

**Environmental Services Division Report  
Sydney East Joint Regional Planning Panel meeting of 26 March 2014  
2013SYE0105**

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Subject: 2-22 Birdwood Avenue and 11-15 Finlayson Street, Lane Cove  
DA No: 2013SYE105 (DA13/194)  
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**DRAFT CONDITIONS OF CONSENT**

That pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act, 1979, as amended, the Sydney East Joint Regional Planning Panel grant development consent to Development Application DA13/194 for a Stage 1 concept DA for residential flat development on 2-22 Finlayson Street and 11-15 Birdwood Avenue, Lane Cove, subject to the following conditions:

**DETERMINATION**

The staged development application DA13/194, as referred to in section 83B of the Environmental Planning and Assessment Act 1979, that sets out a concept proposal for the development of land known as 2-22 Finlayson Street and 11-15 Birdwood Avenue, Lane Cove for the purpose of residential flat buildings is determined by granting consent to the application subject to the conditions that follow.

**CONDITIONS**

**GENERAL**

1. Development consent is granted to staged development application No. DA13/194 that sets out a concept proposal for the development of the land known as 2-22 Finlayson Street and 11-15 Birdwood Avenue, Lane Cove comprising of the 17 lots listed below ("the site") for the purpose of four (4) residential flat buildings with combined basement car parking, on-site landscaping and a pedestrian through site link subject to compliance with the following conditions:

- ☐ Lot 81 DP10155
- ☐ Lot 82 DP10155
- ☐ Lot 831 DP844967
- ☐ Lot 832 DP844967
- ☐ Lot 84 DP10155
- ☐ Lot 85 DP10155
- ☐ Lot 86 DP10155
- ☐ Lot 87 DP10155
- ☐ Lot 88 DP10155
- ☐ **Lot 892 DP855900**
- ☐ Lot 891 DP855900
- ☐ Lot 502 DP868066
- ☐ Lot 501 DP868066
- ☐ Lot 91 DP10155

- ☐ Lot 75 DP10155
- ☐ Lot 76 DP10155
- ☐ Lot 77 DP10155

2. This consent does not authorise the carrying out of development on any part of the site unless consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site.
3. While this consent remains in force, the determination of any further development application in respect of the site cannot be inconsistent with this consent.
4. This development consent will lapse 5 years after the date of the determination unless consent is granted to a further development application in respect of the site to carry out development on the site that is consistent with this consent and the development authorised by that consent has commenced on the site.
5. All buildings that are proposed to be erected on the site must be contained wholly within the concept building envelopes shown in drawing number MP100-001 Rev S2 prepared by Turner and dated 20/03/2014, except as amended by the following conditions.
6. A detailed staging plan showing the development to be carried out on the site in a sequential manner must form part of the first further development application.
7. The combined floor space ratio for all buildings on the site must not exceed 1.85:1 and the maximum number of dwellings that may be constructed on the site must not exceed 245.
8. Any residential flat building that is proposed to be erected on the site must be designed in accordance with:
  - (a) the design quality principles in State Environmental Planning Policy No 65—Design Quality of Residential Flat Development; and
  - (b) the publication Residential Flat Design Code (a publication of the Department of Planning, September 2002); and
  - (c) the relevant provisions of Lane Cove Local Environmental Plan 2009; and
  - (d) the relevant provisions of Lane Cove Development Control Planexcept where modified by this development consent.
9. Any residential flat building that is proposed to be erected on the site must:
  - (a) be designed with sufficient modulation and articulation and ensure quality and definition to the street frontage; and
  - (b) be designed to ensure that the Crime Prevention Through Environmental Design principles are met.
10. Details of the public art proposed to be provided within the site must form part of the first further development application.
11. Deleted.

12. A complying BASIX certificate shall be submitted for each residential flat building with the relevant further development application.
13. A Building Code of Australia compliance report prepared by suitably qualified person shall be submitted for each residential flat building with the relevant further development application.
14. An Access Report prepared in accordance with AS 1428 for the site as a whole and for individual structures prepared by a suitably qualified Access Consultant shall be submitted with each further development application.

