



Minutes
Lane Cove Local Planning Panel Meeting
15 June 2022



Lane Cove Council

**Lane Cove Local Planning Panel 15 June 2022
MINUTES**

PRESENT: Hon David Lloyd, Chairman, Mr David Johnson, Environmental Expert, Ms Lindsey Dey, Planning Expert and Ms Mary Rawlings, Community Representative

ALSO PRESENT: Mr Mark Brisby, Executive Manager, Environmental Services, Mr Rajiv Shankar, Manager Development Assessment, Mr Greg Samardzic, Senior Town Planner, Mr Chris Shortt, Senior Town Planner and Ms Angela Panich, Panel Secretary

DECLARATIONS OF INTEREST: Nil

APOLOGIES

Nil

WEBCASTING OF COUNCIL MEETING

The Chairperson advised those present that the Meeting was being webcast.

LANE COVE LOCAL PLANNING PANEL REPORTS

72 KALLAROO ROAD, RIVERVIEW

DETERMINATION

That the Lane Cove Local Planning Panel refuse a variation to the floor space ratio prescribed by Clause 4.4 of the Lane Cove Local Environmental Plan 2009, as it is not satisfied that the applicant's request has adequately addressed the matters required to be demonstrated by Clause 4.6 of that Plan, and the proposed development would be contrary to the public interest as it is inconsistent with the objectives of that particular standard and the objectives for development within the zone.

That pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act, 1979 the Lane Cove Local Planning Panel at its meeting of 15 June 2022, exercising the functions of Council as the consent authority, refuse Development Application DA18/2022 for the alterations and additions to an existing dwelling at No. 72 Kallaroo Road, Greenwich for the following reasons:

1. Aims of Lane Cove Local Environmental Plan 2009:

The proposed development does not meet the aims of Lane Cove Local Environmental Plan 2009.

Particulars:

- a) The proposed development would not preserve and improve the existing character, amenity and environmental quality of the land and the expectations of the community.

2. Objectives of Lane Cove Local Environmental Plan 2009:

The proposed development does not meet the objectives of the Zone R2 Low Density Residential of the Lane Cove Local Environmental Plan 2009.

Particulars:

- a) To retain, and where appropriate improve, the existing residential amenity of a detached single family dwelling area.

3. Floor Space Ratio

The proposed floor space ratio exceeds the standard and the Clause 4.6 written request is unsatisfactory.

Particulars

- a) Clause 4.4 of LCLEP applies a maximum floor space ratio of 0.5:1 to the land.
- b) The proposed floor space ratio is 0.584:1 being a variation of 16.9%.
- c) The calculation should likely include additional areas within the basement level.
- d) The Clause 4.6 written request is considered unsatisfactory as it does not demonstrate the matters to be established under Clause 4.6(3).
- e) Approval of the floor space ratio variation would be contrary to the public interest as it does not comply with the objectives of the standard or zone.

4. Building Height

The proposed building height does not meet the objectives of the standard or zone under LCLEP 2009.

Particulars

- f) Clause 4.3 of LCLEP applies a maximum height of building of 9.5m to the land.
- g) The proposed maximum height of building is 9.7m.
- h) No written Clause 4.6 written request has been submitted to demonstrate whether the matters to be established under Clause 4.6(3).
- i) The height variation would be contrary to the public interest as it does not comply with the objectives of the standard or zone.

5. Wall Height

The wall height is unsatisfactory as it would exacerbate the height of the flat roofed building.

Particulars

- a) Part C1.7.1(a) of LCDCP 2010 stipulates a maximum wall height of 7m where a wall height of 9.7m is proposed.
- b) The wall height is resultant from a protruding existing basement level in the south-western corner of the building.
- c) The proposed wall height does not meet the objective of the control relating to providing a typical bulk and scale, to ensure elevations to the public domain are well proportioned and designed and to minimise impact in terms of loss of privacy, loss of views and amenity.

6. Rear Setback

The rear setback element for the first-floor addition would not be consistent with the adjoining dwelling to the east.

Particulars

- a) Part C1.3.4(d) of LCDCP 2010 allows for a minimum rear setback of 12.4m.
- b) The proposed alterations and rear addition to the first floor have a rear setback of 8.675m on the eastern boundary and 10.475m on the western boundary.
- c) The rear setbacks would be inconsistent with the rear setback of the adjoining property and would adversely contribute to the relevant bulk and scale concerns raised.
- d) The proposed rear setback does not meet the objective of the control relating to rear setbacks are to provide building separation and public views for its neighbours; ensuring alterations/additions to existing dwellings are well designed and compatible with the surrounding context and to achieve a reasonable level of amenity for both development sites and neighbouring dwellings.

