



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

Tel: 9911 3555

Fax: 9911 3600

Date: 5 July 2019

Doc Ref: 37263/19

Ms Amanda Harvey,
Secretary, Sydney Region East, Planning Services
NSW Department of Planning &
Environment,
23-33 Bridge Street,
SYDNEY NSW 2000

Attention: Ms Jazmin van Veen

Dear Ms Harvey,

RE: APPLICATION FOR A SITE COMPATIBILITY CERTIFICATE – 40A COPE ST, LANE COVE - SCC_2019_LANEC_001_00

In considering the application for a Site Compatibility Certificate (SCC) for a seniors housing development proposal at 40A Cope Street Lane Cove, the application is appropriate under Clauses 24 and 25 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. That is:

1. application is made in respect of development for the purposes of seniors housing; and
2. the land adjoins land zoned for urban purposes; and
3. the use as seniors housing is not permissible with consent under the R4 zoning of Lane Cove LEP 2009; and
4. the 0.5:1 bonus for vertical villages is sought under Clause 45.

The purpose of a SCC is described in a guide from the Dept of Planning:

*A SCC for a new seniors housing development recognises that it is **broadly compatible** with the surrounding environment and locality – and can now proceed to the lodgement of a development proposal, usually with the local council.*

Under clause 25(5)(b), the application is assessed against the following criteria (noting previous issues raised by the Minutes of Pre-lodgment Advisory Meeting (minutes attached:

(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,

The property is bounded by the 2-storey Caroline Chisholm Aged Care Facility at 274 Burns Bay Road and a town house development at 42-48 Cope Street to the north; a 3-storey residential flat building with at-grade parking to the east; a townhouse development and residential flat building with basement parking to the south; and Burns Bay Road to the west.

To the south are two or three storey townhouse developments and residential flat building with basement parking at 1-4/278 Burns Bay Rd and 1-10/1 Caroline Chisholm Lane. Further south are eight-storey flats at 280-88 Burns Bay Road.

The proposed use as multi-level residences is consistent with the uses in the immediate vicinity, but inconsistent with the immediate neighbouring bulk and scale. The proposed bulk and scale of the buildings has implications for district views towards the site from the south, and shade impacts on the building to the south, and traffic management and access to a constrained site, among other issues of local character that arise from the departure sought to the building height.

State Regional Environmental Plan (Sydney Harbour Catchment) 2005:

The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 contains provisions requiring the consideration of the visual impact of the development from the waterway and foreshores. The Sydney Harbor and Foreshores Area Development Control Plan 2005 defines the landscape character of the area in which the proposed development is located. Performance criteria are established for each area. The development must address the requirements of the SREP. The intent is to maintain the natural shoreline, natural features and vegetated skyline. Development is to be consistent with the scale, design and siting which exists.

It appears likely, given the topography (RLs 41 to 46) that the proposed building envelopes must take into consideration the natural characteristics of the land having regard to existing native vegetation and trees and the sloping topography of the land, ensuring that significant trees along the site boundaries and trees on the neighbouring properties near the adjoining boundaries are protected. This must be addressed at development application.

(ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land,

Regarding information from the Director-General on future uses of land in the vicinity, the area is not identified for strategic consideration in the Greater Sydney Commission's Greater Sydney Region Plan, nor in the North District Plan.

The impacts of the proposed development should be adequately addressed by the end design of the development through the SEPP 65, Seniors SEPP and Lane Cove LEP 2010 assessment which requires the proposal to have regard to the impacts to neighbouring properties and the surrounding natural environment. To address the compatibility of the proposed development with the character of the local area, documentation is required to be submitted to address SEPP 65:

- SEPP 65 Report and Design Verification.
- A design verification statement by a registered architect outlining that he or she designed or directed the design and how the 9 design quality principles are achieved.
- The design verification statement must also demonstrate how the objectives of Parts 3 and 4 of the ADG have been achieved.
- ADG Compliance table.

