

**Sydney North Planning Meeting 09 July 2025**  
**MIXED USE DEVELOPMENT 2-10 FINLAYSON STREET LANE COVE**

**Subject:** Mixed Use Development at 2-10 Finlayson Street Lane Cove  
**Record No:** DA24/152-01 – 40886/25  
**Division:** Planning and Sustainability Division  
**Author(s):** Henry Burnett (Don Fox Planning)

<b>DA Number</b>	<b>Council Reference:</b> DA152/2024 <b>Portal Reference:</b> PPSSNH-582
<b>Proposed Development</b>	Demolition of existing structures and construction of an 8-storey mixed-use development including a place of public worship, community facility, 48 apartments and basement parking for 150 vehicles.
<b>Street Address</b>	2-10 Finlayson Street, Lane Cove
<b>Applicant</b>	8 Finlayson Street Lane Cove Pty Ltd
<b>Owner</b>	Anglican Church Property Trust Diocese of Sydney and Loftex Pty Ltd
<b>Date of DA Lodgement</b>	10 February 2025
<b>Public Notification</b>	<b>Notification Period:</b> 12 February 2025 to 25 February 2025 and 31 March 2025 to 28 April 2025.
<b>Total number of unique Submissions Received</b>	184 unique submissions. All submissions forwarded to the SNPP for consideration.
<b>Recommendation</b>	<b>Approval</b>
<b>Regional Development Criteria</b>	Development has an estimated development cost of more than \$30 million.
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• <b>relevant environmental planning instruments</b></li> <li>• SEPP (Housing) 2021 and Apartment Design Guide (ADG);</li> <li>• SEPP (Biodiversity and Conservation) 2021;</li> <li>• SEPP (Resilience and Hazards) 2021;</li> <li>• SEPP (Sustainable Buildings) 2022;</li> <li>• SEPP (Transport and Infrastructure) 2021; and</li> <li>• Lane Cove Local Environmental Plan 2009.</li> <li>• <b>proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority</b></li> <li>• SEPP (Housing) 2021 Chapter 6 – Low and Mid Rise Housing (Draft EPI at date of lodgement)</li> <li>• <b>relevant development control plan</b></li> <li>• Lane Cove Development Control Plan 2010</li> </ul>

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	<ul style="list-style-type: none"><li>• <b>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</b></li><li>• The applicant has offered to enter into a planning agreement.</li><li>• <b>relevant regulations</b><ul style="list-style-type: none"><li>- Section 61 – Demolition of Structures</li></ul></li><li>• <b>other relevant plans</b><ul style="list-style-type: none"><li>• Lane Cove Section 7.11 Contributions Plan</li></ul></li></ul>																																							
<b>List all key documents submitted with this report for the Panel’s consideration</b>	<table><tr><th>Attachment</th><th>Document</th><th>Prepared By</th></tr><tr><td>1</td><td>Draft Conditions</td><td>Lane Cove Council / DFP Planning</td></tr><tr><td>2</td><td>ADG Assessment</td><td>DFP Planning</td></tr><tr><td>3</td><td>DCP Assessment</td><td>DFP Planning</td></tr><tr><td>4</td><td>Architectural Plans (Amended)</td><td>Plus Architecture</td></tr><tr><td>5</td><td>Landscape Plans (Amended)</td><td>Land + Form</td></tr><tr><td>6</td><td>Clause 4.6 - Height (Amended)</td><td>Planning &amp; Co</td></tr><tr><td>7</td><td>Clause 4.6 - FSR (Amended)</td><td>Planning &amp; Co</td></tr><tr><td>8</td><td>Response to RFI</td><td>Planning &amp; Co</td></tr><tr><td>9</td><td>NSROC DRP 1 Minutes</td><td>NSROC DRP</td></tr><tr><td>10</td><td>NSROC DRP 2 Minutes</td><td>NSROC DRP</td></tr><tr><td>11</td><td>Heritage Referral</td><td>Lisa Trueman</td></tr><tr><td>12</td><td>Public Notification Map</td><td>Lane Cove Council</td></tr></table>	Attachment	Document	Prepared By	1	Draft Conditions	Lane Cove Council / DFP Planning	2	ADG Assessment	DFP Planning	3	DCP Assessment	DFP Planning	4	Architectural Plans (Amended)	Plus Architecture	5	Landscape Plans (Amended)	Land + Form	6	Clause 4.6 - Height (Amended)	Planning & Co	7	Clause 4.6 - FSR (Amended)	Planning & Co	8	Response to RFI	Planning & Co	9	NSROC DRP 1 Minutes	NSROC DRP	10	NSROC DRP 2 Minutes	NSROC DRP	11	Heritage Referral	Lisa Trueman	12	Public Notification Map	Lane Cove Council
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<b>Summary of key submissions</b>	<ul style="list-style-type: none"><li>• Traffic and Parking</li><li>• Building Height</li></ul>																																							
<b>Report prepared by</b>	Henry Burnett (Don Fox Planning)																																							
<b>Report date</b>	13 June 2025																																							

<b>Summary of s. 4.15 matters</b>	
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
<b>Legislative clauses requiring consent authority satisfaction</b>	
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
<b>Clause 4.6 Exceptions to development standards</b>	

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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?	Yes
<b>Regional Infrastructure Contributions</b>	Yes
Does the DA require Regional Infrastructure Contributions (a housing and productivity contribution) conditions (S7.24)?	
<b>Conditions</b>	Yes
Have draft conditions been provided to the applicant for comment?	

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<b>1. EXECUTIVE SUMMARY</b>
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### **1.1 Proposed Development**

The Development Application is for a mixed-use development 2-10 Finlayson Street, Lane Cove on the site of St Andrews Lane Cove and a number of adjoining dwelling houses. The site is adjacent to Lane Cove Village and immediately to the west of The Canopy and Rosenthal Avenue.

The proposed development includes part demolition of existing structures and construction of a part seven and part eight storey mixed-use development comprising a place of public worship, community facility and 48 apartments and basement car parking for 150 vehicles.

### **1.2 Voluntary Planning Agreement**

A draft voluntary planning agreement was exhibited concurrently with the Development Application. Lane Cove Council has not yet agreed to enter into a voluntary planning agreement. The recommendation of this report assumes no voluntary planning agreement is in place. Should the applicant and Council reach a resolution on a planning agreement the terms would stand in addition to the development application with requisite modifications, if required, being made to the Section 7.11 Contributions requirements.

### **1.3 Amended Development Application**

The proposed development was amended by the applicant during the assessment of the Development Application which included the following key changes:

- Increased Heritage Conservation – The extent of heritage conservation of the heritage listed church hall was increased.
- Increased Parking – Net parking increase of 5 spaces (+10 spaces in south-western corner of basement, - 5 spaces due to increased heritage conservation).
- Reduced Deep Soil – The extent of deep soil was reduced as a result of greater heritage conservation and providing additional parking.

### **1.4 Public Exhibition and Submissions**

The Development Application was publicly exhibited with a total of 184 unique submissions including 66 in support and 118 by way of objection. The primary concerns raised relate to traffic, parking and building height. Parking is satisfactory in both the typical condition (418 permanent seats) and expanded condition (where the adjoining hall is utilised) as outlined in this report. Building height is satisfactory as the applicant has demonstrated grounds to vary the standard under Clause 4.6 of the *Lane Cove Local Environmental Plan 2009* (LEP) as outlined in this report.

### **1.5 Compliance**

The proposed development has been assessed having regard to the relevant heads of consideration under Section 4.15(1)(a) of the *Environmental Planning and Assessment Act, 1979*.

**Table 1** provides a summary of the statutory pre-conditions for which the Sydney North Planning Panel must be satisfied prior to the granting of development consent.

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<b>Table 1: Summary of Statutory Pre-Conditions</b>		
<b>EPI</b>	<b>Statutory Pre-Condition</b>	<b>Comply</b>
SEPP (Biodiversity & Conservation) 2021	<u>Chapter 6: Sydney Harbour Catchment</u> <ul style="list-style-type: none"> <li>Section 6.6-6.9 – Pre-conditions relating to water quality and quantity, aquatic ecology, flooding, recreation and public access.</li> </ul>	Yes
SEPP (Resilience & Hazards) 2021	<u>Chapter 4: Remediation of Land</u> <ul style="list-style-type: none"> <li>Section 4.6 – Pre-condition relating to contamination, remediation and site suitability for proposed use.</li> </ul>	Yes
SEPP (Sustainable Buildings) 2021	<u>Chapter 2 – Standards for residential development – BASIX</u> <ul style="list-style-type: none"> <li>Section 2.1(5) – Pre-condition relating to quantifying embodied emissions attributable to the development.</li> </ul> <u>Chapter 3 – Standards for non-residential development</u> <ul style="list-style-type: none"> <li>Section 3.2(2) – Pre-condition relating to quantifying embodied emissions attributable to the development.</li> </ul>	Yes
Lane Cove LEP 2009	<ul style="list-style-type: none"> <li>Clause 4.6 – Exceptions to development standards.</li> </ul>	Yes

## 1.6 Variations

### Lane Cove Local Environmental Plan 2009

The proposed development includes a variation to the height of buildings and floor space ratio development standards within *Lane Cove Local Environmental Plan 2009* (LEP). The building height development standard under the LEP is 18m where a maximum height of 27.85m is proposed. The floor space ratio development standard under the LEP is 1.7:1 where 2.23:1 is proposed. Both the building height and floor space ratio variations are considered satisfactory in this instance for reasons outlined in this report.

### Lane Cove Development Control Plan 2009

The proposed development includes variations to the Lane Cove Development Control Plan 2009 relating to building length, building depth, apartment mix, front setbacks, canopy coverage and landscape/deep soil areas. The variations are addressed in this report and do not warrant refusal of the Development Application.

## 1.7 Referrals

The Development Application was referred to internal departments and external agencies. No objections are raised to the proposed development subject to conditions.

## 1.8 Recommendation

This report recommends that the Sydney North Planning Panel could be satisfied in relation to the relevant matters under Section 4.15 of the EP&A Act and exercise its functions as the consent authority to grant consent subject to the draft conditions at **Attachment 1**.

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### 2. SITE

#### 2.1 Subject Site

The site of the proposed development is known as 2-10 Finlayson Street, Lane Cove (**Figure 1**). A site inspection was undertaken on 7 March 2025.



**Figure 1: Aerial Photograph (source Nearmap)**

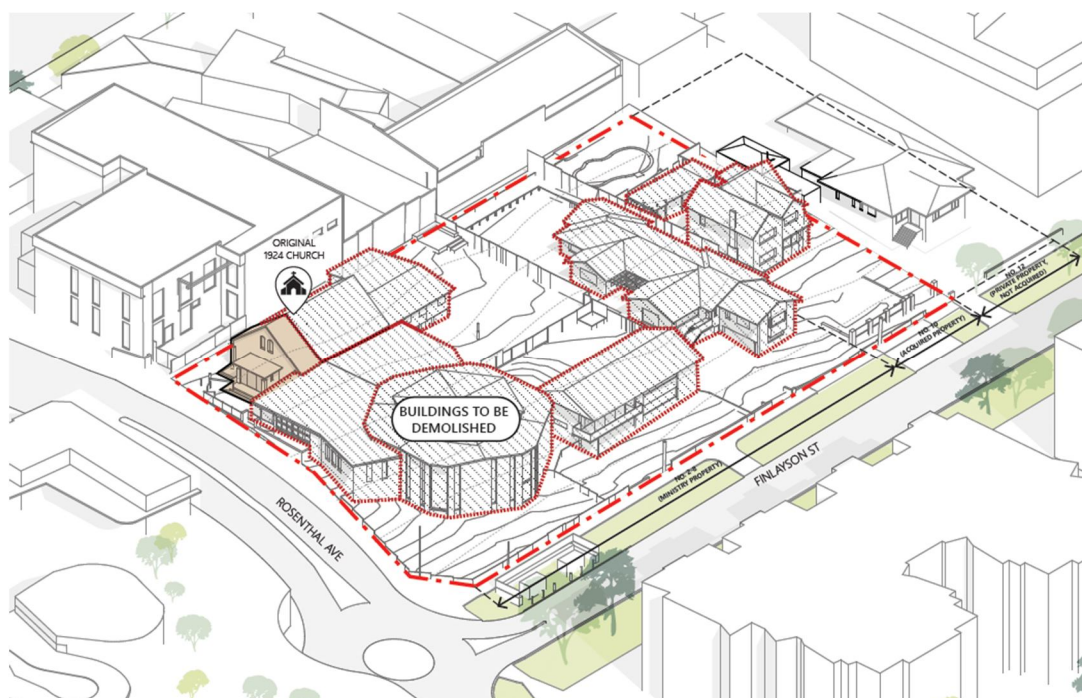
The key site characteristics are summarised in **Table 2** below.

Table 2: Site Characteristics of 2-10 Finlayson Street, Lane Cove	
Site Characteristic	Subject Site
Title Particulars	Lot 65 DP 10155 Lot 66 DP 10155 Lot 67 DP 10155 Lot 68 DP 10155 Lot 69 DP 10155
Site Area	3,763m <sup>2</sup>
Site Frontage	Finlayson Street: 78m Rosenthal Avenue: 44m
Site Depth	Depth: 44m
Site Topography	The site falls 6.25m to Finlayson Street (South to North)
Existing Structures	2-4 Finlayson Street: Lane Cove Mowbray Anglican Church 6, 8 and 10 Finlayson Street: dwelling houses
Existing Use	The site is currently used as a church and dwelling houses.
Existing Vehicular Access	Finlayson Street and Rosenthal Avenue.
Existing Parking	The church has limited existing parking on site from Rosenthal Avenue in a stacked arrangement.

