STATEMENT OF ENVIRONMENTAL EFFECTS

Areas 22 & 23 - St Leonards

Prepared for
BERRY ROAD DEVELOPMENT PTY LTD
1 December 2022

URBIS

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1. INTRODUCTION

1.1. OVERVIEW

This Statement of Environmental Effects (**SEE**) has been prepared by Urbis on behalf of Berry Road Development Pty Ltd (**the applicant**) in support of a development application (**DA**), submitted to Lane Cove Council (**the Council**), for construction of a residential development comprising the construction of four (4) residential flat buildings with basement car parking and associated landscaping and creation of new local road.

The site consists of thirty-one (31) allotments with a total site area of 11,557sqm and is strategically located in the well-connected suburb of St Leonards. The site forms part of the Council led St Leonards South Planning Proposal, which was finalised in late 2020 to allow for higher density residential development and to facilitate amendments to the *Lane Cove Local Environmental Plan 2009* (**LEP 2009**) and Lane Cove Development Control Plan (**DCP 2009**).

Specifically, this DA seeks development consent for the following:

- Demolition of all existing buildings on site and lot consolidation.
- Removal of 175 existing trees and site preparation works.
- Construction of a new road at the centre of the site connecting Park Road and Berry Road; and
- A total of 314 apartments within four residential flat buildings ranging from 4-10 storeys (excluding part storeys) and fronting River Road, Park Road, Berry Road and New DCP Road.
- Basement levels comprising a total of 542 car parking spaces, and associated loading and wash bays.
- Landscaping throughout the site with a focus on the central green spine, podium landscape at Level 7 of Building C and Level 12 of Building C, and private terraces, and
- Strata subdivision of 314 apartments.

The proposed development positively supports the transformation of the St Leonards South Precinct by creating a high amenity residential precinct supporting the principles of transit-orientated development (TOD) in close proximity to St Leonards Station and the future Crows Nest Metro Station.

This proposal has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) and the *Environmental Planning and Assessment Regulation 2000* (**the Regulations**). The development consent is sought in accordance with Part 4 of the EP&A Act.

1.2. COST OF WORKS

The proposed works have an estimated cost of $124,259,206 (including GST) and development consent is sought in accordance with Part 4 of the EP&A Act.

The cost of works is above $30 million; accordingly, the DA is declared as regionally significant development, and will be determined by the Sydney North Planning Panel (**SNPP**).

1.3. REPORT STRUCTURE

This SEE is structured as follows:

- **Section 2 - Site Context:** identifies the site and describes the existing development and local and regional context.
- **Section 3 - Project History:** outlines the approvals history and pre-lodgement discussions with key stakeholders.
- **Section 4 -Proposed Development:** provides a detailed description of the proposal including the demolition and construction phase.
- **Section 5 - Strategic Context:** identifies and analyses the State, regional and local strategic planning policies relevant to the site and proposed development.
- **Section 6 - Statutory Context:** provides a detailed assessment of the State and local environmental planning instruments and plans relevant to the site and development.
- **Section 7 – Assessment of Key Issues:** identifies the potential impacts arising from the proposal and recommends measures to mitigate, minimise or manage these impacts.
- **Section 8 - Section 4.15 Assessment:** provides an assessment of the proposal against the matters of consideration listed in Section 4.15 of the EP&A Act.
- **Section 9 – Conclusion:** provides an overview of the development assessment outcomes and recommended determination of the DA.

1.4. SUPPORTING DOCUMENTS

The technical and design documents that have been prepared to accompany this DA are provided as attachments to this SEE.

Table 1 Supporting Documentation

Document Title	Consultant
Survey Plan (including area calculation)	Land Partners
Plan of Subdivision (facilitating Draft Section 88E Instrument)	Land Partners
QS Summary Report	Altus Group
Architectural Plans	DKO
Landscape Plans	Turf
Urban Design Report (inclusive of Design Verification Statement and SEPP 65 Report)	DKO
3D Digital Model	DKO
BASIX & NATHERS Assessment Report	ESD Scientific
ESD Report	ESD Scientific
Traffic and Parking Assessment	MLA Transport Planning
Access Report	Jensen Hughes

Document Title	Consultant
Geotechnical Desktop Study (Area 22)	Tetra Tech Coffey
Geotechnical Assessment Report (Area 23)	Tetra Tech Coffey
Arboricultural Impact Assessment	Ecological Australia
Civil Infrastructure & Stormwater Management Report	AT&L
Civil Drawings (including Sediment and Erosion Controls Plans)	AT&L
MUSIC Modelling	AT&T
DRAINS Model	AT&T
Preliminary Site Investigation	Tetra Tech Coffey
Acoustic Report	EMM
Construction Environmental Management Plan	Southpac Constructions
Construction Methodology Plan	Southpac Constructions
Construction Traffic Management Plan	MLA Transport Planning
Public Art Strategy	FCAD
BCA Report	Jensen Hughes
Operational Waste Management Plan	Elephants Foot
Fire Safety Statement	Holmes
Draft Voluntary Planning Agreement	Lane Cove Council
Provisional engagement with AAPE	AAPE
Sustainable Travel and Access Plan (STRAP)	MLA Transport Planning
DCP Compliance Table	Urbis
Clause 4.6 Variation Statement	Urbis

2. SITE CONTEXT

2.1. SITE DESCRIPTION

The site is known as ‘Areas 22 & 23’ within the St Leonards South precinct in the Lane Cove government area **(LGA).** The consolidated site address is 26-50 Park Road, 27-47 Berry Road and 48-54 River Road, St Leonards NSW 2065.

The extent of the site is illustrated in **Figures 1 & 2.** The legal addresses and deposited plans of the site are summarised in the following tables.

Table 2 Area 22 Site Address and Legal Description

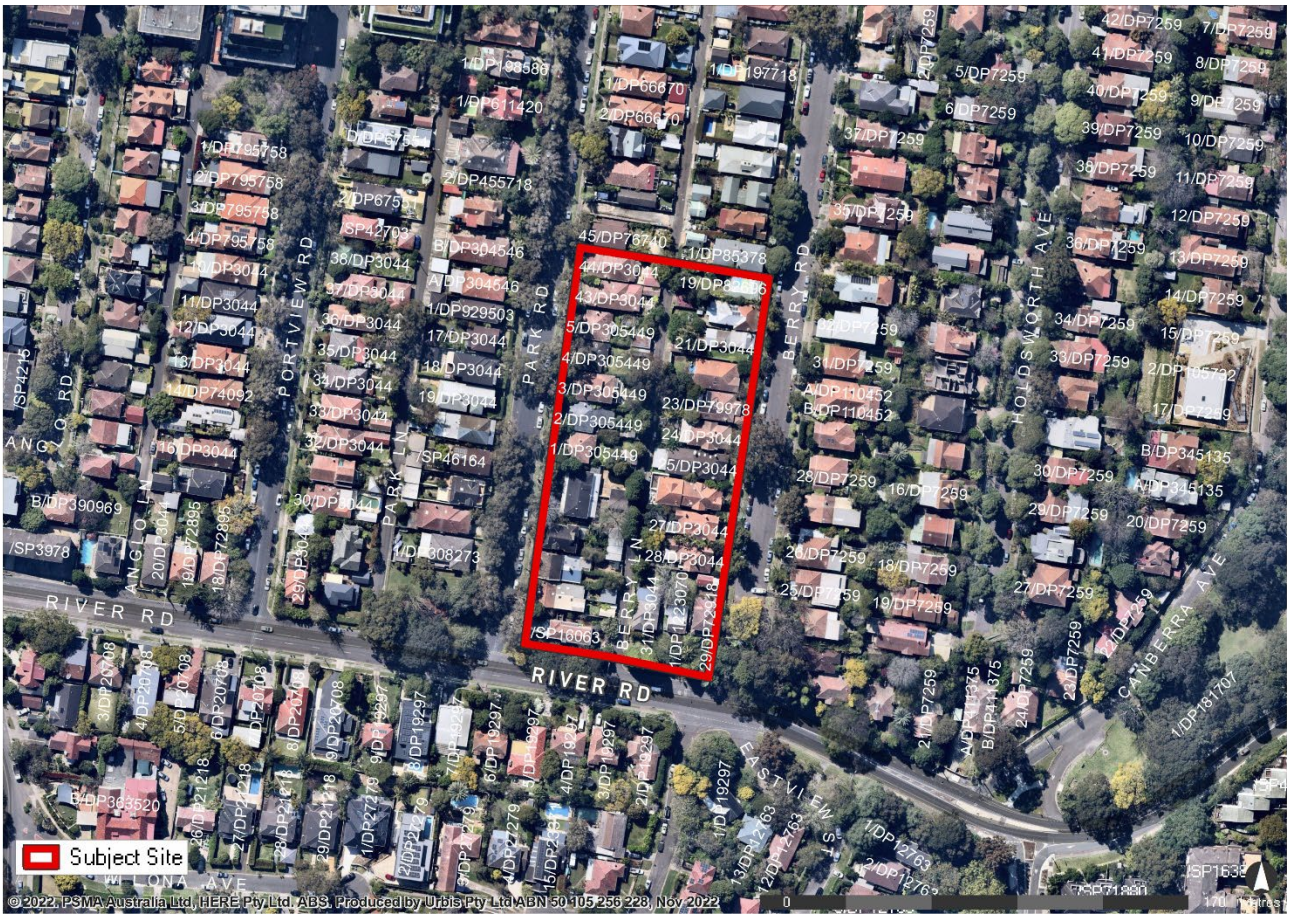
Address	**Lot and Deposited Plan**
26 Park Road	Lot 44 Section 3 in DP 3044
28 Park Road	Lot 43 Section 3 in DP 3044
30 Park Road	Lot 5 in DP 305449
32 Park Road	Lot 4 in DP 305449
34 Park Road	Lot 3 in DP 305449
27 Berry Road	Lot 19 in DP 82696
29 Berry Road	Lot 1 in DP 533847
31 Berry Road	Lot 2 in DP 533847
33 Berry Road	Lot 21 Section 3 in DP3044
35 Berry Road	Lot 22 Section 3 in DP 111237
37 Berry Road	Lot 23 in DP 79978
39 Berry Road	Lot 24 Section 3 in DP 3044
Part of Berry Lane	NA – lot and DP number is not available

Table 3 Area 23 Site Address and Legal Description

Address	**Lot and Deposited Plan**
36 Park Road	Lot 2 in DP 305449
38 Park Road	Lot 1 in DP 305449
40A Park Road	Lot 37 in DP 666528
40B Park Road	Lot 36 in DP 3044

Address	Lot and Deposited Plan
42 & 42A Park Road	Lot 351 & 352 in DP 848236
44 – 50 Park Road	Lot 1 – Lot 4 in DP 225445
48 River Road	Lot 29 in DP 72918
50 River Road	Lot 30 Section 3 in DP 111237
52 River Road	Lot 31 Section 3 in DP 3044
1/54 River Road and 2/54 River Road	Lot 1 & Lot 2 in SP 16063
41 Berry Road	Lot 25 in DP 3044
43A & 43B Berry Road	Lot 1 & 2 in DP 734702
45 & 47 Berry Road	Lot 27 & 28 Section 3 in DP 3044

Figure 1 Aerial image of the site



Source: Urbis

In terms of ownership of the site, allotments within Area 22 and 23 are owned by JQZ Twelve Pty Ltd. Berry Lane is owned by the Lane Cove Council. Consents are attached to this DA.

The site has an area of 11,557sqm and has a frontage of approximately 161m, 77m and 161m to Berry Road, River Road, and Park Road respectively.

The site has a significant slope from north to south, with the lowest point of the site adjoining River Road (refer to Site Survey prepared by Land Surveyor). There is typical vegetation pattern within the site, suitable for a residential area of the Lower North Shore. The vegetation includes trees of moderate canopy and plantings. In terms of closest water course, namely Berrys Creek, is located in Newland Park over 40m from the site.

In terms of easements, the site includes the following:

- Easement for support variable width between Lots 36 in DP3044 and 37 in DP666528.
- A 0.23m wide part wall easement between Lots 351 and 352 in DP848236.
- A 0.229m wide part wall easement between Lot 1 and 2 as well as between Lot 3 and 4 in DP225445.
- Right of way along the northern and southern side of Lot 3 in DP225445 and Lot 2 in DP225445 respectively.
- A variable width party wall easement between Lot 1 and 2 in DP734702.

The existing development on-site compromises approximately 31 individual residential dwellings, ranging from one to two storeys in height. Vehicular access is provided in numerous points along Park Road, Berry Road, and River Road, and is typical of the existing low-density residential nature of the area.

A series of site photographs are provided in **Figure 2** overleaf.

Figure 2 Site Photos

Picture 1 View looking east along River Road

Picture 2 View looking south along Park Road

Picture 3 View looking south along Berry Road

Source: Urbis

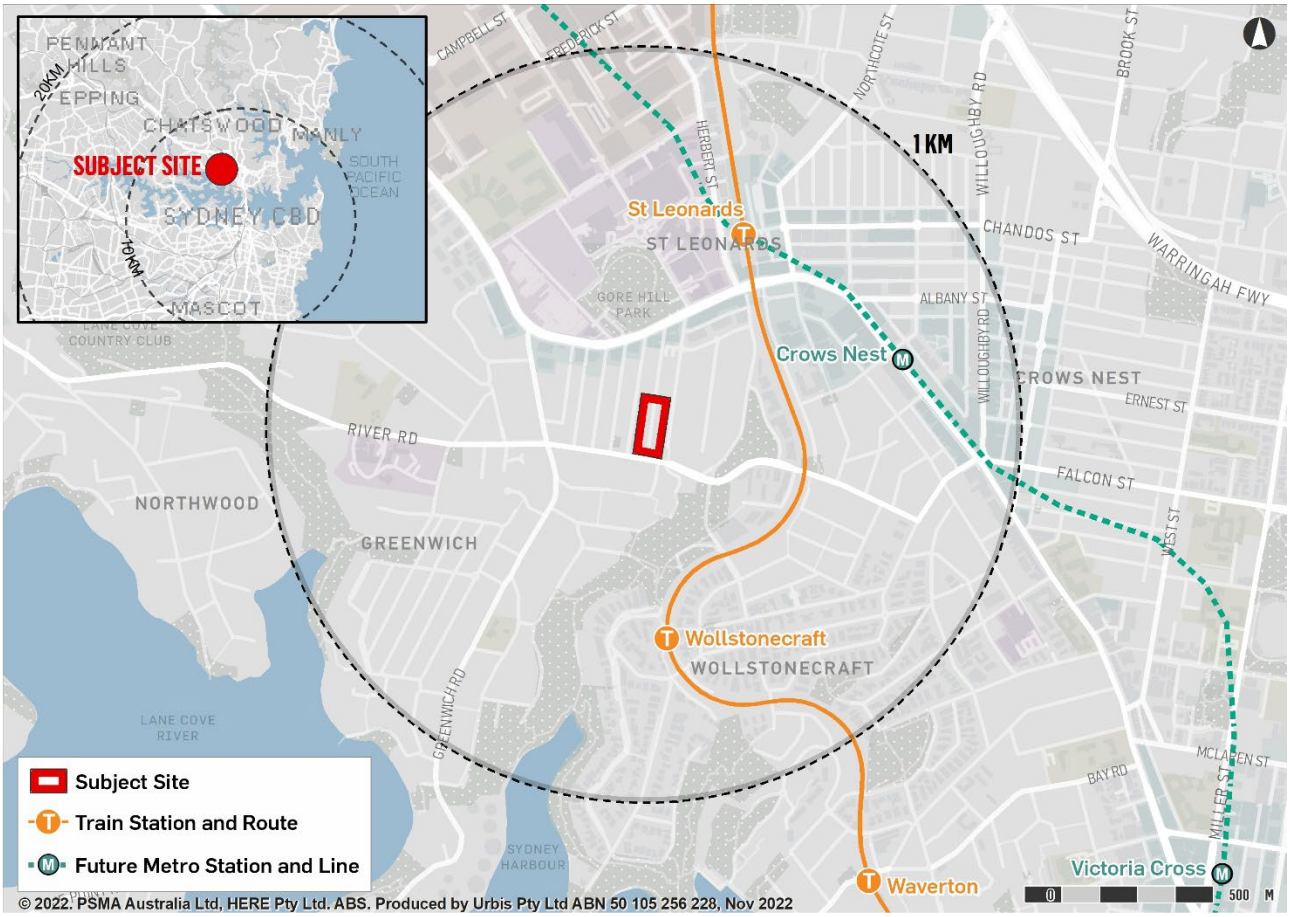
2.2. LOCAL CONTEXT

The site is located within the suburb of St Leonards in the Lane Cove Local Government Area (LGA), St Leonards is located 6km north of the Sydney CBD within Sydney's Lower North Shore. The site is proximate to the existing St Leonards train station that links to major commercial centres of North Sydney, Chatswood, and Macquarie Park.

