



planning consultants

Urban Design Report

Residential Apartment Development

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

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Abbreviations

ADG	Apartment Design Guide
AHD	Australian Height Datum
Council	Lane Cove Council
DA	development application
DCP	development control plan
DFP	DFP Planning Pty Limited
LEP	local environmental plan
LMP	landscape master plan
LGA	local government area
SEPP	state environmental planning policy

1 Introduction

1.1 Introduction

This Urban Design Report has been prepared by Brian McDonald 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 over land comprising 10 allotments with a total site area of 5,874sqm. The site is known as Areas 13, 14 and 15 within the St Leonards South Precinct, and is bound by Marshall Avenue to the north, Holdsworth Avenue to the east and Berry Road to the west.

This development proposal seeks consent for the demolition of all existing buildings and structures on site and the construction of three separate 10 to 11 storeys residential apartment buildings.

More specifically, the proposed works are described as follows:

- Construction of three residential buildings comprising:
 - A consolidated basement car park comprising four levels and one part basement level;
 - Vehicular access via Holdsworth Avenue (from Area 14);
 - Residential apartments above.
- Significant landscaping integrated throughout the site with a focus on the central green spine.

A key component of the development is to incorporate the desired future character of the St Leonards South Precinct and emphasis on the unique context of the locality through architectural expression and landscaping.

The proposed development is aligned with Council's vision for the St Leonards South Precinct and will create a landmark development within this corner site to celebrate the gateway entrance to the St Leonards South Precinct.

1.2 Background

The site forms part of the Council led St Leonards South Planning Proposal followed by the amendments to the LEP, DCP and implementation of a new Landscape Master Plan (LMP). The intent of the amendments is to allow for residential development in the area. The LEP amendments were gazetted in October 2020 and came into effect on 1 November 2020.

The new planning framework is also supported by a site specific DCP and a LMP which were adopted by Council on 19 October 2020. These documents are intended to supplement the LEP controls to provide more detailed built form and landscape guidelines.

1.3 Pre-Lodgement Discussions

The proposal for the development of Areas 13, 14 & 15 has led to multiple preliminary discussions with Lane Cove Council. The Proponent has been consulting extensively with Lane Cove Council throughout the Planning Proposal phase, and in addition met with senior planning staff in November 2020 to seek clarity on a range of matters while the design review structure was being finalised.

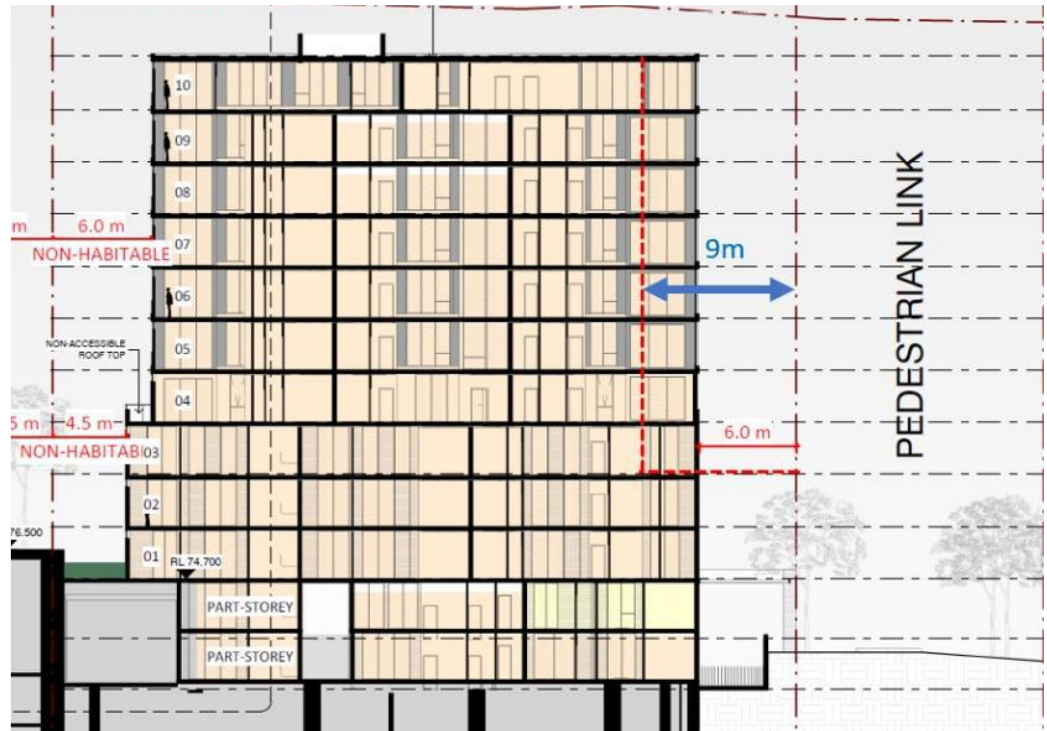
Post gazettal of the LEP and as part of the pre-DA process, the applicant met with Council and the Design Excellence Panel (**DEP**) on multiple occasions. Preliminary design schemes were presented at these meetings.

