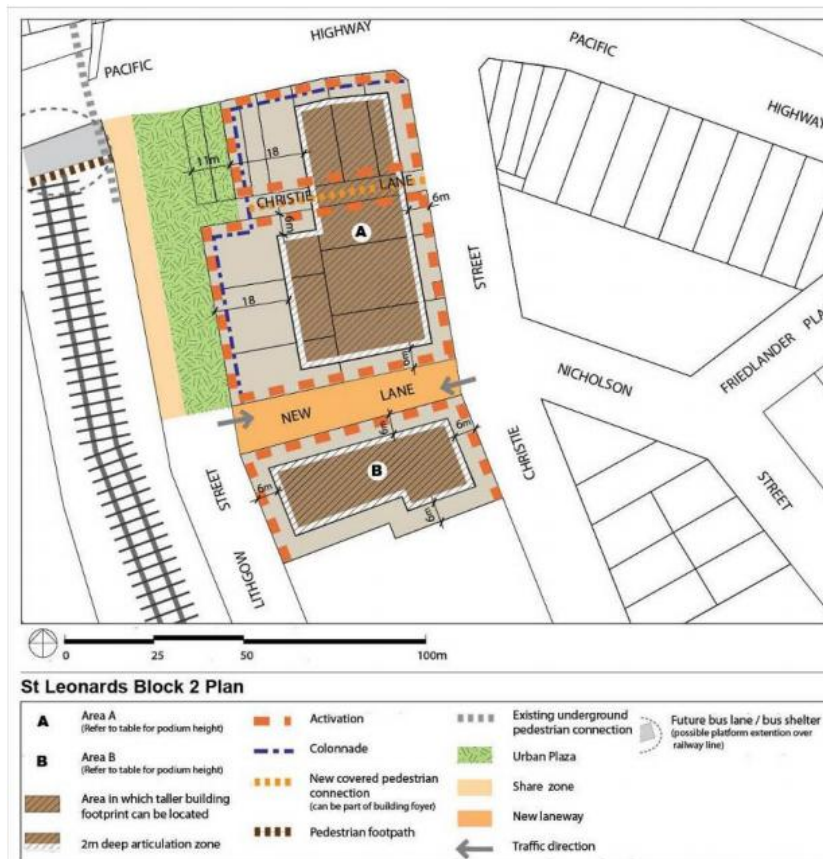


Figure 7 – Christie Block Plan (Extract from Part D – Commercial Development and Mixed Use Localities of DCP)

Part D4 – St Leonards (B3) Commercial Core Zone and Mixed Use

4.2 Desired Future Character of St Leonards

4.3 Built Form	Proposal	Comment
<p>a) New development on the southern side of Pacific Highway across the St Leonards Station is to comply with the block diagrams provided.</p> <p>b) The development for major blocks is to be a tower and podium form to mitigate against wind impacts and achieve a human scale at the street.</p> <p>c) Blocks located at 'gateway' corners as indicated in the block plans are not required to provide podium bases but should respect the alignment of the adjoining podiums in the design of the architecture. These towers are to create an entry</p>	<p>The subject site forms part of a major block plan within the Christie Precinct.</p> <p>The building is one built form and does not incorporate towers.</p>	<p>The objectives and development controls (i.e. access, setbacks, activation etc) for the precinct recognised that the subject site is to be developed together with adjoining properties, particularly in order to provide sufficient yield to the amalgamated sites in order to permit a significant open space area for the eastern portion of the proposed Rail Plaza.</p> <p>The development of the subject site for use as a hotel although permissible, is fragmented and small scale which is contrary to the Christie Precinct block plans with respect to the envisaged built</p>

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4.3 Built Form	Proposal	Comment
statement into the centre.		form for development within the precinct.

4.4 Separation	Proposal	Comment
a) Separation is to be provided between all towers. Min. distances are provided within the block plan tables. These separation distances are an average separation but no tower should be located closer than 12m from an adjacent tower or potential tower. Separation of towers is imperative to avoid a continuous secondary street wall extending the length of the block along the highway.	<p>Separation between buildings is only provided along the east and west recessed sections of the building.</p> <p>The proposal is built to all boundaries with the exception of the recessed east and west section of the building.</p>	The proposal involves the redevelopment of only two allotments which are identified in the Christie block plans. As such, the proposed hotel is provided in one building form and does not incorporate towers which are indicated in the block plans.

4.5 Public Open Space	Proposal	Comment
<p>a) Two new public open spaces are to be provided adjacent to the rail corridor to the east and west of the rail line. The space to the west is to be landscaped as a softer green space with connection back to Canberra Ave. The closure of Canberra Ave will form part of this public open space.</p> <p>b) The eastern public open space is to be created partially by making part of Lithgow St as shared way and partly on private land as part of a major redevelopment of that block. This open space is to be the major public urban space and heart of the southern side of St Leonards.</p>	The two allotments forming the subject site do not comprise land which is to be developed as public open space, being the urban plaza, as indicated in the block plans.	<p>In order to facilitate pedestrian access to the “high quality public plaza” envisaged by Council’s planning approach, Christie Lane will only be opened to pedestrians, and not vehicles. The alternative vehicular routes and entries, proposed by Council would ensure that internal vehicular circulation would be improved without conflicting with pedestrian activity.</p> <p>Therefore, the proposed development does not achieve a form that offers consistency with either Council’s DCP objectives or provisions for this Precinct. These controls are essential as it ensures that the precinct, and its surrounds, has a high level of amenity, functionality and liveability.</p>

4.6 Colonnades	Proposal	Comment
<p>a) Colonnades are to be provided to development along Pacific Highway as shown in the block plans.</p> <p>b) The depth and height of colonnades is to be sufficient</p>	The main entry area is setback 4.197m from the front boundary. The proposal is built to both side boundaries and does not make provision for an open colonnade.	The DCP block plans indicate a colonnade to be provided to the Pacific Highway frontage of the site to activate the street. Controls outline that a colonnade with a min. 4m

