



CREATIVE**PLANNING**SOLUTIONS

Statement of Environmental Effects

Construction of a new residential flat building containing thirty (30) dwellings, basement car parking and stratum subdivision pursuant to Division 1 – In-Fill Affordable Housing of *State Environmental Planning Policy (Affordable Rental Housing) 2009*



20 & 22 Mindarie Street & 30 Pinaroo Place, Lane Cove North
Lot 81, 82 & 83 DP 35865

Prepared for: BlueCHP Limited

Project No: C116

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1.0 Introduction

This Statement of Environmental Effects ('**SEE**') has been prepared to accompany a Development Application ('**DA**') for the construction of a residential flat building, lodged pursuant to the provisions of Division 1 (In-fill affordable housing) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* ('**ARH SEPP**') and *Lane Cove Local Environmental Plan 2009* ('**LCLEP 2009**') at 20 & 22 Mindarie Street and 30 Pinaroo Place, Lane Cove North (Lots 81, 82, 83 DP 35865).

This DA is being lodged for consideration by Lane Cove Council ('**Council**') pursuant to Section 4.12 of the *Environmental Planning & Assessment Act 1979* ('**the Act**') by Creative Planning Solutions Pty Limited ('**CPS**').

This SEE includes a description of the site and proposed development, as well as an assessment of the proposed development pursuant to Section 4.15 of the Act and the relevant provisions of the *Environmental Planning and Assessment Regulation 2000* ('**the Regulations**').

1.1 Purpose

The purpose of this SEE is to outline the development proposal for the subject site, consider any environmental effects that may result from the proposed development and address how such effects can be mitigated.

1.2 Cost of Proposal

The Capital Investment Value ('**CIV**') of the proposal is \$14,642,183 (excluding GST). A Quantity Surveyors Report (prepared by MBM, dated 12 December 2020) has been submitted as part of the development application package. This document should be referred to when verifying the cost of the proposal.

1.3 Consent Authority

As detailed above the proposal has a CIV of over \$5 million. Pursuant to clause 5(b) within Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*, the Sydney North Planning Panel ('**SNPP**') is the consent authority for the proposed development.

2.0 Context of the Site and Surrounding Area

2.1 Location and site description

The land which is the subject of this DA ('**subject site**') contains three (3) allotments that are legally described as 20 & 22 Mindarie Street and 30 Pinaroo Place, Lane Cove North (Lot 82 DP 35865, Lot 81 DP 35865, and Lot 83 DP 35865 respectively). Combined, the three allotments form a regular shaped site with an area of 1,750.80m². The site slopes from the north-western corner adjacent to Mindarie Street down to the south-eastern corner along Pinaroo Place.

The site has four boundaries including two road frontages that are detailed as follows:

- **Northern boundary:**
 - Adjoins the Mindarie Street road reserve
 - Total length: 30.560 meters (excluding corner arc/splay)
- **Eastern boundary:**
 - Adjoins the Pinaroo Place road reserve
 - Total length 41.835 meters (excluding corner splay)
- **Southern boundary:**
 - Adjoins a residential allotment
 - Total length: 36.575 meters
- **Western boundary:**
 - Adjoins two (2) residential allotments
 - Total length: 48.315 metres



Figure 1: A map of the locality, showing the location of the site in relation to the surrounding area.

Source: Six Maps

Each lot is currently occupied by a single-storey detached dwelling house and associated development (paved areas etc.). Access to all three allotments is obtainable via driveway crossovers from Mindarie Street or Pinaroo Place.

The subject site is located within the suburb of Lane Cove North, which is located within the Lane Cove Local Government Area ('LGA'). The site is approximately 2.3km south-west of the Chatswood town centre, and approximately 8.5km north-west of the Sydney Central Business District ('CBD').

The subject site is located within an R4 High Density Residential zone; 30 Pinaroo Place adjoins land zoned E4 Environmental Living to the south. Mindarie Park is approximately 100 metres east and south-east of the subject site (i.e. at the eastern end of Pinaroo Place) which is zoned as RE1 Public Recreation.

The subject site is mapped as bushfire prone land – Vegetation Buffer, and is located approximately 40m north of land mapped as bushfire prone land – Vegetation Category 1. The site is not identified as being affected by any other hazards or major constraints. The site does not contain a heritage item nor is it within a heritage conservation area; the site is not in close proximity to another heritage item.



Figure 2: A aerial photo of the subject site (outlined by the red border) and the surrounding area.

Source: 26 September 2020



Figure 3: A close-up aerial photo of the subject site, which is outlined by the red border.

Source: Nearmap, 26 September 2020



Figure 4: A 2 Mindarie Street, Lane Cove North

Source: Google, November 2019



Figure 5: 20 Mindarie Street, Lane Cove North

Source: Google, November 2019



Figure 6: 1 30 Pinaroo Place, Lane Cove North

Source: Google, November 2019

2.2 Site location and Context

Development to the south and west is characterised by a mixture of low, medium and high density residential development, consisting of detached dwelling houses, multi dwelling housing and large scale residential flat buildings under construction as depicted by Figure 2. Sites to the north and east mainly contain high-density residential development consisting of residential flat buildings.

The allotments that directly adjoin the subject site contain detached dwelling houses. As noted, 28 Pinaroo Place that adjoins to the south is land zoned E4 Environmental Living however it is expected that the dwelling houses to the west will transition into a residential flat building development.

Mindarie Street runs parallel to Mowbray Road West, beyond which is Mowbray Public School and Aurora College. A number of community facilities (including parks and playing fields) are also located within the vicinity of the subject site.

2.3 Background on BlueCHP

Since their inception in 2008, BlueCHP Limited ('BlueCHP') has been a leading Community Housing Provider delivering both private and affordable housing in New South Wales and Queensland. To date, BlueCHP have built more than 1,700 dwellings; of these, a significant proportion include both social and affordable rental housing.

In June 2019, the National Housing Finance & Investment Corporation provided a construction loan to BlueCHP, the first such loan issued to a community housing provider. The loan covers two BlueCHP projects, being the subject site and another located in Liverpool, with a significant number of homes between the two projects to be provided as affordable housing (including affordable housing for people with disabilities).

2.4 Community Consultation

Formal consultation, facilitated by JOC Consulting, was undertaken with local residents on two (2) occasions, being door-knocking and circulation of written correspondence, and a face-to-face residents meeting. A summary of the consultation process is provided below:

Door Knocking and Notification Letter

A total of 156 dwellings received notification letters with 61 residents spoken to. Engagement with these residents was discussion based and sought to capture the concerns and reservations of the residents as well as general sentiment with regard to the proposal.

Throughout these discussions, 21 residents stated that they had no issues with the proposed development, 21 residents made passing comments but were occupied with other activities, and 19 residents provided detailed responses.

Concerns specific to the proposed development were related to overshadowing, view loss, ventilation of proposed apartments, and a desire for commercial land uses to be provided within the ground floor development.

