



# Greenwich Community Association Inc

PO Box 5057, Greenwich, NSW 2065

For current committee contact details see [www.greenwich.org.au](http://www.greenwich.org.au)

26<sup>th</sup> January 2022

The General Manager  
Lane Cove Council

By email: [service@lanecove.nsw.gov.au](mailto:service@lanecove.nsw.gov.au)

Dear Sir

## Objection

**DA 162/2021 – 13 -19 Canberra Ave St Leonards South**

Attached to this letter is a submission from the Greenwich Community Association Inc highlighting inconsistencies between the LEP and DCP documents that regulate and guide development in SLS and this development application.

We apologise that this submission is past the advertised closing date but hope it can be considered.

We are concerned that there are some fundamental planning issues that need to be addressed by Council.

The attached document is structured in two parts vis:

- A summary of objections
- followed by a supporting Evaluation Table the GCA has developed to evaluate all DAs in St Leonards South.

As soon as convenient, we would like to meet with Council staff to review the submission and to obtain an understanding of how it proposes to proceed in respect of the issues raised.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Alan Winney', written over a white rectangular box.

Alan Winney  
Peter Deane  
**Acting Presidents**

## The General Manager

### Lane Cove Council

### DA 162/2021

### 13 – 19 Canberra Ave

26<sup>th</sup> January 2022

This submission comprises an initial summary of all major issues we seek to be addressed, followed by an Evaluation Table considering all LEP and DCP provisions that the development is required to comply with or be guided by.

For each objection raised there is a Table Reference Number (TRN) which is in the Evaluation Table below and provides more detail in respect of the objection.

## OBJECTIONS

### LEP PROVISIONS

#### 7.1 Development of Land in St Leonards South Area

##### 7.1 (3) Building Height in Metres

**The DA does not comply** as from Canberra Ave the building height exceeds 44m.

#### 7.4 Minimum Recreation and community facilities. (TRN 5 )

The DA fails these requirements for the following reasons:

- **The DA does not comply**, as usage of the communal areas to all residents in the precinct and the public is limited because the entire outdoor recreation area is designated as outdoor childcare area from 7 AM to 7 PM Monday to Friday. It is in a fenced, secured area - presumably accessible by key code only. The recreation area was meant to be accessible to all residents in the precinct and the public. It is not clear how this is to be achieved.

The Landscape Master Plan and Architects plans show tree plantings in the external CCC area to provide shade. **The Statement of Environmental Effects says no trees in this area because of health and safety concerns.**

- Acoustics. Because the outdoor area fully occupies the 12m set back on Level 1 there is concern about the amount of noise the outdoor play area will generate for residents and adjoining building residents. The acoustics consultants propose to mitigate this by dividing the outdoor area into active and passive play areas. The active play area will be located under an acoustically sealed cover. **There is no evidence of how this passive and active separation of recreating children can or will be achieved or managed. Either during “childcare hours” or out of hours eg after 7pm.**
- Heat Effects. The entire 530 sqm outdoor space’s flooring will be covered in with a synthetic surface. Together with the heat retention qualities of the acoustic roof there is **no study to consider the heat effect of this area**. This is serious given there are no trees to be planted there.
- The Traffic report assumes most CCC staff, visitors and attendees will be “walk ins”. This is an unrealistic assumption. 7 staff car spaces are provided. 12 for CCC drop offs. The external access for prams strollers etc to easily access the CCC from Canberra Ave is only via lift from the ground floor. This access issue was highlighted by the Design Review Panel and has not been resolved in the DA.
- The community hall, presumably meant to be available to residents from other buildings in SLS, does not appear to have internal access – only access off the adjoining balcony. Presumably access will be by lift from the Ground Floor.

### 7.5 Pedestrian links and roads (TRN 6)

The project fails this criteria as the link from Canberra Ave to Holdsworth Ave is stairs only.

- There is **no apparent ramp provision** for prams, strollers, scooters – let alone bicycles to achieve this East - West linkage. Given that the CCC can only be accessed by lift from the Basement level 1 carpark or the Ground level lift this is a serious shortcoming.
- Transport and Traffic Planning Associates report - 3.6 Cycle Infrastructure - shows an E-W cycle link but as above this is not achieved. **The DA does not comply with this.**

### 7.6 Design Excellence (TRN 7)

It is the consent authority’s responsibility to ensure the Design Excellence standards set out in the LEP are met.

