

Subject	Briefing Note to Sydney North Planning Panel
Property	12 Marshall Avenue, St Leonards
Description of Proposal	Alterations and additions to the previously approved part 10 and part 12 -storey residential flat building including the construction of four additional storeys providing a total of 24 additional apartments (120 apartments total) with 21 additional apartments devoted to affordable housing accommodation, and the expansion of the basement parking footprint of levels B4, B3, and B2, to provide an additional 36 parking spaces.
Council/Panel Application No.	DA146/2024 / PPSSNH-572
Lodgement Date	09/12/2024
Indicative Determination Date	To be determined.
Capital Investment Value	\$13,674,082.00
Applicant / Owners	Applicant: Willowtree Planning Owner: New Golden St Leonards Pty Ltd

Preface

Precinct context

The subject development is located within the St Leonards South Precinct. The planning context is provided in Annexure 2 for the benefit of the SNPP as it relates to the approved consent which the subject application would modify.

Proposal

- DA187/2021 was approved for the construction of a residential flat building comprising of 96 apartments including 2 apartments dedicated to affordable housing, basement parking, and associated landscaping (*approval summarised*);
- This approval is subject of this **alterations and additions development application**;
- The proposal seeks an uplift in density through the provision of **21 additional affordable housing apartments, in accordance with Housing SEPP 2021**;
- The provision of affordable housing enables the application to benefit from **bonuses to the building height and FSR development standards**;
- This would facilitate **4 additional levels** with 24 additional apartments;
- 21 additional affordable apartments would be located **throughout the approved development** between the Lower Ground Floor to Level 5; and
- There are other minor changes to the approved development included within the basement levels.

Reason for SNPP referral

The additional affordable housing component of the development application is over \$5,000,000.00.

1. Strategic Planning Context

A. SEPP (Housing) 2021 – In-fill affordable housing

The State Environmental Planning Policy (Housing) 2021 (Housing SEPP) was published on 26 November 2021 and aims to incentivise the supply and ensure the effective delivery of affordable and diverse housing. The Housing SEPP was amended on 14 December 2023 to further incentivise affordable housing. The relevant section of the Housing SEPP which apply to this development are:

- *Chapter 2 Affordable housing, Division 1 In-fill affordable housing; and*
- *Chapter 4 Design of residential apartment development.*

Chapter 2 Affordable housing, Division 1 In-fill affordable housing

The proposed alterations and additions seek to deliver in-fill affordable housing in accordance with Chapter 2 of the Housing SEPP. Recent reforms have sought to encourage developers to provide additional affordable housing through FSR and height bonuses. The affordable housing is to be managed by a registered community housing provider and held for a period of 15 years commencing from the issue of an occupation certificate for the development.

Developments are to provide at least 10-15% of the GFA as affordable housing to achieve 20 – 30% bonuses for height or FSR. The full 30% may not be achieved for both development standards.

Chapter 4 Design of residential apartment development - ADG

SEPP 65 – Design Quality of Residential Apartment Development has been consolidated into Chapter 4 of the Housing SEPP. Schedule 9 of the Housing SEPP 2021 includes the “Design Quality Principles” which are required to be satisfied for residential apartment developments. These design quality principles aim to ensure the high quality delivery of residential flat buildings within New South Wales.

Character as informed by the Housing SEPP

The SEPP Housing requirements override Council’s LEP and DCP controls in this context. The affordable housing and up to 30% uplift in density (building height and FSR) under the SEPP now informs the desired future character of development in St Leonards South, and more broadly throughout New South Wales.

B. St Leonards South Precinct

Precinct Background for context

The St Leonards South Precinct was brought into effect through amendments to *Lane Cove Local Environmental Plan 2009*. The vision of the St Leonards South Precinct is for a liveable, walkable, connected, safe, high density residential precinct which builds upon the transit and

land use opportunities of St Leonards and Metro Stations and commercial centre. This vision is to be delivered through the Part 7 Planning Scheme and related documents. An in-depth background of the St Leonards South Precinct has been provided in **Annexure 1**

3. Subject Site

The subject site is known as 12 Marshall Avenue, St Leonards, and has a total site area of 2,361m² (**Figure 1**). The site is known as Area 12 within the St Leonards South Precinct planning scheme and is located in the northern part of the Precinct.



