



**URBIS**

# **SCOPING REPORT**

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

“Areas 13, 14 & 15”  
St Leonards South

Prepared for

**MODERN CONSTRUCTION & DEVELOPMENT**

April 2024

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Report Number	Final

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# GLOSSARY AND ABBREVIATIONS

Reference	Description
ACHAR	Aboriginal Cultural Heritage Assessment Report
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Reg	<i>Biodiversity Conservation Regulation 2017</i>
BDAR	Biodiversity Development Assessment Report
CBD	Sydney Central Business District
CEMP	Construction Environmental Management Plan
CMP	Construction Management Plan
CTMP	Construction Traffic Environmental Plan
DCP	Development Control Plan
DPHI	NSW Department of Planning, Housing and Industry
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPA Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EIS	Environmental Impact Statement
HPC	Housing and Productivity Contribution
LEP	Local Environmental Plan
LMP	Landscape Master Plan
LSPS	The Local Strategic Planning Statement
PBP	Planning for Bushfire Protection
PSI	Preliminary Site Investigation
SAIL	Serious and Irreversible Impacts
SEARs	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
Site	14-16 Marshall Avenue, 5-9 Holdsworth Avenue & 2-10 Berry Road, St Leonards
Planning Systems SEPP	<i>State Environmental Planning Policy (Planning Systems SEPP)</i>
Housing SEPP	<i>State Environmental Planning Policy (Housing) 2021</i>

Reference	Description
SSD	State Significant Development
SSDA	State Significant Development Application
TfNSW	Transport of NSW
TIA	Traffic Impact Assessment
The precinct	St Leonards South Precinct
WMP	Waste Management Plan
WSUD	Water Sensitive Urban Design

# 1. INTRODUCTION

This Scoping Report has been prepared on behalf of Modern Construction & Development (**Proponent**) and in support of a proposed residential development (including affordable housing). The site is 14-16 Marshall Avenue, 5-9 Holdsworth Avenue & 2-10 Berry Road, St Leonards, also known as Areas 13,14 and 15 within the St Leonards South Precinct (**the precinct**). The site is bound by Marshall Avenue to the north, Holdsworth Avenue to the east and Berry Street to the west. The site is within 500m walking distance to St Leonards train station.

This report seeks Secretary's Environmental Assessment Requirements (**SEARs**) for the preparation of an Environmental Impact Statement (**EIS**) that will accompany a State Significant Development Application (**SSDA**).

The proposed development has an estimated development cost of \$149,805,700 (refer to **Appendix X**). Accordingly, the proposal is classified as an SSD under Schedule 1, Section 26A of the *State Environmental Planning Policy (Planning Systems SEPP)* (**Planning Systems SEPP**) as it is development to which *State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1* applies and that:

- Is not prohibited under an EPI applying to the land.
- Meets the locational requirements of the Housing SEPP.
- Will provide 15% of the residential component as affordable housing for at least 15 years.
- The development on land is in the Eastern Harbour City and the residential development has a capital investment value of more than \$75 million.

The Minister is the consent authority for the proposal in accordance with section 4.5 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**). Accordingly, this DA is being lodged with the NSW Department of Planning, Housing and Industry (**DPHI**) as an SSDA seeking development consent for the proposed residential flat building development.

This section of the report identifies the applicant for the project and describes the site, the proposed development and it outlines the site history.

This Scoping report is accompanied by the following documents:

- Estimated development cost letter
- Preliminary Design Report
- Draft Voluntary Planning Agreement (as exhibited with the local DA)

## 1.1. APPLICANT DETAILS

The applicant details for the proposed development are listed in the following table.

Table 1 Applicant Details

Descriptor	Proponent Details
Full Name(s)	Modern Construction and Development
Postal Address	PO Box 166, Beverly Hills, NSW 2209
ABN	40 115 376 782
Nominated Contact	Tony Pizzolato
Contact Details	tonyp@modernco.com.au

## 1.2. THE SITE

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 3. The site is currently owned by Modern Construction & Development Pty Ltd.

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.

Figure 1 Aerial Photograph



Source: Urbis

Figure 2 St Leonards South Amalgamated Areas



Source: St Leonards South DCP

Figure 3 Local Context Plan



Source: PTW

### 1.3. PROJECT DESCRIPTION

This DA seeks consent for the following:

- Demolition of all existing buildings on site and lot consolidation
- Removal of identified trees and site enabling/early works.
- Construction of three (3) residential flat building ranging from 13-14 storeys and comprising:
  - 255 total apartment units comprising 49 (including 3 units dedicated to Council) affordable housing units;
  - Rooftop communal space on Area 13;
  - A consolidated basement car park; and
  - Vehicular access via Holdsworth Avenue (from Area 14).
- Significant landscaping integrated throughout the site with a focus on the central green spine.
- Dedication and provision of a landscaped pedestrian link to the south of the site.

### 1.4. PROJECT BACKGROUND

The NSW Government has recognised the need to build more homes for the State's growing population, boosting housing supply and improving affordability.

Under the National Housing Accord, NSW is tasked with delivering approximately 376,000 new well-located dwellings, including approximately 15,800 social and affordable dwellings by 2029.

In November 2023, the NSW DPE released a policy initiative to incentivise and support the delivery of affordable housing under the *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*. This

brings together all levels of government, investors, and the private sector to unlock quality affordable housing supply over the medium term.

Recent legislation gazetted by the NSW Government introduces a State significant development pathway for large scale residential developments over \$75 million, provided at least 10% of the residential component of the development will be used for affordable housing for a minimum of 15 years. These provisions allow a 30% uplift in the maximum permitted height and FSR controls that apply to the land.

The Proponent is a leading property developer based in Australia and is positioned to deliver much needed housing, including affordable housing, at the site.

### **1.4.1. Existing DA approval - DA-56/2023**

The site is subject to an existing local DA, which was approved by the Sydney North Planning Panel on 4<sup>th</sup> March 2024.

The DA approved for the construction of 3 residential flat buildings (10-storeys) comprising a total of 185 dwellings and basement parking for 249 vehicles.

#### **1.4.1.1. Voluntary Planning Agreement (VPA)**

As part of the DA, a draft Voluntary Planning Agreement (**VPA**) was prepared by the applicant and exhibited as part of the DA process. The draft Planning Agreement has been prepared to satisfy clause 7.3 and 7.5 of the Lane Cove LEP. The terms of the Planning Agreement are:

*Dedication in perpetuity of the parcel of land identified as 10 Berry Road and comprising Lot 34 in Section 2 in DP 7259 in Area 15 as part of a 15m wide pedestrian link connecting Berry Road and Holdsworth Avenue to be constructed in accordance with the "Specifications for Public Open Space in the St Leonards South Precinct".*

*Dedication in perpetuity of 3 affordable housing dwellings where each dwelling shall comprise an internal area of at least 70sqm (plus storage) and one car space, in accordance with the "Specifications for Affordable Housing in the St Leonards South Precinct". An affordable housing dwelling required under this dot point must be situated in Area 13, 14 or 15. For clarity, the 3 affordable housing dwellings do not need to be situated in the same 'Area'.*

Council did not raise any concerns on the terms of the VPA. We do not anticipate any changes to draft Planning Agreement as exhibited. The Proponent and Council will enter into the Planning Agreement post approval of the SSDA.

A copy of the VPA as exhibited is attached as an Appendix.

### **1.4.2. Pre-Scoping Meeting**

The Proponent and the project team met with DPHI on 11 March 2024 for a pre-scoping meeting. The Proponent introduced the site and discussed the proposed development with DPHI. DPHI did not raise any concern regarding the permissibility of the site in accordance with the Housing SEPP. DPHI instructed the Proponent to prepare a scoping report to request for in-fill affordable housing industry specific SEARs.

## 2. STRATEGIC CONTEXT

This section describes the way in which the proposal addresses the strategic planning policies relevant to the site. It identifies the key strategic issues relevant to the assessment and evaluation of the project which will be explored in further detail within the future EIS.

### 2.1. PROJECT JUSTIFICATION

The proposed development is aligned with the State, district and local strategic plans and policies applying to the site as outlined below.

#### 2.1.1. Greater Sydney Region Plan: A Metropolis of Three Cities

The Greater Sydney Region Plan provides the overarching strategic plan for growth and change in Sydney. It is a 20-year plan with a 40-year vision that seeks to transform Greater Sydney into a metropolis of three cities - the Western Parkland City, Central River City and Eastern Harbour City. It identifies key challenges facing Sydney including increasing the population to eight million by 2056, 817,000 new jobs and a requirement of 725,000 new homes by 2036.

The Plan includes objectives and strategies for infrastructure and collaboration, liveability, productivity and sustainability. The following matters are relevant to the proposed development:

- **Objective 5** – Benefits of growth realised by collaboration of governments, community and business.
  - The proposed redevelopment of the site (including 30% uplift) unlocks its full potential to become a landmark development for the Precinct. Renewal of this site for a residential development (including affordable housing) will provide a meaningful contribution to housing and employment targets for the Precinct, together with funding to support local and regional infrastructure investment.
- **Objective 10** – Greater housing supply.
  - This proposal has the potential to deliver 22,850sqm of residential floor space that would directly contribute to the dwelling supply targets for the district.
- **Objective 11** – Housing is more diverse and affordable.
  - The use of 15% of the residential floor space for affordable housing is a key driver for this project. The proposal will greatly help in delivering diverse and affordable housing in a highly strategic and accessible location.
- **Objective 12** – Great places that bring people together.
  - The provision of a publicly accessible and landscaped pedestrian link has the potential to bring people together by creating a space that people can share and enjoy.
- **Objective 14** – A Metropolis of Three Cities – integrates land use and transport creates walkable and 30-minute cities.
  - The project provides residential uses in an accessible location that is connected to public transport, employment, and services, contributing to a 30-minute city.

This proposal is seeking the orderly development of additional residential floorspace on an accessible site, which is proximate to an existing train station.

#### 2.1.2. Our Greater Sydney 2056: North City District Plan

The North District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to implement the objectives of the Greater Sydney Region Plan. The intent of the District Plan is to inform local strategic planning statements and local environmental plans, guiding the planning and support for growth and change across the district.

The District Plan contains strategic directions, planning priorities and actions that seek to implement the objectives and strategies within the Region Plan at the district-level. The Structure Plan identifies the key centres, economic and employment locations, land release and urban renewal areas and existing and future transport infrastructure to deliver growth aspirations.

