

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

Subject: 14 - 16 Marshall Avenue, 2 - 10 Berry Road, and 5 - 9 Holdsworth Avenue St Leonards

Record No: DA23/56-01 - 53201/23

Division: Planning and Sustainability Division

Author(s): Christopher Shortt

Panel Reference	PPSSNH-392
DA Number	56/2023
LGA	Lane Cove Council
Proposed Development	Construction of 3 residential flat buildings (10-storeys) comprising a total of 185 dwellings and basement parking for 249 vehicles.
Street Address	14 - 16 Marshall Avenue, 2 - 10 Berry Road, and 5 - 9 Holdsworth Avenue St Leonards
Applicant/Owner	Applicant: Urbis – Anna Wang. Owner: Marshall land Pty Ltd as Trustee for Marshall Land Unit Trust & Holdsworth Land Pty Ltd as Trustee for Holdsworth Land Unit Trust.
Date of DA lodgment	25 May 2023
Total number of Submissions Number of Unique Objections	<ul style="list-style-type: none"> No submission at time of writing
Recommendation	Approval
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021)	Development has a capital investment value of more than \$30 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> relevant environmental planning instruments <ul style="list-style-type: none"> SEPP 65 – Design quality of Residential Apartment Development and Apartment Design Guide (ADG); SEPP Resilience and Hazards 2021; SEPP (Building Sustainability Index) 2004; SEPP (Transport and Infrastructure) 2021; Lane Cove Local Environmental Plan 2009. proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority <ul style="list-style-type: none"> Environment SEPP (Consolidation of Sydney Harbour SREP); Transport and Infrastructure SEPP; Resilience and Hazards SEPP; and

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

	<ul style="list-style-type: none">• relevant development control plan• Lane Cove Development Control Plan 2009 (including Amendment 20).• relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4• Yes – draft planning agreement that a developer has offered to enter into under Section 7.4 (see Annexure 7)• relevant regulations e.g. Regs 92, 93, 94, 94A, 288<ul style="list-style-type: none">- Clause 92(1)(b) – Demolition of Structures• coastal zone management plan• Nil <p>other relevant plans</p> <ul style="list-style-type: none">• St Leonards South Landscape Masterplan• St Leonards South Section 7.11 Contributions Plan• Special Infrastructure Contribution Levy Direction																																	
List all documents submitted with this report for the Panel’s consideration	<table><tr><th>Annex.</th><th>Document</th><th>Prepared By</th></tr><tr><td>1</td><td>Draft Conditions of Consent</td><td>Lane Cove Council</td></tr><tr><td>2</td><td>Development Control Plan Assessment</td><td>Lane Cove Council</td></tr><tr><td>3</td><td>ADG Assessment</td><td>Lane Cove Council</td></tr><tr><td>4</td><td>Statement of Environmental Effects 10/05/2023</td><td>URBIS</td></tr><tr><td>5</td><td>NSROC DRP Minutes 26/10/2021</td><td>NSROC Design Review Panel</td></tr><tr><td>6</td><td>NSROC DEP Minutes 01/02/2022</td><td>NSROC Design Review Panel</td></tr><tr><td>7</td><td>Draft Voluntary Planning Agreement</td><td>Marshall land Pty Ltd as Trustee for Marshall Land Unit Trust & Holdsworth Land Pty Ltd as Trustee for Holdsworth Land Unit Trust</td></tr><tr><td>8</td><td>Urban Design Report: Design Verification Statement/SEPP 05/04/2023</td><td>dfp</td></tr><tr><td>9</td><td>Civil Plans Issue E/Issue D 21/04/23</td><td>Xavier Knight</td></tr><tr><td>10</td><td>Architectural Plans Rev D 20/12/23</td><td>PTW</td></tr></table>	Annex.	Document	Prepared By	1	Draft Conditions of Consent	Lane Cove Council	2	Development Control Plan Assessment	Lane Cove Council	3	ADG Assessment	Lane Cove Council	4	Statement of Environmental Effects 10/05/2023	URBIS	5	NSROC DRP Minutes 26/10/2021	NSROC Design Review Panel	6	NSROC DEP Minutes 01/02/2022	NSROC Design Review Panel	7	Draft Voluntary Planning Agreement	Marshall land Pty Ltd as Trustee for Marshall Land Unit Trust & Holdsworth Land Pty Ltd as Trustee for Holdsworth Land Unit Trust	8	Urban Design Report: Design Verification Statement/SEPP 05/04/2023	dfp	9	Civil Plans Issue E/Issue D 21/04/23	Xavier Knight	10	Architectural Plans Rev D 20/12/23	PTW
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Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

	11	Landscape Report and Plans (Issue G) 18/12/23	rps
	12	Response to Request for Further Information 25/09/2023	URBIS
	13	Response to Request for Further Information 18/01/2024	URBIS
	14	Construction and Demolition Waste Management Plan Rev B 20/04/23	Elephants Foot Consulting
	15	Traffic and parking Assessment and CTMP 27/04/23	Varga Traffic Planning
	16	Arboricultural Impact Assessment 18/04/23	Advanced Treescape Consulting
	17	Acoustic Assessment 14/04/23	acouras
	18	Oculus Comment	Oculus
	19	Detailed Site Investigation 14/09/2023	Foundation Earth Sciences
	20	Access Assessment Report 24/04/23	Accessible Building Solutions
	21	Cost Report 14/04/23	WT Partnership
	22	Survey Plans	Project Surveyors
	23	Operational Waste Management Plan Rev C 08.06.23	Elephant's Foot Consulting
	24	BASIX Certificates – 16/01/2024	Eco Engineering Group Pty Ltd
	25	BASIX Assessment Report Rev 1.2 15/01/2024	Eco Engineering Group Pty Ltd
	26	Geotechnical Investigation Report 11/10/21	Foundation Earth Sciences
	27	Wind Report 19/04/23	rwdi
	28	ESD Report	Eco Engineering Group Pty Ltd
	29	Public Art Strategy August 2023	UAP
	30	NSW Police Referral Response /Conditions	North Shore Police Area Command
	31	BCA Assessment Report 27/04/23	Steve Watson & Partners
	32	Water NSW General Terms of Approval	Water NSW (PENDING)
	33	Notification Extent Map and Letter	Lane Cove Council
	34	Environmental Management Plan 14/09/2023	Foundation Earth Sciences
	35	Transport for NSW Comment 14/06/23	TfNSW
	36	Hydrological Investigation Report 15/09/2023	Foundation Earth Sciences
	37	AUSGRID Referral Comment	Ausgrid
	38	Design Review & Excellence Panel Response Report	PTW
	39	Lane Cove DCP Compliance table	URBIS
	40	Stormwater Management Plan Rev C	C & M Engineers
Clause 4.6 requests		N/A	

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

Summary of key submissions	No submissions received.
Report prepared by	Chris Shortt
Report date	14 February 2024

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

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

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Yes**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

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

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

1. EXECUTIVE SUMMARY

The Development Application is for the demolition of all structures and construction of 3 residential flat buildings (10 storeys) comprising a total of 185 dwellings and basement parking for 249 vehicles.

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

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

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

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

The matters in relation to Section 4.15 of the Environmental Planning and Assessment Act 1979 have been satisfied.

The application meets with the Floor Space Ratio and Height controls as required in the Lane Cove Local Environmental Plan 2009 and meets with the Part C Residential Development Objectives in the Lane Cove Development Control Plan.

On balance the proposed development as amended would be reasonable and therefore is recommended for approval.

2. STRATEGIC CONTEXT

2.1 St Leonards South Precinct

The subject site is located within the St Leonards South Precinct. The St Leonards South Precinct was brought into effect on **1 November 2020** through amendments to *Lane Cove*

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

Local Environmental Plan 2009 and Lane Cove Development Control Plan 2010. The precinct planning was finalised concurrently with the St Leonards Crows Nest 2036 Plan.

