

## SYDNEY NORTH PLANNING PANEL

### REPORT – MEETING 25 SEPTEMBER 2019

|   |  |
|---|--|
| <b>Panel Reference</b>  | 2018SNH048 DA  |
| <b>DA Number</b>  | 145/2018   |
| <b>Local Government Area</b>  | Lane Cove  |
| <b>Proposed Development</b>   | Demolition of existing structures and construction of a mixed-use development comprised of twenty-nine (29) apartments, three (3) retail spaces, supermarket, community space and three (3) levels of basement car parking.  |
| <b>Street Address</b>   | 56-60 Burns Bay Road, Lane Cove  |
| <b>Applicant/Owner</b>  | Applicant: Tony Leung (A+ Design Group)<br>Owner: Sun Property Lane Cove Pty Ltd (56-60 Burns Bay Road); Land to be acquired (Lane Cove Council)   |
| <b>Number of Submissions</b>  | i) Original Application: Seven (7) submissions including one (1) in support of the proposal<br>ii) Replacement Application 1: Two (2) submissions from previous objectors.<br>iii) Replacement Application 2 was not required to be renotified to surrounding residents and previous objectors because it would have no greater cumulative environmental or amenity impact.  |
| <b>Regionally Significant Development Criteria - Schedule 7 of SEPP (State and Regional Development) 2011</b> | CIV > \$5M – Council interest  |
| <b>List of All Relevant s4.15(1)(a) Matters</b>   | <ul style="list-style-type: none"> <li>• <b>List all of the relevant environmental planning instruments: s4.15(1)(a)(i)</b> <ul style="list-style-type: none"> <li>- SEPP 55 – Remediation of Land;</li> <li>- SEPP (Infrastructure) 2007;</li> <li>- SEPP (Building Sustainability Index) 2004;</li> <li>- SEPP 65 (Design Quality of Residential Apartment Development) and Apartment Design Guide (ADG);</li> <li>- SEPP 64 (Advertising and Signage);</li> <li>- Lane Cove Local Environmental Plan 2009;</li> <li>- Lane Cove Section 94 Contributions Plan 1996 (as amended).</li> </ul> </li> <li>• <b>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s4.15(1)(a)(ii)</b><br/><br/>N/A</li> <li>• <b>List any relevant development control plan: s4.15(1)(a)(iii)</b> <ul style="list-style-type: none"> <li>- Lane Cove Development Control Plan 2010.</li> </ul> </li> <li>• <b>List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into</b><br/><br/>A draft planning agreement has been entered into by the developer and Lane Cove Council.</li> <li>• <b>List any coastal zone management plan: s4.15(1)(a)(v)</b><br/><br/>Not applicable.</li> </ul> |

|  | <ul style="list-style-type: none"><li>• <b>List any relevant regulations: s4.15(1)(a)(iv) e.g. Regs 92, 93, 94, 94A, 288</b></li></ul> <p><i>92 – Additional matters the consent authority must consider (demolition of structures)</i></p>   |  |                                      |             |   |                       |                               |   |  |                 |   |                                       |                 |   |              |              |   |                                |                           |   |   |                                |   |                 |                |   |  |                |   |                              |                  |   |  |                                      |   |  |                                 |   |  |                                |   |                               |                      |   |                                   |                                     |   |                                 |                  |   |                              |  |
|--|---|--|--------------------------------------|-------------|---|-----------------------|-------------------------------|---|--|-----------------|---|---------------------------------------|-----------------|---|--------------|--------------|---|--------------------------------|---------------------------|---|---|--------------------------------|---|-----------------|----------------|---|--|----------------|---|------------------------------|------------------|---|--|--------------------------------------|---|--|---------------------------------|---|--|--------------------------------|---|-------------------------------|----------------------|---|-----------------------------------|-------------------------------------|---|---------------------------------|------------------|---|------------------------------|--|
| <b>List all documents submitted with this report</b> | <table><tr><th>Annexure</th><th>Document</th><th>Prepared By</th></tr><tr><td>A</td><td>Conditions of Consent</td><td>Consultant Assessment Officer</td></tr><tr><td>B</td><td>Architectural Drawings (Replacement Application 2)</td><td>A+ Design Group</td></tr><tr><td>C</td><td>SEPP 65 Design Verification Statement</td><td>A+ Design Group</td></tr><tr><td>D</td><td>CPTED Report</td><td>HDC Planning</td></tr><tr><td>E</td><td>Access and Adaptability Report</td><td>Access Mobility Solutions</td></tr><tr><td>F</td><td>Traffic and Parking Assessment Report (Ref 17314)</td><td>Varga Traffic Planning Pty Ltd</td></tr><tr><td>G</td><td>Acoustic Report</td><td>Acoustic Logic</td></tr><tr><td>H</td><td>Geotechnical Assessment (Ref: 31354Lrpt)</td><td>JK Geotechnics</td></tr><tr><td>I</td><td>Arboricultural Impact Report</td><td>Landscape Matrix</td></tr><tr><td>J</td><td>Stage 1 Environmental Site Assessment (Ref: E31354KGrpt)</td><td>Environmental Investigation Services</td></tr><tr><td>K</td><td>BCA Compliance Capability Report (Project J190151)</td><td>Vic Lilli &amp; Partners Consulting</td></tr><tr><td>L</td><td>Construction Traffic Management Plan (Ref 17314)</td><td>Varga Traffic Planning Pty Ltd</td></tr><tr><td>M</td><td>Environmental Management Plan</td><td>Alton Property Group</td></tr><tr><td>N</td><td>Operational Waste Management Plan</td><td>Waste Audit and Consulting Services</td></tr><tr><td>O</td><td>Section J Report (Ref NCC 2016)</td><td>Efficient Living</td></tr><tr><td>P</td><td>Voluntary Planning Agreement</td><td>Parties – Lane Cove Council and Sun Property Lane Cove Pty Ltd</td></tr></table> | Annexure   | Document                             | Prepared By | A | Conditions of Consent | Consultant Assessment Officer | B | Architectural Drawings (Replacement Application 2) | A+ Design Group | C | SEPP 65 Design Verification Statement | A+ Design Group | D | CPTED Report | HDC Planning | E | Access and Adaptability Report | Access Mobility Solutions | F | Traffic and Parking Assessment Report (Ref 17314) | Varga Traffic Planning Pty Ltd | G | Acoustic Report | Acoustic Logic | H | Geotechnical Assessment (Ref: 31354Lrpt) | JK Geotechnics | I | Arboricultural Impact Report | Landscape Matrix | J | Stage 1 Environmental Site Assessment (Ref: E31354KGrpt) | Environmental Investigation Services | K | BCA Compliance Capability Report (Project J190151) | Vic Lilli & Partners Consulting | L | Construction Traffic Management Plan (Ref 17314) | Varga Traffic Planning Pty Ltd | M | Environmental Management Plan | Alton Property Group | N | Operational Waste Management Plan | Waste Audit and Consulting Services | O | Section J Report (Ref NCC 2016) | Efficient Living | P | Voluntary Planning Agreement | Parties – Lane Cove Council and Sun Property Lane Cove Pty Ltd |
|  | Annexure  | Document   | Prepared By                          |             |   |                       |                               |   |  |                 |   |                                       |                 |   |              |              |   |                                |                           |   |   |                                |   |                 |                |   |  |                |   |                              |                  |   |  |                                      |   |  |                                 |   |  |                                |   |                               |                      |   |                                   |                                     |   |                                 |                  |   |                              |  |
|  | A   | Conditions of Consent  | Consultant Assessment Officer        |             |   |                       |                               |   |  |                 |   |                                       |                 |   |              |              |   |                                |                           |   |   |                                |   |                 |                |   |  |                |   |                              |                  |   |  |                                      |   |  |                                 |   |  |                                |   |                               |                      |   |                                   |                                     |   |                                 |                  |   |                              |  |
|  | B   | Architectural Drawings (Replacement Application 2)             | A+ Design Group                      |             |   |                       |                               |   |  |                 |   |                                       |                 |   |              |              |   |                                |                           |   |   |                                |   |                 |                |   |  |                |   |                              |                  |   |  |                                      |   |  |                                 |   |  |                                |   |                               |                      |   |                                   |                                     |   |                                 |                  |   |                              |  |
|  | C   | SEPP 65 Design Verification Statement                          | A+ Design Group                      |             |   |                       |                               |   |  |                 |   |                                       |                 |   |              |              |   |                                |                           |   |   |                                |   |                 |                |   |  |                |   |                              |                  |   |  |                                      |   |  |                                 |   |  |                                |   |                               |                      |   |                                   |                                     |   |                                 |                  |   |                              |  |
|  | D   | CPTED Report   | HDC Planning                         |             |   |                       |                               |   |  |                 |   |                                       |                 |   |              |              |   |                                |                           |   |   |                                |   |                 |                |   |  |                |   |                              |                  |   |  |                                      |   |  |                                 |   |  |                                |   |                               |                      |   |                                   |                                     |   |                                 |                  |   |                              |  |
|  | E   | Access and Adaptability Report                                 | Access Mobility Solutions            |             |   |                       |                               |   |  |                 |   |                                       |                 |   |              |              |   |                                |                           |   |   |                                |   |                 |                |   |  |                |   |                              |                  |   |  |                                      |   |  |                                 |   |  |                                |   |                               |                      |   |                                   |                                     |   |                                 |                  |   |                              |  |
|  | F   | Traffic and Parking Assessment Report (Ref 17314)              | Varga Traffic Planning Pty Ltd       |             |   |                       |                               |   |  |                 |   |                                       |                 |   |              |              |   |                                |                           |   |   |                                |   |                 |                |   |  |                |   |                              |                  |   |  |                                      |   |  |                                 |   |  |                                |   |                               |                      |   |                                   |                                     |   |                                 |                  |   |                              |  |
|  | G   | Acoustic Report  | Acoustic Logic                       |             |   |                       |                               |   |  |                 |   |                                       |                 |   |              |              |   |                                |                           |   |   |                                |   |                 |                |   |  |                |   |                              |                  |   |  |                                      |   |  |                                 |   |  |                                |   |                               |                      |   |                                   |                                     |   |                                 |                  |   |                              |  |
|  | H   | Geotechnical Assessment (Ref: 31354Lrpt)                       | JK Geotechnics                       |             |   |                       |                               |   |  |                 |   |                                       |                 |   |              |              |   |                                |                           |   |   |                                |   |                 |                |   |  |                |   |                              |                  |   |  |                                      |   |  |                                 |   |  |                                |   |                               |                      |   |                                   |                                     |   |                                 |                  |   |                              |  |
|  | I   | Arboricultural Impact Report                                   | Landscape Matrix                     |             |   |                       |                               |   |  |                 |   |                                       |                 |   |              |              |   |                                |                           |   |   |                                |   |                 |                |   |  |                |   |                              |                  |   |  |                                      |   |  |                                 |   |  |                                |   |                               |                      |   |                                   |                                     |   |                                 |                  |   |                              |  |
|  | J   | Stage 1 Environmental Site Assessment (Ref: E31354KGrpt)       | Environmental Investigation Services |             |   |                       |                               |   |  |                 |   |                                       |                 |   |              |              |   |                                |                           |   |   |                                |   |                 |                |   |  |                |   |                              |                  |   |  |                                      |   |  |                                 |   |  |                                |   |                               |                      |   |                                   |                                     |   |                                 |                  |   |                              |  |
|  | K   | BCA Compliance Capability Report (Project J190151)             | Vic Lilli & Partners Consulting      |             |   |                       |                               |   |  |                 |   |                                       |                 |   |              |              |   |                                |                           |   |   |                                |   |                 |                |   |  |                |   |                              |                  |   |  |                                      |   |  |                                 |   |  |                                |   |                               |                      |   |                                   |                                     |   |                                 |                  |   |                              |  |
|  | L   | Construction Traffic Management Plan (Ref 17314)               | Varga Traffic Planning Pty Ltd       |             |   |                       |                               |   |  |                 |   |                                       |                 |   |              |              |   |                                |                           |   |   |                                |   |                 |                |   |  |                |   |                              |                  |   |  |                                      |   |  |                                 |   |  |                                |   |                               |                      |   |                                   |                                     |   |                                 |                  |   |                              |  |
|  | M   | Environmental Management Plan                                  | Alton Property Group                 |             |   |                       |                               |   |  |                 |   |                                       |                 |   |              |              |   |                                |                           |   |   |                                |   |                 |                |   |  |                |   |                              |                  |   |  |                                      |   |  |                                 |   |  |                                |   |                               |                      |   |                                   |                                     |   |                                 |                  |   |                              |  |
|  | N   | Operational Waste Management Plan                              | Waste Audit and Consulting Services  |             |   |                       |                               |   |  |                 |   |                                       |                 |   |              |              |   |                                |                           |   |   |                                |   |                 |                |   |  |                |   |                              |                  |   |  |                                      |   |  |                                 |   |  |                                |   |                               |                      |   |                                   |                                     |   |                                 |                  |   |                              |  |
|  | O   | Section J Report (Ref NCC 2016)                                | Efficient Living                     |             |   |                       |                               |   |  |                 |   |                                       |                 |   |              |              |   |                                |                           |   |   |                                |   |                 |                |   |  |                |   |                              |                  |   |  |                                      |   |  |                                 |   |  |                                |   |                               |                      |   |                                   |                                     |   |                                 |                  |   |                              |  |
| P  | Voluntary Planning Agreement  | Parties – Lane Cove Council and Sun Property Lane Cove Pty Ltd |                                      |             |   |                       |                               |   |  |                 |   |                                       |                 |   |              |              |   |                                |                           |   |   |                                |   |                 |                |   |  |                |   |                              |                  |   |  |                                      |   |  |                                 |   |  |                                |   |                               |                      |   |                                   |                                     |   |                                 |                  |   |                              |  |
| <b>Recommendation</b>                                | <b>APPROVAL</b>   |  |                                      |             |   |                       |                               |   |  |                 |   |                                       |                 |   |              |              |   |                                |                           |   |   |                                |   |                 |                |   |  |                |   |                              |                  |   |  |                                      |   |  |                                 |   |  |                                |   |                               |                      |   |                                   |                                     |   |                                 |                  |   |                              |  |
| <b>Report by</b>                                     | Philippa Frecklington (External Planning Consultant – Sydney Planning)  |  |                                      |             |   |                       |                               |   |  |                 |   |                                       |                 |   |              |              |   |                                |                           |   |   |                                |   |                 |                |   |  |                |   |                              |                  |   |  |                                      |   |  |                                 |   |  |                                |   |                               |                      |   |                                   |                                     |   |                                 |                  |   |                              |  |

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**1 SUMMARY**

|   |   |
|---|---|
| <b>SITE</b>   | 56-60 Burns Bay Road, Lane Cove (Lot 1 in DP591036) including Council's Lane (Lot 21 DP1132641)   |
| <b>DA NUMBER</b>                                    | 145/2018  |
| <b>DATE LODGED</b>                                  | 17/08/2018  |
| <b>COST OF WORK</b>                                 | \$28,992,534  |
| <b>OWNER</b>  | Sun Property Pty Ltd and Lane Cove Council  |
| <b>APPLICANT</b>                                    | Tony Leung (A+ Design Group)  |
| <b>AUTHOR</b>                                       | Philippa Frecklington (Consultant, Sydney Planning)   |
| <b>PROJECT DESCRIPTION</b>                          | Demolition of existing structures and construction of a mixed-use development comprised of twenty-nine (29) apartments, three (3) retail premises, supermarket, community space, and three (3) levels of basement car parking.  |
| <b>ZONING</b>                                       | B2 – Local Centre   |
| <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>                           | Class 2, 5, 6, 7a, 9b   |
| <b>NOTIFICATION PERIOD</b>                          | i) 27/09/2018 to 10/10/2018<br>ii) 20/05/2019 to 03/06/2019   |
| <b>NUMBER OF SUBMISSIONS</b>                        | iv) <b>Original Application:</b> Seven (7) submissions including one (1) in support of the proposal<br><br>v) <b>Replacement Application No. 1:</b> Two (2) submissions from previous objectors.<br><br>Note: <b>Replacement Application 2</b> was not required to be renotified to surrounding residents and previous objectors in accordance with Section 4.7 of Council's 'Notification of Development Applications Policy' because it would have no greater cumulative environmental or amenity impact. |

**2 EXECUTIVE SUMMARY**

- On 17/08/2018, DA 145/2018 was lodged for the demolition of existing structures and construction of a mixed-use development on land at 56-60 Burns Bay Road, Lane Cove. The site is strategically located within Lane Cove Village and is well serviced by public transport.
- The development application was accompanied by an offer from the Applicant (Sun Property Lane Cove Pty Ltd) to acquire part of Council's adjoining land, known as the 'Coles Car Park' (Lot 21 DP1132641), for integration into the redevelopment at 56-60 Burns Bay Road by entering into a Voluntary Planning Agreement (VPA) with Lane Cove Council.
- At the Ordinary Council Meeting of 23 July 2018, Council resolved to place the proposed Voluntary Planning Agreement on public exhibition for 28 days in conjunction with the proposed Development Application for the site.
- At the Ordinary Council Meeting of 19 November 2018, Council resolved to enter into a Voluntary Planning Agreement with Sun Property Lane Cove Pty Ltd in respect of the redevelopment of 56-60 Burns Bay Road Lane Cove. The Draft VPA (**Annexure P**) proposes to utilise the value of Council's land to provide a public benefit in the form of a community

space, pedestrian connection between Sera Street and Burns Bay Road, and public car parking. The Draft VPA has not been Executed at this stage.

5. The applicant has worked extensively with Council to resolve a number of planning issues, as outlined in **Section 3.1**. Two (2) Replacement Applications have been submitted to Council in response to the concerns raised. A detailed schedule of amendments is provided in **Section 3.1**.
6. Following notification of the original application, seven (7) submissions were received including one (1) submission in support of the application. Two submissions from previous objectors were received in response to the notification of Replacement Application 1. Replacement Application 2 was not required to be renotified to surrounding residents and previous objectors because it would have no greater cumulative environmental or amenity impact.
7. The main issue raised in the submissions concerns the short-term impacts to surrounding development during the construction period. As such, suitable draft conditions are recommended to ameliorate impacts to nearby development pertaining mainly to dust control, erosion and sedimentation control, waste, noise, and traffic management including the preparation of a Construction Traffic Management Plan (CTMP) for submission to Council for approval.
8. The amended proposal has satisfactorily addressed all outstanding matters of concern, subject to recommended draft conditions of consent. The amended proposal responds appropriately to the prevailing and desired future character of the immediate and broader local context in terms of character, built form and scale, and would improve vehicular/pedestrian conditions along Sera Street as well as deliver improved pedestrian connectivity between the two (2) street frontages.
9. No objections are raised to Replacement Application 2 by Council's Engineer, Building Surveyor, Waste Officer, Accessibility Officer, Traffic Engineer, Trees Officer, and Environmental Health Officer, subject to recommended draft conditions of consent. No objections are raised by *Roads and Maritime Services*, subject to recommended conditions, albeit noting referral to RMS is not a requirement under SEPP (Infrastructure) 2007.
10. The proposed development is acceptable having regard to the matters of consideration under Section 4.15 of the *Environmental Planning and Assessment Act, 1979*.
11. The proposed redevelopment would revive an awkward and tired site and would provide a strong sense of place that is valued and significant for the community. The proposed redevelopment successfully incorporates the essential qualities of good urban design and would deliver a vibrant mixed-use development and high level of amenity for residents, workers, and the community along with significant streetscape enhancement to Burns Bay Road and Sera Street.
12. For these reasons as outlined in this assessment report, the application is recommended for **APPROVAL**, subject to a number of draft conditions to ensure regulatory compliance and amenity.

