



Statement of Environmental Effects

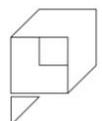
Development Application – Mixed-Use Hotel Development

28 – 42 Pacific Highway, St Leonards



Prepared by Paro Consulting for EDSGEAR PTY LTD

August 2025



Document status

Revision	Date	Name	Signature
2	13/08/2025	Wilson Perdigao, Principal Planner B.Plan (Hons)	
		Daniel Barber, Planning Director B.Plan (Hons) M.ProDev, RPIA	

Contact Details

Item	Details
Company	Paro Consulting (Paro Planning Pty Ltd)
Office Address	Suite 1.02, 38 Waterloo Street, Surry Hills NSW 2010
Email	daniel@paroconsulting.com.au
Phone	0422983710

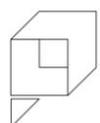
Disclaimer

This statement of environmental effects has been prepared with reasonable effect made to ensure that this document is correct at the time of printing, Paro Consulting and its employees make no representation, undertake no duty and accepts no responsibility to any third party who use or rely upon this document or the information contained in it.

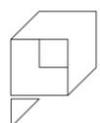


Contents

Contents	3
1. Introduction	5
2. Background	6
2.1 Approval History	6
2.2 NSROC Design Review Panel – May 2025	6
2.3 Preliminary DA – June 2025	6
2.4 Compliance Orders	9
3. Site Analysis	10
3.1 Site Location	10
3.2 Site Description	10
3.3 Locality Context, Surrounding Development and Land Uses	15
4. The Proposal	18
4.1 Overview	18
4.2 Detailed Description	18
4.2.1 Demolition	18
4.2.2 Construction	18
4.2.3 Subdivision	24
4.2.4 Tree Removal	24
4.2.5 Excavation and Filling	25
4.2.6 Materiality and Façade Treatment	25
4.2.7 Landscaping	25
4.2.8 Vehicular and Pedestrian Access	25
4.2.9 Waste Management	25
4.2.10 Operational Characteristics	25
4.2.11 Estimated Development Cost (EDC)	25
5. Environmental Planning Assessment	26
5.1 Water Management Act 2000	26
5.2 Environmental Planning & Assessment Regulation 2021	26
5.2.1 Part 3 Division 1 Making Development Applications	26
5.2.2 Clause 61 – Demolition	26
5.2.3 Clause 69 – Compliance with the BCA	26
5.3 Environmental Planning and Assessment Act 1979 (EP&A Act 1979)	26
5.3.1 Section 1.2 – Functions of Sydney district and regional planning panels	26
5.3.2 Section 1.3 – Objects	27



5.3.3 Section 4.15 - Evaluation	27
5.3.4 Section 4.46 – Integrated Development	29
5.4 Provisions of Any Environmental Planning Instrument	29
5.4.1 SEPP (Planning Systems) 2021	29
5.4.2 SEPP (Transport and Infrastructure) 2021	29
5.4.3 SEPP (Resilience and Hazards) 2021	33
5.4.4 SEPP (Sustainable Buildings) 2022	34
5.4.5 SEPP (Industry and Employment) 2021	35
5.4.6 SEPP (Biodiversity and Conservation) 2021	35
5.5 Lane Cove Local Environmental Plan 2009	36
5.6 Crows Nest Transport Orientated Development Design Guide	48
5.7 Lane Cove Development Control Plan	59
6. Environmental Assessment	81
6.1 Assessment of Natural Environmental Impacts	81
6.1.1 Topographic and Scenic Impacts	81
6.1.2 Water and Air Quality Impacts	81
6.2 Assessment of Built Environmental Impacts	81
6.2.1 Site Isolation and amalgamation	81
6.2.2 Impact on character	83
6.2.3 Solar Access	83
6.2.4 Visual and Aural Privacy	83
6.2.5 Views	83
6.3 Assessment of Site Suitability	83
6.3.1 Proximity to Services and Infrastructure	83
6.3.2 Hazards	84
6.4 Public Interest	84
6.4.1 Social and Economic Impacts	84
6.4.2 The Public Interest	84
7. Conclusion	85



1. Introduction

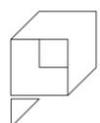
This Statement of Environmental Effects (SEE) has been prepared by Paro Consulting on behalf of EDSGEAR Pty Ltd to accompany a Development Application (DA) to Lane Cove Municipal (Council) in relation to the land at 28 – 42 Pacific Highway, St Leonards (the site).

The DA seeks approval for demolition of existing structures and the construction of a Mixed-Use, Hotel development comprising; commercial tenancy, 99 motel units, communal living and communal outdoor areas, basement parking and facilities and associated works (the proposal) at 28 – 42 Pacific Highway, St Leonards.

The SEE has been prepared pursuant Part 3 Division 1 of the Environmental Planning and Assessment Regulation 2021 (EP&AR 2021) and Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979). The report identifies the site and locality, background, describes the proposal, identifies the statutory planning framework and key planning considerations, section 4.15 assessment and provides a conclusion.

The application is worthy of approval for the following reasons:

- The proposal is consistent with the aims and objectives contained within the Lane Cove Local Environmental Plan 2009 and generally consistent with the relevant controls within the Lane Cove DCP 2010.
- The proposal includes a variation to the prescribed statutory height and floor space ratio standards due to the altered existing ground level of the site resulting in technical breaches of both height and calculable GFA. The minor variations are supported via Clause 4.6 Variation Requests that have been submitted as part of this DA. These requests demonstrate that the proposed variation to the height and floor space ratio standards are acceptable and that strict compliance with the standard is unreasonable and unnecessary, in the circumstances of the case with adequate environmental grounds justifying the variations.
- The proposal is consistent with the aims and objectives and the key built form controls of the Crows Nest TOD Precinct Design Guideline and is considered to contribute to the creation of a vibrant, accessible and sustainable urban environment.
- The character and/or nature of the proposal is consistent with the existing and emerging surrounding character;
- The proposal delivers design excellence, including attractive architecture, good internal amenity for prospective users;
- The proposal contributes positively to the public domain and creates positive social and economic outcomes.
- There will be no unreasonable adverse impacts on the environment or neighbouring properties as a result of the proposed development; and
- The proposed development is suitable for the site and is in the public interest.



2. Background

2.1 Approval History

There is no relevant application history is available for the development site on Council’s DA tracker. Refer to the Statement of Heritage Impact prepared by TZG submitted in support of the DA, for relevant building and development application history.

2.2 NSROC Design Review Panel – May 2025

A Design Review Panel (DRP) meeting was held on 28 May 2025 with the Lane Cove Design Review Panel in relation to a proposal for “demolition of existing buildings and construction of mixed use/ hotel building, including ground floor retail, 99 hotel rooms, roof-top indoor and outdoor communal areas” at 28 - 42 Pacific Highway, St Leonards.

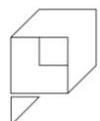
The proponent has considered the written advice provided by the DRP dated 28 May 2025 in preparation of a revised scheme as part of this DA. This is addressed in the Urban Design & Architectural Report prepared by TZG submitted in support of the DA.

2.3 Preliminary DA – June 2025

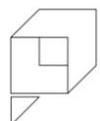
A Preliminary DA (Pre-DA) meeting was held in June 2025 with Lane Cove Council staff in relation to a proposal for “demolition of existing buildings and construction of mixed use/ hotel building, including ground floor retail, 99 hotel rooms, roof-top indoor and outdoor communal areas” at 28 - 42 Pacific Highway, St Leonards.

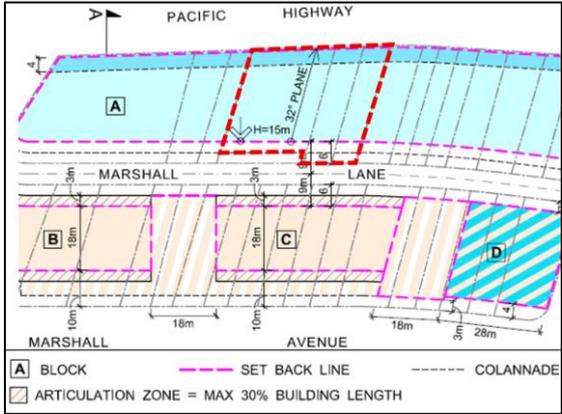
The proponent has considered the written advice provided by the Lane Cove Council dated June 2025 in preparation of a revised scheme as part of this DA. This is addressed below:

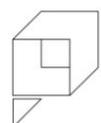
Pre-DA Comment	Response
Principal Planning Matters	
<p>i. Height</p> <p>Interpretation of ‘ground level (existing)’.</p> <p>a. The site has an existing 2 levels of basement. Consistent with the decisions made in the Land and Environment Court in Triple Blue Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1065 (at[47]); Stokes v Waverley Council (No 3) [2020] NSWLEC 1224 (at [59]) and Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582 (at [83]), the legal interpretation is that excavated ground level must now be considered as ground level (existing).</p> <p>b. This alters the point at which building height is measured from and in this instance, building height is now to be measured from the level 2 basement slab. This results in a maximum approximate height of 39.46m (preliminary</p>	<p>A Clause 4.6 Variation Request has been prepared in relation to the statutory building height standard variation and submitted in support of the DA.</p>



Pre-DA Comment	Response
<p>desktop assessment) which would exceed the 38m height control. Refer to figure 11.</p> <p>The future development application is required to be accompanied by a Clause 4.6 requests which seek to vary height development standards.</p>	
<p>ii. FSR</p> <p>Due to the altered ground level, the existing basement levels are technically considered to be located above “existing” ground level. These areas technically meet the LEP definition to be included as gross floor area. Consequently, these areas within the lower ground floor have been included in the calculation of FSR.</p> <p>The lower ground level plant rooms, comms rooms, bicycle park, end of trip facilities, amenities, storage, are above existing natural ground level are part of the FSR calculation. Refer to figure 12 below.</p> <p>The Lane Cove LEP definition of Gross Floor Area (GFA) excludes (g) car parking to meet any requirements of the consent authority (including access to that car parking) therefore the parking spaces, vehicle ramps and circulation spaces would be excluded from the GFA calculation.</p> <p>Given that the application is proposing the maximum yield of 5:1, the additional GFA would result in a variation to the 5:1 FSR control. The future development application is required to be accompanied by a Clause 4.6 requests which seek to vary FSR development standards.</p>	<p>A Clause 4.6 Variation Request has been prepared in relation to the statutory floor space ratio standard variation and submitted in support of the DA.</p>
<p>iii. Heritage</p> <p>The proposed development is located across the road from Gore Hill Memorial Cemetery which is identified as a State Heritage Item and is to be addressed accordingly with a HIA prepared by a qualified heritage consultant.</p>	<p>A Statement of Heritage Impact prepared by TZG has been submitted in support of the DA which considers the proposal in context of the surrounding heritage items.</p>
<p>DCP Planning Controls</p> <p>The following sections of Council’s DCP are to be addressed. Emphasis is drawn to Part S – Environmental Sustainability which is to be complied with and addressed in full. The following provisions are identified for emphasis, the assessment is not limited to the following:</p>	



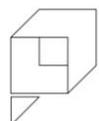
Pre-DA Comment	Response
<p>Part B - General Controls</p> <p>Part D – Commercial and Mixed-Use Development</p> <p>4.4 Separation requirements: Separation is to be provided between all towers. Minimum distances are provided within the block plan tables. These separation distances are an average separation but no tower should be located closer than 12m from an adjacent tower or potential tower. Separation of towers is imperative to avoid a continuous secondary street wall extending the length of the block along the highway.</p> <p>The application proposes nil side setbacks as per existing buildings. The Statement of Environmental Effects (SEE) will be required to justify the variation of the control.</p>	<p>The site is located in Block ‘A’ of the Marshall Precinct. It is therefore not subject to a tower separation control.</p> <p>Refer to DCP figure below noting the pink line indicates the setback lines for Block ‘A’ and ‘B’.</p>  <p>The diagram is a site plan showing four blocks (A, B, C, D) bounded by Pacific Highway, Marshall Lane, and Marshall Avenue. Block A is at the top, B and C are in the middle, and D is on the right. A red dashed line indicates a 32-degree sloping plane starting from a 15m podium. A pink dashed line shows setback lines for blocks A and B. A legend at the bottom identifies 'BLOCK' (A, B, C, D), 'SET BACK LINE' (pink dashed), 'COLANNADE' (dotted), and 'ARTICULATION ZONE = MAX 30% BUILDING LENGTH' (hatched). Dimensions for setbacks and block sizes are provided.</p>
<p>Part D – Commercial and Mixed-Use Localities</p> <p>The site is within ‘block A’ within the Marshall Precinct in the DCP.</p> <p>The controls of the site require a 32° sloping plain from 15m podium towards the Pacific Highway.</p> <p>The proposed lift overrun would protrude through 32° sloping plain. The objective of the height plain is to ensure solar access to the residential properties on the opposite side of Marshall Lane received acceptable solar access. The applicant is to demonstrate that any shadows caused by the structures protruding above the 32° height plain would not adversely impact solar access enjoyed by the neighbouring properties.</p>	<p>The proposal complies with the applicable height standard prescribed by the Lane Cove LEP.</p> <p>The proposal has also been designed to respond to the 15m height plane of the Lane Cove DCP.</p> <p>The TOD does not specify a 32° sloping height plane control. Instead, it includes objectives for solar access that override the Lane Cove DCP’s Figure 14: Section AA of Block A.</p> <p>The proposal at 38 Pacific Highway has elected to maintain a stepped form down to the Marshall Lane side of the building to preserve solar access to Southern neighbours. While the lift overrun sits above the notional 32° plane, the overall building adopts a stepped form to the south, specifically to preserve amenity for neighbouring properties.</p> <p>Solar analysis confirms compliance with relevant solar access benchmarks.</p>
<p>Part S – Environmental Sustainability</p> <ul style="list-style-type: none"> • S.2 Achieving Net-Zero – 2.1 All Electric Buildings, 2.2 On-site Solar • S.3 Resilience and Health – 3.2 Glazing, 3.4 Sustainable Materials • S.4 Integrated Urban Water Management 	<p>Refer to <i>ESD DA Report</i> prepared by Dsquared Consulting which provides consideration of Part S of the DCP.</p>



Pre-DA Comment	Response
<p>SPECIALIST DOCUMENTS REQUIRED</p> <p>The following special documents are required to accompany the development application at lodgement.</p>	
<p>Traffic Report – This is to assess the impacts of the proposed development. This is also to confirm (through swept paths) that the required waste vehicle can manoeuvre within the basement and entry and exit in a forward facing direction. This is to include accessibility.</p>	<p>Provided.</p>
<p>Acoustic Report – This report is to assess the impacts of Pacific Highway on the proposed apartments.</p>	<p>Provided.</p>
<p>Accessibility Report – The provide comments on the accessibility requirements specific to seniors living.</p>	<p>Provided.</p>
<p>Landscape Package including the Landscape Checklist – This is to be completed by the landscape architect. Please ensure items ticket have been provided.</p>	<p>Provided.</p>
<p>A Preliminary Site Investigation (PSI) is required to be submitted containing historical land use, any prior environmental reports to identify possible sources of contamination, potential contaminants of concern, and areas that may be affected. If the outcome of the PSI recommend a further Detailed Site Investigation (DSI), at a minimum a Remediation Action Plan (RAP) is required to outline the specific actions required to manage or remediate contamination, ensuring that the site is safe for its intended use.</p>	<p>A PSI and RAP has been prepared.</p>

2.4 Compliance Orders

There are no compliance orders relating to the current proposal to the authors knowledge.



3. Site Analysis

3.1 Site Location

The subject site relates to four (4) allotments located at 28 - 42 Pacific Highway, St Leonards, lawfully described as Lot 1 DP 746012, Lot A and Lot B DP 418201 and Lot D 419240, it is located within the Lane Cove Council Local Government Area (LGA). The site is situated on the southern side of Pacific Highway and the northern side of Marshall Lane, as shown below. Figure 1 provides a locality map depicting the site within the wider locality, Figure 2 provides an aerial image of the site.

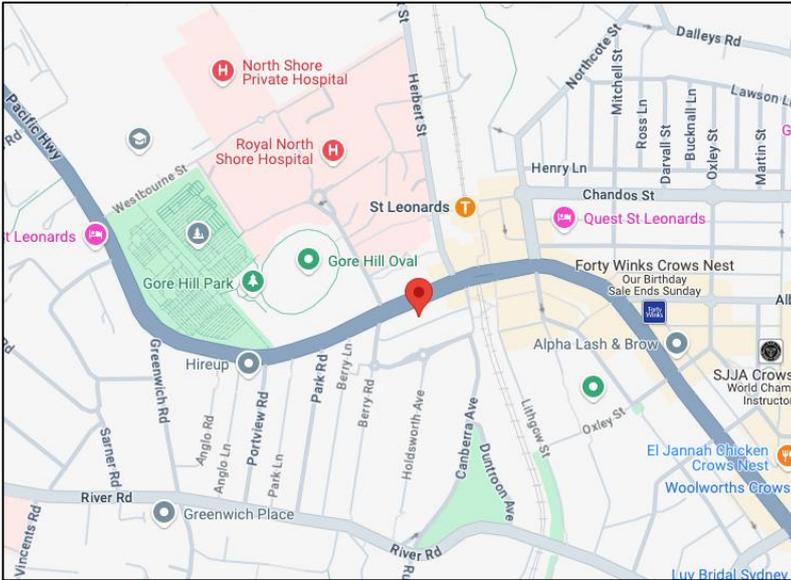


Figure 1. Locality Map with site indicated (Google Maps)

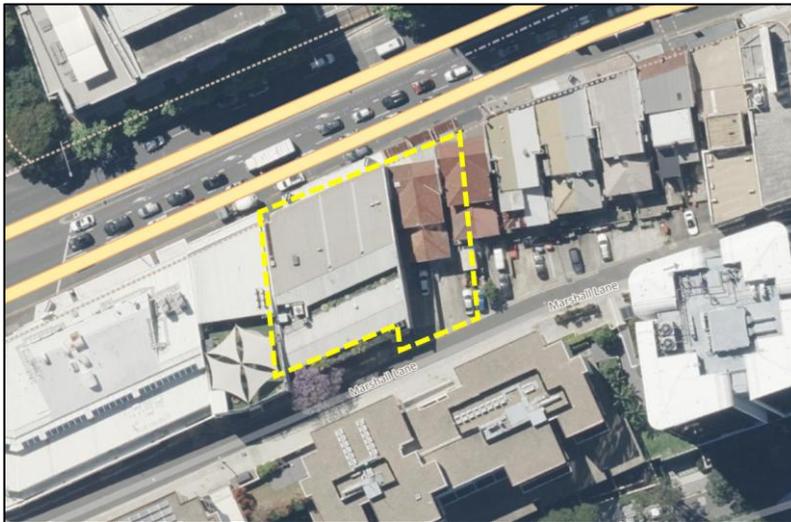


Figure 2. Site Aerial Map (Vexcel Maps, October 2023)

3.2 Site Description

The site comprises four allotments with a total area of 1,236 m². It features a primary frontage along the Pacific Highway at the northern boundary, measuring approximately 40 meters, and a secondary frontage to Marshall Lane to the south, measuring approximately 40 meters and a maximum depth of approximately 35 meters. The land slopes from the northern

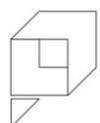




Figure 4. Lane Cove LEP 2009 Zoning Map (NSW Planning Portal)

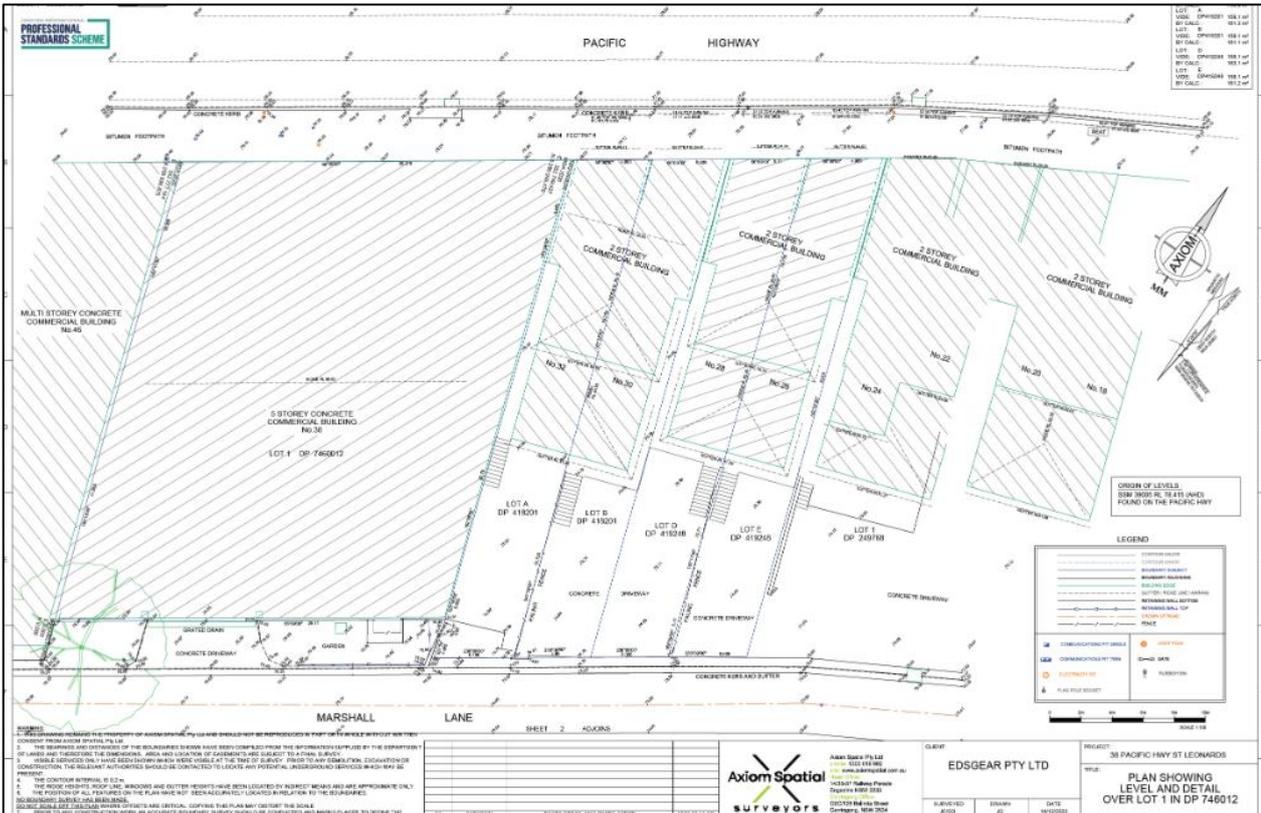
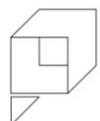


