



# STATEMENT OF ENVIRONMENTAL EFFECTS

14-16 Marshall Avenue, 5-9  
Holdsworth Avenue & 2-10  
Berry Road, St Leonards

Areas 13, 14 & 15 - St  
Leonards South

Prepared for

**MODERN CONSTRUCTION & DEVELOPMENT**

10 May 2023



**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

Director	Stephen White
Senior Consultant	Anna Wang
Consultant	Luke Barbeler
Project Code	P0014364
Report Number	Final

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# 1. INTRODUCTION

## 1.1. OVERVIEW

This Statement of Environmental Effects has been prepared by Urbis on behalf of Modern Construction & Development (**Proponent**), in support of a development application submitted to Lane Cove Council (**Council**) for construction of a residential development comprising of 10 allotments with a total site area of 5,874sqm. The site is 14-16 Marshall Avenue, 5-9 Holdsworth Avenue & 2-10 Berry Road, St Leonards, also known as Areas 13,14 and 15 within the St Leonards South Precinct (**the precinct**), which is located in the northern portion of the precinct. The site is bound by Marshall Avenue to the north, Holdsworth Avenue to the east and Berry Street to the west.

This development proposal seeks consent for the demolition of all existing buildings and structures on site and the construction of three (3) 10 to 11 storey residential flat buildings.

More specifically, the proposed works are described as follows:

- Construction of three residential buildings separated by a North-South green spine.
- Vehicular access via Holdsworth Avenue (from Area 14) and a consolidated basement car park.
- Significant landscaping integrated throughout the site with a focus within the central green spine.
- Dedication and provision of a 15m pedestrian landscaped link to the south of the site which has been designed in accordance with Council's controls.

A key component of the development is to incorporate the desired future character of the St Leonards South Precinct with a critical emphasis on the unique context of the precinct broadly.

The proposed development is aligned with Council's vision for the St Leonards South Precinct and will form a significant component of the precinct's redevelopment, contributing to the urban quality of this corner site and delivering housing targets of the newly formed high-density residential precinct.

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 \$110,719,400 and development consent is sought in accordance with Part 4 of the EP&A Act.

## 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.
- **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

Table 1 Supporting Documentation

Document	Prepared By	Appendix
DCP Compliance Table	Urbis	A
Draft Voluntary Planning Agreement	Marshall Land Pty Ltd as trustee for Marshall Land Unit Trust  And  Holdsworth Land Pty Ltd as trustee for Holdsworth Land Unit Trust	B
Survey Plan	Project Surveyors	C
Architectural Plans	PTW	D
Architectural Design report	PTW	E
Acoustic Report	Acouras Consultancy	F
Arboricultural Report	Advanced Treescape Consulting	G
BCA Report	Steve Watson and Partners	H
Accessibility Report	Accessible Building Solutions	I
Geotechnical Report	Foundation Earth Sciences	J
Landscape Plan and report	RPS Group	K
Operational Waste Management Plan	Elephant Foot Consulting	L
Construction waste management plan	Elephant Foot Consulting	M
Public Art Strategy	UAP	N
Quantity Surveyors Report	WT Partnership	O
BASIX Report	Eco Engineering Group Pty Ltd	P
Stormwater Assessment Report and Stormwater Drainage Plan	C & M Consulting Engineers	Q
Traffic Impact Assessment	Varga Traffic Planning	R
Urban Design Report to support the setback non-compliance	DFP Planning Consultants	S

Document	Prepared By	Appendix
Legal Letter to support setback non-compliance	Mills Oakley	T
Wind Report	RWDI	U
Preliminary Site Investigation Report	Foundation Earth Sciences	V
ESD Report and sustainability strategy	Eco Engineering Group Pty Ltd	W
Natural Cross Ventilation Report	RWDI	X
Civils / Public Domain Works Plan	Xavier Knight	Y
Digital 3D Model	AA3D	Z



## 2. SITE CONTEXT

### 2.1. SITE DESCRIPTION

The subject site is located at 2-10 Berry Street, 5-9 Holdsworth Avenue and 14-16 Marshall Avenue, St Leonards, shown in **Figure 1** below. The site comprises 10 allotments with a total site area of 5,874sqm.

The site is located within the Lane Cove government area (**LGA**) and is known as Areas 13, 14 & 15 within the St Leonards South Precinct.

The site is located in the northern portion of the precinct and is bound by Marshall Avenue to the north, Holdsworth Avenue to the east and Berry Street to the west.

The site has varied topography, ranging between RL 78.06 and RL 75.78 from north to south, RL 77.04 to RL 68.97 from west to east across the centre of the site.

14-16 Marshall Avenue, St Leonards is referred to as Area 13, 2-10 Berry Road, St Leonards is referred to as Area 14 and 5-9 Holdsworth Avenue, St Leonards is referred to as Area 15. An extracted image of the areas of St Leonards South is outlined below in Figure...

The legal addresses and deposited plans of the site are summarised in the following table.

Table 2 - Area 13,14 & 15 Site Address and Legal Description

Address	Lot and Deposited Plan
14 Marshall Avenue	Lot 2 in DP7259
16 Marshall Avenue	Lot 1 in DP7259
2 Berry Road	Lot 38 in DP7259
4 Berry Road	Lot 37 in DP7259
6 Berry Road	Lot 36 in DP7259
8 Berry Road	Lot 35 in DP7259
10 Berry Road	Lot 34 in DP7259
5 Holdsworth Avenue	Lot 7 in DP7259
7 Holdsworth Avenue	Lot 8 in DP7259
9 Holdsworth Avenue	Lot 9 in DP7259

The site currently comprises low density residential dwellings of one and two storeys in height with ancillary garages and outbuildings. The land slopes to the south and to the west. The dwellings in Holdsworth Avenue take advantage of the sloping topography with garages located on the street frontage with residential dwellings further west.

Figure 1 Aerial image of the site



Source: Urbis

Figure 2 St Leonards South Amalgamated Areas



Source: St Leonards South DCP



Figure 3 Site Photos



Picture 1 View looking south along Berry Road



Picture 2 View looking south along Holdsworth Avenue





Picture 3 View looking west along Marshall Avenue

Source: Google Maps

## 2.2. LOCAL CONTEXT

St Leonards is located 6km north of the Sydney CBD within Sydney's Lower North Shore. The subject site is in proximity and highly accessible to the commercial centres of North Sydney, Chatswood and Macquarie Park. The site is located within convenient walking distance to St Leonards rail station and the future metro station (refer to Figure 4).

The surrounding locality is characterised by detached dwellings fronting local roads. The character of the surrounding locality is however planned for change. The precinct is undergoing significant transition from low density residential to high density residential development in accordance with the recent changes to planning controls. This is to support higher density residential development in locations that are proximate to existing and planned new (metro rail) transport infrastructure. This transition is being supported by current development activity, recent approvals (including area 5) and further planned development.

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

- 13-19 Canberra Avenue, St Leonards (**Area 5**)
  - 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 (**Areas 7-11**)
  - 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.
- 22-34 Berry Road, 21-31 Holdsworth Avenue and 42-46 River, St Leonards (**Areas 18-20**)
  - Areas: Demolition of existing structures and construction of residential flat buildings comprising 230 apartments and basement parking for 411 vehicle.
- 1-3 Holdsworth Avenue and 10-12 Marshall Avenue, St Leonards (**Area 12**)
  - Demolition of the existing structures and construction of a part 10 and part 12 storey residential flat building comprising 96 apartments and basement parking for 110 vehicles

Figure 4 Local Context Plan



Source: PTW

## 2.3. SURROUNDING DEVELOPMENT CONTEXT

The site is well located in terms of proximity to centres and public transport hubs. The site is located in close proximity to the Royal North Shore Hospital and Health Precinct, Crows Nest Town Centre and other parks and open spaces. Specially, the surrounding development includes:

- **To the north** is a row of residential apartment blocks on the opposite side of Holdsworth Avenue zoned as B4 Mixed Use land. Further to the north is Pacific Highway which is a major transport corridor providing excellent vehicle access. Royal North Shore Hospital, St Leonards Station and Gore Hill Oval are all located within 600m to the north of the site.
- **To the east** of the site and on the opposite side of Holdsworth Avenue comprise other areas of the St Leonards South precinct, which will be redeveloped from low density residential to high residential developments. Further to the southeast is Newlands Park and the mixed-use area of Crows Nest, which provides a wide range of retail, cultural and commercial offerings.
- **To the south** of the site are additional sites that will form part of the St Leonards South Precinct redevelopment. The south of the St Leonards South precinct is further residential development which is within 600m south of the site is Wollstonecraft Train Station.
- **To the west** of the site and on the opposite side of Berry Road comprise other areas of the St Leonards South Precinct, which will be redeveloped from low density residential to high residential developments. Greenwich Hospital is within approximately 700m west of the site.

## 2.4. TRANSPORT & ACCESSIBILITY

The site is located approximately 1km from St Leonards Railway Station. St Leonards Station provides train services to 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 new Crows Nest Metro Station, which will be delivered as part of the new Sydney Metro City and Southwest transit railway line (Metro) and will open in 2024.



The site is located 200m south of the Pacific Highway which is a State Road and a major traffic corridor. The Pacific Highway is a six-lane, two-way road. In both directions the kerbside lanes are dedicated for bus transit lanes during peak hours. Multiple high frequency bus routes run along the Pacific Highway, which the site can access and provides direct connection to destinations across metropolitan Sydney.

Both Berry Road and Holdsworth Avenue are local suburb roads with ample street parking. The site is highly accessible by numerous modes of public transport. Marshall Avenue bounds the site to the north and is located roughly 100m south of Pacific Highway.

## 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 Environmental Plan 2009 (LCLEP).

Figure 5 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 LCLEP, Lane Cove Development Control Plan 2009 (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 0.5:1/0.6:1 and 9.5m to up to 3.85:1 and 65m respectively.

The new planning framework is also supported by a precinct 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.

### 3.2. PRE-LODGEEMENT DISCUSSIONS

The proposal for the development of Area's 13, 14 & 15 has led to multiple preliminary discussions with Lane Cove Council, including three separate Design Excellence Panel Meeting (DEP).

During these discussions pre-lodgement packages were provided to Council, which provided an overview of the site and proposal, as well as a high-level assessment against the St Leonards South planning controls. The Panel provided subsequent written feedback regarding architectural and urban design matters, which has been considered by the project team.

The most recent correspondence with Council was the submission of additional information to Council on 25 July 2022. This submission included a revised scheme which aims to address the issues raised by the DEP in their letter dated 1st February 2022 and previous Council's letter dated 17 March 2022.

On the 19 August 2022 Lane Cove Council issued a Letter to the Applicant providing detailed comments on the revised scheme. The correspondence generally accepted the design responses and confirmed that a DA be lodged with one recommendation relating to setback controls for Levels 5-10 of buildings in Areas 14 & 15.

A summary of the correspondence is detailed below.

Table 3 Lane Cove Council Letter to Applicant Summary – 19 August 2022

Matter	Council Comment/Response
Height in Storeys	<p><i>Council confirmed that all three areas comply with the 10-storey building height control and the part-storeys are considered acceptable for lodgement:</i></p> <ul style="list-style-type: none"><li>▪ <i>Building 13 is 10 storeys;</i></li><li>▪ <i>Building 14 is 10 storeys + two-part storeys; and</i></li><li>▪ <i>Building 15 is 10 storeys + one-part storey.</i></li></ul> <p><b>Response:</b></p>

Matter	Council Comment/Response
	<p>The current proposal is consistent with the above and is considered to be acceptable.</p> <p>The proposed part storey is consistent with Council definition that part of the floor level is more than 1 metre below ground level (existing) and 50% or more 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), which is ancillary to the main residential purpose for which the building is used for.</p> <p>Please refer to Design Report for detailed diagram.</p>
Building Setback	<p><u><i>Berry and Holdsworth</i></u></p> <p><i>The first 5 storeys (podium) are setback 4m from the street boundary, and the upper levels is setback 7m in compliance with the DCP controls.</i></p> <p><b>Response:</b></p> <p>The current proposal is consistent with the above and is considered to be acceptable.</p> <p><u><i>East/West Link:</i></u></p> <p><i>Council requested that prior to DA lodgement, Levels 5 – 10 of Areas 14 and 15 should be amended to comply with the 9m setback.</i></p> <p><b>Response:</b></p> <p>The reduced upper level setback to the pedestrian link have been supported by Urban Design Review and Legal advice appended to this SEE.</p> <p>It is important to know that Council approved a development in Area 5 with reduced and continues upper level setback (of 3m) to the pedestrian link. In addition, in the minutes (9 November 2022) of Design Excellence Panel meeting held for Area 16 &amp; 17, the Panel considered the proposed 1.39m-4.3m setback acceptable based on merit considerations.</p> <p>The approved 3 metre setback and the supported 1.39m-4.3m setback is much less than the proposed 6 metres setback at the subject site. By approving/supporting the significantly reduced setbacks the determining authority has abandoned the DCP control based on the merits of the development.</p> <p>Accordingly, the proposal is also considered to be supportable based on the merits discussed in the Urban Design Report and legal advice.</p>
Green Spine Levels	<p><i>The southern portion of the Green Spine level (between Areas 14 and 15) has been revised from RL 71.6 to RL 74.5. The northern portion of the green spine has been provided at RL 76.30. The northern RL is similar to connected green spine section at Area 12 which is proposed to be approximately RL 76.50. The revised RL levels are generally consistent with the LMP and considered acceptable for lodgement.</i></p> <p><b>Response:</b></p>



