



Lane Cove Council

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Date: 4 August 2022

Helena Miller
MG Planning Pty Ltd
PO Box 197
DRUMMOYNE NSW 1470

Dear Madam,

Development Application: DA60/2022 – Demolition, Excavation and Construction of a Residential Flat Building Development
Property: 22-44 Berry Road, 21-31 Holdsworth Avenue and 42-46 River Road, St Leonards

I refer to the above Development Application. This letter is to advise that a preliminary assessment of the application has been completed and to outline a request for further information under Clause 54 of the Environmental Planning and Assessment Regulations 2000.

1. Building Height

It appears that the proposed height of building may exceed the incentive building height provision of LCLEP 2009 based on the relevant modelling. The following comments from Council's model consultant made the following comments:

Applicant Model Alignment

- The applicant's model was incorrectly located and not aligned with the survey, the DWG was not accurately located, so we assumed that the GLTF would also be but have not tested this. We have relocated the model to test the model size, fidelity and alignment with the envelope model however as you can appreciate, we require the applicant to correctly locate the model as we do not want to make any assumptions about their modelling.*
- We have provided the survey as well as some guides that you can provide to the applicant about how to align the model with the survey. This survey should be used to help them geo-locate the model.*

Height Envelope

- An issue that was discovered early on was that the survey model used to generate the permissible height envelopes was made from a survey that was generated from a 10m contour data set which does not account for site specific conditions across each site. This meant that the height envelopes do not truly reflect the on the ground conditions and so we end up seeing models that*

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appear to not be compliant with controls, but we don't know that for sure. See the image below for an example with this applicant model.



- For this reason we required the applicant and their design team to generate height envelopes for their site only that are in accordance with the permissible HOB controls. Alternatively, if they can provide the survey for their site we can generate the envelope model for the site, however we charge \$2,000 per model. Please talk with your applicant and let me know what you decide.

Please contact lucy@giraffe.build or rob@giraffe.build to resolve this building height matter and arrange for the required payment.

Further, you are advised that the proposed fin elements or above ground planter boxes encroaching into the required 24m wide green spine would be contrary to the maximum 2.5m green spine building height development standard under the LEP and it is requested that these elements be deleted.

2. Number of Storeys

The number of storeys for Building C is at least 9 storeys is non-compliant and is to be redesigned to comply with Figure 10 of Locality 8 – St Leonards South Precinct of Part C – Residential Localities LCDCP 2010 which permits a maximum of 8 storeys. Further, you are advised that Building A which is 8 storeys in its full entirety and is not stepped between 6 and 8 storeys required under Figure 10.

It is requested that Building A be redesigned to ensure compliance by ensuring that the required 6 and 8 storey components are provided.



Figure 10: Height of Buildings (in storeys)

The subject proposal also seeks to rely on one-part storey (not to be counted as a storey) for Buildings A - D however it is Council's opinion that they are not considered to be part storeys i.e. the proposed part storeys shaded in light blue. The reason being that the proposed part storeys are full storeys which provides for residential majority floor plates (i.e. the provision of providing for predominantly residential apartments all on one level). These levels ought to be counted as a storey and would result in further non-compliances with Figure 10 in relation to the maximum number of storeys permitted under the DCP.

You are required to redesign the proposal to fully comply with the maximum number of storeys controls contained within the DCP.

3. Building Setbacks

You are advised that the subject proposal has not adequately addressed the required setbacks to River Road under Part 7 Built Form – Building Envelope – Setbacks of Locality 8 – St Leonards South Precinct of Part C – Residential Localities LCDCP 2010. The required setbacks to River Road are as follows:

Building Setbacks D (Refer to Figure 9)	• 10m at street level	To River Road (20, 23 and 11)
	• + 7m at and above Level 4	
	• + 7m at and above Level 6	

The required setbacks to Holdsworth Avenue are as follows:

Front Building Setbacks A (Refer to Figure 9)	• 4m at street level	To Canberra, Marshall, Holdsworth & Berry (1-19) + east (21-23)
	• + 3m at and above Level 6	



Figure 9: Building Setbacks / Building Depth

A review of the submitted floor plans have indicated that there are substantial variations being proposed to both the required minimum 24m setback for Building A at Level 6 and above and for Building D at Level 6 to River Road. Further, the required minimum 7m setback for Building C, at Level 6 to Holdsworth Avenue is not provided. You are advised that the Ground Floor Plan has been counted as a 'Level'.