### 3 BACKGROUND

#### 3.1 Application history and summary of issues

| Application History        | Issues / Amendments  |
|----------------------------|--|
| 15/08/2018 - DA submission | <b>Issues Activation</b> <ul style="list-style-type: none"> <li>Non-compliance with DCP requirements for activation and street frontage activities. Only one active shop frontage proposed to Burns Bay Road.</li> </ul> |

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|  | <ul style="list-style-type: none"> <li>• Entrances and lobbies to Burns Bay Road excessive.</li> <li>• Active office uses recommended to first floor tenancies.</li> </ul> <p><b>Front setback</b></p> <ul style="list-style-type: none"> <li>• Front setback to be amended to align with adjoining properties.</li> <li>• Provision for public art opportunities to be provided.</li> </ul> <p><b>Desired future character</b></p> <ul style="list-style-type: none"> <li>• Inconsistency with desired future character for development in Lane Cove Village.</li> </ul> <p><b>Sera Street frontage building height</b></p> <ul style="list-style-type: none"> <li>• Proposed street frontage to Sera Street does not strengthen the urban form.</li> </ul> <p><b>Building height non-compliance</b></p> <ul style="list-style-type: none"> <li>• The clause 4.6 written request to vary the LEP height control at the Burns Bay frontage is not considered to be well founded.</li> <li>• The proposal could be more skilfully designed to respond to the site topography and remove large voids.</li> <li>• Integration with and improvement of the existing pedestrian network to be addressed.</li> </ul> <p><b>Building design and services</b></p> <ul style="list-style-type: none"> <li>• The proposed AC plant to the level 1 roof is poorly conceived as these will be overlooked by units.</li> </ul> <p><b>On-site parking and loading bay access</b></p> <ul style="list-style-type: none"> <li>• Shortfall of thirty-two spaces with the car parking requirement.</li> <li>• Insufficient details of traffic management.</li> <li>• Access to the loading area is to be separated from the community/commercial/public/resident vehicle entry.</li> </ul> <p><b>Pedestrian linkages and connectivity</b></p> <ul style="list-style-type: none"> <li>• Poor pedestrian linkages and connectivity. Pedestrian through-site-link with clear sight line between Sera Street and Burns Bay Road to be provided.</li> <li>• Entrances to residential uses to be provided from both Burns Bay Road and Sera Street.</li> </ul> <p><b>Landscaping</b></p> <ul style="list-style-type: none"> <li>• The proposed removal of existing high value native trees along Sera Street is not supported.</li> <li>• Tree replacement provision does not meet Council's requirements.</li> <li>• No deep soil zones are provided. An increased setback to Sera Street may provide an opportunity for planting a mid-sized tree in deep soil.</li> </ul> <p><b>Orientation of units</b></p> <ul style="list-style-type: none"> <li>• Better oriented north-south to reduce impact of development potential on adjoining land.</li> </ul> <p><b>Safety and security</b></p> <ul style="list-style-type: none"> <li>• CPTED report to be prepared.</li> </ul> <p><b>Construction Traffic Management Plan</b></p> <ul style="list-style-type: none"> <li>• Details of the impacts and measures to manage existing access and services during the construction period to be provided.</li> </ul> <p><b>Waste</b></p> <ul style="list-style-type: none"> <li>• Insufficient details to enable a proper assessment.</li> <li>• Preliminary assessment reveals non-compliance with DCP requirements.</li> </ul> <p><b>Traffic</b></p> <ul style="list-style-type: none"> <li>• Insufficient information to enable a proper assessment.</li> <li>• Swept paths for HRV's to be provided.</li> <li>• The proposed headroom between basement levels do not comply with AS2890.2.</li> </ul> <p><b>Community facility</b></p> <ul style="list-style-type: none"> <li>• Limited details provided including the intended activities.</li> <li>• The space receives no daylight access.</li> </ul> |
| <p><b>08/05/2019 – Replacement Application 1</b></p> | <p><b>Amendments:</b></p> <ul style="list-style-type: none"> <li>• New pedestrian through-site link providing public access between Burns Bay Road and Sera Street.</li> <li>• Provision for separate lobbies to Building B (Sera Street) residential and non-residential uses.</li> <li>• Relocation of driveway and access to the basement loading area.</li> <li>• Relocation of sprinkler valves and boosters to Sera Street.</li> <li>• New three (3) storey building fronting Sera Street (previously single storey).</li> </ul>   |

- Relocation of AC plant to Building B to basement.
- Provision for increased front setback with landscaping, outdoor seating and public art to Burns Bay Road frontage.
- Articulation of Burns Bay Road façade within smaller units and integrate spaces behind.
- Reduction in height of parapet wall fronting Burns Bay Road to comply with 9.5m height control.
- Provision of any public parking lost as a result of the development, within the basement.

**Further issues:**

**Activation and street frontage activities – Sera Street**

- Poor activation to Sera Street. The proposed supermarket, Building B lobby to Sera Street, and car park/loading access do not provide adequate activation to Sera Street.
- Retail tenancies to ground floor are encouraged to encourage opportunities for 'active' rather than 'passive' activation of the adjoining public domain and high pedestrian amenity to Sera Street.
- Commercial uses at first floor level are encouraged.
- Cantilevered residential units above columns is a poor urban design outcome and is not supported. This is not dissimilar to the existing car parking structure which overhangs Sera Street and presents as an imposing structure.
- Relocation of the Hydrant sprinkler vales and boosters to Sera Street as per the draft amended plans is supported.

**Desired future character – Sera Street**

- The amended proposal does not enhance and improve the current streetscape of Sera Street.
- The proposal does not encourage 'landscaped streetscapes' that defines Lane Cove Village.
- The amended proposal has not satisfactorily addressed integration with and improving the existing pedestrian network.
- The development as viewed from Sera Street presents a poor urban design outcome. An opportunity exists to improve the existing situation

**Bulk and scale**

- The amended proposal has not satisfactorily addressed the issue raised previously with regard to the distribution of bulk evenly across the site.
- Increased density could fill in some of the voids in the development which could provide greater amenity and improve the appearance from the streetscape of Sera Street.
- The development should be designed to step down the site.
- It is noted that larger private balconies in lieu of communal open space may be provided under the ADG. Consideration should be given to reducing the area of communal open space in the centre of the site to enable a more equitable distribution of bulk across the site.

**Building height – Sera Street**

- Building B (Sera Street frontage) of the amended proposal contravenes the 9.5m maximum height prescribed under cl4.3 of the LCLEP 2009.
- The upper level shall have an increased setback to achieve compliance. Terraced upper levels incorporating planter boxes that respond to the site's topography are encouraged.

**Building design and exteriors – Sera Street**

- Improved articulation and modulation are required to the Sera Lane façade.

**Deep soil zones**

- No deep soil zones are provided. An increased setback to Sera Street may provide an opportunity for planting of mid-sized trees in deep soil.

**On-site parking / vehicular access / loading facilities**

- Lack of demonstrated and detailed consideration of the functionality of the site in its context has not been provided, both in the short term and the future. The site is currently located in an awkward position of challenging traffic/parking conditions.
- Swept path diagrams are to be provided for an HRV from the eastern and western side of Sera Street demonstrating compliance with relevant Australian



|   |  |
|---|--|
|   | <p>standard(s). Details of operations/travel height of an HRV free of encumbrances/services to be provided.</p> <p><b>ADG</b></p> <ul style="list-style-type: none"> <li>• Non-compliance with cross-ventilation requirements.</li> </ul>  |
| <b>19/07/2019 - Replacement Application 2</b> | <p><b>Amendments:</b></p> <ul style="list-style-type: none"> <li>• Extension of basement 3 to comply with car parking requirement based on updated unit mix.</li> <li>• New apartments introduced to provide modulated built form following the site topography.</li> <li>• Relocation of communal open space to rooftop of Building A &amp; B for improved solar access and residential amenity.</li> <li>• Compliance with 9.5m height control to Sera Street</li> </ul> |

#### 4 PRIMARY ISSUES

The table below summarises the main planning issues, key non-compliances with an environmental planning instrument/DCP, and provides an overview of the planning assessment.

| Issues  | Conclusion  |
|---|---|
| Compliance with Cross Ventilation ADG requirements                      | <ul style="list-style-type: none"> <li>• A condition is recommended to require the following design amendments to achieve compliance with the 60% of total units cross ventilation requirement under the ADG: <ul style="list-style-type: none"> <li>- Openable windows are to be added to the southern side of Units B201 and B204.</li> <li>- Well placed ventilating skylights that draw air across the living spaces are to be added to Units B203, A402, A403, and A404.</li> </ul> </li> </ul>  |
| Revised landscape plans to be consistent with Replacement Application 2 | <ul style="list-style-type: none"> <li>• A condition is recommended, requiring the submission of amended landscape plans in accordance with Council's requirements, consistent with Replacement Application 2.</li> </ul>   |
| Tree protection measures  | <ul style="list-style-type: none"> <li>• Suitable draft conditions are recommended to ensure all existing trees on the subject site, Council road reserve, and adjoining land, are retained in accordance with Australian Standard <i>AS 4970-2009: Protection of Trees on Development Sites</i>, <i>Arboricultural Impact Report</i> (revised 09.05.2019), prepared by Landscape Matrix, and <i>Part J: Landscaping</i> of Lane Cove DCP 2010 for the duration of the construction period.</li> </ul>  |
| Impacts to surrounding development during the construction period.      | <ul style="list-style-type: none"> <li>• Short term impacts to surrounding development associated with the construction period such as dust control, erosion and sedimentation control, water management, litter control, noise control, and traffic management are satisfactorily resolved through the imposition of suitable draft conditions of consent.</li> <li>• As part of the Construction Traffic Management Plan (CTMP) requirements, truck movements are not to occur on Sera Street on school days between 7.30am - 9.00am and 2.30pm – 4pm. In addition, evidence of consultation with the Directors of the nearby Birrahlee Preschool and Good Start Early Learning Child Care Centre is to be provided to ensure safe access is maintained during pick up/drop off periods.</li> </ul> |
| Pedestrian and vehicular conflict on Sera Street                        | <ul style="list-style-type: none"> <li>• A draft condition is recommended to restrict access of HRV's to the loading bay from Longueville Road (not Tambourine Bay Road), to minimise pedestrian and vehicular conflict on Sera Street.</li> </ul>  |
| Noise impacts to residential units                                      | <ul style="list-style-type: none"> <li>• Noise impacts to residential units above the supermarket and loading bay are addressed through the inclusion of suitable draft conditions as recommended in the Acoustic Assessment Report.</li> <li>• Noise impacts during the construction period to existing residential development to the south is addressed through suitable draft conditions.</li> </ul>  |
| Safety  | <ul style="list-style-type: none"> <li>• A CPTED Assessment Report has been prepared.</li> <li>• A draft condition is recommended to require compliance with the recommendations of the report including CCTV and lighting to the through-site link, communal open space areas, and basement levels.</li> </ul>   |

## 5 DESCRIPTION OF THE SITE AND LOCALITY

### 5.1 Site Description

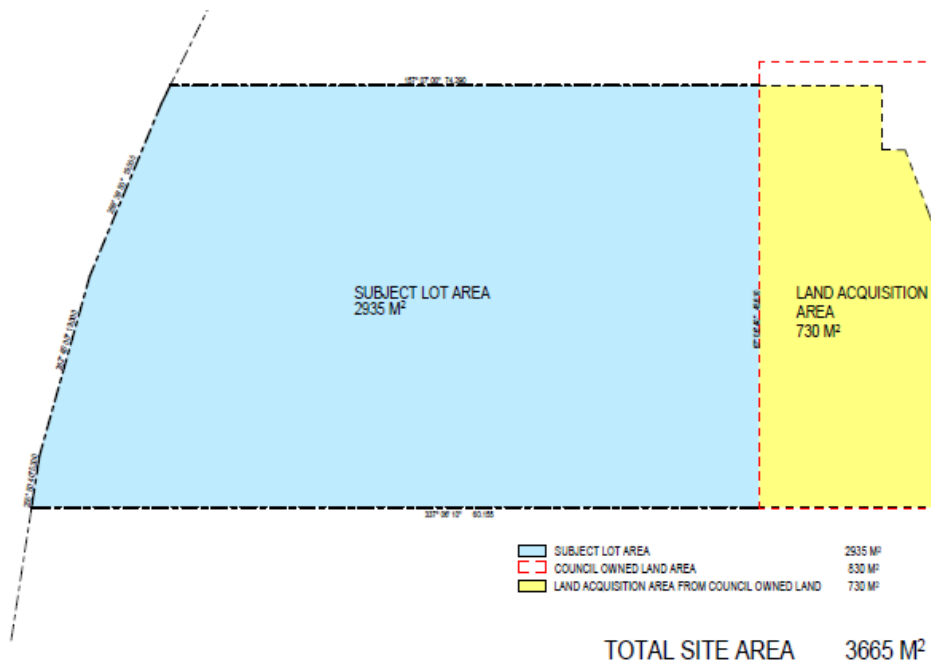
The subject site is legally described as Lot 1 in DP 591036 (2,935m<sup>2</sup>) and is commonly known as 56-60 Burns Bay Road, Lane Cove. The site is located within the heart of Lane Cove Village (**Figure 1**).

The subject site is located on the southern side of Burns Bay Road and would extend through to Sera Street with the amalgamation of Council land (728m<sup>2</sup>, Part of Lot 21 DP 1132641) proposed to be acquired under a Draft Voluntary Planning Agreement (**Figure 2**).

The total site area, with the acquisition of Council owned land, would be 3665m<sup>2</sup>.



**Figure 1.** Aerial locality plan (Source: Drawing No. A2.01, Issue 3, dated 19/07/2019, prepared by A+ Design Architecture).).



**Figure 2.** Land acquisition diagram (Source: Drawing No. A2.02, Issue 3, dated 19/07/2019, prepared by A+ Design Architecture).

## 5.2 Surrounding development

| The site is surrounded by the following: |   |                    |
|--|---|--------------------|
| Direction                                | Description   | Figure             |
| To the <b>north</b>                      | • Burns Bay Road Carriageway  | <b>3</b>           |
|  | • Commercial development on land zoned <i>B2 Local Centre</i> to the north-east.                                    | <b>4</b>           |
|  | • Residential development on land zoned <i>R4: High Density Residential</i> to the north and north-west.            | <b>5</b>           |
| To the <b>east</b>                       | • Part one (Burns Bay Road) and part two storey commercial building at 54 Burns Bay Road.                           | <b>6</b>           |
|  | • Public car park at the rear of 54 Burns Bay Road.   | <b>7</b>           |
| To the <b>south</b>                      | • Council land proposed to be acquired under the Draft VPA  | <b>8</b>           |
|  | • Sera Street carriageway   | <b>9</b>           |
|  | • Residential development on land zoned <i>R3 – Medium Density Residential</i> on the southern side of Sera Street. | <b>10 &amp; 11</b> |
|  | • <i>Market Square car park to the south-east on land zoned B2 – Local Centre.</i>                                  | <b>12</b>          |
| To the <b>west</b>                       | • Part one (Burns Bay Road) and part two storey commercial building at 62 Burns Bay Road.                           | <b>13</b>          |
|  | • Public car park at the rear of 62 Burns Bay Road and additional public parking below on Sera Street.              | <b>14</b>          |
|  | • Access to Birralee Preschool.   | <b>15 &amp; 16</b> |
|  | • Public car parking to the north-west of the site to the rear of 64-66 Burns Bay Road.                             | <b>17</b>          |





**Figure 3.** Burns Bay Road carriageway to the north of the site.



**Figure 4.** Existing two (2) storey commercial development to the north-east of the site on land zoned B2 – Local Centre.





**Figure 5.** Existing residential development to the north of the site on land zoned R4 – High Density Residential.



**Figure 6.** Existing commercial development fronting Burns Bay Road to the immediate east of the site at 54 Burns Bay Road.





**Figure 7.** Rear of 54 Burns Bay road and adjoining public car park. Pedestrian access is provided adjacent the eastern side boundary of 54 Burns Bay Road.



**Figure 8.** Council land proposed to be acquired under the Draft VPA.





**Figure 9.** Sera Street carriageway.



**Figure 10.** Front of existing residential development at 9-15 Austin Street on land zoned R4 – High Density Residential. No. 17 Austin Street is developed with a child care centre.





**Figure 11.** Rear of residential development on land zoned R3 – Medium Density Residential on the southern side of Sera Street with frontage to Austin Street. Rear lane access to Goodstart Early Learning Centre at 17 Austin Street.



**Figure 12.** Market Square car park to the south-east of the site on land zoned B2 – Local Centre. The Market Square development includes Lane Cove library and retail premises at ground level and Woolworths at Lower Ground Level.