In August 2017, St Leonards and Crows Nest was declared a Priority Precinct by the NSW Department of Planning, Industry and Environment (**DPIE**). Following the declaration of the area as a Priority Precinct, the St Leonards, and Crows Nest 2036 Plan (the Plan) was published in August 2020. The Plan will facilitate the urban renewal of St Leonards and Crow's Nest for an expanding employment centre and growing residential community in suburbs of St Leonards, Greenwich, Naremburn, Wollstonecraft, Crows Nest, and Artarmon.

The site is located at the heart of St Leonards within convenient walking distance of the facilities and services available within the St Leonards rail precinct. The area is well advanced in its transition from an older style commercial precinct into a thriving mixed-use area incorporating a mix of commercial and residential land uses. The site falls within the St Leonards South Rezoning area which is has recently changed the existing land use from R2 Low Density Residential to R4 High Density Residential. This transition is being supported by current development activity, recent approvals and further planned development.

Figure 3 Local Context Plan



Source: Urbis

2.3. SURRONDING DEVELOPMENT CONTEXT

The surrounding locality is characterised by detached dwellings fronting local roads orientated in a north-south direction connecting with Pacific Highway to the north and River Road to the west. On the northern side of Pacific Highway lies the Royal North Shore Hospital and allied heath serves as well as St Leonards CBD including the existing train station.

The character of the surrounding locality is however planned for change. It is known as the St Leonards South Precinct which was subject to a Lane Cove Council led rezoning to increase the density across the entire precinct in response to their strategy to accommodate housing growth in a location proximate to existing and planned new (metro rail) transport infrastructure.

In response to the new planning policy conditions, two large sites have secured development consent. In summary:

- **13-19 Canberra Avenue, St Leonards**
  - construction of a mixed-use development (12 storeys) comprising 81 apartments, childcare centre for 60 children, community facility, restaurant/café, and basement parking for 116 vehicles, east-west public pedestrian link and stratum/strata subdivision
- **21 -41 Canberra Avenue and 18-32 Holdsworth Av, St Leonards**
  - Demolition of existing structures and construction of five (5) residential flat buildings (ranging from 6 to 10 storeys) comprising a total of 330 apartments and basement parking for 372 vehicles.

The following sites are proposed to be redevelopment for high density residential flat buildings, the development applications of which are currently under assessment:

- 23-31 Holdsworth Avenue, 22-34 Berry Road and 42-46 River Road, St Leonards
- 4-8 Holdsworth Avenue, 1-5 Canberra Avenue, and 4-8 Marshall Avenue, St Leonards
- 13-19 Holdsworth Avenue, 12-20 Berry Road, St Leonards

2.4. TRANSPORT & ACCESSIBILITY

The site is located approximately 1km from St Leonards Railway Station. St Leonards Station is located on the T1 North Shore, Northern, and West Line and is directly connected to major destinations such as North Sydney, Parramatta, and Sydney CBD. The site is also located approximately 1km west of the planned new Crows Nest Metro Station to be delivered as part of the new Sydney Metro City and Southwest transit railway line (Metro), with a scheduled opening in 2024.

The site is located 200m south of the Pacific Highway which is a State Road, and a major traffic corridor. In both directions the kerbside lanes are dedicated transit lanes during peak hours. Multiple high frequency bus routes run along the Pacific Highway resulting in a high level of accessibility to/from the site to destinations across metropolitan Sydney.

Park Road is an arterial two-way road, with parking in both directions permitted as certain times. Numerous bus routes run along Park Road.

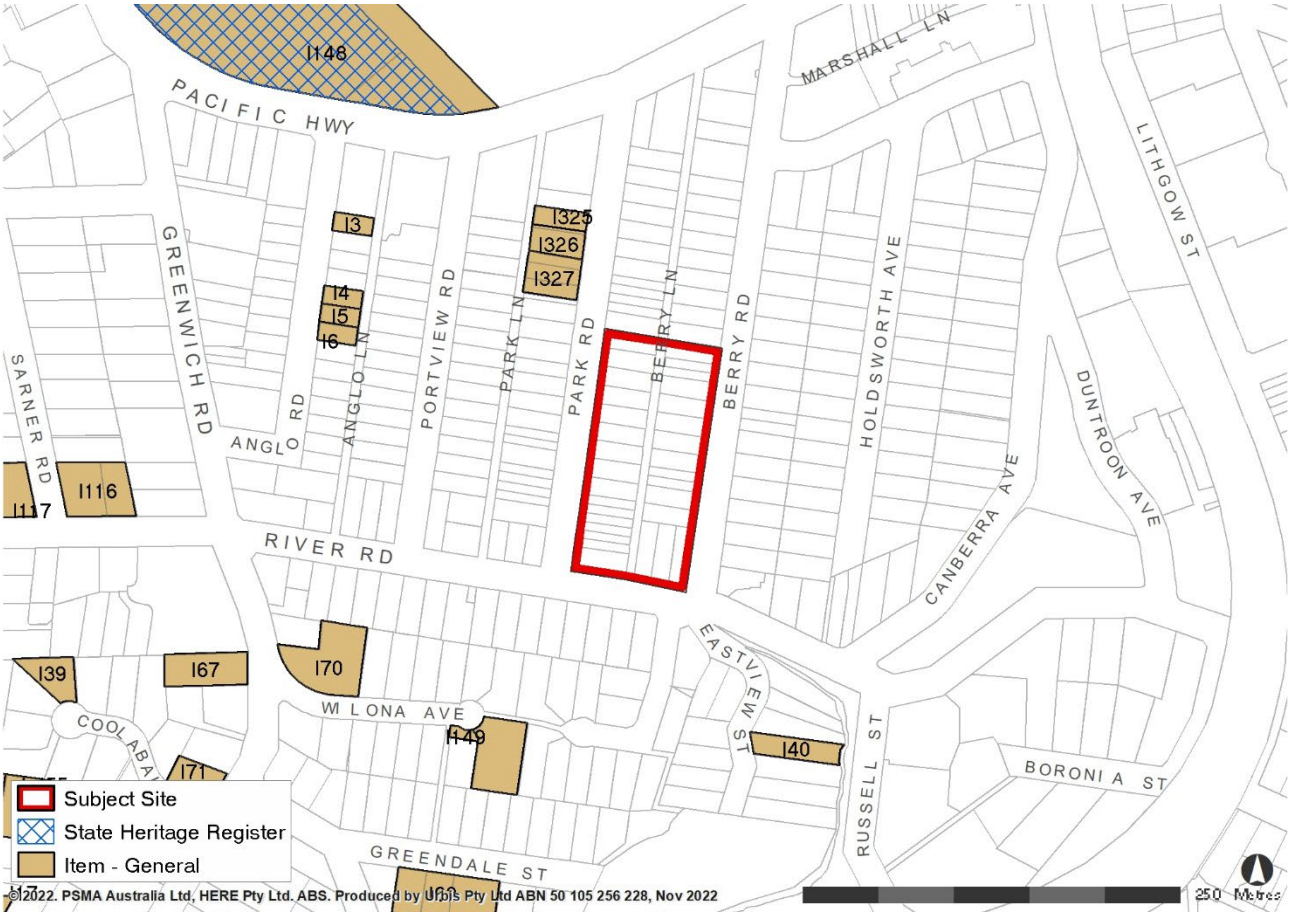
Both Berry Road and Park Road are local suburb roads with ample street parking. The site is highly accessible by numerous modes of public transport.

2.5. BUILT HERITAGE

The site is not listed as a local or State heritage item nor is it located within a heritage conservation area under the Lane Cove Local Environment Plan 2009 (LCLEP). However, it is located in proximity to a number of local heritage items listed by Schedule 5 Part 1 of the LEP (refer **Figure 4**). These heritage items include:

- 'House' at 7 Park Road, St Leonards (Item No. I327) – located approximately 35m north-west of the site.
- 'House' at 5 Park Road, St Leonards (Item No. I326) – located approximately 60m north-west of the site.
- 'House' at 8 Eastview Street, Greenwich (Item No. I40) – located approximately 100m south-east of the site.
- 'House' at 18 Wilona Avenue, Greenwich (Item No. I148) – located approximately 170m south of the site.
- 'Glenwood Nursing Home' at 34-40 Greenwich Road, Greenwich (Item No. I70) – located approximately 290m south-west of the site.

Figure 4 Heritage Map



Source: LCLEP 2009

2.6. UTILITY SERVICES

The site is located within an established urban area within which all utility services exist and are capable of being augmented to accommodate the proposed development.

3. PROJECT HISTORY

3.1. PLANNING PROPOSAL HISTORY

The site forms part of the Council led St Leonards South Planning Proposal, which was finalised in late 2020 to allow for higher density residential development and facilitated amendments to the LEP, DCP and implemented a new Landscape Master Plan (LMP).

The LEP amendments were gazetted in October 2020 and took effect on 1 November 2020 and in summary comprised:

- Change in zoning from R2 Low Density Residential to R4 High Density Residential.
- Inclusion of areas of RE1 Public recreation between Park Road and Berry Road and Berry Road and River Road.
- Introduce a new local clause to identify bonus height and FSR opportunities in return for identified infrastructure, public benefit, site amalgamation and demonstration of design excellence.
- The incentive height and FSR standards facilitate an increase from 0.5:1/0.6:1and 9.5m to up to 3.85:1 and 65m respectively.

The new planning framework is also supported by a site specific DCP and a LMP which were adopted by Council at the 19 October 2020 meeting and took effect from that date. These documents are intended to supplement the LEP controls to provide more detailed built form and landscape guidelines. The Proponent has been consulting extensively with Lane Cove Council throughout the Planning Proposal phase, and in addition met with senior planning staff in November 2020 to seek clarity on a range of matters while the design review structure was being finalised.

Figure 5 below illustrates the St Leonards South area which was subject to the Planning Proposal.

Figure 5 St Leonards South Planning Proposal Area

Source: Lane Cove Council

3.2. PRE-LODGEMENT DISCUSSIONS

On the 25 July 2022, the applicant engaged in pre-lodgement discussions with the Council. The following summaries the key issues raised at the meeting, and how the applicant has responded to these matters.

Table 4 Summary of Matter Raised in Pre-Lodgement Meeting with Lane Cove Council

Matter	Response
Integrated Development The Statement of Environmental Effects (SEE) is to include a specific section on the integrated development status of the development under Division 4.8 of the Environmental Planning and Assessment Act, 1979 including, but not limited to, findings relating to ground water in the Geotechnical Report and requirements under the Water Management Act 2000 and the Roads Act 1993.	The DA is an Integrated DA under the *Water Management Act 2000* and the Road Act 1993, refer to **Section 6.1.2** and **Section 6.1.3** within this SEE. In addition, a Geotechnical Assessment Report (Area 23) is provided.
Quantity Surveyor The provisions of Schedule 7 of the SEPP (State and Regional Development) 2011 are to be addressed and a Quantity Surveyors Report provided.	The proposed works have an estimated cost of $124,259,206 (including GST) and development consent is sought in accordance with Part 4 of the EP&A Act. A Quantity Surveyors (QS) Cost Estimate Report has been prepared by Altus Group and is provided. The cost of works is above $30 million; accordingly, the DA is declared as regionally significant development, and will be determined by the Sydney North Planning Panel (**SNPP**).
Traffic Generating Development The provisions of SEPP (Infrastructure) 2007 are to be addressed and the proposal will be at a minimum referred to TfNSW as Traffic Generating Development.	*State Environmental Planning Policy (Transport and Infrastructure) 2021* (**Transport and Infrastructure SEPP**) has been addressed in **Section 6.2.3** of this SEE.
SEPP 65 – Design Quality of Residential Apartment Development The provisions of SEPP 65 apply to the proposed development. The Development Application is to be accompanied by a Design Verification Statement and a statement as to how the recommendations of the Design Review Panel (Relating to SEPP 65) have been incorporated in the proposal. In addition, an assessment against the Apartment Design Guide (ADG) is to be incorporated within the SEE.	The Urban Design Report, Design Verification Statement, SEPP 65 assessment and addresses how the DRP comments have been incorporated into the proposal.

Matter	Response
SEPP 55 – Remediation of Land A contamination report is to be prepared in accordance with SEPP 55 and a summarising statement of recommendation/outcome provided in the SEE.	A Contamination Report is provided. In addition, **Section 6.2.2** addresses the relevant provisions under *State Environmental Planning Policy (Resilience and Hazards) 2021* (**Resilience and Hazards SEPP**).
SEPP (BASIX) 2004 The proposal is to be accompanied by a BASIX and NATHERS Statement certifying 6-star NATHERS rating.	A BASIX Certificate and NATHERS Statement accompanies this application. In addition, **Section 6.2.4** addresses SEPP BASIX.
Deep soil The DCP requires that the green spine be predominantly deep soil (greater than 50%). The proposed basement design results in 100% of green spine in Area 22 being free of basement intrusions but 0% of the green spine in Area 23 being deep soil. There are no other Areas in SLS that propose zero deep soil. Further justification is required to be submitted to give compelling arguments why Council should support Area 23 having zero deep soil. Further information is required to demonstrate that the proposal can accommodate at least 50% large canopy trees.	Area 23 has deep soil area of 790sqm within the southern setback along the River Road frontage. Further, 30% of the site will be canopy cover and 50% of the trees will be large canopy trees.
Green Spine The DCP requires both sections of green spine to be mostly flat platforms in Areas 22 and 23. The DCP requires the Green Spine Level is prescribed as RL 71.5 in Area 22 and RL 65 in Area 23.	The proposed green spine at Area 22 is located at RL 68.050 and RL 71.250. The green spine at Area 23 is located at RL 62.150 and RL 63.000.
Building length The proposed building length is up to approximately 75m which does not comply. Strong articulation is to be provided to buildings that exceed the maximum permitted building length of 35m	Refer **Section 7.1** and **Section 7.1.4** below.
Building Setbacks Building B Ground Level balconies facing new park encroach the 6m setback. Balconies facing Park Road encroach 10m setback and am east facing GF	Though the proposed design does not provide deep soil at the private open spaces of Building B on the ground level and Level 1, the proposal provides ample deep soil area of 1,998sqm within

Matter	Response
balcony encroaches the 4m setback to Berry Road. All ae recommended to be converted to gardens to allow permeability to deep soil. See below.	Area 22. Furter, the proposal is compliant with the deep soil requirements within the ADG.
Electric Vehicle Infrastructure The proposal is to be provided with electric vehicle charging infrastructure (e.g., the provision of suitable power capacity/facilities for all vehicle spaces in accordance with the DCP. Detail is required in the Traffic Report to outline how this will be delivered.	Electric vehicle charging equipment are provided at three visitor car parking spaces. These charging bays will be available to the residents to charge their electric vehicles. The use of the charging bays will be subject to a booking to be made with the building manager.
Green Spine and Private Open Space Interface The maximum 1m encroachment into the Green Spine for private open space should be observed. Recessed terraces should be provided to allow for the additional 2m required by the Apartment Design Guide.	Apartment units are provided with private balconies which minimise protrusions into the green spine on ground floor and align with the DCP controls. Further, all apartments meet or exceeds the ADG requirements for balcony areas.
Construction Scheduling A construction methodology plan is to be provided.	A Construction Management Plan is provided.
Undergrounding of Services Kiosk and Infrastructure Integration Provisional engagement with service providers on the undergrounding of services and the screening of street-facing infrastructure (electricity kiosks, fire services etc.) are to be provided.	A letter is provided from AAPE is provided confirming that the power supply to the development site can be provided via the proposed installation of two new 1000kVA Kiosk Substations, within the property boundary. AAPE has confirmed that the size of the substations will be sufficient to provide adequate load to the site as required.
Accessibility The proposal is subject to LCDCP 2010 Part F – Access and Mobility. An Access Report is to accompany a Development Application demonstrating NCC compliance as well as LCDCP 2010 compliance including, but not limited to: ▪ 80% visitable apartments; ▪ 20% adaptable apartments; and ▪ Access to all areas within a building and covered by the Section 88E Instrument. ▪ Each adaptable unit is to have 1 car space with a shared zone. ▪ There is to be a continuous pathway though and around the development.	The proposal provides 20% adaptable apartments. Each adaptable unit has one car parking space. An Access Report is included provided. Refer **Section 7.12** for further detail in this regard. It is recommended the Section 88E Instrument is included as a condition of consent to be satisfied at the relevant time.
Traffic and Parking	Refer Traffic Impact Assessment.

