

**Sydney North Planning Panel Meeting 26 July 2023**  
**26 - 50 PARK ROAD, 27 - 47 BERRY ROAD AND 48 - 54 RIVER ROAD ST LEONARDS**  
**SOUTH. AREAS 22 AND 23**

**Subject:** 26 - 50 Park Road, 27 - 47 Berry Road and 48 - 54 River Road St Leonards South. Areas 22 and 23

**Record No:** DA22/154-01 - 28243/23

**Division:** Environmental Services Division

**Author(s):** Christopher Shortt

<b>Panel Reference</b>	PPSSNH-354
<b>DA Number</b>	154/2022
<b>LGA</b>	Lane Cove Council
<b>Proposed Development</b>	Construction of 4 residential flat buildings (ranging from 3 - 10 storeys) comprising a total of 306 dwellings and basement parking for 545 vehicles.
<b>Street Address</b>	26 - 50 Park Road, 27 - 47 Berry Road and 48 - 54 River Road St Leonards South. Areas 22 and 23)
<b>Applicant/Owner</b>	Applicant: Urbis Owner: JQZ
<b>Date of DA lodgment</b>	6 December 2022
<b>Total number of Submissions</b> <b>Number of Unique Objections</b>	<ul style="list-style-type: none"> <li>• 36</li> <li>• 32</li> <li>• <b>All submissions have been forwarded to the SNPP</b></li> </ul>
<b>Recommendation</b>	<b>Approval</b>
<b>Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021</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></li> <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 (Transport and Infrastructure) 2021;</li> <li>• Lane Cove Local Environmental Plan 2009.</li> <li>• <b>proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority</b></li> <li>• Environment SEPP (Consolidation of Sydney Harbour SREP);</li> <li>• Transport and Infrastructure SEPP;</li> <li>• Resilience and Hazards SEPP; and</li> </ul>

	<ul style="list-style-type: none"><li>• <b>relevant development control plan</b></li><li>• Lane Cove Development Control Plan 2009 (including Amendment 20).</li><li>• <b>relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4</b></li><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><ul style="list-style-type: none"><li>- Clause 92(1)(b) – Demolition of Structures</li></ul></li><li>• <b>coastal zone management plan</b></li><li>• Nil</li><li><b>other relevant plans</b><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></li></ul>																																							
<b>List all documents submitted with this report for the Panel’s consideration</b>	<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 25<sup>th</sup> July 2022</td><td>NSROC Design Review Panel</td></tr><tr><td>6</td><td>NSROC DEP Minutes 22<sup>nd</sup> September 2021</td><td>NSROC Design Review Panel</td></tr><tr><td>7</td><td>Draft Voluntary Planning Agreement</td><td>JQZ Twelve Pty Ltd</td></tr><tr><td>8</td><td>Urban Design Report: Design Verification Statement/SEPP 65</td><td>DKO</td></tr><tr><td>9</td><td>Civil Plans Issue B/Issue C/Issue D 17/04/23</td><td>At&amp;I</td></tr><tr><td>10</td><td>Architectural Plans 10/07/2023</td><td>DKO</td></tr><tr><td>11</td><td>Landscape Plans (Issue D) June 2023</td><td>turf</td></tr><tr><td>12</td><td>Statement of Environmental Effects</td><td>URBIS</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 25 <sup>th</sup> July 2022	NSROC Design Review Panel	6	NSROC DEP Minutes 22 <sup>nd</sup> September 2021	NSROC Design Review Panel	7	Draft Voluntary Planning Agreement	JQZ Twelve Pty Ltd	8	Urban Design Report: Design Verification Statement/SEPP 65	DKO	9	Civil Plans Issue B/Issue C/Issue D 17/04/23	At&I	10	Architectural Plans 10/07/2023	DKO	11	Landscape Plans (Issue D) June 2023	turf	12	Statement of Environmental Effects	URBIS
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	13	Response to Request for Further Information	URBIS
	14	Sustainable Travel and Access Plan (STrAP)	MLA Transport Planning
	15	Traffic and parking Assessment	MLA Transport Planning
	16	Arboricultural Impact Assessment	Eco Logical Australia
	17	Acoustic Assessment	EMM
	18	Oculus Comment	Oculus
	19	Preliminary Site Investigation 13 June 2023	Tetra Tech Coffey
	20	Access Assessment Report	BCA Access
	21	Cost Summary Report	Altus Group
	22	Survey Plans	Land partners & LTS Lockley
	23	Revised Operational Waste Management Plan Rev G 08.06.23	Elephant's Foot
	24	BASIX and NAtHERS Certificates – June 2023	ESD Scientific Pty Ltd
	25	Construction and Demolition Waste Management Plan	Motis
	26	Geotechnical Desktop Study Area 22 AND Geotechnical Assessment Report Area 23	Tetra Tech Coffey
	27	Construction Traffic Management Plan	MLA Transport Planning
	28	ESD & Energy Efficiency Report	ESD Scientific Pty Ltd
	29	Public Art Strategy	FCAD
	30	NSW Police Referral Response /Conditions	North Shore Police Area Command
	31	BCA Assessment Report	BCA Logic
	32	Water NSW Terms of Approval	Water NSW (PENDING)
	33	Notification Extent Map	Lane Cove Council
	34	Construction Environmental Management Plan	Southpac Constructions
	35	Transport for NSW Comment	TfNSW
	36	Legal Advice Apportionment of FSR	Thomas Greer
	37	Groundwater Impact Assessment	MLA Transport Planning
	38	AUSGRID Referral Comment	Ausgrid
	39	Clause 4.6 Variation Statement	URBIS
	40	Construction Methodology Plan	Southpac Constructions
	41	Lane Cove DCP Assessment	URBIS
	42	Civil Infrastructure &	At&I

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	Stormwater Management Report	
<b>Clause 4.6 requests</b>	Submitted for minimum site area for Area 23.	
<b>Summary of key submissions</b>	<ul style="list-style-type: none"> <li>• Impact in transition from R4 to R2 zones;</li> <li>• Advertising the DA over the Christmas new year's period;</li> <li>• Concerns that DA does not comply with R4 zone objectives;</li> <li>• Floor Space Ratio;</li> <li>• Excavation and dilapidation reports requirements;</li> <li>• Building length, massing;</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>• Solar Access;</li> <li>• Landscaping and open Space;</li> <li>• Heritage impacts;</li> <li>• Wind Impacts;</li> <li>• Acoustic impacts from roof top communal areas;</li> <li>• Site suitability and public interest;</li> <li>• Construction traffic management plan, hours of work, access;</li> <li>• Voluntary Planning Agreement;</li> <li>• Geotechnical assessment, vibration impacts;</li> <li>• Impacts on Ground Water;</li> <li>• Dust impacts during demolition/construction;</li> <li>• View loss;</li> <li>• Obstruction to vehicle access to 24 Park Road;</li> <li>• Traffic management in Berry Lane;</li> <li>• That properties north of Area 22 be acquired by Council prior to approval of the DA.</li> </ul>	
<b>Report prepared by</b>	<b>Chris Shortt</b>	
<b>Report date</b>	26 July 2023	

**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 Resilience and Hazards 2021, 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 **Yes**

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report?

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**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*

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**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*

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**1. EXECUTIVE SUMMARY**

The Development Application is for the construction of 4 residential flat buildings comprising 306 dwellings and basement parking for 545 vehicles on land known as 26 - 50 Park Road, 27 - 47 Berry Road and 48 - 54 River Road St Leonards South.

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 below report
SEPP Resilience and Hazards 2021	7 – Contamination and remediation to be considered in determining an application.	Satisfied - DSI 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 7</b> of this report.

The Development Application was notified, and 36 (32 unique) submissions were received. The submissions relate to:

- Impact in transition from R4 to R2 zones;
- Advertising the DA over the Christmas new year's period;
- Concerns that DA does not comply with R4 zone objectives;
- Excavation and dilapidation reports requirements;
- Building length, massing;
- Solar Access;
- Building Depth;
- Solar Access;
- Building Depth;
- Building Separation;
- Urban Design and Architecture;
- Traffic and Parking;

- Design excellence and DRP comments;
- Solar Access;
- Landscaping and open Space;
- Heritage impacts;
- Wind Impacts;
- Acoustic impacts from roof top communal areas;
- Site suitability and public interest;
- Construction traffic management plan, hours of work, access;
- Voluntary Planning Agreement;
- Geotechnical assessment, vibration impacts;
- Impacts on Ground Water;
- Dust impacts during demolition/construction;
- View loss to 4 Portview;
- Privacy to properties in Wilona Avenue;
- Obstruction to vehicle access from Berry Lane to 24 Park Road; and
- Traffic management in Berry Lane.

The submissions are summarised and addressed in a separate report at Annexure 4 Summary of Submissions.

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

## **2. STRATEGIC CONTEXT**

### **2.1 St Leonards South Precinct**

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

### **2.2 Location**

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





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

### **2.3 Vision**

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

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

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

### **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).



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

**ii. Incentive Building Height and FSR**

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

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

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

**iii. No Clause 4.6 Variation Requests**

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

**iv. Design Excellence**

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

**v. NSROC Design Review Panel**

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

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

**i. Green Spines - Shared Communal Open Space**

Green spines are a key feature of the St Leonards South Precinct. The green spine is a 24m wide shared communal open space between residential flat buildings. Ordinarily a residential flat building development would provide communal open space for its own use only. The green spines will combine the communal open space of multiple residential flat buildings with each contributing to, and sharing in, a larger communal open space area. The shared communal open space is characterised by shared facilities and significant landscaping (50% minimum deep soil).

**ii. Part Storey Control**

The DCP 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 amendment definition from 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. Refer to recommended draft condition A.5A in **Annexure 1**.

### **Special Infrastructure Contribution**

The site is within the [St Leonards and Crows Nest Special Contributions Area](#) which requires the payment of a contribution to support the St Leonards and Crows Nest 2036 Plan. Refer to recommended draft condition A.5B in **Annexure 1**.

## **2.5 Site in Future Envisaged Context**

The subject site is located within the south-western most end of the St Leonards South Precinct and is known as **Areas 22 and 23**. The site in the future envisaged context would include a 12-metre-wide road through the land to connect Park Road and Berry Road.





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

### **3. SITE**

#### **3.1 Subject Site**

The subject site is known as 26 – 50 Park Road, 27 – 47 Berry Road, 48 – 54 River Road St Leonards. Area 22 has an area of 4802 m<sup>2</sup> and Area 23 has an area of 6755 m<sup>2</sup>. The total combined site area is 11,557.5m<sup>2</sup>. The site is known as Area 22 and 23 within the St Leonards South Precinct planning scheme and is located and in the south-western corner of the Precinct.

