

SYDNEY NORTH PLANNING PANEL

REPORT – MEETING 28 NOVEMBER 2018

Panel Reference	2018SNH007 DA
DA Number	6/2018
Local Government Area	Lane Cove
Proposed Development	Demolition of remaining structures and basements, excavation to accommodate ten (10) basement levels including the provision of 316 public car parking spaces, construction of a fourteen (14) storey commercial building and two (2) mixed-use towers of twenty-six (26) storeys and forty-seven (47) storeys providing a total of 654 units and including a public library and retail space (including a supermarket), creation of a new laneway and public domain works at Christie Lane and Lithgow Street and associated works including tree removal, signage, and stratum subdivision.
Street Address	71-79 Lithgow Street, 82-90 Christie Street, 84A Christie Street, 546-564 Pacific Highway, Christie Lane, and Lithgow Street, St Leonards.
Applicant/Owner	Applicant: Christie Street Development Pty Ltd Owner: JQZ Fifteen Pty Ltd
Number of Submissions	Forty (40)
Regionally Significant Development Criteria - Schedule 7 of SEPP (State and Regional Development) 2011	Development that has a capital investment value of more than \$30 million.
List of All Relevant s4.15(1)(a) Matters	- List all of the relevant environmental planning instruments: s4.15(1)(a)(i) - List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s4.15(1)(a)(ii) - List any relevant development control plan: s4.15(1)(a)(iii) - List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under s7.4: s4.15(1)(a)(iv) - List any coastal zone management plan: s79C(1)(a)(v) - List any relevant regulations: s4.15(1)(a)(iv) e.g. Regs 92, 93, 94, 94A, 288 List all of the relevant environmental planning instruments: s4.15(1)(a)(i) - SEPP 55 – Remediation of Land; - SEPP (Infrastructure) 2007; - SEPP (Building Sustainability Index) 2004; - SEPP 65 (Design Quality of Residential Apartment Development) and Apartment Design Guide (ADG); - SEPP 64 (Advertising and Signage); - SEPP (Vegetation in non-rural areas) 2017; - Lane Cove Local Environmental Plan 2009; and - Airport Act 1996 and Airports (Protection of Airspace) Regulations 1996. List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s4.15(1)(a)(ii)

	N/A • List any relevant development control plan: s4.15(1)(a)(iii) - Lane Cove Development Control Plan 2010; • Other relevant plans: - St Leonards Public Domain Master Plan 2014; and - Lane Cove Section 94 Contributions Plan 1996 (as amended). • List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into Date entered into: 6/10/2017 Parties: Lane Cove Council and JQZ Fifteen Pty Ltd as trustees for JQZ Fifteen Unit Trust and Christie Street Development Pty Ltd. • List any coastal zone management plan: s4.15(1)(a)(v) Not applicable. • List any relevant regulations: s4.15(1)(a)(iv) 92: Additional matters the consent authority must consider 98(1)(a): Compliance with Building Code of Australia 98A: Erection of signs 98E: Shoring and adequacy of adjoining properties																																																																																				
List all documents submitted with this briefing paper	<table><tr><th>Annexure</th><th>Document</th><th>Prepared By</th></tr><tr><td>1</td><td>Conditions of Consent</td><td></td></tr><tr><td>2</td><td>Architectural Drawings (final)</td><td>PTW Architects</td></tr><tr><td>3</td><td>Landscape Plans</td><td>Arcadia</td></tr><tr><td>4</td><td>Concept Stratum Plans</td><td>Land Partners</td></tr><tr><td>5</td><td>Statement of Environmental Effects</td><td>Urbis</td></tr><tr><td>6</td><td>Clause 4.6 Variation – Height</td><td>Urbis</td></tr><tr><td>7</td><td>Clause 4.6 Variation – FSR</td><td>Urbis</td></tr><tr><td>8</td><td>SEPP 65 Assessment</td><td>Architectus</td></tr><tr><td>9</td><td>CPTED Advice</td><td>Architectus</td></tr><tr><td>10</td><td>Safer by Design Report</td><td>Urbis</td></tr><tr><td>11</td><td>Executed VPA</td><td>JQZ / Lane Cove Council</td></tr><tr><td>12</td><td>Traffic Impact Assessment</td><td>TTPP</td></tr><tr><td>13</td><td>Addendum Traffic Report</td><td>TTPP</td></tr><tr><td>14</td><td>Construction Traffic Management Plan</td><td>TTPP</td></tr><tr><td>15</td><td>Acoustic Report</td><td>EMM Consulting</td></tr><tr><td>16</td><td>Geotechnical Assessment</td><td>WSP</td></tr><tr><td>17</td><td>Arboricultural Report</td><td>Landscape Matrix</td></tr><tr><td>18</td><td>Preliminary Contamination Assessment</td><td>WSP</td></tr><tr><td>19</td><td>BCA Assessment</td><td>BCA Logic</td></tr><tr><td>20</td><td>Reflectivity Assessment</td><td>Windtech</td></tr><tr><td>21</td><td>Fire Engineering Assessment</td><td>Holmes Fire</td></tr><tr><td>22</td><td>Accessibility Assessment</td><td>BCA Logic</td></tr><tr><td>23</td><td>Civil Plans (revised)</td><td>AT&L Civil Engineers</td></tr><tr><td>24</td><td>Sustainability Report</td><td>Northrop Consulting Engineers</td></tr><tr><td>25</td><td>Waste Management Plan (revised)</td><td>Elephant’s Foot Recycling Solutions</td></tr><tr><td>26</td><td>Construction Waste Management Plan</td><td>Urbis</td></tr><tr><td>27</td><td>Construction Noise and Vibration Management Plan</td><td>EMM Consulting</td></tr></table>	Annexure	Document	Prepared By	1	Conditions of Consent		2	Architectural Drawings (final)	PTW Architects	3	Landscape Plans	Arcadia	4	Concept Stratum Plans	Land Partners	5	Statement of Environmental Effects	Urbis	6	Clause 4.6 Variation – Height	Urbis	7	Clause 4.6 Variation – FSR	Urbis	8	SEPP 65 Assessment	Architectus	9	CPTED Advice	Architectus	10	Safer by Design Report	Urbis	11	Executed VPA	JQZ / Lane Cove Council	12	Traffic Impact Assessment	TTPP	13	Addendum Traffic Report	TTPP	14	Construction Traffic Management Plan	TTPP	15	Acoustic Report	EMM Consulting	16	Geotechnical Assessment	WSP	17	Arboricultural Report	Landscape Matrix	18	Preliminary Contamination Assessment	WSP	19	BCA Assessment	BCA Logic	20	Reflectivity Assessment	Windtech	21	Fire Engineering Assessment	Holmes Fire	22	Accessibility Assessment	BCA Logic	23	Civil Plans (revised)	AT&L Civil Engineers	24	Sustainability Report	Northrop Consulting Engineers	25	Waste Management Plan (revised)	Elephant’s Foot Recycling Solutions	26	Construction Waste Management Plan	Urbis	27	Construction Noise and Vibration Management Plan	EMM Consulting
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	28	Natural Cross Ventilation Assessment	Windtech
	29	Structural Assessment	ABC Consultants
			Structural Engineers
	30	Public Art Plan	Vertebrae
	31	Pedestrian Wind Assessment (revised)	Windtech
	32	Wind Assessment Referral Response by ARUP (to original report)	Windtech
	33	View Analysis	PTW Architects
	34	Vertical Transportation Report	Schindler
Recommendation	Approval		
Report by	Philippa Frecklington (Consultant)		

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1 SUMMARY

ADDRESS	71-79 Lithgow Street, 82-90 Christie Street, 84A Christie Street, 546-564 Pacific Highway, Christie Lane, and Lithgow Street, St Leonards.
DA NUMBER	6/2018
DATE LODGED	18/01/2018
COST OF WORK	\$255,915,000.00
OWNER	JQZ Fifteen Pty Ltd
APPLICANT	Christie Street Development Pty Ltd
AUTHOR	Philippa Frecklington (Consultant, Sydney Planning)
PROJECT DESCRIPTION	Demolition of remaining structures and basements, excavation to accommodate ten (10) basement levels including the provision of 316 public car parking spaces, construction of a fourteen (14) storey commercial building and two (2) mixed-use towers of twenty-six (26) storeys and forty-seven (47) storeys providing a total of 654 units and including a public library and retail space (including a supermarket), creation of a new laneway and public domain works at Christie Lane and Lithgow Street and associated works including tree removal, signage, and stratum subdivision. Note: <i>The project description has been amended from the description below: “Demolition, excavation, tree removal and construction of a commercial and mixed use development generally comprising ten (10) levels of basement, 1,138 parking spaces (including 316 to be used as public parking), 10,363m² of retail (including a supermarket), public library, two residential towers (maximum 47 storeys) consisting of 654 dwellings, a fourteen (14) level commercial tower with a total of 19,297 commercial space, creation of a new laneway and public domain works at Christie Lane and Lithgow Street and associated works”.</i>
ZONING	B3 Commercial Core - 546-564 Pacific Highway - Part 82 Christie Street - Part 71-73 Lithgow Street - Part of Lithgow Street - Christie Lane B4 Mixed Use - Part 82, 84A, 84-90 Christie Street - Part 71-73 Lithgow Street, 75-79 Lithgow Street - Portion of Lithgow Street opposite Site A.
IS THE PROPOSAL PERMISSIBLE WITHIN THE ZONE?	Yes Note: Permissibility of proposed residential use on the portion of 82 Christie Street and 71-73 Lithgow Street zoned B3 Commercial Core relies upon <i>Clause 5.3 Development near zone boundaries</i> of LCLEP 2009.
IS THE PROPERTY A HERITAGE ITEM?	No
IS THE PROPERTY WITHIN A CONSERVATION AREA?	No
IS THE PROPERTY ADJACENT TO BUSHLAND?	No
BCA CLASSIFICATION	Class 2, 5/6, 7a, 7b, 9b, 10b
NOTIFICATION PERIOD	01/02/2018 – 31/03/2018
NUMBER OF SUBMISSIONS	Forty (40)

2 EXECUTIVE SUMMARY

1. The subject site is strategically located in a transit-oriented development corridor in close proximity to St Leonards train station, multiple high frequency bus routes along the Pacific Highway, and the planned Metro Station at Crows Nest (from 2024). St Leonards is one of Sydney's main office precincts and is identified as a *growth area* and *urban renewal corridor* under *The Greater Sydney Region Plan: A Metropolis of Three Cities* (March 2018) and a *strategic centre* within the *eastern economic corridor* in the *North District Plan* (March 2018), targeted to deliver employment opportunities and housing supply. This strategic direction is consistent with the vision for the precinct under *St Leonards and Crows Nest 2036 Draft Plan* October 2018 (currently on exhibition).
2. The site is one (1) of three (3) 'pilot projects' identified by Lane Cove Council to deliver mixed-use development that is aligned with State-led planning documents and to support its overarching goal for St Leonards - to create an area with a high level of liveability, amenity and connectivity. These key projects have been the subject of site-specific planning proposals to permit mixed-use development and to allow additional height and density on these sites. The subject site is the last of the three (3) projects to be granted approval for redevelopment.
3. The subject site is divided into five (5) parts comprised of *Site A* (buildings with frontage to Christie Street and Lithgow Street on land zoned B4), *Site B* (amalgamated lots fronting the Pacific Highway), *Site C* (portion of T1 and T2 on land zoned B3 and *New Christie Lane*), *Site D* (Christie Lane), and *Site E* (4m articulation to T2 over Lithgow Street), as shown at **Figure 1** below:

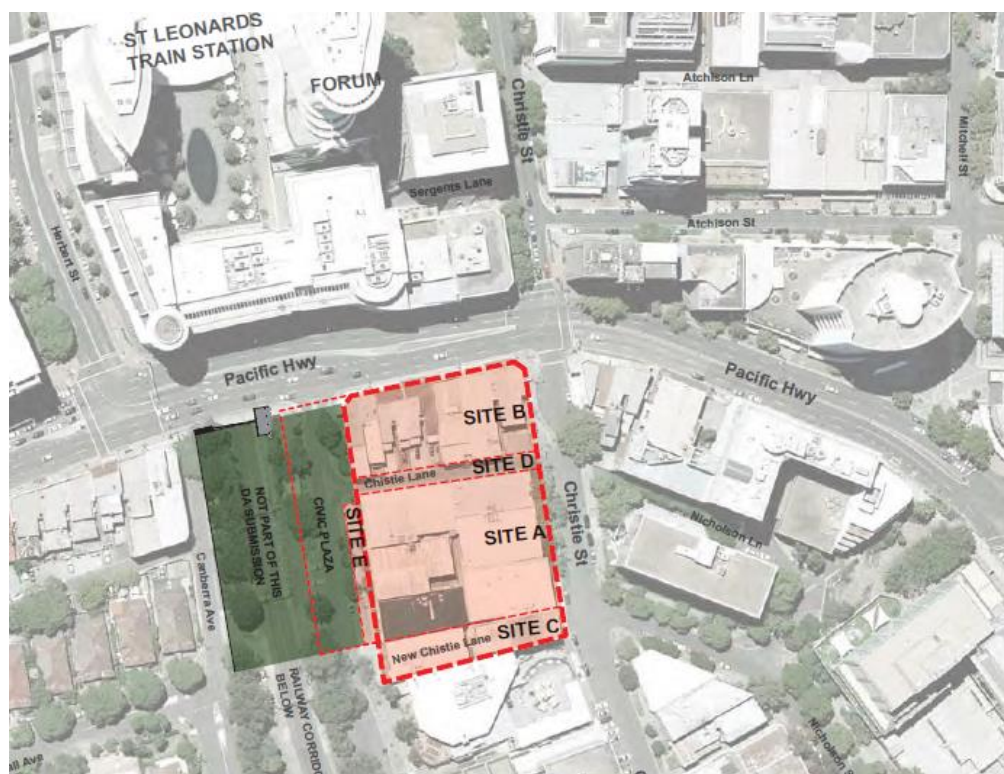


Figure 1. Locality Plan showing the proposed site (Source: PTW).

4. The suitability of the site for redevelopment was considered in the assessment of a site-specific planning proposal for *Site A*, submitted December 2014, which cumulated in the publication of Lane Cove LEP Amendment No. 22 on 1/12/2017.
5. This involved rezoning *Site A* from *B3 Commercial Core* to *B4 Mixed Use*, increasing the maximum building heights across *Site A*, and providing a bonus FSR incentive Clause for *Site A* (Clause 6.8 of LCLEP 2009) if the development provides specific public benefits, and

to encourage the amalgamation of lots within *Site B* in order to facilitate its redevelopment in conjunction with *Site A*.

6. The planning proposal was accompanied by a Voluntary Planning Agreement (VPA) between Lane Cove Council and JQZ Fifteen Pty Ltd. The executed VPA includes works in kind contributions including the dedication of 300 public car parking spaces and a new public laneway being New Christie Lane (*Site C*), embellishment of the Christie Lane through-site link (*Site D*), construction and embellishment of the first stage of the St Leonards Plaza including integration with the rail tunnel, and dedication of a public library of 1000m².
7. On 22/09/2017, a pre-lodgement meeting was held with Council for the proposed development. The issues raised by Council staff are summarised in Section 3.1 of this Report.
8. On 30/11/2017, DA 149/2017 was approved for demolition of all existing structures on the site excluding site preparation works and excavation. All existing structures with the exception of three (3) buildings fronting the Pacific Highway on *Site B* have been demolished in order to make provision for existing leases over these properties, which expire in 2022. This has constrained delivery of the project into two (2) construction stages.
9. On 18/01/2018, DA 6/2018 was lodged for demolition of remaining structures and basements, excavation to accommodate ten (10) basement levels including the provision of 316 public car parking spaces, construction of a fourteen (14) storey commercial building and two (2) mixed-use towers of twenty-six (26) storeys and forty-seven (47) storeys providing a total of 654 units and including a public library and retail space (including a supermarket), creation of a new laneway and public domain works at Christie Lane and Lithgow Street and associated works including tree removal, signage, and stratum subdivision.
10. The site is partly zoned *B4 Mixed Use (Site A)* and *B3 Commercial Core (Site B, C & D)*. The proposed development is permitted with consent, albeit noting the permissibility of the residential use encroaching *Site C* relies upon *Clause 5.3: Development near zone boundaries* under LCLEP 2009. The proposal is acceptable with regard to Clause 5.3 as the residential use would be permissible on the adjoining land zoned *B4 Mixed Use* and is consistent with the objectives of both zones.
11. The proposed development is consistent with development envisaged for the site under the planning proposal. The heights of T1 and T2 on *Site A* are consistent with the prescribed RLs under LEP Amendment No. 22 of RL 227.4 and RL 166.8 respectively (excluding the lightning rods, which are exempt). The height of the portion of T1 and T2, which encroaches *Site C* complies with the 65m height control under LCLEP 2009.
12. The application involves a 16.35m height variation to the 45m height control for the commercial building on *Site B*. The Clause 4.6 written request is considered to be well founded and is discussed in **Section 9.7.5** of this Report. Shadow diagrams for the winter solstice and view analysis for the proposed development and a compliant scheme have been submitted. The proposal is determined to maintain acceptable view sharing with *The Forum East* residential tower. It is acknowledged that prior to the gazettal of the Planning Proposal for the site, an 18-storey commercial development could be constructed up to a height of RL 149.05m at 86-90 Christie Street. The proposed commercial building is proposed to be constructed to RL 141.85, which provides a better planning outcome in terms of view impacts. Additional overshadowing resulting from the height non-compliance on adjoining land and the proposed civic plaza is negligible and as such is reasonable and acceptable.
13. The proposed FSR on *Site A* and *Site C* is compliant. The bonus FSR incentive Clause has been applied to *Site A*. The proposed FSR for *Site B* is non-compliant in isolation, however,

when considered across the site as a whole, complies. A Clause 4.6 written request has been submitted in relation to the FSR non-compliance on *Site B* as a technicality. This is considered to be well founded and is discussed in **Section 9.7.5** of this Report.

14. The application was referred internally to Council's Tree Preservation Officer, Open Space Manager, Building Surveyor, Development Engineer, Environmental Health Manager, Community Services and Access Officer, Traffic Engineer, and Strategic Planning Manager who raised no objections to the proposed development (as modified by amended plans submitted 29/08/2018), subject to draft conditions.
15. The application was referred externally to WaterNSW, Roads and Maritime Services, Sydney Trains, Ausgrid, and Civil Aviation Safety Authority with all relevant approvals obtained, subject to conditions.
16. Council engaged ARUP to carry out an independent wind assessment, and Architectus to undertake an independent Crime Prevention Through Environmental Design (CPTED) review and SEPP 65 assessment. All issues have been satisfactorily resolved.
17. Three (3) consolidated sets of amended plans and information were provided to Council on 18/05/2018, 29/08/2018, and 15/10/2018 and uploaded to Council's website. A detailed schedule of amendments is provided in **Section 3.1** of this Report. The amended plans were not required to be renotified to surrounding residents and previous objectors in accordance with Section 4.7 of Council's 'Notification of Development Applications Policy' because they would have no greater cumulative environmental or amenity impact.
18. Following notification of the application, forty (40) submissions were received. A summary of the issues raised is provided within **Section 9** of this Report. The main issues raised relate to the cumulative traffic impact of high-rise development in the St Leonards area, excessive height and density, overshadowing, view loss, and impacts during construction.
19. The proposed development is generally consistent with SEPP 65 and the *Apartment Design Guide* (ADG). Non-compliance with the *numerical standard* for deep soil zones, building separation of the mixed-use towers from the commercial building, and maximum habitable room depth for open plan layouts, are acceptable on merit. These variations are discussed in **Section 9.5** of this Report.
20. The proposal is acceptable with regard to Lane Cove LEP 2009 and Lane Cove DCP 2010. The 2m variation sought to the 4m setback requirement along Christie Street at the upper levels of T1 is supported. The variations sought to the building frontage requirements for the commercial building and building depth and width requirements for the mixed-use towers is acceptable on merit.
21. The proposed development is acceptable having regard to the matters of consideration under Section 4.15 of the *Environmental Planning and Assessment Act, 1979*.
22. The proposed redevelopment of the site would result in a high-quality mixed-use development that is aligned with State-led planning documents to deliver employment opportunities and housing supply, and consistent with Council's vision for the St Leonards precinct.
23. The application is recommended for approval, subject to recommended conditions of consent.

3 BACKGROUND

3.1 Application history

Pre-lodgement meeting – 22/09/2017

Key issues raised:	
Geotechnical and hydrogeological issues	• Geotechnical report required for basement car parking • Aquifer disturbance would trigger referral to NSW Office of Water
Parking	• On-site parking provision is less than Council's requirement (Note: rates have been updated since the meeting to align with RMS rates).
Airspace	• Approval is required from the Aviation Authority (CASA) for encroachment into prescribed air space
Underground connection	• Existing underground connection to St Leonards station would be incorporated within the proposed development. • An additional underground connection may be considered but not necessary to shuttle pedestrian movement between the site and Crows Nest Metro on the northern side of the Pacific Highway.
Height	• The preferred option is to comply with the height of building development standards. • Note: Building height includes lift overrun structures.
Articulation	• The western façade of Tower 2 is to be stepped and designed to capture the northern sun. • Recommended an element of randomness be incorporated to better reflect the original planning proposal photomontages and achieve improved articulation.
Building separation	• Building separation requirement under Council's DCP is 22m. The ADG requires 24m. The ADG prevails. • SEPP 65 requires the building depth to be 18m.
Setback non-compliance to Christie Street	• Breach to 4m setback zone to Christie Street proposed to achieve 24m building separation requirement under the ADG. • Compliance with objectives required to be satisfactorily demonstrated.
View	• View impact study from 'The Forum' development to accompany the application.
Additional information	
Three (3) consolidated sets of additional information were submitted to Council on 18/5/2018, 29/08/201, and 15/20/2018.	
18 May 2018	
Amended plans and revised supporting documents were submitted in response to Council's preliminary assessment of the DA, independent ADG/SEPP65 assessment, and public submissions. The following amendments were made to the development: • Provision of seven (7) new street trees along Christie Street. • The ground and first floor of Tower 2 has been setback an additional 1m to provide a 2.5m canopy and awning to new Christie Lane. • The lower ground and ground level retail has been reconfigured to allow for better wayfinding and ease of access between the levels. • Inclusion of wind amelioration measures including: - wind screens and densely foliating evergreen shrubs at ground level; - inclusion of impermeable wind screens at various portions of the building elevation of Levels 1-25 of Tower 1, Level 46 of Tower 1, and Levels 7-25 of Tower 2 to improve the wind environment of terraces and balconies; and - inclusion of densely foliating evergreen shrubs within the northern deck area of Level 26 of Tower 2 (communal open space). • Reconfiguration of the Level 1 communal open space to provide direct access to this area from the Tower 1 apartments. • Reconfiguration of the residential gym to allow an additional communal room fronting new Christie Lane. • Revision of the split-level apartments in T2 to provide a consolidated area of private open space adjacent to the living room. • Minor modifications to residential units 10209, 20302, 20402, 20502, 20602, 11304, 11404, 11504, 11604, 11606, 11704, 11804, 11904, 12004, 12104, 12204, 12304, 12404, 12504, 12604, 12704, 12804, 13204, 13206, 13304, and 14304 in response to comments relating to consistency with the ADG. • Amendments to façade articulation at the southern entrance of the retail podium to provide a street address to new Christie Lane. • Additional façade articulation including new signage zones on the south-western building elevation. • Amendments to basement level waste room configurations.	

Reconfiguration of the driveway to include only three vehicular crossovers at the site boundary. Signage and signals for the driveway have also been amended.
29 August 2018
Amended plans and information submitted in response to a design constraint not addressed at the DA stage, being the retention of access through the proposed plaza to existing Telstra network infrastructure near the Pacific Highway. This in conjunction with concerns raised by Sydney Trains with regard to the depth and proximity of excavation adjacent the rail corridor and use of ground anchors on Sydney Trains owned land, has led to the following amendments: - Amendments to the landscape design of the proposed plaza to maintain vehicular access to existing Telstra network infrastructure near the Pacific Highway for maintenance and repairs. - Amendments to the driveway ramp gradient to avoid impacts to Telstra infrastructure. - Deletion of the south-western corner of the development at the basement levels and associated removal of 65 car parking spaces. - Subsequent revision of the basement, and lower ground level layout to accommodate the above changes. - Relocation of the loading dock from basement level 1 to the lower ground level.
15 October 2018
Amended plans submitted providing for minor amendments and general tidy up of plans to have a consistent revision dated. Key amendments are summarised below: - Reduction in the rooftop signage to T3 by approximately 50% and deletion of the rooftop sign to the northern elevation of T3. - Reduction in the wall signage and advertisements to New Christie Lane by approximately 50%. - Addition of pergola structures to the rear balconies adjoining four (4) units, which adjoin the Level 02 communal open space area.

3.2 Site specific planning proposal

Site A within the subject site is the subject of a site-specific planning proposal (LEP Amendment No. 22, published 1/12/2017) as follows:

LEP Amendment No. 22
Published on 1 December 2017
Land to which LEP Amendment 22 applies
Site A: 75, 77, 79 Lithgow Street; 84, 86-90 Christie Street
Rezoning
Site A: Rezoned from B3 Commercial Core to B4 Mixed Use
Building height
Site A: Maximum building height increased to RL 227.4 on the eastern portion of the site fronting Christie Street and RL 166.8 on the western portion of the site fronting Lithgow Street.
Floor space ratio
Site A: May be exceeded: (a) by an additional 2:1, but only if there is a car park with at least 300 car parking spaces on land in, or adjacent to, Site A, or (b) by an additional 1.6:1, but only if Site B* is consolidated into a single lot and not less than 17,000 square metres of the gross floor area of Site B is used for purposes other than residential accommodation, or (c) by an additional 3.6:1, but only if both paragraphs (a) and (b) apply.
Use
Site A: The consent authority must not grant development consent to development that results in less than 4,500m ² of the gross floor area of Site A being used for purposes other than residential accommodation.

* **Site B** means the land fronting the Pacific Highway including 546, 548-550, 552, 554, 558, 560, 562 and 564 Pacific Highway).

3.3 Relevant application history

Portions of the site have been the subject of various development approvals as follows:

DA No.	Address	Description	Status
Part 3A Concept Plan Approval	88 Christie Street, St Leonards	St Leonards Commerce Centre for an 18-storey commercial development to a maximum height of RL 149.05m.	Approved - 19/07/2011 (PAC)
224/2011	86-90 Christie Street and 75-79 Lithgow Street, St Leonards	18-storey commercial building with basement car park for 206 cars.	Approved - 09/08/2012 (former JRPP)
158/2016	548-550 Pacific Highway, St Leonards	14-storey hotel comprising 194 rooms and 49 car parking spaces	Withdrawn - 06/07/2017
149/2017	71-79 Lithgow Street, 82-90 Christie Street, and 546-564 Pacific Highway, St Leonards.	Demolition of all existing structures on the site	Approved – 30/11/2017 (Lane Cove Council)

Details of relevant development approvals (Council's three (3) 'pilot projects') in the vicinity of the site are provided below:

DA No.	Address	Description	Status
222/2014	472-494 Pacific Highway, St Leonards	Mirvac 'St Leonards Square' development: Demolition and construction of a mixed-use development comprising a podium, two towers, retail, 539 units, commercial, community and recreational uses and parking for 672 cars.	Approved – 26/05/2016 (former JRPP)
212/2015	496-498, 500, 504-520 Pacific Highway, St Leonards	'New Hope' Development: Demolition and construction of a mixed-use building comprising non-residential podium, 495 residential dwellings, car parking and upgrade works to Friedlander Places.	Approved – 19/12/2017 (Sydney North Planning Panel)
205/2015	1-13 Marshall Avenue, St Leonards	Mixed use development ('Embassy Tower' by Loftex) of maximum 29 storeys comprised of two (2) buildings over a common basement car park including 269 apartments, 291 parking spaces, and commercial and retail space.	Approved – 29/06/2016 (Former Sydney East Joint Regional Planning Panel)

4 PRIMARY ISSUES

The table below summarises the main planning issues, key non-compliances with an environmental planning instrument/DCP, and provides an overview of the planning assessment.

Issues	Conclusion	Section
Height non-compliance of the commercial building (T3)	The applicant's clause 4.6 written request is considered to be well founded and acceptable on merit.	9.75
FSR non-compliance on Site B (commercial building) in isolation	- The applicant's clause 4.6 written request is considered to be well founded and acceptable on merit. - The FSR across the total site area is compliant.	9.75
Compliance with SEPP 65 and ADG	Non-compliance with the numerical controls for deep soil landscaping, maximum habitable room depth for open plan	9.5

Issues	Conclusion	Section
	layouts, and building separation between the commercial building and mixed-use towers is acceptable on merit.	
Setback of T1 to Christie Street	The variation sought to the 4m setback control of the upper levels to Christie Street is acceptable on merit.	9.8.4
Building length of T3	The minor variation sought to the DCP maximum frontage requirement for the commercial building (T3) is supported on merit.	9.8.3
Building width and depth of T1 and T2	The variation sought to the DCP maximum width and depth requirements for the mixed-use towers (T1 and T2) is deemed to be acceptable.	9.8.2
Apartment mix	10% of each unit type is required under Council's DCP. The provision of 3+ apartments, comprising 9.3% of the total unit mix, is supported.	9.8.2
RMS dedicated road reserve	- The proposed canopy awning to T3 along the Pacific Highway frontage encroaches RMS land and is required to be deleted. This is conditioned. - The 60cm awning projection to the commercial building is conditioned to remain within the freehold property (unlimited in depth and height), in accordance with RMS requirements. - Landscaping along Pacific Highway is to comply with RMS requirements pertaining to landscaping in <i>clear zones</i> (conditioned).	7.2
Views	- The proposed development provides acceptable view sharing with the Forum East residential tower. - View impacts to owners on the northern side of Pacific Highway was determined to be acceptable in the approval of the planning proposal. - The only difference in view impacts between the proposed development and planning proposal scheme pertains to the additional height sought for the commercial building. This is reasonable and acceptable on merit. - View impacts are improved under the proposed development compared to the view impacts that would result from the construction of an 18-storey building previously approved at 88 Christie Street to the rear of T3 (commercial building).	9.8 & 9.75
Signage and advertising	- Amended plans have been submitted reducing the rooftop signage on T3, and wall signage/advertisement to New Christie Lane by approximately 50%. - The proposed signage (as amended) is acceptable on merit, having regard to the assessment criteria under SEPP 64. - A condition is recommended, which prohibits illumination of the rooftop signage to mitigate glare impacts to surrounding residences.	9.6 & 9.8.9
Car parking shortfall	- The on-site car parking provision has been amended from 1,138 spaces to 1,073 spaces to accommodate access to existing Telstra Infrastructure (a design constraint not identified at the DA lodgement stage). - The reduction of 65 car parking spaces does not alter the residential parking provision of 542 spaces or dedication of 316 public parking spaces (which includes visitor parking for residential uses and Site A retail uses), but reduces car parking for the Site B retail uses from 90 spaces to 87 and parking for the commercial uses from 193 to 125 spaces. - Whilst non-compliant with the 1,147 spaces required under Lane Cove DCP 2010, the variation is supported on the basis that additional excavation is opposed, the shortfall is adequately justified in the accompanying Traffic Report, and the site is strategically located in close proximity to multiple public transport nodes.	9.8.12
Noise impacts	An Acoustic Assessment has been undertaken by EMM Consulting.	9.5 & 9.8.4

Issues	Conclusion	Section
	The report contains a number of recommendations in order to achieve appropriate internal noise levels such as upgrades to glazing for certain rooms. A condition is recommended requiring compliance with the recommendations of the Acoustic Report.	
Wind impacts	- Additional information was provided by the applicant to ARUP to address concerns raised following a preliminary assessment of the submitted <i>Pedestrian Wind Environment Study</i>. - This information satisfactorily addresses the concerns of ARUP, subject to compliance with the recommendations of the <i>Pedestrian Wind Environment Study</i> (Conditioned).	9.5 & 9.8.4
Safety	- A CPTED Assessment Report has been prepared. - A condition is recommended to require compliance with the recommendations of the report.	9.5 & 9.8.4

5 DESCRIPTION OF THE SITE AND LOCALITY

5.1 Physical features

The subject site encompasses the following land, as shown in the table below and at **Figure 2**. A site analysis is included at **Figure 3**.

Site	Address	Legal Description	Area Approximately	Owner
A	84 Christie Street	Lot 1 & 2 / SP4116	3,191m ²	Christie Street Development Pty Ltd
	86-90 Christie Street	Lot 50 / 18 / DP3175 Lot 4 / DP560889		
	75 Lithgow Street	Lot 10 / 18 / DP3175		
	77 Lithgow Street	Lot 72 / DP542079		
	79 Lithgow Street	Lot 71 / DP542079		
	84A Christie Street	Lot 3 / DP560889	11.8m ²	Ausgrid
B	546 Pacific Highway	Lot 1 / DP1083362	1850m ²	Christie Street Development Pty Ltd
	548-500 Pacific Highway	Lot 1 / DP200301		
	552 Pacific Highway	Lot 2 / DP200301		
	554-546 Pacific Highway	Lot C / DP339273		
	558 Pacific Highway	Lot B / DP415468		
	562 Pacific Highway	Lot 1 / DP656501		
	564 Pacific Highway	Lot 1 / DP651204		
C	82 Christie Street	Lot 46 / 18 / DP3175	768m ²	Christie Street Development Pty Ltd
	71-73 Lithgow Street	Lot 11 / 18 / DP3175		
D	(Formerly Christie Lane	Christie Lane	387.5m ²	Lane Cove Council
Lithgow Street (including Site E: 4m articulation zone to T2)	Lithgow Street	Lithgow Street	2,399.7m ²	Lane Cove Council
			Total: 8,608m²	

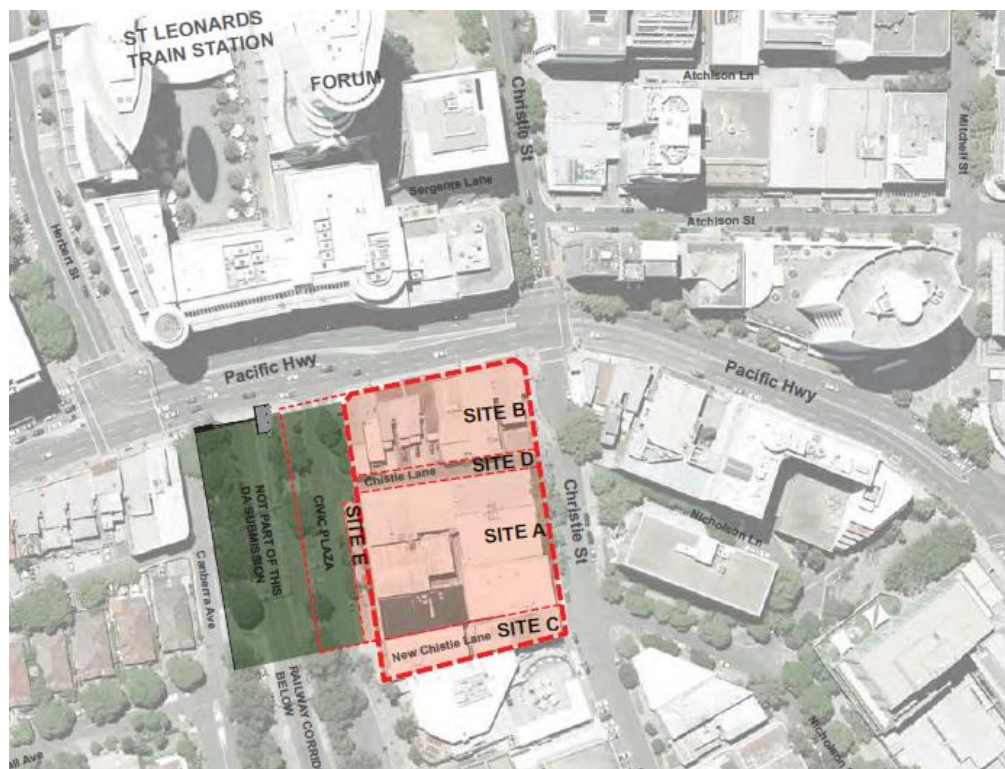


Figure 2. Locality Plan showing the proposed site (Source: PTW). Note: The majority of above-ground structures are demolished.

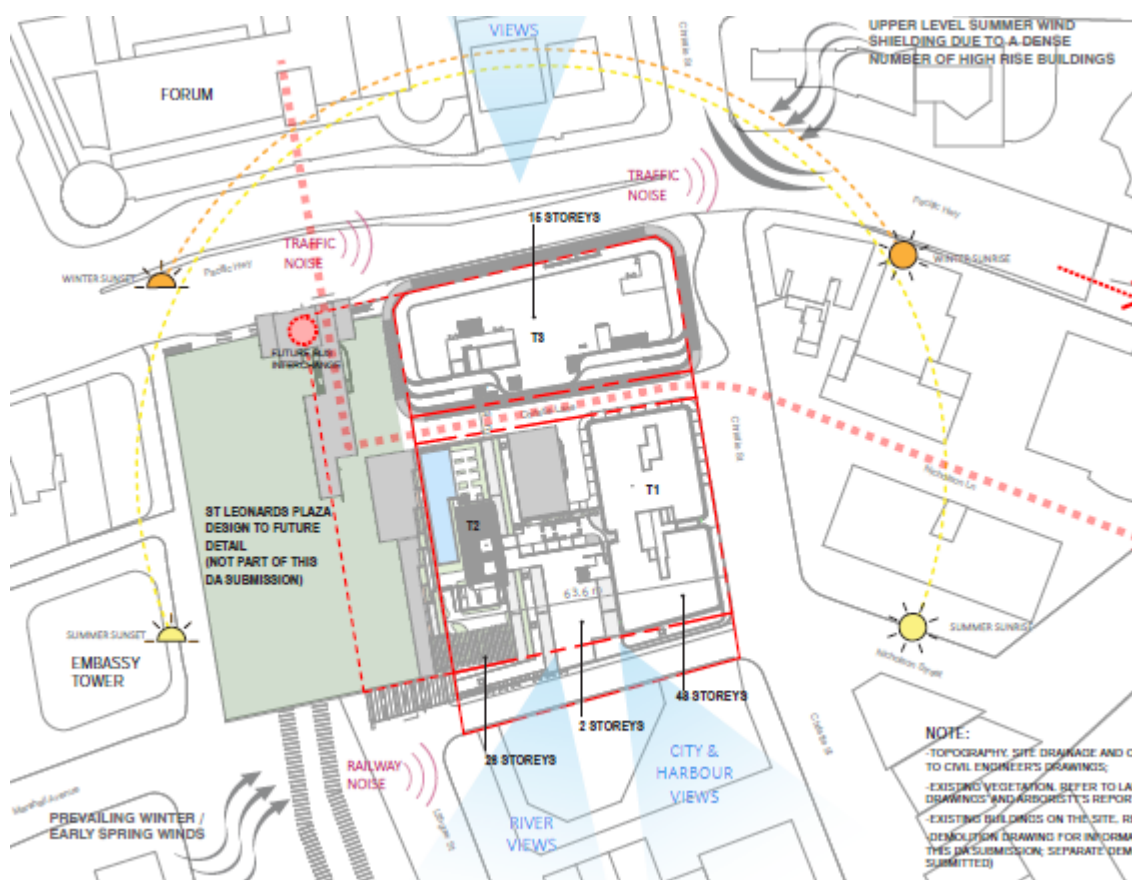


Figure 3. Site analysis (Source: Drawing No. DA-00-0002 Rev A, PTW).

The subject site is located on the southern side of the Pacific Highway and is bounded by Christie Street to the east and rail corridor to the west. The former Lithgow Street to the west would be converted to a civic plaza under the proposal. Future extension of the civic plaza over the rail corridor does not form part of this application. The site is bisected by Christie Lane, which separates the

portion of the site fronting the Pacific Highway (*Site B*) from the allotments fronting Lithgow Street and Christie Street (*Site A*). A new laneway (New Christie Lane) is proposed at the southern end of the site (*Site C*). The site has a total area of 8,608m².

5.2 Existing buildings and structures

The only remaining structures on the site are three (3) x two (2) story commercial buildings at No. 546, 548-550 and 552 Pacific Highway on *Site B*, as shown at **Figure 4**. The leases for these tenancies expire in 2022. Vehicular access to these buildings is provided at the rear via Christie Lane, as shown at **Figure 5**.



Figure 4. Existing commercial buildings at 546, 548-550 and 552 Pacific Highway with leases expiring in 2022.



Figure 5. Existing Christie Lane as viewed from Christie Street, and rear of No 546, 548-550 and 552 Pacific Highway. Christie Lane is used by pedestrians to access the Lithgow Street connection to St Leonards train station. This is proposed to be closed during construction. Christie Lane is proposed to be embellished under the VPA providing a through-site link.

The remaining buildings on *Site B* at 564, 562, 560, 558 and 554 Pacific Highway closest to Lithgow Street have been demolished, as shown at **Figure 6**.



Figure 6. Demolition of existing buildings (foreground) at 564, 562, 560, 558 and 554 Pacific Highway closest to Lithgow Street on 'Site B'.

All existing above ground structures on *Site A* and *Site C* have been demolished under DA 149/2017, as shown at **Figure 7**.



Figure 7. Demolition of the existing buildings (foreground) on 'Site A' and 'Site C' fronting Christie Street and Lithgow Street.

Previous development on *Site A* and *Site C* consisted of 2-3 storey commercial buildings fronting Lithgow Street with parking underneath (**Figure 9**), and 3-4 storey commercial buildings with parking underneath fronting Christie Street (**Figure 10**).



Figure 8. Previous buildings fronting Lithgow Street, now demolished under DA 149/2017.



Figure 9. Existing buildings fronting Christie Street, now demolished under DA 149/2017.

5.3 Surrounding environment

North: Existing development to the north of the site is comprised of 7-9 commercial buildings fronting the Pacific Highway. To the north-west of the site is *The Forum* mixed-use development built over St Leonards train station (**Figure 10**). This includes commercial development of 9-13 storeys fronting the Pacific Highway and two (2) mixed-use towers of 25 and 38 storeys. An 11-storey commercial building is located to the north-east of the site at 621 Pacific Highway (**Figure 11**).



Figure 10. Existing development to the north and north-west of the subject site including 'The Forum' mixed use development.



Figure 11. Existing 11-storey commercial building to the north-east of the site on the corner of Christie Street and the Pacific Highway.

East: To the east of the site, development fronting the Pacific Highway is comprised of two (2) storey commercial buildings and the Telstra Exchange beyond (**Figure 12**). Further to the east and currently under construction is the 'Landmark' mixed use development at 472-494 Pacific Highway, and 'New Hope Development' at 496-498, 500, 504-520 Pacific Highway (**Figure 13**).



Figure 12. Existing 2-storey commercial development to the east of the site fronting the Pacific Highway.



Figure 13. Mirvac and Newhope sites under construction to the east of the site with frontage to Pacific Highway.

South: A child care centre adjoins the site to the immediate south at No. 82 Christie Street (**Figure 14**). To its rear is a 7-storey commercial building. To the south-east of the site on the corner of Christie Street and Nicholson Street is a two (2) storey commercial building (**Figure 15**).



Figure 14. Existing child care centre to the immediate south of the site. The rear portion of the child care centre would be leased by the developer as a site office during construction.



Figure 15. Existing development to the south and south-east of the site.

West: To the west of the site on the western side of Lithgow Street is a rail corridor. The majority of existing trees along Lithgow Street are proposed and supported for removal. Replacement plantings to the ground floor civic plaza (former Lithgow Street) are shown in the concept and softworks plans for Lithgow Street prepared by Arcadia, as shown at **Figure 16**.