It is concerning that there **is no transparent process** by which this can be checked or assessed by third parties.

- The identities of the members of the Design Review Panel (DRP) and their method of selection are unknown
- There is no independent design benchmarks established by which they can assess a project
- There is no written report available to the consent authority or interested third parties
- The only report is one generated by the architects as to (selective) issues raised by the DRP
- The public’s only knowledge of the process is that meetings were held with the DRP, the developer and council representatives
- It is difficult to see how “design excellence” can be demonstrated or measured under these circumstances. A simple example is the access to the CCC which was raised by the DRP but batted away by the architect.

## OBJECTIONS

### DCP PROVISIONS

#### Structure Plan

#### Urban Structure (TRN 8)

“Perimeter Block” building form supported by communal open space (green spines).

- “Perimeter block” not defined. According to Fig 11 in the DCP the green spines are truncated into eight different private fenced areas only accessible by the adjoining unit towers through Secure Entry points at each end of the 8 areas. On the basis of this Figure there is no connectivity between the green spines.
- The only North South connectivity is the existing streets – vis Canberra Ave, Holdsworth Ave, Berry Rd and Park Rd
- Depending on the number of unit buildings adjoining each truncated green spine area the **open space per resident will vary** – mainly depending on the number and height of the buildings and the number of residents in them.
- **Unless all residents in SLS have access to each other’s green spines the concept of “open communal space” is not achieved**

#### Access Network (TRN 11)

- DCP Fig 4 indicates the East West link will be a cycle way. **The architect’s plans do not show this from Canberra Ave to Holdsworth Ave.**

#### Roads (TRN 12)

- No mention of how **the Canberra Ave South closure** is to be achieved. **This matter needs resolution** before the DA can be progressed for open space shortfall and traffic studies – particularly how all cumulative traffic will be managed with one less access to River Rd from the SLS precinct needs consideration.  
(It is noted that in some DA documents the closure of Canberra Ave South is “possible”, but in the Transport and Traffic Planning Associates Report it is stated as definitive – and that this would reduce vehicle and pedestrian conflicts)

#### Pedestrian and cycle links (TRN 13)

- DCP provision for potential lights at Canberra Ave is not addressed as to practicability or timing.
- As noted above - bicycle connectivity E- W not evident

#### Sustainable transport (TRN 14)

- Electric charging points for each car space is not evident in the architect's plans. Six (6) points are stated in the Traffic Report.

**THIS MUST BE REMEDIED**

#### **BUILT FORM**

##### **Building Envelope**

##### **Front building setbacks (TRN 20)**

- The architect's plan for the Ground Floor show the required 4m set back only being achieved on approx 50% of the Canberra Ave street frontage. Refer Da 0207 and other plans

**THE DESIGN MUST BE AMENDED TO ENSURE THE 4M SETBACK IS MAINTAINED FOR THE FULL FRONTAGE TO CANBERRA AVE**

##### **Building Separation (TRN 22)**

- It appears the building separation requirements of the ADG are compromised on the Ground Floor level, Canberra Ave

##### **Depth of Building (TRN 23)**

- **The Depth of the building is 26m vis DCP 22m.** This supported by the architect's plans and SEE Report.

**THIS IS A VERY CLEAR AND KEY SHORTCOMING IN THIS DA AND THE DESIGN MUST BE AMENDED**

## Height in Storeys (TRN 25)

DCP States 12 Storeys. See Fig 10 DCP.

- The Definition of a Storey in the LEP does not include “Part Storeys”, as alluded to in the DCP
- The term “Part Storeys” is not defined in the LEP Dictionary or elsewhere in any planning document
- That the developer allocates part of a story to access, storage or stair well does not fall within the exclusion of what does not comprise a story
- The Ground floor is a Storey as per the Definition
- The Ground Floor and Upper Ground Floor plus the 13 levels above comprise a building of 15 stories
- **Council’s own employee Mr Adrian Moore noted the building as comprising 15 storeys**
- **The Credwell NCC Report references 15 storeys**

**THIS IS A VERY CLEAR AND KEY SHORTCOMING IN THIS DA AND THREE STORIES MUST BE REMOVED.**

## Incentives (TRN 28)

FSR incentives were, inter alia, to provide communal spaces. The virtual “privatisation” evident via the CCC allocation of 530sqm of “recreation area” for outdoor play area neuters this concept. Particularly as this open space forms part of what would otherwise be a green spine – for which no incentive FSR was available. The total FSR uplift was due to the internal CCC area and the community hall.