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**Figure 4: Aerial Photograph – SLS Red outline/ Areas 22 and 23 yellow outline.**  
**(Source: Nearmap)**



**Figure 5: Areas 22 and 23 (in yellow) within the St Leonards South Precinct**  
**(Source: LCDCP 2009)**

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

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<b>Table 1 – Site Characteristics of 22 - 50 Park Road, 27 - 47 Berry Road and 48 - 54 River Road</b>	
<b>Site Characteristic</b>	<b>Subject Site</b>
<b>Title Particulars</b>	26 - 50 Park Road, 27 - 47 Berry Road and 48 - 54 River Road Lots 21, 24, 27, 28, 30, 31, 36, 43 and 44 Section 3 in DP 3044. Lot 25 in DP 3044. Lots 1, 2, 3, 4, 5 in DP 305449. Lot 19 in DP 82696. Lots 1 and 2 in DP 533847. Lots 22 and 30 Section 3 in DP 111237. Lots 23, 29 in DP 72918. Lots 1 and 2 in SP 16063. Lot 1 & 2 in DP 734702.
<b>Total Site Area</b>	11,557.5m <sup>2</sup>
<b>Site Frontage</b>	Approx. 77m to River Road Approx. 161m to Berry Road Approx. 161m to Park Road
<b>Site width</b>	Approx. 77.695m between Park Road and Berry Road
<b>Topography</b>	See existing site survey with spot RLs at <b>Annexure 22</b>
<b>Zoning</b>	R4 High Density Residential
<b>Existing Structures</b>	The site contains single 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.

### 3.1.1 Topography

The subject site includes an average cross-fall of approximately 18m from north to south (from northern boundary to River Road) and an average cross-fall between approximately 3m and 6m from east to west (from Berry Road to Park Road).

### 3.1.2 Site Photographs





Figure 6: Subject Site- Southwest corner of Park Road and River Road (facing east).



Figure 7: Southern corner of Berry Lane and River Road (facing north).





Figure 8: Northern boundary of site viewed from Berry Lane (facing south).

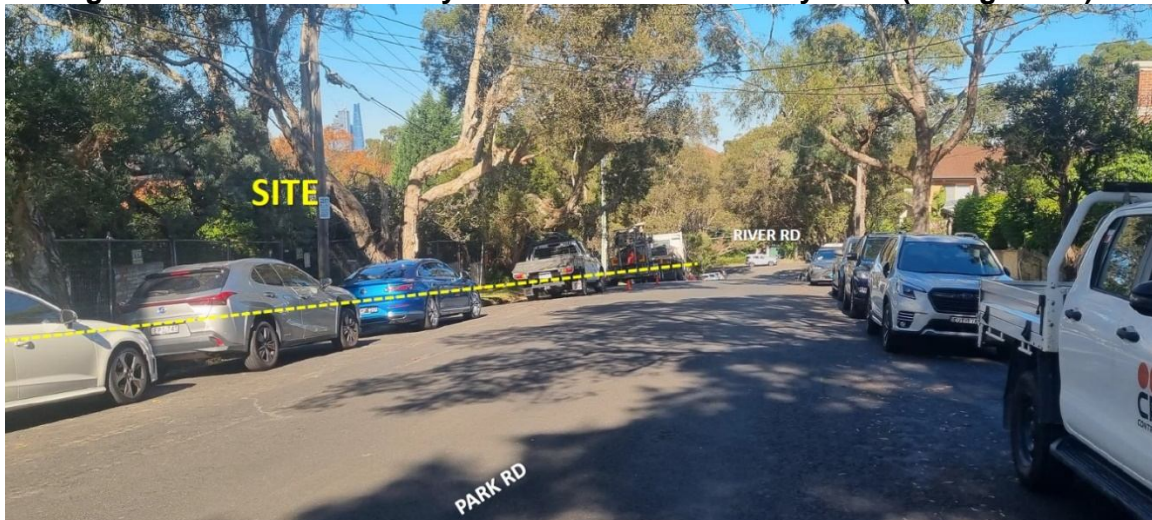


Figure 9: Western boundary viewed from Park Road (facing south).



Figure 10: Southern end of Berry Road (facing south)





Figure 11: North-eastern end of site (facing south).

### 3.2 Adjoining Sites

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



Figure 12: Adjoining development south of the site.





Figure 13: Adjoining development west of the site.



Figure 14: Propsting Playground west of the site.





**Figure 15: Southeast of site pedestrian path linking Berry Road to River Road.**



**Figure 16: East of site single dwelling houses in Areas 19 and 20 fronting Berry Road.**

Table 2 – Adjoining Sites	
Direction	Description
North	<p>Directly north of the site are single and 2 storey dwelling houses fronting Berry and Park Roads. This area is proposed to be Council owned Local Park in the St Leonards South Landscape Master Plan. This area is currently known as 16 – 24 Park Road and 19 – 25 Berry Road.</p> <p>Further north is more single and 2 storey dwelling houses within Area 21 within the precinct which permits residential flat buildings up to 25m and 37m in height.</p>

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	Beyond are commercial buildings leading to and fronting the Pacific Highway.
<b>East</b>	<p>To the east of Area 22 is Berry Road. Further east is predominantly Areas 16 and 17. Areas 16 and 17 are located at 10-20 Berry Road &amp; 11-19 Holdsworth Avenue, St Leonards. Areas 16 and 17 are currently occupied by single and 2-storey dwellings. In May 2023, the Sydney North Planning Panel (SNPP) determined the refusal of the demolition of existing structures and construction of a mixed-use development containing two buildings comprising a total of 130 apartments (including one affordable dwelling), childcare centre, community facility and basement parking for 180 vehicles.</p> <p>To the east of Area 23 is Berry Road. Further east are Areas 18, 19 and 20. Areas 18, 19 and 20 are known as 26-34 Berry Road, 21-31 Holdsworth Avenue and 42-46 River, St Leonards. Areas 18, 19 and 20 are currently occupied by single and 2 storey dwellings. In March 2023, the SNPP determined the approval of five residential flat buildings comprising a total of 238 apartments and basement parking for 411 vehicle spaces. <b>(Figure 16)</b>.</p>
<b>South</b>	To the south, the site is River Road. Further south of River Road are single and two storey detached dwellings zoned R2 low density. <b>(Figure 12)</b> .
<b>West</b>	To the west, the site is Park Road. Further west of Park Road are single dwelling houses zoned R2 low density. <b>(Figure 13)</b> . West of the southern end of the site is a public reserve known as Propsting Playground. <b>(Figure 14)</b> .

#### **4. PROPOSAL**

##### **4.1 Overview**

The Development Application is for the construction of 4 residential flat buildings (ranging from 3 - 10 storeys) comprising a total of 306 dwellings and basement parking for 545 vehicles at 26 - 50 Park Road, 27 - 47 Berry Road and 48 - 54 River Road St Leonards known as Areas 22 and 23. The architectural plans are provided as **Annexure 10** to this report and a summary of the key development statistics are provided in **Table 3** as follows:

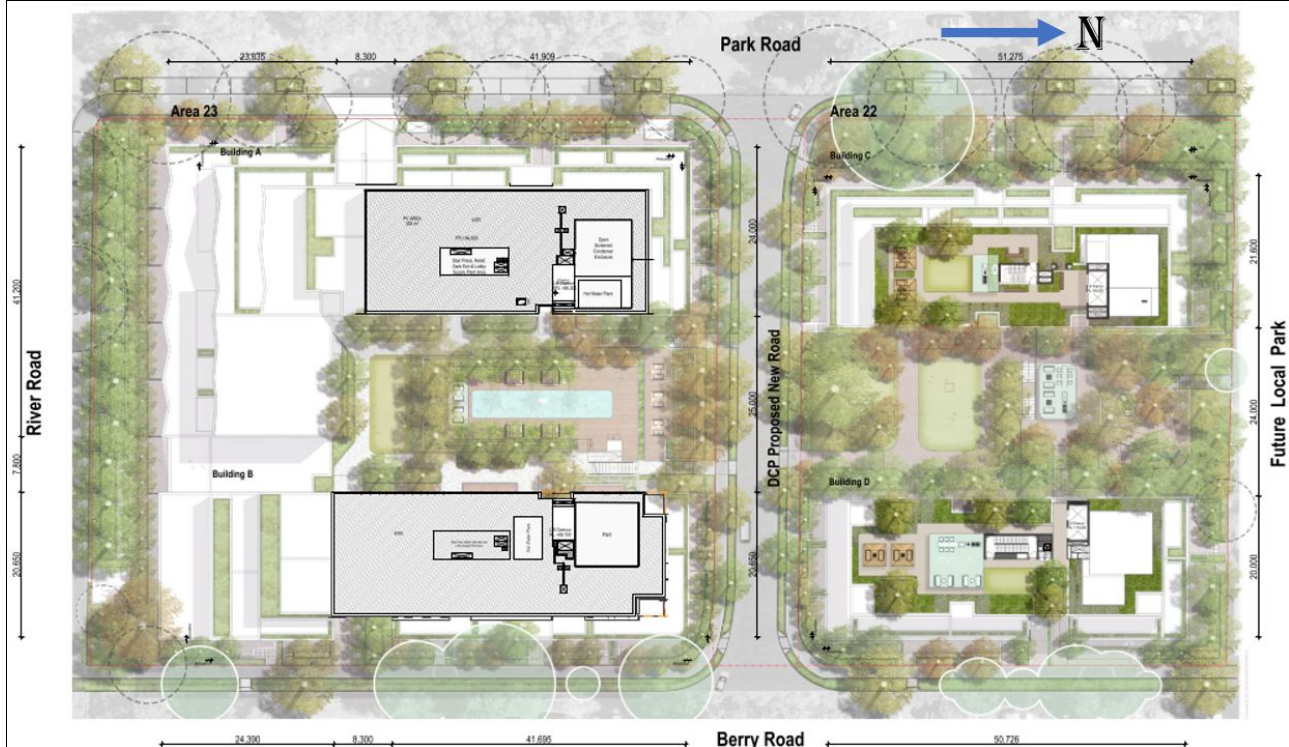
##### **4.1.1 Key Development Statistics**

<b>Table 3 – Development Statistics</b>	
<b>Component</b>	<b>Description</b>
<b>Number of Buildings</b>	4 w/ basement
<b>Number of Storeys</b>	Part 3 – 10 storeys
<b>Part Storeys</b>	Three part storeys (Buildings A and B) One part storey (Building C) Two part storeys (Building D)
<b>Building Height</b>	Building A = 25m Building B = 36.7m Building C = 23.2m Building D = 36.9m
<b>Gross Floor Area</b>	31,780m <sup>2</sup>
<b>Floor Space Ratio</b>	2.75:1
<b>Total Apartments</b>	306 dwellings
<b>Unit Mix</b>	76 x studio/1 bedroom (25%)



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	133 x 2 bedrooms (43.4%) 97 x 3+ 4+ 5+ bedrooms (31.6%)
<b>Vehicular Access</b>	Singular vehicular access point from southern end of Park Road.
<b>Parking</b>	545 vehicles
<b>Pedestrian Link</b>	Construction of a 12m wide new road connecting Park Road and Berry Road. (pedestrian footpaths on either side)
<b>Deep Soil within Green Spine</b>	Greater than 50% of Green Spine unencumbered deep soil (Areas 22 and 23 combined)



**Figure 17: Proposed Site and Roof Plan.**



**Figure 18: Perspective view of Area 22 Park Road frontage facing east.**





Figure 19: Perspective northeast corner Berry Avenue of Area 22. Facing south.

