

23 May 2025

Lane Cove Council  
Steven Kludass  
The General Manager (Acting)

c/o Chris Shortt  
Senior Planner  
Via email: CShortt@lanecove.nsw.gov.au

Dear Chris,

### Response to Request for Additional Information DA2024/152 (PAN-495103)

Planning & Co have prepared this response on behalf of 8 Finlayson Street Lane Cove Pty Ltd (**the Applicant**) with regard to the request for additional information (**RFI**) received 5 May 2025 relating to DA2024/152 for the proposed mixed-use development at 2-10 Finlayson Street, Lane Cove (**the Site**).

We trust that the below additional information adequately addresses the 'key issues' outlined in the request and we thank DFT Planning and Council for their constructive and collaborative approach to achieving an outcome at the Site to date.

This request is supported by the following appendices:

- **Appendix A** – Updated Architectural Drawings & RFI Response prepared by Plus Architecture
- **Appendix B** – Traffic, Transport and Parking Response prepared by ASON Group
- **Appendix C** – Waste RFI Response prepared by TTMC
- **Appendix D** – Updated WMP Response prepared by TTMC
- **Appendix E** – Setbacks to 12 Finlayson Street by Plus Architecture
- **Appendix F** – Landscape RFI Response & Amended Drawings by Land+Form
- **Appendix G** – Updated Clause 4.6 Variation Height of Building
- **Appendix H** – Updated Clause 4.6 Variation Floor Space Ratio

If any additional questions or clarifications arise as a result of this response, please do not hesitate to contact the undersigned.

### Heritage

*Council's Independent Heritage Advisor met with the applicant on 3 April 2025 and a response is required to the heritage conservation comments presented at that meeting.*

We understand an agreed position has been reached between Council's Independent Heritage Advisor, the Applicant's heritage advisor and Plus Architecture. The amended heritage approach will see additional retention of internal and external parts of the heritage item and further integration into the new building.

The additional retention of the heritage item has resulted in some necessary changes to the basement layout to minimise excavation underneath or near the heritage item. Refer to amended drawings provided as **Appendix A**.

The amended basement has resulted in a decrease in deep soil provided, from 448sqm (11.9%) to 342sqm (10.4%).

## Traffic

Council's Traffic Officer comments (as previously provided) are as follows:

- *Traffic flow information including turning counts and intersections in support of the proposed development. Intersection counts (pedestrians, cyclists, vehicles) should also be included.*

Intersection and turning counts for pedestrians, cyclists and vehicles are provided in **Appendix B**.

- *Pedestrian information including major pedestrian routes and existing desire lines due to scale and proximity of development to Lane Cove significant attraction areas and as per Section R.4 of DCP Part R. It is noted that pedestrian infrastructure improvements may be required.*

Pedestrian information including paths of travel has been provided in **Appendix B**. There is sufficient existing pedestrian infrastructure surrounding the Site, including existing crossing facilities throughout the Lane Cove town centre.

ASON Group are of the opinion that no formal mitigation measures are necessary as part of the proposed development, noting *"With at least half church patrons already walking to the site, they would be able to readily make use of the existing crossing facilities throughout the town centre. Those that drive would mostly park on-site with any such use of existing public car parks expected to decrease when compared with existing conditions."*

- *Due to scale of development, the applicant must provide Transport Access Guide (TAG) and Sustainable Travel and Access Plan approved by Council prior to Occupation Certificate as per DCP Part R.*

Noted. We confirm that a Transport Access Guide (TAG) and Sustainable Travel and Access Plan can be prepared in accordance with the requirements of Section R5 of DCP 2010 and in discussion with Council, prior to an Occupation Certification being issued.

- *Clarification of the peak trip generation by the church as it has not been clearly established. Regarding section 6.1. The existing trip discount was calculated as 3 vehicle trips per hour, however using the values of 0.68 and 0.77 from the (GTIA) indicate 2.04 and 2.31 for the AM and PM peak respectively.*

ASON Group agree with Council's comment however considers that the calculated 3 vehicles per hour compared to 2.04 or 2.31 vehicles per hour does not play any role in terms of the traffic assessment undertaken.

