

Housing Delivery Authority – Major Projects 300 Burns Bay Road Lane Cove (SSD- 87925706)

Attention Gabriel Kim,
Department of Planning, Housing and Infrastructure

Dear Mr. Kim,

Thank you for the opportunity for Lane Cove Council to comment on the redevelopment and rezoning proposal for the site at 300 Burns Bay Road.

Proposal

The rezoning proposal includes the following rezoning changes:

To amend the Lane Cove Local Environmental Plan 2009 by:

- amending the applicable maximum building height control from 21m to part 38.5m, part 45m and part 54.5m, and
- floor space ratio (FSR) control from 2:1 FSR to 3.22:1 for the site.

The built works include:

- The Construction of a new residential flat buildings ranging from maximum 10, 12, and 15 storeys and comprising 225 apartments including:
 - 191 market apartments;
 - 34 affordable apartments for a period of 15 years; and
 - Communal areas at both lower ground, ground level and rooftop levels.
- Car and bicycle parking for residents and visitors at lower ground and two (2) basement levels, including:
 - 237 car parking spaces;
 - Garbage storage; and
 - Plant rooms and other associated services.
- Landscaping works including hard and soft landscaping work.

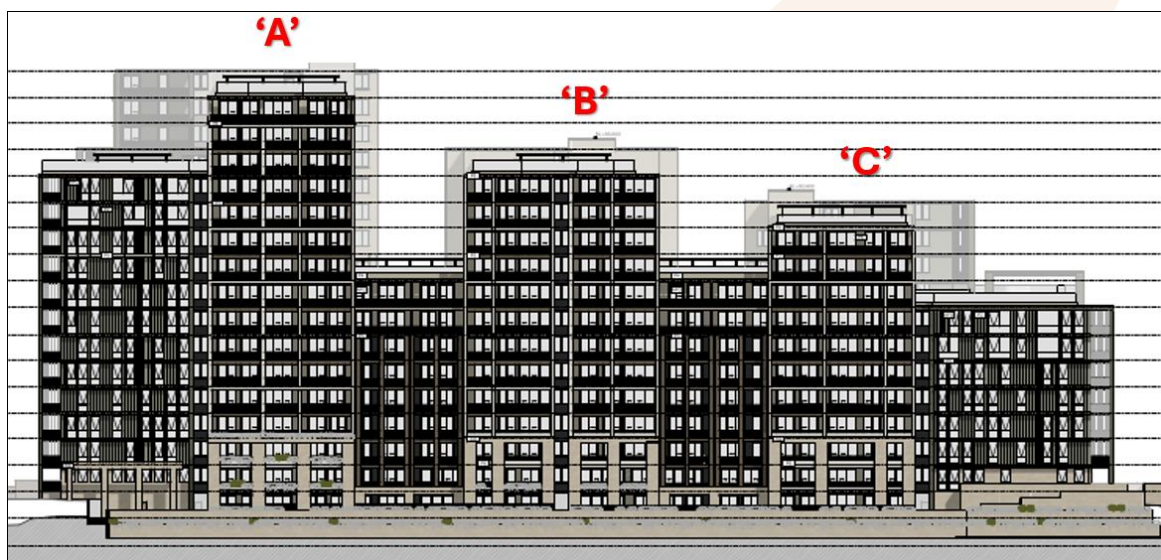


Figure 1: Proposed south elevation. (Source: pbd architects)

Subject Site

The site is legally described as Lot 15 of DP 1230609 and known as 300 Burns Bay Road, Lane Cove.

The site is located on the eastern side of roundabout intersection between Burns Bay Road and Waterview Drive. The site has vehicular access via a right of way easement. The site has a skewed frontage and rear boundary.

The subject site contains 2 commercial buildings being an office building and a warehouse, a tennis court, significant on grade parking facilities and existing vegetation. The existing office building is to be retained as part of the proposal.

The subject site is within the 30m buffer zone from Category 2 Vegetation under the NSW Rural Fire Service guide for bushfire prone land mapping. Therefore, the subject site is determined to be bushfire prone land.

East of the site adjoins bushland at Hartman Hill Reserve and Tannery Creek and Burns Bay Reserve beyond.

South of the site is 300A Burns Bay Road an 8-storey residential flat building. Further South are 2 x 5-storey residential flat buildings at 300B and 300C Burns Bay Road.

North of the site is a private carriageway providing access to 280 and 292-298 Burns Bay Road.

- 290 Burns Bay Road is a part 6 and part 7-storey residential flat building,
- 280 Burns Bay Road is a part 7 and part 8-storey residential flat building
- 292-298 Burns Bay Road is a 5-storey residential flat building.

Further north is an approved, but yet to be constructed Seniors Housing Development at 40A Cope Street which is part 4 and 6-storeys in height.

West of the site is Hughes Park, Waterview Drive and residential flat buildings and mixed-use developments 6 - 8-storeys in height.

A satellite photograph of the site is provided in Figure 2 below (blue outline).



Figure 2: The subject site is highlighted in blue. (Source: Nearmaps)

The Site is located within the R4 – High Density Residential Zone pursuant to the *Lane Cove Local Environmental Plan 2009 (LCLEP 2009)*.



Figure 3: Site and surrounding development. (Source: Colliers)

History

24 October 2024

Council provided Pre-DA Advice on a Preliminary concept design for an SSDA for the construction of a Residential Flat Building with an uplift in density through Chapter 2 Affordable Housing of the housing SEPP 2021 and the retention of an existing commercial office building. Concerns were raised with bulk, shadow and view impacts to neighbouring properties.

6 November 2024

The Department of Planning hosted Sydney Design Review Panel (SDRP) meeting held at The Mint. LC Council Planners attended. The State Government architects raised issues with the proposed design as an overdevelopment of the site, conflicts of retaining commercial building, and did not support the proposal.

28 November 2024

A Design Review Panel (DRP) was held at Lane Cove Council. The DRP raised concerns with retaining commercial building at rear, amenity of lower apartments, solar amenity, and open space, concerns with bulk and view impacts to neighbouring properties, lack of analysis of local area and scenic character of Burns Bay.

26 May 2025

The site was declared to be SSD under the newly created Housing Delivery Authority (HDA), specifically pursuant to State Significant Declaration Order (No 8) 2025 and issued on 26 May 2025.

**When a proposal is declared for the State Significant Development (SSD) pathway during the Expression of Interest (EOI) process, it is important to understand that this is not an approval of the proposal. It is a process to declare a project as being eligible for the State Significant Development pathway and will be subject to a future merit assessment based on detailed application information.*

- * from the Planning NSW Website.

25 September 2025

Council provided Pre-DA advice on a preliminary concept design for an SSDA – The construction of a Residential Flat Building Development with an uplift in density through *Chapter 2 Affordable Housing* of the Housing SEPP 2021 and the demolition of existing structures including the commercial office building. The proposal had a maximum FSR of 3.13:1 or GFA of 23,758sqm. The previous proposal had a maximum building height of 41.3m based on HDA EOI envelope. Council raised concerns with proposal and significant variations to the relevant controls as well as associated adverse amenity impacts onto neighbouring properties.

Rezoning Application Height and FSR

Variations to the affordable housing bonus Height and FSR

The applicant has sought to benefit from the affordable housing bonus afforded by Chapter 2 of the Housing SEPP 2021. This SEPP allows a 30% bonus to the height and FSR development standards. This is in exchange for the designation affordable housing units (15% of the GFA in this instance) which are to be provided and managed in accordance with the Housing SEPP 2021.

HEIGHT:

The proposed development seeks to additional height beyond the 30% bonus height afforded by the SEPP as shown in the table below. Council does not support any variation to the 30% bonus. It is noted that the Height has further increased since Council provided PRE-DA comments in September

2025. A flat maximum height of 41.3m across the 3 buildings was proposed at HDA EOI stage. The most recent redesign altered Buildings A and B to maximum heights of 54.5m and 45m respectively while lowering building C to 38.5m.

LEP Height Standard	Height Standard Including bonus	Proposed building height
21m (6 storeys + roof plant)	27.3m (8-storeys + roof plant)	Building A: 54.5m (15 storeys + plant) approx. 100% exceedance
		Building B: 45m (12 storeys + plant) approx. 65% exceedance
		Building C: 38.5m (10 storeys + plant) approx. 41% exceedance

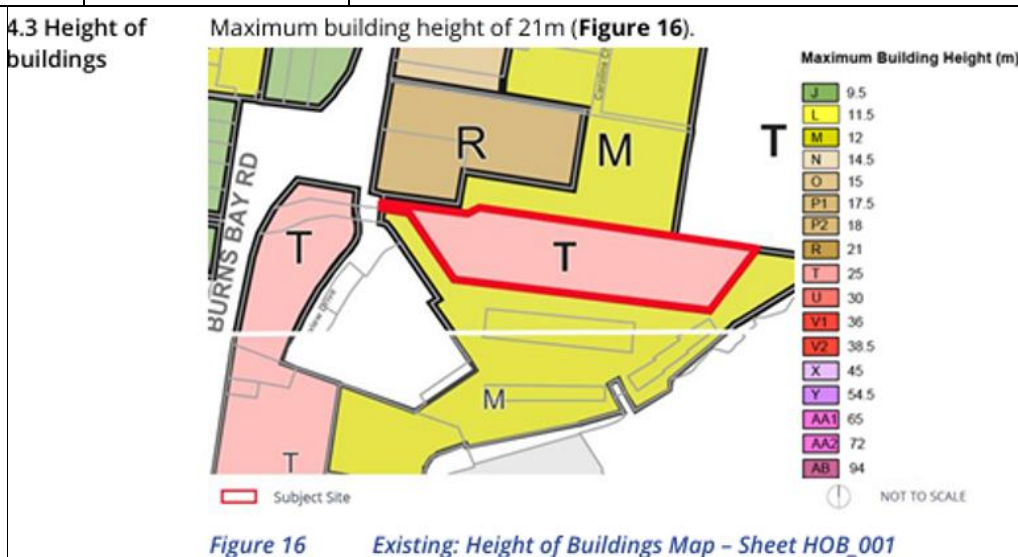


Figure 4: Height LC LEP 2009.

