

7 December 2021

Mark Brisby
Executive Manager – Environmental Services
Lane Cove Council
48 Longueville Road
LANE COVE 2066

Attention: Henry Burnett

Dear Henry,

RE: RESPONSE TO REQUEST FOR FURTHER INFORMATION – 21 – 41 CANBERRA AVENUE AND 18 – 32 HOLDSWORTH AVENUE, ST LEONARDS (DA99/2021)

This letter has been prepared on behalf of Top Spring Property Development Services Pty Ltd (the Applicant) in relation to their land at 21 - 41 Canberra Avenue and 18 – 32 Holdsworth Avenue, St Leonards. The Development Application (DA) was submitted to Council on the 29 July 2021 and seeks consent for the following:

*Construction of five residential flat buildings with a total of 319 apartments,
10 terraces and basement parking.*

The DA was exhibited from the 3 August 2021 to 14 September 2021. During this time a total of 61 submissions were received. Since the lodgement of the application, the Applicant has worked in close consultation with Council. On the 30 September 2021 Council issued a formal Request for Information Letter outlining a range of concerns. The Applicant and the project team have sought to address each of the items raised by Council. This letter addresses each of the concerns raised and outlines the design amendments that are proposed in response to Council's issues.

This letter should be read in conjunction with the following supporting attachments:

- Amended Architectural Design Report prepared by Bates Smart (**Attachment 1**);
- Legal Advice Pertaining to Storey Height prepared by Mills Oakley (**Attachment 2**);
- Transport Impact Assessment prepared by JMT Consulting (**Attachment 3**);
- Landscape Plans prepared by Arcadia (**Attachment 4**);
- Arboricultural Impact Assessment prepared by Australis Tree Management (**Attachment 5**);
- Preliminary Contamination Assessment prepared by Golder (**Attachment 6**);
- Acoustic Impact Assessment prepared by IGS (**Attachment 7**);
- Construction Noise Management Plan prepared by IGS (**Attachment 8**);
- Noise Impact Assessment and Fire Services Response prepared by IGS (**Attachment 9**);
- Response to Submissions Table prepared by Mecone (**Attachment 10**); and

- Legal Advice Regarding FSR prepared by Mills Oakley (**Attachment 11**).

A response to each of the issues raised is set out in the sections below.

1. Amended Architectural Design

In addressing Council's concerns, the following design amendments have been made as a consequence of ongoing design development:

- Relocation of the driveway and loading dock in Building 7 further northward along Canberra Avenue;
- Removal of one 3 bed apartment (Unit 7-3B-D) from Building 7 and inclusion of an additional 2 bed apartment (Unit 7-2B-F) on Level 5;
- Introduction of an additional 2 bed unit (9-2B-J) within Building 9 at Level 3;
- Deletion of 2 x 3 bed units (11-3B-E and 11-3BF) within Building 11 in lieu of 2 x 2 bed apartments(11-2B-M 11-2B-N) to reduce the size of the floorplate in this location;
- Relocation of the pool amenities from the Green Spine to Building 7 at Level 75
- Amendment to the bike storage area to alter its configuration and increase bike numbers from 17 to 24 within Building 7 at Level 2;
- Relocation of the fire escapes further southward in Building 9 at Level 2;
- Relocation of the fire services in Building 9 to Level 4;
- Increase to the articulated recess on the western elevation of Building 8 from 2m to 3m;
- Bicycle access relocated from Council land to the south to the east of Building 10 at Levels 4 and 5; and
- Hardscape area around the pool reduced to allow for greater deep soil, with the percentage of deep soil within the Green Spine remaining 50% and the overall deep soil increased from 25% to 26%.

The detailed changes are illustrated on the Amended Architectural Plans at **Attachment 1**. An overview of the key numerical changes is included within the table below.

Table 1 – Original and Revised Numerical Information		
Item	Previous Scheme	Amended Scheme
Unit Mix		
- 1 bed	72 (21.9%)	72 (22%)
- 2 bed	179 (54.4%)	183 (56%)
- 3 bed	78 (23.6%)	75 (23%)
<i>Total</i>	329	330
Gross Floor Area		
- Area 7	4,692m ²	4,655m ²
- Area 8	7,291m ²	7,286m ²

Table 1 – Original and Revised Numerical Information		
Item	Previous Scheme	Amended Scheme
- Area 9	6,604m ²	6,727m ²
- Area 10	4,474m ²	4,475m ²
- Area 11	9,825m ²	9,755m ²
Total GFA / FSR	32,898m ² / 2.60:1	32,898m ² / 2.60:1

2. Response to Issues

A response to the issues raised by Council in their written correspondence dated 22 February 2021 is provided in the section below under the relevant headings.

