

The logo for URBIS, featuring the word "URBIS" in a bold, sans-serif font. The letters are contained within a square frame that is open on the right side. A thick black horizontal line extends from the right side of the square frame across the top of the page.

URBIS

SECTION 4.55(2) REPORT

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

Prepared for

DASCO PROPERTY DEVELOPMENT SERVICES PTY LTD

3 June 2025

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Stephen White
Associate Director	Anna Wang
Consultant	Joanna Kontogiorgis
Project Code	P0058224
Report Number	Final



The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.

Title: Sacred River Dreaming
Artist Hayley Pigram
Darug Nation
Sydney, NSW

Acknowledgement of Country

Urbis acknowledges the Traditional Custodians of the lands we operate on.

We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing connection to these lands, waterways and ecosystems for over 60,000 years.

We pay our respects to First Nations Elders, past and present.

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1. INTRODUCTION

This Section 4.55 modification report (**report**) has been prepared by Urbis Ltd on behalf of DASCO Property Development Services Pty Ltd (**the Applicant**) in support of an application to modify Development Application DA-56/2023 (**the consent**) under section 4.55(2) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. The consent proposed to be modified applies to 14-16 Marshall Avenue, 5-9 Holdsworth Avenue & 2-10 Berry Road, St Leonards (**the site**), also known as Areas 13,14 and 15 within the St Leonards South Precinct (**the precinct**).

DA-56/2023 was approved by Sydney North Planning Panel on 04 March 2024 for the construction of three residential flat buildings up to 10-storeys in height comprising a total of 185 dwellings.

In November 2023, the Department of Housing, Infrastructure and Environment (DPIE) gazetted new legislation to incentivise and support the delivery of affordable housing under the *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*. This included the introduction of a development pathway for infill affordable housing where, if at least 15% of the total GFA of a development will be used for affordable housing for a minimum of 15 years, the development is eligible for a 30% uplift in the maximum permitted height and FSR controls that apply to the land.

This modification application seeks to apply the infill affordable housing bonus provisions to the approved development, achieving uplift in both FSR and building height and delivering an additional 15% affordable housing.

In addition to amendments relating to achieving the infill affordable housing bonus, other design amendments are proposed to the approved development. Most of these amendments relates to structural and services coordination which occurred post determination of the DA. The changes are described below:

- Addition of 4 storeys to all three towers and amending the floor to floor heights and RLs across all levels.
- Addition of 1 storey to the bridge between Areas 13 and 15.
- Upper level setback (above 5th storey) for Areas 14 and 15 reduced from 9m to 6m along the southern boundary.
- Addition of a third basement level for additional car parking, motorcycle, bicycle parking and storage cages associated with the additional units proposed.
- Basement driveway location shifted as the result of structure and traffic coordination. Access is retained from Holdsworth Avenue.
- Amendments to the layout of basement services and loading zone.
- Reconfiguration of the floorplates, including reconfiguration of apartment layouts, changes to corridor widths, window locations and adaptable units.
- Windows and solid wall locations revised in line with revised apartment layout
- Changes to unit mix.
- Addition of a double-storey penthouse to all towers.
- Addition of a communal open space at Level 13 between Areas 13 and 15.
- Amendments to the design and layout of the Area 13 rooftop communal open space, including design coordination changes to DDA bathroom and lift lobby.
- Addition of a fire control room to Level 02 of Area 15 and associated revisions to surrounding landscape and access design.
- Minor changes to materials schedule.
- Structural coordination amendments, including revision of core walls, risers, structure columns and slab thickness.
- The approval adopted an incorrect site area for the OSD calculation. For this reason, new calculations were required based on the correct area. Accordingly, the OSD volume increased from 135.6m³ to

149.80m³. The plans were amended to reflect the correct OSD volume and a direct connection to a kerb inlet pit has been proposed.

In summary, this application proposes the addition of 46 dwellings, including 40 new affordable housing units.

As part of the DA, a draft Voluntary Planning Agreement (VPA) was prepared by the applicant and exhibited as part of the DA process. No changes are proposed to the VPA and it will remain as per the approved DA.

This report provides a comprehensive description and assessment of the development proposed to be modified in accordance with s4.55(2) and (3) and the relevant matters for consideration listed in section 4.15 of the EP&A Act.

This report should be read in conjunction with the supporting documentation outlined in **Table 1**.

Table 1 Supporting Documentation

Title	Prepared By
Revised Architectural Plans	PTW Architects
Design Report and SEPP 65 Verification Statement	PTW Architects
Statement of change	PTW Architects
Updated Landscape Plans	RPS Group
Acoustic Statement	VMS Australia
BCA Statement	Nest Consulting Group
Access Statement	Access Link Consulting
BASIX Certificate	Eco Engineering Group
Traffic and Parking Impact Assessment	MLA Traffic Planning
Stormwater Report and updated plans	Apex Civil Engineers
Updated Operational Waste Management Report	Elephants Foot
Geotechnical Statement	Foundation Earth Sciences
Wind Assessment	RWDI
Natural Ventilation Statement	RWDI
Community Housing Provider Letter of Support	Cubic Real Estate

2. BACKGROUND

2.1. SITE DESCRIPTION

The site is located at 2-10 Berry Street, 5-9 Holdsworth Avenue and 14-16 Marshall Avenue, St Leonards within the Lane Cove local government area (**LGA**) and is known as Areas 13, 14 & 15 within the St Leonards South Precinct. The site comprises of 10 allotments which are legally described in **Table 2**.

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 is referred to as Area 13, 2-10 Berry Road is referred to as Area 14 and 5-9 Holdsworth Avenue is referred to as Area 15 of the Precinct.

The surrounding locality is described below:

- **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. Several of these site are currently under construction, including the adjoining site which comprises Area 12. Further to the east is Crows Nest Metro Station and the surrounding mixed-use area 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, several of which are currently under construction. 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. Several of the sites to the south-west are currently under construction. Greenwich Hospital is within approximately 700m west of the site.
-

Figure 1 Aerial Photograph



Source: Nearmaps

Figure 2 St Leonards South Amalgamated Areas



Source: St Leonards South DCP

Figure 3 Local Context Plan



Source: PTW

The key features of the site are summarised in the following table.

Table 2 Site Description

Site Characteristic	Description
Address	2-10 Berry Street, 5-9 Holdsworth Avenue and 14-16 Marshall Avenue, St Leonards
Legal Description (Title Particulars)	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
Zoning	R4 High Density Residential
Site Area	Area 13: 1,973m2 Area 14: 1,672m2 Area 15: 2,229m2 Total: 5,874m2
Easements and Covenants	There are no easements affecting the site.

2.2. APPROVED DEVELOPMENT

DA-56/2023 was approved by the Sydney North Planning Panel on 4 March 2024 for the construction of 3 residential flat buildings (10-storeys) comprising a total of 185 dwellings and basement parking for 249 vehicles.

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.

2.2.1. Voluntary Planning Agreement

As part of the DA, a draft Voluntary Planning Agreement (**VPA**) was prepared by the applicant and exhibited as part of the DA process. No changes are proposed to the VPA and it will remain as per the approved DA.

2.3. PRE-LODGEEMENT FEEDBACK

A pre-lodgement meeting was held on 19 February 2025 with the project team and Council to discuss the proposed modification and preliminary design options. Council raised the following comments during the pre-lodgement meeting:

- Council recommended that the proposed maximum building height of the modification not to exceed the height limit under the Housing SEPP.
- Council confirmed that the proposed reduction in upper-level setback of Areas 14 and 15 from 9m to 6m is supportable, subject to the provision of appropriate justification, including an assessment of potential overshadowing and visual impacts.
- Council advised the modified scheme to maintain the architectural character and materiality from the approved development.
- Council confirmed that based on legal advice they have obtained from neighbouring site assessment, the proposal can lawfully be submitted as a Section 4.55(2) application.
- Council asked about the location of affordable housing units, and advised that this should be coordinated with the Community Housing Provider (CHP).
- Council queried whether additional communal areas would be provided.

Council's comments have been incorporated into the final proposed design of the modification, including a height compliant built form and additional communal open space at Level 13 of Area 13/15. Justification of the proposed upper-level setback is provided in **Section 5.6.1** below.

3. PROPOSED MODIFICATIONS

This Section 4.55(2) application seeks consent for alterations and additions to the approved development to accommodate residential uplift as per the infill affordable housing provisions of the Housing SEPP. The proposed modifications include an increase in dwellings, both market and affordable, to be accommodated within four additional storeys to all three towers, as well as additional design and structural amendments. The design of the proposed modifications remains largely consistent with the approved design that was determined to have exhibited design excellence by the Lane Cove Council Design Panel.

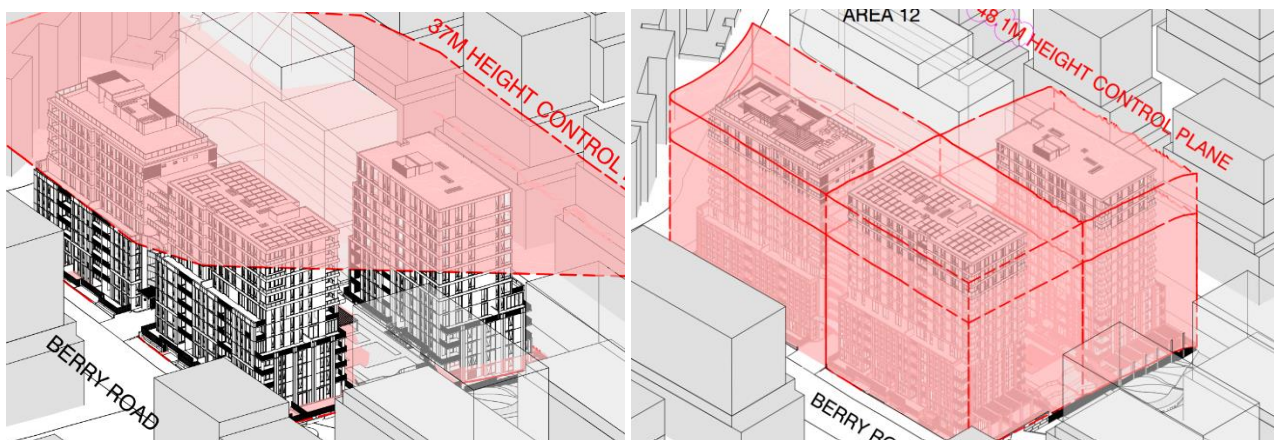
3.1. DESCRIPTION OF MODIFICATIONS

In summary, this application proposes the addition of 46 dwellings, including 40 new affordable rental housing units. This residential uplift is proposed to be accommodated through the following modifications to the approved buildings:

- The addition of four storeys to areas 13, 14 and 15.
- Addition of 1 storey to the bridge between Areas 13 and 15.
- The addition of a basement level.
- Reduction in the upper-level setback to the southern boundary from 9m to 6m for areas 14 and 15.
- Alterations to the floorplates of the approved buildings.
- The addition of a communal open space at Level 13 on the rooftop of the bridge between Areas 13 and 15.