#### 4.1.1 Development Elevations



Figure 20: West elevation Park Road frontage.



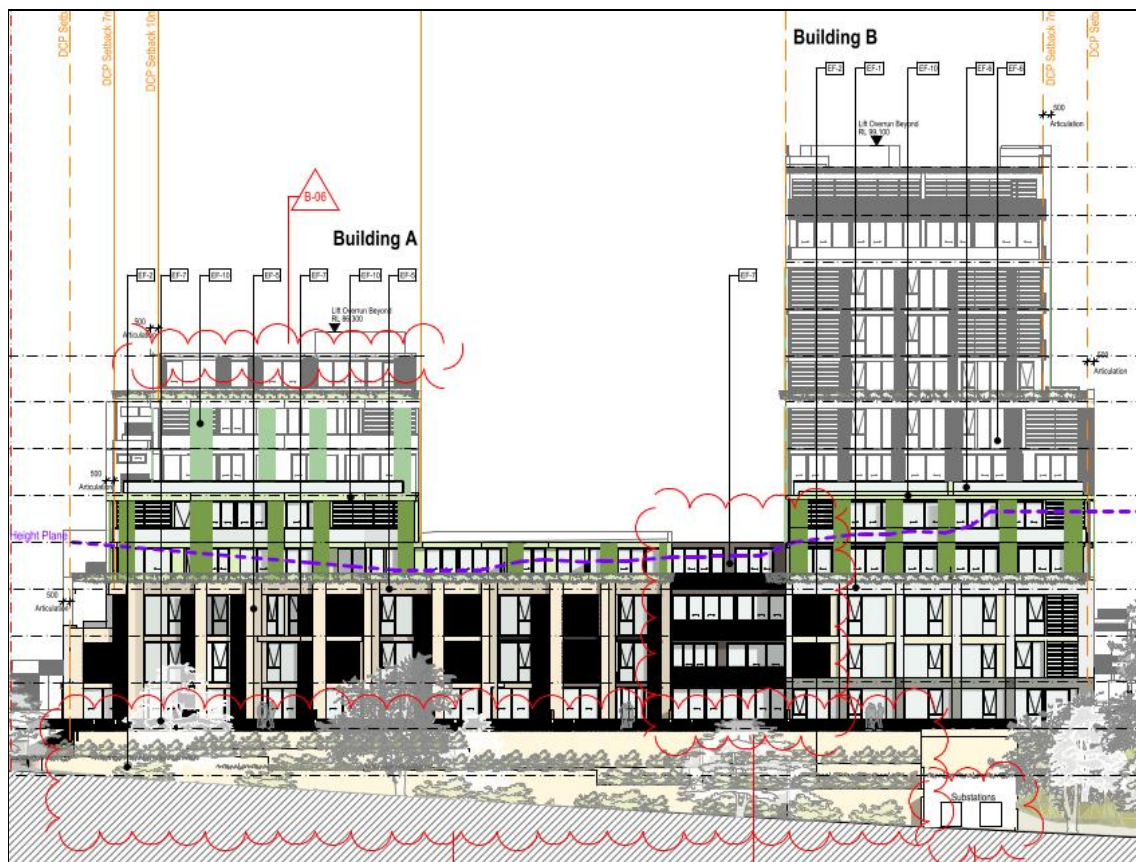
Figure 21: East elevation Berry Road frontage.



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**Figure 22: View from future DCP Park (north) elevation.**



**Figure 23: River Road (south) elevation.**

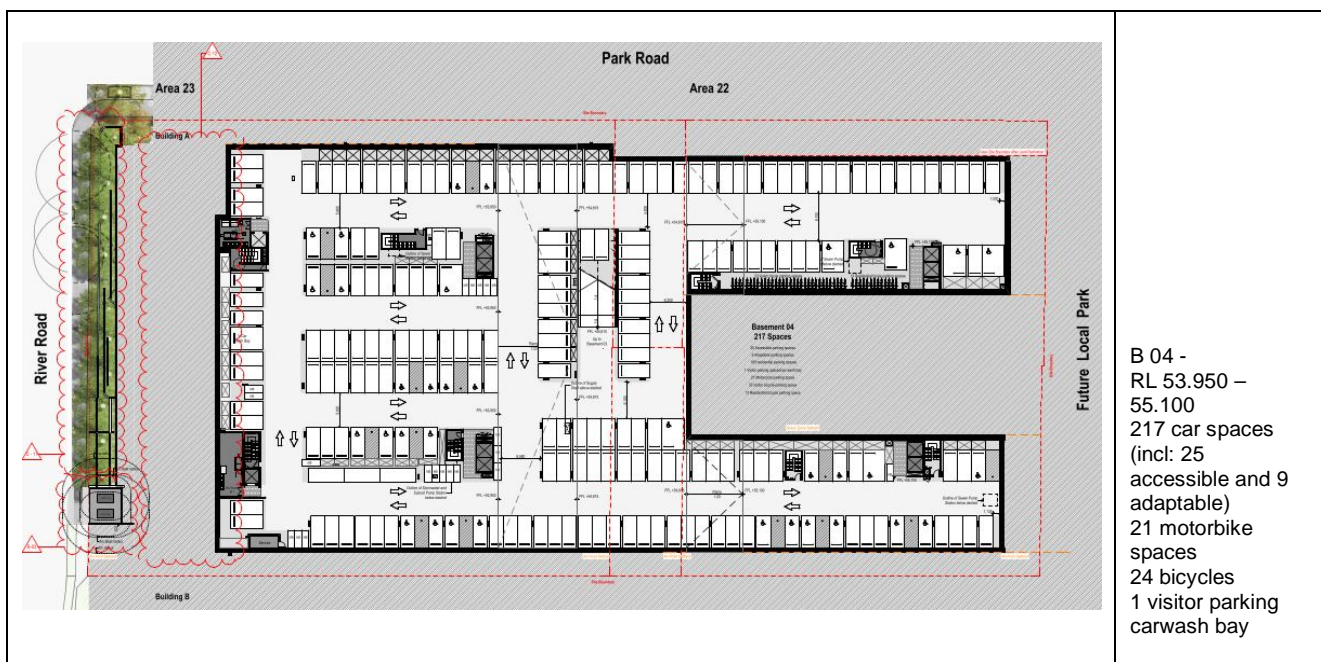
#### 4.1.2 Detail Development Description

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The Development Application is for the construction of 4 residential flat buildings and basement parking at 26 - 50 Park Road, 27 - 47 Berry Road and 48 - 54 River Road St Leonards known as Areas 22 and 23.

- Removal of 175 identified existing trees and site preparation works;
- Construction of a 12m wide new road (6m wide carriageway and 3m verge/footpath either side) at the centre of the site connecting Park Road and Berry Road;
- Construction of four residential flat buildings ranging from 3-10 storeys (excluding part storeys) and fronting River Road, Park Road, Berry Road and New DCP Road comprising a total of 306 dwellings (including 62 adaptable);
  - 2 studio apartments (1%);
  - 74 one-bedroom apartments (24%);
  - 138 two-bedroom apartments (45%);
  - 92 three/four/five-bedroom apartments (30%);
- Five-storeys of basement car park, comprising 545 parking spaces including;
  - 469 residential car parking spaces (including 63 accessible car spaces);
  - 76 visitor car parking spaces (including 2 accessible);
  - 37 motorcycle spaces;
  - 77 bicycle spaces;
  - 31 visitor bicycle spaces;
  - 6 car wash bays;
  - Loading 2 x MRV spaces within basement 3 loading dock;
- Creation of a green spine space on ground level, with communal pool, gym areas;
- Vehicle access and egress provided via Park Road;
- Communal roof top open space on buildings C and D; and
- Strata subdivision of 306 apartments.

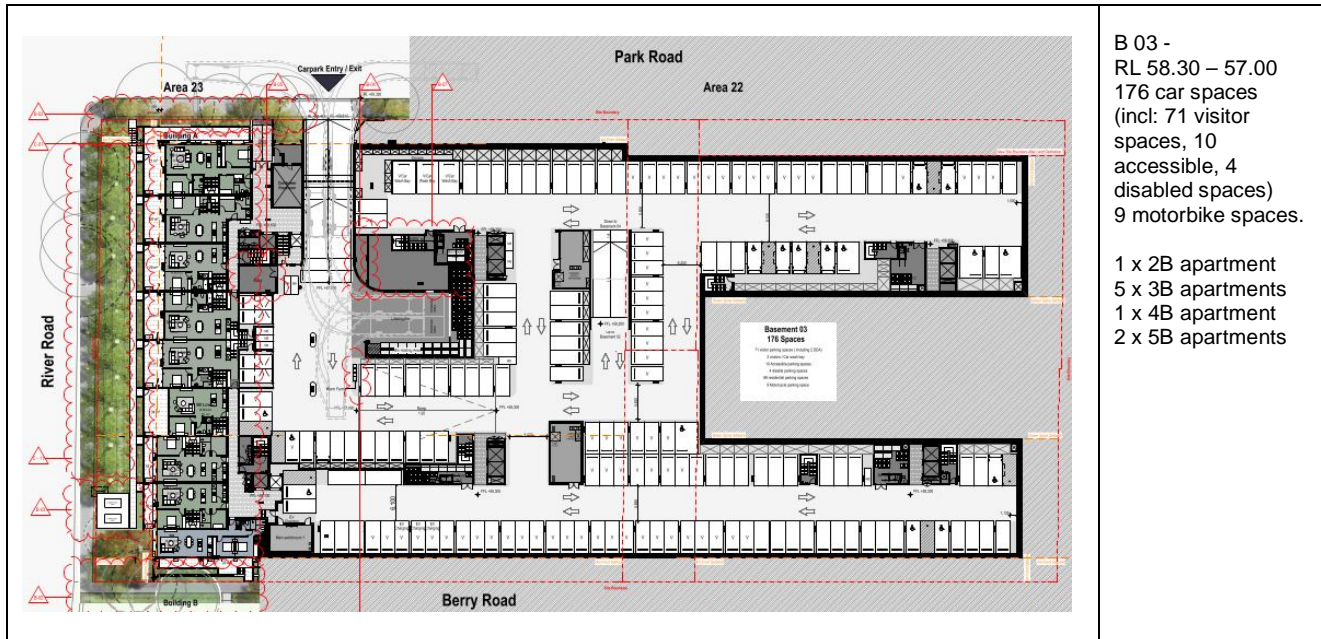
Note: All basement levels have lifts, stairs and ramps to levels above and/or below.