**Figure 13.** Part one (Burns Bay Road) and part two storey commercial building at 62 Burns Bay Road.



**Figure 14.** Public car park at the rear of 62 Burns Bay Road and additional parking below on Sera Street.





**Figure 15.** Public car parking to the north-west of the site to the rear of 64-66 Burns Bay Road.



**Figure 16.** Entrance to Birralee preschool from the public car park to the west of the subject site.





**Figure 17.** Pedestrian access to Birrahlee Preschool from Sera Street and existing public car parking.

### 5.3 Existing buildings and structures

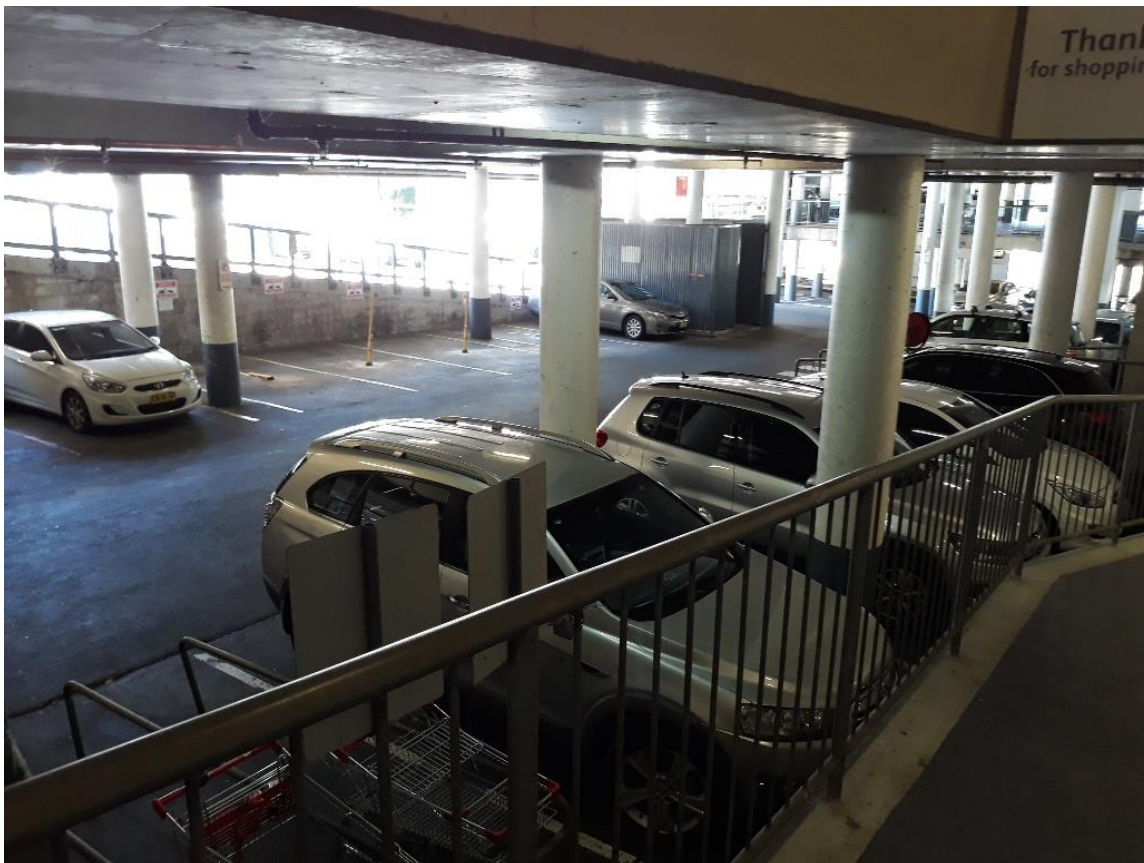


**Figure 18.** Existing building comprised of retail premises at ground floor level fronting Burns Bay Road.





**Figure 19.** Existing Coles supermarket on the subject site and retail tenancies at lower ground level.



**Figure 20.** Existing 'Coles' public car park at the rear of the site.





**Figure 21.** Existing structures and Council owned land, as viewed from the Eastern side of Sera Street.



**Figure 22.** Western elevation of the existing Coles public car park.



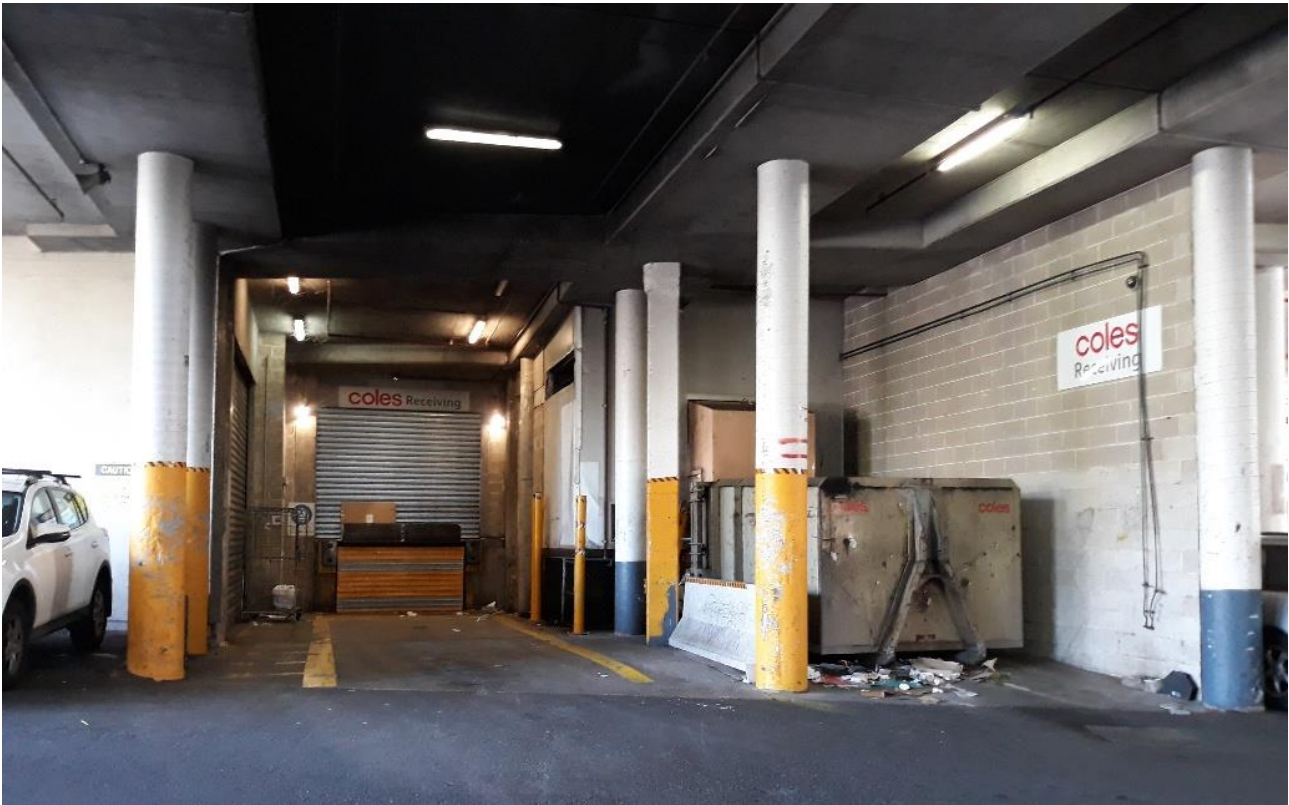


**Figure 23.** Rear of cantilevered car park over Council owned land proposed to be acquired under the Draft VPA and amalgamated with the subject site (as viewed from the west). The land is currently leased from Council by Coles. The lease would be surrendered following relocation of Coles to the Rosenthal Project site, due for completion mid-2020.



**Figure 24.** Coles public car park at the rear of the site. The





**Figure 25.** Existing Coles supermarket loading bay area at the rear of the existing building.



**Figure 26.** Existing one-way vehicular egress to Burns Bay Road adjacent the eastern boundary.



**Figure 27.** Existing one-way vehicular ingress from Burns Bay Road adjacent the western boundary.

## 6 DESCRIPTION OF THE PROPOSED DEVELOPMENT

### 6.1 The proposal

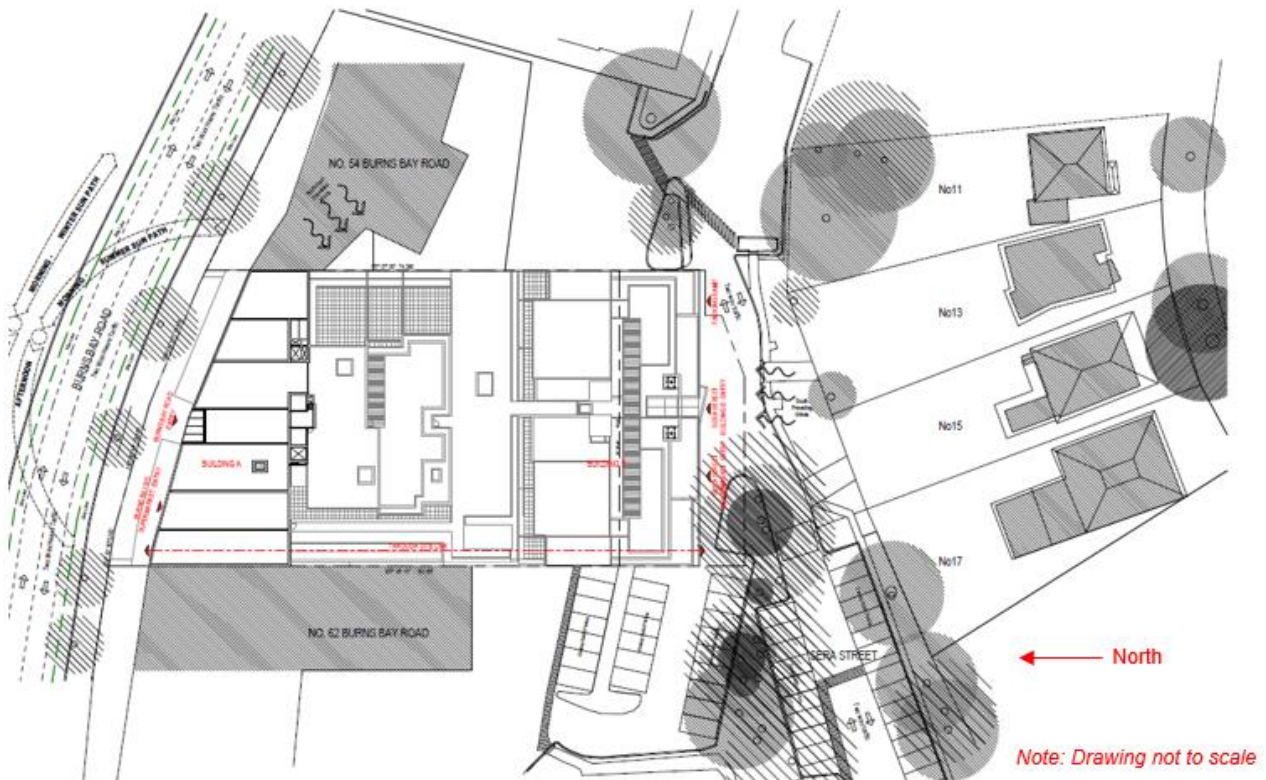
The proposal (as amended) involves demolition of existing structures and construction of a mixed-use development comprised of twenty-nine (29) apartments, three (3) retail premises, supermarket, community space, and three (3) levels of basement car parking, as follows:

| Site Area: 3665m <sup>2</sup>          |   |
|--|---|
| Residential                            | Proposed  |
| Number of apartments                   | 29 units (2693m <sup>2</sup> ) -<br>3 x studio, 13 x 1 bed, 12 x 2 bed, 1 x 3 bed   |
| <b>Total residential GFA:</b>          | <b>2693m<sup>2</sup></b>  |
| Non-residential                        |   |
| Supermarket (Ground and Level 3 lobby) | 1695m <sup>2</sup>  |
| Retail                                 | 216m <sup>2</sup>   |
| Community space                        | 810m <sup>2</sup>   |
| <b>Total non-residential GFA:</b>      | <b>2721m<sup>2</sup></b>  |
| Car parking                            |   |
| Car parking provision                  | 35 residential spaces, 99 spaces non-residential spaces (72 supermarket, 6 retail spaces, 10 community spaces, 11 public parking spaces), 1 car wash bay<br><b>Total: 142 spaces + 1 car wash bay</b> |
| Motorcycle parking provision           | 3 residential, 7 non-residential  |
| Bicycle parking provision              | 12 residential, 52 non-residential  |

A site analysis is shown at **Figure 28**.

Perspective views are shown at **Figures 29, 30 & 31**.





**Figure 28.** Site analysis (Source: Drawing No. A2.02, Issue 3, dated 19/07/2019, prepared by A+ Design Architecture).



**Figure 29.** Burns Bay Road street view perspective (Source: Drawing No. A11.01, Issue2, dated 19/07/2019, prepared by A+ Design Architecture).





**Figure 30.** Sera Street view perspective showing the rear southern and western side elevation (Source: Drawing No. A11.02, Issue2, dated 19/07/2019, prepared by A+ Design Architecture).



**Figure 31.** Sera Street view perspective showing the rear southern and eastern side elevation (Source: Drawing No. A11.03, Issue2, dated 19/07/2019, prepared by A+ Design Architecture).

## 7 REFERRALS

### 7.1 Referrals

| Internal Referral             | Comments  |
|-------------------------------|---|
| <b>Waste</b>                  | Council's Waste Officer has raised no objections to the amended proposal from a waste perspective, subject to recommended draft conditions pertaining to the storage and collection of waste. |
| <b>SEPP 65 / Urban Design</b> | Council has engaged an external consultant to provide an independent SEPP 65 review.  |

| Internal Referral            | Comments  |
|------------------------------|---|
|                              | <p><b>Key comments</b></p> <ul style="list-style-type: none"> <li>• The amended proposal is generally satisfactory with regard to SEPP 65 and the ADG requirements.</li> <li>• The only non-compliance pertains to the total number of cross-ventilated units.</li> <li>• Objective 4B-3 of the ADG requires at least 60% of apartments to be naturally cross ventilated. The total number proposed is calculated to be 41%. In order to reconcile this difference, a condition is recommended to require the following to bring the total number of units to 18 (i.e. 62%): <ul style="list-style-type: none"> <li>i) Openable windows are to be added to the southern side of Units B201 and B204.</li> <li>ii) Well placed ventilating skylights that draw air across the living spaces are to be added to Units B203, A402, A403, and A404.</li> </ul> </li> </ul>  |
| <b>Trees</b>                 | <p>No objections are raised by Council's Tree Assessment Officer, subject to recommended draft conditions.</p> <p><b>Key comments:</b></p> <ul style="list-style-type: none"> <li>• No trees are proposed to be removed under the amended scheme as originally proposed works to regrade Sera Street have been abandoned.</li> <li>• Two (2) street trees on Burns Bay Road will be subject to minor and acceptable encroachment.</li> <li>• Suitable draft conditions are recommended to ensure tree protection measures are installed in accordance with Council's requirements and relevant Australian Standards.</li> </ul>   |
| <b>Building</b>              | <p>No issues are raised from a building perspective, subject to recommended draft conditions of consent.</p>  |
| <b>Community Development</b> | <p>No objections are raised subject to the provision of accessible pathways to communal open space areas from common areas.</p> <p><b>Key comments:</b></p> <ul style="list-style-type: none"> <li>• A condition is recommended requiring detailed drawings to be provided at the relevant CC stage detailing compliance with relevant accessibility legislation/Australia Standards.</li> </ul>  |
| <b>Traffic</b>               | <p>No objections, subject to recommended draft conditions of consent.</p> <p><b>Key comments:</b></p> <ul style="list-style-type: none"> <li>• The proposed on-site car parking, motorcycle, and bicycle parking provision complies with DCP requirements (Bicycle parking provision conditioned).</li> <li>• A condition is recommended to restrict access to the site from Longueville Road and Austin Street. Access from Tambourine Bay Road to Sera Street via River Road is not permitted. Swept paths demonstrating the capability of an HRV to access the loading bay from Tambourine Bay Road in accordance with relevant Australian Standards, has been provided</li> <li>• The amended scheme provides for improved separation of the loading bay entry from the main car parking area.</li> <li>• Removal of existing one-way vehicular access between Burns Bay Road and Sera Street adjacent the eastern and western side boundaries would increase pedestrian safety and eventually reduced traffic volume on Burns Bay Road.</li> <li>• Suitable draft conditions are recommended to ensure compliance with relevant Australian Standards for off-street car parking, disabled parking, loading facilities, and garbage collection.</li> <li>• To ensure pedestrian safety, a speed hump is conditioned on the entry and exit of the site before the pedestrian crossing. In addition, the <i>Pedestrian Connectivity Plan</i> is required to be submitted to Council for approval, prior to the issue of the relevant Construction Certificate.</li> <li>• A condition is recommended to require the provision of bicycle parking in accordance with Council's requirements and relevant Australian Standards.</li> <li>• A Construction Traffic Management Plan (CTMP) is conditioned for submission to Council for approval.</li> <li>• As part of the CTMP requirements, truck movements are not to occur on Sera Street on school days between 7.30am - 9.00am and 2.30pm – 4pm. In addition, evidence of consultation with the Directors of the nearby Birralee Preschool and Good Start Early Learning Child Care Centre is to be provided to ensure safe access is maintained during pick up/drop off periods.</li> </ul> |
| External Referral            | Comments  |



| Internal Referral   | Comments  |
|---|---|
| <b>Roads and Maritime Services</b><br><br><b>Note: Referral to RMS is not a requirement under SEPP (Infrastructure) 2007.</b> | <ul style="list-style-type: none"> <li>No objections, subject to the following conditions being included as part of any consent: <ul style="list-style-type: none"> <li>i) <i>Roads and Maritime has previously resumed and dedicated a strip of land as road along Burns Bay Road frontage of the subject property, as shown by grey colour on the attached Aerial – “X”. Therefore, all buildings and structures together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth) along Burns Bay Road boundary.</i></li> <li>ii) <i>A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.</i></li> </ul> </li> </ul> |

## 8 RELEVANT ACTS

### 8.1 Environmental Planning and Assessment Act 1979

The proposal is consistent with the Objects of the *Environmental Planning and Assessment Act 1979* (the Act) contained in Section 1.3.

The proposed development is acceptable with regard to the matters of consideration under Section 4.15 of the Act, as detailed and assessed in **Section 9** of this Report.

## 9 SECTION 4.15 CONSIDERATIONS

### Any environmental planning instruments: s4.15(1)(a)(i)

#### 9.1 State Environmental Planning Policy No. 55 – Remediation of Land

Pursuant to section 2, the object of SEPP 55 is to *promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:*

- by specifying when consent is required, and when it is not required, for a remediation work;*
- by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular; and*
- by requiring that a remediation work meet certain standards and notification requirements.*

Clause 7(1)(a) of *SEPP 55 – Remediation of Land* requires the consent authority to consider whether the land is contaminated.

A *Stage 1 Environmental Site Assessment* has been undertaken by Environmental Investigation Services (EIA).

The *Stage 1 Assessment* considers that the historical land uses and potential sources of contamination identified would not preclude the proposed development. However, the following recommendations are made to better assess the risks associated with the contaminant of potential concern:

- A Stage 2 investigation, with soil and groundwater sampling, should be undertaken to characterise the site contamination conditions.*
- A hazardous building materials survey should be undertaken prior to demolition of the buildings. Following demolition of the buildings (and preferably prior to removal of the hardstand), an asbestos clearance certificate should be provided.*

iii) A waste classification is undertaken to classify material to be excavated for the basement.

Council's Environmental Health Officer has reviewed the proposal and concurs with the findings and recommendations of the *Stage 1 Environmental Site Assessment Report*.

The *Stage 1 Assessment* concludes that the site can be made suitable for the proposed development subject to the appropriate implementation of the recommendations above. As such, suitable draft conditions of consent are recommended to satisfy the three (3) recommendations above.

Therefore, the proposed development is acceptable with regard to *SEPP 55: Remediation of Land*.

## **9.2 State Environmental Planning Policy (Vegetation in Non-rural Areas) 2017**

SEPP (Vegetation in Non-Rural Areas) 2017 applies to all land in Lane Cove LGA.

The intent of this Policy is to protect the biodiversity values of trees and other vegetation, and preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The proposal has been amended to remove the proposed upgrading of Sera Street and associated tree removal.

