

Attachment 1

RFI Detailed Response

MG Planning Pty Ltd

1. Building Height

Council has indicated that the proposed height of the development may exceed the incentive building height based on relevant modelling. To clarify this matter additional information has been sought including further detail on model alignment. Further survey information has been obtained and a new digital model generated. This is provided at **Attachment 4**. The revised architectural plans at **Attachment 2** include height plane diagrams (refer A0400) which clearly illustrate that the scheme fully complies with the LEP height limits of 31, 15 and 2.5m.

In addition, Council has indicated that the proposed fin elements or above ground planter boxes encroaching into the required 24m wide green spine would be contrary to the maximum 2.5m green spine building height development standard under the LEP. Council has requested that these elements be deleted.

The amended architectural plans at **Attachment 2** provide a separation between Buildings A and D and Buildings B and C of 24m from all structural amendments of the buildings. This is as per Council's 'shape file' which it is understood details the location of the 2.5m maximum height zone set out on the LEP map. The design has been amended so that the building slabs edges have been reduced by 50mm such that they do not protrude into this area (refer Plan A0610 at **Attachment 2** and Figure 1 below for detail).



Figure 1: Green Spine Detail Section A0610

Accordingly, the only remaining projections above the 2.5m maximum height zone are lightweight non-structural screening elements attached to the buildings but which do not form part of the structure of the building. These elements do not extend to the ground below and are merely add on elements to improve the appearance of the buildings and the internal amenity of units by providing shading. They are not therefore measured for the purposes of the height control. This is standard planning practice and has been confirmed as a correct interpretation in legal advice provided by Corrs Chambers Westgarth at **Attachment 5**. It is therefore considered that there is no height non-compliance in respect of the LEP height limit within the 2.5m green spine zone and that there is therefore no impediment to the proposal being approved with the subject fin elements and above ground planter boxes projecting above the green spine zone.

2. Number of Storeys

Council has raised concern that Building C is at least 9 storeys and is non-compliant with Figure 10 of Locality 8 – St Leonards South Precinct of Part C Residential Localities LCDCP 2010 which permits a maximum of 8 storeys. Further concern has been raised that Building A is 8 storeys and not stepped between 6 and 8 storeys in accordance with Figure 10 of the DCP

In response to Council's concern the proposed development has been amended to remove 1 full storey from Building C and to step Building A as suggested (refer Figure 2 below).