The planning priorities and actions likely to have implications for the proposed development are listed and discussed below:

- **Planning Priority N5** – Providing housing supply, choice and affordability, with access to jobs, services and public transport.
  - The proposed development will provide for a range of residential uses that will serve the needs of the local area. A total of 255 apartments, to provide for a diversified combination of affordable residential interests. The site is located in close proximity to the North Sydney CBD, allowing future residents to have easy access to jobs and live close to work.
- **Planning Priority N12** – Delivering integrating land use and transport planning and a 30-minute city.
  - Provide residential uses in proximity to existing transport nodes including St Leonards, Wollstonecraft and Waverton train stations as well as various regional connecting roads such as the Pacific Highway and M1. The proposal also maximises on opportunities presented by significant State government investment in future transport infrastructure, such as the sites proximity to the Crows Nest Metro Station (situated approximately 1.3km to the east) which is currently under construction.

The site is well placed to deliver housing and services, as identified in the Planning Priorities. The proposal will contribute to much needed housing supply, including diverse and affordable housing, and is therefore aligned with the North City District Plan.

### 2.1.3. Local Strategic Planning Statement

The Local Strategic Planning Statement (**LSPS**) has been formulated to be consistent with the Greater Sydney Region Plan and North District Plan. It provides a 20-year vision, planning priorities and actions for land use in Lane Cove. The LSPS will be used to inform future amendments to Lane Cove Council's Local Environmental Plan and Development Control Plan.

The main planning priority applicable to this proposal is:

- Planning Priority 5 - Plan for the growth of housing that crates a diverse range of housing types and encourages housing that is sustainable, liveable, accessible and affordable.

The proposal is consistent with the planning priority as it delivers increased housing capacity within the Lane Cove LGA, accommodating Sydney's growing population in an area that is highly accessible with efficient public transport services such as the St Leonards Railways located within close vicinity to the site. Pacific Highway is located north of the site and serves as an essential transport network. The proposal provides a ranges of housing options and affordable housing, catering to a range of family sizes.

### 2.1.4. St Leonards and Crows Nest 2036

The St Leonards and Crows Nest 2036 Plan has been formulated to facilitate the urban renewal of St Leonards and Crows Nest for an expanding employment centre and growing residential community in the suburbs of St Leonards, Greenwich, Naremburn, Wollstonecraft, Crows Nest and Artarmon.

The subject site is located in the St Leonards South rezoned area. The relevant objectives applicable to this proposal are discussed in the table below.

Table 2 St Leonards and Crows Nest 2036 Plan

Objective	Comment
Ensure new development retains and enhances important heritage elements by using sympathetic building materials and preserving key views and vistas.	<p>The site is not in close proximity of heritage items, such that the proposal does not have an impact on elements of heritage significance.</p> <p>The proposed materials and finishes are contextually responsive to the overall character of the locality. The built form as designed is sympathetic to surrounding developments, with adequate setback controls ensuring there is no</p>

Objective	Comment
	overbearing effect on neighbouring developments and preserving key views and vistas.
Apply causal surveillance and universal access principles to new development to create a safe, inclusive and comfortable environment.	<p>The proposal provides a long-term asset to the neighbourhood through a residential development (including affordable housing) and a public pedestrian link.</p> <p>The proposed development provides an improved urban design outcome along three street frontages, by designing units to orientate towards Marshall Avenue, Holdsworth Avenue and Berry Street, with improved amenity resulting in active streetscapes and passive surveillance, being far superior over the existing situation.</p>
New development should have consideration to wind impacts demonstrated through a wind assessment.	Considering the height of the proposed development, a detailed study of wind assessment will be undertaken.
New development adjoining the increased setbacks and landscaped areas should contribute to its landscape character. For example, by providing planter boxes, lighting, green walls, deep planting, landscaped setbacks and forecourts.	<p>The proposed design includes extensive amounts of on-site planting, deep soil zone and communal open space.</p> <p>The proposed development includes planting on the green spine and the common open space areas on levels above. The landscaped areas have been designed to create an attractive high-quality landscape setting for the amenity of residents, while creating a transition from internal to external spaces</p>
Incorporate new street trees to realise the tree canopy targets identified on Page 3 and increase the overall tree coverage in the area.	The proposal contributes to the Council's 2038 tree canopy coverage target by providing a total of 54% of tree canopy across the site.

### 2.1.5. NSW Housing Strategy: Housing 2041

In March 2021, the *NSW Housing Strategy: Housing 2041* was released. It sets out a long-term (20 year) strategy for better housing outcomes across NSW. High density housing and affordable housing was identified as an important housing typology to expand housing choice across the state.

This proposal is well positioned well to deliver both housing choice and affordability through the varied apartment types and the allocation of 15% of residential GFA as affordable housing.

## 2.2. KEY FEATURES OF SITE AND SURROUNDS

Key features of the site and description of the site context is contained in Table 3.

Photographs of the current site condition are provided in **Figure 4**.

Figure 4 Site Photographs



Picture 1 View looking south along Berry Road



Picture 2 View looking south along Holdsworth Avenue



Picture 3 View looking west along Marshall Avenue

Source: Google Maps

Table 3 Key Features of Site and Locality

Descriptor	Site Details
Street Address	2-10 Berry Street, 5-9 Holdsworth Avenue and 14-16 Marshall Avenue, St Leonards
Lot and Deposited Plan	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

Descriptor	Site Details
	<p>5 Holdsworth Avenue: Lot 7 in DP7259</p> <p>7 Holdsworth Avenue: Lot 8 in DP7259</p> <p>9 Holdsworth Avenue: Lot 9 in DP7259</p>
Site Area	<p>Area 13: 1,973m<sup>2</sup></p> <p>Area 14: 1,672m<sup>2</sup></p> <p>Area 15: 2,229m<sup>2</sup></p> <p>Total: 5,874m<sup>2</sup></p>
Existing Development	<p>The site currently comprises low density residential dwellings of one and two storeys in height with ancillary garages and outbuildings. The dwellings in Holdsworth Avenue take advantage of the sloping topography with garages located on the street frontage with residential dwellings further west.</p>
Local Context	<p>The surrounding locality is characterised by detached dwellings fronting local roads. The character of the surrounding locality is however planned for change. The precinct is undergoing significant transition from low density residential to high density residential development in accordance with the recent changes to planning controls. This is to support higher density residential development in locations that are proximate to existing and planned new (metro rail) transport infrastructure. This transition is being supported by current development activity, recent approvals (including area 5) and further planned development.</p> <p>In response to the new planning policy conditions, several large sites have now secured development consent, these include:</p> <ul style="list-style-type: none"> <li>▪ 13-19 Canberra Avenue, St Leonards (Area 5)</li> <li>▪ 21 -41 Canberra Avenue and 18-32 Holdsworth Av, St Leonards (Areas 7-11)</li> <li>▪ 22-34 Berry Road, 21-31 Holdsworth Avenue and 42-46 River, St Leonards (Areas 18-20)</li> <li>▪ 1-3 Holdsworth Avenue and 10-12 Marshall Avenue, St Leonards (Area 12)</li> <li>▪ 26-50 Park Road, 27-47 Berry Road and 48-54 River Road, St Leonards (Area 22 and 23)</li> <li>▪ 1-5 Canberra Avenue, 4-8 Marshall Avenue, 2-8 Holdsworth Avenue, St Leonards (Area 1, 2 and 4)</li> </ul> <p>The surrounding locality is described below:</p> <ul style="list-style-type: none"> <li>▪ <b>To the north</b> 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</li> </ul>

Descriptor	Site Details
	<p>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.</p> <ul style="list-style-type: none"> <li>▪ <b>To the east</b> 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. Further to the southeast is Newlands Park and the mixed-use area of Crows Nest, which provides a wide range of retail, cultural and commercial offerings.</li> <li>▪ <b>To the south</b> of the site are additional sites that will form part of the St Leonards South Precinct redevelopment. The south of the St Leonards South precinct is further residential development which is within 600m south of the site is Wollstonecraft Train Station.</li> <li>▪ <b>To the west</b> 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. Greenwich Hospital is within approximately 700m west of the site.</li> </ul>
Regional Context	<p>St Leonards has been identified as an important Strategic Centre in the Eastern City District Plan, with significant opportunities to create additional jobs and homes.</p> <p>St Leonards is located 6km north of the Sydney CBD within Sydney's Lower North Shore. The subject site is in proximity and highly accessible to the commercial centres of North Sydney, Chatswood and Macquarie Park. The site is located within convenient walking distance to St Leonards rail station and the future metro station.</p>
Infrastructure	<p>The site is located within 500m walking distance to St Leonards Railway Station. St Leonards Station provides train services to T1 North Shore, Northern, and West Line and is directly connected to major destinations such as North Sydney, Parramatta and Sydney CBD. The site is also located approximately 1km west of the new Crows Nest Metro Station, which will be delivered as part of the new Sydney Metro City and Southwest transit railway line (Metro) and will open in 2024.</p> <p>The site is located 200m south of the Pacific Highway which is a State Road and a major traffic corridor. The Pacific Highway is a six-lane, two-way road. In both directions the kerbside lanes are dedicated for bus transit lanes during peak hours. Multiple high frequency bus routes run along the Pacific Highway, which the site can access and provides direct connection to destinations across metropolitan Sydney.</p> <p>Both Berry Road and Holdsworth Avenue are local suburb roads with ample street parking. The site is highly accessible by numerous modes of public transport. Marshall Avenue bounds the site to the north and is located roughly 100m south of Pacific Highway.</p>

Descriptor	Site Details
Site Access	The site is accessible via Holdworth Avenue and Berry Road.
Easements and Covenants	There are no easement affecting the site.
Services	The site is located within an established urban area within which all utility services exist and are capable of being augmented to accommodate the future development.
Acid Sulfate Soils	Not applicable
Contamination	<p>The Preliminary Site Investigation (<b>PSI</b>) submitted as part of DA-56/2023 concluded that the</p> <p><i>“Based on the results of this investigation it is considered that the risk to human health and the environment associated with soil and groundwater contamination at the site are moderate in the context of the proposed use of the site”</i>.</p> <p>As such, the site can be made suitable for the proposed high-density residential land use redevelopment, subject to detailed commination assessments.</p>
Stormwater and Flooding	The site is not impacted by any mainstream flooding.
Bushfire Prone Land	The site is not mapped as Bushfire Prone Land.
Natural environment	Some medium height trees and shrubs are present within the site and along each road frontage.
Aboriginal Heritage	An Aboriginal Cultural Heritage Assessment Report will be submitted with the EIS identifying any cultural heritage values, impacts and mitigation measures to be considered in future development stages.
European Heritage	The site is not mapped as a heritage item, nor is it within a heritage conservation area. The site is also not in close proximity to heritage items.