**Figure 2** provides a plan of the site and the existing development noting the extent of heritage retention has increased under the amended DA and is not shown below.



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**Figure 2: Existing Development Plan (Source: plus architecture)**

## 2.2 Adjoining Development

**Table 2** provides a summary of development on adjoining properties.

<b>Table 2 – Adjoining Sites</b>	
<b>Direction</b>	<b>Description</b>
<b>North</b>	The site has a frontage to Finlayson Street to the north. On the northern side of Finlayson Street are residential flat buildings.
<b>East</b>	The site has a frontage to Rosenthal Avenue to the east. On the eastern side of Rosenthal Avenue is The Canopy which comprises a range of supermarkets, food and drink premises, open space and a car park.
<b>South</b>	The site is adjoined to the south by a number of properties zoned E1 Local Centre. The properties include a telecommunications building, a post office, a mechanic and 'The Village' Shopping Centre.
<b>West</b>	The site is adjoined to the west by single dwelling house. Further west is an existing residential flat building.

## 3. PROPOSAL

### 3.1 Background

**Table 3** provides the key pre-lodgement activities relating to the Development Application.

<b>Table 3 – Key Pre-Lodgement Dates</b>	
<b>Date</b>	<b>Description</b>
27 June 2024	Pre-DA Meeting and first design review panel held at Lane Cove Council.
26 September 2024	Second design review panel held at Lane Cove Council.

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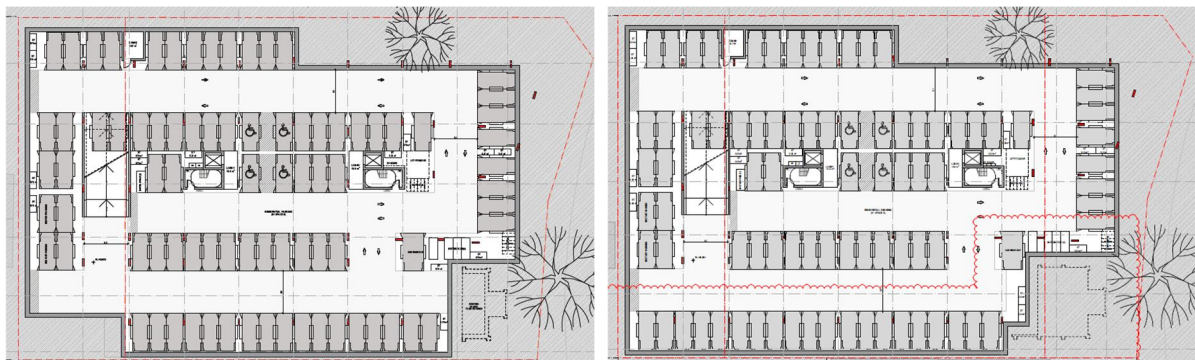
### 3.2 Assessment Timeline

Table 4 provides an assessment timeline of the Development Application.

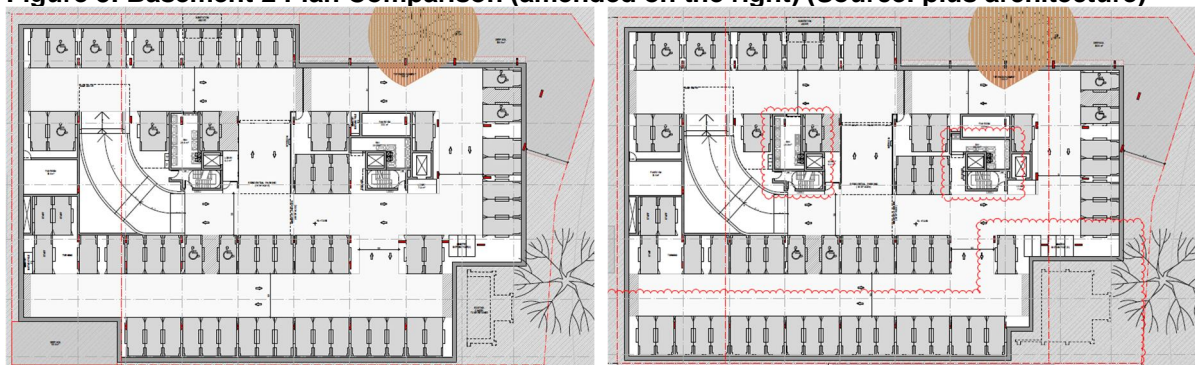
Table 4 – Assessment Timeline	
Date	Description
10 February 2025	Development Application lodged.
12 February 2025	Public exhibition of the Development Application commenced.
26 March 2025	Preliminary briefing with the Sydney North Planning Panel.
5 May 2025	Letter sent to applicant requesting additional information in relation to heritage, traffic, waste, apartment design, landscaping, Clause 4.6 and No. 12 Finlayson Street.
23 May 2025	Response to request for additional information submitted by the applicant on the NSW Planning Portal. The amendments increased the extent of retention of the heritage item on site and provide additional parking.

### 3.3 Development Application Amendments

The amendments to the extent of retention of the heritage item are shown in the comparison in **Figure 3** to **Figure 7**. In summary, the amendments allow for retention of an additional ‘bay’ of the heritage item by relocating part of the lower levels to the south-western corner of the site. The amended application also resulted in a net increase in parking of 5 spaces.



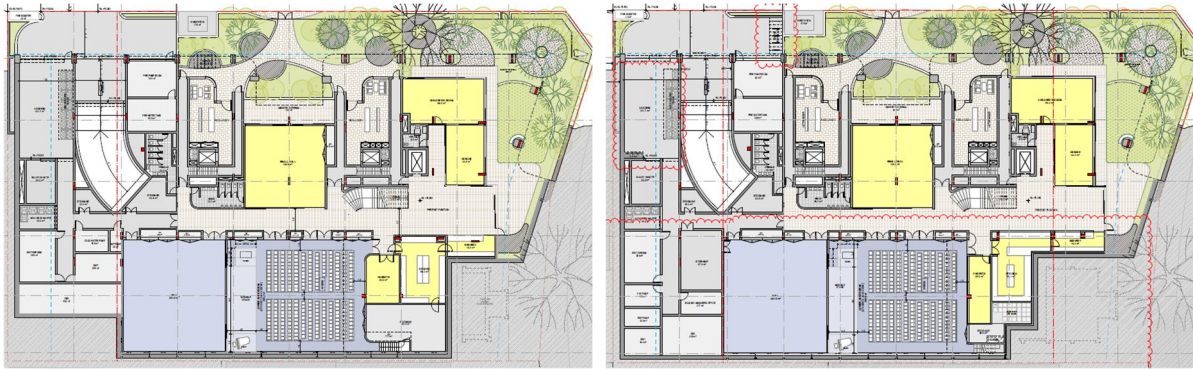
**Figure 3: Basement 2 Plan Comparison (amended on the right) (Source: plus architecture)**



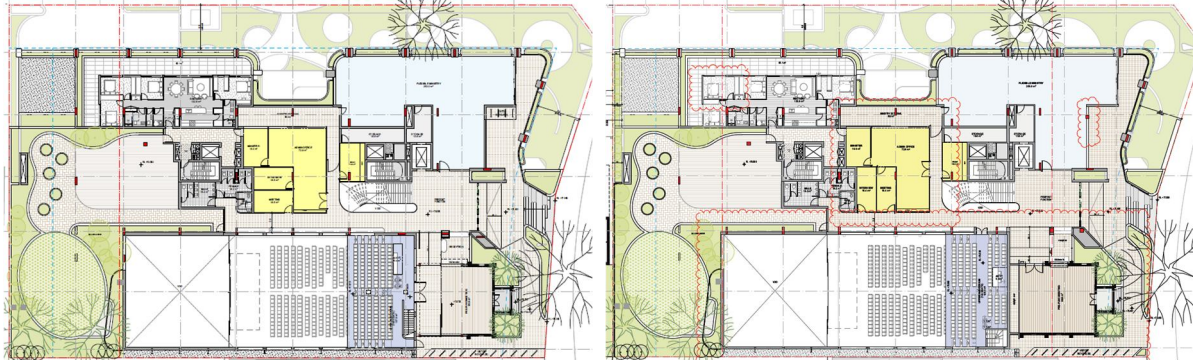
**Figure 4: Basement 1 Plan Comparison (amended on the right) (Source: plus architecture)**



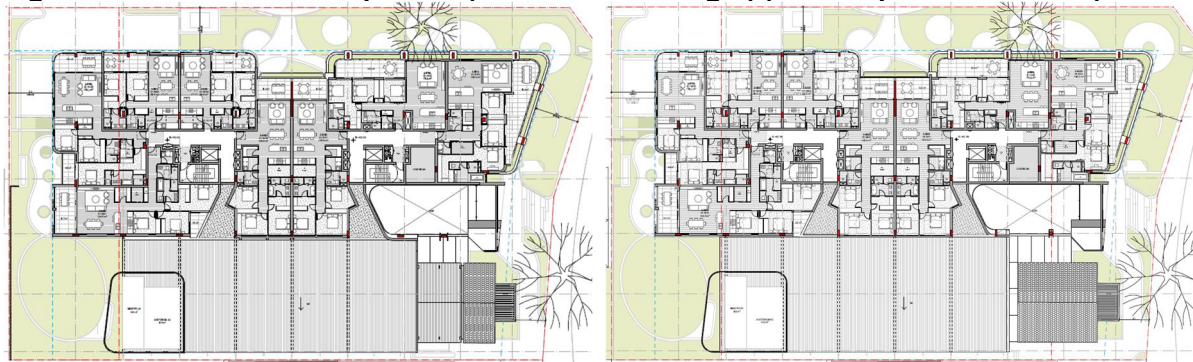
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**Figure 5: Lower Ground Comparison (amended on the right) (Source: plus architecture)**



**Figure 6: Ground Level Comparison (amended on the right) (Source: plus architecture)**



**Figure 7: Level 1 Comparison (amended on the right) (Source: plus architecture)**

### 3.3 Proposed Development (As Amended)

**Table 5** provides a summary of the key development statistics of the proposed development (as amended).

Table 5 – Key Development Statistics	
Component	Description
Number of Storeys	Part 1, Part 7 and Part 8.
Building Height (Max.)	27.85m
Site Area	3,763m <sup>2</sup>
Gross Floor Area	8,408m <sup>2</sup>
Floor Space Ratio	2.23:1
Total Apartments	48 units
Unit Mix	15 x 2-bedroom (31%) 30 x 3-bedroom (63%) 3 x 3+-bedroom (6%)
Hours of Operation	Ranging from 7:00am to 11:00pm Monday to Sunday.
Auditorium Seating	418 permanent seats
Vehicular Access	Singular vehicular access point from Finlayson Street.

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<b>Parking</b>	150 car parking spaces comprising: <ul style="list-style-type: none"><li>- 100 residential (inc. rectory); and</li><li>- 50 church</li></ul> 1 car wash bay 10 motorcycle spaces 48 bicycle spaces
<b>Deep Soil</b>	9.51% of site area

**Figure 8** provides a photomontage of the proposed development when viewed from Rosenthal Avenue.



**Figure 8: Photomontage. (Source: plus architecture)**

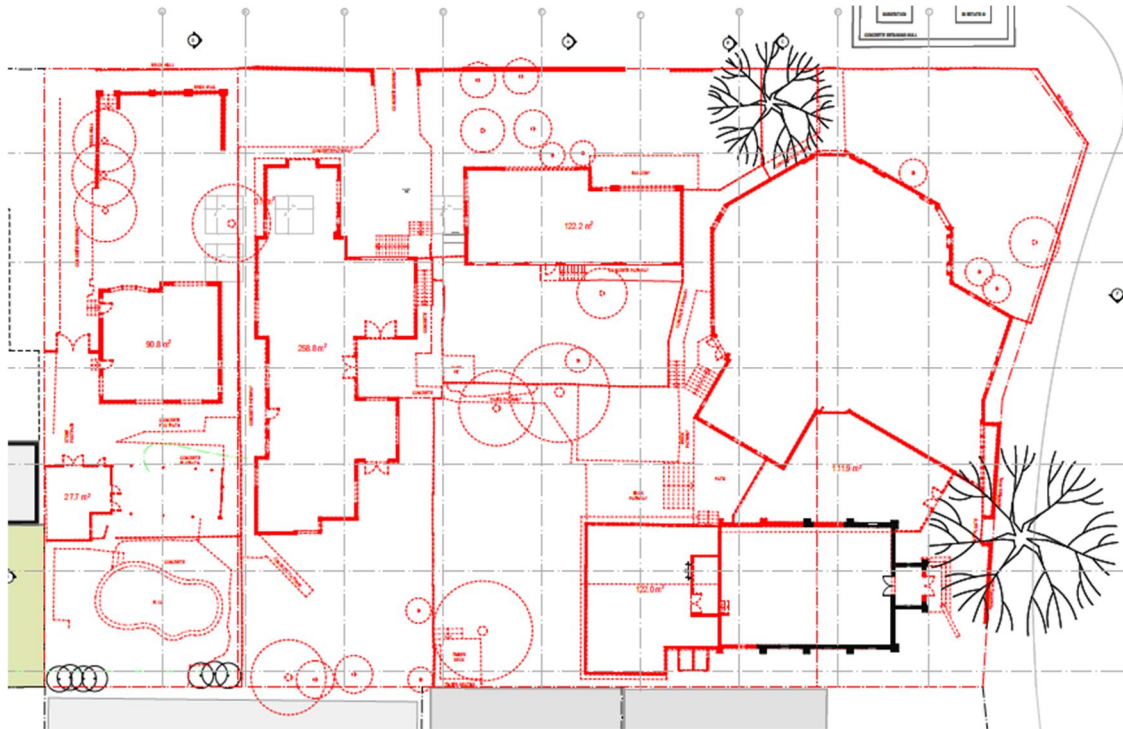
The following subsections provided a more detailed description of the proposed development.