A 3D perspective of the proposed development in comparison to the original development is demonstrated in Figure 4 below:

Figure 4 Comparison of the approved and proposed



Approved

Proposed

Architectural Drawings and an Urban Design Statement are prepared by PTW and provided as part of this application. A detailed breakdown of the proposed design changes is summarised below:

Table 3 Proposed design changes

Area / Building	Proposed Amendments
Area 13	▪ Addition of four storeys, modifying the scale of the building from 10 storeys to 14 storeys. ▪ Addition of one storey to the bridge between the Area 13 and 15 buildings. This bridge will now be 8 storeys in total between Level 05-Level 12. ▪ No change is proposed to the 1 existing affordable housing units within Area 13.

Area / Building	Proposed Amendments
Area 14	▪ Addition of four storeys, modifying the scale of the building from 10 storeys to 14 storeys. ▪ Reduction in the upper-level setback to the southern boundary from 9m to 6m. ▪ Delivery of 16 affordable housing units as per the infill affordable housing provisions under the Housing SEPP. No change is proposed to the 2 existing affordable housing units within Area 14.
Area 15	▪ Addition of four storeys, modifying the scale of the building from 10 storeys to 14 storeys. ▪ Reduction in the upper-level setback to the southern boundary from 9m to 6m. ▪ Addition of one storey to the bridge between the Area 13 and 15 buildings. This bridge will now be 8 storeys in total between Level 05-Level 12. ▪ Delivery of 24 affordable housing units as per the infill affordable housing provisions under the Housing SEPP. ▪ Addition of a fire control room to Level 02 and associated revisions to surrounding landscape and access design.
Basement / Vehicle access arrangements	▪ Addition of a third basement level to accommodate additional parking and storage requirements associated with residential uplift. The RL of the new lower basement level is at 58.25m AHD, and approximately 12m (southeast) to 20.5m (northwest) of excavation is required. This basement level is a duplicate of Basement Level 02 as amended (see description of proposed modification below). ▪ Increase in the number of car parking spaces from 249 to 342. ▪ Re-configuration of the basement layout to allow for additional car parking spaces, while generally maintaining the approved car park layout. ▪ Amendment to the layout of Basement Level 02 beneath Area 14 from two dead-end aisles to a continuous U-shaped aisle to allow for improved vehicle circulation. ▪ Revision to the layout of basement services, including the waste collection services, and loading zone. ▪ No changes are proposed to the footprint of the basement. Therefore the modification will not encroach into the deep soil zone.
Internal layout changes (all buildings)	▪ Reconfiguration of the floorplates, including reconfiguration of apartment layouts, changes to corridor widths, window locations and adaptable units. ▪ Addition of three double-storey penthouses each to Areas 13 and 15 and four to Area 14. ▪ Change the approved dwelling mix. It is noted that the proposed 40 infill affordable housing dwellings are in addition and separate to the 3 affordable housing dwellings that were approved under DA-56/2023 in accordance with the voluntary planning agreement.
Miscellaneous changes (all buildings)	▪ Windows and solid wall locations revised in line with revised apartment layout. ▪ Floor to floor heights and RLs revised.
Communal open space	▪ Addition of a communal open space area at Level 13 on the rooftop of the bridge between Areas 13 and 15. This communal open space has an area of 116.7m². ▪ Amendments to the design and layout of the Area 13 rooftop communal open space, including configuration of DDA bathroom and lift lobby.
Structural coordination amendments	▪ Structure columns and slab thickness revised. ▪ Core walls and risers revised in all three buildings. ▪ The stormwater management plan prepared by C&M, Report No. R02527 Rev C, for the original DA submission adopted an incorrect site area for the OSD calculation. For this reason, new calculations were required based on the correct area. Accordingly, the OSD volume increased from 135.6m³ to 149.80m³ with a PSD of 65.13l/s. The plans were amended to reflect the new OSD volume and a direct connection to a kerb inlet pit has been proposed.
Materials	▪ Proposed material for the podium portion of all buildings changed from medium brown pane to light brown brick.

3.1.1. Bonus Floor Space Ratio & Height

The proposed FSR and height have been established through the incentives provided by the in-fill affordable housing provisions of the Housing SEPP. The methodology for calculating the proposed floor space ratio and provision of affordable housing units is provided below.

Calculating the Floor Space Ratio Bonus

“Residential flat buildings” that provides at least 15% of the total GFA as affordable housing (in addition to any other affordable housing required under another planning instrument) for a minimum of 15 years are eligible for up to 130% of the permitted FSR control (in addition to the maximum building height bonus described below).

- The 130% calculation is based on the maximum permitted FSR on the land (including any other bonus, such as design excellence, BASIX etc.).
- The calculation of bonus FSR is based on the maximum total FSR of the development.

Therefore, based on the above methodology, the following calculation has been made for this site:

- Base allowable FSR:
 - Area 14: 3.35:1 on a site area of 1,672m².
 - Area 13 and 15: 2.85:1, on a site area of 4,202m².

By applying the ‘30% bonus’ to the ‘base’ floor space above, the following results:

- Area 14 FSR = 3.35 x 130% = 4.355:1
- Area 13 and 15 FSR = 2.85 x 130% = 3.705:1

Therefore, the maximum GFA is:

Site	Maximum GFA	Proposed GFA
Area 13 + 15	15,568.4m ²	15,568.4m ²
Area 14	▪ 7,281.6 m ²	▪ 7,281.6 m ²

Based on the total proposed GFA of 22,850m². A total affordable housing GFA of 3,427.5m² is proposed which represents 15% of the total proposed GFA.

Calculating the Height Bonus

“Residential flat buildings” that provide at least 15% of total GFA as affordable housing (in addition to any other required affordable housing required under another planning instrument) for a minimum of 15 years will be eligible for 130% of the height of building control for residential accommodation (in addition to the FSR bonus described above).

The site is subject to a maximum building height of 37m under the LCLEP 2012. Therefore, the maximum height applying the 130% bonus is 48.1m. The proposed maximum height of the development is 47.95m which complies with the maximum permissible building height for the site.

3.2. AMENDED CONDITIONS

This section outlines the proposed replacement and/or rewording of the conditions of consent imposed by Council in accordance with the plan modifications outlined in **Section 4.1**.

Where amendments are proposed to the wording of conditions, additions are shown in **red** and deleted text is shown in ~~strike through~~.

Plan No.	Revision	Plan Title	Drawn By	Dated
DA-A110010	➤ E	Cover Page	PTW	20/12/2023 15/05/2025

Plan No.	Revision	Plan Title	Drawn By	Dated
DA-A110020	F G	Development Information	PTW	19/12/2023 15/05/2025
DA-A110030	G D	BASIX Notes	PTW	XX/XX/24 15/05/2025
DA-A120010	D	Site Analysis	PTW	19/12/2023
DA-A120020	D	Demolition Plan	PTW	19/12/2023
DA-A130010	G D	Site Plan	PTW	19/12/2023 15/05/2025
DA-B1B0909	B	Basement 03 Plan	PTW	15/05/2025
DA-B1B0910	I K	Basement 02 Plan	PTW	19/12/2023 15/05/2025
DA-B1B1010	I K	Basement 01 Plan	PTW	19/12/2023 15/05/2025
DA-B1GRD10	I K	Ground Floor Plan	PTW	19/12/2023 15/05/2025
DA-B1L0110	I K	Level 01 Plan	PTW	19/12/2023 15/05/2025
DA-B1L0210	I K	Level 02 Plan	PTW	19/12/2023 15/05/2025
DA-B1L0310	H J	Level 03 Plan	PTW	19/12/2023 15/05/2025
DA-B1L0410	I K	Level 04 Plan	PTW	19/12/2023 15/05/2025
DA-B1L0510	I K	Level 05 Plan	PTW	19/12/2023 15/05/2025
DA-B1L0610	I K	Level 06 Plan	PTW	19/12/2023 15/05/2025
DA-B1L0710	I K	Level 07 Plan	PTW	19/12/2023 15/05/2025
DA-B1L0810	I K	Level 08 Plan	PTW	19/12/2023 15/05/2025
DA-B1L0910	I K	Level 09 Plan	PTW	19/12/2023 15/05/2025
DA-B1L1010	I K	Level 10 Plan	PTW	19/12/2023 15/05/2025
DA-B1L1110	I K	Level 11 Plan	PTW	19/12/2023 15/05/2025
DA-B1L1210	I K	Level 12 Plan	PTW	19/12/2023 15/05/2025
DA-B1L1310	H J	Level 13 Plan	PTW	19/12/2023 15/05/2025
DA-B1L1410	B	Level 14 Plan	PTW	15/05/2025
DA-B1L1510	B	Level 15 Plan	PTW	15/05/2025

