

# HYECORP

DA33/2024 Alterations and additions to  
development approved under DA162/2021  
Response to submissions

Site: 13-19 Canberra Ave, St Leonards NSW 2065

June 2024

**ABBREVIATIONS**

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Applicant	HPG General Pty Ltd
Council	Lane Cove Council
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
LCLEP 2009	Lane Cove Local Environmental Plan 2009
LCDCP 2009	Lane Cove Development Control Plan 2009
SEPP	State Environmental Planning Policy
Site	13-19 Canberra Ave, St Leonards NSW 2065

Version	Date	Status
1.0	13 June 2024	DA

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## 1. OVERVIEW

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This report provides a response to submissions received by Council during the notification period for DA33/2024.

DA33/2024 was lodged with Lane Cove Council on 23 April 2024. It seeks consent for alterations and additions to a mixed-use development approved under DA162/2021. It relates to a site at 13-19 Canberra Ave, St Leonards, known as Area 5 within the St Leonards South Precinct.

Notification of the DA extended from 29 April 2024 to 25 May 2024. A total of 18 submissions were received by Council - 17 objecting to the application and 1 in support. The matters in the submissions are broadly summarised as follows:

- Overshadowing of Newlands Park and neighbouring buildings
- Excessive height
- Loss of views
- Quality and cost of proposed affordable housing units
- Traffic impacts
- Compliance with applicable legislation and controls
- Additional construction impacts (noise and dust)
- Impact on community facilities

Our response to the submissions is provided below.

### Overshadowing

Specific concerns have been raised in connection with shadow impacts on Newlands Park and existing buildings on Duntroon Avenue. The proposal involves an increase in the height of the approved building and additional overshadowing is therefore expected. The extent of overshadowing has been carefully managed through the massing of these upper levels with the bulk of the building pushed to the north. Shadow diagrams illustrating the potential shadows during the mid-winter period have been included in our DA package. These diagrams represent a worst-case scenario.

It is relevant to note that shadows arising from existing mature trees within Newlands Park and the surrounding streets have not been included in the analysis but cast significant shading over much of the park throughout the day and similarly cast shadows over the buildings on Duntroon Avenue in the afternoon period.

Some additional shadowing will occur to Newlands Park in the early afternoon as a result of the proposed development. Importantly, shadows extending from the proposed development do not extend to the playground and picnic area within Newlands Park.

As illustrated in the shadow diagrams accompanying the DA, the additional shadowing to the buildings on Duntroon Avenue arising from the development are limited to the late afternoon, mid-winter period. The additional shadows cast to east of the development (towards Duntroon Avenue) extend to frontage of two buildings at 3pm during the winter solstice period. 2 Duntroon Avenue is not affected by the proposal.

## Excessive Height

The proposed building height is entirely consistent with scale of buildings in the surrounding area and while it is acknowledged that the proposal departs from the envisaged height of Area 5 under the DCP the development remains consistent with the envisaged character of the Precinct. The stepped height of buildings from north to south is maintained, with the Area 5 building remaining subservient in scale to Areas 1-4.