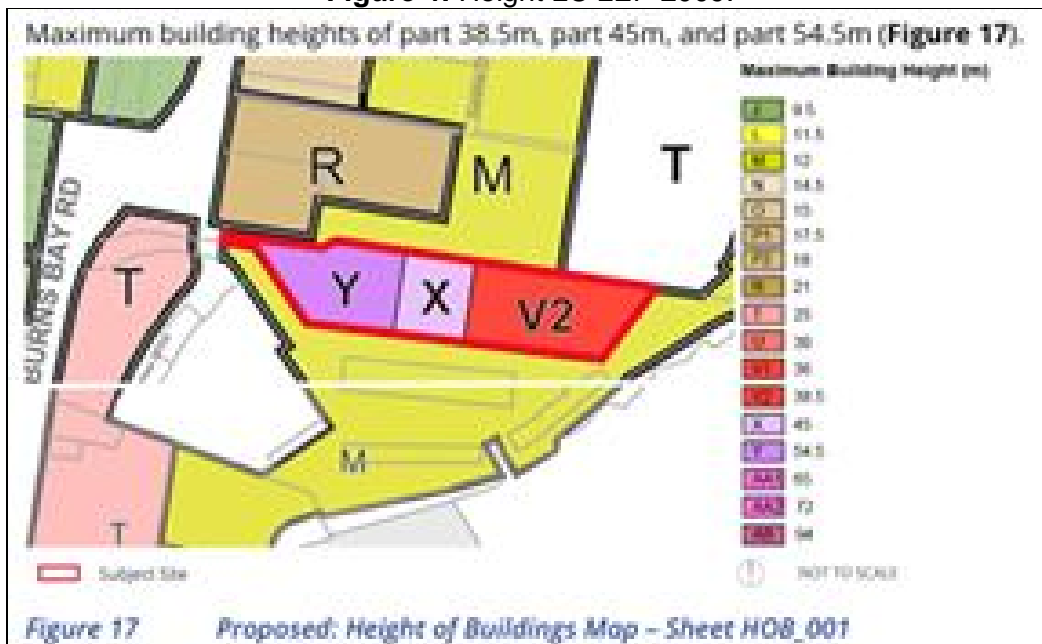


Figure 4A: Height proposed Rezoning Map. (Source: Colliers)

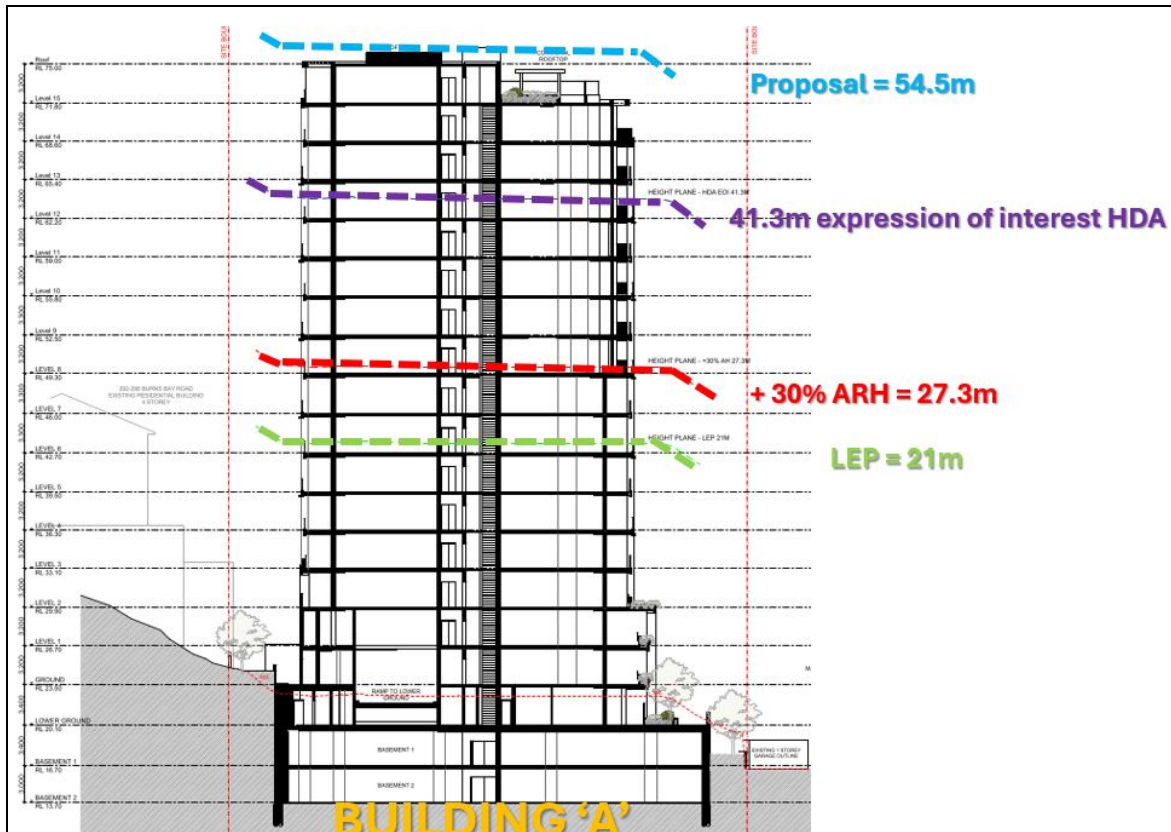


Figure 5: Section Proposed Building A. (Source: pbd architects)

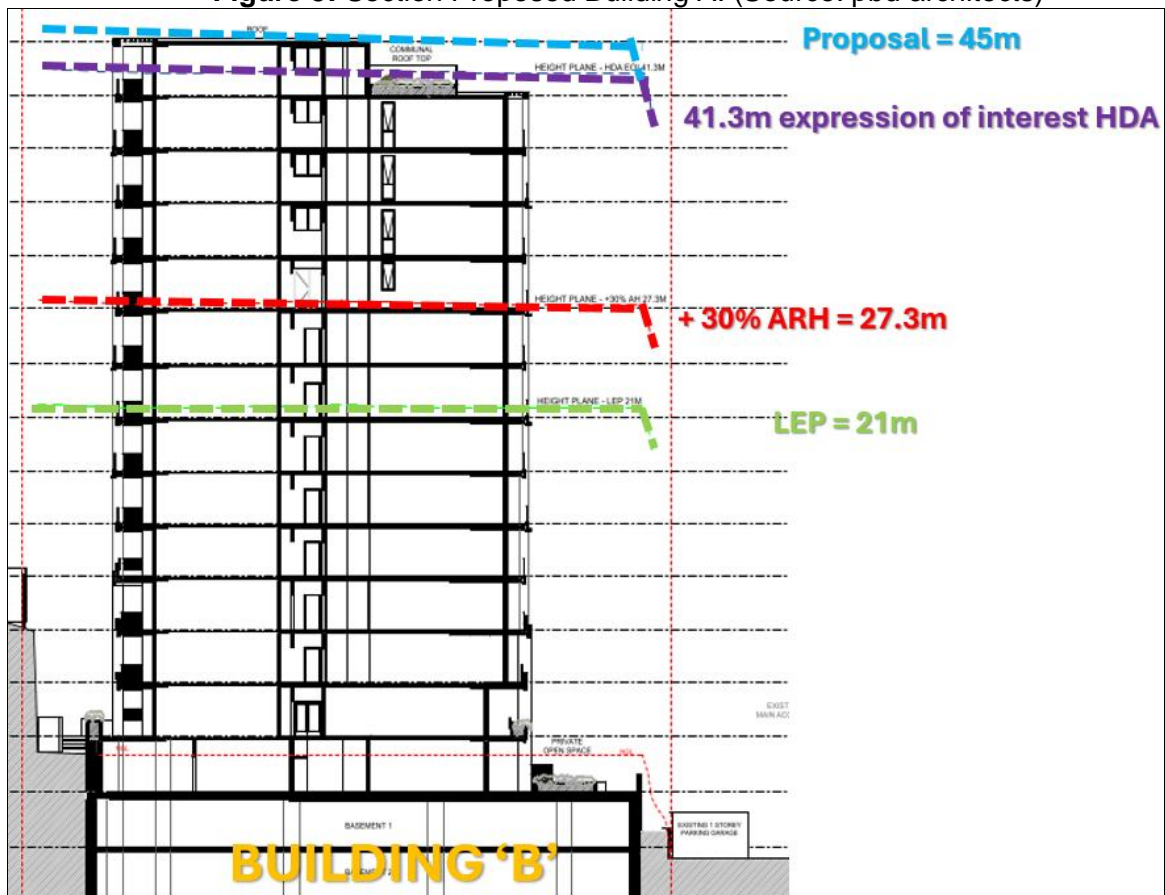


Figure 6: Section Proposed Building B. (Source: pbd architects)

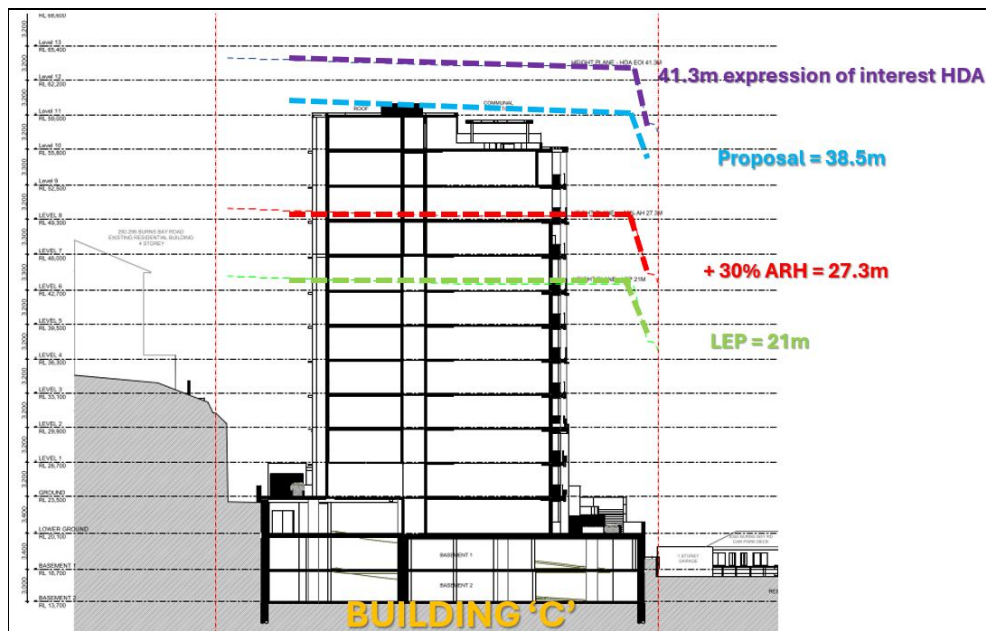


Figure 7: Section Proposed Building C. (Source: pbd architects)

The proposed development fails to satisfy the relevant objectives of Clause 4.3 Height of the Lane Cove LEP 2009:

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

The non-compliant portions of the building result in additional adverse overshadowing impacts on the properties to the south of the site. Any additional shadowing generated by the non-compliant area of the development is considered unreasonable, unnecessary and not warranted in this instance. The rezoning request in relation to height should not be supported as the proposal fails to satisfy objective (a).

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

The non-compliant portions of the building would be visually prominent to the adjoining properties, which has been identified in the view impact assessment document. The non-compliant areas which result in these adverse impacts to the most sensitive receivers being the residential developments downslope of the site. The non-compliant setbacks to the north of the site result in adverse privacy and overlooking impacts. The Rezoning request should not be supported as the proposal fails to satisfy objective (b).

(d) to relate development to topography

The proposed height increase has not taken into consideration the existing topographic constraints of the site. The steep topography and orientation of the site exacerbate overshadowing and any additional building height and bulk is required to be sensitively designed to minimise these impacts. The proposed building height fails to step down appropriately with the topography of the slope. The proposed buildings have not been appropriately setback from the southern boundary to minimize overshadowing impacts. The Rezoning request should not be supported as the proposal fails to satisfy objective (d).

FSR:

The proposal would result in a significant increase in the FSR proposed beyond the 30% bonus afforded by the SEPP. Council does not support any variation above the 30% bonus. It is noted that the FSR has further increased since Council provided PRE-DA comments in September 2025. Previously at 3.13:1 or 23,758sqm. A further 673sqm of GFA has been added (to 3.22:1) further exacerbating the FSR breach to approximately 65% above the controls.