Plan No.	Revision	Plan Title	Drawn By	Dated
DA-B1L1610	B	Level 16 Plan	PTW	15/05/2025
DA-B1L1710	B	Level 17 Plan	PTW	15/05/2025
DA-B1L1410 DA-B1ROF10	C E	Roof Plan	PTW	19/12/2023 15/05/2025
DA-C010010	D F	East Elevation	PTW	19/12/2023 15/05/2025
DA-C020010	D F	South Elevation	PTW	19/12/2023 15/05/2025
DA-C030010	D F	West Elevation	PTW	19/12/2023 15/05/2025
DA-C040010	D F	North Elevation	PTW	19/12/2023 15/05/2025
DA-C050010	D F	West Elevation – Green Spine	PTW	19/12/2023 15/05/2025
DA-C060010	D F	East Elevation – Green Spine	PTW	19/12/2023 15/05/2025
DA-C070010	C D	Area 13 South Elevation & Area 15 North Elevation	PTW	19/12/2023 15/05/2025
DA-C510010	C D	Perspective 1	PTW	19/12/2023 15/05/2025
DA-C510011	A	Perspective 2	PTW	15/05/2025
DA-C910010	C D	Materials and Finishes Board	PTW	19/12/2023 15/05/2025
DA-D110010	E G	Section BLDG 14-15	PTW	19/12/2023 15/05/2025
DA-D120010	D F	Section BLDG 13-15	PTW	19/12/2023 15/05/2025
DA-Q110010	D F	GFA Plan 01	PTW	19/12/2023 15/05/2025
DA-Q120010	D F	GFA Plan 02	PTW	19/12/2023 15/05/2025
DA-Q310010	D F	Solar Access Compliance	PTW	19/12/2023 15/05/2025
DA-Q410010	D F	Cross Ventilation Compliance	PTW	19/12/2023 15/05/2025
DA-Q510010	C D	Adaptable / Liveable Apartment Type Plan 1	PTW	19/12/2023 15/05/2025
DA-Q520010	C D	Adaptable / Liveable Apartment Type Plan 2	PTW	19/12/2023 15/05/2025
DA-Q610010	D E	Deep Soil Diagram	PTW	19/12/2023 15/05/2025
DA-Q710010	D E	Communal Open Space Diagram	PTW	19/12/2023 15/05/2025
DA-Q810010	D E	Height Plane Diagram	PTW	19/12/2023 15/05/2025

Plan No.	Revision	Plan Title	Drawn By	Dated
DA-Y210010	D F	Apartment Schedule	PTW	19/12/2023 15/05/2025
Landscape Plans				
DA 21 of 55	G A	3.1 Vegetation Management Plan	rps	December 2023 29/05/2025
DA 22 of 55	G A	3.2 Site Plan	rps	December 2023 29/05/2025
DA 23 of 55	G A	3.3. Overall Ground Floor	rps	December 2023 29/05/2025
DA 24 of 55	G A	3.3.1 Upper Ground Plan Green Spine	rps	December 2023 29/05/2025
DA 25 of 55	G A	3.3.2 Lower Ground Plan Green Spine	rps	December 2023 29/05/2025
DA 26 of 55	G A	3.3.3 Lower Ground Plan Spine	rps	December 2023 29/05/2025
DA 27 of 55	G A	3.4 Section A – Green Spine	rps	December 2023 29/05/2025
DA 28 of 55	G A	3.4.3 Section B – Green Spine	rps	December 2023 29/05/2025
DA 29 of 55	G A	3.5 Stormwater Plan	rps	December 2023 29/05/2025
DA 30 of 55	G A	3.6 Programming Plan – Green Spine	rps	December 2023 29/05/2025
DA 31 of 55	G A	3.7 Levels Plan	rps	December 2023 29/05/2025
DA 32 of 55	A	3.8 LEVEL 13 PLAN	rps	29/05/2025
DA 33 of 55	G A	3.9 Roof Terrace Plan	rps	December 2023 29/05/2025
DA 34 of 55	G A	3.9.1 Roof Section	rps	December 2023 29/05/2025
DA 36 of 55	G A	4.1.1 Soil Plan – Ground Floor	rps	December 2023 29/05/2025
DA 37 of 55	A	4.1.2 Soil Depth Plan - Level 13	rps	29/05/2025
DA 38 of 55	G A	4.1.3 Soil Depth Plan – Roof	rps	December 2023 29/05/2025
DA 39 of 55	G A	4.2 Canopy Plan	rps	December 2023 29/05/2025
DA 40 of 55	G A	4.3 Planting Character 1 of 2	rps	December 2023 29/05/2025
DA 41 of 55	G A	4.3 Planting Character 2 of 2	rps	December 2023 29/05/2025
DA 42 of 55	G A	4.4 Tree Plan	rps	December 2023 29/05/2025
DA 43 of 55	G A	4.5 Planting Plan	rps	December 2023 29/05/2025

Plan No.	Revision	Plan Title	Drawn By	Dated
DA 44 of 55	G A	4.5.1 Upper Ground Planting Plan	rps	December 2023 29/05/2025
DA 45 of 55	G A	4.5.2 Lower Ground Planting Plan	rps	December 2023 29/05/2025
DA 46 of 55	G A	4.5.3 Lower Ground Planting Plan	rps	December 2023 29/05/2025
DA 47 of 55	A	4.6 Level 13 Planting Plan	rps	29/05/2025
DA 48 of 55	G A	4.7 Roof Planting Plan	rps	December 2023 29/05/2025
DA 49 of 55	G A	4.8 Planting Schedule	rps	December 2023 29/05/2025
DA 51 of 55	G A	5.1 Typical Details 1	rps	December 2023 29/05/2025
DA 52 of 55	G A	Typical Details 2	rps	December 2023 29/05/2025
DA 53 of 55	G A	5.2 Wind Details	rps	December 2023 29/05/2025
DA 54 of 55	G A	5.3 Maintenance Guidelines	rps	December 2023 29/05/2025

Document Title	Ref./Version No.	Prepared By	Dated
Traffic and Parking Assessment Report	21167	Varga Traffic Planning	27/04/2023
S4.55 Traffic And Parking Review	2501011b-250530	MLA Transport Planning	30/5/2025
BCA Assessment Report	R1.2	Steve Watson & Partners	27/04/2023
Arboricultural Impact Assessment	-	Advanced Treescape Consulting	18/04/2023
Acoustic Assessment	SYD2021-1105-R001B	acouras	14/04/2023
Statement of Compliance – Access for People with a Disability Job No: 22187	-	Accessible Building Solutions	24/04/2023
Accessibility Compliance Report		Access Link Consulting	03/06/2025
Detailed Site Investigation	0	Foundation Earth Sciences	14/09/2023
Operation Waste Management Plan	Revision G G	Elephants Foot Consulting	20/04/2023 30/05/2025
Construction and Demolition Waste Management Plan	Revision B	Elephants Foot Consulting	20/04/2023
BASIX Assessment Report	Rev 1.2 Rev 1.3	Eco Engineering Group	15/01/2024 30 May 2025

Document Title	Ref./Version No.	Prepared By	Dated
Geotechnical Investigation Report	C511-1 Rev 1	Foundation Earth Sciences	11/10/2021 27/05/2025
ESD Report	Rev 1.1	Eco Engineering Group	05/05/2023
Natural Ventilation – Design Review Project #2103338 # : 2509991	Rev D	rwdi	20/04/2023 30/05/2025
Stormwater Management Report No. R02427 – SWMP	Rev C-01	At&I Apex Civil Engineers	16/06/2023 13/05/2025
Updated Public Art Strategy	P2991	UAP	August 2023

20. A.10.E Drainage plan amendments (if applicable)

Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved stormwater drainage plans prepared by ~~C and M Consulting Engineers~~ **APX Civil Engineer**, reference No: ~~R02527 – SWMP~~, **CSW2025.40**, revision: ~~C 02~~ and dated in ~~April 2023~~ **28 May 2025**. This amended plan shall satisfy part O of the Council's stormwater DCP:

....

Reason: to ensure the plan reference is consistent with the updated Stormwater drainage plans.

69. C.9.T - Car parking allocation and restrictions on excess spaces

Car parking spaces shall be allocated as per the established ~~minimum~~ **maximum** car parking rates (rounded up to the nearest whole number) in Table 1 of Part R: Traffic, Transport, and Planning of the LCDCP 2010. The subdivision and sale of excess car parking spaces is prohibited

Reason: to limit the amount of carparking proposed onsite.

4. SECTION 4.55 ASSESSMENT

4.1. SUBSTANTIALLY THE SAME DEVELOPMENT

The proposed modifications have been assessed using both a quantitative and qualitative assessment to determine whether the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted.

4.1.1. Quantitative Assessment

Table 4 provides a summary of the key elements of the approved and proposed development to demonstrate that the development remains substantially the same to that approved under DA-56/2023.

