

Sydney North Planning Panel Meeting 28 September 2022
1 - 3 HOLDSWORTH AVENUE AND 10 - 12 MARSHALL AVENUE, ST LEONARDS

Subject: 1 - 3 Holdsworth Avenue and 10 - 12 Marshall Avenue, St Leonards
Record No: DA21/187-01 - 21817/22
Division: Environmental Services Division
Author(s): Christopher Shortt

Panel Reference	PPSSNH-288
DA Number	187/2021
LGA	Lane Cove Council
Proposed Development	Demolition of the existing structures and construction of a part 10 and part 12 -storey residential flat building comprising 96 apartments and basement parking for 110 vehicles.
Street Address	1 - 3 Holdsworth Avenue and 10 - 12 Marshall Avenue, St Leonards
Applicant/Owner	Applicant: Willowtree Planning Owner: New Golden St Leonards Pty Ltd
Date of DA lodgment	13 December 2021
Total number of Submissions	• 27
Number of Unique Objections	• 27
Recommendation	Approval
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021)	Development has a capital investment value of more than \$30 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • relevant environmental planning instruments • SEPP 65 – Design quality of Residential Apartment Development and Apartment Design Guide (ADG); • SEPP Resilience and Hazards 2021; • SEPP (Building Sustainability Index) 2004; • SEPP (Transport and Infrastructure) 2021; • Lane Cove Local Environmental Plan 2009. • proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority • Environment SEPP (Consolidation of Sydney Harbour SREP); • Transport and Infrastructure SEPP; • Resilience and Hazards SEPP; and • relevant development control plan • Lane Cove Development Control Plan 2009 (including Amendment 20).

	<ul style="list-style-type: none">• relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4• Yes – draft planning agreement that a developer has offered to enter into under Section 7.4 (see Annexure 7)• relevant regulations e.g. Regs 92, 93, 94, 94A, 288<ul style="list-style-type: none">- Clause 92(1)(b) – Demolition of Structures• coastal zone management plan• Nil <p>other relevant plans</p> <ul style="list-style-type: none">• St Leonards South Landscape Masterplan• St Leonards South Section 7.11 Contributions Plan• Special Infrastructure Contribution Levy Direction																																																			
List all documents submitted with this report for the Panel’s consideration	<table><tr><th>Annex.</th><th>Document</th><th>Prepared By</th></tr><tr><td>1</td><td>Draft Conditions of Consent</td><td>Lane Cove Council</td></tr><tr><td>2</td><td>Development Control Plan Assessment</td><td>Lane Cove Council</td></tr><tr><td>3</td><td>ADG Assessment</td><td>Lane Cove Council</td></tr><tr><td>4</td><td>Summary of Submissions</td><td>Lane Cove Council</td></tr><tr><td>5</td><td>NSROC DRP Minutes 30th March 2021</td><td>NSROC Design Review Panel</td></tr><tr><td>6</td><td>NSROC DEP Minutes 9th August 2021</td><td>NSROC Design Review Panel</td></tr><tr><td>7</td><td>Draft Voluntary Planning Agreement</td><td>New Golden St Leonards Pty Ltd</td></tr><tr><td>8</td><td>Design Verification Statement/SEPP 65</td><td>PTW</td></tr><tr><td>9</td><td>Stormwater Management Plans Rev B</td><td>Xavier Knight</td></tr><tr><td>10</td><td>Architectural Plans (Rev. D)</td><td>PTW</td></tr><tr><td>11</td><td>Landscape Plans (Rev. N)</td><td>Site Design + Studios</td></tr><tr><td>12</td><td>Statement of Environmental Effects</td><td>Willowtree Planning</td></tr><tr><td>13</td><td>Response to Request for Further Information</td><td>Willowtree Planning</td></tr><tr><td>14</td><td>Traffic Analysis Report</td><td>Schindler</td></tr><tr><td>15</td><td>Traffic and parking Assessment</td><td>MLA Transport Planning</td></tr><tr><td>16</td><td>Arboricultural Impact Assessment (Rev. D)</td><td>Bradshaw Consulting Arborists</td></tr></table>	Annex.	Document	Prepared By	1	Draft Conditions of Consent	Lane Cove Council	2	Development Control Plan Assessment	Lane Cove Council	3	ADG Assessment	Lane Cove Council	4	Summary of Submissions	Lane Cove Council	5	NSROC DRP Minutes 30 th March 2021	NSROC Design Review Panel	6	NSROC DEP Minutes 9 th August 2021	NSROC Design Review Panel	7	Draft Voluntary Planning Agreement	New Golden St Leonards Pty Ltd	8	Design Verification Statement/SEPP 65	PTW	9	Stormwater Management Plans Rev B	Xavier Knight	10	Architectural Plans (Rev. D)	PTW	11	Landscape Plans (Rev. N)	Site Design + Studios	12	Statement of Environmental Effects	Willowtree Planning	13	Response to Request for Further Information	Willowtree Planning	14	Traffic Analysis Report	Schindler	15	Traffic and parking Assessment	MLA Transport Planning	16	Arboricultural Impact Assessment (Rev. D)	Bradshaw Consulting Arborists
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	17	Acoustic Report	Acousticworks
	18	Construction Noise and Vibration Management Plan	Acousticworks
	19	Remediation Action Plan	Econ
	20	Access Report	Accessible Building Solutions
	21	Capital Investment value Report /QS Report	Construction Consultants
	22	Survey Plans 1 and 2	Martin Yameng Xu
	23	Amended Site Waste Minimisation and Operational Waste Management Plan	Dickens Solutions
	24	BASIX Certificates	LC Consulting Engineers
	25	Applicant response to submissions	Willowtree
	26	Geotechnical Investigation Rev 2	STS Geotechnics Pty Ltd
	27	Sustainable Strategy Report	LC Consulting Engineers
	28	Civil Engineering Plans	Xavier Knight
	29	Public Art Strategy	UAP
	30	NSW Police Referral Response /Conditions	North Shore Police Area Command
	31	BCA Assessment Report	BCA Logic
	32	Water NSW Terms of Approval	Water NSW
	33	Notification Extent Map	Lane Cove Council
	34	Qualitative Natural Ventilation Assessment	SLR
	36	Detailed Site Investigation	Econ Environmental
	37	Environmental Management Plan	Ericon
	38	Qualitative Wind Assessment	SLR
	39	AUSGRID Referral Comment	Ausgrid
Clause 4.6 requests	Not applicable.		
Summary of key submissions	<ul style="list-style-type: none"> • Building Height: non-compliance with storeys control; • Density; • Traffic and parking; • Shadow impacts on Newlands Park; • Noise impacts during construction; • Tree removal; • Number of affordable housing dwellings; • Solar access and natural ventilation to apartments; • Apartment design/layout; • Building depth; • Wind tunnel effects; • View loss impacts, • Heritage impacts; and • Impacts on flora and fauna. 		

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Report prepared by	Chris Shortt
Report date	28 September 2022

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP Resilience and Hazards 2021, Clause 4.6(4) of the relevant LEP</i>	Yes
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Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not applicable
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Yes
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Conditions

Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes
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1. EXECUTIVE SUMMARY

The Development Application is for the demolition of the existing structures and construction of a part 10 and part 12-storey residential flat building comprising 96 apartments and basement parking for 110 vehicles on land known as 1 - 3 Holdsworth Avenue and 10 - 12 Marshall Avenue, St Leonards.

The Development Application is referred to the Sydney North Planning Panel for determination under SEPP (State and Regional Development) 2011 as the Capital Investment Value exceeds \$30 million.

The Development Application follows from extensive design refinement through the Northern Sydney Region of Council's Design Review Panel and Design Excellence Panel prior to the lodgement of the Development Application. The resulting and subject Development Application provides a design that exhibits *design excellence* as required for all development within the St Leonards South Precinct.

The proposal has been assessed against the relevant parts of Section 4.15 of the Environmental Planning and Assessment Act, 1979. A detailed assessment of the relevant environmental planning instruments is provided in Section 6 of this report. A summary of the matters requiring consent authority satisfaction is provided in **Table A** below.

Table A – EPI Matters to be Satisfied		
EPI	Clause	Recommendation Summary
SEPP 65 – Design Quality of Residential Apartment Development	28(2) – Advice of design review panel, the design quality principles and the ADG to be considered	Satisfied – See below report
SEPP Resilience and Hazards 2021	7 – Contamination and remediation to be considered in determining an application.	Satisfied - PSI and RAP provided demonstrating site is suitable for continued residential use.
LCLEP 2009 – Design Excellence	7.1(4) – Provide required unit mix, green spine setbacks, site area and pedestrian link.	Satisfied – Refer to Table 7 of this report.

The Development Application was notified, and 27 submissions were received. The submissions relate to height in storeys, density, privacy, loss of tree canopy and wildlife, traffic and parking, design and amenity of apartments, view loss impacts, overshadowing impacts on Newlands Park and neighbouring properties, and timing of the notification process. The submissions are summarised and addressed in the report.

The Development Application is considered to achieve the required standard for development within the St Leonards South Precinct in relation to the building envelope, height in storeys of and compliance with the newly made planning provisions. The Development Application is reported to the Sydney North Planning Panel with a recommendation for **approval**.

2. STRATEGIC CONTEXT

2.1 St Leonards South Precinct

The subject site is located within the St Leonards South Precinct. The St Leonards South Precinct was brought into effect on **1 November 2020** through amendments to *Lane Cove Local Environmental Plan 2009* and *Lane Cove Development Control Plan 2009*. The precinct planning was finalised concurrently with the *St Leonards Crows Nest 2036 Plan*.

2.2 Location

The St Leonards South Precinct is bounded by Marshall Avenue (north), Canberra Avenue (east), Park Road (west) and River Road (south) as shown in **Figure 1** below (dotted purple). Key features of the locality within which the precinct is situated include the Pacific Highway, rail/metro to the east, a commercial centre (St Leonards Plaza and St Leonards Square) and Newlands Park and Gore Hill Oval.



Figure 1: Location of the St Leonards South Precinct (Source PTW)

2.3 Vision

The vision of the St Leonards South Precinct is described within *Lane Cove Development Control Plan 2009 Part C – Residential Localities – Locality 8* as follows:

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

A concept photomontage of the St Leonards South Precinct is shown in **Figure 2** below.



Figure 2: Concept Photomontage of the St Leonards South Precinct
(Source: LCDCP 2009)

2.4 Planning Controls

The planning controls and mechanisms to achieve the vision of the Precinct are detailed and addressed in **Section 6** of this report. The planning controls are principally contained within [Part 7 of Lane Cove Local Environmental Plan 2009](#) and supported by a precinct-specific part of *Lane Cove Development Control Plan 2009*, a Landscape Master Plan, a Section 7.11 Contributions Plan and designation as a Special Infrastructure Contribution area.

