

12 August 2025

Andrew Bland
Lane Cove Council
48 Longueville Road
Lane Cove, NSW

Dear Andrew,

Request for Further Information (RFI) Response – 14-16 Marshall Avenue, St Leonards (DA56/2023)

This letter relates to a s4.55(2) modification application to DA56/2023 which seeks development consent to apply the infill affordable housing bonus provisions under the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) to the approved development. The modification seeks to achieve uplift in both FSR and building height and will deliver an additional 15% affordable housing.

This letter has been prepared to address matters requested by Lane Cove Council (**Council**) on the Planning Portal dated 31 July 2025, Water NSW request for additional information, and public submissions received throughout the notification period. This letter has been prepared as a formal response to these RFIs.

This RFI Response is accompanied by:

- Updated Elevation and Section Drawings prepared by PTW Architects (dated 08.08.25).
- Overshadowing Diagram prepared by PTW Architects (dated 08.08.25).
- View Analysis prepared by PTW Architects (dated 08.08.25).
- Landscape Statement prepared by RPS (dated 06.08.2025).
- Accessibility Statement prepared by Access Link Consulting (dated 05.08.2025).
- Traffic Statement prepared by MLA Transport Planning (dated 04.08.2025).
- Cost Summary Report prepared by Property & Building Assessments (08.08.25).

Responses to matters raised by Council are provided below.

Response to Council and WaterNSW RFI

Council Comment	Proponent Response
Building Height	
<i>The heights provided in the SOEE are inconsistent, can these please be amended.</i>	The maximum building heights of each building have been confirmed and are provided below: - Area 13: Max. RL 125.45, Building Height 48.09m. - Area 14: Max. RL 121.10, Building Height 47.90m. - Area 15: Max. RL 123.42, Building Height 48.07m. This is confirmed in the updated elevations and sections prepared by PTW accompanying this RFI response. Please note that the lift overrun location has changed for some buildings, resulting in a different natural ground RL below the highest point of the buildings compared to the original DA. All buildings are below the maximum permissible building height of 48.1m, therefore are compliant with the development standard.
<i>The confirmed maximum RLs have also not been included on all elevations and sections – can this please be provided for the upper most points of each building in all relevant plans.</i>	Updated plans have been prepared by PTW Architects to include the maximum RLs on all elevations and sections. These plans accompany this RFI response.
Cost of Works	
<i>Can you please provide a Cost summary report.</i> <i>This is to specifically confirm the cost of constructing the Infill affordable housing units.</i> <i>This relates to the \$5 million trigger for public infrastructure (infill affordable housing) which</i>	A Cost Summary Report has been prepared which confirms that the affordable housing units component of the development has an estimated cost of development \$18,366,242.40, exceeding the \$5 million minimum requirement.

is required to be determined by the Sydney North Planning Panel, refer to Schedule 6, Clause 5 of the SEPP (Planning Systems) 2021.

Landscaping

Can you confirm the extent of the landscape works and the proposed changes.

A Landscape Statement has been prepared by RPS to confirm the extent of landscaping works proposed.

The proposed landscaping changes are largely limited to the new proposed Level 13 communal open space, as well as modifications to the layout of the rooftop garden. These changes are a result of architectural changes necessitating amendments to the spatial arrangement and function of the roof garden, including amendments to the play area, exercise area and previous library layout. A food production area and green trellis system have also been introduced to the rooftop garden.

Refer to the accompanying Landscape Statement for further detail.

Are any changes proposed on the ground floor areas or public domain?

The Landscape Statement prepared by RPS confirms that there are minor landscaping changes to the ground floor as a result of the architectural design updates in the private communal open spare areas. These changes include the reconfiguration of some stepping stone access pathways and minor changes to plant species in selected garden beds without affecting overall plant numbers.

There are no proposed landscape changes to the public domain areas as part of this modification application.

Accessibility Report

Council's Accessibility officer requires the following to be addressed:

An Accessibility Statement has been prepared by Access Link Consulting to address the presence of structural columns located within shared zones of accessible parking spaces.

"According to the access report the main issue of non compliance seems to be the accessible car parking. Have

This statement confirms that an appropriate performance solution can be implemented to address this non-compliance using Australian Standard AS 2890.6:2022. This Australian Standard permits columns and structural elements to be

attached extract from report. States they will be addressed by a performance solution. Further information is to be provided relating to the solution and whether compliance can be achieved."

located within the first 1750mm at the front and back of the shared area. The performance solution can be implemented during detailed design development stage post approval. Refer to the accompanying Accessibility Statement for further detail.

Submissions

The application has been notified in accordance with Council policy and 4 submissions have been received.

Responses to the public submissions are outlined in the table below.

Can you please provide a response to these submissions in a tabulated form.

WaterNSW

In the latest RFI letter dated 6 August 2025, Water NSW requested additional modelled data to support a hydrogeological review and assessment of a drained basement design.

The project team is currently undertaking additional investigation and modelling to support the drained basement design. We will respond to WaterNSW when investigation is completed.

Response to Public Submissions

The modification application was placed on public exhibition between 18 June and 15 July 2025. A total of three public submissions were received during the exhibition period – 1 was in support and 2 were objections.

A summary of the key issues raised in the public submissions and the proponent responses are provided in the table below.

Key Issues Raised

Proponent Response

Amenity Impacts

Reduced view corridors and greater visual bulk of the development, specifically to the Embassy development on Marshall Avenue.

A view analysis has been prepared by PTW Architects in response to concerns raised by a resident of the Embassy development on Marshall Avenue, in regard to the impacts of the proposed development on their view corridors. No significant view corridor is available from the Embassy development to the proposed development.

The view analysis demonstrates that, the proposed modification will have a minor impact on the overall appearance of the skyline when viewed from the Embassy development, especially within the context of the broader St Leonards South precinct. The proposed development sits within the context of surrounding developments. Distance view towards Area 13 is visible from the Embassy development. Area 14 and 15 are not visible from the Embassy development. Views towards Area 13 recedes into the background and is screened by closer view towards Areas 1 and 2.

