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General Manager
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ADDENDUM STATEMENT OF ENVIRONMENTAL EFFECTS FOR DA33/2024 13-19 Canberra Avenue, St Leonards

We act as town planning consultants for the owners of Nos. 13-19 Canberra Avenue, St Leonards (the 'site'). A Development Application ('DA') was recently lodged under DA33/2024 with Lane Cove Council ('Council'), seeking consent for alterations and additions to an approved mixed-use development, involving the addition of five storeys, twenty four apartments and twenty-five parking space, in accordance with *Division 1 In-fill affordable housing* of the *State Environmental Planning Policy (Housing) 2021* ('Housing SEPP').

This addendum Statement of Environmental Effects ('addendum Statement') has been prepared in accordance with the amended Architectural Plans prepared by *SJB Architects* and *Hyecorp Property Group* (dated 07/06/2024). The subject amendments are required as the most recent Section 4.55(2) Modification Application to the approved mixed-use development on-site (DA162/2021), was upheld by the Land and Environment Court ('LEC'). The extent of amendments are minor and generally descriptive in nature, as discussed below. Additional minor changes are also proposed to the childcare centre, following correspondence between the Applicant and Council staff.

The objective of this application is to provide for affordable housing through alterations and additions to the approved development. This will provide a high level of community benefit through delivering much needed affordable housing, in addition to the dedication of the childcare centre, community centre and pedestrian walkway as originally approved under DA162/2021.

Background

This application seeks approval for alterations and additions to the approved mixed-use development on-site, in accordance with Section 4.17 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), as addressed in the original Statement of Environmental Effects ('original Statement').

The original development approved on the subject site under DA162/2021 was for the '*demolition of existing structures and 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*'. DA162/2021 has been modified a number of times since the initial approval. Most recently, DA162/2021 was modified through a Section 4.55(2) which sought consent for '*internal changes and an additional storey*'. This application was upheld by the LEC on 28 May 2024 and therefore supersedes the previous iteration of DA162/2021. It is noted that DA162/2021, as most recently modified, provides for 81 apartments, including 26 x 1 bedroom, 24 x 2 bedroom, 29 x 3 bedroom and 2 x 4 bedroom apartments. All other components of the approved development, including the childcare centre, green spine, through-site link and the like, were unchanged.

As a result, the subject application (DA33/2024) must be amended to reflect the changes made to DA162/2021 through the approved modification application. In addition, correspondence has taken place between the Applicant and Council in relation to the proposed development and have resulted in additional minor amendments, as discussed below.



Proposed Amendments

The subject proposal (as amended) seeks consent for *'alterations and additions to an approved mixed-use development (DA162/2021) involving the addition of four storeys, twenty-one apartments and twenty-six parking spaces within the basement levels in accordance with Division 1 In-fill affordable housing of Housing SEPP'*. Specifically, the proposed amendments include:

- Descriptive changes to floor plans;
- Descriptive changes to elevations and sections showing the envelope of the development as most recently approved;
- Minor changes to basement layout, including 1 additional residential space in Basement Level 03 resulting in 102 spaces; and
- Minor changes to the childcare centre layout, as a result of operator requirements, including;
 - Door types;
 - Additional openings provided to outdoor play area;
 - Modification to location of partition walls and staff rooms;
 - Changes to kitchen, laundry and cot room; and
 - Specifications for fixtures and fittings.

It is imperative to note that the majority of changes are descriptive in nature and the development will be consistent with that originally proposed. Where there are physical changes to building design, these are minor and do not result in any adverse impacts.

In total, the development (as originally proposed) will provide for a total of 102 apartments, including 1 x studio, 33 x 1 bed, 25 x 2 bedroom, 42 x 3 bedroom and 1 x 5 bedroom apartments. When compared to the recently approved modification, the development will provide for four additional storeys, including 22 additional apartments, and seeks to combine two apartments on the ground level to provide a resultant total of 21 apartments throughout the entire development. This will include 23 affordable housing apartments, as set out in the original Statement of Environmental Effects.



The revised basement parking will provide 26 additional parking spaces within the existing basement footprint, to provide for a total of 102 resident and 17 resident visitor spaces.

Consistent with the approval for the broader Area 5 development under DA162/2021, strata subdivision of apartments is proposed. A Strata subdivision certificate will be obtained prior to the issue of the occupation certificate for the development.

