

MEMO

Date: 1 September 2021

To: Sydney North Planning Panel

From: Robert Montgomery (Independent DA Assessor)

Subject: 2017SNH069 - Lane Cove – DA117/2017

Since the notification to previous submitters by the Panel Secretariat in July 2021, a total of 18 submissions were made to the Council and or the Panel. These submissions have been progressively forwarded to Panel members as they have been received by Council.

Please find attached a short summary of these submissions, which you may find helpful.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R. Montgomery', with a long horizontal stroke extending to the right.

Robert Montgomery MPIA
Principal

Review of Submissions Received July – August 2021

DA0117/2017 | 266 Longueville Road Lane Cove

Following notification to previous submitters by the Panel Secretariat in July 2021, a total of 18 submissions were made to the Council and or the Panel.

The submissions comprise 13 unique individual submissions, 1 petition with 131 names (submitted four times), 1 petition with 207 names, 1 petition with 65 names, a summary of objections from good.do website and a “Block B presentation”.

The matters raised in the submissions are summarised in the following table with relevant comments.

Individual submissions		
Submission Summary	Assessor’s Comment	New Matter?
1. Playing fields should be preserved as open space and should be accessible to everyone. Lane Cove is already a high density area and this development should be rejected.	The land is zoned R4 High Density Residential and the development is permissible with consent.	No
2. The land should not have been rezoned. It should now be rezoned back to Public Recreation and the development be rejected. Bulk and scale inappropriate. Concern that development will reduce green space on the golf course and habitat thereon.	The land was rezoned for residential and reclassified as operational land through a public planning proposal process some years ago. The development will have no impact on the golf course. Bulk and scale matters are dealt with in the original and supplementary reports to the Panel.	No
3. Concern by owner of 54 Richardson Street West that excavation may cause damage to their dwelling. Also, a generator is proposed to be located within 12 metres of their property which may cause noise and emissions	The closest excavation is approximately 6-7m from the rear boundary of No. 54. Proposed conditions 34 and 143 will require a dilapidation report prior to CC and after construction, if the property is within the zone of influence. A generator is located within an enclosed room on the northern elevation of level 3. It is assumed that the generator would only be used during power outages and maintenance/testing of the generator. The acoustic report states that the mechanical services and plant rooms will be acoustically treated to achieve compliance with noise criteria. Proposed conditions 157 and 158 control the operation of all plant and equipment,	Yes

	ensuring compliance with the <i>Protection of the Environment Operations Act, 1997</i> .	
4. Objection to seniors living units on recreational play fields. The 2020 site compatibility certificate with height limit effectively rejected DA.	Concern has been expressed by community members in the past about loss of playing fields. While the land was previously zoned for public recreation, the rezoning and reclassification of the land permits the proposed development with consent. The 2020 site compatibility certificate was revoked by the SNPP and a new certificate issued on 10 June 2021	No / Yes
5. General objection – open space should be used by everyone	This is not a matter for consideration in determining the DA.	No
6. Non-compliant with building height, increase in traffic, site should remain open space.	These matters are dealt with in the previous and current reports to the panel.	No
7. Scale height and density inappropriate, character, traffic impact, should remain open space.	These matters are dealt with in the previous and current reports to the panel.	No
8. Need to retain open space, non-compliant with building height, impact of climate change, building will create heat island, traffic emissions, impact on Gore Creek Valley, impact on women's sporting community.	These matters are dealt with in the previous and current reports to the panel.	Yes/No
9. No need for seniors development, not in the public interest.	These matters are dealt with in the previous and current reports to the Panel.	No
10. <ul style="list-style-type: none"> • 10 m setback from E2 bushland should be enforced • Light spill effects on wildlife into E2 bushland. • Bushfire risk not considered. 	This matter is dealt with in the previous and current reports to the Panel. Draft condition 159 is provided to control outside lighting to ensure protection of the habitat in the E2 zone. The land is not identified as bushfire prone land. Relevant requirements of Seniors SEPP are satisfied.	No No
11. Claims that requirements of Seniors SEPP re bushfire have not been satisfied in the assessment report.	This matter was dealt with on page 20 in the original report to the Panel dated 11 July 2018. All requirements of the Seniors SEPP have been satisfied. The development is not Integrated Development as the land is not bushfire prone.	No
12. Lane Cove Bushland and Conservation Society Inc		

<ul style="list-style-type: none"> The 2020 site compatibility certificate with height limit should be reinstated. 	The 2020 site compatibility certificate was revoked by the SNPP and a new certificate issued on 10 June 2021	Yes
<ul style="list-style-type: none"> Allegation against a former Council staff member re conflict of interest 	It is not appropriate to make any comment in relation to an allegation against a staff member.	Yes
<ul style="list-style-type: none"> E2 bushland is significant to all Lane Cove residents. All stakeholders submissions are relevant. 	All submissions have been considered in the preparation of the reports to the Panel.	Yes
<ul style="list-style-type: none"> Light spill effects on wildlife into E2 bushland. 	Draft condition 159 is provided to control outside lighting to ensure protection of the habitat in the E2 zone.	No
<ul style="list-style-type: none"> 10 metre setback to E2 bushland should be enforced 	This matter is dealt with in the previous and current reports to the Panel.	No
<ul style="list-style-type: none"> Precedent may lead to increased tree removal across Lane Cove. 	The development satisfies requirements for tree management, retention and additional planting as detailed in the DA and reports	Yes
<ul style="list-style-type: none"> Reduction of 10m setback is at odds with Council's declaration of a climate emergency. 	The 10 metre setback from the E2 zone is an arbitrary line set by the development control plan. The development, through detailed analysis, design and conditions satisfies the objectives of the bushland setback.	No
<ul style="list-style-type: none"> Ecological assessment report recommendations should be incorporated into construction and landscape plans. 	This matter is covered by various draft conditions relating to tree protection, landscaping, stormwater drainage. Also, the ecological assessment report forms part of the DA and compliance with recommendations is required.	Yes
<ul style="list-style-type: none"> Support draft consent conditions to ensure protection and enhancement of bushland. 	No comment	N/A
<ul style="list-style-type: none"> Construction environmental management plan should be developed. 	Draft condition 21 requires this to occur.	Yes
13. Submission by Mecone NSW Pty Ltd on behalf of owner of 52 Richardson Street West.		
<ul style="list-style-type: none"> Failure to notify revised Site Compatibility Certificate, Revised 4.6 Variation Request and revised architectural drawings. 	<p>There is no requirement for the Council to notify any party of a site compatibility certificate. Notwithstanding, the revised certificate was published on the NSW Planning Portal as attachment 4 to the Council supplementary report.</p> <p>The revised Clause 4.6 variation request and amended plans were placed on public exhibition from 1 May to 3 June 2019. Some 182 submissions were received in response.</p>	Yes

