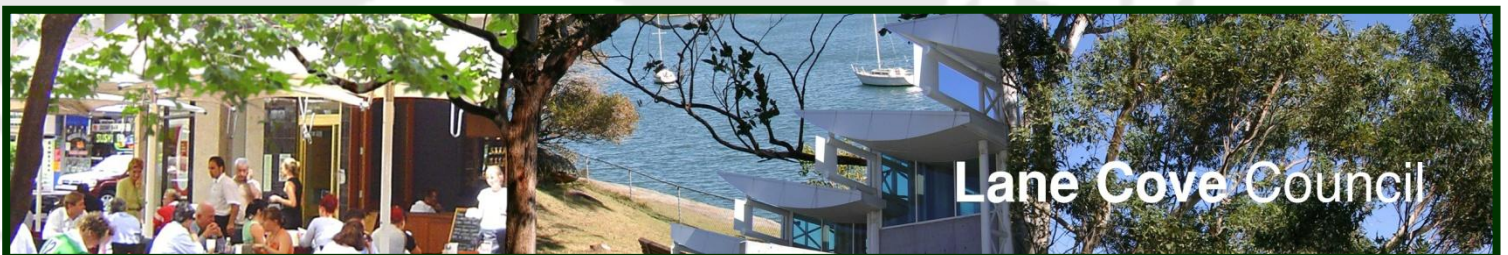


Agenda
Lane Cove Local Planning Panel Meeting
2 June 2026



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 2 June 2026 commencing at 5pm. The business to be transacted at the meeting is included in this business paper.

Yours faithfully



Louise Kerr
General Manager

Lane Cove Local Planning Panel Meeting Procedures

The Lane Cove Local Planning Panel (LCLPP) meeting is chaired by Ms Janet 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

1. 21 - 25 AUSTIN STREET, LANE COVE..... 4

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21 - 25 AUSTIN STREET, LANE COVE

Item No: LPP9/26
Subject: 21 - 25 Austin Street, Lane Cove
Record No: DA25/153-01 - 36293/26
Division: Planning and Sustainability Division
Author(s): Andrew Bland

Planning Portal Number	PAN - 596478
DA Number	DA153/2025
Proposed Development	Demolition of existing structures and the construction of a residential flat building development comprised of 3 basement levels and two 9-10 storey towers pursuant to the LMR and Affordable Housing provisions of the Housing SEPP 2021.
Street Address	21-25 Austin Street, Lane Cove.
Applicant/Owner	Applicant: Hong Huang – BMHP Group Pty Ltd Owners: CNAU Group Pty Ltd
Date of DA lodgment	17 February 2026
Total number of Submissions Number of Unique Objections	68 unique submissions have been received and all submissions have been forwarded to the LPP. The concerns raised have been addressed in Annexure 10 .
Recommendation	Refusal
Cost of Works	\$52,963,994.00
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • relevant environmental planning instruments <ul style="list-style-type: none"> • SEPP (Housing) 2021 - Chapter 2 – Affordable housing; • SEPP (Housing) 2021 - Chapter 4 - Design of residential apartment development • SEPP (Housing) 2021 - Chapter 6 – Low and mid rise housing • SEPP (Resilience and Hazards) 2021 • SEPP (Biodiversity and Conservation) 2021 • SEPP (Transport and Infrastructure) 2021 • SEPP (Building Sustainability Index) 2004; and • Lane Cove Local Environmental Plan 2009. • relevant development control plan <ul style="list-style-type: none"> • Lane Cove Development Control Plan 2009 • relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 <ul style="list-style-type: none"> • Council has not received a draft planning agreement. • relevant regulations e.g. Regs 61, 62, 63, 64 etc

- **Section 61(1)** – Demolition of Structures
- **Section 94** – The Assessment clock was stopped as insufficient information was lodged. The Applicant provided an incomplete and inadequate response, thus it is considered that the clock has not recommenced. This has prevented the Applicant from lodging a Deemed Refusal.
- **coastal zone management plan**
- Nil
- other relevant plans**
- Apartment Design Guide
- Section 7.11 Contributions Plan

List all documents submitted with this report for the Panel's consideration

Annex.	Document	Prepared By
1	Recommendation for refusal	Lane Cove Council
2	ADG Assessment	Lane Cove Council
3	DCP Assessment	Lane Cove Council
4	Original Architectural Plans	BMHP
5	Amended Architectural Plans	BMHP
6	Landscaping Plans	Site Design + Studios
7	Statement of environmental Effects	Ingham Planning Pty Limited
8	Desing Review Panel Minutes	DRP
9	Summary of submissions	Lane Cove Council
10	Combined submissions	Lane Cove Council
11	Combined Requests for Further Information	Lane Cove Council
12	Operational Waste Management Plan	Elephants Foot Consulting
13	Response to Request for Further Information	Applicant
14	Access Report	Accessible building solutions
15	Acoustic Report	Acoustic Logic
16	Arborist Report	Arbor Express
17	Root Mapping Report	Arbor Express
18	Original BASIX Certificate	Applicant
19	NatHERS Certificate	Applicant
20	BCA Report	Design Right Consulting
21	Stormwater Management Plan	SGC
22	QS	Northcroft
23	Design Verification Statement	BMHP
24	ADG Compliance Document	Applicant
25	Geotechnical Report	Morrow
26	Owner's Consent Form	Applicant
27	Survey Report	Applicant
28	Construction & Demolition	Elephants Foot

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		Waste Management Plan	Consulting
	29	Traffic Impact Assessment	CNAU Group Pty Ltd
	30	Stormwater Management Report	SCG
	31	Solar Panel Plan	AAPE
	32	EV Charging Statement	AAPE
	33	Ecologically Sustainable Development Commitment Statement	LC Consulting Engineers
	34	Preliminary Site Investigation Report	Dr Upsilon Environments Pty Ltf
	35	Construction Traffic Management Plan	Varga Traffic Planning Pty Ltd
	36	Construction Noise & Vibration Management Plan	Rodney Stevens Acoustics
	37	Dust Management Plan	Civiltrak Sydney
	38	Flood Impact Study	SCG
	39	Public Domain Design	SCG
40	Public Notification Map	Lane Cove Council	
Clause 4.6 requests	Nil		
Summary of key submissions	<ul style="list-style-type: none"> • Public interest • Excessive Bulk • Housing SEPP bonuses • Impacts on ground water • Impacts on stormwater • Provision of affordable units • Dedication of affordable housing • Privacy Impacts for School and neighbouring developments • Public link to shops • Maximum Yield not reasonable • Excessive built form and massing • Streetscape impacts • Housing SEPP Chapter 4 and ADG compliance • Deep soil / landscape outcomes • Removal of trees and wildlife • Loss of canopy • Overshadowing Impacts 		

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	<ul style="list-style-type: none"> • Structural Impacts • Driveway Location • Limited Street Parking • Communal Open Space • Pedestrian and School Safety • Construction Methodology Report • Loss of privacy • Noise impacts • Dust impacts • Lack of Infrastructure • Public transport is insufficient. • LMR Bonus vs Affordable Housing Bonus • Affordable Housing not calculated properly • Traffic Study • Construction Parking • Insufficient Documentation • Out of Character • Support increased housing • Stormwater and sewerage infrastructure is insufficient • Site Isolation • Stormwater Easement • Heritage impacts • Precedent 	
Report prepared by	Andrew Bland	
Report date	26 May 2026	
Summary of s4.15 matters	Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction	Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes

<p>Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?</p>	Not applicable
<p>Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i></p>	No – refusal recommended

1. EXECUTIVE SUMMARY

Proposal

The development application seeks consent for the demolition of all existing structures, extensive excavation and the construction of a residential flat building development comprised of 3 basement levels to provide 166 parking spaces and two 9-10 storey towers to provide 82 units, pursuant to the Low and Mid Rise {LMR} provisions and Affordable Housing provisions of the Housing SEPP 2021 {Housing SEPP}.

The proposal includes the provision of a Residential Flat Building in accordance the Chapter 6 LMR provisions of the Housing SEPP 2021. This Chapter provides permissibility for the subject proposal under Section 164, as well as, bonus height and FSR under Section 175 and 180. This use would otherwise not be permitted under Council's LEP 2009 {LEP} within the subject R3 Medium Density Residential Zone.

The proposal also includes the provision of Affordable Housing in accordance with Chapter 2 of the Housing SEPP. The Applicant is seeking to dedicate units in accordance with requirements of this chapter which affords bonuses to the development standards in lieu of these units.

The Development Application has provided less than the full GFA requirement of affordable housing. Only 11% has been provided, where 15% is required to achieve the full bonus. Additional units are required to be dedicated to activate the full bonuses.

Requests for Further Information

The Applicant has been issued with a Request for information {RFI} on 3 occasions. The first RFI was issued with the advice to withdraw for the following reasons:

- Crucial information for Council assessment was missing or incomplete, e.g. Flood study
- The Design Review Panel raised significant concerns with the proposal
- The internal referral officers raised significant concerns with the proposal / missing information
- The proposed development includes non-compliances and impacts which Council could not support.

Withdrawal was recommended to enable time to obtain the required information and to adequately respond to the matters raised.

The second RFI was issued which primarily sought a response from the Applicant to the considerable submissions received and how the matters raised could be addressed.

The Applicant issued amended plans and an incomplete response to address the first RFI. The proposed amendments were minor in nature and did not address the key concerns raised.

This response also failed to provide crucial information such as confirmation in the geotechnical report on ground water testing, and, whether the Application is considered integrated by the means of the Water NSW concurrence requirements.

The third RFI was issued in accordance with Section 36 of the Environmental Planning and Assessment Regulation 2021, confirming that the assessment clock had not recommenced and sought a full response to the matters raised in the RFIs.

The Applicant has failed to provide a complete response to the first RFI and no response has been provided for the second and third RFI. The response was in the form of a cover letter and accompanying documentation which did not resolve some of the matters raised.

The Applicant has confirmed to Council they wish the Development Application to be determined based on the information currently provided.

Outstanding Matters from the RFIs (summarised)

- Confirmation in the Geotechnical Report on Integrated Development
- Root Mapping, updated Arborist report and canopy calculations
- Solar Access table for neighbouring properties
- Construction Methodology Report
- Further details for Construction Traffic Management Plan and SIDRA modelling
- Response regarding isolation and heritage impacts on neighbouring properties
- Justification for non-compliances with the ADG provisions

Notification

The development application has been notified in accordance with Council policy and a total of 68 submissions were received. The concerns raised in these submissions have been addressed later in this report.

The Applicant was requested to respond to the concerns raised in the submissions. The second RFI was accompanied by 5 specific submissions which Council sought a response to. The Applicant declined to respond to the matters raised.

Applicable environmental planning instruments

The following environmental planning instruments are relevant, and the associated assessments have been provided later in this report:

- SEPP (Housing) 2021 - Chapter 2 – Affordable housing;
- SEPP (Housing) 2021 - Chapter 4 - Design of residential apartment development
- SEPP (Housing) 2021 - Chapter 6 – Low and mid rise housing
- SEPP (Resilience and Hazards) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Transport and Infrastructure) 2021
- SEPP (Building Sustainability Index) 2004; and
- Lane Cove Local Environmental Plan 2009.

Section 4.15 Matters

The 4.15 matters for consideration (1)(a) – (1)(e) have not all been satisfied and this is addressed later in this report.

The proposal has been assessed against the relevant parts of Section 4.15 of the Environmental Planning and Assessment Act, 1979. A detailed assessment of the relevant environmental planning instruments is provided later in this report. A summary of the matters requiring consent authority satisfaction is provided in **Table 1** below.

Table 1 – EPI Matters to be Satisfied		
EPI	Clause / Section to be satisfied	Recommendation Summary
SEPP Housing 2021 – Design of Residential Apartment Development	147 – Advice of design review panel, the design quality principles and the ADG to be considered	See report below and Annexure 2 and Annexure 8 for further details.
Housing SEPP – Chapter 2 Affordable Housing.	21 – That the provision of affordable housing would be dedicated for a minimum of 15 years.	The full provision of affordable housing has not been provided , a condition would have been recommended where the Application was supported. This would have ensured dedication for the minimum period.
Housing SEPP – Chapter 2 Affordable Housing.	22A – Parking has been provided in accordance with the requirements.	Albeit the full provision of affordable housing has not been provided , the parking provided would exceed the requirements.
Housing SEPP – Chapter 6 Low and mid rise	175 – Development consent must not be granted for development for the purposes of residential flat buildings with a building height of up to 22m unless the consent authority is satisfied the building will have 6 storeys or fewer.	<p>The proposed development is 10 storeys.</p> <p>This section is considered to be overridden where affordable housing is provided in accordance with the Housing SEPP which facilities bonus height.</p> <p>The development application has provided less than the required 15% affordable housing.</p> <p>Additional units are required to be dedicated to activate the full bonus.</p> <p>The amended development application has been assessed on the basis that the Applicant could increase the number of units provided to achieve the full bonus as sought.</p>
SEPP Resilience and Hazards	7 – Contamination and remediation to be considered in determining an application.	Preliminary site investigation submitted which indicates that the

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2021		subject site would likely to be suitable for continued residential use, see Annexure 34 .
LCLEP 2009 – Earthworks	6.1A - This clause generally requires development consent for earthworks and requires that the consent authority consider certain matters before granting consent for earthworks to ensure the works will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	<p>The development application has not adequately demonstrated that the proposal would not result in detrimental impact on environmental functions and processes.</p> <p>The Flood Study confirms the proposed excavation would result in adverse overland flow impacts.</p> <p>The stormwater management plan is also not supported.</p> <p>The Geotechnical Report is insufficient in confirming whether the proposed development would adversely impact the water table and / or be considered integrated development.</p>

Reason for Lane Cove Planning Panel Determination

The Development Application is reported to the Lane Cove Planning Panel for determination as the Estimated Cost of Development is **\$52,963,994.00** (exceeding the \$30 million threshold) satisfying the requirements of the Planning Systems SEPP 2021.

The Development Application has also received more than 10 unique submissions (68 received), which requires the Application to be reported to the Lane Cove Planning Panel.

Conclusion

The proposed development fails to satisfy the relevant requirements and is reported to the Lane Cove Planning Panel (LPP) for determination with the recommendation for **Refusal**.

2. SITE AND SURROUNDS

Subject Site and Surrounds:

The subject site is known as 21 – 25 Austin Street, Lane Cove with a total site area of 3,679m². The site is irregular in shape and has a primary frontage of 61m to Austin Street. Unformed pedestrian access through to the Lane Cove Village is accommodated through the rear boundary. The site characteristics are provided in **Table 2** below.

Table 2 - Site Characteristics of Nos. 21-25 Austin Street, Lane Cove	
Site Characteristic	Subject Site
Total Site Area	3,679m ²
Site Particulars	6 total lots: <ul style="list-style-type: none"> • Lots 1 and 2 of DP 872498;

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	<ul style="list-style-type: none"> • Lots 11 and 12 of DP 734969; and • Lots A and B of DP 362786.
Site Frontage	Approximately 61m to Austin Street (east and non-linear in shape)
Site width	Ranges from Approximately 55m to 65m with a largely irregular shape.
Topography	The site slopes significantly from the street to the rear boundary.
Zoning	R3 Medium Density Residential zone

The site comprises 6 lots and has an accumulated area of 3,679m². The site is irregular in shape. Its north-eastern boundary is approximately 55m in length, the north-western boundary is approximately 42m in length, the south-western boundary is 36m in length, the non-linear front (Austin Street) boundary is approximately 61m in width, and the irregular southern boundary is 62m in length. The adjoining site characteristics are provided in **Table 3** below.

Table 3 – Adjoining Sites	
Direction	Description
North-east	North-east of the site is a part single and part two-storey dwelling house at No. 19 Austin Street. Further north-east is a dwelling house converted for use as an early-learning child care centre at No. 17 Austin Street.
North-west	North-west of the site is a strip of vegetated buffer area fronting the Sera Street carpark.
East	East of the site on the opposite side of Austin Street is Lane Cove Public School. The school grounds are located adjacent to the development site. The two-storey modern classroom building is located directly opposite, and behind the modern building is a 1927 heritage listed school building.
South	South of the site is a single-storey dwelling at No. 5 Austin Crescent. Further south are 2 dwelling houses fronting Austin Crescent which are locally heritage listed items.
West	West of the site is a group of development which have been recently deregistered as being on Council Local Heritage listing.



Figure 1: Subject site identified by the green outline (Source: Nearmaps)

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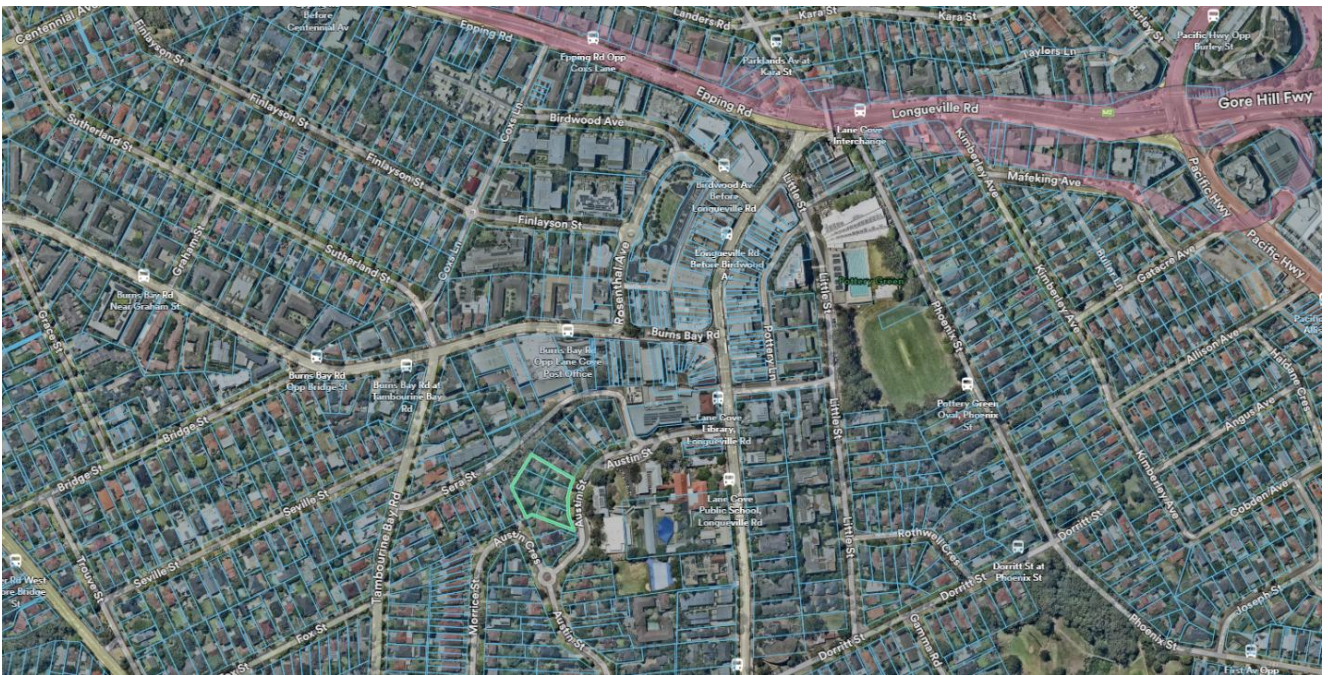


Figure 2: Site Context (Source: Nearmaps)

3. PROPOSAL

The Development Application seeks approval for the demolition of all existing structures and the construction of a residential flat building {RFB} development comprised of 3 basement levels and two 9-10 storey towers pursuant to the LMR and Affordable Housing provisions of the Housing SEPP 2021.

