



## STATEMENT OF ENVIRONMENTAL EFFECTS

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DEMOLITION OF ALL EXISTING STRUCTURES AND CONSTRUCTION OF A HOTEL DEVELOPMENT  
WITH BASEMENT CAR PARKING

**548-552 Pacific Highway, St Leonards**

**Ref No.** 0120/16

**Date:** 5 September 2016



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## DEVELOPMENT APPLICATION CONCEPT PLANS

Drawing numbers DA01-DA35 prepared by *MD+A Architects*

## SUPPORTING DOCUMENTS

- Access Compliance Assessment Report (August 2016) – prepared by *Murrow Consulting*
- Acoustic Report (July 2016) – prepared by *Noise and Sound Services*
- BASIX/Section J Report (May 2016) – prepared by *BASIX Max*
- BCA Assessment Report (August 2016) – prepared by *Private Certifiers Australia (PCA)*
- CPTED Report (August 2016) – prepared by *Planning Ingenuity*
- Erosion and Sediment Control Plan (June 2016) – prepared by *Novati Consulting Engineers*
- Environmental Site Assessment (August 2016) – prepared by *Envirotech Environmental and Engineering Consultancy Services*
- Geotechnical Assessment (June 2016) – prepared by *Crozier Geotechnical Consultants*
- Landscape Plans (June 2016) – prepared by *A Total Concept Landscape Architects*
- Stormwater Drainage Plans (August 2016) – prepared by *Novati Consulting Engineers*
- Traffic and Parking Assessment Report (August 2016) – prepared by *Terraffic Traffic & Parking Consultants*
- Waste Management Plan (August 2016) – prepared by *AusWide Consulting*
- Wind Effects Report (August 2016) – prepared by *Windtech Consultants*

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## **1 INTRODUCTION**

This Statement of Environmental Effects has been prepared for the applicant of the proposed development. The Statement is to accompany a development application to Lane Cove Council seeking consent for the demolition of all existing buildings and construction of a hotel development at Nos. 548-552 Pacific Highway, St Leonards. The site has frontages to the Pacific Highway and to Christie Lane.

The proposal has been designed with the knowledge of the impending redevelopment of the allotments directly south of the site. Council endorsed a Planning Proposal for the property to the south known as 75-79 Lithgow St and 84-90 Christie St, St Leonards (the Winten Site), which led to the preparation of a site specific Draft Development Control Plan (DCP) for the Lithgow/Christie/Pacific Precinct and a subsequent Voluntary Planning Agreement (VPA).

The proposed hotel development will front onto the Pacific Highway and provide a sheltered colonnade and continuous awning covering the adjacent footpath. The ground floor will comprise of a lobby and rear guest drop-off zone. Pedestrian access to the building is via the main entrance along the Highway or from a rear entrance at the south eastern corner of the site. The development will consist of 194 guest rooms within 13 storeys. Each guest room has either a north or south orientation, with the inclusion of two internal landscaped courtyards that create voids through each side of the building and providing additional amenity to guests. The top level features a roof top terrace including a pool and covered communal open space area for guests.

Vehicular access to the site is gained via Christie Lane to a guest drop-off zone, loading area and basement access point. The basement provides parking for 49 vehicles, 6 of which are accessible, in addition to hotel storage areas and lift access to the levels above. The main entrance and pedestrian access is provided from the Pacific Highway frontage.

The proposal seeks a departure from the maximum building height control as stated in the Lane Cove Local Environmental Plan 2009 and the variation is further detailed in the Clause 4.6 Variation Request contained in Annexure B.

The purpose of this Statement is to address the planning issues associated with the development proposal and specifically to assess the likely impact of the development on the environment in accordance with the requirements of S.79C of the *Environmental Planning & Assessment (EP&A) Act, 1979*.

This Statement is divided into five sections. The remaining sections include a locality and site analysis; a description of the proposal; an environmental planning assessment; and a conclusion.







**Figure 2: Nos. 548-552 Pacific Highway, St Leonards**



**Figure 3: Looking West down Christie Lane (Nos. 548-550 Pacific Hwy)**



**Figure 4: Looking East down Christie Lane (No. 552 Pacific Hwy)**



## 2.2 Surrounding Development

The site is located on the southern side of the St Leonards Commercial Centre with a frontage to the Pacific Highway and is identified as being within the Christie Precinct of the Lane Cove Development Control Plan (DCP) 2010. The DCP describes the precinct as one of four key blocks that comprise the St Leonards Key Precinct. The block is bound by the Pacific Highway to the north, Christie Street to the east and Lithgow Street to the west. The DCP describes the future desired character as a diverse range of residential, commercial and retail land uses within close proximity of public transport.

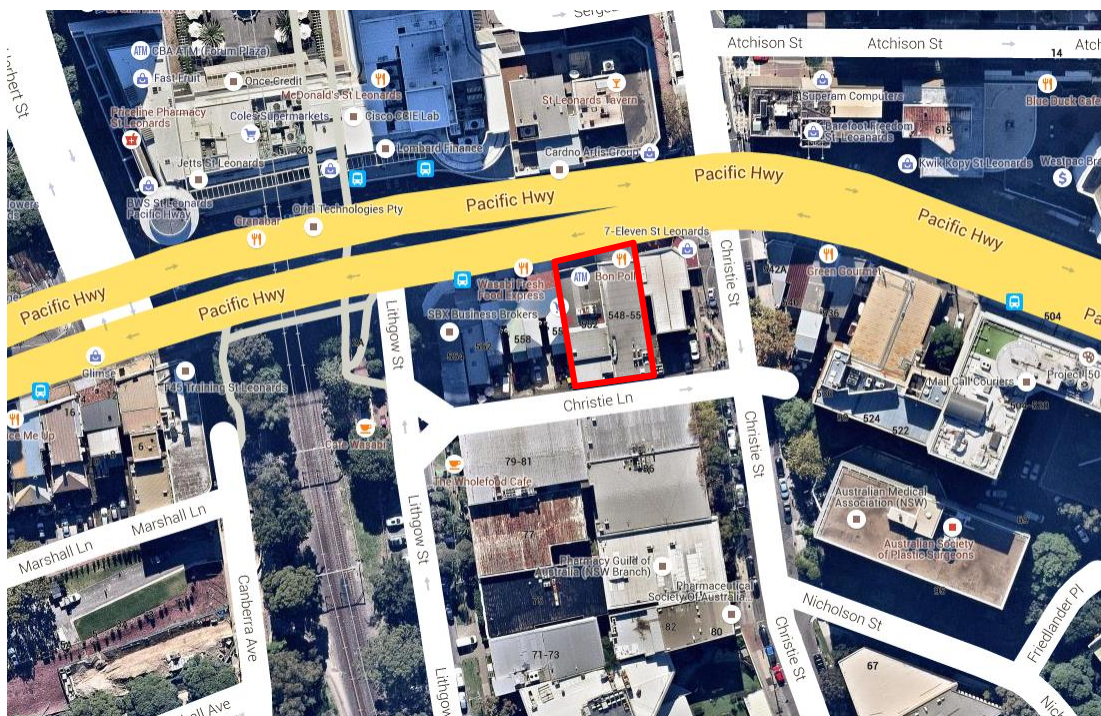
Development within the Pacific Highway streetscape is comprised of a range of commercial, mixed use and shop-top development that present active frontages at street level. The Pacific Highway is a Classified Road in accordance with the Roads and Maritime Services (RMS) schedule.

The subject site also has a frontage to Christie Lane. Christie Lane is a narrow roadway that provides access for service vehicles to the rear of the business and retail premises within the block.

Development in the vicinity of the site consists of fine grain single lot development that is constructed to side boundaries, providing a characteristic sense of enclosure.

The subject site is located approximately 100m from St Leonards Railway station. There are regular train services to the Sydney CBD, North Sydney and Chatswood Centres. The site is located within close proximity to bus stops on the Pacific Highway that provide services west and eastbound seven days a week. Bus routes 140, 143, 144, 200, 252, 254, 265, 286, 287, 290, 602X, 612X, 622, 653 and M20 provide access to Sydney CBD, Manly, Botany, Bondi Junction and Mosman.

An aerial photograph of the subject site identifying the adjoining properties is provided in Figure 5.



**Figure 5: Aerial Photograph of the site and surrounds**

Adjoining the site to the east is a two storey corner shop top development with frontages to both Christie Street and the Pacific Highway (see Figure 6). To the west of the site are 4 shop top buildings that form



a row of 2 storey buildings fronting onto the highway. Currently, two of these are vacant while the others are comprised of a diverse mix of businesses, food shops and retail premises (see Figure 7). Figure 8 shows the land the subject of the Winten Planning Proposal which is directly south of the subject site across Christie Lane (for more details on the Winten Planning Proposal site see the 'Background' section of this Statement).



**Figure 6: The corner of Christie St and Pacific Highway**



**Figure 7: The subject site is part of a row of commercial shop top development**



**Figure 8: The Winten Planning Proposal Site south of the site**



To the north of the site, on the opposite side of the Pacific Highway, is 655-657 Pacific Highway and The Forum. These buildings form an 8-9 storey row of commercial premises that have a nil setback to the Highway (see Figure 9). The buildings on the northern side of the Pacific Highway have ground floor retail and food shops that activate the street front. The Forum building is constructed over the St Leonards railway station and is comprised of 3 commercial office buildings and 2 residential towers. There is also a supermarket and a variety of food and retail shops within the buildings.



**Figure 9: The Forum and Nos 655-657 Pacific Highway opposite the subject site on the Pacific Highway**

To the east of Christie Street is a small row of shop top developments that include commercial shops and businesses (see Figure 10). Further along the highway are a number of towers and mixed use developments under construction or being promoted for redevelopment.



**Figure 10: Nos 530-542 Pacific Highway (development on corner of Christie Street)**

### **3 DESCRIPTION OF THE PROPOSAL**

#### **3.1 Background**

##### **3.1.1 Potential LEP and DCP Amendments**

The proposed development has been designed with the knowledge of the current application for a Planning Proposal and potential redevelopment of the property located directly south of the subject site, across Christie Lane. The redevelopment is an amalgamation of 5 lots located at 75-79 Lithgow Street and 84-90 Christie Street, St Leonards and is referred to as the Winten Planning Proposal site (labelled as 'Site A' in the proposed draft DCP).

The amalgamated site is owned by the Winten Property Group (Stuva Pty Ltd). The site (excluding No.84 Christie Street) was the subject of a deferred commencement Development Consent D224/11 for an 18 storey commercial building issued by the Joint Regional Planning Panel in August 2012.

An application for a Planning Proposal to amend the Lane Cove Local Environmental Plan 2009 has been submitted for the site. The application seeks to:

- rezone the land from Zone B3 Commercial Core to Zone B4 Mixed Use;
- to increase the height of buildings control from 65m to 224m; and
- to increase the floor space ratio (FSR) control from 14.1:1 to 18.6:1 (including a .1:1 design excellence bonus)

The application for a Planning Proposal (referred to by Council as Planning Proposal 20) identifies the precinct as the last potential site for revitalisation in an ageing precinct. This is demonstrated by the scale of redevelopment in comparison to the original buildings on and surrounding the subject site as shown in the photograph in Figure 11.

The Council considered the application for a Planning Proposal on 20 April 2015 and resolved to forward the proposal to the Gateway process with recommendations for a FSR of 17.6:1 and lowering the building height accordingly. The proposed FSR of 17.6:1 includes two bonuses being a 2:1 if the redevelopment scheme provides a supermarket of 3,000m<sup>2</sup> floor space and 300 public parking spaces and a 1.6:1 bonus if the redevelopment scheme amalgamates No.546-564 Princes Highway (which includes the subject site).

The Gateway determination was issued on 21 October 2015 supporting Council's resolution with a requirement for additional information addressing potential economic impacts and investigating options for avoiding the potential loss of commercial floor space.

The Planning Proposal is yet to be publicly exhibited.