Matter	Council Comment/Response
	<p>The current proposal is consistent with the above and is considered to be acceptable.</p>
<p>Separation between Area 14 and Area 12</p>	<p><i>The revised design of Area 14 includes the following setbacks from the neighbouring site at Area 12.</i></p> <ul style="list-style-type: none"> <li>• <i>Levels 1 – 3 are setback 4.5m from the northern boundary.</i></li> <li>• <i>Levels 4 – 10 are setback 6m from the northern boundary</i></li> </ul> <p><i>The revised design is considered to meet the criteria of the ADG for non-habitable building separation as it is predominately blank walls with no opportunities for sightlines between habitable rooms. The building treatments and separation are considered acceptable for lodgement.</i></p> <p><b>Response:</b></p> <p>The current proposal is consistent with the above and is considered to be acceptable.</p>
<p>Encroachments into Green Spine</p>	<p><i>The deletion of proposed articulation that would encroach into the green spine has been deleted in the latest version of the design and is considered acceptable for lodgement.</i></p> <p><b>Response:</b></p> <p>The proposal does not exceed the 2.5M height control in the green spine area. The proposed landscape pergola is under 2.5m height control.</p> <p>The proposal provides minimum of 1m depth for structured soil (over carparks) within the green spine, to accommodate the planting of mature canopy trees.</p> <p>Refer to design report for details.</p>
<p>Solar Access</p>	<p><i>Council acknowledged that area specific constraints to achieving 70% solar compliance to Area 14. The combined solar access over all three sites is 71.6% and complies with the ADG.</i></p> <p><b>Response:</b></p> <p>Overall, 72% of the apartments (134 out of 187 units) receives solar access for more than 2 hours in mid winter. The current proposal is consistent with the above and is considered to be acceptable.</p>
<p>Communal Open Space</p>	<p><i>The revised proposal includes a communal roof-top garden space which provides an additional elevated outdoor communal open space which would achieve high levels of sun access. Council supports this addition to the design.</i></p> <p><b>Response:</b></p> <p>Additional communal roof top space is provided on Area 13. The current proposal is consistent with the above and is considered to be acceptable.</p>

Matter	Council Comment/Response
Deep Soil	<p><u>Structured Deep Soil</u></p> <p><i>As part of the submitted DA design, there should be a minimum depth of 1.5m for structured soil within the green spine to accommodate the planting of mature canopy trees.</i></p> <p><b>Response:</b></p> <p>Basement extents have been limited to a comparatively small percentage of the overall open space, maximising unencumbered deep soil planting.</p> <p>As outlined in the meeting minutes dated 26th October 2021, the DEP recommended for 'Soil depths above structure be a minimum of 1 m where trees are proposed'.</p> <p>The proposal is consistent with this recommendation.</p> <p>A minimum of 1m depth of soil is to be specified on top of basements. Localised mounding will be used to achieve greater depth where loading allows. The root zones to trees we have specified will generally not exceed a depth of 1m and there will be a good outcome on site.</p> <p><u>Unencumbered Deep Soil</u></p> <p><i>Measures should be undertaken to reduce non-permeable areas within deep soil zones including:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Permeable paving</i></li> <li>▪ <i>Suspended slabs/Paving</i></li> <li>▪ <i>Structural soil cell systems such as StrataVault supporting paving, and</i></li> <li>▪ <i>Suspended decks with localised footings</i></li> </ul> <p><b>Response:</b></p> <p>Hardscape (paths and plaza spaces) have been minimised generally across the site with a heavy focus on providing large planted areas throughout (including on basements) in particular for screening purposes, defining spaces and framing plazas and lawns. The hardscape areas have been positioned on areas where basements occur, thus maximising soil area and depth for planting areas outside of the basement zone</p> <p>Where hardscape areas have been provided (for necessary function in all weather for residents), canopy trees adjacent have been positioned to cast shade and reduce temperature to those areas</p> <p>The design team have introduced a large extent of permeable paving across common areas. In addition to the timber bridge crossings, we have also increased the amount of timber (or reconstituted timber product) to some areas.</p>
Voluntary Planning Agreement (VPA)	<p><i>The VPA is to be finalised before lodgement, so that the DA and VPA can be publicly advertised simultaneously.</i></p> <p><b>Response:</b></p>

Matter	Council Comment/Response
	A VPA is attached at <b>Appendix B</b> and can be publicly advertised simultaneously with the DA.

## 4. PROPOSED DEVELOPMENT

### 4.1. OVERVIEW

This DA seeks consent for the following:

- Demolition of all existing buildings on site and lot consolidation
- Removal of identified trees and site enabling/early works.
- Construction of three (3) residential flat building ranging from 10-11 storeys and comprising:
  - 187 total apartments;
  - Rooftop communal space on Area 13;
  - A consolidated basement car park; and
  - Vehicular access via Holdsworth Avenue (from Area 14).
- Significant landscaping integrated throughout the site with a focus on the central green spine.
- Dedication and provision of a landscaped pedestrian to the south of Area 15 and 14.

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

Figure 6 Indicative Artist Impressions







Source: PTW

### 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 4 Numeric Overview of Proposal

Descriptor	Proposed
Site Area	Area 13: 1,973m <sup>2</sup>
	Area 14: 1,672m <sup>2</sup>
	Area 15: 2,229m <sup>2</sup>
	Total: 5,874m <sup>2</sup>

Descriptor	Proposed
Land Use	Residential flat building
Height of Building	<b>Area 13:</b> Maximum Building Height to the Lift Shaft: RL 114.15, 36.96m <b>Area 14:</b> Maximum Building Height to the Lift Shaft: RL 109.50, 36.36m <b>Area 15:</b> Maximum Building Height to the Lift Shaft: RL 112.00, 36.64m
Gross Floor Area (GFA)	17,576.9m <sup>2</sup>
Floor Space Ratio	Area 13 & 15: 2.85:1 Area 14: 3.35:1
Total Number of Apartments	187 units
Apartment Mix	Studio/1-bed: 43 apartments (23%) 2 beds: 82 apartments (44%) 3 beds: 50 apartments (27%) 4 beds: 12 apartments (6%) Adaptable units: 38 apartments (20%) Affordable housing: 3 units within Area 14
Parking and Loading	Vehicular car spaces: 249 spaces (includes 38 visitor spaces) Accessible car spaces: 38 spaces Car wash bays: 2 spaces Motorcycle parking: 17 spaces Loading: 2 Dedicated Loading Bays
Bicycle Parking	Residential: 47 spaces Visitors: 20 spaces
Deep Soil	<b>Green spine deep soil:</b> 894.8m <sup>2</sup> , 50% of the Green Spine Area. <b>Overall deep soil:</b> 1,383.6 m <sup>2</sup> , 24% of the overall site area
Communal Open Space	2,215.7m <sup>2</sup> 38% of Site Area

Descriptor	Proposed
Canopy Coverage	54% of Site Area (including existing canopy)

The estimated cost of the development is **\$110,719,400**. A Quantity Surveyor's certificate is attached as Appendix O. A set of architectural drawings is attached as **Appendix C**.

## 4.2. SITE PREPARATION & DEMOLITION

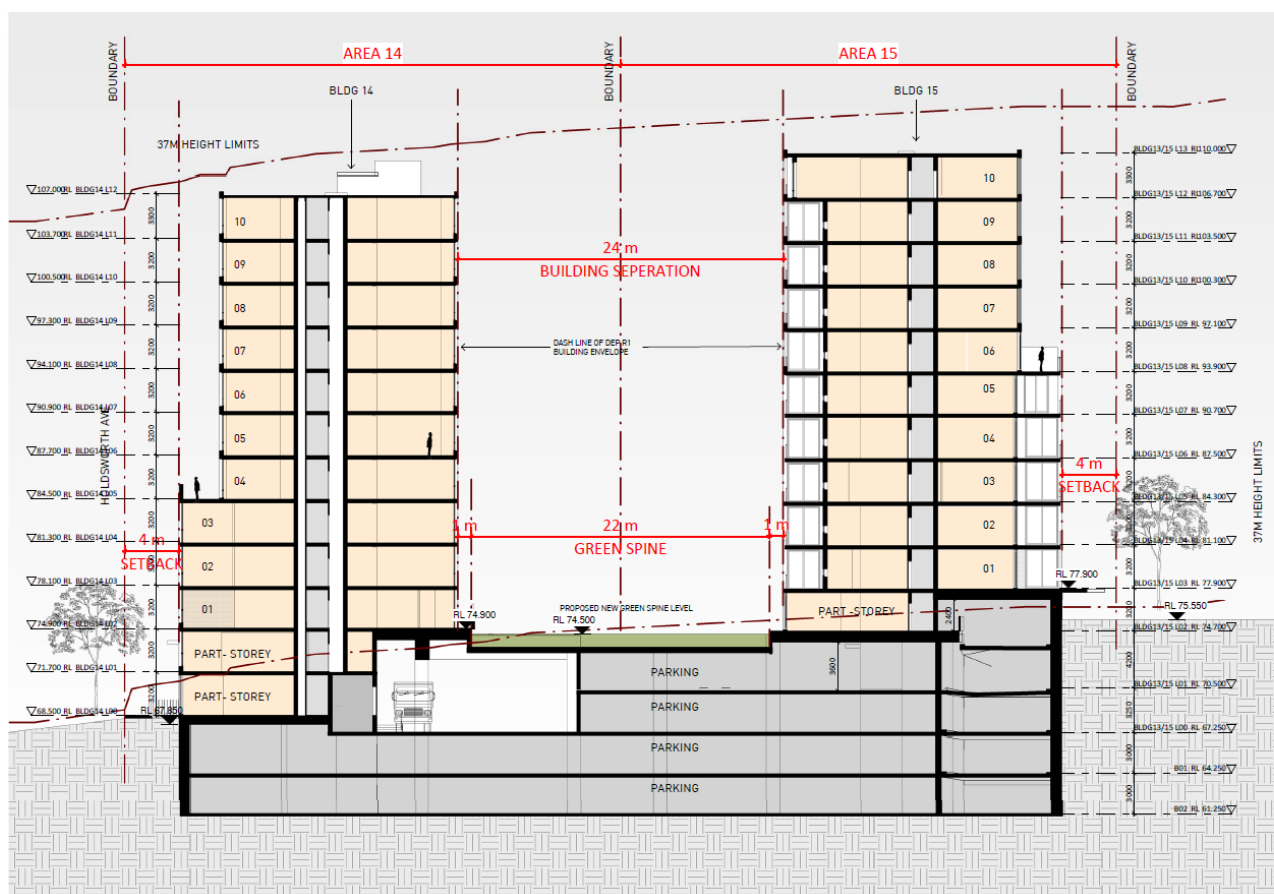
This development proposal seeks consent for the demolition of all existing buildings and structures on site. Demolition and site preparation works will be undertaken in accordance with the Construction Management Plan to be prepared post the approval of the DA.

## 4.3. EXCAVATION

Excavation works will be undertaken for the basement levels of the building to a depth of RL 61.000 (maximum), as shown in **Figure 7** below.

The proposed excavation works will be in accordance with the Geotechnical Report appended at **Appendix J**.

Figure 7 Basement excavation as shown in Section AA



Source: PTW

## 4.4. TREE REMOVAL

The Arborist Report prepared by Arboriculture Impact Assessment provides tree impact assessment of the trees proposed to be removed (refer to **Appendix G**).

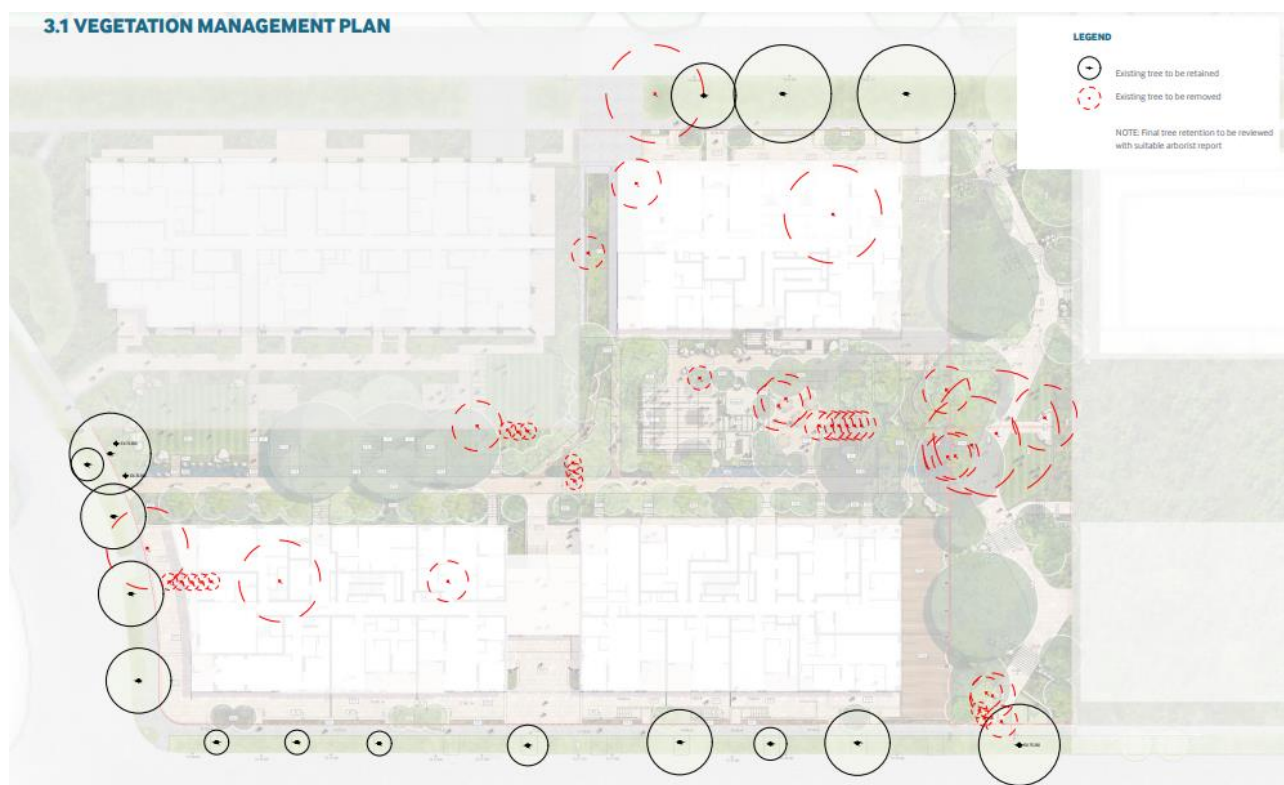
The proposal proposes to remove of majority of the existing trees onsite to accommodate the development. The proposed development also proposes to remove a street tree - Tree B13 to facilitate the proposed driveway access on Holdsworth Avenue (refer to Figure 8).