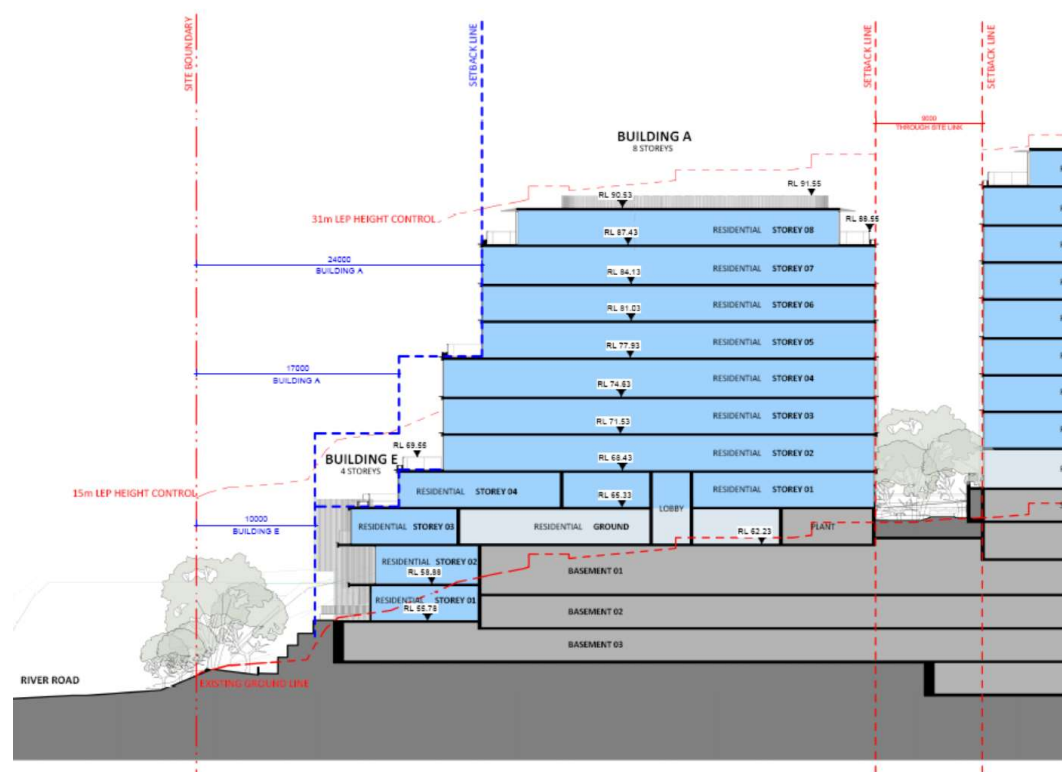


Figure 2: Extract of Section 01 A0300

Council has also raised concern about the inclusion of 'part storeys' within the proposal. As outlined in our covering letter, the proposal has regard to the definition of a 'part storey' as it applied at the date the DA was submitted. It is considered that this is reasonable and appropriate notwithstanding that Council has sought to exclude the amendment from the DCP savings provision. In any case Council is advised that the LEP maximum height (statutory planning provision) prevails over the DCP storey control (guideline provision) and that in accordance with section 3.43(5) of the Act the DCP storey limit has no effect as it is inconsistent or incompatible with the height provision contained within LCLEP 2009. For clarity the Act states:

3.43 Preparation of Development Control Plans

(5) A provision of a development control plan (whenever made) has no effect to the extent that—

(a) it is the same or substantially the same as a provision of an environmental planning instrument applying to the same land, or

(b) it is inconsistent or incompatible with a provision of any such instrument.

As stated above, the amended proposal fully complies with the maximum number of storeys specified in LCDCP 2010 when applying the definition of a 'part storey' as in place at the date of DA lodgement. It also fully complies with the maximum LEP height limit with no variations.

3. Building Setbacks

Concern has been raised that the proposal does not comply with the DCP setbacks in particular in respect of the River Road frontage at and above Level 6 and the Holdsworth Avenue frontage for Building C at Level 6 and above. In this regard the proposal has been redesigned to comply with, or exceed, all required setbacks (refer **Attachment 2**) as set out in Table 1 below.

Table 1: Setbacks

LEVEL	STOREY	DCP SETBACK	PROPOSED	COMPLIANCE
Building A				
<i>Berry Road setback</i>				
Ground (pt. storey)	n/a	n/a	4m	n/a
Level 1 – 4	1 - 4	4m	4m	✓
Level 5 – 7	5 - 7	4m + 3m = 7m	7m	✓
Level 8	8	4m + 3m = 7m	8m	✓ +
<i>River Road setback</i>				
Level 1	n/a	10m	17m average	✓ +
Level 2	n/a	10m	20.5m average	✓ +
Level 3	n/a	10m	20.5m average	✓ +
Level 4	n/a	17m	20.5m average	✓ +
Level 5	n/a	17m	24m (average)	✓ +
Level 6	n/a	24m	24m (average)	✓