The key provisions of *Lane Cove Local Environmental Plan 2009* are summarised as follows:

i. Zoning

The Precinct is zoned R4 High Density Residential (with exception of a park and new road).

ii. Incentive Building Height and FSR

The planning scheme operates with an incentive building height and incentive floor space ratio control. The incentive maximum building height and floor space ratio are available only if the incentive provisions of Part 7.1(4) of *Lane Cove Local Environmental Plan 2009* are provided which are summarised as follows:

- **Unit Mix:** Minimum 20% of each 1, 2 and 3 bedroom dwellings (Part 7.1(4)(a)-(c);
- **Green Spine:** Setbacks to establish communal open space between buildings (Part 7.1(4)(d));
- **Minimum Site Area:** Site amalgamations (Part 7.1(4)(e) and Part 7.2);
- **Affordable Housing:** The provision of affordable housing (Part 7.1(4)(f) and Part 7.3);
- **Recreation Areas and Community Facilities:** The provision of recreation areas and community facilities (Part 7.1(4)(g) and Part 7.4); and
- **Pedestrian Links and Roads:** The provision of pedestrian links and roads (Part 7.1(4)(h) and Part 7.5).

Note: Unit mix, green spine and site area provisions apply to all sites. Affordable housing, recreation areas and community facilities, and pedestrian links and roads are allocated on a per site/area basis.

iii. No Clause 4.6 Variation Requests

The planning scheme precludes the use of Clause 4.6 to vary the incentive building height, incentive floor space ratio, incentive provisions (with exception of the minimum site area provision to allow for site hold-out scenarios) and design excellence provisions.

iv. Design Excellence

The planning scheme seeks to provide design excellence in relation to architectural, urban and landscape design. The criteria for achieve design excellence is listed in [Part 7.6 of Lane Cove Local Environmental Plan 2009](#). The consent authority cannot grant development consent unless it is satisfied that design excellence is achieved.

v. NSROC Design Review Panel

The North Sydney Region of Council's Design Review Panel was established to coincide with the commencement of the St Leonards South Precinct planning scheme. The Panel will provide advice on SEPP 65 and design excellence (Part 7.6 of LCLEP 2009) for development within the St Leonards South Precinct. The Panel process occurs **prior to lodgement of the Development Application** aiming to resolve key issues and provide for higher quality lodgements. The NSROC Design Review Panel comments will assist Council and the Sydney North Planning Panel in determining SEPP 65 and design excellence.

A Precinct-specific Development Control Plan is contained within [Lane Cove Development Control Plan 2009 Part C – Residential Localities – Locality 8 – St Leonards South Precinct](#). The DCP guides infrastructure, access, built form (setbacks etc.), public domain, private domain, sustainability, and landscaping (including calling up the Landscape Master Plan). Key unique provisions of the DCP are discussed as follows:

i. Green Spines - Shared Communal Open Space

Green spines are a key feature of the St Leonards South Precinct. The green spine is a 24m wide shared communal open space between residential flat buildings. Ordinarily a residential flat building development would provide communal open space for its own use only. The green spines

will combine the communal open space of multiple residential flat buildings with each contributing to, and sharing in, a larger communal open space area. The shared communal open space is characterised by shared facilities and significant landscaping (50% minimum deep soil).

ii. Part Storey Control

The DCP includes a maximum number of storeys control. Importantly, the DCP includes the following in relation to calculating the number of storeys:

Part storeys resulting from excavation of steep slopes or semi basement parking will not count as a storey.

This is being applied where there is any part of a storey beneath the ground level (existing) resulting from (1) excavation of a steep slope **or** (2) including basement parking, the entire storey will not be counted as a storey.

As per Amendment 20 the definition of a part storey is:

- a) *“part storey means a storey where the floor level is partly more than 1 metre below ground level (existing) and where 50% of the space within the storey is used as non-habitable space (such as for car parking, vehicular access, plant rooms, mechanical services, loading areas, waste storage or the like) that is ancillary to the main purpose for which the building is used.”*

The proposal as amended complies with the part storeys control at the time of lodgement 13 December 2021 and complies with Amendment 20. The two (2) -part storeys fronting Holdsworth Avenue would have floor plates which are greater than 50% basement parking and associated non-habitable uses.

Landscape Master Plan

The private and public domain, and landscape design are further detailed within the [St Leonards South Landscape Master Plan](#). The Landscape Master Plan provides design guidance to the **public domain** (materiality, lighting, street trees, road infrastructure etc.), **private domain** (green spine levels, green spine facilities and landscaping calculations) and **public/private domain interface** (such as ground floor apartment fencing/landscaping design). An overview of the Landscape Master Plan (LMP) design is provided in **Figure 3** below. It is noted that the proposal complies with the LMP design where it has been assessed by Council's Landscaped Architect and no objections are raised.

St Leonards South Section 7.11 Plan

The provision of infrastructure is proposed to be facilitated in part through the [St Leonards South Section 7.11 Contributions Plan](#) which is now in force.

Special Infrastructure Contribution

The site is within the [St Leonards and Crows Nest Special Contributions Area](#) which requires the payment of a contribution to support the St Leonards and Crows Nest 2036 Plan.

2.5 Site in Future Envisaged Context

The subject site is centrally located within the northern-most end of the St Leonards South Precinct and is known as **Area 12**. The site in the future envisaged context would include 400sqm of public open space to the northern eastern corner of the Marshall Avenue frontage, and the eastern portion of the shared green spine with Area 13.



Figure 3: Subject Site in Future Envisaged Context (Source: Landscape Master Plan.

3. SITE

3.1 Subject Site

The subject site is known as 1 to 3 Holdsworth Avenue and 10 – 12 Marshall Avenue, St Leonards with a total site area of 2631m² (**Figure 4**). The site is known as Area 12 within the St Leonards South Precinct (**Figure 5**). The site is centrally located in the northern-most part of the Precinct.



Figure 4: Aerial Photograph - Subject Site Shaded Red (Source: Nearmap)



Figure 5: Area 12 within the St Leonards South Precinct (Source: LCDCP 2009)

The key site characteristics are summarised in **Table 1** below.

Table 1 – Site Characteristics of 1 to 3 Holdsworth Avenue and 10 – 12 Marshall Avenue, St Leonards	
Site Characteristic	Subject Site
Title Particulars	1 to 3 Holdsworth Avenue and 10 – 12 Marshall Avenue Lot 3 to 6 / Section 2 / DP 7259
Total Site Area	2631m ²
Site Frontage	Approx. 39m to Marshall Avenue Approx. 79m to Holdsworth Avenue
Site width	Irregular up to 37 m between Holdsworth Avenue and western boundary within green spine.
Topography	See existing site survey with spot RLs at Annexure 22
Zoning	R4 High Density Residential
Existing Structures	The site contains single detached or semi-detached dwelling houses on separate allotments with an assortment of ancillary structures.
Existing Use	The site is being used for residential purposes (single dwellings).
Vehicular Access	Vehicular access (existing) is provided through individual vehicle crossovers for each allotment.

3.1.1 Topography

The subject site includes an average cross-fall of approximately 5m from north to south (from Marshall Avenue to southern boundary with Area 14) and an average cross-fall approximately 4m from west to east (from eastern boundary to Holdsworth Avenue).

3.1.2 Site Photographs



Figure 6: Subject Site- Northeast corner of Holdsworth and Marshall Ave. Facing south.



Figure 7: Marshall Avenue frontage. Facing east.



Figure 8: Holdsworth Avenue frontage. Facing north.

3.2 Adjoining Sites

The adjoining sites are summarised in **Table 2** below with photographs provided subsequently in **Section 3.2.1**.



Figure 9: North of site at 15 – 25 Marshall Avenue. Facing north.



Figure 10: West of site at 14 - 16 Marshall Avenue (Area 13). Facing west.

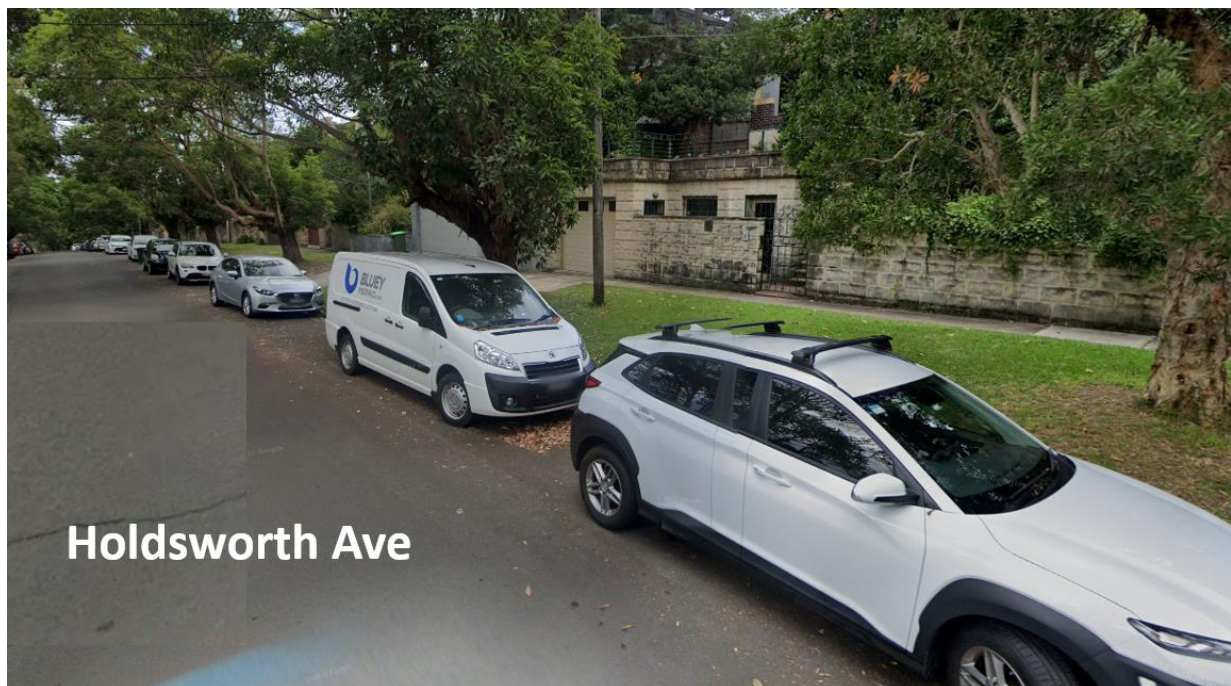


Figure 11: South of site at 5 - 11 Holdsworth Avenue (Area 14). Facing east.

Table 2 – Adjoining Sites	
Direction	Description
North	To the north is Marshall Avenue which forms the northern boundary of the St Leonards South Precinct. On the opposite side of Marshall Avenue is a 7- storey residential flat building at 15 – 25 Marshall Avenue. (Figure 9).

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	Further to the north is Marshall Lane Avenue and beyond are commercial buildings fronting the Pacific Highway.
East	To the east, the site is adjoined by Holdsworth Avenue. Further east is Areas 2 and 4 of S Leonards South located at 6 – 8 Marshall Avenue and 2-6 Holdsworth Avenue. Areas 2 and 4 are currently occupied by single and 2-storey dwellings
South	To the south, the site is adjoined by Area 14 located at 5 - 11 Holdsworth Avenue (Figure 11). Area 14 is currently occupied by single and 2-storey dwellings.
West	To the west, the site is adjoined by Area 13 of the St Leonards South Precinct (Figure 10) located at 14 – 16 Marshall Avenue and 2 Berry Road. Areas 13 is currently occupied by single and 2-storey dwellings. Further west is Berry Road.