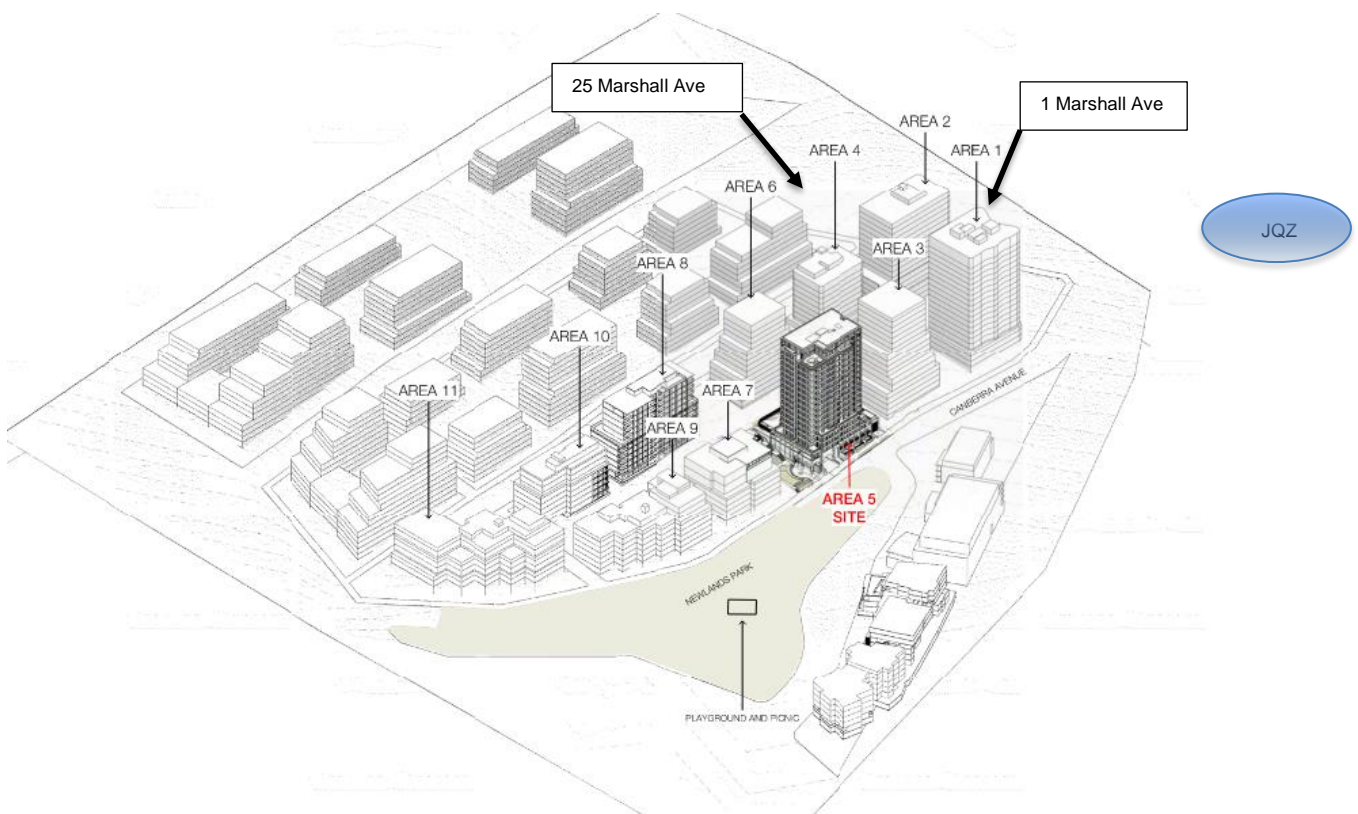
Building height has been calculated in accordance with the provisions of LCLEP.

## View Impacts

Concerns have been raised regarding loss of views from existing buildings to the north of the Precinct on Marshall Avenue and the Pacific Highway (JQZ building). These buildings are separated from the subject site by Areas 1 and 4. The allowable building height for Area 1 (19 storeys) exceeds the height of the proposed development and given the sloping nature of the site this building will obstruct views of the Area 5 building when viewed from 1 Marshall Avenue and the JQZ building. Development has been approved on Area 1 and construction of the building has commenced.

1 Marshall Avenue is a 6-7 storey development, therefore view impacts arising from the proposal on this building are no more significant than the originally approved 12 storey building. Additionally, 1 Marshall Avenue is situated immediately to the north of Area 4. The controls for this land parcel allow for buildings of up to 12 storeys. Development on Area 4 will obstruct views of Area 5 when viewed from 1 Marshall Avenue.

Accordingly, it is not anticipated that the proposal will result in additional view loss to these buildings.