2.2 Location

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



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

2.3 Vision

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

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

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

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

2.4 Planning Controls

The planning controls and mechanisms to achieve the vision of the Precinct are detailed and addressed in **Section 6** of this report. The planning controls are principally contained within [Part 7 of Lane Cove Local Environmental Plan 2009](#) and supported by a precinct-specific part of *Lane Cove Development Control Plan 2010*, a Landscape Master Plan, a Section 7.11 Contributions Plan and designation as a Special Infrastructure Contribution area.

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

i. Zoning

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



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

ii. Incentive Building Height and FSR

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

- **Unit Mix:** Minimum 20% of each 1, 2 and 3+ bedroom dwellings (Part 7.1(4)(a)-(c);
- **Green Spine:** Setbacks to establish communal open space between buildings (Part 7.1(4)(d));
- **Minimum Site Area:** Site amalgamations (Part 7.1(4)(e) and Part 7.2);
- **Affordable Housing:** The provision of affordable housing (Part 7.1(4)(f) and Part 7.3);

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

- **Recreation Areas and Community Facilities:** The provision of recreation areas and community facilities (Part 7.1(4)(g) and Part 7.4); and
- **Pedestrian Links and Roads:** The provision of pedestrian links and roads (Part 7.1(4)(h) and Part 7.5).

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

iii. No Clause 4.6 Variation Requests

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

iv. Design Excellence

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

v. NSROC Design Review Panel

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

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

i. Green Spines - Shared Communal Open Space

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

ii. Part Storey Control

The DCP permits the allowance for part- storeys. Importantly, the DCP includes the following in relation to calculating the number of storeys:

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

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

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

As per the Amendment approved August 2022, the definition of a part storey is:

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

The proposal complies with amendment definition from August 2022.

Landscape Master Plan

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

St Leonards South Section 7.11 Plan

The provision of infrastructure is proposed to be facilitated in part through the [St Leonards South Section 7.11 Contributions Plan](#) which is now in force. Refer to recommended draft condition A.5A in **Annexure 1**.

Special Infrastructure Contribution

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

2.5 Site in Future Envisaged Context

The subject site is located centrally within the northern end of the St Leonards South Precinct and is known as **Areas 13, 14 and 15**. The site in the future envisaged context would include the entire green spine between Areas 14 and 15 and the western portion of the shared green spine with Area 12.

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards



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

3. SITE

3.1 Subject Site

The subject site is known as 14 - 16 Marshall Avenue, 2 - 10 Berry Road, and 5 - 9 Holdsworth Avenue St Leonards. Area 13 has an area of 1973 m², Area 14 has an area of 1672 m², and Area 15 has an area of 2229 m². The total combined site area is 5874m². The site is known as Areas 13, 14 and 15 within the St Leonards South Precinct planning scheme and is located centrally within the northern end of the of the Precinct.

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards



Figure 4: Aerial Photograph – SLS Red outline/ Areas 13,14 and 15 yellow outline.
(Source: Nearmap)

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards



Figure 5: Areas 13, 14 and 15 (in pink) within the St Leonards South Precinct
(Source: LCDCP 2009)

Table 1 – Site Characteristics of 14 - 16 Marshall Avenue, 2 - 10 Berry Road, and 5 - 9 Holdsworth Avenue St Leonards.	
Site Characteristic	Subject Site
Title Particulars	14 - 16 Marshall Avenue, 2 - 10 Berry Road, and 5 - 9 Holdsworth Avenue Lots 1, 2, 7, 8, 9 34, 35, 36, 37, and 38 in DP 7259.
Total Site Area	5874 m ²
Site Frontage	Approx. 45.86m to Holdsworth Avenue Approx. 109.1m to Berry Road Approx. 33.3m to Marshall Avenue
Site width	Approx. 73.37m between Park Road and Berry Road
Topography	See existing site survey with spot RLs at Annexure 22
Zoning	R4 High Density Residential
Existing Structures	The site contains single detached or semi-detached dwelling houses on separate allotments with an assortment of ancillary structures.
Existing Use	The site is being used for residential purposes (single dwellings).
Vehicular Access	Vehicular access (existing) is provided through individual vehicle crossovers for each allotment.

**14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards**

3.1.1 Topography

The subject site includes an average cross-fall of approximately 3m from north to south (from Marshall Avenue to proposed east/west link) and an average cross-fall between approximately 9m from west to east (from Berry Road to Holdsworth Avenue).

3.1.2 Site Photographs



Figure 6: Corner of Marshall Avenue and Berry Road. Facing south.



Figure 7: Marshall Avenue frontage. Facing west.

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards



Figure 8: Holdsworth Avenue frontage. Facing north.



Figure 9: Berry Road Frontage. Facing north.

Table 2 – Adjoining Sites	
Direction	Description
North	<p>Directly north of Area 13 is Marshall Avenue which forms the northern boundary of the St Leonards South Precinct. On the opposite side of Marshall Avenue is a 7- storey residential flat building at 15 – 25 Marshall Avenue. (Figure 10). Directly north of Area 14 is Area 12 which has been approved by the Sydney North Planning Panel (SNPP) for the construction of a residential flat building development (part -10 and part-12 storeys) comprising 96 apartments and basement parking for 110 vehicles. (Ref: DA187/2021)</p> <p>Further to the north is Marshall Lane Avenue and beyond are commercial buildings fronting the Pacific Highway.</p>
East	<p>To the east of Area 13 is Area 12. Further east is Areas 1, 2 and 4 which has been approved by the Sydney North Planning Panel (SNPP) for the construction of three (3) residential flat buildings (ranging from 12 to 19 -</p>

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

	storeys) comprising a total of 232 apartments and basement parking for 348 vehicles. (Ref: DA79/2022) To the east of Area 14 the site is adjoined by Holdsworth Avenue. Further east is Area 6 which contains single and 2-storey dwellings and has not been subject to any development proposal.
South	To the south of Areas 14 and 15 are single dwelling houses. Two adjoining properties at 12 Berry Road (part of Area 15) and 13 Holdsworth Avenue are to be dedicated for a future east/west pedestrian link between Berry and Holdsworth. South of future pedestrian link are Areas 16 and 17 which was determined and refused by the SNPP for the construction of a mixed-use development containing two buildings comprising a total of 130 apartments and basement parking for 180 vehicles. (Figures 11 and 12) . The decision is currently subject to an appeal in the Lane and Environment Court Ref: DA115/2022.
West	To the west, the site is Berry Road. Further west of Berry Road is Area 21 and an area proposed for a future local park. Both Area 21 and future local park contains single and 2-storey dwellings and has not been subject to any development proposal at this stage. (Figure 6) .



Figure 10: North of site at 15 – 25 Marshall Avenue. Facing northwest.

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards



Figure 11: South of site at Areas 17 and 19. Facing south.



Figure 12: South of site at Area 16. Facing south.