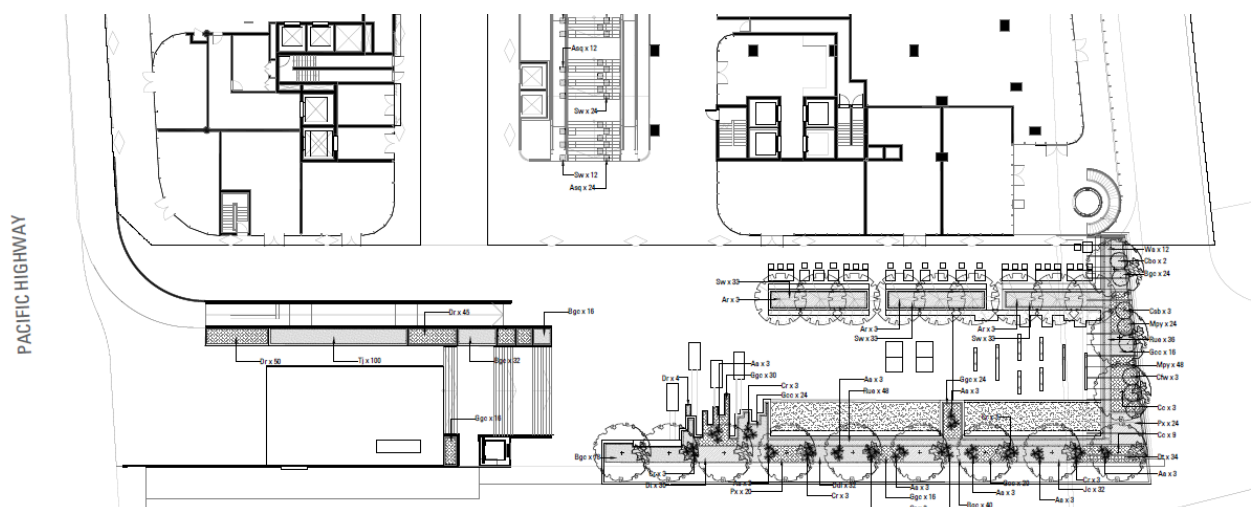
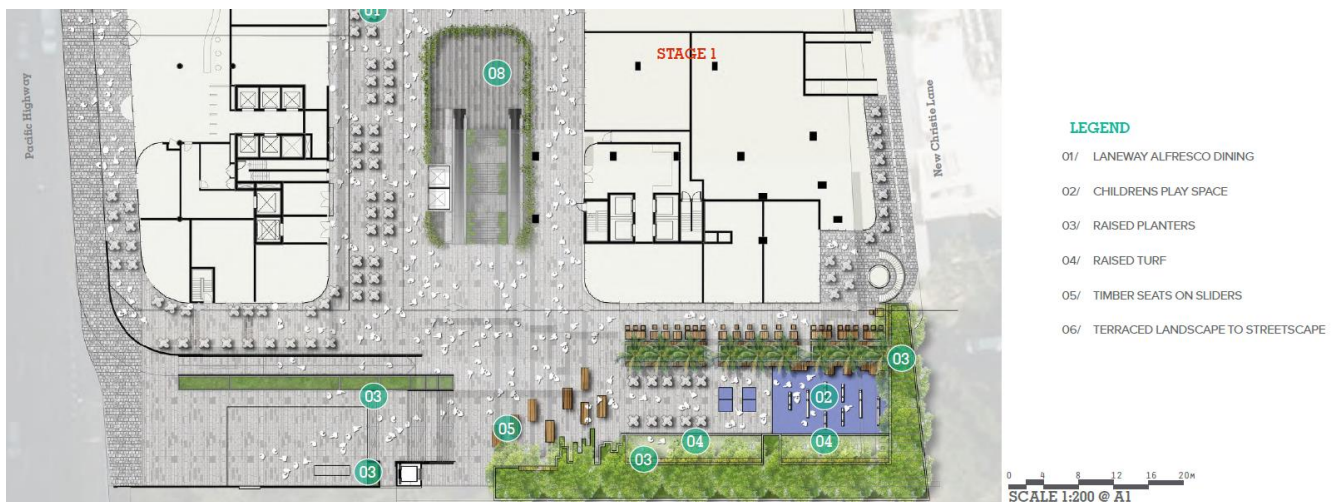


Figure 16. The majority of existing trees along Lithgow Street (top) are proposed and supported for removal. The site adjoins a rail corridor on the western side of Lithgow Street. Proposed replacement plantings and high level of amenity to the ground floor civic plaza is depicted in the concept and softworks plans for Lithgow Street prepared by Arcadia.

The Lithgow Street underground connection is located in Lithgow Street adjacent the Pacific Highway (**Figures 17 & 18**).

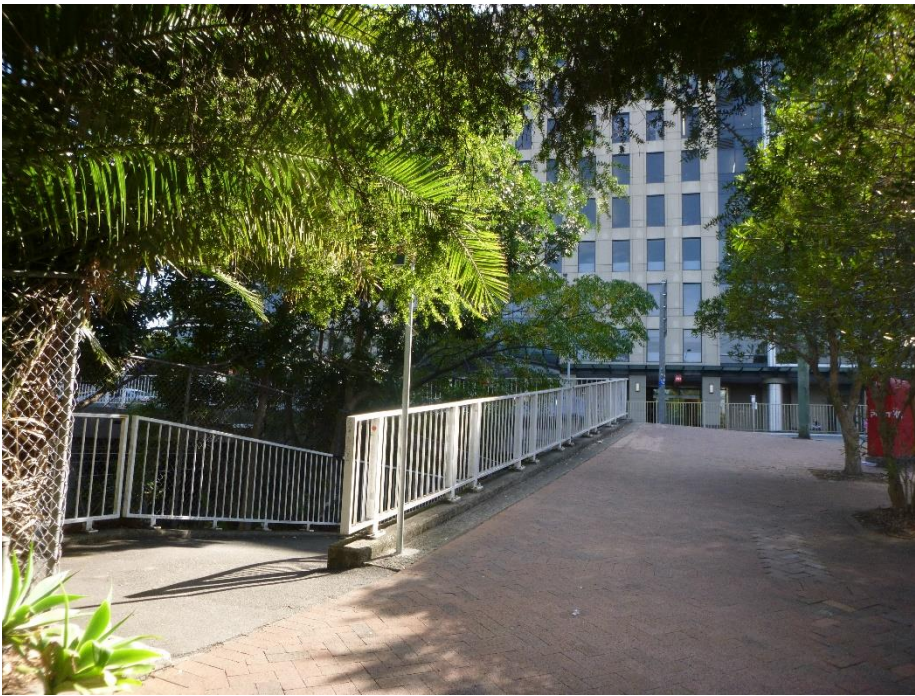


Figure 17. *Ramped entry to the underground connection from Lithgow Street, which runs underneath the Pacific Highway and connects to St Leonards train station. Access to this tunnel would be maintained throughout construction. Connection to the tunnel from the proposed plaza is included in the scope of works-in-kind contribution under the executed VPA.*



Figure 18. *Underground connection at its southern end (Lithgow Street). Lift and stair access are provided at the connections northern end.*

On the western side of the rail corridor at 1-13 Marshall Street is a mixed-use development with maximum height of 29 storeys, with construction nearly completed (**Figure 19**).



Figure 19. Mixed use development with maximum height of 29 storeys (Embassy Tower) at No. 1-13 Marshall Avenue, St Leonards on the western side of the rail corridor (DA 205/2015).

5.4 Road and rail network

The subject site is strategically located in a transit-oriented development corridor in close proximity to St Leonards train station, multiple high frequency bus routes along the Pacific Highway, and the planned Metro Station at Crows Nest (operative from 2024), as shown at **Figure 20**.

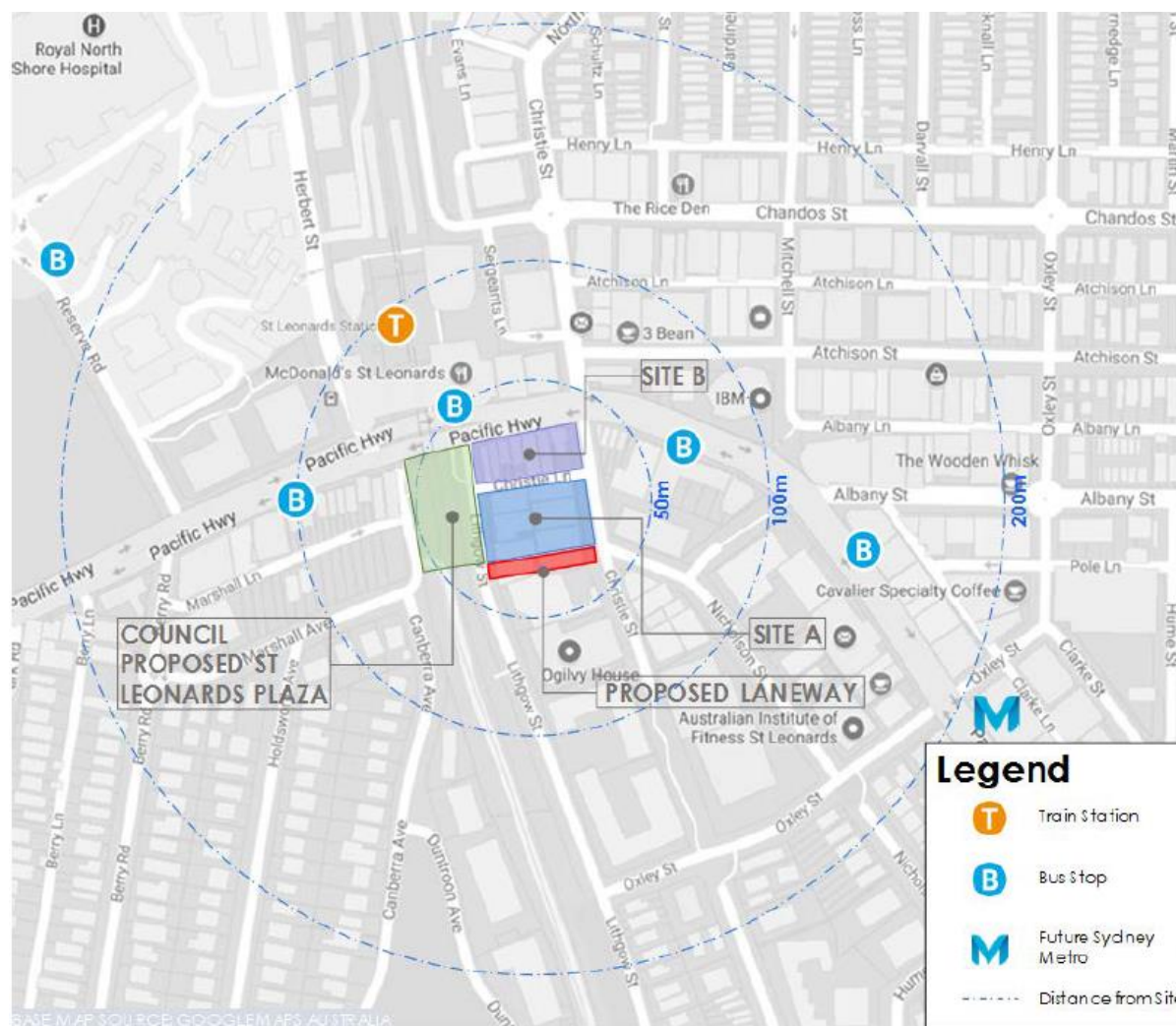


Figure 20. Public transport locations in the vicinity of the site (Source: Traffic Impact Assessment Report, prepared by The Transport Planning Partnership, dated 10/01/2018).

5.4.1 Surrounding road network

Christie Street is a two (2) lane road with a cul-de-sac at its southern end. The road provides one-way access from the Pacific Highway before becoming a two-way road after Christie Lane. East bound vehicles can also access Christie Street by using the roundabout at the intersection of Christie Street and Chandos Street.

Lithgow Street is a one-way street which runs from River Road to the Pacific Highway. No vehicle access is available from River Road into Lithgow Street. The road runs in both directions between the Pacific Highway and Christie Lane, where a seagull intersection diverts west bound traffic leaving the Pacific Highway up the laneway.

Christie Lane is a one-way lane that runs from Lithgow Street to Christie Street. There is no on-street parking. The lane carries a large quantity of pedestrian movements from people moving between St Leonards Station and The Forum (via the underground tunnel) and the commercial and residential developments along Christie Street and Nicholson Street.

The Pacific Highway is an arterial road that runs from the Warringah Freeway up through Sydney's northern suburbs. At the site, the Pacific Highway runs in three (3) lanes in both directions. Bus routes service the site along the Pacific Highway.

5.4.2 Surrounding rail network

The site is located 150m south of St Leonards railway station. St Leonards station is located on the T1 North Shore, Northern, and West line and is directly connected to North Sydney, Parramatta and Sydney CBD's.

The site is also located approximately 350m north-west of the planned Crows Nest Metro Station with a targeted opening in 2024.

6 DESCRIPTION OF THE PROPOSED DEVELOPMENT

6.1 The proposal

The application proposes to redevelop the site for a new mixed-use development including the following:

Three (3) new buildings
- Construction of a ten (10) level basement across the site including a nine (9) storey car park providing a total of 1,073 car parking spaces and loading dock and waste rooms. 29 speciality retailing and restaurant tenancies at lower ground, ground level and level 1. - Dedication of a library comprising 1,000m² GFA at lower ground floor. - Fit-out and operation of a supermarket, liquor store, and speciality retailing seven days per week from 6:00am to 12:00am. - Construction of 654 residential apartments in two towers of 47 storeys (Tower 1) and 26 storeys (Tower 2) above a non-residential podium. - Construction of a fourteen (14) storey commercial building (Tower 3) above a non-residential podium.
Public domain works
- Reconstruction and embellishment of Christie Lane as a pedestrian through-site link. - Delivery of a new laneway to be dedicated to Council at the southern boundary of the site (<i>New Christie Lane</i>) 8m wide including a 6m wide carriageway, 1.5m wide shared pedestrian/cycle path on the northern side and 0.5m wide footpath along the southern edge of the laneway. - Provision for a future lower ground level connection point to access St Leonards Station and a physical connection to the existing underpass to St Leonards Station. - Construction of a new public plaza on and adjacent to Lithgow Street that is capable of being extended across and above the rail corridor (note: the extension does not form part of this application). - Removal of twenty-two existing trees on the site. - Augmentation of services as required.
Signage
Internal and external signage including three (3) illuminated roof top signs to the commercial building (T3) fronting the Pacific Highway.
Subdivision
Creation of stratum lots: Lithgow Street, Christie Lane, New Christie Lane, Basement car parking, retail, supermarket, library, residential, commercial and for the substation.

Perspective drawings of the proposed development are provided at **Figures 21-26**.



Figure 21. Aerial view – Perspective 1 (Source: PTW Architects – DA-97-0010 Rev B dated 15/10/2018)).
Note: public plaza does not include extension over the rail line under the current application.



Figure 22. City view – Perspective 2 (Source: PTW Architects – DA-97-0020 Rev B dated 15/10/2018).
Note: The plaza shown over the adjacent rail corridor does not form part of this application.



Figure 23. Plaza view – Perspective 3 (Source: PTW Architects – DA-97-0030 Rev B dated 15/10/2018).



Figure 24. Christie Laneway view – Perspective 4 (Source: PTW Architects – DA-97-0040 Rev B dated 15/10/2018).



Figure 25. New Christie Laneway view – Perspective 5 (Source: PTW Architects – DA-97-0050 Rev B dated 15/10/2018).



Figure 26. Civic Plaza Perspective (Source: PTW Architects – DA-50-1702 Rev C dated 15/10/2018).

6.2 Construction stages

Delivery of the project has been divided into two (2) construction stages to enable the continued operation of existing commercial tenancies fronting the Pacific Highway, whose leases expire in 2022. A breakdown of the construction stages is provided in the table below and depicted in **Figure 27**.

Stage	Works
Stage 1	- Construction of most of the basement including the public car park, library and retail podium, and Towers 1 and 2. - Construction of most of the public domain plaza.
Stage 2 (By 2022)	- Construction of the remaining basement within the north-eastern corner of the site. - Construction of Tower 3 including the ground level retail within the Tower 3 building envelope. - Construction of the remaining public domain areas in Christie Lane and immediately surrounding <i>Site B</i>.



Figure 27. Construction stages (Source: PTW).

6.3 Numerical breakdown

Building Heights	
Tower 1	- RL 227.4 (146.9m) in accordance with LEP Amendment No. 22 47 storey residential tower including lower ground and ground floor retail
Tower 2	- RL 166.8 (86.3) in accordance with LEP Amendment No. 22) 26 storey residential tower including lower ground and ground floor retail
Tower 3	- RL 141.9m (61.4m) 14 storey commercial building 16.35m (36.3%) variation to the 45m height of building control under Clause 4.3 of LCLEP
Gross Floor Area	
Library	1,000m ² (1.16%)
Retail	10,457.78m ² (12.14%)
Commercial	19,321.55m ² (22.42%)
Residential	55,381.55m ² (64.28%)
Total	86,160.88m² (100%) GFA
Apartment composition	
Studio	2 (0.3%)
1 bed	197 (30.1%)
2 bed	395 (60.4%)
3 bed	56 (8.6%)
4 bed	3 (0.5%)
5 bed	1 (0.2%)
Total	654 apartments
Public domain area	
Pedestrian through-site-link (existing Christie Lane)	388m ²
New roadway (New Christie Lane)	498m ²
New ground level public plaza excluding large void area to access lower ground floor retail on the site	641m ²

New public plaza (existing Lithgow Street)	1,664m ²
Total	3,191m² public domain area
Communal open space	
Communal open space for Towers 1 and 2	35.5% (1133m ² proposed)
Car parking	
Public dedication	316
Site A retail uses	(included in public dedication of 316 spaces)
Residential visitors	(included in public dedication of 316 spaces)
Site B retail uses	90
Commercial	125
Residential	542
Total	1,073 car parking spaces
Motorcycle spaces	
Total	76 motorcycle spaces
Bicycle spaces	
Visitors	140
Retail	192
Commercial	63
Residents	164
Total	559 bicycle spaces

7 REFERRALS

7.1 Internal referrals

Referral	Comments	Satisfactory
Tree Preservation Officer	No objections are raised subject to recommended conditions of consent. Key comments: - No objections are raised to the proposal including the removal of twenty-two (22) trees on the site. A condition is recommended for a 1:1 tree replacement ratio. - Twenty-six (26) trees are proposed for retention. - The submitted Arborist Report and Tree Protection Plan prepared by Landscape Matrix are accurate.	✓
Landscape Architect	No objections are raised subject to recommended conditions of consent. Key comments: - External Landscape Architectural firm engaged (Arcadia) have been observed to execute high quality landscape design works. - Site is complex and requires a high-level design response. - Proposed green spaces and green corridors would be difficult to achieve in practice. - Endemic species not reflected in the proposed plant schedule. The Landscape Plan is required to be updated accordingly. - Suitable conditions to be included to ensure planting on structures provides for adequate soil depth, volume and suitable soil profile to support growth and health. - Details of proposed planter boxes to be provided by the applicant. - Roof top communal open space to be equipped with natural shade from trees, toilet facilities, barbecue facilities, power points, water and sink, and direct lift access. - Revised Landscape Plan to be submitted in accordance with Council's checklist and certified compliance with DCP requirements for landscaping. - Ample seating to be provided in the ground floor public open space area. - The public open space area shall demonstrate flexibility to accommodate a variety of events including pedestrian volumes during peak periods, events, and lunch-time seating demand.	✓

Referral	Comments	Satisfactory
	Recommend consultation with Council to ensure Plaza design in terms of furniture, materials etc. integrates with Council's future Plaza design.	
Building Surveyor	No objections are raised. The proposal can comply with deemed to satisfy provisions of the BCA, subject to recommended conditions of consent.	✓
Development Engineer	- No objections to the proposal subject to recommended conditions of consent. Key comments: - Concept stormwater plans are satisfactory and generally comply with Council's DCP. - The upgrade of Council's infrastructure adjacent the site has been conditioned. - Suitable conditions (i.e. dilapidation reports and vibration/noise monitoring) are recommended to ensure the structural integrity of adjoining development is not impacted upon by bulk earthworks.	✓
Environmental and Waste	- No objections to the proposal subject to recommended conditions of consent. Key comments: Waste - Additional information has been submitted to the satisfaction of Council regarding the management of waste from the site for both the commercial and residential uses. - A condition is recommended requiring the applicant to complete Council's <i>Deed of Indemnity</i> for its waste contractor to enter the premises to collect waste and recycling. - A bin travel path is indicated by a blue dotted line on the Basement 02 plan (Drawing No. DA-10-1700 Rev H dated 15/10/2018), showing the path of travel from each waste discharge room to the designated goods lift. The ground level displays a travel path from the designated goods lift to the collection room. The Waste Management Plan (WMP) incorporates a section explaining that a bin movement aide would be used for transferring bins. The WMP specifies that retail tenants would dispose of garbage and recyclables directly into the bins in the designated retail/commercial waste rooms and would be serviced directly from there by a private waste contractor. - Door widths to waste rooms have been amended to 2m to meet Council's requirements. - Building management would be responsible for bulky waste movements and a concierge service would be implemented. Residents would be required to liaise and book bulk waste movements with building management. Only the building caretaker and concierge would have access to the bulky goods storage room. - Details of the linear compactor track system are provided in the architectural plans to the satisfaction of Council. Contamination - Stage 2, 3 and 4 Reports, in accordance with NSW EPA's <i>Guidelines for Consultants Reporting on Contaminated Sites</i> are required to be undertaken (Conditioned).	✓
Community services and access	- No objections are raised, subject to clarification of adaptable unit provision. - Amended plans have been submitted demonstrating 10.09% (66) of the total units would be provided as adaptable units (Drawing DA-50-1200 Rev B dated 15/10/2018). - Amended plans have been submitted demonstrating 10.09% (66) of the total units would be provided as liveable units (Drawing DA-50-1100 Rev B dated 15/10/2018).	✓
Traffic	No objections are raised to the proposal, subject to recommended conditions of consent. Key comments:	✓

Referral	Comments	Satisfactory
	Parking and servicing - Adequate measures must be in place to ensure that the public do not access the express access (Conditioned). - The delivery truck access is not accepted as a single lane. A two-way road width must be maintained in accordance with AS2890.2 to ensure safe movement of delivery trucks (Conditioned). - Swept paths based on a 6m wide carriageway demonstrating the turning movements for HRVs entering/exiting the site from New Christie Lane is required (Conditioned). - Car parking spaces near the express access are not supported on Levels B04 and B03 as the location of the column may hinder opening of the car door (Conditioned). - Line markings shall be provided to guide pedestrians to the lift in public car parking areas (Conditioned). Pedestrians/cycling - Compliance with the <i>St Leonards Cumulative Bike, Pedestrian and Public Transport Study</i> by PTC Consulting is required as a condition of consent. - A 2.5m shared user path is required on the northern side of New Christie Lane along the frontage of the development (Conditioned). It is noted that a width of 1.5m is proposed. - A 6m road width is to be maintained (Conditioned). - A 0.5 metre path is required to be constructed on the southern side of the new Christie Lane along the frontage of the development (Conditioned). Public transport - A Sustainable Transport Action Plan is required as a condition of consent.	
Strategic Planning	- No objections are raised. Key comments: - The proposal aligns with the objectives and vision for the St Leonards Precinct under the Greater Sydney Region Plan and North District Plan. - Due to the new Metro station at Crows Nest and the current station at St Leonards, the area is designated a 'collaboration area' and a 'growth area and urban renewal corridor'. - The proposal would provide a mixture of commercial and residential development next to public transport infrastructure, while providing new infrastructure (supermarket, library, public car parking, potential pedestrian connections, public domain improvements). - The variation to the height control of Tower 3 (commercial building) should be considered against the District Plan objectives to deliver employment opportunities in proximity to residential uses, in addition to amenity impacts such as overshadowing, privacy and visual impacts. In this regard, the variation to the height of buildings development standard is considered to be well founded and acceptable.	✓

7.2 External referrals

Referral	Comments	Satisfactory
Civil Aviation Safety Authority	- Approval granted in accordance with regulation 14, for intrusion of a building at 88 Christie Street into prescribed airspace for Sydney Airport to a maximum height of 234.3m, subject to conditions. - The proposal falls under 'prescribed airspace' under regulation 6(1) of the <i>Airports (Protection of Airspace) regulation 1996</i> and is therefore a 'controlled activity' under Section 182 of the <i>Airports Act 1996</i>. - Section 183 of the Act specifies that controlled activities cannot be carried out without approval.	✓

Referral	Comments	Satisfactory
RMS	- Concurrence has been provided from RMS pertaining to shoring design adjacent Pacific Highway, and in accordance with Section 138 of the <i>Roads Act 1993</i>. Key comments: - Additional information was requested by RMS to include additional SIDRA modelling for the Pacific Highway intersections with Christie Street and Oxley Street. - RMS requires upgrading of the existing intersection of Nicholson Street & Oxley Street by providing two left turn lanes into Oxley Street (Conditioned). - Roads and Maritime has previously resumed and dedicated a strip of land as road along Pacific Highway frontage of the subject property, as shown by grey colour on the attached Aerial - "X". Therefore, all buildings and structures together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth) along Pacific Highway boundary. This triggers deletion of the proposed canopy along Pacific Highway frontage.	✓
Ausgrid	- The application was referred to Ausgrid under Clause 45(2) of SEPP Infrastructure. - Ausgrid has consented to the proposal, subject to recommended conditions of consent to ensure compatibility of the proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.	✓
Sydney Trains	- Pursuant to section 86(1) of SEPP (infrastructure), concurrence has been obtained from Sydney Trains, subject to conditions. Key comments: - Sydney Trains Chief Engineer has endorsed the variation sought to the standard pertaining to displacement of the track. - A pre-commencement dilapidation report of RailCorp infrastructure is required. - Prior to works commencing, a Risk Assessment / Management Plan is required to be submitted to Sydney Trains. - All excavation works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects. - The Applicant's geotechnical and structural engineers shall provide to Sydney Trains for endorsement certification that the design, condition and load capacity of the road bridge does not trigger any amendments to the documentation endorsed by Sydney Trains for this development application - Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. - Drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains. - Documentation (prepared in consultation with Lane Cove Council, Sydney Trains and Transport for NSW) advising public transport users of the changes associated with Lithgow St closure and access to the rail underpass during construction works. This documentation is to be completed and available for release prior to works commencing. - The rail underpass shall remain open and unobstructed at all times. Prior to the undertaking of public domain works adjoining the underpass the Applicant shall liaise with and obtain endorsement from Sydney Trains for the undertaking of those works.	✓

Referral	Comments	Satisfactory
Architectus: SEPP 65 Review	- Council engaged Architectus to undertake an independent SEPP 65 assessment. - The proposal is satisfactory with regard to SEPP 65 and the ADG. Recommendations and issues raised by Architectus are discussed in detail in Section 9.5 of this Report.	✓
Architectus: Safer by Design Independent Review	- Council engaged Architectus to undertake an independent review of the <i>Safer by Design Assessment Report</i> submitted by the applicant. - The proposed development is acceptable from a crime prevention, safety and security perspective and would not have a detrimental impact on the safety and security of the surrounding area, subject to a number of recommendations which are to be included as conditions of consent.	✓
ARUP: Wind assessment	- Council engaged ARUP engaged to undertake an independent review of the submitted <i>Pedestrian Wind Assessment Report</i>. - The proposed development is acceptable with regard to wind impacts subject to recommendations which are to be included as conditions of consent.	✓
WaterNSW	General Terms of Approval have been obtained. Key comments: - WaterNSW has determined that the proposed development would encounter groundwater during the excavation process and is therefore subject to a <i>Water Supply Work Approval</i> under the <i>Water Management Act 2000</i> for dewatering during the construction phase. - Suitable conditions of consent are recommended to ensure appropriate construction methods are employed to minimise the volume of groundwater take during the construction phase. - The submitted Geotechnical Assessment Report concludes that the groundwater table is likely to be at or below existing basement level at a depth of approximately 3m-7m. In this regard, the proposed excavation constitutes a 'controlled activity' under the <i>Water Management Act 2000</i> and is therefore integrated development under section 4.46 of the <i>EP&A Act 1979</i>.	✓

8 RELEVANT ACTS

8.1 Airports Act 1996

The proposed development constitutes a *controlled activity* under Section 182 of the *Airports Act 1996*, as the height of the proposed development encroaches prescribed airspace for Sydney Airport under the *Airports (Protection of Airspace) Regulations 1996*.

Section 183 of the *Airports Act 1996* specifies that controlled activities cannot be carried out in prescribed airspace unless approval is obtained in accordance with the regulations.

Approval has been obtained from the *Director Airspace Protection* (Aviation and Airports Division) as delegate to the Secretary to the *Department of Infrastructure, Regional Development and Cities*, for the *controlled activity* involving the intrusion of a building at 88 Christie Street into prescribed airspace for Sydney Airport to a maximum height of 234.3m AHD, subject to conditions. These are included as conditions of consent within the recommendation.

8.2 Environmental Planning and Assessment Act 1979

The proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (the Act) contained within Section 1.3.

The proposed development is acceptable in regard to the matters of consideration under Section 4.15 of the Act, as detailed and assessed in **Section 9** of this Report.

8.3 Water Management Act 2000

The proposed development would encounter groundwater during the excavation process and is subject to a *Water Supply Work Approval* under Section 90 of the *Water Management Act 2000* for dewatering during the construction phase. The proposal is therefore *integrated development* under Section 4.46 of the Act.

General Terms of Approval have been provided by WaterNSW (previously NSW Office of Water). These are included as conditions of consent.

9 SECTION 4.15 CONSIDERATIONS

Any environmental planning instruments: s4.15(1)(a)(i)

9.1 State Environmental Planning Policy No. 55 – Remediation of Land

Pursuant to section 2, the object of SEPP 55 is to *promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment*:

- a) *by specifying when consent is required, and when it is not required, for a remediation work;*
- b) *by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular; and*
- c) *by requiring that a remediation work meet certain standards and notification requirements.*

Clause 7(1)(a) of *SEPP 55 – Remediation of Land* requires the consent authority to consider whether the land is contaminated.

A preliminary contamination assessment has been undertaken by WSP Australia Pty Ltd. Soil samples from seven (7) geotechnical boreholes (BH) were analysed for contamination. The sampling results indicate most of the accessible soil tested as being 'general solid waste'.

It is noted that the surface soils at BH06 are classified as hazardous waste due to the presence of polycyclic aromatic hydrocarbons (PAHs). This is likely to represent a hotspot and further sampling is recommended to delineate the identified soil contamination.

Council's Environmental Health Officer has reviewed the proposal and determined that in accordance with the *NSW Office of Environment & Heritage 'Guidelines for Consultants Reporting on Contaminated Sites'* (2011), Stage 2, 3 and 4 reports are required prior to the commencement of works, as follows:

- *Stage 2 – Detailed site investigation;*
- *Stage 3 – Site remedial action plan (RAP); and*
- *Stage 4 – Validation and site monitoring reports.*

It is further recommended that all reports are reviewed by a *NSW EPA Accredited Site Auditor* and a written report submitted to Council validating that the site is suitable for the proposed development, and that ongoing site monitoring be carried out in accordance with the recommendations of the Stage 4 Report and carried out by a *NSW EPA Accredited Site Auditor*. A condition to this effect is included within the recommendation.

Therefore, the proposed development is acceptable with regard to *SEPP 55: Remediation of Land*.

9.2 State Environmental Planning Policy (Vegetation in Non-rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed Clause 5.9 of SLEP 2012 (Preservation of Trees and Vegetation).

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

An Arboricultural Impact Report, prepared by Landscape Matrix, has been submitted with the application. This includes an assessment of forty-eight trees on or adjoining the site, as shown at **Figure 28**. To facilitate construction of the proposed development and landscape works, 27 trees are proposed for removal (Tree Nos 4-24, 28-35).

With regard to the remaining 21 trees (Trees 1, 2, 3, 25, 26, 27, 33, 34, 36, 36-48), the report states that while these trees may be potentially affected by the proposed construction, with appropriate protection and management in accordance with the *Tree Protection Plan*, the trees would not be significantly impacted by the proposal and can be retained at their current health level. A condition to this effect is included within the Recommendation.

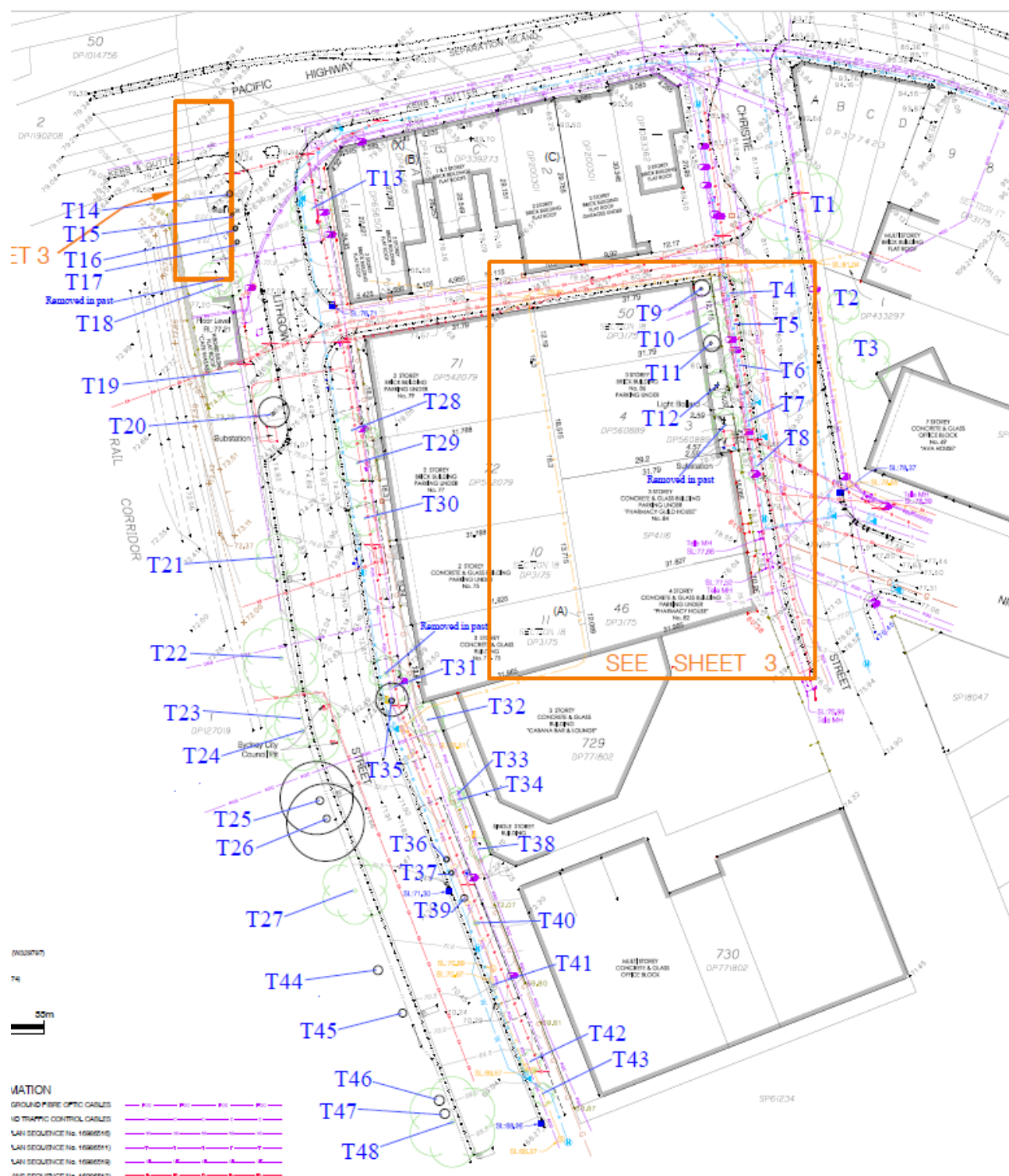


Figure 28. Location of trees assessed under the Arboricultural Impact Report, prepared by Landscape Matrix (amended 15 May 2018).

Council's Tree Assessment Officer has determined that the proposal is acceptable, subject to recommended conditions of consent including the following:

- Retention and protection of Trees 4, 5, 6, 7 and 8 as per the submitted *Tree Protection Plan*, and payment of a security bond of \$50,000; and
- Replacement of trees to be removed at a ratio of 1:1 in accordance with *Part J Landscaping* of Lane Cove DCP 2010.
- Planting of seven (7) new 'London Plane Trees' along the Pacific Highway frontage.

Notwithstanding the comments of Council's Tree Assessment Officer, Trees 4, 5, 6, 7 and 8 (existing weeping bottlebrush trees along Christie Street) are recommended for removal in the accompanying

Arborist Report due to their poor health and weak landscape value contribution. The removal of these trees is supported on the basis that amended Landscape Plans have been submitted which includes seven (7) new *London Plane* street trees along the Christie Street frontage in the same location. Additional requirements are conditioned by Council's Landscape Architect to require a height of 4m at planting, and to ensure their longevity.

The planting of new street trees, retention of existing trees where possible, and new planting on structures in the ground floor plaza, level 1 podium garden, level 2 podium garden and level 26 rooftop terrace offsets the loss of existing trees and enhance the landscape amenity of the site.

Therefore, the proposed development is acceptable with regard to *SEPP (Vegetation in Non-rural Areas) 2017*.

9.3 State Environmental Planning Policy (Infrastructure) 2007

Clause 45(1) under Part 3, Division 5, *Subclause 2 Development likely to affect an electricity transmission or distribution network* applies to the proposed development and triggers referral to the electricity supply authority for the area in which the development is to be carried out. The application was referred to Ausgrid, who have raised no objections to the proposed development subject to conditions.

Clause 86 *Excavation in, above, below, or adjacent to rail corridors* applies as the proposed development involves the penetration of ground to a depth greater than 2m within 25m of a rail corridor. In accordance with Clause 86, the application was referred to Sydney Trains who have provided concurrence, subject to conditions.

Clause 101 *Development with a frontage to classified road* applies to the proposed development. The objectives of this Clause are to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads. The proposal is consistent with the requirements of Clause 101 in that:

- vehicular access is provided by a road other than a classified road;
- the safety, efficiency and ongoing operation of the classified road would not be adversely affected by the development, as evidenced in the proposal's endorsement by RMS and Council's Traffic Section; and
- Tower 3 with frontage to the Pacific Highway, is for commercial purposes and is not a sensitive land use to traffic noise or vehicle emissions from the adjacent classified road.

Clause 87 *Impact of rail noise or vibration on non-rail development* and Clause 102 *Impact of road noise or vibration on non-road development* apply to the residential component of the proposed development. The maximum internal noise levels are consistent for residential accommodation near rail corridors and roads with an average daily traffic volume of more than 40,000 vehicles, as follows:

- a) *in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*
- b) *anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

An Acoustic Assessment has been undertaken by EMM Consulting. The report contains a number of recommendations in order to achieve appropriate internal noise levels such as upgrades to glazing for certain rooms. A condition is recommended requiring compliance with the recommendations of the Acoustic Report.

Pursuant to Schedule 3 of SEPP (Infrastructure), the proposal is deemed *traffic generating* development. Accordingly, consistent with Clause 104, the application was referred to RMS. Concurrence has been obtained from RMS, subject to conditions.

9.4 State Environmental Planning Policy (Building Sustainability Index) 2004

SEPP (Building Sustainability Index: BASIX) 2004 applies to the proposed development. It relates to commitments within the proposed development in relation to thermal comfort, water conservation and energy efficiency sustainability measures.

The development application was accompanied by BASIX Certificate 877037M_02, dated 10 January 2018, demonstrating compliance with the SEPP. A condition requiring compliance with the BASIX commitments is included within the recommendation.

9.5 State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)

9.5.1 Aims of SEPP 65

The proposal is acceptable with regard to the aims and objectives contained within Section 2 of *SEPP 65: Design Quality of Residential Flat Development* (SEPP 65).

9.5.2 Application of SEPP 65

The application involves construction of a mixed-use development comprised of two towers greater than (3) storeys with a residential component containing in excess of (4) dwellings. Accordingly, the provisions of SEPP 65 apply, pursuant to Clause 4 of SEPP 65.

9.5.3 Part 4: Application of design principles

Pursuant to Section 28(2) of SEPP 65, the consent authority is to take into consideration:

- (a) *“the advice (if any) obtained from the design review panel;*
- (b) *the design quality of the development when evaluated in accordance with the design quality principles; and*
- (c) *the Apartment Design Guide.”*

Lane Cove Council does not have a design review panel.

Council engaged Architectus Group Pty Ltd to provide a comprehensive independent SEPP 65 review of the proposal.

The proposal is determined by Architectus to be generally consistent with the *design quality principles* and *design guidance* under the *Apartment Design Guide*. Key issues and non-compliances have been satisfactorily resolved through the submission of amended plans or are acceptable on merit.

A comprehensive assessment is provided in the table below. An assessment scale has been implemented as follows:

Criterion	Assessment Criteria	Rating	Symbol
(i)	a. Exceeds numerical requirement (if applicable) b. Objectives met to a high standard	Excellent	A ⁺
(ii)	a. Meets the numerical requirement (if applicable) b. Satisfactorily meets the objectives	Good	A
(iii)	a. Non-compliance with the numerical requirement (if applicable) b. Fully satisfies the objectives c. Acceptable on merit	Fair	B
(iv)	a. Does not comply with the numerical requirement (if applicable) b. Does not satisfactorily meet the objectives	Poor	F

Note: The built form guidelines contained within Part 2 of the ADG serve to provide Council with tools to support the strategic planning process when preparing planning controls. Accordingly, the assessment of the proposal against Part 2 of the ADG by Architectus is not relevant. The built form is assessed against the objectives and design guidelines under Parts 2 and 3 of the ADG.

