

Agenda
Lane Cove Local Planning Panel Meeting
21 January 2025



Lane Cove Council

Notice of Meeting

Dear Panel Members,

Notice is given of the Lane Cove Local Planning Panel Meeting, to be held in the Council Chambers on Tuesday 21 January 2025 commencing at 5pm. The business to be transacted at the meeting is included in this business paper.

Yours faithfully



Craig Wrightson
General Manager

Lane Cove Local Planning Panel Meeting Procedures

The Lane Cove Local Planning Panel (LCLPP) meeting is chaired by Ms Jan Murrell or alternate Chairs. The meetings and other procedures of the Panel will be undertaken in accordance with any guidelines issued by the General Manager.

The order of business is listed in the Agenda on the next page. That order will be followed unless the Panel resolves to modify the order at the meeting. This may occur for example where the members of the public in attendance are interested in specific items on the agenda.

Members of the public may address the Panel for a maximum of 3 minutes. All persons wishing to address the Panel must register prior to the meeting by contacting Council's Office Manager – Environmental Services on 9911 3611. Where there are a large number of objectors with a common interest, the Panel may, in its absolute discretion, hear a representative of those persons.

Minutes of LCLPP meetings are published on Council's website www.lanecove.nsw.gov.au as soon as possible following the meeting. If you have any enquiries or wish to obtain information in relation to LCLPP, please contact Council's Office Manager – Environmental Services on 9911 3611.

Please note meetings held in the Council Chambers are Webcast. Webcasting allows the community to view proceedings from a computer without the need to attend the meeting. The webcast will include audio of members of the public that speak during the meeting. Please ensure while speaking to the Panel that you are respectful to other people and use appropriate language. Lane Cove Council accepts no liability for any defamatory or offensive remarks made during the course of these meetings.

The audio from these meetings is also recorded for the purposes of verifying the accuracy of the minutes and the recordings are not disclosed to any third party under the Government Information (Public Access) Act 2009, except as allowed under section 18(1) or section 19(1) of the PPIP Act, or where Council is compelled to do so by court order, warrant or subpoena or by any other legislation.

DECLARATIONS OF INTEREST

APOLOGIES

NOTICE OF WEBCASTING OF MEETING

LANE COVE LOCAL PLANNING PANEL REPORTS

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Lane Cove Local Planning Panel 21 January 2025
S4.55 - 235 BURNS BAY ROAD, LANE COVE WEST

Item No: LPP2/25
Subject: S4.55 - 235 Burns Bay Road, Lane Cove West
Record No: DA21/161-01 - 77010/24
Division: Planning and Sustainability Division
Author(s): Sam Wilson

EXECUTIVE SUMMARY

Date	Description
10 November 2021	The development application for the construction of a shop top housing development was lodged with Council. The application included a Clause 4.6 variation for the maximum building height.
10 November 2021 - 26 November 2021	The development application was notified in accordance with Council's policies and received 1 submission.
3 May 2022	The development application was approved by the Lane Cove Local Planning Panel. A condition of consent was input by the Panel to setback the ground level 3m from the front boundary.
21 November 2024	The subject Section 4.55 modification application was lodged including minor internal and external amendments.
6 January 2025	The development application was referred to the Lane Cove Planning Panel for determination at its meeting on January 21, 2025.

Property:	235 Burns Bay Road, Lane Cove West
DA No:	DA161/2021
Date Lodged:	02/12/2024
Cost of Work:	Nil.
Owner:	L & W Chen Company Pty Ltd
Applicant:	Bo Shang

Description of the proposal to appear on determination	Section 4.55(1A) modification application including the removal of two conditions.
Zone	E1 Local Centre
Is the proposal permissible within the zone	Yes
Is the property a heritage item	No – however, heritage item I221 (1 Wood Street) is located within the vicinity of the subject site. This is a single storey residence known as “The Oaks” with local historical significance.
Is the property within a conservation area	No
Does the property adjoin	No

bushland	
BCA Classification	Class 2, 5, 6, and 7a
Stop the Clock used	No
Notification	The development application was not required to be notified.

SITE

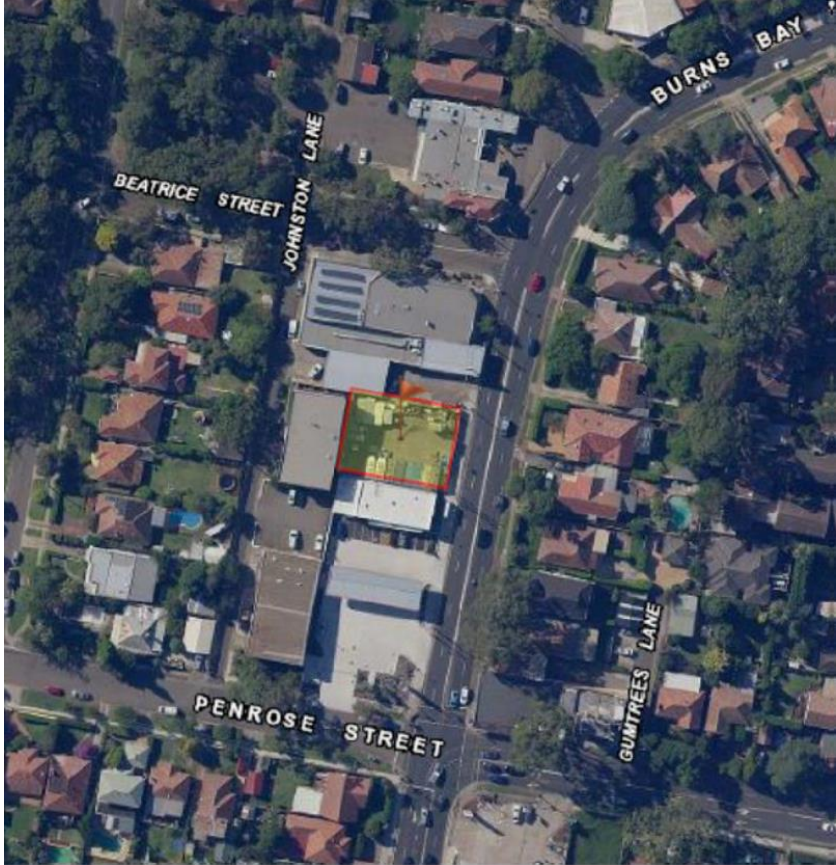
Property	Lot 2 DP 1191641
Area	697m ²
Site location	<p>The subject site is located on the western side of Burns Bay Road between the intersections of Penrose Street (South) and Beatrice Street (North).</p>  <p style="text-align: center;"><i>Figure 1: Location Plan (Source: Nearmaps)</i></p>
Existing improvements	The existing subject site remains vacant, with a large concrete slab and temporary boundary fencing as evidenced by the following figures;



Figure 2: Subject Site Viewed from Burns Bay Road (Source: Planner)



Figure 3: Subject Site Viewed from Opposite Side of Burns Bay Road (Source: Planner)



Figure 4: Subject Site Viewed from Within (Source: Planner)

Shape	Rectangular
Dimensions	North: 30.59m South: 30.60m East: 22.795m West: 22.795m
Adjoining properties	Adjoining properties consist of a service station to the south, a commercial shop premise to the north, a boarding house development to the west, and single detached dwelling houses to the east.

SITE APPLICATION HISTORY

Since the late 1950s to 2016, the current site was part of a service station located at Nos. 235 – 245 Burns Bay Road. Prior to this, the site was vacant and undeveloped. In 2016, the site was subdivided from the service station. Environmental investigations were completed to support the subdivision and an audit by an NSW EPA accredited contaminated land auditor concluded the site was suitable for ongoing land use. The service station was subsequently decommissioned and redeveloped. As part of the decommissioning works, a waste oil underground storage tank located in the southwest corner of subject site was removed.

Since 2016, the site has been used as a storage space for shipping containers, automobiles, caravans, trailers, and other structural and commercial items associated with the demolition of old service station building such as cabinets, cold storage equipment, machine tools, etc.

Recent History

DA161/2021	Construction of multi-storey building used for shop-top housing purposes and comprising 2 commercial tenancies with 2 storeys of residential flats above, underground basement parking and landscaping works. Approved via the Lane Cove Planning Panel on 13 May 2022.
DA161/2021*	Concurrently, there is a Section 4.55 modification application to make minor internal and external modifications to the proposed development.