Table 4 Modified development summary table – quantitative elements

Element	Approved Development	Proposed Modification	Change from Approved
Maximum Building Height	Area 13: RL 114.15, 36.96m Area 14: RL 109.50, 36.36m Area 15: RL 112.00, 36.64m	Area 13: RL 125.28, 47.95m Area 14: RL 121.10, 46.85m Area 15: 123.42m, 47.63m	+30% increase as per the incentives provided by the in-fill affordable housing provisions of the Housing SEPP
Height in Storeys	Area 13: 10 storeys Area 14: 10 storeys + two part storeys Area 15: 10 storeys + one part storey	Area 13: 14 storeys Area 14: 14 storeys + two part storeys Area 15: 14 storeys + one part storey	+ 4 storeys to each building (+40% increase) to accommodate the 30% incentives provided by the in-fill affordable housing provisions of the Housing SEPP
Basement Levels	2 levels	3 levels	+50% increase
Gross Floor Area	Area 14: 5,601.2m ² Area 13 and 15: 11,975.7m ²	Area 14: 7,281.6m ² Area 13 and 15: 15,568.4m ²	+ 30% increase as per the incentives provided by the in-fill affordable housing provisions of the Housing SEPP
Number of Dwellings	185	231	+ 25% increase as per the incentives provided by the in-fill affordable housing provisions of the Housing SEPP
Unit Mix	1-bedroom: 41 (22%) 2-bedroom: 87 (47%) 3-bedroom: 48 (26%) 4-bedroom: 9 (5%)	1-bedroom: 47 (20%) 2-bedroom: 111 (48%) 3-bedroom: 61 (26.4%) 4-bedroom: 12 (5.2%)	+ 15% increase + 28% increase + 27% increase + 33% increase
Affordable Housing Provision	3	43 (retaining 3 affordable units that were approved in accordance with the voluntary planning agreement)	+ 1333% increase
Setbacks (podium)	No change		
Above podium setback to north, east and west	No change		
Above podium Setback to south /Through Site Link	9m	6m	- 33% decrease

Element	Approved Development	Proposed Modification	Change from Approved
Solar Access of overall development	132/185 – 71%	164/231 – 71%	No change.
Cross Ventilation of overall development	63%	63%	No change.
Car Parking	249 spaces total (including car share and car wash spaces)	345 spaces total (including car share and car wash spaces)	+ 39% increase to service the additional units proposed
Bicycle Parking	67 spaces	83 spaces (including visitor bicycle spaces)	+ 24% increase to service the additional units proposed
Motorcycle Parking	17 spaces	25 spaces	+ 47% increase to service the additional units proposed
Communal Open Space	2,215.7m ² (38% of site area)	2,326.6m ² (40% of site area)	+ 5% increase to provide better amenity for the overall development
Deep Soil Zone	1,383.6m ² (24% of site area)	No change.	
Creation of a 15metre wide pedestrian link through the land to enable a connection between Berry Road and Holdsworth Avenue (Area 15).	No change		

Overall, the proposed modification seeks to utilise the infill affordable housing bonus FSR and maximum height provisions to provide an additional four storeys above the approved building. The proposed FSR and building height are fully compliant with the Housing infill affordable SEPP controls. The development remains compliant with the applicable Apartment Design Guide (ADG) controls, including solar access, cross ventilation and communal open space. The provision of the green spine, deep soil landscaping and pedestrian link also remain unchanged.

To accommodate the bonus GFA available under the Housing SEPP, and in addition to the proposed height increase, this modification seeks a departure to the upper-level setback control in the Lane Cove DCP for Areas 14 and 15, reducing the setback from 9m to 6m along the southern/pedestrian link boundary. This setback reduction is needed to achieve the maximum permissible GFA for the site without exceeding the maximum building height controls. This reduction in the upper-level setback is considered to have a minimal impact on the overall perceived bulk and scale of the development, will not create unreasonable additional shadow impact and will not result in any non-compliances with building separation or solar access requirements. Further justification of the upper-level setback non-compliance is included in **Section 5.6.1**.

Having regard to the above quantitative assessment and the incentives provided by the in-fill affordable housing provisions of the Housing SEPP, the development as modified will be substantially the same development as the development for which consent was originally granted.

4.1.2. Qualitative Assessment

The proposed modifications do not substantially change the development for which consent was originally granted for the reasons outlined in **Table 5**.

Table 5 Modified development summary table – qualitative elements

Element	Commentary
Building height and GFA increase	This modification application seeks to increase the height of the proposed towers, and subsequently the GFA, to achieve the uplift afforded by the infill affordable housing

Element	Commentary
	provisions of the Housing SEPP. A vertical extension of four storeys is proposed to all three towers, however no changes are proposed to the design language of the approved development. The essential elements of the approved development remain unchanged, as the development will continue to read as three residential towers positioned around a central green spine providing ample open space and landscaping. Additionally, a one-storey increase to the height of the bridge element connecting Areas 13 and 15 is also proposed to accommodate additional floorspace. The height increase of this bridge will remain appropriate and proportionate to the overall scale of the development, given the four-storey height increase proposed to the towers, and as such there will not be a noticeable difference to the scale of this portion of the development compared to what was approved. The clearance height between the ground to the under slab of the bridge element is retained to retain a sense of openness and physical break along the elevation. There will be no material visual impact along the street frontage as a result of this one-storey height increase.
Amendment to upper-level setback	The modification application seeks to reduce the upper-level (above Level 05) setback to the pedestrian link at the southern boundary for Areas 14 and 15 in order to achieve the bonus floorspace allowed by the Housing SEPP provisions without exceeding the maximum permissible building height for the site. The setback is proposed to be reduced from 9m to 6m. The proposed reduction in setback will not be readily perceivable from the public domain or create an excessive bulk and scale to the pedestrian link. People using the link will clearly identify the podium form of the buildings in the eyesight with the upper levels sitting more in the background partially obscured by trees. The upper-level setback non-compliance will not compromise the pedestrian experience within the pedestrian link, as the pedestrian link will still remain at human scale with the lower levels of the development complying with the 6m setback. Furthermore, the architectural language of the podium and tower treatment remains as approved. The use of contrasting materials, colours, and form help to visually separate the built form and maintain the intended hierarchy. Additionally, the proposed setback reduction will not result in any unacceptable privacy or overshadowing impacts to the neighbouring development at Area 16 across the pedestrian link as a building separation of 27m is maintained which is well above the requirements of the ADG. Only a minor amount of additional overshadowing of the pedestrian link will be experienced between 12pm-1pm during solar midwinter as a result of the proposed additional building height and setback reduction.
Internal layout changes	A series of internal layout modifications are proposed in response to structural changes, detailed design development and to accommodate the proposed affordable housing units. These changes do not introduce any non-compliances with the ADG in terms of amenity and the unit mix remains largely consistent with the approved, apart from the introduction of several double-storey 3- and 4-bedroom penthouses. The proposed modification maintains the approved diversity in the dwelling mix, including the size and type of dwellings provided across the site.
Basement layout and car parking changes	To service the additional residential yield, amendments are proposed to the basement layout, including the addition of a new basement level. This additional basement level will not result in any increase to the bulk and scale of the development. The footprint of the basement remains the same as approved. The proposed additional car parking provision is compliant with the requirements of the Lane Cove DCP and the Traffic and Parking Statement accompanying this application confirms that the proposed residential uplift will not result in any significant traffic impacts. The changes to the layout of the basement, including parking, storage and services locations, are minor and the modified basement remains functionally the same as the approved development.

Element	Commentary
Structural changes	As a result of detailed design development, a series of structural changes and amendments to services provision and locations have been identified which are necessary to ensure the efficient and safe functioning of the development. These changes will not result in any impacts that have not already been assessed as part of the original development application and will not have a perceivable impact on the bulk or scale of the development.
Materiality changes	A minor modification to the materiality of the development is proposed from medium brown pane for the podium to light brown brick. This modification will not change the overall character and built form of the development as approved. The design language as approved has also been maintained through the proposed modifications.

4.1.3. Summary

As highlighted above, the proposed modifications do not radically transform the approved development, to the extent that it is no longer substantially the same for which development consent was granted. In other words, the “essence” of the approved development is not substantially altered. This is summarised below:

- The fundamental nature of the development remains as approved, in that it is a residential development within the St Leonards South Precinct containing three residential towers developed over a common basement and positioned around a central green spine providing ample open space and landscaping.
- The approved building footprints remain unchanged.
- The interface of the development with the public domain at ground level remains unchanged.
- The site is entirely suitable for the development as modified as the continued use of the site as a residential development does not conflict with any of the surrounding land uses in the locality.
- With the exception of upper level setback to the southern boundary, the proposed modification is able to remain compliant with all relevant LEP, ADG and DCP controls when compared to the approved.
- The modification will result in minimal additional environmental impacts beyond those considered in the original development application.
- The design language as approved has also been maintained through the proposed modifications. The proposed modification continues to achieve a high standard of design excellence.
- The proposed modification maintains the approved diversity in the dwelling mix, including the size and type of dwellings provided across the sit

Based on the above quantitative and qualitative assessments, the development proposed to be modified is considered substantially the same as the original approved development.

5. SECTION 4.15 ASSESSMENT

In accordance with s4.55(3) of the EP&A Act 1979 this modification application has been assessed in accordance with the relevant matters for consideration listed in section 4.15 of the EP&A Act.

5.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed modifications have been assessed in accordance with the relevant State and local environmental planning instruments.

5.1.1. Water Management Act 2000

The Water Management Act 2000 aims to achieve the sustainable and integrated management of State water sources.

The site is impacted by groundwater and General Terms of Agreement was conditioned in the consent as per Water NSW's recommendation. Given the extent of additional excavation associated with the additional level of basement, the modification application will need to be referred to Water NSW for review.

5.1.2. State Environmental Planning Policy (Sustainable Buildings) 2022

The *State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)* came into effect on 1 October 2023. Chapter 2 of the SEPP applies to residential development and requires all residential development in NSW to achieve a minimum target for energy efficiency, water efficiency and thermal comfort.

The original development was assessed in accordance with the relevant requirements under State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, and a BASIX Certificate prepared by Eco Engineering Group and dated 5 May 2023 was assessed as part of DA-56/2023. An updated BASIX Assessment Report and BASIX Certificate were prepared by Eco Engineering Group and dated 30 May 2025 in response to the proposed modifications which confirmed that the proposal remains compliant with water, energy and thermal comfort requirements.

5.1.3. State Environmental Planning Policy (Housing) 2021

Chapter 2 of the *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)* applies to development for the purposes of infill affordable housing. An assessment of the consistency of the proposed development against the relevant provisions and controls of the Housing SEPP has been undertaken and is provided at **Table 6**.