	<p>The plans and Clause 4.6 have not been further amended.</p> <p>The Panel Secretariat notified previous submitters of the proposed Panel Meeting.</p>	
<ul style="list-style-type: none"> Proposed FSR is higher than considered during the rezoning process. 	<p>Lane Cove LEP 2009 provides a maximum FSR of 1.1:1 for the site. The site compatibility certificate provides a bonus of 0.5:1, making the permissible FSR 1.6:1. With proposed condition 2, the development complies with the maximum FSR.</p> <p>It is acknowledged that some residents may have a recollection of a proposed lower FSR for the site during public meetings for the previous rezoning. However, the Panel is required to consider the statutory controls which now apply.</p>	No
<ul style="list-style-type: none"> The development is out of character with the area. 	<p>The submitter refers to unresolved matters as previously submitted which have not been resolved.</p> <p>The character of the development and impacts were considered by the previous Panel in 2018 when the application was deferred. The applicant has responded to the requests of the Panel for additional information, which is reviewed in detail in the Council supplementary report.</p>	No
<ul style="list-style-type: none"> Cl 4.6 height variation has unacceptable impacts on residents to the north 	<p>The Council supplementary report and previous report to the Panel deals with this matter.</p>	No
<ul style="list-style-type: none"> Visual Impact and Privacy. It is claimed that the additional visual impact assessment fails to address the impacts on the residents backing onto the development. 	<p>It is considered that the applicant has satisfied the Panel's request in this regard.</p>	Yes
<ul style="list-style-type: none"> Claims that there is still non-compliance with the DCP and ADG. Also, that the statement of environmental effects has not been updated to reflect the revised plans. There is a lack of transparency and due process. 	<p>Compliance matters are dealt with in the previous and current reports to the Panel.</p> <p>The applicant has provided additional written submissions with amended plans and information. This information forms part of the development application and the public record. The additional information was also notified, giving the public ample opportunity to scrutinise the documents and make submissions to Council.</p>	Yes
Petitions		
Matters Raised	Assessor's Comment	New Matter?
1. Petition addressed to Sydney North Planning	The site compatibility certificate referred to by the petition (issued in 2020) was revoked	Yes

<p>Panel dated 21 July 2021, requesting:</p> <ul style="list-style-type: none"> • Reinstatement of height limit clause from previous SCC. • Requesting the meeting be postponed. • Note: this submission contained an allegation against a former Council staff member re conflict of interest. • 131 names 	<p>by the SNPP by a new certificate issued on 10 June 2021.</p> <p>The Panel Meeting was postponed from 4 August to 1 September 2021 to allow submitters additional time.</p> <p>It is not appropriate to make any comment in relation to an allegation against a staff member.</p> <p>Note: this petition was submitted to the Council on 4 separate occasions.</p>	
<p>2. Petition addressed to the board members of Australian Unity and the SNPP dated 27 August 2021. The petition provides some information about open space in Lane Cove. The petition claims that:</p> <ul style="list-style-type: none"> • There are three other proposals for aged care within 2km of the site; • There is a shortage of sporting facilities; and • The site should be preserved for playing fields. • 207 names 	<p>The previous rezoning of the site is not a matter for consideration in determining the development application.</p> <p>If there are other proposals in the locality, it probably demonstrates that there is a need for this type of housing.</p> <p>In deciding to convert the use of the land from open space to Residential (rezoning and reclassification), the Council took into consideration the needs for local open space in the area</p>	No
<p>3. Petition addressed to Australian Unity. It is requested that the DA is withdrawn and the site is given back to the community.</p> <ul style="list-style-type: none"> • 65 names 	<p>This is not a matter for consideration in determining the DA.</p>	No
<p>4. Submission by Darvan Sinnemtamby, which purports to be a summary of the objections lodged via the good.do website</p>	<p>No comment.</p>	No
<p>“Block B Presentation”</p>		
Matters Raised	Comments	New Matter?
<p>This presentation is submitted on behalf of the residents of 50, 52 and 54 Richardson Street West Lane Cove.</p>	<p>This submission appears to be a form of presentation which includes various photographs with the development proposal superimposed and various dot points and text in an attempt to demonstrate that the proposal is non-compliant.</p> <p>It is noted that the document does not contain the name of the author, nor any scale for diagrams and photomontages. In the absence of survey data to validate the</p>	No

	images, it is difficult to draw any conclusions from this presentation.	
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