4. PROPOSAL

4.1 Overview

The Development Application is for demolition of all structures and construction of 3 residential flat buildings (10 storeys) comprising a total of 185 dwellings and basement parking for 249 vehicles. 14 - 16 Marshall Avenue, 2 - 10 Berry Road, and 5 - 9 Holdsworth Avenue St Leonards known as Areas 13, 14 and 15. The architectural plans are provided as **Annexure 10** to this report and a summary of the key development statistics are provided in **Table 3** as follows:

4.1.1 Key Development Statistics

Table 3 – Development Statistics	
Component	Description
Number of Buildings	3 with shared basement
Number of Storeys	10-storeys
Part Storeys	Area 14: two part storeys

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

	Area 15: one part storey
Building Height	Area 13: 36.96m Area 14: 36.36m Area 15: 36.64m
Gross Floor Area	17,576.9m ²
Floor Space Ratio	Areas 13 and 15 = 2.85:1 Area 14 = 3.35:1
Total Apartments	185 (reduced from 187)
Unit Mix	41 x studio/1 bedroom (22%) (reduced from 43) 82 x 2 bedroom (44%) 50 x 3 bedroom (27%) 12 x 4 bedroom (7%)
Vehicular Access	Singular vehicular access point from Holdsworth Avenue.
Parking	249 vehicles
Pedestrian Link	Provided
Deep Soil within Green Spine	894.8m ² and greater than 50% of Green Spine

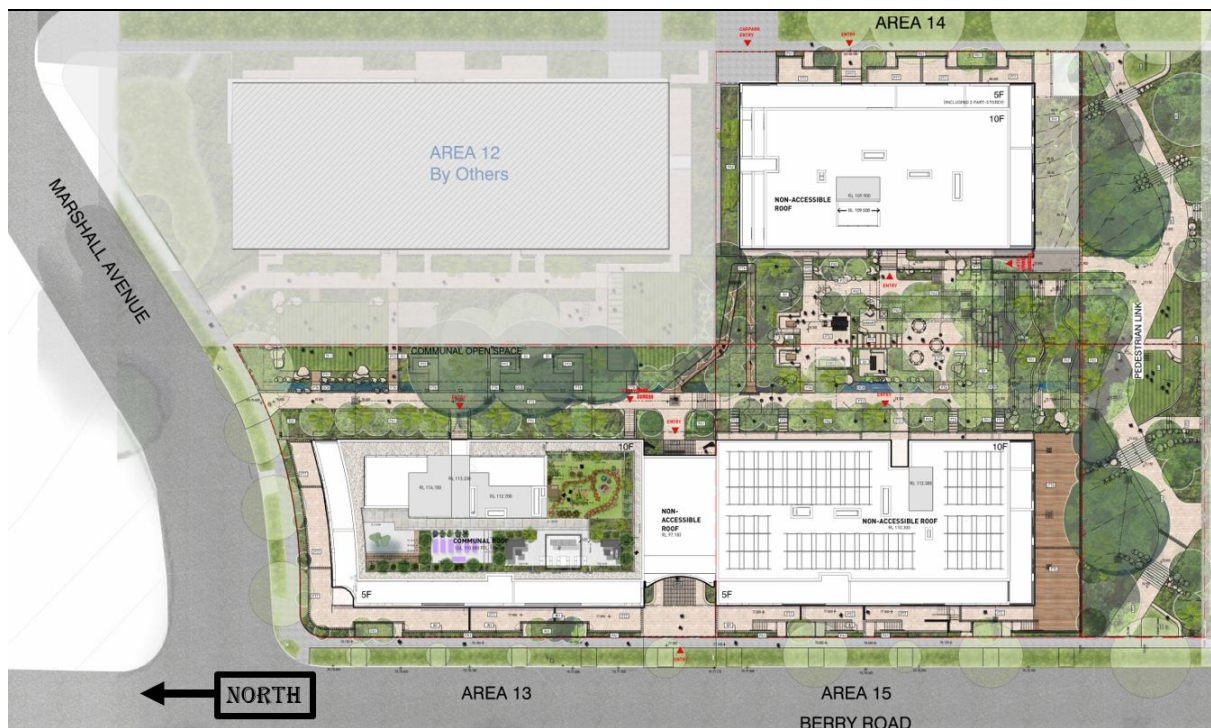


Figure 13: Proposed Site and Roof Plan. (Source: PTW).

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards



Figure 14: Corner of Berry and Marshall. Facing south. (Source: PTW).



Figure 15: Holdsworth Avenue elevation. Facing West. (Source: PTW).

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards



Figure 16: Berry Road elevation. Facing east. (Source: PTW).



Figure 17: E/W link elevation. Facing north. (Source: PTW).

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards



Figure 18: Holdsworth Avenue elevation. Facing west. (Source: PTW).

4.1.2 Detail Development Description

The Development Application is for the demolition of all structures and construction of three residential flat buildings and shared basement parking at 14 - 16 Marshall Avenue, 2 - 10 Berry Road, and 5 - 9 Holdsworth Avenue St Leonards

- Demolition of the existing dwellings and structures and tree removal;
- Construction of three (3) residential flat buildings (10 storeys) comprising a total of 185 apartments (including 38 adaptable/livable);
 - 41 one-bedroom apartments (13 adaptable);
 - 82 two-bedroom apartments (24 adaptable);
 - 50 three-bedroom apartments (1 adaptable);
 - 12 four-bedroom apartments;
- 3 apartments dedicated as affordable housing (1 in Area 13, 2 in Area 14);
- Four-storeys of basement car park, comprising 249 parking spaces including;
 - 207 residential car parking spaces (including 38 accessible car spaces);
 - 38 visitor car parking spaces;
 - 17 motorcycle spaces;
 - 67 bicycle spaces (including 20 visitor spaces);
- Creation of a green spine communal space on ground level;
- Vehicle access and egress provided via Holdsworth Avenue;
- Communal roof top open garden on Area 13;
- Solar panels on roof top of Area 15; and
- Creation of a 15metre wide pedestrian link through the land to enable a connection between Berry Road and Holdsworth Avenue (Area 15).

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

4.2 Staging

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

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

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

4.3 Subdivision

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

4.4 Landscaping

4.4.1 Landscape Plans

The proposal was accompanied by landscape plans provided as **Annexure 11** to this report with the Overall Landscape Plan provided in **Figure 19** below.



Figure 19: Overall Landscape Plan (Source: RPS).

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards



Figure 20: Green spine between Areas 14 and 15. (Source: RPS).



Figure 21: Rooftop terrace plan Area 13. (Source: RPS).

4.4.2 Tree Preservation, Removal and Replacement

If supported a detailed list of trees proposed for retention and removal is provided in draft condition **A.7.L** (see **Annexure 1**) and the submitted arborist report (**Annexure 16**). Tree replacement is detailed in the submitted landscape document package (**Annexure 11**) and draft conditions.

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

4.4.2.1 Tree Preservation

The proposal includes the retention of 18 trees.

4.4.2.2 Tree Removal

The proposal includes the removal of 35 trees.

4.4.2.3 Tree Replacement

The submitted landscape plan details 83 proposed on-site replacement trees (small medium and large) at ground level, and 14 trees on the Area 13 rooftop communal area. Additional tree planting is also proposed through draft conditions of consent.

4.4.3 Green Spine and Rooftop Communal Open Space

The proposal provides shared communal open space in a 'green spine' (ground level communal open space) with facilities including alfresco dining/ BBQ, lounge seating, open lawn with picnic tables and pergolas above, water fountains and waste bins. Rooftop communal area on roof of Area 13 includes communal vegetable patch and nature trail, dining and lounge area, BBQs, communal exercise area, library area, pergola shade structures, and landscaping as detailed in **Figures 20 and 21**.

4.5 Public Domain Works

The proposal includes the following required public domain works:

- **Pedestrian Link:** the dedication to Council in perpetuity of a 15m wide pedestrian link is provided to the south of Area 15.
- **Undergrounding of Utility Services:** The undergrounding of utility services in the public domain adjacent to the site (e.g. Holdsworth Avenue electricity poles and wires).
- **Street Tree Planting and Structural Root Cell:** The provision of supplementary street tree planting and structural root cell to all street frontages.