Table 6 Housing SEPP Compliance Table

Section	Control	Consistency
State Environmental Planning Policy (Housing) 2021		
Chapter 2 Affordable Housing, Part 2 In-fill Affordable		
The provisions have been assessed on a side wide basis – considering the combination of Areas 13, 14 and 15 combined.		
15C Development to which division applies		
(1) This division applies to development that includes residential development if—		The development is for the purposes of 'residential flat buildings' which are permitted with development consent in the R4 High Density Residential zone under the LCLEP. 15% of the total GFA is proposed to be affordable housing.
(a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5 or another environmental planning instrument, and		
(b) the affordable housing component is at least 10%, and		
(c) all or part of the development is carried out—		

Section	Control	Consistency
	(i) for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or (ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.	The site is located within 600m of St Leonards Station and therefore meets the 'accessible area' requirements of the Housing SEPP.
16 Affordable housing requirements for additional floor space ratio		
	(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2). (2) The minimum affordable housing component, which must be at least 10%, is calculated as follows— affordable housing component = additional floor space ratio (as a percentage) ÷ 2 (3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).	Based on the total proposed GFA of 22,850m². A total affordable housing GFA of 3,427.5m² is proposed which represents 15% of the total proposed GFA. Accordingly, the proposal seeks to utilise the 30% FSR bonus available. The proposed GFA for area 14 is 7,281.6 m² which complies with the maximum permissible GFA for area 14. The proposed GFA for area 13 and 15 is 15,568.4m² which complies with the maximum permissible GFA for the site. As the full 30% bonus FSR is permitted under Section 16 (1) and the development comprises residential flat building, a 30% height bonus is also applicable to the proposed development. The maximum height applying the 130% bonus is 48.1m. The proposed maximum height of the development is 47.95m which complies with the maximum permissible building height for the site.
19 Non-discretionary development standards—the Act, s 4.15		
	(2) The following are non-discretionary development standards in relation to the residential development to which this division applies—	
	(a) a minimum site area of 450m²,	The site area is 5,874m².
	(b) a minimum landscaped area that is the lesser of— (i) 35m² per dwelling, or (ii) 30% of the site area,	The approved DA comprised deep soil landscaped area of 1,383.6 m², representing 24% of the site area. The modification retains the area of deep soil landscaping as approved.
	(c) a deep soil zone on at least 15% of the site area, where— (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,	As stated in clause 19(3), Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies. As such this control is not relevant.
	(d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,	As stated in clause 19(3), Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies. As such this control is not relevant.

Section	Control	Consistency
	(e) <i>the following number of parking spaces for dwellings used for affordable housing—</i> (i) <i>for each dwelling containing 1 bedroom—at least 0.4 parking spaces,</i> (ii) <i>for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,</i> (iii) <i>for each dwelling containing at least 3 bedrooms— at least 1 parking space,</i>	The proposed development provides a total of 316 resident car parking space, the allocation of these spaces for affordable housing parking will be calculated as per the rate within this section of the SEPP.
	(f) <i>the following number of parking spaces for dwellings not used for affordable housing—</i> (i) <i>for each dwelling containing 1 bedroom—at least 0.5 parking spaces,</i> (ii) <i>for each dwelling containing 2 bedrooms—at least 1 parking space,</i> (iii) <i>for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,</i>	The proposed development provides a total of 316 resident car parking spaces which is compliant with the Lane Cove DCP 2009, and exceeds the non-discretionary development standard outlined in Section 19(2)(f).
	(g) <i>the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,</i>	The proposed dwellings are compliant with the requirements of the ADG.
20 Design requirements		
	(3) <i>Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—</i>	
	(a) <i>the desirable elements of the character of the local area, or</i> (b) <i>for precincts undergoing transition—the desired future character of the precinct.</i>	St Leonards South has undergone a substantive rezoning process seeking to transform the area in accordance with the principles of transit-oriented development to create a liveable, accessible and sustainable precinct. The proposed modification seeks consent for three 14 storey residential towers which are compatible and consistent with the future high-rise built form and character of St Leonards South and the broader St Leonards centre. Additionally, the building height and GFA of the proposed development is compliant with the Housing SEPP incentive controls and the setbacks are generally in compliance with the Lane Cove DCP and the ADG, creating a building envelope that is appropriate for the site and consistent with what is envisaged by the relevant planning controls.
21 Must be used for affordable housing for at least 15 years		
	(1) <i>Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development—</i>	

Section	Control	Consistency
	(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and	The proponent is committed to providing 15% of the total proposed GFA (40 units in total) as affordable housing to be managed by a registered Community Housing Provider (Cubic Real Estate) for a period of 15 years.
	(b) the affordable housing component will be managed by a registered community housing provider.	A letter of endorsement from Cubic Real Estate has been submitted with the application.
22 Subdivision permitted with consent		
	Land on which development has been carried out under this division may be subdivided with development consent.	No subdivision is proposed.

Chapter 4 of the Housing SEPP applies to development for the purposes of a building that comprises three or more storeys and four or more self-contained dwellings and requires that any applicable development application consider and demonstrate compliance with the Apartment Design Guide (**ADG**). An Architecture Design Report has been prepared by PTW Architects which confirms that the proposed modifications introduce no new non-compliances with the requirements of the ADG when compared to the approved. The relevant matters are summarised below:

- **Communal Open Space:** The proposed modification will have a total communal open space area of 2,326.6 sqm, which is equivalent to 40% of the total site area and exceeds the minimum requirement of 25% of the site area. When compared to the DA, an additional area of communal open space is provided on the roof of the bridge element between area 13 and 15. More than 50% of principle usable part of communal open space achieved 2 hours direct sunlight between 9 am and 3 pm on 21 June.
- **Apartment size:** The proposed additional dwellings meet the minimum apartment sizes.
- **Solar access:** The proposed development, as modified, maintains compliance, with 71% of the overall dwellings receiving a minimum 2 hours of solar access.
- **Cross ventilation:** The proposed development, as modified, maintains compliance, with 63% of the overall dwellings being natural cross ventilated.
- **Building separation:** Despite the proposed reduction in upper level setback to the southern boundary from 9m to 6m, the proposed development, as modified, will provide a 27m building separation to the development at Area 16 and 17. This maintains compliance with the ADG building separation requirement of 24m. No changes are proposed to building separation distance in other areas of the site.

5.1.4. Lane Cove Local Environmental Plan 2009

Lane Cove Local Environmental Plan 2009 (LCLEP) is the principal instrument relevant to the site. The proposed modifications have been assessed in accordance with the relevant provisions as outlined in **Table 7**.

Table 7 LCLEP Compliance Table

Clause	Proposed	Compliance
Clause 2.1 – Land Use Zones	The proposed development as modified remains permissible with consent in the R4 zone.	Yes – no change.
R4 High Density Residential	The proposed modification is consistent with the R4 zone objectives for the following reasons: • The proposal retains the residential use of the site and seeks to construct a high density residential development, which provides	

	additional housing to contribute to housing supply in the locality. • The proposal continues to contribute 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 proposal 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 public transport infrastructure. • The proposal is designed to incorporate an extensive landscaping on site. The design ensures surrounding developments remains unaffected.	
Clause 4.3 – Height of Buildings 37m The proposed development seeks a 30% bonus to the maximum height control under the provisions of Chapter 2 Section 16 of the Housing SEPP as it will deliver 15% affordable housing. As such, the maximum building height control is 48.1m.	The proposed building heights are outlined below: Area 13: 47.95m Area 14: 46.85m Area 15: 47.63m	Yes
Clause 4.4 – Floor Space Ratio Area 13 and 15: 2.85:1 Area 14: 3.35:1 The proposed development seeks a 30% bonus to the maximum FSR control under the provisions of Chapter 2 Section 16 of the Housing SEPP as it will deliver 15% affordable housing. As such, the maximum FSR control is: Area 13 and 15: 3.705:1 Area 14: 4.355:1	The total proposed gross floor area of Area 13 and 15 is 15,568.4m², this equates to 3.705:1. The total proposed gross floor area of Area 14 is 7,281.6m² which equates to 4.355:1.	Yes
Clause 7.1 – Development on Land in St Leonards South Area <i>(4) Development consent must not be granted under this clause unless the consent authority is satisfied that—</i> <i>(a) at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development</i>	(a) The proposal includes 47 x 1-bedroom apartments which accounts for 20.3% of total dwellings. (b) The proposal includes 111 x 2-bedroom apartments which accounts for 48.1% of total dwellings. (c) The proposal includes 61 x 3-bedroom apartments which accounts for 26.4% of dwellings. (d) No change is proposed to ground level setbacks or green spine/communal open space.	Yes

will be studio or 1 bedroom dwellings, or both, and

(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

(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

(d) the development will provide appropriate building setbacks to facilitate communal open space between buildings,

Clause 7.2 – Minimum site area requirements	No change is proposed to site area.	Yes, no change.
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Area 13 – 1,600sqm

Area 14 – 1,600sqm

Area 15 – 2,000sqm

Clause 7.3 – Minimum affordable housing requirements	3 affordable housing units (2 units for Area 14 and 1 unit for Area 13) will continue to be provided as part of the development to satisfy the requirements of the LCLEP.	Yes, no change.
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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.

Clause 7.5 – Requirements for pedestrian links and roads	No change is proposed to the design, width or area of the approved pedestrian link.	Yes, no change.
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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—

....

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,

.....

Clause 7.6 – Design Excellence – St Leonards South Area	The original development application was determined to exhibit design excellence by Lane Cove Council's Design Excellence Panel. The proposed modification purposefully remains consistent with the elements of the approved development which contributed to design	Yes
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excellence, specifically in relation to materiality, landscaping, public domain, traffic and access, and amenity.

The modifications remain largely consistent with the design language of the approved development and presents as the same development as the approved with a vertical extension to achieve the bonus height and floorspace allowed under the Housing SEPP.

For these reasons, the proposal maintains the key elements that contributed to the confirmation of design excellence in the original approval.

Based on the above, it is considered the development as modified will comply with the relevant provisions within the LCLEP.

5.2. PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS

No draft environmental planning instruments are relevant to this proposal.

5.3. LANE COVE DEVELOPMENT CONTROL PLAN 2009

The Lane Cove Development Control Plan 2009 (the DCP) provides detailed planning controls relevant to the site and the proposal. An assessment against the controls relevant to this modification application is provided in the table below.

