

**Sydney North Planning Panel Meeting 07 December 2022**  
**1 - 5 CANBERRA AVENUE, 4 - 8 MARSHALL AVENUE, 2 - 8 HOLDSWORTH AVENUE ST**  
**LEONARDS SOUTH**

**Subject:** 1 - 5 Canberra Avenue, 4 - 8 Marshall Avenue, 2 - 8 Holdsworth Avenue St Leonards South

**Record No:** DA22/79-01 - 56422/22

**Division:** Environmental Services Division

**Author(s):** Christopher Shortt

<b>Panel Reference</b>	PPSSNH-338
<b>DA Number</b>	79/2022
<b>LGA</b>	Lane Cove Council
<b>Proposed Development</b>	Demolition of existing structures and construction of three (3) residential flat buildings (ranging from 12 to 19 - storeys) comprising a total of 232 apartments and basement parking for 348 vehicles.
<b>Street Address</b>	1 - 5 Canberra Avenue, 4 - 8 Marshall Avenue, 2 - 8 Holdsworth Avenue St Leonards South.
<b>Applicant/Owner</b>	Applicant: SLS Holdsworth Residences Pty Ltd. (New Hope Evergreen) Owner: SLS Holdsworth Residences Pty Ltd. (New Hope Evergreen)
<b>Date of DA lodgement</b>	18 July 2022
<b>Total number of Submissions</b> <b>Number of Unique Objections</b>	<ul style="list-style-type: none"> <li>9 unique submissions + 8 additional submissions on behalf of the same submitters (Total: 17)</li> <li>9 unique objections</li> </ul>
<b>Recommendation</b>	<b>Approval subject to draft conditions</b>
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	Development has a capital investment value of more than \$30 million.
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li><b>relevant environmental planning instruments</b> <ul style="list-style-type: none"> <li>SEPP 65 – Design quality of Residential Apartment Development and Apartment Design Guide (ADG);</li> <li>SEPP Resilience and Hazards 2021;</li> <li>SEPP (Building Sustainability Index) 2004;</li> <li>SEPP (Infrastructure) 2007;</li> <li>SEPP (Transport and Infrastructure) 2021</li> <li>SEPP (State and Regional Development) 2011; and</li> <li>Lane Cove Local Environmental Plan 2009.</li> </ul> </li> <li><b>relevant development control plan</b> <ul style="list-style-type: none"> <li>Lane Cove Development Control Plan 2009</li> </ul> </li> <li><b>relevant planning agreement that has been entered into</b></li> </ul>

	<p><b>under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4</b></p> <ul style="list-style-type: none"><li>- Yes – draft planning agreement that a developer has offered to enter into under Section 7.4 <b>(see Annexure 7)</b></li><li>• <b>relevant regulations e.g. Regs 92, 93, 94, 94A, 288</b></li><li>- Clause 92(1)(b) – Demolition of Structures</li><li>• <b>coastal zone management plan</b></li><li>- Nil</li></ul> <p><b>other relevant plans</b></p> <ul style="list-style-type: none"><li>- St Leonards South Landscape Masterplan</li><li>- St Leonards South Section 7.11 Contributions Plan</li><li>- Special Infrastructure Contribution Levy Direction</li></ul>																																																			
<p><b>List all documents submitted with this report for the Panel’s consideration</b></p>	<table><tr><th><b>Annex.</b></th><th><b>Document</b></th><th><b>Prepared By</b></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 &amp; NSROC DEP Minutes</td><td>NSROC Design Review Panel</td></tr><tr><td>6</td><td>Three independent property valuations for 2 Marshall Avenue</td><td>New Hope Evergreen</td></tr><tr><td>7</td><td>Negotiation email correspondence between applicant and 2 Marshall Avenue</td><td>New Hope Evergreen</td></tr><tr><td>8</td><td>Design Verification SEPP 65 Statement</td><td>Rothelowman</td></tr><tr><td>9</td><td>Clause 4.6 variation request site area</td><td>Ethos Urban</td></tr><tr><td>10</td><td>Responses to Council and Minter Ellison in relation to valuations and negotiation</td><td>Mills Oakley and New Hope</td></tr><tr><td>11</td><td>Architectural Plans (Rev. 3)</td><td>Rothelowman</td></tr><tr><td>12</td><td>Landscape Plans (Issue. D)</td><td>Arcadia</td></tr><tr><td>13</td><td>Statement of Environmental Effects</td><td>Ethos Urban</td></tr><tr><td>14</td><td>Response to Request for Further Information</td><td>Ethos Urban</td></tr><tr><td>15</td><td>Urban Design Report (revised)</td><td>Rothelowman</td></tr><tr><td>16</td><td>Legal Advice – FSR Control</td><td>Mills Oakley</td></tr></table>	<b>Annex.</b>	<b>Document</b>	<b>Prepared By</b>	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 & NSROC DEP Minutes	NSROC Design Review Panel	6	Three independent property valuations for 2 Marshall Avenue	New Hope Evergreen	7	Negotiation email correspondence between applicant and 2 Marshall Avenue	New Hope Evergreen	8	Design Verification SEPP 65 Statement	Rothelowman	9	Clause 4.6 variation request site area	Ethos Urban	10	Responses to Council and Minter Ellison in relation to valuations and negotiation	Mills Oakley and New Hope	11	Architectural Plans (Rev. 3)	Rothelowman	12	Landscape Plans (Issue. D)	Arcadia	13	Statement of Environmental Effects	Ethos Urban	14	Response to Request for Further Information	Ethos Urban	15	Urban Design Report (revised)	Rothelowman	16	Legal Advice – FSR Control	Mills Oakley
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		apportion	
	17	Traffic Impact Assessment (Rev. 2)	Stantec
	18	Arboricultural Impact Assessment (Rev. 3)	Blues Bros Arboricultural
	19	Acoustic Report Rev 003	Stantec
	20	Stormwater Management Plan	Stantec
	21	Preliminary Site Investigation (Contamination)	Geosyntec
	22	Landscaping Report (Rev I)	Arcadia
	23	Quantity Surveyors Report	WTP Australia
	24	Survey Plan	LTS Lockley
	25	Operational Waste Management Plan Rev C	Elephants Foot
	26	BASIX Certificates	Stantec
	27	Draft Voluntary Planning Agreement	New Hope Evergreen
	28	Geotechnical Investigation	morrow
	29	Demolition and Construction Waste Management Plan	Elephants Foot
	30	Ecologically Sustainable Design Report Revision 08	Stantec
	31	Civil Drawings	Stantec
	32	Preliminary Public Art Strategy	UAP
	33	Wind Report	CPP
	34	BCA Assessment Report	BCA Logic
	35	Access Report	BCA Access
	36	Notification Extent Map	Lane Cove Council
	37	NSW Police Response	North Shore PAC
	38	Office of Water General Terms of Approval	Office of Water
	39	AUSGRID Consent letter	AUSGRID
	40	TfNSW approval	TfNSW
<b>Clause 4.6 requests</b>	Submitted clause 4.6 variation report relating to minimum site area of Area 1.		
<b>Summary of key submissions</b>	<ul style="list-style-type: none"> <li>• Site isolation of 2 Marshall</li> <li>• Clause 4.6 minimum site area</li> <li>• Floor Space Ratio</li> <li>• Solar Access</li> <li>• Building Depth</li> <li>• Building Separation</li> <li>• Urban Design and Architecture</li> <li>• Traffic and Parking</li> <li>• Design excellence and DRP comments</li> <li>• Landscaping and open Space</li> <li>• Heritage</li> <li>• Wind Impacts</li> <li>• Acoustic impacts</li> <li>• Shadows</li> <li>• Site suitability and public interest</li> </ul>		

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<b>Report prepared by</b>	<b>Chris Shortt</b>
<b>Report date</b>	7 December 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**

**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? **Yes**  
*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

**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? **Yes**

**Special Infrastructure Contributions**

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

**Conditions**

Have draft conditions been provided to the applicant for comment? **Yes**  
*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*

## **1. EXECUTIVE SUMMARY**

The Development Application is for the demolition of existing structures and construction of three residential flat buildings (ranging from 12 to 19-storeys) comprising a total of 232 dwellings and basement parking for 348 vehicles on land known as 1 - 5 Canberra Avenue and 4 - 8 Marshall Avenue, and 2 - 8 Holdsworth 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.

<b>Table A – EPI Matters to be Satisfied</b>		
<b>EPI</b>	<b>Clause</b>	<b>Recommendation Summary</b>
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 Annexure 3 attached ADG Assessment
SEPP Resilience and Hazards 2021	7 – Contamination and remediation to be considered in determining an application.	Satisfied - PSI 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 <b>Table 10</b> of this report.

The Development Application was notified, and 9 unique submissions were received + 8 additional submissions on behalf of the same submitters (Total: 17). The submissions relate to site isolation, Clause 4.6 and variation to minimum site area, floor space ratio, solar access, building depth, building separation, urban design and architecture, traffic and parking, design excellence and DRP comments, landscaping and open space, heritage, wind impacts, acoustic impacts, and site suitability and public interest.

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, and compliance with the new planning provisions. The Development Application is reported to the Sydney North Planning Panel with a recommendation for **approval subject to draft conditions**.

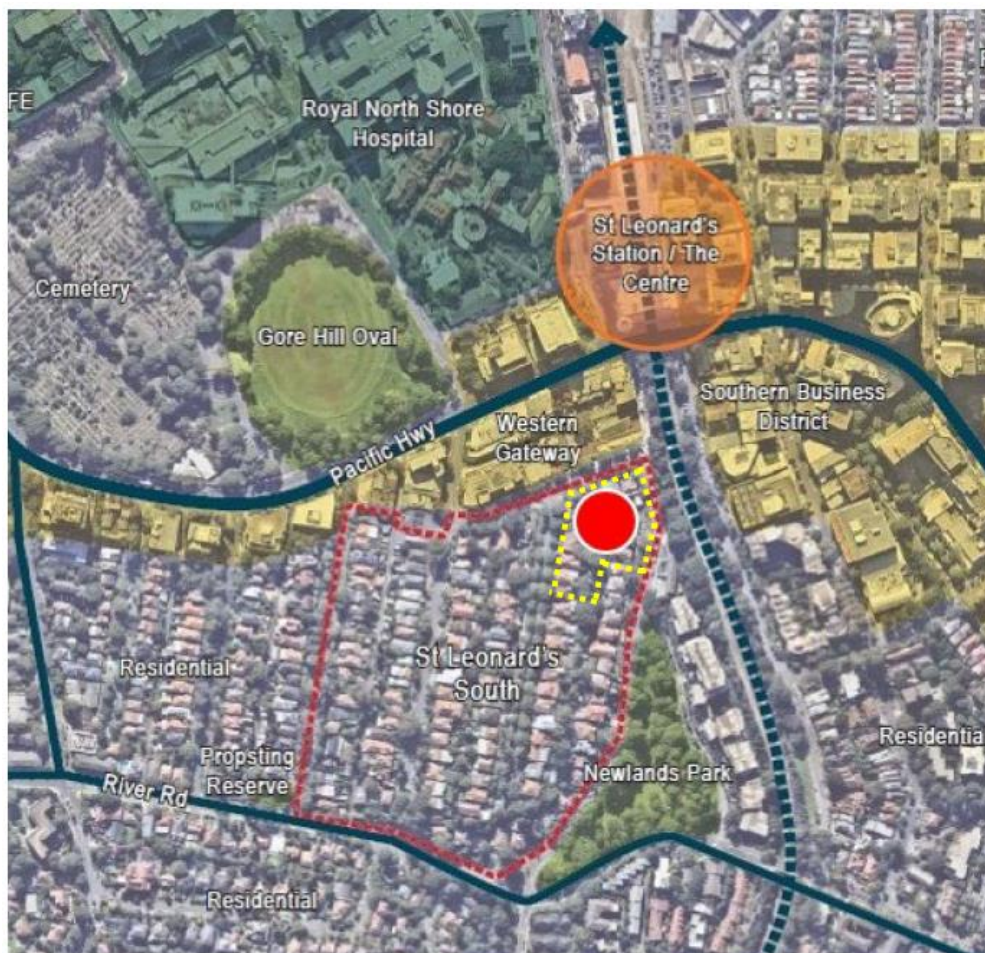
## **2. STRATEGIC CONTEXT**

### **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 EthosUrban)**

### **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 for Height and FSR**

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 to 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 would 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 would 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 would 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 permits the allowance for part- storeys. 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 the Amendment approved August 2022, 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 use.”*

The proposal complies with the part storeys control at the time of lodgement 13 December 2021, and also complies with amendment definition August 2022.