More generally, a comprehensive Statement of Environmental Effects must address issues raised in the attached Pre-lodgment Meeting notes, Sections 5 to 7, including the relevant parts of the Lane Cove DCP. These include:

- Part B - General Controls (such as B7: Development near busy roads (and rail corridors), and B8: Safety & security)
- Part C - Residential Development - C.3 Residential Flat Buildings
- Part F - Access and Mobility
- Part J - Landscaping
- Part O - Stormwater management
- Part Q - Waste Management and Minimization
- Part R – Traffic, Transport & Parking

Access:

Traffic access, which must travel along Caroline Chisholm Lane, is a challenge for surrounding uses, and is to be investigated and resolved. For example, attention is drawn to the suggestion of a minimum 5.5m wide dual carriageway to be provided to enable safe and convenient access to the site, formalised by a right of carriageway which permits public access. The status of a number of Rights of Way needs to be considered and their impacts accounted for.

Vicinity to Bushfire Prone Land:

Although the subject site is not identified as bushfire prone land, land adjacent to the east is identified as bushfire prone land.

In accordance with Clause 27(2) of the Seniors SEPP, the Applicant is required to provide a report to Council which documents how the matters outlined in Clause 27(2) have been addressed for referral to the NSW Rural Fire Service.

(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision.

The impacts of the proposed development must be addressed by the end design of the development through the SEPP 65, Seniors SEPP and Lane Cove LEP 2010 assessment which requires the proposal to have regard in particular to Clause 26 of the Seniors SEPP, requiring that residents of the proposed development have access to the following services that complies with gradients specified in subclause (2) to:

- (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and
- (b) community services and recreation facilities, and
- (c) the practice of a general medical practitioner.

And a public transport service is available to the residents who will occupy the proposed development:

- (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and
- (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1),

A bus service, operating during the hours stipulated in Clause 2(b)(iii), is located directly outside the location of the development on Burns Bay Road. This links residents to the nearby Lane Cove Village. This would satisfy the requirements of Clause 26.

(iv) in the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development,

Land to the east of the land is zoned E2 Environmental Living. However, this is not the subject site, which is zoned entirely R4 High Density Residential. The site is not land adjoining bushland, and will not need to address SEPP 19 – Bushland in Urban Areas, or Council's bushland requirements contained in the DCP as part of the D.A.

(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,

Building height:

Building A (Lot 120, west) is permissible with an LEP height of 18m. The proposal is for 26.4m (excluding plant and lift over-run).

Building B (Lot 51, east) is permissible with an LEP height of 12m. The proposal is for 24.7m (excluding plant and lift over-run). Effectively, two 7-8-storey buildings are proposed.

The Applicant contends that no height limit applies under the Seniors SEPP in zones where residential flat buildings are permissible. However, in accordance with Clause 33 – *Neighbourhood amenity & streetscape* of the Seniors SEPP, seniors living developments are to recognise the desirable elements of the locations current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area. This refers in particular to design elements such as height, setback, solar access, etc.

The subject site is not considered to be an area undergoing a transition per se, and the proposal is not consistent with the design and massing of recently completed built form within the nearby vicinity of the site which is dictated by the development standards pertaining to height and floor space contained in LCLEP 2009.

Nor is the proposed height consistent with a “transition” within the broader vicinity. For example, the nearby development at 288 Burns Bay Road to the south stands at a height of between RL54.4 and RL 57.4. This is between 4 and 5 stories lower than the proposal (at RL70.6 & 70.3). That is, for a transition to take effect, the proposed building should be lower than that at 288 Burns Bay Road, not between 13m and 16m higher.

Council does not support the proposed building height which dramatically exceeds the maximum building height of 12m and 18m pursuant to Clause 4.3 of Lane Cove LEP 2009. It is recommended that the proposed development be amended to comply with the dual building height limits applicable under LCLEP 2009.

Bulk and scale, and built form:

In terms of the Apartment Design Guideline, elements relevant to bulk and scale need to be addressed as part of a future DA submission. A report is required addressing

SEPP No. 65 Design Quality of Residential Apartment Development. The proposal must be satisfactory in terms of the nine principles, being Context, Built Form & Scale, Density, Sustainability, Landscape, Amenity, Safety, Housing Diversity & Social Interaction and Aesthetics.

Bonus floor space:

SEPP Clause 45 - *Vertical villages* grants a bonus floor space under subclause (2) that,

...exceeds the floor space ratio... by a bonus of 0.5 added to the gross floor area component of that floor space ratio.