Figure 5. Site Survey (Axiom Spatial Surveyors)



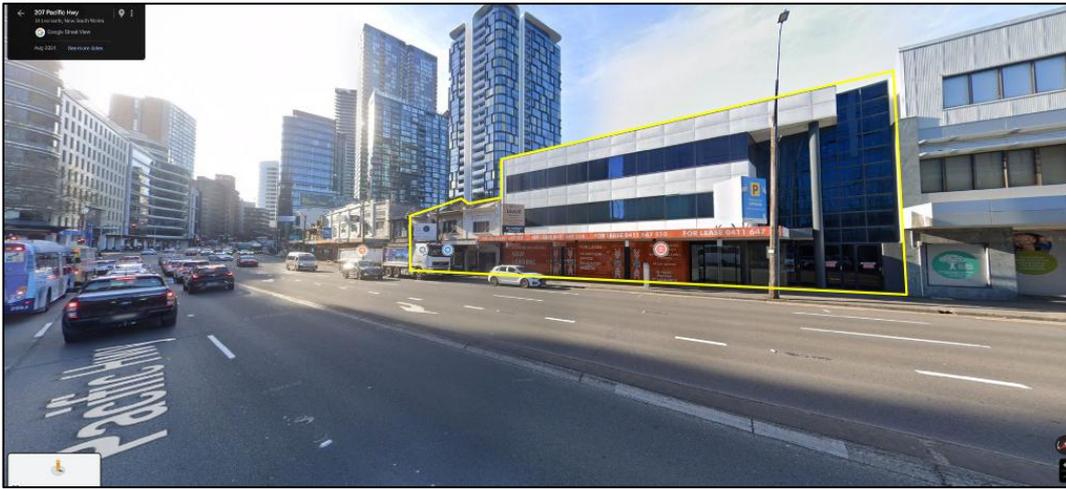
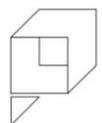


Figure 6. Subject Site viewed from the northern side along Pacific Highway (Google Street View/Vexcel Maps)



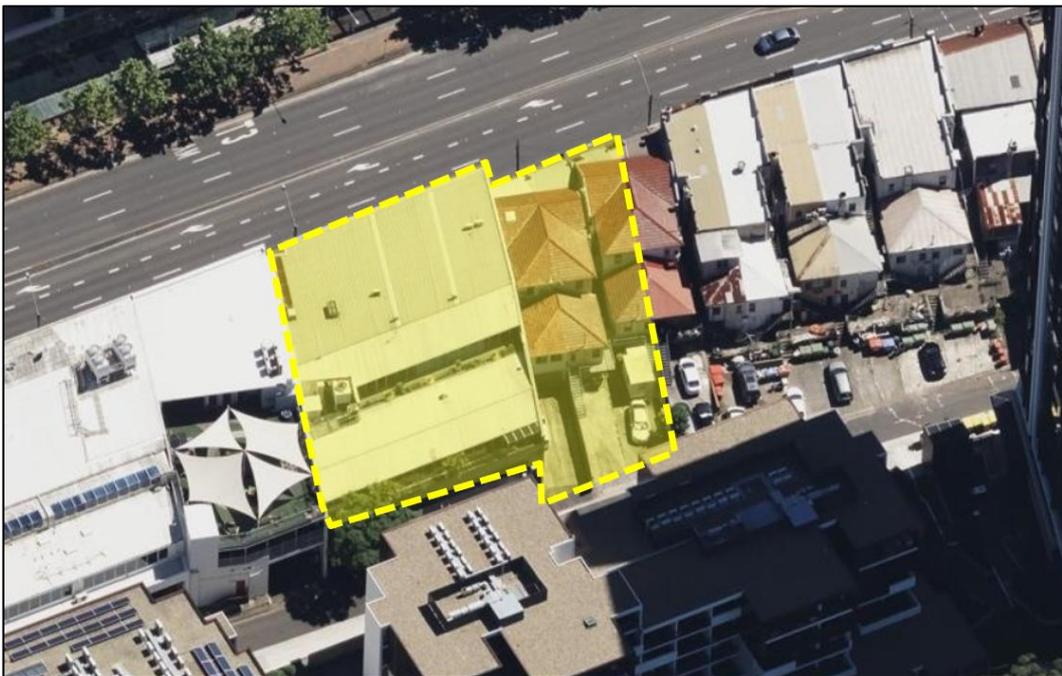
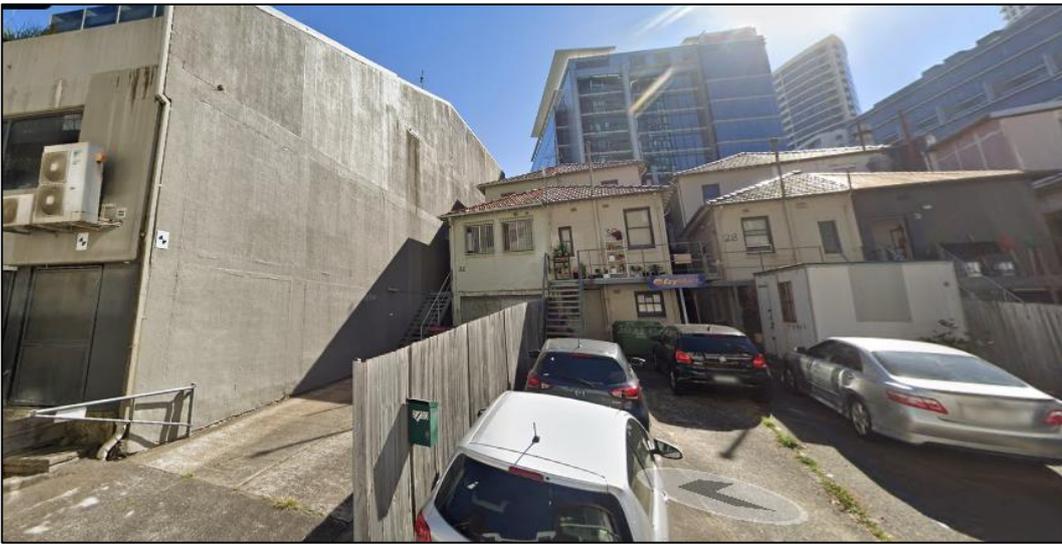
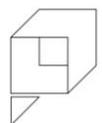


Figure 7. Subject Site viewed from the rear along Marshall Lane (Google Street View)



3.3 Locality Context, Surrounding Development and Land Uses

The site is situated within the Crows Nest Transport Oriented Development (TOD) Precinct, located 5 km northwest of the Sydney CBD. The precinct spans across three local government areas (LGAs): Lane Cove, North Sydney, and Willoughby. This area is currently experiencing rapid urban renewal, with high-rise mixed-use developments replacing older structures and increasing overall density.

The precinct contains several character areas, with the subject site positioned within the St Leonards and Crows Nest Station character area. This area is described as having a dense built form, largely containing subpar commercial buildings of various forms, many of which lack connection and activity. Notable landmarks near the site include Gore Hill Park to the northwest, the Royal North Shore Hospital to the north, and the St Leonards Railway Station to the northeast.

The surrounding development is a blend of commercial properties, typically featuring two- to five-story buildings, with some recently constructed taller structures in close proximity. More specifically, the immediate surrounding development comprises the following:

- To the South: 5 storey residential apartment building (Figure 8)
- To the North: Two large commercial buildings containing ground level retail with office uses above (Building A is 10 storeys and building B is 6 storeys) (Figure 9)
- To the East: A number of two storey commercial terrace buildings with some tall commercial buildings further east (Figure 10)
- To the West: 3 storey commercial development (Figure 11)



Figure 8. Residential development to the south along Marshall Lane (Google Street View)

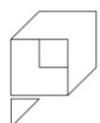




Figure 9. Commercial Development to the north, on the northern side of Pacific Highway (Google Street View)

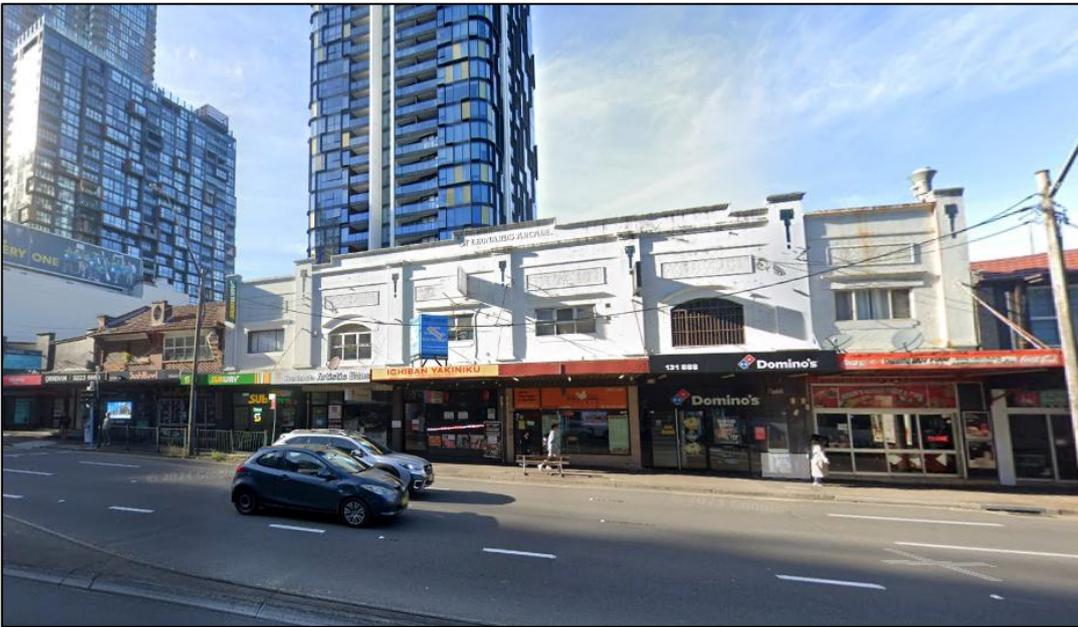


Figure 10. Two storey commercial terrace buildings to the east (Google Street View)

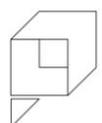
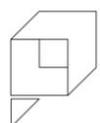




Figure 11. Three storey commercial development to the west (Google Street View)



4. The Proposal

4.1 Overview

The proposal seeks approval for the demolition of the existing buildings and structures and construction of Mixed-Use, Hotel development including ground level commercial (retail) to both frontages, hotel accommodation providing a total of 99 rooms, roof top communal living (indoor and outdoor) and basement areas. The proposal comprises the following main components;

- Two basement levels providing service areas, storage, parking and a hotel gym
- Lower ground floor commercial (retail) fronting Marshall Lane
- Ground level commercial (retail) premises fronting Pacific Highway with mezzanine floor above
- Six (6) levels of Hotel Accommodation
- Communal indoor / outdoor areas

A future Complying Development Certificate or Development Application will be submitted for the use and fit out of the commercial (retail) premise tenancies.

Refer to the Architectural Drawing Set and Architectural Design Statement prepared by TZG for further details of the proposal.

4.2 Detailed Description

4.2.1 Demolition

Demolition of all existing built structures on the subject site is proposed as part of this application.

4.2.2 Construction

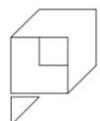
The following provides a detailed description of each proposed level:

Basement Level 2

- Hotel gym
- Hotel Store
- Commercial store
- Hydraulic services
- Grease arrestor
- Lift lobby
- Lift and stairs

Basement 1

- Service plant
- Comms room
- Storage area
- End of Trip facilities
- Bike store
- Motorcycle parking
- Carparking



Lower Ground floor

- Commercial (retail) tenancies fronting Marshall Lane
- Commercial waste
- Hotel waste area
- Water tank storage area
- Fire pump room
- Lift and stairs
- Main switch room
- Substation
- Retail / commercial car parking

Ground floor

- Retail / commercial tenancy
- Bathroom facilities
- Lobby
- Lift and stairs

Ground floor mezzanine

- Retail / Commercial tenancy
- Lift and stairs

Level 1 – Level 4

- 20 x Hotel rooms (1 and 2 bedroom) per level
- Lift and stairs

Level 5

- 11 x Hotel rooms (1 and 2 bedroom)

Level 6

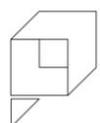
- 8 x Hotel rooms (1 bedroom)
- Communal outdoor area
- Lift and stairs

Level 7

- Communal indoor area
- Communal outdoor area
- Lift and stairs
- Exhaust / plant

Level 8/ roof top

- Communal outdoor area



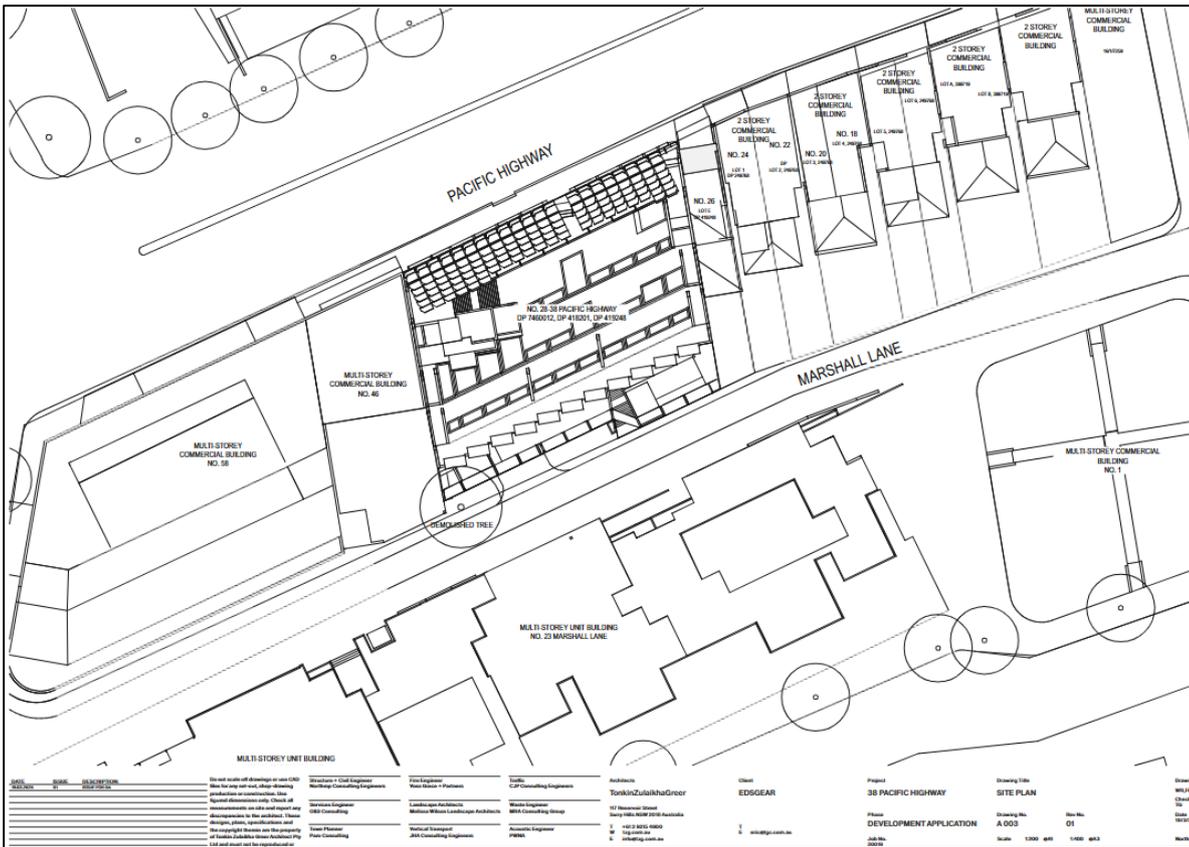


Figure 12. Site Plan (TZG Architects)

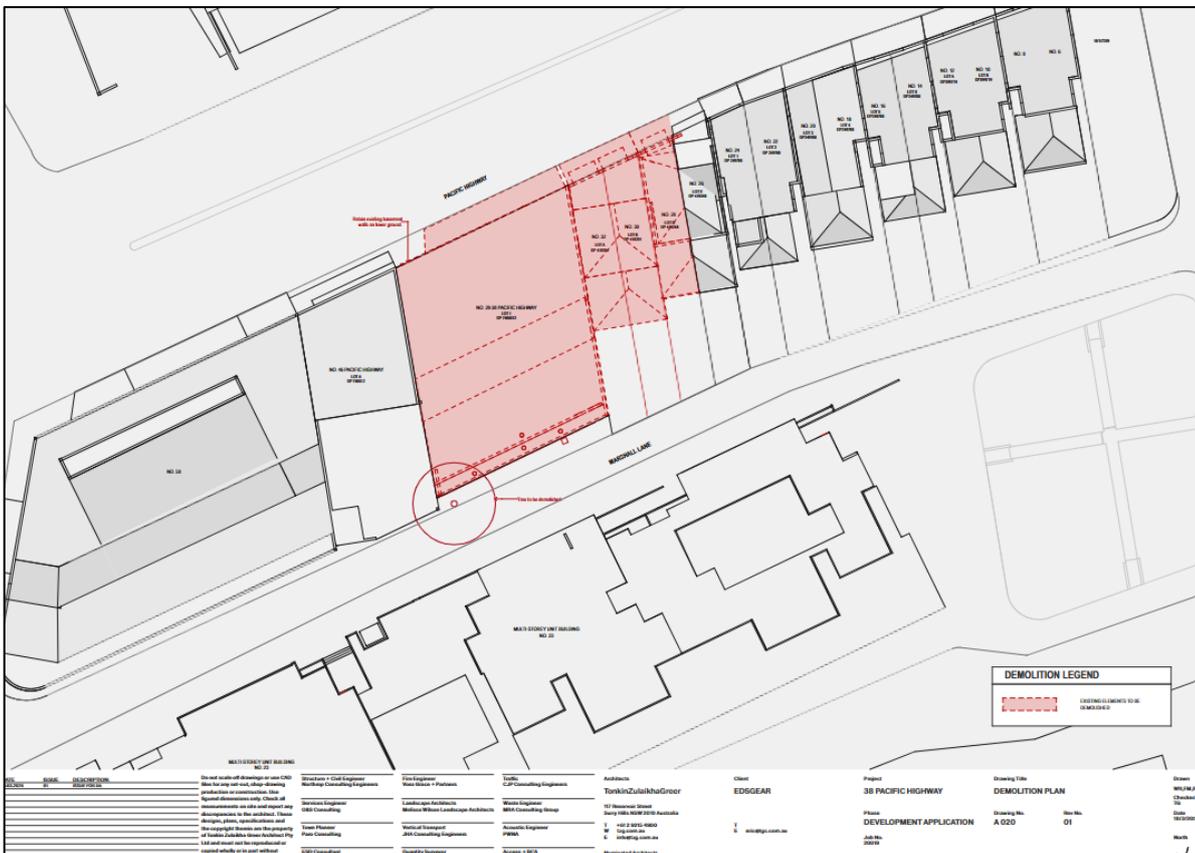
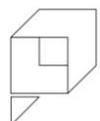


Figure 13. Demolition Plan (TZG Architects)



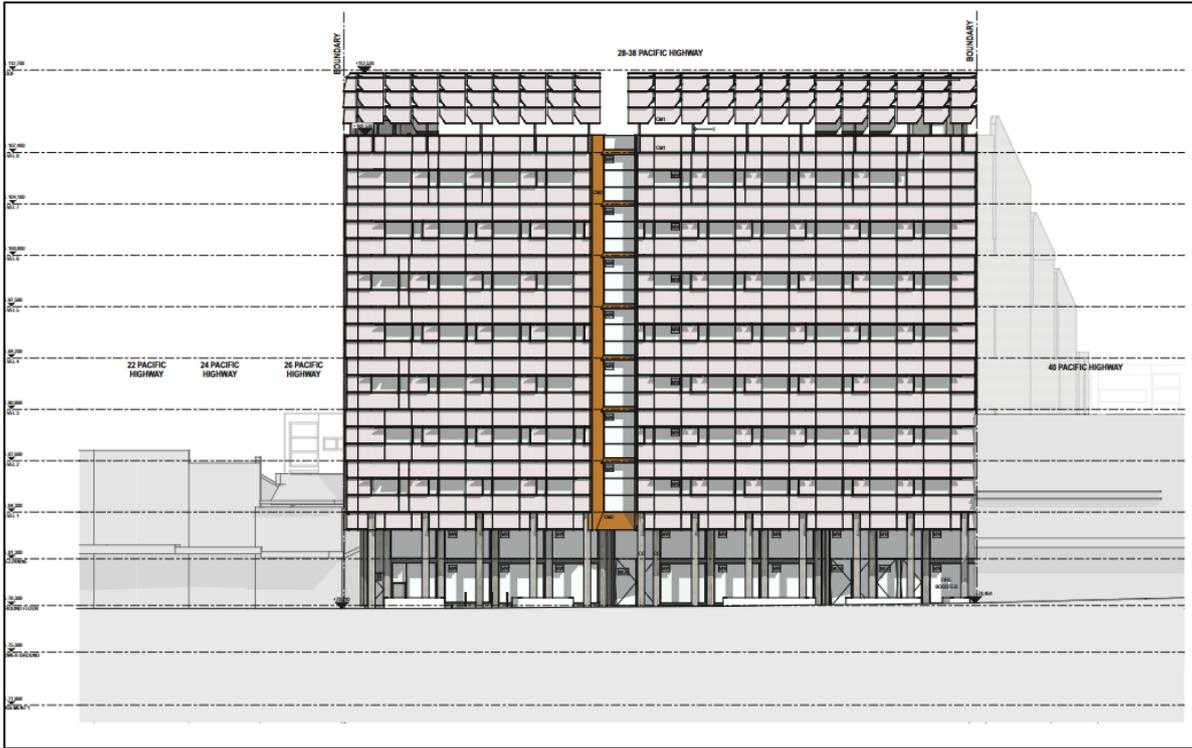


Figure 14. North Elevation – Princes Highway (TZG Architects)

