

Sydney North Planning Panel Meeting 02 October 2024
1 GATACRE AVENUE AND 1 - 5 ALLISON AVENUE LANE COVE

Subject: 1 Gatacre Avenue and 1 - 5 Allison Avenue Lane Cove
Record No: DA24/35-01 - 28308/24
Division: Planning and Sustainability Division
Author(s): Christopher Shortt

Table 1 – Report Details	
DA Number	Council Reference: DA35/2024 Portal Reference: PPSSNH-512
Proposed Development	Demolition of Existing Structures, lot consolidation and construction of a Part 4, Part 5 and Part 6 residential flat Building with 43 apartments and two levels of basement parking with 85 parking spaces
Street Address	1 Gatacre Avenue and 1 - 5 Allison Avenue, LANE COVE
Applicant/Owner	Applicant: Emma Fitzgerald – Patch Planners Pty Ltd Owner: Gatacre LC Pty Ltd
Date of DA Lodgement	23 April 2024
Public Notification Period	Notification Period: 2 May 2024 to 18 May 2024
Total number of unique Submissions Received	Notification Period: Fifty-Two (52) unique submissions All submissions sent to SNPP for consideration.
Recommendation	Approval
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021	Development has a capital investment value of more than \$30 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • relevant environmental planning instruments <ul style="list-style-type: none"> - SEPP 65 – Design quality of Residential Apartment Development and Apartment Design Guide (ADG); - SEPP Resilience and Hazards 2021; - SEPP (Building Sustainability Index) 2004; - SEPP (Transport and Infrastructure) 2021; - Lane Cove Local Environmental Plan 2009. • proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority • relevant development control plan <ul style="list-style-type: none"> - Lane Cove Development Control Plan 2010 • relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 <ul style="list-style-type: none"> - Nil

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	<ul style="list-style-type: none">• relevant regulations e.g. Regs 92, 93, 94, 94A, 288- Nil• coastal zone management plan- Nil• other relevant plans- Lane Cove Section 7.11 Contributions Plan																																																																																				
List all documents submitted with this report for the Panel’s consideration	<table><tr><th>Annexure</th><th>Document</th><th>Prepared By</th></tr><tr><td>1</td><td>Draft Conditions</td><td>Lane Cove Council</td></tr><tr><td>2</td><td>ADG Assessment</td><td>Lane Cove Council</td></tr><tr><td>3</td><td>DCP Assessment</td><td>Lane Cove Council</td></tr><tr><td>4</td><td>Architectural Plans (Updated)</td><td>pbh architects</td></tr><tr><td>5</td><td>Design Verification Statement SEPP(Amended)</td><td>pbh architects</td></tr><tr><td>6</td><td>Responses to RFI’s 1 and 2</td><td>Patch Planning</td></tr><tr><td>7</td><td>Landscape Plans (Updated)</td><td>Arcadia</td></tr><tr><td>8</td><td>ADG and DCP Compliance Tables (Updated)</td><td>Patch Planning</td></tr><tr><td>9</td><td>Detailed Site Investigation</td><td>Martens</td></tr><tr><td>10</td><td>Operational Waste Management Plan</td><td>Elephants Foot</td></tr><tr><td>11</td><td>Traffic & Parking Assessment (Amended)</td><td>ttpa</td></tr><tr><td>12</td><td>Construction Noise and Vibration Management Plan</td><td>JHA</td></tr><tr><td>13</td><td>Acoustic Report</td><td>Acoustic Logic</td></tr><tr><td>14</td><td>BCA Report (Updated)</td><td>Steve Watson & Partners</td></tr><tr><td>15</td><td>Arboricultural Report (Updated)</td><td>Birds Tree Consultancy</td></tr><tr><td>16</td><td>Preliminary Geotechnical Assessment</td><td>Martens</td></tr><tr><td>17</td><td>Estimated Development Cost Report</td><td>WT</td></tr><tr><td>18</td><td>Access Report (Updated)</td><td>iAccess</td></tr><tr><td>19</td><td>Concept Stormwater Design (Amended)</td><td>Civil Stormwater Engineering Group</td></tr><tr><td>20</td><td>Neighbours Engagement Report</td><td>Urbis</td></tr><tr><td>21</td><td>BASIX Certificate</td><td>JHA Consulting Engineers</td></tr><tr><td>22</td><td>Notification Extent Map and Letter</td><td>Lane Cove Council</td></tr><tr><td>23</td><td>Construction and Demolition Waste Management Plan</td><td>Elephants Foot</td></tr><tr><td>24</td><td>Statement of Environmental Effects (Amended)</td><td>Patch Planning</td></tr><tr><td>25</td><td>Stormwater Management Report</td><td>Civil Stormwater Engineering Group</td></tr><tr><td>26</td><td>Survey Plans</td><td>Metwest & Mitch Ayres Surveying</td></tr><tr><td>27</td><td>Addendum to Detailed Site</td><td>Martens</td></tr></table>	Annexure	Document	Prepared By	1	Draft Conditions	Lane Cove Council	2	ADG Assessment	Lane Cove Council	3	DCP Assessment	Lane Cove Council	4	Architectural Plans (Updated)	pbh architects	5	Design Verification Statement SEPP(Amended)	pbh architects	6	Responses to RFI’s 1 and 2	Patch Planning	7	Landscape Plans (Updated)	Arcadia	8	ADG and DCP Compliance Tables (Updated)	Patch Planning	9	Detailed Site Investigation	Martens	10	Operational Waste Management Plan	Elephants Foot	11	Traffic & Parking Assessment (Amended)	ttpa	12	Construction Noise and Vibration Management Plan	JHA	13	Acoustic Report	Acoustic Logic	14	BCA Report (Updated)	Steve Watson & Partners	15	Arboricultural Report (Updated)	Birds Tree Consultancy	16	Preliminary Geotechnical Assessment	Martens	17	Estimated Development Cost Report	WT	18	Access Report (Updated)	iAccess	19	Concept Stormwater Design (Amended)	Civil Stormwater Engineering Group	20	Neighbours Engagement Report	Urbis	21	BASIX Certificate	JHA Consulting Engineers	22	Notification Extent Map and Letter	Lane Cove Council	23	Construction and Demolition Waste Management Plan	Elephants Foot	24	Statement of Environmental Effects (Amended)	Patch Planning	25	Stormwater Management Report	Civil Stormwater Engineering Group	26	Survey Plans	Metwest & Mitch Ayres Surveying	27	Addendum to Detailed Site	Martens
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Table 1 – Report Details

		Investigation	
	28	Visual Assessment (Updated)	URBIS
	29	Solar Expert Opinion (Updated)	Walsh Analysis
	30	Urban Design Expert Opinion	ae design partnership
	31	AUSGRID ADVICE	AUSGRID
	32	RFI's 1 and 2 from Council	Lane Cove Council
	33	NSW Police Advice	NSW Police Force
	34	NSROC DRP Minutes	NSROC Design Review Panel
	35	NatHERS Certificate	JHA Consulting Engineers
Clause 4.6 requests	N/A		
Summary of key submissions	<ul style="list-style-type: none"> • Building Height • Building Setbacks • Building Separation • Landscaping • Traffic Access and Congestion • Neighbourhood Character • Overshadowing • Visual Privacy • Zone Transition • Views 		
Report prepared by	Chris Shortt		
Report date	2 October 2024		

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not applicable

1. EXECUTIVE SUMMARY

The Development Application is for the demolition of the existing multi-storey motel building and dwelling house and construction of a part 4, part 5, and part 6 storey residential flat building development comprising 43 apartments (5 x 1 bedroom, 18 x 2-bedroom, 18 x 3 bedroom, and 2 x 3-bedroom townhouse), and two levels of basement parking for 85 vehicles, on land known as 1 Gatacre Avenue and 5 Allison Avenue, Lane Cove.

The Development Application is subject to *SEPP 65 – Design Quality of Residential Apartment Development*. The proposal was referred to the Northern Sydney Region of Council's (NSROC) Design Review Panel for advice on 21 May 2024. The minutes of the meeting are provided as **Annexure 34** to this report. Key Panel comments are incorporated into design quality principle assessment below.

2. REFERRAL TO SYDNEY NORTH PLANNING PANEL

*A **unique submission** means a submission which is in substance unique, distinctive and unlike any other submission. It does not mean a petition or any submission that contains the same or substantially the same text. Separate unique submissions may be made in relation to the same issue. One individual, or one household, could potentially submit multiple unique submissions.

3. SITE

3.1 Subject Site

The site of the proposed development is known as 1 Gatacre and 1-5 Allison Avenue, Lane Cove. A Survey Plan was submitted with the Development Application (**Annexure 26**). The key site characteristics are summarised in **Table 3** below.

Table 2 – Site Characteristics of 1 Gatacre and 5 Allison Avenue	
Site Characteristic	Subject Site
Title Particulars	Lot A DP 415448 Lot 45 DP 11416 Lot 46 DP 11416
Site Area	2,965.8m ²
Site Frontage	Gatacre Avenue: 38.25m Allison Avenue: 27.43m
Site Depth	Depth: 92.11m
Topography	5m – Gatacre to Allison Avenue (West to East) 6m – Gatacre Avenue (North to South) 4m – Allison Avenue (North to South)
Zoning	R4 High Density Residential
Existing Structures	1-3 Allison and 1 Gatacre Avenue: The site contains an existing part 2 storey and part three storey motel building. With at grade hardstand communal car parking. 5 Allison Avenue: Dwelling house
Existing Use	The site is currently used as a motel and single dwelling house.
Vehicular Access	Vehicular access is currently from Gatacre and Allison Avenue.

The subject site is situated south-west of Pacific Highway and is in close proximity to major roads including the Lane Cove Tunnel and the Gore Hill Freeway. The site borders and sits above a low-density residential area to the south-west shown in **Figure 1**. A different development typology including commercial and higher density residential development characterises sites adjacent to Pacific Highway. The topography of the locality includes a significant cross-fall from the high point on Pacific Highway with an average gradient of 13% down both Allison and Gatacre Avenue shown in **Figure 2**.

The subject site is comprised of three allotments. Two allotments comprise the existing 'Comfort Inn' motel development being Lot A DP 415448 and Lot 46 DP 11416 with a street address of 1 Gatacre Avenue, Lane Cove. The motel frontage to Gatacre Avenue is shown in **Figure 3**. The motel also has a frontage to Allison Avenue as shown in **Figure 4**. The third allotment comprises an existing dwelling house being Lot 45 DP11416 with a street address of 5 Allison Avenue, Lane Cove. The existing motel contains two open car parking areas shown in **Figures 5** and **6**.

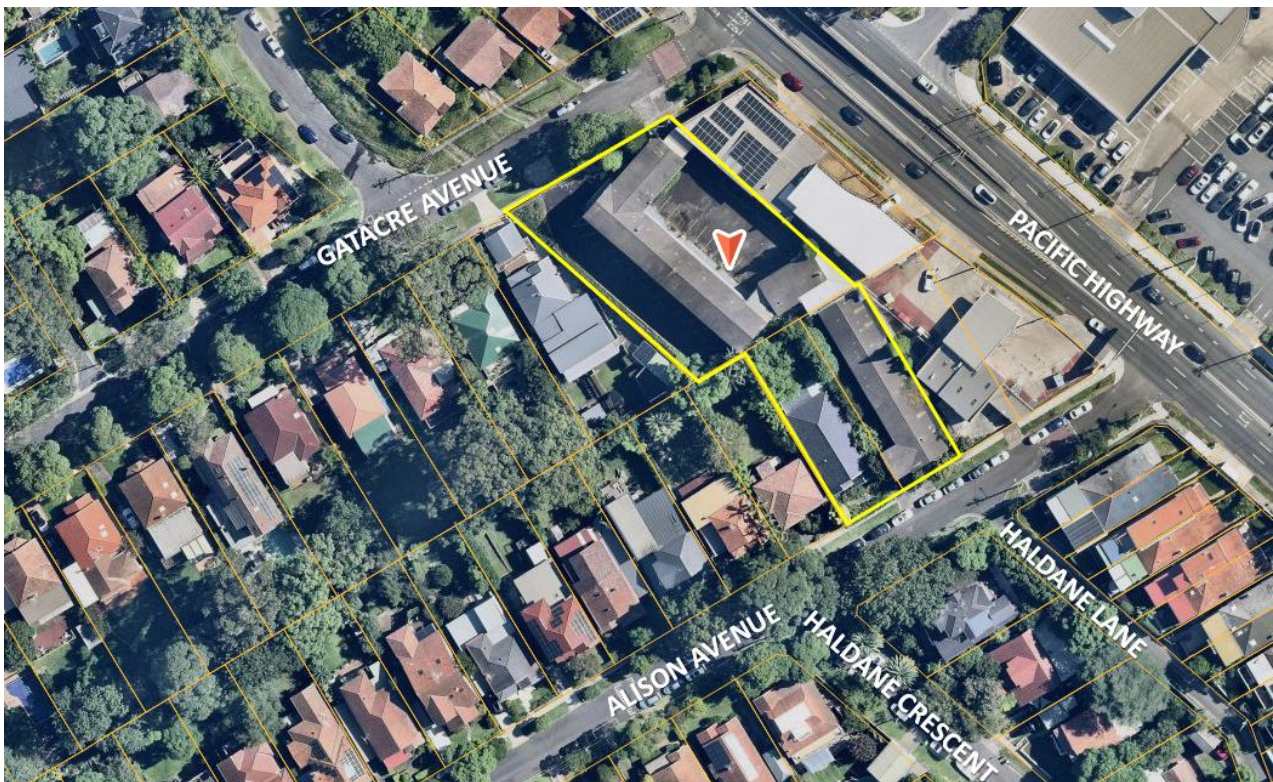


Figure 1: Location Plan (Source: Nearmap).