- The developer has gained FSR INCENTIVES but the communal recreation area has not been achieved – as described above at TRN 5
- The developer has received FSR uplift from 2.6 :1 to 3.7:1 based on a site area of 13 -17 Canberra Ave – but the project is 13 -19 Canberra Ave. A site area that is 35% larger. There are no HillpDA calculations available to the public to support this

## Vehicle Access (TRN 32)

- The assessment of the number of vehicles assessed as dropping off CCC kids is challenging ie – that most will be “walk-ins” – and on this basis traffic movement assumptions are halved. **There is no empirical evidence to support this assumption** and it should therefore be discounted and re-assessed. The major access to the CCC is through the carpark. The issue of access for walk-ins via the Ground Floor and concomitant lift capacities is not dealt with.
- Consideration of the impacts if Canberra Ave South is closed are not considered other than to state the obvious that traffic flow will be reduced (in that part of Canberra Ave)

- There is also the **heroic assumption that drop offs and pickups from the CCC (in the car park) will be spread out over time**. Experience indicates staff don't want children arriving in dribs and drabs before starting time and there are often penalties at child care centres for late pickups. **Again, this assumption is not supported by any empirical evidence**. It is not difficult to see that once fully operational there will be chaos in the car park area at drop off and pick up times given there 60 children proposed. **This access issue to the CCC is hard to accept as design excellence.**
- There are serious reservations relating to pedestrian and vehicle interaction - and hence safety - in the carpark when children are being escorted to the lift.

## LANDSCAPE

### **Open Space Configuration (TRN 34 A)**

- All green spines are shown as communal open space in Fig 14 – but note enclosed childcare courtyard in Fig 11 and other secure entry point indicating there may not be free movement between the 8 enclosed green spine areas within the precinct. (Unless “secure entry point” simply means a swimming pool type safety latch out of the reach of children, but this is doubted as the green spine space is defined as private property – and a latch arrangement would allow public access).

### **Facilitate the creation of integrated communal open space (Green spines) (TRN 37)**

- *Integration* of the communal open spaces is not evident from the Fig 18.
- Ease and continuity of access for prams strollers and bicycles within both the green spines and E-W link is not evident. Apart from the existing roads and proposed new Berry Rd – Park Rd road the precinct does not seem very amenable to other than those individuals that can navigate its stairs without prams, strollers, scooters or bicycles. Fig 18 contains no detail on “transition – accessible with ramps” to overcome this objection. Again – Canberra to Holdsworth is an example. Without this ramp direct access to Newlands Park by pram or stroller is nigh on impossible other than via either end of the precinct
- It is noted that substantial earth works will be required to establish the “Flat Areas” in the Fig 11. More detail of height changes is required – rather than a hand sketched diagram.

### **Wind Effects (TRN 46)**

- Wind tunnel testing recommended

Dogs

As a general comment, the issue of dogs is not addressed. With unit owners now having no limitation on their rights to own a dog the issues of dog access – on-leash and off-leash needs addressing. It is noted that more than 40% of households own dogs. (Industry and LCC number)



## Greenwich Community Association Inc

### Development Application Review Template

Date 26<sup>th</sup> JANUARY 2022

DA No. 162/2021

Address	13-19 Canberra Avenue		
Area ID	Area 5 SLS Masterplan		
Lots	11,12,13,14 in DP 7259		
Site Owner	13-15 Canberra Cresco Piety Csl P/L 17 Canberra – Ho-Chien Hsieh 19 Canberra – Meng-Hsuan Hsieh		
Developer	Hyecorp Property Group		
Total Land Price	TBC. Subject to option from owners		
Total Land Area	2,618 RP Data (2,663 Traffic Report, 2,629 Statement of Environmental Effects)		
FSR (Current)	3.7:1		
Units	1br/Studio	2br	3br
	27	28	29