PROPOSAL

The Section 4.55 modification application seeks the approval of the following;

- The deletion of Condition 1;

~~**1. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE, amended plans shall be provided in which the front façade of the ground floor is set back 3m from the front boundary; and the nib wall to the study in Unit 5 be reviewed so as to convert the study to a study nook.**~~

- The amendment of Condition 49;

Drainage Plans Amendments: The stormwater drainage plan prepared by ING Consulting Engineers Pty Ltd, reference No: 255092020DA, revision D and dated on 02/12/21 is to be amended as detailed below by a qualified practising hydraulic engineer and certified by him/her. This amended plan shall show full details of new pipe network amended as follows and satisfying part O of the Council's stormwater DCP;

- 1. This DA requires OSD. The detailed design for this proposed system is required*
- 2. Proposed drainage system should show pipe sizes and invert levels up to connection point; confirming pipe system satisfies part O of Council' storm water DCP.*
- 3. The stormwater requirements shown in Basix certificate shall be included in stormwater management plan.*
- 4. Sediment control fence shall be placed around the construction site and shown in plan*
- 5. Subsoil agg-line drainage is required around proposed retaining wall, dwelling, or it is necessary and connected to proposed drainage system*
- 6. Pit-2 shall be modified into a silt arrester pit with mesh (RH3030) and sump(300mm) as shown in section 3.4.1 of Part O of Council DCP is required within the site, at start of the discharge pipe to Council system.*
- 7. In case of the overflow from Pit-2, the overflow shall be directed to street and not to basement. A suitable overflow path shall be provided into Pit-2.*
- 8. A gross pollutant trap suitable for this site needs to be designed and added to the amended plans within the property boundary prior to the connection to the street system. The details of this GPT shall be shown in stormwater plan. The suitable access to the GPT for future maintenance is required.*
- 9. The OSD calculation shall be based on the calculation shown in Appendix 14 in part O of Council stormwater DCP.*
- 10. The detailed cross section of the OSD is required and shall show levels, sizes, depths and widths.*
- 11. A plan with longitudinal section of the proposed pipe system from the site to the existing Council pit in Burns Bay Road with relevant calculations are required for further assessment and/or approval. This plan should show pipe sizes, invert levels and existing surface levels to confirm that the pipe system satisfies Council's DCP.*

12. *The applicant has to get full details of the required road reconstruction works on Burns Bay Road from RMS and submitted to Council.*

13. *The pump out system in basement shall satisfy section 5.4 of part O of Council's stormwater DCP. The full details of the hydraulic calculation for pump out system shall be included in stormwater management plan submitted to Council.*

~~14. The proposed basement shall be constructed with water-proof walls around it.~~

*The amended design is to be certified that it fully complies with, AS-3500 and Part O, Council's DCP-Stormwater management; certification is to be by a suitably qualified engineer. The amended plan and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.***

The Principal Certifying Authority is to be satisfied that the amendments have been made in accordance with the conditional requirements and the amended plans are adequate for the purposes of construction. They are to determine what details, if any, are to be added to the construction certificate plans, for the issue of the Construction Certificate.

Reason: *To ensure the proposed stormwater designs meet and satisfy Part O, Council DCP.*

PROPOSAL DATA/POLICY COMPLIANCE

Local Environmental Plan 2009

Zoning: E1 Local Centre

Site Area: 697m²

LEP table			
	Development Standard	Proposal	Complies
Clause 4.4 - Floor Space Ratio (max)	1:1	0.97:1 or 686.3m ²	Yes
Clause 4.3 - Height of Buildings (max)	9.5m	12.7m (No change)	Yes
Clause 4.6 – Exceptions to development standards	FSR and Height (above)	No amendments to the previously approved variations to the development standards are proposed.	N/A
Clause 5.10 – Heritage Conservation	See development standard.	The subject site is not identified as a heritage site.	N/A
Clause 6.1A – Earthworks	See development standard.	The amended proposal would not alter the earthworks required.	N/A

REFERRALS

Development Engineer – Part O – Stormwater Management
 Not required.

ASSESSMENT - ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

PROVISIONS OF ANY LEP, DCP, SEPP OR REGULATION (Section 4.15(1)(a))

The proposal is permissible and does not raise any issues in regard to the Lane Cove Local Environmental Plan 2009.

The proposal complies with the Floor Space Ratio development standard. The proposal also complies with the Height development standard.

OTHER PLANNING INSTRUMENTS

SEPP (Resilience and Hazards) 2021

The subject site and adjoining sites are zoned for residential purposes. Given the types of uses permissible within the residential zones, it is unlikely that the site would be contaminated.

APPLICABLE REGULATIONS

The Environmental Planning and Assessment Regulation 2021 indicates that the standards for demolition and removal of materials should meet with AS 2601-2001 and therefore any consent would require the application of a relevant condition seeking compliance with this Standard.

VARIATIONS TO COUNCIL'S CODES/POLICIES

The modification application does not propose any variation to Council's codes or policies.

IMPACTS OF DEVELOPMENT (Section 4.15(1)(b))

The proposal would not adversely impact neighbouring properties or the public domain in terms of overshadowing, visual privacy, acoustic privacy, or traffic and parking.

A 3m setback from the street front boundary would be of no benefit to the streetscape, nor would it be viable to impose upon the commercial tenancies at the ground floor of the development. The transition between the public pathway and commercial premises would be disrupted by a 3m 'gap' Council refers to as 'dead space'. An increase in the internal area of the abovementioned tenancies would result in a more viable arrangement of floor area. The removal of the 3m setback would not adversely impact the relationship of the proposed development with Burns Bay Road, or the character of the shop-top housing model. The amended development would satisfy the objectives of the E1 zone.

SUITABILITY OF SITE (Section 4.15(1)(c))

The subject site would be suitable for the proposed development as the use is permissible within the Zone. The proposed development would positively contribute to the amenity of the surrounding area and the subject site would not constrain the development or neighbouring sites.

RESPONSE TO NOTIFICATION (Section 4.15(1)(d))

Not required.

PUBLIC INTEREST (Section 4.15(1)(e))

The proposal would not have an unreasonable impact on neighbouring properties or the public domain with regard to the Lane Cove LEP 2009, Lane Cove DCP 2009 or any other environmental planning instruments. Therefore, approval of this application would not be contrary to the public interest.

CONCLUSION

The matters in relation to Section 4.55 of the Environmental Planning and Assessment Act 1979 have been satisfied.

The application complies with the Floor Space Ratio development standard of the Lane Cove LEP 2009. The proposal also complies with the Height development standard of the Lane Cove LEP 2009.

The application generally meets with the Part C Residential Development Objectives of the Lane Cove Development Control Plan 2009.

On balance as the proposed development would be reasonable it is therefore recommended for approval.

DETERMINATION

General Conditions

That pursuant to Section 4.55(1)(a) of the Environmental Planning and Assessment Act 1979, the Lane Cove Local Planning Panel, at its meeting of 21 January 2025 grants consent to:

- Development Application DA161/2024
- For a Section 4.55(1A) modification application including the removal of two conditions.
- On 235 Burns Bay Road, Lane Cove

subject to the following conditions:

PART A

The removal of Condition 1 to read as follows;

~~1. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE, amended plans shall be provided in which the front façade of the ground floor is set back 3m from the front boundary; and the nib wall to the study in Unit 5 be reviewed so as to convert the study to a study nook.~~

The amendment of Condition 49 to read as follows;

Drainage Plans Amendments: The stormwater drainage plan prepared by ING Consulting Engineers Pty Ltd, reference No: 255092020DA, revision D and dated on 02/12/21 is to be amended as detailed below by a qualified practising hydraulic engineer and certified by him/her. This amended plan shall show full details of new pipe network amended as follows and satisfying part O of the Council's stormwater DCP;

1. *This DA requires OSD. The detailed design for this proposed system is required*
2. *Proposed drainage system should show pipe sizes and invert levels up to connection point; confirming pipe system satisfies part O of Council' storm water DCP.*
3. *The stormwater requirements shown in Basix certificate shall be included in stormwater management plan.*
4. *Sediment control fence shall be placed around the construction site and shown in plan*
5. *Subsoil agg-line drainage is required around proposed retaining wall, dwelling, or it is*

necessary and connected to proposed drainage system

- 6. Pit-2 shall be modified into a silt arrester pit with mesh (RH3030) and sump(300mm) as shown in section 3.4.1 of Part O of Council DCP is required within the site, at start of the discharge pipe to Council system.*
- 7. In case of the overflow from Pit-2, the overflow shall be directed to street and not to basement. A suitable overflow path shall be provided into Pit-2.*
- 8. A gross pollutant trap suitable for this site needs to be designed and added to the amended plans within the property boundary prior to the connection to the street system. The details of this GPT shall be shown in stormwater plan. The suitable access to the GPT for future maintenance is required.*
- 9. The OSD calculation shall be based on the calculation shown in Appendix 14 in part O of Council stormwater DCP.*
- 10. The detailed cross section of the OSD is required and shall show levels, sizes, depths and widths.*
- 11. A plan with longitudinal section of the proposed pipe system from the site to the existing Council pit in Burns Bay Road with relevant calculations are required for further assessment and/or approval. This plan should show pipe sizes, invert levels and existing surface levels to confirm that the pipe system satisfies Council's DCP.*
- 12. The applicant has to get full details of the required road reconstruction works on Burns Bay Road from RMS and submitted to Council.*
- 13. The pump out system in basement shall satisfy section 5.4 of part O of Council's stormwater DCP. The full details of the hydraulic calculation for pump out system shall be included in stormwater management plan submitted to Council.*
- ~~*14. The proposed basement shall be constructed with water-proof walls around it.*~~

*The amended design is to be certified that it fully complies with, AS-3500 and Part O, Council's DCP-Stormwater management; certification is to be by a suitably qualified engineer. The amended plan and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.***

The Principal Certifying Authority is to be satisfied that the amendments have been made in accordance with the conditional requirements and the amended plans are adequate for the purposes of construction. They are to determine what details, if any, are to be added to the construction certificate plans, for the issue of the Construction Certificate.

