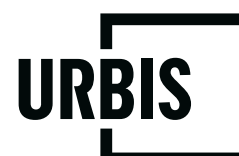




STATEMENT OF ENVIRONMENTAL EFFECTS

29-57 Christie Street,
St Leonards

Prepared for
ARROW CAPITAL PARTNERS
18 November 2020



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EXECUTIVE SUMMARY

This Statement of Environmental Effects (**SEE**) has been prepared by Urbis Pty Ltd on behalf of Arrow Capital Partners (**the Applicant**) in support of a development application (**DA**) for the redevelopment of the site at 29-57 Christie Street, St Leonards (**the site**).

The proposed development is for a concept DA across the site to establish three building envelopes (Building A, B and C), and a detailed DA for the construction of two commercial buildings (Building A and B) located in the southern portion of the site.

ST LEONARDS AND CROWS NEST 2036 PLAN

The site is located within the St Leonards and Crows Nest Precinct (**the Precinct**), which is identified by the Department of Planning, Industry and Environment (**DPIE**) as a 'planned precinct' and strategic centre. The Precinct is located approximately five kilometres north-west of Sydney CBD and covers three local government areas (**LGAs**): Lane Cove Council, North Sydney Council and Willoughby City Council. The Precinct sits at the heart of the Eastern Economic Corridor, offering opportunities for greater connectivity, innovation and employment to transform the St Leonards and Crows Nest area. The Precinct also includes the new Crows Nest Metro Station as part of the Sydney Metro City & Southwest – Chatswood to Sydenham and will be a catalyst for urban renewal and activation in the area.

On 29 August 2020, DPIE finalised the St Leonards and Crows Nest 2036 Plan (**the 2036 Plan**), which is the key strategic document that will guide the future development in the Precinct. The 2036 Plan is a comprehensive land use and infrastructure plan that has been prepared to align with the Greater Sydney Commission's (**GSC**) North District Plan's four priorities and sets a series of precinct specific objectives and actions to deliver the vision for the Precinct. More specifically, the 2036 Plan envisions the following for the St Leonards core:

The St Leonards core will be revitalised through a balance of commercial and residential development, providing lively and active streets, safe and interesting laneways for people and sunny tree-lined public spaces. The best bits of the surrounding leafy neighbourhoods that locals love will be brought into the heart of St Leonards for residents, workers and visitors to enjoy.

The proposed development supports the NSW State Government's vision as it will:

- Deliver three new building envelopes with a built form that transitions from the surrounding high-rise development along the Pacific Highway to the low density residential areas to the south.
- Offer a stepped built form that responds to the surrounding context and does not adversely impact the neighbouring developments or Newlands Park.
- Deliver 25,905 sqm of quality employment floor space in Building A and B and create 2,629 direct and indirect jobs.
- Propose a development that contains a mix of commercial, retail and indoor recreational land uses with activate street frontages within Building A and B.
- Provide two new through site links that will enhance the connectivity and accessibility throughout the Precinct.
- Upgrade and enhance the adjoining public open spaces and public domain areas by greening the surrounding street network of the St Leonards Core.

The proposed development will assist with reinforcing the role of St Leonards as a strategic centre, and satisfies the strategic objectives for St Leonards under the Greater Sydney Regional Plan, North District Plan and the 2036 Plan as well as Lane Cove Council's objectives for employment growth in strategic centres close to public transport.

The proposed development will improve the public domain through the provision of appropriate and attractive built forms that fit in the context of the locality and includes two open air through site links and landscaped public open space. The redevelopment of the site seeks to make improvements to the Council-owned pedestrian connection between Christie Street and Oxley Street. Improvements will see this space expanded and embellished to create an accessible recreation area for the community. Ground floor retail uses within Building A and B will further activate the area.

As described in this SEE, the proposed development will offer a high level of amenity for the occupants of the commercial buildings within Building A and B without adversely impacting the amenity of surrounding properties.

A Ministerial Direction was issued under section 9.1 of the EP&A Act on 27 August 2020 which requires that a consent authority must ensure that any planning proposal is consistent with the St Leonards and Crows Nest 2036 Plan. The Ministerial Direction also gives the 2036 Plan weight in the assessment of development applications.

SITE DESCRIPTION

The site is located within the Lane Cove local government area (**LGA**) and St Leonards commercial precinct, on the eastern side of Christie Street between Nicholson Street to the north and east, and Oxley Street to the south. The site is approximately 300m south of St Leonards railway station and 100m north-west of the future Crows Nest Metro Station.

Many of the surrounding land uses have a strong employment focus which are complimented by high-density residential and mixed-use development under construction along the Pacific Highway.

DEVELOPMENT DESCRIPTION

The DA seeks development consent from Lane Cove Council (**Council**) for the following:

- Concept approval for three building envelopes comprising eight storeys (Building A), 12 storeys (Building B) and 18 storeys (Building C) and a total gross floor area (**GFA**) of 57,267sqm.
- Approval to construct and use 25,905 sqm of floor space within Building A and B comprised of commercial premises including retail and indoor recreation uses.
- Approval for demolition of the southern building on the site, retention of the northern commercial building and construction of Building A and B, public domain and landscape works and alterations to the existing basement car park.

The proposed development has an estimated cost of \$173,020,000 and development consent is sought under Part 4 of the *Environmental Planning & Assessment Act 1979* (**EP&A Act**).

PLANNING CONTEXT

The proposed development has been assessed in accordance with the key planning objectives, priorities and actions outlined within relevant strategic land use and transport planning policies including:

- Greater Sydney Region Plan: A Metropolis of Three Cities
- Our Greater Sydney 2056: North City District Plan
- St Leonards and Crows Nest 2036 Plan
- Lane Cove Local Strategic Planning Statement

This SEE also provides a comprehensive assessment of the proposed development against the following statutory controls and regulatory instruments:

- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy 55 – Remediation of Land*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *Lane Cove Local Environmental Plan 2009*
- *Lane Cove Development Control Plan 2009*

Overall, the proposed development demonstrates a high degree of consistency and suitability when assessed against the relevant planning instruments and plans. Where non-compliances have been identified, these have been justified and are able to be supported by Council.

ASSESSMENT OF KEY ISSUES

The SEE identifies and assesses the key environmental, social and economic impacts of the proposed development and recommended measures to mitigate, minimise or manage these impacts. The anticipated environmental, economic and social impacts are summarised below:

Natural Environment

All appropriate measures will be implemented during the construction phase to ensure that there is no adverse amenity impacts to surrounding properties in terms of dust, soil erosion, air and noise.

The proposed development will not result in the removal of significant flora and fauna on the site. All trees proposed to be removed are identified as having a low retention value and will be replaced by species with higher biodiversity value. Trees removed will be replaced at a rate of 1:1.06.

Built Environment

The proposed development has been designed to be compatible with the surrounding future built environment and not adversely impact the low density residential buildings to the south. The site is strategically located in a highly accessible area. This is further supported and reinforced by DPIE's 2036 Plan which nominates an FSR of 7.5:1 for the site.

The proposed development provides for a high-quality public domain outcome which will contribute positively to the St Leonards commercial precinct.

The surrounding road network is capable of accommodating the increased traffic generation anticipated from the proposed development.

Social and Economic Impacts

It is considered that the following key benefits will arise from the proposed development:

- The continued growth envisioned for St Leonards commercial precinct, providing additional employment floor space and contributing to the revitalisation of St Leonards.
- Positive contribution to the locality through enhancing the streetscape presentation, amenity and connectivity in the public domain around the site.
- Public benefit offerings in the form of two pedestrian through site links, public amenities and an enhanced and expanded public open space at the Christie Street Civic Green.
- Retail activation on the Christie Street and Nicholson Street frontages.
- Generation of 609 construction jobs over two and a half years and the construction period will generate \$95.2 million in gross value add.
- Creation of more than 2,600 direct and indirect jobs, which will contribute to addressing the low (15%) share of Lane Cove residents able to work in the Lane Cove LGA.

CONCLUSION

The proposed development will:

- **Be consistent with State and local strategic planning policies** – contributing to State strategic planning objectives to facilitate the economic growth of St Leonards commercial precinct through the provision of increased commercial densities close to public transport.
- **Have appropriate built form** – that is compatible with the future context of the locality and will positively contribute to the revitalisation of the St Leonards Commercial Precinct.
- **Have a high degree of amenity** – for the future users of Building A and B which will be delivered as quality commercial floor space. The proposed development will also provide workers with excellent outlook and access to outdoor space in the form of landscaped roof terraces and an extension and embellishment of Christie Street Civic Green.

- **Result in limited environmental impacts** – the proposed development can be accommodated on site without creating unreasonable environmental impacts to surrounding locality in terms of overshadowing, privacy and view loss.
- **Deliver positive social and economic benefits** – for St Leonards commercial precinct and the broader locality. The proposed development will significantly enhance the visual presentation of development on the site and has the potential to act as a catalyst for future growth and investment in St Leonards. The proposed development will enhance the public domain through provision of additional high quality, landscaped public open space and activated edges.

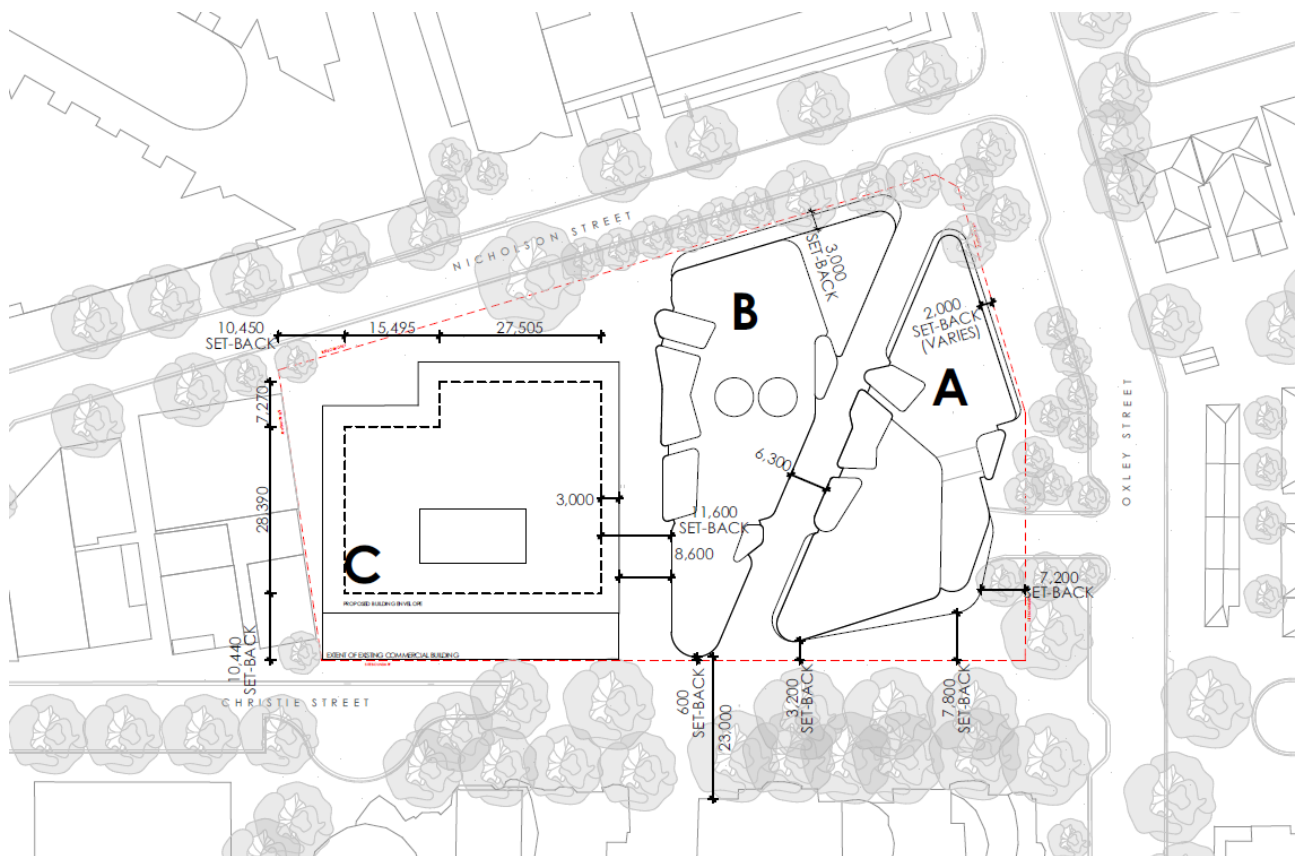
1. INTRODUCTION

This Statement of Environmental Effects (**SEE**) has been prepared by Urbis Pty Ltd on behalf of Arrow Capital Partners (**the Applicant**) in support of a development application (**DA**) to Lane Cove Council (**Council**) under Section 4.22 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) for redevelopment of 29-57 Christie Street, St Leonards (**the site**).

The proposed development is for a concept DA for the site and a detailed DA for the construction and use of two commercial towers, basement car parking, associated landscaping and public domain works.

The concept DA seeks to establish three building envelopes to be constructed in two stages. The detailed DA seeks approval for the first stage of construction involving the demolition of the existing building in the southern portion of the site, retention of the commercial building in the northern portion of the site and construction of two commercial buildings, identified as Building A and Building B on the staging plan in **Figure 1** below.

Figure 1 Concept Plan



Source: Fitzpatrick + Partners

1.1. ST LEONARDS AND CROWS NEST 2036 PLAN

The site is located within the St Leonards and Crows Nest Precinct (**the Precinct**), which is identified by the Department of Planning, Industry and Environment (**DPIE**) as a 'planned precinct' and also identifies St Leonards as a Strategic Centre. DPIE has prepared a comprehensive planning strategy for the Precinct that provides a strategic framework to guide the future development in the area, which is referred to as the St Leonards and Crows Nest 2036 Plan (**the 2036 Plan**).

The 2036 Plan is a direct response to the North District Plan's to "*leverage the new Sydney Metro Station at Crows Nest to deliver additional employment capacity*", as it envisions that the new Crows Nest Metro Station will be a catalyst for change in the area. The future metro station presents an opportunity for urban renewal, activation and an increase in employment to the Precinct. The 2036 Plan sets a land use and infrastructure plan that anticipates the creation of approximately 16,500 new jobs and 6,680 new dwellings whilst providing supporting infrastructure within walking distance to both the existing St Leonards Railway Station and future Crows Nest Metro Station.

The Precinct is located approximately five kilometres north-west of Sydney commercial precinct and covers three local government areas (**LGAs**): Lane Cove Council, North Sydney Council and Willoughby City Council. The Precinct also sits at the heart of the Eastern Economic Corridor, offering opportunities for greater connectivity, innovation and employment to transform the St Leonards and Crows Nest area. **Figure 2** depicts the extent of the Precinct and the location of the site and new Crows Nest Metro Station. As shown below the site is proximate to both stations, offering an exceptional opportunity to deliver a brand-new development that is highly accessible and located within the St Leonards Strategic Centre.

The site is one of the largest landholdings in St Leonards, surrounded by high density mixed use and commercial developments. It has the potential to deliver significant employment floor space and support new jobs in the Precinct, whilst also providing upgraded public spaces.

Figure 2 St Leonards Crows Nest Precinct Boundary



On 29 August 2020, DPIE finalised the 2036 Plan after exhibiting the Draft 2036 Plan and supporting documentation between 15 October 2018 and 8 February 2019. The finalised 2036 Plan has been informed by stakeholder and community consultation and has been prepared to align with the Greater Sydney Commission's (**GSC**) North District Plan's four priorities. The 2036 Plan sets out a series of precinct specific objectives and actions to deliver the vision for the Precinct, many of which are relevant to the site and proposed development. The key relevant precinct objectives include:

Liveability

- *Apply casual surveillance and universal access principles to new development to create a safe, inclusive and comfortable environment.*
- *New development should have consideration to wind impacts demonstrated through a wind assessment.*
- *Consider cumulative impacts of new developments on existing areas, including overshadowing, wind impacts and view loss.*
- *In transition areas between low and high-rise developments, new development should consider the prevailing scale and existing character in the design of their interfaces.*

- *New building design should provide high on-site amenity and consider street width and character by providing ground and upper level setbacks and awnings to achieve a human scale at street level.*

Productivity

- *Ensure new employment sites in the area cater to a range of business types and sizes.*
- *Protect large commercial core zoned sites to ensure employment uses are protected into the future.*

Sustainability

- *Ensure no additional overshadowing of public open spaces and important places in accordance with solar access controls identified in the Plan.*
- *New development along Chandos, Oxley and Mitchell Streets should provide wider setbacks to enable the creation of greener streets.*
- *Incorporate new street trees to realise the tree canopy targets and increase the overall tree coverage in the area.*

The 2036 Plan includes built form controls to guide the future development across the Precinct and on the site. The proposed building controls are recommended changes to the planning controls and will be integral to the future context of the Precinct. It is noted that the controls have evolved since the Draft 2036 Plan due to stakeholder and community consultation. A summary comparing the built form controls specific to the site is shown in the table below:

Table 1 Summary of the Site's Built Form Controls from Draft 2036 Plan and Final 2036 Plan

Planning Control	Draft 2036 Plan	Final 2036 Plan
Land Zoning	B3 Commercial Core	B3 Commercial Core
Building Height	15 storeys 9 storeys 4 storeys	25 storeys 11 storeys 6 storeys
Floor Space Ratio	5:1	7.5:1

The proposed development seeks to deliver significant commercial floor space on the site, reinforcing the role of St Leonards as a strategic centre, and satisfying the strategic objectives for St Leonards under the Greater Sydney Regional Plan, North District Plan and the 2036 Plan as well as Lane Cove Council's objectives for employment growth in strategic centres close to public transport.

