

Property: 1- 5 Little Street, Lane Cove

DA No: 90/2012

Date Lodged: 4 June, 2012

Cost of Work: \$30,750,000.00

Owner: Lane Cove Council

Applicant: Lane Cove Council

DESCRIPTION OF PROPOSAL TO APPEAR ON DETERMINATION	Demolition of existing site improvements, removal of vegetation and construction of a 10 storey mixed use building comprising basement parking (public and private), community uses, commercial premises and 50 residential apartments	
ZONE	B4 Mixed use (for car park site) B2 Local Centre (for Little Lane)	
IS THE PROPOSAL PERMISSIBLE WITHIN THE ZONE?	Yes	
IS THE PROPERTY A HERITAGE ITEM?	No	
IS THE PROPERTY WITHIN A CONSERVATION AREA?	No	
DOES DCP 1- BUSHLAND APPLY TO THE PROPERTY?	No	
BCA CLASSIFICATIONS	7a, 9b, 2 and 6	
STOP THE CLOCK USED	No	
NOTIFICATION	Neighbours Ward Councillors Progress Association Other Interest Groups	7 June 2012 until 20 June 2012 East Ward Osborne Park Residents Association CPOWA, Lane Cove Chamber of Commerce, RASAD and Lane Cove Alive

EXECUTIVE SUMMARY

This report considers a proposal to construct a mixed use building comprising a multi level basement car park, commercial and community uses and residential apartments at the north eastern edge of the Lane Cove town centre on land generally described as the Little Street car park.

The applicant and land owner is Lane Cove Council, and consequently City Plan Strategy and Development Pty Ltd (CPSD) was engaged to provide the Joint Regional Planning Panel (JRPP) with an independent town planning assessment of this application, including the preparation of this report. CPSD were assisted in this process by Tim Williams Architects who provided an independent assessment of the proposal relative to State Environmental Planning Policy 65 - Design Quality of Residential Flat Development. Assessment of related matters was otherwise provided by the relevant departments and officers within Council, in the usual way.

The assessment process undertaken by CPSD reflects the matters for consideration identified in the Environmental Planning and Assessment Act. This report generally follows the standard format used by Lane Cove Council and:

- Provides a description of the site and surrounds;
- Outlines of the scope of works for which consent is sought;
- Summarises prior applications over the development site;
- Notes the results of internal and external referrals;
- Identifies the relevant planning controls and policies;
- Assesses the application for compliance with those planning controls and policies;
- Considers the likely impacts of the development;
- Discusses the suitability of the site for this development;
- Outlines the results of the public consultation process;
- Draws a conclusion on the proposal; and
- Provides a recommendation for the consideration of the JRPP.

This report acknowledges the proposal is fundamentally sound in terms of its design, function, relationship with its neighbours and response to planning controls. However notwithstanding this underlying support, various minor procedural and urban design matters have been identified which require further resolution. These matters are elemental, not fundamental and are therefore appropriately addressed by conditions as nominated in the recommendation.

This report recommends that consent be granted to this application.

1. SITE

Development Application 90/2012 (DA 90/2012) relates to Nos. 1- 5 Little Street, Lane Cove being Lot 51 in DP 5922, Lot 2 in DP 524992 and Lot B in DP 411363. The development site also includes a stratum allotment created below adjoining Little Lane, which is necessary to accommodate a portion of the basement car parking element.

The site is located on the western side of Little Street, Lane Cove just south of the intersection with Longueville Road. Little Lane adjoins the northern site boundary. This is presently used for an at-grade public car park for 86 time-limited parking spaces.

The car park is positioned at the northern edge of the Lane Cove town centre and serves not only the retail and commercial uses along Longueville Road, including the nearby heritage listed Longueville Hotel, but also community facilities including an aquatic centre, the Council chambers and public open space (Pottery Green). Residential flat buildings

adjoin the site along its southern boundary, and continue further south along the western side of Little Street. The site, its setting and context are further indicated on the Figures 1 and 2 below:



- | | | | |
|---|----------------------------------|---|------------------|
| 1 | Epping Road | 5 | Council Chambers |
| 2 | Longueville Road and town centre | 6 | Aquatic Centre |
| 3 | Longueville Hotel | 7 | Residential |
| 4 | Site | | |

2. PROPOSAL

Scope of works

The works for which consent is sought comprises the following elements:

- Demolition of all existing structures and removal of all vegetation except for two 2 trees at the northern edge of the site; and
- Construction of a 10 storey building, comprising:
 - 1045m² of community floor space (uses to be subject of future applications);
 - 551m² of commercial/business floor space (uses to be subject of future applications);
 - 50 residential apartments;
 - Basement car parking areas for 273 vehicles. This parking facility is divided into two separate elements, both of which have individual access points from Little Street. The smaller basement will contain 73 spaces for the residential units and various ancillary elements. The primary basement level will contain 200 public parking spaces to serve the proposed community/retail uses, replace the existing spaces currently on site, and also increase the supply of public parking at the northern edge of the town centre; and
 - Landscaping and public domain works.

Associated stratum subdivision of Little Lane

Each of the 5 levels of basement extends about 3m beyond the site boundary and underneath the Little Lane Road Reserve. To accommodate this encroachment a stratum allotment has been created below Little Lane to a depth of RL 50. That process also necessarily involves the partial road closure of the affected area of Little Lane.

Lane Cove Council has separately pursued this matter and has provided:

- Evidence of the registration of the subdivision creating the stratum allotment; and
- Confirmation from the Department of Primary Industries (Crown Lands) that the corresponding road closure has been Gazetted.

It remains necessary to consolidate the stratum allotment with the balance of the site, being the present car park. This report includes a condition requiring the evidence of that consolidation be provided prior to the issue of any Occupation Certificate.

It is also necessary that the consolidated allotment be the subject of a further stratum subdivision, and the applicant has also indicated the residential units will be strata subdivided. Both of those matters would need to be pursued separately, either via the development application process or as Complying Development where possible.

3. PREVIOUS APPROVALS/HISTORY

Development Application 172/2010 sought consent for a 9 storey building (including plant) comprising 50 residential units and associated car parking provisions, public car parking of 199 car spaces and 36 motorcycle spaces, 650 m² flexible community space and 615m² of ground floor retail on this site, however it was withdrawn prior to determination.

4. REFERRALS

Set out below is the advice received from various departments within Council. Where conditions have been nominated they are included in the recommendation to this report.

Acting Waste Contract Co-Coordinator

"I have reviewed the relevant sections of the aforementioned development proposal and am generally satisfied with the proposed waste management and minimisation system, provided the following conditions are met."

Building Surveyor

"The development can generally comply with the Building Code of Australia. Fire engineered solutions under the performance provisions of the BCA must be obtained for extended travel distances and the location of the sprinkler valve pump room. As discussed, a separate egress route is required at ground floor for the descending fire isolated stair shaft."

*Rise in storeys 11
Classification 7a, 9b 2 and 6
Effective height 24.15m"*

Community Development Officer, Ageing and Disability Officer

"The application is supported in its current form."