LEVEL	STOREY	DCP SETBACK	PROPOSED	COMPLIANCE
Level 7	n/a	24m	24m (average)	✓
Level 8	n/a	24m	27.5m (average)	✓ +
Building B				
<i>Berry Road setback</i>				
Ground (pt. storey)	n/a	n/a	4m	n/a
Level 1 – 4	1 - 4	4m	4m	✓
Level 5 – 7	5 - 7	4m + 3m = 7m	7m	✓
Level 8	8	4m + 3m = 7m	8m	✓ +
<i>North boundary setback</i>				
Ground, Level 1 - 2	G -1	4m	4m	✓
Level 3 -6	2-5	6m	6m	✓
Level 7	6	6m	9m	✓ +
Level 8	7	6m	9m	✓ +
Roof	8	6m	12m	✓ +
Building C				
<i>Holdsworth Ave setback</i>				
Ground (pt. storey)	n/a	n/a	4m	n/a
Level 1 – 4	1 - 4	4m	4m	✓
Level 5 – 7	5 - 7	4m + 3m = 7m	7m	✓
Level 8	8	4m + 3m = 7m	8m	✓ +
<i>North boundary setback</i>				
Ground, Level 1 - 2	G -1	4m	4m	✓
Level 3 -6	2-5	6m	6m	✓
Level 7	6	6m	9m	✓ +
Level 8	7	6m	9m	✓ +
Building D				
<i>Holdsworth Ave setback</i>				
Ground (pt. storey)	n/a	n/a	4m	n/a
Level 5 – 7		4m + 3m = 7m	7m	✓
Level 8		4m + 3m = 7m	8m	✓ +
<i>River Road setback</i>				
Level 1	n/a	10m	23.5m (average)	✓ +
Level 2	n/a	10m	23.5m (average)	✓ +
Level 3	n/a	10m	23.5m (average)	✓ +
Level 4	n/a	17m	23.5m (average)	✓ +
Level 5	n/a	17m	23.5m (average)	✓ +
Level 6	n/a	24m	30.5m (average)	✓ +
Level 7	n/a	24m	33.5m (average)	✓ +
Level 8	n/a	24m	37.5m (average)	✓ +
Building E				
<i>River Road setback</i>				
Basement 04 (SE)	1	10m	10m	✓
Basement 03	1-2	10m	10m	✓
Basement 02	1-3	10m	10m	✓
Basement 01	4	17m	17m	✓
	2-3	10m	10m	✓

LEVEL	STOREY	DCP SETBACK	PROPOSED	COMPLIANCE
Ground	4	17m	17m	✓
	3	10m	10m	✓

Accordingly in the amended design all buildings either comply with or exceed the DCP setbacks. It is noted that given the splay of the River Road boundary an average 24m setback (for Building A on Level 5 and above and on Building D on Level 3 and above) has been applied to allow for a logical building layout. Council has advised that it agrees with this approach given the particular site circumstances.

4. Building Articulation

Council has advised that it will not support any above ground building articulation encroachments into the minimum building and green spine setback areas. This is a highly unusual and we consider an unsupportable position. Building setbacks are measured to the building wall as defined in LCLEP 2009 as follows:

***building line** or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and—*

(a) a building wall, or

(b) the outside face of any balcony, deck or the like, or

(c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

(Source: Lane Cove LEP 2009 Dictionary)

This is a standard definition which is included in the Standard LEP Instrument and which applies across the State. Lightweight projections such as fins as proposed are clearly not included and may project past the setback line as proposed in the amended application. These elements as discussed at section 1 above (and in the legal advice at **Attachment 5**) do not form part of the building proper and do not 'read' as adding to the bulk of the building. Rather they add to the buildings' sustainable performance providing shading and climate controls to the units. In addition they contribute significantly to the presentation of the building and to the achievement of design excellence as required by Council. They have therefore been retained in the amended proposal and Council's support for their retention is requested. Notably the only thing that would be achieved by their deletion is a reduction in the quality of the building's presentation and the internal amenity of units. It is assumed that this is not Council's intent particularly given its stated objective that buildings achieve design excellence.

5. Building Separation

Council has indicated that the proposal seeks a technical departure from the habitable building separation standards within the ADG to the northern boundary without sufficient detail to substantiate a non-habitable interface. Further information is also sought on the relationship with future development in Areas 16 and 17 to the north.

Additional plan A0216 (as shown in Figure 3 below) is included in the amended architectural set at **Attachment 2** to further detail the proposed northern façade treatment for Buildings B and D. A 6m setback is proposed for Levels 1 – 4 (4 storeys) of Building B and 2 - 4 (3 storeys) for Building C. The ADG requires a 12m separation between habitable and habitable interfaces up to 4 storeys. This therefore requires a 6m setback on the subject site which is as proposed.