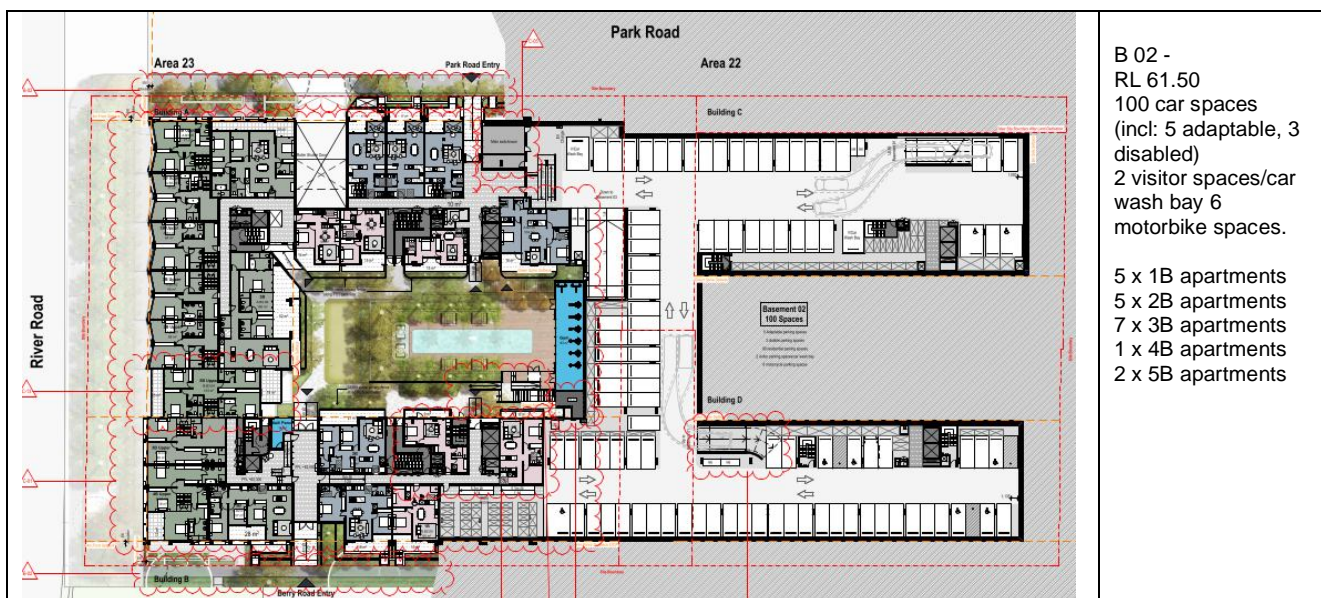
**Figure 24: Basement level B 04 plan.**



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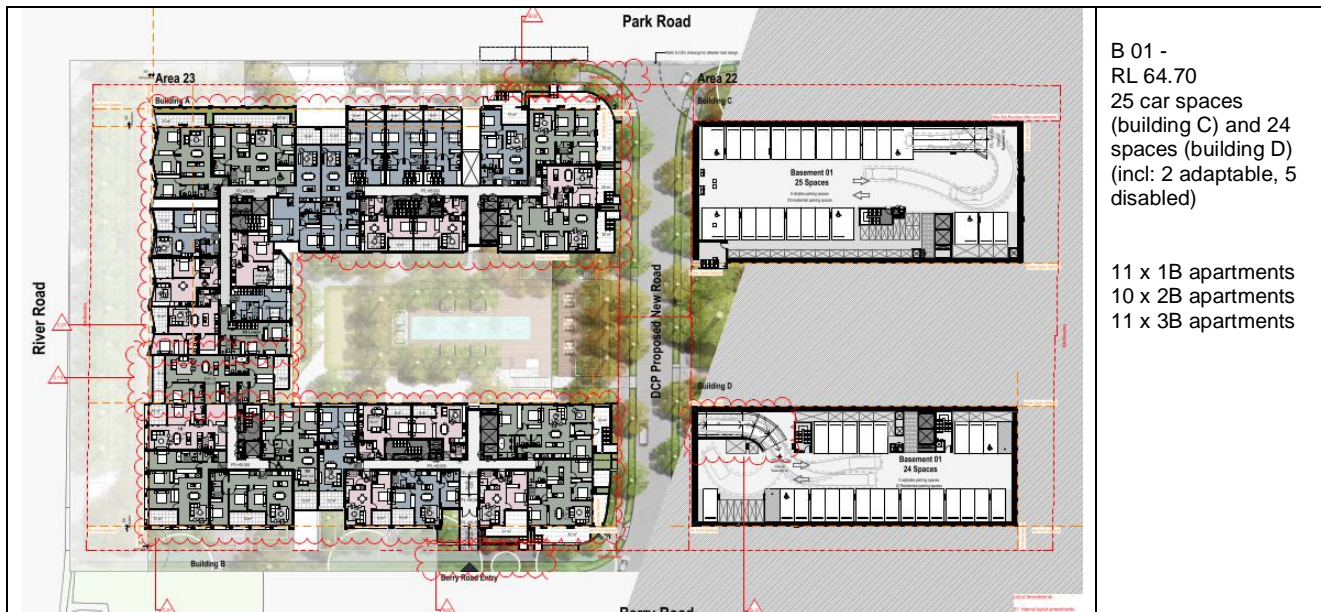


**Figure 25: Basement level B 03 plan.**



**Figure 26: Basement level B 02 plan.**

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**Figure 27: Basement level B 01 plan.**

## **4.2 Staging**

The applicant proposes to construct the development in four stages. The construction stages are:

1. Excavation and shoring works;
2. Basement construction;
3. Structure and finishes; and
4. External and public domain works.

## **4.3 Subdivision**

Subdivision is proposed as part of this Development Application. Strata subdivision of 306 apartments is proposed and a Preliminary Plan of subdivision was submitted with the application. Any subsequent subdivision would require separate approval.

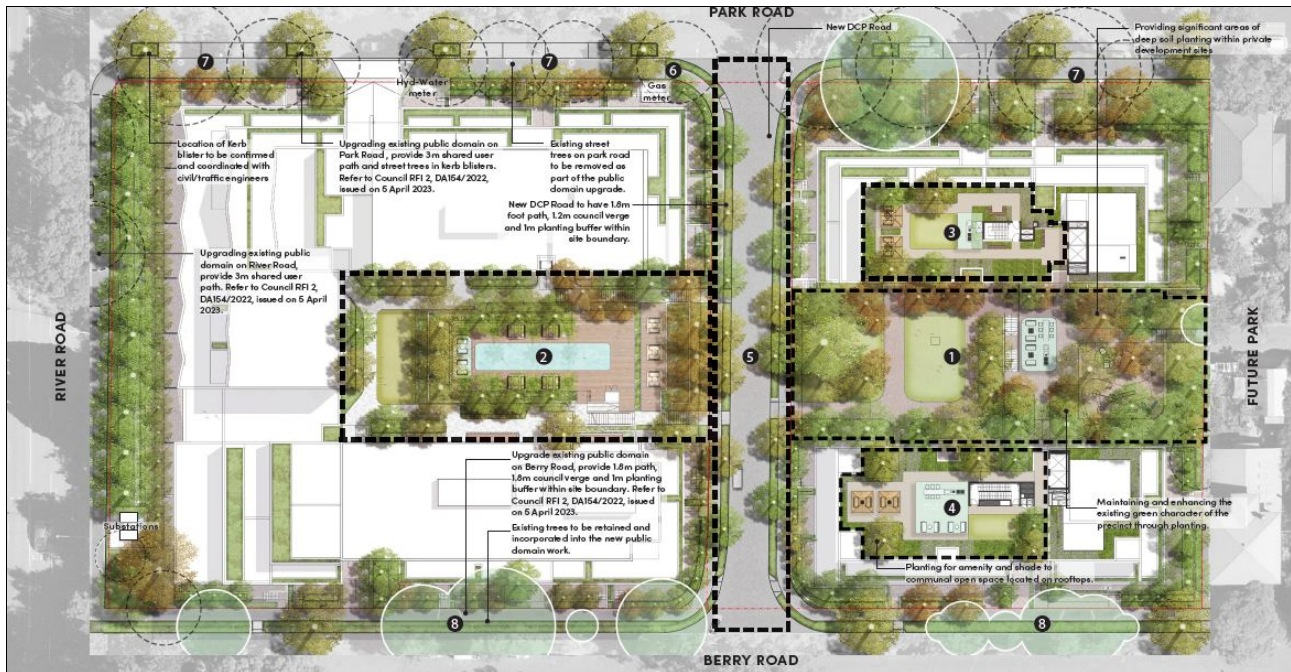
## **4.4 Landscaping**

### **4.4.1 Landscape Plans**

The proposal was accompanied by landscape plans provided as **Annexure 11** to this report with the Overall Landscape Plan provided in **Figure 28** below.



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**Figure 28: Overall Landscape Plan (Source: turf/Clouston).**

#### **4.4.2 Tree Preservation, Removal and Replacement**

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

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

The proposal includes the retention of 47 trees.

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

The proposal includes the removal of 175 on-site trees.

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

Conditions have been included requiring details for 175 proposed on-site replacement trees.

#### **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 landscaping, 'nature play' area, open lawn, seating, alfresco dining/BBQ, 20m lap pool & pool deck with sun lounges **Figures 29 and 30**.



**Figure 29: Zoom in of green spine Area 22 (Source: turf/Clouston).**



**Figure 30: Zoom in of green spine Area 23: (Source: turf/Clouston).**

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

The proposal includes the following required public domain works:

- **Public Space:** the dedication to Council in perpetuity of a 12 metre wide area to accommodate road through the land to connect Park Road and Berry Road.