### LEP REQUIREMENTS

Ref. Number	Item	Criteria - Measurement	Comments	DA Compliance Yes/No/NA
	<b>LEP – SLS Headings</b>			
1.	<b>7.1 Development on Land in SIS</b> 7.1 (3) (a) Height of Building in metres	44m	From the Easterly aspect the building height exceed 44m. Refer architect's drawings DA 0502. (Part storeys are storeys and have to be within the building height envelope. Ref Table Ref No 25 below in DCP section)	<b>No</b>
2.	7.1 (3) (b)FSR	3.7		Yes
3.	7.2 Min site Area Requirements	2,200 sqm	This covers all of 13-17 Canberra and part 19 Canberra Ave	Yes

Ref. Number	Item	Criteria - Measurement	Comments	DA Compliance Yes/No/NA
4.	7.3 Affordable Dwellings	Nil		N/A
5.	7.4 Minimum Recreation and community facilities	450 sqm for (external) recreation, 600sqm for community facility.  Community Facility comprises a Council operated childcare centre and a community hall  Recreation area to be adjacent to community facility	<b>450sqm for Recreation Area.</b>  DCP Fig18 shows this "recreation area" as "childcare courtyards". The green spine space loses 530 sqm of accessible open space. (12m wide 44m long).  This outdoor "recreation area" is surrounded by a 2.2m high fence with screen tree plantings. It is in effect, private space of the CCC that the Council will operate from 7 am to 7 pm Monday to Friday.  The rear set back is 12m for the building but is fully encroached at Level 1 by the childcare courtyard – thereby narrowing the green spine for the length of the building – and the balance of the site to the 6m set back on the Northern side. See plan Da – 0207.  The Landscape Plan shows tree plantings in the area, as does the architect's.  The Statement of Environmental Effects says no trees for safety reasons in this area. Pg 160  <i>"It is noted that trees are also proposed to be removed in the vicinity of the childcare outdoor play area in order to ensure the health and safety requirements under the Childcare SEPP are satisfied"</i>	<b>No</b>
			<b>Acoustics</b>  The Pulse White Noise Acoustic report raises issues.	

Ref. Number	Item	Criteria - Measurement	Comments	DA Compliance Yes/No/NA
			<p>To control noise in the childcare courtyard the area is designated "active play" and "passive play". The active play section has a solid roof cover (described as an "awning" in the architect's plans – Da -0207) treated for noise absorption.</p> <p>Refer section 6.2.2 of the Acoustic report by For full analysis. The key points are:</p> <p>The noise testing is on 4 hrs play per day – 2 hrs morning and 2 hrs afternoon usage <u>and assumes that all active play is under the acoustic shield</u>, and that passive play is outside it.</p> <p>Section 6.2.2.1 of their report details the acoustic treatment as follows:</p> <ol style="list-style-type: none"> <li>2. <i>The management of active and passive play is to be undertaken to include the following:</i> <ol style="list-style-type: none"> <li>a. <i>Active play to be located to the eastern portion of the external play area and below the required acoustic cover detailed in the point below.</i></li> <li>b. <i>Passive play to be located to the western portion of the external play area and can be undertaken beyond the external cover detailed in the point below.</i></li> <li>3. <i>A solid acoustic cover is required to be installed to the areas where active play is proposed to the eastern portion of the external play area. The cover is required to be constructed from a solid material such as 9mm FC sheet, metal deck, 10.38mm laminated glass or other solid building construction with a minimum R<sub>w</sub> of 25.</i></li> </ol> </li> </ol>	

Ref. Number	Item	Criteria - Measurement	Comments	DA Compliance Yes/No/NA
			<p>4. <i>The external cover should include a mix of glass and solid construction including approximately 50% of each.</i></p> <p>5. <i>An acoustically absorptive material is to be installed to the underside of the solid external cover (detailed in the points above). The material is to include a minimum acoustic performance of NRC no less than 0.60 and can include surface finishes or spray on materials.</i></p> <p>The Childcare courtyard area surface finish is designated as Tactile Ground Surface (TGS) in the LMP.</p> <p>The surface of the play area is therefore synthetic. No heat study of the roof – floor effect in an area where airflow may be limited – has been conducted. It is also noted that skylights are to be installed in the roof section to 50% of the cover. (Refer above).</p> <p><b>Other Comments</b></p> <p>As noted, the hours of operation are 7 am to 7 pm, Monday to Friday. Outside those the residents of the subject development can access it via a secure gateway on level one. There is no internal access for residents through the day care centre to the outdoor area.</p> <p>In the architect's summary of issues raised by the Design Review Panel relating to the child care outdoor space : <i>Advised by the council's property section, the child care outdoor space could be used by the precinct residents outside of the childcare hours. This will</i></p>	

