PATCH

PLANNING & DEVELOPMENT

Statement of Environmental Effects

1 Gatacre Avenue and 1-5 Allison Avenue, Lane Cove

ON BEHALF OF

GATACRE LC PTY LTD

MAY 2024

Project

1 Gatacre Avenue and 5 Allison Avenue, Lane Cove

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1 Introduction

1.1 Overview

This Statement of Environmental Effects (SEE) has been prepared by Patch Planning (Patch) on behalf of Gatacre LC Pty Ltd (the applicant) in support of a development application (DA), submitted to Lane Cove Council (Council) in relation to land known as 1 Gatacre Avenue and 5 Allison Avenue, Lane Cove. The DA seeks approval for demolition of existing development at the site and construction of 44 apartments across two connected buildings, with basement car parking and associated landscaping.

Specifically, this DA seeks development consent for the following:

- Demolition of all existing buildings and improvements on site and lot consolidation;
- Removal of 29 existing trees and site preparation works;
- Construction of 44 apartments within two connected residential flat buildings ranging from 4-5 storeys and fronting Gatacre Avenue and Allison Avenue;
- Two basement levels comprising a total of 90 car parking spaces, storage and associated loading bays accessed via Allison Avenue; and
- Landscaping throughout the site with a focus on the southern 'Gully Walk', Level 3 'Zen Garden' and private terraces.

This proposal has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2021* (the Regulation). The development consent is sought in accordance with Part 4 of the EP&A Act.

The proposed development will make a positive architectural contribution to the Gatacre and Allison Avenue streetscapes and will provide a high level of amenity for future residents, whilst also protecting amenity levels enjoyed by existing neighbouring residents, and future residents of the approved boarding house.

The proposed development will deliver additional high amenity housing in a transit-oriented location, which is within walking distance of services and employment precincts; and will assist in meeting housing targets and address housing demand in the Lane Cove Local Government Area.

1.2 Cost of Works

The proposed works have an estimated development cost of $42,030,259 excluding GST and development consent is sought in accordance with Part 4 of the EP&A Act.

As the estimated development cost is above $30 million, the DA is declared as regionally significant development, and will be determined by the Sydney North Planning Panel (SNPP).

1.3 Report Structure

This SEE is structured as follows:

- **Section 2 – Site Context:** identifies the site and describes the existing development and local and regional context.
- **Section 3 – Strategic Context:** identifies and analyses the State, regional and local strategic planning policies relevant to the site and proposed development.

- **Section 4 – Project History:** outlines the approvals history and pre-lodgement discussions with key stakeholders.
- **Section 5 – Proposed Development:** provides a detailed description of the proposal including the demolition and construction phase.
- **Section 6 – Statutory Context:** provides a detailed assessment of the State and local environmental planning instruments and plans relevant to the site and development.
- **Section 7 – Environmental Assessment:** identifies the potential impacts arising from the proposal and recommends measures to mitigate, minimise or manage these impacts.
- **Section 8 – Section 4.15 Assessment:** provides an assessment of the proposal against the matters of consideration listed in Section 4.15 of the EP&A Act.
- **Section 9 – Conclusion:** provides an overview of the development assessment outcomes and recommended determination of the DA.

1.4 Supporting Documents

This SEE includes an assessment of the proposed works in terms of the matters for consideration as listed under Section 4.15(1) of the EP&A Act and should be read in conjunction with:

Appendix 1 – Compliance Tables

Appendix 2 – Survey Plan

Appendix 3 – QS Summary Report

Appendix 4 – Architectural Plans

Appendix 5 – Design Verification Statement

Appendix 6 – Visual Assessment

Appendix 7 – Landscape Plans and Landscape Report

Appendix 8 – Accessibility Report

Appendix 9 – BCA Report

Appendix 10 – BASIX and NATHERS Assessment Report

Appendix 11 – Geotechnical Report

Appendix 12 – Arborist Report

Appendix 13 – Civil Infrastructure & Stormwater Management Report

Appendix 14 – Civil Drawings

Appendix 15 – Stormwater Drainage Plans

Appendix 16 – Acoustic Impact Assessment

Appendix 17 – Detailed Site Investigation Report

Appendix 18 – Construction and Demolition Waste Management Plan

Appendix 19 – Operational Waste Management Plan

Appendix 20 – Traffic and Parking Impact Assessment

Appendix 21 – Fire Advice

Appendix 22 – Community and Stakeholder Engagement Strategy

Appendix 23 – Solar Access and Overshadowing Expert Opinion

Appendix 24 – Urban Design Expert Opinion

2 The Site

2.1 Site Description

The site is known as 1 Gatacre Avenue and 5 Allison Avenue, Lane Cove and legally referred to as Lot A in DP 415448 and Lots 45 and 46 in DP 11416. The site has a total area of approximately 2,965.8sqm.

The subject site is an irregularly shaped allotment with a dual street frontage, located on the southern side of Gatacre Avenue and the northern side of Allison Avenue as depicted in Figure 1 below.

Figure 1: Aerial image of the subject site
Source: MetroMap annotated by Patch Planning

Currently, the subject site contains a mixture of commercial and residential land uses, including:

- No. 1 Gatacre Avenue contains a part two, part three storey unused motel premises known as the *'Comfort Inn – North Shore'*. The subject development has a dual street frontage with vehicular and pedestrian entrance afforded from both Gatacre and Allison Avenue. Vehicle parking is provided at ground level, with accommodation spread across throughout the site.
- In the south-east corner of the site at No. 5 Allison Avenue is a single storey detached residential dwelling. The dwelling contains a tiled pitch roof, driveway to the northern (side) boundary and a front retaining wall comprising masonry brick and hedging.

A summary of the site's key characteristics is provided in Table 1 overleaf.

Table 1. Site Description	
Item	Description
Legal Description	Lot A in DP 415448 and Lots 45 and 46 in DP 11416
Site Area	2965.8sqm
Site Description	The subject site is an irregularly shaped allotment with a dual street frontage, located on the southern side of Gatacre Avenue and the northern side of Allison Avenue.
Street Frontage	The allotment has a primary street frontage to Gatacre Avenue of 38.25m and a secondary street frontage to Allison Avenue of 27.43m. The site has a (combined) north-eastern (side) boundary of 92.1m shared with the R4 High Density Residential zone and a staggered south-western (side) boundary of 91.9m shared with the R2 Low Density Residential Zone, with an indent of 11.19m to the centre of the site.
Topography	The subject site contains a varied topography which undulates across all boundaries. From Gatacre to Allison Avenue, the site falls by approximately 2m to 3m along the length of the site. From the northern to western corner, the site has a cross fall of approximately 5.5m, whilst from the eastern to southern corner, a cross fall of 4.5m.
Site Improvements	Currently, the subject site contains a mixture of commercial and residential land uses. No. 1 Gatacre Avenue contains a part two, part three storey unused motel premises known as the *Comfort Inn – North Shore*, which has a dual street frontage with vehicular and pedestrian entrance afforded from both Gatacre and Allison Avenue. Vehicle parking is provided at ground level, with accommodation spread across throughout the site. To the south-east of the site at No. 5 Allison Avenue is a single storey detached residential dwelling. The dwelling contains a tiled pitch roof, driveway to the northern (side) boundary and a front retaining wall comprising masonry brick and hedging.
Easements	The site is burdened by a sewage easement that runs along the southern boundary of Lot A in DP 415448 which will be maintained.

2.2 Site Photos

A series of site photographs are provided in Figure 2 –Figure 5 below.

Figure 2: Site viewed from Gatacre Avenue showing interface with 2A Gatacre Avenue, facing east
Source: Provided


Figure 3: Site viewed from corner of Allison Avenue and Haldane Crescent showing interface with 7 Allison Avenue, facing north-west
Source: Provided

Figure 4: Site's southern boundary with 2A Gatacre Avenue viewed from rear south-eastern corner of site showing current southern boundary treatment and existing car park, facing west
Source: Provided

Figure 5: Photo of existing street trees on Gatacre Avenue to be retained and protected
Source: Provided

2.3 Local Context

The site is located within the suburb of Lane Cove, within the Lane Cove Local Government Area (LGA).

The surrounding locality is an area undergoing transition characterised by a mixture of commercial and residential land uses, as shown in Figure 6. The surrounding residential developments range from low to high density, reflective of the sites interface between R2 and R4 zoning. The locality consists of an emerging higher density residential character along the Pacific Highway and Longueville Road, with an established low density residential area to the west and south of the subject site.

A 6-storey boarding house development has been approved along the north west boundary of the site. The service station to the north east of the site is unlikely to be redeveloped in the near term. Further to the north of the site beyond the Pacific Highway is an established industrial area.

A series of photographs and renders are provided in Figure 8 – Figure 16 further detailing the surrounding site context.

The subject site is located within a highly accessible locality and is proximate to the Lane Cove Tunnel and Pacific Highway interchange. Two bus stops are located to the east along the Pacific Highway and provide public transport connectivity across the North Shore and into the Sydney Central Business District. Bus routes which depart from the site include 144, 252, 254, 286, 287, 290 and 291. These routes provide regular services to destinations including Chatswood, North Sydney, Macquarie Park, Manly and Wynyard.

As demonstrated in Figure 7, the site is strategically located in a highly accessible location and is approximately:

- 350m east of the Lane Cove Local Centre
- 1.5km north of the Woodford Bay recreation area on the Lane Cove River
- 1.8km south-west of the Chatswood Train Station, Metro Station and Chatswood Strategic Centre
- 1.87km north-west of St Leonards Train Station
- 2.48km north-west of the future Crows Nest Metro Station
- 2km north-east of the Tambourine Bay recreation area on the Lane Cove River
- 2.35km north-east of the Burns Bay Cove recreation area on the Lane Cove River

Figure 6: Aerial image of the site context
Source: MetroMap annotated by Patch Planning

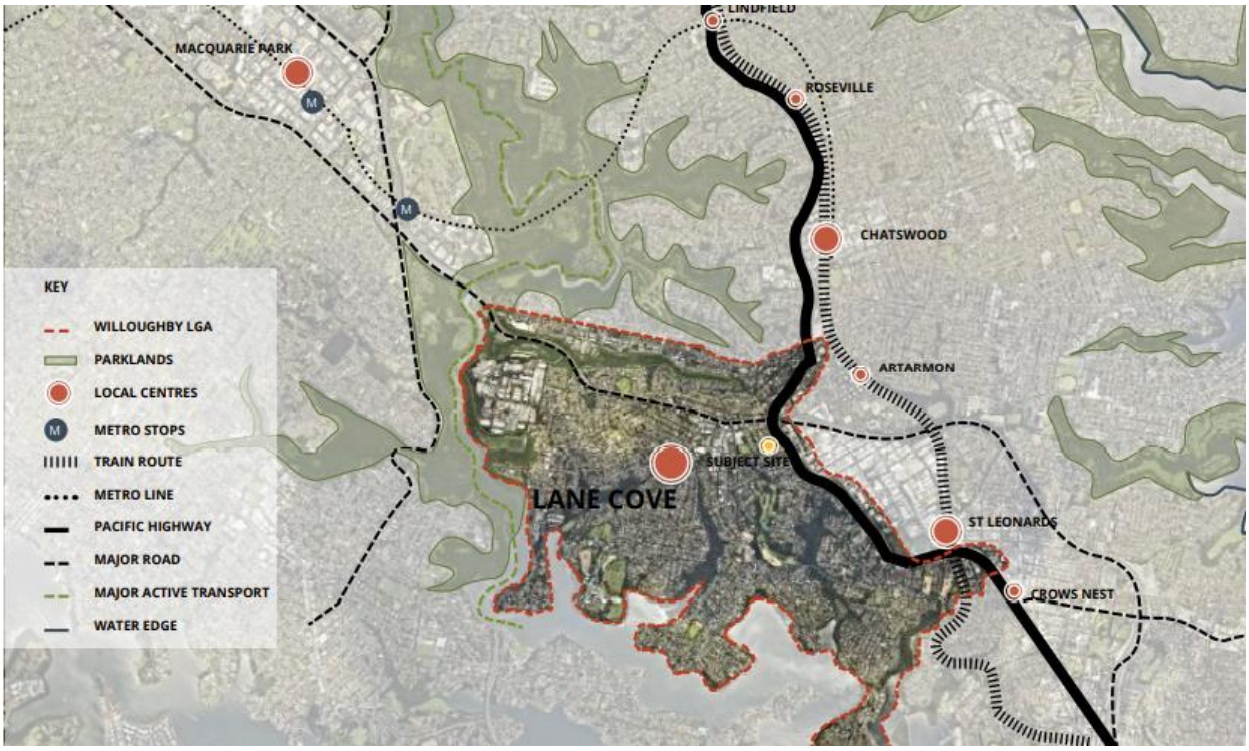

Figure 7: Broader site context
Source: Arcadia

2.4 Surrounding Development

A series of photographs and renders are provided in Figure 8 – Figure 16 below showing the surrounding site context.

Figure 8: Approved future Boarding House at 382 Pacific Highway, Lane Cove viewed from Pacific Highway
Source: Council Assessment Report DA45/2020

Figure 9: Approved boarding house site at 382 Pacific Highway viewed from intersection of Gatacre Avenue and Pacific Highway (northern site boundary can be seen in the right-hand portion of the image)
Source: Provided

Figure 10: Existing residential development (single detached dwelling) to south of site at 2A Gatacre Avenue
Source: Provided

Figure 11: Existing residential development (single detached dwelling) to south of site at 7 Allison Avenue
Source: Provided

Figure 12: Existing residential development to west of site at 3, 5 and 7 Gatacre Avenue on opposite side of Gatacre Avenue
Source: Provided

Figure 13: Existing residential flat buildings at 390-392 Pacific Highway and 9 Mafeking Avenue, Lane Cove to north of site viewed from Pacific Highway
Source: Provided

Figure 14: Render of residential flat building at 9 Mafeking Avenue, Lane Cove to north of site
Source: Provided

Figure 15: Existing residential flat buildings at 2-4 Burley Street, Lane Cove to north of site viewed from Pacific Highway
Source: Provided

Figure 16: Existing petrol station (Coles Express) at 378 Pacific Highway, Lane Cove to north of site from intersection of Allsion Avenue and Pacific Highway
Source: Provided

2.5 Utility Services

The site is located within an established urban area within which all utility services exist and are capable of being augmented to accommodate the proposed development.

3 Strategic Context

This section of the report provides an assessment of the proposal's consistency with the following relevant State, regional and local strategic planning policies:

- *A Metropolis of Three Cities: Region Plan*
- *Our Greater Sydney 2056: North District Plan*
- *Lane Cove Local Housing Strategy*
- *Local Strategic Planning Statement*

The DA's consistency with the relevant strategic planning policies is detailed in the following sub-sections.

3.1 A Metropolis of Three Cities: Region Plan

A Metropolis of Three Cities: Region Plan (Region Plan) was released by the Greater Sydney Commission in 2018 and provides a 20-year blueprint for growth across the Sydney Region. The Region Plan identifies a number of objectives for the Region, of relevance to the project is:

- *Objective 10 Greater housing supply*
- *Objective 11 Housing is more diverse and affordable*

The Region Plan identified a 20 year strategic housing target (2016-2036) for the North District of 92,000 additional dwellings.

In order to meet the 20 year housing target, the North District will need to deliver 6,565 additional dwellings every year for the next decade, this equates to 142% more dwellings per year than the last decade achieved.

The proposed development is consistent with Objective 10 as it will deliver additional housing in the Region and will help the North District achieve its 20 year housing target.

In accordance with Objectives 10 and 11, the proposal aligns with the Region Plan by:

- Providing a purely residential development comprising of a variety of apartment mix and styles, combining living and recreational environments on site.
- The proposal responds to the housing needs of the community and enables the provision of a range of housing types and affordability to meet the diverse and changing lifestyle needs of the community.

3.2 North District Plan

The North District Plan was released by the Greater Sydney Commission in 2018 and provides a 20-year blueprint for growth in the "North District", comprising a group of northern LGAs which includes Lane Cove Council.

The North District Plan identifies a number of planning priorities for the district, of relevance to the project is:

> *"Planning Priority N5. Providing housing supply, choice and affordability, with access to jobs, services and public transport."*

The proposed development is consistent with this Planning Priority. The proposed development will provide for a range of residential uses that will serve the needs of the local area, in a transit-oriented location. The site is highly accessible from the North Sydney CBD, Sydney CBD and Chatswood, allowing future residents to have easy access to jobs and live close, or with easy access, to work.

3.3 Lane Cove Local Housing Strategy

Council adopted the *Lane Cove Local Housing Strategy* (LCLHS) in 2021. The LCLHS identified that within Council's R4 High Density Residential zoned land across the LGA, there was capacity for an additional approximately 1,050 dwellings.

The proposed development would help meet Council's identified housing needs through the provision of 44 high quality dwellings being provided at the site.

3.4 Lane Cove Local Strategic Planning Statement

Local Strategic Planning Statement's (LSPS) are strategic planning documents prepared by local councils, which outlines how the councils will implement the priorities and actions of the Greater Sydney Region Plan and the relevant District Plan, at a local level. Council finalised its LSPS in March 2020.

The LSPS sets a vision for Lane Cove as a connected, inclusive and sustainable community, and contains a number of Planning Priorities to realise this vision. The main planning priority applicable to this proposal is:

> *Planning Priority 5 - Plan for the growth of housing that crates a diverse range of housing types and encourages housing that is sustainable, liveable, accessible, and affordable.*

The proposal is consistent with the planning priority as it delivers increased housing capacity within the Lane Cove LGA, accommodating Sydney's growing population in an area that has great access to efficient public transport services. Furthermore, the proposal provides a range of housing options, catering to a diverse range of household types.

4 Project History

4.1 Previous Development Application – DA65/2021

This DA is submitted following the submission of a separate DA lodged on 03 June 2021 under DA65/2021.

Due to the capital investment value (CIV) of the project, the application was referred to the Lane Cove Planning Panel (LCPP) for determination. The application was unanimously refused by the LCPP in a meeting on 16 September 2021.

On 24 September 2021 a Class 1 Appeal was commenced in the NSW Land and Environment Court (NSWLEC) against the LCPP's refusal of its proposed development (matter 2021/00273374). The appeal was heard and ultimately refused by the Honourable Justice Moore's (Moore J) judgement (*Gatacre LC Pty Ltd v Lane Cove Council* [2023] NSWLEC 35). A summary of the critical reasons for refusal identified in Moore J's decision are summarised in Section 4.1.1.

In response to the refusal, a new project team has been assembled to prepare a new scheme which aims to address and resolve the issues identified by Moore J. Section 4.1.1 details how the new scheme addresses and resolves the previous concerns.

Figure 17 provides an extract of the original scheme proposed under DA65/2021, while Table 2 provides a summary of the key aspects of the development.

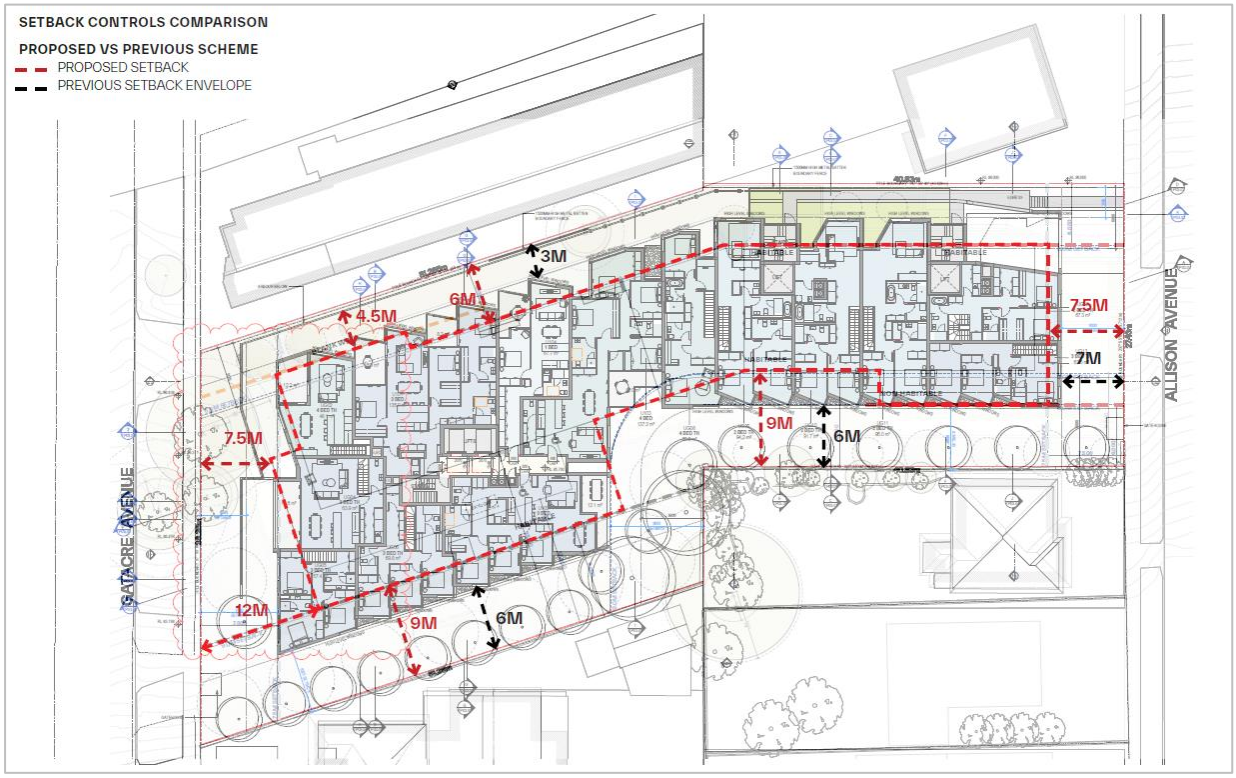

Figure 17: Footprint of the previous scheme overlaid with proposed building footprint (in red)
Source: Rothe Lowman, modified by PBD Architects

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Table 2. No. 2021/00273374 Key Development Characteristics			
Element	**Detail**		
Description	Demolition of existing structures and construction of a part 5 and part 6 storey residential flat building with 52 apartments and two levels of basement parking with 99 parking spaces		
Apartments	52 apartments comprising: - 3 x studios - 9 x 1 bedroom - 19 x 2 bedroom - 2 x 2 bedroom + study - 10 x 3 bedrooms - 3 x 3 bedroom + study - 6 x 4 bedrooms		
Southern Boundary Setback to R2 zone interface		**ADG Requirement**	**Proposed**
	1-4 storeys	9m	6m
	5-6 storeys	12m	12m
Northern Boundary Setback to Boarding House		**ADG Requirement**	**Proposed**
	1-4 storeys:	6m	3m
	5-6 storeys:	9m	3m
Gatacre Avenue Setback	**LCDCP Requirement:** 7.5m	**Proposed:** 4.5m	
Gatacre Avenue Setback	**LCDCP Requirement:** 7.5m	**Proposed:** 6m	
Height	**LCLEP:** 15 metres	**Proposed:** 16.6 metres being a variation of 1.6 metres, or a 10.7% exceedance in some locations.	
Floor Space Ratio	**LCLEP:** 2.4:1 (GFA 7,117.9sqm)	**Proposed**: 1.98:1 (5,877.1sqm GFA)	
Solar Access	**ADG Requirement:** 70%	**Proposed:** 50%	
No Solar Access	**ADG Requirement:** Max 15%	**Proposed:** 33%	
Natural Ventilation	**ADG Requirement:** 60%	**Proposed:** 75%	
Deep Soil	**ADG Requirement:** 15% **LCDCP Requirement:** 25%	**Proposed:** 25.76%	
Parking	**LCDCP Requirement:** 93	**Proposed:** 99 car parks across two levels of basement	

4.1.1 Summary of Critical Issues Resolution

Table 3 provides a summary of how Moore J's critical issues have been addressed and resolved in the new scheme.

