

SYDNEY NORTH PLANNING PANEL

Panel Reference	PPSSNH-140																											
DA Number	DA113/2020																											
LGA	Lane Cove																											
Proposed Development	Mixed-use development including a 143-bed residential care facility and commercial premises including a medical centre premises, and basement parking.																											
Street Address	4-18 Northwood Road & 274-274A Longueville Road, Lane Cove																											
Applicant/Owner	Applicant: City Plan (Contact: Elyse Kenny) Owner: Pathways Property Group Pty Ltd																											
Date of DA lodgement	28/08/2020																											
Number of Submissions	256																											
Recommendation	REFUSAL																											
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Development that has a capital investment value of more than \$30 million (CIV \$40,837,440.00).																											
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none">• List all of the relevant environmental planning instruments: s4.15(1)(a)(i)<ul style="list-style-type: none">- SEPP (Housing for Seniors or People with a disability) 2004- SEPP 55 – Remediation of Land;- SEPP (Infrastructure) 2007;- SEPP (Building Sustainability Index) 2004;- SEPP (Vegetation in non-rural areas) 2017;- SEPP No. 19 – Bushland in Urban Area;- Lane Cove Local Environmental Plan 2009; and• 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)<ul style="list-style-type: none">- Draft Housing Diversity SEPP• List any relevant development control plan: s4.15(1)(a)(iii)<ul style="list-style-type: none">- Lane Cove Development Control Plan 2010• Other relevant plans:<ul style="list-style-type: none">- Lane Cove Section 94 Contributions Plan 1996 (as amended)• 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 under s7.4: s4.15(1)(a)(iv) Nil• List any coastal zone management plan: s79C(1)(a)(v) Nil• List any relevant regulations: s4.15(1)(a)(iv) e.g. Regs 92, 93, 94, 94A, 288<ul style="list-style-type: none">- 92: Additional matters the consent authority must consider- 98(1)(a): Compliance with Building Code of Australia																											
List all documents submitted with this report for the Panel’s consideration	<table><tr><th>Annexure</th><th>Document</th></tr><tr><td>1.</td><td>Architectural Plans - Revised</td></tr><tr><td>2.</td><td>Landscape Plans – Revised</td></tr><tr><td>3.</td><td>Photomontages</td></tr><tr><td>4.</td><td>Access Report</td></tr><tr><td>5.</td><td>Acoustic Report</td></tr><tr><td>6.</td><td>BCA Capability Statement</td></tr><tr><td>7.</td><td>Civil Engineering Plans – Revised</td></tr><tr><td>8.</td><td>Clause 4.6 Variation Request – Height</td></tr><tr><td>9.</td><td>Compliance Tables</td></tr><tr><td>10.</td><td>Construction Environmental Management Plan</td></tr><tr><td>11.</td><td>Consultation Outcomes Report</td></tr><tr><td>12.</td><td>Electromagnetic Radiation Assessment – Response to Council Request</td></tr></table>		Annexure	Document	1.	Architectural Plans - Revised	2.	Landscape Plans – Revised	3.	Photomontages	4.	Access Report	5.	Acoustic Report	6.	BCA Capability Statement	7.	Civil Engineering Plans – Revised	8.	Clause 4.6 Variation Request – Height	9.	Compliance Tables	10.	Construction Environmental Management Plan	11.	Consultation Outcomes Report	12.	Electromagnetic Radiation Assessment – Response to Council Request
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	13.	Flora and Fauna Assessment – Revised
	14.	Geotechnical Report
	15.	Operational Waste Management Plan
	16.	Remediation Action Plan
	17.	Response to Council Comments – 8/10/20
	18.	Response to Submissions
	19.	Section J Report
	20.	SEPP 55 Advice Letter
	21.	Statement of Environmental Effects
	22.	Stormwater Discharge Strategy Letter
	23.	Survey Plan
	24.	Traffic and Parking Impact Assessment
	25.	Traffic – Addendum Letter to Council
	26.	Tree Protection and Management Plan
	27.	Tree Report – Revised
	28.	Unsatisfactory DA letter issued by Council – 19/11/2020
	29.	Waste Management Form
	30.	Waste Room Plan
Clause 4.6 requests	<ul style="list-style-type: none"> • Clause 6.9(2)(a) of Lane Cove LEP 2009 – Maximum height of RL 66.25 • 3.6% (2.4m) variation sought 	
Summary of key submissions	<ul style="list-style-type: none"> • environmental concerns • traffic and parking concerns • density • building height, bulk, and scale • lack of greenspace and excessive tree removal • noise • overshadowing of adjoining bushland • telecommunications towers • impact of golf course redevelopment 	
Report prepared by	Ms. P Frecklington, Sydney Planning (Consultant)	
Report date	3 December 2020	
Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?		Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>		Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?		Yes
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>		No
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: In order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>		No - Draft (without prejudice) conditions to be provided to the Panel
Land and Environment Court Appeals		Yes

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1 EXECUTIVE SUMMARY

- (i) On 28 August 2020, a development application was lodged for the construction of a mixed-use development including a 143-bed residential care facility, 2,051m² commercial floor area (including a medical centre and hydrotherapy pool), basement parking for 86 cars, landscaping works, and consolidation of all lots.
- (ii) On 20 May 2020, prior to the DA being lodged, an amendment (No. 29) to Lane Cove Local Environmental Plan (LEP) 2009 was gazetted under Tranche 1 of the NSW Government's Planning System Acceleration Program to permit a residential care facility on the site and included site-specific provisions under Clause 6.9: Development 4-18 Northwood Road and 274-274A Longueville Road, Lane Cove including a maximum height of RL 66.25, additional FSR of 0.85:1 for development for the purposes of a residential care facility, and minimum commercial component of 0.35:1.
- (iii) On 17 August 2020, preceding lodgement of the DA, Council resolved to exhibit a draft DCP amendment to Part D – Commercial Development & Mixed-use Localities – Locality 2: Northwood neighbourhood Centre of Lane Cove DCP 2010 to provide site-specific controls/design guidance for development on the subject site.
- (iv) On 16 November 2020, Council adopted the draft DCP amendments in full. Relevant design controls for the site include:
 - maximum height of RL 66.25m;
 - 10m rear buffer zone to adjoining bushland;
 - 3-storeys to Northwood Road with 5m setback for upper level (8m to boundary);
 - maximum height of 5-storeys at the rear (RL 66.25m); and
 - stormwater to be directed towards front of the site.
- (v) The adopted site-specific controls and issues raised by Council's referral staff formed the basis of an 'Unsatisfactory DA' letter issued to the applicant on 19 November 2020 (Annexure 28). On 20 November 2020, Council received notice that Appeal proceedings had commenced in the Land and Environment Court (Case No. 2020/00310724).
- (vi) Concurrence from TfNSW has been obtained, subject to conditions.
- (vii) The application was notified with 256 submissions received. The main concerns raised relate to traffic and parking impacts, environmental concerns, density, building height, bulk and scale, lack of greenspace and excessive tree removal, noise, and overshadowing of the adjoining bushland.
- (viii) The proposed FSR is compliant. A 2.4m departure is sought to the maximum height of RL 66.25m permitted on the site under Clause 6.9. Objective (b) of Clause 4.6 and matters required to be demonstrated under Clause 4.6(3)(b) have not been adequately addressed. As such, the applicant's written request is not considered to be well founded.
- (ix) The legislative clauses requiring consent authority satisfaction in a principal environmental planning instrument, SEPP (Housing for Seniors or People with a Disability) 2004 are listed and recommendations summarised, in Table 1.

Table 1 – EPI Matters to be Satisfied		
EPI	Clause	Consent Authority can be Satisfied
SEPP (Housing for Seniors or People with a Disability) 2004	18 – Restriction as to User	Yes – Can be conditioned
	26 – Location and Access to Facilities	Yes
	28 – Water and Sewer	Yes
	30 – Site Analysis	Yes
	32 – Design of Residential Development	Yes – BCA compliance report submitted demonstrating compliance with BCA

		regarding accessibility and useability standards
	40 – Development Standards	Complies – land size and site frontage. Height provisions do not apply
	41 – Accessibility and Usability	Satisfied, draft condition imposed
	48 – Standards that cannot be used to refuse development consent for residential care facilities	Yes
SEPP 55 Remediation of Land	7 – Contamination and remediation to be considered in determining an application.	Yes – RAP submitted. Works have commenced
SEPP (Infrastructure) 2007	101(2)(b) – Development with frontage to classified road	No

- (x) The relevant matters have been considered under s4.15 of the Environmental Planning and Assessment Act, 1979.
- (xi) The proposed development would be inconsistent with the desired future character for the site expressed in terms of the fine grain built-form controls for the site. The 3-storey built form to the street alignment would not adhere to the 2-storey requirement with recessed upper level (8m to boundary) and would create excessive mass and bulk at the pedestrian scale. In this regard, the proposal would not provide an improved streetscape, pedestrian experience, and an inviting public domain to Northwood Road.
- (xii) The proposed location and design of the development would not maximise the retention and protection of native fauna habitat and bushland. The proposal would not provide an appropriate transition area to adjacent bushland and has not been accompanied by a suitable stormwater disposal strategy.
- (xiii) Insufficient information has been submitted to assess the traffic and parking impacts of the development on the localised road network.
- (xiv) The application is recommended for **REFUSAL**.

2 RELEVANT APPLICATION HISTORY

Table 2 below sets out the relevant application history:

Table 2 – Relevant Application History
Relevant LEP/DCP Amendments
<p>LEP Amendment No. 29 gazetted – 21 Aug 2020</p> <ul style="list-style-type: none"> - LEP Amendment No. 29 gazetted under Tranche 1 of the NSW Government's Planning System Acceleration Program. - Amendment involves addition of <i>Clause 6.9: Development at 4-18 Northwood Road and 274-274A Longueville Road, Lane Cove</i> to permit a residential care facility on the site with maximum height of RL 66.25m, maximum FSR of 0.85:1, and minimum commercial FSR of 0.35:1. <p>Draft DCP Amendment to include site-specific provisions – Adopted 16 Nov 2020</p> <ul style="list-style-type: none"> - <i>Part D – Commercial Development & Mixed-use Localities – Locality 2: Northwood neighbourhood Centre</i> under Lane Cove DCP 2010 amended to provide site-specific controls/design guidance for development on the subject site including: <ul style="list-style-type: none"> o 10m rear buffer zone to adjoining bushland, o 3-storey height limit to Northwood Road with 5m setback for upper level (8m from boundary), o maximum of 5-storeys at the rear (RL 66.25m), and o stormwater to be directed towards front of the site.
DA History

Table 2 – Relevant Application History
Relevant LEP/DCP Amendments
<p>21 Aug 2020 - Additional information/design amendments requested:</p> <ul style="list-style-type: none"> - Applicant to address impact on an existing telecommunications tower - DCP table of compliance - Consent for stormwater headwall works occurring on Council land. A redesign is to occur so that the outlet is contained within the development site. - 10m buffer to adjoining bushland is to be adhered to - Light and sound assessment to be provided to address impacts to flora and fauna. - 3:1 replacement planting ratio to be adhered to - Construction Noise Management Plan - RAM to be submitted and reviewed by a NSW EPA Accredited Site Auditor - Ecological assessment for light spill impact on fauna in bushland - Revised traffic report – queuing analysis and consideration of future upgrade of intersection to be addressed <p>28 Aug 2020 - DA formally lodged</p> <p>2 Sep 2020 to 15 Oct 2020 - Application notified</p> <p>23 Sep 2020 and 12 Oct 2020 - Addition information requested (Traffic)</p> <p>14 Oct 2020 - Response to additional information and supporting docs submitted</p> <p>19 Nov 2020 - 'Unsatisfactory DA' letter issued (Annexure 28) and meeting with Applicant arranged</p> <p>20 Nov 2020 - Council received notice appeal proceedings (Case No. 2020/00310724) commenced in the Land and Environment Court. Meeting with Applicant cancelled.</p>
Land & Environment Court Appeals
Yes – Notice received 20/11/2020. Appeal documents provided to the Panel.

3 SITE

3.1 Subject Site

The site of the proposed development is known as 4-18 Northwood Road and 274-274A Longueville Road, Lane Cove. A survey plan was submitted with the development application (**Annexure 23**). The key site characteristics are summarised in **Table 3** below:

Table 3 – Site Characteristics of 4- 18 Northwood Road and 274-274A Longueville Road, Lane Cove	
Site Characteristic	Subject Site
Title Particulars	274 & 274A Longueville Road – Lot 1 & Lot 2 DP 857133 4-10 Northwood Road – Lot 1 DP 6634652 and Lot 4 DP 321048 12 Northwood Road – Lot A DP 307899 14-14A Northwood Road – Lot B and Lot G DP 307899 16 Northwood Road – Lot C and Lot D DP 307899. and Lot 1 and Lot 2 DP 445348 18 Northwood Road – Lot A, Lot B and Lot D DP 370042
Site Area	5.003m ²
Site Frontage	Approximately 104m to Northwood Road / Longueville Road
Site Depth	Refer Survey Plan - site is irregular in shape
Topography	Slope down to the east at approximately 7° towards Lane Cove Golf Course and Gore Creek
Zoning	B4 Mixed Use
Existing Structures	Former single storey service station at 4-10 Northwood Road now demolished as part of remediation works. 1-2 storey buildings with ground floor commercial at 12-19 Northwood Road, and single storey residential dwelling houses at 274 and 274A Longueville Road. An existing Telstra transmission tower is located within the proposed building footprint and would require

	relocation prior to development commencing. It is noted that the submitted Geotech report provides general recommendations regarding footings for the proposed tower relocation, however the exact location is not known.
Existing Uses	Commercial, former service station, residential
Vehicular Access	Vehicular access is via Northwood Road / Longueville Road. There is no secondary access. The site is located at the intersection of Northwood Road, Longueville Road, River Road West, and Kenneth Street. Council is in the process of gaining approval for a roundabout at the Northwood Road/River Road intersection.
Other	The site adjoins E2 Environmental Conservation zoned land at the rear. The site contains several trees.

Land within the subject site (**Figure 1**); aerial locality plan (**Figure 2**); submitted Site Plan (**Figure 3**); existing development at 10A, 12-14, 16, 18 Northwood Road (**Figure 4**), existing development at 274 and 274A Longueville Road (**Figure 5**), and adjacent intersections (**Figures 6 & 7**) are provided below:



Figure 1. Land to which the subject site applies



Figure 2. Aerial locality plan (Source: Google Maps)

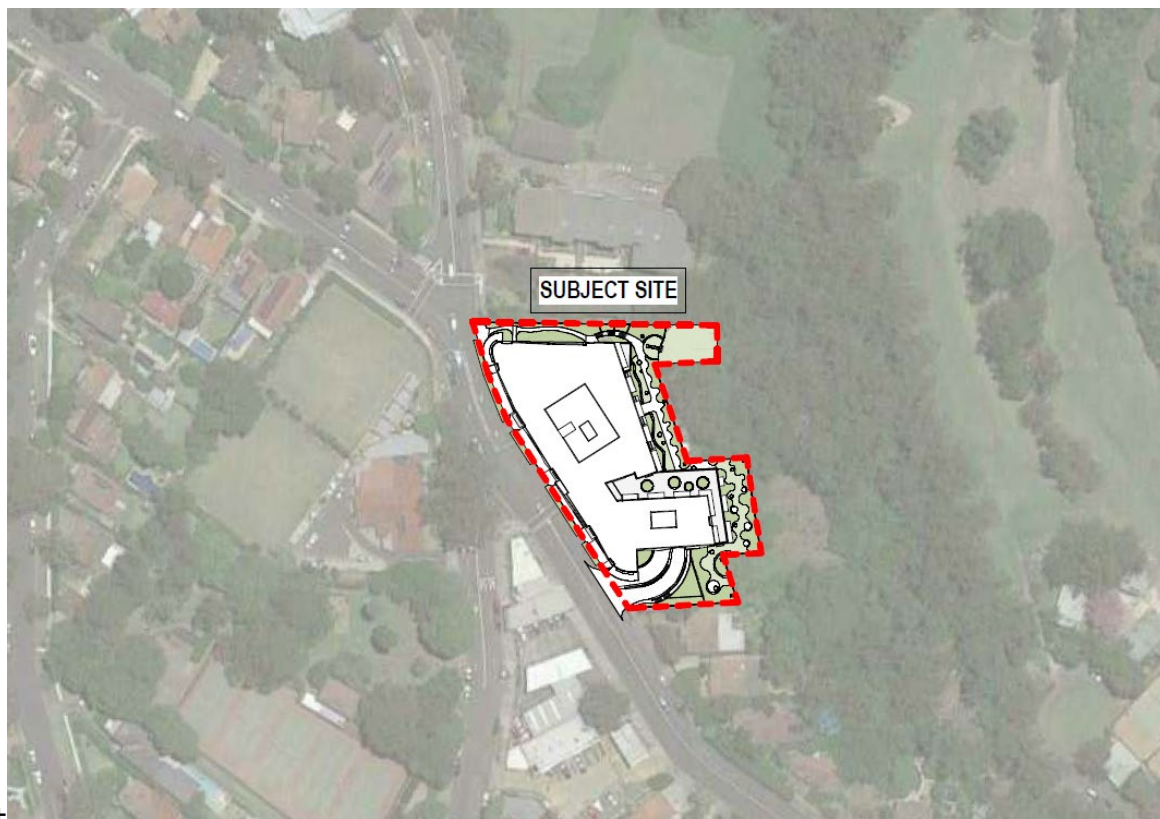


Figure 3. Proposed site plan (Source: Morrison Design Partnership Architects)