Concerns specific to the broader Lane Cove North area were related to traffic, parking, impacts from recent construction sites, increased density, and the social housing component of the development resulting in reduced safety.

Resident Meeting

A resident meeting was scheduled for 2pm Tuesday 27 October 2020, however no residents attended on account of 'bad weather'. As a result, another meeting was scheduled for 2pm Tuesday 3 November 2020. Representatives from BlueCHP and JOC Consulting were in attendance, as were seven (7) local residents. All attendees with the exception of a representative of the Stringybark Creek Residents Association were residents living on Pinaroo Place and Merinda St.

Attendees appreciated the opportunity to discuss their concerns and provided comprehensive feedback on shadow diagrams, site and block analysis, section plans, and 3D height plan. Residents do not oppose the development in principle, however, compliance with planning controls was raised as a concern. Other concerns related to building height, solar access, building setbacks and traffic.

Refer to the Community Consultation Report prepared by JOC Consulting for further detail.

3.0 Proposed Development

3.1 Project details

Pursuant to Section 4.12 (Application) of the Act, consent is sought for the construction of a six-storey residential flat building and two basement carpark levels, landscaping and civil works, stratum subdivision and the consolidation of the three allotments that make up the subject site. The proposal is to be undertaken pursuant to Division 1 – In-fill Affordable Housing of the ARH SEPP.

The specifics and details of the proposal are contained within the following subsections.

3.1.1 Demolition and tree removal

The application does not propose the demolition of the existing structures or tree removal. NSW Land and Housing Corporation ('LAHC') will undertake demolition and tree removal under a separate Part 5 approval under their own authority.

3.1.2 Residential flat building

The application includes the construction of a six (6) storey residential flat building containing thirty (30) residential apartments, plus two (2) basement car parking levels. Fifteen (15) for private ownership, nine (9) apartments are proposed for social housing, managed by LAHC, and six (6) apartments are proposed to provide adaptable and affordable housing, to be managed by BlueCHP, a registered community housing provider. As such, half (50%) of the apartments within the development would be for in-fill affordable housing.

Lift access is to be provided to all apartments. Each of the residential apartments will have its own private open space ('POS') area, with varying areas and dimensions. Rooftop communal open space ('COS') comprising a BBQ area, pergola, plantings and an outdoor sitting area is also proposed and will be accessible for all residents, as well as ground level communal open space.

The plans propose a contemporary and highly articulated design that would address all boundaries both Mindarie Street and Pinaroo Place. The design of the building has also sought to pursue compliance with solar access and cross-ventilation requirements (refer to relevant planning assessments within Section 4 of this document).

The two basement levels contain forty-three (43) car parking spaces in total. Basement Level 1 contains 15 car parking spaces, including seven (7) disabled spaces (inclusive of 1 visitor disabled space), five (5) visitor spaces (inclusive of the visitor disabled space noted above and one car wash bay), three (3) motorcycle spaces and one (1) waiting bay. The level also contains bicycle storage for 22 bicycles, bulk waste storage, and garbage storage. Basement Level 2 comprises 28 car parking spaces and one (1) waiting bay.

In addition to four (4) residential apartments, the ground floor contains a storage room, sprinklers and hydrant tank, pump room, and entry lobby.

An outline of the apartments within the proposed residential flat building is as follows:

Unit Number	Tenure Type	Number of bedrooms
Ground Floor (Level 00)		
U001	Private	2
U002	Social (LAHC)	2
U003	Private	1
U004	Affordable/Adaptable (BlueCHP)	2
First Floor (Level 01)		
U101	Private	2
U102	Social (LAHC)	1
U103	Affordable/Adaptable (BlueCHP)	2
U104	Affordable/Adaptable (BlueCHP)	2
U105	Private	2
U106	Social (LAHC)	2
Second Floor (Level 02)		
U201	Private	2
U202	Social (LAHC)	2
U203	Affordable/Adaptable (BlueCHP)	2
U204	Affordable/Adaptable (BlueCHP)	2
U205	Private	2
U206	Social (LAHC)	2
Third Floor (Level 03)		
U301	Private	2
U302	Private	2
U303	Affordable/Adaptable (BlueCHP)	2
U304	Social (LAHC)	1
U305	Social (LAHC)	1
U306	Private	1
U307	Social (LAHC)	2
Fourth Floor (Level 04)		
U401	Social (LAHC)	2
U402	Private	1
U403	Private	3
U404	Private	3
Fifth Floor (Level 05)		
U501	Private	3
U502	Private	3
U503	Private	3

Table 1: An outline of the apartments within the proposed development. Also refer to additional information within the assessment of the *Apartment Design Guide* for further details regarding specific areas and design information/

With regard to the above, a breakdown of the proposed apartment mix and types are as follows:

Dwelling types:	Dwelling numbers	Proportion of total number of dwellings	Social (LAHC) Dwellings	Proportion of total number of dwellings	Affordable/Adaptable	Proportion of total number of dwellings
1 bedroom	5	16.67%	3	10%	0	-
2 bedrooms	20	66.67%	6	20%	6	20%
3 bedrooms	5	16.67%	-	-	-	-
Total	30	100%	9	30%	6	20%

Table 2: Numbers and proportional mixes of apartment types within the proposed development.

3.1.3 Civil works

A range of civil works are proposed to facilitate the construction and ongoing use of the residential flat building. All existing driveway crossovers are proposed to be removed; vehicular access/egress to/from the basement carpark is to be provided via a new driveway crossover connecting to Pinaroo Place that has been setback approximately 10m from the southern boundary.

Drainage infrastructure is to be constructed. Refer to the detailed engineering plans and information prepared by Greenview Consulting for further detail regarding on-site stormwater management.

3.1.4 Waste management

A linear track bin system waste chute is accessible at all levels of the development, connecting to the garbage room located on basement level 1. Waste and recycling products are to be held within the provided storage areas until collection occurs. Prior to collection by Council, the building manager/waste caretaker is responsible for any transportation of bins that occurs within the site.

Refer to the detailed operational waste management plan (prepared by Elephants Foot) for further detail regarding onsite waste management. A construction waste management plan has also been prepared by Elephants Foot and should be referred to for further detail regarding construction waste management.

3.1.5 Landscaping works

Substantial landscaping is proposed throughout the site, including a substantial amount of the site area as deep soil. Planting throughout the façade and a rooftop garden are also proposed. The rooftop garden comprises a BBQ area, pergola, plantings and an outdoor sitting area. Proposed landscaping comprises a combination of trees and shrubs, lawn, paved areas and walkways. Overall, the development is proposed to be well landscaped to enhance the overall appearance and amenity of the development and its surroundings.

Refer to the detailed landscape plan (prepared by Stanton Dahl Architects) for further detail regarding the proposed landscaping arrangement.

3.1.6 Utilities

The subject site is connected to all essential services. Utilities and connection points for necessary service will be provided in consultation with the particular agencies and authorities. Connection details will be provided as part of the Construction Certificate process.