Importantly, the primary view corridor from the Embassy building to the south-west is maintained, with no impacts on this corridor associated with the proposed modification.

Therefore, the proposed modification will not result in adverse view impacts to the Embassy development and will have a negligible additional impact compared to what has previously been approved.

Increased overshadowing/solar access impacts, specifically to the Pavilions on the Park development on Duntroon Avenue and the Embassy development on Marshall Avenue.

An updated shadow diagram has been prepared which indicates that the proposed modification will have no overshadowing impacts on either the Pavilions on the Park development on Duntroon Avenue or the Embassy development on Marshall Avenue. It is also important to note that the Embassy development is located to the north of the site.

Refer to the Updated Architectural Drawings prepared by PTW Architects for further detail.

Increased Pressure on Local Infrastructure

Impact of the proposed modification on traffic, including traffic impacts and congestion to Berry Road and Marshall Avenue. Clarification

A Traffic Statement has been prepared by MLA Transport Planning to respond to the public submissions received.

The statement confirms that that proposed modification is only expected to result in a net increase in traffic generation of 8 vehicles per hour during the morning and 7 vehicles per hour

is also sought on the proposed number of car parking spaces.

during the evening peak periods compared to the approved development. Any increase in traffic would also be distributed across a number of intersections, making it unlikely to produce noticeable changes in modelling results when input into traffic modelling tools such as SIDRA. Subsequently, the statement concludes that the proposed modification will not result in any discernible traffic impacts on the local road network compared to what was previously approved.

With regards to car parking, the statement outlines that the proposed development is required to comply with the car parking requirements set out in Table 1 in Part R Traffic, Transport and Parking in Lane Cove Council's Lane Cove Development Control Plan 2010 and as per the condition of consent. Based on this table, the development is required to deliver 418 car parking spaces. However, considering the site's proximity to public transport, only 342 car parking spaces are proposed. It is considered the proposed parking provision strikes a good balance between supporting sustainable transport objectives and accommodating the parking requirements of future residents and visitors.

Refer to the Traffic Statement for a detailed response to all issues pertaining to traffic and parking raised in the public submissions.

Impact of the proposed increase in dwelling number associated with the modification on the capacity of nearby schools and parks.

The applicant is required to provide payment for Development Contributions, which will be used to manage the impact of growth. These contributions will be directed towards local councils, enabling them to invest in necessary upgrades to social infrastructure and parks in the LGA.

Cumulative impact of the multiple developments in the St Leonards South precinct utilising the in-fill affordable housing uplift.

For the purpose of assessing the cumulative amenity impact to the surrounding development (e.g. shadow), the proposed modification has accounted for the approved uplift in the precinct and concluded that the proposed modification will not create adverse impact.

Setbacks/Building Separation

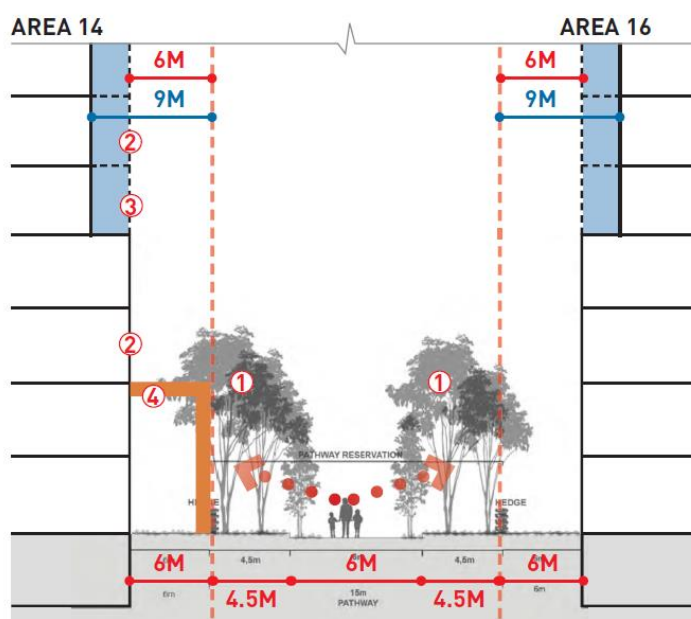
The proposed reduction in the upper-level setback will impact on the amenity of future residents and is non-

The proposed reduction in upper-level setback, whilst non-compliant with the relevant Lane Cove DCP control, is not expected to result in any reduction to amenity to the future residents of either the subject site or the adjoining site to the south, being Areas 16 and 17.

compliant with the LEP, ADG and DCP.

The proposed reduction in setback will not be readily perceivable from the public domain or create an excessive bulk and scale to the pedestrian link. People using the link will clearly identify the podium form of the buildings in the eyesight with the upper levels sitting more in the background partially obscured by trees. The upper-level setback noncompliance will not compromise the pedestrian experience within the pedestrian link, as the pedestrian link will still remain at human scale with the lower levels of the development complying with the 6m setback.

Additionally, the proposed setback reduction remains compliant with the Apartment Design Guide, as it will facilitate total building separation of 27m to Area 16, which is well above the relevant requirements. Subsequently, the proposed development will not result in any unacceptable privacy or overshadowing impacts to Areas 16 and 17.



Inconsistency with the St Leonards South Plan

Part storeys within the development should be counted as full storeys. This will result in Buildings 14 and 15 being 16 storeys tall, which

The number of storeys for the proposed development has been calculated in accordance with the St Leonards South Plan, including part storeys not being counted as a storey, as outlined in Section 7 of Locality 7 in Part C Residential Localities in the Lane Cove DCP. This has resulted in a total number of 14 storeys, which

exceeds the maximum number of storeys permissible on the site under the St Leonards South Plan, being 10 storeys.

does exceed the maximum number of storeys permissible on the site under the DCP.

However, the exceedance of the DCP height in storeys control is a consequence of adopting the height incentive under the Housing SEPP, which has not been contemplated by the DCP. Despite the technical non-compliance, the additional storeys:

- Will incorporate an architectural expression, material and colour that is consistent with the approved tower form in order to ensure the additional storeys read as part of a cohesive tower element.
- Maintain appropriate building separation distances as per the ADG.
- Will result in minimal additional overshadowing to the public domain and neighbouring developments.