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

4.6 Site Access (Vehicular and Pedestrian)

4.6.1 Vehicular Access

Vehicular access is proposed from of **Holdsworth Avenue**. Refer to **Figure 22** below.

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

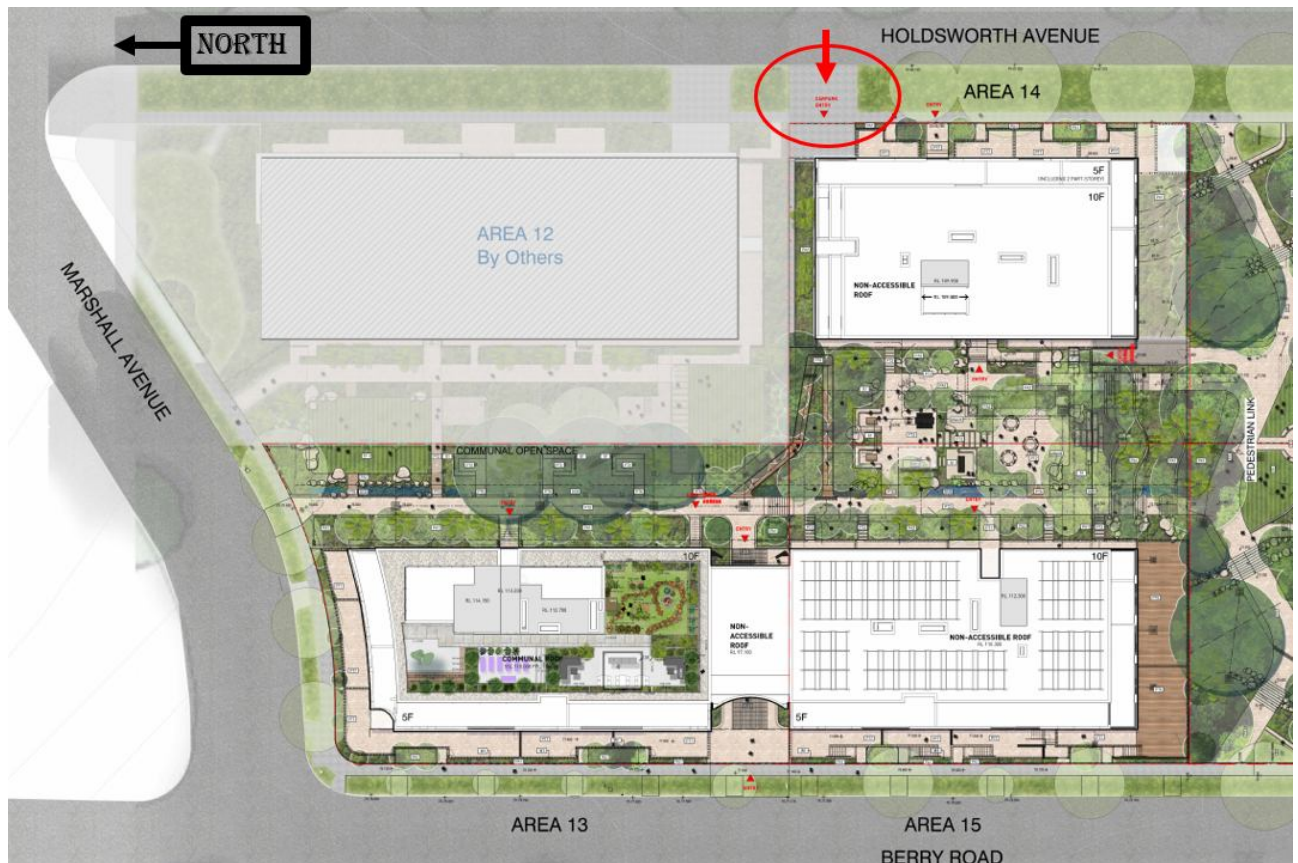


Figure 22: Vehicular access point. (Source: PTW).

4.6.2 Pedestrian Access

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

4.7 Materiality

The proposed external colours and finishes are detailed in **Figure 23** and include brick materials and colourbond cladding at the podium to Berry and Holdsworth Avenues and hebel concrete panels in the towers above.

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

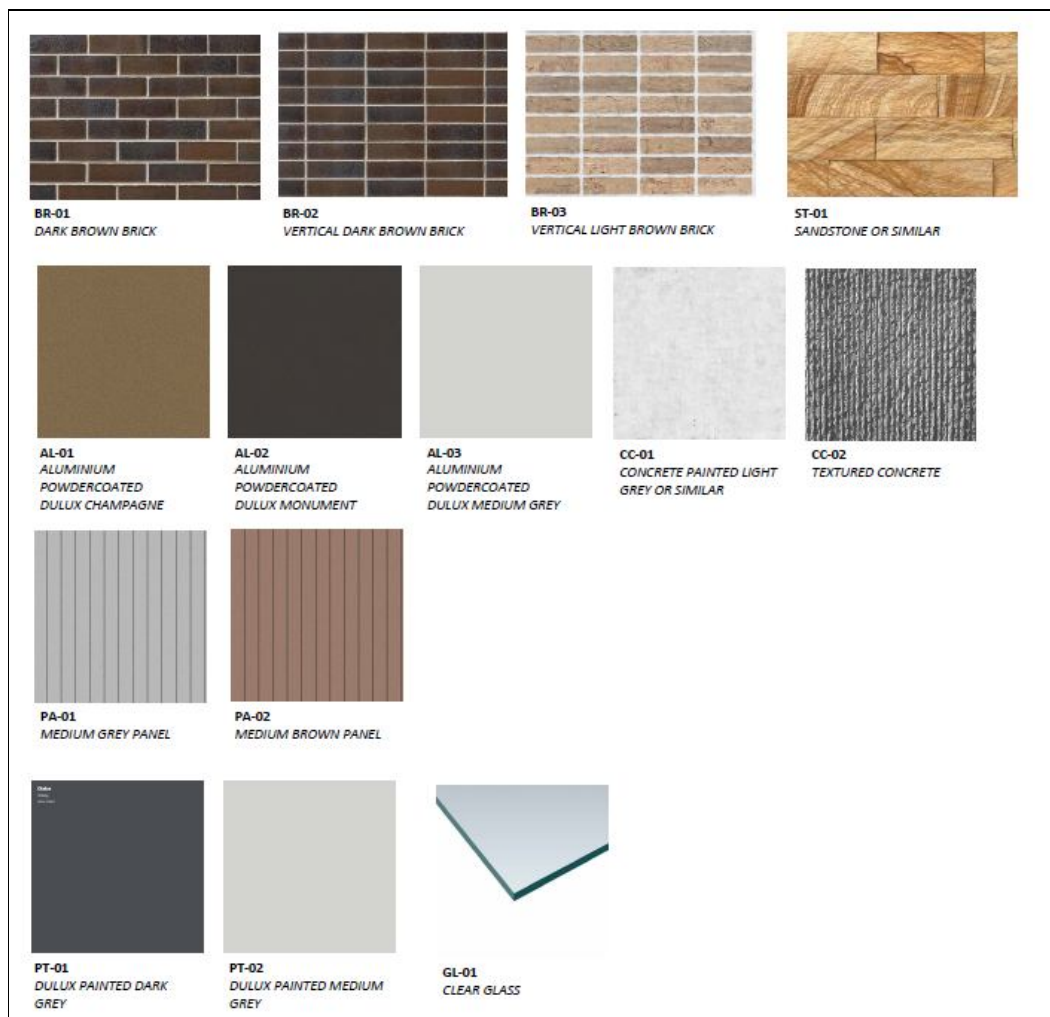


Figure 23: Materials and finishes. (Source: DKO).