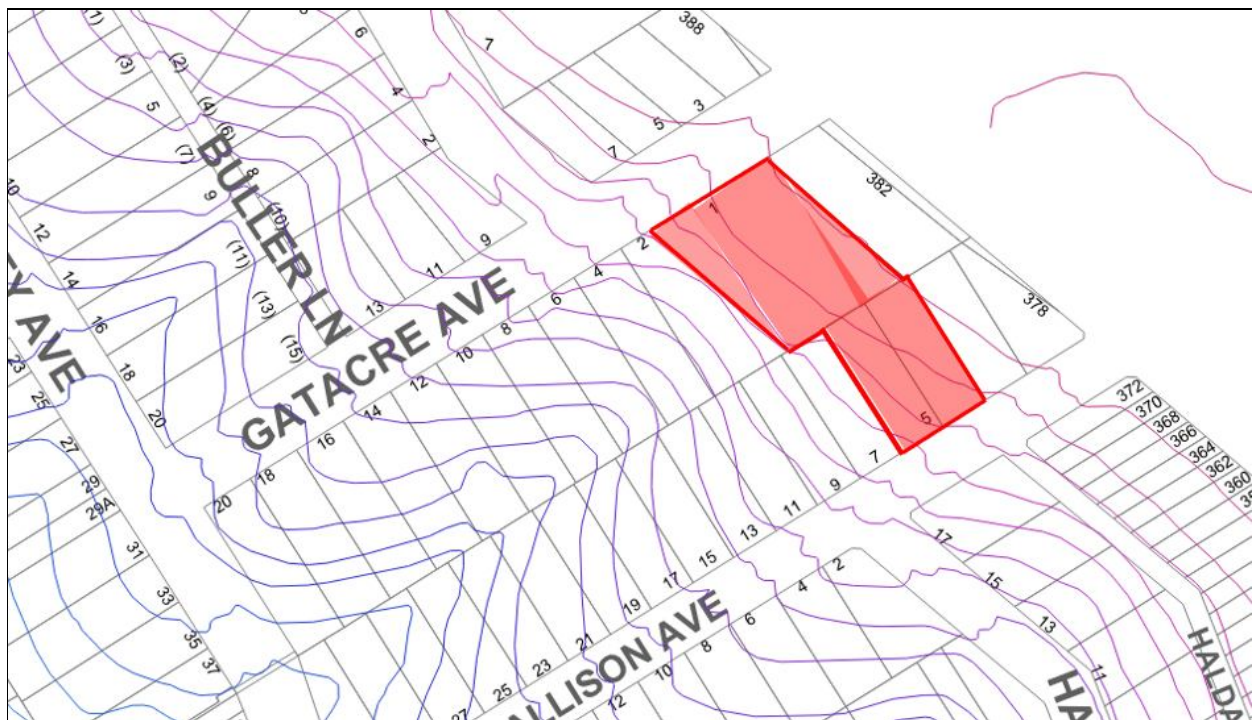


Figure 2: Site Context Topography (2m Contour). (Source IFN SISmap)



Figure 3: Subject Site from Gatacre Avenue.



Figure 4: Subject Site from Allison Avenue.



Figure 5: Subject Site – Internal Open Carpark facing south-east.



Figure 6: Subject Site – Internal Open Carpark facing north-west.

Table 2 – Adjoining Sites	
Direction	Description
North	To the north of the site is Gatacre Avenue. Further to the north are single storey dwelling houses located within the R4 high density residential zone. Further north are 8 storey residential flat buildings 390 – 392 Pacific Highway. (Refer to Figure 11).
East	To the northeastern eastern boundary adjoins 382-386 Pacific Highway which is currently a part 1 and part 2 commercial building (99 Bikes) which has been approved for redevelopment as a 5-storey boarding house with basement car parking from Gatacre Avenue. Also, east of the site is 378 Pacific Highway occupied by a single storey commercial building occupied by Shell Petrol Station. (Refer to Figure 10).
South	To the southwestern boundary of the site is 7 Allison Avenue which

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	contains part 1 and 2-storey residential dwelling. (see figure 8) Further south is Allison Avenue and single and 2-storey dwellings on the other side.
West	To the western boundary of the site of the site is a part single and 2 storey dwelling house at 2A Gatacre Avenue which are below natural ground level. (Refer to figure 7). Further west includes single and 2 storey dwelling houses Zoned R2 residential low density.



Figure 7: No. 2/2A Gatacre Avenue, Lane Cove.



Figure 7A: 2/2A Gatacre and 4 Gatacre Avenue, Lane Cove.



Figure 8: No. 7 Allison Avenue, Lane Cove.



Figure 9: Rear of 382-386 Pacific Highway (99 Bikes) boundary wall with 1 Gatacre.



Figure 10: 378 Pacific Highway (Shell) & 382-386 Pacific Highway (99 Bikes).



Figure 11: Opposite side of Gatacre Avenue (single storey dwellings zoned R4) with 7-8 storey RFBs behind.



Figure 11A: 17 Haldane Crescent south-east of site on opposite side of Allison Avenue.

4 Local Planning Provisions

In order to understand the site and adjoining development in the context of the existing local planning provisions, the existing zoning, building height and FSR maps of Lane Cove Local Environmental Plan 2009 (LCLEP 2009) are included as **Figure 12, 13 and 14** below.

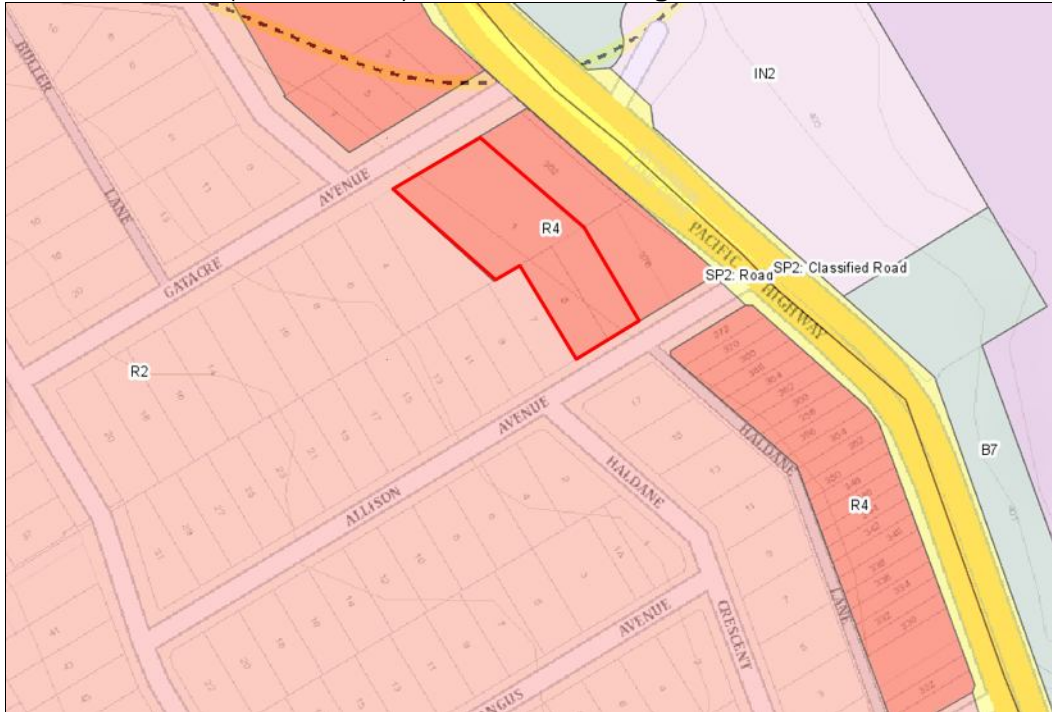


Figure 12: Zoning Map (Source: LCLEP 2009 and E-Planning Spatial Viewer)
 (Red: R4 High Density Residential, Pink: R2 Low Density Residential)



Figure 13: Max. Building Height Map (Source: LCLEP 2009 and E-Planning Spatial Viewer)
 (Pink: 25m, Light Brown: 15m, Green: 9.5m, Yellow: 12m)

4.1 Site History:

On **3 June 2021**, a DA was lodged the Demolition of Existing Structures, Lot Consolidation and Construction of a Part 5 / Part 6 Storey Residential Flat Building with 60 Apartments and Two Levels of Basement Parking with 113 parking spaces. (Ref: DA65/2021)

On **16 September 2021**, the Lane Cove Local Planning Panel (LPP) exercising the functions of Council as the consent authority, **refuse** Development Application (Ref: DA65/2021). Reasons for refusal included:

1. **Remediation:** *The submitted documentation does not adequately assess the site and whether it would be, or is capable after remediation, of being used for the proposed use under SEPP 55 – Remediation of Land.*
2. **Building Height:** *The proposed building height variation and the submitted Clause 4.6 written request does not establish sufficient environmental planning grounds or that the standard is unreasonable or unnecessary.*
3. **Design Quality of Residential Apartment Development:** *The nine design quality principles of SEPP 65 have not been met as established by the NSROC Design Review Panel and confirmed in the assessment report.*
4. **Building Separation:** *The proposed building separation is unsatisfactory to the northern boundary, resulting in poor internal amenity for the proposed apartment, and the southern boundary, resulting in an unsatisfactory transition to the adjoining R2 Low Density Residential zone.*
5. **Solar Access:** *The solar access assessment relies on secondary living rooms and balcony spaces to achieve minimum compliance which is considered contrary to the objectives of the ADG.*
6. **Natural Ventilation:** *The natural ventilation provided to the building and the implications of required mechanical ventilation (due to road noise) has not been detailed/demonstrated.*
7. **Common Circulation:** *The common circulation provided to the western sector is not provided with satisfactory amenity with no daylight and natural ventilation to this area.*
8. **Apartment Size and Unit Mix:** *The submitted storage schedule is incomplete and it has not been demonstrated suitable internal/external storage is provided to each unit.*
9. **Storage:** *The submitted storage schedule is incomplete and it has not been demonstrated suitable internal/external storage is provided to each unit.*
10. **Basement Setbacks:** *The basement setback encroachments result in a development that does not provide for the street landscape character or landscaping to assist in the desired spatial proportions between buildings.*
11. **Front Setbacks:** *The proposed front setback does not conform to the predominant front setback within Allison Avenue and Gatacre Avenue and would result in a building that is not in alignment and overbearing within its context.*
12. **Side Setbacks:** *The proposed side setbacks do not provide the spatial proportions envisaged by Lane Cove Development Control Plan 2010.*

13. **Design Rooftop Areas:** *The submitted design of rooftop areas is considered unsatisfactory as it does not detail rooftop mechanical plant and the swimming pool design conflicts with the apartment level below.*
14. **Solar Access:** *The submitted solar access diagrams are inaccurate and lack detail on the impact on adjoining properties and the shadow diagrams do not appear to take into account the topography of the locality.*
15. **Landscaping:** *The proposed landscaping does not comply with a number of controls and objectives of Lane Cove Development Control Plan Part J – Landscaping and The Apartment Design Guide.*
16. **Stormwater Management:** *The proposed Stormwater Management Plan discharges to the kerb rather than connecting to Council's pipe system.*
17. **Waste Management:** *The proposed method of waste management to the eastern sector of the proposed residential flat building development does not satisfy Lane Cove Development Control Plan 2010 – Part Q – Waste Management and Minimisation.*
18. **Environmental Health:** *The environmental management plan does not address how excavation water will be treated or controlled.*
19. **Accessibility:** *The proposal is unsatisfactory in relation to the accessibility requirements in relation to travel distances to a lobby and visitor parking allocation.*
20. **Environmental Impacts:** *The impacts on both the natural and built environments of the locality are unsatisfactory.*
21. **Site Suitability:** *The proposed development does not respond appropriately to the site constraints and therefore the site is not suitable for the development.*
22. **Public Interest:** *The proposal is not in the public interest as it provides for an overdevelopment of the site that departs from the envisaged future development of this transitional site which should respond to, and be informed by a more sensitive building transition, an enhanced landscaped character, and reduced height.*

On **27 September 2021** the applicant lodged a Class1 Appeal in the Land and Environment Court.

On **13 July 2023** the appeal was dismissed by the Commissioner. The main reasons for refusal can be summarised as:

It transpires that, in the final analysis, there are three separate and sufficient reasons why the Company's proposed development must be refused development consent. These reasons are:

- (1) The unacceptable visual impact on the neighbouring residence at 2A Gatacre Avenue;*
- (2) The unacceptable visual impact on the neighbouring residence at 7 Allison Avenue; and*
- (3) The fundamentally flawed and unacceptable design of the lowest elements of the Company's proposed development in its Gatacre Avenue corner adjacent to the site of an approved boarding-house site, a site which fronts the Pacific Highway (the Highway) upslope.*

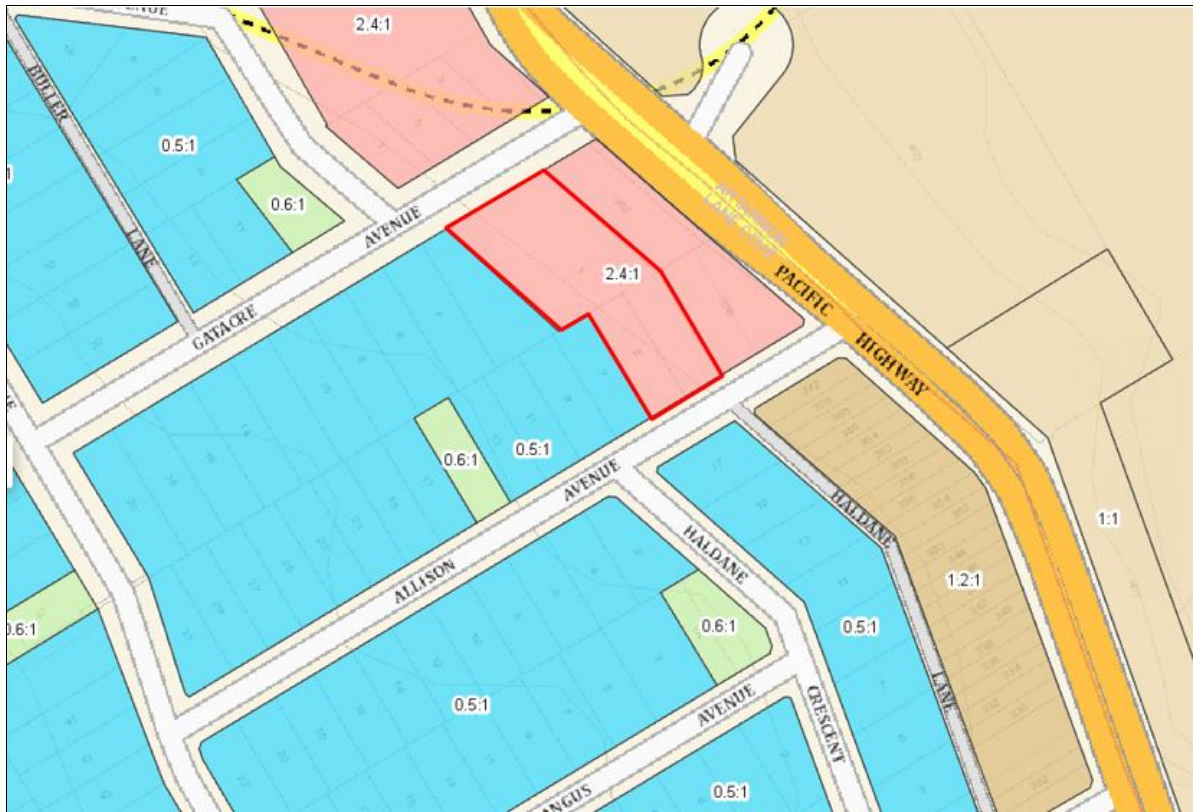


Figure 14: Max. FSR Map (Source: LCLEP 2009 and E-Planning Spatial Viewer)

5. PROPOSAL

The application proposes the demolition of existing buildings and associated structures and construction of a part 4, part 5 and part 6-storey residential flat building (RFB) with two levels of basement carparking for 85 car spaces. The RFB would contain 43 units with an apartment mix of:

- 5 x 1-bedroom units,
- 18 x 2-bedroom units,
- 18 x 3-bedroom units,
- 2 x 3-bedroom townhouses.