Note. For example, if the floor space ratio permitted under another environmental planning instrument is 1:1, a consent authority may consent to a development application for the purposes of a building having a density and scale of 1.5:1.

Attention is drawn to the phrase “added to”, and not “multiplied by” in relation to the FSR.

The applicant has calculated the bonus floor space by multiplying the total allowable gross floor area for the site by 0.5 and added this to the permissible total floor space.

Lot 120 and Lot 51 FSR calculation		Site area 4,496m ²
Area (based on survey)	FSR permissible	Allowable GFA
Lot 120 – Zone S3 (2717.5m ²)	1.7:1	4619.74 m ²
Lot 51 – Zone J (1778.1m ²)	0.8:1	1422.48 m ²
Total		6042.23 m ²
* Vertical Village Bonus (VVB) 0.5 x 6042.23 m ²		3021.11 m ²
Max. allowable GFA Grand Total = (FSR + VVB = 6042.23 m ² + 3021.11 m ²)		9063.3 m²

However, two misinterpretations occur here:

1. As illustrated by the example under Clause 45(2), the bonus 0.5 FSR should be “added to” the allowable FSR, not “multiplied by and then added to”; and
2. The LEP controls indicate a much higher FSR on the west site (Lot 120) than on the east site (Lot 51). **To calculate the bonus across a total made up of combining both lots is to negate Council’s intention here, which is to support the greater height on the west. The bonus should be calculated separately on each lot. That is:**

* <u>Add</u> bonus 0.5 to <u>individual</u> lots’ FSR	Allowable GFA
Lot 120 (1.7 + 0.5 =) 2.2:1	5978.5 m ²
Lot 51 0.8+0.5=) 1.3:1	2311.53 m ²
Total	8290 m²

Based on this, the applicant must reduce the total GFA by 773.3m², in particular by weighting the height of building towards the west, more consistent with surrounding developments and Council’s planning intent. This may also contribute to a more compliant height of building.

Affordable places and support services:

Clause 45(6) requires that to receive the bonus FSR, the proposal provides:

- (i) *on-site support services for its residents, and*
- (ii) *at least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places.*

The proposal includes “on-site dining, community and recreation facilities”, 24-hour nursing, visiting doctors, cleaning/laundry services, and 10% affordable places. This is satisfactory. However, any potential certificate should include this as a condition.

Solar access:

The Urban Design Report addresses the solar impacts likely to the southern neighbours (1-4/278 Burns Bay Rd and 1-10/1 Caroline Chisholm Lane):

It is almost inconceivable that a development on the site that sought to achieve the permissible FSR or height under the LEP could maintain existing levels of solar access. (p14) Therefore, on balance, it is considered unreasonable to expect to maintain significant full existing solar access to a low-rise development in this situation.

The design response of the proposed development opens up the centre of the site with a significant increased tower separation in order to maximises the opportunities for maintaining reasonable solar access and provide improved outlook opportunities compared to a development that had building forms similar to the recently approved 290 Burns Bay Road.

This design response is a... balance between providing a reasonable level of development on the subject site and maintaining a reasonable level of midwinter solar access to dwellings to the south. In particular it is noted that the southern boundary setback of 9m is greater than ADG compliant (6m up to level 4 and 9m above), and that the overshadowing primarily arises as a function of the azimuth of the sun rather than the building height. In other words, given the relationship of the sites, overshadowing does not result from the parts of the building with a height greater than the LEP (a 2-storey building with the same footprint as the concept design's towers would start to overshadow these dwellings).

It is also noted that if the existing development to the south were considered as a new development it would be capable of achieving compliance with the ADG's Solar Access Guidelines (4A) – ie 70% of its dwellings would achieve 2 hours midwinter solar access (to existing windows). (p15)

The solar analysis of impact of the proposed development on southern neighbours, submitted as comparison with analysis of current development, supports the final assertion, that “70% of [southern] dwellings would achieve 2 hours midwinter solar access (to existing windows).” This has been attributed to the 18m tower separation. Shadow diagrams are required to demonstrate compliance of any future application with solar access objectives of the Apartment Design Guidelines.

The design of the building should not compromise solar access and the privacy (visual and acoustic) of neighbouring properties. The solar access provisions of the Apartment Design Guide are for the proposed structure and not the existing adjoining buildings. The likely loss of solar access should be shown and considered,

Visual and acoustic privacy:

Likewise, under Clause 34 *Visual and acoustic privacy*, the proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:

“(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and

(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.”