### **3.3.1 Site Preparation**

The proposed development will require demolition of existing structures (with the exception of the portion of the heritage item to be retained), tree removal and excavation as part of site preparation works.



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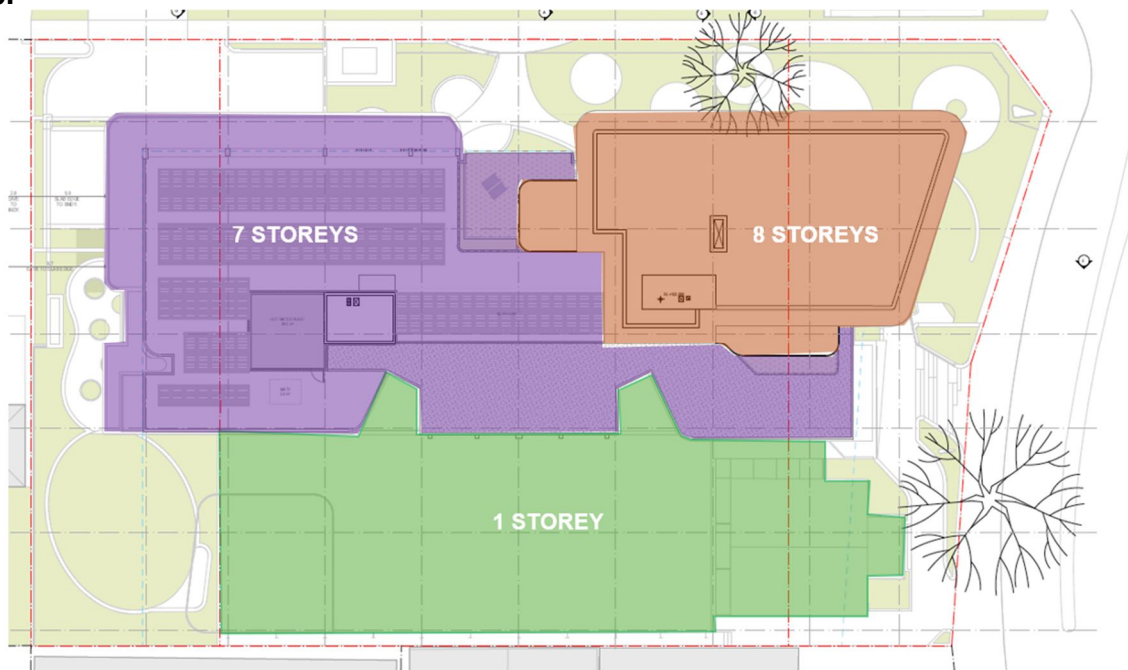
**Figure 9: Demolition Plan. (Source: plus architecture)**

The extent of tree removal is outlined in the submitted arborist report and includes a total of 25 trees on-site and two street trees on Finlayson Street. One significant street tree on Rosenthal Avenue and one significant on-site tree within the Finlayson Street frontage are retained.

### **3.3.2 Built-Form**

#### **Number of Storeys**

The proposed development includes the construction of a mixed-use development which has a built-form that can be generally characterised as part 1, 7 and 8 storeys as detailed in **Figure 10**.



**Figure 10: Proposed Built Form (Number of Storeys) (Source: plus architecture)**

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**Elevations**

**Figure 11 to Figure 14** provide excerpts of the elevation drawings of the proposed development.



**Figure 11: Eastern Elevation (Rosenthal Avenue) (Source: plus architecture)**



**Figure 12: Northern Elevation (Finlayson Street) (Source: plus architecture)**



**Figure 13: Western Elevation (Source: plus architecture)**

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**Figure 14: Southern Elevation (Source: plus architecture)**

### 3.3.3 Mixed-Use and Floor Layout

The proposed development seeks use of the building for a place of public worship, community facility and residential apartments. The floor layout is such that the place of public worship facilities can be hired out as a community facility.

**Table 6** provides a summary of the floor layout as it relates to each of the proposed land uses.

Table 6 – Floor Layout Details	
Level	Description
<b>Basement Level 2</b>	<ul style="list-style-type: none"> <li>RL + 68.950</li> <li>84 x residential car spaces</li> <li>1 x carwash bay</li> <li>5 x motorbike spaces</li> <li>12 x bicycle spaces</li> <li>Associated residential storage areas and lobby areas</li> </ul>
<b>Basement Level 1</b>	<ul style="list-style-type: none"> <li>RL + 72.050</li> <li>16 x residential car spaces</li> <li>50 x church spaces</li> <li>5 x motorcycle spaces</li> <li>Waste room x 2</li> <li>Associated residential storage areas lobby areas</li> </ul>
<b>Lower Ground</b>	<ul style="list-style-type: none"> <li>RL + 75.250</li> <li>Lower auditorium</li> <li>Residential lobby x 2</li> <li>Loading, waste and services areas</li> <li>Large and small hall</li> <li>Sanitary facilities</li> <li>Kitchen</li> <li>Children's room</li> <li>Creche</li> </ul>



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<b>Ground</b>	<ul style="list-style-type: none"> <li>• RL + 79.500</li> <li>• Rectory / Residential apartment (1 x 3 bedroom unit)</li> <li>• Upper auditorium</li> <li>• Sanitary facilities</li> <li>• Flexible ministry space</li> <li>• Admin spaces</li> <li>• Function spaces</li> <li>• Reception</li> <li>• Storage rooms</li> <li>• Access via Rosenthal Avenue</li> <li>• Visitor bicycle parking</li> </ul>
<b>Level 1</b>	<ul style="list-style-type: none"> <li>• RL + 83.100</li> <li>• 2 x 2-bedroom units</li> <li>• 6 x 3-bedroom units</li> </ul>
<b>Level 2</b>	<ul style="list-style-type: none"> <li>• RL + 86.250</li> <li>• 4 x 2-bedroom units</li> <li>• 6 x 3-bedroom units</li> </ul>
<b>Level 3</b>	<ul style="list-style-type: none"> <li>• RL + 89.600</li> <li>• 3 x 2-bedroom units</li> <li>• 6 x 3-bedroom units</li> </ul>
<b>Level 4</b>	<ul style="list-style-type: none"> <li>• RL + 92.750</li> <li>• 3 x 2-bedroom units</li> <li>• 6 x 3-bedroom units</li> </ul>
<b>Level 5</b>	<ul style="list-style-type: none"> <li>• RL + 95.900</li> <li>• 3 x 2-bedroom units</li> <li>• 6 x 3-bedroom units</li> <li>•</li> </ul>
<b>Level 6</b>	<ul style="list-style-type: none"> <li>• RL + 99.250</li> <li>• 2 x 3-bedroom units</li> </ul>
<b>Rooftop</b>	<ul style="list-style-type: none"> <li>• RL + 103.600</li> <li>• Rooftop (provision of PV system, AC Condenser, lift overrun).</li> </ul>

### 3.3.4 External Colours and Finishes

The proposed external colours and finishes draw from the surrounding areas material palette and comprise a mix of brown bricks, bronze vertical ribbed cladding, glass, exposed concrete (natural finish), white and beige render, timber frames, bronze and green privacy screens, and existing materials (brown bricks and roof tiles) from the retained church (**Figure 15**).

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**Figure 15: Proposed External Colours and Finishes (Source: plus architecture)**

### 3.3.5 Landscaping

**Figure 16** provides an excerpt of the proposed landscaping plan. The landscaping plan includes the planting of six street trees and 17 on-site trees of native species and advanced pot size (200L plus).



**Figure 16: Proposed Landscaping (Source: Land And Form)**

### 3.3.6 Vehicular Access

Vehicular access is proposed from Finlayson Street with the associated removal of redundant vehicular cross-overs (including from Rosenthal Avenue).

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### **3.3.7 Waste Management**

The proposed operational waste management for the residential apartments is via dual chute systems to a waste storage area within Basement Level 1. Bins would then be transported to the Lower Ground Level by the building manager for collection within a loading area which is accessed from Finlayson Street and allows for on-site collection. A separate waste storage area is provided for the place of public worship and community facility at the Lower Ground Level and utilises the same collection point as the residential apartments.

### **3.3.8 Stormwater Management**

The proposed development provides an on-site stormwater detention tank (103.6m<sup>3</sup>) and rainwater tank (20m<sup>3</sup>).

### **3.3.9 Utilities**

The proposed development includes an on-site substation. The proposed development includes undergrounding power lines for the length of the site frontage in Finlayson Street. No overhead power line infrastructure exists within Rosenthal Avenue.

### **3.3.10 Sustainability**

The proposed development includes various sustainability measures including 67 solar panels and no gas.

### **3.3.11 Subdivision**

No subdivision is proposed as part of the subject Development Application.

### **3.3.11 Operational Details**

#### **Capacity**

The proposed place of public worship has a permanent seating capacity of 418 seats comprising 144 seats in the upper auditorium and 274 seats in the lower auditorium.

The proposed floor plan includes a moveable stage. The additional hall area has been considered for the purpose of calculating the parking requirement under the DCP (Refer to details in **Section 5** of this report).

#### **Staff**

A maximum of 10 staff are proposed at any one time associated with the place of public worship.

#### **Hours of Operation**

The following hours of operation are proposed as part of the place of public worship are generally as follows.

- Sunday to Thursday: 7:00am to 10:00pm
- Friday to Saturday: 7:00am to 11:00pm

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### Community Facility

The place of public worship will be capable of being hired out as a community facility within the operational details listed above.

### 3.3.12 Signage

The applicant has confirmed that signage no longer forms part of the Development Application given insufficient signage plan detail. Any signage will be subject to a separate Development Application as stipulated in the draft conditions.

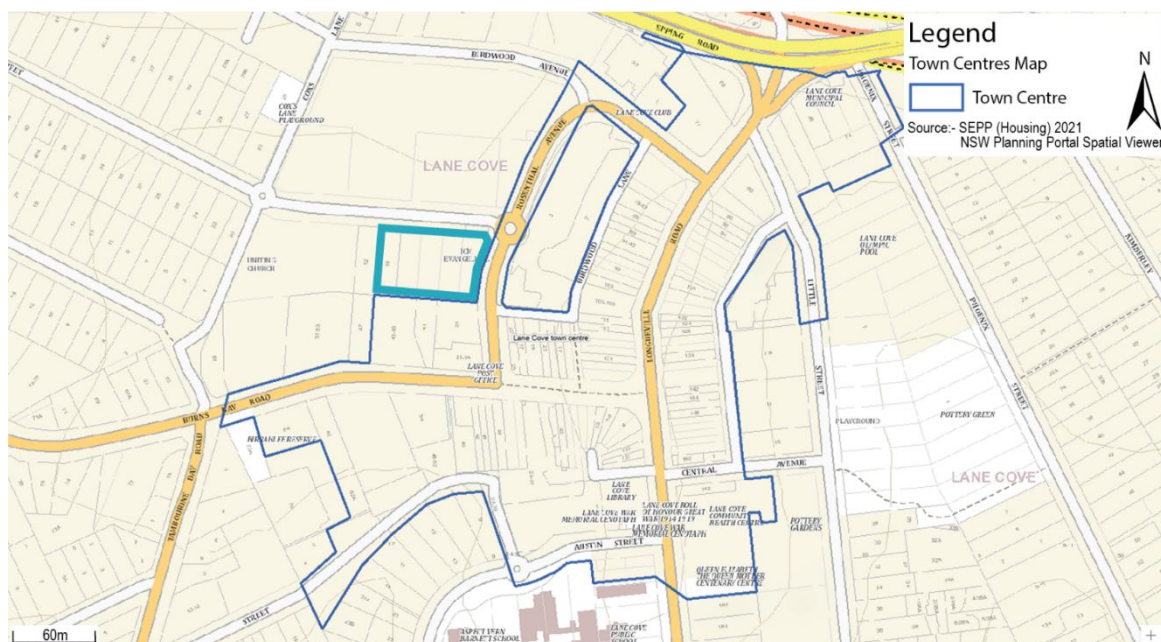
## 4. STRATEGIC PLANNING CONTEXT

### 4.1 Application of the Low- and Mid-Rise Housing Policy

The Development Application was lodged/made on 10 February 2025.