Table 3 – Development Statistics	
Component	Description
Number of Buildings	1 w/ basement
Number of Storeys	Part 4, part 5 and part 6 storey
Building Height	14.95m
Gross Floor Area	5020sqm
Floor Space Ratio	(1.69:1)
Total Apartments	43 units
Unit Mix	5 x 1-bedroom (12%) 17 x 2-bedroom (40%) 18 x 3-bedroom (41%) 2 x 3-bedroom townhouses (5%)
Vehicular Access	Singular vehicular access point from Gatacre Avenue.
Parking	85 vehicle spaces (as amended)
Deep Soil	806sqm or 27% of site area

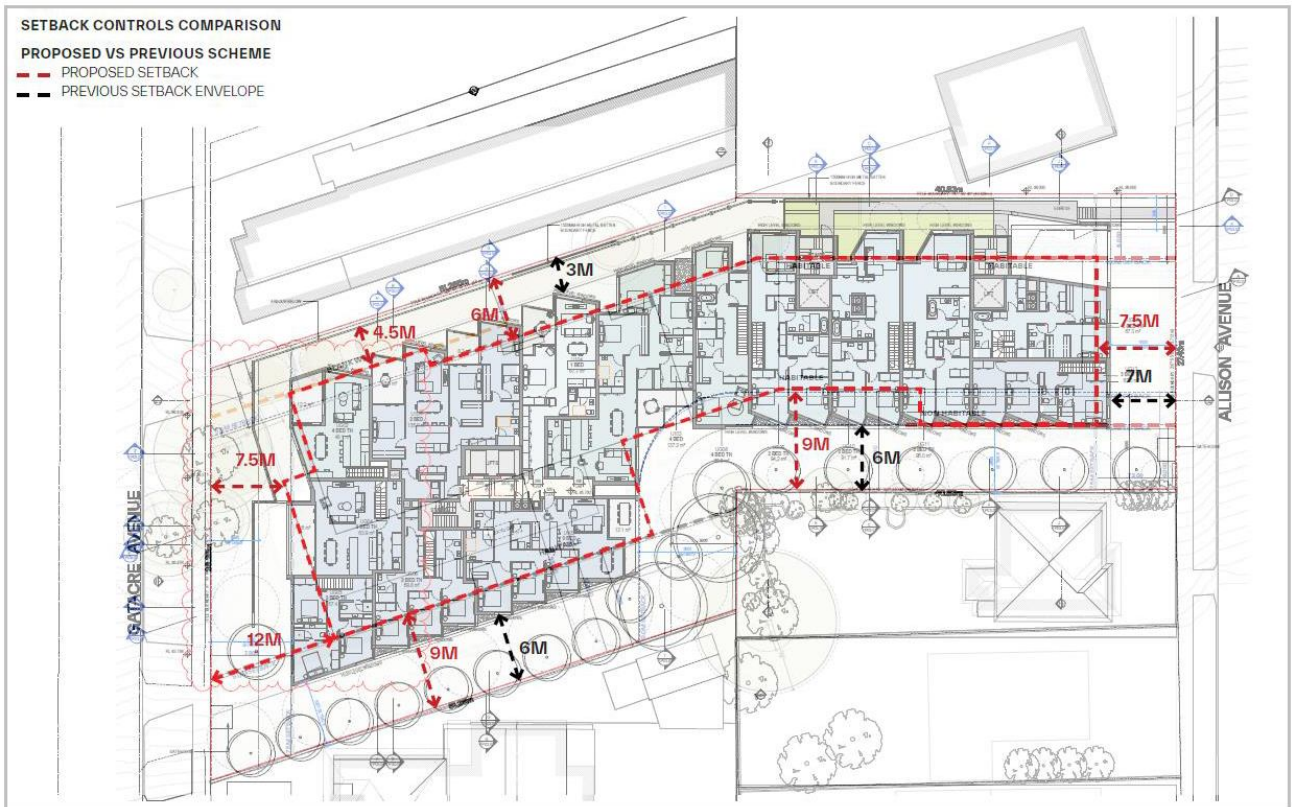


Figure 18: Proposed building setbacks of proposed (red) and previous proposal black.
 (Source: pdh architects)



Figure 15: Photomontage – Allison Avenue frontage. (Source: pdh architects)



Figure 16: Photomontage – Gatacre Avenue frontage. (Source: pdh architects)



Figure 17: Northeast long elevation (Source: pdh architects)

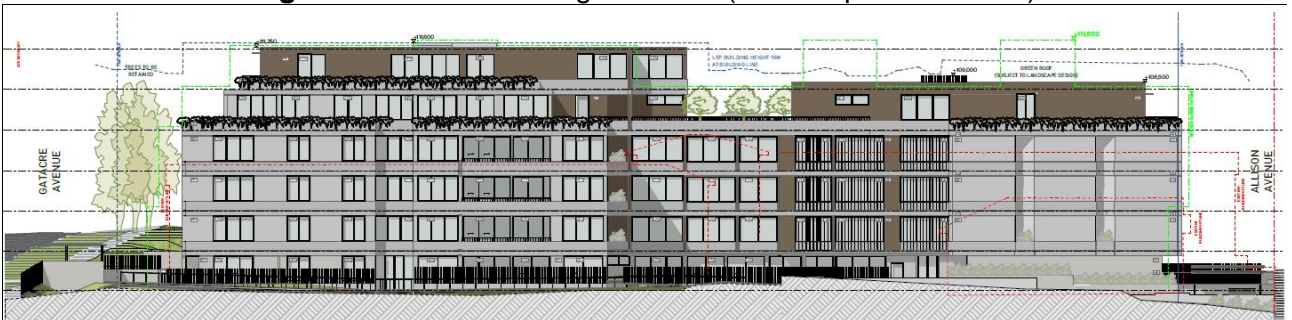


Figure 18: Southwest long elevation (Source: pdh architects).



Figure 19: Northwest elevation - Gatacre Avenue. (Source: pdh architects).



Figure 20: Southeast elevation - Allison Avenue. (Source: pdh architects).

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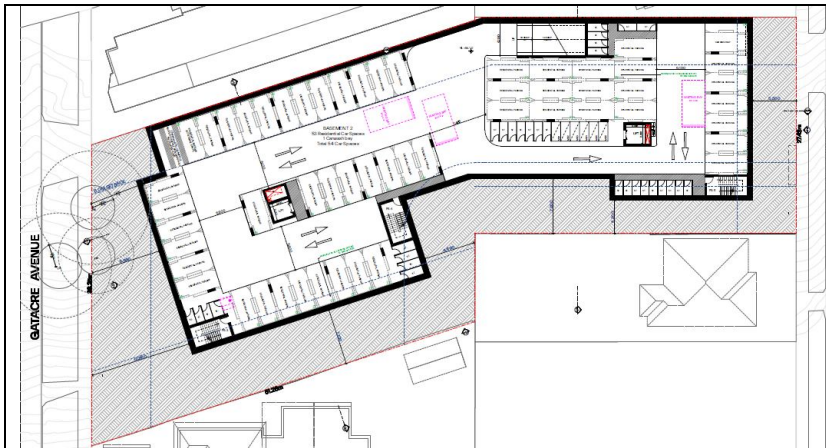


Figure 21: Basement level 2 Plan (Source: pdh architects).

RL + 86.10

- 48 x Residential car spaces
- 1 x carwash bay
- 6 x motorbike spaces
- Associated residential storage areas and EV charging



Figure 22: Basement level 1 Plan (Source: pdh architects).

RL + 89.20

- 25 x residential car spaces
- 11 x visitor car spaces
- 11 x residential bicycle parking spaces
- 4 x visitor bicycle spaces
- Bulky waste room
- Waste room x 2
- Waste collection area
- FS & FH pump room
- Associated residential storage areas and EV charging.

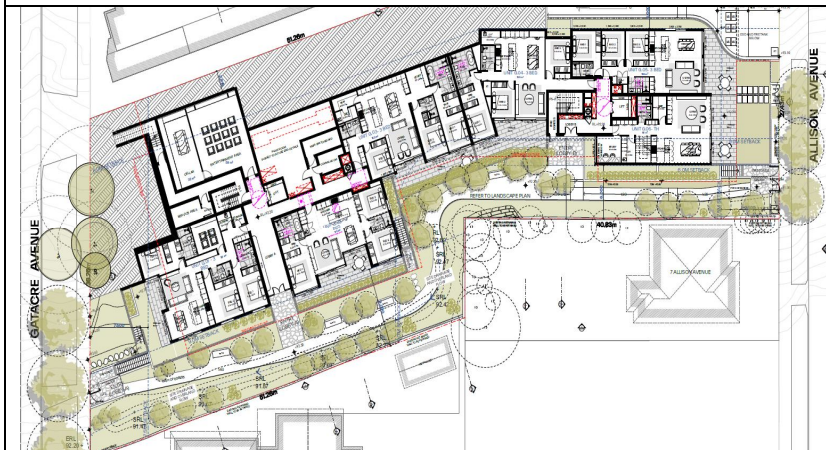


Figure 23: Ground Floor Plan (Source: pdh architects).

RL + 92.30

- 5 x 3-bedroom units
- Lower level of 3-bedroom town house
- Entertainment Area
- Wine Cellar
- Southern site of the site landscape area. Accessible path connecting Allison Street and Gatacre Street frontages and building entry lobbies.

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Figure 24: Upper Ground Floor Plan (Source:pdh architects).

RL + 95.40

- 5 x 2-bedroom units
- 3 x 3-bedroom units
- 1 x 1 bedroom unit
- Upper floor 3-bedroom town house



Figure 25: Level 1 Plan (Source: pdh architects).

RL + 98.50

- 4 x 2-bedroom units
- 2 x 1-bedroom units
- 1 x 3-bedroom unit

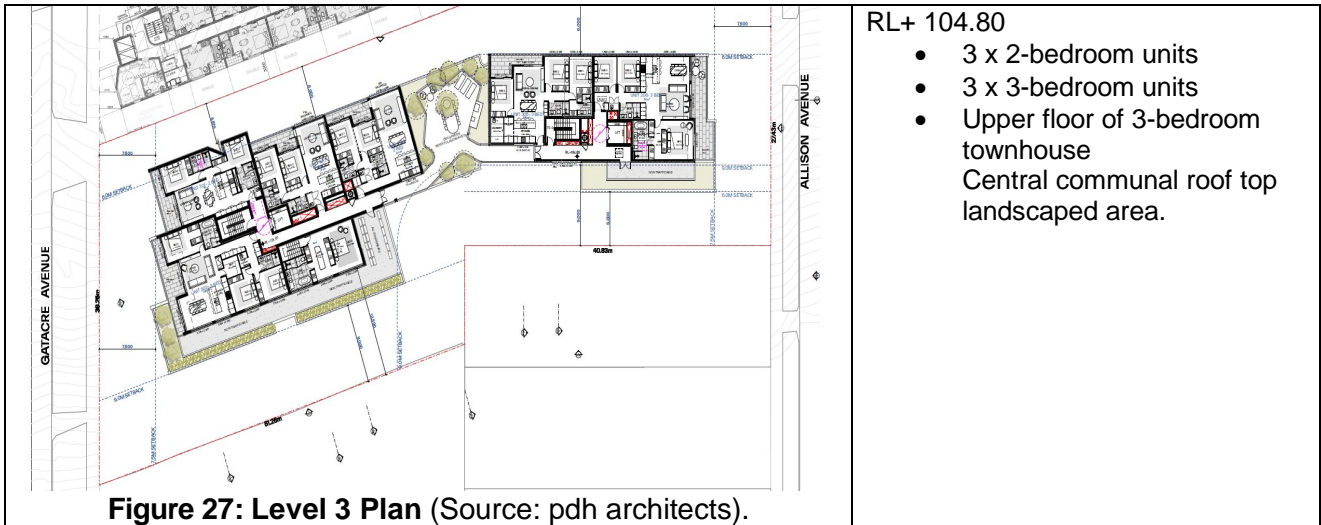


Figure 26: Level 2 Plan (Source: pdh architects).