On 19 August 2022, Lane Cove Council issued a Letter to the Applicant providing detailed comments on the proposal. The correspondence generally accepted the design responses with one amendment pertaining to the southern setback controls for Levels 5-10 of buildings in Areas 14 & 15.

1 Introduction

1.4 Scope of Report

Lane Cove Council wrote to Urbis, consultant planners for the project, on 19 August 2022 commenting on additional information supplied to support the proposal. This report responds to Item 2 in the Council letter relating to setbacks from the 15 metre east to west pedestrian link that abuts the site. See excerpt below:



East/West Link

Buildings Setbacks F: - from east/west pedestrian link requires:

- 6m setback at park level to level 4
- 9m setback at and above level 5.

The application proposed a 6m setback at all levels from the east/west link. Although the proposal complies on ground floor to level 4, the controls require an additional 3m from level 5 and above.

Levels 5 – 10 do not comply with the 9m setback control.

Comment: Prior to DA lodgement, (Areas 14 and 15) should be **amended to comply with the 9m setback**. Please be advised that both Council and the community have a strong expectation that the proposal fully complies with the DCP setback controls.

Urban design commentary on other aspects of the Council's letter is outside the scope of this report.

2 Site Context

2.1 Location

The site is known as Areas 13, 14 and 15 within the St Leonards South Precinct and in the Lane Cove Local Government Area (LGA). St Leonards is located 6km north of the Sydney CBD. 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.

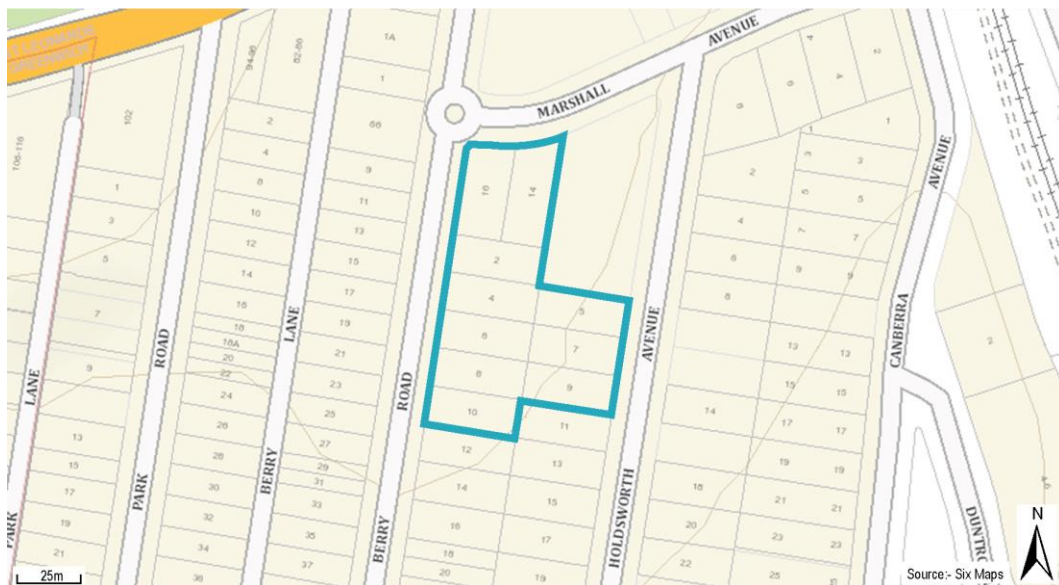


Figure 1 Site Location. Source Sixmaps.

2.2 Site Description

The Site comprises 10 allotments as described in the table below and shown in **Figure 2**.

