

Andrew Bland

From: Andrew Bland
Sent: Thursday, 31 July 2025 4:22 PM
To: 'Anna Wang'
Subject: Request for Further Information - DA56/2023 - 14-16 Marshall Avenue, St Leonards

Hi Anna,

Thanks for your time on the phone.

Sending Part 1 of the RFI subject to further assessment and referral responses.

Please provide a response which addresses the following matters.

It would be ideal if these matters could be resolved prior to the SNPP briefing meeting.

Building Height

The heights provided in the SOEE are inconsistent, can these please be amended.

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.

Area 13 height is inconsistent.

RL 125.45 – RL 114.150 = 11.3m or 30.57%?

RL 125.28 – RL 114.15 = 11.13m or 30.11%?

47.95m – 36.96m = 10.99m?

Area 14 RL not confirmed on the plans???

Area 15 height is inconsistent.

RL 123.42 – RL 112.00 = 11.42m

47.63 – 36.64 = 10.99m?

Cost of works

Can you please provide a Cost summary report.

This is to specifically confirm the cost of constructing the Infill affordable housing units.

This relates to the \$5 million trigger for public infrastructure (infill affordable housing) which 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.

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

Accessibility Report

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

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

Submissions

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

These are provided on Council's website.

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

Water NSW

Your response has been issued to Water NSW.

It is advised that you make contact with Water NSW to ensure they are satisfied with the information provided.

Happy to discuss further.

Please respond to these matters within 14 days.

Kind regards,
Andrew Bland.

From: Anna Wang <awang@urbis.com.au>
Sent: Thursday, 31 July 2025 2:55 PM
To: Andrew Bland <ABland@lanecove.nsw.gov.au>
Subject: RE: 14-16 Marshall Avenue

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Hi Andrew.

You can call me on the number below

8424 5107

REGARDS

ANNA WANG
ASSOCIATE DIRECTOR

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CITIES AND
COMMUNITIES**



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CITY LEADERS SURVEY²⁰²⁴

A critical view of our urban future

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Urbis recognises the traditional owners of the land on which we work.
Learn more about our [Reconciliation Action Plan](#).

Nominated architects: Kate Paterson - NSW Reg 8582, QLD registration 6148, Caroline Stokes WA registration 1520

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From: Andrew Bland <ABland@lanecove.nsw.gov.au>
Sent: Thursday, 31 July 2025 1:37 PM
To: Anna Wang <awang@urbis.com.au>
Subject: RE: 14-16 Marshall Avenue

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Hi Anna,

Thanks for putting that in the diary.

I'll just call you via the phone.

What's your best contact number?

Kind regards,
Andrew Bland.



Andrew Bland
Senior Town Planner
48 Longueville Road Lane Cove
9911 3518
abland@lanecove.nsw.gov.au

From: Anna Wang <awang@urbis.com.au>
Sent: Thursday, 31 July 2025 11:20 AM
To: Andrew Bland <ABland@lanecove.nsw.gov.au>
Subject: RE: 14-16 Marshall Avenue

Thanks Andrew, I've sent a calendar reminder, happy to use the teams link for our call.

Regards

ANNA WANG
ASSOCIATE DIRECTOR

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From: Andrew Bland <ABland@lanecove.nsw.gov.au>

Sent: Thursday, 31 July 2025 10:11 AM

To: Anna Wang <awang@urbis.com.au>

Subject: 14-16 Marshall Avenue

CAUTION: This email originated from outside Urbis group. Don't click on links or attachments unless you trust the sender.

Hi Anna,

When would be a good time to give you a call today between:

2:00-4:00.

There are some minor things I would like clarified prior to the briefing meeting.

Kind regards,
Andrew Bland.



Andrew Bland
Senior Town Planner
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9911 3518
abland@lanecove.nsw.gov.au

**Request for Further Information
DA56/2023 – 14-16 Marshall Avenue, St Leonards**

Dear Jack Maalouf,

Council has completed the initial assessment of the development application. Can you please address the following matters and provide the required information to enable a complete assessment of the development application.

1. Setbacks to the link

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.

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:

- 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 overshadowing of public and private open spaces (Green spines, parks) is to be minimised.
- View impacts from public domain areas which clearly isolate the impacts of the non-compliant portion of the development. Refer to matter 5 below.
- 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.

2. 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. 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.

3. 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.

Table 5A- Dedicated affordable housing apartments Building 13.				
	Unit Count	Unit Number	GFA sqm	Bedrooms
	1			
	2			
	3			

Table 5B- Dedicated affordable housing apartments Building 14.				
	Unit Count	Unit Number	GFA sqm	Bedrooms
	1			
	2			
	3			

Table 5C- Dedicated affordable housing apartments Building 15.				
	Unit Count	Unit Number	GFA sqm	Bedrooms
	1			
	2			
	3			

4. 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.