Table 3. Summary of Critical Issues

MATTER	PROPOSED DEVELOPMENT RESPONSE
1. Visual impact on immediately adjoining private residences.	Whilst the judgement identifies that the proposed development did not raise privacy concerns for adjoining development to the south, visual impact was a critical concern and the key reason for dismissal of the appeal. Moore J stated that, *"The conceptual lens through which the visual impact of the* [previous scheme*] is to be assessed is set by the fifth of the objectives for the R4 High Density Residential zone in the LEP."* This objective is to ensure that the existing amenity of residences in the neighbourhood is respected by new developments. Through this lens, a summary of the key findings of the judgement is provided below: • The VIA prepared in support of the appeal was insufficient as it did not consider views from private properties and instead only considered views from the public domain. • The previous scheme proposed insufficient setbacks to both 2A Gatacre Avenue and 7 Allison Avenue, which contributed to an overbearing presentation to neighbouring development to the south. • The previous scheme was deemed to dominate the skyline and 'overwhelm' areas of private open space within 2A Gatacre. This was deemed to be inconsistent with the 5th objective of the R4 zone. • Whilst not to the same degree as 2A Gatacre Avenue, the visual impact on 7 Allison Avenue was also raised as a concern in the judgement. • The proposed development has sought to resolve the previous concerns relating to visual impact on immediately adjoining private residences to the south. In recognition of the previous visual concerns with the previous scheme, Urbis were engaged to assist on the project. Specifically, they were engaged to ensure that any visual impacts from the proposal were minimised and resolved from the outset and to prepare a Visual Assessment Report (VAR) (see **Appendix 6** of the SEE). The purpose of the VAR is to assess the visual effects and potential impacts of a proposed DA at the subject site on neighbouring public and private views. This is further addressed in Section 7.5 of the SEE. It is noted that, during the preparation of the VAR, attempts were made to access private properties in order to quantify private views. This was not successful, however should access be granted, the VAR could be updated accordingly. The previous scheme proposed a 6m setback to the boundary facing 2A Gatacre Avenue and 7 Allison Avenue. The proposed development proposes a 9m boundary setback to 2A Gatacre, and a 6m blank wall boundary setback to 7 Allison. The setback proposed will be sensitively landscaped (deep soil) to screen the neighbouring developments whilst maintaining appropriate solar access. This is further addressed in Section 7.4.1 of the SEE. The proposed development is fully compliant with the HOB development standard, with much of the proposal sitting well below the 15m height control. The southern interface has been the key focus of the proposed development, with the built form stepping massing away from the boundary and the inclusion of the Level 3 void to help to provide a visual break in the buildings lateral length. Landscaped non-trafficable roof gardens are also proposed along the southern edges of the building to further visually soften the proposed development when viewed from the south.

Table 3. Summary of Critical Issues	
MATTER	**PROPOSED DEVELOPMENT RESPONSE**
2. The design of the north-western element of the proposed development adjacent to the boarding-house site.	In their judgment, Moore J expressed several concerns regarding the north portion of the previous scheme, which are summarised below. • The previous scheme was deemed to have an unresolved landscape design, which did not provide for sufficient amenity or appropriately mitigate built form impacts of the approved boarding house to the north. • The previous scheme provided insufficient setbacks and relationship with the adjoining approved boarding house development to the north and did not provide a valid reason for not providing the required 6m setback. • Apartments UG01, UG02 and UG08 were described as subterranean and as exacerbating a canyoning effect. • Lack of setback to the north of upper levels. • The insufficient setback further led to the decision that the proposed development was an overdevelopment. The proposed development has sought to provide an appropriate design response to the northern setback that resolves the previous concerns raised by Council and Moore J in relation to the previous DA's setback to the boarding house. This has been achieved by: • Increasing the habitable rooms and balconies setback to the boundary to 6m; • Increased landscaping of the setback area to include extensive planting of *Elaeocarpus reticulatus* trees which will facilitate an appropriate landscaped buffer between the two buildings; • The height of the ground floor has been increased half a level to remove the previous subterranean apartment outcome, with these apartments enjoying extensive private open space in the form of terraces; and • Direct lines of sight between the boarding house and proposed development have been avoided through offsetting the proposed development in relation to the boarding house. The increased setback and the proposed landscaping treatments will provide appropriate levels of internal amenity to both parties. The increased setback in this location has removed the 'canyoning' effect Moore J identified in the previous scheme.
3. Visual impact on private residences further downslope.	In their judgment, Moore J expressed several concerns regarding the visual impact of the previous scheme on residences further downslope. This concern was a common theme that ran through the written community objections to the previous proposal. Moore J determined that the previous scheme would have resulted in significant visual impacts on the residences further to the south (particularly from their rear private open spaces) beyond 2A Gatacre Avenue and 7 Allison Avenue. The previous scheme was found to have resulted in such significant overall cumulative visual impacts on the residences downslope (including 2A Gatacre Avenue and 7 Allison Avenue) that Moore J considered that it was "impossible to approve" the previous scheme. In isolation, the downstream view impacts would not have warranted refusal of the previous scheme, however, cumulatively (with the view impacts on 2A Gatacre Avenue and 7 Allison Avenue) Moore J found that they were a sufficient reason for a refusal. As discussed above, Urbis were engaged at the outset, to inform the design of the built form to ensure that any visual impacts from the proposal were minimised and resolved from the outset and throughout design development. Visual Assessment Report (VAR) has been prepared by Urbis and is within **Appendix**

Table 3. Summary of Critical Issues	
MATTER	**PROPOSED DEVELOPMENT RESPONSE**
	6 of this SEE. The VAR found that visual impact to downstream neighbours would be limited due to the locations those views would be understood from and the topography of the area. This is further addressed in Section 7.6 of the SEE.
4. Whether the height exceedances could be permitted.	In their judgment, Moore J found that the proposed height exceedance that formed part of the previous scheme was not adequately justified; and that the proposed additional height would have resulted in additional overshadowing of the residence at 7 Allison Avenue and would have led to an inappropriate and unacceptable diminution of the solar access for that dwelling. The proposed development is fully compliant with the HOB control and does not rely on a clause 4.6 variation. This is further addressed in Section 7.1.3 of the SEE. As demonstrated in the Architectural Plans, and confirmed in the Expert Solar Opinion (**Appendix 23**), 7 Allison Avenue will continue to receive more than 3 hours of solar access to the dwelling and its private open space at mid-winter. This has been achieved through careful siting and design of the built form, and through the introduction of the Level 3 central void which will allow sunlight to reach 7 Allison Avenue. This is further addressed in Section 7.4.1 of the SEE.
5. Solar access compliance for apartments in the proposed development.	27 of 53 apartments (50.9%) within the previous scheme would have achieved more than 2 hours of solar access at mid-winter. Moore J determined that whilst solar access compliance for apartments within the previous scheme was a concern, the issue did not require a more detailed assessment given that the application had to be refused on visual impact grounds. Maximising solar access within the proposed development has been a key focus of the new scheme, with expert advice from Walsh Associates obtained to ensure that solar access has been maximised through the design. 31 apartments (70.45%) within the new scheme will receive more than 2 hours of solar access at mid-winter, with an additional 8 apartments (18.18%) receiving sun to habitable rooms at mid-winter. This means that 88.63% of apartments (39) will receive some sun at mid-winter; with only 5 apartments (11.4%) receiving no solar access at mid-winter. The new scheme is compliant with the ADG and has sought to maximise the amount of apartments receiving solar access. This is considered to be a marked improvement over the previous scheme.
6. The east-west length of the built form.	Moore J found that the east-west length of the previous scheme contributed to the adverse visual impact of the proposal. As discussed above, Urbis were engaged to inform the design of the built form to ensure that any visual impacts from the proposal were minimised and resolved from the outset. The perceived length of the built form has been modulated through the introduction of break in the built form at Level 3 to provide the impression of two buildings. This is considered to be an appropriate design response and is supported by Urbis. This is further addressed in Section 7.4.1 of the SEE.

4.2 Pre-Lodgement Discussions

On the 30 November 2023 the applicant and members of the revised project team engaged in pre-lodgement discussions with the Council. Table 4 summaries the key issues raised at the meeting, and how the applicant has responded to these matters.

Additional pre-lodgement consultation was undertaken with Council on 29 February 2024 where it was confirmed by Council that the proposed design from an architectural, landscape and traffic perspective was supportable, and they were of the view that the key issues from the previous application had been adequately addressed.

Council also confirmed that the application could be assessed by the Design Review Panel post-lodgement concurrent with Council's assessment.

Table 4. Summary of Matters Raised in Pre-Lodgement Meeting with Lane Cove Council

COUNCIL MATTERS RAISED	PROPONENT RESPONSE
Height	
The proposed development has a maximum height of 15m however it is not clear whether there would be any breaches for lift overruns or with rooftop terrace structures. This would need to be addressed in any [DA] that would be lodged and any breach would require submission of a Clause 4.6 written justification. Any such justification would need to demonstrate that the proposed breach would contain sufficient environmental planning grounds to support such a breach including the relevant building height/zoning objectives are met.	The proposed development is wholly compliant with the 15m height of building development standard, including all lift overruns. No element of the proposed development will breach the 15m height of building development standard, as detailed in Section 7.1.3 of the SEE.
FSR	
A maximum FSR of 1.6:1 is proposed which is well below the maximum development standard [2.4:1].	The proposal represents a development outcome that will not fully utilise the development potential of the site envisaged by its 2.4:1 FSR control.
Building Setbacks	
The applicant had only indicated improved building setbacks had occurred with the requirements of [LCDCP] when compared to the previous scheme however technical variations had been identified with respect to the proposed side setbacks for the 5th and/or 6th storey components to the northern boundary and the proposed basement setbacks to both side boundaries. Part C3.5.2(a) Side and Rear read as 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.	Section 7.2 of the SEE addresses this departure from the requirements of LCDCP. It is considered that this departure is minor in significance and is acceptable on its merit.
The 5th and/or 6th storey components of both building cores achieve a minimum of 6m to the northern boundary where a minimum 9m setback is required. You are advised that the proposed side setbacks are to be redesigned to fully comply with the above DCP requirements.	The 5th and 6th storey components of both building cores achieve a minimum 6m habitable room setback to the northern boundary. There is also a portion of blank wall which achieves a 4.675m setback to boundary.

Table 4. Summary of Matters Raised in Pre-Lodgement Meeting with Lane Cove Council	
COUNCIL MATTERS RAISED	**PROPONENT RESPONSE**
Part 3.5.3(a) General requires that a maximum 2m encroachment into the front and side building setbacks for basement parking levels. A nil northern setback is proposed to the northern boundary is proposed where a minimum 4m setback is permitted. A minimum 6m basement setback to the southern boundary is proposed where a minimum 7m setback is required. This variation is to be addressed in any Development Application lodged.	The basement has a minimum setback of 4.2m to the southern boundary which is compliant. The basement has a nil setback to the northern boundary, which is considered reasonable given the context, and that it has allowed for a greater deep soil setback to the R2 zone to the south which is considered to be the more sensitive interface. Having a 4m basement setback to the north would serve no practical function and would necessitate a sub-optimal design outcome that resulted in avoidable amenity outcomes. The proposed scheme is considered to deliver a development outcome that best minimises amenity impacts to surrounding neighbours.
Other Town Planning Comments	
Overall, the amended scheme is a substantial improvement to the previous refused scheme and can represent as a solid starting point in moving forward with the subject proposal.	Noted.
One such improvement is the compliant nature of the proposed front street setbacks.	The proposal will have a 7.5m setback to both Allison Avenue and Gatacre Avenue, which is compliant with the LCDCP, and a substantial improvement of the previous application as identified by Council.
You are advised that provision of a rooftop open space area would be supported in principle.	The previous scheme included a roof top pool which has been removed from the scheme to address previous neighbour concerns about visual and acoustic privacy. The proposed development includes a communal 'Zen Garden' in the Level 3 void. The location of this communal space has been carefully chosen to maximise the utility of the roof, whilst ensuring no undue amenity impacts arise from its use to surrounding neighbours. In addition, green roofs have been provided on the southern edges of Levels 3 and 4 in response to Council's preferred green roof strategy.
However, there are still concerns relating to the subterranean type apartments that are being proposed. Such apartments generally would reduce the required amenity levels to be achieved, and a strong justification is required to ensure that future residents would not be adversely impacted upon.	Subterranean apartments have been removed through raising the ground floor by one level to further reduce the identified 'canyoning effect' at the northern setback.

Table 4. Summary of Matters Raised in Pre-Lodgement Meeting with Lane Cove Council	
COUNCIL MATTERS RAISED	**PROPONENT RESPONSE**
Based on the key identified matters discussed in the previous case, Council is still of the opinion that the potential adverse visual impact to the adjoining southern dwellings remains unresolved in this instance.	The proposal will not result in unreasonable view impacts to surrounding properties, as stated in the View Assessment. The proposed development has been designed to minimise the impact to views as much as possible, with the Level 3 void serving to break up the visual bulk of the proposal.
The proposal is a long 5 or 6 storey structure approximately 75m in length with potential of a rooftop terrace which clearly would contain visual impacts. To reduce the impacts, it clearly would be better to have two distinct buildings with a much more useable central open space area for instance otherwise you would need to provide a more detailed visual impact assessment in accordance with the requirements raised by within the Land & Environment Court proceedings.	The perceived lateral bulk has been visually broken up through the introduction of the Level 3 void. A Visual Assessment has been prepared by Urbis and accompanies this application as **Appendix 6.** The VAR includes photomontages which have been prepared following a method that satisfies the Land and Environment Court of NSW photomontage policy.
Whilst the reduced setbacks proposed below the required minimum 9m setback to the adjoining zone transition boundary has been provided for with a design to have no habitable rooms or balconies facing the adjoining dwellings, there would still be potential for adverse visual impacts (real or perceived) resulting from such reduced setbacks.	The reduced southern setback is a blank wall which will remove the potential for adverse visual impacts resulting from such reduced setbacks. This blank wall will be softened with a green roof on Level 3 and will be finished with light grey bricks to provide visual interest. The setback complies with the requirements of the LCDCP and ADG.
You are advised that any lodgement of any [DA] would be subject to a referral meeting to made to the Design Review Panel (DRP) for their assessment and consideration. It would be impertinent that their support would need to be secured to ensure a positive outcome in this instance.	It was agreed with Council that the application will be referred to the DRP post-lodgement.
The reasons for the above points being made is that there is a strong community expectation as evidenced by the number of submissions made to the previous Development Application that a fully compliant scheme is to be provided for to ensure a positive recommendation would be made within any assessment report.	
Landscaping	
1. Council has a new Sustainability DCP which the Applicant would need to address.	The proposal has assessed and considered Council's new Sustainability LCDCP as detailed in **Appendix 1** of the SEE.
2. There are no issues with the areas for landscaping that have been provided.	Noted.
3. A Registered Landscape Architect (practice) is required to prepare the landscape plans.	Arcadia have prepared the Landscape Plans who are Registered Landscape Architects.

Table 4. Summary of Matters Raised in Pre-Lodgement Meeting with Lane Cove Council	
COUNCIL MATTERS RAISED	**PROPONENT RESPONSE**
4. No trees on the plans would be compromised or reduced in planting size for any reason.	This can be ensured through a condition of consent.
5. Revisions required to plans once construction has commenced that directly affect the approved landscape plans would have to be submitted to Council for assessment by Tree and Landscape sections.	This can be ensured through a condition of consent.
6. Proof of consignment growing of trees to ensure 4m height and excellent condition from an approved nursery.	This can be ensured through a condition of consent.
Tree Management	
From an Arboricultural perspective this appears to be a marked improvement on the previous proposal. Impacts to retained trees have been considerably lessened, with a greater area of deep soil provided.	The project team has made a concerted effort to maximise deep soil where possible and protect all existing trees on neighbouring sites.
Health & Environment	
1. Contaminated Land Assessment To assess out whether the site is suitable for the proposed development from a contamination perspective, or if remediation is required.	Noted. A Detailed Site Investigation has been prepared in support of the application and is provided at **Appendix 17** of the SEE.
2. Environmental Management Plan To address the impacts from the construction phase for dust management, sediment and erosion control, dust management and the management, treatment, and disposal of excavation water. The proposal is to address the impacts from the smokestacks from the Lane Cove Tunnel.	A Construction Management Plan will be prepared prior to CC and approved by Council (if required). This can be ensured through the imposition of a condition of consent.
3. Acoustic and Vibration Report An acoustic and vibration report is to address internal/habitable noise and vibration levels and the impacts from traffic noise and vibration both from Pacific Highway and the Lane Cove Tunnel.	An Acoustic Impact Assessment has been prepared in support of the application and is provided at **Appendix 16** of the SEE.
4. Construction Noise & Vibration Management Plan To provide procedures to prevent excessive noise and vibration being emitted from onsite demolition, excavation and construction works which may cause unreasonable loss of amenity to nearby receivers.	A Construction Noise & Vibration Management Plan will be prepared prior to CC. This can be ensured through a condition of consent.

Table 4. Summary of Matters Raised in Pre-Lodgement Meeting with Lane Cove Council	
COUNCIL MATTERS RAISED	**PROPONENT RESPONSE**
5. Construction & Demolition Waste Management Plan To understand what excess materials are likely to be generated and then focus on how the generation of those excess materials can either be avoided or the material can be diverted from landfill. Including the procedures used to collect and dispose of hazardous waste.	A Construction & Demolition Waste Management Plan has been prepared in support of the application and is provided at **Appendix 18** of the SEE.
Traffic and Parking	
The required traffic and parking comments have not been finalised at the time of writing of these noted and would be forward separately once finalised or alternatively you are encouraged to directly contact … Coordinator – Traffic … to discuss the proposal in more detail.	Noted. A Traffic & Parking Impact Assessment has been prepared in support of the application and is provided at **Appendix 20** of the SEE.
Engineering and Stormwater	
The required engineering comments have not been finalised at the time of writing of these noted and would be forward separately once finalised or alternatively you are encouraged to directly contact … Development Engineer…to discuss the proposal in more detail.	A Civil Infrastructure & Stormwater Management Report has been prepared in support of the application and is provided at **Appendix 13** of the SEE.
Waste	
On each floor, there needs to be a refuse room that can accommodate for 2x 240L mobile garbage bins (wheelie bins). These two bins would be used for Council's recycling streams (blue and yellow bins). This refuse room can also include the chute. If the chute is not within the refuse room, they must be next to each other for ease of access for residents. The Building is responsible for transport of the bins in the refuse room to the designated collection point and this must be reflected in the Waste Management Plan (WMP)	An Operational Waste Management Plan (OWMP) has been prepared in support of the DA and is provided at **Appendix 19** of the SEE. Each core includes 2 x eDiverter chute systems, comprising of single chutes fitted with general waste and comingle recycling diversion systems, will be installed in each building core. Access to the eDiverter chute system will be provided to all residents on each residential level. Building management will be responsible for the transport of the bins in the refuse room to the designated collection point as per the OWMP.
Concerns about the "Loading Bay" for Waste Vehicle. Please ensure the bay is large enough to accommodate for the truck in Council's DCP ("small garbage truck used for domestic wase collection – rear load"). This truck must be able to enter and exit in a forward-facing direction. Please demonstrate this with swept paths.	The Loading Area in Basement 1 has been designed to accommodate an SRV. All vehicles will enter and exit the site in a forward-facing direction. The required swept paths are provided within the Traffic & Parking Impact Assessment prepared in support of the application and is provided at **Appendix 20** of the SEE.

Table 4. Summary of Matters Raised in Pre-Lodgement Meeting with Lane Cove Council	
COUNCIL MATTERS RAISED	**PROPONENT RESPONSE**
Judging from the current design of the site, the truck will need to reverse into the loading bay to service bins so please demonstrate this with swept paths as well.	
The traffic light signalling is not visible for the waste vehicles when exiting the site and if the waiting bay has a pressure sensor to control the lights, the waste vehicle may have problems utilising this.	This will be fully detailed during the detailed design phase prior to CC. An additional traffic light will be included within Basement 1 that is visible from the waste loading bay to ensure that waste vehicles are able to safely navigate the site.
Bulky goods storage room – this room must be at least 30m2 in area.	The bulky goods storage room on Basement 1 is 30sqm.
The building would be responsible for taking any bulky goods in this room to the kerbside for collection so please keep this in mind.	Building management will be responsible for the transport of any bulky goods from the storage room to the kerbside for collection. This will occur at designated times with Council.
Clearance height of minimum 2.6m required for the waste vehicle.	This has been provided in the design.

4.3 Pre-Lodgement Community Engagement

The previous refused scheme received a number of community objections, with the key issues raised including:

- Bulk and scale, visual amenity and solar access impacts
- Landscaping and management of trees
- Privacy and noise impacts
- Traffic, parking and access concerns
- Flooding management

As part of the development and preparation of the new DA, Urbis were engaged to assist with undertaking active engagement with the surrounding community. Specifically, the purpose of the engagement undertaken was to consult with key community stakeholders during design development and specifically targeted seven (7) key surrounding neighbours who presented objections during the Court hearings.

A variety of engagement activities were undertaken, including:

- Door knock and newsletter drop on 19 February 2024 which also offered individual briefings;
- Draft revised proposal provided to stakeholders via email on 06 March 2024;
- Individual stakeholder briefings undertaken on 14 March 2024; and
- Ongoing enquiry management via a 1800 number and email address.

