



Area 22 & 23, St Leonards South
26-50 Park Rd, 27-47 Berry Road, 48-54 River Road

RESPONSE TO COUNCIL RFI

SETBACKS

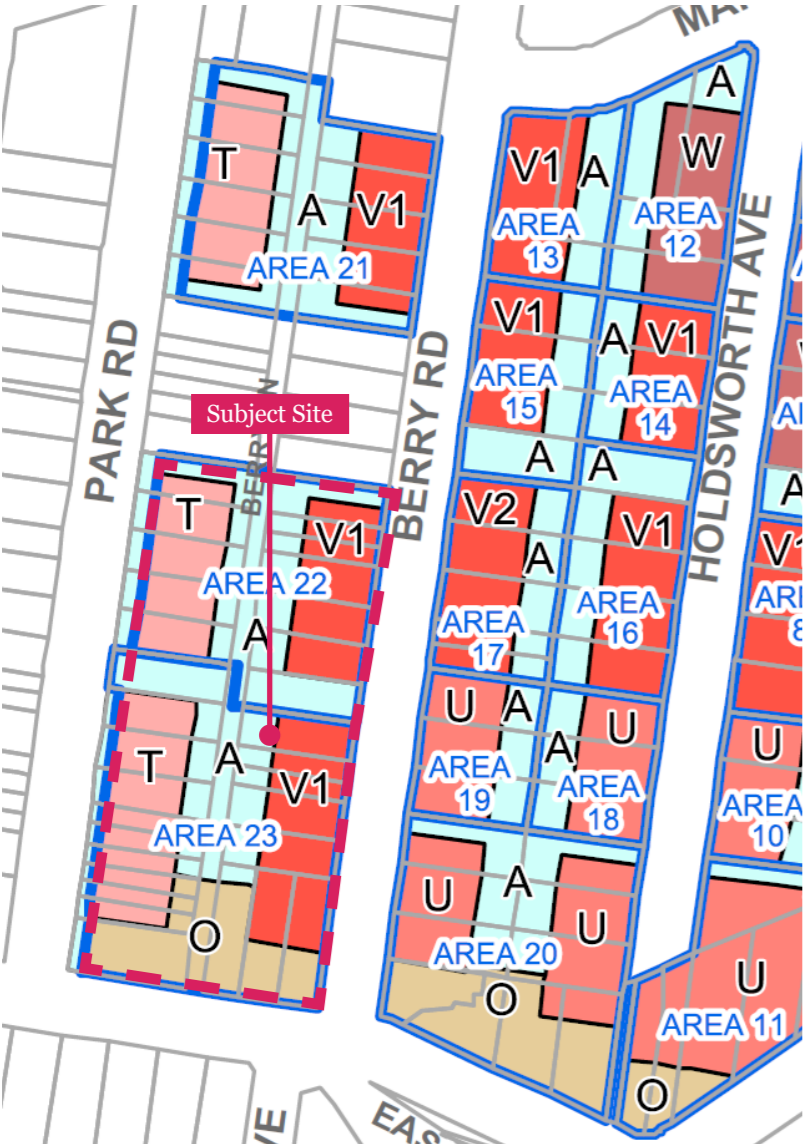
ANALYSIS:

1. DCP PLAN OF SETBACK / NO. OF STOREY CONTROLS
- 2 . ISSUE OF CORNER TRANSITION AND THE DISPARITY OF CONTROLS TO EITHER ELEVATION.
3. VARIOUS METHODS OF CALCULATING CONTROLS:
 - 3.a Excluding part storeys - Area 8
 - 3.b Excluding basement walls as levels - Area 20
 - 3.c Excluding part storeys - Area 12

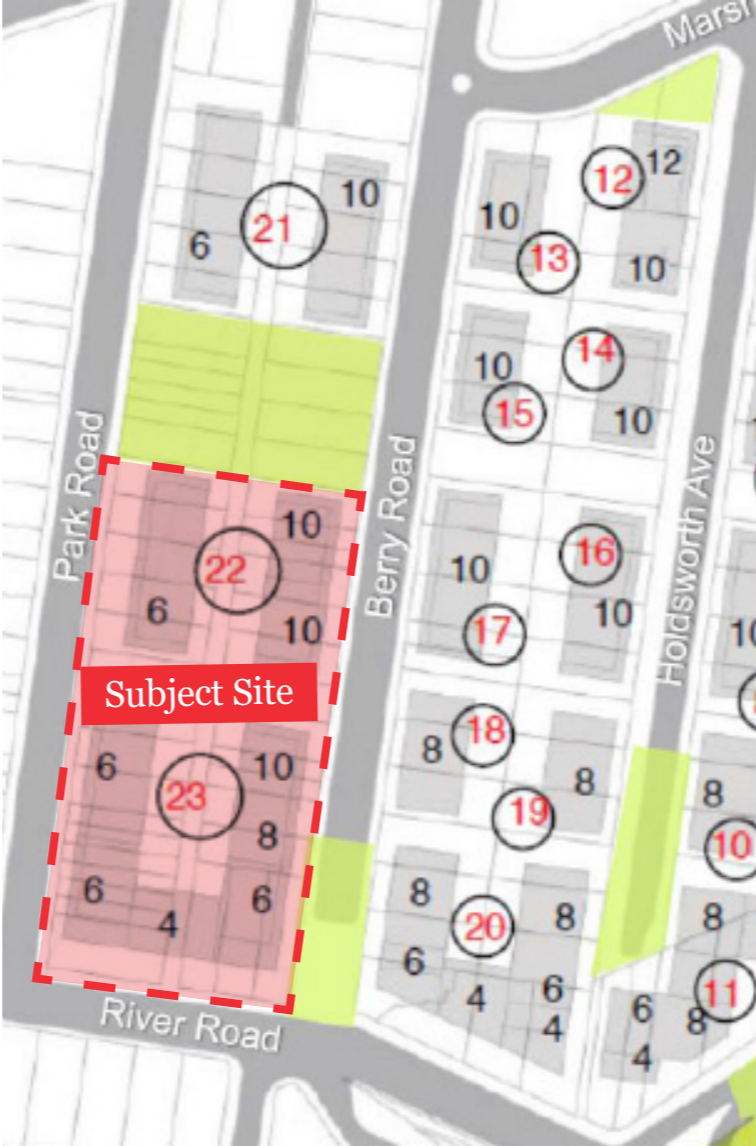
DETAILED INTERFACES STUDIES:

- A. DCP Proposed New Road (Building D) 7m setback at level 6;
DCP proposed New Park (Building D) 9m setback at level 5;
Park Road (Building A) 10m setback at level 6;
Berry Road (Building B) 7m setback at level 6.
- B. River Road frontage (Buildings A and B) 17m setback at level 4 and
24m setback levels 6 and above.
- C. Park Road (Building C) balconies.

LEP & DCP Controls



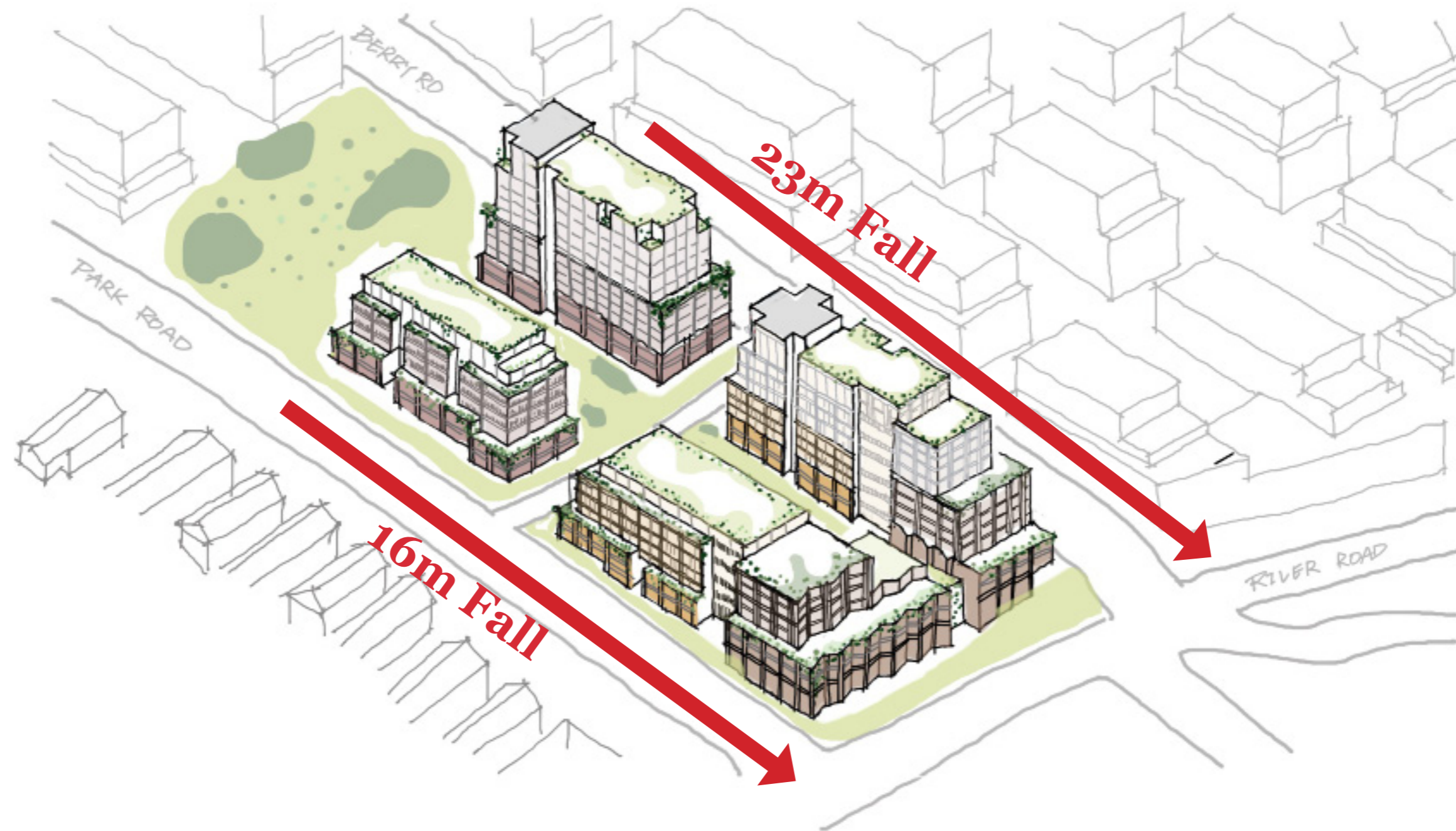
MAXIMUM HEIGHT: T: 25m, V1: 37m, O: 15m









NUMBER OF STOREYS



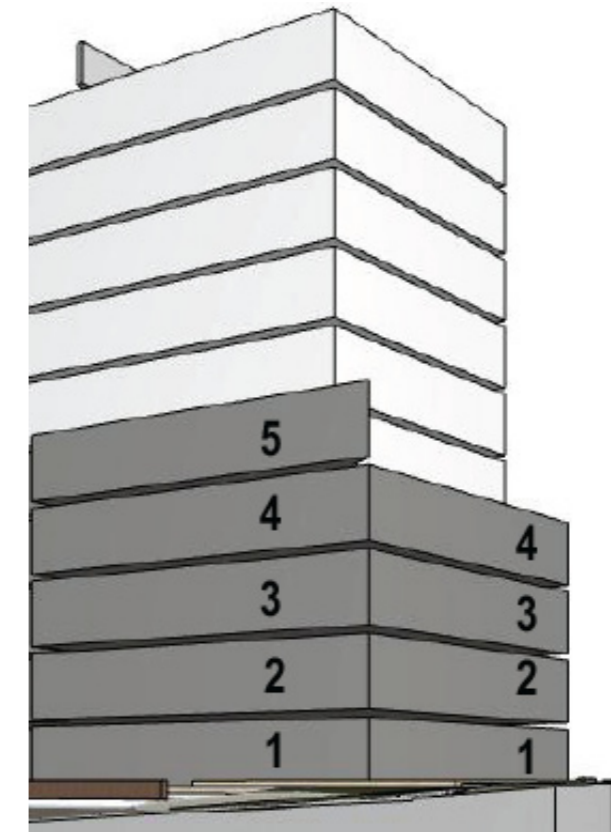
SETBACK CONTROLS



	A	<ul style="list-style-type: none"> • 4m at street level • + 3m at and above Level 6
	B	<ul style="list-style-type: none"> • 4m at street level • + 3m at and above Level 3 • + 3m at and above Level 6
	C	<ul style="list-style-type: none"> • 10m at street level • + 3m at and above Level 3 • + 3m at and above Level 6
	D	<ul style="list-style-type: none"> • 10m at street level • + 7m at and above Level 4 • + 7m at and above Level 6
	E	<ul style="list-style-type: none"> • 6m at park level • + 3m at and above Level 3
	F	<ul style="list-style-type: none"> • 6m at park and east-west pathway reservation level • +3m at and above Level 5