The proposed development will improve the public domain through the provision of appropriate and attractive built forms that fit in the context of the locality and includes two open air through site links and landscaped public open space. The proposed development seeks to make improvements to the Council-owned pedestrian connection between Christie Street and Oxley Street. Improvements will see this space expanded and integrated into the proposed development to create an accessible recreation area for the community. Ground floor retail uses will further activate the area.

As described in this SEE, the proposed development will offer a high level of amenity for the occupants of the Building A and B commercial buildings without adversely impacting the amenity of surrounding properties.

1.2. PROPOSED DEVELOPMENT OVERVIEW

The concept DA sets out a development concept masterplan for the entire site and includes the following elements:

- Three building envelopes (Building A, B and C).
- Gross floor area of 57,267sqm.

- Car parking.
- Open space.
- Development staging.

The first stage of the development includes demolition of the existing building located in the southern portion of the site, retention with continued occupation of the existing building in the northern portion of the site, construction of two new commercial buildings, alterations and additions to the existing basement parking onsite, landscaping and public domain works.

A separate and future detailed DA will be submitted seeking development consent for the construction and use of Building C.

The proposed development will deliver significant benefit in the St Leonards Strategic Centre by delivering high quality commercial development that will reinforce the economic importance of the area, providing an increase in employment opportunities and amenity. The construction of Buildings A and B will deliver 25,905sqm of commercial floor space which will contribute to the base jobs target of 54,000 by 2036 in St Leonards.

St Leonards will benefit from the vitality created by an improved public open space and through site links which will enhance the public domain and create space for active and passive recreation within a predominantly commercial precinct.

Ultimately, the proposed development will deliver a positive contribution to the commercial core of St Leonards and respond to the site's proximity to St Leonards station and the future Crows Nest Metro station whilst delivering a genuine public benefit.

1.3. COST OF DEVELOPMENT

The proposed development has an estimated cost of works of \$173,020,000. The cost of works has been calculated in accordance with clause 255 (1) of the *Environmental Planning and Assessment Regulation 2000 (Regulations)*.

The proposed development is categorised as 'General Development over \$30 million' under Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*, and as such, the DA will be determined by the Sydney North Planning Panel in accordance with section 4.7 of the EP&A Act.

1.4. REPORT STRUCTURE

This SEE is structured as follows:

- **Section 2 – Site Context:** identifies the site and describes the existing development and local and regional context.
- **Section 3 – Project History:** outlines the approvals history and pre-lodgement discussions with key stakeholders.
- **Section 4 – Proposed Development:** provides a detailed description of the proposal.
- **Section 5 – Strategic Context:** identifies and analyses the State, regional and local strategic planning policies relevant to the site and proposed development.
- **Section 6 – Statutory Context:** provides a detailed assessment of the State and local environmental planning instruments and plans relevant to the site and development.
- **Section 7 – Assessment of Key Issues:** identifies the potential impacts arising from the proposal and recommends measures to mitigate, minimise or manage these impacts.
- **Section 8 – Section 4.15 Assessment:** provides an assessment of the proposal against the matters of consideration listed in Section 4.15 of the EP&A Act.
- **Section 9 – Conclusion:** provides an overview of the development assessment outcomes and recommended determination of the DA.

1.5. SUPPORTING DOCUMENTS

This SEE should be read in conjunction with the following architectural plans and specialist reports:

Table 2 Supporting Documentation

Document Title	Consultant	Appendix
Quantity Surveyors Cost Assessment	Rider Levett Bucknall	Appendix A
Detail Survey Plan	Veris	Appendix B
Architectural Design Statement	Fitzpatrick + Partners	Appendix C
Concept Masterplan	Fitzpatrick + Partners	Appendix D
Architectural Plans	Fitzpatrick + Partners	Appendix E
Shadow Analysis	Fitzpatrick + Partners	Appendix F
Landscape Plans	Arcadia	Appendix G
Landscape Design Report	Arcadia	Appendix H
Arboricultural Impact Assessment	Lee Hancock Consulting	Appendix I
Civil Plans	ADG Engineers	Appendix J
Stormwater Management Plan	ADG Engineers	Appendix K
Retaining Wall Certification	ADG Engineers	Appendix L
Access Report	Morris Goding Access Consulting	Appendix M
Acoustic Report	NDY	Appendix N
BCA Report	McKenzie Group	Appendix O
Construction Management Plan	Buildcorp	Appendix P
Preliminary Site Investigation (Contamination)	Douglas Partners	Appendix Q
ESD Report	NDY	Appendix R
Economic Benefits Report	Urbis	Appendix S
Geotechnical Desktop Assessment	Douglas Partners	Appendix T
Traffic Impact Assessment	PTC Consultants	Appendix U
Waste Management Plan	Waste Audit	Appendix V
Clause 4.6 Variation (Building Height)	Urbis	Appendix W
Clause 4.6 Variation (FSR)	Urbis	Appendix X

Document Title	Consultant	Appendix
Public Benefit Offer	Arrow	Appendix Y

This SEE demonstrates that the proposed development is a suitable for the site and will not result in any unreasonable impacts. The DA able to be approved subject to conditions.

2. SITE CONTEXT

2.1. SITE DESCRIPTION

The site is located within the St Leonards commercial precinct, on the eastern side of Christie Street between Nicholson Street to the north and east, and Oxley Street to the south. **Figure 3** and **Table 3** below provide further detail. It is the largest land holding in the St Leonards Strategic Centre and presents a unique opportunity to redevelop a large strategically located parcel of land in the B3 Commercial Core zone.

Figure 3 Aerial photograph of site



Source: Urbis

Table 3 Site Description

Feature	Description
Street Address	29-57 Christie Street, St Leonards
Legal Description	Lot 1 in Deposited Plan 773862
Site Area	7,636 m ²
Site Dimensions	Christie Street frontage: 115.45m Oxley Street frontage: 83.48m Nicholson Street frontage: 112.42m Northern boundary: 48.14m
Site Topography	The site and existing buildings sit below the Nicholson Street frontage by approximately 4m. The site slopes down from south-east (RL 83) to south-west (RL 76) by 7m and north-west (RL 72) by 11m.

Feature	Description
Vegetation	Existing vegetation on the site includes a large cluster of Sheoak trees at the Nicholson Street frontage, a population of street trees along the Oxley Street frontage and a mature population of London Plane Trees along the public Christie Street pedestrian pathway adjacent to the site.

2.2. EXISTING DEVELOPMENT

The site currently accommodates two commercial buildings, an eight-storey office building on the northern side of the site and a two-storey building tenanted by a Fitness First gym on the southern side of the site.

There are three levels of existing basement carparking within the site which provides 305 car spaces for the existing tenants of the commercial buildings.

An existing park is located adjacent to the site on the western edge. This underutilised publicly accessible open space is known as the Christie Street Reserve.

Figure 4 Site Photos



Picture 1 Existing development as viewed from corner of Oxley Street and Christie Street



Picture 2 Existing access to Fitness First building on Oxley Street



Picture 3 Eastern side of site as viewed from Oxley Street



Picture 4 Christie Street Reserve

Source: Fitzpatrick + Partners

2.3. LOCALITY CONTEXT

The site is strategically located at the southern edge of the St Leonards Strategic Centre, approximately 6km from Sydney CBD. The site is approximately 300m south of St Leonards railway station and 100m north-west of the future Crows Nest Metro Station.

Many of the surrounding land uses have a strong employment focus which are complimented by high-density residential and mixed-use development under construction along the Pacific Highway.

Royal North Shore Hospital, North Shore Private Hospital and The Forum medical precinct are located to the north-west of the site, as well as Artarmon Business Park and St Leonards TAFE Campus.

Immediate surrounding development includes:

- **North:** Commercial buildings on smaller lots at 59-67 Christie Street.
- **East:** Multi-storey commercial and mixed-use developments addressed to Pacific Highway including the recently completed 35 storey mixed use development at 472-486 Pacific Highway.
- **South:** Across Oxley Street is low density residential development in the form of individual dwellings and multi-dwelling housing.
- **West:** 'Shoremark' residential flat development at 54-56 Christie Street and 'Northmark' residential flat development at 52 Christie Street.

Figure 5 Site Context Map



Source: Urbis

3. PROJECT HISTORY

3.1. PRE-LODGE MENT DISCUSSIONS

A collaborative process between the Applicant, Lane Cove Council (the Council) and the DPIE has been undertaken in the preparation of this DA. The Applicant recognises the importance of early engagement with Council on this important site given the sensitivities with regard to strategic planning and surrounding development.

A summary of the consultation that has taken place is provided below:

- On 17 December 2018, the Applicant met with Council to introduce themselves as the new owners of the site and discuss future plans for redevelopment.
- On 26 June 2019, the Applicant met with Council to discuss the preparation of a submission responding to the Draft 2036 Plan for St Leonards and Crows Nest. Council recommended that the submission cover the following issues:
 - Overshadowing of parks and open residential to the south.
 - Any FSR and height increases over and above the Draft 2036 Plan.
 - Justification for increase in FSR / Height, i.e. public open space offset formula.
 - Community outcomes, what can be offered by way of a VPA to convince councillors to endorse the new planning controls for the site.
 - Relationship of the buildings to the wider precinct and building next door.
 - Supply of commercial space and meeting councils' strategic objectives for the precinct.
 - Traffic modelling exist and entry points.
- On 3 October 2019, the Applicant and Urbis met with Council to provide a planning update and discuss the progress in resolving the abovementioned issues.
- On 6 February 2020, the project team met with Council to discuss a proposed scheme for the site. Council recommended the team present to the Lane Cove Councillors to gauge their interest and support.
- On 9 March 2020, the project team presented to the Councillor's and received positive feedback, and support to proceed to pre-lodgement phase.
- On 18 June 2020, the project team met with Council for a formal pre-lodgement meeting as detailed in **Section 3.2** below.
- On 4 August 2020, the Applicant and architect met with Council to discuss the pre-lodgement minutes that were received and VPA.

In addition, Urbis contacted DPIE on several occasions in relation to the site and its redevelopment.

- On 25 November 2019, Urbis spoke to DPIE for an update on the Draft 2036 Plan where she invited the project team to prepare and submit a piece about the site providing a summary of the landowners vision and objectives for the site, what they can deliver (uplift, public benefits) and discussion on solar impacts.
- On 2 March 2020, Urbis submitted an information pack containing a proposed concept identifying the site's redevelopment potential which was consistent with the objectives of the draft 2036 Plan.
- On 27 April 2020, Urbis met with DPIE via a videoconference meeting to clarify some issues with the draft 2036 plan and request an update on its finalisation.

3.2. PRE-DA MEETING

On 18 June 2020, the Applicant and project team met with Council for a formal pre-lodgement meeting to discuss the proposed development. A range of matters were discussed, including issues relating to the project scale, landscaping, tree management, environmental health, parking, stormwater management, construction management, geotechnical investigation and access.

The proposed development has addressed these issues, as summarised below.

Table 4 Pre-Lodgement Meeting Issues

Pre-DA Item	Issue	Proposed Development	Refer to
A. Strategic Planning	<ul style="list-style-type: none"> Address North District Plan, Draft 2036 Plan, LSPS, LCLEP and LCDCP. Overshadowing to Newlands Park and residential area south of Oxley Street. Any clause 4.6 to focus on public interest, complying and promoting zone objectives. 	<p>Analysis of the proposed development against the relevant strategic documents are provided throughout this SEE, including the final St Leonards and Crows Nest 2036 Plan.</p> <p>Fitzpatrick + Partners have prepared a comprehensive overshadowing analysis package to demonstrate the proposed development will not unreasonably overshadow Newlands Park or the low-density residential locality to the south of the site.</p> <p>Two clause 4.6 variation requests have been prepared to justify the technical height and FSR breaches and demonstrate how the proposed development is in the public interest.</p> <p>It is noted that the overall proposed height and FSR under the Concept DA are consistent with the controls set out in the final St Leonards and Crows Nest 2036 Plan.</p>	Section 5 of this SEE and Appendix F , Appendix W and Appendix X .
B. Other Planning Matters	<ul style="list-style-type: none"> Extent of variation from LEP height and FSR controls DPIE advice regarding assessment of height and FSR variations. Legal advice required if pursuing a VPA. 	<p>The extent of height and FSR variations from the Lane Cove Local Environmental Plan 2009 have been comprehensively justified in the accompanying clause 4.6 variation requests.</p> <p>The DPIE released the final St Leonards and Crows Nest</p>	Appendix W , Appendix X and Appendix Y .

Pre-DA Item	Issue	Proposed Development	Refer to
		<p>2036 Plan on 29th August which includes increased height and FSR on the site. The proposed development is consistent with the height, bulk and scale envisioned for the site under the 2036 plan and is therefore considered appropriate for the site.</p> <p>The Applicant with their legal team has drafted a Letter of Offer to facilitate the delivery of public benefits commensurate with the degree of built form uplift sought on the site.</p>	
C. Tree Management	<ul style="list-style-type: none"> Removal of trees to be replaced with an avenue of canopy trees on Nicholson Street. All trees removed to be replaced at a ratio of at least 1:1, ratio of 1:2 preferred. Arboricultural Impact Assessment required. 	<p>The accompanying Arboricultural Impact Assessment prepared by Lee Hancock identifies the trees proposed to be removed to facilitate the proposed development.</p> <p>Replacement trees are proposed at a 1:1.06 replenishment rate which complies with Part J of the Lane Cove DCP 2010, which requires a 1:1 replacement ratio.</p> <p>Trees to be removed are identified as having a low retention value. Replacement trees will have a higher biodiversity value and due to the placement and spread will result in increased tree canopy in the locality.</p>	Appendix I, Appendix G
D. Landscaping	<ul style="list-style-type: none"> Council require a net increase in significant tree canopy. Consultation required with Council's Landscape Architect and Open Space Manager on the design of the 	<p>Replacement trees are proposed to be replenished at a ratio of 1:1.06, as provided for under Part J of the Lane Cove DCP 2010.</p>	Appendix G, Appendix H and Appendix I

Pre-DA Item	Issue	Proposed Development	Refer to
	<p>public domain works on Council land.</p> <ul style="list-style-type: none"> Consider providing toilet block for open space area. Part J of DCP (Landscaping) to be considered. Landscape checklist to be completed. 2:1 tree replenishment ratio required on site or elsewhere in Lane Cove. Street trees to achieve a height of at least 13m. Landscape Calculation Plan to be prepared by Landscape Architect. 	<p>Arcadia will consult with Council on the design of the Christie Street Civic Green.</p> <p>Public toilets are provided in Building B and are accessed via the southern through site link.</p> <p>Part J of LCDCP has been considered in the landscape design.</p> <p>A landscape checklist has been completed and accompanies the landscape package.</p> <p>Arcadia have prepared a Landscape Calculation Plan.</p>	
E. Environmental Health	<ul style="list-style-type: none"> Contaminated land issues are to be addressed. Construction Noise Management Plan required. Details of cooling tower or other building cooling systems to be provided. If the building incorporates any commercial food premise details are required for kitchen exhaust systems, these details should be provided with the DA. Energy efficient and sustainable cooling/heating would be encouraged. 	<ul style="list-style-type: none"> A Stage 1 Preliminary Site Investigation Report has been prepared by Douglas Partners which recommends a Detailed Site Investigation be undertaken after demolition of the existing Fitness First building. A Construction Management Plan (CMP) has been prepared by Buildcorp which sets out mitigation measures to be adopted to prevent adverse construction noise impact. An ESD Report has been prepared by Norman Disney & Young to address energy efficiency which demonstrates that the environmentally sensitive design of the proposed development supports the broader precinct's intent for sustainability. 	<p>Appendix Q</p> <p>Appendix P</p> <p>Appendix R</p>