Figure 4. 10A (Former service station now demolished), 12-14, 16, 18 Northwood Road

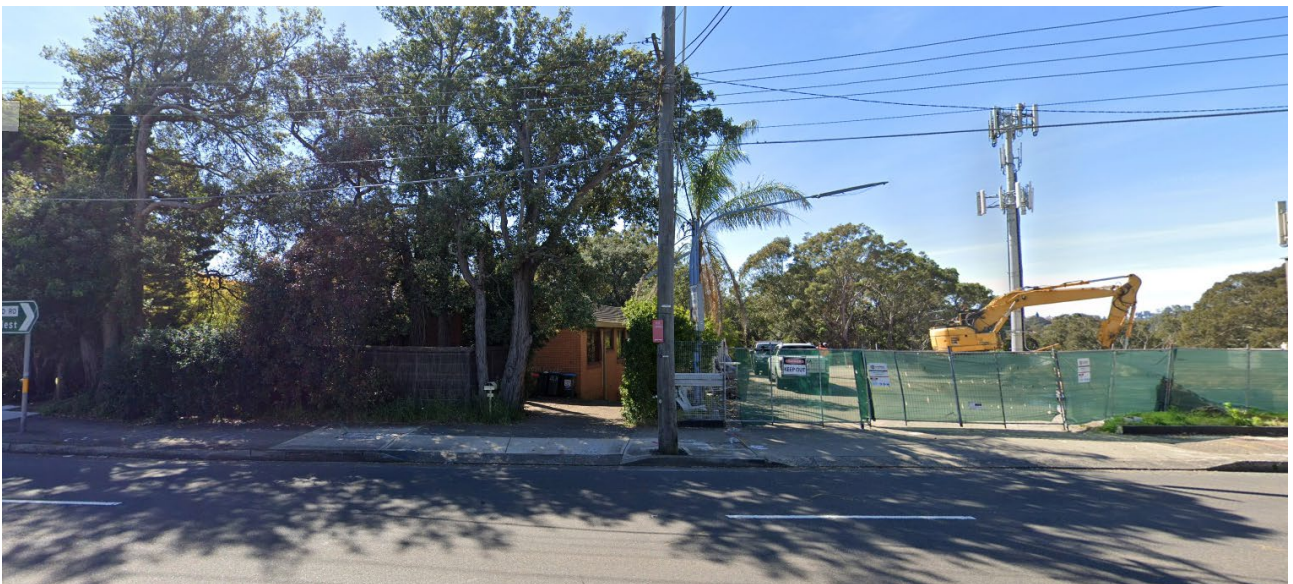


Figure 5. 274 and 274A Northwood Road and existing Telstra tower on the site



Figure 6. Intersection of Northwood Road, Longueville Road, and Kenneth Street

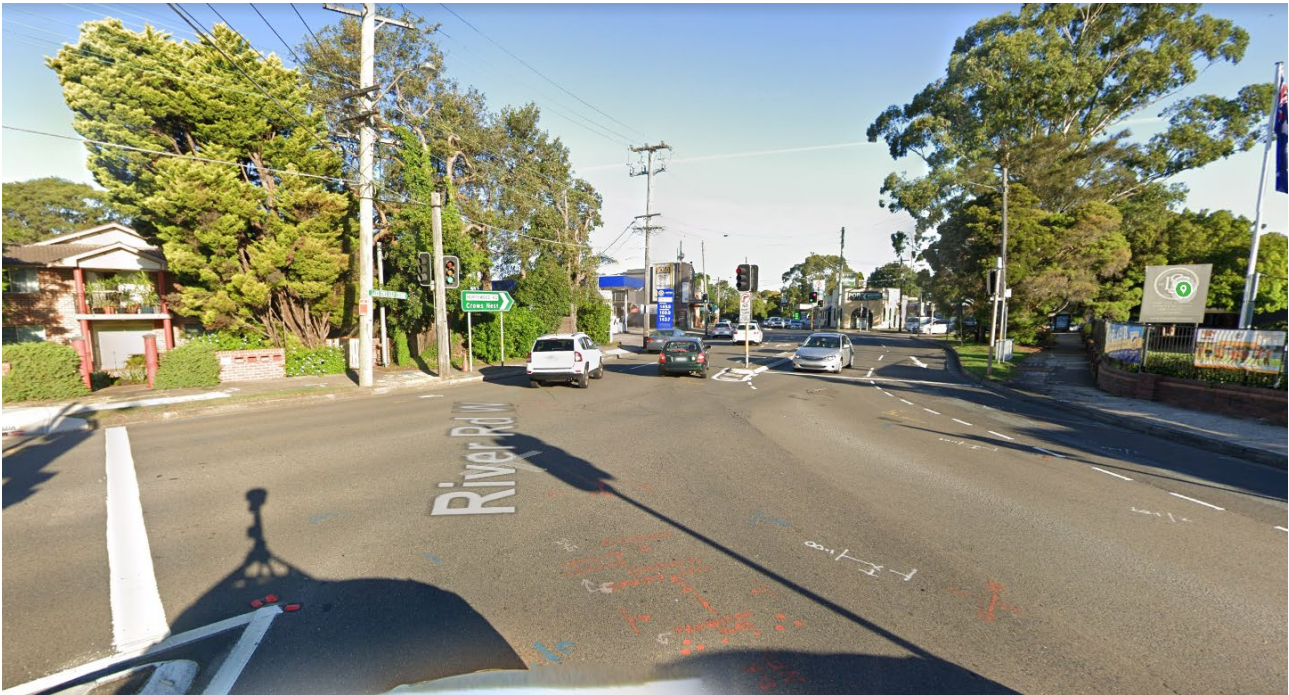


Figure 7. Intersection of River Road West and Longueville Road to the north-east of the site

3.2 Surrounding Development

To the north:	R4 zoned land to the north is currently developed with residential flat buildings comprised mainly of 2-storeys to Longueville Road (Figure 8). A seniors housing development comprising a 70-bed residential care facility, 82-independent living units/self-contained dwellings, and basement parking for 122 vehicles is proposed on land at 266 Longueville Road. A lesser LEP height control of RL 62.8m applies to this site.
To the south:	Residential dwellings on R2 low density residential zoned land (Figure 9).
To the east:	Bushland on land zoned E2 to the east, which separates the site from the Lane Cove Golf Club and Gore Creek (Figure 10).
To the west:	A mixture of commercial premises including a liquor outlet (Porters) and two service stations. Beyond is low-density residential development. Also, to the west is the Longueville Sporting Club "The Diddy".



Figure 8. R4 High Density Residential zoned land to the north



Figure 9. R2 Low Density Residential zoned land to the south.



Figure 10. Bushland on land zoned E2 Environmental Conservation, adjoining the sites eastern boundary (Source: Flora and Fauna Report, prepared by Cumberland Ecology)



Figure 11. Existing commercial development to the west of the site

3.3 Local Planning Provisions – Mapping

To understand the site and adjoining development in the context of the existing local planning provisions, the relevant maps under Lane Cove LEP 2009 are provided below and referenced in **Table 4**. An assessment against the provisions of the LEP are provided in **Section 6.7** of this Report.

Table 4 – Mapping under Lane Cove LEP 2009	
Map	Figure
Zoning	12
Height of Buildings	13
Floor Space Ratio	14
Heritage	15
Riparian Lands	16