Figure 1: Aerial Photograph - Subject Site Shaded Red and St Leonards South Bordered in Red (Source: Nearmaps)

4. Proposal Timeline

The relevant proposal timeline is provided in **Table 1** as follows:

Table 1 – Proposal Timeline	
Date	Description
14 October 2022	Sydney North Planning Panel {SNPP} granted approval for Development Consent DA21/187 – 12 storey residential flat building development.
20 April 2023	A S4.55 for the alterations and additions was lodged seeking approval for the modification of the basement parking levels.
26 June 2023	The S4.55 application was approved.
17 August 2023	A S4.55 for the alterations and additions was lodged seeking approval to amend apartment layout on levels 11 and 12, amend unit mix, changes to basement layout, and changes to approved below ground retaining wall
21 August 2023	The S4.55 application was approved.
27 November 2023	A S4.55 for the alterations and additions was lodged seeking approval to reduce the basement levels, increase the basement level setbacks, and alter the landscaping plan.
26 February 2024	The S4.55 application was withdrawn.
17 April 2024	A S4.55 for the amendment of the conditions of consent was lodged.
19 April 2024	The S4.55 application was approved.
24 June 2024	A S4.55 for the alterations and additions including minor internal and external modifications between the basement level to the roof level.
4 July 2024	The S4.55 application was approved.
22 August 2024	A S4.55 for the alterations and additions including the removal and replacement of a tree.
23 August 2024	The S4.55 application was approved.
9 December 2024	The subject Development Application lodged.
13 January 2025	Public notification of the Development Application finished.
29 January 2025	Briefing of the Sydney North Planning Panel.
Date to be set	Determination by the Sydney North Planning Panel.

5. Proposal

The Development Application is for the construction of a residential flat building (16 storeys and 14 storeys) comprising a total of 120 apartments including 21 additional infill affordable housing apartments (2 previously approved) in accordance with the SEPP Housing 202 and basement parking for 146 vehicles.

The subject development application seeks consent the following works:

- The dedication of 23 affordable housing apartments throughout the development;
- The basement Level configurations amended, and the eastern setback increased to provide an additional 25 parking spaces;
- The construction of 4 additional storeys known as Levels 11 – 14:
 - Each Level would accommodate 6 apartments with 2 two-bedroom, 3 three-bedroom, and 1 four-bedroom apartments; and
 - The relocation of the communal open space area to Level 15.



Figure 2: Perspective (Source: Plans)

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12 Marshall Avenue, Lane Cove



Figure 3: Proposed Additional Levels in Red (Source: Plans)

A. Key Development Statistics

Table 2 – Proposed Development Statistics	
Component	Description
Number of Storeys	16 Storeys and 14 storeys
Building Height	57.2m
Site Area	2,631m ²
Gross Floor Area	11,842m ² - pre-excavation existing ground level
Floor Space Ratio	4.485:1
Total Apartments	24 - additional apartments in the subject application 21 – additional infill affordable housing apartments throughout the overall development 120 - total apartments for the overall development if approved.
Unit Mix	29 x 1 bedroom (24.2%) 51 x 2 bedroom (42.5%) 31 x 3 bedroom (25.8%) 9 x 4 bedroom (7.5%)
Vehicular Access	Singular vehicular access point from Holdsworth Avenue.
Parking	36 additional spaces 146 vehicles spaces for the overall development if approved.
Deep Soil	Previous: 23.5% Proposed: 20.9%

6. Preliminary Assessment

A. Housing SEPP 2021

Chapter 2 Affordable housing, Division 1 In-fill affordable housing

The maximum bonus of 30% is proposed for the building height development standard. This requires that 15% (1,362m²) of the total GFA is to be dedicated as affordable housing. The proposal exceeds the requirement by providing 17.5% or 1,588m².

Upon preliminary assessment, the application satisfies the requirements of Chapter 2.

i. Compliance with Minimum Affordable Housing Percentage GFA

Table 6 – Compliance with the Housing SEPP 2021					
Standard	Previously Approved GFA	Proposed Additional GFA	Total Proposed GFA	Required Affordable Housing GFA	Proposed Affordable Housing
GFA	9076.95m ² (3.45:1 equiv.)	2723.085m ²	11,800.035m ² (4.485:1 equiv.)	1,362m ² (15%)	1,585.6m ² (17.5%)

Chapter 4 Design of residential apartment development - ADG

The proposed development is required to satisfy the ADG and the Schedule 9 Design Quality Principles. The proposal seeks to do this through maintaining the high quality architectural design and the retention of landscaping spaces.