3.1.7 Amalgamation and subdivision

It is proposed for the three (3) allotments within the subject site to be amalgamated into one (1) large allotment. A stratum subdivision of the proposed development is also proposed.

4.0 Planning Assessment

4.1 Section 4.15(1) - Evaluation

In accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, the Consent Authority is to take into consideration matters that are of relevance and that are the subject of the development application, specifically:

- (a) *the provisions of:*
 - (i.) *any environmental planning instrument, and*
 - (ii.) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii.) *any development control plan, and*
 - (iiia) *any 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 section 7.4, and*
 - (iv.) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
 - (v.) *(Repealed)**that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

With regard to the above, the key environmental planning instruments and development control plans that are of relevance to the development are as considered within Part 4 of this document.

For reference, the following list contains Environmental Planning Instruments and Development Control Plan that have been considered in the preparation of this statement:

- State Environmental Planning Policy (State and Regional Development) 2011 ('SRD SEPP')
- State Environmental Planning Policy – Affordable Rental Housing 2009 ('ARHSEPP')
- State Environmental Planning Policy Infrastructure (2007) ('ISEPP')
- State Environmental Planning Policy No. 55 – Remediation of Land ('SEPP 55')
- State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development ('SEPP 65')
- State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004
- State Environment Planning Policy (Vegetation in Non-Rural Areas) 2017
- Lane Cove Local Environmental Plan 2009 ('LCLEP 2009')
- Lane Cove Development Control Plan 2009 ('LCDCP 2009')

4.2 Environmental Planning Instruments – Section 4.15(1)(a)(i)

4.2.1 State Environmental Planning Policies

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

As indicated within Section 1.3 of this document, the proposed development has a capital investment value of over \$5 million. As development identified in Schedule 4A (6)(b) of the Act, the development is regional development in accordance with Part 4 of the SRD SEPP. Pursuant to clause 5(b) within Schedule 7 of the SEPP, the SNPP would be the consent authority.

4.2.1.2 State Environmental Planning Policy (Affordable Rental Housing) 2009

Compliance with the applicable provisions of Part 2, division 1 (In-fill affordable housing) of the ARH SEPP is demonstrated within the following table:

Division 1 - In-fill affordable housing			
Clause	Required	Proposed	Complies?
10 Development to which Division applies	(1) This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if: (a) the development concerned is permitted with consent under another environmental planning instrument, and (b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the Heritage Act 1977.	The site is within an R4 zoned area. With regard to clause (1)(a), 'Residential flat buildings' (as defined by the Standard Instrument) are permissible with consent within the R4 zone under LCLEP 2009. With regard to clause (1)(b), the subject site does not contain a heritage item.	Yes
	(2) Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area. In this policy, 'accessible area' means land that is within: (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or (b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or	The site is located in very close proximity to bus services along Mowbray Road West. Walking distances from the site to the nearest bus stops are as follows: <ul style="list-style-type: none"> Approximately 250m from the nearest stop serving the eastbound 292 and 533 bus routes (Stop ID: 2066180); Approximately 260m from the nearest stop serving the westbound 292, 258 and 533 bus routes (Stop ID: 2066179). The frequency of the 292 service is as follows: <ul style="list-style-type: none"> Eastbound to Erskine Street, City: 	Yes

	<p>(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.</p>	<ul style="list-style-type: none"> ○ Monday to Friday: Minimum two (2) services per hour between 6:00am and 9:00pm ○ Saturday and Sunday: Minimum one (1) service per hour between 8:00am and 6:00pm ● Westbound to Marsfield: <ul style="list-style-type: none"> ○ Monday to Friday: Minimum two (2) services per hour between 6:00am and 9:00pm ○ Saturday and Sunday: Minimum one (1) service per hour between 8:00am and 6:00pm <p>The frequency of the 533 service is as follows:</p> <ul style="list-style-type: none"> ● Eastbound to Chatswood: <ul style="list-style-type: none"> ○ Monday to Friday: Minimum two (2) services per hour between 6:00am and 9:00pm ○ Saturday and Sunday: Minimum one (1) service per hour between 8:00am and 6:00pm ● Westbound to Sydney Olympic Park: <ul style="list-style-type: none"> ○ Monday to Friday: Minimum two (2) services per hour between 6:00am and 9:00pm ○ Saturday and Sunday: Minimum one (1) service per hour between 8:00am and 6:00pm 	
	<p>(3) Despite subclause (1), this Division does not apply to development on land that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use, or within a land use zone that is equivalent to any of those zones.</p>	Not applicable.	N/A
13 Floor space ratios	<p>(1) This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.</p>	Noted.	-

	<p>(2) The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus</p> <p>a) if the existing maximum floor space ratio is 2.5:1 or less:</p> <p>(i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or</p> <p>(ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:</p> <p>AH is the percentage of the gross floor area of the development that is used for affordable housing. $Y = AH \div 100$</p>	<p>LCLEP 2009 applies a 1.8:1 FSR to the subject site. The proposed FSR is 1.548:1.</p> <p>50% of the GFA of the proposed development is social or affordable housing, therefore an additional FSR allowance applies however this is not required to be utilised as the proposed FSR is well below the LCLEP 2009 1.8:1 FSR.</p>	Yes
14 Standards that cannot be used to refuse consent	<p>(1) Site and solar access requirements</p> <p>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p> <p>(a) (Repealed)</p> <p>(b) site area</p> <p>if the site area on which it is proposed to carry out the development is at least 450 square metres,</p> <p>(c) landscaped area</p> <p>if:</p> <p>(i) in the case of a development application made by a social housing provider—at least 35 square metres of landscaped area per dwelling is provided, or</p> <p>(ii) in any other case—at least 30 per cent of the site area is to be landscaped,</p>	<p>Proposed site area: 1,750.8m²</p> <p>Proposed landscape area: 775.17m², or 44.27% of the proposed site area.</p> <p>Part (i) applies as BlueCHP is a social housing provider as defined under Cl. 4 of the ARHSEPP. Based on the number of proposed dwellings, at 35m² per dwelling, satisfaction of this requirement would require that 1,050m² (i.e. 59%) of the total site area be landscaped.</p> <p>With regard the above landscaped area calculations, the proposed development would not meet the</p>	<p>Yes</p> <p>No</p>