## **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.



**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 - 5 Canberra Avenue and 4 - 8 Marshall Avenue, and 2 - 8 Holdsworth Avenue St Leonards with a total site area of 6727.5m<sup>2</sup> (**Figure 4**). Including:

Area 1: 2736.5sqm

Area 2: 2320.5sqm

Area 4: 1670.5sqm

**Total: 6727.5sqm**



The site is known as Areas 1, 2 and 4 within the St Leonards South Precinct (**Figure 5**). The site is located in the north-eastern corner of the Precinct.



Figure 4: Aerial Photograph - Subject Site yellow outline (Source: Nearmap)

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**Figure 5: Areas 1,2 and 4 within the St Leonards South Precinct (Source: LCDCP 2009)**

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

<b>Table 1 – Site Characteristics of 1 - 5 Canberra Avenue and 4 - 8 Marshall Avenue, and 2 - 8 Holdsworth Avenue St Leonards</b>	
<b>Site Characteristic</b>	<b>Subject Site</b>
<b>Title Particulars</b>	1 - 5 Canberra Avenue and 4 - 8 Marshall Avenue, and 2 - 8 Holdsworth Avenue St Leonards. (Lots 1, 2, 3, 5, 6, 7, 39, 40, 41, 42 /Section 3 of DP 7259)
<b>Total Site Area</b>	<b>Total: 6727.5sqm</b>
<b>Site Frontage</b>	Approx. 90m to Holdsworth Avenue Approx. 37m to Marshall Avenue (excluding 2 Marshall) Approx. 53m to Canberra Avenue (excluding 2 Marshall)
<b>Site width</b>	Irregular up to 84 m between Holdsworth Avenue and Canberra Avenue.
<b>Topography</b>	See existing site survey with spot RLs at survey at <b>Annexure 24</b>
<b>Zoning</b>	R4 High Density Residential
<b>Existing Structures</b>	The site contains detached or semi-detached dwelling houses on separate allotments with an assortment of ancillary structures.
<b>Existing Use</b>	The site is being used for residential purposes (single dwellings).



<b>Vehicular Access</b>	Vehicular access (existing) is provided through individual vehicle crossovers for each allotment.
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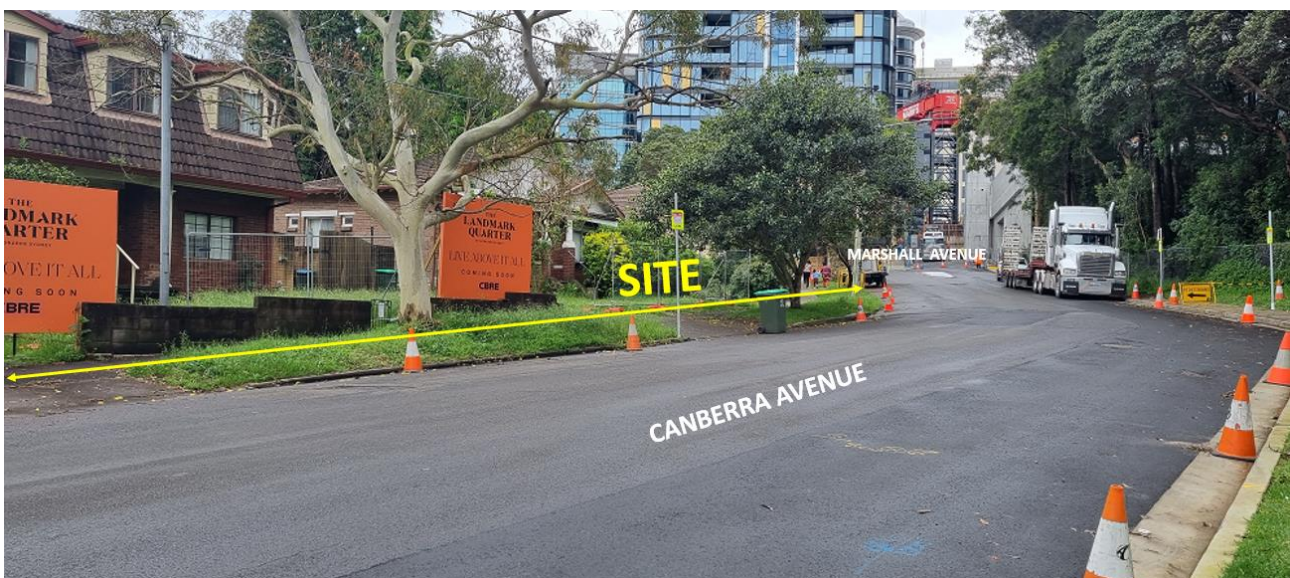
### 3.1.1 Topography

The subject site includes a significant slope up to approximately 10m from north to south, from Marshall Avenue (high point) to the southern boundary with Area 6 (low point), and an average cross-fall up to approximately 5m from west to east (from Holdsworth Avenue to Canberra Avenue).

### 3.1.2 Site Photographs



**Figure 6: Northwest corner of Holdsworth and Marshall Ave. Facing east.**



**Figure 7: Southeast corner of Area 1 facing north up Canberra Avenue.**





Figure 8: Southwest corner of site facing north up Holdsworth Avenue.



Figure 9: Northwest corner of Holdsworth and Marshall Ave. Facing south.

### 3.2 Adjoining Sites

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



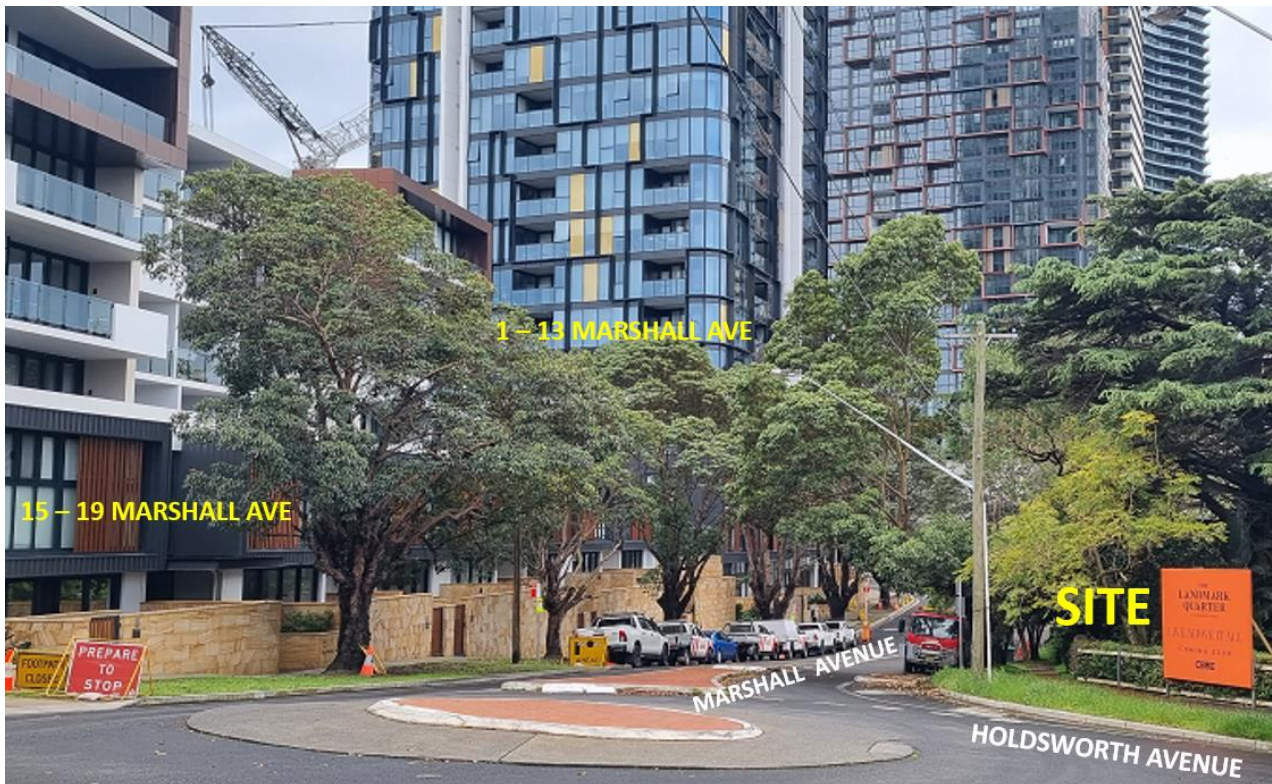


Figure 10: No: 2 Marshall Avenue adjacent to north east boundary of site. Facing west.



Figure 11: West of site: Land next to North Shore Railway and RFB at No#2 Canberra Ave.





**Figure 12: Development north of site on opposite side of Marshall Avenue.**



**Figure 13: Development west of site (SLS AREA 12) on opposite side of Holdsworth Ave.**

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 and a 29 storey tower at 1- 13 Marshall Avenue. <b>(Figure 12).</b>



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	Further to the north is Marshall Lane and beyond are commercial buildings fronting the Pacific Highway.
<b>East</b>	To the east of Area 1, is 2 Marshall Avenue which contains a single storey dwelling house with detached garage. <b>(Figure 10)</b> Further east is Canberra Avenue which forms the eastern boundary of St Leonards South Precinct. Further east is the North Shore Railway Line and a 7-storey residential apartment building at 2 Canberra Avenue. <b>(Figure 11)</b> . To the east of Area 4 the site is adjoined by Area 3 which is currently occupied by single dwelling houses.
<b>South</b>	To the south of Area 1, the site is adjoined by Area 3. Area 3 is currently occupied by single and 2-storey dwellings. To the south of Area 4 the site is adjoined by Area 6 which is occupied by single and 2-storey dwellings.
<b>West</b>	To the west, the site is adjoined by Area 12 of the St Leonards South Precinct <b>(Figure 13)</b> located at 1 - 3 Holdsworth Avenue and 10 - 12 Marshall Avenue, St Leonards. Areas 12 is currently occupied by single and 2-storey dwellings. In October 2022, approval was issued by the SNPP for a part 10 and part 12 storey residential flat building with basement carparking in Area 12.