**Figure 11: Extract from Page 12 of the application for a Planning Proposal for the Winten Site showing St Leonards Commercial Centre built form**

Council's Ordinary Meeting Agenda of 21 March 2016 included an item on a draft DCP to be considered by Council in conjunction with the Planning Proposal for the Winten site. The Agenda Item provides the following description of the site to be subject to the draft DCP:

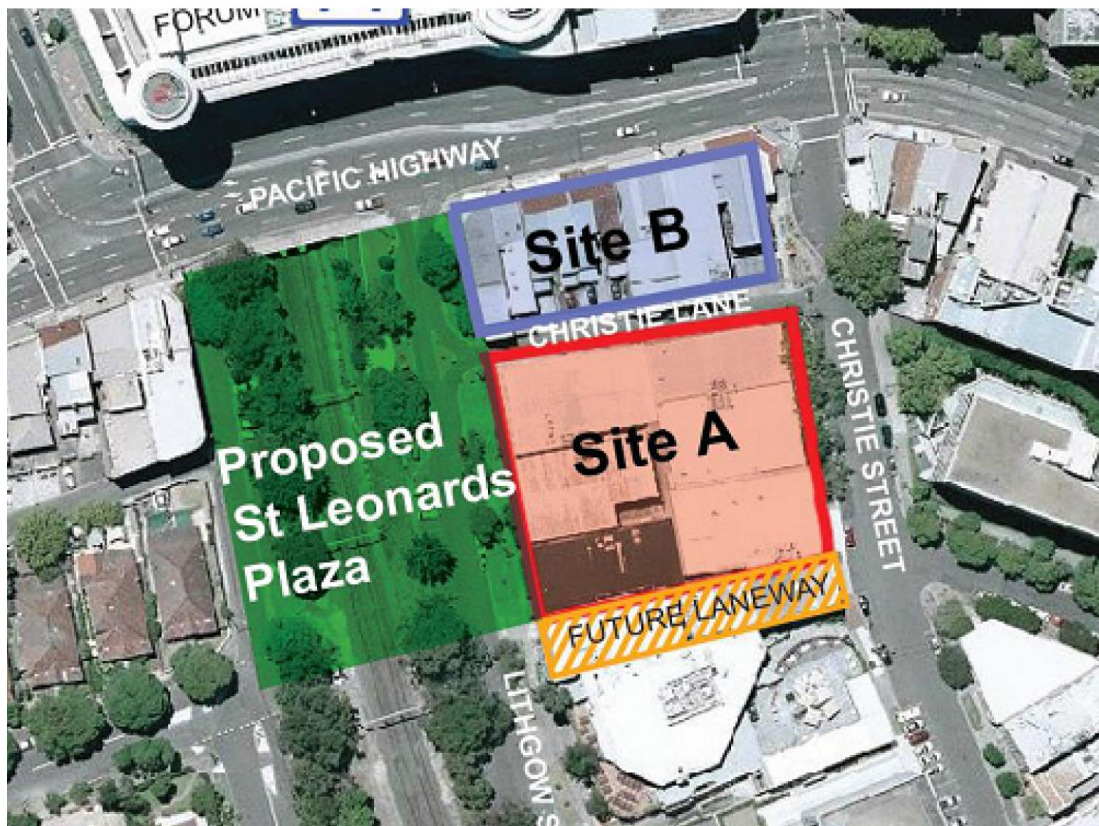
*"The precinct comprises two (2) areas:*

- Site A (southern area) is bounded by Lithgow, St, Christie St, Christie Lane and the boundary with 82 Christie St and 73 Lithgow St to the south; and*
- Site B (northern area) comprises the eight lots bounded by Pacific Hwy, Lithgow St, Christie St and Christie Lane.*

*Site A, the principal site, would be redeveloped with two towers: the western tower of 20 - 29 storeys, fronting the proposed St Leonards Rail Plaza, and the eastern tower, of forty four storeys approximately (the same level as 500 Pacific Hwy).*

Figure 12 is an extract from the Council Agenda Item regarding the proposed DCP and indicates Sites A and B as described. The site the subject of this Statement of Environmental Effects is within Site B.





**Figure 12: Land to which the draft DCP is to apply**

Key points of the Draft DCP relate to façade articulation, setbacks and separation along Christie Lane, promoting activation and pedestrian linkage, public domain improvements and commercial redevelopment.

At its Ordinary Meeting of 21 March 2016 Council also resolved to enter into negotiations for a Voluntary Planning Agreement (VPA) ancillary to the redevelopment and uplift anticipated from the application for a Planning Proposal for the Winten site. Matters listed in the Council agenda item for inclusion in the VPA were:

- Monetary contributions towards works for the St Leonards Plaza and bus interchange;
- Monetary contributions towards a 1,000m<sup>2</sup> public library, embellishment of Christie Lane and construction and dedication of a new east-west public road;
- A 4m articulation zone at the interface between the public open space of St Leonards Plaza and Site A;
- 300 space public car park;
- 3,000m<sup>2</sup> supermarket; and
- A new 10 storey commercial building with frontage to the Pacific Highway (on Site B) to be constructed at the same time as the redevelopment of Site A which would confer a bonus FSR for the overall site of 1.6:1.

The application for a Planning Proposal, the draft DCP and a draft VPA are intended to be publicly exhibited concurrently.

For the purpose of this development application for No.548-552 Pacific Highway, the architectural plans and this Statement of Environmental Effects have taken into consideration both the existing statutory controls and the potential Draft LEP and DCP provisions.

### **3.1.2 Pre-lodgement Discussions**

The applicant met with strategic planning staff of Lane Cove Council on 4 May 2016 for an informal meeting to discuss the potential proposal with relation to its impact to the subject site. Council staff provided verbal feedback which has been taken into consideration in preparing this application.

### **3.2 Proposed Building**

This application seeks consent to demolish the two existing 2 storey commercial buildings to enable the construction of a 14 storey commercial hotel development over basement parking. The development has been designed to maximise the active street frontage to the Pacific Highway and provide a secondary interface with the rear laneway. The footprint and massing of the site is in accordance with the DCP's intended future character of the area, which seeks to provide high quality tower forms with appropriate separation across Christie Lane.

The proposed hotel development will comprise a ground floor hotel lobby fronting onto the Pacific Highway with its main entry flowing on from a covered colonnade area. The hotel lobby is comprised of a staff and reception area, guest WC, storage space and lift and stair access to all levels above and basement levels below.

Pedestrian access to the building is gained via the main entrance on the Pacific Highway and from the rear of the building via Christie Lane. The Pacific Highway frontage includes a continuous awning designed in accordance with Council's DCP to provide a high level of amenity for pedestrians along the public domain as well as for the movement of guests between the lobby and the footpath.

The hotel has a total of 194 guest rooms, 16 of which are accessible. Levels 1 to 4 contain 17 rooms at each level and Levels 5 to 13 contain 14 rooms at each level. Internal light wells have been located on either side of the central core of the building and shall contain permeable louvre screens at the boundaries. Rooms are oriented towards either the street frontages or the internal light wells to assist with ventilation and natural light. The void areas (light wells) contain landscaping at the first floor with plants to grow to the mid-levels as shown in the submitted landscape plans.

Vehicular access via Christie Lane extends to a guest drop off zone and basement access point. The basement provides 4 levels of parking for 49 vehicles in total, 6 of which are accessible. The basement also contains hotel storage, service areas and lift access to the levels above.

The basement has been designed to enable a connection to a future basement within the adjacent site to the east. Should the neighbouring site to the east be redeveloped and a basement car park envisioned, this proposal would allow the use of the proposed combined vehicle access and egress point in Christie Lane to a basement extending across the eastern side boundary into the neighbouring site. The design of the vehicle access/egress and basement parking is discussed in detail in the Traffic Report submitted with this Development Application.

A roof top terrace is proposed for the hotel with a pool and landscaped area on the southern half of the roof. The following image shows the proposed external appearance of the building as viewed from the Pacific Highway.

It is anticipated that the hotel will have a 3 to 4 star rating with operational details including number of staff and deliveries to and from the premises yet to be finalised. Advertising and business identification signs will be subject to a separate development application.



**Figure 13: Proposed Pacific Highway Frontage**

Table 1 below summarises the overall development data of the proposal

TABLE 1: PROJECT DATA	
Site Area	602m <sup>2</sup>
Gross floor area	6,083.19m <sup>2</sup>
Proposed FSR:	10.1:1
Height of building	Maximum RL of 130.146 AHD
Number of Guest Rooms	194
Car Parking	49 spaces

Source: MD+A Architects, June 2016



## **4 ENVIRONMENTAL PLANNING ASSESSMENT**

### **4.1 Preamble**

This section of the Statement provides a planning assessment of the proposed development covering all relevant heads of consideration under Section 79C of the EP&A Act, 1979.

### **4.2 Statutory and Policy Compliance**

The relevant matters for consideration under Section 79C(1)(a) of the EP&A Act, 1979, are identified in the following Table:

<b>TABLE 2: SECTION 79C MATTERS FOR CONSIDERATION</b>				
<b>EP &amp; A Act, 1979.</b>	<b>Matters for Consideration</b>	<b>OK</b>	<b>See Comments</b>	<b>N/A</b>
S.79C(1)(a)(i)	SEPP No.55 – Remediation of Land	✓	✓	
"	SEPP (Infrastructure) 2007	✓	✓	
"	Lane Cove LEP 2009	✓	✓	
S.79C(1)(a)(iii)	Lane Cove DCP 2010	✓	✓	
	Lane Cove DRAFT DCP 2016	✓	✓	
S.79C(1)(a)(iv)	Any other prescribed matter: • AS 2601-1991: Demolition of structures.	✓		

The matters identified in the above Table as requiring specific comment are discussed below. The primary statutory document that relates to the subject site and the proposed development is the *Lane Cove Local Environmental Plan 2009 (LEP 2009)*. The primary non-statutory plan relating to the subject site and proposed development is *Lane Cove Development Control Plan (DCP 2010)*. The relevant provisions of these documents and other relevant planning controls are summarised below and the proposal's compliance with them assessed.

As discussed in the Background section of this Statement, Council has resolved to publicly exhibit a draft LEP, draft DCP and proposed VPA parts of which apply to the subject site. These documents have not yet been publicly exhibited and therefore are not required to be considered in accordance with Section 79C(1) to the EP&A Act, 1979. However, these proposed documents have been included in the information discussed in this Statement as they are of relevance in considering the future planning context and controls which may apply to the site and nearby land.

#### **4.2.1 SEPP No.55 – Remediation of Land**

This State Environmental Planning Policy (SEPP) was gazetted on 21 December 2007 and applies to the whole State. It introduces planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected.

The subject site is currently occupied by commercial and retail shops which are not uses that are likely to result in soil contamination. The basement footprint of the proposal will occupy the majority of the site and the required excavation will remove a large quantity of soil from the site that will be disposed of in accordance with the relevant legislation and Australian Standards. The proposal will not result in human exposure to soils or contaminants in the future.

There is no reason to suspect that the site would be contaminated land or that contamination is present which would prevent the proposed development. Therefore the requirements of the SEPP are satisfied and the site is considered suitable for the proposed use.

#### 4.2.2 SEPP (Infrastructure) 2007

This State Environmental Planning Policy (SEPP) was gazetted on 28 August 1989 and applies to the whole state. Specifically, Clause 101 relates to development with frontage to a classified road, stating that a consent authority must not grant consent to a development on land that has frontage to a classified road unless it's satisfied that:

- “(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
  - (i) the design of the vehicular access to the land, or*
  - (ii) the emission of smoke or dust from the development, or*
  - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.”*

The subject site has a frontage to the Pacific Highway which is classified by the RMS as a State Road. Vehicular access to the site will be via Christie Lane. As detailed in the submitted Traffic and Parking assessment by *Terraffic*, the proposed development will result in a minor increase in traffic movements in comparison to the existing commercial uses on the site. The Traffic and Parking Assessment concludes as follows:

##### **Potential Traffic Generating of the Proposed Hotel**

While the Roads and Maritime Services (RMS) publication *Guide to Traffic Generating Developments* (October 2002) specifies a traffic generation rate of 0.4 vehicle trips per unit for motels, the Guidelines do not provide any traffic generation rates for Tourist Hotels. Application of the motel rate to the proposal would yield a traffic generation in the order of 78 vehicle trips per hour (vtph) with the majority of those being guest vehicles. As the proposal only has 44 guest parking spaces, it can be appreciated that the motel rate is excessive and not relevant to the proposal.

Arrival and departure characteristics for tourist hotels can be quite sporadic with guests generally arriving between say 3pm-7pm and departing 6am-10am. If it was to be assumed that all 44 spaces were to be occupied overnight, there would be on average approximately 11 vehicles accessing the site per hour as follows:

Morning departure (6am-10am)	44 guest vehicles / 4 hours	11 vehicle trips per hour (vtph)
Evening arrival (3pm-7pm)	44 guest vehicles / 4 hours	11 vehicle trips per hour (vtph)

When including the 2 staff vehicles that have been provided parking in the basement, the traffic generation of the proposed hotel could potentially be in the order of 13vtph as follows:

Morning Peak	11 guest vehicles departing + 2 staff vehicles entering =	13vtph
Evening Peak	11 guest vehicles arriving + 2 staff vehicles exiting =	13vtph

##### **Traffic Impacts of Proposed Development**

It will be readily appreciated that the additional traffic generated by the proposed development is relatively minor (10vtph) which will not have any noticeable or unacceptable effect on the road network serving the site in terms of road network capacity or traffic-related environmental effect. In the circumstances, it can be concluded that the proposed development has no unacceptable traffic implications.

The proposal is therefore compliant with the requirements of Parts (a) and (b) to Clause 101 of the ISEPP.

The proposal is a commercial land use. Acoustic controls for internal amenity can be achieved through construction methods and materials the details of which are to be provided with a Construction Certificate. The proposal can comply with Clause 101(c) to the ISEPP.

Clause 104 of the SEPP (Infrastructure) 2007 relates to traffic-generating development. The proposed development is not listed in Schedule 3 of the SEPP. As such, the proposal is not a traffic generating development requiring referral to the NSW Roads & Maritime Services for assessment.

#### **4.2.3 Lane Cove Local Environmental Plan 2009**

The *Lane Cove Local Environmental Plan 2009* (LCLEP 2009) applies to the subject site. Under the LCLEP 2009 the subject site is within *Zone B3 Commercial Core*. The proposed development fits the definition of *hotel or motel accommodation* and is permissible with development consent.

Provided at Annexure A is a compliance table that identifies the relevant provisions of the LEP and assesses the proposal's compliance. As indicated, the proposal is compliant with the relevant provisions with the exception of a variation to the maximum building height control. In this respect, a Clause 4.6 Variation request is provided at Annexure B.

#### **4.2.4 Lane Cove Development Control Plan 2009**

The Lane Cove Development Control Plan 2009 (LCDCP 2009) applies to the subject site and to the proposed development. The provisions of the DCP that apply to the proposal are listed in a compliance table in Annexure C. The proposed development complies with the majority of the applicable LCDCP 2009 provisions but seeks departure from the tower setback DCP provision. Justification for the proposed variation is provided below. The proposed variation to the tower setback provision is considered to be relatively minor and supportable on-merit. The tower setback provision is also anticipated to be superseded by the proposed Draft DCP the subject of Council's Resolution on 21 March 2016.