'Chapter 6 – Low- and Mid-Rise Housing' of *State Environmental Planning Policy (Housing) 2021* (SEPP Housing) commenced on 28 February 2025.

Chapter 6 lists Lane Cove Village as a 'Town Centre' in proximity to the subject site (**Figure 17**).



**Figure 17: Town Centre Map (Source SEPP)**

The following clarifications are made in relation to the application of the Low- and Mid-Rise Housing Policy as it relates to the subject Development Application:

- The Chapter 6 provisions do not apply as an environmental planning instrument as the general savings provisions of SEPP Housing apply;
- The Chapter 6 provisions do apply as a draft environmental planning instrument that was certain and imminent;

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- The Development Application does not rely on the Chapter 6 provisions for permissibility; and
- As a draft environmental planning instrument, the height of building and floor space ratio are not a statutory development standard but may be considered as an environmental planning ground in relation to any Clause 4.6 written request to justify varying the correlating development standard in the saved environmental planning instrument.

**5. STATUTORY CONSIDERATIONS**

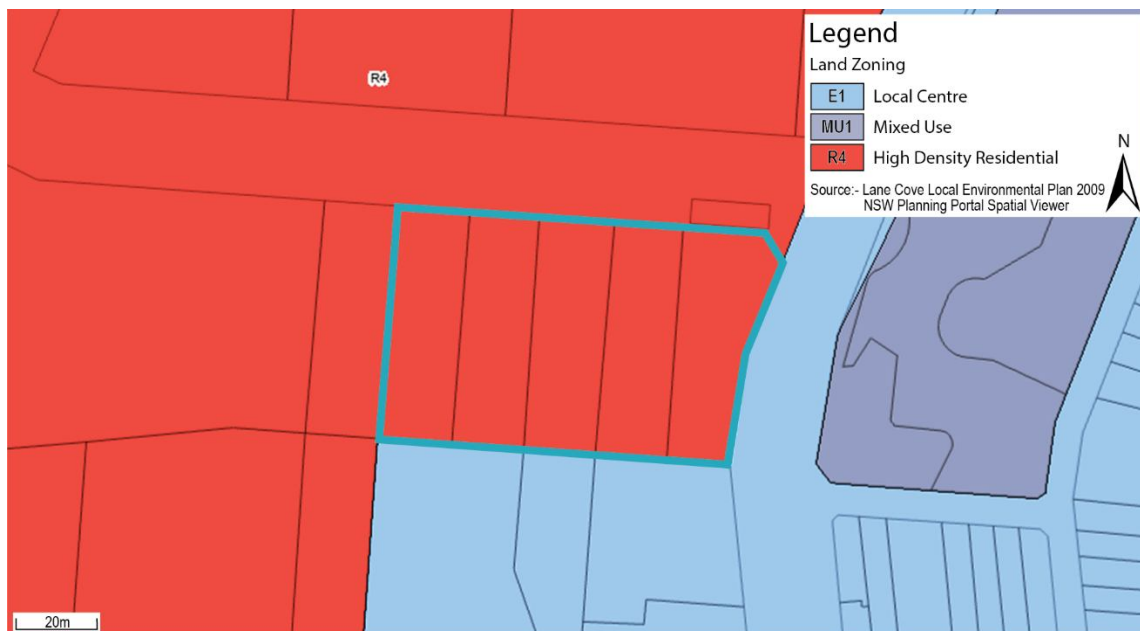
The following assessment is provided against the relevant provisions of Section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

**5.1 Any environmental planning instrument - Section 4.15(1)(a)**

**5.1.1 Lane Cove Local Environmental Plan 2009**

**5.1.1.1 Permissibility**

The site is zoned R4 High Density Residential under the LEP. A residential flat building, place of public worship and community facility are permitted with consent in the R4 Zone.



**Figure 18: Zoning Map (Source: Lane Cove LEP)**

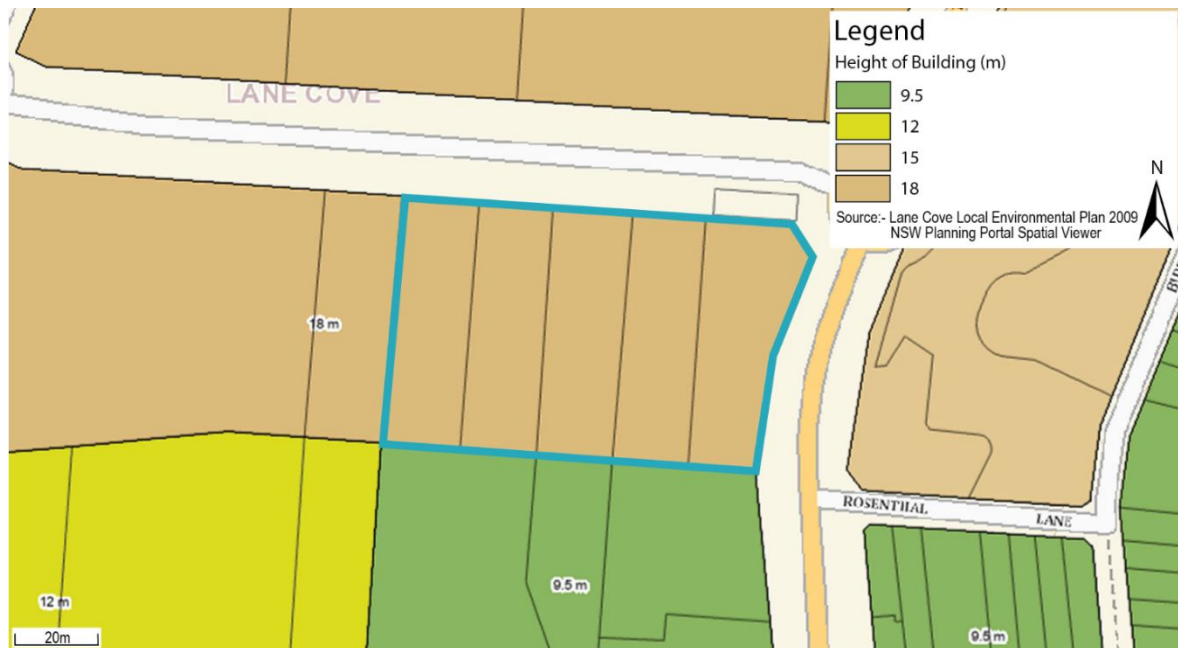
**5.1.1.2 Development Standards**

Building Height

The site is subject to a maximum building height development standard of 18m under Clause 4.3 of the LEP (**Figure 19**).



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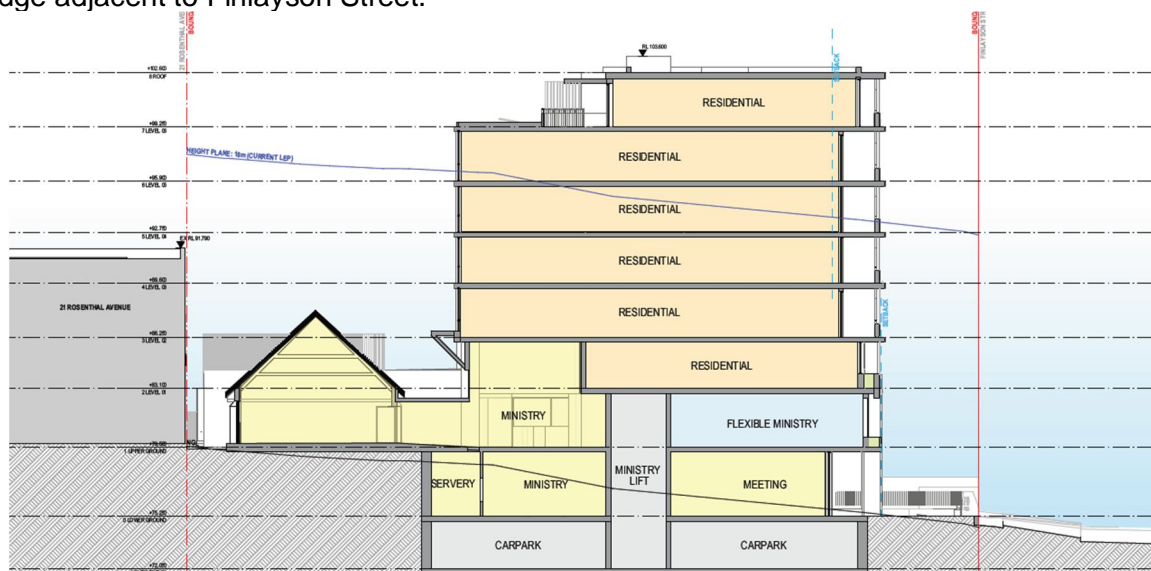


**Figure 19: Height of Buildings Map. (Source: Lane Cove LEP)**

**Table 7** provides a summary of compliance with the height of building development standard.

Table 7 – Compliance with LEP Development Standards			
	Development Standard	Proposal (Max)	Complies
Height of Buildings (max)	18m	27.85m	No

**Figure 20** provides a section drawing detailing where the proposed development exceeds the LEP height plane. The section drawing demonstrates that the fall in topography from the south to the north of the site results in the height variation being greatest along the northern edge adjacent to Finlayson Street.



**Figure 20: Section Drawing – Height Variation (Source: plus architecture)**

The height of building development standard is not excluded from the operation of ‘Clause 4.6 – Exceptions to development standards’ of the LEP.

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The Development Application was accompanied by a written request to vary the height of building development standard utilising the provisions of Clause 4.6 of the LEP (**Attachment 6**).

Clause 4.6(3) of the LEP requires that:

- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that:*
- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
  - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

**(a) Is compliance with the development standard unreasonable or unnecessary in the circumstances?**

The Clause 4.6 written request demonstrates the objectives of the height of building standard are achieved despite the numerical non-compliance which is an accepted test for whether a development standard is unreasonable or unnecessary.

The objectives of Clause 4.3 are as follows:

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

The Clause 4.6 written request demonstrates that solar access to adjoining development receives solar access compliant with the DCP.

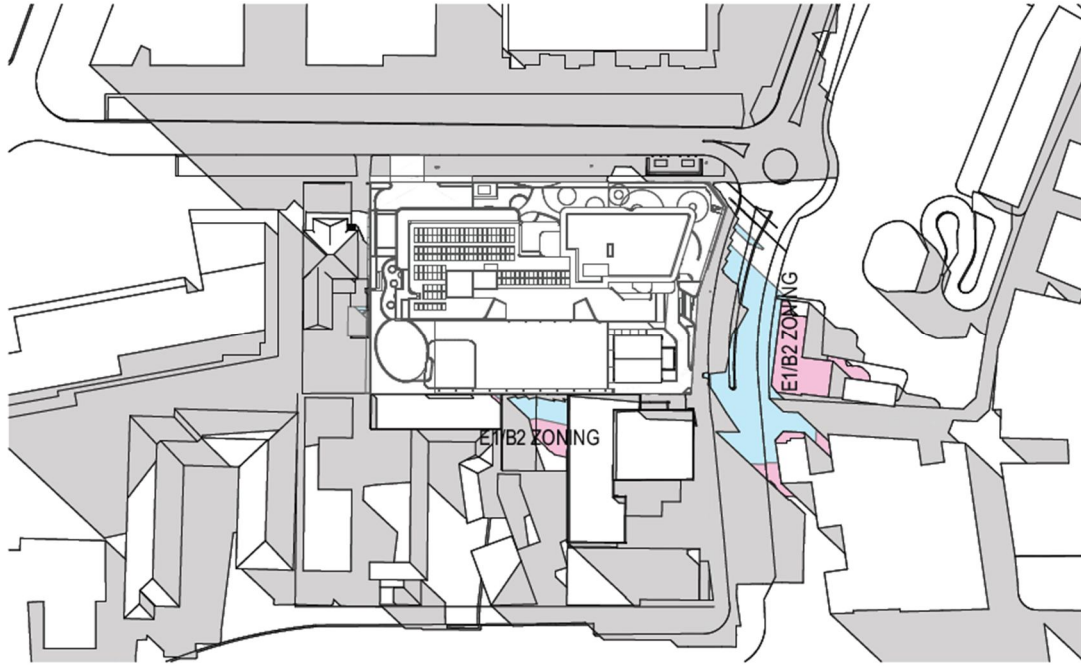
No. 12 Finlayson Street

A dwelling house at No. 12 Finlayson Street is located to the west of the site. No. 12 Finlayson Street receives reasonable solar access as private open space receives 3hrs of solar access between 10am and 1pm mid-winter and north-facing windows (facing Finlayson Street) receive full solar access between 9am and 2pm mid-winter.

The Canopy

The Canopy is located to the east of the site. The proposed development does not result in additional overshadowing of The Canopy between 9am and 3pm mid-winter. The worst-case scenario in the relevant period is detailed in **Figure 21**.

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**Figure 21: 3pm Mid-Winter Shadow Diagram (Source: plus architecture)**

Southern Adjoining Properties

Existing commercial properties are located to the south of the site. Due to the change in topography and the separation afforded by the place of public worship, minimal additional overshadowing occurs between 10am and 3pm mid-winter.

