

CONCERNS RAISED IN SUBMISSIONS	RESPONSE
FSR Non-compliance with maximum FSR set out in Lane Cove Local Environmental Plan (LCLEP) 2009 due to averaging. Each area should comply on its own.	The proposal provides for 22,770m ² of GFA. 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 18-20 where on each area the maximum 2.6:1 FSR applies. As the areas are being developed as one development site 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 a reasonable development outcome achieved.
Design excellence / Design quality Proposal does not meet design excellence requirements of clause 7.6 of LCLEP 2009 and should not be allowed access to incentive height and FSR provisions.	The proposal is entirely consistent with the requirements of Clause 7.6 of LCLEP 2009. It has been subject to review by the architects and by the Design Review Panel (DRP). All comments received from both Council and the DRP have been addressed by the applicant and it is fully compliant with LCLEP 2009. It is also compliant with Lane Cove Development Control Plan LCDCP 2010.
Proposal does not represent appropriate design quality. Scale needs to be reduced to ensure consistency with Apartment Design Guide (ADG) solar and ventilation requirements	The proposal has been designed by a qualified architect and has the general support of the DRP. The proposal is 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 compliant with the maximum incentive height limit for the site as set out in LCLEP 2009 and the maximum number of storeys as set out in LCDCP 2010. The bulk and scale of the proposal is consistent with Council's vision for the area and all plant/roof structures sit below the applicable height limits. As required by Council the building steps down to the site boundaries and establish an appropriate street wall height as required by the DCP. Significant landscape is proposed to ensure that the scale of the buildings fits into the surrounding context.
Building C does not have a transition	Building C has been reduced in height by one full storey in response to Council's DCP control and the upper levels are appropriately setback further in from the street when compared to the lower levels.
Building A does not transition down from 8 to 6 to 4 storeys fronting River Road as required by the DCP	The proposal has been redesigned such that Building A now steps down towards River Road consistent with the DCP requirement and similar with the approach with the design of Building D.
Buildings greater than 35m in length where DCP sets 35m as maximum	The proposal exceeds the 35m maximum DCP requirement due to the site length, topography and orientation of the site however appropriate breaks have been included in the building form to ensure that the building bulk is broken down, articulated and does not 'read' as a large expanse of building. This is consistent with the DCP provision which allows for longer buildings where it is strongly articulated.
Setbacks Non-compliance with DCP setbacks particularly to River Road frontage	The proposal has been redesigned to comply with DCP setbacks

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Averaging of DCP setbacks not appropriate	Averaging of DCP setbacks is only proposed on some of the upper levels on Buildings A & D where measured from the River Road frontage due to the significant splayed boundary alignment. This is an appropriate response to the site circumstances and will ensure an appropriate regular and logical building form and 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.
Inconsistent with existing character and topography Scale of development not compatible with low scale character of the area	The proposed development is entirely consistent with Council's vision for the site and the height plane established under LCLEP 2009. The St Leonard South area has been rezoned for higher density urban development and the proposed development will result in an increase in density over and above the historic/existing development of the area. 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 at River Road to ensure an appropriate transition to existing residential areas.
Solar access Non-compliance with ADG minimum 2 hours of sunlight to units as an averaging approach had been undertaken	The design is consistent with the ADG requirement where 72% of apartments across whole development site would 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 as an averaging approach had been undertaken	The design is consistent with the ADG requirement where 61% of apartments across whole development site achieve natural ventilation.
Overshadowing Green spine will be overshadowed most of the day	The shadow plans provided illustrate that solar access will be available to the green spine in the middle of the day at midwinter between approximately 10am and 1pm. This is the worst-case situation where solar access would extend 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 clearly indicate that the proposal would not result in any significant adverse 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 clearly illustrates that the pocket parks on Berry Road and Holdsworth Avenue adjacent to the site would receive reasonable solar access. This again is the worst-case situation with solar access extending throughout the remainder of the year.
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 where possible given the significant slope of the land. The basement does not have any openings or exhaust openings that are visible from the public domain. It has been appropriately stepped, clad