In accordance with Section 79C(3A) of the Environmental Planning & Assessment Act, 1979, a consent authority is to consider DCP variations on merit, as outlined below:

*“(3A) Development Control Plans*

*If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:*

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*
- (c) may consider those provisions only in connection with the assessment of that development application.”*

The variation to the tower setback requirement is proposed as a reasonable alternative solution to the DCP setback requirement and achieves the objectives of the requirement as explained below.



The current DCP control requires a front setback of 5m at ground floor level and 6m above the podium combined with a 4m deep colonnade at the ground and first floor levels.

The proposed development has a ground floor colonnade and front setback at ground floor level of 5m. Levels 1 to 5 inclusive are to have a setback from the front boundary between nil and 0.5m. Levels 6 to 14 are proposed to have a front setback of 3.5m to 4m.

The proposal is compliant with the setback requirements of the proposed Draft DCP as demonstrated in the compliance table in Annexure D. The 3.5m to 4m tower setback is also consistent with advice provided from Council during the pre-lodgement discussion.

Part D4 to the current DCP requires colonnades along the Pacific Highway at St Leonards with the depth and height to *“be sufficient 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”*. Part D4 also requires the provision of *“footpath and public domain upgrades, including landscaping, to Council’s specifications as part of the development. A minimum of 4m wide footpath is to be provided from the property boundary for the southern side of Pacific Highway”*.

The 5m ground floor setback and single storey colonnade complies with the DCP requirements in that bench seating is proposed beneath the colonnade integrates with planter beds and clear movement paths for pedestrians passing by or entering and leaving the hotel. The proposal includes an awning with planting which will extend over the existing footpath to further enhance pedestrian amenity. Combining the area of the existing footpath beneath the awning with the colonnade will result in a much improved public domain space across the full frontage of the hotel in a manner which meets the objectives of the current and proposed DCP as well as meets the numeric requirements of the proposed DCP.

The objectives relating to tower elements in St Leonards are listed in Part D4 to the DCP and include the following:

- *“To balance the built form character and massing across both sides of the Highway and improve the amenity of southern St. Leonards adjacent to the rail line;*
- *To activate the streets and public open spaces of the St Leonards centre and achieve an appropriate human scale to the streetscapes;*
- *To mitigate the acoustic and visual impacts of the rail line and traffic movement on the highway;*
- *To achieve ‘slimline towers in the round’ and avoid continuous secondary street walls above podium levels; and*
- *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.”*

The proposed nil to 0.5m front setback of the five storey podium and the 3.5m to 4m setback of the tower is not inconsistent with the above objectives. The built form and massing of towers on the northern side of the Pacific Highway opposite the site is characterised by buildings which have no distinction between podium and tower and have a continuous street wall (see Figure 9). The proposal reflects elements of both the existing streetscape on the northern side of the highway and the built form intended to be achieved with the proposed DCP controls. The five storey podium is enhanced by the provision of an awning over the footpath which is consistent with the buildings on the northern side of the highway and the majority of the frontage is an activated space with glazing and clear lines of sight and activity between the hotel foyer and the adjoining footpath. Acoustic attenuation can be achieved through appropriate materials and construction methods to be detailed with the Construction Certificate. The Wind Impact Assessment submitted with the application demonstrates that the podium and tower

setbacks will not contribute detrimentally to wind tunnel effects along the highway. For these reasons the proposed front setbacks are consistent with the relevant objectives of the DCP and variations are considered reasonable in the circumstances.

#### **4.2.5 Proposed amendment to Lane Cove Development Control Plan 2016**

As detailed in the Background section of this Statement, Council has resolved to publicly exhibit an amendment to the DCP in conjunction with Planning Proposal 20 and the associated VPA. The proposed DCP contains site-specific provisions appropriate to the anticipated redevelopment in the Christie Precinct. Provided at Annexure D is a compliance table that identifies the relevant proposed provisions and assesses the proposal in relation to the proposed DCP amendment. The proposal is compliant with the proposed DCP amendments.

### **4.3 Impacts on Natural & Built Environment**

#### **4.3.1 Topography & Scenic Impacts**

The proposed development relates well to the slope of the site. The vehicle access point is compatible with the grades and levels of Christie Lane and takes advantage of the service role of the laneway and preserves the continuous active frontage along the Pacific Highway. The basement levels are compliant with Australian Standards AS2890 for the safe movement of vehicles within the basement. The pedestrian entry points from the Pacific Highway frontage and from Christie Lane are universally accessible.

The basement excavation represents an efficient use of the site for the provision of parking and ancillary features required to support the operation of the hotel without adding to the overall bulk of the building.

In relation to scenic impacts, the proposed building scale will be compatible with the existing built form of the St Leonards Commercial Centre and will also be compatible with the anticipated scale of development proposed by the LEP and DCP amendments supported by Council for the Christie Precinct.

The proposal has a contemporary aesthetic and will not result in any adverse scenic impacts to the streetscape. The ground floor lobby on the Pacific Highway frontage will create an active street presence. A secondary pedestrian access and vehicle access and egress in Christie Lane will also activate the laneway in an appropriate manner which will not compromise the function of the lane as a shared service route for nearby properties. The upper levels of the hotel will contain accommodation rooms oriented to both street frontages and, combined with the articulation of the building facades, will have a positive impact on the streetscape quality of the highway and Christie Lane.

Accordingly, the impact of the proposed development on the topography of the locality and its scenic impact are considered to be appropriate and reasonable.

#### **4.3.2 Micro-climate Impacts**

The proposed development will have no unreasonable impact on the micro-climate of the locality. The shadow to be cast onto surrounding properties by the building is consistent with the anticipated shadow impacts of a high density mixed use environment. The site coverage is unchanged.

Wind Effects are discussed in detail in the Wind Effects Report prepared by Windtech submitted with this application. Importantly, as indicated in the Wind Effects Report the proposal will increase provision of dense planting along the edges of the rooftop terrace in order to mitigate the wind within the rooftop open space. In this regard, the Wind Effects Report concludes that:

*"The results of the study indicate that wind conditions for the vast majority of the trafficable outdoor areas associated with satisfy the target criteria without the need for ameliorative treatments. However, the results of the study indicates the west facing portion of the rooftop terrace, represented by study point 12, is exposed to adverse wind conditions from the southerly direction and will exceed the target wind comfort criteria. It is expected the wind conditions can be further enhanced with the inclusion of densely foliating planting such as shrubs or hedges capable of growing to a height of 2m within the proposed planters along the western and southern perimeter of the rooftop terrace as indicated in Figure 7.*

*With the inclusion of the recommended densely foliating planting along the rooftop terrace into the final design of the development, it is expected that all outdoor trafficable areas within and around the subject development will be suitable for their intended uses.*

*Note the densely foliating planting is recommended to be of an evergreen species to ensure their effectiveness in wind mitigation throughout the year. Furthermore, the proposed brissoleil awnings are considered important factors in improving wind conditions within the various trafficable outdoor areas associated with the development; hence they are recommended to be retained in the final design of the development."*

#### **4.3.3 Water & Air Quality Impacts**

The proposed development will have no significant impact on air or water quality in the locality. Sewer and water connections of the existing development will be maintained and augmented as required.

Concept Stormwater Management Plans prepared by Envirotech have been submitted as part of this application. Further details of stormwater management and Hydraulic plans will be submitted with a Construction Certificate.

#### **4.3.4 Flora & Fauna Impact**

The subject site is devoid of any vegetation or landscaping due to its pre-existing commercial land use and location within the St Leonards Commercial Core. Therefore, the proposal will have no detrimental impact on the local biodiversity and landscape quality of the area. The proposal includes landscaping above the awning to the Pacific Highway which will be effective in aesthetic enhancement of the streetscape.

#### **4.3.5 External Appearance & Design**

The appearance of the site will be dramatically altered being that of a 2 storey shop-top development to a 14 storey hotel tower development. The presentation of the site from the street will be that of an architecturally designed tower offering a commercial development with a design complementary to the desired future character of the area.

Consistent with the applicable planning controls, the proposal seeks to create a building that defines both street edges and includes an active commercial interface at ground level. The building form consists of a 5 storey podium below a 9 storey tower. Key design features include the rooftop terrace and two central light wells along the sides of the building. The light and ventilation wells extend down the sides of the building and will create good levels of internal amenity as well as provide opportunities

for future neighbouring development to take advantage of the light and ventilation opportunities. A photomontage is provided below.



**Figure 14: Photomontage of Proposed Hotel Development**

#### **4.3.6 Relationship to Neighbouring Properties**

The locality is anticipated to undergo a substantial change from low density commercial to high density mixed use development as proposed by Planning Proposal 20 and the proposed DCP. The intensification of use and density of development raises the need to consider privacy, overshadowing and streetscape presentation in a new context. This proposal appropriately responds to the anticipated new built form and density accordingly.

##### **Solar Access**

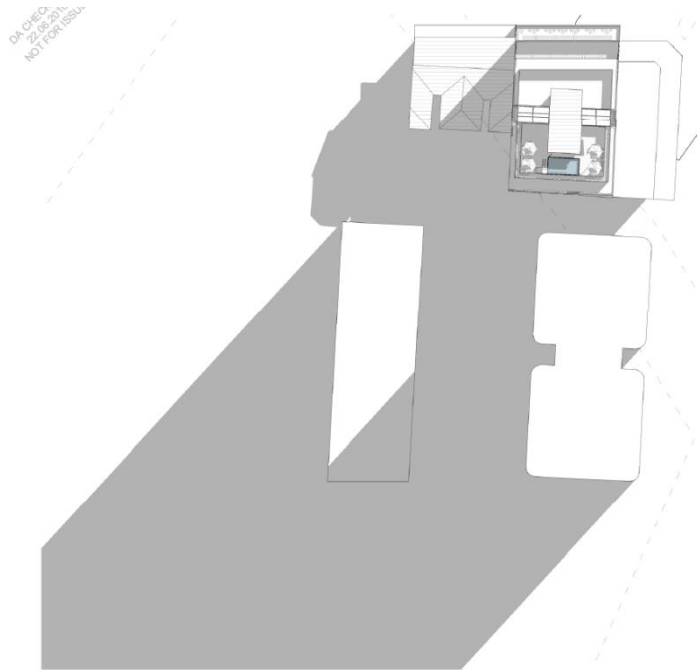
Shadow diagrams of the proposed building envelope on the site have been prepared and are submitted with the development application. These shadow diagrams have been prepared for 9am, 12 noon and 3pm in midwinter (21 June).

It is noted that the proposed development is currently adjoined by commercial type development rather than residential dwellings. It is noted that the proposal complies with the FSR and



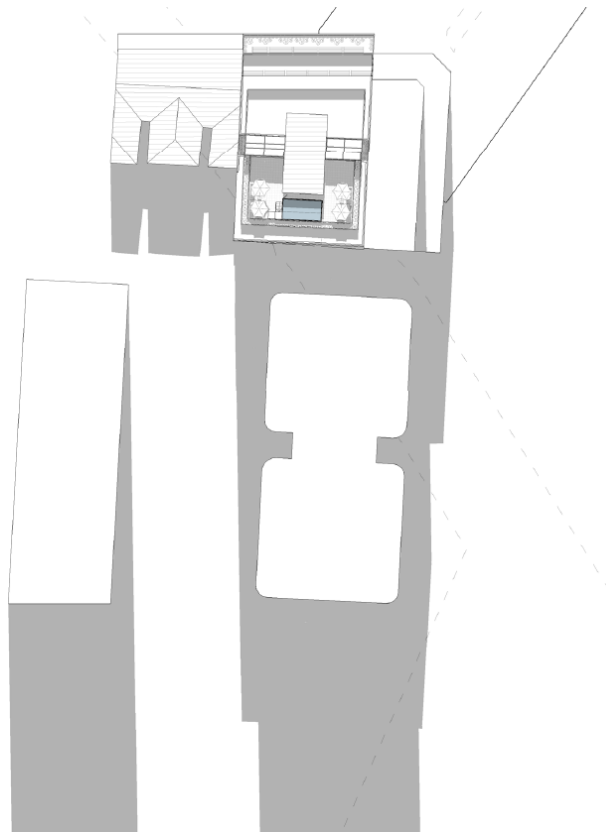
generally complies with the anticipated setback requirements and as such the level of overshadowing is consistent with the form of development expected at the site.

At 9.00am during mid-winter, the adjoining and nearby development affected by the proposal are those located to the south-west and south of the site (see Figure 15). This shadowing is confined to the morning during mid-winter for the properties located at Nos. 552- 554 Pacific Highway and 79 Lithgow Street, with no overshadowing of these properties from 11am.