Specifically, the DA seeks development consent for:

- Demolition of existing structures
- The construction of 2 Towers – Tower A 10 storey & Tower B 9 storey
- Excavation to provide three levels of basement parking
- The development would have a total of 82 dwellings – 50 x3 bedrooms & 32 x 2 bedrooms
- 10 Affordable Housing Apartments are proposed in accordance with the Housing SEPP 2021
- Associated tree removal and landscaping works.

The current zoning is R3 Medium Density Residential and under the Lane Cove LEP RFBs are not permitted.

The Low- & Mid-Rise reforms permits RFBs in R2 & R3 zones that are within the 400m of the Lane Cove Village with such developments being up to 6 storeys with a height of 22m and an FSR of 2.2:1.

The Housing SEPP 2021 Affordable Housing Bonus Scheme can provide the Applicant with a 30% height & FSR bonus in lieu of the provision of 15% affordable. This has been sought however insufficient affordable housing has been provided.

The Applicant seeks the full bonus to enable a height of 28.6m and a total FSR of 2.86:1.

The Applicant proposes to construct to 28.26m and an FSR of 2.86:1.

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The proposal characteristics are provided in **Table 4** below.

Table 4 - Proposal Characteristics	
Category	Proposed
Demolition	All structures on the site are proposed to be demolished.
Excavation and Filling	Excavation of approximately 17m is proposed to accommodate three basement levels as well as subterranean units.
Car Parking	The proposed development includes parking for 166 cars including 18 accessible spaces, 21 visitor spaces (1 accessible), 2 car wash bays, Ev charging infrastructure, 11 motorcycle spaces and 24 bicycles spaces and 10 visitor bicycle spaces. The basement also includes a dedicated removal truck space.
Vehicular Access	Vehicular Access would be provided from Austin Street.
Pedestrian Access	Formal pedestrian Access is provided from Austin Street.
Residential Flat Building	Construction of 2 towers with a shared basement. The basement accommodates the parking provisions as listed above, waste areas, storage areas and plant areas. Tower A is closest to Austin Street and is 10 storeys. The 10 affordable housing units are contained within the bottom levels. Tower B is located at the rear of the site and is 9 storeys. Each building has vertical access via 2 lifts and stairs. 10 affordable dwellings are proposed (6x2 bed and 4x3 bed). The affordable dwellings are located in the lower levels of Tower A;
Apartment Mix	0 one-bedroom apartments; 32 two-bedroom apartments; and; 50 three-bedroom apartments.
Tree Removal	The removal of 49 trees and retention of 12 trees, in accordance with the Arboricultural Impact Assessment Report, Annexure 16 .
Landscaping and Communal Open Space	The provision of landscaping including ground level deep soil/canopy tree planting areas, communal open space and perimeter planting and planter boxes.



Figure 3: Architectural Impression – frontage of Tower A (Source: Architectural plans)



Figure 4: Architectural Impression – rear façade of Tower B (Source: Architectural plans)

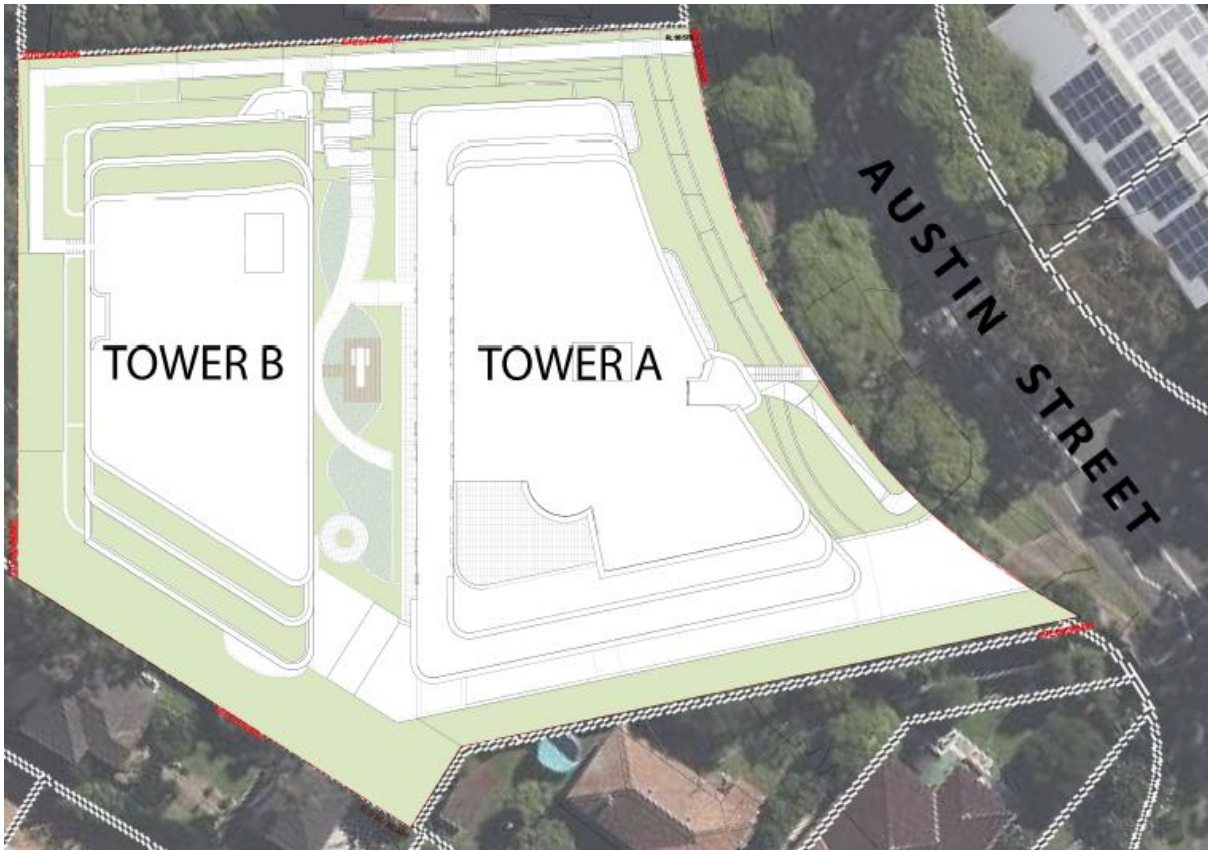


Figure 5: Site Plan (Source: Architectural plans)

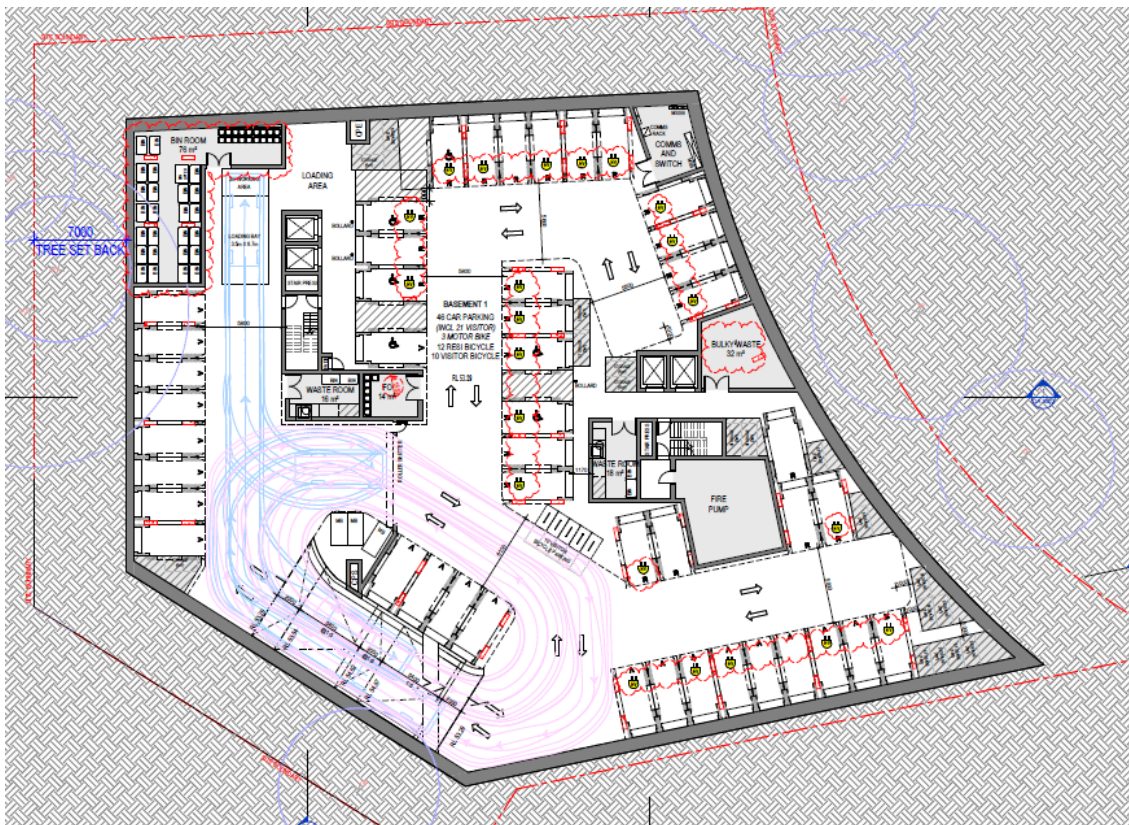


Figure 6: Basement Level 1 (Source: Amended Architectural plans)

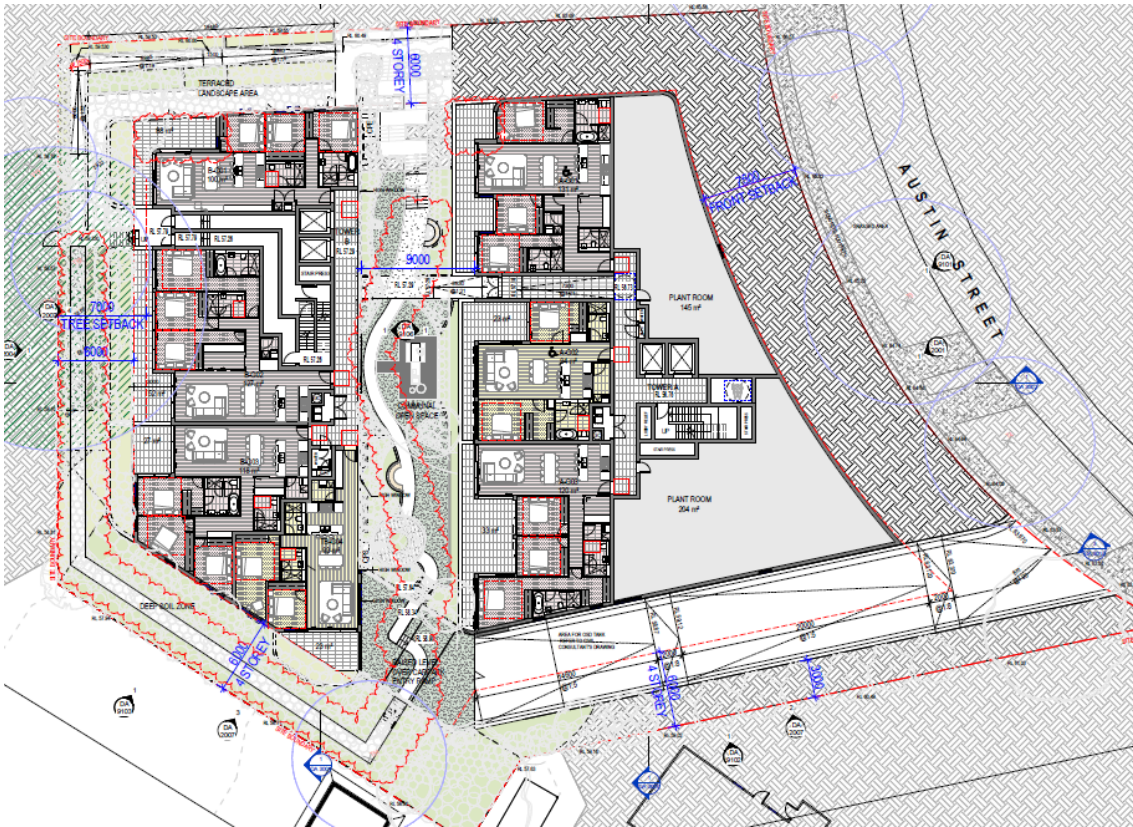


Figure 7: Ground floor (Source: Amended Architectural plans)

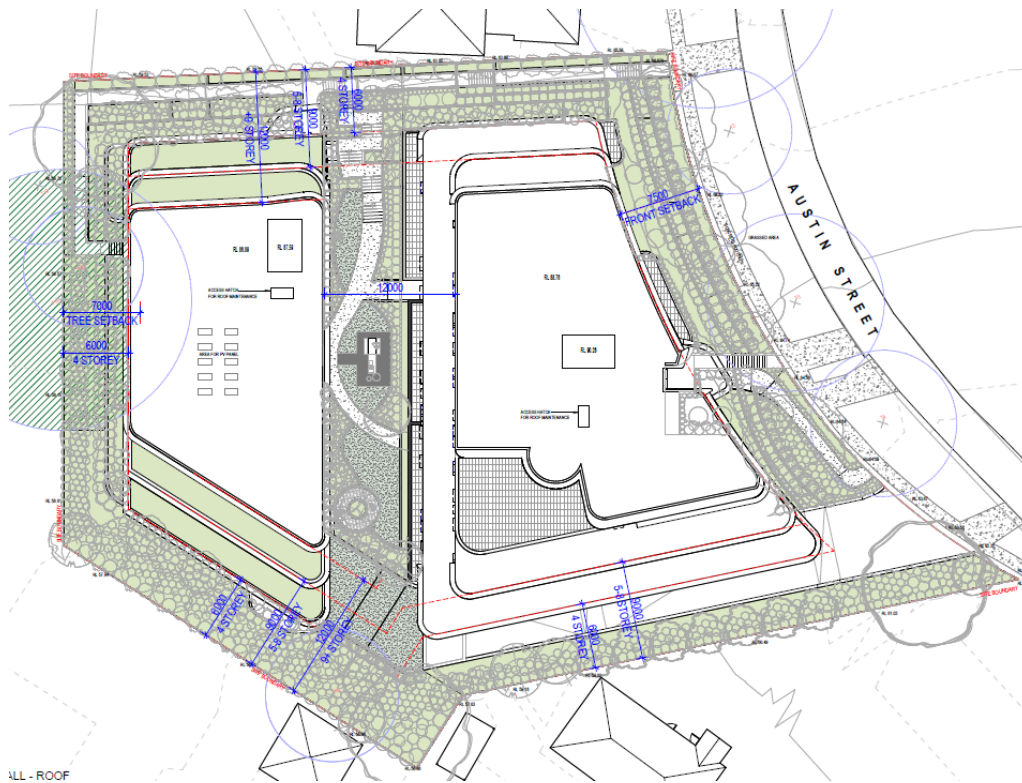


Figure 8: Roof plan (Source: Architectural plans)

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4. Previous Site and Approval History

PREVIOUS APPROVALS/HISTORY

The assessment/history timeline is provided in **Table 5** below.

Table 5 - Proposal/History Timeline	
Date	Description
11 May 2022	A development application for the demolition of existing structures and construction of multi-dwelling housing development (17 townhouses) with basement parking was refused by the Local Planning Panel . (Ref: DA131/2021)
1 August 2022	An 8.2 Review of DA131/2021 for a multi-dwelling housing development 21-25 Austin Street, Lane Cove was lodged with Council.
11 November 2022	Approval was granted for DA131/2021 by way of a deferred commencement consent.
24 April 2024	Operative consent issued for DA131/2021.
4 December 2025	The Applicant uploaded the proposal to the NSW Planning Portal.
16 December 2025	Council issued an RFI requiring the Applicant to address the Sustainability Section of Council's DCP and advised the Applicant to report to the Design Review Panel Prior to lodgment.
16 December 2025	Applicant asked for an extension till the end of January as the firm would be closed over the Christmas period.
27 January 2026	The Development Application was presented to the Design Review Panel who did not support the proposal.
9 February 2026	A Pre DA Meeting was held as part of the Design Review Panel process where Council raised significant concerns with information gaps, adverse impacts and non-compliances with the proposal. The Design Review Panel comments were also issued.
9 February 2026	Council issued a Request for Additional Information and advice to withdraw given the outstanding information and concerns raised by Council and the Panel. The Applicant requested the Development Application be formally lodged as submitted and sought to respond to the matters once Council accepted the Development Application.
17 February 2026	The Development Application was lodged and notified in accordance with Council's policy.
25 February 2026	Council issued the first Request for Further Information and stopped the assessment clock.
25 March 2026	The Applicant provided an incomplete response which fails to address the predominate portion of information requested with the request that the outstanding documents be dealt with at a later stage.
30 March 2026	Council issued the second Request for Further Information. This confirmed the package was incomplete and the information requested was required for Council's assessment. Council requested the concerns raised in the submissions be addressed. Council did not receive any response.
9 April 2026	Council issued the third Request for Further Information requesting the Applicant provide an update on the additional information provided. Council confirmed the Application could not be supported due to this missing

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	information amongst several key concerns with the design.
14 April 2026	the Applicant requested Council determine the Development Application and provide conditions of consent requiring additional information.
15 April 2026	Council Confirmed this information was required for Council assessment such as, confirmation on basement drainage treatment to confirm if the Application required integrated approval from Water NSW.
4 May 2026	The Applicant called to advise Council they would like the Application to be determined based on the information currently presented.

5. NSW LEGISLATION

Environmental Planning and Assessment Act 1979

The Sydney North Planning Panel has been dissolved, and the Department of Planning, Housing and Infrastructure has delegated functions to the Lane Cove Planning Panel.