Heritage:

As stated in the submitted Response to Cl. 25(5)(B):

The land contains no known aboriginal sites but does contain an item of European heritage, being the sandstone wall along the eastern property boundary to Burns Bay Road, which is identified as local Item I158 under Schedule 5 of LCLEP. This wall is proposed to be retained along much of the frontage, with a short section at its southern end to be modified to accommodate a pedestrian access out onto Burns Bay Road and an electricity sub-station required to service the development. In this regard, the wall will be rebuilt behind the sub-station and a Heritage Impact Assessment submitted as part of the DA package.

This is considered acceptable.

Vegetation:

Consistent with Council's DCP Part J:

- Significant trees along the site boundaries and trees on the neighbouring properties near the adjoining boundaries should be protected.
- The method of protecting the trees during construction should be specified in a report prepared by a suitable qualified arborist with AQF Level qualifications.
- Separate landscape plans must be prepared by a suitable qualified Landscape Architect/consultant.

Character:

As seen from the Burns Bay Road frontage, the development presents as an eight-storey residential flat building, which is inconsistent with the streetscape to the immediate north and south.

(vi) if the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the Native Vegetation Act 2003—the impact that the proposed development is likely to have on the conservation and management of native vegetation.

Under the Act, “native vegetation” means any of the following types of indigenous vegetation:

- (a) trees (including any sapling or shrub, or any scrub), (b) understorey plants,
- (c) groundcover (being any type of herbaceous vegetation), (d) plants occurring in a wetland.

Note: Vegetation is "indigenous" if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.

Under subclause (1) Native vegetation must not be cleared except in accordance with a development consent granted in accordance with this Act, or a property vegetation plan.

A vegetation study is required to state that clearing of native vegetation is not proposed.

(vii) the impacts identified in any cumulative impact study provided in connection with the application for the certificate.

Pursuant to Clause 25(2)(A), the site is not within a one-kilometre radius of two or more parcels of land on which there is a Site Compatibility Certificate, and therefore does not require a cumulative impact study.

Conclusion:

Council raises the following concerns about the current application:

1. The proposed heights are inconsistent with the concept of a "transition" up from the adjacent 2-3-storey developments towards the nearby buildings such as 288 Burns Bay Road (which is itself 13m to 16m lower, than the proposed RL).
2. The proposed bulk and scale is excessive in terms of impacts on district views towards the site from the south, and impacts on the buildings in the immediate vicinity, among other issues of local character.
3. In particular, solar impacts on adjoining buildings to the south potentially caused by the current proposed design is considered unreasonable.
4. Existing traffic access, which must travel along Caroline Chisholm Lane, is a challenge for surrounding uses, and is to be further investigated and resolved.

Based on the above, Council considers that the proposed seniors housing development in its present form is incompatible with the surrounding environment and locality.

However, a more measured approach to any proposed development in this densely populated area could lead to a more reasonable scale of impact. Therefore, Council recommends that the following conditions should be addressed and should not proceed to the lodgement of a development proposal.

1. The proposed development be amended to reduce total GFA by at least 773.3m², in particular by weighting the height of building towards the west. This would be more consistent with surrounding developments, Council's planning intent, and the intent of the Seniors Housing SEPP's bonus clause.
2. The proposed development be amended to be more consistent with the dual building height limits applicable under LCLEP 2009, especially with regard to the amenity impacts on neighbouring properties, especially to the north and south.
3. The proposed bulk and scale of the buildings should be compatible with

district views towards the site from the south, and shade impacts on the building to the south, among other issues of local character that arise from the departure sought to the building height. That is, demonstrate how the new buildings contribute to the quality and identity of the area. This refers in particular to design elements such as height, setback, solar access, etc.