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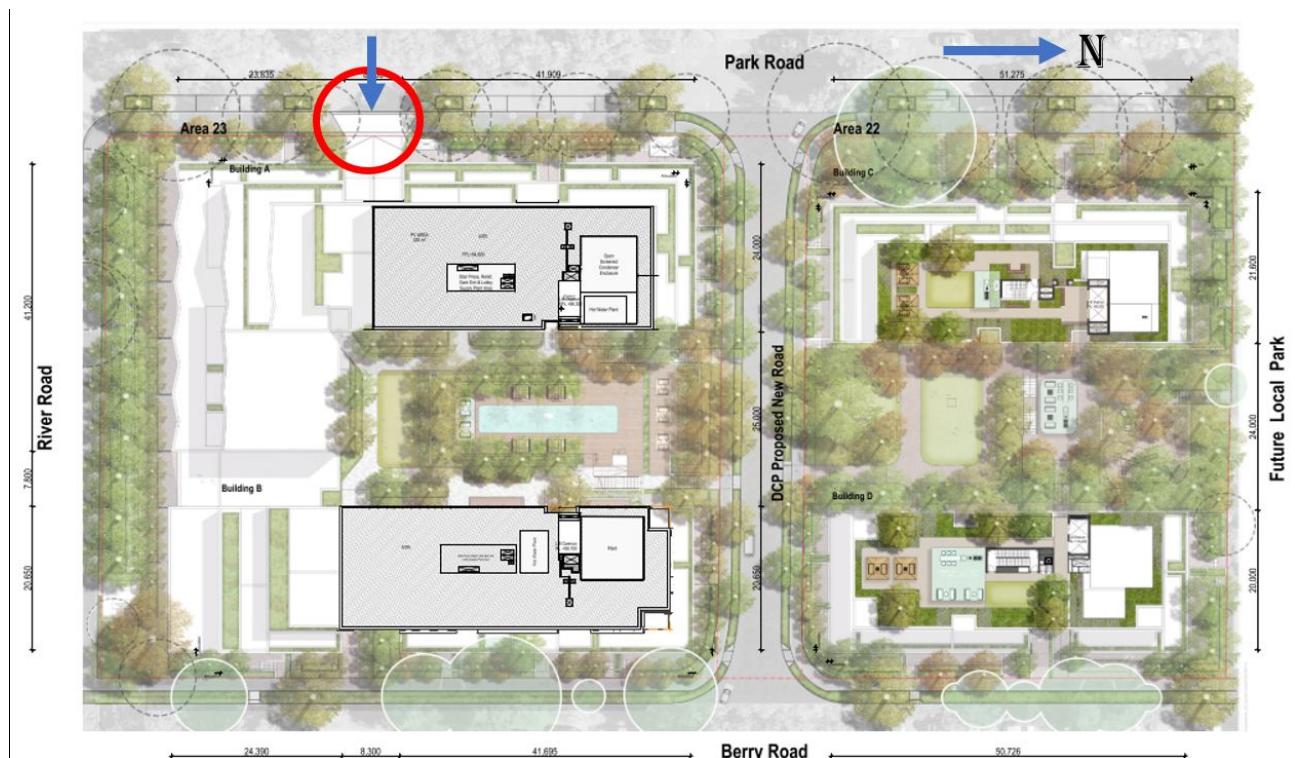
- **Undergrounding of Utility Services:** The undergrounding of utility services in the public domain adjacent to the site (e.g. Holdsworth Avenue electricity poles and wires).
- **Street Tree Planting and Structural Root Cell:** The provision of supplementary street tree planting and structural root cell to all street frontages.

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

#### **4.6 Site Access (Vehicular and Pedestrian)**

##### **4.6.1 Vehicular Access**

Vehicular access is proposed from southern end of **Park Road**. Refer to **Figure 31** below.



**Figure 31: Vehicular access point.**

##### **4.6.2 Pedestrian Access**

The sites will accommodate multiple communal pedestrian access points including; through the green spine and from the DCP new park, new DCP Road (providing east/west access), access to residential building lobbies is provided from Park road and Berry Road. The lobby is accessible from the basement, street frontage and green spine.

#### **4.7 Materiality**

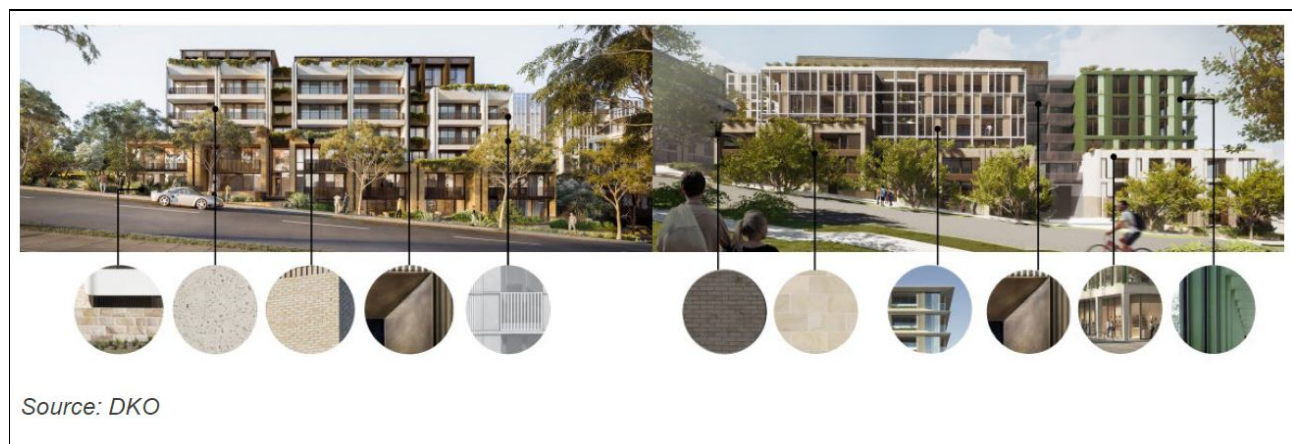
The proposed external colours and finishes are detailed in **Figure 32** and include concrete, sandstone features, light and medium coloured brick, and a range of metal cladding in neutral and earthy tones.

#### **4.8 Private Open Space**

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

#### 4.9 Waste Management

Waste management is detailed in the submitted *Revised Operational Waste Management Plan (Annexure 23)*. Waste management is proposed to occur on-site through a central waste collection area in the basement in each building. A linear Waste Chute System will be provided for the development for the reception of waste material only. Common areas e.g. pool, gym, green spine, music room will be supplied with suitably branded waste and recycling bins where considered appropriate. Separate arrangements will be made for both recycling streams with compartments located on each floor of the building for 240-litre recycling bins to be provided in each compartment.



**Figure 32: Materials and finishes.**

#### 4.10 Stormwater Management

Stormwater management is detailed in the submitted Civil Infrastructure and Stormwater Management Report. (**Annexure 43**). Stormwater measures include a number of water quality treatments,

- All stormwater discharge from the Site will drain to the proposed OSD tank and rainwater tank for non-potable reuse within basement level 4;
- Gross Pollutant Traps at kerb inlet pits with DCP New Road and within the Green Spine; and
- Proprietary filtration devices on all roofs and landscaped areas discharge into a stormfilter tank located next to OSD Tank.

#### 4.11 Sustainability

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

- BASIX Certificate and NatHERS Assessment Report (**Annexure 24**)
- ESD & Energy Efficiency Report (**Annexure 28**)

The reports outline various measures to achieve sustainability. During assessment the original design was further developed to increase the NatHERS 6.8-star to a 7-star rating, Electric Vehicle-

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charging infrastructure and electricity and water usage reduction. This exceeds the minimum standards.

#### **4.12 Public Art**

The proposal was accompanied by a preliminary public art strategy (**Annexure 29**) which has identified artwork opportunities within the green spine areas and into architectural features of building (skylights) and geometric patterns within paving of public footpaths. The applicant would select indigenous artists to tell their stories and the importance and connection to the land outline the process for the design and installation of public art of the value of work being a minimum 0.5% of the development cost.

### **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>
25 July 2022	NSROC Design Review Panel Meeting and Council Pre-DA Meeting.
21 September 2022	NSROC Design Excellence Panel Meeting.
6 December 2022	Subject Development Application lodged.
20 January 2023	Public notification of Development Application and Draft VPA commenced.
17 February 2023	Public notification of Development Application and Draft VPA concluded.
3 March 2023	1 <sup>st</sup> RFI Letter sent to the applicant requesting additional information.
12 April 2023	Applicant provided response to 1 <sup>st</sup> RFI letter.
28 April 2023	2 <sup>nd</sup> RFI Letter sent to the applicant requesting additional information.
11 May 2023	Meeting between Council and applicant to discuss design changes required relating to setbacks.
17 May 2023	Briefing of the Sydney North Planning Panel.
15 June 2023	Applicant provided amended plans and full set of amended documentation including response to 2 <sup>nd</sup> RFI letter.

#### **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	Submitted on 15 June 2023 as part of the response to request for additional

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	<p>information. The principal amendments are as follows:  Reduction of total apartments from 314 to 306.</p> <p>Changes to apartment mix as below:  -Amendment to internal layout.  -Amending lower-level balconies fronting River Road to accommodate winter gardens with operable glass louvres to allow the option to enclose spaces and protect from acoustic and pollution impacts from River Road.  -466 car parking spaces (to comply with DCP)  -Relocation of substation, rainwater and OSD tank, bulky goods room, gas meter.  -New weather protection awning on roof of building A</p> <p>The proposal was amended to comply with the DCP setbacks to River Road, Park Road, the DCP New Park and the DCP New Road;</p> <ul style="list-style-type: none"> <li>• River Road 17m setback at and above level 4, 24m set back at and above level 6 (Buildings A and B);</li> <li>• Berry Road 7m setback at and above level 6 (Buildings B and D);</li> <li>• DCP New Road 7m setback at and above level 6 (Building D)</li> <li>• DCP New Park 9m setback at and above level 5 (Building D).</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>
<b>12 April 2023</b>	
Additional and updated documentation to reflect amended plans:	<ul style="list-style-type: none"> <li>• Site plan with Tree 154;</li> <li>• Revised Operational Waste Management plan;</li> <li>• Response to Submissions;</li> <li>• Dewatering Management Plan;</li> <li>• Revised Construction and Demolition Environmental and Waste Management Plan.</li> </ul>
<b>15 June 2023</b>	
Architectural Plans	Full set of amended plans
	<p>Amended documentation Including:</p> <ul style="list-style-type: none"> <li>• Revised landscaping plans;</li> <li>• Amended QS Summary Report;</li> <li>• Amended Urban Design and SEPP 65 Report;</li> <li>• Signed Landscape DA Checklist;</li> <li>• Amended BASIX &amp; NATHERS Assessment Report;</li> <li>• Amended ESD Report;</li> <li>• Amended Traffic and Parking Assessment;</li> <li>• Amended BCA and Access Report;</li> <li>• Amended Geotechnical Desktop Study (Area 22);</li> <li>• Amended Civil Infrastructure &amp; Stormwater Management;</li> <li>• Amended Civil Drawings;</li> <li>• Amended Preliminary Site Investigation;</li> <li>• Amended Acoustic Report;</li> </ul>



- Amended Construction Methodology Plan;
- Amended Operational Waste Management Plan; and
- Amended Fire Safety Statement.