#### **4. PROPOSAL**

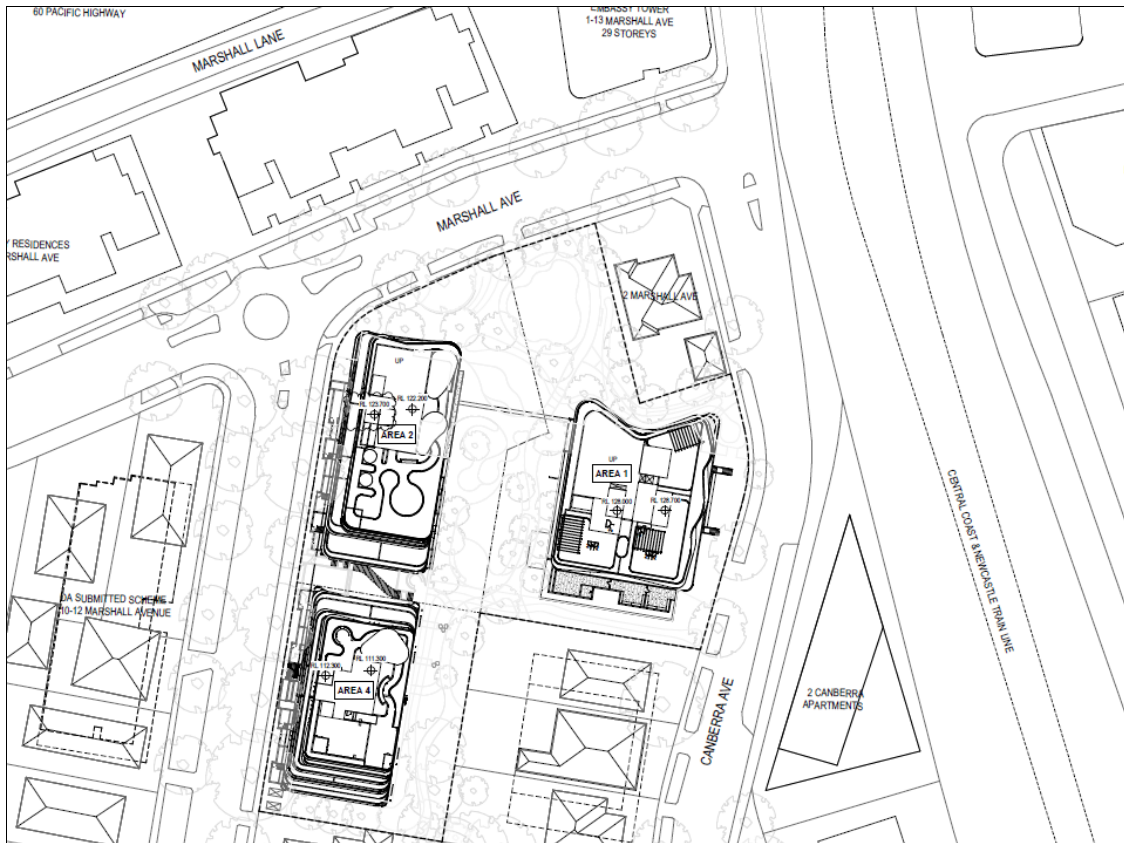
##### **4.1 Overview**

The Development Application is for the construction of three residential flat buildings and basement parking at 1 - 5 Canberra Avenue, 4 - 8 Marshall Avenue, 2 - 8 Holdsworth Avenue St Leonards South, known as Areas 1, 2 and 4. The architectural plans are provided at **Annexure 11** to this report and a summary of the key development statistics are provided in **Table 3** as follows:

##### **4.1.1 Key Development Statistics**

<b>Table 3 – Development Statistics</b>	
<b>Component</b>	<b>Description</b>
<b>Number of Buildings</b>	3 w/ basement
<b>Number of Storeys</b>	<b>Area 1:</b> 19 storeys, <b>Area 2:</b> 15 storeys, <b>Area 4:</b> 12 storeys.
<b>Part Storeys</b>	One Part Storey (Areas 2 and 4)
<b>Building Height</b>	<b>Area 1:</b> 64.8m, <b>Area 2:</b> 52.5m, <b>Area 4:</b> 43.5m
<b>Gross Floor Area</b>	<b>Area 1:</b> 10,535.5sqm, <b>Area 2:</b> 8237.8sqm, <b>Area 4:</b> 5930.3sqm.
<b>Floor Space Ratio</b>	<b>Area 1:</b> 3.85:1, <b>Area 2:</b> 3.55:1, <b>Area 4:</b> 3.55:1.
<b>Total Apartments</b>	211 apartments and 21 townhouses (total 232 dwellings)
<b>Unit Mix</b>	46 x 1 bedroom (20%) 131 x 2 bedroom (56.47%) 40 x 3 bedroom (17.3%) 15 x 4 bedroom (6.4%)
<b>Vehicular Access</b>	Singular vehicular access point from Canberra Avenue.
<b>Parking</b>	348 vehicles
<b>Pedestrian Link</b>	N/A
<b>Deep Soil within Green Spine</b>	Greater than 50% of Green Spine

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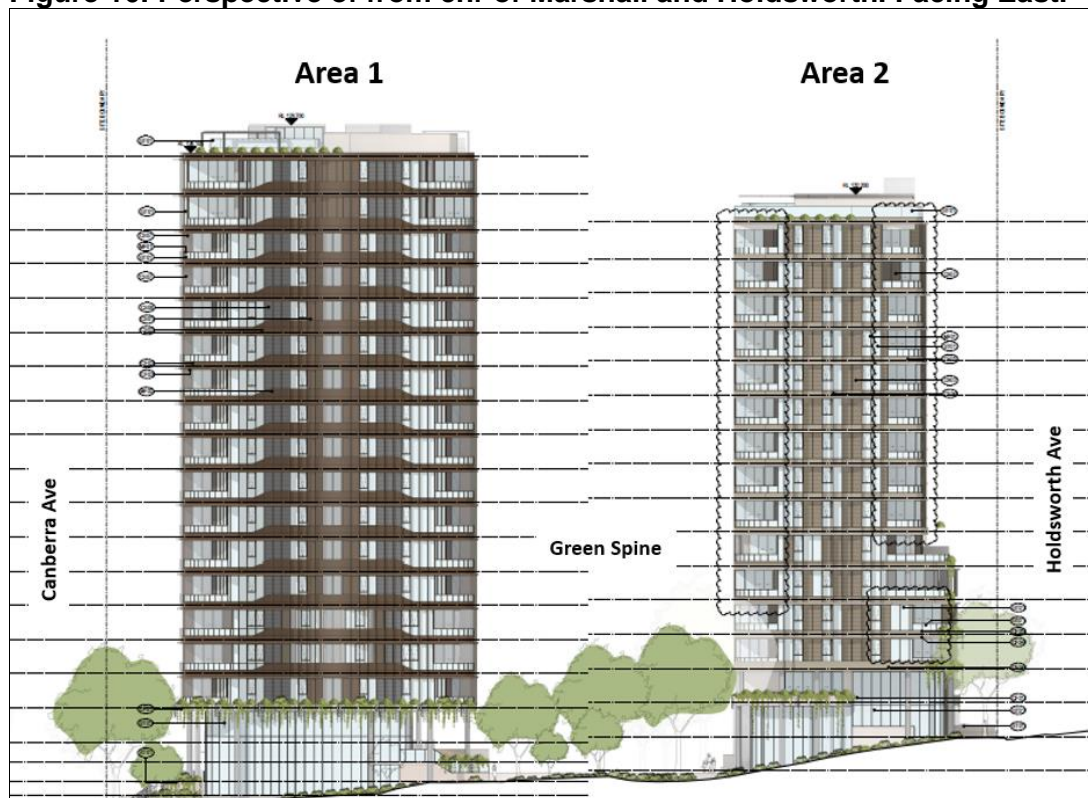
**Figure 14: Proposed Site Plan.**