Reason: *To ensure the proposed stormwater designs meet and satisfy Part O, Council DCP.*

PART B

The retention of all conditions of development consent, being condition numbers (2) - (119), as previously approved.

ATTACHMENTS:

There are no supporting documents for this report.

Lane Cove Local Planning Panel 21 January 2025
S4.55 - 235 BURNS BAY ROAD, LANE COVE WEST

Item No: LPP1/25
Subject: S4.55 - 235 Burns Bay Road, Lane Cove West
Record No: DA21/161-01 - 76945/24
Division: Planning and Sustainability Division
Author(s): Sam Wilson

EXECUTIVE SUMMARY

Date	Description
10 November 2021	The development application for the construction of a shop top housing development was lodged with Council. The application included a Clause 4.6 variation for the maximum building height.
10 November 2021 - 26 November 2021	The development application was notified in accordance with Council's policies and received 1 submission.
3 May 2022	The development application was approved by the Lane Cove Local Planning Panel. A condition of consent was input by the Panel to setback the ground level 3m from the front boundary.
21 November 2024	The subject Section 4.55 modification application was lodged including minor internal and external amendments.
2 December 2024 - 18 December 2024	The development application was notified in accordance with Council's policies and received no submissions.
6 January 2025	The development application was referred to the Lane Cove Planning Panel for determination at its meeting on January 21, 2025.

PROPOSAL

Property:	235 Burns Bay Road, Lane Cove West
DA No:	DA161/2021
Date Lodged:	2/12/2024
Cost of Work:	\$4,265,000.00 (same as existing)
Owner:	L & W Chen Company Pty Ltd
Applicant:	Bo Shang of BJ Architects

Description of the proposal to appear on determination	Section 4.55 modification application of a mixed-use shop-top housing development including minor internal and external amendments.
Zone	E1 Local Centre
Is the proposal permissible within the zone	Yes

Is the property a heritage item	No – however, heritage item I221 (1 Wood Street) is located within the vicinity of the subject site. This is a single storey residence known as “The Oaks” with local historical significance.
Is the property within a conservation area	No
Does the property adjoin bushland	No
BCA Classification	Class 2, 5, 6 and 7a
Stop the Clock used	No
Notification	The development application was notified in accordance with Council’s policy and no submissions were received.

SITE

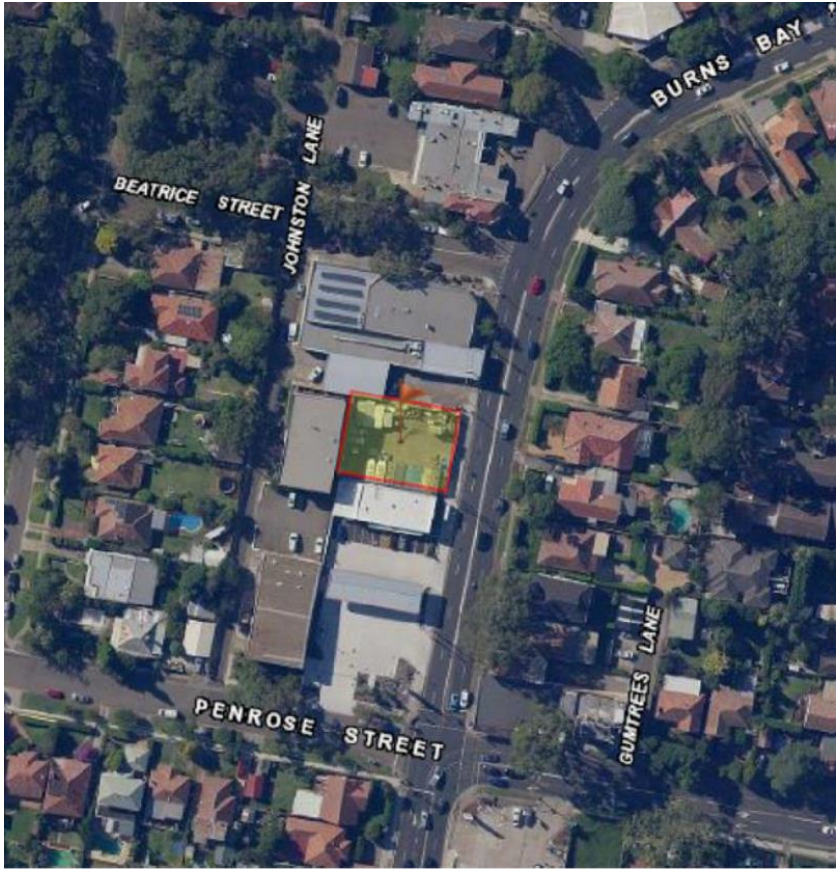
Property	Lot 2 DP 1191641
Area	697m ²
Site location	<p>The subject site is located on the western side of Burns Bay Road between the intersections of Penrose Street (South) and Beatrice Street (North).</p>  <p style="text-align: center;"><i>Figure 1: Location Plan (Source: Nearmaps)</i></p>
Existing improvements	The existing subject site remains vacant, with a large concrete slab and temporary boundary fencing as evidenced by the following figures;



Figure 2: Subject Site Viewed from Burns Bay Road (Source: Planner)



Figure 3: Subject Site Viewed from Opposite Side of Burns Bay Road
(Source: Planner)



Figure 4: Subject Site Viewed from Within (Source: Planner)

Shape	Rectangular
Dimensions	North: 30.59m South: 30.60m East: 22.795m West: 22.795m
Adjoining properties	Adjoining properties consist of a service station to the South, a commercial shop premise to the North, a boarding house development to the West, and single detached dwelling houses to the East.

SITE APPLICATION HISTORY

Since the late 1950s to 2016, the current site was part of a service station located at Nos. 235 – 245 Burns Bay Road. Prior to this, the site was vacant and undeveloped. In 2016, the site was subdivided from the service station. Environmental investigations were completed to support the subdivision and an audit by an NSW EPA accredited contaminated land auditor concluded the site was suitable for ongoing land use. The service station was subsequently decommissioned and redeveloped. As part of the decommissioning works, a waste oil underground storage tank located in the southwest corner of subject site was removed.

Since 2016, the site has been used as a storage space for shipping containers, automobiles, caravans, trailers, and other structural and commercial items associated with the demolition of old service station building such as cabinets, cold storage equipment, machine tools, etc.

Recent History

DA161/2021	Construction of multi-storey building used for shop-top housing purposes and comprising 2 commercial tenancies with 2 storeys of residential flats above, underground basement parking and landscaping works. Approved via the Lane Cove Planning Panel on 13 May 2022. The panel recommended design changes through conditions of consent.
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PROPOSAL

The section 4.55 application seeks approval for the following modifications to the originally consented development at 235 Burns Bay Road, Lane Cove West;

Basement:

- Amendment of the ramp slope;
- Relocation of U01, U02, U03, U04, U05, U06, and U07 storage spaces;
- Enlargement of the fire/pump room;
- Relocation of the bulky waste storage room;
- Relocation of the electrical communications room; and
- Relocation of the shared zone and disabled parking