7. Foreshore Setback Line – 1st Test (DCP)

As a guide only, the proposed development will encroach into the foreshore setback area between the existing dwelling and the existing adjoining dwelling on the first-floor level.

Particulars

- a) Part B5.1.3(2)(c) of LCDCP 2010 sets a Foreshore Setback Line according to the following test that the foreshore setback line is to be kept parallel to the foreshore where there is only one neighbour.
- b) The proposal does not demonstrate technical compliance with the second test being that the proposed upper level extension does not match the existing upper levels of the adjoining dwelling.
- c) It is considered that the proposal's inconsistency with the adjoining dwelling upper level setbacks would also contribute to the additional potential adverse impacts resulting from the substantial FSR and rear building setback variations being proposed.
- d) The proposed rear setback does not meet the objective of the control relating to maintaining or enhancing existing residential amenity and visual character of foreshore residential development by minimising the impact and prominence of foreshore development when viewed from the rivers and ensuring that the development when visible from the river is not visually prominent, in character with the locality and minimises its bulk and scale.

8. Side Setback

The side eastern boundary of the development requires a setback of 1500mm under Part C1.2.2(a) of LCDCP 2010 on the upper floor level and whilst the extension of wall is consistent with existing building side building setback of 1.145m however it would contribute to the unnecessary overall increased bulk or scale of the development. The proposed side setback does not meet the objective of the control relating to side setbacks are to provide building separation and public views for its neighbours.

9. Public Interest

The proposal would be contrary to the public interest as it provides for a form of overdevelopment of the site that departs from the envisaged low-density residential character of the locality.

10. Site Suitability

The proposed development does not respond appropriately to the site constraints and therefore the site is not suitable for the proposed development.

11. Sydney Harbour Catchment – Lack of Information

Insufficient information is provided to determine compliance with SEPP (Biodiversity and Conservation) 2021 in relation to visual impacts from the waterways (given no analysis is provided from the waterway itself).

12. Undesirable Precedent

The proposal development would set an undesirable precedent for a similar development in low density residential areas in relation to excessive floor space area being located on a R2 zoned allotment.

Panel Reasons

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the approval contained in that Report.

The decision of the Panel was unanimous.

S 4.55 AT 2 - 4 MERINDA STREET LANE COVE NORTH

DETERMINATION

That pursuant to the provisions of Section 4.55 of the Environmental Planning and Assessment Act, 1979 (as amended), the Lane Cove Local Planning Panel at its meeting of 15 June 2022, exercising the functions of Council as the consent authority, grant consent to the Section 4.55 modification to Development Application DA18/21 for the demolition of existing structures and construction of a residential flat building on Lots 67, 68, 69 and 70 in DP 35865, known as 2–4 Merinda Street and 24–26 Mindarie Street, Lane Cove North, subject to attached updated draft conditions below:

A: Amend Condition (1) conditions of consent to modify approved plans:

1. Approved Plans and Documents

That the development be in accordance with the following approved plans and documents:

Drawing No :	Title	Rev:	Prepared by:	Dated:
DA01	Lower Basement		Wolski Coppin Architecture Project No: 21903	29/01/2021
DA02	Basement		Wolski Coppin Architecture Project No: 21903	29/01/2021
DA03	Ground Floor		Wolski Coppin Architecture Project No: 21903	29/01/2021
DA04	Level 2 Typical (L1+)		Wolski Coppin Architecture	29/01/2021

