

# GYDE

## Statement of Environmental Effects

Residential Flat Buildings, Community Hall  
and Centre-based Childcare Facility

12-20 Berry Road & 11-19 Holdsworth Ave St Leonards, NSW 2065

submitted to Lane Cove Municipal Council

on behalf of Altis Bulky Retail Pty Limited as Trustee for Altis ARET Trust 22 ('Altis')



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**Project:** P-22238  
**Report Version:** Final

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# APPENDICES

The following plans and technical reports accompany the development application. GYDE Consulting has relied on the information in these reports, prepared by professionals in their field, for the preparation of this statement of environmental effects.

APPENDIX	DOCUMENT	PREPARED BY
A	Design Verification Statement	Silvester Fuller
B	Architectural Plans	Silvester Fuller
C	BCA Report	Steve Watson & Partners
D	BASIX Certificate	Integreco Consulting Pty Ltd
E	QS Report	Rider Levett Bucknall
F	Contamination Report	JBS&G
G	Geotechnical Report	Douglas Partners
H	Erosion and Sediment Control Plan	BG&E
I	Development Control Plan (DCP) and Apartment Design Guide Compliance Table	Gyde Consulting
J	Crime Prevention Through Environmental Design (CPTED) Report	Gyde Consulting
K	OWMP	Elephants Foot
L	C&D Site Waste Minimisation Plan	Elephants Foot
M	Detailed Traffic Assessment (TIA)	Traffix Pty Ltd
N	Sustainable Travel Access Plan (STraP)	Traffix Pty Ltd
O	Access Report	Morris Goding Access Consulting
P	Arboricultural Impact Assessment	Eco Logical Australia
Q	Connecting to Country Report	WSP
R	Construction Management Plan	Altis
S	Construction Traffic Management Plan	Traffix Pty Ltd
T	Design Excellence Report	Silvester Fuller
U	Draft Sewer Concept Plan	Sydney Water Corporation
V	Electrical Supply Report	Shelmerdines Consulting Engineers
W	Elevations and Sections	Silvester Fuller
X	ESD Report	Integreco
Y	Finishes and Materials	Silvester Fuller
Z	Floor Plans	Silvester Fuller
AA	Hydraulic and Wet Fire Services Statement	Norman Disney & Young
BB	Landscape Report and Plans	RPS



CC	NatHERS Certificate	Integreco
DD	Noise Impact Statement	Pulse White Noise Acoustics
EE	Owner's Consent	Altis
FF	Public Art Strategy	Altis
GG	Section J Report	Integreco
HH	SEPP 65 Design Verification Statement	Silvester Fuller
II	Sewer and Water Utility Statement	Craig and Rhodes Pty Ltd
JJ	Site Analysis Plan	Silvester Fuller
KK	Site Plan	Silvester Fuller
LL	Site Survey	SDG
MM	Solar Access and Shadow Diagrams	Silvester Fuller
NN	Solar Reflectivity Report	Windtech
OO	Stormwater Report	BG&E
PP	Structural Design Certificate	Dunnings Consulting Engineers
QQ	Wind Report	Windtech
RR	Berry Road Photomontage	Silvester Fuller & Narrative Graphics
SS	Green Spine Photomontage	Silvester Fuller & Narrative Graphics
TT	Holdsworth Avenue Photomontage	Silvester Fuller & Narrative Graphics
UU	3D Model (Giraffe) and CAD	3DAI
VV	Email Correspondence with Lane Cove Council (April 2021)	Lane Cove Council



## 1. INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared for Altis Bulky Retail Pty Limited as Trustee for Altis ARET Sub Trust 22 ('Altis') by Gyde Consulting to accompany a Development Application (DA) to Lane Cove Municipal Council. The site is located within the grounds of 12-20 Berry Road and 11-19 Holdsworth Avenue, St Leonards (the site).

This SEE has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Clause 50 of the Environmental Planning and Assessment Regulation, 2000. The purpose of this SEE is to:

- describe the proposed development and its context;
- assess the proposal against the applicable planning controls and guidelines; and
- assess the potential environmental impacts and mitigation measures

This SEE relates to the development proposal comprising of:

- the construction of two residential flat buildings with basement and semi-basement carparking;
- the construction of a community centre within one of the residential flat buildings;
- the construction of a centre-based childcare facility within the residential flat buildings (note: specifications for and operation of the centre will be subject to a separate Development Application).
- site preparation works including tree removal, earthworks and stormwater drainage;
- a pedestrian through site link extending between Berry Road and Holdsworth Avenue; and
- associated landscaping as outlined in the St Leonards South Precinct Landscape Masterplan.

The overall design development of the site has been modelled in accordance with the detailed principles and policies outlined under Precinct 8 – St Leonards South Precinct in Part C Residential Localities of the Lane Cove Development Control Plan 2010 (LCDCP 2010). This includes the implementation of the green spines and open spaces outlined in the St Leonards South Precinct Structure Plan, as well as the community hall and child care centre planned for the site. The proposal will provide a variety of apartment types with high levels of amenity for its residents as well as residents of surrounding developments.

The proposed development is defined as a residential flat building, a community hall, and a centre-based childcare centre under the Lane Cove Local Environmental Plan 2009 (LCLEP 2009) and is permissible with consent within the R4 High Density Residential zone applying to the land. Further, the proposal is strictly compliant with provisions in Part 7 – Additional local provisions – St Leonards South Area of the LCLEP 2009. Strict compliance is achieved with the provisions and development standards relating to incentive building height, incentive floor space ratio, affordable housing, mix of dwelling types, site area, community facility areas, as well as the location of pedestrian through site links.

Substantial compliance is also achieved with the relevant provisions of the Lane Cove Development Control Plan 2010 (LCDCP 2010). It is acknowledged that a minor variation of the setback provisions in Part C (Figure 9) of the LCDCP 2010 is proposed to reduce overshadowing of the neighbouring property to the south and enable the achievement of the planned density for the site reflected by the floor space ratio standard. Specifically, Part C prescribes a 6m setback from the east-west pedestrian link at 'Park Level', and an additional setback of 3m from the link at Levels 5 and above. The proposed setbacks, however, range from the required 6m setback at 'Courtyard Level/Park Level', 6m and 1.38m at 'Upper Ground level/Park Level', 1.38m between 'Upper Ground level/Park Level' and 'Level 4', 1.38m and 4.38m at Level 5, 4.38m between 'Level 5' and 'Level 8', 4.38m to 7.4m at 'Level 9', and 7.4m at 'Level 10'.

It is also worth noting that the proponent consulted Council in relation to the setback in April 2021. In their response to the matter (refer to email at Appendix VV), Council indicated that there may be scope to support some form of non-



compliance subject to a range of satisfactory outcomes.

Despite the variation, the proposed northern elevation is compliant with ADG standards and is of a high design standard. It achieves an attractive presentation to the east-west link and enhances casual surveillance over the through site link by positioning dwellings closer to the link. Because it is on the downhill side of the spacious pedestrian link, the variation does not create an inappropriate sense of enclosure.

Because the north facing elevation is located closer to the through site link, a portion of the link is able to be located partially below the proposed envelope providing protection under inclement weather. This enables the provision of equitable access along the sloping through site link by maintaining a shallower gradient and the provision of a lift to navigate the change in levels between Holdsworth Avenue and Berry Road. The additional through site link also improves internal amenity for the north facing dwellings, as the additional pedestrian link, which would have otherwise been at eye level to the dwellings, is now located underneath the building envelope.

It is worth noting that a similar variation was supported by Council, the Design Review Panel, as well as the Sydney North Planning Panel (SNPP) in relation to the nearby development site at 13 – 19 Canberra Avenue, St Leonards South (DA 21/162-01). Specifically, a 0m-3m setback was supported to the pedestrian through site link on that particular site whereas a 6m setback was required by the DCP (for levels 1-4), and a 3m-6m setback was provided to the link where a 9m setback was required for levels 5 and above. The variation was supported by the SNPP on the basis that the proposal offered significant community benefit, being a child care centre, a community facility as well as pedestrian through site link. It was also supported on the basis that the proposal achieved design excellence.

The proposal the subject of this SEE adopts similar setbacks and includes identical community benefits which formed part of DA 21/162-01. This proposal has also been the subject of a review by the Design Review Panel, and the proponent commits to ongoing collaboration with the panel to further refine the delivery of design excellence. In this case, the same merit based approach adopted for the proposal at 13-19 Canberra Avenue, should be adopted to the proposal the subject of this SEE.

The proposal also achieves the Landscape Master Plan applicable to the St Leonards South Precinct.

The SEE concludes this proposal is of an appropriate scale and mass for the site, is consistent with the desired future character of the area, is well designed and has no adverse amenity impacts. It is considered that the proposal will deliver an exceptional and appropriate development that provides outstanding public amenities for the site and its surroundings and is worthy of approval.



*Figure 1: Holdsworth Ave proposal perspective, with proposed through site link in foreground (Source: Silvester Fuller & Narrative Graphics)*



## 2. SITE ANALYSIS

### 2.1. Regional Context

The site is located at 12-20 Berry Road and 11-19 Holdsworth Avenue, St Leonards and is within the southern portion of the Lane Cove Municipal Council. The site is approximately 3 km north-west of North Sydney, 5 km south-east of Chatswood, and 8 km north north-west of the Sydney CBD. A map showing the location of the site within the context of the broader Greater Sydney region is included at Figure 2.