Subsequently, the non-compliance with the DCP height in storeys control will not result in any adverse impacts and can be assessed and justified based on merit.

Procedural Issues

The s4.55(2) modification pathway is inappropriate for the proposed development and this should have been pursued as a separate development application. Approval of this modification will set a dangerous precedent for future applications.

In a pre-lodgement meeting conducted with Lane Cove Council on 19 February 2025, Council confirmed to the applicant, based on legal advice they had obtained from a neighbouring site's modification application, the proposed development can be lawfully be submitted as a Section 4.55(2) modification application.

A similar application (DA79/2022) in proximity to the site (Areas 1, 2 and 4) seeking uplift associated with the Infill Affordable Housing provisions has also recently been approved by Lane Cove Council through a s4.55(2) pathway.

Based on this precedent, the modification pathway is appropriate for the proposed development.

Insufficient community consultation was conducted.

The modification application was placed on public exhibition for 28 days between 18 June and 15 July 2025 and was appropriately notified to the community in accordance with the procedures of Lane Cove Council.

Affordable housing for the development is only proposed to be provided for 15 years.

Affordable housing has been proposed as part of this modification application which is to be dedicated to a community housing provider for 15 years. This is in accordance with the requirements for infill affordable housing development outlined in Chapter 2 Part 2 Division 1 Section 18 of the Housing SEPP.

In addition, the three affordable housing units that are required under the Lane Cove LEP will be dedicated to Council in perpetuity.

I trust that the information submitted has provided a sufficient response to all matters raised by Council and during public exhibition.

Please do not hesitate to contact the undersigned should you have any questions, or require anything further to progress this DA.

Kind regards,

A handwritten signature in black ink, appearing to be "Anna Wang".

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19 September 2025

Andrew Bland
Lane Cove Council
48 Longueville Road
Lane Cove, NSW

Dear Andrew,

Request for Further Information (RFI) Response – 14-16 Marshall Avenue, St Leonards (DA56/2023)

This letter relates to a s4.55(2) modification application to DA56/2023 which seeks development consent to apply the infill affordable housing bonus provisions under the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) to the approved development. The modification seeks to achieve uplift in both FSR and building height and will deliver an additional 15% affordable housing.

This letter has been prepared in response to the Lane Cove Council (Council) request for information dated 29 August 2025. This RFI Response is accompanied by:

- Design RFI Response Report prepared PTW.
- Amended Architectural Plans prepared by PTW.
- Amended Landscape Plans prepared by RPS Group.
- Landscape Statement prepared by RPS Group.
- Traffic RFI Response Letter prepared by MLA Transport Planning.
- Wind Impact Assessment Addendum Letter prepared by RWDI.
- Amended Ecologically Sustainable Design Report & NATHERS Assessment Report prepared by Eco Engineering Group.
- Car Share Program Letter prepared by Arc Energy Group.

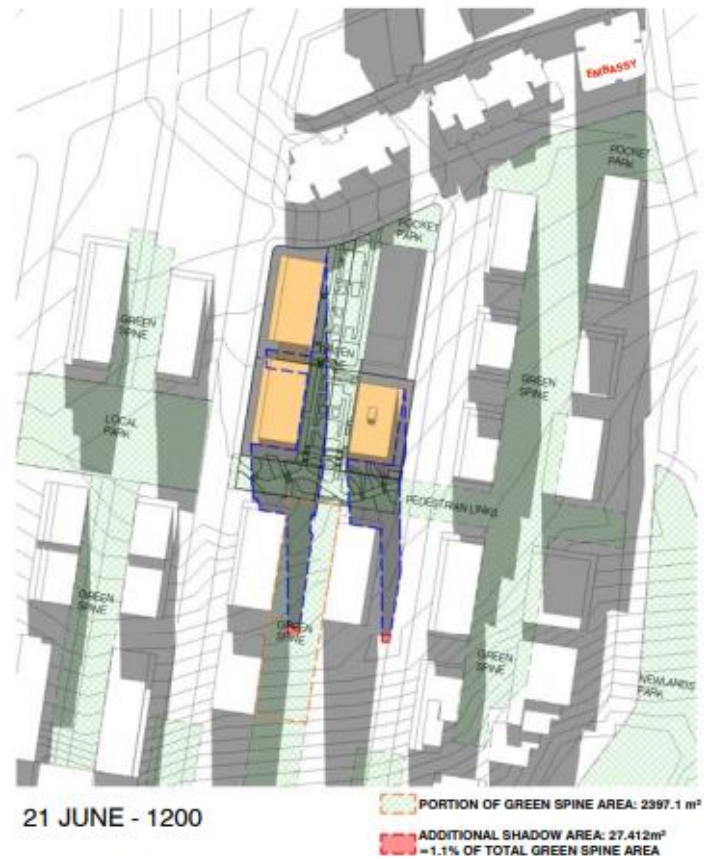
Responses to matters raised by Council are provided below.

Table 1 RFI Response Table

Council Comment	Proponent Response
Setbacks to the Link	
<i>The proposed development includes a non-compliance with the setback control to the east to west pedestrian link. The proposal includes a reduced upper level setback from 9m to 6m (above 5th storey) for Areas 14 and 15, which is a reduction of 3m.</i> <i>Insufficient justification has been provided to warrant supporting the proposed non-compliance. It is unclear what impacts would be generated from the non-compliant portion of the development. It is perceived that there would be an unacceptable impact on the public domain areas resulting from the reduced setback. Further justification is to be provided to enable a full assessment of the non-compliance including the following:</i> <i>Hourly shadow diagrams which clearly depict the isolated impacts from the non-compliant portion of the proposed development, in particular the green spine areas. The DCP requires that</i>	An RFI Response Report has been prepared by PTW to address the matters relating to architectural design that have been raised by Council. This report includes a detailed analysis of the impact of the proposed upper-level setback non-compliance on public domain areas to justify that the non-compliance will have a minimal impact on the amenity of surrounding areas. The report contains hourly shadow diagrams which demonstrate that the additional overshadowing associated with the non-compliant portion of the proposed development is minor to negligible. Additional overshadowing is only cast between 10am – 1pm on 21 June and, of this, there is only additional overshadowing cast on the green spine between 11am-12pm. This additional overshadowing is very minor and is limited to a maximum of only 1.1% of the total green spine area, as shown in the diagram below. Therefore, the proposed setback non-compliance will not result in any significant or adverse overshadowing impacts to green spine, as the additional shadow cast is minimal. The area of non-compliance will not create additional shadow to Newlands Park beyond existing shadow casted by exiting and approved development. The overshadowing of public and private open spaces is minimised despite the non-compliance. Refer to the Design RFI Response Report for further detail and the full set of shadow diagrams.