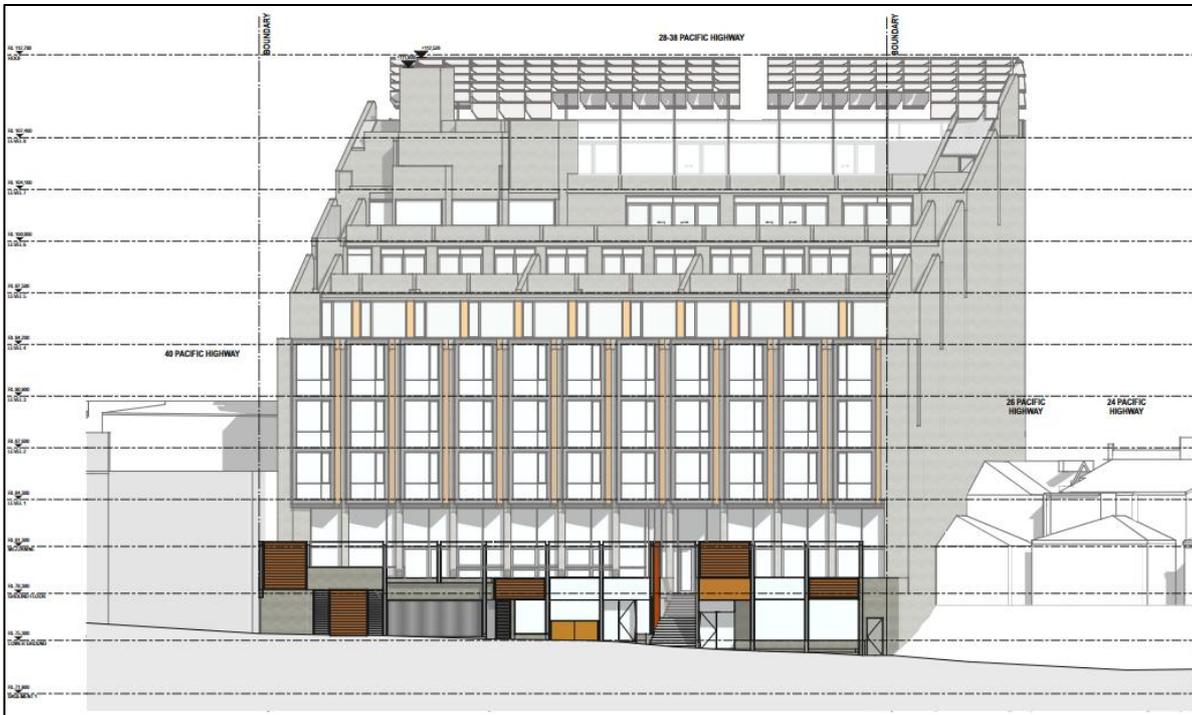
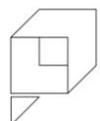


Figure 15. South Elevation – Marshall Lane (TZG Architects)



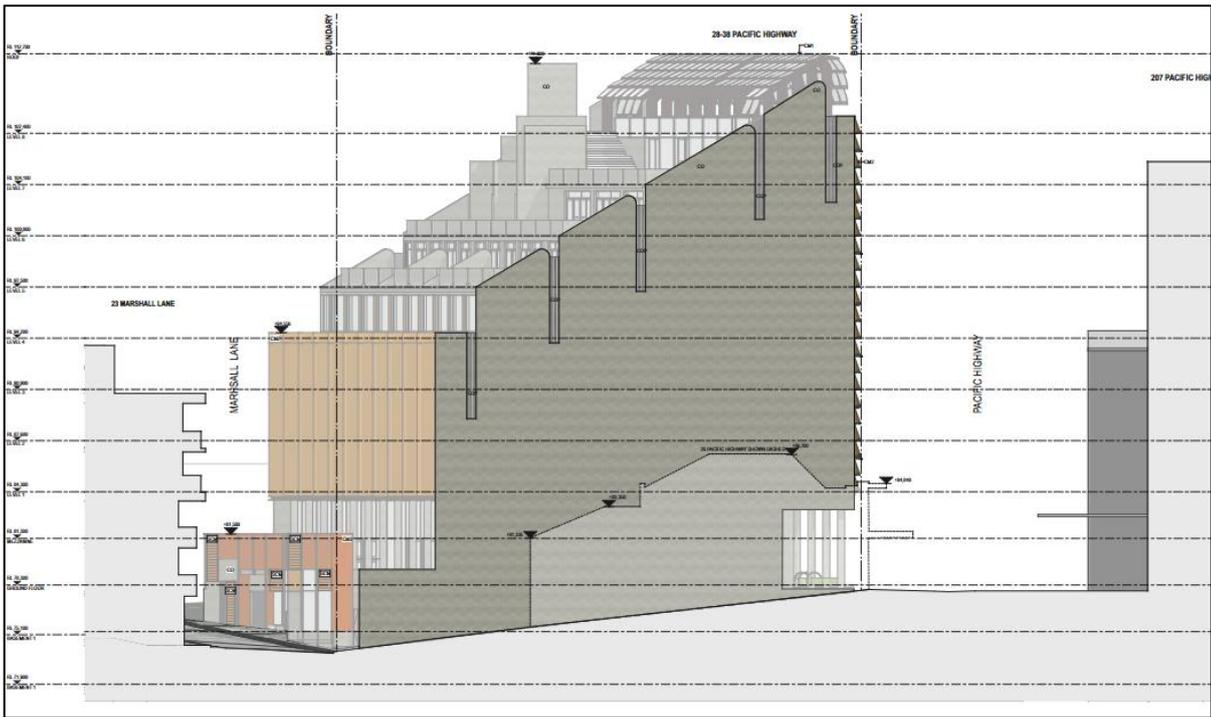


Figure 16. Eastern Elevation (TZG Architects)

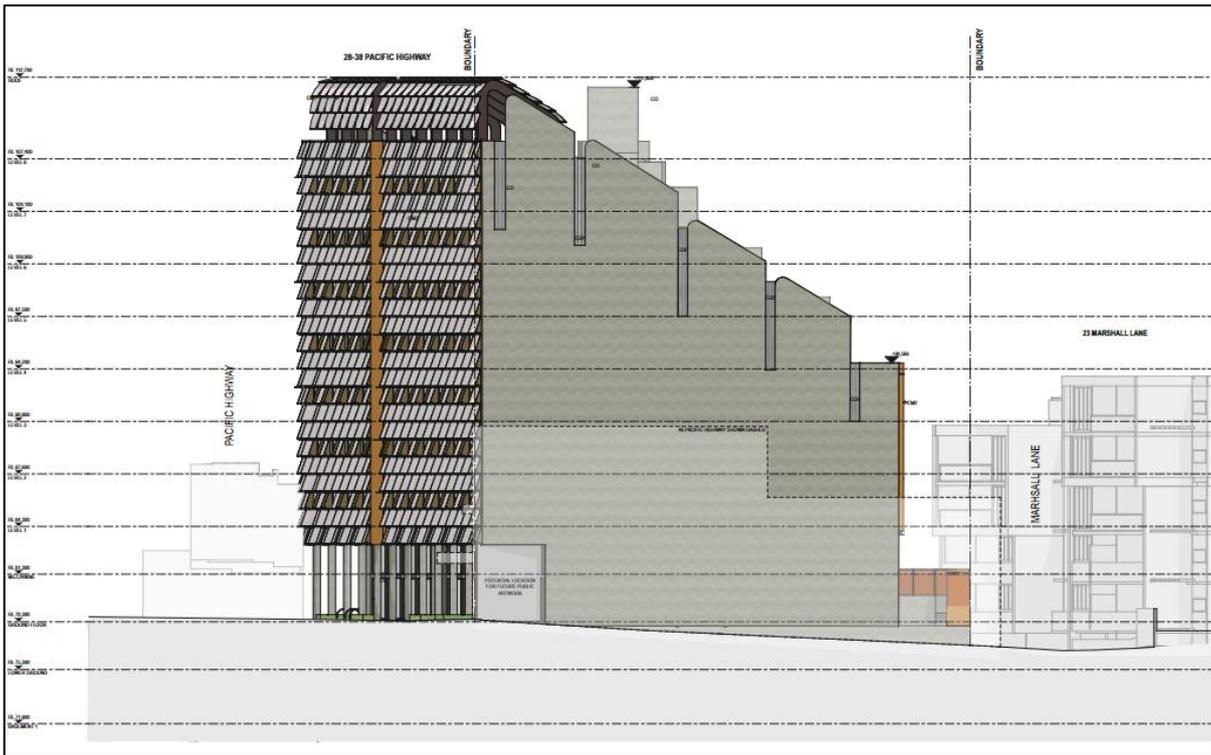


Figure 17. Western Elevation (TZG Architects)

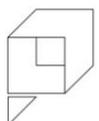
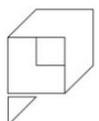




Figure 18. 3D Montage – Pacific Highway (TZG Architects)



Figure 19. 3D Montage – Marshall Lane (TZG Architects)



The key statistics and elements of the project are shown in the table below:

Table 1. Development Statistics

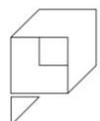
Element	Proposed
Site Area	1236.4m ²
Gross Floor Area (GFA)	6305.6m ² (excluding basement areas below natural ground level) 6,486.3m ² (including basement areas above existing ground level)
Retail / Commercial GFA	1467.8m ²
Maximum Height	34.4m above natural ground level 39.8m above existing ground level.
Total Number of Storeys	8 storeys to Pacific Highway 6 Storeys to Marshall Lane
Total Hotel Units	99 Hotel rooms <ul style="list-style-type: none"> • 91 x 1-Bed hotel rooms; • 8 x 2-Bed hotel rooms
Number of Basement Levels	2 x basement level 1 x partial basement level
Total Car Parking	23 spaces, in the following breakdown: <ul style="list-style-type: none"> • 13 (including 2 accessible spaces) x hotel spaces; • 1 x Courier/delivery bay; • 2 x car share spaces; and • 7 (including 1 accessible space) x Commercial/retail spaces
Total Motor Bike Parking	8
Total Bicycle Parking	50
Landscaped Area	Above-structure planters throughout.

4.2.3 Subdivision

No stratum or strata subdivision is proposed as part of this DA.

4.2.4 Tree Removal

The proposal does not involve the removal of a declared prescribed tree.



4.2.5 Excavation and Filling

Excavation primarily for the purpose of site preparation of two basement levels is proposed as part of the DA. The maximum depth of excavation is approximately 10m below existing ground level. A Geotechnical Report has been prepared by *JK Geotechnics* and is submitted in support of the DA.

4.2.6 Materiality and Façade Treatment

The proposal provides a part 8 and part 9 storey mixed use hotel development that uses distinctive and high-quality materials and finishes to complement the surrounding streetscape along Pacific Highway. The proposed character is considered to harmonise well with the existing built form and is sympathetic in regard to surrounding development. The upper levels include a range of building materials that help to provide visual relief and soften the Pacific Highway façade. From Marshall Lane the proposed recessing of upper levels, landscaping and glazing provide a visually pleasing development that presents an appropriate bulk from the rear. Refer to the Architectural Drawing package for the schedule of materials and finishes.

4.2.7 Landscaping

A landscaping plan has been prepared by *Melissa Wilson Landscape Architects* and is submitted in support of the DA. The proposed landscaping will enhance appearance of the development with the provision of landscaping within planterboxes throughout the site, particularly at the rear upper levels. The proposed development does not reduce deep soil areas and involves the removal of a single tree located within the Marshall Lane road reserve.

4.2.8 Vehicular and Pedestrian Access

Vehicular access to and from the site is achieved via the proposed new driveway and crossover connecting to Marshall Lane, carparking is proposed on the lower ground floor and basement areas, all carparking is situated within the building footprint and not visible from the street. Given the site's inclusion in the Crows Nest TOD Precinct due to its proximity to the St Leonards Railway Station and Crows Nest Metro, the use of public transport to and from the site is encouraged.

The proposal includes ground level retail to both street frontages with access to the Hotel component provided via the Pacific Highway frontage. Pedestrian facilities to both streets are significantly improved, through the provision of safe, equitable and vibrant pathways encouraging active transport.

4.2.9 Waste Management

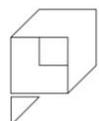
Waste collection is to be serviced from the rear of the site accessible via Marshall Lane. Waste storage rooms are indicated on the lower ground floor plans. Refer to the Waste Management Plan prepared by *MRA Consulting Group* submitted with this DA for further information.

4.2.10 Operational Characteristics

A detailed Plan of Management (PoM) will be developed once an operator is confirmed, subject to Lane Cove Council requirements.

4.2.11 Estimated Development Cost (EDC)

Clause 2.19(1) & Schedule 6(2) of *State Environmental Planning Policy (Planning Systems) 2021* (PS SEPP) and Section 2.15 of the *Environmental Planning & Assessment Act, 1979* (EP&A Act) states that a DA requires determination by the relevant regional panel in this case being the Sydney North Planning Panel (SNPP) if it constitutes development over \$30 million. The proposed EDC exceeds \$30 million and therefore the DA will be assessed by Council but determined by the SNPP.



5. Environmental Planning Assessment

5.1 Water Management Act 2000

The Geotechnical Investigation Assessment accompanying this DA, which confirms the suitability of the proposed excavation and earthworks for this proposal, identified that groundwater was observed within the depth of excavation.

In accordance with Section 4.47 of the Environmental Planning and Assessment Act 1979, the application is required to be forwarded to Water NSW as Integrated Development, as the proposed basement levels will have an impact on groundwater levels as groundwater is expected to be encountered with the depth of excavation.

5.2 Environmental Planning & Assessment Regulation 2021

This report considers the environmental consequences of the development as required under Part 3 Division 1 of the Environmental Planning & Assessment Regulation 2021 (the Regulations).

Any environmental impacts of the development have been identified through a review of applicable planning instruments as outlined below, review of the site and review of other related documents. Our assessment of the proposal, against the planning instruments guiding development, concludes that the environmental impacts, as a result of the development, are within anticipated limits for the site and its surrounds.

5.2.1 Part 3 Division 1 Making Development Applications

Clause 29(2) of the *Environmental Planning and Assessment Regulation 2021* (the Regulation) requires that a DA for a residential apartment development must be accompanied by a design verification statement from a qualified designer. This is not applicable as the proposal relates to a Hotel Use. Notwithstanding this, an *Architectural Design Statement* prepared by TZG is submitted in support of the DA.

5.2.2 Clause 61 – Demolition

All demolition work will be undertaken in accordance with Clause 61 of the Regulation requiring the consent authority to consider AS 2601 - 1991: *The Demolition of Structures*.

5.2.3 Clause 69 – Compliance with the BCA

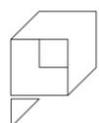
Pursuant to the prescribed conditions under Clause 69 of the Regulation, any building work "*must be carried out in accordance with the requirements of the Building Code of Australia*".

The DA is also accompanied by a Building Code of Australia (BCA) assessment report by *BM+G* concluding that the proposal is capable of complying with the BCA and the National Construction Code (NCC).

5.3 Environmental Planning and Assessment Act 1979 (EP&A Act 1979)

5.3.1 Section 1.2 – Functions of Sydney district and regional planning panels

In summary, this section provides that a Sydney district panel has the functions of the consent authority under Part 4 of the EP&A Act for 'regionally significant development'. As has been outlined earlier in this SEE, the proposal represents a 'regionally significant development'. In this case, the application will be submitted to and assessed by Council but will be determined by the Sydney North Planning Panel (SNPP).



5.3.2 Section 1.3 – Objects

The *Environmental Planning and Assessment Act, 1979* (the Act) is the principal planning and development legislation in New South Wales. In accordance with Section 1.3, the objectives of the Act are as follows:

“(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

(c) to promote the orderly and economic use and development of land,

(d) to promote the delivery and maintenance of affordable housing,

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

(g) to promote good design and amenity of the built environment,

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

(j) to provide increased opportunity for community participation in environmental planning and assessment”.

For the reasons set out below, it is considered that the proposal satisfies the above stated objectives of the Act:

- The proposal would result in the orderly and economic use and development of land as the proposal will result in both job creation and tourism facility within a proposal that is of an appropriate bulk and scale that responds well to its context;
- The proposal would also be consistent with the objectives of the zone, relevant EPIs and development standards;
- There will be no unreasonable adverse impacts on the environment or neighbouring properties as a result of the proposed development;
- The site is without any significant natural constraints and can, therefore, accommodate the proposal;
- The character and/or nature of the proposal is consistent with the emerging surrounding character; and
- The proposal delivers design excellence, including attractive architecture and good internal amenity for prospective patrons.

5.3.3 Section 4.15 - Evaluation

Section 4.15(1) of the Act as amended specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 of the Act are addressed in the Table below.

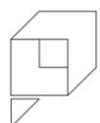
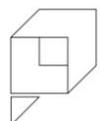


Table 2. EP&A Act 1979 - Section 4.15 (1) Assessment

Clause	Assessment
(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application— (a) the provisions of:	
i) any environmental planning instrument	An assessment has been provided against relevant SEPPs and the Lane Cove LEP 2009 in Part 5.4 & 5.5 of the SEE.
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	Not applicable as no draft environmental planning instruments are applicable to the assessment of this proposal.
iii) any development control plan, and	The proposal has been considered against the relevant provisions of the Lane Cove DCP & Crows Nest TOD Development Design Guide in part 5 of the SEE.
(iiia) any 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 section 7.4, and	The DA is not subject to a planning agreement.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	This report considers the environmental consequences of the development as required under Part 3 Division 1 of the Environmental Planning & Assessment Regulation 2021. There are no prescribed matters, which hinder the development. The proposal is in accordance with the relevant State Environmental Planning Policies.
v) (repealed)	Not applicable.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	As discussed in the other sections of this report, the proposal will not result in any significant adverse environmental impacts and will have a suitable streetscape presentation. The proposal will not result in any adverse social or economic impacts on the locality.
(c) the suitability of the site for the development,	The land is appropriately zoned to permit the development, and the development meets the objectives of the Lane Cove LEP and SEPP Housing.



Clause	Assessment
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	It is envisaged that any submissions made in relation to the proposal will be appropriately assessed by Council.
<i>(e) the public interest.</i>	The public interest would be served by approval of this development. The proposal includes positive economic, social and environmental impacts by creating construction jobs and providing additional commercial and accommodation opportunities within the local centre. It is considered that the development is consistent with Council's policies and does not result in any unreasonable impacts. Under the circumstances of the case, it is considered that the development is acceptable and should be supported.

5.3.4 Section 4.46 – Integrated Development

This section of the Act defines integrated development as matters which require consent from Council and one or more approvals under related legislation. In these circumstances, prior to granting consent Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

The proposed development is integrated as it requires development consent under Section 90 of the Water Management Act 2000 (WM Act).

The proposal includes bulk excavation to an area of the land potentially including ground water. Under the WM Act, a permit is required for development which involves water use, water management work and water activity. The proposal requires a Water Supply Work approval for the dewatering of the site. Therefore, WaterNSW is the approval body under the WM Act and the proposal is to be classified as Integrated Development.

5.4 Provisions of Any Environmental Planning Instrument

An assessment is provided in the section of the SEE against the relevant state and local environmental planning instruments, which apply to the site in considered within Section 4.15 (1) of the EPA Act 1979.

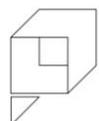
5.4.1 SEPP (Planning Systems) 2021

The Estimated Development Cost (EDC) of the project is estimated at \$44,228,268 (Inc. GST), as provided in the *QS report*. Clause 2.19(1) & Schedule 6(2) of *State Environmental Planning Policy (Planning Systems) 2021* (PS SEPP) and Section 2.15 of the *Environmental Planning & Assessment Act, 1979* (EP&A Act), the DA will be assessed by Council, but determined by the *Sydney North Planning Panel* (SNPP) as the consent authority for this application as it constitutes 'regionally significant development' being development with an EDC of over \$30 million.

5.4.2 SEPP (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the preparation of the development

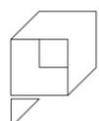


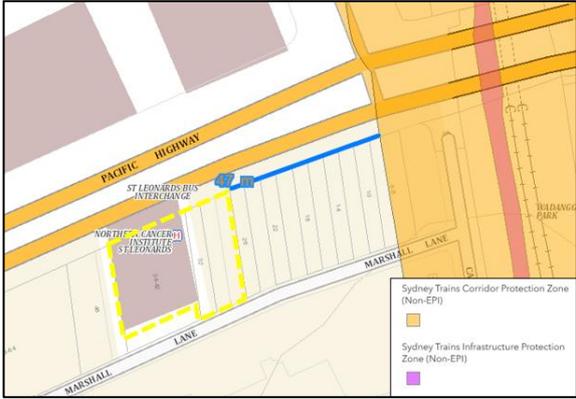
application. The following provisions in Part 2.3 Chapter 2 Infrastructure of the Transport and Infrastructure SEPP 2021 are relevant to the proposed development:

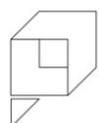
- *Division 5 Electricity transmission or distribution*, applies as it constitutes development that would or will likely affect an electricity transmission or distribution network.
- *Division 15 Railways*, applies to the development based on its location within proximity of a Rail and Metro corridor.
- *Division 17 Roads and Traffic*, applies to the development based on its location adjacent to a Classified Road (*Pacific Highway*).