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	3 SIMILAR)		Project No: 21903	
DA05	Level 4		Wolski Coppin Architecture Project No: 21903	29/01/2021
DA06	Roof Plan + site plan	A	Wolski Coppin Architecture Project No: 21903	11/02/2021
DA07	Cross + Long Section		Wolski Coppin Architecture Project No: 21903	29/01/2021
DA08	Driveway & Ramp Section		Wolski Coppin Architecture Project No: 21903	29/01/2021
DA09	Mindarie & Merinda Street Elevation	A	Wolski Coppin Architecture Project No: 21903	10/02/2021
DA10	South and East Elevation		Wolski Coppin Architecture Project No: 21903	29/01/2021
SA01	Site Analysis		Wolski Coppin Architecture Project No: 21903	29/01/2021
SA02	Site Context Analysis		Wolski Coppin Architecture Project No: 21903	29/01/2021
CA01	Landscape Area Calculations		Wolski Coppin Architecture Project No: 21903	29/01/2021
FH01	Finishes 01		Wolski Coppin Architecture Project No: 21903	29/01/2021
FH02	Finishes 02		Wolski Coppin Architecture Project No: 21903	29/01/2021
PH01	Adaptable 01		Wolski Coppin Architecture Project No: 21903	29/01/2021
PH02	Adaptable 02		Wolski Coppin Architecture Project No: 21903	29/01/2021
PH03	Adaptable 03		Wolski Coppin Architecture Project No: 21903	29/01/2021
CC200370 E1	Cover Sheet & Notes	A	ACOR Consultants (CC) Pty Ltd	05/01/2021
CC200370 E2	Erosion & Sediment Control Plan	A	ACOR Consultants (CC) Pty Ltd	05/01/2021
CC200370 E3	Erosion & Sediment Control Detail Sheet	A	ACOR Consultants (CC) Pty Ltd	05/01/2021
CC200370 C1	Cover Sheet & Notes	C	ACOR Consultants (CC) Pty Ltd	12/01/2021

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CC200370 C2	Stormwater Management Plan – Ground (Part 1)	C	ACOR Consultants (CC) Pty Ltd	12/01/2021
CC200370 C3	Stormwater Management Plan – Ground (Part 2)	C	ACOR Consultants (CC) Pty Ltd	12/01/2021
CC200370 C4	Stormwater Management Plan – Basement	C	ACOR Consultants (CC) Pty Ltd	12/01/2021
CC200370 C5	Stormwater Management Plan -Lower Basement	C	ACOR Consultants (CC) Pty Ltd	12/01/2021
CC200370 C6	Stormwater Management Details Sheet No. 1	C	ACOR Consultants (CC) Pty Ltd	12/01/2021
CC200370 C7	Stormwater Management Details Sheet No. 2	C	ACOR Consultants (CC) Pty Ltd	12/01/2021
DOCUMENT		REV	AUTHOR	DATED
BASIX Certificate No. 1165735M-03 1284587M			Senica Consultancy Group Pty Ltd Green Star Energy Solutions	28 January 2021 17 March 2022
Site Waste Minimisation and Operational Waste Management Report SW20/11212		C	Senica Consultancy Group Pty Ltd	09/012/2020

As amended by the following plans

Drawing No:	Title:	Rev:	Prepared by:	Dated:
DA01	Basement 2 Floor Plan	J	design corp	26/04/22
DA02	Basement 1 Floor Plan	J	design corp	26/04/22
DA03	Ground Floor Plan	H	design corp	17/03/22
DA04-A	Level 1 Floor Plan	H	design corp	17/03/22
DA04-B	Level 2 Floor Plan	H	design corp	17/03/22
DA04-C	Level 3 Floor Plan	H	design corp	17/03/22
DA05	Level 4 Floor Plan	H	design corp	17/03/22
DA06- A	Roof Plan	H	design corp	17/03/22
DA06- B	Upper Roof	H	design corp	17/03/22

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	Plan			
DA07-A	Section 1	H	design corp	17/03/22
DA07-B	Section 2	H	design corp	17/03/22
DA08	Section 3	H	design corp	17/03/22
DA09	Elevations	H	design corp	17/03/22
DA10	Elevations 2	H	design corp	17/03/22
DA11	Elevations 3	G	design corp	17/03/22
LPCC 22 – 289 Page 1	Hardscape / Site Plan	C	Conzept	21/03/22
LPCC 22 – 289 Page 1	Landscape Plan Ground Floor	C	Conzept	21/03/22
LPCC 22 – 289 Page 1	Landscape Plan Level 4 & Roof Top	C	Conzept	21/03/22
LPCC 22 – 289 Page 4	Irrigation Plan	C	Conzept	21/03/22
LPCC 22 – 289 Page 5	Sections	C	Conzept	21/03/22
LPCC 22 – 289 Page 6	Specifications and Details	C	Conzept	21/03/22
LPCC 22 – 289 Page 7	Details	C	Conzept	21/03/22

(Condition amended June 2022)

B: Delete Conditions (1A), (2), (3) and (4)