LEP FSR Standard	FSR Standard Including 30% bonus	Proposed FSR
2:1 or 15, 190 sqm	2.6: 1 or 19,747 sqm	3.22:1 or 24,431sqm

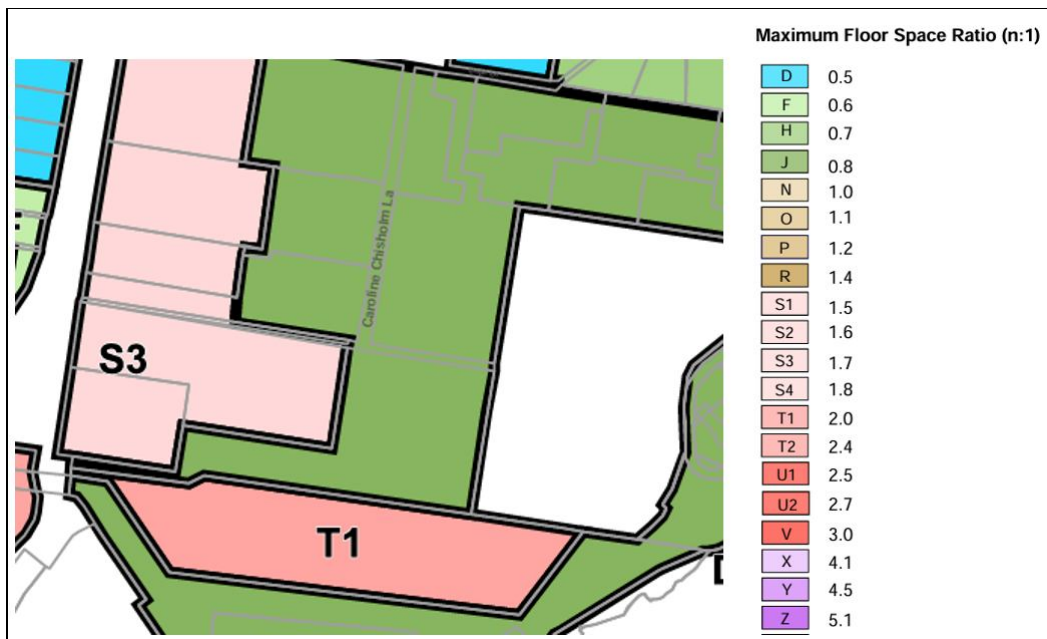


Figure 8: FSR LC LEP 2009

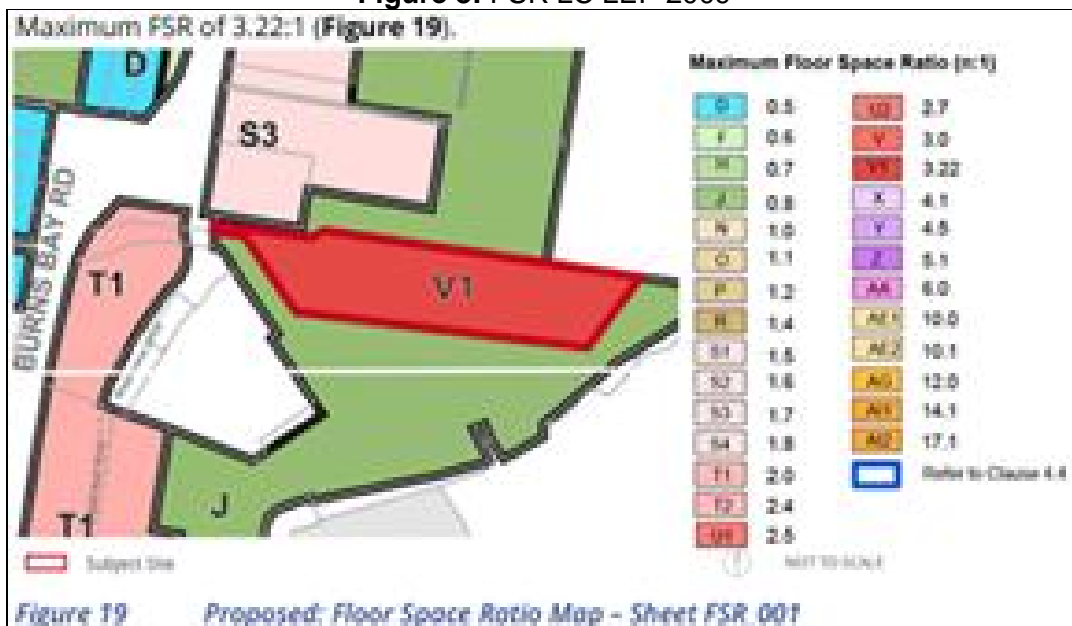


Figure 19 Proposed Floor Space Ratio Map - Sheet FSR_001

Figure 8A: FSR proposed Rezoning Map. (Source: Colliers)

The proposed development fails to satisfy the relevant objectives of Clause 4.4 Floor Space Ratio of the Lane Cove LEP 2009:

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

The proposed FSR is not compatible with the established character of the locality, including existing 8-storey residential and mixed-use buildings on Waterview Drive. Approval of the density as a spot Re-zoning, would set a detrimental precedent for other rezoning in the proximity. The accumulated impacts are overly negative in an undesirable location which cannot accommodate adequate infrastructure to accommodate the increased population.

DISCUSSION:

This proposal seeks approval of a rezoning request: The rezoning request seeks to amend the Lane Cove Local Environmental Plan 2009 by amending the applicable maximum building height control from 21m to part 38.5m, part 45m and part 54.5m, and floor space ratio (FSR) control from 2:1 FSR to 3.22:1 for the site.

Bulk and Scale

The proposed development would result in a scale and height of development not inconstant with the current and desired future character of the area. All neighboring developments are characterized by maximum of 8-storey in height. The proposal includes up to 100% variation above the existing LEP Height Controls + AH 30% bonus under the Housing SEPP. As discussed in this submission, the scale of the built form would result in adverse amenity impacts to the site and neighboring properties. The proposed rezoning application and building design based on the increased envelopes is a significant overdevelopment of the site. It is not considered to be in the public interest. The impacts are discussed further in this submission.

The ad-hoc, isolated spot-rezoning does not enable a strategic holistic consideration of the area. The proposed rezoning application sets up a detrimental precedent in the area which is not in the public interest. Any future development of the sites north and south of the site would result in similar shadow and view loss impacts to the subject site.

SEPP Housing 2021 – Design Quality of Residential Apartment Development

This SEPP applies to the development as it triggers the requirements for design quality. In determining an application, the consent authority must take into consideration the design quality of the development when evaluated in accordance with the design quality principles and the Apartment Design Guide.

As required, the applicant's architect has provided a design verification statement. The nine design quality principles are listed below with comments relating to the proposal.

Apartment Design Guide Housing Design Quality Principles Schedule 9.

Design Principle	Comments
1. Context and neighbourhood character	It is considered that the proposal is not in character with the neighbourhood context, due to the size and height of the development. All buildings in proximity to the site are maximum 8 storeys which define the predominant form and character of neighbourhood. The existing character is high-density but appropriately lower density than what is proposed.
2. Built form and scale	The abrupt jump in height from eight storeys of adjoining properties to 10, 12 and 15 storeys proposed does not provide an appropriate transition. Indeed, the proposal creates unacceptable impacts in terms of solar access, view loss and privacy to adjoining properties.
3. Density	The applicant fails to acknowledge that the site is constrained by a number of factors, including limited access to and from Burns Bay Road. The impact on surrounding residents have not been adequately considered. The site-specific constraints are considered to necessarily reduce the developable yield and density permitted on the site. The proposed density is inappropriate and is an overdevelopment of the site.
4. Sustainability	<p>The applicant submitted an ESD Report which addressed Council's Environmental Sustainability DCP. The proposal has been designed considering passive solar principles and that it achieves the access and cross ventilation.</p> <ul style="list-style-type: none"> • Implement full electrification in residential portion (no gas). • solar panels are to be installed on the roof (approx.25% of roof area). <p>While these factors contribute to sustainability, the proposal does not comply with the key solar access provisions and would result in increased use of artificial heating on south-facing apartments and lower level north-facing apartments which do not have access to sunlight.</p>
5. Landscape	<ul style="list-style-type: none"> • The proposal looks to remove approximately over 900m² of tree canopy, 822m² in arborist report or over 10% of on site canopy coverage. Inconsistent with objectives in Part J section 3.5, 3.6, 4.1 and 5.1. • Rather than contribute to the local context, the removal of some 32 trees is considered to be a negative impact to the established local landscape character.
6. Amenity	The proposal would result in adverse amenity impacts to the neighbouring properties and the subject site. Devastating overshadowing impacts are caused to the RFB to the south at 300C Burns Bay Road. Only 22.5% of units would receive compliant

	<p>solar access.</p> <p>The proposal would result in significant view loss impacts to properties north of the site at 280-288 Burns Bay and 292-298 Burns Bay Road. The proposed built form is contrary to the Tenacity View Sharing Principles and should not be supported.</p> <p>The application proposes non-compliant building setbacks on the northern elevation resulting in adverse privacy /overlooking impacts between the subject site and 292-298 Burns Bay Road. The non-compliant building setbacks to the southern boundary exacerbate existing solar access impacts.</p>
7. Safety	<p>The proposal would provide for appropriate safety through the provision of active street frontages, passive surveillance of public and communal areas and the incorporation of crime prevention through relevant environmental design principles (CPTED).</p>
8. Housing diversity and social interaction	<p>The proposal provides for an appropriate apartment mix and sizes. The proposal provides for adaptable apartments, visitable apartments</p>
9. Aesthetics	<p>The proposed materiality is supported. A variety of design elements are introduced to the buildings to provide legibility and visual interest to the facades. The buildings have been designed with appropriate colours and finishes which reflect each street frontage and natural conditions.</p> <p>However, the overall scale of the building is not supported. Good design would be better achieved through a reduction in height and density.</p>
CONCLUSION:	<p>On balance the proposed residential flat building development does not satisfactorily meet the Design Quality Principles of the ADG. The proposal:</p> <ul style="list-style-type: none"> • would be contrary to the established context and neighborhood character • would be of an excessive built form and scale • the density results in a significant overdevelopment of the site • the development would result in unacceptable amenity impacts to the neighbouring properties and the subject site
3B Orientation	
Part 3B Orientation in the Apartment Design Guide	
<p>Designing the site layout to maximise northern orientation is an important consideration, but it must be balanced with:</p> <ul style="list-style-type: none"> • <i>responding to desired streetscape character</i> • <i>promoting amenity for both the proposed development and neighbouring properties</i> • <i>providing for the enjoyment of significant views</i> • <i>retaining trees and locating open spaces</i> • <i>responding to the topography and contextual constraints such as overshadowing and noise.</i> 	

Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid winter

Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%

If the proposal will significantly reduce the solar access of neighbours, **building separation should be increased beyond minimums contained in section 3F Visual privacy.**

Overshadowing should be minimised to the south or down hill by increased upper level setbacks

Up to 12m (4 storeys) Requirement = 6m	Up to 25m (5-8 storeys) Requirement = 9m	Over 25m (9+ storeys) Requirement = 12m
Southern Boundary Setback		
Building A		
Ground: 7.65m Level 1: 7.65m Level 2: 7.65m Level 3: 9.5m	Levels 4-7: 9.5m	Levels: 8-14: 9.5m Level 15: 11.25m
Complies: Yes Exceeds: Yes	Complies: Yes Exceeds: Yes	Complies: No.
Building B		
Ground: 9m Levels 1-3: 9m	Levels 4-7: 9m	Level 8-12: 9m
Complies: Yes Exceeds: Yes	Complies: Yes Exceeds: No	Complies: No.
Building C		
Ground: 6.44m Levels 1-3: 8.25m	Level 4-6: 8.25m Level 7: 8.31m	Levels 8-10: 8.31m
Complies: Yes Exceeds: Yes	Complies: No	Complies: No

Comment: The proposal fails to comply with Section 3B Orientation in the ADG. The site is categorised as a steeping sloping. The controls require that in such topographical instances, the setback of buildings to the southern boundary should be increased beyond the minimum setbacks in Section 3F Building Separation. (See below and table above) The building to the south at 300C Burns Bay Road already receives non-compliant solar access (currently 40% compliance and reduced 22.5%), therefore southern setbacks from the southern boundary should exceed the visual separation requirements specified under section 3F. The proposal fails to comply with the minimum setback requirements on level 8-and-above on all 3 towers. Therefore, the building levels which do not comply with the LEP height controls also do not comply with the minimum setbacks specified in the ADG. The proposed design exacerbates the adverse solar access outcome to 300C Burns Bay Road. The proposal is not supported and is recommended to be amended to comply.