It is requested that a redesign occurs to comply with the required setbacks.

4. Building Articulation

You are advised that Council will not support any above ground building articulation encroachments into the minimum building and green spine setback areas.

Please redesign the proposal accordingly. You are required to indicate all the required building setback lines to be shown on all level plans on the architectural and landscaped plans to ensure there are no such encroachments into the minimum setback areas.

5. Building Separation

The proposal seeks a technical departure from the habitable building separation standards within the Apartment Design Guide (ADG) to the northern boundary without sufficient detail on how these non-compliances would be addressed through design measures or a clear explanation of how they are 'blank-wall or non-habitable interfaces'.

Any justification is to detail how the design would not preclude future development in Areas 16 and 17 from developing to the minimum habitable building separation distances in the future.

6. Floor Space Ratio (FSR)

You are advised the submitted FSR calculations floor plans do not match the individual floor level plans provided.

To correctly calculate FSR for the subject proposal and to avoid any potential error in assessment, you are required to match the plans on a like to like basis.

7. Environment and Health

A preliminary environment and health assessment have occurred, and the following matters are to be addressed:

- Detailed site investigation report is to be submitted to provide more complete and definitive information on issues raised in the preliminary site investigation.
- Section 3.5 is missing in the Acoustic Report - (Appendix 21 - PKA Acoustic Consulting) PKA11967 R01v2 DA Acoustic Report 2/05/2022.
- Submit the Erosion and Sediment Control Plan at Appendix 15.

8. Landscape Master Plan (LMP)

The proposal has been assessed for consistency with Oculus and see their attached Oculus assessment document (Attachment A).

You are to review their comments and fully address their amendment requests.

Council's Landscape Architect has assessed the proposal and made the following comments:

Request for Further Information:

The following items need to be addressed in the manner outlined below:

1. The site survey and Arboricultural impact assessment must be amended to include all trees on adjacent properties within 5 metres and address the likely impacts on those trees in response to the proposed development.
2. The Development Application Checklist needs to be completed and the following missing information provided:
 - The survey plan must show the neighbouring trees within 5 metres of the site which must be represented on the landscape plans
 - Proposed tree protection measures provided by the Level 5 Project Arborist and any mitigation measures to be undertaken within the Tree Protection Zone of any retained tree
 - Landscape calculations: percentage of landscaped area and deep soil planting clearly delineated and shown as a percentage of the overall site size, existing vs proposed canopy cover percentage may be required

- Planting plan: with lawn areas, all new plantings, plant schedule showing species, container size and size at maturity oil types, soil additives and mulches to be used
- Bulk Earthworks showing any possible conflicts with the roots of trees to be retained as well as any mitigation measures
- 12 Month maintenance plan outlining the horticultural methods to be used to ensure the ongoing health and vigor of all plant materials on the subject site
- Raised planter boxes are to be fully detailed at the DA stage including height, depth of soil, soil composition, waterproofing, and construction methods and materials as per Lane Cove Council's DCP Part J Landscaping.
- Automatic irrigation system to be designed by a qualified irrigation designer and shown on the landscape plan ensuring all raised planter boxes and garden beds are irrigated
- Communal Open Space clearly outlined with calculations in accordance with DCP part J – Landscaping, Part B – Residential Development, and the Apartment Design Guide

Design amendments

The following design amendments must be implemented, and the Landscape Documentation Package re-submitted to Council for review and approval prior to the issue of the Construction Certificate:

1. **A revised landscape calculations plan** must be submitted to Council for assessment and approval that clearly outlines the areas of **Deep Soil** in accordance with Lane Cove Council's definition which means:

***Deep soil zones** are areas of natural ground with relatively natural soil profiles retained within a development. Buildings, basement carparks, swimming pools, tennis courts, patios and decks, and impervious surfaces such as paved areas, driveways, carparking and roofed areas are NOT included as part of the deep soil zone.*

REASON: The project Landscape Architect needs to provide accurate landscape calculation drawings for Councils' Landscape Architect to assess if they meet the requirements for deep soil.

2. **Sections and elevations:**

Sections are shown in the schedule for the Landscape Drawings List (Page LA-000), however, are not included in the drawing set.