Upon preliminary assessment it is believed that the application satisfies the requirements of Chapter 4.

B. LEP

i. Compliance with Base Height of Building and Floor Space Ratio

Table 5 provides the proposal's compliance in relation to the incentive development standards. The affordable housing bonuses have been included; however, it is noted that practically speaking 30% may not be achievable for both building height and FSR.

Table 5 – LCLEP 2009 – Compliance with the Incentive Development Standards + the 30% bonus provided by the Housing SEPP 2021					
Standard	Incentive Standard	Previously Approved	30% Uplift	Proposed Uplift	Total Increase
Height of Buildings	44m (max.)	43.95m	57.2m (max.)	56.85m to the lift overrun as measured from ground level.	12.9m in height. (equiv. 29.35%)

Floor Space Ratio (and GFA)	3.45:1 (or 9076.95.m ²)	3.45:1 (or 9076.95m ²)	4.485:1 (or 11,800.035m ²)	4.485:1 (or 11,800.035m ²)	2,723.085m² in GFA. (equiv. 30%)
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C. LEP + DCP + Related

In accordance with Section 8, Chapter 1 of the SEPP (Housing) 2021, the Lane Cove LEP, DCP and other related plans are overridden by the Housing SEPP.

Part 7 of the LEP: It is noted that the proposal would not change the provision of any public benefits.

DCP: The proposed development would maintain the approved compliance with Council's DCP.

Landscape Master Plan + Green Spine: There would be no changes to the approved landscape design on the ground level. The only changes to landscaping involve moving the communal open space from Level 11 (approved) to Level 15 (proposed).

The 7.11 contributions would be updated as required.

NSROC Design Review Panel: There would be no changes to the design, materiality and finishes of the proposed development. All apartments would include the same high level finishing and there are no changes to the approved landscaping outside of relocating the roof level. Council is of the view that referral is not necessary in this instance.

7. Submissions

The proposal was notified in accordance with Council policy and (2) responses were received.

The concerns relate to the following matters:

- Views;
- Precedent;
- Overshadowing;
- Traffic;
- Construction Noise; and
- Wind.

7. Next Steps

The next steps are the reporting to the Sydney North Planning Panel for determination with a likely recommendation of approval. It is noted that the date of the SNPP meeting is yet to be determined.

Annexure 2 – St Leonards South Background

A. St Leonards South Precinct

The St Leonards South Precinct was brought into effect on **1 November 2020** through amendments to *Lane Cove Local Environmental Plan 2009* and *Lane Cove Development Control Plan 2010*. The plan was finalised concurrently with the *St Leonards Crows Nest 2036 Plan*. Further information on the history prior to finalisation is available on [Council's website](#) and the [Department's website](#).

The St Leonards South Precinct is bounded by Marshall Avenue to the north, Canberra Avenue to the east, Park Road to the west and River Road to the south as shown in **Figure 4** below.



Figure 4: St Leonards South Precinct (Source: Council)

The vision of the St Leonards South Precinct is for a liveable, walkable, connected, safe, high density residential precinct which builds upon the transit and land use opportunities of St Leonards and Metro Stations and commercial centre.