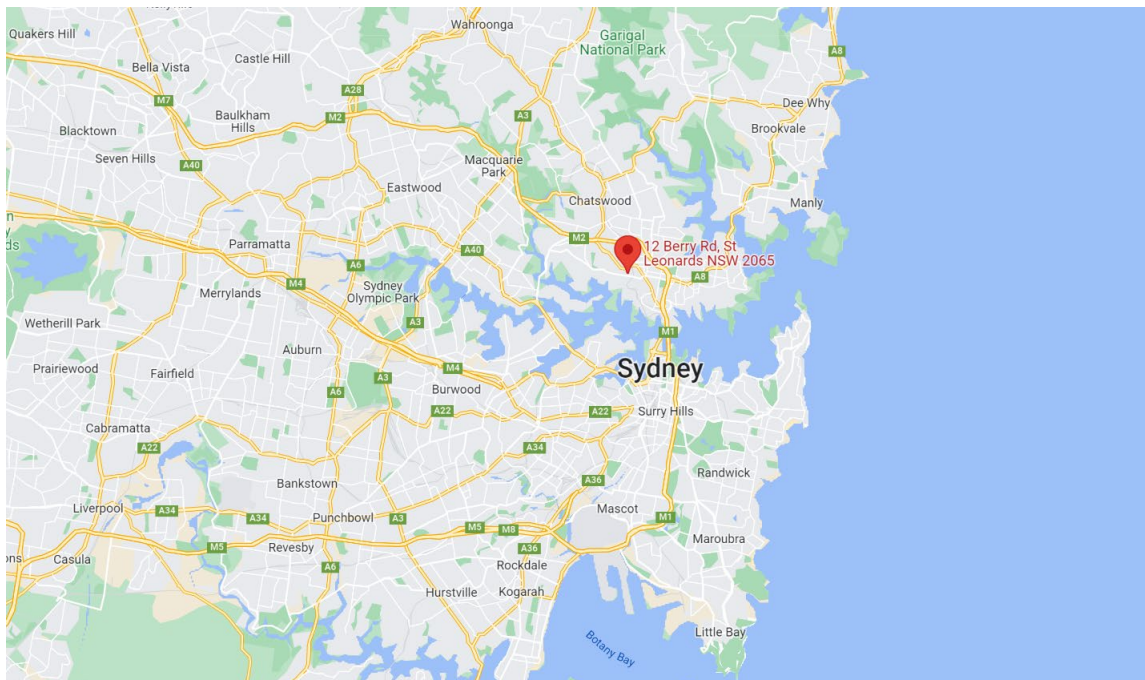


Figure 2: A regional context plan - site identified with red marker (Source: Google Maps)

### 2.2. Local Context

The site is located within the suburb of St Leonards which is located in the south-east of the Lane Cove LGA, in close proximity to North Sydney and Willoughby local government areas to the east and north respectively. St Leonards is characterised by a mixture of medium and high density commercial and mixed use developments centred around St Leonards Station and the Pacific Highway, with the Royal North Shore Hospital located to north-west of the suburb and residential uses located to the south of St Leonards.

The site is located in an area referred to as the St Leonards South Precinct (the Precinct) which encompasses the current low-density residential uses to the south of the Pacific Highway. The Precinct is located approximately 300m metres from the St Leonards Train Station, and 500m from the soon to be completed Crows Nest Metro Station. The Precinct has been recently rezoned from R2 Low Density Residential to R4 High Density Residential and is planned to undergo a significant transformation. Further analysis of the new planning controls associated with the rezoning is analysed in Sections 4-6 of this SEE.



### 2.3. Site Address and Legal Description

The site is located at 12-20 Berry Road and 11-19 Holdsworth Avenue, St Leonards and consists of ten (10) lots. The legal description of the subject lots are outlined in the table below:

*Table 1: Legal description of lots within the site*

LOT ADDRESS	LEGAL DESCRIPTION
12 Berry Road, St Leonards	Lot 33, Section 2, DP 7259
14 Berry Road, St Leonards	Lot 32, Section 2, DP 7259
16 Berry Road, St Leonards	Lot 31, Section 2, DP 7259
18 Berry Road, St Leonards	Lot A, DP 110452
20 Berry Road, St Leonards	Lot B, DP 110452
11 Holdsworth Avenue, St Leonards	Lot 10, Section 2, DP 7259
13 Holdsworth Avenue, St Leonards	Lot 11, Section 2, DP 7259
15 Holdsworth Avenue, St Leonards	Lot 12, Section 2, DP 7259
17 Holdsworth Avenue, St Leonards	Lot 13, Section 2, DP 7259
19 Holdsworth Avenue, St Leonards	Lot 14, Section 2, DP 7259



## 2.4. Site Description

### 2.4.1. Dimensions

The site has rectangular dimensions as illustrated in Figure 3 below. The approximately length of each boundary is set out in Table 2.



Figure 3 - Cadastral map with the site outlined in heavy black. (Source: Sixmaps)

Table 2: Site dimensions

BOUNDARY	FRONTAGE	DIMENSION (M)
North	12 Berry Road & 11 Holdsworth Avenue, St Leonards	~ 73 metres
Northeast	12 Berry Road, St Leonards	~ 15 metres
East	Berry Road	~ 61 metres
South	20 Berry Road & 19 Holdsworth Avenue, St Leonards	~ 73 metres
West	Holdsworth Avenue	~ 76 metres



### 2.4.2. Existing Improvements

The site is occupied by numerous established, detached single and two storey dwellings of varying ages. Various outbuildings are also located throughout the site.

### 2.4.3. Topography

The St Leonards South Precinct is located on the south facing slope of the ridgeline that the Pacific Highway follows. Accordingly, the site slopes from north to south, with a cross fall of 3.5m on Holdsworth Avenue and 4.16m on Berry Road. Rather than being uniform, the cross fall is progressively steep moving from north to south.

The site also slopes from west to east, falling as much as 6.75m from Berry Road to Holdsworth Ave. In this case, the slope becomes increasingly steep towards Holdsworth Ave, with extremely steep gradients approaching 1:3.

### 2.4.4. Trees

A total of 66 mostly planted exotic and native trees are located throughout the site as well as within the adjoining public footpath. The locality is also characterised by a number of established street trees.

### 2.4.5. Hazards

The site is not constrained by any significant hazards such as flooding, bushfire, or the like. As discussed earlier, a sizeable gradient extends across this site, however, this can be easily adapted into any design.

### 2.4.6. Heritage

The site does not contain any items of environmental heritage, nor is it within a heritage conservation area. There are no heritage items in proximity to the site.

### 2.4.7. Soils and Geotechnical Conditions

Douglas Partners was engaged to investigate the site's soil, geotechnical and water table conditions. In summary, their investigations indicate that the site can accommodate the proposal structurally. It also stated that the permanent groundwater table is likely to be located well below the proposal lowest excavation level.

### 2.4.8. Parking, Access and Transport

All existing dwellings at the site include onsite parking. Berry Road and Holdsworth Avenue are easily accessible to Pacific Highway as well as the St Leonards Railway Station on the northern side of the highway. There are several public bus stops in the vicinity of the site, along the Pacific Highway.



2.4.9. Site and Streetscape photos



Figure 6 – Numbers 20, 18, 16 and 14 Berry Road.



Figure 5 - Numbers 14 and 12 Berry Road.



Figure 4 - Number 19 Holdsworth Avenue (RHS) and 11 Holdsworth Avenue.



## 2.5. Surrounding Development

The immediate locality is currently characterised by single and double storey detached dwellings. Such dwellings are surrounded by established yards. As indicated earlier, however, land generally between Berry Road, Marshall Avenue, Canberra Avenue and River Road form part of the St Leonards South redevelopment precinct. Carefully considered environmental planning controls recently made for this precinct will allow high rise residential development and supporting infrastructure.

Development consent 99/2021 was recently granted for 5 residential flat building accommodating a total of 330 dwellings at 21-41 Canberra Avenue and 18-32 Holdsworth Avenue, approximately 100m south of the site. In anticipation of the transformation that is planned to occur in the precinct, many of the existing dwellings in the precinct are now vacant.



*Figure 7 - Berry Road, a low-density residential area soon to be radically transformed into a carefully planned high density residential precinct. A park is proposed to replace the houses on the left hand side of the first image.*



*Figure 8 - Holdsworth Avenue with the nearby St Leonards Centre in the background.*



### 3. DESCRIPTION OF DEVELOPMENT

#### 3.1. Overview

The proposal involves:

- Two residential flat buildings (RFBs), up to 10 whole storeys in height, with a total of 130 dwellings (inclusive of 1 affordable dwelling), several communal open space areas, and 4 basement levels with parking for 180 residents, visitors and employees.
- A centre based childcare centre within the proposed Berry Road building to be delivered as cold shell will be dedicated to Council. The fit out and operation of the centre will be subject to future agreements with any operator, as well as a separate development application. Indicatively, the centre is expected to comprise approximately 450m<sup>2</sup> of area with a total external play area of 450m<sup>2</sup>.
- A 150m<sup>2</sup> community centre to be delivered as cold shell and will be dedicated to Council.
- The pedestrian through site link between Berry Road and Holdsworth Avenue as part of Site 16 will be dedicated to Council.
- Extensive landscaping within the Site boundary including the Green Spine and street frontages.