Descriptor	Site Details
	 <p>Heritage Map: LCLEP 2009</p>

## 2.3. CUMULATIVE IMPACTS WITH FUTURE PROJECTS

Given the recent introduction of new planning controls with the Precinct, several landowners are progressing with plans to redevelop land surrounding the site. Desktop research was undertaken using Council's DA Tracker to identify approved and likely future developments within the locality which may be relevant in the cumulative impact assessment of the proposal.

Table 4 Relevant Surrounding Approved Projects

DA Reference	Development Description
DA 162/2021	<p>13-19 Canberra Avenue, St Leonards (Area 5)</p> <p>Demolition of existing structures and construction of a mixed-use development (12 storeys) comprising 81 apartments, childcare centre for 60 children, community facility, restaurant/café and basement parking for 116 vehicles, east-west public pedestrian link and stratum/strata subdivision</p>
DA 154/2022	<p>26-50 Park Road, 27-47 Berry Road and 48-54 River Road, St Leonards (Area 22 and 23)</p> <p>Construction of four (4) residential flat buildings (ranging from 3 - 10 storeys) comprising a total of 306 apartments and basement parking for 545 vehicles.</p>
DA 79/2022	<p>1-5 Canberra Avenue, 4-8 Marshall Avenue, 2-8 Holdsworth Avenue, St Leonards (Area 1, 2 and 4)</p> <p>Demolition of existing structures and construction of three (3) residential flat buildings (ranging from 12 to 19 storeys) comprising a total of 232 apartments and basement parking for 348 vehicles.</p>

DA Reference	Development Description
DA 60/2022	22-34 Berry Road, 21-31 Holdsworth Avenue and 42-46 River, St Leonards (Areas 18-20)  Demolition of existing structures and construction of residential flat buildings comprising 230 apartments and basement parking for 411 vehicles.
DA 187/2021	1-3 Holdsworth Avenue and 10-12 Marshall Avenue, St Leonards (Area 12)  Demolition of the existing structures and construction of a part 10 and part 12 storey residential flat building comprising 96 apartments and basement parking for 110 vehicles
DA 99/2021	21 -41 Canberra Avenue and 18-32 Holdsworth Av, St Leonards (Areas 7-11)  Demolition of existing structures and construction of five (5) residential flat buildings (ranging from 6 to 10 storeys) comprising a total of 323 apartments and basement parking for 372 vehicles.

The potential cumulative impacts of the project will be addressed in the EIS in accordance with the DPHI *Assessing Cumulative Impacts* guidelines.

## 3. THE PROJECT

This section outlines the key features of the proposed development, including the project area, the conceptual physical layout and design (including likely mitigation measures), the main land use activities and the likely timing for delivery of the project.

It also includes a high-level of feasible alternatives which were considering having regard to the project objectives outlined in Section 1.3 of this report, including the consequences of not carrying out the development.

### 3.1. PROPOSED DEVELOPMENT

The project involves the construction of three residential flat buildings. The project will include site preparation works, bulk excavation and infrastructure, construction of the building and ancillary landscaping works.

The key components of the proposed development are listed in the following table. A copy of the architectural concept drawings is attached as an Appendix.

Table 5 Project Details

Descriptor	Project Details
Project Area	<p>Area 13: 1,973m<sup>2</sup></p> <p>Area 14: 1,672m<sup>2</sup></p> <p>Area 15: 2,229m<sup>2</sup></p> <p>Total Site Area: 5,874m<sup>2</sup></p>
Project Description	<p>The Project includes:</p> <ul style="list-style-type: none"> <li>▪ Demolition of all existing buildings on site and lot consolidation</li> <li>▪ Removal of identified trees and site enabling/early works.</li> <li>▪ Construction of three (3) residential flat building ranging from 13 and 14 storeys and comprising: <ul style="list-style-type: none"> <li>– 255 total apartments, including affordable housing units;</li> <li>– Rooftop communal space on Area 13;</li> <li>– A consolidated basement car park;</li> <li>– Vehicular access via Holdsworth Avenue (from Area 14).</li> </ul> </li> <li>▪ Significant landscaping integrated throughout the site with a focus on the central green spine.</li> <li>▪ Dedication and provision of a landscaped pedestrian link to the south of Area 15 and 14.</li> </ul>
Height of Building	<p><b>Area 13:</b></p> <p>Building Height to the top of the roof RL 119m</p> <p>Maximum Building Height to the lift shaft: RL 123.15m</p> <p><b>Area 14:</b></p>

Descriptor	Project Details
	<p>Building Height to the top of the roof RL 119.1m</p> <p>Maximum Building Height to the lift shaft: RL 121m</p> <p><b>Area 15:</b></p> <p>Building Height to the top of the roof RL 122.15m</p> <p>Maximum Building Height to the lift shaft: RL 123.35m</p> <p>Each building (including rooftop plant and lift overrun) is compliant with the maximum building height prescribed by the Lane Cove LEP 2009 building height standard + 30% Infill Affordable Housing height incentive under the Housing SEPP.</p> <p>Refer to Figure 5.</p>
Land use	Residential flat building
Floor space ratio (FSR)	<p>Area 14: 4.355:1</p> <p>Area 13 and 15: 3.705:1</p>
Gross Floor Area (GFA)	<p>Total 22,850m<sup>2</sup> GFA including:</p> <ul style="list-style-type: none"> <li>247.1sqm (3 units) of affordable housing GFA dedicated to Council as per the VPA and requirements under the Lane Cove LEP.</li> <li>3,427.5sqm (15% of total GFA) (46 units) of affordable housing GFA as per the Infill Affordable Housing provisions under the Housing SEPP.</li> </ul>
Unit mix	<p><b>Build to sell:</b></p> <p>1 bedroom: 24.8%</p> <p>2 bedrooms: 37.4%</p> <p>3 bedrooms: 32%</p> <p>4 bedrooms: 5.8%</p> <p><b>Affordable housing as required under the Housing SEPP:</b></p> <p>Studio: 13%</p> <p>1 bedroom: 34.8%</p> <p>2 bedrooms: 47.8%</p> <p>3 bedrooms: 4.4%</p> <p>The affordable housing units are located within Areas 13, 14 and 15.</p> <p><b>VPA affordable housing:</b></p> <p>3 x 2-bedroom apartments are located within Area 13 and 14 as per the requirements under the Lane Cove LEP.</p>

Descriptor	Project Details
Parking	Car parking: 249 Motorcycle parking: 17 Bicycle parking: 67
Landscape	Deep soil: 1,384sqm = 24% of the site area Communal open space: 2,216sqm = 38% of the site area
Estimated Development Cost	\$149,805,700
Staging/Phasing	The project is proposed to be staged as follows: <ul style="list-style-type: none"> <li>• Stage 1: Demolition: removal of existing buildings and structures</li> <li>• Stage 2: Remediation</li> <li>• Stage 3: Site Preparation</li> <li>• Stage 4: Construction</li> <li>▪ Stage 5: Operation</li> </ul>

## 3.2. DETAILED DEVELOPMENT DESCRIPTION

A detailed description of the proposal is provided below

### 3.2.1. Infill affordable housing Floor Space Ratio and Height incentive calculation

The proposed GFA and Height have been established through the incentives provided by the new affordable housing provisions within the *State Environmental Planning Policy (Housing) 2021*. The following outlines the methodology for calculating the proposed floor space and provision of affordable housing units.

#### Calculating the Floor Space Ratio Bonus

“Residential flat buildings” that provides at least 15% of the total residential GFA as affordable housing (in addition to the required affordable housing under Lane Cove LEP) for a minimum of 15 years are eligible for 130% of the permitted FSR control (in addition to the Height bonus described below).

The 130% calculation is based on the maximum permitted FSR on the land (including the incentive FSR for the St Leonards South Area as per Part 7 of the Lane Cove LEP.). The calculation of bonus FSR is based on the maximum total FSR for the development.

Therefore, based on the above methodology, the following calculation has been made for the various base FSR applicable to the site:

- Maximum allowable FSR (including local incentive bonuses): 3.35:1 (Area 14) and 2.85:1 (Area 13 and 15).
- Maximum Allowable Total GFA: 17,576.9 sqm.

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

- Area 14 – site area of 1,672sqm:
  - FSR:  $3.35 \times 130\% = 4.355:1$
  - GFA: 7,281.56sqm

- Areas 13 and 15 – total site area of 4,202qm:
  - FSR:  $2.85 \times 130\% = 3.705:1$
  - GFA: 15,568.41

Therefore, the maximum total GFA is 22,849.97 sqm.

The proposal is compliant with the maximum GFA for Area 14 and Areas 13 and 15.

### Calculating the Height

“Residential flat buildings” that provide at least 15% of total residential GFA as affordable housing (in addition to the required affordable housing under Lane Cove LEP) 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).

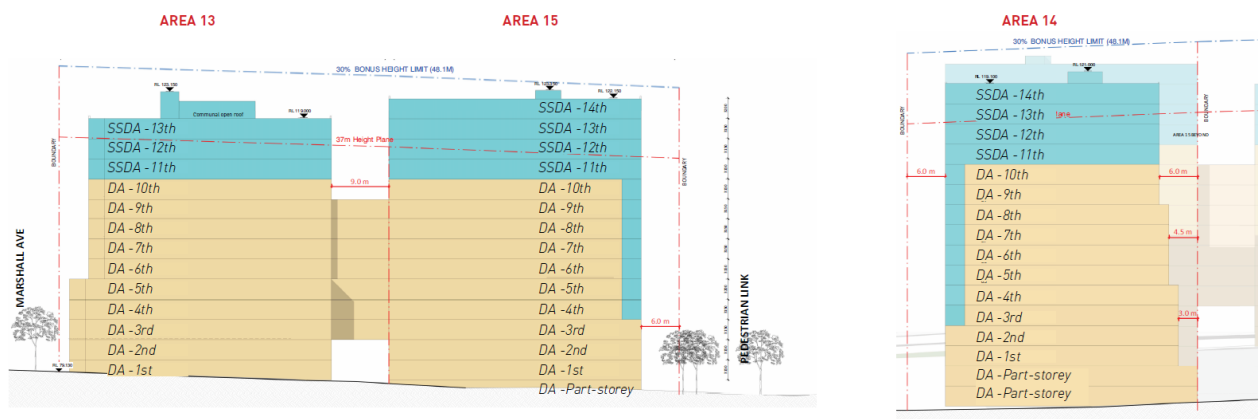
The 130% height is calculated on the maximum permissible building height for the land (including the incentive height for the St Leonards South Area as per Part 7 of the Lane Cove LEP).

