

JRPP No:	2010SYE074
DA No:	DA10/198
PROPOSED DEVELOPMENT:	Demolition of 4 dwelling houses and erection of a 4 storey residential flat building containing 58 dwellings and basement parking - 554 -560 Mowbray Road, Lane Cove
APPLICANT:	Arash Tonakoli
REPORT BY:	May Li, Assessment Officer, Lane Cove Council

Assessment Report and Recommendation

Property:	554-560 Mowbray Road, Lane Cove North
DA No:	198/2010
Date Lodged:	13 September 2010
Cost of Work:	\$12,000,000
Owner:	P M & L D Campbell (554 Mowbray Road, Lane Cove North) M P Haynes & R A Pearce (556 Mowbray Road, Lane Cove North) W K & V Phillips (558 Mowbray Road, Lane Cove North) T V Campbell (560 Mowbray Road, Lane Cove North)
Applicant:	Landmark Group Pty Ltd
Author:	May Li

DESCRIPTION OF PROPOSAL TO APPEAR ON DETERMINATION	Demolition of 4 existing dwelling houses and construction of a residential flat building containing 58 dwellings with basement car park for 93 cars
ZONE	R4 – High Density Residential
IS THE PROPOSAL PERMISSIBLE WITHIN THE ZONE?	Yes
IS THE PROPERTY A HERITAGE ITEM?	No
IS THE PROPERTY WITHIN A CONSERVATION AREA?	No
IS THE SITE ADJACENT TO BUSHLAND?	No
IS THE PROPERTY WITHIN BUSHFIRE PRONE LAND	Yes – Integrated development
BCA CLASSIFICATION	Class 2, 7a & 10b
STOP THE CLOCK USED	Yes – 101 days
NOTIFICATION	Neighbours: 544-552 & 562 Mowbray Road, 38-62 Gordon Crescent and 575-599 Mowbray Road (within Willoughby Local Government Area) Ward Councillors:

	<p>Councillor Gaffney, Longbottom, & McIlroy,</p> <p>Progress Association: Stringy Bark Creek Residents Association</p> <p>Other : Willoughby City Council</p>
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REASON FOR REFERRAL:

This application has been referred to the Sydney East Joint Regional Planning Panel as per clause 13B of State Environmental Planning Policy (Major Development) 2005 because the proposed development has a capital investment value of greater than \$10 million.

EXECUTIVE SUMMARY:

- The proposal involves demolition of four existing dwelling houses and the construction of a 5 storey residential flat building comprising 58 dwellings and basement parking for 93 cars.
- The proposal does not comply with the building height standards of Lane Cove Local Environmental Plan 2009 (the LEP). The applicant's justification to the development standards is not supported.
- The proposal does not comply with the requirements of Lane Cove Development Control Plan (the DCP) relating to building width, car parking, and solar access requirements.
- The proposed design does not comply with two planning principles of the ten design quality principles of State Environmental Policy No. 65 relating to build form, energy efficiency and amenity.
- 10 submissions were received from the notification of the initial proposal and 3 submissions were received from the notification of the amended plans. The major concerns related to intensification of land use, increasing local traffic congestion, amenity impacts to the adjoining properties and impact to nearby bushland.
- As part of the site is bushfire affected the whole of the development has been considered as "integrated development". The original and amended proposals were referred to the Rural Fire Service for comment. The RFS has advised that they are not in a position to fully assess the proposal and provide comment as:

"The RFS notes that this development is part of a rezoning precinct which will increase the population density of the area. This increase in population density will cause an increased reliance on the existing road infrastructure. In light of this, an assessment which demonstrates that the surrounding road infrastructure can support the increase in population density should be provided."

- In view of the failure of the Rural Fire Service to provide endorsement of the integrated development proposal, the proposal cannot be supported.
- The application is recommended for refusal.