1. DISPARITY OF CONTROLS

- 4m at street level
- + 3m at and above Level 6

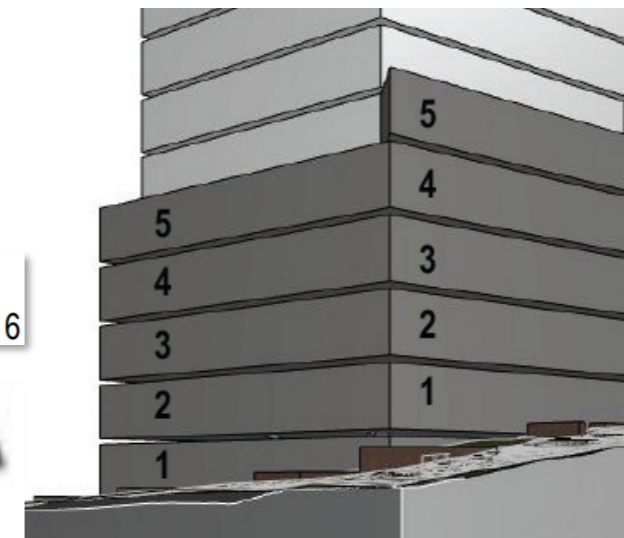


- 6m at park and east-west pathway reservation level
- +3m at and above Level 5



2. DEALING WITH SLOPE

- 4m at street level
- + 3m at and above Level 6

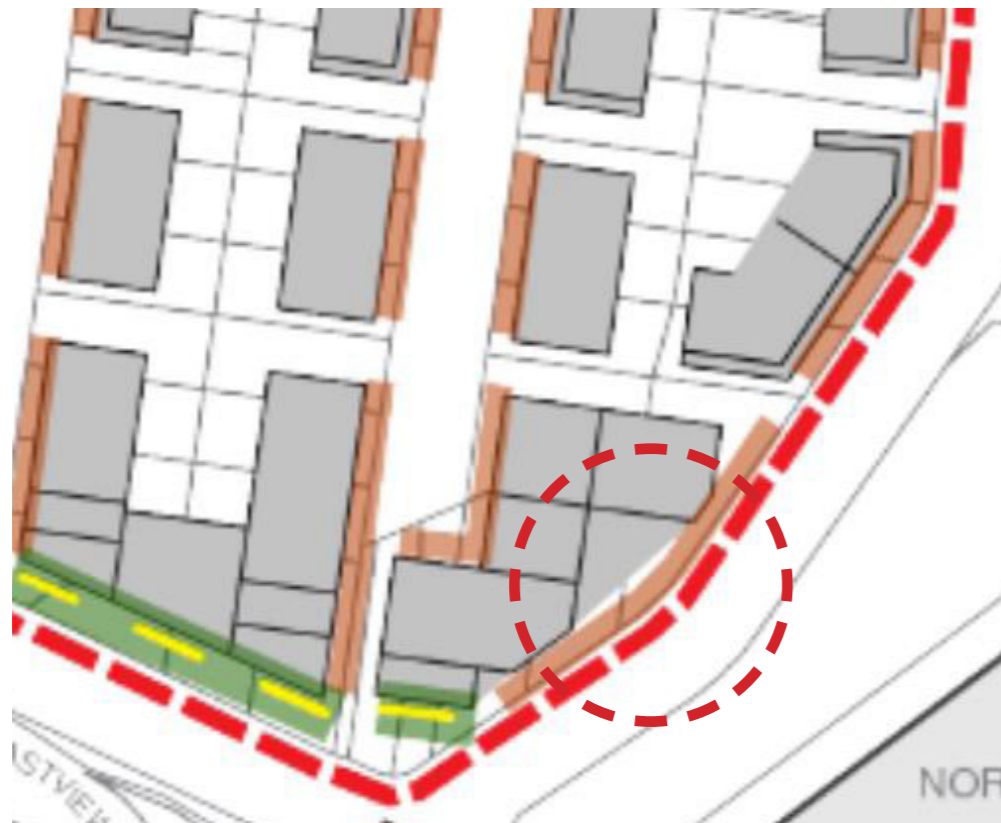


- 4m at street level
- + 3m at and above Level 6



PRECEDENT

3. Various methods of calculation of controls:

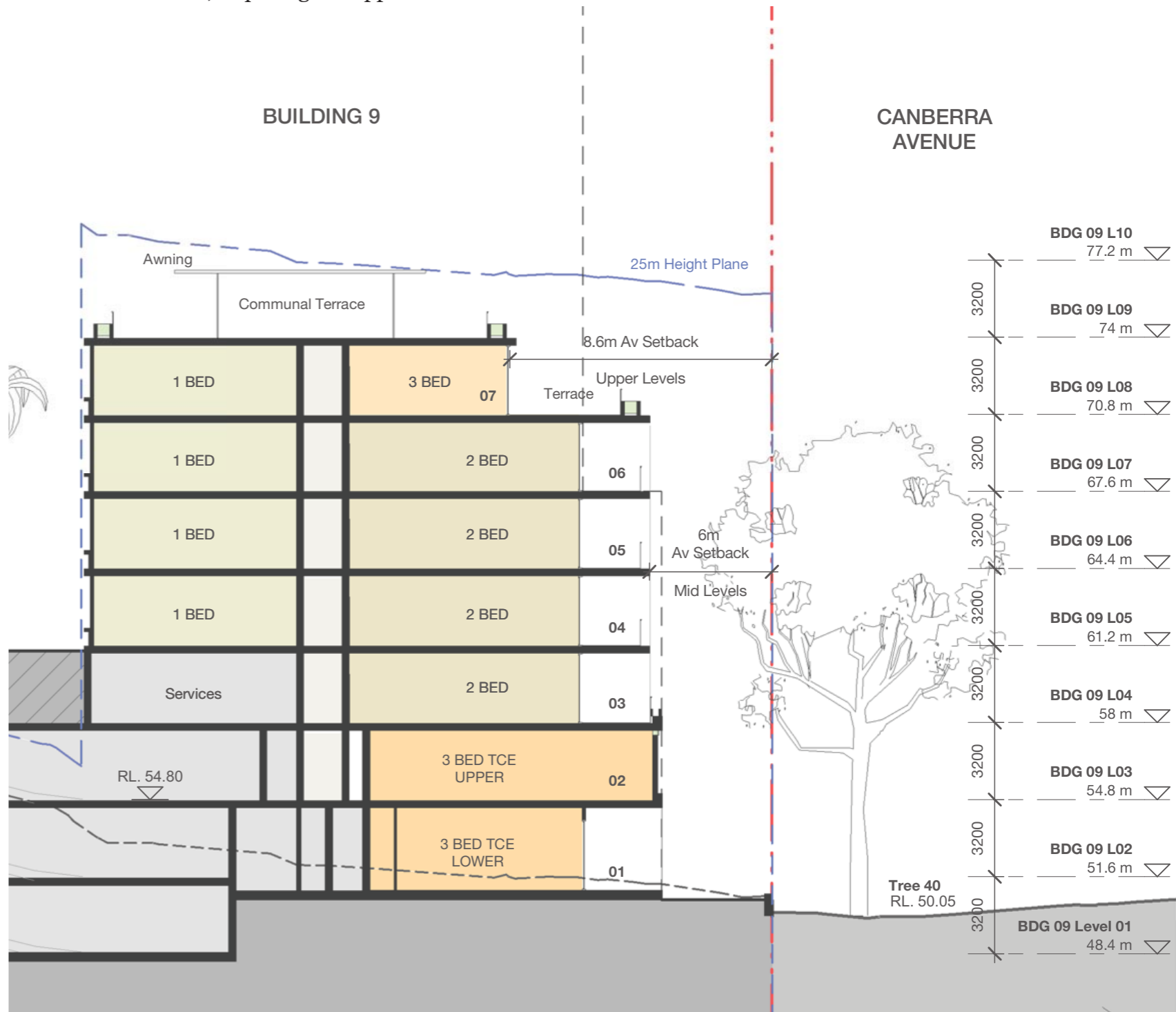


A

- 4m at street level
- + 3m at and above Level 6

Precedent 1- Area 8

In reviewing the approval for Area 8, the officer assessment report, it states that the proposal complies with the then DCP amendment 20 on part storeys. The diagram illustrates that Council has in effect excluded the part storey in the tectonic of considering setback compliance. Our proposal adopts the same methodology which should equally be applied in terms of setback compliance, otherwise Area 8 would have deemed to have a breach of the DCP control, requiring the upper level setback to occur one level below that shown.



Area 8 Section across Canberra Ave

PRECEDENT

3. Various methods of calculation of controls:

Precedent - Area 20

The Council assessment report by Council stated the building fronting River Road was compliant in terms of the setback controls, which incorporated part storeys. This results in a physical increase of 1-2 storeys above the street level translating in an increased 'actual' street height built form.

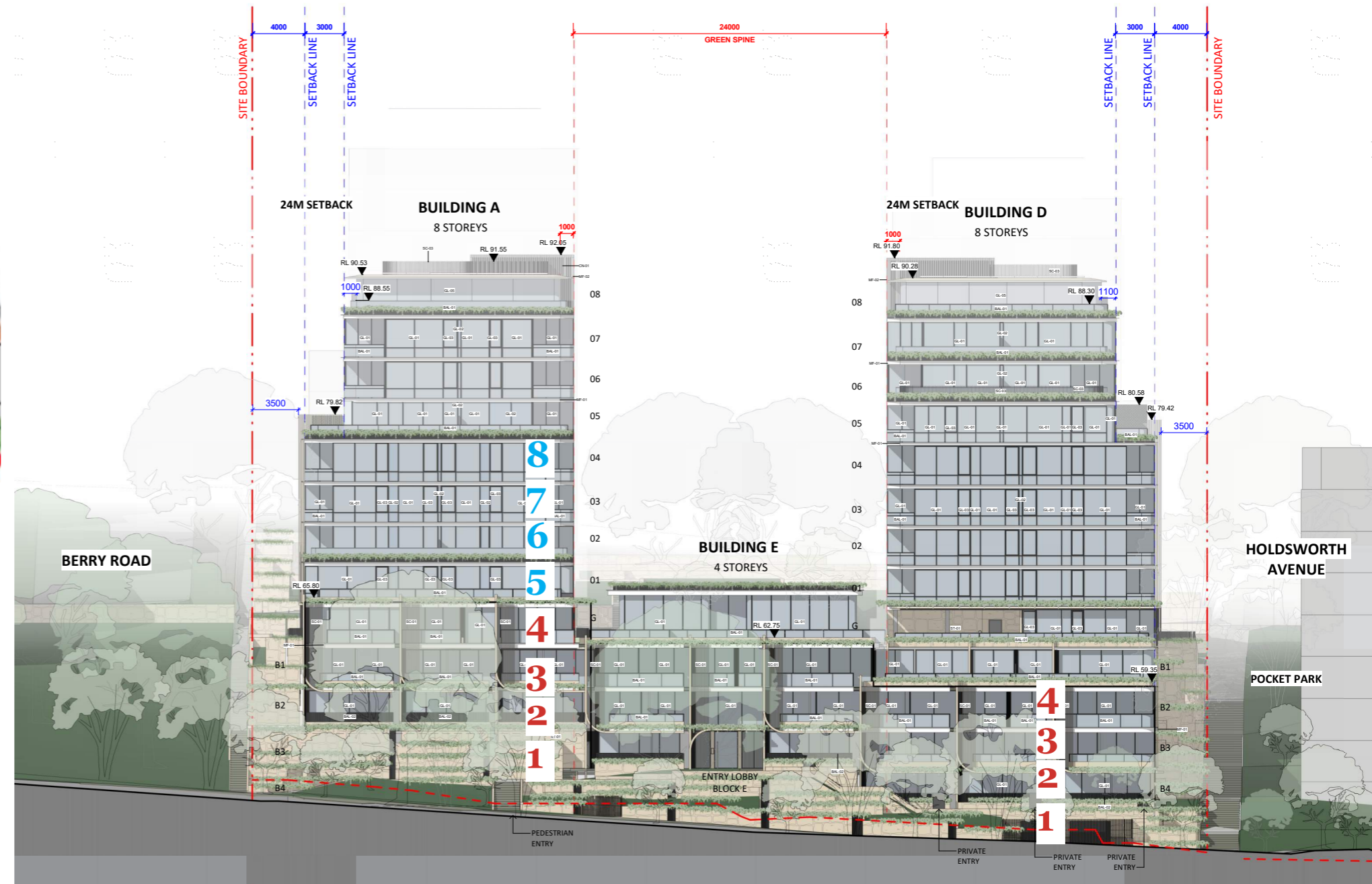
By incorporating part storeys along this frontage, our proposal is consistent and thus the same methodology should be adopted by Council.

Our proposal archives a superior outcome however with active residential use at ground level as opposed to blank walls.



D

- 10m at street level
- + 7m at and above Level 4
- + 7m at and above Level 6



AREA 20 RIVER ROAD ELEVATION

PRECEDENT

3. Various methods of calculation of controls:



D

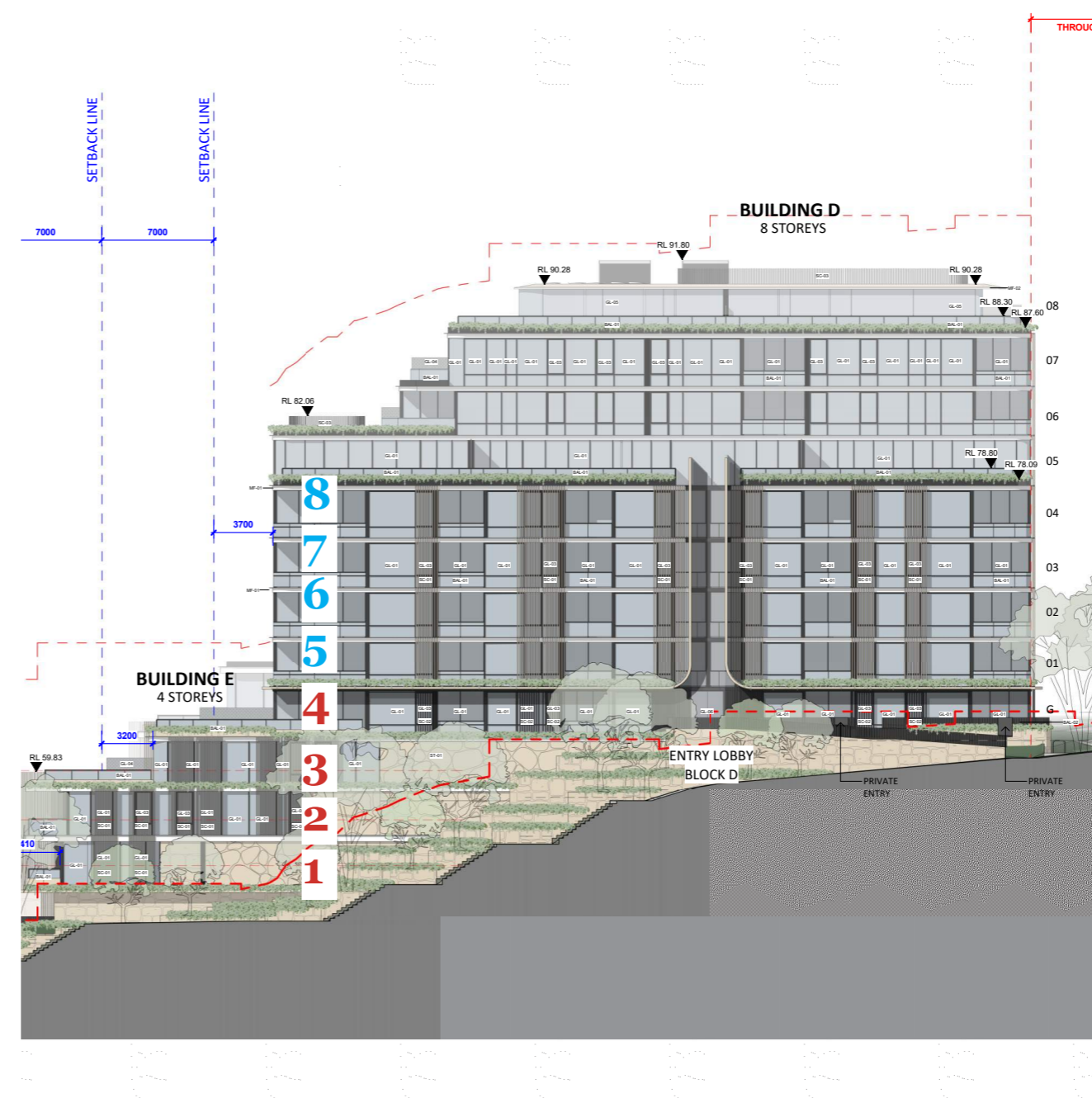
- 10m at street level
- + 7m at and above Level 4
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Precedent - Area 20

The Council assessment report by Council stated the building fronting River Road was compliant in terms of the setback controls, which incorporated part storeys. This results in a physical increase of 1-2 storeys above the street level translating in an increased 'actual' street height built form.

