



22nd of February 2014,

Attention: Rebecka Groth
Assessing officer,
Lane Cove Council
PO Box 20 Lane Cove
NSW 1595

Your ref: DA 13/194

Dear Rebecka,

**RE: Sdditional comments in response to letters from the applicant regarding stage one
Development Proposal 2–22 Birdwood Avenue and 11–15 Finlayson Street, Lane Cove.**

I refer to your e-mail of 20 February requesting further comment in response to additional information provided by the applicant in response to Council's earlier comments.

I have read the letters by City Plan services.

I refer to my previous report on the matter dated January 2014.

Through-site link.

The proposal uses the East West through site link as a major organising strategy for the site. It provides important access and connection between the various buildings. The principal benefit is to the applicant.

The applicant maintains that the adjoining neighbours *could* benefit and that connections *could* be made in order to allow them to access the through site link. It also states that an easement would be created to allow for these connections to be possible.

There is no indication that the adjoining neighbours desire such a connection or that the landscape design and levels could accommodate such connections.

Is the intention to create a right-of-way? It does not appear so. Ownership would remain with the applicant.

It is stated that the through site link would be open to the public. Is this 24 7, 365 days a year?

If an expectation to access the adjoining properties on Finlayson is created, then a permanent access would need to be maintained. In my opinion, the status of the through-site link needs to be carefully considered. Ambiguities as to whether it is part of the public domain or not could create tensions with respect to the use of common open space in the development and affect access to the rear of the adjoining properties.

Pedestrian movements and the crossing of Rosenthal Avenue.

The through -site link is a very generous gesture for the projected number of pedestrians (cited in the traffic report) moving to and from the development. Unless there was a major entry and destination on the Rosenthal car park site directly opposite the proposed through site link and the link was permanently accessible to the public, I see no reason to create a crossing at this point. I agree with the traffic report that the emphasis should be put on safer crossings at existing intersections, where they are expected. This is consistent with my advice that footpaths of appropriate widths and accessibility should be prioritised along Birdwood and Finlayson.

Overshadowing,

The applicant has provided new shadow diagrams that show the extent of overshadowing on the properties to the south. They clearly show that the development at 3 to 9 Finlayson Street will be impacted for most of the day during the winter solstice on the lower levels.

They suggest that, due to the fact that development achieved an 80% solar access, a little overshadowing will still allow it to comply with a 70% minimum. But why should this development be disadvantaged for achieving a better than minimum standard of solar access? Why should their good design provide a height and floorspace benefit to the new development?

If 3 to 9 Finlayson Street was at the minimum standard, would the applicant's design have protected their solar access amenity entirely?

As stated in my previous report, The subject development will only achieve the minimum standard of solar access and cross ventilation. Does this mean that the applicant has an expectation that no future development will overshadow their development?

Maximum envelope overshadowing

The applicant has provided a theoretical demonstration of the potential overshadowing impact of a building envelope based on the of 18 m building height and the minimum setbacks.

This is not a useful exercise. The minimum setbacks and maximum heights do not establish an expectation or right to a resulting envelope. The amenity of adjoining properties and the public domain must also be taken into consideration.



I do agree with the applicant's strategy to modulate the form of the development on the southern side in order to reduce the overshadowing impact on the properties to the south. In my opinion, a slight breach in the height plane on the northern edge of the development would be acceptable if the amenity of the properties to the south was indeed protected and the floorspace ratio observed.

Building separation

I am not privy to the correspondence between council and the applicant, but I see no reference to the issues I raised with respect to building separation in my previous report. This remains a concern.

Conclusion

The amalgamation of these sites is an opportunity for Council and the applicant to establish some certainty with respect to the impact of the built form of a large piece of the R4 area of the Lane Cove town centre.

In an ideal world, an envelope for the whole precinct would have been designed in order to balance yield and amenity while providing certainty to developers and protecting the public domain.

The current reality is that each development, even large amalgamated ones, must apply the controls and SEPP 65 guidelines from 1st principles and respond to local conditions including topography and approved developments.

In my opinion, if Council was to be flexible with height and FSR, it should expect significantly higher than minimum standard amenity for the development and minimal if any impact on adjoining neighbours.

Please do not hesitate to contact me should you require any further information.

Tim Williams
Architect AIA