Matter	Response
The TIA is to incorporate the St Leonards Cumulative Transport and Accessibility Study dated September 2017. The TIA is to use the AIMSUN model approved by TfNSW for the St Leonards South Precinct. Provision for electrical vehicles must be provided. Swept paths for all waste collection and removalist trucks.	

3.3. DESIGN EXCELLENCE PANEL FEEDBACK

The project team held an initial Design Review Panel meeting on met with the 25 July 2022 at the early concept stage. Following feedback and design development we held a Design Excellence Panel on and 21 September 2022 to discussed advance design plans.

The Panel provided subsequent written feedback regarding architectural and urban design matters, which has been considered by the project team.

The application has been amended to address the Panel's feedback where relevant. A summary of the feedback and the project team's response is provided in Section B of the Urban Design Report. The Panel confirmed that the design scheme has been refined to the point where it can be formally lodged with Council and no further discussions with the Panel are required subject to the Panel's comments being satisfactorily addressed.

4. PROPOSED DEVELOPMENT

4.1. OVERVIEW

This DA seeks development consent for the following:

- Demolition of all existing buildings on site and lot consolidation.
- Removal of identified existing trees and site preparation works.
- Construction of a new road at the centre of the site connecting Park Road and Berry Road.
- Construction of four residential flat buildings ranging from 4-10 storeys (excluding part storeys) and fronting River Road, Park Road, Berry Road and New DCP Road.
- Basement levels comprising car parking spaces, and associated loading and wash bays.
- Landscaping throughout the site with a focus on the central green spine, podium landscape at Level 7 of Building B and Level 12 of Building C, and private terraces, and
- Strata subdivision of 314 apartments.

The proposed development is illustrated in the Urban Design Report and Architectural Plans prepared by DKO, and other supporting technical documents accompanying this report. The overall built form and design is illustrated in **Figure 6** and **Figure 7**.

Figure 6 Proposed Development – viewed from New DCP Road

Source: DKO

Figure 7 Proposed Development – viewed from Berry Road (looking south-west)

Source: DKO

4.1.1. Numeric Overview

Key numeric aspects of the proposal are summarised below. The proposal is described in further detail within the following sections of this report.

Table 5 Numeric Overview of Proposal

Descriptor	**Proposed**
Site Area	▪ Area 23: 6,755m^2 ▪ Area 22: 4,802m^2 ▪ Total: 11,557m^2
Land Use	Residential flat building
Height of Building	▪ Park Road: 6 storeys (excluding part storeys) ▪ River Road: 4 storeys (excluding part storeys) ▪ Berry Road: 4-10 storeys (excluding part storeys)
Gross Floor Area (GFA)	31,780m^2
Floor Space Ratio	2.75:1
Total Number of Apartments	314

Descriptor	Proposed
Apartment Mix	▪ Studio/1 bed: 73 apartments (23%) ▪ 2 beds: 150 apartments (48%) ▪ 3 + 4 beds: 91 apartments (29%) (20% apartments (63) are DDA units) (80% apartments (251) are liveable units)
Parking and Loading	▪ Vehicular car spaces: 542 spaces (includes 78 visitor spaces) ▪ Accessible car spaces: 63 spaces ▪ Car wash bays: 6 ▪ Motorcycle parking: 36 spaces ▪ Loading - 2 x MRV space at Basement 3 loading dock
Bicycle Parking	▪ Resident: 80 spaces ▪ Visitors: 32 spaces
Deep Soil	▪ Area 23: 790m^2 (6.8%) ▪ Area 22: 1,998m^2 (17.2%) ▪ Total: 2,788m^2 (24%)
Communal open space	3,574m^2 (30.9% of the site area)
Landscape Area	1964m^2 (55%)

4.2. SITE PREPARATION, DEMOLITION & CIVIL WORKS

4.2.1. Site Preparation and Demolition

A Construction Methodology Plan (CMP) is prepared by Southpac Constructions and accompanies this application. The CMP states the following site preparation works will be undertaken:

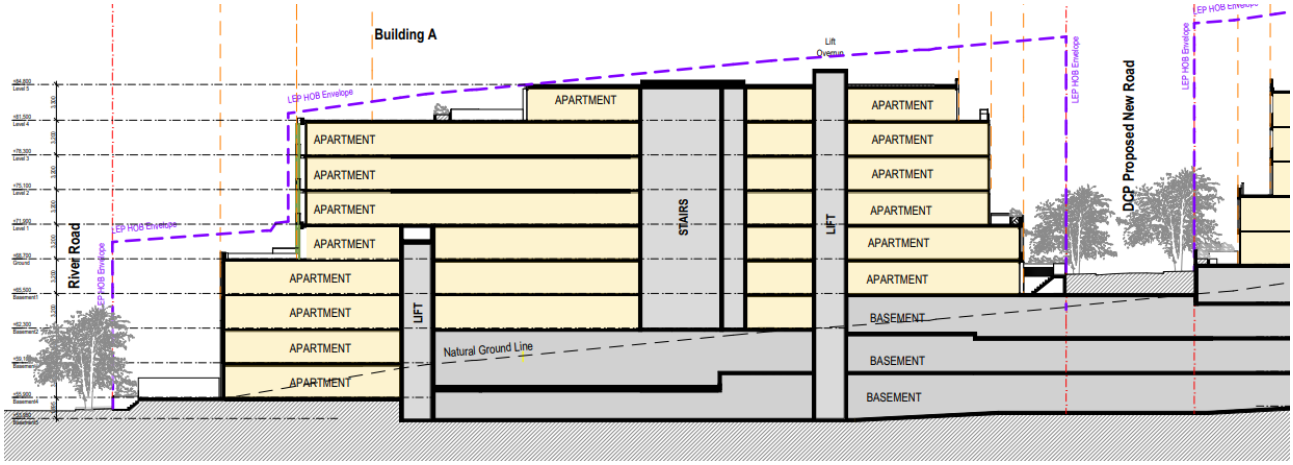
- Jersey kerbs will be installed to protect workers, pedestrians and vehicles movement along Berry Road and Park Road side.
- Trucks entry and egress gates will be installed at the entries on the new proposed DCP Road. Both the gates will be managed by licensed traffic controllers.
- A temporary ramp will be constructed to provide truck access into the excavation zone during the initial excavation. Cattle grids/shaker grid will be provided to prevent spoil leaving the site and located at the southwest corner of the site.
- Construction of the Basement Slab B4 will be staged over 12 separate pours. The Basement Slab B3 to B1 will be staged between 10 and 4 separate pours.

4.2.2. Excavation

Excavation works will be undertaken for the basement level of the building to a depth of RL 53,950m (maximum), as shown in **Figure 8** below.

The proposed excavation works will be in accordance with the Geotechnical Report submitted with this application.

Figure 8 Basement excavation as shown in Section AA



Source: DKO

4.2.3. Tree Removal

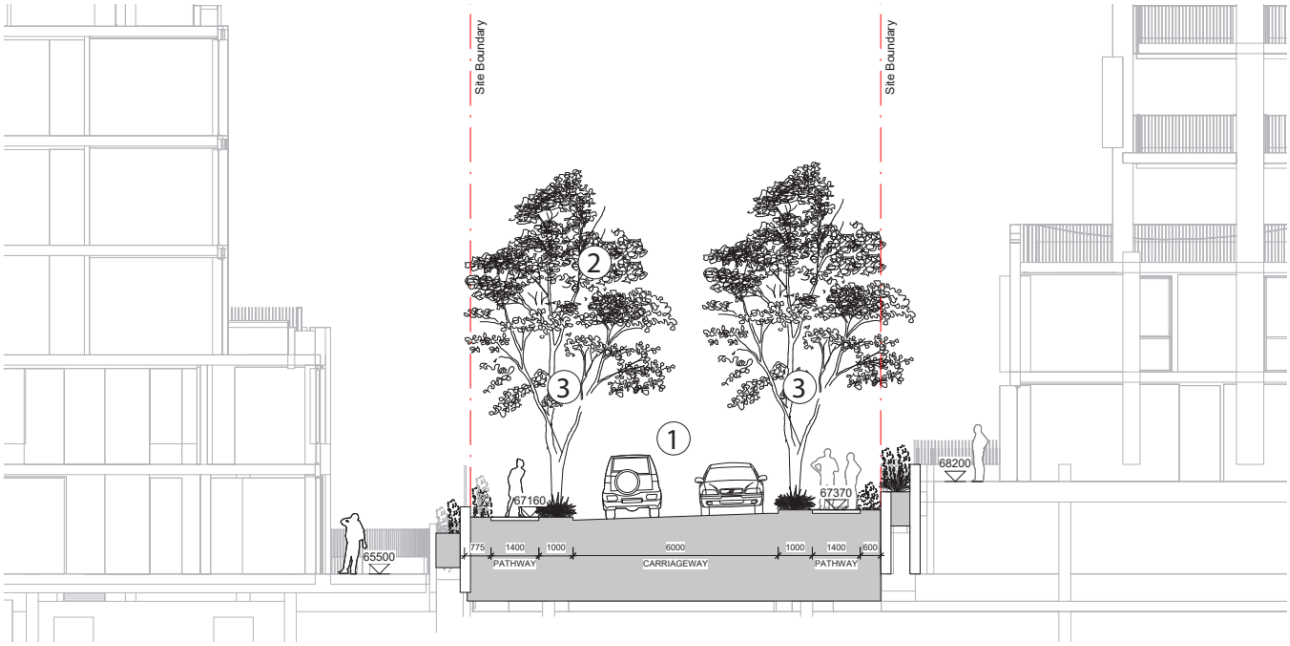
The DA includes the removal of 175 trees as outlined in the Arborist Report has been prepared by Eco Logical. The retention value of the trees proposed to be removed are as follows:

- High retention value: 2 trees
- Medium retention value: 76 trees
- Low retention value: 87 trees

4.2.4. New Road Construction

A local new road is proposed between Area 22 and 23, at the centre of the site connecting Park Road and Berry Road, consistent with Council's structure plan. The proposed road has a carriage width of 6m and a 1m verge on either side of the road. Refer Figure 9 below. The accompanying voluntary Planning Agreement details arrangements for delivery of the future local toad to Council.

Figure 9 Proposed new road between Area 22 and 23



Source: Turf

4.3. BUILT FORM & DESIGN

4.3.1. Building Uses

Residential flat buildings

A total of 314 apartment units are proposed across the Building A, B, C and D. The residential flat buildings are separated by the green spine and provide lobbies achieving a horizontal or vertical connection to the green spine and landscaped area.

The residential flat buildings include apartments of sizes ranging from one bedroom to four-bedroom units and a balance of single and dual aspect units. The apartment units are provided with balconies as private open spaces having a frontage to the respective street frontage. The proposed design also provides rooftop terraces within each building and include small trees and planters.

4.3.2. Built Form Massing and Design

The built form parameters for the proposed development are largely determined by the site specific DCP, endorsed by the Council which provides the desired development outcomes for the site. The proposed design has also been developed in accordance with Council's Pre-DA recommendations. The design adopts a holistic approach to site redevelopment based on a detailed site context analysis and design impact assessment.

The proposal involves a design that has identified, on balance, the most appropriate development response across the site and generally complies with all the controls pertaining to land use mix and design controls such as building form, building envelopes and setbacks.

The provision of four separate buildings with slender tower forms have been designed to reduce the overall mass of a single, much larger, tower. The massing of the towers is such that the overall building bulk will not dominate or have an overbearing effect on the surrounding streetscape. The design will maximise solar access to surrounding residential buildings and public open spaces. The proposal reduces overshadowing, providing for longer shadows that move more quickly across the landscape.

The proposed design enables suitable building separation, placement of habitable rooms and windows and private open space in accordance with the objectives of the ADG.

4.4. MATERIALS & FINISHES

A materials board is included in drawing DA-312 included within the Architectural Plans. The colour and material selections have been made to create transitions and allowing the development to add value to its surrounding neighbourhood. Materials used follow the setbacks and terracing building form with gradation to suit the program for base, mid and upper setback levels, further breaking down scale.

The mix of material include concrete, sandstone features, light and medium coloured brick, and a range of metal cladding in neutral and earthy tones.

Figure 10 below provides the proposed materials and finishes palette.

Figure 10 Materiality and finishes palette

Source: DKO

4.5. PARKING & VEHICULAR ACCESS

Vehicular access is provided via a driveway located at Park Road. The driveway is a single access point to the site, such that it will be shared by cars as well as larger service vehicles (MRVs and HRVs).

The loading dock is located at Level Basement 3 and capable of accommodating 2 x MRVs (8.8m long). All large service vehicles will enter and exit the site in a forward direction. A minimum clearance height of 4.5m is provided within the loading dock.

A total of 542 car parking spaces are provided including 63 accessible spaces, 78 visitor spaces and 6 car wash bays. These have been provided across the four levels - Basement Level 4, Basement Level 3, Basement Level 2, and Basement Level 1.

The development provides for 36 motorcycle spaces. A total of 80 bicycle storage spaces are provided for residents.

The proposed car parking areas has been designed in accordance with relevant Australian Standards and provide compliant car park dimensions, aisle widths and ramp grades.

In terms of pedestrian access, the site provides a long strip of pedestrian access (through the green spine) from River Road into Area 22 to the north. The proposed New DCP Road acts as a through site link providing an east-west pedestrian access. Access to residential lobbies is provided from Park Road and Berry Road. Pedestrian access is also provided from the proposed new road, into the green spine.

Please refer to the Traffic Impact Assessment for further details.

4.6. LANDSCAPING & COMMUNAL AREAS

The communal areas of the proposed development are extensively landscaped. The general landscaping strategy for the site and the selection of planting palette are appropriate for the site and designed to play an important role by integrating with the built form, which greatly increases the amenity for neighbours and future residents.

