

**Joint Regional Planning Panel Meeting 28 April 2016**  
**2-20 ROSENTHAL AVENUE, LANE COVE**

**Subject:** 2-20 Rosenthal Avenue, Lane Cove

**Record No:** DA15/198-01 - 18884/16

**Division:** Environmental Services Division

**Author(s):** May Li

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**Property:** 2-20 Rosenthal Avenue, Lane Cove

**DA No:** DA 198/2015, 2016SYE019

**Date Lodged:** 2 December 2015

**Cost of Work:** \$41,750,000.00

**Owner:** Lane Cove Council

**Applicant:** Lane Cove Council  
C/- Geoff Douglas, Director Major Project

<b>DESCRIPTION OF PROPOSAL TO APPEAR ON DETERMINATION</b>	Staged development for the redevelopment of Rosenthal Car Park, Rosenthal Avenue, Lane Cove and to include 500 car spaces, retail and public open space
<b>ZONE</b>	B2 – Local Centre & B4 – Mixed Use
<b>IS THE PROPOSAL PERMISSIBLE WITHIN THE ZONE?</b>	Yes
<b>IS THE PROPERTY A HERITAGE ITEM?</b>	No
<b>IS THE PROPERTY WITHIN A CONSERVATION AREA?</b>	No
<b>IS THE PROPERTY ADJACENT TO BUSHLAND?</b>	No
<b>BCA CLASSIFICATION</b>	The proposed development would have a BCA classification of 6, 7a and 10b.
<b>LAND CLAFFICATION</b>	Operational since 2009
<b>NOTIFICATION</b>	The development proposal was notified in accordance with Council Development Notification Policy.

#### **REASON FOR REFERRAL**

This application has been referred to the Sydney East Joint Regional Planning Panel as per clause 13B of State Environmental Planning Policy (Major Development) 2005 as the proposed development has a capital investment value greater than \$20 million.

## **EXECUTIVE SUMMARY**

The development application seeks consent for a staged concept approval under Section 83B of the Environmental Planning and Assessment Act 1979 for the demolition of an existing ground level public car park and the construction of a mixed use development comprising open space, retail components and a car park for 500 cars. The staged development proposal is summarized as the follows:

- Land use

The proposed land uses include car park, retail space and public open space.

- Built form

The built form includes a building envelope with a maximum height at RL91.00 and a maximum proposed building height of 13.7m above the existing ground level. The proposed floor space ratio (FSR) is 0.8:1.

- Access

Vehicular access to the site would be from Rosenthal Avenue and include the construction of a new roundabout at the intersection of Finlayson Street and Rosenthal Avenue, subject to approval under the Roads Act 1993.

- Car park

A public car park comprising 500 car spaces, would be located at the base of the site. 235 car spaces would be provided for the proposed retail space, and 176 car spaces for the replacement of the existing public car park. The balance of 89 car spaces would be allocated to future developments and expand parking within the CBD.

- Retail space

Retail space is proposed over two levels. 5280m<sup>2</sup> of retail space is proposed on the Retail Level and 925m<sup>2</sup> of retail space is proposed on the landscaped public open space zone.

- Public open space

The public open space zone is proposed on the roof of the structure. The open space zone would be accessible from Birdwood Lane and create a continuous pedestrian link through to the Lane Cove Plaza, and link with existing pedestrian arcades through to Longueville Road.

- Road closure

The proposed development would extend over part of Rosenthal Avenue and Birdwood Lane which would require a minor selective part road closure.

## **SITE**

The subject site is known as 2-20 Rosenthal Avenue which is located in the Lane Cove town centre and bounded by Birdwood Avenue to the north, Birdwood Lane to the east, Rosenthal Avenue to the west and Rosenthal Lane to the south.

The site has an area of 7,031m<sup>2</sup> with 140m frontage to Rosenthal Avenue, 40m frontage to Birdwood Avenue, and 136m frontage to Birdwood Lane. The site falls approximately 9m from its south-western corner to the centre of the western boundary at Rosenthal Avenue.

The site comprises 12 lots and is currently used as a public car park which accommodates 176 car spaces, an electricity substation and a public amenity building. There are a number of trees and car parking related infrastructure (power poles, kerbs and gutters etc).

The site has two vehicular entry and exit points; one from Rosenthal Avenue, another from Birdwood Avenue.

The site is zoned B4 – Mixed Use and the land which would require road closure is zoned B2-Local Centre in accordance with Lane Cove Local Environmental Plan 2009 (the LEP).