Majority of the trees that are proposed to be removed onsite are of low to medium retention value, with the exception of two trees (tree 6 and 7) that is assessed to have high retention value. Street tree B13 is also assessed to have high retention value.

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 RPS Group and attached at **Appendix K**. The proposal overall will provide an additional 33% new canopy coverage, with total canopy coverage of 41% across the site.

All the trees that are retained onsite should adhere to the proposed Tree Protection Zones (TPZ) and tree protection measures that are outlined in the Arborist Report.

Figure 8 Diagram showing proposed tree to be removed



Source: RPS Group

## 4.5. BUILT FORM AND DESIGN

### 4.5.1. Building Uses

A total of 187 apartment units are proposed across the Areas 13, 14 & 15. The residential flat buildings are separated by the green spine, with apartments orientating towards the green spine providing a direct 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 a communal open space on the rooftop of Area 13.

Three affordable housing units are provided within Area 14 which will be dedicated to Council in accordance with the LEP clause.

### 4.5.2. Built Form Massing and Design

The proposal comprises three individual built forms ranging between 10 to 11 storeys. The built form comprises a 5 storey podium form and 5 storey tower form that is further setback along the street frontages to minimise bulk and differentiate between the two built form component. The podium and upper



tower forms use architectural modulation and a varied external material palette to create a 'fine grain' appearance expressed by appropriate building articulation and setback.

The two built forms along Berry Road are connected from levels 5 – 8 with a under croft height of two storeys. The under croft area is able to provide sufficient height for the primary connection to the central Green Spine and creates a sense of arrival to this space.

The elevations fronting the central green spine has a consistent building setback, with ground floor private open space areas (which are also landscaped blending into the green spine to provide a continues landscape character. These internal elevations also have greater articulation to reduce elongated single building appearance.

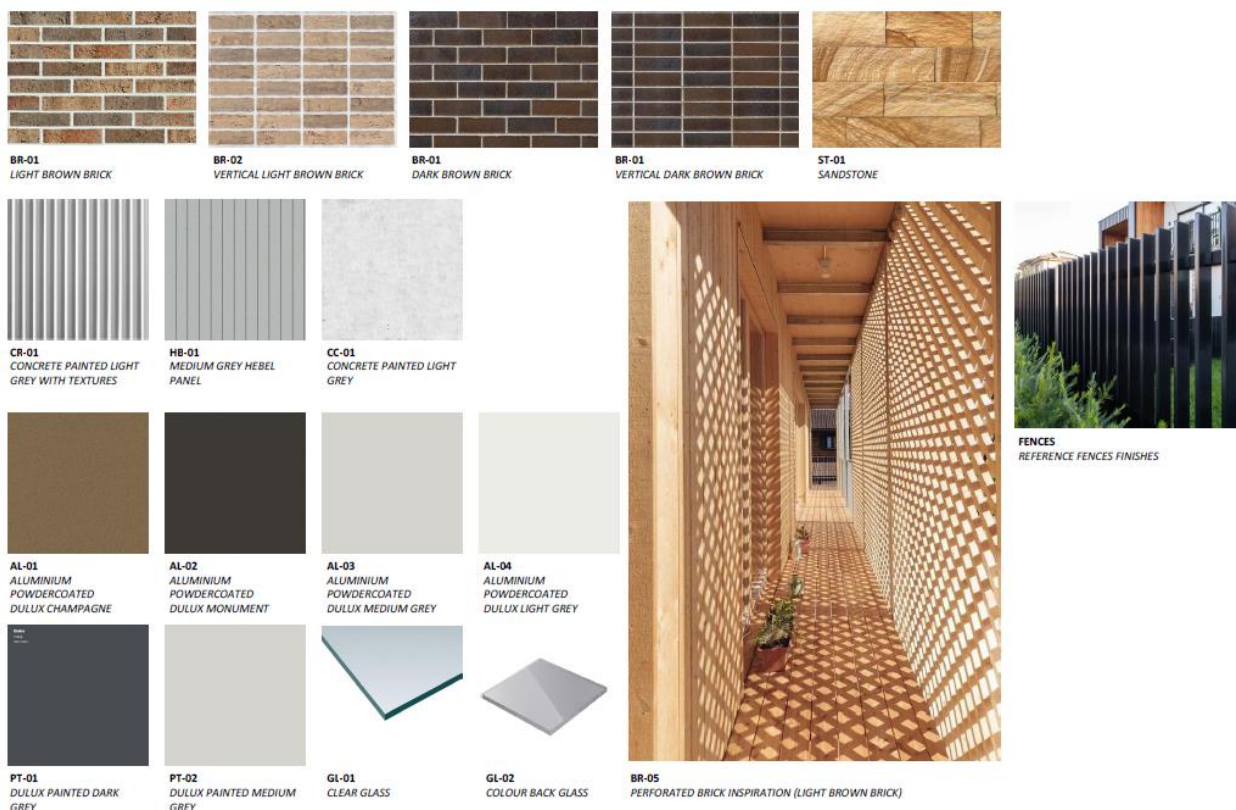
## 4.6. MATERIALS AND FINISHES

A materials board is included within the Architectural Design Report. The colour and material selections have been made to create transitions and allowing the development to add value to its surrounding neighbourhood.

The built form is articulated through material and colour as two distinct elements. The podium form uses darker brick to ground the building in its context. While lighter colour is used for the tower form for a light touch and to reduce the bulk of the building.

The podium is articulated as a series of vertical framed compositions that break the linear scale of the built form to respond to the scale and materiality of the low scale residential houses around. In addition, the facades employ articulation providing excellent scaling devices for landscaping.

Figure 9 Materiality and finishes palette



Source: PTW

## 4.7. PEDESTRIAN, PARKING & VEHICULAR ACCESS

Vehicular access is provided via a driveway entry located on Holdsworth Avenue. The carpark is a single vehicular access point to the site, such that it will be shared by cars as well as larger service vehicles (MRVs and SRVs).

The loading dock is located on the ground floor level, at the bottom of the entry ramp, which is capable of accommodating 2 trucks simultaneously (i.e 1 MRV and 1 SRV). The vehicle access to the loading dock area, to which trucks will enter/exit in a forward direction, is to be provided at the entry/exit driveway located at the northern end of the Holdsworth Avenue site frontage.

A total of 249 parking spaces are provided including 39 accessible parking spaces, 38 visitor spaces and 2 car wash bays. These have been provided over five levels— Carpark L2, Carpark L1, Carpark LG, Basement 01 and Basement 02.

The development provides for 17 motorcycle parking spaces. A total of 67 bicycle storage spaces are provided for the residents and visitors.

The proposed car parking areas have been designed in accordance with the relevant Australian Standards and provide compliant car park dimensions, aisle widths and ramp grades. Further detail is provided within the Traffic Impact Assessment, refer to **Appendix R**.

In terms of pedestrian access, the main residential lobby is provided fronting Berry Street, which provides secured entry into the overall development and the central green spine. Residential lobbies of the three buildings are internally located and can be accessed from the central green spine. By having a central lobby connecting Berry Street to the green spine, a sense of arrival is created. Secondary pedestrian access is also provided via Holdsworth Avenue, from the pedestrian link and Marshall Avenue.

Figure 10 Access diagram



Source: PTW

## 4.8. LANDSCAPING & COMMUNAL AREAS

The communal areas of the proposed development including the central green spine and rooftop communal area located on Area 13. The general landscape strategy for the site is extensive and has appropriately

selected a selection of planning palettes suitable for the site. The landscaping is strongly integrated into the built form, which allows for increased amenity for future residents and surrounding neighbours.

### **Central Spine**

The landscape will be built around a series of spaces that cater for informal gathering, interaction, recreation and community events. These spaces will be informed by existing site surroundings including small pockets of sandstone outcrops and native vegetation. Specifically, the central green spine will contain a dry creek bed, communal space, barbeque premise, Angophora Forest, Sclerophyll Forest and open grassed areas for free play.

The design of the green spine responds to the site's challenging topography falls and resolves issues relating to accessibility, solar access and how the built form responds to the steep grade changes. The existing levels of the site have been amended to provide a gentler transition from north to south and to align with Council's Landscape Masterplan. The design of the green spine has also been designed in collaboration with the neighbouring sites to ensure the linear parks ultimate design is functional and coordinated with levels.

### **Pedestrian link**

The pedestrian link has been designed to incorporate landscaping features including tree canopies. The pedestrian link between Canberra Ave and Park Road is also accessible by means of 1/20 walkways in combination with public lifts located in the two community buildings.

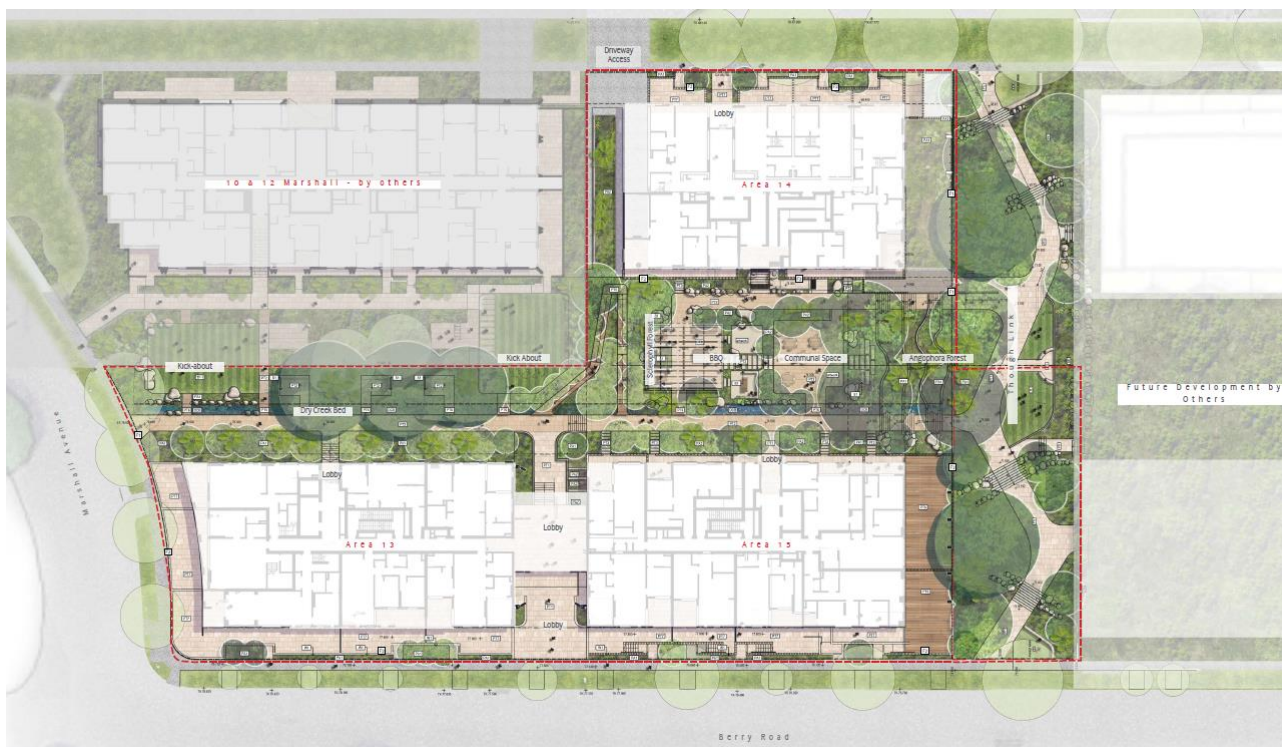
### **Rooftop communal space**

The rooftop communal space in Area 13 will provide additional passive recreational opportunities for the residents. The area has been designed with separated spaces to provide shade, a community library, an exercise area, dining and lounge area and a vegetable path/nature trail.

The proposed landscaping on the site will deliver strong design outcomes that promote the appropriate use of the green spine and other communal areas. Detailed landscape strategy and plan is contained in **Appendix K.**



Figure 11 Proposed Ground Floor Landscape Design



Source: RPS

Figure 12 Proposed Rooftop Landscape Design



Source: RPS

## 4.9. PUBLIC ART

A Public Art Strategy has been prepared by UAP (refer to **Appendix N**). The Strategy identifies two locations within the pocket park as the viable locations for the inclusion of public art. It is recommended that one location is selected for the commissioning of a discovery artwork. Artwork in these locations are indicative, with discussion with Council to occur at a further stage.

The locations identified are sited within the green spine area in close proximity to the communal seating and BBQ areas and would further add to the community activities and amenities of this space

The artwork can take the form of, but is not limited to:

- Singular or small clustered sculptures

- Small-scale sculptural seating

The total budget allocated for public artwork at the site is between \$100,000 - \$150,000.

