

Mr Roger Roppolo

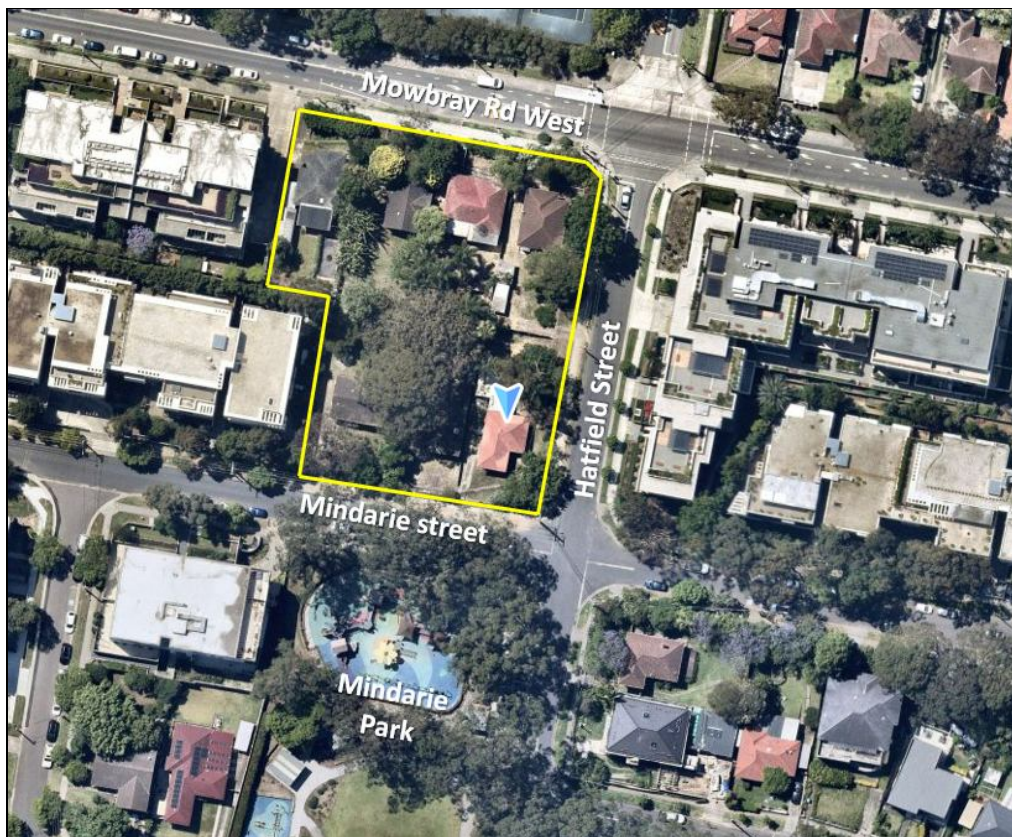
Ref: SSD-71687208

Department of Planning Housing and Infrastructure

**Property Address: 618 – 624 Mowbray Road West and 25 – 29 Mindarie Street Lane Cove North (Lots 17-20 and 64-66 in DP 35865)****Mowbray Road Lane Cove North Affordable Housing SSD-71687208**

Dear Mr Roppolo,

Thank you for the opportunity to comment as part of the submission for the **Environmental Impact Statement (EIS)** for the **construction of a 5-storey RFB with 86 dwellings including 43 social housing dwellings and 43 affordable housing dwellings.**

**Figure 1: Location Map (Source: Nearmap)****1. SEPP (Housing) 2021:**

The provisions of *SEPP (Housing) 2021* are to be addressed within the EIS. Details of the designated affordable housing units and social housing units are to be provided including identification of the unit numbers. A mix of units is to be provided throughout the development. Social housing units should be constructed to the same quality and finishing of the Affordable housing units within the development.

This is to include an assessment against the provisions of the Apartment Design Guide (ADG) which is to be incorporated within the SEE including a detailed Table of Compliance (with numerical compliance details) against Part 3 and Part 4.

## 2. Lane Cove LEP 2009 Height and FSR Compliance Summary:

|               | LEP CONTROL | LEP + 30% BONUS | PROPOSAL |
|---------------|-------------|-----------------|----------|
| <b>HEIGHT</b> | 17.5m       | 22.75m          | 21.67m   |
| <b>F.S.R</b>  | 1.8:1       | 2.34:1          | 1.5:1    |

The proposed FSR does not utilise any of the bonus or full permissible gross floor area under the LEP.