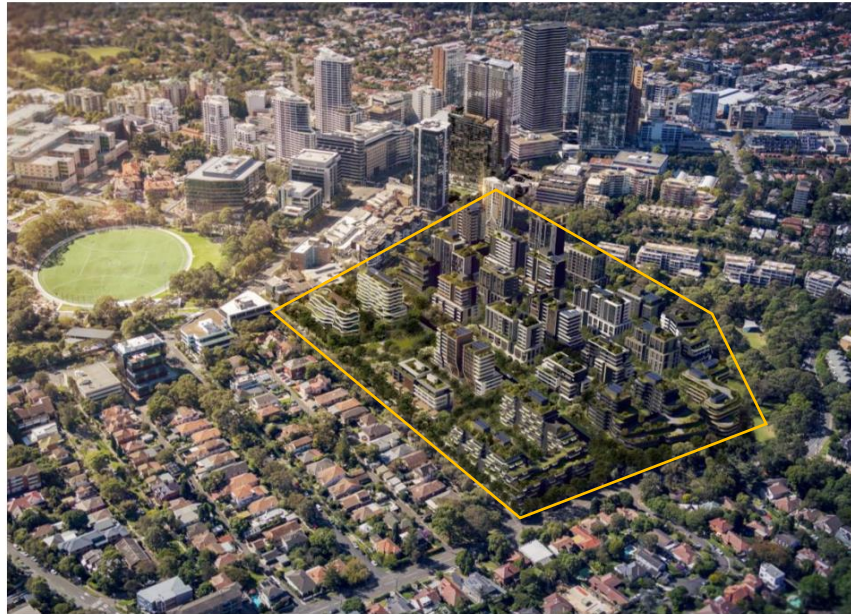


Figure 5: St Leonards South Precinct – Concept Photomontage (Source: Council)

B. Planning Scheme

The planning scheme for the St Leonards South Precinct is principally contained within [Part 7 of Lane Cove Local Environmental Plan 2009](#) and supported by a precinct-specific part of *Lane Cove Development Control Plan 2010*, a Landscape Master Plan, a Draft Section 7.11 Contributions Plan and designation as a Special Infrastructure Contribution area. The Precinct is divided into 'Areas' which are the envisaged amalgamated development sites (**Figure 6**).



Figure 6: St Leonards South Precinct – Area Designation (Source: Council)

Lane Cove Local Environmental Plan 2009

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

i. Zoning

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

ii. Incentive Building Height and FSR

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

- **Unit Mix:** Minimum 20% of each 1, 2 and 3 bedroom dwellings (Part 7.1(4)(a)-(c);
- **Green Spine:** Setbacks to establish communal open space between buildings (Part 7.1(4)(d));
- **Minimum Site Area:** Site amalgamations (Part 7.1(4)(e) and Part 7.2);
- **Affordable Housing:** The provision of affordable housing (Part 7.1(4)(f) and Part 7.3);
- **Recreation Areas and Community Facilities:** The provision of recreation areas and community facilities (Part 7.1(4)(g) and Part 7.4); and
- **Pedestrian Links and Roads:** The provision of pedestrian links and roads (Part 7.1(4)(h) and Part 7.5).

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

iii. No Clause 4.6 Variation Requests

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

iv. Design Excellence

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

v. NSROC Design Review Panel

The North Sydney Region of Council's Design Review Panel was established to coincide with the commencement of the St Leonards South Precinct planning scheme. The Panel will provide advice on SEPP 65 and design excellence (Part 7.6 of LCLEP 2009) for development within the St Leonards South Precinct.

The Panel process occurs **prior to lodgement of the Development Application** aiming to resolve key issues and provide for higher quality lodgements. The NSROC Design Review Panel comments were made previously under DA187/2024, satisfying the SEPP 65 and design excellence.

Lane Cove Development Control Plan 2009

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

i. Green Spines - Shared Communal Open Space

Green spines are a key feature of the St Leonards South Precinct. The green spine is a 24-metre-wide shared communal open space between residential flat buildings. Ordinarily a residential flat building development would provide communal open space for its own use only. The green spines will combine the communal open space of multiple residential flat buildings with each contributing to, and sharing in, a larger communal open space area. The shared communal open space will be grouped in accordance with **Figure 7** and characterised by shared facilities and significant landscaping (50% minimum deep soil).



Figure 7: Green Spines (Shaded Green) (Source: Council)

Landscape Master Plan

The private and public domain urban and landscape design are further detailed within the [St Leonards South Landscape Master Plan](#). The Landscape Master Plan provides design guidance to the **public domain** (materiality, lighting, street trees, road infrastructure etc.), **private domain** (green spine levels, green spine facilities and landscaping calculations) and **public/private domain interface** (such as ground floor apartment fencing/landscaping design). An overview of the Landscape Master Plan design is provided in **Figure 8** below.



Figure 8: Landscape Master Plan Overview (Source: Council)

St Leonards South Section 7.11 Plan

The provision of contributions is proposed to be facilitated in part through the [St Leonards South Section 7.11 Contributions Plan](#).

Given the Section 7.11 Plan previously approved was not carried out, Council reviewed the required amount under the amended St Leonards South 7.11 contributions rates.

Special Infrastructure Contribution

The site is within the [St Leonards and Crows Nest Special Contributions Area](#) which requires the payment of a contribution to support the St Leonards and Crows Nest 2036 Plan.