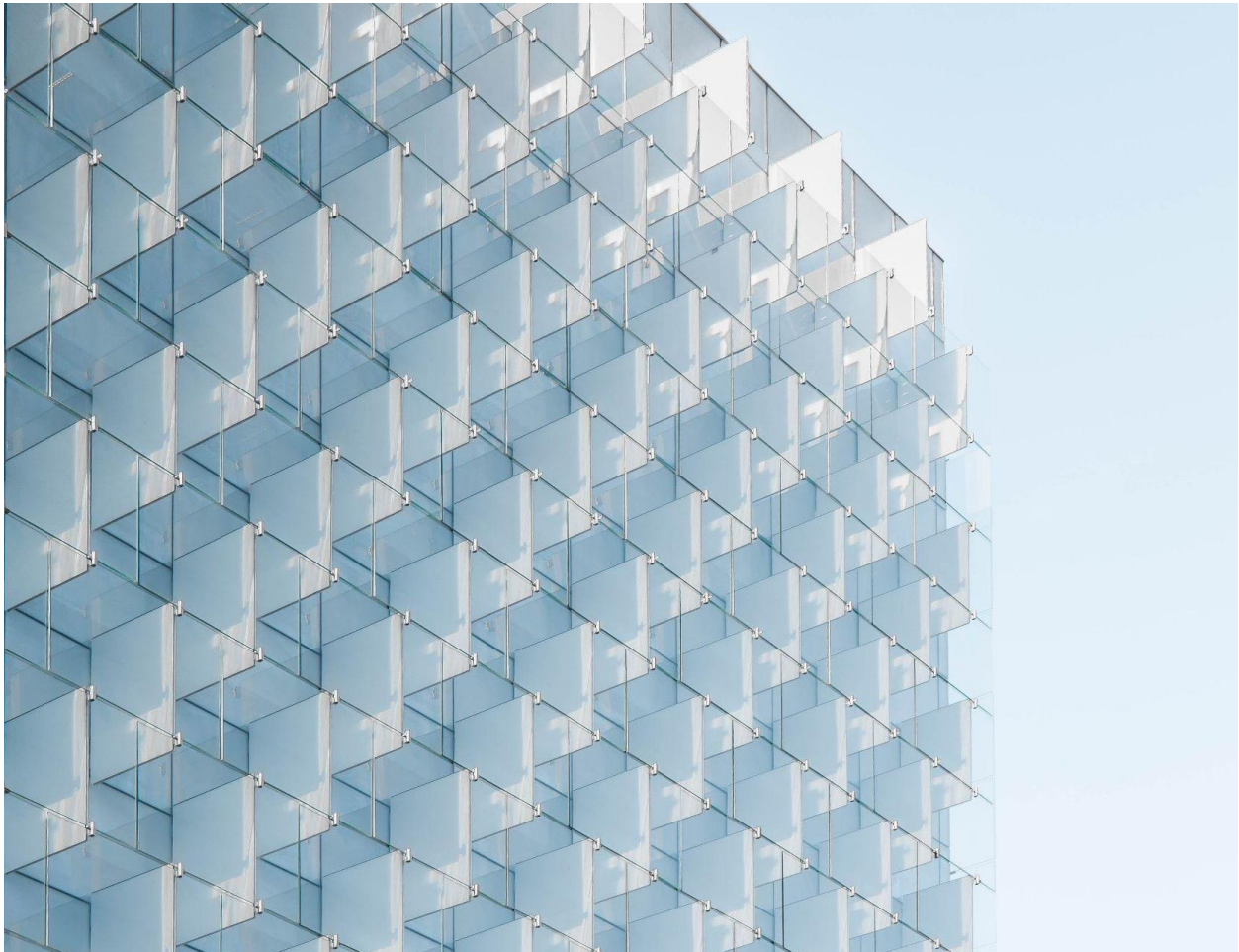


WILLOWTREE PLANNING



3 December 2021

Ref: WTJ20-487
Contact: Cameron Gray



STATEMENT OF ENVIRONMENTAL EFFECTS:

Proposed Residential Flat Building

10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards
Lot 8 DP1275969

Prepared by Willowtree Planning Pty Ltd
on behalf of New Golden St Leonards Pty Ltd

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Statement of Environmental Effects

Proposed Residential Flat Building

10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards



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Statement of Environmental Effects

Proposed Residential Flat Building

10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards



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2	Acoustic Report	Acoustic Works
3	Arboricultural Impact Assessment	Bradshaw Consulting Arborists
4	Architectural Plans	PTW Architects
5	BASIX Report	LC Consulting Engineers
6	BCA Assessment Report	BCA Logic
7	Capital Investment Value Report	Construction Consultants
8	Civil Engineering Plans	Civil Knight Consulting Engineers Pty Ltd
9	Civil Engineering Statement	Civil Knight Consulting Engineers Pty Ltd
10	Construction Methodology Plan	Ericon Buildings Pty Ltd
11	Detailed Site Investigation	ECON Environmental Pty Ltd
12	Digital 3D Model	AA3D
13	Geotechnical Report	STS Geotechnics Pty Ltd
14	Landscape Plans	Site Design + Studios
15	Lane Cove Development Control Plan 2010 Assessment	Willowtree Planning
16	Lift Traffic Analysis Report	Schindler Lifts Australia Pty Ltd
17	Pre-Lodgement Consultation/Design Review and Excellence Statement	Lane Cove Council & Northern Sydney Regional Organisation of Councils Design Review Panel
18	Public Art Strategy	UAP
19	Qualitative Natural Ventilation Assessment	SLR Consulting Australia Pty Ltd
20	Qualitative Wind Assessment	SLR Consulting Australia Pty Ltd
21	Remediation Action Plan	ECON Environmental Pty Ltd
22	SEPP 65 Design Statement	PTW Architects
23	Site Waste Minimisation Plan & Operational Waste Management Plan	Dickens Solutions Pty Ltd
24	Structural Letter of Existing Sandstone Wall	ACOR Consultants Pty Ltd
25	Survey Plan	M.Y.XU & Co Surveyors & Development Consultants
26	Traffic and Parking Assessment	MLA Transport Planning
27	Construction Noise and Vibration Management Plan	Acoustic Works
28	Green Spine Coordination Correspondence	PTW Architects
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Statement of Environmental Effects

Proposed Residential Flat Building

10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards



PART A PRELIMINARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Willowtree Planning on behalf of New Golden St Leonards Pty Ltd and is submitted to Lane Cove Council (Council) to support a Development Application (DA).

This DA seeks development consent for the demolition of the existing structures and construction of a 13-storey residential flat building with basement parking and associated landscaping within 10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonard (Subject Site). The Site is legally described as Lot 8 DP1275969.

The proposed development proposes a high-quality residential development in a liveable and connected precinct, to utilise the nearby amenity of the St Leonards Train and Metro Stations and future public plaza. The proposed development has been designed to respond the desired future character of the St Leonards South Planning Precinct and protect the amenity of the surrounding properties.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 50 and Part 1 of Schedule 1 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). Assessment against the relevant matters for consideration under Section 4.15(1) of the EP&A Act has also been carried out.

Based on the assessment undertaken, it is recommended that favourable consideration to the approval of the Development Application be given.

1.2 PRE-LODGEMENT CONSULTATION

Extensive pre-lodgement consultation has been undertaken with Council and the Northern Sydney Regional Organisation of Councils (NSROC) Design Review Panel (DRP) prior to lodgement of the Development Application, including:

- Council Pre-Development Application meeting held on 30 March 2021;
- DRP meeting held on 30 March 2021;
- DRP meeting held on 8 July 2021;
- DRP meeting held on 9 August 2021; and
- DRP meeting held on 11 October 2021.

A detailed written statement addressing how the recommendations of the Design Review Panel has been provided in **Appendix 17**.



Statement of Environmental Effects

Proposed Residential Flat Building

10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards



PART B SITE ANALYSIS

2.1 SITE LOCATION AND CHARACTERISTICS

The Site is identified as 10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards and is legally described as Lot 8 DP1275969. The Site is located on the northern periphery of the St Leonards South Planning Precinct.