## 3. Lane Cove DCP 2010 Controls Summary:

### Part C Residential Localities – Locality 5 Mowbray Precinct (key relevant provisions)

- (a) (III.) Where the LEP maximum height = 17.5m, the corresponding maximum storeys is 5 - subject to B). (below)
- (b) Any 5th storey is to have a maximum of 50% floor area of the storey below and be set back 3m from that lower storey's building façade line.
- (c) A minimum deep soil area of 40% of the site is to be provided for residential flat buildings.
- (d) Tree retention, and the planting of new trees, is to be encouraged. Driveway design should avoid tree loss on Council land.

**Response:** Although the DCP provisions do not take precedence over the requirements of the Housing SEPP 2021, it is noted that the proposal would vary provision B) and would be greater than 50% of the floor area and is not setback 3m from the floor below.

A total of 81 trees are proposed for removal. However, the proposal has identified that it will not result any net-loss of tree canopy cover, with 143 new trees proposed to be planted and a total of 40% tree canopy cover proposed. The proposal also states it would result in 42% of the site being retained as deep soil.

### Part C.3 Residential. Residential Flat Buildings (key relevant provisions)

Although the DCP provisions to not take precedence over the requirements of the Housing SEPP 2021, the following provisions area noted:

| Control                                                                                                                            | Proposed                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Minimum site area</b> of 1,500sqm                                                                                               | The total site area is 4,199m <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                    |
| Maximum building width is 40m. Greater widths may be permissible if articulation is satisfactory in the streetscape                | Building length along Mowbray Rd is greater than 40m. EIS should demonstrate evidence of high levels of building articulation to justify variation.                                                                                                                                                                                                                                           |
| Front Setback = 7.5m                                                                                                               | 7.5m setback to all 3 street frontages.                                                                                                                                                                                                                                                                                                                                                       |
| Side and rear setbacks to R4 zone <ul style="list-style-type: none"> <li>6m up to 4 storeys</li> <li>9m for 5-8 storeys</li> </ul> | Levels 1 -4: As measured from the outer face of the external walls the building is setback 5.7m from the western boundary with 626 Mowbray Road. Setting the walls back a further 300mm, would result levels 1 – 4 to comply.<br>Level 5: The 5 <sup>th</sup> floor is required to be setback 9m from the western boundary with 626 Mowbray Road and the proposal varies the control by 3.3m. |

|                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                      | Compliance with the setback would also result in compliance with 3. D) of the Mowbray Precinct controls.                                                                                                                                                                           |
| <b>Size and mix of Dwellings.</b> In residential flat buildings.....development should include a mix of 1, 2 and 3 bedroom units. At least 10% of each unit type should be provided. | The proposal offers no 3-bedroom units for either the proposed affordable or social housing dwellings. It is recommended that the applicant explore a more diverse unit mix to accommodate for families and larger groups. A minimum of 10% 3- bedrooms would comply with the DCP. |

#### 4. **Traffic and Parking:**

Although the DCP provisions to not take precedence over the requirements of the Housing SEPP 2021, the following provisions are noted:

The proposal is requested to comply with Lane Cove Council's DCP Part R – Traffic. Transport and Parking Rates + appropriate Australian Standards AS2890.1:2004, AS2890.6 2022

- Swept Paths for access to site, car parks and Loading Bays
- A Traffic Management and Traffic Control Plan is required in accordance with Australian Standards 2890.1:2004, AS 1742.1:2021 and Council DCP Part R,
- Parking assessment, including accessible parking and cycle parking spaces, in accordance with Council DCP Part R, 2890.1:2004
- Provision of pedestrian and cycling infrastructure.

#### 5. **SEPP (Resilience and Hazards) 2021:**

The provisions of SEPP (Resilience and Hazards) 2021 are to be addressed in the EIS.

#### 6. **Contributions:**

The proposal would be subject to contributions under Section 7.11 of the Act.

#### 7. **Environmental Health:**

The following should be submitted with any future DA.

