

***Please find the following information on the 2 applications.***

***There are two separate applications lodged at the abovementioned property as follows;***

- 1. Section 4.55(2) Modification Application to Development Consent No. 162/2021; and***
- 2. Development Application DA21/2023 for an 'alterations and additions' to the approved development under the existing development consent DA162/2021.***

***Both applications are for the same proposal as follows:***

- Basement Level 3 is amended to provide an additional seven carparking spaces,***
- The floor to ceiling height of Level 12 has been reduced from 4.6m to 3.1m,***
- Construction of two new levels (storeys) which would accommodate four additional apartments.***
- A new roof is proposed above these new floors.***

***The proposal seeks to vary the maximum 44m LEP Incentive Building Height Development Standard by 4.16m.***

***The proposal seeks to vary the maximum 12 storeys DCP control to 14 storeys.***

***First Development Application – Section 4.55 Modification DA162/2021.***

***The applicant is seeking to vary the LEP development standard {height} and DCP control {storeys} by lodging a Section 4.55 Modification.***

***The first test of a Section 4.55 is whether the proposal is substantially the same development.***

***If Council is of the view that the Section 4.55 is not substantially the same development the applicant will rely on the second Development Application.***

***Second Development Application DA21/2023 - Alterations & Additions***

***This application is a new Development Application for alterations and additions to the approved development DA 162/2021.***

***The applicant seeks to vary the LEP Building Height and Floor Space Ratio Development Standards by relying upon the Lane Cove LEP. The applicable development standards are as follows;***

- LC LEP - Height is 9.5m***
- LC LEP – FSR is 0.5:1***

***By relying on the LC LEP not the SLS Part 7 Incentive Clauses they are able to utilise Clause 4.6 to seek to vary the LEP.***