4. the design of the building is not to compromise the privacy (visual and acoustic) of neighbouring properties.
5. Shadow diagrams are required to demonstrate impact and compliance of the proposal with solar access objectives and requirements of the Apartment Design Guidelines.
6. Any site compatibility certificate should include a condition requiring on-site dining, community and recreation facilities, 24-hour nursing, visiting doctors, cleaning/laundry services, and 10% affordable places to provide community benefits.
7. The development must address the requirements of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The intent is to maintain the natural shoreline, natural features and vegetated skyline. Development is to be consistent with the scale, design and siting which exists. This impact has yet to be addressed.
8. A comprehensive Statement of Environmental Effects must address issues raised in the attached Pre-lodgment Meeting notes, Sections 5 to 7, including the relevant parts of the Lane Cove DCP. These include:
 - Part B - General Controls (such as B7: Development near busy roads (and rail corridors), and B8: Safety & security)
 - Part C - Residential Development - C.3 Residential Flat Buildings
 - Part F - Access and Mobility
 - Part J - Landscaping
 - Part O - Stormwater management
 - Part Q - Waste Management and Minimization
 - Part R - Traffic, Transport & Parking.
9. Demonstrate consistency with Council's DCP Part J:
 - Significant trees along the site boundaries and trees on the neighbouring properties near the adjoining boundaries should be protected.
 - The method of protecting the trees during construction should be specified in a report prepared by a suitable qualified arborist with AQF Level qualifications.
 - Separate landscape plans must be prepared by a suitable qualified Landscape Architect/consultant.
10. Confirmation that a minimum 5.5m wide dual carriageway can be provided to enable safe and convenient access to the site, formalised by a right of carriageway which permits public access for all dwellings that access and use the Right of Way.
11. To address the compatibility of the proposed development with the character of the local area, documentation is required to be submitted to address SEPP 65:

- SEPP 65 Report and Design Verification.
 - A design verification statement by a registered architect outlining that he or she designed or directed the design and how the 9 design quality principles are achieved.
 - The design verification statement must also demonstrate how the objectives of Parts 3 and 4 of the ADG have been achieved.
 - ADG Compliance table.
12. A Heritage Impact Assessment be submitted as part of the DA package.
13. A vegetation study be submitted to state that clearing of native vegetation is not proposed.
14. In accordance with Clause 27(2) of the Seniors SEPP, the Applicant is required to provide a report to Council which documents how the matters outlined in Clause 27(2) have been addressed for referral to the NSW Rural Fire Service.

Please feel welcome to contact Terry Tredrea, Strategic Planner, on 9911 3580 or at ttredrea@lanecove.nsw.gov.au if you wish to discuss the matter.

Yours sincerely



Michael Mason
Executive Manager – Environmental Services

Attachment

Minutes of Pre-lodgment Advisory Meeting, 20 February 2018.

Minutes of Pre-lodgment Advisory Meeting

Property Address: 40a Cope Street, Lane Cove

Date: 20 February 2018

Proposal: Seniors Living Development

Attendees:

Development Representatives

Bill Clydesdale – Retire Australia
Damien Barker – Jackson Teece
Georgios Anagnostou – Jackson Teece
Tim Rogers – Colston Budd
Andrew Brown – Northrop
Tim Shelley – Tim Shelley Planning

Lane Cove Council Officers

Michael Mason – Executive Manager – Environmental Services
Rajiv Shankar – Manager Development Assessment
Diep Hang – Senior Town Planner
Ray Bechara – Development Engineer
Dennis Anthonysamy – Traffic Engineer
David Wilson – Manager Environmental Health
Ted Webster – Landscape Architect

INTRODUCTION / DESIGN RATIONALE

It was reiterated by the Applicant that following various design concepts, the design scheme presented for discussion, which comprised of two residential towers over podium and basement car parking resulted in less solar and amenity impacts to neighbouring properties, noting that the building height would be largely greater in scale to existing residential flat buildings within the vicinity of the site.

DISCUSSION

The following matters were discussed during the meeting for the preparation of the development application:

1. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Site Compatibility Certificate (SCC)

It was outlined by the Applicant that development consent is not sought for a vertical village pursuant to Clause 45 of the Seniors SEPP. Clause 45 applies to seniors housing which seek to utilise a bonus of 0.5 added to the FSR applicable to the site, on land in which residential flat buildings are permitted.

Residential flat buildings are a permissible land use on the site with development consent. However, as the proposal does not seek to utilise the 0.5 FSR bonus for the development a SCC is not required and Clause 24 does not apply to the proposed development.

Vicinity to Bushfire Prone Land

Although the subject site is not identified as bushfire prone land, land adjacent to the east is identified as bushfire prone land.