- 14.A THE PAYMENT OF A CONTRIBUTION FOR ADDITIONAL PERSONS IN ACCORDANCE WITH COUNCIL'S SECTION 94 CONTRIBUTIONS PLAN. THIS PAYMENT BEING MADE PRIOR TO THE ISSUE OF RELEVANT CONSTRUCTION CERTIFICATE AND IS TO BE AT THE CURRENT RATE AT TIME OF PAYMENT.

NOTE: PAYMENT MUST BE IN BANK CHEQUE. PERSONAL CHEQUES WILL NOT BE ACCEPTED.

THIS CONTRIBUTION IS FOR COMMUNITY FACILITIES, OPEN SPACE/ RECREATION AND ROAD UNDER THE LANE COVE SECTION 94 CONTRIBUTIONS PLAN WHICH IS AVAILABLE FOR INSPECTION AT THE CUSTOMER SERVICE COUNTER, LANE COVE COUNCIL, 48 LONGUEVILLE ROAD, LANE COVE.

### **Traffic and Parking**

15. A comprehensive Traffic Impact Assessment (TIA) must be prepared by a reputable transport consultant and submitted with the the first further development application. The report shall be prepared in accordance with Council's TIA Checklist. Any deviation from the required report structure and content must be endorsed by Council's traffic section. Council will provide all available information relating to local developments and transport projects such as the Longueville Road Intersection Improvement Scheme.
16. As part of the TIA, the applicant shall prepare a detailed plan showing future pedestrian desire lines to and from the site. The plan shall also identify any necessary infrastructure such as footpath and street lighting improvements or new crossing facilities that will encourage residents of the new development to walk to local amenities such as shops or transport nodes. Any infrastructure improvements on identified pedestrian desire lines must be designed, funded and built by the applicant, subject to Council and Local Traffic Committee approval, prior to each Occupation Certificate being issued.
17. As part of the TIA, the applicant shall identify the risks and identify solutions of only providing one driveway access to serve a basement car park containing over 300 spaces.

18. The number of car parking spaces (resident and visitor) provided on the site must comply with Lane Cove Development Control Plan 2009 Part C subject to the following:
  - a. In lieu of resident car parking spaces on site car share spaces may be provided at the rate of 1 per 3 spaces. The on-site car share spaces must be dedicated to commercial car share operators and must be accessible to the general public i.e. not located behind security doors; or
  - b. A financial contribution may be made towards transport and parking infrastructure in Lane Cove in lieu of resident car parking spaces. The contribution must be equal to the rate for commercial parking in Lane Cove Village (listed in Council's adopted fees and charges) per resident car parking space; or
  - c. A combination of on-site car share spaces and financial contribution to infrastructure may be made as referred to in (a) and (b) above.
19. The car park layout must be designed and constructed in accordance with the relevant provisions of AS/NZS 2890.1:2004 Parking facilities – Part 1: Off-street car parking.
20. All car parking spaces and associated facilities must be designed constructed in accordance with the relevant provisions of AS/NZS 2890.1:2004 Parking facilities – Part 1: Off-street car parking. Small car parking spaces must not be provided. The following plans must be submitted with further development applications that seek consent for the construction of car parking on the site and must be prepared and certified by a suitably qualified engineer demonstrating:
  - a) Longitudinal sections along the extreme wheel paths of the driveway/access ramp at a scale of 1:20 demonstrating compliance with the scaping provisions of AS2890.1. The plans shall include all levels and grades, including those levels stipulated at boundary levels, both existing and proposed. The plans shall extend from the centre line of the roadway through to the parking area.
  - b) Sections showing the clearance to the underside of any overhead structure demonstrating compliance with the clearance provisions of AS2890.1. The design is to be certified that it fully complies with AS 2890 Series and Lane Cove Council's standards and specifications.
21. Tandem parking spaces must not make up more than 10% of the overall car parking provision on the site.
22. Mechanical stacked parking spaces must not make up more than 10% of the overall car parking provision.
23. Disabled parking spaces must be constructed in accordance with the relevant provisions of AS/NZS 2890.6:2009 Parking facilities – Part 6: Off-street parking for people with disabilities.
24. The number of on-site motorcycle parking spaces provided on the site must comply with Lane Cove Council Development Control Plan 2009 Part C.