Property Address	Lot / DP
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

2 Site Context

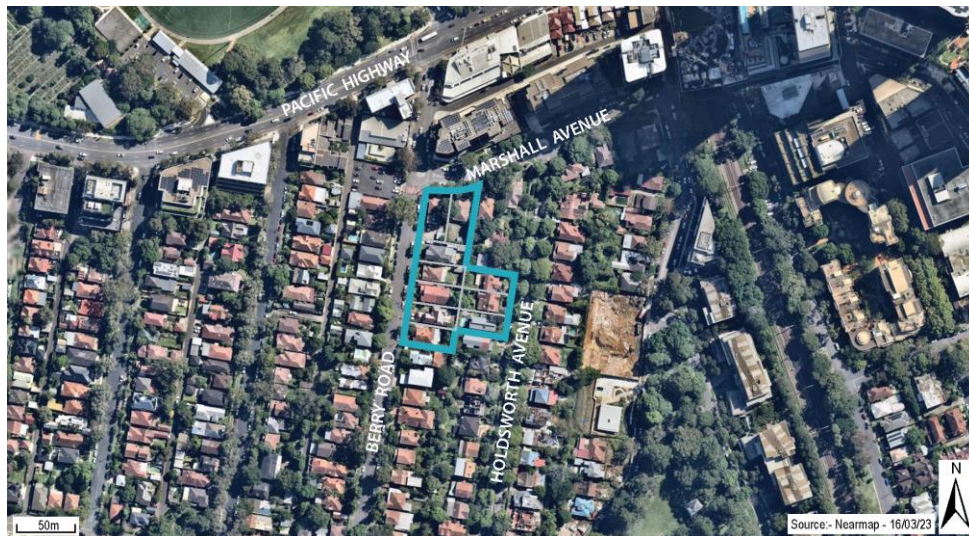


Figure 2 Site Context. Source Nearmap.

2.3 Surrounding Context

The existing area, south of Marshall Avenue extending to River Road and west of Berry Road, is characterised by low density tile roofed single dwellings with mature trees in rear gardens. Holdsworth Avenue is lined by street trees. To the north of Marshall Avenue up to the Pacific Highway, multi-storey commercial buildings have been in place for many years.

2.4 Future Character

The area has been designated as a key site in *Lane Cove Local Environmental Plan 2009*. The subject site comprises Areas 13, 14 and 15 within the St Leonards South Precinct.

The area is in a state of transition from low density single dwelling development to multi storey residential apartments.

The nature of the future scale and character of the St Leonards South Precinct will be determined by the provisions of the St Leonards South Development Control Plan which sets out the structure, circulation networks and built form for the area.

3 Planning Framework

The relevant sections of the St Leonards South Development Control Plan are set out below. The urban design response based on the design by PTW Architects is discussed in Section 5 with respect to these controls.

3.1 St Leonards South Development Control Plan

The DCP objectives for the St Leonards South Precinct are stated as follows:

2.1 OBJECTIVES

1. To create a highly liveable transit-orientated residential precinct that integrates with St Leonards Station and proposed over-rail public plaza that encourages community interaction, walking, cycling and use of public transport.
2. To ensure that all new development will achieve design excellence, as well as providing suitable transition and interfaces to adjoining zones and open space.
3. To provide a variety of housing (including affordable housing) that is sustainable, provides housing choice and that meet the needs of residents including access to community facilities.
4. To minimise traffic impacts within the precinct and to and from Pacific Highway and River Road.
5. To facilitate a new, accessible network for pedestrians, cyclists and families that integrate and connect to functional community infrastructure and open space.
6. To create an accessible, well-designed public open space network that provides a variety of recreation spaces (active and passive) and communal open space that is functional and shared by residents.
7. To create a Low Carbon Precinct that delivers sustainable and efficient buildings that provide energy, water and waste efficiency.

Figures 3 and 4 illustrate the location of and a cross section through the proposed pedestrian link.