	<p>minimum landscaped area requirements of clause 14(1)(c) of the ARHSEPP.</p> <p>See below for a discussion regarding this non-compliance.</p>	
<p>(d) deep soil zones if, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed:</p> <p>(i.) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the deep soil zone), and</p> <p>(ii.) each area forming part of the deep soil zone has a minimum dimension of 3 metres, and</p> <p>(iii.) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,</p>	<p>Proposed deep soil area: 404.9m², or 23.12% of the proposed site area.</p> <p>All areas are inclusive of minimum dimensions.</p>	Yes
<p>(e) solar access if living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.</p>	<p>21 (i.e. 70%) of apartments would obtain at least three hours of direct solar access between 9:00am to 3:00pm on June 21.</p>	Yes
<p>Discussion of landscaped area</p> <p>As indicated within the assessment of clause 14 (c)(1) above, the requirements of the SEPP would require that a significant proportion of the site be landscaped.</p> <p>Such requirements are significantly more onerous than the requirements within LCDCP 2009, which requires that only 40% (i.e. 700m²) of the site be landscaped; a requirement that would be significantly exceeded by this proposal.</p> <ul style="list-style-type: none">The provision of 35m² per dwelling is clearly aimed at multi-dwelling housing style developments where each dwelling is at ground level and therefore can accommodate a landscaped area. As indicated in Section 3, the proposed development is for a multi storey residential flat building, with the majority of dwellings above ground level; the private open space for such dwellings above ground level would therefore have balconies rather than landscaped spaces. Pursuant to clause 14(c)(1) of the ARH SEPP, the proposal for thirty (30) apartments would require that 1,050m² (i.e. 59%) of the site consist of landscaped area, which would be both unachievable and undesirable on the site.		

- The proposal includes large, unencumbered spaces within the front, side and rear setbacks, that provide substantive landscaped and deep soil areas. Such spaces will contain a significant amount of medium and large trees that will both provide amenity for the residents and adjoining properties and soften and screen the development in the streetscape.
- Given site requirements (i.e. R4 zoning, 1:8.1 FSR under LCLEP2009 and 2.3:1 under ARHSEPP, etc), the proposed landscaped and deep soil areas (both of which are well in excess of minimum Council requirements) are considered to be substantial and given that the landscaped areas are surrounding the building located adjacent to site boundaries, the landscape design would provide for high levels of amenity and streetscape presentation.

As demonstrated by the submitted landscaped plans, the proposed landscaped area has been well designed, and includes useable and heavily landscaped communal open space areas which provides a buffer to adjacent residential development. It should also be noted that the site layout affords significant landscaped area (including substantial deep-soil space that is well in excess of minimum requirements) within frontages addressing the public domain; as such the landscape plans propose substantial planting of large trees/vegetation that will assist in filtering and screening the proposed development from the public domain in accordance with relevant outcomes and objectives.

Given the above justification it is considered that refusal of a future development on the basis of landscaping would be unfair in the circumstances of the subject development, particularly given the proposal otherwise achieves compliance with the relevant provisions of the LCDCP 2009 and SEPP 65.

(2) General

A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

(a) Parking

if:

- (i.) in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms, or
- (ii.) in any other case—at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces

The development proposes a total of three (3) x one-bedroom apartments and six (6) x two-bedroom apartments for the purposes of social housing.

As such, a total of 4.2 car parking spaces are required for the nine (9) proposed social housing apartments. Refer to calculations in the table below.

Type	Qty	Rate	Req.
1-bed	3	0.4	1.2
2-bed	6	0.5	3
Total	9		4.2

Parking provision for the 21 non-social housing apartments have

Yes

	are provided for each dwelling containing 3 or more bedrooms,	been calculated at the rates prescribed in the LCDCP 2009.	
	<p>(b) dwelling size</p> <p>if each dwelling has a gross floor area of at least:</p> <p>(i.) 35 square metres in the case of a bedsitter or studio, or</p> <p>(ii.) 50 square metres in the case of a dwelling having 1 bedroom, or</p> <p>(iii.) 70 square metres in the case of a dwelling having 2 bedrooms, or</p> <p>(iv.) 95 square metres in the case of a dwelling having 3 or more bedrooms.</p>	All dwellings would meet the minimum requirements stipulated by the SEPP and ADG; refer to the ADG assessment prepared by Stanton Dahl Architects.	Yes
	(3) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).	Noted.	-
15 Design requirements	(1) A consent authority must not consent to development to which this Division applies unless it has taken into consideration the provisions of the Seniors Living Policy: Urban Design Guidelines for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that those provisions are consistent with this Policy.	Not applicable, see clause 15(2) below.	N/A
	(2) This clause does not apply to development to which clause 4 of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development applies.	Noted. Refer to the assessment of SEPP 65 within Section 4.2.1.5 of this statement.	-
16 Continued application of SEPP 65	Nothing in this Policy affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development to any development to which this Division applies.	Noted.	-
16A Character of local area	A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is	Development to the south and west is characterised by a mixture of low, medium, and high density residential development. A number of sites containing detached dwelling	Yes

	compatible with the character of the local area.	houses have recently been approved for high density development. Sites to the north and east contain high-density residential development consisting of residential flat buildings. It is expected that the surrounding R4-zoned area will eventually be occupied by high-density residential developments of a similar height, bulk and scale to that being proposed. As such, the proposed development will be consistent with the future character of the area.	
17 Must be used for affordable housing for 10 years	<p>(1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:</p> <p>(a) for 10 years from the date of the issue of the occupation certificate:</p> <p>(i.) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and</p> <p>(ii.) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and</p> <p>(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.</p>	Noted. It is expected that in the event of an approval that the Consent Authority would impose conditions in accordance with the requirements of Cl. 17(1) of the SEPP.	Yes
	(2) Subclause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority.	Noted.	-
18 Subdivision	Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority.	Noted.	-

As demonstrated above, the proposed development would satisfy the relevant provisions of Division 1 of the SEPP ARH, with the exception of landscaped area which has been adequately justified.

4.2.1.3 State Environmental Planning Policy (Infrastructure) 2007

The provisions of the ISEPP would not be applicable to this application. The site is not burdened by, nor does it adjoin infrastructure to which Division 5 (Electricity transmission or distribute) of the SEPP applies. The site also does not adjoin any classified road corridors.

Further, the development is not of a size that is identified by Schedule 3 of the SEPP as ‘traffic generating development’. Council is therefore not required to make a referral to Roads and Maritime Services (RMS).

4.2.1.4 State Environmental Planning Policy No. 55 - Remediation of Land

The *State Environmental Planning Policy No. 55 – Remediation of Land* (**‘SEPP 55’**) applies to the proposed development. Clause 7 requires a consent authority to consider the contamination status of the land and be satisfied the land is, or will be made, suitable for the purpose for which the development is proposed to be carried out. The submitted Detailed Site Investigation Report prepared by Coffey should be referred to for further detail.

4.2.1.5 State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development

As the proposed development is for a Residential Flat Building that is more than two storeys high, the provisions of *State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development* (**‘SEPP 65’**) apply to the proposal.

The proposal has been designed to comply with both the prescriptive and non-prescriptive provisions of SEPP 65 and the Apartment Design Guide (**‘ADG’**), the latter of which provides design criteria and guidance about how development proposals can achieve the nine design quality principles contained within Schedule 1 of the SEPP.