4.8 Private Open Space

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

4.9 Waste Management

Waste management is detailed in the submitted *Operational Waste Management Plan (Annexure 23)*. Waste management is proposed to occur on-site through a central waste collection area in the basement. A Dual Chute System (1 x waste and 1 x recycling) would be provided for the development for the reception of waste material only. Separate arrangements would be made for both recycling streams with compartments located on each floor of the building for 240-litre recycling bins to be provided in each compartment.

4.10 Stormwater Management

Stormwater management is detailed in the submitted Stormwater Management Plan (**Annexure 40**). Stormwater measures include water quality treatment on-site, Onsite Stormwater Detention Basin rainwater harvesting and reuse, and a Gross Pollutant Trap. The stormwater management system is proposed to be connected to the pipe and silt arrestor pit at corner of Marshall Avenue and Berry Road.

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

4.11 Sustainability

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

- Ecologically Sustainable Design Report (**Annexure 28**)

The reports outline various measures to achieve sustainability including a NatHERS 6.6-star rating, EV-charging infrastructure and electricity and water usage reduction.

4.12 Public Art

The proposal is accompanied by a preliminary public art strategy (**Annexure 29**). The strategy has been reviewed by Council's cultural unit and requested to be further developed beyond the seating art. An amended Public Art strategy was submitted which includes 2 additional art sculptures and is considered acceptable.

The applicant would select an artist and outline the process for the design and installation of public art of the value of work being between \$100,000.00 - \$150,000.00.

5. ASSESSMENT HISTORY

5.1 Assessment Timeline

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

Table 4 – Proposal Timeline	
Date	Description
16 June 2021	NSROC Design Review Panel Meeting and Council Pre-DA Meeting.
16 October 2021	NSROC Design Excellence Panel Meeting.
1 February 2022	NSROC Design Excellence Panel 2 nd Meeting.
17 March 2022	Letter from Council to applicant requesting compliance with height in storeys and building setbacks
25 July 2022	Submission of amended plans from applicant
19 August 2022	Letter from Council to applicant requesting compliance with setbacks from east/west link among others.
22 May 2023	Subject Development Application lodged.
23 May 2023	Public notification of Development Application and Draft VPA commenced.
19 June 2023	Public notification of Development Application and Draft VPA concluded.
19 July 2023	Kick Off Briefing with SNPP, Applicant and Council
18 August 2023	Letter sent to the applicant requesting additional information.
25 September 2023	Applicant provided preliminary response to additional information request.
1 November 2023	Briefing of the Sydney North Planning Panel.
18 January 2024	Amended documentation received

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

5.2 Design Amendments

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

Table 5 – Plan Amendments	
Revision	Description
Revision 1	Submitted with Development Application.
Revision 2	<p>Submitted on 18 January 2024 as part of the response to request for additional information. The principal amendments are as follows:</p> <ul style="list-style-type: none">• Increase setbacks to east west link to comply with DCP;• Reduce proposed dwellings from 187 to 185;• Changes to some external materials brickworks to all buildings;• Changes to windows sizes;• Removal of curved walls at the bridge fronting greens pine between Areas 13 and 15;• Minor changes to RL levels of roof top plant and roof to Areas 14 and 15;• Slight improvement to cross ventilation compliance; and• Reduction to pergolas extent to roof top and green spine areas.

5.3 Additional Information

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

Table 6 – Additional Information	
Report	Description
Architectural Plans	Full set of amended plans
Amended documentation to reflect amended plans:	Revise BASIX Assessment Report Revised Basix Assessment
Landscaping Plan	Full set of amended landscaping plans

6. SECTION 4.15 ASSESSMENT

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

6.1 Any environmental planning instrument:

6.1.1 Lane Cove Local Environmental Plan 2009

6.1.1.1 Permissibility

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

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

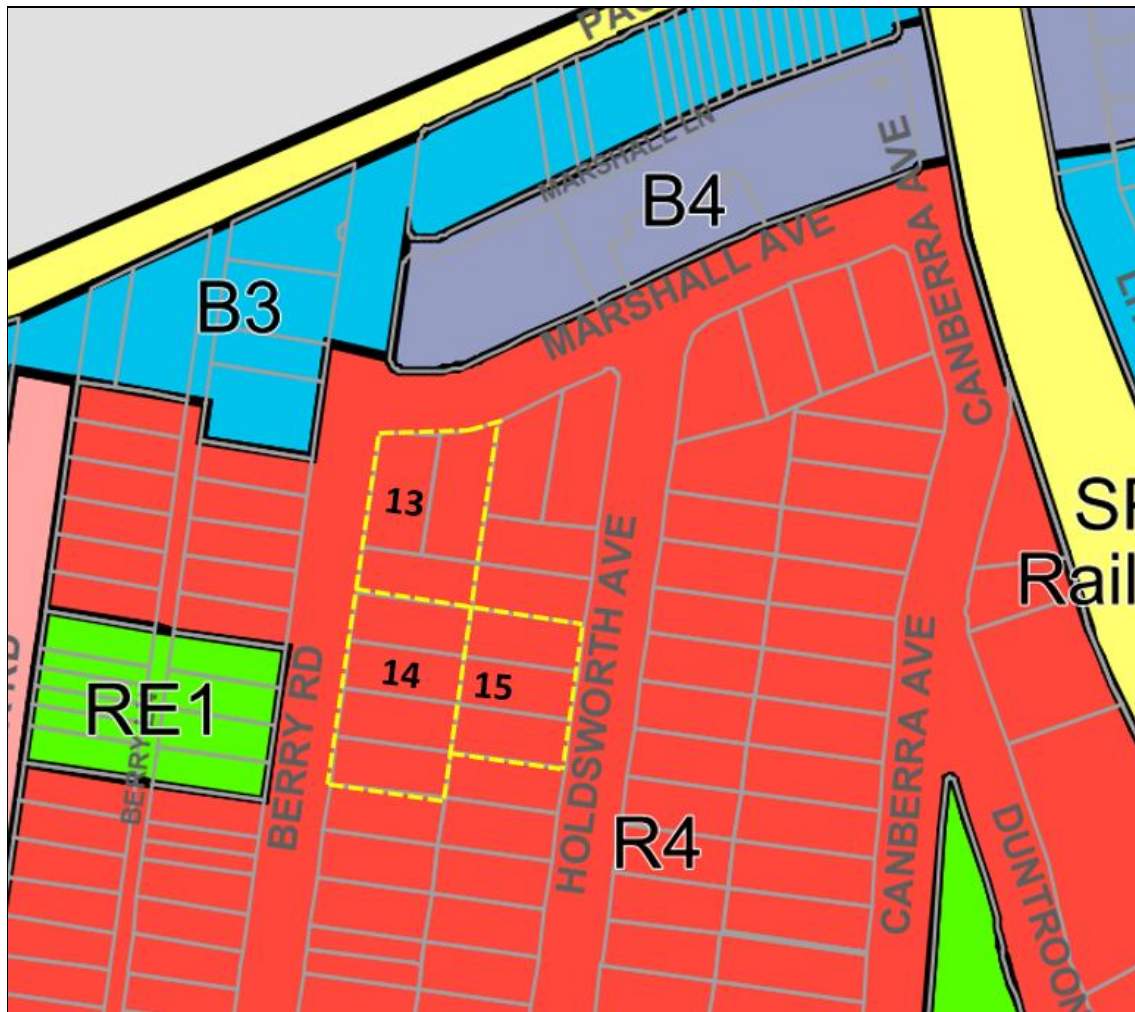


Figure 24: Zoning Map (Source: Council LEP Map)