2.1 Building Setbacks

Issue: The building setbacks for Area 7, 8 and 10 are compliant (though the floor plans are required to dimension the northern boundary setback) with LCDCP 2010 Part C Residential Localities – Locality 8 – St Leonards South Precinct – Part 7 Built Form – Building Envelope - Setbacks. The proposal seeks to take an average building setback approach to Area 9 and 11 to address the irregular front boundary along Canberra Avenue. While the average setback to the townhouse levels is considered satisfactory, the upper setback levels require future consideration with the following principles requested to ensure a street wall commensurate with what is envisaged under the planning controls as outlined in the table below:

The proposal seeks to take an average building setback approach to Area 9 and 11 to address the irregular front boundary along Canberra Avenue. While the average setback to the townhouse levels is considered satisfactory, the upper setback levels require future consideration with the following principles requested to ensure a street wall commensurate with what is envisaged under the planning controls as outlined in the table below.

Response

Table 2 – Average Setbacks to Area 9 and 11 (Canberra Avenue)	
Storey	Setback
1 - 2	Average 4m
3 - 5	Minimum 4m
6 +	Minimum 7m

As identified in the table above, the DCP requires that the upper level massing provide a setback to Canberra Avenue of 7m.

The upper setbacks fronting Canberra Avenue are the outcome of iterative design testing and have been supported by the Lane Cove Council's (Council) Design Excellence Panel. The original scheme presented to Council's NSROC Design Review Panel on the 9 February 2021 proposed a zero metre setback at the upper levels, with an overall consistent setback to Canberra Avenue of 6.3m (refer to **Figure 1**). The design adopted a stepped massing when viewed in plan but not when interpreted in section view.

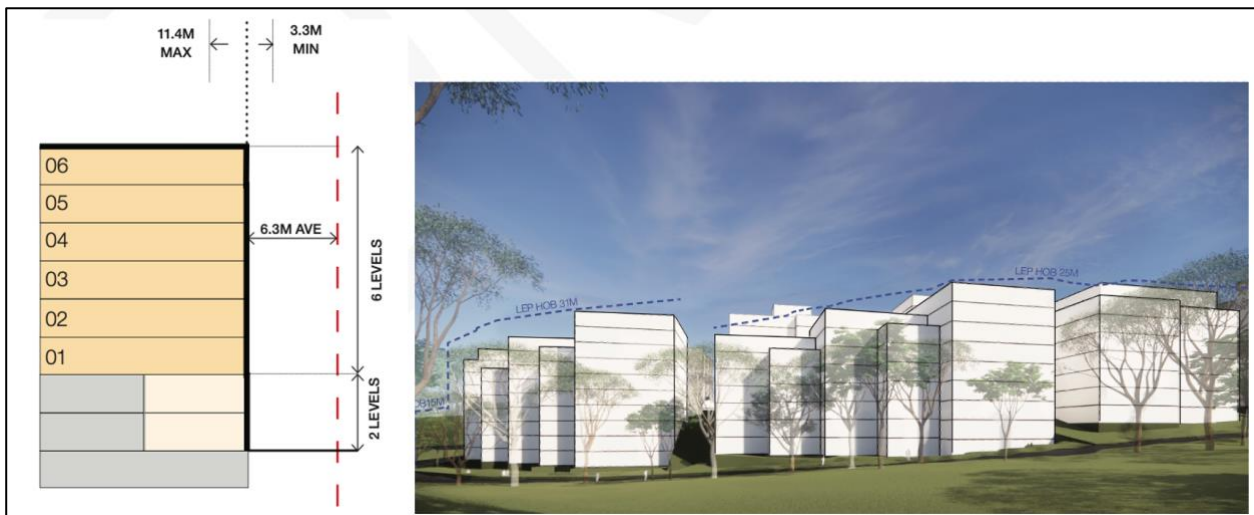


Figure 1 – Original Upper Level Setback Arrangement

Source: Bates Smart

The NSROC Design Review Panel provided written feedback / meeting minutes dated 9 February 2021 identifying their concern with the mass and scale of the built form when viewed from Newlands Park, noting that:

The Panel remains concerned about the apparent scale and impact of the built form as perceived from Newlands Park. Based on the indicative / illustrative material, it appears that the impact on Newlands Park has not been adjusted at the upper levels to provide for the 'stepping back' of the built form to reflect the initial design criteria.

In response to this feedback, the Applicant amended the upper level setbacks. Following extensive design testing, the design was amended to provide increased upper level setbacks of 3m and an overall average setback of 8.8m to Canberra Avenue. The amendments reduced the perceived bulk and scale of the proposal and provided reduced overshadowing to Newlands Park relative to a complying scheme.