4. PROPOSAL

4.1 Overview

The Development Application is for the construction of one (1) residential flat building (part 10 and part 12 storeys) comprising a total of 96 apartments and basement parking for 110 vehicles at 1 - 3 Holdsworth Avenue and 10 - 12 Marshall Avenue, St Leonards known as Area 12. The architectural plans are provided as **Annexure 10** to this report and a summary of the key development statistics are provided in **Table 3** as follows:

4.1.1 Key Development Statistics

Table 3 – Development Statistics	
Component	Description
Number of Buildings	1 w/ basement
Number of Storeys	Part 10 Part 12 Storeys
Part Storeys	Two Part Storeys
Building Height	43.95m
Gross Floor Area	8876.82m ²
Floor Space Ratio	3.35:1
Total Apartments	96
Unit Mix	29 x 1 bedroom (30.2%) 45 x 2 bedroom (46.9%) 18 x 3 bedroom (18.8%) 4 x 4 bedroom (4.2%)
Vehicular Access	Singular vehicular access point from Canberra Avenue.
Parking	110 vehicles
Pedestrian Link	N/A
Deep Soil within Green Spine	Greater than 50% of Green Spine

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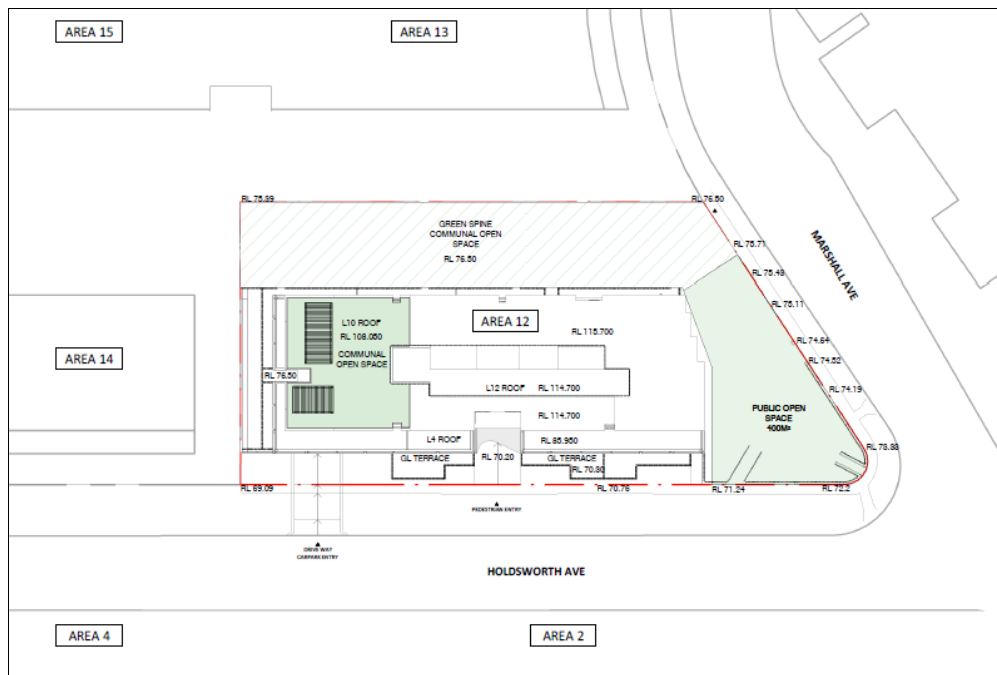


Figure 12: Proposed Site and Roof Plan.



Figure 13: Perspective northeast corner of Holdsworth and Marshall Ave. Facing south.



Figure 14: Perspective Holdsworth Ave frontage. Facing north.

4.1.1 Development Elevations



Figure 15: Marshall Avenue (north) elevation.



Figure 16: South elevation.



Figure 17: Green Spine (west) elevation.

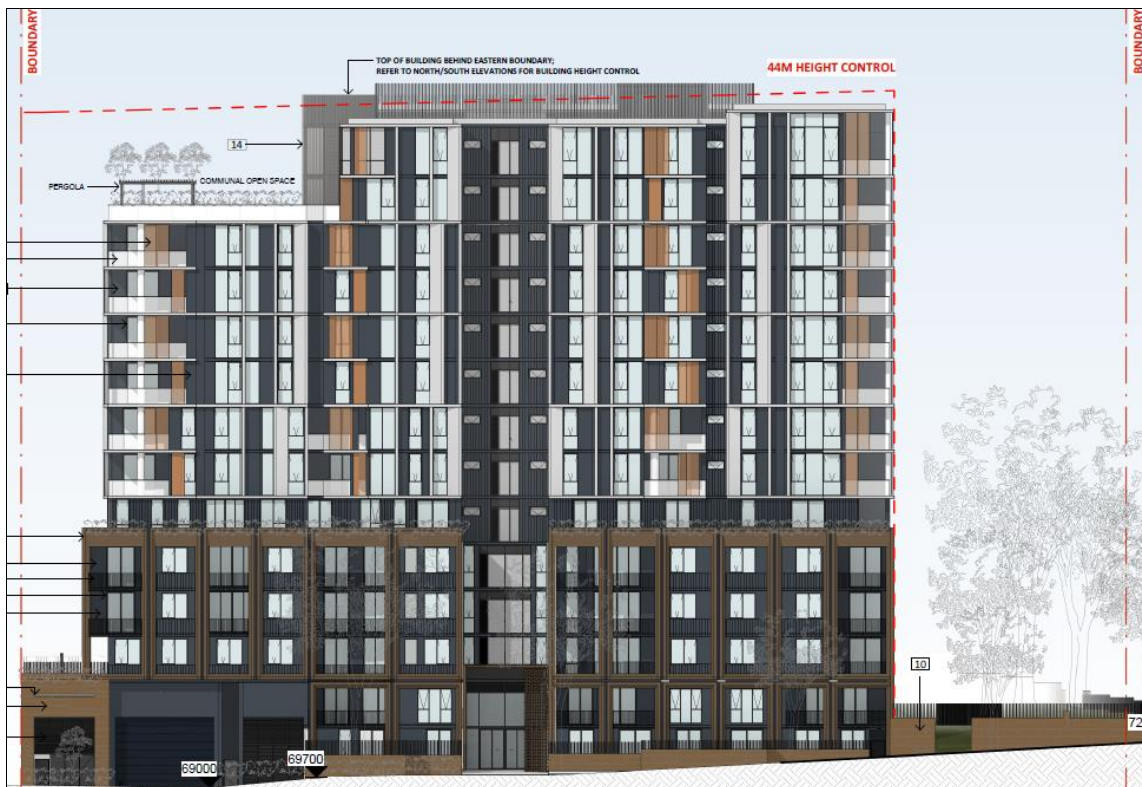


Figure 18: Holdsworth Avenue (east) elevation.

4.1.2 Detail Development Description

The Development Application is for the construction of a residential flat building and basement parking at 1 - 3 Holdsworth Avenue and 10 - 12 Marshall Avenue, St Leonards known as Area 12.

- Demolition of the existing dwellings and structures;
- Construction of one (1) residential flat building (part 10 and part 12 storeys) comprising a total of 96 apartments (including 19 adaptable);
 - 29 one-bedroom apartments (4 adaptable);
 - 45 two-bedroom apartments (8 adaptable);
 - 18 three-bedroom apartments (7 adaptable);
 - 4 four-bedroom apartments;
- 2 apartments dedicated as affordable housing;
- Four-storeys of basement car park, comprising 110 parking spaces including;
 - 90 residential car parking spaces (including 22 accessible car spaces);
 - 20 visitor car parking spaces;
 - 8 motorcycle spaces;
 - 37 bicycle spaces;
- Provision of 400sqm of public open space;
- Creation of a green spine communal space on ground level;
- Vehicle access and egress provided via Holdsworth Avenue;
- Communal roof top open garden on level 10 of 220sqm;
- Solar panels on roof top; and
- Tree removal.

Note: All basement levels have lifts, stairs and ramps to levels above and/or below.