SITE:

The site is located at the south-eastern corner of Girraween Avenue and Mowbray Road in Lane Cove North. It comprises four properties, being Lots 2, 3, 4 of DP 10892 and Lot 1A, DP 411031 and is known as 554-560 Mowbray Road, Lane Cove North.

The site has a frontage to Mowbray Road of 60.96m and 46m to Girraween Avenue. The site falls from its front boundary to the rear boundary by approximately 8 metres. There is a fall of

approximately 3m across the site from the eastern to the western side boundary. The site is of a regular shape and has an area of 2762.2m².

Four dwelling houses are located on the site. Surrounding development consists predominantly of single and two storey dwelling houses. A four storey residential flat building is located across Girraween Avenue at 562 Mowbray Road.

PROPOSAL:

The proposal involves demolition of 4 existing dwelling houses and construction of a residential building comprising 58 dwellings with basement car park for 93 cars.

Level	1 Bed	2 Bed	3 Bed	4 Bed	Total dwellings
Lower Ground		2	2	1	5
Ground	3	5	1		9
Upper Ground	8	8			16
1 st Floor	8	8			16
2 nd Floor	3	6	1	2	12
Total	22	29	4	3	58

Note: Studies and a TV room in LG03, LG04, G05, UG07, UG12, 203 and 204 could be used for bedrooms and have been considered as bedrooms in the above table.

PREVIOUS APPROVALS/HISTORY:

As the proposal is for the demolition of the existing dwelling houses, previous history is not relevant.

PROPOSAL DATA/POLICY COMPLIANCE:

Site area: 2762.2m²

Lane Cove Local Environmental Plan 2009

LEP 2009	Provision	Proposed	Complies/ Comment
Zone	R4 – High Density Residential zone	Residential Flat Building	Yes
Maximum permitted FSR	2.1:1	1.94:1	Yes
Maximum permitted building height	12.0m	13.5m (The non-compliance section is not shown on the sections)	No

Note: The non-compliance section of the building is not shown on the sections submitted with the application.

Lane Cove Development Control Plan

Part B – General Controls

Clause	DCP	Proposed	Complies/ Comment
B8 – Safety & security	Ground floor dwellings have direct access or entries from the street and at	The building has a pedestrian entry from Girraween Avenue and all windows facing	Yes

Clause	DCP	Proposed	Complies/ Comment
	least one habitable room with windows facing the street	to Girraween Avenue are habitable room windows (bedrooms or living rooms)	
B10- Cut & fill	1m maximum. Additional acceptable for parking for Residential Flat Buildings	Excavation for basement car park and storage area	Acceptable

Part C3 – Residential Flat Buildings

Clause	Requirement	Proposed	Complies/ Comment
3.2 Density	Minimum site area 1500m ²	Area of site Approx 2762.2m ²	Yes
3.3 Building depth	18m exclusive of any balcony	27m	No
3.4 Building width	40m maximum fronting the street	49m fronting Mowbray Road 32.8m frontage Girraween Avenue The front entry of the proposed building faces to Girraween Avenue	No (However is considered to meet the objective of the control Yes
3.5 Setback			
Front	Minimum 7.5m	7.5m to Mowbray Road	Yes
Side	6m up to 4 storeys	6m to the western boundary (Girraween Ave) 6m to the southern boundary	Yes Yes
Rear	6m	6m	Yes
3.5.3 Parking Podium Height			
Height adjoining front boundary	1.2m	Nil	Yes
Height adjoining east boundary	1.2m	Nil	Yes