overshadowing of public and private open spaces (Green spines, parks) is to be minimised.

Figure 1 Overshadowing Diagram – 12pm 21 June



Source: PTW

- *View impacts from public domain areas which clearly isolate the impacts of the non-compliant portion of the development. Refer to matter 5 below.*

View impact comparison from Holdsworth Avenue, Berry Road and, along the pedestrian link has been prepared and included in the Design Response Report.

As shown in Figure 2 below, when viewed along the pedestrian link, the tower sits well above pedestrian eye level and is read as part of the upper tower massing rather than the street wall. The tower form does not encroach into the active ground-level or mid-rise realm, which will be the main view corridor when viewed from eye level. The tower itself is also screened by trees. The difference between the compliant and the proposed is visually recessive, does not add perceptible bulk at street level, and therefore has minimal impact on view/visual amenity.

As shown in Figure 3, when viewed from the street, the reduced setback is positioned deep within the view corridor and largely screened by the foreground built form and trees. The comparative views show that the setback variation adds only a thin sliver of form at upper levels, perceived at distance against the sky backdrop. At this distance, the incremental massing is indistinguishable from the overall tower composition. Accordingly, the proposed tower reads with the same scale and proportion as the compliant form, producing negligible visual change.

Refer to the Design RFI Response Report for further detail.

Figure 2 Comparison of views as viewed within pedestrian link



VIEW 1. FROM PEDESTRIAN LINK LOOK WEST:
UPPER SETBACK NON-COMPLIANCE



**VIEW 3: FROM INTERSECTION OF PEDESTRIAN
LINK AND GREEN SPINE LOOK WEST:**
UPPER SETBACK NON-COMPLIANCE



VIEW 1. FROM PEDESTRIAN LINK LOOK WEST:
UPPER LEVEL SETBACK COMPLIANCE



**VIEW 3: FROM INTERSECTION OF PEDESTRIAN
LINK AND GREEN SPINE LOOK WEST:**
UPPER LEVEL SETBACK COMPLIANCE

Figure 3 Comparison of views as viewed from Berry and Holdsworth Avenue



VIEW 2. FROM BERRY ROAD LOOK EAST:
UPPER SETBACK NON-COMPLIANCE



VIEW 4. FROM HOLDWORTH AVE LOOK WEST:
UPPER SETBACK NON-COMPLIANCE



VIEW 2. FROM BERRY ROAD LOOK EAST:
UPPER LEVEL SETBACK COMPLIANCE



VIEW 4. FROM HOLDWORTH AVE LOOK WEST:
UPPER LEVEL SETBACK COMPLIANCE

- *A diagram illustrating how you have addressed the canyon wall affect which could result from the proposed development. The proposed development fails to provide a stepped transition between the link and the built form which increases the bulk and scale to the east-west link and from the green spine areas.*

Despite not incorporating a stepped built form through setback, the development avoids a canyon wall effect and provides a stepped transition between the link and the built form by incorporating the following design measures:

- A stepped dark brick base defines the podium, anchoring the building when viewed from the green spine. In addition to the dark brick, the incorporation of column like elements further frames the podium and creates a sense of openness along the elevation. The incorporation of pergolas over private open spaces adds another layer of detail, forming a soft transition between the building and landscape within the green spine. Together with generous planting, these architectural responses strengthen the human-scale interface at ground level and ensure the development remains legible, inviting, and connected to the public domain context.
- Above the podium, the tower is expressed through lighter articulated frames and contemporary façades, creating a clear visual and material distinction. The lightweight design and material colour selection creates a clear visual change from the lower podium and also reduces perceived bulk from the public domain.

Given this intentional hierarchy of materials and scale, a further three-metre setback would not meaningfully improve the stepped transition between the link and the built form; the current design already achieves this through material contrast and massing articulation. This is evident in the photomontage comparison provided below.

As shown below, compared to the compliant tower design, there are no material visual differences when viewed from Holdworth Avenue or the green spine. A stepped-like transition between the link and the built form is still achieved through careful articulation of massing, material variation, and vertical breaks. These elements create a visually layered edge that provides transition, reduces perceived bulk of the tower and enhances the sense of openness along the pedestrian link.

Accordingly, the development avoids any negative canyon wall effect by incorporating stepping, varied materials, and open elements, ensuring permeability and a reduced sense of enclosure when viewed from the

pedestrian link and Holdsworth Avenue. Therefore, the proposal satisfies the intent of the controls. Refer to the Design RFI Response Report for further detail.

Figure 4 Comparison of montage – viewed from Holdsworth Avenue looking towards the west of the pedestrian link



VIEW 4. FROM HOLDWORTH AVE LOOK WEST:
UPPER SETBACK NON-COMPLIANCE



VIEW 4. FROM HOLDWORTH AVE LOOK WEST:
UPPER LEVEL SETBACK COMPLIANCE

Landscaping Response

Council's landscape team has provided comments regarding the landscape plans and deep soil area. Please refer to the LCC Landscape Comments document attached.

These landscaping comments have been summarised below:

Updated landscape plans have been provided which cloud all individual changes. The proposed landscape changes that form part of this modification are described below:

- Minor alterations to entrances to private units and associated landscaping at the ground floor due to architectural changes. Three entrances have been modified due to level differences and three entrances have been modified/deleted due to spatial rearrangements.