By incorporating part storeys along this frontage, our proposal is consistent and thus the same methodology should be adopted by Council.

Our proposal archives a superior outcome however with active residential use at ground level as opposed to blank walls.



AREA 20 HOLDSWORTH AVE ELEVATION

SETBACKS

1. DCP Proposed New Road (Building D) 7m setback at level 6;
DCP proposed New Park (Building D) 9m setback at level 5;
Berry Road (Building B) 7m setback at level 6.
Park Road (Building A) 10m setback at level 6;
2. River Road frontage (Buildings A and B) 17m setback at level 4 and
24m setback levels 6 and above.
3. Park Road Building C (balconies).

Council Comment (Building D)

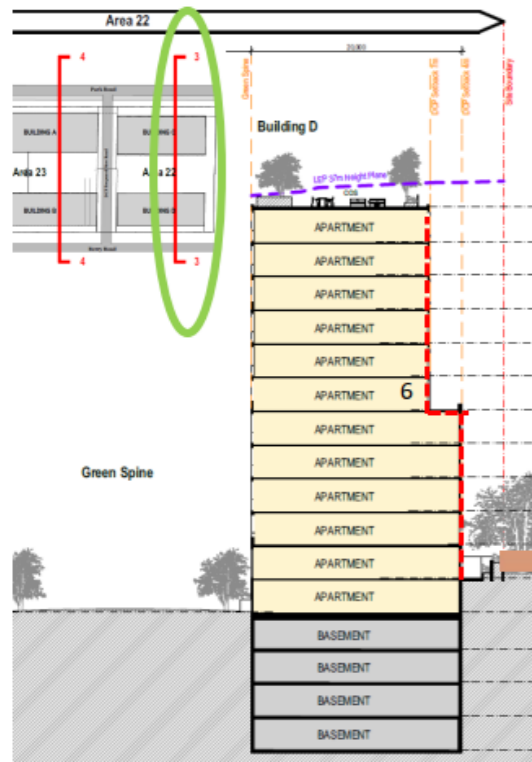
The proposed building setbacks do not comply with the DCP requirements at the following areas:

- DCP proposed New Road (Building D) 7m setback at level 6;
- DCP proposed New Park (Building D) 9m setback at level 5

DKO Response

The height in storeys has a minor non-compliance owing to the sloping nature of the site and the need to provide rationale floor plates. As a consequence elements of the street wall height marginally exceed the storey count and in some instances they fall below the DCP level. So the variation is justified on the grounds of the design responding to the sloping topography and adopting an average weighted approach, on balance, the proposal meets the intent of the control and thus represents an appropriate response.

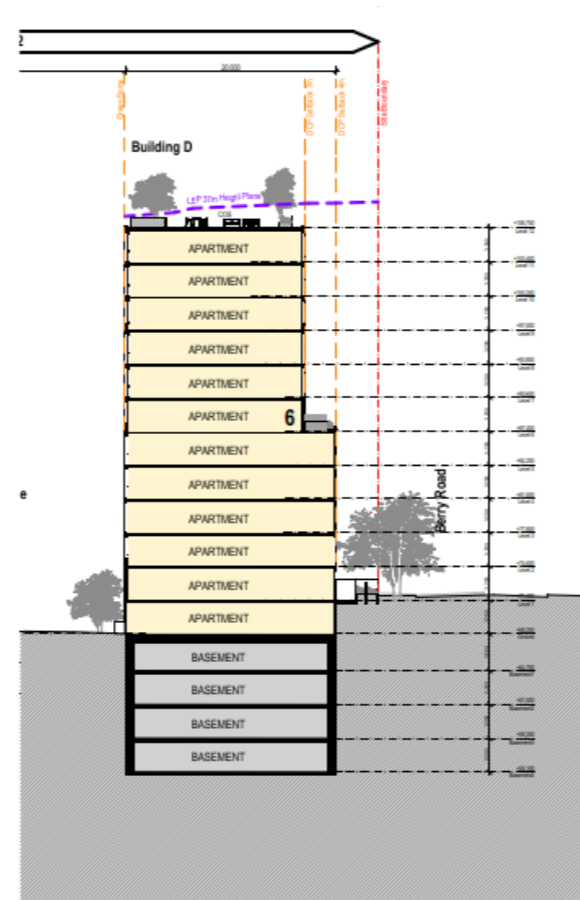
Furthermore, Council has accepted an average weighted approach when supporting the front setback variations on the Area 7-11 project.



COMMENTS FROM COUNCIL



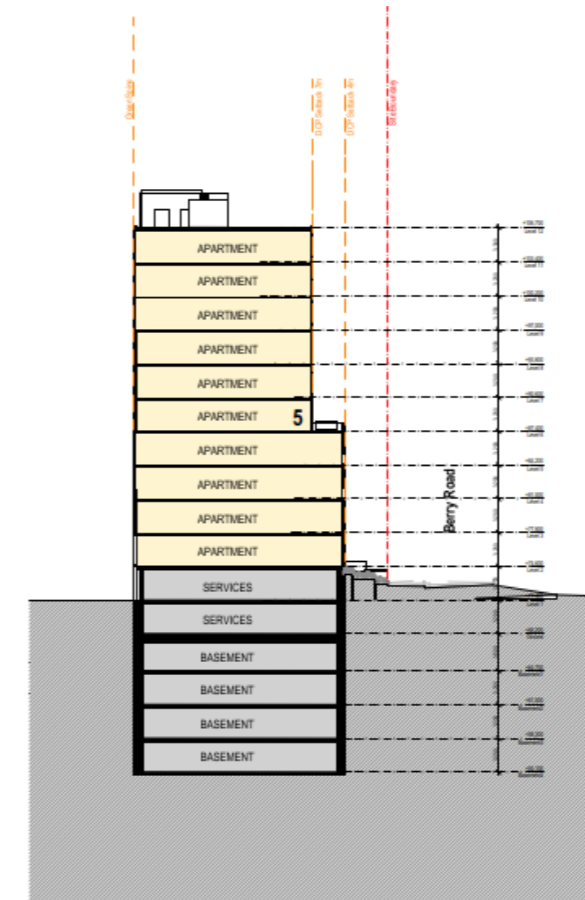
- 4m at street level
- + 3m at and above Level 6



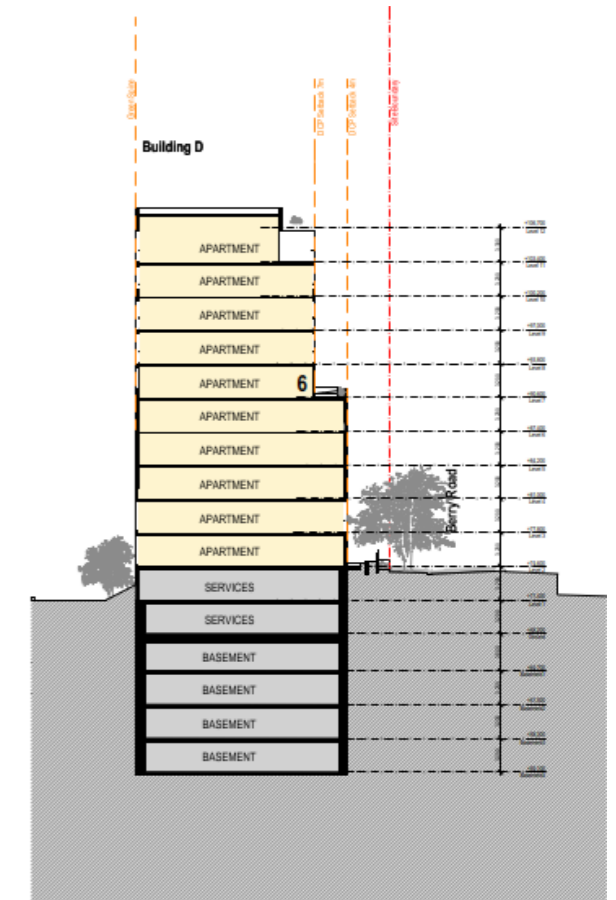
01 SECTION 3 (DA Section)



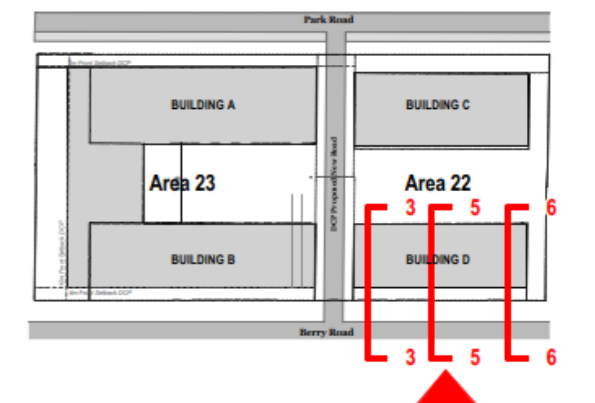
02 SECTION 5



03 SECTION 6



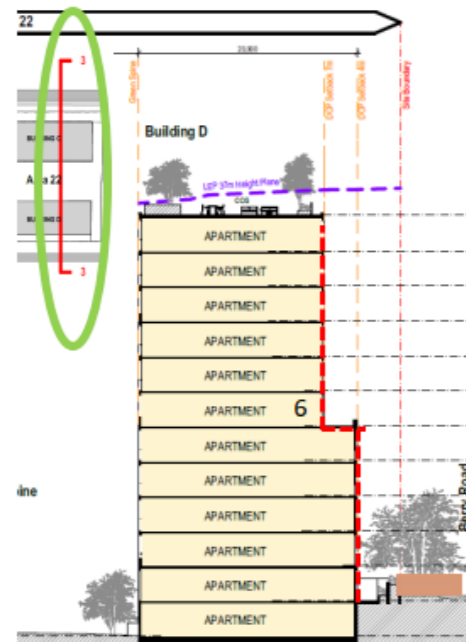
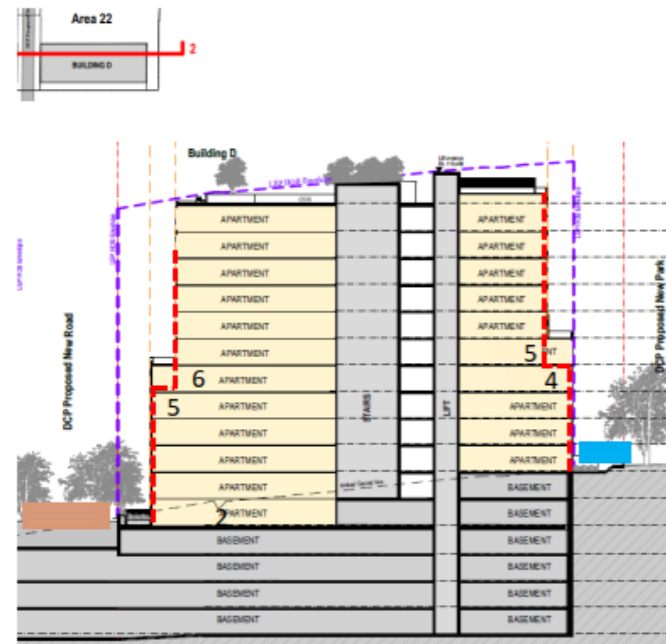
03 SECTION 6



Council Comment (Building D)

The proposed building setbacks do not comply with the DCP requirements at the following areas:

- DCP proposed New Road (Building D) 7m setback at level 6;
- DCP proposed New Park (Building D) 9m setback at level 5



- | | |
|--|--|
| <div style="background-color: orange; width: 20px; height: 10px; display: inline-block;"></div> <div style="font-size: 24px; font-weight: bold; margin-left: 5px;">A</div> | <ul style="list-style-type: none"> • 4m at street level • + 3m at and above Level 6 |
| <div style="background-color: blue; width: 20px; height: 10px; display: inline-block;"></div> <div style="font-size: 24px; font-weight: bold; margin-left: 5px;">F</div> | <ul style="list-style-type: none"> • 6m at park and east-west pathw reservation level • +3m at and above Level 5 |

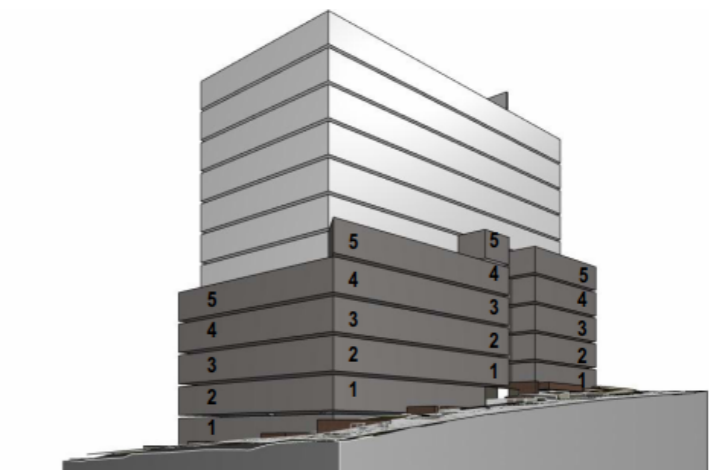
DKO Response

The height in storeys has a minor non-compliance owing to the sloping nature of the site and the need to provide rationale floor plates. As a consequence elements of the street wall height marginally exceed the storey count and in some instances they fall below the DCP level. So the variation is justified on the grounds of the design responding to the sloping topography and adopting an average weighted approach, on balance, the proposal meets the intent of the control and thus represents an appropriate response.

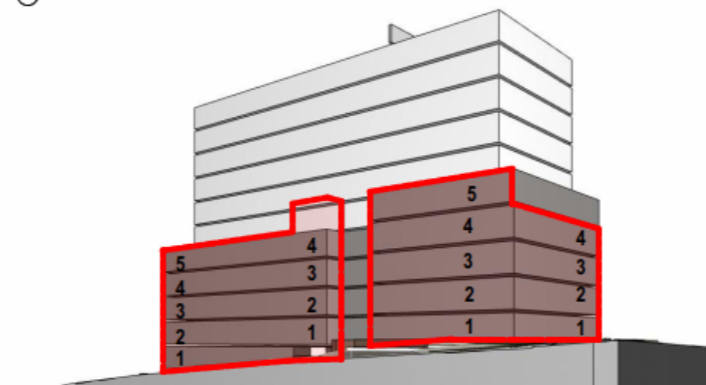
Furthermore, Council has accepted an average weighted approach when supporting the front setback variations on the Area 7-11 project.