The proposed development has also received more than 10 submissions and it therefore reported to the Lane Cove Planning Panel for determination. The proposed development fails to satisfy the following objectives listed in Section 1.3 of the Act:

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

(d) to protect the environment, including the conservation of threatened species of native animals and plants and ecological communities and their habitats,

(g) to promote good design, amenity and the proper construction and maintenance of built environments, including the protection of the health and safety of the occupants of buildings,

(h) to provide opportunities for participation in environmental planning and assessment,

(i) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

Council has assessed the relevant matters for consideration under Section 4.15 of the Act and determined that the proposed development has failed to satisfy the following matters for consideration:

(a) the provisions of—

(i) any (the relevant) environmental planning instrument(s including the SEPPs detailed below), and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any (the relevant sections of Council's) development control plan, and

(b) the significant likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

Accordingly the Development Application has been reported to the Lane Cove Planning Panel for Refusal, subject to the reasons provided in the recommendation to this report.

Development Application fails to comply with the requirements of the Environmental Planning and Assessment Act 1979

Roads Act 1993

The completion of public domain works would be dealt with under Section 138 of the Roads Act 1993.

Development Application is capable of complying with the Roads Act 1993

6. SECTION 4.15 ASSESSMENT

The following assessment is provided against the relevant provisions of Section 4.15 of the NSW Environmental Planning and Assessment Act, 1979:

Any environmental planning instrument:

SEPP (Housing) 2021 – In-fill affordable housing

The State Environmental Planning Policy (Housing) 2021 (the “Housing SEPP”) was published on 26 November 2021 and aims to incentivise the supply and ensure the effective delivery of affordable and diverse housing. The Housing SEPP was amended on 14 December 2023 to further incentivise affordable housing in order to address the housing crisis and provide for the needs of moderate, low and very low-income households throughout New South Wales. The subject application seeks to benefit from these in-fill affordable housing incentives.

The relevant chapters of the Housing SEPP which apply to this development are:

- *Chapter 2 Affordable housing, Division 1 In-fill affordable housing;*
- *Chapter 4 Design of residential apartment development; and,*
- *Chapter 6 Low and mid rise housing.*

Note: The following assessment considers Chapter 6 prior to Chapter 2, as permissibility is provided from this part of the Housing SEPP.

Chapter 6 Low and mid rise housing

The proposed development seeks consent for an RFB development in accordance with Chapter 6 of the Housing SEPP. Planning reforms have sought to incentivise developers to provide housing / uplifted density, through increased permissibility for sites located in residential zones and within proximity to Local Centers. The increased developable potential of the site has enabled the Applicant to seek development beyond what could ordinarily be accommodated on subject site. **Table 6** provides an assessment against the relevant low to mid rise housing controls.

Table 6 - Low to Mid Rise - SEPP (Housing) 2021 – Compliance Table			
Chapter 6 - Low and mid rise housing			
Part 4 Residential flat buildings and shop top housing			
Division 1 Preliminary			
Section	Requirement	Proposal	Complies
163 Definitions	Low and mid rise housing in area means – (a) Land within 400m walking distance of – (i) Land identified as “Town Centre” on the Town Centers Map.	The proposed development is within 80m walking distance from the Lane Cove Village Town Centre as identified on the relevant map in Figure 10 below.	Yes
164 Land to which chapter applies	Applies to the whole state, other than (a) – (m)	The chapter applies to the subject site as it not identified by (a) – (m).	Yes
165 Non-discretionary development standards – the Act, s 4.15	Sections 168, 169, 172, 173, 179, and 180 identify non-discretionary development standards for the Act, section 4.15(2).	Section 180 applies to the site as it is within the R3 Zone and the relevant assessment has been provided below.	Refer to assessment below.
174 Development permitted with development consent	Development for the purposes of residential flat buildings is permitted with development consent on land to which this chapter applies in a low and mid rise housing area in Zone R2 Low Density Residential or R3 Medium Density Residential.	The proposal is for an RFB within the zone R3 Medium Density Residential.	Yes
175 Development standards— low and mid rise housing inner area	(1) This section applies to land in a low and mid rise housing inner area in Zone R3 Medium Density Residential or R4 High Density Residential.	The subject site is within the zone R3 Medium Density Residential.	Yes
	(2) Development consent must not be granted for development for the purposes of residential flat buildings with a building height of up to 22m unless the consent	Refer to affordable housing provisions for height control.	NA

Table 6 - Low to Mid Rise - SEPP (Housing) 2021 – Compliance Table			
Chapter 6 - Low and mid rise housing			
Part 4 Residential flat buildings and shop top housing			
Division 1 Preliminary			
Section	Requirement	Proposal	Complies
	authority is satisfied the building will have 6 storeys or fewer.		
177 Landscaping— residential flat buildings or shop top housing	(1) This section applies to land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential. (2) Development consent must not be granted for development for the purposes of residential flat buildings or shop top housing unless the consent authority has considered the <i>Tree Canopy Guide for Low and Mid Rise Housing</i> , published by the Department in February 2025.	The site is in Zone R3 Medium Density Residential.	Refer to below for the consideration of the <i>Tree Canopy Guide for Low and Mid Rise Housing</i> .
	Table 7. Tree canopy and deep soil (residential flat buildings and shop-top housing – enhanced) provides enhanced requirements based on site area percentages. >1,500sqm requirements: Tree Canopy 20% Deep Soil 15%	15% of the site is to be provided as deep soil, where only 10.3% deep soil has been provided – refer to landscaping comments for complete breakdown.	No - Insufficient Landscaping provided.
178 Minimum lot size for residential flat buildings or shop top housing	(1) This section applies to development for the purposes of residential flat buildings or shop top housing on land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential. (2) A requirement specified in another environmental planning instrument or development control plan in relation to the following does not apply to development that meets the standards in	Refer to Section 180(2) below.	Yes

Table 6 - Low to Mid Rise - SEPP (Housing) 2021 – Compliance Table			
Chapter 6 - Low and mid rise housing			
Part 4 Residential flat buildings and shop top housing			
Division 1 Preliminary			
Section	Requirement	Proposal	Complies
	section 180(2) or (3)— (a) minimum lot size, (b) minimum lot width.		
Division 2 Non-discretionary development standards—the Act, s 4.15			
180 Non-discretionary development standards—residential flat buildings and shop top housing in Zone R3 or R4			
	(1) This section applies to development for the purposes of residential flat buildings or shop top housing on land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential.	The site is in Zone R3 Medium Density Residential.	Yes
	(2) The following non-discretionary development standards apply in relation to development on land in a low and mid rise housing inner area— (a) a maximum floor space ratio of 2.2:1, (b) for residential flat buildings—a maximum building height of 22m, (c) for a building containing shop top housing—a maximum building height of 24m.	This section is not considered relevant where there provision of the Affordable Housing satisfied the Housing SEPP requirements. The amended development application does not satisfy these requirements.	No - refer to the Affordable Housing Provisions for consideration of height and FSR.

The Development Application fails to satisfy all the LMR requirements within Chapter 6 of the Housing SEPP 2021.

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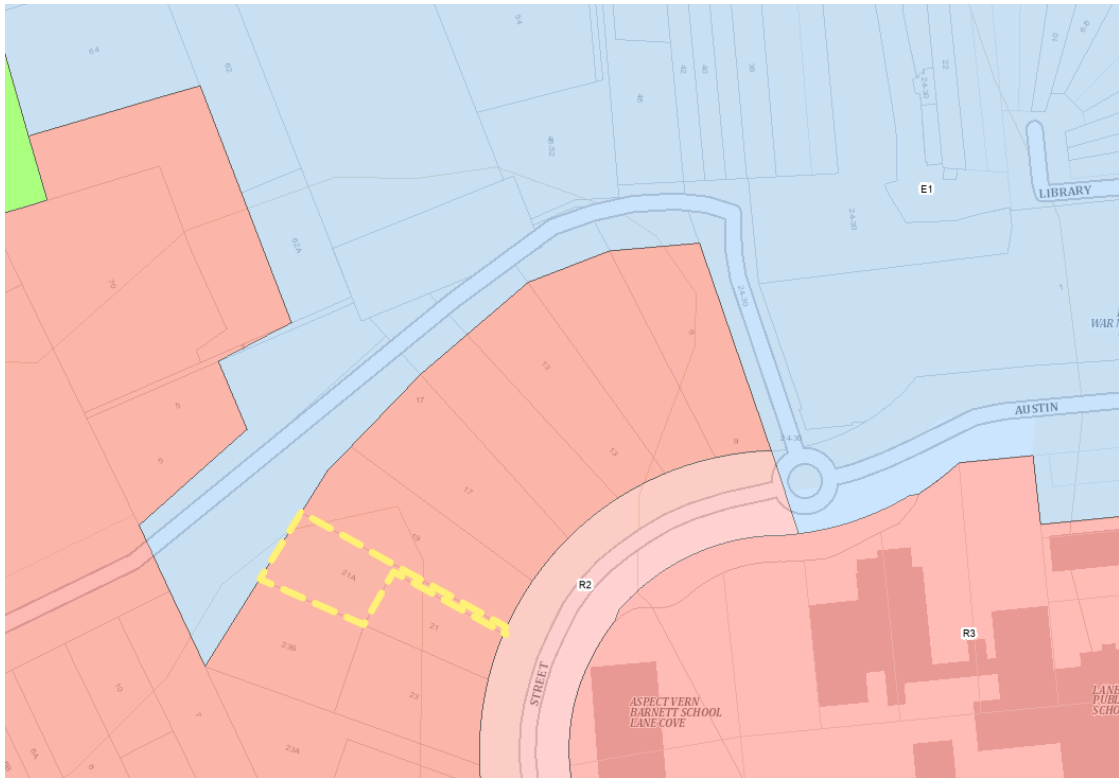


Figure 9: Land zone map identifying the E1 Local Centre Zone and a portion of the subject site in yellow (Source: ePlanning Spatial Viewer)



Figure 10: Distance to the E1 Local Centre Zone (Source: ePlanning Spatial Viewer)

Chapter 2 Affordable housing, Division 1 In-fill affordable housing

The proposed alterations and additions seek to deliver in-fill affordable housing in accordance with Chapter 2 of the Housing SEPP. Reforms have sought to encourage developers through bonuses to the height and FSR development standards in exchange for the provision of additional affordable housing. The affordable housing is to be managed by a registered community housing provider and held for a period of 15 years (minimum), which commences from the issue of an Occupation Certificate for the development.

Developments are to provide between 10-15% of the GFA as affordable housing to achieve the corresponding 20–30% bonuses for height or FSR in accordance with Section 16 and Section 18. An assessment against the associated requirements is provided in **Table 7** as follow:

Table 7 - Affordable Housing - SEPP (Housing) 2021 – Compliance Table			
Chapter 2 Affordable Housing			
Part 2 Development for affordable Housing			
Division 1 In-fill affordable housing			
Section	Requirement	Proposal	Complies
15A Objective of division	The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.	The proposed development includes affordable housing pursuant to the Housing SEPP.	Yes
15B Definitions	affordable housing component , of development, means the percentage of the gross floor area used for affordable housing. residential development means development for the following purposes— (g) residential flat buildings, (2) In this division, residential development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation is taken to be used for the purposes of affordable housing.	Noted and not in accordance with provision (2)	Yes
15C Development to which division applies	(1) This division applies to development that includes residential development if—		
	(a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5, Chapter 6 or another	Development is permissible under Chapter 6.	Yes

Table 7 - Affordable Housing - SEPP (Housing) 2021 – Compliance Table			
Chapter 2 Affordable Housing			
Part 2 Development for affordable Housing			
Division 1 In-fill affordable housing			
Section	Requirement	Proposal	Complies
	environmental planning instrument, and		
	(b) the affordable housing component is at least 10%, and	Affordable housing component would be 11%	Yes
	(c) all or part of the development is carried out— (ii) for development on other land—within 800m walking distance of land in a <i>relevant zone</i> or an equivalent land use zone.	<i>Relevant zone</i> identified in section (3) below.	Yes
	(3) In this section— relevant zone means the following— (a) Zone E1 Local Centre,	Approximately 80m as previously identified.	Yes

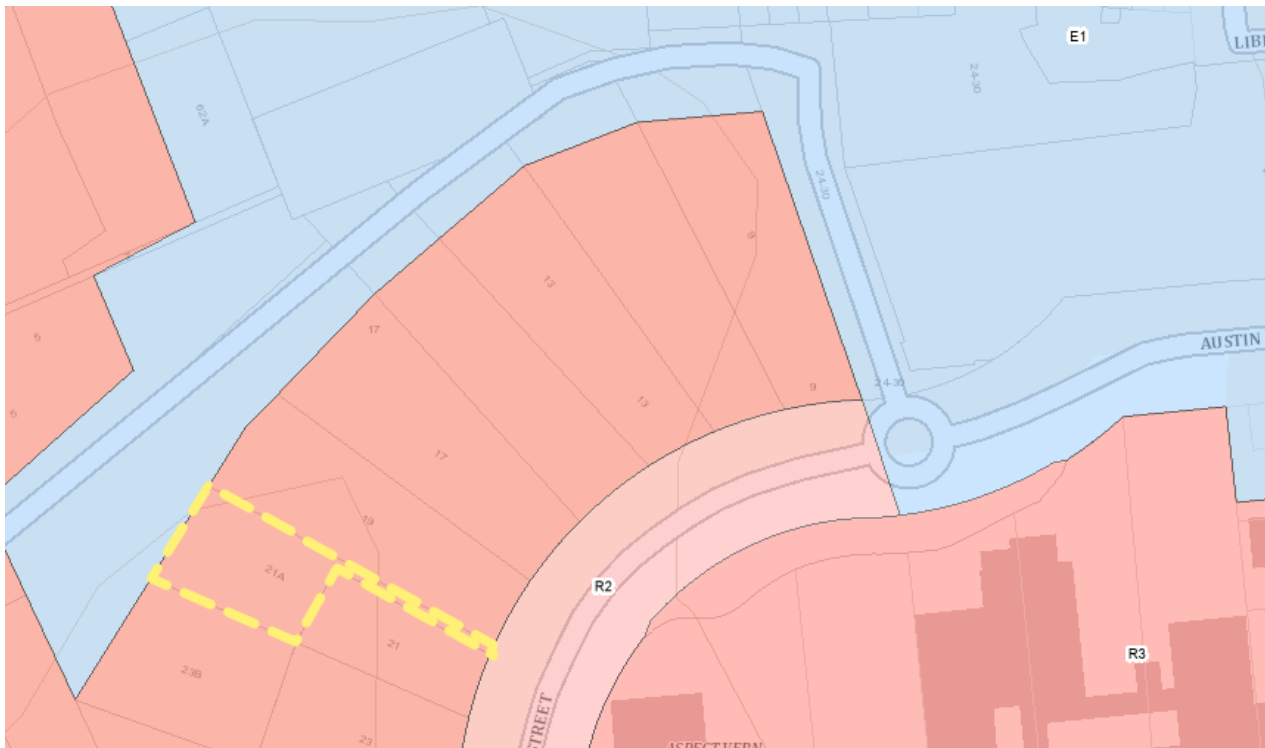


Figure 11: Land Zoning Map with Blue area depicting Zone E1 Local Centre and a portion of the subject site highlighted in yellow (Source: Council Planner)

16 Affordable housing requirements for additional floor space ratio

Section 16 of the Housing SEPP contains calculations for the provision of floor space ratio and building height bonuses. It is stated in section 16 that:

(1) **The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).**

(2) **The minimum affordable housing component, which must be at least 10%, is calculated as follows—**

Affordable housing component = additional FSR (as a percentage) ÷ 2

(3) **If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).**

The affordable housing calculation for FSR/GFA:

The maximum FSR permitted under Chapter 6 of the Housing SEPP 2021 for the site is 2.2:1. The Development Application seeks consent for the full complement of allowable FSR. The Development Application reports the provision of 15% of the GFA as affordable housing which would enable 30% additional(bonus) floor space. Accordingly, the total permissible FSR would be 2.86:1.

Pursuant to Section 16(3), the maximum bonus for the additional building height is equal to the same percentage as the FSR bonus. The maximum building height permitted under the LMR provisions in Chapter 6 of the Housing SEPP 2021 for the subject site is 22m. Accordingly, a 30% bonus would permit a height of 28.6m. The Development Application propose a maximum height of 28.26m which is 0.34m below the permitted height in the instance a 30% bonus is achieved (where the full 15% dedication is provided).

Total Proposed Gross Floor Area = 10,521sqm
15% of the total GFA = 1,578.15

The Development Application is required to dedicated 1,578.15sqm to affordable housing.

The Development Application identifies 10 units to be dedicated as affordable housing on the Architectural Drawing DA 0010, which have been detailed in **Table 8** below. The units identified fail to satisfy the Housing SEPP requirements and would equate to a **total of 1157.2m² of GFA which only represents 11% of the total GFA**. Further units are required to be dedicated as affordable housing to achieve the associated bonuses, let alone the full 30% bonus which is sort by the Applicant. Accordingly, the Development Application is recommended for refusal as the Housing SEPP requirements have not been satisfied.

Table 8 - Dedicated Housing SEPP 2021 affordable housing units				
	Unit Count	Unit Number	GFA sqm	Bedrooms
	1	A-G01	131	3
	2	A-G02	94	2
	3	A-G03	120	3
	4	A-101	80	2
	5	A-102	83	2
	6	A-103	95	2
	7	A-104	96	2
	8	A-105	120	3
	9	A-106	128	3

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Table 8 - Dedicated Housing SEPP 2021 affordable housing units				
	Unit Count	Unit Number	GFA sqm	Bedrooms
	10	A-205	85	2
	Common lobby areas for affordable level	Ground floor	60	
	Common lobby areas for affordable level	Level 1	58	
	Only 1 unit is affordable on this level. A proportionate % of the total GFA attributed for the common area.	Second floor Total GFA - 85/703 = 12% Common area – 60sqm x 0.12 = 7.2sqm	7.2	
Total			1157.2sqm	

In accordance with Section 16 (2), the minimum affordable housing component must be at least 15% to activate the full bonus, where the calculated portion of affordable housing would only achieve 11% of the total GFA.

The Development Application therefore does not activate the full Affordable Housing Bonuses afforded under Chapter 2 of the Housing SEPP 2021.

Notwithstanding the Applicant has failed to provide the minimum Affordable Housing provision for the full bonus, an assessment of the remaining portions of the Housing SEPP proceeds as the Applicant could increase the portion of units / GFA dedicated.