Design Principles:

Design Principle	Objective	Comments by Architectus	Assessing Officers Comments	Assessment
Principle 1: Context and Neighbourhood Character	<i>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</i> <i>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i>	- The regional and broader local context has been well described. - The proposal's contextual fit is consistent with the desired future character of the St Leonards precinct. - In following the aims and objectives of the approved planning proposal, the proposal builds on the acknowledged desirability of a high scale mixed use development in the vicinity of rail infrastructure. - Aligned with a new public open space and incorporating substantial retail and cultural facilities, the proposal is also consistent with the built form layout described to support the planning proposal, which optimises solar access and residential amenity generally. Issues: - The immediate context and adjacent street network are less thoroughly described. Recommendations: - The currently large-scale vehicular access to the site is redesigned (minimised and/or relocated) to maintain the physical and visual link between Lithgow Street and the Pacific Highway and to allow the new lane to become an amenable landscaped extension to the local street network. - Detailed elevations of the new lane are prepared to better understand	The proposal is satisfactory with regard to Principle 1. - The development is responsive to the future desired character of the area (cl 4.2 of Part D of Lane Cove DCO 2010), comprised of a mixed-use precinct spatially defining new pedestrian friendly spaces of high amenity and strong landscape qualities. Recommendations of Architectus adopted: - The crossing width has been reduced, such that the lanes are split internally. Moreover, the setback of the entry from the property boundary has been increased in order maintain access to existing Telstra infrastructure. - Detailed elevations of New Christie Lane have been provided with improved articulation to enhance visual interest and contribution to the streetscape quality.	A

Design Principle	Objective	Comments by Architectus	Assessing Officers Comments	Assessment
		the amenity and urban design quality of the new lane and how it would contribute meaningfully to the emergent precinct.		
Principle 2: Built Form and Scale	<i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i> <i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i>	- The arrangement of massing closely resembles the approved Planning Proposals built form. - The segregation of all commercial space to Tower 3 enables a simple spatial layout with residential uses easily segregated from commercial circulation. - The additional height to Tower 3 is considered justified based on the high level of amenity the proposal would provide for surrounding and future residents. Issues: - While the separation between building massing generally complies with ADG requirements, the section drawing indicates the potential for adverse visual and acoustic privacy impacts to the lower level apartments within the courtyard.	The proposal is satisfactory with regard to Principle 2. - The built form and scale of the development is appropriate to the site and context. - The two (2) mixed-use towers (T1 & T2) are designed in accordance with the approved planning proposal envelope. - Residential floor plates are oriented north-south to maximise amenity, and to maintain the primary view corridor from the adjoining Forum to the north of the site. Response to issues: - Amended plans have been submitted, which include the addition of pergola structures to the balconies of Units 10210, 10209, 20201, and 20202, which project beyond the rear building alignment and adjoin the Level 02 communal open space area. - The pergola structures provide adequate screening from above, whilst still allowing sunlight and airflow in.	A
Principle 3: Density	<i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access</i>	- The proposed density is consistent with that envisaged for the site and locality based on the planning proposal and maximum FSR and built form controls. - The departure to the maximum building height for tower 3 fronting the Pacific Highway is supported, given the sites future strategic	The proposal is satisfactory with regard to Principle 3. - The proposal provides diverse housing choice to support varying households and is strategically located to provide good access to employment, public transport, health and community facilities and open space areas.	A

Design Principle	Objective	Comments by Architectus	Assessing Officers Comments	Assessment
	<i>to jobs, community facilities and the environment.</i>	context, immediate surroundings and ability not to compromise on adjoining sites.		
Principle 4: Sustainability	<i>Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.</i>	- The proposal meets the minimum requirements for thermal comfort and energy efficiency under the BASIX SEPP and exceeds the water benchmark by two points (42), and energy target by three points (28). - The Operational Waste Management Plan prepared by Elephants Foot Recycling Solution is supported, including the strategy for organic waste and composting.	The proposal is satisfactory with regard to Principle 4. - The proposed development would deliver good environmental, social and economic outcomes. - The siting, layout and design of the buildings has been designed to achieve environmental performance. Key cross-ventilation and solar access requirements under the ADG are satisfied. - A rain water collection system is utilised for irrigation purposes.	A
Principle 5: Landscape	<i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i> <i>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect</i>	- Given the dense, urban context the provision of landscape outlined in the Landscape Plan prepared by Arcadia is supported, especially given the new adjoining public plaza. Issues: - Despite the proposal meeting the minimum site area requirement for communal open space, there are a few concerns around the location, size and character of these communal open spaces in terms of equity of access and overlooking of the Level 02 communal open space area.	The proposal is satisfactory with regard to Principle 5. - The quantum of communal open space is compliant with ADG requirements. - The proposal provides a direct, accessible path of travel from T1 to T2 at Level 02 to connect to the roof terrace on T2. - The communal open space area at Level 02 is supported. Any overlooking of the communal area from above would enhance safety of the area by encouraging passive surveillance.	A

Design Principle	Objective	Comments by Architectus	Assessing Officers Comments	Assessment
	<i>for neighbours' amenity, provides for practical establishment and long-term management.</i>			
Principle 6: Amenity	<i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</i> <i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.</i>	There are some issues relating to the layout and internal dimensions of apartments and detailed in the ADG assessment.	The proposal is satisfactory with regard to Principle 6. - The issues raised by Architectus in the assessment table below with regard to the apartment depth of open plan layout of some apartments and privacy amenity to the Level 02 units with rear balconies adjoining the Level 02 communal open space area have been satisfactorily resolved. - The proposal provides compliant levels of solar access, natural ventilation adequate room size and ceiling heights, storage facilities, and private open space in accordance with ADG requirements.	A
Principle 7: Safety	<i>Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i> <i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</i>	There are a few issues around ensuring the proposal achieves a good level of safety and security, particularly in relation to how areas are managed and accessed by the private and public. Of particular importance, circulation at the lower ground to the basement is poor, and should be consolidated to ensure access to the supermarket is easy to find, and safely accessible. Refer to CPTED advice for recommendations around safety and security.	The proposal is satisfactory with regard to Principle 7. - In response to concerns raised by Architectus, circulation from the lower ground to the Basement Level 01 has been reconfigured to increase legibility and clarity. - A condition is recommended to require compliance with the recommendations of the CPTED assessment by Architectus, to promote safety. - Buildings have been designed to encourage passive surveillance.	A
Principle 8: Housing	<i>Good design achieves a mix of apartment sizes, providing housing</i>	The proposed apartment mix is diverse, allowing a range of	The proposal is satisfactory with regard to Principle 8.	B

Design Principle	Objective	Comments by Architectus	Assessing Officers Comments	Assessment
Diversity and Social Interaction	<i>choice for different demographics, living needs and household budgets.</i> <i>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.</i>	apartment sizes. Albeit, the mix does not meet Council's DCP requirement to provide 10% of each type of unit.	- The proposed apartment mix is diverse, allowing a range of apartment sizes including 2 x studio apartments (0.3%), 197 x one-bedroom apartments (30.1%), 395 x two-bedroom apartments (60.4%), 56 x three-bedroom apartments (8.6%), 3 x four-bedroom apartments (0.5%), and 1 x five-bedroom apartment (0.2%). - The provision of 3+ bedroom apartments makes up 9.3% of the total units, which is reasonable and acceptable on merit.	
Principle 9: Aesthetics	<i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</i> <i>The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i>	- In line with the design of the approved planning proposal, the proposed development presents a visually interesting building expression, through significant modulation and articulation. - Whilst the architectural character varies across the three towers, the proposal presents a cohesive design, with strong architectural features and a high-quality selection of materials and colours.	The proposal is satisfactory with regard to Principle 9. - The buildings provide highly articulated facades that promote visual interest and ensure a positive contribution to the surrounding streetscapes. - The schedule of materials and finishes is supported. The varied palette across the development presents a distinctive yet cohesive design response. - The organic curvilinear form of the commercial building with predominantly glazed facades integrates with the surrounding context and complements the architectural form of the two (2) towers.	A⁺

Design Guidance:

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
3A – Site analysis	Objective 3A-1 Site analysis illustrates that design decisions have been based on opportunities and constraints of the site and their relationship to the surrounding context.	Issues: - Analysis of the immediate context and adjacent street network lacks detail. Recommendations: - Detailed elevations of New Christie Lane and Lithgow Street are prepared to ensure a positive contribution to the precinct.	New Christie Lane - Detailed elevations have been prepared for New Christie Lane, as shown at Figure 25, satisfactorily demonstrating a high level of amenity and urban design quality. - The signage along the New Christie Street elevation has been reduced to ensure a positive contribution to the streetscape. Lithgow Street - Additional details have been provided for Lithgow Street and its intersection with the public plaza.	A+
3B - Orientation	Objective 3B-1 Building types and layouts respond to the streetscape and site while optimising solar access within the development.	Issues: - No issues raised. Comments: - The orientation of towers is supported in providing a balance between solar access and outlook. - The interface of the commercial building (T3) with the Pacific Highway to the north is well defined, and activated with clear building entries to the commercial lobby.	Issues: No issues raised. Comments: - The residential floor plates of each tower are oriented north-south and in parallel to the primary view corridor. - This presents a slender edge towards the adjoining Forum East residential tower.	A
	Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid-winter.	Issues: - No issues raised. Comments: - The proposal would overshadow some properties to the south, however, Architectus is satisfied that the tower massing minimizes overshadowing impacts to neighbours. - The design is considered appropriate for a high-density urban centre such as St Leonards.	Issues: No issues are raised. - The bulk and scale are contextually appropriate. - Additional overshadowing resulting from the height non-compliance to T3 is minor and acceptable on merit. This is discussed in detail in Section 9.7.5 of this Report.	A
	Objective 3C-1	Issues:	Overlooking of Level 2 balconies:	A

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
3C – Public domain interface	Transition between private and public domain is achieved without compromising safety and security.	- Apartment quality at the lower levels of the western tower (T2) are likely to be constrained and impacted by visual and acoustic privacy. Recommendations: - This could be improved by removing the stepping of apartment depths.	- Amended plans have been submitted, which include the addition of pergola structures to the balconies of Units 10210, 10209, 20201, and 20202, which project beyond the rear building alignment and adjoin the Level 02 communal open space area. - The pergola structures provide adequate screening from above, whilst still allowing sunlight and airflow in.	
	Objective 3C-2 Amenity of the public domain is retained and enhanced.	Issues: - Ideally, the residential lobby of Tower 2 should open onto New Christie Lane to create a sense of address. - Impact of the location of substations and services on the streetscape and public domain of New Christie Lane. Comments: - The new public plaza would improve the current amenity of the public domain. - The concept landscape plan for the ground floor plaza shows a transition of hardscape treatment with seating, children's play area, and landscaped planters along the edge of the public plaza.	Location of substations and services - Detailed elevations of New Christie Lane indicate that the substations and services at Lower Ground level fronting New Christie Lane would be concealed by a vertical 'metal fin wall'. Blank walls to New Christie Lane - Additional façade articulation has been included to enhance activation of the adjoining public domain. - The entry to the retail podium from New Christie Lane, provision of a balcony to retail tenants fronting New Christie Lane at ground level, and library at lower ground level, provide a high degree of activation along Christie Lane. Circulation - Escalators and lifts are provided to assist in circulation in the public domain area. - The public plaza would facilitate future expansion over the adjacent rail corridor. Library - The location of the library would be highly visible and accessible from the public plaza and New Christie Lane. - The proposal would provide a high level of amenity to the public plaza and adjoining public domain areas. Mailboxes	A⁺

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
			- Mailbox locations inside the ground floor lobby areas are acceptable. Awnings - Street awnings are proposed for weather protection.	
3D – Public domain interface	Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping - Communal open space has a minimum area equal to 25% of the site - Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter).	Quantum of communal open space - Complies with ADG requirements. Direct sun to communal open space - Given the context of the proposal in such a high density and urban environment, the principal communal open space is proposed on the roof top, which exceeds the minimum requirement for direct sunlight access (51.9%) of 2 hours between 9am and 3pm on 21 June (mid-winter).	Provision of communal open space - The proposed quantum of communal open space is compliant. Direct sun to communal open space 53.4% of the principal useable part of the communal open space achieves 2 hours direct sun between 9am and 3pm on 21 June in accordance with ADG requirements.	A⁺
	Objective 3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive an inviting.	Equity of access to open space: - Equity of access of residents of Tower 1 to the proposed roof terrace at Tower 2. Level 1 outdoor deck - Inclusion of the outdoor deck adjoining retail space, as residential communal open space. - Safety of access to the Level 01 deck by T1 residents via the staircase in the south-western corner. Overlooking of Level 2 roof terrace - Overlooking of the Level 2 roof terrace from the apartments above. - Impact to private open spaces of adjacent residential units. Recommendations:	Equity of access to open space: - The recommendation by Architectus to provide a rooftop terrace on Tower 1 is not supported for the following reasons: - The wind environment at Level 49 is not appropriate for a communal open space area. - Any structures for wind/shade protection would exceed the height control. - The proposed quantum of open space is compliant. - The communal open space areas at Levels 01, 02 and the rooftop of T2 are accessible via an accessible direct path of travel from common circulation areas and lobbies, as shown at Figures 29 & 30. - A direct link with swipe access is to be provided from T1 to the T2 rooftop	A

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
		- Replace the retail spaces on Level 01 adjoining the gym with communal open space to be used for the purpose of meeting rooms, children's play with café, and a place for general socialisation. - Provision of an additional communal open space located on the roof of T1.	communal open space area. This is to be enforced by way of a condition of consent. Level 01 outdoor deck - The Level 01 communal open space area has been reconfigured to provide direct access to this area from Tower 1, as shown at Figure 29. - The gym has been reconfigured to include an additional communal room fronting New Christie Lane. - The retail spaces at Level 01 are supported on the basis that the communal open space requirement under the ADG is satisfied, and the retail uses would encourage activation and passive surveillance of the adjoining public domain. Overlooking of Level 2 roof terrace - Amended plans have been submitted, which addresses this issue, as noted previously. Amenity and facilities - A condition is recommended to require adequate facilities to the Level 26 roof terrace of T2 including natural shade from trees in raised planter boxes, toilet facilities, barbecue facilities, power points, and water and sink.	

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
	 The diagram is a detailed architectural floor plan of two levels, T1 and T2. T1 Level 01 is the upper section, featuring various rooms including balconies (BALC), voids (VOID), and a large communal open space area. T2 Level 01 is the lower section, also containing communal open space and a gym area. Red arrows and text annotations highlight specific changes: 'Access to Level 01 outdoor deck from T1' points to a new entrance on the left; 'Access to Level 01 outdoor deck from T2' points to a new entrance on the right; and 'The gym has been reconfigured to include an additional communal room fronting New Christie Lane' points to a new room addition on the right side of the T2 level. Other labels include 'OUTDOOR DECK', 'CANOPY ABOVE', 'HOT WATER PLANT ROOM', and 'CREX'.			

Figure 29. Amended plans have been submitted to provide a direct, accessible path of travel to the Level 01 communal open space area from T1 and T2 (Source: Drawing No. DA-10-21000, Rev G, dated 15/10/2018). The gym has been reconfigured to include an additional communal room fronting New Christie Lane.

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
	 Figure 30. Level 02 - Direct accessible path of travel from T1 and T2 to the Level 02 communal open space area, and T1 link to T2 rooftop communal open space (Drawing No. DA-10-2200, Rev H, dated 15/10/2018. A condition is recommended to ensure Swipe access is provided from T1 to the T2 rooftop communal open space area via the Level 02 connection, to ensure equitable access. Pergola structures have been added to the balcony areas adjoining the communal open space area to mitigate overlooking from the units above.			
	Objective 3D-3 Communal open space is designed to maximise safety.	Issues: - No issues. - The proposed communal open space located on the roof top appears to be generally well designed, providing a range of spaces for seating, relaxation and socialisation.	No concerns are raised with regard to the safety of the communal open space areas. - Suitable conditions are included to address safety considerations including access, sunlight protection, lighting, and safety regarding the proposed swimming pool.	A

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
Objective 3D-4	Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.	Issues: - No issues. - The proposal includes a VPA to provide funding to the adjoining St Leonards public Plaza, which maintains a good level of solar access.	- The dedicated public plaza under the executed VPA has been designed to integrate with future expansion of the plaza over the rail corridor. - The proposed public plaza is integrated well into the design of the development through view lines, and pedestrian paths of travel. - The public plaza achieves good solar access and provides wind protection at the pedestrian level, as evidenced in the independent review by ARUP of the submitted wind report. - The development provides a positive address to the Pacific Highway, Christie Street, Lithgow Street, and New Christie Lane.	A
3E – Deep soil zones	Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. Minimum 7% of the site area to be provided as deep soil zones.	Issues: In such a high density, urban environment, achieving deep soil requirements is unrealistic. Whilst there are no deep soil zones provided on the ground floor, there is opportunity for deep soil on structure planting in the proposed communal open space areas. In our opinion, this is reasonable and supported.	Deep soil zones non-compliance - The ADG notes that achieving the design criteria may not be possible on some sites where the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, and high-density areas). - In such a high-density, predominantly commercial precinct as St Leonards, the proposed planting on structures is appropriate and consistent with Objective 3E-1. - The proposed planting on structures achieves the intent of Objective 3E-1 by supporting healthy plant and tree growth and enhancing residential amenity and air quality. - Suitable conditions are recommended to provide specification requirements for planting on structures to ensure their	B

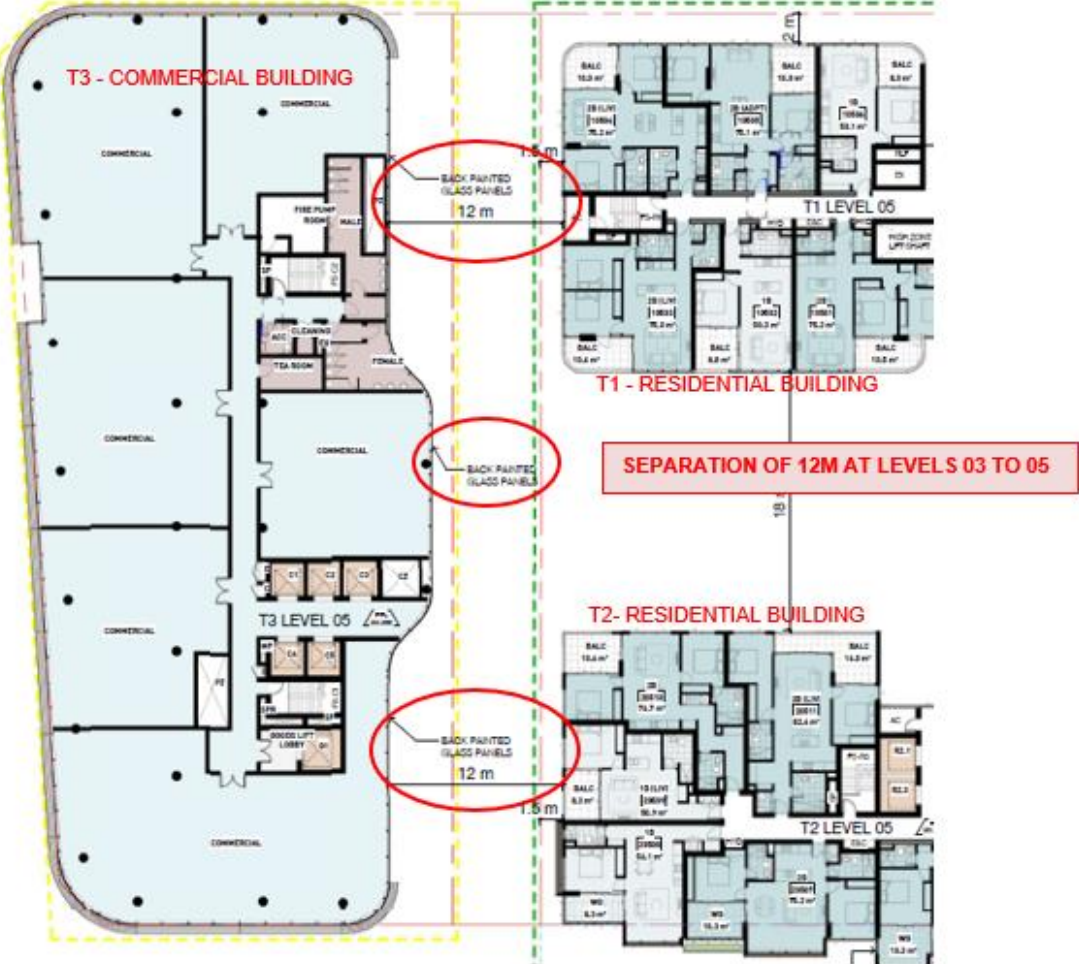
Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment												
			health and survival beyond construction of the development. Planter boxes are also recommended to be installed to the Level 06 non-trafficable roof area of T3 along the western side of the front northern, western and rear southern elevations; and to the rear non-trafficable roof area at Level 03 of T3; as depicted in the submitted perspective drawings. A condition to this effect is included within the recommendation.													
3F – Visual privacy	Objective 3F-1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy. Minimum required separation distances from buildings to the side and rear boundaries are as follows: <table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table> Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room.	Building height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	Issues: - All levels of the residential towers (T1 and T2) meet the minimum separation requirements between habitable rooms. - The proposed separation between the residential and commercial buildings does not meet the minimum requirements between habitable rooms.	Separation between residential uses - All levels of the residential component of the mixed-use towers (T1 and T2) meet the minimum separation requirements between habitable rooms including: 18m for Levels 02 to 06 20m for Level 07 24m for Levels 08 and above 2m setback of upper floor of T1 to Christie Street is acceptable as 12m setback to centre line of Christie Street is achieved.	A
		Building height	Habitable rooms and balconies	Non-habitable rooms												
Up to 12m (4 storeys)	6m	3m														
Up to 25m (5-8 storeys)	9m	4.5m														
Over 25m (9+ storeys)	12m	6m														
Separation between residential and commercial The proposed separation between the residential and commercial buildings is as follows: <table><tr><th>Building height</th><th>Required</th><th>Proposed</th></tr><tr><td>Up to 12m (4 storeys)</td><td>12m</td><td>10m – Level 01 (Figure 31) 9m - Level 02 (Figure 32) 12m – Levels 03 to 04 (Figure 33)</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>18m</td><td>12m – Level 05</td></tr></table>	Building height	Required	Proposed	Up to 12m (4 storeys)	12m	10m – Level 01 (Figure 31) 9m - Level 02 (Figure 32) 12m – Levels 03 to 04 (Figure 33)	Up to 25m (5-8 storeys)	18m	12m – Level 05	B						
Building height	Required	Proposed														
Up to 12m (4 storeys)	12m	10m – Level 01 (Figure 31) 9m - Level 02 (Figure 32) 12m – Levels 03 to 04 (Figure 33)														
Up to 25m (5-8 storeys)	18m	12m – Level 05														

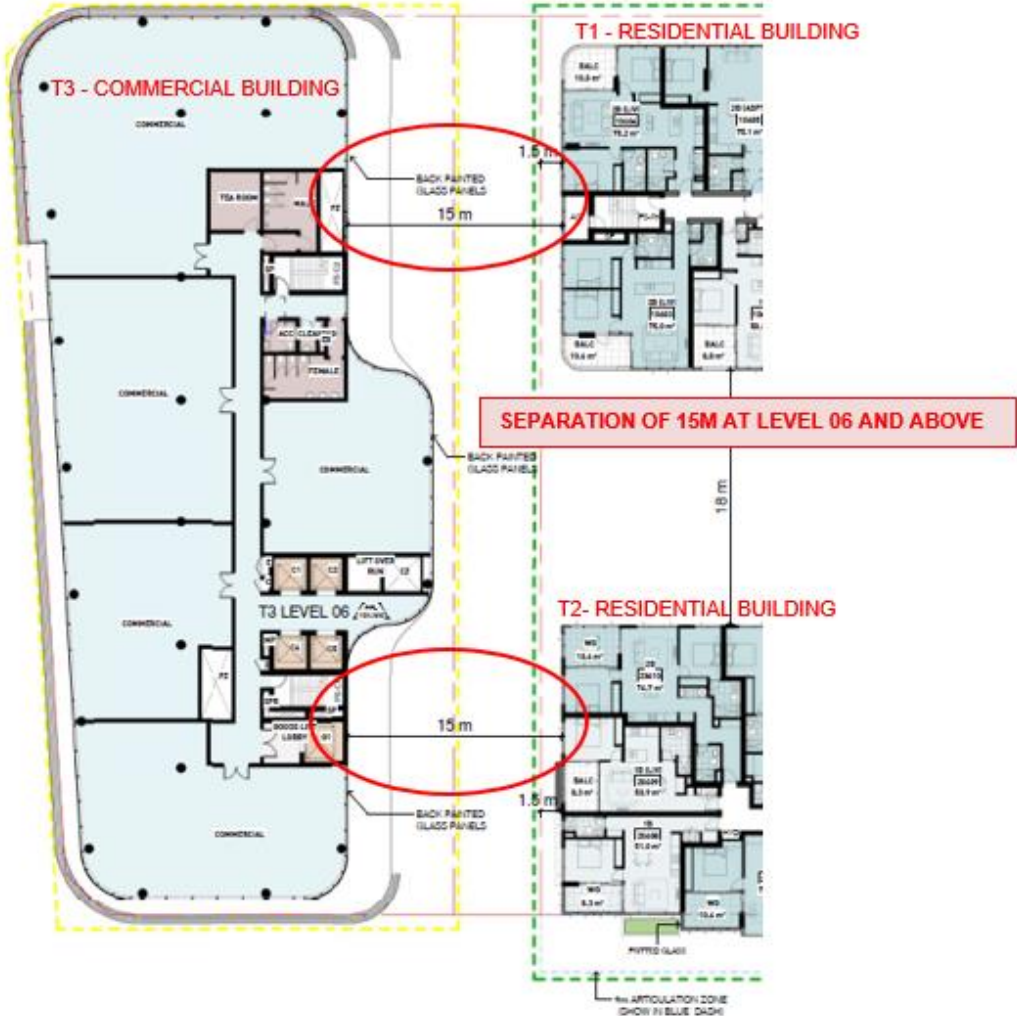
Topic	Objective	Issues identified by Architectus	Assessing Officers Comments			Assessment
	For residential buildings next to commercial buildings, separation distances should be measured as follows: - for retail, office spaces and commercial balconies use the habitable room distance; and - for service and plant areas use the non-habitable room distances.		Over 25m (9+ storeys)	24m	15m – Levels 06 and above (Figure 34)	
			- Notwithstanding, the proposed separation between the residential and commercial buildings does not meet the minimum numeric requirements, the objective underpinning the standard, to achieve reasonable levels of external and internal visual privacy, has been met. - The south facing glazing to the commercial building (T3) is comprised of 'back painted glass', thereby preventing any direct overlooking between the commercial building and the residential building. In this regard, the proposed development is consistent with ADG requirements. - It is further noted that from Level 06 and above the lift core to the commercial building adjacent T2 shifts to the southern building alignment, thereby creating a solid wall. The ADG states that no separation is required between blank walls.			

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment

Figure 31. Building separation of 10m at Level 01 from the commercial building to T1.

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
	Figure 32. Building separation at Level 02 of 9m between the commercial building and the residential component of the mixed-use towers. A separation of 12m is required. Backlit glass precludes any overlooking.			

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
	 T3 - COMMERCIAL BUILDING BACK PAINTED GLASS PANELS 12 m BACK PAINTED GLASS PANELS 12 m BACK PAINTED GLASS PANELS 12 m T1 - RESIDENTIAL BUILDING T2 - RESIDENTIAL BUILDING SEPARATION OF 12M AT LEVELS 03 TO 05 T1 LEVEL 05 T2 LEVEL 05 Figure 33. Building separation at Levels 03 to 05 of 12m. A 12m separation is required at Level 03. An 18m separation is required for Levels 03 to 05. Albeit, the ADG states that no separation is required for blank walls. The proposed back painted glass panels would preclude direct lines of sight.			

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
		 The diagram illustrates the proposed building separation between a commercial building (T3) and two residential buildings (T1 and T2). A 15m separation is required at Level 06 and above. The commercial building's southern wall is relocated to the rear building alignment, creating a solid wall. Back painted glass is used for the rear southern elevation of the commercial building. The residential buildings are shown with their respective floor plans and setbacks. A 1.5m separation is also indicated between the residential buildings. The articulation zone is shown in blue dashed lines.		
		Figure 34. Building separation of 15m at Level 06 and above between the commercial building and the residential component of the mixed-use towers. The southern wall to the lift core at the commercial buildings western end is relocated to the rear building alignment, thereby creating a solid wall. No setback is required for solid walls under the ADG. Back painted glass to the rear southern elevation of the commercial building is also incorporated.		

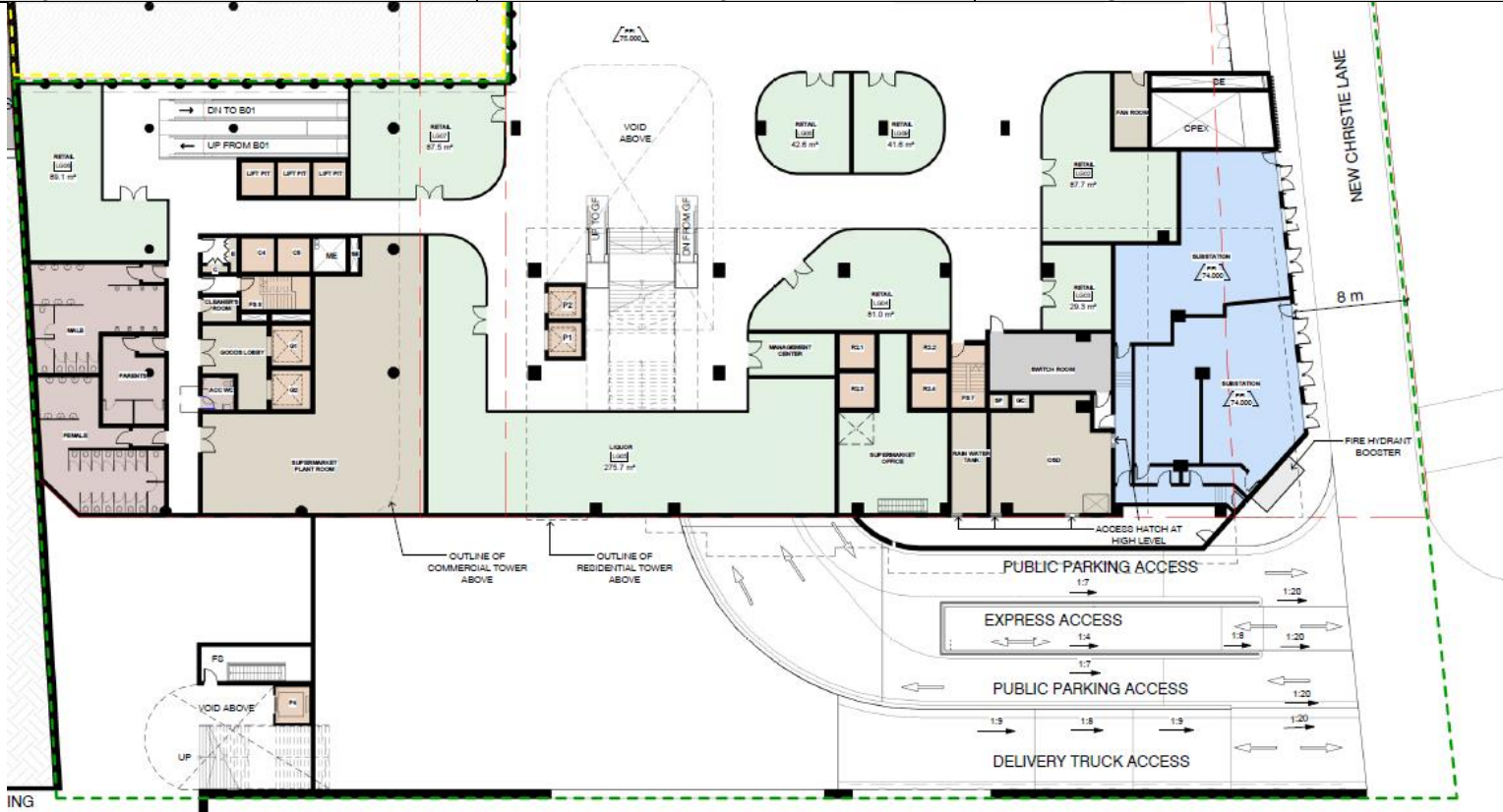
Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
	Objective 3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.	Issues: Of concern are apartment type 10209, 10210, 20201 and 20202 where there may be noise and privacy issues for overlooking from communal open space to balconies.	Privacy: Adequate separation between balconies is provided. - Where privacy screens/patterned glass is used to maintain privacy; access to light, air and views would not be compromised. - With regard to the balconies of apartment type 10209, 10210, 20201 and 20202, which adjoin the Level 02 communal open space area, acceptable acoustic and visual privacy amenity would be achieved. - The design of these balconies has been integrated into the landscape concept plans by Arcadia. A raised garden bed with tall screening and mass planting is proposed to separate the balconies from the communal open space area to ensure adequate visual and acoustic privacy amenity to these units.	A
3G – Pedestrian access and entries	Objective 3G-1 Building entries and pedestrian access connects to and addresses the public domain.	Entries to T1 and T3 - The proposed building entries for T1 and T3 support a range of existing pedestrian networks, which activate the Pacific Hwy and Christie Street edge and public domain. These are supported. Issues: Entry to T2 - The T2 residential lobby has been removed from the adjacent street network (Lithgow Street) and is accessed via a partially covered corridor that is retail in character.	Entry to T2 residential lobby The location of the entry to T2 (ground floor) is supported. - The entry is highly visible from the new Plaza and New Christie Lane as illustrated in the photomontage at Figure 35. In this regard, the building entry is well defined and legible from within the development and the public domain and is safe and secure. - Activation of New Christie Lane is achieved through the retail podium entrance from New Christie Lane and active retail/library frontages. - Fully glazed resident lobbies are highly visible from open courtyard. Simplified way-finding signage, paved footpaths and landscape plantings are proposed to assist.	A

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
	 Figure 35. The entry to T2 at ground floor level is well defined and would be visible from the new plaza and New Christie Lane. Circulation to the lower ground library and retail areas and supermarket at basement 01 level is clearly identifiable and safely accessible.			
	Objective 3G-2 Access, entries and pathways are accessible and easy to identify.	Issues: Circulation at lower ground to the basement Clarification is required on circulation from the lower ground to the basement supermarket for residents of T2. Circulation between public and private users	Circulation between public and private users - Circulation between the lower ground floor to the basement supermarket has been redesigned and is depicted in Figure 35. Access to the supermarket is easy to find and safely accessible. - The applicant has indicated that retail management would control access to the	A

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
		- Details are required of how circulation between public and private users of the staircase and lift in the south-western corner to the Level 01 retail uses would be managed. Recommendation: - Circulation is consolidated at the lower ground to the basement to ensure access to the supermarket is easy to find and safely accessible. - Refer to CPTED advice for recommendations around safety and security.	lower ground floor via barriers and swipe access to lifts outside of operating hours. A condition is recommended requiring compliance with Crime Prevention Through Environmental Design (CPTED) recommendations from Architectus which includes lighting at entry points, clear signage, CCTV cameras, and access control between levels.	
	Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations.	Issues: - No issues. - Christie Lane provides an east-west mid-block pedestrian link with connections to Christie Street (to the east) and Lithgow St including the underpass to St Leonards Station (to the west).	- The ground level of the buildings is visually and physically permeable, integrating the site into a broader urban fabric. - There are also a number of windows and balconies which overlook the pedestrian link along the northern façade of the mixed-use towers, which would provide security and passive surveillance.	A ⁺
3H – Vehicular access	Objective 3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	Width of vehicular entry - Impact of the proposed 20m wide multi-lane vehicular entry point on the streetscape quality of New Christie Lane. Recommendations: - A 'shared zone' is incorporated at the corner of Lithgow Street and the new Christie Lane. - Vehicular access to the site is redesigned or minimised. - Fewer lanes of traffic enter the site and that lanes are split internally.	Width of vehicular entry The recommendations of Architectus and Council have been adopted. - Amended plans have been submitted reducing the width of the vehicular entry and setback of the entry from the property boundary, as shown at Figure 36. The original vehicular entry is shown at Figure 37. - A separate and controlled access for the loading dock is provided as single lane width to minimise the driveway width and visual impact to the streetscape. - The entry is not visible from the principal frontages and is located behind the building line, and the entry point has been	A

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
			minimised with lanes separated internally to clearly delineate between resident, public, commercial, and loading access. - The amendments are also required to maintain access to existing Telstra infrastructure. Shared Zone - A shared user path, pedestrian path and wombat crossing is to be constructed on New Christie Lane as per the plan dated 25 July 2018 prepared by TTPP (Conditioned). - The amendments are consistent with the ADG design guidelines in that: - Pedestrian movements across the driveway are unlikely to occur. The main southern entrance to the retail podium directs pedestrians to the east of the vehicular entry point. - A 1.5m width is proposed on the northern side of New Christie Lane to allow adequate space for pedestrian movements to the retail podium entry from New Christie Lane.	

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
	Figure 36. Amended Lower Ground Floor Layout showing reduced width of the crossing at the property boundary with lanes split internally. The loading/unloading bay has been relocated from Basement 01 to Lower Ground Floor. The orange dotted line indicates existing easements providing access to Telstra infrastructure, which are required to be maintained.			

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
	 Figure 37. Original Lower Ground Level layout showing multi-lane entry at the property boundary in the south-western corner. Access to the waste rooms was previously provided at Basement 01 Level.			
3J – Bicycle and car park	Objective 3J-1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas. Fore sites within 800m of a railway station or on land zoned B4, the car	Car parking provision - A total of 1,138 car parking spaces are proposed, consisting of 542 residential, 193 commercial and 87 retail- reserved and 316 public spaces including accessible car parking spaces. - It is understood the residential visitor requirement of 1 space per 5 units is included in the 316 public	Car parking provision - The on-site car parking provision has been amended from 1,138 spaces to 1,073 spaces to accommodate access to existing Telstra Infrastructure (a design constraint not identified at the DA lodgement stage). - The reduction of 65 car parking spaces from the original scheme does not alter the residential parking provision of 542	B

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
	parking needs for a development must be provided.	spaces which would be dedicated to Council. Based on the above, car parking is supported.	spaces or dedication of 316 public parking spaces (which includes visitor parking for residential uses and Site A retail uses), but reduces car parking for the Site B retail uses from 90 spaces to 87 and parking for the commercial uses from 193 to 125 spaces. Whilst non-compliant with the 1,147 spaces required under Lane Cove DCP 2010, the variation is supported on the basis that additional excavation is opposed, the shortfall is adequately justified in the accompanying Traffic Report, and the site is strategically located in close proximity to multiple public transport nodes.	
	Objective 3J-2 Parking and facilities are provided for other modes of transport.	The proposed number and location of motorcycle spaces are supported.	Bicycle and motorcycle parking - Secure undercover bicycle and motorbike parking is provided in the basement levels. 559 Bicycle parking spaces and 79 motorcycle spaces are provided in accordance with DCP requirements. - End-of-trip facilities are provided at Basement 04 level. - A condition is recommended to require that all bicycle storage and facilities are provided in accordance with Section 4.3 of <i>Part R: Traffic Transport and Parking</i> of Lane Cove DCP 2010 and designed in accordance with AS 2890.3: 2015.	A
	Objective 3J-3 Car park design and access is safe and secure.	Issues: - Clarification is requested how movement between commercial and residential parking is controlled in the basement car park. - Refer to CPTED advice regarding recommendations around wayfinding and lighting strategy.	Control of movement between commercial and residential parking An addendum traffic response has been prepared by TTPP, which provides details of how movements and the contra flow lane would be managed. No further objections are raised by Council's Traffic Engineer.	A

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
			A condition is recommended to require compliance with the recommendations of the CPTED advice by Architectus.	
	Objective 3J-4 Visual and environmental impacts of underground car parking are minimised.	- The proposed layout of the basement car parking is supported. - However, the visual and pedestrian access from Lithgow Street to the Pacific Highway is constrained by the 20m wide driveway adjacent to 30-35m substations and services to its east.	The proposed basement layout is supported. - The width of the crossing has been reduced and setback from the property boundary. - Amended plans have been submitted such that the substation services would be concealed by a vertical fin wall and would not have any adverse impact on the streetscape of New Christie Lane and the public domain. The amended plans are supported.	A
	Objective 3J-5 Visual and environmental impacts of on-grade car parking is minimised.	No on-grade car parking is proposed.	n/a	n/a
	Objective 3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised.	No above ground parking is proposed.	n/a	n/a
4A – Solar access and daylight	Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. - Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid - winter in the Sydney Metropolitan Area. - A maximum of 15% of apartments in a building receive no direct	The achievement of solar is supported, with 70% of apartments achieving full solar compliance with the ADG solar access requirements.	70.0% of living room and private open space of apartment is achieved. 11.8% of dwellings receive no direct sunlight between 9 am and 3 pm at mid-winter.	A

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
	sunlight between 9 am and 3 pm at mid-winter			
	Objective 4A-2 Daylight access is maximised where sunlight is limited.	Direct, external windows are provided as the primary source of daylight.	Daylight access is enhanced through full height glazing, skylights and corner windows.	A
	Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months.	The recommendations outlined in the Solar Light Reflectivity Analysis, prepared by Windtech are supported.	- Shading control measures includes various façade treatment, landscape vegetation, mesh screens and recessed balconies are incorporated into the design. - A Solar Light Reflectivity Analysis has been undertaken by Windtech, which assesses the proposal against the requirements of SEPP 65 and Lane Cove DCP. With the incorporation of recommended measures, the proposal is determined to comply. A condition requiring compliance with these recommendations pertaining to glazing requirements is included within the recommendation.	A
4B – Natural ventilation	Objective 4B-1 All habitable rooms are naturally ventilated.	- Overall, the majority of apartments are considered to provide an acceptable level of natural ventilation. - However, there are a number of apartments where the depth of these apartments exceeds the maximum depth requirement (8m) for open play layouts. These apartments equate to 13% of the total number of apartments. - Council should condition each habitable room to have an unobstructed opening size of at least of 5% of the floor area served by the opening.	- All habitable rooms have external windows providing natural ventilation. - With regard to the apartments whose depth exceeds the maximum depth requirement (8m), a condition is recommended which requires each habitable room to have an unobstructed opening size of at least of 5% of the floor area served by the opening, as recommended in the <i>Natural Ventilation Statement</i> by Windtech, and by Architectus.	B
	Objective 4B-2	No comments	The design of single aspect apartments seeks to maximise natural ventilation	A

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment								
	The layout and design of single aspect apartments maximised natural ventilation.		through the inclusion of plenums, vertical ventilation shafts and building indentations with a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells.									
	Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents. - At least 60% of apartments are naturally cross ventilated in the first nine storeys. Apartments at 10 storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. - Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	The proposal complies with Objective 4B-3.	60.3% of apartments (measured up to 9 storeys) are naturally cross ventilated. - No cross over or cross through apartments exceed 18m.	A								
4C – Ceiling height	Objective 4C-1 Measured from finished floor level to finished ceiling level, minimum ceiling heights are to be as follows: <table border="1"><tr><th colspan="2">For apartment and mixed-use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living floor; 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr></table>	For apartment and mixed-use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living floor; 2.4m for second floor, where its area does not exceed 50% of the apartment area	Floor to floor heights are at least 3m for residential levels in both towers. This is sufficient in providing a minimum floor to ceiling height of 2.7m	All required ceiling heights for apartments meet ADG requirements.	A
For apartment and mixed-use buildings												
Habitable rooms	2.7m											
Non-habitable	2.4m											
For 2 storey apartments	2.7m for main living floor; 2.4m for second floor, where its area does not exceed 50% of the apartment area											

Topic	Objective		Issues identified by Architectus	Assessing Officers Comments	Assessment										
	<table><tr><td>If located in mixed-use zones</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table>		If located in mixed-use zones	3.3m for ground and first floor to promote future flexibility of use											
	If located in mixed-use zones	3.3m for ground and first floor to promote future flexibility of use													
	Objective 4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.		As above.	Increased ceiling height is provided in the design for the penthouse apartments.	A										
Objective 4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building.		Lower Basement, Lower Ground, Ground, and Level 01 have floor to floor ceiling heights ranging between 4.4m to 5.8m, which provides ample provision for flexibility of uses.	Ceiling heights at the lower levels provide flexibility to support a range of uses.	A											
4D – Apartment size and layout	Objective 4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity. Apartments are required to have the following minimum internal areas: <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bed</td><td>50m²</td></tr><tr><td>2 bed</td><td>70m²</td></tr><tr><td>3 bed</td><td>90m²</td></tr></table> Notes: i) The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.		Apartment type	Minimum internal area	Studio	35m ²	1 bed	50m ²	2 bed	70m ²	3 bed	90m ²	Issues: - Apartments 11606 & 13206 do not meet the ADGs definition of a studio apartment, nor does it meet the minimum internal area of a 1-bedroom apartment. - With the exception of the above, the remaining apartments meet the minimum internal area requirements. Recommendation: - It is recommended apartments 11606 & 13206 are reconfigured to meet the ADGs definition of a studio apartment, or minimum internal area of a one-bedroom apartment.	- Amended plans have been submitted revising the layout of Apartments 11606 and 13206 to meet the ADG definition of <i>studio apartment</i>. - Minimum 10% of the floor area to all habitable rooms are served by an external window.	A
Apartment type	Minimum internal area														
Studio	35m ²														
1 bed	50m ²														
2 bed	70m ²														
3 bed	90m ²														

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
	ii) A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.			
	Objective 4D-2 Environmental performance of the apartment is maximised. - Habitable room depths are limited to a maximum of 2.5m x the ceiling height. - In open plan layouts, (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Issues: 13% of apartments exceed the maximum depth for open plan layouts and are listed below. Tower 1: 10104, 10108, 10204, 10209, 10304, 10404, 10504, 10604, 10704, 10804, 10904, 11004, 11104, 11204, 11304, 11404, 11504, 11604, 11704, 11804, 11904, 12004, 12104, 12204, 12304, 12404, 12504, 12604, 12704, 12804, 13204, 14601. Tower 2: 20204, 20206, 20302, 20304, 20311, 20401, 20402, 20403, 20404, 20406, 20501, 20502, 20503, 20504, 20511, 20601, 20602, 20603, 20604, 20606, 20611, 20804, 21002, 21004, 21204, 21404, 21705, 22502, 22505.	- Habitable room depths are designed in accordance with ADG requirements. - A detailed analysis of the 13% of units identified as being non-compliant by Architectus, has been provided. This indicates that the majority of nominated apartments are actually compliant with kitchens that are located within 8m of a window, in accordance with ADG requirements. - Most of the nominated apartments are oriented towards the east and west with good environmental performance in terms of solar access and ventilation. - Additionally, varying apartment depths on the western elevation of T2 facilitates articulation of the façade, as required by Council.	B
	Objective 4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs.	- Generally, apartment types are designed well. - Habitable areas meet minimum width requirements and are adjacent to balconies.	All room dimensions are provided in accordance with ADG requirements.	A

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment															
	- Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space) - Bedrooms have a minimum dimension of 3m (excluding wardrobe space) - Living rooms or combined living/dining rooms have a minimum width of 3.6m for studio and 1-bedroom apartments; and 4m for 2 – and - 3 bedrooms apartments. - The width of cross-over and cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.																		
4E- Private open space and balconies	Objective 4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity. - All apartments are required to have primary balconies as follows: <table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio units</td><td>4m²</td><td>-</td></tr><tr><td>1 bed units</td><td>8m²</td><td>2m</td></tr><tr><td>2 bed units</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bed units</td><td>12m²</td><td>2.4m</td></tr></table> - For apartments at ground floor or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.	Dwelling type	Minimum area	Minimum depth	Studio units	4m ²	-	1 bed units	8m ²	2m	2 bed units	10m ²	2m	3+ bed units	12m ²	2.4m	Issues: - Whilst most balconies comply with minimum ADG requirements, split level apartment types do not. These mostly include apartments in Tower 2 including: 20901, 20909, 21001, 21009, 21101, 21109, 21201, 21209, 21301, 21309, 21501, 21509, 21701, 21709, 21901, 21908, 22101, 22108, 22308 - For the above-mentioned apartments, balcony depths are less than 2m, making the space impracticable, and only achieve the minimum area requirement (10m²) when combined. Recommendation: - It is recommended balconies are reconfigured into one consolidated space to maximise function and usability.	Split level apartments - Amended plans have been submitted to ensure that a consolidated area of private open space is delivered adjacent to the living room with a minimum area of 10m² and 2m depth for 2-bedroom apartments, as per the recommendation by Architectus. - All apartments have been designed to have primary balconies which meet ADG requirements. - All apartments at ground level have a primary private open space area with minimum 3m depth.	A
Dwelling type	Minimum area	Minimum depth																	
Studio units	4m ²	-																	
1 bed units	8m ²	2m																	
2 bed units	10m ²	2m																	
3+ bed units	12m ²	2.4m																	

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
	Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents.	Balconies are generally located adjacent to living rooms.	Balconies have been designed to maximise solar access, and be accessible directly from living areas and bedrooms where possible.	A
	Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.	Curvilinear balconies are justified through overall balcony design, contributing to high aesthetic quality of the building.	Modulation of the balconies is integrated into the articulated façade and built form to create visual interest and maximise amenity.	A⁺
	Objective 4E-4 Private open space and balcony design maximises safety.	Issues: The changes of levels in balconies (10210, 10209, 20201 and 20202) from the proposed communal open space located on Level 2 creates poor amenity outcomes including privacy issues (visual and acoustic) for the above-mentioned apartments.	- Addressed previously. - The projection of the rear balconies to Units 10210, 10209, 20201 and 20202 at Level 02 is supported. - Pergola structures have been introduced to reduce overlooking from above, whilst still allow a degree of light and air flow. - The balconies achieve a 12m separation as required under the ADG.	A
4F – Common circulation and space	Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments. - The maximum number of apartments off a circulation core on a single level is 8. Where this is not achieved, no more than 12 apartments should be provided off a circulation core on a single level. - For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	- Windows for each internal corridor is supported. - Apartment numbers generally range from 9 to 11, with 5 on the penthouse levels. This is considered acceptable given the number and allocation of certain lifts to different levels.	- Although the proposal exceeds the maximum number of 8 apartments off a circulation core on a single level, no more than 12 apartments are proposed on any single level with a maximum of 11 apartments on podium levels. This is acceptable on merit. - A Traffic Analysis of the performance of the proposed lifts has been undertaken by Schindler and a report submitted with the DA.	B
	Objective 4F-2	Internal residential corridor length and width is supported, as they provide openings to the outside	Large common circulation spaces in lift lobbies are provided to enhance	A

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment										
	Common circulation spaces promote safety and provide for social interaction between residents.	- supporting high internal amenity. - Residential lobbies provide sufficient space for seating and interiors.	opportunities for social interaction, and provide safety to residents.											
4G - Storage	Objective 4G-1 Adequate, well-designed storage is provided in each apartment. - In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio units</td><td>4m²</td></tr><tr><td>1 bed units</td><td>6m²</td></tr><tr><td>2 bed units</td><td>8m²</td></tr><tr><td>3+ bed units</td><td>10m²</td></tr></table> - At least 50% of the required storage is to be located within the apartment.	Dwelling type	Storage size volume	Studio units	4m²	1 bed units	6m²	2 bed units	8m²	3+ bed units	10m²	As per the storage schedule, storage volume is compliant with ADG requirements.	Minimum storage requirements per apartment are met. - Minimum 50% of the required storage provisions per apartment is located within each apartment.	A
	Dwelling type	Storage size volume												
	Studio units	4m²												
1 bed units	6m²													
2 bed units	8m²													
3+ bed units	10m²													
	Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual apartment.	Additional storage is provided in the basement car park in cages, in order for car parking to remain accessible.	Additional storage is provided within a secure, communal basement area.	A										
4H – Acoustic privacy	Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout.	- Complies - Architectus supports the recommendations outlined in the Acoustic assessment prepared by EMM, dated 18 December 2017 including the specification of glazing upgrades for certain residential rooms in Tower 2 along the western façade of the building, fronting Lithgow Street.	A condition is recommended requiring compliance with the recommendations in the Acoustic Report.	A										
	Objective 4H-2	Complies	As above.	A										

