

9 September 2022

2210638

Mr Craig Wrightson  
General Manager  
Lane Cove Council  
48 Longueville Road  
Lane Cove 2066

Attn: Mr Chris Shortt (Senior Town Planner)

**RESPONSE TO REQUEST FOR FURTHER INFORMATION – DA79/2022**  
**1-5 CANBERRA AVENUE, 2-8 HOLDSWORTH AVENUE, AND 4-8 MARSHALL AVENUE, ST LEONARDS**

This letter has been prepared by Ethos Urban on behalf of Evergreen in response to Council's request for further information letter dated 26 August 2022. The Development Application (DA) relates to the construction of three new residential flat buildings at 1-5 Canberra Avenue, 2-8 Holdsworth Avenue, and 4-8 Marshall Avenue, also known as Area 1, 2 and 4 of the St Leonards South Precinct (the site).

This letter provides a consolidated response to those matters raised in Council's request for further information letter and should be read in conjunction with the following:

- Revised Architectural Drawings prepared by Rothe Lowman (**Attachment A**);
- Revised Urban Design Report prepared by Rothe Lowman (**Attachment B**);
- Development Options Analysis for 2 Marshall Avenue prepared by Rothe Lowman (**Attachment C**);
- Revised Landscape Drawings prepared by Arcadia (**Attachment D**);
- Revised Landscape Report prepared by Arcadia (**Attachment E**);
- Revised Traffic Report prepared by Stantec (**Attachment F**);
- Updated BASIX Certificate prepared by Stantec (**Attachment G**);
- Revised ESD Report prepared by Stantec (**Attachment H**);
- Revised Arborist Report prepared by Blues Bros (**Attachment I**);
- Schedule of Design Changes prepared by Rothe Lowman (**Attachment J**);
- Response to submissions prepared by Ethos Urban (**Attachment K**);
- Response to 2 Marshall Avenue submission prepared by Mills Oakley (**Attachment L**);
- Landscape Checklist completed and signed by Arcadia (**Attachment M**).

## 1.0 Key Changes

In response to the comments raised by Council, the following key changes have been made:

- Removal of Building Articulation sun shading devices encroaching into the green spine;
- Building articulation elements to street setbacks along Holdsworth and Canberra Avenue have been reduced to a maximum of 500mm to ensure encroachment for articulation is compliant with the Lane Cove DCP; and
- Realignment of boundary between the pocket park and green spine to maintain minimum recreation areas and ensure 50% of the green spine is deep soil.

In addition to the above, Rothe Lowman have prepared a detailed schedule of design changes that have been made since the submission of the development application. Refer to **Attachment J** for further details.

## 2.0 Response to Matters Raised

### 2.1 Part Storeys

***In light of the recent changes to the part storey control, it is recommended that additional information be provided including detailed calculations confirming that a minimum of 50% of total floor area of the proposed part-storeys are classified as non-habitable space as per the definition of the DCP.***

Council resolved at its 23 June 2022 meeting to exhibit a proposed amendment to the Lane Cove Development Control Plan (DCP) to amend the part storey controls. Following exhibition, on 18 August 2022, Council resolved the amendments to the part-storey control will proceed and have clearly defined the term as the following:

*'part storey means a storey where the floor level is partly more than 1 metre below ground level (existing) and where 50% or more of the space within the storey is used as non-habitable space (such as for car parking, vehicular access, plant rooms, mechanical services, loading areas, waste storage or the like) that is ancillary to the main purpose for which the building is used.'*

As such, detailed calculations have been undertaken to determine whether the proposal is compliant with the new definition of part-storeys. These are in the revised Architectural Drawings prepared by Rothe Lowman at **Attachment A**.

It is also noted that an informal discussion between the proponent and Council officers was undertaken on 1 September 2022 to clarify the interpretation of the new part storey's definition. Based on this, it is confirmed that the part storey's of Building 2 and 4 will remain as part storey's.

### 2.2 Building Articulation – Encroachment into Green Spine

***Council will not support any above ground building articulation encroachments into the minimum building and green spine setback areas. Please redesign the proposal accordingly. You are required to indicate all the required building setbacks lines to be shown on all level plans on the architectural landscaped plans to ensure there are no such encroachments into the minimum setback areas.***

In response to Council's comments, the development has been redesigned accordingly to remove the sun shading devices on the western façade of Building 1 and the eastern façade of Building 2 where it encroaches into the green spine.