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

The Clause 4.6 written request demonstrates that the portion of the proposed development exceeding the height limit will not result in unreasonable privacy and visual impacts. The proposed development is not situated at a residential zone transition (i.e higher to lower density residential) and the building separation complies with the Apartment Design Guide (ADG) at all levels.

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

The Clause 4.6 written request demonstrates that potential sunlight for the public domain has been maximised including consideration of alternative design solutions as part of the Council Pre-DA and NSROC Design Review Panel process. The additional height is concentrated towards the northern boundary of the site, concentrating overshadowing over the roof of the proposed place of public worship and minimising impacts on the public domain.

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

The Clause 4.6 written request outlines the design response to the topography of the site. The proposed development provides additional height towards the corner of Rosenthal Avenue and Finlayson Street as a preferred urban design outcome, utilises the higher level on Rosenthal Avenue to provide the principal pedestrian entrance for the place of public worship and the lower level of Finlayson Street to provide a dedicated pedestrian entrance for the residential apartments. The development does not result in any substantial level changes at the boundary and provides a high-quality interface to its street frontages.

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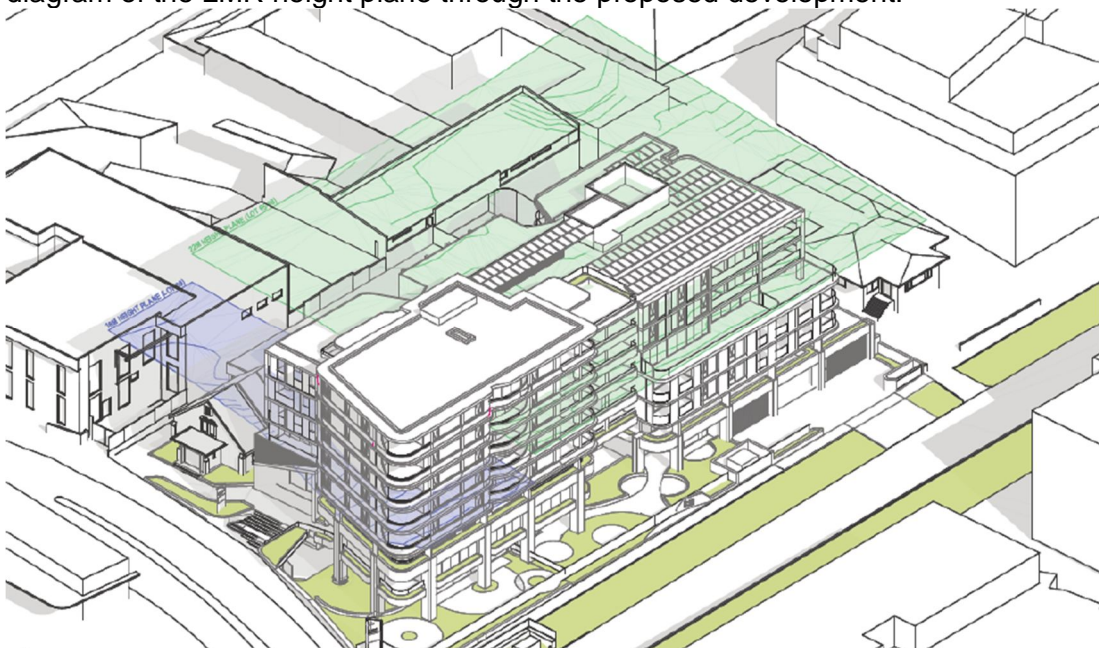
**(b) Are there sufficient environmental planning grounds to justify the contravention of the development standard?**

The Clause 4.6 written request seeks to advance the following environmental planning grounds:

- **EP&A Act Objects** - Compliance with the objects of the *Environmental Planning and Assessment Act, 1979* with key reasons advanced being as follows:
  - Providing a place of public worship that is capable of being used as a community-based performance space;
  - Providing housing and supporting uses consistent with the R4 High Density Residential zone; and
  - The absence of adverse amenity impacts.

The other reports and plans provided by the applicant also advance the following environmental planning grounds:

- **Heritage Conservation** - The redistribution of height provides for heritage conservation. The retained portion of the heritage item and proposed auditorium is significantly under the LEP height limit (see **Figure 20**). The volume of unutilised air space below the height limit, is greater than volume of building above the height limit; and
- **Low and Mid Rise Housing Policy** - The extent of variation is less under the Low and Mid Rise Housing Policy (Chapter 6 of SEPP Housing) which provides a 22m building height limit for residential flat building development the majority of the site (excluding the heritage allotment). While the controls were not in force at time of DA lodgement, they are certain and imminent for the purposes of this assessment. Further, the LMR Housing Policy could also allow for a 24m height limit for shop top housing development which is permissible on the site pursuant to the LEP. The volume of the building above the height limit decreases under the LMR standard and further justifies a redistribution of height for heritage conservation purposes. **Figure 22** provides a diagram of the LMR height plane through the proposed development.

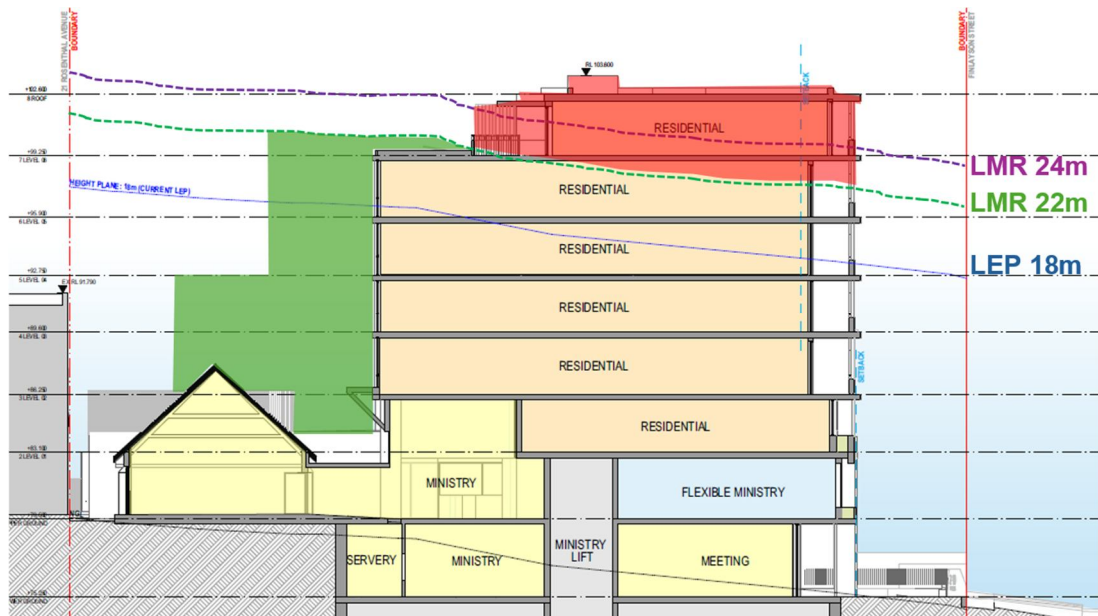


**Figure 22: LMR Height Plane (Source: plus architecture)**

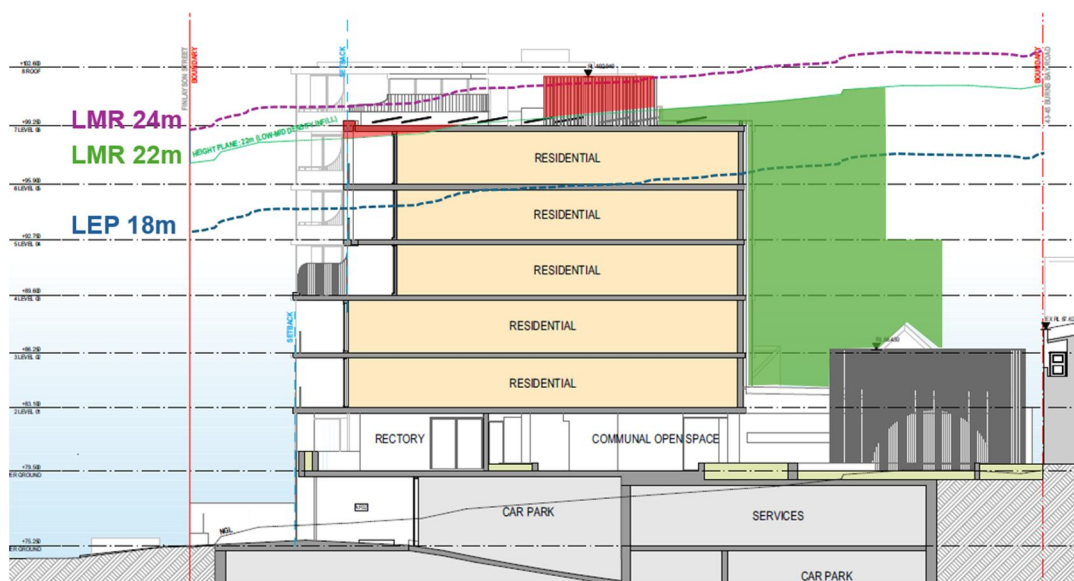


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**Figure 23** and **Figure 24** demonstrates the volumetric re-distribution in relation to an LMR control of 22m. The green shaded area is area not utilised (adopting habitable building separation requirements of the ADG) and the red shaded area is the area above the height limit. The LEP 18m and LMR 24m height lines are shown for reference.



**Figure 23: Volumetric Redistribution Diagram (East) (Source: plus architecture)**



**Figure 24: Volumetric Redistribution Diagram (West) (Source: plus architecture)**

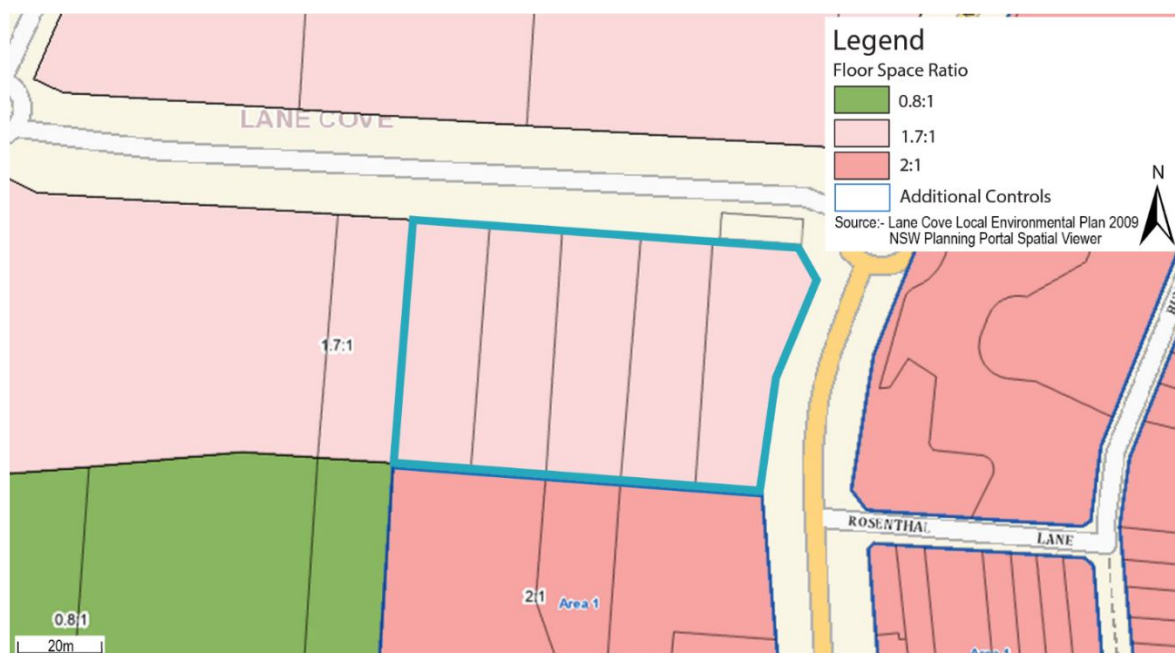
It is considered that there are sufficient environmental planning grounds to justify a contravention of the height of buildings development standard in this instance.

### Floor Space Ratio

The site is subject to a maximum floor space ratio standard of 1.7:1 under Clause 4.4 of the LEP (**Figure 25**).



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**Figure 25: Floor Space Ratio Map (Source: plus architecture)**

**Table 8** provides a summary of compliance with the floor space ratio development standard.

<b>Table 8 – Compliance with LEP Development Standards</b>			
	<b>Development Standard</b>	<b>Proposal</b>	<b>Complies</b>
Floor Space Ratio (max)	1.7:1	2.23:1	No

The floor space ratio development standard is not excluded from the operation of 'Clause 4.6 – Exceptions to development standards' of the LEP.

The Development Application was accompanied by a written request to vary the floor space ratio development standard utilising the provisions of Clause 4.6 of the LEP (**Attachment 7**).

Clause 4.6(3) of the LEP requires that:

- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that:*
- (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
  - (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

**(1) Is compliance with the development standard unreasonable or unnecessary in the circumstances?**

The Clause 4.6 written request demonstrates the objectives of the floor space ratio development standard are achieved despite the numerical non-compliance which is an accepted test for whether a development standard is unreasonable or unnecessary.