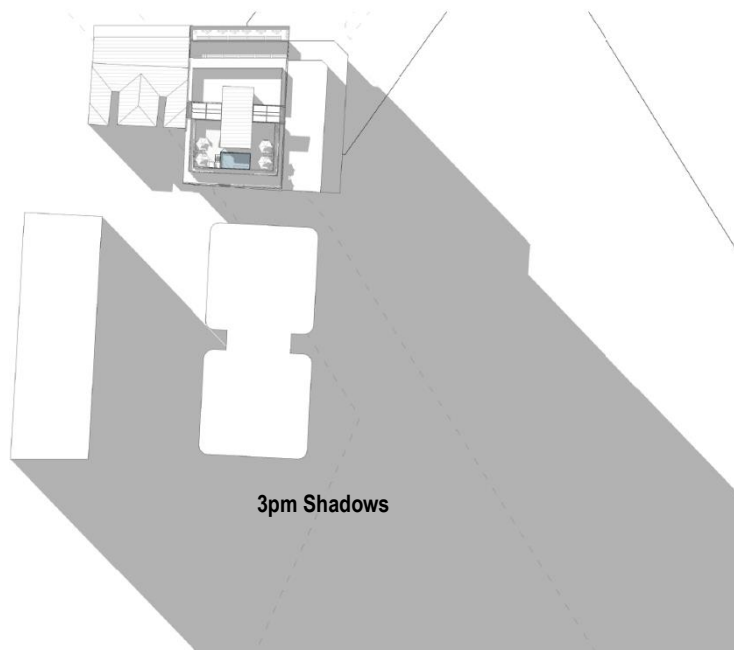
**Figure 15: Shadow cast by the proposal at 9.00am during mid-winter**

At 12.00 noon (Figure 16), shadow cast by the proposal is limited to the adjoining southern property at 88 Christie Street with the majority of the north facing windows in shade.



**Figure 16: Shadow cast by the proposal at 12.00 noon during mid-winter**

At 3.00pm shadow impacts (Figure 17) have moved to the east such that the laneway and rear of the adjoining row of shop-top developments receive solar access.



**Figure 17: Shadow cast by the proposal at 3.00pm during mid-winter**

Therefore, the proposal will result in increased shadows which are consistent with public expectations by virtue of compliance with the FSR standard as well as general compliance with the anticipated setback controls at the site.

The shadow impacts are consistent with what could reasonably be expected and allow for suitable sunlight to the adjoining properties during either the morning or afternoon periods during mid-winter.

When considered in conjunction with the topography of the locality and the anticipated form of future development in accordance with Planning Proposal 20 and the proposed DCP, the shadow to be cast by the proposal will not be unreasonably detrimental to the public domain, future areas of public open space and likely shop top housing on sites to the south of Christie Lane.

### **Views**

St Leonards commercial centre is located on a locally elevated area and there are outlooks towards the Lane Cove River and Sydney Harbour from the upper levels of buildings in the immediate vicinity of the site. The proposal is of a scale and form reasonably expected at the site and will not result in any significant or unreasonable view loss impacts.

### **Aural & Visual Privacy**

The proposed development has been designed to minimise as far as practicable, the likelihood of any adverse impacts on aural or visual privacy on neighbouring properties. Due to the proposed development's frontage to the Pacific Highway a Road Traffic Noise Assessment report was prepared by Noise and Sound Services, which concluded that:

*"Noise and vibration from road traffic movements using the Pacific Highway has been measured in the vicinity of 548-552 Pacific Highway, St Leonards, NSW 2065. The measurements have been used to predict internal noise levels for the proposed 221 hotel room development. No exceedances of the internal noise or vibration levels are predicted. This is providing that the recommendation details shown in Section 6 above are fully complied with. Mechanical ventilation (e.g. internal wall-mounted air ventilators) or air conditioning is required."*

It is not considered likely to result in any detrimental noise or privacy related amenity impacts beyond that which is reasonably anticipated and acceptable within the immediate commercial centre.

## **4.4 Economic & Social Impacts**

The proposed development will result in an increase in visitor and tourist accommodation in the locality by the provision of a high quality hotel development, which will also enhance the level of commercial activity and diversity in St Leonards. The subject site enjoys good access to a range of commercial and business services, community facilities and public transport routes.

The proposed development will utilise existing infrastructure including electricity, sewer, water and telecommunication services.

Undertaking the demolition and construction works will have some short-term positive economic impacts through employment generation, both direct employment and multiplier effects. Accordingly, it is considered that the proposed development is likely to have only positive social and economic impacts in the locality.

## **4.5 The Suitability of the Site**

### **Access to Services**

The site is located within an established commercial area with good access to services and public transport. St Leonards Railway Station is within 100m from the subject site, providing regular rail service to Sydney, the airport and regional links. Regular bus services operate on the Pacific Highway.

As the site is within an established urban area, electricity, sewer, telephone, and water services are readily available to the subject site.

### **Accessibility**

An Access Report prepared by Murrow Consulting is submitted with the application which assesses the proposal against the provisions of the Australian Standards AS1428 (disability access). The report concludes that the proposal is consistent with the relevant provisions.

### **Traffic Generation and Parking**

A Traffic and Parking Assessment Report has been prepared by Terraffic and considers the likely traffic and parking impacts generated by the proposal. Please refer to the Traffic and Parking Assessment submitted separately with this application and Section 4.2.2 of this statement.

### **Building Code of Australia**

A BCA Report prepared by Private Certifiers Australia (PCA) is submitted with this application. It identifies the building as a class 3 and 7a building under the BCA. Assessment of the proposal against the BCA provisions demonstrates the need to obtain alternative solutions to meet the performance criteria for some BCA provisions. Alternative solutions are required in relation to fire exit travel distances, and fire stair design. It is recommended that a fire engineer be engaged to provide resolutions with further detail to be provided with a Construction Certificate. Refer to the submitted report for further details.

### **Geotechnical**

A covering report prepared by Crozier Geotech identifies the likely geotechnical conditions of the site. Deep excavation can be expected to extend into weathered shale bedrock across the site. The Crozier Geotechnical Report accompanies this Statement and concludes as follows:

*"The site appears to be underlain by shallow fill and residual clay overlying weathered shale bedrock with sandstone bedrock expected below the shale. The inspection did not identify any obvious existing geotechnical hazards or issues at the site.*

*The proposed works involve a deep excavation which will extend through weathered shale bedrock within the upper portion with medium to high strength sandstone bedrock expected in the lower portion of the excavation. The excavation will extend right to site boundaries where public walkways/footpaths exist and adjoining buildings therefore excavation support is critical. There is also the potential for vibration damage to adjacent structures during excavation of bedrock. Therefore it is recommended that further geotechnical investigation, including a minimum of 4 cored boreholes be undertaken to below basement level to assess bedrock characteristics for excavation stability and footing design. Regular geotechnical inspection of the bedrock excavation is also required to assess bedrock conditions and allow installation of support as required.*

*Provided appropriate construction methods are used and the recommendations of this report are adhered to, as well as further geotechnical investigation being carried out prior to construction commencing, the development can be achieved without adverse impact on the site or surrounding areas. However, this will require vibration monitoring and/or onsite calibration as well as ongoing geotechnical supervision of the excavation works including regular site inspections to identify any concerns before problems develop."*



### **Hazards**

The site is not in an area recognised by Council as being subject to landslip, flooding or bushfire or any other particular hazards. The proposed future development is not likely to increase the likelihood of such hazards occurring and is considered appropriate in this instance.

### **4.6 The Public Interest**

The proposed development has been designed to relate to the size, shape and context of the site and has been designed in accordance with the desired future character for development in the area. The proposal will provide high quality hotel tourist accommodation and introduce additional commercial floor area to the St Leonards centre as encouraged by the applicable planning controls.

The proposal has been designed to minimise as far as practicable any adverse effects on existing and future neighbouring properties. The proposal is consistent with the applicable LEP, DCP and Draft DCP provisions except where identified and justified in this Statement. Accordingly, the proposed development is considered to be in the public interest.

## **5 CONCLUSION**

The proposed development has been assessed in light of Section 79C of the *Environmental Planning & Assessment Act, 1979*, relevant State Environmental Planning Policies and Council's planning instruments.

The proposal is permissible with Council's consent within the zone and meets the relevant requirements of the Lane Cove LEP 2009, with the exception of a minor variation to building height. The proposed development complies with the applicable built form provisions of Council's proposed DCP.

The siting, design and external appearance of the proposal is considered to be appropriate and consistent with the desired future character of the locality. The proposal is not likely to result in any unreasonable loss of privacy to any adjoining or nearby residents and will offer high levels of amenity for guests.

The completed development will have no unreasonable impact on solar access to the adjoining commercially-zoned properties, nor will the proposal change the topography, micro-climate, air or water quality of the locality.

Undertaking the construction works will have some short-term positive economic impacts through employment generation, both direct employment and multiplier effects. The proposal will result in a minor increase in traffic generation but will not have a noticeable impact to the existing road network serving the site.

The proposal will have a generally acceptable impact on both the environment and the amenity of the locality. Accordingly, in the circumstances of the case, the proposal is considered to be in the public interest and worthy of Council's support.



## ANNEXURE A

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Lane Cove Local Environmental Plan 2009

Compliance Table



Lane Cove LEP 2009 - Compliance Table			
Clause	Requirement	Proposal	Complies?
<b>2.3 - Zone Objectives &amp; Land Use Table</b>	<p><b>Zone B3 Commercial Core zone</b></p> <p>The Objectives for all development in Zone B3 Commercial Core are as follows:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• To encourage appropriate employment opportunities in accessible locations.</li> <li>• To maximise public transport patronage and encourage walking and cycling.</li> <li>• To integrate business, retail and other development in accessible locations.</li> <li>• To maximise sunlight for surrounding properties and the public domain.</li> <li>• To encourage urban design maximising attractive public domain and adequate circulation space throughout the St Leonards commercial centre for current and future users.</li> </ul> <p><b>Permissibility</b></p> <p>Hotel or Motel Accommodation is permissible within the zone</p>	<p>The proposal provides hotel or motel tourist accommodation within close proximity to the St Leonards town centre and railway station which adds to the variety of land uses available to the wider community.</p> <p>The hotel will provide an increase in employment to the local area and is located within walking distance to St Leonards Train station and metropolitan bus routes which provides opportunities for staff and guests to use a variety of public transport options.</p> <p>The hotel will be an addition to the commercial core and will appropriately integrate with the surrounding businesses enhancing accessibility throughout the neighbourhood with improvements to the use of Christie Lane and a safe and sheltered active frontage to the Pacific Highway.</p> <p>The shadow to be cast by the proposed building will be consistent with that reasonably anticipated in a high density commercial centre. However, the proposal will allow direct solar access to Christie Lane in afternoons and will not overshadow the proposed St Leonards Plaza in a manner which would be detrimental to the amenity of this future public open space area.</p> <p>The proposal will not compromise the future enhancements proposed to the public domain including embellishment of Christie Lane, the creation of St Leonards Plaza and the movement of pedestrians through the commercial centre. Proposed works to the Pacific Highway frontage will enhance the accessibility and amenity of the footpath area with a continuous active frontage, high quality landscaping and weather protection provided by a continuous awning and colonnade area</p> <p>The proposed development is best described as a hotel and is permissible with consent from council.</p>	✓
<b>2.7 - Demolition</b>	The demolition of a building or work may be carried out only with consent.	The proposal seeks development consent to demolish the existing structures.	✓



Lane Cove LEP 2009 - Compliance Table			
Clause	Requirement	Proposal	Complies?
<b>4.3 – Height of Buildings</b>	45m maximum building height	The maximum height of the building envelope exceeds the 45m maximum building height.	<b>Refer to the request for variation pursuant to Clause 4.6 in Annexure B</b>
<b>4.4 – Floor Space Ratio</b>	Maximum FSR is 10.1:1	The proposal provides a maximum FSR of 10.1:1 (6,083.19m <sup>2</sup> )	✓
<b>6.1 – Acid Sulfate Soils</b>	Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.	The site is not affected by acid sulphate soils.	N/A
<b>6.1A - Earthworks</b>	<p>Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <p>(a) <i>the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i></p> <p>(b) <i>the effect of the proposed development on the likely future use or redevelopment of the land,</i></p> <p>(c) <i>the quality of the fill or the soil to be excavated, or both,</i></p> <p>(d) <i>the effect of the proposed development on the existing and likely amenity of adjoining properties,</i></p> <p>(e) <i>the source of any fill material and the destination of any excavated material,</i></p> <p>(f) <i>the likelihood of disturbing relics,</i></p> <p>(g) <i>the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i></p>	<p>The earthworks proposed for the basement levels is unlikely to cause soil instability or impact on the water table. Details of engineering and construction methods to manage drainage, stabilise excavation and install retaining structures will be submitted with a Construction Certificate. Council may impose standard conditions of consent in this regard to address these details.</p> <p>The proposed excavation is not expected to disturb surrounding buildings and the proposed works match the depth and dimensions of existing basements within the locality.</p> <p>The excavation for construction of a basement is compatible with the future use of the land in providing on-site parking and ancillary features which do not add to the bulk of the building.</p> <p>No fill material is anticipated. Excavated material will be disposed of at a licensed facility in accordance with the Waste Management Plan for construction.</p> <p>No disturbance to relics is expected.</p> <p>Measures will be implemented for soil erosion and sediment control to protect the local catchment. The site is not in close proximity to a natural watercourse nor is it within a drinking water catchment or environmentally sensitive area.</p>	✓