As a result of the removal of these sun shading devices, minor changes to the solar performance and NATHERS have occurred. Despite this, Stantec have confirmed in their updated BASIX certificates (**Attachment G**) that the development will continue to achieve a minimum Nathers rating of an average of 6 stars, thereby achieving Lane Cove DCP requirements.

These design changes are reflected in the revised architectural drawings and urban design report at **Attachment A** and **B**, respectively.

### 2.3 Building Articulation – Street setbacks to Holdsworth and Canberra Avenue

***Council's planning team are in discussion in relation to building articulation encroachments into the street setbacks of Holdsworth Avenue and Canberra Avenue.***

The Lane Cove Development Control Plan, under Part C, Section 3.5.3 states that 'no part of a building or above ground structure may encroach into a setback zone with the exception of awnings, balconies, blade walls, bay windows and other articulation elements up to a maximum of 500mm'.

In accordance with this provision, the development has been amended to ensure that the articulation elements of each building do not protrude further than 500mm to the street setbacks to Holdsworth and Canberra Avenue. It is

emphasised that these elements are critical in maintaining a positive outcome in terms of both sustainability and urban design.

## 2.4 Communal Open Space

**Confirm that the communal open space in the north east corner (landscaped setback along Canberra Avenue which is proposed to be incorporated into public park of 130m<sup>2</sup> will remain publicly accessible.**

It is confirmed that the landscaped setback along Canberra Avenue in the north-east corner is proposed to be incorporated into the public park and will remain publicly accessible.

## 2.5 Environment and Health

**The following matters are to be submitted and addressed:**

- **Preliminary site investigation report to provide more complete and definitive information on issues raised in the preliminary site investigation;**

The previously submitted Preliminary Site Investigation (Appendix P of the original submission) has been highlighted with LCC Environment and Health Officer. LCC have subsequently advised there are no additional requirements for submission prior to DA determination.

- **Environmental Management Plan, addressing soil erosion, groundwater testing and potential contamination;**

An Environmental Management Plan will be prepared during the Construction Certificate stage, once a principal contractor has been engaged to deliver the development. This requirement can form a condition of consent.

- **Construction Noise Management Plan;**

The previously submitted Acoustic Report (Appendix O of the original submission) has been highlighted with LCC Environment and Health Officer. LCC have subsequently advised there are no additional requirements for submission prior to DA determination.

- **Construction & Demolition Waste Management Plan**

The previously submitted Construction and Demolition Waste Management Plan (Appendix U of the original submission) has been highlighted with LCC Environment and Health Officer. LCC have subsequently advised there are no additional requirements for submission prior to DA determination.

## 2.6 Landscape Master Plan

### 2.6.1 Oculus Landscape Comments

It is advised that Oculus have undertaken a peer review of the proposed development and provided comments on the consistency with the Landscape Master Plan (LMP). **Table 1** below provides a summary of the responses to the comments raised by Oculus.

**Table 1 Summary of Responses to Oculus Comments**

Oculus Comments	Response
<b>Conceptual Approach</b>	
The landscape design has a strong conceptual approach that combines a connection to the site and context with an emerging range of proposed spaces for use by the residents and community. Generally, the landscape design is will considered and can be seen as building on, challenging, and improving the reference design included within the Landscape Masterplan.	Noted and accepted.