The Engagement Outcomes Report prepared by Urbis provided at **Appendix 22** details how consultation was undertaken, the key issues raised and how they have been considered in the preparation of the DA.

Any additional matters raised during Council's public notification period will be addressed as required.

5 The Proposal

5.1 Development Summary

This DA seeks development consent for the following:

- Demolition of all existing buildings on site and lot consolidation.
- Removal of identified existing trees and site preparation works.
- Construction of two attached residential flat buildings ranging from 4-6 storeys with a dual frontage to Gatacre Avenue and Allison Avenue that step with the slope of the site.
    - Building A faces Gatacre Avenue and ranges between 4 – 6 storeys in height.
    - Building B faces Allison Avenue and steps from 4 – 5 storeys.
- Construction of two (2) basement levels comprising car parking spaces, and associated loading and wash bays.
- Vehicular access off Allison Avenue.
- Landscaping throughout the site with a focus on the southern 'gully walk', rooftop communal terrace, and private terraces.

The proposed development is illustrated in the Design Verification Statement and Architectural Plans prepared by PBD, and other supporting technical documents accompanying this report.

The overall built form and design is illustrated in Figure 18 and Figure 19.

Figure 18: Proposed Development viewed from Gatacre Avenue (looking north east)
Source: PBD Architects

Figure 19: Proposed Development viewed from Allison Avenue (looking north west)
Source: PBD Architects

5.1.1 Numeric Overview

A summary of the proposed development is provided in Table 5 below. In addition, full details of the of the proposal are provided in the Architectural Package in **Appendix 4** of the SEE. The proposal is described in further detail within the following sections of this report.

Table 5. Key Numerical Overview of Proposal	
Component	Proposed
Site Area	2,965.8sqm
Land Use	Residential flat building
Maximum Height of Building	15m
Building A (height)	Part 4 – 6 storeys
Building B (height)	Part 4 – part 5 storeys
Total GFA	4,954sqm
Floor Space Ratio	1.67:1
Total Number of Apartments	44
Apartment Mix	• 1 Bedroom: 6 (14%) • 2 Bedroom: 18 (41%) • 3 Bedroom: 18 (41%) • 3 Bedroom Town House: 2 (5%)
Adaptable Apartments	9 apartments (20%)

Table 5. Key Numerical Overview of Proposal	
Component	Proposed
Silver Level Livable Apartments	9 apartments (20%)
Visitable Apartments	36 apartments (81.82%)

Parking and Loading	• Car Parking Spaces: 90
	  ○ Resident: 78
	  ○ Visitor: 11
	  ○ Car Wash Bay: 1
	• Includes 10 Accessible Car Parking Spaces:
	  ○ Resident: 9
	  ○ Visitor: 1
	• Motorcycle Parks: 6

Bicycle Parking	• Resident: 11 spaces • Visitor: 5 racks
Landscape Area	1,256sqm (42.34%)
Communal Open Space	767sqm (25.86%)
Deep Soil	806sqm (27.17%)
Vehicle Access	From Allison Avenue

5.2 Site Preparation, Demolition Works, Tree Removal & Civil Works

5.2.1 Site Preparation & Demolition

Demolition works will be undertaken to remove all site improvements and existing structures across the site, with the exception of the southern retaining walls, as shown in Figure 20.

The existing retaining walls at the southern edge of the side adjoining 2A Gatacre Avenue, and the existing rock wall adjoining 7 Allison Avenue will be retained and protected during construction as agreed with the neighbouring property owner during community consultation.

A Dilapidation Survey will be undertaken prior to the commencement of any works to assess the condition of the buildings within the zone of influence of the excavation and construction works.

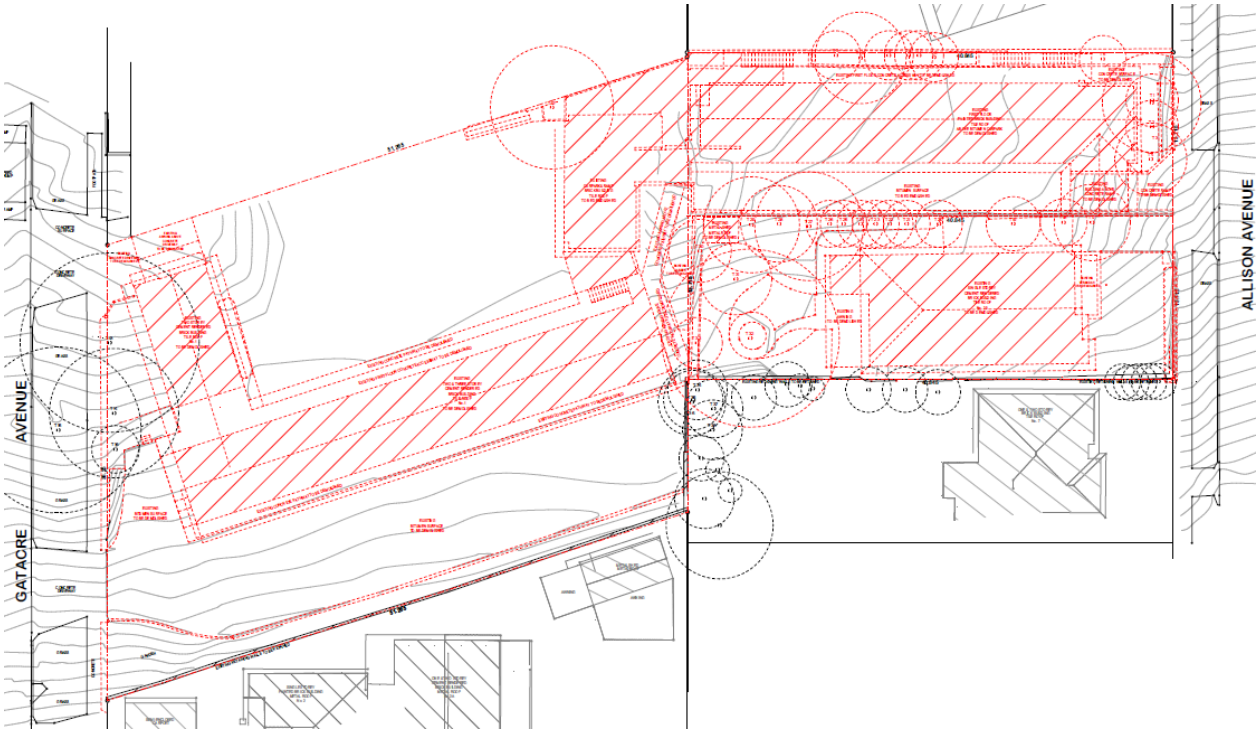

Figure 20: Demolition Plan
Source: PBD Architects

5.2.2 Tree Removal

The proposed works include the removal of 29 trees as outlined in the Arboricultural Development Impact Assessment Report (ADIA) prepared by Birds Tree Consultancy (**Appendix 12**). The location of all trees to be removed and retained is shown in Figure 21. The retention value of the trees proposed to be removed are as follows:

- Medium retention value: 26 trees
- Low retention value: 3 trees

The proposal seeks to retain the four (4) street trees on Gatacre Avenue which will be suitably protected during construction, specifically:

- T13 *Araucaria columnaris* (Cook's Pine)
- T14 *Cupressus torulosa* (Himalayan Cypress)
- T15 *Lophostemon confertus* (Brushbox)
- T16 *Pittosporum undulatum* (Sweet Pittosporum)

The proposal seeks to retain the five (5) trees within 7 Allison Avenue which will be suitably protected during construction, specifically:

- T34, T35, T37 and T38 *Archontophoenix cunninghamiana* (Bangalow Palm)
- T36 *Livistona australis* (Cabbage Tree Palm)

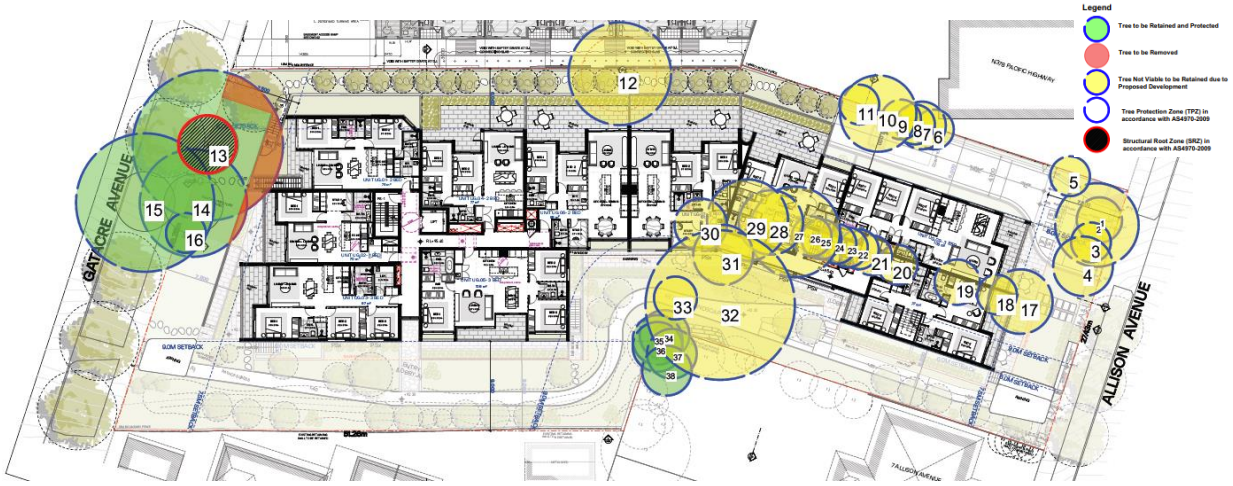

Figure 21: Trees Impacted by Proposed Development
Source: Birds Tree Consultancy

5.2.3 Excavation

Excavation works will be undertaken for the basement levels of the building to a depth of 11.5m with shoring piles to extend at least 1.5m below bulk excavation level and be socketed at least 1.0m or one pile diameter (whichever is greater) into suitable rock. The extent of excavation is shown in Figure 22 below.

The proposed excavation works will be in accordance with the Geotechnical Report submitted with this application (**Appendix 11**).

Figure 22: Basement Excavation as shown in Section C
Source: PBD Architects

5.3 Built Form & Design

5.3.1 Building Uses

A total of 44 apartments are proposed across the 2 connected buildings. The residential flat buildings are separated on Level 3 by communal open space in the form of a 'Zen Garden' and provide lobbies achieving a horizontal and vertical connection to the communal landscaped areas.

The residential flat buildings include apartments of sizes ranging from one bedroom to three bedroom units and a balance of single and dual aspect units, with a number of cross-through apartments.

Ground floor apartment units are provided with terraces as private open spaces having a frontage to the respective street frontage. The proposed design also provides extensive landscaping throughout the site.

At the ground floor a communal 'entertainment area' and 'wine cellar' have been provided for additional residential amenity, accessed via the lobby of Building A.

5.3.2 Built Form, Massing & Design

The built form parameters for the proposed development are largely determined by the requirements of the ADG in regard to visual privacy and the LCDCP in regard to desired street setbacks. The proposed design has also been developed in accordance with Council's Pre-DA recommendations and in response to feedback received during community stakeholder engagement. The design adopts a holistic approach to site redevelopment based on a detailed site context analysis and design impact assessment.

The massing of the proposed development is such that the overall building bulk will not dominate or have an overbearing effect on the surrounding streetscape as demonstrated in Figure 23 - Figure 26.

The proposed massing has largely been focused away from the R2 interface and closer to the northern boundary, as demonstrated in Figure 23 and Figure 24. This has enabled greater setbacks to the R2 zone to south which is the more sensitive interface and boundary. This southern setback area will include extensive deep soil landscaping to further shield downstream neighbours and minimise and perceived adverse visual impacts. This is considered to be an appropriate design response and a means of appropriately managing the transition between zones.

The proposal involves a design that has identified, on balance, the most appropriate development response across the site and generally complies with all the controls pertaining to land use mix and design controls such as building form, building envelopes and setbacks.

The provision of a central void to break up the perceived length of the built form when viewed from the south has been designed to reduce the overall mass compared to the previous scheme, as shown in Figure 25 and Figure 26.

The design will maximise solar access to surrounding residential buildings and reduces overshadowing, providing for a break to provide sunlight to downstream neighbours at mid-winter.

The proposed design enables suitable building separation, placement of habitable rooms and windows and private open space in accordance with the objectives of the ADG.

Figure 23: Eastern Elevation to Gatacre Avenue
Source: PBD Architects

PATCH
PLANNING & DEVELOPMENT

Figure 24: Western Elevation to Allison Avenue
Source: PBD Architects

Figure 25: Southern Elevation to R2 Zone
Source: PBD Architects

Figure 26: Northern Elevation to R4 Zone
Source: PBD Architects

5.4 Materials & Finishes

A Finishes Schedule is included within the Architectural Plans (**Appendix 4**) and shown in Figure 27 below. The colour and material selections have been made to create transitions allowing the development to make a positive visual contribution to its surrounding neighbourhood.

The mix of material include horizontal concrete bands, fluted precast concrete elements, light grey bricks, timber cladding, 'marron brown' metal cladding, metal vertical battens, dark brown aluminium frame glazing, dark brown aluminium balustrades, and sandstone cladding as shown in Figure 27.

Upper storeys will be setback from the southern boundary and street frontages with landscaped elements fronting the southern boundary. The top storeys will be clad in a 'marron brown' metal cladding, which will assist in further breaking down the scale and helping to reinforce the visually recessive nature of these elements.

Figure 27: Materials and Finishes Palette (DA-400)
Source: PBD Architects

5.5 Landscaping & Communal Areas

The communal areas of the proposed development are extensively landscaped. The general landscaping strategy for the site and the selection of planting palette are appropriate for the site and have been designed to play an important role by integrating with the built form, which greatly increases the amenity for neighbours and future residents alike. Figure 28 illustrates the proposed landscape design prepared by Arcadia.

Figure 28: Proposed Landscape Design
Source: Arcadia

The proposed design provides soft landscaping along the site boundaries, comprising of trees, shrubs, grasses, groundcovers, and ferns. The northern boundary planting will only be accessible for maintenance, as shown in Figure 29. Private gardens are provided for all apartments on the ground plane.

The landscape design incorporates a deep soil zone along the entire boundary with the R2 zone referred to as 'the gully walk' and will include a 'dry creek bed' to facilitate water runoff and remove potential overland flows to downstream properties in response to concerns raised during consultation. The gully walk area comprises an elevated boardwalk 'the gully walk', a dry creek bed, hedge planting to provide privacy, feature planting that highlights the experience, protection of the existing rockwall and extensive planting, as shown in Figure 30. The 'gully walk' has a balustrade to the south to maintain separation and privacy to the neighbours immediately adjoining the site, by providing a landscaped buffer between this walk and the boundary.

In terms of communal open space, in addition to the gully walk, a green roof terrace is proposed to promote reduced heat loading and healthy outdoor living. The green roof terrace comprises tree planting, communal benchtop for group eating, sun lounges, a communal barbeque and extensive planting.

Two non-trafficable areas on the southern edges of the top floors of each building are proposed to further soften the building when viewed from the south.

A Landscape Report and Landscape Plans have been prepared by Arcadia and accompany this application as **Appendix 7**. The Landscape Report confirms that the proposed development incorporates a total landscaped area of 1,256sqm (42.34%) comprised of:

- 806sqm (27.17%) of deep soil zone;
- 73sqm (2.46%) of effective deep soil;
- 247sqm (8.32%) of landscape on podium; and
- 130sqm (4.38%) of private landscaped areas.

The proposal involves removal of 29 trees across the site. To offset this, extensive planting and new trees are proposed to be provided across the site, which will provide for a much-improved outcome when compared to the existing site condition. Overall, 81 replacement trees are proposed, equating to a replacement tree ratio of 2.79:1.

The four (4) street trees on Gatacre Avenue, including the Cooks Pine will all be retained and suitably protected during construction. Additional street plantings along the Gatacre Avenue and Allison Avenue street frontages are proposed, resulting in a visually and physically integrated design. In addition, all trees on neighbouring sites will be retained and protected during construction.

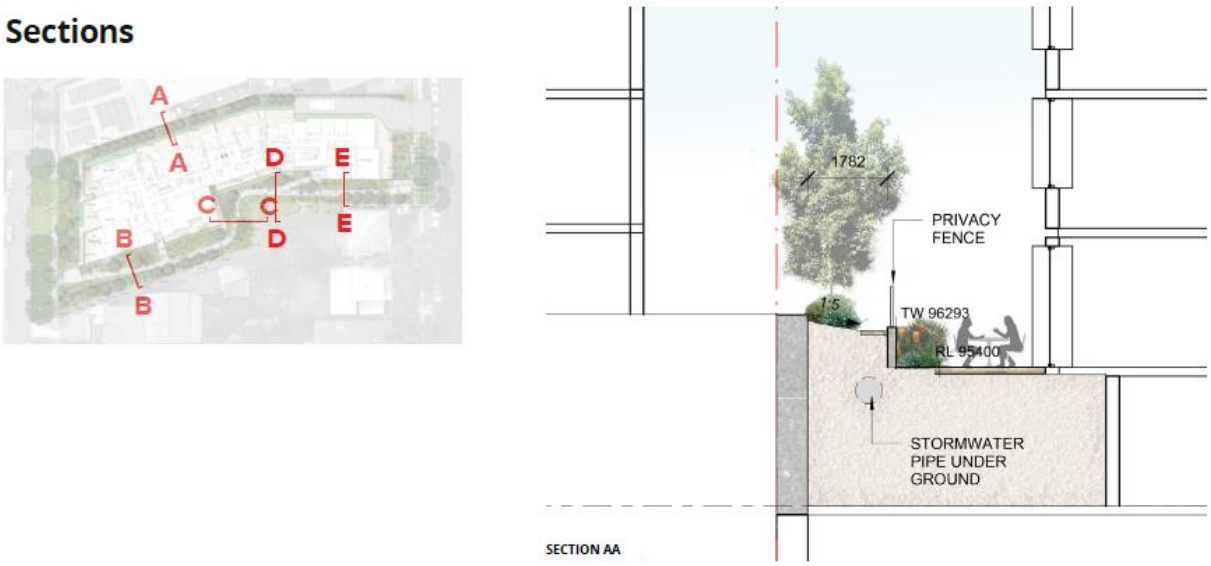

Figure 29: Section AA showing proposed northern landscaping
Source: Arcadia

Figure 30: Section BB showing proposed gully walk landscaping
Source: Arcadia

5.6 Parking & Vehicular Access

Vehicular access is provided via a driveway located at the north-east corner of the site off Allison Avenue, as shown in Figure 31. The driveway is a single access point to the site, such that it will be shared by cars as well as small rigid vehicles (SRV).

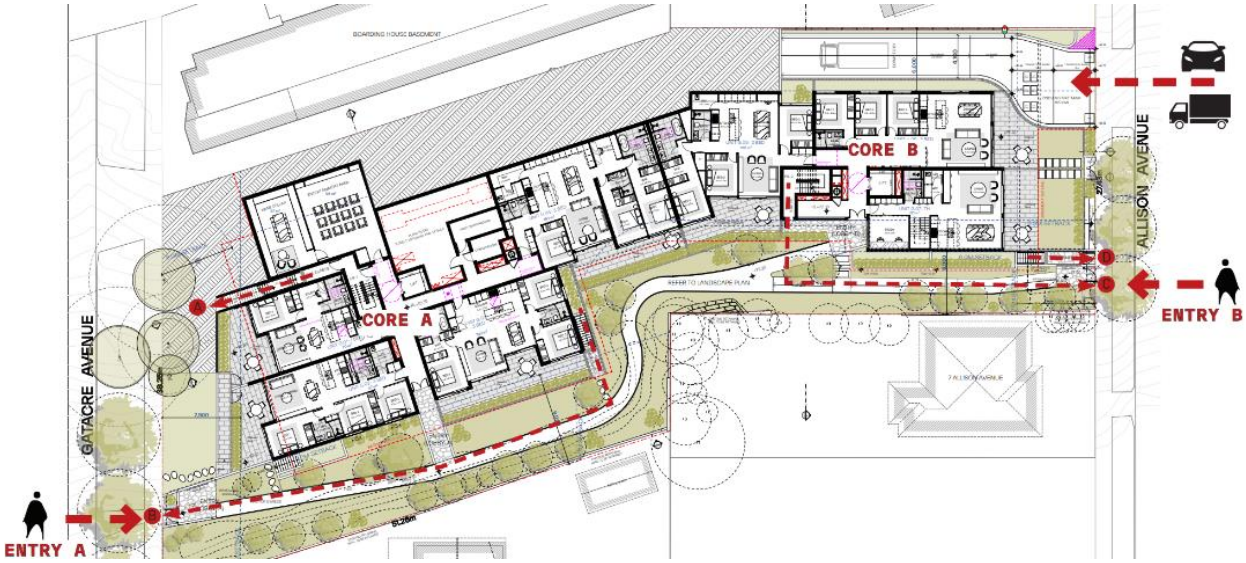

Figure 31: Pedestrian and Vehicle Access Points
Source: PBD Architects

The loading dock is located at Level Basement 1 and capable of accommodating 1 x SRVs (6.4m long).

All vehicles will enter and exit the site in a forward direction. A minimum clearance height of 2.6m is provided within the loading dock and ramp areas.

A total of 90 car parking spaces are provided including 78 resident spaces, 11 visitor spaces and 1 car wash bays. This includes 10 accessible car parking spaces (9 resident and 1 visitor). These have been provided across the two basement levels.

The development provides for 6 motorcycle spaces. A total of 11 bicycle storage spaces are provided for residents, and an additional 6 visitor bicycle racks will be provided.

The proposed car parking areas has been designed in accordance with relevant Australian Standards and provide compliant car park dimensions, aisle widths and ramp grades.

In terms of pedestrian access, the site provides a long strip of pedestrian access (through the gully walk) from Gatacre Avenue to Allison Avenue, as shown in Figure 31. The gully walk acts as a through site link providing an east-west resident pedestrian access. Access to residential lobbies is provided via the gully walk from Gatacre Avenue and Allison Avenue.

Please refer to the Traffic Impact Assessment prepared by Transport and Traffic Planning Associates (**Appendix 20**) for further details.

5.7 Waste, Loading & Deliveries

5.7.1 Waste Storage

An Operational Waste Management Plan (OWMP) has been prepared by Elephant Foot for the operational waste (**Appendix 19**). The report estimates the total waste generated (L/week) as follows and provides collection frequency and number of bins required the for proposed residential flat building:

- General Waste – 3,520L/week (collected weekly, 6 x 660L bins required)
- Cardboard/Paper Recyclables – 2,112L/week (collected weekly, 10 x 240L bins required)
- Commingled Recyclables – 2,112L/week (collected weekly, 4 x 660L bins required)

5.7.2 Waste Collection

Two (2) x eDiverter chute systems, comprising of single chutes fitting with general waste and comingle recycling diversion systems, will be installed in each building core. Access to eDiverter chute systems will be provided to all residents on each residential level.