Therefore, based on the above methodology, the following calculation has been made for the site’s height control:

- Maximum allowable Height under the LEP  $37\text{m} \times 130\% = 48.1\text{m}$

The proposed buildings (including rooftop plant and lift overrun) are compliant with the maximum height. Refer to Figure 5.

Figure 5 Proposed building envelope and height plane (additional GFA is indicated in blue)



Source: PTW

### 3.2.2. Landscaping and Public Domain

Comprehensive landscape and public domain plans were approved as part of the local DA and in accordance with St Leonards South Landscape Master Plan (LMP). The SSDA seeks to adopt the same landscape design for the proposed scheme, which will comprise the central green spine (private communal open space area), a rooftop communal area located on Area 13 and the landscaped pedestrian link to the south of the site.

The general landscape strategy for the site is extensive and has appropriately selected a selection of planning palettes suitable for the site. The landscaping is strongly integrated into the built form, which allows for increased amenity for future residents and surrounding neighbours.

The proposed landscaping on the site will deliver strong design outcomes that promote the appropriate use of the green spine and other communal areas. Detailed landscape strategy and plan will be submitted with the EIS.

### 3.2.3. Demolition, Excavation and Site Preparation

Demolition of the existing buildings will be undertaken as part of this proposal. Excavation to allow for the basement levels will be in accordance with the demolition plans to be submitted with the EIS. Site preparation works will include the installation of site services and earthworks. Required excavation and earthworks will be detailed in cut and fill plans which form part of the Civil Plans.

All demolition and excavation works will be undertaken in accordance with a Waste Management Plan.

## 3.3. FEASIBLE ALTERNATIVES

Clause 7 in Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (the Regulation) requires an analysis of any feasible alternatives to the proposed development, including the consequences of not carrying out the development.

The Proponent identified three project alternatives which were considered in respect to the identified need for the residential development. Each of these options is listed and discussed in the following table.

Table 6 Analysis of Feasible Alternatives

Option	Comments
Option 1 – Do Nothing	<p>The NSW Government has recently gazetted new planning controls which incentivise the delivery of affordable housing. The site qualifies for the locational criteria nominated under the Housing SEPP.</p> <p>The approved development will not deliver the potential affordable housing provision under the Housing SEPP and therefore does not maximise its capability to supply increased market and affordable housing in a well located site.</p> <p>Given the Housing SEPP has identified the site as an accessible location for additional housing, leaving the site as is (Do nothing) would not represent an appropriate long-term use of the site.</p> <p>Therefore, it is evident that a ‘do nothing’ approach is wholly inconsistent with the site’s key features and strategic context and would lead to the site being underutilised.</p>
Option 2 – Alternative Design	<p>The proposed design and building layout are dictated by the approved development scheme and the site-specific controls contained within the Lane Cove DCP which establish a very prescriptive building massing and character. As such, an alternate design and building layout has not been explored at the site in order to maintain the design excellence qualities of the approved development.</p>
Option 3 – The Proposal	<p>The Proponent has sought to accommodate the additional 30% height and FSR incentive under the Housing SEPP on the site, while retaining the key design principles established by the approved development, including the establishment of the green spine and pedestrian link.</p> <p>Accordingly, this option was selected as the most appropriate pathway forward as it delivers the most orderly development outcome, that is both viable for the Proponent and delivers significant public benefit through the provision of 15% affordable housing.</p>

## 4. STATUTORY CONTEXT

This section of the report provides an overview of the key statutory requirements relevant to the site and the project, including:

- *Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999.*
- *NSW Biodiversity Act 2016.*
- *Environmental Planning and Assessment Act 1979.*
- *Environmental Planning Assessment Regulation 2021.*
- *State Environmental Planning Policy (Planning Systems) 2021.*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021.*
- *State Environmental Planning Policy (Resilience and Hazards) 2021.*
- *State Environmental Planning Policy (Sustainable Buildings) 2022.*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *Lane Cove Local Environmental Plan 2009.*

### 4.1. STATUTORY REQUIREMENTS

The following table categorises and summarises the relevant requirements in accordance with the DPHI *State Significant Development Guidelines*.

Table 7 Identification of Statutory Requirements for the Project

Statutory Relevance	Action
<i>Power to grant approval</i>	<p>In accordance with Schedule 1, Section 26A of the Planning Systems SEPP, development to which:</p> <ul style="list-style-type: none"> <li>• Chapter 2, Part 2, Division 1 of the Housing SEPP applies; and</li> <li>• has a CIV of \$75M+ (for land within <i>Eastern Harbour City</i>); and</li> <li>• Is not prohibited under an EPI applying to the land; and</li> </ul> <p>Is classified as SSD.</p> <p><b>26A In-fill affordable housing</b></p> <p><i>(1) Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies if—</i></p> <p><i>(a) the part of the development that is residential development has a capital investment value of—</i></p> <p><i>(i) for development on land in the Eastern Harbour City, Central River City, Western Parkland City or Central Coast City in the Six Cities Region—more than \$75 million, or</i></p> <p>...</p>

Statutory Relevance	Action
	<p><i>(b) the development does not involve development prohibited under an environmental planning instrument applying to the land.</i></p> <p>The proposed development:</p> <ul style="list-style-type: none"> <li>is carried out on land in the Six Cities Region and in an accessible area that is within 500m walking distance of the public entrance to St Leonards railway station;</li> <li>a residential flat building that is permitted with development consent;</li> <li>Will provide 15% of the residential component as affordable housing for at least 15 years (in addition to the local affordable housing requirements under the Lane Cove LEP); and</li> <li>has an estimated development cost of \$149,805,700.</li> </ul> <p>Accordingly, the proposal is SSD for the purposes of the Planning Systems SEPP.</p>
Permissibility	The site is zoned R4 High Density Residential zone in accordance with the LCLEP 2009. Residential flat building is permitted with consent in the R4 Zone.

## 4.2. PRE-CONDITIONS

Table 8 outlines the pre-conditions to exercising the power to grant approval which are relevant to the project and the section where these matters are addressed within the Scoping Report.

Table 8 Pre-Conditions

Statutory Reference	Pre-condition	Relevance	Section
<i>State Environmental Planning Policy (Housing) 2021</i>	<p><i>State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 relates to In-fill affordable housing. Clause 15C outlines the criteria of development which this division applies:</i></p> <p><i>15C Development to which division applies</i></p> <p><i>(1) This division applies to development that includes residential development if—</i></p> <p><i>(a) the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and</i></p>	<p>Chapter 2, Part 2, Division 1 of the Housing SEPP applies to the proposed development as:</p> <ul style="list-style-type: none"> <li>The proposal includes residential development that is permitted with consent under the Lane Cove LEP.</li> <li>The affordable housing component of the proposal is 15% (in addition to local affordable housing requirement).</li> <li>All of the development is carried out in the Six Cities Region and is on</li> </ul>	Calculation of the infill affordable housing FSR and height incentives are detailed in Section 3.2.1.

Statutory Reference	Pre-condition	Relevance	Section
	<p>(b) <i>the affordable housing component is at least 10%, and</i></p> <p>(c) <i>all or part of the development is carried out—</i></p> <p>(i) <i>for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area, or</i></p> <p>.....</p> <p>(2) <i>Affordable housing provided as part of development because of a requirement under another environmental planning instrument or a planning agreement within the meaning of the Act, Division 7.1 is not counted towards the affordable housing component under this division.</i></p> <p>Clause 16 and 18 states the affordable housing requirements for additional floor space ratio and building height.</p>	<p>land that is in an accessible area, being located within 500m walking distance to St Leonards train station.</p> <ul style="list-style-type: none"> <li>▪ The affordable housing provided as required under the Lane Cove LEP is not counted towards the affordable housing component under this division.</li> </ul> <p>The proposal does not exceed the maximum GFA and height (30% uplift) allowed under the Housing SEPP and will provide 15% of the total residential GFA as affordable housing.</p>	
<p><i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></p>	<p>A consent authority must be satisfied that the land is suitable in its contaminated state – or will be suitable, after remediation – for the purpose for which the development is proposed to be carried out.</p> <p>Section 4.6 of the SEPP provides a State-wide approach to the remediation of contaminated land. It requires a consent authority to assess the potential for land to be contaminated and the works required to remediate the land to ensure it is suitable for its intended use.</p>	<p>As part of DA-56/2023, a Preliminary Site Investigation (<b>PSI</b>) was prepared by Foundation Earth Sciences (dated October 2021) and submitted to Council.</p> <p>The PSI concluded that the “<i>Based on the results of this investigation it is considered that the risk to human health and the environment associated with soil and groundwater contamination at the site are moderate in the context of the proposed use of the site</i>”. As such, the site can be made suitable for the proposed high-density residential land use</p>	<p>Section 6.1.6</p>

Statutory Reference	Pre-condition	Relevance	Section
		<p>redevelopment, subject to the following:</p> <ul style="list-style-type: none"> <li>▪ Undertaking a detailed site investigation (phase 2 environmental site assessment) by a suitably qualified Environmental Consultant.</li> <li>▪ Undertaking an Asbestos Clearance Certificate</li> </ul> <p>A detailed site investigation report will be prepared to accompany the EIS.</p>	
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	<p>Section 2.119: Development with a frontage to a classified road requires the consent authority to be satisfied the matters listed in clause 101 have been addressed</p> <p>Section 2.122: Traffic-generating development: A public authority, or person acting on behalf of a public authority, must not approve traffic-generating development without written notice of the intention to carry out the development to Transport for NSW (<b>TfNSW</b>) in relation to the development, and taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.</p>	<p>Marshall Avenue, Berry Road and Holdsworth Avenue are local, unclassified roads. Accordingly, concurrence from Transport of NSW (TfNSW) is not required.</p> <p>The proposal comprises more than 75 dwellings. The proposed development is therefore considered traffic generating under the Traffic and Infrastructure SEPP.</p> <p>Traffic Impact Assessment will be submitted with the EIS. The application will be required to be referred to TfNSW for a response.</p>	Section 6.1.3
<i>Lane Cove Local Environmental Plan 2009</i>	Part 7 of the LEP prescribes local provisions for the St Leonards South Area, which apply to the site.	Assessment of the relevant provisions are contained in Section 4.5 of this scoping report.	Section 4.5

## 4.3. MANDATORY CONSIDERATIONS

**Table 9** outlines the relevant pre-conditions to exercising the power to grant approval and the section where these matters are addressed within the EIS.