4.6 Colonnades	Proposal	Comment
<p>to allow for footpath seating whilst still allowing clear pedestrian access adjacent to the shopfronts and to achieve high quality amenity and spaciousness for the colonnade with reasonable visual exposure to the highway.</p> <p>c) All development is to provide footpath and public domain upgrades, including landscaping, to Council's specifications as part of the development. A minimum 4m wide footpath is to be provided from the property boundary for the southern side of Pacific Highway.</p>	<p>The applicant has identified the main entry (depth of 4.197m and height of 4.8m) as a colonnade provided for the building.</p>	<p>depth from the building edge, for two storey clear height, are to be provided.</p> <p>The proposal is inconsistent with the distinctive built form and character envisioned for the precinct.</p>

Special Commercial Areas
Locality 1 St Leonards Key Precincts
Block 2: Christie Precinct

Control	Proposal	Comment
<p>1. Height</p> <p>LEP Control (max. 45m)</p>	<p>48.84 m</p>	<p>The proposal exceeds the max. building height by 3.84m which represents a variation of 8.53%.</p> <p>The variation to building height is not supported – Refer to Clause 4.6 discussion.</p>
<p>2. Street Frontage Height</p> <p>Block A = 18m To all streets and spaces</p>	<p>The height of the proposal along the Pacific Highway frontage measured to the FFL of Level 5 is 17.5m.</p>	<p>Complies</p>
<p>3. Uses</p> <p>GFL Active uses – street level retail (Pacific Highway)</p>	<p>The main entrance of the hotel is from the Pacific Highway frontage, and accessed at the street level.</p>	<p>The proposal is for a hotel, which is a commercial use and not a retail use.</p> <p>However, the proposed hotel use is not incompatible with retail, and is a permitted use.</p>
<p>4. Tower Separation</p> <p>12m</p>	<p>No towers are proposed as part of the development.</p>	<p>The proposal does not involve sites identified in the block plan for amalgamated</p>

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Control	Proposal	Comment
		redevelopment and as such does not comprise of towers as envisioned by the DCP.
5. Tower Footprint Block A = Max. 1,600m ²	The footprint of the proposal is approximately 593m ² (ground level) and 496m ² (levels above excluding recessed east and west section of the building).	The proposal does not involve sites identified in the block plan for amalgamated redevelopment and as such does not comprise of towers as envisioned by the DCP.
6. Street Setback Block A = 10m to create public open space (to be provided west of Block A) = 5m to allow a min. footpath verge to highway or street kerb (to be provided to Pacific Highway and Lithgow St)	<p>The Council footpath reserve fronting Pacific Highway is approximately 3.64m in width.</p> <p>The ground floor lobby entry is setback 4.197m from the northern site boundary.</p> <p><u>Ground floor to Level 4 (inclusive)</u> provides 0m setback to Pacific HWY.</p> <p><u>Level 5 to 13 (inclusive)</u> provides 4m setback to Pacific HWY to windows, 3.5m to blade walls.</p> <p>Level 14 (Rooftop Terrace) – 5.5m to services roof edge 10.4m to northern wall of toilet facilities.</p>	The front setbacks to Pacific Highway provided are inconsistent with the Block A street setback provisions.
7. Colonnade Block A – 4m depth from building edge (to Pacific Highway, public open space, Lithgow St)	The applicant has identified the main entry (depth of 4.19m and height of 4.8m) as a colonnade provided for the building.	The main entry of the hotel provides weather protection and seating for patrons. The main entry area of the hotel is considered to be a recessed section of the building and not a colonnade.
8. Pedestrian Entry/Address Block A – From Pacific Highway, public open space and Christie St	Pedestrian entry is from the main entry and lobby fronting Pacific Highway.	Complies as provided from Pacific Highway.
9. Vehicle Entry Block A – from Christie St	Vehicular access to the building is from Christie Lane.	Christie Lane is to be closed and relocated to the south, as indicated in the block plans.

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Control	Proposal	Comment
		In this regard, vehicular access to the development from Christie Lane is not supported.
10. Car Parking Underground or sleeved	Carparking is provided underground, with 3 short stay spaces provided at-grade from Christie Lane.	Christie Lane is to be closed and as such, the proposed car parking arrangements are not supported as it is currently a public road and relies on vehicular access to the development from Christie Lane.
11. New Laneway and Mid Block Connection Relocate Christie Lane to south – adjacent to No. 80 Christie St Provide new pedestrian mid-block link generally in the existing location of Christie Lane <i>For provision of 6m carriageway and 2m footpath on each side</i>	The development proposes to utilise Christie Lane for vehicular access. The applicant proposes to utilise Christie Lane as a 10km/h shared zone for both pedestrians and vehicles.	As Christie Lane is to be closed, vehicular access to the proposal from Christie Lane; and use of Christie Lane as a shared zone is not supported. In addition, the block plans have identified Christie Lane to be used as a mid-block pedestrian link to the future Urban Plaza. The alternative vehicular routes and entries proposed by Council, as outlined in the DCP provisions for the precinct, ensure that internal vehicular circulation will be improved without conflicting with pedestrian activity. The proposal is contrary to the objectives and provisions of the Christie Precinct.
12. Tower Orientation Block A = North to South long axis (To Pacific Highway) Block A = Max. building length 40m (To Christie Street). If 40m length is exceeded, then 12m tower separation or 12m setback applies to remainder of building length to Christie Street.	The building is of a north-south orientation with frontage facing Pacific Highway.	The proposed development does not incorporate any towers as it only involves the development of 2 allotments and does not involve amalgamated development as per the block plans.
13. Landscaping/Public		

Control Domain	Proposal	Comment
Street trees to Pacific Highway <i>Trees, paving design, upgrades and specifications to be agreed to and arranged with Council</i>	The applicant has noted that works within the footpath area to the Pacific Highway are anticipated and will be subject to conditions for the provision of street tree planting and pavement specifications.	Only landscaping within the site has been proposed. No details are provided with respect to landscaping and public domain works.
14. Public Open Space/Share Zone 1,500m ² min. area for public open space to the west of Block A Two way vehicle traffic share zone proposed to the northern end of Lithgow St Provide improved underground crossing to St Leonards Station Kiosks, newsagents, food stand uses to be encouraged around the underground pedestrian crossing		The subject proposal does not involve amalgamated redevelopment as per the block plans and does not address this provision.