The objectives of Clause 4.4 are as follows:

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**(a) to ensure that the bulk and scale of development is compatible with the character of the locality.**

The Clause 4.6 written request demonstrates that the bulk and scale of the development is compatible with the character of the locality as the LMR provision envisage a change in character, the LMR provisions would allow for a greater FSR (2.2:1). The proposed FSR of 2.23:1 is 0.03:1 or 112m<sup>2</sup> above this standard. The extent of variation when compared to the LMR standard is negligible.

The Clause 4.6 written request addresses character stating that compatibility is not 'sameness' and accordingly, in the context of LMR, additional height and associated bulk and scale are considered satisfactory, in the absence of any adverse amenity impacts.

**(2) Are there sufficient environmental planning grounds to justify the contravention of the development standard?**

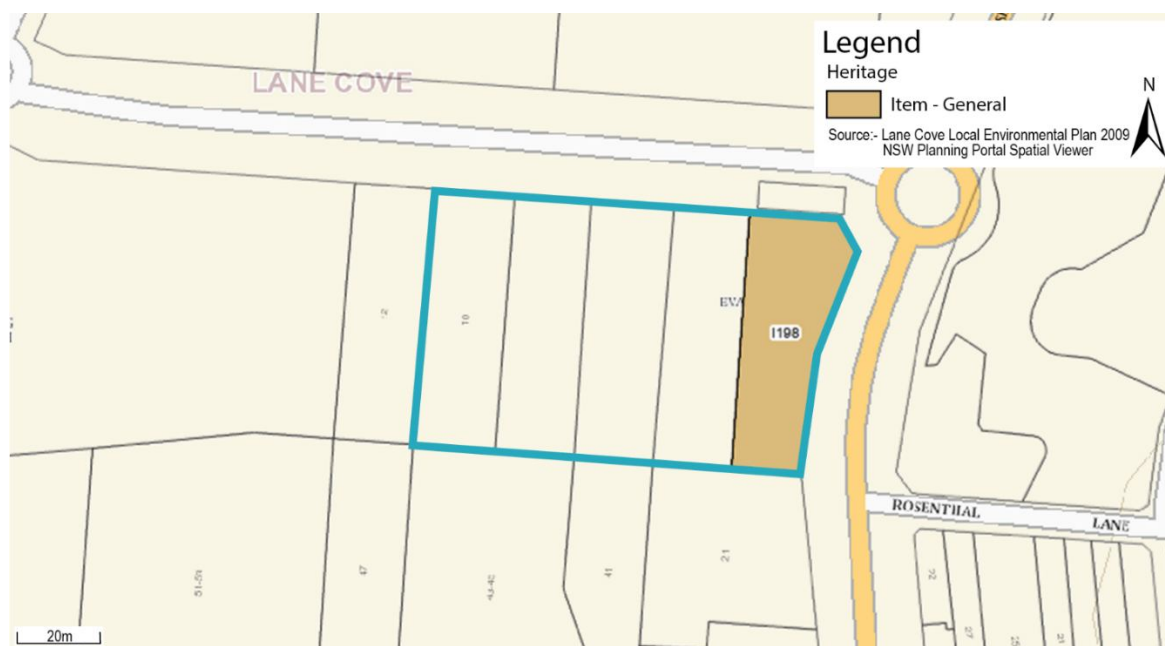
- **EP&A Act Objects** - Compliance with the objects of the *Environmental Planning and Assessment Act, 1979* with key reasons advanced being as follows:
  - **Built Heritage:** Additional GFA is acceptable on the basis that the proposed development facilitates a heritage conservation outcome;
  - **Housing:** Providing housing and supporting uses consistent with the R4 High Density Residential zone; and
  - **Amenity:** The absence of adverse amenity impacts.

It is also noted that the residential component does not exceed the LEP FSR. That is, the proposed development includes 5939.8m<sup>2</sup> of residential GFA (including the rectory) which represents an FSR of 1.58:1 which is less than the LEP standard of 1.7:1. In this way, the proposed development does not exceed the existing planning residential density for the site.

#### **5.1.1.3 Heritage**

The proposed development includes part demolition of a heritage item I198 listed under Schedule 5 of the LEP (**Figure 26**). The Development Application was referred to an independent heritage consultant for comment. In response to the preliminary assessment, the applicant amended the proposed design to increase the extent of heritage conservation. As a result of the amendments, the proposed development is considered satisfactory with respect to Clause 5.10 of the LEP. The heritage assessment is discussed in **Section 5.3** of this report.

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**Figure 26: Heritage Map (Source: plus architecture)**

### **5.1.2 State Environmental Planning Policy (Housing) 2021**

Section 147(1) of SEPP Housing 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 quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,
- (b) the Apartment Design Guide; and
- (c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.

#### **5.1.2.1 Design Review Principles and NSROC Design Review Panel**

The proposed development was considered by the Northern Sydney Region of Council's Design Review Panel on 27 June 2024 and 26 September 2024, prior to lodgement of the Development Application. The minutes of the first and second meeting are provided as **Attachment 9** and **Attachment 10** respectively. Key Panel comments are incorporated into design quality principle assessment below.

#### **5.1.2.2 Design Quality Principles**

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

#### **PRINCIPLE 1: CONTEXT AND NEIGHBOURHOOD CHARACTER**

- (1) *Good design responds and contributes to its context, which is the key natural and built features of an area, their relationship and the character they create when combined and also includes social, economic, health and environmental conditions.*

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- (2) Responding to context involves identifying the desirable elements of an area's existing or future character.*
- (3) Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.*
- (4) Consideration of local context is important for all sites, including sites in the following areas—*
  - (a) established areas,*
  - (b) areas undergoing change,*
  - (c) areas identified for change.*

**Comment:** The proposal responds to its context and neighbourhood character as the site is well situated for a larger mixed-use development, building upon “The Canopy” and St Andrews Anglican Church. The Design Review Panel suggested that more urban design and context analysis would be recommended to support the proposed building massing, pedestrian circulation strategy and future material selections. The applicant has since provided a material selection which reflects and draws upon the surrounding development context of the site.

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

**PRINCIPLE 2: BUILT FORM AND SCALE**

- (1) Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.*
- (2) Good design also achieves an appropriate built form for a site and the building's purpose in terms of the following—*
  - (a) building alignments and proportions,*
  - (b) building type,*
  - (c) building articulation,*
  - (d) the manipulation of building elements.*
- (3) Appropriate built form—*
  - (a) defines the public domain, and*
  - (b) contributes to the character of streetscapes and parks, including their views and vistas, and*
  - (c) provides internal amenity and outlook.*

**Comment:** The Design Review Panel supported the massing to the corner of the site, the masonry definition of the podium responding to the existing character and rhythm of the streetscape and the relationship between the heritage item and the new fabric. The Design Review Panel suggested further amendments to the entry portal from Rosenthal Avenue which has since been incorporated by the applicant. All items raised by the Design Review Panel in relation to Built Form and Scale have been addressed.

The proposed design satisfies Principle 2: Built Form and Scale.

**PRINCIPLE 3: DENSITY**

- (1) Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.*

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- (2) Appropriate densities are consistent with the area's existing or projected population.*
- (3) Appropriate densities are sustained by the following—*
  - (a) existing or proposed infrastructure,*
  - (b) public transport,*
  - (c) access to jobs,*
  - (d) community facilities,*
  - (e) the environment.*

**Comment:** The proposed density and FSR exceed the current LEP control however the Panel noted the development would appear to generally comply with the incoming Low and Midrise Housing Policy FSR control of 2.2:1. The proposed density does not compromise the achievement of high amenity for residents and each apartment. The proposed development is consistent with the area's projected population noting that the site is zoned R4 High Density Residential and the residential component density does not exceed the current LEP FSR control. The Design Review Panel requested additional streetscape elevation/section drawings which have been provided. The height and FSR are considered satisfactory as addressed in **Section 5.1.1.2** of this report.

The proposed design satisfies Principle 3: Density.

**PRINCIPLE 4: SUSTAINABILITY**

- (1) Good design combines positive environmental, social and economic outcomes.*
- (2) Good sustainable design includes—*
  - (a) use of natural cross ventilation and sunlight for the amenity and liveability of residents, and*
  - (b) passive thermal design for ventilation, heating and cooling, which reduces reliance on technology and operation costs.*
- (3) Good sustainable design also includes the following—*
  - (a) recycling and reuse of materials and waste,*
  - (b) use of sustainable materials,*
  - (c) deep soil zones for groundwater recharge and vegetation.*

**Comment:** The Design Review Panel provided no comments in relation to sustainability. The proposed development provides good passive sustainable design achieving solar access and natural ventilation requirements of the ADG. The Development Application was accompanied by an ecologically sustainable development report outlining no gas and an 8.2 NatHERS rating. The proposed development meets ADG minimum deep soil requirements.

The proposed design satisfies Principle 4: Sustainability.

**PRINCIPLE 5: LANDSCAPE**

- (1) Good design recognises that landscape and buildings operate together as an integrated and sustainable system, resulting in development with good amenity.*
- (2) A positive image and contextual fit of well-designed development is achieved by contributing to the landscape character of the streetscape and neighbourhood.*



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- (3) *Good landscape design enhances the development's environmental performance by retaining positive natural features that contribute to the following—*
  - (a) *the local context,*
  - (b) *co-ordinating water and soil management,*
  - (c) *solar access,*
  - (d) *micro-climate,*
  - (e) *tree canopy,*
  - (f) *habitat values,*
  - (g) *preserving green networks.*
- (4) *Good landscape design optimises the following—*
  - (a) *usability,*
  - (b) *privacy and opportunities for social interaction,*
  - (c) *equitable access,*
  - (d) *respect for neighbours' amenity.*
- (5) *Good landscape design provides for practical establishment and long-term management.*

**Comment:** The principles of the landscape design are generally supported by the Design Review Panel. Limited tree retention is supported by arborist advice and advanced replacement trees are proposed (200L to 400L). The communal open space is provided at 24% in lieu of 25% of the site area. The shortfall is considered satisfactory in the context of the site as there is non-residential uses also on the site. The Design Review Panel requested consideration of the relationship of the communal open space level adjacent to No. 12 Finlayson Street. The proposed communal open space level of RL 79.4 is the average of the existing levels on No. 10 Finlayson Street which range between RL 80.6 and RL 78.5. An averaging is considered appropriate and on balance will not result in any additional overlooking from the communal open space. Suitable landscape screening is provided in any event.

The proposed design satisfies Principle 5: Landscape.

**PRINCIPLE 6: AMENITY**

- (1) *Good design positively influences internal and external amenity for residents and neighbours.*
- (2) *Good amenity contributes to positive living environments and resident well-being.*
- (3) *Good amenity combines the following—*
  - (a) *appropriate room dimensions and shapes,*
  - (b) *access to sunlight,*
  - (c) *natural ventilation,*
  - (d) *outlook,*
  - (e) *visual and acoustic privacy,*
  - (f) *storage,*
  - (g) *indoor and outdoor space,*
  - (h) *efficient layouts and service areas,*
  - (i) *ease of access for all age groups and degrees of mobility.*

**Comment:** The design provides for high levels of external amenity including a landscaped communal area with a BBQ and kitchen, a residents community garden, breakout lawns, sitting nooks, and nature play spaces (equipped with timber logs, sandpits and informal play with bushtucker planting). Internal amenity, however, was questioned in the Design Review Panel. The Panel contended that the floor area of the lobbies leading to the hall exceeded that of the hall's floor area and capacity. In response to this the applicant made the reception

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joinery movable to allow more space for the lobby. Depending on the usage of the auditorium, there is also the capacity to spill into the lower pre/post function space.

For the developments residential unit's various amenity concerns were raised by the Panel. The Panel suggested that the plan arrangement of apartment 04.02 should be reviewed to provide improved access to daylight within the "snorkel" bedroom. The applicant responded by increasing the size of windows (03.W02, 04.W02 & 05.W02). The Panel also stated that the 3-bedroom units located in the south-western corner of the site have poor amenity with very limited outlook and daylight access. It was suggested that these could be reconfigured to improve internal amenity whilst minimising adverse impacts to neighboring properties and from the communal outdoor space. The applicant responded by stating that the southwestern 3-bedroom units have very generous living rooms & balconies which mainly overlook the greenery of the COS & the roof of neighboring house. Additionally, screens across those balconies have been introduced for privacy.

The proposed design satisfies Principle 6: Amenity

**PRINCIPLE 7: SAFETY**

- (1) Good design optimises safety and security within the development and the public domain.*
- (2) Good design provides for quality public and private spaces that are clearly defined and fit for the intended purpose.*
- (3) Opportunities to maximise passive surveillance of public and communal areas promote safety.*
- (4) 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**

- (1) Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.*
- (2) Well-designed residential apartment development responds to social context by providing housing and facilities to suit the existing and future social mix.*
- (3) Good design involves practical and flexible features, including—*
  - (a) different types of communal spaces for a broad range of people, and*
  - (b) opportunities for social interaction among residents.*

**Comment:** The proposal provides for an appropriate apartment mix of different apartment shapes and sizes including 2-bedroom (32%), 3-bedroom (64%) and 3+-bedroom (4%).