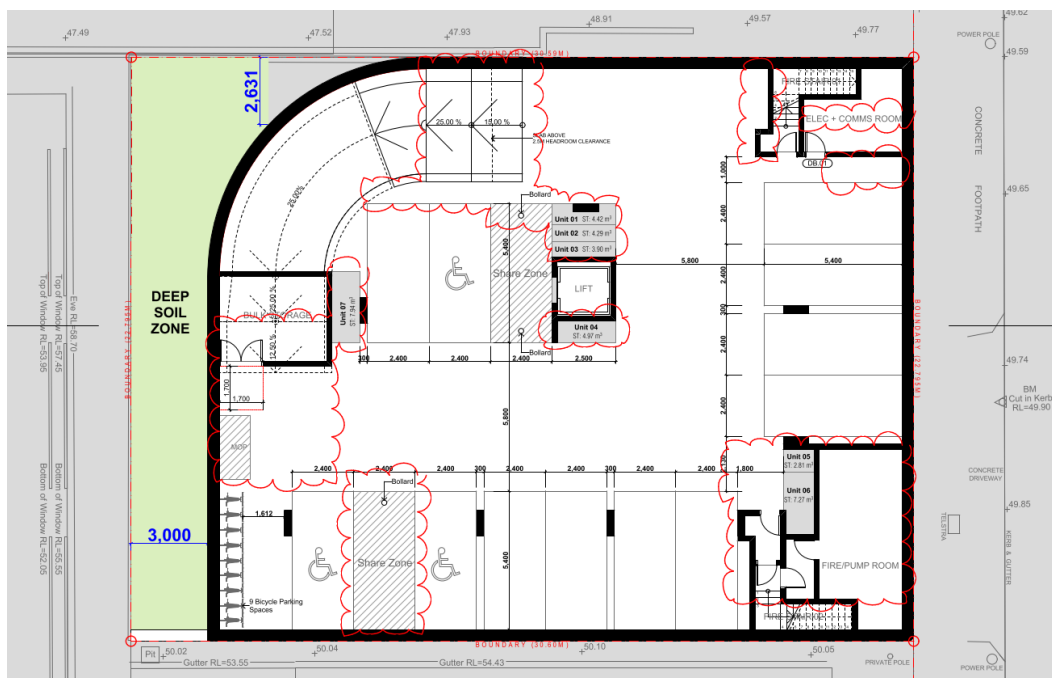


Figure 5: Basement (Source: Architect)

Ground Floor:

- Increase of the rear setback to 3.25m;
- Amendment of the ramp slope;
- Enlargement of garbage rooms;
- Reduction in planter box size;
- Reduction in Commercial Space 02 size to 55.2m²; and
- Modification of fire stairs and service zone.

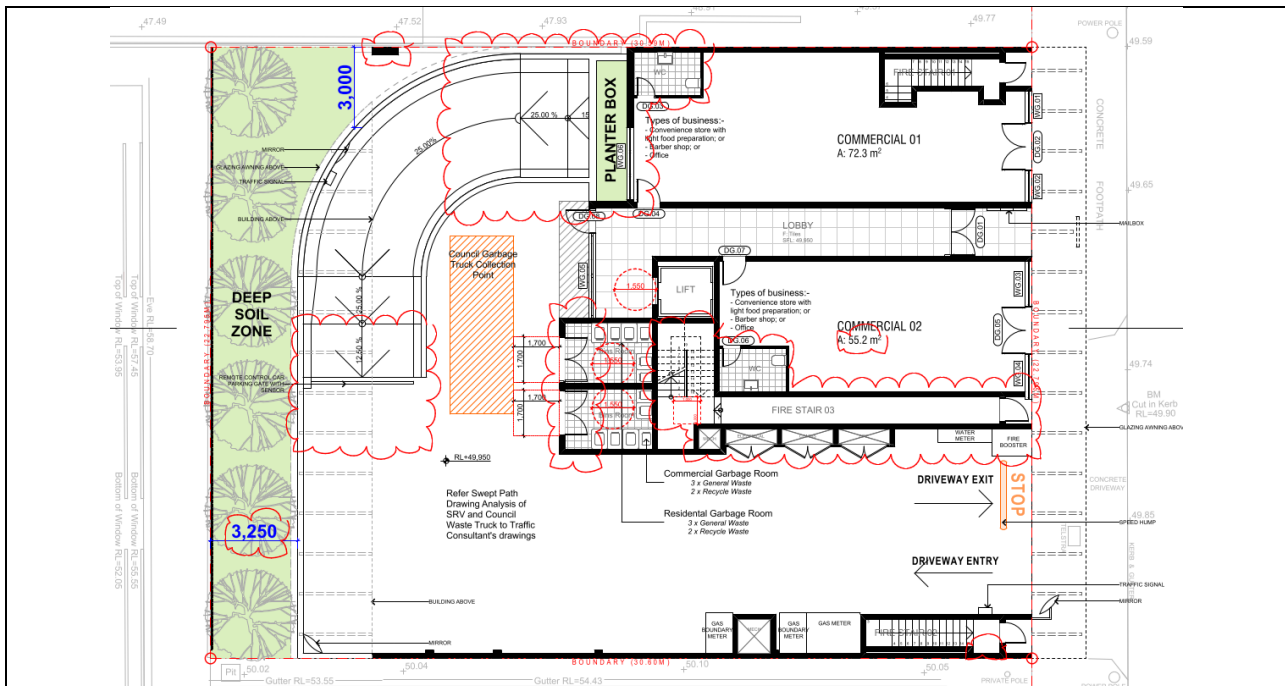


Figure 6: Ground Floor (Source: Plans)

First Floor:

- Unit 01: Reduction in balcony area;
- Unit 02: Reduction in balcony space and storage location;
- Unit 04: Reduction in internal floor area; and
- Unit 05: Removal of wall nigg at study room and relocation of entry door.

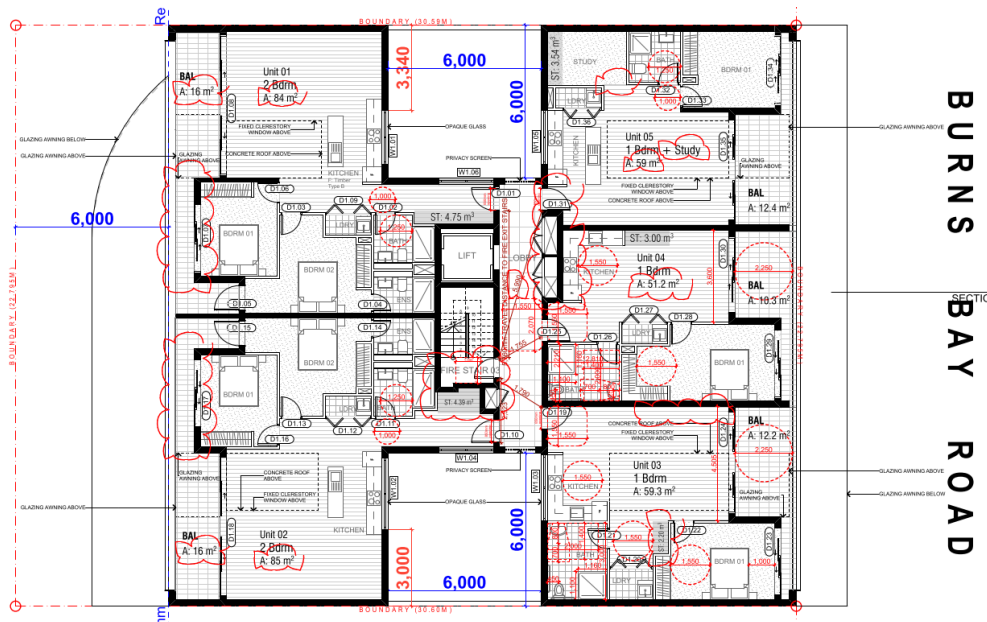


Figure 7: First Floor (Source: Architect)

Second Floor:

- Unit 06: Reduction of floor area due to proposal of risers;
- Unit 06: Storage space with walls and bi-fold door opening;
- Unit 06: Adjust layout of bathroom;
- Unit 07: Adjust balcony space (POS) and bathroom layout;
- Unit 07: Adjust Bedroom 03 and Ensuite layout; and

- Unit 07: Reduction of floor area.