All waste generated by this development will be collected by Council's waste contractor, with both garbage and recycling being collected on a weekly basis. Prior to collection, the building manager/caretaker will be responsible for transferring the bins from the waste room to the bin holding room for collection.

A Council SRV collection vehicle will enter the basement from Allison Avenue and park in the designated vehicle loading bay. Once the bins have been serviced, the collection vehicle will exit the site, via Allison Avenue, in a forward direction. Once servicing is complete, the building manager/caretaker will be responsible for returning the bins to the waste room to resume operational use.

5.7.3 Deliveries

The waste loading dock will also serve as a general loading dock for removalists and deliveries when not required for waste collection.

5.8 Subdivision

A separate application for strata subdivision will be undertaken subsequently upon receiving development consent for this application.

5.9 Infrastructure Delivery

All urban services are either available, or easily connected into the site, enough such that the proposed development can be suitably services. Where necessary services will be augmented or upgraded to enable the functionality of the proposed development.

6 Statutory Assessment

6.1 Relevant Acts

6.1.1 Environmental Planning and Assessment Act 1979

The proposal is considered to be consistent with the objects of the EP&A Act. The proposal is consistent with the site-specific provisions outlined within the environmental planning instruments and has been designed having regard to the environmental sensitivities of the site. The proposal will also provide for the orderly and economic use of the land for high density residential purposes close to existing public transport connections.

An assessment against Section 4.15 of the EP&A Act is provided in **Section 8** of this SEE.

6.2 State Environmental Planning Policies

6.2.1 State Environmental Planning Policy (Planning Systems) 2021

The proposed works have an estimated cost of development of $42,030,259 excluding GST and development consent is sought in accordance with Part 4 of the EP&A Act 1979. A Quantity Surveyors (QS) Cost Estimate Report has been prepared by WT Partnership and is provided with this DA (**Appendix 3**).

As the estimated development cost is above $30 million, the DA is declared as regionally significant development, and will be determined by the Sydney North Planning Panel (SNPP).

6.2.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of the *State Environmental Planning Policy (Resilience and Hazards) 2021* (R&H SEPP) aims to provide a State-wide planning approach to the remediation of contaminated lands. It aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or any other aspect of the environment.

In accordance with clause 4.6(1) of R&H SEPP, a consent authority must not consent to the carrying out of development on land unless:

> *(a) it has considered whether the land is contaminated, and*
>
> *(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
>
> *(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A Detailed Site Investigation (DSI) has been undertaken by Martens Consulting Engineers, dated June 2021 (provided at **Appendix 17**).

The soil and groundwater assessment works undertaken for the Site did not identify any complete exposure pathway to current or future site receptors from potential soil or groundwater contamination. As such, the DSI concludes the site presents a low contamination risk and is considered to be suitable for the proposed development.

6.2.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP) aims to facilitate the effective delivery of infrastructure across the state providing improved regulatory certainty and efficiency and providing for consultation with relevant public authorities about certain developments during the assessment process or prior to development commencing.

Chapter 2 Infrastructure seeks to facilitate the effective and timely delivery of infrastructure and protect existing infrastructure from incompatible development. The development has been assessed against the relevant clauses of Chapter 2, as outlined below. It is noted that Pacific Highway is identified as a SP2 Classified Road.

Clause 2.120 Impact of road noise or vibration on non-road development

Clause 2.120 of the T&I SEPP deals with the impact of road noise or vibration on non-road development, and states that:

> *(1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—*
>
> > *(a) residential accommodation, …*
>
> *(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.*
>
> *(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—*
>
> > *(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*
> >
> > *(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*
>
> *(3A) Subsection (3) does not apply to a building to which State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 7 applies.*
>
> *(4) In this section, freeway, tollway and transitway have the same meanings as they have in the Roads Act 1993.*

The proposal is defined as a form of residential accommodation. As such, the development is subject to clause 2.120 of the T&I SEPP.

The RMS calculated that the Pacific Highway has an Average Annual Traffic Volume (AADT) of greater than 40,000 vehicles. As such, the development is subject to Clause 2.120.

An Acoustic Report has been prepared by Acoustic Logic (**Appendix 16**), which demonstrates that the development is able to comply with the requirements of the T&I SEPP subject to identified mitigation measures being adopted.

6.2.4 State Environmental Planning Policy (Sustainable Buildings) 2023

Chapter 2 of the *State Environmental Planning Policy (Sustainable Buildings) 2022* (SB SEPP) came into force on 1 October 2023 and applies to all residential development with a CIV over $50,000. Chapter 2 requires that all relevant development must meet the Building Sustainability Index (BASIX) requirements for energy, water use and thermal performance.

The application is supported by a BASIX Certificate (reference number: 1741369M_06~~5~~) prepared by JHA Consulting Engineers dated ~~23 April~~08 May 2024 (**Appendix 10**) which demonstrates compliance with the requirements of the BASIX scheme. The proposed development achieves the following BASIX scores:

- Water Efficiency: 40% (40% to pass)
- Thermal Comfort: Pass (Pass required)
- Energy Efficiency: 82~~66~~% (60% to pass)
- Materials: -100% (N/A to pass)

The application is supported by a NatHERS Certificate (reference number: 0009331920) prepared by JHA Consulting Engineers dated 23 April 2024 (**Appendix 10**) which demonstrates compliance with the requirements of the NatHERS scheme. The proposed development achieves a 7.6 Thermal performance Star rating.

6.2.5 State Environmental Planning Policy (Housing) 2021

State Environmental Planning Policy (Housing) 2021 (Housing SEPP) took effect on 26 November 2021 and served to consolidate a number of repealed SEPPs including the former SEPP 65. Chapter 4 of the Housing SEPP relates to the design of residential apartment developments and aims to improve the design quality of residential flat buildings, shop top housing and the residential component of mixed-use developments. It applies to any building that comprises three or more storeys and four or more self-contained dwellings.

The proposed development is therefore required to be assessed in accordance with the requirements of clause 147 of the Housing SEPP, which requires the consent authority take into consideration:

> *(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—*
>
> > *(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,*
> >
> > *(b) the Apartment Design Guide* (the ADG),
> >
> > *(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.*

Clause 147 (3) further clarifies that:

> *(3) To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.*

As such, whilst a consent authority must consider needs to consider the ADG when assessing an application for a residential flat building; compliance with the design criteria is not mandatory; ergo the ADG is a guide.

9 Design Quality Principles

A full assessment of the proposal against the controls contained within the ADG is provided within **Appendix 1** of the SEE. In addition to the above, Schedule 9 of the Housing SEPP sets

out the 9 'Design Quality Principles' that need to be addressed by any DA to which the schedule applies. The proposed scheme is assessed against these principles in Table 6 below and demonstrates consistency with their intent.

A Design Verification Statement has been submitted with this Development Application by PBD Architects detailing compliance with the design quality principles and in satisfaction of clause 147 of the EP&A Act. For a more detailed assessment refer to the Design Verification Statement prepared by PBD Architects provided in **Appendix 5** of the SEE.

Overall, the proposed development achieves a high level of compliance with the relevant numeric provisions of the Apartment Design Guide (ADG) and the 9 Design Quality Principles. This has been confirmed by AE Design in their Urban Design Expert Opinion provided in **Appendix 24** of the SEE.

Table 6. 9 Design Quality Principles

Principle	Comment
Principle 1: Context and neighbourhood character	
Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.	The proposal seeks to sit in harmony with both it's existing context and the newer developments arising in the nearby area. The use of light grey bricks on the facade, aligns with the existing aesthetic in the neighbourhood whilst also presenting them in a contemporary style and form that is not out of place with the emerging high-density vision. Exposed concrete slab edges, raw concrete balustrades and details help to frame and express the brick in a new and different way.
Principle 2: Built form and scale	
Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.	The proposed development adopts a bulk and scale appropriate for the growing density in the area commensurate with its R4 High Density Residential zoning; whilst also respecting the existing lower density neighbours to the south of the site. Massing and scale have been determined by establishing appropriate setbacks to the boundary and fully adhering to the height plane control. This has created an envelope that is both respectful of neighbours and allows for a suitable number of high amenity apartments. The proposed building design has emerged following careful consideration of the existing site conditions.

Table 6. 9 Design Quality Principles	
Principle	Comment
Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	The design has taken into consideration a range of factors, including the shape and topography of the site, zoning, building controls, the local climate and urban factors. The upper levels are further setback from the levels below, establishing a massing that is recessed and less visible from the street. The general massing reflects the sloping topography of the site. The proposed building form has been designed to both maximise the solar orientation and privacy of adjacent properties; and deliver high amenity apartments. The development has 2 separate cores (A and B) that serve to distribute the vertical circulation spaces across the proposal.
Principle 3: Density	
Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	There are a total of 44 apartments in the development, comprising of 6-1 bed unit, 18-2 bed units, 18-3 bed units, 2-townhouses. The proposal also reflects current market demand in relation to typologies and living patterns. The apartments are generous in size, in line with the apartment sizes within the area and characterised by high levels of internal amenity. The density of the development is considered sustainable within the existing and future availability of infrastructure, public transport, community and culturally significant facilities and environmental qualities of the site. As such the proposal provides an appropriate density for a residential development.
Principle 4: Sustainability	
Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.	The apartments are designed to maximize the north facing aspect ensuring adequate access to daylight in the winter months. 88.63% of apartments will receive some solar access at mid-winter, furthermore 70.45% of the apartments receive more than 2hrs of solar access in mid-winter. Cross flow ventilation has been maximised where possible, with 70.45% of apartments being naturally cross ventilated. Appropriate overhang depths and recessed balconies provide shade in summer and promote thermal heat gain during winter months. Energy efficient appliances and fixtures are provided, and low maintenance, long lifecycle and reusable materials are proposed. The proposed development integrates ~~100kW~~ 78kW of photovoltaic roof panels, a key component in the sustainability initiative aimed at enhancing the building's energy efficiency. Additionally, it includes the provision of 100% EV outlets in the parking area, demonstrating a commitment to sustainable transportation infrastructure.

Table 6. 9 Design Quality Principles	
Principle	Comment
Principle 5: Landscape	
Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.	The landscape scheme is the result of a close collaboration between PBD Architects and landscape architects ARCADIA and has resulted in a synthesis of the building's design and it's natural surroundings. The landscape proposal draws upon the ecological character of the Lane Cove area, presenting a planting aesthetic both on the building facade (using planter boxes) and on ground floor that has a consistent language and connection with the existing local native environment. The use of a predominantly native planting palette allows a gentle softening of the building footprint around the perimeters into the wider streetscape.
Principle 6: Amenity	
Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.	The proposed development is characterised by generous apartment sizes configurations consistent with ADG objectives. All apartments have compliant private open space balconies or terraces. The building layout allows access to direct sunlight to living areas and balconies to a total of 31 apartments (70.45%) at mid-winter of at least 2 hours. All bedrooms and primary habitable spaces are naturally ventilated, and 70.45% (31) of the apartments achieve natural cross ventilation. Privacy between units is achieved using blade structures creating privacy pockets on each balcony. The balconies are appropriately located to minimise the transmission of noise between apartments. Party walls between apartments are limited and are appropriately insulated. The proposal provides 9 adaptable dwellings and 9 livable dwellings to ensure that people with different degrees of mobility are accommodated within the design.

Table 6. 9 Design Quality Principles	
Principle	Comment
Principle 7: Safety	
Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.	A clearly identifiable pedestrian entrance is located on both frontages. The entry is clearly visible from both streets and is highlighted using gatehouses. All apartments will be provided with a keyed security system incorporating a high level of occupant security. The strategic placement of a clearly identifiable vehicle entrance in the north-eastern corner of the site via the driveway and loading bay collection entry will minimise traffic congestion and provides clear visibility for vehicles entering and egressing the site. Secure basement car parking is provided with keyed access. Clear circulation paths in the basement allow safe pedestrian movement, in particular when waiting at the lift and access to individual parking spaces and storage areas. Egress stairs at both basement (B-D) and residential (A-C) levels provide paths for all residents from all parts of the building to open space. The principal communal open space located at level 3, has been designed centrally to the site, also provided with surveillance from the lobby corridors.
Principle 8: Housing diversity and social interaction	
Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.	The size, configuration and mix of the apartments associated with the development provides an appropriate response to the market demand of future occupants, catering for a high demand in owner occupiers. An analysis has been conducted to ensure the development complies with the 20% adaptable apartments, 20% 'Silver Livable' and 80% visitable requirements. General access for people with disabilities has also been addressed in the design of the building. The site is located within close proximity to necessary facilities including public transport, supermarkets, educational and leisure facilities as well as schools.
Principle 9: Aesthetics	
Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.	The architectural expression of the proposal seeks to find a balance between the existing neighbourhood character and creating a fresh new contemporary development that will bring great comfort, sanctuary and harmony to its occupants and to the wider community and neighbourhood.

Table 6. 9 Design Quality Principles	
Principle	Comment
The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	Massing and façade details are designed to respond to both desired character of the area and the existing context. Considering the materiality of the existing neighbourhood and new developments, the proposal features a consistent base material of face brick to respond to the surrounding context. The elevations are modulated in expression and designed primarily to respond to sun, views, setbacks and the site. The building has a sculptural form and unique aesthetic, tempered by environmental controls, site response and landscape elements. Colour and material selections have been made to create transitions between inside and outside and allowing the development to enhance its surrounding neighbourhood. All materials selected will be durable and hard wearing so the development does not prematurely age. This will enhance the long-term image of the building with its careful composition of building elements, textures, materials, colours, internal design and structure contributing positively to the desired future character of the vicinity. The overall design and choice of materials is a suitable addition to the character of the neighbourhood. It creates a quality addition to the versatile building fabric in Lane Cove.

Apartment Design Guide

An assessment of the proposal against the Housing SEPP design quality principles and the Apartment Design Guide (ADG) has been prepared by PBD Architects and is included in the Design Verification Statement (**Appendix 5**).

A full assessment of the proposed development against the requirements, standards or controls of the ADG is also provided in **Appendix 1** of the SEE. The proposed development demonstrates a high level of consistency with the ADG, with the key non-compliances addressed below.

3F Visual Privacy

The objective of 3F broadly is to ensure that any proposed development provides an appropriate level of visual privacy to dwellings within the site and to those neighbouring the site. 3F-1 requires *"Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy"* which can be realised through specific design criteria as detailed in Section 7.2 of this SEE.

The proposed development includes a reduced fifth and sixth storey setback to the north of 6m rather than 9m required by the design criteria under 3F-1. Whilst the northern setback to the approved boarding house for storeys 5 to 8 of Building A is technically non-compliant, this is considered to be a boundary with lower sensitivity, and privacy between the buildings is managed through the change in levels between the sites.

Furthermore, by focusing the mass of the building closer to the northern boundary it has enabled greater setbacks to the R2 zone to south which is considered to be the more sensitive interface and boundary. It is noted that the proposed development otherwise has a fully compliant setbacks to the southern boundary.

The proposed reduced setback will still achieve adequate building separation and will achieve reasonable levels of external and internal visual privacy. This will be managed

through design solutions including privacy screens.

4D Apartment Size and Layout

The objective of 4D is to ensure that apartments have appropriate internal size and layout to ensure adequate internal amenity. 4D-1 2 requires every habitable room to have a window in an external wall and to not borrow daylight and air from other rooms.

All bedrooms and combined living/dining/kitchen areas within the proposed development have a window in an external wall that meets the requirements of the design guidance.

The proposed development generally complies with this control, however in a small number of instances (G.01, G.04, UG.01, UG.02, 1.01, 1.02, 2.01, 2.02 and 2.05) apartments include a study that will rely on borrowed light.

Furthermore, all of the apartments include storage which exceeds the requirements, so opting for the space that these study's occupy to be alternatively used as storage would add little amenity to residents at the expense of providing a dedicated work space.

This is considered to be an acceptable outcome on merit as these will not be primary habitable spaces and will be able to borrow natural light and ventilation from adjacent living areas and bedrooms.

When the Apartment Design Guide (ADG) prevails over development control plans (DCPs)

Clause 149 of the Housing SEPP dictates the circumstances where the Apartment Design Guide prevails over development control plans, specifically that:

> *(1) A requirement, standard or control for residential apartment development that is specified in a development control plan and relates to the following matters has no effect if the Apartment Design Guide also specifies a requirement, standard or control in relation to the same matter—*
>
> *(a) visual privacy,*
>
> *(b) solar and daylight access,*
>
> *(c) common circulation and spaces,*
>
> *(d) apartment size and layout,*
>
> *(e) ceiling heights,*
>
> *(f) private open space and balconies,*
>
> *(g) natural ventilation,*
>
> *(h) storage.*
>
> *(2) This section applies regardless of when the development control plan was made.*

Where the ADG overrides the DCP has been noted in the LCDCP Compliance Table within **Appendix 1**.

Advice From Design Review Panel

Due to the extensive development history on the site and consultation undertaken with Council to date, it was agreed with Council that the application would be referred to the Northern Sydney Regional Organisation of Councils (NSROC) Design Review Panel post-lodgement for a concurrent review.

6.2.6 State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (B&C SEPP) commenced on 1 March 2022, repealing and replacing 11 previous SEPPs. Of relevance to the proposed development are Chapter 2 Vegetation in non-rural areas; and Chapter 10 Sydney Harbour Catchment.

Chapter 2 Vegetation in non-rural areas

The primary aims and objectives of Chapter 2 are related to the protection of the biodiversity values of the trees and other vegetation on the site in non-rural areas. This chapter works together with the *Biodiversity Conservation Act 2016* and the *Local Land Services Amendment Act 2016* to create a framework for the regulation of clearing of native vegetation in NSW.

Chapter 2 regulates clearing that is not ancillary to development requiring consent. Whereas, clearing that is ancillary to development requiring consent will be assessed as part of the development assessment process. As such, this chapter is not applicable to the proposed development as the proposed removal of trees is ancillary to development requiring consent.

Chapter 10 Sydney Harbour Catchment

Chapter 10 aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

The site is not located on the foreshore or adjacent to a waterway and therefore, except for the objective of improved water quality, the objectives of Chapter 10 are not applicable to the proposed development. It is noted that the objective of improved water quality can be achieved the provision of Stormwater Plans and can also be achieved through the imposition of suitable conditions.

6.3 Lane Cove Local Environment Plan 2009

The site is located within the Lane Cove local government area (LGA) and is subject to the provisions of the *Lane Cove Local Environmental Plan 2009* (LCLEP). The relevant zoning, development standards and provisions of the LCLEP are discussed further below in relation to the project.

6.3.1 Zoning and Permissibility

The subject site is within R4 High Density Residential zone under LCLEP, as indicated in Figure 32. The proposed development is characterised as a residential flat building which is permissible with consent in R4 zone.

The relevant objectives of the R4 High Density Residential Zone are:

- *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 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 proposed development is consistent with the R4 zone objectives for the following reasons:

- The proposed development seeks to construct a high-density residential development comprising of 44 new apartments, which provides for the housing needs of the community.
- The site amalgamates the two remaining undeveloped allotments within the R4 zone and will not result in any form of site isolation.

  The existing petrol station to the north-east is anticipated to remain for a considerable period of time and can be redeveloped given it occupies an appropriate site area. Importantly, it is noted that the petrol station is of sufficient size with a dual frontage to permit redevelopment as a residential flat building or boarding house development as is permissible in the zone.
- The proposed development contributes to the provision of a variety of housing types through the provision of 6 x 1 bedroom apartments, 18 x 2 bedroom apartments, 18 x 3 bedroom apartments and 2 x 3 bedroom townhouses; including 9 adaptable dwellings.
- The proposal delivers a residential development with a variety of affordable, well designed and housing choice through providing a range of conventional apartments that caters to the needs of the community.
- The proposal will provide a proportionate increase of residential density within proximity to Pacific Highway (as anticipated by the zoning) and will offer future residents good access to public transport, open spaces, employment opportunities and commercial and retail facilities within the locality.
- The proposed development has been purposefully designed to retain the amenity of the approved boarding house development to the north-west and residential dwellings to the south.
- The built form will present to the public domain as a contemporary development with substantial articulation and vegetation, particularly given the proposed central void that breaks up the perceived bulk of the building. The proposal will provide significant landscaping throughout the site and to both frontages which will enhance the residential environment through considerable improvements to the landscaped character over existing.
- Furthermore, the amended proposal has also been designed to ensure all occupants will receive a high level of internal amenity, including more considered and improved layouts, whilst retaining the amenity of the adjoining R2 Low Density Residential zone.

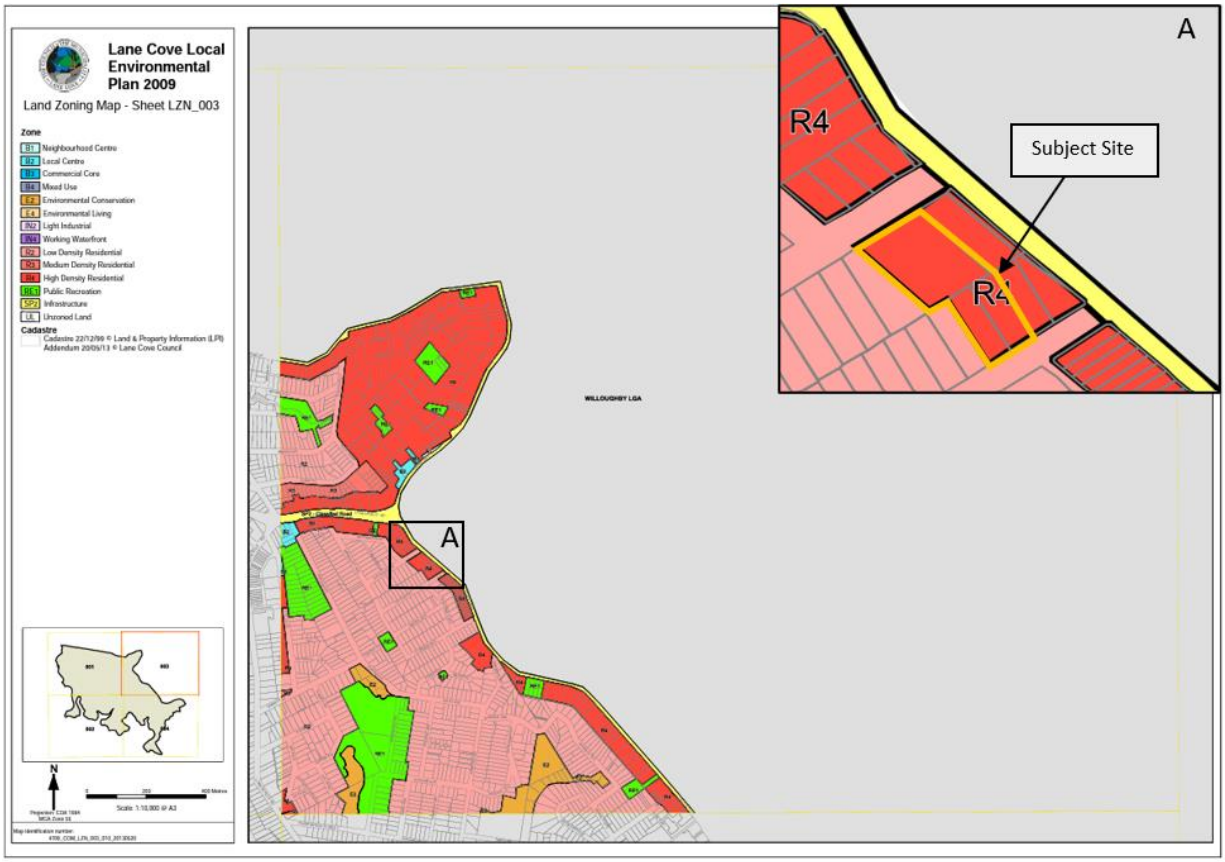

Figure 32: Land Zoning Map
Source: LCLEP 2009 Land Zoning Map Sheet 03 annotated by Patch Planning

6.3.2 Applicable Development Standards

The key applicable development standards contained within the LCLEP are addressed in Table 7.