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During the Design Review Panel, the Panel questioned the conversion of the previously nominated area for “retail uses” to be amended to encompass “Flexible Ministry” uses. The Panel further questioned whether the area could accommodate a small café, to compliment the public use component within the development and encourage engagement with the street. The applicant responded by stating that space was crucial for the ongoing function of the place of public worship.

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

### PRINCIPLE 9: AESTHETICS

- (1) Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure.*
- (2) Good design uses a variety of materials, colours and textures.*
- (3) The visual appearance of well-designed residential apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.*

**Comment:** During the Design Review Panel, the Panel questioned whether brick arches were an appropriate geometry for the podium. They recommended the applicant to explore more simplified podium treatments where possible. The applicant responded by simplifying the arched brick podiums to rectangular portals. This responds well to the small entry patio of the existing church hall.

The proposed design satisfies Principle 9: Aesthetics.

#### 5.1.2.2 Apartment Design Guide

An assessment has been undertaken against the Apartment Design Guide and is provided as **Attachment 2** to this report.

#### 5.1.3 State Environmental Planning Policy (Resilience and Hazards) 2021

##### Chapter 4 – Remediation of Land

The historical use of the site for residential development and a church are not listed in Table 1 of the contaminated land planning guidelines and accordingly there is low or negligible potential for contamination.

Council’s Environmental Health Officer has reviewed the Development Application and is satisfied that the site can be continued to be used for these purposes.

The proposed development is considered satisfactory with respect to Chapter 4 of SEPP RH.

#### 5.1.4 State Environmental Planning Policy (Sustainable Buildings) 2022

The Development Application is accompanied by the requisite documentation required under SEPP SB including a BASIX Certificate and an Ecologically Sustainable Development Report addressing the mandatory considerations under Section 3.2 of SEPP SB. For the purposes of

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SEPP SB the proposed development includes a non-residential development component, but it does not meet the definition of a large commercial development.

#### **5.1.6 State Environmental Planning Policy (Biodiversity and Conservation) 2021**

##### Chapter 2 – Vegetation in non-rural areas

Chapter 2 stipulates permit/approval requirement relating to the removal of vegetation in non-rural areas. Vegetation removal has been assessed by Council's Tree Officer as outlined in **Section 5.3** of this report and is deemed acceptable subject to the proposed replacement planting.

##### Chapter 6 - Water Catchments

The site is within the Sydney Harbour Catchment. The proposed development satisfies the jurisdictional pre-conditions and mandatory considerations in Section 6.6 to 6.8 of SEPP BC as determined by Council's Development Engineer who has determined the stormwater management of the development will meet Council's water quality and quantity requirements. The proposed development does not impact recreation and public access to any waterbody (Section 6.9 of SEPP BC).

#### **5.1.7 State Environmental Planning Policy (Transport and Infrastructure) 2021**

The Development Application was referred to Ausgrid in accordance with Section 2.48 of SEPP TI (development within 5m of an exposed overhead electricity power line and development immediately adjacent to an electricity substation) who raised no objection to the proposed development subject to conditions.

#### **5.1.7 State Environmental Planning Policy (Planning Systems) 2021**

The Development Application is referred to the Sydney North Planning Panel for determination as the Estimated Development Cost is **\$79,981,163 Excluding GST** (exceeding \$30 million).

#### **5.2 any proposed instrument - Section 4.15(1)(a)(ii)**

At the time the Development Application was made, Chapter 6 – Low- and Mid-Rise Housing of SEPP Housing, was a proposed instrument. **Section 4** of this report outlines how these provisions have been considered for the purpose of this report.

#### **5.3 any development control plan – Section 4.15(1)(a)(iii)**

**Table 9** outlines the referrals received in relation to the development control plan requirements.

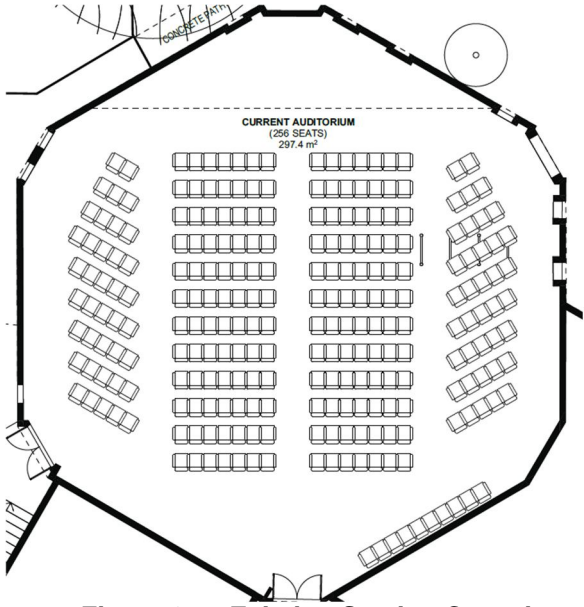
<b>Table 9 - Referrals</b>		
<b>Referral</b>	<b>DCP</b>	<b>Comment</b>
<b>Landscaping</b>	Part J – Landscaping	<b>Satisfactory</b> – The landscape officer has provided recommended draft conditions.  The referral notes non-compliances with the DCP requirements for canopy and deep soil.



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<b>Table 9 - Referrals</b>		
<b>Referral</b>	<b>DCP</b>	<b>Comment</b>
		Notwithstanding, the proposed development complies with the ADG.
<b>Tree Preservation</b>	Part J – Landscaping	<p><b>Satisfactory</b> – The tree officer has provided recommended draft conditions.</p> <p>The referral notes that design amendments will be required around Tree No. 5 to ensure its retention. A design amendment draft condition has been recommended.</p>
<b>Development Engineer</b>	Part O – Stormwater Management	<p><b>Satisfactory</b> – The proposed stormwater drainage system is considered acceptable subject to the draft conditions.</p>
<b>Traffic, Transport and Parking</b>	Part R – Traffic, Transport and Parking	<p><b>Satisfactory</b> – A traffic impact assessment has been prepared and supports a reduced rate of parking to the church.</p> <p>The proposed plans indicate permanent seating of 418 seats.</p> <p>It is also noted that the proposed auditorium has a moveable stage with an adjacent hall area of 221.5m<sup>2</sup>.</p> <p>Both the permanent seating and adjacent hall area have been factored into the parking assessment.</p> <p>The DCP parking requirements for the place of public worship are as follows:</p> <ul style="list-style-type: none"> <li>• 1 space per 2 employees</li> <li>• 1 space per 10 permanent seats or</li> <li>• 1 space per 10m<sup>2</sup> where no permanent seating is provided.</li> </ul> <p>Based on the above, a total of 7.5 parking spaces for employees, 41.8 parking spaces for permanent seats and 22.15 parking spaces for the expandable auditorium area, being a total of 71.45 parking spaces where a total of 50 spaces are provided to the place of public worship.</p> <p>The parking shortfall of 22 spaces is considered satisfactory in this instance for the following reasons:</p> <ul style="list-style-type: none"> <li>• The parking would meet fixed auditorium maximum demand (i.e. 418 permanent seats and 15 employees generating a demand of 49.5 parking spaces) which is the typical use case.</li> </ul>

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Table 9 - Referrals		
Referral	DCP	Comment
		<ul style="list-style-type: none"> <li>The proposed development improves the existing parking situation for the place of public worship. The existing place of public worship has 2 stacked parking spaces for a capacity of 256 seats.</li> </ul>  <p style="text-align: center;"><b>Figure 27 – Existing Seating Capacity</b></p> <ul style="list-style-type: none"> <li>If the parking were assessed on the basis of additional capacity only it would meet the DCP. The additional capacity (+162 seats and 221.5m<sup>2</sup> flexible area, 15 staff) would generate the demand for 45.85 parking spaces. Then including the two existing spaces would result in a total parking requirement of 47.85 parking spaces, where 50 parking spaces are provided.</li> <li>Previous planning reports for The Canopy indicate the provision of a 500-space public car park including 176 public car parking spaces (i.e. not to meet demand of The Canopy retail premises) and 89 car parking spaces for future development and additional parking for the CBD.</li> </ul> <p>Note: The submitted traffic report indicates a higher variation figure by including ancillary halls. The DCP does not require inclusion of supporting halls. The DCP requires consideration of the main worship space providing a rate for fixed or non-fixed seating.</p> <p>Note: No alternative seating plans have been submitted as part of the development application (i.e. formally submitted as an amendment to the development application on the Portal).</p>

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<b>Table 9 - Referrals</b>		
<b>Referral</b>	<b>DCP</b>	<b>Comment</b>
		<p>Notwithstanding, the justification above, would still stand, as the flexible auditorium area (221.5m<sup>2</sup>) would generate the same parking demand under the DCP as 222 fixed seats. This is all but equivalent (640 seats) to alternative plans (650 seats) circulated for the purpose of planning agreement consultation and raised as an issue in the public submissions.</p> <p>To improve pedestrian safety median safety fencing is required to direct pedestrians to lawful crossings on Rosenthal Avenue. This requirement is included within the draft recommended conditions of consent.</p>
<b>Waste Management</b>	Part Q – Waste Management and Minimisation	<b>Satisfactory</b> – The proposed waste management measures are considered acceptable subject to the draft conditions.
<b>Building Surveyor</b>	N/A	<b>Satisfactory</b> – The proposal has been reviewed against the NCC and draft conditions provided.
<b>Environmental Health</b>	Part B – General Controls (Part B6/B7)	<b>Satisfactory</b> – The environmental health considerations relating to demolition, construction and on-going use are considered acceptable subject to the draft conditions.
<b>NSW Police</b>	CPTED	<b>Complies</b> - NSW Police have provided generic referral comments which are incorporated into the draft conditions.
<b>Accessibility</b>	Part F – Access and Mobility	<b>Satisfactory</b> – The Development Application was accompanied by an access report demonstrating compliance with Part F of the DCP.
<b>Heritage</b>	Part B – General Controls (Part B9)	<p><b>Satisfactory</b> – The Development Application was referred to Lisa Trueman Heritage Advisor to assess the proposed development having regard to the relevant LEP and DCP provisions including the part demolition of St Andrew's Church Hall.</p> <p>In response to a preliminary assessment of the Development Application, the proposed design was amended to retain greater heritage fabric (refer to <b>Figure 3</b> to <b>Figure 7</b> above).</p> <p>The heritage impact is considered satisfactory subject to a schedule of conservation works, engagement of a heritage architect, photographic archival recording and completion of conservation works prior to occupation. These requirements are reflected in the draft conditions.</p>

**Table 10** addresses the variations proposed to the DCP identified in **Attachment 3**.

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<b>Table 10 – DCP Variations</b>			
<b>Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Comment</b>
<b>Building Depth</b>	Max. 18	19-25m	<b>Satisfactory</b> – The building depth does not result in any adverse amenity impacts on the proposed or adjoining developments noting the proposal meets solar access, natural ventilation and other amenity criteria under the ADG.
<b>Building Width</b>	Max. 34m	63m	<b>Satisfactory</b> – The building exceeds the Finlayson Street maximum building width. The DCP allows for exceedance where suitable articulation is provided. The proposed development provides for a suitable articulation zone on Finlayson Street to adequately break up building massing.
<b>Front Setback (5-8 storeys)</b>	9m	6m-9m	<p><b>Satisfactory</b> – The proposed development complies at 1-4 storeys. The location of the variation at 5-8 storeys is for the corner element only. The 5-8 storey front setback complies for the majority of the Finlayson Street frontage.</p>  <p><b>Figure 23 – Front Setback Variation</b></p> <p>It is considered satisfactory with respect to heritage impacts, urban design principles (NSROC DRP comments in support) and lack of adverse amenity impacts noting shadow to The Canopy public open space has been demonstrated to be satisfactory.</p>
<b>Front Setback (Basement)</b>	Max. 2m encroachment	Up to 5m..	<b>Satisfactory</b> – The encroachment is limited to the area required for the vehicular cross-over driveway which is considered satisfactory as it does not reduce the amount of the front setback available for deep soil planting.
<b>Apartment Mix</b>	Min. 10% 1 bedroom	0%	<b>Satisfactory</b> – The proposed apartment mix is considered satisfactory in the context of the Lane Cove LGA which has a general trajectory of a growing number of young families which require larger apartment sizes.
<b>Deep Soil</b>	25%	9.51%	<b>Satisfactory</b> – The proposed deep soil of 9.51% is considered satisfactory as it exceeds the ADG requirement for residential development, the proposed development is mixed-use and achieving the residential standard will not always be possible in those circumstances, reduced deep soil was required to promote heritage conservation and the deep soil is well-located in front setback areas to contribute to the landscape character of the locality.



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Table 10 – DCP Variations			
Control	Requirement	Proposed	Comment
Canopy Coverage	35%	22%	Satisfactory – As above.
Landscape Area	40%	26.1%	Satisfactory – As above.

**5.4 any planning agreement – Section 4.15(1)(a)(iiia)**

The Development Application was accompanied by an offer to enter into a voluntary planning agreement (VPA) to provide shared use of the place of public worship by Lane Cove Council as a community-based performance space in return for:

- additional GFA (599m<sup>2</sup>); and
- an offset to Section 7.11 contributions.

At the time of writing this report no in-principle agreement had been reached between Council and the applicant to enter into a VPA.

The applicant does not raise any objection to the determination of the Development Application without a VPA.