Clause	Requirement	Proposed	Complies/ Comment
Height adjoining west boundary	1.2m	Nil	Yes
Height adjoining rear boundary	1.2m	Nil	Yes
3.6 Building separation within development	12m between 4 storey buildings and 18m between 5 storey buildings	Not applicable as the proposed development is a single building on the site.	N/A
3.7 Design of roof top area	Detailed landscape plan required	No roof top garden proposed	N/A
3.8 Size of dwellings	Minimum 40m ²	Minimum 50.04m ²	Yes
3.9 Private open space	Primary balconies - 10m ² with minimum depth 2m	Balconies meet minimum dimensions	Yes
	Primary terrace - 16m ² with minimum depth 4m	Private terraces meet minimum dimensions	Yes
3.10 Number of car parking, motorcycle and bicycle spaces	<p>22 x 1 bedroom dwellings = 22 spaces (1x22)</p> <p>29 x 2 bedroom dwellings = 43.5 spaces (1.5x 29)</p> <p>7 x 3 bedroom or 4 bedroom dwellings = 14 spaces (7x2)</p> <p>Visitor 1 per 4 dwellings = 14.5 spaces (58/4)</p> <p>Required car parking 92.5 = 94 spaces</p> <p>1 motor cycle space per 25 car spaces (4 spaces)</p> <p>1 bike locker per 10 dwellings (6 lockers)</p> <p>1 Bike rail per 12 dwellings (5 rails)</p>	<p>93 car spaces proposed</p> <p>4 motor cycle spaces proposed on the Basement Level</p> <p>6 bike lockers proposed on the Ground Level</p> <p>Rails proposed on Lower Ground Level</p>	<p>No (However can be conditioned to comply).</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
3.11 Ceiling heights	Minimum 2.7m	2.8m	Yes
3.12 Storage	6m ³ per 1 bedroom dwelling 8m ³ per 2 bedroom	Designated storage areas equivalent to 308m ³	Yes

Clause	Requirement	Proposed	Complies/ Comment
	dwelling 10m ³ per 3 plus bedroom dwelling Total = 434m ³ 50% of the storage volume within the dwelling	provided on the Basement and the Ground Floor Levels Internal storage area are proposed within the dwellings and the internal space of the dwellings would be sufficient to meet the requirements of storage volume (217m ³)	Yes
3.13 Solar access	Living rooms and private open spaces of 70% (41) of the units to receive 3 hours of direct sunlight between 9am – 3pm on 21 June Maximum 10% (6) dwellings with a southerly aspect	67% (39) dwellings would receive more than 3 hours solar access 2 dwellings with southerly aspect (3%)	No (-2) Yes
3.14 Natural ventilation	Minimum 60% (35) of the dwellings should have cross ventilation. Minimum 25% (15) of kitchens have access to natural ventilation	62% (36) dwellings would have cross ventilation 27% (16) kitchens have access to natural ventilation.	Yes Yes
3.15 Visual privacy	Provide visual privacy between the adjoining properties	Balconies & terraces face towards the communal open space Privacy screens are proposed to windows directly facing each other in the building	Yes Yes
3.16 Communal open space	Minimum 25%	26.6% provided	Yes
3.17 Landscaped area	25% provided at ground level and up to 15% provided on structures	25.55% provided at the ground level and 15% on the elevated private terraces at the rear of the building	Yes

Part F - Access and Mobility

DCP	Proposed	Complies/ Comment
Adaptable housing to be provided at the rate of 1 dwelling per 5 dwellings (20%)	12 (20%) adaptable dwellings	Yes
Provide 1 accessible parking space for each adaptable housing unit (13 spaces required)	13 accessible parking spaces provided	Yes

REFERRALS:

Manager Community Service

The community development officer has reviewed the proposal and has endorsed the proposal. The proposal provides 12 adaptable dwellings and associated car parking which meets the Council requirements. Draft conditions of consent have been provided in the event that the application is provided.

Manager Urban Design and Assets

The Manager Urban Design and Assets has reviewed the proposal and endorsed the proposal and draft conditions have been provided in the event that the application is supported.

Manager Open Space

Council's Tree Assessment Officer has provided the following advice:

The proposed development necessitates the removal of a number of mature trees from the subject allotment located mainly in the centre of the allotment being within the proposed building footprint. The proposed development will result in a negative impact on the streetscape because of the loss of a number of mature trees.