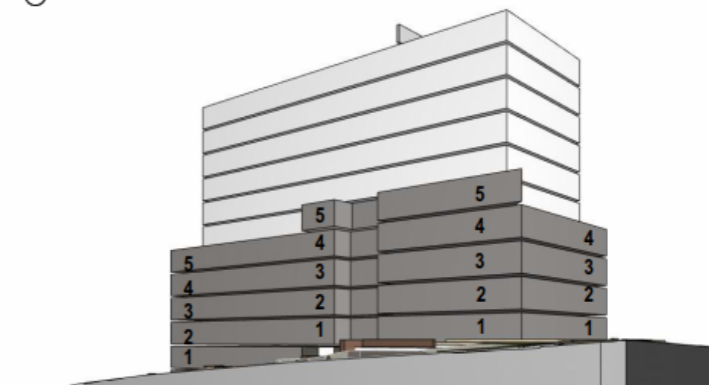
VIEW 01 - Building D - New Road & Berry Road - Proposed



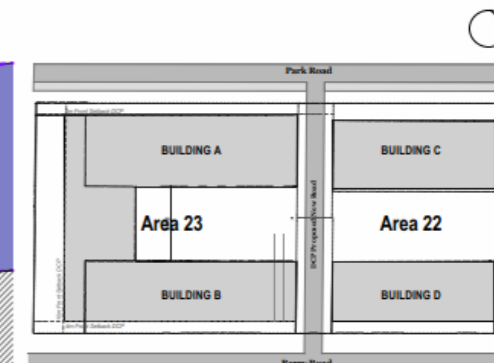
VIEW 01 - Building D - New Road & Berry Road - DCP Setbacks



VIEW 02 - Building D - New Park & Berry Road - Proposed



VIEW 02 - Building D - New Park & Berry Road - DCP Setbacks



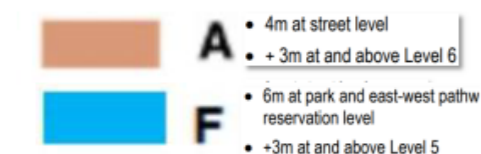
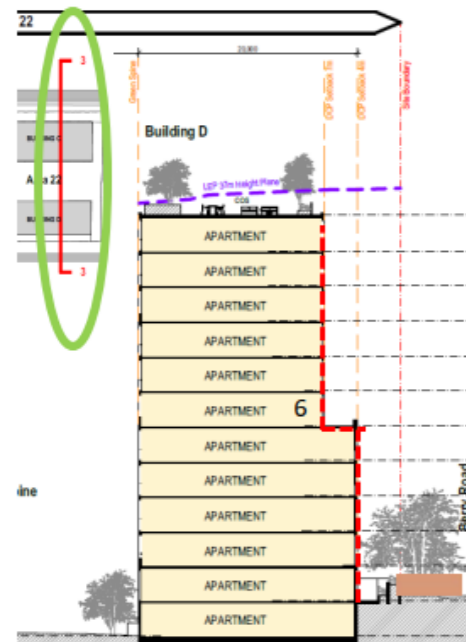
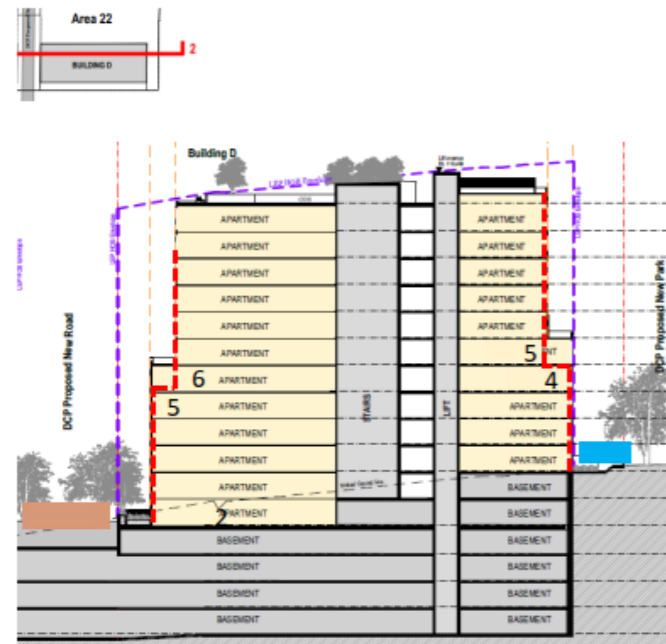
VIEW 01

VIEW 02

Council Comment (Building D)

The proposed building setbacks do not comply with the DCP requirements at the following areas:

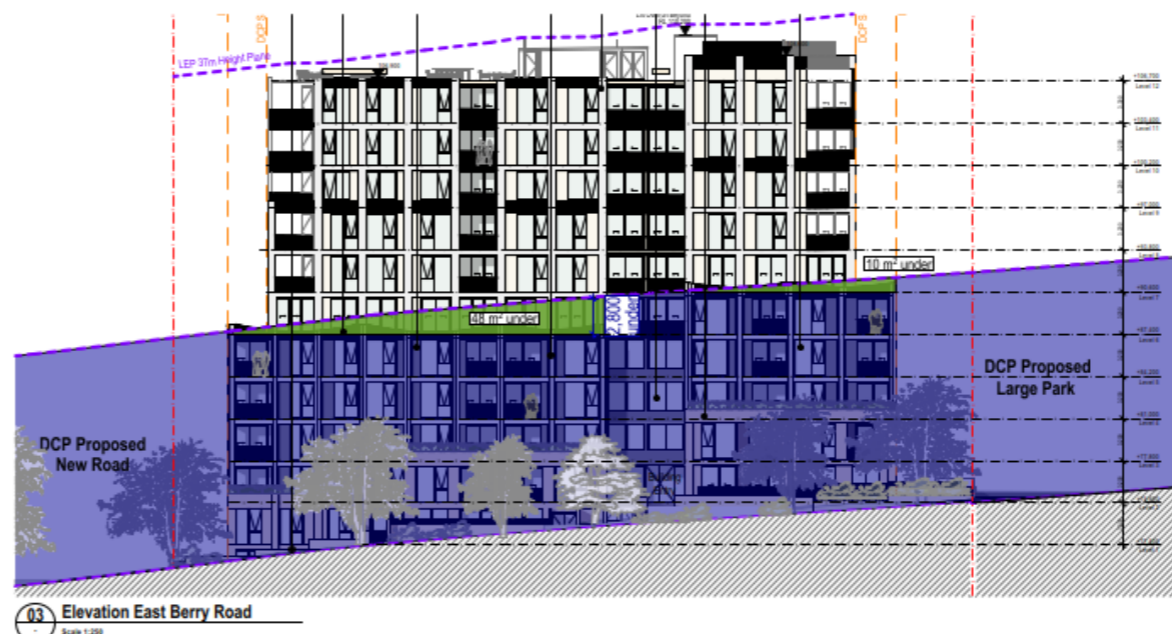
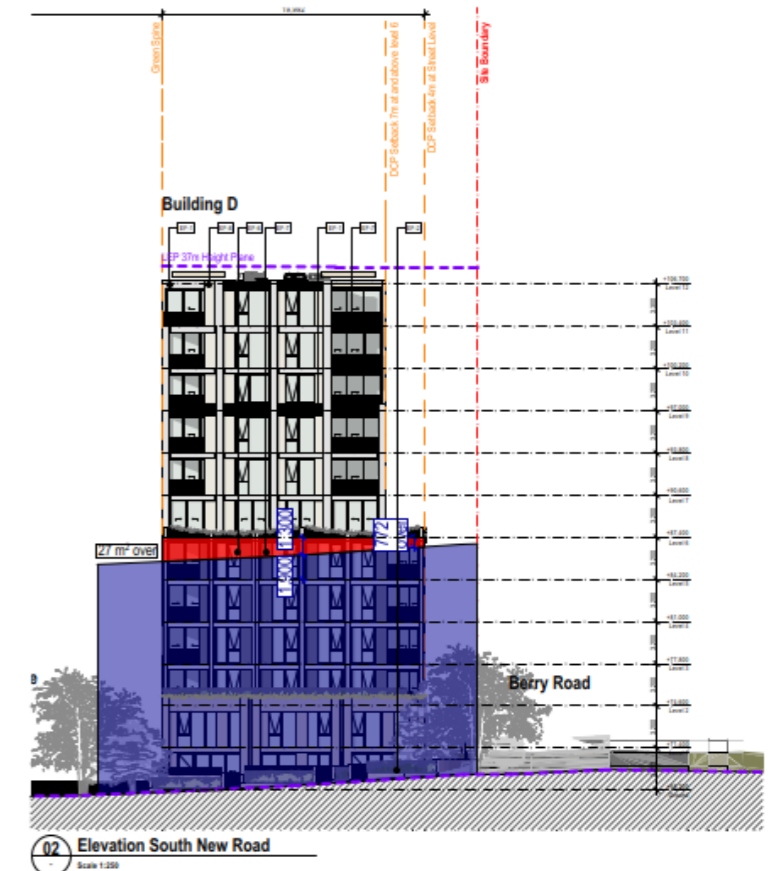
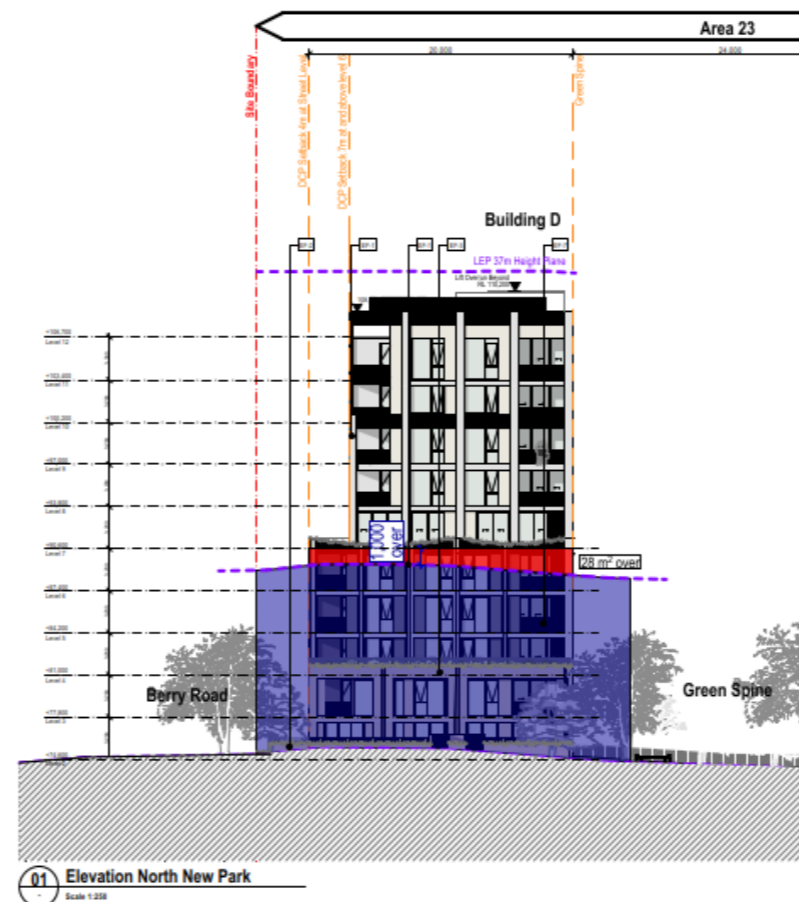
- DCP proposed New Road (Building D) 7m setback at level 6;
- DCP proposed New Park (Building D) 9m setback at level 5



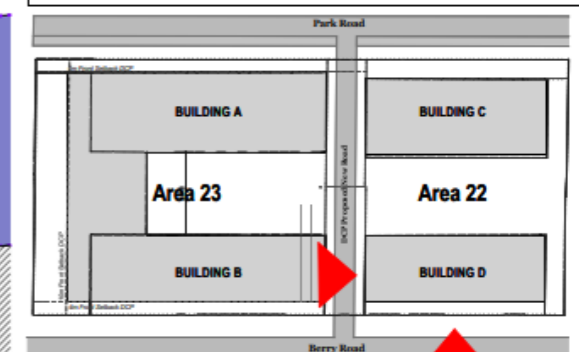
DKO Response

The height in storeys has a minor non-compliance owing to the sloping nature of the site and the need to provide rationale floor plates. As a consequence elements of the street wall height marginally exceed the storey count and in some instances they fall below the DCP level. So the variation is justified on the grounds of the design responding to the sloping topography and adopting an average weighted approach, on balance, the proposal meets the intent of the control and thus represents an appropriate response.

Furthermore, Council has accepted an average weighted approach when supporting the front setback variations on the Area 7-11 project.