Table 3. Transport and Infrastructure SEPP – Assessment

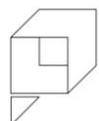
Clause	Requirement	Assessment
Division 5 Electricity transmission or distribution Subdivision 2: Development likely to affect an electricity transmission or distribution network.		
Cl 2.48	<p>Determination of development applications—other development</p> <p><i>(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—</i></p> <p><i>(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</i></p> <p><i>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</i></p>	<p>Clause 2.48(1) stipulates that this clause applies to development that would or will likely affect an electricity transmission or distribution network.</p> <p>Clause 2.48(2) stipulates that prior to determining an application to which this clause applies the consent authority must:</p> <ul style="list-style-type: none"> - give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and - take into consideration any response to the notice that is received within 21 days after the notice is given. <p>It is envisaged that the DA would be referred to Ausgrid by Council and consider any comments received within 21 days</p>
Division 15 Railways Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors—notification and other requirements		
Cl 2.98 Cl 2.99	<p>Development adjacent to rail corridors</p> <p>Excavation in, above, below or adjacent to rail corridors</p>	<p>Referral (concurrence) to TfNSW as part of this DA at the discretion of Council may be required under Clause 2.98 and 2.99 of the SEPP.</p> <p>It should be noted that the proposed development is located greater than 25m of the nearest rail corridor</p>



Clause	Requirement	Assessment
		 <p>The map displays the project location relative to Pacific Highway and the St Leonards Bus Interchange. A yellow dashed line indicates the Sydney Trains Infrastructure Protection Zone (Non-EPI), and a purple dashed line indicates the Sydney Trains Corridor Protection Zone (Non-EPI). Other roads shown include North Lane, Marshall Lane, and Blunden Park.</p>
CI 2.100	Impact of rail noise or vibration on non-rail development	An Acoustic Report has been submitted with this application which provides appropriate measures to be taken to ensure acoustic privacy is maintained in accordance with the requirements of CI 2.100.
Division 17 Roads and traffic Subdivision 2 Development in or adjacent to road corridors and road reservations		
CI 2.118	<p>Development on proposed classified road</p> <p><i>(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—</i></p> <p><i>(a) give written notice of the application to TfNSW within 7 days after the application is made, and</i></p> <p><i>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</i></p>	<p>Clause 2.118 requires concurrence from Transport for NSW, if works are proposed to be carried out within the road reserve.</p> <p>Referral (concurrence) to TfNSW as part of this DA at the discretion of Council may be required under Clause 2.118 of the SEPP.</p>
CI 2.119	<p>Development with Frontage to Classified Road</p> <p><i>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</i></p> <p><i>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i></p> <p><i>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i></p>	<p>CI 2.119 stipulates relevant considerations that must be taken into account for development with a frontage to a classified road.</p> <p>The site has a frontage to Pacific Highway , a classified road.</p> <p>Vehicular Access is provided from Marshall Lane at the rear of the site which is not a classified road.</p> <p>There are no foreseeable adverse impacts on the operation of Pacific Highway as a result of the proposal.</p>



Clause	Requirement	Assessment
	<p><i>(i) the design of the vehicular access to the land, or</i></p> <p><i>(ii) the emission of smoke or dust from the development, or</i></p> <p><i>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i></p> <p><i>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i></p>	<p>An Acoustic Report is submitted in support of the DA which will provide design guidance for the proposed development to ensure they will comply with the Department of Planning guidelines publication “Development Near Rail Corridors & Busy Roads Interim Guideline 2008”.</p>
<p>Cl2.120</p>	<p>Impact of road noise or vibration on non-road development</p> <p>Clause 2.120 applies to development involving residential accommodation, a place of public worship, a hospital, an educational establishment or centre-based child care facility.</p> <p>Clause 2.120(2) stipulates that before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette. (Development Near Rail Corridors & Bust Roads Interim Guideline 2008)</p> <p>Clause 2.120 (3) stipulates that development must not be granted for residential development unless appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</p> <ul style="list-style-type: none"> • Bedrooms—35 dB(A) at any time between 10 pm and 7 am, • anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time. 	<p>An Acoustic Report has been submitted with this application which provides appropriate measures to be taken to ensure acoustic privacy is maintained in accordance with the requirements of Clause 2.120.</p>



Clause	Requirement	Assessment
Cl 2.122	<p>Traffic-generating development</p> <p><i>(2) In this section, relevant size or capacity means—</i></p> <p><i>(a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the <u>size or capacity</u> specified opposite that development in Column 2 of the Table to Schedule 3, or</i></p> <p><i>(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the <u>size or capacity</u> specified opposite that development in Column 3 of the Table to Schedule 3.</i></p>	<p>Not applicable.</p> <p>The proposed development is not of a relevant size or capacity as stipulated in Schedule 3 of the TI SEPP with direct vehicular or pedestrian access to a classified road or a road with connection to a classified road.</p> <p>Referral (concurrence) to TfNSW is not envisaged to be required under Clause 2.122 of the SEPP.</p>

5.4.3 SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

Chapter 2 (Coastal Management) of the SEPP (Resilience and Hazards) 2021 (former SEPP (Coastal Management) 2018) gives effect to the objectives of the Coastal Management Act 2016 from a land use planning perspective, by specifying how development proposals are to be assessed if they fall within the Coastal Zone.

The subject site is located wholly outside of Coastal Environment Area (Section 2.10) and the Coastal Use Area (Section 2.11).

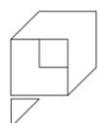
On the basis, no further consideration is required under Chapter 2 of the Resilience and Hazards SEPP 2021.

Chapter 4 – Remediation of Land (Remediation of Land)

Chapter 4 – Remediation of Land of the SEPP (Resilience and Hazards) 2021 provides planning guidelines for remediation of contaminated land. Chapter 4 – Remediation of Land of the SEPP requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

The proposal includes site disturbance to accommodate the construction of new basement levels. As required Under Clause 4.6(a) of Chapter 4 – Remediation of Land, consideration has been given as to whether the land is contaminated.

A *Preliminary Site Investigation* (PSI) has been prepared by *El Australia* and submitted in support of the DA, it concludes that there is potential for contamination to exist on the site and further intrusive investigations are required. The PSI provides recommendations in relation to the site and the proposed development that outline a framework for making the site suitable for the future intended use. This includes preparation of a Hazardous Material Survey prior to demolition and the preparation of a Detailed Site Investigation (DSI) after the completion of the site demolition and prior to any excavation ground works and/or



construction to allow for access across the site without restriction to confirm the presence/location of any contaminated material/s.

Based on the conclusions of the PSI, a *Remediation Action Plan* (RAP) has been prepared by *EI Australia* and submitted in support of the DA which establishes a comprehensive and systematic framework for the investigation, remediation and validation of any contaminated soils and/or ground water that may be identified during the proposed investigation phase. It is considered that the consent authority can be satisfied that the site can be made suitable subject to imposing relevant DA consent conditions to facilitate the adherence to the framework for investigation and remediation as established as outlined in the submitted RAP.

Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under Chapter 4 of the SEPP.

5.4.4 SEPP (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings SEPP) 2022, commenced on 1 October 2023 and aims to encourage the design and delivery of sustainable buildings.

Chapter 2 Standards for residential development—BASIX

The proposed development is not classified as a ‘BASIX Building’ in accordance with the standard definition and therefore the application is not required to demonstrate compliance with the requirements for sustainability as outlined in Chapter 2 of the SEPP.

“BASIX building means a building that contains at least 1 dwelling, but does not include the following—

(a) hotel or motel accommodation,

(b) a boarding house, hostel or co-living housing that—

(i) accommodates more than 12 residents, or

(ii) has a gross floor area exceeding 300 square metres.”

Chapter 3 Standards for non-residential development

Chapter 3 applies to development, other than development for the purposes of *residential accommodation*, that involves—

- the erection of a new building, if the development has an estimated development cost of \$5 million or more, or
- alterations, enlargement or extension of an existing building, if the development has an estimated development cost of \$10 million or more.

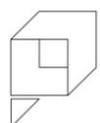
3.3 Other considerations for large commercial development

The proposed development relates to a Hotel containing a total of 99 rooms, in accordance with the standard definitions, it is not a ‘prescribed hotel’ and therefore is not classified as ‘large commercial development’, the requirements of this part do not apply in this instance.

“large commercial development means non-residential development that involves—

(a) the erection of new prescribed office premises, prescribed hotel or motel accommodation or prescribed serviced apartments, or

(b) alterations, enlargement or extension of prescribed office premises, prescribed hotel or motel accommodation or prescribed serviced apartments, if the development has an estimated development cost of \$10 million or more.’



“prescribed hotel or motel accommodation means hotel or motel accommodation with at least 100 rooms.”

5.4.5 SEPP (Industry and Employment) 2021

Chapter 3 Advertising and signage

Chapter 3 (Advertising and signage of the Industry) and Employment SEPP 2021 (former SEPP 64 Advertising and Signage) applies to the following signage:

“(a) can be displayed with or without development consent under another environmental planning instrument that applies to the signage, and

(b) is visible from any public place or public reserve,

The proposal does not seek approval for any signage. Any additional signage will be accommodated under the exempt provisions of SEPP (Exempt and Complying Development Code) or a separate signage DA.

5.4.6 SEPP (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

Chapter 2 Vegetation in non-rural areas of the SEPP (Biodiversity and Conservation) 2021 aims are:

“(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and

(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation”.

The Vegetation SEPP works together with the Biodiversity Conservation Act 2016 and the Local Land Services Amendment Act 2016 to create a framework for the regulation of clearing of native vegetation in NSW.

Part 2.3 of Chapter 2 of the SEPP defers the assessment criteria for the removal of vegetation to the applicable Council DCP in this case being Part J Landscaping and Tree Preservation of the Lane Cove Development Control Plan 2010.

The proposal does not involve the removal of any prescribed tree and therefore is acceptable with regards to Chapter 2 Vegetation in non-rural areas of the SEPP (Biodiversity and Conservation) 2021.

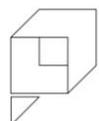
Chapter 6 Water catchments

Chapter 6 (Water Catchments) of the SEPP applies to the subject land which is located within a regulated catchment. The land is within a regulated catchment, being the Sydney Harbour Catchment and eventually drains into the Harbour but is outside the Foreshores and Waterways Area and therefore only the provisions in Part 6.2 of the SEPP applies.

In deciding whether to grant development consent to development on land in a regulated catchment, matters relating to water quality and quantity, aquatic ecology, flooding, recreation and public access and total catchment management must be considered.

The proposal is a substantial distance from any nearest water body and its foreshore. It has been designed in accordance with typical stormwater capture, filtration and release measures to ensure its stormwater generation does not unreasonably affect the health of the harbour or its foreshores. The site's substantial distance from any water body ensures it is not visible from Sydney Harbour or any related catchments.

The proposed development is consistent with the intent of the Chapter 6 Water Catchments of the SEPP.

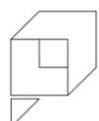


5.5 Lane Cove Local Environmental Plan 2009

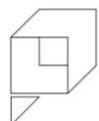
The *Lane Cove Local Environmental Plan 2009* (Lane Cove LEP) as amended by the *State Environmental Planning Policy (Amendment Crows Nest TOD Precinct) 2024* is the primary planning instrument applicable to the subject site. The following table provides applicable clauses from the LEP.

Table 4. Lane Cove LEP – Compliance Table

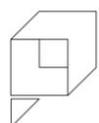
Clause	Requirement	Assessment	Comply
Part 1 Preliminary			
1.2	<p>Aims of the plan</p> <p>The particular aims of the Lane Cove LEP are:</p> <p><i>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</i></p> <p><i>(a) to establish, as the first land use priority, Lane Cove’s sustainability in environmental, social and economic terms, based on ecologically sustainable development, inter-generational equity, the application of the precautionary principle and the relationship of each property in Lane Cove with its locality,</i></p> <p><i>(b) to preserve and, where appropriate, improve the existing character, amenity and environmental quality of the land to which this Plan applies in accordance with the indicated expectations of the community,</i></p> <p><i>(c) in relation to residential development, to provide a housing mix and density that—</i></p> <p><i>(i) accords with urban consolidation principles, and</i></p> <p><i>(ii) is compatible with the existing environmental character of the locality, and</i></p> <p><i>(iii) has a sympathetic and harmonious relationship with adjoining development,</i></p> <p><i>(d) in relation to economic activities, to provide a hierarchy of retail, commercial and industrial activities that enables the employment capacity targets of the Metropolitan Strategy to be met, provides employment diversity and is compatible with</i></p>	<p>The proposal is considered to uphold the aims of the Lane Cove LEP.</p>	Yes



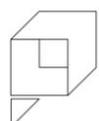
Clause	Requirement	Assessment	Comply
	<p><i>local amenity, including the protection of the existing village atmosphere of the Lane Cove Town Centre,</i></p> <p><i>(e) in relation to the management of open space, public and privately-owned bushland, riparian and foreshore land—</i></p> <p><i>(i) to protect and, where possible, restore all bushland areas, including all rare and threatened species and communities, and</i></p> <p><i>(ii) to protect and, where possible, restore all riparian land along, and the inter-tidal zones and foreshores of, the Lane Cove River and Sydney Harbour and their tributary creeks, and</i></p> <p><i>(iii) to make more foreshore land available for public access, and</i></p> <p><i>(iv) to link existing open space areas for public enjoyment,</i></p> <p><i>(f) in relation to conservation—</i></p> <p><i>(i) to protect, maintain and effectively manage public and privately-owned watercourses and areas of riparian land, foreshores and bushland and, where possible, restore them to as close a state to natural as possible, and</i></p> <p><i>(ii) to ensure that development does not adversely affect the water quality or ecological systems of riparian land or other areas of natural environment, and</i></p> <p><i>(iii) to control all new buildings to ensure their compatibility with surrounding existing built form and natural environmental character, and</i></p> <p><i>(iv) to conserve heritage items,</i></p> <p><i>(g) in relation to community facilities, to provide for the range and types of accessible community facilities that meet the needs of the current and future residents and other users,</i></p>		



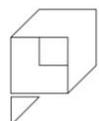
Clause	Requirement	Assessment	Comply
	<p><i>(h) in relation to the principle of integrating land use and transport, to relate development to sustainable traffic levels,</i></p> <p><i>(i) in relation to accessibility, to increase the number of accessible properties and facilities in Lane Cove,</i></p> <p><i>(j) in relation to housing, to increase the number of affordable dwellings in Lane Cove and to promote housing choice</i></p>		
<p>1.3</p>	<p>Land to which Plan applies</p> <p>This Plan applies to the land identified on the Land Application</p>	<p>The Lane Cove LEP applies to the land.</p>	<p>Yes</p>
<p>1.4</p>	<p>Definitions</p> <p><i>This clause, and the corresponding dictionary, provides definitions for land uses.</i></p> <p><i>The following definitions are provided:</i></p> <p>"commercial premises" means "any of the following:</p> <p><i>(a) business premises,</i></p> <p><i>(b) office premises,</i></p> <p><i>(c) <u>retail premises.</u>"</i></p> <p>hotel or motel accommodation means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that—</p> <p><i>(a) comprises rooms or self-contained suites, and</i></p> <p><i>(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,</i></p> <p><i>but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.</i></p> <p>Note—Hotel or motel accommodation is a type of tourist and visitor accommodation—see the definition of that term in this Dictionary.</p>	<p>The proposed mixed-use building with commercial (retail) premises at ground floor and Hotel accommodation above is consistent with the definitions of 'commercial premises' and also 'hotel or motel accommodation' and 'tourist and visitor accommodation'</p>	<p>Noted.</p>



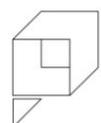
Clause	Requirement	Assessment	Comply
	<p>tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—</p> <p>(a) backpackers’ accommodation,</p> <p>(b) bed and breakfast accommodation,</p> <p>(c) farm stay accommodation,</p> <p>(d) hotel or motel accommodation,</p> <p>(e) serviced apartments,</p> <p>but does not include—</p> <p>(f) camping grounds, or</p> <p>(g) caravan parks, or</p> <p>(h) eco-tourist facilities.</p>		
1.9	Application of SEPPs	In the event of an inconsistency between the Lane Cove LEP and a SEPP, the SEPP prevails in this instance.	Note.
1.9A	<p>Suspension of covenants, agreements and instruments</p> <p>This clause does not apply:</p> <p>(a) to a covenant imposed by the Council or that the Council requires to be imposed, or...</p>	No restrictions on title.	Note.
Part 2 Permitted or prohibited development			
2.2	<p>Land Use Zoning</p> <p>The site is zoned <i>E2 Commercial Centre</i></p> <p><u>3 Permitted with consent</u></p> <p><i>Amusement centres; Artisan food and drink industries; Backpackers’ accommodation; Car parks; Centre-based child care facilities; <u>Commercial premises</u>; Community facilities; Entertainment facilities; Function centres; Home businesses; Home industries; <u>Hotel or motel accommodation</u>; Information and education facilities; Local</i></p>	Commercial premises and hotel or motel accommodation are permissible in the zone with consent.	Yes



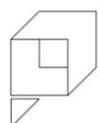
Clause	Requirement	Assessment	Comply
	<p><i>distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Signage; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals</i></p> <p><u>4 Prohibited</u></p> <p><i>Any development not specified in item 2 or 3</i></p>		
<p>2.3</p>	<p>Land Use Zoning Objectives</p> <p>The objectives of the E2 Commercial Centre Zone are:</p> <ul style="list-style-type: none"> • <i>To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.</i> • <i>To encourage investment in commercial development that generates employment opportunities and economic growth.</i> • <i>To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.</i> • <i>To enable residential development only if it is consistent with the Council’s strategic planning for residential development in the area.</i> • <i>To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.</i> • <i>To strengthen the role of St Leonards as a strategic centre, a health and education precinct and an urban renewal corridor.</i> • <i>To maximise public transport patronage and encourage walking and cycling.</i> 	<p>The proposal achieves the objectives of the E2 Commercial Centre Zone for the following reasons;</p> <ul style="list-style-type: none"> • The proposed development supports the role of the St Leonards commercial centre through the provision of Hotel accommodation attracting visitors, increasing retail tenancy and generating employment positions • The proposed Mixed use Hotel development will provide additional employment opportunities and generate economic growth as ads to the accommodation inventory attracting more visitors to the area. • The proposed development has a high level of accessibility and amenity given its location within the centre and proximity to public transport facilities. • The proposal includes ground level retail uses fronting both the Pacific Highway and Marshall Lane creating active street frontages and contributing to the vibrant and functional streetscape. • The proposed mixed use development helps to strengthen the role of St Leonards as a strategic centre by providing a diverse and dynamic environment which attracts patrons and increases employment opportunity. 	<p>Yes</p>



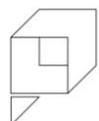
Clause	Requirement	Assessment	Comply
2.7	<p>Demolition requires development consent</p> <p>The demolition of a building or work may be carried out only with development consent.</p>	<p>The proposal involves demolition of all existing structures on the subject site which is permissible with consent. In any event it is expected that the consent authority would impose relevant standard DA conditions, as applicable, on any consent to manage impacts which may arise during demolition.</p>	Yes
Part 4 Principal Development Standards			
4.1	<p>Minimum subdivision lot size –</p> <p>The site is not subject to a minimum lot size.</p>	Not applicable.	N/A
4.3	<p>Height of Buildings –</p> <p>The site is subject to a <i>maximum 38m</i> height standard.</p>  <p><i>LC LEP Height of Building Map with the site outlined in yellow (NSW Planning Portal)</i></p>	<p>The proposed building includes a maximum height of 34.4m as measured from natural ground level.</p> <p>Notwithstanding this, due to previous excavation having altered the ground level of the site the proposal results in a maximum height of 39.8m as measured from <i>ground level (existing)</i>.</p> <p>The proposal therefore exceeds the maximum permissible height by 1.8m (or a 4.7% variation) when considered against Clause 4.3(2) being a technical non-compliance.</p> <p>A Clause 4.6 Variation Request has been submitted in support of the DA.</p>	<p>Yes (merit)</p> <p>Refer to Cl. 4.6</p>
4.4	<p>Floor space ratio</p> <p>The site is subject to a <i>maximum 5.1:1</i> floor space ratio standard which equates to a maximum permissible GFA of 6305.6m² based on a site area of 1236.4m²</p>	<p>The proposal includes an FSR of 5.1:1 (or a GFA of 6305.6m²) in compliance with the FSR standard applicable to the site.</p> <p>However, due to the altered ground level of the site, the existing basement levels are technically considered to be located above “existing” ground level. These areas technically meet the LEP definition to be included as gross floor area. Consequently, these areas within the lower ground floor have been included in the calculation of FSR.</p> <p>The proposed development therefore includes an FSR of 5.24:1:1 (or 6,486.3m² GFA) which exceeds</p>	<p>Yes (merit)</p> <p>Refer to Cl.4.6</p>



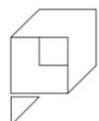
Clause	Requirement	Assessment	Comply
	 <p><i>LC LEP Floor Space Ratio Map with the site outlined in yellow (NSW Planning Portal)</i></p>	<p>the 5.1:1 (or 6,305.64m² GFA) FSR Standard by 180.7m² (or a 2.9% variation) resulting in a non-compliance with Clause 4.4(2) of LEP</p> <p>A Clause 4.6 Variation Request has been submitted in support of the DA.</p>	
4.5	<p>Calculation of floor space ratio and site area</p>	<p>GFA and FSR has been calculated in accordance with this part.</p> <p>Refer to GFA and FSR calculation plans submitted in support of the DA.</p>	Yes
4.6	<p>Exceptions to development standards</p>	<p>A Clause 4.6 Request has been submitted in relation to the exceedance of the statutory height and FSR standards of the LEP.</p>	Yes (merit)
<p>Part 5 Miscellaneous Provisions</p>			
5.10	<p>Heritage Conservation</p> <p>The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> to conserve the environmental heritage of Lane Cove, to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, to conserve archaeological sites, to conserve Aboriginal objects and Aboriginal places of heritage significance. <p><i>(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a</i></p>	<p>The site does not contain a heritage item and is not located in a heritage conservation area. There are no heritage items or heritage conservation areas within proximity to the site</p> <p>The proposal is however located within the vicinity of listed heritage items including Gore Hill Memorial Cemetery.</p> <p>Refer to the Statement of Heritage Impact prepared by TZG submitted in support of the DA which provides assessment of the development in terms of its impact on the heritage significance of heritage items, including associated fabric, settings and views in accordance with Cl 5.10(4) and (5) of the LEP.</p>	Yes