The Site is an irregular shaped lot exhibiting a total area of 2,631m². In its current state, the Site contains four (4) detached dwellings with associated landscaping. Vehicular access is currently provided via Marshall Avenue and Holdsworth Avenue.

The Site and surrounding area are shown in **Figure 1** and **Figure 2** below.



Figure 1. Cadastral Map (Source: SIX Maps, 2021)



Statement of Environmental Effects

Proposed Residential Flat Building

10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards

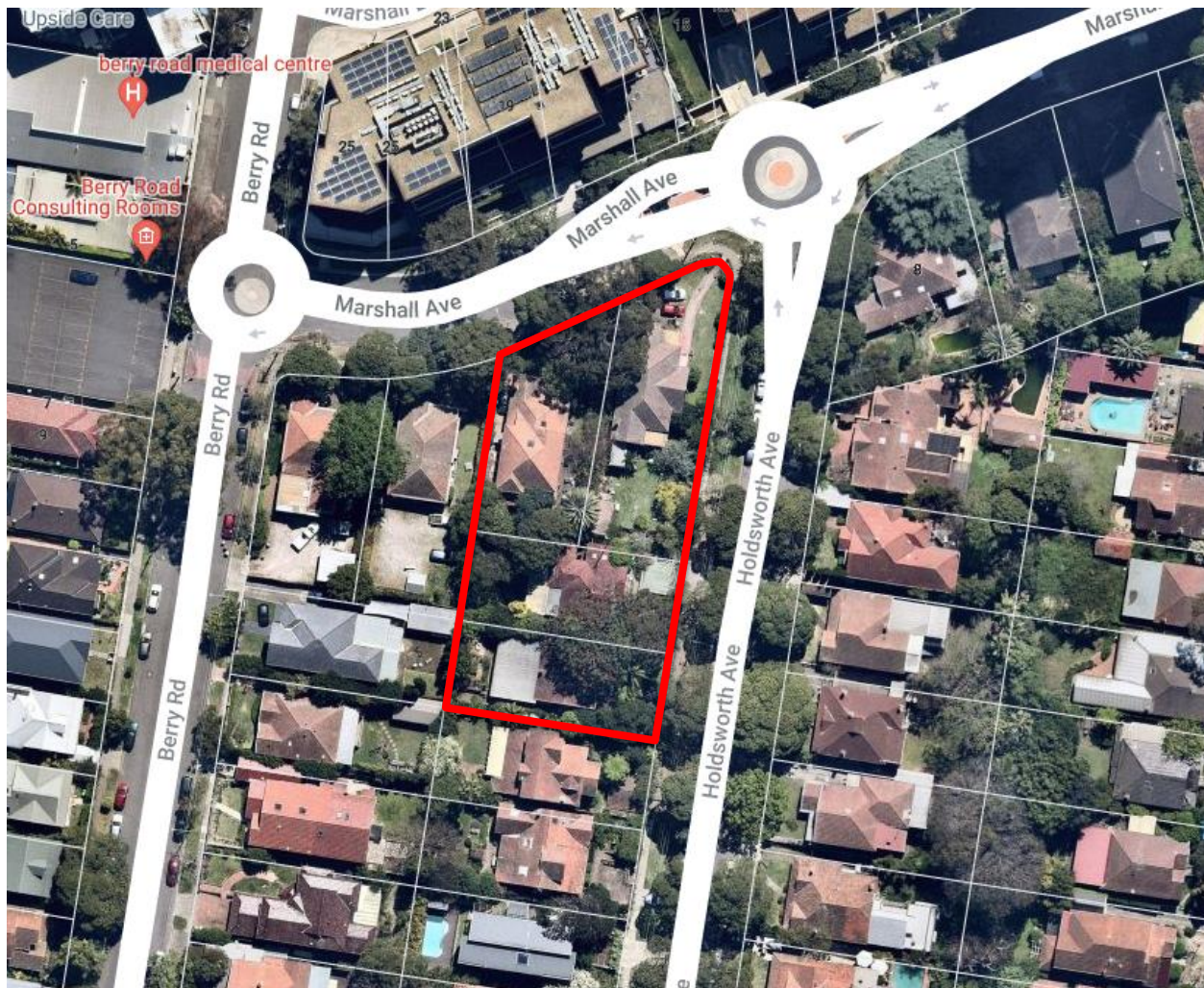


Figure 2. Aerial Map (Source: Near Map, 2021)

2.2 SITE CONTEXT

The surrounding land uses include residential, commercial, and retail such as medical centres/clinics, bars, clubs, cafés and restaurants. The Site is located approximately 400m walk from St Leonards Train Station which provides access to Newcastle, Central Coast, CBD and Gordon. The Site is situated 6.5km southeast of the Sydney CBD. Pacific Highway is directly accessible from the Site. Regular bus networks are available along the highway, which provide enhanced connectivity throughout St Leonards and the wider Sydney and metropolitan area. A comprehensive network of pedestrian infrastructure contributes to the Site being situated in a highly walkable area.



Statement of Environmental Effects

Proposed Residential Flat Building

10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards



Key features of the surrounding context include:

- North – St Leonards Health and education precinct comprising the Royal North Shore Hospital, North Shore Private Hospital, Pacific Highway, Gore Hill Oval, Gore Hill Cemetery, St Leonards Train Station and TAFE NSW St Leonards campus;
- East – Australia Post, retail shops, education centres, low and high density housing;
- South – Newlands park, low residential housing; and
- West – Low residential housing.

There are a number of developments within proximity of the Site presenting a building form greater than four (4) storeys. This includes 30 Young Street, immediately adjoining the Site to the north, containing an eight (8) storey residential flat building. The frontage to the two (2) Marshall Avenue lots, include Embassy Residences 19/25 Marshall Avenue which contains 63 residential apartments and three (3) townhouses.

2.3 ST LEONARDS SOUTH PLANNING PRECINCT

The Subject Site is located within the St Leonards South Planning Precinct. Lane Cove Council amended its plans for the St Leonards South area on 11 May 2020 and forwarded them to the Minister. The Minister gazetted the Local Environmental Plan amendment on 31 August 2020, which took full effect on 1 November 2020.

On 19 October 2020, the final amended Development Control Plan (DCP) and Landscape Master Plan for the St Leonards South Planning Precinct, were adopted by Council. The DCP was incorporated into Part C – Residential Localities of the existing DCP.

The desired future character of the St Leonards South Precinct is a liveable, walkable, connected and safe Precinct which builds upon the transit and land use opportunities of St Leonards and Metro Stations, as well as the commercial centre.

All new development across the precinct will achieve design excellence, as well as providing suitable transition and interfaces to adjoining zones and open space. The St Leonards South Precinct incorporates accessible, well designed public open space networks and a variety of recreational spaces.

Figure 3 below illustrates the characteristics of the surrounding St Leonards South Precinct.



A graphic consisting of five vertical bars of varying heights, arranged in a slightly curved line. The bars are black and have a thin white outline. The heights vary, with the central bar being the tallest and the outer bars being the shortest.



Table 1 below provides a summary of the DAs relating to the Site that been determined or are under assessment.

Statement of Environmental Effects

Proposed Residential Flat Building

10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards



205/2015	S4.55 Modification of consent-Amendment of the stratum subdivision	13/08/2018
1 Holdsworth Avenue		
17/2006	Double garage and retaining new walls	16/05/2006
3 Holdsworth Avenue		
334/2002	Brick fence	02/12/2002



Statement of Environmental Effects

Proposed Residential Flat Building

10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards



PART C PROPOSED DEVELOPMENT

3.1 OVERVIEW

This DA seeks development consent for the demolition of the existing structures and construction of a 13-storey residential flat building with basement parking and associated landscaping. The development particulars are as follows:

- Demolition of the existing dwelling and structures;
- Construction of a 13-storey residential flat building containing 104 Apartments;
- Four-storey basement car park, comprising 112 parking spaces including;
 - 91 residential car parking spaces and
 - 21 visitor car parking spaces;
- Provision of 400m² of public open space;
- Provision of 619m² of deep soil landscaping;
- Provision of 680m² of communal open space;
- Creation of a green spine communal space on ground level; and
- Vehicular access and egress provided via Holdsworth Avenue.