AVERAGING OF AREAS	
01 North Elevation New Park -	28 over
02 South Elevation DCP New Road -	27 over
03 East Elevation Berry Road	58 under
TOTAL	3 under



Council Comment (Building B)

The proposed building setbacks do not comply with the DCP requirements at the following areas:

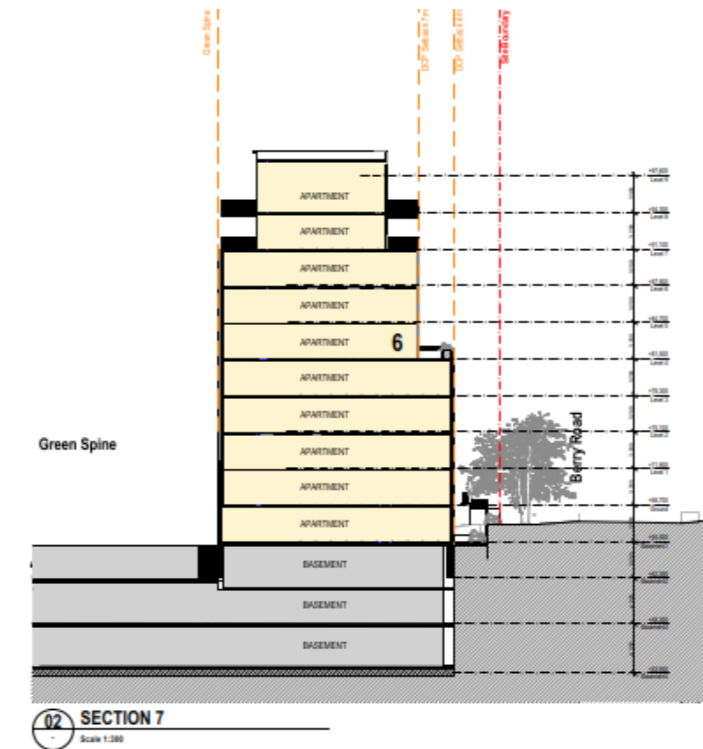
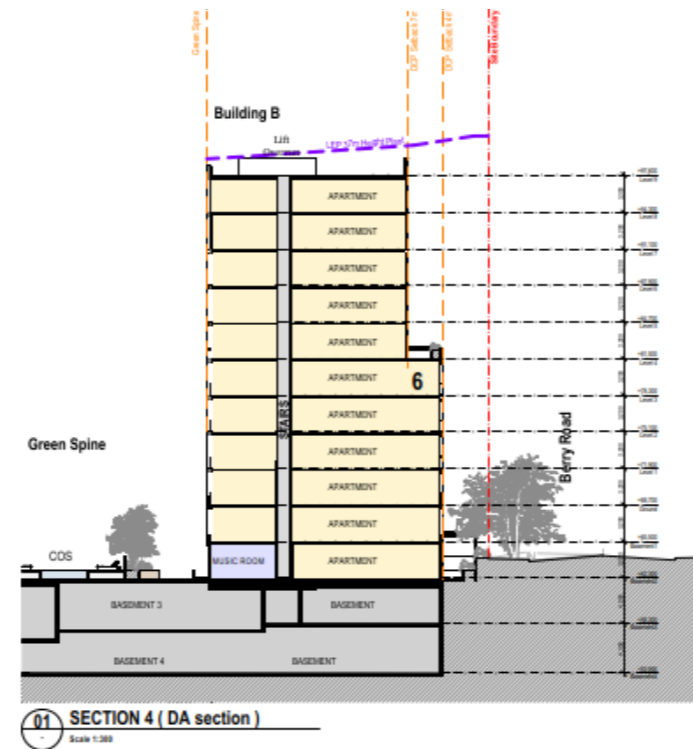
- Berry Road (Building B) 7m setback at level 6;



DKO Response

The height in storeys has a minor non-compliance owing to the sloping nature of the site and the need to provide rationale floor plates. As a consequence elements of the street wall height marginally exceed the storey count and in some instances they fall below the DCP level. So the variation is justified on the grounds of the design responding to the sloping topography and adopting an average weighted approach, on balance, the proposal meets the intent of the control and thus represents an appropriate response.

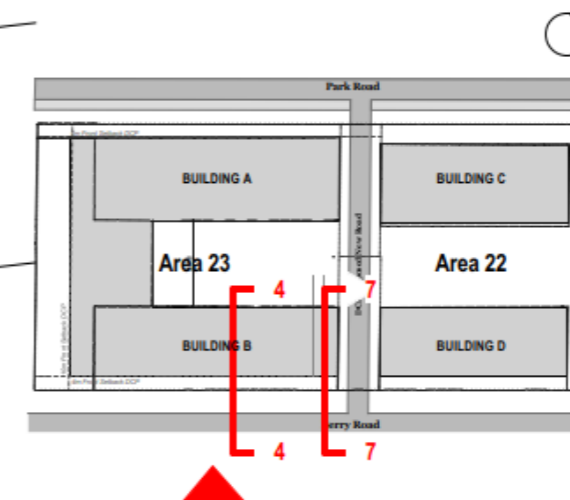
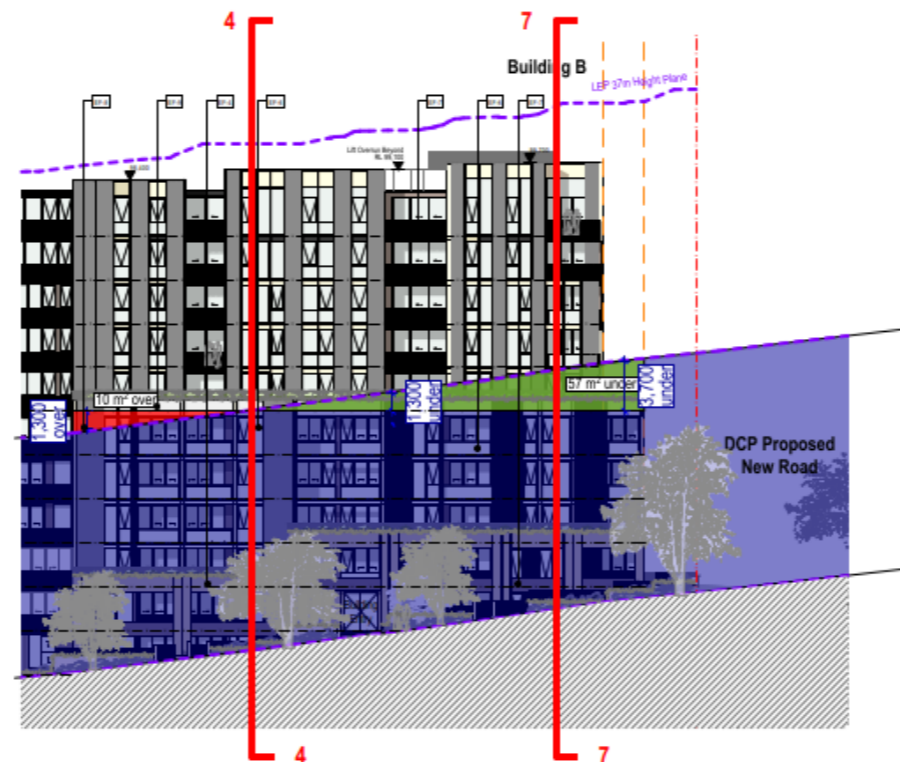
Furthermore, Council has accepted an average-weighted approach when supporting the front setback variations on the Area 7-11 project.



COMMENTS FROM COUNCIL



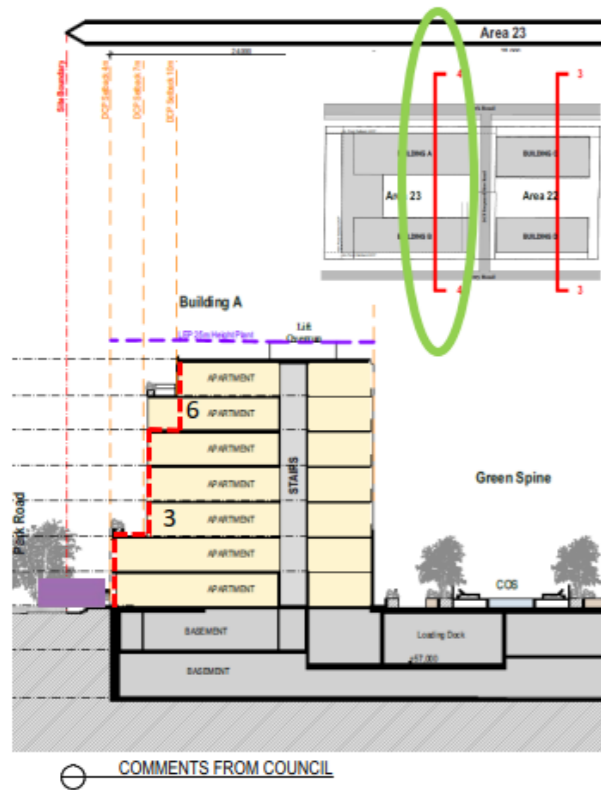
- 4m at street level
- + 3m at and above Level 6



Council Comment (Building A)

The proposed building setbacks do not comply with the DCP requirements at the following areas:

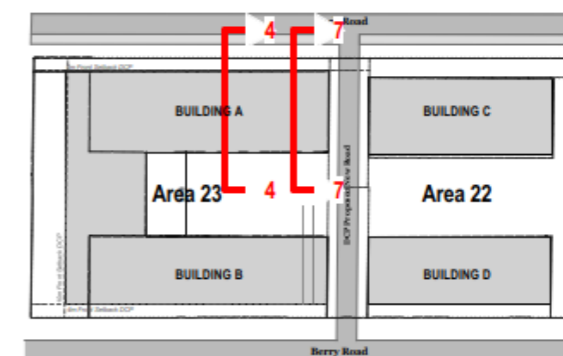
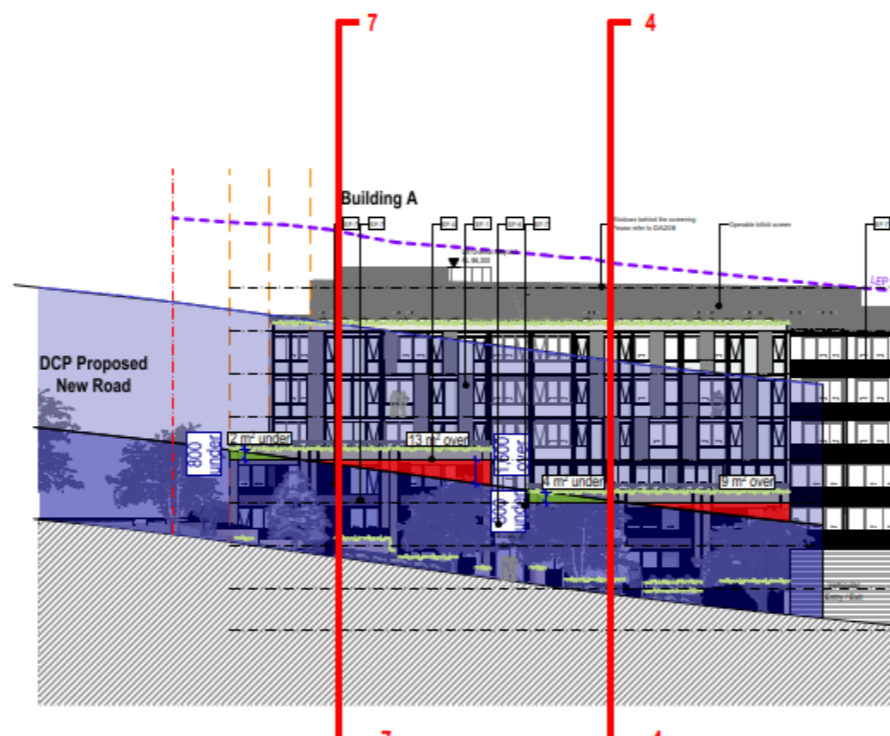
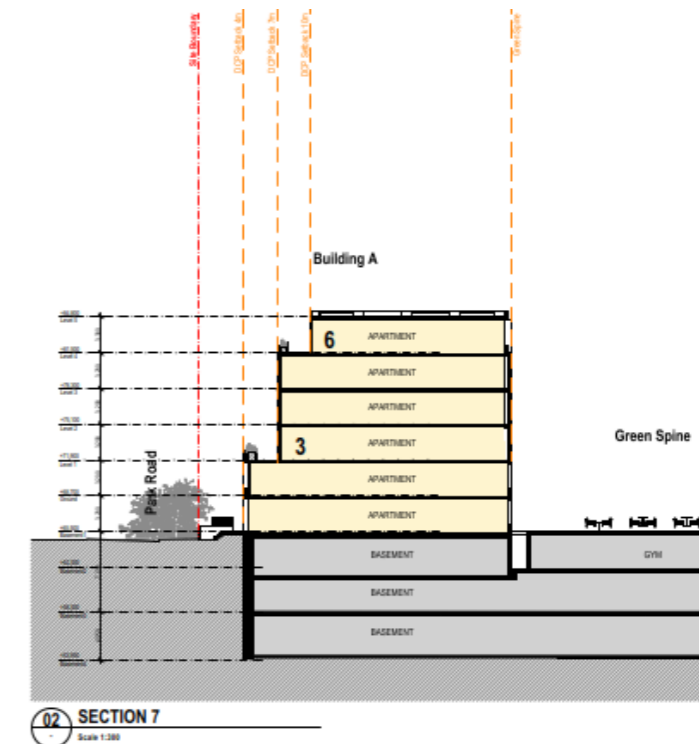
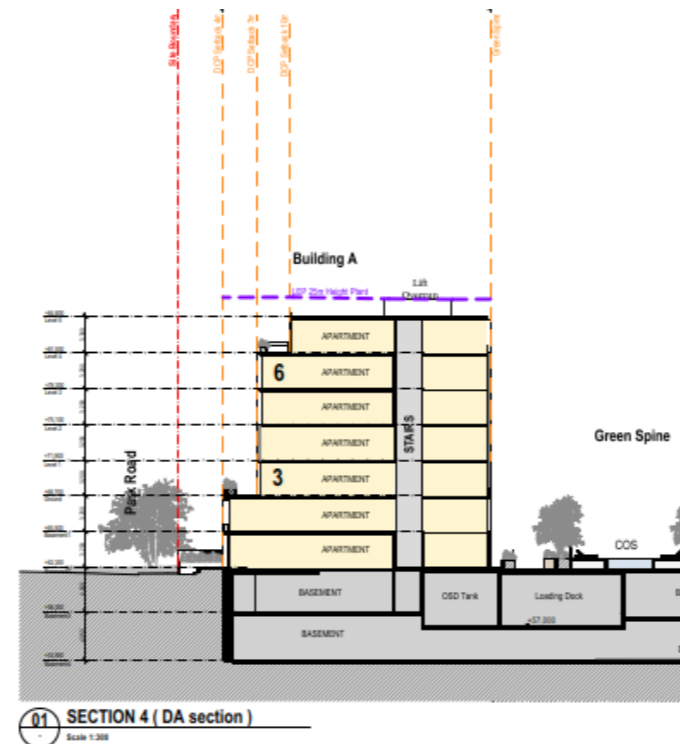
- Park Road (Building A) 10m setback at level 6;



DKO Response

The height in storeys has a minor non-compliance owing to the sloping nature of the site and the need to provide rationale floor plates. As a consequence elements of the street wall height marginally exceed the storey count and in some instances they fall below the DCP level. So the variation is justified on the grounds of the design responding to the sloping topography and adopting an average weighted approach, on balance, the proposal meets the intent of the control and thus represents an appropriate response.