**Figure 1: St Leonards South Precinct Future Building Forms**

## Affordable Housing

Affordable housing is housing available to very low to moderate income households which is priced so that these households are also able to meet basic living costs such as food, clothing, transport, energy, medical care and education. This type of housing is available to rent through registered community housing providers.

The proposal is underpinned by the opportunity to provide new affordable housing opportunities within the St Leonards South Precinct. The Precinct is ideally located to provide affordable housing for key workers employed at Royal North Shore Hospital. It is also well located for access to excellent public transport services and established services and facilities.

The proposal involves the dedication of 23 apartments as affordable housing. These affordable housing units are of the same design and standard as those that will be for sale within the development. All units comply with the provisions of SEPP65 and in most cases exceed these requirements. Affordable housing will be provided in accordance with the requirements of the Housing SEPP which includes the following key elements:

- The affordable housing units will be available to rent to very low income households, low income households or moderate income households as defined in the Housing SEPP.
- The units will be managed through a community housing provider for a period of 15 years.

It is anticipated that a condition to this effect will be included within any consent for the proposal.

## Traffic Impacts

The DA is accompanied by a traffic and parking assessment report. Parking is proposed entirely in accordance with the applicable controls. 102 residential parking spaces will be provided within the development's basement areas. No changes to the parking provision for the non-residential uses contained within the development are proposed by this application. The traffic generated by the proposal remains entirely within the levels expected by Council's traffic modelling for the Precinct. The proposal itself is expected to generate only minor cumulative traffic impacts.

Closure of Canberra Avenue is beyond the scope of the DA and is a matter for Council and the relevant authorities to address.

## Compliance with applicable controls

The DA is accompanied by a comprehensive suite of supporting documents that address compliance with the relevant policies and controls. In response to specific concerns raised in the submissions the following points are noted:

- Housing SEPP: The proposal has been lodged with Lane Cove Council pursuant to Chapter 2 of the State Environmental Planning Policy (Housing). The SEPP allows for bonus height and floorspace to be developed on a site, over and above the height and floorspace controls specified in the applicable Local Environmental Plan (LEP), where a minimum level of affordable housing is provided within a development. Application of the provisions is not dependent on a minimum development cost.
- BASIX: An updated BASIX certificate to address the additional units has been included in the DA submission.

- SEPP65: The development complies with the requirements of SEPP65 and achieves a high level of compliance with the Apartment Design Guidelines. No changes to setback requirements to the lower levels of the approved building are required as a result of the proposed increase in the height of the building.

### **Construction Impacts**

A construction certificate for works associated with DA162/2021 has been issued and works have commenced. Demolition has been completed and excavation to create the basements for the development is underway. These works are being completed in accordance with the applicable conditions set out in DA162/2021. All site works are being completed in accordance with the approved Construction Environmental Management Plan prepared for the development as required under Condition B18 of DA162/2021. The proposed development forms an extension of this development, and the associated works will be managed in line with the procedures and processes already in place at the site. Construction impacts arising from the development will be carefully managed to minimise impacts on adjoining developments.

### **Impact on Community Facilities**

No changes to the east-west pedestrian link or community centre to be provided under DA162/2021 are proposed by this application. Minor changes to the childcare centre are proposed to ensure that the fit out of the centre aligns with the operator's requirements.

## **2. CONCLUSION**

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The subject proposal provides an invaluable opportunity to deliver new affordable housing opportunities to the area in the short term. This is achieved without compromising the amenity of the approved building, the surrounding Precinct or broader St Leonards area.

The application has demonstrated consistency with the provisions of the Housing SEPP, SEPP65 and LCLEP 2009. There would be continued compliance with the unit mix, solar access, cross ventilation, adaptable apartment, and car parking requirements applicable to the development.

In the context of the approved development and the emerging high-density context of the St Leonards South Precinct, the proposal will result in minor environmental impacts. Accordingly, we request that Council recommend approval of the application without modification.