Oculus Comments	Response
<p>The connection to Country Strategy is well considered and integrated into the design, however, the strategies noted in the Landscape and Urban Design Reports refer to “opportunities” and “potential” rather than commitments.</p> <p>Council should consider a condition of consent requiring a detailed Connection to Country strategy to be prepared for Construction Certificate and for the recommendations to be incorporated into the Construction Certificate design/documentation and completed prior to Occupation Certificate. This condition might read:</p> <p><b>Connecting with Country</b></p> <p><i>Prior to the issue of any relevant construction certificate, the Applicant must prepare a detailed Connecting with Country Strategy to Council's satisfaction. The strategy must:</i></p> <ul style="list-style-type: none"> <li>(a) <i>be prepared by a qualified Connecting with Country consultant;</i></li> <li>(b) <i>include evidence of consultation with the local Aboriginal community, Council, school users and key stakeholders;</i></li> <li>(c) <i>include evidence of engagement with the Government Architect's Designing with Country Framework; and</i></li> <li>(d) <i>include proposed methods of integration of the recommended outcomes/works of the strategy into the document, including any necessary amendments to the proposed buildings or landscaping plans to accommodate this.</i></li> </ul> <p><i>Prior to the issue of any relevant occupation certificate, the Connecting with Country works must be completed in accordance with the requirements of the above condition.</i></p>	
<b>Green Spine</b>	
<p>The design of the green spine is generally supported, including the gradual level change, high percentage of planting and arrangement of spaces. The following recommended actions proposed in our Pre-DA review have not been addressed:</p> <ul style="list-style-type: none"> <li>• Provide footpath access within the green spine to Area 6 (current design relies on access via Areas 3 and 5).</li> </ul>	<p>The proposed development has been updated to include footpath access within the green spine to allow improved connection to Area 6.</p>
<b>Street Interfaces</b>	
<p>The revised building access along Holdsworth is an improvement on the previous submission and presents well to the street.</p> <p>Lifting the building along Canberra Avenue has separated the main entry and terrace courtyards from the street. While this is softened with terraced planting, the previous arrangement had a better relationship between street and building.</p> <p>Consider reverting the courtyard and building entry arrangement on Canberra Avenue to previous design (courtyards and building entry at street level).</p>	
<b>Existing trees:</b>	
<p>We support the retention of the trees to the south and the transplanting of palms on site.</p> <p>The arborist report notes tree 18 (radiata pine) as being recommended for retention and of high significance value. However, this tree is noted as 'Medium Importance' in the Urban Design Report, and not included on the Tree Significance plan in the Landscape Report, along with a number of other trees identified for removal.</p> <p>Accurately reflect the arborist assessment within the Landscape and Urban Design Reports.</p> <p>Retained Tree 18 in addition to the other trees noted, and ensure the design adequately incorporates the measures required to retain the trees noted, including retaining existing levels and reducing impacts on the tree protection zones.</p>	<p>Noted. In response to this RFI, an updated Arborist Report has been prepared and is provided at <b>Attachment I</b> as well as revised landscape drawings, which are provided at <b>Attachment D</b>.</p> <p>While tree 18 is of high significance, due to its location on the site, it cannot co-exist with the proposed development. This has been reflected in the revised arborist report.</p> <p>Tree protection requirements for Holdsworth Street Trees have</p>

Oculus Comments	Response
Tree protection requirements for Holdsworth street trees to be incorporated into the design, noting the arborist report doesn't consider front courtyards as part of the encroachment area.	been noted and will be incorporated into the later design development stage..
Canopy Cover	
The apparent high level of tree canopy cover is supported, however, the tree canopy diagram on p27 of Landscape Report doesn't nominate an area or % achieved.	The tree canopy coverage rate has been incorporated into the revised landscape report at <b>Attachment E</b> . It is confirmed that the tree canopy will have a coverage greater than 50% of the green spine.
Confirm design achieves minimum 50% canopy cover across the green spine.	
Deep Soil	
Deep soil is noted in Urban Design Report (p50) as achieving 50% of development area, however, the deep soil zone along Holdsworth Ave does not appear achievable due to private terraces etc. Also, deep soil area on Canberra Ave frontage also doesn't seem achievable due to terraced planters. The extent of terraced planter walls shown in the deep soil diagram in Urban Design Report doesn't seem to match the landscape design. Deep soil diagram on p 27 of Landscape Report only includes the Green Spine and doesn't seem to correspond with diagram in Urban Design Report (p50).	It is confirmed that the green spine will achieve approximately 55% deep soil. This is illustrated within the Revised Landscape Report at <b>Attachment E</b> .
The basement under the Green Spine still only appears to provide c. 1m soil depth on top, not the full storey noted in the DRP reviews/minutes.	An average of 1.3m of soil depth is provided over the basement. It is noted that mounding in localised areas has been used to increase soil volumes for larger tree planting.
Confirm design meets deep soil recommendations and requirements raised by Council and the DRP	As stated above and in the revised landscape report at <b>Attachment E</b> , the proposed development will achieve deep soil in excess of the relevant precinct requirements and ADG.
Amend trees shown over the OSD tank currently incorrectly shown as 'proposed trees (deep soil)'.	Noted. This has been amended in the revised Landscape Drawings and Report at <b>Attachment D</b> and <b>E</b> , respectively.
Consider alternative location for the OSD tank that would allow additional deep soil south of Area 1.	
Provide strategy for providing effective and continuous soil zones for areas with paving and landscape structures within areas noted as 'Deep Soil' and 'Planting on Podium'.	It is noted that raised boardwalks are proposed in areas where existing levels have to be retained and to ensure an effective overland flow and drainage strategy while maintaining accessibility throughout the site.
	Soil depths ranging from 1m to 1.3m are proposed over the basement slab throughout the Green Spine to ensure sufficient soil volume and soil continuity. The design has been revised to increase the area of permeable surfaces. This is illustrated on page 27 of the revised landscape report at <b>Attachment E</b> .
Rooftop Planting	