The design of the building was directed by Stanton Dahl Architects. The SEPP 65 Design Principle Statement prepared by Stanton Dahl Architects accompanying this development application confirms that the design achieves the nine design principles set out in SEPP65. Furthermore, the ADG Compliance Table also prepared by Stanton Dahl Architects demonstrates the building has been designed with regard to the ADG. Reference is to be made to the SEPP 65 Design Principle Statement and ADG Compliance Table accompany the DA package.

4.2.1.6 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 operates in conjunction with the Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in New South Wales.

Pursuant to Clause 6(1) of the SEPP, the SEPP would apply to 'BASIX affected development' (as defined by the Regulations). In accordance with the regulations, a BASIX certificate is to be lodged as part of the development application package.

A BASIX Certificate and accompanying documentation therefore accompany this application, and demonstrate that the proposal is able to achieve all targets relating to water, thermal comfort and energy. Refer to the accompanying documentation for further information.

4.2.1.7 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 does not apply to the subject development application as no trees are proposed for removal.

As stated above, LAHC will undertake tree removal under a separate Part 5 approval under their own authority.

4.2.2 Lane Cove Local Environmental Plan 2009

4.2.2.1 Permissibility and zone objectives

The proposed development is permissible with consent on the subject site pursuant to clause 10(1) of the ARH SEPP.

It is however noted that 'residential flat buildings' are a form of development that is permissible with consent within the R4 zone under LCLEP 2009.

The objectives of the R4 zone are as follows:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a high concentration of housing with good access to transport, services and facilities.*
- *To ensure that the existing amenity of residences in the neighbourhood is respected.*
- *To avoid the isolation of sites resulting from site amalgamation.*
- *To ensure that landscaping is maintained and enhanced as a major element in the residential environment.*

The proposal would satisfy the objectives of the zone as follows:

- It would provide for the housing needs of the community including those with a lower-income and/or those experiencing disadvantage, within a form of development that is consistent with a high-density residential environment,
- A variety of housing would be provided in the forms of one and two-bedroom affordable dwellings, in addition to three-bedroom private dwellings,
- The development would not affect the ability of surrounding allotments to provide services and/or facilities that would serve the daily needs of local residents,
- As demonstrated by this Statement, the development would concentrate housing in close proximity to a number of frequent public transport services, that would provide short and direct travel routes to railway stations, local shops, services and facilities within both Lane Cove and Northern Sydney more broadly,
- As demonstrated by this Statement, the proposal would not fragment surrounding sites in a manner that would prevent the future development of high-density residential developments on those sites, and
- Significant landscaping is proposed across the site, both at the ground plane and rooftop COS.

4.2.2.2 Development standards

The following table provides an assessment of the proposed development against the relevant provisions of LCLEP 2009.

Lane Cove Local Environmental Plan 2009			
Clause	Requirement	Proposed	Complies
2.6 Subdivision—consent requirements	(2) Land to which this Plan applies may be subdivided, but only with development consent.	Noted.	-
4.1 Minimum subdivision lot size	(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	No minimum lot size applies to the site.	N/A
	(4) This clause does not apply in relation to the subdivision of any land— (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or (b) by any kind of subdivision under the Community Land Development Act 1989.	Noted.	-
4.3 Height of buildings	The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	Maximum permitted height: 17.5m Maximum proposed height: 21.38m Refer to the Clause 4.6 written request which accompanies this proposal.	No – Refer to Clause 4.6 written request
4.4 Floor space ratio	The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	Maximum permitted FSR: 1.8:1 Maximum proposed FSR: 1.548:1	Yes
6.1A Earthworks	(2) Development consent is required for earthworks unless— (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or (b) the work is ancillary to other development for which development consent has been given.	Consent is sought for earthworks required to facilitate the proposed development.	Yes

4.2.3 Draft Environmental Planning Instruments - Section 4.15(1)(a)(ii)

There are no draft planning instruments which apply to the subject site.

4.3 Lane Cove Development Control Plan 2009 - Section 4.15(1)(a)(iii)

LCDCP 2009 provides guidelines and controls for development in the Lane Cove Council LGA. An assessment of the proposed development against applicable provisions is provided below, along with a comment on how the proposed development performs against each of these objectives.

A number of controls within the LCDCP 2009 are superseded by the provisions of the *State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Buildings*. A Design Principle Statement has been prepared by Stanton Dahl Architects confirming that the design achieves the nine design principles set out in SEPP65 and that the building has been designed with regard to the ADG. Compliance with the provisions of the ADG are also demonstrated by the ADG Compliance Table prepared by Stanton Dahl Architects.

Lane Cove Development Control Plan 2009		
PART B - GENERAL CONTROLS		
Part B.2 Public Domain		Complies
The proposed development will make a positive contribution to the streetscape and compliment the public domain, as discussed within the accompanying SEPP 65 Design Principle Statement.		Yes
Part B.3 Site Amalgamation and Development on Isolated Sites		Complies
The proposed site amalgamation is appropriate for its location and will contribute positively to the desired future character of the precinct and existing development within the locality. Further, the site's corner location delivers a desirable urban design outcome and the efficient use of land, that does not result in the creation of an island site(s), or detract from the future development potential of neighbouring allotments.		Yes
Part B.4 View Sharing		Complies
The proposed development will result in no significant view loss.		Yes
Part B.6.3 Energy and Water Efficiency for Buildings		Complies
Refer to the accompanying SEPP 65 Design Principle Statement, specifically <i>Principle 5: Resource, Energy and Water Efficiency</i> .		Yes
Part B.8 Safety and Security		Complies
Refer to the accompanying SEPP 65 Design Principle Statement, specifically <i>Principle 8: Safety & Security</i>		Yes
PART C – RESIDENTIAL DEVELOPMENT		
Part C.3 Residential Flat Buildings		
Requirement	Proposed	Complies
3.2 Density		
a) The minimum site area for residential flat developments is 1,500m ² .	The total site area is 1,750.8m ² and therefore complies.	Yes
3.3 Building Depth		
a) The maximum residential flat building depth is to be 18 m.	32m north-south, which is acceptable based on the significant separation to the southern boundary, meaning only one building can be accommodated on the site.	No
b) This depth is exclusive of balconies.		