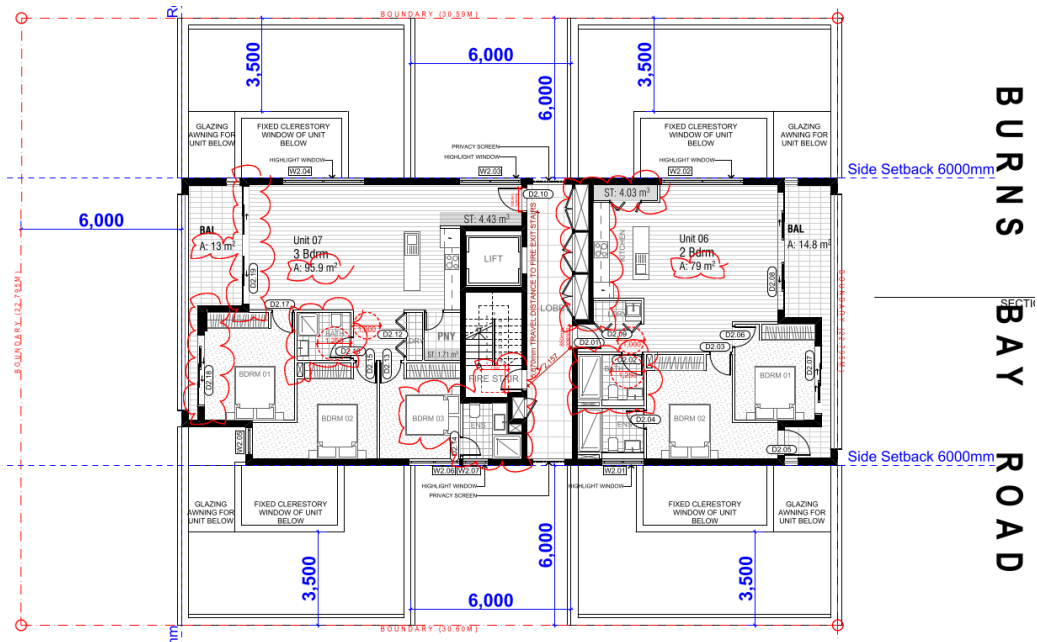


Figure 8: Second Floor (Source: Architect)

Roof:

- Enlargement of outdoor cooking facilities.

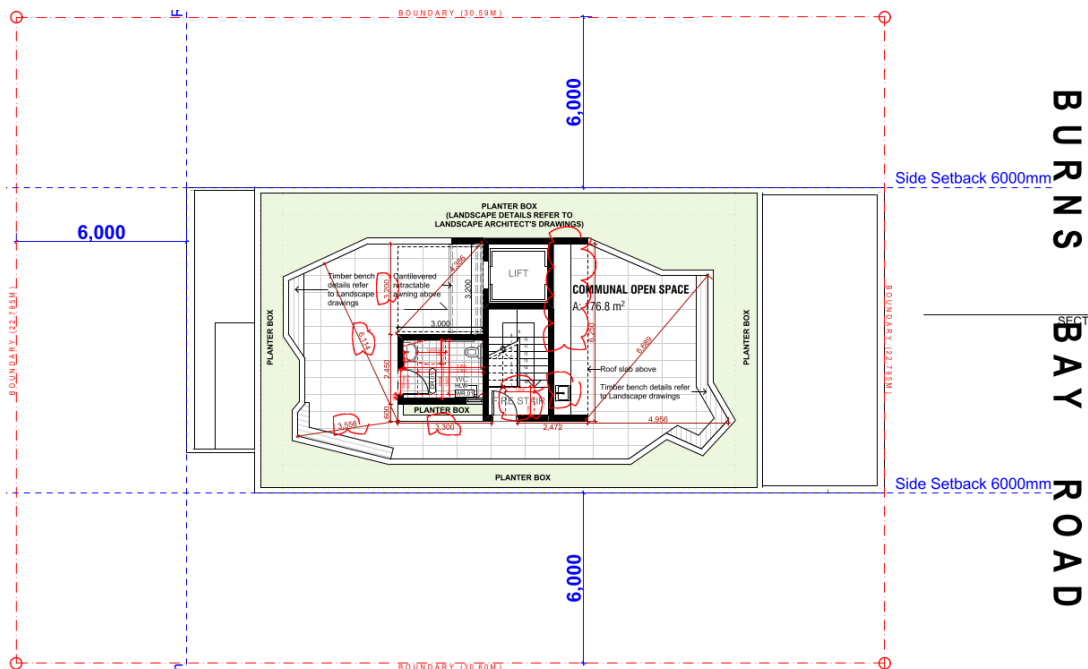


Figure 9: Roof Floor (Source: Architect)

PROPOSAL DATA/POLICY COMPLIANCE

Local Environmental Plan 2009

Zoning: E1 Local Centre

Site Area: 697m²

LEP table			
	Development Standard	Proposal	Complies
Clause 4.4 - Floor Space Ratio (max)	1:1	0.97:1 or 686.3m ²	Yes
Clause 4.3 - Height of Buildings (max)	9.5m	12.7m (No change)	Yes
Clause 4.6 – Exceptions to development standards	FSR and Height (above)	No amendments to the previously approved variations to the development standards.	N/A
Clause 5.10 – Heritage Conservation	See development standard.	The subject site is not identified as a heritage site.	N/A
Clause 6.1A – Earthworks	See development standard.	The amended proposal would not alter the earthworks required.	N/A

E1 Local Centre Zone Objectives

The E1 zone objectives are as follows:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*

Comment: As previously approved under the original Development Consent of DA161/2021, the amended development remains as mixed-use shop top housing with two commercial premises. The amended development is consistent with the above objective.

- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*

Comment: As previously approved under the original Development Consent of DA161/2021, the amended development would continue to invest in the local development of the Lane Cove West area. The amended development is consistent with the above objective.

- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council’s strategic planning for residential development in the area.*

Comment: As previously approved under the original Development Consent of DA161/2021, the amended development remains as a residential development that features commercial premises on the ground floor that would activate the streetscape of a currently underutilized sector of Burns Bay Road. The amended development is consistent with the above objective.

- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

Comment: As previously approved under the original Development Consent of DA161/2021, the amended development remains as mixed-use shop top housing with two commercial premises. The amended development is consistent with the above objective.

- *To ensure Lane Cove village functions as a town centre in the retail hierarchy.*

Comment: As previously approved under the original Development Consent of DA161/2021, the amended development would continue to contribute to the expansion of the Lane Cove Village. The amended development is consistent with the above objective.

- *To encourage urban design that maximises attractive public domain and adequate circulation space through the Lane Cove local centres for current and future users.*

Comment: As previously approved under the original Development Consent of DA161/2021, the amended development remains as mixed-use shop top housing with two commercial premises. The amended development is consistent with the above objective.

- *To ensure landscaping is a significant element in public and private development viewed from the public domain.*

Comment: As previously approved under the original Development Consent of DA161/2021, the amended development remains as mixed-use shop top housing with two commercial premises. The amended development is consistent with the above objective.

- *To ensure development is commensurate with the size and strategic intent of the individual local centre and is consistent with the Council's strategic planning for commercial development in the area.*

Comment: As previously approved under the original Development Consent of DA161/2021, the amended development remains as mixed-use shop top housing with two commercial premises that is responsive of size and intent of the E1 Local Centre. The amended development is consistent with the above objective.

- *To maximise public transport patronage and encourage walking and cycling.*

Comment: As previously approved under the original Development Consent of DA161/2021, the amended development remains as mixed-use shop top housing that prioritises resident parking, active transport parking (bicycle) and proximity to public transport nodes. The amended development is consistent with the above objective.

In accordance with the above, the amended development complies with the LCLEP 2009 objectives for the E1 Local Centre.

Lane Cove Development Control Plan 2009

DCP Control	Proposed	Complies
D.1 General Provisions		
1.1 Building Form		
1.1.1 Building to Street Frontages		
a) For developments within zones B1, B2 and B4 (and see Section 1.1.6 below)- I. New buildings are to have street frontages built predominantly to the street alignment II. Street setback of maximum 2.0m is permitted for suitable use such as outdoor seating for a cafe.	The commercial tenancies and residential units above are constructed along the front boundary and suitably activate the street frontage. The proposed design maintains a frontage to the Burns Bay Road street alignment. Additional setback not proposed as outdoor seating is not proposed.	No change.
1.1.2 Street Frontage Heights		
Refer to controls for specific zones and localities:	The height of the development viewable from the footpath along Burns Bay Road would appear to be compliant with the	No change.