Table 9 - Affordable Housing - SEPP (Housing) 2021 – Compliance Table			
Chapter 2 Affordable Housing			
Part 2 Development for affordable Housing			
Division 1 In-fill affordable housing			
Section	Requirement	Proposal	Complies
17 Additional floor space ratio for relevant authorities and registered community housing providers	<i>Not applicable</i>	Not applicable as the development is not on behalf of a relevant authority or housing provider.	<i>Not applicable</i>
18 Affordable housing requirements for additional building height	<i>Not applicable</i>	Not applicable, additional height calculated under Section 16 above.	<i>Not applicable</i>

19 Non-discretionary development standards—the Act, s 4.15

Chapter 2 of the Housing SEPP provides non-discretionary development standards. The following **Table 10** identifies compliance in accordance with these standards:

Table 10 - Affordable Housing - SEPP (Housing) 2021 – Compliance Table			
Part 2 Development for Affordable Housing			
Division 1 In-fill affordable housing			
19 (2) - Non-discretionary development standards			
Section	Requirement	Proposal	Complies
(a)	A minimum site area of 450sqm	Total: 3,679m ²	Yes
(b)	A minimum landscaped area that	Refer to landscape referral	Refer to

Table 10 - Affordable Housing - SEPP (Housing) 2021 – Compliance Table			
Part 2 Development for Affordable Housing			
Division 1 In-fill affordable housing			
19 (2) - Non-discretionary development standards			
Section	Requirement	Proposal	Complies
	is the lesser of – (i) 35sqm per dwelling, or (ii) 30% of the site area	consideration below.	landscape referral consideration below.
(c)	A deep soil zone on at least 15% of the site area, where – (i) Each deep soil zone has a minimum dimension of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,	Subclause (3) states that subclause (c) and (d) <u>do not apply</u> to development to which Chapter 4 applies. Chapter 4 Design of residential apartment development applies and as such, (c) is not applicable.	<i>Not applicable</i> – Refer to LMR for deep soil requirements.
(d)	Living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm mid-winter	Subclause (3) states that subclause (c) and (d) <u>do not apply</u> to development to which Chapter 4 applies. Chapter 4 Design of residential apartment development applies and as such, (c) is not applicable.	<i>Not applicable</i> – Refer to LMR for deep soil requirements.
(e)	The following number of parking spaces for dwellings used for affordable housing – (i) 1 bedroom dwelling – at least 0.4 parking spaces (ii) 2 bedroom dwelling – at least 0.5 parking spaces (iii) 3 bedroom dwellings 1	10 affordable dwellings are proposed (6 x two bed and 4 x three bed) which requires = 7 spaces A total of 104 vehicle spaces required where 166 vehicle spaces are provided.	The parking rates would increase as additional affordable housing is required, it is likely this could be accommodated within the surplus provided.
(f)	The following number of parking spaces for dwellings not used for affordable housing – (i) 1-bedroom dwelling – at least 0.5 parking spaces (ii) 2-bedroom dwelling – at least 1 parking spaces 3-bedroom dwellings 1.5	72 other dwellings comprised of 28 x two beds and 46 x three beds which requires = 97 spaces A total of 104 vehicle spaces required where 166 vehicle spaces are provided.	Could comply – as above.
(g)	The minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development.	The proposed apartments satisfy the minimum internal area requirements prescribed by the ADG.	Yes

Table 10 - Affordable Housing - SEPP (Housing) 2021 – Compliance Table			
Part 2 Development for Affordable Housing			
Division 1 In-fill affordable housing			
19 (2) - Non-discretionary development standards			
Section	Requirement	Proposal	Complies
(h)	For development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) – the minimum floor area specified in the low-rise housing diversity design guide.	Not relevant for this type of development.	<i>Not applicable</i>
(i)	(i) if paragraphs (g) and (h) do not apply, the (i) for each dwelling containing 1 bedroom—65m ² , (ii) for each dwelling containing 2 bedrooms—90m ² , (iii) for each dwelling containing at least 3 bedrooms—115m ² plus 12m ² for each bedroom in addition to 3 bedrooms.	Not applicable as (g) and the Apartment Design Guide applies.	<i>Not applicable</i>

The Development Application fails to satisfy the affordable housing dedication requirements of the Housing SEPP 2021 and therefore does not activate the full bonus.

Chapter 4 Design of residential apartment development - ADG

SEPP 65 – Design Quality of Residential Apartment Development has been consolidated into Chapter 4 of the Housing SEPP. Schedule 9 of the Housing SEPP 2021 includes the “Design Quality Principles” which are required to be satisfied for residential apartment developments. These design quality principles aim to ensure the high-quality delivery of residential flat buildings within New South Wales.

The proposed development is considered to have failed the 9 Design Quality Principles as detailed in **Table 11** below. This is supported by the Design Review Panel’s comments whom raised significant concerns with the proposed development, refer to section below.

Referral to a Design Review Panel

The Development Application was presented to the Design Review Panel {DRP} on 27 January 2026. The DRP did not support the current proposal, refer to **Annexure 8**.

Assessment against the ADG

Table 11 provides an assessment against the Schedule 9 Design Quality Principles as required by Chapter 4 of the Housing SEPP.

Table 11 - SEPP (Housing) 2021 – Compliance Table	
Schedule 9 Design principles for residential apartment development	
Design quality principle	Satisfaction of the principle
1 Context and neighbourhood character	<p>Unsatisfactory - The Development Application has failed to adequately consider the sites context to the Lane Cove Village (Local Centre) and the neighbourhood character.</p> <p>The proposed development would provide an undesirable transition from the R2 and R3 Zone to the Local Centre zone. Albeit the site benefits from the LMR and is capable of benefiting from the affordable housing provisions, a more sympathetic design approach would achieve development which positively contributes to the locality in terms of urban design, environmental impacts and local character.</p> <p>The streetscape is characterised by significant canopy coverage and native planting. The proposed development has failed to contribute to the high quality landscaping currently provided on the street. This is largely restricted through the lack of connection (over excavation) between front setback area and street level. This exacerbates the lack of zonal transition and increases the harsh visual impacts of the development imposed on neighbouring developments and streetscape amenity.</p> <p>Council considers the subject site to be key within the local context due to proximity to, and its position at the entrance of, Council's Local Centre. The subject site enjoys dual frontages which can facilitate pedestrian access. The Applicant should consider a through site link to improve pedestrian flow and provided a connected gateway to the Local Centre.</p> <p>The DRP have also raised concerns, in Annexure 8, that the Development Application has failed to exhibit contextual responsiveness which is demonstrated by the following:</p> <ul style="list-style-type: none"> • Contextualised analysis: No comprehensive context analysis regarding topography, hydrology, pedestrian movement or surrounding built form. • Development pattern: Insufficient consideration of development patterns within the block and surrounding streets, including grain, scale, typologies, alignments and landscape character. • Town Centre interface: The subject site location within the LMR area reinforces the need for detailed contextual investigations to ensure compatibility with both current and future character. • Streetscape: Inadequate streetscape analysis to support the proposed bulk and scale. The proposal adopts sunken built forms and narrow solar corridors which constrain outdoor space and unit amenity. Further consideration of street profile, grain and landscape character should have been provided. • Visual assessment: Inadequate pedestrian visual assessment to detail the perceived height, adequacy of

Table 11 - SEPP (Housing) 2021 – Compliance Table	
Schedule 9 Design principles for residential apartment development	
Design quality principle	Satisfaction of the principle
	<p>landscape relief and an appropriate relationship with the locality.</p>
2 Built form and scale	<p>Unsatisfactory - The proposed development presents an abrasive built form and scale, which has no consideration for the existing or future context of the area. The proposed bulk has been informed predominately on achieving the highest developable outcome for the site permitted by the Housing SEPP 2021. Insufficient contextual analysis has been explored as indicated above, this results in a development which adverse amenity outcomes and environmental impacts.</p> <p>Council does not support the current massing articulation, façade treatment, or the insufficient separation between the two buildings which results from a lack of consideration of the following raised in the DRP comments:</p> <ul style="list-style-type: none"> • Future Massing: Provide massing studies showing likely future redevelopment of adjacent blocks using comparable FSR and height controls, including solar and overshadowing impacts upon the proposed development and neighbouring R2 sites to the west and south. • Building separation: While the Panel acknowledges the site’s development potential and applicable bonuses (which have not been activated in full in this instance), the current approach results in compromised amenity outcomes due to limited building separation. This is not consistent with the Housing SEPP design principles nor ADG requirements. • Alternative massing options: The Panel recommended exploration of alternative layouts, including: <ul style="list-style-type: none"> ○ Increased building separation consistent with ADG Part 2F (12 m and 18 m) or ○ Courtyard or U-shaped configurations or ○ Relocation of Building A core towards the central space to improve apartment amenity and orientation and so avoid primary outlooks towards the central space.
3 Density	<p>Unsatisfactory – The proposed development has sought to achieve the maximum possible density as afforded by both the LMR and affordable housing provisions of the Housing SEPP 2021. Accordingly, the proposed development would result in poor amenity outcomes within the development and adverse amenity and environmental impacts on neighbouring developments.</p> <p>The proposed development includes insufficient private open space predominately occupied by paths, limited facilities and unwelcoming amenity which hinders its useability.</p> <p>Where the Applicant is seeking to provide increased density, Council considers it crucial to provide reasonable communal open</p>

Table 11 - SEPP (Housing) 2021 – Compliance Table	
Schedule 9 Design principles for residential apartment development	
Design quality principle	Satisfaction of the principle
	<p>spaces and deep soil areas to support the increased density.</p> <p>The proposed density is inappropriate given it significantly contributes to inadequate building separation, insufficient and unusable communal open space, and poor amenity outcomes for some apartments. These concerns are also raised in the DRP comments for further details in Annexure 8.</p>
4 Sustainability	<p>Unsatisfactory – The proposed development does not meet Council’s sustainability targets, refer to the DCP Part S Environmental Sustainability assessment provided later in this report.</p> <p>The proposed development does not include designing with Country with regards to both architecture and landscape design. The DRP raises this as a key concern, refer to Annexure 8.</p> <p>Council is supportive of EV Charging, however the provisions for EV charging (15A circuit and socket) should be provided for all spaces to future proof the development. Electric infrastructure plans should be based on these requirements and connected to solar required solar system. Refer to the DRP comments for further details in Annexure 8.</p> <p>Visitor bicycling parking is supported by Council, however the proposed location is not equitable and restricts use. There is insufficient and convoluted access, the front setback area should have a beneficial relation to street level with the provision of visitor bicycle parking.</p> <p>Concerns are raised in relation to the proposed mail delivery system. It is unclear how packages would be received, particularly for Tower B. It is unreasonable to propose that a delivery person would travel from the street level, through Tower A, down the lift, through the communal open space and arrive at the Tower B lobby. The proposed lobbies are currently unclear for both buildings and there is no consideration for large parcel delivery or the provisions for delivery driver vehicle / bicycle parking.</p> <p>The DRP addressed the lack adequate furnishment for the private open spaces and in some instances the balconies are non-compliant with ADG dimensions.</p>
5 Landscape	<p>Unsatisfactory – The proposed development provides inadequate landscaping as detailed in the Landscaping Referral section of this report. The LMR provisions provide controls for the dimensions and total areas of deep soil landscaping, to ensure adequate canopy coverage and replanting can be accommodated. The proposed development has failed to satisfy these requirements.</p> <p>The long perimeter open space and steep tiered landscaping</p>

Table 11 - SEPP (Housing) 2021 – Compliance Table	
Schedule 9 Design principles for residential apartment development	
Design quality principle	Satisfaction of the principle
	<p>approach provides insufficient soil volumes and depths to facilitate meaningful replanting. This is also raised in the DRP comments, refer to Annexure 8 for further details.</p> <p>The proposed development fails to address the significant opportunity to provide a through site link from Austin Street to the Lane Cove Village at Sera Street. This is a key matter raised in the DRP comments.</p> <p>The proposed development achieves a poor communal open space outcome as discussed in the following section of this report. Refer to the DRP comments.</p> <p>The basement level planning and excavation significantly restricts the landscaping outcome, where a split-level approach could a superior landscaping and amenity outcome with a more functional design, refer to the DRP comments for further details in Annexure 8.</p> <p>The rear portion of the site would be subject to flooding as identified in the provided Flood study, Council’s Development Engineer does not support this outcome.</p>
6 Amenity	<p>Unsatisfactory – The proposed development provides poor amenity for the communal open space and landscaped areas as previously discussed.</p> <p>Council also does not support the subterranean apartments due to the significantly compromised amenity. These apartments have been facilitated through over excavation which is not supported and results in unreasonable front setback / street level activation, privacy issues, ventilation issues and significantly constrains the landscaping outcomes.</p> <p>The sense of arrival for visitors and residents is poor, particularly for Tower B where residents are required to navigated illegible and convoluted access.</p> <p>The internal facing Units of Tower A would be significantly constrained by the building separation. This design would result in non-compliant solar access, privacy, ventilation and visual outlook. These concerns are also raised in the DRP comments, refer to Annexure 8 for further details. The proposed strategy for privacy measures and solar access / outlook contradict each other resulting in a poor outcome for all forms of amenity.</p> <p>The lower level apartments of Tower A including A-101, A-102, A-106, A-201, A-202 and A-207 would be overlooked by pedestrians walking along the street which is an unacceptable privacy outcome. Residents, visitors or delivery persons would have direct sightlines into the living spaces of apartments upon entry to Tower A and</p>

Table 11 - SEPP (Housing) 2021 – Compliance Table	
Schedule 9 Design principles for residential apartment development	
Design quality principle	Satisfaction of the principle
	<p>Tower B which is an unacceptable amenity outcome.</p> <p>The limited setbacks adversely impact the insufficient solar access provided to the central portion of Communal Open Space.</p> <p>The internal separation between Tower A and Tower B does not comply with the objectives of the ADG requirements. This is not supported due to the significant impacts on amenity resulting from the design response to the limited separation. The external treatment of the walls with limited windows and screens result in poor visual amenity for the units which face the façade of Tower A, particularly the single aspect units.</p> <p>The Tower B lift, stairs and amenities cupboard also significantly limit amenity and opportunities for cross flow ventilation, solar access and outlook. The gallery approach has been utilised in order to facilitate more GFA for dwellings and this significantly constrains the amenity of the proposed development.</p> <p>The Tower B galleries provide insufficient weather protection, privacy and ADG separation requirements apply as they are considered to be habitable space. Refer to the DRP comments for further details in Annexure 8.</p>
7 Safety	<p>Unsatisfactory – The proposed development result in poor safety outcomes and it is evident that the Crime Prevention Through Environmental Design principles have not been considered in relation to the following:</p> <ul style="list-style-type: none"> • The entrances into the building, particularly Tower B are not clearly defined. • Access for Tower B is facilitated through the communal open space and another building. • The proposal includes an ineligible mail and delivery systems. • Visitor bicycle parking is not located at grade on street level or with any relation to entrances. • The privacy issues burdened to the lower level units provides poor activation and restricts passive surveillance.
8 Housing diversity and social interaction	<p>Unsatisfactory – The proposed development does not achieve reasonable apartment diversity. No single bed apartments have been provided which fails to satisfy the objective of the ADG in providing diverse housing. Flexible apartment configurations should be provided to support diverse household types and all stages of life including single person households.</p> <p>This is of particular concern in a development which is sought to provide affordable housing pursuant to the Low and Mid Rise housing provisions and the Affordable Housing Bonus of the</p>

Table 11 - SEPP (Housing) 2021 – Compliance Table	
Schedule 9 Design principles for residential apartment development	
Design quality principle	Satisfaction of the principle
	<p>Housing SEPP 2021. The development should be amended to provide at least 10% of each apartment type.</p> <p>The distribution of apartments does not achieve equitable access to amenity as the apartments which receive the worst amenity have been identified as the Affordable Housing Dwellings.</p> <p>The DRP has also recommended that the Applicant consider increased housing diversity including smaller dwellings and dual aspect apartments, refer to the DRP comments for further details in Annexure 8.</p>
9 Aesthetics	<p>The DRP recommends that the overall façade design and material selections require further development, to be more consistent with Part 4M of the ADG. Refer to the DRP comments for further details in Annexure 8.</p>

Apartment Design Guide Provisions

The proposed development has been assessed against the full provisions of the Apartment Design Guide, refer to **Annexure 2**. The proposed development does not comply with a large quantity of the ADG provisions. A detailed consideration of the non-compliances has been provided below.

Part 3 Siting the development Objective 3A – Site Analysis

The proposed development fails to provide evidence of adequate site analysis and fails to satisfy Objective 3A of the ADG. The Amended Development Application has failed to provide a comprehensive context analysis of the area. The provided analysis does not identify the key circulation patterns or access for pedestrians, vehicles or services. The proposed development does not adequately address the important characteristic of the Council reserve located at the rear of the site. The proposed development also fails to provide public connection from Austin Street to the Lane Cove Village. The proposed development would achieve greater cohesion with the local area where these matters are addressed.

Council acknowledges the emerging context of the area as influenced by the Housing SEPP bonuses. However, achieving a maximum developable outcome in terms of FSR and height bonuses is not acceptable where the proposed development does not respond to the context of the area and would largely compromise the amenity of the surrounding area and future occupants.

The Applicant has provided an undeveloped massing options plan in response to the RFI and DRP comments, refer to **Figure 12** below.

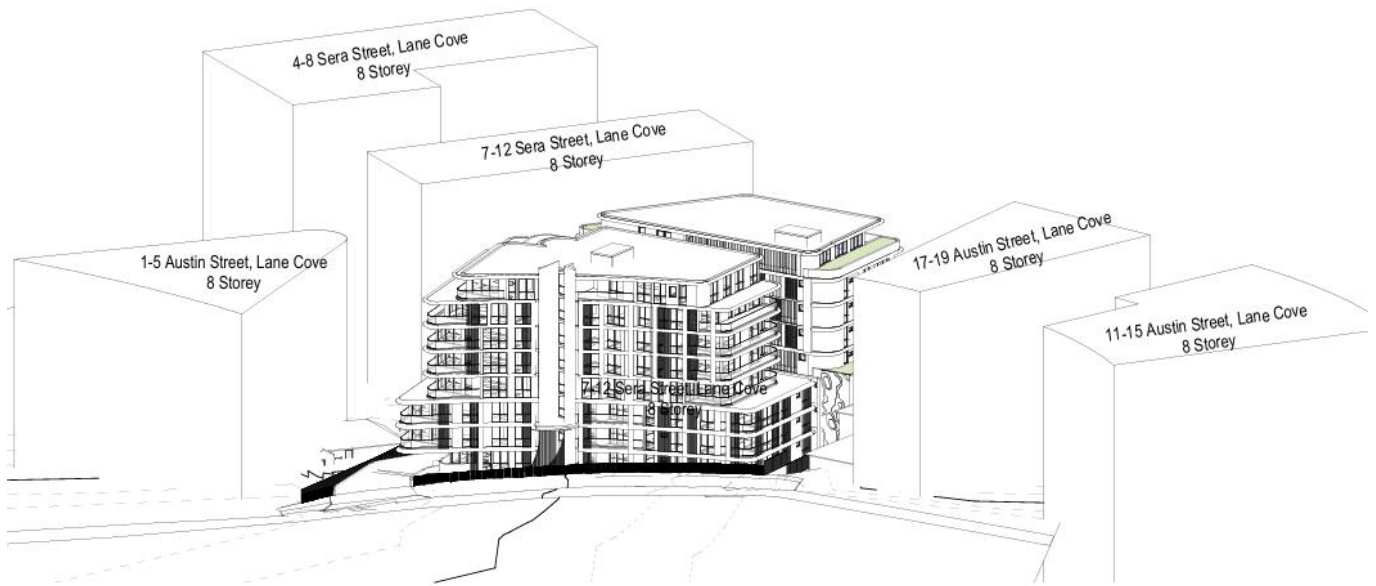


Figure 12: Massing plan (Source: Applicant)

The massing plan in **Figure 12** above inaccurately represents the proposed 10 storey development as appearing smaller than neighbouring 8 storey developments. The neighbouring developments appear substantially larger than the achievable height, FSR and setbacks permitted under the Housing SEPP. The massing options fail to take into consideration the natural slope of the area. This plan fails to accurately depict natural ground level and has not provided any confirmed RLs to situate these buildings accurately.