Pre-DA Item	Issue	Proposed Development	Refer to
F. Parking and Traffic	<ul style="list-style-type: none"> ▪ Shortfall of more than 600 car spaces not supported. ▪ Traffic consultant to utilise Council's Aimsun traffic model. 	A Traffic Impact Assessment (TIA) has been prepared by PTC and extracts the future road network traffic volumes from the AIMSM model prepared by TEF consulting to inform the cumulative traffic impact. The TIA concludes that the surrounding road network can accommodate the proposed parking rates, and the proposed parking rates are suitable for the site and the proposed use.	Appendix U
G. Engineering	<p>Stormwater Management</p> <p>The following is required to be submitted with the DA:</p> <ul style="list-style-type: none"> ▪ Stormwater Management Plan ▪ Erosion and Sediment Control Plan ▪ Details of OSD design ▪ Water quality details ▪ BASIX Certificate ▪ Council pit improvements on Christie Street <p>Construction Management</p> <p>The following is required to be submitted with the DA:</p> <ul style="list-style-type: none"> ▪ Indicative construction traffic management plan ▪ Dilapidation report ▪ Parking and driveway facilities to be designed to stop road runoff entering the property ▪ All retaining structures greater than 1m to be designed and certified by suitably qualified engineer 	<p>A civil engineering package has been prepared by ADG, which contains a Stormwater Management Plan, Erosion and Sediment Control Plan and details relating to the proposed on-site stormwater detention (OSD) and water quality devises for the site.</p> <p>A preliminary Construction Management Plan (CMP) has been prepared by Buildcorp.</p> <p>Provision is made in the CMP for independent dilapidation reports to be prepared prior to commencement of works.</p> <p>The CMP describes how natural rainwater run-off will be controlled by diversion to prevent it from travelling through the site.</p> <p>ADG Engineers have prepared a Structural Design Certificate</p>	<p>Appendix J and Appendix K</p> <p>Appendix P</p> <p>Appendix L</p>

Pre-DA Item	Issue	Proposed Development	Refer to
	Geotechnical Investigation <ul style="list-style-type: none"> Geotechnical engineer's report required prior to the commencement of any excavation works. 	certifying retaining walls greater than 1m A Geotechnical Desktop Assessment of the site has been carried out by Douglas Partners which provides preliminary comments on expected ground conditions, groundwater and vibration.	Appendix T
H. Accessibility	<ul style="list-style-type: none"> Access Report required Street furniture to be accessible 	An Access Report has been prepared by Morris Golding which confirms that the proposed development adopts the necessary provisions to reasonably support access for people with disabilities. The Landscape Design Report demonstrates that accessible furniture has been incorporated into the public domain strategy.	Appendix M for the Access Report and Appendix H for the Landscape Design Report

4. PROPOSED DEVELOPMENT

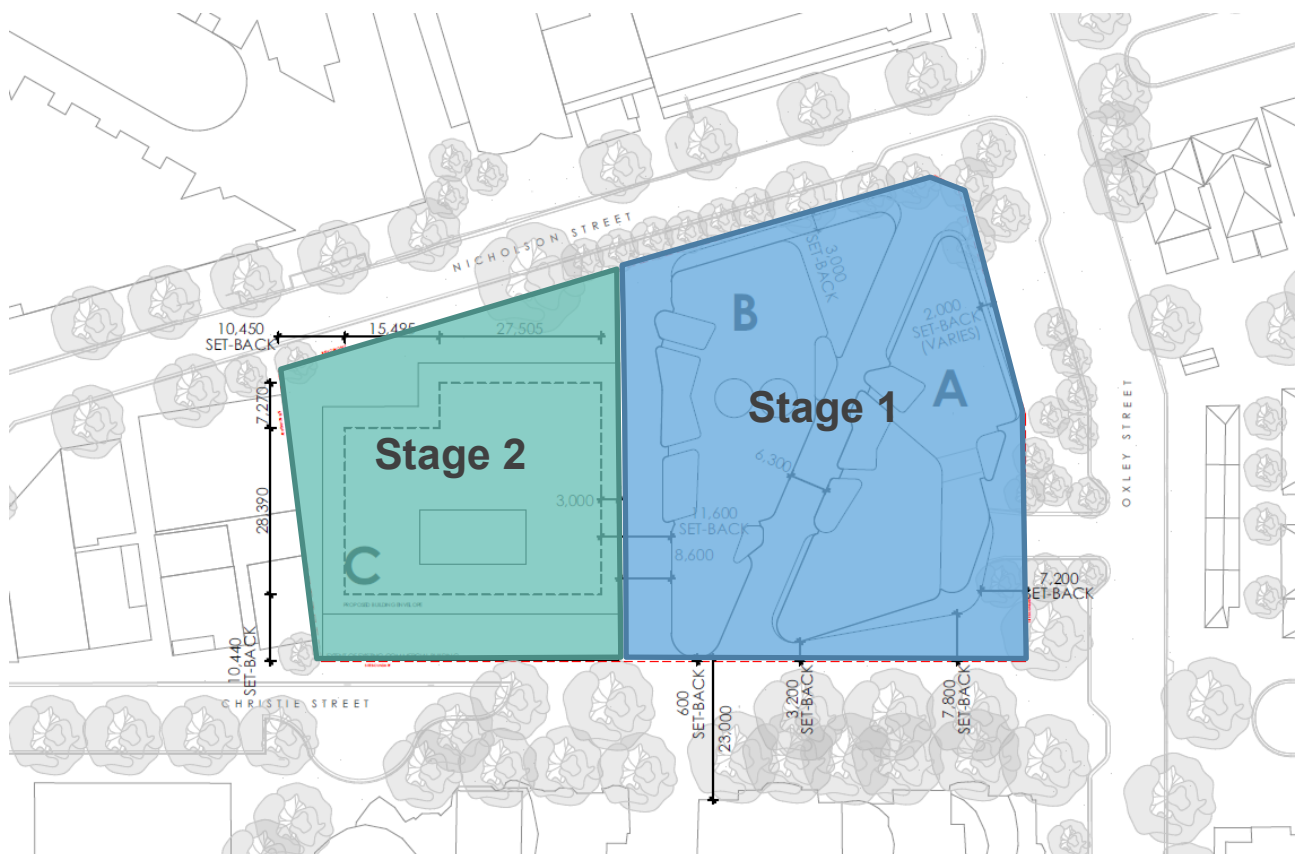
4.1. OVERVIEW

The DA seeks approval for a concept DA comprising three building envelopes (Building A, B and C), and high-level site planning considerations such as site access, gross floor area and development staging.

The DA also seeks approval for the demolition of the existing Fitness First building, retention of the commercial building in the northern part of the site and detailed design and physical works for the initial stage of development (**detailed DA**) comprising two commercial buildings (Building A and B) in the southern portion of the site, public domain works and alterations and additions to the existing basement car park.

The proposed staging is illustrated in **Figure 6** and **Table 5** below.

Figure 6 Site Layout and Staging



Source: Fitzpatrick + Partners

Table 5 Concept DA Staging

Stage	Development Component
Stage 1	<ul style="list-style-type: none"> Demolish existing Fitness First building and retain northern commercial building on the site. Construction of Building A and B. Upgrade of public domain/public open space works including creation of two through site links. Alterations and additions to existing basement carpark.

Stage	Development Component
Stage 2	<ul style="list-style-type: none"> Construction of Building C tower Basement parking below Building C

The Architectural Drawings prepared by Fitzpatrick and Partners form part of the DA submission and are included at **Appendix E**. The plans demonstrate the overall concept plan with three building envelopes, as well as details for the first stage of development with associated car parking, loading, public domain and landscaping works.

The concept proposal for the site and first stage of development are described in detail below.

4.2. CONCEPT PROPOSAL

The concept proposal has been designed in response to the site context and emerging character of the broader locality. The concept proposal outlines a holistic approach to the development of the site, ensuring that key development components are integrated and work together to deliver a functional and contemporary development with genuine public benefit.

The concept proposal establishes the building envelopes and future staging of the development. The concept proposal comprises:

- Three building envelopes (Building A, B and C).
- A gross floor area of 57,267sqm (FSR 7.5:1).
- Building heights of 8 storeys (Building A), 12 storeys (Building B) and 18 storeys (Building C).

Key numeric aspects of the concept proposal are summarised below. The detailed development is described in further detail within the following sections of this SEE.

Table 6 Numeric Overview of Proposed Development

Descriptor	Proposed
Site Area	7,636sqm
Height of Building	Building A – RL115.20 (8 storeys) Building B – RL130 (12 storeys) Building C – RL151.40 (18 storeys)
Gross Floor Area	Building A – 9,510sqm Building B – 16,395sqm Building C – 31,362sqm Total: 57,267sqm
Floor Space Ratio	7.5:1

The site plan illustrates the proposed development layout. Building envelope C is a large orange structure on the left, with a height of RL151.40. Building envelope B is a teal structure in the center, with a height of RL130.00. Building envelope A is a grey structure on the right, with a height of RL110.20. The plan also shows the existing commercial building, the proposed car park areas, and the surrounding streets: Oxley Street to the north and Nicholson Street to the east. A note indicates that the master plan height is 25 storeys and not shown on the page. The plan also shows the extent of the existing car park and the proposed car park extension.

NOTE
C MASTER PLAN HEIGHT
IS 25 STOREYS AND NOT
SHOWN ON PAGE

RL151.40 **C** BUILDING ENVELOPE

TOP OF BUILDING TO COMPLY WITH SOLAR
ACCESS REQUIREMENTS TO NEWLANDS
PARK AND RESIDENTIAL AREAS

B **RL130.00**

PLANE ROOM

A **RL121.30**
RL115.20

RL110.20

EXISTING COMMERCIAL BUILDING

THROUGH SITE LINK TO NICHOLSON STREET

THROUGH SITE LINK TO OXLEY STREET

NEIGHBOURING COMMERCIAL BUILDING

OXLEY STREET

EXTENT OF EXISTING CARPARK

EXTENT OF PROPOSED CARPARK

PROPOSED CAR PARK REQUIRED FOR A AND B
B3 RL68.21

APPROXIMATE EXTENT OF CAR PARK REQUIRED FOR BUILDING C EXTENSION
B6 RL59.90

MASTER PLAN HEIGHT 25 STOREYS

SITE LANE COVERLEAF HEIGHT 25 STOREYS
A MASTER PLAN HEIGHT & STOREYS

The detailed development includes the following:

- 22 PROPOSED DEVELOPMENT

- Landscaping and public domain works including extending and enhancing the public park on Christie Street (10.14% (774sqm) landscaping of site ground plane plus 2,836sqm additional on Council land).
- Associated infrastructure works including servicing.

4.3.1. Demolition and Excavation

Demolition of the existing southern building is sought as part of the first stage of the development program. The northern commercial building will be retained. Refer to demolition plan included at **Appendix E**.

Alterations and additions are proposed to the existing basement car park to increase parking capacity from 301 spaces to 338 spaces. The alterations and additions to the basement car park involve demolition of 244 spaces, retention of 57 existing spaces and provision of 281 additional spaces resulting in a net increase of 37 spaces.

A Geotechnical Desktop Assessment of the site has been carried out by Douglas Partners to provide preliminary comments on expected ground conditions, groundwater and vibration. Douglas Partners have used findings and information from previous, nearby geotechnical investigations as well as other available information (geotechnical maps etc.) to inform the Geotechnical Desktop Study.

The report is provided at **Appendix T** and provides recommendations to be implemented at the commencement of demolition works.

A large portion of the site was historically excavated and levelled for the construction of the existing basement and buildings. Where additional excavation is required for the alterations and additions of the basement car park, the Geotechnical Desktop Assessment provides recommendations for appropriate site preparation, earthworks and excavation support.

4.3.2. Civil Works

A Civil Engineering Package for the first stage of construction has been prepared by ADG and is included at **Appendix J**.

The package details sediment and soil erosion controls, siteworks and stormwater management and cross sections for all civil works associated with the first stage of construction.

4.3.3. Building Design

The vision for the proposed development, to be known as *St Leonards Common*, is to create a holistic architecture fulfilling the needs of the diverse community - the workers, visitors and residents alike.

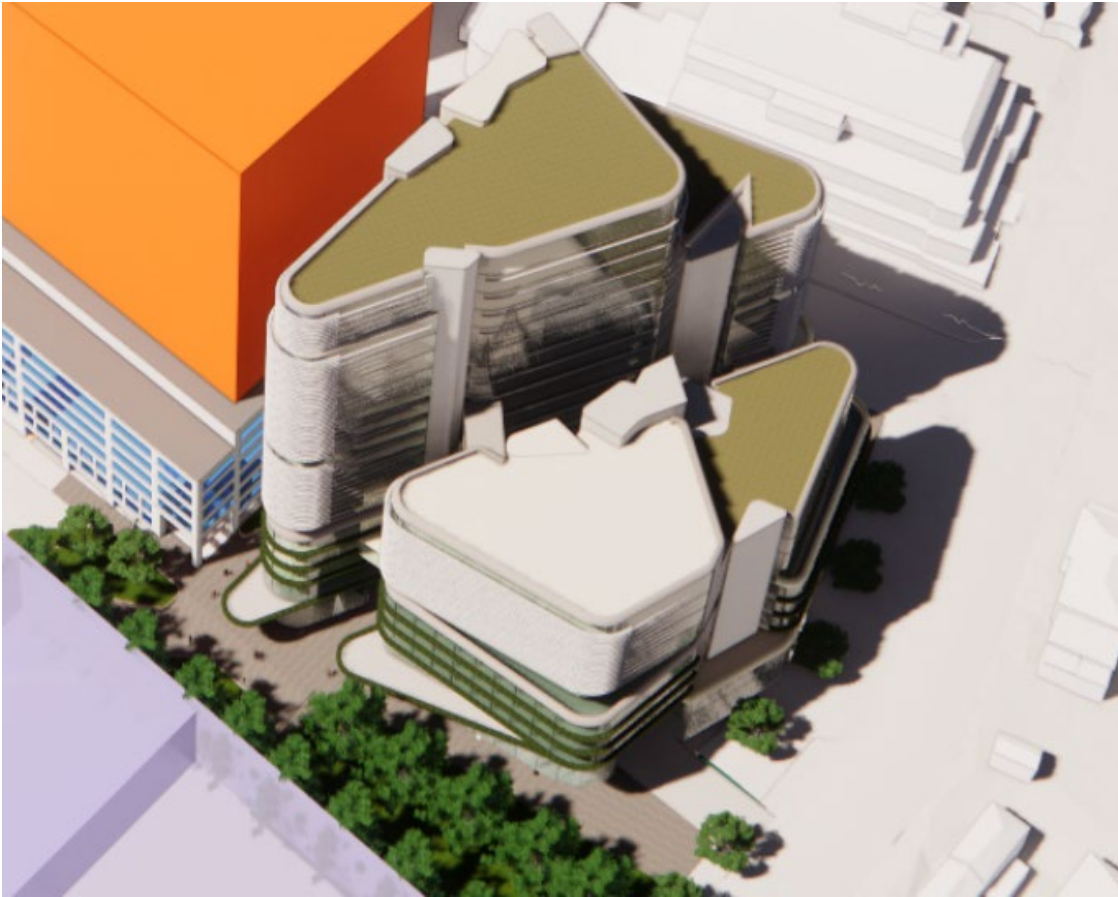
The dual buildings are sited in response to solar access requirements, the proposed purposeful through site links and the intent to provide useful external spaces both at the commercial entry points and through the extension of the Christie Street Park.

The buildings are further articulated to define a greened lower scale street wall, with higher and setback building towers. This vertical datum is achieved by modelling the building envelopes as a series of stacked pebbles of different sizes, materials and heights. This defines a logic of form and makes sense of the overall composition.

The skin or wrapping of these pebbles responds appropriately to its orientation and purpose. Southern facades read as clear full height glass zones maximising the outlook over the district views, whereas north and west facades introduce solar shades and a solid facade zone to reduce the thermal impact and therefore energy consumption of the building interiors.

The green podium edge plantings will assist in the cooling of the facade zones and act as solar shades. They also reduce solar reflection, a primary cause of heat island effect. These green edges wrap over the terrace ledges spotted throughout the proposed development, providing opportunities for the building occupants to step outside. The intent is that the foreground landscape on these terraces blends with the distant greening creating spaces to escape from the internal workplace. Similarly, the landscape elements continue onto the roof spaces, creating usable spaces.

Figure 8 Building A and B Built Form



Source: Fitzpatrick + Partners

4.3.4. Parking and Access

The proposed development provides the following parking and vehicular access to the site.

- Vehicular access is provided via a consolidated driveway from Oxley Street, to the lower ground level and basement car park.
- The lower ground level contains a loading dock area providing enough space for a 9.24m refuse collection vehicle to enter/exit in a forward motion.
- End of trip (EOT) facilities including lockers and showers are located on the lower ground level, in addition to 124 bicycle parking spaces.
- The three-storey basement car park provides a total of 338 spaces, including 20 motorcycle spaces and 12 accessible spaces.

The proposed development also includes the construction of two pedestrian through site links between each of the buildings, which are depicted in **Figure 7** and **8** above.