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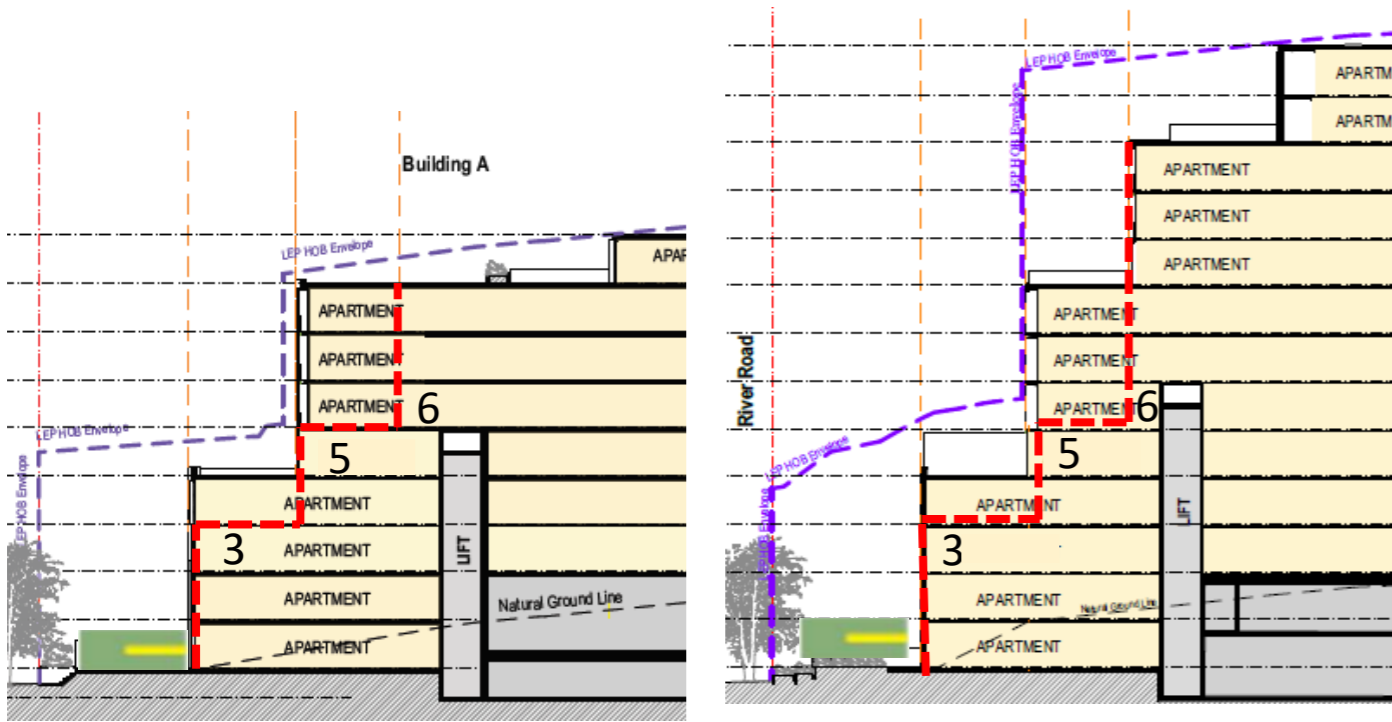
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3. Park Road Building C (balconies).

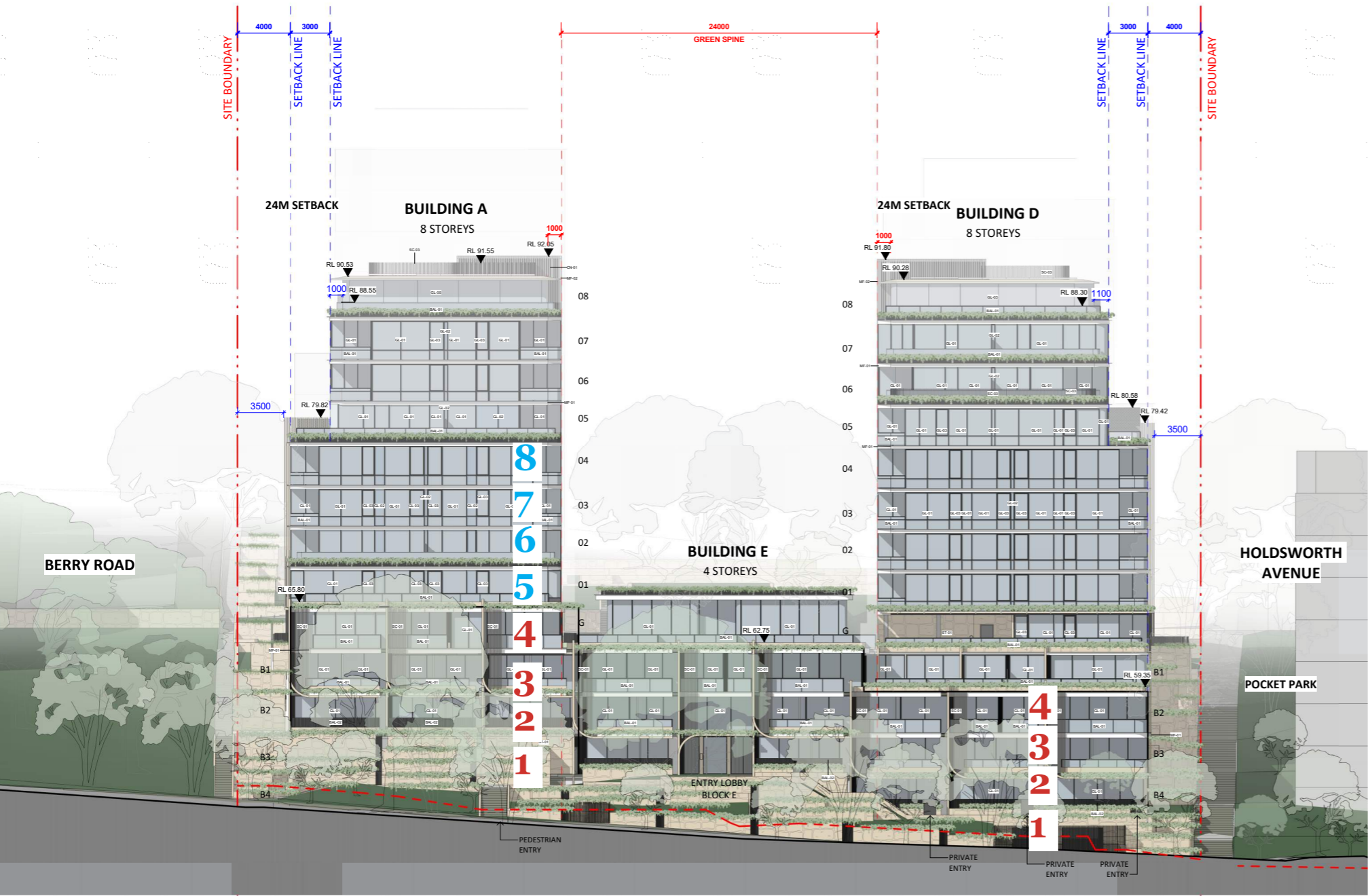
Council Comment
(Building A & B)

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- River Road frontage (Buildings A and B) 17m setback at level 4 and 24m setback levels 6 and above;

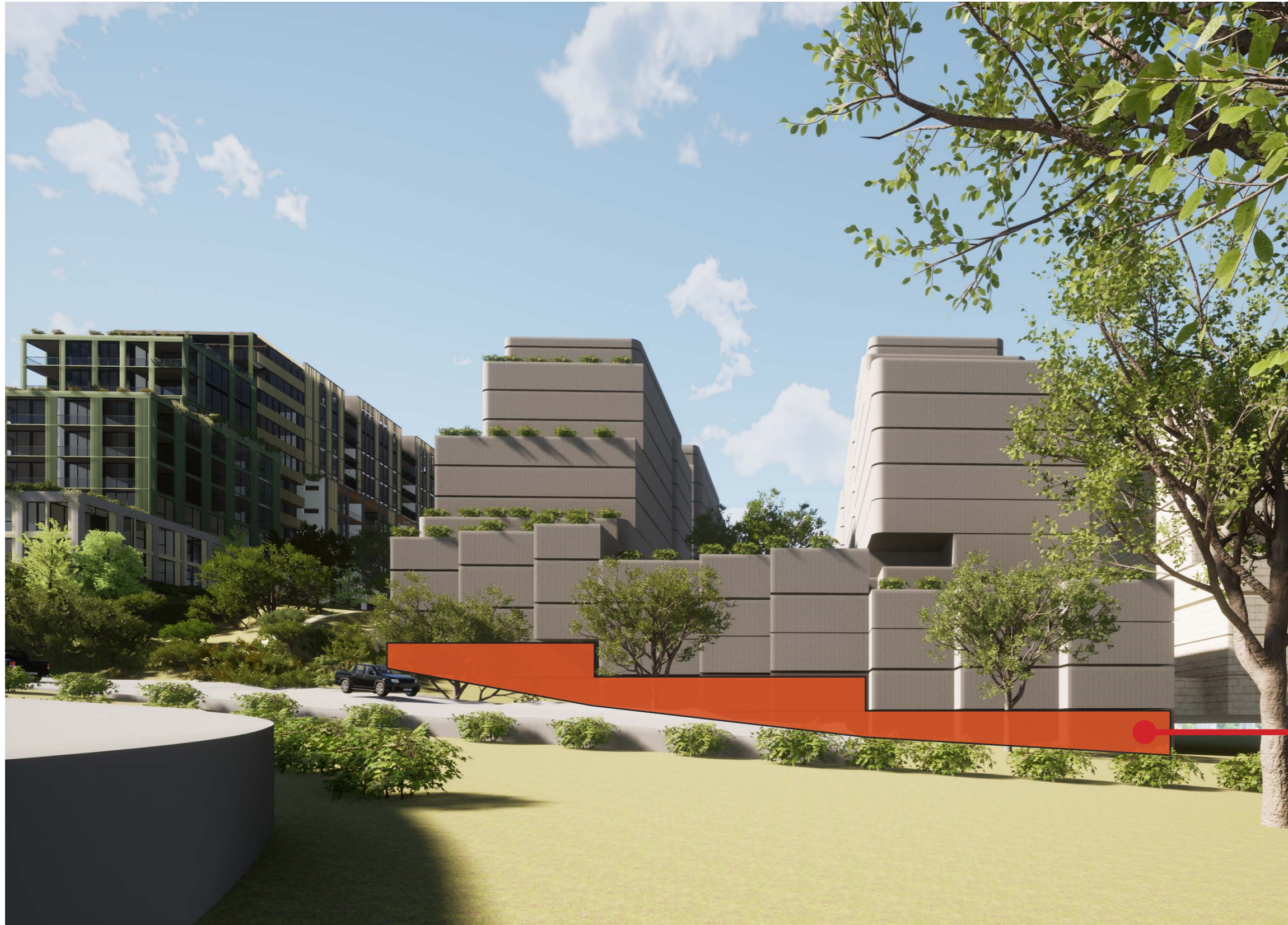


- River Road frontage (Buildings A and B) 17m setback at level 4 and 24m setback levels 6 and above;



AREA 20 RIVER ROAD ELEVATION





Area 20 River Road Frontage

- Ground Floor raised 1-2 storeys above the street level along River Road.
- Blank walls highlighted in orange colour.

River Road Perspective 1

*Area 20 massing model built according to the approved DA



River Road Perspective 2

The proposed building massing achieves a consistent and complementary outcome to the approved form on Area 20.

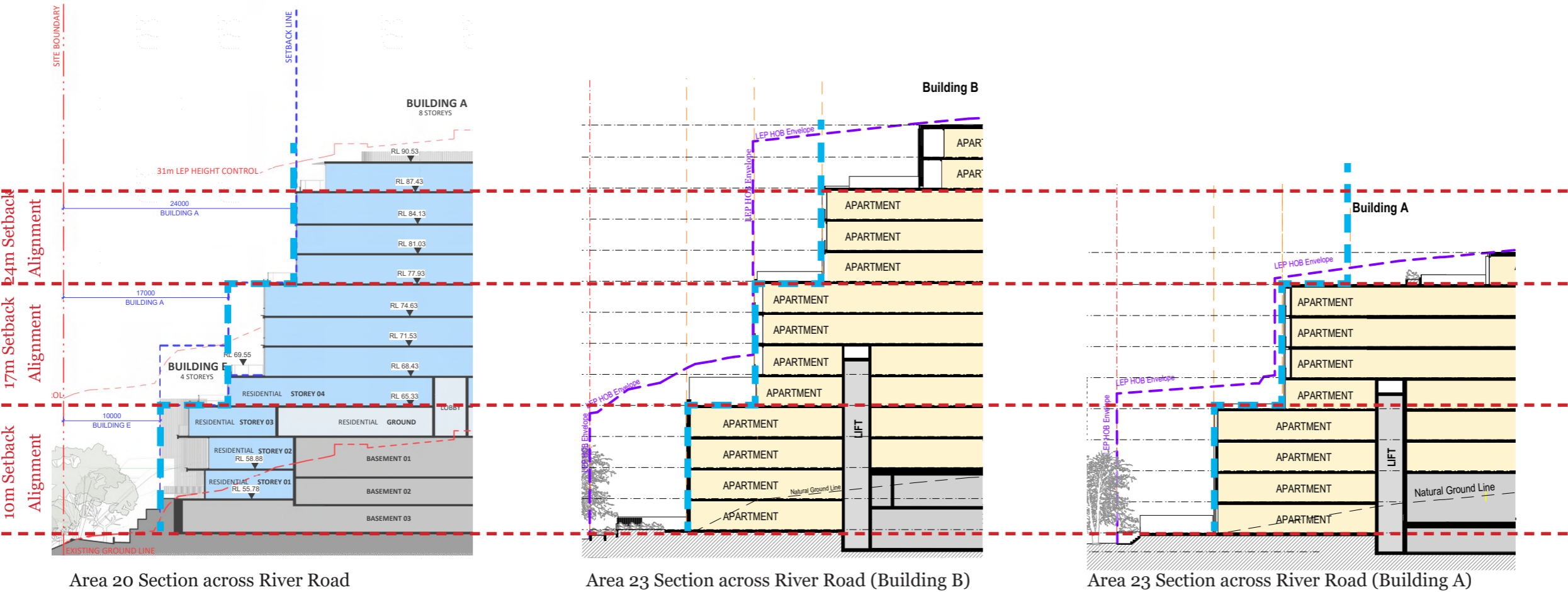
*Area 20 massing model built according to the approved DA

DKO Response - Preceden: Area 20

The Council assessment report by Council stated the building fronting River Road was compliant in terms of the setback controls, which incorporated part storeys. This results in a physical increase of 1-2 storeys above the street level translating in an increased 'actual' street height built form.

By incorporating part storeys along this frontage, our proposal is consistent and thus the same methodology should be adopted by Council.

Our proposal archives a superior outcome however with active residential use at ground level as opposed to blank walls.