Table 9 Mandatory Considerations

<b>Statutory Reference</b>	<b>Mandatory Consideration</b>
<b>Consideration under the EP&amp;A Act and Regulation</b>	
Section 1.3	Relevant objectives of the EP&A Act
Section 4.15	<p>In determining a development application, a consent authority is to take into consideration such matters that are of relevance to the development subject of the development application, as stipulated in section 4.15. These include:</p> <ul style="list-style-type: none"> <li>• Relevant environmental planning instruments.</li> <li>• Relevant draft environmental planning instruments.</li> <li>• Relevant planning agreement or draft planning agreement.</li> <li>• Development control plans.</li> <li>• The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• The public interest.</li> </ul>
Section 4.38	Section 4.38 contains the provisions for determining a State significant development.
<b>Mandatory relevant considerations under EPIs</b>	
Resilience and Hazards SEPP	Section 4.6 – Contamination and remediation to be considered in determining development application.
Transport and Infrastructure SEPP	Section 2.122 – Traffic-generating development.
Sustainable Buildings SEPP	Section 2.1 – Standards for BASIX development and BASIX optional development.
Housing SEPP	Chapter 2, Part 2, Division 1 – In-fill affordable housing
Biodiversity and Conservation SEPP	Chapter 2 – Vegetation in non-rural area
Lane Cove LEP 2009	<p>Objectives and land uses for R4 High Density Residential Zone</p> <ul style="list-style-type: none"> <li>• Part 4 – Principal development standards.</li> <li>• Part 7 – Additional local provisions—St Leonards South Area.</li> </ul>
<b>Considerations under other legislation</b>	
<i>Biodiversity Conservation Act</i>	The BC Act protects native vegetation, species of threatened flora and fauna, endangered populations and endangered ecological communities and their

Statutory Reference	Mandatory Consideration
2016 (BC Act) – section 7.14	<p>habitats in NSW. Section 7.9 requires a development application for SSD to be accompanied by a Biodiversity Development Assessment Report (<b>BDAR</b>), unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.</p> <p>The likely impacts of the proposed development on biodiversity values will be assessed in a BDAR, which will accompany the EIS unless a BDAR waiver is sought and granted for the proposal.</p>
<b>Development Control Plans</b>	
Lane Cove DCP 2009	<p>Clause 2.10 of the Planning Systems SEPP states that development control plans (whether made before or after the commencement of this Policy) do not apply to SSD. As such, there is no requirement for assessment of the proposal against the LCDCP 2009 for this SSDA. Notwithstanding this, consideration has been given to the following site-specific provisions:</p> <ul style="list-style-type: none"> <li>• Part C – Residential Localities.</li> <li>• PART R - Traffic, Transport and Parking</li> </ul>
<b>Development Contributions Plan</b>	
St Leonards South Section 7.11 Development Contributions Plan	<p>The provision of infrastructure is proposed to be facilitated in part through the St Leonards South Section 7.11 Contributions Plan. The 7.11 Development Contributions Plan applies to residential accommodation development that would result in a net increase in within the St Leonards South precinct, which applies to the site.</p> <p>Payment of section 7.11 contributions will be required in accordance with St Leonards South Precinct Section 7.11 Development Contributions Plan.</p>

Statutory Reference	Mandatory Consideration
HPC (regional) development contributions	<p>The Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Bill 2023 was assented on 13 July 2023, which changed how contributions for regional infrastructure are levied, by establishing a Housing and Productivity Contribution (HPC). Regional infrastructure includes public amenities or public services, affordable housing, transport infrastructure, regional or State roads and measures to conserve or enhance the natural environment. The Housing and Productivity Contribution replaces the previous Special Infrastructure Contribution (SIC) provisions.</p> <p>The contribution rate for residential flat buildings in the Greater Sydney Region is \$10,000 per dwelling or lot.</p> <p>A 50 per cent discount will apply to HPC due on or before 30 June 2024. That discount will then be reduced to 25 per cent for HPC due between 1 July 2024 to 30 June 2025. A full contribution will come into effect for HPC due on or after 1 July 2025.</p> <p>Dwelling that are dedicated, free of cost, for the purpose of providing affordable housing is exempt from paying the contribution.</p>

### Connecting with Country (GA NSW 2023)

In July 2023, the NSW Government released the Connecting with Country Framework, building on the draft framework released in 2020. This is a framework for developing connections with Country that can inform the planning, design, and delivery of built environment projects in NSW. This framework applies to State Significant Development and will need to be implemented in the design of the proposal.

As part of the local DA, preliminary Connecting with Country principles has been incorporated in the overall landscape design by RPS. RPS have been working with Uncle Dennis to learn from Country and further explore opportunities to embed meaning into the design. The approved landscape design looks to celebrate the Indigenous culture of the Cameraygal people and the Cameraygal land.

The SSDA scheme does not seek to amend the approved landscape design and the Connecting with Country principles will be retained. A landscape design report that details the Connecting with Country principles will be submitted with the EIS.

## 4.4. LANE COVE LOCAL ENVIRONMENTAL PLAN 2009

The *Lane Cove Local Environmental Plan 2009* (the **LEP**) is the relevant LEP pertaining to the site. The concept scheme has been assessed against the relevant provisions of the LEP as outlined in **Table 10**. The proposed development complies with the relevant provisions of LEP, apart from the building height and FSR control when taking into account the 30% height and FSR bonus offer under the Housing SEPP.

Table 10 LEP Compliance Table

Clause	Provision	Proposed	Complies
Clause 4.1 – Minimum Subdivision Lot Size	No provision	The proposal does not include subdivision	N/A
Clause 4.3 – Height of Building (Incentive HOB map)	The following HOB provisions apply to lots within Area 13, 14 & 15:	The proposed maximum building heights measured to the top of the rooftop plant are outlined below:	The proposal is compliant with the base LEP

Clause	Provision	Proposed	Complies
	<ul style="list-style-type: none"> <li>37m</li> </ul> <p>Maximum height under the Housing SEPP: 37m x 130% = 48.1m</p> <ul style="list-style-type: none"> <li>2.5m applies to green spine and pedestrian link area.</li> </ul>	<p>Area 13: approx. 44m</p> <p>Area 14: approx. 44m</p> <p>Area 15: approx. 46m</p> <p>The proposed height is compliant with the base height for the site + 30% incentive under the Housing SEPP.</p> <p>Note, that the proposal does not comprise structure within the green spine or the pedestrian link that exceed the 2.5m height control. Proposed landscape pergola over BBQ area is under 2.5m height control.</p>	Height + Housing SEPP incentive
Clause 4.4 – Floor Space Ratio (Incentive FSR map)	<p>Area 13&amp;15: 2.85:1</p> <p>Maximum FSR under the Housing SEPP: 2.85 x 130% = 3.705:1</p> <p>Area 14: 3.35:1</p> <p>Maximum FSR under the Housing SEPP: 3.35 x 130% = 4.355:1</p>	<p>The total proposed GFA of Area 13 &amp; 15 is 15,568.4m<sup>2</sup>, this equates to 3.705:1.</p> <p>The total GFA of Area 14 is 7281.6m<sup>2</sup> which equates to 4.355:1.</p> <p>The proposed GFA is compliant with the base FSR for the site + 30% incentive under the Housing SEPP.</p>	The proposal is compliant with the base LEP FSR + Housing SEPP incentive
Clause 5.10 – Heritage Conservation	The site is not listed as a local or State heritage item nor is it located within a heritage conservation area. The site is surrounded by other listed heritage items located on Park Road, which is two streets away from the subject site.	The proposed development is well distanced from the heritage items (closest item located 80m north-west of the site). As such, the heritage items remain unaffected as a result of this proposal.	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>	<p>(a) The proposal includes 6 x studios and 67 x 1-bedroom apartments, which accounts for 29% of total dwellings,</p> <p>(b) The proposal includes 102 x 2-bedroom apartments, which accounts for 40% of total dwellings.</p>	Complies

Clause	Provision	Proposed	Complies
	<p>(a) at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development will be studio or 1-bedroom dwellings, or both, and</p> <p>(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</p> <p>(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</p> <p>(d) the development will provide appropriate building setbacks to facilitate communal open space between buildings, and</p> <p>....</p>	<p>(c) The proposal includes 68 x 3-bedroom apartments and 12 x 4-bedroom apartments, which accounts for 31% of total dwellings.</p> <p>(d) The proposal is setback 24m from the communal open space/central green spine.</p>	
Clause 7.2 – Minimum site area requirements	<p>Area 13 – 1,600sqm</p> <p>Area 14 – 1,600sqm</p> <p>Area 15 – 2,000sqm</p>	<p>The proposal complies with the minimum site area requirements as outlined below:</p> <p>Area 13 – 1,973sqm</p> <p>Area 14 – 1,672sqm</p> <p>Area 15 – 2,229sqm</p>	Yes
7.3 Minimum affordable housing requirements	<p>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</p>	<p>The proposal dedicates 3 affordable housing units to Council, which complies with the minimum requirement under the LEP.</p> <p>Two units are located within Area 14 and one unit is located within</p>	Complies

Clause	Provision	Proposed	Complies
	<p><i>affordable housing in development on land to which clause 7.1 applies—</i></p> <p>.....</p> <p><i>(c) for Area 6, Area 12 or Area 14—2 dwellings,</i></p> <p><i>(d) for Area 13 or Area 17—1 dwelling.</i></p>	<p>area 13. Each of the 3 units is 2 bedrooms with an internal area of 82.4sqm which complies with Council's requirements.</p> <p>As per the draft VPA, these units will be dedicated to Council in perpetuity.</p>	
7.5 Requirements for pedestrian links and roads	<p><i>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—</i></p> <p>....</p> <p><i>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,</i></p> <p>.....</p>	<p>A 15m wide pedestrian link is provided to the south of Area 15.</p> <p>As per the draft VPA, the pedestrian link will be dedicated to Council in perpetuity.</p>	Complies
7.6 Design excellence—St Leonards South Area	<p><i>1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.</i></p> <p>.....</p> <p><i>(3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the</i></p>	<p>As part of the Local DA process, the DA scheme was presented to the Local Design Review Panel three times:</p> <ul style="list-style-type: none"> <li>▪ 16 June 2021 NSROC Design Review Panel Meeting and Council Pre-DA Meeting.</li> <li>▪ 16 October 2021 NSROC Design Excellence Panel Meeting.</li> <li>▪ 1 February 2022 NSROC Design Excellence Panel 2nd Meeting.</li> </ul>	To be assessed as part of the EIS.