Surrounding developments comprise commercial premises along Birdwood Avenue, Birdwood Lane and Rosenthal Avenue in B2 zone. Residential flat buildings are located west of the site on Finlayson Street which is zoned R4 – High Density Residential.

## **PROPOSAL**

The application seeks a concept approval for the staged development on the site under Section 83B of the Environmental Planning and Assessment Act 1979.

The concept proposal includes the land use, built form, maximum building height, maximum FSR, vehicular entry and exit points and a number of car parking spaces of a mixed use development on the site.

## **CONCEPT DETAIL**

<b>Provisions</b>	<b>Proposed</b>
GFA	6205m <sup>2</sup>
FSR	0.88:1
Maximum height of the building (AHD)	RL 91.00
Car parking spaces	500
Setbacks	Nil

The proposed concept plans comprises:

### Roof level

- Retail zone at the southern section of the site with a maximum building height at RL87.00 and retail entry void at RL 91.00.
- Public open space zone with a maximum building height at RL 87.00

### Park Level

- Retail footprints within a retail zone (925m<sup>2</sup>).
- Top of public space zone slab at RL 81.00.

### Retail Level

- Retail entry

- Footprint of the proposed retail space (5280m<sup>2</sup>)
- The footprint of the plant room.

#### Car park Entry and dock level

- Footprint of the proposed car park
- Footprint of the storage area
- Footprint of the loading dock and vehicular entry point from Rosenthal Avenue
- Car park entry from Rosenthal Avenue

#### Three Basement Carpark Levels

- Basement Carpark Level 1 at RL 70.00
- Basement Carpark level 2 at RL 67.00
- Basement Carpark level 3 at RL 64.00

No physical building works including the demolition of the existing structures or the removal of trees on the site are proposed in this staged development application.

### **PREVIOUS APPROVALS/HISTORY**

This staged development application seeks consent for the redevelopment of the site for the construction of a mixed use building which would replace the existing public car park. Previous development applications lodged for the site are not relevant to this staged development proposal.

### **ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979(THE ACT)**

#### **83B Staged development applications**

- (1) *For the purposes of this Act, a **staged development application** is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent development applications. The application may set out detailed proposals for the first stage of development.*
- (2) *A development application is not to be treated as a staged development application unless the applicant requests it to be treated as a staged development application.*
- (3) *If consent is granted on the determination of a staged development application, the consent does not authorise the carrying out of development on any part of the site concerned unless:*
  - (a) *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, or*
  - (b) *the staged development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.*

- (4) The terms of a consent granted on the determination of a staged development application are to reflect the operation of subsection (3).*

The proposed development is a staged development as the current development application seeks consent for a staged development on the land.

### **ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000**

#### **Clause 70A Information to be included in staged development applications**

*Despite clause 50 (1) (a), the information required to be provided in a staged development application in respect of the various stages of the development may, with the approval of the consent authority, be deferred to a subsequent development application.*

Given the staged development proposal does not involve any physical works on the site, the design detail of the development required by Form 1, Schedule 1 of the Regulation is not considered necessary for the staged development application.

### **Local Environmental Plan 2009**

#### **Zoning**

B4 – Mixed use (the site, 6556m<sup>2</sup>) and B2 – Local Centre (the land on the proposed road enclosure, 475m<sup>2</sup>).

The site has been designated operational land since 2009.

Total Site Area: 7,031m<sup>2</sup>

#### **COMPLIANCE TABLE**

	<b>Proposed</b>	<b>LEP Standards</b>	<b>Complies</b>
Floor Space Ratio	0.88:1	2.0:1	Yes
Height of Buildings	13.76m	15m	Yes

The Land Use Table in the Lane Cove LEP states the permitted uses with consent within B2 and B4 zones include car parks, commercial premises and community facilities.

Retail spaces are included in commercial premises in accordance with the dictionary of the Lane Cove LEP. The land is owned by Lane Cove Council and the proposed open space would be used for the physical, social, cultural, intellectual development and welfare of the Lane Cove community. It meets the definition of community facility in the LEP. All proposed uses are permissible within the zoning of the site.

The proposed development would provide additional retail premises, public open space and car park. It would meet the following objectives of B2 and B4 zones:

- *to serve the needs of people who live in, work in and visit the local area,*
- *to encourage employment opportunities in the Lane Cove Town Centre*

- *to encourage urban design maximising attractive public domain and provide adequate circulation space throughout the Lane Cove town centre*
- *to provide additional landscaping element in the public development.*

### **Lane Cove Development Control Plan (DCP)**

The DCP provides detailed planning provisions supplementing the Lane Cove LEP 2009. Given the proposal is for a concept plan approval only, compliances with a number of the requirements of Council's Development Control Plan are not addressed or considered at this stage. Detailed assessment would be provided and required at subsequent development application stages.