The proposed development proposes a high-quality residential development in a liveable and connected precinct, to utilise the nearby amenity of St Leonards and Metro Stations and future public plaza.

3.2 DEVELOPMENT STATISTICS

The proposed residential flat building includes those works as identified in **Table 2** below.

TABLE 2. DEVELOPMENT STATISTICS	
Component	Proposed
Site Area	2,631m ²
Gross Floor Area	9,076.95m ²
Floor Space Ratio	3.45:1
Building Height	43.3m ²
Number of Storeys	13



Statement of Environmental Effects

Proposed Residential Flat Building

10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards



Apartments	104 Apartments: <ul style="list-style-type: none">▪ 1-bed: 38 (36.5%)▪ 2-bed: 43 (41.3%)▪ 3-bed: 22 (21.2%)▪ 4-bed: 1 (0.9%)
Basement	Four (4) levels of basement car parking
Car Parking	112 parking spaces including: <ul style="list-style-type: none">▪ 91 residential car parking spaces; and▪ 21 visitor car parking spaces.
Public Open Space	400m ²
Deep Soil Landscaping	619m ²
Communal Open Space	680m ²
Cross Ventilated Compliant Apartments	47 (61.0%)
Solar Access Compliant Apartments	73 (70.2%)
Cost of Works (incl. GST)	\$41,092,963.00

The proposed Site Plan and Perspectives area shown below in **Figure 4 – 6**. A complete set of Architectural Plans has been included in **Appendix 4**.



Proposed Residential Flat Building
10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards



Figure 4. Site Plan (Source: PTW, 2021)

Proposed Residential Flat Building
10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards



Figure 5. Perspective View 01 (Source: PTW, 2021)

Statement of Environmental Effects

Proposed Residential Flat Building

10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards



SOUTH EAST VIEW
HOLDSWORTH AVENUE

Figure 6. Perspective View 02 (Source: PTW, 2021)

Statement of Environmental Effects

Proposed Residential Flat Building

10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards

PART D LEGISLATIVE AND POLICY FRAMEWORK

4.1 STATUTORY PLANNING FRAMEWORK OVERVIEW

This Part of the SEE addresses and responds to the legislative and policy requirements relevant to the proposed development at the Site in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act). The statutory planning framework relevant to the proposed development at the Site includes:

- *Environmental Planning and Assessment Act 1979*;
- *Environmental Planning and Assessment Regulation 2000*;
- *Water Management Act 2000*;
- *Biodiversity Conservation Act 2016*;
- *State Environmental Planning Policy (Infrastructure) 2011*;
- *State Environmental Planning Policy No 55 - Remediation of Land*;
- *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*;
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*;
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*; and
- *Lane Cove Local Environmental Plan 2009*.

4.2 NON-STATUTORY PLANNING FRAMEWORK OVERVIEW

- *Lane Cove Development Control Plan 2010*

4.3 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The EP&A Act is the principle planning and development legislation in New South Wales. Pursuant to Part 4, the proposal is considered local development.

Section 4.15(1) of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15(1) of the EP&A Act are provided in **Table 3** below.



Statement of Environmental Effects

Proposed Residential Flat Building

10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards



TABLE 3. SECTION 4.15(1)(A) CONSIDERATIONS	
Section	Response
Section 4.15(1)(a)(i) any environmental planning instrument, and	The principal EPI for the proposed development on the Subject Site is Lane Cove Local Environmental Plan 2009 (LCLEP2009).
Section 4.15(1)(a)(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	There are currently no proposed EPIs that have been subject to public consultation which is relevant to the Site or proposal.
Section 4.15(1)(a)(iii) any development control plan, and	The applicable DCP is the Lane Cove Development Control Plan (LCDCP2010) with the relevant provisions discussed below in Section 4.12 of this SEE and Appendix 15 .
Section 4.15(1)(a)(iia) 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	A Voluntary Planning Agreement (VPA) has been entered into on the Site regarding a Monetary Contribution to Lane Cove Council. The VPA and Positive Covenant under Section 88(3) of the Conveyancing Act 1919 have been included with the lodgement of the DA.
Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The proposed development comprises local development.
Section 4.15(1)(b)-(c)	The potential environmental impacts and suitability of the Site for the proposed development are discussed in Part E of this SEE.

Pursuant to Section 4.5 of the EP&A Act, the consent authority for the proposed development is Lane Cove Council.

Section 4.46 of the EP&A Act defines “Integrated Development” as matters which require consent from Council and one or more authorities under related legislation. In these circumstances, the application will be required to be referred to Transport for New South Wales (TfNSW). Refer to **Section 4.7** of this report.

4.4 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

The proposal has been prepared in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). Clause 50 and Part 1 of Schedule 1 of the EP&A Regulation stipulates how a DA must be “made”. This DA satisfies the relevant criteria of the Regulation as follows:



Statement of Environmental Effects

Proposed Residential Flat Building

10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards



1) *A development application must:*

a) *be in the form that is approved by the Planning Secretary and made available on the NSW planning portal, and*

The DA includes all relevant information approved by the Planning Secretary and in accordance with the NSW Planning Portal guidelines.

b) *contain all of the information that is specified in the approved form or required by the Act and this Regulation, and*

The DA is accompanied with all the relevant consultant reports as required under the EP&A Act and EP&A Regulation.

c) *be accompanied by the information and documents that are specified in Part 1 of Schedule 1 or required by the Act and this Regulation, and*

The DA includes all relevant information including details of the development, address and formal particulars, owner's consent, supporting documents including the plan of subdivision and Statement of Environmental Effects.

d) *be lodged on the NSW planning portal.*

The DA will be lodged via the NSW Planning Portal.

Further, the proposal does not trigger 'Designated Development' pursuant Schedule 3 of the EP&A Regulation.

4.5 WATER MANAGEMENT ACT 2000

The objective of the *Water Management Act 2000* (WM Act) is the sustainable and integrated management of the state's water for the benefit of both present and future generations. The proposed development is not located within 40m of a watercourse and therefore, no further assessment against the WM Act is required.

4.6 BIODIVERSITY CONSERVATION ACT 2016

The *Biodiversity Conservation Act 2016* (BC Act) sets out, among other things, to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change. The Subject Site is not identified as containing any biodiversity values on the Biodiversity Values Map and Threshold Tool. As such, no further assessment against the BC Act is required.



Statement of Environmental Effects

Proposed Residential Flat Building

10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards



4.7 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) provides for certain proposals, known as Traffic Generating Development, to be referred to the Transport for New South Wales (TfNSW) (formally the RMS) for concurrence.

Under Clause 104 of SEPP Infrastructure, referral may be required for 'Traffic Generating Development'. Schedule 3 lists the types of development that are defined as 'Traffic Generating Development'.

Pursuant to Schedule 3, 'Residential Accommodation' development triggers referral to TfNSW, where:

- 300 or more dwellings, for a site with access to a road (generally); or
- 75 or more dwellings, for a site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)

As the proposed development involves more than 75 dwellings, the application will be required to be referred to TfNSW.

4.8 STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND

Clause 7(1) of *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55) requires that a consent authority must not grant development consent on land unless:

- a) it has considered whether the land is contaminated, and
- b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

A Detailed Site Investigation (DSI) has been undertaken by ECON Environmental Pty Ltd (**Appendix 11**) which has determined that based on the history of the Site and on-site inspection observations, there is a low potential for contaminants to provide exposure risks to humans within the Site. The DSI has however noted that as a result of the proposed excavation of the underlying soils, there is a medium to high potential for contaminants present within the surface and underlying soils to have the ability to migrate horizontally to adjacent properties or washed downgradient with stormwater runoff into adjacent properties or the surrounding streets.