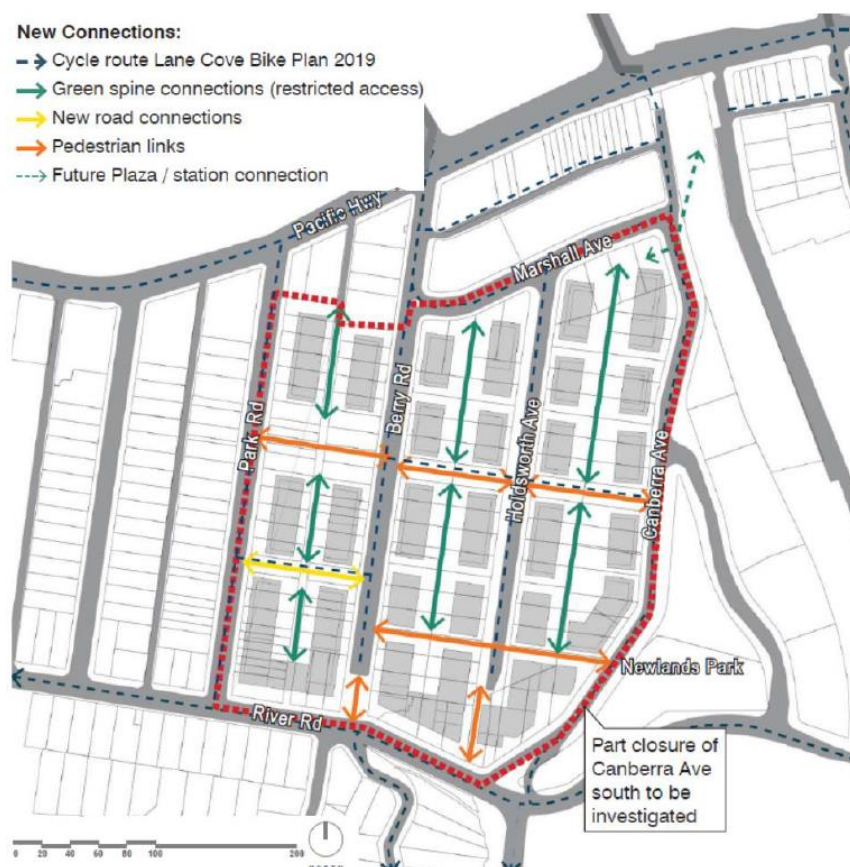


Figure 8.4: Access Network

Figure 3 Precinct circulation plan. Source St Leonards South DCP.

3 Planning Framework

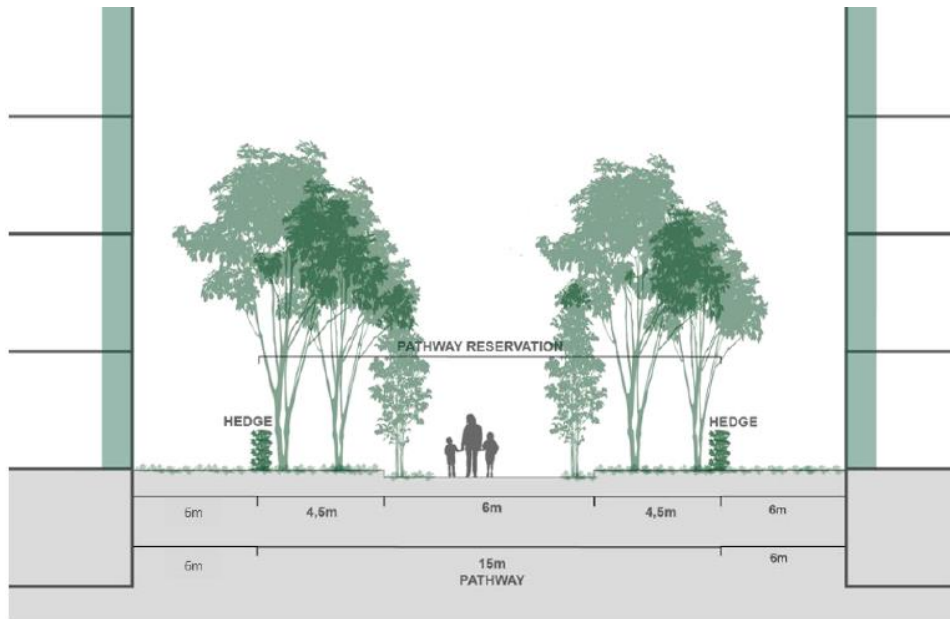


Figure 8.5 (b): Section - New E-W Path

Figure 4 Section through pedestrian link. Source St Leonards South DCP

The blue lines in **Figure 5** identifying the setback controls as type F nominating the setbacks as 6 metres at park level and an additional 3 metres above level 5.



Figure 8.9 Building Setbacks / Building Depth

Figure 5 Building setbacks plan. Source St Leonards South DCP

4 State Environmental Planning Policy 65 and the Apartment Design Guide

4.1 State Environmental Planning Policy Design Quality Principles

The relevant sections of State Environmental Planning Policy 65 are set out below. The urban design response in the design by PTW Architects is discussed in Section 5 with respect to these provisions.

The relevant design quality principles with respect to the southern setback of the buildings are;

Principle 1: Context and neighbourhood character:

Good design responds and contributes to its context. Context is the key natural and built features of an area, their environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

*Consideration of local context is important for all sites, including sites in established areas, those undergoing change **or identified for change**.*

Principle 2: Built form and scale.

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Principle 5: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, microclimate tree canopy, habitat values and preserving green networks.