The proposed design provides soft landscaping along the site boundary (including around the New DCP Road), comprising of street trees, shrubs, grasses, groundcovers, and ferns. Private gardens are provided at all four buildings fronting the street frontages.

In terms of communal open space, the proposed design includes a green spine located at the centre of the site. the green spine within Area 23 comprises of a 20m lap pool, pool deck with sun lounges and palms, gym off the pool deck, open lawn, sandstone steps and planting, buffer, and façade planting. The green spine in Area 22 comprises of open lawn, alfresco dining/BBQ, nature play, viewing node and buffer planting.

A landscaped rooftop is provided at Building C and D comprising an open lawn, 1m raised planters, alfresco dining, lounge, and BBQ area. The landscaping along the building façade further softens the appearance of bulk and provides visual interest.

The proposal provides a total soft landscaped area of 55% of the total site area.

The proposal involves removal of 175 trees across the site. To offset this, extensive plantings and trees are provided across the site which results in a higher tree cover, being a much-improved outcome over the existing situation on site.

Additional street plantings along the street frontages are proposed, resulting in a visually and physically integrated design.

A Landscape Plan prepared by Turf. **Figure 11** illustrates the proposed landscape design.

Figure 11 Proposed Landscape Design

Source: Turf

4.7. WASTE, LOADING & DELIVERIES

Waste Storage

An Operational Waste Management Plan (**OWMP**) has been prepared by Elephant Foot for the operational waste. The report estimates the total waste generated (L/week) as follows and provides collection frequency and number of bins required the for proposed residential flat building:

- General Waste – 25,120L/week (collected weekly, 22 x 600L bins required)
- Cardboard/Paper Recyclables – 7,536L/week (collected weekly, 35 x 240L bins required)
- Commingled Recyclables – 4,560L/week (collected weekly, 35 x 240L bins required)

- Service Bins – 6 x 660L bins required

Waste Collection

The loading dock will facilitate collection of waste from the waste storage area located at Basement Level 3. Collection vehicles will enter from Park Road via an entry ramp and proceed to the loading bay and turntable for collection. The loading dock has been designed to accommodate two MRVs (8.8m long).

The waste collection staff will manoeuvre bins from the chute rooms to the waste storage room for collection. The staff will then transport the bins out of the waste storage room and empty them into the collection vehicle. Once emptied, the staff will return the respective bins to the waste and chute rooms.

One single waste chute will be installed with access on each residential level of each building. The terraces located on the basement floors 3 to 4 will have access to the chute service room in the upper stairs located in the main lobby.

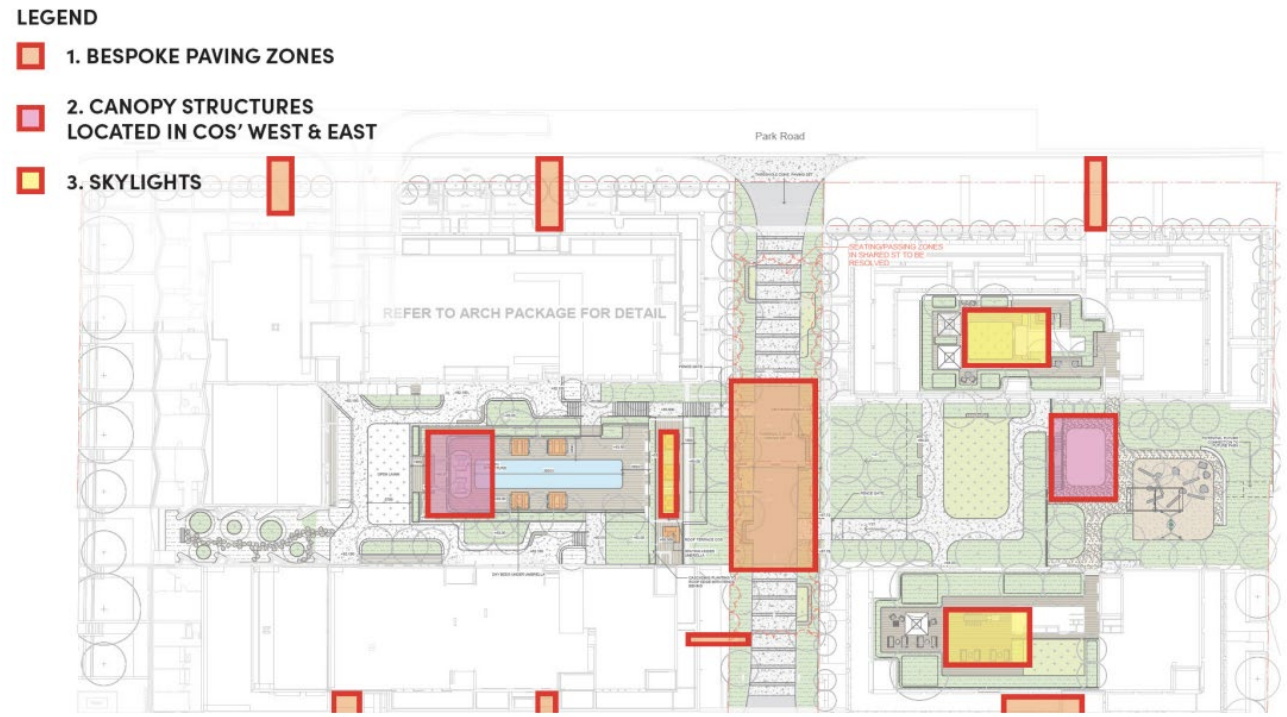
4.8. PUBLIC ART

A Public Art Strategy has been prepared by FCAD which identifies the following opportunities for public art within the green spine and rooftop communal area at Building C and D (refer **Figure 12**):

- Bespoke Paving Zones:
  - Inclusion of texture in ground paving.
  - Patter nation and/or pattern configuration.
- Canopy Structure
  - Inclusion of artwork on canopy structures through cuts and for perforation allowing for dappled lighting.
- Skylight
  - Inclusion of pattern configuration in frame/structure to allow dappled lighting.
  - Incorporate artwork onto panel/surface of skylight.

The applicant will work with FCAD to select the artist/s and artworks to be commissioned that are best suited for the development.

Figure 12 Public Art Opportunities and Locations



Source: FCAD

4.9. SUBDIVISION

A separate application for strata subdivision will be undertaken subsequently upon receiving development consent for this application.

4.10. INFRASTRUCTURE DELIVERY

All urban services are either available, or easily connected into the site, enough such that the proposed development can be suitably services. Where necessary services will be augmented or upgraded to enable the functionality of the proposed development.

The works as described in the Draft Planning Agreement will be executed in association with this application.

4.11. CONSTRUCTION MANAGEMENT & DEVELOPMENT STAGING

A Construction Methodology Plan (**CMP**) is prepared by Southpac Constructions and accompanies this DA. The CMP provides details regarding site fencing, hoarding, installation of mandatory site offices and facilities, as well as construction hours and staging. It is noted that the CMP will be updated in accordance with the conditions of consent and further development of the construction documents.

In terms of development staging, a staged development consent is sought in association with this application. The proposed works will be undertaken in four stages as below:

- Stage 1: Excavation and shoring works
- Stage 2: Basement construction
- Stage 3: Structure and finishes
- Stage 4: External and public domain works

5. STRATEGIC CONTEXT

This section of the report provides an assessment of the proposal's consistency with the following relevant State, regional and local strategic planning policies:

- Greater Sydney Region Plan – 'A Metropolis of Three Cities'
- Our Greater Sydney 2056: North District Plan
- Local Strategic Planning Statement
- St Leonards and Crows Nest 2036

The DA's consistency with the relevant strategic planning policies is detailed in the following sub-sections.

5.1. GREATER SYDNEY REGION PLAN A METROPOLIS OF THREE CITIES

The Greater Sydney Region Plan provides the overarching strategic plan for growth and change in Sydney. It is a 20-year plan with a 40-year vision that seeks to transform Greater Sydney into a metropolis of three cities - the Western Parkland City, Central River City and Eastern Harbour City. It identifies key challenges facing Sydney including increasing the population to eight million by 2056, 817,000 new jobs and a requirement of 725,000 new homes by 2036.

The plan informs district and local plans, assists infrastructure agencies to align infrastructure delivery and informs the private sector and wider community of the growth management and infrastructure investment intentions moving into the future.

The vision for the plan is built on three 30-minute cities within Greater Sydney, providing improved access through different modes of transport to various job opportunities, services, entertainment, and cultural facilities across the metropolitan area.

The Plan includes objectives and strategies for infrastructure and collaboration, liveability, productivity, and sustainability. The site is located within the Eastern Economic Corridor and the proposal responds to the Corridor's focus on locating high density housing in a location that is easily accessible through existing and future planned transport facilities.

In accordance with Objective 10 and 11, the proposal aligns with the Region Plan by:

- Providing a purely residential development comprising of a variety of apartment mix and styles, combining living and recreational environments on site.
- The proposal responds to the housing needs of the community and enables the provision of a range of housing types and affordability to meet the diverse and changing lifestyle needs of the community.

5.2. OUR GREATER SYDNEY 2056: NORTH CITY DISTRICT PLAN

The North District Plan is a 20-year plan to manage growth in the context of economic, social, and environmental matters to implement the objectives of the Greater Sydney Region Plan. The intent of the District Plan is to inform local strategic planning statements and local environmental plans, guiding the planning and support for growth and change across the district.

The District Plan contains strategic directions, planning priorities and actions that seek to implement the objectives and strategies within the Region Plan at the district-level. The Structure Plan identifies the key centres, economic and employment locations, land release and urban renewal areas and existing and future transport infrastructure to deliver growth aspirations.

The planning priorities and actions likely to have implications for the proposed development are listed and discussed below:

- ***Priority N5 – Providing housing supply, choice, and affordability, with access to jobs, services, and public transport.***
  - The proposed development will provide for a range of residential uses that will serve the needs of the local area. A total of 314 apartments, to provide for a diversified combination of affordable residential

interests. The site is located in close proximity to the North Sydney CBD, allowing future residents to have easy access to jobs and live close to work.

- ***Priority N12 – Delivering integrating land use and transport planning and a 30-minute city.***
  - Provide residential uses in proximity to existing transport nodes including St Leonards, Wollstonecraft and Waverton train stations as well as various regional connecting roads such as the Pacific Highway and M1. The proposal also maximises on opportunities presented by significant State government investment in future transport infrastructure, such as the sites proximity to the Crows Nest Metro Station (situated approximately 1.3km to the east) which is currently under construction.

5.3. ST LEONARDS AND CROWS NEST 2036 PLAN

The St Leonards and Crows Nest 2036 Plan has been formulated to facilitate the urban renewal of St Leonards and Crows Nest for an expanding employment centre and growing residential community in the suburbs of St Leonards, Greenwich, Naremburn, Wollstonecraft, Crows Nest and Artarmon.

The subject site is located in the St Leonards South rezoned area. The relevant objectives applicable to this proposal are discussed in the table below.

Table 6 Precinct Objectives of the St Leonards and Crows Nest 2036 Plan

Objective	Comment
Ensure new development retains and enhances important heritage elements by using sympathetic building materials and preserving key views and vistas.	The site is not in close proximity of heritage items, such that the proposal does not have an impact on elements of heritage significance. The proposed materials and finishes are contextually responsive and stand appropriate to the overall character of the locality. The built form as designed is sympathetic to surrounding developments, with adequate setback controls ensuring there is no overbearing effect on neighbouring developments and preserving key views and vistas.
Apply causal surveillance and universal access principles to new development to create a safe, inclusive, and comfortable environment.	The proposal provides a long-term asset to the neighbourhood through a residential development comprising high quality apartment units along with ample common open space with a range of recreational activities. The proposed development provides an improved urban design outcome for the site along four street frontages, River Road, Park River, Berry Road and New DCP Road, and frontage towards the public recreational area to the north of the site. As such, the proposal results with improved amenity resulting in active streetscapes and passive surveillance, being far superior over the existing situation.
New development should have consideration to wind impacts demonstrated through a wind assessment.	The development design and articulation are such that the surrounding footpaths, pedestrian entry points, internal public areas and private roof terraces are not detrimentally impacted by wind.

Objective	Comment
New development adjoining the increased setbacks and landscaped areas should contribute to its landscape character. For example, by providing planter boxes, lighting, green walls, deep planting, landscaped setbacks, and forecourts.	The proposed design includes extensive amounts of on-site planting, deep soil zone and communal open space. The proposed development includes planting on the green spine and the common open space areas on levels above. Landscaped setbacks have been provided along the site boundaries. The landscaped areas have been designed to create an attractive high-quality landscape setting for the amenity of residents, while creating a transition from internal to external spaces
Incorporate new street trees to realise the tree canopy targets identified on Page 3 and increase the overall tree coverage in the area.	The proposal contributes to the Council's 2038 tree canopy cover target of 25.7% tree canopy in urban area. The Landscape Plans indicate the number of trees proposed covering 30% of the site area.

5.4. LOCAL STRATEGIC PLANNING STATEMENT

The Local Strategic Planning Statement (**LSPS**) has been formulated to be consistent with the Greater Sydney Region Plan and North District Plan. It provides a 20-year vision, planning priorities and actions for land use in Lane Cove. The LSPS will be used to inform future amendments to Lane Cove Council's Local Environmental Plan and Development Control Plan.

The main planning priority applicable to this proposal is:

- Planning Priority 5 - Plan for the growth of housing that crates a diverse range of housing types and encourages housing that is sustainable, liveable, accessible, and affordable.

The proposal is consistent with the planning priority as it delivers increased housing capacity within the Lane Cove LGA, accommodating Sydney's growing population in an area that is highly accessible with efficient public transport services such as the St Leonards Railways and Waverton Railway Station located within close vicinity to the site. Pacific Highway is located north of the site and serves as an essential transport network. The proposal provides a ranges of housing options, catering to a range of family sizes.

6. STATUTORY CONTEXT

6.1. RELEVANT ACTS

6.1.1. Environmental Planning and Assessment Act 1979 (EP&A Act)

The proposal is considered to be consistent with the objects of the EP&A Act. The proposal is consistent with the site-specific provisions outlined within the environmental planning instruments and has been designed having regard to the environmental sensitivities of the site. The proposal will also provide for the orderly and economic use of the land for high density residential purposes close to existing public transport connections.

An assessment against Section 4.15 of the EP&A Act is provided in **Section 8** of this SEE.

In accordance with Section 4.46 of the EP&A Act, the proposal is an integrated development. The application will require consideration and concurrence approval by the relevant authority in relation to section 91 of the Water Management Act 2000.

6.1.2. Water Management Act 2000

The *Water Management Act 2000* aims to achieve the sustainable and integrated management of State water sources.

The Geotechnical Assessment has been informed in part by 52 previous boreholes ranging in depth from 6m to 20m, revisiting three existing boreholes, and drilling five new boreholes by hand to a depth between 0.5m and 1m below existing ground level.

The Geotechnical Assessment concludes that based on the available information it is likely that the groundwater table is likely to be at or below the existing basement level at a depth of approximately 3m to 7m (RL 77.5m AHD to RL 73.5m AHD). It is expected that groundwater seepage into the basement excavation can be adequately controlled using a combination of gravity drainage and conventional sump and pump techniques.

The site is impacted by groundwater and given the extent of excavation proposed the development is likely to constitutes a 'controlled activity' under the Water Management Act 2000. The proposal is therefore integrated development pursuant to Part 2, Division 4.8, section 4.46(1) of the EP&A Act which requires approval from the relevant authority under section 91 of the *Water Management Act 2000*.