RL + 101.6

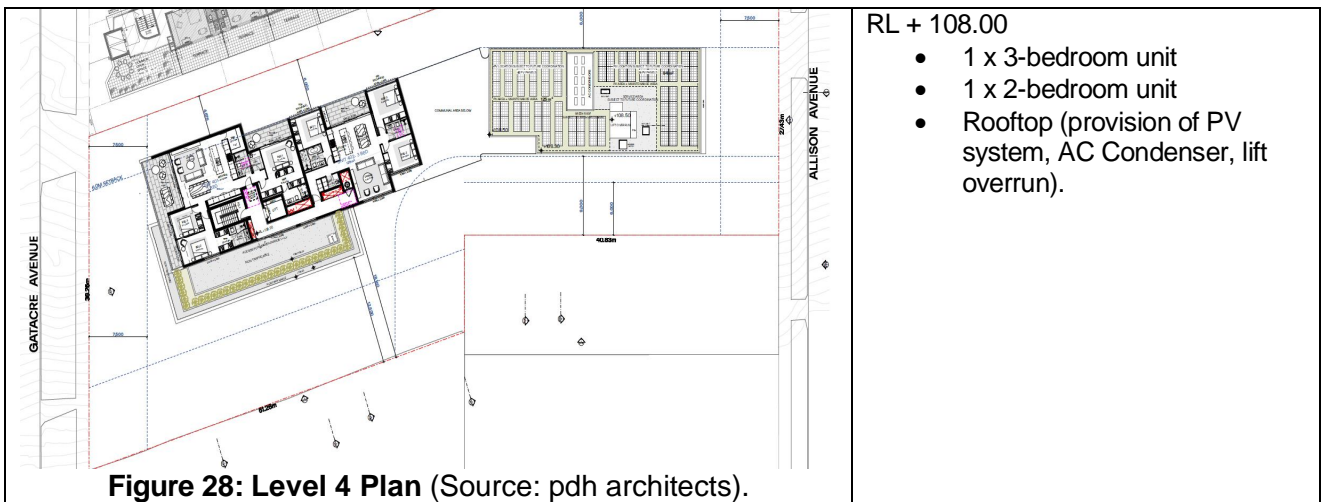
- 5 x 2-bedroom units
- 1 x 1-bedroom units
- 2 x 3-bedroom unit
- Lower floor of 3-bedroom townhouse

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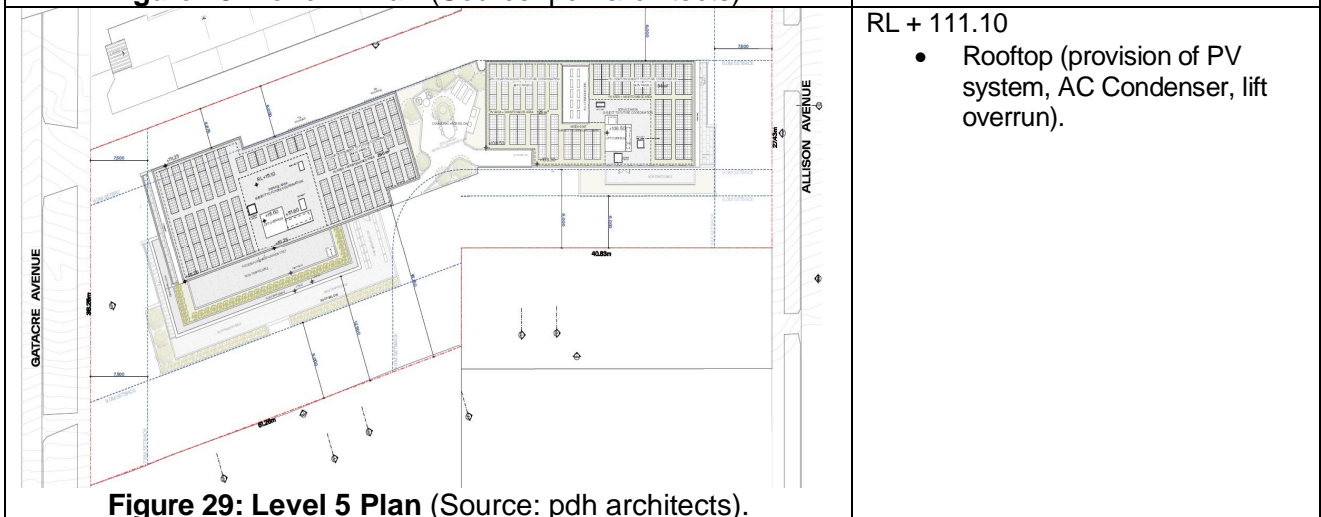
RL+ 104.80

- 3 x 2-bedroom units
 - 3 x 3-bedroom units
 - Upper floor of 3-bedroom townhouse
- Central communal roof top landscaped area.



RL + 108.00

- 1 x 3-bedroom unit
- 1 x 2-bedroom unit
- Rooftop (provision of PV system, AC Condenser, lift overrun).



RL + 111.10

- Rooftop (provision of PV system, AC Condenser, lift overrun).

5.1 Subdivision

No subdivision proposed as part of this development. To be undertaken in a separate application.



Figure 30: Southern landscaped area - Gatacre Avenue (northern end) (Source: arcadia).

5.2 Landscaping

5.2.1 Landscaping Plans

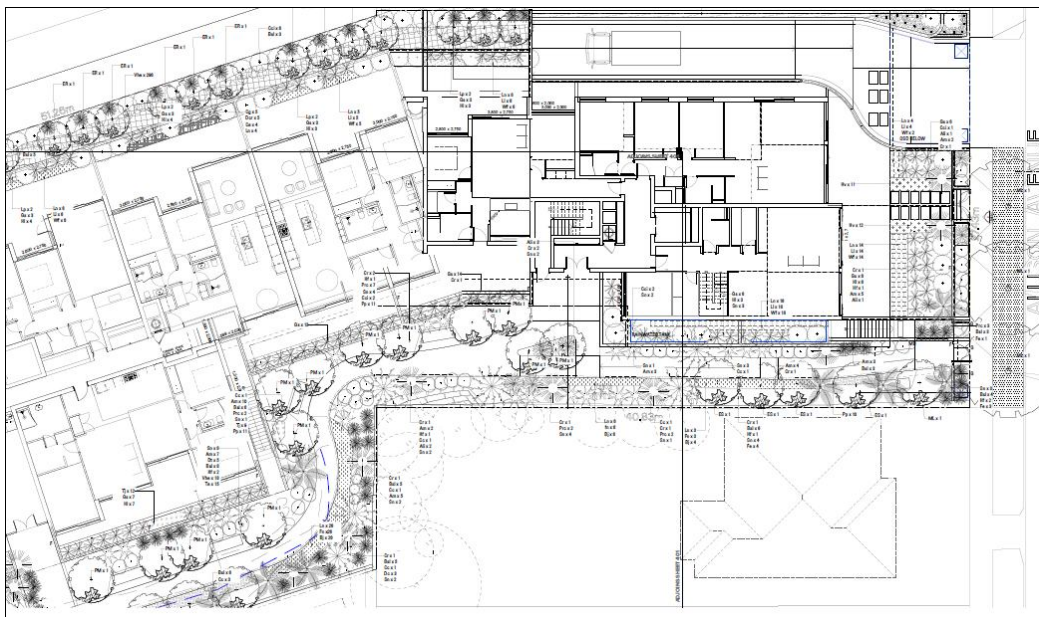


Figure 31: Southern landscaped area - Allison Avenue (southern end) (Source: arcadia).



Figure 32: Central rooftop communal garden (Source: pdh architects).

5.3 Tree Preservation, Removal and Replacement

If supported a detailed list of trees proposed for retention and removal is provided in draft condition **A.7L** (see **Annexure 1**) and the submitted arborist report (**Annexure 15**). Tree replacement is detailed in the submitted landscape document package (**Annexure 7**) and draft conditions.

5.4 Tree Preservation

The proposal includes the retention of the street tree on the Gatacre frontage. 3 trees on site are proposed to be retained.

5.5 Tree Removal

The proposal includes the removal of 29 on-site trees.

5.6 Tree Replacement

The submitted landscape plan details 81 proposed on-site replacement trees. This equates to 2.79:1 tree replacement ratio. Significant additional ferns, shrubs grasses and ground covers are also proposed in the landscaping plans.

6. Pedestrian and Vehicle Access

Singular vehicular access from top end of Allison Avenue. Communal pedestrian access from lower ends of Allison and Gatacre Avenues. Private access to individual Ground Floor apartments from both street frontages.

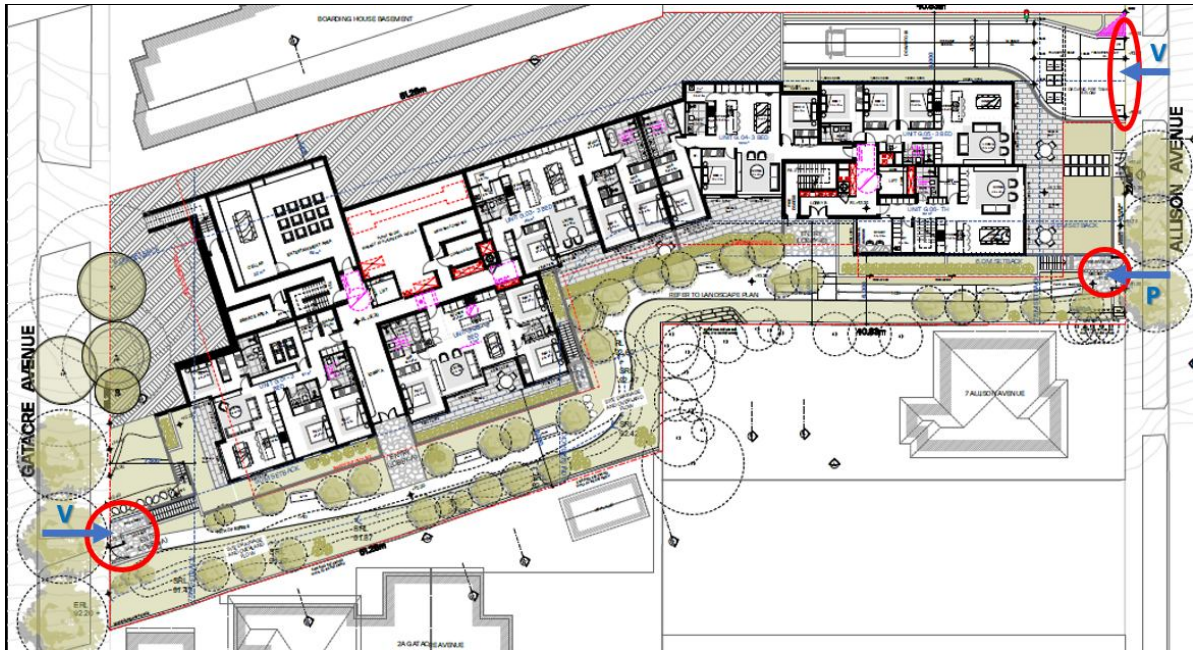


Figure 33: Vehicle (V) and Pedestrian (P) access from Allison and Gatacre Avenues

7. Materiality

The proposed external colours and finishes are detailed in **Figures 34** and a mix of horizontal concrete bands, fluted precast concrete, grey bricks, timber cladding, metal cladding, metal vertical battens, and aluminum balustrades to draw from the character of the surrounding dwellings. A diversity of materials have been incorporated by a variety of solid elements including shading structures and cladding panels.

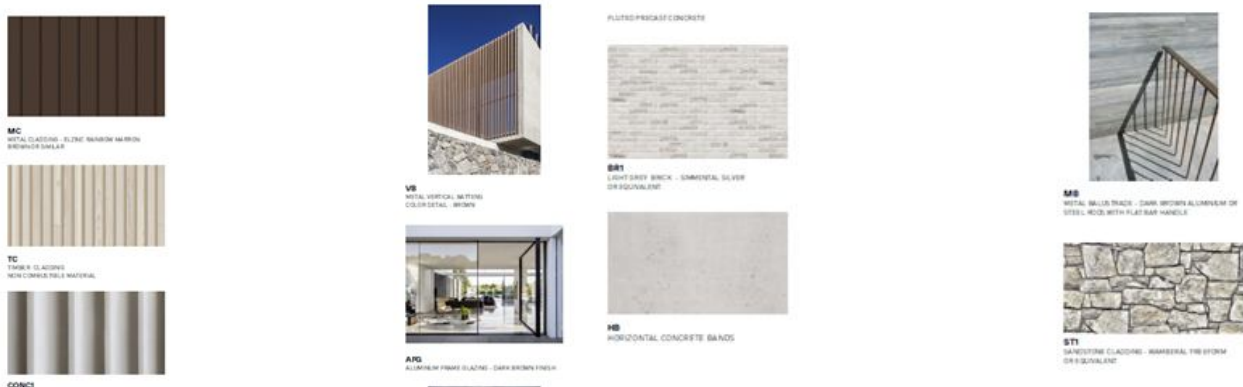


Figure 34: Materials palette (source PBD architects).

After lodgement, the materiality was further modified to address DRP comments relating to appearance.

8. Waste Management

Waste management is detailed in the submitted operational waste management plan (**Annexure 10**). Two x eDiverter chute systems, comprising one general waste chute and one combined recycling chute would be installed in each building core, with access provided on each residential

level. Council will be engaged to collect waste and recycling generated at this site in accordance with Council's collection schedule. Draft conditions have been recommended to address the waste requirements.

9. Stormwater Management

Stormwater management is detailed in the submitted stormwater management report (**Annexure 19**). Stormwater measures include Rainwater Reuse Tank, pump out systems. At the request of Council the outlet system was amended and connected in to the existing kerb inlet pit on Haldane Crescent.