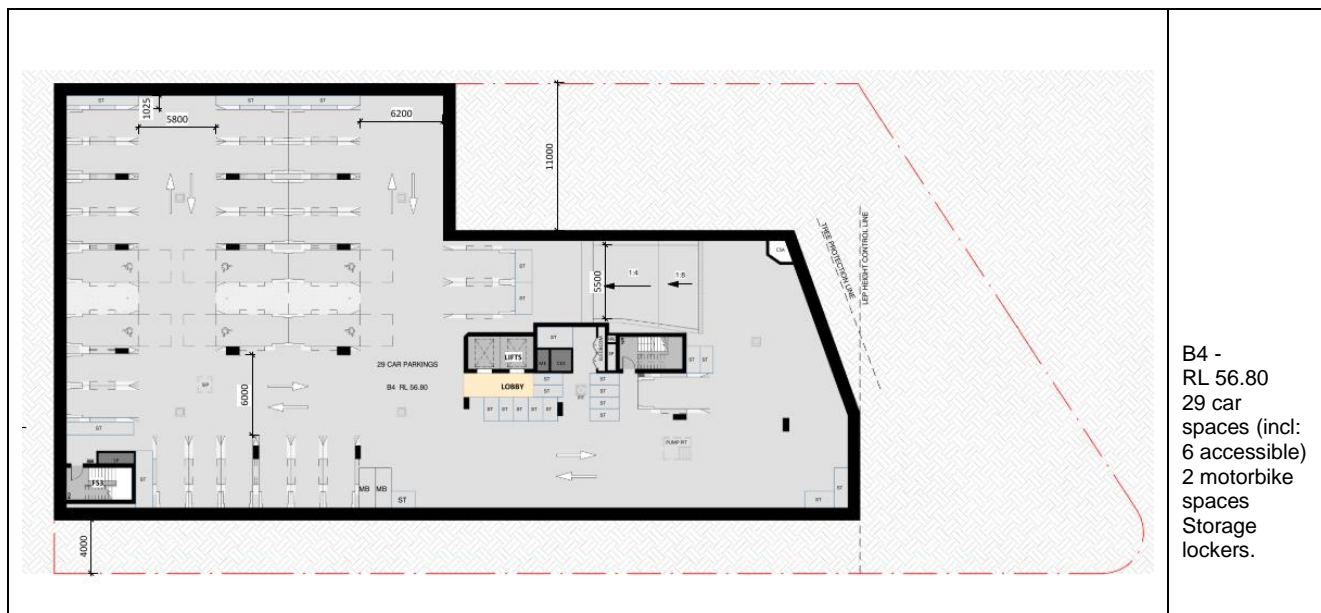


Figure 19: Basement level B4 plan

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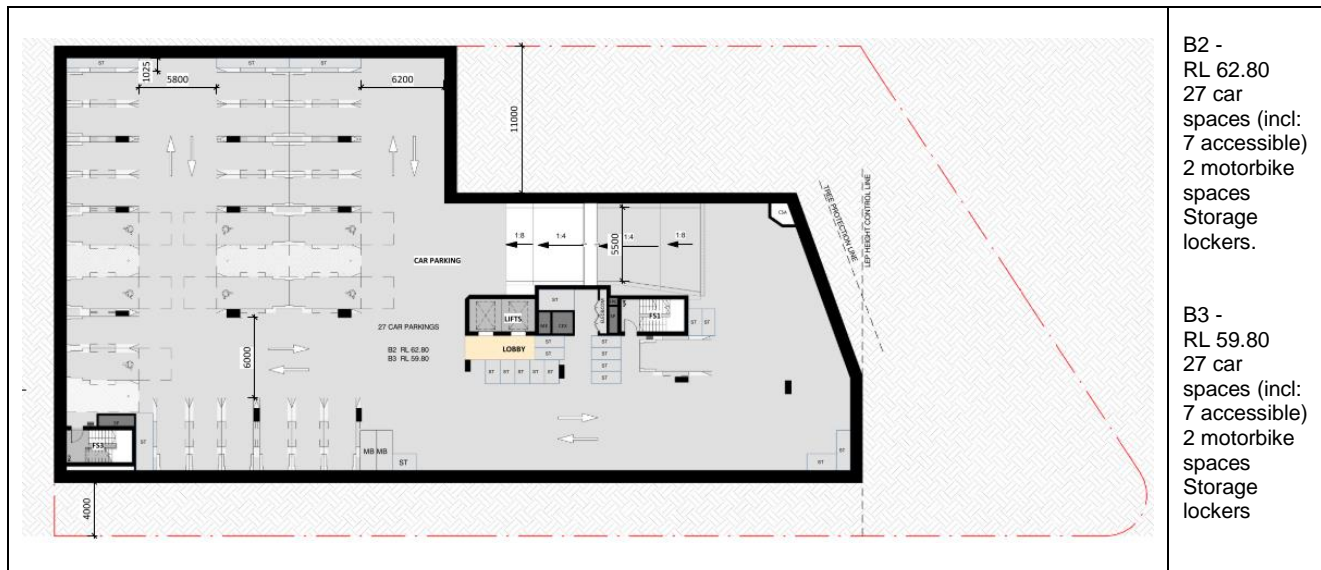


Figure 20: Basement levels B3 and B2 plan

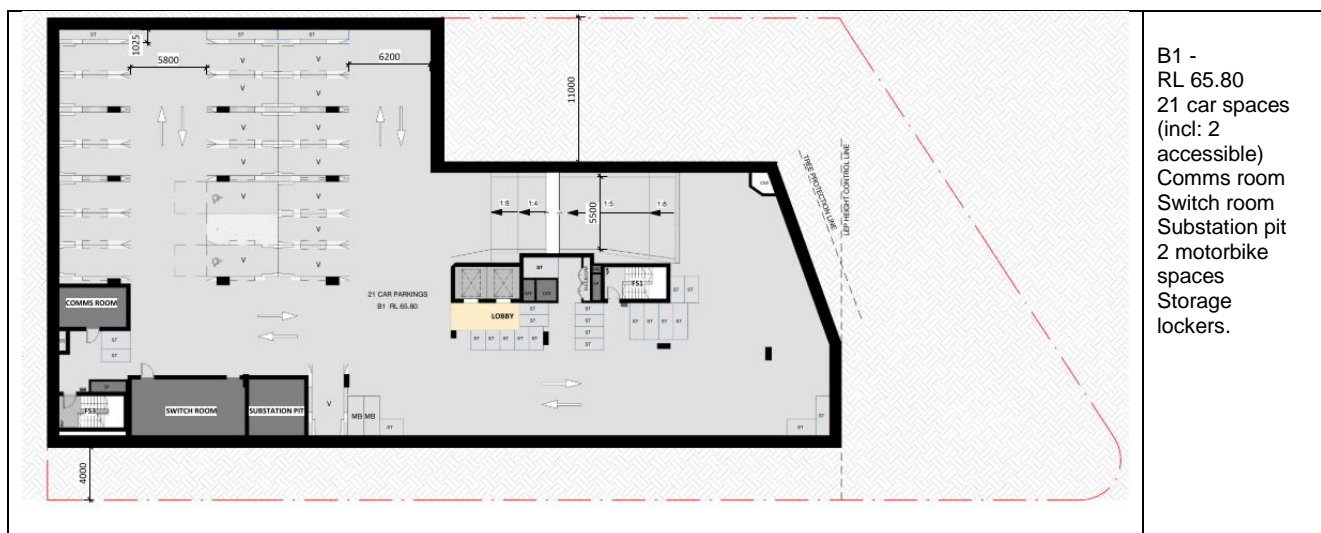


Figure 21: Basement level B1 plan

<p><u>Lower Ground Level Plan:</u></p> <ul style="list-style-type: none"> RL68.90 – RL70.20 3 x two-bedroom apartments OSD tank / rainwater tank Garbage Holding Room Bulky goods storage Car wash bay 11 Visitor bicycle parking 6 x visitor vehicle parking Vehicular access Pedestrian entrance from Holdsworth Avenue Waste chute MRV Loading space Mailboxes Fire Hydrant Substation 	<p><u>Upper Ground Level Plan:</u></p> <ul style="list-style-type: none"> RL 73.35 3 x two-bedroom apartment. Fire Hydrant Tank Fire Pump Room Car park Intake fane Room Stair Press fan room Public park fronting Marshall Avenue
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<u>Level 01 Plan:</u> <ul style="list-style-type: none"> • RL 76.50 Level 01 • 7 x two-bedroom apartments • 1 x three-bedroom apartment • 1 x one-bedroom apartment 	<u>Levels 02- 03 Plan:</u> <ul style="list-style-type: none"> • RL 79.65 Level 02 • RL 82.80 Level 03 • 5 x one -bedroom apartments • 5 x two-bedroom apartments
<u>Level 04 Plan:</u> <ul style="list-style-type: none"> • RL 85.95 Level 04 • 1 x one-bedroom apartment • 4 x two-bedroom apartments • 2 x three-bedroom apartments 	<u>Levels 05 and 06 Plan:</u> <ul style="list-style-type: none"> • RL 89.10 Level 05 • RL 92.25 Level 06 • 3 x one-bedroom apartments • 4 x two-bedroom apartments • 1 x three-bedroom apartment
<u>Level 07- 10 Plan:</u> <ul style="list-style-type: none"> • RL 95.40 Level 07 • RL 98.55 Level 08 • RL 101.70 Level 09 • RL 104.85 Level 10 • 2 x one-bedroom apartments • 2 x two-bedroom apartments • 1 x four-bedroom apartment 	<u>Level 11 Plan:</u> <ul style="list-style-type: none"> • RL 108.50 level 11 • 1 x one-bedroom apartment • 1 x two-bedroom apartment • 3 x three-bedroom apartment • Communal roof garden
<u>Level 12 Plan:</u> <ul style="list-style-type: none"> • RL 111.20 -level 12 • 1 x one-bedroom apartment • 1 x two-bedroom apartment • 3 x three-bedroom apartment 	<u>Roof Level Plan:</u> <ul style="list-style-type: none"> • RL 115.70 – roof level • Solar panels • Lift overrun • Plant enclosure

4.2 Staging

However, the applicant proposes to construct the development in five stages. The construction stages are:

1. Demolition works;
2. Shoring and Excavation works;
3. Structure works;
4. Fit out works; and
5. External and Public Domain works.

4.3 Subdivision

No subdivision is proposed as part of this Development Application. If supported Lot consolidation is required as a draft condition of consent. Any subsequent subdivision would require separate approval.

4.4 Landscaping

4.4.1 Landscape Plans

The proposal was accompanied by landscape plans provided as **Annexure 11** to this report with the Overall Landscape Plan provided in **Figure 22** below.

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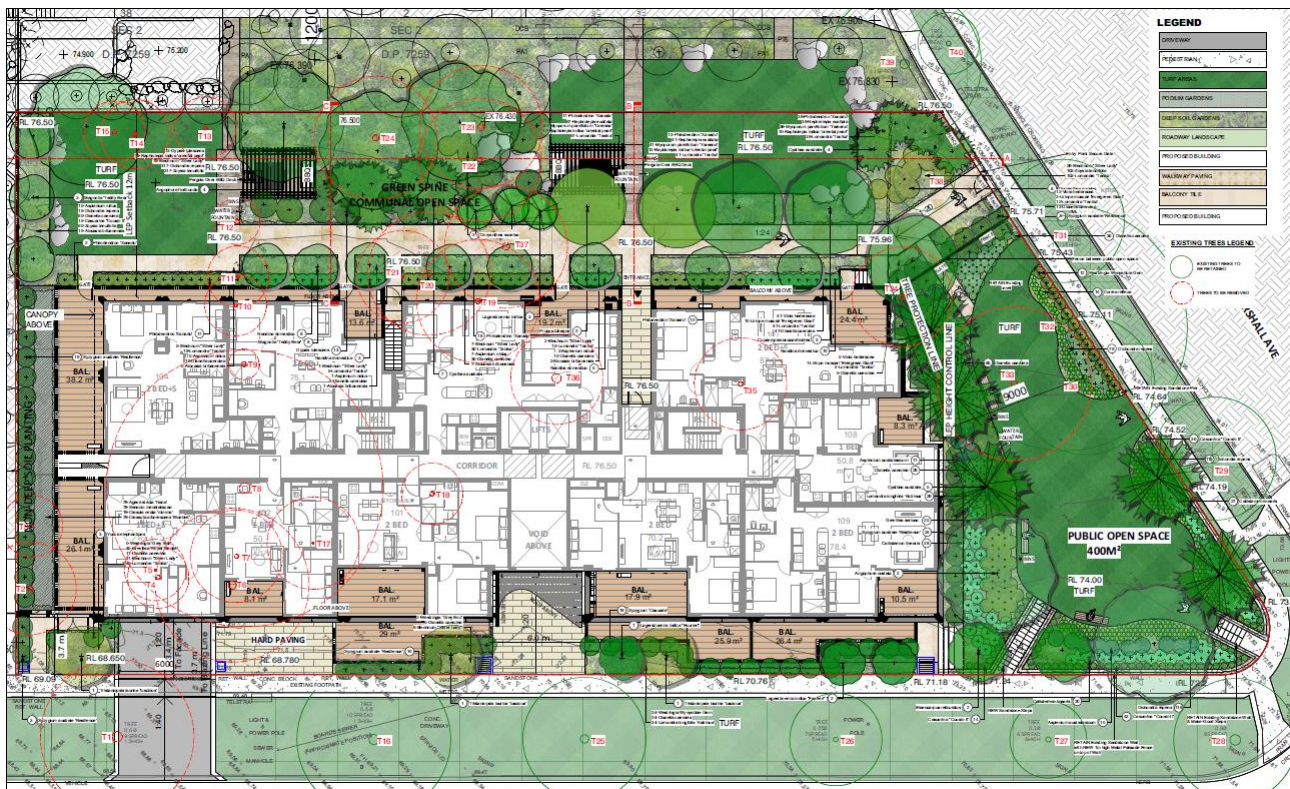


Figure 22: Overall Landscape Plan (Source: Site Design + Studios)

4.4.2 Tree Preservation, Removal and Replacement

If supported a detailed list of trees proposed for retention and removal is provided in draft condition **A.6** (see **Annexure 1**) and the submitted arborist report (**Annexure 16**). Tree replacement is detailed in the submitted landscape document package (**Annexure 11**) and draft conditions.