In accordance with Clause 27(2) of the Seniors SEPP, the Applicant is required to provide a report to Council which documents how the matters outlined in Clause 27(2) have been addressed for referral to the NSW Rural Fire Service.

Building Height

The Applicant has outlined that no height limit applies under the Seniors SEPP in zones where residential flat buildings are permissible.

In accordance with Clause 33 – Neighbourhood Amenity & Streetscape of the Seniors SEPP, seniors living developments are to recognise the desirable elements of the locations current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area.

The subject site is not considered to be an area undergoing a transition, and this is reflected in the design and massing of recently completed and occupied built form within the immediate vicinity of the site which is dictated by the development standards pertaining to height and floor space contained in LCLEP 2009.

Council does not support the proposed building height which excessively exceeds beyond the maximum building height of 12m and 18m pursuant to Clause 4.3 of Lane Cove LEP 2009. It is recommended that the proposed development be amended to comply with the dual building height limits applicable under LCLEP 2009.

2. State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) applies to the development as the building is more than 3 storeys in height and contains a residential component.

The building typology of the proposed development is in the form of a residential flat building. In this regard, SEPP 65 is applicable.

Schedule 1 of SEPP 65 sets out 9 design quality principles. The proposed development is required to demonstrate how the design of the building meets the objectives of the 9 design quality principles in addition to the requirements outlined in the Apartment Design Guide (ADG), in particular in relation to building separation.

The applicant needs to demonstrate that the proposed development is compatible with the character of the local area, and the following documentation is required to be submitted to address SEPP 65:

- SEPP 65 Report and Design Verification.
- A design verification statement by a registered architect outlining that he or she designed or directed the design and how the 9 design quality principles are achieved.

- The design verification statement must also demonstrate how the objectives of Parts 3 and 4 of the ADG have been achieved.
- ADG Compliance table.

It is noted that attention should be made to the building separation distances provided relative to the building height (number of storeys) in accordance with Part 2F of the ADG.

A high level of amenity is to be achieved within individual units and the design of the building is not to compromise solar access and the privacy (visual and acoustic) of neighbouring properties.

3. State Regional Environmental Plan (Sydney Harbour Catchment) 2005

The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 contains provisions requiring the consideration of the visual impact of the development from the waterway and foreshores. The Sydney Harbor and Foreshores Area Development Control Plan 2005 defines the landscape character of the area in which the proposed development is located. Performance criteria are established for each area. The development must address the requirements of the SREP. The intent is to maintain the natural shoreline, natural features and vegetated skyline. Development is to be consistent with the scale, design and siting of which exists.

4. Lane Cove Local Environmental Plan 2009

- The subject site is zoned R4 – High Density Residential pursuant to LEP 2009.
- Maximum permitted FSR for the site is 1.7:1 (western lot fronting Burns Bay Rd) and 0.8:1 (eastern lot fronting Caroline Chisholm Lane).
- Maximum permitted Building Height: 18m (western lot fronting Burns Bay Rd) and 12m (eastern lot fronting Caroline Chisholm Lane).

Note: The building height is measured from the existing ground level of the site, not the natural ground level.

- Plans submitted should identify the RL of the ridgeline and lift overrun to clearly demonstrate the maximum height of the buildings.
- The Applicant advised that the proposed development would comply with the respective maximum FSR prescribed for each allotment.
- Clause 4.6 – A written request for the exceptions to development standards would be required if the development does not meet any of the development standards of the LEP.
 - A Clause 4.6 written request would be required for the variation sought to the maximum building height applicable for development at the subject site.
- The subject site contains a heritage item being the stone walls to road frontages along Burns Bay Road (Item No. I158 in Schedule 5 Environmental Heritage of the LEP). In this regard, a Heritage Impact Statement (HIS) is to be prepared by a suitably qualified heritage advisor for submission with the DA.

5. Lane Cove Development Control Plan

Part B – General Controls

B7: Development near busy roads (and rail corridors)

The subject site adjoins Burns Bay Road which is a classified road. In accordance with Clause 101 and 102 of SEPP (Infrastructure) 2007, an acoustic report is required to be submitted to ensure that the appropriate LAeq levels prescribed by the SEPP are not exceeded for the proposal.