**Figure 15: Perspective of north elevation from Marshall Avenue. Facing South.**



**Figure 16: Perspective of from cnr of Marshall and Holdsworth. Facing East.**

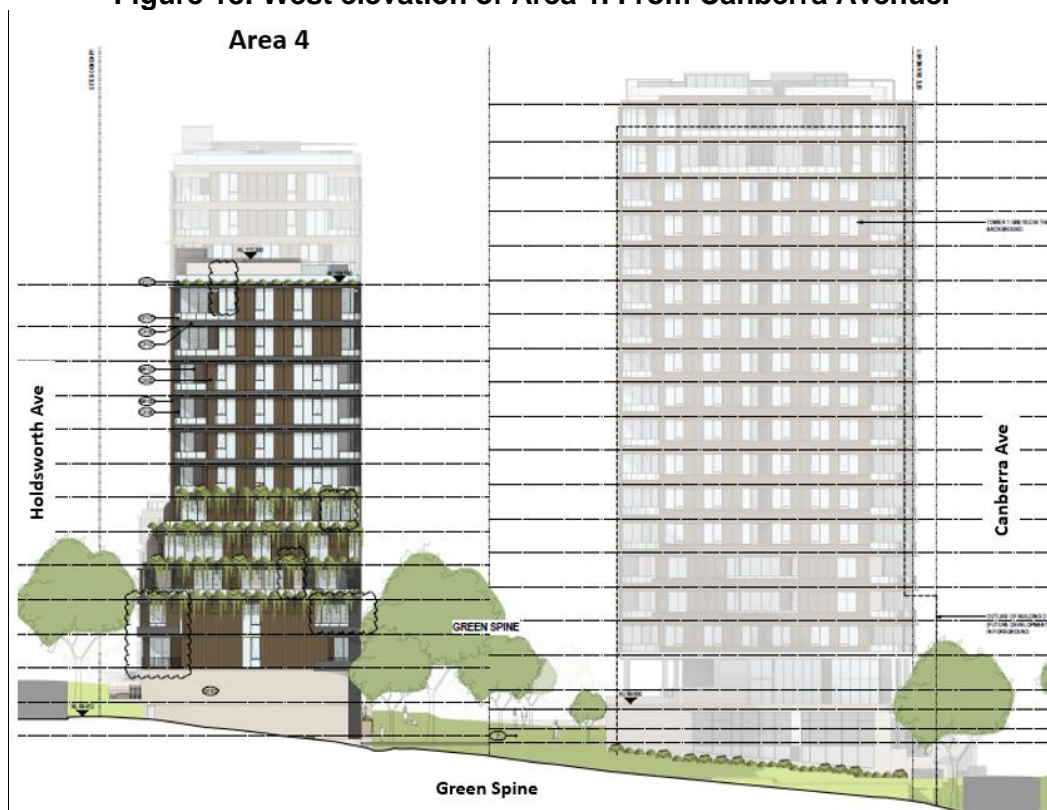


**Figure 17: North elevation of Areas 1 and 2. From Marshall Avenue.**



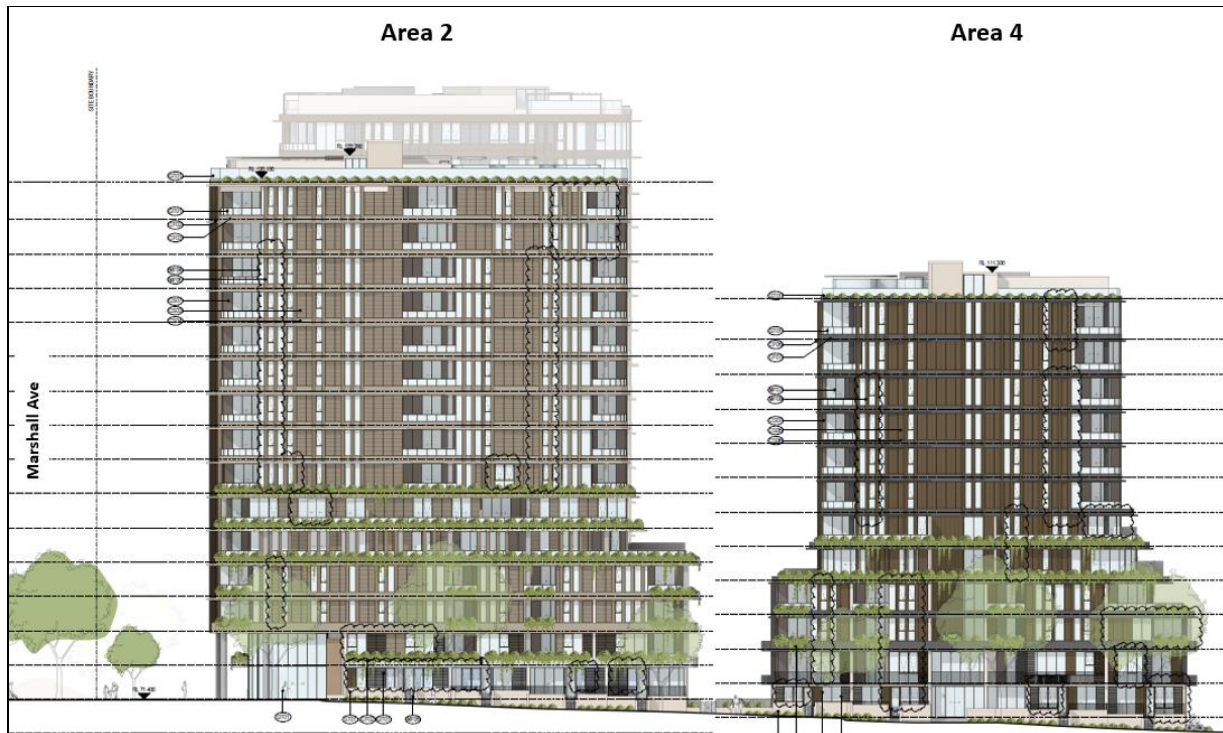


**Figure 18: West elevation of Area 1. From Canberra Avenue.**



**Figure 19: South Elevation of Area 4. From southern boundary.**





**Figure 20: West elevation of Areas 2 and 4. From Holdsworth Ave.**

#### **4.1.2 Detail Development Description**

The Development Application is for the construction of three residential flat buildings and basement parking at 1 - 5 Canberra Avenue, 4 - 8 Marshall Avenue, 2 - 8 Holdsworth Avenue St Leonards South, known as Areas 1, 2 and 4.

- Demolition of the existing dwellings and structures;
- Construction of three (3) residential flat buildings (12 storeys, 15 storeys and 19 storeys) comprising a total of 232 apartments and townhouses (including 21% adaptable);
  - 46 x 1 bedroom (20%)
  - 131 x 2 bedroom (56.47%)
  - 40 x 3 bedroom (17.3%)
  - 15 x 4 bedroom (6.4%)
- 28 apartments (2-bedroom) dedicated as affordable housing;
- Four-storeys of basement car park, comprising 348 parking spaces including;
  - 348 residential car parking spaces (including 47 accessible car spaces);
  - 42 visitor car parking spaces (including 5 accessible car spaces);
  - 18 motorcycle spaces;
  - 84 bicycle spaces;
- Provision of greater than 900sqm of public open space in Area 1 and greater than 400sqm of public open space in Area 2;
- Creation of a green spine communal space on ground level;
- Vehicle access and egress provided via Canberra Avenue;
- Approx. 272.8m<sup>2</sup> communal roof terrace area on Area 4 and approx. 412.1 m<sup>2</sup> communal roof terrace area on Area 2.
- Solar panels on roof top; and
- Tree removal.

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

## 4.2 Staging

It is proposed that the development would be constructed in stages. Council's Environmental Health Officer recommended in the draft conditions of consent the submission of a Construction Management Plan prepared for the site and submitted to Council for written approval prior to the commencement of work which would specify the staged construction and occupation certificates over the 3 sites.

## 4.3 Subdivision

No subdivision is proposed as part of this Development Application. If supported Lot consolidation would be 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 12** to this report with the Overall Landscape Plan provided in **Figure 21** below.



**Figure 21: Proposed Landscape Masterplan for Areas 1, 2 and 4 (Source: ARCADIA)**



#### **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.7L** (see **Annexure 1**) and the submitted arborist report (**Annexure 18**). Tree replacement is detailed in the submitted landscape document package (**Annexures 12 and 22**) and draft conditions.

##### **4.4.2.1 Tree Preservation**

The proposal includes the retention of all 15 street trees on Marshall, Canberra and Holdsworth frontages. 6 trees on site are proposed to be retained including Tree 16 which is a 16m high White Stringybark Tree. A further 9 trees have been identified to potentially be transplanted within the green spine.

##### **4.4.2.2 Tree Removal**

The proposal includes the removal of 27 on-site trees.

##### **4.4.2.3 Tree Replacement**

The submitted landscape plan details 58 proposed on-site replacement trees. Significant additional ferns, shrubs grasses and ground covers are also proposed in the landscaping plans.

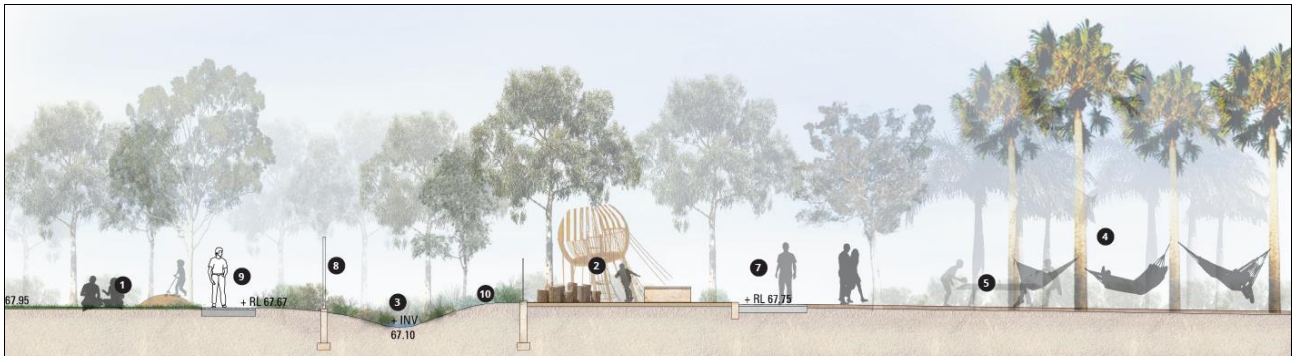
#### **4.4.3 Green Spine and Rooftop Communal Open Space**

The proposal provides shared communal open space in a 'green spine' (ground level communal open space) with facilities including table tennis, BBQ zone with dining tables, hammocks, shade structures, raised boardwalks, and child play areas. The Greens Spine directly links to a level 1 indoor/outdoor recreation facilities in Area 1 including lap pool and spas.

The communal roof top areas are also proposed on Area 2 and Area 4 with facilities such as: dining tables and chairs, firepit, bar seating, outdoor workspaces, pergola timber decking, outdoor cinema space and a kitchen / food preparation station.



**Figure 22: Zoom in of part of green spine BBQ and seating areas (Source: ARCADIA)**



**Figure 23: North - south section of part of green spine (Source: ARCADIA)**

#### **4.5 Public Domain Works**

The proposal includes the following required public domain works:

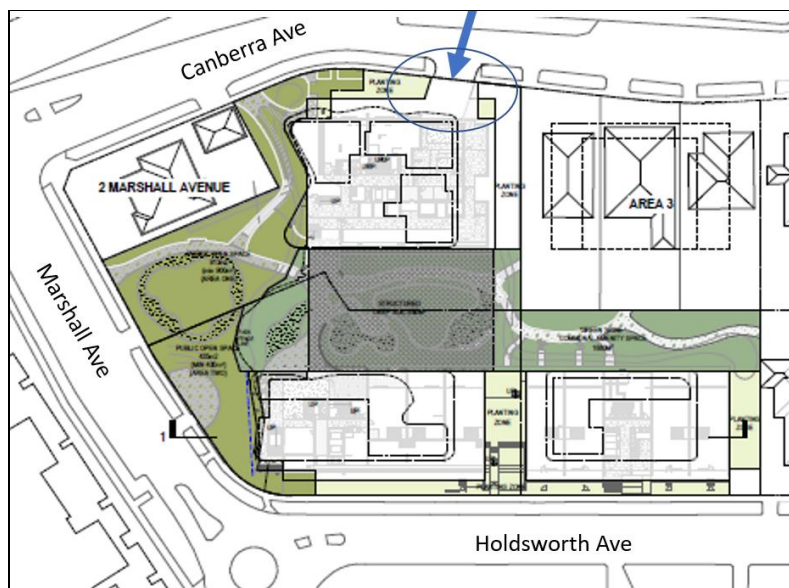
- **Public Space:** the dedication to Council in perpetuity of greater than 900sqm of public open Space in Area 1, and approximately greater than 400sqm of public open space in Area 2 embellished in accordance with the “Specifications for Public Open Space in the St Leonards South Precinct”;
- **Undergrounding 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 conditions 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 the **Canberra Avenue** frontage. Refer to **Figure 24** below.



**Figure 24: Vehicle access point from Canberra Avenue.**



#### 4.6.2 Pedestrian Access

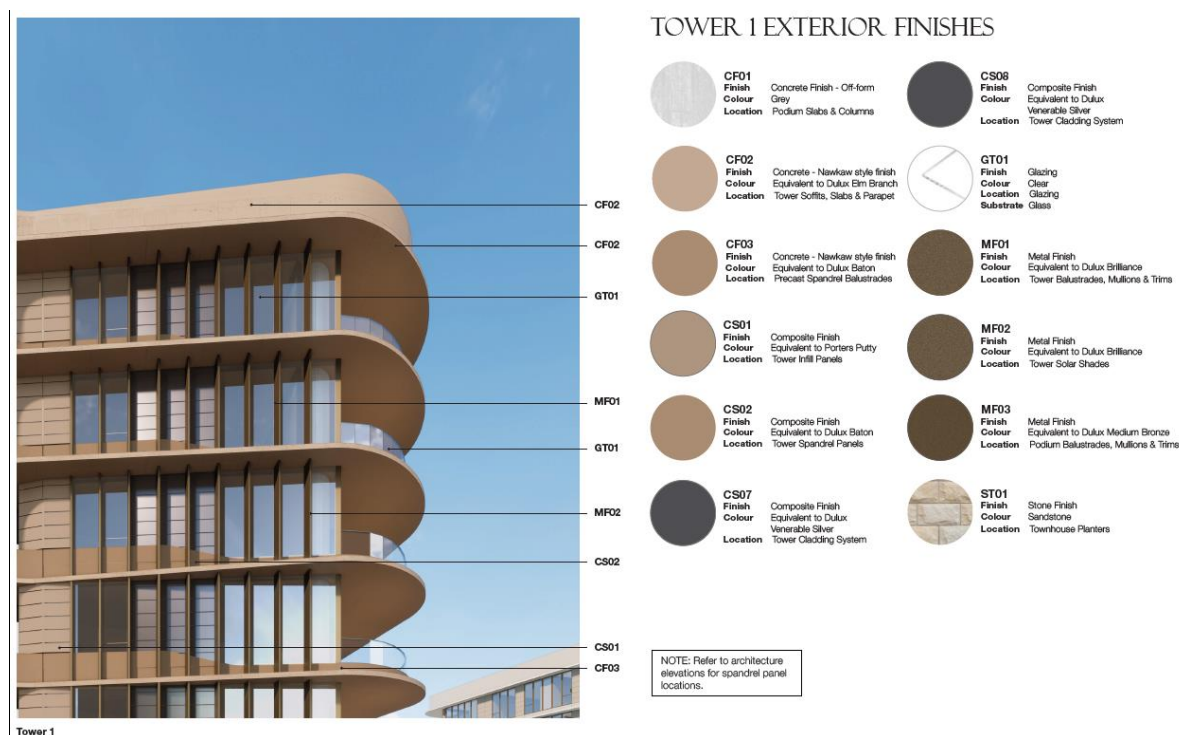
Pedestrian access is provided through the lobbies from Holdsworth Avenue and from Canberra Avenue. The lobbies are accessible from the basement, street frontages, green spine and public park.