Ref. Number	Item	Criteria - Measurement	Comments	DA Compliance Yes/No/NA
			<p>provide around 530 sqm of engaging outdoor play zone for both the residents and the public.</p> <p>This area is fenced off and seems to require a security key access –</p> <p>The area may not be accessible to other building's residents of the SLS precinct unless generic security codes are adopted and certainly not the public.</p> <p>See Fig 11 – Indicative Entry Points.</p> <p><b>Community Hall</b></p> <p>The 600 m community facility comprises a hall of 117 sqm + 34 sqm balcony and internal childcare space of 455 sqm.</p> <p>The community hall only appears to be accessible from the balcony on level 1. See architects plan No. Da-0207.</p>	
6.	7.5 Pedestrian links and roads	15 m wide strip – Canberra to Holdsworth	<p>A centric stepped plaza opposite the retail on Ground level compromises this East West link. There are steps up the gradient from Canberra to Holdsworth but no cycle access.</p> <p>There is no ramp access for prams strollers etc between Canberra and Holdsworth.</p> <p>See plan Da 0206.</p> <p>Also note the Architects response to the Design Review Panel as follows: (Pg 5).</p>	<b>No</b>

Ref. Number	Item	Criteria - Measurement	Comments	DA Compliance Yes/No/NA
			<p>1. <i>There is a significant level change between the building level to the residential lift lobby and apartments through to the community facilities, i.e community hall, childcare, green spine. A ramp/separated accessible doorway would be inefficient and hard to navigate in this tight space. The lift access provides the most direct and easy means to navigate the level change.</i></p>	
7.	7.6 Design Excellence	Consent subject to design excellence	<p>Evidence required. Who is on the panel? Who appoints them? What are their credentials? Are they truly independent? Copy of their evaluation report is requested.</p> <p>The Architects report various questions the Design Review Panel asked in a separate report. Three (3) meetings between Council the developer and the design review panel are reported to have occurred (SEE).</p> <p>The brief, report and a benchmark based evaluation methodology should be compassed in a report to be available to the public. At this stage Design Excellence – a key LEP factor - is a subjective extraction from closed meetings reported only by the developer's architect and then considered opaquely by the consent authority.</p> <p>Many of the issues raised have been disregarded.</p>	<b>No</b>

**DEVELOPMENT CONTROL PLAN REQUIREMENTS**

	<b>DCP Headings</b>	<b>Criteria - Measurement</b>	<b>Comments</b>	<b>DA Compliance Yes/No/NA</b>
	<b>4 Structure Plan</b>			
8.	<i>Urban Structure</i>	"Perimeter Block" building form supported by communal open space (green spines)	<p>"Perimeter block" not defined. According to Fig 11 in the DCP the green spines are truncated into eight different areas only accessible by the abutting unit towers through Secure entry points. On the basis of this Figure there is no connectivity between them.</p> <p>The only North South connectivity is the existing streets – vis Canberra Ave, Holdsworth Ave, Berry Rd and Park Rd.</p> <p>Depending on the number of unit buildings abutting each green spine the open space per resident will vary – mainly depending on the height of the building and the number of residents. For example the green spine block for the North end of Canberra is slated to have 19 storeys</p>	<b>No</b>
9.	<i>Land Use</i>	As per Fig 3		<b>Yes</b>
10.	<i>Heritage</i>	No impact on nearby heritage items	Subjective assessment	<b>Yes</b>
	<b>Access</b>			
11.	<i>Access Network</i>	As per Fig 4 DCP	East - West cycleway link not shown – Canberra Ave to Holdsworth Ave. No cycles in green spines. N-S existing roads only.	<b>No</b>
12.	<i>Roads</i>	Road/Lane Berry to Park. Close Berry Lane and reclaim along Park Rd	No mention of Canberra Ave closure. This matter needs resolution before the DA can be progressed – open space shortfall and traffic flow implications.  "The removal of these existing traffic facilities is acceptable given that Canberra Avenue (north of River Road) will be closed and no longer serve as a throughfare between River Road and Pacific Highway.	<b>No</b>