The revised design was reviewed by Council's Design Excellence Panel (the Panel) on 27 April 2021. The minutes from the meeting confirm that the Panel were satisfied with the revised setbacks. Specifically, the Panel noted the following:

The revised massing, materiality, setback of the upper levels and expression of the two storey townhouses located along Canberra Avenue has dramatically improved the overall built form and massing. When viewed from the park and street level, this will help provide human scale to the development.

The design as submitted alongside the Development Application generally maintains the setbacks endorsed by the Panel (refer to **Figure 2**). The detailed merits of the upper level setbacks are addressed in Section 5.1 of the Statement of Environmental Effects (SEE) that accompanied the DA. Since the DA's lodgement, the massing of Building 11 has been slightly amended to reduce the bulk. Specifically, at Level 10 at the top of Building 11 the massing has been reduced due to the conversion of two 3 bedroom units to 2 two bedroom units.

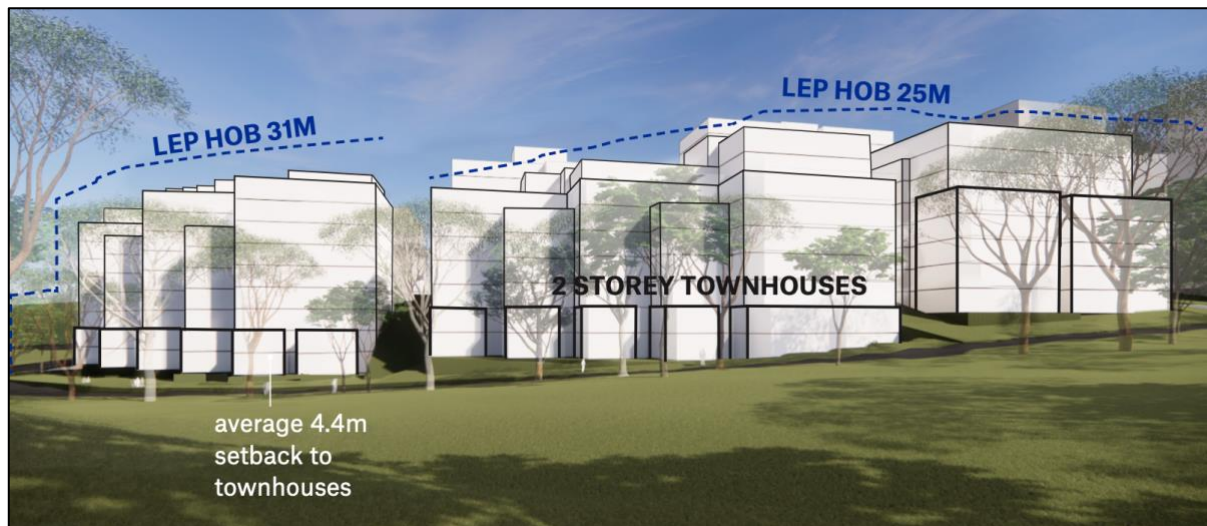


Figure 2 – Revised and Proposed Upper Level Setback Arrangement as Submitted with DA

Source: Bates Smart

In light of the above, it is considered that the proposed upper level setbacks can be supported on merit and are appropriate as they have been supported by Council's Design Excellence Panel.

Issue: The number of storeys for Area 8 and 10 are compliant. Area 7 and 9 seek to rely on 2 part storeys. An assessment of the part storey control has been undertaken and it is considered that a maximum of 1 part storey can be relied upon for Area 7 and 9. Accordingly, the maximum height of the residential levels (including part storey) is seven storeys (being DCP 6 storeys + 1 part storey). In turn, the buildings to Area 7 and 9 would be required to delete the upper most residential level.

Area 11 includes a staggered storey control. The intent of the staggered storey control is to protect solar access to Newlands Park and to the dwelling houses on the south side of River Road. Any deviation from the reference scheme will be required to maintain the intent of the storey control. The intent being that there is a meaningful stepping to a 6 storey component. The absence of a 25m height control (in the LEP) to guide the 6 storey component of the building, does not justify in Council's view the heights being proposed through the eastern and western sections of the Area 11 building. Further, the assessment of the part storey control as being 3 part storeys is not considered supportable given its location above ground level (existing). A maximum 1 part storey should be provided. The amendments illustrated in Council's RFI letter are requested to the eastern and western sections of the Area 11 building.

Response

Mills Oakley Lawyers have provided advice (see **Attachment 2**) that:

"The lower Levels of Building 7, 9 & 11 are 'Part Storeys' Under Part C, Locality 8, Section 7 of the Lane Cove DCP, as they can reasonably be said to be:

- (a) "resulting from excavation of steep slopes"; or
- (b) "semi basement parking".