No trees are proposed to be removed under Replacement Application 2. Suitable draft conditions are recommended to ensure the protection of trees to be retained on the site in accordance with Australian Standard AS 4970-2009: *Protection of Trees on Development Sites*, *Arboricultural Impact Report* (revised 09.05.2019), prepared by Landscape Matrix, and *Part J: Landscaping* of Lane Cove DCP 2010.

Therefore, the proposed development is acceptable with regard to *SEPP (Vegetation in Non-rural Areas) 2017*.

## **9.3 State Environmental Planning Policy (Infrastructure) 2007**

The proposed development does not trigger referral to RMS under SEPP (Infrastructure) 2007.

The site does not have frontage to a classified road. As such the provisions of Clause 101 do not apply.

## **9.4 State Environmental Planning Policy (Building Sustainability Index) 2004**

SEPP (Building Sustainability Index: BASIX) 2004 applies to the proposed development. It relates to commitments within the proposed development in relation to thermal comfort, water conservation and energy efficiency sustainability measures.

A revised BASIX Certificate (No. 944514M\_02, dated 08/05/2019) was submitted with Replacement Application 1. Suitable draft conditions are recommended to require:

- The submission of a revised BASIX Certificate to reflect the amended scheme under Replacement Application 2.
- Details of BASIX commitments shown on plans/specifications submitted with the relevant Construction Certificate application.
- Fulfillment of BASIX Commitments.

Therefore, the proposal is acceptable with regard to SEPP (BASIX) 2004.

## 9.5 State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)

### 9.5.1 Aims of SEPP 65

The proposal is acceptable with regard to the aims and objectives contained within Section 2 of *SEPP 65: Design Quality of Residential Flat Development* (SEPP 65).

### 9.5.2 Application of SEPP 65

The proposed development triggers the application of SEPP 65 under Clause (4)(1).

### 9.5.3 Part 4: Application of design principles

Pursuant to Section 28(2) of SEPP 65, the consent authority is to take into consideration:

- (a) *“the advice (if any) obtained from the design review panel;*
- (b) the design quality of the development when evaluated in accordance with the design quality principles; and*
- (c) the Apartment Design Guide.”*

Lane Cove Council does not have a design review panel.

Council engaged an independent party, *Smith & Tzannes Architects* to review the original scheme. Replacement Applications 1 and 2, were reviewed by *Tim Williams Architects*.

The amended proposal is determined to be acceptable with regard to the *design quality principles* and *design guidance* under the *Apartment Design Guide*, with the exception of the total provision of cross ventilated units. This non-compliance is resolved through the inclusion of a draft condition of consent requiring:

- i) openable windows to the southern side of Units B201 and B204; and
- ii) inclusion of well-placed ventilating skylights that draw air across the living spaces to Units B203, A402, A403, and A404.

### Design Principles:

| Design Principle  | Objective   | Comments  | Satisfactory |
|---|---|---|--------------|
| <b>Principle 1: Context and Neighbourhood Character</b> | <p><i>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</i></p> <p><i>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p> | <ul style="list-style-type: none"> <li>The proposed development responds appropriately to the context by promoting retail activity at the Burns Bay and Sera Street frontages.</li> <li>The amended scheme provides for an increased front setback to Burns Bay Road to align with the front setback established by the adjoining properties. This would enhance pedestrian activity and amenity, and provide opportunities for landscaping and outdoor seating, in accordance with the prevailing streetscape character.</li> <li>Removal of existing vehicular ingress/egress between Burns Bay Road and Sera Street would improve pedestrian activity and</li> </ul> | ✓            |

| Design Principle                         | Objective  | Comments   | Satisfactory |
|--|--|--|--------------|
|  |  | amenity along the principal frontage.  |              |
| <b>Principle 2: Built Form and Scale</b> | <p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</i></p> <p><i>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i></p> | <ul style="list-style-type: none"> <li>The proposal has been amended to improve the distribution of bulk and massing across the site in response to the site's topography.</li> <li>The proposal has been amended to comply with the prescribed maximum building height under Lane Cove LEP 2009.</li> </ul>   | ✓            |
| <b>Principle 3: Density</b>              | <p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area's existing or projected population.</i></p> <p><i>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i></p>   | <ul style="list-style-type: none"> <li>The proposed density is below that permitted for the site.</li> <li>The proposed density is contextually appropriate.</li> </ul>  | ✓            |
| <b>Principle 4: Sustainability</b>       | <p><i>Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.</i></p>  | <ul style="list-style-type: none"> <li>Sustainable design techniques have been incorporated into the development to encourage resource, energy and water efficiency.</li> <li>With regard to cross ventilation, a condition is recommended to achieve compliance with the 60% of total unit's requirement.</li> <li>A revised BASIX Certificate is conditioned to align with Replacement Application 2.</li> </ul> | ✓            |
| <b>Principle 5: Landscape</b>            | <p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed</i></p>   | <ul style="list-style-type: none"> <li>No trees are proposed for removal under the amended scheme as regrading works to Sera Street have been removed.</li> <li>Provision is made for planting on structures within communal open space areas,</li> </ul>  | ✓            |

| Design Principle            | Objective   | Comments  | Satisfactory |
|-----------------------------|---|---|--------------|
|                             | <p><i>developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p> <p><i>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long-term management.</i></p> | <p>and at the Burns Bay and Sera Street frontages to ensure a positive contribution to the adjoining public domain.</p> <ul style="list-style-type: none"> <li>Communal open space comprises 25.6% of the site area. A condition is recommended to require detailed landscape plans for the communal open space areas.</li> <li>Note: Updated Landscape Plans have not been prepared for Replacement Application 2. This is conditioned.</li> </ul>                               |              |
| <b>Principle 6: Amenity</b> | <p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</i></p> <p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.</i></p>  | <ul style="list-style-type: none"> <li>The proposed residential units would provide for acceptable amenity to residents in terms of solar access, natural ventilation, outlook, privacy (visual and aural), and access to private and common open space areas.</li> </ul>   | ✓            |
| <b>Principle 7: Safety</b>  | <p><i>Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p> <p><i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</i></p>   | <ul style="list-style-type: none"> <li>A CPTED assessment has been undertaken.</li> <li>The report contains a number of recommendations pertaining to the location of CCTV and lighting to ensure safety to residents, workers, and the community. A condition of consent stipulating compliance with these recommendations is proposed.</li> <li>The development would provide passive surveillance of the adjoining public domain to Burns Bay Road and Sera Street.</li> </ul> | ✓            |



| Design Principle   | Objective  | Comments   | Satisfactory |
|--|--|--|--------------|
| <b>Principle 8:<br/>Housing<br/>Diversity and<br/>Social<br/>Interaction</b> | <p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.</i></p> | <ul style="list-style-type: none"> <li>The proposed apartment mix is diverse, allowing a range of apartment sizes.</li> <li>Compliant provision of adaptable units designed in accordance with silver level universal design features, and visitable units is proposed. This is to be enforced by a condition of consent.</li> </ul> | ✓            |
| <b>Principle 9:<br/>Aesthetics</b>   | <p><i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</i></p> <p><i>The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i></p>  | <ul style="list-style-type: none"> <li>The proposed development presents a visually interesting building expression through significant modulation and articulation that responds appropriately to the site topography and local context.</li> </ul>   | ✓            |

**Design Guidance:**

| Topic                               | Objective  | Assessing Officers Comments   | Complies |
|-------------------------------------|--|---|----------|
| <b>3A – Site analysis</b>           | <b>Objective 3A-1</b> <ul style="list-style-type: none"> <li>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site and their relationship to the surrounding context.</li> </ul>  | <ul style="list-style-type: none"> <li>A site analysis has been undertaken.</li> <li>The proposal (as amended) responds appropriately to the opportunities and constraints of the site.</li> </ul>  | ✓        |
| <b>3B - Orientation</b>             | <b>Objective 3B-1</b> <ul style="list-style-type: none"> <li>Building types and layouts respond to the streetscape and site while optimising solar access within the development.</li> </ul> <b>Objective 3B-2</b> <ul style="list-style-type: none"> <li>Overshadowing of neighbouring properties is minimised during mid-winter.</li> </ul>  | <ul style="list-style-type: none"> <li>The proposed GFA is below that permitted on the site.</li> <li>The bulk and massing of the development has been designed to respond appropriately to the local context and topography, whilst seeking to minimise overshadowing to the adjoining properties.</li> </ul>  | ✓        |
| <b>3C – Public domain interface</b> | <b>Objective 3C-1</b> <ul style="list-style-type: none"> <li>Transition between private and public domain is achieved without compromising safety and security.</li> </ul> <b>Objective 3C-2</b> <ul style="list-style-type: none"> <li>Amenity of the public domain is retained and enhanced.</li> </ul>  | <ul style="list-style-type: none"> <li>The proposal has been amended to provide clearly defined entries and pedestrian connection between Burns Bay Road and Sera Street.</li> <li>Public and private spaces are clearly defined and separated.</li> <li>The proposal would provide a positive contribution to the adjoining public domain at the Burns Bay Road and Sera Street frontages.</li> </ul>  | ✓        |
| <b>3D – Public domain interface</b> | <b>Objective 3D-1</b> <ul style="list-style-type: none"> <li>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping</li> <li>Communal open space has a minimum area equal to 25% of the site</li> <li>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter).</li> </ul> <b>Objective 3D-2</b> <ul style="list-style-type: none"> <li>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.</li> </ul> <b>Objective 3D-3</b> <ul style="list-style-type: none"> <li>Communal open space is designed to maximise safety.</li> </ul> <b>Objective 3D-4</b> <ul style="list-style-type: none"> <li>Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.</li> </ul> | <ul style="list-style-type: none"> <li>25.6% of the site area is proposed as communal open space.</li> <li>Solar access to the communal open space areas is acceptable. The provision and location of communal open space is improved under the current scheme and has been designed to maximise direct sunlight.</li> <li>A condition is recommended to require adequate lighting and CCTV to communal open space areas in accordance with the CPTED Assessment Report.</li> </ul> | ✓        |
| <b>3E – Deep soil zones</b>         | <b>Objective 3E-1</b>  | <ul style="list-style-type: none"> <li>Adequate tree canopy cover and provision for planting on structures is provided for under the amended scheme.</li> </ul>   | ✓        |

| Topic                                     | Objective   | Assessing Officers Comments  | Complies                      |                     |                       |    |    |                         |    |      |                       |     |    |  |   |
|---|---|--|-------------------------------|---------------------|-----------------------|----|----|-------------------------|----|------|-----------------------|-----|----|--|---|
|   | <ul style="list-style-type: none"><li>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</li><li>Minimum 7% of the site area to be provided as deep soil zones.</li></ul>  | <ul style="list-style-type: none"><li>Revised landscape plans and landscape details for communal open space areas is conditioned to be provided.</li></ul>                                   |                               |                     |                       |    |    |                         |    |      |                       |     |    |  |   |
| <b>3F – Visual privacy</b>                | <p><b>Objective 3F-1</b></p> <ul style="list-style-type: none"><li>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</li><li>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</li></ul> <table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table> <p><b>Note:</b><br/>Separation distances between buildings on the same site should combine required building separations depending on the type of room.</p> <ul style="list-style-type: none"><li>For residential buildings next to commercial buildings, separation distances should be measured as follows:<ul style="list-style-type: none"><li>for retail, office spaces and commercial balconies use the habitable room distance; and</li><li>for service and plant areas use the non-habitable room distances.</li></ul></li></ul> <p><b>Objective 3F-2</b></p> <ul style="list-style-type: none"><li>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</li></ul> | Building height  | Habitable rooms and balconies | Non-habitable rooms | Up to 12m (4 storeys) | 6m | 3m | Up to 25m (5-8 storeys) | 9m | 4.5m | Over 25m (9+ storeys) | 12m | 6m | <ul style="list-style-type: none"><li>A minimum 12.195m separation is proposed between residential units in Buildings A and B.</li><li>Where balconies are proposed to side boundaries, the minimum required separation distances are met.</li></ul> | ✓ |
| Building height                           | Habitable rooms and balconies   | Non-habitable rooms  |                               |                     |                       |    |    |                         |    |      |                       |     |    |  |   |
| Up to 12m (4 storeys)                     | 6m  | 3m   |                               |                     |                       |    |    |                         |    |      |                       |     |    |  |   |
| Up to 25m (5-8 storeys)                   | 9m  | 4.5m   |                               |                     |                       |    |    |                         |    |      |                       |     |    |  |   |
| Over 25m (9+ storeys)                     | 12m   | 6m   |                               |                     |                       |    |    |                         |    |      |                       |     |    |  |   |
| <b>3G – Pedestrian access and entries</b> | <p><b>Objective 3G-1</b></p> <ul style="list-style-type: none"><li>Building entries and pedestrian access connects to and addresses the public domain.</li></ul> <p><b>Objective 3G-2</b></p> <ul style="list-style-type: none"><li>Access, entries and pathways are accessible and easy to identify.</li></ul> <p><b>Objective 3G-3</b></p>  | <ul style="list-style-type: none"><li>A through-site link connecting Burns Bay Road and Sera Street is proposed.</li><li>Building entries and pathways are accessible and legible.</li></ul> | ✓                             |                     |                       |    |    |                         |    |      |                       |     |    |  |   |

| Topic                                 | Objective  | Assessing Officers Comments  | Complies |
|---------------------------------------|--|--|----------|
|                                       | <ul style="list-style-type: none"> <li>Large sites provide pedestrian links for access to streets and connection to destinations.</li> </ul>   |  |          |
| <b>3H – Vehicular access</b>          | <b>Objective 3H-1</b> <ul style="list-style-type: none"> <li>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</li> </ul>  | <ul style="list-style-type: none"> <li>The proposed development would improve pedestrian safety along Sera Street and enhance the public domain of Burns Bay Road.</li> <li>Entry of MRV's and HRV's to the loading bay is restricted to Longueville Road (Conditioned) to further improve pedestrian safety.</li> <li>A speed hump is required to be installed on the entry and exit of the site before the pedestrian crossing (Conditioned).</li> </ul> | ✓        |
| <b>3J – Bicycle and car park</b>      | <b>Objective 3J-1</b> <ul style="list-style-type: none"> <li>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</li> </ul> <b>Objective 3J-2</b> <ul style="list-style-type: none"> <li>Parking and facilities are provided for other modes of transport.</li> </ul> <b>Objective 3J-3</b> <ul style="list-style-type: none"> <li>Car park design and access is safe and secure.</li> </ul> <b>Objective 3J-4</b> <ul style="list-style-type: none"> <li>Visual and environmental impacts of underground car parking are minimised.</li> </ul> <b>Objective 3J-5</b> <ul style="list-style-type: none"> <li>Visual and environmental impacts of on-grade car parking is minimised.</li> </ul> <b>Objective 3J-6</b> <ul style="list-style-type: none"> <li>Visual and environmental impacts of above ground enclosed car parking are minimised.</li> </ul> | <ul style="list-style-type: none"> <li>The proposed on-site car parking, bicycle and motorcycle provision complies with DCP requirements (Bicycle parking provision conditioned to comply).</li> <li>The vehicular access point would not detract from the streetscape character of Sera Street.</li> <li>A sustainable action transport plan is conditioned to encourage sustainable transport options.</li> </ul>  | ✓        |
| <b>4A – Solar access and daylight</b> | <b>Objective 4A-1</b> <ul style="list-style-type: none"> <li>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</li> <li>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid -winter in the Sydney Metropolitan Area.</li> <li>A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter</li> </ul> <b>Objective 4A-2</b> <ul style="list-style-type: none"> <li>Daylight access is maximised where sunlight is limited.</li> </ul> <b>Objective 4A-3</b> <ul style="list-style-type: none"> <li>Design incorporates shading and glare control, particularly for warmer months.</li> </ul>   | <ul style="list-style-type: none"> <li>72.4% of apartments would receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.</li> <li>13.8% of apartments would receive no direct sunlight between 9am and 3pm mid-winter.</li> </ul>  | ✓        |

| Topic                                 | Objective  | Assessing Officers Comments   | Complies |                 |      |               |      |                         |   |                               |  |   |   |
|---------------------------------------|--|---|----------|-----------------|------|---------------|------|-------------------------|---|-------------------------------|--|---|---|
| 4B – Natural ventilation              | <p><b>Objective 4B-1</b></p> <ul style="list-style-type: none"><li>All habitable rooms are naturally ventilated.</li></ul> <p><b>Objective 4B-2</b></p> <ul style="list-style-type: none"><li>The layout and design of single aspect apartments maximised natural ventilation.</li></ul> <p><b>Objective 4B-3</b></p> <ul style="list-style-type: none"><li>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.</li><li>At least 60% of apartments are naturally cross ventilated in the first nine storeys. Apartments at 10 storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</li><li>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</li></ul>  | <ul style="list-style-type: none"><li>All habitable rooms are naturally ventilated.</li><li>Under the current scheme 41% of apartments are cross ventilated.</li><li>A condition is recommended to increase the provision of cross ventilated apartments to 62% by installing openable windows to the southern side of Units B201 and B204, and well-placed ventilating skylights that draw air across the living spaces to Units B203, A402, A403, and A404.</li></ul> | ✓        |                 |      |               |      |                         |   |                               |  |   |   |
| 4C – Ceiling height                   | <p><b>Objective 4C-1</b></p> <ul style="list-style-type: none"><li>Measured from finished floor level to finished ceiling level, minimum ceiling heights are to be as follows:</li></ul> <table border="1"><thead><tr><th colspan="2">For apartment and mixed-use buildings</th></tr></thead><tbody><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living floor; 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>If located in mixed-use zones</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></tbody></table> <p><b>Objective 4C-2</b></p> <ul style="list-style-type: none"><li>Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.</li></ul> <p><b>Objective 4C-3</b></p> <ul style="list-style-type: none"><li>Ceiling heights contribute to the flexibility of building use over the life of the building.</li></ul> | For apartment and mixed-use buildings   |          | Habitable rooms | 2.7m | Non-habitable | 2.4m | For 2 storey apartments | 2.7m for main living floor; 2.4m for second floor, where its area does not exceed 50% of the apartment area | If located in mixed-use zones | 3.3m for ground and first floor to promote future flexibility of use | <ul style="list-style-type: none"><li>All apartments comply with minimum ceiling heights.</li></ul> | ✓ |
| For apartment and mixed-use buildings |  |   |          |                 |      |               |      |                         |   |                               |  |   |   |
| Habitable rooms                       | 2.7m   |   |          |                 |      |               |      |                         |   |                               |  |   |   |
| Non-habitable                         | 2.4m   |   |          |                 |      |               |      |                         |   |                               |  |   |   |
| For 2 storey apartments               | 2.7m for main living floor; 2.4m for second floor, where its area does not exceed 50% of the apartment area  |   |          |                 |      |               |      |                         |   |                               |  |   |   |
| If located in mixed-use zones         | 3.3m for ground and first floor to promote future flexibility of use   |   |          |                 |      |               |      |                         |   |                               |  |   |   |
| 4D – Apartment size and layout        | <p><b>Objective 4D-1</b></p> <ul style="list-style-type: none"><li>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</li></ul>  | <ul style="list-style-type: none"><li>All apartments comply with minimum internal areas.</li></ul>  | ✓        |                 |      |               |      |                         |   |                               |  |   |   |