3.4 Building Width a) The maximum overall width of the building fronting the street shall be 40m. Greater widths may be permissible if the proposed building articulation is satisfactory in the streetscape.	22m east-west.	Yes
3.5.1 Front/Street Setback a) The front setback of the building shall be consistent with the prevailing setback along the street (refer Diagram No.1). However, Special Residential Areas subject to Block Plans should comply with the setback stated therein. Where there is no predominant setback within the street, and no Block Plan for the locality, the setback should be a minimum of 7.5m. b) The front setback area shall comprise terraces and gardens to the ground floor dwellings, deep soil zones, driveways and pathways. c) For corner allotments, the secondary setback requirement is the same as the side setback requirement for the proposed development.	a) Proposed setback to Mindarie Street: 6m. b) The front setback comprises landscaped area, POS to ground floor dwellings, driveways and access paths. c) Proposed setback to Pinaroo Place: 7.129m (to building itself).	Yes
3.5.2 Side and Rear Setback a) To the boundary within the R4 zone, the minimum side and rear setback shall be: 6m up to 4 storeys 9m for 5-8 storeys 12m for 9 storeys and above. b) To the boundary shared with R2 and R3 zones the minimum set back will be 9m if habitable rooms/balconies orient this side.	a) Proposed setback to western side boundary: 6.1m (up to 4 storeys) and 9.5m at level 4 and 5, 13.28m at rooftop COS. b) Refer to ADG compliance table given the transition to the E4 zone.	Yes
3.5.3 General a) In general, no part of a building or above ground structure may encroach into a setback zone. Exceptions are: i) Encroachments into the setback zone of up to 2m may be permitted for underground parking structures no more than 1.2m above ground level (existing), where there is no unreasonable effect on the streetscape. Refer to Diagram 10. ii) Awnings, balconies, blade walls, bay windows and other articulation elements up to a maximum of 500mm. iii) Setback variation may be required or permitted on merit to preserve existing trees.	i) Setback to basement level 01: 5.42m to Mindarie Street and 4.69m to Pinaroo Place which provides a compliant encroachment; ii) Balconies addressing Mindarie Street and Pinaroo Place extend within the setback are more than 500mm, however, these elements have been sited to provide additional articulation in the building design and are open in form to improve solar access and resident amenity. iii) N/A	No
3.8 Excavation a) All development is to relate to the existing topography of the land at the time of the adoption of this DCP.	The building has been carefully sculpted to directly respond to its location and gradient with its main axis running north-south and the natural topography that slopes from the northwestern corner to the southeastern corner of the site.	Yes

<p>b) Excavation for major development is to be contained as close as practicable to the footprint of the development.</p> <p>c) For development within Centres, Council may consider full site coverage for underground excavation and podium footprints where it is demonstrated that mature landscaping, landscaped area and rainwater retention is able to be provided as roof terraces on podium structures.</p> <p>d) Uses at ground level are to respond to the slope of the street by stepping frontages and entries to follow the slope.</p> <p>e) The extent of excavation proposed for underground uses should not compromise the provision of deep soil areas or landscaped areas for residential flat buildings.</p>	<p>The proposed excavation is largely contained within the footprint of the development.</p> <p>N/A</p> <p>Ground level uses and building entries have been designed to appropriately respond to the site's topography.</p> <p>The proposed development achieves compliance with the deep soil provisions of the LCDCP 2009 and the ADG.</p>	
<p>3.9 Design of Roof Top Areas</p> <p>a) Roof top areas including podium area are to be designed for use as recreation facilities where practicable and should be of high standard of finish and design. A detailed landscape design and plan of roof top design is to be submitted with the DA.</p> <p>b) The design of exterior private open space such as roof top gardens is to address visual and acoustic privacy, safety, security, and wind effects.</p>	<p>a) The proposed rooftop COS area comprises a BBQ area, pergola, plantings and an outdoor sitting area and will be of a contemporary and highly articulated finish and design. The area will be accessible to all residents.</p> <p>b) The rooftop COS area has been designed to address privacy and security as demonstrated by the accompanying Landscape Plans and SEPP 65 Design Principle Statement, specifically <i>Principle 6: Landscape</i>.</p>	Yes
<p>3.10 Size and mix of dwellings</p>	<p>The proposed dwelling sizes and mix comply.</p>	Yes
<p>3.18 Landscaped Area</p> <p>A minimum of 40% of the site area is to be planted, comprising 25% landscaped area and a further minimum of 15% planting on structures or landscaped area.</p>	<p>Proposed landscape area: 775.17m², or 44.27% of the proposed site area.</p> <p>Refer also to the accompanying Landscape Plan and SEPP 65 Design Principle Statement, specifically <i>Principle 6: Landscape</i>.</p>	Yes
PART C – RESIDENTIAL LOCALITIES		
Locality 6 Mowbray Precinct		
Requirement	Proposed	Complies
<p>a) A maximum number of residential storeys applies, relating to the LEP height limits, as follows:</p> <p>I. LEP maximum height 11.5m – 3 residential storeys</p> <p>II. LEP maximum height 14.5m – 4 residential storeys</p> <p>III. LEP maximum height 17.5m – 5 storeys, subject to b) below.</p>	<p>The development proposes a 6-storey building with a maximum building height of 21.38m.</p>	<p>No – Refer to Clause 4.6 written request</p>

b) Any 5th storey is to have a maximum of 50% floor area of the storey below, and be set back 3m from that lower storey's building façade line.	The floor area of the fifth storey is 29% smaller than the storey below: <ul style="list-style-type: none"> Fifth storey GFA: 378.38sqm Fourth storey GFA: 535.83sqm Difference: 29% reduction in floor area Setbacks are reduced up to 3m at each elevation.	No
c) A minimum deep soil area of 40% of the site is to be provided for residential flat buildings.	Refer to discussion under ARH SEPP. Refer also to the accompanying Landscape Plan and SEPP 65 Design Principle Statement, specifically <i>Principle 6: Landscape</i> .	Yes
d) Tree retention, and the planting of new trees, is to be encouraged. Driveway design should avoid tree loss on Council land.	Refer to the accompanying Landscape Plan.	Yes
e) Development applications at the interface between the high and low density residential zones are to demonstrate that the amenity of adjacent houses has been a design consideration by stepping the building in at least 3m after the second level.	To respect the neighbouring site south of the development along Pinaroo Place, a tiered setback is reinforced at the southern boundary so that the colonnade with horizontal building breaks at Ground and Level 1 are at a similar proportion and scale to the neighbouring building's heights.	Yes
f) Development proposals are to be in character with the palette of materials, finishes and design elements that are in harmony with the natural landscape and complementary with the bushland setting of the precinct. In addition, roof form articulation is encouraged.	Refer to the accompanying SEPP 65 Design Principle Statement and external colour schedule.	Yes
g) As the precinct is in a bushfire prone area, buildings are to be constructed to meet Australian Standard 3959-2009 - Construction of buildings in bushfire-prone areas.	Refer to the accompanying Bushfire Report.	Yes
h) The asset protection zone (APZ) is to be measured from the top of the kerb on the side of the road adjacent to the reserve (where there is a perimeter road) or measured inwards from the residential lot boundary adjacent to the reserve (where there is no perimeter road).	Refer to the accompanying Bushfire Report.	Yes

PART F – ACCESS AND MOBILITY**PART F.3 Application****3.1 General**

1. Compliance with the BCA and Premises Standard;

Refer to the accompanying Access Report which states that the proposed development complies with the requirements of Access Code of Disability (access to Premises-Building) Standards 2010 and the Disability Access relevant sections of the Building Code of Australia 2019.

Yes

3.5 Adaptable and Visitable Housing (residential flats and dual occupancies)

Refer to the accompanying Access Report which states that the proposed development complies with AS4299-Adaptable Housing.