Development Engineer

"The proposal is for the construction of a multi storey mixed use building with basement parking."

The stormwater concept plans have provided adequate OSD and rainwater reuse system. The proposal has also diverted Council's existing drainage system around the proposed development. The pipeline line encroaching the northern corner of the site has been conditioned with an adequate easement. The proposed management of overland flow and free board meet the requirement of Council's DCP."

A condition regarding the completion of the road closure process has been added to the portion of the development extending under Little Lane."

The proposed bulk excavation has been conditioned. All the proposed upgrades of Council infrastructure around the proposal have been conditioned."

Heritage Advisor

"The proposed multi-storied development on the site of the Little Street Car Park is not a listed heritage item, but is in the vicinity of the Longueville Hotel, a listed item on the LEP. The site is also located close to the Lane Cove Village shopping precinct."

The development will introduce a new scale of high rise building to Lane Cove with potential for impact on both the Hotel and the shopping precinct in Longueville Road. Other large scale buildings exist in the vicinity including the Council Chambers, the Aristocrat Building opposite in Longueville Road and the Aquatic Centre opposite in Little Street, which are complementary with the Hotel.

The Heritage Impact Statement by Graham Brooks and Associates has been reviewed and it adequately addresses the relevant issues of potential impact on the Hotel and the Lane Cove village.

The proposed development is considered appropriate and should result in minimal impact on the significance of the heritage item, for the following reasons:

- The impact of the height of the building is mitigated by the slope of the site away from Longueville Road.*
- Views and vistas of the Hotel from the major vantage points in Longueville Road and Little Street contribute to the significance of the Hotel as a local landmark and will be unaffected by the proposed development*
- The Hotel is well separated from the development by Little Lane and the Garden Bar extension at the rear of the Hotel*
- Finishes and colours of the development are low key and muted, and will not dominate the view and prominence of the Hotel*
- The development will not impact on the traditional character of the shopfronts and awnings of the Lane Cove Village precinct*

I therefore have no objection to the proposed development."

Manager Environmental Health

- "Proposed development is adjacent to residential and commercial properties, including the Longueville Hotel. Potential noise impacts affecting both residents and businesses of the proposed development, as well as residents in surrounding properties.*
- Acoustic Impact Assessment carried out for proposed development. Report recommends a number of options for reducing noise impact of proposed development on locality, as well as noise impacts affecting proposed development. In particular page 16 of the Acoustic Report (attachment 14) indicates that a cost effective solution be found to address the external noise from the nearby land uses. It is recommended that the acoustic treatment for the glazing be considered for the worst case scenario (increased use of the aquatic centre, increase in traffic, larger scale commercial development in Lane Cove) to ensure that noise nuisances are not encountered within the internal areas of each residential unit.*
- Experience shows that noise intrusion from adjoining land uses such as the Aquatic centre and Pottery Green sports field and the nearby licensed premises (Longueville Hotel) will generate complaints and legal action by Council or land owners if appropriate notations aren't made on the s149, to ensure that purchasers are aware of the surrounding amenity and likely noise impacts from these commercial uses.*
- Preliminary Environmental Site Assessment carried by Environmental Investigation Services; assessment finds that the site is suitable for proposed use.*
- Development proposal contains a satisfactory sediment and erosion plan."*

Manager Open Space

"Tree Management

The tree protection measures outlined in Appendix 13 for Trees 2 and 13 are satisfactory. Tree protection measures for the trees in the adjoining property and nature strip, Trees 39, 40, 41, 42, 43, 44, are not specified. A 2m wide tree protection zone running along the entire southern boundary line is required for Trees 39, 40, 41, 42 and 43.

Site protection is needed for the Little St nature strip including Tree 38, south from the proposed public car park driveway.

All tree protection measures must be in place prior to commence of work to the satisfaction of Council's Senior Tree Assessment Officer.

The private certifier must obtain certification that all tree protection measures are in place prior to commencement of any work. This certification must be obtained from Council.

The existing trees on Little St located on the nature strip between the proposed public and private carpark entry driveways should be retained for the duration of the works except for those trees within the footprint of the proposed driveways.

Landscaping plan

The Landscaping Plans include some minor errors. The number of Lemon-scented gums to be planted in Area G should be 4, not 2. The Landscape Concepts sheets for Areas A to G are not the final drafts provided by Council's Landscape Architect and should be replaced with the documents provided on 11 November 2011.

Mr Gornall raised 6 questions regarding the plant species selection.

- 1. Lemon-scented gums were selected as the tree species because they are a reliable, tall, slender tree with an open canopy. Eucalyptus eximia and other local indigenous species do not have the same landscape character.*
- 2. Comments about Callistemon citrinus 'Little John' have been noted. The same cultivar is performing satisfactorily elsewhere in the shopping centre.*
- 3. The Planting Schedule does not include medium sized shrubs. These types of plants have not been included to ensure consistence with the CPTED guidelines outlined in Appendix 20.*
- 4. Plant species to be used in Areas 3 & 4 will be a mix of herbs and scented plants. The final plant selection will be done at a later stage.*
- 5. The plant schedule needs to be amended to indicate 4 Lemon-scented gums in Area G, as mentioned previously.*
- 6. Comment about the retention of Tree 13 in Area E is noted."*

Executive Manager, Open Spaces and Urban Services (Traffic)

"In making my assessment, I have referred to the Traffic Impact Assessment prepared by Traffix,

dated May 2012. I have also reviewed the response from the RMS Sydney Regional Development Advisory Committee (SRDAC) following their meeting held on 4 July 2012.

Firstly on the adequacy of the Traffix report. In the main, I concur with the advisory comments provided by the RMS to Council in their letter dated 4 July 2012, RMS Reference SYD12/00702. I note that the RMS did not raise any issue with the intersection of Little Street with Longueville Road. In the main, it is considered that any additional pressure on the intersection as a result of this development will occur in Little Street (local road) and will not adversely affect the traffic flow onto the State Road. It is considered that if motorists notice a queue of traffic waiting to exit Little Street onto Longueville Road, that they will likely use Little Lane and Central Avenue. The development will be conditioned to pay Section 94 fees, and some of these fees will be specifically attributed to traffic. Until Council is in a position to determine the most appropriate traffic management scheme for the Town Centre it is difficult to single out this development for any specific traffic management measures based on the analysis from the Traffix report. On that point, and the issue of the public submissions being critical of the evaluation of existing traffic volumes

On the residential car park access issue, I see little benefit in restricting right turn movements into the residential parking area as suggested by the RMS, particularly considering that right turn movements are still permitted out of this car park. Implementing this restriction will likely cause unsafe traffic movements in Little Street, as motorists attempt U-Turns and the like to gain access to the residential car park. It is my view that the effect on the nearby pedestrian crossing in Little Street would be much less than that currently experienced on the Birdwood Avenue pedestrian crossing, where motorists constantly queue over it, whilst pedestrians are trying to use it. The anticipated queue into the residential component would be far less in number and far less in frequency compared to the number of vehicles that queue in Birdwood Avenue.