| Topic                                | Objective  | Assessing Officers Comments | Complies              |               |                  |                 |                  |             |                  |       |                  |   |    |              |                  |      |  |   |
|--------------------------------------|--|-----------------------------|-----------------------|---------------|------------------|-----------------|------------------|-------------|------------------|-------|------------------|---|----|--------------|------------------|------|--|---|
|                                      | <ul style="list-style-type: none"><li>Apartments are required to have the following minimum internal areas:<table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m<sup>2</sup></td></tr><tr><td>1 bed</td><td>50m<sup>2</sup></td></tr><tr><td>2 bed</td><td>70m<sup>2</sup></td></tr><tr><td>3 bed</td><td>90m<sup>2</sup></td></tr></table></li><li><b>Objective 4D-2</b><ul style="list-style-type: none"><li>Environmental performance of the apartment is maximised.</li><li>Habitable room depths are limited to a maximum of 2.5m x the ceiling height.</li><li>In open plan layouts, (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</li></ul></li><li><b>Objective 4D-3</b><ul style="list-style-type: none"><li>Apartment layouts are designed to accommodate a variety of household activities and needs.</li><li>Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space)</li><li>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</li><li>Living rooms or combined living/dining rooms have a minimum width of 3.6m for studio and 1-bedroom apartments; and 4m for 2 – and - 3 bedrooms apartments.</li><li>The width of cross-over and cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</li></ul></li></ul> | Apartment type              | Minimum internal area | Studio        | 35m <sup>2</sup> | 1 bed           | 50m <sup>2</sup> | 2 bed       | 70m <sup>2</sup> | 3 bed | 90m <sup>2</sup> | <ul style="list-style-type: none"><li>Every habitable room has a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</li><li>Habitable room depths comply with ADG requirements.</li><li>Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space).</li><li>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</li><li>Living rooms have a minimum width of 3.6m for studio and 1 bedroom apartments, and 4m for 2 and 3 bedroom apartments.</li><li>All cross-over apartments are minimum 4m wide.</li></ul> |    |              |                  |      |  |   |
| Apartment type                       | Minimum internal area  |                             |                       |               |                  |                 |                  |             |                  |       |                  |   |    |              |                  |      |  |   |
| Studio                               | 35m <sup>2</sup>   |                             |                       |               |                  |                 |                  |             |                  |       |                  |   |    |              |                  |      |  |   |
| 1 bed                                | 50m <sup>2</sup>   |                             |                       |               |                  |                 |                  |             |                  |       |                  |   |    |              |                  |      |  |   |
| 2 bed                                | 70m <sup>2</sup>   |                             |                       |               |                  |                 |                  |             |                  |       |                  |   |    |              |                  |      |  |   |
| 3 bed                                | 90m <sup>2</sup>   |                             |                       |               |                  |                 |                  |             |                  |       |                  |   |    |              |                  |      |  |   |
| 4E- Private open space and balconies | <b>Objective 4E-1</b> <ul style="list-style-type: none"><li>Apartments provide appropriately sized private open space and balconies to enhance residential amenity.</li><li>All apartments are required to have primary balconies as follows:<table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio units</td><td>4m<sup>2</sup></td><td>-</td></tr><tr><td>1 bed units</td><td>8m<sup>2</sup></td><td>2m</td></tr><tr><td>2 bed units</td><td>10m<sup>2</sup></td><td>2m</td></tr><tr><td>3+ bed units</td><td>12m<sup>2</sup></td><td>2.4m</td></tr></table></li><li>For apartments at ground floor or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m<sup>2</sup> and a minimum depth of 3m.</li></ul>   | Dwelling type               | Minimum area          | Minimum depth | Studio units     | 4m <sup>2</sup> | -                | 1 bed units | 8m <sup>2</sup>  | 2m    | 2 bed units      | 10m <sup>2</sup>  | 2m | 3+ bed units | 12m <sup>2</sup> | 2.4m | <ul style="list-style-type: none"><li>All apartments have been designed to have primary balconies which meet ADG requirements.</li><li>Balconies have been designed to maximise solar access, and be accessible directly from living areas and bedrooms where possible.</li><li>Modulation of the balconies is integrated into the articulated façade and built form to create visual interest and maximise amenity.</li></ul> | ✓ |
| Dwelling type                        | Minimum area   | Minimum depth               |                       |               |                  |                 |                  |             |                  |       |                  |   |    |              |                  |      |  |   |
| Studio units                         | 4m <sup>2</sup>  | -                           |                       |               |                  |                 |                  |             |                  |       |                  |   |    |              |                  |      |  |   |
| 1 bed units                          | 8m <sup>2</sup>  | 2m                          |                       |               |                  |                 |                  |             |                  |       |                  |   |    |              |                  |      |  |   |
| 2 bed units                          | 10m <sup>2</sup>   | 2m                          |                       |               |                  |                 |                  |             |                  |       |                  |   |    |              |                  |      |  |   |
| 3+ bed units                         | 12m <sup>2</sup>   | 2.4m                        |                       |               |                  |                 |                  |             |                  |       |                  |   |    |              |                  |      |  |   |

| Topic                             | Objective   | Assessing Officers Comments  | Complies            |              |     |             |     |             |     |              |      |  |   |
|-----------------------------------|---|--|---------------------|--------------|-----|-------------|-----|-------------|-----|--------------|------|--|---|
|                                   | <p><b>Objective 4E-2</b></p> <ul style="list-style-type: none"><li>Primary private open space and balconies are appropriately located to enhance liveability for residents.</li></ul> <p><b>Objective 4E-3</b></p> <ul style="list-style-type: none"><li>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</li></ul> <p><b>Objective 4E-4</b></p> <ul style="list-style-type: none"><li>Private open space and balcony design maximises safety.</li></ul>  |  |                     |              |     |             |     |             |     |              |      |  |   |
| 4F – Common circulation and space | <p><b>Objective 4F-1</b></p> <ul style="list-style-type: none"><li>Common circulation spaces achieve good amenity and properly service the number of apartments.</li><li>The maximum number of apartments off a circulation core on a single level is 8. Where this is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.</li><li>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</li></ul> <p><b>Objective 4F-2</b></p> <ul style="list-style-type: none"><li>Common circulation spaces promote safety and provide for social interaction between residents.</li></ul>  | <ul style="list-style-type: none"><li>A maximum of eight (8) apartments is proposed off a circulation core on a single level.</li></ul>  | ✓                   |              |     |             |     |             |     |              |      |  |   |
| 4G - Storage                      | <p><b>Objective 4G-1</b></p> <ul style="list-style-type: none"><li>Adequate, well-designed storage is provided in each apartment.</li><li>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</li></ul> <table border="1"><thead><tr><th>Dwelling type</th><th>Storage size volume</th></tr></thead><tbody><tr><td>Studio units</td><td>4m²</td></tr><tr><td>1 bed units</td><td>6m²</td></tr><tr><td>2 bed units</td><td>8m²</td></tr><tr><td>3+ bed units</td><td>10m²</td></tr></tbody></table> <ul style="list-style-type: none"><li>At least 50% of the required storage is to be located within the apartment.</li></ul> <p><b>Objective 4G-2</b></p> <ul style="list-style-type: none"><li>Additional storage is conveniently located, accessible and nominated for individual apartment.</li></ul> | Dwelling type  | Storage size volume | Studio units | 4m² | 1 bed units | 6m² | 2 bed units | 8m² | 3+ bed units | 10m² | <ul style="list-style-type: none"><li>Minimum storage requirements per apartment are met.</li><li>Minimum 50% of the required storage provisions per apartment is located within each apartment.</li><li>Additional storage is provided within a secure, communal basement area.</li></ul> | ✓ |
| Dwelling type                     | Storage size volume   |  |                     |              |     |             |     |             |     |              |      |  |   |
| Studio units                      | 4m²   |  |                     |              |     |             |     |             |     |              |      |  |   |
| 1 bed units                       | 6m²   |  |                     |              |     |             |     |             |     |              |      |  |   |
| 2 bed units                       | 8m²   |  |                     |              |     |             |     |             |     |              |      |  |   |
| 3+ bed units                      | 10m²  |  |                     |              |     |             |     |             |     |              |      |  |   |
| 4H – Acoustic privacy             | <p><b>Objective 4H-1</b></p> <ul style="list-style-type: none"><li>Noise transfer is minimised through the siting of buildings and building layout.</li></ul>   | <ul style="list-style-type: none"><li>A condition is recommended requiring compliance with the recommendations in the Acoustic Report to prevent structure borne transmission of noise from the basement loading dock to residential apartments above.</li></ul> | ✓                   |              |     |             |     |             |     |              |      |  |   |



| Topic                           | Objective  | Assessing Officers Comments   | Complies |
|---------------------------------|--|---|----------|
|                                 | <b>Objective 4H-2</b> <ul style="list-style-type: none"> <li>Noise impacts are mitigated within apartments through layout and acoustic treatments.</li> </ul>  | <ul style="list-style-type: none"> <li>Noise impacts are mitigated within apartments through layout and acoustic treatments.</li> <li>A condition is recommended which states that the development is to be designed and constructed in accordance with AS/NZS 2107:2000 – <i>Recommended design sound levels and reverberation times for building interiors</i>, such that noise levels (from noise sources including from traffic and mechanical plant) comply with the satisfactory design sound level with windows and doors closed.</li> </ul> | ✓        |
| <b>4J – Noise and pollution</b> | <b>Objective 4J-1</b> <ul style="list-style-type: none"> <li>In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.</li> </ul> <b>Objective 4J-2</b> <ul style="list-style-type: none"> <li>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</li> </ul> | <ul style="list-style-type: none"> <li>As above.</li> </ul>   | ✓        |
| <b>4K – Apartment mix</b>       | <b>Objective 4K-1</b> <ul style="list-style-type: none"> <li>A range of apartment types and sizes is provided to cater for different household types now and into the future.</li> </ul> <b>Objective 4K-2</b> <ul style="list-style-type: none"> <li>The apartment mix is distributed to suitable locations within the building.</li> </ul>   | <ul style="list-style-type: none"> <li>The development provides a mix of apartments to cater for different household types, whilst responding to market conditions.</li> </ul>  | ✓        |
| <b>4M - Facades</b>             | <b>Objective 4M-1</b> <ul style="list-style-type: none"> <li>Building facades provide visual interest along the street while respecting the character of the local area.</li> </ul> <b>Objective 4M-2</b> <ul style="list-style-type: none"> <li>Building functions are expressed by the façade.</li> </ul>  | <ul style="list-style-type: none"> <li>Appropriate articulation is provided to each façade.</li> <li>The building facades of the development contribute to the urban fabric character through the built form, material selection and landscape design.</li> <li>Building entries are clearly defined.</li> <li>The proposed podium to Sera Street is given visual prominence through a change in articulation, materials and colour, roof expression and varying setbacks.</li> </ul>   | ✓        |
| <b>4N – Roof design</b>         | <b>Objective 4N-1</b> <ul style="list-style-type: none"> <li>Roof treatments are integrated into the building design and positively response to the street.</li> </ul> <b>Objective 4N-2</b> <ul style="list-style-type: none"> <li>Opportunities to use roof space for residential accommodation and open space are maximised.</li> </ul>   | <ul style="list-style-type: none"> <li>Roof design integrates with the building design and is contextually appropriate.</li> <li>A condition is recommended to locate mechanical/air conditioning plant at the basement levels and not on the roof.</li> <li>The rooftop communal open space areas are supported and encouraged.</li> </ul>   | ✓        |



| Topic                              | Objective   | Assessing Officers Comments   | Complies |
|------------------------------------|---|---|----------|
| <b>4O – Landscape design</b>       | <b>Objective 4O-1</b> <ul style="list-style-type: none"> <li>Landscape design is viable and sustainable.</li> </ul> <b>Objective 4O-2</b> <ul style="list-style-type: none"> <li>Landscape design contributes to the streetscape and amenity.</li> </ul>  | <ul style="list-style-type: none"> <li>The proposal is supported from a landscaping perspective, subject to recommended draft conditions.</li> <li>Planting on structures are proposed to communal open space areas and the street frontages to enhance streetscape character and amenity.</li> </ul>   | ✓        |
| <b>4P – Planting on structures</b> | <b>Objective 4P-1</b> <ul style="list-style-type: none"> <li>Appropriate soil profiles are provided.</li> </ul> <b>Objective 4P-2</b> <ul style="list-style-type: none"> <li>Plant growth is optimised with appropriate selection and maintenance amenity.</li> </ul> <b>Objective 4P-3</b> <ul style="list-style-type: none"> <li>Planting on structures contributes to the quality and amenity of communal and public open spaces.</li> </ul>   | <ul style="list-style-type: none"> <li>Suitable draft conditions are recommended to ensure appropriate soil profiles are provided.</li> <li>The proposed plant schedule is supported. This is to be revised (Conditioned).</li> <li>Deep soil planting provision is not viable.</li> <li>Planting on structures would ensure a positive contribution to the streetscape and enhance amenity within the site.</li> </ul> | ✓        |
| <b>4Q – Universal design</b>       | <b>Objective 4Q-1</b> <ul style="list-style-type: none"> <li>Universal design features are included in apartment design to promote flexible housing for all community members.</li> <li>Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guidelines silver level universal design feature.</li> </ul> <b>Objective 4Q-2</b> <ul style="list-style-type: none"> <li>A variety of apartments with adaptable designs are provided.</li> </ul> <b>Objective 4Q-3</b> <ul style="list-style-type: none"> <li>Apartment layouts are flexible and accommodate a range of lifestyle needs.</li> </ul> | <ul style="list-style-type: none"> <li>The provision of adaptable units, visitable units, and total units incorporating Liveable Housing Guidelines silver level universal design features, is compliant. A condition is recommended to enforce this.</li> </ul>  | ✓        |
| <b>4S – Mixed use</b>              | <b>Objective 4S-1</b> <ul style="list-style-type: none"> <li>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.</li> </ul> <b>Objective 4S-2</b> <ul style="list-style-type: none"> <li>Residential levels of the building are integrated within the development, and safety and amenity are maximised for residents.</li> </ul>  | <ul style="list-style-type: none"> <li>The site is strategically located in the heart of Lane Cove Village and is well serviced by public transport.</li> <li>A pedestrian through-site-link is proposed as part of the development connecting Burns Bay Road and Sera Street.</li> <li>Residential units would be provided with a high level of amenity.</li> </ul>  | ✓        |

| Topic                           | Objective   | Assessing Officers Comments  | Complies |
|---------------------------------|---|--|----------|
| <b>4U – Energy efficiency</b>   | <b>Objective 4U-1</b> <ul style="list-style-type: none"> <li>Development incorporates passive environmental design.</li> </ul> <b>Objective 4U-2</b> <ul style="list-style-type: none"> <li>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.</li> </ul> <b>Objective 4U-3</b> <ul style="list-style-type: none"> <li>Adequate natural ventilation minimises the need for mechanical ventilation.</li> </ul> | <ul style="list-style-type: none"> <li>Solar access, natural daylight and ventilation is maximised in the apartment layout design.</li> <li>A Section J report has been submitted with the DA. A condition is recommended to comply with deemed-to-satisfy provisions under the National Construction Code.</li> </ul>   | ✓        |
| <b>4W – Waste management</b>    | <b>Objective 4W-1</b> <ul style="list-style-type: none"> <li>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.</li> </ul> <b>Objective 4W-2</b> <ul style="list-style-type: none"> <li>Domestic waste is minimised by providing safe and convenient source separation and recycling.</li> </ul>  | <ul style="list-style-type: none"> <li>Garbage storage areas are located away from public view.</li> <li>Suitable draft conditions are recommended to ensure adequate waste storage provision.</li> </ul>  | ✓        |
| <b>4X – Building management</b> | <b>Objective 4X-1</b> <ul style="list-style-type: none"> <li>Building design details provides protection from weathering.</li> </ul> <b>Objective 4X-2</b> <ul style="list-style-type: none"> <li>Systems and access enable ease of maintenance.</li> </ul> <b>Objective 4X-3</b> <ul style="list-style-type: none"> <li>Material selection reduces on-going maintenance costs.</li> </ul>  | <ul style="list-style-type: none"> <li>The proposed development does not display any obvious signs of future difficulties with regard to maintenance.</li> <li>Suitable draft conditions are recommended to ensure ongoing landscaping maintenance.</li> <li>Residential units above the entry to the ground level supermarket would provide weather protection.</li> <li>Awnings proposed along the Burns Bay frontage would offer some weather protection.</li> <li>Material selection to ensure a robust and durable finish.</li> </ul> | ✓        |

## 9.6 Lane Cove Local Environmental Plan 2009

### 9.6.1 Zoning and permissibility

The site is zoned *B2 Local Centre* under the Lane Cove LEP 2009.

Development for the purposes of **commercial facilities, community facilities and shop top housing** is permitted with consent.

Therefore, the proposed mixed-use development is permitted with consent.

The proposal is consistent with the *B2 – Local Centre* zone objectives.

### 9.6.2 Clause 4.3: Height of buildings

| Building                       | Control | Proposed Maximum Height | Complies |
|--------------------------------|---------|-------------------------|----------|
| Building A<br>(Burns Bay Road) | 9.5m    | 9.5m                    | Yes      |
| Building B<br>(Sera Street)    | 9.5m    | 9.19m                   | Yes      |

The proposed development has been amended to comply with the maximum height prescribed under Clause 4.3(2) of the Lane Cove LEP 2009.

The proposal is consistent with the objectives of the height of buildings development standard contained in Clause 4.3(1).

Therefore, the proposal is acceptable with regard to Clause 4.3 of the Lane Cove LEP 2009.

### 9.6.3 Clause 4.4: Floor Space Ratio (FSR)

| Site Area: 3665m <sup>2</sup> (including Council land) |                              |          |
|--|------------------------------|----------|
| Control  | Proposed FSR                 | Complies |
| 2:1 (7330m <sup>2</sup> )                              | 1.48:1 (5414m <sup>2</sup> ) | Yes      |

The proposed development complies with the maximum FSR prescribed under Clause 4.4(2) of the Lane Cove LEP 2009.

The proposal is consistent with the objectives of the floor space ratio development standard contained in Clause 4.4(1).

Therefore, the proposal is acceptable with regard to Clause 4.4 of the Lane Cove LEP 2009.

### 9.6.4 Clause 4.6: Exceptions to development standards

None.

### Clause 6.1 – Acid Sulfate Soils

Clause 6.1 of Lane Cove LEP 2009 requires Council to consider any potential acid sulfate soil affectation so that it does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The subject site is not identified as being affected by Acid Sulfate Soils on the Lane Cove LEP 2009 *Acid Sulfate Soils Map*.

Therefore, the proposal is acceptable with regard to Part 6.1 of the Lane Cove LEP 2009.