Building Separation

Part 3F Visual Privacy in the Apartment Design Guide (ADG) requires:

- a minimum 9m setback for habitable rooms and balconies on levels 5-8; and

- a minimum setback of 12m for habitable rooms and balconies on levels 9 and above.

The proposed setback for the north elevation of tower B does not comply. Including the northern balconies being setback approximately 5.6m, and glass line of the internal spaces being setback approximately 8.4m. (Refer to figures 9 and 9A below). The lack of building separation would result in adverse privacy/overlooking impacts between the south-facing units of 292-298 Burns Bay Road and north-facing units of the subject site.

Comment: The proposal fails to comply with Section 3F Building Separation in the ADG.

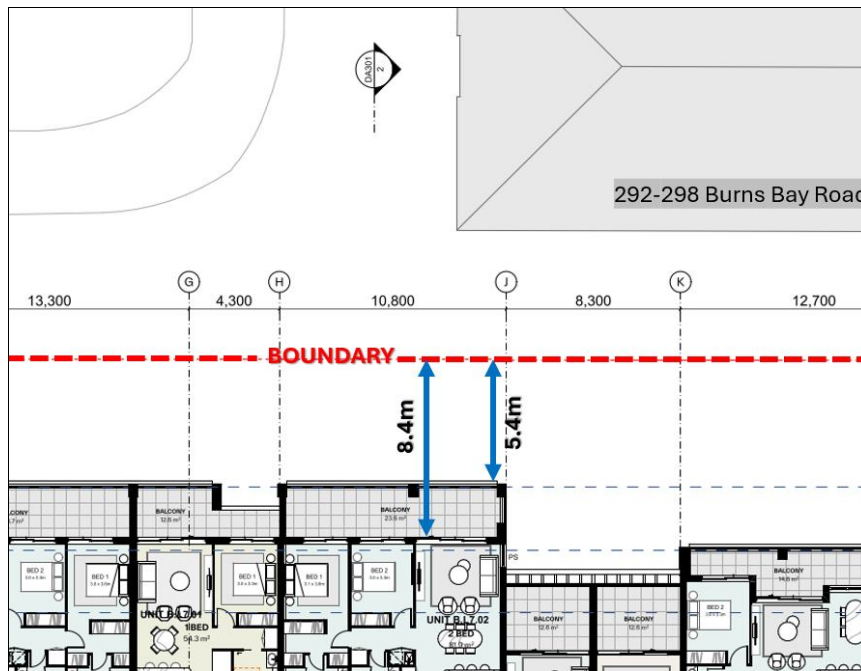


Figure 9: Excerpt of Level 7 Plan. Non-compliant building separation of Building B. (Source: pbd architects)

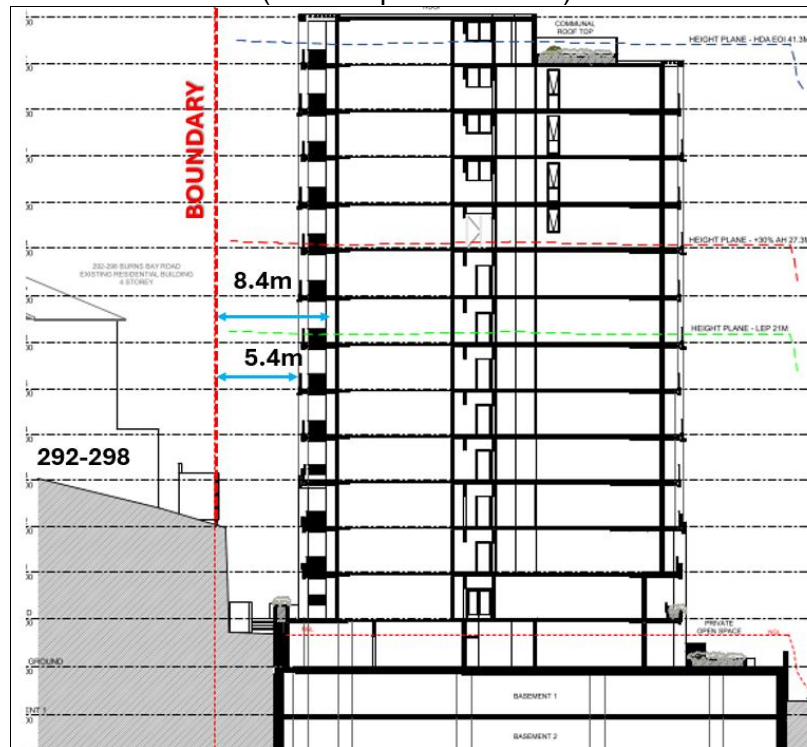


Figure 9A: Section showing non-compliant setback of Tower B to northern boundary. (Source: pbd architects)

Ground Floor Apartments

Section 4L Ground Floor Apartments:

Activity is achieved through front gardens, terraces and the facade of the building.

Objective 4L-2 Design of ground floor apartments delivers amenity and safety for resident

Many of the north-facing ground and first floor units are not considered to achieve adequate amenity. These units face onto a sheer 7.4m high retaining wall. The retaining wall is approximately 4.8m distance away from the units and blocks access to sunlight. The below table details the 5 dwellings most negatively affected.

Unit	Solar access (mid-winter)
B.G 01	Zero hours
B.G 02	Zero hours
C.G.01	Zero hours
C.G.02	Zero hours
C.L1.01	30 mins
C.L1.02	45 mins

As noted in the solar access section below. These units contribute to the overall non-compliant total (19%) number of dwellings which receive zero solar access at mid-winter. The proposal also includes a large number of dwellings which are exclusively south-facing and receive no direct sunlight to living rooms or private opens space.

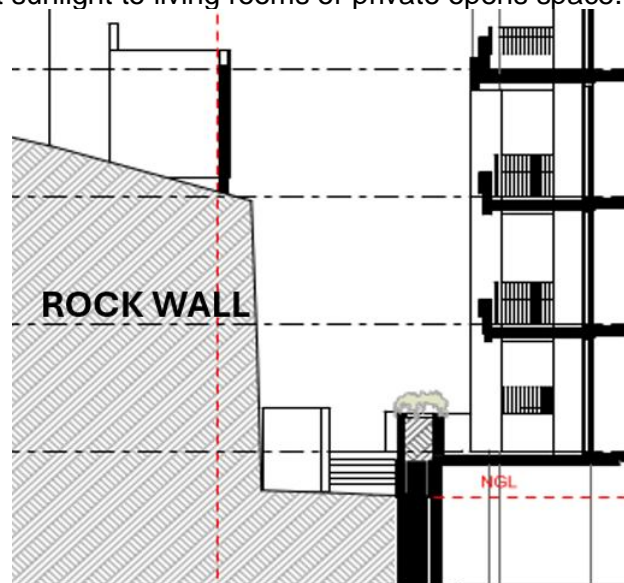


Figure 9B Ground floor units facing retaining wall.

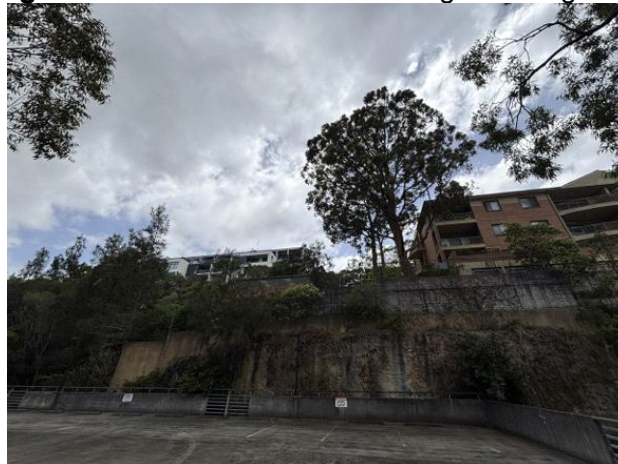


Figure 9C: Photo of retaining wall. (source Colliers)

Comment: The proposal fails to comply with Section 4L GF Apartments in the ADG.

Solar Access

Part 4A of the ADG Solar and Daylight Access requires.

Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area.



Figure 10: Plan of sites solar access impacts. (Source: Colliers)

Neighboring sites:

The shadow assessment of neighboring sites includes:

Private Land: 302 Burns Bay Road, 300C Burns Bay Road, and 300B Burns Bay Road.

300C Burns Bay Road: The residential flat building directly south of the site at 300C Burns Bay Road would be burdened by unacceptable levels of shadow from the subject site. The solar access assessment states that only 22.5% of residential units in 300C Burns Bay Road would achieve compliant solar access at mid-winter. The proposal exacerbates shadows to an existing solar-deficient building. The provided assessment against solar access during autumn and spring solstice is not considered to provide relevant justification to the significant solar non-compliance at mid-winter.

It is acknowledged that the topography and orientation of the two sites increase the overall shadow impacts. These features form the existing constraints of the site. These constraints provide a threshold and limit to developable height, bulk and density. As discussed in Section 3B Orientation Council does not support any height increase beyond the LEP Control of 21m + 30% bonus = total height of **27.3m**. Any height beyond this further exacerbates non-compliant solar access impacts. The design should also incorporate greater than minimum setbacks from the southern boundary as per the ADG.

300B Burns Bay Road: The solar access statement states that the existing non-compliant solar access would be improved marginally due to demolition of the existing commercial building on site. It is noted that solar access would significantly increase from 44.4% to 55.6% of units if the proposal was limited to the maximum LEP height of 21m.

302 Burns Bay Road: The solar access statement states no change to solar access to living rooms and dining rooms which achieve only 29.6% of units receiving compliant solar access.