10. Sustainability

The proposal was accompanied by the following key documents in relation to sustainability:

- BASIX Certificate (**Annexure 21**)
- NatHERS Certificate (**Annexure 35**)

The reports outline various measures to achieve sustainability including a NatHERS 7.6 -star rating, EV-charging infrastructure and electricity and water usage reduction. Photovoltaics solar panels are proposed over greater than 50% of total roof space and generate power for common areas. No gas is proposed for any apartments or associated balconies. Rainwater harvesting tanks are proposed on site.

11. Assessment/History Timeline

The assessment/history timeline is provided in the table below.

Table 4 - Proposal/History Timeline	
Date	Description
23 April 2024	Development Application lodged.
2 May 2024	Public notification of Development Application commences.
18 May 2024	Public notification of Development Application concludes.
21 May 2024	NSROC Design Review Panel Meeting.
4 June 2024	First RFI Letter sent to applicant relating to public submissions, DRP comments, engineering and privacy.
17 July 2024	Preliminary briefing meeting held with Sydney North Planning Panel (SNPP).
19 July 2024	Second RFI sent to applicant relating to traffic, parking, and environmental health comments.
6 August 2024	Updated documents submitted including architectural plans, landscaping plans, traffic report, visual assessment, stormwater design, solar analysis, RFI response, BCA advice, Ausgrid advice, and fire advice.
2 October 2024	Determination meeting with SNPP.

12. Design Amendments

A summary of the architectural plan amendments made is provided in **Table 5** below.

Table 5 – Plan Amendments	
Revision	Description
Revision 1	Submitted with Development Application.
Revision 2	<p>Submitted on 12 August 2024 as part of the response to request for additional information. The principal amendments are as follows:</p> <ul style="list-style-type: none"> • Reduction in the number of proposed dwellings from 44 to 43 (via removal of 1 x 1-bedroom unit); • 66sqm increase in proposed GFA to 5,020sqm as a result of design changes and internal floor plate amendments; • Revised design of the Level 3 'Zen Garden' to provide equitable access from both building cores; • Floorplate reconfiguration of Levels 3 and 4 to reduce overshadowing at mid-winter to 7 Allison Avenue; • Floorplate reconfiguration including revised dwelling sizes and layouts to maximise the views captured and reduce the extent of communal circulation areas; • Amalgamation of apartments G01 and G02 to provide one oversized 151sqm three-bedroom garden apartment that resolves subterranean concerns; • Revised fire egress stairs to Gatacre Avenue; • Relocation of proposed air-conditioning condensers; • Revised Building B Lobby area and entrance; • Revised stormwater drainage system through a connection to the kerb inlet pit on Haldane Crescent; • Introduction of additional glazing to the southern facing wall of Building A to maximise views captured and further articulate the façade; • Introduction of oblique, diagonal facing windows to the southern blank wall of Building B to increase articulation and internal amenity, whilst still avoiding direct overlooking of neighbouring site. • Revision of previously proposed chamfered windows to the north of Building A in favour of oblique, diagonal facing windows; • Façade refinements, including revising the proposed materiality of the northern and southern facades to visually break up the lateral length; • Increased mature landscaping in the central portion of the site to further soften the perceived lateral length of the development; • Introduction of additional privacy screens and fins in various locations; • Introduction of additional green roof planting options underneath the existing proposed photo-voltaic panels on the roof of Building B; • Introduction of additional passive programming into ground floor communal open space 'Gully Walk'; and • Reduction in proposed car parking from 90 car parks (including 1 car wash bay) to 85 car parks (including 1 car wash bay) by

removing five (5) tandem car parking spaces.

13. Additional Information

A summary of the additional information provided is provided in **Table 6** below.

Table 6 – Additional Information	
Report	Description
Architectural Plans	Full set of amended architectural plans
Amended documentation	Updated architectural plans. Updated landscaping plans. Updated stormwater plans Updated visual impacted assessment. Updated civil engineering plans. Updated solar expert opinion. Response to RFI BASIX Certificate
Response to Submissions	Prepared by Patch Planning

14. Previous DA refusal dismissed in the Land & Environment Court Judgement

The Honourable Justice Moore's (Moore J) judgement (*Gatacre LC Pty Ltd v Lane Cove Council* [2023] NSWLEC 35) reasons for dismissing the appeal are summarised below. The applicant's design response to each reason for refusal are also summarised.

Reasons for dismissal (DA65/2021)	Response in proposal. (DA35/2024)
(1) <i>The unacceptable visual impact on the neighbouring residence at 2A Gatacre Avenue;</i>	<p>The previous scheme proposed a 6m setback to the boundary facing 2A Gatacre. This has been increased to a 9m setback to reduce building bulk to the adjoining R2 zone.</p> <p>An increased setback below ground of the basement carpark of 7.1m from the boundary with 2A Gatacre allows for greater deep soil and significant landscaping which provides a green buffer and screening to the neighbour reducing visual impacts.</p> <p>The amended proposal is also fully compliant with the 15m LEP height control with the massing stepped down towards the southern boundary to further reduce perceived visual bulk.</p> <p>Landscaped non-trafficable green roofs are proposed on the southern edge of level 3 and 4 to further visually soften the proposed development when viewed from the south R2 zoned properties.</p>
(2) <i>The unacceptable visual impact on the neighbouring residence at 7 Allison</i>	The proposed design sought to provide an appropriate design response to mitigate impacts to the R2 zoned properties to the south. The

<p><i>Avenue;</i></p>	<p>building fronting Allison Avenue was modified to ensure that no portion would exceed the 15m height control.</p> <p>The subject proposal includes a minimum 6m setback to the boundary with 7 Allison. The wall is defensive design with angled highlight windows (above eye-level) which face onto a blade wall. The building setback increases to 9m opposite the rear yard of 7 Allison Avenue. This equates to a 9m setback to approximately 1 third of the length 7 Allison.</p> <p>Further west, the central area of the building was reduced in height to be 5.9m below the permitted 15m height control. This results in a significant visual break in the building length with increased sightlines of the skyline from 7 Allison Avenue.</p> <p>The design has embellished the interface with 7 Allison with a setback of landscaped area with deep soil dimensions between 8m and 4.2m capable of accommodating large canopy trees to help screen the building.</p>
<p><i>(3) The fundamentally flawed and unacceptable design of the lowest elements of the company's proposed development in its Gatacre Avenue corner adjacent to the site of an approved boarding-house site, a site which fronts the Pacific Highway (the Highway) upslope.</i></p>	<p>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.</p> <p>The proposed design has sought to provide an appropriate design response to the northern setback that resolves the previous concerns raised by Council and Moore J.</p> <p>All north facing habitable rooms and balconies setback to the boundary to 6m. the finished floor level of ground floor apartments have been raised in height by approximately 1.5m to increase light and amenity. Following the DRP meeting, the northern apartment layout was further amended. Two apartments have been amalgamated to form a single oversized garden apartment with increased amenity.</p>
<p><i>(4) Visual impact on private residences further downslope of 2A/2 Gatacre and 7 Allison.</i></p>	<p>The subject DA included a Visual Impact Assessment (VAR) to assess the visual effects and potential impacts of the proposal. Which concluded:</p> <ul style="list-style-type: none"> • <i>Very few dwellings along Gatacre and Allison Avenues have potential views to the site.</i>

	<ul style="list-style-type: none"> <i>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.</i> <p>Due to fall dramatic fall in natural ground level as well as existing structures such as dwelling houses and trees which obscure sightlines:</p> <ul style="list-style-type: none"> The visual catchment range is small and decreases immediately after 4 Gatacre and 9 Allison.
<i>(5) Whether the height exceedances could be permitted.</i>	<p>The revised design is fully compliant with the LEP 15m height control. No variation is proposed. The proposed GFA is significantly below the LEP FSR control. The application proposes 43 units which is 10 less units than the refused L & E Court scheme. The proposal would be 2000 sqm below the permitted GFA for the site.</p> <p>Therefore, the proposal is within the envisaged density and built envelope permitted for the site.</p>
<i>(6) Solar access and amenity compliance of the proposed apartments.</i>	<p>The previous scheme only had 50.8% of total apartments receiving compliant solar access during mid-winter. The proposed scheme has amended apartment layouts and floor plates to significantly improve the solar access. The proposed scheme would achieve 70% of apartment achieving greater than 2 hours solar access at mid-winter. The new scheme complies with the relevant ADG standard.</p>
<i>(7) The building length</i>	<p>The total building length of approximately 73m has been appropriately limited and broken up by openings for stairs, landscaping and driveway access.</p> <p>The east /west building form has been angled to step with the irregular shaped site. It would not be read as a single monolithic wall but rather an obtuse inverted 'V' shape. The design steps in from 6m to 9m on the southern elevation.</p> <p>The design includes a centrally located Level 3 void to which steps down 1-2 storeys from the east and west circulation building cores. Therefore, the building bulk has the appearance of two separate buildings when viewed from certain locations in both the public and private</p>

	<p>domain.</p> <p>When viewed as 2 Buildings:</p> <p>Building A (fronting Gatacre) has a maximum length of approximately 46m which exceeds the length standard. However, the building recesses approximately 9m after the 33m of length to provide for appropriate articulation.</p> <p>Building B (fronting Allison) has a maximum depth of approximately width is 27m and complies.</p>
<p>Conclusion:</p> <p>As stated in the updated conclusion in the Visual Impact Assessment Report:</p> <ul style="list-style-type: none"> • <i>The topography of the site coupled with the proximity to R2 zone located directly down slope exacerbates the visibility of the proposed development in elevation when viewed from lower public and private spaces.</i> • <i>A fully compliant development at the zone boundary interface in a sloping location would create similar visual impacts to the subject proposal.</i> • The increased southern setback and proposed landscaping and planting along the site's southern boundary will create a green buffer corridor and improved visual outcome compared to the refused scheme. This is further enhanced by recommended draft conditions by Council's landscape architects to require: • The screening against the building to the east of the boardwalk must include large shrubs which grow to a minimum of 4 metres in height; • To accommodate for the introduction of larger trees against the boundary, the boardwalk must be realigned closer to the building/ rainwater tank portion. 	

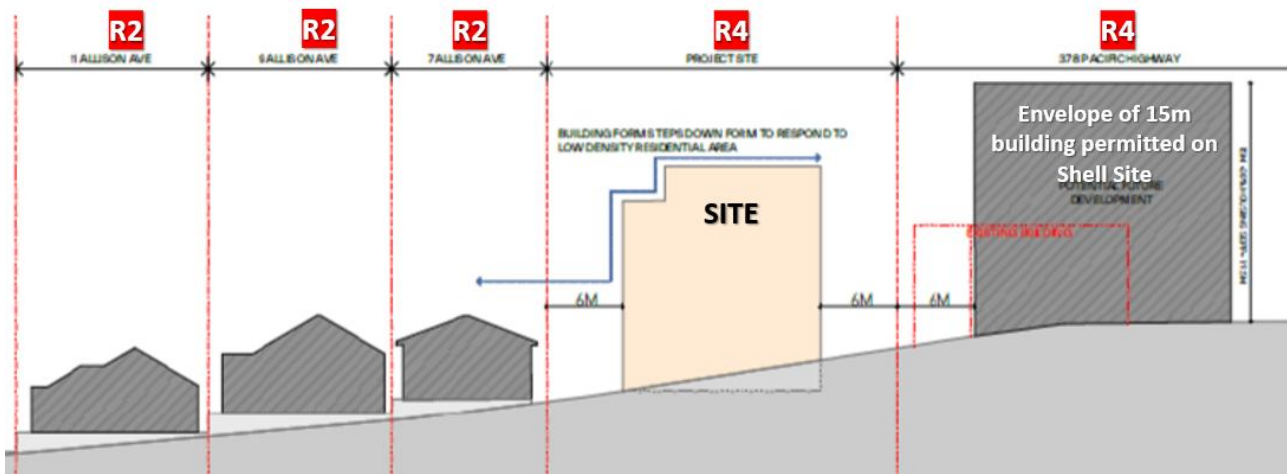


Figure 34A: Built form analysis Allison Avenue (Source: PBD Architects)

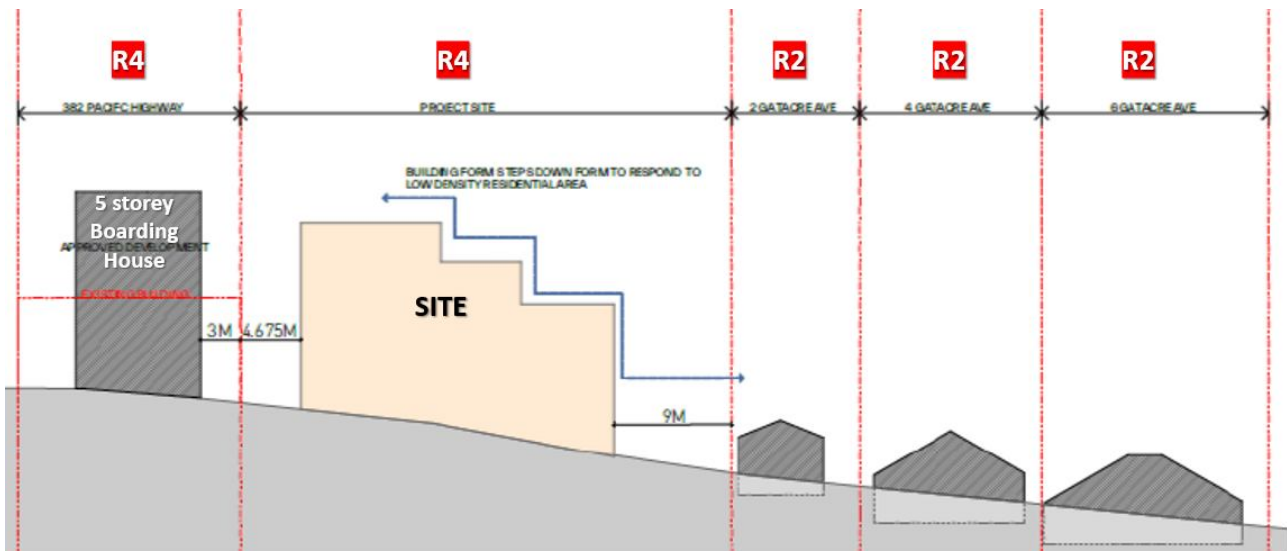


Figure 34B: Built form analysis Gatacre Avenue (Source: PBD Architects)