4.4.2.1 Tree Preservation

The proposal includes the retention of 4 on-site trees and 8 street trees.

4.4.2.2 Tree Removal

The proposal includes the removal of 27 on-site trees and 1 street tree*

* The street tree is proposed to be removed as a result of the construction of the driveway.

4.4.2.3 Tree Replacement

The submitted landscape plan details 49 proposed on-site replacement trees. Additional tree planting is also proposed (and agreed by the applicant) through draft conditions of consent.

4.4.3 Green Spine and Rooftop Communal Open Space

The proposal provides shared communal open space in a 'green spine' (ground level communal open space) with facilities including 2 x BBQ deck areas with picnic tables and pergolas above, water fountains and waste bins, as detailed in **Figures 23 and 24**.



Figure 23: North – south Section of green spine (Source: Site Design + Studios)

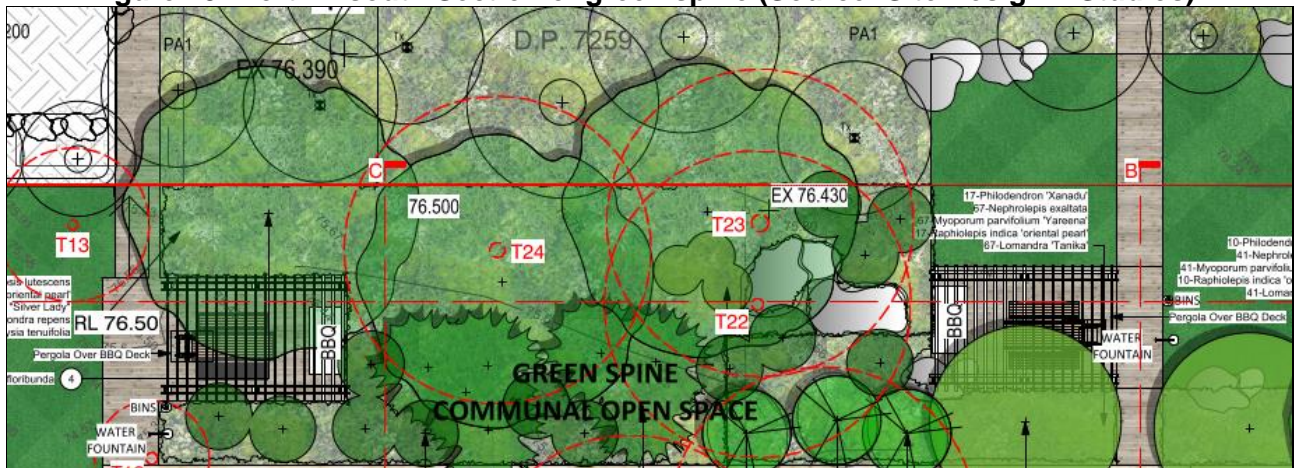


Figure 24: Zoom in of green spine BBQ areas (Source: Site Design + Studios)

4.5 Public Domain Works

The proposal includes the following required public domain works:

- **Public Space:** the dedication to Council in perpetuity of approximately 400sqm of open public space embellished in accordance with the “Specifications for Public Open Space in the St Leonards South Precinct”; and
- **Undergrounding of Utility Services:** The undergrounding of utility services in the public domain adjacent to the site (e.g. Holdsworth Avenue electricity poles and wires).
- **Street Tree Planting and Structural Root Cell:** The provision of supplementary street tree planting and structural root cell to all street frontages.

A list of required public domain works is specified in draft condition of consent **A.7** (see **Annexure 1**).

4.6 Site Access (Vehicular and Pedestrian)

4.6.1 Vehicular Access

Vehicular access is proposed from southern end of **Holdsworth Avenue**. Refer to **Figure 25** below.

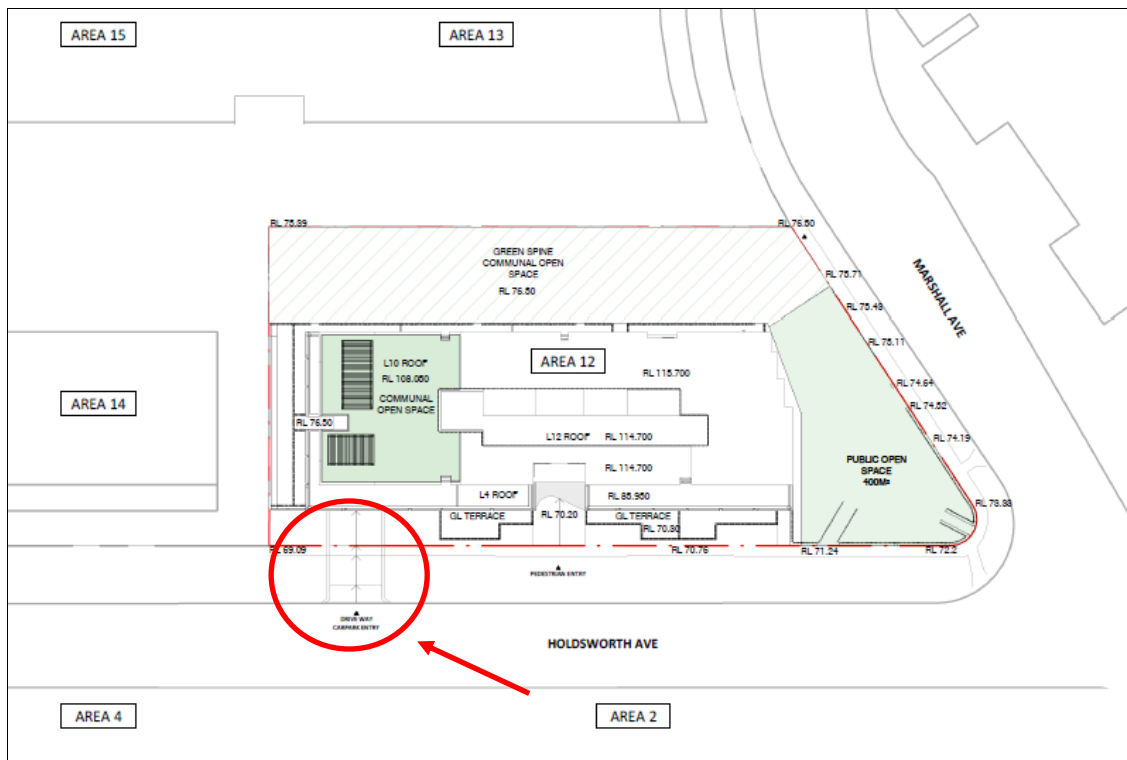


Figure 25: Vehicular access point.

4.6.2 Pedestrian Access

Pedestrian access is provided through the lobby from Holdsworth Avenues into the building. The lobby is accessible from the basement, street frontage and green spine.

4.7 Materiality

The proposed external colours and finishes are detailed in **Figure 26** and include brick materials and colourbond cladding at the podium to Marshall and Holdsworth Avenues and concrete panels in the towers above.

4.8 Private Open Space

The proposal provides private open space to each apartment in the form of balconies or ground level terraces.

4.9 Waste Management

Waste management is detailed in the submitted *Amended Site Waste Minimisation and Operational Waste Management Plan (Annexure 23)*. Waste management is proposed to occur on-site through a central waste collection area in the basement. A linear Waste Chute System will be provided for the development for the reception of waste material only. Separate arrangements will be made for both recycling streams with compartments located on each floor of the building for 240-litre recycling bins to be provided in each compartment.

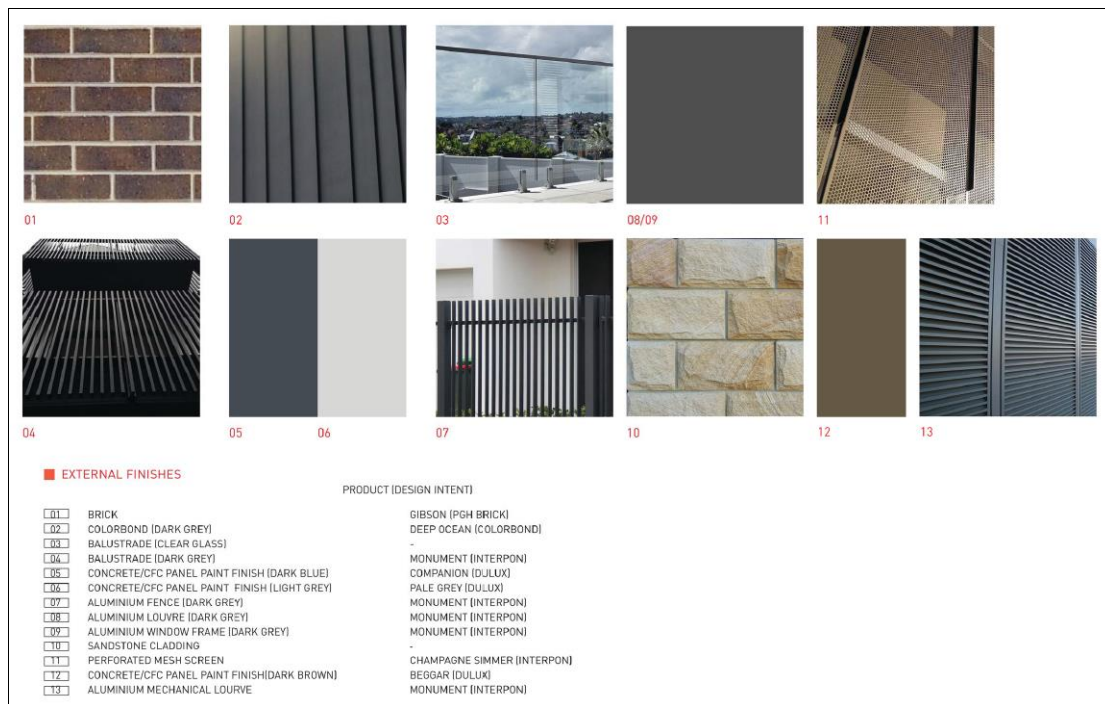


Figure 26: Materials and finishes.

4.10 Stormwater Management

Stormwater management is detailed in the submitted Stormwater Management Plan) (**Annexure 9**). Stormwater measures include water quality treatment on-site, Onsite Detention (Ground Floor) and a Gross Pollutant Trap. The stormwater management system is proposed to be connected to the pipe and silt arrestor pit at Holdsworth Avenue.

4.11 Sustainability

The proposal was accompanied by the following key documents in relation to sustainability:

- BASIX Certificate (**Annexure 24**)
- Sustainable Strategy Report (**Annexure 27**)

The reports outline various measures to achieve sustainability including a NatHERS 6-star rating, EV-charging infrastructure and electricity and water usage reduction.

4.12 Public Art

The proposal was accompanied by a preliminary public art strategy (**Annexure 29**) which has identified artwork opportunities within the northern green spine area between trees and the public park fronting Marshall Avenue. The applicant would select an artist and outline the process for the design and installation of public art of the value of work being a minimum 0.1% of the development cost.

5. ASSESSMENT HISTORY

5.1 Assessment Timeline

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The assessment timeline is provided in **Table 4** below.