It is noted that the Traffix report details that loading activities for the proposed development will be accommodated on Little Lane. The development will be conditioned to provide 20 metres of loading zone on Little Lane. This could accommodate two medium rigid vehicles at any time.

It is acknowledged that there is a minor non-compliance with the width of the driveway access to the public car park. However, this is considered to be minor and is not considered to jeopardise safety or traffic flow.

Based on my assessment, traffic related conditions should be included as follows..."

5. STATUTORY PLANNING FRAMEWORK - STATE PLANNING CONTROLS

The relevant statutory framework applicable this proposal comprises:

- Environmental Planning and Assessment Regulation;
- Environmental Planning and Assessment Act;
- State Environmental Planning Policy No. 55;
- State Environmental Planning Policy No.65;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (State and Regional Development) 2011
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;

Compliance with these controls addressed below.

Environmental Planning and Assessment Regulation

This application satisfies Clause 50(1)(a) of the Regulation as it is accompanied by the nominated documentation for development seeking consent for a residential flat building, including:

- A design verification statement from a qualified designer;
- An explanation of the design in terms of the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development; and
- Relevant drawings and montages.

Environmental Planning and Assessment Act

Section 5A –Threatened species, populations, ecological communities or habitats

This section of the Act requires a range of matters to be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.

On the information provided by Council's Manager Open Space the site does not have any ecological attributes which, if lost, would impact upon any threatened species, population, ecological community or habitat.

Section 91 – Integrated Development

This section of the Act defines integrated development as matters which require consent from Council and one or more approvals under related legislation. In these circumstances, prior to granting consent Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

We note that this project will require dewatering, and that such an activity requires an approval under section 91(3) of the Water Management Act 2000 (WMA) issued by the NSW Office of Water (NOW) with such an approval captured by section 91 of the Act.

However the applicant has not nominated this application as being 'integrated development' and has provided a legal opinion, which in summary contends:

- The provisions relating to 'integrated development' are there to benefit an applicant, not to hinder them;
- There is no compulsion on an applicant to make an application for '*integrated development*' if they chose not to do so;
- In this instance, the applicant does not require this matter to be processed as an application for 'integrated development'; and
- Should an approval from NOW be required then such would need to be obtained before the excavation works could commence.

The legal opinion also refers to a Judgement of the Land and Environment Court which states that in such circumstances as noted above there is nothing unlawful in a Council's failure to process such a development application as if it were for integrated development.

CPSD accepts the Court's position. Consequently this report includes an advice to the applicant requiring that any approval from NOW be obtained and provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

State Environmental Planning Policy No. 55

This Policy provides a framework for the assessment, management and remediation of contaminated land. Clause 7(1) of the Policy prevents Council from consenting to a development unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The application is accompanied by a comprehensive Preliminary Environmental Site Assessment report which concludes:

".....the potential for significant widespread contamination at the site is relatively low. EIS are of the opinion that the site is suitable for the proposed development."

Council's Environmental Health Department has accepted the Preliminary Environmental Site Assessment. Recommendations within that report, limited to measures for the disposal of excavated soils, are included in the recommendations to this report.

State Environmental Planning Policy No.65

This Policy aims to improve the design quality of residential flat development to:

- Ensure such buildings contribute to sustainable development;
- Provide sustainable housing in social and environmental terms;
- Achieve better built form and aesthetics of buildings, streetscapes and the public spaces they define;
- Better satisfy the increasing demand, changing social and demographic profile of the community;
- Maximise amenity, safety and security for the benefit of occupants and the wider community; and
- Minimise the consumption of energy from non-renewable resources.

To support these aims Part 2 of the Policy introduces 10 design quality principles. These principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions. As required by the Environmental Planning and Assessment Regulation, this application is accompanied by response to the design principles prepared by the project architect

Council does not have a Design Review Panel, however an independent assessment of the proposal relative to the 10 design principles and the *Residential Flat Design Code* has been

undertaken by Tim Williams Architects (TWA). A copy of their assessment is provided at **Appendix A**. This process satisfies the procedural requirements of clause 30 of the Policy.

In terms of the design merits of the project TWA has concluded this project satisfies the 10 design principles in the Policy. Particular aspects of the TWA assessment will be addressed later in this report.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The Policy seeks to ensure that new dwellings are designed to use less water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets, which are based on the NSW average benchmark. The Policy also sets minimum performance levels for the thermal comfort of a dwelling.

This application is accompanied by Basix Certificate No. 425963 which confirms that the building will meet its required targets. Included within the recommendation to this report is a condition requiring compliance with the nominated Basix commitments.

State Environmental Planning Policy (Infrastructure) 2007

This Policy required Council to refer this application to Roads and Maritime for consideration due to the proposed quantum of onsite parking. The application was considered by the Sydney Regional Development Advisory Committee at its meeting on 4 July 2012.

The Committee's response (**Appendix B**), being advisory comments for consideration, is included as conditions of consent as appropriate in the recommendations to this report. Its other comments, regarding design/operational matters, are addressed below at section 7 under the heading under the heading "Access, transport and traffic".

State Environmental Planning Policy (State and Regional Development) 2011

The proposal is development nominated in Part 4 of this Policy, in this instance being development exceeding \$5 million where Council is both the applicant and landowner. Consequently the Joint Regional Planning Panel is the consent authority for this application.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

This Plan, now a deemed State Environmental Planning Policy, covers the area of Sydney Harbour, including the Parramatta River and its tributaries and the Lane Cove River. Its aims are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

Given the nature of this project and the location of the site there are no specific controls within this Plan that directly apply to this proposal.

6. STATUTORY PLANNING FRAMEWORK - LOCAL PLANNING CONTROLS

Lane Cove Local Environmental Plan 2009 (LCLEP 2009)

This proposal's compliance with the relevant controls within LCLEP 2009 is addressed in Table 1 below:

Table 1: LCLEP 2009 compliance table

Provision	Response
Clause 2.2 Zone	All of the site is zoned 'B4 Mixed Use' except for the land under Little Lane which is zoned 'B2 Local Centre'
Clause 2.7 Demolition	The application seeks approval for the demolition of all structures and improvements over the site.
Land Use Table	All elements of the proposal are permissible with consent
Clause 2.6 Subdivision	The application does not seek approval for any subdivision, however the proposal does rely upon the partial closure of Little Lane and the creation of a stratum allotment as discussed above.
Clause 4.3 Height of Buildings	Maximum of 30m - The building exceeds this control. See comments at the end of this table.
Clause 4.4 Floor space ratio	This site has a specific FSR control of 2.7:1. The application as lodged provides for an FSR of 2.83:1 however compliance will be achieved upon amalgamation of the stratum allotment with the balance of the site - see comments at the end of this table.
Clause 4.6 Exception to development standards	The development relies upon the terms of this clause to vary the FSR control - see comments at the end of this table.
Clause 5.6 Architectural roof features	The development relies upon the terms of this clause relative to the 30m height control - See comments at the end of this table.
Clause 5.10 Heritage conservation	A Heritage Impact Statement is provided to address the potential impact of this proposal relative to the heritage listed Longueville Hotel. The terms of this clause are satisfied.
Clauses 6.1, 6.2, 6.3, 6.4 Environmentally sensitive lands	The site is not mapped as being Acid Sulfate Soils; is not affected by a Foreshore Building Line; does not comprise Riparian Land and is not mapped as being Environmental Protection Lands.