The Development Application has failed to consider the context of the area including the Lane Cove Public School (subject to significant adverse impacts) and the development located in the Local Centre. No consideration has been provided for the rear façade and its relation with the reserve located between the site and the Local Centre zone. Council views the site as a potential key gateway into the Lane Cove Village and this interface requires detailed analysis.

The Development Application has failed to provide an adequate streetscape analysis to consider the proposed bulk and scale from pedestrian level. It is unclear where the mailboxes would be located for Tower B and how deliveries would be accepted. Council does not support the entry through Tower A and/or the communal open space, as it would result in an unreasonable outcome (additionally it would detriment the amenity of the communal open space).

Objective 3B – Orientation

The proposed development fails to satisfy Objective 3B of the ADG. The proposed development fails to respond to the streetscape and provides an unacceptable approach to the street frontage and front setback area. The Applicant has provided no response to the RFI which sought confirmation on compliance with Objective 3B. The proposed development includes significant excavation in order to facilitate additional storeys below natural ground level. This results in subterranean units which would achieve compromised amenity. The proposed design has failed to optimise solar access to these units.

Whilst the development provides a 2 tower approach, the impacts of future development located north of the site have not been demonstrated. The impacts on 5 Austin Crescent are unclear as 2pm has been omitted from the shadow diagrams. The Development Application has not been

accompanied by a solar compliance table for surrounding development to ensure compliance is achieved.

The proposed development fails to respond to the desired streetscape character with regards to landscaping and the public domain interface, as discussed in the following section. Meaningful landscaping is restricted as discussed in the Landscape referral's section later in this report. The Development Application fails to demonstrate how the proposal seeks to promote amenity for both the subject development and neighbour properties.

Objective 3C – Public domain interface

The proposed development fails to adequately address the public domain interface and fails to satisfy Objective 3C of the ADG. The proposed development provides a tiered front setback area which is excavated well below street level. This would result in the provision of subterranean units located well below existing ground level. Accordingly, the development proposes a highly compromised and unattractive relation with the public domain.

The ADG recommends that terraces, balconies and courtyard apartments have direct street entry to ensure appropriate public domain activation and mutual passive safety. The ADG also recommends that front gardens and dwelling entries are provided above street level to improve visual privacy for ground level dwellings whilst provided passive surveillance of the street. The proposed development contradicts these provisions and provides a poor design solution in relation to the public domain interface.

The front facing units of Tower A (below street level) experience unreasonable overlooking and privacy impacts. This directly contrasts the ADG recommendation that private terraces and front gardens should be located above street level. Overlooking would be facilitated by the substantial level difference from the street and proposed access ramps / stairs. Future residents would likely have curtains drawn to minimise these impacts, which is an unacceptable outcome for these units, which are already proposed to have poor amenity in terms of solar access, ventilation and visual outlook.

The ADG requires that planting is provided to soften the appearance of the development. The proposed front landscape area is significantly restricted. The terraced deep soil area restricts the quality of solar access and restricts the planting of suitable canopy trees. Accordingly, the landscape treatment is not likely to contribute to the vegetated streetscape of Austin Street or provide any vegetative relief for the appearance of the development. The streetscape would contrastingly be presented by a significant 29m / 10 storey wall which is 44m wide.

Objective 3D - Communal and public open space

The proposed development fails to provide communal open space {COS} with reasonable active recreational opportunities, solar access, privacy or visual outlooks. Accordingly, the proposal fails to satisfy Objective 3D of the ADG and does not adequately promote social interaction.

Council does not support the proposed COS as it would provide limited amenity and fails to satisfy the relevant requirements of the ADG and Council's DCP. The area denoted as COS on the architectural plans is predominantly occupied by pathways and areas of passive landscaping located between boundary setbacks. The proposal includes 238sqm of communal open space provided between Tower A and Tower B {central COS}, where 920sqm is depicted as COS on the Architectural plans. The provided total includes landscaped areas within setbacks, which would

provide limited usable amenities for the future residents. These setback areas are more appropriately categorised as deep soil / landscaped areas. There are no facilities which would encourage residential use or social interaction as sought by the ADG.

Accordingly, the central COS would occupy 7% of the site area, where the ADG requires that the communal open space is equal to 25% of the site area. A maximum of 1 hour solar access would be provided to the central COS area at 10am. This does not achieve the minimum solar access requirements of 2 hours for 50% of the area and would result in a space which is heavily shaded and undesirable for future residents. The Development Application has failed to confirm whether any solar access would be received in the instance the neighbouring property is developed. Further separation, particularly at the northern parts of the Tower's would result in compliant solar access being provided to the areas which promote active use of the communal open space.

Locating the COS area between the towers achieves poor amenity and fails to promote use of this area. This location results in adverse visual impacts due to the limited building separation, façade treatment and excavation below existing ground level. This area is dominated by large facades and does not promote the use of this area.

A majority of the Central Communal Open Space is comprised of garden beds and footpaths. This area is also identified as the main thoroughfare for people and visitors entering Tower B which is accommodated through Tower A which is an unreasonable design outcome. It is unclear how deliveries and postage would operate within this area, both of which are inappropriate to be utilisation this area.

The communal open space is burdened, being the formal access to Tower B for both residents, guests, emergency persons and delivery persons. This does not maximise safety and is an inappropriate outcome for the communal open space as it restricts the amenity and security of this area.

The proposal provides insufficient amenities, table seating for 4 people, as well as, 2 benches along the footpath pathway. This is considered to be unreasonable as the proposed development is for 82, 2-3 bedroom dwellings and could conservatively accommodate 200+ people.

The ADG requires that a range of activities are provided and that the space is attractive and inviting. The central COS fails to achieve these requirements for the reasons provided above. This results in an unpleasant experience for the future occupants of the proposed development. The proposed development should be amended to optimise solar access and increase the provision of amenities.

Based on the above concerns raised, the proposal does not meet the DCP Section 3.17 Communal Open Space objectives:

- 1 To provide residents with passive and active recreational opportunities.*
- 3 To ensure that communal open space is useable and attractive.*

Public open space has not adequately been considered. The development should consider the provision of a through site link from Austin Street to the Lane Cove Village located at the rear of the development. This would require greater connectivity and leveling between the front and rear boundary which would result in a superior design outcome and increased connection between the site and the locality. This is the form of contextual / streetscape analysis which is missing from the development application.

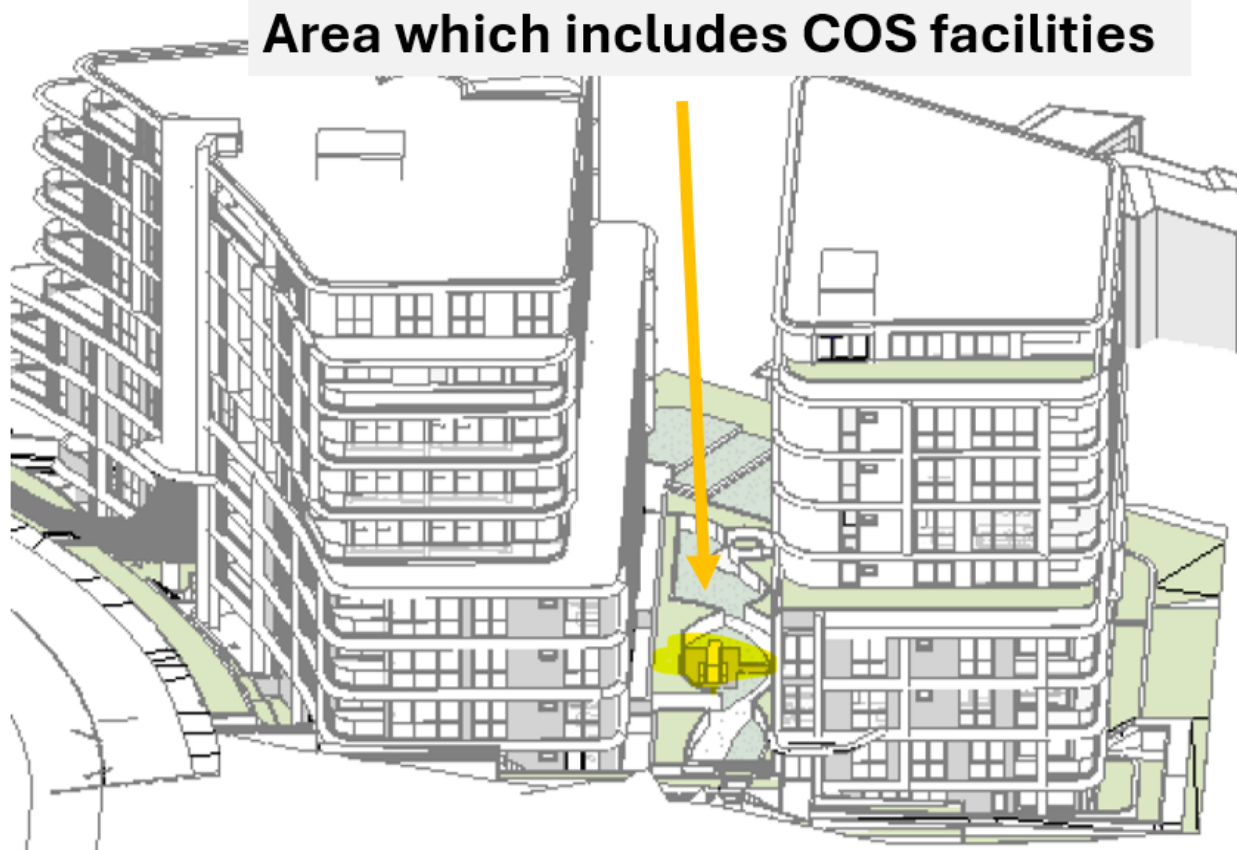


Figure 13: Limited Active Communal Open Space highlighted in yellow. (Source: Architectural plans)

3D – Deep Soil Zones

The proposed development seeks to benefit from the LMR provisions of the Housing SEPP and as such this assessment takes precedence. These provisions refer to the requirements of the Tree Canopy Guide for Low and Mid Rise Housing, where Table 7 contains the requirement of 15% of the site as deep soil for sites greater than 1,500sqm and provides the relevant definition being areas of deep soil which are horizontally connected for a dimension of 6m x 6m.

The ADG design guidance establishes that on sites greater than 1,500sqm that 15% of the site area should be dedicated as deep soil areas. The subject site attains a total site area which is more than double this requirement being 3,679sqm. As such the proposed development should achieve 15% of the site area as deep soil, where merely 10.3% deep soil has been provided in accordance with these assessment requirements. Refer to the Landscaping Referral Requirements provided later in this report.

3F – Visual Privacy

The Development Application has incorrectly calculated the internal setbacks. The galleries / breezeway corridors in Tower B are considered to be habitable under Objective 3F-1 of the ADG, see **Figure 14** below.

Design criteria

1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

Building height	Habitable rooms and balconies	Non-habitable rooms
up to 12m (4 storeys)	6m	3m
up to 25m (5-8 storeys)	9m	4.5m
over 25m (9+ storeys)	12m	6m

Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)

Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties

Figure 14: ADG provision (Source: ADG)

The Applicant has considered the gallery areas shown in blue as non-habitable, refer to **Figure 15** below:

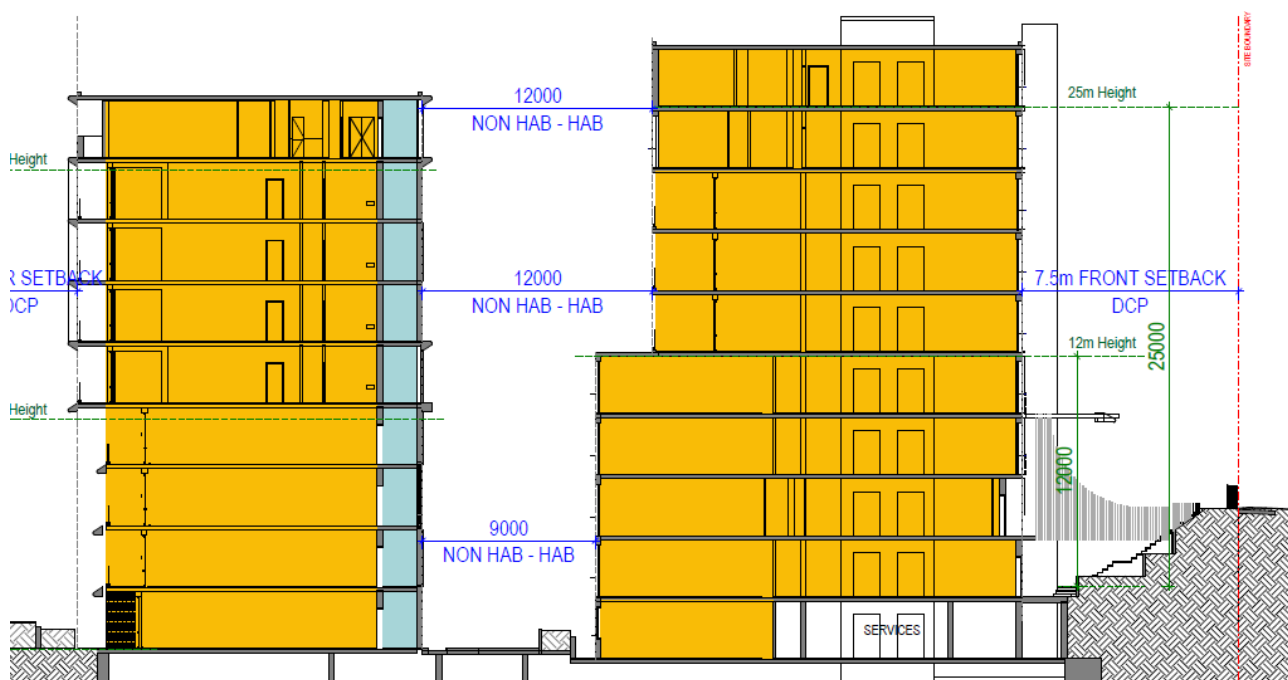


Figure 15: The blue area identifies the gallery areas which are incorrectly identified as non-habitable. (Source: Architectural Plans)

The proposed development fails to satisfy the ADG separation requirements as shown in **Table 12** below:

Table 12 – ADG Setback Assessment		
	Tower A	Tower B
North (Side setback)	Level 1 – Level 4 (4 storeys): 6m Level 5 – Level 8 (5-8 storeys): 9m Level 9 (9 storeys +): 12m	Ground – Level 3 (4 storeys): 6m Level 4 – Level 7 (5-8 storeys): 9m Level 8 (9 storeys +): 12m
East	Eastern Setback (front setback consideration with Council’s DCP)	Ground – Level 3 (4 storeys): 9m provided <i>– requires 12m separation</i> Level 4 (5 storey): 9m – requires 18m separation Level 5 – Level 7 (5-8 storeys): 12m – requires 18m separation Level 8 (9 storeys +): 12m – requires 24m separation
South (Side setback)	Level 1 – Level 4 (4 storeys): 6m Level 5 – Level 8 (5-8 storeys): 9m Level 9 (9 storeys +): 12m	Ground – Level 3 (4 storeys): 6m Level 4 – Level 7 (5-8 storeys): 9m Level 8 (9 storeys +): 12m
West	<u>Western Rear Setback (to Tower B)</u>	Towards 12 Sera Street

Table 12 – ADG Setback Assessment		
	Tower A	Tower B
	<p>Ground – Level 3 (4 storeys): 9m provided – requires 12m separation</p> <p>Level 4 (5 storey): 9m – requires 18m separation</p> <p>Level 5 – Level 7 (5-8 storeys): 12m – requires 18m separation</p> <p>Level 8 - 9 (9 storeys +): 12m – requires 24m separation</p>	<p>Ground – Level 3 (4 storeys): 6m</p> <p>Level 4 – Level 7 (5-8 storeys): 9m</p> <p>Level 8 (9 storeys +): 12m</p>

The Applicant has sought to rely on privacy measures and a defensive design approach, to achieve deemed compliance with the nil setback provision, which is more appropriate in addressing the provision of a new RFB constructed next to existing developments with an existing nil setback to the boundary. It is unreasonable to rely upon this provision where a new development proposes unacceptable and inadequate amenity for a number of internally facing and sole orientated units.

The Applicant has sought this design approach as a means of achieving compliance. The privacy measures imposed to achieve this *deemed compliance* with the reduced setback requirements, results in poor amenity outcomes and significantly restricts the proposed development. The Development Application seeks to achieve the full bonus afforded by the LMR and Affordable Housing Provisions, at the detriment of the amenity of neighbouring developments and the future occupants of the proposed development.

The internal separation between Tower A and Tower B does not comply with the objectives of the ADG requirements. This is not supported due to the significant impacts on amenity resulting from the design response to the limited separation. The treatment of the walls results in poor visual amenity for the units which face the façade of Tower A, particularly the single aspect units.

The same impact is experienced for the communal open space which is assessed as being an uninviting area. The treatment also limits the ability of the single aspect units in Tower A which could otherwise have multiple facades, improved solar access and improved cross flow ventilation. The development should be amended to satisfy the separation requirements.

The limited internal setbacks and defensive design contradicts the intent of the ADG separation requirements which seek to promote access to light and air, and, balance outlook and views from habitable rooms and private open space.

The design response to the non-compliant separation compromises the floor plate design of units and precludes cross-through ventilation, visual amenity and solar access opportunities. The limited internal setbacks and defensive design contradicts the intent of the ADG Objective 3F-2 separation requirements which seek to promote access to light and air, and, balance outlook and views from habitable rooms and private open space.

3G - Pedestrian access and entries

The proposed entrances do not adequately address or relate to the street level. The access to the rear building is not well defined and would result in complications for deliveries. Wheelchair and

pram access is convoluted and entrance for Tower B is inappropriate as previously discussed above (Tower A lift, Communal Open space).