Mills Oakley Lawyers have advised that while both 'storey' and 'basement' are defined under the DCP and LEP, 'part-storeys' are not, but must clearly mean something other than a 'basement' or a 'storey', which are defined.

The only guidance given is at page 7 of the DCP: "Part storeys resulting from excavation of steep slopes or semi basement parking will not count as a storey". This raises two questions; What is 'Excavation of Steep Slopes'; and What is 'semi basement parking'.

The DCP provides no guidance as to what constitutes 'steep slopes'. However, Areas 9 and 11 contain the steepest land within the St Leonards South Precinct, the only land to which the provision applies. This southern part of the site fronting Canberra Avenue is plainly steep.

Mills Oakley conclude that:

*"In our view, this means that storeys which are partially below ground and partially above ground, due to steeply sloping sites, will be considered a part storey, rather than a 'storey' as defined in the LEP and DCP. Otherwise, they would simply fit within the description of a 'storey' and **there would have been no need or purpose for the Council to include the 'part storey' provision in its DCP at all**".*

(our emphasis)

'Semi-basement parking' is undefined but would generally be understood to refer to a situation on a sloping site where basement level(s) partially emerge from and protrude above the existing ground level, such that the basement is partially visible above ground on the lower side.

Given that the DCP prescribes the finished level of the central 'Green Spine', any 'storey' below this level will be a 'part storey', as it will necessarily be below ground on its upslope side.

There is nothing in the DCP which states or suggests that only one part-storey is permitted. To the contrary, the DCP expressly refers to "part storeys" not "a part-storey". Logically, the number of part storeys will be a function of the steepness of the slope and the resultant height difference between the finished level of the 'Green Spine' and the finished ground level at the lower building line.

The RFI refers to the intent of the 'staggered storey control' being to "protect solar access to Newlands Park and to the dwelling houses on the south side of River Road". However, this intent is not stated anywhere, nor is the intent of the part storey control. Notwithstanding, the shadow analysis prepared by Bates Smart (see Appendix 4 of the Development Application) demonstrates that the proposed massing results in no additional overshadowing of either Newlands Park or any dwelling houses. Deletion of any part storeys, or indeed any storeys, whether part or full, would therefore do nothing to achieve the above mentioned 'intent'.

Furthermore, where the provisions of a DCP are inconsistent or incompatible with the provisions of an LEP, pursuant to s3.43(5) of the EP&A Act, those DCP provisions are of "no effect". In *Castle Constructions Pty Ltd v North Sydney Council* (2007) 155 LGERA 52, the building height provisions in the LEP permitted a much taller building than if the DCP provisions were applied. The Court found that the DCP provision was therefore inconsistent with the LEP regarding building height.

As detailed in the submitted SEE, the proposed building massing is consistent with the wording and objectives of the LEP height standard.

Following consideration of *North Sydney Council v Ligon* [No 2] (1996) 93 LGERA 23, *City of Shoalhaven v Elachi* [2015] NSWLEC 85 and *Stanisic Associates v Sydney City Council* [2004] NSWLEC 770, Mills Oakley conclude:

"In our opinion, the Council's interpretation of the storeys control is overly restrictive and is not supportable either by reference to the DCP itself, or by the applicable legal principles that guide the interpretation of planning controls".

It is therefore not proposed to make any change to the proposal in relation to this issue.

2.2 Building Articulation

Issue: The strong articulation element to the Area 8 building fronting Holdsworth Avenue is to be increased from 2m to a minimum 3m in width in accordance with the DCP.

Response

The articulation associated with the western elevation of Building 8 fronting Holdsworth

Avenue has been increased from 2m to 3m in accordance with Council's request (refer to **Attachment 1**).

2.3 Driveway Location

Issue: The proposed driveway location is to be amended to be no further south than No. 23 Canberra Avenue as advised at the Pre-DA phase. Council has provided an indicative cul-de-sac design that can be utilised for the purpose of designing the revised driveway entrance. The location of driveways to enable the future closure of Canberra avenue is stipulated in LCDCP 2010 under 'Other Built Form – Vehicular Access'.

Response

The driveway has been relocated further northward along Canberra Avenue in response to Council's request (refer to **Attachment 1**).

2.4 Pedestrian and Bicycle Link

The issues raised under Section 5 – *Pedestrian and Bicycle Link* of Council's RFI Letter dated 30 September 2021 can be addressed via conditions of consent to be satisfied prior to the occupation phase.

2.5 Canberra Avenue Public Domain Interference – Fencing and Landscaping

The issues raised under Section 6 – *Public Domain Interface – Fencing and Landscaping* of Council's RFI Letter dated 30 September 2021 can be addressed via conditions of consent to be satisfied prior to the occupation phase.