Update plans so that only specific changes are clouded.	- Addition of a communal open space on Level 13 between the Area 13 and 15 buildings. The design of this communal open space has been amended as part of this RFI response to respond to the comments from Council's landscape team. - Amendments to the design and layout of the Area 13 rooftop communal open space.
Clarification on deep soil provision, as it is non-compliant with the requirements of the DCP (i.e. green spine is not predominantly deep soil, and deep soil does not make up 25% of site area).	This modification application seeks to amend an error to the calculation of the deep soil area made in the approved DA. The approved landscape plans incorrectly identified areas of landscaping between Buildings 13 and 15 as being deep soil zone, however these areas are actually located above the basement extent and thus cannot be counted as true deep soil. These areas have been corrected to be podium planting area, rather than deep soil zones, as shown in Drawing 4.1.1 Soil Plan within the amended landscape plans. As part of this modification application, there are no physical changes proposed to either the landscaping arrangement in terms of deep soil areas, or the basement extent. This means that the percentage reduction in deep soil area for the green spine from 42% to 40% (and for the whole site from 25% to 23%) is solely due to a correction of an error in the approved plans, rather than any physical works for which approval is now sought. Whilst this results in a minor non-compliance, this non-compliance is not the result of any changes to the landscape design and is instead correcting a graphical and calculation error associated with the approved landscape plans. Deep soil provision on the site has been maximised within the constraints of engineering and architectural elements.
- Soil volume calculations are not provided. - Planters on structure are to be amended to provide minimum soil area and volume for trees.	The landscape plans have been amended to include soil volumes and dimensions for planters in the Level 13 and rooftop communal areas. Whilst the soil volumes do not meet Council's requirements for planting on structures within their DCP, being a soil volume of 9m³ for small trees, RPS have outlined in their Landscape Statement that their approach is suitable for the proposed planting and landscape design. The following changes have been made to the landscape design in the amended plans accompanying this RFI response to minimise potential adverse impacts from the non-compliant soil volumes: Increased planter areas and soil volumes for key trees within the Level 13 and roof communal areas.

- Amended selected species within the Level 13 and roof communal areas to be more suited to the proposed soil depths. For example, the central planter on Level 13 has been amended to have a soil volume of 5.63m³ and the proposed tree has been amended to a frangipani. This is considered an appropriate species for a planter of the provided size as it has a small root ball and shallow root system.
- Reviewed the performance specifications and mature sizes of vegetation and adjusted species to ensure long term viability and health of plants. This included a review of maximum tree sizing in conjunction with proposed soil depth and volume to ensure that trees will not reach heights beyond what is required on the project.

Additionally, the soil volumes noted on Drawing 4.2 Canopy Plan have been updated to reflect the amended Level 13 and rooftop planting details for accuracy.

Overall, the landscape design can still achieve a positive outcome as intended by the controls despite the non-compliant soil volumes. When considering the landscape plan outcomes in totality – where tree canopy coverage will exceed the DCP minimum, on balance the outcome is considered supportable.

Refer to the landscape statement and amended landscape plans prepared by RPS for further detail.

▪ Planters on roof terrace should be consolidated.	In response to Council's comments, planters have been consolidated on the roof communal area, resulting in greater soil volume to support tree growth. Details for these planters will be confirmed at the documentation stage following approval.
▪ Clarification of tree canopy calculations to demonstrate compliance with 36.8% canopy target for entire site area and 50% canopy target for green spine.	The landscape design will achieve 49% tree canopy coverage across the site when considering proposed trees only (as noted on the landscape plans). Tree canopy coverage increases to 50% of the entire site when including existing trees. This exceeds the DCP target of 36.8% for the site. The tree canopy coverage for the green spine is 1,230m², which equates to 69% of the green spine and exceeds the St Leonards South Landscape Master Plan target of 50% canopy coverage for the green spine.

- Review proposed tree species, particularly ficus rubiginosa, and provide alternatives.

Amendments have been made to the proposed tree species in response to Council's comments:

- At the ground level, the ficus species has been replaced with Eucalyptus racemosa (Scribbly Gum) which is a species found within the endemic vegetative community.
- Within the Level 13 communal area, the ficus species has been substituted for plumeria obtusa (frangipani) at 45L. All other tree species have been substituted for shrubs.
- Within the rooftop communal area, the ficus species have been substituted with one plumeria obtusa (frangipani) at 45L and two syzgium australe (shrub) species.

The proposed development includes a reduction in deep soil from 25% to 23%, insufficient soil volumes and inappropriate species selection. Please address these matters and ensure consistency with approved deep soil.

- As described above, the numeric deep soil provision has been reduced from 25% to 23% on the landscape plans, however this change is a result of correcting a calculation error in the approved plans, rather than any physical change to the proposed deep soil areas within the development. The approved landscape plans incorrectly identified areas of landscaping between Buildings 13 and 15 as being deep soil zone, however these areas are actually located above the basement extent and thus cannot be counted as true deep soil. These areas have been corrected to be podium planting area, rather than deep soil zones, as shown in Drawing 4.1.1 Soil Plan within the amended landscape plans.

As part of this modification application, there are no physical changes proposed to either the landscaping arrangement in terms of deep soil areas, or the basement extent. This means that the percentage reduction in deep soil area from 25% to 23% is solely due to a correction of an error in the approved plans, rather than any physical works for which approval is now sought. Whilst this results in a minor non-compliance, this non-compliance is not the result of any changes to the landscape design and is instead correcting a graphical and calculation error associated with the approved landscape plans.

Deep soil provision on the site has been maximised within the constraints of engineering and architectural elements.

- Planter areas and soil volumes have been increased in the amended landscape plans. As described above, whilst non-compliant soil volumes are proposed, the landscape design and planting selection has

been amended to ensure that appropriate trees are proposed for the corresponding soil volume, meaning the landscape design will achieve an appropriate and positive outcome despite the non-compliance.