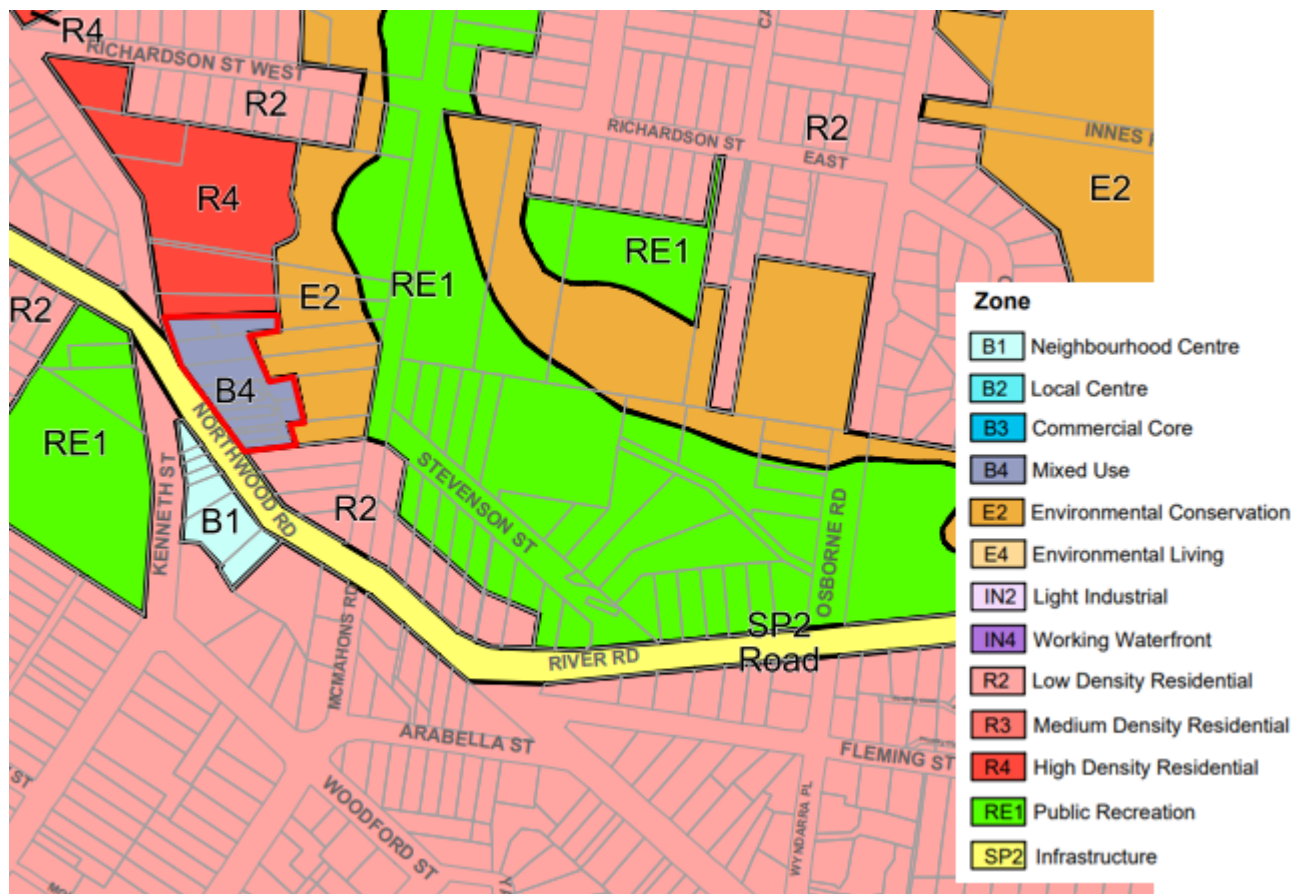


Figure 12. Zoning Map, Lane Cove LEP 2009

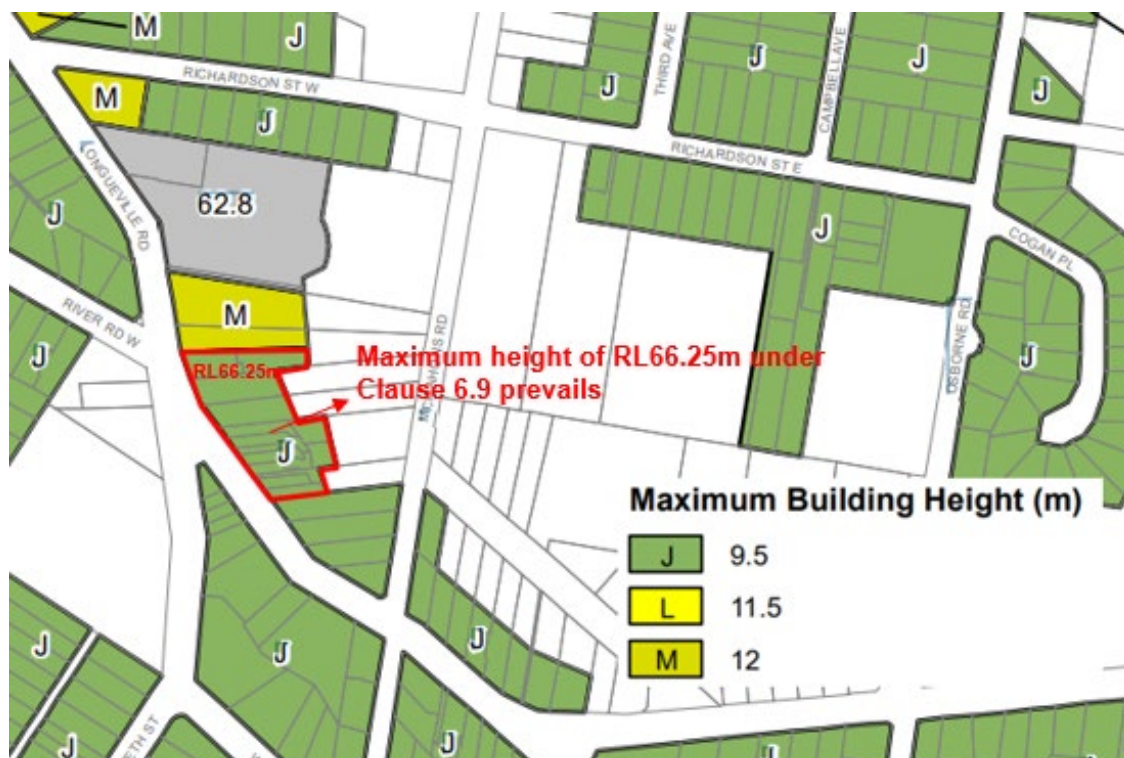


Figure 13. Height of Buildings Map, Lane Cove LEP 2009



Figure 14. FSR Map, Lane Cove LEP 2009

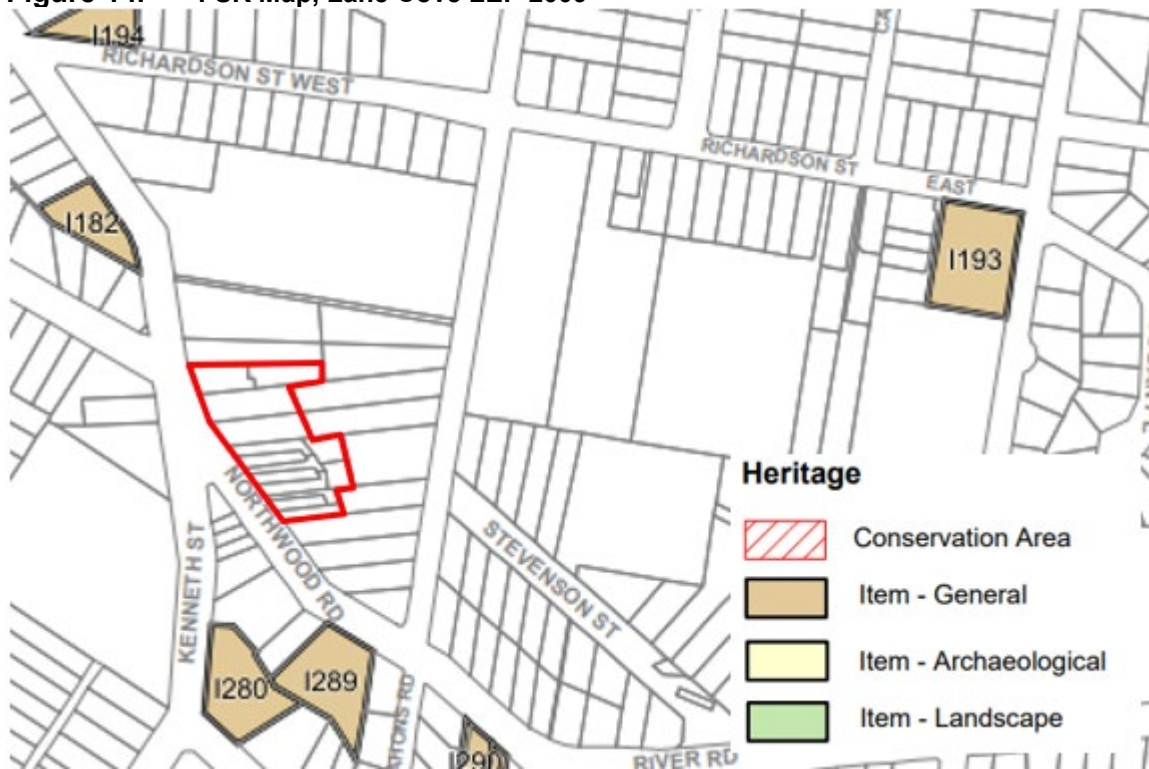


Figure 15. Heritage Map, Lane Cove LEP 2009

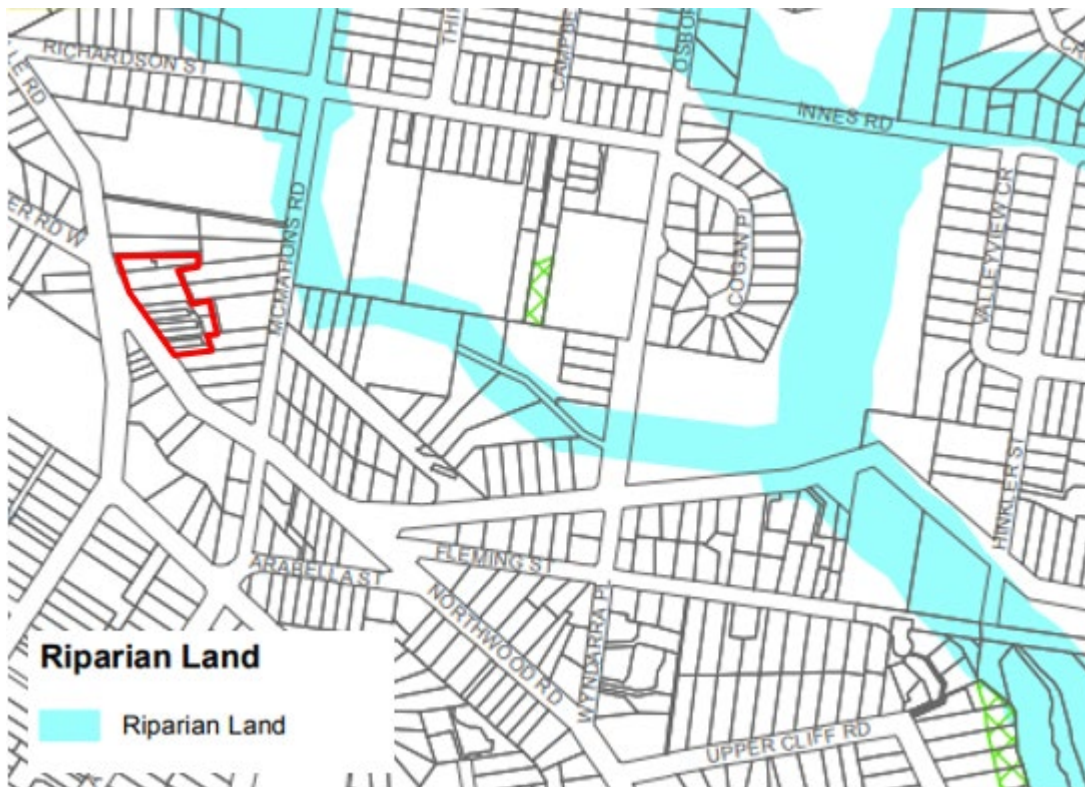


Figure 16. Riparian Land, Lane Cove LEP 2009

4 PROPOSAL

4.1 Overview

The proposal involves:

- Demolition of all existing buildings and structures, including the removal of 11 trees.
- Site preparation and earthworks including excavation to accommodate one full and two-part basement levels.
- Construction of a part 3-storey (Northwood Road) and part 5-storey building comprising:
 - a *residential aged care facility* containing 143-beds and ancillary services;
 - 2,051m² commercial floor area (including a medical centre and hydrotherapy pool); and
 - Basement parking for 86 cars, 65 bicycles and 6 motorcycles.
- Associated landscaping, paving and retaining walls.
- Seven new street trees.
- Consolidation of all lots.

Note: Separate applications would be lodged for the fit-out/first use of the commercial tenancies. It is anticipated that the commercial premises would include a pharmacy, hair and beauty salon, and food and drink premises.

4.2 Numerical Breakdown

Table 5: Numerical breakdown of proposed development against key controls			
Site Area: 5,003m ²	Proposed	Control	Complies
FSR	1.83:1	1:1 + 0.85:1 = 1.85:1	Yes
	Total GFA - 9,169m ² (7,119m ² - residential aged care facility)	Additional FSR of 0.85:1 permitted under Clause 6.9(2)(b) of LCLEP 2009 for development for the purposes of a residential care facility only	

Commercial FSR	0.4:1 (2,051m ²)	0.35:1 – <i>Clause 6.9(3) of LCLEP 2009</i>	Yes
Maximum height	RL 68.65m (top of stair overrun)	RL 66.25m <i>Clause 6.9(2)(a) of LCLEP 2009</i>	No – Refer comments
Car parking	86 spaces	86 car parking spaces including 2 accessible spaces (51 spaces for commercial component complies)	Yes <i>Note: 1 accessible space is to be amended to comply with AS (Can be conditioned)</i>
Bicycle parking spaces	44	54 (42 for commercial staff, 12 for visitors)	No
Motorcycle spaces	6	6	Yes



Figure 17. Photomontage of the proposed Northwood Road elevation at the northern end (Source: Laan Studios).



Figure 18. Photomontage of the proposed Northwood Road elevation at southern end (Source: Laan Studios).

5 REFERRALS

5.1 Internal Referrals

Section	Key Comments
Traffic	<p>Insufficient information regarding traffic generation and ground clearance. Matters pertaining to accessible parking, bicycle parking provision and facilities, and driveway design can be conditioned.</p> <p><i>Accessible parking</i></p> <ul style="list-style-type: none"> - One of the proposed accessible parking spaces does not comply with AS2890.6. This can be conditioned. - The accessible parking spaces are required to be located as close to the lift as possible. <p><i>Driveway</i></p> <ul style="list-style-type: none"> - The driveway is to be designed as a left-in and left-out only. The design should prevent right-turn movements by installing a triangular median island at the entry/exit of the driveway. This can be conditioned, as per TfNSW requirements. <p><i>Traffic generation / analysis</i></p> <ul style="list-style-type: none"> - A Safety and Functionality Report is required for the proposed traffic signal outlining the potential wait times/queue lengths and location of the loops. - The use of traffic counts to determine the traffic generation of the existing development (as oppose to rates from the RMS guide) would be an accurate representation of existing conditions and therefore the net increase in traffic volumes. Passing trade of 80% should be applied to the service station and convenience store component of the existing development. - The traffic report must consider the following future upgrade projects: <ul style="list-style-type: none"> ○ River Road/Longueville Road upgrade – Modelling is required to be updated as per the TCS provided. ○ Impact on local streets - The Traffic Report does not provide a detailed assessment on the impact of local streets such as Arabella Street/Woodford Street/Kenneth Street. Given the left in left out arrangement, it is noted that 30% and 60% of traffic entering the development in the AM and PM peak hours respectively will be coming from the east via River Road. These vehicles are expected to use Arabella, Woodford and Kenneth Streets. The Consultant is to provide a SIDRA analysis at the above intersections to determine the impact of the additional traffic on these local streets. ○ Northwood Roundabout – Council is the process of gaining approval for a roundabout at the Northwood Road/River Road intersection. Given the development is restricted to left in/left out access, the proposed roundabout will facilitate westbound movements from the development which will potentially reduce rat-running through local streets. As such, the developer is required to contribute funding towards the construction of the proposed roundabout. <p><i>Height / ground clearance</i></p> <ul style="list-style-type: none"> - The height clearance proposed is not in accordance with AS2890.2. Ramp sections are to be provided indicating the height clearance for the largest design vehicles accessing the development. - AutoCAD files of the ground clearance test is to be provided for a B99 and MRV as the plan provided is unclear. <p><i>Bicycle parking</i></p> <ul style="list-style-type: none"> - A shortfall of 10 spaces (54 required, 44 proposed) is proposed for the commercial component. This can be conditioned.
Building	No objections, subject to standard conditions

Bushland Manager	Unsatisfactory. Key issues: <ul style="list-style-type: none"> The 10m bushland buffer on the side boundaries that are adjacent to the E2 zone have not been adhered to. There has not been an agreed outcome on a suitable stormwater disposal strategy (Note: Council met with ACOR on 07/10/2020). 14 trees are proposed for removal. Although the tree replacement strategy of 1:3 removal to replacement ratio is satisfactory, there are only 6 canopy trees proposed to be replaced. A minimum of 20 canopy replacement trees is recommended. The removal of native turpentine trees 1, 2, 5, 6, 10 and 11 is not supported.
Engineering	Generally satisfactory, subject to conditions. Stormwater disposal strategy unresolved.
Landscaping	<ul style="list-style-type: none"> Trees 1, 2, 5, 6, 7, 10 & 11 are not supported for removal.
Strategic Planning	<ul style="list-style-type: none"> Inconsistencies with Draft DCP in terms of street frontage height (3 storeys proposed with nil setback to upper level, 5m setback recommended for upper level), setback at front (2m proposed, 3m requires), height at rear (6 storeys proposed, 5 recommended), setback to bushland (10m buffer zone required, 6m and 2.75m proposed at south-eastern corners), and stormwater to be directed towards the front of the site.
Waste / Environmental Health	Satisfactory, subject to conditions.
Community Services	Satisfactory

5.2 External Referrals

Table 7 - External Referrals		
Agency	Key Comments	Satisfactory
TfNSW	<ul style="list-style-type: none"> Concurrence provided in accordance with Section 138 of the <i>Roads Act, 1993</i> subject to conditions, as follows: <ul style="list-style-type: none"> Proposed single access to Northwood Road to be restricted to left-in/left-out vehicular movement only. The existing central median on Northwood Road is to be extended past the proposed access to physically restrict right turn movements to/from the site. All redundant driveways to be removed. The applicant is to consult with TfNSW regarding bus operations. Vehicles to enter/exit in a forward direction. Proposed landscaping not to impede visibility to pedestrians/cyclists using footpath. 	Yes

6 SECTION 4.15 EVALUATION

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

6.1 State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) aims to provide a framework for the assessment, management, and remediation of contaminated land.

Clause 7 of SEPP 55 states that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and it is satisfied that the land is suitable (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

Potentially contaminating activities on the site includes a former service station and mechanical workshop activities at 4 Northwood Road and former bus depot at 16 Northwood Road. The

application was accompanied by a Remediation Action Plan (RAM) prepared by EI Australia, Revision 0 dated 22/11/2018. The RAM relies on a preliminary site investigation (*Phase 1 Contamination Assessment*) undertaken by Douglas Partners in April 2013 and *Report on Groundwater Testing*, prepared by Douglas Partners in August 2016. The key findings of these reports are tabled in the RAM.

Pursuant to Clause 14 of SEPP 55, category 2 remediation works have commenced and do not require the consent of council. Remedial works include:

- demolition of all on-site structures to access underlying soil requiring remediation;
- includes decommissioning of an underground petroleum storage system (UPSS) at 4 Northwood Road and disused above ground storage tank (AST) at 16 Northwood Road;
- removal and validation of mechanical hoists, waste oil sumps and an oil water separator, identified within the former workshop;
- hazardous materials identification and management;
- additional soil and groundwater investigation;
- evaluation and validation.

The RAM concludes that the site can be made suitable for residential use through the implementation of the works described in the RAM. As such, the consent authority can be satisfied that the site would be suitable after remediation for the proposed development.

Therefore, because of the investigations undertaken and the conclusions identified, and recommendations made, the relevant provisions of SEPP 55 have been satisfied.

Council's Environmental Health Officer recommends that a condition is imposed requiring a NSW EPA Accredited Site Auditor to provide:

- a Site Audit Statement for the RAP and at the completion of the demolition and earth works i.e. prior to construction; and
- a Validation Certificate to confirm that the site is suitable for its intended use – residential.

It is worthwhile to note that the RAM assumes that the Telstra tower would remain at the end use of the site and has therefore not carried out any intrusive investigation.

6.2 Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Housing for Seniors or People with a Disability 2004 (Seniors SEPP) applies to the site. This application is made pursuant to the provisions of the Seniors Housing SEPP.

A detailed assessment is provided below:

Aims of Policy

The proposal is consistent with aims (a) and (b) of Seniors SEPP in that the proposal would deliver housing supply for seniors or people with a disability and make efficient use of existing infrastructure and services available to the site.

The proposal does not satisfy objective (c) which seeks to encourage the provision of residential care facilities that are of *good design* in that the proposal does not respect the site-specific controls for the site, namely the height/setback requirements along the Northwood Road frontage, bushland buffer requirement at the rear, and has not demonstrated provision of stormwater management in a manner that protects adjoining E2 zoned land.

Part 3: Design Requirements

Table 8 below provides an assessment of the relevant clauses of SEPP (Housing for Seniors or People with a Disability) 2004:

Table 8: SEPP (Housing for Seniors or People with a Disability) 2004		
Provision	Response	Compliance
<i>Clause 4 Land to which Policy applies</i>	The Policy applies to the subject site because the land is zoned primarily for urban purposes (B4 Mixed-use) and permits residential flat buildings under Lane Cove LEP 2009. It is noted that residential care facilities are a permissible use under Lane Cove LEP 2009.	Yes
<i>Clause 11 Residential care facilities</i>	The proposal for a 140-bed residential care facility is consistent with the definition under this Policy.	Yes
<i>Clause 18 Restriction on occupation of seniors housing allowed under this Chapter</i>	A draft condition (without prejudice) is included placing a 'restriction on user' on title to satisfy Clause 18.	Yes
<i>Clause 19 Use of seniors housing in commercial zones</i>	No residential use is proposed at ground floor level in accordance with Clause 19.	Yes
<i>Clause 22 Use of seniors housing in commercial zones</i>	A fire sprinkler system in a residential care facility may be carried out with development consent. The proposed building incorporates a fire sprinkler system, which is detailed on the architectural plans.	Yes
Part 2 Site Related Requirements		
<i>Clause 26 Location and access to facilities</i>	The site has access to essential shops, services, community and recreation facilities, and medical services. The Access Report submitted with the applicant demonstrates compliance with the bus stop location, timetable frequency, and path of travel requirements in accordance with Clause 26.	Yes
<i>Clause 27 Bush fire prone land</i>	The site is not identified as bushfire prone land.	N/A
<i>Clause 28 Water and Sewer</i>	The subject site is located within an established residential / commercial area that has access to adequate facilities for the disposal or removal of sewage. The proposed development is capable of being connected to a reticulated water system and infrastructure for the provision of sewage.	Yes
<i>Clause 29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply</i>	In considering Clause 25 (5)(b)(i)(iii), and (iv), the consent authority must take into consideration compatibility with the surrounding land uses having regard to the natural environment, the surrounding existing and approved uses, availability of services and infrastructure, and the impact of the bulk, scale, built form and character of the proposed development on the existing, approved, and future uses of land in the vicinity. The proposal in its current form would be	No - Clause 25(b)(i) and (iv) not satisfied

Table 8: SEPP (Housing for Seniors or People with a Disability) 2004

	incompatible with the natural environment – (5)(b)(i), and would establish an undesirable precedent for development in the vicinity in terms of its 3-storey presentation to Northwood Road – (5)(b)(iv).	
<i>Clause 30 – Site analysis</i>	A site analysis has been prepared (DA060) and identifies site attributes and constraints.	Yes
<i>Clause 31 - Design of in-fill self-care housing</i>	The proposal is for the purpose of in-fill self-care housing. The proposed development has taken into consideration the provisions of the <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004.	Yes
<i>Clause 32 – Design principles</i>	The consent authority must be satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2 (Clause 33 to 39 – see below).	Partial compliance – refer detailed assessment below
Clause 33 – Neighbourhood Amenity and Streetscape		
<i>(a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and</i>	The proposed 3-storey building to Northwood Road would not adhere to site-specific controls for the site requiring a 2-storey presentation with 5m (8m to boundary) setback for the upper level to Northwood Road. As such, the proposal would not respect the existing and desired future character of the area.	No
<i>(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan,</i>	The site is not located within a heritage conservation area. The proposal would not detract from listed items in the vicinity (refer Clause 5.10 assessment in Section 6.7)	Yes
<i>(c) maintain reasonable neighbourhood amenity and appropriate residential character by:</i> <i>(i) providing building setbacks to reduce bulk and overshadowing, and</i> <i>(ii) using building form and siting that relates to the site's landform, and</i> <i>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</i>	The proposal would not provide appropriate residential character in terms of the proposed building height at the street frontage, which is inconsistent with Council's DCP.	No
<i>(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and</i>	The ground and first floor setbacks to Northwood Road are contextually appropriate. The nil setback of the upper level does not adhere to the 5m setback requirement and is not supported.	Yes – ground and first floor level to Northwood Road. Third floor setback non-compliant with 33(d).
<i>e) embody planting that is in sympathy</i>	The proposed street trees are encouraged	Yes generally