2.6 Green Spine

Section 7 of Council's RFI raises a number of matters pertaining to the design of the Green Spine. The issues raised will be addressed as conditions of consent.

Council has raised the following concern with regards to the amenities building within the Green Spine:

The accessible toilet facilities should be incorporated within a building to minimise structures within the green spine, noting that at 2.5m height limit does apply to the green spine.

In response to Council's comment, the pool amenities have been relocated from the Green Spine to Level 5 of Building 7. In consequence, the Green Spine no longer incorporates structures that exceed the 2.5m height limit.

2.7 Public Domain Works

Issue: Concept plans are to be provided in consultation with Council's Executive Manager OSUS in relation to the public domain works required under the Development Application to Holdsworth and Canberra frontages. These works are required to meet Council's specifications and preliminary designs prepared for the Development Application stage.

Response

The requirement to provide concept plans can be satisfied by way of conditions of consent to be satisfied prior to the construction phase.

2.8 Traffic and Parking

Issue: Driveway Location - The Development Application does not propose the closure of Canberra Avenue. However, the location of the proposed driveway will impact the extent to which Canberra Avenue can be closed by Council and in turn the amount of open space able to be added to Newlands Park. The driveway and cul-de-sac location are required to be no further south than No. 23 Canberra Avenue in accordance with Council's advice prior to the lodgement of the Development Application.

Response

In accordance with Council's request, the driveway has been relocated further northward and is no further south than No. 23 Canberra Avenue.

Issue: EV Charging - The TIA should outline the provision of EV charges within the development.

Response

The proposal incorporates 25 charging stations as addressed in the ESD Report included at Appendix 16 of the Development Application.

Issue: Cumulative St Leonards Transport and Accessibility Study – The TIA should incorporate Cumulative St Leonards Transport & Accessibility study. It is noted traffic is a substantive submission issue and should be addressed comprehensively.

Response

A cumulative transport assessment has been prepared by JMT Consulting and is included at **Attachment 3** within Section 4.4.1. The report highlights that TEF Consulting were engaged to prepare a detailed traffic model for the area to understand the cumulative traffic impacts of the proposal and other future developments, including:

- St Leonards South Precinct – 2,400 dwellings
- 71 – 79 Lithgow Street and 82 – 90 Christie Street – 450 dwellings and 7,760sqm of commercial / retail floor space;
- 1 – 2 and 15/25 Marshall Street – 335 dwellings and 395sqm of commercial / retail floor space;
- 472 – 494 Pacific highway – 539 dwellings and 8,263sqm of commercial / retail floor space; and
- 496 – 504 Pacific Highway – 495 dwellings and 5,628sqm of commercial / retail floor space.

Cumulatively the study found that traffic increases within the surrounding road network would be moderate for each of the development sites. With regards to the subject site, the proposal will generate a net increase of 30 vehicles (or less) during the morning peak hour period and 10 vehicles or less during the afternoon peak hour period. JMT Consulting note that this is a relatively low level of traffic generation.

JMT Consulting highlight that detailed traffic modelling undertaken by Council to support the rezoning of the precinct assumed that the redevelopment of the precinct would support 2,400 dwellings with a higher FSR than what was approved, equating to a dwelling yield of 472 dwellings for the subject areas 7 – 11. The proposal provides a lower yield of only 329 dwellings, representing a 30% reduction to that previously assumed. As such, the traffic impacts associated with the proposal would be considerably less than that considered by the original Aimsun modelling that informed the rezoning of the site.

Issue: AIMSUN Model – Aimsun base model is to be updated to include the actual trip generation from the development closure of Canberra Avenue, St Leonards.

Response

The Traffic Impact Assessment prepared by JMT Consulting at Attachment 2 addresses the potential closure of Canberra Avenue (refer to Section 4.4.3 of the report). JMT Consulting note that the closure of Canberra Avenue is a resolution of Council and not something that is proposed as part of the subject Development Application. The traffic implications associated with Canberra Avenue would need to be considered separately by Council and are beyond the remit of this application. It is therefore considered that the Aimsun model is not required to be updated to account for the potential close of Canberra Avenue.

Issue: Transport for NSW – Transport for NSW have refused to grant concurrence due to the substation driveway access point proposed on River Road. Amended plans are required which show the deletion of the driveway access point.

Response

The Architectural Plans included at **Attachment 1** have been updated to show the revised driveway. No driveway is proposed to River Road.

2.9 Landscaping

Issue: Landscape Checklist - The submitted Landscape Development Application Plans need to satisfy the landscape checklist as outlined in the RFI letter.

Response

Landscape plans are included at **Attachment 4** and where practical address Council's concerns. Outstanding items can be required by conditions of development consent.