- *Vehicle tracking plans show multiple instances of B99 vehicles conflicting with B85 vehicles. Applicant to provide details of how conflict will be minimised especially within areas of low forward sight distance, such as corners and bends.*

ASON Group confirm that the basement has been designed in accordance with the requirements of AS 2890.1 and note *"While Council has identified potential conflicts between circulating B99 and B85 vehicles, such configurations are permitted under the AS 2890 series. Given the low volume of vehicle movements and the typical behaviour of future residents and church patrons—who generally arrive before and depart after services—the likelihood of opposing vehicle movements occurring simultaneously is expected to be low."*

- *The 'first principles' approach of additional 170 patrons does not include the increase from staff traffic which is estimated at 15 people.*

Noted. The parking demand assessment provided in **Appendix B** confirms that the estimated number of additional patrons includes estimated additional staff. In determining church parking demand, ASON Group consider *"The additional 15 staff is a theoretical maximum and only required to assist during major events. Typical weekday and weekend services/ activities are not expected to result in a significant change in staff requirements (estimated to be between two and five additional staff)."*

- *The number of parking spaces as the applicant has proposed 146 total car parking spaces, indicating a shortfall of 75 car parking spaces from DCP Part R. This indicates a 34% reduction in the number of car parking spaces which is not currently supported by Council.*

The basement has been amended to accommodate additional retention of the heritage item on the Site. As a result, the proposed development provides 7 additional car parking spaces. The total parking provided is 52 church spaces (including two rectory spaces on B2) and 98 residential spaces including residential visitor parking.

Refer to **Appendix B** which provides a response and justification as to the proposed shortfall in parking compared to the DCP.

- *The estimated 2.5 vehicle occupancy rate does not match the industry standard of 1.4-1.7 people per car. The calculated additional trip generation of 55 vehicles thus does not appear accurate.*

A travel demand survey was undertaken to determine existing travel behaviour and vehicle occupancy, refer **Appendix B**. The survey confirmed that the average car occupancy for church patrons was 2.3 people per car.

- *The report claims that the increase in vehicle trip generation would not materially change traffic conditions in the vicinity. As mentioned above, applicant shall provide SIDRA modelling to accompany this statement.*

SIDRA modelling of traffic impacts has been provided.

- *Development to comply with DCP Part R Section 2.2 Electric vehicle infrastructure.*

Per **Appendix B**, ASON Group note that:

*“Electric vehicle (EV) charging infrastructure will be provided on-site in accordance with DCP 2010 requirements, and the architectural plans have been updated to include locations. The provision includes:*

- *Four visitor car spaces equipped with a minimum Level 2 (40A) charger, to be installed prior to the issue of Occupation Certification*
- *15A circuit and socket adjacent to all residential parking spaces to enable future EV charging.*
- *Five bicycle parking spaces with 10A general power outlets—comprising four visitor spaces and one residential space.”*

## Waste

*Council’s Waste Officer has provided the following comments:*

- *Bin room on each floor does not allow for paper and cardboard to be stored. (Appendix D Chute/Service Room Design ‘each service room must include provision of 2 x 240L recycling bins for the storage of recyclable material’).*
- *Bulky waste rooms must be a minimum of 30m<sup>2</sup> for >21 units.*
- *Within the proposed design there is no allowance for food organics bin storage.*
- *Table 3.4 references 1,100L bins for residential wastes. Should be 660L to match table 3.2.*
- *Bulky waste collection point should be referenced in WMP. If bulky waste collections will occur on site. If so, swept paths must demonstrate that an 8m vehicle (Appendix F of DCP ‘rear load truck’) can manoeuvre in the proposed collection area.*
- *Confirmation of access by waste collection vehicles. Particularly sweeping paths with traffic and suitability of waste trucks reversing across the driveway to enter the loading dock.*

Please refer to **Appendix C** – Updated WMP Response prepared and **Appendix D** – Setbacks to 12 Finlayson Street by Plus Architecture, prepared by TTMC, which provides a detailed response to each of the above matters.

## Apartment Design

A response has been prepared by Plus Architecture addressing the below ADG Matters as part of the amended Architectural Drawings. Responses are reproduced here for completeness.