Sections must be provided in the revised Landscape Documentation Package to represent the true intention of the Green Spine, landscape areas, street side setbacks. In addition, the sections and elevation need to clearly address the relationship of the building to the landscaped areas. Sections will be required:

- Throughout the Green Spine demonstrating the extent and depth of underground carpark.
- Addressing the Berry Road pocket park setback (to assess the levels and built form of the retaining walls along that pedestrian access).
- Addressing the Holdsworth Avenue Pocket Park setback (to assess the levels and built form of the retaining walls along that pedestrian access).
- Addressing the River Road setback (to assess the proposed levels and landscape from the River Road frontage)
- Setback to the through site link

All sections should have some inclusion of the built form to represent the scale of the proposed development and adjacent landscaping.

REASON: Sections are required to be submitted as part of the Landscape DA Package as per the Landscape Development Checklist to provide Council's Landscape Architect with adequate information to properly assess the proposed landscape response to the built form.

3. **The design of the Green Spine** needs to ensure that the area is mostly deep soil as per the Development Control Plan – Localities (8) which states; ***The Green spine shall comprise predominantly deep soil as per the LMP.***

REASON: The project Landscape Architect needs to provide accurate landscape calculation drawings for Councils' Landscape Architect to assess if they meet the requirements for deep soil.

4. **The resulting deep soil areas** are to be planted out in accordance with The Landscape Master Plan which states:

- *New canopy trees to include min 50% large sized trees (12m high +) or medium sized trees (8-12m high) and max 50% small trees (up to 8m high)*
- *Max 40% of area to be hard paved (including soft-fall); min 60% of area to be soft with max 40% of this lawn & 60% planted*

REASON: To ensure compliance with the LMP and to ensure there is no net canopy loss to the overall amalgamated site

5. **Planting Plan:** The revised Landscape Documentation Package shall include a detailed planting plan specifying all trees, shrubs, grasses, perennials and ground covers and shall be in accordance with Council's DCP Part J Landscaping and the LMP. The planting plan shall include a plant schedule that outlines the following:

- Botanical name
- Common name
- Container size
- Quantity
- Mature height and spread

REASON: To ensure compliance with the LMP and to ensure there is no net canopy loss to the overall amalgamated site.

6. **Soil volumes:** The Apartment Design Guide Part 3E – Deep Soil provides suggested soil volumes for trees in deep soil areas as follows:

- Large trees: 13 – 18 metres in height require 80 cubic metres of soil volume
- Medium trees: 9 -12 metres in height require 35 cubic metres of soil volume
- Small trees: 6-8 metres in height require 15 cubic metres of soil volume

The Apartment Design Guide Part 4P Planting on Structures and Council's DCP Part J both outline the minimum soil volumes per tree as follows:

- Large trees: 13 – 18 metres in height require 150 cubic metres
- Medium trees: 9 -12 metres in height require 35 cubic metres
- Small trees: 6-8 metres in height require 09 cubic metres

A specific tree planting plan is to show the soil volumes for each tree proposed

and whether it is in deep soil or on structure and the soil volumes must comply with the figures above.

Soil profile specifications are to be included in the revised landscape documentation package ensuring the correct soil is proposed for the type of plant in each planting scenario.

REASON: To help ensure that the proposed trees can achieve their maximum height at maturity.

7. **Retaining walls** required to ensure the level transitions from the site to the street levels of River Road and the surrounding properties is extensive. The design of these areas needs to be further resolved with more detailed information provided to ensure that these areas present as areas of significant planting and not as areas of significant hard infrastructure.

REASON: To ensure the development is in accordance with the design intention of the Landscape Master Plan.

8. **Facilities Matrix:** Each green spine area has obligations in accordance with the **Open Space Typologies – Facilities Matrix** on page 28 of the LMP

REASON: To ensure the development is in accordance with the design intention of the Landscape Master Plan.

9. Any hard surfaces or light structures such as (but not limited to) gazebos, picnic settings and slabs, shelters, play structures, barbeque areas and associated slabs, paving and pathways, decking, hard seating structures and the like need to be omitted from the deep soil calculations which must equal at least 51% of the total Green Spine area to qualify by definition as **PREDOMINANTLY**. The areas of deep soil need to be clearly and graphically represented ensuring this figure is met to the satisfaction of Council's Landscape Architect.