Part O – Stormwater Management

Council's Development Engineer has reviewed the submitted concept engineering plans prepared by NCE Novati Consulting Engineers Pty Ltd and outlined that the proposed development does not comply with Part O – Stormwater Management of the DCP – See referral section of report for further details.

Part Q – Waste Management & Minimisation

4.4 Commercial Developments and Change of Uses (Shops, Offices, Food Premises, Hotels, Motels, Licensed Clubs, Educational Establishments, Entertainment Facilities and Hospitals)	Proposal	Comment
	Waste storage area provided on Basement Level 1 (8.62m ²). No garbage chutes provided. Details for collection and anticipated waste generated not outlined.	Insufficient information is provided with respect to on-site waste collection and minimisation. The waste storage area provided is insufficient for the proposed use as a hotel and waste collection details have not been provided to support the size of the waste storage area.

DRAFT PART D COMMERCIAL DEVELOPMENT AND MIXED USE LOCALITIES

Special Commercial Areas

Locality 1 St Leonards Key Precincts

Block 2: Christie Precinct

The DRAFT Part D – Commercial Development and Mixed Use Localities – Special Commercial Areas, had been made publicly available prior to the lodgment of the subject DA. The consultation of the Draft DCP ran from 29 September 2016 to 10 November 2016. Council's post consultation report recommended a number of changes based on public comment. These changes along with the Planning Proposal, were adopted by Council at its meeting held on 15 May 2017.

An assessment of the proposed development against provisions of the Draft DCP are outlined below.

Pacific/Lithgow/Christie Precinct	Proposal	Comment
<p>Block 2 – Lithgow/Christie/Pacific Precinct</p> <p>This precinct is located in the area bound by Pacific Highway, Lithgow Street, Christie Street and the southern boundary of the B4 Mixed Use Zone between those streets: B4 Mixed Use block south of Christie Lane B3 Commercial Core block north of Christie Lane</p>	<p>The subject site is located within the Pacific/Lithgow/Christie Precinct – Block 2 – Christie Precinct.</p>	<p>The proposed development is inconsistent with the block plan for the Christie Precinct.</p>
<p>1 Floor Space Ratio</p> <p>See LEP Max. FSR = 10.1:1 (max. 6,003.44m²)</p>	<p>FSR = 10.21:1 Total GFA = 6,070.3m²</p>	<p>Exceeds the max. FSR by 66.87m², which represents a variation of 1.1%.</p> <p>No Clause 4.6 written request submitted for consideration.</p>
<p>2 Building line setbacks</p> <p>0m from Rail Plaza – balconies may extend over Plaza</p> <p>4m from Christie Street</p> <p>1.5m from Christie Lane north side</p> <p>4m from Pacific Highway</p> <p>Retail activation facing all</p>	<p>The hotel lobby is setback 4.197m from the front boundary.</p> <p>The building meets the building line setbacks to Christie Street as the site is separated from Christie Street by No. 546 Pacific Highway.</p> <p>The proposal is built to the</p>	<p>The proposal is inconsistent with the building line setbacks established for the desired built form envisioned for the precinct which recognised a need for an amalgamated redevelopment of the site.</p>

Pacific/Lithgow/Christie Precinct	Proposal	Comment
<p>public domain where possible.</p> <p>All ground floor frontages except to Rail Plaza, are to provide awnings over the public footpath.</p>	<p>boundary adjoining Christie Lane.</p> <p>An awning is provided over the public footpath along Pacific Highway.</p>	
<p>3 Building line setbacks above Ground Level (Non-residential min.)</p> <p>0m from Rail Plaza 0m from Christie Lane south side 1.5m from Christie Lane north side 4m from Pacific Highway 4m from Christie Street</p> <p>Otherwise – mixed use as per SEPP65 requirements assuming potentially adjacent to residential.</p> <p>Balconies and building elements (including GFA areas) may extend up to 4m over Rail Plaza air space i.e. beyond the property boundary (see Control 7).</p>	<p>The proposed hotel does not comply with the required setbacks outlined for Pacific Highway and Christie Lane.</p> <p><u>Christie Lane:</u> Nil setbacks provided for Levels 1 and above.</p> <p><u>Pacific Highway:</u> A setback of 4m is provided from Level 5 and above.</p>	<p>The proposal is inconsistent with the building line setbacks established for the desired built form envisioned for the precinct which recognised a need for an amalgamated redevelopment of the site.</p>
<p>4 Building line setbacks from site boundary min. residential towers</p> <p>As per the ADG with the exception of:</p> <p>0m from Rail Plaza</p> <p>1.5m from Christie Street south side</p> <p>4m from Christie Street</p> <p>6m from southern boundary (adjacent to B3 zone)</p> <p>Balconies and building elements (including GFA areas) may extend up to 4m over Rail Plaza air space i.e. beyond the property boundary</p>	<p>The building is in one built form and for commercial purposes. No residential towers are proposed.</p>	<p>The proposal is for a hotel and does not include residential components or towers.</p>

Pacific/Lithgow/Christie Precinct	Proposal	Comment
(see Control 7). No balcony articulation between site boundary and 4m building line on Christie Street.		
5 Building Separation min. – Mixed Use towers 22m to other residential tower on the site (to other mixed use tower on site) 24m to buildings across road (buildings outside site)	The building is in one built form and for commercial purposes. No mixed use towers are proposed.	The proposal is for a hotel and does not comprise of mixed use towers.
6 Floor to Floor Height Non-residential ground level – min. 4.8m Non-residential, each level, other than retail – min. 3.6m	Ground floor: 4.8m	All levels above the ground floor provide a floor to floor height of 3.15m, which is considered satisfactory.
7 Rail Plaza Articulation Zone Min. 4m Balconies and building elements (including GFA areas) may extend up to 4m beyond the building line i.e. beyond the property boundary (i.e. are not recessed) for up to 40% of the building façade, to articulate the building.	The subject site is not within the indicative rail plaza articulation zone.	Not applicable
8 Pedestrian Link Between Lithgow St (Rail Plaza), Christie Street, Christie Lane and internal courtyard: A public internal courtyard/food court is to be provided at ground level (Rail Plaza level) – min. 20m width	The proposal seeks to utilise Christie Lane as a shared zone to permit vehicular access to the development.	The use of Christie Lane as a shared zone is not supported.
Other		
1 Uses Encourage uses which operate during evening and early	Hours of operation of the hotel would extend beyond typical	Should development consent be granted, conditions would