**Figure 13** outlines the potential location of the proposed artwork within the pocket park.

Figure 13 Public Art Opportunities



Source: UAP

## 4.10. WASTE MANAGEMENT & RECYCLING

An Operational Waste Management Plan prepared by Elephant Foot is included within **Appendix L**.

The proposal utilises a dual chute system, comprising of 1 (one) waste chute and 1 (one) recycling chute will be installed within all buildings. Residents will be provided access to the chutes and 240L bin on each residential level, all located within a dedicated waste cupboard along their common corridors.

The general waste will terminate from the waste chute into a 660L bin, and commingled recycling will discharge from the commingled recycling chute into linear track systems. These bins and equipment will be located within the chute discharge rooms on the ground level.

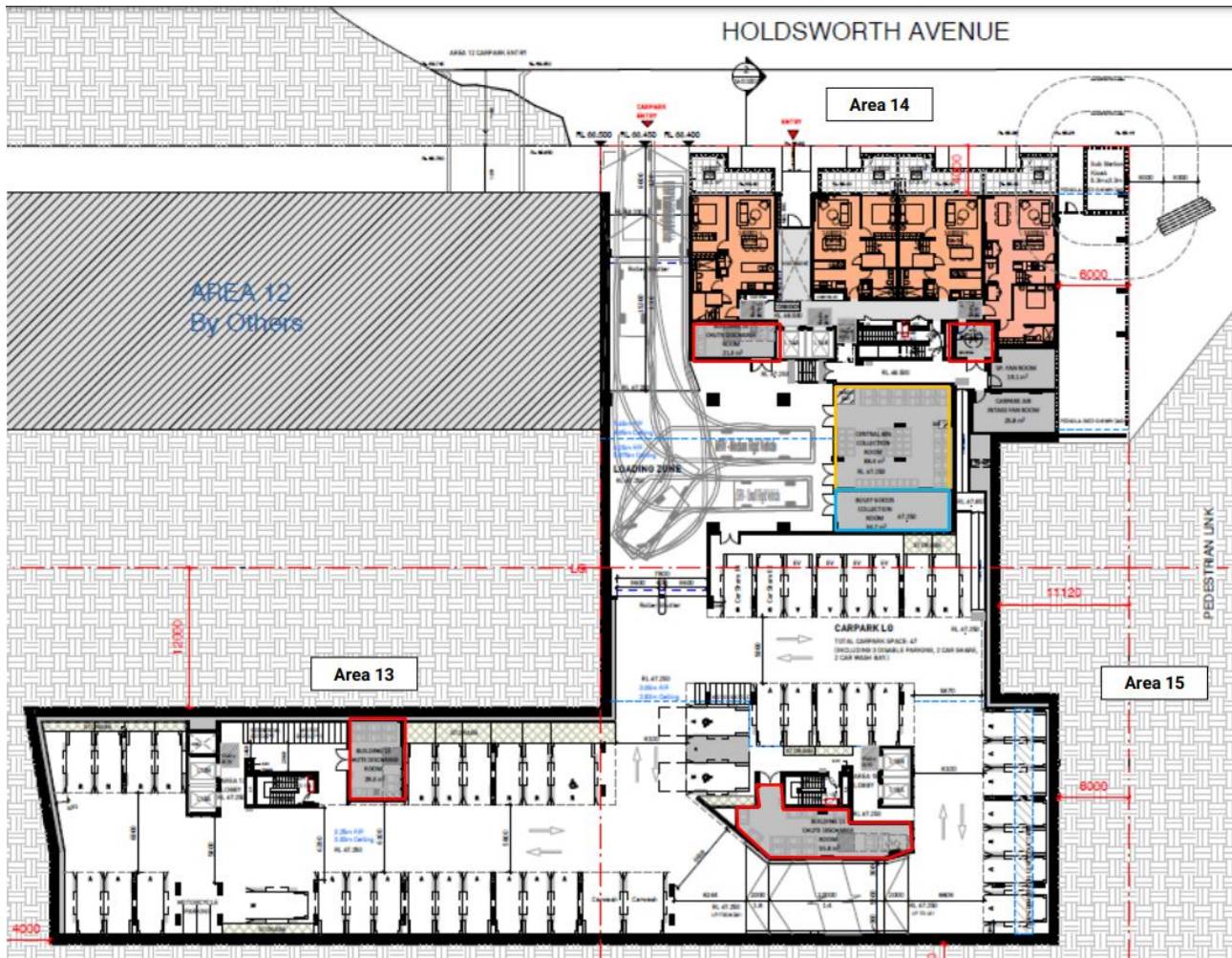
Council will be engaged to collect the residential waste and recycling in accordance with Council's collection schedule. On the nominated waste and commingled recycling collection day, the building caretaker will be responsible for transporting the 660L MGBs to the bin collection room located on the ground level. On the nominated paper/cardboard recycling collection day, the building caretaker will be responsible for transporting the 240L MGBs to the bin collection room located in the ground level.

To service the bins, a Council collection vehicle will enter the site from Holdsworth Avenue and park in the loading bay. The building caretaker will provide the driver with access to the bin collection room. Once the bins are serviced, the collection vehicle will exit the site onto Holdsworth Avenue in a forward direction.

All access and clearances to the bin collection room have been designed to accommodate a 8.8m long MRV.



Figure 14 Waste storage room locations



Source: Elephant Foot

## 5. STRATEGIC CONTEXT

### 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 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 187 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

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 5 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.	<p>The site is not in close proximity of heritage items, such that the proposal does not have an impact on elements of heritage significance.</p> <p>The proposed materials and finishes are contextually responsive 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.</p>
Apply causal surveillance and universal access principles to new development to create a safe, inclusive and comfortable environment.	<p>The proposal provides a long-term asset to the neighbourhood through a residential development.</p> <p>The proposed development provides an improved urban design outcome along three street frontages, by designing units to orientate towards Marshall Avenue, Holdsworth Avenue and Berry Street, with improved amenity resulting in active streetscapes and passive surveillance, being far superior over the existing situation.</p>
New development should have consideration to wind impacts demonstrated through a wind assessment.	<p>Considering the height of the proposed development, a detailed study of wind assessment have been undertaken. The assessment concludes that the proposal includes several positive design features to allow majority of the areas in and around the proposed development to be suitable and safe for intended pedestrian use.</p> <p>Refer to Wind Effect Report included in <b>Appendix U</b> for further detail in this regard.</p>
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.	<p>The proposed design includes extensive amounts of on-site planting, deep soil zone and communal open space.</p> <p>The proposed development includes planting on the green spine and the common open space areas on levels above. The landscaped areas have been designed to create an attractive high-quality</p>



Objective	Comment
	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.	<p>The proposal contributes to the Council's 2038 tree canopy coverage target by providing a total of 54% of tree canopy across the site.</p> <p>The landscape plan indicates the number of trees proposed, refer to <b>Appendix K</b>.</p>

## 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 creates 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 range 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 objects of the EP&A Act are listed in section 1.3 of the Act. The proposal is consistent with the objects as it:

- Allows for the orderly and economic use of the subject land to provide high quality, high density residential dwellings in a transit-orientated development
- Incorporates quality urban design principles to ensure a high level of amenity is afforded to both future residents of the site as well as protecting the amenity of neighbouring properties
- Is based on the principles of ecologically sustainable development, taking into account potential environmental, social and economic and providing for a development which will improve the subject site with a high quality built form and central open space which links to the broader open space network, and
- Seeks to provide the highest design quality and amenity within the built environment.

An assessment against Section 4.15 of the EP&A Act is provided in **Section 7**.

In accordance with Section 4.46 of the EP&A Act, the proposal is Integrated Development as the application requires 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.

A Geotechnical Assessment is provided at **Appendix J**. The assessment has been informed by four boreholes and three groundwater wells within the boreholes.

The Geotechnical Assessment concludes that based on the borehole testing, groundwater seepage was observed. It is anticipated that groundwater seepage is likely to occur during bulk excavation. As such the assessment has recommended various measures to be undertaken at the construction stage to manage groundwater condition.

**Table 3: Summary of the Groundwater Details**

Details	Boreholes (Groundwater Wells)			
	BH1 (GW1)	BH2 (GW2)	BH3 (GW3)	BH4
Seepage	Not Observed until 5.65m	3.8m (RL 71.4m)	Not Observed until 1.31m	Not Observed until 1.34m
Standing groundwater level on 7/09/2021	6.9m (RL 71.0m)	5.8m (RL 69.4m)	4.0m (RL 69.1m)	—
Groundwater Recharge Rate (L/s/m <sup>2</sup> )	1.16 x 10 <sup>-3</sup>	5.94 x 10 <sup>-4</sup>	3.23 x 10 <sup>-4</sup>	—
Hydraulic Conductivity K (m/s)	9.68 x 10 <sup>-5</sup>	1.17 x 10 <sup>-7</sup>	5.15 x 10 <sup>-8</sup>	—

The site is impacted by groundwater and given the extent of excavation proposed the development is likely to constitute 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*.

## **6.2. STATE ENVIRONMENTAL PLANNING POLICIES**

### **6.2.1. State Environmental Planning Policy (Planning Systems) 2021**

The proposed works have an estimated cost of \$110,719,400 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 WT and is provided in **Appendix O**.

The cost of works is above \$30 million, 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 Foundation Earth Sciences dated October 2021 and is attached at **Appendix V**.

The PSI concluded that the “*Based on the results of this investigation it is considered that the risk to human health and the environment associated with soil and groundwater contamination at the site are moderate in the context of the proposed use of the site*”. As such, the site can be made suitable for the proposed high-density residential land use redevelopment, subject to the following:

- Undertaking a detailed site investigation (phase 2 environmental site assessment) by a suitably qualified Environmental Consultant.
- Undertaking an Asbestos Clearance Certificate

Given the nature of the findings and the fact that the site has not been cleared of its built improvements to allow detailed site investigations, it is recommended these are included as a condition of consent.

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

*State Environmental Planning Policy (Transport and Infrastructure) 2021* 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 as classified roads and prescribing consultation requirements for certain development.

The proposal constitutes as traffic generating development pursuant to Schedule 3 of the SEPP. Marshall Avenue, Berry Road and Holdsworth Avenue are local, unclassified roads. Therefore although the proposal comprises more than 75 dwellings, the development does not front a classified road. Accordingly, concurrence from Transport of NSW (**TfNSW**) is not required.

Regardless, a Traffic Impact Assessment has been prepared by Varga Traffic Planning and included at **Appendix R**. The traffic generation associated with the proposal is limited and is not considered to adversely impact the operation of nearby intersections. Further discussion on traffic and parking impact is provided in Section 7.6.

### **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: 124173M). 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% reduction (40% to pass)
- Thermal Comfort: outperforms the thermal performance requirements
- Energy Efficiency: 31% reduction (25% to pass)

Refer to the BASIX Certificate attached at Appendix P.

## 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 proposal has been designed generally in accordance with both the prescriptive and non-prescriptive components of SEPP 65 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 PTW 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 PTW's assessment of the proposed development against the key controls of the ADG.

Table 6 Apartment Design Guide Summary Table

ADG Criteria	Proposal	Comment
<b>Communal Open Space</b>  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)	38% of site area	The proposed communal space of the site is 2.215m <sup>2</sup> which equates to 38% of the total site area. As such the proposal complies with the communal open space requirements.  Minimum of 50% direct sunlight to the principal usable part of the green spine communal open space receives 2 hours between 9 am and 3 pm on 21 June (mid winter).
<b>Deep Soil</b>  7% of site area and minimum 6m wide	24% of the overall site area comprise deep soil landscaping.	The proposed deep soil is fully compliant with the ADG requirements.
<b>Building Separation</b>  Up to 12m (4 storeys): Habitable room: 6m  Non habitable room: 3m	Comply on Merit  Refer to Section 7.3 for further justifications.	Proposed separation between area 13 and area 12(neighbour site), area 15 and area 14 are 24m, which meets the minimum separation distance between habitable room to habitable room for all levels.