Table 8: SEPP (Housing for Seniors or People with a Disability) 2004		
<i>with, but not necessarily the same as, other planting in the streetscape, and</i>	and would enhance streetscape contribution. Additional canopy trees are recommended to offset tree removal and enhance canopy contribution.	
<i>(f) retain, wherever reasonable, major existing trees, and</i>	Removal of native Turpentine trees 1, 2, 5, 6 10 and 11 is not supported as they act as canopy trees that provide habitat and are a food source for native fauna. They also provide valuable shade in urban areas.	No
<i>(g) be designed so that no building is constructed in a riparian zone.</i>	The site is not located on a riparian corridor.	Not applicable.
Clause 34 – Visual and Acoustic Privacy		
<i>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</i>		
<i>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping,</i>	Appropriate privacy screening devices and landscaping are integrated into the development design to maintain privacy amenity to neighbouring land, particularly 272 Longueville Road to the north, and 20 Northwood Road to the south.	Yes
<i>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</i>	The submitted Acoustic report outlines the noise control measures proposed to ensure acoustic amenity within the proposed development and adjacent properties. A draft (without prejudice) condition is included to ensure compliance with the Acoustic Report recommendations.	Yes – subject to condition
Clause 35 – Solar Access and Design for Climate		
<i>The proposed development should:</i>		
<i>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space</i>	The orientation of the site would prevent any overshadowing of the adjoining residential flat building at 272 Longueville Road to the north. At mid-winter, the north facing windows and rear private open space of the adjoining single storey dwelling at 20 Northwood Road would retain a minimum 3-hours sunlight between 9am and 3pm. This is acceptable.	Yes
<i>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction</i>	Building designed to maximise natural ventilation, solar heating, and lighting. Albeit noting additional shading would be provided through the retention of native Turpentine trees adjacent the northern side boundary.	Yes
Clause 36 – Stormwater		

Table 8: SEPP (Housing for Seniors or People with a Disability) 2004

<i>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas,</i>	The proposal was accompanied by a Stormwater Management Plan comprising an OSD system at the rear and discharge outlet to Gore Park Reserve via headwall and energy dispersion structures. This stormwater management strategy is not endorsed by Council. Council has been in discussions with ACOR to resolve the outstanding issues noting Council DCP's requirement to direct stormwater to the front of the site and concerns raised regarding impacts on adjoining E2 zoned land, particularly in terms of oversaturation of bushland. Council has indicated that it is willing to consider an alternative stormwater management strategy such as connecting stormwater pipes into existing pipes from the golf course via routes that cause the least damage to trees, however, no additional information has been provided at the time of writing of this report.	Unresolved
<i>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</i>	An 89m ³ OSD tank is proposed at the rear of the site. As per previous comments, the most appropriate stormwater management strategy for the site is unresolved. A draft (without prejudice condition) is included requiring that a SMP be prepared in accordance with Council's DCP, to the satisfaction of Council.	Yes
Clause 37 – Crime Prevention		
<i>(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway, or street, and</i>	CPTED principles have been incorporate into the design. Ground floor commercial uses would encourage passive surveillance of the adjoining public domain. Rear facing windows would enhance casual surveillance of the adjoining bushland.	Yes
<i>(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and</i>	Appropriate security measures can be incorporated at shared entry points. Security for the residential care facility is regulated under the Aged Care Act.	Yes
<i>(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</i>	The development would include access security systems controlled according to resident needs.	Yes
Clause 38 – Accessibility		
<i>The proposed development should:</i>		
<i>(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</i>	Access is provided from the main pedestrian entry at the site boundary by means of a pathway/ramp and connects to public transport/local facilities. Access from accessible car parking spaces is via a lift. An accessible path of travel is provided to the nearest bus stop as detailed in the submitted access report.	Yes
<i>(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</i>	The proposed development provides distinct pedestrian and vehicular access points to ensure safety.	Yes

Table 8: SEPP (Housing for Seniors or People with a Disability) 2004		
Clause 39 – Waste Management		
<i>The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities</i>	An operational waste management plan has been submitted with the proposal. A waste storage area is provided in the basement in Level 3 and adjoins the loading zone. Waste is to be collected directly from the basement on-site. A draft (without prejudice) condition is included to prohibit any waste and recycling collection on the street, and collection of waste by a private contractor at the expense of the applicant.	Yes
Clause 40 – Development Standards		
(2) Site Size – Minimum 1,000sqm	5,003m ²	Yes
(3) Site Frontage – Minimum 20m	Approximately 104m non-linear frontage to Northwood/Longueville	Yes
(4) Height in zones where residential flat buildings are not permitted	Not applicable – RFB's are permitted in B4 zone. As such Clause 40(4) does not apply.	n/a
Clause 48 – Standards that cannot be used to refuse development consent for residential care facilities <i>Note: The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent</i>		
(a) building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or	A maximum height of RL 68.65 is proposed to the top of the lift overrun. The proposed is greater than 8m in height and exceeds 2-storeys. As such, the proposed height can be used as a reason for refusal but does not prevent the consent authority from granting consent.	No – building height standard can be used as reason for refusal.
(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,	An FSR of 1.83:1 is proposed. As such, the proposed density and scale expressed in terms of FSR can be used as a reason for refusal but does not prevent the consent authority from granting consent.	No – density and scale can be used as reason for refusal.
(c) landscaped area: if a minimum of 25m ² of landscaped area per residential care facility bed is provided	The proposal contains 143 beds. As such, the non-refusal standard is 3,575m ² of landscaped area. As only 1,406m ² of landscaping is proposed at ground floor and 65m ² at the podium level, landscaped area can be used as a reason for refusal but does not prevent the consent authority from granting consent.	No – density and scale can be used as reason for refusal.
(d) parking: if at least the following is provided: (i) 1 parking space for each 10 beds (ii) 1 parking space for each 2 persons to be employed on duty at any one time 1 parking space suitable for an ambulance	The proposal is for 143 beds and 40 staff on duty at any one time. The non-refusal standard is therefore 35 car parking spaces. 20 parking spaces are proposed for residential care facility visitors and 30 spaces for workers. The proposed loading area in the basement is suitable to accommodate an ambulance.	Yes

6.3 State Environmental Planning Policy (State and Regional Development) 2011

Pursuant to Schedule 7 of SEPP (State and Regional Development) 2011, the proposal is deemed to be regionally significant development as it has a capital investment value of more than \$30 million and is required to be determined by a regional planning panel.

6.4 State Environmental Planning Policy (Infrastructure) 2007

Table 9 provides a compliance summary with the relevant provisions of SEPP (Infrastructure) 2007

Table 9 - SEPP (Infrastructure) 2007 Compliance Summary	
Provision	Compliance
Clause 3 Aim of Policy	Yes
Clause 101 Development with frontage to a classified road	Insufficient information to determine compliance with (1)(a) and (2)(b) – See discussion
Clause 104 Traffic-generating development	Yes – See discussion
Division 21 Telecommunications and other communication facilities	Yes – See discussion

Clause 101 Development with frontage to a classified road

Clause 101 of SEPP (Infrastructure) states as follows:

101 Development with frontage to classified road

- (1) *The objectives of this clause are—*
- (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
 - (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
- (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Council's Traffic Engineer has considered the proposal and determined that there is insufficient information to assess the impact of the proposed development on the localise road network and for the consent authority to be satisfied of the required matters under Clause 101(2)(b). The following additional information/analysis is required:

- (i) A Safety and Functionality Report is required for the proposed traffic signal outlining the potential wait times/queue lengths and location of the loops.
- (ii) The use of traffic counts to determine the traffic generation of the existing development (as oppose to rates from the RMS guide) would be an accurate representation of existing conditions and therefore the net increase in traffic volumes. Passing trade of 80% should be applied to the service station and convenience store component of the existing development.
- (iii) The Traffic Report must consider the following future upgrade projects:

- (a) River Road/Longueville Road upgrade – Modelling is required to be updated as per the Traffic Control Signal (TCS) plans provided.
- (b) Impact on local streets - The Traffic Report does not provide a detailed assessment on the impact of local streets such as Arabella Street/Woodford Street/Kenneth Street. Given the left in left out arrangement, it is noted that 30% and 60% of traffic entering the development in the AM and PM peak hours respectively will be coming from the east via River Road. These vehicles are expected to use Arabella, Woodford and Kenneth Streets. The Consultant is to provide a SIDRA analysis at the above intersections to determine the impact of the additional traffic on these local streets.
- (c) Northwood Roundabout – Council is the process of gaining approval for a roundabout at the Northwood Road/River Road intersection. Given the development is restricted to left in/left out access, the proposed roundabout will facilitate westbound movements from the development which will potentially reduce rat-running through local streets. As such, the developer is required to contribute funding towards the construction of the proposed roundabout.
- (d) Cumulative impact of approved/pending developments in the vicinity including proposed seniors housing development (including 70-bed residential aged care facility, and 82 independent living units) at 266 Longueville Road.

Clause 102 Impact of road noise or vibration on non-road development

Clause 102 applies to development for the purposes of *residential accommodation* if the adjacent classified road has an annual daily traffic volume of more than 20,000 vehicles. It is unclear from the submitted Traffic Report whether the annual daily traffic volume of Northwood/Longueville Road reaches this threshold. As a precaution, Clause 102 is addressed to ensure acceptable acoustic amenity to residents through the provision of appropriate noise measures.

Council's Environmental Health Officer has confirmed that noise impacts from the classified road and noise management are satisfactorily addressed in the submitted Acoustic Report, subject to a condition being imposed post construction and pre-occupation that the premises has been constructed in accordance with the Acoustic Report and noise levels achieved in accordance with relevant standards.

Division 21 Telecommunications and other communication facilities

In accordance with Clause 104 of SEPP (Infrastructure 2007) the application was referred to TfNSW as the proposal constitutes traffic-generating development. No objections were raised by TfNSW subject to conditions (refer **Section 5.2**).

6.5 State Environmental Planning Policy No. 19 – Bushland in Urban Areas

Compliance summary table

Table 10 provides a compliance summary with the relevant provisions of SEPP 19.

Table 10 - SEPP 19 Compliance Summary	
Provision	Compliance
Clause 3 Application of Policy	Schedule 1 - Policy applies to land in Lane Cove LGA
Clause 2 Aims, objectives of the plan	Does not comply with aims (1)(b)(c), (2)(b)(c)(d)(e)(f)(g)(i)(n) – See discussion

Clause 2 Aims of the Policy

The aims of SEPP 19 are provided below:

- (1) *The general aim of this Policy is to protect and preserve bushland within the urban areas referred to in Schedule 1 because of:*
 - (a) *its value to the community as part of the natural heritage,*
 - (b) *its aesthetic value, and*
 - (c) *its value as a recreational, educational, and scientific resource.*
- (2) *The specific aims of this policy are:*
 - (a) *to protect the remnants of plant communities which were once characteristic of land now within an urban area,*
 - (b) *to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term,*
 - (c) *to protect rare and endangered flora and fauna species,*
 - (d) *to protect habitats for native flora and fauna,*
 - (e) *to protect wildlife corridors and vegetation links with other nearby bushland,*
 - (f) *to protect bushland as a natural stabiliser of the soil surface,*
 - (g) *to protect bushland for its scenic values, and to retain the unique visual identity of the landscape,*
 - (h) *to protect significant geological features,*
 - (i) *to protect existing landforms, such as natural drainage lines, watercourses and foreshores,*
 - (j) *to protect archaeological relics,*
 - (k) *to protect the recreational potential of bushland,*
 - (l) *to protect the educational potential of bushland,*
 - (m) *to maintain bushland in locations which are readily accessible to the community, and*
 - (n) *to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.*

The proposal would not achieve aims (1)(b)(c), and (2)(b)(c)(d)(e)(f)(g)(i) and (n) in that:

- except for the southern boundary, the curtilage around the south-eastern section of the development would not adhere to the 10m bushland buffer to adjacent E2 zoned land;
- there has not been an agreed outcome regarding a suitable stormwater disposal strategy that would least impact upon adjoining E2 zoned land and adjoining bushland;
- according to the submitted *Flora and Fauna Assessment (Annexure 13)* the proposal would involve removal of suitable foraging habitat (1300m²) for two threatened bat species listed under the *Biodiversity Conservation Act 2016* and potential roosting habitat (20m²) for one of those species;
- the proposal does not seek to restore/enhance land in the bushland buffer zone;
- threatened fauna species listed under the *Biodiversity Conservation Act 2016* includes two bat species

Clause 9 does not apply to the proposal as the land does not directly adjoin land zoned or reserved for public open space.

There are no further matters for consideration.

6.6 State Environmental Planning Policy (Vegetation in Non-rural Areas) 2017

Compliance summary table

Table 11 provides a compliance summary with the relevant provisions of SEPP (Vegetation in Non-rural Areas) 2017.

Table 11 - SEPP (Vegetation in Non-rural Areas) 2017 Compliance Summary

Provision	Compliance
Clause 3 Aims of Policy	Does not comply with aims (1)(a)(b) – See discussion
Clause 5 Land to which Policy Applies	(1)(a) Land in Lane Cove LGA (1)(b) Land zoned RE1 and E2 in an EPI
Clause 7	(1) Vegetation cannot be cleared without a permit granted by the Council – The removal of Native Turpentine trees 1,2,5,6 and 10 is not supported.

Clause 2 Aims of the Policy

For the reasons outlined previously in this Report, the proposal is contrary to the following aims of this Policy:

(2) *The aims of this Policy are -*

- (a) *to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) *to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

6.7 Lane Cove Local Environmental Plan 2009

Compliance summary table

Table 12 - Lane Cove LEP 2009 Compliance Summary	
Provision	Compliance
Clause 1.2 Aims of the plan	Does not comply with aims (a), (b), (c)(ii)(iii), (e), and (f) – See discussion
Clause 2.3 Permissibility	Yes – <i>Seniors housing and commercial premises</i> permitted with consent
Clause 2.3 Zone objectives	Does not comply with B4 zone objectives (urban design and maximising sunlight – See Section 6.7
Clause 2.7 Demolition requires development consent	Yes
Clause 4.6 Exceptions to development standards (Height)	No – See discussion
Clause 5.9 Heritage Conservation	Yes – See discussion
Clause 6.1 Acid Sulfate Soils	Yes
Clause 6.1A Earthworks	Yes
Clause 6.4 Environmental Protection Plan	Yes
Clause 6.9 Development at 4-18 Northwood Road and 274-274A Longueville Road, Lane Cove	Does not comply with subclause (2)(a) in relation to height – See discussion

Clause 1.2 Aims of plan

Approval of the development application would not be supportive of the aims the plan expressed under Clause 1.2(2) of Lane Cove LEP 2009. Specifically, support for the proposal would be contrary to Clause 1.2(2)(a), (b), (c)(ii)(iii), (e), (f) in that the proposal would not promote development that is consistent with the desired future character for the site and would not promote environmental protection by protecting and enhancing adjoining bushland and retaining significant trees on the site.

Clause 5.10 Heritage Conservation

The proposal would not be contrary to objectives (a) and (b) under Clause 5.10. However compliance with the upper level setback requirements under Part D of the DCP would achieve

greater consistency with the one and two storey character of the locality and listed items in the vicinity at 15 and 21 Northwood Road (refer LCLEP 2009 Heritage Map in **Figure 15**).

Clause 6.9 Development at 4-18 Northwood Road and 274-274A Longueville Road, Lane Cove

Clause 6.9(2) overrides the height and FSR controls under clauses 4.3 and 4.4. An assessment is provided in **Table 13** below:

Table 13 – Height and FSR controls			
Clause	Control	Proposed	Complies
6.9(2)(a) – Height	RL 66.25m	RL 68.65m to top of stair overrun (2.4m or 3.6% variation)	No – See clause 4.6 assessment
6.9(2)(b) – FSR	1.85:1 (Bonus of 0.85:1)		Yes

Clause 4.6: Exceptions to Development Standards

Departure

The proposal involves the following non-compliance with the Lane Cove LEP 2014:

- 3.6% (2.4m) non-compliance with the height of buildings development standard under Clause 6.9(2)(a) as detailed in **Table 13**.

Purpose

Part 4.6 allows a contravention of a development standard with the objectives being to allow an appropriate degree of flexibility in applying certain development standards to particular development and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The proposal is not consistent with the objective of Clause 4.6. In particular, the proposed parapet, mechanical plant and stair overrun to a maximum height of RL 68.65 would not adhere to the RL 66.25m height control and desired future character for the site under Clause 10 of Part D of the Lane Cove DCP 2010.

Written Request

Clause 4.6(3) requires the consent authority to consider the applicant's written request that seeks to justify the contravention of the development standard by demonstrating that compliance is unreasonable or unnecessary and there are sufficient environmental planning grounds to justify the contravention.

The applicant has provided a written request to vary the height of buildings development standard. This is included as **Annexure 8**.

Clause 4.6(4) Assessment

Clause 4.6(4) states that:

4.6(4) Consent must not be granted for development that contravenes a development standard unless:

- a) The consent authority is satisfied that:*
 - i. The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

- ii. *The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- b) *The concurrence of the Secretary has been obtained.*

Clause 4.6(4)(a)(i) - Assessment

Clause 4.6(4)(a)(i) requires the consent authority to be satisfied that the applicant's written request, seeking to justify the contravention of the development standard, has adequately addressed the matters required to be addressed by Cl 4.6(3). There are two separate matters for consideration contained within Cl 4.6(3) and these are addressed below.

- a) *That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*

Comment: The applicant's written request has demonstrated that the objectives of the height of buildings development standard are achieved, notwithstanding the departure to the development standard. It is noted that the objectives are limited to the provision of reasonable solar access and privacy amenity to neighbouring buildings and public areas. The issue of desired future character is not included as an objective under Lane Cove LEP 2009.