Yes

1. Adaptable housing to comply with AS4299, including the essential features in Appendix A for Class C housing (essential items only).		
2. Adaptable housing to be equitably distributed throughout all types and sizes of dwelling units.	Adaptable dwellings are proposed to be two bedroom units.	Yes
3. Adaptable housing to be provided at the rate of 20% of all dwellings in a Class 2 development.	Six (6) of the thirty (30) proposed dwellings have been designed as adaptable dwellings, equating to 20% of total dwelling yield.	Yes
4. Dual occupancies (attached) are to be visitable (where topography permits – 1:10 fall or less steep).	N/A	N/A
5. Dwellings are to be visitable at the rate of 80% in developments requiring adaptable housing.	All dwellings are visitable as they all dwellings are provided with lift access.	Yes
6. Single Class 1a dwellings are not applicable to this part.	N/A	N/A
3.8 Access to, and within, buildings		
1. Access is to be provided in accordance with BCA Clause D3.1 and in accordance with Table 1 below.	Refer to the accompanying Access Report which states that the proposed development complies with BCA Clause D3.1.	Yes
2. Access is to comply with the relevant Provisions of the BCA, and associated referenced Australian Standards. Demonstration is required in the form of an access report prepared by a suitably qualified access consultant as part of the DA documentation.	Refer to the accompanying Access Report which states that the proposed development complies with the relevant access standards and legislation.	Yes
3. Buildings of a public nature are to have features in accordance with AS1428.2, when applicable, as follows: <ul style="list-style-type: none"> a. Tables, counters and worktops for use by public. b. Seating in pedestrian areas. c. Drinking fountains and water coolers. d. Gateways and checkouts. 	N/A	N/A

PART J – LANDSCAPING**PART J.1 Landscaping**

Substantial landscaping is proposed within private open spaces for the ground floor courtyards, and common areas of the development. The proposal allows for a substantial amount of the site area as deep soil and pervious surfaces.

Planting throughout the façade and a rooftop garden are also proposed. The rooftop garden comprises a BBQ area, pergola, plantings and an outdoor sitting area. Proposed landscaping comprises a combination of trees and shrubs, lawn, paved areas and walkways. Overall, the development is proposed to be well landscaped to enhance the overall appearance and amenity of the development and its surroundings.

Refer to the accompanying Landscape Plan and SEPP 65 Design Principle Statement, specifically *Principle 6: Landscape* for further detail regarding the proposed landscape arrangement.

Yes

PART O – STORMWATER MANAGEMENT

Drainage infrastructure is to be constructed. Refer to the detailed engineering plans and information (prepared by Greenview Consulting) for further detail regarding onsite stormwater management.

Yes

PART Q – WASTE MANAGEMENT AND MINIMISATION

Refer to the detailed operational waste management plan (prepared by Elephants Foot) for further detail regarding onsite waste management. A construction waste management plan has also been prepared by Elephants Foot and should be referred to for further detail regarding construction waste management.

Yes

PART R – TRAFFIC, TRANSPORT AND PARKING

As noted in Part R - 2.4, parking rates for certain special land uses are covered in the relevant SEPPs. These SEPP parking rates override Council's DCP parking rates, refer below.

The development proposes a total of three (3) x one-bedroom apartments and six (6) x two-bedroom apartments for the purposes of social housing. As such, a total of 4.2 car parking spaces are required for these nine (9) proposed social housing apartments under the provisions of the ARH SEPP. Parking provision for the 21 non-social housing apartments have been calculated at the rates prescribed in the LCDCP 2009, refer below.

Yes

PART 2.2 – Car Parking Rates**Table 1 – Car Parking Rates**

Car parking rates for residential flat buildings are prescribed in Table 1 of this Part.

The rates require at least 1 parking space be provided for each dwelling containing 1 bedroom, at least 1.5 parking spaces be provided for each dwelling containing 2 bedrooms and at least 2 parking spaces be provided for each dwelling containing 3 or more bedrooms.

The following rates are also applicable to the proposed development:

- 1 disabled space for each adaptable housing unit
- 1 visitor space per 4 units
- 1 car wash bay per 50 units for developments over 20 units

The proposed development comprises a total of two (2) x one-bedroom units, 14 x two-bedroom units and five (5) x three-bedroom units that are not for social housing purposes. Refer to the table below for calculations:

Type	Qty	Rate	Req.
1-bedroom	2	1	2
2-bedroom	14	1.5	21
3-bedroom	5	2	10
Total	21		33

As indicated in the table above, a total of 33 car parking spaces are required. The development also required 4.2 spaces for social housing purposes. In addition to the above parking provisions the following spaces are also proposed:

Disabled Parking

A total of six (6) adaptable dwellings are proposed within the development, as such six (6) disabled car parking spaces have been provided on Basement L1. An additional disabled space is provided for visitors.

Visitor Parking

Using the prescribed rate of 1 visitor space per 4 units; 5.25 visitor spaces are required. A total of five (5) visitor car parking spaces are provided on Basement L1 inclusive of the

Yes

	<p>disabled visitor space noted above and a shared car wash/visitor space. A waiting bay has been provided on each basement level to accommodate efficient pick-up and drop-off of residents and/or visitors as required.</p> <p>Car Wash Bay</p> <p>Using the prescribed rate of 1 car wash bay per 50 units for developments over 20 units; 1 car wash bay is required. It is deemed adequate that the required car wash bay be provided within a visitor parking space on Basement L1.</p> <p>Total Parking Provision – 43 spaces</p> <ul style="list-style-type: none"> • 32 standard car parking spaces • 7 disabled parking spaces incl. 1 visitor disabled space) • 4 visitor spaces inclusive of the required car wash bay 	
PART 2.6 – Bicycle Parking		
<p>Table 2 – Bicycle Parking Rates</p> <p>Bicycle parking rates for residential flat buildings are prescribed in Table 2 of this Part.</p> <p>The rates require that 1 (one) bicycle parking space be provided per four (4) dwellings, and that one (1) space plus one (1) space per 10 (ten) dwellings be provided for use by visitors.</p>	<p>The proposed development comprises a total of 30 apartments, equating to required bicycle parking provision of 7.5 spaces for residents and 4 spaces for visitors, equating to a total required provision of 11.5 spaces.</p> <p>Parking and storage for 22 bicycles is provided in the bicycle and storage area located on Basement Level 1.</p>	Yes
PART 2.7 – Motorcycle Parking		
<p>a) Developers shall provide 1 motorcycle parking space per 15 car spaces for all types of development.</p> <p>b) Motorcycle parking spaces are to have an area of 1.2m x 3m</p>	<p>Given that a total of 43 car parking spaces are proposed, a total of 3 motorcycle spaces are required. The development proposed three (3) motorcycle parking spaces on Basement L1.</p>	Yes

4.4 Planning agreements - Section 4.15(1)(a)(iia)

No planning agreement has been found to apply to the proposed development.