B8: Safety & security

The design should ensure the building design allows for casual surveillance of access ways, entries and driveways. A 'Safer by Design' assessment in accordance with the Crime Prevention Through Environmental Design (CPTED) Principles from a qualified consultant is required to accompany the DA.

Controlled access is to be provided to the primary pedestrian areas identified at the Burns Bay Road frontage and building entry points.

Part C3 – Residential Flat Building Developments

A comprehensive Statement of Environmental Effects addressing the below sections of the DCP will need to be submitted:

- Part B – General Controls
- Part C – Residential Development – C.3 Residential Flat Buildings
- Part F – Access and Mobility
- Part J – Landscaping
- Part O – Stormwater management
- Part Q – Waste Management and Minimization

Part J – Landscaping

- Significant trees along the site boundaries and trees on the neighbouring properties near the adjoining boundaries should be protected.
- The method of protecting the trees during construction should be specified in a report prepared by a suitable qualified arborist with AQF Level qualifications.
- Separate landscape plans must be prepared by a suitable qualified Landscape Architect/consultant.

Part Q – Waste Management and Minimization

- The development is required to comply with Part Q of the DCP. On site waste collection must be carried on site and waste collection vehicles must be able to drive in and out of the site in a forward direction.
- Garbage bin storage and bulk good waste storage must be provided within the development.
- Residential flat building containing four or more storeys must be provided with garbage chute systems for the transportation of general waste from each storey to the main waste storage/collection room(s).
- Space must be provided for a communal compost container. The siting of which will have regard to potential amenity impacts.

Part R – Traffic, Transport & Parking

- The proposal must make provision for accessible car spaces, visitor car spaces, residential spaces, bicycle and motorcycle spaces.
- Council does not support the use of tandem parking provision in new developments.
- One (1) on-site removalist truck space must also be provided having regard to the constraints of the site to assist future occupants with the movement of large items such as furniture and belongings.

6. Specialist Comments

Traffic Management

- Pedestrian and vehicular access within the lane should be distinguished/line-marked to ensure safe access to and from the site.
- Passing bays would have to be provided as per Australian Standards.
- Accessible parking spaces are required to be identified on plans.
- Turning templates are required to be provided for the garbage truck. On-site collection is required.
- All vehicles are to enter and exit the site in a forward direction and swept paths are required to be submitted for review.
- Driveway long sections must be submitted for review.

Environmental Health

- Construction Noise Management Plan is to be submitted. Given the location of the proposal, a temporary acoustic wall will be required to be constructed around the site, to mitigate the noise impacts on the adjacent retirement village.
- A desk top review of contamination issues is to be undertaken.
- Environmental management plan is to be submitted for the construction phase of the project, specifically addressing dust management and sediment and erosion controls.
- The traffic management plan, shall pay special attention to the parking of tradesman's vehicles as Cope Street doesn't have capacity to accommodate an increase in parking. The traffic management plan shall address access to Cope Street for the weekly collection of waste from surrounding premises by Council's waste contractor as well as addressing the impact on Sydney Buses route that passes along Cope Street.

Landscape Architect

- Trees that are removed as part of the proposal must be replaced at a 1:1 ratio in accordance with Part J of LCDCP 2010.
- Trees to be planted need to be 400L pot size, 4m in height at installation in order to achieve adequate plant screening and appropriate scale in relation to the built form.
- Tree planting to be included in podium level communal open space (COS).
- Dimensions and solar access received by provided COS areas to comply with the ADG.
- Dilapidation report to also include condition of existing trees.
- Weather protection is to be provided to common areas and pedestrian access corridors.
- Landscape plans and accompanying documentation are to be prepared in accordance with Part J of LCDCP 2010 and Council's Landscape Checklist.

Development Engineer

- A stormwater concept plan is required. OSD and rainwater reuse is required. Direct connection into Council drainage system is required. Discharge directly to Burns Bay Rd kerb and gutter is not permitted
- Existing Council pipeline needs to remain (Refer to Figure 1). No proposed structures are permitted over the pipeline. Proposed basement driveway ramp need to consider existing pipe levels.
- A Geotechnical report is required to support the proposed excavation. Groundwater management needs to be also addressed in the report.
- All basement ramps will require a long section to be prepared for assessment.
- All parking facilities will require to meet the AS2890 series.
- A minimum 5.5m wide dual carriageway is to be provided to enable safe and convenient access to the site – This should be formalised by a right of carriageway which permits public access.