The two trees designated for removal that are prominent in the landscape consist of the Camphor-Laurel (Tree # 28) and a Dwarf Liquidambar (Tree # 57). No objections were raised to the removal of the Camphor-Laurel. However, the Liquidambar should be retained and protected if consent is granted.

All trees designated for retention on the Landscape Concept Plan (Dwg #10.8.2) and including Tree 57 should be retained and protected for the duration of the proposed development if consent is granted.

All street trees must be retained and protected for the duration of the proposed development. The entire nature strip area adjacent to the allotment on Mowbray Road should be fenced with 1.8 m high temporary fencing to enclose all street trees.

The street trees in Girraween Avenue are positioned behind an existing guard rail therefore tree protection around the trees is difficult. As a matter of precaution, a bond should be required from the owner to ensure these street trees and the street trees on Mowbray Road are protected for the duration of the proposed development.

The pedestrian access in Girraween Avenue necessitates the removal of one Melaleuca tree and two Bottlebrush trees. No objections were raised to the removal of these three small trees.

Landscape design

The proposed Landscape Concept Plan (Dwg #10.8.2) is satisfactory and must be adopted as part of the Development Consent. It should be noted that the courtyard area on the south side of the

building will be in total shade all year round therefore shade tolerant plants must be established in this area.

Draft conditions of consent have been provided in the event that the application is supported.

Environmental Services

Council's Environmental Services Manager has reviewed the proposal and provided the following advice:

The waste management arrangements for the development appear to be largely in line with Council's DCP, however on-site collection is (currently) not proposed. Conditions will need to be imposed upon any consent requiring on-site collection of all waste if consent is granted.

Draft conditions of consent requiring garbage chutes, on site garbage storage rooms and on site collection have been provided in the event that the application is supported.

NSW Rural Fire Service

The original proposal was referred to Rural Fire Service which provided the following initial advice:

"The service is not in a position to properly assess the application as submitted by Lane Cove Municipal Council on the basis of the information provided. The following will need to be provided for further assessment:

1. An increase in population density in the bush fire interface will cause a greater impact on the existing infrastructure to support evacuating occupants. The applicant is to provide an assessment of the impact of this development on the surrounding road infrastructure in an emergency situation whilst taking into account existing and future road users on surrounding properties."

The applicant has provided a site specific traffic study with the development application. The traffic study looks at the impact of the individual development on the road system. However, it has not addressed the RFS's concerns. The applicant has advised that the concerns raised by the RFS would have been addressed in the local environment plan preparation stage.

The applicant also stated that there are numerous other properties in this R4 High Density Residential zone have been identified in the Bushfire Prone Land Map. There have been other development applications recently lodged for residential flat buildings. Rather than each applicant preparing a separate traffic report for each individual application, Lane Cove Council should be responsible for a one-off traffic study and provide the required information and data for future residential flat development applications around Mowbray Road.

In relation to the amended proposal, the NSW Rural Service has provided the following:

1. The RFS notes that this development is part of a rezoning precinct which will increase the population density of the area. This increase in population density will cause an increased reliance on the existing road infrastructure. In light of this, an assessment which demonstrates that the surrounding road infrastructure can support the increase in population density should be provided.
2. Subject to the terms of Condition 1 being met, the RFS recommends the following conditions:

Asset Protection Zones

- i. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Design and Construction

- ii. New construction shall comply with section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

Officer's Comment: As the proposal comprises integrated development, for the application to be recommended for approval, the Rural Fire Services is required to endorse the proposal. The RFS have provided comment twice on the proposal; however, have failed to endorse the proposal. Accordingly, approval cannot be recommended. Having regard to the comment from the RFS, Council's legal advice is such that the comment from the RFS cannot be construed to be a deferred commencement condition.

The traffic study required by the RFS is being undertaken jointly by Council and the Department of Planning. The traffic study will address the issues raised by the RFS.