5. 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.

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

5.3.3 Communal Roof Terraces 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.

7. Traffic Comments

Council's Traffic team have provided the following comments:

1. *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.*
2. *Electric vehicle infrastructure: The proposed plans do not show the location of the EV charging infrastructure.*
 - 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)*
3. *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.*
 - b. *1 onsite removalist truck space per 100 residential units (rounded up). Applicant to provide 3 removalist truck spaces. Current plan has 2.*
 - c. *1 car wash bay per 50 units. Applicant to provide 5 car wash bays. Current plan has 0.*
4. *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.*
5. *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.*
6. *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.*

8. 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.

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

10. Environmental Sustainability Development Report / NATHERs report

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

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

Please provide the required information within 21 days from the date of this letter.

If you have any questions you can reach me on abland@lanecove.nsw.gov.au or 02 9911 3518.

Thank you and kind regards,
Andrew Bland
Senior Town Planner
LANE COVE COUNCIL

**Request for Further Information
DA56/2023 – 14-16 Marshall Avenue, St Leonards**

Dear Jack Maalouf,

With reference to the subject modification of DA56/2023 and your Request for Further Information (RFI) Response dated 19 September 2025.

Council has completed the assessment of the application and is not in a position to support the reduced upper level setback from 9m to 6m (above 5th storey) for Areas 14 and 15.

The Application fails to provide adequate justification to support the non-compliance and the relevant objectives have not been satisfied.

The following concerns are raised in relation to the non-compliant setback.

Bulk and scale

The proposed setback would have unreasonable amenity impacts as confirmed by the 3D modelling provided. The stepped setback requirement seeks to reduce the bulk and scale of the development to the street level and the pedestrian link. The proposed development would result in an overbearing mass / canyoning affect and would negatively relate to the street scape and detract from the public domain. The proposed development fails to provide a transitioned built form and the materiality / articulation does not reasonably mitigate these impacts.

Solar Access

The proposed setback does not seek to optimise solar access to all buildings, the public domain and private open spaces. Additional overshadowing would be imposed on the green spine areas and neighbouring developments as confirmed in the solar access analysis. Increased overshadowing derived from a non-compliance with Council's setback controls and a failure to meet the associated objectives is considered to be unreasonable and is not supported in the instance.

View impacts

Insufficient details have been provided regarding view impacts. Several buildings identified in the briefing meeting and RFI have not been considered which are likely to incur additional view impacts. View impacts resulting from a non-compliance with Council's setback controls and a failure to meet the associated objectives is considered to be unreasonable.

Desired future character

The proposed development does not align with the desired future character of the precinct. Compliance with the building setbacks is critical to ensure the envisioned built form and 'cascading effect'. This is particularly important when transitioning southward and westward into adjoining R2 low density zones. The setback controls have been consistently complied with throughout the precinct as follows:

Area 16 and 17: Setback from E/W pedestrian link: The proposed non-compliant setbacks to the E/W pedestrian link were not supported by Council and the DA was refused by the Sydney North Planning Panel (SNPP) on 11 May 2023.

Areas 22 and 23: Setback from DCP New Road and New DCP Park: The original proposal similarly did not comply with upper-level setbacks to the DCP new road and new park. The design was amended to comply with Council's DCP setback requirements and ensure the development responded to its context and neighbourhood character. This proposal was approved by the SNPP on 26 July 2023.

Areas 7 and 8: Setback from E/W pedestrian link: The proposal complied with the setback requirements of 6m at park level and 9m at and above level 5 and was approved by the SNPP on 2 March 2022.

The Statement of Environmental Effects draws reference to the reduced setback supported for the **Area 5** development. This development is not considered similar to that of the subject proposal and was supported for the following unique reasons:

- Supported due to the restricted nature of the development site, being a stand-alone site which is also required to provide community and recreational facilities adjacent to the east-west pedestrian link ramp including a child care centre and a public lift (to be provided entirely on the subject site).
- Supported as the development provides an appropriate activation along the link through the provision of a café adjacent (considered reasonable for a corner site) to the amphitheatre designed entrance of the link to Canberra Avenue.
- Supported as this site is a gateway into the precinct and in accordance with the above provisions of public amenity was considered to be appropriate.

Insufficient justification has been provided to warrant supporting the proposed non-compliance in this instance. It is recommended that meeting with Council is held prior to the Sydney North Planning Panel determination meeting is arranged.

It is recommended the proposed development is amended to comply with the setback control to ensure Council can provide a favourable recommendation to the SNPP. This may require withdrawal of the Application to ensure appropriate time to submit a compliant design.

If you have any questions, you can reach me on abland@lanecove.nsw.gov.au or 02 9911 3518.

kind regards,
Andrew Bland
Senior Town Planner,
LANE COVE COUNCIL