As a result, the DSI has recommend that a Remedial Action Plan (RAP) be undertaken to ensure that the Subject Site can be made suitable for its future intended use. As such, a RAP has been prepared by ECON Environmental Pty Ltd (**Appendix 21**) which, in accordance with SEPP 55, includes a number of measures and recommendations. Subject to the recommendations of the RAP, including the complete removal of impacted soil from the Site for disposal at an appropriately licensed waste management facility and the implementation of an Environmental Management Plan, it is considered that the Site can be remediated and made suitable for the proposed residential flat building.



Statement of Environmental Effects

Proposed Residential Flat Building

10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards



4.9 STATE ENVIRONMENTAL PLANNING POLICY NO 65 - DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

State Environmental Planning Policy 65 - Design Quality of Residential Apartment Buildings (SEPP 65) applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential component, and aims to improve the design quality of residential apartment development across the state. This aim is underpinned by a number of complementary objectives relating to sustainability, aesthetics, streetscapes, accessibility, amenity, safety, security and affordability.

Part 4 of SEPP 65 requires that DAs to which the SEPP applies are referred to a Design Review Panel for advice concerning the design quality of the development. In determination of the DA, the consent authority is required to take into account the advice from the Design Review Panel, the design quality principles outlined in Schedule 1 and the Apartment Design Guide (ADG).

The Schedule 1 design quality principles referenced above include:

- Principle 1: Context and neighbourhood character
- Principle 2: Built form and scale
- Principle 3: Density
- Principle 4: Sustainability
- Principle 5: Landscape
- Principle 6: Amenity
- Principle 7: Safety
- Principle 8: Housing diversity and social interaction
- Principle 9: Aesthetics

In addition, the ADG that accompanies SEPP 65 provides detailed design criteria with which compliance must be demonstrated.

It is noted that prior to the submission of the DA, the proposed development has been subject to the assessment of the Lane Cove Design Excellence Panel and the response to their comments has been included in **Appendix 17**.

An assessment of the proposed development against the relevant provisions of the ADG has been undertaken in the SEPP 65 Design Statement provided in **Appendix 22**.

4.10 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX BASIX) 2004

The aim of the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) is to establish a scheme to encourage sustainable residential development (the BASIX scheme). This on-line assessment tool calculates the dwelling's energy and water scores based on a range of design data.

This SEPP requires the submissions of a BASIX certificate to accompany an application for development consent for any "BASIX affected building". A BASIX certificate for the development accompanies this SEE and is included at **Appendix 5**.



Statement of Environmental Effects

Proposed Residential Flat Building

10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards



4.11 STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 aims to protect the biodiversity values of trees and other vegetation in non-rural areas, and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The SEPP applies to non-rural areas, meaning those zones referred to in Clause 5(1)(b). The Site is zoned R4 High Density Residential and therefore the provisions of the SEPP are applicable to this application.

Furthermore, Clause 7 of the SEPP provides that vegetation at the Site may not be cleared without either a Council permit, or relevant development consent in place. Should the vegetation clearing proposed on-site exceed the biodiversity offset scheme threshold (as defined under the BC Act), the approval to clear the vegetation on-site must be obtained from the Native Vegetation Panel under Part 4 of the SEPP.

On balance, the loss of any vegetation is considered to be acceptable given the substantial benefits associated with the project and the extent of proposed landscaping, as well as the wider benefits of the proposed development. The application is accompanied by an Arboricultural Impact Assessment (AIA) prepared by Bradshaw Consulting Arborists (**Appendix 3**) which provides a comprehensive assessment of the trees existing across the Site and surrounding land. The AIA includes an assessment of 40 trees across the Site and surrounding land that were at risk due to the proposed development and recommends 28 trees be removed.

4.12 LANE COVE LOCAL ENVIRONMENTAL PLAN 2009

The *Lane Cove Local Environmental Plan 2009* (LCLEP2009) is the primary environmental planning instrument that applies to the Site.

The relevant provisions of LCLEP2009 as they relate to the Subject Site are considered below:

4.12.1 Zoning and Permissibility

The Site is zoned R4 High Density Residential pursuant to LCLEP2009 as identified in **Figure 7** below:



10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards

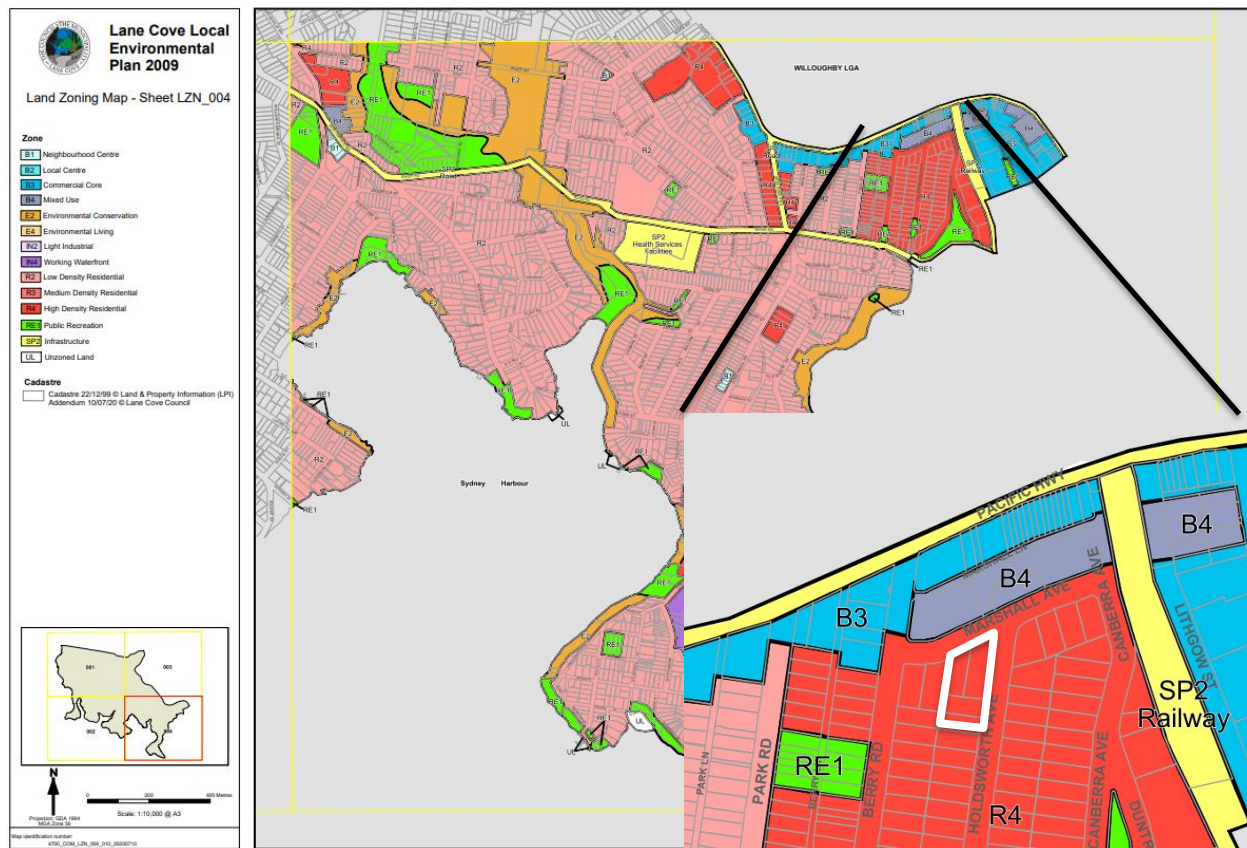


Figure 7. CLEP2009 Zoning Map (Source: NSW Legislation, 2021)

Table 4 outlines the developments consistency and compliance with the relevant development standards and controls under LCLEP2009.