Notwithstanding the design incorporates a primarily non-habitable façade on the frontage with units facing internally to the green spine or externally to the street frontage. Centrally located windows on the northern frontage of Buildings B and C up to 4 storeys are to be treated with colourback glass and aluminium batten privacy screens. Balconies to the east and west will be primarily oriented to the street however will have a habitable interface to the north. This approach will enable a habitable frontage on the adjacent development site to the north with a 6m setback providing for the required 12m habitable to habitable separation distance.



Figure 3: Extract of Section 01 A0216

Above 4 storeys the buildings are setback 9m (refer Figure 4 below). The ADG requires an 18m separation for buildings between the 5th and 8th storeys for a habitable to habitable interface. Accordingly, this setback is also fully complies with the ADG requirement and allows for a habitable frontage on the adjacent development sites to the north.

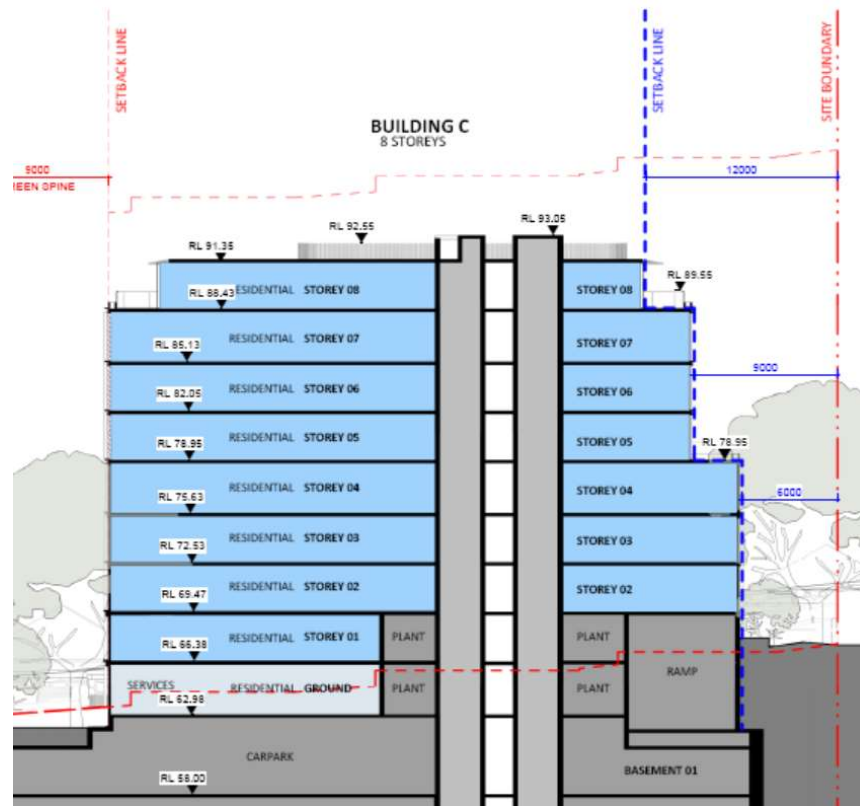


Figure 4: Extract of Section 01 A0303 Section 04

A non-compliance with the ADG is not therefore proposed with both Buildings B and C fully compliant with the ADG required separation distances.

6. Floor Space Ratio

Council has noted that the submitted FSR calculation floor plans do not match the individual floor plan levels. KTA has revised all plans and confirmed that the floor plans are fully consistent with the GFA calculation plans, that is, they match on a 'like for like' basis (refer **Attachment 2**).

7. Environment and Health

Contamination

The RFI notes that a detailed site investigation (DSI) is required to provide more complete and definitive information on issues raised in the preliminary site investigation (PSI). In this regard Douglas Partners has provided further correspondence (refer **Attachment 6**) confirming that having

regard to the PSI in its opinion the site in general has a low risk of high level or widespread contamination, particularly given the residential history. Douglas Partners notes that in its experience, if the existing buildings have hazardous materials (e.g., asbestos or lead based paint) then the demolition of those buildings (if not managed well) can change the dynamic of soil contamination within the site. As such, it advises that conducting a DSI post demolition of the buildings provides the greatest representation of site condition at a more appropriate point in time (i.e., post-demolition). The removal of the buildings also provides access for test pitting, which is far more appropriate for visual assessment and field screening for fragments of fibre cement sheeting potentially containing asbestos. Douglas Partners has therefore recommended that a DSI be conditioned as part of the Construction Certificate. We note that Council has agreed that this approach is suitable by email dated 21 September 2022 (also at **Attachment 6**).