The ADG requires that where multiple buildings are located on the site, a primary street address should be provided with clear sight lines and pathways to secondary building entries. There is unreasonable consideration for a person traveling from the street level through to Tower B.

A through site link from Austin Street to the Lane Cove Village located off the rear of the development to provide better connections between the destinations.

3H – Vehicle Access and 3J - Bicycle and car parking

Council's Traffic and Waste team have raised the following concerns, further detail is provided in the referrals section later in this report:

Council's traffic team does not support the current the driveway location as it is non-compliant with AS/NZS 2890.1:2004 which requires separation of 40m from the corner where only 30m is provided. The Applicant has not provide any justification for this breach or how safety can be addressed.

The vehicle access point is required to be reduced from 9m to 6m minimise conflicts with pedestrians.

Head light glare would occur for the units located above the driveway resulting in poor amenity, it is unclear how this has been addressed.

Council's traffic team does not support the location of visitor bicycle parking as it is not legible and would generate safety concerns. It should be located in proximity to the building entrance.

Significant concerns in relation to the lack of consideration for the arrival of guests or delivery drivers on motor bikes / bicycles. Austin Street is no stopping and there are no provisions for visitor parking at the entrance. It is unclear if it is proposed that the delivery person would travel through the building and communal open space with their vehicle.

Bulky waste can't be service from Austin Street as it is No stopping. The provision for bulky waste collection on site is to be accommodated within the basement.

Visitor bicycle parking is note supported in the basement and should be provided near the entrance.

4A - Solar and daylight access

Compliance is reported however the updated sun-eye diagrams do not demonstrate that measurable / substantive solar access has been provided to the subject living rooms. The elevations identified in **Figure 16** and **17** rely on oblique angles of sun light which are unlikely to provide meaningful penetration of direct sunlight to living spaces.

A clarification was sought in regard to Apartment A-101 (amongst others) to confirm whether compliant solar access was provided to the living room. The updated sun-eye diagram does not demonstrate compliance given the oblique angle.

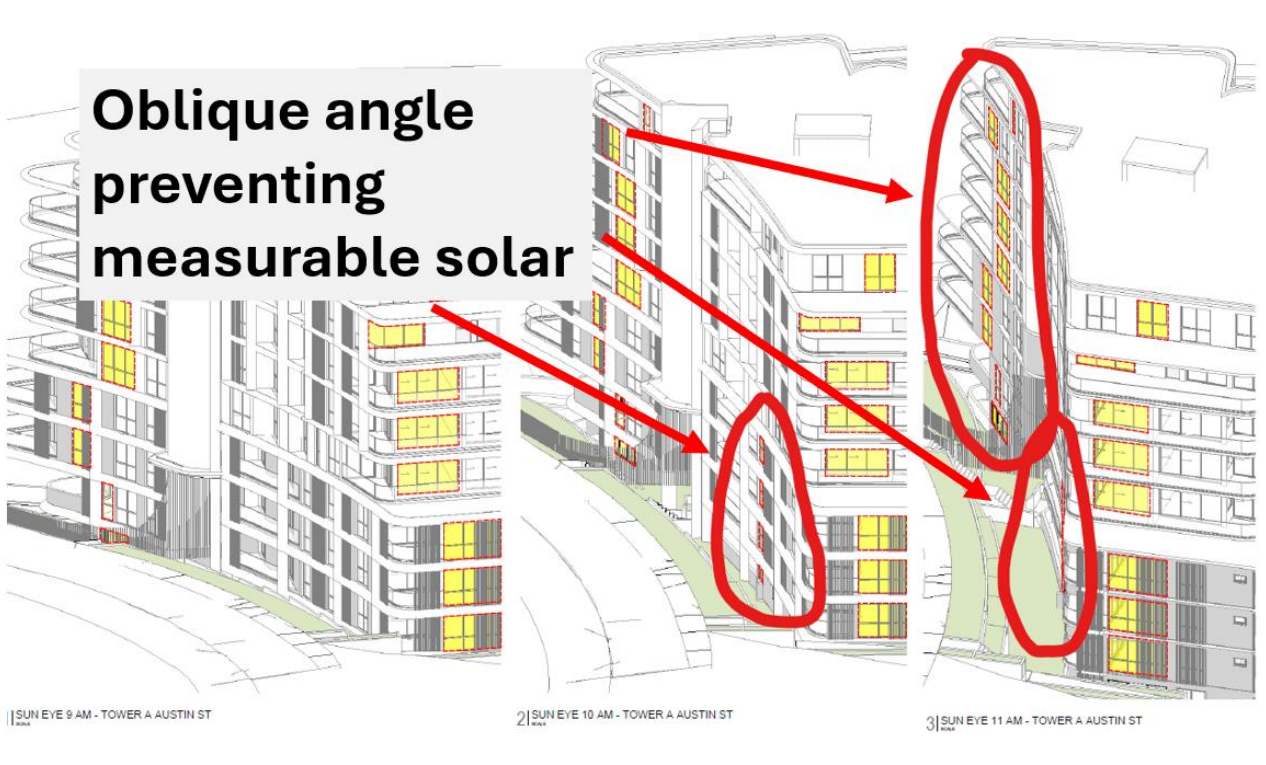


Figure 16: Tower A Austin Street Frontage (Source: Updated Architectural Diagrams – DA9036)

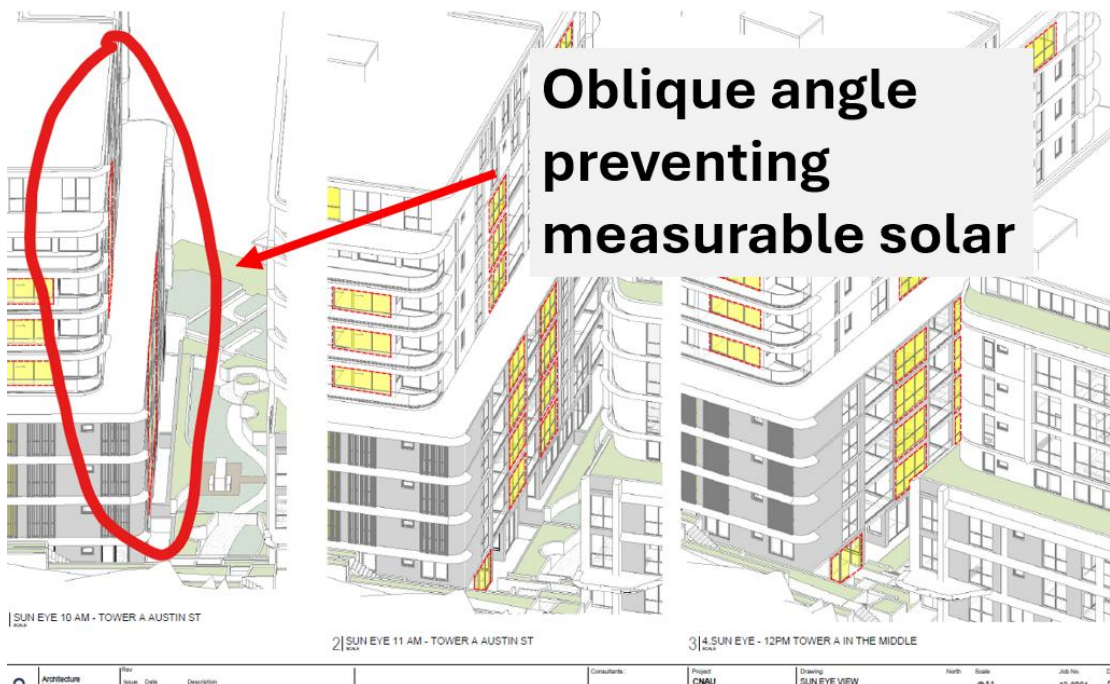


Figure 17: Tower A Western façade facing COS (Source: Updated Architectural Diagrams – DA9037)

4D - Apartment size and layout

The ADG requires that for open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window, where most apartments have an open

plan layout with a depth exceeding 8m such as the subterranean Units A-G01, A-G02 and A-G03 and south facing units such as A-206.

4E - Private open space and balconies

The ADG requires that at ground level private open space is provided which must have a minimum area of 15m² and a minimum depth of 3m. A-G02 – does not comply as the 3m deep section is only 11sqm. The balconies of units A-803 and B-802 have unreasonable chock points which is required to be addressed in order to encourage the usability of these spaces.

The proposed development achieves suboptimal positioning of POS and living areas. The ADG requires that primary private open space and balconies are appropriately located to enhance livability for residents. Private open spaces and balconies should predominantly face north, east or west, where the POS and living areas of A-206, A-306, A-406, A-504 and B-403, B-503 B-603, B-703 are orientated towards the southern aspect. This is a poor design outcome.

The extensive screening provided would result in an unacceptable amenity outcome for units such as A-202, A-203 and A-206, refer to **Figure 17A and 18** below.

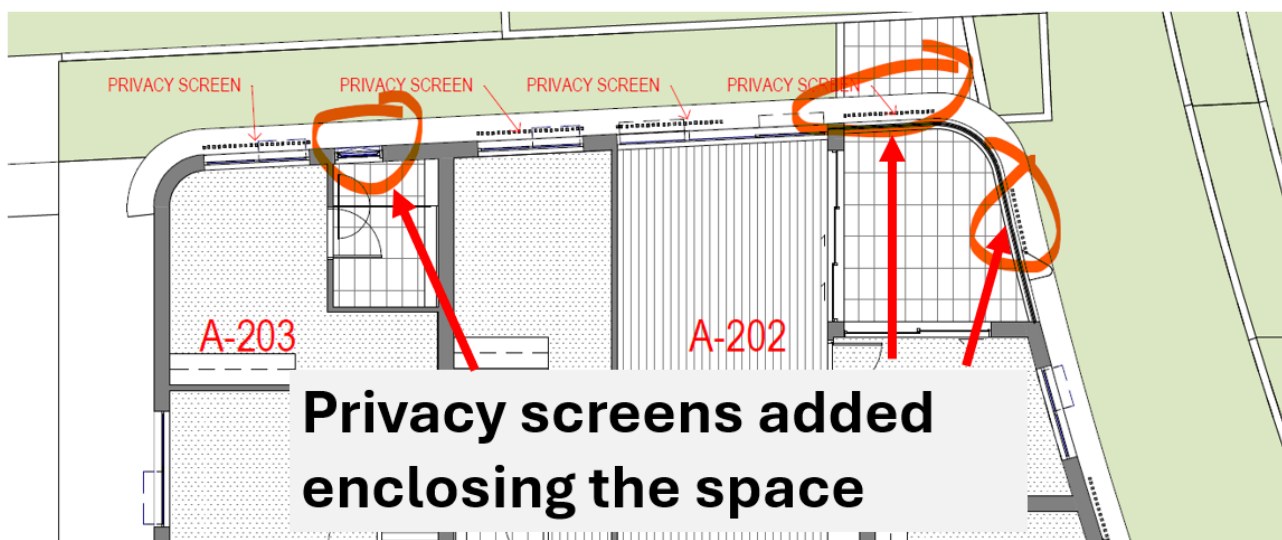


Figure 17A: Screening for balconies indicated in red (Source: Updated Architectural Plans – DA 9109)

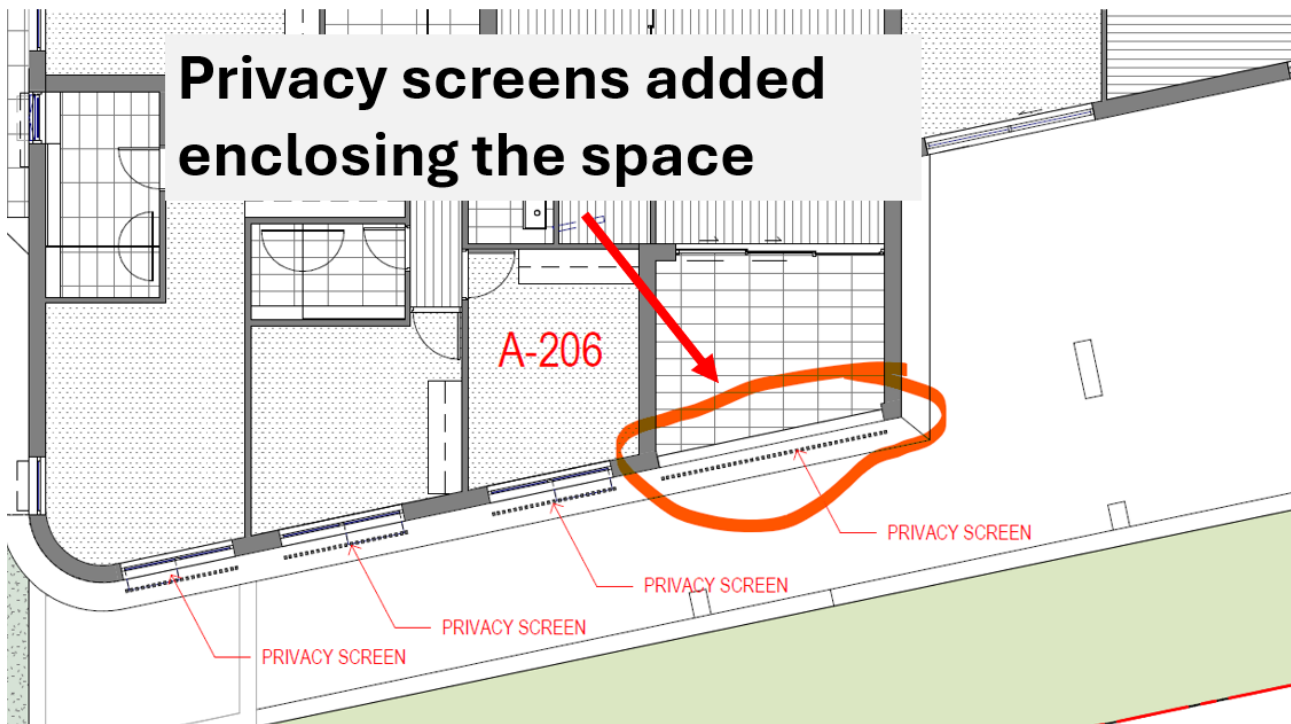


Figure 18: Screening for balconies indicated in red (Source: Updated Architectural Plans – DA 9109)

4F Common circulation and spaces

The proposed common circulation spaces achieve poor amenity and the corridors of Tower A result in a confined and unpleasant space. Corridors should be limited to 12m from the lift core and in the areas where compliance is not achieved, alternative design solutions should be included. Tower A does not achieve compliance for level 2, level 3 and level 4 and no relief is provided.

The breezeway design of Tower B limits the opportunities for dual aspect apartments which compromises amenity as previously discussed. Tower B is also very disconnected from the street which has not been adequately addressed.

The proposed development fails to provide adequate provisions for safety. This includes lighting which would be necessary for safety would conflict with the nighttime amenity of the internal facing units of Tower A. The proposed development fails to provide adequate seating for people utilising the heavily trafficked Tower A lifts. Inadequate provisions for pram and wheelchair access, as well as bicycle access to the basement has been provided. Conflicts occur where these occupy the lobbies, lifts and entrances at the same time. This is likely in Tower A given all traffic utilises this lifts including all occupants across both towers and all deliveries and guests.

4K Apartment mix

The proposed development does not achieve reasonable apartment diversity. No single bed apartments have been provided which fails to satisfy the objectives of the ADG in providing diverse housing. Flexible apartment configurations should be provided to support diverse household types and stages of life including single person households.

This is of particular concern in a development which is sought to provide affordable housing pursuant to the Low and Mid Rise housing provisions and the Affordable Housing Bonus of the

Housing SEPP 2021. The distribution of apartments does not achieve equitable access to amenity as the apartments which receive the worst amenity have been identified as the Affordable Housing Dwellings.

4L Ground floor apartments

The proposed ground floor apartments have been excavated into the site and would have an unreasonable relation with the street frontage. This results in poor amenity for these dwellings, non-compliance with the deep soil requirements and poor activation of the street interface. The entry foyer for Tower A is not well defined and is inappropriate for the reasons previously raised. The Applicant has sought to achieve the full FSR allowable by the development standard and through the provision of these subterranean units which is not supported and considered to be an overdevelopment of the site.

The rear apartments provide inadequate interface with the Council reserve located at the rear of the site. These apartments should provide access and passive surveillance to this area. This would appropriately address the Council reserve and provide activation of this space.

4M Facades

The proposed development fails to satisfy the ADG requirements for the facades. The building entrances are not clearly defined, which diminishes the sense of arrival. Access to Tower B is not equitable or legible as the user is required to travel through Tower A and the Central Communal Open Space to enter Tower B.

4O – Landscape Design

The landscape design is not supported, see the Landscape referral section later in the report for further detail.

Non-compliant deep soil provided. Inefficient landscaping areas provided within the front setback area which would not support canopy trees. The proposed front setback area would be located below street level. This would prevent the proposed landscaping from contributing to the streetscape and a frontage dominated by a 30m wall. This results in poor amenity and is out of character with the street.

4Q Universal design

The ADG requires that equitable access and a variety of housing is provided for all community members. Tower B is not considered to be equitable in terms of entrance. There is no clear path of travel for visitors and particularly wheelchair access.

6 Accessible units have been provided in Tower B which is considered to be an inappropriate location given the lack of on grade access to this building. Concerns are raised in relation to evacuations of the site in the instance of fires where lifts are not permitted to be used. The proposed access is also a concern in the instance where emergency services are required to navigate convoluted routes, through Tower A, to Tower B.

The ADG requires that design solutions for adaptable apartments include convenient access to communal and public areas with high level of solar access. There is no equitable access to the portions of the communal open space which receive compliant solar access. This is a result of

insufficient solar access being provided to the central area which accommodates the useable facilities, and, the portion of “communal open space” identified on the plans which receives compliant solar access is not considered to be useable as communal open space.

4T- Awnings and Signage

Minimal weather protection provided for the entrance area. No signage strategy has been provided and the entrances lack adequate visual prominence. It is unclear how people reasonably navigate the site for things such as delivery, mail, guests and emergency services.

4V Water management and conservation

Council’s Development Engineer does not support the Flood study provided, as it confirms the site would be subject to flooding as a result of the level of excavation, refer to Development Engineer referral section.

4W Waste management

Bulky waste is required to be facilitated on site and the basement does not include the clearance for Council’s general waste vehicle. Refer to waste and traffic referral section.

The Development Application fails to satisfy all the requirements within Chapter 4 of the Housing SEPP 2021.

SEPP BASIX 2004

An amended BASIX certificate has not been provided, however the original BASIC Certificate confirmed the development is capable of compliance with the provisions of the SEPP, refer to **Annexure 18**. An updated BASIX would have been requested where the Application recommended for approval.

The Development Application is capable of satisfying the SEPP BASIX 2004

SEPP Resilience and Hazards 2021

The proposal is assessed against the relevant provisions of SEPP Resilience and Hazards 2021 as detailed in **Table 13** below.