#### 3.2. Proposed Dwelling Mix

- 1 bedroom dwellings – 26 or 20%
- 2 bedroom dwellings – 59 or 45%
- 3 bedroom dwellings – 35 or 27%
- 4 bedroom dwellings – 10 or 8%

#### 3.3. Car Parking

- Total – 180
- Residential - 135
- Visitors – 26
- Community Centre - 0
- Childcare Centre – 19 \*\*\* This number is to be finalised with Council as Hill PDA feasibility adopted only 15 childcare spaces to be delivered for the Childcare centre.

#### 3.4. Demolition

All existing structures on the site are proposed to be demolished.

#### 3.5. Tree Removal

All existing trees on the site are proposed to be removed. Extensive new landscaping, in accordance with the St Leonards South Landscape Master Plan, is proposed as part of the development.

#### 3.6. Excavation and Filling

Excavation of approximately 15m is proposed to accommodate 4 basement levels and to achieve the levels prescribed in the Council's St Leonards South Landscape Masterplan.



### 3.7. Development Statistics

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

Table 3: Development Statistics

ELEMENT	PROPOSAL
Site Area	Site 16 (Holdsworth Avenue) – 2,786m <sup>2</sup> Site 17 (Berry Road) – 2,229m <sup>2</sup> Total Site Area = 5,015m <sup>2</sup>
Permissible FSR	Site 16 (Holdsworth Avenue) – 2.85:1 Site 17 (Berry Road) – 3.8:1
Permissible GFA	Holdsworth Avenue envelope – 7,940m <sup>2</sup> Berry Road envelope – 8,470m <sup>2</sup> Total = 16,410m <sup>2</sup>
Gross Floor Area (GFA)	Holdsworth Avenue envelope – 8,446m <sup>2</sup> (under by 24m <sup>2</sup> ) Berry Road envelope – 7,880m <sup>2</sup> (under by 60m <sup>2</sup> ) Total = 16,326m <sup>2</sup>
Childcare centre area	450m <sup>2</sup>
Community Centre area	150m <sup>2</sup>
Residential GFA	15,732m <sup>2</sup>
Maximum Height	Berry Road – 38m Holdsworth Avenue – 37m
Total Apartments	130
Total Affordable Dwellings	1
Total Parking	180

### 3.8. Landscaping, Communal Open Space and Public Domain

As anticipated by the St Leonards South Landscape Master Plan, the proposal includes extensive ground level as well as above ground landscaping. Much of the landscaping comprises of deep soil zones to facilitate tree growth. The proposal's landscaping, as well as elsewhere throughout the proposed envelopes, incorporates extensive Connection to Country strategies. Reference can be made to the proposal's landscape master plan, prepared by RPS, as well as the Connection to Country Strategy, prepared by WSP, for further details.

Some key details, however, are as follows:

- 1,211m<sup>2</sup> of deep soil areas, which is equivalent 24% of the site area.
- A 'green spine' which is 1,463m<sup>2</sup> in area and includes 732m<sup>2</sup> of deep soil.
- An outdoor play area within the green spine for a future childcare centre.
- A dry creek bed within the green spine to assist with stormwater management and connecting to country.





Figure 10: Perspective image of proposed green spine (Source: Silvester Fuller & Narrative Graphics)

### 3.9. Access

#### 3.9.1. Vehicular Access

Basement access is proposed via a driveway on Holdsworth Avenue for both private residential car parking and childcare centre car parking.

#### 3.9.2. Pedestrian Access

The proposal includes multiple pedestrian access points, including direct street access for the ground/lower ground dwellings from both Berry Road and Holdsworth Avenue. Access to the lobbies of both respective RFB envelopes will also be provided directly to/from both streets. In addition, the dwellings, childcare centre and community hall will also be accessible from the pedestrian through site link that is to be delivered by the Northern neighbour.

#### 3.9.3. Service Access

The lower ground level basement and associated Holdsworth Avenue driveway has been designed with a 4.5m clearance to allow service trucks to access the basement level waste storage areas.

### 3.10. Capital Investment Value

The capital investment value (CIV) of the project is estimated at \$78,000,000 inclusive of GST, as per RLB's Quantity Surveyor's Report.

In accordance with Section 2.19 of State Environmental Planning Policy (Planning Systems) 2021 and Section 2.15 of the Environmental Planning & Assessment Act, 1979 (EP&A Act), the DA will be assessed by Council, but determined by the Sydney North Regional Planning Panel (SNRPP).



## 4. STATUTORY PLANNING CONSIDERATIONS

### 4.1. Overview

The relevant statutory framework considered in the preparation of this report comprises:

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation 2021;
- State Environmental Planning Policy No. 65;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- Lane Cove Local Environmental Plan 2009.

Where relevant, these controls are addressed below.

### 4.2. Environmental Planning and Assessment Act 1979

#### 4.2.1. Section 1.3 – Objects

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

##### *1.3 Objects of Act*

*The objects of this Act are as follows:*

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development, and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental, and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities, and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

For the reasons set out on the following page, it is considered that the proposed development satisfies the above stated objects of the Act:



- The development will promote the social and economic welfare of the community by proper development as the site will provide high-quality housing and social infrastructure for the St Leonards South Precinct.
- The development facilitates ecologically sustainable development through a careful consideration of the social, economic, and environmental factors associated with the proposal.
- Promotes the orderly and economic use of the land while promoting the delivery of affordable housing.
- Promotes good design and amenity of the built environment through the design of the residential apartment building and its associated landscaping.

### 4.2.2. Section 4.15 of EP&A Act 1979

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

*Table 4: Section 4.15 of EP&A Act 1979.*

SECTION	COMMENT
Section 4.15(1)(a)(i) Any environmental planning instrument	Consideration of relevant instruments is discussed in Section 4
Section 4.15(1)(a)(ii) Any draft environmental planning instrument	Not relevant to this application.
Section 4.15(1)(a)(iii) Any development control plan	Consideration of relevant the development control plan is discussed in Section 5.
Section 4.15(1)(a)(iii) Any planning agreement	The applicant proposes a planning agreement offer (VPA) in relation to the proposed through site link, childcare centre, community centre, and any affordable housing component. The details of any VPA are subject to ongoing discussions with Council.
Section 4.15(1)(a)(iv) Matters prescribed by the regulations	Refer to Section 4.3.
Section 4.15(1)(b) - (e)	Refer to Section 6 of this SEE for consideration of (b), (c) and (e). Matter (d) relates to submissions and is a matter for the consent authority.

## 4.3. Environmental Planning and Assessment Regulation 2000

### 4.3.1. Section 29 – Residential apartment buildings

Section 29(2) of the Environmental Planning and Assessment Regulation 2021 (the Regulation) requires that a DA for a residential apartment building must be accompanied by a design verification statement from a qualified designer, which:

- (a) verifies that the qualified designer designed, or directed the design of, the development, and
- (b) explains how the development addresses—
  - (i) the design quality principles



This Verification Statement as well as the Apartment Design Guide (ADG) compliance table has been prepared by Silvester Fuller and accompanies this SEE at Appendix A.

In addition, Section 29 calls up Schedule 1 of the Regulation, which provides that any DA for residential apartment development to which State Environmental Planning Policy No 65—Design Quality of Residential Flat Development applies, must also be accompanied by information pertaining to its compliance with Part 3 & 4 of the Apartment Design Guide. These submissions requirements, including architectural and landscape plans, photomontages, and a digital model are submitted in support of this application (refer to Appendix B).

#### 4.3.2. Section 61 – Demolition

All demolition work will be undertaken in accordance with Section 62 of the Regulation requiring the consent authority to consider AS 2601 - 1991: The Demolition of Structures.

#### 4.3.3. Section 69 – Compliance with the BCA

Pursuant to the prescribed conditions under Clause 69 of the Regulation, any building work "must be carried out in accordance with the requirements of the Building Code of Australia". A BCA Assessment report has been prepared by Steve Watson & Partners, which demonstrates the development is capable of complying with the requirements of the Building Code of Australia for all uses proposed in the development, including residential flat buildings, the centre based childcare centre, and community facilities. This report accompanies this SEE at Appendix C.

#### 4.4. Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 (BC Act) lists and protects threatened species, populations and ecological communities that are under threat of extinction in NSW. Impacts to threatened species and endangered ecological communities listed under the BC Act are required to be assessed in accordance with Section 7.3 of the BC Act and Applicants must also consider whether their proposal will exceed the following Biodiversity Offset Scheme Development Thresholds:

1. Exceeding the clearing threshold on an area of native vegetation;
2. Carrying out development on land included in the Biodiversity Values Land Map; or
3. Having a 'significant effect' on threatened species or ecological communities.

The proposal will not exceed the threshold, is not located in the Biodiversity Values Land Map, and is not likely to have a significant effect on threatened species of ecological communities. In this case, the proposal does not necessitate biodiversity offsets and is consistent with the intent of the act.