## ANNEXURE B

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Clause 4.6 Variation

Building Height

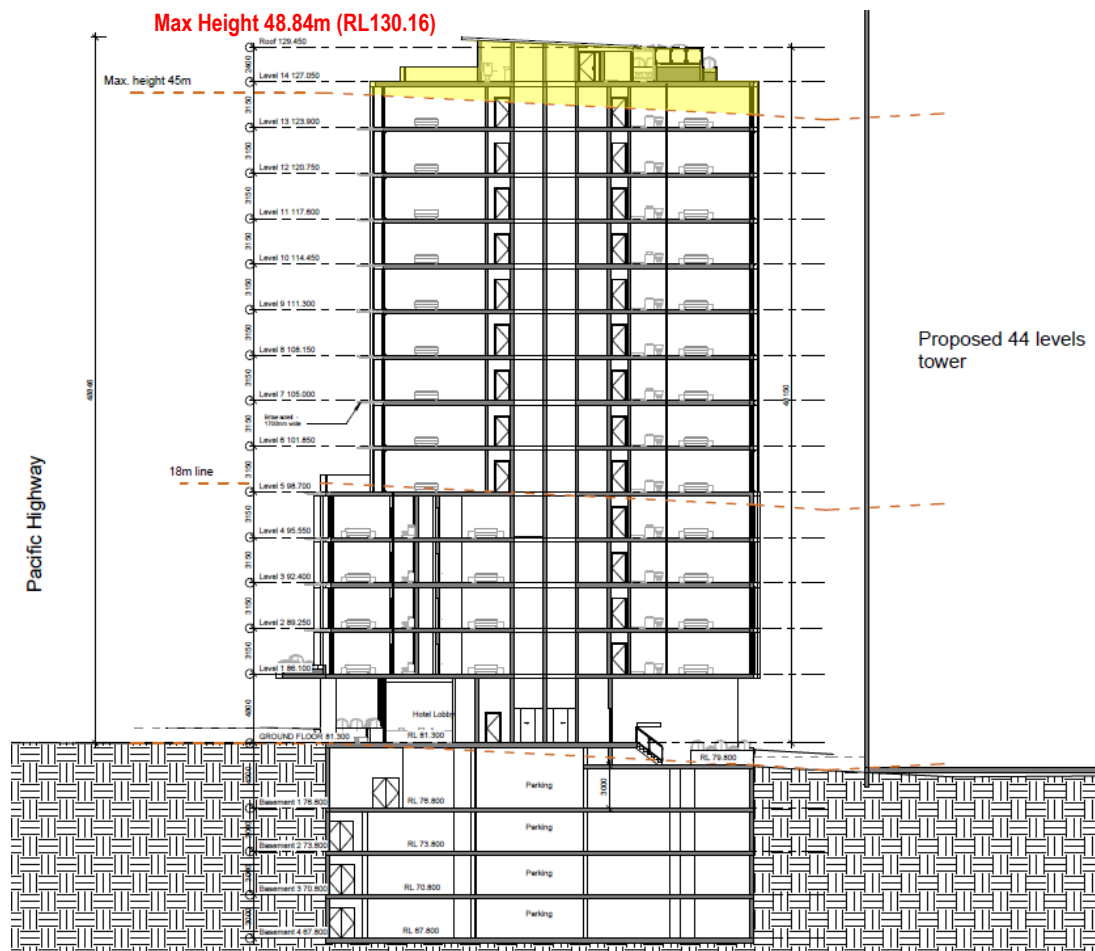


## **CLAUSE 4.6 VARIATION STATEMENT - HEIGHT (CLAUSE 4.3)** **548 – 552 PACIFIC HIGHWAY, ST LEONARDS**

Clause 4.3(2) of *Lane Cove Local Environmental Plan 2009* (Lane Cove LEP 2009) relates to the maximum height requirements and refers to the *Height of Buildings Map*. The relevant map identifies the subject site as having a maximum permitted height of 45m. Building height is defined as follows:

- “ **building height** (or **height of building**) means:
- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
  - (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like..”

When measured in accordance with the above definition, the proposed building exceeds the maximum 45m height limit in relation to the rooftop terrace by 3.84m. The degree of height non-compliance is illustrated in Figures 1 and 2.



**Figure 1: Section (A) showing extent of the height non-compliance (shaded yellow)**



**Figure 2: Section (B) showing extent of the height non-compliance (shaded yellow)**

The maximum building height control is a “development standard” to which exceptions can be granted pursuant to clause 4.6 of the LEP. The objectives and provisions of clause 4.6 are as follows:

- “
- 4.6 Exceptions to development standards**
- (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.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
- (a) the consent authority is satisfied that:
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and



- (ii) 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, and
  - (b) the concurrence of the Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Secretary must consider:
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
  - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

**Note.** When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E3 Environmental Management or Zone E4 Environmental Living.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
  - (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
  - (c) clause 5.4."

The development standard in clause 4.3(2) is not "expressly excluded" from the operation of clause 4.6.

Objective 1(a) of clause 4.6 is satisfied by the discretion granted to a consent authority by virtue of subclause 4.6(2) and the limitations to that discretion contained in subclauses (3) to (8). This submission will address the requirements of subclauses 4.6(3) & (4) in order to demonstrate to Council that the exception sought is consistent with the exercise of "an appropriate degree of flexibility" in applying the development standard, and is therefore consistent with objective 1(a). In this regard, the extent of the discretion afforded by subclause 4.6(2) is not numerically limited, in contrast with the development standards referred to in subclause 4.6(6).

Objective 1(b) of clause 4.6 is addressed later in this request.

The objectives and relevant provisions of clause 4.3 are as follows, inter alia:

- "(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."*

The *Height of Buildings Map* nominates a maximum height of 45m for the site. It is hereby requested that an exception to this development standard be granted pursuant to clause 4.6 so as to permit a

maximum height of 48.84m (measured at the highest point of the roof) for the proposed development. The proposal exceeds the maximum height control by 3.84m which is a variation of 8.5%.

In order to address the requirements of subclause 4.6(4)(a)(ii), the objectives of clause 4.3 are addressed in turn below.

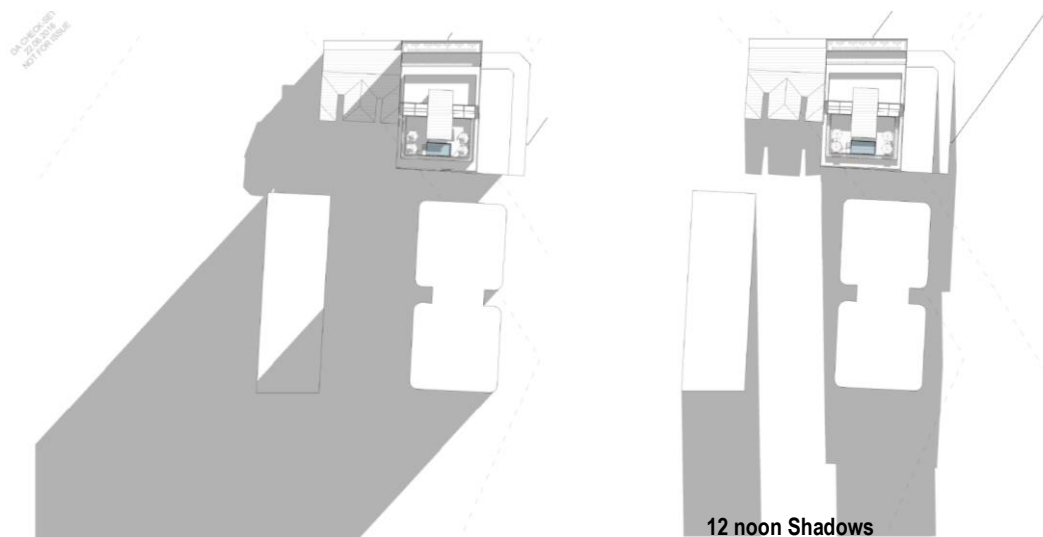
**Objective (a): “to minimise any overshadowing, loss of privacy and visual impacts of development on neighbouring properties, particular where zones meet”**

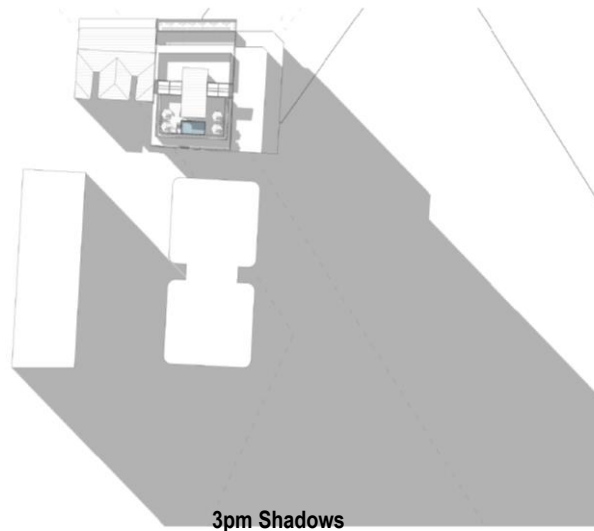
#### Overshadowing

In terms of overshadowing, as outlined in the Statement, the proposal will cast a shadow on the rear of the adjoining commercial property to the west in the morning during midwinter. The shadows progressively move to the south by midday and to the eastern neighbour in the afternoon. This overshadowing impact is illustrated in Figure 3.

The overshadowing is largely confined to the roof and rear car parking and service area of the adjoining commercial developments. The additional overshadowing resulting from the increased height of 3.84 metres of the proposed development 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.

The adjoining properties to the east and west are used for commercial purposes and will continue to receive at least 3 hours of direct sunlight during the day in midwinter. The degree of shadow cast by the proposal is generally consistent with that which could be expected of a development scheme that complies with the maximum height limit.





**Figure 3: Overshadowing of Adjoining Properties**

### Loss of Privacy

The proposed development has been designed to minimise as far as practicable the likelihood of any adverse overlooking or invasion of aural and visual privacy of neighbouring properties. As a commercial development within a commercial centre, privacy impacts are minimal due to the lack of residential dwellings adjoining the site.

The section of the building which exceeds the height control is part of the uppermost storey and the rooftop terrace. The uppermost storey has no windows in the side elevations and windows are oriented to the Pacific Highway (with a setback of 3.5m to 4m) and to Christie Lane (which provides separation from the properties to the south). The separation to both street frontages allows for adequate visual privacy consistent with the provisions of the Apartment Design Guide (ADG) (although it is noted that the hotel rooms are not subject to the provisions of the ADG). The rooftop terrace is recessed between 1m and 2.5m from the building floorplate below and includes a minimum 1m wide planter bed with screening planting to the east, west and south sides which will prevent overlooking of neighbouring properties.

In general, the proposal has been designed to reduce overlooking opportunities into adjoining properties though the provision of the building being orientated toward both street frontages, solid masonry walls and planter beds around the perimeter of the rooftop terrace and the location of fixed privacy louvers to ensure overlooking is minimised. Side elevations are blank walls and void spaces on the eastern and western sides of the building will deliver natural light and ventilation to the building interior without impacting on the aural and visual privacy of neighbouring properties.

Therefore, in terms of privacy, the section of the building which is non-compliant with the height control will not have any additional impacts on adjoining properties.

### Visual Impacts

It is considered that the proposal achieves a high quality urban form with significant detailing and a variety of materials resulting in a building form which is consistent with the desired future character of the area and compatible with the local topography. The use of a variety of materials, colours and differing treatments to facades and louvers ensures any bulk of the building is reduced and allows the building to sit comfortably within the streetscape.

The proposed area of non-compliance results from distribution of permissible building mass on the site in a manner that minimises as far as practicable impacts on neighbouring properties (as discussed in the context of these Objectives) and also minimises impacts on area character.

The section of the building which is non-compliant is mostly related to the rooftop terrace which is located at the rear of the building and will not be readily visible from the public domain along the Pacific Highway frontage (as demonstrated by the photomontage in Figure 4).



**Figure 4: Photomontage view Pacific Highway streetscape**

The proposed development has been designed to complement and be compatible with, the desired future character for the area which anticipates higher density development including buildings ranging from 45m to 272m with a significantly higher floor space than is currently evident in the area. It is therefore considered that the proposal achieves compatibility with the desired future character of the area.

In terms of views, the area of non-compliance will not result in any significant additional view loss compared with a compliant building. Outlooks from existing adjoining buildings are generally towards the highway and their respective rear open space areas and Christie Lane and will not be adversely affected by the proposal.

It is considered that the non-compliant section of the building will not be readily perceptible in the overall appearance of the proposed building or the general future built form in the locality.

Accordingly, the proposal satisfies Objective (a).

**Objective (b): “to maximise sunlight for the public domain”**

The proposed development has frontages to the Pacific Highway to the north and to Christie Lane to the south. Both frontages are part of the public domain.

The proposal includes a continuous awning and a colonnade to enhance the footpath area along the Pacific Highway. The awning will create shadow to the Pacific Highway footpath but is consistent with the requirements of Council’s proposed Development Control Plan as detailed in Annexure D.

As outlined in the shadow diagrams, the proposal overshadows portions of Christie Lane throughout the day. The laneway is used for public pedestrian and vehicular access. However, the shadow will move along the laneway throughout the day and will not detract from the practical use of the laneway for public access.

The proposal will not cast shadow onto the proposed area of new public open space to be known as St Leonards Plaza to the degree that it would be detrimental to the amenity and utility of this space.

The proportion of overshadowing resulting from the additional height of 3.84m will not detract from the quality and function of the public domain.

**Objective (c): “to relate development to topography”**

The site fronts onto the Pacific Highway and slopes from its north eastern corner to the south towards the rear laneway. The proposal provides a commercial development that responds to the sloping site and provides an active street presence for the building on both frontages, despite the slope.

As previously stated in relation to Objective (a), the portion of the building which exceeds the 45m height limit will be imperceptible as viewed from the primary frontage of the Pacific Highway and the basement and at grade parking levels are an appropriate response to the slope of the site.

It is therefore considered that the proposal satisfies Objective (c).

For the reasons presented above, the minor numeric non-compliance with the building height control will not preclude compliance with the objectives of the development standard.