6.1.1.2 Incentive Building Height and Floor Space Ratio

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

6.1.1.2.1 Accessing Incentive Provisions

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

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

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

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

6.1.1.2.2 Compliance with Incentive Provisions

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

Table 7 – Applicable Incentive Provisions			
Category	Requirement	Proposed	Compliance
Unit Mix	Minimum 20% of 1/2/3+ bedroom units	41 x studio/1 bedroom (22%) reduced from 43 82 x 2 bedroom (44%) 50 x 3 bedroom (27%) 12 x 4 bedroom (7%)	Yes
Green Spine Setbacks	The provision of setbacks to establish communal open space and green spines between buildings.	Setbacks provide for the required and planned green spine widths.	Yes
Minimum Site Area	The amalgamation of all sites within each development area. Area 13: Minimum site area of 1,600sqm Area 14: Minimum site area of 1,600sqm Area 15: Minimum site area of 2,000sqm	Area 13: Site area = 1,973 sqm Area 14: Site area = 1,672 sqm Area 15: Site area = 2,229 sqm	Yes
Affordable Housing	Area 13: One affordable housing dwelling. Area 14: Two affordable housing dwellings. Affordable housing dedicated to Council in perpetuity. Each dwelling shall comprise a minimum of 2 bedrooms with an internal area of at least 70 sqm (plus storage) and one car space.	The proposed development will provide 3 affordable dwellings.	Yes
Recreation Area	N/A	N/A	Yes
Pedestrian Link	A 15m wide pedestrian link is provided to the south of Area 15.	Provided.	Yes

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

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

6.1.1.2.3 Incentive Building Height and Floor Space Ratio Controls

The incentive building height (**Figure 26**) and incentive floor space ratio (**Figure 27**) apply to the development.

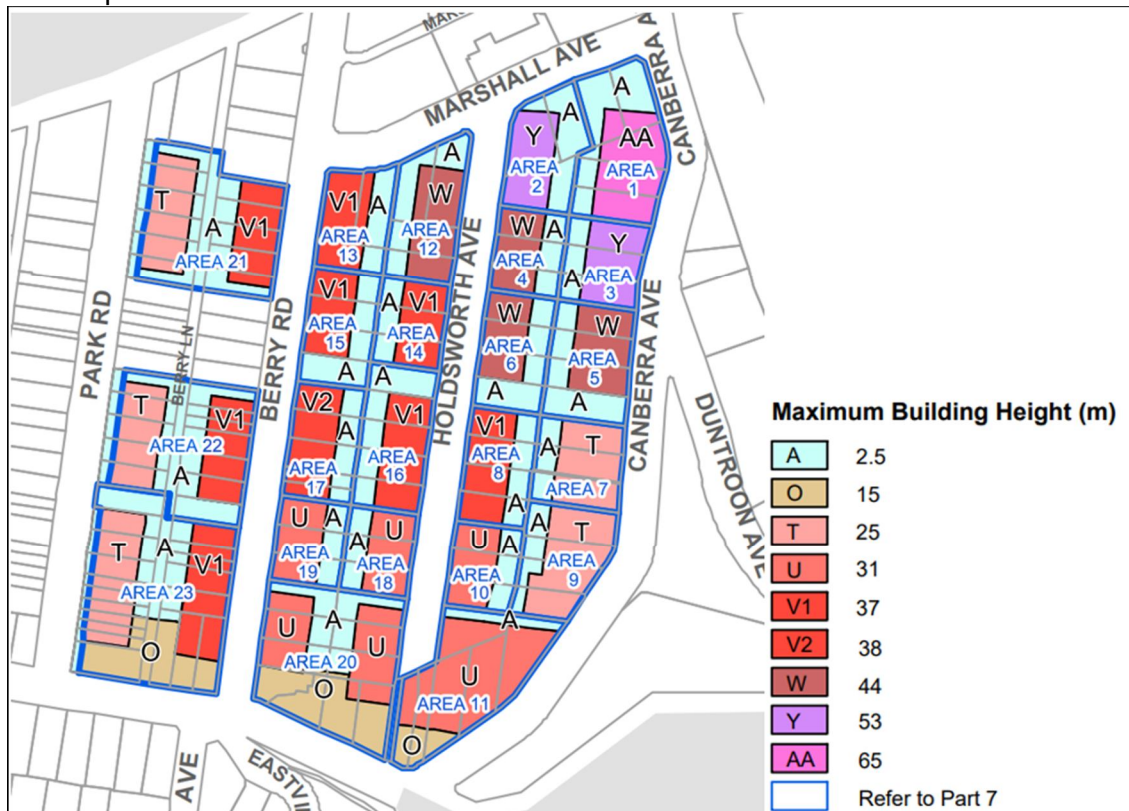
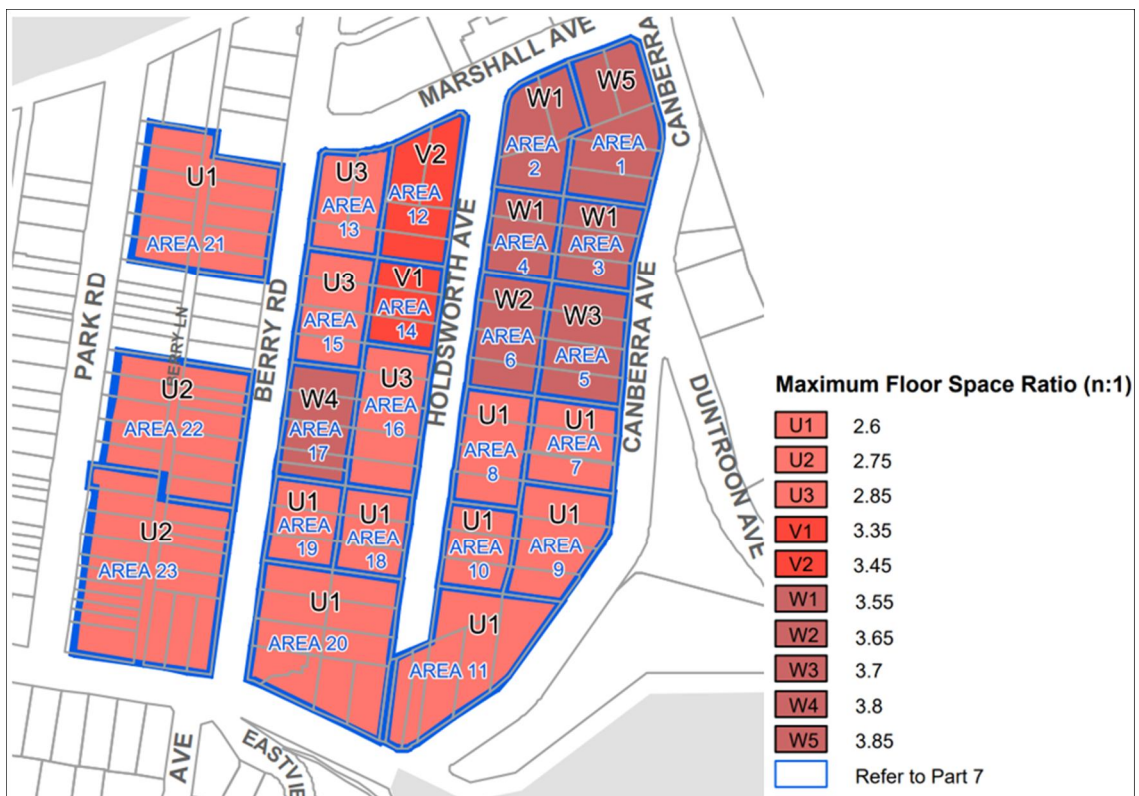


Figure 25: Maximum Building Height Map (Source: Council LEP MAP)



Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

Figure 26: Maximum Floor Space Ratio Map (Source: Council LEP MAP)

i. Height

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

Table 8 – Compliance with Incentive Building Height			
Category	Incentive Building Height (Max.)	Proposed	Compliance
Area 13	37m	36.96m	Yes
Area 14	37m	36.36m	Yes
Area 15	37m	36.64m	Yes

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

ii. Floor Space Ratio

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

Table 9 – Compliance with Incentive Floor Space Ratio			
Category	Incentive FSR (Max.)	Total Proposed	Compliance
Area 13	2.85:1	2.85:1 5619.7 sqm	Yes
Area 14	3.35:1	3.35:1 5601.2 sqm	Yes
Area 15	2.85:1	2.85:1 6356 sqm	Yes

iii. Clause 4.6 Prohibition

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

6.1.1.3 Design Excellence

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

Table 10 – Compliance with Design Excellence Provisions			
Clause	Provision	Comment	Compliance

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

7.1.6(4)(a)	<i>whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved</i>	The proposal has incorporated high standards of architectural design, materiality and detailing. It would set a precedent for high quality future development in the SLS Precinct. The design has undergone three pre-lodgement design excellence reviews by Council's independent panel prior to lodgement as part of Council's process.	Yes
7.1.6(4)(b)	<i>whether the form and external appearance of the development will improve the quality and amenity of the public domain,</i>	The form and external appearance integrates appropriately with the public domain. The overall massing of the 3 residential flat buildings draw from the existing masterplan intent of individual building forms sitting within a densely landscaped context.	Yes
7.1.6(4)(c)	<i>whether the development protects and enhances the natural topography and vegetation including trees or other significant natural features,</i>	In particular the proposal incorporates vigorous landscaping for dedicated public open space at the Marshall, Berry and Holdsworth frontages leading into the communal green spine. Overall, the proposal would increase canopy coverage to 54% of the site area.	Yes
7.1.6(4)(d)	<i>whether the development detrimentally impacts on view corridors,</i>	With exception of the setback from the east/west link. The proposal sits within the key DCP building envelope planes. The proposal would not detrimentally impact on view corridors.	Yes
7.1.6(4)(e)	<i>whether the development achieves transit-oriented design principles, including the need to ensure direct, efficient and safe pedestrian and cycle access to nearby transit nodes,</i>	The site is serviced by a range of well-established and frequent public transport services. The nearest bus stops along Pacific Highway are an approximate 100m to 150m metre walk from the site. St Leonards Railway Station is approximately 200 metres to the north and within a five-minute walk.	Yes

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

		The proposal would provide for a high-level of integration into pedestrian and cycle infrastructure including: 2.5m wide shared user path (SUP) at all street frontages, comprehensive network of pedestrian infrastructure including walking paths with the green spine, and into the public park at the northern portion of the site. The ESD report indicates low carbon transport options including provision of secure bicycle parking facilities with 67 bicycle parking spaces in the basement.	
7.1.6(4)(f)	the requirements of the <i>Lane Cove Development Control Plan</i> ,	The proposal has been assessed against the Lane Cove Development Control Plan and is considered satisfactory.	Yes
7.1.6(4)(g)	<p><i>how the development addresses the following matters—</i></p> <p>(i) <i>the suitability of the land for development,</i></p> <p>(ii) <i>existing and proposed uses and use mix,</i></p> <p>(iii) <i>heritage issues and streetscape constraints,</i></p> <p>(iv) <i>the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</i></p>	<p>(i) The land is suitable for the development;</p> <p>(ii) The proposed use mix (residential) is appropriate given the zoning. The development provides 3 affordable housing units as required under the LEP. The development is not required to provide any other alternate uses (childcare etc.)</p> <p>(iii) The proposal does not include heritage items or a specific heritage interface, and the streetscape presentation is of a high quality subject to conditions of consent.</p> <p>(iv) The separation, setbacks, amenity, and urban form is satisfactory. The interrelationship between the site and neighbouring sites have been carefully managed.</p>	Yes

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

	<p><i>(v) bulk, massing and modulation of buildings,</i></p> <p><i>(vi) street frontage heights,</i></p> <p><i>(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,</i></p> <p><i>(viii) the achievement of the principles of ecologically sustainable development,</i></p> <p><i>(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,</i></p>	<p>(v) The proposal provides for modulation in line with the DCP in relation to street wall heights, horizontal articulation and the number of storeys.</p> <p>(vi) Street frontage heights comply with the DCP factoring in the allowance of part storeys on a significantly sloping site.</p> <p>(vii) The environmental impacts have been reduced through significant landscaping, sustainability initiatives (Nathers 6.6-star, All car spaces are ready for EV charging with conduit provided for 'crimp ready' connection to private chargers) and minimising overshadowing. A qualitative wind assessment report has been submitted.</p> <p>(viii) ESD is achieved as outlined in the submitted ESD Report and in achieving compliance with the DCP. Architectural shading and façade strategy have been proposed to minimise heat load.</p> <p>(ix) The development provides for a high level of pedestrian connectivity within and in the adjacent public domain to the site. Vehicular and service access is of a high quality with a single driveway entry from Holdsworth Avenue. The proposal consolidates the number</p>	
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Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

	<p><i>(x) the impact on, and any proposed improvements to, the public domain,</i></p> <p><i>(xi) the configuration and design of publicly accessible spaces and private spaces on the site.</i></p>	<p>of vehicle crossings into the public domain.</p> <p>(x) The proposal would provide for substantial improvements to the public domain as outlined in the proposed plans and draft conditions of consent.</p> <p>(xi) The draft concept pedestrian link plans are of a high quality and would be subject to further Council approval prior to construction. The private spaces on site provided through the green spine (ground level), public park and rooftop communal open space provide the anticipated level of amenity, facilities and depth and quality of landscaping.</p>	
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6.1.1.4 Other Provisions

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

Table 11 – Additional LCLEP 2009 Provisions			
Clause	Provision	Comment	Compliance
6.1A - Earthworks	<i>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</i>	The proposal would result in up to approximately 16.5m of excavation.	Yes
	<i>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i>	The proposal is accompanied by geotechnical investigation, and construction and demolition waste management that ensure proper fill disposal, detail soil stability conditions and considerations are met. A referral has been sent to Water NSW in relation to groundwater impacts	
	<i>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</i>		
	<i>(c) the quality of the fill or the soil to be excavated, or both,</i>		
	<i>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</i>		

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

	<p><i>(e) the source of any fill material and the destination of any excavated material,</i></p> <p><i>(f) the likelihood of disturbing relics,</i></p> <p><i>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i></p>	<p>and their concurrence has not been received at the time of writing.</p> <p>All matters required to be addressed under Clause 6.1A are addressed by the applicant and inform draft conditions of consent.</p>	
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The Development Application complies with Lane Cove Local Environmental Plan 2009.

6.1.2 SEPP 65 – Design Quality of Residential Development

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

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

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

6.1.2.1 Design Review Panel

The Development Application was referred to the Northern Sydney Region of Council's Design Review Panel on 26 October 2021 and Design Excellence Panel on 1 February 2022. The minutes of the meeting are provided as **Annexures 5 and 6** to this report. Key Panel comments are incorporated into design quality principle assessment below. Note: A reference to the Design Review Panel attached refers to both the Design Review Panel and Design Excellence Panel.

6.1.2.2 Design Quality Principles

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

PRINCIPLE 1: CONTEXT AND NEIGHBOURHOOD CHARACTER

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Comment: The proposal responds to its context and neighbourhood character. The Design Review Panel noted a design that responds well to the significant topography, the provision of significant deep soil within the green spine. The proposal is considered to be responsive design elements that will contribute to the existing future character which is higher density and heights, while being sensitive to the interface with the established character. Ground levels of all three buildings promote street activation and an articulated built form. The proposed design satisfies Principle 1: Context and Neighbourhood Character.