Clause	Provision	Proposed	Complies
	<i>development exhibits design excellence.</i>	<p>The approved DA exhibited design excellence as stated in Council's assessment report dated 28 February 2024.</p> <p>The revised scheme seeks to retain the design merits presented in the local DA scheme to ensure design excellence can still be achieved.</p> <p>As part of the EIS, the revised proposal will be assessed against the design excellence matters outlined in clause 7.6.</p>	

## 4.5. LANE COVE DEVELOPMENT CONTROL PLAN

Lane Cove Development Control Plan 2009 (the DCP) provides detailed planning controls relevant to the site and the proposal. Part C of the DCP provides a range on built form controls for development within the St Leonards South Precinct. This includes key development parameters, design principles, setbacks, landscape treatment and urban elements etc.

Overall, the proposal will comply with the following key built form controls:

- **Street frontage setbacks:** 4m at podium levels and 7m at levels above.
- **Rear Building Setback:** The buildings are setback 12m to the rear of the area boundary, which in total provides an internal 24m separation distance for the use of green spine.
- **Building depth:** The maximum depth of the proposed buildings is 20.58m.
- **Landscape provision:** More than 25% of the site area will be landscaped.
- **Landscape masterplan:** The proposal is consistent with the Landscape Master Plan by providing a central green spine and a new east to west pedestrian link. The central green spine comprises significant landscaping (50% minimum deep soil).

The proposal does not comply with building setbacks to pedestrian link for Area 14 and 15 (at levels 5 and above only), and building height in storeys. Justification is provided below, and the objectives of the control have been assessed against the proposal to demonstrate that the proposal is consistent with the intent of the objective.

### Setback to pedestrian link (applicable to areas 14 and 15)

The site is subject to the following setback control from the east/west pedestrian link.

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

The proposed building in areas 14 and 15 has a continues setback of 6m from the pedestrian link, which does not comply with the upper-level setback requirements. Despite the numeric setback non-compliance at the upper levels, the non-compliance is justified on the following grounds:

#### The proposal satisfies the specific objectives of the setback control

The upper-level setback non-compliance does not impact on the ability for the site to amalgamate and will not create land fragmentation or isolation that detracts from the desired future character of the precinct.

The upper-level setback non-compliance does not impact on the proposal ability to have present a transition in height. The architectural design and use of materials colour will create a distinct podium character and form that creates a clear building base and upper-level composition. When viewed from the public domain, the proposal will be able to achieve articulation, and a podium and tower form. The bulk and scale of the building is reduced through articulation and use of planting on the ground floor. Detailed architectural response will be provided as part of the EIS.

The proposal complies with FSR and height incentives under the LEP and the Housing SEPP. Therefore, the desired built form scale is achieved despite the upper-level setback noncompliance.

The upper-level setback non-compliance dose not impact on the provision of solar access within the development.

The upper-level setback non-compliance does not impact on the ability to comply with 'central' deep soil zones (Green Spines) provisions.

The area of non-compliance does not create unreasonable shadow impact to the pedestrian link. In addition, the pedestrian link will be mostly in shade due to the amount of dense landscaping proposed.

The setback non-compliance relates to the upper level, the activation of the pedestrian link is not compromised by the upper level built form as the ground level achieves a compliance setback. Therefore, activation and visual surveillance of the pedestrian link is retained.

The setback non-compliance does not limit the development to provide a mix of housing types, including affordable housing, accessible dwelling and a mix of typologies

#### **Achieves a positive urban design outcome to the pedestrian link**

The proposal does not adversely impact on the legibility and spatial awareness of the pedestrian link. The pedestrian link will be 15m wide and the building setback a further 6m from the pedestrian link. Both the pedestrian link and the ground setback areas will, as required by the DCP, be densely vegetated providing a 'layering' of dense shrubs coupled with medium to larger trees. As a consequence - only the lower street-level built form will be readily visible from the pedestrian link, which provides a compliant 6m setback, while upper levels (including the additional storeys) will recede into the background given the width of the link and the tree planting, such that the setback non-compliance at the upper levels will have an inconsequential impact on the pedestrian amenity and character of the site in this context. The pedestrian link will remain at human scale with the lower levels of the development complying with the 6m setback.

When viewed from a distant, the proposals are able to achieve a podium and tower form that is articulated despite not adopting a varied setback. Accordingly, the setback non-compliance at the upper level would be perceived as marginally different from the pedestrian link and from the future development on areas 16 and 17.

Detailed photomontage comparison to demonstrate visual impact will be provided as part of the EIS.

Figure 6 Preliminary view looking through the pedestrian link (additional storey is highlighted in blue)

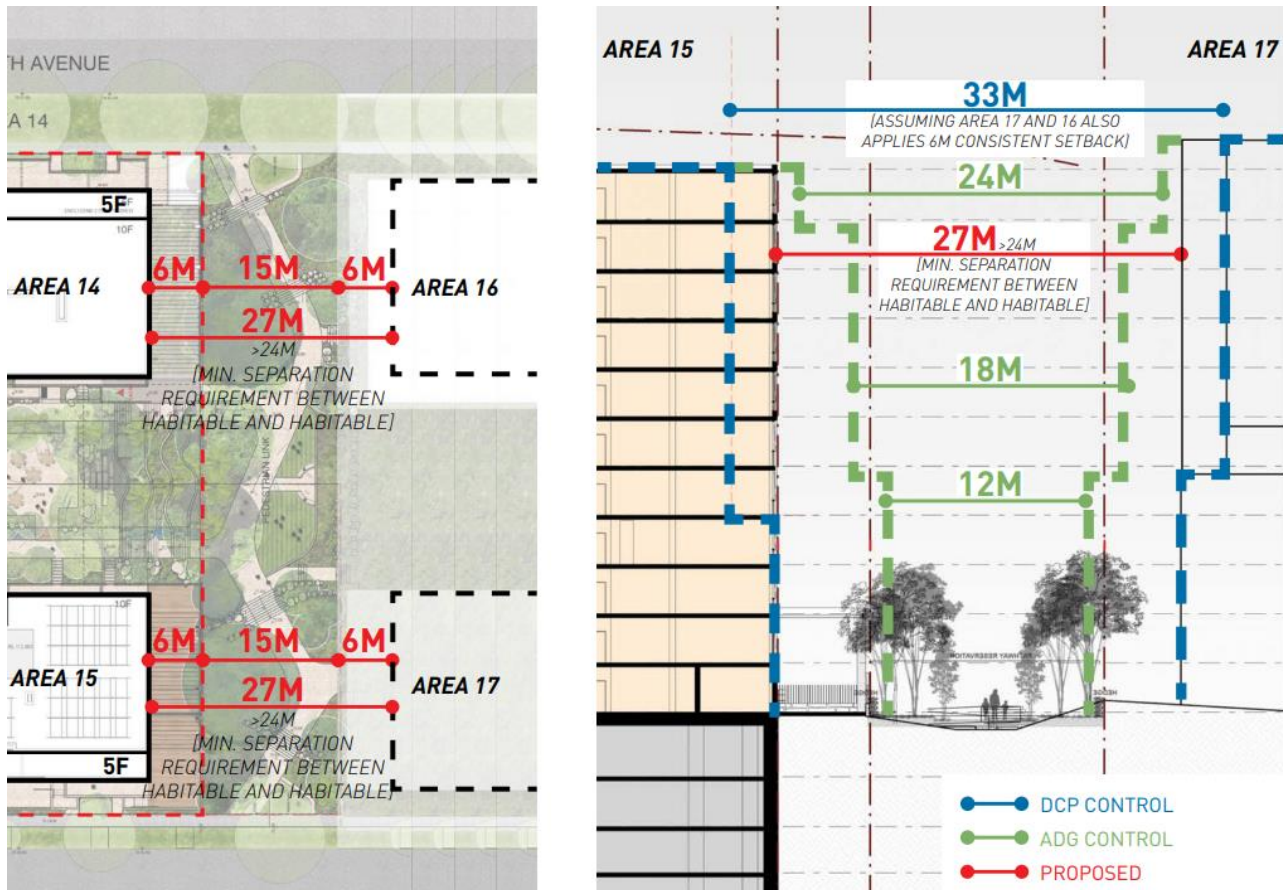


Source: PTW

#### **Achieves building separation requirements under the ADG**

From an amenity perspective, due to 15m wide pedestrian link, the proposal fully complies with ADG separation distance to the building at Areas 16 and 17 as additional separation is provided by the pedestrian link. The distance between the proposed buildings in Areas 14 and 15 and those in Areas 16 and 17 (across the pedestrian link) would be 27 metres for the full height the buildings. This 27m separation is more than what is required under the ADG for buildings of this height. Therefore, the proposed setback will not impact on the visual amenity of the development.

Figure 7 Separation distance between the subject site and the development to the south (area 16 and 17)



Source: PTW

### **Existing precedent for is setback noncompliance**

There is an existing approved precedent for non-compliance with the setback control. Area 5, which is subject to the same controls, was approved with only a 3m setback across the full height of the building. This means that the area 5 building was approved with a significantly smaller setback and also a setback which was non-compliant for the entire height of the building, in contrast to the proposed development at the subject site where the non-compliance is only from level 5 and above.

The setback proposed in this development is greater than the setback for the development in Area 5. Although this development must be considered on its own merits, given there is precedent in the precinct that have already been approved with reduced setbacks, further indicating that the non-compliance can be considered acceptable in this context.

