

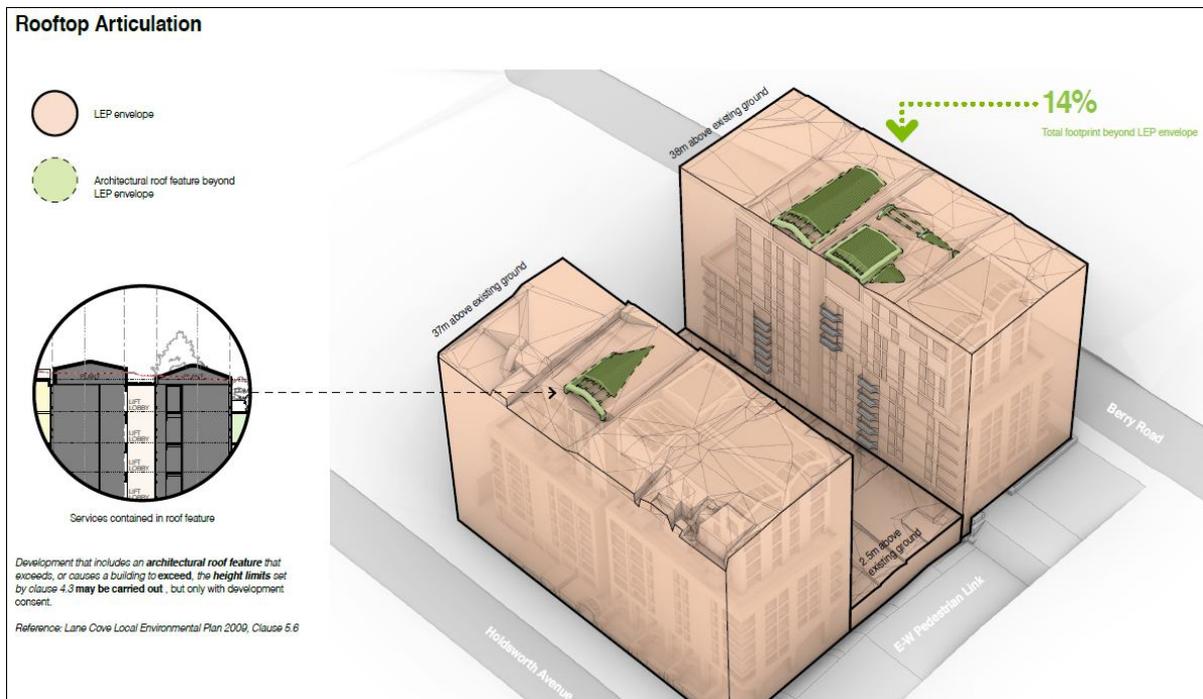
## MINUTES

### MEETING BETWEEN COUNCIL AND AQUALAND 19/05/22

As discussed, the latest scheme has number of key non-compliances with both the LEP, and DCP which Council does not support.

#### HEIGHT IN METRES - BUILDINGS

The rooftop articulation elements breach the LEP height envelope controls by up to 14%. The documentation incorrectly references Clause 5.6 of the Lane Cove LEP 2009 (LCLEP2009) to permit this variation as an architectural roof feature. **Clause 5.6 does not apply** to the St Leonards South precinct. St Leonards South height and FSR is governed under Clause 7 in the LCLEP2009.



Clause 5.6 (2) *Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.*

Clause 5.6 (2) relates to the old building height maps under clause 4.3 which limit the height controls as 9.5m. No mention /reference to Clause 7 St Leonards South incentive heights is included in Clause 5.6 (2)