Building height

The building exceeds the 30m height limit generally along the northern and southern edges of the top most floor (residential level 8). The extent of the non-compliance is in the order of 1m and comprises the parapet element of the building. CPSD is satisfied that circumstance falls within the scope of clause 5.6 of the LCLEP 2009 (architectural roof features) and therefore is able to approved, without the need to provide a formal request to vary the height limit via clause 4.6 of the LCLEP 2009. In considering this element of the design we note:

- This parapet treatment is a uniform design element that is integral to the presentation of the building;

- By virtue of the shape of the floor plate of level 8 the parapet is well setback from the edges of the site, other than at the northern end of the allotment adjacent the intersection with Little lane and Little Street. No amenity or public domain impacts are identified as arising from this parapet element; and
- Its removal or amendment simply to achieve strict compliance with the height limit control would not accrue any material benefit.

We note that the built form and scale of the building is also considered satisfactory by Tim Williams Architects who provided an assessment of the proposal relative to State Environmental Planning Policy 65 (see further comments below).

Floor space ratio

The terms of clause 4.5 of the LCLEP 2009 are such that until the Little Lane stratum lot is consolidated with the rest of the site, and its status of "public land" removed, that land cannot be included in the site area. In that circumstance the application as lodged achieves an FSR of 2.83:1, contrary to the site specific FSR control of 2.7:1

It is acknowledged that this non-compliance is a technical one, arising only as consequence of the sequencing and timing of processes necessary to amalgamate that stratum allotment with the balance of the car park site which, as noted above, have been significantly progressed. Once that process is finally complete, the development would achieve a complying FSR of 2.57:1. We note that it is possible that all of those processes may in fact be completed by the time this application is considered by the Panel, in which case this matter is no longer a relevant consideration.

Notwithstanding, is it both prudent and proper for this non-compliance with be considered relative to clause 4.6 of the LCLEP 2009, which permits variations to development standards where the nominated criteria are satisfied.

In acknowledgement of the technical exceedence of the FSR control, the proponent has provided a formal request, in the correct format, to vary this development standard. The contentions provided in support of that request satisfy the matters for considerations in clause 4.6 and CPSD concludes that it is unreasonable in this instance to warrant either modification or refusal of the application based upon the FSR as lodged.

Lane Cove Development Control Plan 2009 (DCP)

Numerous Parts within this DCP are relevant in the evaluation of this proposal. Table 2 below provides a summary response:

Table 2: LCDCP 2009 compliance table

Part	Response
B - General controls	The proposal is consistent with relevant provisions being public domain, view sharing, environmental management, safety/security and heritage
C - Residential development	The proposal is consistent with relevant provisions noting the positive outcomes identified through the SEPP 65 assessment and compliance with the site specific DCP controls
D - Commercial and mixed use	As above
D - Commercial and mixed use localities	Site specific controls apply via Locality 3 - Little Lane Mixed Use. See

	comments at the end of this table.
F - Access and mobility	Consistency this Part of the DCP will be ensured via compliance with the Building Code Australia, particularly the standards for access to premises, and as otherwise demonstrated by the commentary at section 7 below.
J - Landscaping	Satisfactory as demonstrated by the advice from Council's Manager Open Space at section 4 above.
L - Public art	The proponent has provided a detailed Public Art Statement and requested this matter be addressed by conditions in any consent granted to this application. Such an approach is appropriate
O- Stormwater management	Satisfactory as demonstrated by the advice from Council's Development Engineer at section 4 above.
Q - Waste Management and minimisation	Satisfactory as demonstrated by the advice from Council's Acting Waste Contract Coordinator at section 4 above.

DCP 2009 - Part D - Locality 3 Little Lane Mixed Use

Compliance with the site specific provisions of this element of the DCP is addressed in Table 3 below:

Table 3: Little Lane site specific DCP compliance table

Element	Response
Public domain principles	<ul style="list-style-type: none"> • Pedestrian connectivity is prioritised and maintained to both street frontages with the design allowing for Little Lane to function as shared space for cars and people • Activity at the street frontages and passive surveillance contributes to a sense of place and enhances amenity • The built form properly responds to the setting and context of the site as established by the SEPP 65 analysis.
Site use	<ul style="list-style-type: none"> • The building comprises the mix of uses contemplated by the DCP
FSR and height	<ul style="list-style-type: none"> • The building complies with the 30m height limit other than for minor exceedences previously noted • Compliance with the site specific FSR control of 2.7:1 will be achieved as previously noted
Setbacks	<ul style="list-style-type: none"> • The nominated 7.8m setback to Little Street is achieved. Terrace elements at the ground floor extend to the property boundary, which is appropriate for a commercial zone • The nominated 5.2m setback to Little Lane is achieved. • The nominated 9m/12m setbacks to the adjoining building to the south are achieved
Landscaped area	<ul style="list-style-type: none"> • Landscape supply, achieved through planters and street trees to Little Lane, is satisfactory as confirmed by the SEPP 65 assessment and Council Manager Open Space • Landscaping treatment along the southern site boundary achieves an appropriate amenity outcome for the site and the adjoining development, and properly softens the protruding element of basement car parking levels at that end of the site. • Impacts upon existing vegetation, particularly to Little Street, have been assessed as acceptable by Council's Manager Open Space.
Building interface and awnings	The location, clearances and widths of the awnings reflect nominated design criteria ensuring appropriate visual and pedestrian amenity outcomes

Entrances and exits	Pedestrian access to the building is generally satisfactory. However the Little Lane entry to the residential apartments should be more clearly identified by a suitable 'marker' element visible from the approach from Little Street. This minor matter is addressed by a condition in the recommendation to this report.
Floor to ceiling heights	Satisfactory
Building materials	Satisfactory in terms of both general built form/ presentation considerations as established by the SEPP 65 analysis, and also with regard to the visual relationship with the Longueville Hotel as established by Council Heritage Advisor.
Car parking	The required parking supply is provided
Vehicle access	Satisfactory as advised by Council's Executive Manager, Open Spaces and Urban Services (Traffic) as section 4 above
Sustainability	The residential element of the building achieves the Basix target. The commercial element of the building will need to comply with Section J of the BCA
Stormwater controls	Satisfactory as demonstrated by the advice from Council's Development Engineer at section 4 above.

Lane Cove Section 94 Contributions Plan

Lane Cove Section 94 (S94) Contribution Plan applies as consequence of increases in population, and additional commercial/retail floor space within the Lane Cove town centre. It is noted the Plan does not require any contribution for the community facilities element of the development.

