

HYECORP

20 June 2022

Panel Chair
The Honourable Peter Debnam
Sydney North Planning Panel
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Parramatta NSW 2150
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DA162/2021 - PPSSNH-290 - PAN-157314

Demolition of existing structures and construction of a mixed use development comprising residential apartments, childcare centre, community facility, retail/café, basement parking, pedestrian link and stratum/strata subdivision at 13-19 Canberra Avenue, St Leonards ([Area 5](#))

Thank you for the opportunity to provide this response further to Lane Cove Council's Assessment Report dated 22 June 2022.

Hyecorp and our team, including award winning SJB Architects and Site Image Landscape Architects, in preparing the Development Application (DA) underwent an extensive, consultative design and planning process since May 2021. This involved:

- Multiple Council meetings including preDA, planning and design workshops/meetings with Council's different internal teams including planning, landscape and property teams;
- Multiple Design Review Panel and Design Excellence Panel meetings; and
- Community Consultation sessions.

This extensive consultative process carefully examined the many intricacies of the site and design to resolve and ensure the development achieves design excellence and balanced outcomes while responding to the objectives of the *Lane Cove Development Control Plan 2009* (DCP), *Oculus St Leonards South Landscape Master Plan* (Masterplan) and *Lane Cove Local Environmental Plan 2009* (LEP). The proposal in its current form is a direct result of the many recommendations provided by Council the Design Review Panel and Design Excellence Panel throughout the abovementioned processes.

Of key importance is that the St Leonards South precinct underwent an extensive master planning process. The end result was a high level master plan with extremely prescriptive site specific development controls. The provision of community infrastructure and public benefits are a key element of the St Leonards South Precinct.

The *St Leonards South Contributions Plan* (Contributions plan) and DCP notes that this community infrastructure and public benefits are to be delivered through the incentive floor space and building height provisions under the LEP. The interrelationship between achieving the incentive floor space and the delivery of the community infrastructure fundamentally underpins the successful delivery of the entire Precinct.

The Area 5 Site is the most burdened of all the 23 Area Sites identified with infrastructure delivery requirements (see table below). The masterplan identified Area 5 as requiring an incentive FSR of 3.7:1 to deliver these outcomes. Regrettably, during the master planning process they got it wrong.

Once incorporating all the relevant planning controls and community infrastructure requirements, the end result of residential FSR achievable is a mere 3.0:1 (the proposal is for 3.32:1 FSR which includes 0.21:1 and 0.11:1 in community dedicated infrastructure and subterranean residential amenities, respectively (where the provision of (sellable) residential floor space was not possible)). This figure is 10.3% (or in area terms, approximately 1,000sqm) below the figure identified in the DCP and Contributions Plan to deliver the community infrastructure as calculated during the master planning process.

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Whilst we have accepted that the incentive FSR will not be achievable at Area 5 following the extensive input from the Design Review Panel, the Councils planning team, the Councils internal departments and the Design Excellence Panel as well as our own design and consultant team, we believe the eventuated design before the Panel is an exceptional outcome, not only in its built form and residential amenity however also for the community in both the quantum and quality of the community infrastructure being delivered in this proposal.

Community Infrastructure

It is important for the Sydney North Planning Panel to understand that the redevelopment of Area 5 is required to deliver the most significant quantifiable community infrastructure and public benefits across the entire St Leonards South Precinct. These are summarised below:

Requirements	Proposed
Construction and dedication to Council of a 15m wide east west pedestrian link to enable connection between Holdsworth Avenue and Canberra Avenue.	Construction and dedication to Council of a 15m wide east west pedestrian link to enable connection between Holdsworth Avenue and Canberra Avenue.
Provision of a publicly accessible pedestrian lift within the building to connect persons with a disability from Canberra Avenue to the upper parts of the east west link as per the Masterplan and DCP.	Provision of a publicly accessible pedestrian lift within the building to connect persons with a disability from Canberra Avenue to the upper parts of the east west link as per the Masterplan and DCP.
Construction and dedication to Council a minimum 600m ² of community facility comprising a: <ul style="list-style-type: none">• Childcare centre for 60 children; and• Community facility.	Construction and dedication to Council 831.5m ² (231.5m ² above minimum requirement) comprising: <ul style="list-style-type: none">• Childcare centre for 60 children; and• Community facility.
Construction and dedication to Council of a minimum 450m ² recreation area to be used as the outdoor play area to the childcare centre.	Construction and dedication to Council 1,138.4m ² (688.4m ² above minimum requirement) of recreation area to be used as: <ul style="list-style-type: none">• the outdoor play area to the childcare centre and communal open space as part of the green spine after childcare hour use; and• East west pedestrian link comprising new public square and areas for passive and active recreation.
Expected local and state infrastructure contributions to a density equivalent to 3.7:1.	Local and state infrastructure contributions to a density of 3.32:1 .

The proposal delivers a high level of design excellence whilst balancing the overall design objectives of the communities expectations under the Masterplan, DCP, and LEP.

We support the Council's assessment and recommendation of the proposal but would like to draw attention, for the avoidance of doubt, on the following pages, to a number of points within the report in the Panel's consideration.

We thank you for your time in both reading this letter and assessing our proposal. Naturally, we urge the Sydney North Planning Panel to support the Council's assessment of the DA by **approving** the proposal noting the merits and significant public benefits.