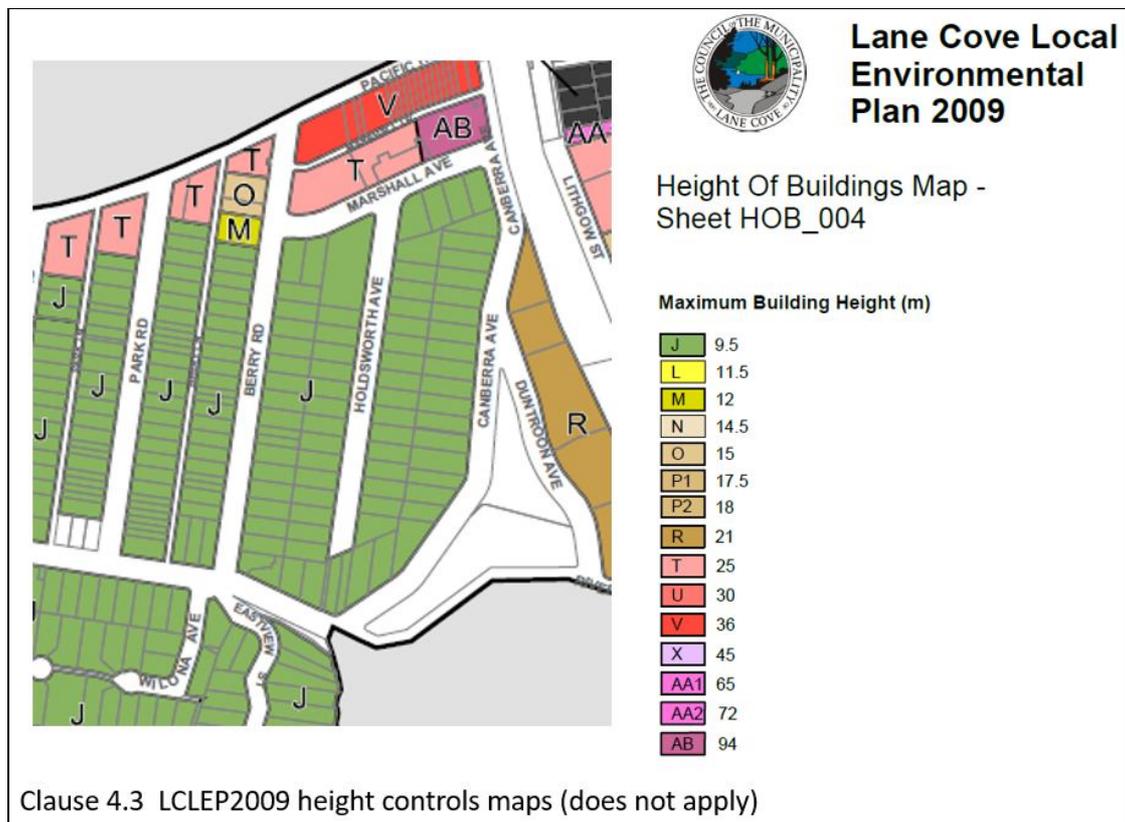
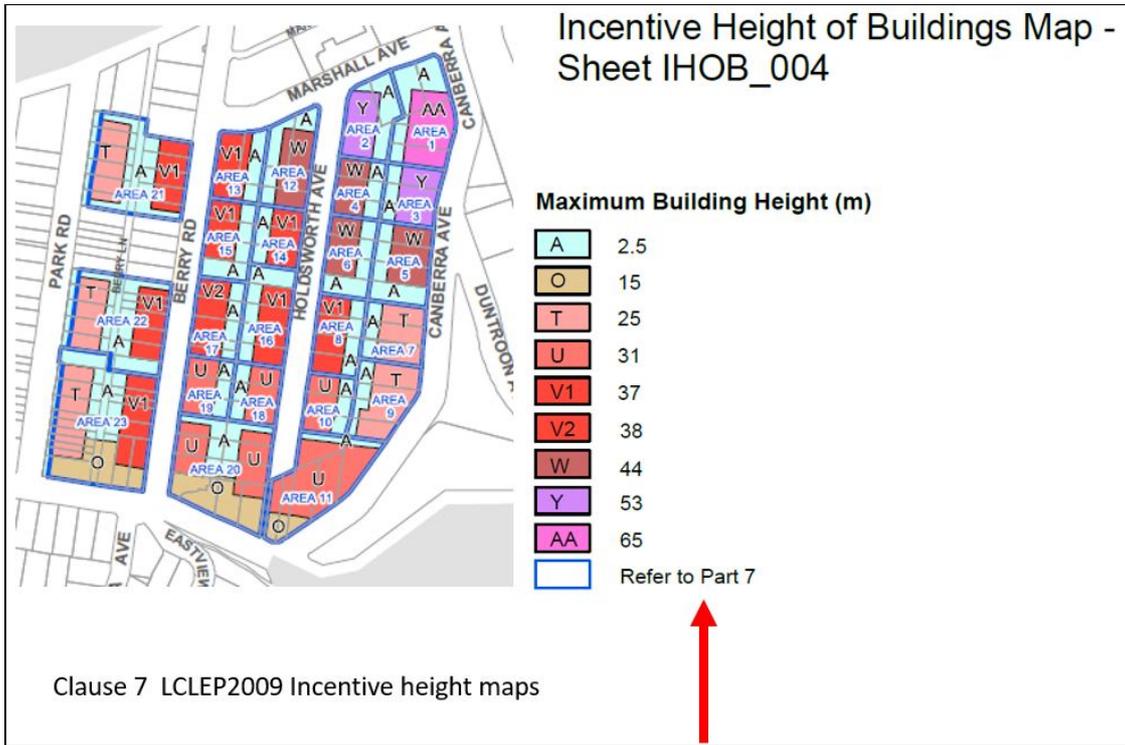
St Leonards South has its own specific incentive height and FSR controls in Part 7 of the LCLEP 2009 which permit the incentive height increases above the previous 9.5m height controls.