Increase in residential floor space

The S94 contribution is calculated in the following manner:

No. of bedrooms	Average occupation rate	Population
15 x 1 bedroom	1.2	15x1.2=18.0
27 x 2 bedroom	1.9	27x1.9=51.3
6 x 3 bedroom	2.4	6x2.4=14.4
2 x 4 bedroom	3.0	2x3.0=6.0
Total proposed population		89.7

The Section 94 contribution applicable for additional 89.7 persons at the current rate of \$9180.35/person would be \$823,477.40 (or \$16,469.55 per dwelling). Such does not exceed the \$20,000/dwelling cap of the Reforms of the Local Development Contributions.

Increase in commercial/retail floor space

The Section 94 contribution applicable for the retail/commercial space of 551m² at the current rate of \$94.87/m² is \$52,273.40 (i.e. 551 x \$94.87).

Conditions requiring the payment of these contributions are included in the draft conditions of consent should the JRPP approve the application.

Material Public Benefit

Section 94(5) of the Environmental Planning and Assessment Act provides that Council may accept, in part or full satisfaction of a monetary payment required by a Section 94 Contributions Plan, the:

(a) *dedication of land, or*

- (b) *provision of a material public benefit (other than the dedication of land or the payment of a monetary contribution)*

The Statement of Environmental Effects accompanying the application notes the project includes a significant material public benefit (MPB) being the provision of additional public car parking, and the construction of floor space for community facilities. The cost of those components of the building is noted as \$6,772,500.

CPSD understands that:

- Section 94(5) of the Act operates after a consent has been issued because Council would be considering whether the proposed material public benefit should be accepted in part or full satisfaction of a section 94 condition within a consent notice.
- Council has discretion as to whether or not to accept an offer to provide a MPB in full, or partial, satisfaction of a condition requiring a monetary contribution. The Act does not set out any statutory procedure for the consideration of an offer made pursuant to Section 94(5). Any offer must therefore be considered 'on merit'.
- If Council accepts a material public benefit then the relevant contribution (or part of the contribution) need not be paid because it has been satisfied by means of the provision of material public benefit.
- If agreement is reached on a material public benefit then this would likely be embodied in a letter and/or a deed between the Council and the applicant.
- If Council accepts the provision of a MPB, instead of a monetary payment, there is no need to modify the condition of development consent. The statutory effect of Section 94(5) has the affect of deeming the provision of the MPB as constituting the full, or partial, satisfaction of the condition.

Given the above it is the position of CPSD that any request to reduce section 94 contributions by mean of a MPB (or works in kind) can only dealt with via a separate request that is made after the determination of this application.

7. ENVIRONMENTAL IMPACT ASSESSMENT

Section 79C(1) of the Environmental Planning and Assessment Act 1979 specifies the matters which a consent authority must consider when determining a development application. These matters are addressed below.

Section 79C(1)(b) - The likely impacts of the development

Context and setting

A detailed analysis of the suitability of the proposal for the context of the site is demonstrated in the SEPP 65 analysis by TWA. The following additional comments are also provided:

- Despite its height, the building will not be apparent from Longueville Road, other than at the intersection with Little Lane, as demonstrated by the sectional drawing accompanying the application;
- A building of this type will alter the visual character of the immediate locality, and will also be apparent in the wider visual catchment particularly to the east of the site. Such an outcome was evaluated and deemed suitable by virtue of the adoption of the site specific controls within both LCLEP 2009 and the accompanying DCP. That said, the massing, articulation, design theme and external material pallet of the building combine to achieve a visual presentation that will not unreasonably diminish the scenic qualities of the locality;
- The relationship with adjoining sites is acceptable. This consideration is addressed in more detail below at section 7 below;
- The mix of uses within the building is appropriate for the location;
- Access to parking areas are suitably integrated into the building design to avoid undue visual impacts to the streetscape or pedestrian safety/amenity; and
- Service areas are suitably located to avoid any unacceptable visual or operational impacts.

Access, transport and traffic

Parking supply and design

Basement parking is provided as follows:

- 73 spaces for the residential apartments which satisfies requirements, noting the site specific DCP does not require any onsite residential visitor parking; and
- 200 spaces for public use, and to also meet the demands from the community and commercial/retail elements of the building. Such is consistent with the site specific DCP, which nominates that quantum of public parking to address an identified shortfall within the Lane Cove town centre. The site specific DCP allows for this public parking to also meet the needs of the community and commercial uses within the building.

The resident and public parking areas are physically separated, including individual access points to Little Street. The nominated arrangement is appropriate, allowing for the independent allocation and operation of these parking areas.

Council's Executive Manager, Open Spaces and Urban Services (Traffic) has confirmed the geometry and design of the parking areas satisfies relevant design standards, other than for a minor non-compliance to the public car park driveway enter which is not considered to affect traffic safety or movements.

Management of the public parking facility

Accompanying the application is a draft Management Plan for the public parking area which, in summary, provides the following details:

- Public parking to operate consistent with arrangements for the Lane Cove Market Square, being paid parking but with a free period (of 3 hours), with entry after 6pm expected to be free. Parking charges to be determined by Council.
- Ticketless and conventional ticketing options have been indicated but a final method of management is not nominated.
- A system will be provided enabling motorist to be aware when the public parking area is full

- Various way-finding measures and signage will be provided to facilitate the safe and orderly movement of pedestrians.

Council's Executive Manager, Open Spaces and Urban Services has not raised any concerns regarding measures to manage the public parking spaces. This report includes a recommendation requiring that a final Plan of Management for the public car park be approved by Council, and the its local Traffic Committee as appropriate, prior to the issue of any Occupation Certificate.

Traffic generation, impacts and management

The application is accompanied by a Traffic Impact Assessment report which considers the outcomes of this project upon the capacity and operation of the local road network. In summary its findings are:

- The intersection of Longueville Road with both Little Street and Birdwood Road have exceeded their practical capacity;
- The intersection of Epping Road and Longueville Road is operating near capacity;
- The majority of trips associated with the development (excluding resident journey to work trips) are expected to originate from the south of the site which provides the dominant catchment for the Lane Cove town centre;
- The relative change in performance characteristics of key town centre intersections as a result of the development is minimal, reflective of the moderate increase in traffic volumes from this development; and
- The additional traffic associated with this project can be accommodated within only minor impacts upon the surrounding road network.

It is relevant to note that the Traffic Impact Assessment report:

- Contends that the post development delays that will occur at the Little Street and Birdwood Avenue intersections with Longueville Road are not a direct result of this development, but rather occur due to reduced capacity associated with queues on approach to Epping Road; and
- Council is investigating the provision of traffic signals at the Little Street/Longueville Road intersection which, if provided, would increase the capacity and efficiency of that intersection.

As noted, Council's Executive Manager, Open Spaces and Urban Services has accepted the conclusions from the proponent's traffic assessment, noting:

- Little Lane and Central Avenue are available as an alternative to the Little Street/Longueville Road intersection;
- The development will contribute towards funding of improved traffic management measures for the town centre; and
- Based upon the analysis provide for evaluation, no grounds exist to warrant specific management measures for this development.

Service delivery facilities

The residential garbage storage and collection area is located within Basement Level 1. No objections to the location or design of this service area have been noted by either Council's waste or traffic sections.

The community and commercial uses will be served by a loading zone in Little Lane adjoining the ground floor waste storage area. This arrangement is acceptable to both Council's waste and traffic sections.

