

7 August 2015

Our Ref: 14092

The Secretariat

Joint Regional Planning Panel
GPO Box 39
Sydney NSW 2001

ATTN: Lisa Foley

Dear Lisa

RE: DEVELOPMENT APPLICATION 223/14: 27 - 43 LITTLE STREET, LANE COVE

RESPONSE TO LANE COVE COUNCIL EMAIL OF 7 AUGUST 2015

I refer to Lane Cove Council's email earlier today advising that, despite its previous advice of 3 August 2015, it now does not agree to delete condition 119 (formerly condition 123) from the revised condition set.

Our position is that Condition 119 should be deleted, as demonstrated below.

Condition 119 requires all but the eastern (street) edge of all balconies to be fixed privacy screens. We question the need for this condition when the independent assessment report makes it abundantly clear that the site planning and design of the proposal properly addresses privacy to adjacent sites, **without the need for any design modifications**.

That circumstance is stated numerous times within the report (e.g. at pages 11, 22, 24, 30, 31, 32, 33, 34 and 39.) Three examples of such commentary are provided below:

- At page 22, when addressing the design principles in SEPP 65, Council's Design Consultant states:

"The setbacks provided to adjacent properties and between buildings on the subject site are generally adequate and in some cases generous. There is a minor issue between buildings A and B, however, I believe the screening indicated on the plans deals with privacy issues adequately."

- At page 31, when addressing the impacts of the proposed variations to the height control, the report states:

Loss of privacy:

The buildings have been designed in accordance with the SEPP 65 building separation requirements (in excess in some instances) and the proposed development does not duly impact on the neighbouring properties, thus reducing direct overlooking and associated loss of privacy. Balconies will be provided with privacy screens, whilst the topography of the site – particularly the steep slope up to the rear – will also act to protect neighbouring properties from direct overlooking and provides filtered out looks due to the varying interface of the buildings. Therefore given the generous setbacks, topography of the site and tree planting the surrounding building will not be negatively impacted by the height variation in terms of loss of privacy.

- At page 39, when specifically responding to neighbour concerns regarding privacy impacts, the report states:

"The impact on privacy has been extensively discussed in the 4.6 variation and the SEPP 65 report, with Council's consulting architect satisfied that this issue has been satisfactorily addressed and the impact on adjoining properties not unreasonable due to the topography of the site; the larger setbacks to the south; retention of existing vegetation in these setbacks, the orientation of balconies, the provision of screening devices on balconies; the separation of the buildings; the higher nature of the land to the west; and the orientation of east facing units over the street."

The assessment report does not identify any specific locations where **additional** screens are needed. Consequently there is no basis for condition 119. Further, to provide such screens would destroy the amenity of the balconies and apartments - an absurd outcome considering Council's SEPP 65 Design Consultant provided the following conclusion, which is presented at page 26 of the report:

"With the exception of some minor reservations with respect to the Landscape, I believe this to be an exemplary development that observes the design controls for the site and meets all the objectives of the principles of good design."

Further, we note that if this condition were implemented it would also restrict solar access and cross ventilation to the units, and fundamentally alter the built form presentation of the development.

Therefore, we request that Condition 119 (formerly condition 123) be deleted.

Should you wish to discuss any aspect of this letter please contact me on (02) 8270 3500.

Yours sincerely,



Brad Roeleven
Associate