Oculus Comments	Response
Rooftop edges shown on p48 of Landscape Report – it is not clear where these are and how the landscape outside of proposed mesh would be maintained.	The landscape report has been updated accordingly and is provided at <b>Attachment E</b> .
Confirm location and maintenance strategy for planted rooftop edges.	It is noted that planters will be maintained from the inside. The balustrade is proposed to run along the outside edge on top of the planter to ensure safe access to the landscaped areas on the roof terraces. Page 49 of the Landscape Report has been updated to illustrate the proposed balustrade strategy. If necessary, safety harness hooks will be provided along the outer edge.
Plant Species	
The plant species are generally appropriate, providing a mix of native and exotic species suited to the location and conditions.	The plant schedule has now been categorised into the landscape zones. This is reflected on sheet L_400 of the revised landscape drawings at <b>Attachment D</b> .
Ensure the larger tree species (especially the large gum trees) are located and integrated in a way that supports their healthy growth, including providing soil volumes in line with the ADG, and considering distances from the building and structures. Differentiate the ground floor planting and trees palettes into planting zones (Park, Green Link, Setbacks/Through site links) to demonstrate a primarily native palette for the park, and appropriate species selection for shade, character and available space.	
Tree strategy on p42 of Urban Design Report will need updating to reflect the Public Domain Guide, once the latter is complete & adopted.	Noted.

## 2.6.2 Council's Landscape Comments

**Table 2** below provides a summary of the response to Council's landscape comments.

**Table 2 Response to Council's Landscape Comments**

Council's Comments	Response
Landscape Checklist	
Page 1 of the DA Landscape Checklist has been filled out incorrectly and has been signed by the applicant. Council's landscape officer requires the checklist to be updated as per Council requirements.	An updated Landscape Checklist has been completed and signed by Arcadia, the project landscape architect. This is provided at <b>Attachment M</b> .
Arborist and Heritage Trees	
An arborist report has been submitted as previously requested in the Pre-DA meeting. It is also noted that the Landscape Report incorporates high retention value trees and proposed tree protection measures. However, the Landscape Plans (CAD Drawings) must also be updated to depict this information.	The landscape drawings have been revised to clearly outline the relevant information relating to trees, including tree protection zones and measures. Refer to Sheet L-101 of <b>Attachment D</b> .
All proposed tree protection measures as outlined in the Arboricultural Impact Assessment Report (completed by Blues Brothers Arboriculture 30th June 2022) shall be articulated on the Landscape Plans to ascertain that an accurate representation of the extent of tree protection onsite.	
Setbacks	
The overall design of the GF front setbacks is generally favourable as it fits within the delegated envelope of the DCP, therefore allowing adequate	In response to Council's comments, additional trees are proposed to be planted