### **Building height in storeys**

The DCP requires maximum of 10 storey (excluding part storey) building height for the site. 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. Despite the technical non-compliance, the additional storeys:

- The architectural of the additional storeys is currently being developed. The additional storeys will incorporate similar architectural expression, material and colour as the tower form, so it will read as a cohesive tower element.
- The additional storey is unlikely to impact on the amenity of surrounding development and public spaces, compliant building separation to Areas 16 and 17 is achieved and solar access is maintained for the new public plaza and neighbouring development. Solar access comparison is provided in the preliminary design report.

Detailed urban design and amenity assessment will be included in the EIS.

## 5. COMMUNITY ENGAGEMENT

The following sections of the report describe the engagement activities that have already been carried out for the project, and the engagement to be carried out during the preparation of the EIS.

### 5.1. ENGAGEMENT CARRIED OUT

Initial discussions about the site and the project have occurred with DPHI through a pre-scoping meeting held on 11 March 2024.

Once the SEARs are received, the Applicant will proceed with the formal consultation process as part of preparing the EIS, as detailed in Section 5.2 below.

### 5.2. ENGAGEMENT TO BE CARRIED OUT BY THE APPLICANT

Further community and stakeholder consultation will be undertaken in the preparation and assessment of the EIS including:

- **Key Stakeholders:** it is proposed to consult with the following stakeholders during the preparation of the EIS:
  - Lane Cove Council.
  - Surrounding residents, businesses and local community groups.
- **Other Interested Stakeholders:** additional stakeholders may be identified during the preparation of the EIS.
- **Key Actions:** the following actions will be undertaken to keep the community informed regarding the project, obtain feedback from the community on the project and engaged with stakeholders on the detailed assessment of key matters:
  - A dedicated engagement strategy will be prepared following the issue of SEARs.
  - Additional consultation actions may be identified following further engagement with key stakeholders and DPE.
  - The EIS and supporting documentation will be placed on public exhibition, providing stakeholders with an additional opportunity to review the Project, including the final development plans and the detailed specialist studies and assessment reports accompanying the final EIS.
- The proposed actions are consistent with the community participation objectives in the *Undertaking Engagement Guidelines for State Significant Projects*. An engagement consultant will be responsible for monitoring, reviewing and adapting the effectiveness of the engagement strategy to encourage community participation in the Project.

## 6. PROPOSED ASSESSMENT OF IMPACTS

This section identifies the key impacts which will be further investigated and assessed within the EIS, including the proposed approach to assessing each of these matters. It also identifies the matters addressed in the scoping phase that are unlikely to result in significant impacts and do not warrant further consideration in the EIS.

### 6.1. MATTERS REQUIRING FURTHER ASSESSMENT IN THE EIS

The following section of the report provide a comprehensive description of the relevant matters and impacts which will be addressed in detail within the EIS. It outlines the matters and impacts of particular concern to the community and other stakeholders

#### 6.1.1. Compliance with Strategic and Statutory Plans

The proposed development is consistent with the surrounding land uses and character of the broader precinct. The EIS will include a detailed assessment of the proposed development against the relevant strategic and statutory provisions previously identified.

#### 6.1.2. Built Form, Urban Design and Public Domain

Concept Architectural Plans are provided in the Preliminary Design Report, prepared by PTW Architects. These plans provide a preliminary indication of the proposed building footprints and envelopes that form this SSDA.

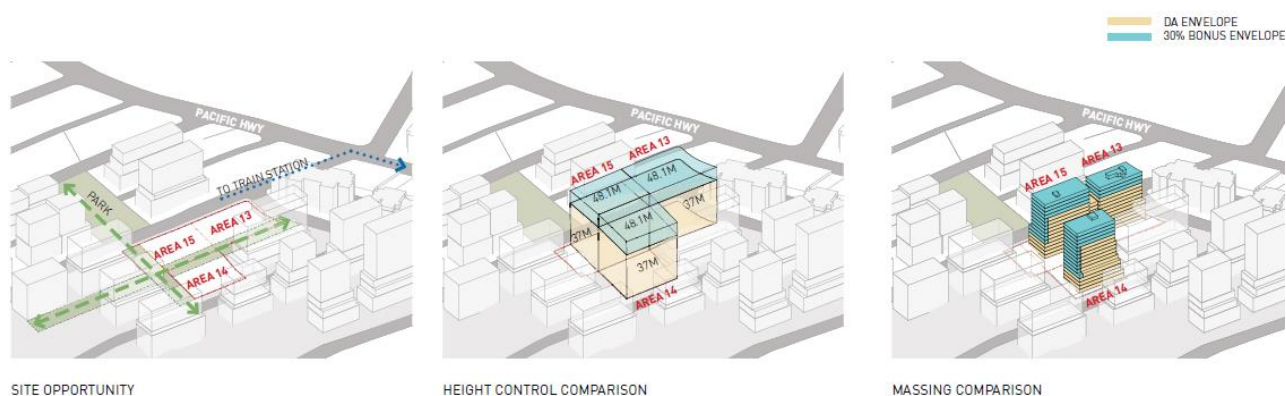
The overall design will adopt the similar design principles considered for the approved local DA scheme, including architectural appearance, façade articulation strategies and landscape treatments, to deliver a high-quality built form outcome,

These considerations extend to the ground plane and how the through site link / central landscaped area can be designed as an attractive place for people to gather and move through. Access arrangements to/from the site has ensured appropriate vehicular and pedestrian access strategies, reducing conflicts and/or resulting impacts on the existing road network.

The urban form of the building will achieve a prominent podium base and upper-level recessed character. The proposal involves a design that has identified, on balance, the most appropriate development response across the site and generally complies with the relevant built form controls, such as landscape requirements and articulation provisions.

Adopted design principles are illustrated below:

Figure 8 Design principles



Source: PTW

The EIS will outline the proposed development in detail, including analysis of the height, bulk and scale with respect to the surrounding local context. This will include a comprehensive response in relation to:

- The interface with surrounding development and adjoining development proposed and the public domain.

- Consideration of the building layout, massing and setbacks; and
- Visual impact when viewed from the public domain.

The EIS will be accompanied by a detailed set of Architectural Plans and Design Report.

### **6.1.3. Traffic Generation and Parking**

#### **6.1.3.1. Parking**

The proposed development will seek to provide car parking in accordance with parking provisions (e) and (f) of clause 19 of the Housing SEPP, which are minimum parking rate for affordable housing and built to sell units. The proposal provides 249 car parking spaces across four basement levels. While bicycle parking, car wash bays and motorbike parking will be provided in accordance with Lane Cove DCP. A detailed assessment on the needs of the proposed development will be included in the Transport Impact Assessment which will be prepared as part of the EIS.

#### **6.1.3.2. Access**

Vehicular access is provided via a driveway entry located on Holdsworth Avenue. The carpark is a single vehicular access point to the site, such that it will be shared by cars as well as larger service vehicles (MRVs and SRVs).

In terms of pedestrian access, the main residential lobby is provided fronting Berry Street, which provides secured entry into the overall development and the central green spine. Residential lobbies of the three buildings are internally located and can be accessed from the central green spine. By having a central lobby connecting Berry Street to the green spine, a sense of arrival is created. Secondary pedestrian access is also provided via Holdsworth Avenue, from the pedestrian link and Marshall Avenue.

#### **6.1.3.3. Loading and servicing**

A dedicated loading area 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).

The manoeuvring area and vehicular access driveway have been designed to accommodate the swept turning path requirements of these small/medium rigid trucks, allowing them to enter and exit the site in a forward direction at all times.

The geometric design layout of the proposed loading facilities has been designed to comply with the relevant requirements specified in the *Standards Australia publication Parking Facilities Part 2 - Off-Street Commercial Vehicle Facilities AS2890.2 - 2002* in respect of loading dock dimensions and service area requirements for SRV and MRV trucks.

Detailed swept turning path diagram will be provided as part of the traffic and parking report.

#### **6.1.3.4. Traffic generation**

It is anticipated that during construction and operation there will be an increase in traffic movements. The construction traffic movements will be temporary. During operation, the proposed development will likely increase traffic movements. Consideration of peak traffic movements will need to be considered and the impact this will have on the surrounding road networks.

The predicted vehicle movements will also be important to inform the proposed acoustic impacts, including potential for on-site noise generation within the car parks and across the site, including acceleration/deceleration.

### **6.1.4. Amenity**

#### **6.1.4.1. Overshadowing and Solar Access**

The site has several sensitive receivers in the surrounding area, including a new local park located to the west (refer to Figure 9) of the site and other residential developments surrounding the site. The Lane Cove DCP requires 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.

Given the tower nature of the proposal, an analysis and assessment of the overshadowing impacts and solar impacts to the new local park and surrounding development has been undertaken in the Preliminary Design Report. The assessment compares the shadow from the local DA scheme (LEP compliant scheme) to the proposed scheme. Preliminary assessments have noted that the proposal will not overshadow the new public park between 11am and 2pm on 21<sup>st</sup> June, which meets the overshadowing requirements under the Lane Cove DCP.