	DCP Headings	Criteria - Measurement	Comments	DA Compliance Yes/No/NA
			<i>The proposed closure will result in significantly lower traffic and vehicular-pedestrian conflicts</i> " (Transport and Traffic Planning Associates)	
			Other Road issues not relevant to this DA.	
13.	<i>Pedestrian and cycle links</i>	E-W pedestrian and cycle links. Ensure Green spines connect with pedestrian and cycle links Make provision for potential connection of Canberra Ave to the south, across River Rd via traffic lights to extend cycle way from St Leonards Station to Wollestonecraft station.	As noted the DA fails to meet this requirement  The issue of lights at Canberra Ave and River Rd is not addressed.	<b>No</b>
14.	<i>Sustainable transport</i>	Provide infrastructure to provide electric charging points to every car space within the internal parking basements (see Part R Council's DCP).	This is not evident from the Architect's plans. Transport and Traffic Planning Associates say:  <i>Pg 14 It is noted that the proposed development will provide 6 charging points/stations for electric vehicles. The charging point/station opportunities to be explored in the Detailed Design stage</i>	<b>No</b>
	<b>6. Infrastructure</b>			
15.	<i>Recreation areas</i>	Fig 6	Major item is Park Rd park. Timing of acquisition of this space is an issue. Area 5 – this DA - to provide "Multi-Purpose facilities". Refer above discussion.	<b>N/A</b>
16.	<i>Community facilities</i>	600sqm. Child care 450 sqm. Community Hall 150 sqm. Adjacent recreation are 450sqm	This issue has been dealt with above under the LEP review.	<b>No</b>
17.	<i>Affordable Housing</i>	Fig 7	None required for this Area 5	<b>N/A</b>
18.	<i>Utility Services</i>	All underground on site	Sub Station is on Ground Floor	<b>Yes</b>
	<b>7. Built Form</b>			
18.	<i>Amalgamation</i>	Sites to be amalgamated as per Fig 8		<b>Yes</b>
19.	<i>Building Envelope</i>			



	DCP Headings	Criteria - Measurement	Comments	DA Compliance Yes/No/NA
20.	Front building setbacks	4m at street level + 3m at and above level 6	The architect's plan for the ground floor show the 4m set back only being achieved on about 50% of the Canberra Ave street frontage. Refer Da 0207 in Appendix I - NATHERS and BASIX Stamped Plans - 13-19 Canberra Ave, St Leonards - DA162/2021	No
21.	Back building setbacks	12m min to rear boundary of an area	The rear set back is compromised at Level 1 by the outdoor childcare space	No
22.	Building separation	As per ADG/SEPP 65 Pg 37 <b>Nine storeys and above (over 25m):</b> <ul style="list-style-type: none"> <li>• 24m between habitable rooms/balconies</li> <li>• 18m between habitable and non-habitable rooms</li> <li>• 12m between non-habitable room</li> </ul>	24m separation required – ie 12m on each adjoining site.  It is noted that the building envelope on the Ground Floor extends to both boundaries. The Archway on the southern, retail side and the sub station on the northern side.  This appears to contravene the ADG guidelines	No
23.	Building depth	Max 18-22m as per Fig 9 DCP	Building is 26 m deep. Source: Pg 152 SEE "The proposal exceeds the building depth requirement of 22m being 26m"ie 18% greater than DCP. See, for example Plan DA 0210 Appendix I - NATHERS and BASIX Stamped Plans - 13-19 Canberra Ave, St Leonards - DA162/2021	No
24.	Building orientation/length	35m unless "strongly articulated". River Rd fronting properties excepted		No
25.	Height in Storeys	12 Storeys. See Fig 10 DCP. This Fig also shows "New Open Space" being closure of Canberra Ave	Exceeded. 15 stories. (Ground, Upper ground then 1-13). Refer memo from Adrian Moore LCC to Henry Burnett 26/11/2021. "Number of Storeys contained in building – 15".  Refer also Credwell Report – pg 4  1 Introduction	No