Table 4 – Proposal Timeline	
Date	Description
30 March 2021	NSROC Design Review Panel Meeting and Council Pre-DA Meeting.
8 July 2021	NSROC Design Excellence Panel Meeting.
9 December 2021	Subject Development Application lodged.
14 December 2021	Public notification of Development Application and Draft VPA commenced.
11 January 2022	Public notification of Development Application and Draft VPA concluded.
22 March 2022	Letter sent to the applicant requesting additional information.
5 April 2022	Applicant provided preliminary response to additional information request.
5 April 2022	Briefing of the Sydney North Planning Panel.
28 April 2022	Meeting between Council and applicant to discuss design changes required.
28 June 2022	Applicant provided amended plans and full set of amended documentation.

5.2 Design Amendments

A summary of the architectural plan amendments made is provided in **Table 5** below.

Table 5 – Plan Amendments	
Revision	Description
Revision 1	Submitted with Development Application.
Revision 2	<p>Submitted on July 2022 as part of the response to request for additional information. The principal amendments are as follows:</p> <ul style="list-style-type: none"> • The overall built envelope was reduced by 1 storey at the northern portion of the building 3-storeys at southern portion of the building to comply with DCP height in storeys control and propose a part 10 and part 12-storey building; • The proposal was amended to comply with the DCP setbacks to Holdsworth Avenue of 4m on levels 1 to 5, and 7m from levels 6 and above (with no balconies projecting beyond these setbacks); • The proposal was amended to have a 4m setback at street level to level 5 and 7m at and above level 6; • Compliance with the 12m setback to the green spine with no balcony/building articulation encroaching this zone; • No setback encroachments into the park LEP Height control line. • The units on the southern elevation units were amended to satisfy the ADG building separation requirements; • The proposal was reduced to a part 10 and part 12 storey building; • The 13th floor was deleted, with only lift over run and plant permitted

	<p>above the 12th floor;</p> <ul style="list-style-type: none"> • The 11th and 12th floor setback approximately 22m from the southern boundary and approximately 16m from the southern edge of the 10th floor below; and • The roof of the setback 10th floor was amended to be dedicated as a communal roof garden area.
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5.3 Additional Information

A summary of the additional information provided is provided in **Table 6** below.

Table 6 – Additional Information	
Report	Description
Architectural Plans	Full set of amended plans
Amended documentation to reflect amended plans:	<p>Full set of amended documentation Including:</p> <p>Acoustic Report</p> <p>Access Report</p> <p>Arboricultural Plans</p> <p>BASIX Certificate</p> <p>BCA Report</p> <p>Civil Plans</p> <p>Construction Methodology Plan</p> <p>Geo Tech Investigation</p> <p>Landscape Plan</p> <p>Lift Traffic Access Report</p> <p>OSD Checklist</p> <p>Public Art Strategy</p> <p>QS Report</p> <p>Qualitative Wind Assessment</p> <p>Qualitative natural ventilation Assessment</p> <p>Design Verification Assessment</p> <p>Stormwater Drainage Statement</p> <p>Stormwater Management Plan</p> <p>Traffic and Parking Assessment</p> <p>Waste Management Plan</p> <p>Draft VPA</p> <p>NatHERS Certificate</p>
Remediation Action Plan	Letter confirming satisfactory findings of Preliminary Site Investigation (Annexure 21).
Response to Submissions	Prepared by Willowtree Planning

6. SECTION 4.15 ASSESSMENT

The following assessment is provided against the relevant provisions of Section 4.15 of the NSW Environmental Planning and Assessment Act, 1979:

6.1 Any environmental planning instrument:

6.1.1 Lane Cove Local Environmental Plan 2009

6.1.1.1 Permissibility

The site is zoned R4 High Density Residential under LCLEP 2009. Residential flat buildings are permissible with consent in the R4 High Density Residential zone. The proposed development is therefore permissible with consent.

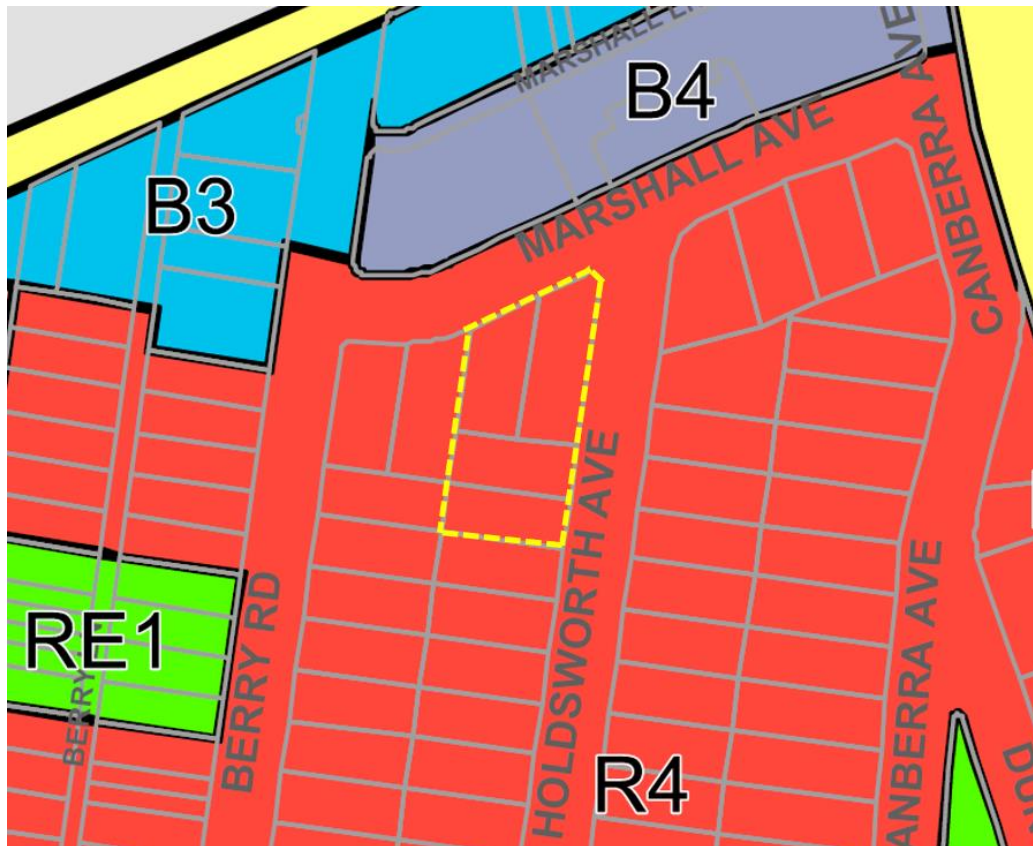


Figure 27: Zoning Map (Source: Council GIS system Geo-cortex)

6.1.1.2 Incentive Building Height and Floor Space Ratio

An incentive building height and floor space ratio control apply to the site under LCLEP 2009.

6.1.1.2.1 Accessing Incentive Provisions

The incentive building height and floor space ratio are available only if the incentive provisions of Part 7.1(4) of LCLEP 2009 are met. The incentive provisions in Part 7.1(4) are as follows:

- **Unit Mix:** Minimum 20% of each 1, 2 and 3-or-more bedroom dwellings (Part 7.1(4)(a)-(c);
- **Green Spine:** Setbacks to establish communal open space between buildings (Part 7.1(4)(d));
- **Minimum Site Area:** Site amalgamations as per **Figure 3** (Part 7.1(4)(e) and Part 7.2);
- **Affordable Housing:** The provision of affordable housing (Part 7.1(4)(f) and Part 7.3);
- **Recreation Areas and Community Facilities:** The provision of recreation areas and community facilities (Part 7.1(4)(g) and Part 7.4); and

Note: Unit mix, green spine and site area provisions apply to all sites. Affordable housing, recreation areas and community facilities, and pedestrian links and roads are allocated on a per site/area basis.

6.1.1.2.2 Compliance with Incentive Provisions

An assessment against the relevant incentive activating provisions is provided in **Table 7** as follows:

Table 7 – Applicable Incentive Provisions			
Category	Requirement	Proposed	Compliance
Unit Mix	Minimum 20% of 1/2/3 bedroom units	29 x 1 bedroom (30.2%) 45 x 2 bedroom (46.9%) 18 x 3 bedroom (18.8%) 4 x 4 bedroom (4.2%)	Yes
Green Spine Setbacks	The provision of setbacks to establish communal open space and green spines between buildings.	Setbacks provide for the required and planned green spine widths.	Yes
Minimum Site Area	The amalgamation of all sites within each development area. Minimum site area of 2500sqm	Yes- minimum site area 2631 sqm	Yes
Affordable Housing	2 affordable housing dwellings dedicated to Council in perpetuity. Each dwelling shall comprise a minimum of 2 bedrooms with an internal area of at least 70 sqm (plus storage) and one car space.	The proposed development will provide a minimum of two (2) dwellings on level 1 to be used for the purposes of affordable housing.	Yes
Recreation Area	Approximately 400sqm of public open space embellished in accordance with the Landscape Management Plan and dedicated to Council in perpetuity (Marshall Avenue);	Provided dedicated public open space, with a total area of 400m ² is proposed fronting Marshall Avenue.	Yes
Pedestrian Link	Area 12 not required to provide a pedestrian link or road	N/A	N/A

The proposal complies with the provisions of 7.1(4) of LCLEP 2009 and accordingly

6.1.1.2.3 Incentive Building Height and Floor Space Ratio Controls

The incentive building height (**Figure 28**) and incentive floor space ratio (**Figure 29**) apply to the development.