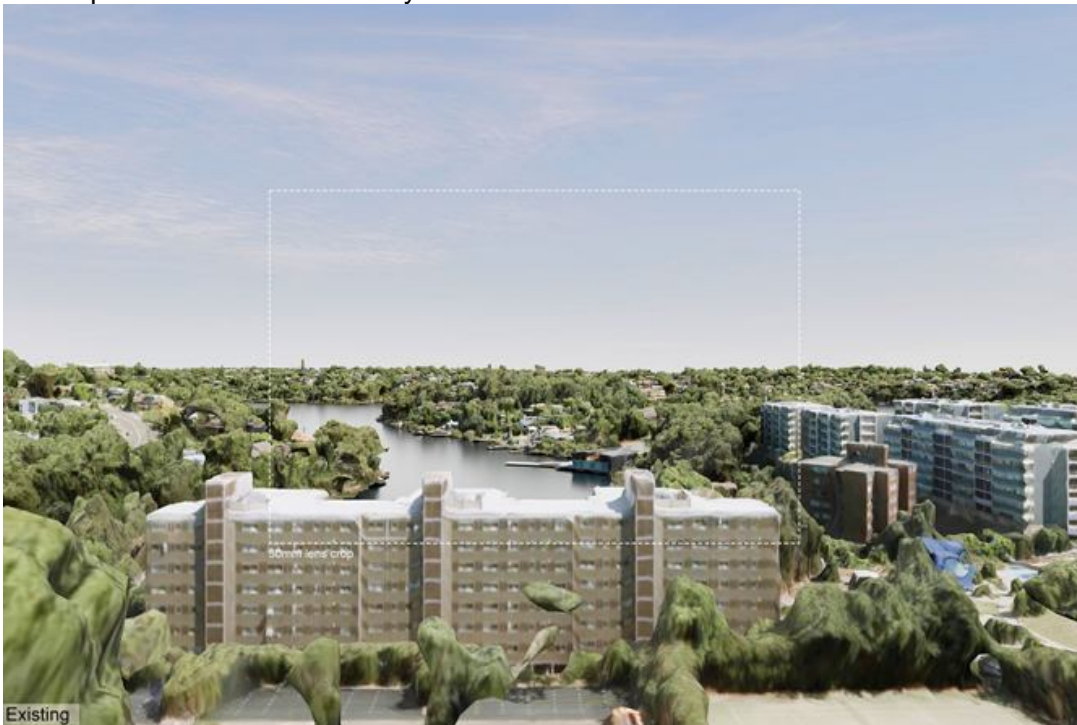
Public Open Space: Hughes Park and Burns Bay Reserve.

The solar access statement and diagrams conclude that the solar access requirements are met and two hours of solar access to at least 50% of the public open space for both Hughes Park and Burns Bay Reserve.

Subject site: A total of 19.1% of the proposed apartments receive no direct sunlight between 9.00am and 3.00pm at mid-winter. This falls short of the ADG requirements (4A Soal and Daylight Access), which permit a maximum of 15% of units to receive no direct sunlight. The resulting substandard solar amenity is not supported by Council. It would inhibit the livability of future occupants and is a poor planning outcome.

View Loss/ View Imapctcs

The **Tenacity view sharing principles** (*Tenacity Consulting v Warringah Council* [2004] NSWLEC 140) provide a four-step assessment to balance a property owner's right to develop with a neighbor's right to retain views. It establishes that while there is no absolute legal right to a view, development should reasonably share views rather than eliminate them.



Existing

Figure 11: Existing view from 280-288 Burns Bay Road, Level 7 to Burns Bay/Lane Cove. (Source: pbd architects).



Figure 12: Proposed view from 280-288 Burns Bay Road, Level 7 to Burns Bay/Lane Cove. (Source: pbd architects)



Figure 13: Existing view from 292-298 Burns Bay Road, Level 3 to Burns Bay/Lane Cove.
(Source: pbd architects)



Figure 14: Existing view from 292-298 Burns Bay Road, Level 3 to Burns Bay/Lane Cove.
(Source: pbd architects)

The *Tenacity Planning Principles 2004* for view sharing from NSW Caselaw are detailed below.

- 1. The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*
- 2. The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*
- 3. The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*
- 4. The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skillful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

Comment: As demonstrated in the view and visual impacts assessment, the proposal fails to comply with view sharing requirements of the Tenacity principles. The proposal would result in devastating view loss impacts to apartment at 280-288 Burns Bay Road and 292-298 Burns Bay Road. The views from 280-288 Burns Bay Road are from the rear boundary of the site and should be protected. The views may not be categorised as iconic, but are highly valued water views including the land and water interface of Burns Bay, and further district views down the Lane Cove River to the Hunters Hill LGA.

In particular the proposal would not comply with the fourth step of the Tenacity Principle in terms of reasonableness. The adverse view impacts are a direct consequence of the significant non-compliances with height and FSR. The proposal to rezone the site and uplift the controls to be 'compliant' is an unjustified method to circumvent the established LEP Control + permitted affordable housing bonus. A compliant scheme of 27.3m would already impact some views enjoyed by neighboring properties. However, a portion of district and water-land interface views would be retained. An amended design is considered a fair outcome in terms of retaining a portion of the existing views. The subject proposal would entirely remove the existing views.

Concerns are raised regarding views and vistas from the public domain, including Hughes Park, Hartman Hill Reserve and the Lane Cove River. The proposed 15-storey buildings would dominate the skyline as demonstrated in the view analysis below. The proposed three tower design would partially double the height controls and extend beyond the tree line which is out of character with the established visual built form of the area.

- Tower A: increased height by 27.2m or approx. 100% exceedance
- Tower B: increased height by 17.7m or approx. 65% exceedance
- Tower C: increased height by 11.2m or approx. 41% exceedance

The applicant has not put forward a skillful design which would reduce view loss impacts to

neighbouring developments. The proposal should be amended to ensure a compliant design which would still benefits from a 30% bonus height afforded under the Housing SEPP. The proposed development including towers which would exceed the bonus control by a further 41%, 61% and 100% is an overdevelopment of the site. The scale of proposal is inappropriate given the existing constraints of the site relating to topography, shape, and orientation.



Figure 15: Proposed views from Hughes Park. (Source: pbd architects)



Figure 16: Proposal viewed from access road. (Source: pbd architects)

Bushland and Landscaping

The site adjoins land zoned Environmental Conservation (E2) at the northeast side of the property. The adjoining bushland site is known as Hartman Hill Reserve which consists of Coastal Enriched Sandstone Sheltered Forest. Directly east of the site is zoned R4 land owned by 300B Burns Bay Road which contains mature canopy trees.



Figure 17: Native vegetation Map for Hartman Hill Reserve (site in yellow).
(Source Storm Consulting)

Section 6.1 Bushland Area in Part H Bushland Protection in the Lane Cove DCP states:

(a) *This is the part of the site which contains bushland vegetation and other topographic and natural features –...*

(b) *It is an extension of the areas zoned as bushland or open space purposes and should exhibit the same characteristics as that for the land zoned "C2 Environmental Conservation" under the Lane Cove LEP.*

(c) *It may be land which is currently degraded but forms a continuous link with bushland on neighbouring properties.*

Section 6.2 Buffer Area in Part H Bushland Protection in the Lane Cove DCP requires:

(f) *The size of the buffer area will be a minimum depth of 10 metres. This area may change if shallow bedrock occurs and/or the establishment of any works defined under provision c) of this section cannot be achieved.*

(e) *Excavation must be kept to a minimum and must not impact upon any trees or bushland.*

Council's Part H Bushland Protection stipulates a 10m bushland vegetation buffer is required to be applied to boundaries adjacent to bushland for adequate bushland protection.

Comment:

A desktop assessment shows that the proposed development would encroach the 10m bushland buffer setback including the communal hardscape area, part of the fire stairs and part of the 3 levels of basement carpark below. The proposal is contrary to Council's DCP including section 6.2(e) and (f) and results in unnecessary impacts to adjoining C2 Bushland. It is recommended that all building works be pulled back as to not encroach into the bushland buffer zone. Council's Bushland Officer

recommends that the design is amended to comply with the 10m bushland buffer.



Figure 18: Existing site. Red indicates required 10m bushland buffer from Hartman Hill.
(Source: ifm SISmap)

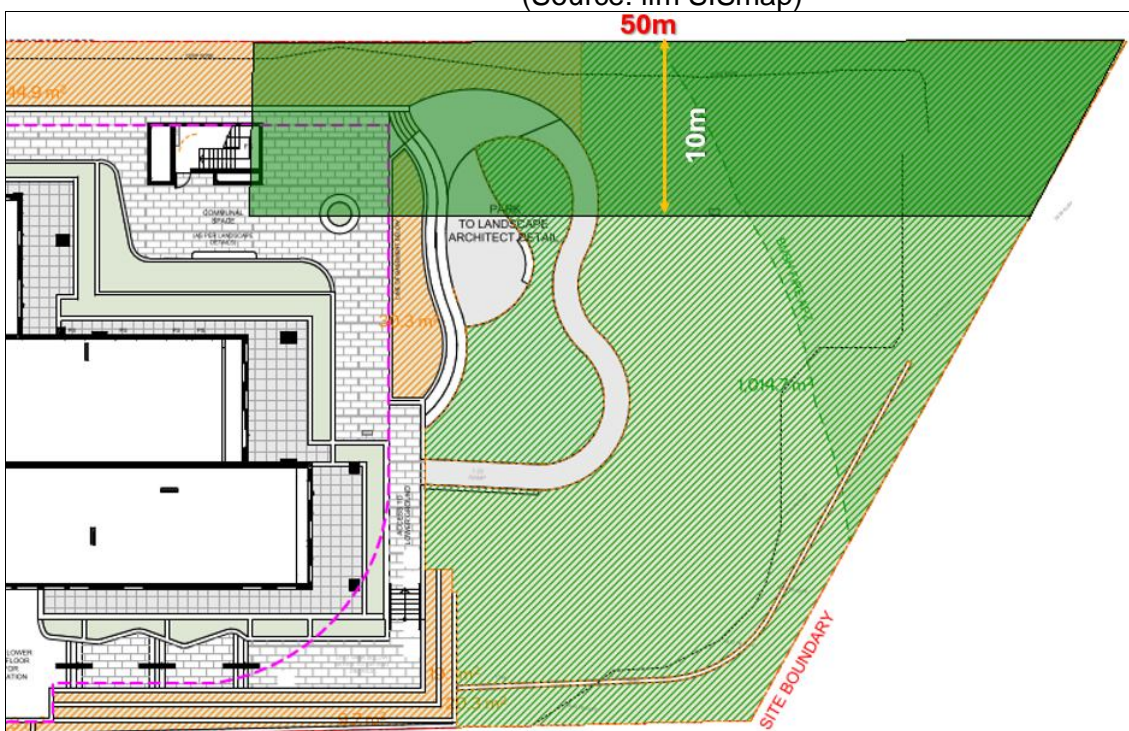


Figure 19: Proposed Deep Soil Diagram Darker green overlay is required 10m bushland buffer.
(Source: pbd architects)

Bushland Officer Comment

Erosion protection

Erosion control plan has been provided within the stormwater concept plan, however, is not satisfactory.

As the development is adjacent to bushland the erosion and sediment control plan needs to be amended to the following requirements:

1. The use of 2500mm or 2400mm long metal star pickets hammered into the ground 500mm deep (leaving 2000mm above ground) with 1000mm centres (spacing between each star picket).
2. Metal wire threaded through each star picket to assist in taking the sediment load between the centers.

3. Use of self-supporting geo textile semi permeable fabric allowing water to pass through but catching sediment.
4. Geo textile semi permeable fabric to be installed 300mm deep into the ground and 1500mm above ground attached to star pickets and wire.
5. A secondary sediment fence to be installed following the specifications as above 2000mm behind the first fence creating a secondary barrier.
6. Installation of several silt basins where allowable in front of the 2 sediment barriers allowing water and sediment to pool and for sediment to settle at the bottom. Clean water (free of sediment and particulates) to be pumped into stormwater drainage. The silt basin will act as the first line of defence to sediment overflow, the two silt barriers will act as second and third line of defence.
7. Recommended that the pooled water in the silt basins be flocculated to increase rate of sediment settling before pumping out clean water.
8. Sediment in the silt basins are to be cleaned out on a regular basis.
9. Both sediment fences and silt basins are to be entirely within the development site. These structures are not to encroach into public open space or bushland.