Clause 4.6 (4) also requires consideration of the relevant zone objectives. The objectives of Zone B3 Commercial Core are listed in Lane Cove LEP 2009 as follows:

- “
- 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 proposal is consistent with the objectives for development in Zone B3. The proposed tourist accommodation adds to the variety of land uses in the St Leonards commercial centre and will generate direct and indirect employment. The site is well serviced by bus and train transport and is within walking distance of established commercial and community facilities. The additional building height will not result in unreasonable overshadowing of neighbouring properties and the public domain. The enhancements



to the pedestrian environment along the Pacific Highway frontage and the increased utility and passive surveillance of Christie Lane will improve the pedestrian circulation opportunities available in the St Leonards Centre. For these reasons the proposal is consistent with the zone objectives.

The proposal provides a genuine commercial use, as a hotel which will have significant direct and indirect economic benefits for the St Leonards CBD and the Lane Cove LGA as a commercial business integrated with the emerging office, retail, business and health industries located within close proximity of the site.

The prominent location of the proposal, fronting the Pacific Highway, the zoning and its direct correlation to the central commercial core requires a tower like form that corresponds with its surrounds. The ground floor of the proposal provides an active street presence to both the Pacific Highway and Christie Lane, allowing for additional safety, accessibility and amenity to these parts of the public domain.

The site is readily accessible by bus and rail transport. Increasing the density of development on the site has the potential to encourage walking, cycling and the use of public transport.

For these reasons the development proposal meets the objectives for development in Zone B3.

### **Sufficient Environmental Planning Grounds**

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, the assessment of this numerical non-compliance is guided by the recent decision of the NSW LEC *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 whereby Justice Pain ratified the decision of commissioner Pearson.

On “planning grounds” and in order to satisfy that the proposal meets objective 1(b) of clause 4.6 in that allowing flexibility in the particular circumstances of this development will achieve “a better outcome for and from development”, the non-compliance relates to the rooftop terrace and parts of the uppermost storey. The remainder of the building is compliant with the maximum height control. The building overall is compatible with the streetscape and the character of the neighbourhood. The portion of the building which is non-compliant will not be readily perceptible in the streetscape of the Pacific Highway and will not result in overshadowing or overlooking which would be detrimental to the amenity of surrounding private and public spaces. Therefore the numeric non-compliance will not result in detrimental impacts to surrounding properties.

Strict compliance would require that the floor space of the proposal be reduced to less than the maximum 10:1 floor space ratio. A reduction in floor space to achieve compliance with building height would have no benefit in terms of amenity and accessibility for future guests, streetscape and impacts to neighbouring properties.

The surrounding locality includes properties subject to the same zoning with greater density and height controls than the subject site. To the south and south west of the site, the maximum building height control is 65m. Land to the east with frontage to the Pacific Highway has a height of buildings control of 72m. The proposed building height will be appropriate in the anticipated St Leonards skyline.

There are positive planning outcomes in providing a communal rooftop open space area. The lift access enables an accessible path of travel throughout the building including the rooftop space. The rooftop location is the most appropriate position for communal open space in the commercial centre where tall buildings typically shade the lower levels. The proposed rooftop common open space is spatially

separated from neighbouring properties and is a large consolidated area with unobstructed solar access and planters to create wind breaks for year-round use. Roof top terraces are highly appropriate in a commercial centre locality. The rooftop open space enhances the overall quality of the tourism experience for future guests.

The merits of the proposal on “environmental planning grounds” need to be balanced with the burden that strict compliance places on the site and whether strict compliance will result in a better or neutral outcome. The development has been designed to provide a high quality urban outcome with commercial use on the site and by providing a highly useable communal open space area which will not impact on the privacy and amenity of neighbouring properties. Insisting on strict compliance in this instance would result in no environmental benefits.

To require strict compliance would therefore result in an unreasonable burden on the development with no demonstrable built form or amenity benefits. As such the proposal results in a high quality commercial hotel development which is suited to the site and its context.

Returning to Clause 4.6(3)(a), in *Wehbe v Pittwater Council* (2007) NSW LEC 827 Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states, inter alia:

*“ An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.”*

The judgement goes on to state 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).”*

However, in *Four2Five v Ashfield Council* [2015] NSWLEC 90 the Land and Environment Court held that whether something was ‘unreasonable or unnecessary’ is now addressed specifically in clause 4.6(4)(a)(ii), with separate attention required to the question of whether compliance is unreasonable or unnecessary. Accordingly, while the objectives of the standard are achieved despite non-compliance with the standard, this request goes further. It seeks to demonstrate that requiring strict adherence to the standard would be ‘unreasonable or unnecessary’ for reasons **that are additional** to mere consistency with the development standard.

Preston CJ in *Wehbe* expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation [our underline]):

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

Having regard to all of the above, it is our opinion that compliance with the maximum height development standard is unnecessary in the circumstances of this case as the development meets the objectives of that standard and the zone objectives and will be compatible with the desired future character of development in the St Leonards commercial centre with no detrimental environmental planning outcomes.

Therefore, insistence upon strict compliance with the height of buildings standard would be unreasonable. On this basis, the requirements of clause 4.6(3) are satisfied.



## ANNEXURE C

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Lane Cove Development Control Plan 2010

Compliance Table



Lane Cove DCP 2009 - Compliance Table		
Requirement	Proposal	Complies?
<b>PART B: GENERAL CONTROLS</b>		
<p><b>B.2 Public Domain</b></p> <p>(a) All design should be in accordance with the relevant Public Domain Strategies that may be in place for precincts within the LGA and requirements of Australian Standards.</p> <p>The St Leonards Public Domain Master Plan was adopted by Council in December 2014. The Master Plan includes requirements for new development to contribute improvements to:</p> <ul style="list-style-type: none"> <li>- Public amenity with bicycle parking, microclimate controls, increased green open space</li> <li>- Access with improved pedestrian and cyclist movement paths, landmarks for wayfinding, small blocks for permeability, accessibility, materials and lighting which is pedestrian friendly</li> <li>- Diversity through a mix of compatible land uses</li> <li>- Safety with CPTED compliant design and ease of wayfinding, passive surveillance and lighting of the public domain, a mix of land uses and activities with active street frontages</li> <li>- "sense of place" with development that is responsive to site conditions and context and the current and future needs of the community</li> <li>- Identity through sub-precincts and events</li> <li>- Social interaction with diversity of outdoor spaces to provide different experiences and uses</li> <li>- Community Engagement and Expression through appropriate street furniture and hosting of community events and display of community information</li> <li>- Design excellence</li> <li>- Sustainability and favourable microclimate and water sensitive urban design</li> <li>- Beautiful natural environment</li> </ul> <p>New public domain space to be created at St Leonards Plaza to include:</p> <ul style="list-style-type: none"> <li>• Soft landscaping</li> <li>• Children's play area</li> <li>• Water features</li> <li>• Public art works</li> <li>• Retail facilities including cafes and alfresco dining</li> <li>• Articulation of levels for connection with surrounding pedestrian connections and public transport</li> </ul>	<p>(a) The proposal is consistent with the St Leonards Public Domain Master Plan by delivering:</p> <ul style="list-style-type: none"> <li>- improvements to the footpath pavement along the Pacific Highway frontage and improvements to Christie Laneway</li> <li>- improved pedestrian amenity created by the weather protection of the awning and colonnade across the Pacific Highway frontage</li> <li>- improve safety of the public domain with lighting to Australian Standards AS/NZS 1158.1.1, passive and active surveillance to both adjoining streets</li> <li>- diversity of land use with operational hours extending beyond typical retail trade hours</li> <li>- CPTED compliant design</li> <li>- a landmark façade to the Pacific Highway which is distinctly different from, but integrated with, existing and likely future retail and service shop fronts</li> <li>- no detrimental impacts to the potential amenity and public utility of the future St Leonards Plaza space</li> </ul>	<p>✓</p>



Lane Cove DCP 2009 - Compliance Table		
Requirement	Proposal	Complies?
(b) Provide seating in public spaces that is not allocated to a specific use (e.g. a café) for people to 'hang out', take refuge and rest.	(b) Landscape planting within the setback to the Pacific Highway provides opportunities for seating.	✓
(c) Position seating or seating areas at the edge of footpaths where through movement is not blocked.	(c) Seating will not block the main paths of travel through the footpath area and to the main lobby.	✓
(d) Do not obscure pedestrian eye -level sight lines with landscaping or other street improvements.	(d) Landscaping will not obscure the line of sight between the interior lobby space and the Pacific Highway footpath area.	✓
(e) Keep public areas free from clutter and unclear level changes, having particular regard for accessibility.	(e) The footpath to the Pacific Highway is to be repaved and street furniture installed in accordance with conditions anticipated to be imposed.	✓
(f) Maintain a high quality of lighting for security and amenity.	(f) Lighting to both street frontages shall comply with AS/NZS1158.1.1.	✓
g) Provide formal and informal spaces for public entertainment including multi -functional street furniture, e.g. a flat bench may become an informal plinth for performance artists.	(g) Street furniture will be provided in accordance with anticipated conditions.	✓
h) Provide at least one space within major and local centres that is large enough to hold an open air performance, small public gathering or market	(h) The future St Leonards Plaza will provide sufficient public open space and the proposal will have no detrimental impacts to the future utility and amenity of this public space.	✓
i) Provide public notice boards and kiosks in locations where people will be gathering.	(i) Tourist-related information is likely to be made available within the lobby area of the hotel premises. The lobby space will be of sufficient dimensions for the informal gathering of small groups of tourists.	✓
j) Integrate artworks into the design of public spaces. Consider artworks that serve a dual role, e.g. as play equipment for children, informal seating or a marker for a meeting place.	(j) N/A – no public spaces are proposed with this development.	N/A
k) Consult with community groups in the design of artworks in public spaces.	(k) N/A	N/A
l) Except where negotiated with the Council, provide all footpath paving along property frontages in accordance with Council's specifications including requirements for disabled. The extent, nature and type of paving materials includes tactile surfaces in appropriate locations to assist the visually impaired	(l) It is anticipated that Council will impose appropriate conditions for the design and specification of works within the public footpath reserve of the Pacific Highway.	✓
m) Include water features in public spaces, building entrances, foyers, facades and rooftops	(m) Landscaping is proposed to enhance the aesthetics and microclimate of the main foyer area and the rooftop terrace.	✓

Lane Cove DCP 2009 - Compliance Table		
Requirement	Proposal	Complies?
n) Provide roof top gardens where practicable and permissible in commercial buildings and residential flat buildings.	(n) Landscaping is proposed to be included in the rooftop treatments.	✓
o) Plant trees where appropriate for shade, shelter and fauna and use native species and planting methods which minimise potable water consumption	(o) Trees are to be planted within the atrium light wells to both sides of the building. Species have been selected for low maintenance and low water consumption.	✓
p) Where possible, make provision for bicycle parking spaces	(p) Bicycle parking spaces can be provided in the basement.	✓
<b>B.2.2 Public Domain Projects St Leonards</b> 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 (see Part D: Commercial Development and Mixed Use – Locality 1 – St Leonards and Marshall Avenue).	It is anticipated that Council will 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.	✓
<b>B3 Site Amalgamation and Development on Isolated Sites</b>	The site is not subject to a 'block plan' which requires amalgamation. There are no controls for minimum lot size or lot dimensions that apply to the proposal. The proposal does not constrain the redevelopment potential of neighbouring sites. The design of the basement allows the opportunity for future connection of a new basement on the neighbouring property to the east and therefore potentially facilitates redevelopment of this adjoining property.	✓
<b>B.4 View Sharing</b> Facilitate view sharing, particularly for existing view corridors.	There are no existing view corridors that will be obstructed.	✓
<b>B.6 Environmental Management</b> <b>6.1 Sunlight to Public Spaces</b> New development must allow for a minimum of 2 hours of solar access to at least 50% of new and existing public open areas or plazas between the hours of 11am and 2pm on 21st June	The development will have minimal impact on solar access to surrounding existing public spaces as shown by shadow diagrams submitted with this development application. Shadow impacts to the proposed St Leonards Plaza will be limited to prior to 9am in midwinter and will not be detrimental to the quality and amenity of this future area of public open space.	✓
<b>6.2 Wind Standards for St Leonards</b> To ensure public safety and comfort the following maximum wind criteria are to be met by new buildings in St Leonards Centre:	Refer to the Wind Effects Report submitted with the development application	✓

Lane Cove DCP 2009 - Compliance Table		
Requirement	Proposal	Complies?
<ul style="list-style-type: none"> <li>13 metres/second along major streets and public places and 16 metres/second in all other streets.</li> <li>Design buildings to minimise the adverse wind effects on recreation facilities on podium terraces within developments.</li> <li>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.</li> </ul>		
<b>6.3 Energy and Water Efficiency for Buildings</b> <ul style="list-style-type: none"> <li>Incorporate passive solar design techniques to optimise heat storage within the building in winter and heat transfer in summer.</li> <li>Orientation of building and facade design of all developments should capture and manage solar access, natural ventilation and breezes into the building.</li> <li>Provide external sun shading - vertical shading for east and west windows and horizontal sun shading for north facing windows.</li> <li>Use high performance glass with minimal glare impacts where possible</li> <li>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.</li> <li>All developments are to capture and reuse rainwater for irrigation of landscape areas and for apartments, townhouses, villas and mixed use or commercial development also for toilet flushing and washing machines.</li> </ul> <p>Commercial and mixed use development (commercial component):</p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<p>Louvres awnings are to be installed for each window on the northern façade to create shade for windows during summer and optimise natural light during winter.</p> <p>All guest rooms are oriented to a street frontage to access natural light and ventilation.</p> <p>Light and ventilation wells are proposed to the east and west side of the building to optimise natural light and ventilation and provide sheltered planted atrium spaces to enhance the air quality within the building.</p> <p>Glazing will be selected and installed for acoustic and thermal qualities and to minimise glare.</p> <p>There are opportunities for rainwater capture and reuse within the site and Council may impose conditions in this regard.</p> <p>Based on advice provided from an ESD consultant a NABERS Assessment Report was not provided due to the nature of the proposed use. If Council considers the assessment an essential requirement to be submitted with the development application one can be provided at a later date.</p>	<p>✓</p> <p>✓</p>
<b>B.7 Developments near Busy Roads and Rail Corridors</b> <p>Acoustic assessments for noise sensitive developments as defined in clauses 87 and 102 of the Infrastructure SEPP may be required if located in the vicinity of a rail corridor or busy roads.</p>	<p>Refer to the Acoustic Assessment Report submitted with the development application.</p>	<p>✓</p>
<b>B.8 Safety and Security</b> <p>a) Ensure that the building design allows for casual surveillance of access ways, entries and driveways.</p>	<p>(a) All guest rooms are oriented to an adjoining street and provide opportunities for casual surveillance.</p>	<p>✓</p>