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development (SEPP 65)

Part 2 of SEPP 65 sets out ten design quality principles as a guide to assess a residential flat development. The 'Residential Flat Design Code' (The Code) is referred to as an accepted guide as to how the principles are to be achieved.

Council's consulting architect has advised that the proposed design complies with the principles of the context, density and scale. However, the proposed building is considered contrary to the built form principle and resource, energy and water efficiency.

The following table summarizes the compliance to the principals of the SEPP.

DESIGN QUALITY PRINCIPLES

	Principle	Compliance with the objectives
1	Context	Yes.
2	Scale	Yes. The proposal generally meets the objectives of this principle. With the exception of over shadowing impact, the bulk of the building has on the properties to the south.
3	Built form	No. The large footprint of the development results in a built form that does not achieve good amenity. It is for this reason that the proposal does not meet the principles of the objective.
4	Density	Yes
5	Resource, energy and water efficiency	No. The proposal does not meet the objectives of this principle.
6	Landscape	Yes
7	Amenity	Yes. The proposal generally meets the objectives of this principle with the significant exceptions of the accessibility issue.
8	Safety and security	Yes
9	Social dimensions	Yes

	Principle	Compliance with the objectives
10	Aesthetics	Yes

A copy of the report is contained in **AT1**.

Officer's comment:

The proposal meets 8 of the 10 design quality principles of the SEPP. The areas of variation are highlighted in the preceding table.

Concern was raised by the Council's consulting architect in relation to the bulk of the building and its impact on neighbouring properties, as well as the large footprint occupied. It is noted that the proposal also exceeds Council's LEP height requirement by up to 1.5m.

In terms of resources and energy efficiency, the proposal does not provide 70% of dwellings with adequate solar access. The proposal provides 67% or a deficiency of 2 dwellings, if the numericals of the SEPP are applied.

The applicant has submitted additional supporting documentation prepared by Mr Steven King in relation to the solar access aspect of the SEPP. The supporting documents advise that the proposal fully complies with his aspect of the SEPP. Council's consulting architect has reviewed this information and confirmed his previous advice as indicated in this report, that the proposal remains 2 dwellings deficient to meet the 70% rule of thumb.

It is noted that with this design the common courtyard at the rear of the building, due to the building height, design, site topography and orientation will be in shadow for all of the year.

The consulting architect has also commented that the proposed pedestrian entry is located at the Girraween Avenue and an access ramp has been proposed from the property boundary to the building. It would be difficult to gain access from Mowbray Road to the main pedestrian entry due to the deep slope of the footpath of Girraween Avenue (a gradient of 1:5). Location of the main entry to Mowbray Road would improve the access to the building from the street. If required, this would require a resign of the building and the applicant is not willing to do it at this stage.

LANE COVE LOCAL ENVIRONMENTAL PLAN 2009 (Section 79C(1)(a))

The subject site is located within a R4 - High Density Residential zone in accordance with the LEP 2009 which was gazetted on 19 February 2010. The proposed development complies with the zoning objectives of the LEP. However, the proposed building exceeds the maximum building height standard of the LEP by approximately 1.5m. The maximum height permitted is 12m and for a section across the front of the building, the proposal exceeds the height limit. Located at this level are the upper levels of 2 storey dwellings within the development and their access to roof terraces.

The applicant has lodged a written objection to the development standard, in accordance with Clause 4.6(3) of the LEP, seeking to justify the contravention of the development standard.

The objection states that the most obvious area of the non-compliance is on the south-western corner of the proposed building. The variation varies from nil to 0.4m. The other variation is in the middle of the building where parts of the height are approximately 1.5m above the maximum level. The applicant has stated that there is no impact on views and over shadowing and the variation does not add to any significant bulk and scale to the building.

A copy of the Clause 4.6 Objection is attached (See AT2).

Officer's comment:

The maximum permitted building height for the site is 12m.