#### 4.5. State Environmental Planning Policies

##### 4.5.1. State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

This Policy aims to improve the design quality of residential flat development to:

- Ensure such buildings contribute to sustainable development
- Provide sustainable housing in social and environmental terms
- Achieve better built form and aesthetics of buildings, streetscapes and the public spaces they define
- Better satisfy the increasing demand, changing social and demographic profile of the community
- Maximise amenity, safety and security for the benefit of occupants and the wider community
- Minimise the consumption of energy from non-renewable resources



To support these aims the SEPP introduces 9 design quality principles. These principles do not generate design solutions but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions.

An assessment of the proposed development, against these design principles and the Apartment Design Guide (ADG) criteria is contained in the SEPP 65 Design Verification Statement prepared by Silvester Fuller and provided at Appendix A.

In summary, the proposed development provides a positive contribution to its locality in terms of its design quality, the internal and external amenity it provides and an increase in housing choice and stock in the area. Furthermore, the proposed development is consistent with the aims and provisions of the ADG as indicated in the Design Verification Statement.

#### 4.5.2. State Environmental Planning Policy (Building Sustainability Index: BASIX) – 2004

The aim of this Policy is to establish a scheme to encourage sustainable residential development (the BASIX scheme). This on-line assessment tool calculates the dwelling's energy and water scores based on a range of design data.

SEPP BASIX requires the submission of a BASIX certificate to accompany an application for development consent for any "BASIX affected building". A BASIX certificate for the residential component of the development is provided at Appendix D.

#### 4.5.3. State Environmental Planning Policy (Planning Systems) 2021

Under Section 2.19 of the State Environmental Planning Policy (Planning Systems) 2021, "development specified in Schedule 6 is declared to be regionally significant development for the purposes of the Act." Under Schedule 6(2) of the SEPP, "Development that has a capital investment value of more than \$30 million" is declared as regionally significant development. As the Capital Investment Value of the development is \$78 million (see QS Report in Appendix E), the development qualifies as regionally significant development.

#### 4.5.4. State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 establishes State-wide provisions to promote the remediation of contaminated land.

Section 4.6 of the SEPP (Resilience and Hazards) 2021 requires that a consent authority must not grant consent to a development unless it has considered whether a site is contaminated, and it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

A contamination report has been prepared by JBS&G (see Appendix F) which has examined the site conditions as well as analysed samples taken from the site. Based on the results of the investigations undertaken in the preparation of the report, the site was unlikely to have been contaminated by previous land uses and detailed site inspection and subsequent intrusive investigation did not identify ACM, staining, odorous soils or other indicators of potential land contamination. Therefore, the report concluded that the site is suitable for the development of residential apartment buildings, a centre based child care facility, and community facilities.

#### 4.5.5. State Environmental Planning Policy (Transport & Infrastructure) 2021

Part 3.3 of the State Environmental Planning Policy (Transport & Infrastructure) 2021 relates to the development of child care centres. Whilst the proposal makes allowance for a childcare centre, it is effectively a tenancy only at this stage. It's arrangement, operation and capacity will be subject to a separate Development Application. The tenancy is provided with generous indoor areas, generous outdoor play space, excess parking, as well extensive noise



attenuation measures. In this case, it is expected that any future DA will be able to comply with the relevant provisions of the Transport and Infrastructure SEPP.

#### 4.6. Lane Cove Local Environmental Plan 2009

##### 4.6.1. Zoning

Pursuant to the Lane Cove Local Environmental Plan 2009 (LCLEP 2009), the site is zoned R4 High Density Residential, as shown on the image on the following page.

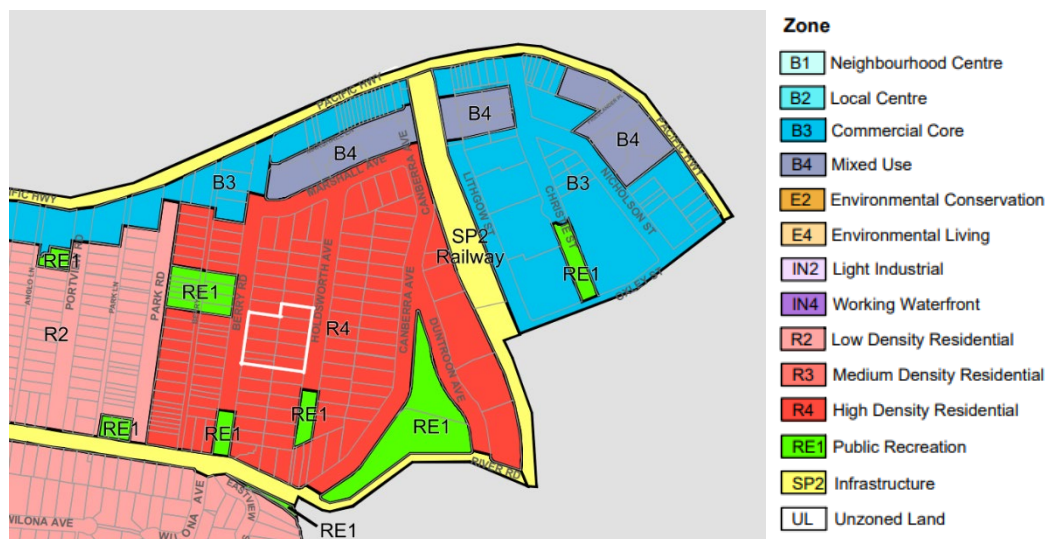


Figure 11: An extract of the Land Use Zoning Map of the LCLEP 2009, with the site outlined in white (Source: NSW Planning Portal)

##### 4.6.2. Permissibility

The proposed development is wholly within the R4 High Density Residential zone. An extract from the LCLEP 2009 Land Use Table in relation to the R4 High Density Residential zone is provided below.

#### 2 Permitted without consent

Nil

#### 3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Exhibition homes; Group homes; Home businesses; Home industries; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Shop top housing; Signage

#### 4 Prohibited

Any other development not specified in item 2 or 3

As the proposed development involves the use of the site for residential flat buildings, with a centre based childcare facility and community facility provided as ancillary uses, the proposed land uses are permissible with consent within the zone.



### 4.6.3. Objectives

Clause 2.3(2) of the Plan provides that Council must have regard to the zone objectives when determining a development application. The zone objectives for the R4 High Density Residential zone under the LCLEP 2009 are as follows:

- 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 proposed development achieves the zone objectives as follows:

- The proposed development will provide 130 residential apartments within two residential flat buildings, which will provide for Lane Cove's housing needs in a high density residential environment.
- The proposed development will provide a mixture of apartment typologies, including 1-bedroom, 2-bedroom, 3-bedroom apartments, and 4-bedroom dwellings. One 2-bedroom Affordable housing is also provided as required under Clause 7.3 of the LCLEP 2009.
- The proposed development enables the provision of a community facility and a centre-based child care facility on the site. As such, the development provides facilities for families residing within the development and in surrounding residential developments.
- The proposed development will provide a high concentration of housing within 400 metres of the St Leonards Station and 600m of the Crows Nest Metro Station. The site is also proximate to the commercial area surrounding St Leonards, as well as the Royal North Shore Hospital.
- The proposed development is consistent with the desired future character of the St Leonards South Precinct and has been carefully designed to ensure the amenity of future residences soon to be developed on surrounding sites.
- The proposed development includes the amalgamation of ten adjoining lots in a manner consistent with the St Leonards South Masterplan. As such, the development will not lead to the isolation of lots within the development or contribute to the isolation of lots in surrounding developments.
- The proposed development has been designed to achieve the landscaping requirements outlined in the St Leonards South Landscape Masterplan. As such, the development will enhance the existing built environment through the implementation of the Green Spine and other landscaping features.

### 4.6.4. Height of Buildings

Pursuant to clause 4.3(2) of the LCLEP 2009, "the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map." As such, the maximum height of buildings control under clause 4.3(2) is 9.5 metres. However, under clause 7.1(3)(a) of the LCLEP 2009, "the consent authority may consent to development on land to which this clause applies that will result in a building with ... that does not exceed the increased building height identified on the Incentive Height of Buildings Map". Using the Incentive Height of Buildings Map, the maximum height of buildings is 37 metres in Area 16 and 38 metres in Area 17. An extract of the Incentive Height of Buildings map is provided below.



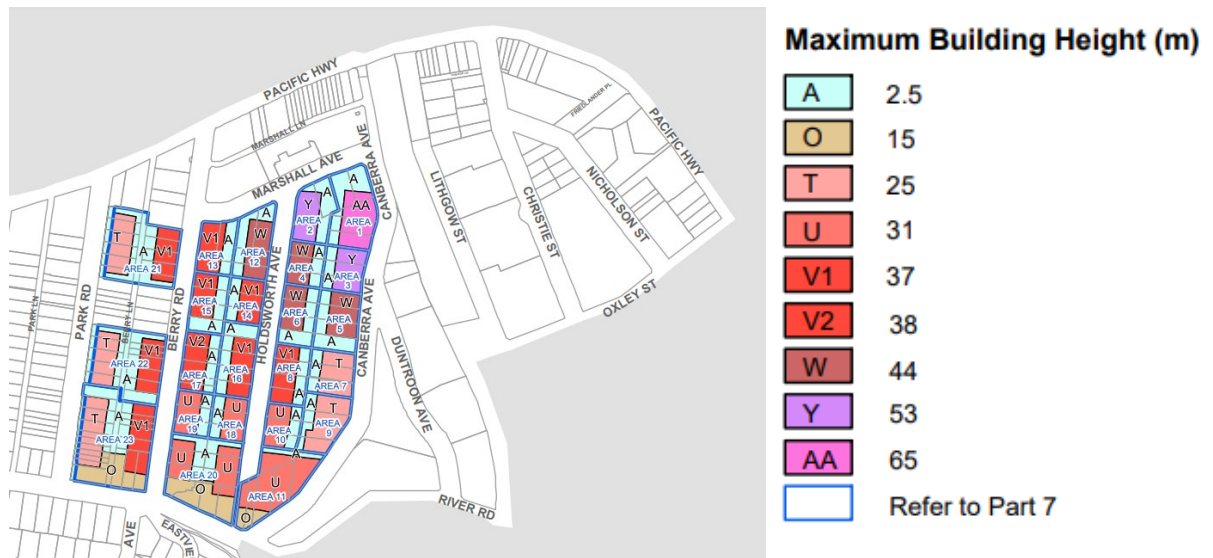


Figure 12: An extract of the Incentive Height of Buildings Map, with the site located entirely within the areas marked Area 16 and Area 17 (Source: NSW Planning Portal)

The maximum height of the proposed buildings is located below the 37 metres height plane in Area 16 and below the 38 metres height plane in Area 17.