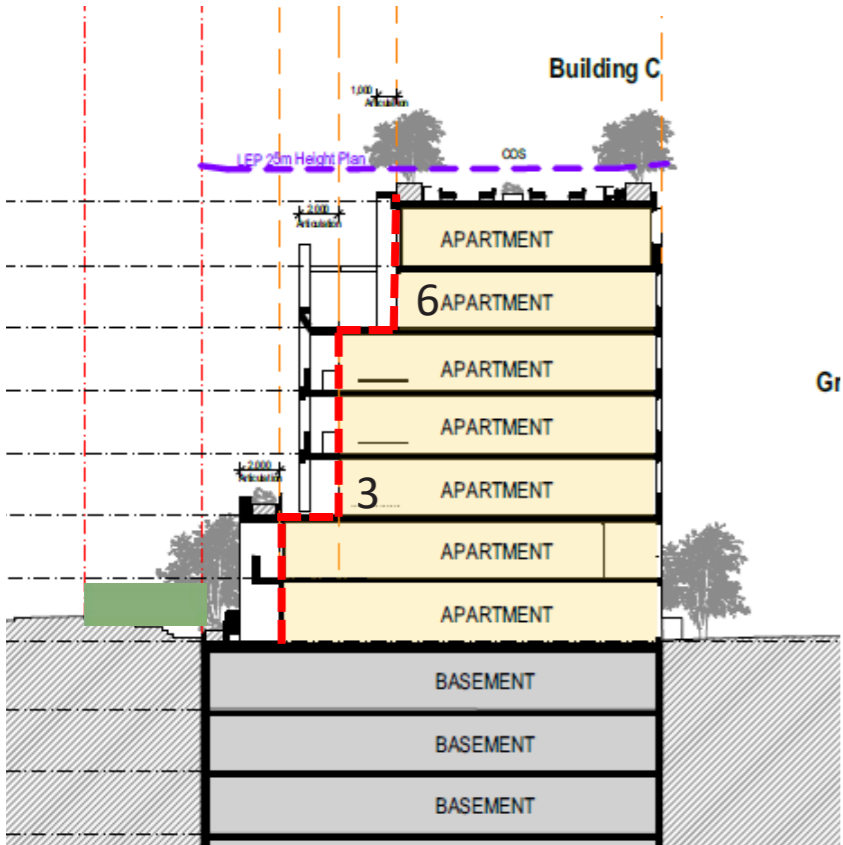
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DCP proposed New Park (Building D) 9m setback at level 5;
Berry Road (Building B) 7m setback at level 6.
Park Road (Building A) 10m setback at level 6;
2. River Road frontage (Buildings A and B) 17m setback at level 4 and
24m setback levels 6 and above.
3. **Park Road Building C (balconies).**

Council Comment
(Building C)

The proposed building setbacks do not comply with the DCP requirements at the following areas:

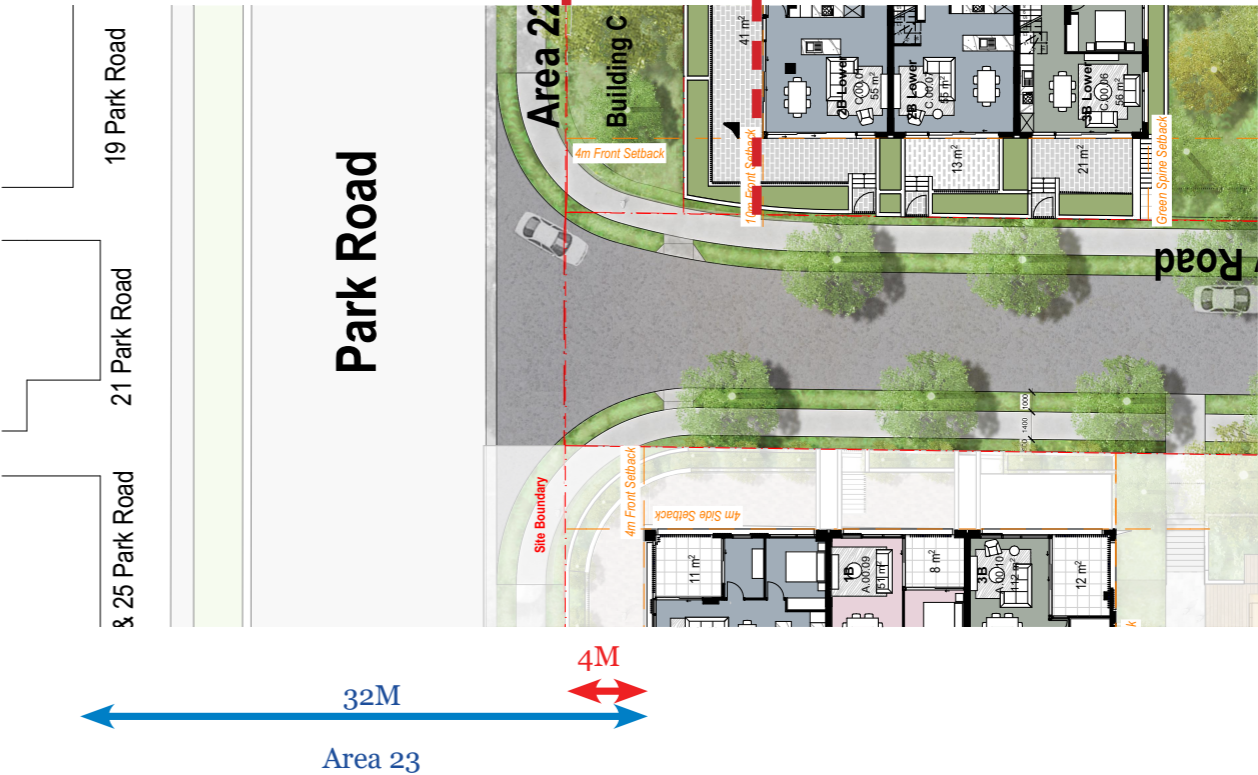
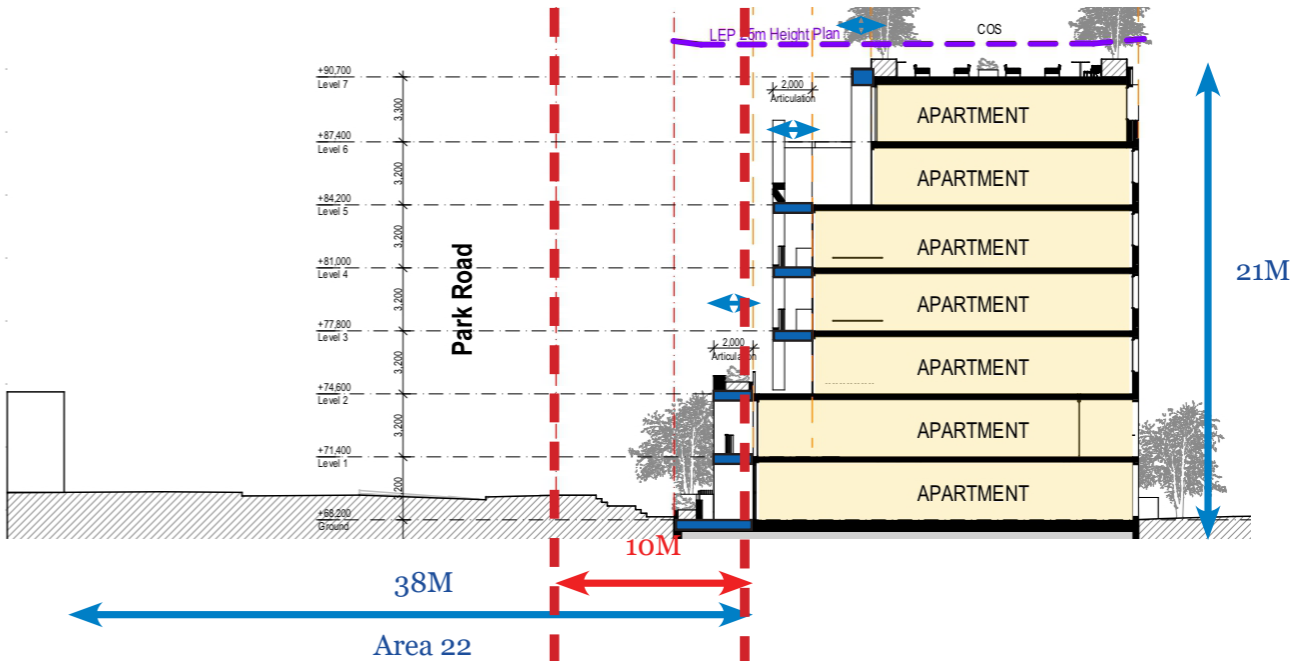
- Park Road frontage (Building C) 10m setback at level 1, 13m setback at level 3 and 16m setback at level 6 and above



- Park Road (Building C) setbacks

DKO Response

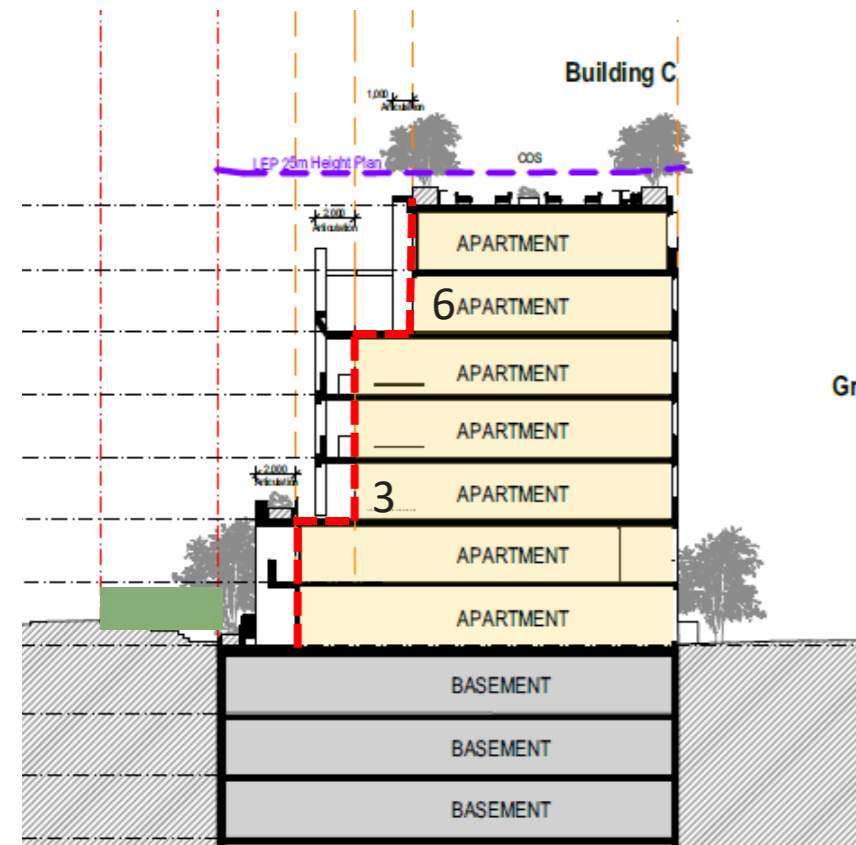
The proportion of the street to build form



Council Comment

The proposed building setbacks do not comply with the DCP requirements at the following areas:

- Park Road frontage (Building C) 10m setback at level 1, 13m setback at level 3 and 16m setback at level 6 and above