Table 7. LCLEP 2009 Compliance Table			
Clause	Provision	Proposed	Compliance
4.3 – Height of Building	15m	14.999m at highest point	YES
4.4 – Floor Space Ratio	2.4:1 (7,117.92sqm)	1.67:1 (4,954sqm)	YES

As demonstrated in Table 7, the proposed is wholly compliant with the key development standards contained within the LCLEP.

6.3.3 Additional Provisions

There are a number of additional local provisions relevant to the site, they are summarised in Table 8.

Table 8. LCLEP 2009 Local Provisions	
Clause	**Comment**
5.10 Heritage conservation	There are no heritage items on the site, the site is not within a heritage conservation area and there are no items of heritage significance proximate to the site. The proposal will therefore have no heritage impacts.

Table 8. LCLEP 2009 Local Provisions	
Clause	**Comment**
5.21 Flood planning	The site is not flood affected.
6.1 Acid sulfate soils	The site is not mapped as being affected by acid sulfate soils.
6.1A Earthworks	As earthworks will be ancillary to the construction of the development separate development consent is not required.
6.2 Foreshore building line	The site is not mapped as being affected by the foreshore building line.
6.3 Riparian land	The site is not mapped as being affected by riparian land.
6.4 Environmental protection land	The site is not mapped as being affected by environmental protection land.

6.4 Lane Cove Development Control Plan 2010

The *Lane Cove Development Control Plan 2010* (LCDCP) applies to all land to which the LCLEP applies, including the subject site. The relevant controls of the LCDCP are identified and assessed in the DCP Compliance Table prepared by Patch provided within **Appendix 1**.

It is noted that many of the controls below are a duplicate of the requirements of the ADG where they relate to residential flat buildings.

As demonstrated in **Appendix 1**, the proposed scheme demonstrates a high level of compliance with LCDCP or otherwise meet the objectives of these controls; with the exception of three controls as detailed in Table 9 which are considered to be acceptable on merit.

Table 9. LCDCP 2010 Non-compliances	
Control	**Justification**
3.5.2 Side and Rear Setbacks Requires a 9m setback to the boundary of an R4 zone	The proposed development has a 6m habitable space and 4.675m blank wall setback to the R4 boundary. Whilst the Northern Setback to Boarding House for Building A 5-8 storeys is technically non-compliant, this is considered to be a boundary with lower sensitivity. By focusing the mass of the building closer to the northern boundary it has enabled greater setbacks to the R2 zone to south which is considered to be the more sensitive interface and boundary. The proposed northern setback is consistent with the objectives of the setback control, being: *1 To provide consistency with the desired development pattern of the location.* The proposed northern setback is consistent with the precedent established by Council's approval of the boarding house. *2 To provide bulk and scale in accordance with the desired future character.* The proposed northern setback is consistent with Council's desired bulk and scale for the precinct as established through the approval of the boarding house.

Table 9. LCDCP 2010 Non-compliances	
Control	**Justification**
	3 To enhance and maintain vegetation corridors through landscaping within front, rear and side setbacks. The proposed northern setback will still achieve generous landscaping along setbacks to establish vegetation corridors on the site. *4 Side and rear setbacks are to provide building separation, privacy, sunlight, landscaping, ventilation, public views (if appropriate) for the development and its neighbours.* The proposed northern setback will still achieve the requirements of the ADG and ensure high internal amenity for future residents and neighbours alike.
3.5.3 General Setbacks Allows for basement encroachments into a setback of up to 2m where there is no unreasonable effect on the streetscape	The basement has a minimum setback of 4.2m to the southern boundary which is compliant. The basement has a nil setback to the northern boundary, which is considered reasonable given the context, and that it has allowed for a greater deep soil setback to the R2 zone to the south which is considered to be the more sensitive boundary. The encroachment does not inhibit the ability of the development to provide for meaningful setbacks in this location, with substantial landscaping provided to the northern boundary. Having a 4m basement setback to the north would serve no practical function and would necessitate a sub-optimal design outcome that resulted in avoidable amenity outcomes. Specifically, it would result in the driveway being relocated to another location resulting in: • The driveway along the southern boundary would result in increased acoustic impacts to southern residential neighbours; and • The driveway centrally to the frontage would result in a suboptimal design outcome resulting in acoustic impacts to a larger number of apartments. The proposed scheme is considered to deliver a development outcome that best minimises amenity impacts to surrounding neighbours.
2.9 Tandem and mechanical stacked parking 10% tandem parking allowed if site's shape is physically constrained, such that conventional parking arrangements would not enable compliance with the parking rates of the DCP.	Due to the physical constraints of the site, a tandem parking configuration has been used for a portion of the residential car parking. The use of tandem parking has allowed for a reduced level of excavation, increased deep soil zone to southern boundary and the preservation of the Gatacre Avenue street trees. The tandem parks will be allocated to apartments with two parking spaces. The proposal includes 24 tandem spaces spread equally across the two basement levels. This equates to 26.66% of the total parking allocation. This represents a technical non-compliance with a numeric control, however it is consistent with the intent of the control, which is to enable reduced impacts on the natural environment.

Overall, the proposal achieves an appropriate balance of policy compliance and contextual building envelope response to the local and emerging character. Justification is provided where development control variations are sought.

7 Environmental Assessment

7.1 Built Form, Urban Design

7.1.1 Building Uses

A total of 44 apartment units are proposed ranging from one bedroom to three-bedroom units and three bedroom terraces and a balance of single and dual aspect units. Ground Floor apartments are provided with terraces as private open spaces and connections to their respective street frontages. All non-ground floor apartments are provided with ample balcony space.

7.1.2 Built Form, Massing and Design

The built form parameters for the proposed development are largely determined by the requirements of the ADG and LCDCP, as demonstrated in Figure 33. The proposed design has also been developed in accordance with Council's Pre-DA recommendations, in response to feedback received during community stakeholder engagement, and the key concerns raised with the previous scheme in DA/65/2021. The design adopts a holistic approach to site redevelopment based on a detailed site context analysis and design impact assessment.

The proposal involves a design that has identified, on balance, the most appropriate development response across the site and generally complies with all the controls pertaining to land use mix and design controls such as building form, building envelopes and setbacks.

The provision of a central void to break up the overall mass of a single, much larger building perceived bulk and to reduce the perceived scale of the proposed development when viewed from downstream residential neighbours to the south.

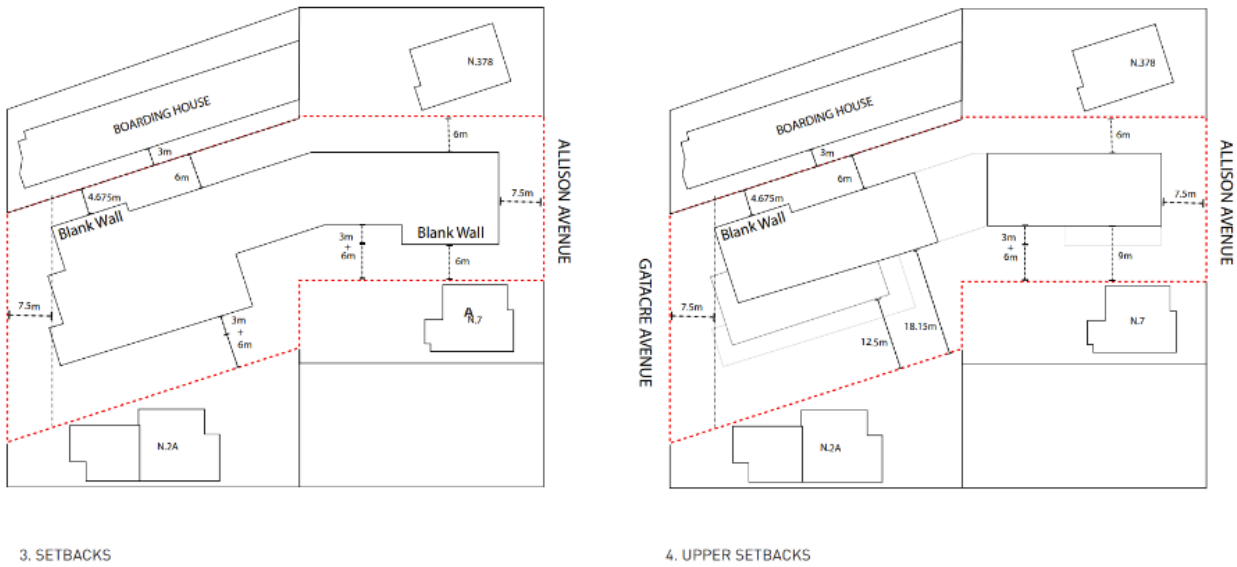

Figure 33: Setback Analysis in Design Verification Statement
Source: PBD Architects

The massing of the buildings and nature of the site is such that the overall building bulk will not dominate or have an overbearing effect on the surrounding streetscape, as shown in Figure 34 and Figure 35.

The proposal has a 7.5m setback to both Allison and Gatacre Avenues which is compliant with the LCDCP. This setback area will comprise terraces and gardens to the ground floor dwellings, deep soil zones, driveways and pathways as required by the LCDCP.

The design will maximise solar access to surrounding residential buildings. The proposal reduces overshadowing comparative to the previous scheme through the introduction of the central void.

The proposed design enables suitable building separation, placement of habitable rooms and windows and private open space in accordance with the objectives of the ADG.

Figure 34: Photomontage of Proposal from Gatacre Avenue
Source: PBD Architects

Figure 35: Photomontage of Proposal from Allison Avenue
Source: PBD Architects

7.1.3 Height

As demonstrated in Figure 36 and Figure 37, the proposed development is wholly compliant with the 15m height of buildings development standard and does not include any element that breaches the 15m height plane.

Figure 38 demonstrates the RL of elements of the proposed development in black, and the spot RL levels of the height plane in red. The tallest portion of the proposed development is the lift overrun and mechanical plant area on the roof of Building A, with these extending to the upper limit of the permitted height plane as demonstrated in Figure 38 below.

The proposed development achieves the objectives of cl. 4.3 in the following ways:

> *(a) to ensure development allows for reasonable solar access to existing buildings and public areas,*

The proposed development has been skilfully designed with a Level 3 void in order to ensure that neighbours to the south still receive solar access. Reasonable solar access will be retained.

> *(b) to ensure that privacy and visual impacts of development on neighbouring properties, particularly where zones meet, are reasonable,*

As addressed in Section 7.2 of this SEE, the proposed development has been designed to ensure that privacy and visual impacts to neighbouring properties are reasonable. The proposed southern setback is wholly compliant with the ADG and LCDCP. The proposed northern setback (with the exception of its upper storeys) is also compliant with the ADG and LCDCP.

> *(c) to seek alternative design solutions in order to maximise the potential sunlight for the public domain,*

The Level 3 void has been introduced to break up the lateral mass of the building to maximise the amount of sunlight that reaches downstream properties. The proposal has been setback 7.5m from both street frontages to maximise the potential sunlight received in the public domain.

> *(d) to relate development to topography.*

As has been demonstrated throughout the SEE, the proposed massing of the development has been organised so that it appropriately steps with the topography of the site.

The proposed height of the development is entirely suitable for the location and the modulated massing of the proposal is reflective if the zone transition represented by the proposal and the sloping topography of the site.

Figure 36: Height Plane Axonometric viewed from Gatacre Avenue (DA520)
Source: PBD Architects

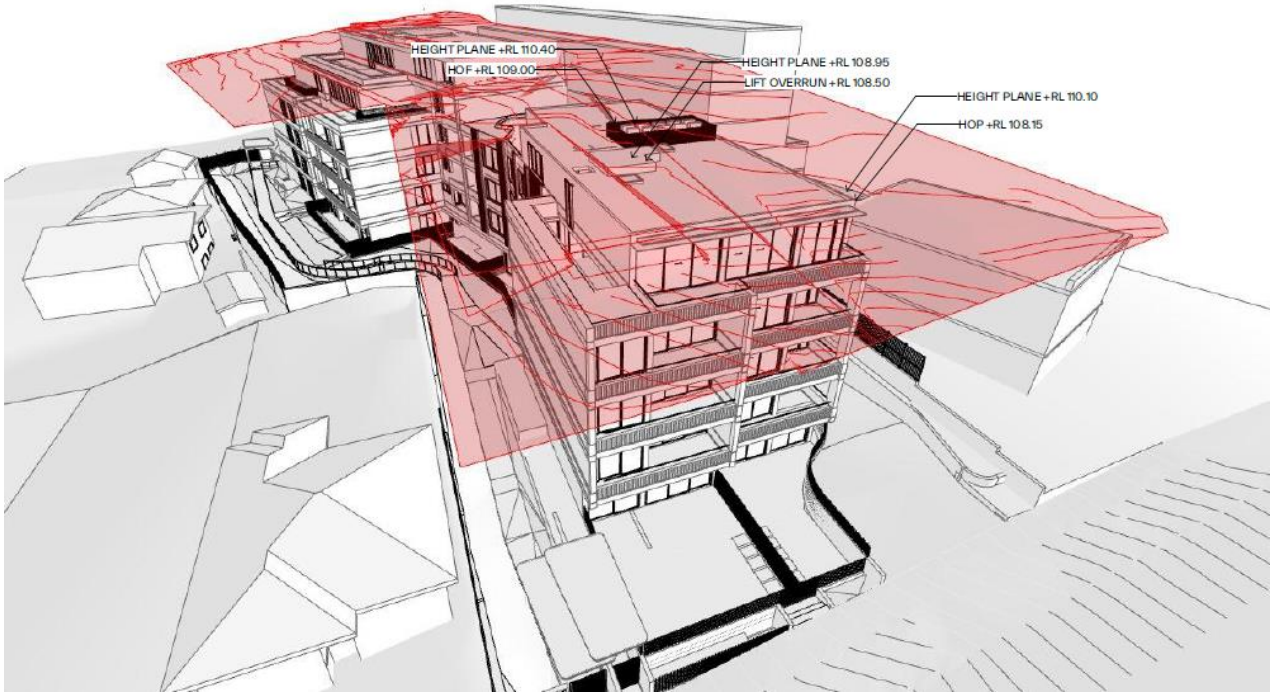

Figure 37: Height Plane Axonometric viewed from Allison Avenue (DA521)
Source: PBD Architects

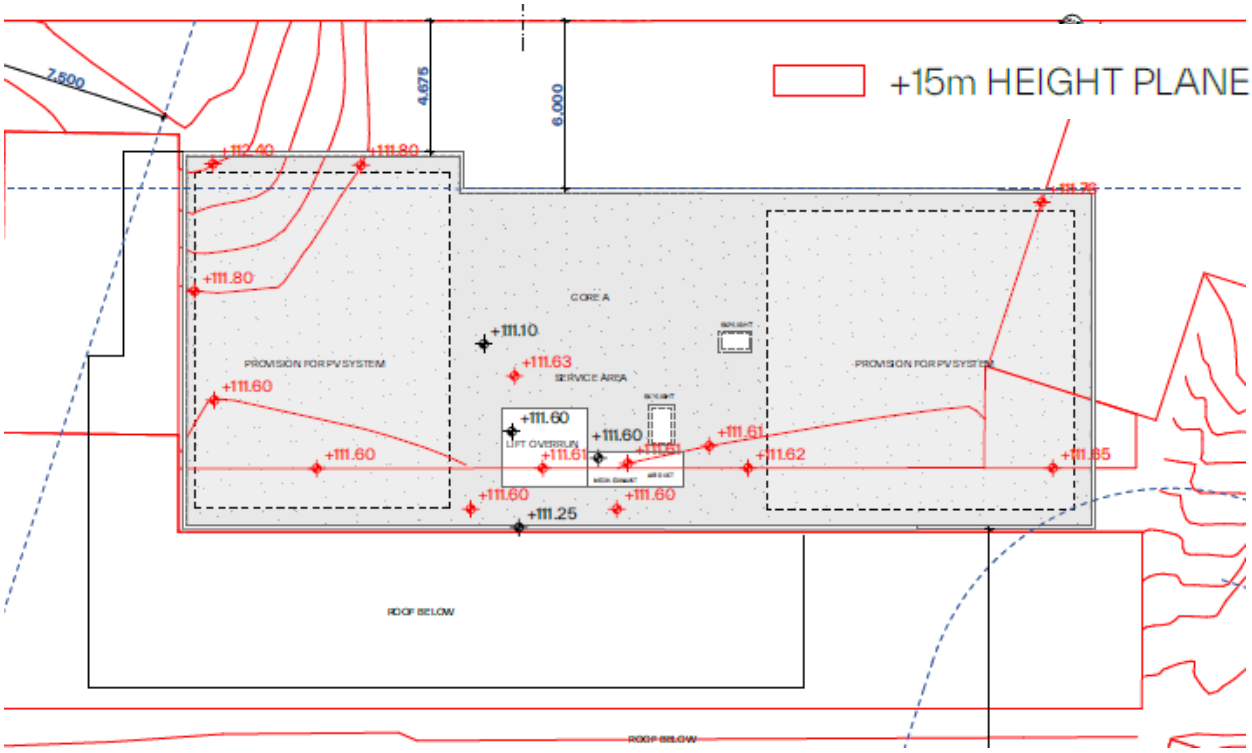

Figure 38: Height Plane Demonstrating Full Compliance (DA522)
Source: PBD Architects

7.1.4 Amenity

The building has been designed to provide a high level of internal amenity for future residents. The generous gully walk along the southern setback, together with the communal rooftop 'Zen Garden' at in the void at Level 3 provides spaces of respite for residents as well as functional and aesthetic passive recreation and socialisation spaces. The residential apartments have been orientated to maximise outlook, solar access, views, and flexibility.

Communal facilities are proposed at Ground Floor with direct connection to the Building A lobby and 'Gully Walk'. Communal facilities adding to the amenity include:

- Communal Entertainment Area and Wine Cellar on the Ground Floor (circled in orange in Figure 39);
- Communal 'Zen Garden' between Building A and B on Level 3 (see Figure 40 red highlight); and
- Open lawn and landscaping within 'The Gully Walk' along the southern boundary (see Figure 39 red highlight).

In addition, the overall site planning strategy maximises amenity through corner and double-aspect apartments. Two small cores allow for a greater number of dual-aspect apartments, receiving both morning and afternoon sun as well as cross ventilation and views.

The proposal includes a large variety of apartment sizes and typologies to suit varying demographics and households.