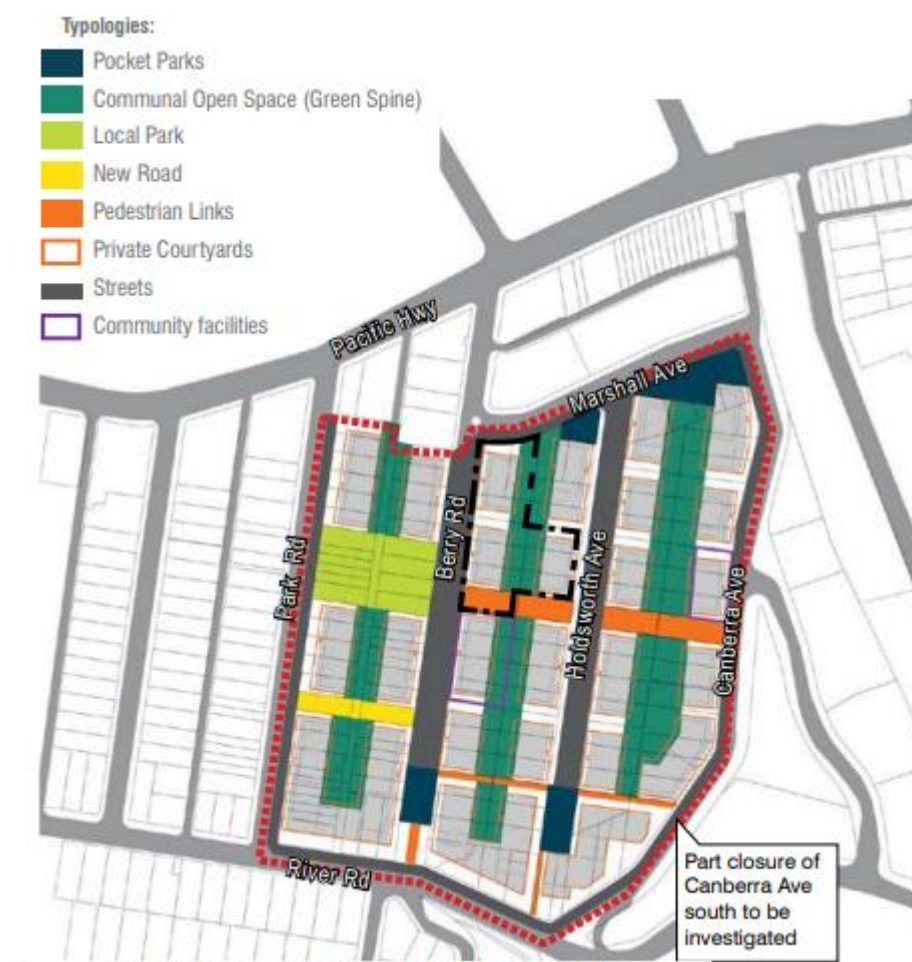
The proposal will create minor additional overshadow to the pedestrian link between 12pm to 1pm. No solar provision is prescribed for the pedestrian link area. Despite the minor overshadowing, the pedestrian link can continue to receive solar throughout the day.

The proposal will create minor additional overshadow to the central green spine area at 12pm. Communal open space is also provided on the roof of area 13. With both areas combined, more than 50% of the principle usable part of ground and rooftop communal open space achieved 2 hours direct sunlight between 9 am and 3 pm on 21 June, which satisfies ADG requirements.

The development creates fast moving shadow throughout the day and additional shadow to surrounding developments is limited.

A detailed overshadowing assessment/mapping will be prepared as part of the EIS.

Figure 9 location of new local park



Source: Lane Cove DCP

#### 6.1.4.2. Noise and Vibration

The site is adjacent to residential uses within the St Leonards South Precinct. Noise and vibration impacts will need to be assessed considering the potential impacts to surrounding land uses. Detailed consideration will need to be given to the potential cumulative impacts during both the construction and operational phases of the development considering the approved and likely future development within the locality.

A Noise and Vibration Impact Assessment will be prepared in accordance with EPA guidelines and Australian/International standards in accordance with the SEARs. This assessment will be undertaken in accordance with applicable legislative requirements, policies and guidelines. The assessment will detail the following:

- Construction and operational noise and vibration impacts on nearby sensitive receivers and structures.
- Noise generation from fixed sources associated with the development will need to be effectively insulated or otherwise minimised.
- Mitigation measures and design solutions will likely be required to ensure that the development operates within the relevant criteria required.

#### **6.1.4.3. Views Analysis**

The site is located within the St Leonards South Precinct. This includes other residential developments that are within the visual catchment of the site. The Lane Cove DCP did not identify important view or vista to be protected within the precinct.

The SSDA will be accompanied by a Visual Impact Assessment ('VIA'), which will assess the visual effects of the proposed built form on nearby sensitive receivers and public domain views from key locations surrounding the site. The assessment will consider the proposed architectural and landscape treatments of the building and its immediate surrounds, which would include an assessment of the proposed layout and design in accordance with the following principles and best-practice approaches identified within the following documents (but not limited to):

- *Guidelines for Landscape and Visual Impact Assessment (GLVIA) – Third Edition (LI/IEMA, 2013); and*
- *The Landscape Institute Advice Note 01 (2011) – Photography and Photomontage in Landscape and Visual Assessment*

The VIA will assess the cumulative impacts of the proposal alongside the other developments proposed in the surrounding area. The nature of the impact is both direct and cumulative and as such consideration will be assessed utilising a detailed level of assessment within the EIS.

#### **6.1.5. Design Quality and Residential Amenity**

Preliminary assessments against ADG show that the proposal meets the requirements for communal open space, solar access, cross ventilation and building separation (on merits and consistent with the approved development). A detailed assessment against all relevant ADG requirements will be prepared as part of the EIS.

The EIS will also be accompanied by a BCA Compliance Report and Accessibility Report to ensure the proposed design is capable of achieving compliance with the Building Code of Australia 2022 and Disability (Access to Premises – Buildings) Standards 2010.

#### **6.1.6. Hazards and Risks**

A Preliminary Site Investigation (**PSI**) was prepared by Foundation Earth Sciences (dated October 2021) and submitted with DA-56/2023.

The PSI concluded that the “*Based on the results of this investigation it is considered that the risk to human health and the environment associated with soil and groundwater contamination at the site are moderate in the context of the proposed use of the site*”. As such, the site can be made suitable for the proposed high-density residential land use redevelopment, subject to the following:

- Undertaking a detailed site investigation (phase 2 environmental site assessment) by a suitably qualified Environmental Consultant.
- Undertaking an Asbestos Clearance Certificate

A detailed site investigation report will be prepared to accompany the EIS.

### 6.1.7. Aboriginal Heritage

In accordance with the standard requirement of SSDs, an Aboriginal Cultural Heritage Assessment Report ('ACHAR') will be prepared. The ACHAR will document the process of investigation, Aboriginal community consultation and assessment with regards to Aboriginal cultural heritage and Aboriginal archaeology. The assessment will be prepared in accordance with the following guidelines:

- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Department of Environment, Climate Change and Water).*
- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (Office of Environment and Heritage 2011)*
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW)*
- *The Australia ICOMOS Charter for Places of Cultural Significance.*

### 6.1.8. Waste Management

The proposal will generate several waste streams that will require management in accordance with relevant legislation and guidelines. It is expected that during demolition and construction, the primary waste generated would consist of excess building products and onsite material.

Operational waste is likely to be constrained to waste associated with human use such as general solid waste and sewerage. A Waste Management Plan was submitted with DA-56/2023. The plan addresses both the construction and operational phases of the development and indicates the collection points and method of removal from the site, include the various waste streams from the different uses proposed. This report will be updated to accompany the EIS and will consider the revised scope of the development.

### 6.1.9. Infrastructure Servicing

The site is within an area which has established infrastructure and services. The site would be cleared of all existing buildings prior to the commencement of the earthworks. Remaining infrastructure at the site would primarily consist of utility infrastructure connections including water and electricity. The EIS will detail the infrastructure requirements and will include information about anticipated supply of utility services including:

- Electricity
- Water
- Sewer

The need for utility works to support the proposal would be identified during the design development and in consultation with relevant providers. The EIS will be accompanied by a Utility Services and Staging Plan.

### 6.1.10. Economic and Social Impacts

The site is surrounded primarily by residential uses. It is anticipated that the residential development (including affordable housing) would deliver social and economic benefits associated with the delivery of key site in the planned precinct, in addition to the creation of job opportunities. The EIS will be accompanied by a Social Impact Assessment which will include an analysis and assessment of the potential social and economic impacts of the proposal.

This would include an estimation of the employment generation associated with the construction and operational phases, as well as broader economic benefits of this specific development.

### 6.1.11. Environmentally Sustainable Design

An Ecologically Sustainable Development ('ESD') Report will be provided as part of the EIS and include details on how ESD principles will be incorporated within the design and ongoing operational phases of the proposed development.

This assessment will identify potential measures to be implemented into the building design and construction to minimise the environmental footprint of the development, including opportunities to avoid or minimise the demand for water and electricity. The EIS will be accompanied by an ESD report.

### **6.1.12. Biodiversity**

A desktop review of the site shows existing vegetation on the site. As part of the SSDA process, an ecologist will be engaged to undertake an assessment of the significance of this vegetation to determine whether a BDAR is required, or alternatively whether a BDAR waiver should be pursued and submitted.

The Arboricultural Impact Assessment prepared to support DA-56/2023. The proposal proposes to remove majority of the existing trees onsite to accommodate the development, which include a street tree to facilitate the proposed driveway access on Holdsworth Avenue.

Majority of the trees that are proposed to be removed onsite are of low to medium retention value, with the exception of three trees (including 1 street tree) that are assessed to have high retention value.

To offset the required tree removal, a comprehensive replanting plan is proposed with suitable indigenous plant species incorporated in the landscape design of the site, as per the approved Landscape Plans prepared by RPS Group. No changes are proposed to the approved landscape scheme for the site. The proposal overall will provide an additional 33% new canopy coverage, with total canopy coverage of 41% across the site.

All the trees that are retained onsite will adhere to the proposed Tree Protection Zones (TPZ) and tree protection measures that are outlined in the Arborist Report.

The Arboricultural Impact Assessment and Tree Protection Plan for the proposed development will accompany the EIS.

## **6.2. MATTERS REQUIRING NO FURTHER ASSESSMENT IN THE EIS**

This section of the report identifies the matters that do not require further assessment in the EIS. Each of these matters was considered within the scoping phase but considered unlikely to result in significant impacts that warrant further assessment.

### **6.2.1. Bushfire**

The site is not mapped within a bushfire prone area of a buffer zone to a bushfire prone area. As such a bushfire assessment is not considered necessary for this Project due to its setting in a highly urbanised and developed area, devoid of remnant bushland and not within a mapped bushfire prone area'.

### **6.2.2. Air Quality and Odour**

The project (for 'residential flat building') will not generate any consequential air quality impacts related to atmospheric emissions, gases or particulate matter; or any ongoing odour sources.

### **6.2.3. European Heritage**

The site is not mapped as a heritage item, nor is it within a heritage conservation area. The site is also not in close proximity to heritage items. Accordingly, assessment of European heritage is not required.

### **6.2.4. Flooding**

The site is not impacted by any mainstream flooding; accordingly, assessment of flood impact is not required.

## DISCLAIMER

This report is dated 26 March 2024 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 Scoping Report (**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.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

## **APPENDIX A**

## **QS LETTER**

## **APPENDIX B**

## **PRELIMINARY DESIGN REPORT**

## **APPENDIX C**

## **DRAFT VOLUNTARY PLANNING AGREEMENT**