Figure 1 – Image showing the location of Council's existing pipeline (GIS 2014)

7. Additional information is required for the submission of the development application as follows (in addition to that advised by specialist officers above):

- Model
- Survey Plan
- Plans showing extent of proposed earthworks, retaining walls with TOW, and cut and fill across the site
- Architectural Plans clearly showing existing and finished ground levels, and RLs of any lift overruns and uppermost ridge of buildings, FFLs and ceiling levels
- Shadow Analysis – Plan and elevational shadow diagrams
- Detailed Statement of Environmental Effects (needs to include level by level breakdown of development and key statistics i.e. gross floor area, height, room size and bedroom mix of units, landscaped and deep soil calculations etc)
- SEPP 65 Report and Design Verification, and ADG Compliance Table
- Seniors SEPP, LCLEP 2009 & LCDCP 2010 Plan Compliance Table(s)
- BASIX Certificate and Stamped Plans
- Bushfire Report
- Access Report
- Contamination Assessment

- Geotechnical report – if the report outlines that the proposed excavation will intersect with groundwater, the proposal will require an aquifer interference approval from the Department of Primary Industries (Water). In this regard, the proposal is identified as Nominated Integrated Development pursuant to Section 91(3) of the Environmental Planning and Assessment Act 1979 and will need to be advertised for a period of 30 days. An administration fee of \$140 to process the external referral, and advertising fee of \$1,105 is required to be made out to Council. A separate cheque to the amount of \$320 is required to be made out to the Department of Primary Industries (Water) for Council to refer the proposal for comment.
- Traffic Impact Statement
- Heritage Impact Statement
- Comprehensive Arboricultural report (identifying all trees on site and within 10m of the site boundary on all sides) and Tree Protection Plan prepared by a qualified AQF Level 5 Arborist.
- A driveway cross section at various points is required to clearly understand whether the proposal will impact on the existing vehicular access of the adjacent sites, and driveway grade compliance with AS2890.1.
- The existing ground level lines to be shown on the sections.
- Acoustic Report is to be submitted addressing road traffic noise impacts, and the noise impact of vehicles entering and leaving the site on surrounding development.
- Construction Noise Management Plan to be submitted addressing noise and vibration impacts and controls during construction.
- Environmental Management Plan addressing – water, dust and sediment controls.
- Waste management plan is to be submitted addressing Part Q of the DCP. (Note: All waste is to be collected on site).
- Quantity Surveyor Report
- BCA Report
- Stormwater Management Plans with Council's On-site Detention Checklist
- Landscape Plans
- Crime Risk/CPTED Assessment
- Preliminary advice from Sydney Water, Ausgrid and RMS. If a substation is required, this is to be shown on plans.

8. Consultation with the adjoining neighbours

- To consider the raised concerns at the design stage.

9. Recommendation

It is recommended that the building height be amended to comply with the maximum height standards pursuant to LCLEP 2009. Amenity of neighbouring properties is not to be adversely impacted as a result of the proposed development. The design and massing of the proposed building must also have regard to compatibility with the surrounding environment and character of built form in the immediate vicinity of the site.

Access to and from the site is a significant issue that must be resolved prior to the detailed design of the development – demolition and construction stage, as well as the ongoing access arrangements of the proposed development at the site.

The proposed development is not permitted to obstruct any existing right of carriageway arrangements currently benefited by, and utilised by the adjoining properties. It is recommended that access be addressed and determined having regard to impacts upon adjoining properties.

The design of residential flat buildings at the subject site shall comply with the relevant controls and provisions outlined in the minutes (but not limited to those outlined).

It was outlined at the meeting that the approximate cost of works of the proposed development would be less than \$30million. A QS Report outlining the CIV is to confirm whether the proposal is greater than \$30million and would require determination by the Sydney North Planning Panel.

Advisory comments:

The advice provided from this meeting is ‘without prejudice’ basis and is based on the information submitted to Council. This advice does not preclude the need for carrying out notification and full assessment of the application. Further, you should note that designing in accordance with the advice does not ensure consent will be given to the proposal after a full assessment.