Pacific/Lithgow/Christie Precinct	Proposal	Comment
<p>morning hours, such as cafes and restaurants, community facilities, gymnasiums and other facilities, to encourage activity and safety outside office hours.</p> <p>Provide active uses at street level and flanking public spaces.</p> <p>In the tower form, provide a range of housing options.</p> <p>Serviced apartments are not to be developed.</p>	<p>retail trading hours.</p> <p>The hotel main entry is external to the hotel lobby.</p>	<p>be imposed outlining the hours of operation for the hotel.</p>
<p>2 Landscaping/Open Space</p> <p>New street trees, paving and verge upgrades to be incorporated into the site development.</p> <p>Landscaping elements are to be incorporated into non-residential levels' façades.</p>	<p>A roof garden above the awning is proposed.</p>	<p>Public domain works have not been detailed.</p>
<p>3 Public Domain</p> <p>The accompanying SEE to demonstrate how the proposal contributes positively to the overall precinct-wide public domain.</p> <p>This includes ground-level finishes/paving and layout of the inner courtyard and laneways to maximum pedestrian amenity.</p> <p>Signage, paving etc are to assist "navigation" along destinations paths of travel.</p> <p>In complying with accessibility standards, consideration of the needs of people with disabilities, including the visually impaired, is to be demonstrated.</p>	<p>Public domain works have not been detailed.</p>	<p>Public domain works are not detailed for assessment.</p>

Pacific/Lithgow/Christie Precinct	Proposal	Comment
<p>Bike facilities are to be provided (See general DCP for details).</p> <p>Compatibility with the St Leonards Public Domain Master Plan should be indicated.</p>		
<p>4 Façade Colours and Materials</p> <p>A mixture of non-reflective façade materials and colours are required to emphasise the podium level non-residential form and residential towers as separate elements. Soft, natural materials such as timber are encouraged at ground level.</p> <p>External materials to be durable with high quality finish.</p> <p>Façade detailing to also address shading, wind protection and solar access considerations.</p>	<p>A mix of materials and colours have been proposed to the façade of the building.</p>	<p>Acceptable</p>
<p>5 Wind Mitigation</p> <p>A Wind Analysis study relating to all façades, internal and external to the site, is to demonstrate methods to achieve appropriate outcomes for public and private domains, e.g. awnings, baffles, articulation etc.</p> <p>This information is required to be provided at DA stage.</p>	<p>A Wind Effects has been submitted as part of the DA.</p>	<p>Refer to earlier discussion within the body of this report regarding wind mitigation (page 17)</p>

Part R – Traffic, Transport and Parking

Parking requirements have been reviewed within Section 1.4 Car Parking – Part D of this report.

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

Lane Cove Local Environmental Plan 2009

Clause 2.2 – Zoning

The subject site is zoned B3 Commercial Core pursuant to LCLEP 2009. The proposed development is permitted with development consent within the B3 zone.

Clause 4.3 – Height of Buildings

The maximum permissible height limit for the site is 45m. The proposed development has a nominated building height of 48.84m and exceeds the maximum building height permitted by 3.84m, representing a variation of 8.53%. The applicant has submitted a written request in accordance with Clause 4.6 of LCLEP 2009 to vary the building height development standard. The variation sought to the maximum building height is not supported.

Clause 4.4 – Floor Space Ratio

The maximum permissible FSR for the site is 10.1:1 (max. 6,003.44m²). The total GFA of the proposal is 6,070.3m². The proposal exceeds the maximum FSR by 66.86m² which represents a variation of 1.1% to the FSR development standard.

Development consent cannot be granted for the proposal as it would contravene the FSR development standard – Clause 4.4 of LCLEP 2009, unless the applicant provides written request in accordance with Clause 4.6(3) of LCLEP 2009 that seeks to justify the contravention.

Section 94 Contributions

Should development consent be granted for the proposed development, Section 94 Contributions would be applicable and payable in accordance with Council's Section 94 Contribution Plan for the proposal.

OTHER PLANNING INSTRUMENTS

State Environmental Planning Policy 55 – Remediation of Land

The subject site and adjoining sites are zoned for commercial purposes. A Phase 1 Contamination Report (Ref. No. REF-339616-A, prepared by Envirotech, dated 17 June 2016) has been submitted with the subject DA. The Report recommends a Phase 2 Detailed Site Contamination Investigation be undertaken to determine the extent of any contamination. Council's Environmental Health officer has reviewed the proposal and accompanying report and outlined that a Phase 2 Detailed Site Investigation and Remediation Action Plan is to be submitted to determine whether the proposed development is suitable for the subject site in accordance with the provisions of SEPP 55.

State Environmental Planning Policy (Infrastructure) 2007

The subject site has frontage to a classified road, being the Pacific Highway and is located within close proximity to the St Leonards railway. In this regard, the proposed development was referred to the Roads & Maritime Services (RMS) for review – See RMS comments in referral section of this report.

In accordance with Clauses 87 and 102 of the Infrastructure SEPP, an acoustic assessment is required to be submitted to ensure that noise volumes are appropriate to the development. A Road Traffic Noise Assessment (Report No. nss22478, prepared by Noise and Sound Services, dated July 2016) has been submitted with the application.

Council's Environmental Health Officer has reviewed the proposal and accompanying report and outlined that supplementary information as follows is required with respect to noise:

- Construction Noise Management Plan.
- Acoustic Report to address the impact of the proposal (mechanical plant, cooling towers, refrigeration, general operational noise particularly in service areas, deliveries, waste removal and traffic) on surrounding land uses, and internal noise levels of the hotel rooms as the site is in close proximity to major rail and road corridors.