- b) *That there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment: The applicant's written request has not demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard.

In the matter of *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be 'environmental planning grounds' by their nature: See *Four2Five Pty Ltd. v Ashfield Council*. The adjectival phrase "environmental planning" is not defined but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act including the objects in s1.3 of the EPA Act. '

S1.3 of the EPA Act reads as follows:

1.3 Objects of Act

(cf previous s 5)

The objects of this Act are as follows:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*

- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

There are no objects under the Act that would necessitate a departure to the development standard. The departure would not facilitate the sustainable management of the adjoining bushland and would not promote good design and amenity of the built environment by conforming to the desired future character for the site and locality.

In this regard, the applicant's written request has not demonstrated sufficient environmental planning grounds to justify the contravention of the development standard as required by Clause 4.6(3)(b). As such, the consent authority cannot be satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3).

Clause 4.6(4)(a)(ii) - Assessment

Clause 4.6(a)(a)(ii) requires the consent authority to be satisfied that:

- ii) *The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out*

In considering whether or not the proposed development would be in the public interest, consideration must be given to the underlying objectives of the height of buildings development standard, and the objectives of the B4 Zone.

As stated previously, the proposal would not be contrary to the objectives of the standard. The proposal, however, would be contrary to the following B4 zone objectives:

- *To encourage urban design maximising attractive public domain and adequate circulation space for current and future users.*
- *To maximise sunlight for surrounding properties and the public domain.*

The 3-storey built-form to the street alignment would create excessive bulk at the pedestrian scale. A more skilful design that adhered to the front, southern side, and rear setback controls would maximise sunlight to the adjoining property to the south, and adjoining E2 zoned land at the rear.

Therefore, the proposal is not in the public interest as the zone objectives have not been satisfied.

Clause 4.6(4)(a)(b) - Assessment

The Department issued Planning Circular No.PS18-003 (dated 21st February 2018) which notified Councils of arrangements "...where the Director General's concurrence may be assumed for exceptions to development standards under environmental planning instruments which adopt clause 4.6 ...of the Standard Instrument..." Clause 64 of the EPA Regulations provides that Council may assume the Director-General's [Secretary's] concurrence for exceptions to development standards, thus satisfying the terms of this clause.

Conclusion

The written submission from the applicant has not adequately demonstrated that the variation to the development standard prescribed by Clause 6.9 is justified pursuant to the relevant matters for consideration prescribed by Clause 4.6.

Therefore, the applicant's written request is not considered to be well founded.

Clause 6.1 – Acid Sulfate Soils

The subject site is not identified on the Acid Sulfate Soils Map under LCLEP 2009 as being affected by acid sulfate soils. Accordingly, preliminary assessment is not required and there is unlikely to be any acid sulfate affectation.

The proposal is therefore acceptable regarding Clause 6.1.

Clause 6.1A – Earthworks

The proposal involves excavation to accommodate two partial and one full basement level. The proposed basement level is at RL45.05m which would require bulk excavation to a depth ranging from approximately 11.5m to 10.5m along Longueville and Northwood Roads, decreasing to approximately 6.5m at the north-eastern edge of the basement where ground surface levels fall away.

A geotechnical report has been submitted with the application. Council's Engineer has raised no objections to the proposed earthworks, subject to conditions.

The proposal is therefore acceptable regarding Clause 6.1A.

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

6.8 Explanation of Intended Effect for Housing Diversity SEPP

In July 2020, the *Department of Industry, Planning and Environment* (DPIE) released an *Explanation of Intended Effect for a new Housing Diversity SEPP*. Of relevance to this application:

- the existing Seniors SEPP would be consolidated into the *Housing Diversity SEPP*;
- the definition of *building height* would be amended to align with the LEP standard instrument (i.e. the LEP definition);
- development standards in an LEP would prevail to the extent that there is any inconsistency with the SEPP; and
- development standards in the Seniors SEPP could be varied using Clause 4.6 of the standard instrument, but only to a maximum of 20%.

Therefore, the definition of building height under Lane Cove LEP 2009 would prevail with clause 4.6 being the appropriate mechanism to assess the variation, but only to a maximum of 20%.

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

6.9 Lane Cove DCP 2010

Compliance summary table

Table 14 - Lane Cove DCP 2010 – Table of Compliance	
Provision	Compliance
Part B General Development Controls	
B.1 General objectives for the DCP	Does not comply with environmental protection and streetscape character objectives – see Discussion
B.2 Public domain	Yes – See discussion
B.3 Site amalgamation	Yes
B.4 View sharing	Yes – See discussion
B.7 Developments near busy roads (Acoustic amenity)	Yes
B.8 Safety and security	Yes
Part D Commercial Development and Mixed Use	

D.1 General Provisions	
1.1 Building form	Site specific provisions prevail
1.2 Excavation	Yes
1.3 Design and location of on-site parking	Yes
1.4 Car parking	Yes
1.6 Reflectivity	Yes
1.7 External lighting of buildings	Yes
1.8 Landscaping	Site specific provisions prevail
1.9 Planting on structures	Yes
1.10 Solar access	Yes
1.11 Access and mobility	Yes
1.12 Toilet facilities	Yes
Part D Commercial Development and Mixed Use Localities	
Clause 3 Analysis	Yes – See discussion
Clause 5 & 6 Analysis Constraints	Insufficient information – See discussion
Clause 10. Development Controls - Site specific – 4-18 Northwood Road & 274-274A Longueville Road	
Desired future character	Does not comply with objective 4 – See discussion
Site planning	Does not comply with objectives 2, 3, and 5 – See discussion Does not comply with provision (a)(a.)(b.) - See discussion
Indicative building form	Does not comply with objectives 1, 4 and 5 – See discussion Yes – Ceiling heights
Setbacks	Does not comply with objectives 1, 3, 4, and 5 – See discussion Does not comply with provisions (a)(I)(II), (III)(a)(i.)(ii.)(b), (c) – See discussion
Through site links and view corridors	Yes
Active frontages	Yes
Building facades	Does not comply with objectives 1, 2, 3 – See discussion Does not comply with provisions (a), (b) and (c) – See discussion
Open space and landscaped areas	Does not comply with objective 4 – See discussion Does not comply with provisions (a), (c), (g), (l)
Transport and parking	Yes – Objectives Yes – Provisions (bicycle parking facilities can be conditioned)
Solar access	Yes
Bushland protection	Does not comply with objective 1 – See discussion Does not comply with provision (g) – See discussion
Part F Access and Mobility	
Part H Bushland Protection	
H.1 Objectives	Does not comply with objectives 1, 2, 3, 4 and 5 – See discussion
5.2 Buffer area	Does not comply with objective 1 – See discussion Does not comply with provision (f) – See discussion
6.1 Location	Does not comply with provision (a)(ii) – See discussion
6.2 Building design and visual impact	Does not comply with provision (a) – See discussion
H.8 Preparation of a bushland rehabilitation and maintenance plan for bushland area	Does not comply with provisions (a), (b), and (c) – See discussion

H.9 Preparation of a stormwater plan	Does not comply with provision (a), (b) and (c) – See discussion
Part J Landscaping	
J.2 Tree preservation and landscape guidelines Clause 2.2 Tree preservation	Does not comply with objective 1 – See discussion
Part O Stormwater Management	
4.5 Draining into bushland	Does not comply with requirements under clause 4.5 – See discussion
Part Q Waste Management and Minimisation	Yes – See discussion
Part R Traffic, Transport and Parking	
2.1 Parking general	Yes
2.2 Car parking rates	Yes – See discussion
2.6 Bicycle parking	Does not comply with bicycle parking rates – See discussion
2.7 Motorcycle parking	Yes
2.8 Disabled parking provision	Yes – See discussion
2.10 Parking and access for service vehicles	Yes
2.11 Parking area access and design	Yes – Subject to condition to comply with AS/NZS 2890.1:2004
3.1 Public transport – general	Yes
4.3 Bicycle facilities and infrastructure	Does not comply with provision (e) – See discussion Compliance with AS28903 can be conditioned
R.6 Traffic Impact Assessment	Insufficient information – See discussion
R.7 Construction Traffic Management Plan	Yes – Can be conditioned

6.9.1 Part B General Development Controls

Part B.1 General objectives for the DCP

The proposal would not adhere to the following general objectives for Lane Cove DCP 2010 regarding environmental protection and streetscape character:

- *Support the locality's sustainability in environmental, social, and economic terms;*
- *Contribute to the effective management of biodiversity;*
- *To protect the quality of water catchments...*
- *Balance individual and community interests to preserve and, where appropriate, improve the existing character and amenity of the municipality;*
- *Enhance the visual quality and functionality of the public and private domain interrelationship; and*
- *Achieve an overall character for neighbourhoods that enhances their sense of identity and place.*

Part B.2 Public domain

Public domain enhancements include the planting of seven (7) new street trees along Northwood/Longueville Road, new paving, and landscaped road reserve.

Part B.4 View sharing

Views of the bushland at the rear of the site are obtained from Northwood Road as the land slopes down towards the rear. View impacts were considered at the planning proposal stage. As per site-specific DCP requirements, the proposal maintains a view corridor of minimum 6m width adjacent

the northern side boundary and includes two 4.5m wide and 4m high view corridors through the building to retain existing views from the public domain.

6.9.2 Part D Commercial Development and Mixed Use Localities – Locality 2 – Northwood Neighbourhood Centre - 4-18 Northwood Road & 274-274A Longueville Road

Clause 3 Analysis

The proposal would preserve local views through the site as identified on the site analysis as shown at **Figure 14** through the provision of two (2) through-site linkages of 4.5m width and 4m height and additional view corridor adjacent the northern side boundary.

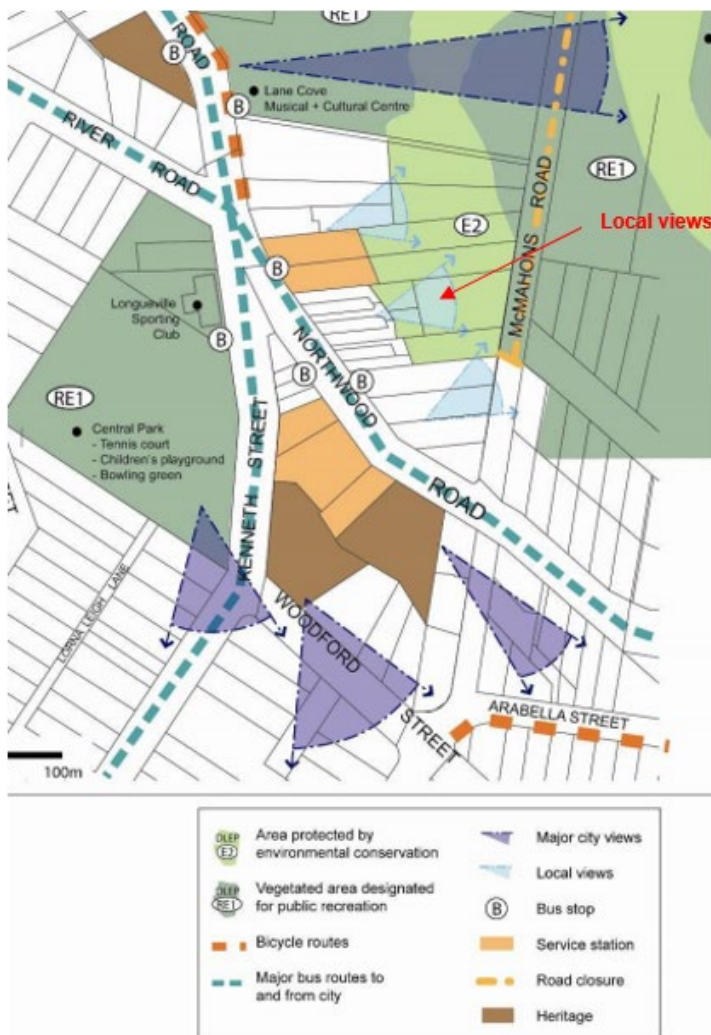


Figure 19. Locality Analysis (Source: Land Cove DCP 2005)

Clause 5 Analysis constraints

Clause 5 and Clause 6(g) identifies pedestrian/cyclist safety as a key issue due to the busy traffic intersections at the corner of River Road and Longueville Road and at the corner of Kenneth Street and Northwood Road (**Figure 20**).

The driveway has been designed to facilitate a left-in and left-out movement only as per TfNSW requirements. Additional requirements by TfNSW are for a triangular medium island to be installed at the entry/exit of the driveway to restrict right turn movements. This can be conditioned.

Insufficient information, including consideration of planned upgrades to the abovementioned intersections, has been submitted to enable a proper assessment of the traffic and parking impacts of the proposal. This is included as a reason for refusal of the application as this is a matter under

Clause 101 of the Infrastructure SEPP for which the consent authority must be satisfied in order to grant consent.

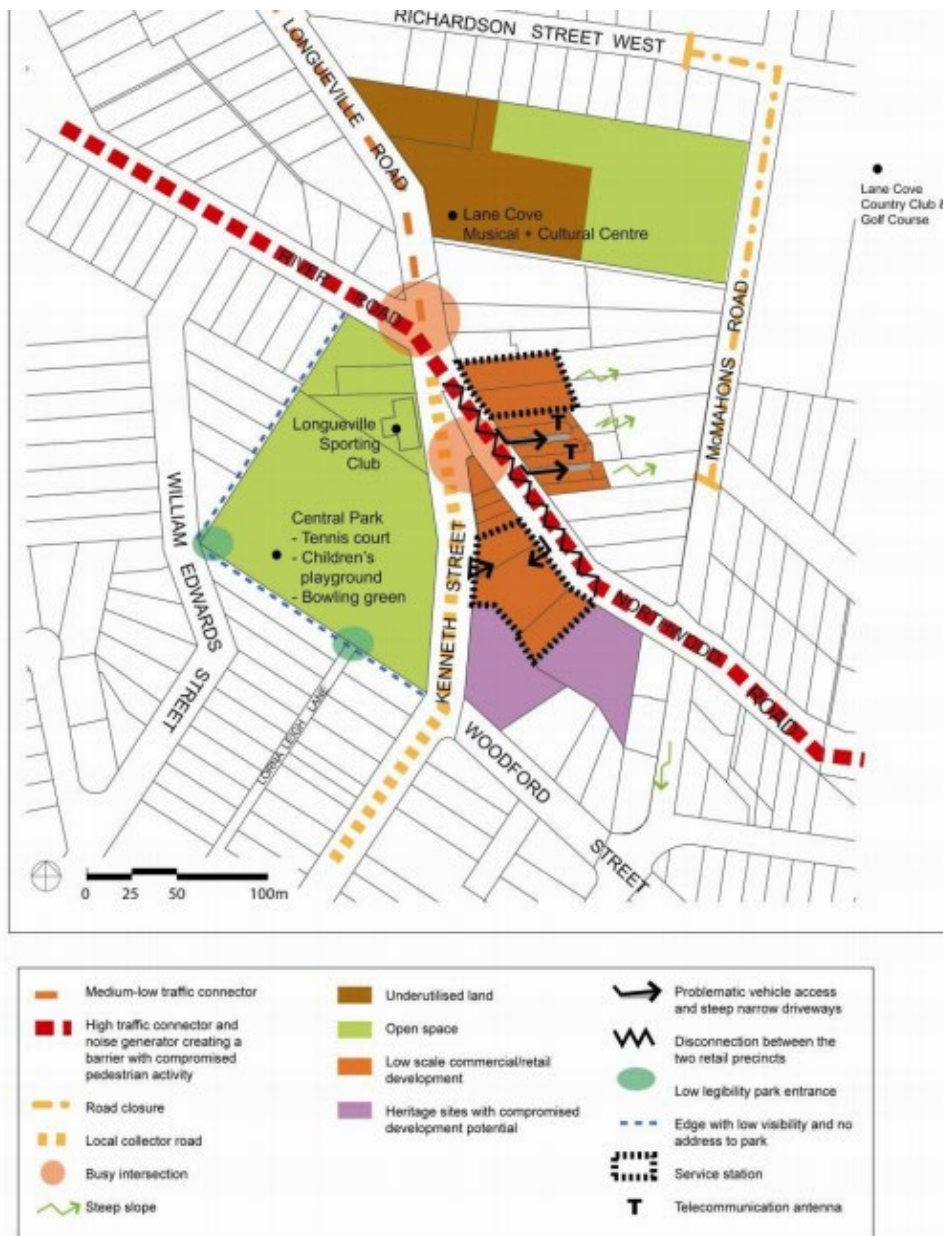


Figure 20. Analysis Constraints (Source: Lane Cove DCP 2010)

Clause 10 Controls for 4-18 Northwood Road and 274-274A Longueville Road, Lane Cove

Relationship with other plans

Where there are any discrepancies between the controls outlined in this Section and other Sections within this DCP, those other controls take precedence. Of relevance to this application, the **10m bushland buffer required under Part H prevails over the indicative landscaped open space area referred to in this Section.**

Desired future character

The proposal would not achieve objective (4) *to achieve design excellence* in that the 3-storey built form to the street alignment would add unacceptable mass and bulk at the pedestrian level.