#### 4.7 Materiality

The proposed external colours and finishes are detailed in **Figures 25, 26 and 27** and include sandstone podium materials to Holdsworth, Canberra and Marshall to draw from the character of the existing dwellings. A diversity of materials for all towers has been incorporated by a variety of solid elements including shading structures and cladding panels.

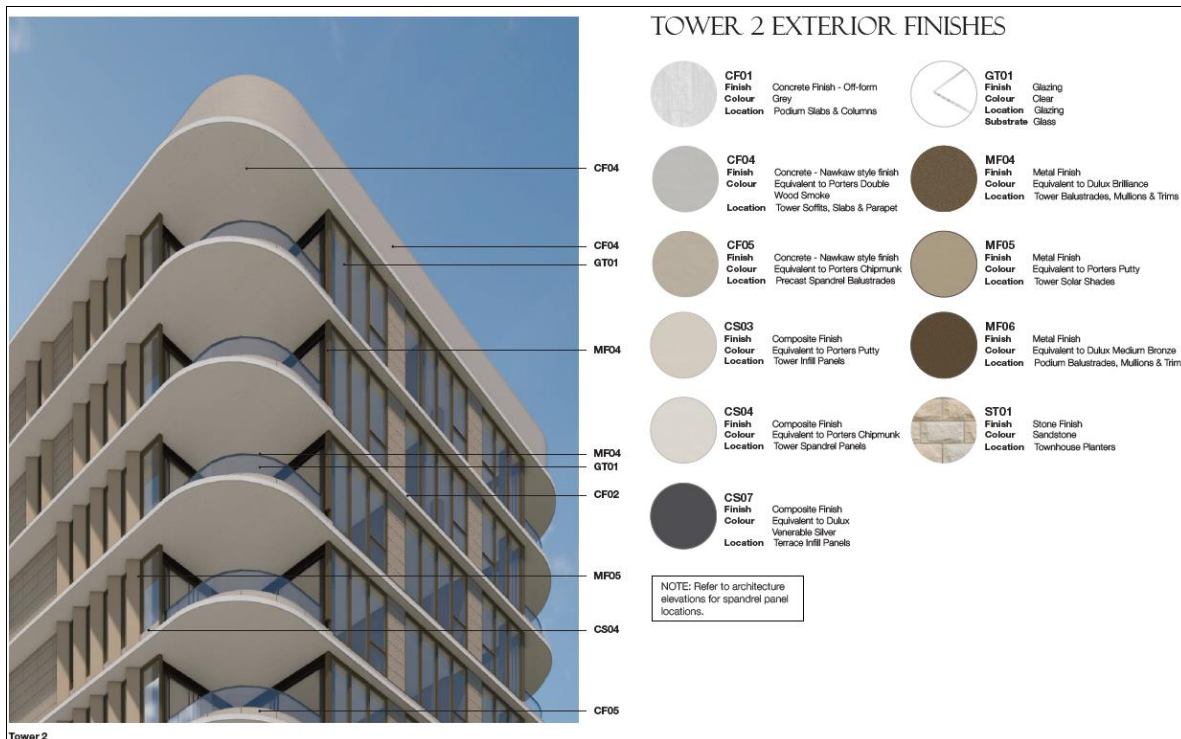
On lodgement, the materiality was further modified to address DEP comments relating to appearance and amount of glazing on the facades. A variety of solid elements were introduced to all three buildings including concrete and composite finishes, infill panels, precast spandrel balustrades to provide legibility and visual interest to the facades.

Modifications to colour palate and detailing for each tower to amplify individuality and provide clear architectural differentiation between the three buildings.

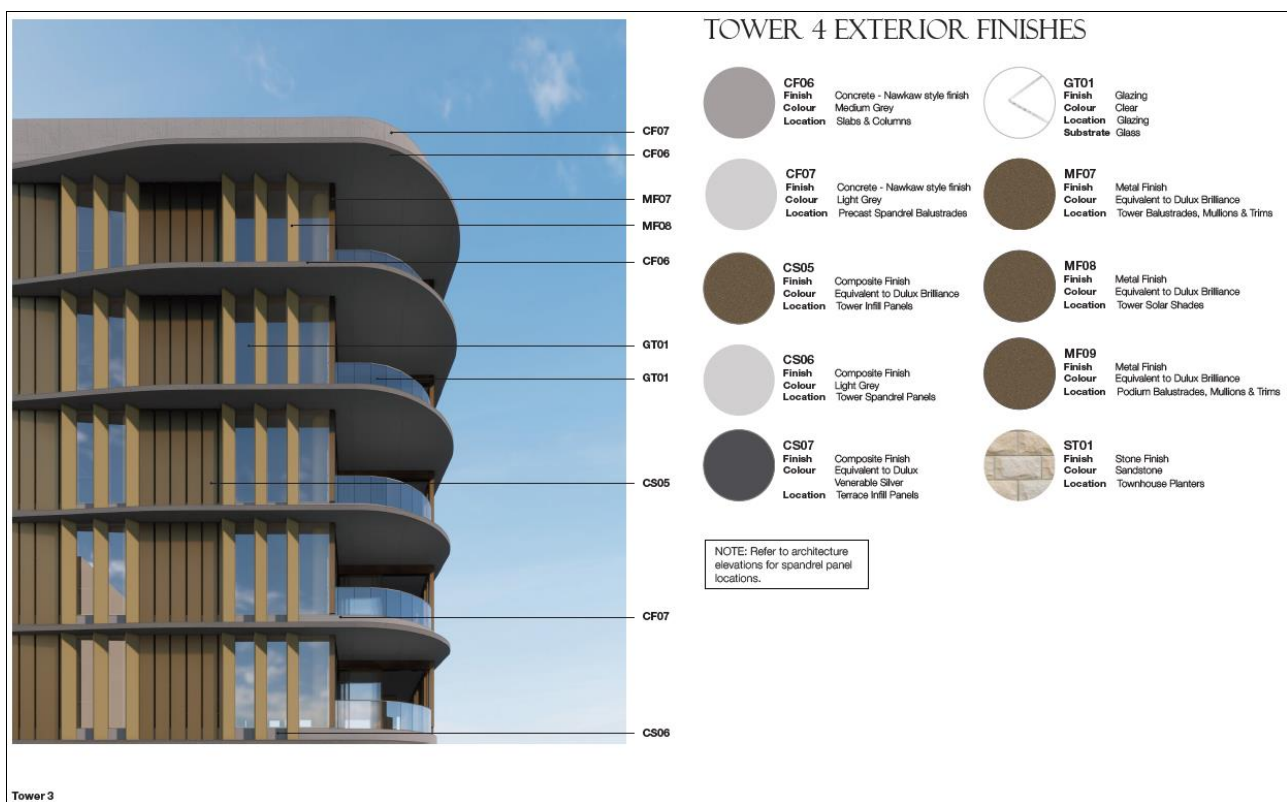


**Figure 25: External finishes Tower 1.**

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**Figure 26: External finishes Tower 2.**



**Figure 27: External finishes Tower 4.**

#### **4.7.1 Private Open Space**

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

#### **4.8 Waste Management**

Waste management is detailed in the submitted operational waste management plan (**Annexure 25**). Dual chute systems, comprising one general waste chute and one combined recycling chute would be installed in each of the three buildings, with access provided on each residential level. The chutes would transport waste via linear track systems into the chute discharge rooms within basement level 1 of each building. Council will be engaged to collect waste and recycling generated at this site in accordance with Council's collection schedule. Draft conditions have been recommended to address the waste requirements.

#### **4.9 Stormwater Management**

Stormwater management is detailed in the submitted stormwater management report (**Annexure 27**). Stormwater measures include Gross Pollutant Traps, Rainwater Reuse Tank (Area 4), and Grassed Swales. One Onsite Detention tank has been proposed for the site (in Area 1) including a discharge control pit to control potential minor and major storm events.

#### **4.10 Sustainability**

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

- BASIX Certificates for Areas 1, 2 and 4 (**Annexure 26**)
- Ecologically Sustainable Design Report (**Annexure 30**)

The reports outline various measures to achieve sustainability including a NatHERS 6.4 -star rating, EV-charging infrastructure and electricity and water usage reduction.

#### **4.11 Public Art**

The proposal was accompanied by a preliminary public art strategy (**Annexure 32**) which selects an artist and outlines the process for the design and installation of public art to the pocket parks with a value of \$130,000 on the site.

### **5. ASSESSMENT HISTORY**

#### **5.1 Assessment Timeline**

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

<b>Table 4 – Proposal Timeline</b>	
<b>Date</b>	<b>Description</b>
13 December 2021	NSROC Design Review Panel Meeting and Council Pre-DA Meeting.
13 May 2022	NSROC Design Excellence Panel Meeting.
18 July 2022	Subject Development Application lodged.



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20 July 2022	Public notification of Development Application commences
17 August 2022	Public notification of Development Application concludes (see <b>Annexure 4</b> for summary of submissions received).
26 August 2022	Letter sent to the applicant requesting additional information
2 September 2022	Public notification for Draft VPA commences
26 September 2022	Applicant provided response to additional information request.
30 September 2022	Public notification for Draft VPA concludes
27 October 2022	Draft VPA approved by Council
9 November 2022	Briefing of the Sydney North Planning Panel.
7 December 2022	Determination by the Sydney North Planning Panel.