6.1.3. Roads Act 1993

As per section 9 of the Roads Act 1993, a plan of the proposed road is located in Architectural Plans and Landscape Plans depicting the location of the new proposed local road. The road is proposed to be constructed to remain consist with the requirements of the LCDCP 2009. It is noted that the 12-metre-wide new road is accommodated in the proposed scheme and intended to be wholly delivered by the proponent and dedicated to Council.

6.2. STATE ENVIRONMENTAL PLANNING POLICIES

6.2.1. State Environmental Planning Policy (Planning Systems) 2021

The proposed works have an estimated cost of $124,259,206 and development consent is sought in accordance with Part 4 of the EP&A Act. A Quantity Surveyors (QS) Cost Estimate Report has been prepared by Altus Group and is provided with this DA.

The cost of works is above $30 million; accordingly, the DA is declared as regionally significant development, and will be determined by the Sydney North Planning Panel (**SNPP**).

6.2.2. State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of the *State Environmental Planning Policy (Resilience and Hazards) 2021* (**Resilience and Hazards SEPP**) relates to provisions for remediation of land. Clause 4.6 requires the consent authority to

consider whether land is contaminated and if land can be remediated and made suitable for the proposed development prior to granting development consent to the DA.

Preliminary Site Investigation

As part of the DA, a Preliminary Site Investigation (PSI) was prepared by Coffey Services Australia Pty Ltd dated 19 July 2022. The PSI concluded that the "*investigation has not identified a significant source of contamination that triggers the need for remediation*". As such, the site can be made suitable for the proposed high-density residential land use redevelopment. The PSI recommends that an "Unexpected Finds Protocol is developed, either as part of the Construction Environment Management Plan or as a stand-alone document to manage unexpected finds of contamination that may be encountered during site development". It is recommended this is included as a condition of consent.

Geotechnical Investigation

A Geotechnical Report prepared by Coffey Services Australia Pty Ltd for Area 23 and Area 22 (dated 30 August 2022). The key findings from the report were as follows:

- Area 23:
  - Bedrock seepage in sandstone bedrock could be assumed as typically flowing toward local drainage lines or the regional water table, along horizontal bedding planes and sub-vertical joints.
  - Groundwater levels recorded suggest basement excavation could encounter groundwater inflow.
  - Soil has an exposure classification of 'mild' and 'non-aggressive' as according to AS2159-2009 for concrete and steel.
- Area 22:
  - It is recommended that dilapidation surveys be carried out prior to the commencement of the excavation to assess the condition of the buildings within the zone of influence of the excavation
  - Groundwater seepages in this geological setting typically occur at soil/rock interfaces, through bedrock joints, bedding planes, partings, and other defects within the rock mass.

6.2.3. State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 (**Transport and Infrastructure SEPP**) aims to facilitate the effective delivery of infrastructure across NSW by identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure such a classified roads and prescribing consultation requirements for certain development.

The proposal constitutes as traffic generating development pursuant to Schedule 3 of the Transport and Infrastructure SEPP. The proposal comprises more than75 dwellings and fronts a classified road. Accordingly, referral to the Roads and Maritime Services (RMS) is required.

As per the Traffic Impact Assessment has been prepared by TTPP, the traffic generation associated with the proposal is limited and is not considered to adversely impact the efficiency of movement of people to and from the site. Further discussion of traffic and parking impacts is provided in **Section 7.6** below.

6.2.4. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (**BASIX**) requires that all residential development in NSW achieve a minimum target for energy efficiency, water efficiency and thermal comfort.

The proposed development has been assessed in accordance with the relevant requirements and a formal BASIX Certificate has been issued (Certificate Number: 1193939M_03). The certificate confirms that the proposed development meets the NSW government's requirements for sustainability.

The proposed development achieves the following BASIX scores:

- Water Efficiency: 41% (40% to pass)

- Thermal Comfort: Pass (pass required)
- Energy Efficiency: 29% (25% to pass)

Refer to the BASIX Certificate prepared by ESD Scientific.

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

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) was gazetted on 19 June 2015. The SEPP aims to improve the design quality of residential flat buildings, shop top housing and the residential component of mixed-use developments. It applies to any building that comprises three or more storeys and four or more self-contained dwellings.

The proposed development is therefore required to be assessed in accordance with the requirements of Clause 28 of SEPP 65, which requires the consent authority take into consideration:

- *The advice obtained from the design review panel.*
- *The design quality of the development when evaluated in accordance with the design quality principles; and*
- *The Apartment Design Guide.*

An assessment of the proposal against the SEPP 65 design quality principles and the Apartment Design Guide has been prepared by DKO Architects and is included in the Urban Design Report. Overall, the proposed development achieves a high level of compliance with the relevant provisions of the Apartment Design Guide (**ADG**), a summary of the key performance and amenity considerations are summarised below.

The following table provides an overview of DKO's assessment of the proposed development against the key controls of the ADG.

Table 7 Apartment Design Guide Summary Table

ADG Criteria	Proposed	Compliance
Communal Open Space 25% of site area Achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	3,574m^2 (30.9 % of the site area) is classified as communal open space. The communal open space receives a minimum of 52% direct sunlight for a minimum of 2 hours between 11am and 1pm on 21 June (mid-winter).	Yes
Deep Soil 7% of site area and minimum 6m wide	2,788m^2 (24% of the site area). Deep soil has a minimum width of 6m.	Yes
Building Separation Up to 12m (4 storeys): Habitable room: 6m Non habitable room: 3m Up to 25m (5-8 storeys): Habitable room: 9m	The site does not have side or rear boundaries as it fronts the public recreational area to the north, Berry Road to the east, River Road to the south and Park Road to the west. As such, it does not have any adjoining neighbours.	Yes Building separation is provided in accordance with the LEP building height requirements of 24m separation across the green spine to Area 22 and 25m to

ADG Criteria	Proposed	Compliance
Non habitable room: 4.5m Over to 25m (9+ storeys) Habitable room: 12m Non habitable room: 6m		Area 23. This exceeds the ADG requirement of 12m (up to 4 storeys), 18m (up to 8 storeys) and 24m (above 8 stories). Building separations will exceed ADG requirements across all streets. Privacy is address in **Section 7.4** of the SEE.
Solar Access Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.	78% of apartments receive two hours of sunlight to living room and balcony. .	Yes
No solar A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	8% of apartments receive no direct sunlight between 9 am and 3 pm at mid-winter.	Yes
Cross ventilation At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation ad cannot be fully enclosed. Maximum cross-through apartment depth: 18m, measured glass line to glass line.	64% of apartments are naturally cross ventilated. Compliance regarding maximum cross through requirement is achieved.	Yes
Ceiling heights Habitable rooms 2.7m Non-habitable 2.4m	The proposal incorporates 3.2m floor to floor heights which will comfortably achieve the minimum floor to ceiling heights of the ADG.	Yes

ADG Criteria	Proposed	Compliance
Apartment sizes Studio: 40sqm 1 bedroom: 50sqm 2 bedroom: 70sqm 3 bedroom: 90sqm 4 bedroom: 102sqm	The apartment sizes satisfy the design criteria for apartment sizes. Refer SEPP 65 assessment within the Urban Design Report and Architectural Plans.	Yes The proposal exceeds the minimum apartment sizes and provides for an appropriate mix of one, two, three and four bedroom dwellings in its context.
Room sizes Master bedroom: 10sqm Other bedrooms: 9sqm Minimum dimension: 3m	Room sizes achieve the minimum dimensions and areas established by the ADG.	Yes
Private open space 1 bedroom apartments: 8sqm, width 2m 2 bedroom apartments: 10msqm width 2m 3+ bedroom apartments: 12sqm, width 2.4m For apartments at ground level or on a podium or similar structure, a private opens pace is provided instead of a balcony. It must have a minimum area of 15sqm and a minimum depth of 3m.	Private open spaces meet or exceed the minimum requirements of the ADG. Private open spaces for ground level apartments are a minimum 15sqm, with a minimum depth of 3m.	Yes All apartments meet or exceeds the ADG requirements for balcony areas.
Common circulation The maximum number of apartments off a circulation core on a single level is eight. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Number of units serviced by circulation core is as follows: ▪ Building A: Range of 3 – 11 units per circulation core ▪ Building B: Range of 3 – 11 units per circulation core ▪ Building C: Range of 4 – 8 units per circulation core ▪ Building D: Range of 3 – 9 units per circulation core Building D is up to 10 storeys and has 83 units across 2 lifts.	Compliant, on merit

ADG Criteria	Proposed	Compliance
Storage Studio apartments: 4m^3 1 bedroom apartments: 6m^3 2 bedroom apartments: 8m^3 3+ bedroom apartments:10m^3	Apartments accommodate a minimum of 50% of the required storage within the apartment, with storage in the car park making up the difference as a minimum. Apartments are provided with storage facilities meeting or exceeding the ADG requirements.	Yes

6.3. LANE COVE LOCAL ENVIRONMENTAL PLAN 2009

Lane Cove Local Environmental Plan 2009 **(LCLEP)** is the primary environmental planning instrument applying to the site and the proposed development.

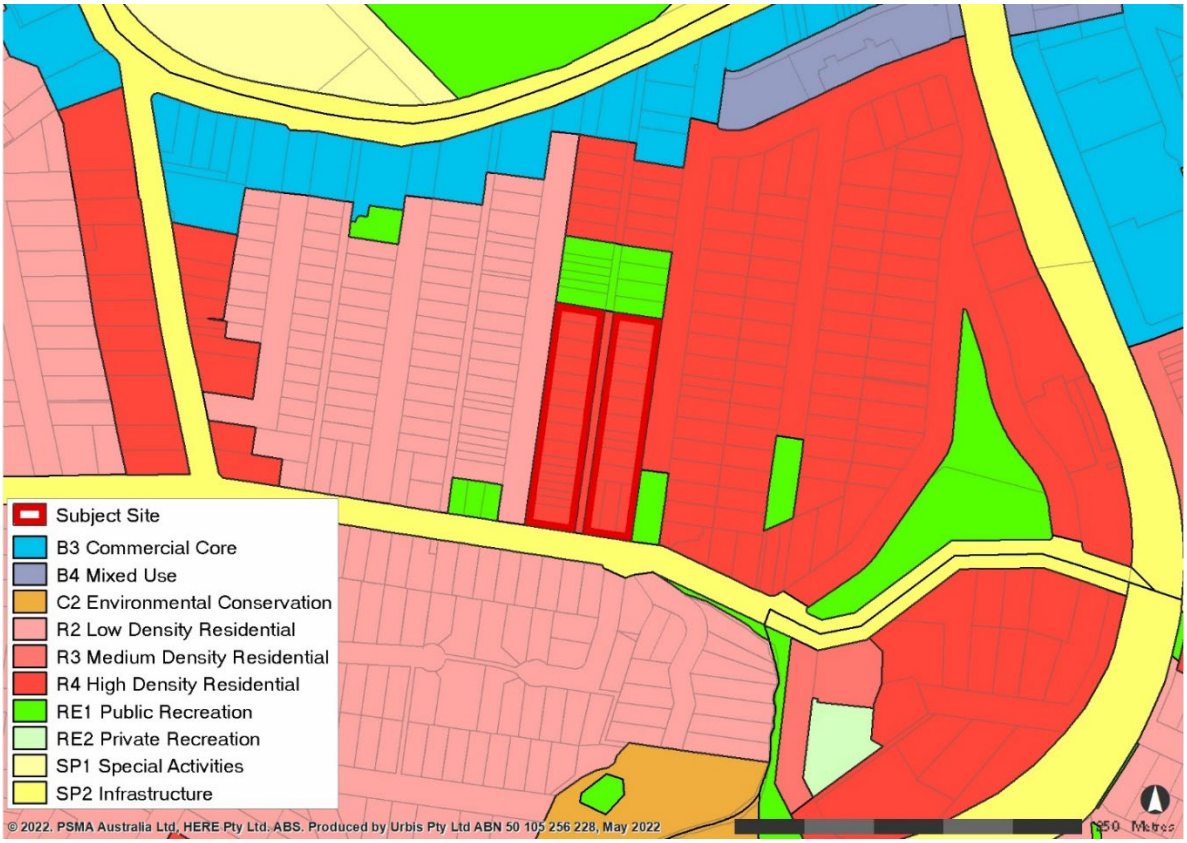
The proposed development has been assessed against the relevant development standards contained in the LCLEP as discussed in detail below.

6.3.1. Zoning and Permissibility

The site is located within the R4 High Density Residential zone in accordance with the LEP. The proposed development is defined as a residential development comprising of 'residential flat buildings' in accordance with the LCLEP and is permitted with development consent in the R4 zone.

The proposed development is consistent with the zone objectives as outlined below.

Figure 13 Land Zoning Map illustrating the site



Source: LCLEP 2009

The relevant 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 proposed development is consistent with the R4 zone objectives for the following reasons:

- The proposed development seeks to construct a high-density residential development comprising of 314 new apartment dwellings, which provides for the housing needs of the community.
- The site amalgamates a number of separate lots consistent with Council's 'area' groupings and thus avoids any site isolation.
- The proposed development contributes to the provision of a variety of housing types through the provision of a range of one bedroom, two-bedroom, three bedroom and four bedroom dwellings.
- The proposal delivers a residential development with a variety of affordable, well designed and housing choice through providing a range of conventional apartments that caters to the needs of the community.
- The proposal will facilitate a purely residential development. The site is highly accessible to both existing and proposed public transport infrastructure.
- The proposed development is designed to incorporate an extensive landscaping on site, consistent with council's masterplan to ensure the site positively contributes to the desired landscape quantum as well as future desired canopy cover.

6.3.2. Applicable Development Standards

Table 8 LEP Compliance Table

Clause	Provision	Proposed	Compliance
Clause 4.1 – Minimum Subdivision Lot Size	No provision		N/A
Clause 4.3 – Height of Building (Incentive HOB map)	The following HOB provisions apply to lots within Area 22 & 23: A – 2.5m T – 25 O – 15 V1 – 37	The proposed building heights comply with the prescribed maximum height limits as illustrated in the LEP Height Plane Diagrams within the Architectural Plans.	Yes
Clause 4.4 – Floor Space Ratio (incentive FSR map)	FSR – 2.75:1	The total gross floor area of the proposed building is 31,780sqm. This equates to a floor space ratio of 2.75:1.	Yes

Clause	Provision	Proposed	Compliance
Clause 5.10 – Heritage Conservation	The site is not listed as a local or State heritage item nor is it located within a heritage conservation area. The site is surrounded by other listed heritage items including: ▪ I327: House (7 Park Road St Leonards) ▪ I326: House (5 Park Road St Leonards) ▪ I40: House (8 Eastview Street Greenwich) ▪ I148: House (18 Wilona Avenue Greenwich) ▪ I70: Glenwood Nursing Home (34-40 Greenwich Road Greenwich)	The proposal is a sympathetically designed modern infill building that will not detract from the significance of surrounding heritage items. Further, the proposed development is well distanced from the heritage items (closest item located 35m north-west of the site). As such, the heritage items remain unaffected as a result of this proposal.	Yes
Clause 5.21 Flood Planning	(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development – (a) is compatible with the flood function and behaviour on the land, and, … (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability	The site is not identified within a flood planning area.	N/A

Clause	Provision	Proposed	Compliance
	of river banks or watercourses.		
Clause 6.3 Riparian Land	(2) This clause applies to land shown as “riparian land” on the Riparian Land Map.	The site is not identified within a Riparian Land area.	N/A
Clause 6.4 Environmental Protection Land	(1) This clause applies to land shown as “environmental protection land” on the Environmental Protection Land Map.	The site is not identified within an Environmental Protection area.	N/A
Clause 7.1 – Development on Land in St Leonards South Area	Development consent must not be granted under this clause unless the consent authority is satisfied that— (a) at least 20% of dwellings will be studio or 1 bedroom dwellings, or both, and (b) at least 20% of dwellings will be 2 bedroom dwellings, and (c) at least 20% of dwellings will be 3 or more bedroom dwellings, and (d) the development will provide appropriate building setbacks to facilitate communal open space between buildings,	The proposed development provides a total of 319 units. The total number of one, two, three and four bedroom units are as follows: ▪ 1 bed: 73 (23% of total dwellings) ▪ 2 beds: 150 (48% of total dwellings) ▪ 3 and 4 beds: 91 (29% of total dwellings)	Yes
Clause 7.2 – Minimum site area requirements	Area 22 – 4,600sqm Area 23 – 6,800sqm	Area 22 has an area of 4,802sqm and is compliant with this clause. Area 23 has an area of 6,755sqm and therefore technically does not comply with this development standard. A Clause 4.6 Variation Request has been submitted with this DA, justifying the site area variation for Area 23 in accordance	No - Clause 4.6 Variation submitted.