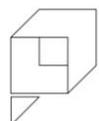
Clause	Requirement	Assessment	Comply
	<p><i>heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</i></p> <p><i>(5) Heritage assessment The consent authority may, before granting consent to any development—</i></p> <p><i>(a) on land on which a heritage item is located, or</i></p> <p><i>(b) on land that is within a heritage conservation area, or</i></p> <p><i>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</i></p> <p><i>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</i></p>		
5.21	Flood Planning	The site is not identified on a flood planning map	N/A
Part 6 Additional Local Provisions			
6.1	<p>Acid Sulfate Soils</p>  <p><i>LC LEP Acid sulfate soils Map with the site outlined in yellow (NSW Planning Portal)</i></p>	The site is not identified as containing potential acid sulfate soils on the Lane Cove LEP acid sulfate soils map. Further investigation is not warranted in this instance	N/A
6.1A	<p>Earthworks</p> <p><i>(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,</i></p>	<p>The proposal requires earthworks associated with site preparation following demolition and excavation to establish the proposed basement levels.</p> <p>It is considered that the consent authority can be satisfied that the relevant matters for</p>	



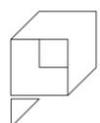
Clause	Requirement	Assessment	Comply
	<p>(b) to allow earthworks of a minor nature without requiring separate development consent.</p> <p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	<p>consideration in Clause 3 are able to be met and/or satisfied via the imposition of relevant standard conditions in order to ensure:</p> <ul style="list-style-type: none"> No disruption of, or any detrimental effect on existing drainage patterns and soil stability of adjoining sites; Maintaining existing and likely amenity of adjoining properties, <p>A <i>Geotechnical Report</i> prepared by <i>JK Geotechnics</i> and <i>Structural Letter</i> prepared by <i>Northrop</i> is submitted in support of the DA outlining appropriate mitigation measures to be undertaken during excavation work to avoid the impacts of the development.</p>	
6.2	Foreshore Building Line	The site is not located within a foreshore area	N/A
6.3	Riparian Land	The site is not identified as riparian land on the riparian land map	N/A
6.4	Environmental Protection Land	The site is not identified as environmental Protection land	N/A
6.6	Development at pacific highway	The subject site is not specified in this clause	N/A
Part 7 Additional Local Provisions – St Leonards South			
7.1	Development on land in St Leonards South Area	The site is located outside of the St Leonards South Precinct	N/A
Part 8 Crows Nest Transport Orientated Development Precinct			
8.1	<p>Definition</p> <p>Crows Nest Transport Orientated Development Precinct Design Guide means the <i>Crows Nest Transport Orientated Development Precinct Design</i></p>	Noted.	-



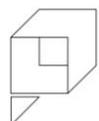
Clause	Requirement	Assessment	Comply
	<p>Guide published by the Department in November 2024.</p>		
<p>8.2</p> <p>Objectives</p> <p><i>The objectives of this part are to—</i></p> <p>(a) <i>increase housing supply in the Crows Nest Transport Oriented Development Precinct, and</i></p> <p>(b) <i>enable a variety of land uses within walking distance of the St Leonards train and Crows Nest metro stations, and</i></p> <p>(c) <i>deliver housing supported by vibrant public spaces and community amenity, and</i></p> <p>(d) <i>increase the amount of affordable housing in the Precinct</i></p>		<p>The proposal generates a mixed-use development comprising commercial (retail) and a Hotel uses within the Crows Nest Transport Oriented Development (TOD) Precinct.</p> <p>The proposal provides short term accommodation and retail premises that contribute to the vibrant streetscape and community amenity of the centre.</p> <p>The proposal achieves the relevant objectives of this part.</p>	<p>Yes</p>
<p>8.3</p> <p>Application of part</p> <p><i>This part applies to land identified as “Crows Nest Transport Oriented Development Precinct” on the Key Sites Map.</i></p>		<p>The site is located within the Crows Nest Transport Oriented Development Precinct on the Key Sites Map and therefore this part applies</p> 	<p>Yes</p>
<p>8.4</p> <p>Design guide</p> <p><i>Development consent must not be granted for development on land to which this part applies unless the consent authority is satisfied the development will be consistent with the <u>Crows Nest Transport Oriented Development Precinct Design Guide</u></i></p>		<p>The Crows Nest Transport Oriented Development Precinct Design Guideline is addressed in the following section of this report</p>	<p>See below</p>
<p>8.5</p> <p>Design Excellence</p> <p><i>(2) Development consent must not be granted for development on land to which this part applies unless the consent authority considers that the development exhibits design excellence</i></p>		<p>The proposed mixed use development incorporates a high-quality architectural design that incorporates appropriate building materials and detailing that are consistent with the desired future character of the precinct. The proposed development provides a positive</p>	<p>Yes</p>



Clause	Requirement	Assessment	Comply
	<p><i>(3) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—</i></p> <p><i>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i></p> <p><i>(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</i></p> <p><i>(c) whether the development detrimentally impacts on view corridors from public spaces,</i></p> <p><i>(d) how the development addresses the following matters—</i></p> <p><i>(i) the suitability of the land for development,</i></p> <p><i>(ii) existing and proposed uses and use mix,</i></p> <p><i>(iii) heritage issues and streetscape constraints,</i></p> <p><i>(iv) the relationship of the development with other existing or proposed development on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</i></p> <p><i>(v) bulk, massing and modulation of buildings,</i></p> <p><i>(vi) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,</i></p> <p><i>(vii) the achievement of the principles of ecologically sustainable development,</i></p> <p><i>(viii) pedestrian, cycle, vehicular and service access, circulation and requirements,</i></p> <p><i>(ix) the impact on, and proposed improvements to, the public domain,</i></p> <p><i>(x) achieving appropriate interfaces at ground level between the development and the public domain,</i></p> <p><i>(xi) active street frontages,</i></p> <p><i>(xii) integration of landscape design.</i></p>	<p>contribution to streetscape and significantly improves the quality and amenity of the public domain with no adverse amenity or view loss impacts.</p> <p>Refer to the <i>Architectural Design Statement</i> prepared by TZG submitted in support of the DA demonstrating that the proposed development exhibits design excellence.</p>	



Clause	Requirement	Assessment	Comply
<p>8.6</p>	<p>Affordable Housing</p> <p><i>(2) This clause applies to development on land identified as an “Affordable Housing Contribution Area” on the Affordable Housing Map resulting in—</i></p> <p><i>(a) the erection of a new building with more than 200m² of gross floor area used for the purposes of residential accommodation, or</i></p> <p><i>(b) alterations to an existing building that result in at least 200m² of additional gross floor area used for the purposes of residential accommodation.</i></p>	<p>The site is identified as an “Affordable Housing Contribution Area” on the Affordable Housing Map, shown below.</p>  <p>The proposed mixed use development does not relate to a residential accommodation use and therefore this section does not apply.</p>	<p>N/A</p>



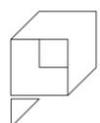
5.6 Crows Nest Transport Orientated Development Design Guide

The *Crows Nest Transport Oriented Development Design Guideline* (Design Guideline) supports the implementation of planning controls for the Crows Nest TOD precinct and is given effect by reference in the Lane Cove LEP 2009.

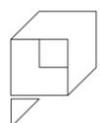
The following section provides an assessment of the proposed development against the relevant provisions of the Crows Nest TOD Precinct Design Guideline (Design Guideline).

Table 5. Crows Nest TOD Precinct design Guideline

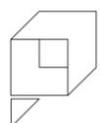
Design Guideline	Assessment	Compliance
<p>PART 1 – Introduction</p> <p>1.2 Land to which this Design Guide Applies</p>		
<p>The design guide applies to land identified as the Rezoning Precinct in Figure 1. This land is known as the Crows Nest Transport Orientated Development (TOD) Precinct.</p>  <p><i>Crows Nest TOD Precinct – Land Application Map (DPHI, 2024)</i> – Site location indicated by red arrow.</p>	<p>Site is located in the ‘Rezoning Precinct’ of the Crows Nest TOD Precinct and therefore the Design Guideline applies.</p>	<p>Yes</p>
<p>1.3 Commencement</p> <p>Date in which the SEPP Amendment (Crows Nest TOD Precinct) 2024 is published on the NSW Legislation Website</p>	<p>Design Guideline commenced on 27 November 2024 and applies.</p>	<p>Note.</p>
<p>1.5 Relationship to Other Plans and Instruments</p> <p>In the event of any inconsistency between the Design Guide and the relevant Council DCP, the objectives and provisions of this Design Guide prevail to the extent of that inconsistency.</p>	<p>The Crows Nest TOD Precinct Design Guideline provisions prevail over the relevant Lane Cove DCP provisions.</p>	<p>Note.</p>



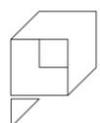
<p>Where no provisions are indicated in the Design Guide, the relevant provisions in the DCP will apply.</p>		
<p>PART 3 – Precinct-wide Design Guidelines</p> <p>3.2 Connecting with Country</p>		
<p>1 Consider how development responds to the physical and cultural connection of the local Aboriginal community to the land.</p>	<p>Consistent.</p>	<p>Yes</p>
<p>2 Country centred approach</p>	<p>Consistent.</p>	<p>Yes</p>
<p>3.3 Land Use</p>		
<p><i>1. The distribution of land uses in the precinct is to be generally consistent with Figure 4 and as zones under the relevant LEP</i></p>	<p>The proposal provides a mixed-use Hotel development on the outskirts of the commercial core area of the precinct, the proposed development offers a sensitive transition between differing densities, it is consistent with Figure 4 and permitted with consent in the E2 Zone under the Lane Cove LEP.</p>  <p><i>Extract from Figure 4 of guideline approximate site indicated</i></p>	<p>Yes</p>
<p><i>2. Development should retain balance of commercial and residential uses within the St Leonards Core with a minimum non-residential floor space requirement for the MU1 Mixed Use Zones to provide jobs as required by the LEP</i></p>	<p>The site is not located within the MU1 Zone</p>	<p>N/A</p>
<p><i>3. Retain commercial core on appropriate sites to maintain the viability of St Leonards</i></p>	<p>The proposal includes a mixed-use development comprising commercial (retail) and hotel uses within mixed use centre (refer structure plan extract below).</p> <p>The proposed mixed-use development will generate a positive contribution to the viability of St Leonards</p>	<p>Yes</p>



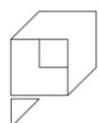
	<p>through the provision of retail opportunities, increased employment and short term accommodation in a highly accessible location within proximity to the commercial core, the metro stations and the health precinct.</p>  <p>Extract from Figure 2, Structure Plan of guideline approximate site indicated</p>	
<p>3.4 Built Form</p>		
<p>1. Building heights are to transition from St Leonards Train Station, Crows Nest Metro Station, the Pacific Highway down to lower density areas.</p>	<p>The proposed building height is consistent with the height standard applicable to the site under the Lane Cove LEP and considered to generate an appropriate height transition with the tallest building form to Pacific Highway and lowest to Marshall Lane.</p>	<p>Yes</p>
<p>2. Tall buildings are to be positioned to avoid significant impact on the solar amenity and wind impact of lower density areas and public open space</p>	<p>The development application is supported by detailed shadow diagrams which demonstrated that adjoining sites are able to retain acceptable access to natural light when considered against the backdrop of the permitted building envelope.</p>	<p>Yes</p>
<p>3. Preserve the existing low scale fine grain built form of Crows Nest Village to maintain its local shopping street character and limit over shadowing and view impacts</p>	<p>Not applicable, the site is not located in the Crows Nest Village.</p>	<p>N/A</p>
<p>4. Development must consider appropriate interfaces and sensitive design to limit impact on heritage conservation and high-quality character areas</p>	<p>The proposed mixed-use development includes a well-designed scheme that has carefully considered the existing surrounding context and the desired future character of the site within the TOD precinct. The development includes appropriate building</p>	<p>Yes</p>



	<p>interfaces to each frontage creating active and engaging street level experiences.</p> <p>The proposal is considered to provide an appropriate design compatible with the existing and emerging character of the area, further, it does not impact on a heritage item or conservation area.</p>	
<p>5. Maximum floor height assumptions should be based on:</p> <p>a) Ground Floor – 5m</p> <p>b) Above ground floor (Residential) – 3.2m</p> <p>c) Above ground floor (Commercial) – 3.8m</p> <p>d) Roof top services (2-30 storeys) – 2m</p> <p>e) Roof top service zones (21-40 storeys) – 4.5m</p>	<p>The proposal complies with the maximum building height of 38m for the site.</p> <p>The proposed floor-to-floor heights are generally consistent with the minimum/maximum floor height requirements except for Ground floor to Pacific Highway which is partly greater than 5m to accommodate a partial mezzanine level facilitating for flexibility of commercial uses at Ground floor.</p> <p>The proposed floor-to floor height of the commercial (hotel) levels, above ground do not exceed 3.8m (proposed 3.3m).</p>	<p>Yes, on merit</p>
<p>6. Maximum floorspace ratio (FSR) and minimum non-residential FSR assumptions should be based on the following gross building area (GBA) to gross floor area (GFA)</p> <p>a) Residential – 75% (max)</p> <p>b) Ground floor (non-residential - retail) – 65% (min)</p> <p>c) Non-residential – 85% (min)</p>	<p>a) Residential use – None provided (complies with maximum 75%)</p> <p>b) Ground Floor (non-residential – retail) – >65% of retail GBA to GFA provided (complies with minimum 65%)</p> <p>c) Non-residential – >85% of non-residential GBA to GFA provided (complies with minimum 85%)</p>	<p>Yes Yes Yes</p>
<p>7. Rooftop plant is to be incorporated into the overall building height as indicated in the maximum height of buildings map.</p>	<p>The proposed rooftop plant is integrated within the overall building design and does not exceed that applicable building height standard for the site.</p>	<p>Yes</p>
<p>8. Ensure active street frontages are provided at ground level and accommodate non-residential land uses, particularly along Christie, Mitchel, Oxley, Atchison, Chandos and Clarke Streets</p>	<p>The site is not located within one of the abovementioned streets. Nevertheless, the proposal generates an active street frontage to both Pacific Highway and Marshall Lane through the provision of ground level retail tenancies to each frontage.</p>	<p>Yes</p>



9. The built form recommendations (Figures 5, 6 and 7) should be considered in future development.	The proposed 34.4m building is consistent with the built form and height transition recommendations provided in Figure 5. Figures 6 and 7 do not apply to the site.	Yes
10. Preserve high quality heritage character around the Fiveways Intersection as a key gateway to the southern end of the Precinct (Figure 6).	The site is not located within the five ways intersection area.	N/A
11. Taller buildings are to be concentrated close to the Crows Nest Metro to ensure a better transition to lower density areas (Figure 7).	The proposed building height is considered appropriate to the site and complies with the applicable height standard prescribed by the Lane Cove LEP 2009. Figure 7 does not apply to the site.	Yes
12. Increase permeability through blocks by providing through site links between the Metro Station and the mixed use core (Figure 7).	The site is not located between the Metro Station and the mixed-use zone core. Figure 7 does not apply to the site.	N/A
13. Provide quality open space for the new occupants in any new high density development	The proposed hotel includes high quality, well designed open space areas for patrons on Levels 6 – 8. The open space areas are of various sizes and include landscaping elements and seating facilities creating a high level of amenity for users.	Yes
14. Ensure a variety of dwelling sizes are provided within a development to cater for diverse families	Not applicable, the proposal relates to a hotel use.	N/A
3.4.1 Solar Amenity and Overshadowing		
(a) Minimise overshadowing to existing and proposed public open space and residential areas.	Consistent. Overshadowing minimised when considered against the backdrop of the permissible building envelope.	Yes
(b) Maintain solar access to key streets, public open spaces and surrounding residential areas during mid-winter to maximise useability and amenity to these places.	Consistent. The proposed development does not result in any additional overshadowing of the areas identified in Table 2 Areas to be protected from overshadowing and Figure 8 Solar Access Map of the Design Guideline.	Yes
1. Solar amenity and protection from overshadowing should be consistent with Table 2 Areas to be protected from overshadowing and Figure 8 Solar Access Map	The proposed development does not result in any additional overshadowing of the areas including: - Existing and proposed open spaces,	Yes



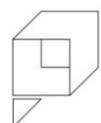
	<ul style="list-style-type: none"> - Streetscapes, - Low Density Residential Areas (Inside the Investigation Area boundary), - Low Density Residential Areas (Outside the Investigation Area boundary), or - Conservation Areas. <p>as listed in Table 2 or Figure 8 of the Design Guide.</p> <p>It should be noted that the existing residential apartment development to the south of the site (with an orientation to Marshall Avenue and Lane) is located within a MU1 zone and therefore is not protected under this design guideline.</p>	
--	---	--

3.5 Minimum Lot Size

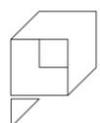
<p><i>Table 3 provides minimum site areas for developable sites consistent with the heights under the LEP for development of towers along Pacific Highway</i></p> <p><i>Table 3. Minimum Lot Size Requirements</i></p> <table border="1"> <thead> <tr> <th>Site Description</th> <th>Minimum Lot Size</th> </tr> </thead> <tbody> <tr> <td>20 – 22 Atchison Street, St Leonards</td> <td>1200m²</td> </tr> <tr> <td>448 – 456 Pacific Highway, St Leonards</td> <td>1500 m²</td> </tr> <tr> <td>340 – 376 Pacific Highway, Crows Nest</td> <td>1500 m²</td> </tr> <tr> <td>378 – 398 Pacific Highway, Crows Nest</td> <td>1500 m²</td> </tr> <tr> <td>308a - 388 Pacific Highway, Crows Nest</td> <td>1500 m²</td> </tr> </tbody> </table>	Site Description	Minimum Lot Size	20 – 22 Atchison Street, St Leonards	1200m ²	448 – 456 Pacific Highway, St Leonards	1500 m ²	340 – 376 Pacific Highway, Crows Nest	1500 m ²	378 – 398 Pacific Highway, Crows Nest	1500 m ²	308a - 388 Pacific Highway, Crows Nest	1500 m ²	<p>The subject site is not a specific site identified in Table 3.</p>	<p>N/A</p>
Site Description	Minimum Lot Size													
20 – 22 Atchison Street, St Leonards	1200m ²													
448 – 456 Pacific Highway, St Leonards	1500 m ²													
340 – 376 Pacific Highway, Crows Nest	1500 m ²													
378 – 398 Pacific Highway, Crows Nest	1500 m ²													
308a - 388 Pacific Highway, Crows Nest	1500 m ²													

3.6 Landscape and Environment

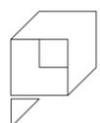
<p>3.6.1 Public Spaces</p> <p><i>1. Ensure publicly accessible open spaces have appropriate solar access for their intended purpose including those listed in table 2.</i></p>	<p>The proposed mixed use development does not include the provision of public space with the exception of the pedestrian areas to each road frontage.</p>	<p>Yes</p>
---	--	------------



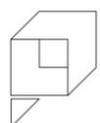
<p>2. Ensure the public spaces support integration of all levels of pedestrian activity. Road frontages and visibility are key considerations, especially in high density areas so open space is accessible for all.</p> <p>3. Reconnect the surrounding streets and neighbourhoods through the creation of a clear and legible network of high amenity, safe and accessible public spaces that support pedestrian and cycle access through and across the Crows Nest precinct.</p> <p>4. Investigate the provision of open space and funding mechanisms for additional public open space or the embellishment of existing public open space as part of future development.</p> <p>5. Incorporate green walls and green roofs in developments.</p>	<p>The proposal provides an active street frontage to both Pacific Highway and Marshall Lane and provides high quality pedestrian areas that incorporate appropriate materials and landscaping elements.</p> <p>The proposed development includes planting within planter boxes on the ground level to Pacific Highway and on the upper levels of the building providing high quality, visually pleasing and functional landscape elements.</p> <p>Refer to the submitted Landscape Plan prepared by Melissa Wilson Landscape Architect for details.</p>	
<p>3.6.2 New Public Open Space and Connections – Lithgow Street Block</p>	<p>The site is not located within the Lithgow Street Block</p>	<p>N/A</p>
<p>3.6.3 Tree Canopy and Deep soil and Biodiversity</p> <p><u>Deep Soil</u></p> <p><i>Mixed Use (all lots)– Development should be assessed on a case by case basis, considering both the ADG and proposed setbacks, At a minimum proposants should demonstrate maximum tree planting in deep soil area, no net loss of canopy and contribution to canopy targets.</i></p>	<p>The site is located within E2 Commercial Centre zone. The subject site comprises an established commercial development that contains no existing deep soil area. The proposal maintains the existing nil deep soil areas on the site which is considered appropriate gives the sites context within the commercial centre of the precinct.</p> <p>It is noted that the ADG does not apply to the proposed Hotel use.</p> <p>Significant and high-quality landscaping is proposed throughout the site within various raised planter boxes, contributing to local amenity, supporting increased biodiversity and improving health and wellbeing of occupants.</p> <p>Refer to attached landscape plan prepared by Melissa Wilson Landscape Architect.</p>	<p>Yes</p>
<p><u>Tree Canopy</u></p> <p><i>Mixed Use (all lots)– Development should be assessed on a case by case basis, considering both the ADG and proposed setbacks, At a minimum proposants should demonstrate maximum tree</i></p>	<p>The site is located within E2 Commercial Centre zone. The subject site contains an established commercial development with no existing canopy trees or significant vegetation.</p>	<p>Yes</p>