Acoustic report

Council has noted that section 3.5 of the Acoustic Report submitted with the DA is missing. This was an error in numbering only and has now been rectified. The amended Acoustic report is included at **Attachment 7** for your information.

Erosion and Sediment Control

Council has further requested that the Erosion and Sediment Plan previously included at Appendix 15 be submitted. A revised ESCP dated 5 August 2022 is provided at **Attachment 8**.

8. Landscape Master Plan (LMP)

Further landscape information and design amendments has been sought to address consistency with the St Leonards South Landscape Masterplan. Aspect Studios (landscape), LTS (survey) and Lawrence and Co (arborist) have worked through the required additional information and design amendments with Council and the architects which has resulted in amended Landscape Plans (**Attachment 9**) and an amended Landscape Design Report (**Attachment 10**). These are submitted for Council's consideration and address all issues raised. A summary of the response is provided in Table 2 below.

Table 2: Additional Landscape Requirements

REQUIREMENT	REFERENCE / NOTE
Further Information	
Site Survey (including all trees within 5m)	Refer survey plan at Attachment 11 and additional Arborist advice at Attachment 12
Arboricultural Impact Assessment (addressing all trees within 5m)	Refer Arborist report at Attachment 12
Development Application Checklist	Refer end of Attachment 9
Survey Plan	Refer survey plan at Attachment 11
Proposed Tree Protection Measures	Refer additional Arborist advice at Attachment 12

REQUIREMENT	REFERENCE / NOTE
Landscape calculations	Refer to Landscape Drawing set at Attachment 9 and Landscape Design Report at Attachment 10
Planting Plan	Refer LA301-302 at Attachment 9
Bulk Earthworks Plan	As discussed with Council, a bulk earthworks plan is not required at this stage although a civil plan has been provided at Appendix 15 of the DA set. A tree management plan (with tree number, SRZ/TPZ, and existing levels around trees to be retained) to demonstrate the tree retention strategy is included in the Landscape Drawing set at Attachment 9 .
12 month maintenance plan	Refer to Landscape Notes Attachment 9 LA701
Detail of raised planter boxes	Refer to landscape drawing Attachment 9 LA601-603. The design will be further coordinated with architecture and engineer input at the detailed design stage.
Detail of irrigation system	As discussed with Council, an illustrative irrigation diagram and irrigation performance specification have been added to the landscape drawing set (refer Attachment 9 LA-405 & 701)
Communal open space outlined and calculations	Refer Landscape Design report at Attachment 10 .
Design Amendments	
Revised landscape calculations	Refer to Attachment 9 and 10 Drawing LA401-406.
Sections and elevations	Refer to Attachment 9 Drawing LA-501 - 504
Design of green spine mostly deep soil (including calculations)	Refer to Attachment 9 Drawing LA-402 – Note: Deep soil in the green spine area has been measured consistent with Council's approval of recent St Leonards South DAs: DA/162/2021 - 13-19 Canberra Avenue; and DA/99/2021 - 21 to 41 Canberra Avenue and 18 to 32 Holdsworth Avenue. All area measured is deep soil to the core of the earth with no basement structure below. Notably the area below pathways is free draining soil available for tree root spread and growth and therefore meets the intent of deep soil within the Green Spine which is to ensure that trees have sufficient soil to grow to their maximum height at maturity.
Planting of deep soil in accordance with LMP	Refer to Attachment 9 Drawing LA-402
Planting plan including plant schedule (botanic name, common name, container size, quantity, mature height and spread)	Refer Attachment 9 – planting schedule added as discussed with Council. Proposed tree quantities also added for small, medium and large trees. Detailed planting plan and quantities to be submitted to Council's Landscape Architect for review at the detailed design / documentation phase for sign-off.
Soil volumes	Refer to Attachment 9 Drawing LA-406
Retailing walls	Refer to Attachment 9 Drawing LA-603. Details are to be coordinated with architecture and engineering design at the detailed design stage,
Facilities matrix	Refer to Attachment 10 Landscape Design report