- Contaminated land assessment (PSI, DSI and RAP if necessary)
- Waste Management Plan in accordance with Part Q of the DCP. Architectural Plans are to clearly show chutes, compactor and carousel. Council would allow a small rigid garbage truck access to the waste collection pick up point to facilitate efficient waste and recycling collections.
- Typical Small Garbage Truck used for Domestic Waste Collection –
  - Rear Loader Length overall 6.64 metres;
  - Width overall 2.37 metres;
  - Operational height 2.4 metres;
  - Travel height 2.6 metres;
  - Weight (vehicle and load) 7.5 tonnes;
  - Weight (vehicle only) 5.48 tonnes;
  - Turning Circle 10.7 metres
- An acoustic report is to address internal/habitable noise levels.
- Environmental management plan that addresses the impacts from the construction phase for sediment and erosion control, dust management and management and disposal of excavation water.
- A construction noise management plan is to be submitted.
- Excavation water management plan is to be submitted to address how water will be treated and disposed offsite during construction.



- 8. Sustainability – Part S Environmental Sustainability of the DCP 2010:** Council has recently updated the Development Control Plan to reflect Council's position on environmental sustainability. These controls look at ensuring Council reaches its sustainability targets of achieving net-zero emissions, resilience and health through design and integrated urban water management. Council encourages you to review Part S Environment Sustainability and comply with the relevant provisions. The relevant provisions include but are not limited to:
- 2.1 All Electric Buildings
  - 2.2 On- site solar
  - 3.2 Glazing
  - 3.3 Urban Heat and Shade
  - 3.4 Sustainable Materials

Provisions for EV charging should also be provided before the issue of OC, refer to Council's DCP Part R for EV guidance.

**9. CPTED:**

The proposed development should be designed in accordance with the Crime Prevention Through Environmental Design (CPTED) principles as per the Appendix S.

**10. Tree Management:**

A total of 81 trees are proposed for removal. It is recommended the applicant demonstrate compliance with the following:

Section 3.5 Urban Tree Canopy requirements of the Lane Cove Development Control Plan Part J – Landscaping and Tree Preservation objectives 1- 4 with specific response to Provisions a) – f) and the targets outlined in Table 1.2 – Urban Tree Canopy requirements for Apartments on a sites >3000m2.

An Arboricultural Impact Assessment report by an Australian Qualification Framework (AQF) Level 5 arborist inclusive of Work Method Statements and Tree Protection Plan and any canopy or root pruning specification recommendations for all trees on the subject site, trees on neighbouring sites within 10m of the boundary and inclusive of all trees located within the nature strip of Council's Road Reserve along each Road frontage is required. –

The application will need to be supported by an Arborist report prepared by an AQF Level 5 Arborist to the following specification;

The applicant is to engage a qualified consulting Arborist holding an AQF Level 5 in Arboriculture to prepare an Impact Assessment

**11. Council Resolution - Retail Space:**

Council at its Ordinary Meeting Thursday 24 October 2024 resolved the following:  
That:-

1. *Council commits to the provision of Affordable & Social Housing and acknowledge the lodgement of the State Significant Development Application [SSDA} by Homes NSW for the land in Mindarie Street Lane Cove North,*
2. *Council write to the Mayor of Willoughby Council requesting a meeting to ascertain their views on the inclusion of commercial spaces in the Mindarie Street Proposal to support the local area;*
3. *The General Manager write and request an urgent meeting with the Hon. Rose Jackson, NSW Housing Minister and Homes NSW to seek a review into the Mindarie Street proposal for the inclusion of commercial space in the proposed development; and*

4. *The General Manager include in the next LEP review a study to identify possible sites for neighbourhood shops in the Lane Cove North precinct.*

The basis for the resolution has a long history. The rapidly growing population of the Mowbray Precinct in Lane Cove North do not have adequate access to local shops and services, requiring long journeys to other centres to meet their essential daily needs. The precinct is also lacking an identifiable place for the community to meet and socialise outside their homes. This lack of local amenity adds to traffic and demand for parking (both within the area and the Lane Cove village), reduces social interaction, and degrades the liveability of Lane Cove North.

Council has long been advocating for the most logical position for neighbourhood shops being 25 – 29 Mindarie Street Lane Cove North. The local community welcomed the statements of support from Labor politicians including the now NSW Housing Minister, The Hon. Rose Jackson who visited the site at 25 – 29 Mindarie Street on 8 November 2021 and 23 March 2023 and made a commitment to provide shops and services at this site as part of any future development. Council seeks support in the provision of a commercial space in this development.

Should you require any further information or assistance please do not hesitate to contact Council's Senior Town Planner Chris Shortt 9911 3522 between 8.00am and 4.00pm Monday to Friday or via email on [cshortt@lanecove.nsw.gov.au](mailto:cshortt@lanecove.nsw.gov.au) (preferred).

Yours faithfully,



**Rajiv Shankar**  
**Manager, Development Assessment**