

Attachment 16

Response to Submissions

MG Planning

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ISSUE	OBJECTION	RESPONSE
FSR	Non compliance with maximum FSR set out in LEP due to averaging. Each area should comply on its own.	The amended proposal provides for 22,770m ² of GFA (consistent with the DA as lodged) s outlined in the GFA plans at Attachment 2 . This totals an FSR of 2.6:1 with a site area of 8,758m ² and complies with the LCLEP 2009 maximum incentive FSR provision. The DA relates to Areas 18,19 and 20 where on each area the maximum 2.6:1 FSR applies. As the areas are being developed as one development site with site amalgamation the 2.6:1 FSR has been applied across the entire site. Further the FSR has been relatively evenly distributed across the site. This is considered to result in an optimal development outcome.
Design excellence / Design quality	Proposal does not meet design excellence requirements of clause 7.6 of LC LEP 2009 and therefore should not be allowed access to incentive height and FSR provisions	The proposal as amended is entirely consistent with the requirements of clause 7.6 of LC LEP 2009. It has been subject to iterative testing and review by award winning architects Koichi Takada Architects and has been extensively reviewed by the Design Review Panel. All comments received from both Council and the DRP have been addressed in the amendment proposal and it is fully compliant with LC LEP 2009. It is also generally compliant with LCDCP 2010 as it applied on the date the DA was submitted.
	Proposal does not represent appropriate design quality. Scale needs to be reduced to ensure consistency with ADG solar and ventilation requirements	The proposal has been designed by award winning architects Koichi Takada Architects and has the support of Council Design Review Panel. As outlined below contrary to the submission claims it is fully compliant with the ADG requirements in relation to solar access and natural ventilation requirements.
Height, bulk and scale	Height of proposal excessive	The proposed development is fully compliance with the maximum incentive height limit for the site as set out in Lance Cove LEP 2009 and the maximum number of storeys as set out in Lane Cove DCP 2010. The bulk and scale of the proposal is consistent with Council's vision for the area and all plant and roof structures sit below the applicable height limits. As required by Council the building step down to the site boundaries and establish an appropriate street wall height

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		as required by the DCP to ensure a human scale. Further significant landscape is proposed both within the site and on the building to ensure that the scale of the buildings fits into the surrounding context.
	Building C does not have a transition	Not clear what this comment refers to however Building C has been reduced in height by one full storey in response to Council's comments and the DCP control.
	Building A does not transition down from 8 to 6 to 4 storeys fronting River Road as required by DCP	Noted – proposal has been redesigned such that Building A now steps down towards River Road consistent with the DCP requirement and with the approach taken to Building D.
	Buildings greater than 35m in length where DCP sets 35m as maximum	The proposal does not comply with the DCP 35m maximum requirement due to the site length, topography and orientation however appropriate breaks have been included in the building form to ensure that the building bulk broken down, articulated and does not 'read' as a large expanse of building. This is consistent with the DCP provision which allows longer buildings where strongly articulated. Further strongly articulated is stated to mean for example a major indentation of 3-6m x 3m for the full height of the buildings. Buildings A, B, C and D are consistent with this requirement where Building E is staggered adjacent to the River Road frontage.
Setbacks	Non compliance with DCP setbacks particularly to River Road frontage	Noted – proposal has been redesigned to comply with DCP setbacks
	Averaging of DCP setbacks not appropriate	Averaging of DCP setbacks is only proposed on upper levels on Buildings A and D where measured from the River Road frontage due to the splayed boundary alignment. This is considered to be an appropriate response to the particular site circumstances and will ensure an appropriate regular and logical building alignment.
Street wall height	Excessive and should be reduced as slope will mean height reads as higher than is	The street wall height of all buildings is fully compliance with Council's DCP requirements noting that a number of part storeys have been included in the design consistent with Council's DCP definition as it applied at the date of DA lodgement.

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Inconsistent with existing character and topography	Scale of development not compatible with low scale character of the area	As noted above, the proposed development is entirely consistent with Council's vision for the site and the height plane established under LC LEP 2009. The St Leonards South area has been rezoned for higher density urban development and therefore the proposed development will result in an increase in density over and above the historic and existing development of the area. Notwithstanding the proposal has been designed to be consistent with the site characteristics including topography and will step down to the site boundary to the south (River Road) to ensure an appropriate transition to existing residential areas.
Solar access	Non-compliance with ADG minimum 2 hours of sunlight to units	The amended design is consistent with the ADG requirement that 70% of apartments achieve a minimum of 2 hours of solar access between 9am and 3pm in midwinter
Natural ventilation	Non-compliance with ADG minimum natural ventilation requirements	The amended design is consistent with the ADG requirement that 60% of apartments achieve natural ventilation.
Overshadowing	Green spine will be overshadowed most of the day	The shadow plans provided at Attachment 2 illustrate that solar access will be available to the green spine in the middle of the day in midwinter between approximately 10am and 1pm. This is the worst case situation with solar access extending throughout the remainder of the year given the green spines north south orientation.
	Proposal will overshadow properties across River Road to the south	The shadow plans provided at Attachment 2 clearly indicate that the proposal will not result in any overshadowing of properties to the south across River Road at any time of the day or year.
	Proposal will overshadow adjacent small pocket parks when most likely to be used	The June 21 shadow plan provided at Attachment 2 clearly illustrates that the pocket parks on Berry Road and Holdsworth Avenue adjacent to the site will receive solar access between approximately 10.30 and 12.30m in midwinter. This is the worst case situation with the solar access extending throughout the remainder of the year. The Dec 21 shadowing plans show that the parks will receive extensive solar access in summer throughout the majority of the day.