2.10 Trees

Issue: Trees 15 and 16 have been identified for retention in the Arborist reports section 5.2 and appendix A&F. The same trees have been identified for removal in section 8.2 and the Landscape plans by Arterra. I have reviewed the trees on site and am of the opinion they should be removed. The reason is they are currently suppressed by tree 14 (high value E. saligna for retention) and are conflicting with the canopy of tree 14 causing lesions on the branches. The Arborist report and the landscape plans are to be updated to reflect the removal of trees 15 and 16.

Canopy pruning on tree 14. The Arborist report states that canopy pruning will be required for tree number 14 to allow for the proposed scaffolding and building clearance. As this is one of the few trees to be retained on the site a more specific tree pruning specification is required to be included in the report to include photograph markups of the proposed pruning points. The reports recommendations/hold points should also be updated to specify the project Arborist is to directly supervise the pruning works which will form a condition of consent.

The Arborist report appears not to have assessed the proposed impacts of the landscaping plan, particularly for trees 14 and 79. Tree 79 is retained under a 4% encroachment but the landscape plans show the installation of seating areas below the canopy which is likely to include level changes and increase the level of disturbance. The landscaping plans must be assessed by the Arborist who is to ensure the trees proposed to be retained are still subject to tolerable levels of impact and to implement additional mitigation measures where required.

Street Tree planting on Holdsworth Avenue is recommended to be increased to fill any gaps for missing street trees.

Response

The Landscape Plans and the Arboriculture Impact Assessment included at **Attachment 4** and **Attachment 5**, respectively have been updated to reflect that Tree 15 and 16 will be removed.

The report identifies that approximately 13% of the canopy is proposed to be removed to facilitate the construction of the proposal. Photograph markups are included within Figure 4 and 5 of the report, which confirms that scaffold installation and inspection will occur to determine which branches will require protection.

With respect to Tree 79, the report identifies that an elevated decking area is proposed around the tree. The decking will be permeable. Hand excavation will occur within the Structural Root Zone (SRZ) and Tree Protection Zone (TPZ) and roots over 40mm in diameter will not be cut. No soil level changes are proposed within the TPZ. The encroachment into Tree 79's TPZ has been reduced from 4% to 1% due to the revised basement (refer to drawing DA.23.005(B)).

The report confirms that no excavation will occur within the SRZ of Tree 14 and no will soil level changes will be required within the TPZ.

2.11 Waste Management

Issue: Please show swept paths for SRV and HRV within the traffic management plan and 4.5m clearance free from all encumbrances. Please amend traffic management plan.

Response

The swept paths documented in the Traffic Impact Assessment included at *Attachment 11* of the Development Application have been developed for a 9.5m long waste vehicle, which is the largest vehicle noted in Part Q of the Lane Cove DCP. Part Q of the DCP indicates truck lengths of between 6.6m and 9.5m and not a Heavy Rigid Vehicle, which is 12.5m long. Swept paths for SRVs are also provided. A 4.5m clearance height is provided to the loading dock as per Council's requirements.

2.12 Environmental Health

Issue: The Preliminary Contamination Assessment dated 2 June 2021 by Golder Associate Pty. Ltd., Report number: 18105360-007-R-Rev0 the Conclusion statement is to be amended to include a clear & defined end statement i.e. "the sites are suitable for the proposed use (medium density residential development with unexposed soils)".

Response

The Preliminary Contamination Assessment has been amended in accordance with Council's comments. The updated report is included at **Attachment 6**.

Issue: The Noise Impact Assessment dated 2 June 2021 by Integrated Group Services, Project No. VE-N20_192 did not address the potential impact of rail noise on the development and should address the impact of rail noise due to the proximity of the nearby railway line.

Response

The potential impact of rail noise on the development is addressed in the Acoustic Impact Assessment included at **Attachment 7** dated 1st September 2021.

Issue: The applicant has not submitted an Environmental Management Plan (construction phase). The plan should address treatment and disposal of deep excavation water, sediment and erosion control and dust management for the construction phase.

Response

An Environmental Management Plan will be required as a condition of the development consent prior to the construction phase.

Issue: The applicant has not submitted a Construction Noise Management Plan (CNMP). Also in their CNMP consideration should be given for the short term (3-4 months) rental of office accommodation for nearby work from home residents to use for the excavation phase of the project.

Response

A Construction Noise Management Plan is included at **Attachment 8**. It details the results of the construction noise and vibration assessment and outlines a number of mitigation measures within a Noise and Vibration Management Plan contained within the report. It concludes that subject to the adoption of the mitigation measures, the noise emissions will not result in unacceptable impacts to surrounding neighbouring receivers.