**Appendix A** includes amended architectural drawings, ADG compliance, RFI response, updated hydraulic and DP outlet design and amended Site analysis.

The following comments are provided in relation to the Apartment Design Guide:

- *Objective 3A-1: There is insufficient site analysis documentation.*

Refer to updated Architectural Drawing PLA-DA-1000 provided as **Appendix A**.

- *Objective 3C-1: Letter box locations are not clear in the drawings.*

Refer to updated Architectural Drawings provided as **Appendix A**. Letter boxes are located in each of the residential lobbies.

- *Objective 3C-2: Clear identification of mailboxes within the lobby are not identified. Carpark ventilation is not shown on plans.*

The letter boxes are located in the residential lobbies. They have been annotated on Plan PLA-DA-1000. The carpark intake & exhaust is annotated as risers in the plans. There are relevant fan rooms provided for ventilation on Basement 1. See basement plan PLA-DA-10B1.

- *Objective 3D-1: Direct, equitable access to communal open space areas from common circulation areas, entries and lobbies is only partly provided as access from eastern circulation core to be addressed.*

The common circulation and spaces requirements in Part 4F of the ADG result in the need to provide two cores to the proposed development. Any development of a similar scale will naturally result in some form of inequity in so much that one core may have a greater travel distance to an open space than another. The Accessibility Report provided with the Statement of Environmental Effects confirms that the pathway between building cores is capable of complying with accessibility requirements.

- *Objective 3H-1: Driveway wall material and colour is not nominated.*

The driveway wall material is consistent with the materiality of the basement. The materials have been annotated on Plan PLA-DA-1000 & North Elevation on PLA-DA-2001.

- *Objective 3J-4: Ventilation details within the carpark are not apparent in the drawings.*

The carpark intake & exhaust is annotated as risers in the plans. There are relevant fan rooms provided for ventilation on Basement 1. See basement plan PLA-DA-10B1.

- *Objective 4D-3: Minimum area requirements of bedrooms need to be confirmed as the rooms are not dimensioned within the plans.*

The bedroom dimensions have been annotated in Plans PLA-DA-1002 to PLA-DA-1006

- *Objective 4E-3: Downpipe and balcony drainage is not shown to be clearly integrated with the façade in the drawings. It is also unclear if the ceilings of apartments are insulated by reviewing the DA drawings. Water and gas outlets should be provided for primary balconies and private open space, the location of these should be clarified.*

Please refer to HYD Markup & DP Outlets for indicative locations of balcony draining strategy & water outlets. Note that the locations are indicative only and are subject to further coordination. Downpipes will be concealed. Gas is not allowed for new developments under the Lane Cove DCP. More detail to be worked through during construction documentation phase. Insulation in ceilings is provided in the ESD report. The details of it will be worked during construction documentation phase.

- *Objective 4G-1: The number and area of storage spaces within the apartment complex does not comply. A detailed schedule of storage in apartment and in basement is to be provided*
- *Objective 4G-2: Basement storage should be allocated to apartments in order to comply. Additional storage for larger and less frequently accessed items should be provided as 26 apartments with shortfall of storage do not cater for larger items.*

The total storage areas for all the apartments comply with the ADG. Most apartments have the capacity to allow for storage rooms within the apartments. Where apartments do not have 100% storage inside the apartments, at least 50% is provided within apartments and storage cages are allowed for in the basements.

See basement plan PLA-DA-10B2 & SCH08 Apartment Type - ADG Compliance Check

- *Objective 4P-2: Information is required regarding irrigation and drainage systems.*

Refer to Landscape Drawing DWG LD-DA900 which provides detail of irrigation and drainage systems.

- *Objective 4U-1: Information is required regarding outdoor areas for clothes drying. They should be well-located and screened.*

The intention for clothes drying is that the apartments' laundries are provided with ample space for dryers and not have outdoor drying area. If outdoor cloth drying is required, residents have ample balcony space for removable drying racks. The balustrades provide screening for those elements.

- *Objective 4U-2: Information regarding passive solar design should be provided including information regarding the insulation of roofs, walls and floors and seals on window and door openings.*

The R values of walls/roof/floors are shown in section 3.1 in the ESD report prepared by Jensen Hughes. They have also provided information on the glazing recommendations.