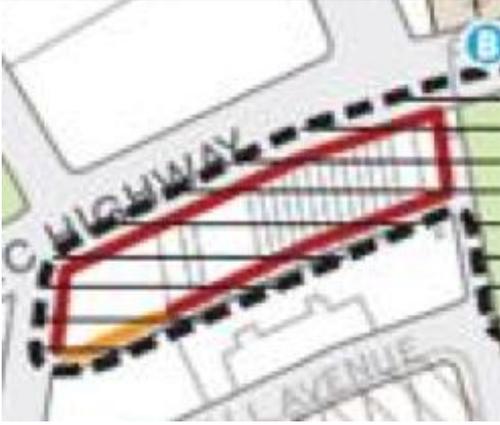


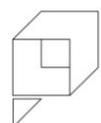
<p><i>planting in deep soil area, no net loss of canopy and contribution to canopy targets</i></p>	<p>Whilst the proposed development does not include provisions for canopy tree planting, the proposal is considered appropriate given it maintains the existing site situation. The lack of canopy trees is offset through the provision of high-quality landscaping within planter boxes throughout the development.</p> <p>Refer to attached landscape plan prepared by Melissa Wilson Landscape Architect.</p>	
<p><u>Biodiversity</u></p> <p><i>1. Development applications are required to complete an analysis of the biodiversity values within the development site as well as surrounding areas to determine the location and extent of biodiversity values. The results of the analysis is used to:</i></p> <ul style="list-style-type: none"> - <i>avoid impacts to biodiversity values and supporting vegetation that provide significant landscape amenity value, are part of a threatened ecological community or provide habitat</i> - <i>retain and rehabilitate biodiversity values within the site</i> - <i>retain or create buffers within the site to the biodiversity values within the precinct</i> 	<p>The subject site is located within a E2 Commercial Centre within the Crows Nest TOD precinct and contains established commercial development. The development site does not contain existing vegetation, canopy trees or any landscaped or deep soil areas and as such is considered to have nil biodiversity value.</p> <p>The proposed development includes high-quality landscaping within generous planter boxes on various levels of the building. The proposed landscaping is considered to generate a significant improvement at the site, enhancing the landscape amenity and improving biodiversity.</p> <p>The application is supported by detailed landscape plans demonstrating an appropriate diversity of endemic plant species will be used.</p>	<p>Yes</p>
<p>3.7 Design Excellence</p>		
<p>Ensure development demonstrates design excellence</p>	<p>The proposed development achieves a high level of design excellence as previously addressed.</p> <p>Refer to assessment of the proposed development against the Design Excellence provisions in Table 5 of this report and the <i>Architectural Design Statement</i> prepared by TZG submitted in support of the DA.</p>	<p>Yes</p>
<p>3.8 Setbacks</p>		
<p><i>1. Buildings are to be setback from all street frontages in accordance with the setbacks shown in the map at Figure 10.</i></p>	<p>In accordance with Figure 10 of the Design Guideline, the proposal provides a reverse setback to Pacific Highway</p>	<p>Yes</p>



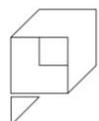
	<p>>6m Setback provided to Marshall Lane, as measured from the centreline of the lane.</p>	<p>Yes</p>
<p>2. New Development adjoining the increased setbacks and landscape areas should contribute to the landscape character. For example, by providing planter boxes, lighting, greenwalls and deep soil to support larger trees.</p>	<p>The proposed setback areas have been carefully designed to ensure a positive contributing to the landscape character of the area. Planting is proposed within planter boxes to both street frontages.</p>	<p>Yes</p>
<p>3. Above podium setbacks are to be provided in accordance with the relevant Council DCP</p>	<p>Refer to DCP assessment in the following section of this report</p>	<p>See below</p>
<p>3.9 Street Wall Heights</p>		
<p>(a) To guide the height of podiums and the setbacks for towers above ground</p> <p>(b) Provide a street wall height at a human scale to improve the street quality and amenity for pedestrian and other active transport.</p>	<p>Consistent with objectives.</p>	<p>Yes</p>
<p>1. Podium heights are to be provided in accordance with heights shown in Figure 11.</p> <p>The site is subject to a 5-storey street wall height as shown below</p>	<p>Consistent with objectives.</p> <p>The proposed development provides for a:</p> <ul style="list-style-type: none"> • 9-storey street wall height to Pacific Highway; and • 6-storey street wall height to Marshall Lane. <p>This results in a non-compliance with the street wall height requirement to Pacific Highway however is considered to be acceptable as the proposal has been designed to respond to the differing scales of the Pacific Highway to the north</p>	<p>Yes, on merit</p>



 <p>Extract from Figure 11 of the Design Guide – Recommended Street Wall Heights</p>	<p>and Marshall Lane to the south. A larger scale form is presented to the highway, whilst setbacks and terraces are proposed to the Lane, respecting the amenity of the recently constructed apartment building to the southern side of Marshall Lane.</p> <p>Furthermore, a double height colonnade is provided along Pacific Highway providing improved street quality and amenity for pedestrians.</p>	
<p>2. Corner sites are to maintain a consistent podium height to all street frontages</p>	<p>The proposal is not located on a corner site.</p>	<p>N/A</p>
<p>3.10 Movement</p>		
<p>3. Provide shade and shelter for pedestrians with reverse setbacks where possible</p>	<p>The proposal includes a reverse setback to Pacific Highway providing shade and shelter for pedestrians.</p>	<p>Yes</p>
<p>6. Establish and upgrade crossings and footpaths to improve pedestrian amenity particularly around the Crows Nest Metro Station and along the Pacific Highway</p>	<p>The proposed development includes a well-designed footpath area to the Pacific Highway frontage offering a covered path with high quality landscape elements that create a high level of pedestrian amenity.</p>	<p>Yes</p>
<p>3.11 Carparking</p>		
<p>1. The parking provision for development of residential flat buildings and the residential component of shop top housing is to be provided in accordance with the maximum car parking rated in Table 7</p>	<p>Not applicable, the proposal does not relate to a residential flat building or shop top housing use.</p>	<p>N/A</p>
<p>2. Notwithstanding the carparking rates in Table 7 and the relevant LEPs and DCPs for other land uses, minimised provision of parking for all land uses is encouraged to capitalise on the proximity of the St Leonards Train Station and the Crows Nest Metro</p>	<p>The proposed development includes a total of 23 carparking spaces which is less than that total required by the Lane Cove DCP for the proposed uses at the site.</p> <p>Considering the sites proximity to public transport infrastructure, including the St Leonards Train Station and the Crows Nest Metro the proposed</p>	<p>Yes</p>



	<p>parking provision is highly appropriate and will assist in encouraging the use of public transport by staff and visitors.</p> <p>The proposal provides minimised parking provisions in accordance with Clause 3.11(2) of the design guideline.</p>	
<p>3. The provision of carparking (including driveways and ramps) is not to result in the underachievement of deep soil requirements</p>	<p>Deep-soil not required to be provided on-site.</p>	<p>N/A</p>
<p>4. All above ground carparking areas must be sleeved through architectural treatments or landscaping</p>	<p>The proposal includes internal carparking on the lower ground and basement levels accessed via Marshall Lane which is integrated with the building envelope and would not be readily visible.</p>	<p>Yes</p>
<p>5. EV charging stations are to be provided in accordance with the following provisions:</p> <p>b. In new development</p> <p>ii. for commercial development, EV charging is to be provided to cover a wide range and future possibilities for EV charging, including individual tenancies and public fast charging infrastructure options</p>	<p>Appropriate EV charging stations can be accommodated within the proposed parking areas. And could be addressed by appropriate Da conditions of consent.</p>	<p>Yes</p>
<p>6. Loading and servicing facilities are to be provided according to applicable Council DCP</p>	<p>Refer to Lane Cove DCP assessment in the following table.</p>	<p>See Below</p>
<p>3.12 Wind Management</p>		
<p>1. All new development is to be designed to mitigate adverse wind effects</p>	<p>The proposed shape, orientation and features of the building are considered to assist in mitigating potential adverse wind effects.</p>	<p>Yes</p>
<p>2. A development application is to be accompanied by a quantitative wind effects report</p>	<p>A Wind Effects Report is not required as per the Lane Cove DCP.</p> <p>A Wind Effects Report is not required give the proposal relates to building less than 40m above street level.</p>	<p>N/A</p>
<p>3.13 Flooding</p>		



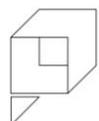
<p><i>1. Requirements for development outside of the potentially flood affected lots in Figure 13 – Flood Consideration Lots Map</i></p> <p><i>a. the FPL is 0.3m above the surrounding ground levels, any basement levels including basement carparking is to be suitably protected from the effects of flooding via use of FPL at all basement entry points</i></p> <p><i>b. Surrounding ground refers to a gutter invert, where a gutter is present, otherwise ground levels in the vicinity of the basement entry point</i></p> <p><i>c. Entry points refer to ramps, driveway, elevators, stairs, vents and any other openings where water may enter the basement.</i></p>	<p>The site is not identified on a flood planning map.</p>	<p>Yes</p>
---	--	------------

5.7 Lane Cove Development Control Plan

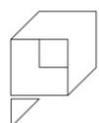
The Lane Cove Development Control Plan 2010 (LC DCP 2010) is the primary DCP applicable development in the Lane Cove Local Government Area, the following table identifies and considers compliance and / or consistency with the relevant provisions of the LC DCP 2010 applying to the proposal.

Table 6. Lane Cove DCP 2010 – Compliance Table

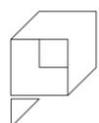
Provision	Assessment	Compliance
PART B General Controls		
Part B3 Site Amalgamation and Development on Isolated Sites		
<p>a) To provide for a development that achieves the required employment and dwelling yields.</p> <p>b) To encourage the promotion and co-ordination of the orderly and economic use and development of land.</p> <p>c) To encourage site consolidation of allotments for development in order to promote the desired urban design outcomes and the efficient use of land and to avoid the creation of isolated sites.</p> <p>d) To encourage the development of existing isolated sites in a manner that responds to the desired built form pattern, site context and maintains a satisfactory level of amenity.</p>	<p>Consistent. The proposed development includes the amalgamation of lots and would not result in an isolated site that could not be readily redevelopment in accordance with the LEP, Crows Nest TOD Design Guide or the LC DCP 2010.</p>	<p>Yes</p>



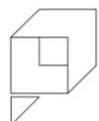
Provision	Assessment	Compliance
a) Development for the purpose of residential flat buildings and high density housing should not result in the isolation of sites such that they cannot be developed in compliance with the relevant planning controls, including Lane Cove LEP 2009 and this DCP.	The proposed development would not result in an isolated site. The proposed development includes the amalgamation of lots and would not result in an isolated site that could not be readily redevelopment in accordance with the LEP and DCP.	Yes
b) Where a property is likely to be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.	The proposed development would not result in an isolated site. The proposed development includes the amalgamation of lots and would not result in an isolated site that could not be readily redevelopment in accordance with the LEP and DCP.	Yes
Part B4 View Sharing		
a) To ensure that public view corridors between buildings or along streets are retained and enhanced from streets or public spaces. b) To minimise the impact of new development on existing public and private views and vistas. c) To preserve or fairly share water views for foreshore residents.	The proposed development is not likely to obscure any significant or iconic views from an adjoining property or the public domain	Yes
Part B6 Environmental Management		
6.1 Sunlight to Public spaces a) New development must allow for a minimum of 2 hours of solar access to at least 50% of new and existing public open areas or plazas between the hours of 11am and 2pm on 21st June	Refer to solar access provisions stipulated in the Crows Nest TOD Design Guideline which prevail in this instance.	Refer to Table 5
6.2 Wind Standards for St Leonards A Wind Effects Report is to be submitted with the DA for all buildings within the St Leonards precinct taller than 40 metres above street level.	The design and orientation of the proposed building assists in the mitigation of potential adverse wind effects. A Wind Effects Report is not required give the proposal relates to building less than 40m above street level.	Yes



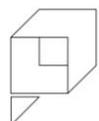
Provision	Assessment	Compliance
6.3 Energy and Water Efficiency for Buildings		
<p>d) Orientation of building and facade design of all developments should capture and manage solar access, natural ventilation and breezes into the building.</p>	<p>As demonstrated in the architectural drawing set, the proposed development includes an appropriate orientation and façade design to facilitate solar access and natural ventilation</p>	<p>Yes</p>
<p>h) Capture and reuse rainwater for irrigation of landscape areas and for apartments, townhouses, villas and mixed use or commercial development also for toilet flushing and washing machines. Refer to Part O – Stormwater Management for further controls.</p>	<p>The attached concept stormwater management plan provides details on rainwater capture and reuse</p> <p>The proposed development includes adequate appropriate energy and water efficiency for buildings</p> <p>Refer to <i>ESD Report</i> prepared by <i>D Squared Consulting</i> that has been included with the development</p>	<p>Yes</p>
<p>For mixed use development (commercial component):</p> <p>a) The design of any new mixed use (commercial component) or commercial building including the base building, its services and fit outs must be capable of achieving a minimum 5 star rating under the National Australian Built Environment Rating System (NABERS) Building Greenhouse Rating Scheme.</p>	<p>application demonstrating the development is capable of achieving relevant thermal and energy efficiency requirements.</p>	<p>Yes</p>
B7 Development Near Road and Rail Corridors		
<p>a) Acoustic assessments for noise sensitive developments as defined in the Transport and Infrastructure SEPP may be required if located in the vicinity of a rail corridor or busy roads.</p>	<p>A <i>Noise Impact Assessment</i> has been prepared by PWNA, and submitted in support of the DA which will provide design guidance for the proposed development to ensure they will comply with the Department of Planning guidelines publication “Development Near Rail Corridors & Busy Roads Interim Guideline 2008”.</p>	<p>Yes</p>
B8 Safety and Security		
<p>a) Ensure that the building design allows for casual surveillance of access ways, entries and driveways.</p>	<p>The proposed building is orientated towards both street frontages enabling casual surveillance to and from the building.</p>	<p>Yes</p>
<p>b) Avoid creating blind corners and dark alcoves that provide concealment opportunities in entry areas, pathways, stairwells, hallways and car parks.</p>	<p>The internal layout of the building ensures concealed areas are avoided to enable casual surveillance throughout the building.</p>	<p>Yes</p>



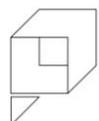
Provision	Assessment	Compliance
<p>d) Provide entrances which are in visually prominent positions, and which are easily identifiable, with visible numbering</p> <p>e) Provide adequate lighting of all pedestrian access ways, parking areas and building entries.</p> <p>f) Provide clear lines of sight and well-lit routes throughout the development.</p> <p>g) For large scale retail, commercial, motel and senior living development with a GFA over 5,000m², provide a ‘Safer by Design’ assessment in accordance with the CPTED principles from a qualified consultant</p>	<p>All building entry points are visually prominent and easily identifiable.</p> <p>All pedestrian access ways, parking areas and building entries can be suitably illuminated.</p> <p>The proposed layout enables clear sightlines which can be appropriately illuminated.</p> <p>The proposed development has been design taking into consideration CPTED principles.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>8.1 Activation</p> <p>a) Development is to be well connected to the street and contribute to the accessibility of the public domain.</p> <p>d) All development is to face the street and/or public open spaces and provide uses at ground level that provide activity</p>	<p>The proposal includes ground level retail / commercial tenancies that are well connected to each street frontage contributing to accessibility and street activation.</p>	<p>Yes</p>
<p>8.2 Passive Surveillance</p> <p>a) All development at ground level is to offer passive surveillance for safety and security of residents and visitors.</p>	<p>Passive surveillance provided to both frontages.</p>	<p>Yes</p>
<p>B9 Heritage</p>		
<p>Heritage items and conservation areas</p> <p>Development in the vicinity of heritage items</p>	<p>The site is not identified as a heritage item, within a heritage conservation area or within vicinity to either of the abovementioned.</p>	<p>Yes</p>



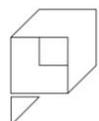
Provision	Assessment	Compliance
Part D Commercial Development and Mixed Use		
D.1 General Provisions		
1.1 Building Form		
<p>1.1.1 Building to Street Frontages</p> <p>a) For developments within zones E1, E2 and MU1 (and see Section 1.1.6 below)-</p> <p>I. New buildings are to have street frontages built predominantly to the street alignment</p> <p>II. Street setback of maximum 2.0m is permitted for suitable use such as outdoor seating for a cafe</p> <p>b) Circumstances where building predominantly to the street alignment may be inappropriate include development where:</p> <p>I. The site is adjacent to a freestanding or setback heritage building. In this case, the new building should match the setback of the heritage building.</p> <p>II. It contributes an appropriate public space at the street frontage.</p>	<p>Refer to setback provisions stipulated in the Crows Nest TOD Design Guideline which prevail in this instance.</p>	<p>Refer to Table 5</p>
<p>1.1.3 Street Frontage Activities</p> <p>a) Street and lane frontage uses should incorporate one, or a combination of, the following at street level:</p> <p>I. Entrances to residential and commercial occupying less than 50% of the street frontage</p> <p>II. Retail shop front, cafés or restaurants, if accompanied by an entry from the street</p> <p>III. Active office uses, such as reception, if visible from the street</p> <p>IV. Civic or community building if accompanied by an entry</p> <p>V. Allow for visual interest on the external face of fire escapes, service doors and equipment hatches.</p>	<p>The proposed mixed use development provides well-designed frontage to both Pacific Highway and Marshall lane, providing active and engaging street connection and adding to the vibrancy of the centre. The proposal is consistent with the control as follow:</p> <ul style="list-style-type: none"> - The frontages include a combination of commercial / retail shop fronts and the Hotel entry. - The external face of the building utilises high-quality and visually pleasing materials and design to create a visually pleasing façade to each street. - Blank walls are avoided - Vehicle entry points are minimal, and parking is enclosed within the building envelope. - ground level windows comprise clear glazing - Multiple entry points are provided 	<p>Yes</p>



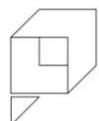
Provision	Assessment	Compliance
<p>b) Limit opaque or blank walls for ground floor uses to 20% of the street frontage.</p> <p>c) Minimise the extent and visual impact of vehicle entrances and other entries not associated with active uses or building entries.</p> <p>d) Provide enclosure on corner sites to define the corner.</p> <p>e) All street frontage windows at ground floor level are to have clear glazing.</p> <p>f) Security grilles are to be fitted only within the shop itself. Such grilles are to be transparent.</p> <p>g) Provide multiple entrances for large developments including an entrance on each street frontage.</p>		
<p>1.1.5 Building separation</p>	<p>Not applicable</p>	<p>N/A</p>
<p>1.1.6 Setbacks</p> <p>Front setbacks</p> <p>Minimum of 5m (all levels)</p>	<p>The Crows Nest TOD Precinct Design Guideline provides specific setback requirements which prevail in this instance.</p>	<p>Refer to Table 5</p>
<p>Side setbacks</p> <p>0m – up to 2-storeys</p> <p>6m – 3 or more storeys</p>		
<p>Laneway setbacks</p> <p>3m – 1-storey (Ground)</p> <p>0m – 2-storeys (First Floor)</p> <p>6m – 3 or more storeys</p>		
<p>1.1.7 Building Design and Exteriors</p> <p>a) Floor to ceiling heights – see Diagram Nos. 4 & 5 and for mixed use development, see Part C 3.13.</p> <p>b) Materials, colours, finishes, proportion and scale of new development should add interest to façades and the streetscape.</p>	<p>The Crows Nest TOD Precinct Design Guideline provides specific floor to ceiling heights which override this control</p> <p>The proposal includes a well-designed and visually pleasing scheme that adds interest to the streetscape.</p>	<p>Refer to Table 5</p> <p>Yes</p>



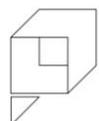
Provision	Assessment	Compliance
<p>c) Avoid large unbroken expanses of blank wall on any facade adjacent to the public domain.</p> <p>d) Provide flexible building layouts and floor to ceiling heights which allow variable tenancies or uses on the first floor of a building above the ground floor.</p> <p>e) The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building.</p> <p>f) Balconies and terraces should be provided, particularly where buildings overlook public open spaces. They should be avoided where they overlook the private open spaces and severely impact the privacy of the adjoining residential properties</p> <p>g) Gardens on the top of setback areas of buildings are encouraged.</p>	<p>The proposal does not include large blank walls to either frontage</p> <p>The proposed retail and commercial layouts can facilitate various tenancies</p> <p>All roof plant and lift services are well integrated within the overall architecture.</p> <p>The proposal includes carefully considered balcony and communal outdoor spaces which have been designed to ensure privacy of the residential properties on the southern side of Marshall Lane.</p> <p>The rear of the building include a sloped design with gardens in the form of planter boxes incorporated within the upper levels.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>1.2 Excavation</p> <p>a) All development is to relate to the existing topography of the land at the time of the adoption of this DCP.</p> <p>b) Excavation for major development is to be contained within the footprint of the development</p> <p>d) Uses at ground level are to respond to the slope of the street by stepping frontages and entries to follow the slope.</p>	<p>The proposal includes excavation to facilitate the construction of the proposed basement levels. The proposed ground levels will continue to relate to the existing topography of the land.</p> <p>The proposed excavation is to facilitate the basement levels and is contained within the proposed building footprint</p> <p>As demonstrated in the architectural drawings, the proposed ground level uses respond to the slope of the street.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>1.3 Design and Location of on-site Parking</p> <p>a) Parking of vehicles is prohibited in setback areas</p> <p>b) All developments must incorporate the required car parking on-site.</p> <p>c) All on-site parking, loading facilities and vehicle access points must be:</p> <p>i. accessed from a rear lane wherever available</p>	<p>No parking is proposed within a setback area</p> <p>The proposal complies with the parking requirement stipulated in the Crows Nest TOD Design Guideline.</p> <p>Noting that Use of nearby public transport services is encouraged in accordance with the guideline.</p> <p>The proposed parking and loading areas are accessed via a driveway connection to Marshall Lane.</p>	<p>Yes</p> <p>N/A</p>



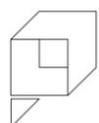
Provision	Assessment	Compliance
II. fully concealed from view from any public street or arcade	Parking and loading areas are located within the building and not visible within the streetscape	
III. accessible from only one opening in the rear lane facade for both on-site parking and loading. Access openings are to be fitted with a garage door or roller shutter.	One basement opening comprising an operable door is proposed.	Yes
d) For developments with a rear lane façade width less than 12.0m this opening must not be wider than 3.0m.	The proposed opening only marginally exceeds 6m (6.077m) as required to comply with the Australian Standard. Refer to Traffic & Parking Assessment prepared by <i>CJP Consulting Engineers</i> submitted in support of the DA.	Yes (merit)
e) For developments with a rear lane façade width equal to or greater than 12.0m this opening must not be wider than 6.0m.	The proposed vehicle entry point is easily accessible and recognisable from Marshall Lane. It has been located to ensure traffic hazards and vehicle queuing is avoided and loss of street parking is minimised	Yes
f) Vehicle entry should be:	The vehicle entry point is separated from the primary pedestrian entry point.	
I. easily accessible and recognisable to motorists	The proposed carpark entry include an appropriate and secure opening.	Yes
II. located to minimise traffic hazards and queuing of vehicles on public roads	Proposed parking and service / delivery areas are suitably located within the building footprint and not visible from the streetscape.	Yes
III. located to minimise the loss of on street car parking, and to minimise the number of access points.	The proposed parking and service/delivery areas suitably located to avoid conflict with pedestrians and minimise adverse amenity impacts for adjoining residential sites.	Yes
IV. Located away from main pedestrian entries and on secondary frontages	The proposed development includes a mix of materials ensuring blank walls are avoided.	Yes
g) Avoid black holes in the facade for major development by providing security doors to car park entries	The site does not adjoin a residential zone.	Yes
i) Parking and service/delivery areas are to be located underground within building footprint or screened from adjacent residential uses or the public domain by sleeving with active uses.	The proposed ventilation screens are well integrated within the overall building design ensuring such features don't appear as visually obtrusive.	N/A
j) Parking and service/delivery areas are to be located to minimise conflict between pedestrians/cyclists and vehicles and to minimise impact on residential amenity.	The proposed building design ensures safe and secure access for all users.	Yes
k) Extensive areas of blank walls are to be avoided		Yes