ADG Criteria	Proposal	Comment
<p>Up to 25m (5-8 storeys): Habitable room: 9m</p> <p>Non habitable room: 4.5m</p> <p>Over to 25m (9+ storeys) Habitable room: 12m</p> <p>Non habitable room: 6m</p>		<p>Area 13 and 15 are link at level 5-8, where there is no linkage, high window will be provided for cross ventilation propose with no visual privacy issues.</p> <p>The separation distance between Area 14 to Area 12 is 4.5m to level 4 and 6m from level 5 onwards which does not strictly comply with ADG requirement. The reduced separation distance is justified based on the following:</p> <ul style="list-style-type: none"> <li>▪ The adjacent development at area 12 has a blank facade with high level windows.</li> <li>▪ Primary windows to area 14 are oriented towards east and west. For the podium levels, the windows that are proposed on the northern elevation of area 14 are high windows to minimise overlooking. Whereas for the upper levels, full height windows are proposed on the on the northern elevation of area 14, and only high windows are proposed on the southern elevation of area 12. Therefore, the design minimise opportunities for sightlines between habitable rooms of the two sites. This design approach is similar to the opposing southern elevation of Area 12 to ensure a high level of privacy being achieved between the 2 buildings.</li> <li>▪ Privacy screens have been provided for the balconies on the northern elevation of area 14 to prevent overlooking to area 12.</li> <li>▪ The justifications above have been supported by Council in their letter dated 19 August 2022.</li> </ul> <p>Accordingly, while the numerical separation distance provision under the ADG is not achieved the proposal is consistent with the design objective of the ADG and therefore considered to be considered acceptable.</p>

ADG Criteria	Proposal	Comment
	 <p>• BUILDING SEPARATION DIAGRAM_BLDG 12/14</p>	 <p>• PODIUM</p> <p>• TOWER</p>
<p><b>Solar Access</b></p> <p>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.</p>	<p>72%</p>	<p>72% of living rooms and private open spaces achieve a minimum of 2 hours direct sunlight between 9am and 3pm at mid winter.</p> <p>As such, the proposal complies with the requirements.</p>
<p><b>No solar</b></p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.</p>	<p>2%</p>	<p>2% of dwellings receive no direct sunlight between 9am and 3pm. As such, the proposal complies with the requirements.</p>

ADG Criteria	Proposal	Comment
<b>Cross ventilation</b>  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 and cannot be fully enclosed.  Maximum cross-through apartment depth: 18m, measured glass line to glass line.	60%	60% of apartments achieve naturally cross ventilation in the first 9 storeys. Refer to Cross Ventilation Report, at Appendix X for further details.
<b>Ceiling heights</b>  Habitable rooms 2.7m  Non-habitable 2.4m	Compliant.	Ceiling height to all rooms meet this requirement.
<b>Apartment sizes</b>  1 bedroom: 50sqm  2 bedroom: 70sqm  3 bedroom: 90sqm  4 bedroom: 102sqm	Compliant.	Apartment size is achieved for every unit. Refer to apartment schedule.
Every habitable room to have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.	Compliant.	All habitable rooms have an external window glass area of minimum 10% of the floor area of the room.
<b>Room sizes</b>  Master bedroom: 10sqm  Other bedrooms: 9sqm  Minimum dimension: 3m	Compliant.	Refer to apartment schedule for further detail.
<b>Private open space</b>  1 bedroom apartments: 8sqm, width 2m  2 bedroom apartments: 10msqm width 2m	Compliant.	Refer to apartment schedule for further detail.  All apartments at ground level or on podium are provided with a primary private open space with minimum 3m depth and minimum area of 15m <sup>2</sup> .

ADG Criteria	Proposal	Comment
<p>3+ bedroom apartments: 12sqm, width 2.4m</p> <p>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.</p>		
<p><b>Common circulation</b></p> <p>The maximum number of apartments off a circulation core on a single level is eight.</p> <p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	Compliant.	<p>Multiple lifts and stairs are provided to give access to a maximum number of 8 apartments per core. In addition, corridor are designed with operable windows to provide daylight and natural ventilation opportunities.</p> <p>All buildings are served by 2 lifts.</p>

## 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 as identified in Figure 15. The proposed development is consistent with the zone objectives as outlined below:

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 retains the residential use of the site and seeks to construct a high density residential development comprising of 184 new dwellings, which provides additional housing to contribute to housing supply in the locality.



- The proposed development contributes to the revitalisation and redevelopment of the site and the precinct, and will provide a range of one bedroom, two bedroom, three bedroom and four bedroom dwellings.
- The proposed residential development provides a combination of residential and a public pedestrian link, ensuring the precinct will continue to fulfil its key economic, social and cultural role within the locality.
- 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. The design ensures surrounding developments remains unaffected.

Figure 15 Land Zoning Map illustrating the site



Source: LCLEP 2009

The proposed development is defined as a residential development comprising of 'residential flat buildings' in accordance with the LCLEP. The proposed use is permitted with development consent in the R4 zone. The use is defined in the LCLEP as:

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or dwelling housing.

### 6.3.2. Key Development Standards

Table 7 LEP Compliance Table

Clause	Provision	Proposed	Complies
Clause 4.1 – Minimum Subdivision Lot Size	No provision	The proposal does not include subdivision	N/A

Clause	Provision	Proposed	Complies
<p>Clause 4.3 – Height of Building</p> <p>(Incentive HOB map)</p>	<p>The following HOB provisions apply to lots within Area 13, 14 &amp; 15:</p> <ul style="list-style-type: none"> <li>▪ 37m</li> <li>▪ 2.5m applies to green spine and pedestrian link area.</li> </ul>	<p>The proposed building heights are outlined below:</p> <p>Area 13: 36.96m</p> <p>Area 14: 36.36m</p> <p>Area 15: 36.64m</p> <p>The proposal does not comprise structure within the green spine or the pedestrian link that exceed the 2.5m height control. Proposed landscape pergola over BBQ area is under 2.5m height control.</p>	Yes
<p>Clause 4.4 – Floor Space Ratio</p>	<p>Area 13&amp;15: 2.85:1</p> <p>Area 14: 3.35:1</p>	<p>The total gross floor area of Area 13 &amp; 15 is 11,975.7m<sup>2</sup>, this equates to 2.85:1.</p> <p>The total gross floor area of Area 14 is 5,601.2m<sup>2</sup> which equates to 3.35:1.</p>	Yes
<p>Clause 5.10 – Heritage Conservation</p>	<p>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 located on Park Road, which is two streets away from the subject site.</p>	<p>The proposal is a sympathetically designed modern infill building that will not detract from the significance of surrounding heritage items.</p> <p>Further, the proposed development is well distanced from the heritage items (closest item located 80m north-west of the site). As such, the heritage items remain unaffected as a result of this proposal.</p>	Yes
<p>Clause 7.1 – Development on Land in St Leonards South Area</p>	<p><i>(4) Development consent must not be granted under this clause unless the consent authority is satisfied that—</i></p> <p><i>(a) at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development will be</i></p>	<p>(a) The proposal includes 43 x 1 bedroom apartments which accounts for 23% of total dwellings,</p> <p>(b) The proposal includes 82 x 2 bedroom apartments, which accounts for 44% of total dwellings.</p> <p>(c) The proposal includes 50 x 3 bedroom apartments, which accounts for 27% of total dwellings.</p> <p>(d) The proposal is setback 24m from the communal open</p>	Complies

Clause	Provision	Proposed	Complies
	<p><i>studio or 1 bedroom dwellings, or both, and</i></p> <p><i>(b) at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development will be 2 bedroom dwellings, and</i></p> <p><i>(c) at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development will be 3 or more bedroom dwellings, and</i></p> <p><i>(d) the development will provide appropriate building setbacks to facilitate communal open space between buildings, and</i></p> <p>....</p>	space/central green spine (Refer to discussion in <b>Section 7</b> ).	
Clause 7.2 – Minimum site area requirements	<p>Area 13 – 1,600sqm</p> <p>Area 14 – 1,600sqm</p> <p>Area 15 – 2,000sqm</p>	<p>The proposal complies with the minimum site area requirements as outlined below:</p> <p>Area 13 – 1,973sqm</p> <p>Area 14 – 1,672sqm</p> <p>Area 15 – 2,229sqm</p>	Yes
7.3 Minimum affordable housing requirements	<p><i>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—</i></p> <p>.....</p>	<p>As the proposal is a consolidation of Areas 13 and 14, a total of 3 affordable housing is provided within Area 14, which complies with the total number of apartments required under this development standard.</p> <p>Each of the 3 units is 2 bedroom with an internal area of 70.3sqm which complies with Council's requirements.</p>	Complies

Clause	Provision	Proposed	Complies
	<p>(c) for Area 6, Area 12 or Area 14—2 dwellings,</p> <p>(d) for Area 13 or Area 17—1 dwelling.</p>	<p>Having all the affordable units in one building within a consolidated site provides for improved sustainable long term property management savings and integration within the community.</p> <p>A draft VPA has been prepared for the dedication of these affordable housing units to Council in perpetuity.</p>	
7.5 Requirements for pedestrian links and roads	<p><i>For the purposes of clause 7.1(4)(h), the following publicly accessible pedestrian links and roads are required to be provided for development on land to which clause 7.1 applies—</i></p> <p>....</p> <p><i>for Area 15 or Area 16—a 15 metre wide pedestrian link through the land to enable a connection between Berry Road and Holdsworth Avenue,</i></p> <p>.....</p>	<p>A 15m wide pedestrian link is provided to the south of Area 15.</p> <p>A draft VPA has been prepared for the dedication of the pedestrian link to Council in perpetuity.</p>	Complies

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

In accordance with Clause 7.6 (4) (a-g) of LCLEP 2009, the following table is an assessment with respect to the design excellence criteria.

Table 8 Design Excellence Criteria

Criteria	Proposed	Satisfied
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	The design has undergone three pre-lodgement design excellence reviews by Council's independent panel prior to lodgement as part of Council's process. This scheme as lodged demonstrates a high quality design, incorporating a rich pallet of natural materials (brick, concrete), neutral colour tones and a high quality apartments. Refer to accompanying Architectural Design Report included in <b>Appendix E</b> .	
(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	<p>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 public east-west pedestrian link, which will be landscaped, activated and community focused. The new link ensures that the degree of vibrancy is promoted with outdoor seating also reinforcing the communal activation within the public domain areas.</p> <p>See attached Landscape Report for further details.</p>	Yes
(c) whether the development protects and enhances the natural topography and vegetation including trees or other significant natural features,	<p>The proposal will retain and strengthen the green nature of South St Leonards through the retention of a number of significant native trees including Lophostemon confertus, Angophora costata and Jacaranda mismifolia.</p> <p>In order to deliver both the housing form and public pedestrian link required by the LEP and DCP controls, most on-site existing trees will need to be removed. 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 RPS Group and as stated in the Arborists Report.</p> <p>Areas of dense sclerophyll planning and fern groves will create a lush green environment, while areas of lawn space and outdoor 'rooms'</p>	Yes



Criteria	Proposed	Satisfied
	<p>will offer spaces for active and quiet enjoyment for residents.</p> <p>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.</p> <p>Overall, the proposal will increase canopy coverage to 54% of the site area.</p>	
(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 <b>Section 7</b> 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,	<p>The subject site is near public transport facilities such as the St Leonards and Waverton Railway Station, allowing the development to be consistent with the transit-oriented design principles.</p> <p>The proposed development provides for minimum number of bicycle parking spaces as contained within the DCP to promote sustainable travel.</p>	Yes
(f) the requirements of the Lane Cove DCP,	Refer to the DCP Compliance table included in <b>Appendix A.</b>	
(g) how the development addresses the following matters-		
(i) the suitability of the land for development,	<p>The proposal stands suitable for the site as it will not compromise the amenity of surrounding land uses and where there is any degree of risk, mitigation measures are recommended. The proposal aims to revitalise the site by delivering considerable benefits, including a high quality public pedestrian link.</p> <p>The site is in a highly accessible area with a wide range of services and facilities that will support the proposed development.</p>	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	N/A

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 <b>Section 7</b> .	
(v) bulk, massing and modulation of buildings,	Refer to discussions in <b>Section 7</b> .	
(vi) street frontage heights,	The proposed building presents an appropriate street wall frontage. The proposed building height is compatible with the emerging streetscape character along Holdsworth Avenue, Marshall Avenue and Berry Road pursuant to the St Leonards South DCP control. 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 <b>Section 7</b> .	
(viii) the achievement of the principles of ecologically sustainable development,	<p>The development will meet and outperform the following regulatory sustainability requirements:</p> <ul style="list-style-type: none"> <li>▪ NCC Section J – Outperforming the minimum Energy Efficiency requirements.</li> <li>▪ BASIX – Outperforming Energy, Water and Thermal Comfort</li> <li>▪ NatHERS – Achieving a 6.6 Star Average NatHERS Performance</li> </ul> <p>Although not seeking formal rating certification, where feasible, the design team will also consider the sustainable design principles based on the following sustainability tool:</p> <ul style="list-style-type: none"> <li>▪ Green Star Buildings Tool – Green Building Council of Australia. 5 Star Design Aspiration.</li> </ul>	Yes
(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,	The proposal incorporates adequate number of vehicular, bicycle and motorcycle parking spaces to support the occupants.	Yes

Criteria	Proposed	Satisfied
	The proposal also comprises primary pedestrian access from Berry Road making it highly accessible and permeable.	
(x) the impact on, and any proposed improvements to the public domain,	The proposed development is not anticipated to have any negative impacts on the public domain.	Yes
(xi) the configuration and design of publicly accessible space and private spaces on the site.	The site provides a private green spine at the centre, consistent with the precinct design as envisaged in the LCDCP 2009. The green spine is also integrated with the pedestrian link to the south of the site. 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, refer to **Appendix A**.

Overall, the proposal achieves an appropriate balance of compliance and contextual building envelope response to the local and emerging character. Justification is provided within the table where development control variations are sought. Where variations are sought, the objectives of the control have been assessed against the proposal to demonstrate that the proposal is consistent with the intent of the objective.

## 6.5. VOLUNTARY PLANNING AGREEMENT

A draft Voluntary Planning Agreement (VPA) has been prepared as a legal mechanism to guarantee delivery of certain public benefits. A copy is attached at **Appendix B**. This draft VPA will be publicly exhibited concurrently with the DA.

The VPA has been prepared to satisfy clause 7.3 and 7.5 of the Lane Cove LEP, which requires the following for the site:

### 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—*

.....

(c) for Area 6, Area 12 or Area 14—2 dwellings,

(d) for Area 13 or Area 17—1 dwelling.

### 7.5 Requirements for pedestrian links and roads

*For the purposes of clause 7.1(4)(h), the following publicly accessible pedestrian links and roads are required to be provided for development on land to which clause 7.1 applies—*

.....