Compliance Assessment

The proposed amendments do not alter the numerical compliance of the development with regards to the following:

- *State Environmental Planning Policy (Housing) 2021;*
- *Apartment Design Guide;*
- *Lane Cove Local Environmental Plan 2009;* and
- *Lane Cove Development Control Plan 2009.*



As such, the compliance tables contained within the original Statement remain relevant to the amended proposal. It is noted that the proposal will involve minor internal amendments to the layout of the approved childcare centre. The relevant planning controls are therefore discussed below.

Lane Cove Local Environmental Plan 2009

The proposed amendments do not alter the maximum building height and floor space ratio proposed as part of the original package. Whilst the building height is unchanged, the proposed increase is now four storeys (as opposed to five) and gross floor area increase is 2,902m² (as opposed to 3,045m²). However, and as detailed, this does not alter the overall maximum building height and floor space, which complies with the incentive development standards and Housing SEPP bonuses when assessed against the existing ground level which applied at the time DA162/2021 was approved.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 3 Educational establishments and childcare facilities applies to the proposed amendments as they will seek to make minor alterations to the layout of the childcare centre. In this regard, the proposed works will continue to meet the definition of a centre-based childcare facility and will continue to meet the minimum indoor and outdoor unencumbered space requirements as set out by the *Education and Care Services National Regulations*. The proposal is therefore acceptable in this regard.

Child Care Planning Guidelines

As set out above, the proposed amendments are minor and do not alter the assessment and conclusions made in the originally approved development application, as they pertain to the *Child Care Planning Guidelines*. The minor internal layout amendments do not result in a development which is inconsistent with the locational, character, design, amenity or traffic requirements as set out under *Section 3 Matters for Consideration* of the Guidelines. The proposal is therefore acceptable in this regard.

Environmental Planning and Assessment Regulations 2021

The proposed amendments have been made pursuant to *Clause 37 Amendment of development application* of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulations), which stipulates the following:

- (1) *An applicant may, at any time before a development application is determined, apply to the consent authority for an amendment to the development application.*
- (2) *The application must be made on the NSW planning portal.*
- (3) *If the application relates to State significant development—*
 - (a) *the application must be in the approved form, and*
 - (b) *the applicant must have regard to the State Significant Development Guidelines in preparing the application.*

(4) If the amendment relates to a BASIX certificate that accompanied the original development application only, the development application may instead be amended by submitting on the NSW planning portal—

(a) a new BASIX certificate to replace the current BASIX certificate for the original development application, or

(b) if a new document is required or a document that accompanied the original development application requires amendment—the new or amended document.

(5) If the amendment will result in the development differing materially from the description contained in the BASIX certificate that accompanied the original development application, the application must be accompanied by a new BASIX certificate that takes account of the amendment.

(6) If the amendment will result in a change to the development, the application must contain details of the change, including the name, number and date of any plans that have changed, to enable the consent authority to compare the development with the development originally proposed.

(7) A requirement to use the NSW planning portal under this section does not apply if the development application is subject to proceedings in the Court.

The amended DA will be made onto the Planning Portal, thereby satisfying Clause 37(2). As described, amended architectural plans have been prepared by *SJB Architects* and *Hyecorp Property Group* and are submitted with this application.

Following the above, *Clause 38 Determination of application for amendment of development application* of the EP&A Regulations states the following:

(1) The consent authority may, through the NSW planning portal, approve or reject an application for an amendment to a development application submitted under section 37.

(2) If the consent authority approves the amendment, the development application is taken to be lodged on the day on which the applicant applied for the amendment if the consent authority—

(a) considers the amendment not to be minor, and

(b) notifies the applicant, through the NSW planning portal, that the later day applies.

(3) If the consent authority approves an amendment to a development application for integrated development or development requiring concurrence, the consent authority must, as soon as practicable after approving the amendment, give a copy of the amended development application to the approval body or concurrence authority through the NSW planning portal.

(4) A requirement to use the NSW planning portal under this section does not apply if the development application is subject to proceedings in the Court.

In accordance with the above, we respectfully request that Council formally acknowledge acceptance of the amended Development Application within 14 days from the date of this Letter.

Conclusion

This addendum Statement has been prepared to notify Council of the changes proposed in response to the most recently approved modification application for DA162/2021. For the reasons discussed in this addendum and the original SEE prepared by *Planning Ingenuity*, the proposed development is considered to be satisfactory against the



relevant planning controls and/or their objectives, will not have an adverse impact on character of the area and amenity of adjoining properties, is in the public interest and worthy of Council's support.

We trust the above is self-explanatory. Should you have any questions relating to this correspondence or the DA matter in general, please feel free to contact the undersigned to discuss.

Yours faithfully,
Planning Ingenuity Pty Ltd

Jeff Mead
MANAGING DIRECTOR