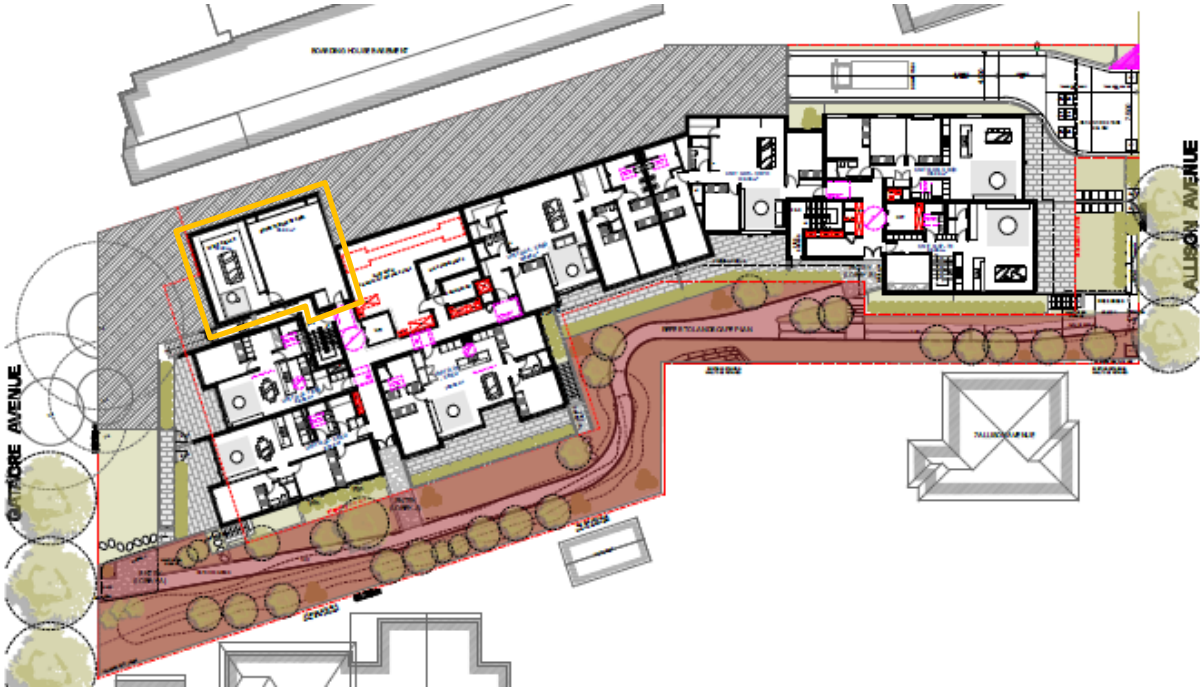

Figure 39: Extract of Ground Floor Plan showing Communal Areas
Source: PBD Architects

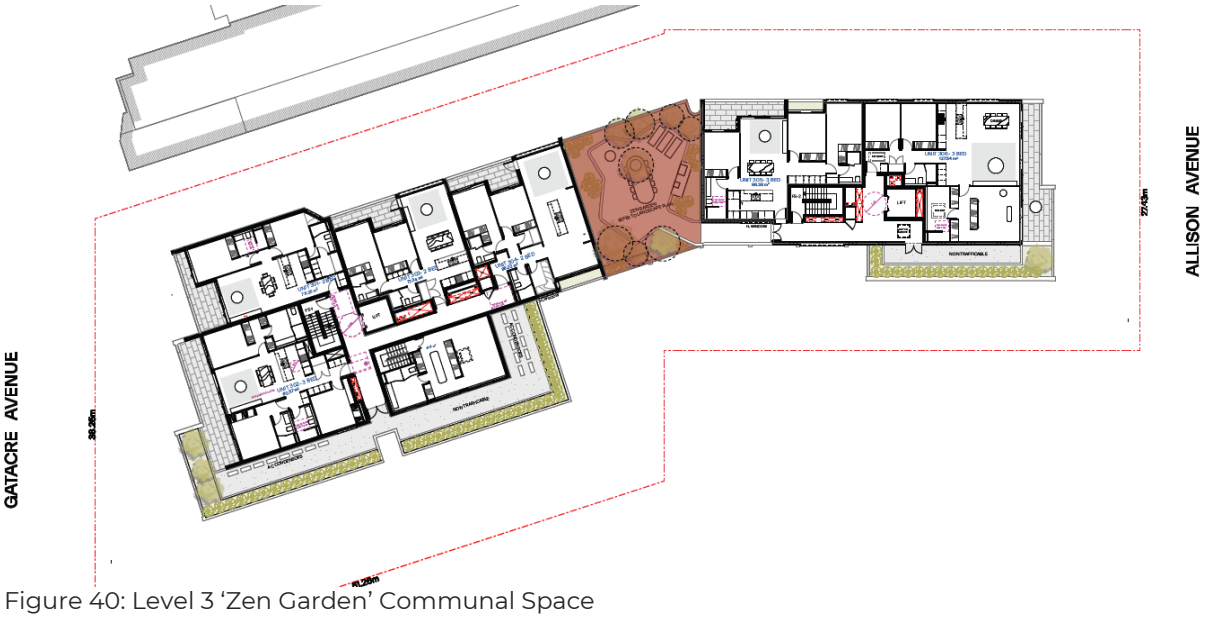

Figure 40: Level 3 'Zen Garden' Communal Space
Source: PBD Architects

7.2 Privacy

The proposed development has been sensitively designed to ensure that the proposed apartments retain a suitable level of internal privacy as surrounding developments. The proposed development has been sited to generally comply with the minimum building setback controls contained with 3F of the ADG to ensure visual and acoustic privacy, particularly where an interface with sensitive development occurs.

Design Criteria 1 of Part 3F of the ADG prescribes separation requirements between proposed buildings and the side or rear boundaries of an allotment which are reproduced at Table 10. The objective of the design criteria is to ensure adequate separation distances are shared equitably between neighbouring sites to achieve reasonable levels of external and internal visual privacy.

Table 10. Setback Distances Prescribed by 3F of the ADG		
Building Height	Habitable Rooms & Balconies	Non-habitable rooms
Up to 12m (4 storeys):	6m	3m
Up to 25m (5-8 storeys):	9m	4.5m

Part 3F to the ADG states that no building separation is required between blank walls. Furthermore, design guidance under Part 3F also stipulates that:

> *Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping'.*

Based on the requirements contained within 3F of the ADG and its additional design guidance, the proposed development would be required to have different boundary setbacks to the north and south. The proposed development's compliance with these requirements is detail in Table 11.

Table 11. Proposed Development's Required Setbacks			
	Required Setback	Proposed Setback	Compliance
Northern Setback	1-4 storeys: 6m habitable rooms & 3m non-habitable 5-8 storeys: 9m habitable rooms & 4.5m non-habitable	**Building A:** 1-4 storeys: 6m habitable rooms & 4.675m blank wall 5-8 storeys: 6m habitable rooms & 4.675m blank wall	**GENERALLY COMPLIANT**
		Building B: 1-4 storeys: 6m habitable room 5-8 storeys: 6m habitable room	
Southern Setback	1-4 storeys: 9m habitable rooms & 6m non-habitable 5-8 storeys: 12m habitable rooms & 7.5m non-habitable	**Building A:** 1-4 storeys: 9m habitable rooms 5-8 storeys: 12m habitable rooms	**YES**
		Building B: 1-4 storeys: 9m habitable rooms & 6m blank wall 5-8 storeys: 9m blank wall	**YES**
Between Buildings	Same as northern setback controls.	**Setback Between Building A & B:** Storey 5: No separation required as it is blank wall to blank wall.	**YES**

7.2.1 Northern Elevation and Setback to Boarding House

Building A provides a 6m setback to habitable rooms and balconies across the majority of its interface with the northern boundary, with the exception of a blank wall element which has a 4.675m setback to the boundary as shown in Figure 41 and Figure 44 of the SEE.

Building B has a 6m setback to habitable rooms and balconies across the entirety of its interface with the northern boundary, as shown in Figure 41 and Figure 45.

The provision of landscaping and boundary fencing will provide a visual and acoustic buffer to the neighbouring properties and is therefore acceptable in this regard.

Whilst the Northern Setback to the Boarding House for the fifth storey of Building A is technically non-compliant, this is considered to be a boundary with lower sensitivity. By focusing the mass of the building closer to the northern boundary it has enabled greater setbacks to the R2 zone to south which is considered to be the more sensitive interface and boundary.

Direct lines of sight between the boarding house and proposed development have been avoided through offsetting the proposed development in relation to the boarding house.

Privacy screens are provided for apartments fronting the northern façade and living spaces have been staggered against the approved layout for the boarding house to the north to offsets views away from opposing apartments and to provide visual privacy. Balconies facing the northern site boundary are setback a minimum of 6m from the boundary.

With the exception of the top storeys facing the northern boundary the proposed development is compliant with the setback controls. This is considered to be acceptable on merit and is considered to achieve the objective of the control to protect visual privacy within the site and to neighbouring properties.

It should be noted that Council approved the boarding house development in 2021 with a 3m boundary setback. The proposed development provides double the setback and will provide a 9m total distance between any habitable spaces of both buildings. This is considered to be an equitable setback when considering the neighbouring development and adequately resolves concerns of a 'canyoning effect' as raised by Moore J in relation to the previous submission.

7.2.2 Southern Elevation and Setback to R2 Zone

Building A has a stepped façade to the southern boundary. It provides a 9m setback to habitable rooms and balconies across the first four storeys; and a 12m setback to habitable rooms on the fifth storey, as shown in Figure 41 and Figure 44.

Building B also demonstrates a stepped façade to the southern boundary. It provides a 6m blank wall setback and 9m setback to circulation areas and habitable rooms across the first four storeys; and a 9m blank wall setback on the fifth storey, as shown in Figure 41 and Figure 45.

The provision of extensive deep soil landscaping and boundary fencing will provide a visual and acoustic buffer to the neighbouring properties and is therefore acceptable in this regard.

By focusing the mass of the building closer to the northern boundary it has enabled greater setbacks to the R2 zone to south which is considered to be the more sensitive interface and boundary.

The southern setback is wholly compliant with the design criteria within 3F of the ADG; and is considered to achieve the objectives and numeric requirements of the control to protect visual privacy within the site and to neighbouring properties.

Figure 41: Level 1 Floor Plan showing Stories One – Four Setbacks
Source: PBD Architects

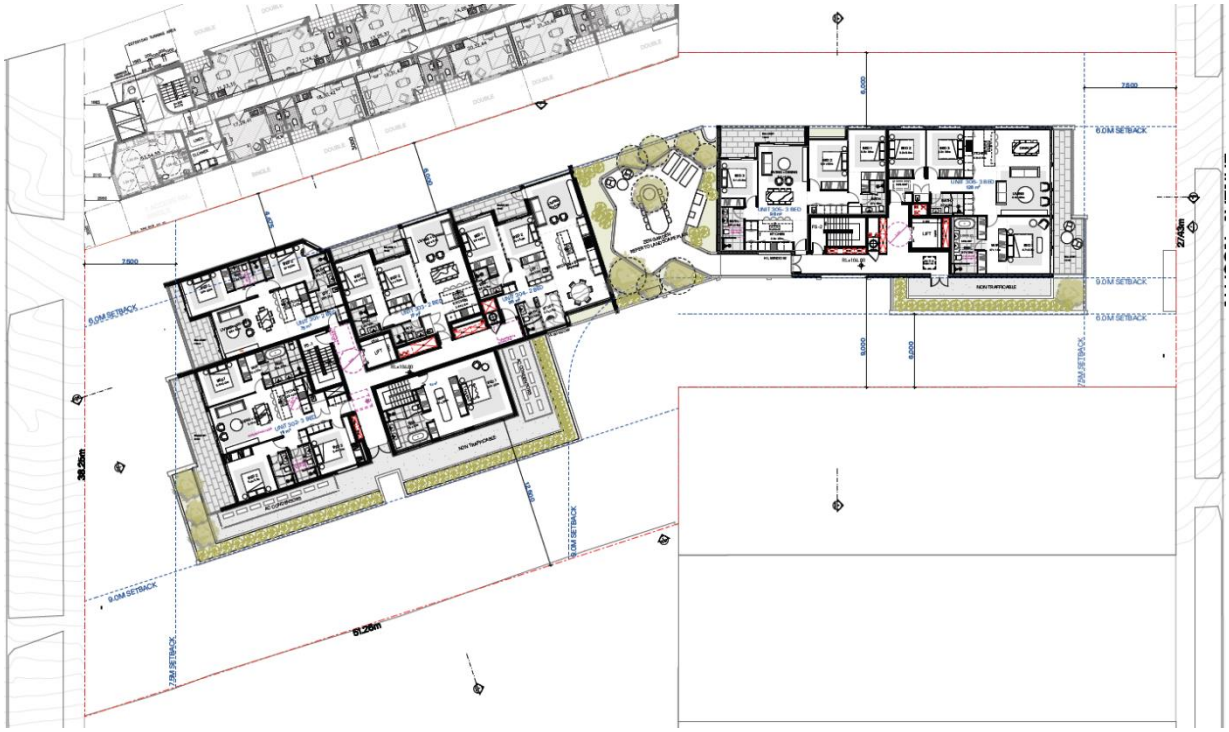

Figure 42: Level 3 Floor Plan showing Fifth Storey Setbacks
Source: PBD Architects

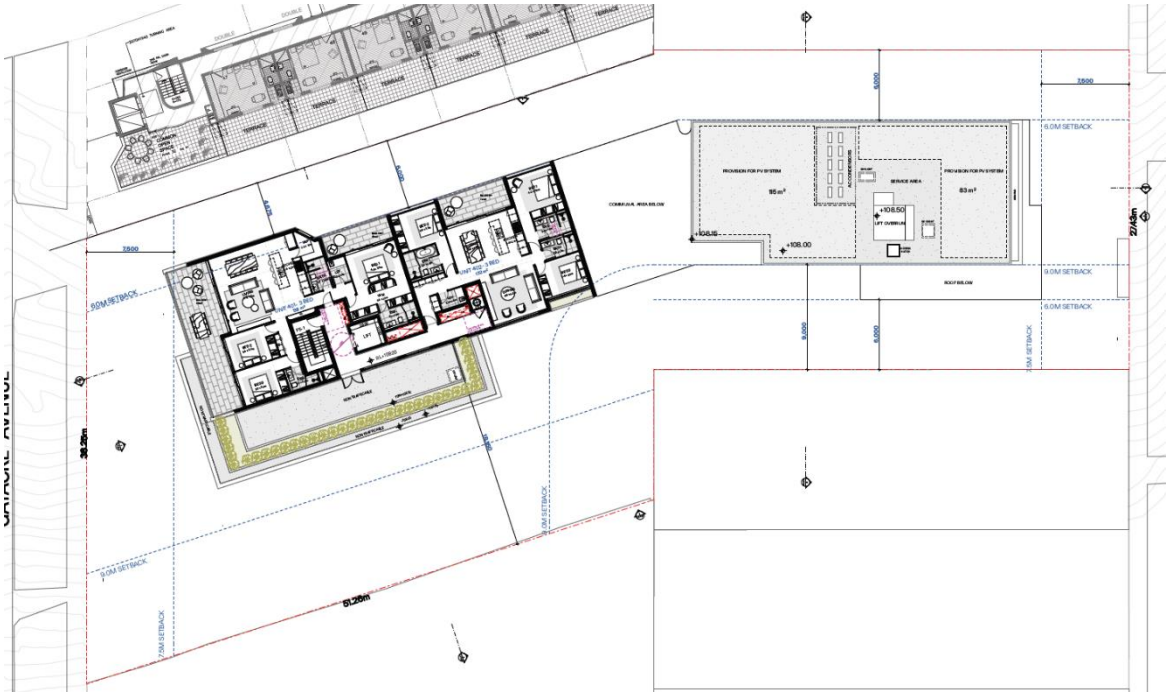

Figure 43: Level 4 Floor Plan showing Sixth Storey Setbacks
Source: PBD Architects

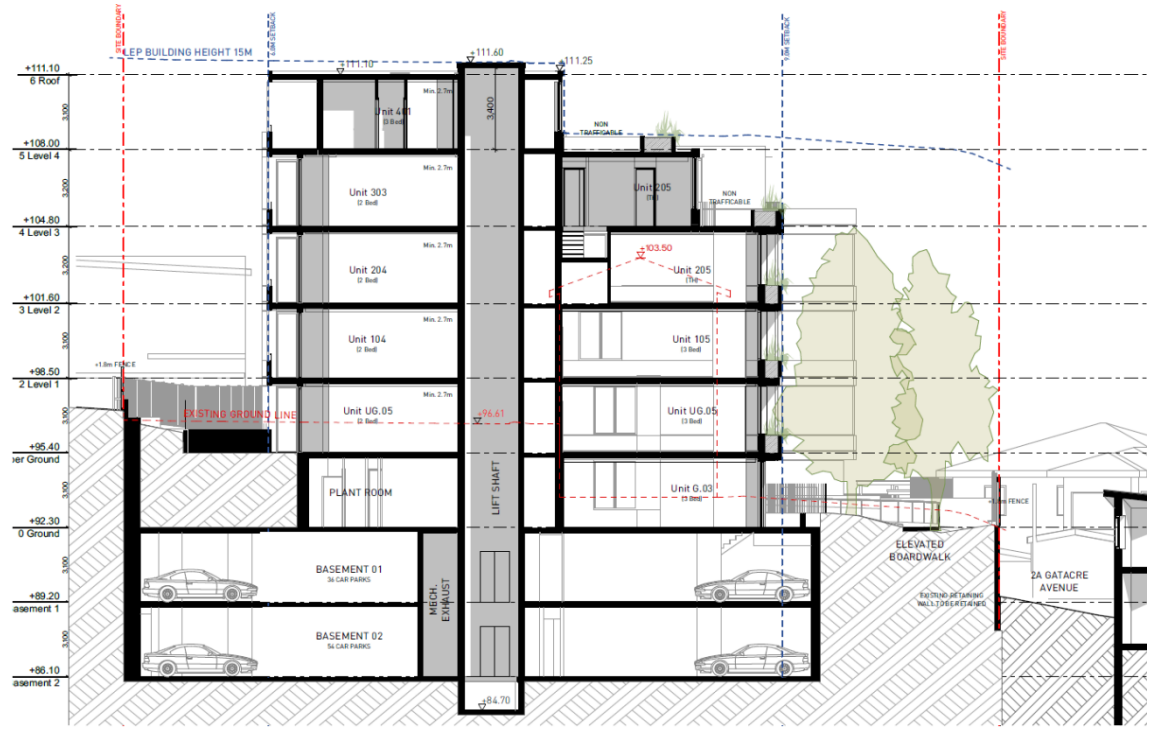

Figure 44: Section through Building A
Source: PBD Architects

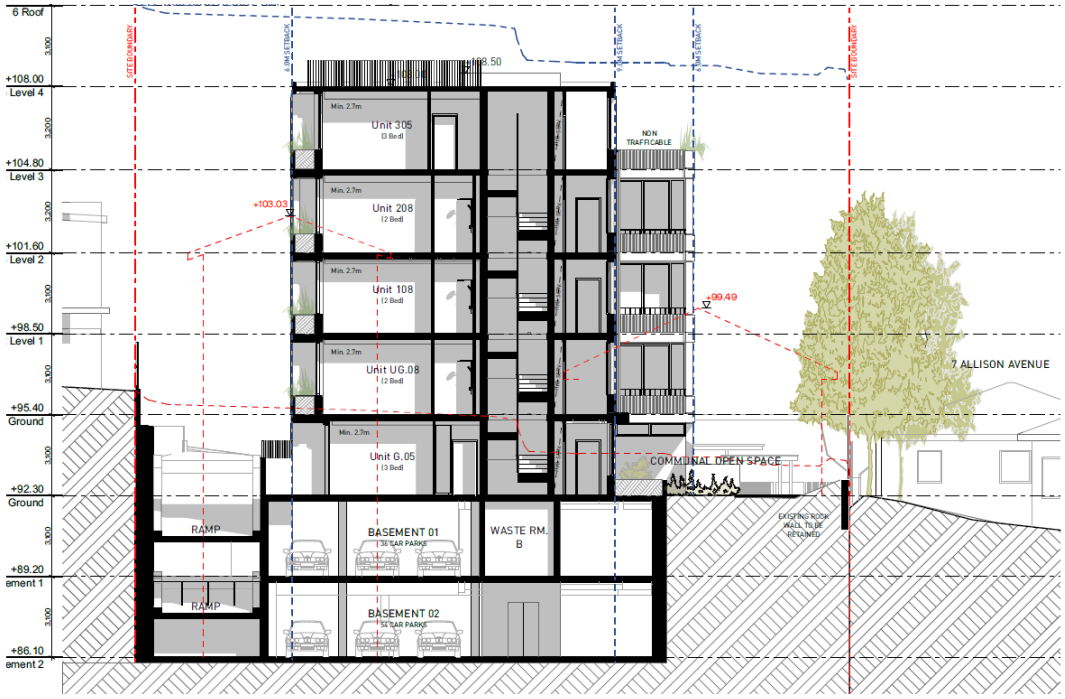

Figure 45: Section through Building B
Source: PBD Architects

7.3 Solar Access

Shadow diagrams and view From the Sun Diagrams between 9:00am and 3:00pm on June 21 have been prepared by PBD Architects and are included in the Architectural Plans and Figure 46 extract. At mid-winter the proposal has full compliance with the ADG, specifically:

- 31 apartments (70.45%) within the new scheme will receive more than 2 hours of solar access at mid-winter to both living rooms and private open space;
- 8 apartments (18.18%) within the new scheme will receive sun to habitable rooms at mid-winter; and
- 5 apartments (11.4%) within the new scheme will receive no solar access at mid-winter.

The drawings demonstrate that the proposed development is totally compliant with the solar access controls contained within the ADG and LCDCP.

An expert opinion report has been prepared by Walsh Analysis and accompanies this application as **Appendix 23** of the SEE. The Expert opinion provides an analysis and verification of the proposal's projected solar access and overshadowing compliance, and confirms:

- 31 apartments (70.45%) within the new scheme will receive more than 2 hours of solar access at mid-winter to both living rooms and private open space; and
- 5 apartments (11.4%) within the new scheme will receive no solar access at mid-winter.

The Expert opinion confirms that the projected overshadowing impact of the development proposal are considered reasonable in areas undergoing change such as this area.

In relation to solar access to the communal open space within the development, the Level 3 'Zen Garden' is the principal part of the usable open space and is 127sqm. To comply with the ADG 63.5sqm of the 'Zen Garden' would need to receive more than 2 hour of solar access at mid-winter.

As demonstrated in Figure 47, the Level 3 'Zen Garden' will receive in excess of 2 hours of solar access. As such, the proposal satisfies the ADG solar access controls.

Figure 46: Solar Access Study Diagrams
Source: PBD Architects

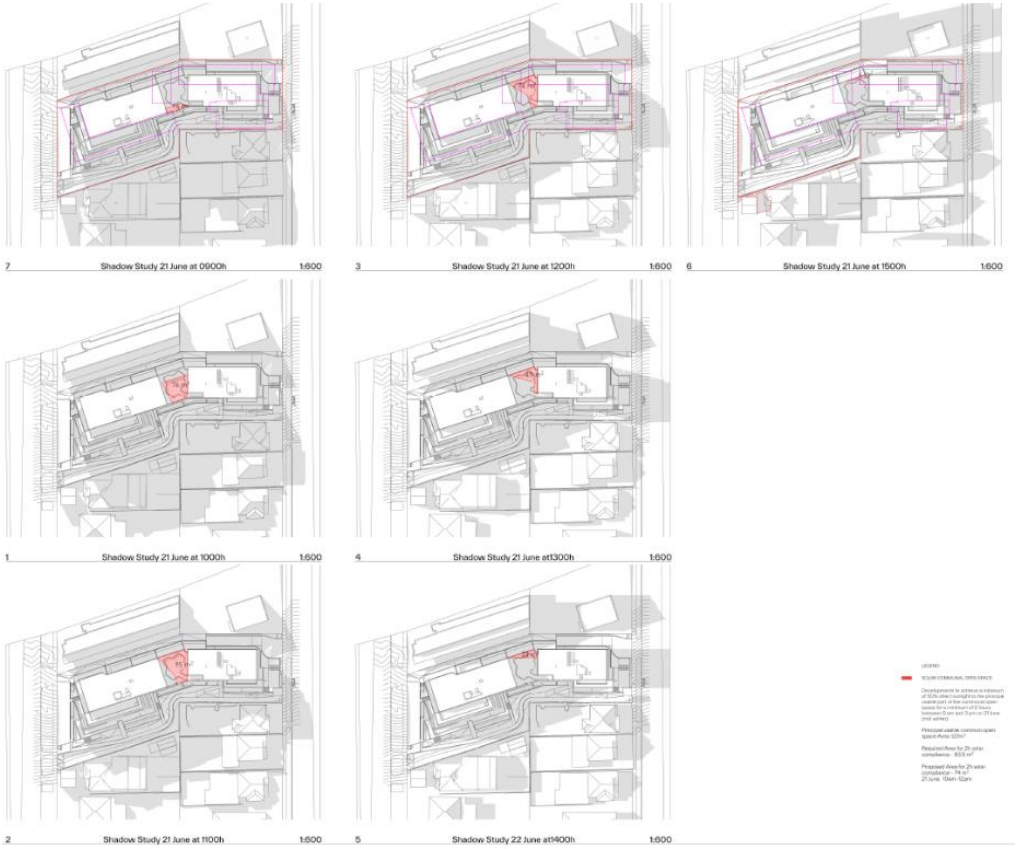

Figure 47: Shadow Diagrams for Level 3 'Zen Garden'
Source: PBD Architects

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7.4 Overshadowing

An expert report has been prepared by Walsh Analysis and accompanies this DA as **Appendix 23** of the SEE. The Expert opinion provides an analysis and verification of the proposal's projected solar access and overshadowing compliance and confirms that the proposal achieves full compliance with the requirements of the ADG.