4.3.5. Tree Removal and Retention

An Arboricultural Impact Assessment (AIA) has been prepared by Lee Hancock Consulting Arborist and provided at **Appendix I**.

The AIA has assessed 67 trees in total, on and around the site and nominates retention values for each. All trees proposed to be removed are categorised as Low Retention Value.

The AIA is supported by detailed Landscape Plans and a Landscape Design Report prepared by Arcadia (**Appendix G** and **H**).

The proposed detailed development seeks to remove 50 trees from the site, as demonstrated on the Trees Retained and Removed Plan in **Appendix G**.

The trees proposed to be removed have been rated as having moderate landscape significance amenity and ecological value and low retention value, and replacement planting is proposed.

Replacement planting of 53 trees is proposed on the landscape plans, representing a replenishment rate of 1:1.06.

The landscaping strategy distributes the replacement planting to achieve maximum tree canopy within and around the site.

The Arboricultural Impact Assessment provides tree protection recommendations for the trees to be retained.

4.3.6. Public Domain and Landscaping

A Landscape Design Report has been prepared by Arcadia which describes the vision behind the public domain and landscape design. The Landscape Design Report and Landscape Plans are provided at **Appendix H** and **Appendix G**, respectively.

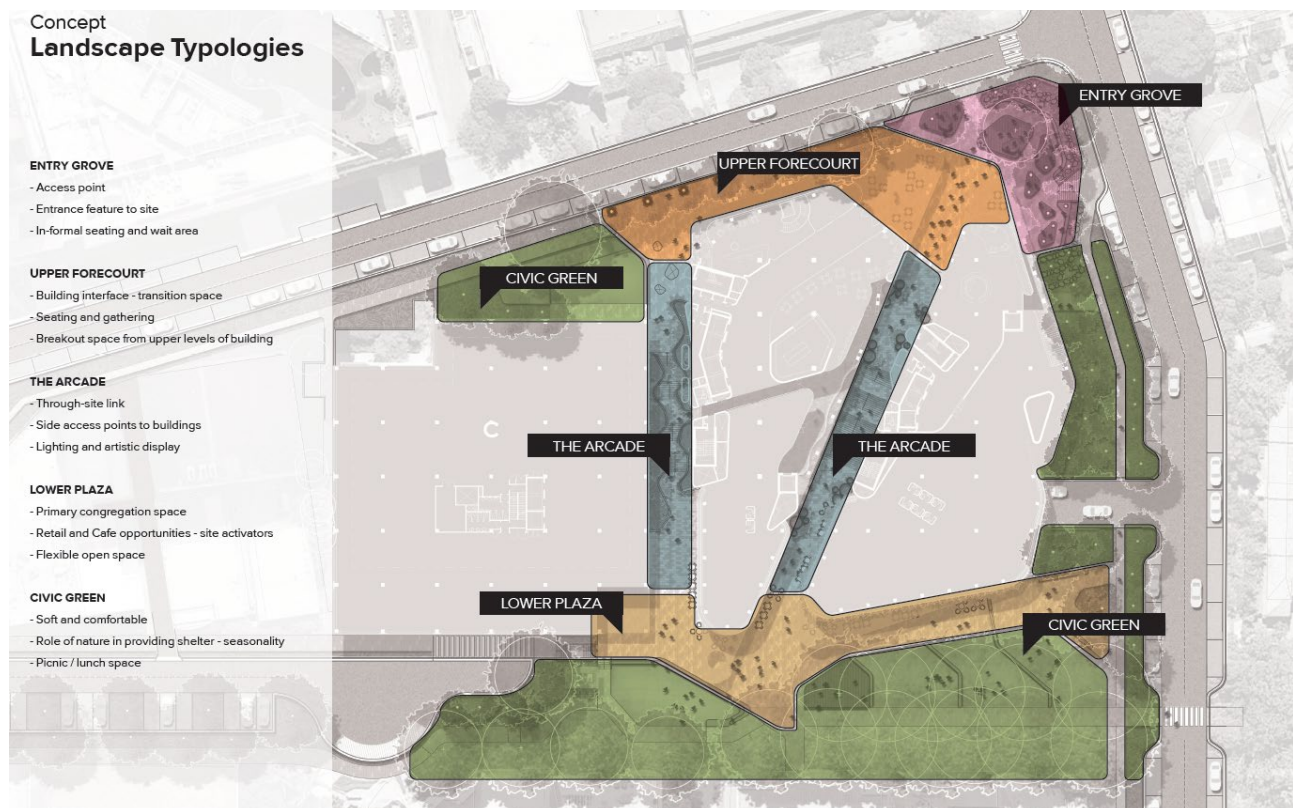
The following design principles have been incorporated into the public domain and landscape design:

- **Connect** people with the ever-diminishing natural environment.
- **Activate** community and individuals, both now and in the future.
- **Integrate** and expand upon the natural systems which surround our site.

The proposed development seeks to enhance and integrate the existing Christie Street Reserve into the public domain strategy to create an improved and expanded public open space for the community.

The public domain strategy also includes other landscaped civic spaces including the Upper Forecourt, Entry Grove, Lower Plaza and two open-air through site links known as The Arcade. These publicly accessible spaces are demonstrated below.

Figure 9 Public domain and landscape masterplan



Source: Arcadia

Landscaping is also provided throughout the proposed development in the form of horizontal planting elements on the façades of Building A and B, and landscaped roof terraces.

A total landscaped area of 3,610sqm is proposed at ground level, including the Civic Green.

4.3.7. Infrastructure Delivery

This DA includes a public benefit offer to the Council that has been prepared by the Applicant to enter into a Planning Agreement under section 7.4 of the EP&A Act for the provision of works for public purposes.

The letter of public benefit offer seeks to provide \$14,696,750 worth of works in kind. This will be provided through the delivery of the following public works:

- Provision of two through-site links and upgrades to surrounding public domain,
- Embellishment and upgrade of Christie Street Reserve, and
- Provision of publicly accessible amenities.

In addition, a monetary contribution will be paid in accordance with Council's section 7.11 Contribution Plan towards community facilities/infrastructure.

The public works will be delivered via a voluntary planning agreement (**VPA**). The Public Benefit Offer is provided at **Appendix Y**.

5. STRATEGIC CONTEXT

5.1. GREATER SYDNEY REGION PLAN: A METROPOLIS OF THREE CITIES

The Greater Sydney Region Plan (**Region Plan**) provides the overarching strategic plan for growth and change in Sydney. It is a 20-year plan with a 40-year vision that seeks to transform Greater Sydney into a metropolis of three cities - the Western Parkland City, Central River City and Eastern Harbour City. It identifies key challenges facing Sydney including increasing the population to eight million by 2056, 817,000 new jobs and a requirement of 725,000 new homes by 2036.

The Region Plan includes objectives and strategies for infrastructure and collaboration, liveability, productivity and sustainability. The following matters are relevant to the proposed development:

- *Objective 14 – Integrated land use and transport creates walkable and 30-minute cities*
- *Objective 15 – The Eastern Economic Corridors are better connected and more competitive*
- *Objective 22 – Investment and business activity in centres*
- *Objective 24 – Economic sectors are targeted for success*
- *Objective 31 – Public open space is accessible, protected and enhanced.*

Assessment:

St Leonards is identified as a priority growth area, an area for urban renewal and a collaboration area within the Plan. The strategic centre is also identified as a health and education precinct and is nominated as one of nine centres to accommodate Greater Sydney's standalone office market.

The concept DA and detailed DA will facilitate the delivery of development that is consistent with the nature of the strategic centre as a commercial precinct and will strengthen the competitiveness of the Eastern Global Economic Corridor and the Greater Sydney Region.

The proposed development will help deliver the long-term aspiration of the Greater Sydney Region Plan of delivering a 30-minute city. This will be delivered through capitalising on the State Government's investment into the public transport network through locating employment-generating floor space near the future Crows Nest Metro Station.

The proposed development will protect and enhance public open space adjacent to and through the site, creating a fine grain pedestrian network and genuine public benefit.

5.2. OUR GREATER SYDNEY 2056: NORTH DISTRICT PLAN

The North District Plan (the **District Plan**) is a 20-year plan to manage growth in the context of economic, social and environmental matters to implement the objectives of the Region Plan. The intent of the District Plan is to inform local strategic planning statements and local environmental plans, guiding the planning and support for growth and change across the northern district.

The District Plan contains strategic directions, planning priorities and actions that seek to implement the objectives and strategies within the Region Plan at the district-level. The Structure Plan identifies the key centres, economic and employment locations, land release and urban renewal areas and existing and future transport infrastructure to deliver growth aspirations.

The District Plan identifies St Leonards as being both a Strategic Centre (located within the Eastern Economic Corridor) and Health and Education Precinct. The District Plan also sets a 2036 baseline job target of 54,000 for St Leonards and a 0-5 year housing target of 1,900 dwellings for the Lane Cove LGA.

The specific Planning Priorities which apply to the site and surrounding context are:

- *N8 Eastern Economic Corridor is better connected and more competitive*
- *N9 Growing and investing in health and education precincts*

Within the District Plan, the St Leonards & Crows Nest Precinct has also been identified as a 'planned precinct' and outlines key actions for the precinct, including:

- leverage the new Sydney Metro Station at Crows Nest to deliver additional employment capacity
- grow jobs in the centre
- reduce the impact of vehicle movements on pedestrian and cyclist accessibility
- deliver new high-quality open space, upgrade public areas, and establish collaborative place-making initiatives
- promote synergies between the Royal North Shore Hospital and other health and education-related activities, in partnership with NSW Health

Assessment:

The site has the potential to satisfy each of the above directions for the precinct, due to its proximity to transport nodes, land size, single ownership and proximity to public open space.

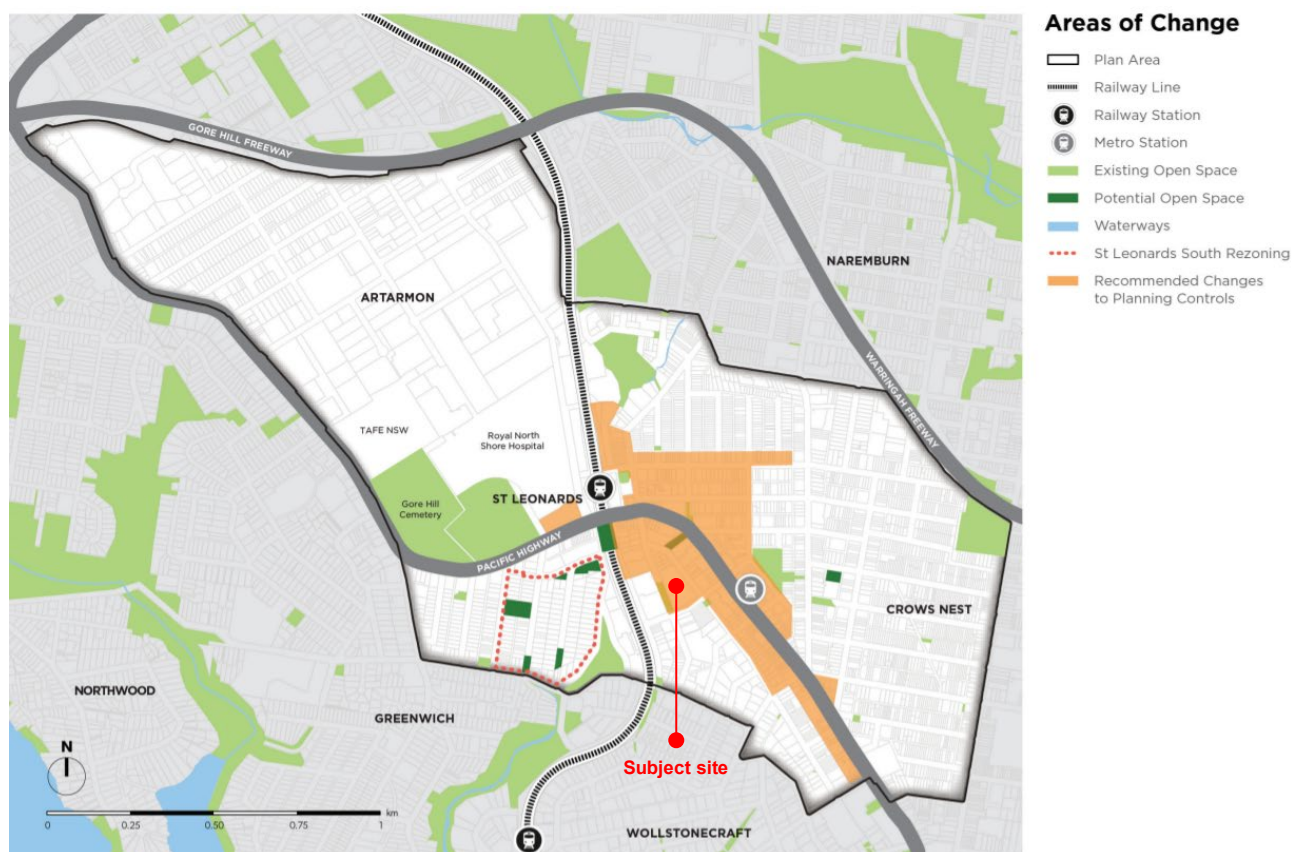
The detailed DA proposed to target PCA A-grade quality commercial floor space within Building A and B, grow jobs in the St Leonards centre and will leverage of the availability of transport services.

5.3. ST LEONARDS AND CROWS NEST 2036 PLAN

The *St Leonards and Crows Nest 2036 Plan* (the 2036 Plan) is a comprehensive land use and infrastructure package prepared by the DPIE to guide future development and infrastructure decisions in St Leonards and Crows Nest to 2036.

The St Leonards and Crows Nest planning package was finalised on 29 August 2020 and provides recommended changes to planning controls for land including the site, as shown below:

Figure 10 St Leonards and Crows Nest 2036 Plan area



Source: DPIE

A summary of compliance of the proposed development against the 2036 Plan controls that apply to the site is provided in the table below:

Table 7 St Leonards and Crows Nest 2036 Plan summary compliance table

Control	2036 Plan	Proposed	Compliance
Zone	B3 Commercial Core (no change)	Commercial development (Building A and B)	Yes
Height	6 storeys, 11 storeys & 25 storeys	Building A: 8 storeys Building B: 12 storeys Building C: 18 storeys	Marginal non-compliance for Building A and B. Building C complies.
FSR	7.5:1	7.5:1	Yes
Street Setbacks	3m to Nicholson Street, 5m to Oxley Street	Varied setbacks proposed	Minor variation
Street Wall	3 storeys to Oxley Street, 4 storeys to Nicholson and Christie Street	4-storey street wall	Minor variation
Car Parking	2036 Plan supports reduced parking in new developments, particularly in proximity to St Leonards and Crows Nest station.	338 car spaces proposed in total and supported by accompanying Traffic Impact Statement prepared by PTC.	Reduced parking consistent with 2036 Plan objectives.
Solar Access	Retain solar access to Newlands Park between 10am and 3pm, and 2 hours to residential area to the south between 9am and 3pm.	The proposed development does not overshadow Newlands Park and retains 2 hours solar access to low density residential area to the south of the site, with the exception of 23-25 Christie Street where solar access is reduced below 2 hours by 15 minutes only on June 21 st	Minor variation

The 2036 Plan has been shaped by a number of design priorities and objectives. These objectives have been informed by the planning priorities in the District Plan and community and stakeholder consultation undertaken for the Plan.

The priorities and actions relevant to the site and the proposed development include:

Place

- Improve the public domain by introducing 'green streets' along Oxley, Mitchell, and Chandos Streets to allow for setbacks with grass and canopy trees.

Landscape

- Protect and enhance natural links through the precinct.
- Introduce landscaped street setbacks along Oxley, Mitchell, and Chandos Streets to allow for additional street trees.

- Contribute to tree canopy targets of 25.7% for urban areas within the precinct.

Built Form

- Apply design principles for solar amenity, configuration, and interface between areas of transition.
- Provide appropriate transitions in height to adjoining low scale residential areas.
- Minimise overshadowing of key open spaces, public places and adjoining residential areas.

Movement

- Provide clear, continuous and direct pedestrian and cycle routes to priority destinations such as St Leonards Station and surrounding commercial core, the future Crows Nest Sydney Metro Station, Royal North Shore Hospital and St Leonards TAFE.
- Limit the amount of car parking provided for new developments
- Promote the provision of end of trip facilities to support cycling.

Assessment:

The proposed development is consistent with the key strategic objectives of the 2036 Plan.

Whilst the proposed built forms for Building A and B marginally exceed the nominated height controls for the site, the proposed height of the three buildings fit comfortably in the local context as demonstrated in the accompanying architectural plans and Design Report (**Appendix C** and **Appendix E**) Building C sits well below the recommended 25 storey height control for that part of the site.