REQUIREMENT	REFERENCE / NOTE
Omit hard surfaces from deep soil calculations (deep soil to be >51% of green spine)	As noted above deep soil in the green spine area has been measured consistent with Council's approval of recent St Leonards South DAs: DA/162/2021 - 13-19 Canberra Avenue; and DA/99/2021 - 21 to 41 Canberra Avenue and 18 to 32 Holdsworth Avenue. All area measured is deep soil to the core of the earth with no basement structure below. Notably the area below pathways is free draining soil available for tree root spread and growth and therefore meets the intent of deep soil within the Green Spine which is to ensure that trees have sufficient soil to grow to their maximum height at maturity.
Private open space typologies – roof gardens (accessible roof gardens and green roof locations to be included)	Refer to Attachment 10 Landscape Design report. No green roofs have been proposed.
Access to areas 16 & 17 – to be provided from Green Spine	Pedestrian access from Green Spine through to Areas 16 and 17 to the north has been provided on the revised design (refer Attachment 9)
Tree protection measures – to be included	Refer to additional Arborist advice at Attachment 12 and tree management plan at Attachment 9 LA-401 .
Levels plans LA-111 and LA-112 – to be further resolved including retaining structures	Further resolution provided including levels plans at 1:100 scale as required. Refer Attachment 9 Drawing LA-201-205.
Details – construction details and labels to be reviewed	Details revised as outlined on revised landscape drawings at Attachment 9 . To be coordinated with architecture and engineering at the detailed design stage for additional inputs.

A total of 103 trees are proposed to be removed on site to provide for the proposal however 133 trees are to be planted (ratio of 1:1.3 where 1:1 required). Further 25 large, 55 medium and 53 small trees are proposed. In addition the number of medium - large trees ($80/133 = 60\%$) which exceeds Council's 50% requirement.

All relevant matters have been addressed to ensure consistency with the LMP.

9. Accessibility

A more comprehensive access report has been requested to address compliance with LCDCP 2010 – Part F – Access and Mobility. An updated access report has been prepared by ABE Consulting and is provided at **Attachment 13**. The report includes a review of the relevant project design documentation to determine the compliance status of the proposed development against Part D3, Clause F2.4 and Clause E3.6 'deemed-to-satisfy' (DtS) requirements of the Building Code of Australia 2019 Amendment 1 (BCA), The Disability (Access to Premises - Buildings) Standards 2010 and the Australian Standards. In addition it provides an assessment of the proposed visitable & adaptable housing units against the AS4299-1995-Class C checklist.

Following the review and with the adoption of the recommendations/Performance Solutions proposed, ABE Consulting has confirmed that at the Development Application stage of design, the development readily achieves compliance with the referenced BCA/Australian Standards and adaptable housing unit provisions.

10. Apartment Design Guide (ADG)

The RFI letter notes that Apartments A004 and A107 are both 3-bedroom apartments with two bathrooms that are below the minimum 95 sqm area required under the ADG. The amended plans have rectified this error. A004 has become A005 in the amended set and has an area of 101m². Further A107 has been amended to a 2 bedroom 2 bathroom plus study unit and has an area of 93m² which is compliant with the minimum ADG requirement of 75m².

The revised Architectural Design Report at **Attachment 14** includes design certification and an assessment of the amended proposal against the ADG requirements. As clearly illustrated the proposal complies with all requirements.

11. Aboriginal Heritage

An Aboriginal heritage due diligence assessment has been requested by the Aboriginal Heritage Office (AHO). An assessment has been prepared by RPS and is provided at **Attachment 15**. In summary the assessment concludes:

No Aboriginal archaeological sites, objects, PADs or Places were located within the project area. The proposed works are considered unlikely to harm Aboriginal objects, sites or PADs. No Aboriginal heritage constraints have been identified for the site of the project area.