Landscaping

- Properties adjacent to bushland should select native plants that are considerate to the surrounding bushland vegetation. Exotic plants are problematic in bushland because their seeds and rhizomes can escape into natural areas and spread prolifically, outcompeting native species and disrupting local ecosystems.
- Please ensure the landscape plan has selected species from the approved plant selection list in DCP Part J – Landscaping, to ensure compatibility with the local bushland environment and prevent seed spread into natural areas.
- Land and Form studios Pty Ltd have provided landscape plans and Council is generally satisfied with the planting palette provided but Council recommend that *Acacia retinodes* is replaced with *Acaiaca frimbiata*.

Lighting

Outdoor lighting should be minimised to protect wildlife by preserving natural darkness, which animals rely on to feed, breed, and move safely. Where lighting is necessary, low-intensity red or amber lighting should be used in preference to white light, as these wavelengths are less disruptive to nocturnal fauna. White lighting must not be directed into surrounding bushland and should be strictly limited to downward-facing, fully shielded fixtures to prevent light spill and habitat disturbance. Excessive or poorly directed artificial lighting can disrupt natural behaviours, fragment habitat, and place additional stress on wildlife; therefore, careful lighting design and restraint are essential to minimise ecological impact while maintaining site safety.

Native Vegetation

- Arborist report has been provided by CPS.
- Noted that 85 trees have been assessed.
- Noted that 32 trees are proposed for removal and 53 trees are proposed for retention.
- Council does not approve of the removals of *Syncarpia glomulifera*, *Elaeocarpus reticulatus*, *Angophora floribunda*, *Eucalyptus saligna* as these trees complement and add to the ecological features of the surrounding bushland.
- It is acknowledged that NARLA has submitted a BDAR recommending 14 biodiversity credits to offset the removal of native forest and several bat habitat areas.
- Council does not support the removal of native forest species and structures that is potentially providing habitat for 3 bat species.
- If the recommendation to conserve the habitat trees and structures is overruled. Council urges that these biodiversity credits be offset in proximity to the site, such as within the Hartman Hill reserve and Tennyson Park, to support local fauna movement and ensure the continued availability of foraging habitat within the immediate area.

It is recommended that, the required offset credits be secured within the immediate local area, such as Hartman Hill Reserve and Tennyson Park. Delivering offsets in proximity to the subject site would support local habitat connectivity and foraging opportunities for the affected fauna species and better align ecological outcomes with the location of impact.

Landscaping Manager Comment:

Tree Removal and Canopy Loss

Council notes that the proposed development would result in the removal of existing trees and vegetation, including mature canopy trees that make a positive contribution to the streetscape and bushland interface.

Council considers that:

- The extent of vegetation removal has not been minimised
- Insufficient justification has been provided for the loss of established canopy
- The proposed landscape replacement does not adequately compensate for canopy loss in the medium to long term

The resulting reduction in canopy cover is inconsistent with Council's objectives to preserve and enhance tree canopy and bushland values.

Bushland Interface and Setbacks

Council is concerned that the proposal does not demonstrate an adequate design response to the bushland interface, including:

- Insufficient vegetated buffers between built form and adjacent bushland
- Inadequate setbacks to protect bushland ecology, tree root zones and soil health
- Limited measures to prevent ongoing edge effects such as weed invasion, increased disturbance and stormwater impacts

Council considers that greater emphasis is required on establishing a functional landscaped buffer using locally indigenous species.

Landscape Quality

While a landscape concept has been submitted, Council considers that it:

- Lacks sufficient detail to demonstrate long-term canopy outcomes
- Fails to adequately integrate retained trees into the overall design
- Does not provide sufficient deep soil zones to support large canopy species

Council is not satisfied that the proposed landscaping will achieve the intended environmental or visual outcomes at maturity.

Visual Amenity and Character

Council considers that the scale and massing of the proposed development, when viewed from:

- Burns Bay Road
- Nearby bushland areas
- Adjoining residential properties

would result in:

- Increased visual dominance within the landscape
- Reduced perception of the area's green, bushland character
- Insufficient landscape softening at ground and podium levels

The proposal is therefore considered inconsistent with the objectives of the Lane Cove LEP and DCP to reinforce the bushland-supported character of the area.

Council Position and Recommendations

Council is of the view that the proposal, in its current form, does not adequately address bushland protection and landscape character outcomes.

Council recommends that the consent authority require the following prior to any approval:

1. Revised Landscape Plans

- Increased deep soil areas and canopy tree provision
- Clear canopy cover targets at maturity

- Demonstrated retention and integration of significant trees
- 2. **Bushland Interface Strategy**
 - Establishment of a vegetated buffer zone
 - Use of locally indigenous species
 - Long-term weed management and maintenance measures
- 3. **Updated Arboricultural Assessment**
 - Independent review of tree retention opportunities
 - Demonstrated compliance with AS 4970–2009
- 4. **Enhanced Biodiversity Outcomes**
 - Quantification of vegetation loss and replacement
 - Measures to maintain or improve habitat connectivity

Tree Impacts

The proposal requests the removal of 32 trees and canopy cover of approximately 822m² from the site. The proposal would retain 19 and only 727m² of canopy cover. Therefore 54% of the sites canopy cover would be removed. The trees to be removed include 6 high retention value trees. Council also raises significant concerns regarding the protection of trees based on the unforeseen Arboricultural Impacts resulting from the development.

- Per the LCC DCP Part J 2023, Council declared climate emergency in 2019, with directive/ goal to increase canopy over to 40% within the municipality.
- Measured using Nearmap, proposal looks to remove approximately over 900m² of tree canopy, 822m² in arborist report or over 50% of on-site canopy coverage. This is inconsistent with objectives in Part J section 3.5, 3.6, 4.1 and 5.1. This proposal is also contrary to the environmental requirements of Sustainability DCP.
- There are also minor discrepancies between tree retention and removal within Arborist report, landscape and demolition plans.
- The applicant to consider larger replacement planting within western setback (I.E advanced *Syncarpia glomulifera*) to offset loss of trees within the site.
- The applicant to consider species change for *E. reticulatus* as feature tree on entry. Council would accept a larger deciduous tree such as *Nyssa sylvatica* or equivalent.

The SBDAR identifies that the following threatened species and species credits are required to be 'assumed present' and offset accordingly:

- Four (4) species credits for *Chalinolobus dwyeri* (Large-eared Pied Bat);
- Four (4) species credits for *Miniopterus australis* (Little Bent-winged Bat); and
- Four (4) species credits for *Miniopterus orianae oceanensis* (Large Bent-winged Bat);

A reduction of the net amount of tree canopy loss could provide increased habitat and wildlife corridor opportunities for the threatened species, if offsets were applied in proximity.

- Council's bushland officer support the removal of native forest and structures that is providing habitat for the 3 bat species.
- If the recommendation to conserve the bat habitat is overruled. Council's Bushland Officer urges that these biodiversity credits be offset in proximity to the site, such as the bushland buffer area, to support local fauna movement and ensure the continued availability of foraging habitat within the immediate area.

Stormwater Management

The stormwater concept design by S & G Consultants Sheet 07 makes reference to propose to connect the new stormwater line to an existing pit under driveway and existing 450mm VC pipe running through 300B Burns Bay Road and discharging to the Tannery Creek Wall. (Refer to Figure 20). It is noted that the submitted survey by Exceed Consulting Group (Sheet 06 of 15) makes no reference to this pipe system. (Refer to Figure 21). The DP 1230609 on Page 19 of the EIS makes

reference to an existing drainage easement in this location. However, Council's mapping system shows no record of this easement.

Council's Stormwater Drainage Engineer does not support the proposal on the subject grounds.

- The application has failed to provide any written owners' consent permitting the proposed stormwater to connect to the pipe at 300B Burns Bay Road;
- A New Positive Covenant has not been provided for future maintenance of the connection to the pipe and pit;
- A CCTV report of the existing condition of the pipe at 300 BBR has not been provided. This report is essential as it is required to confirm if the stormwater connection can adequately accommodate the large additional water flow; and
- The new development will obstruct the existing overland flow path from upstream at 292-298 Burns Bay Road. For this reason, the development would need to provide a new separate Pit and Pipe system at the northern side of the site to capture upstream overland flow and direct accordingly. This has not been provided, resulting in an adverse and unacceptable stormwater outcome exacerbated by the significant topography of the site.

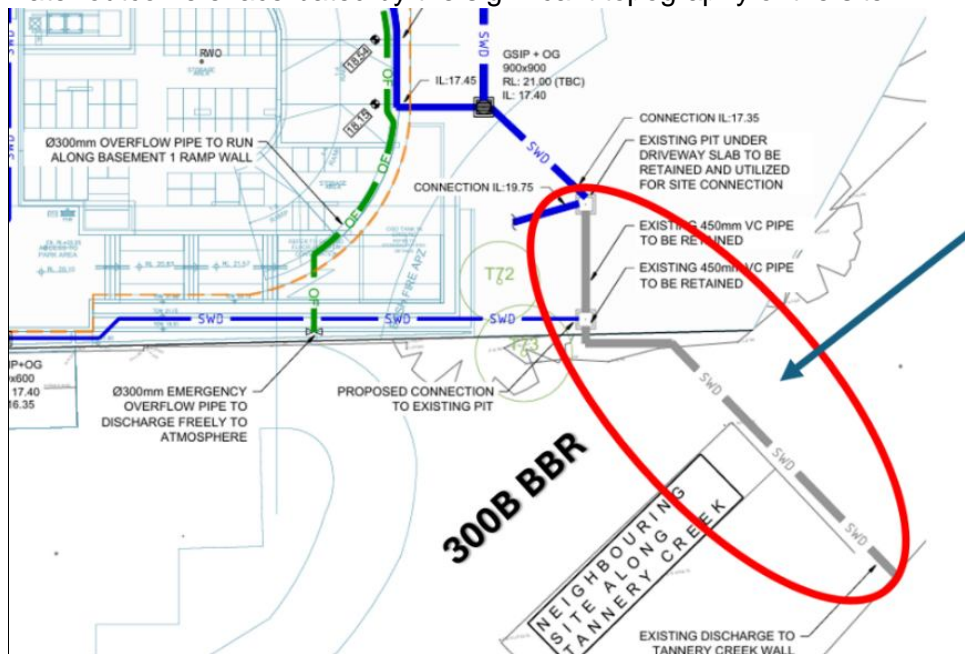


Figure 20: Stormwater Concept Design: (Source S & G Consultants)

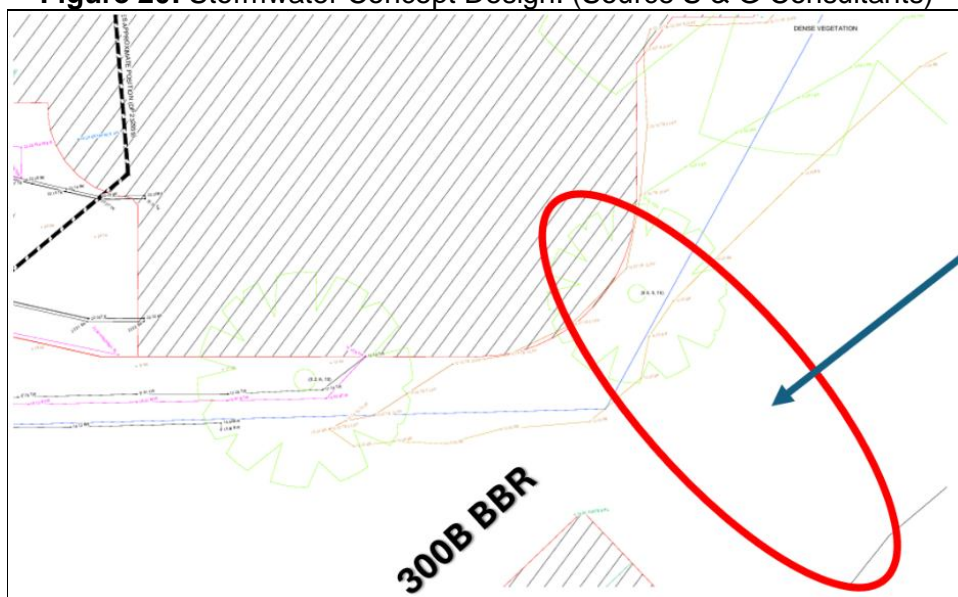


Figure 21: Survey Plan (Source: Exceed Consulting)

Traffic and Transport

Car parking: Comments from Council's traffic engineer.