On balance, the proposed height of the concept and detailed development is appropriate for the site and consistent with the vision and principle of the 2036 Plan.

The siting of the proposed built forms has been informed by the solar access controls and therefore varied setbacks are proposed. This will result in a better planning outcome as it allows solar access to be preserved to Newlands Park and will maintain at least two hours solar access to the majority of dwellings to the south of the site. The varied setbacks also allow for reduced site coverage associated with the provision of three buildings and two through site links, which is considered to be a positive outcome.

The proposed public domain and landscaping strategy will deliver a vastly improved and revitalised public domain and more permeable ground plane which will contribute to the revitalisation of the St Leonards and Crows Nest precinct.

The proposed landscape strategy includes the removal of 50 trees and replacement of 53 trees on and around the site which represents a replenishment ratio of 1:1.06. Approximately 90% of the trees proposed to be removed are Sheoak (*Casuarina cunninghamiana*) trees. These are identified as having low retention value in the Arboricultural Impact Assessment and will be replaced by the same number of trees with a mix of different species of a higher ecological value, which will aid with biodiversity creation and result in improved streetscape amenity.

The proposed distribution of replacement trees results in a net increase in tree canopy in comparison to the highly clustered grouping of the existing trees. The proposal will positively contribute to the tree canopy targets identified in the 2036 Plan.

5.4. LANE COVE LOCAL STRATEGIC PLANNING STATEMENT

Lane Cove Local Strategic Planning Statement (**LSPS**) sets out a 20-year land use vision to manage the growth and change of Lane Cove LGA and gives effect to the Region Plan and District Plan. The LSPS sets out 12 Planning Priorities to deliver its key vision and to manage growth and change.

The Planning Priorities that are relevant to the site and proposed development include:

- *Planning Priority 6 – Create and renew public spaces and facilities to improve the community's quality of life*
- *Planning Priority 7 – Facilitate location of a diverse range of retail, commercial and industrial businesses in Lane Cove*

- *Planning Priority 8 – Implement transport upgrades and fresh approaches to public transport route design to facilitate time-efficient, people-friendly transport within Lane Cove and from Lane Cove to strategic centres, to improve access to employment and services.*
- *Planning Priority 10 – Enhance our urban tree canopy, bushland and waterways.*

Assessment:

The proposed development aligns with the abovementioned planning priorities, as it will expand and enhance the adjoining park within Christie Street to create a 'green' and amenable public space. The through site links and public domain improvements around the site will improve the amenity of the area and provide for a more permeable neighbourhood including convenient linkages to and between the St Leonards and Crows Nest Transport nodes.

The detailed DA is seeking consent for the construction and use of commercial office floor space within Building A and B in a highly accessible area as well as a mix of retail and community facilities such as cafes, a gym and potential childcare centre (subject to separate approval).

5.5. GOVERNMENT ARCHITECT NSW – BETTER PLACED

Better Placed is the design policy for the built environment produced by the Government Architect NSW (**GANSW**). Better Placed seeks to enhance all aspects of the urban environment, to create better places, spaces and buildings and thereby better cities, towns and suburbs through good design.

Better Placed defines seven objectives for good design:

1. **Better Fit** – Contextual, local and of its place
2. **Better Performance** – Sustainable, adaptable and durable
3. **Better for Community** – Inclusive, connected and diverse
4. **Better for People** – Safe, comfortable and liveable
5. **Better Working** – Functional, efficient and fit for purpose
6. **Better Value** – Creating and adding value
7. **Better Look and Feel** – Engaging, inviting and attractive

The proposed development aligns with the seven key objectives as demonstrated in the accompanying Architectural Design Statement prepared by Fitzpatrick + Partners (**Appendix C**).

In summary:

- St Leonards Commons responds to the site conditions in terms of materiality, massing and scale. Its form is derived from considered urban analysis and the linking of key community infrastructure.
- Sustainability is at the heart of the design, integrating high performance facades, structural timber elements and large amounts of vegetation. These provide quality internal amenity, reduce the dependency on fossil fuels, sequester carbon and combat the urban heat island effect.
- The proposed development includes major upgrades and extensions to the public domain and a porous ground plane supporting accessibility and connectivity.
- St Leonards Commons will create series of unique, high quality public spaces which together will form a new green hub linking the St Leonards train station and Crows Nest metro station.
- The proposed development fulfils demand for high quality commercial space outside the Sydney CBD by providing light-filled and flexible floorplates with outlooks towards the harbour and city.
- The built proposition seeks to add intrinsic value to the public domain in line with the master plan vision for the growth of the St Leonards and Crows Nest Precinct.
- A considered, referential solution, carefully refined through detail and proportion, relating to the urban form and neighbouring buildings, and sitting comfortably within its community context.

5.6. GOVERNMENT ARCHITECT NSW – GREENER PLACES

Greener Places is a design framework produced by GANSW to guide the planning, design, and delivery of green infrastructure in urban areas across NSW. It aims to create a healthier, more liveable, and sustainable urban environment by improving community access to recreation and exercise, supporting walking and cycling connections, supporting and maintaining Aboriginal culture and heritage, and improving the resilience of urban areas.

Greener Places sets out four key principles of well-designed green infrastructure:

1. **Integration** – Combining green infrastructure with urban development and grey infrastructure.
2. **Connectivity** – Creating an interconnected network of open space.
3. **Multifunctionality** – Delivering multiple ecosystem services simultaneously.
4. **Participation** – Involving stakeholders in development and implementation.

The proposed development aligns with the four key Greener Places principles as follows:

- The proposed development incorporates green infrastructure into the proposed built form and public domain works by bringing trees, shrubs, plants and ground covers through the corridors of the site, up the walls and on to the roof.
- The proposed landscape concept seeks to connect people with the natural environment by creating a new green hub linking the St Leonards Train Station and Crows Nest Metro Station and facilitating improved pedestrian connections to other parts of St Leonards.
- The proposed landscape strategy will facilitate internal amenity and environmental performance whilst also providing a vastly improved public domain and additional green space.

6. STATUTORY CONTEXT

6.1. STATE ENVIRONMENTAL PLANNING POLICIES

6.1.1. State Environmental Planning Policy (State and Regional Development) 2011

A capital investment value (CIV) report is attached at **Appendix A** which confirms that the proposed development including Building C has a capital investment value (CIV) of \$173,020,00 including GST. As the proposed development exceeds \$30 million, pursuant to Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)*, the 'Sydney North Planning Panel' is the consent authority for the DA.

6.1.2. State Environmental Planning Policy (Infrastructure) 2007

The aim of the *State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)* is to facilitate the effective delivery of infrastructure across NSW. This is achieved by identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure, including classified roads, rail corridors and prescribing consultation requirements for certain development.

Clause 104 of the Infrastructure SEPP requires developments listed in Schedule 3 to be referred to Transport for NSW (**TNSW**) prior to the determining of a development application. The consent authority must consider any submission from the TNSW, the accessibility of the site concerned and any potential traffic safety, road congestion or parking implications of the development.

The site does not propose any access from a Classified Road, however as the proposed development exceeds 10,000sqm in commercial floor space, Council is required to refer the DA to the TNSW for comment as 'traffic generating development'. An assessment of the traffic, access, parking, road network is provided in the TIA at **Appendix U**.

6.1.3. State Environmental Planning Policy 55 – Remediation of Land

Clause 7(1) of the *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)* requires the consent authority to consider whether land is contaminated prior to granting consent to a development application.

Assessment:

A Preliminary Site Investigation (Contamination) (**PSI**) been prepared by Douglas Partners (**Appendix Q**) and was undertaken by a desktop study of the site history, a site inspection and development of a conceptual model.

The reviewed site history sources indicate that the site had a residential land use from at least 1930 until approximately 1989, then a commercial land use. The review of site history information indicated that there is some risk for contamination at the site.

Identified potential sources of contamination include fill (if present), hazardous building materials in current and former buildings on site, an on-site diesel above-ground storage tank, an on-site chemical storage area, former and current nearby (off-site) service stations, former dry cleaners and former chemical manufacturers.

The PSI recommends that a Detailed Site Investigation (Contamination) (**DSI**) is undertaken following demolition of the existing Fitness First building to evaluate the potential contamination status of the site and assess the site's suitability for the proposed commercial development from a site contamination standpoint.

A suitable condition of consent can be imposed in this regard.

6.2. LANE COVE LOCAL ENVIRONMENTAL PLAN 2010

Lane Cove Local Environmental Plan 2010 (LCLEP 2010) is the primary environmental planning instrument applying to the site and the proposed development.

6.2.1. Zoning and Permissibility

The site is zoned B3 Commercial Core in under the LCLEP 2010. 'Commercial premises' are permitted with consent in the B3 zone. The proposed development is consistent with the zone objectives as outlined below:

- *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 massing of the three buildings within the concept DA has been specifically designed to maximise sunlight to the public domain and surrounding properties, particularly those to the south of the site. The site layout encourages sunlight and ventilation through the site.

The proposed concept and detailed DA seek to retain and enhance the Christie Street public open space to the west of the site and will provide through site links through the site to maximise circulation in the commercial precinct and create direct linkages to St Leonards Station and Crows Nest Metro Station.

The proposed detailed development is consistent with the zone objectives for the following reasons:

- The proposed detailed development will provide a mix of commercial office, retail and indoor recreation uses within Building A and B which are appropriate for the site and St Leonards commercial precinct. The proposed uses within Building A and B are compatible with surrounding land uses and will provide additional jobs in the locality.
- The accessible nature of the site, 300m south of St Leonards Station and 100m north-west of the future Crows Nest Metro Station will encourage public transport patronage, walking and cycling, and reduce reliance on the need for private parking.

6.2.2. Other LEP Provisions

The following table provides an assessment of the proposed development against the relevant clauses contained within Lane Cove LEP 2010.

Table 8 LEP Compliance Table

Clause	Provision	Proposed	Complies
Clause 4.3 – Height of Building	25m	Building A – RL115.20 (8 storeys) Building B – RL130 (12 storeys) Building C – RL151.40 (18 storeys)	No – A clause 4.6 variation request has been prepared and is included at Appendix W Consistent with St Leonards and Crows Nest 2036 Plan.
Clause 4.4 – Floor Space Ratio	4.5:1	7.5:1	No – A clause 4.6 variation request has been prepared and is included at Appendix X

Clause	Provision	Proposed	Complies
			Complies with St Leonards and Crows Nest 2036 Plan.
Clause 5.10 – Heritage Conservation	Conserve the heritage significance of heritage items and heritage conservation areas	The site does not contain any heritage items, nor is it located in a heritage conservation area.	Not Applicable.
Clause 6.1A - Earthworks	Development must not have a detrimental impact on surrounding land	Minimal excavation proposed as detailed development will utilise existing basement car park. Where additional excavation is required for the alterations and additions to the basement car park, the Geotechnical Desktop Assessment prepared by Douglas Partners provides recommendations for appropriate site preparation, earthworks and excavation support.	Complies

The proposed development will result in a variation to the height and FSR control under clause 4.3 and 4.4 of the LCLEP 2009. The proposed variations are supported by two clause 4.6 variation requests provided at **Appendix W** and **Appendix X** for building height and FSR respectively.

6.3. LANE COVE DEVELOPMENT CONTROL PLAN 2010

Lane Cove Development Control Plan 2010 (**LCDCP**) provides detailed planning controls relevant to the site and the proposed development. An assessment against the relevant controls is provided in the table below.

Table 9 DCP Compliance Table

Clause	Provision	Proposed	Complies
PART B – GENERAL CONTROLS			
B.2 PUBLIC DOMAIN			
2.1 General	To provide public space that contributes to the identity and enjoyment of the area.	The proposed public domain strategy is presented in the accompanying Landscape Plans and Landscape Design Report prepared by Arcadia (Appendix G and Appendix H).	Yes

Clause	Provision	Proposed	Complies
		<p>The proposed public domain and landscaping works include:</p> <ul style="list-style-type: none"> Provision of additional high quality public open space through the enhancement and visual extension of the Christie Street Reserve, Provision of through site links, Upgrades to surrounding footpaths. <p>The proposed public domain works will contribute to the revitalisation of this section of St Leonards, provide additional connections through the commercial precinct and provide recreation areas for the public to enjoy.</p> <p>Section 7.2 of this SEE provides further detail on the public domain works.</p>	
2.2 Public Domain Projects in St Leonards	To achieve the desired future character for St Leonards there are key public domain upgrades that are to be achieved through Voluntary Planning Agreements or Section 94 Contributions.	<p>The proposed development is accompanied by a Public Benefit Offer (Appendix Y) which sets out key public domain upgrades offered as part of the development.</p> <p>These include:</p> <ul style="list-style-type: none"> Enhancement and visual extension of the landscaped Christie Street Reserve; and Construction of two through site links. 	Yes
B.4 VIEW SHARING			
4.1 General	The sharing of all views is part of the character of Lane Cove and should be maintained where possible subject to how the view is obtained and whether the maintenance of such a view creates an unreasonable impost on adjoining land owners.	<p>A view sharing analysis has been prepared and is included with the architectural plans at Appendix E.</p> <p>The view sharing analysis demonstrates that the concept and detailed development maintain reasonable views across</p>	Yes

Clause	Provision	Proposed	Complies
		<p>the site to a better extent than is anticipated by the 2036 Plan.</p> <p>In this regard, the proposed maximum height of 18-storeys Building C) is well below the 25 storey height limit included in the 2036 Plan which will retain views beyond those anticipated and considered acceptable by the 2036 Plan. This is further discussed in Section 7.3.2 of this SEE.</p>	
B.6 ENVIRONMENTAL MANAGEMENT			
6.1 Sunlight to Public Spaces	New development must allow for a min. of 2 hours solar access to at least 50% of new and existing public open areas or plazas between the hours of 11am and 2pm on 21st June.	<p>The proposed development has been specifically designed to retain a compliant level of solar access to Newlands Park to the south-west of the site, as required by the St Leonards and Crows Nest 2036 Plan.</p> <p>In this regard, the proposed development does not reduce solar access to Newlands Park between 10am and 3pm on June 21st.</p> <p>This is discussed further in Section 7.3.1 of this SEE.</p>	Yes
6.2 Wind standards for St Leonards	Maximum wind criteria :13 metres/second along major streets and public places and 16 metres/second in all other streets.	The site is not located along a major street.	N/A
6.3 Energy and Water Efficiency for Buildings	The design of any new mixed use or commercial building, including the base building, must be capable of achieving a minimum 5 star rating under the NABERS Building Greenhouse Rating Scheme.	The ESD Report prepared by Norman Disney & Young (Appendix R) confirms the proposed detailed development will achieve a minimum 5 Star Rating under NABERS.	Yes
PART D – COMMERCIAL DEVELOPMENT AND MIXED USE			
D.1 GENERAL PROVISIONS			
1.1 Building Form			

Clause	Provision	Proposed	Complies
1.1.3 Street frontage activities	Provide active frontages and pedestrian-oriented activities that add life, particularly at ground level in the retail streets and major pedestrian streets.	Retail/commercial uses are proposed at ground level on Nicholson Street and Christie Street to activate these edges. Uses include lobby cafes, potential childcare centre and Fitness First gym lobby.	Yes
1.1.4 Building depth and bulk	In all business zones the max. floor plate area of any commercial building is to be 2,000sqm subject to other requirements in this DCP. The horizontal dimensions of any single building facade must not exceed 50m.	The maximum floor plate of Building A is 1,300sqm GFA while the maximum floor plate of Building B is 1,372sqm. Each building façade does not exceed 50m.	Yes
1.1.5 Building separation	The separation distance between buildings on the same site is not to be less than the setback to buildings in adjoining sites in the same business zonings. Refer to 'Setbacks' for different business zonings.	Building A and B will have a separation distance of 6.3m, while Building B and C will have a minimum separation distance of 8.6m, and 11.6m on at the upper level addition. The proposed separation distances comply with the 0m and 6m LCDCP side setback control.	Yes
1.1.6 Setbacks	<ul style="list-style-type: none"> Front/street – 5m Secondary Street Frontage – 0m at ground and first floor, 3m above. Side – 0m ground and first floor, 6m above Rear – 3m ground and first floor, 6m above. 	<p>Proposed setbacks range in response to the irregular shape and sloping nature of the site.</p> <p>The detailed development provides the following setbacks</p> <p>Nicholson Street – 3m</p> <p>Oxley Street – 2m – 7.2m</p> <p>Christie Street – 600mm, 3.2m – 7.8m.</p> <p>Two open air through site links are also proposed within the site.</p> <p>Where non-compliances with the setback controls occur, they are considered justified on the following grounds:</p> <ul style="list-style-type: none"> Oxley Street has a wider than average public footway which provides greater separation between Building A and Oxley Street. 	Partial compliance