Council's Comments	Response
<p>deep soil. However, as per the LMP (pages 48-49 Private Open Space Typologies – Setbacks) either an elevated or an on-grade setback should endeavour to include tree planting.</p> <ul style="list-style-type: none"> <li>• <b>Holdsworth Avenue:</b> The private terrace setbacks on Holdsworth Avenue should include (at a minimum) 1 medium-large tree per private terrace. This is to ensure good amenity and privacy for residents whilst reducing the size and bulk of the built form. The tree species should be selected from Council's DCP Part J Landscape Appendix 1 or the LMP.</li> <li>• <b>Canberra Avenue:</b> Tree planting should be provided within the raised planter boxes on the Canberra Avenue setback as this setback is deep soil. The tree species should be selected from Council's DCP Part J Landscaping Appendix 1 or the LMP.</li> </ul> <p>The Landscape Plans must be amended to depict this information and sent back to Council's Landscape Architect for Assessment.</p>	<p>on both Holdsworth and Canberra Avenue. Specifically, the revised planting schedule includes the following:</p> <ul style="list-style-type: none"> <li>• <i>Tristanopsis Laurina</i> (Water gums) at a rate of 1 per terrace along Holdsworth Avenue.</li> <li>• <i>Elaeocarpus reticulatus</i> (blueberry ash) added to the Canberra Avenue residential setback.</li> </ul> <p>These new trees are illustrated on the revised landscape drawings at <b>Attachment D</b>.</p>
Green Spine	
<p>It is noted that Landscape Calculation plans have been included within the drawing package. However, the drawings do not accurately outline the true extents of the deep soil areas. These landscape calculation plans must accurately depict the extent of deep soil throughout the site, particularly paying attention to achieving the deep soil objectives for the Green Spine.</p> <p>Page 63 of the DCP localities for St Leonards South states: The Green spine shall comprise predominantly deep soil as per the LMP.</p> <p>From this one can ascertain that at least 51% of the green spine shall be deep soil.</p> <p>LCC defines deep soil as: Deep soil zones are areas of natural ground with relatively natural soil profiles retained within a development. Buildings, basement carparks, swimming pools, tennis courts, patios and decks, and impervious surfaces such as paved areas, driveways, carparking and roofed areas are NOT included as part of the deep soil zone.</p> <p>The ADG defines deep soil as: Deep soil zones are areas of soil not covered by buildings or structures within a development. They exclude basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas.</p> <p>Any hard surfaces and light structures that are added to the Green Spine area that lie within the deep soil zone must increase the area of deep soil zone by the complimentary amount. The requirements for the Green Spine areas of St Leonards South are outlined below as per the LMP:</p>	<p>The proposed landscaping design has been revised to ensure 50% deep soil requirements within the green spine.</p> <p>This was achieved by increasing Green spine Deep Soil area and amending the paving treatments throughout the green spine to incorporate permeable surfaces in deep soil areas.</p>
Arborist Report	
<p>Concerns raised from Council's tree officer via a desktop assessment arise from the significant pruning and incursion into the root system to tree #18, identified in the Arborist report as a <i>Pinus radiata</i> (Radiata Pine). From memory and through google street view, this tree has been wrongly identified and should be either a <i>Cedrus deodara</i> (Himalayan Cedar) or <i>Cedrus libani</i> (Lebanese Cedar). An addendum to the Arborist report should be made to both reflect the correct species and address the potential pruning impacts to the tree required for construction. This must include relevant pruning locations in line with AS4373-2007, clearance required for scaffold or piling rigs required for excavation / construction and total canopy percentage required to be removed to facilitate construction.</p>	<p>Noted. The Arborist Report has been updated accordingly by Blues Bros and is provided at <b>Attachment I</b>.</p>
Street Trees	