## 5.2 Design Amendments

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

<b>Table 5 – Plan Amendments</b>	
<b>Revision</b>	<b>Description</b>
Revision 1	Submitted with Development Application.
Revision 2	<p>Submitted on September 2022 as part of the response to request for additional information. The principal amendments are as follows:</p> <ul style="list-style-type: none"> <li>• Removal of Building articulation sun shading devices encroaching into the green spine;</li> <li>• Building articulation elements to street setbacks along Holdsworth and Canberra Avenue have been reduced to a maximum of 500mm to ensure encroachment for articulation is compliant with the Lane Cove DCP;</li> <li>• Realignment of boundary between the pocket park and green spine to maintain minimum recreation areas and ensure 50% of the green spine is deep soil.</li> <li>• Amended arborist report to remove Tree 18 (radiata pine)</li> <li>• Amended landscape report to confirm landscaping design archives 50% replacement canopy across green spine.</li> <li>• Increase depth of 'structured deep soil' over the basement from 1m to 1.3m.</li> </ul>
Revision 3	<p>Submitted 16 November 2022 as part of the response to request for additional information. The principal amendments are as follows:</p> <p>Amended architectural plans:</p> <ul style="list-style-type: none"> <li>• Inclusion of 1.7m high privacy screens to balconies and windows between tower 2 (southern elevation) at all levels, and raised height and depth of planter box on level 6 townhouse.</li> <li>• Inclusion of 1.7m high screens to balconies and windows of tower 4</li> </ul>

	(northern elevation) up to level 5. <ul style="list-style-type: none"> <li>• Changes to parking arrangements at basement level 4</li> </ul> Landscaping plans and landscaping report: <ul style="list-style-type: none"> <li>• Changes to pocket park landscaping arrangement at Canberra Avenue frontage.</li> <li>• Realignment of fence between communal area and pocket park</li> </ul>
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### 5.3 Additional Information

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

<b>Table 6 – Additional Information</b>	
<b>Report</b>	<b>Description</b>
Architectural Plans	Full set of amended architectural plans
Amended documentation	Updated Landscaping plans Updated BASIX Certificate Updated Landscaping report\ Updated ESD Report Redevelopment analysis documentation for 2 Marshall Avenue Updated Arborist
Response to Submissions	Prepared by Ethos Urban

## 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.

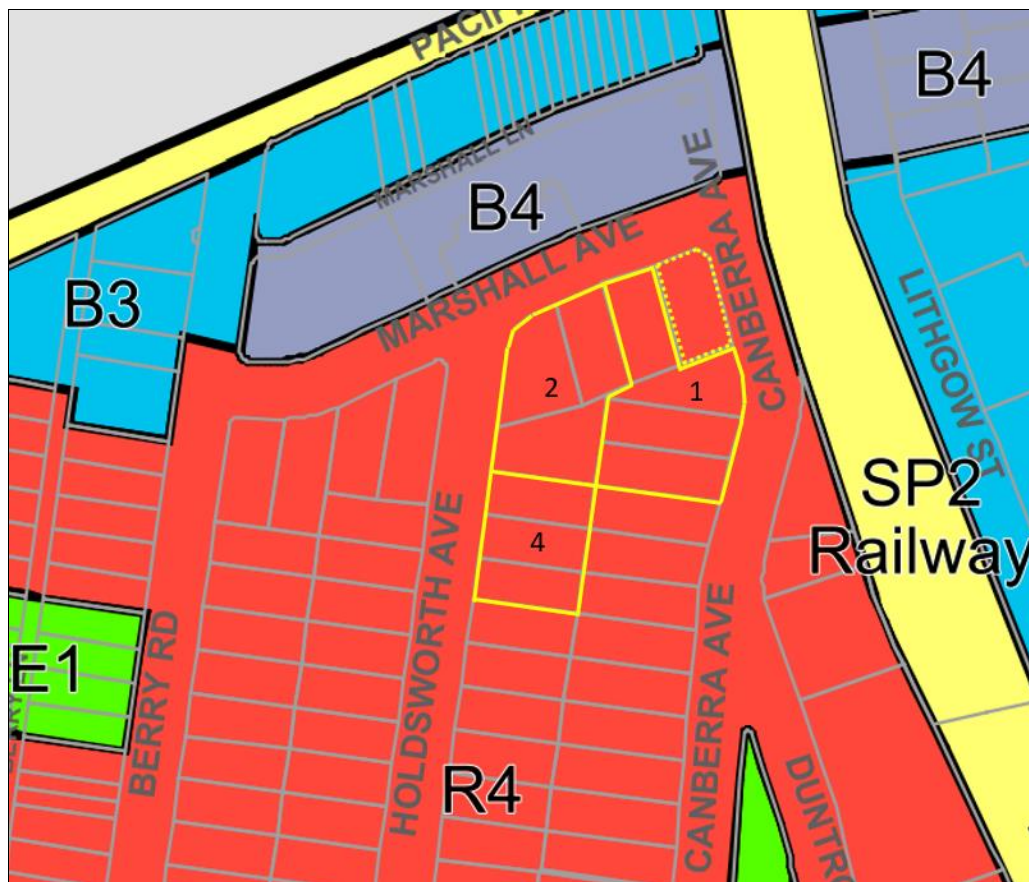


Figure 23: Zoning Map (Source: Council GIS system Geo-cortex)

#### 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 (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**



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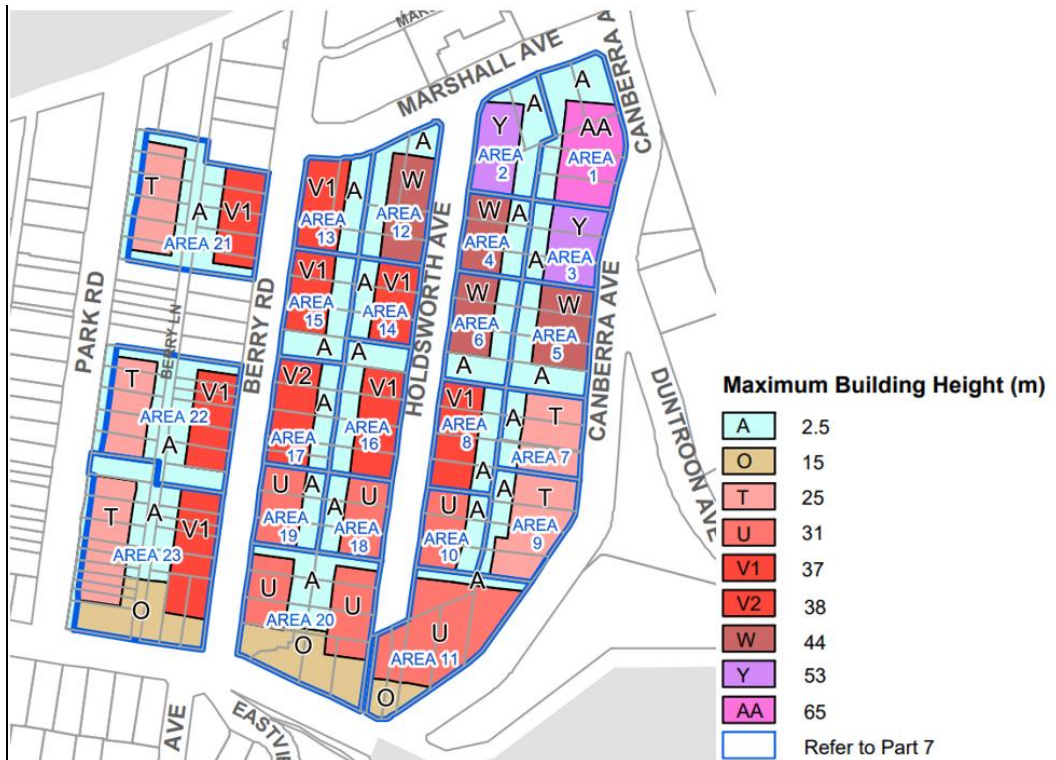
Category	Requirement	Proposed	Compliance
<b>Unit Mix</b>	Minimum 20% of 1/2/3 bedroom units	46 x 1 bedroom (19.8%) 131 x 2 bedroom (56.47%) 40 x 3 bedroom (17.3%) 15 x 4 bedroom (6.4%)	Yes
<b>Green Spine Setbacks</b>	The provision of setbacks to establish communal open space and green spines between buildings.	Setbacks provide for the required and planned green spine widths.	Yes
<b>Minimum Site Area</b>	Area 1: 3000sqm Area 2: 2000sqm Area 4: 1500sqm	Area 1: 2736sqm Area 2: 2320.5sqm Area 4: 1670sqm	No  Area 1 is 264sqm below the minimum site area requirements or an 8.8% variation to the development standard. Refer to Clause 4.6 section in report.
<b>Affordable Housing</b>	28 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 would provide a minimum of 28 dwellings to be used for the purposes of affordable housing. Including: Area 1: 14 dwellings Area 2: 7 dwellings Area 4: 7 dwellings	Yes
<b>Recreation Area</b>	Greater than 900sqm in Area 1 and greater than 400sqm (total 1300sqm) in Area 2 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 1300m <sup>2</sup> is proposed fronting Marshall Avenue.	Yes
<b>Pedestrian Link</b>	Area 1, 2 and 4 are 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 with the exception of minimum site area which is addressed by a Clause 4.6 variation discussed later in this report.

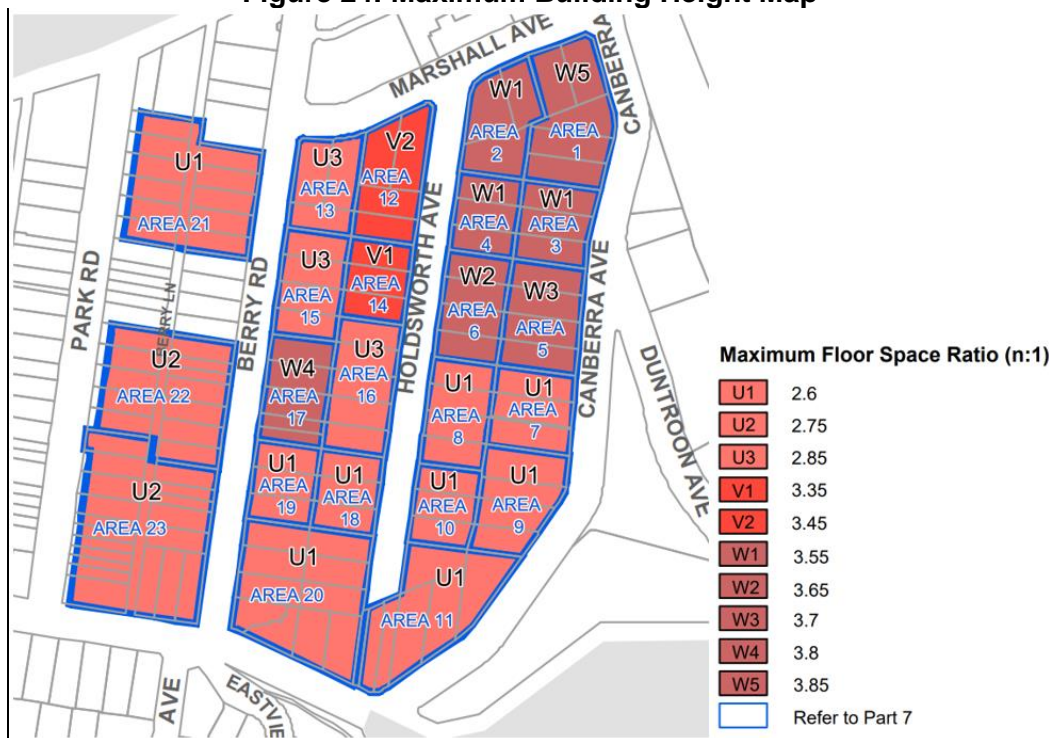
#### 6.1.1.2.3 Incentive Building Height and Floor Space Ratio Controls

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The incentive building height (**Figure 24**) and incentive floor space ratio (**Figure 25**) apply to the development.