Lane Cove DCP 2009 - Compliance Table		
Requirement	Proposal	Complies?
<p>b) Avoid creating blind corners and dark alcoves that provide concealment opportunities in entry areas, pathways, stairwells, hallways and car parks.</p> <p>c) Provide a clear line of sight between one public or communal circulation space and the next.</p> <p>d) Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering.</p> <p>e) Provide adequate lighting of all pedestrian access ways, parking areas and building entries. Such lighting should be on a timer or movement detector to reduce energy consumption and glare nuisance.</p> <p>f) Provide clear lines of sight and well -lit routes throughout the development.</p> <p>g) For large scale retail, commercial, motel and Senior's Living development with a GFA of over 5,000m<sup>2</sup>, provide a 'Safer by Design' assessment in accordance with the Crime Prevention Through Environmental Design (CPTED) principles from a qualified consultant.</p>	<p>The lobby will be staffed for extended hours and staff will have direct lines of sight between the lobby area and the public footpath to the Pacific Highway frontage. A CCTV system and intercom and secured access system is to be installed to the building access points in Christie Lane to ensure authorised access only. Guests and staff will be provided with security card access to lifts to ensure only authorised persons have access to the accommodation rooms and guest facilities.</p> <p>(b) There are no blind corners or concealment opportunities to the exterior of the proposed building. Clear lines of sight are to be available within common circulation spaces. The basement car parking area is to be provided with security lighting.</p> <p>(c) There are clear lines of sight surrounding each building access point and for each internal circulation space. CCTV systems are to be installed and operated for the building access points in Christie Lane and the Pacific Highway.</p> <p>(d) Building identification signage is to be provided to both street frontages subject to a separate development application.</p> <p>(e) Lighting to AS/NZS1158.1.1 <i>Lighting for roads and public spaces</i> is to be installed to the Pacific Highway frontage and to the secondary pedestrian and vehicle access in Christie Lane. Details are to be submitted with a Construction Certificate.</p> <p>(f) All circulation spaces are internal to the building and access to most internal spaces will be controlled by a security access system.</p> <p>(g) Refer to CPTED Report submitted with the development application.</p>	<p><b>Refer to the CPTED Report</b></p>
<p><b>8.1 Activation</b></p> <p>a) Development is to be well connected to the street and contribute to the accessibility of the public domain</p>	<p>(a) The proposed building fronts the Pacific Highway and provides a double-storey colonnade along the entire ground floor street frontage, with benches and a main entrance to the hotel lobby. The main lobby will have</p>	<p>✓</p>

Lane Cove DCP 2009 - Compliance Table		
Requirement	Proposal	Complies?
<p>b) Minimise the impact of services and vehicle access on the street character, activation and amenity of the street and public spaces by:</p> <ul style="list-style-type: none"> <li>I. Limiting the extent of blank walls and service doors to the street where possible particularly for major residential and mixed use or commercial development</li> <li>II. Limiting the number of vehicle access points by combining service and vehicle access points wherever possible for larger developments</li> <li>III. Considering opportunities for shared vehicle access for multiple developments where possible</li> <li>IV. Locating vehicle and service access points in secondary streets and laneways where available.</li> <li>V. Improving the appearance of car parking and service entries</li> </ul> <p>c) Integrate artworks into the design of private development, in publicly accessible locations such as main entrances, lobbies, street frontages, gardens, walls and rooftops.</p> <p>d) All development is to face the street and/or public open spaces and provide uses at ground level that provide activity.</p>	<p>a continuous accessible path of travel from the Pacific Highway public footpath to the building lobby space.</p> <p>(b) Services will be installed to minimise their visibility in the Pacific Highway frontage. Vehicle access points are the minimum dimensions to comply with AS2890. Vehicle crossings are the minimum to support functional access. The basement has been designed such that it may be potentially extended to the adjoining property to the east and allow for a consolidated parking area and vehicular entrance for both sites. The majority of vehicle movements are anticipated to occur via Christie Lane.</p> <p>(c) Artworks are typically displayed throughout hotel and motel premises.</p> <p>(d) The proposal addresses and activates both street frontages at street level.</p>	<p>✓</p> <p>✓</p> <p>✓</p>
<p><b>8.2 Passive Surveillance</b></p> <p>a) All development at ground level is to offer passive surveillance for safety and security of residents and visitors.</p> <p>b) All development is to contribute to the safety of any public domain areas.</p> <p>c) Development is to optimise the visibility, functionality and safety of building entrances.</p>	<p>(a) The hotel's main entrance and lobby area is orientated towards the highway and provides a direct outlook to the street. The active frontage provides casual views from the hotel lobby to the public area. Accommodation rooms are oriented to a public street.</p> <p>(b) CCTV surveillance is to be installed to monitor the access points in Christie Lane. The main lobby area will be staffed for extended hours and monitored by CCTV. The increased activity and surveillance of the adjoining public spaces will contribute to increased safety of these public places.</p> <p>(c) Both building entrances will be subject to active and passive surveillance as described above.</p>	<p>✓</p> <p>✓</p> <p>✓</p>



Lane Cove DCP 2009 - Compliance Table		
Requirement	Proposal	Complies?
d) Development is to improve at least some these opportunities for casual surveillance by: I. For mixed use commercial or retail development - orienting active areas within tenancies to provide direct outlook (without blinds) to streets and other public areas. V. Providing casual views of common internal semi-public areas such as lobbies, foyers, hallways, recreation areas for mixed use commercial developments.	(d) Accommodation rooms are oriented to a street frontage. The lobby area is to be staffed and subject to active surveillance.	✓
e) Minimise opportunities for concealment in all development.	(e) There are no spaces along the building façade which provide opportunities for concealment.	✓
f) Control access to residential flats, commercial and mixed use development by: I. Making adjoining uses, apartments or tenancies inaccessible from the balconies, roofs and windows of neighbouring buildings or dwellings II. Separating and controlling the residential car parking component of developments from any other building use and from public and common areas III. Providing direct access from car parks to apartment lobbies for residents IV. Providing direct access from car parks to each floor of the development for all uses	(f) Access to the interior spaces of the building (other than the main lobby area) will be controlled by a security system. Neighbouring buildings adjoining the site will not be able to access the proposed development via the balconies, roofs and windows. The lifts provide direct access from car parks to each floor of the development.	✓
<b>PART D: COMMERCIAL DEVELOPMENT AND MIXED USE</b>		
<b>D.1 General Provisions</b>		
<b>1.1.4 Building Depth and Bulk</b>		
a) For Commercial Developments in all the business zones: I. The maximum floor plate area of any commercial building is to be 2,000 m <sup>2</sup> subject to other requirements in this DCP. III. The horizontal dimensions of any single building facade must not exceed 50 metres. V. Use atria, light wells and courtyards to improve internal building amenity and achieve cross ventilation and/or stack effect ventilation.	The maximum floor plate of the proposed hotel is 498.11m <sup>2</sup>  The horizontal dimensions of the do not exceed 50m.  The proposed development features two internal courtyards on either side of the building that improve the internal building amenity by permitting natural ventilation, air purification through landscaping and natural light.	✓  ✓  ✓
<b>1.1.6 Setbacks</b> • Front – minimum of 5m  • Side setback – 0m first storey, 0m 2 <sup>nd</sup> storey and 6m 3 <sup>rd</sup> storey and above. • Laneway setback – o 3m at ground level to allow for colonnade and landscaping; o 0m at 2 <sup>nd</sup> storey for commercial or 3m for residential; and	The proposed building is setback a distance greater than 6m from the Pacific Highway. Refer to proposed Draft DCP requirements in Annexure D for further details.	<b>Refer to Annexure D – proposed Draft DCP</b>

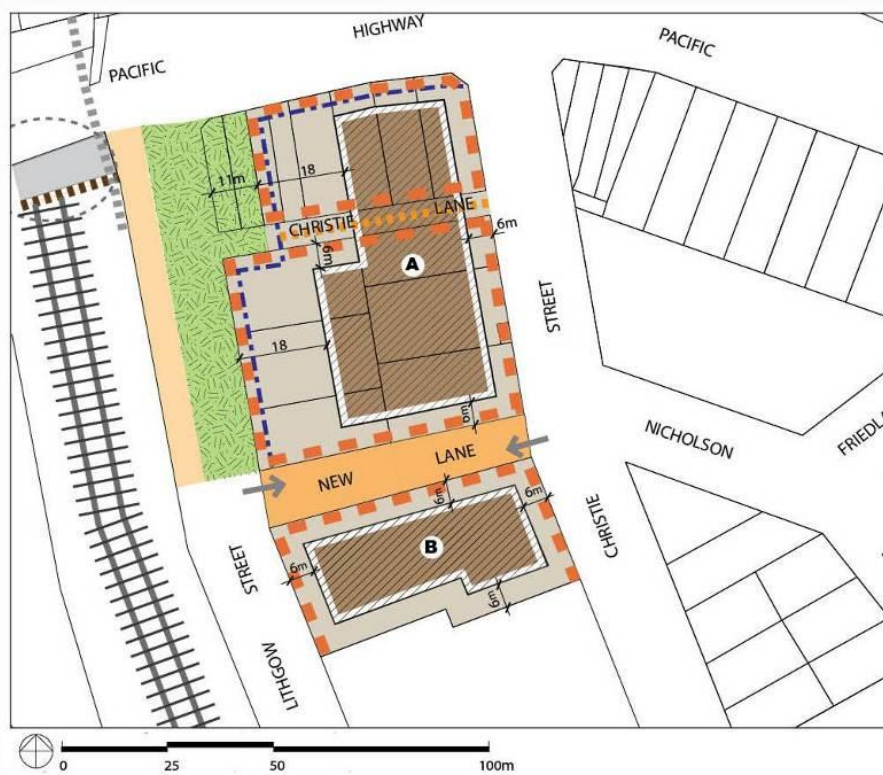
## Lane Cove DCP 2009 - Compliance Table

<b>Requirement</b>	<b>Proposal</b>	<b>Complies?</b>
○ 6m to 3 <sup>rd</sup> storey and above.		
<b>1.1.7 Building design and Exteriors</b> b) Materials, colours, finishes, proportion and scale of new development should add interest to façades and the streetscape.  c) Avoid large unbroken expanses of blank wall on any facade adjacent to the public domain.  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.  e) The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building.  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.  g) Gardens on the top of setback areas of buildings are encouraged.	<p>(b) The design of the building features a variety of materials, colours and finishes that articulate the building facades and are compatible with the streetscape.</p> <p>(c) The proposed hotel has facades facing the highway and laneway which are not blank walls.</p> <p>(d) The building design is specifically for a hotel or motel and flexible first floor uses are not envisaged nor compatible with the overall operation of the building.</p> <p>(e) The roof plant and lift overrun have been integrated into the building's overall designs and will not be visually obtrusive.</p> <p>(f) Balconies and terraces are not proposed. Accessible recreational space including landscaping is proposed on the roof top. The roof top terrace does not create opportunities for overlooking of private open spaces or nearby residential properties.</p> <p>(g) Refer to the Landscape Plans to review the gardens included on top of the front setback and surrounding the main lobby and rooftop terrace.</p>	<div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div>
<b>1.3 Design and location of On-Site Parking</b> a) Parking of vehicles is prohibited in setback areas b) All developments must incorporate the required car parking on-site. c) All on-site parking, loading facilities and vehicle access points must be: I. accessed from a rear lane wherever available II. fully concealed from view from any public street or arcade III. accessible from only one opening in the rear lane facade for both on-site parking and loading. Access openings are to be fitted with a garage door or roller shutter. e) For developments with a rear lane façade width equal to or greater than 12.0m this opening must not be wider than 6.0m. f) Vehicle entry should be: I. easily accessible and recognisable to motorists	<p>(a) No parking proposed within setbacks.</p> <p>(b) All parking spaces are to be accommodated within the basement on-site.</p> <p>(c) All basement parking, servicing and loading areas are accessed via Christie Lane. All vehicle access points are to be secured by a roller shutter or security door.</p> <p>(e) The vehicle access points are the minimum dimensions to comply with AS2890.</p>	<div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div>