## **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.

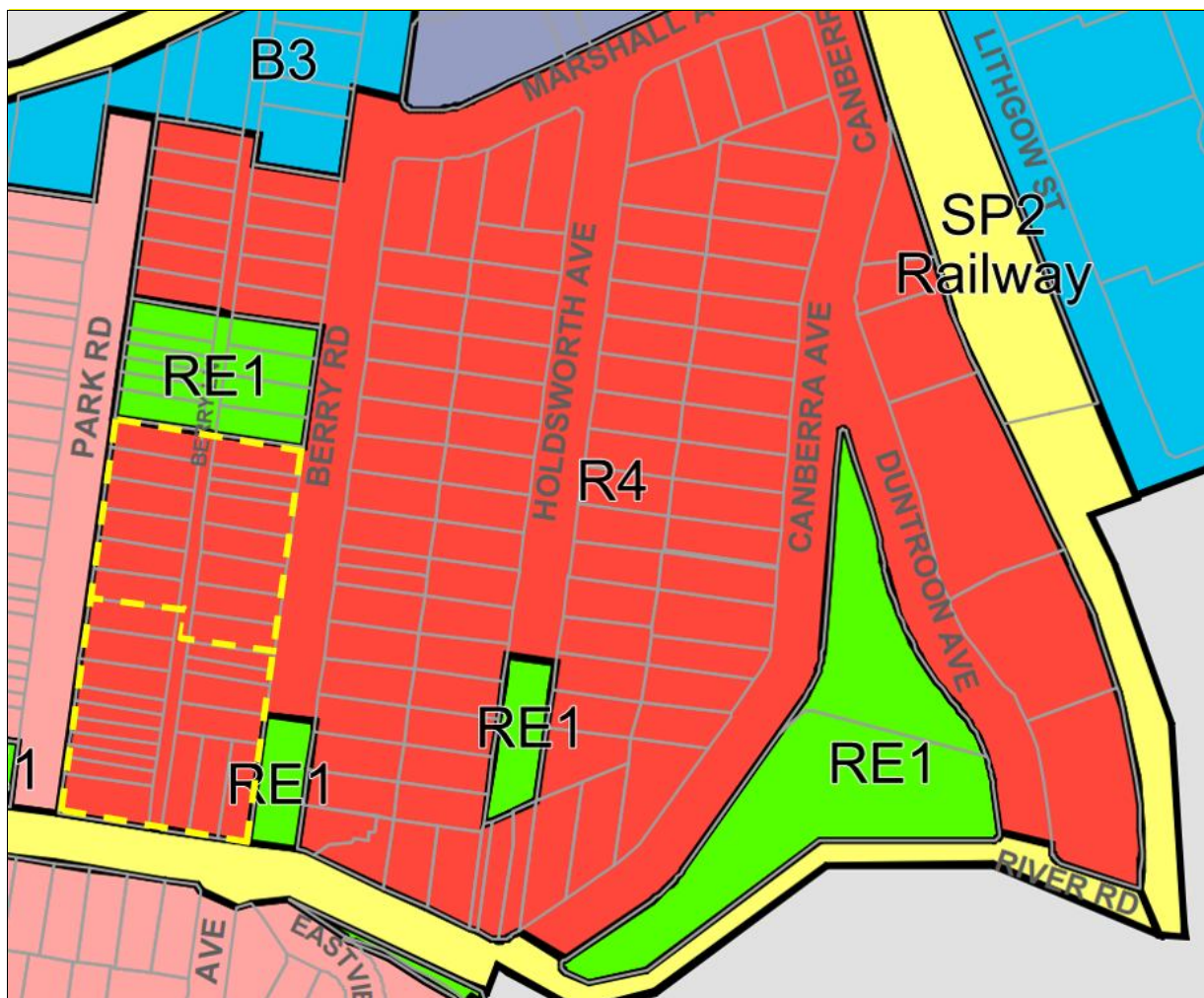


Figure 33: Zoning Map (Source: Council LEP Map).

##### **6.1.1.2 Incentive Building Height and Floor Space Ratio**

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

#### 6.1.1.2.1 Accessing Incentive Provisions

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

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

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

#### 6.1.1.2.2 Compliance with Incentive Provisions

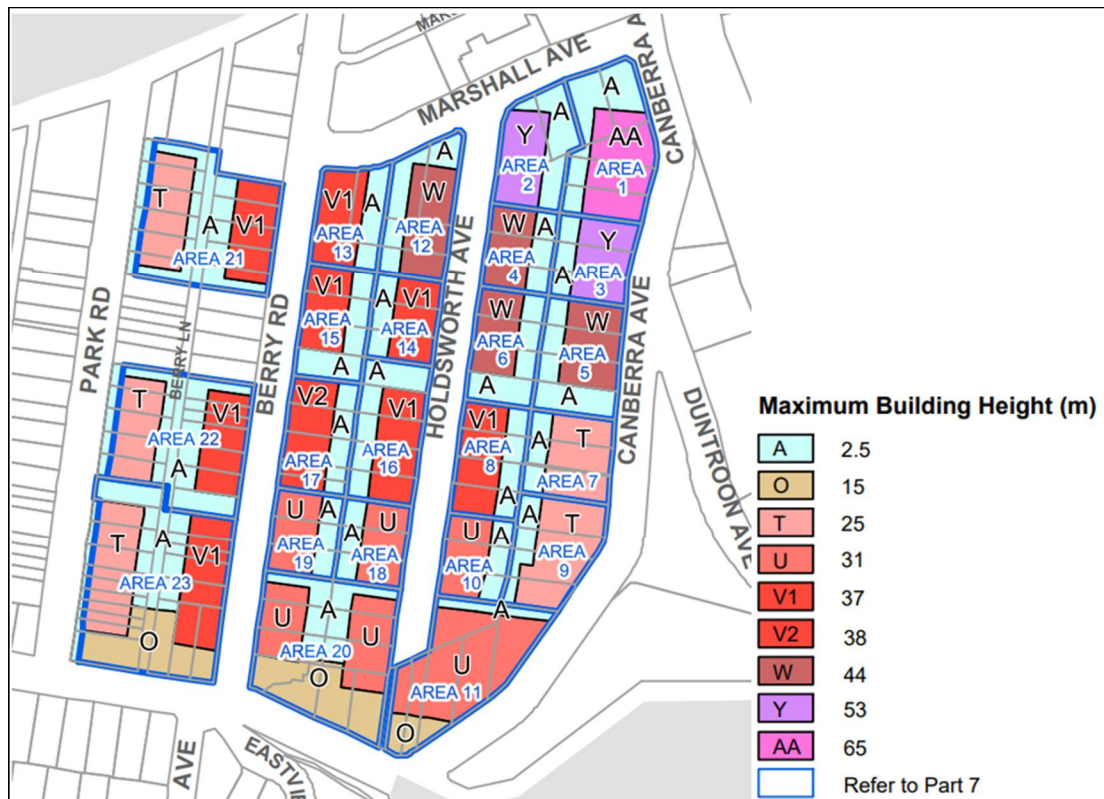
An assessment against the relevant incentive activating provisions is provided in **Table 7** as follows:

<b>Table 7 – Applicable Incentive Provisions</b>			
<b>Category</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Unit Mix</b>	Minimum 20% of 1/2/3 bedroom units	76 x studio/1 bedroom (25%) 133 x 2 bedrooms (43.4%) 97 x 3+ 4+ 5+ bedrooms (31.6%)	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>	Minimum site area for Area 22 of 4600sqm  Minimum site area for Area 23 of 6800sqm	Area 22 area = 4802sqm  Area 23 area = 6755sqm	<b>No</b> Area 23 is 45 sqm less than LEP minimum area requirement or an 0.6% variation to the development standard.  Refer to clause 4.6 section
<b>Affordable Housing</b>	No affordable housing required in Areas 22 and 23.	N/A	N/A
<b>Recreation Area</b>	No recreation areas required in Areas 22 and 23.	N/A	N/A
<b>Pedestrian Link</b>	A 12metre wide road through the land to connect Park Road and Berry Road.	Provided	Yes

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

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

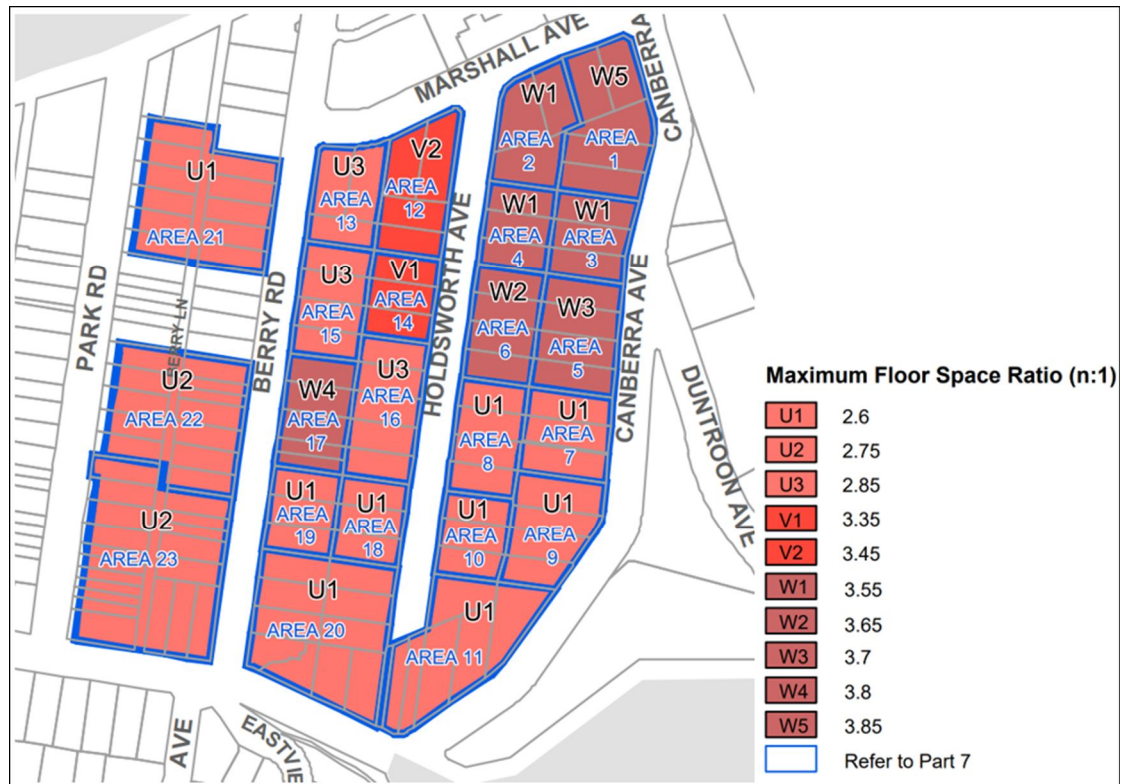
The incentive building height (**Figure 34**) and incentive floor space ratio (**Figure 35**) apply to the development.