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
	Noise impacts are mitigated within apartments through layout and acoustic treatments.	The recommendations of the acoustic report are supported.		
4J – Noise and pollution	Objective 4J-1 In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.	- Complies - Glazing upgrades are to comply with recommendations outlined in the acoustic assessment prepared by EMM.	As above.	A
	Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	- Complies - Further to the above, given the interface with the adjoining rail line to the west, wintergardens are supported to address noise intrusion impacts.	As above.	A
4K – Apartment mix	Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future.	Issues: - A mix of studio, one two, three, four and five-bedroom apartments are proposed including: 2 x studio apartments (0.3%) 197 x one-bedroom apartments (30.1%) 395 x two-bedroom apartments (60.4%) 56 x three-bedroom apartments (8.6%) 3 x four-bedroom apartments (0.5%) 1 x five-bedroom apartment (0.2%) - The mix of apartments does not meet Councils minimum requirements where <i>“the residential component of mixed-use buildings should include a mix of 1,2 and 3-bedroom units,</i>	Apartment mix - The development provides a mix of apartments to cater for different household types, whilst responding to market conditions. - The percentage of 3+ bedroom apartments represents 9.3% of the total, which is acceptable on merit.	B

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
		<i>with at least 10% of each unit type to be provided."</i> Recommendation: Architectus recommends the number of 3-bedroom apartments is increased to represent 10% of the total quantum of apartments to accommodate for larger household types such as families with children.		
	Objective 4K-2 The apartment mix is distributed to suitable locations within the building.	Different apartment types are distributed evenly throughout the proposed building.	Different apartment types are distributed evenly to ensure equitable access to sunlight and amenity.	A
4L – Ground floor apartment	Objective 4L-1 Street frontage activity is maximised where ground floor apartments are located.	n/a	No ground floor apartments are proposed.	n/a
	Objective 4L-2 Design of ground floor apartments delivers amenity and safety for residents.	n/a	No ground floor apartments are proposed.	n/a
4M - Facades	Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area.	- Complies - The podium level is comprised of a significant glazed façade and timber/glazed canopies above. - The towers comprise a mix of orange/grey perforated metal panels, cortan cladding and glass balustrades to provide visual interest.	- Appropriate articulation is provided to each façade. - The building facades of the development contribute to the urban fabric character through the built form, material selection and landscape design.	A⁺
	Objective 4M-2 Building functions are expressed by the façade.	- Complies - Building entries are clearly distinguished between residential and non-residential uses. The change in materials between the podium and tower in addition to the	- Building entries are clearly defined. - Podiums are given visual prominence through a change in articulation, materials and colour, roof expression and varying setbacks.	A⁺

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
		articulation protruding elements from the façade create a visually and interesting design that is in accordance with Council's vision for the area.		
4N – Roof design	Objective 4N-1 Roof treatments are integrated into the building design and positively response to the street.	- Complies - Roof treatments are well integrated into the overall design of the building.	Roof design integrates with the building design and is contextually appropriate.	A+
	Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised.	- Complies - Communal open space is supported on the rooftop of tower 2. It is also recommended the roof is utilised for communal open space for Tower 1. Refer to comments above in Section 3D-2.	- The rooftop communal open space area is supported and encouraged. - A condition is recommended to ensure adequate facilities are provided on the roof terrace to maximise amenity and safety.	A
	Objective 4N-3 Roof design incorporates sustainability features.	- Complies - A sustainable green roof with garden trellis is proposed for the roof top of the western tower (T2).	Plant species have been selected to ensure plants to the roof terrace provide shade and comfort and are tolerant to wind conditions.	A
4O – Landscape design	Objective 4O-1 Landscape design is viable and sustainable.	Architectus supports the sustainable landscape design solutions proposed by Arcadia.	Details of plant species selection have been provided by Arcadia and are generally supported by Council's Landscape Architect.	A
	Objective 4O-2 Landscape design contributes to the streetscape and amenity.	The proposed landscape design and choice of tree planting and vegetation would have a positive impact upon the locality.	Comprehensive concept landscape plans have been prepared by Arcadia to ensure the development provides landscape amenity and contributes to the surrounding streetscapes.	A
4P – Planting on structures	Objective 4P-1 Appropriate soil profiles are provided.	Generally, soil volumes are considered appropriate for proposed trees as outlined in the Plant Schedule, in the Landscape Concept Plan, prepared by Arcadia.	Suitable conditions are recommended to ensure appropriate soil profiles are provided.	A
	Objective 4P-2	The proposed plant schedule is supported by Architectus.	The proposed plant schedule is supported.	A

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
	Plant growth is optimised with appropriate selection and maintenance amenity.			
	Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces.	Planting on structures is supported as it would soften the interface of the proposed development with its surroundings.	- Deep soil planting provision is not viable. - Planting on structures would ensure a positive contribution to the streetscape and amenity.	B
4Q – Universal design	Objective 4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members. Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guidelines silver level universal design feature.	- A total of 132 apartments (or 20.1%) are provided as silver level livable housing units, which achieve the minimum requirements of the ADG. - Architectus supports the recommendations outlined in the Accessibility assessment prepared by BCA Logic.	- Amended plans indicate that the proposed percentage of livable units is 10.1% of the total units. - A condition is recommended to achieve the benchmark of 20% of the total apartments incorporating the Liveable Housing Guidelines silver level universal design feature.	A
	Objective 4Q-2 A variety of apartments with adaptable designs are provided.	10.1% of units are provided as adaptable apartments, which achieve the minimum requirements of Part D– 5.7 of Councils DCP.	10.1% of units are provided as adaptable units, in accordance with Council's requirements.	A
	Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs.	- Complies - Apartment layouts have been designed to support flexible lifestyles.	Rooms incorporate flexible design to support multiple functions.	A
4S – Mixed use	Objective 4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	- The proposed development is ideally located in within the strategic centre of St Leonards and in proximity to St Leonards Train Station. - The proposed commercial tower supports activation along the Pacific Hwy, along with proposed retail adjacent to the new public plaza. Issues: - Blank walls along the new Christie	- The proposal, is strategically located in the heart of St Leonards' centre business district, immediately across to St Leonards Station. - The proposal incorporates a public plaza which facilitates movement of pedestrians through the site. Christie Street elevation - The proposal has been amended to provide improved articulation of the New Christie Lane elevation.	A+

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
		Lane is not supported.		
	Objective 4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	Retail and commercial activity is maximised at the ground plane, with no residential uses proposed on the ground floor.	- Above-ground residential apartments are integrated within the development and are provided with a good range of communal amenity. - Residential apartments benefit from interaction with public domain activities. A controlled access is via the ground floor lobby provides safety and security to residents.	A⁺
4T – Awning and signage	Objective 4T-1 Awnings are well located and complement and integrate with the building design.	- No issues. - The design of awnings is well integrated into the overall design and building form and comply with Councils minimum awning requirements.	Continuous awnings are located to street and the plaza to provide additional weather protection and social activation.	A
	Objective 4T-2 Signage responds to the context and desired streetscape character.	- No issues. - The signage strategy is supported, as it is well integrated and in proportion to the building.	Building way-finding signage is to be incorporated throughout the proposed development.	A
4U – Energy efficiency	Objective 4U-1 Development incorporates passive environmental design.	- No issues. - Natural solar and daylight access is provided to 70% of apartments. Refer to Section 4A.	Solar access, natural daylight and ventilation is maximised in the apartment layout design.	A
	Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	- No issues. - Materials of high thermal mass help to ensure good passive solar design. - Balcony depth also generally acts as a good shading device ranging in depth from 1 – 2 metres.	The use of high-performance glass and appropriate floor finishes as well as slab extension is incorporated into the design to optimise heat storage in winter and reduce heat transfer in summer.	A⁺
	Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation.	- The proposal is considered to provide an adequate degree of natural ventilation. - Further to the above, mechanical ventilation is required for apartments as recommended by the Acoustic assessment,	- The proposal maximises natural ventilation design to improve the internal comfort and reduce the need for mechanical ventilation. - Compliance with the requirements for mechanical ventilation in terms of noise impacts, as detailed in the Acoustic	A

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
		prepared by EMM.	Report, is to be enforced by way of a condition of consent.	
4V – Water management and conservation	Objective 4V-1 Potable water use is minimised.	- No issues. - The proposed development achieves the minimum target for water efficiency required under BASIX with a score of 42 (Target 40).	Rainwater collection system is proposed for landscape irrigation and car wash bay.	A
	Objective 4V-2 Urban stormwater is treated on site before being discharges to receiving waters.	- A Stormwater Drainage Concept Plan and WSUD Strategy is provided within the Civic Infrastructure and Stormwater Management Plan, prepared by AT&L. - On site stormwater detention is proposed to appropriately mitigate stormwater. - Part 5.2 of the Stormwater Drainage Concept Plan recommends rainwater tanks for re-use for irrigation, toilet and other non-potable water uses. The use of rainwater tanks should be clarified and it not used, should be investigated considering the potential for reuse to irrigate landscaped areas.	- On-site detention is proposed. A Civil Engineer's report has been prepared. - No objections are raised by Council's Engineer, subject to recommended conditions of consent. - Rainwater collection system is proposed for landscape irrigation and car wash bay, in accordance with the recommendation by Architectus.	A
	Objective 4V-3 Floor management systems are integrated into site design.	No comments	Floor management systems are addressed in the Civil Engineer's Report.	A
4W – Waste management	Objective 4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	- No issues. - The Waste Management Plan prepared by Elephants Foot Recycling Solutions is supported.	Garbage storage areas are located at Lower Ground Floor away from public view.	A
	Objective 4W-2	- No issues. - Residential waste management is supported, particularly that 2 x	No issues. - Amended plans have been submitted to show a separate bin travel path at	A

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
	Domestic waste is minimised by providing safe and convenient source separation and recycling.	garbage and 2 x recycling chutes are to be provided on all residential levels of each tower.	Basement 02 level for residential and commercial waste. Council's Waste Officer - The garbage loading area is located at lower ground floor. - Separate waste rooms are provided for retail, commercial and residential waste. - The WMP specifies that retail tenants would dispose of garbage and recyclables directly into the bins in the designated retail/commercial waste rooms and would be serviced directly from there by a private waste contractor. - Building Management would be responsible for bulky waste movements and a concierge service would be implemented.	
4X – Building management	Objective 4X-1 Building design details provides protection from weathering.	- No issues. - The proposal generally appears acceptable with respect to maintenance. - A clear maintenance strategy should be prepared in order to determine the areas of responsibility for each area of the building.	- Slab overhangs are designed to protect walls - Horizontal edges with drip lines are incorporated to avoid staining of surfaces in the future design development. - A Building Management Statement registered against the different titles is conditioned in order to ensure appropriate management of shared facilities.	A
	Objective 4X-2 Systems and access enable ease of maintenance.	- No issues. - The proposal is considered to be of a manageable design in relation to cleaning and maintenance.	Abseiling/rope access anchor points have been considered in the early design for faced maintenance.	A
	Objective 4X-3 Material selection reduces on-going maintenance costs.	- No issues. - The proposed colours and materials of the façade are of high quality and are durable. - The podium level comprises of a significant glazed façade and timber/glazed canopies above. - Towers comprise a mix of	- Sensors to control artificial lighting in common circulation spaces. - Material selection and consideration to ensure a robust and durable finish.	A

Topic	Objective	Issues identified by Architectus	Assessing Officers Comments	Assessment
		orange/grey perforated metal panels, cortan cladding and glass balustrades.		

9.6 State Environmental Planning Policy No. 64 (Advertising and Signage)

9.6.1 Definitions

Advertisement means signage to which Part 3 applies and includes any advertising structure for the advertisement. Part 3 applies to all signage to which this Policy applies, other than the following:

- a) business identification signs,
- b) building identification signs,
- c) signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,
- d) signage on vehicles

Business identification sign as defined in the Standard Instrument, means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

wall advertisement means an advertisement that is painted on or fixed flat to the wall of a building, but does not include a special promotional advertisement or building wrap advertisement.

roof or sky advertisement means an advertisement that is displayed on, or erected on or above, the parapet or eaves of a building.

9.6.2 Aims of SEPP 64

The proposal is consistent with the aims of SEPP 64 under Clause 3 in that:

- the proposed signage (as modified by amended plans) is compatible with the desired amenity and visual character of the area;
- the proposed signage provides way-finding and effective communication in suitable locations;
- the proposed signage is of high-quality design and finish;
- the proposed library signage and plaza signage highlights the public benefit of the proposal; and
- the proposed signage (as amended) would not have any adverse impact on adjacent transport corridors.

9.6.3 Clause 8: Granting of consent to signage

Clause 8 of SEPP 64 states that a consent authority must not grant development consent to display signage unless the consent authority is satisfied:

- a) that the signage is consistent with the objectives of the policy as set out under cl.3; and
- b) that the signage satisfies the assessment criteria specified in Schedule 1.

The proposal is consistent with the objectives of SEPP 64.

The proposed roof signage, and wall signage is assessed against the criteria in Schedule 1.

The proposed signage is comprised of five (5) signage types, as follows:

Type	Description	Indicative design
1	- Roof signage to Level 16 of the commercial building (T3) 4.5m (w) x 2.3m (h), set 2.2m above finished floor level - Illumination: LED lightbox lettering illuminated from inside at night - Material: White semi-transparent acrylic	
2	- Business identification signage (Ground and Lower Ground floor) 2.5m(w) x 0.4m(h) x 0.15m(d) / 4m(w) / 2m(h) x 0.8m(d) x 0.1m(d) - Material: Acrylic suspended from above / free-standing pylon - Illumination: Lightbox to be backlit	
3	- Business identification signage (Lower Ground floor) - Size: Maximum 3m(w) x 0.9m(h) - Material: Metal plate / acrylic - Illumination: Nil	
4	- Indoor retail signage (Ground and Lower Ground floor) - Full height wall size - Material: Wall tile/ceramics cladding - Illumination: Downlight	
5	- Wayfinding signage (parking, loading dock etc.) - Ground and Lower Ground floor - Material: metal plate - Size: Approximately 2m(w) x 3m(h).	
6	- Shopfront signage to top hamper - Size and illumination: subject to separate tenant fit-out application	 

The location of the proposed signage is shown at **Figure 38** below:

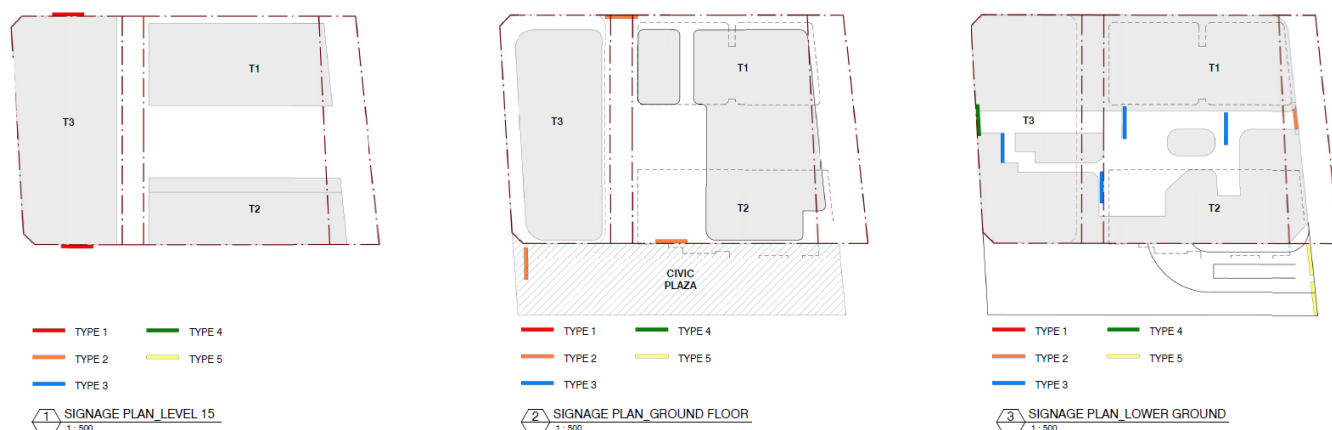


Figure 38. Location of signage Type (Source: PTW Architects, Drawing No. DA-40-0010, Rev C, dated 15/10/2018).

The proposed signage satisfies the assessment criteria in Schedule 1. A detailed assessment is provided below:

Schedule 1 Assessment Criteria:

Topic	Considerations	Proposed signage	Complies
Character of the area	- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? - Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	- The proposed signage is compatible with the existing and desired future character of the St Leonards area. - The signage has been integrated into the design of the development.	✓
Special areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	- The site is not located within or in proximity to any environmentally sensitive area, heritage areas, natural or other conservation areas. - Sensitive land uses in the vicinity of the site includes low, medium and high-density residential development. - The proposal signage would not detract from the amenity or visual quality of surrounding residential development, subject to the roof signage not being illuminated (Conditioned).	✓
Views and vistas	- Does the proposal obscure or compromise important views? - Does the proposal dominate the skyline and reduce the quality of vistas? - Does the proposal respect the viewing rights of other advertisers?	- The proposed signage would not obscure any important views. - The roof business identification signage is affixed to the mechanical plant screen wall at Level 16 of the commercial building. - This portion of the building exceeds the LEP height control and is highly-visible from residents of The Forum residential Towers and high-density residential	✓

Topic	Considerations	Proposed signage	Complies
		development in the vicinity of the site. Amended plans have been submitted deleting the signage on the northern elevation and reducing its size by approximately 50% as shown at Figures 39 and 40.	
TYPE 1 9.0 m 4.5 m 0 m T3 LEVEL 15 NOTE: SIGNAGE TYPE: DEVELOPMENT SIGNAGE. SIZE: AS INDICATED ABOVE. MATERIAL: WHITE SEMI-TRANSPARENT ACRYLIC. ILLUMINATION: LED LIGHTBOX LETTERING ILLUMINATED FROM INSIDE AT NIGHT. DESIGN INTENT ONLY DESIGN INTENT ONLY Figure 39. Originally proposed roof signage to the commercial building fronting the Pacific Highway.			
4.5 m 5.5 m 2.1 m 2.3 m 1.2 m T3 LEVEL 15 NOTE: SIGNAGE TYPE: DEVELOPMENT SIGNAGE. SIZE: AS INDICATED ABOVE. MATERIAL: WHITE SEMI-TRANSPARENT ACRYLIC. ILLUMINATION: LED LIGHTBOX LETTERING ILLUMINATED FROM INSIDE AT NIGHT. DESIGN INTENT ONLY DESIGN INTENT ONLY Figure 40. Amended roof signage to Tower 3. The roof sign on the northern elevation has been deleted and the signage reduced in size by approximately 50%. A condition is recommended to require that the sign is not illuminated.			
Streetscape, setting or landscape	- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? - Does the proposal contribute to the visual interest of the streetscape, setting or landscape? - Does the proposal reduce clutter by rationalising and simplifying existing advertising? - Does the proposal screen unsightliness?	- The scale, proportion and form of the proposed signage is generally supported. - No details of the 'library' signage at Lower Ground Floor in the south-eastern corner have been submitted, as shown at Figure 42. A condition is recommended requiring installation of the library signage as depicted in the submitted drawings, to highlight the public benefit of the proposal. - The proposed wall advertisements are dealt with separately below, having	✓ Conditioned

Topic	Considerations	Proposed signage	Complies
	- Does the proposal protrude above buildings, structures or tree canopies in the area or locality? - Does the proposal require ongoing vegetation management?	regard to Clause 22 of SEPP 64. In short, the proposed signage to New Christie Lane has been reduced to ensure a positive contribution to the streetscape.	
Site and building	- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? - Does the proposal respect important features of the site or building, or both? - Does the proposal show innovation and imagination in its relationship to the site or building, or both?	- The proposal signage (as modified) is compatible with the scale, proportion and characteristics of the site and surrounding area. - The proposed signage would enhance legibility through the site and encourage activation of the public domain.	✓
Associated devices and logos with advertisement and advertising structures	Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	- Details of safety devices have not been submitted at the DA stage. This is reasonable and acceptable. - A condition is recommended to require that the roof signage is not used for the purpose of advertising structures, without obtaining relevant approvals.	✓
Illumination	- Would illumination result in unacceptable glare? - Would illumination affect safety for pedestrians, vehicles or aircraft? - Would illumination detract from the amenity of any residence or other form of accommodation? - Can the intensity of the illumination be adjusted, if necessary? - Is the illumination subject to a curfew?	- Given the proximity of the proposed roof signage to residential uses, a condition is recommended to require that the roof signage is not illuminated. - The submitted reflectivity report by Windtech has not addressed glare impacts from the proposed signage.	✓ Conditioned
Safety	- Would the proposal reduce the safety for any public road? - Would the proposal reduce the safety for pedestrians or bicyclists? - Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	- The proposed signage would not reduce safety for any public road. - Only advertisements greater than 20m² and within 250m of, and visible from, a classified road are required to obtain concurrence from RMS. This does not apply to the proposal.	✓

9.6.4 Clause 22: Wall advertisements

The proposal incorporates two (2) wall advertisements on the rear southern elevation fronting New Christie Lane, as shown at **Figures 41 & 42**. The development signage has been reduced from 20m x 3.6m to 5m x 1.5m.



Figure 41. Southern elevation showing New Christie Lane (Source: Drawing No. DA-50-1710 Rev C dated 15/10/018, prepared by PTW Architects). The signage has been reduced (from top to bottom) to ensure a positive contribution to the streetscape. Conditions are recommended to delete the 'Shopping Mall' signage, and to install the 'Library' signage to highlight the public benefit of the development.



Figure 42. Perspective drawing of New Christie Lane showing the proposed library signage, business identification signage, and wall advertisements.

An assessment of the proposal against the requirements for wall advertisements is provided below:

Clause 22	Proposed	Complies
(1) Only one wall advertisement may be displayed per building elevation.	Two wall advertisements are proposed.	✓ Conditioned

Clause 22	Proposed	Complies
	- A condition is recommended requiring the 'Shopping Mall' sign to be deleted. - The 'Library' signage in the south-eastern corner is visible from the Christie Street elevation and is supported. A condition requiring construction of the 'library signage' is recommended to highlight the public benefit of the proposal.	
<i>(2) The consent authority may grant consent to a wall advertisement only if:</i>		
(a) the consent authority is satisfied that the advertisement is integrated with the design of the building on which it is to be displayed, (b) for a building having: i) An above ground elevation of 200 square metres or more—the advertisement does not exceed 10% of the above ground elevation, and	- Council is satisfied that the reduced development signage to New Christie Lane is integrated with the design of the building. - The advertisement (as modified) does not exceed more than 10% of the above ground elevation.	✓
(c) The advertisement does not protrude more than 300 millimetres from the wall, unless occupational health and safety standards require a greater protrusion.	The advertisement would not protrude more than 300mm from the wall.	✓
(d) The advertisement does not protrude above the parapet or eaves.	The advertisement would not protrude above a parapet or eave.	✓
(e) The advertisement does not extend over a window or other opening.	The advertisement would not extend over a window or other opening to ensure active frontages are maximised.	✓
(f) The advertisement does not obscure significant architectural elements of the building.	The advertisement would not obscure any significant architectural elements of the New Christie Lane façade.	✓
(g) A building identification sign or business identification sign is not displayed on the building elevation.	A building identification sign	Acceptable on merit

9.7 Lane Cove Local Environmental Plan 2009

9.7.1 Clause 2.6: Subdivision – Consent Requirements

Part 2.6(1) states that land to which this Plan applies may be subdivided, but only with development consent. Development consent is sought for the proposed stratum subdivision in accordance with Part 2.6(1) of Lane Cove LEP 20.

9.7.2 Zoning and permissibility

The site is partly zoned *B4 Mixed Use* and partly zoned *B3 Commercial Core*, as shown in the LEP Land Zoning Map at **Figure 43**.

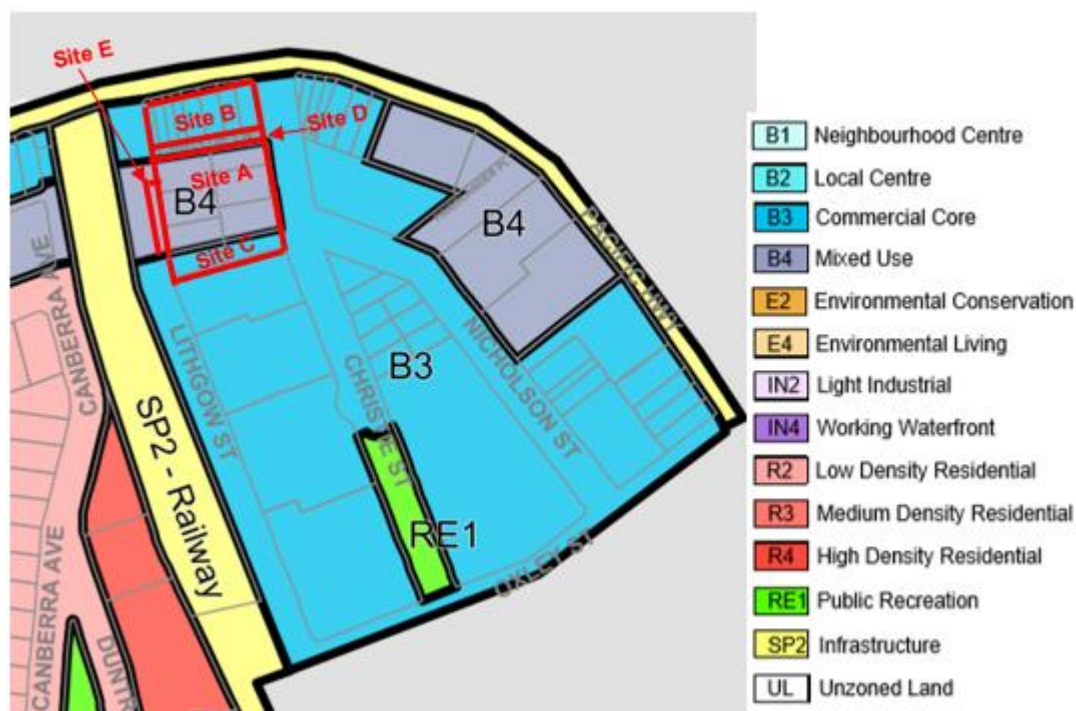


Figure 43. Land Zoning Map showing the division of the site into Sites A, B, C, D and E (Source: Lane Cove LEP 2009).

A summary of the permissibility of the mixture of uses on the site is summarised below:

Site	Zoning	Proposed use	Permissible
Site A	B4 Mixed Use	Retail, residential, community facilities, recreation facilities (indoor and outdoor)	Yes
Site B	B3 Commercial Core	Commercial	Yes
Site C	B3 Commercial Core	Retail, community facilities	Yes
		Residential	No
Site D	B3 Commercial Core	Retail at Basement 01 and Lower Ground Level	Yes
Site E	B4 Mixed Use	Residential (4m articulation zone to Tower 2)	Yes

Site B fronting the Pacific Highway and *Site D* being Christie Lane is zoned *B3 Commercial Core*. The proposed commercial building on *Site B* and retail uses at Basement 01 Level and Lower Ground on *Site D* are permitted with consent and are consistent with the objectives of the B3 Commercial Core zone.

'Site A' is zoned B4 Mixed Use and 'Site C' is zoned B3 Commercial Core. The proposed mixed-use towers traverse Sites A and C and are permitted within the B4 Mixed Use zone with consent. However, the permissibility of the proposed residential use on the portion of 82 Christie Street and 71-73 Lithgow Street Zoned B3 Commercial Core relies upon *Clause 5.3 Development near zone boundaries* of LCLEP 2009.

Clause 5.3 allows development that is prohibited in a zone to be granted consent, if the development would otherwise be permissible in an adjacent zone and it can be demonstrated that the development is consistent with the objectives for development in both zones.

The proposed residential use on the portion of 82 Christie Street and 71-73 Lithgow Street zoned B3 Commercial Core satisfies the test under Clause 5.3, as detailed in **Section 9.7.6** of this Report. The proposed residential use would be permissible on the adjoining land zoned B4 Mixed Use and is consistent with the objectives of both zones. Accordingly, the proposal is acceptable with regard to Clause 5.3.

Therefore, the proposed development is permitted with consent.

9.7.3 Clause 4.3: Height of buildings

Site	Building	Control	Proposed	Complies
Site B	Commercial building (T3)	45m	61.35m (RL 141.85) Ground (RL 80.500)	No (36.3% / 16.35m variation) - Refer Clause 4.6 assessment in Section 9.7.5 of this Report.
Site A	Tower 1 (T1)	RL 277.4	RL 227.4 (main building) RL 234.255 (lightning rod)	Yes Yes - exempt from building height definition. Civil Aviation Safety Authority consents to maximum height of RL 234.3. A condition to this effect is included within the recommendation.
	Tower 2 (T2)	RL 166.8	RL 166.8 (main building) RL 173.815 (lightning rod)	Yes Yes - exempt from building height definition
Site C	Tower 1 (T1)	65m	22.92m	Yes
	Tower 2 (T2)		57.52m	Yes

A Clause 4.6 variation request has been submitted for the height non-compliance of Tower 3. This is detailed and assessed in **Section 9.7.5** of this Report. **The variation is considered to be well founded and acceptable.**

T1 and T2 comply with the maximum height prescribed under LEP Amendment No 22, with the exception of the lightning rod on both towers. A condition is recommended to ensure that the building heights including any plant and lift overrun structures do not exceed the maximum prescribed heights under Lane Cove LEP 2009.

The proposal is consistent with the objectives for the height of buildings development standard, as detailed in **Section 9.7.5** of this Report.

9.7.4 Clause 4.4: Floor Space Ratio (FSR)

Pursuant to Clause 4.4(2) of Lane Cove LEP 2009, the maximum FSR permitted on the site is shown on the Floor Space Ratio Map, as shown at **Figure 44**.

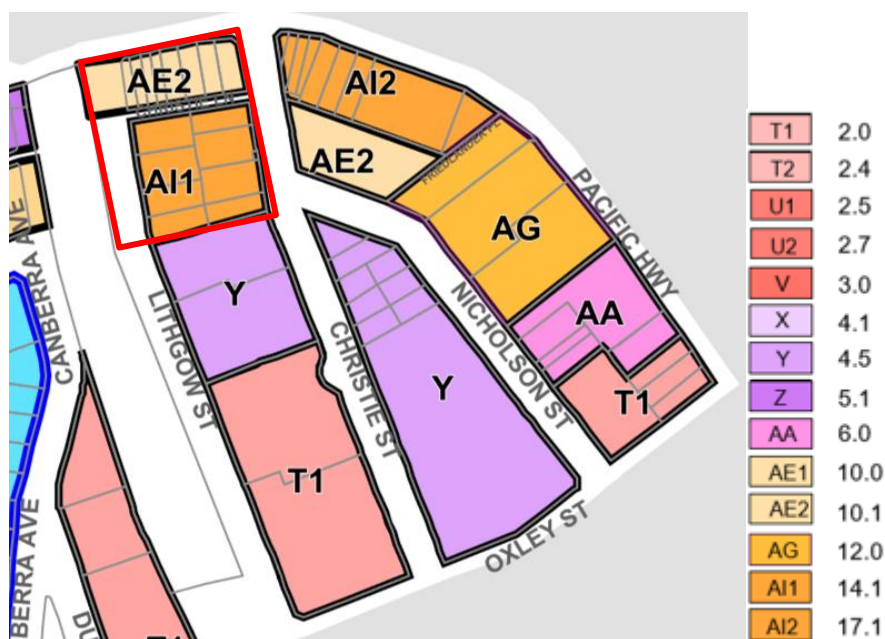


Figure 44. FSR Map (Source: Lane Cove LEP 2009).

The division of the site into Sites A, B, C, D and E is shown at **Figure 45**.

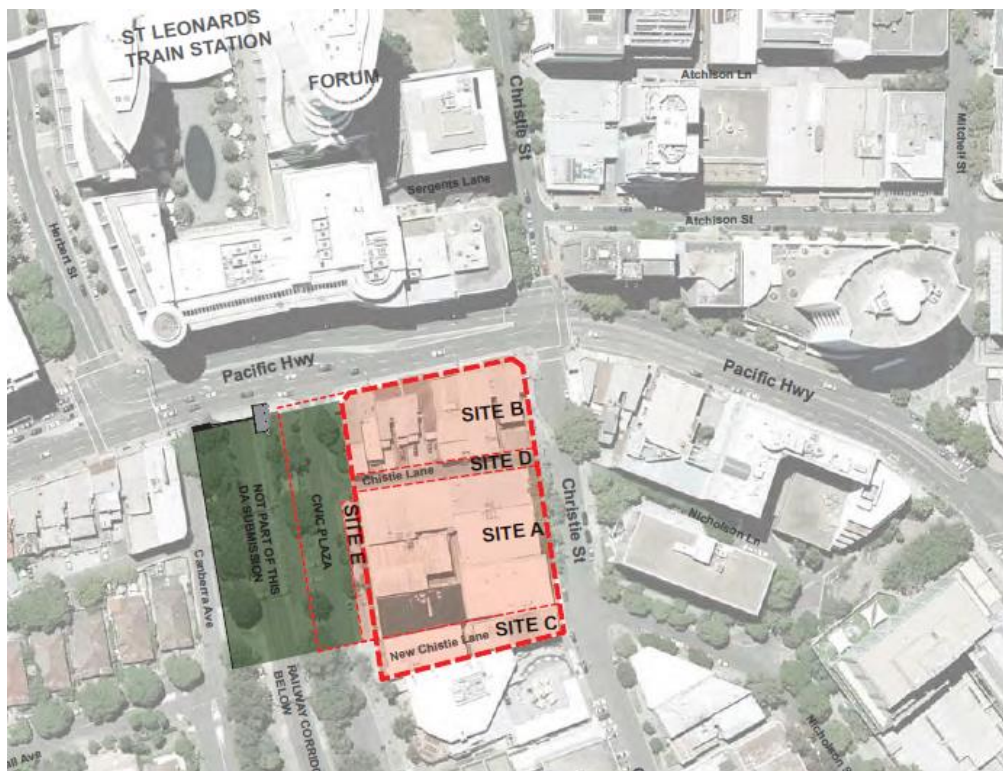


Figure 45. Aerial plan showing the division of the site into Sites A, B, C, D and E (Source: PTW).

Clause 6.8 *Development between Christie Street and Lithgow Street, St Leonards* of Lane Cove LEP 2009 states that the maximum FSR shown for **Site A** may be exceeded:

- (a) "by an additional 2:1, but only if there is a car park with at least 300 car parking spaces on land in, or adjacent to, Site A, or
- (b) by an additional 1.6:1, but only if Site B is consolidated into a single lot and not less than 17,000m² of the gross floor area of Site B is used for purposes other than residential accommodation, or
- (c) by an additional 3.6:1, but only if both paragraphs (a) and (b) apply."

The maximum FSR on Site A may be exceeded by 3.6:1 as (a) and (b) above are satisfied by the proposed development. It is noted that 'Site A' under Clause 6.8 excludes 'Site C' and the portion of Site A owned by Ausgrid.

An assessment of the proposal against the maximum FSR permitted for the site is provided below:

Site	Zoning	Area	Control	Maximum GFA permitted	Proposed	Complies
SITE A						
Site A	B4	3191m²	17.7:1 (14.1:1 + 3.6:1 bonus FSR under Clause 6.8 of Lane Cove LEP 2009)	56,480.7m²	61,693.76m² (including 4m articulation zone – Site E, as shown at Figure 42).	Yes
Site A - Ausgrid	B4	11.8m²	14.1:1 (Bonus FSR excluded under Clause 6.8)	166.38m²		
Site C	B3	768m²	14.1:1	10,828.8m²		
Total		3,970.8m²		67,475.88m²	62,715.26m²	
SITE B						

Site	Zoning	Area	Control	Maximum GFA permitted	Proposed	Complies
Site B	B3	1850m ²	10.1:1	18,685m ²	22,812.76m ²	No – Refer to Clause 4.6 in Section 9.7.5 below
Site D	B3	387.5m ²	Nil	n/a	632.86m ² (retail at Level B01 and Lower Ground)	
Total		2,237.5m²		18,685m²	23,445.62m²	
SITE A + SITE B				86160.88	86,160.88	Yes

The table above indicates that the FSR for *Site A* is compliant. Notwithstanding non-compliance with the FSR control for *Site B*, the proposed FSR across the total site is compliant. Albeit, a Clause 4.6 written request has been submitted to address the variation sought to the FSR control for *Site B*.

The Clause 4.6 written request is considered to be well founded and is detailed and assessed in **Section 9.7.5** of this Report.

The proposal is consistent with the objectives for the floor space ratio development standard, as detailed in **Section 9.7.5** of this Report.

9.7.5 Clause 4.6: Exceptions to development standards

Exception to the height of buildings development standard

Departure

The proposed development seeks a variation of 36.3% (16.35m) to the height of buildings development standard of 45m under Clause 4.3(2) of Lane Cove LEP 2009 for the commercial building (T3) fronting the Pacific Highway.

Purpose

Clause 4.6 allows a contravention of a development standard with the objectives being to allow an appropriate degree of flexibility in applying certain development standards to particular development and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Written Request

Clause 4.6(3) stipulates that a written request is required from the applicant that justifies the contravention of the development standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant has provided a written request that seeks to justify the proposed contravention of the height of building development standard on the following grounds:

- *In response to the revised height and floor space ratio standards for Site A under LEP Amendment No. 22, the height non-compliance for T3 is considered to be the most appropriate outcome to balance the proposed uses and floor space ratio across the overall development site, and to enable a development that:*
 - *complies with the maximum FSR controls that apply to the site;*
 - *provides a significant proportion of commercial space within a PCA commercial grade A building that aligns with Council and State Government objectives for St Leonards;*

- provides significant void space and generous public domain areas at ground level of the development,
 - is compatible with the surrounding locality; and
 - results in minimal environmental impacts on the site and surrounding properties.
- The rooftop plant proposed on Tower 3 services 10,363.08m² of retail uses on the site and the commercial floor space of Tower 3. The extent of non-compliance is shown in an extract from the Clause 4.6 written request, as shown at **Figure 46** below:

Figure 3 – Extract of Southern Elevation of Tower 3

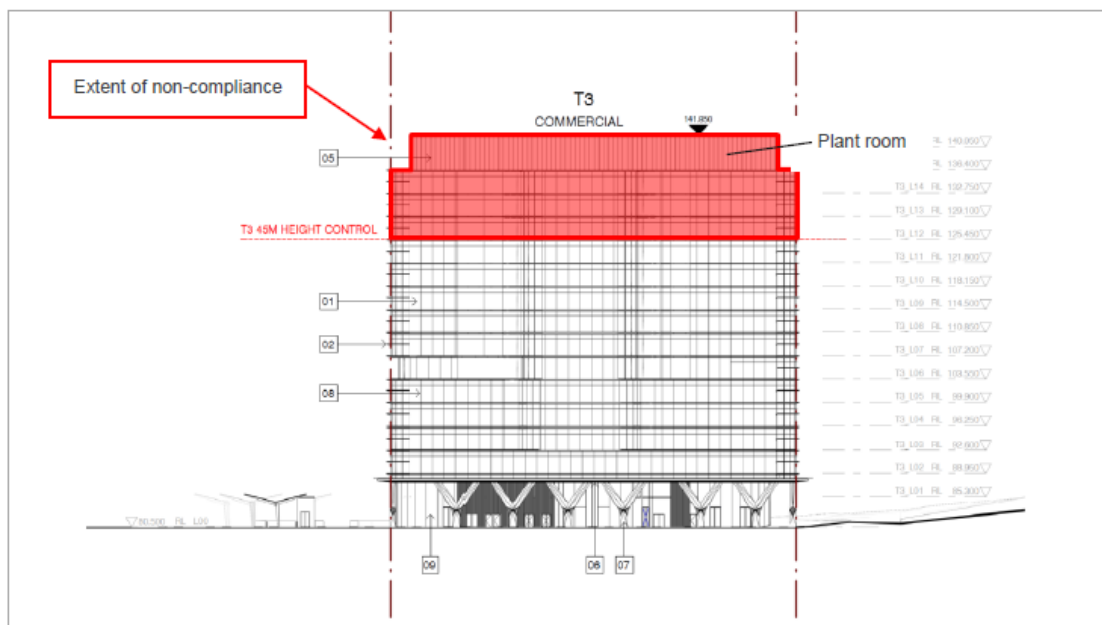


Figure 46. Extract from the Revised Clause 4.6 written request to the height of buildings development standard, prepared by Urbis, submitted 18/05/2018).

Achievement of the objectives of the height of buildings development standard:

- The proposed development is consistent with the objectives of the development standard as follows:

Objective	Comments
(a) To ensure development allows for reasonable solar access to existing buildings and public areas.	• The proposed development allows for reasonable solar access to existing buildings. • Immediately surrounding the site are predominantly commercial land uses that while affected by overshadowing of the proposed development are not unreasonably impacted by overshadowing as the amenity of the buildings is not undermined. • During mid-winter the shadow cast by the height non-compliance of T3 predominantly affects surrounding streets, the rail corridor, and commercial buildings. • While additional overshadowing is likely to occur on the future St Leonards Plaza at the equinox, this is considered reasonable as the shadow impact on the new plaza is prior to the critical lunch period of 12pm-2pm and does not impact upon afternoon useability of the plaza. • The Christie Street South plaza is not affected by additional overshadowing as a result of the non-compliance.
(b) To ensure that privacy and visual impacts of development on neighbouring properties, particularly where zones meet, are reasonable.	• Privacy between the proposed development and surrounding residential properties is managed through compliance with the required Apartment Design Guide building separation. • Tower 3 is significantly separated from properties to the north by the Pacific Highway.

Objective	Comments
	- The development is separated from lower residential densities to the west by the rail corridor. The development is also separated from lower residential densities to the south by development within the B3 Commercial Core zone. - The built form of Tower 3 sits below Towers 1 and 3. The bulk and scale of Tower 3 is provided within the context of Tower 3. - The non-compliance of T3 with the height control does not restrict the ability of the development to achieve compliance with the solar access requirements under the ADG for T1 and T2. - A view impact analysis is provided in the Design Verification Report (Appendix A of SEE) and Section 6.6.2 of the SEE.
(c) To seek alternative design solutions in order to maximise the potential sunlight for the public domain.	The proposed development seeks to increase the area of open space at ground level and the building separation between Tower 3, and Towers 1 and 2 in order to maximise sunlight to the public plaza and promote pedestrian activation.
(d) To relate development to topography.	- Tower 3 is located on the highest point of the site and has the lowest maximum building height proposed within the development. - The proposal has been designed to relate to the sites topography and provide a well-considered design response which is appropriate for the scale and future character of St Leonards.

Consistency with the objectives of the B3 Commercial Core Zone

- The proposal is considered to be consistent with the objectives of the B3 Commercial Core zone in the following manner:

Objective	Comments
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.	- Tower 3 is part of a mixed-use development on the site that includes a car park, library, office, retail (including supermarket), and residential apartments that will serve the needs of the local and wider community. - Tower 3 includes 14 commercial office floors, plus ground and lower ground retail tenancies suitable for a range of retailers.
To encourage appropriate employment opportunities in accessible locations.	Tower 3 will deliver significant employment opportunities within the proposed PCA Office Grade A building; and level 01, ground and lower floor retail within a highly accessible location with direct pedestrian connection to St Leonards Railway Station located 200m north of the site.
To maximise public transport patronage and encourage walking and cycling.	- The site is located adjacent to the existing St Leonards Station and bus stops on the Pacific Highway that provide local and regional services. - The future Crows Nest Metro Station will also be within walking distance of the site. - These transport options provide frequent and reliable transport options to visitors and workers of the site. - The redevelopment of the site will also encourage walking and cycling in proximity to the site as a result of the improved public domain.
To integrate business, retail, and other development in accessible locations.	The proposal provides a mixture of retail and office tenancies within the B3 Commercial Core zone that services the needs of the local and visitor population of St Leonards and will integrate with the retail, community, and residential land uses within the site.
To maximise sunlight for surrounding properties and the public domain.	The proposed building massing across the site has been informed by the previous planning proposal applicable for Site A, which concluded that the development results in

Objective	Comments
	appropriate sunlight access to the surrounding public domain and predominantly commercial premises. • Notwithstanding the non-compliance with the maximum height of building control of Tower 3, sunlight is maintained to residential properties to the west of the site from mid-morning in mid-winter. • While the proposed height of Tower 3 inherently results in a greater shadow impact than a compliant building height, the additional shadow is largely over the existing railway line, public streets and the development itself, rather than any high-quality public domain or residential properties.
To encourage urban design maximising attractive public domain and adequate circulation space throughout the St Leonards commercial centre for current and future users.	• The proposal including Tower 3 will provide attractive building forms that interface with the new public plaza at the heart of St Leonards and the Pacific Highway. • The proposed colonnade design will provide a quality pedestrian environment at the ground level, providing a highly activated and articulated street façade that encourages pedestrian circulation within and around the site.

Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

- The proposal achieves the objectives of the development standard.
- The proposal achieves a compliant floor space ration across the whole site.
- Site B was not the subject of revised development controls that formed part of the planning proposal informing Amendment 22 to LCLEP 2009.
- The height of T3 does not impede the ability of T1 and T2 to comply with key environmental planning instruments and design guidelines under the ADG in terms of solar access, natural cross ventilation, communal open space, and building separation; as well as relevant pedestrian wind environment criterion.
- The shadow impacts resulting from the proposed variation to the standard will result in negligible additional overshadowing to the public domain in mid-winter.
- Consideration at the design phase was given to developing a compliant scheme. The proposed development is considered to achieve a better planning outcome for the following reasons:
 - The impacts of the additional height to the surrounding properties and public domain are minimal.
 - By alleviating floor space at the lower levels of T1 and T2, residential building depths can be managed to ensure appropriate solar access penetrates lower level apartments.
 - The height non-compliance enables more employment floor space on the site compared to a compliant scheme. This is consistent with the strategic planning objectives for St Leonards as a 'Strategic Centre' within the Regional Plan and the North District Plan.
 - By including void spaces above the lower ground retail and library entrance a more permeable public domain is achieved at the ground level of the development with clear sightlines to the community facility from the plaza. A comparison of an alternative design showing a narrows Christie Lane network with no visibility to the central retail area is depicted in the extract of Figure 5 of the Clause 4.6 written request, as shown at **Figure 47** below.

Figure 5 – Comparison of proposed Plaza Ground Level and enclosed space (Source: PTW)



Picture 3 – Proposed development in DA



Picture 4 – Enclosed ground level retail design

Figure 47. Comparison of the proposed development (left) and absence of void spaces at the lower ground retail and library entrance (right) (Source: Revised Clause 4.6 written Request, prepared by Urbis, submitted 18/05/2018).

There are sufficient environmental planning grounds to justify contravening the development standard

- The impacts of the additional height of Tower 3 are minimal to the surrounding properties and public domain;
- The proposed additional height results in functional benefits to the proposal to enable the delivery of a PCA Office Grade A Commercial building;
- The proposed additional height results in functional benefits to the proposal that allows greater void and open space at ground level to improve visibility and accessibility to the lower ground level; and
- The proposed additional height results in more employment floor space provided on the site than a 'compliant scheme', which realizes the strategic planning objectives for St Leonards Strategic Centre and Council's objectives for employment growth in Strategic Centres close to public transport.
- When 'site area' and 'floor space ratio' are calculated across the entire developable site in accordance with Clause 4.5 of LCLEP 2009, the proposal meets the allowable FSR for the total site.
- The proposal results in more commercial floor space than otherwise envisaged, which aligns with the State government and Council objectives for protecting and enhancing employment floorspace within Strategic Centres including St Leonards.
- The floor space available to 'Site A' has not been maximised in part resulting from the design of large void areas around the entrance to the lower ground retail premises which greatly enhances the amenity of this space and provides natural light and air into the forecourt of the proposed new library.
- The floor space proposed within 'Site B' is also proposed within a significant basement area below natural ground level and the exceedance of the height control is not a result of pursuing additional above ground floor space rather than exhausting potential basement uses.
- View loss as a result of the non-compliance with the south-facing views of some residential apartments at approximately Levels 16 to 22 to the north of the site is considered to be reasonable for the following reasons:
 - The impact to existing views from The Forum East residences from the proposed development and Tower 3 have been mitigated through building siting and design including two north-south orientated building forms, and Apartment Design Guide building separation.
 - Despite interruptions to views towards the Sydney CBD from The Forum East residences, the existing views to the Sydney Harbour to the west of the site are maintained.
 - Prior to the gazettal of the Planning Proposal for the site, commercial development on the site could be constructed up to a height of 65m across Site A behind Tower

3. As such for individuals that purchased properties north of the Pacific Highway would reasonably be anticipating building forms interrupting southern views up to 65m in height.

- Given the high level of compliance to other key design guidelines, high quality design of the overall proposal that prioritises natural light and circulation around key public and retail areas, and the partial obstruction of views to a minor portion of existing dwellings reasonably anticipated by previous height of building controls, the variation to the development standard is supportable from environmental planning grounds.*

The proposed development is in the public interest

- Overall it is considered that the strict maintenance of the height of building development standard in this instance is not in the public interest as the proposal will result in significant public benefit by the delivery of high quality public open space and circulation space around new community infrastructure.*
- Further, the provision of more employment floor space provides a supplementary workforce within the St Leonards centre providing greater activation to retail premises and public spaces.*

Assessment

Clause 4.6(4) requires Council to be satisfied that:

- 1) The written request has adequately addressed the relevant matters required to be satisfied by subclause (3):
 - a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
 - b) that there are sufficient environmental grounds to justify contravening the development standard.
- 2) The proposed development is in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.
- 3) The concurrence of the Secretary has been obtained.

An assessment against the matters above is provided below:

a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

Consistency with the objectives of the height of buildings development standard

The objectives of the *height of buildings* development standard under Clause 4.3 of Lane Cove LEP 2009, is as follows:

- (a) *To ensure development allows for reasonable solar access to existing buildings and public areas.*
 - Shadow diagrams for a compliant scheme and the proposed non-compliant building height have been submitted. This indicates that the additional shadow cast by the portion of the commercial building exceeding the height control during the winter solstice predominantly affects surrounding streets, the rail corridor, and commercial buildings.
 - The portion of the commercial building that contravenes the height control would result in no additional shadow impact to the public domain during mid-winter.
 - The additional shadow impacts resulting from the height non-compliance during 9am-3pm on 21 June are outlined below:

- There is no perceptible difference in shadow at 9am, 12noon and 2pm on the surrounding properties.
- Some minor additional overshadowing would occur to a public road at 1pm and 3pm.
- At 10am and 11am, the additional shadow falls predominately over a public road and the rail corridor, but also marginally over the front yard of a single storey dwelling at No. 2 Marshall Avenue to the south-west of the site, and over a small triangle shaped portion of the proposed public plaza, as shown at **Figure 48**. This additional shadow is reasonable and acceptable.



Figure 48. Additional overshadowing from the height non-compliant portion of T3.

- During the equinox, additional shadow impacts of the proposed development compared to a compliant scheme are outlined below:
 - Some additional overshadowing would occur to the northern portion of the public plaza between 9am and 12pm. This area is proposed to be largely covered by awnings to the underpass connection to St Leonards Train Station. This would not impact upon the useability of the public plaza, particularly during the critical lunch period between 12pm-2pm.
 - No additional shadow would impact any residential property.

Therefore, the proposal would allow for reasonable solar access to existing buildings and public areas, in accordance with objective (a).

(b) *To ensure that privacy and visual impacts of development on neighbouring properties, particularly where zones meet, are reasonable.*

- The height non-compliance would not give rise to any privacy impacts. The proposed building separation of is acceptable with regard to ADG separation requirements and would maintain privacy amenity.
- The southern façade of the commercial building (T3) is comprised of backlit glass to preclude any direct overlooking, whilst giving the illusion of passive surveillance and activation of the public plaza below.
- The commercial building is separated from lower residential densities to the south-west by the proposed residential T2 and the rail corridor.

In this regard, the proposal would satisfy the requirements of objective (b).

(c) *To seek alternative design solutions in order to maximise the potential sunlight for the public domain.*

- Following Council's request, shadow diagrams have been prepared for the winter solstice and summer equinox for an alternate design to the commercial building deleting the curved element at the rear of the building.
- The shadows indicate that no additional overshadowing would occur to the public plaza as a result of the curved element.
- It is noted that the additional height permits a greater void space within the Site A component of the development to deliver a high-quality public space and attract first class retailers.

Therefore, the proposal would satisfy the requirements of objective (c).

(d) To relate development to topography

- The development has been designed to relate to the site's topography. The commercial building on Site B is located on the highest point of the site.
- The buildings comprise podiums to maintain a pedestrian scale at street level and encourage activation of the public domain.

Therefore, the proposal would satisfy the requirements of objective (d).

Contextually appropriate

- The proposed height of the commercial building is contextually appropriate, as shown at **Figure 49**.



Figure 49. Permitted building heights under Lane Cove LEP 2009.

- The proposed commercial building achieves an appropriate built form outcome in the context of the prescribed maximum building height and floor space ratio permitted on the adjoining land zoned B4 Mixed Use zone under LCLEP 2009, thereby satisfying objective (b).
- The height of the commercial building at 61.35m is in keeping with the maximum height permitted on adjacent land to the east (72m), whilst responding to the topography of the Pacific Highway.
- The proposed height of 61.35m (RL 141.85) is compatible with The Forum development to the north of the site comprised of commercial building with heights ranging from RL 115.0 to RL

132.00 fronting the Pacific Highway and residential towers constructed to RL 190.0 at their rear.

Central plant location

- The rooftop plant to Tower three services all retail areas across the site.
- The rooftop plant has been integrated into the design of the development and is appropriately screened to preclude any adverse visual impacts.

Acceptable view sharing is achieved

In assessing the reasonableness or otherwise of the degree of view loss, this Report has had regard to the case law established by *Tenacity Consulting v Warringah (2004) NSWLEC 140* which has established a four-step assessment of view sharing. The steps are as follows:

1. The assessment of the views affected

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.

The subject views are to the south-west of the Lane Cove River, Huntleys Point and Drummoyne district; and to the south-east and east towards North Sydney, the city of Sydney and the Harbour, as shown at **Figure 50** below:

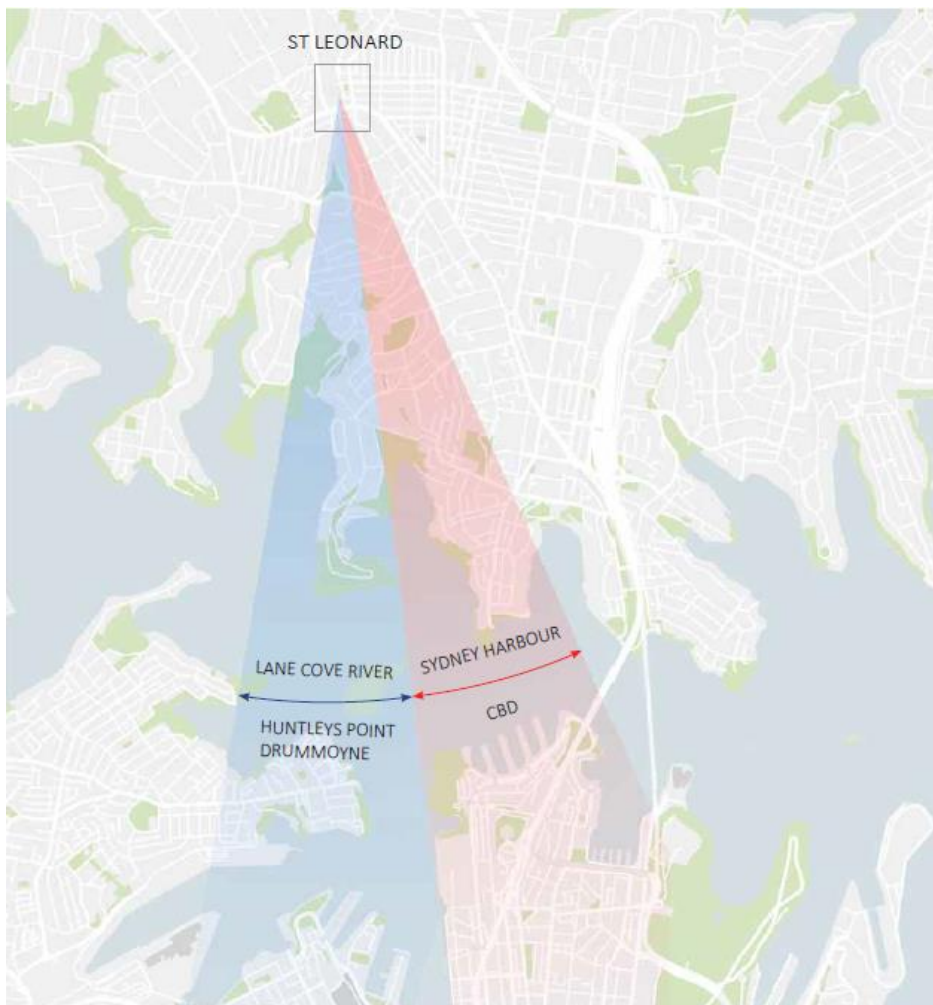


Figure 50. Affected views from The Forum East residential tower.

2. Consideration from what part of the property the views are obtained

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 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.

The subject views are obtained from the south-facing living areas of residential apartments on the southern side of The Forum East residential tower to the north of the subject site. These apartments typically have floor to ceiling glazing, as shown at **Figure 51**.



Figure 51. Indicative south-facing living room with floor-to-ceiling glazing in The Forum East residential tower. The photograph is taken from Level 26.

The location of The Forum East residential tower relative to the subject site is shown at **Figure 52**.



Figure 52. Location of The Forum East residential tower and subject site. T3 represents the commercial building (Source: PTW architects).

3. The extent of the impact

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

A view analysis has been undertaken by PTW architects. This considers the likely impacts to the adjoining Forum East development from the proposed development.

To assess the view impact on The Forum East residential tower, PTW Architects prepared a simulated 3D computerised model of the area. The view analysis was measured at eye level (taken to be 1.6m above FFL) and considers the likely impacts at Level 16 of The Forum East residential tower.

The extent of view loss submitted by the applicant due to the height-non-compliance is depicted in **Figures 53, 54, & 55** below. A view analysis of the development scheme under the Planning Proposal is provided at **Figure 56** by the applicant and shows the approximate location of the iconic Harbour Bridge.

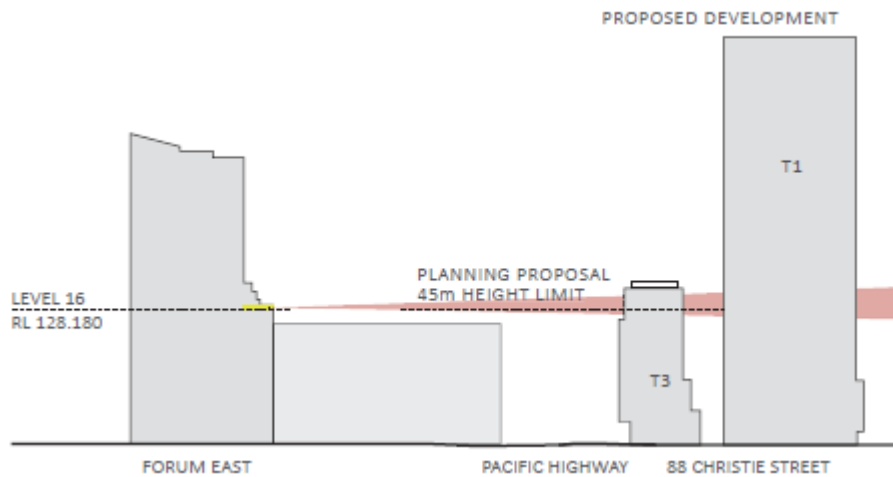


Figure 53. View from Level 16 to the south from The Forum East residential tower. The view loss and non-compliant portion of the commercial building with the LEP height control is shown in pink (Source: PTW Architects).



Figure 54. Estimated view loss to the south from Level 16 of The Forum East residential tower. The building separation has been increased to 24m under the proposed development.



Figure 55. Site plan showing a comparison of the extent of the view corridor from the south-east (left) and south-west (right) apartment balcony in The Forum East Residential Tower in the approved planning proposal (Cone X, shown as blue dotted) and the proposed development. The view cone Y (shown as purple) indicates the view from Level 02-06 and the view cone Z (shown as pink) indicates the view from Level 07-26. This indicates that the view from Levels 02-06 is not less than the view corridor under the Planning Proposal, and the view from Levels 07-26 is larger and more open to the west (Source: View Analysis by PTW Architects).

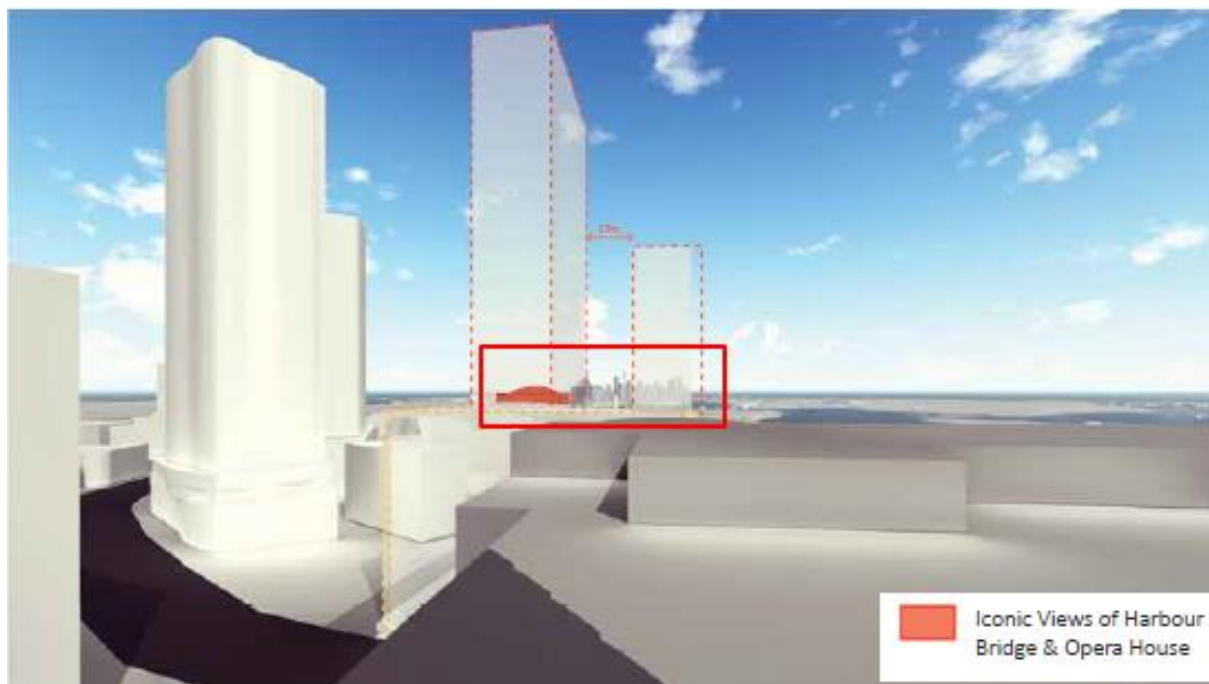


Figure 56. View from The Forum East Level 16 (Approved Planning Proposal). The view corridor is based on a 22m separation between the two (2) mixed-use towers (Source: PTW Architects).

A photographic analysis of the estimated view loss resulting from the commercial building height non-compliance is shown at **Figures 57 & 58**. This includes views of the Sydney CBD skyline

including Sydney Tower, and North Sydney CBD skyline. It appears that views of the land/water interface in the view corridor between the two (2) mixed-use towers would be retained.



Figure 57. Estimated view loss from Level 16 and below from the south-facing living areas of The Forum East Residential Tower. Note: This actual photograph was taken by the assessing officer from Level 26. Access was not granted at Level 16.

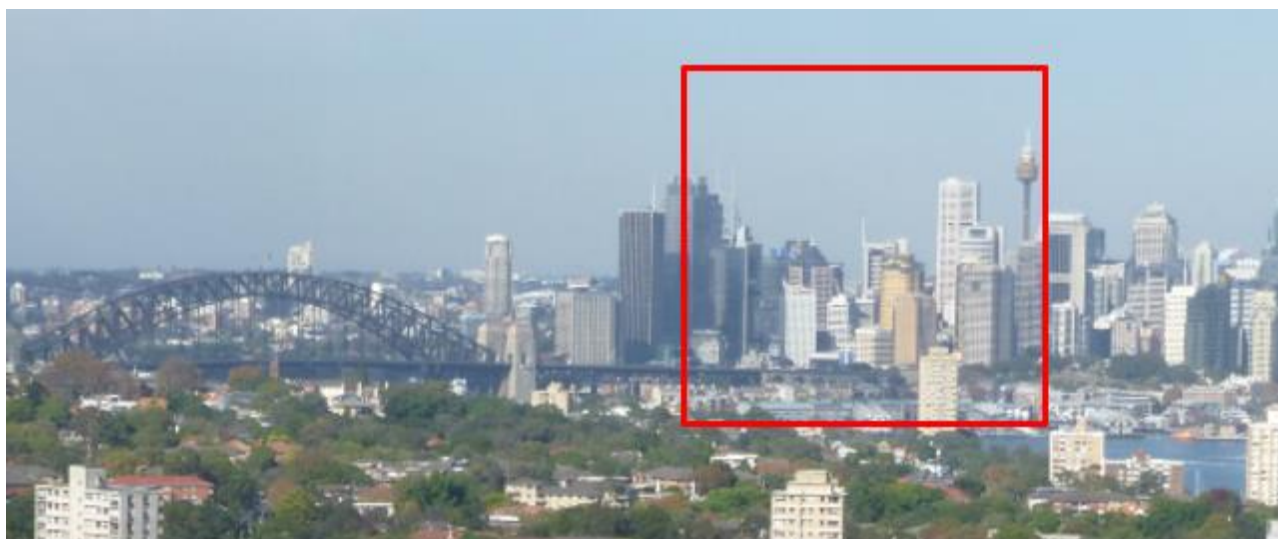


Figure 58. Close-up of estimated view loss (magnified) of the city skyline from the south-facing living areas at Level 16 and below in The Forum East Residential Tower. The view loss only relates to the height non-compliance of the commercial building.

4. The reasonableness of the proposal that is causing the impact

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.

The Court poses two questions in *Tenacity Consulting vs Warringah* (2004) NSWLEC 140. The first question relates to whether a non-compliance with one or more planning controls results in view loss.

The second question posed by the Court relates to whether a more skilful design could provide the same development potential whilst reducing the impact on views.

The view loss associated with the height non-compliance of the commercial building is reasonable and acceptable for the following reasons:

- The proposal facilitates adequate view sharing with The Forum East Residential Tower.
- Water views are more highly valued than land views. The portion of the commercial building in breach of the height control is unlikely to result in loss of water views of Sydney Harbour or the land/water interface.
- View impacts are mitigated with an increase in separation between the residential tower blocks.
- The proposal has been carefully and skilfully designed to facilitate view sharing with the adjoining properties. The proposed mixed-use towers are oriented north-south to create slender building forms and view corridors when viewed from the north. In this regard, a more skilful design could not provide the same development potential whilst reducing the impact on views.
- The proposal maintains unimpeded views to the south-west overlooking Parramatta River, as shown at **Figure 57**, as well as unimpeded Harbour views to the south-east of North Sydney CBD, as shown at **Figure 59**.



Figure 59. *The proposal maintains unimpeded Harbour views to the south-east of North Sydney CBD.*

- View impacts from Levels 15 and below from The Forum East residential tower result from a compliant built-form. Views from Level 17 and above would not be adversely impacted by the height non-compliance.
- It would be unreasonable and inequitable to expect that only the northern portion of St Leonards would be developed to facilitate high-rise and high-density development given its proximity to high frequency public transport and strategic location within Metropolitan Sydney. Moreover, St Leonards is one of Sydney's largest office precincts.

- It is acknowledged that prior to the gazettal of the Planning Proposal for the site, an 18-storey commercial development could be constructed up to a height of RL 149.05m at 86-90 Christie Street. The proposed commercial building would be constructed to RL 141.85, which provides a better planning outcome in terms of view impacts.
- **Following notification of the application, no objections were received from any residents at Level 16 of The Forum East tower, raising concerns of view loss.**

Therefore, in view of the analysis set out above, the Panel may be satisfied that the objectives of the standard are met by the development proposal even though it contravenes the height development standard and therefore strict compliance with the standard is unreasonable and unnecessary in the circumstances of the case.

- b) that there are sufficient environmental grounds to justify contravening the development standard.**

Strategic planning alignment

- The suitability of the site for redevelopment was considered in the assessment of a site-specific planning proposal for *Site A*, which cumulated in the publication of Lane Cove LEP Amendment No. 22 on 1/12/2017.
- This involved rezoning *Site A* from *B3 Commercial Core* to *B4 Mixed Use*, increasing the maximum building heights across *Site A*, and providing a bonus FSR incentive Clause for *Site A* (Clause 6.8 of LCLEP 2009) if the development provides specific public benefits, and to encourage the amalgamation of lots within *Site B* (site of the commercial building) in order to facilitate its redevelopment in conjunction with *Site A*.
- The subject site is strategically located in a transit-oriented development corridor in close proximity to St Leonards train station and the new Metro Station at Crows Nest, as well as multiple high frequency bus routes along the Pacific Highway. St Leonards is one of Sydney's main office precincts and is identified as a *growth area and urban renewal corridor* under *The Greater Sydney Region Plan: A Metropolis of Three Cities (March 2018)* and a *strategic centre* within the *eastern economic corridor* in the *North District Plan (March 2018)*, targeted to deliver employment opportunities and housing supply.
- The proposal is consistent with the vision for St Leonards under the *Draft St Leonards and Crows Nest 2036 Plan* (currently on exhibition) to revitalise St Leonards CDB and promote additional office floor space, and for the St Leonards and Crows Nest area to “*be a major centre for workers, residents, students and visitors, offering a variety of homes, jobs and activities for the diverse local population*”.
- The additional height sought for the commercial building is consistent with the objectives of Clause 4.6, to provide flexibility to deliver a better planning outcome. A better planning outcome is achieved in that more office space and employment opportunities are created in accordance with state-led strategic planning documents and Council's vision for St Leonards to create an area with a high level of liveability, amenity and connectivity through three (3) key pilot mixed-use projects.

Building design and PCA Office Grade A Commercial Building

- The additional height facilitates the delivery of a PCA Office Grade A commercial building, by allowing greater void and open space at ground level to improve visibility, activation, and accessibility to the lower ground floor.
- The commercial building incorporates a non-residential podium of high-quality architectural form and unique Y-shape columns. This provides a pedestrian scale at street level and ensures a seamless transition to the adjoining public plaza.
- The proposed FSR across the total site is compliant.

The height non-compliance facilitates acceptable view sharing

- The proposed development facilitates acceptable view sharing with The Forum residential tower to the north of the site, as discussed previously.

2) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The proposed development is consistent with the objectives of the *height of buildings* development standard, as detailed previously in this Report.

The proposed development would be consistent with the objectives of the *B3 Commercial Core* Zone in the following manner:

- The proposed commercial building provides a range of retail, business, office, and community facilities in the form of the public plaza that serve the needs of the local and wider community.
- The commercial building and additional height would facilitate the delivery of employment opportunities in an accessible location.
- The site is located in close proximity to St Leonards train station and bus stops along the Pacific Highway. Bicycle facilities are provided and pedestrian friendly environment to encourage active transport linkages to the wider community.
- The proposal successfully integrates business, retail and other development in an accessible location.
- The development has been designed to maximise sunlight to the surrounding properties and the public domain. As discussed previously, solar access impacts resulting from the portion of the commercial building in breach of the height control are minor and acceptable on merit.
- The design of the development is consistent with Council's overarching vision for St Leonards and that of State-led planning documents, to create an area with a high level of liveability, amenity and connectivity whilst meeting core objectives to deliver housing supply and employment opportunities.

Therefore, the proposal is in the public interest.

3) The concurrence of the Secretary has been obtained.

The Sydney North Planning Panel may assume the Secretary's concurrence for exceptions to development standards for applications made under Clause 4.6 of the Standard Instrument.

Conclusion

In conclusion, the applicant's written request to justify the contravention of the height of building development standard is considered to be well founded and acceptable. The applicant has satisfactorily demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravention of the development standard.

Exception to the floor space ratio development standard

Departure

Notwithstanding, the proposed FSR across the total site is compliant, a written Clause 4.6 variation request has been prepared to support the floor space ratio variation on Site B for abundant caution.

The proposal seeks a variation of 4,127.76.m² (22%) to the maximum permitted GFA on Site B. Note: The proposed retail GFA proposed at Level B01 and Lower Ground on Site D (former Christie Lane) is not included. No permitted GFA is attributed to former Christie Lane.

Written Request

The applicant has provided a written request that seeks to justify the proposed contravention of the height of building development standard on the following grounds:

Consistency with the objectives of the standard and objectives of the B3 Commercial Core Zone

Consistency with the objectives of the standard	
Objective	Comments
<i>To ensure that the bulk and scale of development is compatible with the character of the locality.</i>	- The overall floor space proposed across the site is compliant with the maximum GFA permitted through the 'pooling' of FSR from the developable area of the site. The resulting built form is consistent with the overall objectives and anticipated built form presented by the planning proposal which informed the controls for 'Site A'. - The proposed tower forms across the site and notably on 'Site B' are consistent with the surrounding built form which is increasingly being characterised by podium and tower developments. This can be seen within the Forum development, the proposed 'Anson' Tower, the 'Mirvac' development at 472-486 Pacific Highway, St Leonards and the recently approved 'New Hope' development at 500 Pacific Highway, St Leonards. - The built form of Tower 3 on 'Site B' seeks to minimise overshadowing on adjacent properties and visual impacts of the development on neighbouring properties. - The design of the proposal which increases the area of open space at the ground level of Towers 1 and 2, maximises sunlight to the public plaza and provides a high level of amenity for pedestrians traversing the site. - The built form of Tower 3 seeks to minimise overshadowing on adjacent properties and visual impacts of the development on neighbouring properties. Although some existing view corridors may be affected by the proposed development between Levels 16 and 22 of the adjacent Forum East residential tower, harbour views will still be maintained. - Refer to the Design Verification Report at Appendix A of the SEE for details on the view impact analysis. - Given the above, the tower forms proposed as part of the development and specifically Tower 3 on 'Site B' has been designed to be compatible with the character of the locality.
Compliance with objectives of B3 Commercial Core Zone	
Objective	Comments
<i>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.</i>	- The proposal is a mixed-use development that includes a car park, library, office, retail (including supermarket), and residential apartments that will serve the needs of the community. - The development of Site B will deliver both retail and office floor space to serve both the local and wider community.
<i>To encourage appropriate employment opportunities in accessible locations.</i>	Tower 3 includes significant employment opportunities within the proposed PCA Office Grade A building and retail within a highly accessible location with a direct pedestrian connection to St Leonards Railway Station to the north of the site.
<i>To maximise public transport patronage and encourage walking and cycling.</i>	- The site is located within a short walking distance of the St Leonards Station and is proposed to accommodate an A-grade commercial office building. - The future St Leonards metro station will also be within walking distance of the site, allowing employees even better access to employment opportunities in St Leonards.
<i>To integrate business, retail and other development in accessible locations.</i>	The proposal provides a mixture of retail, office, and community land uses within the B3 Commercial Cores zone that services the needs of the local and visitor population of St Leonards.
<i>To maximise sunlight for surrounding properties and the public domain.</i>	The proposed building massing has been informed by the previous planning proposal applicable for Site A which concluded that the development results in appropriate sunlight access to the surrounding public domain and predominantly commercial premises.

	• Sunlight is maintained to residential properties to the west of the site from mid-morning in mid-winter.
To encourage urban design maximising attractive public domain and adequate circulation space throughout the St Leonards commercial centre for current and future users.	• The proposal will provide attractive building forms that interface with the new public plaza at the heart of St Leonards, and the Pacific Highway. • The proposed colonnade design improves pedestrian amenity at the ground level, and with a highly active and articulated street façade the proposal will be an attractive public domain to

Compliance with the standard is unreasonable or unnecessary in the circumstances of the case

Strict compliance with the FSR standard for separate allotments within the site is unreasonable given the calculation of FSR under LCLEP 2009. Clause 4.4(2) of the LCLEP 2009 provides that the "floor space ratio" of a building on land on the FSR map cannot be exceeded.

The definition of 'floor space ratio' under LCLEP 2009 (in clause 4.5(2)) is the "ratio of the gross floor area of all buildings within the **site** to the **site area**". In other words, $FSR = GFA / \text{site area}$.

Clause 4.5(3) of LCLEP 2009 (Calculation of Floor Space Ratio and Site Area) provides that:

(3) Site area

In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

The effect of clause 4.5(3)(b) is that where two or more adjoining lots are being developed, all lots are to be included in the calculation of site area. The "floor space ratio" in clause 4.5(2) is defined by reference to the "site" which is a combination of "lots" under clause 4.5(3)(b). Accordingly, the floor space ratio identified on the FSR Map should also be calculated as a whole "site" rather than separate and individual pieces of "land" or "lots" as though they were being separately developed. Applying the LEP definition of "floor space ratio" and having regard to the "site area" of the site, the GFA available to the site is 86,160.9sqm which is equivalent to a total FSR of 14.8:1. The total GFA proposed in the development is 86,160.9sqm. As such, it is considered that the overall maximum FSR for the site is not exceeded, as the total proposed GFA is less than the total GFA allowable on the site the subject of the DA.

This position is entirely consistent with clause 4.5(9) of LCLEP 2009 which provides that a condition of development consent can be imposed requiring registration of a covenant that prevents the creation of floor area on a lot if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot. In this regard it would be open to the consent authority to impose a requirement that a covenant be placed on the title of lots comprising 'Site A'.

It is noted that while Christie Lane is part of the site, as works proposed by the DA are located above and below this land, it may be interpreted that Christie Lane is not a "lot" until consolidated as part of this development. This interpretation would not reflect the intent of the DA nor the integrated mixed-use development proposed for the site. The proposal is designed across the site as a whole.

For abundant caution, this variation to the FSR development standard under clause 4.4(2) of LCLEP 2009 is sought pursuant to clause 4.6 of the LCLEP 2009. This request is submitted in the event that the consent authority is of the opinion that the proposed FSR for 'Site B' exceeds the maximum FSR

control for that part of the site and that despite compliance with the total maximum GFA for the site that the proposed development therefore contravenes the development standard.

Sufficient environmental planning grounds

It is considered that there are sufficient environmental planning grounds to support the variation as follows:

- The overall GFA proposed in the development is less than the total GFA available to the site under LCLEP 2009.*
- The proposal results in more commercial floor space than otherwise envisaged, which aligns with the State government and Council objectives for protecting and enhancing employment floorspace within Strategic Centres including St Leonards.*
- The floor space permissible on 'Site A' has not been maximised in part resulting from the design of large void areas around the entrance to the lower ground retail premises which greatly enhances the amenity of this space and provides natural light and air into the forecourt of the proposed new library.*
- The resulting built form of Tower 3 and the proposal responds well to the current planning context for the site and the impacts of the built form and overall development are supportable.*

Public benefit

It is considered that the strict maintenance of the standard in this instance is not in the public interest as the proposal will result in significant public benefit by the delivery of high-quality employment floor space, public open space, and the strict application of the standard is contradictory with the application of clause 4.5 of the LCLEP 2009.

Conclusion

The proposed development complies with the FSR control applying to the site. The application of the FSR controls to individual allotments comprising the site and in this instance to that part of the site identified as 'Site B' is inconsistent with the provisions of LCLEP 2009. For abundant caution this clause 4.6 variation request has been prepared which demonstrates that strict compliance with the FSR development standard in clause 4.4 of LCLEP 2009 as it relates to only 'Site B' is unreasonable and/or unnecessary in the circumstances of the case for the following reasons:

- When 'site area' and 'floor space ratio' are calculated across the site in accordance with clause 4.5 of LCLEP 2009, the proposal meets the allowable FSR for the total site.*
- Despite the non-compliance to the FSR development standard for a portion of the site at 'Site B', the proposal is consistent with the objectives of both clause 4.4 of LCLEP 2009 and the B3 Commercial Core zone.*
- The proposal delivers commercial floor space within a PCA Grade A office building, which aligns with the State government and Council objectives for protecting and enhancing employment floorspace within Strategic Centres including St Leonards.*
- The proposal will result in the realisation of non-residential and residential floor space in line with the bonus provisions included in clause 5.8 of LCLEP 2009.*
- The 'pooling' of GFA across the site results in a positive distribution of floor space and bulk and scale of development that is consistent with the locality and has minimal environmental impacts.*

The specific circumstances of this site, being an amalgamation of a number of lots previously unfeasible to amalgamate for a commercial office building, supports the proposed variation to the strict interpretation of the FSR standard as it applies to 546-564 Pacific Highway, St Leonards.

Assessment

Pursuant to Clause 4.6(4), Council is satisfied that:

- 1) The applicant's written request has adequately addressed the relevant matters required to be satisfied by subclause (3):
 - a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
 - b) that there are sufficient environmental grounds to justify contravening the development standard;
- 2) the proposed development is in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out; and
- 3) the concurrence of the Secretary has been obtained.

In accordance with the objectives of Clause 4.6, flexibility to vary the development standard permits a better planning outcome in the following manner:

- Additional office space is provided on Site B, providing additional employment opportunities in an accessible location.
- The FSR non-compliance facilitates delivery of a PCA Grade Office building.
- The distribution of FSR across the total site results in a more proportionate built form to the two mixed-use towers and reduces amenity impacts to surrounding residences.

An assessment of the amenity considerations, principally solar access and views, is discussed previously with regard to the height non-compliance of the commercial building. The height non-compliance and associated FSR non-compliance would maintain acceptable view sharing with The Forum East residential tower and would not give rise to any unacceptable solar access impacts.

It is acknowledged that prior to the gazettal of the Planning Proposal for the site, an 18-storey commercial development could be constructed up to a height of RL 149.05m at 86-90 Christie Street. The proposed commercial building is proposed to be constructed to RL 141.85, which provides a better planning outcome in terms of view impacts.

Alignment with the vision for St Leonards under the *Greater Sydney Regional Plan*, *North District Plan*, and *Draft St Leonards and Crows Nest 2036 Plan* (currently on exhibition) constitutes sufficient environment planning grounds to justify the departure. This includes the promotion of additional office floor space in St Leonards and for the St Leonards and Crows Nest area to *"be a major centre for workers, residents, students and visitors, offering a variety of homes, jobs and activities for the diverse local population"*.

The proposed development is in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the B3 Commercial Core zone.

Notwithstanding non-compliance of the commercial building with the FSR development standard in isolation, the FSR is compliant when taken across the total site area. This approach is reasonable and acceptable.

Conclusion

Therefore, the applicant's written request to justify contravention of the floor space ratio development standard on Site B is considered to be well founded and acceptable.

9.7.6 Clause 5.3: Development near zone boundaries

The objective of Clause 5.3 is to provide flexibility where a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site.

The proposal is acceptable with regard to Clause 5.3 in the following manner:

- The distance between the two (2) land use zones is less than 15m.
- The proposal is not inconsistent with the objectives for development in both zones in the following manner:
 - the development provides a mixture of compatible land uses including retail, business, office, entertainment, and community uses that serve the needs of the local and wider community in an accessible location;
 - the development provides employment opportunities in an accessible location;
 - the site is located within a transit-oriented development corridor, thereby maximising public transport patronage, and encourages walking and cycling;
 - the proposed development has been designed to maximise solar access to surrounding properties and the public domain;
 - the proposal incorporates a public plaza within the St Leonards commercial centre that delivers a high-quality urban design outcome including adequate circulation space for current and future users.
- The carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

Clause 6.1 – Acid Sulfate Soils

Clause 6.1 of Lane Cove LEP 2009 requires Council to consider any potential acid sulfate soil affectation so that it does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The subject site is not identified as being of Class 2, 3 or 5 land on the Acid Sulfate Soils Map.

Clause 6.1A – Earthworks

Clause 6.1A of Lane Cove LEP 2009 lists the matters of consideration Council must consider before granting consent for earthworks.

The application and supporting documents have been reviewed and endorsed by Council's Development Engineer.

Suitable conditions are recommended to minimise any adverse impacts on surrounding environmental functions and processes, particularly in relation to dust control, erosion and sedimentation control, water management, litter control, noise control, and traffic management.

Clause 6.7 – Airspace operations

Approval has been obtained from the Civil Aviation Safety Authority pursuant to the Airports Act 1996, subject to conditions.

Clause 6.8 – Development between Christie Street and Lithgow Street, St Leonards

Addressed previously under **Section 9.7.4** of this Report.

Any development control plan: s4.15(1)(a)(iii)

9.8 Lane Cove DCP 2010

9.8.1 Part B General Controls

Part B.1 General objectives for the DCP

The proposal is consistent with the general objectives of Lane Cove DCP 2010 (as amended) to:

- *Provide detailed planning provisions supplementing the Lane Cove LEP 2009.*
- *Support the locality's sustainability in environmental, social and economic terms.*
- *Conserve, protect and enhance the environmental and built heritage of Lane Cove.*
- *Contribute to effective management of biodiversity.*
- *To protect the quality of water catchments, encourage the use of water sensitive urban design and promote the adoption of whole of water cycle management principles.*
- *Minimise any impacts of transition to higher residential and employment density zones.*
- *Minimise any impacts of the redevelopment of uses not conforming to the zone they are in, by having regard to the scale and character of the surrounding neighbourhood.*
- *Balance individual and community interests to preserve and, where appropriate, improve the existing character and amenity of the municipality.*
- *Enhance the visual quality and functionality of the public and private domain interrelationship.*
- *Achieve an overall character for neighbourhoods that enhances their sense of identity and place.*
- *Provide a context for the economic vitality of centres.*
- *To promote use of public transport, walking and cycling as the main forms of access, particularly within commercial centres.*
- *Regulate the visual impact of all development within foreshore areas.*
- *Further the goal of equal access for all residents and visitors.*
- *Enhance opportunities for cultural experiences throughout the natural and built environment by promoting public art.*

Part B.2 Public domain

The proposal is consistent with the objectives for the *public domain* under Clause 2.1 of LCDCP 2010.

The proposal complies with the provisions pertaining to the public domain, as follows:

- The public domain has been designed in accordance with the Council's public domain strategy for St Leonards.
- Seating in public and communal open space areas are incorporated into the concept landscape plans by Arcadia, with details of structures provided on softworks plans.
- Safe and accessible pedestrian access is provided throughout the development with through-site linkages from public streets.
- A public art framework plan has been prepared.
- A CPTED assessment has been prepared.
- Rooftop gardens are incorporated into the development.
- Adequate bicycle provision and end-of-trip facilities are provided.

Clause 2.2 Public domain projects in St Leonards

Section 2.2 of LCDCP 2010 identifies key public domain upgrades for St Leonards that are to be achieved through Voluntary Planning Agreements (VPA) and/or Section 7.11 contributions.

A VPA has been entered into by Lane Cove Council and the developer. This agreement was executed on 6/10/2017.

The VPA is generally consistent with the public domain upgrades identified for St Leonards under Section 2.2 including the following:

- Closure of the existing Christie and delivery of a pedestrian link through the new development.
- Construction of a new Christie Lane comprised of a new vehicular and pedestrian road adjacent the southern boundary 8m wide in total including 6m wide carriageway plus 1.5m wide shared pedestrian/cycle path (Site C).

- Construction and embellishment of a public plaza over Lithgow Street including integration with the rail tunnel. International standard of architecture at the interface with the St Leonards Plaza.
- Provision of high-quality landscapes within the public open space

Public domain works to the Pacific Highway identified under Section 2.2 that are not addressed in the VPA include the following:

- (i) Widening of the southern footpath including street trees, new paving, and upgraded street lighting.
- (ii) Additional traffic light crossing points at the junction outside the St. Leonards Station and the new proposed public open space on the south side of Pacific Hwy and to the east of the railway line at the northern end of Lithgow Street.
- (iii) Upgrading (with RMS approval) of the Pacific Highway carriageway as a slightly raised zone with different road texture to clearly establish a higher level of pedestrian accessibility.

New street trees and paving to the Pacific Highway and Christie Street are addressed through the imposition of suitable conditions thereby addressing (i) above (Note: Landscaping restrictions apply to Pacific Highway frontage). Works (ii) and (iii) require concurrence from RMS and collaboration between RMS, Lane Cove and North Sydney Councils and is a work-in-progress as part of Lane Cove Council's planned works to extend the public plaza over the railway line.

A condition of consent requiring payment of a s7.11 contribution is recommended. This would go towards the provision of infrastructure and public domain improvements in the St Leonards precinct.

Part B.3 Site amalgamation and development on isolated sites

The proposal includes the amalgamation of fragmented properties within Site B to accommodate a large commercial building, and amalgamation of properties within Site A to facilitate the delivery of two (2) mixed-use buildings.

Construction is proposed in two (2) stages to enable the continued occupation of two retail/commercial premises fronting the Pacific Highway whose lease expires in 2022. Efforts are ongoing to reach an agreement between these tenants in order to deliver a single staged construction.

Part B.4 View sharing

It is acknowledged that there would be some view loss to owners on the northern side of Pacific Highway of current south panoramic views. Albeit, the view loss was determined to be acceptable in the approval of the planning proposal. The only difference in view impacts between the proposed development and planning proposal scheme pertains to the additional height sought for the commercial building. This is discussed in **Section 9.7.5** of this Report. Of notable significance, is that view impacts are improved under the proposed development compared to the view impacts that would result from the construction of an 18-storey building previously approved at 88 Christie Street to the rear of T3 (commercial building).

A view analysis has been undertaken by PTW architects. This considers the likely impacts to the adjoining Forum East residential tower due to being the most significantly impacted by the proposed development.

To assess the view impacts, PTW Architects have prepared a simulated 3D computerised model of the area. The view analysis was measured at eye level (taken to be 1.6m above FFL) and considers the likely impacts at Level 16 and 23 of The Forum East residential tower.

In assessing the reasonableness or otherwise of the degree of view loss, this Report has had regard to the case law established by *Tenacity Consulting v Warringah (2004) NSWLEC 140* which has established a four-step assessment of view sharing. The steps are as follows:

1. The assessment of the views affected

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.

The subject views are to the south-west of the Lane Cove River, Huntleys Point and Drummoyne district; and to the south-east and east towards North Sydney, the city of Sydney and the Harbour, as shown at **Figure 60** below:



Figure 60. Affected views from The Forum East residential tower.

2. Consideration from what part of the property the views are obtained

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 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.

The subject views are obtained from the south-facing living areas of residential apartments on the southern side of The Forum East residential tower to the north of the subject site.

The location of The Forum East residential tower relative to the subject site is shown at **Figure 61**.



Figure 61. Location of The Forum East residential tower and subject site. T3 represents the commercial building (Source: PTW architects).

3. The extent of the impact

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

The extent of view loss submitted by the applicant at Level 16 of The Forum East tower is depicted in **Figures 62 & 63** below.