### **REFERRALS**

#### **Development Engineer**

Council's development engineer has reviewed the concept proposal and advised that the proposed development stormwater system and overland flow management should be designed and certified strictly in accordance with Part O, Council's DCP-Stormwater Management at the subsequent development stage.

#### **Senior Tree Assessment**

The Senior Tree Assessment Officer has reviewed the concept proposal and advised that the proposed development would necessitate the removal of all existing trees and vegetation from the site. There are seventy **(70)** eucalyptus trees on the site and an additional fifteen **(15)** exotic trees amongst the Eucalypt trees. The understorey vegetation consists of native shrubs such as Banksia and Grevillea CVS.

All above-mentioned trees range from semi-mature to mature. All trees are in good health and good condition. The dominant tree species on the site is *Eucalyptus camaldulensis* (River Red gum). Other Eucalyptus species include of *Eucalyptus Pilularis* (Blackbutt), *Eucalyptus globoidea* (White stringybark), *Eucalyptus sideroxylon* (Mugga Ironbark) and *Corymbia gummifera* (Red Bloodwood).

#### **Landscape Architect**

Council's landscape architect has reviewed the concept proposal and provided the following comments to the Staged development proposal:

*It is an agreeable use of the on structure/podium space and allows for an expansion of the public domain feeding through from the Lane Cove Plaza given the parameters of the block modeling of the retail spaces below the public open space and the need to remove the existing vegetation to accommodate such a development. This proposed increasing area would complement the existing plaza and provide a variety of landscape experiences allowing for passive and active recreational opportunities.*

*In relation to the loss of existing trees and vegetative amenity they offer, it is considered acceptable due to the proposal's intention to provide high quality public realm space where the proposed landscaped roof would provide the Lane Cove Town Centre with green space with a variety of recreational and leisure spaces for members of the public.*

Comment:

Council's landscape architect and tree assessment officer have identified the existing landscape on the site. The proposed redevelopment would result in the loss of all trees on the site. However, the development would provide significant additional open space including a varied and expanded landscape with trees over the slab of the proposed open space. The proposal would improve the public amenity in Lane Cove Town Centre.

NSW Roads and Maritime Services (RMS)

The staged development proposal was referred to RMS for comment in accordance with Clause 101, 102 & 103 of the *State Environmental Planning Policy (Infrastructure) 2007*. RMS raised concerns relating to:

- Lane Cove Town Centre car parking management of Lane Cove town centre during construction of the development,
- the peak traffic generation by the proposed development
- road widening of Cox Lane in close proximity to the site
- Vehicular access design of the loading dock
- traffic impact assessment relating to the proposed new roundabout
- the design of the new roundabout
- pedestrian access

Refer to attachment **AT1** for RMS comments.

Comment:

The applicant has provided a response to the RMS comments. The response provides further details relating to the traffic management and states that the Traffic Report in support of a Master Plan states that the development application has had regard at a strategic level to the Paramics simulation modelling which has been undertaken having regard to proposals such as the recent Longueville Road / Birdwood Avenue traffic light installation and Cox Lane 2021 and have been simulated incorporating the proposed development.

A construction management plan would be submitted at the subsequent development application stage to address the construction of the car park setting out the construction sequence which would minimize the impact of temporary loss of parking on the site. Refer to attachment **AT2** for the applicant's response to the RMS comment.

**Traffic Manager**

Council's traffic manager has provided the following comments after his review of the RMS's comments and the applicant's response:

- The applicant's response is satisfactory. Traffic demand and management component should be included in the Construction Traffic Management Plan.