The non-compliant section is the top level of the proposed building facing Mowbray Road. This section exceeds the maximum building height standard by 0.65m to 1.52m. The proposed building would have a 5 storey appearance from Mowbray Road and the adjoining property at 552 Mowbray Road. It is considered that the height variation is unnecessary and not generated by site conditions which would preclude compliance by a lesser development on the site.

Other than stating no impact, the applicant has not demonstrated that the excessive building height would not exacerbate the over shadow impact on the adjoining properties to the south.

The objectives of Clause 4.6 of the LEP 2009, for exception to development standards are to provide an appropriate degree of flexibility to achieve better outcomes.

The additional height was designed for additional gross floor area for the split levels of dwellings 203, 204, 207 and 208. The request has not demonstrated there are sufficient planning grounds to justify contravening the development standard and has failed to demonstrate a better outcome would be achieved by the variation.

The request for the exception to the building height standard of the LEP in the circumstances of the case would also set an unacceptable precedent to other residential flat building developments in the area and is not supported.

Compliance with the building height standard of the LEP would require a redesign of the affected dwellings.

OTHER PLANNING INSTRUMENTS

Lane Cove Development Control Plan

The preceding DCP assessment table identifies those controls that the proposal does not comply with. Each of the departures is discussed below:

Building Width

The DCP states that the maximum overall width of the building fronting the street should not exceed 40m. The proposal seeks to amalgamate and develop 4 sites, having a total frontage to Mowbray Road of 60.96m. The proposed building width/frontage is 49m. The façade to Mowbray Road is broken up into 3 sections which modulates the façade and decreases the visual bulk of the building.

It is considered that the design of the proposed building meets the objective of the DCP and is acceptable.

Car Parking

The DCP requires 94 parking spaces for the development in its current form. 93 car spaces are proposed in the basement. The proposal does not comply with the parking requirements of the DCP. It would that this variation has resulted from the designation of studies and a TV room within the development as bedrooms, given the internal configuration of the dwellings. Any approval granted should require the correct number of parking spaces to be provided.

Section 94 Contribution Plan

Lane Cove Section 94 Contribution Plan applies to the proposal for the increase of population in the area as a consequence of the development.

The Section 94 contribution is calculated in the following manner:

The population of the existing dwelling houses:

Property address	No. of bedrooms	Average occupation rate
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		(persons/dwelling)
554 Mowbray Road	4	3.6
556 Mowbray Road	4	3.6
558 Mowbray Road	4	3.6
556 Mowbray Road	4	3.6
Total existing population		14.4

The development as proposed requires the following Section 94 Contribution.

No. of bedrooms	Average occupation rate	Population
22 x 1 bedroom	1.2	22x1.2=26.4
29 x 2 bedroom	1.9	29x1.9=55.1
4 x 3 bedroom	2.4	4x2.4=9.6
3 x 4 bedroom	3.0	3x3.0=9
Total proposed population		100.1

The Section 94 contribution applicable is for 85.7 persons (100.1 -14.4) at the current rate of \$8595.00/person is therefore \$736,591.50 (or \$12,699.85 per dwelling). The required Section 94 contribution is less than \$20,000 per dwelling and it would not exceed the cap of the Reforms of the Local Development Contributions.

Note: The Section 94 Contribution will require if the consent is granted.

RESPONSE TO NOTIFICATION (Section 79C(1)(d))

The original and amended proposals were notified in accordance with Council's notification policy. 10 submissions were received in response to the notification of the original proposal and 3 submissions were received in response to the amended plans. The issues raised in the submissions can be summarised as follows.

- The area should not be rezoned for high density residential development

Officer's comment:

The LEP 2009 was gazetted on 19 February 2010 and proposed development is permissible in accordance with the LEP 2009. The application must be assessed in accordance with the LEP which is in place.

- Non-compliance with the development standards of the LEP

Officer's comment:

It is agreed that the proposed development does not comply with the building height provisions of the LEP 2009. The applicant's justification to vary the height requirement has not been supported in this assessment. The proposed building should comply with the 12m building height provision of the LEP 2009.