*(c) for Area 15 or Area 16—a 15 metre wide pedestrian link through the land to enable a connection between Berry Road and Holdsworth Avenue,*

Prior to the issue of the first Occupation Certificate of the development, the following must be undertaken in accordance with the terms of the draft VPA:

- Dedication in perpetuity of the parcel of land identified as 10 Berry Road and comprising Lot 34 in Section 2 in DP 7259 in Area 15 as part of a 15m wide pedestrian link connecting Berry Road and Holdsworth Avenue to be constructed in accordance with the “*Specifications for Public Open Space in the St Leonards South Precinct*”.
- Dedication in perpetuity of 3 affordable housing dwellings where each dwelling shall comprise an internal area of at least 70sqm (plus storage) and one car space, in accordance with the “*Specifications for Affordable Housing in the St Leonards South Precinct*”. An affordable housing dwelling required under this dot point must be situated in Area 13, 14 or 15. For clarity, the 3 affordable housing dwellings do not need to be situated in the same ‘Area’.

## **7. ASSESSMENT OF KEY ISSUES**

### **7.1. BUILT FORM, URBAN DESIGN & LANDSCAPING**

#### **7.1.1. Building Design and the Public Domain**

The proposed development positively contributes to the changing context of the locality, that is 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 achieves a high level of consistency with the DCP expressed by a prominent podium base and upper-level recessed character. The proposal involves a design that has identified, on balance, the most appropriate development response across the site and generally complies with the relevant built form controls, such as building height, building height in storey, setbacks, landscape requirements and articulation provisions.

The built form on the corner of Berry Road and Marshall Avenue incorporates carefully articulated architectural forms to signal the key corner location, and represents as the prominent precinct 'gateway' building.

All three buildings incorporate a range of modulated forms and varied external material palette. Stepped brick lined podiums that hold up the slender articulated frames with contemporary architectural facades above, form the street level interface to the proposed development. Almost by resonance, the form of the podiums seek to reinforce the low scale character & materiality of the neighbourhood, whilst the floor levels above, aspire to form a non-intrusive yet distinctive architectural vocabulary for the development.

Detailed design consideration has been given to ensure a positive urban design outcome that will result in active frontages with the buildings directly addressing the streets, the green spine and the pedestrian link. The apartment units within the development are orientated towards communal and public domain areas, which will enhance passive surveillance over the street frontages, creating a safe local environment.

The bridge link connecting the blocks on Areas 13 & 15 enhances the built form articulation and breaks up the continuous street wall along Berry Road. The bridge is also designed to allow visual permeability into the green spine and provide a strong sense of arrival and a sense of place.

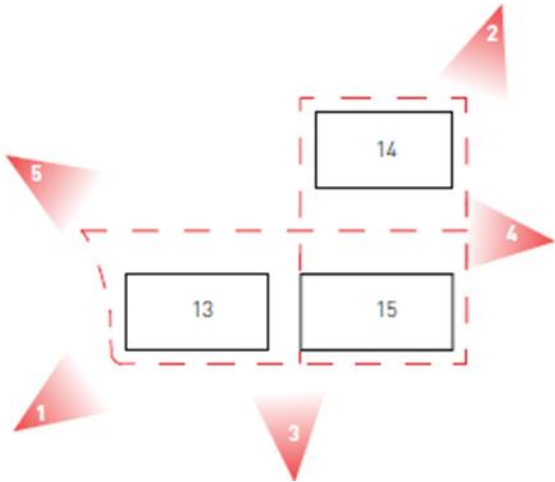
The proposed green spine locally centrally within the site enhances is an expansive area, made possible by the position of the three towers, providing a seamless connection with the public domain. The green spine includes a range of programming including; landscaping, open lawn, seating, alfresco dining/BBQ to provide a pleasant user experience and positive connection to the pedestrian link. The levels of the green spine have been co-ordinated with the levels of the pedestrian link and the adjacent development at area 12, to provide a seamless landscape connection.

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.

In conclusion, the proposed development has been designed to sit comfortably within the locality, which responds to the sloping topography and is consistent with the height and building storey controls. The proposal utilises articulation, façade recesses, colours and materials to reduce the perceivable bulk and creates visual interest along the street frontages. The built form has been well designed in response to the site topography and the surrounding context and will not result in any adverse visual impact on the locality.



Figure 16 Indicative Artist Impressions



Source: PTW

### 7.1.2. Amenity

The buildings have been designed to provide a high level of internal amenity for future residents. The generous central green spine area together with the communal rooftop open space at Area 13 to provide residents with functional and aesthetic passive recreation and socialisation space. Facilities such as a library and vegetable path and nature trail are also provided on the rooftop space. The residential apartments have been orientated to maximise outlook, solar access, views, and flexibility.

Communal facilities within the central Green Spine area include:

- Alfresco dining/BBQ
- Lounge with seating
- Open lawn

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, overall, 72% of apartments receive at least 2 hours of solar access in mid-winter and only 2% of apartments receive no direct sun from 9:00am to 3:00pm in mid-winter. 60% of apartments at the first 9 storeys are naturally cross-ventilated. The proposal includes a large variety of apartment sizes and typologies to suit varying demographics and households.

### 7.1.3. Building Scale and Height

The St Leonards South Precinct is undergoing significant change, transforming from the existing low-density development character into a high-density development precinct. The proposal is responding to this change and will read as one of the many high density contemporary residential developments within St Leonards South and remain consistent with the desired building height and scale context within the precinct.

The proposal fully complies with the LEP building height and FSR maximum controls.

The building is well articulated and varied in height to reduce the overall bulk and scale while responding to the sloping topography. When viewed from Berry Road, Holdsworth Avenue and Marshall Avenue, the building prominently appears as a four-storey development with upper levels further setback from the street frontage, reducing the visual bulk of the development while responding to the site topography and varying setback conditions.

Different materiality and colour have been applied for the lower levels and the upper levels to differentiate the podium and tower elements. The darker brick treatment on the lower levels grounds the building, while the upper levels are of lighter colour to reduce the visual bulk and scale.

The proposal varies the DCP height in storey control, however is consistent with the intent of the control and thus considered acceptable.

The DCP requires 6m setback to the pedestrian link from ground to level 4, and 9m setback at and above level 5. A 6m continues setback is provided to the pedestrian link. Building 14 and 15 are compliant with this setback control up to and including level 4, and do not comply with the DCP control from level 5 and above. Figure 16 illustrates the area of non-compliance. Justification is provided below and the reduced upper level setback is supported by Urban Design Statement attached at **Appendix S** and legal review attached at **Appendix T**.

From an urban design perspective, although the setback does not strictly comply with DCP requirement at the upper levels, the proposal does not impact on the legibility and spatial awareness of the pedestrian link. People using the link will clearly identify the lower street level form buildings in the eyesight with the upper levels sitting more in the background partially obscured by trees. The setback non-compliance at the upper level would be perceived as marginally different from the pedestrian link and from the future development on areas 16 and 17. The pedestrian link will remain at human scale with the lower levels of the development complying with the 6m setback. Therefore, the proposed 6-metre setback produces a legible relationship between built form and the landscaped open space of the pedestrian link without compromising amenity.

From an amenity perspective, due to 15.2m wide pedestrian walkway, the proposal fully complies with ADG separation distance to the building at Areas 16 and 17 as additional separation is provided by the pedestrian walkway. The distance between the proposed buildings in Areas 14 and 15 and those in Areas 16 and 17

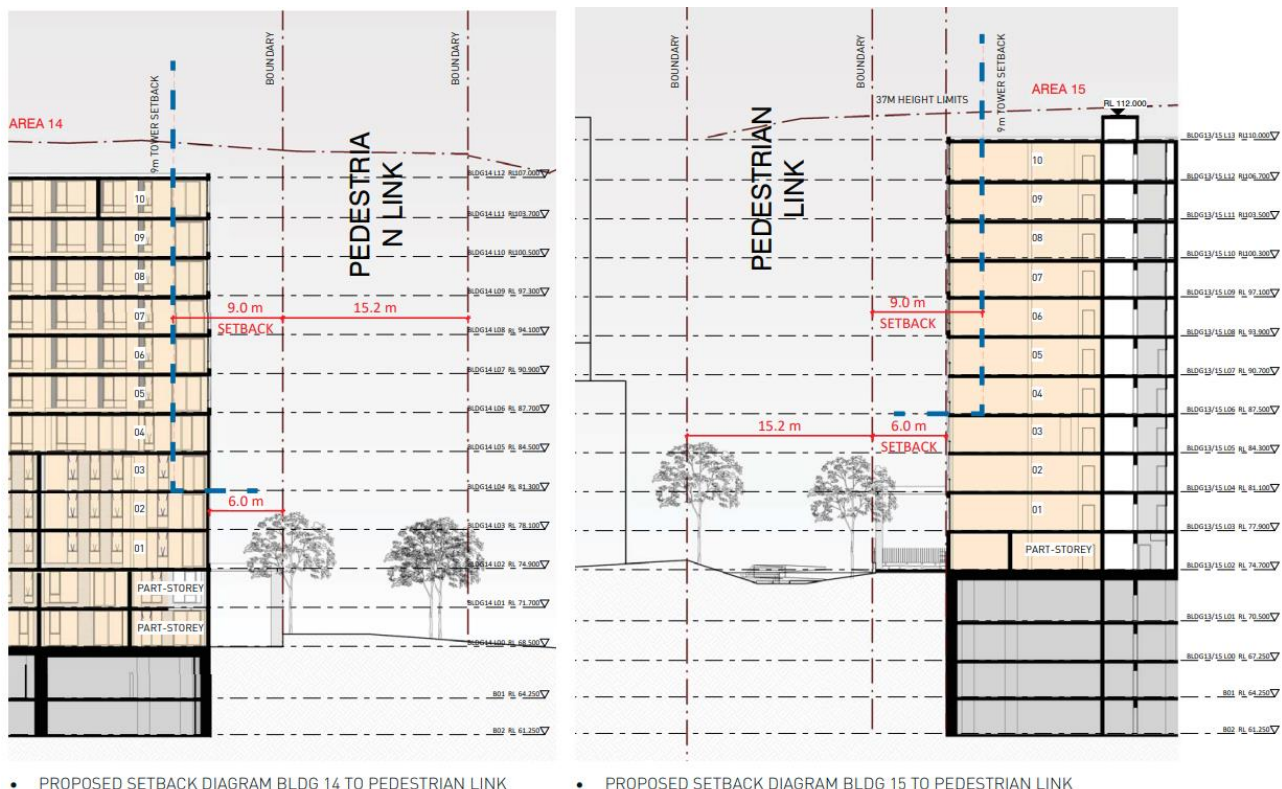
(across the pedestrian walkway) would be 27 metres for the full height the buildings. This 27m separation is well above all requirements in Part 2F and 3F of the ADG and is in fact 3 metres more than is required under the ADG for levels 9 and above. We understand that the Urban Design Panel supports a reduced setback of less than 6m for Area 16. If approved, this would impact on the compliance of total separation between the development, as a total of 21m separation between buildings will be maintained. Therefore, the proposed setback will not impact on the amenity of the development.

Finally, there is a precedent for non-compliance with the setback control within the St Leonards South precinct. We understand that a residential flat development at Area 5, which is subject to the same controls, was approved with a 3m setback across the full height of the building. This means that the area 5 building was approved with a significantly smaller setback and also a setback which was non-compliant for the entire height of the building, in contrast to the proposed development at the subject site where the non-compliance is only from level 5 and above.

In addition, the proposed building at Areas 16 and 17 (12-20 Berry Rd and 11-19 Holdsworth Ave) has a setback of only 1.38m up to level 4 and 4.3m at level 5 and above. Despite this significant non-compliance, the Design Excellence Panel deemed this setback adequate when looking at the site specific merit. The comments of the Design Excellence Panel demonstrate that design excellence can be achieved without strict compliance with the DCP controls and that strict compliance with the control is not necessary.

The setback proposed in this development is greater than the setback for the development in Area 5 and significantly greater than the setback which has been deemed acceptable by the Design Excellence Panel for Areas 16 and 17. Although this development must be considered on its own merits, given there is precedent in the precinct that have already been approved with reduced setbacks, further indicating that the non-compliance can be considered acceptable in this context.

Figure 17 Pedestrian Link Setback variation







Source: PTW

## 7.2. FEOVERSHADOWING & SOLAR ACCESS

Shadow diagrams between 9:00am and 3:00pm on June 21 have been prepared by PTW and included in the Architectural Plans and Figure 18 extract. The drawings demonstrate that the proposed development is compliant with the solar access controls contained within the ADG.

In respect to solar access, 72% of apartments receive at least 2 hours of solar access in mid-winter only 2% 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 green spine communal open space within the development, 50% of the principal usable part of the green spine receives solar access for 2 hours between 9 am and 3 pm on 21 June (mid winter). As such, the bulk and scale of the development allows maximum retention of sunlight within the communal open space.