The proposed height of the two residential flat buildings complies with the objectives of the clause, as the design of the buildings provides high solar amenity to the Green Spine and to surrounding developments. The height of buildings is also designed to provide privacy and amenity to surrounding developments, as the buildings utilise appropriate setbacks and internal layout to mitigate negative impacts to the neighbourhood amenity. Additionally, due to the steep topography and uneven height plane of the site, the design of the structures is sympathetic to the natural ground line and does not result in breaches to the height plane.

#### 4.6.5. Floor Space Ratio

Clause 4.4(2) of the LCLEP 2009 states that “the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.” As such, the maximum floor space ratio (FSR) is 0.5:1 on all lots, except for 18-20 Berry Road and 13 Holdsworth Avenue in which the maximum FSR is 0.6:1. However, pursuant to Clause 7.1(3)(b) of the LCLEP 2009, “the consent authority may consent to development on land to which this clause applies that will result in a building with ... that does not exceed the increased floor space ratio identified on the Incentive Floor Space Ratio Map”. As shown on the Incentive Floor Space Ratio map, the site has a maximum FSR of 2.85:1 in Area 16 and 3.8:1 in Area 17. An extract of the Incentive Floor Space Ratio Map is provided on the following page.



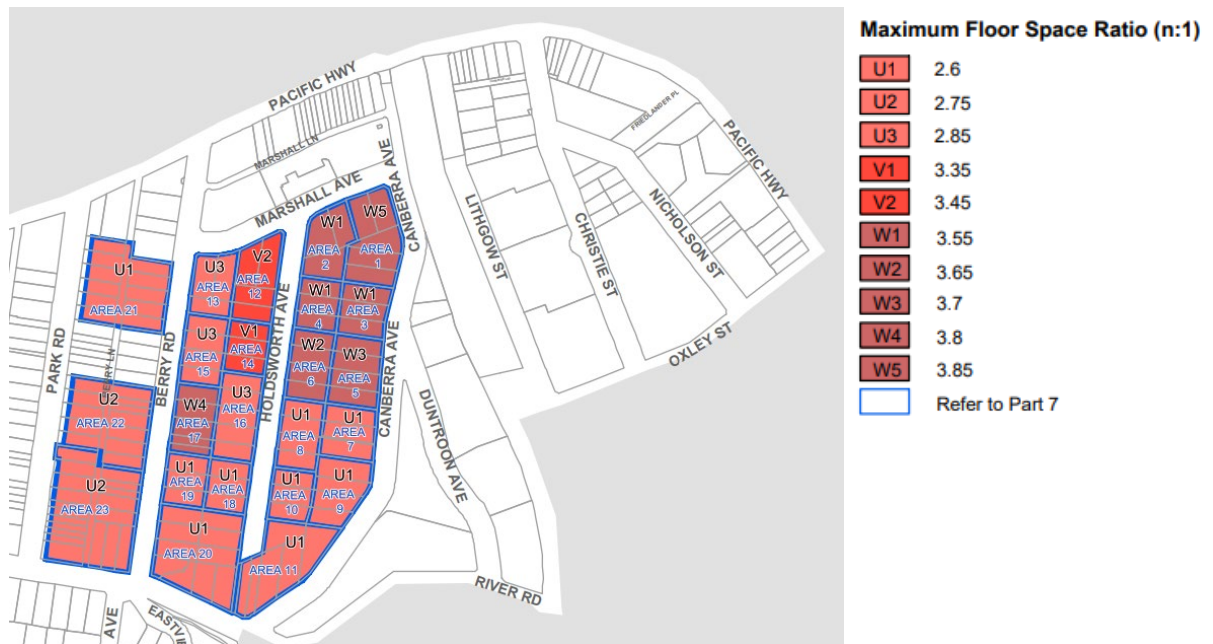


Figure 13: An extract of the Incentive Floor Space Ratio Map, with the site entirely encompassed in the areas labelled Area 16 and Area 17 (Source: NSW Planning Portal)

As the site area of Area 16 is 2,786 m<sup>2</sup> and this portion of the site has a maximum FSR of 2.85:1, the maximum permissible gross floor area of development in Area 16 is 7,940 m<sup>2</sup>. Additionally, the site area of Area 17 is 2,229 m<sup>2</sup> and with a maximum FSR of 3.8:1, the maximum permissible gross floor area for Area 17 is 8,470 m<sup>2</sup>. The proposed development achieves a gross floor area of 7,880 m<sup>2</sup> in Area 16 (FSR of 2.83:1) and 8,446 m<sup>2</sup> in Area 17 (FSR of 3.79:1) and is therefore compliant with the FSR controls under the Incentive Floor Space Ratio Map.

#### 4.6.6. Earthworks

Clause 6.1A of the LCLEP 2009 ensures “that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land”.

The current site consists of low density residential dwellings with associated landscaping and does not feature any existing natural features.

The site is located a north-south slope that falls 4.48 metres from the centre of the northern site boundary to centre of the southern site boundary. As underground parking is required on-site and the proposed masterplan for the St Leonards South Precinct highlights a requirement for an elevation of RL 70 along the Green Spine of the development, excavation will be required to achieve the desired outcomes of the development. In order to manage the detrimental impacts of excavation and earthworks, a geotechnical report has been prepared by Douglas Partners (see Appendix G) and an Erosion and Sediment Control Plan has been prepared by BG&E (see Appendix H) to investigate the existing geotechnical conditions and manage the erosion and sediment disturbed through earthworks.

#### 4.6.7. Additional Local Provisions – St Leonards South Area

##### Development on Land in St Leonards South Area

Clause 7.1(4) of the LCLEP 2009 places the following controls on dwelling sizes for the site:



(a) at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development will be studio or 1 bedroom dwellings, or both, and

(b) at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development will be 2 bedroom dwellings, and

(c) at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development will be 3 or more bedroom dwellings

The development provides 130 apartments with the following dwelling composition:

- 20% of the total number of dwellings contained in the development are either studio or one-bedroom dwellings;
- 45% of the total number of dwellings contained in the development will be two-bedroom dwellings; and
- 35% of the total number of dwellings contained in the development will have three bedrooms or more.

Additionally, Clause 7.1(4)(d) states that *"the development will provide appropriate building setbacks to facilitate communal open space between buildings"*. Appropriate building separation compliant with the ADG has been provided between the two residential flat buildings in order to facilitate the Green Spine area outlined in the St Leonards South Masterplan.

#### Minimum Site Area Requirements

Under Clause 7.2 of the LCLEP 2009, the minimum site area for the erection of residential flat buildings in Area 16 is 2,500 m<sup>2</sup> and 2,200 m<sup>2</sup> in Area 17. As the site area is 2,786 m<sup>2</sup> in Area 16 and 2,229 m<sup>2</sup> in Area 17, the proposed site will comply with this clause.

#### Minimum Affordable Housing Requirements

Clause 7.3(d) of the LCLEP 2009 requires the supply of one affordable housing dwelling within Area 17 of the St Leonards South Precinct. As such, the proposed development will reserve one apartment dwelling for the use of affordable housing at the discretion of Lane Cove Council.

#### Minimum Recreation Area and Community Facility Requirements

Clause 7.4(c) of the LCLEP 2009 requires at least 450 m<sup>2</sup> of area within the development for use as a recreation area, as well as a minimum of 600 m<sup>2</sup> of area devoted for use as a community facility within Area 17 of the St Leonards South Precinct. As presented in the Design Review Panel meetings with the Council, the proposed development will provide 450 m<sup>2</sup> of landscaped area in the form of the Secret Garden and main outdoor play space for the centre based childcare facility. Additionally, 602 m<sup>2</sup> of area will be provided for use as community facilities within the lower ground, courtyard, and upper ground levels of the development.

#### Requirements for Pedestrian Links and Roads

Clause 7.5(c) of the LCLEP 2009 requires the provision of *"a 15 metre wide pedestrian link through the land to enable a connection between Berry Road and Holdsworth Avenue."* The proposed development provides a 15 metre wide pedestrian link to the north of the development which provides pedestrian access between Berry Road and Holdsworth Avenue. The pedestrian link follows the alignment required by the St Leonards South Masterplan.