Due to historical disturbance and modification of the landscape at the location, the project area is considered to have low to nil archaeological potential to retain extant archaeological sites, objects, or PADs. No further investigations or assessments are required within the project area in relation to Aboriginal heritage.

12. Submissions

Council has requested that the Applicant review submissions received following notification of the DA with a view to provide for opportunities to positively respond to the issues raised. In particular Council has suggested the consideration of issues such as averaging of FSR, solar access and ventilation etc. Council has noted that should such averaging have occurred, strong justification should be provided for adopting such an approach.

A total of seven (7) public submissions and one (1) agency submission were received in respect of the subject application. A Response to Submissions Table is included at **Attachment 16**. The table summarises the concerns raised in the submissions and provides a response to each.

TfNSW has provided advice that it has no objection to the DA as the proposed development is not likely to have a significant impact on the arterial road network. However, it has noted that the proposal falls within the St Leonards South precinct where monetary contributions should be made toward local and regional transport infrastructure. It is noted that a VPA offer has been made in this regard and that conditions of consent are likely to be imposed.

13. Design Review Panel (DRP) Comments

Council has indicated that the SEE has not adequately dealt with all the issues or concerns raised by the Design Review Panel in December 2021. A more comprehensive response has been requested.

In accordance with LCLEP 2009, development within St Leonards South may utilise incentive height and FSR provisions in accordance with Clause 7.1 where the proposal is considered to achieve design excellence. In this regard it is noted that a previous iteration of the proposal was considered by the North Sydney Regional Organisation of Councils (NSROC) Design Review Panel, most recently at its Design Excellence Meeting of 14 December 2021.

The DRP considered the then proposal against the nine design excellence principles including: (1) Context, (2) Built Form + Scale, (3) Density, (4) Sustainability, (5) Landscape, (6) Amenity, (7) Safety, (8) Housing Diversity + Social Interaction, (9) Aesthetics. Comments made by the DRP have been addressed as outlined at **Attachment 17**. Further Table 3 below assesses the amended proposal against the LEP design excellence requirements.

Table 3: LC LEP 2009 Clause 7.6 Design Excellence Requirements

REQUIREMENT	RESPONSE
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	The proposal demonstrates a very high standard of architectural design and utilises high quality materials and finishes and design elements to ensure a building of design excellence.
(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,	The proposed new buildings will provide a significant new contribution to the public domain in accordance with Council's vision for the area. The development is a transit oriented development of exceptional quality and form which has been designed having regard to the character of the area and set within an expansive landscape setting. It presents a human scale to the street, steps down the site consistent with the topography and ensures that taller elements are setback and recessive. It will provide high quality landscaping to

REQUIREMENT	RESPONSE
	the street and internally and ensures adequate solar access to public domain areas.
(c) whether the development protects and enhances the natural topography and vegetation including trees or other significant natural features	The proposal steps down the site in accordance with the topography of the area and Council's vision for the precinct. It will provide a high level of landscaping consistent on all street frontages and within the central connected green spine area consistent with Council's LMP and DCP requirements. While trees will be removed to allow for the proposed development substantial replacement planting at a rate of 1:1.3 is proposed (exceeding the 1:1 required) and ensuring that over time the landscape character of the area will be improved. Further 60% of trees to be planted will be medium to large trees where only 50% is required.
(d) whether the development detrimentally impacts on view corridors	The proposal will not impact on any view corridors.
(e) whether the development achieves transit-oriented design principles, including the need to ensure direct, efficient and safe pedestrian and cycle access to nearby transit nodes,	The proposal achieves a transit oriented design connecting the site to nearby transit nodes and providing a development that will have low reliance on motor vehicles due to its location and accessibility, low parking provision and high level of pedestrian and cycle connectivity.
(f) the requirements of the <i>Lane Cove Development Control Plan</i>	<p>The proposal is highly compliant with the requirements of the LCDCP. As amended it complies with all setback requirements, the maximum storey height and provides a stepping down of buildings towards River Road in accordance with the storey provisions. Further it includes part storeys consistent with the DCP definition as it applied at the date of DA lodgement. This is considered fair and equitable with the part storeys being the result of the significant site slope.</p> <p>While it is noted that the proposal does not comply with all DCP requirements it is noted that this provision does not require full compliance rather requires the consent authority to consider the requirements of the DCP in determining whether the proposal represents design excellence. The variations proposed by the development from the DCP requirements are justifiable and a result of the site specific conditions. Further notwithstanding these variations the proposal represents design excellence.</p>
(g) how the development addresses the following matters	
(i) the suitability of the land for development	The site is highly suited to the proposed development and a high level of care has been taken in the design to ensure that it responds to site specific characteristics. Further the amended scheme responds to all issues raised by Council and the DEP.