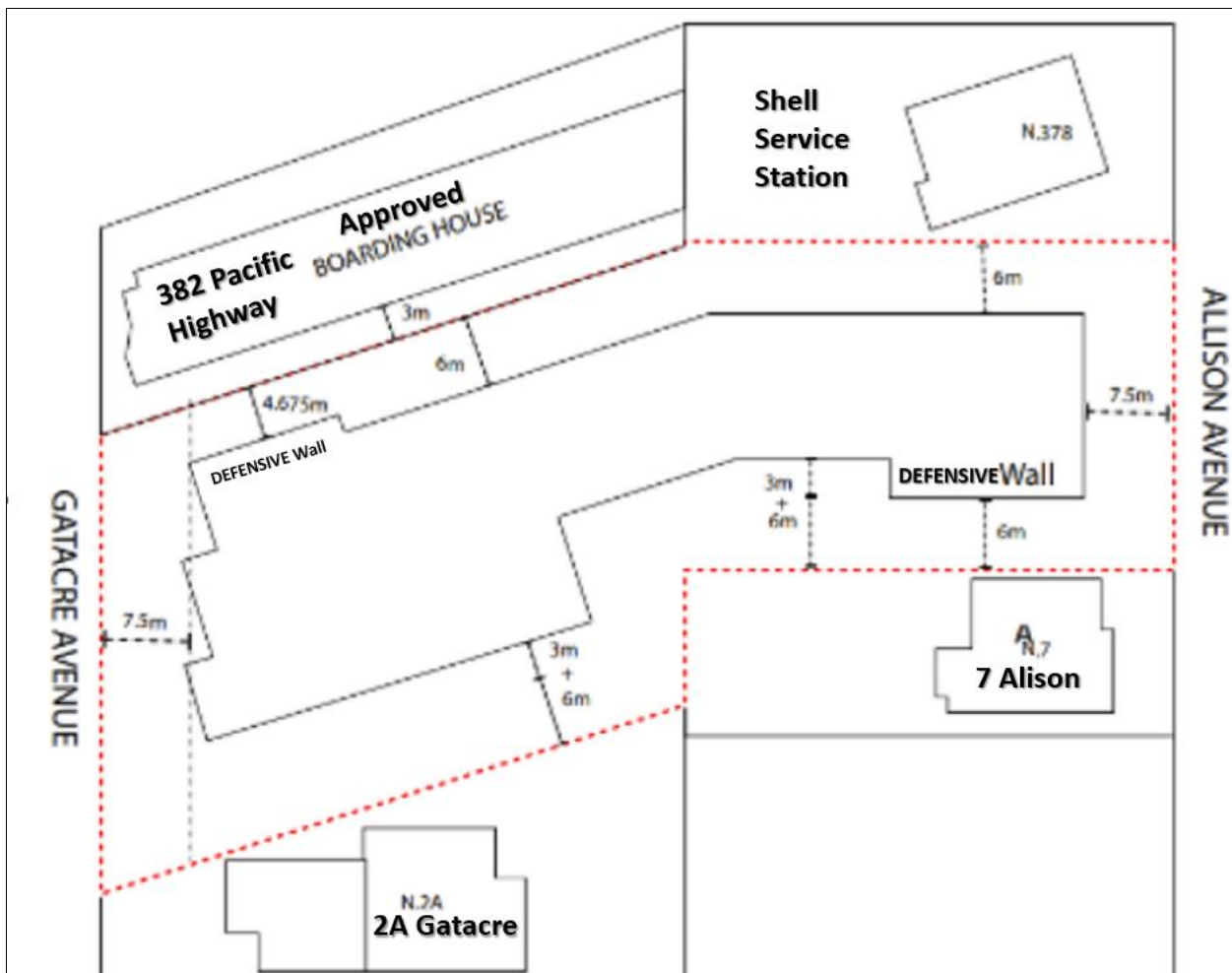


Figure 35: Setbacks plans of proposed development (Source: Patch planning)



Figure 36: Visual Impact Assessment Gatacre Avenue with anticipated vegetation growth after 7 years. (Source:URBIS)

14.0 SEPP 65 – Design Quality of Residential Development

The proposal was accompanied by a Design Verification Statement satisfying Clause 50 of the Environmental Planning and Assessment Regulation 2000 (**Annexure 5**).

Clause 28(2) of SEPP 65 states that in determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) –

- (a) the advice (if any) obtained from the design review panel), and
- (b) the design quality of the development when evaluated in accordance with the design quality principles and
- (c) the Apartment Design Guide

14.1 Design Review Panel

The Development Application was referred to the Northern Sydney Region of Council's Design Review Panel on 21 May 2024. The minutes of the meeting are provided as **Annexure 34** to this report. Key Panel comments are incorporated into design quality principle assessment below.

14.2 Design Quality Principles

The design quality of the development has been assessed in relation to the design quality principles contained within SEPP 65. The principles are quoted and then addressed in turn.

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.

Comment: The proposal responds to its context and neighbourhood character. The Design Review Panel requested further neighbourhood analysis documentation via additional cross-sections and existing built forms. The applicant responded with further analysis of the surrounding locality including transition between R4 high density to R2 zoning. The proposal responds to the R4 and emerging built form character including the approved 5-storey boarding house directly north. To reflect the R2 zoning to the south and fall in natural ground levels, a design responds well to the steep topography by locating the taller part of the building adjacent to the northern boundary, and the provision of significant deep soil landscaping to the southern boundary. The proposal is considered to include responsive design elements that will contribute to the emerging character, while being sensitive to the zone interface and the established character. The indigenous history of the site was investigated by Arcadia in order to inform a Country-appropriate response, as detailed within the Landscape Report.

The proposed design satisfies Principle 1: Context and Neighbourhood Character.

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. 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.

Comment: The built form and scale reflects the anticipated built form specified in the LEP and DCP controls. The development complies with the maximum building 15m height control, and generally complies with the building setbacks. The building facades have been well articulated and sympathetic to the streetscape when viewed from surrounding areas. The building design has been significantly reduced from the previous scheme and achieves 7.5m setbacks to both Allison and Gatacre Avenues. The two building cores have been divided by a central upper-level communal open space which breaks up the built form and reduced perceived bulk. The proposed design satisfies Principle 2: Built Form and Scale.

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.

Comment: The proposed density of the development is significantly less than maximum floor space ratio permitted from the site. The maximum FSR permitted is 2.4:1 (7117.92 sqm) and the proposed FSR is 1.69:1 (5020 sqm). A total of 43 units are proposed which is in keeping with anticipated density for the site. The proposed design satisfies Principle 3: Density.

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.

Comment: The proposal provides high-quality ground level and rooftop communal open spaces. The proposal would have compliant natural ventilation, and resulting in over 70% of apartments across the entire development site attaining a minimum of 1 hour and 45 minutes solar access between 9.00am and 3.00pm at winter solstice. No gas connections will be provided to apartments or balconies. All car parks and bicycle parks with EV charging points and numerous other sustainable elements. Photovoltaics solar panels are proposed over greater than 50% of total roof space and generate power for common areas. No gas is proposed for any apartments or associated balconies. Rainwater harvesting tanks are proposed on site.

Other sustainability measures are provided for as required by BASIX and the NatHERs 7.6-star rating. The proposed design satisfies Principle 4: Sustainability.

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.

Comment: The proposal provides for substantial deep soil zones in accordance with the DCP and ADG requirements. The proposal provides for a high-quality landscape scheme to the street frontages, and to the southern interface with the R2 zoned dwelling houses. The central rooftop communal open space provides additional landscaping on structure. As a result of the DRP comments, the design was amended to ensure this area was accessible from both lift cores. The unencumbered deep soil areas are capable of accommodating significant replacement canopy trees. Adjacent street trees on both street frontages will be retained. The tree replacement ratio is 2.79:1 and would result in almost 3 new trees planted for every tree removed. The proposed design satisfies Principle 5: Landscape.

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 wellbeing. 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.

Comment: The design provides for high levels of external amenity including a landscaped rooftop communal area with BBQ, basin, seating, and dining area. This space would receive optimal solar access. As a result of the DRP comments, the design was amended to ensure this area was accessible from both lift cores. The southern landscaped 'gully walk' area is designed to be a passive recreation area, rather than an active recreation area. This is to ensure the privacy and amenity of the southern neighbours is maintained. The southern area does not include BBQs or facilities which encourage the congregation of groups. Building Core A includes internal communal spaces including a 59sqm 12-seater private cinema, and 32sqm wine cellar with seating. 70% of the units received compliant levels of solar access and 67% of units receive compliant natural cross ventilation. The majority of units do not have single aspect orientation to the north-east boundary. To address comment from the DRP additional privacy measures including screens have been added to apartments facing the northern boundary (approved but yet to be constructed boarding house). The design was also amended to include internal apartment layouts to allow living spaces to face the south-west side boundary and the introduction of additional glazed elements to apartments facing the south-west side boundary.

The proposed design satisfies Principle 6: Amenity

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.

Comment: The proposal would provide for appropriate safety through the provision of active street frontages, passive surveillance of communal areas, and the incorporation of crime prevention through environmental design principles (CPTED). Pedestrian entries are well-lit and visible from internal communal areas and the public domain. The proposal was referred to NSW Police Local area command who raised no objections subject to draft conditions. The proposed design satisfies Principle 7: Safety.

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.

Comment: The proposal provides for an appropriate apartment mix (minimum 20% 1/2/3 bedroom units. The proposal provides for 20% adaptable apartments, 80% visitable apartments and well-connected communal areas. As a result of the DRP comments, the design was amended to ensure this area was accessible from both lift cores making the development having increased opportunity

for social interaction. The proposed design satisfies Principle 8: Housing Diversity and Social Interaction.

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 visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comment: The materiality was further modified to address DEP comments relating to appearance the blank wall facing 7 Allison Avenue. The wall has been further visually broken up through a revised material usage.

A variety of solid elements including concrete bands, precast concrete, brickwork, timber panels, metal cladding, aluminium balustrades and sandstone cladding to provide legibility and visual interest to the facades. The proposed colour palettes and façade treatments reflect transitioning to future high level residential flat buildings to the north. Larger south facing windows to capitalize on high quality views have been introduced within the amended design. The proposal provides for a highly integrated aesthetic (built-form, landscape, public/private domain interfaces). The proposed materials and finishes meet Council's requirements and are supported. The proposed design satisfies Principle 9: Aesthetics.

14.3 Apartment Design Guide

A SEPP 65 assessment has been undertaken by Council against the Apartment Design Guide and is provided as **Annexure 2** to this report.

14.4. SEPP Resilience and Hazards 2021

The proposal is assessed against the relevant provisions of SEPP Resilience and Hazards 2021 as detailed in **Table 12** below.

Table 12 – SEPP Resilience and Hazards 2021 Compliance Table	
Provision	Compliance
<p><i>(1) A consent authority must not consent to the carrying out of any development on land unless -</i></p> <p><i>(a) it has considered whether the land is contaminated</i></p> <p><i>(b) if the land is contaminated, it is satisfied the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed, and</i></p> <p><i>(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.</i></p>	<p>Complies - The proposal was accompanied by a Detailed Site Investigation Report (Annexure 9) to assist Council in determining compliance with Clause 7(1) of SEPP Hazards and Resilience which does not raise any issues of contamination.</p>

Table 12 – SEPP Resilience and Hazards 2021 Compliance Table	
Provision	Compliance
<i>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</i>	Complies – The Detailed Site Investigation Report is considered satisfactory by Councils Environmental Health Officer subject to recommended draft conditions.
<i>(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</i>	Complies – The Detailed Site Investigation Report is considered satisfactory by Councils Environmental Health Officer subject to recommended draft conditions.
<i>(4) The land concerned is— (a) land that is within an investigation area, (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out, (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital—land— (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</i>	Complies - The site is not within an investigation area or listed in Table 1 to the guidelines. The Detailed Site Investigation Report submitted and is considered to be satisfactory

14.5 SEPP (BASIX) 2004

A BASIX certificate accompanies the application and is provided as **Annexure 21** to this report. The BASIX Certificate demonstrates compliance with the provisions of the SEPP and is consistent with the architectural documentation submitted.

14.6 SEPP (Transport and Infrastructure) 2021

The proposal has been assessed against the relevant provisions of SEPP (Transport and Infrastructure) 2021 as detailed in **Table 13** below.

Table 13 – SEPP (Transport and Infrastructure) 2021		
Clause	Assessment	Compliance
2.120 – Impact of road noise or vibration on non-road development	The proposal was accompanied by an Acoustic Report which appropriately addresses the impact of road noise on the development in accordance with the Guidelines and complies with clause 2.120 of the SEPP.	Yes

14.7 SEPP (State and Regional Development) 2011

The Development Application is referred to the Sydney North Planning Panel for determination as the Capital Investment Value is **\$42,030,259.00 Excluding GST** (exceeding \$30 million) satisfying the requirements of SEPP (State and Regional Development) 2011.