- The species selection has been amended to replace ficus species which were identified by Council as being inappropriate with more appropriate selections, including eucalyptus racemosa, plumeria obtuse and shrubs.

Affordable Housing Identification

Please provide a tabulated identification for each building, which identifies the affordable housing developments which are to be provided in accordance with the Affordable Housing provisions in regard to the Housing SEPP 2021.

A tabulated identification of affordable housing units in each building to Council's specifications has been provided in Tables 2, 3, 4 and 5 below.

Parking Rates to confirm compliance with SEPP

An assessment against the non-discretionary standards for parking is to be provided. Compliance has not been demonstrated in the Statement of Environmental Effects or the Traffic Impact Assessment report.

An assessment against the non-discretionary standards for parking in Chapter 2 of the Housing SEPP for infill affordable housing has been provided in **Table 7** below.

As per the requirements of the Housing SEPP, a total of 275 parking spaces is required for the proposed development. A total of 342 spaces is proposed, including 316 spaces for residents. Therefore, as the Housing SEPP requirements are non-discretionary standards but are not maximum parking rates, the proposed modification is compliant with the Housing SEPP parking requirements.

View Loss Analysis

The provided view loss analysis does not consider all relevant developments located on the northern side of Marshall Avenue. Please provide further consideration of views obtained from the other 2 RFB developments located on the northern side of Marshall Avenue.

In response to a public submission on the proposed modification received during the exhibition period, a View Analysis was prepared specifically in reference to the property identified in that submission, being the Embassy tower development located at 1 Marshall Avenue.

As noted by Council, there are two additional RFB developments located adjacent to the Embassy tower which were not included in the view analysis. However, the proponent considers that it is not necessary to provide a view analysis for these properties as their maximum heights are below the height of the development on the subject site approved under the original DA (DA56/2023).

Plans for the two RFBs were obtained from the Lane Cove DA tracker and reviewed to determine the maximum height of the building, as shown in the table below. As stamped plans were not available on the tracker, public exhibition plans for the developments were used. The maximum RLs found on the public exhibition plans were compared to data obtained from Nearmap, with the RLs being generally consistent between the two data sources, if not higher on the exhibited plans.

Address	Maximum RL (as per plans available on Lane Cove DA tracker)
1-13 Marshall Avenue	RL 96.200
15-25 Marshall Avenue	Roof top: RL 100.20 Plant: RL 102.50
14-16 Marshall Avenue (subject site) (approved under DA56/2023)	Roof top: RL 110.0 Plant: RL 114.5

As the two RFBs are over 12m lower than the maximum height of the approved development, the bulk of any visual impact would be caused by the first ten storeys of the building, which have already been approved, rather than the four additional storeys proposed as part of this modification. Therefore, any visual impact on these RFBs was assessed and approved under DA56/2023 and there will be no additional visual impact to any significant view lines as a result of the proposed modification.

Wind Study Clarification

The proposed development includes the introduction of a new Communal Open Space between Buildings 13 and 15. The report provides some ambiguous commentary on the useability / amenity of this area and the proposed mitigation. Please clarify the following comments from the Wind Study:

*The **Areas 13 & 15** Buildings also include recessed entrances along the eastern aspect within the Communal Open Space. Conditions around these entrances are expected to be calm. However, the open lobby between the two buildings is expected to be exposed to channelling westerly winds during winters. The effect is likely to increase due to the central connection between the two buildings, 'leading to conditions likely to be suitable for active use to uncomfortable during the colder months.' Wind impacts*

A Wind Assessment Addendum Letter has been prepared by RWDI to confirm the wind impacts of the proposed development. This letter confirms that the winds that channel through the open lobby between the Areas 13 and 15 buildings during colder months can be appropriately mitigated through the inclusion of an awning between the buildings. This awning was included in the architectural plans submitted with the modification application.

during summers are likely to be small due to shielding provided by surrounding buildings.

The Communal Roof Terrace on Level 13 between Areas 13 & 15 Buildings 'will potentially be exposed to strong channelling winds during winters with conditions likely to exceed the comfort limits within the space.'

Can an addendum to the Wind Study be provided confirming what specific wind mitigation has been provided for this area and whether appropriate landscaping has been provided. The report seems to suggest this area would not have appropriate amenity.

The impact of channelling winds on the communal roof terrace has been mitigated through the inclusion of a 1.8m tall impermeable screen around the perimeter of the terrace and supplemented by landscape planting along the edges of the terrace. These elements were incorporated into the architectural plans and landscape plans submitted with the modification application.

Additionally, as stated in the Wind Impact Assessment submitted with the modification application, the location of the lift overrun and plant room on the northeast corner of the roof terrace and the awning above will also provide protection from the winds.

As such, it is concluded that overall wind conditions on the terrace are expected to be calm and comfortable for the intended use of the space and will result in appropriate amenity.

Traffic Comments

Regarding amending the wording of condition #69. Council accepts the removal of the word minimum, however it should not be replaced with maximum. As these are neither minimum or maximum rates.

Noted. In light of this, Condition 69 is proposed to be amended to the following:

69. C.9.T - Car parking allocation and restrictions on excess spaces

Car parking spaces shall be allocated as per the established ~~minimum~~ car parking rates (rounded up to the nearest whole number) in Table 1 of Part R: Traffic, Transport, and Planning of the LCDCP 2010. The subdivision and sale of excess car parking spaces is prohibited.

Electric vehicle infrastructure: The proposed plans do not show the location of the EV charging infrastructure.

The architectural plans have been amended to include EV charging infrastructure for four visitor parking spaces and the two car share spaces, as well as GPOs for 9 bicycle parking spaces (equal to 10% of total bicycle parking).

- a. 10% or a minimum of 4, of all car-share spaces and spaces allocated to visitors

must have a Minimum Level 2 40A charger, to be provided prior to Occupation Certificate. For this development a minimum of 4 applies.

- b. All new developments are to meet the relevant Deemed-to-Satisfy Provisions of the National Construction Code or any subsequent amendment, except where varied by this clause.*
- c. 10% of bicycle parking must be provided with 10A General Power Outlets (GPO)*

The proposed parking is considered acceptable as the 342 car parks meet the parking rates in Table 2 of the DCP – “Car parking rates near St Leonards Railway Station. Table 2 requires 280 car parking spaces total for 231 dwellings.