Site planning

The proposal would not achieve objectives 2, 3 and 5, as follows:

- (2) *To achieve an appropriate height transition to adjacent low scale residential uses;*
- (3) *To create a high-quality urban space that retains a pedestrian scale and minimises shadowing on surrounding buildings;*
- (5) *For drainage to ensure protection of the downslope soil, native vegetation and landscape in the adjacent reserve.*

The proposal would not provide an appropriate height transition to adjacent low scale residential uses to the south. A compliant building with the LEP height control and 2-storey built form to the street alignment would reduce the bulk and massing of the development in accordance with objective (2).

The 3-storey built-form would not achieve an appropriate pedestrian scale for the site, as required by objective (3).

The proposed stormwater management strategy would adversely impact upon E2 and RE1 zoned land at the rear which includes Gore Creek, contrary to objective (5).

Provision (a) states that development on the subject site shall incorporate varying heights, including:

- a. *A maximum wall height of 2-storeys along Northwood Road, with a recessed 3rd floor.*
- b. *A maximum height of 5-storeys at the rear of the site. This equates to a maximum height of RL 66.25.*

The proposal would not adhere to the *recessed third floor* requirement in that the proposed 3-storey form to the street alignment, as shown in the public domain section (**Figure 21**) and 3D pedestrian view (**Figures 22 & 23**) would create a walled effect at the pedestrian scale (**Figure 24**).

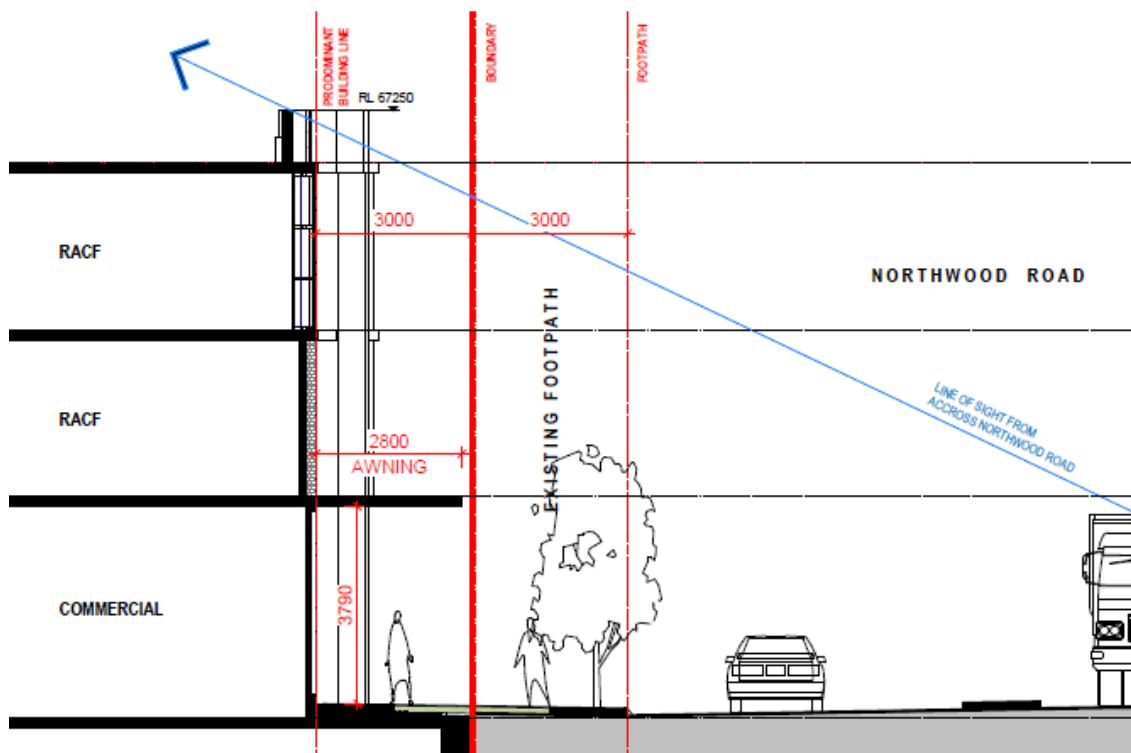


Figure 21. Sections – public domain 1 (Source: DA311 Rev DA1, Morrison Design Partnership Architects).



Figure 22. 3D Pedestrian view looking south (Source: DA504 Rev DA1, Morrison Design Partnership Architects).



Figure 23. 3D Pedestrian view looking north (Source: DA505 Rev DA1, Morrison Design Partnership Architects).



Figure 24. Walled effect due to the excessive mass and bulk created by the 3-storey built-form to the street alignment (Source: DA507 Rev DA1, Morrison Design Partnership Architects).

The proposal incorporates a five-storey built form at the rear but does not comply with the LEP height control of RL 66.25m. As such, the proposal is contrary to provision (a)(b.).

Provision (b) permits relocation of the existing telecommunications facilities to another suitable position on the site. The application is silent on this issue and does not seek approval under this application to removal/relocate the tower. The proponent has indicated that they are presently discussing the matter with the relevant telecommunications provider. No written confirmation of this from the provider has been submitted. Council's request for an Electromagnetic Radiation (EMR) assessment has not been met.

Indicative building form

The proposal would not comply with objectives 1, 4 and 5, as follows:

- (1) To achieve an appropriate bulk and scale to the centre whilst responding to the functional requirements for retail and aged care uses.*
- (4) To strengthen the street definition and establish a 'sense of place' for the neighbourhood centre.*
- (5) To achieve a "distinctiveness" to the centre whilst still achieving an appropriate height transition responding to the existing and future built form scale.*

The 3-storey built form would not adhere to the desired future character for the neighbourhood expressed in the site-specific 2-storey to the street alignment and recessed upper level requirements under Clause 10. In this regard, the bulk and scale would establish an undesirable precedent for the centre. The proposed 3-storey form would not compromise the functional requirements of the aged care use. As stated previously, the proposal would not provide for an appropriate transition to adjacent low density residential uses to the south. For these reasons, the proposal does not satisfy objectives (1), (4), and (5).

Setbacks

The proposal would not achieve objectives (1), (3), (4), and (5), as follows:

- (1) To provide an improved streetscape, pedestrian experience, and an inviting public domain to Northwood Road.*

- (3) *To achieve an adequate landscape buffer to all side and rear boundaries, to protect and minimise impacts to neighbouring bushland, with adequate depth of soil to accommodate trees.*
- (4) *To improve the pedestrian experience and streetscape of Northwood Road and provide an inviting public domain for the neighbourhood.*
- (5) *Avoid impacts on existing native vegetation by using preventative and mitigating measures. Where Council is satisfied that removal of indigenous trees on site is unavoidable, the trees should be offset and replaced at a ratio of 2:1 on-site or if necessary, within the adjacent E2 area.*

Impacts associated with the 3-storey built form to the street alignment are discussed previously in this Report.

Except for the southern boundary, the curtilage around the south-eastern section of the development would not adhere to the 10m bushland buffer to adjacent E2 zoned land under Part H of Lane Cove DCP 2010 (Part H prevails to the extent of any inconsistency). As such, the proposal is contrary to objective (3).

The non-compliant rear setback, proposed stormwater management strategy, and removal of native turpentine trees 1, 2, 5, 6, 10 and 11 would be contrary to objective (5).

A tree replacement strategy of 1:3 is proposed, contrary to objective (5) and does not include sufficient canopy tree replacement.

The proposal would be contrary to provisions (a)(I)(II), (III)(a)(i)(ii)(b), (c) as outlined below:

- (a) *Building setbacks shall include the following:*
 - I. *Front setback: 3m (1-2 floors); 8m (3rd floor).*
 - II. *Rear setback: 10m measured from the rear boundary into the site*
 - III. *Side setback:*
 - a. *To southern boundary:*
 - i. *Ground and lower levels: 3-10m*
 - ii. *Upper levels: 12m*
 - Note: Ground is measured from Northwood Road)*
 - b. *To northern boundary: 6-9m*
- (b) *Basement parking may encroach into side setback areas, provided sufficient deep soil is retained to permit the setback areas to be replanted with native indigenous plants.*
- (c) *Rear setback to be 10m. Setback to allow an appropriate amount of space for established trees to grow to maturity, offset native indigenous plants, and drainage that protects the adjoining bushland. Seek to direct stormwater towards front of the site.*

A table of compliance is provided in **Table 15** below:

Table 15: Table of compliance with site-specific setback controls			
Provision	Required	Proposed	Complies
(a) Building setbacks shall include the following:			
I. Front setback:	3m (1-2 floors)	3m generally. Encroachment at south-western/north-western corner, centre, and box-like projections	No – See discussion
	8m (3 rd floor)	Nil	No

II. Rear setback	10m	10m generally, except for 2.75m and 3m wide curtilage to south-eastern section.	No – curtilage to south-eastern section
III Side setback			
1. To southern boundary:	i. Ground and lower levels: 3-10m	Level 1: 2.5m (front) Level 2: 2.5m (front), 17.8m approx. at rear	No No Yes
	ii. upper levels: 12m	Levels 3 and 4 (Ground): Nil to 3m (driveway encroaches) (front), 17.8m approx. at rear	No – See Discussion Yes
2. To northern boundary:	6-9m	Levels 5 and 6: 4.8m (curved front) to 11.519m Level 1: 6m Level 2, 3 & 4: 6m (minor stair encroachment at rear) Levels 5 & 6: 6m	No – See discussion Yes Yes Yes - See discussion
(c) Rear setback	10m	As above	No – curtilage to south-eastern section
	Setback to allow an appropriate amount of space for established trees to grow to maturity, offset native indigenous plants, and drainage that protects the adjoining bushland.	Removal of Turpentine trees adjacent northern boundary not supported	No
	Seek to direct stormwater towards front of the site.	No	No

The proposed encroachment into the front setback area as outlined in the table above is not supported. The proposal cannot utilise the front setback area to create articulation in the façade. The walled effect created by the 3-storey presentation to Northwood Road would not adhere to the 8m setback requirement.

Non-compliant setbacks are proposed to the south as indicated in the table above. Given the low scale residential use of the adjacent land at 20 Northwood Road, it is recommended that the proposed southern-side setbacks are increased and the front setback non-compliance at the south-western corner addressed, to provide visual relief and a more appropriate transition in scale to the 'lower-side' residential properties.

The proposal achieves the minimum 6m setback requirement to the northern-side boundary but does not provide any additional recess at the upper level.

The removal of turpentine trees T1, T2, T5, T6, T10 and T11 is not supported (**Figures 25 & 26**). T10 and T11 along provide 300m² of canopy coverage (**Figure 27**). It is recommended that the proposal is amended to retain these native trees.

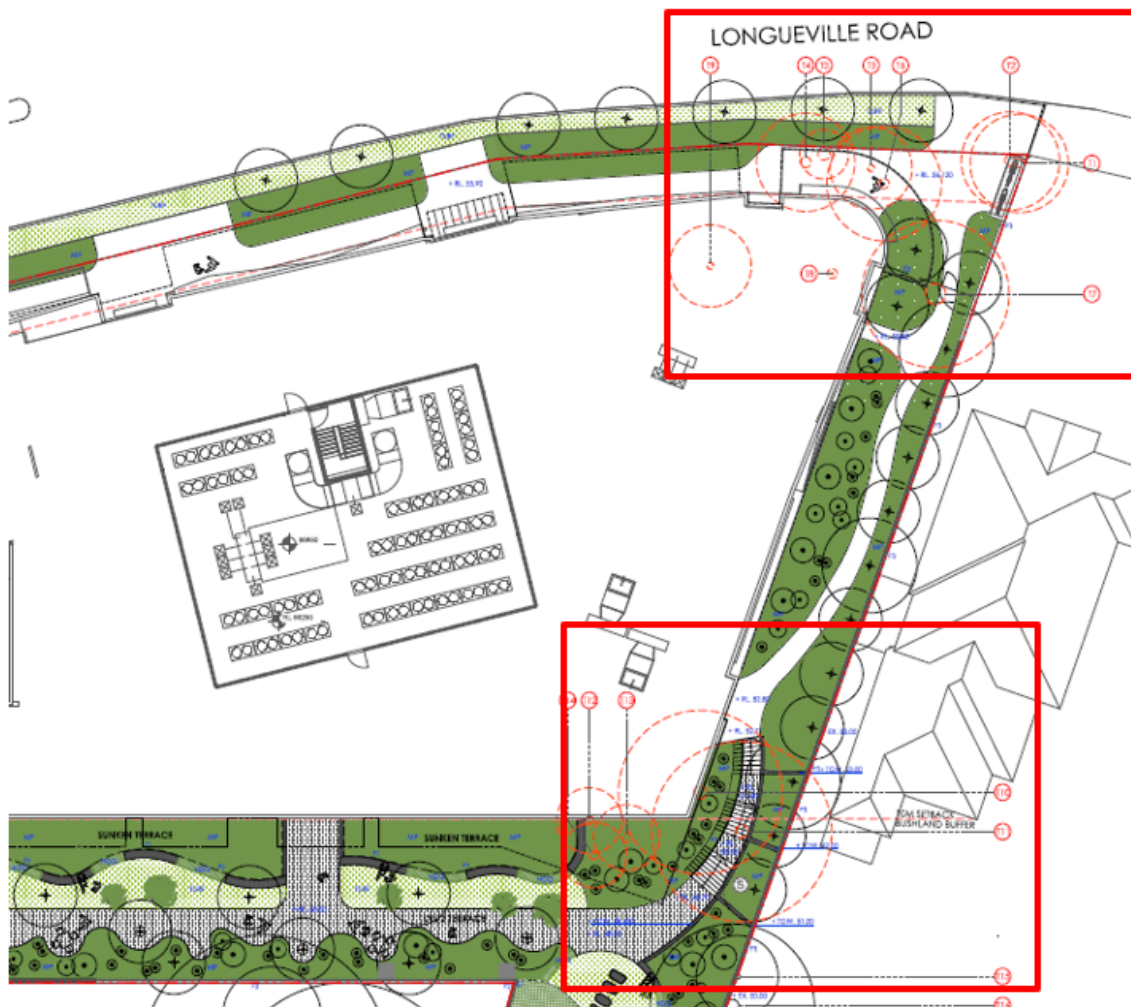


Figure 25. Northern side boundary showing native Turpentine trees to be removed (Source: Landscape Plan LP01 prepared by Svalbe & Co)

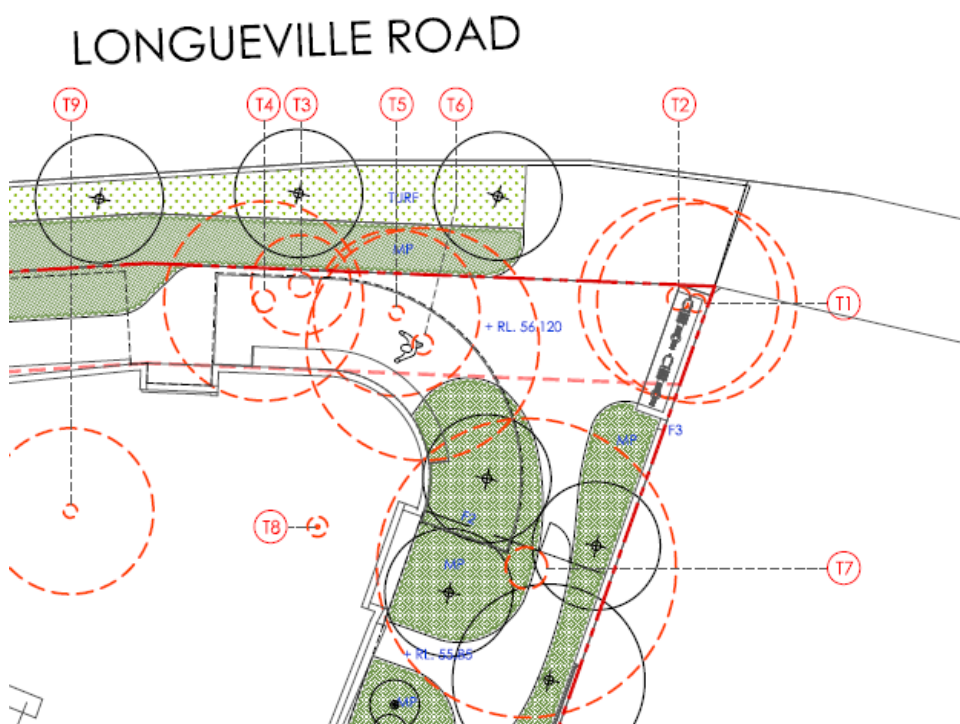


Figure 26. Location of T1, T2, T5 and T6 (Source: Landscape Plan LP01 prepared by Svalbe & Co)