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

4.2 Apartment Design Guide

The relevant sections of ADG are set out below. The urban design response in the design by PTW Architects is discussed in Section 5 with respect to these provisions

The provisions of the ADG relevant to the concern about setbacks raised by the Council in the letter dated 19 August 2022 are Part 2F – Building Separation and Part 3F - Visual Privacy.

The aims of Part 2F are:

- *ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings*
- *assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook*
- *provide suitable areas for communal open spaces, deep soil zones and landscaping.*

The key consideration in setting building separation controls is:

4 State Environmental Planning Policy 65 and the Apartment Design Guide

Minimum separation distances for buildings are:

Up to four storeys (approximately 12m):

- 12m between habitable rooms/balconies
- 9m between habitable and non-habitable rooms
- 6m between non-habitable rooms

Five to eight storeys (approximately 25m):

- 18m between habitable rooms/balconies
- 12m between habitable and non-habitable rooms
- 9m between non-habitable rooms

Nine storeys and above (over 25m):

- 24m between habitable rooms/balconies
- 18m between habitable and non-habitable rooms
- 12m between non-habitable rooms

Objective 3F-1 and the associated Design Criteria are stated as follows:

Objective 3F-1

Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy

Design criteria

1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

Building height	Habitable rooms and balconies	Non-habitable rooms
up to 12m (4 storeys)	6m	3m
up to 25m (5-8 storeys)	9m	4.5m
over 25m (9+ storeys)	12m	6m

Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)

Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties

5 Discussion

5.1 Introduction

The following subsections discuss the performance of the proposed southern setbacks of the buildings with respect to the relevant provisions of the documents referred to in Sections 3 and 4.

5.2 The Proposed Setback

The residential flat buildings on areas 14 and 15 are set back 6 metres from the southern boundary over the ten-storey height. The context, set by the structure plan in the St Leonards South Development Control Plan, is that the southern boundary has an interface with the 15-metre wide east-west pedestrian link shown in Figures 6.4 and 8.5 of the Development Control Plan.

Therefore, the context is different to the more usual arrangement where two buildings are separated within the same site or across a common boundary and more like a situation where a building fronts onto a thoroughfare such as a road.

5.3 Response to SEPP 65 Design Quality Principles 1 and 2.

The proposed development responds well to Design Quality Principle 1. The context will be determined by achievement of the vision for the St Leonards South Precinct. It is consistent with the pattern of built forms set out in the structure plan and provides the required landscape spine.

With respect to Design Quality Principle 2 the St Leonards South Precinct Development Control Plan establishes clear parameters for built form in new development within the St Leonards South Precinct. The heights of the buildings comply with the heights set by the Development Control Plan. Distribution of built forms on the site and provision of communal open space and landscaping are also consistent. The relationship of built forms along the pedestrian link to the spatial characteristics of the pedestrian link would not be adversely impacted by the proposed 6-metre setback for the whole southern façade. There is scope for some variation in setbacks that would not diminish the legibility of the 15-metre-wide landscaped pedestrian space. The application was found to be satisfactory in all respects discussed in the Council's letter dated 19 August 2022 except for the setbacks at the south boundary of the site.

5.4 Consistency with Parts 2F and 3F of the Apartment Design Guide

Figure 6 demonstrates the separation between buildings across the pedestrian link assuming similar setbacks on Areas 16 and 17 and compares the setback as proposed in the proposed development (blue line) with the setback as requested in the Council's letter dated 19 August 2022 (red line).