Clause 7.1 (3) Development on land in St Leonards South states.

(3) *Despite clauses 4.3 and 4.4, the consent authority may consent to development on land to which this clause applies that will result in a building with both of the following—*

(a) *a building height that **does not exceed** the increased building height identified on the Incentive Height of Buildings Map*

Council cannot support any variation or breach of the controls of Area 16 (37m) and Area 17 (38m) under Clause 7.



## HEIGHT IN METRES – BALCONIES INTO GREENSPINE

The proposal includes balconies/built elements which extend into the green spine. Encroachments into the green spine via balconies / building articulation cannot be supported as they would breach the 2.5m height control under clause 7.1 (3) of the LCLEP2009.



Building encroachments into green spine.

## HEIGHT IN STOREYS

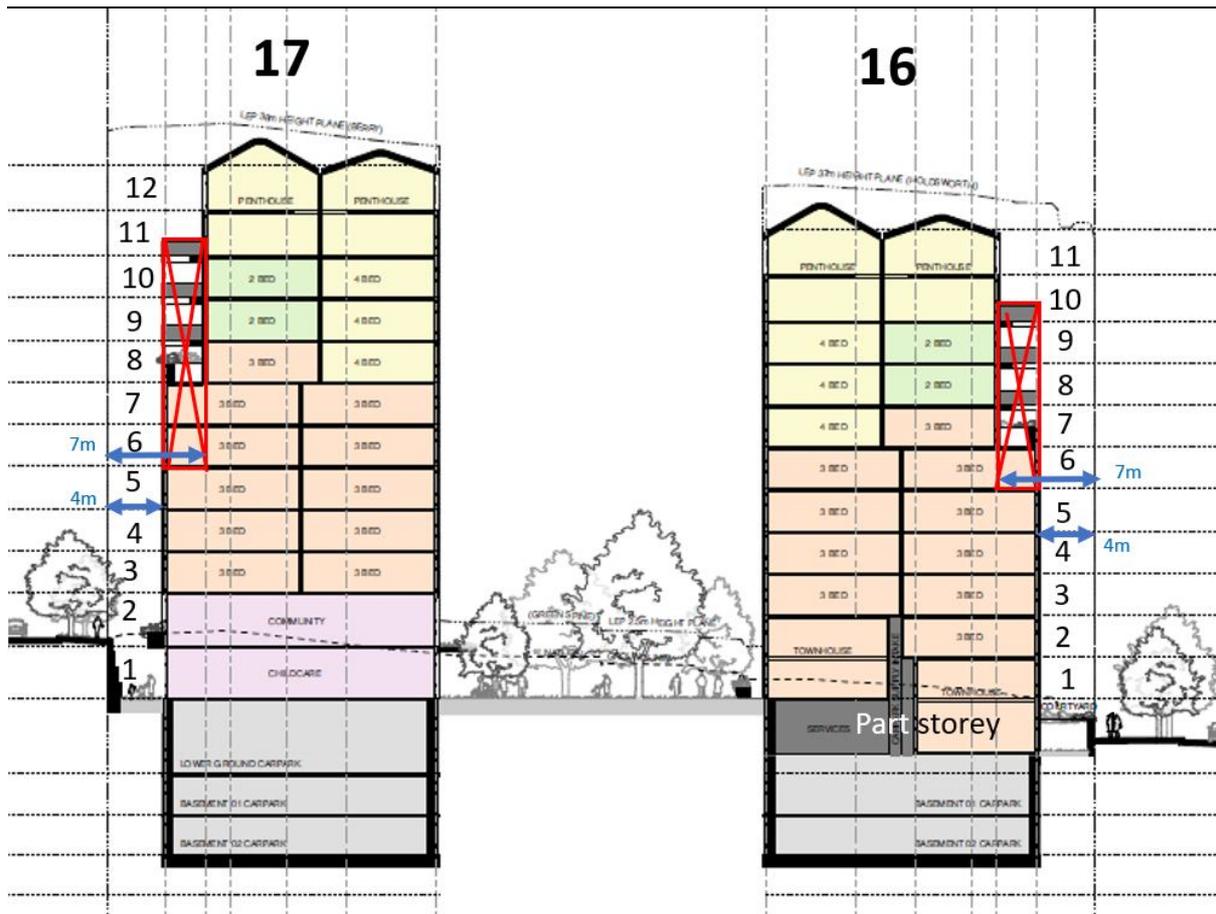
Council does not agree with the interpretation of part storeys submitted in the documentation.