Table 8 DCP Compliance Table

Control	Provision	Proposed	Complies
Part B – General Controls			
B.6 Environmental Management			
6.1 Sunlight to public spaces	a) New development must allow for a minimum of 2 hours of solar access to at least 50% of new and existing public open areas or plazas between the hours of 11am and 2pm on 21st June	The proposal will create additional shadow to the new public park located to the southwest of the site at 9am-10am only. At 9am, the park will be overshadowed by other developments, and the additional shadow will fall within the shadow cast by other development. The additional shadow at 10am is minor in area and will not impact on the ability of the Park to achieve a minimum of 2 hours solar access to 50% area of the Park.	Yes
Part C – Locality 8 – St Leonards South Precinct			
C.4 Structure Plan			
The proposal continues to comply with the St Leonards Structure Plan as approved.			
C.5 Access			
No changes are proposed to the approved access arrangements.			
C.6 Infrastructure			
Affordable Housing	a) Affordable Housing shall be provided as indicated in Figure 7. Each dwelling shall comprise a minimum of 2 bedrooms with an internal area of at least 70 sqm (plus storage) and one car space, in accordance with the "Specifications for	3 affordable housing units will continue to be provided as part of the development to satisfy the requirements of the DCP, no changes are proposed to the size or mix of the 3 affordable housing units. An additional 40 affordable housing units are proposed as part of this modification to	Yes

Control	Provision	Proposed	Complies
	Affordable Housing in the St Leonards South Precinct"	satisfy the requirements of Chapter 2 Division 1 of the Housing SEPP.	
C.7 Built Form			
7.2 Building Envelope			
1. Front Building Setbacks for Area 13, 14 and 15	4m at street level +3m at and above level 6	No change is proposed to the approved setbacks to Marshall Avenue, Holdsworth Avenue and Berry Road.	Yes, no change.
(Refer to Figure 9)	To Marshall, Holdsworth and Berry		
1. Building Setbacks to pedestrian link for area 14 and 15	6m at east-west pedestrian link +3m at and above Level 5	The proposal is setback 6m at the ground and podium level, which is same as what was approved.	Assessed based on merit.
(Refer to Figure 9)		It is proposed to reduce the upper-level setback to the pedestrian link for Areas 14 and 15 from 9m to 6m, which is non-compliant with the DCP control. This is justified on the following basis: ▪ The proposal will provide a 27m building separation distance to the neighbouring development at Area 16. This exceeds the minimum separation distance required under the ADG and the proposed setback reduction will not impact on the privacy or amenity of neighbouring buildings to the south. ▪ The proposed reduction in setback will not be readily perceivable from the public domain or create an excessive bulk and scale to the pedestrian link. People using the link will clearly identify the lower podium form of the buildings in the eyesight, with the upper levels sitting more in the background partially obscured by trees. The upper-level setback non-compliance will not compromise the pedestrian experience within the pedestrian link, as the pedestrian link will still remain at human scale with the lower levels of the development complying with the 6m setback. ▪ Furthermore, the architectural language of the podium and tower treatment remains as approved. The use of contrasting materials, colours, and form help to visually separate the built form and maintain the intended hierarchy. ▪ There is a precedent for non-compliance with the setback control within the St Leonards South precinct. A development at Area 5 subject to the same controls was approved with a 3m setback across the full height of the building, rather than the required 9m setback. As such, non-compliance with the setback control can be considered acceptable in this context. ▪	Refer to Section 5.6.1 for detailed assessment

Control	Provision	Proposed	Complies
		Therefore, the proposed modification is an appropriate urban design response, and will not create overbearing bulk and scale to the pedestrian link. Despite the numerical non-compliance, the objective of the control is achieved.	
2. Rear Building Setback	a) Minimum 12m setback to rear boundary of an Area.	No change is proposed to the approved rear setback.	Yes, no change.
3. Building Separation	As per ADG/SEPP 65	Despite the upper level setback non-compliance, the proposal continues to fully comply with ADG building separation distances requirements. Due to the 15m wide pedestrian link adjoining the site to the south and the 6m building setback proposed, the building separation between the proposed building in Areas 14 and 15 and those in Areas 16 and 17 to the south will be 27m which is more than what is required under the ADG.	Yes.
4. Building Depth	Maximum depth 18-22m	No change is proposed to the approved maximum building depth.	Yes, no change.
5. Building Orientation Length	Maximum building length shall not be greater than 35m unless strongly articulated.	No change is proposed to the approved maximum building length.	Yes, no change.
6. Building Articulation	a) A high degree of articulation is mandatory for the front façade and include balconies, overhangs, blades and other architectural features. b) Articulation elements shall not utilise contrasting 'bright' colours to emphasise the articulation	No change is proposed to the overall approach to and design of the building façade and articulation.	Yes, no change.
7. Height in Storeys	a) Height of development in number of Storeys shall be as per Figure 10. (Area 12, 13, 14 – 10 storeys) b) Part storeys resulting from excavation of steep slopes or semi basement parking will not count as a storey.	As a consequence of adopting the height incentive under the Housing SEPP, which has not been contemplated by the DCP, the proposal can no longer comply with the DCP height in storey control. The proposed variation is appropriate considering the circumstances. Despite the technical non-compliance, the additional storeys: - Will incorporate an architectural expression, material and colour that is consistent with the approved tower form in order to ensure the additional storeys read as part of a cohesive tower element. - Maintain appropriate building separation distances as per the ADG. - Will result in minimal additional overshadowing to the public domain and neighbouring developments.	Assessed based on merit
8. Solar Access	a) Compliance with ADG solar access requirements	71% of living rooms and private open spaces achieve a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter.	Yes.

Control	Provision	Proposed	Complies
		As such, the proposal complies with ADG requirements.	
	b) Building design must ensure that overshadowing of public (i.e. Newlands Park and Local Park) and private open spaces (Green Spines) is minimised.	There is only a minor increase in overshadowing to the proposed green spine at 12pm. Despite the additional shadow cast, a minimum of 2 hours direct sunlight between 10 am and 12 pm on 21 June (mid winter) to at least 50% of the principal usable part of the green spine communal open space can still be achieved. The proposal will create additional 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 can be retained for a minimum of 2 hours and will not be impacted by the proposal.	Yes
7.3 Incentives for Area 13, 14 and 15			
Maximum LEP Height of Buildings (As shown in LEP Incentive Height of Buildings Map)	37 metres	The proposed development seeks to apply the 30% bonus to the maximum height control under the provisions of Chapter 2 Section 16 of the Housing SEPP, subject to the provision of 15% affordable housing. As such, the maximum building height control is 48.1m. The proposed building heights complies with the maximum allowable building height control as outlined below: ▪ Area 13: 47.95m ▪ Area 14: 46.85m ▪ Area 15: 47.63m	Yes
Maximum LEP FSR	▪ Area 13 & 15: 2.85:1 ▪ Area 14: 3.35:1	The proposed development seeks to apply the 30% bonus to the maximum FSR control under the provisions of Chapter 2 Section 16 of the Housing SEPP, subject to the provision of 15% affordable housing. As such, the maximum FSR control is: ▪ Area 13 and 15: 3.705:1 ▪ Area 14: 4.355:1 The total proposed gross floor area of Area 13 & 15 is 15,568.4m², this equates to 3.705:1 and complies with the maximum allowable GFA. The total proposed gross floor area of Area 14 is 7,281.6m² which equates to 4.355:1, and complies with the maximum allowable GFA..	Yes
Maximum Height of Buildings (Storeys)	Area 12, 13, 14 – 10 storeys ▪	As above, the proposed modification will exceed the building height in storeys control as a result of the bonus height and floorspace afforded by the Housing SEPP.	Assessed based on merit.

Control	Provision	Proposed	Complies
(As shown in Figure 10)		This variation is considered acceptable given the circumstances, the new controls introduced by the Housing SEPP and the proposed provision of affordable housing units.	
Outcome to be entitled to incentives:	- Minimum site area of 1,600sqm for Area 13 and 14 and 2,000 sqm for Area 15. - Design excellence is achieved in accordance with LEP Clause 7.6, including the Maximum Height of Buildings (in storeys) 1 affordable housing dwelling dedicated to Council in perpetuity within area 13 and 2 affordable housing dwellings dedicated to Council in perpetuity in area 14. - Provision of appropriate building setbacks to facilitate shared communal open space between buildings (Green Spines) embellished in accordance with the "Specifications for Private Open Space in the St Leonards South Precinct" with a positive covenant granting shared access in accordance with Section 88E of the Conveyancing Act 1919 - A dwelling mix comprising a minimum 20% One Bedroom and Studio dwellings, 20% Two Bedroom dwellings and 20% 3 or more dwellings; and - Amalgamation of lots as per Figure 8 to prevent the fragmentation or isolation of land. - For area 15, a 15m wide pedestrian and bicycle link connecting Berry Road and Holdsworth Avenue embellished in accordance with the "Specifications for Public Open Space in the St Leonards South Precinct" and dedicated to Council in perpetuity.	The proposed development as modified continues to comply with all necessary requirements to be entitled to height and floor space incentives under the Lane Cove LEP.	Yes, no change.
C.8 Landscape			
Roof Terraces	Roof terraces are encouraged, refer Figures 25 (a) and (b) and LMP for desired Roof Terrace design.	The proposal continues to provide a roof terrace on the roof of the Area 13 building and on the roof of the bridge element between area 13 and 15.	Yes.
C.9 Environmental Sustainability			
A BASIX Certificate has been issued for the proposed modification which demonstrates that the development achieves a score which meets or exceeds the targets for water, thermal comfort and energy.			
Part R Traffic, Transport and Parking			
2.3 Car parking rates	Residents/Employees: 1 space per 1-bedroom unit 1.5 spaces per 2-bedroom unit 2 spaces per 3+ bedroom unit	Condition 69 of the development consent for DA56/2023 permitted car parking for the development to be provided in accordance with Table 1 of the DCP, rather than Table 2, which provides specific parking rates for development near St Leonards Station.	Yes