5 Discussion

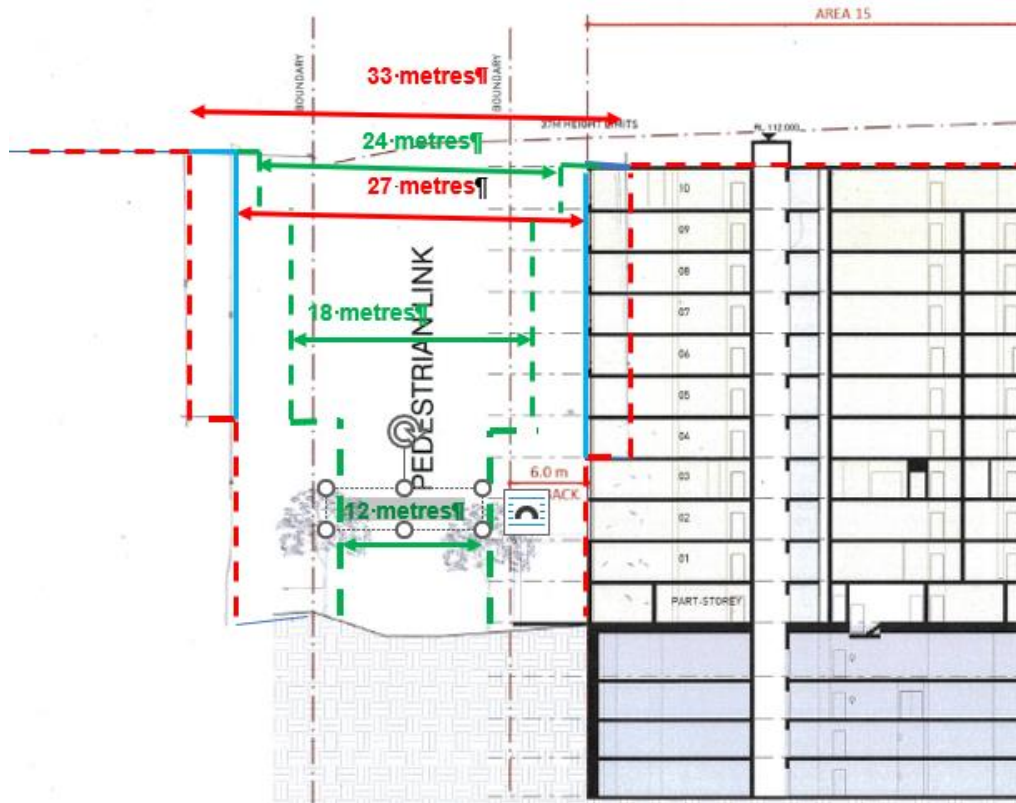


Figure 6 Section across pedestrian link illustrating proposed setbacks and setbacks requested by the Council

The Council's requested setback would be consistent with the ADG separation distance required if there was not a 15-metre-wide pedestrian link between the proposed building and an equivalent 10 storey building to the south side of the link.

If the buildings were on the same site or on adjacent sites, the ADG separation between habitable rooms or balconies for the first four storeys would be required to be 12 metres, 18 metres above four storeys and 24 metres above nine storeys as shown by the green lines. Because the sites are separated by a 15-metre pedestrian link, the pedestrian link itself provides sufficient separation distance between areas 14 and 15 and areas 16 and 17. Therefore the additional 3-metre setback above level 5 is not required to comply with ADG separation distances.

The setbacks that would be achieved between the blue lines above are 27 metres over ten storeys. A 27-metre setback significantly exceeds the setbacks nominated in Parts 2F and 3F of the ADG up to four storeys and up to nine storeys and is 3 metres more than is required between buildings above nine storeys.

Part 2F seeks to achieve a balance between built form and space between buildings. The proposed 27-metre separation between the proposed buildings and similar buildings that would be expected on the sites to the south of the pedestrian link reserve will achieve the aims of Part 2F. The separation distance comprising 6-metres on the subject site and the sites to the south together with the 15-metre width of the pedestrian link will provide generous building separation and public amenity with deep soil allowing quality landscaping and design for pedestrian movement east-west. Note: the current application for areas 16 and 17 proposes setbacks much less than 6-metres as discussed in Section 6. Setbacks of 6-metres both sides of the pedestrian link would not diminish its spatial qualities, whereas the proposed setbacks for areas 16 and 17 would. Visual and acoustic privacy will easily be achieved, providing pleasant outlooks from within the apartments. The 6-metre setbacks to the boundaries on sites flanking the pedestrian link provide deep soil and areas for private open space at ground level.

5 Discussion

Part 3F seeks to address visual and acoustic privacy. While the table in Objective 3F-1 sets out dimensions from boundaries, it is implicit that any development on an adjacent site will also provide the required setback. **Figure 6** assumes that the facing rooms on either side of the 15-metre pedestrian link will be habitable. Therefore a 27-metre separation distance will comfortably exceed the setbacks required in Part 3F.

5.5 Interface with the Pedestrian Link

The proposed development presents two built forms, each 20 metres wide and separated by a landscaped space communal open space 24 metres wide. This equates to 56% of the width of the site. The 24-metre-wide landscaped green spine between the buildings and their spatial separation will present an attractive edge to the pedestrian link admitting sunlight and air flow. The design responds well to: Part 3C of the ADG—Public Domain Interface and Design Principal 5 – Landscape in SEPP 65 in its relationship to the pedestrian link; Design Principle. By providing windows and balconies overlooking the pedestrian link there is excellent potential for passive surveillance and safety for pedestrians using the link consistent with Design Principle 7 of SEPP 65.