Council's Comments	Response
<p>The Arborist Report shall be amended to assess the retention value of the existing Lophostemon species along Marshall Avenue and Holdsworth Avenue to determine whether the species are suitable to be retained. The Project Landscape Architect and the Arborist should advise in their plans where supplementary street tree planting can occur along these streets.</p>	<p>Noted. The Arborist Report has been updated accordingly by Blues Bros and is provided at <b>Attachment I</b>.</p> <p>Landscape Architectural drawings indicate proposals for supplemental tree planting. The Revised Landscape Report is provided at <b>Attachment E</b>.</p>
Proposed Trees onsite	
<p>As per Lane Cove Council LMP for St Leonards South the proposal must have a mature canopy cover (existing + proposed) of 50% of the area of communal open space (Green Spine).</p> <ul style="list-style-type: none"> <li>• New Canopy trees within communal open space (Green Spine) to include min 50% large sized trees (12m high +) or medium sized trees (8- 12m high) and max 50% small trees (up to 8m high);</li> <li>• In accordance with the requirements for soil depth as outlined in the ADG and LCC DCP Part J Landscaping, no large sized trees shall be located over underground car parks unless a minimum soil depth of 1.3 metres is achieved and the Site Engineering is to the approval of Council's Landscape Architect.</li> <li>• Tree planting to building setbacks, particularly in front setbacks to the street to help reduce the scale of buildings is strongly encouraged.</li> </ul> <p>The Project Landscape Architect is to amend their drawings to include information on canopy cover and size of trees proposed onsite (i.e whether they are classified as small, medium or large trees) and send back to Council's Landscape Architect for assessment. This information can be included within the Landscape Report.</p>	<p>Page 28 of the Revised Landscape Report provides details on the tree canopy cover, size of trees and deep soil within the green spine. Specifically, the following is identified:</p> <ul style="list-style-type: none"> <li>• Total tree canopy coverage within the green spine is 1075m<sup>2</sup>, which equates to 69.6% of the total area.</li> <li>• 55% of the green spine is uninterrupted deep soil.</li> <li>• Soil depth over the basement has a minimum depth of 1.3m.</li> <li>• Majority of trees planted within the green spine are large and medium sized trees.</li> </ul> <p>The Revised Landscape Report is provided at <b>Attachment E</b>.</p>
Tree Replacement Ratio	
<p>Lane Cove Council declared a Climate Emergency in 2019 and as a result, has committed to assist the canopy cover of the LGA and ensure no net canopy loss occurs on any site. Therefore, any tree that is removed by the applicant must be replaced at a 1:1 ratio and depicted on the Landscape Drawings. The replacement trees must be a species that is able to reach the mature height and spread of the removed tree. There must be no net loss of tree canopy cover and selected tree removal shall be at the discretion of Council.</p>	<p>The proposed development will result in a total tree canopy cover of 69.62% of the green spine.</p> <p>It is noted that 19 trees are proposed for removal, 12 for potential transplant, and 40 new trees on ground level.</p>
Basement Outline	
<p>The basement outline must be shown as an easily identifiable dashed line (on the Landscape Plans) with setback dimensions proving that the Green Spine predominately remains as "Deep Soil" areas with a mix of large, medium and small trees which may include some deciduous exotics (at the discretion of Council's Landscape Architect) in accordance with the Landscape Masterplan (LMP).</p>	<p>The landscape plans have been revised to clearly illustrate the extent of the basement.</p> <p>55.5% of the deep soil within the basement is uninterrupted.</p> <p>Refer to the revised landscape drawings and landscape report at <b>Attachment D and E</b>.</p>



## 2.7 Traffic

***The applicant is to provide swept paths for the HRV vehicle entering and exiting the loading zone space within the basement carpark. This includes a minimum 4.5m clearance as per the AS2890.2 and a minimum 4.3m for the Waste Truck (HRV).***

An Addendum Traffic Statement has been prepared by Stantec and is provided at **Attachment F**.

The loading area has been designed to accommodate two 6.4m small rigid vehicles and one 8.8m medium rigid vehicle, with 4.5 metre height clearance provided above all loading bays and associated manoeuvring areas. This is illustrated on the revised swept path diagrams at **Attachment F** and on the architectural drawings at **Attachment A**.

Stantec have concluded that design to accommodate access for a 12.5 metre heavy rigid vehicle is considered unnecessary and not common when considering both the land use and the scale of the development. As such, the proposed design for the loading area is appropriate noting that most loading will be associated with removalist trucks, various deliveries and online shopping. The loading area will be able to accommodate access by Council's eight metre Rear Load Domestic Waste Collection Truck.

It is noted that the proposed loading area is also consistent with other recently approved and submitted development applications within the St Leonards South Precinct. The loading area is also consistent with the specification provided by Council's Waste Management Officer in our meeting of 1 September 2022.

## 2.8 Development Options for 2 Marshall Avenue

Although not directly requested by Council, the proponent and project design team have undertaken an analysis of 2 Marshall Avenue to further address the Land and Environment Court site isolation planning principle and to determine potential development options on the site in the future.