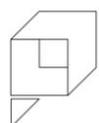
Provision	Assessment	Compliance
<p>l) Vehicular access is not permitted along the boundary adjacent to residential zone unless there is no other practical solution.</p> <p>o) Integrate ventilation grills or screening devices of carpark openings into the facade design and landscape design.</p> <p>p) Provide safe and secure access for building users, including direct access to residential apartments, where possible.</p> <p>q) Basement car parking is to be:</p> <p>I. adequately ventilated</p> <p>II. predominantly located within the building footprint</p> <p>III. located fully below natural ground level.</p>	<p>The proposed building includes two basement levels which are adequately ventilated and located below ground level and within the building footprint.</p>	<p>Yes</p>
<p>1.4 Carparking</p>	<p>Carparking is provided in accordance with the Crows Nest TOD Design Guideline which seeks to maximise the sites proximity to train and metro stations. The Crows nest TOD Design Guideline prevails over the DCP in this instance.</p>	<p>Refer to Table 5</p>
<p>1.5 Awnings</p>	<p>Crows Nest TOD Design Guideline requires a reverse setback to Pacific Highway, providing a continuous awning to the frontage.</p> <p>Refer to assessment in table above</p>	<p>N/A</p>
<p>1.6 Reflectivity</p>	<p>The proposed development employs a mix of glazing and solid materials / screening to ensure the reflectivity of the building is reduced. Non-reflective glass can be conditioned if deemed necessary.</p>	<p>Yes</p>
<p>1.7 External lighting of buildings</p> <p>a) Any external lighting of buildings is to be considered with regard to:</p> <p>I. the integration of external light fixtures with the architecture of the building (for example, highlighting external features of the building),</p>	<p>The external façade of the building will not be flood lit.</p> <p>All external lighting will be of an appropriate design chosen to complement the architecture of the building and provide a positive contribution to the streetscape and minimise impacts on adjoining sites.</p> <p>External lighting systems will be chosen based on energy efficiency results.</p>	<p>Yes</p>

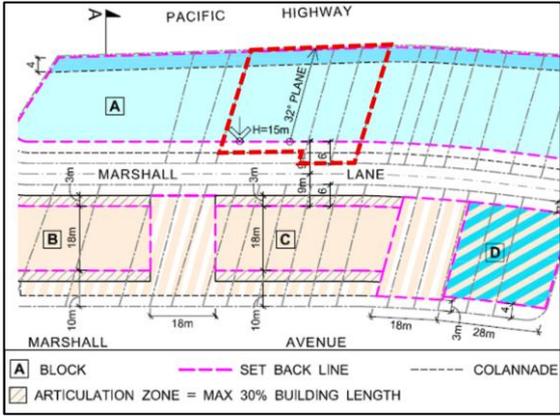


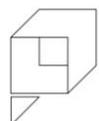
Provision	Assessment	Compliance
<p>II. the contribution of the visual effects of external lighting to the character of the building, surrounds and skyline,</p> <p>III. the energy efficiency of the external lighting system,</p> <p>IV. the amenity of residents in the locality.</p> <p>b) Floodlights for buildings are prohibited.</p>		
<p>1.8 Landscaping</p>	<p>Landscaping is provided in accordance with the Crows Nest TOD Design Guideline. Refer to assessment in table above.</p>	<p>N/A</p>
<p>1.9 Planting on Structures</p>	<p>The proposal includes landscaping within planter boxes in various areas throughout the site. The attached Landscape Plan details the proposed landscaping and demonstrating compliance with this control.</p>	<p>Yes</p>
<p>1.10 Solar Access</p>	<p>Solar access is provided in accordance with the Crows Nest TOD Design Guideline which prevails in this instance</p>	<p>N/A</p>
<p>1.11 Access and Mobility</p> <p>a) Any new development must comply with the relevant Australian Standards for Design for Access and Mobility, Adaptable Housing, Parking Facilities, Lifts, Escalators, Moving Walks and with Part F of this DCP – Access and Mobility.</p>	<p>The proposed development has been designed to ensure compliance with all relevant Australian Standards.</p> <p>Refer to attached Access Assessment prepared by BM&G</p>	<p>Yes</p>
<p>1.12 Toilet Facilities</p> <p>a) Accessible and well sign-posted toilet facilities complying with the relevant Australian Standards shall be provided in all developments containing 10 or more shops or more than 500m² of retail floor space. These facilities shall have the same minimum opening and closing hours specified for arcades.</p>	<p>The proposed commercial / retail areas include appropriate toilet facilities in compliance with relevant Australian Standards</p>	<p>Yes</p>
<p>1.13 Signage</p>	<p>No signage is proposed as part of this development application. Any future signages will be accommodated under the exempt provisions of SEPP (Exempt and</p>	<p>Yes</p>



Provision	Assessment	Compliance
	Complying Development Code) or a separate signage DA.	
D.4 Development within E2 Commercial Centre Zone		
<p>D4.2 Desired Future Character of St Leonards</p> <p><i>The desired future character for St Leonards is to present itself as a specialised unified centre with an identifiable ‘sense of place’ through its revitalisation, new high quality public domain improvements and development creating balanced built form on both sides of Pacific Highway.</i></p> <p><i>The improved streetscapes along the southern side of Pacific Highway with colonnades and new plantings shall help to mediate the impact of traffic and create a pleasant pedestrian environment for the Centre.</i></p> <p><i>New tower development on strategic locations along the southern side of Pacific Highway will give St Leonards attractive gateway markers that enhance the most prominent views and vistas along the Highway and Albany Street into the centre. ...</i></p> <p><i>With improved landscape, better pedestrian amenity, linkages for cyclists and significant retail and residential developments, the St Leonards Centre precinct is a vibrant and vital urban centre.</i></p>	<p>The proposal includes a well-designed mixed use development that is aligned to the desired future character of St Leonards. The development presents a high-quality design which will contribute to the revitalisation the area through the provision of quality building facades responding to the surrounding built environment and active street frontages.</p> <p>The proposed ground level retail uses, public domain work and landscape elements provide a significantly improved pedestrian environment and contribute to the vibrancy of the St Leonards urban centre.</p>	Yes
<p>4.3 Built Form Provisions</p> <p>a) New development along the southern side of Pacific Hwy across the St Leonards Station is to comply with the block diagrams provided.</p> <p>b) The development for major blocks is to be a tower and podium form to mitigate against wind impacts and achieve a human scale at the street.</p> <p>d) Tower forms are to be generally oriented with their long axis running north south. This is to minimise the visual impact of the towers to Pacific Highway and ensure separation between the towers to allow view sharing, solar access and wind movement to the south.</p>	<p>The built for provisions of the Crows Nest TOD Design Guideline prevail over the DCP provisions in this instance. A detailed assessment of the TOD Design Guideline built form provisions is provided in Table 5 above</p>	N/A

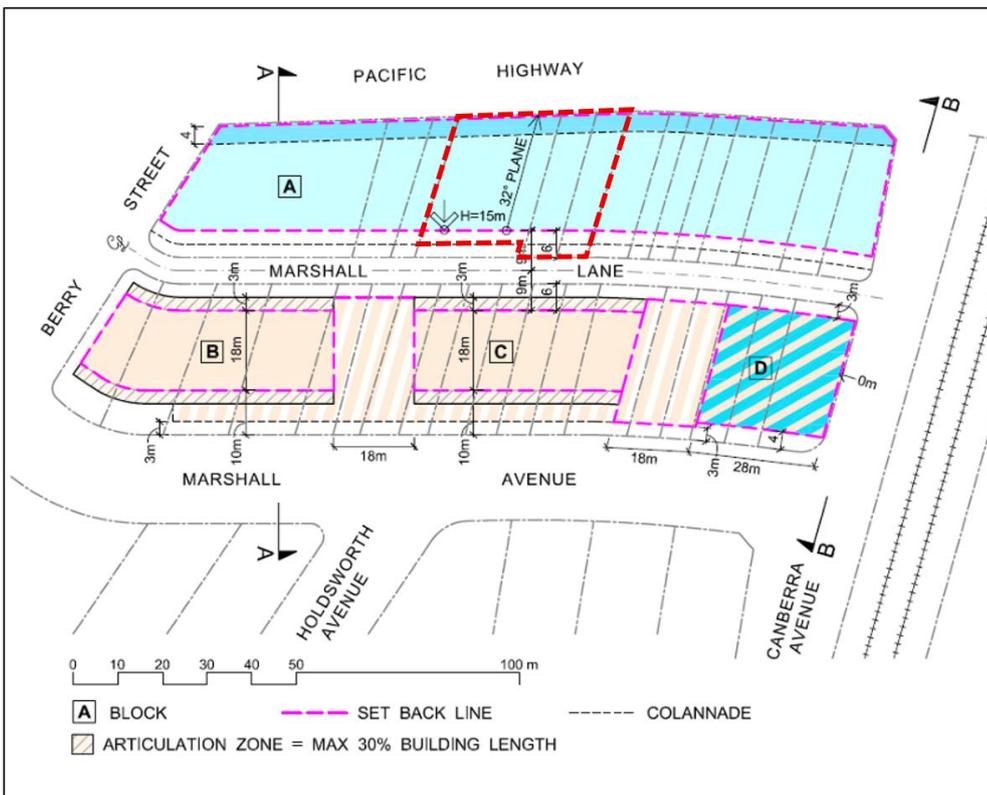


Provision	Assessment	Compliance
<p>4.4 Separation</p> <p>a) Separation is to be provided between all towers. Minimum distances are provided within the block plan tables. These separation distances are an average separation but no tower should be located closer than 12m from an adjacent tower or potential tower. Separation of towers is imperative to avoid a continuous secondary street wall extending the length of the block along the highway.</p>	<p>The site is located in Block 'A' of the Marshall Precinct. It is therefore not subject to a tower separation control.</p> <p>Refer to DCP figure below noting the pink line indicates the setback lines for Block 'A' and 'B'.</p>  <p>The diagram shows a plan view of the site. At the top is Pacific Highway. Below it is Block A, which is a large rectangular area with a pink dashed line indicating a setback line. To the south of Block A is Marshall Lane, which is 3m wide. Below Marshall Lane is Block B, which is 18m wide. To the east of Block B is Block C, which is 18m wide. To the south of Block C is Block D, which is 28m wide. The diagram also shows a 32° plane and a 15m setback from the highway. A legend indicates that Block A is the area shown, a pink dashed line is the setback line, a dashed line is the colonnade, and a hatched area is the articulation zone (max 30% building length).</p>	<p>Yes</p>
<p>4.5 Public Open Space</p>	<p>Not applicable</p>	<p>N/A</p>
<p>4.6 Colonnades</p> <p>a) Colonnades are to be provided to development along the Pacific Highway as shown in the block plans.</p> <p>b) The depth and height of colonnades is to be sufficient to allow for footpath seating whilst still allowing clear pedestrian access adjacent to the shopfronts and to achieve high quality amenity and spaciousness for the colonnade with reasonable visual exposure to the highway (see Diagram 8).</p> <p>c) All development is to provide footpath and public domain upgrades, including landscaping, to Council's specifications as part of the development. A minimum of 4m wide footpath is to be provided from the property boundary for the southern side of Pacific Highway</p>	<p>The proposal includes colonnades along the Pacific Highway.</p> <p>The proposed colonnades includes a two storey height and 4m width in accordance with Figure 8 of this part.</p> <p>Well-designed footpaths and public domain upgrades including landscaping are proposed, generating an overall improvement to the Pacific Highway frontage.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Part D – Commercial and Mixed-Use Localities</p>		
<p>Locality 1 St Leonards Key Precincts</p>	<p>The site is located within the Block 1 – Marshall Precinct</p>	<p>-</p>

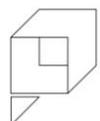


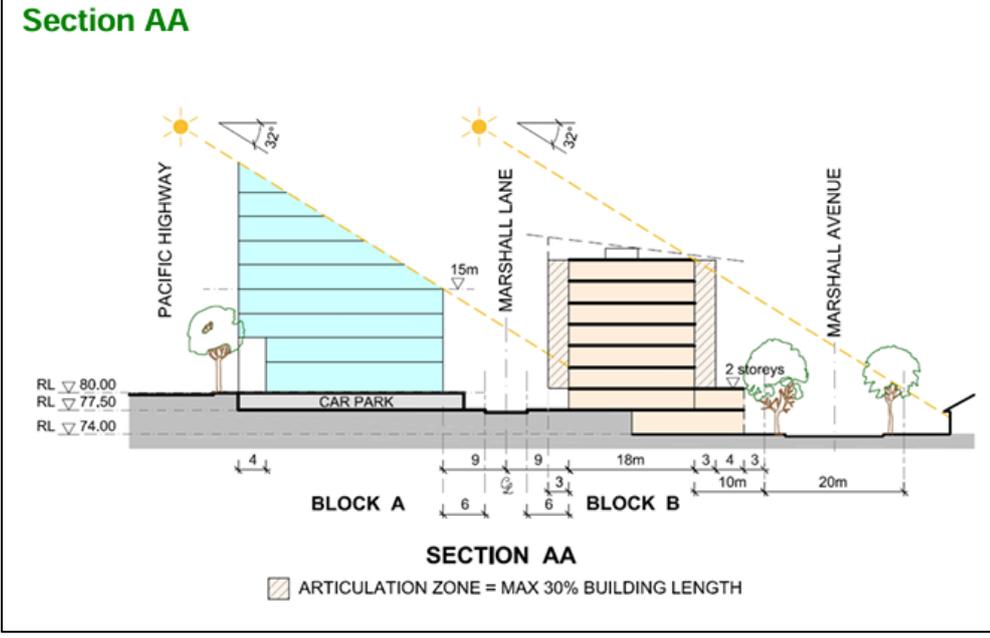
Provision	Assessment	Compliance
		

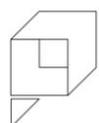
Block 1 Marshall Precinct



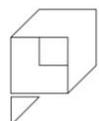
Block 1: Marshall Precinct – Block Plan (LC DCP 2009) – Site indicated in red outline



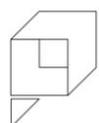
Provision	Assessment	Compliance
<p>Section AA</p>  <p>SECTION AA ARTICULATION ZONE = MAX 30% BUILDING LENGTH</p>		
<p><i>Block 1: Marshall Precinct – Section AA (LC DCP 2009)</i></p>		
<p>Block A – Controls/Provisions</p> <p>Height</p> <ul style="list-style-type: none"> Overall Building Height – Refer LEP 15m Podium + sloping height plane 	<p>The proposal complies with the applicable height standard prescribed by the Lane Cove LEP.</p> <p>The proposal has also been designed to respond to the 15m height plane of the Lane Cove DCP.</p> <p>The TOD does not specify a 32° sloping height plane control. Instead, it includes objectives for solar access that override the Lane Cove DCP’s Figure 14: Section AA of Block A.</p> <p>The proposal at 38 Pacific Highway has elected to maintain a stepped form down to the Marshall Lane side of the building to preserve solar access to Southern neighbours. While the lift overrun sits above the notional 32° plane, the overall building adopts a stepped form to the south, specifically to preserve amenity for neighbouring properties.</p> <p>Solar analysis confirms compliance with relevant solar access benchmarks.</p>	<p>Yes</p>
<p>Street Frontage Height – Pacific Highway</p> <p>Variable depending on sloping sight</p>	<p>The street frontage height requirements provided in the Crows Nest TOD Design Guideline prevail in this instance</p>	<p>Refer to Table 5</p>



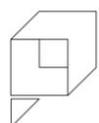
Provision	Assessment	Compliance
<p>Uses</p> <p>Active uses at ground or street level to Pacific Highway and Canberra Avenue, desirable to Berry Road, commercial above</p>	The proposal includes active retail uses on the ground floor to Pacific Highway and Marshall Lane with a hotel proposed above.	Yes
<p>Street setback – Pacific Highway</p> <p>No setback to property boundary but colonnade setback applies</p>	The proposal complies with the colonnade setback requirements as described above	Yes
<p>Street setback Marshall Lane</p> <p>6m setback to 15m high podium</p> <p>3m setback to carpark entry</p>	The setback requirements provided in the Crows Nest TOD Design Guideline prevail in this instance	Refer to Table 5
<p>Colonnade</p> <p>4m depth from building edge and 2 storey clear height</p>	Colonnades with a width of 4m and a 2 storey height are proposed to the Pacific Highway as detailed above.	Yes
<p>Vehicle Entry and Service Vehicles</p> <p>Via Marshall Lane</p>	All vehicular entry is proposed via Marshall Lane	Yes
<p>Carparking</p> <p>Underground or below Pacific Highway level, access from Marshall Lane</p>	Basement carparking is proposed with access from Marshall Lane	Yes
<p>Landscaping/ public domain</p> <ul style="list-style-type: none"> Colonnade to be paved in high-quality material to accommodate continuous pedestrian pathway along the Pacific Highway. Continuous accessible pathway to be provided along Marshall Lane setback zone 	The proposed colonnade area comprises high quality material providing visually pleasing and continuous pedestrian pathway along the Pacific Highway frontage. Additionally, a continuous, accessible pathway is provided along Marshall Lane. Both street frontages will include integrated landscaping in the form of planter boxes as shown in the attached Landscape Plan	Yes
<p>Privacy</p> <p>Where necessary, building design to include devices/screens to prevent overlooking to residential dwellings</p>	The proposed building design includes external screening and design elements to ensure a high level of privacy is retained.	Yes
<p>Isolated sites</p>	The proposed development does not result in site isolation.	Yes



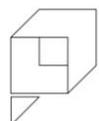
Provision	Assessment	Compliance
<i>Proposed development is to avoid the creation of isolated sites</i>		
Part F Access and Mobility		
<p>3.8 Access to and within buildings</p> <p>1. Access is to be provided in accordance with BCA D3.1.1 and in accordance with table 1 <u>Hotels, longer term or transient living accommodation etc</u> – From a required accessible entrance to at least 1 floor containing SOUs and to the entrance doorway of each SOU on that level. To and within 1 of each type of room or space for use in common by the building occupants and the appropriate number of accessible SOUs required by Table D3.1.</p> <p>2. Access is to comply with the relevant Provisions of the BCA, and associated referenced Australian Standards. Demonstration is required in the form of an access report prepared by a suitably qualified access consultant as part of the DA documentation.</p>	<p>The proposal provides suitable and compliant access in accordance with all relevant BCA requirements and associated Australian Standards.</p> <p>The application is supported by a detailed <i>Access Report</i> and <i>BCA Compliance Report</i> prepared by BM+G.</p>	Yes
Part J Landscaping and Tree Preservation		
3.5 Urban Tree Canopy	Th Crows Nest TOD Design Guideline provides guidelines for landscaping including canopy cover and deep soil areas which prevail in this instance.	Refer to Table 5
3.6 Canopy Cover		
Part K Motels		
<p>1.1 Objective</p> <p><i>The objective of this section is maintaining, and where necessary, enhancing the existing high standard of residential development in the R4 Zone, whilst providing for the establishment of motel developments.</i></p>	<p>Part K applies only to motel developments in an R4 zone.</p> <p>The site is located in an E2 zone.</p>	N/A
<p>1.2 Minimum Site Ares</p> <p>a) Motel developments will not be permitted on sites of less than 2,000m².</p>	The proposal is for a hotel in an E2 zone.	N/A



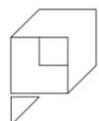
Provision	Assessment	Compliance
<p>1.3 Building Design and Scale</p> <p>a) To ensure the preservation of the existing residential character in the vicinity of the development, the architectural style of motel proposals must be sympathetic to the adjoining surrounding buildings in terms of height, materials used, roof pitch and overall building character</p> <p>b) the area of the site devoted to driveways and vehicle turning areas should be minimised. Designs which include an excessive paved area or which do not screen paved areas adequately from the street or neighbouring development, will not be accepted, Similarly, design which show little imagination in the placement of building mass and with straight driveways are also unacceptable.</p>	<p>The Crows Nest TOD Design Guideline provides provisions relating to building design and scale. The guideline provisions prevail over the DCP in this instance.</p> <p>Refer to assessment in Table 5</p>	<p>Refer to Table 5</p>
<p>1.4 Views and Overshadowing</p> <p>a) The siting of a motel on an allotment needs to be related to the particular effect the development may have on the adjoining dwellings. For a proposal to be sympathetic to the existing immediate neighbouring buildings, it is required that the development will not significantly affect any available views from adjoining dwellings, nor significantly decrease the amount of sunshine access available to the adjoining allotments.</p> <p>b) Motel developments are to be so located and designed that a total of five hours sunshine is available daily over 80% of the southern contiguous allotment during 21st June.</p>	<p>The Crows Nest TOD Design Guideline provides provisions relating to views and solar access for development within the precinct. The guideline provisions prevail over the DCP in this instance.</p> <p>Refer to assessment in Table 5</p>	<p>Refer to Table 5</p>
<p>1.5 Setbacks</p> <p>a) Building setback from a public street are to match that of neighbouring residential development. Side and rear boundary setbacks should not be less than that of neighbouring or nearby flat development.</p>	<p>The Crows Nest TOD Design Guideline provides provisions relating to the setback of buildings within the precinct which prevail over the DCP requirements. Refer to assessment in Table 5</p>	<p>Refer to Table 5</p>
<p>1.6 Landscaping</p>	<p>The Crows Nest TOD Design Guideline provides provisions relating to landscaping of development that</p>	<p>Refer to Table 5</p>