It is important that the legibility and spatial awareness in the pedestrian link should be maintained. People using the landscaped link will perceive the lower levels of the bordering buildings more than the upper levels, which would be partially obscured by trees. The proposed 6-metre setback up to level 5 in Areas 14 and 15 is consistent with the South St Leonards DCP. The lower part of the buildings will be more noticeable to users of the pedestrian link than the setback of levels above level 5. It is an appropriate urban design response.

At page 5 of the minutes of NSROC Design Excellence Panel on 9 November 2022, the panel expressed concern about the proposed reduced northern setbacks of 1.38 metres for the proposed development for Areas 16 and 17 in the following terms:

Further development of the east-west pedestrian link's broader public role should be considered, particularly given the significant change proposed to the overall master plan as a result of the reduced building setbacks to the northern boundary. The Panel is concerned that the current 'zig zag' arrangement is not consistent with a precinct wide approach and reduces the legibility of the east-west link.

This concern cannot be directed at the subject development, which conforms to the spatial arrangement of built form to landscaped pedestrian space that the DCP seeks to achieve. It will not contribute to a "zig zag" arrangement, whereas the approved and proposed developments on Areas 5 and Areas 16 and 17 would.

6 Other Applications in St Leonards South Precinct Bordering the Pedestrian Link

6.1 Area 5 - 13-19 Canberra Avenue

The drawings for the residential flat development on Area 5 at 13-19 Canberra Avenue by SJB, Revision 45 dated 29 April 2022, which was approved on 27 June 2022, have also been reviewed. The site is on the north side of the pedestrian link to the east of the subject site. The Area 5 project has a southern setback of 3 metres across all levels. The determination states that the “minor non-compliances with the setback controls are offset by design excellence”.

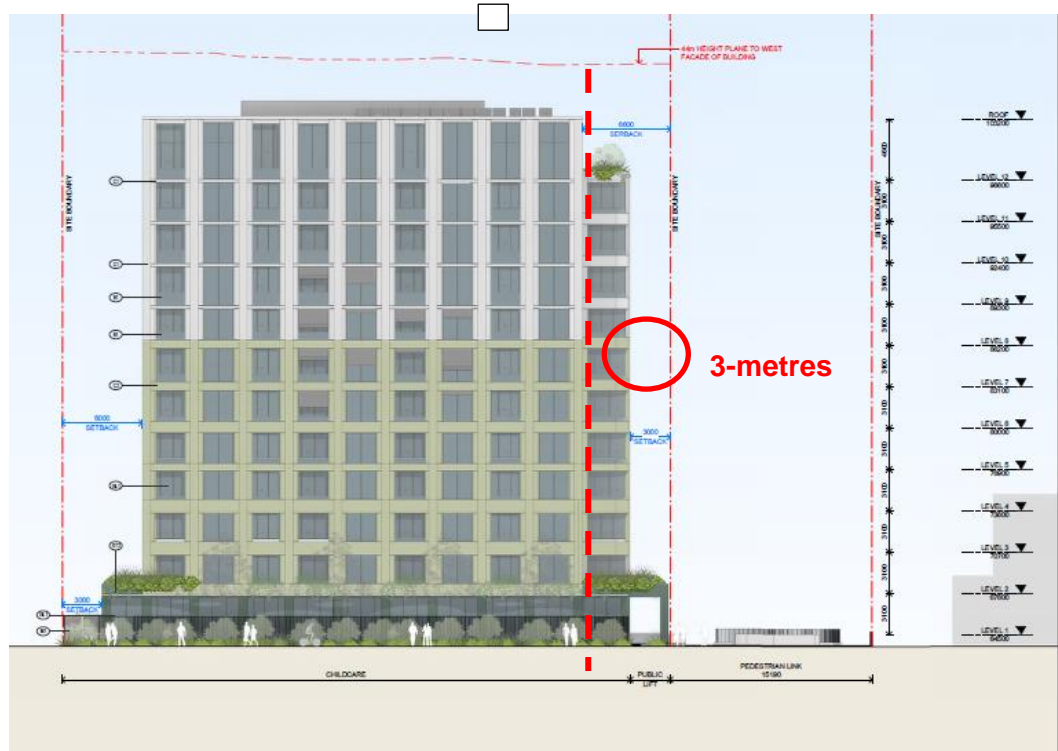


Figure 7 West elevation showing the proposed building and pedestrian link illustrating 3 metre southern setback. Source: Drawing DA 2405, SJB 29 April 2022.

The 3-metre setback brings the building much closer to the pedestrian link than the 6 metres proposed in the Areas 13 -15 proposal (shown by the red line in **Figure 7**). The southern building massing would impose on the pedestrian link space much more than a 6-metre setback.