- Non-compliance with the requirements of the DCP

Officer's comment:

The variation to the building width requirement is supported as outlined previously in this report. The variations to the solar access and car parking are not supported.

- Over shadowing to adjoining properties

Officer's comment:

The proposed building would have an over shadowing impact to the rear yards and the north facing windows of the properties to the south of the site in Gordon Crescent. The building complies with the rear boundary setback of 6m. The over shadowing is a result mainly of the topography and orientation of the sites, which feature a fall from north to south. The development of any residential flat buildings complying with the LEP and DCP, would likely impact on solar access to similarly located blocks.

The shadow diagrams indicate that the rear yards of all adjoining properties to the south (46 – 52 Gordon Crescent) and the windows on north elevations of two dwelling houses (46 and 50) would receive less than 3 hours of solar access.

It is noted that the all existing adjoining dwelling houses to the south have setbacks more than 6m to their rear boundaries (varies from 13m to 16m).

- Over looking to the adjoining properties

Officer's comment:

It is agreed that the proposed windows and balconies on the east and south elevations would create over looking impacts to the adjoining properties. However, the proposed development complies with the setback requirements of the DCP. Privacy protection provisions to protect the privacy of the adjoining dwelling house at 552 Mowbray Road should be included in the proposed design. This would include the introduction into the design of louvers, obscure glass, high light windows and privacy screens where appropriate.

- Increase housing density

Officer's comment:

The proposed development would increase the housing density of the site and complies with the zoning objectives of the LEP 2009.

- Impact to the nearby bushland and a creek

Officer's comment:

The site is located some distance from the bushland reserve and Stringy bark Creek. The property is separated from the reserve by developed residential lots and by Gordon Crescent. Issues such as drainage would be conditioned by Council's engineers.

- Traffic impact
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Officer's comment:

The proposed development would increase local traffic movement and the proposal does not comply with the parking requirements of the DCP. The applicant's traffic study has indicated that in relation to the individual site, the traffic impact is satisfactory.

If approved, a construction management plan would be required to address construction parking and vehicle movement. It should also be noted that the area has been recently rezoned to allow for this type of development.

The issue however remains valid in relation to the whether the road infrastructure can handle traffic in the event of a bushfire situation. The additional traffic report required by the RFS will address this issue.

CONCLUSION

The matters in relation to Section 79C of Environmental Planning and Assessment Act 1979 considerations have been taken into consideration during the development assessment. The proposed development generally complies with the aims of Lane Cove LEP 2009. However, it does not comply with the building height standard of the LEP.

Amended plans have addressed the setback requirements of the DCP, however issues remain with regard to compliance with the provisions of SEPP 65.

The issues raised by neighbours have been discussed in the body of this report.

As part of the site is indicated as being bushfire affected, the development has been assessed as integrated development. The Rural Fire Service has not endorsed the proposal due to their requirement to be provided with an assessment which demonstrates that the surrounding road infrastructure can support the increase in population density of the area.

The application is recommended for refusal.

RECOMMENDATION

THAT pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended, the Sydney East Region Joint Planning Panel refuses development consent to Development Application 198/2010 for the demolition of four dwelling houses and construction of a residential flat building containing 58 dwellings with basement car park for 93 cars on Lots 2, 3, 4 of DP 10892 and Lot 1A, DP 411031 and known as 554-560 Mowbray Road, Lane Cove for the following reasons:

1. The proposed development does not comply with the building height standard of Lane Cove Local Environmental Plan 2009.
 2. The proposed development does not meet the design quality principles of State Environmental Planning Policy 65 (the SEPP).
 3. The Rural Fire Service has declined to assess and endorse the integrated development proposal, and has required a comprehensive traffic study for the area in relation to the ability of the existing road infrastructure to handle evacuating occupants in an emergency situation.
 4. The public interest in that a number of objections were received to the proposal.
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