Clause	Provision	Proposed	Complies
		<ul style="list-style-type: none"> ▪ The Christie Street frontage is adjacent to the landscaped pedestrian connection to Oxley Street. ▪ The proposed development exceeds the setback controls at the Christie Street and Oxley Street frontage to create an expanded public space which will be landscaped and dedicated to Council. ▪ The proposed setbacks have been informed by the Overshadowing Analysis prepared by Fitzpatrick + Partners and are therefore not responsible for unreasonable overshadowing impacts. 	
1.1.7 Building design and exteriors	<p>3.3m floor to ceiling height.</p> <p>Provide flexible building layouts and floor to ceiling heights which allow variable tenancies or uses on the first floor of a building above the ground floor.</p>	<p>The proposed floor to ceiling heights are compliant with the LCDCP provisions.</p> <p>The large floor plates offer flexibility and can be arranged to suit the needs of a range of tenants. The architectural plans demonstrate how future skybridges could be incorporated between Building A and B for potential tenants requiring campus-style office space. Any skybridges will be subject of a future detailed DA.</p>	Yes
1.2 Excavation	<p>The objectives of excavation are to;</p> <ul style="list-style-type: none"> ▪ minimise impact on surrounding properties; ▪ achieve reasonable landscaping within developments; ▪ and ensure development relates to the street level and the topography. 	<p>While minimal excavation is proposed in relation to the alterations and additions to the basement for Building A and B, the detailed development includes significant landscaped areas in publicly accessible portions of the site capable of accommodating deep soil planting.</p> <p>The finished levels of the site have been designed to provide a smooth transition from the street levels to the development that is compliant with accessibility requirements.</p>	Yes

Clause	Provision	Proposed	Complies
		<p>All public areas have been designed to have minimal level changes, while accommodating the existing slopes across the site.</p> <p>The civil plans include sediment and erosion measures to minimise the potential for the proposed development to result in a detrimental effect on existing drainage patterns and soil stability in the locality.</p>	
1.3 Design and location of on-site parking	<p>Vehicle entry should be:</p> <ul style="list-style-type: none"> i. easily accessible and recognisable to motorists ii. located to minimise traffic hazards and queuing of vehicles on public roads iii. located to minimise the number of access points iv. Located away from main pedestrian entries and on secondary frontages. v. Located having regard to any approved cycling routes. 	<p>Building A and B will use the existing vehicular entry on Oxley Street and basement car park to the site.</p> <p>Consequently, there will be no additional impacts associated with the design and location of on-site parking.</p>	Yes
1.4 Car Parking	Refer to Part R of the DCP	Refer to Part R of this LCDCP assessment for detail.	Yes
1.5 Awnings	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.	The site is not located on a main street or major retail street, however the main entrances and lobbies to Building A and B are recessed behind the building line of the levels above, thereby acting as an awning above the main entries.	Yes
1.6 Reflectivity	<p>Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.</p> <p>Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed</p>	The façade system is made up of glazing and horizontal sun shading. The accompanying Materials Palette within the drawing package prepared by Fitzpatrick + Partners (Appendix E) specifies glazing that will have a visible light reflectivity of less than 20%.	Yes

Clause	Provision	Proposed	Complies
	development on pedestrians, cyclists or motorists may be required.	The façade will include horizontal landscaping along the lower levels which will further minimise the potential for reflectivity or glare.	
1.7 External lighting of buildings	To encourage external lighting of buildings that adds to the architectural character of the building whilst having regard to efficient use of energy and the amenity of nearby residents.	External lighting is integrated with the architecture of the buildings and the landscape and public domain design.	Yes
1.8 Landscaping	<p>Locate basement car parking predominately under the building footprint to maximize opportunities for landscaped area.</p> <p>Deep soil zones in atria, courtyards and boundary setbacks are encouraged.</p>	<p>The existing car park will be utilised and expanded for the proposed development.</p> <p>753sqm of deep soil is proposed within the site boundary, with an additional 101sqm of on-structure planting due to the basement expansion.</p> <p>An additional 2,836sqm of deep soil is proposed within the streetscape outside of the site boundary which will revitalise Christie Street reserve and this part of St Leonards.</p>	Yes
1.9 Planting on structures	<p>Areas with planting on structures should be irrigated with recycled water and appropriate drainage provided.</p> <p>Provide sufficient soil depth and area to allow for plant establishment and growth.</p>	The proposed development incorporates planting on structures including rooftop terrace planting, planting on the façade systems of Building A and B and ground level public domain planting. The landscape plans (Appendix G) incorporate drainage and soil depth to facilitate plant establishment and growth.	Yes
1.10 Solar Access	<p>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.</p> <p>Where adjacent dwellings and their open space already receive</p>	<p>Extensive analysis has been undertaken on potential overshadowing impacts resulting from the proposed development.</p> <p>The proposed development has been specifically designed to retain a compliant level of solar access to the majority of low-density residential dwellings to the south of the site and to</p>	Minor variation

Clause	Provision	Proposed	Complies
	less than the standard hours of sun, new development should seek to maintain this solar access where practicable.	Newlands Park to the south-west of the site, with the exception of 23-25 Christie Street where solar access is reduced below the existing 2 hours by 15 minutes only on June 21 st . This is discussed further in Section 7.3.1 of this SEE.	
1.11 Access and Mobility	Refer to Part F of the DCP	Refer to Part F below.	Yes
1.12 Toilet Facilities	Accessible and well sign-posted toilet facilities complying with AS 1428 shall be provided in all developments containing 10 or more shops or more than 500m ² of retail floor space.	Accessible public toilets are provided on the ground floor of Building B, accessed from the through site link between Building A and B.	Yes
PART F – ACCESS AND MOBILITY			
3.1 General	An accessibility report prepared by a suitably qualified access consultant is to form part of the DA documentation.	An Access Report has been prepared by Morris Goding and is provided at Appendix M . The Access Report concludes that access requirements can be readily achieved subject to implementation of recommendations noted in the report.	Yes
PART J - LANDSCAPING			
J.1 Landscaping	A separate landscape plan to be submitted with the DA.	Landscape Plans and a Landscape Design Report have been prepared by Arcadia and are consistent with the provisions of Part J of the LCDCP. The landscape documentation demonstrates the high-quality landscaping and improved public domain outcomes that will be achieved on site.	Yes
PART O – STORMWATER MANAGEMENT			
O.2 Submission requirements	A drainage plan must accompany a DA in accordance with the requirements of this DCP.	A Stormwater Drainage Plan has been prepared and is provided at Appendix K .	Yes

Clause	Provision	Proposed	Complies
PART Q – WASTE MANAGEMENT AND MINIMISATION			
2.3 Submission of a SWMMP	A Site Waste Minimisation Management Plan must be submitted for all types of development including demolition, construction and ongoing use of the site/premises.	<p>An Operational and Construction Waste Management Plan has been prepared by Waste Audit and provided at Appendix U. The Operational and Construction Waste Management Plan has been prepared in accordance with Lane Cove Council's Development Control Plan 2010 and specifically Part B: General Controls and Part Q: Waste Management and Minimisation. The Construction and Waste Management Plan demonstrates that the proposed detailed development has been suitably designed to accommodate waste management facilities commensurate with the anticipated waste generation from the proposed uses.</p> <p>Recommendations are provided with regard to construction waste in order to reduce the amount of waste that goes to landfill.</p>	Yes
PART R – TRAFFIC, TRANSPORT AND PARKING			
R.2 PARKING			
2.3 Parking near St Leonards Railway Station	<p>Commercial rates:</p> <ul style="list-style-type: none"> 1 space per 100sqm of office floor space 1 disabled space per 10 car spaces 1 space per 110 sqm of retail, restaurant, or café tenancies 1 disabled space per 20 car spaces 	<p>The proposed development provides a total of 338 spaces for Building A and B, comprised of the following:</p> <ul style="list-style-type: none"> 22,747sqm of office = 228 spaces required (236 proposed) 11 accessible spaces required (12 proposed) 553sqm of café = 6 spaces required (2 proposed) <p>There is scope to extend the basement car park under Building C which will be subject to a future DA.</p>	Yes

Clause	Provision	Proposed	Complies
2.7 Motorcycle Parking	<ul style="list-style-type: none"> 1 motorcycle space per 15 car spaces 	<ul style="list-style-type: none"> 281 parking spaces = 19 motorcycle spaces required (20 proposed) 	Yes
R.3 PUBLIC TRANSPORT			
3.2 Large Development Sites	For large developments, applicants must ensure that access to public transport services is maximised by negotiating with the State Transit Authority where deemed necessary by Council to divert routes or provide for additional services	Given the high level of accessibility of the site including proximity to St Leonards Station and high frequency bus routes along Pacific Highway, and the future Crows Nest Metro Station this requirement does not apply to the concept and detailed DA.	N/A
R.4 PEDESTRIAN AND BICYCLE FACILITIES			
4.3 Bicycle Facilities and Infrastructure	<p>Bicycle parking requirements are:</p> <ul style="list-style-type: none"> 1 space per 300sqm commercial GFA for employees 1 rack + 1 rack per 800sqm GFA for commercial visitors 1 space per 50sqm shop/café GFA 2 racks + 1 rack per 200sqm over 200sqm for shop/café customers 	<p>A total of 124 bicycle spaces and 50 racks are provided, to meet the following demand requirements:</p> <ul style="list-style-type: none"> 22,747sqm of commercial office GFA = 76 spaces required and 30 racks for visitors 8 gym employees and 2,073sqm of floor area = 1 space required and 12 racks 553sqm of café = 12 spaces and 4 racks Total of 89 spaces are required and 46 racks 	Yes
R.6 TRAFFIC IMPACT ASSESSMENT			
6.1 TIA - General	Developments that are forecast to generate 10 or more peak hour vehicle trips are required to submit a Traffic Impact Assessment (TIA) at the DA stage.	A Traffic Impact Assessment has been prepared by PTC. It is provided at Appendix U .	Yes

Clause	Provision	Proposed	Complies
R.7 CONSTRUCTION TRAFFIC MANAGEMENT PLAN			
	Before commencing the construction stage of any development, Council will usually require a Construction Traffic Management Plan (CTMP)	A Construction Traffic Management Plan is included in the CMP prepared by Buildcorp Appendix P . The anticipated construction traffic associated with the development is not expected to have an unreasonable impact on the surrounding road network.	Yes

Based on the above, the proposed development demonstrates a high degree of compliance with the relevant LCDCP provisions.

Where minor non-compliances have been identified, like minor setback and solar access variations, they are considered justified and can be supported by Council for the reasons outlined above.

6.4. INFRASTRUCTURE CONTRIBUTIONS

Under Section 7.4 of the EP&A Act, an Applicant may enter into a VPA where a development application is made, under which the developer agrees to dedicate land, pay a monetary contribution and/or provide any other material public benefit in association with development application.

The Applicant has prepared a Public Benefit Offer which seeks to provide \$14,696,750 worth of works-in-kind to support the proposed development. This will be provided through the delivery of the following public works:

- Provision of two through-site links and upgrades to surrounding public domain,
- Embellishment and upgrade of Christie Street Reserve, and
- Provision of publicly accessible amenities.

In addition, a monetary contribution will be paid in accordance with Council's Section 7.11 Contribution Plan towards community facilities/infrastructure.

The public works will be delivered via a VPA. The Public Benefit Offer is provided at **Appendix Y**

7. ASSESSMENT OF KEY ISSUES

The following aspects of the concept and detailed DA have been considered against the St Leonards and Crows Nest 2036 Plan. Where the 2036 Plan is silent on certain aspects of the proposed development, an assessment has been made against the LCDCP.

7.1. BUILT FORM

The proposed building massing has been split into three built forms separated by two through site links, creating a high-quality public domain and pedestrian experience at ground level. The irregular shape of the site combined with the provision of through site links create interesting built forms featuring triangular footprints with rounded edges, as demonstrated in the photomontage below.

Figure 11 Proposed Building A and Building B built forms



Source: Fitzpatrick + Partners

The proposed building massing is consistent with that anticipated for the site under the St Leonards and Crows Nest 2036 Plan. The objectives of the 2036 Plan include the requirement to contain taller buildings between St Leonards Station and Crows Nest Metro Station. In addition, the 2036 Plan includes an action to provide appropriate transitions in height to adjoining low scale residential areas. The heights of the three buildings have been deliberately designed to provide the lowest built form closest to the low-density locality to the south across Oxley Street and the highest built form closest to the train Station and taller buildings fronting the Pacific Highway to the north.

The concept development is compatible with the existing and emerging character of the St Leonards – Crows Nest locality.

The concept development complies with the 7.5:1 FSR control provided under the 2036 Plan and the proposed building heights are generally consistent or compliant with the 6, 11 and 25 storey height limits.

The heights of Building A and B are further staggered to protect solar access to the low-density locality to the south and Newlands Park to the south-east, as required by the 2036 Plan. Such response reduces visual bulk while creating opportunities for landscaped rooftop terraces for future occupants of the building.

The facades of Building A and B have been designed as a horizontal sunshade system which manages solar gain throughout the day and provides for façade planting opportunities on the lower levels. Natural materials such as exposed sandstone are also incorporated into the facade design resulting in a high-quality finish.

The proposed Building A and Building B built forms facilitate the delivery of quality commercial floor space in a highly accessible location, thereby satisfying the strategic objectives for St Leonards under the Sydney Regional Plan, District Plan and the 2036 Plan as well as Council's objectives for employment growth in Strategic Centres close to public transport.

7.2. PUBLIC DOMAIN AND LANDSCAPE STRATEGY

The Public Domain and Landscape Strategy is presented in the Landscape Plans and Landscape Design Report prepared by Arcadia, provided at **Appendix G** and **Appendix H** respectively. The key elements of the Public Domain Strategy are as follows (shown in **Figure 12** below) :

- **Entry Grove** – The entry grove will be the main access point for most visitors to the site, due to the future location of Crows Nest Metro and the proximity of the Pacific Highway. Elegant and formal in character, the grove will signal an arrival sense into the site, and offer visitors a place to sit, relax and congregate beneath the cover of an enclosed canopy.
- **Upper Forecourt** – Adjacent to the grove will be the upper forecourt, a place of transition between inside and outside. A large building overhang will provide a sheltered space for flexible furniture and cafe seating, whilst the proximity of the grove will provide for a scenic outlook which obscures the visual impact of Nicholson and Oxley Street.
- **The Arcades** – The arcades provide connectivity between the upper forecourt and the lower plaza with potential for artistic activation by providing seasonal vertical hanging elements, mood lighting and moveable furniture against the backdrop of landscaped facades.
- **Lower Plaza** – The lower plaza is a larger and more exposed space, allowing for an increased volume of people to congregate during events. With the adjacent civic green, terraced seating options can be provided for workers and visitors to sit together during lunch or other times, as well as flexible cafe seating provided around the retail tenancies.
- **Civic Green** – The civic green (Christie Street Reserve) is the public lawn space set beneath the existing plane trees. It will provide a lively public realm and encourage interaction between workers and the broader public, enhancing the vibrancy within the St Leonards commercial precinct.

The proposed public domain strategy will contribute to the delivery of the objectives of the 2036 Plan, which includes an objective to create greener streets. Street trees will be retained along street frontages, thereby protecting tree canopy in this part of St Leonards.

The 2036 Plan includes an action to protect and enhance natural links through the area. In this regard, the proposed enhancement of the Christie Street Reserve (proposed Civic Green) will provide additional high-quality green space for residents and workers to enjoy.

In addition to the above, landscaping is proposed throughout the public domain and proposed buildings. Landscaping typologies include native grass verges, native shrubland, grass lawns, feature trees and on-slab planters.

The proposed public domain and landscaping strategy will deliver a vastly improved and revitalised public domain and more permeable ground plane which will contribute to the revitalisation of St Leonards and Crows Nest.

Landscape Masterplan

The diagram illustrates a landscape masterplan for a development area. It shows the intersection of Nicholson Street, Christie Street, and Oakley Street. The plan includes various landscape features such as raised timber seating elements, entrance grove plantings, forecourt seating, sandstone rock embankments, existing pathways, basement entrances, lower plaza entrances, terraced lawns, and accessible pathways. Elevation markers are provided throughout the plan, ranging from +RL 73.00 to +RL 83.00. A red dashed line indicates the site boundary, and a grey shaded area is labeled 'AREA SUBJECT TO FUTURE IMPROVEMENT'. A scale bar at the bottom left indicates a scale of 1:500 @ A3.