## 5. OTHER PLANNING CONSIDERATIONS

### 5.1. Lane Cove Development Control Plan 2010

A development control plan (DCP) is not a statutory planning consideration. According to Section 3.42 of the EPA Act, the purpose of a DCP is to provide guidance on:

- giving effect to the aims of the LEP
- facilitating development that is permissible under the LEP, and
- achieving the objectives of the zone applying to the site.

Within this context it is useful to consider the relevant provisions of the Lane Cove Development Control Plan 2010 (the LCDCP 2010).

Consideration of the relevant provisions within the LCDCP 2010 is provided in the Planning Compliance Table prepared by Gyde Consulting (see Appendix I).

The following parts of the LCDCP 2010 are relevant to this proposal:

- Part B General Controls
- Part C Residential Development
- Part C Residential Localities – Locality 8 St Leonards South Precinct
- Part I Child Care Centres
- Part O Stormwater Management
- Part Q Waste Management and Minimisation
- Part R Traffic, Transport and Parking

The Table of Compliance demonstrates the proposed development demonstrates full compliance with the relevant provisions of the LCDCP 2010, or satisfies the intent of the relevant provision.

The proposed development proposes to vary some of the setback controls outlined under the Locality Controls in Part C of the Lane Cove Development Control Plan 2010 (LCDCP 2010). As explained in the DCP Compliance Table, this variation enables the provision of additional gross floor area for the proposed childcare facility and community facilities and minimises overshadowing of future development to the south of the site. Further justification for the proposed setbacks, including how the proposal continues to satisfy the objectives of the control, is provided in Section 6.3.2 of this report below.

Additionally, explanation of how the proposal satisfies the LCDCP 2010 storey height control is provided in the Table of Compliance. It is worth noting that the proposal strictly complies with the maximum building height control in the prevailing LCLEP 2009.



## 6. ENVIRONMENTAL IMPACT ASSESSMENT

### 6.1. Overview

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15 of the Act.

### 6.2. Context and Setting

As discussed earlier, the LCLEP 2009 was recently amended (i.e. Part 7) to include redevelopment provisions specifically for St Leonards South. In summary, these provisions envisage converting the area from low rise, single dwellings, into a medium to high density residential environment with generous open space provisions, new community facilities, as well as new pedestrian links which facilitate pedestrian access to the St Leonards train station.

The proposal is consistent with the intent of Part 7 given it complies strictly with its provisions for building height, gross floor area, dwelling mix, community facilities and new pedestrian links. The proposal is also substantially compliant with the related Lane Cove DCP 2009 as well as the St Leonards South Landscape Master Plan. In particular, the proposal adopts the central spine as envisaged by the landscape master plan.

Given the above, the proposal is consistent with the future character anticipated by LCLEP 2009, in particular Part 7.

### 6.3. Built Environment

#### 6.3.1. Height, Bulk and Scale

The proposal complies with the maximum 38m (Berry Road) and 37m (Holdsworth Ave) height development standard prescribed by Clause 7.1(3)(a) of the LCLEP 2009. The proposal also complies with the 2.85:1 FSR development standard for Area 16 and the 3.8:1 FSR development standard for Area 17 as prescribed by Clause 7.1(3)(b) of the LCLEP 2009.

The proposed building footprints and landscape areas are substantially consistent with those indicated in the LCDCP 2010 and the St Leonards South Landscape Masterplan.

Compliance will also be achieved with the Apartment Design Guide's recommendations for building separation. That is, compliance is achieved in relation to both envelopes proposed on the site as well as any future envelopes on adjoining developable allotments.

It is acknowledged that the proposal's setbacks to the pedestrian link seeks a variation to the provisions in Part C (Figure 9) of the LCDCP 2010. Specifically, the DCP prescribes a 6m setback from the east west link at 'Park level', and an additional setback of 3m from the link at Level 5 and above (i.e. 9m).

The proposal's setbacks, however, range from the required 6m setback at 'Courtyard/Park Level', 6m and 1.38m at 'Upper Ground/Park level', 1.38m between 'Upper Ground/Park level' and 'Level 4', 1.38m and 4.38m at Level 5, 4.38m between 'Level 5' and 'Level 8', 4.38m to 7.4m at 'Level 9', and 7.4m at 'Level 10'.

Whilst the proposal seeks variation to the LCDCP's 'Park Level' setback controls, it has been demonstrated that the proposal complies with almost all other building bulk related controls. In this case, the proposal is considered to be acceptable in relation to overall bulk, height and scale.



### 6.3.2. Setbacks

As outlined in the section above, the proposal complies with the LDCP's controls for setbacks, except in relation to setbacks from the northern boundary, or 'Park Level'.

It is important to recognise that compliance with the setback control will result in the site not achieving the FSR prescribed by Clause 7.1(3)(b) of the LCLEP 2009. Whilst it might be said that FSR development standards are not 'as of right' outcomes, it is important to acknowledge that the FSR standard has been carefully considered in the St Leonards South Precinct and calibrated on a site by site basis to ensure that the FSR standard is adequate to fund public benefits such as the proposed child care centre and community centre. The FSR standard has been calibrated with such a degree of precision that clause 4.6 of the LCLEP 2010 does not apply to the site.

Strict application of the numerical DCP setback controls will undermine the carefully considered LEP FSR standard, and would be contrary to Section 3.42 of the *Environmental Planning and Assessment Act*, outlined earlier in Section 5.1 of this SEE.

Strict application of the numerical DCP setback controls will compromise the economic feasibility of the proposal, which is required to deliver the public benefits anticipated by Part 7 of the LCLEP 2009, such as the affordable housing, the childcare centre, and the community centre.

Moreover, notwithstanding the minor variation of the setback controls, the proposal achieves the objectives of Part C (Locality 8, Section 7) of the LCDCP 2010 as set out in Figure 14 below.

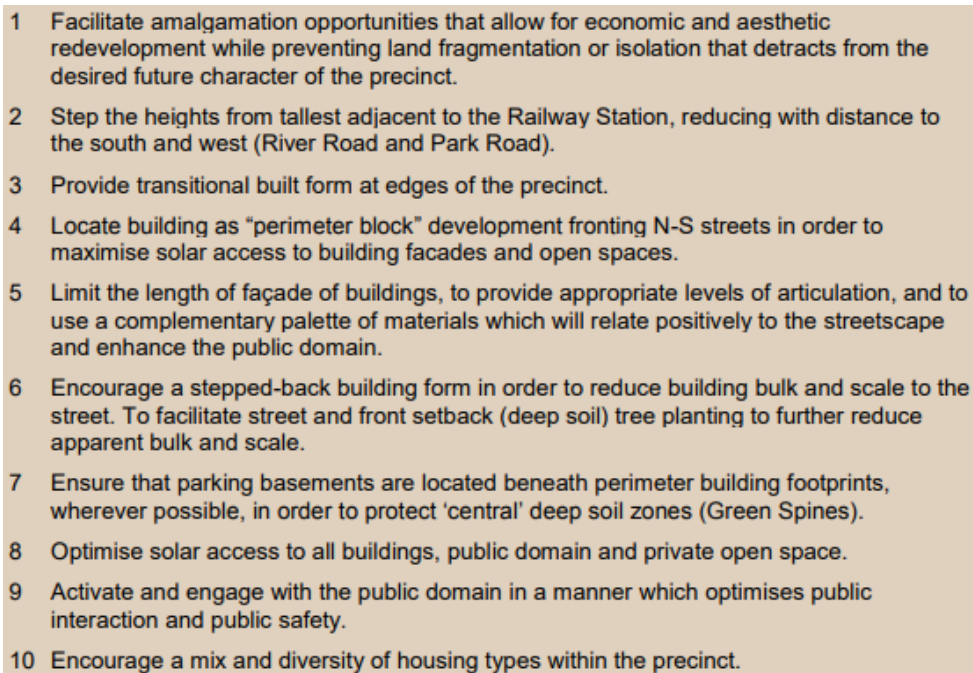
- 
- 1 Facilitate amalgamation opportunities that allow for economic and aesthetic redevelopment while preventing land fragmentation or isolation that detracts from the desired future character of the precinct.
  - 2 Step the heights from tallest adjacent to the Railway Station, reducing with distance to the south and west (River Road and Park Road).
  - 3 Provide transitional built form at edges of the precinct.
  - 4 Locate building as "perimeter block" development fronting N-S streets in order to maximise solar access to building facades and open spaces.
  - 5 Limit the length of façade of buildings, to provide appropriate levels of articulation, and to use a complementary palette of materials which will relate positively to the streetscape and enhance the public domain.
  - 6 Encourage a stepped-back building form in order to reduce building bulk and scale to the street. To facilitate street and front setback (deep soil) tree planting to further reduce apparent bulk and scale.
  - 7 Ensure that parking basements are located beneath perimeter building footprints, wherever possible, in order to protect 'central' deep soil zones (Green Spines).
  - 8 Optimise solar access to all buildings, public domain and private open space.
  - 9 Activate and engage with the public domain in a manner which optimises public interaction and public safety.
  - 10 Encourage a mix and diversity of housing types within the precinct.

Figure 14: LCDCP 2010, Part C, Section 7 Objectives

The proposal achieves these objectives as follows.