- a. As a result of this amendment, the applicant should be able to provide additional visitor car parking spaces more closely aligned with the DCP requirements of 1 visitor space per 5 dwellings.*

A Traffic RFI Response Letter has been prepared by MLA Traffic Consulting to address the traffic comments raised in Council’s RFI. In relation to visitor parking, it is considered that the Lane Cove DCP parking rate of 1 visitor space per 5 dwellings is excessive and not required considering the location and context of the site, specifically its proximity to three public transport nodes offering high frequency services throughout the day (St Leonards Station; Crows Nest Metro Station; bus stops along Pacific Highway). It is considered that this provision of high-quality, accessible public transport will reduce demand for visitor parking below the DCP requirement. Additionally, reducing the visitor parking provision will encourage sustainable transport use and reduce reliance on private vehicles, which is consistent with the State Government transport policies and strategies, whilst not impacting on the amenity of the development for residents or visitors.

Furthermore, the Traffic RFI Response Letter presents empirical evidence from a residential development in a comparable town centre urban area in close proximity to highly accessible public transport to demonstrate that the DCP visitor car parking rate is excessive. The empirical evidence suggests that similar residential developments have a visitor parking demand of 1 space per 10 dwellings, not 1 space per 5 dwellings. Subsequently, the proposed provision of 24 visitor car parking spaces is sufficient (note that 23 spaces would be required based on a 1 space per 10 dwellings parking rate).

Refer to the Traffic RFI Response Letter for further detailed assessment.

b. <i>1 onsite removalist truck space per 100 residential units (rounded up). Applicant to provide 3 removalist truck spaces. Current plan has 2.</i>	The architectural plans have been amended to include three truck bays, comprising one Medium Rigid Vehicle (MRV) and two Small Rigid Vehicle (SRV) bays. Swept paths have been prepared by MLA Traffic Consulting and included in the Traffic Response Letter to demonstrate that the relevant design vehicles can access the truck bays.
c. <i>1 car wash bay per 50 units. Applicant to provide 5 car wash bays. Current plan has 0.</i>	The architectural plans submitted with the modification application contained three car wash bays at the ground level of the car park along the eastern boundary. The architectural plans have been amended to include an additional two car wash bays, including one adjacent to the existing car wash bays on the eastern boundary and one adjacent to the car park entry. This results in a total of five proposed car wash bays.
<i>The increase of vehicle peak hour trips from 36vph in AM and 28 vph in PM to 44vph in AM and 35 vph in PM is considered acceptable, provided that the applicant determine which external movements the additional 8 and 7 vph will use (eg left turn at X intersection, right turn onto Y) while referring to the Masterplan rezoning study and its recommendations.</i>	The additional traffic movements are expected to access the intersections of Pacific Highway with Berry Road and River Road with Canberra Avenue. The Traffic RFI Response Letter prepared by MLA Transport Planning contains an assessment of the impact of the additional traffic and concludes that it is minor and is not expected to create any discernible traffic effects on the surrounding intersections. Refer to the Traffic Response Letter for further detail.
<i>Developments occurring within 400m of St Leonards Railway station that generate 10 or more vehicles per hour must be accompanied by a Sustainable Travel and Access Plan (STrAP). The STrAP must be approved by Council prior to issuing of the Occupation Certificate.</i>	Noted – a STrAP will be prepared and provided to Council prior to the issue of the Occupation Certificate.

The applicant must provide evidence at DA stage that commercial car share operators have been engaged and are committed to supplying car share vehicles in all of the designated on-site car share spaces.

The proposed development includes 2 car share spaces. A letter has been obtained from Arc Energy Group, on behalf of Ollo (formerly Outbound), confirming that these car share spaces will be operated by Ollo, an electric vehicle carshare company. Ollo has committed to allocating two vehicles to the development. Refer to the Car Share Program Letter accompanying this RFI response for further detail.

Solar Panels

The proposed development seeks to accommodate an uplift in residential density. The proposed development has sought to provide additional communal open space to accommodate this uplift. The provision of additional sustainability / solar infrastructure should be explored for building 14.

An updated ESD report has been prepared by Eco Engineering Group which confirms that the development will incorporate a 90kW rooftop solar photovoltaic (PV) system on the rooftop of Building 15 (approximately 600m² of solar panels). The expected renewable energy generation by the overall 90 kW system is approximately 109.3 MWh per annum. This 90kW PV system will outperform the minimum regulatory requirements for the development as a whole, including Area 14, and provide a significant carbon emission offset for the development. 15 kW (100m²) of the energy output of the PV system will be utilised within Building 14 but will be provided on the Building 15 rooftop, as shown in the amended architectural plans.

The possibility of providing solar panels on Building 14 was explored, however it was determined that a more favourable outcome could be achieved by consolidating all solar panels for the development on the rooftop of Building 15, noting the approved development included solar panels on Building 15. Consolidation of the solar panels will assist in minimising maintenance costs, avoiding unnecessary duplication of certain associated infrastructure and improving efficiency of the PV system.

Refer to the ESD report and architectural plans for further detail.

Water NSW RFI

Council has received a further information request from Water NSW in response to your Groundwater Seepage Analysis document dated 22nd August 2025 requesting access to documents you have previously

Noted. No action required.

submitted. This has been provided to Water NSW for their response.

Environmental Sustainability Development Report / NATHERs report

An updated Environmental Sustainability Development Report is referenced, please provide this document.

An updated ESD Report has been prepared by Eco Engineering Group and accompanies this RFI response.

Please provide an updated NATHERS report confirming that the proposed development achieves the minimum 6-star rating.

An updated NATHERS assessment report has been prepared for the proposed development and is included as an appendix to the updated ESD report. The NATHERS report confirms that the development can achieve an average 6.6 star rating.

Refer to the ESD report for further detail.