PRINCIPLE 2: BUILT FORM AND SCALE

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

Comment: The built form and scale reflects the anticipated built form specified in the LEP and DCP controls for the SLS precinct. The development complies with the maximum building height control, the number of storeys controls, building setbacks, and street wall heights. All three buildings are characterised by 5 storey street podium elements with appropriate setback transitions above. The building facades have been well articulated and setback to be appropriately and sympathetic street condition when viewed from surrounding areas. The proposed design satisfies Principle 2: Built Form and Scale.

PRINCIPLE 3: DENSITY

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

Comment: The proposed density of the development is consistent with the maximum incentive floor space ratio. It is noted that the envisaged dwelling yield for Area 13, 14 and 15 was 183 dwellings where 187 dwellings are proposed. While these numbers are indicative only, the proposed development is not exceeding the anticipated density on two measures (FSR and height). The proposed design satisfies Principle 3: Density.

PRINCIPLE 4: SUSTAINABILITY

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

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

Comment: The proposal provides for substantial deep soil zones in accordance with the Landscape Master Plan, high-quality ground level and rooftop communal open space, 60% compliant natural ventilation, and resulting in over 72% of apartments across the entire development site attaining a minimum of 2 hours solar access between 9.00am and 3.00pm at winter solstice. Other sustainability measures are provided for as required by BASIX and the recommended draft conditions of consent (EV charging and NatHERS 6.6-star rating). The proposed design satisfies Principle 4: Sustainability.

PRINCIPLE 5: LANDSCAPE

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

Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long-term management.

Comment: The proposal provides for a high-quality landscape scheme to the street frontages, within the site and green spine, and at rooftops of Area 13, response to the specific micro-climate conditions created across the site through building placement, topography and site orientation. Over 50% of the green spine would be unencumbered deep soil capable of accommodating significant replacement canopy trees. The majority of street trees on all street frontages will be retained. The proposed design satisfies Principle 5: Landscape.

PRINCIPLE 6: AMENITY

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

Comment: The design provides for high levels of external amenity within the green spine (Accessible to Buildings in Areas 13, 14 and 15. Area 13 building is provided with high-quality rooftop communal open space area. The Design Review Panel is satisfied with the proposed internal amenity in relation to room layouts, solar access and natural ventilation. The proposed design satisfies Principle 6: Amenity

PRINCIPLE 7: SAFETY

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

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

Comment: The proposal would provide for appropriate safety through the provision of active street frontages, passive surveillance of public and communal areas, and the incorporation of crime prevention through environmental design principles (CPTED). Pedestrian entries are well-lit and visible from internal communal areas and the public domain. The proposal was referred to NSW Police Local area command who raised no objections subject to draft conditions. The proposed design satisfies Principle 7: Safety.

PRINCIPLE 8: HOUSING DIVERSITY AND SOCIAL INTERACTION

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

Comment: The proposal provides for an appropriate apartment mix (minimum 20% 1/2/3-bedroom units. The proposal provides for 20% (38) adaptable apartments, 80% (150) visitable apartments and well-connected communal open space areas including within the green spine. A total of 3 affordable housing dwellings are provided as per the requirements of the LEP. The proposed design satisfies Principle 8: Housing Diversity and Social Interaction.

PRINCIPLE 9: AESTHETICS

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

Comment: The lower podiums utilise visually solid elements such as sandstone walls, and natural finish concrete to draw from the existing low scale housing in the area and transitioning to future high level residential flat buildings. The proposed podium form uses darker brick to ground the building in its context and activate the streetscape. Lighter colours are used for the tower form for a light touch and to reduce the bulk of the building. The proposal provides for a highly integrated aesthetic (built-form, landscape, public/private domain interfaces). The proposed materials and finishes meet Council's requirements and are supported. The proposed design satisfies Principle 9: Aesthetics.

6.1.3 SEPP Resilience and Hazards 2021

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

Table 12 – SEPP Resilience and Hazards 2021 Compliance Table	
Provision	Compliance
<i>(1) A consent authority must not consent to the carrying out of any development on land unless -</i>	Complies - The proposal was accompanied by a Detailed Site Investigation Report (Annexure 19) to assist Council in determining compliance with

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

Table 12 – SEPP Resilience and Hazards 2021 Compliance Table	
Provision	Compliance
<p><i>(a) it has considered whether the land is contaminated</i></p> <p><i>(b) if the land is contaminated, it is satisfied the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed, and</i></p> <p><i>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i></p>	<p>Clause 7(1) of SEPP Hazards and Resilience which does not raise any issues of contamination.</p>
<p><i>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</i></p>	<p>Complies - The Detailed Site Investigation Report is considered satisfactory by Councils Environmental Health Officer subject to recommended draft conditions.</p>
<p><i>(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</i></p>	<p>Complies - The Detailed Site Investigation Report is considered satisfactory by Councils Environmental Health Officer subject to recommended draft conditions.</p>
<p><i>(4) The land concerned is—</i></p> <p><i>(a) land that is within an investigation area,</i></p> <p><i>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</i></p> <p><i>(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital—land—</i></p> <p><i>(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</i></p> <p><i>(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</i></p>	<p>Complies - The site is not within an investigation area or listed in Table 1 to the guidelines. The Detailed Site Investigation Report submitted is satisfactory.</p>

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

6.1.4 SEPP (BASIX) 2004

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

The Development Application complies with SEPP (BASIX) 2004

6.1.5 SEPP (Transport and Infrastructure) 2021

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

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

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

6.1.6 SEPP (State and Regional Development) 2011

The Development Application is referred to the Sydney North Planning Panel for determination as the Capital Investment Value is \$110,719,400.00 (exceeding \$30 million) satisfying the requirements of SEPP (State and Regional Development) 2011.

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

6.1.7 SREP (Sydney Harbour Catchment) 2005

The subject site is within the Sydney Harbour Catchment generally but is significantly outside any foreshore or waterways area. Therefore, the relevant part of SREP (Sydney Harbour Catchment) 2005 is the planning principles for the Sydney Harbour Catchment (Clause 13). The principles have been reviewed and the proposal satisfies the relevant matters. Specifically, the proposal provides for appropriate stormwater management to protect the

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

catchment including pollutant control and additional landscaped areas to the southern part of the site.

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

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

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

6.5 The suitability of the site for the development

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

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

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

i. Notification Extent

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

ii. Notification Period

No submission have been received from the notification period.

Public Notification			
Plan Revision	Lodgement Date	Notification Period	Unique Submissions Received
Revision 1	25/05/2023	20/07/2023 – 17/08/2023	0
Total			0

iii. Summary of Submissions

No submissions received from the notification.

6.7 Public Interest

The proposal would not be contrary to the public interest as the development would meet the objectives of the R4 High Density Residential Zone, is consistent with the supporting planning

Sydney North Planning Panel, 28 February 2024
14 – 16 Marshall Avenue, 2 -10 Berry Road and 5- 9 Holdsworth Avenue
St Leonards

scheme and future desire character of the area and provides for dwellings within a high-density residential environment.

RECOMMENDATION

That pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act, 1979 the Sydney North Planning Panel at its meeting of 28 February 2024 approve development Application DA56/2023 for the demolition of existing structures and construction of a residential flat building development (consisting of 3 buildings 10 storeys in height) comprising 185 apartments and basement parking for 249 vehicles, 3 affordable housing dwellings, and an east west pedestrian link, at 14 - 16 Marshall Avenue, 2 - 10 Berry Road, and 5 - 9 Holdsworth Avenue St Leonards

Mark Brisby
Director - Planning and Sustainability
Planning and Sustainability Division

ATTACHMENTS:

There are no supporting documents for this report.