## Clause 6.1A – Earthworks

Clause 6.1A of Lane Cove LEP 2009 lists the matters of consideration Council must consider before granting consent for earthworks.

A *Geotechnical Assessment Report*, prepared by JK Geotechnics accompanied the original application.

The proposal involves excavation to accommodate three (3) basement levels up to the boundaries of the site.

Suitable draft conditions are recommended to mitigate adverse impacts to any adjoining structures/Council land, including:

- Compliance with recommendations of the Geotechnical report (extracted) pertaining to subsurface conditions, geotechnical issues, protection of adjoining buildings, further geotechnical investigation (having regard to Replacement Application 2), groundwater, retention, and basement slabs.
- Preparation of a *Geotechnical Monitoring Program* by a suitably qualified engineer.
- Preparation of a *Construction Methodology Report* by a suitably qualified engineer, demonstrating that the proposed excavation works would have no adverse impacts on any surrounding properties and infrastructure.
- Pre-commencement and post-completion dilapidation reports of the adjoining properties and roads.
- Detailed professional engineering plans and/or specifications (prepared by a certified practicing structural engineer) provided for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work; and certification of Works-As-Executed plans.

Council's Engineer has raised no objections to the proposed earthworks, subject to recommended draft conditions.

Therefore, the proposal is acceptable with regard to Part 6.1A of the Lane Cove LEP 2009.

**Any development control plan: s4.15(1)(a)(iii)**

## 9.7 Lane Cove DCP 2010

### 9.7.1 Part B General Controls

#### Part B.1 General objectives for the DCP

The proposal is consistent with the general objectives of Lane Cove DCP 2010 as set out under Clause 1.1.

#### Part B.2 Public domain

The proposal is consistent with the objectives for the *public domain* under Clause 2.1 of Lane Cove DCP 2010.

The proposal complies with the provisions pertaining to the public domain, as follows:

- The amended proposal with increased front setback to Burns Bay Road provides for sufficient space to accommodate tree plantings and outdoor seating.
- A condition is recommended to require all new footpaths and paving to be submitted to Council's *Urban Services Division* for approval to ensure an integrated approach to public domain works.
- A through-site link connecting Burns Bay Road and Sera Street is proposed as part of the application.

- Roof top communal open space areas are included as part of the proposal.
- Adequate bicycle provision and end-of-trip facilities are provided (Conditioned to comply).

### **Part B.3 Site amalgamation and development on isolated sites**

The development application was accompanied by an offer by the Applicant (Sun Property Lane Cove Pty Ltd) to enter into a VPA with Council to acquire part of Council's adjoining land (fronting Sera Street), currently known as the 'Coles Car Park', for integration into the redevelopment at 56-60 Burns Bay Road.

The amalgamation of the two sites would facilitate an improved development outcome and improve pedestrian connectivity and streetscape value to Sera Street as part of the redevelopment.

### **Part B.4 View sharing**

The proposed development would have not adversely impact upon any existing views or vistas.

### **Part B.6 Environmental Management**

#### Clause 6.1: Sunlight to public spaces

The proposed development would have no impact on solar access to existing public spaces, beyond the Sera Street carriageway and public car park.

#### Clause 6.3: Energy and Water Efficiency for buildings

Provision (a) of Clause 6.3 states that all development shall incorporate passive solar design techniques to optimise heat storage within the building in winter and heat transfer in summer.

A NatHERS and BASIX assessment, and Section J report has been undertaken by *Efficient Living*. The proposal achieves a 6-Star NatHERS rating.

A condition of consent is recommended to require the following:

- An updated BASIX Certificate in accordance with Replacement Application 2.
- Details of BASIX commitments on drawings/specifications accompanying the relevant Construction Certificate application.
- Details of Section J Deemed-to-Satisfy requirements of the 2016 National Construction Code (NCC) on drawings/specifications accompanying the relevant Construction Certificate application.

### **Part B.8 Safety and security**

A *Crime Prevention Through Environmental Design* (CPTED) Report has been prepared by HDC Planning.

The proposal is acceptable with regard to safety and security subject to the following CPTED design measures being incorporated into the development:

- (i) Strategic placement of CCTV and lighting along the through site link.
- (ii) Strategic placement of CCTV and lighting at entrances, basement levels, communal open space areas, and loading bay entry.
- (iii) Landscaping to ground floor Sera Street planter box to be kept low and maintained at this level to promote visibility.
- (iv) Controlled entry to private spaces.
- (v) Clearly defined public spaces through landscaping treatment, and clearly constructed pathways.
- (vi) Attractive landscaped front setback to Burns Bay Road to provide outdoor seating and activation of the adjoining public domain.

A condition to this effect is included within the Recommendation.

The proposal is acceptable with regard to the objectives for *safety and security* under Part B.8 of Lane Cove DCP 2010.

Provision (a) of Part B.8 requires that building design allows for casual surveillance of access ways, entries and driveways. The proposal complies with provision (a) in the following manner:

- Concealment opportunities such as blind corners and dark alcoves in entry areas, pathways, stairwells, hallways and car parks are avoided.
- Clear sight lines between public and communal circulation spaces are incorporated.

## **9.7.2 Part D: Commercial development and mixed-use**

### **Part D.1 General provisions**

#### Clause 1.1 Building form

##### *1.1.1 Building to street frontages*

The proposed development is consistent with the objectives of *building to street frontages*, as follows:

- *to reinforce strong definition of streets and public spaces in the commercial and mixed-use zones; and*
- *to improve pedestrian amenity and the quality of the public domain.*

Provision (a) requires that development within Zone B2:

- *is to have street frontages built predominately to the street alignment; and*
- *a street setback of maximum 2m, which can be used as outdoor seating for a café.*

The proposal is consistent with provision (a) at the Sera Street and Burns Bay Road frontages.

##### *1.1.2 Street frontage heights*

The proposal is consistent with the objectives of *street frontage heights*:

- *to achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees; and*
- *to strengthen the urban form through consistent street wall heights.*

##### *1.1.3 Street frontage activities*

The proposed development is consistent with the objective for *street frontage activities*:

- *to provide active frontages and pedestrian-oriented activities that add life, particularly at ground level in the retail streets and major pedestrian streets.*

Provision (a) stipulates the requirements for street frontage uses. The proposed development is consistent with provision (a) and provides the following:

- entrances to residential and commercial, which occupy less than 50% of the street frontage;
- retail shops, cafes and restaurants accompanied by an entry from the street;
- through-site link between Sera Street and Burns Bay Road;
- legible reception/lobby areas visible from the street; and
- integration of suitable screening devices to service doors, substations etc. with the design of the development.

Provision (b) states that opaque or blank walls for ground floor uses shall be limited to 20%. The proposal complies with provision (b).



Provision (c) requires the extent and visual impact of vehicle entries to be minimised. The vehicle entry point from Sera Street would not detract from the amenity of the public domain.

Provision (d) requires enclosure on corner sites to define the corner. Not applicable.

Provision (e) states that all street frontage windows at ground level are to have clear glazing. Clear glazing is proposed to encourage passive surveillance of the adjoining public domain.

Provision (f) states that security grilles are to be fitted only within the shop itself and are to be transparent. A condition requiring no security grilles to shops/retail spaces at ground level is recommended to promote activation of the adjoining public domain and safety.

Provision (g) requires multiple entrances for large developments including an entrance on each street frontage. Entrances are provided from Sera Street and Burns Bay Road, in addition to a through-site-link.

#### *1.1.4 Building depth and bulk*

Provision (a) stipulates the following requirements for commercial development in all business zones:

*(i) The maximum floor plate area of any commercial building is to be 2,000 m<sup>2</sup>, subject to other requirements in this DCP.*

The total GFA for the commercial component of the development does not exceed 2,000m<sup>2</sup> and is spread over multiple levels.

*(ii) Buildings with large floor plates must be expressed as separate building elements of not more than 1,000 m<sup>2</sup>.*

The floorplate is expressed as separate buildings, and is further broken up into smaller tenancies.

*(iii) For mixed-use developments, the horizontal dimensions of any single building facade must not exceed 40 metres.*

The horizontal dimensions of any single building façade do not exceed 40m. The highly articulated facades would read as separate and distinctly identifiable building elements so as not to present an excessively long single façade.

#### *1.1.5 Building separation*

Clause 1.1.5 requires that the separation distance between buildings on the same site to be no less than the setback to buildings in adjoining sites in the same business zonings.

The separation between Building A (Burns Bay Road) and Building B (Sera Street) is no less than the setback to adjoining buildings on land zoned B2 – Local Centre.

#### *1.1.6 Setbacks*

The proposal is consistent with the objective for *setbacks*, to reduce the impact of scale as well as assist with cross-ventilation, solar access, privacy, view sharing.

Provision (a) requires a front setback of 0-3m. The site has dual frontages to Sera Street and Burns Bay Road. The proposal has been amended to provide a setback of approximately 5.8m at the Burns Bay Road frontage to align with the setback of the adjoining buildings. This amendment was requested by Council to facilitate opportunities for outdoor seating and landscaping, and to enhance the streetscape contribution of the proposal.

A varying setback is proposed at Sera Street to align with the carriageway. This is supported.

### 1.1.7 Building design and exteriors

The proposed development is consistent with the objectives for *building design and exteriors*, to achieve:

- *attractive, cohesive and high-quality streetscapes;*
- *an appropriate grain and articulation to the building massing and facades; and*
- *an appropriate human scale, sense of enclosure and visual interest to the lower levels of Building A and Building B.*

Provision (a) requires that ceiling heights are consistent with the requirements under Part C3.13. The proposed ceiling heights are consistent with ADG requirements, which prevail.

The schedule of external materials, colours, and finishes, and the proportion and scale of the development would provide a positive contribution to the streetscapes of Burns Bay Road and Sera Street.

The development provides flexible building layouts and floor to ceiling heights to permit variable tenancies in accordance with provision (d).

Due to the topography of the site, location of communal open space areas, and in order to protect the visual amenity of the area, a condition is recommended to restrict the location of any mechanical plant to basement levels away from public view.

Balconies and terraces have been located to maximise amenity to occupants.

### Clause 1.2 Excavation

The proposal, subject to compliance with recommended draft conditions would achieve the objectives for *excavation*, as follows:

- *to minimise the impact of excavation on surrounding properties;*
- *to achieve reasonable landscaping within developments; and*
- *to ensure development relates to the street level and the topography.*

While no deep soil zones are proposed across the site, the landscape design for the site incorporates significant planting on structures in communal open space areas and along the Burns Bay Road and Sera Street frontages.

All public areas have been designed to provide access from the street in accordance with accessibility requirements.

Excavation is proposed within the footprint of the building.

Suitable draft conditions of consent are recommended to mitigate any adverse impacts to adjoining structures and Council land determined to be in the zone of influence by a suitably qualified engineer.

### Clause 1.3 Design and location of on-site parking

The proposal meets the objectives for on-site parking.

The proposed design and location of on-site parking is consistent with Clause 1.3 in the following manner:

- The vehicular entry point and loading dock entry have been consolidated into a single access point. A condition is included within the Recommendation restricting access to the loading bay by MRV's and HRV's from Tambourine Bay Road, to minimise potential pedestrian/vehicular conflict on Sera Street.

- A draft condition is recommended to prevent structure borne transmission of noise from the basement loading dock to residential apartments above, as per the Acoustic Assessment Report.
- The width of the entry is supported by Council's Traffic Engineer.
- Suitable draft conditions are recommended to ensure that the basement levels are adequately ventilated in accordance with the BCA and relevant standards.

#### Clause 1.4 Car parking

The objective of Clause 1.4 is to reduce on-site car parking in proximity to public transport to facilitate use of public and alternative transport modes including walking and cycling.

The proposal meets and does not exceed DCP off-street car parking requirements.

Bicycle parking spaces and end-of-trip facilities are provided in accordance with DCP requirements to encourage sustainable transport (Conditioned to comply).

A draft condition is recommended requiring the preparation of a *Sustainable Transport Action Plan* to further encourage sustainable transport options such as walking, car share, and bicycle modes of travel.

#### Clause 1.5 Awnings

Provision (a) requires continuous frontage awnings on main streets or major retail streets in centres except where colonnades are required. Awnings are proposed to Burns Bay Road and Sera Street to provide weather protection and encourage social interaction.

#### Clause 1.6 Reflectivity

The proposed schedule of external materials and finishes would not give rise to any unacceptable glare nuisance.

#### Clause 1.7 External lighting of buildings

A condition is recommended to require that outdoor lighting complies with Australian Standard AS 4282-1997: *Control of the obtrusive effects of outdoor lighting*, to mitigate any adverse amenity and glare impacts to nearby residents.

#### Clause 1.8 Landscaping

Adequate stormwater and groundwater management is proposed and is endorsed by Council's Engineer.

#### Clause 1.9 Planting on structures

Planting on structures have been incorporated into the landscape design to contribute to the landscape amenity of the site and streetscape contribution.

Suitable draft conditions are recommended to ensure the requirements for planting on structures such as adequate soil depths and subsurface drainage requirements are met to ensure longevity.

#### Clause 1.10 Solar access

The proposed development is required to provide reasonable solar access to habitable rooms and recreational areas of new development.

The proposal reduces overshadowing impacts over the existing development. The residential component of the development complies with the solar access requirements under the ADG.

### Clause 1.11 Access and mobility

A condition is recommended to require plans submitted with the relevant Construction Certificate application to detail compliance with the following:

- *Disability Standards 2010* (Access to Premises) – Premises Standards;
- *Building Code of Australia* (BCA);
- *National Construction Code* (NCC);
- Australian Standard *AS1428 series: Design for access and mobility*;
- Australian Standards *AS/NZS2890.6:2009: Parking facilities* (Part 6: Off-street parking for people with disabilities).
- Australian Standard *AS1735.12-1999: Lifts, escalators and moving walks* (Part 12: Facilities for persons with disabilities).
- *Australian Standards AS4299 -1995: Adaptable Housing*.
- *Part F – Access and Mobility of Lane Cove DCP 2010*.

Of the total number of residential units:

- 20% shall be provided as adaptable units;
- 80% shall be provided as visitable units; and
- 20% shall incorporate the Liveable Housing Guidelines silver level universal design features.

### Clause 1.12 Toilet facilities

Provision (a) requires compliance with *AS 1428 Design for Access and Mobility*. This is addressed above.

### Clause 1.13 Signage

No signage is proposed as part of this application. A draft condition is recommended, which states that all new business identification signage to Burns Bay Road and Sera Street is to be the subject of a separate development application to Council to ensure an integrated approach to signage at the Burns Bay Road and Sera Street frontages.

## **Part D.3 Development within Lane Cove Village Centre (B2 – Local Centre) and Surrounds**

### Clause 3.1: Desired future character objectives

The proposed development is consistent with the objectives for the desired future character for development within Lane Cove Village in the following manner:

- The proposal would reinforce and celebrate the gateways into the village centre.
- The proposed development provides an appropriate scale to development in the vicinity.
- The proposal would enhance the contribution of the site to the streetscapes of Burns Bay Road and Sera Street.
- The mixed-use development would promote the vitality of the centre through an appropriate mix of uses.
- The proposed development would preserve and enhance the “village” character and landscaping of the Centre, by encouraging a moderate scale of development compatible with the surrounding context.
- The proposal maintains the typical two-storey built form and responds appropriately to the topography of the site.
- The proposed development provides for adequate on-site parking provision and offsets the loss of existing at grade parking on Sera Street.
- A through-site-link is proposed to maximise public access between Sera Street and Burns Bay Road and to encourage greater pedestrian amenity within the village.
- The proposed development would encourage activation of the adjoining public domain on Burns Bay Road and Sera Street.
- The development would create a vibrant mixed-use precinct to live and work.

### Clause 3.3 Arcades, thru links / mid-block connections

A through-site-link is proposed to maximise public access between Sera Street and Burns Bay Road and to encourage greater pedestrian amenity within the wider area.

### Clause 3.4 Principal retail street

Ground floor retail uses are proposed to Burns Bay Road and Sera Street to maximise activation of the adjoining public domain. Passive uses such as lobbies at ground floor level are reduced in the amended scheme.

The removal of existing vehicular access to Burns Bay Road would enhance the amenity of the principal retail frontage and improve existing pedestrian/vehicular conditions on Sera Street.

### Clause 3.5 Facades

The proposed satisfies the relevant provisions for facades under Part 3.5, in the following manner:

- Facades to Burns Bay Road and Sera Street are articulated at ground level (and above at Sera Street).
- The external schedule of materials and finishes is sympathetic to the prevailing streetscape character.
- The facades are highly articulated to promote visual interest and to minimise the actual and perceived bulk of the development when viewed from the public domain.

### Clause 3.7 Shop top housing within Lane

The proposed satisfies the relevant provisions for shop top housing in Lane Cove Village under Part 3.7, in the following manner:

- Entrances to residential uses are provided from both the principal retail street frontage (Burns Bay Road) and at the rear (Sera Street).
- Private open space to residential units is co-located and accessible from living spaces to enhance liveability and amenity.
- The proposed development includes the provision of accessible roof top communal open space areas.
- Separate lift access is provided for residential uses.

### Clause 3.8 Car parking within Lane Cove village centre

The proposal satisfies the DCP requirements for on-site car parking.

## **9.7.3 Part F: Access and Mobility**

An *Access and Adaptability Assessment Report* (Revised 08/05/2019) has been prepared by *Access Mobility Solutions*. The report concludes that the proposed development (Replacement Application 1) meets all of the access requirements in accordance with the relevant Codes, *Disability Discrimination Act 1992*, Premises Standards, *Building Code of Australia*, Lane Cove Council (*Part F: Access and Mobility* of the Lane Cove DCP 2010), and the Australian Standards 1428 series relating to the accessibility in housing and common areas for access and mobility for people with disabilities.

However, the Report does state that more details are required at the Construction Certificate stage. As such, a draft condition is recommended to require the approved plans (Replacement Application 2) submitted with the relevant Construction Certificate application to show details of the following accompanied by a Certificate of Compliance by a suitably qualified access consultant:

- a) Compliance with the relevant accessibility requirements of:
  - *Disability Standards 2010* (Access to Premises) – Premises Standards;

- *Building Code of Australia (BCA);*
  - *National Construction Code (NCC);*
  - *Australian Standard AS1428 series: Design for access and mobility;*
  - *Australian Standards AS/NZS2890.6:2009: Parking facilities (Part 6: Off-street parking for people with disabilities).*
  - *Australian Standard AS1735.12-1999: Lifts, escalators and moving walks (Part 12: Facilities for persons with disabilities).*
  - *Australian Standards AS4299 -1995: Adaptable Housing.*
  - *Part F – Access and Mobility of Lane Cove DCP 2010.*
- b) Provision of the following:
- 20% of the total number of units provided as adaptable units;
  - 80% of the total number of units provided as visitable units; and
  - 20% of the total number of units incorporating the Liveable Housing Guidelines silver level universal design features.