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Edge treatments / Basement protrusions above ground	DCP limits to 1.5m above ground level. Proposal has significant basement protrusions above ground level.	The proposal minimises the protrusion of the basement above ground level as far as possible given the significant slope of the land. The only area where the basement projects above ground level is in the south east corner of the site where there is a significant fall from north to south. At all other parts of the site the basement sits at or below ground level. Where the basement does protrude above ground in it not visible and does not have any openings or exhaust openings that are visible from the public domain. Rather it has been stepped, clad with sandstone and generous landscaping has been provided to minimise its visual impact. In this way it is considered that notwithstanding the numerical non-compliance, which is unavoidable due to site slope, the intent of the control is achieved.
Traffic, transport and access	Traffic impacts unacceptable and parking assessment inadequate	The proposed development is consistent with Council's vision for the St Leonards South precinct and will provide much needed transit oriented development and housing options in an area that is highly accessible and well serviced. The proposed 238 new dwellings have been designed to minimise transport demand. Both Council's precinct wide traffic assessment and the site specific traffic report have concluded that it will not result in any adverse impact. Further TfNSW has advised that it will not have any impact on the arterial road network in the vicinity of the site.
	Closure of Canberra Ave will exacerbate traffic impacts	This is not a matter for the subject development application.
	Single access of Holdsworth Avenue not appropriate	The traffic impact assessment submitted with the application concludes that the proposed access arrangements appropriate and will not result in any adverse impact. Further the proposed access arrangements are consistent with Council's DCP requirements.
Parking	Lack of parking for 245 units	The proposal fully complies with the parking requirements set out in LC DCP 2010.
Flora and fauna	Tree loss of 130 trees not justified	The proposed development will require the removal of 101 existing trees on site particularly due to the excavation requirements however

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		significant trees are to be retained and protected where possible. Replacement planting is proposed at a rate of 1:1.3as outlined in the landscape design report comprising 25 large trees, 55 medium trees and 53 small trees. This exceeds Council's requirement of 1:1 replacement planting and 50% medium to large trees (60% proposed).
	Proposal will have adverse impact on fauna	The proposal will not adversely affect fauna on site as the existing use of the land is for residential dwelling houses. The site does not comprise a fauna corridor.
Through site link	Pedestrian link will be unsafe and have poor amenity	The proposed through site link has been designed and landscaped in accordance with CPTED principles and will provide for a high level of casual surveillance. The proposed 9m width with units fronting the link will ensure that the link has good amenity and will provide a high level of accessibility to residents and neighbours connecting directly from east to the west and to the north south green spine network.
Information insufficient to allow assessment	Information missing or inadequate to allow throughout assessment	All required information has been provided in accordance with Council requirements.
Sustainability	Non-compliance with DCP requirements	The proposed design incorporates the following embedded sustainability initiatives: • Passive design ensuring minimum 6 Star NatHERS rating • Energy efficient LED lighting • Control systems tuned to maximise building performance • Solar photovoltaic system • WELS star rated fixtures • Supplemental bicycle parking spaces, and • Activated public and communal open space with inclusive, passive, active and growing zones As outlined in the ESD report at Attachment 18.
Lack of open space	Relies on existing open space considered by other similar developments	The proposal provides appropriate communal and private open space on site in accordance with Councils DCP requirements. Further the

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		proposal will provide section 7.11 contributions towards Council developing the planned new major park and pocket parks within St Leonards South which are planned by Council to meet the open space needs of future residents.
Safety and security	Poor safety and security outcome	As noted above the proposal has been designed in accordance with CPTED principles as outlined in the revised Architectural Design Report at Attachment 14 . The proposal will not result in a poor safety or security outcome.
Loss of privacy	Proposed development will adversely affect privacy of Marshall Avenue resident	The proposed development will not result in any privacy impact on properties in Marshall Avenue
Loss of views	Proposed development will adversely affect views of Marshall Avenue resident	The proposed development will not result in any view impact on properties in Marshall Avenue
Loss of property value	Development will result in loss of property values	This is not a planning consideration.
Construction impacts	St Leonards South development will result in significant impacts to existing residents during the construction period	Redevelopment of the site will inevitably result in some construction impacts and disruption however this is proposed to be minimised through the implementation of a detailed Construction Management Plan to be prepared prior to the commencement of the construction phase. The CMP will address all matters required by Council including but not limited to: - the proposed methods for access to and egress from the site for construction vehicles - the proposed phase of construction works on the site and the expected duration of each construction phase - the proposed order in which works on the site will be undertaken, and a method statement on how various stages of construction will be undertaken - the proposed method of pedestrian management surrounding the site (if required) for the various stages of the development

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		- the proposed method for traffic management during excavation, demolition and construction - the proposed areas within the site to be used for the storage of excavation materials, construction materials and waste containers during the construction period - the proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve - erosion and sediment control, and - dust suppression measures and stockpile protection. Further all construction and demolition work will be undertaken during standard construction hours thereby minimising impacts to local residents.
DRP concerns	DRP concerns have not been adequately resolved	Refer Attachment 17 – all DRP concerns have been resolved by the proposal.