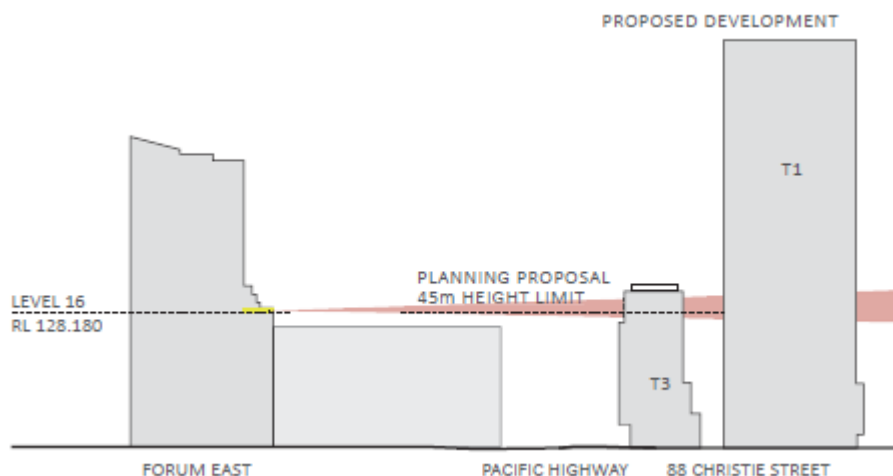


Figure 62. View from **Level 16** to the south from *The Forum East* residential tower. The view loss and non-compliant portion of the commercial building with the LEP height control is shown in pink (Source: PTW Architects).



Figure 63. Estimated view loss to the south from **Level 16** of *The Forum East* residential tower. The building separation has been increased to 24m under the proposed development.

A view analysis of the development scheme under the Planning Proposal at Level 16 is provided at **Figure 64** and shows the approximate location of the iconic Harbour Bridge.

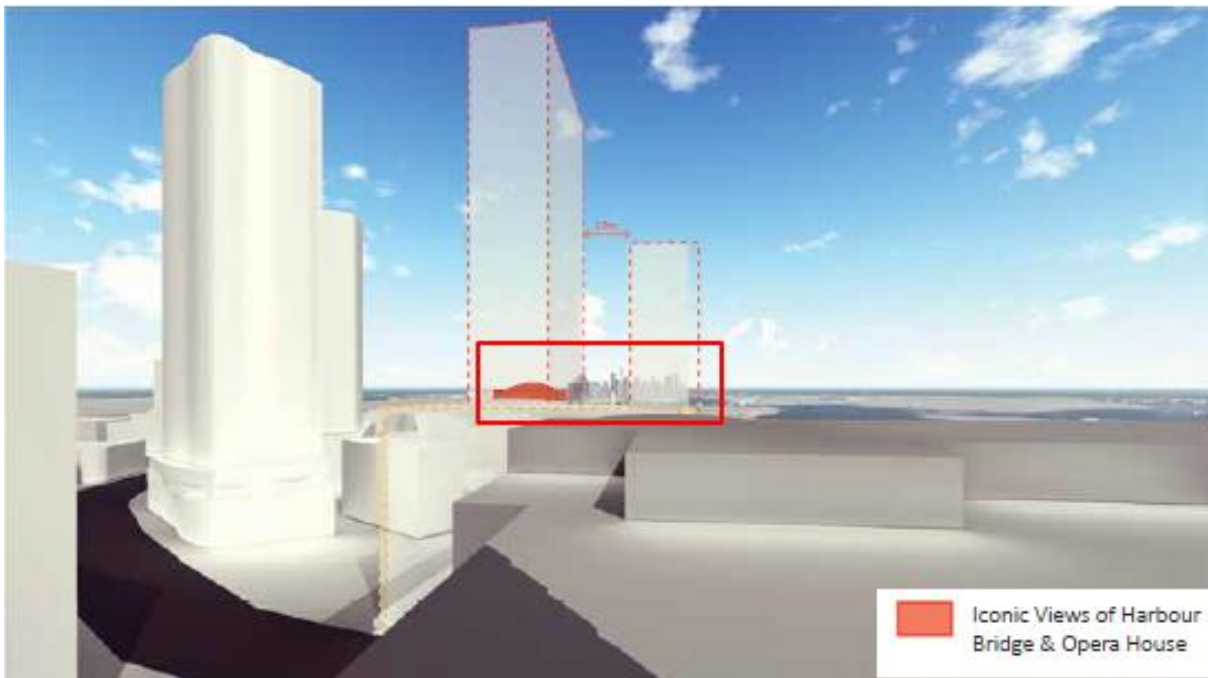


Figure 64. View from *The Forum East* **Level 16** (**Approved Planning Proposal**). The view corridor is based on a 22m separation between the two (2) mixed-use towers (Source: PTW Architects).

The extent of view loss submitted by the applicant at Level 23 of *The Forum East* tower is depicted in **Figures 65 & 66** below.

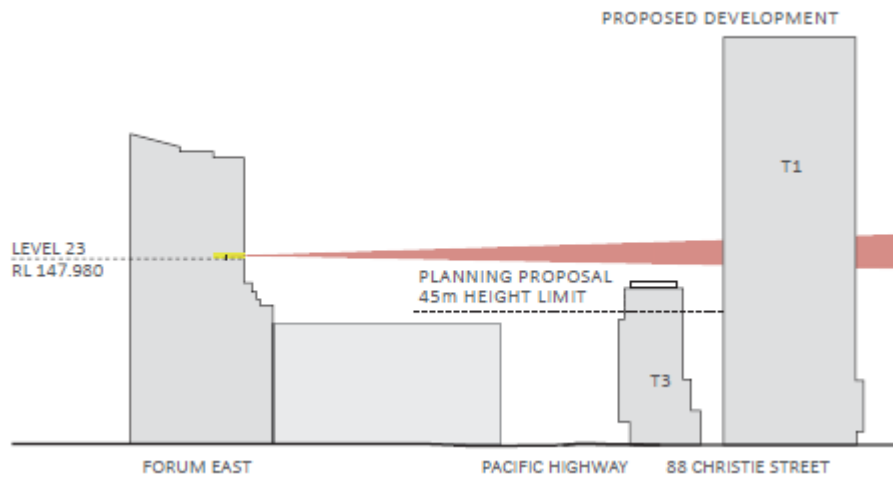


Figure 65. View from **Level 23** to the south from The Forum East residential tower. The view loss and non-compliant portion of the commercial building with the LEP height control is shown in pink (Source: PTW Architects).



Figure 66. Estimated view loss to the south from **Level 23** of The Forum East residential tower. The building separation has been increased to 24m under the proposed development.

A view analysis of the development scheme under the Planning Proposal at Level 23 is provided at **Figure 67** and shows the approximate location of the iconic Harbour Bridge.

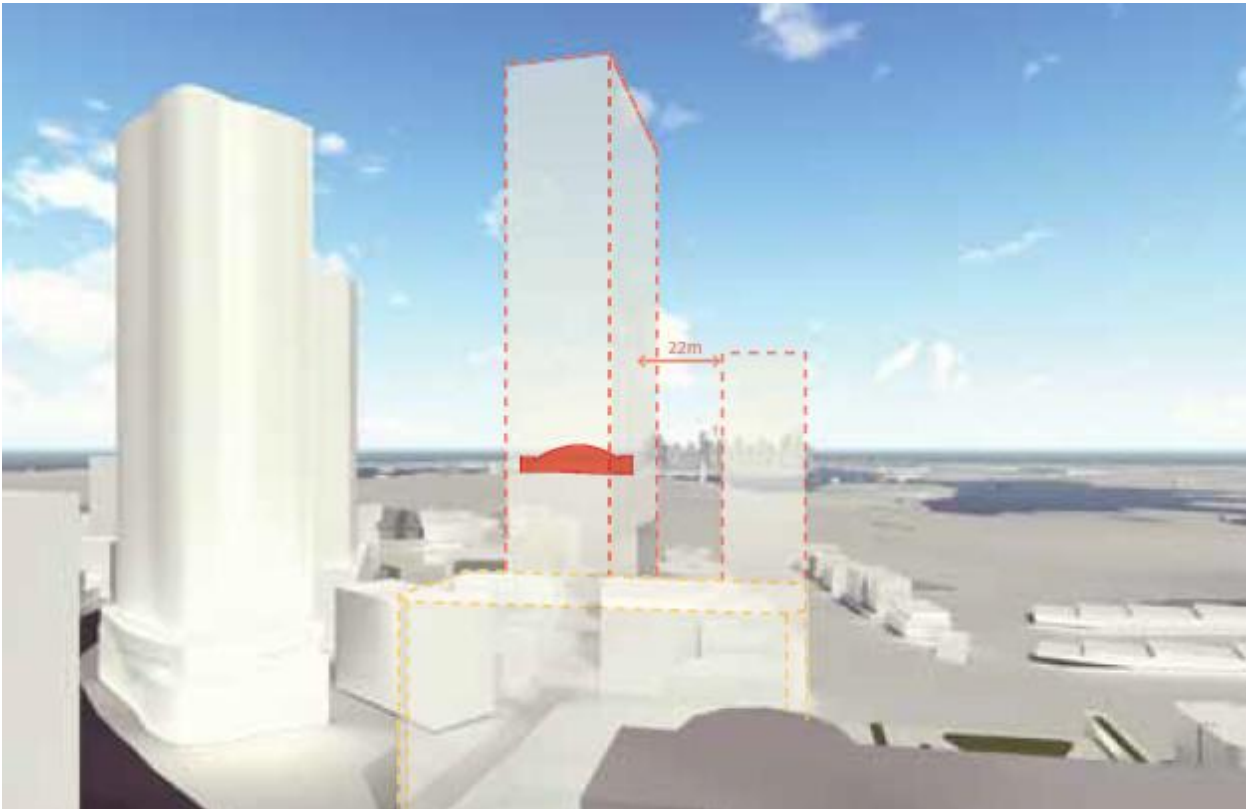


Figure 67. View from The Forum East **Level 23 (Approved Planning Proposal)**. The view corridor is based on a 22m separation between the two (2) mixed-use towers (Source: PTW Architects).

A comparison of the extent of the view corridor from the south-eastern and south-western apartment balcony in The Forum East Residential Tower at Levels 02-06 and Levels 07-26 for the approved planning proposal and the proposed development, is shown at **Figure 68**. This indicates the following:

- the view from Levels 02-06 is not less than the view corridor under the Planning Proposal; and
- the view from Levels 07-26 is larger and more open to the west under the proposed development.



Figure 68. Site plan showing a comparison of the extent of the view corridor from the south-east (left) and south-west (right) apartment balcony in The Forum East Residential Tower in the approved planning proposal (Cone X, shown as blue dotted) and the proposed development. The view cone Y (shown as purple) indicates the view from Level 02-06 and the view cone Z (shown as pink) indicates the view from Level 07-26 (Source: View Analysis by PTW Architects).

4. The reasonableness of the proposal that is causing the impact

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.

The Court poses two questions in *Tenacity Consulting vs Warringah* (2004) NSWLEC 140. The first question relates to whether a non-compliance with one or more planning controls results in view loss.

The second question posed by the Court relates to whether a more skilful design could provide the same development potential whilst reducing the impact on views.

The view loss associated with the proposed development is reasonable and acceptable for the following reasons:

- The proposal facilitates adequate view sharing with The Forum East Residential Tower.
- The built form outcome is consistent with the schematic built-form under the planning proposal.
- The view corridor between the mixed-use towers is now increased to 24m due to a realignment of T1. The resultant loss of views of the less highly valued North Sydney skyline is acceptable on merit.
- The proposal has been carefully and skilfully designed to facilitate view sharing with the adjoining properties. The proposed mixed-use towers are oriented north-south to create

slender building forms and view corridors when viewed from the north. In this regard, a more skilful design could not provide the same development potential whilst reducing the impact on views.

- As evidenced in the submitted view analysis, views from Level 23 of The Forum East tower would be retained of the city skyline including the iconic Sydney Tower.
- The proposal maintains unimpeded views to the south-west overlooking Parramatta River, as well as unimpeded Harbour views to the south-east of North Sydney CBD.
- It would be unreasonable and inequitable to expect that only the northern portion of St Leonards would be developed to facilitate high-rise and high-density development given its proximity to high frequency public transport and strategic location within Metropolitan Sydney. Moreover, St Leonards is one of Sydney's largest office precincts.

Therefore, in view of the analysis set out above, the Panel can be satisfied that the objectives of the standard are met by the development proposal even though it contravenes the height development standard and therefore strict compliance with the standard is unreasonable and unnecessary in the circumstances of the case.

Part B.6 Environmental Management

Clause 6.1: Sunlight to public spaces

The proposal is consistent with the objectives for *sunlight to public spaces* under Clause 6.1 of LCDCP 2010.

Provision (a) requires that new development allows for a minimum of 2 hours of solar access to at least 50% of new and existing public open areas or plazas between the hours of 11am and 2pm on 21st June.

At least 40% of the proposed plaza would receive a minimum of 2 hours solar access between 11am and pm on 21 June. This variation is acceptable on merit. The extensive size of the plaza and proposed density on the site are deemed acceptable environmental grounds to justify the departure. The proposed public space would provide a high level of amenity and would receive adequate sunlight to support the growth of landscaping.

Therefore, the proposal is acceptable with regard to Part 6.1 of Lane Cove DCP 2010.

Clause 6.2: Wind standards for St Leonards

A *Pedestrian Wind Environment Study* has been prepared by Windtech. A total of 66 study point locations were selected for wind analysis.

Lane Cove Council engaged ARUP to undertake an independent assessment of the Report.

Following a preliminary assessment of the Report, a number of issues were identified as follows:

- the wind-tunnel modelling techniques are sound however the presentation and interpretation of results is poor;
- lack of detailed building information and ability to independently check the output;
- the statistical wind speeds in the climate analysis are lower than expected, which would underestimate the wind conditions around the site;
- an incorrect building height has been used to assess the site-specific wind conditions;
- insufficient investigation of the impact of the development on remote locations;
- the report results on images are not fully explained and have implications on the proposed mitigation techniques – it is unclear which criteria (comfort or safety) are exceeded and by which wind event (mean or GEM);
- exceedances of the safety criterion are proposed to be mitigated by planting, which is strongly discouraged by the AWES (2014) *Guidelines for Pedestrian Wind Effects Criteria*, Australasian Wind Engineering Society, 2014;

- the wind conditions exceed the safety criterion at four (4) locations around the site;
- several proposed mitigation measures would not offer sufficient amelioration to the spaces;
- no discussion of results to justify the proposed mitigation;
- photographs don't show necessary details of the model, and no information is provided on the existing configuration; and
- the Report concludes that all tested areas are suitable for their intended use, despite presenting evidence to the contrary.
- wind conditions exceed the safety criterion at four (4) locations (3, 9, 13 and 30) around the site, as shown at **Figure 69**.



Figure 69. Study point locations at Lower Ground Floor (left) and Ground Level (right), and showing the four (4) locations, which exceed the safety criterion (Source: Report by Windtech).

Additional information was provided by the applicant to ARUP to address the above concerns. This information was found to be satisfactory by ARUP, subject to compliance with the recommendations of the *Pedestrian Wind Environment Study*. A condition to this effect is included within the Recommendation.

Clause 6.3: Energy and Water Efficiency for buildings

Clause 6.3 states that 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.

As outlined in the submitted *Sustainability Report*, the commercial component of the development is anticipated to achieve the targeted 5 Star NABERS Base Building Rating.

Part B.7 Development near busy roads and rail corridors

As detailed previously in **Section 9.3** of this Report, the proposal is consistent with the requirements under Clauses 87 and 102 of SEPP (Infrastructure) regarding impacts of rail noise and road noise or vibration on non-rail development.

An Acoustic Assessment has been undertaken by EMM Consulting. The report contains a number of recommendations in order to achieve appropriate internal noise levels such as upgrades to

glazing for certain rooms. A condition is recommended requiring compliance with the recommendations of the Acoustic Report.

Part B.8 Safety and security

A *Safer by Design Report* has been prepared by Urbis and submitted with the DA. The design has been assessed against the four Crime Prevention Through Environmental Design (CPTED) principles of surveillance, access control, territorial reinforcement, and space and activity management. Priority areas identified area as follows:

- car parking
- entry and exit points
- external layout
- internal layout
- Maintenance and management
- Construction.

Council engaged Architectus to undertake an independent review of the *Safer by Design Report*. This is supported by Architectus, subject to a number of recommendations. A condition requiring compliance with recommended CPTED design measures is included within the recommendation, as follows:

Condition:

The following CPTED design measures shall be incorporated into the development:

- Internal walls between the internal corridor and gym are to be transparent to enable sightlines to and improve natural surveillance.*
- Access control is required to outdoor decks, public car parking levels and lower ground level when retail tenancies are not operating.*
- Access control is required between commercial and residential parking basement levels. An aluminium security mesh / heavy duty steel shutter door, or similar is recommended to control access to and between basement levels.*
- Clear signage at all entry points to the building to ensure clear demarcation between different building functions.*
- CCTV cameras are to be installed in the parking area, basement entry point, pedestrian entry points, and communal open space areas.*
- Ceilings and walls in the basement parking area are to be painted a light colour.*
- Lighting is to be provided at entry points (vehicular and pedestrian) and to all communal open space and public areas. This lighting should be automatically controlled by time clocks and/or sensors where appropriate, and provide an energy efficient and controlled lighting environment, in accordance with the relevant Australian Standards.*

The proposal is acceptable with regard to the objectives for *safety and security* under Part B.8 of Lane Cove DCP 2010 (as amended). Architectus is satisfied that the proposal incorporates safety, security and crime prevention strategies in the planning and design of the development.

Provision (a) of Part B.8 requires that building design allows for casual surveillance of access ways, entries and driveways. The proposal complies with provision (a) in the following manner:

- Concealment opportunities such as blind corners and dark alcoves in entry areas, pathways, stairwells, hallways and car parks are avoided.
- Clear sight lines between public and communal circulation spaces are incorporated.

9.8.2 Part C: RESIDENTIAL DEVELOPMENT

Part C.3 Residential Flat Buildings

Part C.3 applies to the residential component of the two (2) mixed-use towers (T1 and T2).

Clause 3.1 General objectives

The proposal is consistent with the objectives for *residential flat buildings*, in the following manner:

- The proposed development achieves a reasonable level of amenity for the residential flat buildings, neighbouring properties and the surrounding area, thereby satisfying objective (1).
- The site is strategically located in close proximity to public transport and facilities and has been designed to achieve sustainable development, thereby satisfying objective (2).
- The proposal incorporates well defined building entries, which are integrated into the design of the development and contribute positively to the streetscape, thereby satisfying objective (3).
- The residential component of the mixed-use towers (T1 & T2) provide a mixture of housing types to meet different household needs, thereby satisfying objective (4).

Clause 3.2 Density

The minimum site area for residential flat developments is 1,500m². Site A is 3191m², which meets the minimum site area requirement for two (2) towers.

Clause 3.3 Building depth

The proposed development is consistent with the objectives for building depth in the following manner:

- The bulk and scale of the development is consistent with the existing and desired future context.
- The development provides adequate amenity for building occupants in terms of solar access and natural ventilation.
- The towers have a north/south orientation to maximise solar access and amenity.

Provision (a) stipulates that the maximum residential flat building depth is to be 18m (excluding balconies). Whilst, the proposed towers do not strictly comply with provision (a), separation between the two (2) towers satisfies the ADG requirements for building separation. Moreover, the development satisfies the objectives for the control.

Therefore, the depth of the mixed-use towers (T1 & T2) is acceptable on merit.

Clause 3.4 Building width

Provision (a) states that the maximum overall width of the building fronting the street shall be 40m. Greater widths may be permissible if the proposed building articulation is satisfactory in the streetscape.

The width of T2 fronting the public plaza and the width of T1 fronting Christie Street meets the maximum 40m width requirement at ground level. The massing of the buildings at ground level is broken up by through-site-linkages and façade articulation. The upper levels, whilst not strictly compliant with the 40m width requirement, have been designed to avoid continuous building bulk and massing through façade articulation using balconies, glazing, materials, and varying setbacks.

Therefore, the proposal is acceptable with regard to Clause 3.4.

Clause 3.5 Setbacks

Front/Street

The front setback of towers T1 and T2 is consistent with the prevailing setback along Christie Street and Lithgow Street.

Side and rear

The setback controls for mixed-use development are provided in Part D of Lane Cove DCP 2010.

General

Awnings, balconies and blade walls and other articulation elements are permitted to encroach into the required setback zone. The proposal is acceptable in this regard.

Clause 3.6 Building separation

Building separation requirements under the *Apartment Design Guide* (ADG) prevail. The residential component of the mixed-use towers satisfies the separation requirements under the ADG.

Clause 3.8 Excavation

The proposed excavation to meet Council's requirements for on-site parking is supported.

General terms of approval have been provided from Sydney Trains and RMS regarding excavation adjoining a rail corridor and classified road (Pacific Highway).

Suitable conditions are recommended to ensure no damage occurs to Council infrastructure and properties deemed to be in the zone of influence, as determined by a suitably qualified professional engineer, during construction and site works.

Clause 3.9 Design of roof top areas

The Level 26 rooftop of Tower 2 incorporates a communal roof terrace, including a swimming pool. A direct, accessible path of travel is provided at Level 02 to residents of T1. The proposed roof terrace has been designed having regard to acoustic, privacy, safety, security, solar access, and wind impacts. Architectus, who carried out an independent SEPP 65 review commended the design and amenity offering of the roof terrace.

Suitable conditions are recommended to ensure the rooftop terrace is installed with appropriate facilities to enhance amenity and useability, and to ensure appropriate soil conditions and subsurface drainage for the survival of planting on structures.

Clause 3.10 Size and mix of dwellings

The internal unit size of all units meets the minimum area requirements under the ADG, thereby satisfying provision (a).

Provision (b) states that the residential component of mixed-use development should include a mix of 1, 2, and 3-bedroom units, with at least 10% of each unit type provided. The development provides a mixture of unit types with the provision of 3+ bedroom units accounting for 9.3% of the unit total. This variation is reasonable and acceptable on merit.

Clause 3.11 Private open space (balconies and terraces)

Each dwelling is provided with private open space in accordance with ADG requirements.

Clause 3.12 Ceiling heights

Ceiling heights of the non-residential uses at the Lower Ground/Ground Levels and residential uses above comply with the minimum ceiling height requirements under the ADG.

Clause 3.13 Storage

Storage provision is in accordance with ADG requirements.

Clause 3.14 Solar access

The proposed development provides reasonable solar access to habitable rooms and recreation areas in accordance with the objective of Clause 3.14.

70% of apartments would achieve full solar compliance with the ADG solar access requirements, thereby satisfying provision (a).

Clause 3.15 Natural ventilation

In accordance with ADG requirements, 60.3% of apartments (measured up to 9 storeys) are naturally cross ventilated, and no cross over or cross through apartments exceed 18m.

The design of single aspect apartments seeks to maximise natural ventilation through the inclusion of plenums, vertical ventilation shafts and building indentations with a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells.

Clause 3.16 Visual privacy

The building has been designed to provide reasonable levels of visual privacy externally and internally, whilst promoting passive surveillance of the public domain.

The proposal is consistent with ADG requirements with regard to privacy.

Clause 3.17 Communal open space

The quantum of communal open space is compliant with ADG requirements and provision (a) of Clause 3.17. Equitable access to communal open space areas would be provided to the residents of T1 and T2, which includes a direct, secure and accessible path of travel to the Level 26 roof terrace on T2 from T1. Roof terraces are encouraged under provision (b) of Clause 3.17.

Clause 3.18 Landscaped area

The lack of deep soil planting on the site is supported on the basis of the site's urban location in a predominantly office precinct. This is offset by the inclusion of new plantings along Christie Street and significant planting on structures carried vertically throughout the development. Softworks and concept landscape plans have been prepared by Arcadia and are supported by Council's Landscaping Officer, subject to recommended conditions of consent.

Clause 3.19 Planting on structures

Planting on structures have been incorporated into the landscape design to contribute to the quality and amenity of communal open space areas, the public plaza and general amenity of the development.

Suitable conditions are recommended to require appropriate soil depths for specified plantings in the plant schedule submitted by Arcadia, and subsurface drainage requirements, to ensure the survival of plants.

9.8.3 Part D: Commercial development and mixed-use

Part D.1 General provisions

Clause 1.1 Building form

1.1.1 Building to street frontages

The proposed development is consistent with the objectives of *building to street frontages*, as follows:

- to reinforce strong definition of streets and public spaces in the commercial and mixed-use zones; and
- to improve pedestrian amenity and the quality of the public domain.

Provision (a) requires that developments within Zone B4:

- is to have street frontages built predominately to the street alignment; and
- a street setback of maximum 2m, which can be used as outdoor seating for a café.

The proposal is consistent with provision (a). The ground floor level of T1 achieves a 4m setback from Christie Street with a restaurant terrace built to the street alignment in the south-eastern corner. The upper levels of T1 provide a 2m setback. T2 is generally built to the former Lithgow Street alignment at Ground floor, providing an appropriate setback to the public plaza.

1.1.2 Street frontage heights

The proposed development incorporates non-residential podiums in order to maintain a pedestrian scale at street level.

The proposal is consistent with the objectives of *street frontage heights*:

- to achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees; and
- to strengthen the urban form through consistent street wall heights.

The heights of the two (2) mixed-use towers comply with the maximum prescribed heights under Lane LEP 2009.

1.1.3 Street frontage activities

The proposed development is consistent with the objective for *street frontage activities*, to provide active frontages and pedestrian-oriented activities that add life, particularly at ground level in the retail streets and major pedestrian streets.

Provision (a) stipulates the requirements for street and lane frontage uses. The proposed development is consistent with provision (a) and provides the following:

- entrances to residential and commercial, which occupy less than 50% of the street frontage;
- retail shops, cafes and restaurants accompanied by an entry from the street;
- legible reception/lobby areas visible from the street and public plaza; and
- integration of suitable screening devices to service doors, substations etc. with the design of the development.

Provision (b) states that opaque or blank walls for ground floor uses shall be limited to 20%. The proposal complies with provision (b).

Provision (c) requires the extent and visual impact of vehicle entries to be minimised. The vehicle entry point from Lower Ground Floor level is located in the rear south-western corner to reduce any adverse impact on the public domain. Amended plans have been submitted reducing the width of the crossing, with the lanes split internally, and increasing the setback from the New Christie Lane street alignment.

Provision (d) requires enclosure on corner sites to define the corner. The proposed development provides suitable corner articulation and definition.

Provision (e) states that all street frontage windows at ground level are to have clear glazing. Provision (f) states that security grilles are to be fitted only within the shop itself and are to be transparent. A condition requiring no security grilles to shops/retail spaces at ground level is recommended to promote activation of the public domain and safety.

Provision (g) requires multiple entrances for large development including an entrance on each street frontage. Entrances are provided from the Pacific Highway, Christie Street, Lithgow Street (public plaza) and New Christie Lane.

1.1.4 Building depth and bulk

Provision (a) stipulates the following requirements for commercial development in all business zones:

(i) The maximum floor plate area of any commercial building is to be 2,000 m², subject to other requirements in this DCP.

The total GFA for the commercial building is 19,321.55m² spread over fourteen (14) levels, plus an additional 632.86m² of retail space at Basement 01 and Lower Ground Level on site D (former Christie Lane). The proposal complies with the maximum floor plate area of 2,000m².

(ii) Buildings with large floor plates must be expressed as separate building elements of not more than 1,000 m².

Each floor plate is broken up into smaller tenancies.

(iii) The horizontal dimensions of any single building facade must not exceed 50 metres.

The northern and southern facades of Tower 3 are approximately 56m in length, which exceeds the DCP requirement of 50m. This variation is supported for the following reasons:

- The building is the full width of the street block. This ensures that the development clearly defines the streets and public domain, and improves pedestrian amenity at street level.
- The proposed width to the full length of the Pacific Highway frontage maximises activation of the public domain, and promotes safety by removing spaces that are ambiguous in terms of public accessibility and safety and difficult to clean and maintain.
- To achieve consistency with the prevailing development pattern.
- Modulation of the southern building façade provides articulation and visual interest, and reduces the perceived bulk from Christie Lane.

(iv) All points on an office floor should be no more than 10m from a source of daylight (e.g. window, atria, or light wells). The depth for office floors with openings on one side should be a maximum of 10m. The depth for office floors with openings on two opposite sides should be a maximum of 20m.

The commercial building comprises back painted glass panels along its northern and southern elevations, thereby providing acceptable solar access.

(v) Use atria, light wells and courtyards to improve internal building amenity and achieve cross ventilation and/or stack effect ventilation.

A sustainability report has been prepared by Northrop Consulting Engineers for the commercial and retail space within the development.

The T3 commercial tower is targeting a PCA Grade A Office Building, which requires a minimum NABERS 4.5 Star Energy Rating without Green Power. The project aims to exceed this criterion by targeting an energy performance equivalent to a 5 Star Base Building Energy Rating.

For the commercial office, centralised air handling units with variable air ventilation units supply air to centre and perimeter spaces. Cooling is supplied by air cooled chillers and heating is provided by gas-fired boilers.

Provision (b) stipulates that for mixed-use developments, the maximum horizontal dimension of the residential component parallel to the street frontage is to be 40m.

The western façade of Tower 2 presents a 56m frontage to the proposed public plaza. This variation is supported for the following reasons:

- The western façade to Tower 2 is highly articulated with varying materials, building setbacks, wintergardens, and planter-box structures (Site E). This is aligned with Council's expectations for the site as outlined during the Planning Proposal process and acknowledged in the executed VPA.
- The articulation elements described above satisfy the intent of the provision, to promote visual interest and avoid expanses of blank, unarticulated walls.
- Whether or not the clause applies is debatable, given that Lithgow street is technically no longer a street under the proposal and would be replaced with a public plaza.

The eastern façade of T1 fronting Christie Street has been modulated to present two (2) separate components, with each component less than 56m.

1.1.5 Building separation

Clause 1.1.5 requires that the separation distance between buildings on the same site to be no less than the setback to buildings in adjoining sites in the same business zonings.

The separation between T1 and T2 is no less than the distance to B4 zoned land to the west of the site at No. 1-13 Marshall Avenue, St Leonards.

1.1.6 Setbacks

The proposal is consistent with the objective for *setbacks*, to reduce the impact of scale as well as assist with cross-ventilation, solar access, privacy, view sharing.

An assessment of the proposed development against the setback requirements under Provision (a) is provided below. Where there is a variation between the setback requirements under this DCP Part and under *Part D – Commercial and Mixed-Use Localities (Locality 1 - St Leonards Key Precincts: B2 Christie Precinct)* (**Section 9.8.4** of this Report), the latter prevails.

Front Setback			
Zone	1-2 storeys	3+ storeys	Complies
B3 Commercial Core	5m	5m	No, however setback requirements for the Christie Street Precinct prevail (Section 9.8.4). The proposal complies with the front setback and colonnade requirements specified for <i>Locality 1: Christie Street Precinct</i>. The approved Planning Proposal and resultant LEP Amendment precludes the ability of development of Site B to meet the setback requirements under Clause 1.1.6, whilst achieving compliance with the building separation requirements under the ADG.

B4 Mixed Use	0m or 3m at ground for suitable use such as outdoor café seating	3m	Partial compliance, but consistent with the objectives of the DCP standard and acceptable on merit. 4m at ground floor to Christie Street (T1) with restaurant terrace to boundary. Level 1 and above is setback 2m from the street alignment. This is acceptable on merit as the objectives of the standard are satisfied.	
Setbacks for secondary street frontages for corner sites				
Zone	1-2 storeys	3+ storeys		
All business zones	0m	3m	Partial compliance 4m at ground floor to Christie Street (T3). Level 1 and above is built to the street alignment. This is acceptable on merit as the objectives of the standard are satisfied.	
Side setbacks				
Zone	1 storey	2 storeys	3+ storeys	
All business zones / shares a boundary with any residential zone	3m	3m	6m	n/a – The portion of the site zoned B3 Commercial Core does not adjoin any residential zone.
Within and among the business zones	0m	0m (commercial use)	6m	Yes – The commercial building satisfies the setback requirements to B3 zoned land on the eastern side of Christie Street.
Rear setbacks				
Zone	1-2 storeys	3+ storeys		
All business zones	3m	6m	Generally, Yes except for the central modulated portion	
Laneway setbacks				
Zone	1 storey	2 storeys	3+ storeys	
All business zones	3m (to allow colonnades & landscaping)	0m (commercial use)	6m	Generally, Yes except for the central modulated portion

1.1.3 Building design and exteriors

The proposed development is consistent with the objectives for *building design and exteriors*, to achieve:

- attractive, cohesive and high-quality streetscapes;
- an appropriate grain and articulation to the building massing and facades;
- an appropriate human scale, sense of enclosure and visual interest to the lower levels of all buildings; and
- architectural excellence with iconic buildings to corners and for towers that terminate street vistas in major centres.

Provision (a) requires that ceiling heights are consistent with the requirements under Part C3.13. The proposed ceiling heights of T1 and T2 are consistent with Part C3.13 and the minimum ceiling height requirements under the ADG.

The schedule of external materials, colours, and finishes; and the proportion and scale of the development would provide a positive contribution to the adjoining streetscapes, in accordance with provision (b).

The development provides flexible building layouts and floor to ceiling heights to permit variable tenancies in accordance with provision (d).

The roof plant on Level 5 of the commercial building (T3) is suitably enclosed and screened from public view.

Provision (g) states that gardens on the top of setback areas of buildings are encouraged. The development includes planting on structures in setback areas for the commercial building, and in the setback area adjoining the communal open space area at Level 02.

Clause 1.2 Excavation

The proposal is consistent with the objectives for *excavation*:

- to minimise the impact of excavation on surrounding properties;
- to achieve reasonable landscaping within developments; and
- to ensure development relates to the street level and the topography.

While no deep soil zones are proposed across the site, the landscape design for the site incorporates significant planting on structures, particularly in public and communal open space areas.

All public areas have been designed to provide access from the street in accordance with accessibility requirements. Moreover, all public areas have been designed to have minimal level changes.

Excavation is generally contained within the footprint of the building.

Suitable conditions of consent are recommended to mitigate any adverse impacts to adjoining properties and infrastructure determined to be in the zone of influence by a suitably qualified engineer.

General terms of concurrence have been provided by Sydney Trains and RMS regarding excavation adjacent the rail corridor and Pacific Highway. These terms have been incorporated into the recommended consent conditions.

Clause 1.3 Design and location of on-site parking

The proposal meets the objectives for on-site parking to:

- Minimise the impact of vehicle access points and driveway crossovers on streetscape amenity, pedestrian & cyclist safety and the quality of the public domain by:
 - (i) designing vehicle access to required safety and traffic management standards,
 - (ii) integrating vehicle access with site planning, streetscape requirements, traffic patterns, cycle routes; and
 - (iii) minimising potential conflict with pedestrians & cyclists.
- Minimise the size and quantity of vehicle and service crossings to retain streetscape continuity and reinforce a high-quality public domain.

The proposed design and location of on-site parking is consistent with Clause 1.3 in the following manner:

- The vehicular entry point and loading dock entry have been consolidated into a single access point accessed from a rear lane (New Christie Lane) in the south-western corner.
- The width of the vehicular entry has been reduced and the setback of the crossing increased from the street alignment to reduce its visual impact on the streetscape.

- The width of the entry is supported by Council's Traffic Engineer.
- Appropriate signage is proposed to effectively manage the entry/exit lane, which is shared between residents, retail customers and commercial tenants. The middle lane between the entry and exit lane would operate as a contra flow lane providing express access to and from the residential car park. Variable signs would be used to provide express ingress and egress for residents during peak periods. The vehicular loading dock access is located adjacent the car park access and is configured as a single-lane, two-way access. Traffic management measures would be implemented to ensure the safe and efficient operation of the loading dock access.
- The location of the vehicular access does not adjoin a residential zone.
- Suitable conditions are recommended to ensure that the basement levels are adequately ventilated in accordance with the BCA and relevant standards.

Clause 1.4 Car parking

The objective of Clause 1.4 is to reduce on-site car parking in proximity to public transport to facilitate use of public and alternative transport modes including walking and cycling.

The amended proposal has reduced on-site parking for the commercial part of the development by sixty-five (65) spaces. Bicycle parking spaces and end-of-trip facilities are provided to encourage active transport linkages. Embellishment of the existing Lithgow Street underground connection would improve pedestrian safety, convenience, and connectivity from the development to St Leonards train station.

Clause 1.5 Awnings

Awnings are required to increase pedestrian amenity by the provision of weather protection, and to create a protected transition between internal and external spaces for public and commercial buildings.

Provision (a) requires continuous frontage awnings on main streets or major retail streets in centres except where colonnades are required.

Continuous awnings are located to the street and plaza to provide weather protection and social activation.

Terms of concurrence from RMS preclude any encroachment into the Pacific Highway frontage of the site (unlimited in height and depth) and land on the southern side of the Pacific Highway between Lithgow Street and the subject site. This requires deletion of the canopy structure along the Pacific Highway Frontage. A condition to this effect is included within the Recommendation.

Clause 1.6 Reflectivity

The proposed development has been designed to restrict the reflection of sunlight from buildings to surrounding areas and buildings that may threaten the comfort or safety of pedestrian, cyclists or drivers.

A Solar Light Reflectivity Analysis has been undertaken by Windtech, which assesses the proposal against the requirements of SEPP 65 and Lane Cove DCP. With the incorporation of recommended measures, the proposal is determined to comply. A condition requiring compliance with these recommendations pertaining to glazing requirements is included within the recommendation.

Clause 1.7 External lighting of buildings

The proposal is consistent with the objective for external lighting, to contribute to the architectural character of the building whilst having regard to efficient use of energy and the amenity of nearby residents.

A condition is recommended to require that outdoor lighting complies with Australian Standard AS 4282-1997: *Control of the obtrusive effects of outdoor lighting*, to mitigate any adverse amenity and glare impacts to nearby residents.

Clause 1.8 Landscaping

The objectives of *landscaping* are to assist with on-site stormwater and groundwater management, and to improve the amenity of developments through the retention and/or planting of large and medium sized trees.

The ADG notes that achieving deep soil planting may not be possible on some sites where the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, and high-density areas). In such a high-density, predominantly commercial precinct as St Leonards, the proposed planting on structures is appropriate to the site.

The proposal incorporates significant planting on structures in the ground floor plaza, Level 1 podium garden, Level 2 podium garden and Level 26 rooftop terrace to support healthy plant and tree growth and enhance residential amenity and air quality.

A condition is recommended to replace any trees being removed at a 1:1 ratio.

Adequate stormwater and groundwater management is proposed and is endorsed by Council's engineer. A rainwater collection system is proposed for landscape irrigation and resident car wash bay.

Clause 1.9 Planting on structures

Planting on structures have been incorporated into the landscape design to contribute to the quality and amenity of communal open space areas, the public plaza and general amenity of the development.

Planter boxes are also recommended to the Level 06 non-trafficable roof area of T3 along the western side of the front northern, western and rear southern elevations and to the rear non-trafficable roof area at Level 03 of T3, as depicted in the submitted perspective drawings. A condition to this effect is included within the recommendation.

Suitable conditions are recommended to require appropriate soil depths for specified plantings in the plant schedule submitted by Arcadia, and subsurface drainage requirements, to ensure the survival of plants.

Clause 1.10 Solar access

The proposed development is required to provide reasonable solar access to habitable rooms and recreational areas of new development.

The overshadowing impacts of the proposed towers was considered in the approved Planning Proposal and determined to be acceptable. Additional overshadowing impacts from the proposed development pertains to the additional height sought for the commercial building. This is discussed in **Section 9.7.5** of this Report and is reasonable and acceptable. It is noted that overshadowing impacts are improved under the proposed development compared to the view impacts that would result from the construction of an 18-storey building previously approved at 88 Christie Street to the rear of T3 (commercial building).

Provision (a) states that commercial and mixed-use development is not to reduce sunlight to dwellings in the adjacent or same zone below a minimum of three (3) hours of sunlight on a portion of the windows of the habitable rooms between 9am and 3pm on 21 June. Provision (b) states that

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.

At 9am on 21 June, the proposed development would cause some overshadowing to low-density residential development to the south-west of the site bounded by Canberra Avenue to the east, Marshall Avenue to the north and Berry Road to the west, as shown at **Figure 70**.



Figure 70. Overshadowing impacts to nearby low-density residential development at 9am on 21 June (Source: Drawing No. DA-93-0101 Revision B, dated 15 October 2018, prepared by PTW Architects).

The majority of these dwellings would be in full sun by 12 midday, as shown at **Figure 71**.

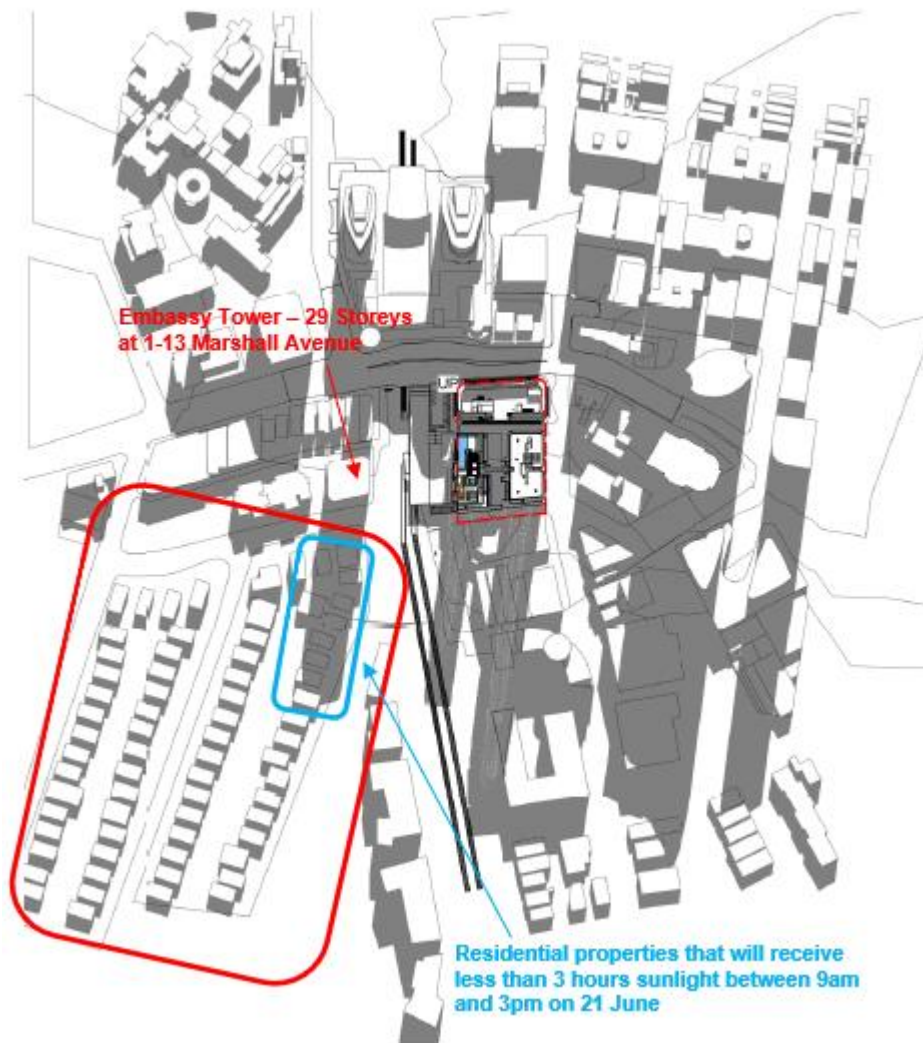


Figure 71. Overshadowing impacts to nearby low-density residential development at 12 midday on 21 June (Source: Drawing No. DA-93-0101 Revision B, dated 15 October 2018, prepared by PTW Architects).