REQUIREMENT	RESPONSE
(ii) existing and proposed uses and use mix	The proposal provides for a high density residential development on site in accordance with Council's planning controls and vision for the site. The unit mix is consistent with Council requirements of a minimum of 20% 1 bedroom, 2 bedroom and 3 bedroom units.
(iii) heritage issues and streetscape constraints	No heritage issues apply to the site. The proposal provides a high quality streetscape presentation to all frontages and a human scale to the street. All buildings have clear and identifiable building entries and the upper levels of buildings are setback to ensure a strong street wall with recessive upper elements. Materials and finishes are of a high quality such that they will ensure an exceptional design quality that is durable and low maintenance thus ensuring a continued high quality presentation over time.
(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form	The proposal complies with all ADG separation distances and has been designed to have regard to adjacent development stepping down to the periphery of the precinct on the River Road frontage and connecting east, west and north via high quality, accessible landscape connections. Further colourback glazing and screening to window openings have been provided to enhance privacy and amenity.
(v) bulk, massing and modulation of buildings	The building massing and modulation is in accordance with LCDCP 2010 and highly modulated and articulated. The building steps down the site consistent with the topography and although a significant change from existing development on site, will provide a high quality development consistent with Council's vision for the area.
(vi) street frontage heights	The proposed street frontage heights are in accordance with LCDCP 2010 and will provide a human scale. Upper levels of building are setback significantly behind the street wall height thus ensuring these levels do not dominate the street frontage.
(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity	The proposed development will not result in any unacceptable environmental impacts and will ensure a high level of amenity for future residential and the public domain.
(viii) the achievement of the principles of ecologically sustainable development	The Proposal has been designed in accordance with ESD principles and incorporates significant ESD initiatives as outlined in the ESD report (refer Attachment 18). Further the inclusion of a high level of landscaping both on site and within the building design itself will ensure the development contributes significantly to the tree canopy coverage in accordance with State and local targets.

REQUIREMENT	RESPONSE
(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,	The proposal is well designed and provides for appropriate vehicular access, circulation and parking whilst also prioritising pedestrian and cycle accessibility. Parking is also provided in accordance with Council requirements.
(x) the impact on, and any proposed improvements to, the public domain	The proposal will result in significant improvements to the public domain providing a high quality streetscape presentation, through site link and communal green spine area. It will also contribute significant funding to the development of the new major park, pocket parks and other infrastructure upgrades within the Precinct
(xi) the configuration and design of publicly accessible spaces and private spaces on the site	The public domain, through site link and green spine have all been design in accordance with the requirements of the LMP and to ensure a high quality design, level of accessibility and tree canopy cover.

In summary all issues raised by the DRP have been resolved in both the DA as submitted and further by the amended plans submitted with this RFI response. All amendments are consistent with the DRP's advice and ensure that the development achieves design excellence as required. It is therefore considered that the amended proposal is consistent with the DRP's comments and recommendations and would therefore receive its support. Further the application is consistent with the requirements of clause 7.6 of LC LEP 2009.

14. Outstanding Referrals

Council's RFI letter notes that Water NSW's General Terms of Approval were outstanding at the date of issue. In this regard it is noted that the GTAs were issued to Council on 10 August 2022. Accordingly, no referrals remain outstanding.