Legend:

- 01 Raised timber seating element
- 02 Entrance grove planting
- 03 Forecourt seating beneath overhang
- 04 Sandstone rock embankment to lower RL
- 05 Existing pathway to be retained
- 06 Basement entrance
- 07 Lower plaza entrance / waiting area
- 08 Terraced lawns beneath existing trees
- 09 Existing pathway to be upgraded
- 10 Plaza space with breakout seating areas
- 11 Lowered lawn with sandstone terracing
- 12 Accessible pathway to Christie Street
- 13 Planting verge and re-vitalised Christie Street (reduced to 6m carriageway)

Elevation Markers:

- +RL 83.00
- +RL 82.00
- +RL 81.00
- +RL 80.00
- +RL 79.50
- +RL 79.00
- +RL 78.00
- +RL 76.30
- +RL 76.00
- +RL 75.80
- +RL 75.00
- +RL 74.00
- +RL 73.50
- +RL 73.00
- +FFL 76.46
- +FFL 76.30
- +BS 76.30
- +FFL 83.00

Scale: 1:500 @ A3

Scale Bar: 0 2 5 10 15 20m

Site Boundary: AREA SUBJECT TO FUTURE IMPROVEMENT

POTENTIAL FOR STREET WIDTH REDUCTION / REDUCTION OF PAVED AREA

Streets: NICHOLSON STREET, CHRISTIE STREET, OAKLEY STREET

48 ASSESSMENT OF KEY ISSUES

7.3. ENVIRONMENTAL AMENITY

7.3.1. Solar Access and Overshadowing

The proposed development (concept and detailed proposals) has been designed to retain a substantially compliant level of solar access to the low-density residential dwellings to the south and to Newlands Park to the south-west of the site, as required by the 2036 Plan.

The Overshadowing Analysis prepared by Fitzpatrick + Partners (**Appendix F**) sets out the detailed methodology followed to establish the proposed building envelopes to maximise solar access to surrounding properties and public open space so that it is not be unreasonably reduced. The development envelope prepared is presented in **Figure 13** below.

Figure 13 Solar access study to inform building envelope



Source: Fitzpatrick + Partners

The solar access requirements set out in the 2036 Plan require that any new development must not overshadow Newlands Park between 10am and 3pm on June 21st. The 2036 Plan also requires that the low-density locality to the south of the site receive a minimum of two hours solar access.

The proposed development will not overshadow Newlands Park between 10am and 3pm on June 21st as demonstrated in the shadow diagrams prepared by Fitzpatrick + Partners (**Appendix E**), which represents a positive outcome and demonstrates the proposed development's suitability for the site.

The proposed development will retain at least 2 hours solar access to the majority of dwellings to the south, with the exception of the dwellings at 23-25 Christie Street, where the proposed development will reduce solar access by 15 minutes on June 21st.

The overshadowing analysis also considered the solar access requirements set out in the LCDCP which requires that commercial developments are not to reduce sunlight to dwellings in the adjacent or in the same zone below a minimum of three hours of sunlight on a portion of the windows of the habitable rooms between 9am and 3pm on 21 June. Where adjacent dwellings and their open space already receive less than the standard hours of sun, new development should seek to maintain this solar access where practicable.

The overshadowing analysis demonstrates that the proposed development generally complies with the LCDCP, with the exception of some minor additional overshadowing to the dwellings at 23-25 Christie Street. These dwellings receive approximately 2 hours solar access under current conditions, however the proposed development will reduce this by 15 minutes on June 21st. On balance, this is considered a reasonable outcome for development in a dense urban environment and given the benefits of the proposed development.

It is also noted that the low density locality has high levels of tree coverage which was not modelled in the overshadowing analysis, therefore the results of the study are considered to be more conservative than real life conditions.

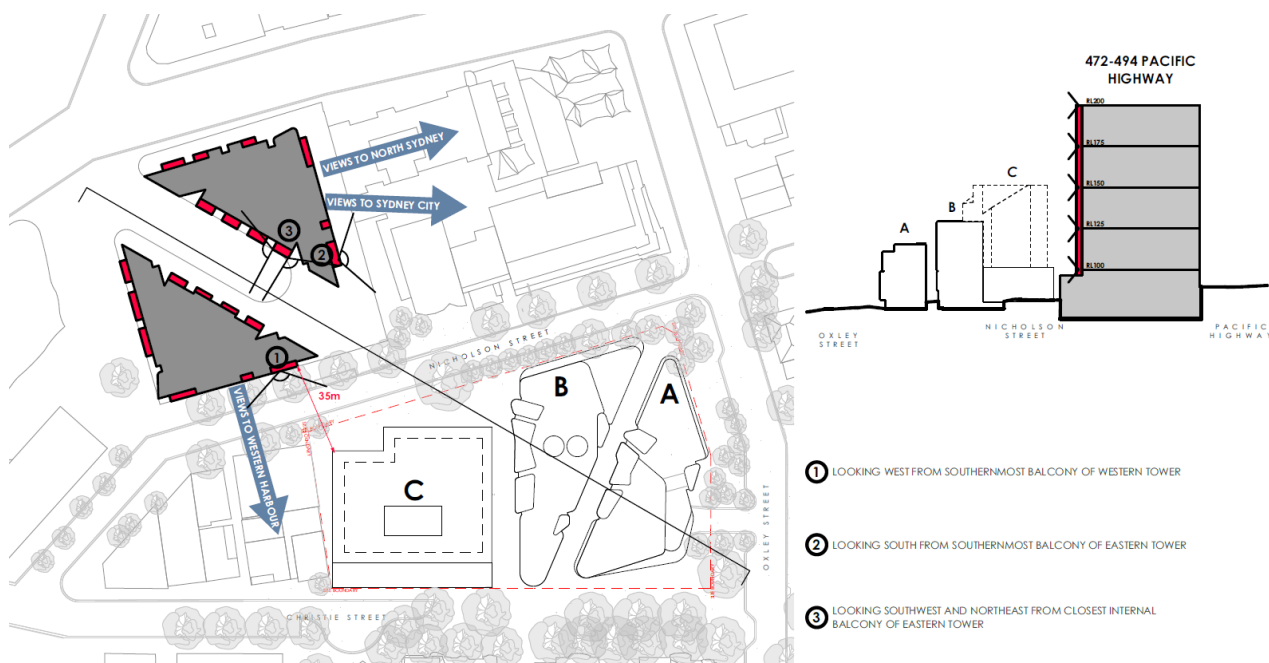
The solar access and overshadowing impacts from the proposed development are considered acceptable.

7.3.2. View Sharing

Consideration has been given to potential view impacts the proposed development will have on surrounding development, particularly the recently constructed 35-storey mixed-use tower to the north-east of the site at 472-494 Pacific Highway (St Leonards Square).

Fitzpatrick + Partners have prepared a View Impact Analysis (**Appendix E**) to assess potential impacts the concept and detailed development will have from various heights in St Leonards Square.

Figure 14 View Impact Analysis



Source: Fitzpatrick + Partners

A series of views using 3D modelling were prepared to assess the view impact from the proposed concept and detailed development. The concept development proposes a maximum height of 18 storeys (Building C) in comparison to the 2036 Plan height control for that part of the site of 25 Storeys. Therefore, potential view impacts associated with the proposed development are less than those anticipated and promoted by the 2036 Plan.

The view impact analysis demonstrates that:

- Views west will be partially retained from the southernmost balcony of the western tower of the Mirvac building (1) from RL125 and RL150 as a result of concept Building C. Views are already obstructed at RL100 by the existing Building C on the site. Views will not be obstructed above RL 150.
- Significant views south will be retained from the southernmost balcony of the eastern tower (2) of the Mirvac building (2) from RL100 and RL125 as a result of Building A and Building B. Views will not be obstructed at RL150 and RL175.
- Views southwest will be obstructed from the closest internal balcony of the eastern tower of the Mirvac building (3) from RL125 and RL175 as a result of concept Building C. Views are already obstructed at RL100 by the existing Building C. Views will not be obstructed above RL150.

The assessment of view sharing impact is guided by the Planning Principle outlined in the NSW Land and Environment Court case *Tenacity Consulting v Warringah Council (2004) NSWLEC 140*.

While the *Tenacity* principles should be used as a guide to decision makers in respect to the proper assessment of view impact, the law is clear that property owners do not have a right to a view.

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

The assessment presented in the table below is based on the View Impact Analysis prepared by Fitzpatrick + Partners (**Appendix E**).

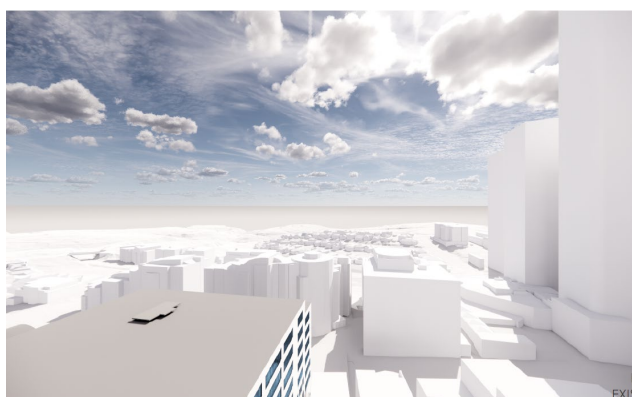
Table 10 *Tenacity* assessment

Consideration	Response
<i>The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.</i>	<p>The following views are available from the St Leonards Square development, as shown in Figure 14 above:</p> <ul style="list-style-type: none"> ▪ Western harbour water views (View 1) ▪ North Sydney CBD (View 2) ▪ Obscured and oblique views to Sydney CBD (View 3). <p>While the above views are of some quality, they are not Iconic views and are dominated by commercial buildings or are in part obscured or oblique erodes the quality of the existing view.</p>
<i>The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.</i>	<p>Views occur across the rear boundary (View 1 and 3) and side boundary (View 2) from the site at 472-494 Pacific Highway.</p> <p>Views are obtained from the balconies of the residential units and are assumed to be connected to the primary living areas having regard to the age of the development, although this has not been confirmed.</p> <p>View 1 and 3 are obtained from looking straight out from the balcony, whereas View 3 is obtained by looking over the side corner of the balcony. The view is also obstructed by St Leonards Square Development itself, at all levels.</p>
<i>“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is</i>	<p><u>View 1</u></p> <p>RL100 – Negligible (No change as there is no view presently available due to the existing building on the subject site)</p> <p>RL125, RL 150 – Minor-moderate (Some water views still available, see Figure 15 below)</p>

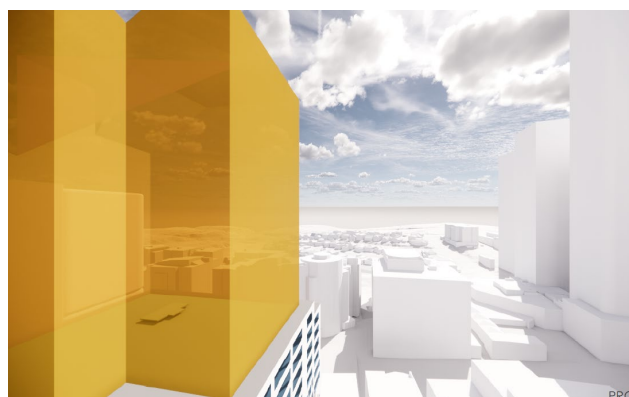
Consideration	Response
<p><i>unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.”</i></p>	<p>RL175, RL200 – Negligible (All water views available)</p> <p><u>View 2</u></p> <p>RL100, RL125 – Minor (North Sydney CBD views retained, some district view loss, see Figure 16 below)</p> <p>RL150, RL175, RL200 – Negligible (North Sydney CBD and district views available)</p> <p><u>View 3</u></p> <p>RL100 – Negligible (no existing CBD views available)</p> <p>RL125, RL150 – Minor-moderate (Sydney CBD, water views will be lost, however the views are available from an oblique angle and views are already obstructed on the left and right side by the St Leonards Development itself at all levels, see Figure 17 below. In this regard, glimpses of views are generally not considered of high value and view sharing principles have already been eroded by other developments).</p> <p>RL175, RL200 – Negligible (Sydney CBD and water views will be retained).</p> <p>It is noted that proposed Building C has a maximum height of RL151.40, therefore views from levels above this height from the St Leonards Square building will be retained.</p> <p>In all instances, whole views are not obstructed by the proposed development.</p>
<p><i>The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.</i></p>	<p>Building A and B exceed the 25m LEP height limit by approximately 13.7m and 28.5m respectively, however these buildings are not responsible for any significant view loss impacts and are therefore considered reasonable.</p> <p>While Building C exceeds the 25m height limit to a greater extent (approximately 47.9m), the height of Building C (18 storeys) is well below the 25 storey control for that part of the site under the 2036 Plan.</p> <p>It is therefore considered that the minor to moderate view loss impacts identified above are entirely reasonable given that the proposed development is lower than the development envisaged by the 2036 Plan. In this regard, Building</p>

Consideration	Response
	<p>C is consistent and compatible with the extent of visual effects and the level of visual impacts that are contemplated by the 2036 Plan.</p> <p>In all instances, whole views are not obstructed by the proposed development.</p>

Figure 15 View 1 towards western harbour

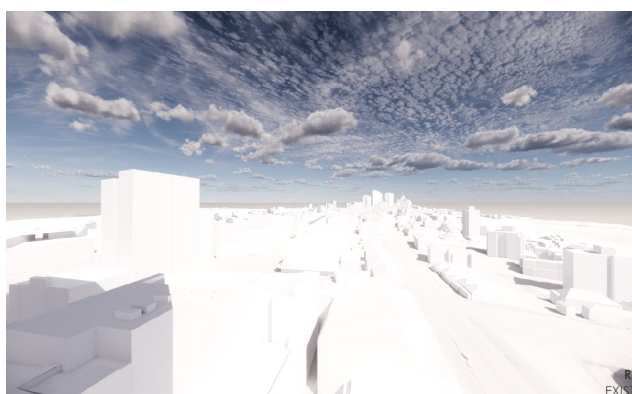


Picture 5 Existing, RL 125

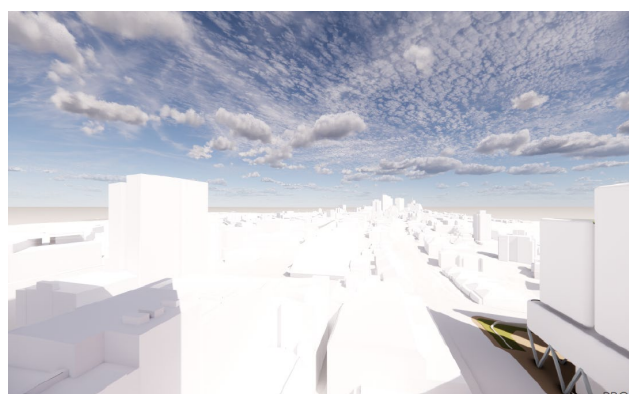


Picture 6 Proposed, RL 125

Figure 16 View 2 towards North Sydney CBD

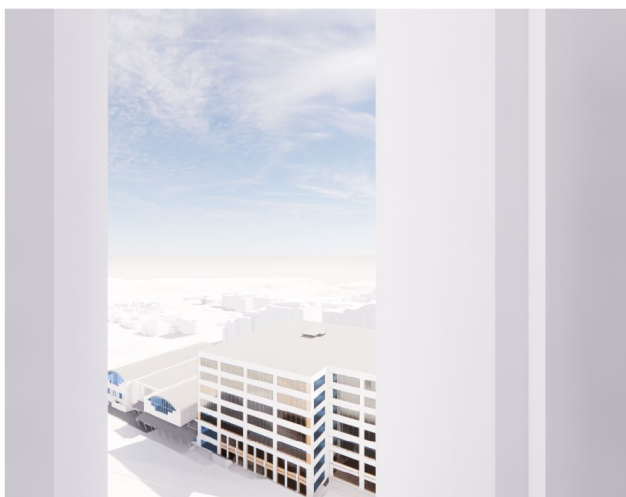


Picture 7 Existing, RL 125



Picture 8 Proposed, RL 125

Figure 17 View 3 towards Sydney CBD



Picture 9 Existing, RL 125



Picture 10 Proposed, RL 125

Source: Fitzpatrick + Partners

Despite some interruptions to the current unimpeded western and south-western views from properties to the north-east of the site, it is considered that on balance the proposed development represents a positive response to view sharing principles.

The design of the proposed development has considered the cumulative impacts of the concept and detailed development to limit view loss to adjacent buildings as required by the 2036 Plan objectives. View impacts are considered to be acceptable in the context of the recommended height controls under the 2036 Plan.

7.4. ECOLOGICALLY SUSTAINABLE DEVELOPMENT

An Ecologically Sustainability Development (ESD) report has been prepared by Noman Disney & Young (NDY) and is attached at **Appendix R**. The ESD report outlines the targeted rating and proposed measures for Building A and B to achieve:

- 5.5 Star NABERS Energy and Water Ratings,
- 5 Star Green Star Design,
- As Built v.1.3 five-star rating,
- PCA Grade A Office Building, and
- National Construction Code Section J Energy Efficiency.

The proposed initiatives align with the 2036 Plan which requires new building design to provide high on-site amenity, and with the LCDCP to incorporate a range of water, waste, air quality, energy efficiency, solar access, material sustainability and other initiatives, resulting in an environmentally sensitive design that supports the broader precinct's intent for sustainability. The ESD outcome also addresses the requirement to provide a minimum 5-star rating for a new commercial building under NABERS.