Area 5 is subject to the same set of controls as the subject site. However, the setbacks of approved DA are nil at ground level and 3-metres above ground level. By approving the significantly reduced setbacks the determining authority has abandoned the DCP control based on the merits of the proposed reduced setbacks. This being the case, there is greater merit in the 6-metre setback of the proposed development on areas 14 and 15 which achieves significantly larger setbacks than required by the ADG. The 3- metre variation from a 9-metre setback above level 5 would produce negligible differences in amenity across the pedestrian link in terms of overshadowing, privacy and spatial quality and thus good urban design outcome in terms of built form to open space.

6.2 Areas 16 & 17 12-20 Berry Road and 11-19 Holdsworth Avenue.

The drawings by Sylvester Fuller, Revision A, dated 14 June 2022 for the residential apartment development on Areas 16 and 17 opposite the subject site on the southern side of the pedestrian link have been reviewed. The setback controls (Type F) are the same as for the subject development - 6 metres to Level 5 and 9 metres above Level 5.

5 Other Applications in St Leonards South Precinct Bordering the Pedestrian Link

The proposed setback to the north elevation structural elements is 1.38 metres at courtyard level to Level 4 and part Level 5 and 4.3 metres above Level 5. The overall average setback across all levels is 2.8 metres. These setbacks are significantly non-compliant with the DCP setback control Type F.



Figure 8 Section AA through the proposed building and pedestrian link illustrating proposed northern setbacks. Source: Drawing DA_A-310-001, Sylvester Fuller 14 June 2022.

Figure 8 compares the proposed setbacks for Areas 16 and 17 with the 6-metre setback proposed for Areas 14 and 15 in red line. The green line depicts the additional 3-metre setback above level 5 in the DCP. The minutes of the meeting of NSROC Design Excellence Panel of Lane Cove Council on 9 November 2022 address the matter of the reduced setbacks, which it supports, under Section 4.2.2 under Design Principle 2 – Built Form and Scale in SEPP 65 as follows:

Building setbacks

The DCP applies a 6m setback from the northern façades to the boundary of the east-west pedestrian link, while the proposal is for an approximately 1.38m setback. While other developments fronting such open spaces within the precinct generally comply, the Panel considers the non-compliance is acceptable in this case because:

- *the setback is on the south side of the east-west pedestrian link and therefore not over-shadowing public space,*
- *the proposal provides for visual and physical activation of most of the southern edge of the east-west pedestrian link through the location of the community space, childcare centre, and the north-south communal open space,*
- *the proposal provides publicly accessible pedestrian amenity and building entrances to the northern facades and*
- *the maximum FSR would otherwise be an unreasonable shortfall.*

If these setbacks apply, the type of separation between buildings across the pedestrian link incorporating the proposed development as envisaged by the DCP shown in **Figure 6** could not be achieved. Furthermore, the closeness of the facades in Areas 16 and 17 to the north boundary result in almost no setback from the area meant to be enjoyed by the public and no landscaping to soften the dominance of the built form.

Agreement to such significant non-compliance with the Type F setback controls sets a precedent that, if followed, would severely undermine the St Leonards South DCP.

By comparison, the southern setbacks proposed for the subject development would not adversely affect the sense of space and landscape setting of the pedestrian link and provide a far better planning and ground level outcome than the proposed development on Areas 16 and 17.

7 Conclusions

This urban design analysis of the proposed southern setbacks of the proposed development finds that, due to the unique circumstances of the site, considering the generous 15-metre-wide pedestrian link reserve, the proposed 6-metre southern setback of the proposed development is sufficient to provide an overall building separation that exceed the separation distances required by Parts 2F and 3F of the Apartment Design Guide under SEPP 65.

It is noted that much more significant departures have been approved for the development on Area 5 and supported by the Council's design panel on Areas 16 and 17. The proposed development for Areas 13,14 and 15 is a better planning outcome and public amenity outcome than the developments for Areas 5, 16 and 17. The proposed 6-metre setback produces a legible relationship between built form and the landscaped open space of the pedestrian link without compromising amenity. An additional setback of 3-metres above level 5 would be perceived as marginally different from the pedestrian link and from the future development on areas 16 and 17.

While the circumstances of an interface with a 15 metre wide pedestrian reserve are not anticipated by Parts 2F and 3F of the ADG, **Figure 6** demonstrates that the objectives for building separation and privacy can be comfortably met by a 6-metre setback at the southern boundary of the subject site. Given the significant non-compliances supported on Area 5 and areas 16 and 17, it is unreasonable and unnecessary to strictly impose the setbacks of the Apartment Design Guide and the St Leonards South Development Control Plan on the subject development proposal.