In this regard, there is not adequate information contained in the accompanying acoustic reports to satisfactorily address Clauses 87 and 102 of the Infrastructure SEPP.

THE PROVISIONS OF ANY PROPOSED INSTRUMENT THAT IS OR HAS BEEN THE SUBJECT OF PUBLIC CONSULTATION UNDER THIS ACT AND THAT HAS BEEN NOTIFIED TO THE CONSENT AUTHORITY (UNLESS THE SECRETARY HAS NOTIFIED THE CONSENT AUTHORITY THAT THE MAKING OF THE PROPOSED INSTRUMENT HAS BEEN DEFERRED INDEFINITELY OR HAS NOT BEEN APPROVED)

Section 79(C)(1)(a)(ii)

Not applicable

THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN

Section 79(C)(1)(a)(iii)

Part D – Commercial Development and Mixed Use Localities of Council's DCP highlights the minimum individual block plans for each precinct. It is stated that the "block plan controls would be applied with flexibility based on achievement of objectives". The objectives for the Christie Precinct are to provide:

- "A major high quality public plaza or town square to the west of podium A. This public open space is to include the upgrade of the existing pedestrian link to the station. Ideally the link should be provided as part of a 1-2 storey kiosk building development adjacent to the rail line".
- "A new laneway connector to provide an improved vehicular and pedestrian connection to the rail underpass"; and
- "Safety and amenity".

In relation to the Christie precinct, the DCP block plan provides and highlights the intended planning outcome for the precinct which requires amalgamation of sites. Although the proposed building footprints of some of the sites may change, the DCP provisions have consistently envisioned:

- A new vehicle entry point for "Area A" to be provided off Christie Street;
- Christie Lane to be closed to vehicular traffic in order to "*provide new pedestrian mid-block link generally in the existing location of Christie Lane*"; and
- Relocation of Christie Lane to the south, adjacent to No. 80 during redevelopment.

The objectives of the current and draft DCP for the precinct share consistent aims to achieve high quality built form and public spaces. The proposed development does not achieve consistency with either Council's DCP objectives or provisions for the Christie block precinct. These controls are

essential as it ensures that the precinct and its surrounds have a high level of amenity, functionality and liveability.

THE PROVISIONS OF ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 93F, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 93F

Section 79(C)(1)(a)(iia)

The proposed development is inconsistent with the provisions of a Draft Voluntary Planning Agreement which includes this site, and identifies amalgamated redevelopment of sites within the St Leonards Precinct, and includes the embellishment of Christie Lane for pedestrian purposes only, while relocating vehicular access south with alternative entry points along Christie Street.

Section 79(C)(a)(iv)

The provisions of the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection would be addressed by appropriate consent conditions should development consent be granted.

Section 79(C)(a)(v)

any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates

Not applicable – A coastal zone management plan does not apply to the subject site.

Section 79(C)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

The redevelopment of the site, as proposed, is contrary to the objectives and provisions for development within the Christie Block of the St Leonards Precinct, and as such considered to pose adverse impacts on existing and future uses/development within the immediate and surrounding area.

Section 79(C)(c) the suitability of the site for the development,

Having regard to the above matters, the subject site is not considered to be suitable for the proposed development.

Section 79(C)(d) any submissions made in accordance with this Act or the regulations,

In accordance with Council's notification procedures contained in DCP 2009, the proposal was notified for a period of 14 days between 14 September 2016 and 28 September 2016. During the notification period, eight (8) submissions were received. The primary concerns raised in the submissions include the following:

- *Suitability of the development for the site*

Comment:

The subject site is not considered to be suitable for the proposed development as it is contrary to the objectives and provisions for development within the Christie block plans and the St Leonards precinct.

- *Excessive height of the building*

Comment:

The proposed development exceeds the maximum 45m building height permitted for the subject site. The variation to the building height is not supported.

- *Compatibility of the proposal with surrounding buildings and impacts on the streetscape as viewed from Pacific Highway*

Comment:

The proposed development only involves the redevelopment of the subject 2 sites within the Christie block plans which is inconsistent with provisions requiring amalgamated redevelopment of sites within the precinct. The proposal would result in an inconsistent streetscape along Pacific Highway and create a segregated interface when viewed from both Pacific Highway and Christie Lane.

- *Increased traffic generation on Pacific Highway and surrounding road networks as a result of the proposed development*
- *Vehicular access is proposed from Christie Lane which is to be closed in the future and changed to pedestrian access only*

Comment:

The proposed development seeks to provide insufficient on-site parking in accordance with Council's DCP requirements and relies on vehicular access from Christie Lane which is proposed to be closed to vehicles in the future. In this regard, the proposed development is not considered to provide an adequate response to traffic management and vehicular access.

- *The redevelopment of the site as a proposed hotel is contrary Council's requirements, the desired future character of St Leonards and the exhibited Voluntary Planning Agreement (Winten Site)*

Comment:

The proposed development is contrary to the Christie block plans, Council's provisions for the St Leonards precinct contained within the DCP, the desired future character of St Leonards and the Draft VPA. Christie block plans indicate amalgamated redevelopment of sites within the precinct and the closure of Christie Lane to vehicles, to facilitate a pedestrian link to the future over-rail plaza. The use of Christie Lane to accommodate vehicular access to the proposal and redevelopment in isolation with adjoining sites does not achieve the level of functionality and liveability envisioned for the St Leonards Precinct.

- *Acoustic and visual privacy*

Comment:

The proposal is for the purposes of a hotel which is a commercial use and not considered to pose adverse acoustic or visual privacy concerns to adjoining premises and properties.

- *Impacts during construction*

Comment:

A Construction Noise Management Plan has not been submitted with the DA. Insufficient information has been provided for mitigation measures to reduce impacts on existing surrounding businesses during construction.

- *Shadow impacts*

Comment:

The site has a north-south orientation and the maximum permissible building height is 45m pursuant to Clause 4.3 of Lane Cove LEP 2009. The proposal has a nominated height of 48.84m, and exceeds the development standard by 3.84m.

The non-compliance with the building height control would marginally increase the length of the shadows cast onto properties to the south. Shadows casted by a proposal which complies with the maximum 45m building height has not been provided to determine the extent of the impact on adjoining properties to the south.