There is no need to provide rental office accommodation to provide for nearby residents working from home during. The site is physically detached from surrounding residential uses and in most cases separate by Newlands Park and the surrounding road network. Construction activities which will be managed in accordance with a CMP that will manage construction noise in accordance with normal standards.

2.13 Fire Services

Issue: An indicative fire services location plan should be provided to demonstrate the services have been incorporated into the design of the building. The services should be integrated and their prominence minimised within the streetscape.

Response

IGS have prepared a statement addressing the location of the fire services (refer to **Attachment 9**). As shown in the figure below, the fire services consisting of the fire pump room are now fully integrated with the building. The fire pump room is located within Building 9 and the FCR positioned directly adjacent to the proposed driveway in Building 7. The fire booster is positioned along the northern boundary away from the residential terrace houses. As it is physically separated from the terraces and landscaped front setbacks, it will have minimal visibility when viewed in the streetscape.

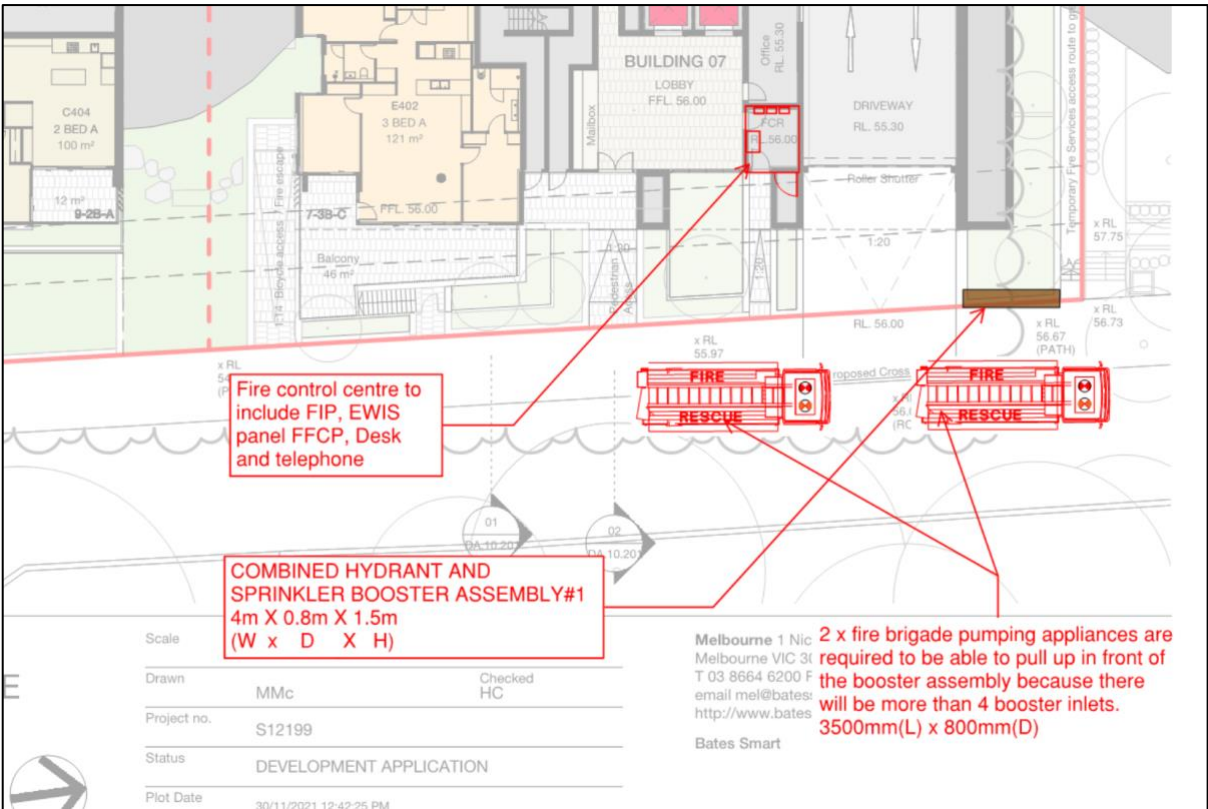


Figure 3 – Fire Assembly Located on Canberra Avenue (Level 4 Floor Plan)