As part of the ESD report, insulation of roofs, walls have been considered.

- *Objective 4W-1: Information is required regarding the mechanical ventilation of waste and storage areas (as there are no external walls).*

Appropriate mechanical ventilation have been provided for the services rooms based on services consultant input. They are indicated as risers on plans next to the cores.

- *Objective 4X-2: No information is provided on systems and access to enable ease of maintenance.*

All service equipment is provided in either rooms or on a roof which will all be safe and access for maintenance. If required a maintenance specialist can provide a recommendation on installing secure points for abseiling/davit arms for maintenance and cleaning of the facades from the rooftop area.

Safety in Design Registers have been and will be completed throughout each critical phase of the project.

## Additional Tree Planting

*Council's Arborist and Landscape referral comments request relocation of the development's substation to allow for suitable tree replacement planting (an additional large canopy tree from the current scheme).*

Refer to **Appendix F** prepared by Land+Form which addresses this RFI matter in detail.

The current location of the substation is appropriately co-located beside the driveway. Relocating the substation would require significant coordination as it would affect the entire loading zone and driveway. It would also affect the size of the basement.

Appropriate tree planting has been provided to Finlayson Street. Due to the proposed undergrounding of power lines to Finlayson, large Native Scribbly gums have been proposed to the streetscape, which soften the built form of the development. A large Angophora is also proposed to Finlayson frontages.

Another option is to relocate the kiosk substation to join the two existing kiosks in Finlayson Street (adjoining the site) that service The Canopy. These are located on council land so council approval would be required for this to occur.

## Clause 4.6 Written Request

*It is requested that further consideration be given to the Clause 4.6 written request including reviewing reliance on the voluntary planning agreement and addressing the gazetted LMR reforms.*

Please refer to amended Clause 4.6 requests provided as **Appendix G** (Height) and **Appendix H** (FSR).

## No. 12 Finlayson Street

*It is required that further information be provided in relation to No. 12 Finlayson Street including:*

- *Further information to demonstrate the suitability of the built-form relationship between the subject site and No. 12 Finlayson Street.*

Refer to **Appendix E** prepared by Plus Architecture demonstrating the built-form relationship between the Site and 12 Finlayson Street.

- *A detailed response to the submission from No. 12 Finlayson Street.*

A detailed response to the submission from No. 12 Finlayson Street is provided in Table 1.

**Table 1: 12 Finlayson Street Response**

Submission	Response
<i>The development of an 8 storey block of units on the high side of Rosenthal Avenue is out of proportion to the current height LEP plan to which the Botanic, Finlayson, Quartet and Arora unit complexes were built. We have owned the property at 12 Finlayson St for 55 years and due to Council's sensible planning allowances it is a pleasure to walk down the street with the attractive</i>	<ul style="list-style-type: none"> <li>• The proposed development utilises the newly gazetted Chapter 6 of the Housing SEPP (Low- and Mid-Rise Housing Policy), which provides additional height and floor space ratio than what is permitted under the Lane Cove LEP. The Low- and Mid-Rise Housing Policy was not available at the time those developments mentioned were approved and built.</li> </ul>