The shadow diagrams submitted indicate that at least 50% of the future public plaza to the west of the site would receive a minimum 2hours of sunlight between 11am and 2pm.

- *Isolation of No. 546 Pacific Highway*

Comment:

The proposed development would result in the isolation of No. 546 Pacific Highway and is not supported.

Section 79(C)(e) the public interest.

Having regard to the above matters, the proposed development is not considered to be in the public interest.

REFERRALS

Roads & Maritime Services (RMS)

The proposed development was referred to the RMS for review in accordance with SEPP (Infrastructure) 2007.

The RMS raised concerns regarding how vehicles would access the proposed development once Lithgow Street is closed from the Pacific Highway to the southern boundary of Site A, and if the RMS refused the request for Christie Lane to be a shared zone. It was also outlined that no vehicular access is permitted to the site from Pacific Highway.

The applicant submitted a Traffic Statement in response to concerns raised by the RMS. The Applicant's Traffic Statement outlined that "*pedestrian and access must be retained along Christie Lane to facilitate access to properties fronting Pacific Highway. This may be in the form of a 10km/h Shared Zone constructed to RMS requirements or as a standard roadway comprising the following:*

- *A 6.0m wide road carriageway that will accommodate two-way traffic flow*
- *A 1.2m wide pedestrian footpath*
- *A turn bay located at the western end of Christie Lane and wholly within the Site A development site. The turn bay is to facilitate access by a standard delivery truck/waste*

collection vehicle. The turn bay will be required if Christie Lane is to be a standard roadway or Shared Zone.

Vehicular access to a new two-way Christie Lane can easily be achieved from Christie Street. The section of Christie Street between the Highway and Christie Lane will remain one-way southbound. The site will continue to have convenient access from the State Road network.

The Applicant's Traffic Statement was referred to the RMS for review. The RMS outlined that alternative vehicular access arrangements via local road network are to be to Council's satisfaction, provided that road safety and efficiency of Pacific Highway is not detrimentally affected. Any shared zone proposals require the submission of detailed design plans and would require RMS approval.

RMS correspondence has been provided as a separate attachment.

Sydney Trains

The proposed development was referred to Sydney Trains pursuant to Clause 85 of State Environmental Planning Policy (Infrastructure) 2007. Concern was raised regarding rail-related noise and vibration from the adjacent rail corridor to future occupants of the hotel rooms. However, no objections were raised to the proposed development from Sydney Trains subject to the imposition of conditions provided in correspondence dated 11 October 2016, should development consent be granted.

Strategic Planner

Council's Strategic Planner has reviewed the proposed development and provides the following comments:

Council has taken a planned, measured and considered approach to development in the St Leonards area. The overall goal is to support the creation of an area with a high level of commercial opportunity, amenity and connectivity. This has been expressed in its longstanding DCP policies, which envisage the existing Christie Lane being closed to vehicles and relocating the laneway access south to facilitate better internal vehicular circulation. In this regard, the proposed development is not consistent with the objectives and provisions expressed in Council's planning documents.

As the draft Planning Proposal and VPA was reported to Council on 20 April 2015, prior to lodgement of this DA, it was publicly available. There is no expectation that Christie Lane could or should be used for vehicular access. Continuing to utilise Christie Lane for vehicular use would not assist the precinct achieve its objectives and goals as expressed in Council's DCP.

Council has now resolved to adopt the Planning Proposal and Draft DCP for the Winten site (inclusive of this site) with some amendments at its Council meeting held on 15 May 2017. One of the points raised with respect to the Draft DCP, during the public exhibition phase, was whether or not the relocation of the laneway and the closure of Christie Lane still applied. The Council report clarifies this as follows:

"Relocation of the laneway to the south and the mid-block connection on Christie Lane is not mentioned in the Draft DCP - The Draft DCP was designed to be incorporated into Council's existing suite of controls relating to the Christie Precinct and these items are still intended to remain. However, the draft DCP will need to be amended to incorporate these aspects".

As such, the current controls regarding the relocation of the laneway and Christie Lane closure were always intended to remain in the final adopted DCP. Council resolved to amend the DCP accordingly. Council's post consultation report recommended a number of changes based on public comment. These changes along with the Planning Proposal, were adopted at its meeting held on 15 May 2017.

Therefore, the proposed development does not seek to address or achieve desired outcomes and represent or provide a better environmental planning outcome than what is currently stated in Council's plans for the precinct.

Development Engineer

Council's Development Engineer has reviewed the proposal and outlined that the stormwater concept does not comply with Part O – Stormwater Management of the DCP.

The submitted stormwater drainage design would be required to be amended, if approved, to:

- Design an adequate on-site detention system;
- Adequately discharge stormwater directly into Council's drainage network downstream, not directly to the kerb and gutter; and
- Provide a gross pollutant trap.

Traffic Engineer

Council's Traffic Engineer has reviewed the proposal and accompanying Traffic Impact Assessment (prepared by Terraflow, dated 5 September 2016), and outlined that the following matters:

1. Parking requirements must be in accordance with Lane Cove Council's DCP – Part R. The proposed parking rates from RMS Guide to Traffic Generating Practices are not accepted as they are deficient, and do not take into account the total number of staff parking also required.
2. As the trip generation is based on the parking spaces, the proposed trip generation for the proposed development is not accepted.

Environmental Health Officer

Council's Environmental Health Officer has reviewed the proposal and advises the following matters have not been addressed:

1. Construction Noise Management Plan (CNMP) has not been submitted.
 - o It is essential that the CNMP be submitted to review measures to be implemented during the construction phase to manage potential noise and vibration impacts on adjoining residents and businesses.
2. Acoustic Report to address the impact of mechanical plant, cooling towers, refrigeration, and general operational noise – particularly in service areas – deliveries, waste removal and traffic of the proposal on the surrounding land uses and to also address internal noise levels of the hotel rooms as the site is in close proximity of major rail and road corridors.
 - o The level of amenity for future guests and employees of the hotel cannot be determined without this information and satisfaction of Clauses 87 and 102 of the Infrastructure SEPP.
3. Phase 2 Detailed Site Investigation and Remediation Action Plan (RAP) have not been submitted to determine whether the proposed development is suitable for the subject site in accordance with the provisions of SEPP55.
 - o In accordance with Clause 7 of SEPP55, the consent authority must be satisfied that the land can be made suitable for the proposed use, having regard to

contamination. A Phase 2 Report and RAP is required to outline whether remediation works required would be adequate in ensuring the site is suitable for the proposed use as a hotel.