25. Motorcycle spaces must be constructed in accordance with the relevant provisions of AS/NZS 2890.6:2009 Parking facilities – Part 6: Off-street parking for people with disabilities.
26. All bicycle parking facilities must comply with the intent and provisions of AS 2890.3.
27. Private bicycle parking facilities must be provided on the site at the following rates:
  - a. 1 locker per 4 dwellings
  - b. Minimum 1 rack + 1 additional rack per 10 dwellings
28. If access to the basement car park on the site is controlled by means of a security gate or other similar entry device, an intercom system at the entry to the car park must be provided to allow visitor access.
29. The on-site waste collection / loading bay must comply with the Service Bay dimensions for the SRV vehicle class (3.5m x 6.4m; 3.5m vertical clearance) as per AS 2890.2.
30. Vehicle head room clearance within car parking areas on the site must comply with Australian Standards (AS 2890 series) and Lane Cove Council Development Control Plan 2009 Part Q.
31. All vehicle manoeuvres required on site shall comply with Australian Standards (AS 2890 series) for User Class 1A.
32. All ramp grades and widths shall comply with Australian Standards (AS 2890 series).
33. The combined vehicle access must meet relevant Australian Standards (AS 2890 series) with regards to width, sight distances, kerb splays, queuing and signposting.

## Engineering

34. **(D1) Drainage Plans:** A stormwater drainage plan prepared and certified by a suitably qualified engineer is to be submitted with the first further development application for development on the entire site. The design shall fully comply with, AS-3500 and Part O of Lane Cove Council Development Control Plan 2009 - Stormwater Management.
35. **(F2) Overland Flow Requirements:** A flood study must be submitted with the first further development application for development on the entire site which demonstrates how any potential structures that are to be built upon the area affected by the overland flow path will comply with Part O of Lane Cove Council Development Control Plan 2009 - Stormwater Management. The flood study shall be prepared by a suitably qualified engineer. The following points need to be specifically addressed in the flood study:
  - a) Any proposed diversions of Council's existing stormwater infrastructure needs to be designed and agreed upon with Council's Engineering Section prior to the lodgment of any further development application.
  - b) Overland flows generated from a 1 in 100 year storm event shall be accepted at the upstream boundary and conveyed through the site. A

hydraulic evaluation of the overland flowpath shall be prepared by a suitably qualified engineer. The hydraulic evaluation shall strictly comply Part O of Lane Cove Council Development Control Plan 2009-Stormwater Management.

36. (D2) Geotechnical Report: A geotechnical report shall be submitted with the first stage of the future development applications for the excavation proposed for the future development. The Geotechnical Report and supporting information shall be prepared by a suitably qualified geotechnical engineer.
37. **(X4) Public Walkway:** The first further development application for development on the site shall clearly set out the mechanism for creating rights for public access for the proposed public walkway through the site with the relevant instrument/s to be executed and registered prior to commencement of occupation of any residential flat building on the site. This shall be prepared in consultation with and to the satisfaction of council officers.

The public accessway is to be sign posted and an appropriate easement (ROW) to be provided as per direction by council and placed on title.

The public walkway is to be designed, constructed and maintained to the satisfaction of council. The public walkway is to be lit and landscaped to council's standard and fully maintained at the owners expense.

## **Waste Management**

38. Plans shall be submitted with each further development application that proposes construction of a residential flat building on the site demonstrating that each dwelling within the development is provided with an internal waste storage cupboard suitable for the interim storage of minimum one day's garbage and recycling material.
39. Each residential flat building within the development shall contain at least one garbage chute system suitable for the transportation of general waste from each storey to the main waste storage/collection room(s).

A compaction device with an integrated carousel must be incorporated into the chute system.