No additional overshadowing is cast by the development on these dwellings at 3pm, as shown at **Figure 72.**

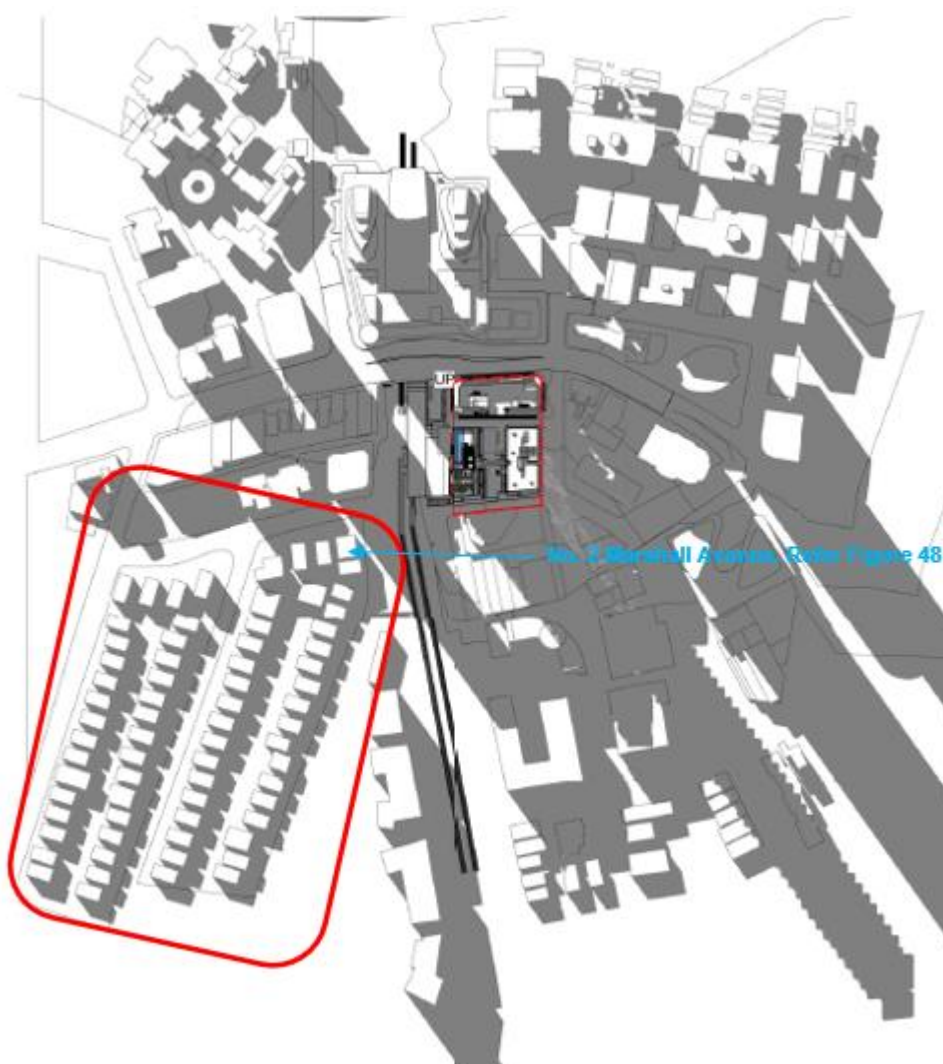


Figure 72. *Overshadowing impacts to nearby low-density residential development at 3pm on 21 June (Source: Drawing No. DA-93-0101 Revision B, dated 15 October 2018, prepared by PTW Architects).*

It is noted that the properties located near the corner of Marshall Avenue and Canberra Avenue would have their sunlight reduced to less than 3 hours between 9am and 3pm due mainly to the recently constructed mixed-use development at 1-13 Marshall Avenue. The overshadowing impacts from the proposed development at 9am on 21 June is consistent with the overshadowing impacts of the development scheme under the planning proposal, and does not result from a height non-compliance. Only a small triangular portion of one property (2 Marshall Avenue) would be impacted by additional overshadowing resulting from the height non-compliance of the commercial building. This is reasonable and acceptable on merit.

Provision (c) prescribes that habitable rooms in at least 70% of dwellings in high density residential developments, should receive a minimum of three hours direct sunlight between 9 am and 3 pm on 21st June in total between any portions of those rooms. In dense urban areas a minimum of two hours may be acceptable. A reasonable proportion of both the common and private open space in those sites is also to receive sunlight during that period, according to the circumstances of the sites.

70.3% of dwellings in T1 and T2 would receive a minimum of three hours direct sunlight between 9 am and 3 pm on 21st June in total between any portions of those rooms.

Provision (d) prescribes that the number of single-aspect dwellings with a southerly aspect (SW-SE) should be limited to a maximum of 10 percent of the total dwellings within a high-density residential development. Developments varying from the minimum standard due to site constraints and orientation must demonstrate how energy efficiency is addressed.

The design of single aspect apartments seeks to maximise natural ventilation through the inclusion of plenums, vertical ventilation shafts and building indentations with a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells.

Clause 1.11 Access and mobility

Provision (a) requires any new development to comply with Australian Standards *AS 1428 Design for Access and Mobility*, *AS 4299 Adaptable Housing*, *AS 2890 Parking Facilities*, *AS 1735 Lifts, Escalators and Moving Walks*, and with the *Part F of this DCP – Access and Mobility*.

A condition to this effect is contained within the recommendation.

An Accessibility Assessment Report has been prepared by BCA Logic. Compliance with the recommendations of the report forms part of the condition.

Clause 1.12 Toilet facilities

Provision (a) requires compliance with *AS 1428 Design for Access and Mobility*. This is addressed above.

Clause 1.13 Signage

All signage is required to comply with *Lane Cove DCP Part N: Signage and Advertising*. This is addressed separately in this Report.

Part D.4 St Leonards (B3) Commercial Core Zone and Mixed Use

Clause 4.2 Desired future character of St Leonards

The proposed development is consistent with the objectives for the desired future character of St Leonards, as outlined under Clause 4.2 of Part D of Lane Cove DCP 2010, in the following manner:

- The development would create a vibrant and exciting mixed-use precinct to live and work.
- The development would provide a public plaza that benefits from good solar access and amenity that is linked to the public transport nodes of rail and bus services.
- The development encourages activation of Pacific Highway, Christie Street, Christie Lane, and New Christie Lane and achieves an appropriate pedestrian scale through podiums and design excellence.
- The development is aligned with state-led strategic planning documents to deliver housing supply and employment opportunities within a transit-oriented development corridor.
- The proposal would maintain and enhance the leafy character of the southern side of St Leonards and creates new opportunities for vertical landscaping.

Clause 4.3 Built form

Provision (a) states that new development along the Pacific Highway opposite St Leonards station is to comply with the block diagram, as shown at **Figure 73**. The proposed development is generally consistent with the block diagram. The proposed commercial building is comprised of a colonnade design with two (2) storey clearance height, as shown at **Figure 74**.

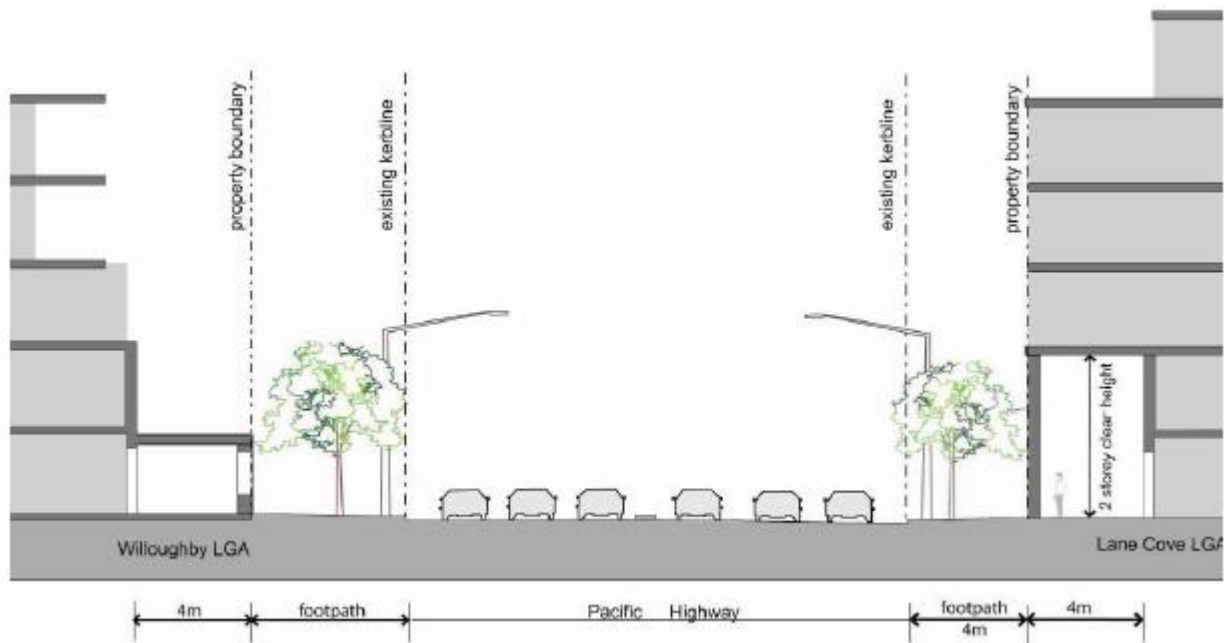


Figure 73. Require setbacks and colonnade design.



Figure 74. Proposed colonnade design to the commercial building with frontage to the Pacific Highway.

The commercial building is built to the street alignment with Y frame colonnade contained within the property boundary, as shown at **Figure 75**.

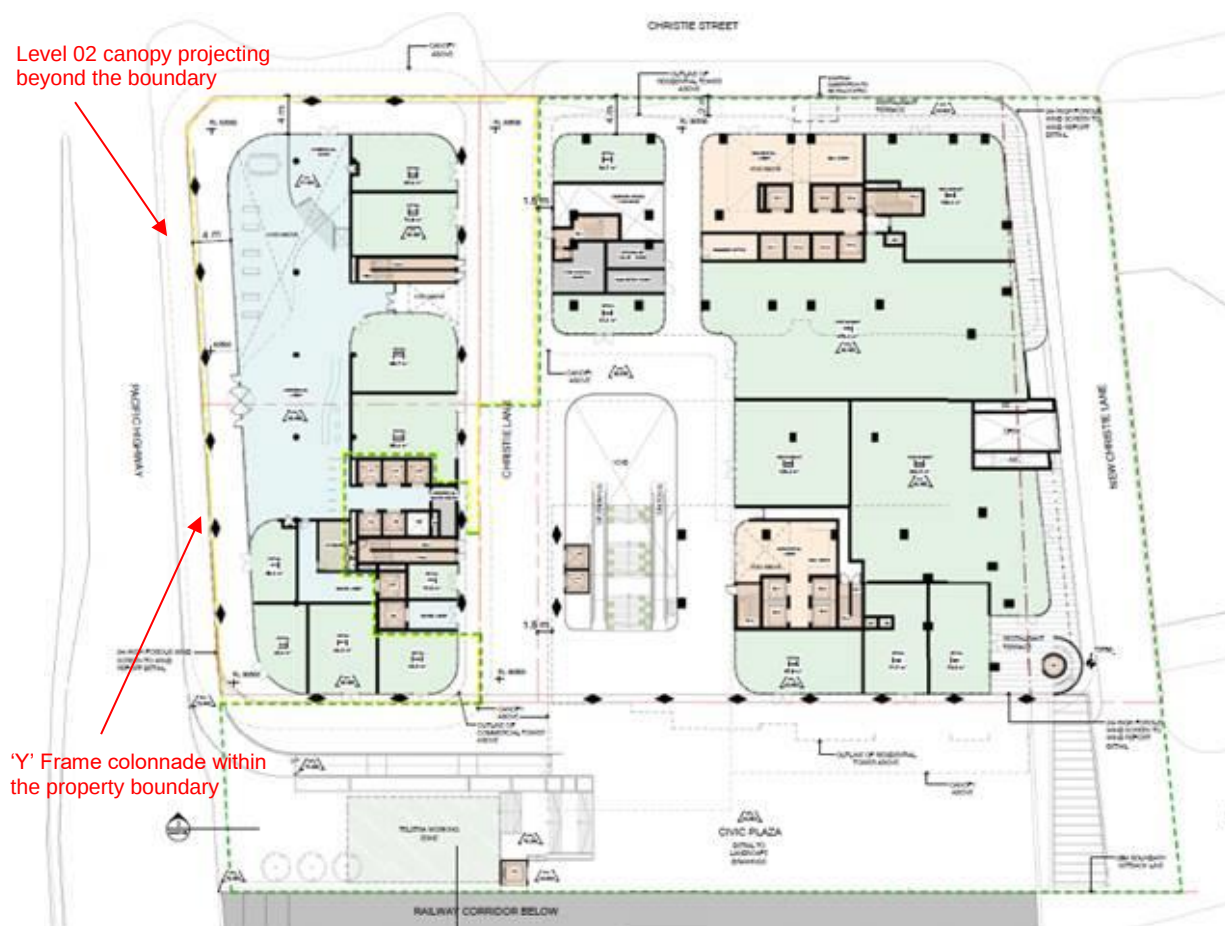


Figure 75. Ground floor plan (Source: PTW Architects, Drawing No. DA-10-2000, Revision I, dated 15 October 2018 showing the projection of the Level 02 awning beyond the property boundary over RMS owned land.

Condition 1 of RMS concurrence, dated 24 October 2018, states that “all buildings and structures together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth) along Pacific Highway boundary”. Condition 10 states that that the land on the southern side of the Pacific Highway between Lithgow Street and the subject site, as shown in green at **Figure 76**, should be dedicated to RMS and identified as a separate lot/part of the common property in any proposed plan of subdivision.



Figure 76. RMS land dedicated as 'road' along the Pacific Highway frontage.

Accordingly, any future development (including Public Domain Works) shall be setback from this new boundary.

RMS has confirmed in writing (25 October 2018) that plantings may be incorporated along the Pacific Highway, however, these must meet RMS requirements for plantings in 'Clear Zones'.

In response to the constraints from RMS, the following conditions are recommended:

- The canopy to the commercial building at Level 02 shall be deleted where it encroaches RMS dedicated land along the Pacific Highway Frontage (Condition (i) of RMS concurrence) and land required to be dedicated to RMS on the southern side of the Pacific Highway between Lithgow Street and the subject site (Condition (x) of RMS concurrence).
- The 'Y' supported colonnade along the Pacific Highway frontage shall be contained wholly within the freehold property (unlimited in height or depth).
- No portion of the public plaza shall encroach land to be dedicated to RMS on the southern side of the Pacific Highway between Lithgow Street and the subject site.
- Plantings shall be incorporated along the Pacific Highway frontage that comply with RMS requirements for 'Clear Zones', with details submitted to Lane Cove Council for Approval.
- The upper level awnings to the commercial building, as shown at **Figure 77**, shall be contained wholly within the freehold property (unlimited in height or depth).

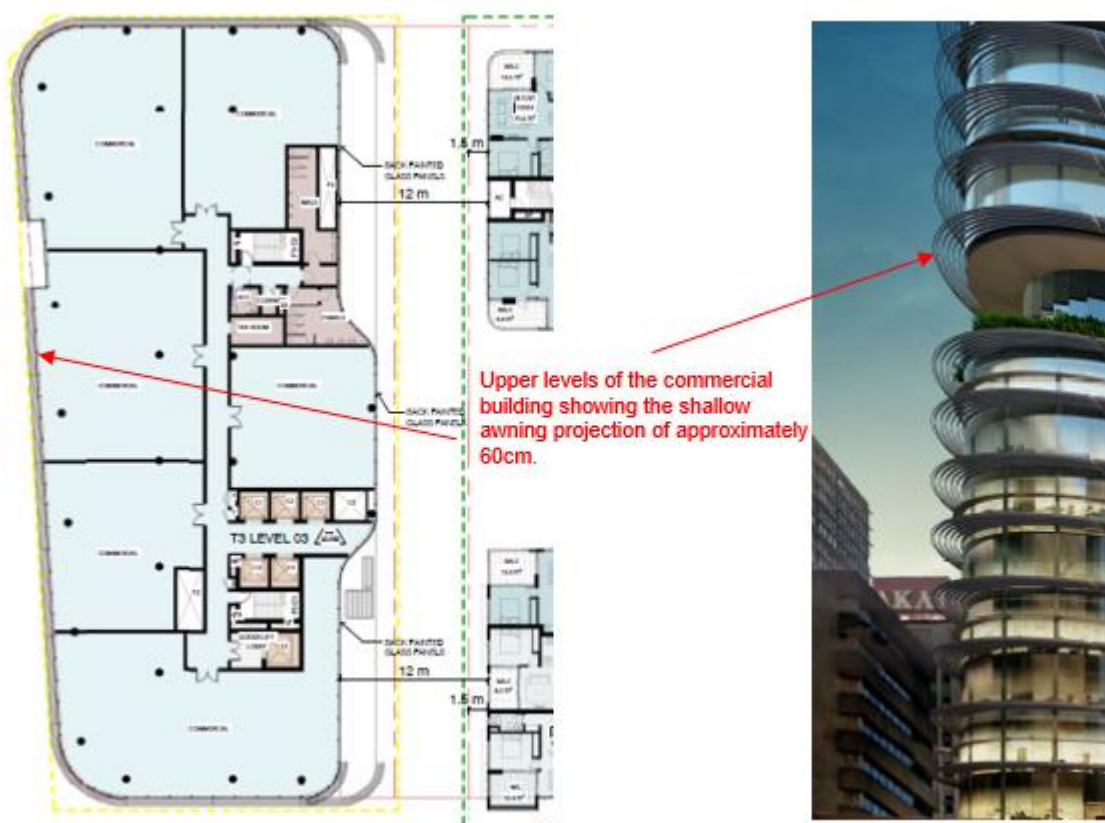


Figure 77. Indicative plan showing the upper level awnings to the commercial building (T3).

Provision (b) of Clause 4.3 requires development for major blocks to be a tower or podium form to mitigate against wind impacts and achieve a human scale at the street. The commercial building includes a podium form and includes wind amelioration measures. The submitted *Pedestrian Wind Assessment Report* has been independently reviewed by ARUP. The report is endorsed, subject to compliance with the recommendations. A condition to this effect is included within the recommendation.

Provision (c) does not apply, as the site is not identified as a 'gateway' corner in the block plan.

The development is consistent with provision (d), which requires tower forms to be oriented with their long axis running north-south to minimise their visual impact to Pacific Highway and ensure separation between the towers to allow view sharing, solar access, and wind movement.

Clause 4.4 Separation

Provision (a) states that no tower should be located closer than 12m from an adjacent tower in order to avoid a continuous secondary street wall extending the length of the block along the highway. The siting and layout of the commercial building and towers has been designed to maintain acceptable privacy amenity, and to achieve a high standard of articulation and modulation to the facades, and to satisfy ADG requirements.

Clause 4.5 Public open space

The development provides for a public plaza to the east of the rail corridor, as required by provision (a). The public plaza is dedicated under the executed VPA and would be developed as part of the Stage 1 construction, thereby satisfying provision (b). The public plaza has been designed to integrate with future expansion of the plaza over the rail corridor.

Clause 4.6 Colonnades

In accordance with provision (a) colonnades are provided to the commercial building as per the *block diagram*. The setback/depth of the colonnade is sufficient to provide for seating if required, whilst still maintain adequate space for pedestrian access.

In accordance with provision (c), a 4m wide setback is provided from the property boundary.

Part D.5 Development within (B4) mixed-use zone

The proposed development is consistent with the objectives of development in mixed-use zones, the following manner:

- The development would create lively streets and public places.
- The proposal would provide a range of shopping and recreational activities for workers, residents, and visitors.
- The vehicular entry has been consolidated into a single aspect point in the rear south-western corner to reduce impacts on the public domain and reduce conflict between pedestrians and vehicles.
- The development is accompanied by concept landscape plans for the site to ensure adequate tree canopy and plantings.
- The development has been designed to provide clear, legible entries from all streets and public plaza, and encourages safe access and circulation.

Clause 5.1 Floor to ceiling heights

Provision (a) requires compliance of the residential component of mixed-use development with Part C3.13. The proposal is consistent with Part C3.13 and the minimum ceiling height requirements under the ADG.

Clause 5.2 Building separation

Provision (a) states that the building separation controls under the ADG for SEPP 65 shall apply to the residential component in mixed-use development. The proposal is acceptable with regard to the building separation requirements under *Part 3F: Visual Privacy* under the ADG, as discussed in **Section 9.5** of this Report.

Clause 5.3 Hours of operation for lighting

Provision (a) requires external lighting to operate from dusk until dawn on Thursday, Friday, and Saturday nights, and from dusk until midnight on other nights.

Provision (b) requires that the control to operate lighting is initiated by a suitably adjusted / calibrated photo-electric switch. A condition requiring compliance with provision (a) and (b) is contained within the recommendation, subject to compliance with AS Australian Standard AS 4282-1997: *Control of the obtrusive effects of outdoor lighting*, to limit the obtrusive effects of outdoor lighting in public places and protect the amenity of neighbouring residences.

Clause 5.4 Noise

Provision (a) stipulates the maximum noise level for noise generated by residents, visitors, retail and commercial uses, and mechanical plant.

A comprehensive acoustic assessment has been undertaken by EMM Consulting. A condition requiring compliance with the recommendations of the report is contained within the recommendation.

Clause 5.5 Non-residential facilities

The proposal is consistent with the requirements for non-residential facilities, as follows:

- The development provides a variety of different sized non-residential spaces, thereby satisfying provision (a).
- The proposal provides a variety of outdoor and indoor communal spaces including a gymnasium, communal courtyards at Level 01 and 02, public plaza at ground level, and rooftop terrace, thereby satisfying provision (b).
- The library includes the dedication of a 1,000m² public library, thereby fulfilling provision (c).
- Common areas for residents would receive compliant solar access with ADG requirements, thereby meeting provision (d).
- Common areas (including principal building entries) are accessible by all people in accordance with provision (e).

Clause 5.5.1 Communal and private open space

Provision (a) states that communal open space is permissible but not mandatory in mixed-use development. The proposed quantum of communal open space complies with ADG requirements.

Provision (b) states that open space may be provided in the form of roof decks, balconies, podiums, or terraces. The development includes a rooftop open space area to T2. Each unit is provided with a balcony that meets the minimum dimension and area requirements under the ADG.

Provision (c) states that the communal and/or private open space should not occupy the full frontage to the main street. The public plaza has frontage to former Lithgow Street to the west, and not to the main streets being Pacific Highway and Christie Street.

Provision (d) states that where it is not possible to provide open space on ground floor, it can be provided on podium level. The development includes Level 01 and 02 courtyards, a rooftop terrace and public plaza at ground level.

Provision (e) states that open space should follow the design principles and standards set by the ADG under SEPP 65. The proposal satisfies this requirement.

Clause 5.6 Access, entries and servicing

The development satisfies provision (a) by providing separate commercial service requirements, such as loading docks, from residential access, servicing needs and primary outlook.

Provision (b) states that clearly demarcated residential entries are to be provided directly from the public street. Provision (c) states that commercial and residential entries and circulation are to be separate. The proposal is acceptable with regard to provision (b) and (c).

Provision (d) prescribes that safe pedestrian routes are to be provided through the site. The development provides through-site linkages to facilitate safe pedestrian access through the site and connectivity with the wider precinct.

Clause 5.7 Residential component within mixed use development

Clause 5.7 states that the provisions contained within the policies/environmental planning instruments listed below apply to the residential component within mixed-use developments:

- *Part C: Residential flat buildings* of Lane Cove DCP 2010; and
- *Apartment Design Guide* associated with SEPP 65.

The proposal is acceptable with regard to Part C of Lane Cove DCP 2010, the Apartment Design Guide, and SEPP 65.

Clause 5.7 also requires that residential development within mixed-use developments comply with the following:

- a. *Studio apartments are to have a minimum size of 40m². This area is exclusive of common circulation areas such as lift lobbies, corridors, etc and balconies and terraces.*

Two studio apartments are proposed. Unit 11606 has an area of 46.2m². Unit 13206 has an area of 46.6m². These units have been reconfigured to meet the definition of *studio apartment* under the ADG.

- b. *Provide a minimum 10% of dwellings as adaptable housing if the total number of dwellings exceeds 9, integrate the affordable and adaptable housing components, do not isolate them or use a different standard of materials and finishes.*

10.1% of the total units are provided as adaptable housing.

- c. *Design common corridors with a minimum width of 2m to be accessible and facilitate movement.*

The *Accessibility Assessment Report* states that corridors are less than 2m in width, however are capable of full compliance with the dimensional requirements, including passing and turning space requirements of the BCA.

- d. *Minimise the amount of glazed area on the eastern and western elevations and incorporate shading devices.*

Appropriate shading devices are installed to the eastern and western elevation of the towers to satisfy BASIX requirements.

9.8.4 Part D: Commercial Development and Mixed-Use Localities **Locality 1 – St Leonards Key Precincts: B2 Christie Precinct**

The subject site is located within *Block 2*, as shown at **Figure 78**.



Figure 78. Block 2: Christie Precinct (Source: Lane Cove DCP 2010).

The urban structure / fine grain details for Block 2, is shown at **Figure 79**.

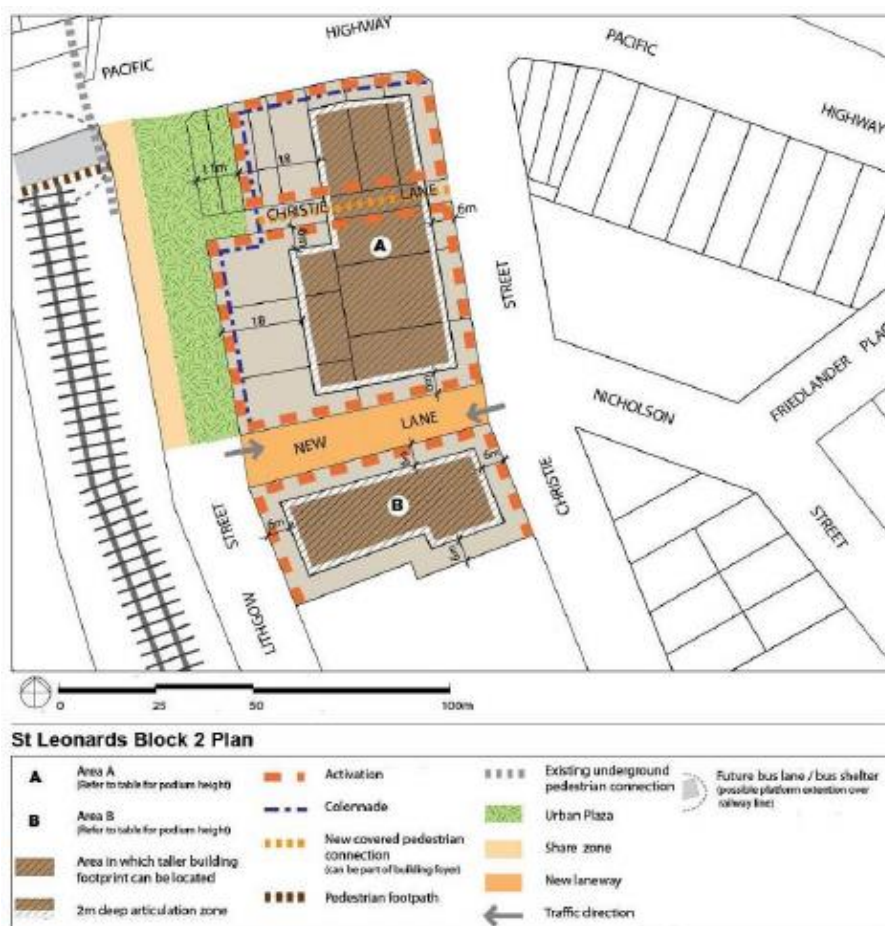


Figure 79. Urban structure plan for Block 2: Christie Precinct (Source: Lane Cove DCP 2010).

The proposal is consistent with the objectives for development within *Block 2: Christie Precinct*, as follows:

- To create a distinctive character onto the Pacific Highway and the 'heart' of the southern side of St Leonards.
- To provide a major high-quality public plaza or town square to the west of podium A. This public open space is to include the upgrade of the existing pedestrian link to the station. Ideally the link should be provided as part of a 1-2 storey kiosk building development adjacent to the rail line.
- To provide high quality tower forms.
- To provide a new laneway connector to provide an improved vehicular and pedestrian connection to the rail underpass.
- To provide safety and amenity.
- To maintain public amenity including solar access to the park on southern end of Christie St.

An assessment of the proposal against the DCP built form requirements is provided below:

Note: Only the provisions pertaining to *Site A* apply, as per the Block diagram above.

Control	Provision	Proposed	Complies
Floor space ratio	LEP control		
Building Line Setbacks – Plaza/Street Ground Level – min	Site A 0m - from Rail Plaza – balconies may extend over Plaza 4.0m - from Christie St Site B	- The proposed development complies with all setback controls at ground level. - Articulation zone provided to western elevation of T2 (Site E) as required by Council. - Retail land uses are proposed on the ground floor along the proposed public plaza, Christie Lane, and parts of Christie Street. Activation would also be achieved with the proposed lower ground floor library.	✓
Building line setbacks - above Ground Level – Non- Residential - min.	Site A 0m from Rail Plaza 0m - from Christie Lane south side 4.0m - from Christie St Otherwise as per SEPP 65 requirements.	- The commercial building (T3) complies with all ground and above ground level setbacks, and provides a 4m wide colonnade design along each of its frontages. - Tower 2 complies with all required setbacks. - Tower 1 generally complies with required setbacks however does not comply with the upper level setback of 4.0m from Christie Street.	✓ T1 partially complies with prescriptive standard while fully complying with the objectives. This variation is supported for the following reasons: - The objectives of the DCP standard are met. - The buildings comply with the ADG separation distances, with a minimum 12m setback provided from T1 to the centre line of Christie Street. This allows a 24m separation between the two towers in accordance with ADG requirements. A 22m separation was proposed under the Planning Proposal. - No adverse amenity impacts in terms of views, solar access, and privacy would impact adjoining development. - The setback would not alter the ability to achieve landscaping along the Christie Street frontage. (7) new London Plane Trees are proposed. - A visual analysis has been provided by the application to demonstrate that there is no perceptible difference between a compliant scheme and the proposed development. The inclusion of awnings along the

Control	Provision	Proposed	Complies
			Christie Street frontage means that the non-compliant setback of the upper levels would not be readily discernible at street level.
Building line setbacks – from site boundary min - Residential towers – min.	Site A as per the Apartment Design Guide with the exception of: 0 m - from Rail Plaza 1.5 m - from Christie Lane south side 4.0 m - from Christie St 6.0 m - from southern boundary	- The residential component of the mixed-use towers meets the required building line setbacks with the exception of the 4m to Christie Street. - A 2m upper level setback is proposed to Christie Street. This variation is supported as discussed above.	✓ The variation sought to the 4m setback requirement is discussed above and is acceptable on merit.
Building Separation (min)	22 m - to other residential tower on the site. 24m - to buildings across road.	The proposal complies with the ADG requirements for building separation between the towers and adjacent development.	✓
Floor to Floor Height min	- Non-Residential - Ground Level: 4.8m minimum - Non-Residential - each level, other than retail: 3.6m minimum	- The proposed floor to floor heights are compliant with the DCP provisions for non- residential floors. - Additional floor to floor heights are proposed adjacent to the new public plaza but are stepped down to Christie Street.	✓
Rail Plaza Articulation Zone	Balconies and building elements (including GFA areas) may extend up to 4m beyond the building line for up to 40% of the building facade, to articulate the building.	- The articulation zone provided over the rail plaza does not extend past 4m in width. - The projections account for more than 40% of the façade area.	✓ The variation to the 40% articulation requirement is supported. The modulated façade over the plaza (<i>Site E</i>) is consistent with Council's guidelines, minimises the perceived bulk and promotes visual interest. The highly articulated façade is also endorsed by Architectus in their SEPP 65 review.
Pedestrian Link	Between Lithgow St (Rail Plaza), Christie St, Christie Lane and internal courtyard a public internal courtyard/ food court is to be provided at ground level (Rail Plaza level) – min. 20m width.	- A largely public internal courtyard is provided as part of the development with direct access to ground level of the retail plaza with a min. width of 20m. - A large food court style retail offering is provided at Lower Ground level directly connected to this courtyard.	✓
New Laneway and Mid-Block Connection	Relocate Christie Lane to south - adjacent to 80 Christie Street.	The proposal includes New Christie Lane on the southern boundary of the site, adjacent to	✓

Control	Provision	Proposed	Complies
	Provide new pedestrian mid- block link generally in the existing location of Christie Lane. For provision of 6m carriageway and 2m footpath on each side. Minimum 2 storeys height. Minimum 6m width lined with active uses, retail. To provide direct connection linking Christie Street and Rail Plaza.	80 Christie Street. - The existing Christie Lane has been transformed into a new pedestrian mid- block link. - The New Christie Lane has a total width of 8m (unlimited in height), including a 6m carriageway. However, due to turning circle requirements and the existing development to the south of the site a 1.5m wide footpath is provided on the northern side of the new lane, and a 0.5m footpath is provided on the southern side, complying with Council's public domain requirements. Note: A 2m shared pedestrian/cycle path is detailed under the VPA and is proposed to be amended accordingly. - The pedestrianised Christie Lane and the New Christie Lane would provide a direct connection between Christie Street and the future rail plaza that would be highly activated with retail tenancies.	
Other			
Uses - General	Encourage uses which operate during evening and early morning hours, such as cafes and restaurants, community facilities, gymnasiums and other facilities, to encourage activity and safety outside office hours. Provide active uses at street level and flanking public spaces. In the tower form, provide a range of housing options.	- Ground/Lower Ground floor uses fronting the proposed public plaza and surrounding public domain include retail tenancies and a public library. - While the proposed operating hours of the supermarket and retail tenancies is 6:00am to 12:00am, seven days, it is likely that the retail hours of operation would vary. Several retail tenancies are also proposed to accommodate cafes and restaurants which would encourage activity and additional surveillance to the public domain outside of general office hours. Tenancy fit-out and hours of operation would be confirmed as separate applications. - A CPTED Assessment Report has been prepared. A condition is recommended to require compliance with the recommendations of the report.	✓

Control	Provision	Proposed	Complies
		The proposal includes a variety of housing options.	
Uses - Supermarket	A full-sized supermarket is required to be constructed and provided on Site A. This supermarket is to be located in the basement and be a minimum of 3,000sqm GFA.	A supermarket tenancy has been included in the basement of the site of 3,630.3sqm.	✓
Landscaping/ Open Space	New street trees, paving and verge upgrades to be incorporated into the site development. Landscaping elements are to be incorporated into non- residential levels' facades.	- Concept and softworks landscape plans have been prepared by Arcadia. - The public domain upgrades are integrated into the design of the development. - Vertical landscaping in the form of planter boxes and rooftop open space area is integrated into the landscape design.	✓
Public Domain	The SEE is to demonstrate how the proposal contributes positively to the overall precinct- wide public domain. Compatibility with the St Leonards Public Domain Master Plan should be indicated. Signage, paving etc are to assist "navigation" along destinations paths of travel. Bike facilities are to be provided.	- This SEE demonstrates the contributions of the proposal to the public domain and compatibility with the St Leonards Public Domain Master Plan. - The proposed new Public Plaza includes a new children's play area, raised planting, seating and direct access to the pedestrian underpass to the St Leonards Station. - An Accessibility Report has been provided with the DA. Compliance with the recommendations of the report is enforced through a condition of consent. - Bike facilities are proposed within the end of trip facilities within the basement, and additional visitor bicycle spaces can be facilitated within the ground level public domain.	✓
Façade Colours and Materials	A mixture of non-reflective façade materials and colours are required to emphasis the podium level non- residential form and residential towers as separate elements. Soft, natural materials such as timber are encouraged at ground level. External materials to be durable with a high-quality finish.	- The proposed façade colours and materials are of high quality and are durable. They include natural tones including copper, gold, orange, brown and grey. - The podium retail level on Towers 1 and 2 are delineated from the above residential tower form with the use of different designs, colours and materials. The different components are divided by a dark grey painted concrete slab.	✓

Control	Provision	Proposed	Complies
	Façade detailing to also address shading, wind protection and solar access considerations.	- The podium level is a simple design, primarily comprised of a glazed façade and timber/glazed canopies above. The towers above have a mixture of orange/grey perforated metal panels, cortan cladding, and glass balustrades. - A reflectivity analysis report has been prepared. Compliance with the recommendations of the report is to be enforced via a condition of consent.	
Wind Mitigation	A Wind Analysis study relating to all facades, internal and external to the site, is to demonstrate methods to achieve appropriate outcomes for public and private domains.	A <i>Pedestrian Wind Environmental Statement</i> has been prepared. This concludes that suitable wind conditions are expected to be achieved for all trafficable outdoor areas with the inclusion of recommended treatments provided within the report. A condition is recommended to require compliance with these recommendations.	✓
Façade Articulation	Articulation of façades is to be designed to express differing uses, with layering of levels of the building complemented by the composition of rhythm, texture, and materials. Roof elements should be integrated with the overall design of the building.	T1 and T2 are articulated with elements protruding from the façade. This creates a 'randomised' and visually interesting design that is consistent with Council's vision for the area, and would not give rise to any adverse amenity impacts.	✓
Pedestrian through-site links – min.	8m between Rail Plaza and Christie Street 4m wide from Christie Lane to inner courtyard - two links.	Pedestrian links are provided as per DCP requirements.	✓
Awnings – min.	2m wide above east-west pedestrian links between Rail Plaza and Christie Street. 1m wide above north-south pedestrian links between Christie Lane and southern-most building line.	- The proposal complies with the required minimum awning depths for the Rail Plaza, Christie Street, and the existing Christie Lane as shown on the Architectural Plans. - The internal plaza and north-south connections through the site include building enclosures and weather protection. - The awning proposed to T3 is required to be deleted following RMS conditions of concurrence.	✓
Airspace	Federal legislation requirements relating to Sydney Airport are to be investigated and complied with by the applicant for any development.	Approval from the Civil Aviation Safety Authority regarding the encroachment of T1 into prescribed air space, has been provided subject to conditions.	✓

Control	Provision	Proposed	Complies
Public Art	Public art is to be provided at key points of visibility and pedestrian movement.	- A public art proposal is provided as part of this application. - A condition is recommended which requires the developer to submit a public art proposal to Council in four (4) key locations as per the submitted public art framework plan and in accordance with Part L of Lane Cove DCP 2010.	✓
Pedestrian Entry/Address	Site A – Lithgow Street and Christie Street. Site B – Pacific Highway, public open space and Christie Street	- Pedestrian entries to the development are provided from Lithgow Street, Christie Street, and the Pacific Highway. - Retail tenancies within Site B are also accessible from the new public plaza.	✓
Public Car Park	The 300-car space public car park should be located underground, and as close as practicable to the proposed supermarket. If required, part of the residential car park, may be partially located under Christie Lane and Site B.	- The proposed public car park of 316 spaces is located within the upper basement levels with direct access to the retail component of the development. - Car parking spaces associated with the residential premises are located under Site B, Christie Lane, and Lithgow Street.	✓
Development coordination	Development is to be committed to for each site within the applicant's control/ ownership, north and south of Christie Lane, in full as a pre- requisite to approval	- The applicant (JQZ) has control of the entire site, subject to the receipt of the relevant stratum subdivisions and transfer of land ownership to be granted by public authorities. - While two main construction phases are proposed as part of the development to accommodate leases expiring in 2022 fronting Pacific Highway, the proposed application is not a staged DA.	✓
Coordinated site development	Development of Site A and Site B together is to be committed to within one DA.	- The development of Sites A and B are committed to within this Development Application. The consolidation of lots in Site B enables the developer to take advantage of the bonus FSR incentive clause for Site A. - While occupation of portions of the development may occur prior to others, a condition is recommended which precludes issue of the Final Occupation Certificate until Stage 1 and Stage 2 have been constructed in addition to the public plaza and works-in-kind contributions under the executed VPA.	✓

St Leonards Public Domain Master Plan 2014

The proposed development includes upgrades and additions to the existing public domain including a public library, a public plaza, and through-site pedestrian links. The design of the public domain is consistent with the objectives of this Master Plan as follows:

Objective	Comments	Complies
<i>Provide a diversity of places and open space for interaction by the whole community, including local residents, workers and visitors.</i>	- The design of the public plaza incorporates spaces for both large community events, and intimate interactions. - There are spaces capable of holding larger groups for cultural events, activities, and markets. - The inclusion of a children's play space is in response to a dense built environment, where people living in apartments may not have access to these facilities. - Formal seating and large grassed areas allow for a range of group sizes to gather. - The modulated areas provide spaces for more intimate interactions. - The levels and design of the new public plaza is capable of achieving compliance with accessibility standards.	✓
<i>Provide secure and safe spaces at all times</i>	- A <i>Safer by Design Assessment</i> has been undertaken and independently reviewed by Architectus. - The development has been designed to deter criminal behaviour and reinforce visibility, safety, and security, and encourage passive surveillance.	✓
<i>Provide appropriate movement and accessibility for the area, through permeability, desire lines, landmarks, cycleways and disabled access.</i>	- The proposed pedestrianised Christie Lane is proposed to be embellished to form a through-site link under the executed VPA. - The development provides connections between Lithgow Street and Christie Street. These new links would improve pedestrian connectivity and legibility within the St Leonards Centre, notably adjacent to the proposed civic plaza and opposite St Leonards Station.	✓
<i>Recognise and emphasis the "Sense of Place" for St Leonards</i>	- As outlined in the Landscape Plans prepared by Arcadia, the public domain has been influenced by analysis of the site in regard to its context, history and future vision. - The development would create a vibrant mixed-use precinct that is well serviced by appropriate infrastructure and delivers a high level of amenity to residents, office workers, and the community. - The public plaza and high-standard of architectural design would create a strong sense of place for St Leonards.	✓
<i>Provide innovation and design excellence</i>	- The proposal includes partial construction of the future St Leonards Plaza on and adjacent to Lithgow Street. The plaza has been carefully designed to integrate with its future extension. - The proposal exhibits design excellence, with careful siting of buildings and clever articulation and modulation of the facades.	✓
<i>Promote economic, environmental and social sustainability</i>	- The proposal includes active uses at lower ground, ground, and first floor, with spaces that can be adapted to various uses to meet the needs of future demand. - The proposal incorporates sustainability measures to minimise adverse impacts on the natural environment	✓

Objective	Comments	Complies
	• End of trip facilities are incorporated into the development to encourage active transport linkages. • The plaza design encourages social interaction through the public plaza and communal open space areas. • A public library is included within the lower ground floor of the development, and would be available for use by the surrounding existing and future community. It is located in a high pedestrian area, with connections to the main retail area of the development and New Christie Lane.	

9.8.5 Part F: Access and Mobility

The proposed development is consistent with the objectives for Part F, to promote an accessible environment for residents and visitors and to provide equal opportunities to participate in all aspects of the community.

A comprehensive *Accessibility Assessment Report* has been prepared by BCA Logic. This includes an assessment against the following:

- Federal Disability Discrimination Act (DDA)
- Disability Access to Premises Standards 2010
- SEPP 65
- Liveable Housing Design Guidelines Requirements
- Adaptable Housing Code AS4299:1995 (AS4299) – As required by DCP
- Building Code of Australia 2016 - Part D3 and Clauses E3.6 and F2.4
- Applicable Australian Standards AS1428.1:2009, AS1428.4.1:2009 and AS2890.6:2009.
- Lane Cove DCP 2010 (as amended) – Parts D and F

The *Accessibility Report* determines that the proposed development is capable of complying with the relevant access provisions contained within the above policies, standards, Acts and codes. The report contains recommendations, which are to be enforced by way of conditions of consent.

The following conditions are recommended pertaining to access and mobility:

- The developments shall meet the benchmark of 20% of the total apartments incorporating the *Liveable Housing Guidelines* silver level universal design feature.
- The proposed development shall comply with the relevant accessibility requirements of the Building Code of Australia and relevant Australian Standards including *AS 1428 Design for Access and Mobility*, *AS 4299 Adaptable Housing*, *AS 2890 Parking Facilities*, *AS 1735 Lifts, Escalators and Moving Walks*, and with the *Part F of this Lane Cove DCP 2010 – Access and Mobility*.
- The recommendations contained within the Accessibility Assessment Report prepared by BCA Logic dated 8 January 2018 shall be fully complied with.

9.8.6 Part G: Acid Sulfate Soils

The site is not classified on the Lane Cove Local Environment Plan Acid Sulfate Soils Map

A *Preliminary Contamination Assessment* has been carried out by WSP Australia Pty Limited. Key finding of the report pertaining to acid sulphate soil affectation are summarised below:

- The acid sulfate soils map for the area prepared by Commonwealth Scientific and Industrial Research Organisation (CSIRO) indicates that the site is located within an area where there is no known occurrence of acid sulfate soils materials.

- Acid sulfate soil exceeding the action level was identified at BH07 at 1m below ground level (mBGL), in residual soil below the fill material and above the bedrock. It is understood that limited residual soil is expected to be present within the site footprint, as basements in the buildings currently present at the site likely extend to the bedrock level. However, additional field screening for acid generation potential should be undertaken on any residual soils present within the excavation footprint during the construction phase.

On the basis of the findings of the *Preliminary Contamination Assessment*, Council's Environmental Health Officer has recommended the following conditions:

- In accordance with the *NSW Office of Environment & Heritage 'Guidelines for Consultants Reporting on Contaminated Sites' (2011)*, the following reports are required to be prepared:
 - Stage 2 – Detailed site investigation;
 - Stage 3 – Site remedial action plan (RAP); and
 - Stage 4 – Validation and site monitoring reports.

All reports are to be reviewed by an *NSW EPA Accredited Site Auditor* and a written report submitted to Council validating that the site is suitable for the proposed development. Ongoing site monitoring shall be in accordance with the recommendations of the Stage 4 Report and carried out by a *NSW EPA Accredited Site Auditor*.

- All stockpiles of potentially contaminated soil must be assessed in accordance with relevant *NSW Environment Protection Authority* guidelines.
- All contaminated soil removed from the site must be disposed at a waste facility that can lawfully receive that waste. Copies of all test results and disposal dockets must be retained for at least three (3) years and be made available to authorised Council Officers on request.

9.8.7 Part J: Landscaping

Detailed concept and softworks landscape plans have been prepared by Arcadia, in accordance with *Part J of Lane Cove DCP 2010*.

The landscape plans were accompanied by an *Arboricultural Impact Report*, prepared by Landscape Matrix, which includes an assessment of forty-eight trees on or adjoining the site. To facilitate construction of the proposed development and landscape works, 27 trees are proposed for removal (Tree Nos 4-24, 28-35). The removal of these trees (except for Trees 4, 5, 6, 7 and 8 (existing weeping bottlebrush trees along Christie Street)) is endorsed by Council's Tree Officer.

The assessing officer supports the removal of trees 4, 5, 6, 7 and 8 on the basis that they are classified as having poor health and provide a low landscape contribution value. The loss of these trees is offset by the planting of seven (7) new *London Plane* trees along the Christie Street frontage in the same location. Additional requirements are conditioned by Council's Landscape Officer to require a height of 4m at planting, and to ensure their longevity.

A condition is also recommended to require that replacement trees are planted at a ratio of 1:1 in accordance with *Part J Landscaping* of Lane Cove DCP 2010.

Of the 21 remaining trees, these are capable of being retained as per the *Tree Protection Plan* contained within the *Arboricultural Impact Report*. A condition requiring compliance with the recommendations of the *Arboricultural Impact Report* is included within the Recommendation.