PROPOSAL DATA/POLICY COMPLIANCE

15. Local Environmental Plan 2009

Table 14 LEP table			
	Development Standard	Proposal	Complies
Floor Space Ratio (max)	2.4:1	1.69:1 as amended	Yes
Height of Buildings (max)	15m	15m	Yes

REFERRALS

Table 15 - Referrals		
Referral	DCP	Comment
Landscaping	Part J – Landscaping	<p>Satisfactory – Subject to draft conditions.</p> <p>i. Deep Soil – Part J Section 1.6 requires a minimum 40% landscaped area comprising 25% deep soil and 15% on-structure landscaping. The proposal provides 42% deep soil or 1249sqm.</p> <p>ii. Planting Species –</p> <ul style="list-style-type: none"> • Rooftop: A condition has been included requiring the proposed evergreen tree species located on the Level 3 open space, must be changed to predominantly <u>deciduous</u> species. Trees must be positioned to <u>maximise sunlight</u> infiltration through the rooftop space to properties south of this development. • Southern Landscaped Area: - Condition requiring increase of vegetation screening adjacent to 7 Allison Avenue. This screening located west of the boardwalk,

Sydney North Planning Panel Meeting 02 October 2024
1 GATACRE AVENUE AND 1 - 5 ALLISON AVENUE LANE COVE

Table 15 - Referrals		
Referral	DCP	Comment
		<p>must include:</p> <ul style="list-style-type: none"> • 3 x 300L <i>Syncarpia glomulifera</i> • 8 x 200L <i>Acmena smithii</i> • 6 x 200L <i>Eleocarpus reticulatus</i>
Tree Preservation	Part J – Landscaping	<p>Satisfactory – The proposed development is considered acceptable subject to the following conditions.</p> <p>Council Arborist comment: <i>It is noted that tree 16 was previously considered for retention however following my site inspection I note that it has declined significantly and therefore I would now recommend that it is approved for removal and replacement.</i></p>
Development Engineer	Part O – Stormwater Management	<p>Satisfactory – At the request of Council's engineer, the stormwater drainage system was amended through a connection to the kerb inlet pit on Haldane Crescent. The amended proposal was considered acceptable subject to conditions.</p>
Traffic, Transport and Parking	Part R – Traffic, Transport and Parking	<p>Satisfactory - Council's Traffic, Transport and Parking Officer has reviewed the amended Traffic Impact Assessment (Annexure 11).</p> <p>The original proposal included 24 tandem car parking spaces. This was reduced to 14 tandem car spaces or 16% of a total 84 spaces. Due to the irregular shape and restricted dimensions of the site the amended car park design was considered acceptable in this instance.</p> <p>It is also noted that Council's Traffic Section reviewed the proposed driveway on Allison Avenue and raised no objections from a traffic perspective.</p> <p>The proposed development would be capable of complying with Part R of LCDCP 2010.</p>
Waste Management	Part Q – Waste Management and Minimisation	<p>Satisfactory - The proposed Waste Management Plan development is considered acceptable subject to the Draft conditions.</p>
Building Surveyor	N/A	<p>Satisfactory – Proposals comply with the deemed to satisfy provisions of the National Construction Code (BCA) 2019.</p>
Environmental Health	Part B – General Controls (Part B6/B7)	<p>Satisfactory – EMP and sediment control plan updated. The proposal as amended was considered acceptable.</p>

Table 15 - Referrals		
Referral	DCP	Comment
NSW Police	CPTED	Complies - NSW Police have provided generic referral comments provided as Annexure 33 to this report.
Accessibility	Part F – Access and Mobility	Satisfactory – The access report is provided in Annexure 18 The principal provision of Part F is the provision of 80% visitable and 20% apartments. The proposal complies with this provision. All communal amenities at ground floor and roof top are accessible.

6.4 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The impacts on both the natural and built environments of the locality have been considered and addressed in the report and are satisfactory.

6.5 The suitability of the site for the development

The proposed development responds appropriately to the site constraints and therefore the site is not suitable for the development.

6.6 Any submissions made in accordance with this Act or the regulations

The proposal was notified in accordance with Lane Cove Council's Notification Policy.

i. Notification Extent

The Development Application was notified to the extent shown in the Public Notification Map included as **Annexure 22** to this report.

ii. Notification Periods

The notification periods for each of the plan revisions, and the number of submissions received, are summarised in the following table:

Table 16 – Public Notification			
Plan Revision	Lodgement Date	Notification Period	Unique Submissions Received
Original	23 April 2024	2 May 2024 to 18 May 2024	52 Total
Revised plans documentation	6 August 2024	Under Lane Cove Council's <i>Notification of Development Applications Policy</i> . Not required to	N/A

		be formally re-notified. No additional impacts as compared to original scheme. It is noted that all amended documents were made publicly available to view on Councils' website.	
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iii. Summary of Submissions

The 52 unique submissions received are summarised and addressed below:

Concerns:	Response:
<i>The proposal is inconsistent with the character of the locality.</i>	<p>The application provided a visual impact assessment (VAR) to assess the visual effects on public and private views. The VAR also assessed against the tenacity view sharing principles and is considered acceptable.</p> <p>The site is zoned R4 high density residential. Uphill of the site are other R4 zoned sites fronting the Pacific Highway. Downhill of the site are established R2 low density single dwellings. The site and sites fronting the Pacific Highway are undergoing a transition to higher densities including an approved 5 storey boarding house directly northwest of the site. Further northwest are dilapidated single storey dwelling houses zoned R4. (Refer to figure 11).</p> <p>It is highly probable that these will also be redeveloped to higher density in the future.</p> <p>The proposal complies with the LEP height control and is significantly below the LEP FSR control. Therefore, the proposal is within the envisaged density permitted for the site.</p> <p>The proposal complies the with the DCP building setbacks to the R2 zone properties and front setback requirements to both street frontages.</p> <p>A design approach has been adopted to minimise built structures where the site interfaces with low density single dwellings. The built form has been stepped to reflect the topography of the site. The proposal has orientated the building bulk and vehicle entry to the north-western boundary adjacent to approved boarding house. The design provided a significant landscaped buffer area with mature planting proposed extended between both the Allison and Gatacre frontages along the south-</p>

	eastern boundary.												
<i>The proposal design does not address the reasons for previous refusal in the Land & Environment Court judgement by Justice Moore.</i>	As discussed earlier in this report the proposed design has been considered to address and resolve the concerns raised by Justice Moore’s (Moore J) judgement (<i>Gatacre LC Pty Ltd v Lane Cove Council</i> [2023] NSWLEC 35). The DA was further amended to provide greater articulation and improve solar and visual amenity to neighbouring properties.												
<i>The proposal does not comply with the Lane Cove DCP.</i>	<p>The application generally meets with the Part C Residential Development Objectives of the Lane Cove Development Control Plan 2009. Where variations are proposed, the applicant has demonstrated that the objectives and intent of the numeric provisions have been met as part of a merits-based assessment.</p> <p>The variation to part of the building setback from the approved boarding house to the north has been justified on planning grounds as an appropriate outcome.</p> <p>The 4.675m setback is limited to an area of defensive wall fronting the boarding house. There is no adverse privacy or separation impacts between the subject site and the boarding house. This approach was adopted to ensure building bulk was massed so that the tallest part of the development closest to the north boundary, is well separated from the most sensitive visual and physical R2 interface areas.</p>												
<i>The proposal does not comply with building setbacks to the R2 zone and that the setback to 7 Allison has been reduced compared to the previous refusal.</i>	<p>The proposal complies with the side setback to controls to the boundary with 7 Allison Avenue.</p> <p>Non-habitable walls (i.e no balconies or habitable rooms directly facing boundary) are permitted to be setback 3m setback from the boundary. Due to the zone transition between R2 and R4 and additional 3m setback has been accommodated for levels 1 - 4.</p> <p>7 Allison Avenue (R2)</p> <table><tr><th>Levels</th><th>Proposed</th><th>Control</th><th>Next to R2 zone</th></tr><tr><td>GF (1) UG (2) 1F (3) 2F (4)</td><td>=3m (non-habitable)</td><td>= 3m (non-habitable wall)</td><td>+3m* = 6m</td></tr><tr><td>3F (5)</td><td>=9m (non-habitable)</td><td>= 9m (non-habitable)</td><td>= 9m</td></tr></table>	Levels	Proposed	Control	Next to R2 zone	GF (1) UG (2) 1F (3) 2F (4)	=3m (non-habitable)	= 3m (non-habitable wall)	+3m* = 6m	3F (5)	=9m (non-habitable)	= 9m (non-habitable)	= 9m
Levels	Proposed	Control	Next to R2 zone										
GF (1) UG (2) 1F (3) 2F (4)	=3m (non-habitable)	= 3m (non-habitable wall)	+3m* = 6m										
3F (5)	=9m (non-habitable)	= 9m (non-habitable)	= 9m										

	<p>* Additional 3m setback has been applied at zone transition apply to the R2 zone boundary.</p> <p>In response to the comments from the DRP the design introduced oblique, diagonal highlight (above eye level) windows which would face onto angled blank wall. The defensive wall is classified as non-habitable, as it does not have direct windows or balconies interfacing with 7 Allison.</p> <p>The building setback increases to 9m opposite the rear yard of 7 Allison Avenue. This equates to a 9m setback to approximately 1 third of the length 7 Allison.</p> <p>Part of levels 2 and 3 project slightly closer to the boundary with 7 Allison then the previous design, no portion of the proposed building is within 6m of the boundary and complies with the relevant controls for 'non-habitable' setbacks. The submitted shadow diagrams and solar assessment demonstrate that the proposal would not result in unacceptable overshadowing.</p>
Concerns with street setbacks to Gatacre Avenues and Allison Avenues.	<p>The front building setbacks from both street frontages have been significantly increased compared to the previous refused design.</p> <p>Previously the L&E Court refused design 4.5m setback was proposed to Gatacre and a 6m setback to Allison Avenue.</p> <p>The subject DA design proposes a 7.5m building setback to both street frontages. This is in keeping with established building setbacks on both street frontages including the yet to be constructed boarding house. (Refer to Figure 35). The setbacks are measured from the external face of the front walls. Not the ground floor external courtyards.</p>
The proposal does not comply with the ADG.	<p>Please review Annexure 2 ADG assessment which demonstrates overall compliance with the relevant clauses of the Apartment Design Guide and SEPP 65.</p>
Concerns with building width	<p>The DCP contemplates building widths greater than 40m <i>if the proposed building articulation is satisfactory in the streetscape.</i></p> <p>The total building width of approximately 73m has been appropriately broken up by openings for stairs, landscaping and driveway access.</p>

	<p>The east /west building form has been angled to step with the irregular shaped site. It would not be read as a single monolithic wall but rather an obtuse inverted 'V' shape. The design steps in from 6m to 9m on the southern elevation.</p> <p>The design includes a centrally located Level 3 void to which steps down 1-2 storeys from the east and west circulation building cores. Therefore, the building bulk has the appearance of two separate buildings when viewed from certain locations in both the public and private domain.</p> <p>When viewed as two components:</p> <p>Building A (fronting Gatacre) has a maximum length of approximately 46m which exceeds the length standard. However, the building recesses approximately 9m after the 33m of length to provide for appropriate articulation.</p> <p>Building B (fronting Allison) has a maximum depth of approximately width is 27m and complies.</p> <p>To respond to DRP comments greater articulation was introduced oblique, diagonal facing windows to the southern blank wall to increase visual interest and break up the massing.</p> <p>The design insets would provide visual relief and the opportunity for light and shade to increase the perception of breaks in built form. The physical and visual breaks help to reduce the perception of bulk and scale of the proposal from lower relative view places.</p>
<p><i>Concerns of height non-compliance.</i></p>	<p>The architectural plans (sectional diagrams and height limit diagrams) show demonstrate that the entirety of the proposed building complies with the 15m height control. The proposal has been stepped to respond to the sloping topography of the site and to focus the massing of the built form away from the boundary with the R2 zone.</p> <p>A number of submissions claim the building is 18.8m in height. It appears the submitters are incorrectly calculating building height from the proposed excavated ground level which is</p>

	below the existing natural ground level. The height is calculated from existing natural ground levels.
Concerns with bulk and scale.	The architectural plans demonstrate that the entirety of the proposed building complies with the 15m height control. The proposal is over 2000 sqm below the permitted GFA for the site. The proposal includes 10 less units than the previous L & E Court refused scheme. The proposal complies with the ADG and DCP requirements for landscaping and deep soil. The bulk and scale are within the envisaged built form of the R4 zone and is considered acceptable.
Concerns with noise impacts.	<p>The proposal has been designed to ensure it would mitigate noise impacts to neighbouring properties after occupation.</p> <p>The application included an acoustic assessment by a qualified acoustic consultant. The report took into account the nearest sensitive noise receivers surrounding the site including: 17 Haldane Crescent, 7 – 9 Haldane Avenue and 2 Gatacre Avenue, and 3-7 Gatacre Avenue.</p> <p>The report was reviewed by Councils environmental health officer and considered acceptable subject to draft conditions. Including: Noise Control, Residential Air Conditioning Units, Noise Control Car park Security Grills, Noise Complaint Monitoring.</p> <p>The southern landscaped 'gully walk' area is designed to be a passive recreation area, rather than an active recreation area.</p> <p>This is to ensure the acoustic amenity of the southern neighbours is maintained. The southern area does not include BBQs or facilities which encourage the congregation of groups.</p>
Concerns with visual privacy impacts to 17 Haldane Crescent, 7 Allison Avenue and 2A Gatacre.	<p>7 Allison and 2 & 2A Gatacre: As compared to the previous refused design, greater setbacks are generally proposed to the R2 zone to south and east of the site to ensure a sensitive interface with that boundary. To the south at 7 Allison and 2 / 2A Gatacre a large deep soil area is proposed which can accommodate significant vegetation to screen views to R2 properties directly south of the site.</p> <p>To further protect amenity, Council's landscaping officer recommended a draft</p>