The report also confirms that the projected overshadowing impact of the development proposal are considered reasonable in areas undergoing change such as this area.

7.4.1 Neighbouring Properties

The report prepared by Walsh Analysis provides an analysis and verification of the proposal's projected solar access and overshadowing compliance, for neighbouring sites with a focus on the R2 Low Density sites that are located to the west and south-west of the site. It is important to recognise that the area is currently undergoing transition and the site is on the zone boundary transition.

The proposed built form has been carefully and skilfully broken into two forms on the upper levels. This void has been carefully crafted to ensure the neighbouring buildings still receive good solar access to their properties.

The proposed development represents a strong improvement in terms of neighbouring solar access when compared to the previous DA on the subject site which was refused.

7 Allison Avenue

The expert opinion found that as a result of the proposed development 7 Allison Avenue will continue to receive more than 3 hours of solar access to the dwelling and its private open space at mid-winter. This is supported by the Shadow Impact Study in Drawing DA602 and shown in Figure 48.

Figure 48: Shadow Impact Study for 7 Allison Avenue
Source: PBD Architects

2 & 2A Gatacre Avenue

The report prepared by Walsh Analysis found that both 2 and 2A Gatacre Avenue already have solar limitations based on the steep step that occurs on their eastern boundary, effectively making a lot of the windows facing east feel subterranean. The approved Boarding House and the existing motel on the site serve to furth limit the solar access of 2 and 2A Gatacre Avenue.

The proposed changes to this solar access are considered minor and are only really noticeable between 10:30am-12pm which in Walsh Analysis' considered opinion is *"reasonable given the urban design requirements of building mass near the building setbacks for passive surveillance of the street. "*

This is supported by the Shadow Impact Study in Drawing DA603 and shown in Figure 49 below.

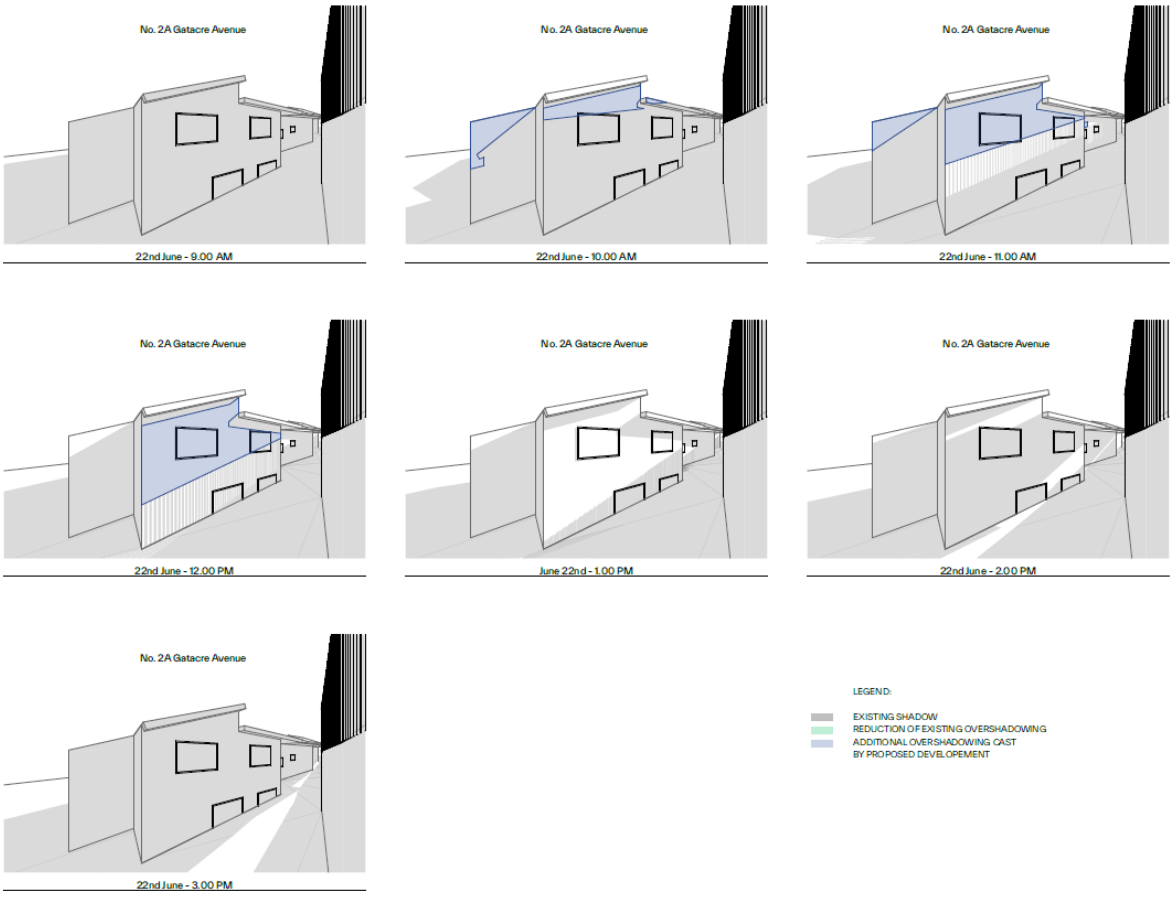

Figure 49: Shadow Impact Study for 2A Gatacre Avenue
Source: PBD Architects

7.5 Cross Ventilation

Cross Ventilation diagrams have been prepared by PBD Architects and are included in the Architectural Plans.

As demonstrated in Figure 50, 31 apartments (70.45%) will be naturally cross ventilated. The proposal exceeds the ADG and LCDCP requirement for at least 60% of apartments to be naturally cross ventilated.

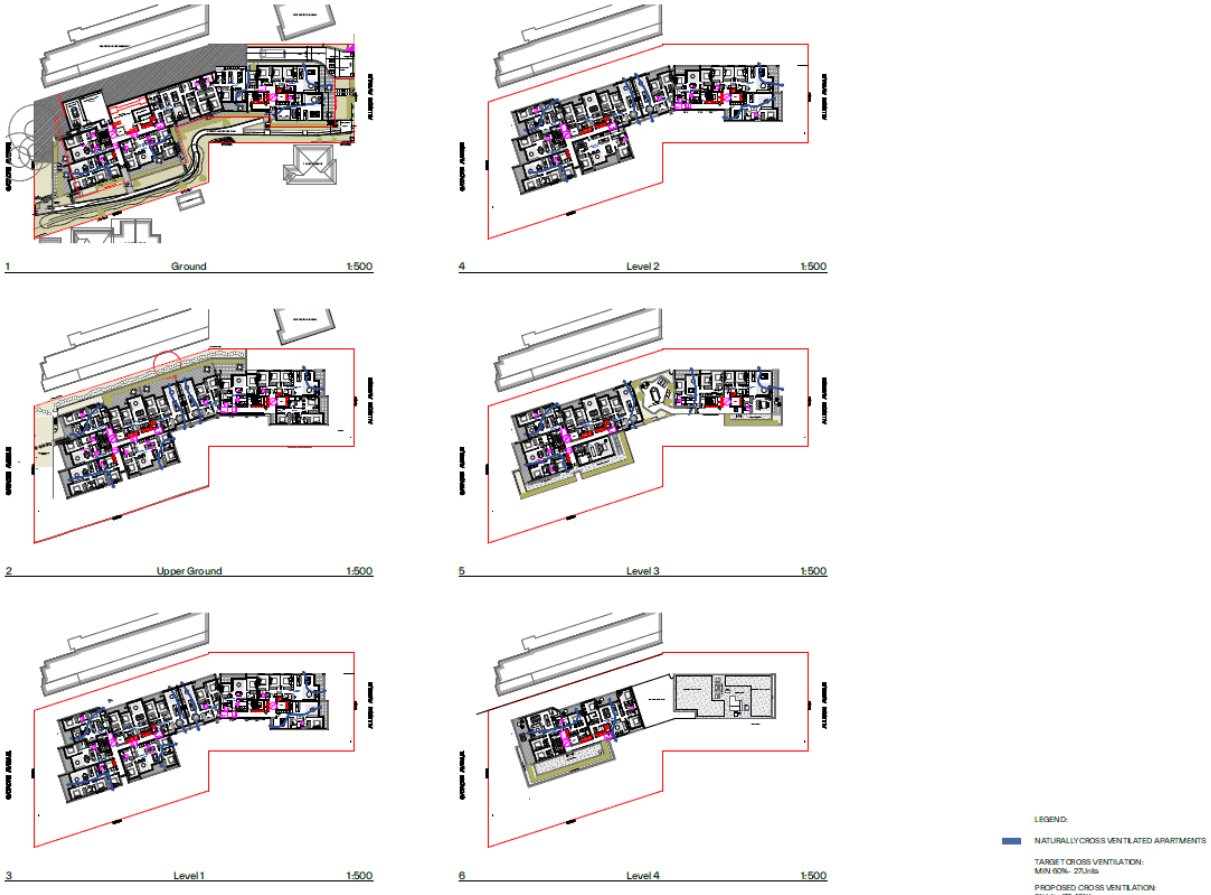

Figure 50: Cross Ventilation Diagram
Source: PBD Architects

7.6 View Impact

A Visual Assessment Report (VAR) has been prepared by Urbis and accompanies this DA as **Appendix 6** of the SEE. The purpose of the VAR is to assess the visual effects and potential impacts of a proposal at the subject site on neighbouring public and private views.

As part of designing the new scheme Urbis were engaged to inform the design parameters of the proposal. The findings of the VAR are summarised below.

Visual Context

In establishing the visual context for the proposed development, Urbis found that:

- *Very few dwellings along Gatacre and Allison Avenues have potential views to the site.*
- *Potential views to the site and existing built forms appear to be most available from a short, upper section of Gatacre Avenue and from elevated rear decks (or rooms) and possibly rear yards of dwellings located along its southern side.*
- *Those potentially most affected, are the closest dwellings with clear direct views to the southern boundary and existing forms on the site.*
- *The significant height difference from the ground and floor levels at 2 and 2A Gatacre Avenue is such that treatment of the interface between the R4 and R2 zones, location and scale of massing along this southern boundary, width of the setback, design, steps and materiality of the retaining wall will be visible from these 2 adjoining dwellings. These are amenity, privacy, overshadowing related issues as opposed to visual or view impacts.*

Visual Effects

As part of the VAR photomontages were prepared following a method that satisfies the Land and Environment Court of NSW photomontage policy in order to better understand the visual effects of the proposed development from key points as shown in **Appendix 6** of the SEE.

Conclusion

The VAR found that the proposal was supportable on visual impact grounds, for the following reasons:

- The visibility and perception of the bulk and scale of a compliant DA on the site is exacerbated by its relative elevation to lower public and private view places.
- Any fully complying development at a land-use zone boundary, in an elevated upper slope location would create a similar level of visual effects as that proposed. As such the extent of visual effects and resultant public and private view impacts are contemplated by the relevant controls and objectives.
- The visual catchment of the development is small as visibility of the DA decreases significantly and immediately, from all other locations west of and beyond the neighbouring dwellings downslope along Gatacre and Allison Avenues.
- The proposed DA includes a stepped form (at its northern end in particular) and a central lower section between taller forms, which creates a 'visual break' in development and will assist in reducing the perception of bulk and scale.
- The increased southern setback and proposed planting along subject site's southern boundary will create a 'green visual and physical' corridor and generate a 'sense of space' naturalistic in visual character and improved visual outcome compared to the refused scheme.
- The cumulative effects of minor and moderate key improvements in the proposed DA combine to reduce the visual effects and impacts of the proposal if compared to the refused scheme.
- In relation to view sharing outcomes and public domain visual impacts, the proposed DA subsequent to approval and construction will generate low and acceptable visual impacts.

7.7 Tree Removal & Landscaping

An Arboricultural Development Impact Assessment Report (ADIA) has been prepared by Birds Tree Consultancy and accompanies this DA as **Appendix 12** of the SEE. The ADIA provides assessment of the health, condition and stability of all trees within the site and on neighbouring properties that may be impacted by the proposed development. The ADIA provides an assessment of these trees as well as their viability for retention within the scope of the proposed development. The ADIA confirms:

- The proposed development will require the removal of 29 trees within the site;
- The four (4) street trees on Gatacre Avenue are viable to be retained and protected, specifically:
    - T13 *Araucaria columnaris* (Cooks Pine)
    - T14 *Cupressus torulosa* (Himalyan Cypress)
    - T15 *Lophostemon confertus* (Brushbox)
    - T16 *Pittosporum undulatum* (Sweet Pittosporum)

- There are five (5) trees within 7 Allison Avenue that will potentially be impacted by the development, all of which are viable to be retained and will be protected during construction through tree protection measures, specifically:
    - T34, T35, T37 and T38 *Archontophoenix cunninghamiana* (Bangalow Palm)
    - T36 *Livistona australis* (Cabbage Tree Palm)

The report also identifies the proposed Tree Protection Zones (TPZ) and tree protection measures for the trees to be retained during construction on neighbouring sites.

To offset the required tree removal, a comprehensive replanting plan (including 81 replacement trees) is proposed with suitable indigenous plant species incorporated in the landscape design of the site, as per the proposed Landscape Plans prepared by Arcadia (**Appendix 7**). This equates to a replacement tree rate of 2.79:1.

7.8 Ecologically Sustainable Development

In line with the applicant's commitment to sustainability, the proposed development adopts numerous sustainability provisions and elements including:

- Photovoltaic (PV) arrays which will generate power for common areas;
- Provision of electric vehicle (EV) and electric bicycle (EB) charging points;
- All apartments will rely solely on electricity for all energy requirements associated with normal operations;
- No gas connections will be provided to apartments or balconies;
- The communal barbeque at the Level 3 Zen Garden will be supplied by bottled gas;
- Green roofs have been provided on the southern edges of Levels 3 and 4;
- Rainwater harvesting through two 12.5Kl rainwater tanks;
- High-performance thermal envelope with roof, floor and external wall insulations;
- Appropriate glazing selection in accordance with BASIX/NATHERS to cut excess solar heat gains;
- All windows, doors, exhaust fans and pipe penetrations will be constructed to minimise air leakage as required by the provisions outlined in 2019 NCC;
- Select centralised energy-efficient services;
- The use of sustainable materials to be detailed at CC stage;
- Water-efficient and drought-tolerant landscaping; and
- Incorporate water-sensitive urban design principles.

Refer to the BASIX and NATHERS Assessment Report prepared by JHA Consulting Engineers at **Appendix 10** for further details.

7.9 Access, Parking & Traffic

A Transport Impact Assessment has been prepared by TTPA and accompanies this DA as **Appendix 20** of the SEE. A summary of the proposal in relation to access, parking and traffic is provided below.

7.9.1 Access

Vehicular access arrangements will be via a new driveway off Allison Avenue. The ingress/egress point will be in accordance with the design requirements of AS2890.1.

7.9.2 Parking

In accordance with the LCDCP, the following car parking rates apply for residential flat buildings:

Table 12. LCDCP Car Parking Rates for Residential Flat Buildings	
Residential	0.5 spaces per studio 1 space per 1-bedroom unit 1.5 spaces per 2-bedroom unit 2 spaces per 3+ bedroom unit 1 disabled space for each adaptable housing unit 1 onsite removalist truck space per 100 residential units 1 car wash bay per 50 units
Visitors	1 space per 4 units 1 disabled space per 50 visitor spaces (minimum 2 disabled space)
Bicycle	Residents: 1 per 4 dwellings Visitors: 1 rack + 1 rack per 10 dwellings
Motorbike	1 motorcycle parking space per 15 car spaces

As per the car parking provisions within the LCDCP, a total of 85 residential car spaces including 11 visitor spaces are required. It is noted that these DCP rates are neither a minimum, nor maximum. The ADG parking requirements are less than the LCDCP requirement. As such, the LCDCP requirement are considered. Further, the Council expressed their support on this approach.

The proposed development provides a total of 90 car parking spaces, including 78 resident car parking spaces, 11 visitor car parking spaces, and 1 car wash bay.

This includes 10 accessible car parking spaces (9 resident and 1 visitor).

The proposed development will also include 6 motorcycle parks and 11 resident bicycle parks and 5 visitor bike racks.

The proposed parking will provide ample car parking spaces for the proposed development, in line with the car parking rates outlined in the LCDCP. Notwithstanding, the proposal will not result in undue impacts on the existing road network and will not compromise the residential amenity of the site.

Tandem Parking

The LCDCP identifies that 10% of a development's car parking can be provided in the form of tandem parking, where a site's shape is physically constrained, such that conventional parking arrangements would not enable compliance with the parking provision requirements of the LCDCP.

The proposal includes 24 tandem spaces spread equally across the two basement levels. This equates to 26.66% of the total parking allocation, as shown in Figure 51 and Figure 52 . This represents a technical non-compliance with a numeric control, however it is consistent with the intent of the control to enable reduced impacts on the natural environment.

Due to the physical constraints of the site, a tandem parking configuration has been used for a portion of the residential car parking. The proposed tandem parking has avoided the need for a third basement level and consequently for a reduced level of excavation, increased deep soil zone to southern boundary and the preservation of the Gatacre Avenue street trees. The tandem parks will be allocated to apartments with two parking spaces.

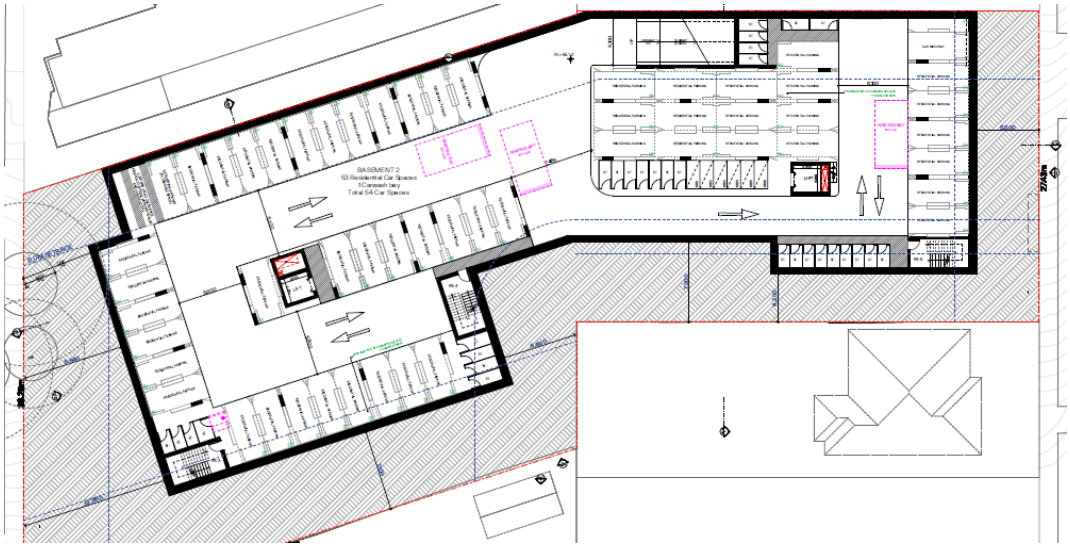

Figure 51: Basement 2 Floor Plan
Source: PBD Architects

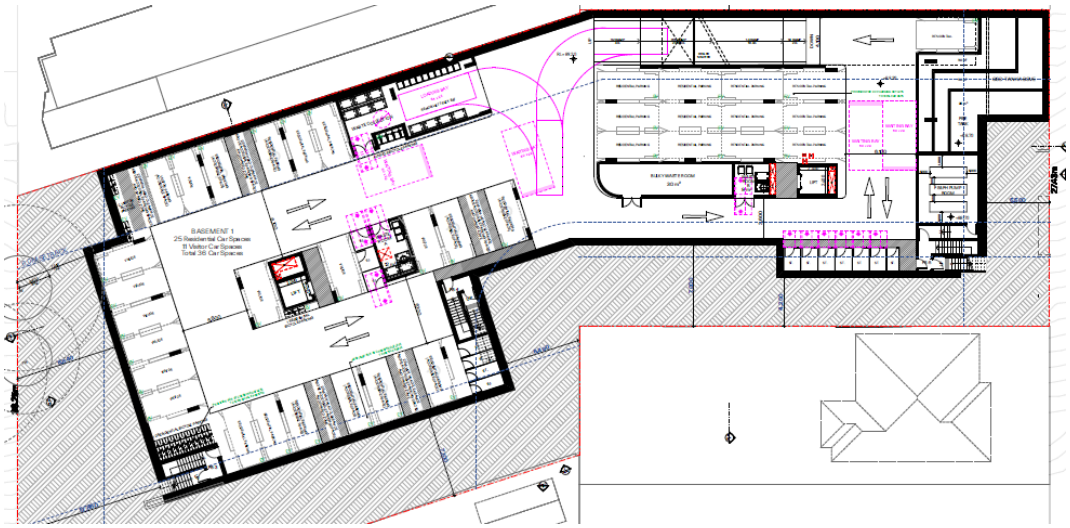

Figure 52: Basement 1 Floor Plan
Source: PBD Architects

7.9.3 Traffic Generation

The assessed traffic generation of the proposed development is based on the Guide to Traffic Generating Developments Technical Direction 2013 which indicates traffic generation for high density residential development apartments for the Sydney Average of 0.19 vtph per apartment in the AM peak and 0.15 vtph in the PM peak.

The projected generating of the proposed development of 44 apartments is as follows:

- AM Peak Hour: 9 vtph
- PM Peak Hour: 7 vtph

The proposed development will generate very minor traffic movements. There will not be any adverse traffic implications.

7.10 Acoustic

An Acoustic Impact Assessment (AIA) has been prepared by Acoustic Logic and accompanies this application as **Appendix 16**. This report assesses the potential traffic noise impacts associated with the proposal, due to the site's proximity to the Pacific Highway. The AIA establishes the existing acoustic environment for the site, provides an external noise intrusion assessment and noise emissions assessment for the proposed development, and provides provisions for internal sound insulation as below.