**Figure 34: Maximum Building Height Map.**



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**Figure 35: 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 22 Building C</b>	25m	23.2m	Yes
<b>Area 22 Building D</b>	37m	36.9m	Yes
<b>Area 23 Building A</b>	25m	25m	Yes
<b>Area 23 Building B</b>	37m	36.7m	Yes

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

**ii. Floor Space Ratio**

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

<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 22</b>	2.75:1 (12,650sqm)	12,009sqm  (31,780m <sup>2</sup> including Area 23)	Yes
<b>Area 23</b>	2.75:1 (18,576.25sqm)	19,771sqm  (31,780m <sup>2</sup> including Area 22)	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 22 and Area 23 (**Annexure 37**). The conclusions of the advice are considered satisfactory namely:

- i. The FSR is the same (2.75:1) across Areas 22 and 23; 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**

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 23).**

Under Clause 7.2 of the Lane Cove LEP 2009 Area 23 is afforded a minimum site area of 6,800sqm.

A site area of 6,800sqm is not possible as all land within Area 23 has been accounted for in the Site Survey which calculates the site area less than the prescribed minimum.

As a result, Area 23 is 45 sqm below the minimum site area requirements of 6800 sqm. The proposal for Area 23 is 6755 sqm or an 0.6% variation to the development standard.

**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 23, 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.

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

In determining whether to grant consent for development that contravenes a development standard clause 4.6 (3) requires that the consent authority demonstrating that the written request from the applicant seeks to justify that:

1. compliance is unreasonable or unnecessary in the circumstances of the case; and
2. 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;
  - The proposed development exhibits high quality design and design excellence and would not result in any adverse impacts to the surrounding area;
  - Despite the inability to meet the minimum site area requirement for Area 23, the proposed development would still deliver the required public benefit of a 12m wide road between Park and Berry Roads;
  - The variation is in the public interest because it is consistent with the objectives of the zone, and the St Leonard's South Precinct and would assist with housing diversity in the Lane Cove LGA.
3. 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 R4 zone as:

- The proposal would provide 306 new dwellings for a growing population within a high-density residential environment. The proposed minor 0.6% variation to the minimum site area would not impact Area 23's ability to provide housing needs for the community;
- The proposal would provide a dwelling mix of 1, 2, 3, 4 and 5-bedroom residential units. 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 200m metre walk from the site at Area 22. St Leonards Railway Station is approximately 400m to the northeast and within a ten-minute walk. The southwest transit line (Metro) is planned to open in 2024.
- 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 east and north 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 2837sqm dedicated to a central green spine communal area. Approximately 55% of the green spine is unencumbered deep soil (not encroached by basement carparking) and can accommodate compliant soil volumes for vigorous canopy trees at a replacement ratio of 1:1. Total deep soil area within the site boundaries is 2788m<sup>2</sup> (or 24% of site).
- The proposal would not result in the isolation of any sites;

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:

**Clause 7.1 Objectives for the St Leonards South Precinct**

- (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.*



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The proposal is considered to be consistent with the overall objectives of the St Leonards South Precinct as:

- (a) The proposed design includes a total soft landscaped area of 55% of the central green spine area (combined Areas 22 and 23) which can be used as communal open space. The variation to the minimum site of Area 23 would not impede the overall development ability to provide high quality open space and communal open space. The proposed complies with required landscaping and communal open space requirements.
- (b) The new local road connecting Berry Road and Park Road will improve the overall efficiency of vehicle circulation, where there currently is no east-west link between these 2 roads between the Pacific Highway and Marshall Avenue. The site includes numerous pedestrian entry points and a consolidated singular vehicle access point via the southern end of Park Road.
- (c) The variation to the minimum site area will not impact the developments' ability to provide a wide variety of housing stock to accommodate a diverse demographic.
- (d) As per the submitted site survey, all possible land associated with Area 23 is included as part of the proposal. The total site area is 45sqm less than the prescribed minimum. The proposed variation will not result in fragmentation or isolation of land as the development site includes all available land in Area 23.

Clause 4.6(4)(a)(i) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

Each of the sub-clause (3) matters have been comprehensively addressed in the applicants' written request, including detailed consideration of whether compliance with a development standard is unreasonable or unnecessary in the circumstances of this case. The written request is considered to have provided sufficient environmental planning grounds, including matters specific to the proposal and the site, to justify the proposed variation to the development standard.

### 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. The submitted DA retains and enhances a precedent for high quality future development in the SLS area.	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 would integrate appropriately with the public domain.	Yes
7.1.6(4)(c)	<i>whether the development protects and</i>	The proposal seeks to respond to	Yes

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	<i>enhances the natural topography and vegetation including trees or other significant natural features,</i>	the topography through the provision of activated part storeys and retains canopy trees in the public domain within the site where possible.	
7.1.6(4)(d)	<i>whether the development detrimentally impacts on view corridors,</i>	The proposal would not detrimentally impact on view corridors. The proposal would comply with the permitted built form and envelope established in the SLS Precinct Masterplan.	Yes
7.1.6(4)(e)	<i>whether the development achieves transit-oriented design principles, including the need to ensure direct, efficient and safe pedestrian and cycle access to nearby transit nodes,</i>	The site is a 10-minute walk from nearby transit nodes including major bus networks on the Pacific Highway. St Leonard's railway station is also within walking distance. The proposal would provide for a high-level of integration into pedestrian and cycle infrastructure including: comprehensive network of pedestrian infrastructure including walking paths with the green spine. Under the DCP requirements, the proposal would include a new east-west road link between Berry and Park Road that can accommodate both vehicles and pedestrians. The Sustainable Travel and Access Plan (STrAP) (Annexure 14) indicates alternative transport options including provision of 112 secure bicycle parking facilities.	Yes
7.1.6(4)(f)	<i>the requirements of the Lane Cove Development Control Plan,</i>	The proposal has been assessed against the Lane Cove Development Control Plan and is considered satisfactory.	Yes
7.1.6(4)(g)	<i>how the development addresses the following matters—</i>  <i>(i) the suitability of the land for development,</i>  <i>(ii) existing and proposed uses and use mix,</i>	(i) The land is suitable for the development;  (ii) The proposed use mix (residential) is appropriate given the zoning. The development is not required to provide any other alternate uses (childcare etc.)  (iii) The proposal does not include heritage items, and the streetscape presentation is of a high quality subject to conditions of consent.  The site is located in proximity to local heritage items listed by	Yes



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	<p><i>(iii) heritage issues and streetscape constraints,</i></p> <p><i>(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</i></p> <p><i>(v) bulk, massing and modulation of buildings,</i></p> <p><i>(vi) street frontage heights,</i></p> <p><i>(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,</i></p> <p><i>(viii) the achievement of the principles of ecologically sustainable development,</i></p>	<p>Schedule 5 Part 1 of the LEP:</p> <p>These heritage items include:</p> <ul style="list-style-type: none"> <li>• 'House' at 7 Park Road, St Leonards (Item No. I327) – located approximately 35m north-west of the site.</li> <li>• 'House' at 5 Park Road, St Leonards (Item No. I326) – located approximately 60m north-west of the site.</li> <li>• Sandringham at 3 Park Road St Leonards (Item No: I325). Approx. 75m northwest.</li> </ul> <p>The proposal was reviewed by Council's heritage consultant who raised no objection and determined the proposal would not have any detrimental impacts on the heritage significance of the nearest heritage items.</p> <p>A comprehensive heritage study was undertaken on behalf of Council as part of the formulation of the SLS Precinct design. It should be noted that the nearest heritage items will face the future DCP Park and not proposed development.</p> <p>(iv) The separation, setbacks, amenity and urban form is satisfactory. The interrelationship between the site and neighbouring sites have been carefully managed.</p> <p>(v) The proposal provides for modulation in line with the DCP in relation to street wall heights, horizontal articulation and the number of storeys. At Council's request the River, Park, Berry, DCP Park and DCP Road frontages were amended to comply with the</p>	
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	<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>setbacks above podium level.</p> <p>(vi) Street frontage heights were amended to comply with the DCP factoring in the allowance of part storeys on a significantly sloping site.</p> <p>(vii) The environmental impacts have been reduced through significant landscaping, sustainability initiatives (amended during assessment to increase from a NAtHERS 6.8-star rating to a NAtHERS 7 star rating , EV charging) and minimising overshadowing. Given that the buildings are less than 40m in height, a wind effect report is not required under section 6.2 (a) of the Lane Cove DCP.</p> <p>(viii) ESD is achieved as outlined in the submitted ESD and Energy Efficiency Report and in achieving compliance with the DCP.</p> <p>(ix) The development provides for a high level of pedestrian connectivity within and in the adjacent public domain to the site. Vehicular and service access is of a high quality with a single driveway entry Park Road. The proposal consolidates the number of vehicle crossings into the public domain. The proposal includes a new new east-west road link between Berry and Park Road that can accommodate both vehicles and pedestrians.</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 east/west pedestrian link</p>	
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		plans (DCP New Road between Park and Berry) are of a high quality and would be subject to further Council approval prior to construction. The private spaces on the site provided access through the green spine (ground level), and rooftop communal open space provide the anticipated level of amenity, facilities and depth and quality of landscaping.	
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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><i>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</i></p> <p><i>(e) the source of any fill material and the destination of any excavated material,</i></p> <p><i>(f) the likelihood of disturbing relics,</i></p> <p><i>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i></p>	<p>The proposal would result in excavation depths ranging from 4m in the south west corner to 20m in the north-eastern corner of the site.</p> <p>The proposal was accompanied by a geotechnical investigation, a construction methodology plan and a site waste minimisation plan to ensure proper fill disposal, detail soil stability conditions and considerations.</p> <p>A referral has been sent to Water NSW in relation to groundwater impacts and their concurrence is imminent. Council has recommended the SNPP determine the application as a deferred commencement consent requiring the General Terms of Approval (GTAs) from Water NSW be</p>	Yes



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		submitted to Council prior to the issue of an operative consent.	
		All matters required to be addressed under Clause 6.1A are addressed by the applicant and inform draft conditions of consent.	