DCP Control	Proposed	Complies
B1: No specific controls under DCP Max. Building Height under LEP: 9.5m Max. number of storeys not specified in the DCP.	LEP height of buildings development standard and the street environment for pedestrians along this part of Burns Bay Road would be improved with the proposal. The proposed development would not dominate the streetscape.	
1.1.3 Street Frontage Activities		
a) Street and lane frontage uses should incorporate one, or a combination of, the following at street level: <ul style="list-style-type: none"> I. Entrances to residential and commercial occupying less than 50% of the street frontage II. Retail shop front, cafés or restaurants, if accompanied by an entry from the street III. Active office uses, such as reception, if visible from the street IV. Civic or community building if accompanied by an entry. V. Allow for visual interest on the external face of fire escapes, service doors and equipment hatches. 	Entrances to the residential component occupies less than 50% of the street frontage and the two proposed commercial tenancies are highly viewable and will activate the street frontage. Types of retail/commercial uses to be determined. No civic or community building are proposed. The fire escapes, services doors and equipment hatches are located along the Burns Bay Road frontage and visually treated	No change.
b) Limit opaque or blank walls for ground floor uses to 20% of the street frontage.	No blank or opaque walls proposed along Burns Bay Road frontage.	No change.
c) Minimise the extent and visual impact of vehicle entrances and other entries not associated with active uses or building entries.	Vehicle driveway/entries located in Burns Bay Road and widths are minimised where possible.	No change.
d) Provide enclosure on corner sites to define the corner.	Not applicable.	N/A
e) All street frontage windows at ground floor level are to have clear glazing.	Clear glazing has been proposed for the retail/commercial component of Burns Bay Road ground floor frontage.	No change.
f) Security grilles are to be fitted only within the shop itself. Such grilles are to be transparent.	No grilles proposed on plans.	N/A
g) Provide multiple entrances for large developments including an entrance on each street	Not considered a large development.	N/A
1.1.4 Build Depth & Bulk		
a) For Commercial Developments in all the business zones: <ul style="list-style-type: none"> I. The maximum floor plate area of any commercial building is to be 2,000m² subject to other requirements in this DCP. II. Buildings with large floor plates must be expressed as separate building elements of not more than 1,000 m². III. The horizontal dimensions of any single building facade must not exceed 50 metres. IV. All points on an office floor should be no more than 10m 	The maximum horizontal dimension of the residential component is less than 40m. Maximum floor plate less than 2000m ² . Retail and commercial tenancies on ground floor have not been proposed as offices however suitable depths have been provided for.	No change.

DCP Control	Proposed	Complies
<p>from a source of daylight (eg. window, atria, or light wells). The depth for office floors with openings on one side should be a maximum of 10m. The depth for office floors with openings on two opposite sides should be a maximum of 20m.</p> <p>V. Use atria, light wells and courtyards to improve internal building amenity and achieve cross ventilation and/or stack effect ventilation.</p>		
<p>b) For Mixed Use Developments:</p> <p>I. The maximum horizontal dimension of the residential component parallel to the street frontage is to be 40m.</p>	The proposed development has a 22.7m frontage to Burns Bay Road.	No change.
1.1.5 Building separation		
The separation distance between buildings on the same site is not to be less than the setback to buildings in adjoining sites in the same business zonings. Refer to 'Setbacks' for different business zonings.	Development contains one building only.	N/A
1.1.6 Setbacks		
Front/Street Setbacks are to comply with the following Table:		
<p>Zone B1 1-2 storey - Nil 3 storey – 3m</p>	Nil setback including the 3-storey component provided to Burns Bay Road frontage (subject to approval of concurrent Section 4.55 application).	No change. (subject to approval of concurrent Section 4.55 application)
Side setbacks in all Business Zones except special areas are to comply with the following Table:		
<p>1 storey: nil 2 storey: nil for commercial use & 3m for residential use & shop top housing 3+ storey: 6m</p>	Nil setbacks for Levels 1 & 2 6m setback for Level 3	No change.
Rear setbacks in all Business Zones except special areas are to comply with the following Table:		
<p>1 storey: 3m (to allow colonnades & landscaping) 2 storey: Nil (commercial use) & 3m (residential use/shop top housing) 3+ storey: 6m</p>	3m to ground level and Level 1 6m to Levels 2 & 3	No change.
1.1.7 Building Design & Exteriors		
a) Floor to Ceiling height – See Diagrams 4 and 5 and for mixed use development see Part C 3.12 Ceiling Heights:	Compliant including compliance with ADG requirements.	No change.
Part C 3.12 Ceiling Heights		
<p>a) In residential flat buildings, including residential apartments in mixed use buildings, the floor to ceiling height shall be:</p> <p>I. for non-habitable rooms, a preferred minimum of 2.4m, however a minimum of 2.25m will be permitted;</p>	Development provides minimum floor to floor heights	No change.

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DCP Control	Proposed	Complies
<p>II. for the upper level of a 2 storey apartment, a minimum of 2.4m provided at least 50% of the apartment has a minimum of 2.7m height; and</p> <p>III. for all single level apartments, a minimum of 2.7m.</p>		
b) Materials, colours, finishes, proportion and scale of new development should add interest to façades and the streetscape.	Front and rear facades have been articulated with colours and finishes appropriate for the development	No change.
c) Avoid large unbroken expanses of blank wall on any facade adjacent to the public domain.	Avoided.	No change.
d) Provide flexible building layouts and floor to ceiling heights which allow variable tenancies or uses on the first floor of a building above the ground floor.	Flexible floor layouts to commercial floors provided with variable ceiling heights.	No change.
e) The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building.	Stair/lift overrun structure has been located towards the centre of the development. Visual landscaping screens would be provided to screen the structure from the public domain.	No change.
f) Balconies and terraces should be provided, particularly where buildings overlook public open spaces. They should be avoided where they overlook the private open spaces and severely impact the privacy of the adjoining residential properties	Balconies have been placed at the front and rear of the development with no overlooking to other private open space areas.	No change.
g) Gardens on the top of setback areas of buildings are encouraged.	Rooftop terrace provided with terraced gardens.	No change.
1.2 Excavation		
a) All development is to relate to the existing topography of the land at the time of the adoption of this DCP.	All excavation for the underground basement car park is limited to within the footprint of the proposal.	No change.
b) Excavation for major development is to be contained within the footprint of the development.	Achieved.	No change.
c) For development within Centres, Council may consider full site coverage for underground excavation and podium footprints where it is demonstrated that mature landscaping, landscaped area and rainwater retention is able to be provided as roof terraces on podium structures.	The proposed development provides for reasonably mature landscaping on the rooftop level. The stormwater drainage system provides for water retention and onsite water detention system.	No change.
d) Uses at ground level are to respond to the slope of the street by stepping frontages and entries to follow the slope.	Tenancies are to be level to Burns Bay Road	No change.
1.3 Design and Location of On-Site parking		
a) Parking of vehicles is prohibited in setback areas	Basement car park provided.	No change.
b) All developments must incorporate the required car parking on-site.	Sufficient parking has been provided and is discussed further under Part R –Traffic, Transport and Parking	No change.

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DCP Control	Proposed	Complies
c) All on-site parking, loading facilities and vehicle access points must be: I. accessed from a rear lane wherever available II. fully concealed from view from any public street or arcade III. accessible from only one opening in the rear lane facade for both on-site parking and loading. Access openings are to be fitted with a garage door or roller shutter.	The siting and location of the basement parking remains fully concealed from public view with one opening.	No change.
d) For developments with a rear lane façade width less than 12.0m this opening must not be wider than 3.0m	N/A	N/A
e) For developments with a rear lane façade width equal to or greater than 12.0m this opening must not be wider than 6.0m.	N/A	N/A
f) Vehicle entry should be: I. easily accessible and recognisable to motorists II. located to minimise traffic hazards and queuing of vehicles on public roads III. located to minimise the loss of on street car parking, and to minimise the number of access points. IV. Located away from main pedestrian entries and on secondary frontages. V. Located having regard to any approved cycling routes.	The site remains easily accessible by motor vehicles associated with the residential and commercial components of the site and to service vehicles. The driveway width of 6.3m will not compromise the availability of on-street parking which is not permitted along this part of Burns Bay Road.	No change.
g) Avoid black holes in the facade for major development by providing security doors to car park entries	Roller shutter door would be provided to driveway entry	No change.
h) Return the facade material into the car park entry recess up to the extent visible from the street.	Appropriate façade material used.	No change.
i) Parking and service/delivery areas are to be located underground within building footprint or screened from adjacent residential uses or the public domain by sleeving with active uses.	Parking and service areas within basement and at-grade car park/driveway areas and adequately screened.	No change.
j) Parking and service/delivery areas are to be located to minimise conflict between pedestrians/cyclists and vehicles and to minimise impact on residential amenity.	Residential and commercial/retail parking and services/delivery areas have minimal conflict with pedestrian access.	No change.
k) Extensive areas of blank walls are to be avoided	Articulation provided.	No change.
l) Vehicular access is not permitted along the boundary adjacent to residential zone unless there is no other practical solution.	N/A	N/A
m) Residential and non-residential car parking spaces are to be physically separated.	To be shared due to the small-scale nature of the development and has been supported by Council's Traffic Section.	No change.
n) For residential flat buildings, generally limit the width of driveways to a maximum of 6.0m.	6.3m provided to provide a two-way driveway entry/exit point.	No change.