1. Lane Cove DCP requires a total of 405 car parking spaces (349 residential and 56 visitor) for the proposed 225 apartments. Applicant has provided 237 spaces (223 residential and 14 visitor). **A shortfall of 168 parking spaces.** It is acknowledged that the Housing SEPP (2021) non-discretionary values are met.
2. Lane Cove DCP requires 1 on-site removalist truck space per 100 units, indicating a requirement of 2. The Applicant has proposed 1 only. **The proposal should be amended to provide 2 removalist truck spaces.**
3. Lane Cove DCP requires 1 car wash bay per 50 units, indicating a requirement of 4x car wash bays. Applicant has proposed 0. **The proposal should be amended to provide 4 car wash bays.**
4. The TfNSW Guide to Transport Assessment provides a model of vehicle trip generation rates which are a factor of the number of off-street parking spaces. The guide follows that less car parking spaces will result in less trip generation.

Bike facilities

5. Applicant has proposed 81 bicycle parking racks, which meets the Lane Cove DCP requirement of 79.
6. **The residential bike parking facilities should be located on the uppermost level of the basement and as close as possible to the primary entry point** (driveway) and subject to security camera surveillance where such security systems exist.
7. **Visitor bike parking must be located in an accessible at-grade location near a major public entrance to the development, preferably undercover**, is able to be passively surveyed from the public domain and/or the proposed or adjoining development, is well lit to enable adequate nighttime use and is to be signposted.

Traffic Modelling

8. It is unclear how the applicant determined the 60/40% split for the trip distribution. This is considered minor, however the applicant should further detail how the split was calculated.
9. From the traffic modelling, there is no substantive change in LOS for the two intersections Burns Bay Road/Burns Bay Road and Burns Bay Road/Waterview Drive. The Level of Service (LOS) remains the same C for Burns Bay Road/Burns Bay Road and A for Burns Bay Road/Waterview Drive.
10. The applicant has projected traffic volumes to 2025, with traffic counts completed in September 2024. For a more up to date model, it can be proposed that the applicant recalculate the capacity with an additional traffic growth rate of 2% to show the 2026 assessment.

CTMP

11. The CTMP would need to be approved by Council's traffic committee prior to any demolition or construction works.
12. Maximum trips per day is estimated to be 20 large vehicles per day during the construction/concrete pouring.

Planning Comment:

It is acknowledged that the Housing SEPP (2021) non-discretionary requirements are met. However, the location of the site is not within walking distance to any transport hub only limited bus services. The site is not within walking distance to a major shopping precinct (Lane Cove Town Centre). The Lane Cove West local shops do not provide all shopping requirements. The shortfall will result in future occupants inevitably parking in the surrounding streets to access the site. The proposal provides only 14 visitor parking spaces. The surrounding area of Waterview Drive has extremely limited on-street parking. A development for 225 apartments with a shortfall of resident spaces, and only 14 visitor spaces will put significant strain on the limited on-street carparking available in

the area. The proposal is recommended to be amended to provide compliant the residential parking and visitor parking rate of Lane Cove the DCP.

Local Housing Strategy

The proposed Rezoning application is contrary to Council's Local Housing Strategy (LHS) 2021, Local Strategic Planning Statement 2020 (LSPS) and the scale of development is inappropriate for the location. This strategy was prepared and endorsed by The Greater Sydney Commission (GSC), Department of Planning Industry and Environment (DPIE).

Within the LHS, it is noted that Lane Cove Council has already met and exceeded their 2021-2026 housing targets within the LGA. Lane Cove Council has committed to delivery of 3,000 to 3,500 dwellings during the 2021 to 2026 period on top of the 1900 additional dwellings required under the LHS. This brought the total 2016 to 2026 target to between 4,900 and 5,400 additional dwellings.

“Planning proposals to ‘upzone’ or otherwise increase the residential capacity of Lane Cove are not required. Additional proposals should not be pursued unless they substantially achieve priorities related to affordable housing and are consistent with Council’s ‘Principles for the location of additional housing’ in its LSPS. Further, developer interest in the remnant lands under existing controls should be monitored with the goal of encouraging developers to meet the other priorities described below.”

The LSPS principles for locations of additional housing to meet the medium to long term supply include:

Locate higher density housing types within a 5 minute walk (400 metre radius) of the St Leonards Strategic Centre (train station) and Crows Nest Metro Station.

-the following areas are to be avoided:

- Areas further than 800 metres from either a Strategic (i.e. St Leonards train Station or Crows Nest Metro Station) or Local Centre (Lane Cove Village/Plaza) St Leonards Commercial Core and surrounds;
- areas with high environmental values;
- areas that are bush fire prone;
- centres with limited transport and service access until improvements are implemented;
- known hazardous areas affected by contaminated land and acid sulfate soils.

300 Burns Bay Road is inappropriate as a location for additional housing through rezoning proposal because:

- It is located approximately 1000m walking distance from the Lane Cove Town Centre (as measured through the LMR*)
**Walking distance is measured from the subject site to the nearest station entrance or the nearest edge of the mapped town centre along a publicly accessible walking route. Walking distance is defined in the legislation as the shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.*
- It is located approximately 2000m walking from the nearest Strategic Area (as measured according to the LMR*). Although being vclose to a state road the site is considered to have limited bus services. The closest bus stops both northward and southward along Burns Bay Road are not catagorised as Bus Rapid Transit (BRT) stops.
- The site is located within an area catagorised as ‘high environmental value’, due to proximity to Hartman Hill Reserve bushland; and
- The site is catagorised as bushfire prone; and
- The site is classified as contaminated land and contains acid sulphate soils.

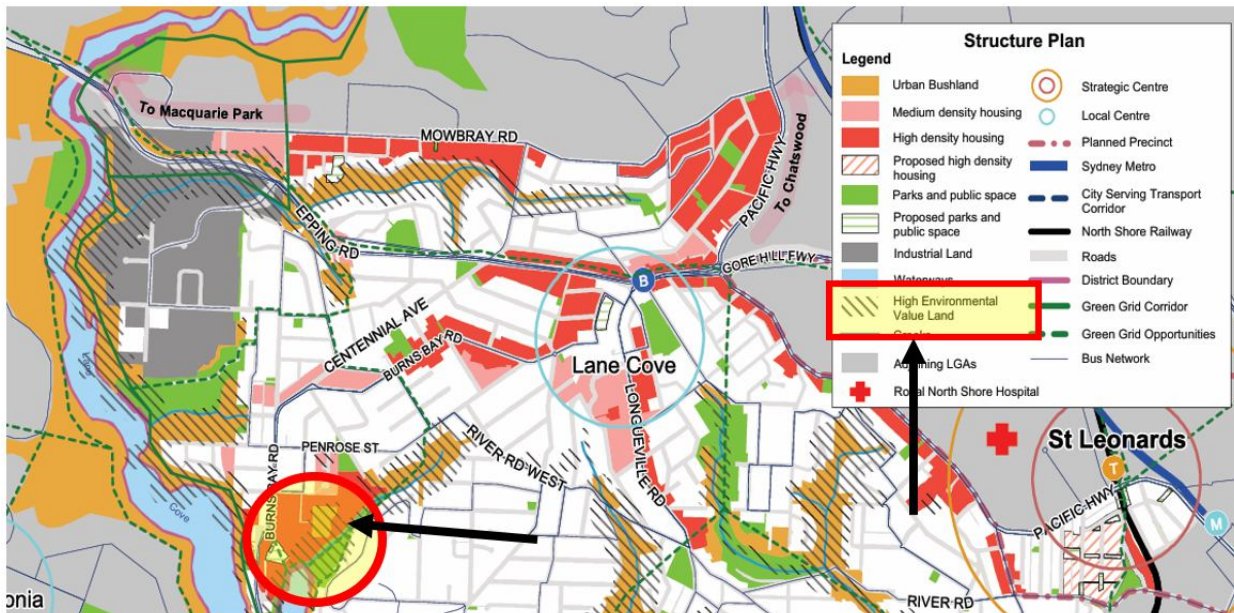


Figure 22: Site contains high environmental value land. (Source: LSPS)

A compliant proposal can accommodate 30% height bonus of the affordable housing under the SEPP. The additional rezoning to exceed height control, up to 100% above the SEPP bonus conflicts with Council's Housing Strategy. The LHS would only consider spot-rezoning if the affordable housing was dedicated to Council in perpetuity so it could remain as affordable for the life of the development and not for a minimum 15 years. This approach was adopted successfully in the St Leonards South Precinct which provided an uplift to the planning controls on the condition of the inclusion of community facilities such affordable housing to be dedicated to Council. Strategic planning of St Leonards South allowed a coordinating of land use and infrastructure growth to ensures that infrastructure investment is efficient and optimised, particularly transport infrastructure.

Community Consultation

The recently reduced public exhibition period for all Major Projects to only 14 days is not considered to be reasonable time to allow for adequate community consultation. It is recommended the Department review the public exhibition policy. The subject proposal includes complex and detailed documentation which requires considerable time to review and provide comment. Lane Cove Council suggests a minimum of 21-28 days be considered to provide a realistic timeframe for public comment.

Recommendation

Council does not support the proposal in its current form. The massive variations to both the height and floor space would result in an overdevelopment of site. This is reflected in a number of non-compliances with the Apartment Design Guide and LEP.

The proposed height and scale would cause unacceptable and unnecessary shadow impacts to the properties south of the site, and unacceptable views loss impacts to developments north of the site.

The proposal is contrary to the requirements of the Apartment Design Guide (ADG), in relation to orientation, solar access, building separation, ground floor apartments and does not comply with the Design Quality principles of Residential Apartment Development. The proposal is contrary to Clause 4.3 Height and Clause 4.4 FSR in the Lane Cove LEP 2009.

The location of the site is inappropriate for the Rezoning proposal. The proposal is clearly contrary to Council's Local Housing Strategy (LHS) 2021, Local Strategic Planning Statement 2020 (LSPS).

The site is characterised as significantly outside a strategic centre or Local Centre, has limited transport and service options, is located on high environmental value land, bushfire prone land and bushfire prone land.

It is recommended the Department request the applicant modify the design and request a compliant design. Council would only support a reduced design with an overall height no greater than 27.3m (permitted under the LEP + 30% bonus afforded under the Housing SEPP 2021).

A compliant scheme would reduce significant visual massing impacts when viewed from the public domain. A compliant scheme for the subject proposal is strongly recommended to ensure that the development is appropriate and complimentary to the character of in the precinct. The proposal has not adequately addressed or resolved issues relating to impacts on neighbouring bushland and increased stormwater runoff and impacts to overland flow patterns.

Approval of the subject proposal by the Department would be contrary to the public interest as the excessive scale of the development would not meet the future intended desired character of the locality within a high-density residential environment. It is considered that the proposed development has not been designed in a manner that responds to its site-specific characteristics.