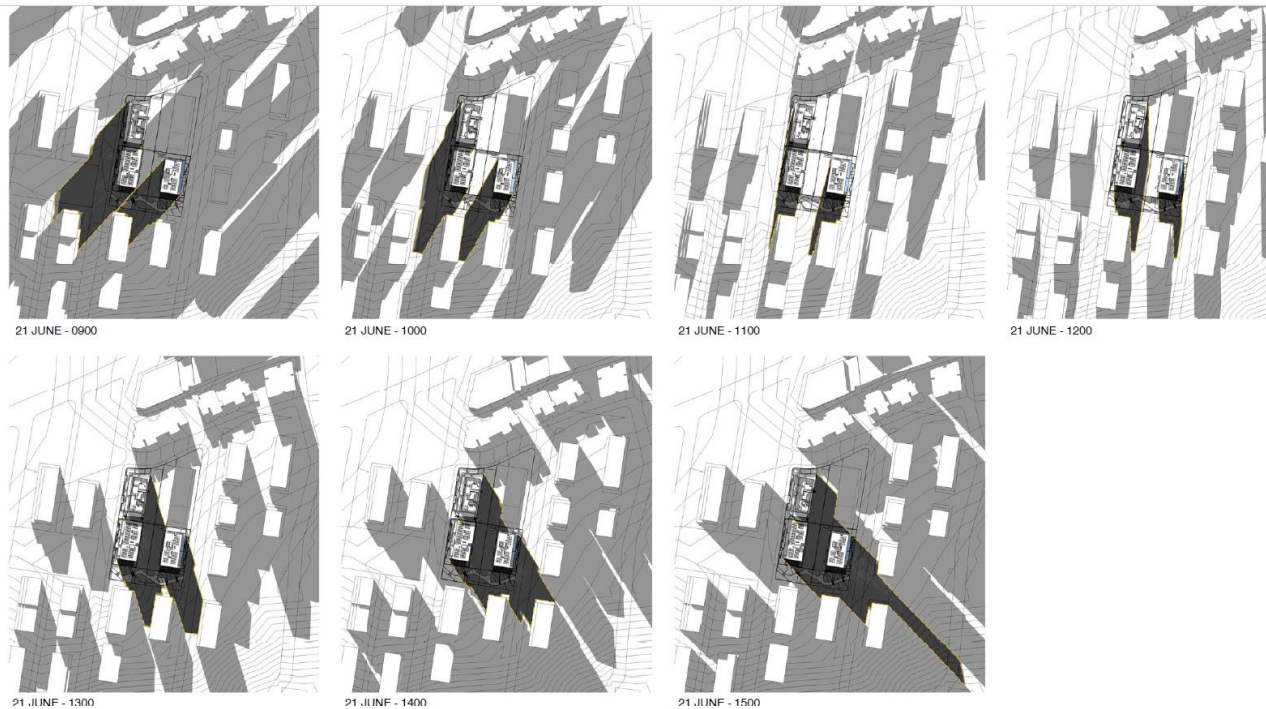
In terms of solar impact on surrounding open spaces, portions of the proposed pedestrian link is overshadowed in the morning, and the shadow moves away to the southwest throughout the afternoon. The proposal ensures the amenity of pedestrian link is maintained. The proposal will create shadow to the new public park located to the southwest of the site at 9am-10am only, therefore solar access to the new public park will not be impacted by the proposal.

As shown in Shadow Diagrams, the development creates fast moving shadow throughout the day. The development to the southwest of the site is only overshadowed at 9am. The shadow is then limited to the public domain area and to the sites south of the site from 10am to 12pm. After 12pm, the shadow falls within portion of the site to the south and development located to the southeast. The proposal allows surrounding developments to maintain a minimum of 2 hours of sunlight within its private open space and living areas and does not reduce solar access to neighbouring properties by more than 20%.

The proposed height and FSR controls are compliant with the provisions as set out in the LCLEP 2009 and the setback controls are largely consistent with the DCP. As a result, any shadow impact is consistent with what would be reasonably expected by the controls Council has established.

In summary, the development ensures the green spine located within the site and the pedestrian link benefit from a high degree of solar access to ensure maximum enjoyment and useability. The development does not result in reduction in solar access within neighbouring buildings below the recommended under the ADG.

Figure 18 Overshadow Diagram



Source: PTW

## 7.3. VIEW IMPACT

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

The subject site is characterised by sloping topography. A line of mature canopy trees are located along Berry Road, Holdsworth Avenue and around the northwest corner of the site. Large trees are also proposed within the green spine and pedestrian link areas.

In terms of surrounding developments, to the north of the site are medium to high density developments. The east, west and south of the site includes low density residential, however it forms part of the St Leonards South area and is anticipated to include high density developments in the future of similar building height to the proposed building.

Given the topography of the site, the existing and proposed mature trees along the site boundary and within the site, 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 compliant with the provisions as set out in the LCLEP 2009 and the setback controls are largely 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 protects the privacy of the proposed dwellings and the surrounding developments through the provision of sufficient building separation, privacy screen, orientation of primary windows and the provision of high windows.

The site is separated by road frontages to the east, west and north, which provides sufficient separation distance to surrounding developments.

The proposed design is generally compliant with the ADG building separation controls as per the below:

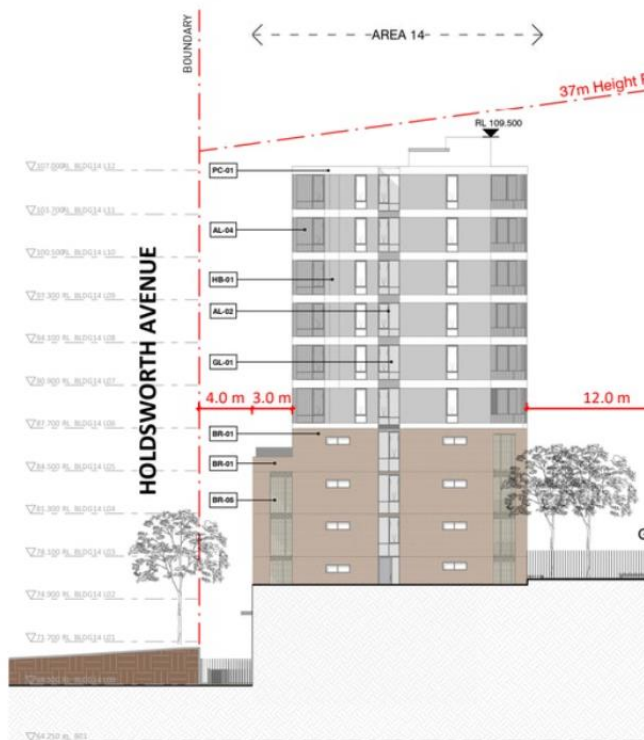
- Area 14 to area 15: total 24m
- Area 13 to Area 12 boundary: 12m
- Area 14 and Area 15 to pedestrian link: 6m
- Area 14 to Area 12 boundary: Podium: 4.5m and Tower: 6m. The reduced separation distance is justified based on the following (refer to **Figure 19**):
  - The adjacent development at area 12 has a blank facade with high level windows.
    - Primary windows to area 14 are oriented towards east and west. The windows that are proposed on the northern elevation of area 14 is reduced in size and are high windows at podium level and normal full high windows at tower level. Therefore there are no opportunities for sightlines between habitable rooms. This design approach is similar to the opposing southern elevation of Area 12 to ensure a high level of privacy being achieved between the 2 buildings.
    - Privacy screens have been provided for the balconies on the northern elevation of area 14 to prevent overlooking to area 12.
    - Accordingly, while the numerical separation distance provision under the ADG is not achieved the proposal is consistent with the design objective of the ADG and therefore considered to be considered acceptable.
    - The justifications above have been supported by Council in their letter dated 19 August 2022, which states the following:

*The northern elevation of Area 14 includes a 'defensive' design with highlight windows. The revised design ensures that corner balconies on the northern elevation are orientated to east/west with screening on the northern perimeter of these balconies. The 'defensive' design approach is similar to the opposing southern elevation of Area 12 and ensures a high level of privacy being achieved between the 2 buildings.*

*The revised design is considered to meet the criteria of the ADG for non-habitable building separation as it is predominantly blank walls with no opportunities for sightlines between habitable rooms. The building treatments and separation are considered acceptable for lodgement.*

- Area 13 and 15 are link at level 5-8: balconies of the central apartments are orientated towards the east and west, so that no balconies will be directly facing each other. The corners of the balconies are also enclosed to prevent overlooking between the balconies.

Figure 19 Northern elevation of area 14



Source: PTW

In addition, balconies and primary windows have been orientated towards the road frontages and the central green spine to minimise overlooking and take advantage of the distant views and the landscaped courtyard. Additionally, extensive tree canopy is provided on the ground level and within the green spine to further minimise overlooking.

The rooftop communal open space is setback from the site boundaries and will be screened by perimeter fencing and planting to protect the privacy of this space.

Overall, the proposal achieves an acceptable privacy outcome.

## 7.5. ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Ecologically Sustainable Design (ESD) assessment has been undertaken by Eco Engineering Group and is attached at Appendix W.

The principles of ecologically sustainable design will be an integral consideration throughout this development. The sustainability targets for the development will be achieved in an integrated and staged approach through minimising the need for energy consumption (via passive measures) and then consumption optimisation (energy efficiency) and use of renewable resources where required.

The development will meet and outperform the following regulatory sustainability requirements:

- NCC Section J – Outperforming the minimum Energy Efficiency requirements.
- BASIX – Outperforming Energy, Water and Thermal Comfort
- NatHERS – Achieving a 6.6 Star Average NatHERS Performance

Although not seeking formal rating certification, where feasible, the design team has considered the sustainable design principles based on the following sustainability tool.

- Green Star Buildings Tool – Green Building Council of Australian. 5 Star Design Aspiration.

The following are some of the design initiatives which will improve the environmental performance of the development and deliver long term energy efficiency during the life of the building.

- Optimising the size of the mechanical plant to ensure the plant is working at its peak efficiency and minimise the capital cost of the plant.
- Having high efficiency lighting and air conditioning equipment will reduce the energy consumption of the buildings.
- Variable Speed Drives (VSD) controls the speed of pumps, fans, and other mechanical plant to ensure that they are only using as much power as it is needed.
- Commissioning of all services equipment to ensure their correct operation.
- A high-performance façade will limit the heat entering the buildings, reducing air conditioning system sizes and the energy use over the year.
- A mixed mode approach allowing the buildings to be naturally ventilated when outdoor conditions are suitable allowing significant energy reduction by not requiring the air conditioning system to operate at all times.
- Emission reductions and material optimisation.
- Maximise use of non-toxic building materials.
- Maximise use of materials that are recyclable.
- Minimise Waste in Construction.
- Minimise Waste in Operation.
- Renewable Energy generation – Solar PV & Heat Pump technology.

## **7.6. ACCESS, PARKING & TRAFFIC**

A Traffic and Parking Assessment has been prepared by Varga Traffic Planning and is attached at Appendix R. 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.

### **7.6.1. Parking**

#### **Residential Parking**

Council's DCP requires 190 residents car parking spaces and 38 visitor car parking spaces. The proposed development makes provision for a total of 249 off-street car parking spaces, comprising 207 residential spaces (including 38 disabled/adaptable spaces) and 38 visitor spaces (including a disabled space). The number of visitor spaces are consistent with DCP parking rate and a minor additional number of car parking is provided for residents to reduce street parking.

The geometric design layout of the proposed car parking facilities has been designed to comply with the relevant requirements specified in the *Standards Australia publication Parking Facilities Part 1 - Off-Street Car Parking AS2890.1:2004* in respect of parking space dimensions, ramp widths and gradients, aisle widths, blind aisle extensions and pedestrian visibility splays.

#### **Motorcycle Parking**

Council's DCP requires 17 spaces for motorcycle parking. The proposed development provides a total of 17 motorcycle spaces across the car parking levels, thereby satisfying Council's motorcycle parking requirement.

#### **Bicycle Parking**

Council's DCP requires 67 bicycle parking spaces, including 47 residential spaces and 20 visitor spaces.

The proposed development provides a total of 67 bicycle spaces across the car parking levels, thereby satisfying Council's bicycle parking requirements.

#### **Car wash and car share**

The DCP requires four spaces to be provided for car wash. Instead of providing four car wash bays, two car wash bays are proposed and two car share spaces are proposed. This will provide sufficient opportunity for car washing whilst promote sustainable travel by the provision of car share spaces. The total number of car wash/share bays remain as 4 spaces.

### **Loading and servicing**

A dedicated loading area is proposed within the ground floor level, at the bottom of the entry ramp, which can accommodate 2 trucks independently (i.e. – 1 x MRV truck for Council waste collection & 1 x SRV truck for removalist vehicles).

The manoeuvring area and vehicular access driveway have been designed to accommodate the swept turning path requirements of these small/medium rigid trucks, allowing them to enter and exit the site in a forward direction at all times, as per the swept turning path diagram contained in the report.

The geometric design layout of the proposed loading facilities have been designed to comply with the relevant requirements specified in the *Standards Australia publication Parking Facilities Part 2 - Off-Street Commercial Vehicle Facilities AS2890.2 - 2002* in respect of loading dock dimensions and service area requirements for SRV and MRV trucks.

## **7.6.2. Traffic Generation**

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

- AM Peak: +36 vehicle trips
- PM Peak: +28 vehicle trips

The additional 36 vehicles per hour (vph) generated by the proposed development is equivalent to, on average, less than one vehicle every minute. The projected increase in traffic activity as a consequence of the development proposal is consistent with the development outcome envisioned by Council, as the proposal complies with the site's FSR and height controls under the Lane Cove LEP, which have already been considered by Council as part of the rezoning of the St Leonards South Area and is consistent with the Masterplan traffic study.

In addition, discussions have been held with Council's traffic engineer, Mr John Gill, who advised that if the proposal complies with the LEP planning controls, then further modelling is not required as it has already been assessed as part of the rezoning Masterplan traffic study.

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

## **7.6.3. Construction and Traffic Management**

The Traffic and Parking assessment also considers preliminary construction traffic management measures. These measures should be incorporated as part of the Construction Management Plan to be prepared post approval. Some of the measures includes:

- All demolition material and construction material deliveries will be loaded and unloaded wholly within the site where possible, with the movement of trucks across the footpath area to be supervised by an authorised traffic controller.
- During the initial construction stages trucks would likely need to load/unload within the kerbside areas along the Marshall Avenue, Berry Road and/or Holdsworth Avenue site frontage/s. As the construction progress, and the ground floor slab is completed, trucks can also unload within the future loading dock area.
- As construction of the building progresses it may become difficult for loading/unloading to occur within the site, therefore a Works Zone may be required along the Marshall Avenue, Berry Road and/or Holdsworth Avenue site frontage/s. The Works Zone restrictions would apply during working hours only and would be provided specifically for the set down and pick-up of materials, not for the parking of private vehicles associated with the site.
- All heavy vehicles involved in the demolition, excavation and construction of the proposed development would approach the site from the Pacific Highway onto Berry Road, Marshall Avenue & Holdsworth Avenue and depart the site back to the Pacific Highway.