Table 13 – SEPP Resilience and Hazards 2021 Compliance Table	
Provision	Compliance
<p><i>(1) A consent authority must not consent to the carrying out of any development on land unless -</i></p> <p><i>(a) it has considered whether the land is contaminated</i></p> <p><i>(b) if the land is contaminated, it is satisfied the land is suitable in its contaminated state (or will</i></p>	<p>Satisfactory - The development application was accompanied by a Preliminary Site Investigation Report, (Annexure 34) which concludes that <i>based on the literature review and findings of the preliminary investigation without sampling</i>, the site is unlikely to be contaminated due to its historic residential use.</p>

Table 13 – SEPP Resilience and Hazards 2021 Compliance Table	
Provision	Compliance
<p><i>be suitable, after remediation) for the purpose for which the development is proposed, and</i></p> <p><i>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i></p>	<p>The recommendation requires the provision of:</p> <p>Hazardous Materials Survey Report with an Asbestos Management Plan.</p> <p>Detailed Site Investigation Report.</p> <p>Council’s Environmental Health Officer is satisfied that should the Application have been supported, these could have formed as conditions of consent.</p>
<p><i>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</i></p>	<p>Satisfactory – The preliminary site investigation report confirmed that the site is capable of continued use for residential.</p> <p>Relevant conditions would have been recommended were the Development Application recommended for Approval.</p>
<p><i>(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</i></p>	<p>Satisfactory – As above.</p>
<p><i>(4) The land concerned is—</i></p> <p><i>(a) land that is within an investigation area,</i></p> <p><i>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</i></p> <p><i>(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital—land—</i></p> <p><i>(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</i></p> <p><i>(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</i></p>	<p>Satisfactory – As above.</p>

The Development Application is capable of complying with SEPP Resilience and Hazards 2021

SEPP Transport and Infrastructure 2021

Pursuant to Clause 2.48(1)(d), the development application was referred to Ausgrid for comment with regards to potential works in proximity to Overhead Powerlines or Underground Cables. The response provided raises no concerns with the proposed works and provided conditions to mitigate construction impacts.

The proposal has been assessed against the relevant provisions of SEPP (Transport and Infrastructure) 2021 as detailed in **Table 14** below.

Table 14 – SEPP (Transport and Infrastructure) 2021		
Clause	Assessment	Compliance
2.122 – Traffic-generating development	The proposed development is not considered traffic-generating development by the meanings of the SEPP provision 2.122.	Yes

The Development Application complies with SEPP Transport and Infrastructure 2021

SEPP (Biodiversity and Conservation) 2021

The site is located on land to which the Biodiversity and Conservation SEPP 2021 applies. This SEPP aims to protect environmentally sensitive areas and prevent adverse impacts from development on the natural environment. The chapters of this SEPP which are relevant to the development application include the following:

- *Chapter 2 Vegetation in non-rural areas; and*
- *Chapter 6 Water catchments.*

Chapter 2 Vegetation in non-rural areas

Chapter 2 of the Biodiversity and Conservation SEPP 2021 aims to protect the biodiversity values of trees and other vegetation in non-rural areas of NSW. This is achieved through the preservation of trees to preserve the natural amenity of these areas. The subject proposal identifies the removal of some trees located on the site and provides insufficient details with regards to impacts on neighbouring trees. Council's Arborist raises concerns with the significant tree located adjacent to the rear boundary. The excavation and construction process is likely to have an adverse impact on this tree, which has not been adequately considered in the supplied documents. Accordingly, the Development Application has failed to demonstrate how the proposal would protect and preserve the natural amenity.

The proposed development provides inadequate deep soil areas within the site to enable the provision of replacement canopy. The areas denoted on the landscape plans as deep soil includes retaining wall structures and level changes, which limit the potential replenishment canopy. The development therefore detracts from the existing landscape amenity and fails to ensure the viability and longevity of a mature canopy within the future local urban environment. Council requires that developments achieve no canopy loss and provides canopy targets for development within the

DCP. The required canopy calculations were requested as part of the RFI and have not been provided. The development application fails to satisfy the aims of Chapter 2 of the Biodiversity and Conservation SEPP 2021.

Chapter 6 Water catchments.

Chapter 6 of the Biodiversity and Conservation SEPP 2021 aims to prevent adverse impacts on stormwater run-off. This includes both the quality of stormwater run-off and adverse changes to stormwater run-off patterns. The proposed excavation would have an adverse impact on stormwater as identified in the Flood Study. Council's Development Engineer has raised concerns with these impacts, as detailed in the referral's section later in this report. Accordingly, the development application as proposed would not satisfy the requirement of Chapter 6. It is likely that amendments and reduced excavation could ensure the relevant provision are satisfied.

The Development Application fails to satisfy SEPP Biodiversity and Conservation 2021

SEPP Planning Systems 2021

The Development Application has an estimated development cost of **\$52,963,994** which does not meet the criteria (more than \$75 million for In-fill affordable housing developments) for State Significant Development under Schedule 1.

The Development Application has been reported to the Lane Cove Planning Panel for determination based on total development cost and the number of submissions.

The Development Application does not trigger State Significant Development under the SEPP Planning Systems 2021

PROPOSAL DATA/POLICY COMPLIANCE

Lane Cove Local Environmental Plan 2009- Permissibility

Part 1 Preliminary

The proposed development does not adequately present contextual responsiveness and would adversely impact the local environment and neighbouring amenity, as discussed throughout this report. The development is therefore inconsistent with the following aims of the LCLEP 2009:

(b) to preserve and, where appropriate, improve the existing character, amenity and environmental quality of the land to which this Plan applies in accordance with the indicated expectations of the community,

(c) in relation to residential development, to provide a housing mix and density that—

(i) accords with urban consolidation principles, and

(ii) is compatible with the existing environmental character of the locality, and

(iii) has a sympathetic and harmonious relationship with adjoining development,

(e) in relation to the management of open space, public and privately-owned bushland, riparian and foreshore land—

(iv) to link existing open space areas for public enjoyment,

- (f) in relation to conservation—
- (iii) to control all new buildings to ensure their compatibility with surrounding existing built form and natural environmental character, and
- (iv) to conserve heritage items,

Part 2 Permitted or prohibited development -land use zoning

The subject site is located in the R3 Medium Density Residential zone as identified in the LEP land zoning map, see **Figure 19** below. Residential Flat Buildings are not permitted in this zone under Council’s LEP. The Applicant has sought to rely upon Chapter 6 of the Housing SEPP which permits the development of a Residential Flat Building in R3 Medium Density Residential zone, where proposed in accordance with the LMR provisions. The development application satisfies the permissibility requirements of Chapter 6.

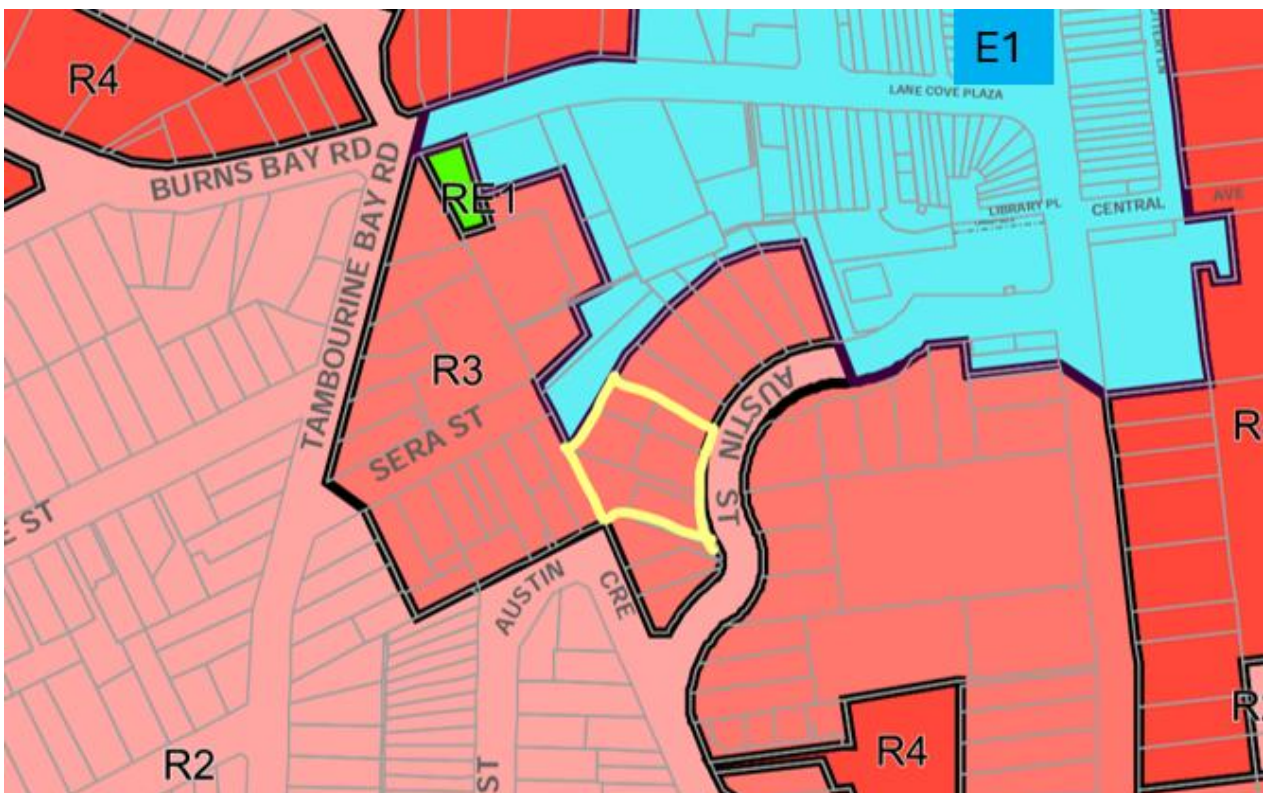


Figure 19: Site located in the R3 Zone as highlighted in yellow (Source: LEP Land Zone Map)

Clause 4.3 Height of Buildings and Clause 4.4 Floor Space Ratio

The proposed development has been assessed against the LEP development standards as influenced by the Housing SEPP bonuses, refer to **Table 15** below.

Table 15 – LCLEP 2009 – from excavated basement			
Standard	Control	Proposed	Compliance
Height of Buildings	9.5m – Council’s LEP	-	-
	22m - Chapter 6 of the Housing SEPP	-	-
	28.6 – Full 30% bonus afforded by Chapter 2 Affordable Housing, however has not been activated.	-	-

Table 15 – LCLEP 2009 – from excavated basement			
Standard	Control	Proposed	Compliance
	24.42m – 11% bonus afforded in accordance with the GFA provided.	28.26m	No, see reasons for refusal
Floor Space Ratio	0.7:1 – Council’s LEP	-	-
	2.2:1 - Chapter 6 of the Housing SEPP	-	-
	2.86:1 - Full 30% bonus afforded by Chapter 2 Affordable Housing, however has not been activated.	-	-
	2.442:1 – 11% bonus afforded in accordance with the GFA provided.	2.86:1	No, see reasons for refusal

Additional GFA through screens

The Applicant has sought to address privacy concerns through the provision of privacy screens. These screens may potentially enclose balconies and could be used as rooms. Insufficient details have been provided to ensure that these areas aren’t considered as GFA. The units which relate to this concern include A-203, A-202 and A-206, as shown in Figure 17A and Figure 18 in the ADG assessment section of this report.

Clause 5.10 Heritage Conservation

The subject site is located in proximity to several heritage items as identified in the Statement of Environmental Effects. The Applicant has sought not to provide a Heritage Impact Statement or any assessment against the relevant LEP provisions or the Part B.9 Heritage provisions of Council’s DCP. The proposed development is a 10 storey RFB which would be visually dominant within the streetscape and visible to these heritage sites. The Development Application has failed to demonstrate that the proposal would not adversely impact the heritage value of the adjacent items. The subject site is adjacent to the Lane Cove Public School and 2 heritage dwelling houses item located on the corner of Austin Street, refer to **Figure 20** below. A Heritage Impact Statement is required to consider the impacts on heritage significance. It is noted that the 2 heritage dwellings are subject of a Planning Proposal for delisting as a heritage item.

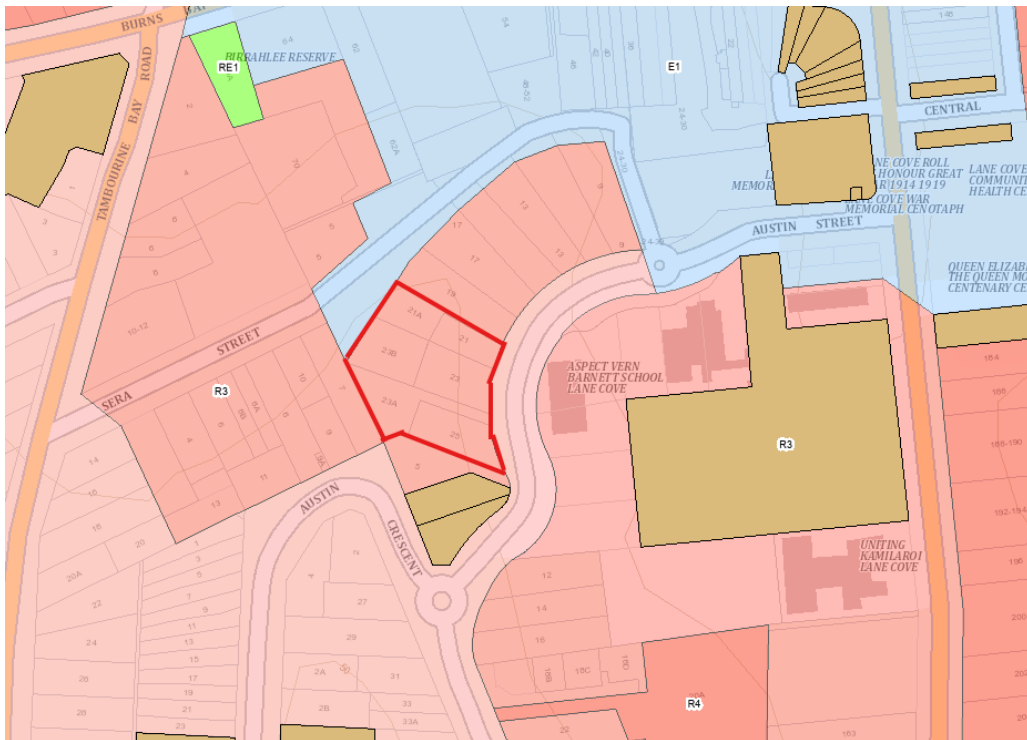


Figure 20: Heritage Items identified in gold (Source: ePlanning Spatial Viewer)

Clause 6.1 Acid Sulphate Soils

The subject site is not identified as containing acid sulphate soils on the relevant LEP Map.

Clause 6.1A Earthworks and Part C 3.8 Excavation DCP 2009

The proposed development fails to satisfy Clause 6.1A of Council's LEP 2009. The relevant objective of this clause is to ensure that earthworks for development would not have a detrimental impact on the environmental functions and processes, or, features of the surrounding land. Accordingly, the determining authority is required to consider the following relevant matters:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

The proposed development does not satisfy subclause (a) and (g) due to excavation impacts. Council's first RFI required the provision of a Flood Study to consider the hydrological impacts of the development. This report was provided to Council and has been reviewed by Council's Development Engineer who has raised significant concerns with the reported impacts on local drainage patterns and the subject development, see the referral section later for further details. The proposed excavation would result in adverse flooding impacts which would burden the subject site, adjoining properties and the future development. Accordingly, the proposed development would have a detrimental effect on existing drainage patterns and the associated watercourse management.

The proposed development does not satisfy subclause (b) as the proposed excavation does not consider the desirable character and would adversely affect future use. The proposal seeks to excavate significantly below existing ground level as shown in **Figure 21** below. This contradicts the ADG and DCP requirements which seek to ensure that the development positively relates to

the streetscape and adjoining developments. The proposed excavation within front setback area would result in adverse amenity impacts as reported in the ADG assessment earlier in this report. This restricts both the active residential use and the passive use (landscape amenity benefits for the streetscape). The proposed development should be amended to achieve the desired approach (as influenced by the ADG and DCP) to the front setback areas along Austin Street for RFB developments. The proposed development contrastingly promotes a canyon like area which does not positively contribute to the amenity of subject residents or the streetscape, as detailed through the ADG assessment section of this report.

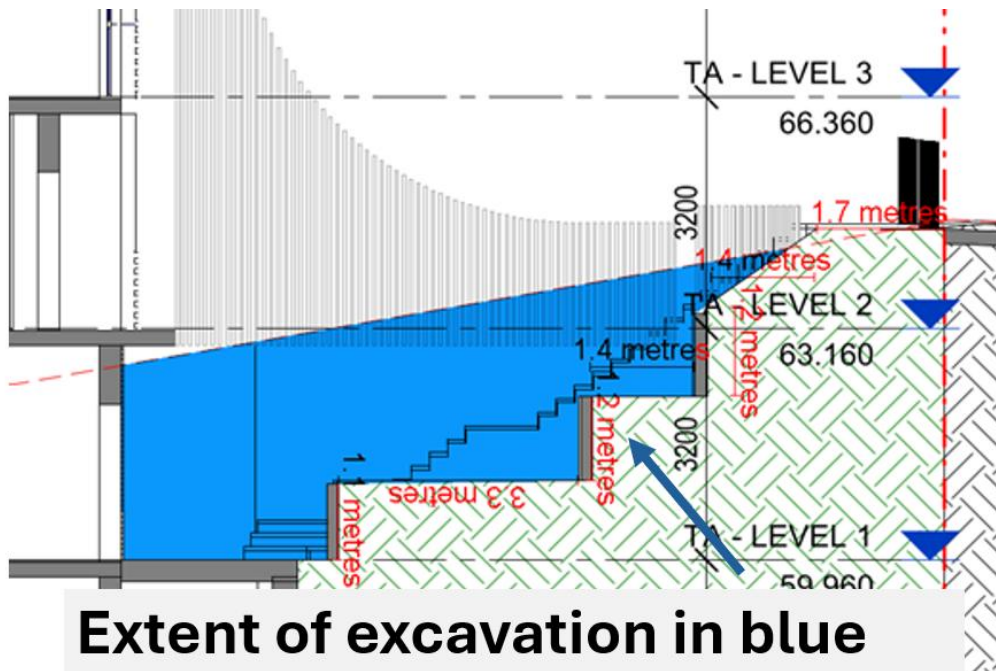


Figure 21: Front setback excavation shown in blue (Source: Architectural Plans)

The Development Application does not satisfy subclause (d) due to the amenity impacts on adjoining developments. Insufficient information has been provided with regards to the proposed construction impacts of the development. This information is required for Council's assessment prior to determination due to the sensitive receives in proximity to the site. This includes the Lane Cove Public School, the Childcare developments, the Lane Cove Village and the low density residential developments in proximity to the site. It is noted that construction impacts can generally be mitigated through managed and considered construction methodologies. It is unclear whether the development satisfies subclause (d) in regard to construction, as these have not been reported to Council for consideration.