- A range of traffic amelioration options should be considered including, but not limited to the widening of Coxs Lane.
- The applicant has clarified intended entry/exit movement to the loading dock located in Rosenthal Avenue. The clarification indicated that there may be a truck size and entry/exit traffic restriction to ensure safety and efficiency when loading/unloading. The clarification provided is satisfactory and highlights the need for detailed traffic and safety analysis for all vehicles using the loading dock facilities. It is recommended that such be specifically addressed in subsequent stages or applications. Such is to be included in any statement of environmental effects for subsequent staged development applications.
- The response provided by the applicant placed the RMS concerns into the broader CBD traffic management modelling. The response is satisfactory and it is recommended that the RMS concerns be fully addressed in any subsequent staged development application statement of environmental effects.
- The applicant has acknowledged the RMS technical directions and has had regard to this particular CBD context. The response is considered satisfactory and would need to be confirmed in detail in any subsequent staged application statement of environmental effects.
- The applicant has clarified the pathway and direction of the intended pedestrian path and the response is satisfactory and should be detailed in any subsequent staged application statement of environmental effects.
- The applicant's response highlights detailed knowledge of the local traffic management and pedestrian movements. The concerns of the RMS are reasonable and would need to be specifically addressed in subsequent staged application statement of environmental effects.
- The applicant has advised that there is no direct correlation between the proposal and commuting patterns using the Longueville Road bus interchange. Therefore, RMS request for such a study is not required. The applicant's response has relevance, however the concern should be considered in a subsequent staged application.

The responses provided in the context of RMS concerns by the applicant is satisfactory and reasonable. It is therefore considered appropriate that the RMS concerns raised be addressed in any subsequent staged application statement of environmental effects.



Comment:

Given the staged development does not include design details of the development, the above comments would be taken into consideration during the preparation of subsequent stage development applications. Refer to draft Condition number 11.

**OTHER PLANNING INSTRUMENTS**

**Section 94 Contribution Plan**

Lane Cove Section 94 Contribution Plan applies to the proposal for the traffic management and streetscape improvements, open space and recreation facilities, drainage and community facilities in the area as a consequence of the development.

In the event the application is supported Section 94 Contribution calculations would be provided for subsequent development stages.

**VARIATIONS TO COUNCIL'S CODES/POLICIES (SECTIONS 79C(1)(a), (1)(b), and (1)(c))**

The staged development establishes a concept plan of the proposed development. Compliance with DCP planning controls, relating to the detailed design would be assessed at subsequent development application stages.

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

The concept staged development proposal was notified in accordance with Council's notification policy between 7 December 2015 and 4 January 2016. 6 submissions were received in response to the notification of the development application. The issues raised in the submission can be summarized as follows.

- Dalan Yifang, the land owner of 2-22 Birdwood Avenue, and 11-15 Finlayson Street, Lane Cove endorses the planned improvement to Lane Cove, however, requests a review and approval role in the design and planning of the construction of the foot bridge.

Officer's comment:

The submission does not raise any objections to the staged development proposal. The construction of the foot bridge would be subject to a separate approval. Notwithstanding such, Council has undertaken to work with and consider any concerns of the owner of 2-22 Birdwood Avenue development.

- Residents and Shopkeepers for Appropriate Development (RASAD) raised concerns in relation to streetscape landscaping and pedestrian access to Lane Cove Plaza.

Officer's comment:

This staged development does not include a detailed landscape design which would be assessed in the subsequent development application stages and would be notified accordingly. Notwithstanding such, Council has undertaken extensive community consultation on the range of landscape elements likely to be included in any future application.

- The owners of 123-125 Longueville Road, Lane Cove and 29 Burns Bay Road support the redevelopment of the site which would have a positive impact on the economic development

of the Lane Cove Town Centre and improve the amenity and attractiveness of Lane Cove for business and residents alike. The submission requests continued access and service to their business from Birdwood Lane during construction.

Officer's comment:

The minor proposed road closure at Birdwood Lane is located at the western end of the lane and the proposed development on the site is unlikely to affect the functionality of the lane and the provisions of access to the properties along the northern side of Longueville Road. Concerns would need to be addressed in a construction management plan at the subsequent development application stage.

- Stringy Bark Creek Residents Association Inc supported the proposed development as such would provide significant improved amenity for the community. However raised concerns regarding the cost of the proposed development.

Officer's comment:

The staged development application provides an estimated capital cost of the proposed development. The cost of development for future development applications would be verified by a certificate prepared by a quantity surveyor. The cost of development is not an issue for assessment in this application.

- The executive Committee of Strata Plan 66609, 91-93 Longueville Road, Lane Cove raised the following concerns:
  - The building at 91-93 Longueville Road, Lane Cove contains both residential and retail uses. The openness, access and privacy of the lane and vista of the adjoining building should be maintained by the design of the proposed development.

Officer's comment:

The comments are noted and the impacts to the adjoining property would need to be specifically addressed at subsequent application stage.

- Require unrestricted and appropriate vehicular access to Birdwood Lane to existing commercial and residential uses.

Officer's comment:

The concern is noted and would need to be addressed by traffic design and a construction management plan at subsequent development stages.

- The proposed development would remove all trees on the site.