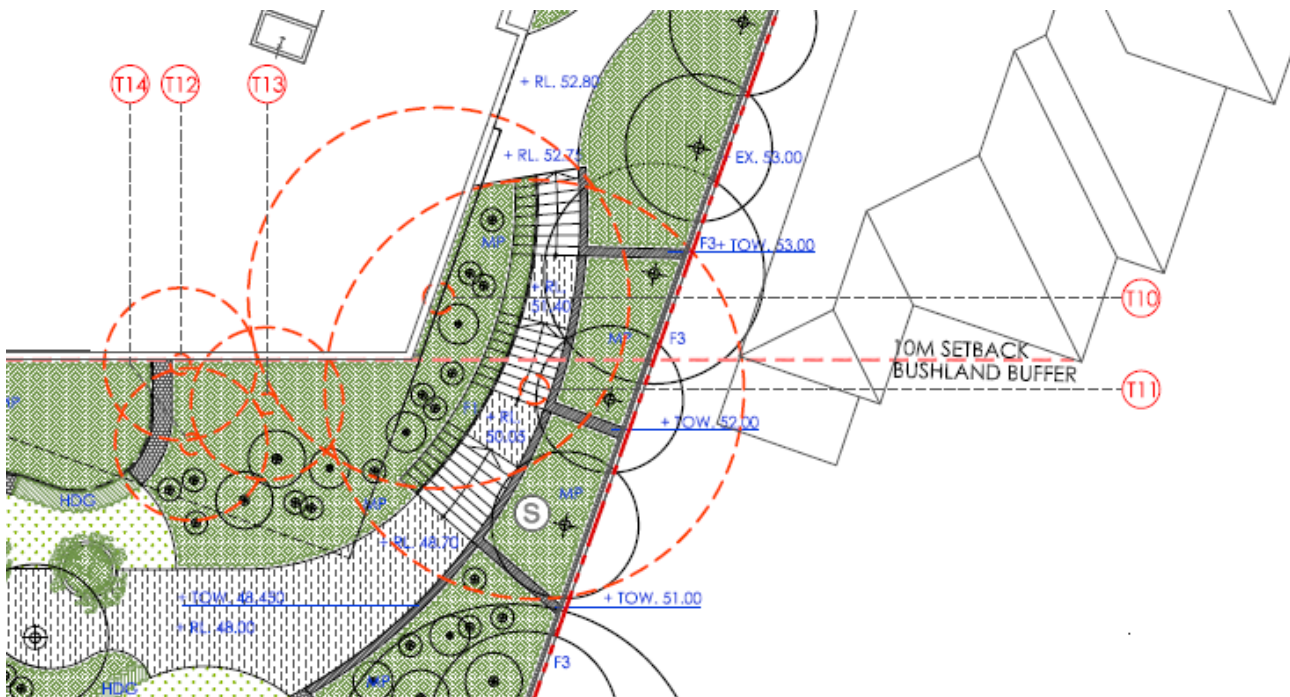


Figure 27. Location of T10 and T11 (Source: Landscape Plan LP01 prepared by Svalbe & Co)

The curtilage to the proposed south-eastern section of the proposed building at the rear comprised of a 2.75m setback on the southern side and 3m setback on the northern side would not comply with the 10m buffer zone requirement, which seeks to ensure that the adjoining bushland is maintained and protected (Figure 28).

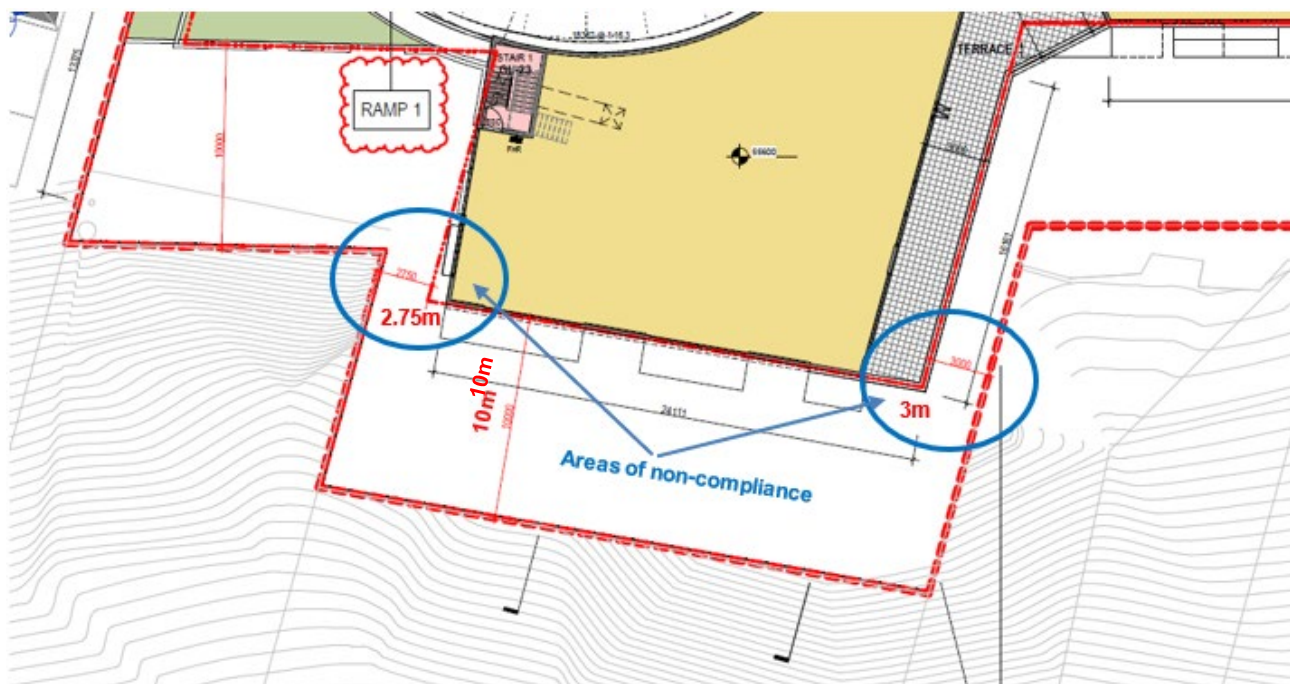


Figure 28. Non-compliant rear setback of 2.75m (southern side) and 3m (northern side) for the curtilage to the south-eastern section of the development.

Building facades

The proposed 3-storey form to the street alignment and non-compliant front setback would not comply with objectives 1, 2, and 3 and provisions (a), (b), and (c) as follows:

Objectives:

1. To respond to the existing fine-grain character of existing centre and Northwood Road.

2. *To create and contribute to the character of the neighbourhood centre.*
3. *To create a built form transition to adjoining residential areas.*

Provisions:

- a) *The building façade shall be broken up by vertical elements reflecting the existing 'fine-grain' pattern of the existing neighbourhood centre's traditional small shop street frontages and provide interest to the streetscape at pedestrian level.*
- b) *Facades shall be articulated along all boundaries.*
- c) *The future built form shall include appropriate articulation to create visual interest, such as a clear base, middle and top to the building.*

Open space and landscaping

The proposal would be inconsistent with objective 4:

4. *To achieve mature landscaping to all side and rear site edges.*

Excavation for the basement is proposed to the front boundary. As such, the proposal does not include any deep soil planting and canopy trees within the front setback and would rely on Council's verge to provide landscaped 'green' relief to the proposed building. This is contrary to objective 4. The site would benefit from the retention of Turpentine trees T1 and T2 in the front north-western corner, and additional landscaping/canopy tree(s) in the front setback and south-western corner, provided that appropriate species are selected to maintain driver/pedestrian visibility.

The proposal would not comply with provisions (a), (c), (g) and (l) as follows:

- a) *Setbacks to side boundaries are to be landscaped with a diversity of local native provenanced plant species sourced from near the site to improve local biodiversity and to reduce the visual scale of any new development. Seed collection should commence as soon as possible to allow sufficient time for the propagation of the local provenanced species, particularly the propagation of advanced and established trees*
- c) *Provide a 3-metre setback to the proposal to achieve a high quality public domain and paving for Northwood Road.*
- g) *The site comprises many Turpentine trees, which the development should avoid, retain and protect. Where Council is satisfied that the development cannot be designed to avoid the two turpentine trees (numbers 10 and 11) as identified in the Tree Report by Stuart Pittendrigh, the trees may be removed and replaced elsewhere only with consent from Council. The proponent must demonstrate how the offsets for tree removal can be managed and protected in perpetuity on site.*
- l) *Seek to direct stormwater towards front of the site.*

The matters above are addressed previously in this Report.

Bushland protection

The proposal would be inconsistent with objective 1, as follows:

1. *To ensure design of development protects and minimises impacts to adjacent bushland.*

The proposal would not comply with provision (g), as follows:

- g) *Appropriate stormwater measures shall be implemented to minimise any impacts to bushland, including sufficient deep soil be retained to permit the buffer area to be replanted with native indigenous plants.*

The proposed stormwater management strategy does not provide for appropriate stormwater measures to minimise any impacts to bushland.

Part F Access and Mobility

The proposal can achieve Compliance with Part F, subject to a condition requiring compliance with the recommendations contained in the Access Report.

Part H Bushland Protection

Section 8.1 Objectives

For the reasons discussed previously in this Report, the proposal would not achieve objectives 1, 2, 3, 4 and 5 under Section H.1, as follows:

1. *To protect both public and private bushland from adjacent development which could result in any adverse change to the condition of bushland through altered moisture conditions, increased nutrient levels, soil movement, invasive or inappropriate plant species and proximity of development.*
2. *To retain and protect natural topographic features, bushland areas, plant species and communities and native fauna habitat.*
3. *To maintain and regenerate areas of natural bushland which have been defined as an essential character of Lane Cove.*
4. *To acknowledge the importance of bushland to the character of the surrounding landscape and value of the locality and importance to the region.*
5. *To encourage innovation and attractive designs which acknowledge the importance of bushland areas through the control of building location, building form, soft and hard landscape elements, and engineering controls.*

Clause 5.2 Buffer Area

The proposal would not provide an appropriate transition between the building and bushland area so as to reduce the impacts of the development upon the bushland. This is contrary to Objective 1.

Provision (f) states that a minimum depth of 10m should be provided to adjoining bushland and should not impact upon any trees or vegetation (**Figure 29**). Except for the southern boundary, the curtilage to the south-eastern section of the development proposes a 2.75m and 3m setback to adjacent E2 zoned land. This is contrary to provision (f).

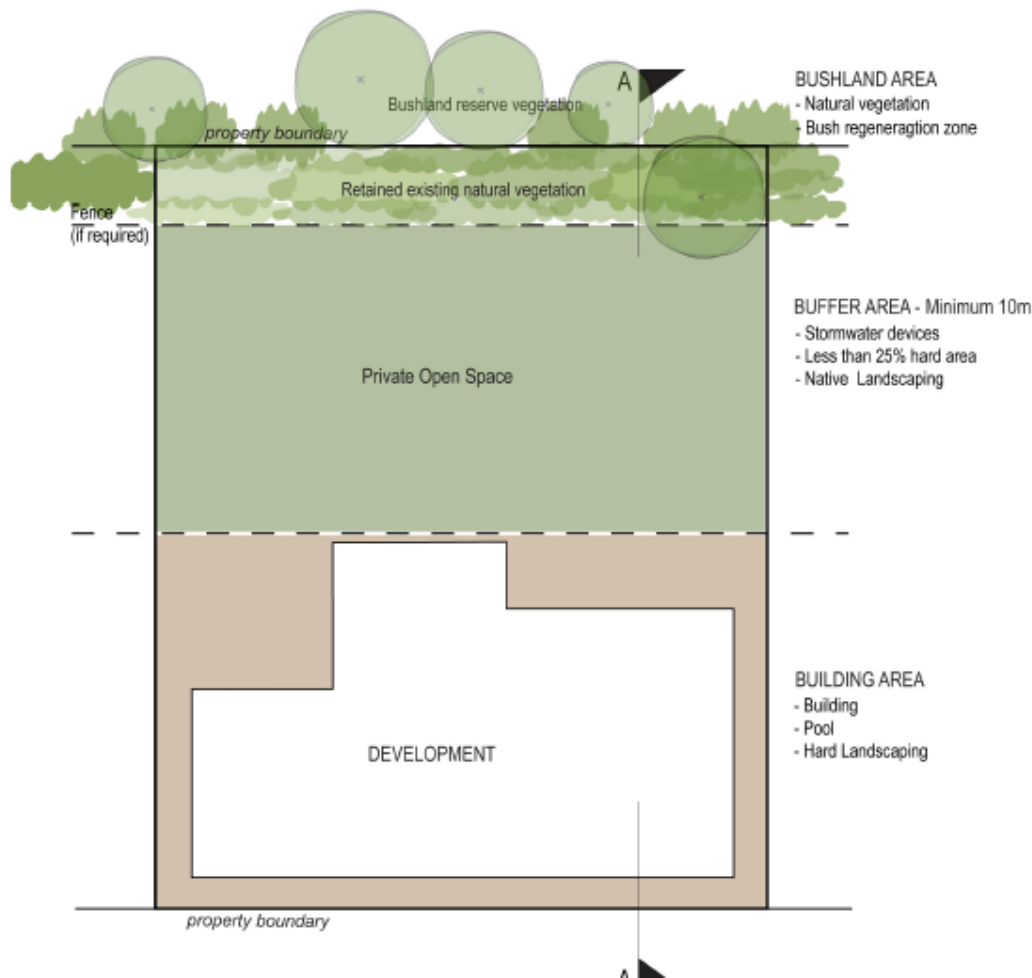


Figure 29. Indicative 10m buffer (Part H, Lane Cove DCP 2010)

Clause 6.1 Location

Provision (a)(i) states that the location and design of development must aim to maximise the retention and protection of native fauna habitat. The removal of native Turpentine Trees, discussed previously in this report, is not supported.

Further independent studies and evidence is required to support the claim in the revised *Flora and Fauna Assessment Report*, prepared by Cumberland Ecology, that the proposed setback to adjoining E2 zoned land *would be unlikely to have a significant impact on the long-term survival of any threatened species and/or ecological communities occurring, or that have the potential to occur within the subject site or locality.*

Clause 6.2 Building design and visual impact

The proposal has not had regard to the visual impact for users of the adjacent public bushland and public recreation area. As such, the proposal is contrary to provision (a).

Section H.8 Preparation of a bushland rehabilitation and maintenance plan for bushland area

The proposal does not include a Bushland Rehabilitation and Maintenance Plan in accordance with provisions (a), (b), and (c).

Section H.9 Preparation of a stormwater plan

The proposal does not adhere to provisions (a), (b), (c). The proposed stormwater management strategy has not been designed in accordance with Part O: Stormwater of Lane Cove DCP 2010 and involves charging directly into bushland, which is generally not permitted.

Part J Landscaping

J.2 Tree preservation and landscape guidelines

Pursuant to Clause 2.2, the proposal would be inconsistent with objective 1 which seeks to retain the maximum possible number of existing trees, particularly native trees, within the Municipality. The removal of native Turpentine trees as discussed previously in this report is not supported.

Part O Stormwater Management

The proposed stormwater management strategy would not adhere to the requirements for draining into bushland under Clause 4.5. Noting the site-specific requirement under Part D, Clause 10, for stormwater to be directed to the front of the site, Council would be willing to consider an alternative solution provided the adjoining bushland and Gore Creek would not be adversely affected. A site meeting with Council staff and the Applicant's Engineer has taken place with three (3) options considered, as follows:

Option 1:

New pipe system in Northwood Road and connection to existing Council pit.

The applicant did not agree to this option because the proposed pipe system is approximately 250m long.

Option 2:

Dispersal system at downstream boundary with gabion wall.

Council is concerned that this option would increase dampness/water in the adjoining bushland and adversely impact upon the proposed basement carpark and tennis courts as part of the Golf course redevelopment. As such, Option 2 is not supported by Council's Manager Open space and bushland Coordinator.

Option 3:

Pipe system through the bushland to the Golf course and improvement to existing 300mm pipe system at course.

All members in attendance at the meeting agreed with this option. No details have been submitted at the time of writing of this report.

Part R Traffic, Transport and Parking

Table 16 outlines the proposed/required provision of car parking, bicycle, and motorcycle parking spaces.

Table 16: Table of parking compliance					
Car Parking Requirements					
Aged Care					
	Scale	Rate (SEPP)	Required Parking	Proposed Parking	Shortfall
1 - bed	101	1 space/10 beds	11		
2- bed	21	1 space/10 beds	3		
Staff	40	1 space/2 staff	20		
Total	162		34		
Commercial					
	Scale	Rate (DCP Part R)	Required Parking	Proposed Parking	Shortfall
GFA (m2)	2051	1 space/40m2	52		
Accessible Parking	52	1 space/20 spaces (1 min)	3		
Total			86 (incl. 3 Accessible)	86 (incl. 3 Accessible)	0
Bicycle Parking Requirements					
Aged Care					
No. of Beds	Scale	RATE (DCP)	Required Parking	Proposed Parking	Shortfall
<i>NO BICYCLE PARKING IS REQUIRED FOR RESIDENTIAL AGED CARE CENTRE UNDER DCP PART R</i>					
Commercial					
Employees	2051	1 per 50m2 GFA	42		
Visitors	2051	2 Racks + 1 rack per 200m2 over 200 GFA	12		
Total			54	44	-10
Motorcycle Parking Requirements					
Aged Care and Commercial					
	Scale	Rate (DCP PART R)	Required Parking	Proposed Parking	Short-fall
	86	1 motorcycle space/15 car spaces	6	6	0

To ensure compliance with Clause 2.6 (bicycle parking rates) and Clause 4.3 (bicycle facilities), the bicycle parking shortfall of 10 spaces for the commercial component can be conditioned to comply in addition to the provision of adequate end- user bicycle facilities.