<i>unit complexes which although differ in design are all in unison for height levels.</i>	<ul style="list-style-type: none"> <li>In terms of being 'out of proportion', we refer to Project Venture Development Pty Ltd v Pittwater Council, which has determined that 'compatibility' is different from 'the same', and that buildings of different density, scale or appearance can exist in harmony.</li> <li>We note that Plus have undertaken extensive streetscape surveys to ensure the proposed development is compatible with surrounding development. These streetscape surveys have been provided in the Architectural Drawings with the DA.</li> </ul>
<i>If an eight storey complex was built on the corner of Rosenthal Avenue and Finlayson Street it would ruin the harmony of the street and make a precedent for future high rise developments around the shopping area in Lane Cove.</i>	<ul style="list-style-type: none"> <li>We disagree that the proposed development would negatively impact on the harmony of the street.</li> <li>Future development in Lane Cove would be assessed independently and on merit and could not rely on any precedent set by other development in the area.</li> </ul>
<i>We were told that Lane Cove Council had an agreement with State Planning that current height LEP levels around the shopping precinct would be maintained as to keep a village atmosphere which most local residents enjoy and visitors comment on the friendly vibe of the shopping area. Don't spoil the canopy by an 8 storey tower overlooking it.</i>	<ul style="list-style-type: none"> <li>We can't speak to the owner's belief that Council and State Government had made any agreement as to permitted heights in Lane Cove. We note that the Low- and Mid-Rise Policy applies to the Site as Lane Cove town centre was identified by State Government as having appropriate goods, services and public transport to facilitate greater density.</li> <li>The Canopy is a public open space, and there is no requirement to retain visual privacy or to not overlook this space. Overlooking generally is addressed in the SEE. The proposed development will also have minimal/no impact on solar access to the Canopy, as demonstrated in the SEE and Architectural Drawings.</li> </ul>
<i>The DA152/2024 Application we have downloaded is not specific enough on various building measures e.g. - How high and long is the common brick wall that is proposed between the development?</i>	<ul style="list-style-type: none"> <li>Items addressed</li> </ul>
<i>How far does the garden area protrude from ground upper floor and does it have privacy screen as it looks directly into our back yard court area?</i>	<ul style="list-style-type: none"> <li>Rendered perspective views have been provided to Council demonstrating the proposed interface with 12 Finlayson. Refer <b>Appendix E</b>.</li> <li>The design of this area has a landscaped zone between the balustrade and the trafficable garden area to keep people away from the edge and provide greater privacy to the neighbours. The landscape design also shows some trees in this garden area.</li> </ul>
<i>Why are the loading room/bulk waste/resi waste and switch room built in a 6mtr setback area?</i>	<ul style="list-style-type: none"> <li>The loading, non-residential and bulky waste and switch rooms are integrated with the basement carparking entry and located to the most suitable part of the Site, away from the corner roundabout at Rosenthal and Finlayson and at the low part of the Site.</li> <li>Residential waste is located in the basement.</li> </ul>
<i>Does the loading room have a bin area which will be a noise problem from bottles being broken when the garbage truck collects them at 6'oclock in the morning as the loading room is just under our bedroom windows? This has been a big complaint in the Arora complex as the bins are in the wrong place. In the Botanic complex the bins are in the ground carpark so that the collection of glass noise is muted.</i>	<ul style="list-style-type: none"> <li>It is proposed that bins will be collected from the loading area per the operational waste management plan.</li> </ul>
<i>The DA152/2024 does not show that a survey of 12 Finlayson Street was done as to what effects the development proposal could effect our property.</i>	<ul style="list-style-type: none"> <li>There is no requirement that a survey be undertaken on neighbouring private property.</li> </ul>