- Light traffic roads and those subject to load or height limits will be avoided as well as minimising heavy vehicle movements during school peak periods.
- An RMS-accredited traffic controller/s will be required to supervise the movement of all vehicles across the footpath during the demolition and excavation stages.
- An authorised traffic controller will also be required during the construction stage of the project to facilitate major deliveries to the site, such as concrete pours.

## 7.7. STORMWATER MANAGEMENT

Stormwater Management Plan and Drawings have been prepared by C&M Consulting Engineers and is attached at **Appendix Q**.

The site is not impacted by any mainstream flooding. Stormwater management for the project consider water quality, aquatic habitats, riparian vegetation, recreation, aesthetic and economic issues.

The key strategies to be adopted for this development include the following:

- Water Quantity
  - A pit and pipe network to collect storm runoff from ground surfaces;
  - An OSD basin with orifice control with a minimum effective storage volume of 135.6m<sup>3</sup>.
- Water Quality
  - 4 x STW360 EnviroPods in nominated inlet pits will form part of the water quality treatment train, removing gross pollutants;
  - A 15kL rainwater reuse tank plumbed for landscape irrigation and two car wash bays;
  - 7 x 690mm Psorb StormFilter cartridges to polish stormwater prior to discharge to the downstream drainage network.

With the incorporation of these measures, the results from the investigations and modelling for this project indicate that the development can provide a safe and ecologically sustainable environment that achieves the following water management target:

- Maintain existing runoff from development.
- Provide safe flood mitigation measures to minimise any impact on the site, and
- No adverse impact on downstream properties.
- Runoff from site to achieve minimum reductions in total pollutant loads in accordance with Council's requirements.

## 7.8. ACOUSTIC

An Acoustic Impact Assessment has been prepared by Acouras Consultancy and attached at **Appendix F**. The report assesses noise intruding the building façade from external environment, noise emissions from within the site and provides recommendations to minimise noise to surrounding developments.

An environmental noise survey of the site has been conducted and the noise limiting criteria for mechanical plant/equipment noise emission has been determined based on the EPA NPfI. Based on typical mechanical plant specifications, the following mitigation measures are recommended to minimise noise from mechanical services:

- Carpark exhaust/supply fans located in the basement or rooftop plantroom:
  - Exhaust and supply fans operate with a VSD and CO sensor.
  - The fans operate on variable speed and are unlikely to operate at full speed during the night period of between 10pm and 7am.
  - Provide acoustic attenuators to the supply and discharge of the fans.

- Apartment exhaust fans (toilet, laundry, kitchen):
  - Electrically inter-locked with the light switch or have manual switch for the room served.
  - Internally lined ducts and acoustic flex ducts to be fitted to the fans.
- Outdoor A/C condenser would be located on the balcony of each apartment. The noise level of a typical A/C condenser is approximately SPL 52-56dBA at 1m, the predicted noise level at the boundary would be 30-35dBA.
- Vibration isolation mounts are to be selected in accordance with manufacturer's recommendations. Where required, incorporate restraining devices to prevent excessive movement of plant, equipment and piping systems.

Once all equipment has been selected, a detailed review of the proposed mechanical plant and equipment would be conducted to ensure compliance with the DCP noise limits.

Construction for glazing, external walls and the roof/ceiling systems have been provided to achieve the internal noise criteria based on the impact of road traffic noise. The acoustic glazing for the apartments are provided to comply with internal noise criteria as recommended by the Australian Standards (AS/NZS 2107). During construction, these requirements should be considered when selecting building material.

Providing the recommendations in this report are implemented, the noise from the proposed development is predicted to comply with acoustic requirements of the Lane Cove Council DCP, BCA requirements and relevant Australian standards.

## 7.9. WIND IMPACT

Wind assessment has been undertaken by RWDI and is attached at **Appendix U**.

The report provides a screening-level estimation of potential wind conditions and offers conceptual wind control measures to improve wind comfort, where deemed necessary. The following locations have been assessed:

- Ground level including entrances to the building, communal open space area and the pedestrian link.
- Private balconies
- Rooftop terrace

The assessment concluded that the proposed development includes several positive design features including the setbacks along the western aspect, awnings along southern aspects, inset balconies and entrances, and dense landscaping on ground level. These elements, along with the location of the site, are expected to allow majority of the areas in and around the proposed development to be suitable and safe for intended pedestrian use.

Wind conditions within the communal space and the pedestrian link are expected to be calm due to the high levels of shielding provided by the proposed buildings and Area 12 site as well as the dense landscaping within the Green Zone.

The communal terrace on the roof of Area 13 incorporates a 2m high perimeter screen above FFL 110.100 that is expected to provide significant protection from regional winds for areas closer to the screens. The lift overrun and plant rooms located at the northeast corner of the terrace will also provide some protection from northeast winds. Landscaping elements such as trees and planters on the terrace will further reduce wind movement.

However, high wind activity is anticipated at localised spots, particularly at exposed corners on the ground level and within the open lobby space between Areas 13 and 15. Channelling is also expected between Areas 14 and 15, albeit the overall is likely to be smaller due to dense landscaping included here.

Wind control measures have been recommended and are expected to improve the wind conditions of these areas. Design advice has also been provided to further improve wind comfort amenity for private balconies. These strategies are outlined below and can be considered at a more detailed design stage:

*Plantings with large crowns and dense foliage, complemented with underplanting to prevent wind flows from accelerating under the crowns, will help reduce wind activity immediately*



*around these areas. Localised landscaping in the form of tree clusters at the corners of the buildings is recommended to reduce corner wind acceleration effects.*

*The awnings along the southern aspect of Areas 14 and 15 should have a maximum porosity of 50% to be effective in reducing the impacts of downwashing winds. Trees should be situated strategically at the ends of these trellises to diffuse the winds further before these reattach on the ground level.*

*It is recommended to retain the awning over the through-site link between Areas 13 and 15. This awning should be located at approximately Level 4 to allow the downwashed winds to flow above the trafficable area, and extend from the edge of the slab above by at least 2m on the western aspect.*

*Trellises (1.5m deep and maximum porosity of 50%) are recommended along the western aspect of Level 8 corner terraces (Apartments 130805 and 150802). Alternatively, the corner balcony for Apartment 130805 can be partitioned further using 1.8m high screen. Similarly, screening with a height of 1.8m can be included at the corner southern corner of the terrace for Apartment 150802.*

*While the balconies are expected to be safe for use, the comfort of corner balconies can be further improved through screening, landscaping and other such measures.*

## **7.10. BUILDING CODE OF AUSTRALIA**

### **Building Code of Australia (BCA) Compliance**

A BCA Report has been prepared by Steve Watson & Partners and attached at **Appendix H**. The report 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 Accessible Building Solutions and attached at **Appendix I**. 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:

- The Access provisions of the BCA 2022
- The Access To Premises Standard
- AS1428 suite of Standards
- AS2890.6 for car parking
- AS1735.12 for lifts
- AS4299 Adaptable Housing
- SEPP 65 – Part 4Q
- Council's DCP relating to Access for People with a Disability

The report confirms that 38 adaptable units are provided in accordance with Council DCP control and are also capable of satisfying the intent of Silver level of Liveable Housing Guidelines.

The report confirms that the proposal can achieve compliance with the access provisions of the BCA and the Access to Premises Standard & SEPP 65 Part 4Q.

## 7.11. GEOTECHNICAL

A Geotechnical Assessment Report has been prepared by Foundation Earth Sciences and is appended at **Appendix J**. The report assesses the site's surface and subsurface conditions and provides geotechnical recommendation for:

- excavations conditions, including earthworks and subgrade preparation
- vibration controls
- the requirements of retaining walls and temporary anchoring system
- groundwater management
- building foundation
- soil and water aggression.
- The need for additional boreholes testing post demolition of the buildings to assess the subsurface conditions within the remaining areas of the site.

These recommendations should be adhered to during the construction of the building to ensure the protection of groundwater and the stability of the building foundation.

## 7.12. DEMOLITION AND CONSTRUCTION WASTE AND RECYCLING MANAGEMENT

A Construction and Demolition Waste Management Plan prepared by Elephant Foot is included within **Appendix M**. All waste materials produced from demolition works will be recycled or disposed of in accordance with the Waste Minimisation and management Act 1995 and Council's waste minimisation policies.

At the demolition stage of the development, where possible, materials will be reused, such as crushing concrete for use as clean fill. However, the majority of the components of the demolished building will either be reused for the same purpose or disposed of offsite.

Waste generated during the construction stage of the development will be managed by the principal contractor and sub-contractors, with materials being reused and recycled wherever possible. Where neither reuse nor recycling are possible, waste will be disposed of as general waste at a licensed landfill site.

The following construction and demolition waste management strategies are proposed:

- Re-use of excavated material on-site and disposal of any excess to an approved site;
- Green waste mulched and re-used on-site as appropriate, or recycled off-site;
- Bricks, tiles and concrete re-used on-site as appropriate, or recycled off-site;
- Plasterboard waste returned to supplier for recycling; Framing timber re-used on site or recycled off-site;
- •Windows, doors and joinery recycled off-site;
- All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with WorkCover Authority and EPA requirements;
- Plumbing, fittings and metal elements recycled off site;
- Ordering accurate quantities of materials and prefabrication of materials where possible;
- Re-use of formwork;
- Careful source separation of off-cuts to facilitate re-use, resale or recycling.

## **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**.

The assessment concludes that the proposal complies with the relevant provisions within the relevant instruments.

### **8.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

No draft environmental planning instruments are relevant to this proposal.

### **8.3. DEVELOPMENT CONTROL PLAN**

The Lane Cove Development Control Plan 2010 (the DCP) provides detailed planning controls relevant to the site and the proposal. An assessment against the relevant controls is provided in Appendix A.

The assessment concludes the proposal largely complies with the relevant provisions within the DCP.

Where the proposal is not compliant with the relevant provisions, it has been demonstrated that the proposal can achieve the objectives of the relevant provisions.

### **8.4. PLANNING AGREEMENT**

The proposed development is subject to a VPA as outlined in Section 6.5 and appended to **Appendix B**. The draft 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 AND 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, such as biodiversity values or significant vegetation. Replacement and additional trees are proposed to enhance greenery in the area.
- Excavation works will be undertaken as per the Geotechnical Report, ensuring there is minimal impact on soil stability and ground water.
- The proposed stormwater management solution has been designed to ensure the development does not impact on water quantity and quality adversely.
- 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. The proposal's traffic generation is consistent with what has already been assessed by Council as part of the rezoning of the St Leonards area.

- The proposal is designed largely in accordance with the site-specific DCP controls and the objectives of the ADG. Amenity of the proposed units have been optimised while amenity impact to the surrounding residents have been minimised by design and engineering measures.

## **8.7. SOCIAL AND 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 inclusion of affordable residential accommodation contributes positively to local housing needs, availability, and affordability.

The proposal provides improved casual surveillance along the street frontages providing a much-improved urban design outcome than what is currently on site. The delivery of the publicly accessible pedestrian link will help to achieve an improved pedestrian connectivity in the precinct.

The expansive communal open space on the ground level and rooftop level provides opportunities for the residents to meet and interact and therefore facilitating opportunities for social connection and improving the physical and mental wellbeing of the residents.

In terms of economic impact, the proposed use will result in substantial direct and indirect employment generation during the construction phases of the development.

## **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 conveniently 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 site is part of a wider precinct that Council undertook a detailed process to establish what are now the applicable controls. 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 contamination hazards.

Accordingly, the site is suitable for a residential development in the form proposed.

## **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:

- The proposal 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 provides a range of 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 neighbouring residents.
- The rejuvenation of the site within the St Leonards South area will create a vibrant development which will provide numerous public benefits including a publicly accessible pedestrian link, high quality landscaping and communal open space areas.
- The site is easily accessible to various public transport facilities, the proposed residential development will therefore help to reduce car dependency.

- The proposal will generate temporary construction jobs during the construction phase of work.
- Any environmental impacts have been sufficiently mitigated. The social or economic impacts are overall positive.

## 9. CONCLUSION

The proposed residential 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 local strategic planning objectives** - The proposal contributes to providing new dwellings in proximity to existing and future public transport infrastructure. It is also consistent with Council's strategic visions to redevelop St Leonards South to deliver a high-quality residential development.
- **The proposal is consistent with the applicable statutory planning controls and DCP controls** – The proposal achieves a high level of compliance with the applicable planning controls. Where variations are proposed to DCP controls, 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 future residents are also provided with a generously sized apartments, balconies, and communal open space areas. The proposal achieves consistency with the objectives and provisions of SEPP 65 and the Apartment Design Guide (ADG).
- **The proposal displays design excellence** – Illustrated through the carefully crafted buildings forms displaying a contemporary character, choice of natural and durable materials and integration of high quality landscaping.
- **The proposal is a sympathetic built form in the streetscape** - The proposal reinforces the desired neighbourhood character of St Leonards South. The proposal presents a modern architectural expression with building articulations presenting a visually appealing development at this corner site.
- **The proposal is in the public interest** - The proposal will lead to the construction of 187 additional dwellings within St Leonards. This will provide additional housing choice, provide additional adaptable units, and generate temporary construction jobs. 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 10 May 2023 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 URBIS (**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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