Public transport

The site is located in close proximity to bus services on both Epping and Longueville Roads, including the Epping Road bus interchange at edge of the town centre.

RMS comments

Council's Executive Manager, Open Spaces and Urban Services do not support the advisory comment of the RMS relative to amending the design of the residential driveway entry. As this issue is a local matter, the view of Council is accepted.

The remaining comments of the RMS Advisory Committee generally accord with the usual requirements of Council and are reflected in the recommendation to this report.

Public domain

A positive public domain outcome will result given:

- The building achieves a suitable interface with public areas;
- The building addresses and integrates with both Little Street and Little Lane through the inclusion of an active facade with design elements that promote a visual relationship public pedestrian areas adjacent to, and surrounding, that edge of the site;
- Vehicle access points are consolidated to a single edge of the site;
- Service areas are integrated into the building design and do not visually dominate the streetscape or pedestrian areas adjoining the site;
- Many apartments enjoy a direct visual connection to the adjacent public reserve and community facilities ensuring a high degree of passive surveillance which will encourage a sense of safety within the public spaces around the site; and
- The architectural and landscape treatment will achieve a suitable streetscape presentation.

Utilities

Capacity

The locality is serviced by all necessary utility services. Prior to works commencing the applicant will be required to obtain certification from the relevant agencies/authorities regarding their requirements to extend/augments services to meet the increased demand associated with this proposal.

Relocation of existing sewer mains

A sewer main traverses the northern end of the site, extending from Little Lane to Little Street, must be diverted to accommodate the building. Another sewer main within Little Lane would also require diversion. Preliminary inquiries by the proponent indicate this is possible, subject to completion of relevant processes with Sydney Water, which can only occur following the

determination of a development application. Appropriate conditions are included in the recommendation to this report.

Heritage

The site is not a listed heritage item nor is it located with a conservation area. However it does adjoin the Longueville Hotel, a heritage item of local significance.

The application was accompanied by a Heritage Impact Statement which considers the significance of the Hotel and evaluates the proposal against relevant criteria from both Council LEP and the NSW Heritage Branch.

The application, including that HIS, was reviewed by Council's Heritage Advisor, who:

- Did not identify any adverse impacts upon the heritage values , setting or context of the Hotel; and
- Did not raise any objection to the proposal.

The full assessment by Council's Heritage Advisor is provided at section 4 above.

Water

Stormwater and water quality

A number of matters arise regarding the collection, storage and discharge of stormwater including:

- Decommissioning and replacement of existing drainage infrastructure within the site, and the adjoining road reserves, required to continue to manage stormwater from Longueville Road and Little Lane;
- Collection, storage and disposal of stormwater from the new building and associated hardstand areas, which is to be managed via an OSD system; and
- Collection and disposal of subsoil drainage and any water that may collect in the basement.

The Stormwater Assessment report and accompanying plans, which includes measures to treat water prior to discharge for the purpose of maintaining water quality, have been assessed as satisfactory by Council's Development Engineer, as noted at section 4 above. The conditions provided are included in the recommendation to this report.

Flooding

The site is subject to potential inundation from the overland flow of stormwater as a consequence of blockages to drainage infrastructure in Little Lane which accommodates stormwater from

Longueville Road. To address this constraint:

- The floor level of the new building includes a freeboard to Little Lane; and
- Driveway entry areas are designed to also achieve the required freeboard level, and control surface water within the road carriageway.

Council's Engineer has confirmed these arrangements meet relevant requirements.

Soils

Sediment control

The application has identified a series of measures for the construction phase to manage the prevention of sediment from entering the local water system and impacting upon water quality. This matter is addressed by conditions in the recommendation to this report.

Geotechnical issues

The application is accompanied by a geotechnical report which has not identified any fundamental constraints for this site relative to the need to excavate to accommodate the 5 basement levels. That report however was prepared for an earlier project, which proposed less excavation. Council's Development Engineer has conditioned that new report be prepared to accompany any application for a Construction Certificate.

The Engineer also has conditioned the need for the excavation works to be completed in accordance with a monitoring program, overseen by a suitable qualified person, to ensure that this phase of the project is completed in a safe and proper manner.

Air and micro climate

Dust is anticipated during the construction period, particularly given the extent of excavation required. This impact can be managed through mitigation measures to be included in the required construction management plan. The proposal, once operational, is not otherwise not expected to give rise to any long term or adverse impacts on air quality.

Waste

Construction Waste

Arrangements for the storage, recycling and disposal of construction wastes will be addressed within a Construction Management Plan required to be prepared prior to the issue of any Construction Certificate.

Operational Waste

Separate waste facilities are provided for the residential and non-residential elements of the building and have been assessed as satisfactory by Council's Acting Waste Contract Coordinator as noted at section 4 above. Nominated conditions are included in the recommendation to this report.

Construction Noise

The location of the site and the scope of works are such that noise from site works and construction activities will be a source of nuisance. These impacts will be managed via conditions nominated by Council's Manager, Environmental Health which prescribe:

- Hours of construction; and

- Noise limits that will apply works as determined by relevant legislation and policies.

Construction vibration

As noted the geotechnical report has not identified any fundamental constraints to site excavation, nevertheless vibration from such works does represent a risk to the structural integrity of neighbouring buildings. To mitigate against adverse impacts Council's Engineer has provided conditions (in addition to the geotechnical monitoring program) which require the applicant, prior to works commencing, to prepare a:

- Construction Methodology report to demonstrate there will be no adverse impact upon nominated surrounding properties and infrastructure;
- Dilapidation report for nominated properties and infrastructure to survey the conditions of those structures.

A further condition requires, prior to the issue of any Occupation Certificate, the preparation of a further Dilapidation Report to record the condition of those same structures.

Natural and technological hazards

No such hazard have been identified that would present a constraint to the development of the site as proposed.

Safety, security and crime prevention (Crime Prevention Through Environmental Design)

The inclusion of CPTED measures within the design of the development recognised as assist in minimising the incidence of crime and contributing to perceptions of increased public safety.

Broadly, the proposal has properly responded to the principles which underpin CPTED s strategies as the design:

- Separates the functions and spaces associated with the mix of public and private uses within the building to control access;
- Provides activity to, and connectivity with, the public spaces adjoining the site; and
- Allows for passive surveillance of the public domain and communal areas.

More specifically, the application is accompanied by a Security and Access Plan which sets out measures to:

- Manage access control to the various public and private spaces within each level of the building; and
- The installation of CCTV to monitor public spaces within the building, including measures for monitoring.

A range of conditions are included within the recommendation to this report to implement CPTED principles.

It is noted that the analysis undertaken by TWA confirms this proposal satisfies design principal 8 (safety and security) of that Policy.

Social and economic impacts

Social impacts

No adverse social impacts have been identified, however the following positive outcomes are acknowledged:

- Higher density housing in a desirable location well served by public transport, retail, sporting and community facilities, reduces the demand for housing in far less accessible fringe areas of the metropolitan area;
- The mix of apartment sizes, comprising 1, 2, 3 and 4 bedrooms optimises affordability and cater for different budgets and housing needs, contributing to social mix;
- The building includes space to accommodate community services whose operations will benefit the local population; and
- The development significantly increases the supply of safe and convenient public parking which will improve ease of access to existing open space and other community facilities in the locality.