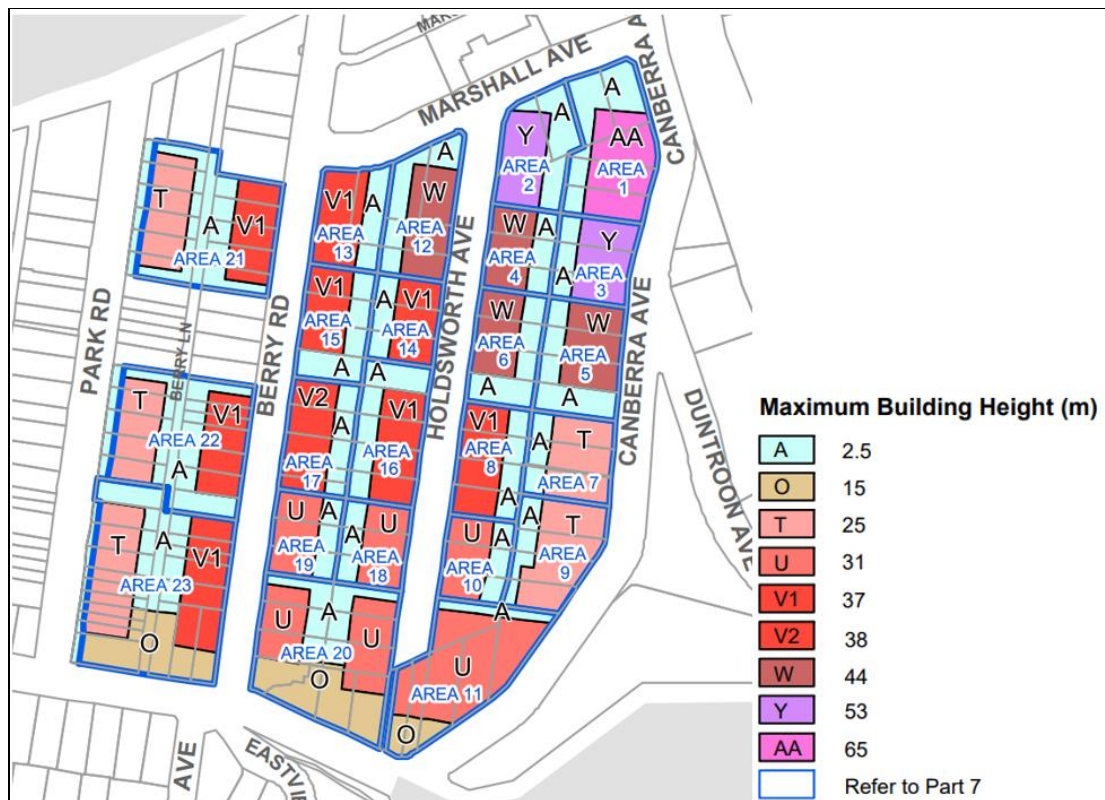


Figure 28: Maximum Building Height Map

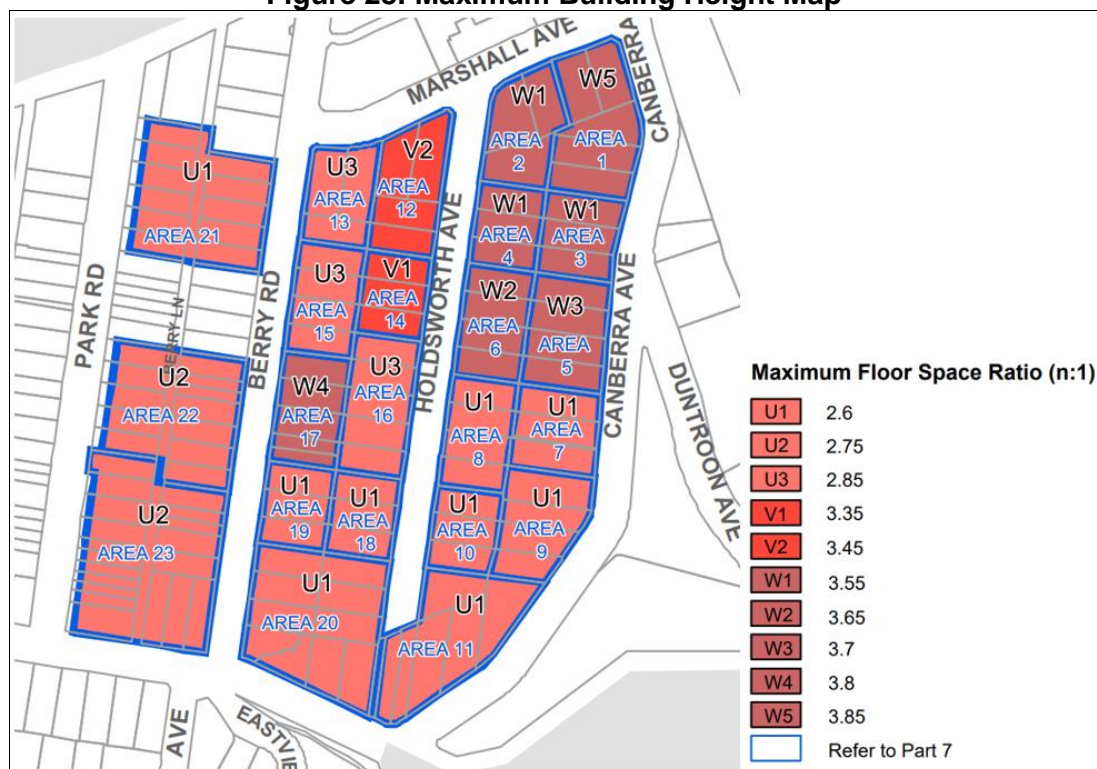


Figure 29: Maximum Floor Space Ratio Map

6.1.1.2.4 Compliance with Incentive Building Height and Floor Space Ratio Controls

i. Building Height

An assessment of the proposal against the incentive building height provisions is provided in **Table 8** below.

Table 8 – Compliance with Incentive Building Height			
Category	Incentive Building Height (Max.)	Proposed	Compliance
Area 12	44m	43.95m	Yes

Note: The incentive building height map includes a 2.5m zone through the pedestrian link and green spine. The proposal complies with this provision in addition to the above building height provisions.

ii. Floor Space Ratio

An assessment of the proposal against the incentive floor space ratio provisions is provided in **Table 9** below.

Table 9 – Compliance with Incentive Floor Space Ratio			
Category	Incentive FSR (Max.)	Total Proposed	Compliance
Area 12	3.45:1	3.35:1	Yes

iii. Clause 4.6 Prohibition

The incentive provisions are excluded from the operation of Clause 4.6 of LCLEP 2009. The proposed development does not seek to vary the incentive floor space ratio or building height control and as such does not seek to rely on Clause 4.6 of LCLEP 2009.

6.1.1.3 Design Excellence

Part 7.1.6 of LCLEP 2009 states that consent authority must not grant consent unless it considers the development exhibits design excellence. The criteria and associated assessment has been provided in **Table 10** as follows:

Table 10 – Compliance with Design Excellence Provisions			
Clause	Provision	Comment	Compliance
7.1.6(4)(a)	<i>whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved</i>	The proposal has incorporated high standards of architectural design, materiality and detailing. It would set a precedent for high quality future development in the SLS area. The submitted DA retains and enhances these elements. At the request of the DRP the applicant relocated north-facing 1-bedroom units on level 6, 7 and 8 to improve cross ventilation performance.	Yes
7.1.6(4)(b)	<i>whether the form and external appearance of the development will improve the quality and amenity of the</i>	The form and external appearance integrates appropriately with the public domain.	Yes

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	<i>public domain,</i>		
7.1.6(4)(c)	<i>whether the development protects and enhances the natural topography and vegetation including trees or other significant natural features,</i>	The proposal seeks to respond to the topography through the provision of activated part storeys and retains canopy trees in the public domain within the site where possible.	Yes
7.1.6(4)(d)	<i>whether the development detrimentally impacts on view corridors,</i>	The proposal would not detrimentally impact on view corridors.	Yes
7.1.6(4)(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>	The site is a 6 minute walk from nearby transit nodes including major bus networks on the Pacific Highway. St Leonard's railway station is also within walking distance. The proposal would provide for a high-level of integration into pedestrian and cycle infrastructure including: comprehensive network of pedestrian infrastructure including walking paths with the green spine, and into the public park at the corner of Marshall and Holdsworth. The Sustainability Strategy report indicates alternative transport options including provision of secure bicycle parking facilities with 12 visitor parking facilities in the basement.	Yes
7.1.6(4)(f)	<i>the requirements of the Lane Cove Development Control Plan,</i>	The proposal has been assessed against the Lane Cove Development Control Plan and is considered satisfactory.	Yes
7.1.6(4)(g)	<i>how the development addresses the following matters—</i> <i>(i) the suitability of the land for development,</i> <i>(ii) existing and proposed uses and use mix,</i> <i>(iii) heritage issues and streetscape</i>	(i) The land is suitable for the development; (ii) The proposed use mix (residential) is appropriate given the zoning. The development provides 2 affordable housing units as required under the LEP. The development is not required to provide any other alternate uses (childcare etc.) (iii) The proposal does not include heritage items or a specific heritage interface, and the streetscape presentation is of a high quality subject to conditions of consent.	Yes

	<p><i>constraints,</i></p> <p><i>(iv) 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></p> <p><i>(v) bulk, massing and modulation of buildings,</i></p> <p><i>(vi) street frontage heights,</i></p> <p><i>(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,</i></p> <p><i>(viii) the achievement of the principles of ecologically sustainable development,</i></p> <p><i>(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,</i></p>	<p>(iv) The separation, setbacks, amenity and urban form is satisfactory. The interrelationship between the site and neighbouring sites have been carefully managed.</p> <p>(v) The proposal provides for modulation in line with the DCP in relation to street wall heights, horizontal articulation and the number of storeys. The building steps down from 12 -storeys to 10-storeys at the southern end as required by the DCP.</p> <p>(vi) Street frontage heights comply with the DCP factoring in the allowance of part storeys on a significantly sloping site.</p> <p>(vii) The environmental impacts have been reduced through significant landscaping, sustainability initiatives (Nathers 6-star, EV charging) and minimising overshadowing. A qualitative wind assessment report was submitted.</p> <p>(viii) ESD is achieved as outlined in the submitted Sustainability Strategy Report and in achieving compliance with the DCP.</p> <p>(ix) The development provides for a high level of pedestrian connectivity within and in the adjacent public domain to the site. Vehicular and service access is of a high quality with a single driveway entry from Holdsworth Avenue. The proposal consolidates the number of vehicle crossings into the public domain.</p> <p>(x) The proposal would provide for substantial improvements to the public domain as outlined in the proposed plans and draft conditions of consent.</p> <p>(xi) The draft concept pedestrian</p>	
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	<p><i>(x) the impact on, and any proposed improvements to, the public domain,</i></p> <p><i>(xi) the configuration and design of publicly accessible spaces and private spaces on the site.</i></p>	<p>link plans are of a high quality and would be subject to further Council approval prior to construction. The private spaces on site provided through the green spine (ground level), public park and rooftop communal open space provide the anticipated level of amenity, facilities and depth and quality of landscaping.</p>	
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6.1.1.4 Other Provisions

The proposal has been assessed against the following additional provisions of LCLEP 2009 as detailed in **Table 11** below.

Table 11 – Additional LCLEP 2009 Provisions			
Clause	Provision	Comment	Compliance
6.1A - Earthworks	<p><i>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</i></p> <p><i>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i></p> <p><i>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</i></p> <p><i>(c) the quality of the fill or the soil to be excavated, or both,</i></p> <p><i>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</i></p> <p><i>(e) the source of any fill material and the destination of any excavated material,</i></p> <p><i>(f) the likelihood of disturbing relics,</i></p> <p><i>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i></p>	<p>The proposal would result in up to 17.5m depth in of excavation.</p> <p>The proposal was accompanied by geotechnical investigation, a construction methodology plan and a site waste minimisation plan to ensure proper fill disposal, detail soil stability conditions and considerations, and a referral has been sent to Water NSW in relation to groundwater impacts and their concurrence received.</p> <p>All matters required to be addressed under Clause 6.1A are addressed by the applicant and inform draft conditions of consent.</p>	Yes

The Development Application complies with Lane Cove Local Environmental Plan 2009.

6.1.2 SEPP 65 – Design Quality of Residential Development

The proposal was accompanied by a Design Verification Statement satisfying Clause 50 of the Environmental Planning and Assessment Regulation 2000 (**Annexure 8**).

Clause 28(2) of SEPP 65 states that in determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) –

- (a) the advice (if any) obtained from the design review panel (see **Section 6.1.2.1**), and
- (b) the design quality of the development when evaluated in accordance with the design quality principles (see **Section 6.1.2.2**), and
- (c) the Apartment Design Guide (see **Section 6.1.2.3**).