Statement of Environmental Effects

Proposed Residential Flat Building

10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards

TABLE 4. LANE COVE LOCAL ENVIRONMENTAL PLAN 2009 (LCLEP2009) ASSESSMENT

Clause and Control	Compliance	Planning Assessment
Land Use Table- R4 High Density Residential Zone		
<p>Objectives of zone</p> <ul style="list-style-type: none"> ▪ To provide for the housing needs of the community within a high density residential environment. ▪ To provide a variety of housing types within a high density residential environment. ▪ To enable other land uses that provide facilities or services to meet the day to day needs of residents. ▪ To provide for a high concentration of housing with good access to transport, services and facilities. ▪ To ensure that the existing amenity of residences in the neighbourhood is respected. ▪ To avoid the isolation of sites resulting from site amalgamation. ▪ To ensure that landscaping is maintained and enhanced as a major element in the residential environment. 	YES	<p>The proposed residential flat building satisfies the objectives of the R4 zone as it:</p> <ul style="list-style-type: none"> ▪ Provides additional residential accommodation to meet the housing needs of the growing St Leonards South Precinct; ▪ Provides for a mix of apartment types within a high density residential environment; ▪ Will not inhibit other land uses that provide facilities or services to meet the day to day needs of resident; ▪ Provides for high-density housing within close proximity to a number of transport options; ▪ Will not adversely impact the existing amenity of the surrounding neighbourhood; ▪ Will not result in the isolation of any sites; ▪ Will provide significant landscaping which enhances the surrounding residential environment.
Permitted without consent	N/A	N/A
Nil		
<p>Permitted with consent</p> <p>Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Exhibition homes; Group homes; Home businesses; Home industries; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Shop top housing; Signage</p>	YES	<p>The proposal would be identified as a residential flat building which is permitted with consent.</p> <p>Pursuant to LCLEP2009 and Standard Instrument definitions, the formal definition pertaining to a general industry is stated as:</p> <p><i>residential flat building</i> means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.</p>



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TABLE 4. LANE COVE LOCAL ENVIRONMENTAL PLAN 2009 (LCLEP2009) ASSESSMENT

Clause and Control	Compliance	Planning Assessment
Prohibited Pond-based aquaculture; Tank-based aquaculture; Any other development not specified in item 2 or 3	N/A	N/A
Part 4 Principal Development Standards		
Minimum Subdivision Lot Size Pursuant to Clause 4.1, the Site is not subject to a minimum lot size.	N/A	The Site exhibits a total area of 2,631m ² which complies.
Maximum Building Height Pursuant to Clause 4.3, the Site is subject to a maximum building height of 9.5m.	N/A	<p>The provisions of Clauses 4.3 apply a 9.5m maximum building height to the site.</p> <p>The Site is eligible for an incentivised building height of 44m and 2.5m, if the proposed development satisfies certain criteria specified in Part 7 of LCLEP 2009.</p> <p>The proposed development exhibits a maximum building height of 43.3m, measured to the lift overrun.</p> <p>As described in the corresponding section of this table, the proposed development is considered to achieve the criteria for the incentivised building height pursuant to Part 7 of LCLEP 2009.</p>
Maximum Floor Space Ratio (FSR) Pursuant to Clause 4.4, the Site is not subject to a maximum FSR. The objectives of Clause 4.4 are as follows: <i>(a) to ensure the intensity of development is compatible with the desired future character and zone objectives for the land.</i>	N/A	<p>The provisions of Clause 4.4 apply a maximum FSR of 0.5:1 and 0.6:1 to the site.</p> <p>The Site is eligible for an incentivised FSR of 3.45:1 subject to the proposed development satisfying certain criteria specified in Part 7 of LCLEP 2009.</p> <p>The proposed development exhibits an FSR of 3.45:1, based on 9,076.95m² proposed GFA.</p>



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TABLE 4. LANE COVE LOCAL ENVIRONMENTAL PLAN 2009 (LCLEP2009) ASSESSMENT

Clause and Control	Compliance	Planning Assessment
<i>(b) to limit the bulk and scale of development</i>		As described in the corresponding section of this table, the proposed development is considered to achieve the criteria for the additional FSR pursuant to Part 7 of LCLEP 2009.
Heritage The Site is not identified as comprising any heritage items or conservation area or located in proximity to any heritage items or conservation area.	N/A	The Subject Site is not identified as a Heritage Item or within a Heritage Conservation Area and is not located within proximity to any Heritage Items or Conservation Areas. As such, no further assessment is required having regard to heritage impact.
Part 6 Local Provisions		
Acid Sulfate Soils The Site is not identified as comprising any acid sulfate soils.	N/A	The Subject Site is not identified as containing acid sulfate soils.
Earthworks Pursuant to Clause 6.1A, the following matters require consideration in relation to earthworks, prior to the consent authority granting consent: <i>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i> <i>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</i> <i>(c) the quality of the fill or the soil to be excavated, or both,</i> <i>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</i> <i>(e) the source of any fill material and the destination of any excavated material,</i> <i>(f) the likelihood of disturbing relics,</i>	YES	Consideration of the likely impacts of the proposed earthworks has been included in the Geotechnical Report provided in Appendix 13 . The report includes a number of recommendations to ensure that the extent of earthworks will not result in any detrimental impacts to the Site or surrounding properties.



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TABLE 4. LANE COVE LOCAL ENVIRONMENTAL PLAN 2009 (LCLEP2009) ASSESSMENT

Clause and Control	Compliance	Planning Assessment
(g) <i>the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i>		
Part 7 Additional Local Provisions – St Leonards South Area		
<p>Development on land in St Leonards South Area</p> <p>Despite Clause 4.3 and 4.4, the consent authority may grant consent to development which does not exceed the following:</p> <ul style="list-style-type: none"> (a) <i>a building height that does not exceed the incentivised building height;</i> (b) <i>a floor space ratio that does not exceed the incentivised FSR.</i> <p>Pursuant to Clause 7.1(4) the following matters are required to be satisfied in order for development consent to be granted:</p> <ul style="list-style-type: none"> (a) <i>at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development will be studio or 1 bedroom dwellings, or both, and</i> (b) <i>at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development will be 2 bedroom dwellings, and</i> (c) <i>at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development will be 3 or more bedroom dwellings, and</i> (d) <i>the development will provide appropriate building setbacks to facilitate communal open space between buildings, and</i> 	YES	<p>The Site is eligible for an incentivised building height of 44m and 2.5m, if the proposed development satisfies certain criteria specified in Part 7 of LCLEP 2009. The proposed development exhibits a maximum building height of 43.3m, measured to the lift overrun which complies.</p> <p>The Site is eligible for an incentivised FSR of 3.45:1 subject to the proposed development satisfying certain criteria specified in Part 7 of LCLEP 2009. The proposed development exhibits an FSR of 3.45:1, based on 9,076.95m² proposed GFA which complies.</p> <p>The proposed development complies with Clause 7.1(4) as follows:</p> <ul style="list-style-type: none"> (a) 36.5% of the total number of dwellings will be 1-bedroom dwellings; (b) 41.3% of the total number of dwellings will be 2-bedroom dwellings; (c) 22.1% of the total number of dwellings will be 3 or more-bedroom dwellings; (d) The proposed development will provide appropriate building setbacks to facilitate communal open space between buildings; (e) The Site presents an area of 2,631m², compliant with the minimum site area requirements; (f) The proposed development will satisfy the relevant provisions by providing a minimum of two (2) dwellings required to be used for the purposes of affordable housing;



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TABLE 4. LANE COVE LOCAL ENVIRONMENTAL PLAN 2009 (LCLEP2009) ASSESSMENT