Table 2 Dedicated affordable housing units Building 13 – Housing SEPP

Unit Count	Unit Number	GFA sqm	Bedrooms
0	No affordable housing units have been provided in Building 13 to meet the Housing SEPP requirements. An affordable housing unit has been provided in Building 13 to satisfy the VPA for the site – see Table 6 .		

Table 3 Dedicated affordable housing units Building 14 – Housing SEPP

Unit Count	Unit Number	GFA sqm	Bedrooms
1	140101	113.1	2
2	140201	108.9	3
3	140202	86.7	2
4	140203	76.8	2
5	140204	96.5	3
6	140205	107.8	3
7	140301	87.6	2
8	140302	86.7	2
9	140303	76.8	2
10	140304	96.1	3
11	140305	96	3
12	140401	87.6	2
13	140402	86.7	2
14	140403	76.8	2
15	140404	96.1	3
16	140405	96	3
Common Area (for affordable units only)		110	n/a

Total	1586.2sqm
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Table 4 Dedicated affordable housing units Building 15 – Housing SEPP

Unit Count	Unit Number	GFA sqm	Bedrooms
1	150501	98.1	3
2	150502	82.9	2
3	150503	56.1	1
4	150504	57	1
5	150505	54.6	1
6	150506	59	1
7	150507	80.3	2
8	150508	51.9	1
9	150601	98.1	3
10	150602	82.9	2
11	150603	56.1	1
12	150604	57	1
13	150605	54.6	1
14	150606	59	1
15	150607	80.3	2
16	150608	51.9	1
17	150701	98.1	3
18	150702	82.9	2
19	150703	56.1	1
20	150704	57	1

21	150705	54.6	1
22	150706	59	1
23	150707	80.3	2
24	150708	51.9	1
Common Area (for affordable units only)		221.6	n/a
Total		1841.3sqm	

Table 5 Total areas of affordable housing units across the development – Housing SEPP

Total Affordable Housing GFA (sqm) under the Housing SEPP	Percentage Of Affordable Housing (sqm)
3,427.5	15% of total GFA of 22,850 sqm

Table 6 Dedicated affordable housing units – VPA (unchanged)

Unit Count	Unit Number	NSA sqm	Bedrooms
Building 13			
1	130301	71.7	2
Building 14			
2	140306	70.1	2
3	140406	70.1	2

Table 7 Housing SEPP Car Parking Assessment

Proposed Land Use	No. of Dwellings	Housing SEPP Minimum Parking Rates	Housing SEPP Minimum Car Parking Requirements	Proposed Car Parking Provision
Non-Affordable Housing				
1-bedroom	32	0.5 spaces per dwelling	16	

2-bedrooms	93	1.0 spaces per dwelling	93	Allocation for each unit not yet determined.
3-bedrooms	51	1.5 spaces per dwelling	76.5	
4-bedrooms	12	1.5 spaces per dwelling	18	
Non-Affordable Housing Sub-Total			203.5	289 – compliant
Affordable Housing				
1-bedroom	15	0.4 spaces per dwelling	6	6
2-bedrooms	15 (Housing SEPP) 3 (VPA)	0.5 spaces per dwelling (SEPP) + 1.0 space per dwelling (VPA)	10.5	11
3-bedrooms	10	1.0 spaces per dwelling	10	10
4-bedrooms	0	1.0 spaces per dwelling	0	0
Affordable Housing Sub-Total			25	27 – compliant
Total			228.5	316 (resident spaces only) – compliant

I trust that the information submitted has provided a sufficient response to all matters raised by Council.

Please do not hesitate to contact the undersigned or Stephen White on 02 8233 9955 or swhite@urbis.com.au should you have any questions, or require anything further to progress this DA.

Kind regards,



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11 November 2025

Andrew Bland
Senior Town Planner,
LANE COVE COUNCIL
Via email: abland@lanecove.nsw.gov.au

Dear Andrew,

Response to RFI – 14–16 Marsahll St Leonards DA56/2023

This letter has been prepared on behalf of DASCO Property Development (the applicant) in relation to a s4.55(2) modification application to DA56/2023.

This letter has been prepared in response to the Lane Cove Council (Council) request for information dated 03/10/2025, which requires the proposal to comply with the upper level setback to the southern elevation of Area 14 and 15. Post receipt of the letter, the project team met with Council on 10 October 2025 to discuss this matter.

At the meetings, three design options and design rationales were presented to Council. All three design options had reduced upper level setback to the southern elevation of Area 14 and 15.

After the meeting, Council confirmed that their recommended option is:

- To comply with the DCP controls – lower four floors is to retain the setback of 6m, and all the floors above is to increase the setback to 9m to the southern elevation of Area 14 and 15.
- the additional 3 levels on the bridge between areas 13 and 15 can be supported.

We have adopted this recommendation and updated the architectural plans to reflect the changes. The proposed changes include:

- Increase the upper level setback to the southern elevation of Area 14 and 15 to 9m to comply with DCP.
- Additional two levels on the bridge between areas 13 and 15 has been added.
- Convert the communal open space area on the roof the building between areas 13 and 15 to large private open spaces for the units. The overall development is already providing more than adequate communal open space area – 38% of the site area is provided as communal open space, which well exceeds the ADG requirement.
- The northern setback of Area 14 between Levels 10–13 has been revised from 6 m to 4.5 m. The high windows that were on the northern façade have been removed and privacy screens have been added to the balconies to minimise overlooking. Accordingly, the objectives of the ADG have been addressed.

The living room and bedrooms can achieve cross ventilation through the balconies orientated towards the east and west.

- Affordable housing requirements under the LEP and Housing SEPP remain unchanged
- Amenity requirement under the ADG remain unchanged and compliant.
- No changes are proposed to landscaping on the ground or rooftop areas. The only landscape plan that has been updated is level 15, which now reflects the proposed large terraces.

I trust that the information submitted has provided a sufficient response to all matters raised by Council. Please do not hesitate to contact the undersigned should you have any questions, or require anything further to progress this DA.

Kind regards,

A handwritten signature in black ink, appearing to read "Anna Wang".

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