Control	Provision	Proposed	Complies
	Customers/Visitors: 1 space per 4 units <i>Note: These DCP rates are neither a minimum, nor maximum</i>	Therefore, parking assessment has been undertaken as per the requirement of Condition 69, and the following parking rates applies: ▪ 0.5 spaces per studio ▪ 1 space per 1-bedroom unit ▪ 1.5 spaces per 2-bedroom unit ▪ 2 spaces per 3+ bedroom unit ▪ 1 disabled space for each adaptable housing unit ▪ visitor: 1 space per 4 units ▪ 1 disabled space per 50 visitor spaces (minimum 1 disabled space) Council's DCP requires 360 resident car parking spaces and 58 visitor car parking spaces. The proposed development makes provision for a total of 342 off-street car parking spaces, comprising 316 residential spaces, 24 visitor spaces and 2 car share spaces. The proposed car parking provision is less than the DCP requirement however, given the development's highlight accessible location in proximity to St Leonards Railway Station and Crows Nest Metro Station, the shortfall in parking is not expected to contribute to any adverse traffic impacts on the surrounding street network, as outlined in the Traffic and Parking Statement accompanying this modification application. In relation to the visitor car parking space requirement set out in the LCDCP, it is considered that the required parking rate of one visitor car parking space per four apartments to be excessive. The revised proposed development includes 47 adaptable apartments, 47 accessible parking is proposed which complies with the control. Applying the surveyed visitor parking rate obtained from the parking demand survey, the subject revised proposed development would require 24 visitor car parking spaces to be provided. Therefore, the provision of 24 visitor car parking spaces is not expected to create any additional parking demand on the surrounding streets and is deemed acceptable. In relation to accessible parking for visitors, the revised proposed development proposes to provide 24 visitor car parking spaces. As such, the proposed development is required to provide one	

Control	Provision	Proposed	Complies
		visitor accessible car parking space, and one accessible visitor car parking space is provided.. Therefore, the proposed accessible parking provision for the proposed development is satisfactory.	
	1 onsite removalist truck space per 100 residential units (as per relevant Australian Standards)	A dedicated loading area with two loading bays 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).	Yes – no change.
	1 car wash bay per 50 units for developments over 20 units	The DCP requires five spaces to be provided for car wash. Instead of providing five car wash bays, three 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.	Assessed on merit
2.6 Bicycle Parking	Rate: Residential flat buildings: 1 per 4 dwellings	A total of 58 spaces are required for residents and 24 spaces for visitors. The proposal provides a total of 58 spaces for residents and 25 spaces for visitors and is compliant with this control.	Yes
2.7 Motorcycle Parking	a) Developers shall provide 1 motorcycle parking space per 15 car spaces for all types of development.	Council's DCP requires 23 spaces for motorcycle parking. The proposed development provides a total of 25 motorcycle spaces across the car parking levels, thereby satisfying Council's motorcycle parking requirement.	Yes

5.4. ANY PLANNING AGREEMENT

As part of the DA, a draft Voluntary Planning Agreement (**VPA**) was prepared by the applicant and exhibited as part of the DA process. No changes are proposed to the VPA and it will remain as per the approved DA.

5.5. REGULATIONS

This application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulation 2021*.

5.6. IMPACT ASSESSMENT

5.6.1. Building Scale and Height

The provisions of the Housing SEPP for infill affordable housing have re-established the permissible built form and scale of development in the St Leonards South precinct. The proposed modifications are compliant with the maximum allowable floorspace and height controls provided under the Housing SEPP. The proposal continues to respond to the high-density contemporary residential character being established in the St Leonards South precinct.

The four additional storeys to each building proposed under this modification reflect a vertical extension to the approved building form that maintains the approved design language, materiality and façade approach. The proposed development continues to provide a built form comprised of podium and tower elements that are clearly defined through the use of contrasting materials, colours and forms. The podium facade utilises an earthy brick textured material palette, while the tower elements above are treated with lighter tones and

expression of vertical articulation, helping to visually separate the built form and maintain the intended hierarchy. These architectural responses have been adopted to the southern elevation to minimise the visual impact from the non-compliant upper level setback to the southern boundary for Areas 14 and 15.

The one-storey upper level addition to the bridge link connecting the blocks on Areas 13 & 15, will not impact on the clearance height below the bridge element, so it can continue to provide the same physical break to the length of the building as viewed from the Street. Despite the upper level addition, the built form can continue to break up the continuous street wall along Berry Road, remaining consistent with the overall built form and scale of the developed as modified.

The built form on the corner of Berry Road and Marshall Avenue continues to incorporate carefully articulated architectural forms to signal the key corner location, and represents as the prominent precinct 'gateway' building. The proposed additional storeys will not impact the prominence or design of this corner as they will merely vertically extend the approved tower form, whilst maintaining the defined podium form (refer to Figure 5).

The Lane Cove DCP requires a 6m setback to the pedestrian link from Areas 14 and 15 from ground to level 4, and a 9m setback at and above level 5. The 6m podium setback is retained. The proposed modification seeks to vary the upper level setback control by providing a continuous 6m setback to the pedestrian link, reducing the upper-level setback from the approved 9m. Despite this partial non compliance, the proposed modifications will not impact on the legibility and spatial awareness of the pedestrian link (refer to Figure 6). People using the link will clearly identify the podium form in the eyesight with the upper levels sitting more in the background partially obscured by trees. The setback variation at the upper level would be perceived as only marginally different from the pedestrian link. The built form framing the pedestrian link will remain at a 'human scale' with the lower levels of the development complying with the 6m setback. Therefore, the proposed 6-metre upper level setback still retains a legible relationship between built form and the landscaped open space of the pedestrian link without compromising visual amenity.

In addition, the articulation of the façade and the transitional scale between podium and tower levels help reduce the perceived bulk and visual dominance of the proposed built form. Providing windows and balconies overlooking the pedestrian link also encourages passive surveillance and safety. The pergola structure at the ground level softens the building edge and provides a more human scaled, visually appealing interface with the public domain.

From an amenity perspective, the proposal continues to fully comply with ADG building separation distances requirements. Due to the 15m wide pedestrian link adjoining the site to the south and the 6m building setback proposed, the building separation between the proposed building in Areas 14 and 15 and those in Areas 16 and 17 to the south will be 27m, which is more than what is required under the ADG.

Finally, there is a precedent for non-compliance with the setback control within the St Leonards South precinct. A development at Area 5 subject to the same controls was approved with a 3m setback across the full height of the building, rather than the required 9m setback. This setback non-compliance is greater than that proposed as part of this modification and, while this application must be considered on its own merits, suggests that strict compliance with the setback control is not necessary and that a variation can be considered acceptable in this context.

As such, the proposed modifications, will retain the architectural language of the approved development and will have minimal impact to the public domain. The development as approved utilises articulation, façade recesses, colours and materials to reduce the perceivable bulk and create visual interest along the street frontages, which are strategies that will be continued as part of this modification application in order to ensure that no adverse amenity or visual impacts arise as a result of the proposed modifications.

Figure 5 Photomontage Comparison at the corner of Marshall and Berry



Approved

Proposed

Figure 6 Photomontage as viewed from Holdsworth Avenue



Proposed

5.6.2. 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. It is also noted that a recent modification application was approved for areas 1, 2 and 4, which increased the building height from 12 to 19 storeys as the result of applying the incentives under the Housing SEPP. Therefore the character of the area will continue to transition to more significant height and scale.

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 Housing SEPP 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 and the State Government has established.

5.6.2.1. Solar Access and Overshadowing

Shadow diagrams between 9:00am and 3:00pm on June 21 have been prepared by PTW and included in the Architectural Plans. The area of additional shadow created by the additional height is highlighted in blue.

In relation to solar access to the green spine communal open space within the development, no additional shadow will be created as the result of the modification. 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, the modified development will create additional shadow to minor portions of the proposed pedestrian link is overshadowed at 12pm to 1pm, and the shadow moves away to the southwest throughout the afternoon. The modification ensures the amenity of pedestrian link is maintained. The modification will create additional shadow to the new public park located to the southwest of the site at 9am-10am only, and the area of additional shadow is very minor, therefore solar access to the new public park will not be impacted by the modified proposal.

As shown in Shadow Diagrams, the modification creates fast moving shadow throughout the day. Minor areas of additional shadow is created to the development to the southwest of the site at 9am to 10am. The extent of additional shadow is then reduced in area from 10am. After 12pm, minor area of additional shadow falls within portion of the site to the south and development located to the southeast. Between 2pm and 3pm the area of additional shadow moves away from residential development and further towards the southeast.

The proposed height and FSR controls are compliant with the provisions as set out in the LCLEP 2009 and the Housing SEPP, 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 maximum allowable controls.

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 significant additional overshadowing to neighbouring buildings.

5.6.2.2. Natural Ventilation

A Cross Ventilation Statement has been prepared by RWDI Australia Pty Ltd to provide assessment on the natural ventilation performance for the modified proposal. On review of the modification, it is expected that 62.8% (98/156) of the overall development can be considered as naturally cross ventilated. This includes:

- 81 residential apartments with dual-aspect designs;
- 17 residential apartments with facade articulation which has the potential to generate pressure differential between the positively pressurised windward façade and the negative pressurised recess, when impacted by the oblique prevailing winds. Less obstruction within the balcony recess is important to improve the natural ventilation for these units.

5.6.2.3. Wind

A Qualitative Wind Assessment has been prepared by RWDI Australia Pty Ltd to assess the impacts of the additional height of the proposed development on the flow of wind within and around the development.

Based on the review of the final architectural drawings, the majority of recommendations as discussed in Section 5.4 of the report have been incorporated in the proposed design, which include:

- Dense multi-layered landscaping within and around the development site.
- The awning between the Areas 13 and 15 Buildings.
- The porous vertical screening at the corners of the balconies for Apt 130303, Apt 130305 and Apt 150305.
- The awnings along the southern aspect of Areas 14 and 15, with nearby trees.
- A 1.8 m tall impermeable screen around the perimeter of the Level 13 Communal Roof Terrace, supplemented with 3 to 4 m tall evergreen trees.