Clause and Control	Compliance	Planning Assessment
<p>(e) the development will comply with the requirements of clause 7.2 in relation to the minimum site area of the development, and</p> <p>(f) the development will, if applicable, comply with the requirements of clause 7.3 in relation to the minimum number of dwellings that will be used for the purposes of affordable housing, and</p> <p>(g) the development will, if applicable, comply with the requirements of clause 7.4 in relation to the minimum area that will be used for the purposes of recreation areas and community facilities, and</p> <p>(h) the development will, if applicable, comply with the requirements of clause 7.5 in relation to the provision of pedestrian links and roads.</p>		<p>(g) Dedicated public open space, exhibiting a total area of 400m² is proposed fronting Marshall Avenue;</p> <p>(h) The Site is not required to provide a pedestrian link or roads, therefore no further consideration is required.</p> <p>In light of the above, the proposed development satisfies the relevant criteria in order to achieve the incentivised uplift in terms of height of building and floor space ratio.</p>
<p>Minimum Site Area Requirements</p> <p>The Site is identified as Area 12. Pursuant to Clause 7.2, the minimum prescribed site area is 2,500m².</p>	YES	The Site presents an area of 2,631m ² , compliant with the minimum site area requirements.
<p>Minimum Affordable Housing Requirements</p> <p>For the purpose of Clause 7.1(4)(f), development in Area 12 requires a minimum of two dwellings to be used for the purposes of affordable housing.</p>	YES	Two (2) units are proposed to be used for the purposes of affordable housing on Level 01.
<p>Minimum Recreation Area and Community Facility Requirements</p> <p>For the purpose of Clause 7.1(4)(g), development in Area 12 requires a minimum of 400m² will be used for the purposes of recreation areas.</p>	YES	A dedicated public open space area measuring 400m ² is proposed fronting Marshall Avenue.
<p>Design Excellence – St Leonards South Area</p> <p>Clause 7.6 of LCLEP 2009 aims to deliver the highest standard of architectural, urban and landscape design within the St</p>	YES	Clause 7.6 of LCLEP 2009 aims to deliver the highest standard of architectural, urban and landscape design St Leonards South Area:



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TABLE 4. LANE COVE LOCAL ENVIRONMENTAL PLAN 2009 (LCLEP2009) ASSESSMENT

Clause and Control	Compliance	Planning Assessment
<p>Leonards South Area. Pursuant to Clause 7.6, the development must demonstrate design excellence in line with the following:</p> <ul style="list-style-type: none"> (a) <i>whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i> (b) <i>whether the form and external appearance of the development will improve the quality and amenity of the public domain,</i> (c) <i>whether the development protects and enhances the natural topography and vegetation including trees or other significant natural features,</i> (d) <i>whether the development detrimentally impacts on view corridors,</i> (e) <i>whether the development achieves transit-oriented design principles, including the need to ensure direct, efficient and safe pedestrian and cycle access to nearby transit nodes,</i> (f) <i>the requirements of the Lane Cove Development Control Plan,</i> (g) <i>how the development addresses the following matters—</i> <ul style="list-style-type: none"> (i) <i>the suitability of the land for development,</i> (ii) <i>existing and proposed uses and use mix,</i> (iii) <i>heritage issues and streetscape constraints,</i> (iv) <i>the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</i> (v) <i>bulk, massing and modulation of buildings,</i> (vi) <i>street frontage heights,</i> 		<ul style="list-style-type: none"> ▪ The proposal has been designed to a high standard through appropriate siting, orientation and material selection. It is considered the proposal will be a benchmark for future development within the St Leonards South Area; ▪ The proposed built form has been designed to positively respond to the public domain, and will contribute to active public areas; ▪ The future development will not detrimentally impact on view corridors; ▪ The proposed development satisfies the requirements of the St Leonards South Development Control Plan (refer to Appendix 15); ▪ The Site has been zoned to accommodate high density residential development, and the built form and scale of the proposal is generally consistent with the relevant planning controls applicable to the Site. Therefore, the Site is considered to be suitable for the proposed development; ▪ The proposed development is permitted with consent under the prescribed R4 zone. The proposal is considered to meet the relevant objectives of the R4 zone and is compatible with and has been designed in consideration of surrounding development; ▪ The proposed development will not result in undue heritage impacts, nor will it result in streetscape constraints; ▪ The proposed development will provide an architecturally designed residential flat building, that will contemplate surrounding development and the desired future character of St Leonards South Precinct;



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TABLE 4. LANE COVE LOCAL ENVIRONMENTAL PLAN 2009 (LCLEP2009) ASSESSMENT

Clause and Control	Compliance	Planning Assessment
<i>(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity, (viii) the achievement of the principles of ecologically sustainable development, (ix) pedestrian, cycle, vehicular and service access, circulation and requirements, (x) the impact on, and any proposed improvements to, the public domain, (xi) the configuration and design of publicly accessible spaces and private spaces on the site.</i>		<ul style="list-style-type: none">▪ The proposed built form has been designed to provide a more sympathetic interface with Marshall Avenue and Holdsworth Avenue;▪ The proposed development has been designed to achieve the relevant provisions for ecologically sustainable development;▪ The landscape design delivers opportunities for community interaction, across the public open space and green spine. <p>Further assessment of the design excellence of the proposed development is contained in the SEPP 65 Design Statement provided in Appendix 22.</p>



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4.13 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No Draft Environmental Planning Instruments apply to the Site.

4.14 LANE COVE DEVELOPMENT CONTROL PLAN 2010

The Lane Cove Development Control Plan (LCDCP2010) provides detailed planning and design guidelines to support the planning controls of the SLEP2009. An assessment of the proposal against the relevant sections of the LCDCP2010 is provided in **Appendix 15**.

The proposed development is largely compliant with the controls prescribed by the LCDCP2010. Where the proposal exhibits a non-compliance with the DCP requirements, it has been demonstrated that the objectives of the control have been met.

4.15 LANE COVE S7.11 DEVELOPER CONTRIBUTIONS PLAN

The applicable contribution plan to the proposed development is the Lane Cove S7.11 Developer Contributions Plan. The Development Contribution payable is however subject to the approved VPA on the Site.

It is noted that the St Leonards South Draft Section 7.11 Plan is currently under review by the Independent Pricing and Regulatory Tribunal with a final report expected to be completed in December 2021.



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PART E LIKELY IMPACTS OF THE DEVELOPMENT

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15(1) of the EP&A Act.

5.1 CONTEXT AND SETTING

The proposed development has integrated a compatible residential land use within an environment currently undergoing a transition to a high-density residential precinct. As such, the proposed development is seen to be in keeping with the desired future character of the St Leonards South Precinct whilst also being sympathetic to the existing surrounding single and double storey dwellings.

The proposal has been designed to sit within the surrounding character and respond to neighbouring properties, both existing and proposed, and the aforementioned transitional character.

The proposal will satisfy the objectives of the R4 High Density Residential zone through the provision of the housing needs of the community within a high-density residential environment and a diverse range of high density residential housing typologies.

Overall, the proposed development is considered to be contextually appropriate to Site and its surrounds.

5.2 BUILT FORM

The built form, height and scale of the proposed development has been resolved by a thorough evaluation of the Site's surrounding contexts, with an emphasis on design excellence and residential amenity for future residents. A SEPP 65 Design Statement outlining the design intent and considerations of the development is provided as **Appendix 22**.

The proposed development has been a result of an extensive, collaborative design process. The proposal complies with the development standards of LCLEP2009 and is generally consistent with the built form controls contained in the ADG, with the exception of a minor variation to the building separation and circulation core controls. As discussed in the SEPP 65 Design Statement (**Appendix 22**), appropriate privacy measures have been employed where appropriate to mitigate any visual privacy impacts. A Lift Traffic Analysis Report (**Appendix 16**) has been prepared by Schindler Lifts Australia Pty Ltd in support of the proposed development which determines that the proposed core circulation is sufficient to meet the demands of future residents of the development.

5.3 RESIDENTIAL AMENITY

The built form of the proposed development facilitates the highest standard of design and ensures that the future development can continue to achieve an equally high standard of residential amenity. The proposed development has been designed in accordance with the objectives of both the ADG and the LCDCP2010, including solar access, natural ventilation, landscaping and visual/acoustic privacy.



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5.4 TRAFFIC & TRANSPORT

A Traffic and Parking Assessment has been prepared by MLA Transport Planning in support of the proposed development and is located within **Appendix 26** of this SEE. The purpose of this report is to assess the potential traffic implications of the proposed development as well as assess the vehicle access, internal circulation and servicing provisions.

5.4.1 Traffic Generation

The proposal seeks approval for the construction of 104 residential apartments. The following generation rates were adopted for the relevant land uses:

- 0.14 peak hour trips per dwelling in the AM peak; and
- 0.07 peak hour trips per dwelling in the PM peak.