Kind Regards



Stephen Aboloakian
Co-Managing Director
Hyecorp

1. Pedestrian Link Setbacks and Design

In regards to the assessed non compliant setback to the east west pedestrian link, we contend that a non compliance referred to in section 6.3.2(ii) of Council's assessment report does not in fact exist. There is no prescribed setback requirement to the southern boundary of Area 5 in any of the relevant planning controls. Attached is a letter prepared during the assessment process confirming that the southern boundary building setback control within DCP **does not** apply to Area 5.

In addition, we note the proposed building design and setbacks to the east west pedestrian link were developed as a direct response to Council and the Design Review and Design Excellence Panel's exhaustive feedback. Specifically, it is noted that Council prescribed in PreDA minutes that the proposal be amended to increase the northern setback and a minimum 3m setback be provided to the east west pedestrian link.

'Building separation to the northern boundary is to be addressed where relocating the building a minimum of 3m to the pedestrian link could assist.'

This same advice was provided by the Design Review Panel in its review. This informed the design going forward and it was agreed that this resulted in a significantly better outcome when balancing the required building separation to Area 3 to the north, Area 7 to the south, and the East West pedestrian link.

The Council and the panel at the time recognised that the design needed to achieve a balanced approach with regards to building separation, objectives of the Masterplan and envisaged housing target density for the site being a FSR of 3.7:1. In this regard, it is important to acknowledge:

- The lower ground floor levels had been designed to activate and open onto the east west link with a café and new square. There is no requirement to provide this café, however our place based approach recognised that a café (at the expense of further reduction in residential floor space) would be an extremely beneficial contribution to the overall amenity and vibrancy of the precinct for the future occupants and wider community.
- There is a minimum 24.24m distance between the residential apartments at Area 5 and the residential apartments approved at Area 7 to the south.
- The Masterplan was developed at a high level without fully appreciating the site constraints including changes from street level to the upper part of the site and design outcome of the publicly accessible pedestrian lift. In this regard, the landscape master plan requires:
 - a series of cascading stairs directly from Canberra Avenue; and
 - a publicly accessible pedestrian lift at the centre southern edge of the building to allow persons with a disability to access the upper parts of the east west pedestrian link.

The master plan location of the lift and design of the east west pedestrian link results in an uninviting laneway leading up to the pedestrian lift, with up to 3.5m high wall to the east west link edge. The panel, Council's landscaping team and our consultant team recognised this potentially poor design outcome and explored opportunities to improve this throughout the pre lodgement process. The current design is a direct result of the feedback during this process. The option to include the publicly accessible lift as part of the east west link was originally explored with the panel supporting this outcome. However, Council's planning team preferred the lift to be incorporated into the building as per the Master plan noting the 2.5m height limit prescribed for the east west pedestrian link.

Again, this further constrained our ability to achieve the incentive FSR, however it was recognised this was a much better design and planning outcome.

These are further discussed in the Urban Design report and updated Landscape Concept Report submitted with the RFI package to Council. The proposed building setback to the east west link is acceptable on its merits.

2. Building Separation

As detailed in the Urban Design Report submitted with the RFI package, the proposal is compliant with the Apartment Design Guide building separation objectives. The design has been appropriately treated with a defensive approach at the northern façade to be dual orientated with predominant outlook towards the green spine and Canberra Avenue. Any future redevelopment of Area 3 to the north will have south facing apartments at the corresponding interface. It is considered that future redevelopment would seek to provide similar dual

facing apartments to maximise solar access and direct views out to the street and green spine. This approach is supported by the Design Review and Excellence Panel and Council.

A similar defensive approach with a further reduced setback than the subject proposal has been accepted by Council, Design Review and Excellence Panel and Sydney North Planning Panel for the adjoining Top Spring development.

Condition A.2 of the draft conditions also propose for additional mitigation measures in the form of privacy screens, louvres and non translucent glazing to be included at the northern façade to further mitigate any potential privacy and noise impacts between apartments. The condition requires these measures to be approved by Council prior to the issue of the relevant construction certificate.

In consideration of the above, the proposed building separation complies with the Apartment Design Guide building separation objectives.

3. Basement Setback

The proposal comprises a significant landscaped east west pedestrian link, which provides ample landscape opportunity for the site. Canberra Avenue is the sole street frontage to the building and various access and building utilities need to be placed along it to ensure the functionality of the building including the activated retail plaza, car park entrance, building lobby entrance, fire booster cupboard, access to rainwater and OSD tank underneath, entrances and terrace spaces for the ground floor residences, and hardscape surfaces to the substation.

The proposal provides landscaped areas along Canberra Avenue, including in front of the residences to provide separation and privacy protection from the street. Further raised landscaped areas are provided between areas including the driveway to the retail plaza and lobby area. The Updated Landscape Report submitted with the RFI package comprises a detailed section plan demonstrating the envisaged greening effect at the Canberra Avenue street level is achieved through proposed landscaping and street trees. Condition C.32 of the draft conditions further refines the landscaping provision along Canberra Avenue.

In consideration of the above, it is considered that the proposed basement setback should be supported on its merits.

4. Storeys

The attached legal advice confirms that the storey height control in the DCP has no effect under Section 3.43(5) of the *Environmental Planning and Assessment Act 1979*.

Notwithstanding, noting the community expectations to comply with the storey height control, despite being more onerous than the LEP height standard, the proposal was amended during the assessment process to comply with the LEP storey height control. The upper storey has been converted to large 3 bedroom penthouses with higher floor to ceiling levels which sit well within the prescribed maximum height limit of 44m.