Economic impacts

No adverse economic impacts have been identified, however the following positive outcomes are acknowledged:

- The development will generated during the construction stage, and to a lesser extent, upon occupation of the retail spaces of the proposed development;
- The increased residential population will strengthen the viability of the adjacent ton centre; and
- On a broader scale, the proposal will likely strengthen the local property market by contributing to diversity in housing choice.

Site design and internal design

Site design

The design of the proposal is considered to properly respond to site attributes and prevailing environmental conditions for the following reasons:

- The independent SEPP 65 analysis concludes the proposal is consistent with relevant design principles being, context, scale, built form density, landscaping and aesthetics;
- Council's Manager Open Space is satisfied with arrangements for landscaping elements of the project; and
- The design allows for the proper separation and operation of the public and private spaces within the building.

Notwithstanding the above, two design matters require discussion:

- The generous nature of the residential balconies, particularly at the upper levels which are exposed to wind levels, raise concerns for amenity and safety. The application is accompanied by a Wind Statement which concludes wind conditions at the large-sized

balconies (west, south and east side balconies at level 3 and up, especially at level 8) will likely exceed the recommended criterion during high wind events.

To resolve this impact the report recommends that:

"...residents are informed and educated about wind conditions at these large-sized balconies during high-wind events. Specifically, the tying down or otherwise securing of loose lightweight furniture is highly advisable."

A management based solution is not supported, but rather a design response is needed. It may be that the balustrade treatment requires modification, possibly in conjunction with other measures. Ultimately these will need to be determined by the project architect in conjunction with a relevant specialist. This report recommends a 'deferred commencement' approval in order that the amended plans can be returned to Council for endorsement prior to the release of any Construction Certificate.

- It is also acknowledged the building does not include any common open space for residents of the apartments, which is inconsistent with the 'rules of thumb' within the Residential Flat Design Code. However the areas of private open space are generous, and the site is also opposite a community pool and gymnasium, and a large area of open space (Pottery Green). Residents would therefore have excellent access to recreation facilities.

Internal design

The internal site arrangements provide for an orderly and efficient building that affords a proper level of amenity for residents as follows:

- Vehicle and pedestrian access is direct, efficient and safe;
- Public and private spaces are clearly defined;
- Adequate separation is achieved within the site, and from adjacent buildings, to ensure a suitable level of privacy;
- Apartments are located to maximise available views of the public domain;
- The building has been identified as capable of complying with the Building Code of Australia;
- The applications is accompanied by an acoustic report which has considered surrounding noise sources (e.g. traffic noise, Longueville Hotel, the aquatic centre) and has prescribed required glazing treatments to ensure relevant internal noise levels are achieved for the residential apartments.

Further, the building positively responds to the key 'rules of thumb' design guidelines within the Residential Flat Design Code that relate to internal design as follows:

- Less than 10% of apartments have a single, southerly, aspect;
- Ceiling heights to habitable rooms are 2.7m;
- 76% of apartments benefit from cross ventilation;
- 70% of apartment receive more than 2 hours direct solar access at midwinter;
- 64% of kitchens have access to natural ventilation;
- All balconies achieve a minimum width of 2m; and
- Apartments are provided with adequate storage space.

Accessibility

Accompanying the application is an Accessibility Plan which has reviewed the proposal relative to commonwealth legislation, the Building Code of Australia and Australian Standards. That report concludes the building design has appropriately addressed the issue of accessibility and confirms a commitment to achieving an equitable and accessible environment for all. Included in the recommendation to this report are conditions requiring compliance with the terms of that Accessibility Plan and relevant legislative obligations.

Relationship to adjoining sites

Overlooking of Nos 7-9 Little Street

Obvious design challenges arise given the elevated nature of the site relative to adjoining residential development south along Little Street, and the site specific development controls which contemplate a building of this height and scale.

On balance the proposal acceptably mitigates against overlooking over No. 7-9 Little Street for the following reasons:

- The massing and scale of the building steps down to the southern boundary to achieve a comparable built form outcome at the common boundary between the two sites;
- The lower levels of the building at the southern edge of the site (mezzanine and ground floors), equivalent to Nos 7-9, do not include any external terraces;
- The southern boundary is provided with a suitable landscape treatment that will soften the space between these two buildings.
- Residential balcony sizes in the southern elevation at the lower levels closet to Nos 7-9 (i.e. floors 1 and 2) are small, with larger balconies provided at the upper levels which are above the roof of Nos. 7-9.

Notwithstanding two concerns arise:

- The ground floor external glazing within the southern elevation, opposite Nos. 7-9, comprises numerous full height windows. While it may be that mature landscaping would in time screen any views between the two sites, at those levels, it is acknowledged that the size/number of windows at the very least would create a perception of overlooking. This report therefore recommends these windows be amended to achieve a sill height a minimum of 1.5m above floor level.
- The SEPP 65 assessment has identified a lack of significant privacy issues for adjoining developments, but notes further measures to reduce overlooking, if deemed necessary, could be easily retrofitted to eliminate this potential.

The obvious disparity in height and scale between the subject and adjoining sites will, at the very least, create a perception of overlooking. Additional privacy features are therefore warranted, and may also serve to mitigate the effects of high wind level on those balconies. This matter is addressed by means of a 'deferred commencement' condition.

Overlooking of development to the northern side of Little Lane

The northern edge of Little Lane generally comprises the rear service areas of commercial premises fronting Longueville Road. No adverse amenity impacts have been identified.

Overshadowing of No. 7-9 Little Street

Prevailing topography and the site specific development controls again combine such that this issue is a clear design challenge. The stepped building form, achieving increased setbacks from the southern site boundary as building heights increase, is an appropriate design response.

Shadow diagrams accompanying the application plot midwinter impacts. These diagrams have been prepared at both 30min and 5min intervals to facilitate evaluation. The SEPP 65 analysis concludes that Nos.7-9 Little Street will achieve 2 hours solar access at midwinter between 9am and 3pm, which is consistent with the RFDC 'rule of thumb'.

Operational Noise

The acoustic report accompanying the application considers the impacts from the operation of mechanical plant and equipment required for the operation of the building. In summary it concludes:

- The operation of the basement car park ventilations system should comply with the relevant noise criteria;
- The operation of air condition systems for the residential apartments cannot be assessed as the required plant has not been selected. However it is apparent that suitable systems/amelioration measures are available to ensure compliance with relevant noise criteria.
- Similarly, mechanical plant for the community/commercial uses is not known at this stage and noise impacts must therefore be considered in conjunction with future applications for the use of those spaces.

It is typical that mechanical plant and equipment is not specified at DA stage, and therefore appropriate conditions are provided within the recommendation to this report to address this issue.