These rates have been extracted from TfNSW's Traffic Guidelines and are based on the St Leonards high density residential sites.

From the above, the proposed development is anticipated to generate 15 and seven (7) vehicle trips per hour in the morning and evening peak periods respectively. Modelling of the traffic generation within the surrounding road network indicate that the proposed development is not expected to create any material changes to the operation of the road network.

Accordingly, the proposed development would not result in any adverse traffic implications on the surrounding road network.

5.4.2 Parking

In accordance with the LCDCP2010, the following car parking rates apply to the proposed development:

- 1-bedroom units: 0.5 spaces
- 2-bedroom units: 0.9 spaces
- 3-bedroom units: 1.4 spaces
- 4+ bedroom units: 2 spaces
- Visitors: 1.0 space per 5 units

Given the parking rates outlined above, the proposed development requires the following car parking provisions:

- 38 x one-bedroom: 19 spaces
- 43 x two-bedroom: 39 spaces
- 22 x three-bedroom: 31 spaces
- One (1) x four-bedroom: 2 spaces
- Visitors (104 apartments): 21 spaces
- Total required: 112 spaces



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The proposed development provides 112 car parking spaces comprising 91 residential spaces and 21 visitor spaces which complies. Furthermore, the proposed development also provides eight (8) motorcycle and 51 bicycle spaces (12 visitor and 39 resident with basement storage cages) in accordance with the LCDCP2010.

5.4.3 Access, Internal Circulation and Servicing

Access

The proposed development provides a 6m wide combined ingress and egress driveway accessed from the Holdsworth Avenue frontage. The location of the proposed driveway provides suitable sight distances and will be designed in accordance with AS2890.1.

Internal Circulation

All internal access ramps and driveways have been designed in accordance with the requirements of AS2890.1

5.5 NOISE

An Acoustic Assessment dated 10 May 2021 has been prepared by Acoustic Works in support of the proposed development and attached in **Appendix 2** of this SEE. This assessment addresses the potential surrounding environmental noise intrusion impacts on the proposed development; noise emissions on nearby receivers from operation of on-site activities; and noise emission on the proposed development by traffic noise from the surrounding road network.

The noise assessment was conducted in accordance with Lane Cove Council planning policies, the *NSW Development Near Rail Corridors and Busy Roads - Interim Guideline* and the *NSW Noise Policy for Industry 2017*. To facilitate the assessment, unattended noise monitoring was conducted to determine road traffic impacts to the proposed development and compliance of onsite activities to sensitive receivers.

Based on the outcomes of the assessment, recommendations for acoustic treatments have been made having regard to:

- Road traffic noise – glazing, wall construction, roofing construction;
- On-site activities;
- Waste collection; and
- On-site mechanical plants.

These recommendations will be implemented throughout the relevant phases of the development.

5.6 VEGETATION

An Arboricultural Impact Assessment (AIA) has been prepared by Bradshaw Consulting Arborists in support of the proposed development and is attached in **Appendix 3** of this SEE. The objectives of the AIA is to assess the condition of the subject trees; determine impact of the proposed development on those trees;



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and provide recommendations for retention or removal of the subject trees. This report considers 40 trees within the Site and surrounding area.

Trees 16, 25, 26, 27, 28, 29, 30, 31, 32, 38, 39 and 40 are proposed to be retained. Tree 39 in 14 Marshall Street St Leonards will be retained and protected. This tree is unaffected by the proposal provided no level changes occur within the Tree Protection Zone (TPZ) of this tree. A retaining wall is proposed within the TPZ of trees 16, 25 and 26. This replaces the existing retaining walls and therefore there is no impact to these trees.

Trees 1-15, 17-24 and 33-37 will be required to be removed from the Site. Although the impact to the TPZ for Tree 33 is within AS 4970-2009, the canopy of this tree is unbalanced. Significant pruning would be required to retain this tree which would not comply with AS 4373-2007. The proposed driveway entry/exit will negatively impact Tree 1 and as such, it is proposed to be removed.

It is proposed that Trees 30, 32 and 38 are retained and protected during the development and the existing soil levels must not be altered within the TPZ of the retained trees. The incursion of 1.9% for Tree 32 allowing for over excavation is acceptable as per AS4970-2009. Canopy Pruning of approximately 15% is required to accommodate the building.

5.7 CONTAMINATION

A Detailed Site Investigation (DSI) has been undertaken by ECON Environmental Pty Ltd (**Appendix 11**) which has determined that based on the history of the Site and on-site inspection observations, there is a low potential for contaminants to provide exposure risks to humans within the Site. The DSI has however noted that excavation of the underlying soils as a result of the proposed development, there is a medium to high potential for contaminants present within the surface and underlying soils to have the ability to migrate horizontally to adjacent properties or washed downgradient with stormwater runoff into adjacent properties or the surrounding streets.

As a result, the DSI has recommend that a Remedial Action Plan (RAP) be undertaken to ensure that the Subject Site can be made suitable for its future intended use. As such, a RAP has been prepared by ECON Environmental Pty Ltd (**Appendix 21**) which, in accordance with SEPP 55, includes a number of measures and recommendations. Subject to the recommendations of the RAP, including the complete removal of impacted soil from the Site for disposal at an appropriately licensed waste management facility and the implementation of an Environmental Management Plan, it is considered that the Site can be remediated and made suitable for the proposed residential flat building.

5.8 WIND

A Qualitative Wind Assessment has been undertaken by SLR Consulting and is included in **Appendix 20** of this SEE. The Qualitative Wind Assessment has been undertaken to assess the wind impact of the proposed development, taking into account the wind climate, existing wind environment and future wind environment using detailed wind flow modelling.



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Accordingly, it has been predicted that ground levels wind speeds within all public access areas surrounding the development should remain at their present levels or be reduced with the addition of the proposed development through the following mitigation treatments:

- The provision of vegetation and landscaping throughout the communal and public open space; and
- The provision of balustrade planters, moveable screens and fixed screens as currently proposed on the balconies.

5.9 WASTE

A Site Waste Minimisation Plan & Operational Waste Management Plan has been prepared by Dickens Solutions and is included in **Appendix 23** of this SEE. The Site Waste Minimisation Plan outlines the procedures for waste and materials that are to be implemented during the demolition and construction phase of the proposed development.

The Operational Waste Management Plan outlines the strategy for managing ongoing operational waste for the proposed development in accordance with LCDCP2010.

5.10 BUILDING CODE OF AUSTRALIA

The proposal has been designed to achieve compliance with Building Code of Australia (BCA), subject to further consideration during design development. The BCA Assessment Report, prepared by BCA Logic, is provided at **Appendix 6** of this SEE for further reference.

5.11 ACCESSIBILITY

An Access Report has been prepared by Vista Access Report and is included in **Appendix 1** of this SEE. The objective of this report seeks to ensure compliance with statutory requirements including the Livable Housing Guidelines.

The report determines that the proposed development achieves the spatial requirements to provide access for people with a disability. The proposed development is capable of achieving the requirements of Access Code of Disability (Access to Premises-Building) Standards 2010 and the Disability Access relevant sections of the Building Code of Australia 2019, SEPP 65 and essential criteria of AS4299-Adaptable Housing subject to further detailed design.

5.12 SAFETY AND SECURITY

The principles of Crime Prevention Through Environmental Design (CPTED) have been considered in the design of the proposed development.

The CPTED guidelines were prepared by the NSW Police in conjunction with the Department of Planning. CPTED provides a clear approach to crime prevention and focuses on the 'planning, design and structure of cities and neighbourhoods. The main aim of the policy is to:



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- Limit opportunities for crime;
- Manage space to create a safe environment through common ownership and the encouraging the general public to become active guardians; and,
- Increase the perceived risk involved in committing crime.

The guidelines provide four (4) key principles to limit crime, including:

- Natural Surveillance;
- Access Control;
- Territorial Reinforcement; and,
- Space Management.

Principle 1 - Surveillance:

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical.