Other measures recommended in Section 5.4 of the report for the private balconies can be quantitatively assessed during the detailed design stages.

Overall, the modified development is able to achieve appropriate wind comfort levels on the ground floor, public domain areas, private open space and communal roof terrace areas.

5.6.3. Traffic and Parking

A Traffic and Parking Statement has been prepared by MLA Transport Planning to assess the car and bicycle parking provision, car park layout and design and traffic impacts anticipated as a result of the proposed modifications.

5.6.3.1. Parking

This modification application seeks to increase the number of dwellings provided as part of the development from 185 to 231, necessitating the provision of additional car, motorcycle and bicycle parking spaces.

The Traffic and Parking Statement identifies that, whilst the site is located in the vicinity of St Leonards Station, Condition 69 of the consent for DA56/2023 identifies a higher parking rates within the DCP (Table 1 of the DCP) to this development. As such, as per condition 69, the proposed development will generate 418 car parking spaces, including 360 resident spaces and 58 visitor spaces. The modified development proposed a total of 342 car parking spaces, including 316 resident spaces, 24 visitor spaces and 2 car share spaces. Whilst this parking provision is less than the requirements of the DCP, the Traffic and Parking Statement concludes that the site's strategic location in proximity to St Leonards Station, Crows Nest Station and other local amenities and services means that the shortfall in parking is not expected to contribute to any adverse traffic impacts on the surrounding street network. The proposed parking provision represents a well-balanced approach, supporting sustainable transport objectives while still meeting the parking demands of future residents and visitors.

In relation to the visitor car parking space requirement set out in the DCP, it is considered that the required parking rate of one visitor car parking space per four apartments to be excessive.

To assess the appropriateness of this rate, reference is made to a parking demand survey that was carried out in August/September 2013 at Stage 1 of the East Quarter development in Hurstville. The East Quarter site is located within walking distance to two railway stations with direct train services to Sydney CBD as well as being located near the Hurstville Town Centre, an urban setting not too dissimilar to that of the subject site.

The surveys found that the parking demand for visitor parking was typically around 12 to 14 parked vehicles with a peak demand of 16 parked vehicles at any one time. The peak parking demand occurred at 4:30pm on a Saturday afternoon. The peak parking demand for Tuesday was 13 parked vehicles. With a peak demand of 16 vehicles, this equates to a parking demand rate of approximately one space per 10 units. the subject revised proposed development would require 24 visitor car parking spaces to be provided.

Therefore, the provision of 24 visitor car parking spaces is not expected to create any additional parking demand on the surrounding streets and is deemed acceptable. Under the circumstances, the proposed overall car parking provision for the revised proposed development is considered to be satisfactory.

Additionally, Council's DCP requires the provision of 82 bicycle parking spaces, comprising 58 resident spaces and 24 visitor spaces, and 23 motorcycle parking spaces. The proposed development provides 83

bicycle parking spaces, comprising 58 resident spaces and 25 visitor spaces, and 25 motorcycle parking spaces, and subsequently is consistent with the requirements of the DCP.

This additional parking is, in part, proposed to be accommodated in an additional basement level (Basement Level 03) as well as in a revised layout of Basement Level 02 which utilises a continuous U-shaped aisle to replace the two previously approved dead-end aisles and improve vehicle circulation.

The Traffic and Parking Statement confirms that the design of the basement and car parking areas remains compliant with the relevant Australian Standards.

5.6.3.2. Traffic Generation

The proposed modifications are anticipated to generate an additional 8 vehicles per hour in the morning peak and 7 vehicles per hour in the evening peak compared to the approved development, for a total of 44 vehicles per hour in the morning peak and 35 vehicles per hour in the evening peak.

The Traffic and Parking Statement outlines that a net increase of 8 vehicles per hour is considered to be low and well within normal day-to-day traffic fluctuations. The increase in traffic generation is not anticipated to result in any noticeable changes to the performance of nearby intersections.

Additionally, the Traffic and Parking Statement notes that the traffic modelling conducted for the St Leonards South precinct as part of the original masterplan adopted lower traffic generation rates than the approved development. If these lower rates are utilised, the level of traffic generation associated with the proposed modifications will be less than the traffic generation estimated for the approved development.

Subsequently, the Traffic and Parking Statement concludes that the proposed modification will not have any adverse traffic impacts and is considered acceptable.

5.6.4. Acoustic

The Acoustic Letter provided by VMS assesses the modified development against the relevant statutory provisions. Their review finds that the addition of a 30% uplift to the currently approved DA design will not lead to further noise emission or noise intrusion impacts relative to what was assessed DA.

Therefore, the following remains applicable to the proposed modification:

- The recommendations as presented in the Acoustic Assessment prepared by acoura dated 14/04/2023.
- The DA Conditions related to acoustics in the consent DA56/2023.

5.6.5. Stormwater

Updated Stormwater Management Design and civil drawings have been provided for this application to ensure that the stormwater systems are designed in accordance with the relevant statutory provisions. The report has been accompanied by a MUSIS.

The stormwater management plan prepared by C&M, Report No. R02527 Rev C, for the original DA submission adopted an incorrect site area for the OSD calculation. For this reason, new calculations were required based on the correct area. Accordingly, the OSD volume increased from 135.6m³ to 149.80m³ with a PSD of 65.13l/s.

The basement plans were amended to reflect the correct OSD volume and a direct connection to a kerb inlet pit has been proposed.

As approved, propriety devices are retained to achieve a reduction in pollutants. A gross pollutant trap and rainwater tank is retained to promote water re-use. No design change is required for the rainwater tank.

The proposed water quality and quantity measures can continue to address and comply with the requirements of Chapter O of Council's stormwater management code

5.6.6. Geotechnical

An updated Geotechnical Assessment Report has been prepared by Foundation Earth Sciences to assess the additional excavation associated with the additional level of basement. 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.
- Undertaking additional technical work including:
 - Additional deep borehole testing after the demolishing of the existing structures to assess subsurface conditions to inform detailed structural design.
 - Undertake Finite Element Analysis for the shoring wall design to ensure that ground deformation remains within industry acceptable limits.
 - A long term ground water assessment should be conducted in accordance with Water NSW requirement. Groundwater modelling should be carried out prior to the design stage to determine the appropriate basement system.

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.

5.6.7. Waste Management

Updated versions of Operational Waste Management Plan has been prepared for this application. Due to the proposed residential uplift and additional height of the development, the total amount of projected waste volumes has increased, which has necessitated revision of the Operational Waste Management Plan. However, waste collection and disposal procedures remains the same, and no additional impacts to the waste mechanisms are anticipated, subject to the implementation of the appropriate mitigation measures proposed the Plan.

5.6.8. BCA and Access

5.6.8.1. BCA

A BCA Design Capability Statement has been prepared by Nest Consulting Group. The statement confirmed that the modified application is capable of complying with the relevant deemed to satisfy provisions and/or performance requirements of the Building Code of Australia (BCA) Volume 1 2022 Amendment.

5.6.8.2. Access

An Accessibility Assessment Report has been prepared by Access Link Consulting which confirms that the modified development is able to comply with spatial requirement to provide access with people with disability under the relevant standards and codes by adopting the recommendations in this report.

5.7. SUITABILITY OF THE SITE

The modification does not propose change of use to the approved development that would make it unsuitable for the site. The development as modified will remain suitable for the site for the reasons stated in the original approval of DA56/2023.

5.8. PUBLIC NOTIFICATION AND SUBMISSIONS

It is understood that the application will need to be assessed in accordance with the Lane Cove Development Control Plan 2010. Any submissions received by Council will need to be considered in the assessment of the proposed modifications.

5.9. THE PUBLIC INTEREST

The modified proposal is considered in the public interest for the following reasons:

- The proposed modifications substantially comply with the relevant State and local planning controls and thus meets what would be a reasonably expected built form outcome.

- The proposed building infill of the upper-level setback control enables the realisation of the development capacity of the site under the infill affordable housing provisions and will have limited impacts to overshadowing or amenity. Appropriate building separation distances are maintained to ensure minimal privacy and overshadowing impacts to neighbouring development.
- The proposed modifications will result in the delivery of additional housing supply including an additional 40 affordable rental dwellings in the St Leonards locality. The development provides a range of housing choices and a mix of dwelling types. So the proposal will have a positive social impact in the Lane Cove LGA.
- The proposal will provide a high level of amenity for future residents, whilst also protecting amenity levels enjoyed by neighbouring residents.
- The proposed amendments will not result in any negative amenity impacts to surrounding properties.
- No adverse environmental, social or economic impacts will result from the proposal.

6. CONCLUSION

The proposed modifications have been assessed in accordance with section 4.55 and section 4.15 of the EP&A Act and are considered appropriate as summarised below:

- The proposed modifications do not impact the permissibility of the development within the LCLEP 2009, and the proposal remains generally compliant with the applicable State and local government planning controls.
- The proposal is consistent with the desired future character of St Leonards South and will deliver additional dwellings to address housing demand in the area and Sydney more broadly, particularly affordable housing units.
- The proposed modifications seek to utilise the development potential and residential uplift afforded by the provisions of the Housing SEPP whilst minimising potential amenity, visual and overshadowing impacts to neighbouring properties and the public domain.
- The development as modified remains permissible within the R4 High Density Residential zone and is consistent with the zone objectives.
- The development remains substantially the same as that to which the consent was original granted and does not conflict with any surrounding land uses.

Having considered all relevant matters, it is concluded that the proposed development as modified is appropriate for the site and approval is in the public interest subject to appropriate consent conditions.

DISCLAIMER

This report is dated 26 May 2025 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 Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Modern Construction & Development (**Instructing Party**) for the purpose of Section 4.55(2) (**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).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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