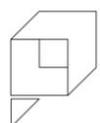
Provision	Assessment	Compliance
<p>a) Fifty percent (50%) of the site shall be landscaped. Landscaping does not include paved areas, such as driveways.</p> <p>b) A separate landscape plan is required with any development proposal. The landscape plan should achieve or include the following:-</p> <p>I. An informal softening on building and paved areas generally.</p> <p>II. The screening of the development from the side and rear boundaries and, particularly, from the street.</p> <p>III. The exclusive use of the plant species indigenous to Lane Cove in areas from the public domain.</p> <p>IV. Existing medium and large size trees are to be protected during construction and maintained in a viable condition through the siting of buildings, access ways and paths and swimming pools.</p>	<p>is located within the precinct which prevail over the DCP requirements. Refer to assessment in Table 5</p>	
Part O Stormwater Management		
<p>O3 Property Drainage Systems, O4 Disposal of Stormwater, O5 Stormwater Disposal Systems, O6 Rainwater Tanks, O7 On-site Stormwater Detention Systems, O8 Construction Activities, O9 Hydrology and Hydraulics, O10 Stormwater Inundation, O11 Silt and Sediment Control, O12 Drainage Easements.</p>	<p>A Concept Stormwater Management Plan has been prepared by <i>Northrop Consulting Engineers</i> and is submitted in support of the DA.</p>	<p>Yes</p>
Part Q Waste Management and Minimisation		
<p>Q2 Application Requirements <i>All development applications (DAs), including demolition, construction and change of use of a</i></p>	<p>A Waste Management Plan prepared by <i>MRA Consulting Group</i> accompanies this application. The plan outlines measures to manage and dispose of waste generated</p>	<p>Yes</p>



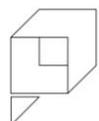
Provision	Assessment	Compliance
<p><i>site/premise, must be accompanied by a Waste Management Plan (WMP). In addition to submission of a WMP, the waste management facilities proposed as part of the development, must be clearly illustrated on the plans of the proposed development, accompanying the DA. Note: persons carrying out complying or exempt development are encouraged to minimise the generation of waste in the construction and operation of any such use or activity, and to deal with any waste generated in accordance with the above objectives.</i></p>	<p>during the demolition and construction phase of the project.</p> <p>The application is also supported by an Operational Waste Management Plan by <i>MRA Consulting Group</i>, outlining details to minimise and managed waste generated by the on-going use of the site.</p> <p>The supporting architectural plans provide details on proposed waste management facilities / storage.</p>	
Q4 Development Specific Controls		
4.5 Commercial Development and Change of Use	<p>The proposed development includes appropriate storage and collection for waste associated with the commercial component of the development.</p> <p>The application is supported by an Operational Waste Management Plan by <i>MRA Consulting Group</i>, outlining waste operational procedures for the development.</p>	Yes
4.6 Mixed Use Development	<p>Separate and self-contained waste management facilities are proposed for the Hotel and the retail components of the proposal. Waste management facilities will be appropriately signed ensuring conflict is avoided. Refer to the Operational Waste Management Plan for more details.</p>	Yes
Part R - Traffic, Transport and Parking		
R2 Parking		
2.2 Electric Vehicle Infrastructure	<p>The Crows Nest TOD Design Guideline provides provisions relation to EV infrastructure. An assessment is provided in the table above</p>	Refer to Table 5
2.3 Parking Rates	<p>The development occurs within 400m of the St Leonards Railway Station. The parking provisions within Table 2 apply as discussed below.</p>	N/A
2.4 Parking near St Leonards Railway Station	<p>Refer to <i>Traffic & Parking Assessment Report</i> prepared by CJP Consulting Engineers for more details.</p>	



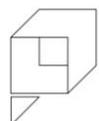
Provision			Assessment	Compliance
Parking rates shall be reduced for land within a 400m radius of St Leonards Railway Station			Based on Table 2, the following parking rates are required:	Refer to Table 5
Proposed Use	Resident / Employee	Customers / Visitor	<p><u>Hotel (99 rooms)</u></p> <p>7 staff and 33 visitor/ customer car parks (or a total 40 spaces required)</p> <p><u>Retail/Commercial (GFA of 1,391m²)</u></p> <p>12.9 spaces</p> <p><u>A total of 53 spaces required.</u></p> <p>The proposal includes a total of 22 carparking spaces (excluding the courier/delivery bay) resulting in a non-compliance with the control.</p>	
Hotel / Motel	2 spaces + 1 space per 20 rooms (staff parking)	1 space / 3 rooms + 1 space / 20sqm of conference + 1 space / seat in restaurant 1 disabled space / 10 spaces		
Retail premises / commercial	1 space / 100m sqm GFA +1 disabled space / 10 car spaces	N/A	<p>Notwithstanding this, it is noted that the Section 3.11 (2) of the Crows Nest Transport Orientated Development Design Guideline provides;</p> <p><i>‘Notwithstanding the carparking rates in Table 7 and the relevant LEPs and DCPs for other land uses, minimised provision of parking for all land uses is encouraged to capitalise on the proximity of the St Leonards Train Station and the Crows Nest Metro’</i></p> <p>The intent of Section 3.11(2) is to minimise the provision of parking and encourage the use of public transport given the sites proximity to the St Leonards Train Station and the Crows Nest Metro.</p> <p>Furthermore, the Traffic & Parking Assessment provides:</p> <p><i>With respect to the equivalent parking rate for the proposed car share spaces, whilst it is noted that Lane Cove Council specifies a rate of 1 car share car = 3 private cars, it is for developments not located near St Leonards railway station. At the same time, advice from market leaders, GoGet, indicates that for built up areas such as St Leonards, the equivalent rate is 1 car share car = 10 private cars. For the purposes of this assessment, therefore, a rate of 1 car share car = 5 private cars has been adopted Accordingly, the proposed provision of 22 car parking spaces (excluding the</i></p>	



Provision	Assessment	Compliance																					
	<p><i>courier/loading bay) is the equivalent of 30 private car parking spaces, thereby resulting in a numerical shortfall of 22 spaces under the Lane Cove DCP 2009 requirements</i></p> <p><i>The proposed provision of 30 (equivalent) spaces is considered acceptable in this instance given the Crows Nest TOD Precinct strongly advocates for reducing car parking provisions across all land uses to align with its transit-oriented development principles. The site is located near St Leonards Train Station and Crows Nest Metro Station, offering frequent, high-capacity public transport services that significantly reduce the reliance on private vehicles. Additionally, the inclusion of car share spaces, which provide a higher equivalent parking capacity, further supports sustainable travel choices.</i></p> <p><i>The overall approach seeks to prioritise pedestrian-friendly environments, minimise vehicular impacts on public spaces, and promote active and public transport, consistent with the precinct’s vision for a highly accessible, low-emission urban environment.”</i></p> <p>The proposal is consistent with the parking provisions of the Crows Nest TOD Design Guideline which prevail over the LC DCP in this instance.</p>																						
<p>2.7 Bicycle Parking</p> <p>Off-street bicycle parking rates applicable to the hotel component and the commercial/retail component of the development proposal are specified in Lane Cove DCP 2009, Part R, Traffic, Transport & Parking, Table 3, as set out below:</p> <table border="1" data-bbox="135 1608 667 1977"> <caption>Table 3 – Bicycle parking rates</caption> <thead> <tr> <th>Proposed Use</th> <th>Residents/Employees</th> <th>Customers/Visitors</th> </tr> </thead> <tbody> <tr> <td colspan="3">Tourist and Visitor Accommodation</td> </tr> <tr> <td>Hotel/motel</td> <td>1 per 4 staff</td> <td>1 rack + 1 rack per 20 rooms</td> </tr> <tr> <td colspan="3">Commercial & Mixed Use Development (Commercial component)</td> </tr> <tr> <td>Office premises or business premises</td> <td>1 per 300m² GFA</td> <td>1 rack + 1 rack per 800m² GFA</td> </tr> <tr> <td>Shop</td> <td>1 per 50m² GFA</td> <td>2 racks + 1 rack per 200m² over 200m² GFA</td> </tr> <tr> <td>Restaurant or cafe</td> <td>1 per 50m² GFA</td> <td>2 racks + 1 rack per 200m² over 200m² GFA</td> </tr> </tbody> </table>	Proposed Use	Residents/Employees	Customers/Visitors	Tourist and Visitor Accommodation			Hotel/motel	1 per 4 staff	1 rack + 1 rack per 20 rooms	Commercial & Mixed Use Development (Commercial component)			Office premises or business premises	1 per 300m ² GFA	1 rack + 1 rack per 800m ² GFA	Shop	1 per 50m ² GFA	2 racks + 1 rack per 200m ² over 200m ² GFA	Restaurant or cafe	1 per 50m ² GFA	2 racks + 1 rack per 200m ² over 200m ² GFA	<p>Based on Table 3 of the LC DCP 2010 the development is required to provide 42 bicycle parking spaces.</p> <p>The proposal facilitates parking of 50 bicycles which is considered appropriate for the proposed mixed use development.</p> <p>Refer to <i>Traffic & Parking Assessment Report</i> prepared by CJP Consulting Engineers for more details.</p>	<p>Yes</p>
Proposed Use	Residents/Employees	Customers/Visitors																					
Tourist and Visitor Accommodation																							
Hotel/motel	1 per 4 staff	1 rack + 1 rack per 20 rooms																					
Commercial & Mixed Use Development (Commercial component)																							
Office premises or business premises	1 per 300m ² GFA	1 rack + 1 rack per 800m ² GFA																					
Shop	1 per 50m ² GFA	2 racks + 1 rack per 200m ² over 200m ² GFA																					
Restaurant or cafe	1 per 50m ² GFA	2 racks + 1 rack per 200m ² over 200m ² GFA																					



Provision	Assessment	Compliance
<p>2.8 Motorcycle Parking</p> <p>1 space / 15 car spaces</p> <p>b) motor cycle parking spaces are to have an area of 1.2m x 3m.</p>	<p>Based on a total of 22 parking spaces a total of 2 motorbike spaces are required.</p> <p>A total of 8 motorcycle parking spaces is provided which is appropriate given the total number of car parking spaces is 22.</p> <p>Proposed motorcycle parks are of appropriate dimensions.</p> <p>Refer to <i>Traffic & Parking Assessment Report</i> prepared by CJP Consulting Engineers for more details.</p>	<p>Yes</p>
<p>2.9 Disabled Parking Provision</p>	<p>Disabled parking spaces have been designed in accordance with the relevant Australian Standards.</p> <p>Refer to Access Report by BM&G attached to this report.</p>	<p>Yes</p>
<p>2.14 Motels</p>	<p>The proposal is consistent with the parking provisions of the Crows Nest TOD Design Guideline which prevail over the LC DCP in this instance</p>	<p>Refer to Table 5</p>
<p>Part S Environmental Sustainability</p>		
<p>Refer to <i>ESD DA Report</i> prepared by Dsqared Consulting.</p>		



6. Environmental Assessment

This section of the report provides an assessment of the potential impacts of the development on the natural and built environments of the locality as well as the suitability of the site and the public interest in accordance with Section 4.15 of the EP&A Act 1979.

6.1 Assessment of Natural Environmental Impacts

6.1.1 Topographic and Scenic Impacts

The proposal includes two basement levels which require excavation work. A *Geotechnical Report* has been prepared by *JK Geotechnics* which details the excavation on site to establish the proposed basement levels accommodating parking, storage and service areas.

Despite the required excavation, the site's topography will largely remain unchanged from the street view, as the proposal will maintain the existing ground level along the boundaries where the site meets neighbouring developments.

The site does not contain potential acid sulfate soils or and existing vegetation or landscaping elements. The proposal adds to the scenic character of the streetscape through the provision of a well-considered and compatible design and the incorporation of planter boxes and roof top landscaping.

6.1.2 Water and Air Quality Impacts

The proposal is supported by a *Stormwater Management Plan* by Northrop Consulting Engineers, with the implementation of the proposed stormwater management the development is unlikely to result in adverse stormwater impacts on the locality. Stormwater and runoff will be managed in accordance with the Stormwater Engineer's recommendations and any Council conditions of consent.

6.2 Assessment of Built Environmental Impacts

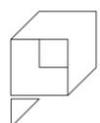
6.2.1 Site Isolation and amalgamation

Senior Commissioner of the Land and Environment Court recently gave an important decision emphasising this, in *Statewide Planning Pty Ltd v Canterbury-Bankstown Council [2021] NSWLEC 1210* (Statewide). Here the Court held that:

"If there are specific provisions within a LEP or DCP that apply to a site and regulate 'Site Isolation', it is those provisions which must be considered (and not ignored) as part of any DA, including whether those provisions may be applied flexibly as permitted by s.4.15(3A)(b) of the Act; if the applicable LEP or DCP is silent on the regulation of 'Site Isolation', or if there are gaps in such provisions, it is necessary only then to consider the Court's 'Site Isolation' planning principle, which is set out in Karavellas".

The Court explained this rationale as follows:

"The purpose of planning principles, as I understood them, is to fill the gaps where the planning control or policy is silent. In circumstances where CDCP is specific, earlier decisions offering planning principle about different provisions are unhelpful, as each LGA and factual context is different. And, while a flexible approach to the application of the CDCP is mandated by the EPA Act this does not mean that the intent of the provision can be distorted to achieve a particular end by applying an irrelevant planning principle and ticking a box"



The Lane Cove LEP does not include any relevant minimum lot size standard or site isolation controls for adjoining lands. Consideration has been given to the Planning Principal “*Karavellas v Sutherland Shire Council NSWLEC 251*”. The Lane Cove DCP does contain amalgamation and site isolation controls in Part B3 which stipulate:

“a) Development for the purpose of residential flat buildings and high density housing should not result in the isolation of sites such that they cannot be developed in compliance with the relevant planning controls, including Lane Cove LEP 2009 and this DCP.

b) Where a property is likely to be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.”

The proposed development includes the amalgamation of lots and would not result in an isolated site that could not be readily redevelopment in accordance with the LEP and DCP. Consideration has been given to the Planning Principal “*Karavellas v Sutherland Shire Council [2004] NSWLEC 251*”.

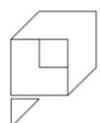
In *Karavellas*, Commissioner Tuor of the Land and Environment Court brought together the principles arising from the slightly earlier decisions of Commissioner Brown in *Melissa Grech v Auburn Council [2004] NSWLEC 40*, and her own decision in *Cornerstone Property Group Pty Ltd v Warringah Council [2004] NSWLEC 18*, distilling them down to these considerations:

1. *Firstly, is amalgamation of the sites feasible? (the First Limb); and*
2. *Secondly, can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible? (the Second Limb).*

The First Limb of *Karavellas*, which addresses the process of negotiating a purchase, explicitly applies only “where a property will be isolated by a proposed development” (see *Karavellas* at para [18]). Consequently, if a site is not at risk of isolation, there is no need to attempt acquisition or amalgamation of that site (unless lot amalgamation maps explicitly apply). Therefore, the initial step must be to determine whether a site will be isolated at all, requiring consideration of the Second Limb of *Karavellas* before prematurely focusing on the First Limb.

The proposed development is not considered to result in site isolation. Site to the west and sites to the east could be readily redeveloped in isolation noting that no minimum frontage width or minimum lot size applies.

As determined by Moore J in *Rebel MH Neutral Bay Pty Ltd v North Sydney Council (2018) 241 LGERA 107* “*The R4 zone Land Use Table permits residential flat buildings as well as a number of other uses including dwelling houses... the planning controls anticipate a variety of housing types within the high-density residential environment of the R4 Zone... to require only high-rise development would preclude the variety of housing types and other uses anticipated by the land use table and its objectives*” (at [90]-[96]). Further, the Courts in *Limahart Pty Ltd v Kogarah Council [2006] NSWLEC 415* stipulated “*whilst the schematic design does not meet a number of numerical requirements in the DCP... It is reasonably apparent that as an isolated site its development potential may not be as great as a larger site, but a satisfactory outcome is possible* at [31]”. Therefore, with consideration of site isolation there is not an expectation that the site can realise the full development potential of the site in terms of full range of permitted uses or built form. Given that vehicular access is also available to the neighbouring site, in my view the sites can be reasonably developed. Upon request, a concept proposal can be prepared for the adjoining property/s demonstrating its development potential.



6.2.2 Impact on character

The St Leonards centre is generally characterised by a range of built forms reflecting a mix of building types and scale with no specific period reflected in the built form. The immediate locality along Pacific Highway comprises a mix of subpar commercial development of various forms and densities. Despite this, with its placement in the Crows Nest TOD Precinct, the immediate area can be described experiencing rapid urban renewal, with high-rise mixed-use developments replacing older structures and increasing overall density. The proposed development is consistent with the vision of the precinct and the building will make a positive contribution to the character of Pacific Highway and Marshall Lane through its effective built form, sympathetic design materials and compatibility with emerging development.

6.2.3 Solar Access

The extent of additional shadow cast onto habitable spaces of residential uses is considered to be acceptable with no additional shadowing of key places as identified in the Crows Nest TOD Precinct Guidelines. As per the Shadow Diagrams submitted with this DA, most additional shadows cast are as result of a permissible building envelope. Importantly, the proposal is fully compliant with the applicable LEP height (38m) and floor space ratio standard (5.1:1) development standards. The proposal provides a site-specific response by positioning the majority of the building bulk towards the northern side of the site with a cascade down towards the southern boundary minimising solar impact to neighbouring residential properties.

6.2.4 Visual and Aural Privacy

The proposed development has been designed to minimise, to the highest extent possible, any potential negative visual or aural privacy impacts on neighbouring properties. The main outlook of the development is directed towards the public domain (Pacific Highway). Additionally, features such as raised planters, well located communal areas and the recessed design to the rear assist in reducing privacy impacts to the residential development on the southern side of Marshall Lane.

Regarding aural privacy, the building generally complies with the relevant planning provisions and is supported by a *Noise Impact Assessment* prepared by PWNA which provides recommended acoustic noise mitigation measures treatments for the mechanical plant, windows and openings, conduction and the like. This will help mitigate any potential acoustic impacts from the development. The attached PoM will provide the required operational characteristics and place limitations on the use of outdoor communal areas. It is expected that Council will impose conditions of consent regarding noise from mechanical plant. Therefore, the proposal is considered acceptable in terms of both aural and visual privacy impacts.

6.2.5 Views

The development proposal is situated in a dense urban environment, within the commercial centre on a site dedicated for urban renewal. Due to the density anticipated by the LEP controls along with the strategic distribution of the building's mass, the proposal will not result in unacceptable private view loss impacts to surrounding properties.

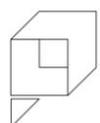
The site is located within a highly urbanised setting whereby the controls permit significant density for the locality. In consideration of the site's context, it can reasonably be anticipated that adjacent properties will experience some degree of view loss from any future development at the site consistent with the planning controls.

6.3 Assessment of Site Suitability

This section will consider the proximity of the site to services and infrastructure and the incidence of potential hazards.

6.3.1 Proximity to Services and Infrastructure

Transport and access



This site located within the Crows Nest TOD Precinct, it is very well located in terms of access to public transport. The subject site is within optimal walking distance of several bus services as well at the St Leonards Train Station and the Crows Nest Metro. The proposal maximises its highly accessible location and is designed to encourage the use of nearby public transport infrastructure.

Services

The site is located within the St Leonards commercial centre, electricity, telephone, water and sewerage are all readily available.

6.3.2 Hazards

The subject site is not identified by Council as being affected by landslip, flooding or bushfire hazards and the proposal does not increase the likelihood of such hazards.

6.4 Public Interest

This section provides consideration to the social and economic impacts of the proposal and the public interest.

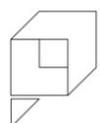
6.4.1 Social and Economic Impacts

The proposed development offers a well-designed, contemporary Mixed Use/ Hotel development that contributes to meeting the demand for high quality development and is considered to have positive social and economic impacts for St Leonards through the provision of commercial and retail opportunities, short term accommodation within proximity to the hospital and train stations and the generation of employment.

6.4.2 The Public Interest

The design of the proposed mixed-use building has given significant consideration to the adjoining development and the existing amenity of the streetscape. The proposal has been shown to meet the zone objectives by providing a mixed-use motel development that aligns with the existing character and the desired future character of the St Leonards locality.

The proposal provides a contemporary, well-designed commercial development which displays a contextually appropriate scale and form for the area. The building has been designed to maintain appropriate levels of amenity for neighbours' and contribute positively to the streetscape and local character. The proposal is a quality development that provides additional retail offerings and short-term accommodation within close proximity to the North Shore Hospital, generating positive social and economic benefits. The proposal will generate additional employment opportunities assisting in achieving the employment targets of the St Leonards Crows Nest 2036 Plan. The proposal is considered to be in the public interest.



7. Conclusion

The SEE provides an assessment of the proposal at in relation to the land 28 – 42 Pacific Highway, St Leonards (the site) against the relevant environmental planning framework. The framework in this case includes Lane Cove LEP, as well as the Lane Cove DCP and the Crows Nest TOD Precinct Design Guideline. This SEE has undertaken an environmental assessment of the proposal and has concluded that the proposal is worthy of support given the following reasons:

- The proposal is consistent with the aims and objectives and standards of Lane Cove LEP and the Crows Nest TOD Design Guideline;
- The proposal includes a variation to the prescribed statutory height and floor space ratio standards due to the altered existing ground level of the site resulting in technical breaches of both height and calculable GFA. The minor variations are supported via Clause 4.6 Variation Requests that have been submitted as part of this DA. These requests demonstrate that the proposed variation to the height and floor space ratio standards are acceptable and that strict compliance with the standard is unreasonable and unnecessary, in the circumstances of the case with adequate environmental grounds justifying the variations.
- The proposal is generally consistent with applicable provisions of the Lane Cove DCP 2010;
- The proposal will contribute to diverse accommodation typologies in the locality;
- The proposal will contribute to the economic viability of the St Leonards area;
- The character and/or nature of the proposal is consistent with the existing and emerging surrounding character;
- The proposal delivers design excellence, including attractive architecture, good internal amenity for prospective users;
- There will be no unreasonable adverse impacts on the environment or neighbouring properties as a result of the proposed development; and
- The proposed development is suitable for the site and is in the public interest.

The benefits provided by the proposed development outweigh any potential impacts and is it is therefore considered to be in the public interest. The proposal will deliver a suitable and appropriate development and is worthy of support.