Clause	Provision	Proposed	Compliance
		with the provisions of clause 4.6 of the LEP.	
Clause 7.3 Minimum affordable housing requirements	For the purposes of clause 7.1(4)(f), the following is the minimum number of dwellings required to be used for the purposes of affordable housing in development on land to which clause 7.1 applies – (a) for Area 1—14 dwellings, (b) for Area 2, Area 3 or Area 4—7 dwellings, (c) for Area 6, Area 12 or Area 14—2 dwellings, (d) for Area 13 or Area 17—1 dwelling.	Not applicable.	N/A
Clause 7.4 Minimum recreation area and community facility requirements	For the purposes of clause 7.1(4)(g), the following requirements apply to development on land to which clause 7.1 applies – (a) for Area 1—at least 900 square metres will be used for the purposes of recreation areas, (b) for Area 2 or Area 12—at least 400 square metres will be used for the purposes of recreation areas, (c) for Area 5 or Area 17 (i) at least 450 square metres will be used for the purposes of a recreation area, and,	Not applicable	N/A

Clause	Provision	Proposed	Compliance
	… (iii) the recreation area will be adjacent to the community facility.		
Clause 7.5 – Requirements for pedestrian links and roads	e) for Area 22 or 23 – a 12 metre wide road through the land to connect Park Road and Berry Road	A new road is proposed between Area 22 and 23, connecting Park Road and Berry Road. The delivery of this road is subject to the draft VPA.	Yes

6.3.3. Clause 7.6 – Design Excellence – St Leonards South Area

In accordance with Clause 7.6 of LCLEP 2009, in considering whether development exhibits design excellence, the consent authority must have regard to the following matters:

Table 9 Design Excellence Criteria

Criteria	Proposed	Satisfied
(4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters -		
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	Refer to accompanying Urban Design Report.	Yes
(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	The proposal provides a high-density residential development on site with detailed design consideration to ensure the development adequately addresses the public domain. A key aspect of the proposed public domain works is the provision of a new proposed road connecting Park Road and Berry Road, which will be high activated and pedestrianised. The new road ensure that the degree of vibrancy is promoted and extensively opening of the retail tenancy with outdoor seating will also reinforce the activity within the public domain areas.	Yes
(c) whether the development protects and enhances the natural topography and vegetation including trees or other significant natural features,	The proposal include removal of 175 tress as stated in the Arborists Report. Replacement trees and extensively landscaping is proposed as per the landscape plans. The proposal ensures the amenity and biodiversity values of the locality are preserved.	Yes

Criteria	Proposed	Satisfied
(d) whether the development detrimentally impacts on view corridors,	The proposed development will not impact on any significant view corridors within the vicinity of the site. Refer to **Section 7.3** below for further discussion in this regard.	Yes
(e) whether the development achieves transit-orientated design principles, including the need to ensure direct, efficient, and safe pedestrian and cycle access to nearby transit nodes,	The subject site is located in close proximity to public transport facilities such as the St Leonards and Waverton Railway Station, allowing the development to be consistent with the transit-oriented design principles. Further, the site is also located approximately 1km west of the planned new Crows Nest Metro Station to be delivered as part of the new Sydney Metro City and Southwest transit railway line (Metro), with a scheduled opening in 2024. The proposed development provides for minimum number of bicycle parking spaces as contained within the DCP, accompanied by the existing cycle and pedestrian routes within the St Leonards South area improve nearby transit nodes.	Yes
(f) the requirements of the Lane Cove DCP,	Refer DCP Compliance table.	Yes
(g) how the development addresses the following matters-		
(i) the suitability of the land for development,	The proposal is suitable for the site as it will be complementary to the planned transformation of the surrounding land as envisioned by the LEP built form controls. The proposal aims to revitalise the site by delivering considerable benefits, including a high-quality residential building with a range of recreational activities within the communal open space delivering an active environment serving the residents. The site is located in a highly accessible area with a wide range of services and facilities that will support the proposed development.	Yes
(ii) existing and proposed uses and use mix,	The proposed residential land use is permissible with consent in the zone and consistent with the objectives of the R4 High Density Residential Zone.	Yes
(iii) heritage issues and streetscape constraints,	N/A	Yes

Criteria	Proposed	Satisfied
(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,	Refer to discussions in **Section 7**.	Yes
(v) bulk, massing, and modulation of buildings,	Refer to discussions in **Section 7**.	Yes
(vi) street frontage heights,	The proposed building presents an appropriate street wall height along the River Road frontage. The proposed building height is compatible with existing development and the emerging streetscape character along River Road, Park Road, and Berry Road. Additionally, the proposal is compliant with the height controls as contained within the LCLEP 2009.	Yes
(vii) environmental impacts such as sustainable design, overshadowing, wind, and reflectivity,	Environmental impacts such as overshadowing, solar access, visual and acoustic privacy and noise have been discussed in **Section 7**.	Yes
(viii) the achievement of the principles of ecologically sustainable development,	The proposal ensures a high level of amenity is also balanced with the requirements to satisfy thermal comfort requirements and providing an appealing architectural form which maximises good solar access and ventilation to internal areas of the dwellings.	Yes
(ix) pedestrian, cycle, vehicular and service access, circulation, and requirements,	The proposal provides for adequate number of vehicular, bicycle and motorcycle parking spaces and allows the site to have multiple pedestrian access point making it highly accessible and permeable.	Yes
(x) the impact on, and any proposed improvements to the public domain,	The proposed development will have a positive impact through establishing new local road and landscaped setbacks along street interfaces.	Yes
(xi) the configuration and design of publicly accessible space and private spaces on the site.	The site provides a green landscape spine at the centre, consistent with the precinct design as envisaged in the LCDCP 2009. The design facilitates social interaction and allows for easy pedestrian connections to surrounding street networks.	Yes

6.4. LANE COVE DEVELOPMENT CONTROL PLAN

Lane Cove Development Control Plan 2009 (the DCP) provides detailed planning controls relevant to the site and the proposal. The relevant controls of the DCP are identified and assessed in the DCP Compliance Table prepared by Urbis and accompanying this DA.

Overall, the proposal achieves an appropriate balance of policy compliance and contextual building envelope response to the local and emerging character. Justification is provided where development control variations are sought.

6.5. INFRASTRUCTURE CONTRIBUTIONS

Section 7.11 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) authorises a consent authority to grant consent to a proposed development subject to a condition requiring the applicant to make contributions toward the provision, extension, or augmentation of Local Infrastructure (or towards recouping the cost of their provision, extension or augmentation).

This plan authorises the Council or an accredited certifier to impose conditions on development consents or complying development certificates (CDCs) requiring Section 7.11 contributions from residential accommodation development situated in the St Leonards South Precinct that would, when completed, result in a net increase in the number of dwellings on the land.

As per the Draft Voluntary Planning Agreement (VPA) accompanying this application, JQZ Twelve Pty Limited intend to enter into a VPA for the delivery the public road and section 7.11 contributions.

7. ASSESSMENT OF KEY ISSUES

7.1. BUILT FORM, URBAN DESIGN AND LANDSCAPING

7.1.1. Building Design and the Public Domain

The proposed development caters to the changing context of the locality, while being sympathetic to surrounding developments in close vicinity. The contemporary mix of materials and finishes provide visual interest and contribute to the overall design of the development.

The urban form of the building remains as dictated by the DCP while each building presents a diversity in expression (refer **Figure 14** below). The development has multiple articulation breaks and comprises of unique design features, contributing to the emerging high-density character within the St Leonards South precinct. The balconies projecting at River Road and Berry Road reduce in projection depth towards the north, providing design variations while retaining the amenity of residents.

Figure 14 Proposed Development – View from River Road

Source: DKO

Detailed design consideration has been given to the ensure a positive urban design outcome that will result in active frontages with the buildings directly addressing the streets and public domain areas. The layout of the building allows for the provision of an open-air public domain and protect the amenity of surrounding developments.

The proposed green spine at the centre of the site enhances relation with the public domain. It is an expansive area, made possible by the position of the four towers, providing a seamless connection with the public domain. The green spine will include landscaping, open lawn, seating, alfresco dining/BBQ, 20m Lap pool and pool deck with sun lounges, to provide a pleasant user experience and positive relation with the public domain.

The design also includes landscaping along the site boundary as well as planters within private open spaces and landscaped roof top with alfresco dining and BBQ, providing a sound urban design response as the building is viewed from the street frontages.

The site provides pedestrian entry from the River Road frontage and the new local road, allowing for a positive relation with the surrounding public domain. Further, the lower-level planes provide multiple entrances to residential lobbies to ensure the site provides a strong sense of place.

The apartment units within the development will enhance passive surveillance over the street frontages, creating a safe local environment.

7.1.2. Amenity

The building has been designed to provide a high level of internal amenity for future residents. The generous green spine, open lawns, and communal open space together with the communal rooftop open space at Building C and D provide a space of respite as well as a functional and aesthetic passive recreation and socialisation space. The residential apartments have been orientated to maximise outlook, solar access, views, and flexibility.

In addition, the overall site planning strategy maximises amenity through corner and double-aspect apartments. Multiple small cores allow for a greater number of dual-aspect apartments, receiving both morning and afternoon sun as well as cross ventilation and views.

In respect to solar access, 78% of apartments receive at least 2 hours of solar access in mid-winter and less than 8% of apartments receive no direct sun from 9:00am to 3:00pm in mid-winter. 64% of apartments are naturally cross-ventilated. The proposal includes a large variety of apartment sizes and typologies to suit varying demographics and households.

Communal facilities are proposed at Basement 3 with direct connection to the Green Spine and lobbies. Communal facilities adding to the amenity include:

- Fitness, gym room
- Changing/Bathroom
- Music room
- Alfresco dining/BBQ
- Lounge with seating
- Open lawn
- 20m lap pool.

7.1.3. Building Scale and Height

The St Leonards South Precinct is transforming from the existing low-density residential developments into new high-density apartment developments. As a result, the precinct will see similar high-density developments within the precinct in the future. The proposed buildings will read as one of the high scale contemporary residential buildings within St Leonards South and remain consistent with the building height and scale context within the precinct.

The building is well articulated and varied in height to reduce the overall bulk and scale. When view from River Road, the building prominently appears as a four-storey development, then has a gradual stepping of floorplans to appropriately setback it from the southern end, reducing the visual bulk of the development. The floorplates are similarly stepped back along the northern most end ensuring the development does not have an overbearing effect on the public recreational space to the north. Upper-level floorplans are also stepped and setback from the side boundary, responding to the site topography and varying setback conditions.

The proposal complies with the LEP height standard and the DCP height in storeys control, such that the proposed development will not result in any detrimental amenity impacts to surrounding developments, nor will the proposed development result in any adverse visual impact on the locality.

In conclusion, the proposed building provides a transition in height along the street frontages and has been designed to sit comfortably within the locality that comprise a variety of building height. The floor levels are recessed to create a complementary relationship with adjoining developments. The proposal utilises colours and materials, which reduce the perceivable scale, mass, and prominence from the street frontages. The development will not result in any detrimental amenity impacts nor will it result in any adverse visual impact on the locality. The built form has been well designed in response to the site topography and the surrounding context.

7.1.4. Building Setbacks, Separation and Depth

In terms of the building envelope, the proposed design is generally compliant with the DCP and ADG controls. The proposed building setbacks, building separation and building depth are discussed below.

Building setbacks

Northern boundary:

- 6m at and above Level 1 (Building C and D)
- 9m at and above Level 3 (Building C and D)
- 6m at and above Level 4 (Building D)
- 9m at and above Level 7 (Building C and D)

Eastern boundary:

- 4m minimum setback from Berry Road at street level (Building B and D)
- 7m at and above Level 4 (Building B)
- 7m at and above Level 6 (Building D)

Western boundary:

- 4m setback from Park Road at street level (Building A)
- 10m setback from Park Road at street level (Building C)
- 7m at and above Level 1 (Building A)
- Part 13m part 10m at and above Level 2 (Building C)
- 13m at and above Level 3 (Building C)
- 10m at and above Level 4 (Building A)
- 16m at and above Level 6 (Building C)

Note: balconies have a minor protrusion into the setbacks.

Southern boundary:

- 10m setback from River Road at street level
- 17m at and above Ground level (Building A and B)
- 24m at and above Level 4 (Building A)
- 24m at and above Level 5 (Building B)
- >24m at and above Level 8 (Building B)

Building separation

In terms of building separation, this is determined by the controls within the ADG. Therefore, the proposed building forms allow future residents to enjoy local outlook, with enhanced amenity, and maintain privacy of adjoining buildings. The proposal provides a sound architectural response that capitalises on the site orientation and views within North Sydney.

Building depth

The LCDCP permits a maximum building depth between 18-22m. The maximum depth of the proposed buildings is as follows (including balcony zone):

- Building A - 24m
- Building B - 20.6m

- Building C – 21.6m
- Building D - 20m

The minor increase in building depth is considered acceptable in this case, given the overall amenity of the units in terms of solar access and natural ventilation are achieved. Additionally, the upper most levels of the buildings are setback from the lower levels to reduce the bulk and scale of the proposed development.

The balconies extend to the full depth of the building footprint of the lower levels to allows for private open spaces on levels above and optimization of views. There are no adverse impacts as the floor levels are separated by recessed level. Further, the buildings are separated as four different built forms with expansive open space in the centre and on the rooftop at Building C and D, reducing the appearance of bulk on site.

The proposed building depths are adequate to ensure the amenity of future residents is maintained, in terms of natural ventilation and retention of solar access.

7.2. OVERSHADOWING & SOLAR ACCESS

Shadow diagrams between 9:00am and 3:00pm on June 21 have been prepared by DKO and included in the Architectural Plans and **Figure 15** extract. The drawings demonstrate that the proposed development is compliant with the solar access controls contained within the ADG and LCDCP 2009.

In respect to solar access, 78% of apartments receive at least 2 hours of solar access in mid-winter and less than 8% of apartments receive no direct sun from 9:00am to 3:00pm in mid-winter. As such, the proposal satisfies the ADG solar access controls.

In relation to solar access to the communal open space within the development, the green spine receives solar access as follows:

- 9am – 29% of its area
- 10am – 38% of its area
- 11am – 68% of its area
- 12pm – 73% of its area
- 1pm – 52% of its area
- 2pm – 36% of its area
- 3pm – 30% of its area

As such, the bulk and scale of the development allows maximum retention of sunlight within the communal open space.