Officer's comment:

The loss of existing trees is an unavoidable consequence of the redevelopment. Council's landscape architect supports the removal of all trees on the site for the proposed development and recommends that replacement trees be required as conditions of consent in subsequent development stage.

- A resident of 14-18 Finlayson Street, Lane Cove requested the traffic study to be assessed as part of the assessment.

Officer's comment:

A traffic study has been submitted as part of the statement of environmental effects. Council traffic engineer has reviewed the Traffic Impact Assessment Report prepared by Ashwin Management Service and endorsed the staged development proposal.

All submissions have been taken into considered during the development assessment.

## **CONCLUSION**

The matters in relation to Section 83B and Section 79C considerations of the Environmental Planning and Assessment Act 1979 have been considered.

The land uses of the proposed staged development are permissible with consent under Lane Cove LEP 2009. The proposal complies with the aims and zoning objectives the LEP.

The proposed development meets the overall height and FSR development standards of Lane Cove LEP 2009.

The proposal meets the objectives of Lane Cove Development Control Plan. Compliance with the provisions of the DCP would be assessed in the subsequent development stage.

The staged development would form a concept plan for the development on the site under Section 83(B) of the Environmental Planning and Assessment Act 1979.

The proposed development would have a positive contribution to the Lane Cove Town Centre. It would provide additional public car parking and open spaces for the Lane Cove community.

The staged development in its current form is considered acceptable and the application is recommended for approval subject to draft conditions.

## **RECOMMENDATION**

THAT pursuant to Section 83(B)(3) of the Environmental Planning and Assessment Act, 1979, as amended, the Joint Regional Planning Panel grants staged development consent to Development Application DA 198/2015 for the staged development for the redevelopment of the Rosenthal Carpark containing retails spaces, community facility and 500 car parking spaces on the following lots:

- Lots 28-34 and 37 in DP 10155,
- Lot 35 in DP 1109939,
- Lot 2 in DP 870938,
- Lot 1 in DP 182149, and
- Lot 1, in DP 80938, and
- Land Closure Plans on Rosenthal Avenue and Birdwood Lane

and known as 2-20 Rosenthal Avenue, Lane Cove, subject to the following conditions:

### **General Conditions**

1. No physical building works are included in this staged development consent.

2. All proposed buildings to be erected on the site must be contained wholly within the building envelopes shown in following drawings prepared by Saunders Global Architects , dated 18 November 2015:

- Cover Sheet, DA01, Issue A;
- Site Plan, DA 02, Issue A;
- Allotment & Contour Plan, DA 03, Issue A;
- Roof Plan, DA 06, Issue A;
- Park Level Floor Plan, DA 07, Issue A;
- Retail Level Floor Plan, DA 08, Issue A;
- Carpark Entry & Dock Level Plan, DA 09, Issue A;
- Basement Carpark Level 1 Plan, DA 10, Issue A;
- Basement Carpark Level 2, DA 11, Issue A;
- Basement Carpark Level 3 Plan, DA 12, Issue A;
- Section A & B, DA 13, Issue A;
- West & North Elevation DA 14, Issue A;
- East & South Elevations, DA 15, issue A;
- Road Closure Details shown on Proposed Public road Boundaries Plan

except as amended by the following conditions.

3. The maximum gross floor area of the proposed development shall not exceed 6210m<sup>2</sup> (round off).
4. The height of the proposed building shall not exceed RL 91.00 AHD and the maximum building height shall not exceed 15m from the existing ground level at any point of the site.
5. Provision of 500 car spaces shall be provided within the development.
6. Any subsequent development application must include evidence that the development site can be amalgamated with the road closure parcels.
7. An access report prepared in accordance with AS1428 for the site as a whole and for individual structures prepared by a suitably qualified Access Consultant shall be submitted with subsequent development applications.
8. A Building Code of Australia report prepared by a Building Regulations Consultant shall be submitted with subsequent development applications.

### **Engineering Conditions**

9. The proposed development stormwater system and overland flow management shall be designed and certified strictly in accordance with Part O, Council's DCP-Stormwater Management.

### **Landscaping Conditions**

10. Detailed landscape plans complying with the provisions of Part J – Landscaping of Lane Cove Development Control Plan shall be submitted with subsequent development applications.

**Traffic Management**

11. Matters raised by NSW Roads and Maritime Services shall be addressed in any subsequent development applications.

Michael Mason  
**Executive Manager**  
**Environmental Services Division**

**ATTACHMENTS:**

There are no supporting documents for this report.