If approval should be granted by the NSW Department of Planning and Housing and Infrastructure, Lane Cove Council requests a number of key conditions of consent be included in the notice of determination. Please refer to Attachment A Draft Conditions.

Thank you and kind regards,



Chris Shortt
Senior Town Planner
LANE COVE COUNCIL

ATTACHMENT A: DRAFT CONDITIONS

A majority of the following conditions have been carried over from these applications and include Council's specific conditions which relate to the subject development. Whilst Council does not support the proposed SSDA for the reasons provided above, it is recommended that the following conditions are included should the NSW Department of Planning, Housing and Infrastructure be of the mind to support the application.

1. SECTION 7.11 CONTRIBUTION

Section 7.11 Contribution The payment of a contribution of **\$4,313,717.35 (minus existing credit)** for additional persons in accordance with Council's section 7.11 contributions plan. This payment being made prior to the issue of a Construction Certificate and is to be at the current rate at time of payment.

This contribution is for community facilities, open space/ recreation and road under the Lane Cove Section 7.11 Contributions Plan which is available for inspection at the customer service counter, Lane Cove Council, 48 Longueville Road, Lane Cove. The Section 7.11 Contribution is calculated in the following manner:

No. Bedrooms	Amount contribution per person	No. of dwellings	Total
1 bedrooms	\$15,736.35 per 1brm dwelling	39 x \$15,736.35 =	\$613,717.65
2 bedrooms	\$24,915.88 per 2brm dwelling. *Capped Rate \$20,000 per dwelling.	123 x \$20,000 =	\$2,460,000.00
3 bedrooms	\$31,472.70 per 3brm dwelling. *Capped Rate \$20,000 per dwelling.	63 x \$20,000 =	\$1,240,000.00
		TOTAL	\$4,313,717.35

As at the date of this submission the total contribution payable to Council under this condition is **\$4,313,717.35 (minus existing credit)** in accordance with Section 7.11 Development Contributions Plan. The Section 7.11 contribution payable is reduced through any existing credit applied to the existing entitlements as detailed in the following table:

EXISTING CREDIT GROSS FLOOR AREA	COST PER SQM (COMMERCIAL/ RETAIL) 2025/26
Existing: TBC	\$165.39 per m ²

A copy of the development contributions plan is available for inspection on the Lane Cove Council's website.

Payment method: Payment must be in the form of a bank cheque. Personal cheques or bank transfers will not be accepted.

Reason: To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

Reason: Statutory requirement.

2. Payment of Security Deposits

Before the commencement of any works on the site or the issue of a construction certificate, the applicant must make all of the following payments to Council and provide written evidence of these payments to the Certifier:

Security deposit	Revision
Infrastructure Damage Bond	\$5,000.00
Tree Bond	\$50,000.00
Civil Reconstruction Work	
Kerb and Gutter	\$43,070.00
Footpath	\$41,610.00
Road resealing	\$62,220.00
Turfing	\$7,240.00
Pram Ramps (2) (Additional ramps will be decided later)	\$8,000.00
Drainage Pits (8)	\$18,000.00
TOTAL:	\$172,920.00

The payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates.
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent.
- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

Note: The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the *Roads Act 1993*). The amount payable must be in accordance with council's fees and charges at the payment date.

Note: Council inspection fees are calculated in accordance with Council's fees and charges at the payment date.

Note: Required Council inspections for civil works involving Council assets are to be carried out prior to the pouring of any concrete (formwork) and on completion of the construction. An initial site meeting is to be conducted with council and the contractor prior to the commencement of any of the above works to allow for discussion of Council construction / set out requirements.

- 3. Hours of work:** The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between: All demolition, building construction work, including earthworks, deliveries of building materials to and from the site to be restricted as follows:-

a. Monday to Friday (inclusive) 7am to 5.30pm

High noise generating activities, including rock breaking and saw cutting be restricted between 8am to 5.00pm with a respite period between 12.00 noon to 1.30pm Monday to Friday.

b. Saturday 8am to 12 noon

c. with NO high noise generating activities, including excavation, haulage truck movement, rock picking, sawing, jack hammering or pile driving to be undertaken. Failure to fully comply will result in the issue of a breach of consent P.I.N.

d. A Notice/Sign showing permitted working hours and types of work permitted during those hours, including the applicant's phone number, project manager or site foreman, shall be displayed at the front of the site.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency. Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

Reason: To protect the amenity of the surrounding area.

4. Preparation of the Dust Monitoring Plan

A Dust Monitoring Plan is to be provided to Council's Manager Development Assessment for Approval Prior to the issue of the Construction Certificate. This is to include, but not be limited to, the locations of dust monitoring devices on all boundaries or at appropriate location of the site so as to record, at half an hour intervals, level and composition of dust during the course of construction.

Reason: Protection of environment and amenity of the neighbouring residents.

5. Preparation of the Noise Monitoring Plan

A Noise Monitoring Plan is to be provided to Council's Manager Development Assessment for Approval Prior to the issue of the Construction Certificate. This is to include, but not be limited to, the locations of noise monitoring devices on all boundaries or at appropriate locations of the site so as to record, at half an hour intervals, noise levels during the course of construction.

Reason: Protection of environment and amenity of the neighbouring residents.

6. Construction in accordance with the approved Dust Monitoring Plan

Dust monitoring devices shall be installed on all boundaries or at appropriate locations of the construction site in accordance with the approved Dust Monitoring Plan. The level and composition of dust during the course of construction shall be recorded within the intervals of half an hour. The data recorded shall be provided to Council.

The dust levels should meet the requirements of “Dust from construction sites visual guide” link to which is:

<https://www.epa.nsw.gov.au/sites/default/files/240186-local-government-air-quality-toolkit-dust-from-construction-sites-visual-guide.pdf>

Reason: Protection of environment and amenity of the neighbouring residents.

7. Construction in accordance with the approved Noise Monitoring Plan

Noise monitoring devices shall be installed on all boundaries or at appropriate locations of the construction site in accordance with the approved Noise Monitoring Plan. The noise levels during the course of construction shall be recorded within the intervals of half an hour. The data recorded shall be provided to Council.

The noise levels should meet the requirements of “Draft Construction Noise Guidelines” link to which is:

<https://www.epa.nsw.gov.au/sites/default/files/09265cng.pdf>

Reason: Protection of environment and amenity of the neighbouring residents.

8. Trades Personal Parking and logistics plan

A parking plan for trades personal is to be prepared which prioritises the provision of parking within the excavated basement.

Reason: Provide for orderly parking for trades personal.

9. Construction Traffic Management Plan /Work Zone:

A Construction Traffic Management Plan (CTMP) and an application for a Work Zone adjacent the development shall be submitted to Lane Cove Council for determination, prior to any works that require construction vehicle and machinery movements to and from the site.

The CTMP shall be prepared by a Transport for NSW accredited person and submitted to Council’s Traffic Department for approval prior to commencing of any work.

Details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site. The construction traffic management plan shall comply with the requirements of Part R of Lane Cove DCP 2010 and shall be submitted to Council’s Traffic Section for written approval. Consultation with NSW Police, TfNSW, and Sydney Buses may be required. Note: Heavy vehicles are not permitted to travel on local roads without Council approval.

If the development has access to a State Road, the Construction Management Plan and Work Zone need to be referred to RMS for approval. The approval of the Traffic Construction Management Plan and application for a Work Zone by Council’s Traffic Section must be submitted to the Principal Certifying Authority **prior to the issue of the relevant Construction Certificate.**

Reason: To provide safer working environment and minimize interruption to

pedestrians and motorists.

Bushland Conditions and Reasons

10. Rubbish must be stored in a locked container/cage. Any building rubbish that is not contained must be cleaned up immediately, including the immediate worksite, surrounding area and/or public open space.
Reason: To avoid illegal dumping in bushland. To avoid wildlife access to rubbish and foreign materials. To minimise likelihood of chemical spills, building waste and foreign materials from entering bushland.
11. There shall be no access through the adjacent park/reserve to carry out any building works, storage of materials, storage of soil or storage of rubbish during construction.
Reason: In compliance to DCP part H.1 Objectives:
 1. To protect both public and private bushland from adjacent development which could result in any adverse change to the condition of bushland through altered moisture conditions, increased nutrient levels, soil movement, invasive or inappropriate plant species and proximity of development.
12. During construction/landscaping the designated environmental/bushland area within the property and adjacent public bushland area must be kept clean of all building materials and rubbish. Any rubbish that is blown into these areas must be immediately cleaned up.
Reason: To avoid any foreign material from entering bushland.
13. In the event that there occurs any accidental or intentional dumping of building material in the bushland area, Council's *Coordinator of Bushland* must be notified immediately. Any clean-up operation which involves disturbing the vegetation, leaf litter, soil crust, or natural bedrock, must be coordinated through Council's *Coordinator Bushland*.
Reason: To ensure the correct course of action is taken for clean-up of environmentally sensitive areas and reported to the relevant authoritative bodies.
14. The Asset protection zone (APZ) must be contained entirely within the development site boundary. The APZ is not to extend onto public open space.
Reason: To ensure adequate fire protection and maintenance applied to the property.
15. All outside lighting must be appropriately baffled to minimise light pollution into the bushland area and neighbouring properties.
Reason: To maintain amenity of natural bushland by minimising artificial light and noise. To maintain amenity to neighbouring properties in close proximity to neighbouring bushland.
16. Native plants are to be installed and used as screening to provide a buffer to absorb light and noise pollution from entering the bushland. Council's *Backyard Habitat Officer* (Backyardhabitat@lanecove.nsw.gov.au or 9911 3654) is to be consulted for appropriate planting suggestions for screening.
Reason: To minimise the spread of weeds and exotic species entering bushland from neighbouring properties by selecting native plants as a buffer. To maintain amenity of natural bushland by minimising artificial light and noise that is to be absorbed by creating natural screening.

17. All Aboriginal sites and relics in NSW are protected under the *National Parks and Wildlife Act 1974*. If during the course of construction an Aboriginal site or relic is uncovered, works must cease and the *Metropolitan Local Aboriginal Lands Council* and the *NSW National Parks and Wildlife Service* must be notified immediately.

Reason: In compliance with: National Parks and Wildlife Act 1974 to report any Aboriginal site or relic uncovered during course of construction.

Bushland plan of management 4.1.2

5) To protect and manage the aesthetic, Aboriginal, archaeological, historical, scientific and social values of bushland for past, present and future generations.

Bushland plan of management 4.1.3

22) Follow the recommendations of the Aboriginal Heritage Management Report when working around Aboriginal sites.

18. Lighting standards

1. All lighting should have a clear justification and should serve a specific purpose.
2. Lighting equipment should have appropriate light beam for their purpose and be directed to only illuminate the area intended.
3. Lighting should be located and shielded to prevent spill towards the night sky or beyond the property boundaries and to minimise visual clutter or glare.
4. Lighting should have the lowest possible intensity appropriate for the task.
5. Lighting correlated colour temperature should be warm white and be limited to 2700K, with light output at blue, violet and ultra-violet wavelengths reduced or removed.
6. Adaptive lighting controls; dimmers, motion sensors or timers should be used as appropriate, to manage lighting duration, intensity and colour.
7. To minimise reflected light spill, outdoor surfaces should be light-absorbing and non-reflective

Reason: To minimise light spill into adjoining bushland, lighting must be designed and implemented considering natural darkness, and in accordance with established best practice principles including the above.