The effect of no VPA being in place, or agreed in-principle, is that no offset to Section 7.11 contributions will be available to the applicant. The draft conditions reflect the full Section 7.11 contributions required and do not contain a requirement to enter into a VPA.

As outlined in this report, the proposed height of building and floor space ratio are considered acceptable pursuant to Clause 4.6 of the LEP, the grounds of which are not dependent on the VPA being in place. Should an agreement between the applicant and Lane Cove Council as to the terms of a VPA be forthcoming, further consideration could be given through a Section 4.55 Modification Application.

Given the absence of a planning agreement there is no requirement for Sydney North Planning Panel (SNPP) to be party to the agreement. Should a Section 4.55 Modification Application be submitted, the SNPP could be consulted at that juncture.

**5.5 any regulations – Section 4.15(1)(a)(iv)**

**5.5.1 Demolition of Structures**

The Development Application includes demolition of structures which requires consideration under Section 61 of the *Environmental Planning and Assessment Regulation 2021* (the Regulation). The proposed development satisfies Section 61 of the Regulation subject to draft conditions.

**5.5.2 Design Verification Statement**

The Development Application was accompanied by a design statement by a qualified designer satisfying Section 29 of the Regulation.

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**5.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality – Section 4.15(1)(b)**

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

**5.7 The suitability of the site for the development – Section 4.15(1)(c)**

The proposed development responds appropriately to the site constraints and therefore the site is suitable for the development.

**5.8 Any submissions made – Section 4.15(1)(d)**

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 (**Attachment 12**).

**ii. Notification Period**

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

<b>Table 10 – Public Notification</b>			
<b>Plan Revision</b>	<b>Lodgement Date</b>	<b>Notification Period</b>	<b>Submissions Received</b>
Original	12 February 2025	12 February 2025 to 25 March 2025	184 unique submissions Total
Renotified due to community interest		31 March 2025 to 28 April 2025	

**iii. Summary of Submissions**

A total of 184 unique submissions were received in response to the public notification of the Development Application including 66 in support and 118 in objection. All submissions were forwarded to the SNPP for consideration.

**Support**

A total of 66 submissions were received by way of support. Reasons for support included revitalisation of the place of public worship, contributing to Lane Cove Village, and the potential for broader community use of the place of public worship. As the assessment report recommends approval of the Development Application, a detailed response is not provided to these submissions.

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**Objection**

**Table 11** addresses the 118 submissions received by way of objection. The table provides a summary of the submission and a response. The table also counts the number of times a particular issue was raised. One submission may have raised multiple issues.

<b>Table 11 - Summary of Concerns Raised</b>			
<b>Category</b>	<b>No.</b>	<b>Summary of Concerns</b>	<b>Response</b>
<b>Infrastructure (Traffic and Parking)</b>	104	<p>Insufficient parking and existing road infrastructure to support the proposed development. This includes:</p> <ul style="list-style-type: none"> <li>Lack of reliable and efficient public transport</li> <li>Lack of street-level public parking bays for deliveries</li> <li>Lack of parking within the development for auditorium users</li> </ul> <p>Development will exacerbate the existing traffic congestion:</p> <ul style="list-style-type: none"> <li>Traffic within the Canopy entry and exit</li> <li>Burns Bay Road Congestion</li> <li>Traffic merging from Birdwood Avenue</li> <li>Traffic queuing at roundabouts at Canopy and Coxes Lane.</li> <li>Use of Canopy Carpark for Auditorium</li> </ul> <p>Safety concerns including:</p> <ul style="list-style-type: none"> <li>Pedestrian safety</li> <li>Speed of cars entering Finlayson</li> </ul> <p>Traffic Management Plan (TIA) deficiencies as it fails to assess existing traffic conditions and marking critical aspects as N/A</p>	<p>The proposed parking is considered satisfactory as outlined in <b>Table 9</b> of this report for the residential flat building component and place of public worship including factoring in the moveable stage.</p> <p>While the concerns regarding a 650 capacity are noted, the parking requirement for 418 fixed seats and 221.5m<sup>2</sup> flexible seating area (the development application), is equivalent to the parking requirement of 650 fixed seats (within 0.5 spaces) under the DCP and would not warrant refusal in any event.</p> <p>In relation to traffic, additional traffic surveys were undertaken by the applicant during the assessment of the Development Application to the satisfaction of Council's Traffic Officer.</p> <p>Intersection analysis was undertaken and provided as additional information which determined key intersections would perform at Level of Service A.</p> <p>Council's Traffic Section have recommended pedestrian safety fencing on Rosenthal Avenue to direct pedestrians to safer pedestrian crossing locations. The provision of this fencing is included in the draft conditions.</p>

<b>Design (not consistent with character of locality)</b>	60	<p>The proposed design does not fit in with the established character of the area. These design features include:</p> <ul style="list-style-type: none"> <li>Bulk and scale</li> </ul>	<p>The proposed height of building and floor space ratio are considered satisfactory as outlined in <b>Section 5.1.1.2</b> of this report.</p>
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		<ul style="list-style-type: none"> <li>Alignment with surroundings</li> </ul> <p>The proposal threatens the current village feel and atmosphere. Concern that "Lane Cove to become another Chatswood".</p> <p>The proposal sets a bad precedent for future development.</p>	<p>The character of the locality will undergo some change as a result of the LMR Housing Policy in areas within 800m walking distance of the identified Town Centre.</p> <p>The proposed design provides an adaptive re-use of a heritage item and associated building mass redistribution. The unique circumstances of the proposed development are unlikely to set a precedent.</p>
<b>Environmental Impacts</b>	18	<p>Ramifications to biodiversity which include:</p> <ul style="list-style-type: none"> <li>The reduction of vegetation coverage</li> <li>The clearing of major trees</li> <li>Lack of environmental guidelines being met</li> <li>The proposed development provides 11.9% of the site as deep soil landscaping. The DCP requires 25% of the site to be deep soil planting</li> </ul>	<p>Council's Landscape and Tree Officer have undertaken an assessment of the proposed development and provided draft conditions.</p> <p>The proposed deep soil was reduced to 9.51% which meets the ADG but does not meet the DCP.</p> <p>The deep soil is well-located at the site frontages and advanced planting is proposed on-site which will contribute to the landscape character of Lane Cove.</p> <p>The proposed development retains the highest retention value trees in the Finlayson Street setback, and on the street to Rosenthal Avenue.</p>
<b>Limitations to 'Community Auditorium' and unjustified VPA</b>	40	<p>Lack of belief that the development will be of great benefit to the local community. Further concerns include:</p> <ul style="list-style-type: none"> <li>Limitations to the use of the auditorium</li> <li>The number of similar sized venues already available disclose the need for another</li> </ul> <p>Unjustified VPA as the limited public benefit does not warrant the breeches of scale in the proposed development.</p>	<p>Decisions regarding Voluntary Planning Agreements (VPAs) are at the discretion of the Council.</p>



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		<ul style="list-style-type: none"> <li>Private interest instead of community interest</li> </ul>	
<b>Height</b>	90	<p>The design exceeds the maximum height limit (18m) by a significant amount.</p> <p>The site is on elevated land therefore the perceived height will be significantly greater.</p> <p>Accepting this development will give precedence for other buildings within the area to go above the height limits.</p>	The proposed height of building is considered satisfactory as outlined in <b>Section 5.1.1.2</b> of this report.
<b>FSR</b>	17	The proposed design exceeds maximum FSR by a significant amount.	The floor space ratio is considered satisfactory as outlined in <b>Section 5.1.1.2</b> of this report.
<b>Inadequate setbacks</b>	6	The lack of setbacks imposes on the surrounding buildings and street character and does not comply with the DCP.	<p>The DCP requires a 6m front setback to both Finlayson Street and Rosenthal Avenue.</p> <p>The proposed development provides a 6m front setback to both roads in accordance with the DCP.</p>
<b>Construction impacts</b>	10	<p>The construction period will have adverse impacts on the surrounding area, some impacts include:</p> <ul style="list-style-type: none"> <li>Increased traffic congestion</li> <li>Trucks parking illegally causing congestion (considering the limited available space)</li> <li>Noise caused by construction</li> <li>Pollution caused by construction</li> </ul>	The proposed construction period will result in some impacts. Impacts from construction are controlled by standard conditions of consent imposed by Lane Cove Council. These are included as draft conditions.
<b>Noise</b>	21	The proposal will increase noise within the area by the auditorium, excess cars and additional loading dock	A noise impact assessment has been prepared by Acoustic Logic. The assessment concludes that the proposed development will satisfy the requirements of the Lane Cove DCP, State policies and the relevant Australian Standards.
<b>Strain on Local Infrastructure</b>	10	Amenities and surrounding infrastructure will experience overcrowding and strain.	The site is currently zoned R4 High Density Residential, indicating that

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		Places likely to experience this include schools, shopping centres, public transport and open space.	the local infrastructure and amenities are adequately equipped to support a high-density development such as the one proposed.
<b>Impacts on residential amenity and neighbours</b>	17	<p>The surrounding community and neighbours will experience detrimental impacts including:</p> <ul style="list-style-type: none"> <li>• Privacy impacts</li> <li>• Alteration of views (especially buildings across the street)</li> <li>• Decreasing quality of life</li> <li>• Residents on lower levels of the building opposite of the proposed development won't be able to see any sky from bedrooms</li> <li>• Reduction of light</li> <li>• Reduction of ventilation</li> </ul>	A privacy analysis was undertaken and identified minimal impacts. The proposed development meets ADG building separation requirements. There are no significant views in this location in accordance with the Tenacity Planning Principle.
<b>Overshadowing</b>	26	The proposed development will overshadow surrounding buildings and significantly reduce their natural light.	The proposed development does not result in any surrounding building receiving less solar access than required by the DCP.
<b>Lack of notification and consultation</b>	8	<p>The Development Application process provided limited notification and consultation to the surrounding community. Concerns include:</p> <ul style="list-style-type: none"> <li>• Residents were never advised about proposal</li> <li>• No VPA consultations were conducted</li> <li>• The difficult nature to access information on council website makes the information inaccessible to many</li> </ul>	The notification of the Development Application complied with Council policy.
<b>Isolation of 12 Finlayson Street</b>	1	Concerns that the development adversely impacts the property owner of 12 Finlayson Street.	<p>Multiple (4) genuine and reasonable offers were made to the owners of 12 Finlayson based on an independent evaluation of the property and were improved on each occasion.</p> <p>Orderly and economic use and development of the site can still be achieved. Regardless of site amalgamation, the site at 12 Finlayson Street can still</p>

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			<p>be redeveloped independently of the proposed development at 2-10 Finlayson Street.</p> <p>For example, the new LMR Housing Policy does not have a minimum site area for residential flat buildings are shop top housing development.</p>
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**5.9 the public interest – Section 4.15(1)(e)**

The proposal is in the public interest as it allows for the continued use of the site as a place of public worship, will allow for the use of the site as a community facility, will provide housing to support the functioning of Lane Cove Village and is consistent with the objectives of the R4 High Density Residential zone.

**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 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
2 Bedrooms	1.9 persons	\$24,384 per dwelling.  *Capped Rate \$20,000 per dwelling.	15 x \$20,000 = \$ 300,000.00	\$300,000.00
3+ Bedrooms	2.4 persons	\$30,801.65 per dwelling.  *Capped Rate \$20,000 per dwelling.	33 x \$20,000 = \$660,000.00	\$660,000.00
			<b>TOTAL</b>	<b>\$960,000.00</b>

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

Dwelling House	Amount of contribution	No. of Dwellings	Total credit
4 x \$20,000	\$80,000	4	\$80,000.00

The Section 7.11 contribution payable is \$960,000.00 – \$80,000.00 = **\$880,000.00**

**Note:** The Plan includes a contribution for commercial/retail and industrial development. The proposed place of worship and community facility do not fall within the Plan or LEP definition of commercial/retail or industrial development and accordingly no Section 7.11 contribution is required for this component of the development.

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**HOUSING AND PRODUCTIVITY CONTRIBUTION**

The proposal is subject to the State Housing and Productivity Contribution under Section 7.24 of the EP&A Act which is included in the draft conditions.

**CONCLUSION**

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

The Development Application complies with the design criteria of the Apartment Design Guide and is supported by the NSROC Design Review Panel.

The Development Application includes the adaptive reuse of a heritage item which has been reviewed by an independent heritage advisor. The Development Application was amended during the course of the assessment to increase the extent of heritage retention. The adaptive reuse is supported subject to the draft conditions.

The Development Application includes a variation to the height of building and floor space ratio development standard under the LEP. The submitted requests to vary the standard satisfy the relevant tests under Clause 4.6 of the LEP.

The Development Application includes variations to the development control plan. The variations are primarily the result of applying residential flat building controls, to a mixed-use development. The proposed development is considered to provide a suitable balance of amenity and design quality reflecting the differing land uses proposed.

The submissions received have been considered and do not warrant refusal of the Development Application. In particular, parking is considered satisfactory whether in the fixed or expanded mode of operation. Conditions are recommended to ensure pedestrian safety is improved along Rosenthal Avenue.

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 9 July 2025 approve Development Application DA152/2024 for part demolition of existing structures and construction of an 8-storey mixed-use development including a place of public worship, community facility, 48 apartments and basement parking for 150 vehicles at 2-10 Finlayson Street, LANE COVE.