With regard to accessible parking, one of the accessible parking spaces would not comply with AS2890.6. This can be conditioned to comply.

Council's Traffic Engineer has requested that additional information is submitted regarding ground clearance testing as the submitted information is unclear. The height clearance proposed is not in accordance with AS2890.2. Ramp sections are to be provided indicating the height clearance for the largest design vehicles accessing the development.

With regard to traffic and parking impacts on the localised road network, Council's Traffic Engineer has determined that there is insufficient information to enable a proper assessment. The following additional information is required:

- A Safety and Functionality Report is required for the proposed traffic signal outlining the potential wait times/queue lengths and location of the loops.

- The use of traffic counts to determine the traffic generation of the existing development (as oppose to rates from the RMS guide) would be an accurate representation of existing conditions and therefore the net increase in traffic volumes. Passing trade of 80% should be applied to the service station and convenience store component of the existing development.
- The traffic report must consider the following future upgrade projects:
 1. River Road/Longueville Road upgrade – Modelling is required to be updated as per the TCS provided.
 2. Impact on local streets - The Traffic Report does not provide a detailed assessment on the impact of local streets such as Arabella Street/Woodford Street/Kenneth Street. Given the left in left out arrangement, it is noted that 30% and 60% of traffic entering the development in the AM and PM peak hours respectively will be coming from the east via River Road. These vehicles are expected to use Arabella, Woodford, and Kenneth Streets. The Consultant is to provide a SIDRA analysis at the above intersections to determine the impact of the additional traffic on these local streets.
 3. Northwood Roundabout – Council is the process of gaining approval for a roundabout at the Northwood Road/River Road intersection. Given the development is restricted to left in/left out access, the proposed roundabout will facilitate westbound movements from the development which will potentially reduce rat-running through local streets. As such, the developer is required to contribute funding towards the construction of the proposed roundabout.
- A revised traffic analysis to address the cumulative impact of approved/pending developments in the vicinity of the site including the proposed development at 266 Longueville Road.
- Ramp sections are to be provided indicating the height clearance for the largest design vehicles accessing the development. AutoCAD files of the ground clearance test is to be provided for a B99 and MRV as the plan provided is unclear.

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

None.

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

6.10 Environmental Planning and Assessment Regulation 2000

Clause 92 of the Environmental Planning and Assessment Regulation 2000 (the Regulation) requires Council to consider Australian Standard AS 2601-2004: *The demolition of structures*.

Compliance with the Building Code of Australia is a prescribed condition of development consent under Clause 98 of the Regulation.

Fulfilment of the above matters is dealt with through the imposition of draft without prejudice conditions.

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 considered to be satisfactory and not warrant further consideration.

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

The site is unsuitable for the proposed development for the following reasons:

- the application has not demonstrated a stormwater disposal strategy that would protect adjoining bushland;
- the proposal would not strictly adhere to the 10m bushland buffer requirement and would adversely impact upon existing bushland at the rear of the site;
- the proposal would involve the removal of native trees that provide valuable canopy, habitat, and food source for native fauna; and
- the proposal would be inconsistent with the desired future character for the site as expressed in the site-specific provisions pertaining to height/setbacks.

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

256 submissions were received, following notification of the application. A copy of the submissions has been provided to the Panel. The Applicant's response to submissions is attached as **Annexure 18**.

A summary of the key issues raised is included below:

Issue	Concerns Raised
Traffic	<ul style="list-style-type: none"> • Increased traffic generation due to single vehicular access point • Decreased safety of locals and drivers • Traffic analysis carried out during COVID in school holidays • DCP objectives for traffic not met • Traffic and Parking Impact Assessment suggests 'rat-run' alternatives – impact to local road network and unsuitable for larger vehicles.
Parking	<ul style="list-style-type: none"> • Lack of car spaces • DCP objectives for parking not met • Lack of parking further magnified by irregular public transport • Reduced on-street parking availability • Lack of parking for future retail/commercial tenancies
Access, Ingress/Egress	<ul style="list-style-type: none"> • Inconsistency with Draft DCP - requires a 5m, 3rd storey setback • Sited too close to Northwood Road
Density	<ul style="list-style-type: none"> • Number of beds increased by 10% from concept scheme under planning proposal. • Overdevelopment of site. • Excessive FSR
Bulk and Scale	<ul style="list-style-type: none"> • Excessive bulk and scale • Rezoning inappropriate to site.
Green Space/Bushland	<ul style="list-style-type: none"> • Lack of green space, most of which will be on roof top. • Lack of access to the outdoors • Reduction of 10m eastern setback (to the bush) • Removal of 11 out of 17 existing trees on the site • Massing of development negatively impact local bushland corridor • 2 Sydney blue gums proposed for the front can grow up to 50m - dangerous for occupants
Non-compliance with building height	<ul style="list-style-type: none"> • Breach of the height control
Facilities	<ul style="list-style-type: none"> • Allowance for 65 bikes is too high given bike usage
Noise	<ul style="list-style-type: none"> • Noise disruptions during the construction period

Overshadowing	<ul style="list-style-type: none"> • Overshadowing of adjoining bushland
Type of Development	<ul style="list-style-type: none"> • Oversupply of aged care facilities in the local area
Telecommunications tower	<ul style="list-style-type: none"> • No mention of relocation or incorporation of telecommunication tower into final development
Fumes – suitability of use	<ul style="list-style-type: none"> • Being located next to a busy road is a health risk for aged residents
View Loss	<ul style="list-style-type: none"> • High reflectivity of panels onto water views
Golf Course Redevelopment	<ul style="list-style-type: none"> • The Proponents have not considered the impact of the proposed re-development of the Golf course to a multi-use sports and entertainment facility

7 SECTION 7.11 CONTRIBUTIONS

Should this application be approved, payment of a Section 7.11 contribution in accordance with Council's contributions plan is payable. A condition to this effect is included in the draft (without prejudice) conditions.

8 CONCLUSION

The proposal is unacceptable against the relevant considerations under Section 4.15 for the reasons outlined in this Report.

The proposed development would be inconsistent with the desired future character for the site expressed in terms of the fine grain built-form controls for the site under *Part D: Commercial Development & Mixed-use Localities - Locality 2: Northwood neighbourhood Centre* of the Lane Cove DCP 2010.

The 3-storey built form to the street alignment would not adhere to the 2-storey requirement with recessed upper level and would create excessive mass and bulk at the pedestrian scale. In this regard, the proposal would not provide an improved streetscape, pedestrian experience, and an inviting public domain to Northwood Road.

The proposed location and design of the development would not maximise the retention and protection of native fauna habitat and bushland. The proposal would not provide an appropriate transition area between the building and bushland area so as to reduce the impacts of the development and has not been accompanied by a suitable stormwater disposal strategy.

Insufficient information has been submitted to assess the traffic and parking impacts of the development on the localised road network.

The proposal is therefore recommended for refusal.

9 RECOMMENDATION

THAT the Sydney North Planning Panel, as the consent authority, refuse DA113/2020 for the construction of a mixed-use development including a 143-bed residential care facility and commercial premises including a medical centre premises, and basement parking on land at 4-18 Northwood Road and 274-274A Longueville Road, Lane Cove, for the following reasons:

1. Building height

- 1.1 The proposal would not comply with the maximum height permitted on the site (RL 66.25m) under Clause 6.9(2)(a) of the Lane Cove LEP 2009.

- 1.2 Objective (b) of Clause 4.6 and matters required to be demonstrated under Clause 4.6(3)(b) have not been adequately addressed in the Applicant's written request.

2. Built-form

- 2.1 The 3-storey built form to the street alignment would not adhere to the 2-storey requirement with recessed upper level (8m to boundary) and would create excessive mass and bulk at the pedestrian scale and walled effect along Northwood Road. In this regard, the proposal would not provide an improved streetscape, pedestrian experience, and an inviting public domain to Northwood Road.
- 2.2 The proposal would not comply with the 3m front setback control and southern side setback control.
- 2.3 The proposal would not provide an appropriate transition in height and bulk to adjacent low density residential development to the south.
- 2.4 The proposal would achieve the minimum 6m setback requirement to the northern-side boundary but would not provide any additional recess at the upper level to provide visual relief to adjacent development to the north.
- 2.5 The proposal is therefore inconsistent with the following:

SEPP (Housing for Seniors or People with a Disability) 2004

- Clause 6.2.1 – Objective (c)
- Clause 29
- Clause 33 – (a), (c)(i)(iii), (d)

Lane Cove Local Environment Plan 2009

- Clause 1.2 – Aims (c)(ii)(iii)

Lane Cove Development Control Plan 2010

- Section B.1 – General objectives regarding neighbourhood character
- Part D, Clause 10 – Objectives 1, 4 and 5 (Indicative building form)
- Part D, Clause 10 – Objectives 2, 3 and 5; and provisions (a)(a.(b.)) (Site planning)
- Part D, Clause 10 – Objectives 1, and 4; and provisions (a)(I)(II), (III)(a)(i.(ii.))(b), (c) (Setbacks)

3. Desired future character

- 3.1 The proposed development would be inconsistent with the desired future character for the site expressed in terms of the fine grain built-form controls for the site.

4. Landscaping

- 4.1 The proposed location and design of the development would not maximise the retention and protection of native trees. The removal of native turpentine trees 1, 2, 5, 6, 10 and 11 is not supported as they act as canopy trees that provide amenity, habitat, and are a food source for native fauna.
- 4.2 The replacement tree ratio of 2:1 would not adhere to the 3:1 requirement and would not provide sufficient replacement tree canopy coverage.
- 4.3 The proposed basement excavation to the front boundary would not allow for deep soil landscaping and canopy trees within the front setback. The south-western corner of the development would not provide any deep soil planting and canopy trees.
- 4.4 The proposal is therefore inconsistent with the following:

SEPP (Housing for Seniors or People with a Disability) 2004

- Clause 33 – (f)

SEPP (Vegetation in Non-rural Areas) 2007

- Clause 3 – Aims (1)(a)(b)

Lane Cove Development Control Plan 2010

- Part D, Clause 10 – Objective 4; and provisions (a), (c), (g), (l) (Open space and landscaped areas)
- Part D, Clause 10 – Objectives 3 and 5 (setbacks)
- Part J, Section J.2, Clause 2.2 – Objective 1

5. Bushland protection

- 5.1. Except for the southern boundary, the curtilage to the south-eastern section of the development would not adhere to the 10m buffer requirement to adjacent E2 zoned land. As such, the proposal would not provide an appropriate transition area between the building and bushland area so as to reduce impacts of the development upon adjacent bushland.
- 5.2 The encroachment of the south-eastern section of the development into the buffer zone would have an adverse visual impact for users of the adjacent public bushland and public recreation area.
- 5.3 The proposal was not accompanied by a Bushland Rehabilitation and Maintenance Plan. The proposal would not promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation including regeneration of the bushland buffer with native indigenous plants.
- 5.4 The proposal would involve the removal of suitable foraging habitat for two threatened bat species listed under the Biodiversity Conservation Act 2016 and potential roosting habitat for one of those species.
- 5.5 The proposal is therefore inconsistent with the following:

SEPP (Housing for Seniors or People with a Disability) 2004

- Clause 33 – (f)

SEPP No. 19 - Bushland in Urban Areas

- Clause 2 – Aims, objectives (1)(b)(c), (2)(b)(c)(d)(e)(f)(g)(i)(n)

Lane Cove Local Environment Plan 2009

- Clause 1.2 – Aims (a), (e), (f)

Lane Cove Development Control Plan 2010

- Section B.1 – General objectives regarding environmental protection
- Part D, Clause 10 – Objective 1; and provision (g) (Bushland protection)
- Part H, Section H.1 – Objectives 1, 2, 3, 4 and 5
- Part H, Clause 5.2 – Objective 1, and provision (f)
- Part H, Clause 6.1 – Provision (a)(ii)
- Part H, Clause 6.2 – Provision (a)
- Part H, Section H.8 – Provisions (a), (b), and (c)

6. Stormwater

- 6.1 The proposed stormwater disposal strategy involving draining into bushland at the rear and not to the front of the site would have adverse impacts on the adjoining bushland and Gore Creek.
- 6.2 The proposal is therefore inconsistent with the following:

SEPP (Housing for Seniors or People with a Disability) 2004

- Clause 36 – (a)

Lane Cove Development Control Plan 2010

- Part D, Clause 10 – Objective (g) (Bushland protection)
- Part H, Section H.9 – Provisions (a), and (c)
- Part O, Clause 4.5

7. Suitability of the Site

- 7.1 The site is unsuitable for the proposed development for the following reasons:

- a) the application has not demonstrated a stormwater disposal strategy that would protect adjoining bushland;
- b) the proposal would not strictly adhere to the 10m bushland buffer requirement and would adversely impact upon existing bushland at the rear of the site;
- c) the proposal would involve the removal of native trees that provide valuable canopy, habitat, and food source for native fauna; and
- d) the proposal would be inconsistent with the desired future character for the site as expressed in the site-specific provisions pertaining to height/setbacks.

8. Public Interest

- 8.1 Due to the deficiencies detailed above, approval of the proposed development would be contrary to the public interest.
- 8.2 Approval of the subject application would set an undesirable precedent for development in the area with respect to building height at the street frontage, and non-compliant side and rear setbacks.

9. Insufficient Information

- 9.1 Traffic

Council's Traffic Engineer has determined that there is insufficient information to enable a proper assessment. The following additional information is required:

- a) A Safety and Functionality Report is required for the proposed traffic signal outlining the potential wait times/queue lengths and location of the loops.
- b) The use of traffic counts to determine the traffic generation of the existing development (as oppose to rates from the RMS guide) would be an accurate representation of existing conditions and therefore the net increase in traffic volumes. Passing trade of 80% should be applied to the service station and convenience store component of the existing development.
- c) The traffic report must consider the following future upgrade projects:
 - River Road/Longueville Road upgrade – Modelling is required to be updated as per the TCS provided.

- Impact on local streets - The Traffic Report does not provide a detailed assessment on the impact of local streets such as Arabella Street/Woodford Street/Kenneth Street. Given the left in left out arrangement, it is noted that 30% and 60% of traffic entering the development in the AM and PM peak hours respectively will be coming from the east via River Road. These vehicles are expected to use Arabella, Woodford, and Kenneth Streets. The Consultant is to provide a SIDRA analysis at the above intersections to determine the impact of the additional traffic on these local streets.
 - Northwood Roundabout – Council is the process of gaining approval for a roundabout at the Northwood Road/River Road intersection. Given the development is restricted to left in/left out access, the proposed roundabout will facilitate westbound movements from the development which will potentially reduce rat-running through local streets. As such, the developer is required to contribute funding towards the construction of the proposed roundabout.
- d) A revised traffic analysis to address the cumulative impact of approved/pending developments in the vicinity of the site including the proposed development at 266 Longueville Road.
- e) Ramp sections are to be provided indicating the height clearance for the largest design vehicles accessing the development. AutoCAD files of the ground clearance test is to be provided for a B99 and MRV as the plan provided is unclear.

9.2 Bushland

Further independent studies and evidence is required to support the claim in the revised *Flora and Fauna Assessment Report*, prepared by Cumberland Ecology, that the proposed setback to adjoining E2 zoned land *would be unlikely to have a significant impact on the long-term survival of any threatened species and/or ecological communities occurring, or that have the potential to occur within the subject site or locality.*

9.3 Stormwater

Further details are to be provided regarding the agreed strategy for stormwater management involving a pipe system through the bushland to the golf course and improvement to the existing 300mm pipe system at the golf course.

9.4 Telecommunications tower

An Electromagnetic Radiation (EMR) assessment is to be undertaken and a report prepared to determine the impact of the existing telecommunications tower on future residents/employees/visitors.

10. Matters which the consent authority must be satisfied of

- 10.1 The consent authority cannot be satisfied of the relevant matters under Clause 101(2)(b): *Development with frontage to classified road* of SEPP (infrastructure) 2007 and therefore cannot grant consent.

10 ANNEXURES

Annexure	Document
1.	Architectural Plans - Revised
2.	Landscape Plans – Revised
3.	Photomontages
4.	Access Report
5.	Acoustic Report
6.	BCA Capability Statement
7.	Civil Engineering Plans – Revised
8.	Clause 4.6 Variation Request – Height
9.	Compliance Tables
10.	Construction Environmental Management Plan
11.	Consultation Outcomes Report
12.	Electromagnetic Radiation Assessment – Response to Council Request
13.	Flora and Fauna Assessment – Revised
14.	Geotechnical Report
15.	Operational Waste Management Plan
16.	Remediation Action Plan
17.	Response to Council Comments – 8/10/20
18.	Response to Submissions
19.	Section J Report
20.	SEPP 55 Advice Letter
21.	Statement of Environmental Effects
22.	Stormwater Discharge Strategy Letter
23.	Survey Plan
24.	Traffic and Parking Impact Assessment
25.	Traffic – Addendum Letter to Council
26.	Tree Protection and Management Plan
27.	Tree Report – Revised
28.	Unsatisfactory DA letter issued by Council – 19/11/2020
29.	Waste Management Form
30.	Waste Room Plan