- LCDCP - *Part Storeys resulting from excavation of steep slopes or semi-basement carparking will not count as a storey.*

The proposed 'part storeys' are not to accommodate semi-basement parking and are not considered to be a steeply sloping site comparable to Areas 7 – 11. The part-storeys relate the Canberra Avenue frontage which have a significantly steeper escarpment.

**Area 16:** The storey which results from excavation on a steep slope and partially accommodates associated basement parking uses (services) is eligible to be classified as a part storey. Notwithstanding the above the proposed sectional drawings demonstrate a 11-storey building. This does not comply with the 10-storey height control in the DCP.

**Area 17:** The new sectional drawings demonstrate a 12-storey building. The excavated level to accommodate the childcare centre is classified as a full storey. This does not comply with the 10-storey height control of the Lane Cove DCP.



Section demonstrating height in storeys

## **BUILDING SETBACKS**

**Street Setbacks:** As discussed in the previous PRE DA report, the proposed setbacks do not comply due to the non-compliant storeys. Level 5 occurs 1- 2 floors lower down the building. Please Refer to below: The buildings are required to be setback 7m from eastern/western boundaries from the 6th floor and above.

Balconies are not permitted to intrude the setback.

However, Council may accept the use of the 5th floor roof as a trafficable balcony area for level 6. The proposal should be amended to comply with the required setbacks in the DCP.

**Setbacks from East-West Link:** The proposal also remains non-complaint from the DCP minimum setback controls from the East/West pedestrian link.

The controls require a 6m setback from the east west link at 'Park level', and an additional setback of 3m from the link at Level 5 and above

In context the large number of non- compliances detailed above, the justification from the variation of the east/west link is not supported.

## **CONCLUSION**

Compliance with the above controls is required for Council to support the DA. We do not believe it is beneficial for the Panel to consider the revised scheme until the above non-compliances are resolved.

There is a strong community and Council expectation of full compliance with the SLS DCP controls in particular in terms of height in storeys.

The DRP primarily considers the ADG/SEPP 65, design excellence (e.g. sustainability/materiality etc). However, Council considers these matters be addressed as highest priority before progressing the DRP process any further.

We would be happy to have another face-to-face meeting (applicant and Council only) to discuss further if required.

Sincere regards

Chris Shortt – Planner