## Lane Cove DCP 2009 - Compliance Table

Requirement	Proposal	Complies?
<p>II. located to minimise traffic hazards and queuing of vehicles on public roads</p> <p>III. located to minimise the loss of on street car parking, and to minimise the number of access points.</p> <p>IV. Located away from main pedestrian entries and on secondary frontages.</p> <p>g) Avoid black holes in the facade for major development by providing security doors to car park entries</p> <p>h) Return the facade material into the 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 the 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>q) Basement car parking is to be:</p> <p>I. adequately ventilated</p> <p>II. predominantly located within the building footprint</p> <p>III. located fully below natural ground level. Where slope conditions mean that this is unachievable, the maximum basement projection above natural ground level is to be 1.2m but not to the street front.</p>	<p>(f) Vehicle access points to be suitably signposted and identified. Details to be provided with the Construction Certificate.</p> <p>(g) Security doors to be installed,</p> <p>(h) Noted. Details to be included in the materials and finishes schedule to be submitted with the Construction Certificate. Council may impose suitable conditions.</p> <p>(i) Parking areas are located in the basement and suitably screened behind a security garage door. The service/delivery area is to be secured and screened by a security door or grille.</p> <p>(j) The majority of vehicle movements will be via Christie Lane and well separated from the majority of pedestrian movements which will be via the Pacific Highway frontage. This pattern of use is consistent with the existing and proposed future intentions for the use of Christie Lane for service vehicles and the future patterns of pedestrian movement between the St Leonards Plaza and the broader commercial centre.</p> <p>(k) Blank walls are minimal.</p> <p>(q) Basement car parking will be mechanically ventilated and beneath the footprint of the building. The slope of the site requires the basement to be partly above ground at the rear (south) portion of the site. The basement will not be above ground level along the Pacific Highway frontage.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
<p><b>1.4 Number of Car parking, Motorcycle and Bicycle Spaces</b></p> <ul style="list-style-type: none"> <li>• Hotel/motel - 1 space per 3 rooms</li> <li>• 1 disabled space per 10 car spaces (minimum 1 disabled space)</li> <li>• Motorcycle parking - 1 motorcycle space per 15 car spaces</li> <li>• Bicycle parking : <ul style="list-style-type: none"> <li>- 1 per 4 staff</li> </ul> </li> </ul>	<p>The scheme follows the RMS Guidelines which states for 3-4 Star Hotel that parking is provided at a rate of 1 space per 4 rooms. The proposal provides 48 parking spaces (11 of which are accessible).</p> <p>Noted.</p>	<p><b>On Merit</b></p> <p>—</p> <p>—</p>

Lane Cove DCP 2009 - Compliance Table		
Requirement	Proposal	Complies?
- 1 rack + 1 rack per 20 rooms	Noted.	
<b>1.5 Awnings</b> 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. b) Awning design must be coordinated with building facades and be complementary in alignment and depth to the adjoining buildings and its awnings.	(a) The hotel development provides a continuous street frontage awning along the entire length of the frontage to the Pacific Highway. (b) The awning materials, colours and proportions match the building façade. The depth of the awning is compliant with the proposed Draft DCP requirements as outlined in Annexure D. Adjoining buildings to the east and west are likely to be redeveloped in the future and therefore it is not practical or reasonable for the awning for the proposed building to be integrated with existing neighbouring awnings. The proposal will however provide a continuous covered footpath area to allow under-cover pedestrian movement between the site and neighbouring properties.	✓
<b>1.9 Landscaping</b> a) Locate basement car parking predominately under the building footprint to maximize opportunities for landscaped area.	The parking is located within the basement under the building footprint. Significant landscaping of the site has been provided by way of podium planting and planting on the rooftop. This is detailed in the landscape detail prepared by MD+A Architects and submitted as part of this application.	✓
<b>1.10 Planting on Structures</b>	Podium planting and rooftop planting has been provided and is detailed in the landscape detail prepared by MD+A Architects and submitted as part of this application.	✓
<b>1.11 Solar Access</b> a) Commercial and mixed use developments are not to reduce sunlight to dwellings in the adjacent or same zone below a minimum of 3 hours of sunlight on a portion of the windows of the habitable rooms between 9am and 3pm on 21 June.	Refer to the shadow diagrams submitted as part of this application. The proposed building will not unreasonably impact on the surrounding properties. Adequate sunlight is available to all surrounding properties and complies with the required solar access provisions.	✓
<b>PART D: COMMERCIAL AND MIXED USE LOCALITIES</b>		

Lane Cove DCP 2009 - Compliance Table		
Requirement	Proposal	Complies?
<b>Locality 1 – St. Leonards Key Precincts</b>  <b>Block 2: Christie Precinct</b>	 <p><b>St Leonards Block 2 Plan</b></p> <ul style="list-style-type: none"> <li><b>A</b> Area A (Refer to table for podium height)</li> <li><b>B</b> Area B (Refer to table for podium height)</li> <li>Area in which taller building footprint can be located</li> <li>2m deep articulation zone</li> <li>Activation</li> <li>Colonnade</li> <li>New covered pedestrian connection (can be part of building foyer)</li> <li>Pedestrian footpath</li> <li>Existing underground pedestrian connection</li> <li>Urban Plaza</li> <li>Share zone</li> <li>New laneway</li> <li>Traffic direction</li> <li>Future bus lane / b (possible platform extension railway line)</li> </ul>	
<b>2. Street Frontage Height</b> A = 18m: to all streets and spaces	The proposed hotel has a street frontage height of 18m along the Pacific Highway	✓

Lane Cove DCP 2009 - Compliance Table		
Requirement	Proposal	Complies?
<b>3. Uses</b> GFL Active uses – street level retail to Pacific Highway	The hotel development has its main entrance and lobby orientated to the Pacific Highway.	✓
<b>6. Street Setback</b> A = 5m to allow a minimum footpath verge to highway or street kerb to Pacific Highway and Lithgow Street. <b>Tower Setback</b> A = 6m above podium to Pacific Highway	The proposed building is setback 5m from the Pacific Highway frontage.  Refer to proposed Draft DCP checklist in Annexure D.	✓
<b>7. Colonnade</b> A = 4m depth from building edge and 2 storey clear height to Pacific Highway	The proposed building provides a colonnade of 4.19m in depth and 4.8m in height to the Pacific Highway which achieves appropriate pedestrian amenity and weather protection.	✓
<b>8. Pedestrian Entry/Access</b> A = via Pacific Highway	The main pedestrian entry/access is via the main lobby fronting the Pacific Highway. Refer to proposed Draft DCP checklist in Annexure D.	✓
<b>9. Vehicle Entry</b> A = Christie Street	Noted. The main vehicle access and egress is to be via Christie Lane.	✓
<b>10. Car parking</b> Underground or sleeved	The parking will be mostly underground.	✓
<b>12. Tower Orientation</b> A = North to South long axis to Pacific Highway (Block A only)	The proposed development is oriented to the north.	✓
<b>13. Landscaping/Public Domain</b> Street trees to Pacific Highway, trees to be agreed with Council. Paving design, upgrades and specifications to be arranged with Council.	Noted. 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.	-





## ANNEXURE D

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Draft Lane Cove Development Control Plan 2016

Compliance Table



Proposed Draft Lane Cove DCP 2009 – Compliance Table		
Requirement	Proposal	Complies?
<b>PART B: GENERAL CONTROLS</b>		
<b>PART D: COMMERCIAL AND MIXED USE LOCALITIES</b>		
<b>Locality 1: St. Leonards Key Precincts</b>		
<p><b>Block 2- Lithgow / Christie / Pacific Precinct</b> 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:-</p> <ul style="list-style-type: none"> <li>- B4 Mixed Use block south of Christie Lane</li> <li>- B3 Commercial Core block north of Christie Lane.</li> </ul> <p>Note: This DCP section prevails over the remainder of DCP 2010 where inconsistency occurs. Otherwise DCP 2010 controls apply generally.</p>	The subject site is located within Block 2, north of Christie Lane and in the block zoned as B3 Commercial Core Land Use.	✓
<b>Pacific/Lithgow/Christie Precinct</b>		
<p><b>2. Building Line Setbacks</b> Ground Level =</p> <ul style="list-style-type: none"> <li>- 4m minimum from Pacific Highway</li> <li>- 1.5m minimum from Christie Lane north side</li> </ul> <p>Retail activation fronting all public domain where possible. All ground floor frontages, except to Rail Plaza, are to provide awnings over the public footpath.</p>	<p>The ground floor lobby is setback 4.19m from Pacific Highway through the inclusion of a colonnade. At the rear fronting Christie Lane, the building line is setback approximately 10m from the lane and the basement access point is setback 5.5m from the lane.</p> <p>The main lobby is an active street frontage, which extends the width of the lot and shares an interface with the Pacific Highway. The proposed awning will extend across the full frontage to the Pacific Highway.</p>	<p>✓</p> <p>✓</p>
<p><b>3. Building Line Setbacks – Above Ground Level (Non-Residential)</b></p> <ul style="list-style-type: none"> <li>- 1.5m minimum from Christie Lane north side</li> <li>- 4m minimum from Pacific Highway</li> </ul>	<p>There is a nil setback to Christie Lane on levels 1 and above.</p> <p>The proposed development has a tower setback of 4m from Level 5 and above.</p>	<p><b>Based on Merit</b></p> <p>✓</p>
<p><b>6. Floor to Floor Height Non-Residential</b></p> <ul style="list-style-type: none"> <li>- Ground Level – 4.8m minimum</li> <li>- Each level other than retail – 3.6 minimum</li> </ul>	<p>Floor to floor height of ground level to Pacific Highway is 4.8m</p> <p>Floor to floor height of upper levels are 3.1m due to the proposal being a commercial hotel development</p>	<p>✓</p> <p><b>Based on Merit</b></p>
<b>Other</b>		
<p><b>1. Uses</b> Encourage uses which operate during evening and early morning hours, such as cafes and restaurants, community facilities,</p>	Hours of operation of the hotel will extend beyond typical retail trading hours.	✓

Proposed Draft Lane Cove DCP 2009 – Compliance Table		
Requirement	Proposal	Complies?
gymnasiums and other facilities, to encourage activity and safety outside office hours.		
Provide active uses at street level and flanking public spaces.	The main lobby is an active ground floor use.	✓
Serviced apartments are not to be developed.	Noted, the hotel will not include service apartments.	-
<b>4. Landscaping / Open Space</b> New street trees, paving and verge upgrades to be incorporated into the site development.	Council may wish to impose a suitable consent condition.	✓
Landscaping elements are to be incorporated into non-residential levels facades.	Landscaping has been included in the form of a roof garden that has been included on the awning along the Pacific Highway façade and the rooftop open space is provided with perimeter planting. Planter boxes are proposed within the colonnade space. Refer to the submitted Landscape Plans.	✓
<b>6. Public Domain</b> The DA Statement of Environmental Effects to demonstrate how the proposal contributes positively to the overall precinct-wide public domain.	Refer to the SEE submitted with this application.	✓
This includes ground-level finishes/paving and layout of the inner courtyard and laneways to maximise pedestrian amenity.	Council may wish to impose a suitable consent condition.	✓
Signage, paving etc are to assist “navigation” along destinations paths of travel.	Council may wish to impose a suitable consent condition.	✓
In complying with accessibility standards, consideration of the needs of people with disabilities, including the visually-impaired, is to be demonstrated.	Refer to the Access Report that has been submitted with this application	✓
Bike facilities are to be provided.	Council may wish to impose a suitable consent condition.	✓
<b>7. Façade Colours and Materials</b> 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.	A mix of design elements, façade materials and colours have been utilised to form the podium level and tower form of the development.	✓
External materials to be durable with a high quality finish.		

Proposed Draft Lane Cove DCP 2009 – Compliance Table		
Requirement	Proposal	Complies?
Façade detailing to also address shading, wind protection and solar access considerations.		
<b>8. Wind Mitigation</b> A Wind Analysis study relating to all facades, 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.	Refer to the Wind Effects Report submitted with the development application.	✓
<b>9. Façade Articulation</b> Articulation of facades is to be designed to express differing uses, with layering of levels of the building complemented by the composition of rhythm, texture, and materials.	The façade has been articulated to reflect the podium level and tower form of the hotel, which will be the sole land use on the site.	✓
Roof elements should be integrated with the overall design of the building.	The roof elements, including the rooftop terrace have been integrated into the overall design of the building to create a contemporary hotel tower.	✓
<b>10. Solar Access</b> New developments should achieve 2 hours direct sunlight for at least 70% of apartments, under the NSW Apartment Design Guide. This should be applied flexibly and with discretion in Major Centre/Specialised Centres where densities are high.	Noted. There are no residential apartments provided within this proposal.	N/A
<b>13. Development Coordination</b> Development is to be committed to for each site within the applicant's control/ownership, north and south of Christie Lane, in full as a pre-requisite to approval.	The proposed development is located north of Christie Lane and is wholly owned by the applicant. Provisions for car parking, vehicular access and building elements have been included should future development occur on sites adjacent to the subject site.	✓
<b>14. Airspace</b> Federal legislation requirements relating to Sydney Airport are to be investigated and complied with by the applicant for any development.	The proposed development is not identified as being within an area that is subject to the Obstacle Limitation Surface declared by the Commonwealth Department of Infrastructure and Regional Development.	✓
<b>15. Public Art</b> Public art is to be provided at key points of visibility and pedestrian movement.	Noted. Council may impose a suitable condition in this regard.	-
<b>16. Coordinated Site Redevelopment</b> Development of Site A (Lithgow St/Christie St) and Site B (Pacific Hwy/Christie Lane) together is to be committed to within one Development Application i.e. no staged approvals will be given.	The proposed development applies to part of Site B (Pacific Hwy/Christie Lane), The building has been designed to enhance the development potential of adjoining sites to the east and west with the provision of a basement which can be extended into the neighbouring property, blank walls to the side boundaries and voids for natural light and ventilation through the centre of the site which can potentially be extended into neighbouring properties.	✓