- The proposed development would orientate active areas such as building entrances towards both street frontages, pedestrian paths, car parking areas and deep soil landscaping;
- The proposed development would utilise low lying landscaping in appropriate locations to ensure there would be no obstruction of surveillance opportunities; and,
- External lighting would enable the maintenance of sight-lines and surveillance after dark.

Principle 2 – Access Control

Access Control can be defined as physical and symbolic barriers that are used to ‘attract, channel or restrict the movement of people’.

- Entry to the basement and residential lobby would be a secured entry to deter unauthorised access to the Site; and,
- Directional signage to car parking, pedestrian paths and building entries would define the various areas of the Site providing legibility and minimising vehicular and pedestrian conflict within the Site.

Principle 3 - Territorial Reinforcement

Territorial Reinforcement can be described as creating a sense of ownership to a public space or vicinity, encouraging the usage of that space. By increasing the usage capability, this also deters crimes and, further increases the chances of a crime being witnessed and reported in a timely manner.

- The provision of a secured entrance to the building would emphasise the separation between the private and public domain; and,
- Well maintained landscape design would indicate the development is well-used and cared for to reduce criminal activity.



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Principle 4 - Space Management

Space Management is intuitive of Principle 3 – Territorial Reinforcement – and refers to ensuring a space is utilised and cared for appropriately.

- Pathways and planters would be well maintained;
- Continued repairs and maintenance would discourage vandalism; and,
- High quality materials, varied façade treatments and landscaping along boundaries would assist in discouraging vandalism and graffiti.

The proposed development would successfully integrate the four (4) principles outlined to limit crime outlined in the CPTED guidelines.

5.13 EXCAVATION

A Geotechnical Report has been undertaken by STS Geotechnics Pty Ltd and is included in **Appendix 13** of this SEE. The report has undertaken an investigation to assess the subsurface conditions over the Site at two (2) borehole locations and provide preliminary geotechnical advice addressing the following:

- Subsurface conditions;
- Excavation conditions;
- Retaining wall design parameters;
- Appropriate foundation system for the Site including design parameters;
- Earthquake loading factor; and
- Exposure classification.

As a result of the investigation, a number of recommendations have been made relating to:

- Dilapidation surveys;
- Excavation methodology;
- Excavation monitoring;
- Maximum permissible temporary and permanent batter slopes;
- Retaining wall design parameters;
- Groundwater considerations;
- Foundation design parameters;
- Earthquake risk; and,
- Soil aggressiveness

These recommendations will be implemented throughout the relevant phases of the development.

5.14 STORMWATER MANAGEMENT

On-Site Detention (OSD)

OSD has been included in the proposed development to control stormwater discharge from Site. A 65m³ volume tank is proposed to be constructed on the ground floor. Discharge from the tank will be routed



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through a gross pollutant trap before discharging into a silt arrestor trap. These flows from the OSD system will then be discharged to Council's drainage system along Holdsworth Avenue.

Water Quality Treatment

All roof catchment area will be routed through the proposed rainwater tank. Overflow from the rainwater tank will then discharge to the OSD tank which will then connect into an inlet pit which will house an OceanGuard gross pollutant trap. The gross pollutant trap will discharge to the silt arrestor before discharging into Holdsworth Avenue.

In addition to the water quality improvements above, the Site also proposes 400m² of deep soil pervious open space and a variety of further communal gardens and planter boxes.

5.15 EROSION AND SEDIMENT CONTROL

Erosion and sediment control measures will be installed and maintained in accordance with the requirements of Council and the 'Blue book'. An Erosion and Sediment Control Plan has been included in the Civil Engineering Plans provided in **Appendix 8**.

5.16 CONSTRUCTION

Construction will be undertaken in accordance with Council's conditions of consent. Appropriate measures will be undertaken to mitigate any potential impacts from construction including dust, noise, odours, traffic impacts and erosion. A Construction Methodology Plan prepared by Ericon Buildings Pty Ltd has been provided in **Appendix 10** to illustrate the likely and potential stages of construction of the proposed development. In addition, a Construction Noise and Vibration Management Plan prepared by Acoustic Works has been provided in **Appendix 27** to provide a noise management plan and recommendations for noise control during construction of the proposed development.

5.17 CUMULATIVE IMPACTS

No foreseeable cumulative impacts are to result from the proposed development. Rather the proposed development provides further residential development on land that has been historically used for residential and that is located within an established residential area that is undergoing a significant density uplift.

5.18 SUITABILITY OF SITE FOR DEVELOPMENT

The Site is located within an established residential area and is zoned R4 High Density Residential pursuant to the LCLEP2009. The proposed development supports the use of the Site for the purpose of a residential flat building which is consistent with the zoning of the Site and the surrounding context.

Having regard to the characteristics of the Site, context and locality, the Site is considered suitable in accommodating the proposed redevelopment for the following reasons:



Statement of Environmental Effects

Proposed Residential Flat Building

10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards



- The proposed development will contribute to a vibrant new neighbourhood;
- The development of the Site for residential purposes will assist in achieving housing targets and housing diversity;
- The Site is capable of being developed in a manner that will minimise impact to the natural, artificial, and environmental qualities of the Site and neighbouring Sites, with any impacts appropriately managed and mitigated;
- The proposed development includes the provision of high quality landscaping, public domain, and is within close proximity to public open space.

Accordingly, the Site is considered to be suitable for the proposed development and is consistent with the aims and objectives of the R4 zone. The Site is therefore considered to be suitable for the proposed development.

5.19 SUBMISSIONS

Should any submissions be received in relation to the proposed development, the applicant will address them accordingly.

5.20 THE PUBLIC INTEREST

The proposed development is considered to be in the public interest as it will increase the supply and choice of housing in the locality and will result in an overall improvement in the residential housing stock in the locality.

Overall, the proposed is in the public interest as it will achieve the following:

- Contribute to the urban renewal and transformation of the St Leonards South Precinct;
- Provide opportunities of greater housing choice in the Lane Cove LGA; and
- Provide a development outcome that is compatible with the existing and emerging residential areas that is a permissible land use and consistent with the land use zone objectives.

The proposal will have no adverse impact on the public interest and is in accordance with the aims and objectives of the LCLEP2009 and LCDCP2010. Therefore, the development is considered to be in the public interest.



Statement of Environmental Effects

Proposed Residential Flat Building

10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards



PART F CONCLUSION

The purpose of this SEE has been to present the proposed demolition of the existing structures and construction of a 13-storey residential flat building with basement parking and associated landscaping at 10-12 Marshall Avenue and 1-3 Holdsworth Avenue, St Leonards and to assess its potential impacts having regards to Section 4.15(1) of the EP&A Act

The proposal has been prepared after taking into consideration the following key issues:

- The development history of the Site;
- The context of the Site and locality;
- The relevant heads of consideration under Section 4.15(1) of the EP&A Act;
- The aims, objectives and provisions of the relevant statutory and non-statutory planning instruments; and
- The pre-lodgement advice received from Lane Cove Council and Design Review Panel.

The proposal is considered to warrant a favourable determination for the following reasons:

- It is permissible with development consent and consistent with the objectives of the R4 High Density Residential zone;
- The proposed development results in the delivery of 104 high quality residential apartments in a highly accessible location within the St Leonards South Precinct;
- Incorporates appropriate building envelope, building footprint, layout, heights and setbacks;
- It is appropriate within the context of the Site and surrounding locality;
- The proposal is in the public interest as it will enhance the amenity and environment of the local area through the provision of high quality residential accommodation;
- It represents a suitable and appropriate development as assessed against the relevant heads of consideration under Section 4.15 of the EP&A Act;
- The development shall not create any adverse amenity impacts on the surrounding sites or public domain; and
- In accordance with the relevant provisions of the LCEP2009 and LCDCP2010, compliance is generally achieved.

The proposed development is permissible within the zone and is compatible with the zone objectives. As stipulated previously in this Report, the matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* have been satisfactorily addressed.

In light of the merits of the proposed development and in absence of any significant environmental impact, the proposed development warrants support by Council.