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

### **6.1.2 SEPP 65 – Design Quality of Residential Development**

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

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

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

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

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

#### **6.1.2.2 Design Quality Principles**

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

#### **PRINCIPLE 1: CONTEXT AND NEIGHBOURHOOD CHARACTER**

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

**Comment:** The proposal responds to its context and neighbourhood character. The design was amended to address Council's comments relating to stepped setbacks at the required levels. The proposed materiality has been chosen to reflect the single dwelling housing west of the site and streetscape character on the opposite side of Park Road. The design includes provisions of significant deep soil within the green spine. The site responsive design elements that will contribute to the existing future character while being sensitive to the interface with the established character. The proposed design satisfies Principle 1: Context and Neighbourhood Character.

#### **PRINCIPLE 2: BUILT FORM AND SCALE**

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

**Comment:**

The proposal complies with the maximum building height control, and the number of storeys control. The proposal would exceed building separation requirements at all building frontages. The proposal as amended complies the building setbacks to ensure the envisioned built form and 'cascading effect' when transitioning southward and westward into adjoining R2 low density zones. The length of the north-south facades is appropriately articulated to break up the overall building mass. The proposed built form and scale would contribute positively the future desired character of the area. The proposed design satisfies Principle 2: Built Form and Scale.

#### **PRINCIPLE 3: DENSITY**

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

**Comment:** The proposed density of the development is consistent with the maximum incentive floor space ratio. The original design was amended, and the proposed number of dwellings was reduced from 314 to 306 dwellings. The proposed development is not exceeding the anticipated density measures for FSR and is consistent with future projected population of the area. The proposed design satisfies Principle 3: Density.

#### **PRINCIPLE 4: SUSTAINABILITY**

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

**Comment:** The proposal as amended would provide for substantial deep soil zones in accordance with the Landscape Master Plan, high-quality ground level and rooftop communal open space, compliant natural ventilation, and compliant solar access. Other sustainability measures are achieved through passive solar design (shade louvers and blade walls to protect north and west glazing), climate responsive design (high performance insulation), solar PV on rooftop space, communal BBQ areas are 100% electric (no gas) The BASIX and the recommended draft conditions of consent (EV charging and NatHERS 7-star rating) also contribute to high environmental performance. 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 all frontages, within the site and green spine, to the rooftops, and in-between buildings, response to the specific micro-climate conditions created across the site through building placement, topography and site orientation. Approximately 55% of the green spine not being encroached by basement parking and can accommodate compliant soil volumes for vigorous canopy trees. The Design Review Panel generally supported the landscape scheme including deep soil, well-defined circulation and amenity facilities provided. The design included additional landscaped communal roof top spaces at the request of the DRP. The proposed design satisfies Principle 5: Landscape.

#### **PRINCIPLE 6: AMENITY**

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

**Comment:** The design provides for high levels of external amenity within the green spine and to rooftop areas. The proposed apartments would have a high level of residential amenity. Each apartment layout will foster strong interaction with the outdoors and take advantage of significant city views in upper levels. All dwellings provide ventilation, outlook, solar access, natural light and storage. The Design Review Panel was satisfied in principle with the proposed internal amenity in relation to room layouts, solar access. The proposal complies with the Apartment Design Guide (ADG) requirements for solar access and natural ventilation. Improved acoustic privacy is achieved for dwellings fronting River Road frontage by the allowing them to function as winter-gardens. Screening is provided from apartments which interface with the green spine. Highlight windows are provided on levels 1,2 and the 3 Park Road facing apartments to ensure adjacent living rooms receive adequate privacy. The proposed design satisfies Principle 6: Amenity



#### **PRINCIPLE 7: SAFETY**

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

**Comment:** The proposal would provide for appropriate safety through the provision of active street frontage to Park and Berry Roads. The development would provide a new east-west road which increases pedestrian and vehicular connectivity. All communal areas would be well—lit. The design proposal provides clear and well-defined lobby entries to each building with well-considered wayfinding. Communal open space within green spine is fenced off by a security fence. The proposal incorporates crime prevention through environmental design principles. The proposed design satisfies Principle 7: Safety.

#### **PRINCIPLE 8: HOUSING DIVERSITY AND SOCIAL INTERACTION**

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

**Comment:** The proposal provides for a varied apartment mix (minimum 20% 1/2/3-4-bedroom units. The proposal provides for 20% adaptable apartments, 80% visitable/liveable apartments and well-connected communal open space areas including within the green spine. The communal activity facilities within the green spine including pool and gym are located to achieve the maximum social interaction and have direct equitable access. The proposed design satisfies Principle 8: Housing Diversity and Social Interaction.

#### **PRINCIPLE 9: AESTHETICS**

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

**Comment:** The Design Review Panel supports the proposed materials palette. The Panel commends the variety of façade materials, textures and colours and the articulation to create a diverse architectural solution suited to the different streetscapes and orientations 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 – 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 Preliminary Site Investigation Report (<b>Annexure 19</b>) to assist Council in determining compliance with Clause 7(1) of SEPP Hazards and Resilience which does not raise any issues of contamination after review by Council's Environmental Health Officer.</p>
<p><i>(2) Before determining an application for 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></p>	<p><b>Complies</b> – As above Preliminary Site Investigation Report submitted and found to be satisfactory.</p>
<p><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></p>	<p><b>Complies</b> – As above Preliminary Site Investigation Report is found satisfactory.</p>
<p><i>(4) The land concerned is—</i></p> <p><i>(a) land that is within an investigation area,</i></p> <p><i>(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</i></p>	<p><b>Complies</b> - The site is not within an investigation area or listed in Table 1 to the guidelines. Preliminary Site Investigation Report submitted and found to be satisfactory by Council's Environmental Health officer subject</p>

<b>Table 12 – Clause 7 Compliance Table</b>	
<b>Provision</b>	<b>Compliance</b>
<i>have been, carried out,</i> <i>(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital—land—</i> <i>(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</i> <i>(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>	to recommended draft conditions.

**The Development Application complies with SEPP Resilience and Hazards 2021**

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

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

**The Development Application complies with SEPP (BASIX) 2004**

#### **6.1.5 SEPP (Infrastructure) 2021**

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

<b>Table 13 – SEPP (Infrastructure) 2007 Assessment</b>		
<b>Clause</b>	<b>Assessment</b>	<b>Compliance</b>
<b>102 – Impact of road noise or vibration on non-road development</b>	The proposal was accompanied by an Acoustic Assessment which appropriately addresses the impact of road noise on the development in accordance with the Guidelines.	Yes
<b>104 – Traffic-generating development</b>	The proposal was referred to Transport for NSW (TfNSW) under Clause 104 as greater than 300 dwellings are proposed. No objections were raised by TfNSW.	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 \$121,990,243.00 (exceeding \$30 million) satisfying the requirements of SEPP (State and Regional Development) 2011.

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

#### **6.1.7 SREP (Sydney Harbour Catchment) 2005**

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

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

#### **6.1.8 Water Management Act 2000**

The proposal was referred to Water NSW under s90(2) of the Act for a work approval.

A referral has been sent to Water NSW in relation to groundwater impacts and their concurrence is imminent. Due to significant delays of Water NSW assessment timeframes, Council has recommended the SNPP determine the application as a deferred commencement consent. The deferred commencement consent would require the General Terms of Approval (GTAs) from Water NSW be submitted to Council prior to the issue of an operative consent.

#### **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**

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

**ii. Notification Period**

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

<b>Public Notification</b>			
<b>Plan Revision</b>	<b>Lodgement Date</b>	<b>Notification Period</b>	<b>Submissions Received</b>
<b>Revision 1</b>	06/12/2022	08/12/2022 - 13/01/2023	
<b>Revision 1</b>		20/01/2023 - 17/02/2023	
<b>Total</b>			<b>36 (32 unique)</b>

**iii. Summary of Submissions**

The 36 submissions received are summarised and addressed in **Annexure 4** to this report. **All submission have been sent to SNPP for consideration.**

**6.7 Public Interest**

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

**7. Contributions**

**7.1 Voluntary Planning Agreement**

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

**7.2 Special Infrastructure Contribution**

The site is within the [St Leonards and Crows Nest Special Contributions Area](#) which requires the payment of a contribution to support the St Leonards and Crows Nest 2036 Plan – refer to Annexure 1 for the relevant condition imposed.

**7.3 Conditions of Consent**

Refer to **Annexure 1**.

**8. CONCLUSION**

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



## **RECOMMENDATION**

That:-

- A. That pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979 the Sydney North Planning Panel at its meeting of 26 July 2023 approve as the Consent Authority pursuant to Clause 4.16 of the Environmental Planning & Assessment Act 1979 approve a variation to the minimum site area prescribed by Clause 7(4) (e) of the Lane Cove Local Environmental Plan 2009, as it is satisfied that the applicant's request has adequately addressed the matters required to be demonstrated by Clause 4.6 of that Plan, and the proposed development would be in the public interest as it is consistent with the overarching objectives of the St Leonards South Precinct and the objectives for development within the zone.
- B. That pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979 the Sydney North Planning Panel at its meeting of 26 July 2023 grant a deferred commencement consent of Development Application DA154/2022 for the construction of 4 residential flat buildings (ranging from 3 - 10 storeys) comprising a total of 306 dwellings and basement parking for 545 vehicles subject to conditions.
- C. This consent shall not become operational until the applicant satisfies the Council by producing satisfactory evidence relating to the matters set out in ANNEXURE 1 - Part A within one year of the issue of this consent.
- D. Upon the consent authority being satisfied as to compliance with the matters set out in ANNEXURE 1 - Part A the consent shall become operative and take effect from the date of notification under Clause 95(5) of the Environmental Planning and Assessment Regulations subject to the conditions set out in Part B.

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

## **ATTACHMENTS:**

There are no supporting documents for this report.