

PPSSNH-140 – Lane Cove – DA113/20 PANEL REASON FOR DEFERRAL (16.12.2020)		APPLICANT'S RESPONSE	UPDATED DOCUMENTATION
1. Building height	1.1 Applicant's Clause 4.6 Written Request, especially Environmental Planning Grounds, needs further work to distil the argument in support of a variation of the height standard. At this stage, the Panel is not convinced that a parapet fits the definition of an architectural roof feature.	An amended Clause 4.6 variation request has been prepared.	Clause 4.6 variation prepared by City Plan dated 9 February 2021.
2. Built-form	2.1 Resolve setbacks to Northwood Road in accordance with the objectives of the DCP to create a pedestrian friendly, cyclist friendly, vibrant and active neighbourhood including a 3 metre setback for ground and first floors and a further setback for the third floor to moderate the appearance of building mass from pedestrian level. As a guide, the third floor setback should be not less than 3 metres in order to provide a meaningful step-back to allow the building to be read as predominately two storeys from the public domain. The site is visually prominent and while the architecture is considered highly commendable in its own right, the development would better respond to its local context and desired future character if the third storey was setback.	<p>In accordance with the Panel's comments, amended Architectural Plans have been prepared which include:</p> <ul style="list-style-type: none"> - 3m setback for the full length of the street front boundary at ground and first floors; and - a further 3m setback (6m from front boundary) on top/third floor street frontage (Level 6). <p>The floor plans have been adjusted rearrange the rooms on levels 5 and 6 as a result of the increased front setback. All changes to the plans, as a result of the amendments, are clouded and labelled.</p> <p>Notwithstanding, the intent of this control, to protect the adjoining bushland, continues to be achieved as the balconies are located well above ground level, minimising potential impacts on the vegetation.</p>	<p>Architectural Plans prepared by MDP, dated 18/01/21.</p> <p>A full set of Architectural Plans (incorporating the amended plans) has been provided.</p>
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.	As discussed above, the design has been amended to include a 3m front setback at the ground and first floor and further 3m setback (6m from front boundary) on top/third floor street frontage (Level 6). This creates a two storey street wall consistent with Council's vision for	-

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		the site. The revised design responds to the local context and desired future character of Northwood Road.	
4. Landscaping	<p>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.</p> <p>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.</p> <p>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.</p>	<p>The Applicant is willing to retain Trees 1 and 2 as shown on the amended Landscape Plans.</p> <p>It is noted that retention of these trees is in conflict with the DCP principle of providing view corridors from the street to the bushland reserve.</p> <p>Retention of the trees 5, 6, 10 and 11, which are within the building/basement footprint, would require significant amendment to the design and is not proposed.</p> <p>A total of 20 canopy trees are proposed to achieve compliance with the 3:1 replacement tree ratio. The amended Landscape Plans incorporate the provision of 10 canopy trees on-site and an additional 10 canopy trees are to be planted in the adjoining bushland reserve.</p> <p>Under existing conditions there is approximately 800mm of soil above rock along the site's front boundary.</p> <p>There is an inherent design conflict between providing street trees within the 3 metre setback area and Council's requirement to provide a continuous awning along the site's frontage. Instead, lower planting have been provided between the turf verge and the pedestrian footpath.</p>	Landscape Plans prepared by Svalbe & Co (Revision G dated 29/01/21)
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	The proposed development complies with the State Environmental Planning Policy No 19—Bushland in Urban Areas.	Condition 29

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	<p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>The proposal satisfies the DCP objectives in relation to bushland protection and management by:</p> <ul style="list-style-type: none"> - creating an additional 210 sqm of bushland regeneration at the rear (north-eastern) portion of the site; and - including measures to mitigate any potential impacts such as directional time controlled external lighting in accordance with the recommendations of Cumberland Ecology's Flora and Fauna Assessment. <p>There is approximately 85m between the south-eastern section of the site and the publicly accessible recreation area. Views are obscured by the bushland reserve.</p> <p>A <i>Bushland Rehabilitation and Maintenance Plan</i> will be prepared by the applicant in accordance with Condition 29 of the draft conditions of consent.</p> <p>The proposed development will remove a small area of suitable foraging habitat for two threatened bat species and potential roosting habitat for one threatened bat species. The removal of this habitat is considered unlikely to have a significant impact on any of the species.</p>	

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	potential roosting habitat for one of those species.	Appropriate mitigation measures recommended within the Flora and Fauna Assessment prepared by Cumberland Ecology, have been incorporated into the proposal.	
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.	Stormwater Plans have been amended in accordance with draft Condition 30 and incorporate rainwater capture and re-use to half the quantity of stormwater disposal required.	Amended Stormwater Plans prepared by ACOR dated 20/01/20.
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.	The suitability of the site to accommodate seniors housing/mixed use development and an increase in FSR and building height, was clearly demonstrated with the gazettal of the site-specific planning proposal.	-

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8. Public Interest	<p>8.1 Due to the deficiencies detailed above, approval of the proposed development would be contrary to the public interest.</p> <p>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.</p>	All matters of concern have now been addressed.	-
9. Insufficient Information	<p><u>9.1 Traffic</u> Additional information required:</p> <p>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.</p> <p>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.</p> <p>c) The traffic report must consider:</p> <ul style="list-style-type: none"> • River Road/Longueville Road upgrade • Impact on local streets 	<p>A Safety and Functionality Report has been provided.</p> <p>Additional traffic counts have been provided.</p> <p>In addition, the PP assessed traffic implications for a “worst case” traffic scenario, that included the site’s full development potential, rather than a residential aged care facilities.</p> <p>It is noted there is no current RMS approval for a roundabout at the Northwood Road/River Road intersection.</p>	Refer to the response to Council prepared by McLaren Traffic Engineering, dated 1 December 2020.

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	<ul style="list-style-type: none"> • 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. 	<p>It is noted there is no current approval, or certainty of approval for the proposed development at 266 Longueville Road, due to issues with the site compatibility certificate.</p> <p>Ramp sections have been provided to Council.</p>	
	<p><u>9.2 Bushland</u> Further independent studies and evidence is required to support the claim in the revised <i>Flora and Fauna Assessment Report</i>, prepared by Cumberland Ecology, that the proposed setback to adjoining E2 zoned land</p>	Refer to item 5. Bushland Protection	

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	<i>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.</i>		
	<u>9.3 Stormwater</u> 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.	Refer to item 6. Stormwater	Amended Stormwater Plans prepared by ACOR dated 20/01/20.
	<u>9.4 Telecommunications tower</u> 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.	Pathways has given formal notice to both Telstra/Vodafone to relocate the telecommunications infrastructure off-site. There is therefore no need to prepare an EMR assessment.	-
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): <i>Development with frontage to classified road</i> of SEPP (infrastructure) 2007 and therefore cannot grant consent.	Clause 101(2)(b) requires that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that: <i>the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i> <i>(i) the design of the vehicular access to the land, or</i> <i>(ii) the emission of smoke or dust from the development, or</i> <i>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land</i>	-

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		<p>The proposed development provides a safer and more efficient traffic environment by removing 4 existing driveways. This will reduce vehicular and pedestrian conflict along the site's frontage as demonstrated in the Safety and Functionality Report.</p> <p>Transport for NSW has provided a submission, which outlines no objection to the proposed development.</p> <p>It is noted draft condition 107 requires a triangular median Island at the driveway which contradicts TfNSW's conditions and should be deleted.</p>	