- The proposal's setbacks do not compromise the ability to amalgamate sites or diverse housing types. It does not result in land fragmentation or isolation or compromise the ability to achieve the desired future character on the site.



- The proposal's height complies with the maximum 38m (Berry Road) and 37m (Holdsworth Avenue) development standard prescribed in Part 7 of the LCLEP 2009. A 'perimeter block' and stepped building envelope arrangement is also achieved for the site, despite the setback non-compliance. Where possible, basements have been located beneath building footprints. A 'central spine', inclusive of significant deep soil areas, is also provided in accordance with the St Leonards South Landscape Masterplan.
- It is considered that the proposal achieves a high standard of articulation and relates positively to all streets or publicly accessible areas.
- The northern setbacks adopted achieves a higher degree of activation with the public domain, in particular the through site link. This is achieved as the proposal positions the building envelope, inclusive windows, habitable rooms and balconies, closer to the through site link than a fully compliant scheme would.
- The ADG's recommendations in relation to solar access will be met by the proposal. This relates to dwellings on the site, and likely dwellings on adjoining allotments. In particular, 70% of the proposal's dwellings will achieve 3 hours solar access.

Overall, the variation should be supported given it has been demonstrated that the objectives of the control can be met by the proposal despite numerical non-compliance.

It is worth noting that a similar variation was supported by Council, the Design Review Panel, as well as the Sydney North Planning Panel (SNPP) in relation to the nearby development site at 13 – 19 Canberra Avenue, St Leonards South (DA 21/162-01). Specifically, a 0m-3m setback was supported to the pedestrian through site link on that particular site whereas a 6m setback was required by the DCP (for levels 1-4), and a 3m-6m setback was provided to the link where a 9m setback was required for levels 5 and above. The variation was supported by the SNPP on the basis that the proposal offered significant community benefit, being a child care centre, a community facility as well as pedestrian through site link. It was also supported on the basis that the proposal achieved design excellence.

The proposal the subject of this SEE adopts similar setbacks and includes identical community benefits which formed part of DA 21/162-01. This proposal has also been the subject of a review by the Design Review Panel, and the proponent commits to ongoing collaboration with the panel to further refine the delivery of design excellence. In this case, the same merit based approach adopted for the proposal at 13-19 Canberra Avenue, should be adopted to the proposal the subject of this SEE.

### 6.3.3. Solar Access

The SEPP 65 and ADG assessment provided by Silvester Fuller provides that 70% of the proposal's dwelling will achieve 3 hours solar access between 9am and 3pm at midwinter, as required by Part 4A of the ADG.

Between 90%-70% of the green spine (i.e. communal open space) receives at least 1 hour of direct sunlight between 9am-3pm at June 21. Whilst this does not satisfy the ADG's recommendation in itself, compliance can be achieved when taking into account the roof top communal open space provisions. This aside, strict compliance will be difficult to achieve given the envelopes are effectively set by the LCDCP 2010, which result in substantial overshadowing from future envelopes on adjoining sites. Overall, despite numerical non-compliance, a high level of amenity will be provided within the proposal's communal open space areas given their substantial size, elaborate design, and range of included facilities.

### 6.3.4. Internal Amenity

The project's architect Silvester Fuller, confirm in their SEPP 65/ADG assessment that the proposal meets the recommended numerical controls for solar access and ventilation. In addition, the proposal complies with internal separation controls, except for a small number of balconies. Compliance with the separation controls in relation to development on adjoining lots is also achieved. District views, including city views, as well as views towards the proposal's generous onsite landscaping, will be available to almost all dwellings. The ADG's recommendations for



dwelling sizes are achieved and in a number of cases, exceeded.

Whilst not necessarily private amenity, all dwellings will have access to high quality communal facilities. This includes generously sized and elaborately designed at grade landscaped areas, as well as active communal facilities on the roof top. The roof top facilities include outdoor dining areas with city views as well as a pool.

Given the above, it is considered that the proposal achieves a high level of internal amenity.

### 6.3.5. Public Domain

As required by Figure 14 in Part C of the LCDCP 2010, the proposal includes a pedestrian through site link between Berry Road and Holdsworth Avenue. Subject to discussions, the link is likely to be dedicated to Council. The link is dimensioned in accordance with Figure 14, designed to achieve the applicable accessibility standards, provides access (including lift access) to the proposed community centre and childcare, and is generously landscaped.

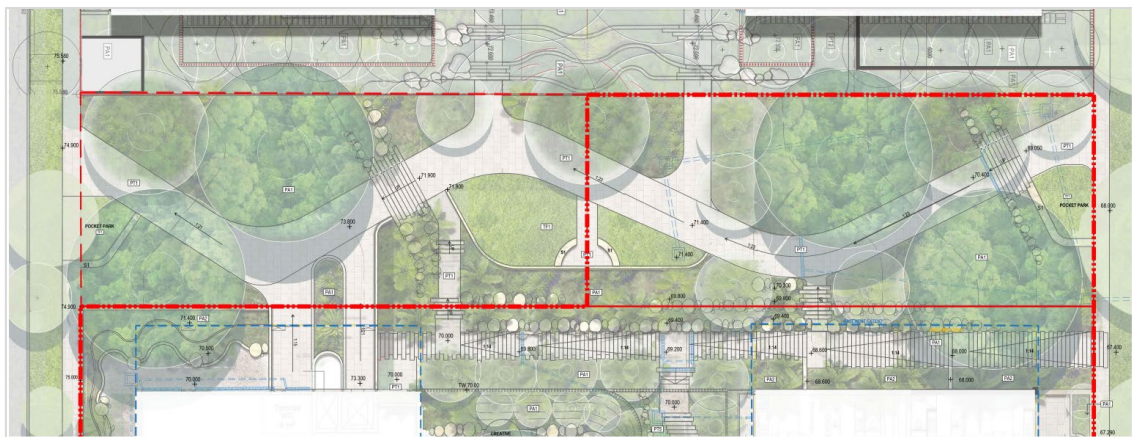


Figure 15: Extract of proposed through site link (Source: RPS)

In relation to the Berry Road and Holdsworth Avenue public domain, the proposal is suitable given it adopts a 4m street level setback as required by Figure 8 in Part C of the LCDCP 2010. Further, such setbacks include deep soil zones, generous landscaping, and direct pedestrian access to ground/lower ground dwellings which generates activation. Above ground balconies also generate activation of the public domain, whilst the proposal adopts a high standard of finishes to ensure visual interest from the street.

Given the above, the proposal's relationship to the public domain is of a high standard.

### 6.3.6. Heritage

The site is not a heritage item, not within a heritage conservation area, and not in proximity to either. In this case, the proposal will not result in any heritage related impacts.

## 6.4. Natural Environment

### 6.4.1. Tree Removal

A total of 66 trees are currently on the site and its immediately adjoining public domain. All (but one tree on Holdsworth Avenue) will be retained as part of this proposal, whilst all trees within the site will be removed. Their removal is consistent with the footprint and envelope outcomes envisaged by Part 7 of the LCLEP 2009 and Part C, Locality 8 (St Leonards South Precinct) of the LCDCP 2010. As has been outlined above as well immediately below,



the loss of any existing vegetation will be adequately compensated for by new proposed landscaping. No significant trees have been identified as per the Arboricultural Impact Assessment by Eco Logical Australia.

### 6.4.2. Landscape

The proposal includes extensive landscaping which is substantially consistent with the St Leonards South Landscape Master Plan. This includes extensive ground level and above ground landscaping. Proposed landscaping includes substantial deep soil landscaping. Specifically, 1,211m<sup>2</sup> of deep soil landscaping is provided across the entire site. This is equivalent to 24% of the entire site area, which exceeds the ADG's recommendation of 7%. The site's 'green spine' is 1,463m<sup>2</sup> in area, 52% of which (i.e. 759m<sup>2</sup>) is deep soil. This exceeds the St Leonards South Landscape Master Plan recommendation of 50%.

Importantly, the proposal includes landscaping, a substantial portion of which is deep soil landscaping, throughout the entire site area to enable the establishment of effective vegetation such as trees. This includes deep soil zones within the 'central spine', the Berry Road and Holdsworth Avenue front setbacks, the southern side setback, as well as within the through site link.



Figure 16 - Extract of site's proposed landscape master plan demonstrating ground level & above ground landscaping (Source: RPS)





Figure 17 - Perspective image of proposed green spine (Source: Silvester Fuller & Narrative Graphics)

In addition to extensive plantings, the proposal's landscape design includes a range of water sensitive urban design features such as a dry creek bed extending through the middle of its 'green spine', as well as stormwater capture and reuse measures. The green spine also includes a number of the recommendations included in WSP's Connecting to Country Strategy for the site.

#### 6.4.3. Water Management

Currently drainage throughout the site is variable given its gradients. Civil engineers BG&E were engaged to prepared stormwater plans for the proposed development, which accompany this application separately. The proposed stormwater system includes a range of water reuse methods, and utilises the dry creek bed theme included as part of the proposal's landscape master plan.

#### 6.4.4. Soil Management

JBS&G were engaged to assess the site's soil in relation to contamination. Specifically, JBS&G prepared both a Preliminary and Detailed Site Investigation for the proposal, which accompanies this report separately. In summary, however, the assessment concludes that the site is suitable for the proposed development within regard to contamination.