6.1.2.1 Design Review Panel

The Development Application was referred to the NSROC Design Review Panel. The minutes of the meetings are provided as **Annexure 5 and 6** to this report. Key Panel comments are incorporated into design quality principle assessment below. Note: A reference to the Design Review Panel hereinafter refers to both the Design Review Panel and Design Excellence Panel.

6.1.2.2 Design Quality Principles

The design quality of the development has been assessed in relation to the design quality principles contained within SEPP 65. The principles are quoted and then addressed in turn.

PRINCIPLE 1: CONTEXT AND NEIGHBOURHOOD CHARACTER

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Comment: The proposal responds to its context and neighbourhood character. The design was amended to reflect the DRP comments relating to the materials and finishes of the west elevation. Additional articulation was proposed at level 5 (tower and podium interface) and additional screening and reduced glazing was introduced to the west elevation. The provision of significant deep soil within the green spine. The building has proposed additional setbacks from the northern east corner to retain two large native trees. The site responsive design elements that will contribute to the existing future character while being sensitive to the interface with the established character. The proposed design satisfies Principle 1: Context and Neighbourhood Character.

PRINCIPLE 2: BUILT FORM AND SCALE

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the

character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Comment: The Panel supports the general approach to the building form including the expressed podium to Holdsworth Avenue that provides a scale transition downwards to the street. The development as amended deleted a storey and modified the southern end of the building to be a part 10 and part 12 storey building steeping down with the slope. The proposal complies with the maximum building height control and the number of storeys control. The proposed design satisfies Principle 2: Built Form and Scale.

PRINCIPLE 3: DENSITY

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Comment: The proposed density of the development is consistent with the maximum incentive floor space ratio. The original design was amended, and the proposed number of dwellings was reduced from 104 to 96 dwellings. The proposed development is not exceeding the anticipated density measures FSR. The proposed design satisfies Principle 3: Density.

PRINCIPLE 4: SUSTAINABILITY

Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

Comment: The proposal as amended would provide for substantial deep soil zones in accordance with the Landscape Master Plan, high-quality ground level and rooftop communal open space, compliant natural ventilation, and compliant solar access (on a development wide basis). Other sustainability measures are provided for as required by BASIX and the recommended draft conditions of consent (EV charging and NatHERS 6-star rating). The proposed design satisfies Principle 4: Sustainability.

PRINCIPLE 5: LANDSCAPE

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long-term management.

Comment: The proposal provides for a high-quality landscape scheme to the street frontages, within the site and green spine, to the rooftops, and in-between buildings, response to the specific micro-climate conditions created across the site through building placement, topography and site orientation. The amended scheme included 353sqm (or 52%) of the green spine not being encroached by basement parking. The Design Review Panel supports the landscape scheme including deep soil, well-defined circulation, the amenity facilities provided, and the retention of two significant trees. The proposed design satisfies Principle 5: Landscape.

PRINCIPLE 6: AMENITY

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.

Comment: The design provides for high levels of external amenity within the green spine and to rooftop areas. The design includes a high-quality rooftop communal open space area on level 10 which has increased access to sunlight. The proposed apartments would have a high level of residential amenity. Each apartment layout will foster strong interaction with the outdoors and take advantage of significant city views in upper levels. The building includes a defensive façade on the southern elevation to ensure high degrees of privacy are achieved between the site and neighbouring development at Area 14. The Design Review Panel is satisfied with the proposed internal amenity in relation to room layouts, solar access. Additional changes including relocation of north-facing 1-bedroom units and ventilation documentation was submitted demonstrating compliant natural ventilation as per the ADG. The proposed design satisfies Principle 6: Amenity

PRINCIPLE 7: SAFETY

Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.

Comment: The proposal would provide for appropriate safety through the provision of active street frontage to Holdsworth Avenue. The development would provide, the through site link and communal areas would be well—lit. Communal open space within green spine is fenced off by a security fence. The proposal incorporates crime prevention through environmental design principles. The proposed design satisfies Principle 7: Safety.

PRINCIPLE 8: HOUSING DIVERSITY AND SOCIAL INTERACTION

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.

Comment: The proposal provides for a varied apartment mix (minimum 20% 1/2/3-4-bedroom units. The proposal provides for 20% (20 units) adaptable apartments, 80% visitable apartments (77 units) and well-connected communal open space areas including within the green spine. The proposal will provide for a public park of 400sqm with complaint paths. The proposed design satisfies Principle 8: Housing Diversity and Social Interaction.

PRINCIPLE 9: AESTHETICS

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comment: The Design Review Panel supports the proposed materials palette. The Panel commends the design for the overall building form and variety of façade materials, textures and colours and the articulation achieved to the northern elevation contributing to a legible gateway to the St Leonards South Precinct. The proposed design satisfies Principle 9: Aesthetics.

6.1.2.3 Apartment Design Guide

A SEPP 65 assessment against the Apartment Design Guide is provided as **Annexure 3** to this report.

The Development Application complies with SEPP 65.

6.1.3 SEPP Resilience and Hazards 2021

The proposal is assessed against the relevant provisions of SEPP Resilience and Hazards 2021 as detailed in **Table 12** below.

Table 12 – SEPP No. 55 Clause 7 Compliance Table	
Provision	Compliance
<p>(1) <i>A consent authority must not consent to the carrying out of any development on land unless -</i></p> <p>(a) <i>it has considered whether the land is contaminated</i></p> <p>(b) <i>if the land is contaminated, it is satisfied the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed, and</i></p> <p>(c) <i>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.</i></p>	<p>Complies - The proposal was accompanied by a Detailed Site Investigation Report and Remediation Action Plan (Annexure 19) to assist Council in determining compliance with Clause 7(1) of SEPP Hazards and Resilience which does not raise any issues of contamination.</p>
(2) <i>Before determining an application for</i>	Complies – Detailed Site Investigation Report

Table 12 – SEPP No. 55 Clause 7 Compliance Table	
Provision	Compliance
<i>consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</i>	and Remediation Action Plan submitted and found to be satisfactory.
<i>(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</i>	Complies – Remediation Action and Detailed Site Investigation Report is found satisfactory.
<i>(4) The land concerned is— (a) land that is within an investigation area, (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out, (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land— (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</i>	Complies - The site is not within an investigation area or listed in Table 1 to the guidelines. Detailed Site Investigation Report and Remediation Action Plan submitted and found to be satisfactory

The Development Application complies with SEPP Resilience and Hazards 2021

6.1.4 SEPP (BASIX) 2004

A BASIX certificate accompanies the application and is provided as **Annexure 24** to this report. The BASIX Certificate demonstrates compliance with the provisions of the SEPP and is consistent with the architectural documentation submitted.

The Development Application complies with SEPP (BASIX) 2004

6.1.5 SEPP (Infrastructure) 2007

The proposal has been assessed against the relevant provisions of SEPP (Infrastructure) 2007 as detailed in **Table 13** below.

Table 13 – SEPP (Infrastructure) 2007 Assessment		
Clause	Assessment	Compliance
102 – Impact of road noise or vibration on non-road development	The proposal was accompanied by a Noise Impact Assessment which appropriately addresses the impact of road noise on the development in accordance with the Guidelines.	Yes
104 – Traffic-generating development	The proposal was not required to be referred to Transport for NSW under Clause 104 as less than 300 dwellings are proposed and is greater than 90m from a classified road.	N/A

The Development Application complies with SEPP (Transport and Infrastructure) 2021.

6.1.6 SEPP (State and Regional Development) 2011

The Development Application is referred to the Sydney North Planning Panel for determination as the Capital Investment Value is \$39,604,533.00 (exceeding \$30 million) satisfying the requirements of SEPP (State and Regional Development) 2011.

The Development Application complies with SEPP (State and Regional Development) 2011.

6.1.7 SREP (Sydney Harbour Catchment) 2005

The subject site is within the Sydney Harbour Catchment generally and not within the foreshore or waterways area. Therefore, the relevant part of SREP (Sydney Harbour Catchment) 2005 is the planning principles for the Sydney Harbour Catchment (Clause 13). The principles have been reviewed and the proposal satisfies the relevant matters. Specifically, the proposal provides for appropriate stormwater management to protect the catchment including pollutant control and additional landscaped areas to the southern part of the site.

The Development Application complies with SREP (Sydney Harbour Catchment) 2005.

6.4 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The impacts of the development have been considered and addressed where there are no significant adverse impacts either to the natural and built environments, social and economic or amenity of the locality as detailed within this report.

6.5 The suitability of the site for the development

The site suitability has been established at the strategic planning stage and is further confirmed in the submitted documentation and within this planning report.

6.6 Any submissions made in accordance with this Act or the regulations

The proposal was notified in accordance with Lane Cove Council's Notification Policy.

i. Notification Extent

The Development Application was notified to the extent shown in the Public Notification Map included as **Annexure 33** to this report.

ii. Notification Period

The notification period and the number of submissions received are summarised in the following table:

Public Notification			
Plan Revision	Lodgement Date	Notification Period	Submissions Received
Revision 1	13 December 2021	14/12/2021 – 11/01/2022	27
Total			27

iii. Summary of Submissions

The 27 submissions received are summarised and addressed in **Annexure 4** to this report.

6.7 Public Interest

The proposal would not be contrary to the public interest as the development would meet the objectives of the R4 High Density Residential Zone, is highly consistent with the supporting planning scheme and future desire character of the area and provides for dwellings within a high-density residential environment.

7. Contributions

7.1 Voluntary Planning Agreement

The provision of infrastructure is proposed to be facilitated in part through the [St Leonards South Section 7.11 Contributions Plan](#) which is now in force. The applicant had lodged a Voluntary Planning Agreement (VPA) with Council as being proposed by the applicant as a mechanism to provide for infrastructure delivery and funding to support the development. The Draft VPA was notified concurrently with the Development Application and includes both the requirement to provide monetary contributions to Council for infrastructure works equivalent to the Section 7.11 Plan and works-in-kind offers.

7.2 Special Infrastructure Contribution

The site is within the [St Leonards and Crows Nest Special Contributions Area](#) which requires the payment of a contribution to support the St Leonards and Crows Nest 2036 Plan – refer to Annexure for the relevant condition imposed.

7.3 Conditions of Consent

Refer to **Annexure 1**.

8. CONCLUSION

The Development Application has been assessed in accordance with the Environmental Planning and Assessment Act, 1979 and is considered satisfactory. The proposed residential flat building development responds to the site constraints, is consistent with the planning controls, would provide for the planned density and achieve design excellence within the St Leonards South Precinct. The Development Application is reported to the Sydney North Planning Panel with a recommendation for approval subject to conditions.

(LAST PAGE)

RECOMMENDATION

That pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act, 1979 the Sydney North Planning Panel at its meeting of 28 September 2022 approve Development Application DA187/2021 for the demolition of existing structures and construction of residential flat building development (Part 10 and part 12 storeys) comprising 96 apartments and basement parking for 110 vehicles, 2 affordable housing dwellings, and public open space of 400sqm at Nos. 1- 3 Holdsworth Avenue and 10 – 12 Marshall Avenue, St Leonards subject to conditions

Mark Brisby
Executive Manager
Environmental Services Division

ATTACHMENTS:

There are no supporting documents for this report.