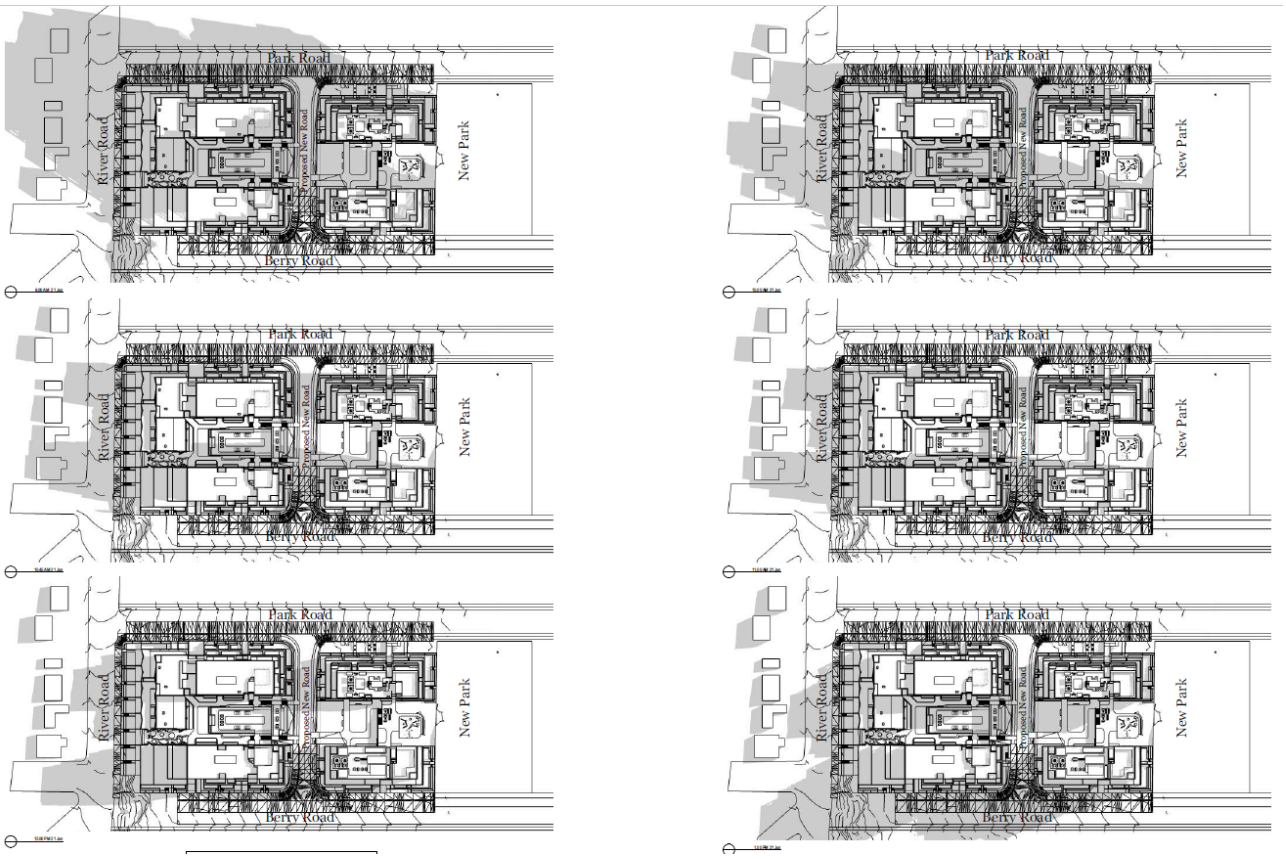
In terms of solar impact on surrounding open spaces, the Propsting Playground located south-west of the site does not receive any shadows after 10am, ensuring the amenity of visitors is not sacrificed.

As shown in Shadow Diagrams, from 9am to 11am most of the shadow is cast towards the south-western side, including parts of Park Road and River Road and private open space of low-density dwellings situated along this side. After 11am, the shadows move towards the south-eastern direction and cast shadow on parts of River Road and the high-density development situated east of the site. No shadows are cast towards the northern side of the site.

The proposal allows surrounding developments to receive a minimum of 3 hours of sunlight within its private open space and living areas. Most importantly, the development does not cause any solar impacts to the solar panels associated with the residential flat building located east of the site between 9:00am to 12:00pm.

In summary, the development ensures the green spine located within the site and the adjoining public park (Propsting Playground) benefit from a high degree of solar access to ensure maximum enjoyment and useability. The development does not result in any reduction in solar access within neighbouring buildings below the two hours recommended under the planning controls.

Figure 15 Solar access study



Source: DKO

7.3. VIEW IMPACT

View impact has been assessed and is based on a desk top review of aerial imagery, architectural plans, and preliminary 3D modelling. Our assessment of likely view access is based on observations of relative heights, orientation, spatial separation between buildings.

The subject site is characterised by sloping topography including a north-south fall. A line of mature deciduous canopy trees is located along the eastern, southern, and western side of the site.

In terms of surrounding developments, the north and east of the site also includes low density residential, however it forms part of the St Leonards South rezoning area and is anticipated to include high density developments in the future of similar building height to the proposed building including a future public park directly north of the site. While the south and west of the site, across River Road and Park Road, comprises of low-density residential developments. West of the site also includes a public recreational facility located at 60 River Road.

The underlying topography is such that surrounding buildings are more or less from similar ground levels to the site. Given the topography of the site, the existing and proposed mature trees along the site boundary, as well as the surrounding development context, the private domain visual catchment of the site is small and constrained to the closest neighbouring developments.

The proposed height and FSR controls are complaint with the provisions as set out in the LCLEP 2009 and the setback controls consistent with the DCP. As a result, any view impacts on neighbouring development (whether redeveloped or not) are consistent with what would be reasonably expected by the controls Council has established.

7.4. PRIVACY

The proposal retains the privacy of the proposed dwelling as well as surrounding developments. The balconies have been well setback from site boundary, as stated in **Section 7.1.4** above. Additionally, extensive tree canopy is provided along the street level, ensuring there is no loss of privacy of future residents.

Privacy screens are provided for apartment fronting the new local road. Apartments in Building A and B with interface to pedestrian access from River Road have an angled facade to offsets views away from opposing apartments and to provide visual privacy. Views are instead directed to the landscaped courtyard to the south with plantings and street trees.

Balconies and windows will have glazing and metal cladding/palisade and planters. Upper-level balconies will have increased glazing for views to city/north Sydney.

The apartments fronting River Road include a private open space which is raised to alleviate privacy issues. This section illustrates a level difference of 3.4m between street and ground floor unit. The level change is softened by planting and street trees. Overall, the proposal achieves an acceptable privacy outcome.

7.5. ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The proposed development adopts numerous sustainability provisions and elements including photovoltaic (PV) arrays, provision of electric vehicle (EV) charging points, and rainwater harvesting.

- High-performance thermal envelope with roof, floor and external wall insulations.
- Appropriate glazing selection in accordance with BASIX/Nathers to cut excess solar heat gains.
- All windows, doors, exhaust fans and pipe penetrations will be constructed to minimise air leakage as required by the provisions outlined in 2019 NCC.
- Select centralised energy-efficient services.
- Water-efficient and drought-tolerant landscaping.
- Incorporate water-sensitive urban design principles.

7.6. ACCESS, PARKING & TRAFFIC

A Traffic and Parking Assessment has been prepared by MLA and submitted with this DA. The report provides an assessment of the proposed vehicular site access arrangements, on-site car and bicycle parking provision, car park layout and design, vehicle servicing requirements and the traffic impacts anticipated as a result of the proposed development.

Access

Vehicular access to the site is proposed via a driveway on Park Road which is shared by loading vehicles (MRVs) and cars. The proposed vehicular access is at the furthest point possible from the intersection of Park Road and River Road and will not cause disruption to vehicular movement. The vehicular access is also well positioned and designed to ensure pedestrian safety.

The driveway is able to accommodate two-way traffic movements, providing direct access into the basement car park and has been designed in accordance with Australian Standards. Ramp gradients have been carefully designed to provide sufficient sight distance for vehicles entering Park Road as well as ensuring appropriate vehicle clearances from adjacent structures.

The car park has been designed in accordance with AS2890.1 with respect to ramp gradients, circulation aisle widths and car space dimensions. A swept path assessment has been conducted using a 5.2m long B99 vehicle and 8.8m long Medium Rigid Vehicle (MRV) included in the Traffic and Parking Assessment, demonstrating appropriate manoeuvrability into and out of the loading dock ensuring the proposal does not lead to conflict between vehicles entering/leaving site. Further, it is confirmed that a B99 vehicle can access and circulate within the car park satisfactorily and have sufficient clearance to pass one another where required.

The Traffic and Parking Assessment also provides a swept path for temporary access from the southern end of Berry Lane (at Area 22 deep soil area) for Council's garbage if Council does not acquire the DCP road in time.

Parking

Residential Parking

As per the car parking provisions within the LCDCP, a total of 558 residential car spaces including 78 visitor spaces are required. It is noted that these DCP rates are neither a minimum, nor maximum. The ADG parking requirements are less than the LCDCP requirement. As such, the LCDCP requirement are considered. Further, the Council expressed their support on this approach.

The proposal provides a total of 542 residential car parking spaces, including 78 visitor spaces are provided. Though there is a shortfall of 16 resident car parking spaces, the site is located in a highly accessible location within 650m walking distance to St Leonards Railway Station and 600m walking distance to Wollstonecraft Railway Station. Further, site is located approximately 1km west of the planned new Crows Nest Metro Station to be delivered as part of the new Sydney Metro City and Southwest transit railway line (Metro), with a scheduled opening in 2024. As such, the site is highly accessible by existing and future public transport facilities.

A total of 63 accessible parking spaces are required as per the LCDCP. The proposal provides 63 accessible spaces and is complaint with this control.

Motorcycle Parking

The LCDCP stipulates a motorcycle parking requirement at a rate of 1 space per 15 car spaces for all developments, which results in a total of 36 spaces. The proposal provides 36 motorcycle spaces and is complaint with this control.

Bicycle Parking

The LCDCP requires a total of 79 bicycle spaces are required, and 32 spaces to visitor/customer.

The proposal provides a total of 80 bicycle spaces and 32 visitor spaces and is complaint with this control.

Car wash bay

The parking rate for car wash bay as stipulated in the LCDCP is 1 space per 50 units.

The proposal includes a total of 314 units. Accordingly, a total of seven car wash bays are required.

The proposal includes six car wash bays and is non-compliant with this control. However, having particular consideration to the use of the site, the proposed car wash bay is considered satisfactory to serve the site. Additionally, the Traffic Impact Assessment recommends that all loading/unloading and car wash use be managed by a building manager to ensure appropriate allocation of the loading dock and car wash bay.

Loading and servicing

Loading/servicing for the proposed development will be undertaken by a variety of commercial vehicles that are capable of fitting into a conventional parking space.

Loading area has been provided on Basement Level 3 which can accommodate up to two 8.8m long Medium Rigid Vehicles (MRVs). The loading area is be designed to be suitable to accommodate Council's waste vehicle with a minimum height clearance of 4.5m.

Traffic Generation

The Traffic Impact Assessment provides an assessment of the traffic impact in line with the trip generation rates adopted in the Aimsun traffic model (commissioned by Lane Cove Council) which have been agreed by the TfNSW.

The traffic expected to be generated by the proposed development is as follows:

- AM Peak: +44 vehicle trips
- PM Peak: +22 vehicle trips

The additional 44 vehicles per hour (vph) generated by the proposed development is equivalent to, on average, less than one vehicle every minute. The minute change in the net additional traffic at the nearby intersections after the development traffic has been distributed to the local road, is unlikely to experience much change.

Therefore, the proposal would have a negligible impact on the local traffic network and the proposal is acceptable from a traffic generation perspective.

7.7. CONSTRUCTION TRAFFIC MANAGEMENT

A Construction Traffic Management Plan (**CTMP**) is prepared by MLA and submitted with this DA. The CTMP assesses the vehicular, cyclist and pedestrian traffic implications as the construction works are undertaken and provides the following recommendations:

- The construction works are expected to take approximately 22 months.
- The largest construction vehicle that will access the site is a 19.6m truck and dog. The construction of the proposed development is expected to generate up to 20 vehicle movement per hour on average.
- The traffic generation is considered to be low and as such can be satisfactorily accommodated in the surrounding road network.
- Loading/unloading of construction vehicles is to occur within the site and/or use the proposed works zones on Berry Road and Park Road.
- A number of driver protocols will be established as part of the site induction procedure for drivers to ensure the safety of motorists, pedestrians and cyclists.
- Truck drivers will be instructed to use the designated truck routes to/from the site.

7.8. TREE REMOVAL & LANDSCAPING

The Arborist Report prepared by Eco Logical Australia provides tree impact assessment of the trees proposed to be removed. The report also identifies the proposed Tree Protection Zones (TPZ) and tree protection measures for the trees to be retained.

The report assesses the development impact to the existing trees located on the site and makes the following recommendations:

- The Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of 175 trees are encroached. Accordingly, the proposal involves removal of 175 trees as they will be subject to high impact form the proposed works such that they are no longer viable to be retained. Of the 175 trees proposed to be removed, 2 are classified as a high retention value.
- Eight trees (Trees 50, 57, 74, 153, 157, 169, 172 and 176) have the potential to be retained as they are subject to medium impact from the proposed development from the proposed works.

To offset the required tree removal, a comprehensive replanting plan is proposed with suitable indigenous plant species incorporated in the landscape design of the site, as per the proposed Landscape Plans prepared by Turf and submitted with this DA.

7.9. STORMWATER MANAGEMENT & FLOODING

The site is not impacted by any mainstream flooding and the external catchments can be managed to ensure stormwater flows in the 1% AEP do not enter the site causing any adverse impacts to the proposed development.

Stormwater Management Plan and Drawings have been prepared by AT&T and submitted with this DA.

7.10. ACOUSTIC

An Acoustic Impact Assessment has been prepared by EMM and submitted with this DA. The report assesses noise intruding the building façade from external environment, noise emissions from within the site and provides provisions for internal sound insulation as below.

Façade noise intrusion

- Recommendations for the external building fabric are provided to ensure the acoustic amenity of residential apartments is maintained as below. These will be revisited at the construction certificate stage.
  - Glazing will be required to satisfy the relevant noise criteria as per the glazing requirements provided for the relevant rooms.
  - Internal noise levels with open windows exceed internal noise criteria by more than 10dB for most Area 23 sleeping and living areas fronting River Road when a window is positioned at the façade. Mechanical ventilation is recommended to retain the acoustic amenity of these rooms and meet the ventilation requirements of Building Code of Australia.

Mechanical plant

The location of the mechanical plant is not confirmed at this stage. As complete details of mechanical plant are not available at this stage of the development the following in principle noise control advice is provided:

- Selection of quieter plant and equipment based on the optimal power and size to most efficiently perform the required tasks.
- Ensure regular inspection and maintenance of plant and equipment to minimise noise and vibration level increases, to ensure that all noise and vibration reduction devices are operating effectively.

Internal sound insulation

- It is recommended that all intertenancy partition walls, floors/ceilings and entry doors to be constructed in accordance with the requirements of Part F5 of the Building Code of Australia (BCA) (and National Construction Code, NCC). A review of all proposed wall types is to be completed during the construction certificate stage to ensure that the relevant BCA criteria is met.

A construction noise and vibration management plan are being prepared for the proposed development which will be adopted by the applicant.

In summary, subject to the recommendation as stated above, the proposed development can comply with the acoustic requirements of Lane Cove Council and relevant Australian standards and guidelines.