**ADVISORY NOTE:** *It is desirable that dual chute system is used instead of single chute system to transport the recycling materials directly to the main waste storage/collection room(s).*

40. A dedicated service room shall be provided within each residential flat building and must be designed to include the garbage chute and 2 x 240L recycling bins for the storage of recycling materials.
41. The entry to the car park shall maintain a clearance height of at least 5.2 metres. This clearance height shall be maintained throughout the travel path and stationary locations of the collection vehicle.
42. A dedicated bulky goods storage room must be provided in each residential flat building and must be designed to comply with Part Q of Lane Cove Council Development Control Plan 2009. A minimum floor area of 30m<sup>2</sup> shall be achieved.

43. A communal composting/worm farming facility shall be included in the development.
44. A detailed Site Waste Minimisation and Management Plan shall be submitted with the first further development application for development on the site and with each further development application proposing the construction of a residential flat building. The Plan must address Site Waste Minimisation and Management Plan requirements within Part Q of Lane Cove Council Development Control Plan 2009.
45. Due to the size of the proposed development and the proposal to encourage public access through the site an internal street litter and recycling strategy is to be prepared and implemented with all collection and disposal cost being met by the body corporate.
46. The first further development application for development on the site and each further development application proposing the construction of a residential flat building on the site must include details of the educational system to be implemented in the development (including signage for the building in common areas) that targets waste management practices and storage and disposal of waste generally and of bulky goods.

#### **Contamination**

47. Pursuant to *State Environmental Planning Policy No. 55 – Remediation of Land* the first further development application for development on the site shall be accompanied by a Remediation Action Plan (RAP) and a Stage 2 Report. A Site Auditor shall review the RAP and submit a Site Audit Statement confirming that the RAP has been prepared in accordance with the NSW EPA's Guidelines. A Site Auditor shall be engaged for the development to oversee the review of all contamination and verification reports for the site.

#### **Construction**

48. A detailed construction site management plan shall be submitted with the first further development application for development on the site and each further development application proposing construction that addresses site management, dust control, demolition and construction noise, storage and management of contaminated soils and waste and emergency management for the site. The plan shall also address the induction of all contractors to ensure that compliance with conditions of consent is adhered to by all contractors and employees from commencement to the completion of the development.

#### **Sustainability**

49. The first further development application for development on the site and each further development application shall be accompanied by a statement demonstrating the commitments to delivering a benchmark in sustainable residential development in Lane Cove as detailed within the conclusion of the Sustainability Statement prepared by ORCA Partners Pty Ltd and dated 18 November 2013.

#### **Tree and Landscaping**

50. The first further development application for development on the site and each further development application shall be accompanied by an Arborist Report prepared by a suitably qualified person that includes the overall landscape strategy for the site and the assessment and identification of intended trees to be removed and those to be retained.
51. Detailed working drawings for construction and installation of landscaping on the site (providing sections, elevations and landscape profiles and specifications, consistent with Councils Landscape Checklist) shall be submitted with the first further development application for development on the site and each further development application. Each plan/ sheet is to be certified by a qualified landscape architect/ environmental designer or horticulturist. The landscape plan is to show the treatment of common open space areas, front, rear and side setbacks, balconies or on-structure plantings, sections illustrating all raised planting areas with soil profiles, volumes and specified media, any decking and raised screening or general landscaping treatment.

### **Dilapidation**

52. The each further development application for development on the site and each further development application shall be accompanied by Dilapidation surveys and reports shall be prepared before and after construction for all structures on properties adjoining the site and Council infrastructure adjoining the site, at the applicant's expense.

### **Sydney Water Requirements**

53. Prior to the lodgment of the first further development application for development on the site and each further development application, the proponent is to liaise with Sydney Water regarding their servicing requirements for water and wastewater. Evidence of this consultation is to be submitted with the further application. Sydney Water's requirements are to be accommodated in the design, as appropriate.

### **Services Provisions**

54. The first further development application for development on the site and each further development application is to be supported by evidence of consultation with all relevant service providers (including Energy Australia, AGL and Telstra) in order to demonstrate that infrastructure and/or upgrades are available to service the development.
55. Each further development application will assess each proposal having regard to prevailing provisions at the time.