Source: IGS

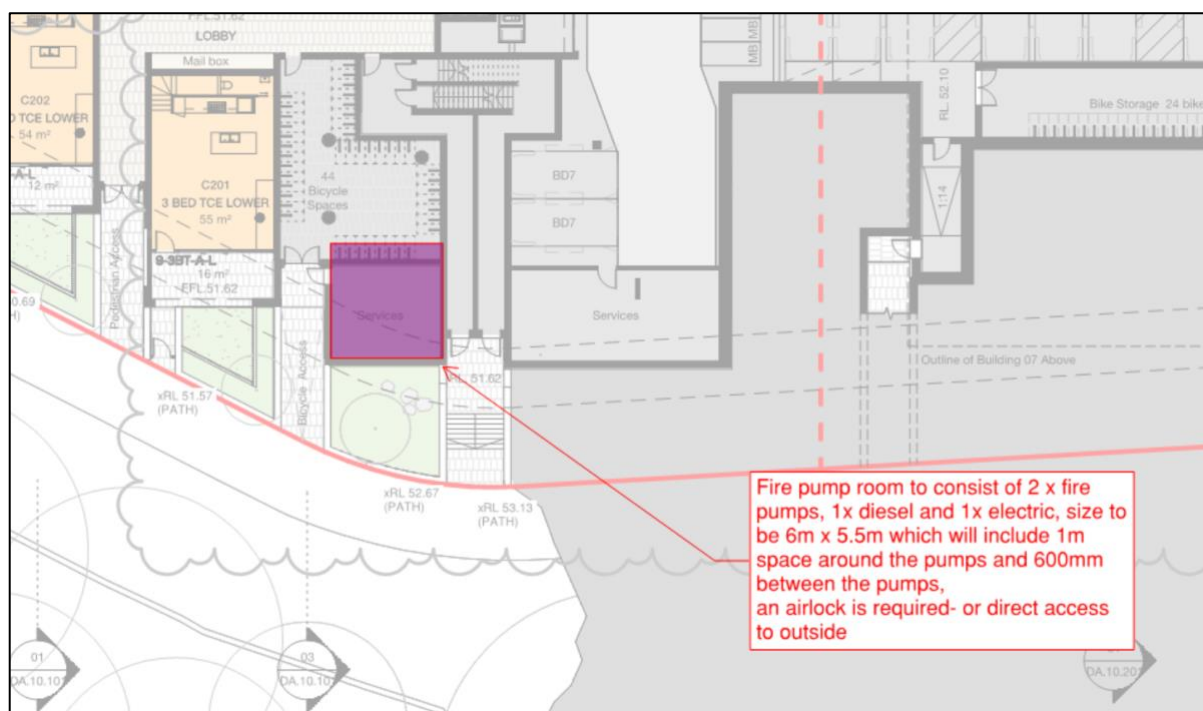


Figure 3 – Proposed Location of Fire Services fronting Canberra Avenue (Level 2 Floor Plan)

Source: IGS

2.14 Public Art Strategy

Issue: Consultation is required with Council's Human Services section with Barbara Flynn and their constituents throughout the coming development of the Public Art Strategy. Concern regarding minimal considerations towards the climbability of potential design concepts and wider interactivity between the public and the artwork.

Preference for such safety concerns to be adequately addressed prior to artwork production. Any reference the artist makes to Indigenous cultures needs to be made in consultation and collaboration with the Aboriginal Heritage Office.

Preference for the inclusion of a condition within the artist agreement for a defects period whereby the artist is available to conduct or be consulted about repairs within the 12 months post artwork completion. This is in line with Council's Public Art Policy.

Given the selected artist's international location, what is their logistical plan and intent for artwork delivery. For example, artist attendance to develop concepts, physical installation of the work, and/or remotely delegate such work. Council needs reassurance that adequate processes are in place to ensure high standard artwork delivery.

Details are required around a typical maintenance schedule and lifecycle for this artist's work, given precedence of using ephemeral surfaces such as untreated metals.

Response

The Applicant is willing to work in consultation with Council to address the aforementioned concerns and ensure any future public art accords with Council's policies and comments. The details pertaining to public art will be finalised at the construction phase.

2.15 Heritage

Issue: The natural rocky outcrop near the intersection of Canberra Avenue and River Road has natural significance. The rock face is an unusual feature in the streetscape and is worthy

of retention. It is located at the south western extremity of the site and could readily be incorporated in the landscape of the development.

Response

The rocky outcrop referred to by Council's Heritage Advisor is located west of the site, on the western side of the pedestrian stair connecting Holdsworth Avenue to River Road. The stairway forms the western boundary of the site and the rocky outcrop is therefore not located within the site.

2.16 SEPP 65

Issue: Confirmation is required that the solar assessment incorporates overshadowing from future buildings within the St Leonards South Precinct.

Response

Bates Smart have confirmed that the submitted solar access analysis included at **Attachment 1** accounts for the overshadowing associated with future buildings. The revised massing associated with Building 11 further reduces the amount of overshadowing generated by the proposal (refer to **Attachment 1**).

2.17 Submissions

A Response to Submissions Table is included at **Attachment 10**. The table summarises the concerns raised in the 61 submissions received during the notification period and provides a response to each.

Yours sincerely



Ian Cady

Director