4. An environmental management plan (EMP) has not been submitted for the construction phase of the project that addresses demolition, asbestos management, site water management and sediment and erosion controls, as well as dust management.
 - The EMP is required to ensure that appropriate environmental management practices are followed during the construction phase and environmental risks associated with the project are properly managed. Given the surrounds of the site, an EMP is required to be submitted to assess the impacts of construction on adjoining properties and sites located within the immediate vicinity of the subject property.
5. No details have been provided relating to food preparation areas i.e. kitchens/dining rooms etc. It is assumed some food will be prepared or made available on site, and as such these details are to be provided and prepared with reference to the Food Standards Code.
 - Plans do not indicate a kitchen and it is unclear how food services for the hotel will operate.

Having regard to the above, appropriate draft conditions would need to be drafted if the Panel wish to approve the proposal.

Community Development, Ageing and Disability officer

Council's Community Development, Ageing and Disability officer has reviewed the proposal and raised the following concerns:

- i. A number of entrances to, and throughout the building (including corridors) are not accessible.
- ii. Passing space and turning space dimensions not shown on plans.
- iii. Insufficient details regarding the dimensions of the accessible bathrooms of adaptable rooms, as well as ambulant toilets on the ground floor and roof top recreation/pool area.
- iv. An accessible shower facility will be required for the roof top level if the pool area is made accessible as indicated.
- v. There are no alternative accessible solutions should the wheelchair lift at the drop off area be occupied.

Having regard to the above, it appears that the proposal does not fully achieve DDA compliance for guests with respect to public areas and accessible rooms. Appropriate conditions would need to be drafted if development consent is granted for the proposal.

Landscape Architect

Council's Landscape Architect has reviewed the proposal and outlined the following matters with respect to the landscape design:

- i. A higher percentage of endemic plants (70%) is required and shall be selected from Council's document "Trees & Shrubs Native to the Lane Cove area and most suitable for your garden".
- ii. The landscape plans submitted by A Total Concept Landscape Architects does not specify plants to the southwest corner that will achieve a minimum height of 2 metres above terrace level – as per the submitted wind report. The architectural plans note this, and therefore a revised planting scheme is required for this corner.

- iii. The landscape plans submitted by A Total Concept Landscape Architects does not specify the soil depth for the respective planter boxes or roof top overhang garden and this needs to be clarified in accordance with Part J.1 Landscaping 1.10 Planting on Structures.

The landscaping information submitted does not adequately address the requirements outlined in Part J of the DCP, and is required to determine whether landscaping proposed is sustainable and well integrated within the design of the development.

Building Surveyor

Council's Building Surveyor has reviewed the proposed development and raises no objections to the proposed development on a building perspective subject to the imposition of conditions should development consent be granted.

CONCLUSION

The matters in relation to Section 79C of the Environmental Planning and Assessment Act 1979 have not been satisfied.

The application does not meet the Floor Space Ratio and Height controls as required in the Lane Cove Local Environmental Plan 2009 and is inconsistent with the objectives and requirements in the Lane Cove Development Control Plan for the subject site.

The redevelopment of the subject site for the purposes of a hotel is contrary to the block plans and envisioned future character of the St Leonards CBD Precinct. The proposal would result in a fragmented and inconsistent streetscape to Pacific Highway, which would also adversely impact the functionality of pedestrian movement and activation desired for the precinct.

On balance, the proposed development is recommended for **refusal**.

RECOMMENDATION

THAT pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended, the Council refuses development consent to Development Application DA158/2016 for the demolition of existing commercial premises and the construction of a fourteen (14) level hotel comprising of 194 rooms with basement car parking on Lots 1 & 2 in DP200301, known as 548-552 Pacific Highway, St Leonards; for the following reasons:

Height of Buildings

1. The proposed development does not comply with Clause 4.3 – Height of Buildings of Lane Cove Local Environmental Plan 2009.

Particulars

- (a) The maximum building height permitted for development on the site is 45m, in accordance with Clause 4.3(2) of LCLEP 2009.
- (b) The proposed development has a building height of 48.84m and exceeds the maximum building height permitted on the land, as shown on the Height of Buildings Map of LCLEP 2009.

- (c) The proposed development does not meet objective (1)(a) of Clause 4.3 Height of Buildings as the variation to the building height further exacerbates the segregated interface of the proposal with Pacific Highway and increases the appearance of visual bulk when viewed from the street and neighbouring properties.
- (d) Shadow diagrams of a building with a compliant building height have not been provided to determine the extent of shadow impact resulting from the proposed development to meet objective (1)(a) of Clause 4.3 Height of Buildings.
- (e) The proposed development does not meet the objective (1)(c) of Clause 4.3 Height of Buildings as the variation sought to the building height development standard is not a result of the proposal's design response to the topography of the land.
- (f) The applicant has submitted a written request for the exception to the maximum building height development standard in accordance with Clause 4.6 of LCLEP 2009.
- (g) The variation to the building height development standard is not supported as the proposed development does not meet the objectives of Clause 4.3 Height of Buildings and would not result in a better planning outcome.
- (h) The application fails to demonstrate that strict compliance with the development standard is unreasonable or unnecessary, and should be varied.

Floor Space Ratio

- 2. The proposed development does not comply with Clause 4.4 – Floor Space Ratio of Lane Cove Local Environmental Plan 2009.

Particulars

- (a) The maximum permitted FSR for development on the site is 10.1:1 in accordance with Clause 4.4(2) of the Lane Cove LEP 2009.
- (b) The FSR of proposed development is 10.21:1 which exceeds the maximum floor space ratio (FSR) for a building on the land shown on the FSR Map of LCLEP 2009.
- (c) The bulk and scale of the proposed development is not compatible with the character of the locality.