### Conclusion

Therefore, the proposal is acceptable with regard to *Part F: Access and Mobility* of the Lane Cove DCP 2010.

#### **9.7.4 Part G: Acid Sulfate Soils**

The site is not classified on the Lane Cove Local Environment Plan Acid Sulfate Soils (ASS) Map.

A *Stage 1 Environmental Site Assessment* has been carried out by *Environmental Investigation Services (EIS)*. This indicates that the site is located in an area of extremely low probability of occurrence of ASS (1-5%).

Whilst acid sulfate soil affectation is unlikely, Council's Environmental Health Officer concurs with the findings of the *Stage 1 Environmental Site Assessment*, to undertake a *Stage 2 Contamination Report* including groundwater and soil sampling to ensure that the site is suitable for the proposed development.

Standard draft conditions of consent are recommended with regard to the assessment and disposal of potentially contaminated soils.

### Conclusion

Therefore, the proposal is acceptable with regard to *Part G: Acid Sulfate Soils* of the Lane Cove DCP 2010.

#### **9.7.5 Part J: Landscaping**

Detailed Landscape Plans (revised 15.05.2019), prepared by *Site Design and Studios* were submitted with Replacement Application 1. The landscape plans were accompanied by an *Arboricultural Impact Report* (revised 09.05.2019), prepared by Landscape Matrix.

The proposal has been amended to remove the proposed removal of Sera Street and associated tree removal.

Council's Tree Officer has reviewed the proposal (Replacement Application 2) and considers it to be satisfactory for approval, subject to conditions.

The recommended draft conditions of consent generally cover the following matters:

- Submission of amended plans in accordance with Council's requirements to be consistent with relevant conditions of consent and most recent plans.



- Installation of tree protection measures prior to any works commencing and maintenance for the duration of the construction period under the supervision of a project arborist.
- No trees are consented to be removed under the amended scheme.
- Detailed softworks landscape plans are required for the revised communal open space areas under the amended scheme.
- Requirements pertaining to the four (4) trees proposed within the Burns Bay Road frontage setback.
- Requirements for planting on structures.
- Ongoing maintenance of new plantings to ensure their longevity.

### Conclusion

Therefore, the proposal is acceptable with regard to *Part J: Landscaping* of the Lane Cove DCP 2010.

#### **9.7.6 Part L: Public Art**

No public art framework plan has been submitted with the application.

This is acceptable having regard to the size and attributes of the site, scale of the development and potential opportunities for the inclusion of public artwork.

#### **9.7.7 Part N: Signage and Advertising**

No signage or advertising is proposed as part of this application.

A condition of consent is recommended requiring the submission of a separate development application for all signage presenting to Burns Bay Road and Sera Street to ensure an integrated signage approach.

Additionally, any first use of the retail premises, supermarket and community space requires the submission of a separate development application to Council.

#### **9.7.8 Part O: Stormwater Management**

Concept stormwater management plans (revised 09.05.2019) have been prepared by ACOR Consultants Pty Ltd.

The plans have been assessed by Council's Engineer having regard to the requirements of *Part O: Stormwater Management* of Lane Cove DCP 2010 and are determined to be generally satisfactory, subject to recommended draft conditions of consent.

### Conclusion

As such, the proposal is acceptable with regard to Part O of the Lane Cove DCP 2010.

#### **9.7.9 Part Q: Waste Management and Minimisation**

##### Clause 4.5 Mixed Use Developments

The proposal is consistent with the objectives for waste management in mixed-use developments, to:

- *ensure appropriate waste storage and collection facilities;*
- *maximise source separation and recovery of recyclables;*
- *ensure waste management facilities are safely and easily accessible to occupants and service providers;*
- *ensure appropriate resourcing of waste management systems, including servicing;*
- *minimise risk to health and safety associated with handling and disposal of waste and*

- recycled material and ensure optimum hygiene;*
- minimise adverse environmental impacts associated with waste management; and*
- discourage illegal dumping by providing on site storage, and removal services.*

In accordance with Clause 4.5, an *Operational Waste Management Plan* (WMP) has been prepared by *Waste Audit and Consultancy Services*. This WMP only applies to the operational phase of the proposed development. A separate *Site Waste Minimisation Management Plan* (SWMMP) for the construction and demolition phases of the development has been prepared, in accordance with *Part Q: Waste Management and Minimisation*.

Council's Waste Officer has assessed the proposal against the waste requirements for the residential and non-residential components of the development, and determined that the proposal is satisfactory from a waste perspective, subject to recommended draft conditions of consent.

### Conclusion

Therefore, the proposal is acceptable with regard to Part Q of the Lane Cove DCP 2010.

### **9.7.10 Part R: Traffic, Transport and Parking**

#### Parking Provision and Servicing

The following table provides an assessment of the proposal against the parking provisions contained with *Part R: Traffic, Transport and Parking* of Lane Cove DCP 2010:

| NON - ACCESSIBLE               |                             |  |  |  |          |
|--------------------------------|-----------------------------|--|--|--|----------|
| Type                           | No of Dwellings /GFA/Spaces | Rate   | No of spaces Required  | No of spaces provided  | Complies |
| <b>Residential</b>             |                             |  |  |  |          |
| Studio                         | 3 dwellings                 | 0.5 per unit   | 1.5  | 2  | ✓        |
| 1 Bed                          | 13 dwellings                | 1 per unit   | 13   | 13   | ✓        |
| 2 Bed                          | 12 dwellings                | 1.5 per unit   | 18   | 18   | ✓        |
| 3 Bed                          | 1 dwelling                  | 2 per unit   | 2  | 2  | ✓        |
| Residential Visitor            | 29 dwellings                | 1 per 4 unit   | 7.25   | 8  | ✓        |
| Carwash Bay                    | -                           | 1 per 50 dwellings   | 1  | 1  | ✓        |
| Bicycle                        | -                           | 1 per 4 dwellings  | 7.25   | 8  | ✓        |
| Motorcycle                     | -                           | 1 per 15 spaces  | 3  | 3  | ✓        |
| <b>Total residential</b>       | -                           | -  | <b>35 residential, 8 visitor, 1 carwash, 8 bicycle, 3 motorcycle</b> | <b>35 residential, 8 visitor, 1 carwash, 8 bicycle, 3 motorcycle</b> | ✓        |
| <b>Non-Residential</b>         |                             |  |  |  |          |
| Supermarket                    | 1695m <sup>2</sup>          | 42 x supermarket GFA/1000m <sup>2</sup>                          | 71.19  | 72   | ✓        |
| Retail                         | 165m <sup>2</sup>           | 1 per 40m <sup>2</sup>   | 5.4  | 6  | ✓        |
| Community                      | 810m <sup>2</sup>           | VPA  | 10   | 10   | ✓        |
| Public Car Parking Offset      | -                           | Replacing public car parking lost                                | 11   | 11   | ✓        |
| Bicycle                        | -                           | -  | 39   | Conditioned  | ✓        |
| Motorbike                      | -                           | 1 per 15 spaces  | 7  | 7  | ✓        |
| <b>Total non-residential</b>   | -                           | -  | <b>99 car spaces, 39 bicycle, 7 motorbike</b>                        | <b>99 car spaces, 39 bicycle, 7 motorbike</b>                        | ✓        |
| <b>ACCESSIBLE</b>              |                             |  |  |  |          |
| Residential                    | 6                           | 1 per 1 unit   | 6  | 6  | ✓        |
| Residential Visitor            | 1                           | 1 per 50 visitor or 1 minimum.                                   | 1  | 1  | ✓        |
| Retail                         | 1                           | 1 per 20 car spaces (77 excluding VPA + public park replacement) | 4  | 5  | ✓ (+1)   |
| Community                      | VPA                         | VPA  | 1  | 1  | ✓        |
| <b>Total Accessible Spaces</b> |                             |  | <b>12</b>  | <b>13</b>  | ✓        |

### Vehicular Access

Access to the site was originally proposed from Tambourine Bay Road to Sera Street via River Road. Tambourine Bay Road is a narrow road with parking both sides making it effectively single vehicle access. HRV's travelling through the entire length of Tambourine Bay Road would be less ideal than the present means of accessing the site from Longueville Road. As such, a condition of consent is included within the recommendation, which states that MRV and HRV access/egress MUST be from Longueville Road and Austin Street. It is noted that Council is currently investigating upgrades to Sera Street to allow for improved manoeuvring for commercial vehicles.

### Access Within the Site



The amended scheme provides for improved separation of the loading bay entry from the main car parking area. Further, access from Longueville Road would result in less conflicts with the main car park entry as movements to and from the loading dock would not cross-over the main car parking entry/exit as access from Tambourine Bay Road is provided for via a draft condition of consent.

#### Modification to Pedestrian Connectivity

The proposed pedestrian crossing opposite 62 Burns Bay Road is not required because pedestrians would be able to utilise the existing footpath. Albeit, the following draft conditions are recommended to ensure pedestrian safety:

- i) a speed hump is to be installed on the entry and exit of the site before the pedestrian crossing; and
- ii) the *Pedestrian Connectivity Plan* is to be approved by Council prior to the issue of the relevant Construction Certificate.

#### Modifications to Existing Vehicle Movement/Network

The proposal involves the removal of two (2) existing one-way vehicle connections between Burns Bay Road and Sera Street. This is supported by Council's Traffic Engineer. It is considered that removal of the existing vehicular access would increase pedestrian safety and eventually reduce the number of cars on Burns Bay Road.

#### Parking Assessment

The proposed basement parking design has been reviewed with respect to relevant Australian Standards.

Suitable draft conditions are recommended to ensure compliance with relevant standards, as follows:

- AS/NZS 2890.6:2009 Parking facilities—Off-street parking or people with disabilities.
- All parking areas, including access ramps and driveways, must be designed in accordance with AS/NZS 2890.1:2004 *Parking facilities—Off-street car parking*.
- AS 2890.2-2002: *Parking facilities for off-street commercial vehicle facilities*.
- The proposed loading bay design is to comply with AS 2890.2-2004 and designed to accommodate HRV's.

Note: The proposed loading bay includes a turn table to facilitate entry and exit in a forward direction. HRV swept paths have been provided (19.07.2019) demonstrating that an HRV can access the loading bay entry via Tambourine Bay Road.

#### Construction Traffic Management Plan

A draft condition is recommended requiring the preparation of a Construction Traffic Management Plan (CTMP) in accordance with Council's requirements including consultation with the Directors of a preschool and child care centre in close vicinity to the site.

The standard condition pertaining to construction hours has been amended to restrict truck movements/deliveries to outside of peak drop off/pick up hours on school days.

#### Sustainable Transport Action Plan

To encourage sustainable transport options, a draft condition is recommended to require the preparation of a *Sustainable Transport Action Plan* (STrAP) showing the proposed mode shares, relevant bike routes, pedestrian access to the development, access to existing car-share spaces, and bus route frequencies.

#### Conclusion

Therefore, the proposal is acceptable with regard to Part R of the Lane Cove DCP 2010.

#### **Any planning agreement or draft planning agreement: s4.15 (1)(a)(iia)**

The development application was accompanied by an offer by the Applicant (Sun Property Lane Cove Pty Ltd) to acquire part of Council's adjoining land (fronting Sera Street), currently known as the 'Coles Car Park' (leased by Coles from Council), for integration into the redevelopment at 56-60 Burns Bay Road.

At the Ordinary Council Meeting of 23 July 2018, Council resolved to place the proposed Voluntary Planning Agreement on public exhibition for 28 days in conjunction with the proposed Development Application for the site.

At the Ordinary Council Meeting of 19 November 2018, Council resolved to enter into a Voluntary Planning Agreement with Sun Property Lane Cove Pty Ltd in respect of the redevelopment of 56-60 Burns Bay Road Lane Cove.

Pursuant to section 7.4 of the EP&A Act, 1979 a Draft Voluntary Planning Agreement (**Annexure P**) has been entered into by the Applicant (Sun Property Lane Cove) and Lane Cove Council.

The proposed Works in Kind and Land Dedications under the Draft VPA are listed below:

1. **Community space:** *In a strata or stratum parcel (at the Developer's discretion), dedicated to Council at no cost a community space (cold shell) for public purposes (Community Space). The Community Space would have a minimum gross floor area of 750m<sup>2</sup> plus a lobby of 100m<sup>2</sup>. To be delivered, prior to the issue of an Occupation Certificate in relation to the Development.*
2. **Construction of a Right of Way:** *Construct a new public right of way over the Council's Land in the area of the existing right of way burdening the Council's Land. To be delivered prior to the issue of an Occupation Certificate in relation to the Development.*
3. **Car spaces:** *Construction and dedication to Council of a stratum lot or strata lots for public car parking (car spaces) comprising the number of car spaces required to satisfy the amount of the development contribution. To be delivered prior to the issue of an Occupation Certificate in relation to the Development.*

With regard to the Draft VPA, the following draft conditions of consent are recommended:

- Evidence of the Executed Voluntary Planning Agreement provided to the Principal Certifying Authority, and security provided for the Development Contribution, prior to the issue of any Construction Certificate for the development.
- Payment of the Development Contribution and delivery of all of the Works in Kind and land dedications prior to the issue of any Occupation Certificate.

#### **The regulations: s4.15 (1)(a)(iv)**

### **9.8 Environmental Planning and Assessment Regulation 2000**

#### Clause 92 Additional matters that the consent authority must consider

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* sets out the additional matters of consideration that the consent authority must take into consideration in determining a development application.

Clause 92(1)(b) of the EP&A Regulation 2000 requires all demolition works to be carried out in accordance with Australian Standard AS 2601-2004: *The demolition of structures*. A draft condition to this effect is included within the Recommendation.

### 9.8.1 Prescribed conditions of development consent

#### Clause 98(1)(a) Compliance with the Building Code of Australia (BCA)

All works are required to be carried out in accordance with the *Building Code of Australia*. This a prescribed condition of development consent under Clause 98(1) of the EP&A Regulation 2000. A draft condition to this effect is included within the Recommendation.

#### Clause 98A Erection of signs

A sign must be erected in a prominent position on the site on which building work, subdivision work or demolition work is being carried, in accordance with the requirements of clause 98A of the *Environmental Planning and Assessment Regulation 2000*. This a prescribed condition of development consent under Clause 98A of the EP&A Regulation 2000. A draft condition to this effect is included within the Recommendation.

#### Clause 98E Shoring and adequacy of adjoining properties.

Any excavation that extends below the level of the base of the footings of a building structure of work (including any structure or work within a road or rail corridor) on adjoining land, requires the person(s) having the benefit of the development consent, at the person's own expense, to:

- a) protect and support the building, structure or work from possible damage from excavation; and
- b) where necessary, underpin the building structure, or work to prevent any such damage.

This a prescribed condition of development consent under Clause 98A of the EP&A Regulation 2000. A condition to this effect is included within the Recommendation.

Note: This condition does not apply if the person(s) having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

#### **The likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality: s4.15(1)(b)**

All likely impacts have been addressed elsewhere in the report, or are satisfactory and do not warrant further consideration.

#### **The suitability of the site for the development: s4.15(1)(c)**

The proposal is suitable to the site for the following reasons:

1. The proposal is acceptable having regard to *SEPP 65 – Design Quality of Residential Apartment Development*, *Apartment Design Guide (ADG)*, *SEPP 55 – Remediation of Land*, *SEPP (Vegetation in non-rural areas)*, *SEPP (Infrastructure) 2007*, *SEPP (Building Sustainability Index) 2004*, *Lane Cove LEP 2009* and *Lane Cove DCP 2010* (as amended).
2. The proposal is acceptable having regard to the relevant matters prescribed by the *Environmental Planning and Assessment Regulations 2000*.
3. There are no burdens or constraints that would preclude the proposed development.
4. The proposed mixed-use development would provide a range of retail, business, and community uses that serve the needs of the people who live in, work in and visit the local area in an accessible location within the heart of Lane Cove Village.
5. The proposal would not give rise to any unacceptable environmental impacts on both the natural and built environments, and social and economic impacts in the locality.
6. The proposal is in the public interest.

#### **Any submissions made in accordance with this Act or the regulations: s4.15(1)(d)**



| Date Lodged | Application               | Notification date range  | No. of Submissions  |
|-------------|---------------------------|--|---|
| 17/08/2018  | Original application      | 27/09/2018 – 10/10/2018  | <b>Against:</b> <ol style="list-style-type: none"> <li>1. Local business owner.</li> <li>2. BUPA Dental Lane Cove</li> <li>3. 'Residents and Shopkeepers for Appropriate Development' action group, 21A William Edward Street, Longueville.</li> <li>4. Lane owner at 1/1A Innes Road, Greenwich NSW 2065.</li> <li>5. Tomasy Planning on behalf of land owners of 9, 11, 13 and 19 Austin Street, Lane Cove.</li> <li>6. Director, Birrahlee Preschool, 70 Burns Bay Road, Lane Cove.</li> </ol> <b>In support:</b> <ol style="list-style-type: none"> <li>7. Resident, no address provided</li> </ol> |
| 08/05/2019  | Replacement Application 1 | 20/05/2019 – 03/06/2019  | <b>Against (previous objectors):</b> <ol style="list-style-type: none"> <li>1. Residents and Shopkeepers for Appropriate Development' action group, 21A William Edward Street, Longueville.</li> <li>2. Director, Birrahlee Preschool, 70 Burns Bay Road, Lane Cove.</li> </ol>   |
| 19/07/2019  | Replacement Application 2 | Not required to be renotified as no greater amenity or cumulative impacts. | n/a   |

| ORIGINAL APPLICATION                              |   |   |
|---|---|---|
| Issue   | Comments / Concerns   | Assessing Officer's Comments  |
| <b>Against</b>                                    |   |   |
| Loss of parking                                   | <ul style="list-style-type: none"> <li>• Loss of existing car parking due to acquiring Council land.</li> <li>• Clarification is required on the proposed provision of public car parking under the VPA.</li> </ul>                                 | <ul style="list-style-type: none"> <li>• The proposal has been amended to offset the loss of parking on Sera Street by increasing the provision of car parking spaces (i.e. 129 spaces to 142 spaces under Replacement Application 2).</li> <li>• The Draft VPA proposes the construction and dedication to Council of a stratum lot or strata lots for public car parking spaces. The number of spaces is equal to that required to satisfy the amount of the development contribution.</li> <li>• Eleven (11) public parking spaces, and 10 community space car spaces (including 1 accessible space) is proposed at Basement Level 1. This is endorsed by Council's Traffic Engineer.</li> </ul> |
| Amenity impacts to nearby residential development | <ul style="list-style-type: none"> <li>• Intensification of existing issues to R3 – <i>Medium Density Residential</i> zoned land at 9,11,13 and 19 Austin Street in terms of light spillage from the existing building and vehicles, and</li> </ul> | <ul style="list-style-type: none"> <li>• Suitable draft conditions are recommended to ameliorate light spill impacts and noise impacts resulting from mechanical plant and garbage trucks.</li> </ul>   |