REASON: To ensure the development is in accordance with the design intention of the Landscape Master Plan.

10. **Private Open Space Typologies - Roof Gardens:** Page 52 of the LMP outlines areas for both roof gardens and green roofs per development. A revised landscape documentation package is to be submitted to Council providing areas for both accessible roof garden locations and green roof locations.

REASON: To ensure compliance with the Landscape Master Plan

11. **Access to areas 16 & 17:** A contiguous Green Spine is to be provided through all areas (16-20) and meet up with the 15m wide Public pedestrian link. The current proposal does not allow for access to areas 16-17 as per the requirements of the LMP.

The Project Landscape Architect is to amend their drawings to include contiguous Green Spine Access through to areas 16-17 and send back to Councils Landscape Architect for assessment.

The Project Landscape Architect is to ensure that the green spine levels facilitate coordinated transitions with Areas 16 and 17 where possible.

REASON: To ensure compliance with the Landscape Master Plan

12. **Tree Protection Measures** must be included in the revised landscape documentation package in accordance with the recommendations from the project arborist. They shall be included on a separate tree protection, retention, removal and replacement plan that is clear and concise and easy to interpret.

REASON: To provide Council's Landscape Architect with adequate information to properly assess the proposed landscape response to the built form.

- 13. Levels plans LA-111 and LA-112:** The levels plans need to be further resolved and clarified as there are areas with level changes of over 3 metres with no apparent retaining structures. Additional information is to be provided to Council's Landscape Architect for assessment in the form of additional plans drawn at 1:100 for ease of legibility.

REASON: To provide Council's Landscape Architect with adequate information to properly assess the proposed landscape response to the built form.

- 14. Details:** There are several mis-labelled construction details and the labels should all be reviewed and amended to suit each particular detail. Tree planting details need to be amended to show a compacted base to support the root ball of each tree whether planted on structures or in natural soil to ensure there is no settling of the root ball into the soil below.

REASON: To provide Council's Landscape Architect with adequate information to properly assess the proposed landscape response to the built form.

9. Accessibility

The proposal is subject to LCDCP 2010 Part F – Access and Mobility including access car parking requirements.

A more comprehensive response is to be provided demonstrating compliance.

10. Apartment Design Guide (ADG)

You are advised that Apartment Nos. A004 and A107 are both 3-bedroom apartments with two bathrooms that are below the minimum 95sqm area required under the ADG.

Please redesign these units to fully comply.

11. Aboriginal Heritage

You are advised that the Aboriginal Heritage Office (AHO) has assessed the proposal and have requested the following:

The AHO recommends an Aboriginal heritage due diligence assessment be carried out for the land by a qualified Aboriginal heritage professional, including consideration for subsurface archaeological testing. This would provide an assessment of any unrecorded or potential Aboriginal sites within the allotment, and advice on potential (direct or indirect) impacts to any Aboriginal site.

Please address the above comments.

12. Submissions

You are advised that the proposal was notified, and submissions have been received.

You are required to review and address the submissions lodged with a view to provide for opportunities to positively respond to the issues raised considered. You should pay regard to issues raised with respect to any matters of non-compliances raised by residents including whether the averaging of FSR, solar access and ventilation etc requirements had occurred or not. Should such averaging techniques have occurred, you are required to provide strong justification for adopting such an approach.

13. Design Review Panel (DRP) Comments

You are advised that the submitted Statement of Environmental Effects (SEE) has not adequately dealt with all the issues or concerns raised by the Design Review Panel (DRP) in December 2021.

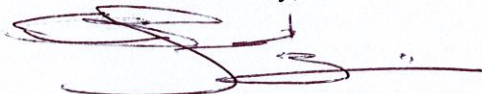
You are required to provide for a more comprehensive review or response.

14. Outstanding Referrals

You are advised that the required General Terms of Agreement (GTA) has yet to be obtained from WaterNSW. It is recommended that you directly deal with WaterNSW to receive the relevant GTA.

Please provide the further information within 28 days. If you have any questions regarding this correspondence you can contact me on 9911 3521 or gsamardzic@lanecove.nsw.gov.au

Yours sincerely,



Greg Samardzic
Senior Town Planner
LANE COVE COUNCIL