- ~~1A. **Balustrades** – The balustrades on the eastern perimeters of the balconies of units 108, 208 and 308 are to be constructed with either opaque glass or solid upstand structures to prevent views to 28 Pinaroo Place.
Details are to be provided on amended plans to the PCA Principal Certifying Authority (PCA) for approval **PRIOR TO SUBMISSION OF A CONSTRUCTION CERTIFICATE.**
Reason: To reduce privacy impacts to the neighbour at 28 Pinaroo Place.~~

(Condition deleted June 2022)

~~**2. ROOF TOP COMMUNAL OPEN SPACE**~~

- ~~(a) The proposed roof top communal open space is to be increased in area by approximately 70% of its current size. The increased size shall not create any impacts on privacy of adjoining properties.~~
- ~~(b) The amended communal area is to include a planter box around the perimeter. The adjacent rooftop service area will be required to be rearranged to suit. The amended area must not include any feature which exceeds the 17.5m height limit and must not involve movement or alteration of the existing features of the rooftop communal area that are the subject of the c14.6 request, namely the pergola, lift overrun 1, accessible WC roof, fire stairs roof and lift overrun 2.~~

~~The landscape drawings must be amended and submitted to Council's Landscape Principal Certifying Authority (PCA) for approval prior to issue of Construction~~

~~Certificate.~~

~~**Reason:** Communal amenity.~~

~~(Condition deleted June 2022)~~

~~3. **WINDOWS**~~

~~The plans and elevations are to be amended to ensure bedroom 2 of Units 102, 202 and 302 have a window.~~

~~Details are to be provided to the PCA Principal Certifying Authority (PCA) for approval **prior to submission of a Construction Certificate.**~~

~~**Reason:** Light and ventilation.~~

~~(Condition deleted June 2022)~~

~~4. **GROUND FLOOR COURTYARD**~~

~~The private courtyard on the eastern side of the ground floor is to be amended so that it cannot be accessed by both Unit G02 and Unit G03.~~

~~The adjacent private courtyard on the eastern side of the ground floor is to be amended so that it cannot be accessed by both Unit G07 and Unit G11.~~

~~The plans are to be amended and fences or walls at a height of 1.8m are to be erected within these courtyards to fully separate the outdoor space of each unit. Details are to be provided to the Principal Certifying Authority (PCA) for approval prior to submission of a Construction Certificate.~~

~~**Reason:** Privacy and amenity.~~

~~(Condition deleted June 2022)~~

C: Add Conditions (4A) and (4B) to delete kitchen windows and erect temporary fences to property boundaries.

Condition (4A) South facing kitchen windows to units 108, 208 and 308 are required to be deleted. Details to be submitted on plans to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate.

(Condition added: June 2022)

Reason: Improve privacy and amenity.

Condition (4B) A temporary fence is erected between the boundaries of the subject site and the neighbouring properties (in particular 28 Pinaroo Place and 6 Merinda) throughout the demolition and construction periods.

(Condition added: June 2022)

Reason: Security, safety and amenity.

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D: Amend Condition (107) to included updated Landscaping plans

107. Landscaping works are to be carried out in accordance with:
~~• Landscape plans 103.20/448A, 449A, 450A (dated 10.02.21 and 451-454; prepared by Iscape Landscape Architecture and dated January 2021;~~
~~Landscape Specification prepared by Iscape landscape Architecture dated December 2020.~~

LPCC 22 – 289 Page 1	Hardscape / Site Plan	C	Conzept	21/03/22
LPCC 22 – 289 Page 1	Landscape Plan Ground Floor	C	Conzept	21/03/22
LPCC 22 – 289 Page 1	Landscape Plan Level 4 & Roof Top	C	Conzept	21/03/22
LPCC 22 – 289 Page 4	Irrigation Plan	C	Conzept	21/03/22
LPCC 22 – 289 Page 5	Sections	C	Conzept	21/03/22
LPCC 22 – 289 Page 6	Specifications and Details	C	Conzept	21/03/22
LPCC 22 – 289 Page 7	Details	C	Conzept	21/03/22

The landscape works shall be completed **PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE.**

(Condition amended June 2022)

Reason: Landscaping requirement

- E: Retain all remaining conditions being (5) – (106) and (108) - (115)**
- F: Extra condition: The Colourbond fencing between the subject site and No 6 Merinda Street be deleted and replaced with a 1.8m high double brick cavity fence (to provide acoustic protection from the driveway to No.6 Merinda Street).**

Panel Reasons

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the approval contained in that Report.

The decision of the Panel was unanimous

The meeting closed at 6:40 pm

***** END OF MINUTES *****