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DCP Control	Proposed	Complies
o) Integrate ventilation grills or screening devices of carpark openings into the facade design and landscape design.	Appropriate screening devices would be provided.	No change.
p) Provide safe and secure access for building users, including direct access to residential apartments, where possible.	Direct and safe access to residential component from basement car park.	No change.
q) Basement car parking is to be: I. adequately ventilated II. predominantly located within the building footprint III. located fully below natural ground level. Where slope conditions mean that this is unachievable, the maximum basement projection above natural ground level is to be 1.2m but not to the street front.	Car park has been provided on the basement level which is below ground level and located under footprint.	No change.
1.4 Number of Car Parking, Motorcycle and Bicycle Spaces - see Car Parking DCP for further discussion		
1.4.1 Commercial in all areas other than St. Leonards Centre		
a) Except in the case of Shop Top Housing car parking, a cash contribution may be made to Council in lieu of required parking not provided on-site. The car parking contribution rate is listed in the Section 94 Contributions Plan (1999).	Not applicable.	N/A
b) For Lane Cove Village Centre see Section D3 – 3.8	Not applicable.	N/A
1.5 Awnings		
a) Continuous street frontage awnings are to be provided for all new developments on main streets or major retail streets in centres except where colonnades are required.	Awning provided along Burns Bay Road frontage.	No change.
b) Awning design must be coordinated with building facades and be complementary in alignment and depth to the adjoining buildings and its awnings.	Complimentary with proposed building and surrounding buildings.	No change.
c) Where a building is sited on a street corner, wrap awnings are to be provided around corners for a minimum 6.0 metres unless there is continuity in active uses and in such case they should be continued.	Not applicable.	N/A
d) Awnings should generally be: I. Minimum soffit height of 3.3 metres. II. Low profile, with slim vertical fascia or eaves (generally not to exceed 300 mm height) III. Setback a minimum of 600mm from the kerb. IV. Located and designed to ensure no conflict with street trees	Min 3.1m >600m from kerb Does not conflict with any street trees	No change.
e) Awnings are to allow for street trees or poles via innovative solutions, which may include cut outs.	Not applicable or possible, if required	N/A
f) To control sun access/protection,	Not proposed.	N/A

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DCP Control	Proposed	Complies
canvas blinds along the street edge may be permitted, subject to design merit and assessment.		
g) Under awning recessed lighting is to be provided to facilitate night use and public safety.	Details of lighting not provided however no floodlighting proposed but would be subject to compliance to relevant Australian Standard.	No change.
1.6 Reflectivity		
a) Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.	The building façade will primarily comprise face brick with recessed windows and balcony glass sliding doors that will not reflect directly onto passing drivers or pedestrians. Lower light reflectivity external finish colours are submitted with the Development Application.	No change.
b) Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians, cyclists or motorists may be required.	Not required.	N/A
1.7 External lighting of buildings		
a) Any external lighting of buildings is to be considered with regard to: I. the integration of external light fixtures with the architecture of the building (for example, highlighting external features of the building) II. the contribution of the visual effects of external lighting to the character of the building, surrounds and skyline III. the energy efficiency of the external lighting system IV. the amenity of residents in the locality.	External lighting to comply with relevant Australian Standards and only intermittent internal lights from the residences or commercial uses will permeate into the public environment.	No change.
b) Floodlights for buildings are prohibited.	Not proposed.	N/A
1.8 Landscaping		
a) Locate basement car parking predominately under the building footprint to maximize opportunities for landscaped area.	The extent of landscaping complies with the ADG and will assist with onsite stormwater management being located at the rear lowest end of the site. Basement car park provided and is below the footprint of the building.	No change.
b) Deep soil zones in atria, courtyards and boundary setbacks are encouraged.	Rear 3.25m wide deep soil zone proposed which is considered appropriate for the locality.	Yes
1.9 Planting on Structures		
a) Areas with planting on structures should be irrigated with recycled water and appropriate drainage provided.	The rooftop planter box will have a soil depth of at least 500mm and will be able to easily support suitable shrubs for screening and all requirements to be conditioned in any approval.	No change.
b) Provide sufficient soil depth and area to allow for plant establishment and growth. The recommendations are: I. Large trees (canopy diameter of up	The proposed development does provide minimal deep soil, however given the site and the nature of the proposed development, on structure landscaping is	No change.

DCP Control	Proposed	Complies
to 16m at maturity) i. minimum soil volume 150m ³ ii. minimum soil depth 1.3m iii. minimum soil area 10m x 10m area or equivalent II. Medium trees (8m canopy diameter at maturity) i. minimum soil volume 35 m ³ ii. minimum soil depth 1m iii. approximate soil area 6m x 6m or equivalent III. Small trees (4m canopy diameter at maturity) i. minimum soil volume 9m ³ ii. minimum soil depth 800mm iii. approximate soil area 3.5m x 3.5m or equivalent IV. Shrubs i. minimum soil depths 500-600mm V. Ground cover i. minimum soil depths 300-450mm VI. Turf i. minimum soil depths 100-300mm.	provided which is considered appropriate.	
1.10 Solar Access These provisions apply to proposed developments and any residential development beyond the site.		
a) Commercial and mixed-use developments are not to reduce sunlight to dwellings in the adjacent or same zone below a minimum of 3 hours of sunlight on a portion of the windows of the habitable rooms between 9am and 3pm on 21 June.	N/A	N/A
b) Where adjacent dwellings and their open space already receive less than the standard hours of sun, new development should seek to maintain this solar access where practicable.	Not applicable.	N/A
c) Habitable rooms in at least 70 percent of dwellings in high density residential developments, should receive a minimum of three hours direct sunlight between 9 am and 3 pm on 21st June, in total between any portions of those rooms. In dense urban areas a minimum of two hours may be acceptable. A reasonable proportion of both the common and private open space in those sites is also to receive sunlight during that period, according to the circumstances of the sites.	The development is not a high-density development as only seven apartments are proposed. Satisfactory 2 hours of solar access achieved for the proposed units. Plans accompanying the proposal clearly demonstrates compliance with the solar access provisions in the ADG.	No change.
d) The number of single-aspect dwellings with a southerly aspect (SW-SE) should be limited to a maximum of 10 percent of the total dwellings within a high-density residential development. Developments varying from the minimum standard due to site constraints and orientation must demonstrate how energy efficiency is	No South facing single aspect apartments are proposed.	No change.

DCP Control	Proposed	Complies
addressed.		
e) Council may accept a reduction in solar access for the subject site and adjacent development if the topography and lot orientation (as distinct from a preferred design) are such that the standard is considered unreasonable.	Not applicable.	N/A
1.11 Access and Mobility		
a) Any new development must comply with Australian Standards AS 1428 Design for Access and Mobility, AS 4299 Adaptable Housing, AS 2890 Parking Facilities and AS 1735 Lifts, Escalators and Moving Walks and with the Part F of this DCP – Access and Mobility.	Complies - accessibility for pedestrians and vehicles complies with the relevant Australian Standards. The adaptable unit (No. 04) complies with the internal dimensional requirements of AS-4299 Adaptable Housing. Parking facilities and the internal elevator and adjoining hallways all comply with the relevant Australian Standards and with the Part F of this DCP – Access and Mobility. All units are to be visitable units.	No change.
1.12 Toilet Facilities		
a) Accessible and well sign-posted toilet facilities complying with AS 1428 shall be provided in all developments containing 10 or more shops or more than 500m ² of retail floor space. These facilities shall have the same minimum opening and closing hours specified for arcades.	N/A	N/A
1.13 Signage		
a) All signage shall comply with the Part N of this DCP – Signage and Advertising.	No signage has been proposed for the development.	N/A

REFERRALS

Development Engineer – Part O – Stormwater Management

No objections subject to recommended draft conditions.

Tree Assessment Officer – Part J – Landscaping

Not required.

Traffic Engineer – Part R Traffic, Transport and Parking

No objections subject to recommended draft conditions.

ASSESSMENT - ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

SECTION 4.55 ASSESSMENT

The proposed modification has been assessed against the provisions of Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979. The proposed amendments are minor in nature and would not alter relevant compliance requirements. The proposed development as amended would result in 'substantially the same' development with minor environmental impacts having regards to the provisions of the ADG, LCLEP 2009 and LCDCP. The proposed modifications are minor in nature and would have negligible impacts.

The proposal is minor as the potential environmental impacts of the proposed amendments are consistent with those envisaged under the original DA and can be considered under the provisions of Section 4.55 of the EP&A Act. The proposed modifications are summarised by the following table;

SUMMARY OF MODIFCATIONS			
AREA/UNIT	PREVIOUSLY APPROVED	PROPOSED	VARIATION
Unit 01	84.7 sqm	84 sqm	-0.7 sqm
Unit 02	84.7 sqm	85 sqm	+0.3 sqm
Unit 03	59.3 sqm	59.3 sqm	No change
Unit 04	52.9 sqm	51.2 sqm	-1.7 sqm
Unit 05	59.3 sqm	59 sqm	-0.3 sqm
Unit 06	82.1 sqm	79 sqm	-3.1 sqm
Unit 07	96.1 sqm	95.9 sqm	-0.2 sqm
Commercial 01	72.3 sqm	72.3 sqm	No change
Commercial 02	57.6 sqm	55.2 sqm	-2.4 sqm
Gross Floor Area and FSR	686.3sqm	677.4 (0.97:1)	-8.9 sqm
Maximum Building height	12.7m (RL 62.350)	12.7m (RL 62.350)	No change
Car Parking	12 spaces	12 spaces	No change
Bicycle Parking	9 spaces	9 spaces	No change
Motorcycle Parking	1 space	1 space	No change

The proposed modification does not change appearance of the final development with the exception of changes to planter boxes, new batten screens on some windows for thermal comfort and additional works to roof top communal areas which will not be visible from the public domain. All changes are minor and will have minimal impact.