	<p>condition requiring increase of vegetation screening adjacent to southern boundary. This screening located west of the boardwalk, must include larger trees including:</p> <ul style="list-style-type: none"> • 3 x 300L <i>Syncarpia glomulifera</i> • 8 x 200L <i>Acmena smithii</i> • 6 x 200L <i>Eleocarpus reticulatus</i> <p>To accommodate for the introduction of larger trees against the boundary, the boardwalk has been requested to be realigned closer to the building/ rainwater tank portion.</p> <p>The windows/balconies facing southward have been setback 9m from the boundary. The only exception being oblique, diagonal highlight windows setback 6m from the southern boundary. These defensive windows would face onto angled blank wall not neighboring dwellings. The windows be obscure finish up to 1.6m above finished floor level and be non-operable.</p> <p>The balustrades of the south facing balconies of Units UG.05, 105 and 2.05 (facing 2A Gatacre) are to be constructed with solid obscure finishes up to 1.2m above FFL.</p>
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<p>17 Haldane Crescent: The proposed includes a 7.5m building setback from the Allison Avenue frontage. The separation distance between the proposed building and 17 Haldane Crescent would be greater than 20m which is a compliant separation distance. The Allison Avenue frontage of 17 Haldane is also screened by existing mature trees and 2m high hedge which would further obscure any views from the proposed development.</p>	
<p>Concerns with blank wall facing the R2 zone.</p>	<p>To offset the impacts of the blank wall, greater articulation was added in the form of oblique, diagonal facing high-light, non-operable windows, which avoid direct overlooking of neighbouring site. There would also be significant vegetation and canopy trees adjacent to the southern boundary to screen views the southern wall from R2 properties.</p>
<p>View impacts from 17 Haldane Crescent and 372 Pacific Highway. Concerns that view impacts were not considered from private properties.</p>	<p>As part of the visual impact assessment (VAR), multiple view public places were inspected along Allison, Gatacre, Kimberley and Mafeking Avenues, Haldane Crescent, Pacific Highway and further north to Taylors Lane and Burley Street.</p> <p>The VAR included evidence letters sent in October 2023 to the neighbouring dwellings</p>

	<p>requesting access undertake view assessment from private property. The applicant states that: <i>Attempts to document views from private dwellings and their rear yards to the south of the subject site were unsuccessful.</i></p> <p>A view impact assessment was taken adjacent to the southern boundary of 17 Haldane Crescent (Corner of Haldane Crescent and Allison Avenue) which addresses the view impact as acceptable.</p> <p>The immediate neighbours at 2 and 2A Gatacre and 7 Allison Avenues will not be subjected to view loss but rather visual change including the spatial separation of their dwelling to proposed built forms.</p> <p>The risk loss area map in the VAR assessment classifies 372 Pacific Highway as <u>low risk</u> of direct visibility to the upper parts of the proposed development due to distance and location.</p>
<p>Concerns with discrepancies between Traffic & Parking Report and BASIX certificate which have vehicle access from both the Gatacre and Allison Street frontages. Concerns that vehicle access close to the Pacific Highway is unsafe.</p>	<p>The sole vehicle access to the site is from Allison Avenue. Dual access from both Allison and Gatacre Avenues is contrary under the relevant controls. Section 3H of the ADG requires <i>the width and number of vehicle access points should be limited to the minimum.</i></p> <p>Multiple driveways would result in greater impacts to existing on-street carparking spaces.</p> <p>The neighbouring approved boarding house has basement driveway access adjacent to the northern boundary of the subject site. For pedestrian safety, any proposed driveway on the subject site would be required to be setback from the boarding house driveway and closer to the R2 zone boundary. This would not be an improved amenity outcome for 2 and 2A Gatacre.</p> <p>The driveway would be located approximately 34m from the intersection of Allison Avenue and the Pacific Highway. The proposal was reviewed by Council's traffic engineer and considered acceptable.</p>
<p>Solar access Impacts to neighbouring properties.</p>	<p>A detailed assessment of the solar impacts against the provisions of the Lane Cove DCP can be found in Annexure 3 DCP Assessment.</p> <p>An updated solar study and confirmed that the</p>

	<p>amended proposal has resulted in improvements to solar access at mid-winter for the neighbouring property at 7 Allison Avenue would receive 3 house solar access to private open space and habitable rooms.</p> <p>The proposal has been designed to reduce additional overshadowing as far as practicable. The proposal is the most effective design solution with minimal impact on solar access to the R2 properties to the south. These impacts are acceptable as the solar access requirements of the DCP have been met, the proposal complies with the height and setback requirements.</p> <p>The building is stepped to correspond to the natural topography of the land and as such skillfully reduces any additional adverse overshadowing and amenity impacts.</p> <p>A condition has been included requiring the proposed evergreen tree species located on the Level 3 open space, must be changed to predominantly <u>deciduous</u> species. Trees must be positioned to <u>maximise sunlight</u> infiltration through the rooftop space to properties south of this development.</p> <p>Any additional shadowing is acceptable and complies with the relevant ADG and DCP requirements for both the private and public domain.</p>
<p><i>Concerns from 7 Allison that the submitted shadow diagrams are inaccurate and do not consider topographical impacts of site.</i></p>	<p>The shadow diagrams are based on survey information. An updated solar study and confirmed that the amended proposal has resulted in improvements to solar access at mid-winter for the neighbouring property at 7 Allison Avenue The rear sunroom would receive solar access to a portion of the north facing windows and doors between 11.00am and 1.30pm and its west facing windows between 11.30am and 2.00pm. This would equate to 3 house solar access to private open space and habitable rooms. An area of the rear outdoor private open space receives sun between 12.00 noon and 3.00pm.</p>
<p><i>Concerns with stormwater/flooding impacts to properties downhill from the site as a result of the development and impervious surfaces.</i></p>	<p>The proposal would result in 42% of the site being landscaped including greater than 27% of the site being deep soil. This is similar to the existing coverage of porous surfaces currently</p>

	<p>on site.</p> <p>At Council' engineers request the design was modified to require a new drainage system up to the site and connect to the nearest inlet pit on Haldane Crescent.</p> <p>Several elements have been incorporated of the proposal will improve the existing stormwater run-off management on site.</p> <ul style="list-style-type: none"> • On-Site Stormwater Detention (OSD) tank is proposed below the driveway. The OSD tank has a proposed storage volume of 61.2m3 in excess of the required 55.72m3. • Two x 12.5kl rainwater tanks are proposed which will collect the entire roof rainwater 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. • Significant deep soil landscaping is proposed at the southern boundary including boundary 'gully walk' swale.
<i>Concerns about headlight glare to 17 Haldane Crescent from vehicles</i>	<p>The separation distance between the proposed exit driveway and 17 Haldane Crescent would be greater than 20m. Any momentary headlight glare would also largely be screened by the 1.8m high boundary fence and significant trees and vegetation within the site. The momentary headlights of vehicles exiting the site on route to the Pacific Highway (turning left) would primarily be aimed opposite the carriageway of Haldane Lane.</p>
<i>Structural concerns about boundary 2m – 3m high retaining wall/ and joint easement between numbers 1 and 2 Gatacre.</i>	<p>All building works have been set significantly further back from the boundary retaining wall with 2 Gatacre than previous proposal.</p> <ul style="list-style-type: none"> • Basement wall would be 7.1m from the boundary • Building would be 9m from boundary. <p>A condition is recommended to be included that the existing easement/retaining wall/services on retaining wall cannot be encroached/impacted during excavation/ demolition or construction phases.</p> <p>The DA includes a draft conditions requiring dilapidation report (Condition 28) and</p>

	<p>construction methodology report (Condition 37) by a structural engineer to submitted prior to CC and a post construction dilapidation (condition 73).</p>
<p><i>Concerns with minimum 4.675m setback to the northern and compliance with ADG.</i></p>	<p>The separation controls of the ADG are based on ensuring adequate privacy between neighboring buildings is achieved. The varied 4.675m setback is limited to an area of defensive wall fronting the boarding house. There would no adverse privacy impacts between the subject site and the boarding house as no proposed habitable rooms or balconies directly front this interface. The numerical non-compliance meets the objectives of the control. On a merits-based assessment, the proposal is considered acceptable and is supported.</p>
<p><i>Concerns with height of trees in roof top central communal space exceeding the 15m height control.</i></p> <p><i>Concerns with lack of deep soil structure to accommodate the trees on level 3.</i></p>	<p>The height controls relate to 'building height' only. Trees and vegetation are not included in height as this is onerous and impractical. For example, most dwelling houses across the LGA have mature trees on site exceeding their 9.5m and would technically not comply.</p> <p>It is noted that Council's landscape officer has recommended a condition requiring the proposed evergreen tree species located on the Level 3 open space, to be changed to predominantly <u>deciduous</u> species. This would ensure their foliage is at a minimum during mid-winter. The landscape officer also requires the trees must be positioned to <u>maximise sunlight</u> infiltration through the rooftop space to properties south of this development.</p> <p>Specific conditions have been included requiring soil volumes for roof top planting requiring 800mm depth for small trees and 1m depth for medium trees as per the standard. Refer to condition 25 in Annexure 1.</p>
<p><i>Concerns with view loss impacts from 368 and 370 Pacific Highway</i></p>	<p>The concern is loss of north-western views of sunset in late afternoon.</p> <p>The <i>Tenacity Planning Principles 2004</i> for view sharing from NSW Caselaw the views to be affected are:</p> <ol style="list-style-type: none"> 1. Not classified as 'high value' views. The views are not water views, views to city skyline or other iconic views. 2. Sunset views are obtained across the northwest side boundary from the rear balcony up Haldane Lane across Allison Avenue. It is noted that the more highly

	<p>valued western and southern civic views towards Northwood and Longueville would not be impacted by the proposed development. It is noted that the property at 382 to 386 Pacific Highway is approved for a 5-storey boarding house which has an approved RL almost 3 m higher than the subject site which is within the same visual catchment.</p> <p>Given that the proposal complies with height and setback controls it is considered reasonable impacts on view sharing. The built form is consistent with that envisioned for R4 high density residential.</p>
<i>Concerns that the capacity of the OSD tank is insufficient based on the size of the site.</i>	<p>The OSD tank has a proposed storage volume of 61.2m³, which is in excess of the required 55.72m³. The OSD system is supported by Council's stormwater engineers.</p>

APPLICABLE REGULATIONS

The Environmental Planning and Assessment Regulation 2021 indicates that the standards for demolition and removal of materials should meet with AS 2601-2001 and therefore any consent would require the application of a relevant condition seeking compliance with this Standard.

IMPACTS OF DEVELOPMENT (Section 4.15(1)(b))

The proposal would not adversely impact neighbouring properties or the public domain in terms of overshadowing, visual privacy, acoustic privacy, or traffic and parking. The proposal presents a development outcome that is consistent with the objectives of the relevant planning controls.

SUITABILITY OF SITE (Section 4.15(1)(c))

The subject site would be suitable for the proposed development as the proposed use is permissible within the Zone. The proposed development would positively contribute to the amenity of the surrounding area and the subject site constrain the development or neighbouring sites.

PUBLIC INTEREST (Section 4.15(1)(e))

The proposal would not have an unreasonable impact on neighbouring properties or the public domain with regard to the Lane Cove LEP 2009, Lane Cove DCP 2009 or any other environmental planning instruments. The proposal would not be contrary to the public interest as the development would meet the objectives of the R4 High Density Residential Zone, is highly consistent with the supporting planning scheme and future desired character of the area and provides for dwellings within a high-density residential environment while providing appropriate design, setbacks and landscaping to mitigate impacts to the adjoining R2 zone. Therefore, approval of this application would not be contrary to the public interest.

SECTION 7.11 ASSESSMENT

The proposal is subject to the provisions of the Lane Cove Section 94 Contributions Plan (now Section 7.11) which levies new developments to assist in catering for the demand placed on existing Council community facilities and/or infrastructure. The Section 7.11 contribution payable is

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calculated in accordance with the Plan (2024/2025 rates) being the average number of persons per dwelling size as detailed in the following table:

No. bedrooms	Average occupancy	Amount of contribution per dwelling	No. of Dwellings	Total contribution
1 Bedrooms	1.2 persons	\$15,400.82 x 1.2 = \$18,480.984 \$18,480.984 per dwelling	5 x \$18,480.984 =92,404.92	\$92,404.92
2 Bedrooms	1.9 persons	\$24,384 x 64 = \$20,219.80 per dwelling. *Capped Rate \$20,000 per dwelling.	18 x \$20,000 =	\$ 360,000.00
3 Bedrooms	2.4 persons	\$30,801.65 x 2.4 = per dwelling. *Capped Rate \$20,000 per dwelling.	20 x \$20,000 =	\$400,000.00
			TOTAL	\$852,404.92

The Section 7.11 contribution payable is reduced through any existing credit applied to the existing entitlements as detailed in the following table:

Existing use	Commercial Development	Amount of contribution	SQM	Total credit
Motel	\$161.86per sqm	Unknown	Unknown	
			TOTAL	Unknown

Dwelling House	Amount of contribution	No. of Dwellings	Total credit
1 x \$20,000	\$20,000	1	\$20,000

The Section 7.11 contribution payable is **\$852,404.92**– \$20,000,000 = **\$832,404.92**

CONCLUSION

The matters in relation to Section 4.15 of the Environmental Planning and Assessment Act 1979 have been satisfied.

The application complies with the Apartment Design Guide and principles of SEPP 65 and provides high amenity future dwellings. The proposal is significantly below the permitted Floor Space Ratio development standard of the Lane Cove LEP 2009. The proposal also complies with the Height development standard of the Lane Cove LEP 2009. The application generally meets with the Part C Residential Development Objectives of the Lane Cove Development Control Plan 2009.

The design is considered to address both the Council and L & E Court concerns raised in the previously refused scheme. The proposal provides for dwellings within a high-density residential environment while providing appropriate design, setbacks and landscaping to mitigate impacts to the adjoining R2 zone. The design responds to the topographic restraints of the site and the built form appropriately steps with the streetscape transition.

The proposal development aligns with the objectives of the Lane Cove Housing Strategy. The proposal would provide an appropriate dwelling mix of 43 residential apartments serving the needs of the local area in a highly accessible location.

On balance as the proposed development would be reasonable it is therefore recommended for approval.

RECOMMENDATION

That pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act, 1979 the Sydney North Planning Panel at its meeting of 2 October 2024 approve development Application DA35/2024 for the Demolition of Existing Structures, Lot consolidation and construction of a Part 4, Part 5 and Part 6 residential flat Building with 43 apartments and two levels of basement parking with 85 parking spaces, at 1 Gatacre Avenue and 1 - 5 Allison Avenue, LANE COVE.

Mark Brisby
Director - Planning and Sustainability
Planning and Sustainability Division

ATTACHMENTS:

There are no supporting documents for this report.