	<ul style="list-style-type: none"><li>• The potential impacts of the proposed development on 12 Finlayson Street have been addressed in the SEE.</li></ul>																								
<p><i>Council is probably wondering why we didn't sell to the Developer and now left as the last house standing. We know that Council can't make a developer pay a certain amount to finalise a sale however they do ask if a fair and market value was offered.</i></p>	<ul style="list-style-type: none"><li>• It has been demonstrated that four genuine and reasonable offers were made to the owners of 12 Finlayson based on an independent evaluation of the property and were improved on each occasion.</li></ul>																								
<p><i>Traders in Purple submitted to Council all negotiations made between us as recorded by their solicitors Mills Oakley. This document was released on Council website even though it said "the information contained in the email is confidential and intended only for the use of the addressee." When my neighbours informed as that this was on the Council website for all to see I came up to Council and spoke with Mr Chris Shortt about my concerns. He agreed that it shouldn't of been released and immediately removed it from the website.</i></p>	<ul style="list-style-type: none"><li>• The Applicant was required to provide this information to Council to demonstrate that good-faith negotiation had occurred and genuine and reasonable offers were made to the owners.</li><li>• Whilst it is regrettable that the negotiations were published without redaction on Council's website, it was not the intent of the Applicant for this information to be made public and the Applicant is not responsible for the document being published online.</li></ul>																								
<p><i>We know Traders in Purple released this information to show Council that they had offered market value.</i></p> <table><tr><th colspan="4">TRADERS IN PURPLE OFFERS</th></tr><tr><td>8.1.24</td><td>FIRST OFFER</td><td>\$ 4.4 MILLION</td><td>24 MONTHS</td></tr><tr><td>14.2.24</td><td>SECOND OFFER</td><td>\$ 6.5 MILLION</td><td>36 MONTHS</td></tr><tr><td>15.2.24</td><td>THIRD OFFER</td><td>\$ 6.6 MILLION</td><td>24 MONTHS</td></tr></table> <p>COMPARE WITH</p> <table><tr><th colspan="4">LOFTEX (WHO OWN NO 10 FINLAYSON ST)</th></tr><tr><td>28.10.22</td><td></td><td>\$ 6.6 MILLION</td><td>SETTLEMENT 6 WEEKS (LATER INCREASE)</td></tr></table> <p>THIS MEANS IN 2026 WE WOULD RECEIVE \$ 6.6 MILLION OR IN 2022 " " HAVE RECEIVED \$ 6.6 MILLION</p> <p><i>So after 3.4 years there was no property value increase. Traders in Purple had a meeting with us on 20.2.24. They maintain their offer was accepted by us and would we give details of our solicitor so a contract could be drawn up. We told Simon Nesbitt that we had asked Emma Grimes to contact us (Patrick Grimes Solicitors). We knew she had acted for the 17 houses that were sold in Birdwood Avenue and Finlayson Street and knew the values of contacts entered into. We told Simon we couldn't make any decisions until we engaged a solicitor. Emma sent us an email on 24.2.24 asking us to contact her (email enclosed). This proves that we were not in a position to accept an offer on 20.2.24 as we didn't have opportunity at that stage to discuss it with a solicitor. We were very disappointed with our dealings with Traders in Purple as it had the hallmarks of a con job so we decided to stay living in Lane Cove one of the best suburbs in Sydney where all the amenities are so close to hand.</i></p>	TRADERS IN PURPLE OFFERS				8.1.24	FIRST OFFER	\$ 4.4 MILLION	24 MONTHS	14.2.24	SECOND OFFER	\$ 6.5 MILLION	36 MONTHS	15.2.24	THIRD OFFER	\$ 6.6 MILLION	24 MONTHS	LOFTEX (WHO OWN NO 10 FINLAYSON ST)				28.10.22		\$ 6.6 MILLION	SETTLEMENT 6 WEEKS (LATER INCREASE)	<ul style="list-style-type: none"><li>• It has been demonstrated that four genuine and reasonable offers were made to the owners of 12 Finlayson based on an independent evaluation of the property and were improved on each occasion.</li><li>• The owners of 12 Finlayson Street engaged with the Applicant in negotiating a handshake and verbal agreement (the Fourth Offer) however this agreement was later rescinded by the owners. The Applicant made clear that the development would progress without 12 Finlayson St.</li><li>• The Applicant is not required to continue to negotiate with 12 Finlayson Street indefinitely.</li></ul>
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- Any relevant records of negotiations in relation to No. 12 Finlayson Street.

Details of negotiations were provided with the original development application and addressed in the Statement of Environmental Effects.

- Potential built-form outcomes for No. 12 Finlayson Street if developed in isolation including the gazetted LMR reforms.

We acknowledge that future redevelopment of 12 Finlayson Street will be impacted by the proposed development, however the tests of site isolation have been met as demonstrated in the Statement of Environmental Effects. Amalgamation with 12 Finlayson Street is not feasible, and multiple fair and reasonable offers have been made and were improved each time. We note that there is no minimum lot size applying to the land at 12 Finlayson Street and a number of land uses including non-residential land uses are permitted in the R4 Zone.

The Low and Mid Rise policy applies to the land and permits residential flat buildings to 22m in height, though we acknowledge that the narrowness of the land may cause challenges with redevelopment of the Site for high-density residential development that is subject to the ADG. The ADG includes case study examples of the use of butterfly windows and other devices to provide amenity on constrained Sites, which could be adopted in this case.

Kind Regards,

**Tom Goode**

Director  
0406 428 465  
tgoode@planningandco.com