	DCP Headings	Criteria - Measurement	Comments	DA Compliance Yes/No/NA
			<p>Building Location</p> <p>The development being the subject of this report is proposed to be located at 13-19 Canberra Avenue, St Leonards NSW 2065. The proposed development consists of a fifteen (15) storey residential apartment building with a total of eighty-four (84) residential units. The building also comprises of one commercial tenancy, childcare, gym, community centre, and associated facilities and a four-level car park located within the Basement with 136 car park space. The main pedestrian entrance to the residential component is located on Canberra Avenue.</p> <p>The classification of each 15 levels in the development as a storey is consistent with, and meets the definition of Storey, under the Standard LEP definition which is:</p> <p><b>LEP Dictionary</b></p> <p><b>storey</b> means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include—</p> <ul style="list-style-type: none"> <li>● a space that contains only a lift shaft, stairway or meter room, or</li> <li>● a mezzanine, or</li> <li>● an attic.</li> </ul> <p>The concept of “Part Storey “ referred to in the DCP is not a defined term under the Standard Instrument or the DCP and therefore has no status.</p>	

	DCP Headings	Criteria - Measurement	Comments	DA Compliance Yes/No/NA
			<p>The reference to Clause 4.6 (8)B (cb) on pg 187 of the LCC LEP is irrelevant. The variation to create a part storey is not contemplated by Cl 4.6.</p> <p>This is further evidenced by the excavation diagrams and the architect's plan.</p> <p>The available GFA of the Ground Floor, Upper Ground floor, Level 1 and all other floors are the same. That the developer has chosen to use <i>some of the Ground and Upper Ground floor for access</i> etc does not make them any less a storey. Dwellings are also located on the Ground Floor and Upper ground floor.</p> <p>A storey is not a storey ONLY if it (the space) contains a lift shaft, stairway or meter room, or a mezzanine or an attic.</p> <p>Adding these together gets a ground floor and 14 levels above it making 15 stories.</p>	Yes
26.	Solar Access	Compliance with ADG.		Yes
27.	Building floor levels	"Shall have regard to Fig 18 to facilitate the creation and access to Green spines"	This is not varying the DCP other than to ensure floor levels (level 1 in this development) aligns with the green spine.	Yes
28.	Incentives	As per LEP above	The FSR uplift requires amendment. It was originally calculated on the basis that the 600sqm community facilities were base a site comprising 13-17 Canberra Ave only. Not 13-19 Canberra Ave. FSR to be reduced accordingly.	No
29.	Pedestrian entry / address		See Fig 11 showing fencing of all green spines. Ramps minimized. No pram or pusher ramps on East West access	Yes
30.	Edge Treatments	Limit basement protrusions to 1.5m	One entry point for all units. As noted above, the childcare courtyard 530 sqm extends into the green spine, and is fenced off with secure access.	Yes

	DCP Headings	Criteria - Measurement	Comments	DA Compliance Yes/No/NA
31.	Transition to lower densities	Park Rd		N/A
32.	Vehicle access	Street frontage from lower level. Entry point in Canberra Ave to Allow for Canberra Ave South closure	<p>Traffic flow modelling to be reviewed. There are bold assumptions that Canberra Ave South will be closed off. The assumptions re CCC and “dual school trips” is very questionable as an argument of reducing traffic flow volumes.</p> <p>Extract Statement of Environmental Effects.</p> <p><i>Objective: To provide a safe and connected environment for pedestrians both on and around the site.</i> <i>(SEE Pg 102)</i></p> <p><i>C36 The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</i></p> <ul style="list-style-type: none"> <li>• <i>separate pedestrian access from the car park to the facility</i></li> <li>• <i>defined pedestrian crossings included within large car parking areas</i> <b>CARS STILL PARKING AT SAME TIME AS PEDESTRIANS/CHILDREN WALKING</b></li> <li>• <i>separate pedestrian and vehicle entries from the street for parents, children and visitors</i></li> <li>• <i>pedestrian paths that enable two prams to pass each other</i> <b>NOT DEMONSTRATED</b></li> </ul>	No
33.	Parking	Parking in basements under building footprint – note deep planting zones in LMP. Under green spine after two basement levels		Yes
34.	Landscape <i>Landscape Master Plan</i>	See LMP	There are inconsistencies between the LMP and the Statement of Environmental Effects and the Arborist's report. Eg trees in outdoor CCC area.	No