**Figure 24: Maximum Building Height Map**



**Figure 25: 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.

<b>Table 8 – Compliance with Incentive Building Height</b>			
<b>Category</b>	<b>Incentive Building Height (Max.)</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Area 1</b>	65m	64.8m	Yes
<b>Area 2</b>	53m	52.5m	Yes
<b>Area 4</b>	44m	43.5m	Yes

**Note:** The incentive building height map includes a 2.5m zone through the pedestrian link and green spine. The proposal as amended 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.

<b>Table 9 – Compliance with Incentive Floor Space Ratio</b>			
<b>Category</b>	<b>Incentive FSR (Max.)</b>	<b>Total Proposed</b>	<b>Compliance</b>
<b>Area 1</b>	3.85:1 (10,535.5sqm)	3.85:1 (10,535.5sqm)	Yes
<b>Area 2</b>	3.55:1 (8237.8sqm)  (24,703.6sqm including Area 4)	3.55:1 (8525.8sqm)	Yes
<b>Area 4</b>	3.55:1 (5930.3sqm)  (24,703.6sqm including Area 2)	3.55:1 (5642.3sqm)	Yes

The controls permit floor space to be apportioned across sites with the same FSR control that share a boundary.

The applicant submitted a legal opinion in relation to apportioning the FSR across the combined site areas of Area 2 and Area 4 (**Annexure 16**). The conclusions of the advice are considered satisfactory namely:

- i. The FSR is the same (3.55:1) across Areas 2 and 4; and

- ii. 'Site Area' is defined under LCLEP 2009 by the development site boundaries not individual areas.

In view of (i) and (ii) above, the proposal is considered satisfactory with respect to the maximum floor space ratio.

iii. **Clause 4.6 Prohibition (Height and FSR)**

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. The proposal seeks to rely on Clause 4.6 of LCLEP 2009 to address clause 7.2. minimum site area requirements for Area 1. The clause 4.6 is addressed below:

**6.1.1.2.5 Variation to minimum Site Area. (Area 1).**

Under Clause 7.2 of the Lane Cove LEP 2009 Area 1 is afforded a minimum site area of 3000sqm. The residential dwelling house known as 2 Marshall Avenue which is located at the north-eastern corner of Area 1 has not been included in the development site.

As a result, Area 1 is 264sqm below the minimum site area requirements of 3000sqm. The proposal for Area 1 is 2736sqm or an 8.8% variation to the development standard.

The development application combines Areas 1, 2 and 4 in the SLS precinct. The minimum site area requirement for Areas 1,2 and 4 combined (3000sqm + 2000sqm + 1500sqm) is 6500sqm). The development site area exceeds the minimum requirement overall (6727sqm). The applicant has acquired 10 out of the 11 sites within Areas 1, 2 and 4.

**NSW Planning Principle – relating to isolated sites (Karavellas v Sutherland Shire Council)**

With respect to the development not including 2 Marshall Avenue, Council requested that the applicant address the NSW Planning Principle relating to isolated sites (*Karavellas v Sutherland Shire Council*). The Karavellas case states:

**The general questions to be answered when dealing with amalgamation of sites or when a site is to be isolated through redevelopment are:**

- ***(1) is amalgamation of the sites feasible?***
  - (i) The applicant has appropriately dealt with the site isolation issue including:
    - Provided evidence of engagement after ongoing negotiations that did not reach an agreement on price.
    - Submitted copies of three independent valuations which formed the offers made to the landowners of 2 Marshall Avenue.
    - Provided evidence of the offers made to the owner of 2 Marshall Avenue.
  - (ii) Council is satisfied that the applicant obtained independent evaluations and made reasonable attempts to purchase 2 Marshall Avenue prior to the lodgment of the development application. Council is satisfied that the development can still proceed despite agreement not being reached between the two parties.



Council is aware that 2 Marshall Avenue have contacted the applicant in September and October 2022 in relation to purchasing the property.

- ***(2) can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?***
- (i) The applicant has submitted several development concept designs to demonstrate that 2 Marshall Avenue can be redeveloped in its own right. A range of permissible uses under the R4 High Density Residential Zone of the Lane Cove LEP 2009 and the SEPP (Housing) 2021 have been provided. The applicant provided 10 redevelopment options for the site based on permitted uses in the R4 zone, and development permitted under the Housing SEPP 2021. Unless a use is prohibited within the R4 zone, Council can consider development proposals in a formal DA. Proposals with variations to Council's DCP controls. DCP controls are guidelines. It is considered these concept drawings demonstrate that 2 Marshall Avenue can be economically and viably redeveloped on its own, such that the isolation of the site by the current proposal would not adversely preclude some form of redevelopment potential. The proposed development has been scaled appropriately to respond to both the existing and potential future condition of 2 Marshall Avenue, therefore orderly and economic development can still be achieved despite not being included in the proposed scheme.

#### **Clause 4.6 - Minimum Site Area**

In terms of the variation from the minimum site area requirements (Clause 7.2), Clause 4.6 of the Lane Cove LEP 2009 allows the consent authority to vary development standards in certain circumstances and provides a degree of flexibility to achieve a better design outcome depending on circumstances. The Sydney North Planning Panel can grant an exception to the minimum site area development standard for Area 1, in this case as the Director -General's concurrence can be assumed where clause 4.6 is adopted as per Department of Planning circular PS 08 -003 date 9<sup>th</sup> May 2008.

1. As per the requirements of Clause 4.6(4)(a)(i) of the Lane Cove LEP 2009, the applicant has submitted a written request to vary the development standard demonstrating that compliance is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the standard. The written request is summarised as follows:
  - The variation achieves the objectives of the St Leonards South Precinct;
  - If the required site areas are combined for Areas 1, 2 and 4 (3000sqm + 2000sqm + 1500sqm = 6500sqm), the development site area exceeds the minimum requirement overall (6727sqm);
  - Despite the inability to meet the minimum site area requirement for Area 1, the proposed development would still meet the minimum required public recreation area of 900sqm in Area 1 and 400sqm in Area 2 providing a total of 1300sqm of land for the purpose of public recreation area. This land is positioned at the northern portion of the site and is to be dedicated as a pocket park to Council under the terms of the Voluntary Planning Agreement between Council and the applicant;
  - The proposed development exhibits high quality design and design excellence and would not result in any adverse impacts to the surrounding area;

- The proposed development has demonstrated an appropriate response to the Land and Environment Court Planning Principle for site isolation under *Karavellas v Sutherland Shire Council*;
  - The proposed development has been designed and scaled appropriately to respond to 2 Marshall Avenue remaining as is, and in response to its likely future condition (if the existing dwelling is demolished and developed)
  - Various negotiations have been undertaken to reasonably acquire the lot at 2 Marshall Avenue in accordance with the L & E Court Planning Principle.
  - The variation is in the public interest because it is consistent with the objectives of the zone, the St Leonard's South Precinct and would assist with housing diversity and affordability in the Lane Cove LGA, including the delivery of 28 required LEP affordable dwellings and pocket park dedicated to Council. It would not be in the public interest to delay or prohibit the delivery of these areas in the St Leonards Precinct if strict compliance with the minimum site area development standard were enforced.
2. As per Clause 4.6(4)(a)(ii) of the of the Lane Cove LEP 2009, the consent authority must be satisfied that the proposed development would be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone.

The objectives of the R4 High Density Residential Zone are:

- *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.*

The proposal is considered to be consistent with the overall objectives of the zone as:

- The proposal would provide 232 new dwellings for a growing population within a high-density residential environment.
- The proposal would provide a dwelling mix of 1, 2 3 and 4-bedroom residential units as well as 21 townhouse dwellings, and includes 28 affordable dwellings. The variety of housing types would cater to a diverse demographic within a high-density residential environment.
- The site is serviced by a range of well-established and frequent public transport services. The nearest bus stops along Pacific Highway are an approximate 200 to 300 metre walk from the site. St Leonards Railway Station is approximately 200 metres to the north and within a five-minute walk.
- The site is in close proximity to the St Leonards CBD which is an established health and education precinct, with Royal North Shore Hospital, North Shore Private Hospital and TAFE NSW Northern Sydney Institute located north of the site and within an accessible walk.

- Areas west and south of the site are also within the St Leonards South Precinct and are at various stages of being redeveloped to accommodate high density residential apartment buildings as envisaged by the SLS Masterplan. The proposal has been designed and scaled appropriately to ensure no adverse impacts to the amenity of the existing neighbourhood north and west of the site in terms of shadows, privacy, view loss, traffic, among others.
- Approximately 55% of the subject site would be soft landscape, due to a combination of large public, private and elevated landscaping. This includes approximately 1680sqm dedicated to a central green spine communal area, and over 1300sqm of public recreation area to be dedicated to Council as a pocket park. Over 50% of the green spine is unencumbered deep soil and can accommodate compliant soil volumes for vigorous canopy trees at a replacement ratio of 1:1.
- The applicant submitted solar access diagrams of the pocket park which confirmed that the amended park configuration would receive higher solar access than the original Masterplan location.
- The proposal would not result in site isolation as the applicant has demonstrated that the site at 2 Marshall Avenue can be redeveloped in its own right.

While clause 7.2 of Lane Cove LEP 2009 does not contain any specific objectives to the minimum site area requirements development for the standard, Clause 7.1 contains the overarching objectives for the St Leonards South Precinct which is to promote (by providing building height and floor spaces incentives), residential development within the St Leonards South Precinct that provides for:

- (a) community facilities, open space, including communal open space, and high-quality landscaped areas, and*
- (b) efficient pedestrian and traffic circulation, and*
- (c) a mix of dwelling types in residential flat buildings, providing housing choice for different demographics, living needs and household budgets, including by providing affordable housing, and*
- (d) the amalgamation of lots to prevent the fragmentation or isolation of land.*

In the absence of particular objectives for minimum site area development standard, the proposed development is assessed as satisfactory against the overall objectives of development on land in St Leonards South Precinct.

The proposal is considered to be consistent with the overall objectives of the zone and the development standard and is within the public interest.

It is noted that Clause 4.6 of the Lane Cove LEP 2009 excludes all other development standards related to St Leonards South Precinct (i.e., height FSR, recreation area, affordable housing etc). Minimum site area is the only development standard in the precinct able to use a clause 4.6.

In view of the circumstances, the proposed development is acceptable as it is generally consistent with the remaining amalgamation pattern envisaged in the planning controls contained with Part 7 of LCLEP.

It is considered that the applicant has sufficiently justified that strict compliance with the development standard is unreasonable or unnecessary in this instance. For the reasons outlined above, there are sufficient environmental planning grounds to justify the departure and it is recommended that a clause 4.6 exception be granted. Further it is not considered that the isolated site issue should be an impediment to the progress of this DA, as the Applicant has demonstrated an appropriate response to the Land and Environment Court Planning Principle for site isolation.