With regard to tree plantings along the Pacific Highway, RMS has indicated that the Pacific Highway frontage is located within a '*Clear Zone*', which triggers strict landscaping requirements. A condition is recommended which requires plantings along the Pacific Highway Frontage in accordance with RMS requirements for planting in Clear Zones. Details of plantings are required to be submitted to Council for approval, to ensure consistency with recently approved development fronting Pacific Highway to the east of the site (Mirvac and New Hope mixed-use developments).

The planting of new street trees, retention of existing trees where possible, and new planting on structures in the ground floor plaza, Level 1 podium garden, Level 2 podium garden and Level 26 rooftop terrace would enhance the landscape amenity of the site.

9.8.8 Part L: Public Art

A *Public Art Framework Plan* has been prepared by Vertebrae.

The Art Plan is informed by, and responds to *Part L: Public Art* of Lane Cove Development Control Plan 2010. The framework is intended to provide flexibility to explore opportunities for public art at the detailed design development stages.

In alignment with the *Lane Cove Public Art Policy and Implementation Plan*, as required by provision (1), public art directions are developed through a multi-disciplinary team approach that provides an integrated dialogue between art, architecture and landscape design intent.

Architectural designs by PTW Architects, and landscape designs by Arcadia Landscape Architects have provided essential reference and analysis materials in formulating the Public Art Plan.

This involves the identification of artwork locations, thematic narrative and indicative aesthetic forms and mediums as a framework to inform public art opportunities.

Public art opportunities identified for the site are as follows:

- Tower 2 western canopy and ground plane;
- Civic plaza walk;
- Central retail and sunken garden; and
- Christie Lane

The following condition is recommended to ensure that the *Public Artwork Framework Plan* is expanded upon and executed as part of the development in order to deliver tangible public benefit:

Condition:

The provision of public art shall be proposed to Council for approval in accordance with Part L: Public Art of Lane Cove DCP 2010. Public Art shall be proposed in the following four (4) locations as detailed in the Public Art Framework Plan prepared by Vertebrae:

- *Tower 2 western canopy and ground plane;*
- *Civic plaza walk;*
- *Central retail and sunken garden; and*
- *Christie Lane*

Artwork shall have regard to wind impacts.

(Reason: To enhance the amenity of the site, provide a landmark entry statement to the development, and draw people through the space.

9.8.9 Part N: Signage and Advertising

This DCP Part is to read in conjunction with SEPP 64.

Part N.3 General Signage Controls

Part N.3 states that where multiple tenancies are location within a building, such as the proposed development, a co-ordinated signage strategy should be prepared and submitted with the DA. The DA submission includes a co-ordinated signage strategy (Drawing No. DA-40-0010) comprised of six (6) signage types. This is detailed and assessed having regard to SEPP 64 in **Section 9.6** of this report.

The generally requirements for signage under Part N.3, such as *'one under awning sign for the property frontage'* relate to single tenancies and do not apply in this instance.

Window signage (Type 6) would be subject to separate tenant fit-out application.

Pylon (Type 2) signage is proposed. The DCP states that the maximum size of tenancy direction signage is 2m (h) x 0.8m (w) x 0.1. Four (4) pylon signs are proposed of variable height up to 4m. The Type 2 signage is provided at key locations at the developments entry points and is critical to way-finding and pedestrian movement through the site. The proposed Type 2 signage is supported.

The proposed wall signage along New Christie Lane is assessed having regard to the requirements of SEPP 64.

Part N.3 contains no provisions relating to rooftop signage (Type 1). This is assessed having regard to the design criteria under SEPP 64.

Clause 3.9.1 provides guidelines for illumination in St Leonards. The development is located in Zone 2, which is characterised by areas with generally high off-street ambient lighting such as major shopping/commercial centres with a significant number of off-street illuminated advertising devices and lights. A scaled maximum allowable luminance expressed in candelas per sqm is applied to Zone 2 for variable advertisement sizes. The only 'advertisement' proposed, as defined under SEPP 64 incorporates wall advertisements to New Christie Lane. The only illuminated sign being the 'Shopping Mall' sign is conditioned for deletion, as only one (1) wall advertisement is permitted on a single elevation under SEPP 64.

Clause 3.9.3 states that *"at roof level, illuminated signage is not appropriate unless it replaces existing approved illuminated signage"*. In this regard and having regard to amenity impacts to surrounding residences, illumination of the rooftop signage is not supported. A condition to this effect is included within the Recommendation. No objections are raised to the illumination of signage within the development as a means to enhance safety and wayfinding, or illumination of the proposed library signage on the corner of Christie Street and New Christie Lane.

9.8.10 Part O: Stormwater Management

Stormwater Drainage Concept Plans have been prepared by AT&L Civil Engineers and Project Managers.

The concept plans have been designed in accordance with *Part O: Stormwater Management* of Lane Cove DCP 2010, and has been reviewed and endorsed by Council's Engineer, subject to recommended conditions of consent.

9.8.11 Part Q: Waste Management and Minimisation

Clause 4.5 Mixed Use Developments

The proposal is consistent with the objectives for waste management in mixed-use developments, to:

- *ensure appropriate waste storage and collection facilities;*
- *maximise source separation and recovery of recyclables;*
- *ensure waste management facilities are safely and easily accessible to occupants and service providers;*
- *ensure appropriate resourcing of waste management systems, including servicing;*
- *minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene;*
- *minimise adverse environmental impacts associated with waste management; and*
- *discourage illegal dumping by providing on site storage, and removal services.*

In accordance with Clause 4.5, an *Operational Waste Management Plan (WMP)* has been prepared by Elephants Foot recycling solutions. This WMP only applies to the operational phase of the proposed development, and does not provide details of waste management during the construction and demolition phases of the development.

A separate *Site Waste Minimisation Management Plan (SWMMP)* for the construction and demolition phases of the development has been prepared, in accordance with *Part Q: Waste Management and Minimisation*.

The proposed development satisfactorily addresses the waste requirements for the residential component of mixed-use developments under Clause 4.2 of Part Q of Lane Cove DCP 2010.

The proposed development satisfactorily addresses the waste requirements for the non-residential component of mixed-use developments under Clause 4.3 of Part Q of Lane Cove DCP 2010.

Council's Waste Officer endorses the proposal from a waste perspective, subject to recommended conditions of consent.

9.8.12 Part R: Traffic, Transport and Parking

Part R.2 Parking

2.3 Parking near St Leonards Railway Station

Rate	Required	Proposed	Complies
Residential			
0.5 spaces / studio 0.5 spaces / 1 bed unit 0.9 spaces / 2 bed unit 1.40 spaces / 3 bed unit 2 spaces / 4+ bed unit	2 x studio = 1 space 197 x 1 bed = 98.5 spaces 395 x 2 bed = 355.5 spaces 56 x 3 bed = 78.4 spaces 4 x 4+ bed = 8 spaces Total = 542 spaces	542 spaces	✓
1 disabled space / 10 car spaces	55	66 spaces	✓
1 visitor space / 5 units	131 spaces (654 total units)	Included within 316 public parking spaces dedicated under the executed VPA	✓
1 on-site removalist truck space / 100 units	7 spaces	1 x 14.7m long loading bay, 3 x 12.5m long loading bays, and 2 x 8.8m long loading bays are proposed	Acceptable on merit
1 car wash bay / 50 units	13 car wash bays	4 car wash bays	Acceptable on merit
1 disabled visitor space / 10 visitor spaces	6 spaces	16	✓
Non-residential			
Commercial			
1 space / 100m ² office floor area (no visitor rate specified)	193 spaces (19321.55m ²)	112 spaces (amended plans have reduced office spaces from 173 due to reduction in basement floor plate)	Acceptable on merit
1 disabled space per 10 spaces	19 spaces	13 spaces	Acceptable on merit
Retail			
Retail supermarket RMS rates 6.1 spaces / 100m ² NLA	221 spaces (3,630.3m ²) 3,630.3sqm	85 retail spaces total 5 accessible spaces total	Acceptable on merit.

Retail speciality 1 space / 110m ² of retail, restaurant or café tenancies (no visitor rate specified) 1 disabled space per 20 car spaces	62 spaces (6,827.48m ²) 3 spaces	Visitor parking included within 316 public spaces dedicated under the executed VPA.	- Justified in submitted <i>Traffic Impact Assessment Report</i> (TTPP) - Close proximity to public transport - Endorsed by Council's Traffic Engineer - RMS concurrence obtained
Community facility (library)			
Library Provide analysis of traffic generation and comparison with similar development in locality 1 disabled space per 10 car spaces	The submitted <i>Traffic Impact Assessment Report</i> (prepared by TTPP) does not address traffic generation and parking demand for the library in isolation.	316 public spaces dedicated under the executed VPA.	Acceptable on merit. Endorsed by Council's Traffic Engineer
Motorcycle spaces			
Motorcycle spaces	1 space / 15 car spaces	76 spaces	✓
Bicycle parking			
1 space / 4 dwellings	164 spaces	164	✓
1 rack + 1 rack per 10 dwellings for residential visitors	66	66 spaces for residential visitors	✓
1 space per 300m ² commercial GFA	64 spaces	64 commercial tenant bicycle spaces	✓
1 rack + 1 rack per 800m ² commercial GFA	25	25 spaces for commercial office visitors	✓
1 space / 50m ² retail GFA	209	187 retail tenant bicycle spaces	Acceptable on merit
2 racks + 1 rack per 200m ² retail GFA	53	48	Acceptable on merit
1 per 10 staff for library	Staff numbers not indicated at DA stage	8 library bicycle spaces in total	Acceptable on merit
2 racks + 1 rack per 200m ² library GFA for library visitors	6	8 library bicycle spaces in total	Acceptable on merit
Car share			
Outside the St Leonards Railways Station 400m catchment area, public car share spaces may be provided in residential developments in lieu of on-site parking. On-site car share spaces are to be provided in lieu of private parking at a rate of 1 per 3.	No spaces required as site is within 400m catchment of St Leonards train station	2 car share spaces are proposed	n/a

Suitable conditions are recommended to ensure compliance with relevant standards with regard to car parking as follows:

- AS/NZS 2890.6:2009 Parking facilities—Off-street parking or people with disabilities.
- All parking areas, including access ramps and driveways, must be designed in accordance with AS/NZS 2890.1:2004 *Parking facilities—Off-street car parking*
- AS 2890.2-2002: *Parking facilities for off-street commercial vehicle facilities*

Loading facilities

The proposal would provide a loading dock comprised of the following:

- one 14.7m long bays (accommodating vehicles up to 14.7m long delivery trucks for the supermarket)
- three 12.5m long bays (accommodating service vehicles up to an Australian Standard 12.5m long heavy rigid vehicle) to be shared different uses of the proposed development; and
- two 8.8m long bays (accommodating service vehicles up to an Australian Standard 8.8m long medium rigid vehicle).

The loading dock includes a turn table to assist service vehicles accessing the loading bays, and to facilitate entry and exit in a forward direction. Swept path diagrams of the loading dock have been provided in the *Addendum Traffic Assessment Report* (24/08/2018). The diagrams indicate the design vehicles (including Council's large rigid waste collection vehicles) can accessing the loading facility satisfactorily.

Clause 3.2: Larger Development Sites

Provision (a) states the following:

Diversion of bus routes or provision of additional services shall be discussed with STA if the development is a residential development comprising 75 or more units or a non-residential development with value greater than \$20m AUD.

Given the high level of accessibility of the site to existing high frequency bus routes along the Pacific Highway and close proximity to the St Leonards Railway Station, this requirement is not deemed necessary.

R.5 Transport access guide / sustainable travel and action plan

A Sustainable Transport Action Plan (STrAP) is required for any residential flat building of 75 or more units within 400m of St Leonards Railway Station.

Accordingly, the following condition of consent is recommended:

Condition:

A Sustainable Transport Action Plan (STrAP) shall be prepared by a suitably qualified professional showing the proposed mode shares, relevant bike routes, pedestrian access to the development, access to existing car-share spaces, and bus route frequencies. Recommendations to encourage greater active transport opportunities and use of public transport shall be integrated into the development.

The STrAP shall be submitted to and approved by Council's Manager Traffic and Transport, prior to any occupation of the premises

(Reason: To encourage sustainable transport options in order to reduce greenhouse gas emissions and other environmental impacts.)

R.5 Traffic Impact Assessment

A *Traffic Impact Assessment* has been undertaken by *The Transport Planning Partnership (TTPP)* in accordance with the requirements under Part R.5 of Lane Cove DCP 2010.

This has determined that the overall traffic and parking impacts from the proposed development (as modified) are satisfactory.

Key comments are provided below:

- At the Planning Proposal stage, Lane Cove Council commissioned a cumulative traffic assessment of Planning Proposals within surrounding areas including the subject development site, which indicated that the surrounding precinct would satisfactorily be capable of accommodating the development traffic from all known development sites.
- SIDRA analysis of key intersections indicates the proposed development would have a relatively minor impact to the road network (including cumulative traffic impacts of submitted and approved development sites). Whilst the additional development traffic from the cumulative sites would increase delay and queuing to the road network, it is expected that all intersections would operate well with a 'Level of Service B' (RMS Criterion) or better.
- The conversion of the relevant section of Lithgow Street to provide two-way traffic operation is not expected to create any adverse traffic effects.
- RMS have provided concurrence, subject to recommended conditions. This includes upgrading of the existing intersection of Nicholson Street and Oxley Street by providing two left turn lanes into Oxley Street.

Any planning agreement or draft planning agreement: s4.15 (1)(a)(iia)

A Voluntary Planning Agreement has been executed between Lane Cove Council and JQZ Fifteen Pty Ltd as trustees for JQZ Fifteen Unit Trust and Christie Street Development Pty Ltd.

The proposed development is generally consistent with the executed VPA.

A summary of the VPA commitments is provided below.

- Dedication of a new library to Council with minimum GFA of 1000m².
- Construct and embellish the first stage of the St Leonards Plaza including integration with rail tunnel.
- Embellishment of the Christie Lane through-site link.
- Acquire, construct and dedicate to the Council a stratum lot for a new public laneway (8m wide in total including 2m wide shared foot/cycle path on one side on Site C (82 Christie Street and 71-73 Lithgow Street). (Note: the DA reduces the shared path to 1.5m on the northern edge of the laneway and 0.5m wide footpath along the southern edge of the laneway). *Note: The proposed DA has reduced the width of the footpath to 1.5m. This is supported by Council.*
- Achieve an international standard of architecture at the sites interface with St Leonards Plaza.
- Construction and dedication to the Council of a stratum lot for a 300-space basement car park as close to the proposed supermarket as reasonably possible. *Note: The number of public car parking spaces has been amended to 316. This triggers expansion of the stratum lot for the Basement Car Park by an additional 16 car parking spaces. This is supported by Council.*
- Delivery of a retail space of a minimum of 3000m² and use best endeavours to deliver a fully operational supermarket within the retail space.

The regulations: s4.15 (1)(a)(iv)

9.9 Environmental Planning and Assessment Regulation 2000

Clause 92 Additional matters that the consent authority must consider

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* sets out the additional matters of consideration that the consent authority must take into consideration in determining a development application.

Clause 92(1)(b) of the EP&A Regulation 2000 requires all demolition works to be carried out in accordance with Australian Standard AS 2601-2004: *The demolition of structures*. A condition to this effect is included within the Recommendation.

Clause 98(1)(a) Compliance with the Building Code of Australia (BCA)

All works are required to be carried out in accordance with the *Building Code of Australia*. This a prescribed condition of development consent under Clause 98(1) of the EP&A Regulation 2000. A condition to this effect is included within the Recommendation.

Clause 98A Erection of signs

A sign must be erected in a prominent position on the site on which building work, subdivision work or demolition work is being carried, in accordance with the requirements of clause 98A of the *Environmental Planning and Assessment Regulation 2000*. This a prescribed condition of development consent under Clause 98A of the EP&A Regulation 2000. A condition to this effect is included within the Recommendation.

Clause 98E Shoring and adequacy of adjoining properties.

Any excavation that extends below the level of the base of the footings of a building structure of work (including any structure or work within a road or rail corridor) on adjoining land, requires the person(s) having the benefit of the development consent, at the person's own expense, to:

- a) protect and support the building, structure or work from possible damage from excavation; and
- b) where necessary, underpin the building structure, or work to prevent any such damage.

This a prescribed condition of development consent under Clause 98A of the EP&A Regulation 2000. A condition to this effect is included within the Recommendation.

Note: This condition does not apply if the person(s) having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

The likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality: s4.15(1)(b)

All likely impacts have been addressed elsewhere in the report, or are satisfactory and not warrant further consideration.

The suitability of the site for the development: s4.15(1)(c)

The proposal is suitable to the site for the following reasons:

1. The proposal is acceptable having regard to the *Airports Act 1996*, *Environmental Planning and Assessment Act 1979*, *Water Management Act 2000*, *SEPP 65 – Design Quality of Residential Apartment Development*, *Apartment Design Guide (ADG)*, *SEPP 55 – Remediation of Land*, *SEPP (Vegetation in non-rural areas)*, *SEPP (Infrastructure) 2007*, *SEPP (Building Sustainability Index) 2004*, and *SEPP No. 64 – Advertising and Signage*.
2. The proposal is acceptable having regard to *Lane Cove LEP 2009* and *Lane Cove DCP 2010* (as amended).
3. The proposal is acceptable having regard to the relevant matters prescribed by the *Environmental Planning and Assessment Regulations 2000*.
4. There are no burdens or constraints that would preclude the proposed development.

5. The development is aligned with state-led strategic planning documents. The site is strategically located within a transit-oriented development corridor and has been targeted to deliver housing supply and employment opportunities.
6. The site is one (1) of three (3) 'pilot projects' identified by Lane Cove Council to deliver mixed-use development that is aligned with State-led planning documents and to support its overarching goal for St Leonards - to create an area with a high level of liveability, amenity and connectivity.
7. The proposal would not give rise to any unacceptable environmental impacts on both the natural and built environments, and social and economic impacts in the locality.
8. The proposal is in the public interest.

Any submissions made in accordance with this Act or the regulations: s4.15(1)(d)

The application was notified from 01/02/2018 – 05/05/2018 in accordance with Council's Notification Policy and requirements under the *Environmental Planning & Assessment Regulation 2000*.

Amended plans (dated 29/8/2018 and 15/10/2018) were uploaded to Council's website. The amended plans were not required to be renotified to surrounding residents and previous objectors in accordance with Section 4.7 of Council's 'Notification of Development Applications Policy' because they would have no greater cumulative environmental or amenity impact.

Forty (40) submissions were received from the following objectors:

1. Anne Brettingham-Moore, 32/56 Christie Street, St Leonards
2. Helen Bezanehtak, 1/552 Pacific Highway, St Leonards
3. National Recruitment Services, 552 Pacific Highway, St Leonards
4. Anthony Frosso, W907/599 Pacific Highway, St Leonards
5. Doug Stuart on behalf of Residents and Shopkeepers for Appropriate Development (RASAD), 21A William Edward Street, Longueville
6. Ian Read, 94/54 Christie Street, St Leonards
7. Qinfen Qu, mother of child attending Reddam House Early Learning School
8. Kathy van den Heuvel, local resident
9. Pat Quirke-Parry, Chairperson Abode Owner's Corporation, 1803/599 Pacific Highway, St Leonards
10. Rhonda Soulakellis, Managing Director Reddam Early Learning Centre, Christie Street, St Leonards
11. Roger Promnitz, 34 Merrenburn Avenue, Naremburn
12. Helen Pearson, 3403/1 Sergeants Lane, St Leonards (Forum Resident) (*view loss*)
13. David and Bronwyn Wilson, 308/333 Pacific Highway, North Sydney
14. Jeff Kahn, 3 Lithgow Street, St Leonards
15. Amanda Smith, 70A Hayberry Street, St Leonards
16. Rosemary Than-Aue, 15 Atchison Street, St Leonards
17. Dominik and Jennifer Kaczorowski, Unit 28/9 Atchison Street, Crows Nest
18. Julie Waddington on behalf of Naremburn Action Group, 10 Darvall Street, Naremburn
19. Anita Jubian, Berry Road, St Leonards
20. Arlette Jubian, Portview Road, Greenwich
21. Karen Asawa, Christie Street resident
22. Alan Waddington, 10 Darvall Street Naremburn
23. Eva Wiland, 2 Parkes Road, Artarmon
24. School Coaching Pty Ltd, 550 Pacific Highway, St Leonards
25. Fantastic Investments Pty Ltd, shareholders in AMA House, 69 Christie Street, St Leonards
26. Premium Strata as Strata Managers of SP 69455, AMA House, 69 Christie Street, St Leonards.
27. Antony Wray, U78/54-56 Christie Street, St Leonards.
28. Lilian Wong, local resident.
29. ISC Consulting on behalf of Greenwich and St Leonards Action Group
30. Adam Bell, 49 Lithgow Street, St Leonards

31. Priya Mone, 54 Christie Street, St Leonards
32. Robert Yu (no address provided)
33. Basil Lee (no address provided)
34. Willy Chan (no address provided)
35. Danielle Robertson, 3408, 1 Sergeants Lane, St Leonards (The Forum East) (*view loss*)
36. Merri Southwood, President Greenwich Community Association Inc, PO Box 5057, Greenwich NSW 2065
37. Christine Yau, St Leonards resident
38. Laura Artinian, Forum Tower Resident (*view loss*)
39. Sean Macken of Macken Strategic Planning Solutions on behalf of 2-4 Pacific Highway and 65 Nicholson Street, St Leonards
40. S.J. Yellans, Pavilliosn on the Park Complex, Duntroon Avenue, St Leonards

The following issues were raised:

Issue	Comments	Assessing Officer's comments
Height and scale excessive	- Height and Scale excessive - Overshadowing - Visual intrusion and loss of amenity - Cumulative overshadowing impact - Loss of human scale	- The bulk and scale of the development is contextually appropriate. - The heights of T1 and T2 comply with the prescribed maximum heights under Lane Cove LEP 2009. - The height non-compliance of the commercial tower is considered to be well founded. - An assessment of the applicant's written request to vary the height of buildings development standard is discussed within Section 9.7.5 of this report.
Overshadowing	- Overshadowing of public open spaces - Cumulative overshadowing impact of high-rise development - Overshadowing of 2-4 Pacific Highway	- Solar access to the proposed public plaza is acceptable. - The shadowing impacts of the proposal is largely commensurate with the scheme that was assessed and approved as part of the planning proposal. - The proposal does not overshadow 2-4 Pacific Highway.
Traffic	- Cumulative impact of development on the road network and parking demand. - Impact on Oxley Street intersection. - Consideration of the impact on the Oxley Street intersection is omitted from traffic modelling. - Practicality of express entrance and exit lane.	- A Traffic and Parking assessment has been undertaken. This has determined that the impacts of the proposed development on the surrounding road network is satisfactory. The Report has considered the cumulative impact of submitted and approved development in the area. - RMS have provided concurrence, subject to conditions, which includes works to upgrade the Oxley Street intersection. - An amended traffic statement has been submitted, which satisfactorily demonstrates how the contra flow lane would be managed effectively.
Overdevelopment of the St Leonards area	- Overdevelopment of St Leonard's area compromising desirability of the area. - Decline in liveability of neighbourhood from increased cars etc. This hasn't been adequately addressed. - Existing St Leonards station is overcrowded. - Development of 654 units would cause considerable strain to the existing roadways as well as to public transport and healthcare services within the St Leonards CBD. - Adding more population with no visible upgrade of infrastructure would depreciate the lifestyle of St Leonards residents, adding strain to our schools, roads, bus and train stations.	- The height, bulk and scale of the two mixed-use towers (T1 and T2) is consistent with the concept development scheme presented with the planning proposal, which culminated in LEP Amendment No. 22 on 1/12/2017. - The cumulative impacts of the development of Site A under the Planning Proposal was considered by Council and DPE.
View loss	- Concerns of view loss were raised by three (3) objectives located at Levels 26 and higher in The Forum East Residential Tower. - View impacts to AMA House have not been considered.	- A site inspection was undertaken. - A comprehensive view assessment is provided in Sections 9.7.5 & 9.8.4 of this Report - The proposed development facilitates acceptable view sharing.

Issue	Comments	Assessing Officer's comments
	Views from the Forum Western Tower, eastern views from the Loftex building, and the western building of the Mirvac building would be negatively impacted.	- The view impact diagrams did not include the Loftex Tower on Marshall Avenue as the impact study was conducted to assess the view impact on the Forum East residents due to being most significantly impacted. - It is acknowledged that there would be some view loss to owners on the northern side of Pacific Highway of current south panoramic views. Albeit, the view loss was determined to be acceptable in the approval of the planning proposal. The only difference in view impacts between the proposed development and planning proposal scheme pertains to the additional height sought for the commercial building. The view loss resulting from the non-compliance is acceptable on merit. The view corridor between the towers is widened under the proposed development, and is improved under the current scheme compared to the view impacts that would result from construction of an 18-storey building previously approved at 88 Christie Street to the rear of T3. - View corridors to commercial receives such as AMA House are not protected within the planning controls. Commercial buildings are less sensitive to visual and view impacts compared to residential and public views.
Height non-compliance of Tower 3 (Commercial building)	- View loss - Overshadowing of public domain and plaza area - Wind impacts, particularly at pedestrian level	- The height non-compliance of the commercial tower is considered to be well founded. - An assessment of the applicant's written request to vary the height of buildings development standard is discussed within Section 9.7.5 of this report.
Car parking	- Excessive number of car parking spaces on the basis that St Leonards is well serviced by public transport including the New Metro Line. - Council should be encouraging the utilisation of public transport and discouraging private car use by reducing the amount of parking in the St Leonards Town Centre. - It also conversely argued that car parking is inadequate	- The proposed car parking provision is discussed in Section 9.8.12 of this Report. - The shortfall of commercial car parking spaces is acceptable on merit and is adequately justified in the submitted traffic and parking impact assessment report.
Timing of the development	- The development should not proceed until the Rail Authority gives permission for the Plaza and bus interchange to be built over the rail line. - Site A and Site B must be developed at the same time to ensure: - That the community is not inconvenienced for many years into the future with construction noise and traffic. If Site B can't be developed until after 2022, then site A should not proceed until Site A and Site B can be developed in one line.	- A condition is recommended which states that a Final Occupation Certificate is not to be issued until Stage 1 and Stage 2 of the development is completed. - The development is not dependent upon future expansion of the public plaza. - Part of the Christie Lane through-site link would be constructed as part of Stage 1. This is necessary to accommodate existing leases along Pacific Highway, which expire in 2022, and to facilitate efficient operations.

Issue	Comments	Assessing Officer's comments
	- To ensure that the Christie Lane pedestrian link is completed in one stage. - To ensure that the aboveground and underground parts of Site B are developed in one line.	
Section 94 Contributions	S94 contributions should benefit the St Leonards Precinct and not the broader LGA.	- A condition of consent is recommended requiring payment of a monetary contribution as per Councils contributions plan. - The contribution payment would fund infrastructure projects in the St Leonards precinct, which benefit residents of the precinct.
Building setbacks	- Setback to Christie Street insufficient. - Restrict development potential of surrounding sites. - Generous setbacks critical to preserving the amenity of the area and minimising overshadowing impacts to open space areas.	The setback non-compliance to Christie Street of T1 is discussed in Section 9.8.4 of this report and is acceptable on merit.
Deep soil landscaping	There is no deep soil landscaping across the site.	- The ADG states that in dense urban areas, such as St Leonards, deep soil landscaping may not be appropriate. - The proposal provides significant landscaping across the site through planting on structures. Landscaping is carried vertically throughout the development to accentuate the western articulated façade to T2, and to the rooftop communal open space areas, and public plaza. - Seven (7) new street trees are proposed along Christie Street. - A condition requiring plantings along Pacific Highway in accordance with RMS requirements for 'clear zones' is recommended.
Signage	Approval should not be granted to the proposed illuminated roof top signage.	- Amended plans have been submitted deleting the roof top signage along the northern elevation to T3 and reducing the east and west facing roof signage by approximately 50%. - A condition of consent is recommended stipulating that the rooftop signage shall not be illuminated.
Public benefit	- Public benefit is unclear - The developer contribution of a narrow strip alongside the railway over Lithgow Street is of little value until the adjoining plaza is built over the rail lines. - The submitted plans are deliberately misleading in showing the future plaza over the railway. - Lack of proper community consultation.	- The proposed development would deliver a multitude of public benefits including a public library of 1,000m², public plaza with supermarket, speciality retail, and food and drinks premises. - The public plaza has been designed to integrate with future expansion of the plaza over the rail corridor. - The high-level of amenity of the proposed public plaza is not reliant upon its future expansion.
Disruption during construction	- Traffic, noise impacts - Affected access to Lithgow Street underground connection - The proposed closure of the Lithgow street access to Pacific highway during construction without any alternate	- Suitably conditions of consent are recommended to mitigate adverse impacts to adjoining and nearby buildings and public domain. - The existing Lithgow Street underpass connection to St Leonards train station would continue to operate during the construction period.

Issue	Comments	Assessing Officer's comments
	arrangements for the residents living in Christie Street, Lithgow Street and surrounding area is unacceptable.	The applicant's request to permit extended construction hours on Saturday (increased from midday until 3pm) is supported on the basis that adjoining uses of a commercial nature typically operate Monday to Friday, and that the cumulative additional hours will reduce the length of the construction period.
Unit mix	Less than 10% of the proposed dwellings are three bedrooms or more.	The development provides an adequate mix of apartments, with the provision of 3+ bedroom apartments accounting for 9.3% of the unit total. This is acceptable on merit.
Wind tunnel	- Existing excessive wind at pedestrian level. Additional high-rise would exacerbate this issue. - The wind effect and solar access over the public space should be independently assessed.	A Pedestrian Wind Assessment has been undertaken. Wind impacts to the Lower Ground Floor and Ground Floor are acceptable, subject to Recommendations. A condition requiring compliance with the recommendations is included within the Recommendation.
Impact to adjoining child care centre	- Construction hours excessive - Noise/health impacts to children - Overshadowing to outdoor play areas - Future residents of T1 and T2 may complain about noise from the adjoining child care centre. - Respite period from heavy machinery requested between 12:30 – 2pm to accommodate children's sleep time.	- The standard condition of consent pertaining to hours of operation has been amended to provide a respite period from heavy machinery during sleep time. - The applicant's request to permit extended construction hours on Saturday until 3pm is supported on the basis that no adverse impacts will result to the child care centre, which operates during Monday to Friday, and that the cumulative additional hours will reduce the length of the construction period. - Suitably conditions of consent are recommended to mitigate adverse impacts (such as dust and noise) to the adjoining child care centre during demolition and construction works. - Child care facilities are commonly co-located within residential development. Child care centres provide services that meet the day to day needs of residents and generally operate during the day. - A Complaint Management Plan has been submitted with the DA. A condition is recommended to enforce execution and compliance with the Plan.
Burden on infrastructure	Impacts on existing schools, hospitals, child care services	- Relevant government departments continually plan for growth. - The site is identified in state-led strategic planning documents as an urban growth precinct targeted to deliver housing supply and employment opportunities, principally due to its strategic location within a transit-oriented development corridor.
Privacy	- The towers would overlook terraces on Lithgow Street and The Forum - Balconies to south-facing apartments would overlook the neighbouring child care centre.	The separation distances between the proposed development and any residential terraces on Lithgow Street and the Forum are approximately 75m and 60 respectively. This exceeds the minimum separation requirements under the ADG.

Issue	Comments	Assessing Officer's comments
Insufficient communal space	- There is not adequate provision of communal open space. - Resident spaces on ground floor should be provided.	- The proposed quantum of communal open space complies with ADG requirements. - The communal open space areas including a rooftop terrace to T2, are direct and accessible by all residents.
Insufficient landscaping to replace trees being removed	- No plans to replace 21 trees being removed. - The proposal does not have adequate green space.	- An Arboricultural Impact Assessment Report has been submitted with the DA. This provides a detailed assessment of the health and contribution value of trees on and adjoining the site. - The trees recommended for removal are supported. - A condition is recommended that replacement trees are planted back onto the site at a 1:1 ratio. This would be in the form of planting on structures due to the constraints of the site and location in a high-density, urban setting.
Shared footpath – New Christie Lane	- There appears to be insufficient room for a shared footpath on the northern side and pedestrian path on the southern side - Potential conflicts between vehicle and pedestrians	- There isn't capacity for a shared footpath on both the northern and southern sides of New Christie Lane. - A 1.5m path is proposed on the northern side of the 6m wide carriageway and 0.5m wide path on the southern side. This is necessary to meet required standards pertaining to access and manoeuvrability.
Non-compliance with SEPP 65	Non-compliance with daylight access and ventilation requirements, and building separation requirements.	- A thorough SEPP 65 assessment is provided in Section 9.5 of this report. - The proposal is generally consistent with key numerical controls pertaining to solar access, natural ventilation a building separation. Where a variation is sought, this is discussed in the report.
Poorly designed facades	- The façade is imposing and would not activate the area. - The amount of glazed area is excessive. - Tower 2 is not of an international standard of design, with shiny metal and glass facades that would be glary to residents in surrounding towers. - The overhanging façade on Lithgow Street is subjective matter and could be viewed as messy and not meeting international design standards.	- Appraisal of the architectural merit of the towers is subjective. - The development has been designed by industry credible PTW architects. A condition is recommended to require that PTW Architects are engaged by the applicant to oversee the project to ensure that the development as executed is in accordance with the architectural plans. - The overhanging façade on Lithgow Street provides a high-level of modulation and articulation in a creative and visually interesting manner. This projection is a requirement of Council. Landscaping elements have been introduced to the 'random' projections to promote visual interest and enhance the landscape amenity of the site.
Presale of apartments	Concerns that the developer is selling off apartments prior to public comment or approval of the application.	The sale of residential apartments is not a relevant matter for consideration in the assessment of the DA.
Cost of works	Validity of cost of works of \$2,559,150.00	- Council has made an error on the online DA Tracker. - A QS report has verified the cost of works is \$255,915,000
FSR Calculation	As Site B does not have a common boundary with Sites A and C, the FSR cannot be taken across the whole site.	A clause 4.6 written request has been submitted with respect to the FSR non-compliance on Site B. This is considered to be well founded and acceptable.

Issue	Comments	Assessing Officer's comments
	The FSR calculation excludes lifts, storage areas and common areas.	- The definition of GFA as per the standard instrument, does not include common vertical circulation areas (such as lifts and stairs), or storage areas at basement level.
Coordinated site development	- Concerns the applicant would seek permission to occupy portions of the development. - Suggestion that the leases expiring in 2022 along the Pacific Highway frontage are paid out.	- One stage of development is proposed. There is only one scope of works to be approved. - Interim occupation certificates may be obtained for portions of the development. - A condition is recommended, which requires a Final Occupation Certificate to be issued once all works, including the public plaza and works-in-contributions under the executed VPA are completed. - Efforts are ongoing to reach a financial settlement with existing leaseholders to vacate the terms of the lease early.
Private laneway	Concerns that the DA assumes Christie Lane would be provided to the developer without a proper public tender to obtain its market value.	- There is no current proposal to purchase Christie Lane at above ground level. - As part of the executed VPA, the applicant is required to construct a new road on the southern portion of the site, which replaces vehicular movement along Christie Lane.
Approvals	There are no approvals from Rail Corporation, Civil Aviation Authority or NSW Office of Water	All relevant approvals including those of Sydney Trains, RMS and NSW Office of Water have been obtained.
Strategic Planning	- The St Leonards Precinct Plan should be in place prior to finalising the assessment of the DA. - The proposal is inconsistent with the North District Plan - St Leonards has far exceeded required development growth projection up to 2031 based on figures in the Sydney Region Plan	- The Planning proposal was assessed having regard to relevant state-led strategic planning documents. - The proposal is consistent and aligned with the vision for the St Leonards precinct. - The development or a high-density mixed-use development with a larger component of employment floor space is consistent with the North District Plan and St Leonards Strategic Centre.
Safety	- Concerns that security is less safe in St Leonards - Concerns that moving Christie Lane may make the new route to the station more dangerous at night.	- Architectus was engaged to undertake an independent review of the Safer by Design Assessment Report. - The proposed development is acceptable from a crime prevention, safety and security perspective and would not have a detrimental impact on the safety and security of the surrounding area, subject to a number of recommendations which are included as conditions of consent.
Car park gases	Concern that outlets for gases from the car park are on Christie Street, which would be hazardous.	Industry standard is for basement car park exhausts to be positioned on public streets or on rooftops. Treatment of basement car park exhausts is addressed through the imposition of suitable conditions of consent to ensure compliance with relevant standards.
Signage	Illumination of signage may have adverse impacts on surrounding residences.	A condition is recommended to prohibit any illumination of the roof top signage.

Issue	Comments	Assessing Officer's comments
		• Illumination of signage within the site promotes safety, subject to compliance with AS 4282-1997: <i>Control of the obtrusive effects of outdoor lighting</i>.

The public interest: s4.15(1)(e)

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council.

10 SECTION 7.11 CONTRIBUTIONS

Section 7.11 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure.

Payment of a contribution in accordance with Council's Section 94 Contributions Plan is required, prior to issue of the Construction Certificate.

The total Section 7.11 contribution payable is **\$13,835,256.00** at the current rate of \$10,332 per person and \$130 per square metre for retail/commercial based on the 2018/2019 fees and charges. (Note: Rates are indexed.)

This contribution is for community facilities, open space/ recreation and roads under the Lane Cove Section 94 Contributions Plan, which is available for inspection at the Customer Service Counter, Lane Cove Council, 48 Longueville Road, Lane Cove.

The contribution payable is calculated in the following manner:

Residential Contributions		
Dwelling Type	Total number of persons per dwelling	Contribution payable @ \$10,332/person 2018/2019 fees and charges
2 x Studio	2 x 1.2 = 2.4	\$24,796.8
197 x 1 bedroom	197 x 1.2 = 236.4	\$2,442,484.80
395 x 2 bedroom	395 x 1.9 = 750.5	\$7,754,166.00
56 x 3 bedroom	A cap of \$20,000 per dwelling has been imposed under the <i>Reforms of Local Development Contribution</i> 56 x \$20,000 = \$1,120,000.00	\$1,120,000
3 x 4 bedroom	A cap of \$20,000 per dwelling has been imposed under the <i>Reforms of Local Development Contribution</i> 3 x \$20,000 = \$60,000.00	\$60,000
1 x 5 bedroom	A cap of \$20,000 per dwelling has been imposed under the <i>Reforms of Local Development Contribution</i> 1 x \$20,000 = \$20,000.00	\$20,000
Total: 654 units		\$11,421,447.6
Credit for existing residential		
Dwelling Type	Total number of persons per dwelling	Contribution payable @ \$10,332/person 2018/2019 fees and charges
2 X 2 bedroom	2 x 1.9 = 3.8	\$39,261.60
5 X 3 bedroom	A cap of \$20,000 per dwelling has been imposed under the <i>Reforms of Local Development Contribution</i> 5 x \$20,000 = \$100,000.00	\$100,000.00
Total: 7 units		\$139,261.60
Commercial/retail contributions		

Proposed Use	Area	Contribution payable at \$130 per m ² (2018/2019 fees and charges)
Retail	10,457.78m ²	\$1,359,511.40
Commercial	19,321.55m ²	\$2,511,801.50
Total	29,779.33m²	\$3,871,312.90
Credit for existing commercial buildings		
Use	Area	Contribution payable @ \$130 per m ² 2018/2019 fees and charges
Site A Commercial	6,675m ²	\$867,750.0
Site B Retail	1,368m ²	\$177,840.0
Site C Commercial	1,978m ²	\$257,140.0
Total	10,021m²	\$1,302,730.0
Total Section 7.11 Contributions Payable		
Contribution Type		Amount 2017/2018 fees and charges
Residential:		\$11,421,447.60
Credit for existing residential buildings:		-\$139,261.60 (minus)
Commercial/Retail:		\$3,871,312.00
Credit for existing Commercial/Retail buildings:		-\$1,302,730.00 (minus)
Total Contribution:		\$13,850,768.90

A condition requiring payment of the contribution payable is included within the Recommendation.

11 CONCLUSION

The sites suitability for the proposed mixed-use development is endorsed by LEP Amendment No. 22. The site is strategically located in close proximity to St Leonards train station, multiple high frequency bus stops along the Pacific Highway and planned Metro Station at Crows Nest, which makes it ideally placed to deliver a vibrant mixed-use precinct for workers, residents, students and visitors. This vision is reflected in the strategic direction for St Leonards under the *Greater Sydney Region Plan* and *North District Plan*, and the *Draft St Leonards and Crows Nest 2036 Plan*, as well as Council's planning documents.

The proposal delivers design excellence through the highest standard of architectural, urban and landscape design, and is responsive to the prevailing and desired future character of the immediate and broader local context in terms of character, built form and scale. The development has been designed to minimise adverse impacts to the surrounding locality in terms of aural and visual privacy, views, solar access, and visual intrusion.

The proposed development provides a complementary mix of land uses that are organised to relate well to each other and display connectivity whilst being flexible to adapt to change. The development provides safe and ease of access for all people and is clearly defined and legible. Strong pedestrian through-site-linkages are provided from street frontages and are made safe through Crime Prevention Through Environmental Design (CPTED) measures including maximising opportunities for passive surveillance and activation of the public domain.

The highly articulated and modulated building facades, particularly that of the western façade to Tower 2, contributes to a strong sense of place and identity. The civic plaza at ground floor level and vertical communal open space areas are well conceived to deliver a high level of amenity and encourage inclusiveness and interaction. The dedicated public library and on-site public parking provision would deliver a strong public benefit.

The proposed development is acceptable with regard to the matters of consideration under Section 4.15 of the *Environmental Planning and Assessment Act, 1979*. The proposed development

achieves a high level of compliance with key planning instruments/DCP's including SEPP 65 and the Apartment Design Guide, Lane Cove LEP 2009 and Lane Cove DCP 2010. Where a variation is sought to the prescriptive standard, the objectives of the standard have been met.

The applicant has worked extensively with Council and relevant approval bodies to resolve all issues. All relevant external approvals have been obtained. Council's internal referral staff endorse the proposal, subject to recommended conditions of consent. Suitable conditions of consent are recommended to mitigate impacts of the development on the surrounding locality during the construction period.

The proposed development is the last of three (3) pilot projects identified by Lane Cove Council to deliver a premium mixed-use development that is aligned with State-led planning documents and to support its overarching goal for St Leonards, to create an area with a high level of liveability, amenity and connectivity. The proposed development successfully incorporates the essential qualities of good urban design and would deliver a liveable urban environment with a high level of amenity and a strong sense of place that is valued and significant for the community.

For these reasons as outlined in this assessment report, the application is recommended for approval.

12 RECOMMENDATION

The Sydney North Planning Panel approves the variation to the height of buildings development standard in Clause 4.3(2) – *Height of Buildings* in *Lane Cove Local Environmental Plan 2009*, as it is satisfied that the applicant's written request has addressed the matters required to be demonstrated by Clause 4.6 of that Plan and the proposed development would be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development in the zone and there are sufficient environmental planning grounds to justify the variation.

The Sydney North Planning Panel approves the variation to the FSR development standard in Clause 4.4(2) – *Floor Space Ratio* in *Lane Cove Local Environmental Plan 2009*, as it is satisfied that the applicant's written request has addressed the matters required to be demonstrated by Clause 4.6 of that Plan and the proposed development would be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development in the zone and there are sufficient environmental planning grounds to justify the variation.

Pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, the Sydney North Planning Panel as Consent Authority grant development consent to Development Application No. 6/2018 for demolition of remaining structures and basements, excavation to accommodate ten (10) basement levels including the provision of 316 public car parking spaces, construction of a fourteen (14) storey commercial building and two (2) mixed-use towers of twenty-six (26) storeys and forty-seven (47) storeys providing a total of 654 units and including a public library and retail space (including a supermarket), creation of a new laneway and public domain works at Christie Lane and Lithgow Street and associated works including tree removal, signage, and stratum subdivision at 71-79 Lithgow Street, 82-90 Christie Street, 84A Christie Street, 546-564 Pacific Highway, Christie Lane, and Lithgow Street, St Leonards subject to the recommended conditions of consent at **Annexure A**.

13 ANNEXURES

Annexure	Document	Prepared By
1	Conditions of Consent	
2	Architectural Drawings (final)	PTW Architects
3	Landscape Plans	Arcadia
4	Concept Stratum Plans	Land Partners
5	Statement of Environmental Effects	Urbis
6	Clause 4.6 Variation – Height	Urbis
7	Clause 4.6 Variation – FSR	Urbis
8	SEPP 65 Assessment	Architectus
9	CPTED Advice	Architectus
10	Safer by Design Report	Urbis
11	Executed VPA – Planning Agreement	JQZ and Lane Cove Council
12	Traffic Impact Assessment	The Transport Planning Partnership
13	Addendum Traffic Report	The Transport Planning Partnership
14	Construction Traffic Management Plan	The Transport Planning Partnership
15	Acoustic Report	EMM Consulting
16	Geotechnical Assessment	WSP
17	Arboricultural Report	Landscape Matrix
18	Preliminary Contamination Assessment	WSP
19	BCA Assessment	BCA Logic
20	Reflectivity Assessment	Windtech
21	Fire Engineering Assessment	Holmes Fire
22	Accessibility Assessment	BCA Logic
23	Civil Plans (revised)	AT&L Civil Engineers
24	Sustainability Report	Northrop Consulting Engineers
25	Waste Management Plan (revised)	Elephant's Foot Recycling Solutions
26	Construction Waste Management Plan	Urbis
27	Construction Noise and Vibration Management Plan	EMM Consulting
28	Natural Cross Ventilation Assessment	Windtech
29	Structural Assessment	ABC Consultants Structural Engineers
30	Public Art Plan	Vertebrae
31	Pedestrian Wind Assessment (revised)	Windtech
32	Wind Assessment Referral Response by ARUP (to original report)	Windtech
33	View Analysis	PTW Architects
34	Vertical Transportation Report	Schindler