7.5. ACOUSTIC IMPACTS

A Noise Impact Assessment (NIA) report has been prepared by NDY (**Appendix N**). The report assesses the existing noise environment, including identification of potential noise sources, as well as the potential impacts of the future development on surrounding properties.

The NIA concludes that:

- The future occupation of the development will generate noise from mechanical plant and HVAC equipment. However, this can be treated using a combination of measures, such as selection of low noise units, strategically locating equipment away from sensitive receivers, using acoustic attenuators, louvres or barriers.
- The proposed car park with exit/entry points on the western side of the site will generate noise levels of 56dB(A) during the day, which complies with the NSW Noise Policy for Industry 2017 (**NPfI**).

- During the construction of the proposed development, it is anticipated that noise levels will be significantly higher during the early works and structural phases. The anticipated noise levels during the excavation phase are predicted to exceed 75 dB(A) and will require the implementation of a construction noise and vibration management plan.
- It is recommended that smaller rock breakers and hand-held jackhammers be used for activity close the nearest residential receivers.

Overall, the proposed development presents a minimal risk in terms of potential noise and vibration impacts during its future operation. Construction noise and vibration is capable of meeting the relevant standards subject to the implementation of the report's listed mitigation measures.

7.6. TRANSPORT, TRAFFIC AND PARKING

A Traffic Impact Assessment (TIA) has been prepared by PTC (**Appendix U**). The TIA assesses the likely impacts of the land use activities proposed within the detailed development, including on-site car parking, vehicle access and impacts of the likely traffic generation on the local road network. It also includes a high-level travel demand management strategy, including opportunities to encourage alternative modes of travel. The traffic and parking aspects of the detailed development are summarised as follows:

- The proposed development provides end-of-trip facilities on the lower ground level including 124 bicycle spaces and 50 racks.
- Alterations and additions to the existing three levels of basement parking will provide a total of 338 car spaces. 301 spaces currently exist on site. The alterations and additions to the basement will remove 244 spaces, leave 57 existing spaces, and provide 281 additional spaces resulting in a net increase of 37 spaces.
- The proposed car parking and provision of 20 motorbike spaces will adequately accommodate the parking demand of the commercial development.
- The site is well situated within close proximity of well serviced bus stops along Pacific Highway, St Leonards Railway Station and the future Crows Nest Metro Station, which will further encourage use of active and public transport compared to private vehicular travel to offices in St Leonards and Crows Nest.
- A dedicated loading dock are is proposed at lower ground level. The assessment of the loading dock concludes the area is able to accommodate the manoeuvres of a 9.24m waste collection vehicle, ensuring it can enter and exit in a forward direction without impeding access to the car park.
- The development is anticipated to generate approximately 119 vehicular trips in the morning peak period and 91 trips in the evening peak period. The generated traffic is not anticipated to cause significant negative impact to the overall road network.

The TIA concludes that the development will not result in any adverse impacts on the surrounding road network or the availability of on-street parking and should supported in the context of parking and traffic.

7.7. CONTAMINATION

The Preliminary Site Investigation (Contamination) (PSI) prepared by Douglas Partners (**Appendix Q**) identifies from a review of the site history that some historical and current surrounding land uses have potential for contamination which could have migrated onto the site. Of particular interest are the former service stations and dry cleaners located approximately 200m north and east (upslope) from the site, and the former chemical manufacturing business on the adjacent site to the north.

Based on these findings, the PSI recommends that a detailed site investigation (Contamination) (DSI) is undertaken to evaluate the potential contamination status of the site and to assess the site's suitability for the proposed development from a contamination perspective.

Given the current limited site access for intrusive investigation, the PSI report recommends that the DSI be undertaken following the demolition of the Fitness First building.

The Applicant invites the imposition of a condition of consent be that requires the preparation of a DSI following demolition and prior to commencement of construction of new work.

7.8. BUILDING CODE OF AUSTRALIA COMPLIANCE

A Building Code of Australia (BCA) report has been prepared by McKenzie Group for the and is attached at **Appendix O**. The BCA report contains an assessment of the design of Building A and B.

The assessment confirms that the proposed development can comply with the relevant BCA requirements either through design amendments or implementation of performance solutions.

7.9. ACCESS

An Access Review Report has been prepared by Moris Goding Access Consulting (**Appendix M**) which confirms that the proposed detailed development adopts the necessary provisions to reasonably support access for people with disabilities and complies with the necessary Australian Standards, Commonwealth Disability Discrimination Act and the BCA.

The assessment identifies that the proposed development will satisfy all accessibility requirements relating to:

- Ingress and egresses - including external linkages within the broader precinct and access to all proposed uses on site.
- Circulation areas - including passing bays, turning spaces and common use doors that enable compliant circulation.
- Passenger lifts - with internal dimensions and accessible corridors to lift lobbies that enable the manoeuvring of two wheelchairs.
- Stairs and ramps - providing a maximum 1:14 gradient, landings and handrails.
- Sanitary facilities, including the quantity and design of accessible bathrooms across the development.
- Common areas - including accessible access to the proposed courtyards and terrace.
- Car park - including the appropriate quantity and design of accessible car parking bays.

Morris Goding will continue to work with the project team to ensure that the suitable outcomes are achieved during the detailed design phase and prior to the construction of the detailed development.

7.10. STORMWATER MANAGEMENT

Civil Plans and Stormwater Management Plan have been prepared by ADG Engineers and are attached at **Appendix J** and **Appendix K** respectively. The key findings and recommendations are summarised as follows:

- The existing site is 75% impervious and the proposed development is 100% impervious. Onsite detention is proposed to be implemented via a tank.
- The site is to be re-graded and a pit and piped drainage system is to be provided to facilitate discharge to the lawful point of discharge (LPD) located in the Christie Street pedestrian walkway. All runoff from the site will be collected and directed to the LPD and will result in no ponding or nuisance to the adjacent properties.
- The proposed 120m³ OSD tank will be located within the building footprint under the ground floor slab as the proposed WSUD will be built in-line within the proposed tanks.
- A catchment area bypassing the OSD tank has been considered in assessment of the post-development discharge from the site, with the orifice (159mm) sized to reduce flows to pre-development levels.
- The development incorporates several water sensitive urban design elements to achieve compliance with the relevant targets for stormwater quality management. All areas of the proposed development are capable of being treated prior to further distribution.
- A concept erosion and sediment control plan has been prepared to outline the way in which the future detailed proposed development can comply with relevant requirements during the construction phase.

The Stormwater Management Plan report concludes that all civil/stormwater infrastructure for the proposed development satisfies the requirement of LCDCP.

7.11. WASTE MINIMISATION AND MANAGEMENT

An Operational and Construction Waste Management Plan (**OCWMP**) has been prepared by Waste Audit and is provided at **Appendix V**.

The OCWMP has been developed in accordance with LCDCP and specifically Part B: General Controls and Part Q: Waste Management and Minimisation.

The OCWMP addresses the appropriate segregation, containment and disposal of waste with waste avoidance being the primary focus.

To assist building management achieve effective waste and recycling management at an operational level, the OCWMP has three key objectives:

- **To minimise the environmental impacts of the operations of the development on the environment** – this will be achieved by ensuring maximum diversion of waste from landfill; correct containerisation and transport of materials; correct segregation of materials into appropriate management streams; awareness among tenants of waste avoidance practices.
- **To minimise the impact of the management of waste within the development on local residents** – this will be achieved by ensuring waste is managed so as to avoid odour and litter impacts and will be collected during suitable times.
- **To ensure waste is managed so as to reduce the amount landfilled and minimise the overall quantity generated** – this will be achieved by implementing systems that assist tenants to segregate appropriate materials that can be recycled; displaying signage in all tenant areas to remind and encourage avoidance and recycling to staff; and through associated signage in the retail precinct to reinforce these messages.

The OCWMP demonstrates that the proposed development requires a minimum 21sqm waste storage capacity to accommodate waste generated from the operation of the proposed development. The proposed waste and storage room in the loading dock is 45sqm which therefore meets the minimum requirement.

8. SECTION 4.15 ASSESSMENT

The proposed development has been assessed in accordance with the relevant matters for consideration listed in Section 4.15 of the EP&A Act 1979.

8.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed development has been assessed in accordance with the relevant State and local environmental planning instruments in **Section 6**.

The proposed development will result in a variation to the height and FSR control under clause 4.3 and 4.4 of the Lane Cove LEP 2009. The proposed variations are supported by two clause 4.6 variation requests (**Appendix W** for building height and **Appendix X** for FSR) and are considered appropriate based on the recent release of the DPIE's St Leonards and Crows Nest 2036 Plan which supports additional height and FSR on the subject site.

The proposed development is permissible with consent under Lane Cove LEP 2009 and it is anticipated that the Council will at a future time amend the principle local environmental plan to reflect the principles and vision for development as provided under the 2036 plan and proposed under the DA as set out in this SEE.

A Ministerial Direction was issued under section 9.1 of the EP&A Act on the 27th August 2020 which requires that a consent authority must ensure that any planning proposal is consistent with the St Leonards and Crows Nest 2036 plan. The Ministerial Direction gives the 2036 Plan weight in the assessment of development applications also.

8.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

8.2.1. Draft Remediation of Land State Environmental Planning Policy

The draft Remediation of Land State Environmental Planning Policy (**draft SEPP**) is a relevant matter for consideration as it is an Environmental Planning Instrument that has been placed on exhibition. The explanation of Intended Effects accompanying the draft SEPP advises:

"As part of the review of SEPP 55, preliminary stakeholder consultation was undertaken with Councils and industry. A key finding of this preliminary consultation was that although the provisions of SEPP 55 are generally effective, greater clarity is required on the circumstances when development consent is required for remediation work".

The draft SEPP does not seek to change the requirement for consent authorities to consider land contamination in the assessment of development applications.

Therefore, the assessment made in relation to SEPP 55 in **Section 6.1.3** of this SEE are equally applicable under the draft SEPP.

8.3. DEVELOPMENT CONTROL PLAN

Lane Cove Development Control Plan (LCDCP) provides detailed planning controls relevant to the site and the proposed development. An assessment against the relevant controls is provided in **Section 6**.

The assessment concludes the proposed development generally complies with the relevant provisions within the LCDCP. Where minor non-compliances have been identified, they are considered appropriate and supportable for the reasons outlined in **Section 6.4**.

8.4. PLANNING AGREEMENT

The Applicant has prepared a Public Benefit offer (**Appendix Y**) to begin discussions with Council to facilitate the delivery of public benefits, including works in kind, land dedication and a monetary contribution towards public infrastructure.

8.5. REGULATIONS

The DA has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulations 2000*.

8.6. LIKELY IMPACTS OF THE PROPOSAL

The proposed development has been assessed considering the potential environmental, economic and social impacts as outlined below:

Natural Environment

All appropriate measures will be implemented during the construction phase to ensure that there is no adverse amenity impacts to surrounding properties in terms of dust, soil erosion, air and noise.

The proposed development will not result in the removal of significant flora and fauna on the site. All trees proposed to be removed are identified as having a low retention value. Trees proposed to be removed will be replaced at a ratio of 1:1.06 and the replacement plantings will be distributed around the site resulting in a net increase in tree canopy coverage due to the improved distribution of street trees, in comparison to the existing clustered grouping.

Built Environment

The proposed development has been designed to be compatible with the existing and emerging surrounding built form character of the St Leonards commercial precinct. The site is strategically located in a highly accessible area which supports increased development density. This is further supported and reinforced in the 2036 Plan which envisions redevelopment of the site with an FSR of 7.5:1. The proposed development complies with this control.

The proposed development provides for a high quality public domain outcome which will contribute positively to the St Leonards commercial precinct.

As described within this SEE, the surrounding road network is capable of accommodating the increased traffic generation anticipated from the development.

Social Impacts

It is considered that the following key social benefits will arise from the proposed development:

- The continued growth envisioned for St Leonards commercial precinct, providing additional employment floor space in the form of quality commercial space within Building A and B which will contribute to the vitality of St Leonards.
- Positive contribution to the locality through enhancing the streetscape presentation, amenity and connectivity the public domain around the site.
- Two pedestrian through site links, public amenities and an enhanced and expanded public open space at the Christie Street Civic Green.
- Retail activation on the Christie Street and Nicholson Street frontages.

Economic Impacts

An Economic Benefits Report has been prepared by Urbis for the Building A and B and is included at **Appendix S**. The report concludes that the proposed development will deliver:

- An estimated project expenditure of \$210.8 million over a two and a half-year period starting in 2022, which will generate 244 direct jobs and 365 indirect jobs. It is estimated that the majority of new jobs will be in the construction sector and indirect jobs will mostly be in manufacturing.
- In the construction phase a total Gross Value Added (**GVA**) of \$95.2 million during the two and a half-year construction period (in net present value terms).
- Approximately 1,505 direct jobs and 1,124 indirect jobs during the operational phase in the following sectors:
 - Professional, Scientific and Technical Services
 - Finance and Insurance Services
 - Public Administration and Safety
 - Administrative and Supportive Services

- Construction
- Approximately \$614 million in direct and indirect annual gross value add to the economy annually during the operational phase comprising:
 - Direct average GVA = \$400.3 million
 - Indirect average GVA = \$214.0 million

The proposal presented in the detailed DA will deliver jobs to Lane Cove LGA, making a significant positive contribution to employment retention in the LGA.

8.7. SUITABILITY OF THE SITE

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

- The land is zoned B3 Commercial Core under Lane Cove LEP 2009. The proposed development under the concept and detailed DA is permissible with consent and the detailed DA is consistent with the land use objectives of the B3 zone.
- The 2036 Plan identifies the desired future character of the locality. The proposed development is consistent with the built form envisioned for the site and will aid the continued growth and renewal of the St Leonards Strategic centre.
- The site is in close proximity to public transport including the St Leonards Train Station and the future Crows Nest Metro Station and high frequency bus services running from Pacific Highway.
- The environmental site investigations concluded that the site can be made suitable for the proposed development.

8.8. SUBMISSIONS

Any submissions arising from the public notification of this application will need to be assessed by Council.

8.9. PUBLIC INTEREST

The proposed concept and detailed development are considered to be in the public interest for the following reasons:

- The proposed concept and detailed development are consistent with the relevant State and local strategic plans.
- The proposed construction of Building A and B will deliver 25,905 sqm of additional employment-generating floor space, providing local jobs close to homes and public transport.
- The proposal will reinforce the role of St Leonards as a strategic centre that provides high quality commercial space with supporting services and amenity.
- The proposal will deliver public domain works to improve pedestrian amenity and recreation opportunities within this part of St Leonards. This includes two through site links and an enhanced and expanded public open space at Christie Street Civic Green.
- Ground floor café/retail uses within Building A and B will provide street activation.
- The proposed commercial buildings for Building A and B will offer a high degree of amenity to workers without adversely impacting the amenity of surrounding properties.

9. CONCLUSION

The proposed concept and detailed development have been assessed in accordance with section 4.15 of the EP&A Act.

The proposed development will result in a variation to the height and FSR control under clause 4.3 and 4.4 of the Lane Cove LEP 2009. The proposed variations are supported by two clause 4.6 variation requests (**Appendix W** for building height and **Appendix X** for FSR) and are considered appropriate based on the recent release of the DPIE's St Leonards and Crows Nest 2036 Plan which supports additional height and FSR on the subject site.

The assessment put forward in this SEE, supported by technical reports and plans, demonstrates that the proposed concept and detailed development are appropriate for the site and the locality for the following reasons:

- **Consistent with State and local strategic planning policies** – the proposed development contributes to State strategic planning objectives to facilitate the economic growth of St Leonards commercial precinct through the provision of increased commercial densities close to public transport.
- **Appropriate built form** – the proposed development results in an appropriate built form that is compatible with the surrounding context of the locality, notwithstanding variations to the Lane Cove LEP 2009 height and FSR development standards.
- **High degree of amenity** – the proposed development will provide high internal amenity for the future users of Building A and B which will be delivered as quality commercial floor space. The proposed development will also provide workers with excellent views and access to outdoor space in the form of landscaped roof terraces and an extension and embellishment of Christie Street Civic Green.
- **Limited environmental impacts** – the proposed development can be accommodated on the site without creating unreasonable environmental impacts to surrounding development in regard to overshadowing, privacy and view loss.
- **Positive social and economic benefits** – the proposed development will make a positive contribution to the St Leonards commercial precinct and broader locality and will significantly enhance the visual presentation of development on the site and has the potential to act as a catalyst for future growth and investment in St Leonards. The proposed development will enhance the public domain through provision of additional high quality, landscaped public open space and activated edges.

Having considered all relevant matters, we conclude that the proposed development is appropriate, and the consent authority is able to determine the DA by the granting of development consent subject to conditions.

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