	DCP Headings	Criteria - Measurement	Comments	DA Compliance Yes/No/NA
34 A	<i>Open space Configuration</i>	See Fig 8.14 DCP	All green spines are depicted as communal open space in Fig 14 – but note enclosed childcare courtyard in Fig 11 and other secure gates and fences surrounding each of the 8 green spine areas.  The outdoor CCC area is designated as Tactile Ground Surface (TGS) in LMP. It is synthetic – yet it is described as part of the “green spine”.	<b>No</b>
35.	<i>Public Domain</i>	Extension to Newlands Park	To be designed if Canberra Ave South is closed	N/A
		Pocket Parks	As per plans	N/A
		Street Trees	As per LMP	N/A
		E-W Pedestrian links	As per LMP – No integrated bike ramps or SUP for prams – strollers etc – yet the traffic report for the CCC assumes many children will be walk-ins from the precinct.	<b>No</b>
36.	<i>Private Domain</i>	Tree Conservation – Removal. See Fig 16 DCP	All existing trees in Canberra Ave to be removed and replaced with street species as per the LMP. This provision is contrary to the overall LEP/ Vision  It is also contrary to the SEE comments on retaining street trees.	<b>No</b>
37.	Communal Open space – green spines	<i>Facilitate the creation of integrated communal open space (Green spines) with extensive deep soil zones.  Ensure that communal open space facilities (swimming pools, activity areas, playgrounds, barbeque areas etc) are located and designed to minimise negative impacts on adjacent residential apartments</i>	Green spines in DCP Fig 17 do not show the intrusion of child care courtyards. “The recreation areas adjacent to the community facilities in areas 5 and 17 Green spine and all residual rear set back area are <b>to be incorporated</b> into the Green spines”. The recreation areas are playgrounds and are fenced off from the green spine – see Fig 11.  Site Entry points to be provided at the connection of the green spines to the public domain. It does not appear that residents of Areas 1-6 access can access other green spines – as these appear to be the back yards for each unit block that surrounds the relevant	<b>No</b>

	DCP Headings	Criteria - Measurement	Comments	DA Compliance Yes/No/NA
			green spine area. It is assumed site entry points are key pads – not safety latches – so as preserve privacy from public intrusion.	
			Fig 18 contains little detail on “transition accessible with ramps”. Gradients etc not clear. It is also noted substantial earthworks will be required to create the “Flat Areas” indicated. More detail is required as to how this will be achieved and the gradients to be dealt with.	
38.		North South Grade Transitions	Ramps or stairs – bicycles, prams strollers – not clear	<b>No</b>
39.		East – West grade transitions	Ramps or stairs – bicycles, prams strollers – not clear	<b>No</b>
40.		Front Courtyards and setbacks	Front setbacks to be deep soil and to be treated as front gardens to Ground Floor or basement units	<b>Yes</b>
41.		Private courtyards at ground level	Private courtyards can extend 1m into green spines	<b>Yes</b>
42.		Edge treatments	As per LMP	
43.		Roof Terraces	Encouraged. Lift accessible. Communal facilities shall be provided. Enclosed space and shelter for communal activities not counted as a storey.	<b>Yes</b>
44.		Public Art	Each area to have a public art strategy to integrate with their landscape plans equal to 0.1% of development construction value to be provided (\$30,513 – Area 5)	<b>Yes</b>
	<b>9. Environmental/Sustainability</b>			
45.	<i>Environmental performance</i>	6 star rating under Nationwide House Energy Rating System by a suitably qualified person.		<b>Yes</b>
46.	<i>Wind Impact</i>	Comply with Cl 6.2 of Council's DCP	Not established for childcare courtyard. Subjective assessment only at this stage.  Serious issues raised. <b>Refer Part B LCC DCP Pg 14</b>	<b>No</b>

	DCP Headings	Criteria - Measurement	Comments	DA Compliance Yes/No/NA
			<p>"Design buildings to minimise the adverse wind effects on recreation facilities on podium terraces within developments. A Wind Effects Report is to be submitted with the DA for all buildings within the St Leonards precinct taller than 40m above street level"</p> <p>Refer also the Windtech Consultants report pg iv</p> <p>Nonetheless, wind tunnel testing is recommended to be undertaken at a more detailed design to quantitatively assess the wind conditions and to optimise the size and extent of the treatments required</p>	
47.	Green roofs	To be considered		N/A
48.	Green walls – vertical gardens	Encouraged		N/A
49.	Water Management and Conservation	Potable Water	No compliance standard	N/A
50.		Urban Stormwater –	Collect store and treat on site. See part O of Council's DCP (Storm water management)	
51.		Flood Management.	Provide detention tanks. See LMP	