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	with sandstone and contains substantial landscaping to minimise its visual impact.
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 would provide for a needed housing options in an area that is highly accessible and well serviced. Both Council's precinct wide traffic assessment and the site-specific traffic report have concluded that the proposal would not result in any significant adverse traffic impact. Transport for NSW has advised that it will not have any impact on the surrounding 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 are appropriate and would not result in any significant adverse impact. The proposed access arrangements are consistent with Council's requirements.
Parking Lack of parking for the proposed development	The proposal fully complies with the parking requirements set out in LCDCP.
Flora and fauna Tree loss of 130 trees not justified	The proposed development would require the removal of existing trees due to the proposed excavation requirements however significant trees are to be retained and protected where possible. Replacement planting is to be at least at a rate of 1:1 which meets Council's requirements where at least 50% of the trees to be planted would be medium to large trees.
Proposal will have adverse impact on fauna	The proposal will not adversely affect fauna on the 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 9m wide through site link has been appropriately designed and landscaped. It would provide for a high level of casual surveillance. The proposed units fronting the link would ensure that the link has good amenity and would provide a high level of accessibility to pedestrians connecting directly from east to the west and from the north south green spine network.
Sustainability Non-compliance with DCP requirements	The proposed design incorporates the following embedded sustainability initiatives: <ul style="list-style-type: none"> <input type="checkbox"/> Passive design ensuring minimum 6 Star NatHERS rating <input type="checkbox"/> Energy efficient LED lighting <input type="checkbox"/> Control systems tuned to maximise building performance <input type="checkbox"/> Solar photovoltaic system <input type="checkbox"/> WELS star rated fixtures <input type="checkbox"/> Supplemental bicycle parking spaces <input type="checkbox"/> Activated public and communal open space
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. The proposal would provide for appropriate Section 7.11 contributions towards Council developing the

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	planned new major park and pocket parks within St Leonards South precinct which are planned by Council to meet the open space needs of future residents.
Safety and security Poor safety and security outcome	The proposal has been designed in accordance with relevant safety by design principles. The proposal would not result in a poor safety or security outcome. NSW Police has reviewed the proposal and raised no objections subject to recommendation which has been included as a condition of consent.
Loss of privacy Proposed development will adversely affect privacy of Marshall Avenue resident	The proposed development would not result in any significant adverse privacy impacts on surrounding properties within Marshall Avenue.
Loss of views Proposed development will adversely affect views of Marshall Avenue resident	The proposed development would not result in any significant adverse view impact on surrounding properties within Marshall Avenue
Loss of property value Development will result in loss of property values	This is not a planning consideration and no evidence has been submitted to demonstrate that this would occur.
Construction impacts St Leonards South development will result in significant impacts to existing residents during the construction period	Redevelopment of the site would result in some construction impacts and disruption however this is proposed to be minimised through the implementation of a detailed Construction Management Plan (CMP) to be prepared prior to the commencement of the construction phase. All construction and demolition work would be undertaken during standard construction hours to minimise impacts to surrounding residents.
Design Review Panel (DRP) concerns DRP concerns have not been adequately resolved	The DRP concerns have been reasonably resolved by the proposal.
Voluntary Planning Agreement (VPA) concerns A DA that delivers more units, limited streetscape upgrades, a narrow unsafe public through site connection contributes to the financial benefit of the developer is not reason enough to contravene controls and provide a VPA. The proposal relies on the incentive scheme to gain additional height and increased height as incentives will decrease sunlight. The developer should provide monetary contributions towards local and regional transport infrastructure	The draft VPA does not provide for amendments to development standards captured in the LCLEP 2010 and LCDCP Part C – Residential Localities - Locality 8. In terms of monetary contributions made towards infrastructure, this is covered by Council's St Leonards South Contributions Plan and the NSW Government's State Special Infrastructure Contributions (SIC) which is to be imposed as relevant conditions of consent.