The proposed modification will result in substantially the same development as approved under DA161/2021 (as modified). The proposed modification will not have any impact on the nature, scale, the location, or form of the approved buildings. The nature of uses contained within the building remains entirely consistent with DA161/2021. The development's compliance with Council's policies and controls does not change with the proposal.

The proposal remains compliant with the relevant NCC requirements. The development as modified is substantially the same as when originally approved for the purposes of Section 4.55 of the Environmental Planning and Assessment Act 1979 and would have no implications upon the use, overall design, and public domain.

PROVISIONS OF ANY LEP, DCP, SEPP OR REGULATION (Section 4.15(1)(a))

The proposal is permissible and does not raise any issues in regard to the Lane Cove Local Environmental Plan 2009.

The proposal complies with the Floor Space Ratio development standard. The proposal also complies with the Height development standard.

OTHER PLANNING INSTRUMENTS

SEPP (Resilience and Hazards) 2021

The subject site and adjoining sites are zoned under E1 Local Centre purposes (see LCLEP). Given the types of uses permissible within the zone, it is unlikely that the site would be contaminated.

APPLICABLE REGULATIONS

The Environmental Planning and Assessment Regulation 2021 indicates that the standards for demolition and removal of materials should meet with AS 2601-2001 and therefore any consent would require the application of a relevant condition seeking compliance with this Standard.

VARIATIONS TO COUNCIL'S CODES/POLICIES

The modification application does not propose any variations to Councils codes or policies.

IMPACTS OF DEVELOPMENT (Section 4.15(1)(b))

The proposal would not adversely impact neighbouring properties or the public domain in terms of overshadowing, visual privacy, acoustic privacy, or traffic and parking. The amended proposal presents a development outcome that is consistent with the objectives of the relevant planning controls.

SUITABILITY OF SITE (Section 4.15(1)(c))

The subject site would be suitable for the proposed development as the use is permissible within the Zone. The proposed development would positively contribute to the amenity of the surrounding area and the subject site would not constrain the development or neighbouring sites.

RESPONSE TO NOTIFICATION (Section 4.15(1)(d))

The development application was notified in accordance with Council's policies and no submissions were received.

PUBLIC INTEREST (Section 4.15(1)(e))

The proposal would not have an unreasonable impact on neighbouring properties or the public domain with regard to the Lane Cove LEP 2009, Lane Cove DCP 2009 or any other environmental planning instruments. Therefore, approval of this application would not be contrary to the public interest.

CONCLUSION

The matters in relation to Section 4.15 of the Environmental Planning and Assessment Act 1979 have been satisfied.

The application complies with the Floor Space Ratio development standard of the Lane Cove LEP 2009. The proposal also complies with the Height development standard of the Lane Cove LEP 2009.

The application generally meets with the Part C Residential Development Objectives of the Lane Cove Development Control Plan 2009.

On balance as the proposed development would be reasonable it is therefore recommended for approval.

DETERMINATION

General Conditions

That pursuant to Section 4.55(1)(a) of the Environmental Planning and Assessment Act 1979, the

Lane Cove Local Planning Panel, at its meeting of 21 January 2025, grants consent to:

- Development Application DA161/2021
- For Section 4.55 modification application of a mixed-use shop-top housing development including minor internal and external amendments
- On 235 Burns Bay Road, Lane Cove West

subject to the following conditions:

PART A

2. Approved Plans and Documents: That the development be strictly in accordance with Drawing Nos:

- A101-105, A201-202 & A301 Issue C dated 14.04.2022 and A514 & A516 Issue B dated 08.12.2021, prepared by BJ Architects; and
- LP02-08 Revision F dated 14 April 2022 prepared by Affordable Design Solutions.

As amended by the following;

<i>Plan No</i>	<i>Revision</i>	<i>Plan Title</i>	<i>Drawn By</i>	<i>Dated</i>
<i>A001</i>	<i>A</i>	<i>Titlepage - Titlepage</i>	<i>BJ Architects International</i>	<i>20/11/2024</i>
<i>A101</i>	<i>A</i>	<i>General Arrangement – Basement</i>	<i>BJ Architects International</i>	<i>20/11/2024</i>
<i>A102</i>	<i>A</i>	<i>General Arrangement – Ground Floor</i>	<i>BJ Architects International</i>	<i>20/11/2024</i>
<i>A103</i>	<i>A</i>	<i>General Arrangement – First Floor</i>	<i>BJ Architects International</i>	<i>20/11/2024</i>
<i>A104</i>	<i>A</i>	<i>General Arrangement - Second</i>	<i>BJ Architects International</i>	<i>20/11/2024</i>
<i>A105</i>	<i>A</i>	<i>General Arrangement – Roof Communal Open Space</i>	<i>BJ Architects International</i>	<i>20/11/2024</i>
<i>A201</i>	<i>A</i>	<i>Elevations – Elevations – East & North</i>	<i>BJ Architects International</i>	<i>20/11/2024</i>
<i>A202</i>	<i>A</i>	<i>Elevations – Elevations – West & South</i>	<i>BJ Architects International</i>	<i>20/11/2024</i>
<i>A301</i>	<i>A</i>	<i>Sections – Sections – 01 & 02</i>	<i>BJ Architects International</i>	<i>20/11/2024</i>

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

4. **Section 7.11 Contribution.** The payment of a contribution for additional person/s and commercial floor space in accordance with Council’s Section 7.11 (S94) Contributions Plan shall be paid prior to the issue of any Construction Certificate. This payment is to be at the current ~~2024/2022~~ **2024/2025** rate at the time of payment. The amount of ~~\$136,558.20~~ **\$144,958.20** is required to be paid.

NOTE: PAYMENT MUST BE IN BANK CHEQUE. PERSONAL CHEQUES WILL NOT BE ACCEPTED.

This contribution is for Community facilities, Open Space/Recreation and Roads under the Lane Cove Section 7.11 (S94) Contributions Plan which is available for inspection at the Customer Service Centre located at Lane Cove Council, No. 48 Longueville Road, Lane Cove.

N/B The Section 7.11 Contribution is calculated as the follows:

No. bedrooms	Average occupancy	Amount of contribution per person	No. of Dwellings	Total contribution
One Bedroom	1.2 persons	$\$11,044.52 \times 1.2 =$ $\$12,770.40$ per dwelling	Three x $\$12,770.40$	\$38,311.20
Two Bedrooms	1.9 persons	$\$11,044.52 \times 1.9 =$ $\$20,219.80$ per dwelling (capped at \$20,000)	Three x $\$20,000.00$	\$60,000.00
Three Bedrooms	2.4 persons	$\$11,044.52 \times 2.4 =$ $\$26,506.85$ per dwelling (capped at \$20,000)	One x $\$20,000.00$	\$20,000.00
			TOTAL:	\$118,311.20

No. bedrooms	Average occupancy	Amount of contribution per person	No. of Dwellings	Total contribution
One Bedroom	1.2 persons	$\$12,368.00 \times 1.2 =$ $\$14,841.60$ per dwelling	Three x \$14,841.60	\$44,524.80
Two Bedrooms	1.9 persons	$\$11,044.52 \times 1.9 =$ $\$23,499.20$ per dwelling (capped at \$20,000)	Three x \$20,000.00	\$60,000.00
Three Bedrooms	2.4 persons	$\$11,044.52 \times 2.4 =$ $\$29,683.20$ per dwelling (capped at \$20,000)	One x \$20,000.00	\$20,000.00
			TOTAL:	\$124,524.80

*N/B The reforms to Local Development Contributions have a cap of \$20,000 per residential lot or per dwelling limitation on local development contributions
 The contribution is also partly based on 131sqm and the current rate of ~~\$139.26~~ **\$155.98** per sqm of additional commercial floor space which is a total of ~~\$18,247.00~~ **\$20,433.40**.
Total = \$144,958.20 payable.

Reason: Statutory requirement.

PART B

The retention of all conditions of development consent, being condition numbers (3) & (5) - (119), as previously approved.

Mark Brisby
Director - Planning and Sustainability
Planning and Sustainability Division

ATTACHMENTS:

There are no supporting documents for this report.