Also refer to the Erosion and Sedimentation Control Plan provided as part of BG&E's civil plans which provides measures to ensure the development provides appropriate soil management and sedimentation control.

#### 6.4.5. Air and Microclimate

Some dust is anticipated during the construction period, particularly given demolition and excavation is involved. This impact can be managed through measures such as wetting down work areas/stockpiles, stabilising exposed areas, preventing material tracking out onto public roadways, covering loads on all departing trucks and working to weather conditions. The proposal is otherwise not expected to give rise to any long term or adverse impacts on local or regional air quality.



A construction management plan (CMP) forms part of the Development Application which seeks to minimise construction dust impacts, as well as a range of other construction related potential impacts. This CMP can be referenced as a condition of any consent.

The proposal is otherwise not expected to give rise to any long term or adverse impacts on local or regional air quality.

### 6.4.6. Wind Analysis

Windtech were engaged to consider the proposal's potential wind related impacts. Their assessment accompanies this report separately. Subject to a range of measures, such as windshields and the like, many of which have been included on the architectural plans, the proposal's wind related impacts are acceptable.

### 6.4.7. Noise and Vibration

Pulse White Noise Acoustic Pty Ltd were engaged to consider noise impacts associated with the proposal. This includes noise impacts as part of any construction phase and operational phase. Impacts from external sources were also considered. Their assessment accompanies this report separately. In summary, however, the assessment concludes that the proposal is acceptable with regard to its own noise generation, including noise from the proposed childcare centre, as well as noise impacts from external sources.

### 6.4.8. Utilities

Various specialists were engaged to consider the proposal's utility related demands, including Craig & Rhodes in relation to sewer and water services, Shelmerdines Consulting Engineers in relation to power supply and Norman Disney Young in relation to fire fighting services. Their assessments accompany this report separately. In summary, however, each concludes that the proposal can be adequately serviced, in some cases with upgrades of existing facilities. In particular, the proposal will require a new substation, which has been allowed for in the south-eastern corner of the site, adjacent to the basement entry.

## 6.5. Movement and Access

### 6.5.1. Parking

Traffix were engaged to consider the proposal's parking requirements including overall number of spaces required and associated basement design. Parking requirements for the proposal's residential component (including visitors), the childcare centre (including employees), as well as the community centre were considered. Requirements as provided by the ADG as well as the LCDCP 2010 were considered. Their assessment accompanies this report separately. In summary, however, the following extract summarises the parking requirements and the proposed parking provisions. It can be seen that the proposal complies with the ADG as well as the LCDCP 2010 in relation to parking provision.

The design and geometry of the parking spaces, and the basement generally, was also found to be suitable according to Traffix. This includes serviceability by service vehicles for waste collection, for example.



Type	Required Parking Provision		Current Basement Provision
	Minimum (SEPP65) Requirement	Council DCP Requirement	
Residential	106	135	135
Visitors	19	26	26
Community Hall	-	-	-
Child Care Centre	-	18	19
<b>Total</b>	<b>143 (Minimum)</b>		<b>180</b>

Figure 19: Required and proposed parking provisions (Source: Traffix)

#### 6.5.2. Traffic

In relation to traffic generation and impact, Traffix has determined that the proposal results in no change to the existing level of service (LoS) at relevant intersections, and any increase in delays is minimal.

### 6.6. Social and Economic Effects

#### 6.6.1. Crime and Safety

Crime Prevention through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it can reduce the likelihood of crimes being committed. By introducing CPTED measures within the design of the development, it is anticipated that this will assist in minimising the incidence of crime and contribute to perceptions of increased public safety. A CPTED report has been produced by Gyde Consulting (see Appendix J), which analyses the core principles of crime prevention including surveillance, access control, territorial reinforcement, and space management.

#### 6.6.2. Social, Economic and Employment

The proposed development will provide significant social and economic benefits for the St Leonards South Precinct of the Lane Cove Local Government Area (LGA). These include the provisions for a centre based child care centre and community facilities, the provision for the pedestrian link between Berry Road and Holdsworth Avenue, the extensive landscaping proposed as part of the Green Spine, the increase in supply of housing and affordable housing, as well as the implementation of the desired future character within the precinct.

Provisions for a centre-based child care centre and community facilities will have a net social benefit on the surrounding community, as the development will support the early childhood education of residents within the precinct and will provide opportunities for active and passive recreation within the development. As the proposed child care facility can support 60 placements for a variety of age groups, the development will provide amenity to young families that commute from St Leonards South and require high-quality care facilities for their children. The child care facility will also provide long term employment opportunities for staff within the centre, as a minimum of 10 staff is required for its operation. Additionally, the outdoor play area associated with the development will be accessible for public recreation outside of its hours of operation, which will provide greater opportunities to supply a source of active recreation for younger residents of the precinct.



The provision for a pedestrian link will supply the precinct with high levels of social amenity, as it will facilitate active transportation within St Leonards South and will provide a high-quality public space for passive recreation. As the pedestrian link is designed to provide a gentle sloped pathway connecting Holdsworth Avenue and Berry Road, the link will promote active transportation throughout the precinct through greater connectivity within the existing grid. The pedestrian link will also provide two pocket parks adjoining both Berry Road and Holdsworth Avenue, which will provide additional public space for passive recreation within the precinct.

The proposed Green Spine will also provide a greater social benefit, as the enhanced landscaping of the site will improve the visual amenity of the site and provide greater opportunities for residents of the development to engage in communal private recreation. While the proposed development will lead to the loss of existing vegetation within the site, the implementation of the Green Spine will provide littoral rainforest vegetation suitable to the climatic conditions of St Leonards. The Green Spine will also provide community break outs, hammock rooms, and a yoga lawn, which will provide opportunities for social interactions, passive recreation, and active recreation respectively.

With the supply of social infrastructure, Altis has engaged with Lane Cove Council in order to establish a voluntary planning agreement (VPA) for the development. Details of the VPA will be finalised during the assessment phase of the development application.

The supply of social infrastructure on the site will also correspond with the construction of additional housing on the site, including the provision for an affordable housing unit. The proposed residential flat buildings will assist Lane Cove Council in addressing its housing supply targets outlined in the Lane Cove Local Strategic Planning Statement (LSPS). Furthermore, the construction of housing and social infrastructure will provide short term employment opportunities for local construction workers.

It is important to note that while the proposed development will significantly alter the existing character of the St Leonards South Precinct, the development will provide for the desired future character outlined the St Leonards South Precinct Masterplan through strict adherence to the objectives and controls within the document.

### 6.7. Site Suitability

It is considered that the site is suitable for the proposal given it has been demonstrated that:

- The proposal is permissible, with consent, and the relevant objectives of zone R4 have been satisfied by the proposal.
- Compliance is achieved with relevant development standards, including standards for building height and floor space ratio.
- Substantial compliance is achieved with the relevant controls of the LCDP 2010. The number of variations is limited and, in any case, the relevant objectives have been satisfied.
- The site is without any prohibitive constraints, including natural constraints.
- The site can accommodate the proposal with regard to geotechnical and structural capacity, as well as utilities.
- The proposal is without any unreasonable environmental impacts to adjoining properties or land, including amenity or traffic related impacts. Rather, the proposal includes a range of positive impacts including the provision of a childcare centre, a community centre, a pedestrian through site link, a high standard or architectural design, additional housing opportunities, as well as extensive landscaping.

### 6.8. Public interest

It is considered that the proposal is in the public interest given it has been demonstrated that:

- The proposal is permissible, with consent, and the relevant objectives of zone R4 have been satisfied by the proposal.



## Statement of Environmental Effects

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- Compliance is achieved with relevant development standards, including standards for building height and floor space ratio.
- Substantial compliance is achieved with the relevant controls of the LCDP 2010. The number of variations is limited and, in any case, the relevant objectives have been satisfied.
- The site is suitable for the proposal, particularly with regard to any constraints and serviceability.
- The proposal is without any unreasonable environmental impacts to adjoining properties or land. Rather, the proposal includes an extensive range of positive impacts to the residents and public.



## 7. CONCLUSION

This DA seeks approval for two residential flat buildings, a childcare centre, a community hall, a through site link, as well as extensive landscaping at the site.

This SEE has undertaken an environmental assessment of the proposal and has concluded that compliance is achieved with the relevant development standards in the LCLEP 2009, substantial compliance is achieved with the relevant controls in the LCDCP 2010, and that the proposal is consistent with the planned future character for the St Leonards South Precinct.

In summary, the proposal is considered to:

- be an appropriate response to the context, setting, planning instruments and development guidelines and other considerations outlined in Section 4.15(1) of the Environmental Planning and Assessment Act, 1979;
- provide a built form consistent with and appropriate to the desired future character of the site and locality.
- achieve the design quality principles of SEPP 65 and the key design criteria provided in the ADG for amenity, including solar access, ventilation, deep soil zones and communal open space.
- have no adverse impacts on the environment, traffic, parking, drainage or other external features or services.
- promote the social welfare of the St Leonards South Precinct by enabling the provision of key social infrastructure including a childcare centre, community centre and affordable housing.

The benefits provided by the proposed development outweigh any potential impacts and it is therefore considered to be in the public interest. The proposal will deliver an exceptional and high quality designed development that provides significant public amenity benefits and is worthy of approval.