7.11. AIR QUALITY

An Air Quality and Dust Control Plan has been prepared by Moits and submitted with this DA. The report has assessed the proposal against the relevant legislation, standards and codes relating to air quality and provides the following actions to manage and minimise greenhouse gas, air quality and dust from construction activities:

- Mobile plant movements shall be restricted to designated routes and standing areas. Machinery will be turned off when not in use.
- Ensure all equipment used are designed and operated to control the emission of smoke, dust, fumes, and other pollution into the atmosphere.
- Ensure plant and equipment is in good working order, is properly maintained and fitted with appropriate emission controls.
- A speed limit of 10km/hr for disturbed work areas will be enforced for safety and to minimise dust nuisance.
- Spray water by water hoses/water carts or the like, as the primary method for controlling dust generated by excavation operations and disturbed areas.

- If required, dampen or cover truck loads that have the potential to create a dust nuisance prior to traversing public roads.
- Ensure the import and removal of excavation spoil and topsoil storage and re-spreading is not undertaken during high wind conditions.
- Inspect heavy construction vehicles leaving the site for soil and if necessary, remove prior to leaving site.

The Air Quality and Dust Control Plan provides monitoring and reporting actions and staff responsible, which will be adhered to by the relevant personnel.

7.12. BUILDING CODE OF AUSTRALIA & EQUITABLE ACCESS

Building Code of Australia (BCA) Compliance

A BCA Report has been prepared by City Plan and assesses the proposed development against the Deemed-to-Satisfy (DTS) provisions of the relevant sections of the Building Code of Australia and the applicable Building Regulations.

The report concludes that the design is capable of complying with the requirements of the Building Code of Australia, subject to resolution of the identified areas of non-compliance with the recommendations provided within the report. Therefore, detailed reviews will be undertaken during the CC stage in conjunction with the project fire engineer to confirm all issues are adequately addressed.

Accessibility

Access Report has been prepared by Jensen Hughes and submitted with this DA. The report has been prepared to ensure the proposal's compliance with the *Disability Discrimination Act* (DDA) and *Building Code of Australia* (BCA), AS 1428 series and Adaptable Housing Code.

The report provides list of specifications to ensure compliance with the following:

- General Building Access Requirements
- Access to Buildings
- Parts of Buildings to be Accessible
- Liveable Housing – Toilets
- Adaptable Units

In relation to adaptable units, the proposed development provides 63 units designed to be accessible and 253 units as liveable and is in line with the Lane Cove DCP 2009 requirement.

7.13. GEOTECHNICAL

A Geotechnical Assessment Report has been prepared by Coffey for Area 23, which assess the subsurface conditions and recommend excavations conditions, ground-borne vibration, building foundation, seismic design, soil, and water aggression. The report makes a series of recommendations that will be adhered to during the demolition and construction phases of the development.

A separate Geotechnical Desktop Study has been prepared by Coffey for Area 22, which assess the geotechnical feasibility of the proposed development at Area 22. Based on the site observations, previous investigation conducted by Coffey, it is concluded that the proposed development at Area 22 is considered feasible from a geotechnical perspective and is low risk to surrounding structures and the groundwater environment, provided a detailed geotechnical report is prepared at a future stage.

7.14. CONSTRUCTION MANAGEMENT

A Construction Methodology Plan (**CMP**) is prepared by Southpac Constructions and submitted with this DA. The CMP provides details regarding site fencing, hoarding, installation of mandatory site offices and facilities, as well as construction hours and staging. In relation to staging, this proposal seeks a staged development undertaken in four stages as below:

- Stage 1: Excavation and shoring works

- Stage 2: Basement construction
- Stage 3: Structure and finishes
- Stage 4: External and public domain works

It is noted that the CMP will be updated in accordance with the conditions of consent and further development of the construction documents.

The following site management measures will be taken prior to commencement:

- Installation of fencing, hoardings, site accommodation and amenities.
- Implementation of stormwater management and erosion control procedures in accordance with the Erosion Control and Stormwater Management Plan.
- Setting up tower cranes, hoists/builders' lifts, and builder's waste bins.
- Completion of a dilapidation report of adjoining properties and a Work Health and Safety (**WHS**) Plan.
- Constructions activities in accordance with the Construction Noise Management Plan, Traffic Control Plan and Dust Control Plan (once prepared).

In terms of access, primary site access and egress will be via Park Road as per the Construction Traffic Management Plan. The construction work hours will be as follows:

- Monday: 7:00am – 5:30pm
- Saturday: 8:00am – 3:00pm, and
- Sunday and public holiday: No work.

7.15. WASTE MANAGEMENT

7.15.1. Demolition and Construction Waste and Recycling Management

An Environmental and Waste Management Plan prepared by Moits is included within the Construction Methodology Plan. All waste materials produced form demolition works will be recycled or disposed if in accordance with the Waste Minimisation and management Act 1995 and Council's waste minimisation policies.

Waste materials generated through demolition, excavation and construction works will be minimised by reuse on site, recycling, or disposal at an appropriate waste facility.

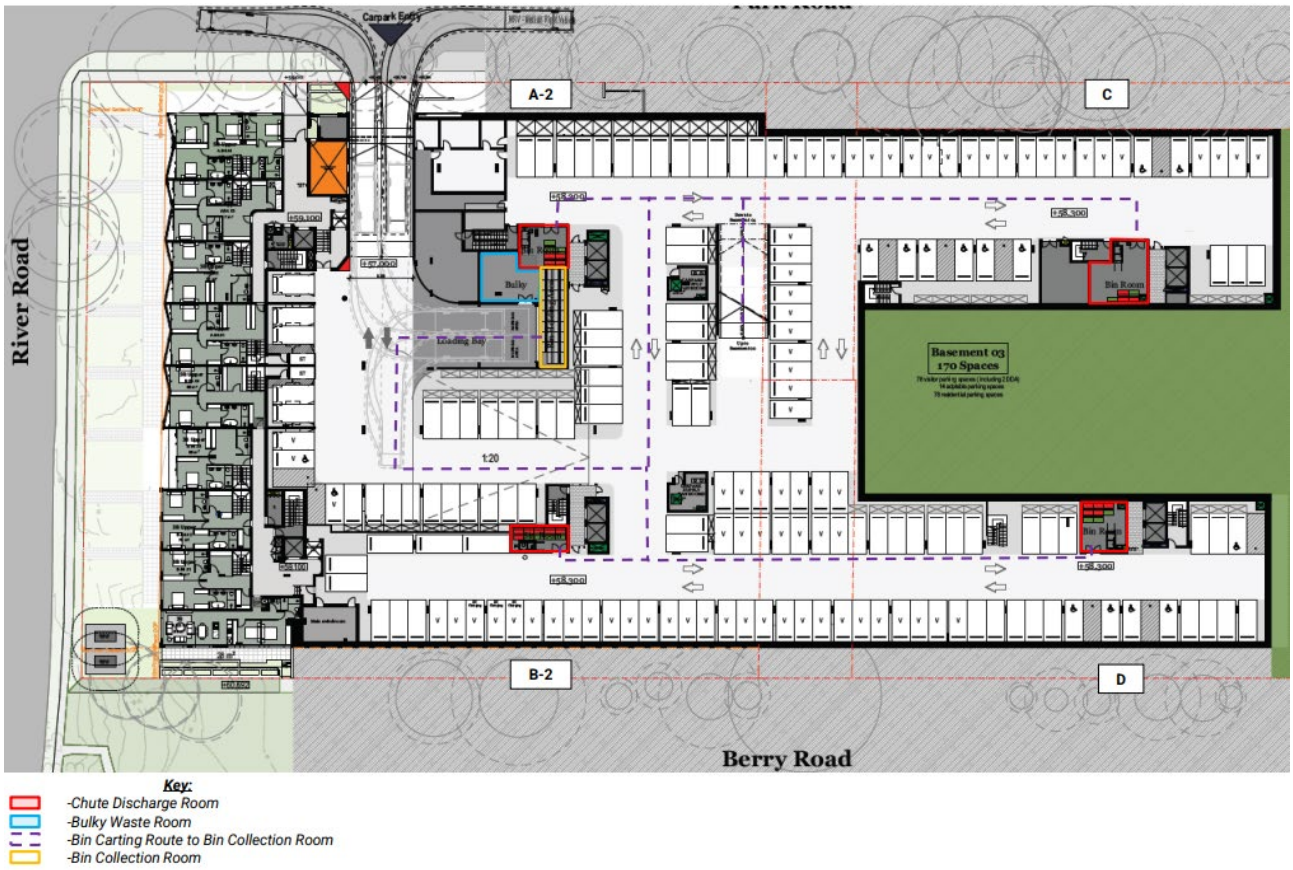
The following construction and demolition waste management strategies are proposed:

- Waste materials will be sorted into different categories and disposed at authorised salvage, recycling, or waste management centres.
- Waste materials will be removed by Moits vehicles.
- Follow the unexpected finds procedure if such items are identified on site during earthworks.

7.15.2. Operational Waste Management

All waste and recycling materials will be stored in the waste storage rooms located on Basement 3 as indicated in Figure 16 below. The design provides six chute rooms, one bulky waste storage room and a main waste storage area located north of the loading dock.

Figure 16 Waste storage areas



Source: Elephants Foot

8. SECTION 4.15 ASSESSMENT

The proposed development has been assessed in accordance with the relevant matters for consideration listed in Section 4.15 of the EP&A Act 1979.

8.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed development has been assessed in accordance with the relevant State and local environmental planning instruments in **Section 6**.

This SEE and the supporting documentation demonstrates that the proposed development is generally consistent with the relevant environmental planning instruments and achieves the objectives of the relevant provisions. Where the proposal is not compliant with the relevant provisions, it has been demonstrated to be a superior outcome than a compliant scheme.

8.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft environmental planning instruments are relevant to this proposal.

8.3. DEVELOPMENT CONTROL PLAN

Lane Cove Development Control Plan 2009 (the DCP) provides detailed planning controls relevant to the site and the proposal. An assessment against the relevant controls is provided in the DCP Compliance Table.

8.4. PLANNING AGREEMENT

The proposed development is subject to a VPA as outlined in **Section 6.5**. The VPA will be publicly exhibited concurrently with the DA.

8.5. REGULATIONS

This application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulations 2000*.

8.6. NATURAL & BUILT ENVIRONMENT

A detailed assessment of the key planning considerations and potential issues associated with the proposed development have been discussed previously as outlined in **Section 7** of the SEE.

In summary as outlined below, the proposed development will result in negligible impacts on the natural and built environment:

- The proposal does not have an impact on significant environmental features, protecting and preserving the amenity and biodiversity values contained within the area. Replacement trees are proposed in accordance with the landscape plans.
- The proposal maintains the existing ecological integrity, as well as preserves the scenic qualities of wetlands.
- Excavation works will be undertaken as per the Geotechnical Report, ensuring there is minimal impact on soil stability.
- The proposed stormwater management solution has been designed to ensure the development does not increase the flood affectation of surrounding properties.
- The BCA and Access assessments confirm the proposal is capable of compliance with the relevant Australian Standards through Deemed-to-Satisfy provisions and performance solutions.
- The proposal does not lead to adverse impacts on road networks surrounding the site, as stated in the Traffic and Parking Assessment. The surrounding street network has sufficient alignments to ensure that there are sufficient sight distances into and out of the site.

- The proposal is designed in accordance with the site-specific DCP controls and the objectives of the ADG. Given the orientation of the site, solar access has been carefully managed, with their being limited change to the solar access enjoyed by neighbouring properties.

8.7. SOCIAL & ECONOMIC IMPACTS

In terms of social impacts, the proposal development will provide a mix of housing types to appeal to a wide range of household cohorts. The proposal provides improved surveillance along the street frontages providing a much-improved outcome than what is currently on site. The expansive communal open space on the lower level and rooftop level enhances opportunities for the local community to meet and interact and therefore improving the physical and mental wellbeing of the residents.

The inclusion of affordable residential accommodation contributes positively to local housing needs, availability, and affordability, as does the contribution that is to be made in terms of the proposed public domain works.

In terms of economic impact, these can only be described as positive. The proposed use will result in employment generation during the construction and occupation phases of the development, having positive economic outcomes for the community through localised spending and demand for retail and service industries.

8.8. SUITABILITY OF THE SITE

The site is considered highly suitable for the proposed development for the following reasons:

- The land is zoned R4 High density residential under the LCLEP. The proposed development is permissible with consent and is consistent with the land use objectives of the R4 zone.
- The proposal is centrally located with proximity to multiple existing and future transport connections, retail shops, recreational open spaces, and major employment areas such as North Sydney and Sydney CBD. The proposed development will allow future residents to be in walking distance of services and employment precincts.
- The proposal is consistent with the intended built form outcome on the site and is in keeping with the emerging built form of St Leonards South area.
- The subject land has been continually used for residential purposes in the past and up to present day. There is no evidence of any other uses, which could have resulted in any potential pollution hazards. Accordingly, the site is suitable for a residential development.

8.9. SUBMISSIONS

It is acknowledged that submissions arising from the public notification of this application will need to be assessed by Council.

8.10. PUBLIC INTEREST

The proposed development is considered in the public interest for the following reasons:

- It provides additional dwellings in the St Leonards locality, which will assist in meeting housing targets and address housing demand in the Lane Cove LGA. The proposal expands housing choices within the area and provides a mix of dwelling types.
- The proposal will provide a high level of amenity for future residents, whilst also protecting amenity levels enjoyed by existing neighbouring residents.
- The rejuvenation of the site within the St Leonards South area will create a vibrant development which will serve appropriate land-mix, providing numerous public benefits including high quality landscaping and communal open space.
- Allows future residents at the site to be in close proximity to existing and future public transport facilities, further reducing car dependency.
- Generate temporary construction jobs during the construction phase of work.

- Any environmental impacts have been sufficiently mitigated. The social or economic impacts are overwhelmingly positive.

9. CONCLUSION

The proposed mixed used development has been assessed in accordance with Section 4.15 of the EP&A Act and is considered appropriate for the site and the locality:

- **The proposal is consistent with State and subregional strategic planning objectives** - The proposal contributes to state strategic planning requirements to facilitate new dwellings in proximity to existing and future public transport infrastructure. It is also consistent with Council's strategic visions to redevelop the site to deliver a high-quality residential development.
- **The proposal is largely consistent with the applicable state and local planning controls** - The proposal has been determined to achieve a high level of compliance with the applicable planning controls. Where variations are proposed, the report demonstrates that the objectives and intent of the numeric provisions have been met and compliance is therefore achieved.
- **The proposal will offer a high standard of amenity** - The proposed development will provide future residents with a high standard of residential amenity. The proposal achieves consistency with the objectives and provisions of SEPP 65 and the Apartment Design Guide (ADG). The apartment configuration maximises amenity, with most apartments offering multiple aspects to their living areas. Solar access and natural ventilation, as key design criteria, are also satisfied. The future residents are also provided with a generously sized apartments, balconies, and communal open space areas.
- **The proposal is a sympathetic built form in the streetscape** - The proposal reinforces the desired neighbourhood character of St Leonards. The proposal presents a modern architectural expression with building articulations presenting a visually appealing development along the River Road, Park Road, and Berry Road.
- **The proposal is in the public interest** - The proposal will lead to the construction of 314 additional dwellings within St Leonards. This will expand housing choice, provide additional adaptable units, and generate temporary construction jobs during the construction and occupation phase of works. The development provides a high level of residential amenity in an accessible location close to transport, services, and employment opportunities.

Having considered all relevant matters, we conclude that the proposed development is appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

DISCLAIMER

This report is dated 1 December 2022 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd **(Urbis)** opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Berry Road Development Pty Ltd **(Instructing Party)** for the purpose of Statement of Environmental Effects **(Purpose)** and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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