7.10.1 Background Noise Levels

Unattended noise monitoring was conducted from Friday the 1st of March to Monday the 11th of March 2024. This noise monitoring found that the site has the following median background noise levels:

- Day (7am-6pm) – 43 dB9(A)L_{A90}
- Evening (6pm-10pm) – 41 dB9(A)L_{A90}
- Night (10pom-7am next day) – 39 dB9(A)L_{A90}

Sensitive receivers were found to experience the same background noise levels as the site.

7.10.2 Noise Intrusion Criteria

A noise intrusion assessment was conducted which determined the internal noise level criteria for the proposed development, which is summarised in Table 13.

Table 13. Summary of Internal Noise Level Criteria	
Space/Activity Type	Internal Traffic Noise Criteria (dB(A)$L_{eq(period)}$
Bedroom	35dB(A)$L_{eq(9hour)}$
Living Room	40dB(A)$L_{eq(15hour)}$

As the site's background noise levels are higher than the noise criteria allows for, a number of acoustic treatments are required to ensure compliance with the assessment criteria, which are summarised below.

Glazed windows and doors

Aluminium framed/sliding glass doors and windows are satisfactory provided they meet the following criteria:

- Glazing will be required to satisfy the relevant noise criteria as per the glazing requirements provided for the relevant rooms, as specified in Table 6 of the Acoustic Impact Assessment;
- All external windows and doors listed are required to be fitted with Q-lon type acoustic seals (Mohair Seals are unacceptable). In addition to complying with the minimum glazing thickness requirements, the Rw rating (Weighted Sound Reduction Index) of the glazing fitted to openable and fixed frames should not be lower than the values listed in Table 7 of the Acoustic Impact Assessment;
- Thicker glazing may be required for structural, safety or other purposes. Where it is required to use thicker glazing than scheduled, this will also be acoustically acceptable

External wall construction

As the proposed wall construction is made from blockwork and masonry elements, no additional acoustic treatments are necessary. However, if any penetrations are required through the external lining on any systems for building services, all gaps should be filled with acoustic sealant to ensure compliance with internal noise requirements.

External roof / ceiling construction

The proposed concrete slab is acoustically acceptable and does not require any additional treatments. All openings or penetrations in ceilings should be acoustically sealed.

Mechanical plant

Detailed plant selection and location has not been undertaken at this stage. Satisfactory levels will be achievable through appropriate plant selection, location and if necessary, standard acoustic treatments such as duct lining, acoustic silencers, and enclosures.

Noise emissions from all mechanical services to the closest residential receiver shall comply with the requirements of the AIA.

A detailed acoustic review is to be undertaken at CC stage to determine acoustic treatments to control noise emissions to satisfactory levels.

Ventilation Assessment

The AIA identifies that alternative means of ventilation will be required to ventilate some apartments within the proposed development. When windows are open to 5% of floor area the allowable internal noise goal is permitted to be 10dB(A) higher than when windows are closed (i.e. – allowable level in bedrooms becomes 45dB(A) and 50dB(A) in living rooms). With windows open to 5% of floor area:

- Apartments with direct line of sight to Pacific Highway are likely to exceed the windows open threshold;
- Apartments screened or offset to the Pacific Highway are likely to meet the window open threshold.

Where windows open noise levels are likely to be exceeded, the AIA notes that consideration should be given to supplementary or alternative sources of ventilation. Confirmation on the ventilation requirements for specific apartments can be confirmed as part of the detailed design phase of the development.

The AIA notes that any supplemental fresh air (ventilation system or other) should be acoustically designed to ensure that the acoustic performance treatments outlined above is not reduces and does not exceed the EPA or Council criteria for noise emission to nearby properties (where mechanically assisted solutions are implemented).

In summary, subject to the recommendations stated above, the proposed development can comply with the acoustic requirements of Lane Cove Council and relevant Australian standards and guidelines.

7.11 Safety and Security

The proposed development has been designed with consideration given to the four Crime Prevention through Environmental Design (CPTED) principles contained within the NSW Police *Safer by Design Guidelines for Crime Prevention*. The principles are:

1. Surveillance;
2. Access control;
3. Territorial reinforcement; and
4. Space management

The subject development performs well in terms of achieving the Safer By Design Guidelines For Crime Prevention. The development is deemed to be either safe or safe subject to the implementation of the following recommendations:

- The provision of ground level and higher-level apartments facing Gatacre Avenue and Allison Avenue will provide opportunities for natural surveillance;
- The main pedestrian access points to the development are provided via the pedestrian pathway located along the south edge of the Gatacre Avenue and Allison Avenue street frontages, are to be controlled by secure entry points with access being restricted by an intercom, key, code or card lock system;
- The entries to the pathways leading to the building lobbies off Gatacre Avenue and Allison Avenue are to be illuminated during the evening to a level that allows clear lines of sight from the street frontage;
- Vehicular access to the basement is to be restricted via a security door with access being controlled by an intercom, key, code or card lock system;
- The street number of the subject building is to be readily identifiable from Gatacre Avenue and Allison Avenue;
- Vehicular access to the basement car park is to be illuminated by a sensor light during the evening;
- All painted surfaces on the external parts of the ground floor level are to be treated with a graffiti resistant coating; and
- Building management is to be responsible for the maintenance of common property including landscaping and removal of any graffiti.

In line with the 'broken window' principal, the act of developing and actively using the site in and of itself will improve the perceived safety of area, over the existing unoccupied and gated site, resulting in a positive social impact.

7.12 Stormwater Management

Stormwater on the site will be managed in accordance with the documentation prepared by Civil Stormwater Engineering Group, including the Stormwater Management Report provided at **Appendix 13**, Stormwater Plans provided at **Appendix 15** and the Civil Plans provided at **Appendix 14**. The proposed stormwater system includes:

- Two (2) kerb outlet connections have been proposed, one (1) connection to Allison Avenue with a total discharge rate of 48.77l/s and one (1) secondary connection to Gatacre Avenue with a total discharge rate of 32.21l/s. At these rates, a connection to kerb is acceptable.
- A silt arrestor pit has been proposed for all connections to kerb and gutter as a final point of collection before discharge. Silt arrestor's to be equipped with a filtration mesh screen for the collection of pollutants.
- The proposed development includes a below ground OSD tank is proposed below the driveway. The OSD tank has a proposed volume of 61.2m3 in excess of the required 55.72m3.
- Two 12.5kl rainwater tanks are proposed which will collect the entire roof catchment of the project and will be connected for non-potable water usage purposes.
- A pump out system has been proposed for the basement to collect any driveway surface water runoff and water seepage.
- Southern boundary 'gully walk' swale.

There will not be any adverse stormwater implications.

7.13 Building Code of Australia, Equitable Access & Fire Safety

7.13.1 Building Code of Australia (BCA) Compliance

A Building Code of Australia (BCA) Report has been prepared by Steve Watson & Partners and accompanies this application as **Appendix 9**. The BCA Report assesses the proposed development against the Deemed-to-Satisfy (DTS) provisions of the relevant sections of the Building Code of Australia and the applicable Building Regulations.

The report concludes that the design is capable of complying with the requirements of the BCA, subject to resolution of the identified areas of non-compliance with the recommendations provided within the report. Therefore, detailed reviews will be undertaken during the CC stage in conjunction with the project fire engineer to confirm all issues are adequately addressed.

7.13.2 Accessibility

An Access Report has been prepared by iAccess Construction and accompanies this application as **Appendix 8**. The report has been prepared to ensure the proposal's compliance with the *Disability Discrimination Act 1992* (DDA), the BCA, AS 1428 series, AS4299 and Council's Adaptable Housing requirements.

In relation to adaptable units, the proposed development provides 9 units (20%) designed to be adaptable (AS4299:1995), in line with the LCDCP requirement of 15% of dwellings.

20% of the dwellings have been designed to meet the Silver Liveable Housing Guidelines requirements, in line with the ADG's requirements.

In relation to visitable units, the proposed development provides 36 units (81.82%) designed to be visitable, in line with the LCDCP requirement of 80% of dwellings.

7.13.3 Fire Safety

A Fire Engineering Statement (FES) has been prepared by Voss Grace + Partners and accompanies this application as **Appendix 21**. The FES confirms that where the proposed development contains departures from the BCA DtS Provisions with respect to fire safety, these departures are capable of achieving compliance with the BCA.

Therefore, detailed reviews will be undertaken during the CC stage in conjunction with project stakeholders to confirm all issues are adequately addressed.

7.14 Contamination

Preliminary Site Investigation

A Preliminary Site Investigation (PSI) has been undertaken by Martens Consulting Engineers (provided at **Appendix 17**). It is acknowledged due to access restrictions at 5 Allison Avenue, the PSI investigation area was limited to 1 Gatacre Avenue.

The objective was to characterise the environmental conditions of the site on the basis of historical land uses, supplemented by anecdotal and documentary evidence of possible pollutant sources.

Historic aerial photographs of the Site indicated the current site conditions were constructed between 1951 and 1978 for 1 Gatacre Avenue, and before 1930 for 5 Allison Avenue. The presence of an active and former services station, directly up gradient form the IA has the potential to have impacted site soils and groundwater beneath the site. Based on the proposed development, which includes significant excavation works, there is a potential for a complete exposure pathway to site receptors.

Borehole drilling and well installation was undertaken between 15 and 16 February 2021. All

locations were examined for signs of contamination. Subsurface conditions generally consisted of fill comprising of gravelling clayey sand to depths of 1.5 mbgl. Residual soil (silty clay) was encountered beneath overlying fill to a depth of 3.5 mbgl. Hydrocarbon odours were noted within fill and residual soil layers of BH302 between 1.2 to 4.0 mbgl.

All groundwater samples collected for this PSI reported concentrations below the laboratory detection limit for hydrocarbon contaminants. However, due to the December 2020 hydrocarbon detection in MW01, additional groundwater monitoring rounds are recommended to measure site groundwater trends.

The findings of the PSI recommended a Detailed Site Investigation (DSI) be completed to address any gaps and confirm the site suitability for the proposed development. The findings of the DSI are discussed in detail in the ensuing sections of this report.

Detailed Site Investigation

A Detailed Site Investigation (DSI) has been undertaken by Martens Consulting Engineers, dated June 2021 (provided at **Appendix 17**).

The DSI comprised a soil and ground water investigation program which included a total of eight (8) sampling locations completed via the excavation of boreholes.

The soil and groundwater assessment works undertaken for the Site did not identify any complete exposure pathway to current or future site receptors from potential soil or groundwater contamination. As such, the DSI concludes the site presents a low contamination risk and is considered to be suitable for the proposed development.

7.15 Geotechnical

A Preliminary Geotechnical Assessment (PGA) has been undertaken by Martens Consulting Engineers, dated April 2024 (provided at **Appendix 11**). The PGA assess the subsurface conditions and provides recommendations regarding footings and foundations, excavability and excavation support.

The report recommends that along the shared boundary to the service station internal bracing or propping may be adopted or consideration given to temporary partial berms or top-down construction techniques. Elsewhere, ground anchors may be adopted to provide the additional structural support. It is considered that ground floor slabs will provide permanent restraint to the retaining walls where these are incorporated into the permanent works.

The report makes a series of recommendations that will be adhered to during the demolition and construction phases of the development.

7.16 Construction Management

During the CC stage a Construction Management Plan (CMP) will be developed for the project to ensure that impacts during construction are suitable managed and mitigated where possible. The CMP will provide details regarding site fencing, hoarding, installation of mandatory site offices and facilities, as well as construction hours and staging.

The CMP will include a Construction Traffic Management Plan. The CMP will provide specific measures to ensure the retention of the existing rock wall within site and retaining walls along the southern boundary. The CMP will include appropriate measure as identified in the ADIA to protect the existing street trees on Gatacre Avenue, and the trees within 7 Allison Avenue.

Dilapidation surveys to all neighbouring properties will be undertaken prior to works commencing.

7.17 Waste Management

7.17.1 Demolition and Construction Waste and Recycling Management

A Construction and Demolition Waste Management Plan (CDWMP) has been prepared by Elephant's Foot and accompanies this application as **Appendix 18**.

The existing built form will be demolished to facilitate the proposed development. Where possible, materials will be reused, including crushing concrete for use as clean fill. However, the majority of the components of the building will either be reused for the same purpose of disposed of offsite. The CDWMP anticipates the 20,883m^3, equating to 19,239t of materials will be generated at the demolition stage. The estimated tonnage of material diverted from landfill equates to 19,034t (98.9%); noting the minimum requirement is 80%.

Waste generated during the construction stage of the development will be managed by the principal contractor and sub-contractors, with materials being reused and recycled wherever possible. Where neither reuse nor recycling are possible, waste will be disposed of as general waste at a licensed landfill site. The CDWMP anticipates a total of 170m^3, equating to 48.1t of materials will be generated during the construction stage. The estimated tonnage of material diverted from landfill is 40.8t (85%); noting the minimum requirement is 80%.

7.17.2 Operational Waste Management

An Operational Waste Management Plan (OWMP) has been prepared by Elephant's Foot and accompanies this application as **Appendix 19**. The OWMP outlines details of the proposed management practices and procedures for waste generated by the development.

Key features of the proposed development, in relation to Waste Management are outlined below:

- Residents will be provided with a collection area within each unit for the daily storage of waste and recycling.
- 2 x eDiverter chute systems, comprising of single chutes fitting with general waste and comingle recycling diversion systems, will be installed in each building core, Access to eDiverter chute systems will be provided to all residents on each residential level.
- The building manager/caretaker is responsible for the transportation of bins from the waste room to the collection area prior to scheduled collection times, returning them once emptied to resume operational waste.

Based on the proposed number of dwellings and the provisions specified under LCDCP, Elephant's Foot have identified the development will generate 3520L of garbage waste, 2112L of comingled recycling waste and 2112L of cardboard recycling. Based on the projected waste generation, Elephant's Foot recommends the following bin quantities and collection frequencies:

- General Waste: 6 x 660L MGBs collected 1 x weekly
- Comingled Recyclables: 4 x 660L MGBs collected 1 x weekly
- Paper/cardboard Recyclables: 10 x 240L MGBs collected 1 x weekly

An area will be made available for the storage of discarded residential bulky items on Basement 1. The room will have a minimum doorway width of 1700mm to allow for easy movement of large waste items in and out of the room. The required GFA for the bulky waste storage is 30m^2.

All waste generated by this development will be collected by Council's waste contractor, with both garbage and recycling being collected on a weekly basis. Prior to collection, the building manager/caretaker will be responsible for transferring the bins from the waste room to the bin holding room for collection.

A Council SRV collection vehicle will enter the basement from Allison Avenue and park in the designated vehicle loading bay. Once the bins have been serviced, the collection vehicle will exit the site, via Allison Avenue, in a forward direction. Once servicing is complete, the building manager/caretaker will be responsible for returning the bins to the waste room to resume operational use.

8 Section 4.15 Assessment

The proposed development has been assessed in accordance with the relevant matters for consideration listed in Section 4.15 of the EP&A Act.

8.1 Environmental Planning Instruments

The proposed development has been assessed against the relevant State and local environmental planning instruments in **Section 6** of the SEE.

The assessment undertaken demonstrates that the proposed development is generally consistent with the relevant environmental planning instruments and achieves the objectives of the relevant provisions. Where the proposal is not compliant with the relevant provisions, any variance has been demonstrated to be well justified in the circumstances.

8.2 Draft Environmental Planning Instruments

No draft environmental planning instruments are relevant to this proposal.

8.3 Development Control Plan

LCDCP provides detailed planning controls relevant to the site and the proposal. An assessment against the relevant controls is provided in the LCDCP Compliance Table (**Appendix 1**).

8.4 Planning Agreement

The site is not subject to any planning agreements.

8.5 Regulations

This application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulations 20021*.

8.6 Natural & Built Environment

A detailed assessment of the key planning considerations and potential issues associated with the proposed development have been discussed previously as outlined in **Section 7**of the SEE.

In summary as outlined below, the proposed development will result in negligible impacts on the natural and built environment as:

- The proposal does not have an impact on significant environmental features and will protect and preserve the amenity and biodiversity values contained within the area. Replacement trees are proposed in accordance with the landscape plans.
- Excavation works will be undertaken as per the Geotechnical Report, ensuring there is minimal impact on soil stability and surrounding properties.
- The proposed stormwater management solution has been designed to ensure the development does not increase the flood affectation of surrounding properties and has been designed so no water flows off site.
- The BCA and Access assessments confirm the proposal is capable of compliance with the relevant Australian Standards through Deemed-to-Satisfy provisions and performance solutions.

- The proposal does not lead to adverse impacts on road networks surrounding the site, as stated in the Traffic and Parking Assessment. The surrounding street network has sufficient alignments to ensure that there are sufficient sight distances into and out of the site.
- The proposal will not result in unreasonable view impacts to surrounding properties, as stated in the View Assessment. The proposed development has been designed to minimise the impact to views as much as possible, with the Level 3 void serving to break up the visual bulk of the proposal.
- The proposal will not result in unreasonable privacy impacts to surrounding properties. This has been achieved through the use of setbacks and blank walls, with a particular focus on protecting the amenity of the immediate neighbours to the south.
- The proposal will not result in unreasonable solar access and overshadowing impacts to surrounding properties, as supported by the solar analysis undertaken by Walsh Analysis. The proposed development has been consciously designed to minimise the solar access and overshadowing impacts of the proposed development on downstream neighbours as much as possible.
- The proposal will protect and retain existing significant street trees on Gatacre Avenue and proposes additional street trees along both the Gatacre and Allison Avenue frontage.
- The proposal will protect and retain existing trees within 7 Allison Avenue.
- Improved streetscape on Gatacre Ave and Allsion Ave through proposed street tree planting and public domain upgrades
- The proposal is designed in accordance with the LCDCP controls and the objectives of the ADG. Given the orientation of the site, solar access has been carefully managed, with their being limited change to the solar access enjoyed by neighbouring properties.

8.7 Social & Economic Impacts

In terms of social impacts, the proposal development will provide a mix of housing types to appeal to a wide range of household cohorts. The delivery of additional residential accommodation contributes positively to local housing needs, availability, and affordability.

In terms of economic impact, the proposal will result in employment generation during the construction and occupation phases of the development, having positive economic outcomes for the community through localised spending and demand for retail and service industries. Furthermore, it will indirectly support the economy through providing much needed additional housing supply in locations with easy access to business districts of the Greater Sydney Region.

8.8 Suitability of the Site

The site is considered highly suitable for the proposed development for the following reasons:

- The land is zoned R4 High Density Residential under the LCLEP. The proposed development is permissible with consent and is consistent with the land use objectives of the R4 zone and applicable development standards.
- The sloping topography of the site facilitates a development outcome that responds to the transitory nature of the site by focusing massing towards the R4 zone interface.

- The proposal is centrally located with proximity to multiple existing and future transport connections, retail shops, recreational open spaces, and major employment areas such as North Sydney and Sydney CBD. The proposed development will provide housing in a transit-oriented location, which is within walking distance of services and employment precincts.
- The proposal is consistent with the intended built form outcome on the site and is in keeping with the existing and emerging Pacific Highway precinct within the Lane Cove area.
- The land has been demonstrated to be suitable from a contamination perspective as demonstrated in the Detailed Site Investigation prepared by Martens.

8.9 Public Interest

The proposed development is considered in the public interest for the following reasons:

- It provides additional dwellings in the Lane Cove locality, which will assist in meeting housing targets and address housing demand in the Lane Cove LGA. The proposal expands housing choices within the area and provides a mix of dwelling types.
- The proposal will provide a high level of amenity for future residents, whilst also protecting amenity levels enjoyed by existing neighbouring residents, and future residents of the approved Boarding House.
- Allows future residents at the site to be in close proximity to existing and public transport facilities, further reducing car dependency.
- It will generate construction jobs during the construction phase of work and provide housing in proximity of business districts of Sydney, which will positively impact the economy.

9 Conclusion

This SEE has been prepared by Patch on behalf of Gatacre LC Pty Ltd in support of a DA submitted to Lane Cove Council in relation to land known as 1 Gatacre Avenue and 5 Allison Avenue, Lane Cove. The DA seeks approval for demolition of existing development at the site and construction of 44 apartments across two connected buildings, with basement car parking and associated landscaping.

The proposed residential flat buildings have been assessed in accordance with Section 4.15 of the EP&A Act and warrants support for the following reasons:

- **The proposal is consistent with State and subregional strategic planning objectives –** The proposal contributes to State strategic planning requirements to facilitate new dwellings in proximity to existing public transport infrastructure. It is also consistent with Council's strategic visions to redevelop the site to deliver a high-quality residential development.

- **The proposal is largely consistent with the applicable State and local planning controls –** The proposal has been determined to achieve a high level of compliance with the applicable planning controls. Where variations are proposed, the report demonstrates that the objectives and intent of the numeric provisions have been met and compliance is therefore achieved.

- **The proposal will offer a high standard of amenity –** The proposed development will provide future residents with a high standard of residential amenity. The proposal achieves consistency with the objectives and provisions of the Housing SEPP and the Apartment Design Guide (ADG). The apartment configuration maximises amenity and will provide for a variety of housing typologies to meet different lifestyle needs. Solar access and natural ventilation, as key design criteria, are also satisfied. The future residents are also provided with a generously sized apartments, balconies, and communal open space areas.

- **The proposal is a sympathetic built form in the streetscape –** The proposal reinforces the desired neighbourhood character of the Pacific Highway spine in Lane Cove. The proposal presents a modern architectural expression with building articulations presenting a visually appealing development along Gatacre Avenue and Allison Avenue.

- **The proposal is sympathetic to the southern boundary interface with the R2 zone –** The proposed development will provide an appropriate transition between high density developments along the spine and low-density residential development to the south. The proposed development has been designed with an emphasis on providing a considered transition along the southern boundary through built form siting, articulation and deep soil planting.

- **The proposal represents a refined and improved built form outcome on the site –** The proposal is the result of a significant redesign of the proposal from the previous scheme, that has taken into account the concerns of neighbours, Council and the Courts. The proposal will deliver a compliant scheme that represents a positive development outcome for the site.

- **The proposal is in the public interest –** The proposal will lead to the construction of 44 additional dwellings within Lane Cove. This will expand housing choice, provide additional adaptable units, and generate temporary construction jobs during the construction and occupation phase of works. The development provides a high level of residential amenity in an accessible location close to transport, services, and employment opportunities.

Having considered all relevant matters, we are of the opinion that the proposed development is appropriate for the site and in the public interest. We therefore request that Council support the application through and provide a recommendation of approval to the SNPP.

PATCH

PLANNING & DEVELOPMENT

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