Construction Management

The application submission and accompanying draft Construction Management Plan provides details various relating to a matters including:

- | | |
|-----------------------------------|---------------------------------|
| • An overall construction program | • Hours of work |
| • Construction traffic management | • Noise management measures |
| • Excavation | • Vibration management measures |
| • Sewerage and drainage | • Dilapidation surveys |
| • Pedestrian management | • Community liaison |
| • Car parking | |

Typically a final CMP is prepared once the terms of any approval are known and a builder is appointed to the project. This report recommends the preparation of final CMP prior to the issue of any Construction Certificate.

Building Code of Australia

Council's Building Surveyor advises that the proposal is capable of achieving compliance with the Building Code of Australia, and has provided suitable conditions for inclusion in any consent granted to this project.

Section 79C(1)(c) – Site Suitability

The suitability of the subject land to accommodate a building of this type and scale was established by the analysis completed by Council through the preparation of LEP 2009 and the associated site specific development control plan, both of which were prepared via the appropriate processes prescribed by the Environmental Planning and Assessment Act.

On balance this proposal responds to the attributes and constraints of the site, and on balance when measured against those planning controls, is considered to fit with the locality.

Section 79C(1)(d) – Response to notification

Public notification attracted 10 submissions as follows:

- 1 submission **in support** of the project, but noting:
 - Unlike a prior scheme for this site, this proposal does not include a mini-plaza (public space) which if provided would increase attendance at the aquatic centre and rental value for the ground floor retail tenancies, allowing Council to maximise returns on its commercial investment.

Response

Noted.

- 2 submissions with the following **concerns or questions**:
 - Do not wish to see any development that breaches relevant codes, particularly with regard to building heights, overshadowing and tree retention;
 - Do not wish to see unnecessary disturbance to local community during construction;
 - The drawings do not appear to reflect the extent of tree removal;
 - Will pedestrian access, connecting Little Street to Little Lane, be provided along the southern site boundary; and
 - Are measures being taken to minimise airborne dirt/dust during construction.

Response

Minor breaches of the development controls have been identified and are considered acceptable. The extent and duration of site works will inevitably cause disruption and nuisance to the community however these impacts will be mitigated to the extent possible by the various conditions nominated in the recommendation to this report. The southern edge of the site is shown to be wholly landscaped and does not include any formal pedestrian pathway linking Little Street to Little Lane.

- 4 submissions which consider the proposal to be an **improvement upon a prior scheme but still have concerns** being:
 - The nominated landscaping schedule does not accord with Council's policy for the use of locally occurring indigenous species, or at least plants which are native to NSW;
 - There is a lack of understorey plantings in the public domain on both street frontages which is needed to ensure a positive pedestrian environment;
 - There is an oversupply of parking given the proximity to shops and good public transport, contrary to Council's principles of sustainable development;
 - There is no need for retail floor space given the vacancy rate in the town centre;
 - Removal of trees along Little Street must be a last resort;
 - Noise and overlooking from large balconies on the southern side of the building;
 - No analysis of shadow impact for No. 11 Little Street;
 - Traffic impact analysis is limited and excludes peak times skewing conclusions;
 - Traffic impacts are presumed to be resolved based upon the installation of traffic lights at the intersection of Little Street/Longueville Road which will require (the unlikely) approval of RMS;
 - The development will significantly increase traffic movements at a number of locations /intersections and these have not been sufficiently studied to see if better solutions can be found;
 - Pedestrian safety for crossing Little Street is not addressed;
 - Who benefits from the income generated by the rooftop solar panels. This should be the community tenants not the retail tenants or residential owners;
 - Support the use of mechanical ventilation for the car park but there is no consideration of noise from air intake fans;
 - There is no provision for air conditioning to community facilities and retail spaces, which will add to noise from the building;
 - Odour from exhaust equipment associated with the use of retail areas may impact upon amenity for balconies of the subject and adjoining buildings;
 - The wind report suggests it is likely that upper balconies may need to be enclosed. Conditions should be imposed to prevent this to avoid further increases in GFA;
 - Improved articulation is required to the western and northern elevations; and
 - Can the water from the car park pump out system be filtered for reuse rather than just being discharged.

Response

Design, landscaping, traffic and acoustic issues are addressed in detail in the report and relevant matters are satisfactory subject to conditions as necessary included in the recommendation.

The question of who benefits from any income generated by the solar panel system is a matter for applicant. However the applicant advises the priority for the roof space is to maximise solar collectors for hot water for common areas and residential systems for the residential units which, in conjunction with the photovoltaic (PV) system form part of the Basix commitments for the residential units. The applicant also notes the size of the PV system of a size that is unlikely to generate any income.

Any water from the car park pump out system is not expected to involve significant quantities

and will be discharged to the stormwater system.

- 3 submissions which **object** to the application for the following reasons:
 - No analysis of loss of privacy to No. 11 Little Street from south facing balconies and windows;
 - The identified traffic problem for the intersection at Little Street and Longueville Road relies upon Council to fix an already difficult problem by installing traffic lights; and
 - The analysis of the traffic implications for the intersection of Central Avenue and Longueville Road is based upon analysis conducted outside of peak times when congestion is worst due to traffic associated with local schools.

Response

Traffic issues are addressed in detail in the report and relevant matters are satisfactory subject to conditions as necessary included in the recommendation. The separation from No. 11 Little Street and the intervening building at Nos. 7-9 Little Street are such that no loss of privacy is expected for former site. In any case, the additional privacy measures recommended will benefit No. 11 Little Street.

Section 79C(1)(e) – The Public Interest

The 'test' established by the Land and Environment Court [*Ex Gratia P/L v Dungog Council (NSWLEC 148)*] is “..whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development”.

Given the findings of this assessment it is considered any public disadvantages of this project are outweighed by the accrued benefit.

8. CONCLUSION

This report considers a proposal to construct a mixed use development comprising a multi level basement car park, commercial and community uses and a residential apartment building at the north eastern edge of the Lane Cove town centre on land generally described as the Little Street car park.

The site is challenging as a consequence of its physical characteristics, its location within the context of the CBD and its interface with established commercial, community and residential uses.

It is our position, upon balancing advice received from all relevant sources, that this development is fundamentally sound in terms of its design, function and relationship with its neighbours. We are also satisfied that the proposal has reasonably responded to all relevant planning controls and achieved appropriate outcomes.

However notwithstanding this underlying support certain issues have been identified that warrant the modification of the proposal to secure necessary improvements. Principally these changes relate to matters of design or presentation of the building that can be reasonably resolved and accordingly approval of the application is recommended subject to the nominated conditions.

RECOMMENDATION

That:-

- A. The applicant's request, via clause 4.6 of Lane Cove Local Environmental Plan 2009, to vary the Floor Space Ratio control applying to this site under that instrument, be supported;
- B. That Development Application 90/2012 be granted a "deferred commencement consent" via section 80 (3) of the Environmental Planning and Assessment Act, to allow for the matters in Schedule 1 to be completed to the satisfaction of Council, following which the consent shall operate in accordance with the conditions in Schedule 2.
- C. That those persons who made a submission be notified.
- D. That a copy of the determination notice be issued to Roads and Maritime Services.