### 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:

<b>Table 10 – Compliance with Design Excellence Provisions</b>			
<b>Clause</b>	<b>Provision</b>	<b>Comment</b>	<b>Compliance</b>
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 Precinct. The submitted DA retains and enhances these elements. The proposal includes a colour and material palette for each tower to amplify individuality and provide clear architectural differentiation between Areas 1, 2 and 4. The material and colours is drawn from the tonality of existing local streetscape and trees.	Yes
7.1.6(4)(b)	<i>whether the form and external appearance of the development will improve the quality and amenity of the public domain,</i>	The form and external appearance integrates appropriately with the public domain. The overall massing of the 3 residential flat buildings draw from the existing masterplan intent of individual building forms sitting within a densely landscaped context.	Yes
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 all canopy trees in the public domain (Marshall, Holdsworth and Canberra Avenue frontages) and within the site where possible. In particular the proposal incorporates vigorous landscaping for dedicated public open space at the Marshall Street frontage leading into the communal green spine.	Yes
7.1.6(4)(d)	<i>whether the development detrimentally impacts on view corridors,</i>	The proposal sits within the key DCP building envelope planes. The proposal would not detrimentally impact on view corridors.	Yes
7.1.6(4)(e)	<i>whether the development achieves transit-oriented design principles,</i>	The site is serviced by a range of well-established and frequent	Yes

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	<p><i>including the need to ensure direct, efficient and safe pedestrian and cycle access to nearby transit nodes,</i></p>	<p>public transport services. The nearest bus stops along Pacific Highway are an approximate 200 to 300 metre walk from the site. St Leonards Railway Station is approximately 200 metres to the north and within a five-minute walk.</p> <p>The proposal would provide for a high-level of integration into pedestrian and cycle infrastructure including: 2.5m wide shared user path (SUP) at all street frontages, comprehensive network of pedestrian infrastructure including walking paths with the green spine, and into the public park at the northern portion of the site. The ESD report indicates low carbon transport options including provision of secure bicycle parking facilities with 84 bicycle parking spaces in the basement.</p>	
7.1.6(4)(f)	<p>the requirements of the <i>Lane Cove Development Control Plan</i>,</p>	<p>The proposal has been assessed against the Lane Cove Development Control Plan and is considered satisfactory.</p>	Yes
7.1.6(4)(g)	<p><i>how the development addresses the following matters—</i></p> <p>(i) <i>the suitability of the land for development,</i></p> <p>(ii) <i>existing and proposed uses and use mix,</i></p> <p>(iii) <i>heritage issues and streetscape constraints,</i></p> <p>(iv) <i>the relationship of the development with other development (existing or</i></p>	<p>(i) The land is suitable for the development;</p> <p>(ii) The proposed use mix (residential) is appropriate given the zoning. The development provides 28 affordable housing units as required under the LEP. The development is not required to provide any other alternate uses (childcare etc.)</p> <p>(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.</p> <p>(iv) The separation, setbacks, amenity, and urban form is</p>	Yes

	<p><i>proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</i></p>	<p>satisfactory. The interrelationship between the site and neighbouring sites have been carefully managed. A compliant setback is achieved between Area 1 and 2 Marshall Avenue. Building separation from Area 1 achieved (average 6m) to boundary 2 Marshall Avenue due to the provision of a public park adjacent to north-eastern boundary. Current dwelling house is approximately 12m from rear boundary. Therefore separation = 6m + 12m = 18m and complies.</p>	
	<p><i>(v) bulk, massing and modulation of buildings,</i></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.</p>	
	<p><i>(vi) street frontage heights,</i></p>	<p>(vi) Street frontage heights comply with the DCP factoring in the allowance of part storeys on a significantly sloping site.</p>	
	<p><i>(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,</i></p>	<p>(vii) The environmental impacts have been reduced through significant landscaping, sustainability initiatives (Nathers 6.4-star, All car spaces are ready for EV charging with conduit provided for 'crimp ready' connection to private chargers) and minimising overshadowing. A qualitative wind assessment report was submitted.</p>	
	<p><i>(viii) the achievement of the principles of ecologically sustainable development,</i></p>	<p>(viii) ESD is achieved as outlined in the submitted ESD Report and in achieving compliance with the DCP. Architectural shading and façade strategy have been proposed to minimise heat load.</p>	



	<p><i>(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,</i></p> <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>(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 Canberra 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 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.

<b>Table 11 – Additional LCLEP 2009 Provisions</b>			
<b>Clause</b>	<b>Provision</b>	<b>Comment</b>	<b>Compliance</b>
<b>6.1A - Earthworks</b>	<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>The proposal would result in up to approximately 19.1m of excavation.</p> <p>The proposal was accompanied by geotechnical investigation and construction and demolition waste management plans that ensure proper fill disposal, detail soil</p>	Yes

	<p>(d) <i>the effect of the proposed development on the existing and likely amenity of adjoining properties,</i></p> <p>(e) <i>the source of any fill material and the destination of any excavated material,</i></p> <p>(f) <i>the likelihood of disturbing relics,</i></p> <p>(g) <i>the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i></p>	<p>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>	
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**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 15**).

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**).

**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) –

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

#### **6.1.2.1 Design Review Panel**

The Development Application was referred to the Northern Sydney Region of Council's Design Review Panel on 13 December 2021 and Design Excellence Panel on 13 May 2022. The minutes of the meeting are provided as **Annexure 5** 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 Review Panel noted a design that responds well to the significant topography, the provision of significant deep soil within the green spine, and to the public park in the northern portion of Areas 1 and 2. The proposal is considered to be responsive design elements that will contribute to the existing future character which is higher density and heights, while being sensitive to the interface with the established character. Ground levels of all three buildings promote street activation and an articulated built form. 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 built form and scale reflects the anticipated built form specified in the LEP and DCP controls for the SLS precinct. The development complies with the maximum building height control, the number of storeys controls, building setbacks and street wall heights. All three buildings are characterised by 3 – 4 storey street podium elements with appropriate setback transitions above. The building facades have been well articulated and setback to be appropriately and sympathetic street condition when viewed from surrounding areas. 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. It is noted that the envisaged dwelling yield for Area 1, 2 and 4 was 289 dwellings (with the inclusion of 2 Marshall) where 232 dwellings are proposed. While these numbers are indicative only, the proposed development is not exceeding the anticipated density on two measures (FSR and anticipated dwelling yield). 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 provides 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 resulting in over 70% of apartments across the entire development site attaining a minimum of 1 hour and 45 minutes solar access between 9.00am and 3.00pm at winter solstice. Other sustainability measures are provided for as required by BASIX and the recommended draft conditions of consent (EV charging and Nathers 6.4-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, at level 1 of Area 1, to the rooftops of Areas 2 and 4, and in-between buildings, response to the specific micro-climate conditions created across the site through building placement, topography and site orientation. The proposal includes 1300sqm of public open space to be dedicated as pocket park. Over 50% of the green spine would be unencumbered deep soil capable of accommodating significant replacement canopy trees. All street trees on all street frontages will be retained. 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 wellbeing. 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 (Accessible to Building 1, 2 and 4) and to rooftop areas. Buildings 2 and 4 buildings are both provided with high-quality rooftop communal open space areas. The Design Review Panel is satisfied with the proposed internal amenity in relation to room layouts, solar access and natural ventilation. 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 frontages, passive surveillance of public and communal areas, and the incorporation of crime prevention through environmental design principles (CPTED). Pedestrian entries are well-lit and visible from internal communal areas and the public domain. The proposal was referred to NSW Police Local area command who raised no objections subject to draft conditions. 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 an appropriate apartment mix (minimum 20% 1/2/3 bedroom units. The proposal provides for 20% adaptable apartments, 80% visitable apartments and well-connected communal open space areas including within the green spine. A total of 28 affordable housing dwellings (2 bedroom) are provided as per the requirements of the LEP. 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:** On lodgement, the materiality was further modified to address DEP comments relating to appearance and amount of glazing on the facades. A variety of solid elements were introduced to all three buildings including concrete and composite finishes, infill panels, precast spandrel balustrades to provide legibility and visual interest to the facades. The three buildings have been designed with unique colours and finishes which reflect each street frontage and natural conditions. The lower podiums utilise visually solid elements such as sandstone walls, and natural finish concrete to draw from the existing low scale housing in the area, and transitioning to future high level residential flat buildings. The proposed warm colour palettes and façade treatments activate the streetscape of the townhouses at ground floor. The proposal provides for a highly integrated aesthetic (built-form, landscape, public/private domain interfaces). The proposed materials and finishes meet Council's requirements and are supported. 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.

<b>Table 12 – SEPP No. 55 Clause 7 Compliance Table</b>	
<b>Provision</b>	<b>Compliance</b>
<p><i>(1) A consent authority must not consent to the carrying out of any development on land unless -</i></p> <p><i>(a) it has considered whether the land is contaminated</i></p> <p><i>(b) 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><i>(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.</i></p>	<p><b>Complies</b> - The proposal was accompanied by a Detailed Site Investigation Report (<b>Annexure 21</b>) to assist Council in determining compliance with Clause 7(1) of SEPP Hazards and Resilience which does not raise any issues of contamination.</p>
<p><i>(2) Before determining an application for</i></p>	<p><b>Complies</b> – The Detailed Site Investigation</p>



<b>Table 12 – SEPP No. 55 Clause 7 Compliance Table</b>	
<b>Provision</b>	<b>Compliance</b>
<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>	Report is considered satisfactory by Councils Environmental Health Officer subject to recommended draft conditions.
<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>	<b>Complies</b> – The Detailed Site Investigation Report is considered satisfactory by Councils Environmental Health Officer subject to recommended draft conditions.
<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>	<b>Complies</b> - The site is not within an investigation area or listed in Table 1 to the guidelines. The Detailed Site Investigation Report submitted and is considered to be satisfactory

#### **6.1.4 SEPP (BASIX) 2004**

A BASIX certificate accompanies the application and is provided as **Annexure 26** 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 (Transport and Infrastructure) 2021

The proposal has been assessed against the relevant provisions of SEPP (Transport and Infrastructure) 2021 as detailed in **Table 13** below.

<b>Table 13 – SEPP (Transport and Infrastructure) 2021</b>		
<b>Clause</b>	<b>Assessment</b>	<b>Compliance</b>
<b>2.120 – Impact of road noise or vibration on non-road development</b>	The proposal was accompanied by an Acoustic Report which appropriately addresses the impact of road noise on the development in accordance with the Guidelines.	Yes
<b>2.122 – Traffic-generating development</b>	The proposal was referred to Transport for NSW under in accordance with Schedule 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021. TfNSW submitted comment which raised no objections subject to the developer providing monetary contributions towards local and regional transport infrastructure consistent with the developer contribution mechanisms.	Yes

**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 \$ 149,557,100.00 (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 but is significantly outside any 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 36** to this report.

### **ii. Notification Period**

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

<b>Public Notification</b>			
<b>Plan Revision</b>	<b>Lodgement Date</b>	<b>Notification Period</b>	<b>Unique Submissions Received</b>
<b>Revision 1</b>	18 July 2021	20/07/2022 – 16/08/2022	9
<b>Total</b>			9

### **iii. Summary of Submissions**

The unique 9 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.

## **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 7 December 2022 approve Development Application DA79/2022 for the demolition of existing structures and construction of a residential flat building development (consisting of 3 buildings between 12 and 19 storeys) comprising 232 apartments and basement parking for 348 vehicles, 28 affordable housing dwellings, and public open space of 1300sqm at 1 - 5 Canberra Avenue, 4 - 8 Marshall Avenue, 2 - 8 Holdsworth Avenue St Leonards



South subject to recommended draft conditions.

Mark Brisby  
**Executive Manager**  
**Environmental Services Division**

**ATTACHMENTS:**

There are no supporting documents for this report.