4.5 The Regulations - Section 4.15(1)(a)(iv)

The pertinent considerations identified within the *Environmental Planning and Assessment Regulation 2000* relate to conformity with the Building Code of Australia (BCA).

4.6 Impact on the natural and built environment – Section 4.15(1)(b)

4.6.1 Impact on the Natural Environment

The proposal would have minimal impact on the natural environment. The development would not affect the amenity of surrounding sites and the public domain, as the orientation and highly articulated nature of the design would prevent excessive or unreasonable overshadowing of the surrounding area.

Impacts associated with construction works such as dust, noise, vibration and soil run-off can be satisfactorily mitigated by appropriate conditions of consent and the implementation of the submitted Erosion and Sediment Control Plan and Waste Management Plan.

As a high-density residential development within an area that is zoned for such proposals, the development would not result in foreseeable impacts (such as excessive noise generation) that would affect the amenity more broadly. As demonstrated by the submitted acoustic assessment, both the design and operation of plant equipment and residential activities (including use of the communal open space area) would have minimal adverse impact to the surrounding residential amenity.

As such, the consent authority can be satisfied that the construction and ongoing use of the proposed development would not excessively or unreasonably affect the local environment and associated amenity.

4.6.2 Impact on the Built Environment

The proposed development includes the construction of a residential flat building that would include thirty (30) dwellings; such development is permissible within the R4 High Density Residential zone, and as demonstrated above would satisfy the objectives of the zone. The development will also provide affordable housing within a well-designed development that is in close proximity to a wide range of services and public transport options.

The scale of the development (in terms of height, gross floor area, etc), with regard to the surrounding high density developments/approvals, the zoning of the locality, and its proximity to services and public transport, both Council's planning controls and EPIs such as ARHSEPP anticipate that future development within the local area would primarily consist of development that is similar (in terms of typology, height, scale and character) to that being proposed.

As demonstrated by the assessments above, a high degree of compliance is obtained by the proposed design; there would have minimal adverse impact (such as excessive and unreasonable overshadowing or visual privacy impacts) on surrounding sites and the public domain.

With regard to the above, it is submitted that the proposal will have minimal impacts on the built environment and is therefore satisfactory.

4.6.3 Social and Economic Impacts

Social Impacts

The proposed development will have significant beneficial social impacts for the surrounding community through the provision of high-quality, including fifteen (15) dwellings allocated for affordable accommodation including nine (9) for social housing dwellings, to be managed by BlueCHP. This in turn is expected to have a positive social impact on the wider community.

The proposed development will provide the following positive community/social impacts to the Lane Cove LGA area and the wider locality:

- Assist in providing for the significant, long-standing and continually-growing demand for affordable housing;
- Assist in improving the amenity of accommodation for persons seeking such housing, by providing new housing that offers very high levels of amenity and accessibility within a highly convenient and accessible location;
- Provide additional housing choices to the local community through a greater range of dwelling sizes;
- Improve the environmental sustainability of housing on the site, particularly through improved and up-to-date energy and water efficiency standards;

Accordingly, it is submitted that the proposed development will not contribute to any negative community/social impacts, but rather a positive community/social impact the local area.

Economic Impacts

Significant and positive economic impacts would be associated with the proposed development, both within the Lane Cove LGA and area more broadly as a result of the following:

- More efficient use of land resources, existing infrastructure and existing services;
- Employment of tradespeople and other construction-related professionals during construction;
- Ongoing employment of building managers and other such professions;
- On-going consumption of local products and services by the residents of the development; and
- Cost savings associated with improved energy and water efficiency of a new consolidated development.

The development would also not adversely affect the development potential of, and subsequent economic activity on, surrounding sites. As such, there are no adverse economic impacts that would be associated with the proposed development.

4.7 Suitability of the site for the development – Section 4.15(1)(c)

The subject site is located within an accessible area as defined by the ARH SEPP. The proposed development is permissible on the site and is consistent with the objectives of both the zone and ARH SEPP. There are no constraints or hazards on the subject site that would prevent the development from proceeding, and both the boundaries and orientation of the subject site would enable construction of the development without adverse impacts on the surrounding area.

Given the above, the site is considered suitable for the proposed development.

4.8 Public Submissions – Section 4.15(1)(d)

Any public submissions received in response to the development proposal are required to be considered in the light of Section 4.15 of the Act, having particular regard to:

- The stated and underlying objectives of the relevant planning controls;
- The specific merits and circumstances that apply to the proposed development and the site;
- The acceptable nature of the likely impacts of the proposal;
- The suitability of the site in accommodating the proposed development; and,
- The acceptable nature of the proposal when considering the wider public interest.

4.9 Public Interest – Section 4.15(1)(e)

The proposal would occupy sites that are currently underdeveloped and which contain outdated structures with a housing development that will include thirty (30) dwellings, including fifteen (15) dwellings allocated for affordable housing (nine (9) of which are allocated as social housing to be managed by BlueCHP. The development proposes very high levels of amenity, architectural integrity, and environmental sustainability within a modern presentation that will complement the future residential character of the Lane Cove North area.

The provision of affordable housing (which includes adaptable housing for persons with disabilities) would be providing a service to the broader community in accordance with the aims of the ARH SEPP. The dwellings offer future residents' efficient layouts with high levels of amenity and respond to the specific needs of the community, particularly those without private transport and/or disabilities.

The proposal would not result in adverse impacts on the natural and/or built environment, and would deliver significant social and economic benefits, particularly for affordable housing providers and the recipients of such housing.

Accordingly, it is considered the proposed development will result in a positive development outcome for both Lane Cove North and the LGA more broadly. The proposed development is therefore in the public interest.

5.0 Conclusion

The proposed development has been assessed against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. It is concluded the proposed development is satisfactory and warrants development consent, having regard to the following matters:

- The proposed development will provide positive economic, social and community impacts through the delivery of thirty (30) dwellings, including fifteen (15) allocated for affordable housing, nine (9) of which are allocated as social housing dwellings, to be managed by BlueCHP.
- The proposed development is permissible and is consistent with the general aims and objectives of both the R4 High Density Residential zone and the ARH SEPP.
- The design of the building achieves the nine design principles set out in SEPP65. Furthermore, the building has been designed with regard to the ADG. Reference is to be made to the SEPP 65 Design Principle Statement and ADG Compliance Table accompanying the DA package.
- The proposal is generally consistent with the relevant provisions within LCLEP 2009 and LCDCP 2009.
- There would be no excessive and unreasonable impacts that would arise as a result of the proposed development.
- It is considered there are no matters that would warrant the refusal of the proposal on the grounds of it being contrary to the public interest.
- The proposal would be generally consistent with the planning controls for the site. The proposal would not have any adverse impacts on the future development potential of the surrounding area or the amenity of surrounding sites, and would have significant social and beneficial impacts. As such, the proposal is considered to be in the public interest.

The proposal has merit and will make a positive contribution to the locality and the Lane Cove LGA more broadly. It is therefore recommended that the consent authority support this DA.