Exceptions to development standards

- 3. The applicant has not lodged a written request in accordance with Clause 4.6(3) of Lane Cove LEP 2009 for the exception to the FSR standard.

Particulars:

- (a) Development consent cannot be granted to the proposed development unless the applicant provides written request in accordance with Clause 4.6(3) of LCLEP 2009 that seeks to justify the contravention to the FSR development standard.
- (b) The exception to the FSR development standard would not achieve any better outcomes in these particular circumstances.

- (c) There are insufficient environmental planning grounds to justify contravention the development standard.

Contamination

4. Insufficient information has been submitted to be satisfied that the land is suitable for the proposed development in accordance with Clause 7 of State Environmental Planning Policy 55 – Remediation of Land.

Particulars:

- (a) A Phase 2 Detailed Site Investigation and Remediation Action Plan have not been submitted to determine whether the proposed development is suitable for the subject site in accordance with the provisions of SEPP55 and would be required if the Panel approved the proposal.

Isolation

5. The proposed development would result in the isolation of the adjoining property at 546 Pacific Highway, St Leonards.

Particulars:

- (a) The proposal is inconsistent with the Christie block plans, which envisions amalgamated development with the isolated property at 546 Pacific Highway and properties to the west and south of the site.
- (b) The proposed development is inconsistent with the objectives and requirements of Section B.3. Site Amalgamation and Development on Isolated Site in Part B of Lane Cove Development Control Plan (LCDCP).
- (c) Insufficient information has been submitted to address the requirements of Section B.3. Site Amalgamation and Development on Isolated Site in Part B of LCDCP.
- (d) Approval and construction of the proposed development would result in the isolation of the adjoining property at 546 Pacific Highway, and does not achieve the desired urban design outcomes and efficient use of land outlined for the St Leonards precinct.
- (e) No written evidence of an offer to the owners of 546 Pacific Highway, and decline from the owners has been submitted. As such, there is no evidence to demonstrate that a reasonable attempt has been made by the applicant to purchase and amalgamate the site (546 Pacific Highway) for redevelopment.
- (f) Any offer made to the owners of 546 Pacific Highway requires 2 written evaluations that represent the property's potential value. The evaluations are to be undertaken by 2 independent valuers registered with the Australian Institute of Valuers. The offer made to the owners of 546 Pacific Highway is to reflect and correspond with values devised from the 2 evaluations prepared at the time the offer was made, in order to be considered a reasonable and genuine offer. This information has not been submitted.
- (g) The Applicant has not satisfactorily demonstrated that an orderly and economic use and development of the land at 546 Pacific Highway can be achieved.

Desired Future Character of St Leonards

6. The proposal is contrary to the objectives and provisions for development within the St Leonards precinct.

Particulars:

- (a) The subject site is located within the B2 Christie Precinct of St Leonards Key Precincts. The redevelopment of only the subject two sites within the Christie block plan is inconsistent with the intended planning outcome for the Christie Precinct as outlined in the Part D – Commercial Development and Mixed Use Localities of the DCP.
- (b) The proposed development does not meet the following objectives of Block 2: Christie Precinct:
- 2 *To provide a major high quality public plaza or town square to the west of podium A. This public open space is to include the upgrade of the existing pedestrian link to the station. Ideally the link should be provided as part of a 1-2 storey kiosk building development adjacent to the rail line.*
 - 4 *To provide a new laneway connector to provide an improved vehicular and pedestrian connection to the rail underpass.*
 - 5 *To provide safety and amenity.*

Vehicular Access

7. Vehicular access to the proposed development via Christie Lane is not supported.

Particulars:

- (a) In accordance with the Christie block plans and provisions, Christie Lane is to be closed off to vehicles and relocation of the existing lane would be moved to the south to align with Nicholson Street to improve vehicular circulation within the precinct.
- (b) In order to facilitate pedestrian access to the future St Leonards Plaza, Christie Lane would only be open to pedestrians.
- (c) The proposed use of Christie Lane as a shared zone for both vehicles and pedestrians is contrary to the DCP provisions for the precinct and not supported.

Car Parking

8. Insufficient on-site parking is provided for the proposed development.

Particulars:

- (a) The proposal is deficient 21 customer/visitor spaces and 10 staff parking spaces, motorbike and bicycle spaces in accordance with Car parking rates for St Leonards in Part R – Traffic, Transport & Parking - Table 2 Car parking rates near St Leonards Railway Station.

Stormwater

9. The proposed development does not comply with provisions of Part O – Stormwater Management of the DCP.

Particulars:

- (a) The submitted stormwater concept plan does make provision for an adequate on-site detention system, stormwater discharge directly into Council's drainage network downstream or gross pollutant trap; in accordance with Part O of the DCP.

Draft Planning Agreement

- 10. The proposed development is contrary to an exhibited draft Planning Agreement made pursuant to Section 93F of the EP&A Act.

Particulars:

- (a) Pursuant to Section 79C(1)(a)(iia) of the Environmental Planning and Assessment Act 1979, development consent should not be granted as the proposed development is inconsistent with the provisions of the Draft Voluntary Planning Agreement, which identifies amalgamated redevelopment of sites within the precinct, and includes the embellishment of Christie Lane for pedestrian purposes only, while relocating vehicular access south with alternative entry points along Christie Street.

Likely impacts on development

- 11. The impact upon the natural and built environment is unacceptable.

Particulars:

- (a) Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is considered to pose adverse impacts on existing and future uses/development within the immediate and surrounding area.

Suitability of the site for the development

- 12. The site is not suitable for the proposed development.

Particulars:

- (a) Pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered suitable for the proposed development having regard to the above matters.

Public Interest

- 13. Approval of the proposed development should not be in the public interest.

Particulars:

- (a) Pursuant to Section 79C(1)(d) and (e) of the Environmental Planning and Assessment Act 1979, the proposed development should not be approved having regard to concerns raised in submissions received by Council and the above matters.

Michael Mason
Executive Manager
Environmental Services Division

ATTACHMENTS:

There are no supporting documents for this report.