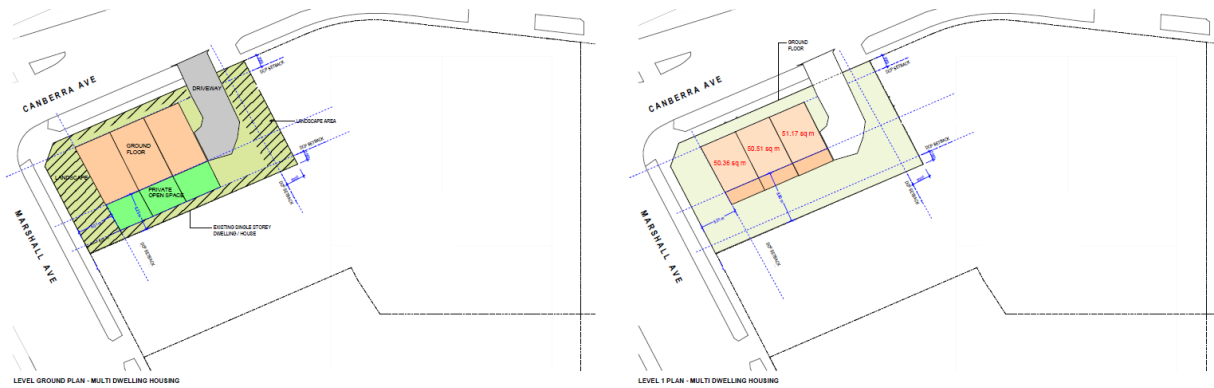
Although the Lane Cove DCP requires a minimum site area of 1,000m<sup>2</sup> for a multi-dwelling housing development, the analysis undertaken by Rothe Lowman at **Attachment C** has determined that a small-scale multi-housing development of up to three dwellings can be appropriately accommodated on the site, despite the non-compliance with the site area. This is considered an appropriate hypothetical development outcome for the site given:

- DCP site areas can generally be applied more flexibly than LEP development standards and indeed the EP&A Act encourages flexibility in DCP provisions where it can be demonstrated that the objective of the DCP control can still be achieved (Section 4.15(3A));
- The zoning of the site is R4 High Density Residential and hence a commensurate development for multi dwelling housing is an appropriate use of the land; and
- Appropriate scale, setbacks, design quality and residential amenity is able to be demonstrated in the indicative design, despite the variation to the DCP site area.

Indicatively, each dwelling will be three storeys, with basement carparking and an undercroft area. The dwellings will have an approximate GFA of 114m<sup>2</sup> and is capable of achieving a high level of amenity. As per the analysis undertaken, it is confirmed that the development would comply with the relevant setback controls and landscape area identified under the Lane Cove DCP.

Additionally, it should also be noted that a group home is also a permissible and compliant redevelopment option for 2 Marshall. Under the Housing SEPP, Group Homes only require a site area of 400m<sup>2</sup>. A Group Home on the site would have a footprint and building envelope relatively similar to that of the existing dwelling. Notwithstanding, these plans demonstrate an additional redevelopment option, given 2 Marshall has been unable to be acquired on reasonable terms.

**Figure 1** below illustrates the concept scheme for a small-scale multi-dwelling housing development at 2 Marshall Avenue.



**Figure 1 Development Analysis for 2 Marshall Avenue**

Source: Rothe Lowman

## 3.0 Response to Submissions

The DA was on public exhibition from 20 July 2022 to 16 August 2022 and received a total of eight (8) submissions. In summary, the submissions raised concerns on the following key issues:

- Non-compliance with minimum site area;
- Impacts to adjoining neighbours, particularly 2 Marshall Avenue;
- Distribution of floor space ratio across Area 2 and 4;
- Residential amenity, including solar access, cross ventilation, building separation and visual privacy;
- Overshadowing to Newlands Park;
- Traffic congestion and parking impacts;
- Tree removal;
- Sustainable design and architecture;
- Environmental impacts relating to wind, noise, and heritage; and
- Construction impacts.

A detailed response to these submissions has been prepared by Ethos Urban and is provided at **Attachment K**.

It should also be noted that an additional submission was made after the conclusion of the exhibition period on 31 August 2022 by the registered proprietor of 2 Marshall Avenue. A response to that submission has been prepared by Mills Oakley and is provided at **Attachment L**.

## 4.0 Conclusion

We trust the above and attached additional information addresses the comments raised by Council and allows the finalisation of the assessment report. We look forward to receiving confirmation of when this matter will be determined.

Should you have any queries about this matter, please do not hesitate to contact the undersigned.

Yours sincerely,

Insert signature

**Sarah Papalia**

Urbanist

spapalia@ethosurban.com

Insert signature

**Clare Swan**

Director – Planning

cswan@ethosurban.com