|  |  |  |
|--|--|--|
|  | <p>excessive noise associated with mechanical plant and waste trucks.</p> <ul style="list-style-type: none"> <li>The following recommendations are made: <ul style="list-style-type: none"> <li>➤ Lighting does not shine directly into 9, 11, 13 and 19 Austin Street.</li> <li>➤ All plant complies with acoustic standard prescribed by the EPA.</li> <li>➤ Removal of waste and supermarket deliveries are restricted to between the hours of 7am and 10pm.</li> <li>➤ Consideration be given to ensuring the future development potential of land at 9-19 Austin Street is not unduly impacted by the proposed redevelopment in terms of privacy and amenity.</li> <li>➤ Enforcement of proposed commercial space and communal open space areas for these purposes, and not for retail activities such as restaurants, bars etc. Any approval should require separate development consents for each occupation of the proposed commercial premises.</li> <li>➤ Implementation of traffic measures after completion of construction, by way of a Plan of Management to ensure that all vehicles, including service trucks enter and leave the premises in a forward direction and speed limits are imposed along the driveway entry/exit to ensure that vehicles travel at a slow and safe speed.</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>The proposed mixed-use development would not unduly impact upon the privacy amenity of existing and future residential development on land at 9, 11, 13, and 19 Austin Street.</li> <li>Traffic impacts during the construction period would be managed through the requirement for a CTMP to be submitted to Council for approval, prior to the issue of any Construction Certificate.</li> <li>Council's Traffic Engineer has endorsed the proposal, subject to recommended draft conditions of consent.</li> <li>Future works, whilst not forming part of this application, are to be undertaken by Lane Cove Council to Sera Street.</li> </ul> |
| Traffic impacts  | <ul style="list-style-type: none"> <li>Potential to increase traffic impacts within central Lane Cove.</li> <li>Access and exit from the development will take place on an existing narrow residential street.</li> </ul>  | <ul style="list-style-type: none"> <li>A condition requiring the preparation of a Construction Traffic Management Plan (CTMP) is included within the Recommendation.</li> </ul>  |
| Disruption to surrounding businesses during the construction period. | <ul style="list-style-type: none"> <li>Disruption to surrounding businesses in terms of noise, pollution, traffic, parking and accessibility.</li> </ul>   | <ul style="list-style-type: none"> <li>Suitable draft conditions are recommended to mitigate adverse impacts to surrounding development during the construction period.</li> </ul>   |
| Height of the building to Burns Bay Road                             | <ul style="list-style-type: none"> <li>The proposed façade to Burns Bay Road gives a monumental appearance to a relatively modest development and is completely out of scale with the remainder of the Village centre.</li> <li>There seems no reason for the (almost) triple height lobby for 20 units, only 5 of which are on the Burns Bay Road frontage.</li> <li>Stepping the façade to accentuate the four (4) elements is inconsistent with the prevailing streetscape character, which is characterised by a single line.</li> </ul>   | <ul style="list-style-type: none"> <li>The proposal has been amended to comply with the prescribed height limit of 9.5m under the Lane Cove LEP 2009.</li> <li>An increased front setback is provided under the amended scheme to align with that of the adjoining properties.</li> <li>The bulk and scale of the development along the Burns Bay Road frontage is contextually appropriate.</li> </ul>  |

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|  | <ul style="list-style-type: none"> <li>The development should comply with the 9.5m height control at the Burns Bay Road frontage.</li> </ul>  |   |
| Access to the proposed community space | <ul style="list-style-type: none"> <li>Concerns are raised regarding the location of the lobby, lift and stair access to the community space.</li> <li>The intrusion of the lift and stair divide the space significantly and would make it difficult to use as a single space (such as a performance space).</li> <li>It is recommended that the restaurant and community lobby are swapped and the lift and stair by located on the eastern wall to allow the lift to go down to the car parking levels without interrupting access aisles.</li> <li>As the space has no natural light or ventilation, air conditioning ducts could be placed adjacent either end of the central core facilities. There seems little relevance of the community lift shown in the SW corner as it is only accessed on Basement level 1 through the supermarket turning area.</li> </ul> | <ul style="list-style-type: none"> <li>The amended scheme provides improved 'active' activation of the adjoining public domain. Ground floor 'passive activation' lobby spaces to Burns Bay Road have been reduced.</li> <li>Fit-out of the community space would be the subject of a separate development application (Conditioned).</li> <li>Proposed access to the community space is supported. The community space lobby will incorporate one (1) passenger lift and egress stairs to the community space on Level 1 as well as car park at Level 1. The pedestrian pathway from Burns Bay Road would have a level floor lead directly to the community space in accordance with accessibility standard requirements.</li> </ul> |
| Parking                                | <ul style="list-style-type: none"> <li>Location of minimum turn over parking (residential and commercial) the furthest from retail and public areas may be difficult to control and secure.</li> <li>The proposed car parking provision only seeks to provide the minimum requirement.</li> <li>Loss of existing car parking on Sera Street. The loss should be provided in the development.</li> </ul>   | <ul style="list-style-type: none"> <li>The amended proposal has increased the provision of on-street parking to offset the loss of existing public car parking on Sera Street.</li> <li>The proposed on-site car parking provision is endorsed by Council's Traffic Engineer and complies with DCP requirements.</li> </ul>   |
| Timing of Council works to Sera Street | <ul style="list-style-type: none"> <li>Wider community consultation is required regarding works to Sera Street.</li> <li>It is unclear of the timing of Council's intended works to Sera Street and relationship/sequencing with the proposed redevelopment of 56-60 Burns Bay Road.</li> </ul>   | <ul style="list-style-type: none"> <li>The amended proposal is not dependent upon future works by Lane Cove Council to Sera Street, nor would the proposed development preclude such works occurring.</li> <li>The timing for works to upgrade Sera Street is unclear.</li> <li>Council is currently investigating upgrades to Sera Street to allow for improved manoeuvring for commercial vehicles.</li> </ul>  |
| Loss of trees to Sera Street           | <ul style="list-style-type: none"> <li>Significant loss of existing mature trees to Sera Street and resultant loss of landscape amenity and wildlife corridor.</li> <li>Adequate replacement trees are required.</li> </ul>   | <ul style="list-style-type: none"> <li>The amended proposal does not seek to regrade Sera Street or remove any existing trees.</li> <li>Suitable draft conditions are recommended to ensure all existing trees are retained and protected in accordance with Council's requirements and relevant Australian Standards.</li> </ul>   |
| Stormwater pits                        | <ul style="list-style-type: none"> <li>There is no mention of level alterations to existing stormwater pits even though the new Sera Street alignment appears to traverse several of these near the boundary to 13</li> </ul>   | <ul style="list-style-type: none"> <li>The amended proposal does not propose any regrading/alignment amendments to Sera Street.</li> <li>Amended stormwater plans have been submitted to this effect. No</li> </ul>   |



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|                                    | Austin Street. These now project above natural ground level and could be a problem to the road alignment levels.  | objections are raised by Council's Engineer, subject to recommended draft conditions including amendments to the concept stormwater drainage plan.  |
| Timing of the development          | <ul style="list-style-type: none"> <li>No approximate date is given for this redevelopment.</li> <li>It is recommended the construction does not commence until completion of the Rosenthal project to manage traffic flow, congestion, noise, dust, and truck movements during the construction period.</li> </ul>   | <ul style="list-style-type: none"> <li>Timing for the construction of the development is not a relevant consideration.</li> <li>Should this application be approved, the consent is valid for five years.</li> <li>The Rosenthal Project is expected to be completed in mid-2020.</li> <li>The CTMP would have regard to existing traffic conditions within the immediate area.</li> </ul>  |
| Impacts nearby Birrahlee preschool | <ul style="list-style-type: none"> <li>Noise and air pollution to Birrahlee Preschool during the construction period.</li> <li>Potential exposure to hazardous materials or fumes, particularly from outdoor play areas.</li> <li>Impact to vehicular access to Birrahlee during the construction period. It appears that the existing access from Sera Street would no longer be possible.</li> <li>Clarification is required as to how safe access during pick off/drop off periods will be maintained during the construction period.</li> <li>Net loss of public car parking around Birrahlee and impacts to parent pick up/drop off. Concerns are raised regarding intensification of parking demand and adequacy of on-site parking for employee, tradespersons and construction vehicles.</li> <li>In relation to the revised CTMP (dated 16.05.2019), clarification is required that there will be sufficient room for two-way traffic (travelling to/from the car park at the rear of 62 and 64 Burns Bay Road) adjacent to the proposed area of loading/unloading on Council land proposed to be acquired under the Draft VPA, to enable continued access to Birrahlee from Sera Street.</li> </ul> | <ul style="list-style-type: none"> <li>Suitable draft conditions are recommended to mitigate adverse impacts to surrounding land uses in terms of noise, dust, traffic, parking, and access.</li> <li>Suitable draft conditions are recommended to ensure any hazardous materials are identified, managed, stored, and removed in accordance with relevant standards to ensure that health and safety standards are met.</li> <li>Access would be maintained during the construction period. The construction hours specified in the relevant condition of consent is restricted to outside of peak drop off/pick up periods on school days.</li> <li>The condition of consent requiring the submission of a CTMP to Council for approval particularises consultation with the Director of Birrahlee Preschool to ensure that safe access/conditions are maintained for staff/students during the construction period.</li> </ul> |
| <b>In support:</b>                 |   |   |
| Positive outcomes                  | <ul style="list-style-type: none"> <li>Support the proposed redevelopment of this currently very awkward site to enter/park in/walk around in.</li> <li>The amended plans make it easier for pedestrian and car traffic on the sloping site, and the frontage to Burns Bay Road looks attractive and suitable to the location.</li> <li>The proposed development of retail, apartments and community space etc. seems very appropriate for this location.</li> </ul>  | <ul style="list-style-type: none"> <li>The proposed development would revitalise a tired and awkward site and would deliver a positive urban design outcome and significant public benefit.</li> </ul>  |

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|  | <ul style="list-style-type: none"> <li>The proposed FSR and near compliance with the LEP height control is commendable.</li> </ul>   |  |
| <b>REPLACEMENT APPLICATION 1</b>         |  |  |
| <b>Issue</b>                             | <b>Comments</b>  | <b>Assessing Officer's Comments</b>  |
| Burns Bay Road frontage                  | <ul style="list-style-type: none"> <li>The Burns Bay Road frontage is improved under the amended scheme, but it still does not exhibit a residential scale or appearance at the first-floor level of the shop top housing.</li> <li>Some horizontal form should be introduced to reduce the monumentality of the upper level.</li> </ul>                   | <ul style="list-style-type: none"> <li>The proposed development would provide a consistent scale with adjoining development to Burns Bay Road and encourage activation of the adjoining public domain through the generous front setback and potential to accommodate outdoor seating and opportunities for planting on structures.</li> <li>The proposal has been amended to comply with the prescribed maximum height under the Lane Cove LEP 2009.</li> </ul>   |
| Excavation                               | <ul style="list-style-type: none"> <li>The excavation to Burns Bay Road frontage is shown as extending to the boundary, possibly putting at risk the 2 x street trees (Ref 31 and 32), as well as not allowing deep soil area for new planting along this frontage.</li> <li>Allowance should be made for some trees to the Burns Bay frontage.</li> </ul> | <ul style="list-style-type: none"> <li>Tree protection measures are required to be installed to Trees 31 and 32 on Council's road reserve (Conditioned).</li> <li>The planting of four (4) canopy trees within the Burns Bay frontage is conditioned to enhance the streetscape contribution. Requirements for planting on structures is addressed through suitable draft conditions.</li> </ul>   |
| Cross ventilation to residential units   | <ul style="list-style-type: none"> <li>Cross ventilation is only provided to 61% of units, contrary to ADG requirements.</li> </ul>  | <ul style="list-style-type: none"> <li>60% of units are required to be cross ventilated under the ADG.</li> <li>42% of units are proposed to be cross ventilated.</li> <li>A condition is recommended to increase the provision to 62% by requiring: <ul style="list-style-type: none"> <li>i) Openable windows to be added to the southern side of Units B201 and B204.</li> <li>ii) Well placed ventilating skylights that draw air across the living spaces added to Units B203, A402, A403, and A404.</li> </ul> </li> </ul> |
| Timing of Council upgrade to Sera Street | <ul style="list-style-type: none"> <li>Now is the time to bring Sera Street upgrade works forward by Council.</li> </ul>   | <ul style="list-style-type: none"> <li>Refer comments above.</li> </ul>  |
| Location of residential storage areas    | <ul style="list-style-type: none"> <li>It is recommended that the residential storage areas are moved from the public car parking area and relocated within the residential parking area including under the ramp in Basement 3.</li> </ul>  | <ul style="list-style-type: none"> <li>The proposed residential storage areas are located at Basement Level 3 within the residential parking area.</li> </ul>  |

### The public interest: s4.15(1)(e)

In determining whether or not the proposal is in the public interest, both the wider public interest and sectionalized public interest (protecting residential amenity or surrounding residential properties) must be taken into consideration.

With regard to the wider public interest, the proposed redevelopment of the subject site would revive an awkward and tired site and deliver greater public benefit beyond that of the existing development.

With regard to the sectionalized public interest, the impacts associated with the proposal, which are mainly limited to the construction period, would be satisfactorily resolved through the imposition of suitable draft conditions of consent.

As such, the proposal is considered to be in the public interest.

## 10 SECTION 7.11 CONTRIBUTIONS

Section 7.11 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure.

Payment of a contribution in accordance with Council's contributions plan is required, prior to issue of any Construction Certificate. Contributions are indexed at the time of payment in accordance with Council's Plan.

The total Section 7.11 contribution payable is **\$464,326.40** at the current rate of \$10,642 per person and \$130 per square metre for retail/commercial based on the 2019/2020 fees and charges (**Condition 85**).

This contribution is for community facilities, open space/ recreation and roads 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.

The contribution payable is calculated in the following manner:

| <b>Residential Contributions</b> |  |  |
|----------------------------------|--|--|
| <b>Dwelling Type</b>             | <b>Total number of persons per dwelling</b>  | <b>Contribution payable @ \$10,642/person 2019/2020 fees and charges</b> |
| 3 x Studio                       | 3 x 1.2 = 3.6  | \$38,311.20  |
| 13 x 1 bedroom                   | 13 x 1.2 = 15.6  | \$166,015.20   |
| 12 x 2 bedroom                   | A cap of \$20,000 per dwelling has been imposed under the <i>Reforms of Local Development Contribution</i><br>12 x \$20,000 = \$240,000.00 | \$240,000.00   |
| 1 x 3 bedroom                    | A cap of \$20,000 per dwelling has been imposed under the <i>Reforms of Local Development Contribution</i><br>1 x \$20,000 = \$20,000.00   | \$20,000.00  |
| <b>Total: 29 units</b>           |  | <b>\$464,326.40</b>  |
| <b>Total Contribution:</b>       |  | <b>\$464,326.40</b>  |

The commercial/retail floor area approved by this consent does not exceed the existing commercial/retail floor area and accordingly no Section 7.11 contribution is leviable for this component of the development.

A draft condition to this effect is included within the Recommendation.

## 11 CONCLUSION

The site is strategically located within Lane Cove Village and is well serviced by public transport. The proposed redevelopment would revive an awkward and tired site and would provide a strong sense of place that is valued and significant for the community. The proposed redevelopment successfully incorporates the essential qualities of good urban design and would deliver a vibrant mixed-use development and high level of amenity for residents, workers, and the community, and significant streetscape enhancement to Burns Bay Road and Sera Street.

The proposal has been amended to deliver design excellence through improved articulation and increased front setback to Burns Bay Road, and would improve vehicular/pedestrian conditions along Sera Street. The development would provide an appropriate response to the prevailing and desired future character of the immediate and broader local context in terms of character, built form and scale, and would provide improved pedestrian connectivity between the two (2) street frontages.

Short term impacts to surrounding development associated with the construction period such as dust control, erosion and sedimentation control, water management, litter control, noise control, and traffic management are considered to be satisfactorily resolved through the imposition of recommended draft conditions of consent.

The proposed development is acceptable with regard to the matters of consideration under Section 4.15 of the *Environmental Planning and Assessment Act, 1979*. The proposed development achieves a high level of compliance with key planning instruments/DCP's including SEPP 65 and the Apartment Design Guide, Lane Cove LEP 2009 and Lane Cove DCP 2010. Where a variation is sought to the prescriptive standard, the objectives of the standard have been met.

The applicant has worked extensively with Council to resolve all issues. No objections are raised to the proposal (as amended) by Council's Engineer, Building Surveyor, Waste Officer, Accessibility Officer, Traffic Engineer, Trees and Landscaping Officer, and Environmental Health Officer, subject to recommended draft conditions of consent. No objections are raised by *Roads and Maritime Services*, subject to recommended draft conditions.

For these reasons as outlined in this assessment report, the application is recommended for **APPROVAL**.

## 12 RECOMMENDATION

Pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*:

THAT the Sydney North Planning Panel, as the consent authority, grant development consent to Development Application No. 145/2018 for demolition of existing structures and construction of a mixed-use development comprised of twenty-nine (29) apartments, three (3) retail premises, supermarket, community space, and three (3) levels of basement car parking on land at 56-60 Burns Bay Road, Lane Cove subject to the recommended draft conditions of consent at **Annexure A**.

## 13 ANNEXURES

| Annexure | Document   | Prepared By                    |
|----------|--|--------------------------------|
| A        | Conditions of Consent  | Consultant Assessment Officer  |
| B        | Architectural Drawings (Replacement Application 2)               | A+ Design Group                |
| C        | SEPP 65 Assessment / Design Verification Report (Ref: 31354Lrpt) | JK Geotechnics                 |
| D        | CPTED Report   | HDC Planning                   |
| E        | Access and Adaptability Report                                   | Access Mobility Solutions      |
| F        | Traffic and Parking Assessment Report (Ref 17314)                | Varga Traffic Planning Pty Ltd |
| G        | Acoustic Report  | Acoustic Logic                 |
| H        | Geotechnical Assessment (Ref: 31354Lrpt)                         | JK Geotechnics                 |
| I        | Arboricultural Impact Report                                     | Landscape Matrix               |



| <b>Annexure</b> | <b>Document</b>  | <b>Prepared By</b>   |
|-----------------|--|--|
| <b>J</b>        | Stage 1 Environmental Site Assessment (Ref: E31354KGrpt) | Environmental Investigation Services                           |
| <b>K</b>        | BCA Compliance Capability Report (Project J190151)       | Vic Lilli & Partners Consulting                                |
| <b>L</b>        | Construction Traffic Management Plan (Ref 17314)         | Varga Traffic Planning Pty Ltd                                 |
| <b>M</b>        | Environmental Management Plan                            | Alton Property Group   |
| <b>N</b>        | Operational Waste Management Plan                        | Waste Audit and Consulting Services                            |
| <b>O</b>        | Section J Report (Ref NCC 2016)                          | Efficient Living   |
| <b>P</b>        | Voluntary Planning Agreement                             | Parties – Lane Cove Council and Sun Property Lane Cove Pty Ltd |