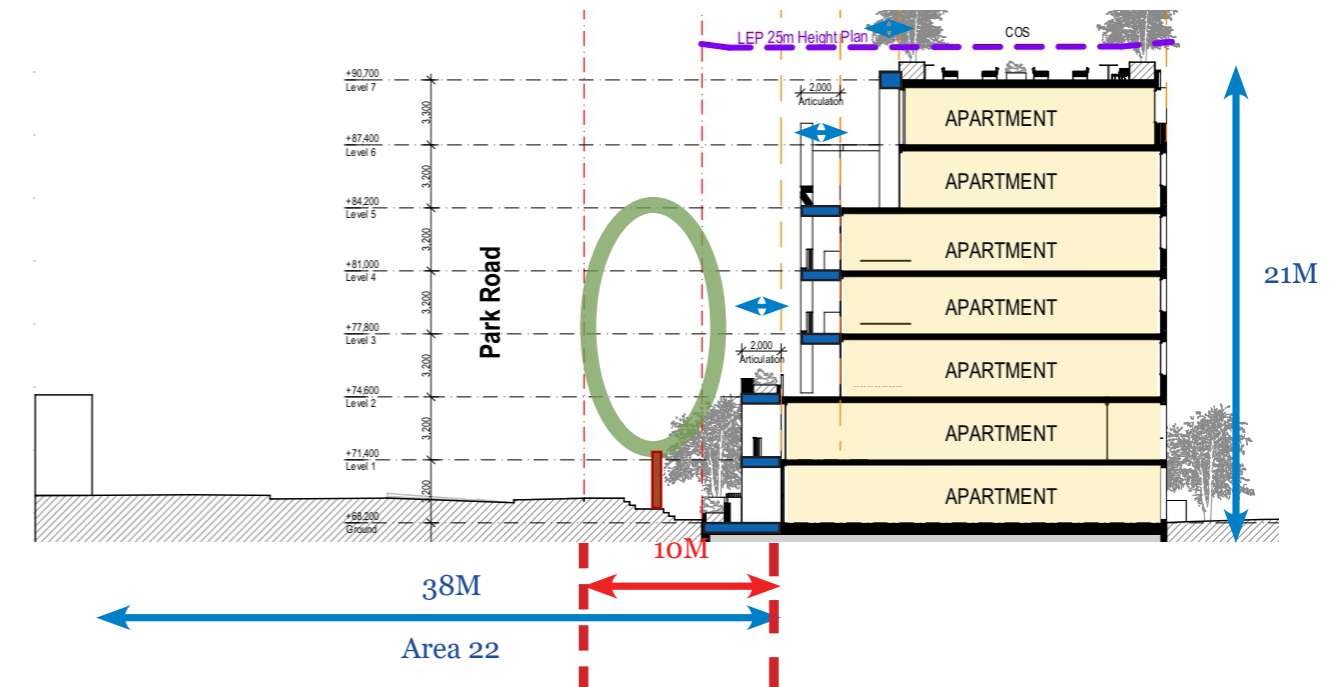


- Park Road (Building C) setbacks

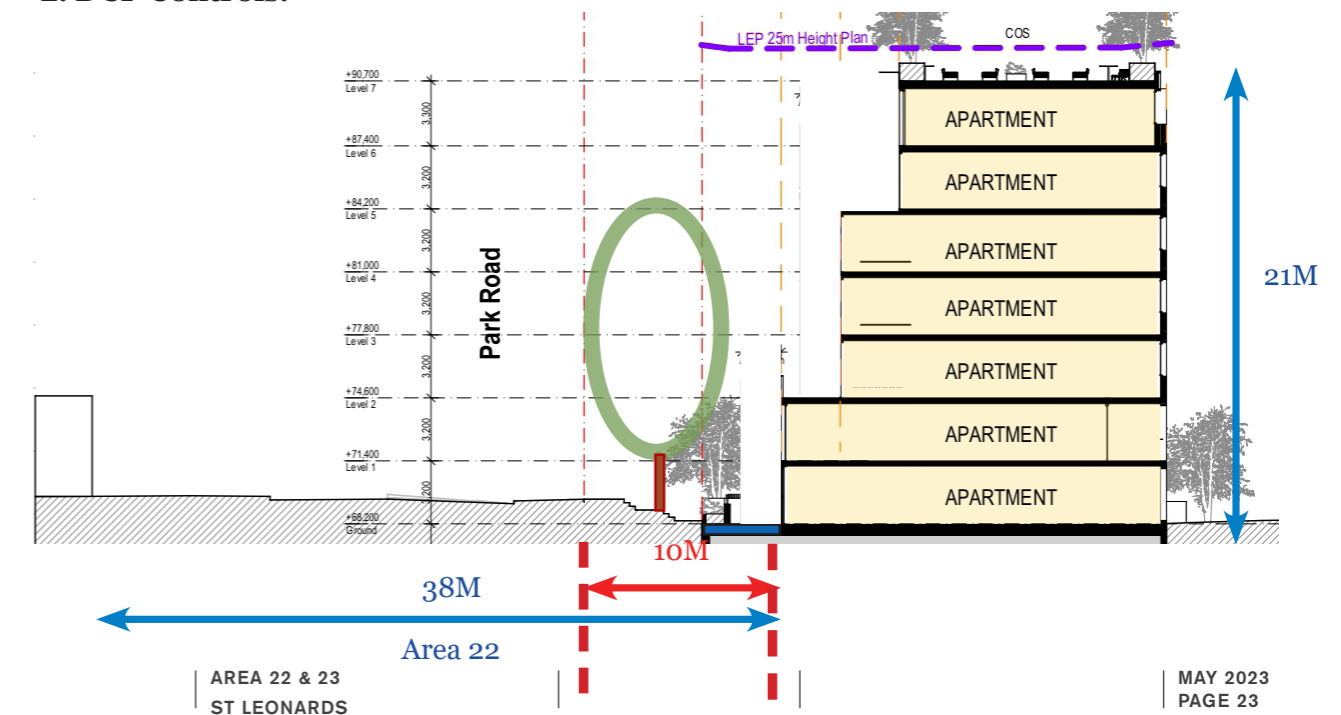
DKO Response

Retention of existing trees. The bulk perceived from the other side of Park Road will not have much difference with the 2m breach.

1. Proposal with slab extensions



2. DCP Controls.



Council Comment

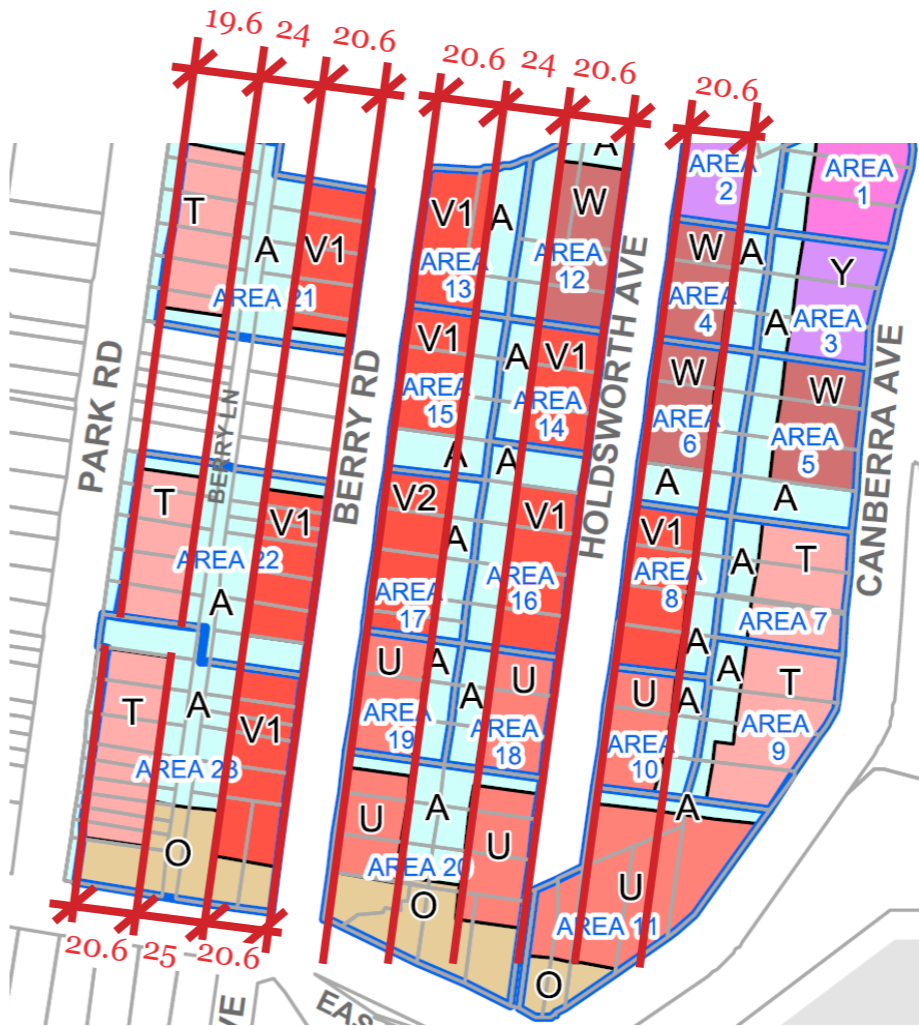
The proposed building setbacks do not comply with the DCP requirements at the following areas:

- Park Road frontage (Building C) 10m setback at level 1, 13m setback at level 3 and 16m setback at level 6 and above

	Control	Provision	Notes/Location
6.2.2	Rear Building Setback	Minimum 12m setback to rear boundary of an Area.	
6.2.3	Building Separation	As per ADG / SEPP 65	
6.2.4	Building Depth	Maximum depth 18-22m	As per Figure 8.9

DKO Response

DCP Building from depth control of 18-22m, Area 22 Park Road can only achieve 13.6-19.6m.



C

- 10m at street level
- + 3m at and above Level 3
- + 3m at and above Level 6

Council Comment

The proposed building setbacks do not comply with the DCP requirements at the following areas:

- Park Road frontage (Building C) 10m setback at level 1, 13m setback at level 3 and 16m setback at level 6 and above

DKO Response

Number of setbacks All the other interfaces are setback only 2 times, but Area 22 / 21 Park Road needs to set back 3 times ending up with floor plates 19.6 / 16.6 / 13.6 m deep.



PART - STOREYS

DKO

Council Comments

As discussed in the previous RFI letter on 3 March 2023, Council required further information to confirm that the proposed part storeys complied with the definition. Since then, Council has undertaken a desktop calculation and assessment of the proposed part storeys on building C and building D. The calculations confirm that less than 50% of total floor area of the proposed part-storeys are classified as non-habitable space as per the definition in the DCP. Please refer too Annexure A in relation the part storeys.

The calculations confirm that less than 50% of total floor area of the proposed partstoreys listed below are classified as non-habitable space:

- Building C Ground floor is only 44.7% non-habitable and does not comply. The floor plan must be re-designed to meet the DCP definition.
- Building D Level 1 is only 46.28% non-habitable and does not comply. The floor plan must be re-designed to meet the DCP definition.

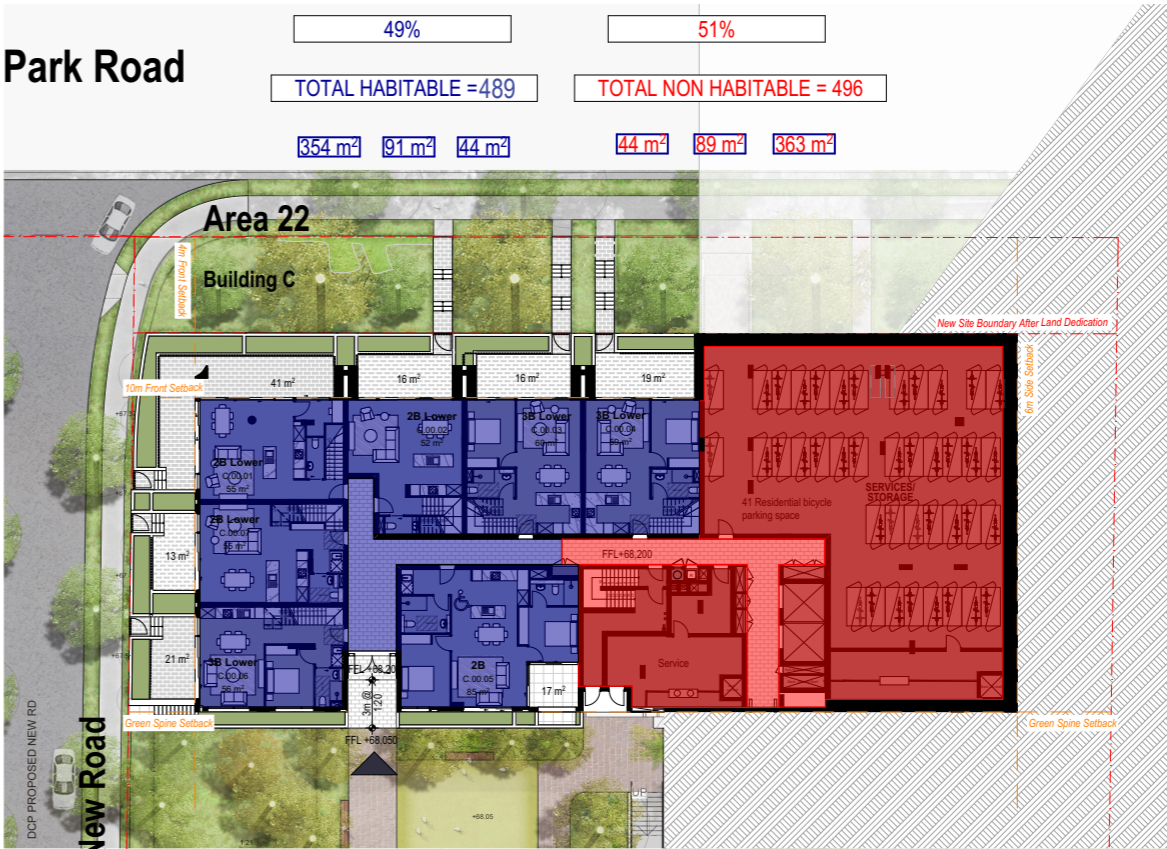


Building C GF Part - storey Calculation by Lane Cover Council:

-Habitable Space: 502m² - 55%
-Non-habitable Space: 406m² - 45%

DKO Response

The methodology was agreed in the post-DA meeting dated April 04. As a principle, the area of the corridor shall be divided in half with 50% included as non-habitable area.



Building C GF Part - storey Calculation by DKO

-Habitable Space: 489m² - 49%
-Non-habitable Space: 498 m² - 51%

Council Comments

As discussed in the previous RFI letter on 3 March 2023, Council required further information to confirm that the proposed part storeys complied with the definition. Since then, Council has undertaken a desktop calculation and assessment of the proposed part storeys on building C and building D. The calculations confirm that less than 50% of total floor area of the proposed part-storeys are classified as non-habitable space as per the definition in the DCP. Please refer too Annexure A in relation the part storeys.

- The calculations confirm that less than 50% of total floor area of the proposed partstoreys listed below are classified as non-habitable space:
- Building C Ground floor is only 44.7% non-habitable and does not comply. The floor plan must be re-designed to meet the DCP definition.
 - Building D Level 1 is only 46.28% non-habitable and does not comply. The floor plan must be re-designed to meet the DCP definition.

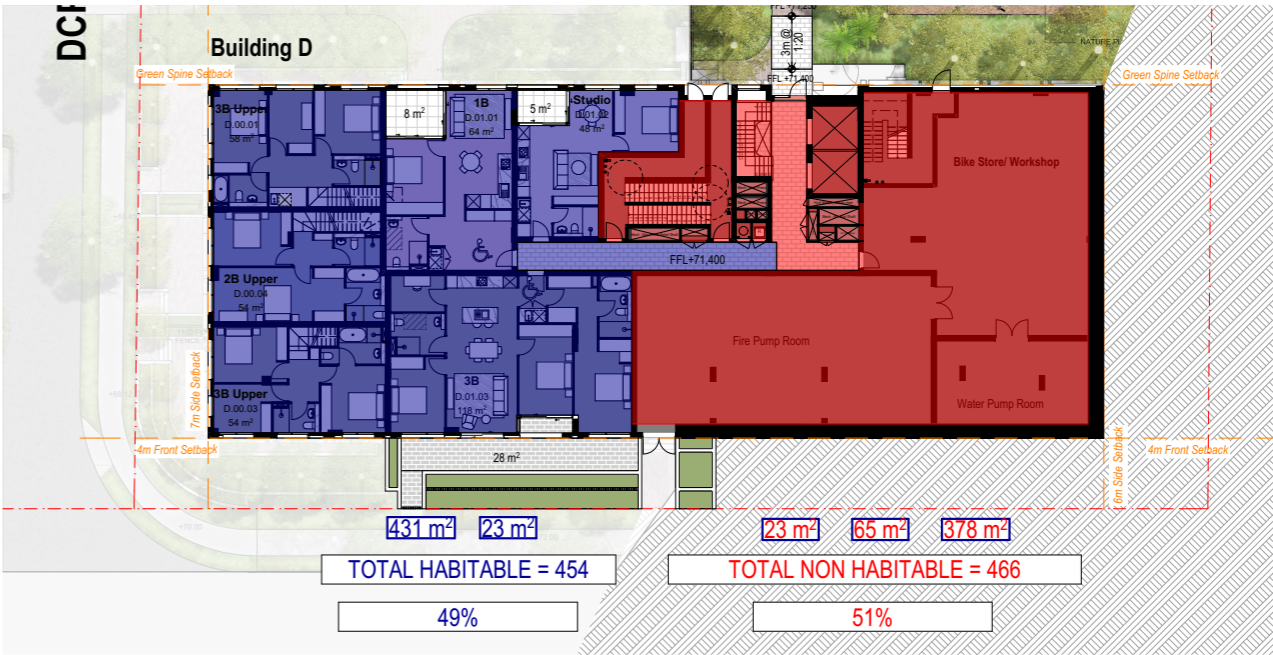


Building D L1 Part - storey Calculation by Lane Cover Council:

-Habitable Space: 476m² - 54%
-Non-habitable Space: 410m² - 46%

DKO Response

The methodology was agreed in the post-DA meeting dated April 04. As a principle, the area of the corridor shall be divided in half with 50% included as non-habitable area.



Building D L1 Part - storey Calculation by DKO

-Habitable Space: 454m² - 49%
-Non-habitable Space: 466 m² - 51%