The proposed development does not satisfy subclause (d) due to the environmental amenity impacts on Council's reserve. The proposed excavation and required construction batter (construction process required for basement excavation) would result in detrimental impacts on the exiting Council trees located in proximity to the rear of the site. The full extent of these impacts remain unclear as the Applicant has not responded to the first RFI, which details the concerns raised by Council's Arborist (omitted root mapping information), see the referral section later in this report. The proposed excavation is likely to result in the failure of these trees which is not supported.

The proposed development fails to satisfy the Development Control Plan 2009 Part C Residential Development Section 3.8 Excavation requirements. The objectives for excavation include the following:

- 1 To minimise the impact of excavation on surrounding properties.*
- 2 To achieve reasonable landscaping within developments.*
- 3 To ensure development relates to the street level and the topography.*

The proposed development does not satisfy objective (1) for the reasons provided in conjunction with Clause 6.1A (a), (b), (d) and (g) above and as detailed extensively within the ADG assessment prior in this report.

The proposed development does not satisfy objective (2) as excavation is directly related to insufficient and compromised landscaped areas. The proposed excavation hinders the quality of landscaping provided and prevents the provision of LMR compliant deep soil landscaping. The proposed excavation directly contributes to poor landscaping outcomes within the front and side setback areas. The proposal includes an inefficient basement layout, which should be improved through a split level approach to reduce impacts. This could directly facilitate improved and compliant landscaped outcomes. The long driveway proposed constrains a large portion of the development and results from a failure to provide a more sympathetic split level approach. It is acknowledged that the subject site experiences a moderate slope to the rear, however the proposed development does not seek to provide an approach which is sympathetic to future amenity or the provision of high quality landscaping.

Council's Landscape Officer does not support the proposal due to the impacts of the extensive excavation and resultant tiered landscaping approach, see the Landscape referral section later in this report. The front setback area is heavily occupied by retaining walls and not capable of accommodating adequate replacement canopy trees, refer to **Figure 21** above. This does not contribute to the landscaped amenity of the proposed development and does not contribute to vegetated streetscape character of Austin Street. This fails to satisfy the requirements of the ADG and DCP with regards to contributing to neighborhood character.

The proposed development does not satisfy objective (3) as the proposed development fails to adequately address the street level. It is imperative a strong street level approach is provided within the front setback for the reasons detailed throughout this report including accessibility, legible entrances, landscape outcomes, positive streetscape appearance, privacy, unit amenity, safety and security. The proposed development not only fails to satisfy this requirement but further exacerbates the proposed impacts by excavating further beyond the natural ground level and street level, to facilitate subterranean units with poor amenity. It is acknowledged that the site experiences a moderate slope towards the rear, however this does not justify providing units with suboptimal amenity and a development which fails to address the streetscape.

The Applicants statement provides that proposed ground levels are typically not greater than 1 level below existing natural ground level. The impacts and amenity outcomes which have been detailed in this report confirm that an apartment being merely 1 level below existing levels results in an unreasonable outcomes. **Figure 22** below illustrates that the proposed units would be more than 1 level below existing ground levels.



Figure 22: Section through Tower A (Source: Architectural Plans)

Significant concerns are raised in relation to the proposed subterranean units A-G01, A-G02, A-G03, A-101, A-102 and A-106. The proposed excavation results in minimal natural light and unpleasant visual outlooks of retaining walls and stairs. This design approach would provide inadequate amenity with regards to solar access, ventilation and visual amenity. This has also been raised in the Design Review Panel comments.

The lower level apartments of Tower A which face Austin Street including A-101, A-102, A-106, A-201, A-202 and A-207 would be overlooked by pedestrians walking along the street which is an unacceptable privacy outcome. Residents, visitors or delivery persons would also have direct sightlines into the living spaces of apartments upon entry to Tower A (which includes all traffic for Tower B) which is an unacceptable amenity and security outcome.

The proposed development should incorporate elevated ground floors and reasonable at grade landscaped areas within the front setback area which respond to the street level. This would ensure the provision of apartments with adequate amenity, prevent direct overlooking into apartments and enable mutually beneficial surveillance and activation of the streetscape. This may require a split level approach to address the slope of the site while accommodating a basement.

The level of excavation should be reduced to ensure reasonable amenity is achieved, retain the natural levels of the site, provide an improved relationship between the street level and proposed ground floor level, and ensure the deep soil landscaping requirements can be achieved in areas which contribute to streetscape amenity.

The Development Application failed to provide a Construction methodology report for Council's assessment. This would have ensured a considered approach to construction within a sensitive environment and enabled an assessment of proposed impacts, given the sites proximity to sensitive areas including schools, child care centers, the shopping centre and carparks. This should have been provided in conjunction with a traffic management plan as well as storage, maneuvering areas and impacts on public assets.

Specific construction consideration is required to be given to neighbouring developments in proximity to the site including Lane Cove Public School, Goodstart Early Learning Lane Cove, Blossoms Childcare & Early Learning Centre - Lane Cove, Council Assets, neighbouring dwellings at 19 Austin Street, 12 Sera Street and 5 Austin Crescent. This report is also required to detail the process of the basement excavation along the shared boundaries particularly in proximity to the basement excavation along the southern boundary for residential properties and the western elevation for Council's trees.

4.15 (iii) Any development control plan:

Lane Cove Development Control Plan 2010 – Other Sections

The Lane Cove DCP 2009 {DCP} and other related plans are overridden by the Housing SEPP requirements in the instance of an inconsistency, in accordance with Section 8, Chapter 1 of the Housing SEPP. The relevant sections of DCP have been addressed in, **Annexure 3**, and through **referrals** where necessary:

Development Engineer and Civil Engineer

Part O – Stormwater Management

Unsatisfactory – The development application is not supported for the following reasons:

Stormwater Management

The stormwater design report prepared by SGC, Reference No: 20250008-L05_flood study [A].docx and dated March 23, 2026, is not supported for the following reasons:

1. The plan has failed to provide longitudinal sections including full level details and hydraulic calculations for the proposed relocation of the existing Council pipe system.
2. The existing natural surface level at the location of last pit inside the site is RL 56.68m. As per stormwater management plan, the plans have failed to provide the finished level of the proposed grated service inlet pit {GSIP} located in the lowest corner of the site. As per the flood study report, the top water level is RL 56.90m at this location. This pit would be under external flood water if the existing level is matched with pit grate level.
3. The minimum pipe size in public domain area is required to be 375mm. A 225mm UPVC is not permitted as the area is road reserve with two existing driveways.
4. The Applicant is required to secure an easement with the residents in downstream site, for the pipe works across their driveways and future repair works and maintenance. The Applicant has failed to provide any evidence of negotiations with 5 Austin Street to date as requested.
5. The invert of the orifice in the onsite detention system {OSD} is RL 55.785m and the flood level at proposed GSIP is RL56.90m. This indicates that orifice and the section of the OSD is underwater and OSD would not function as designed.
6. The proposed development includes a finished ground level at RL57.29m in Tower-B. As per flood study, the top water level at rear of Tower-B is varying from RL58.00m to RL60.50m. This indicates the ground floor is under water for the maximum of 3.21m depth.
7. The details of the proposed pump out system in the basement have not been provided.
8. The pollution analysis modelling (MUSIC) has not been submitted for the design and installation of GPT.

Flood Study

A Catchment Analysis and Flood Impact Study prepared by SGC, reference No: 2025-L05_flood study[A].docx and dated March 26, was submitted to Council following the first FRI. This report is not supported for the following reasons:

1. The top water levels upstream of the site are between RL 60.5m and RL 60.7m in pre-condition and between RL 60.1m and RL 60.2m in post condition. This indicates that the proposed development would reduce the top water levels by approximately 0.5m. No justification or clarifications have been provided to detail why the top water level has dropped.
2. The existing surface level in the northern corner of the site is RL 60.22m, where the top water level is RL 60.20m. No clarification has been provided.
3. In the northern corner of the site the flood depth is around 1.0m and top water level is RL 60.20m. This indicates that the ground level is RL 59.20m and the existing ground level has been lowered by approximately 1.0m as a result of excavation. Council does not support any excavation in the existing flow path. Council requires a longitudinal section including the full length of the flow path which depicts both the existing ground levels and the proposed ground levels.
4. The existing natural surface level at the location of the last pit inside the site is RL 56.68m. As per flood study, the top water level would be RL 56.90m around this location. The grate level of this pit has not been provided; it is required to be RL 56.68m or lower. This pit would be flooded and intaking external runoff. As such, the proposed pit and outlet pipe system from this pit is required to be redesigned to accommodate the capture of external overland flow.
5. The flood study identifies a flood velocity between 1.0-1.5 m/s and the depths are between 0.5-1.0m. These results do not satisfy the flood safety requirements shown in section 9.2.2 of the *Part O - Stormwater Management* of the Lane Cove Council Development Control Plan 2009.
6. The flood study identifies that the area around the building has been adjusted by lowering by 500mm. No details of these adjustments have been provided. Any adjustments on existing ground levels are not supported unless approved by Council.
7. Council does not support adverse impacts on the adjoining properties.

Public Domain

The public domain concept design prepared by SGC, reference S02-C301 dated 23 March 2026, is insufficient for Council review, as it does not incorporate all required public domain and streetscape upgrade components. In particular, the design does not include the overall streetscape treatment, reconstruction and upgrade of the kerb and gutter, nor the resealing of at least half-width of the roadway along the full development frontage

Impacts on Public Infrastructure and restoration works designed and certified by qualified Engineer

A Construction methodology is required due to the sites proximity to schools, shopping centers and carparks. This is to include a traffic management plan as well as storage and maneuvering areas and impacts on public assets.

Traffic Engineer

Part R – Traffic, Transport and Parking

Unsatisfactory – The development application is not supported for the following reasons.

Traffic and Transport Major Requirements

- a) The Applicant has not provided the required traffic modelling in SIDRA to support the proposed increase in traffic generation. Traffic counts are to be undertaken on affected roads during peak hours on a typical Thursday. Intersection counts are to be undertaken at affected intersections during peak hours on a typical Thursday. Intersection counts are to include both pedestrians and cyclists. The Level of Service (LOS) of intersection and the average delay per vehicle in seconds, for the following intersections must be provided in the TIA;
- a. Austin Street and Austin Crescent Intersection
 - b. Austin Street and Sera Street Intersection
 - c. Austin Street and Longueville Road Intersection
- b) Council does not support the 9m access driveway width, it is permitted to be a maximum of 6m to support pedestrian safety and ensure compliance with AS/NZS 2890.1:2004. This is of particular importance with the sites proximity to the Lane Cove Public School and the childcare centre.
- c) As per Attachment 2 of TIA, the maximum clearance height provided in the basement is 2.5m which is insufficient for Council's Waste Vehicle's. The required clearance is 2.6m. The proposed basement fails to accommodate the maximum headroom measurement for the vehicle to enter as per AS/NZS 2890.1:2004 **Figure 23**.



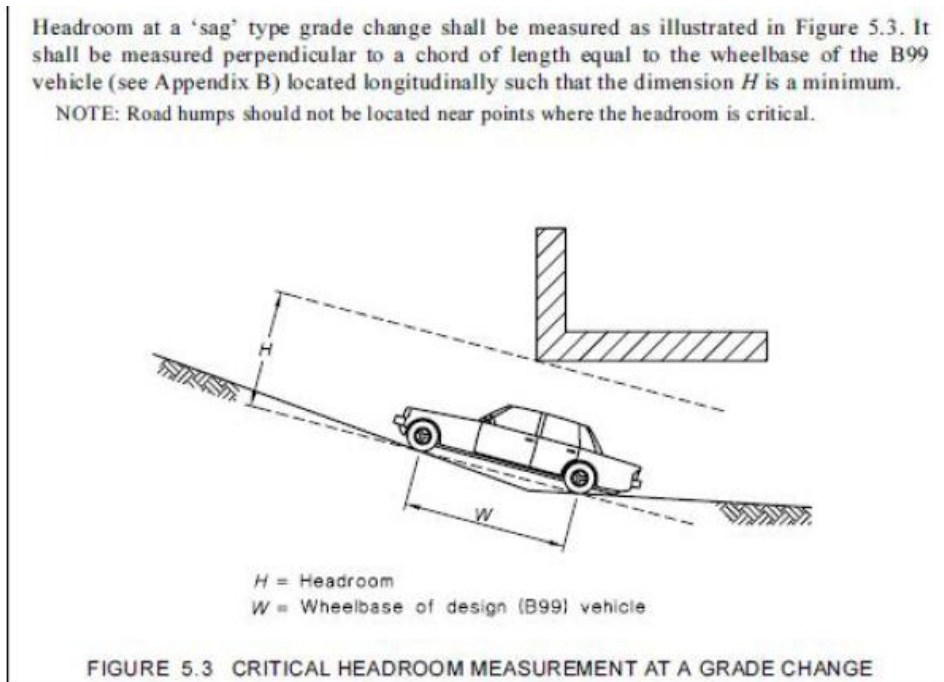


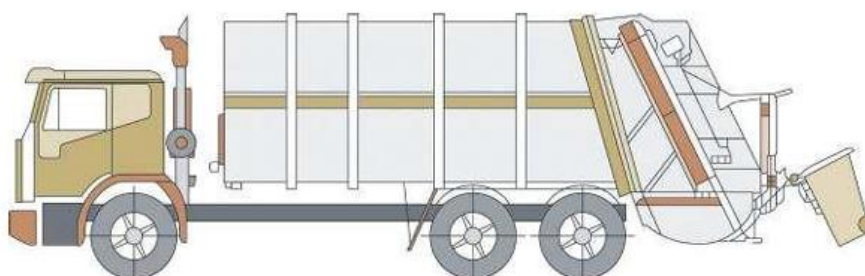
Figure 23: Clearance required for Council’s waste truck (Source: DCP)

- d) The proposed development requests bulky waste collection from the Street. This is not supported by Council’s Traffic team as the site frontages is all on NO STOPPING areas. This would cause sight distance and traffic flow issues on Austin Street. Bulky waste collection is to be facilitated in the basement or on site.

- e) The bulky waste can’t be serviced from the street and thus must be accommodated on site. The clearance required for onsite Bulk Waste collection is 4.3m and must be accommodated in accordance with the “Typical Garbage Truck used for Domestic Waste Collection – Rear Load” detailed on page 25 of the Waste DCP. Refer to details in **Figure 24** below.

Typical Garbage Truck used for Domestic Waste Collection – Rear Load

• Length overall	8.0 metres
• Width overall	2.5 metres
• Operational height	4.3 metres
• Travel height	4.3 metres
• Weight (vehicle and load)	22.5 tonnes
• Weight (vehicle only)	13 tonnes
• Turning Circle	25.0 metres



rearloader garbage truck

Figure 24: Specifications required for Council’s bulky waste truck (Source: DCP)

- f) The development is not supported as the sight distance at the driveway is non-compliant with AS/NZS 2890.1:2004, with regards to the tight corner located south of the site. The proposed driveway would be 25m from this corner, where 40m is required (in accordance with the formula provided in AS/NZS 2890.1:2004), refer to **Figure 24A**. The Applicant has not sought to address this non-compliance or provide any mitigation measures to minimise risk.



Figure 24A: Site Distance Measurement (Source: Council Planner)

- g) The proposal includes the provision of 34 bicycle parking racks for residents and visitors, however travel path to bike parking is not legible.
- h) The resident bike parking facilities should be located as close as possible to the primary entry point (lift entrance) and include the provision of locks and security camera surveillance. The residential bike parking should be located only on the upper basement floor, not in the lower floors (the Applicant has provided resident bike parking on basement floor 2, this is not supported).
- i) Visitor bike parking must be located in an accessible at-grade location near the primary entrance to the development. This area should be undercover, be passively surveyed from the public domain and/or the proposed or adjoining development, be well lit to enable adequate night time use and is to be signposted. The current visitor bike parking is located in basement 1

and also within the path of oncoming vehicles as shown below. This does not provide a safe or reasonable outcome for visitor parking.



Figure 25: Basement 1 plan (Source: Council's traffic engineer)

Concerns with Construction Traffic Management Plan

The Applicant has failed to adequately address the RFI and has not provided any of the items requested apart from the draft CTMP. The following concerns are raised:

- j) Regarding CTMP – Council does not support the trucks routes proposed on Longueville Road, as this is a highly pedestrianised area.
- k) Regarding CTMP – Council requires a time restriction on all truck movements outside of school peak hours due to the proximity to Lane Cove Public School. 8-930am and 230-4pm on school days. No heavy construction traffic would be permitted during these hours.
- l) Regarding CTMP – There are multiple movements entering and exiting the site which require crossing over the centre lines on Austin Street. Council requires that these movements are to be under the guidance of registered Traffic Controllers at all times.

The vehicle control point is not clearly depicted on the architectural plans. This is to be confirmed on any future plans and the proposed island with intercom would be required to be located as far away from the public road as practicable.

Waste Management

Part Q – Waste management and Minimisation

Unsatisfactory – The development application is not supported as the clearance for Council's waste truck is not provided within the basement, nor is the provision for onsite bulky waste pick up addressed. The following comments have been provided:

The RFI raised the following concerns:

- The Onsite Waste Management Plan (OWMP) had incorrectly calculated the required recycling bins, which meant there was inadequate storage in the Bin Room located in the basement.
- The OWMP referenced a FOGO service while Council has adopted a food waste service with a proposed bin size of 120L (not 240L), however the estimated bin numbers and space should be sufficient.

- The OWMP references onsite collection, to facilitate this will require clearances and swept paths for the larger collection vehicle referenced in our DCP. If kerbside collection is required, the OWMP will need to be updated with reference to the new collection location, and details of how waste will be transferred from the Bulky Waste Room to the kerbside.

Upon review of the Applicants response, and the updated architectural plans and note that the above items have all been addressed.

- The size and configuration of the Bin Room has been updated to allow for the required number of bins
- The location of the Bulky Waste Storage Room has been moved to the front of the building and close to lifts, with notation that bulky wastes will be placed on the kerb for collection. Unfortunately, waste can't be facilitated from Austin Street in accordance with the Traffic comments provided above.

The development is not supported because:

1. The maximum clearance provided does not permit Council waste vehicle to service the basement as required. 2.6m clearance height is required where 2.5m has been provided.
2. The bulky waste can't be serviced from the street and thus must be accommodated on site. The Clearances for onsite Bulk Waste collection must accommodate the "Typical Garbage Truck used for Domestic Waste Collection – Rear Load" detailed on page 25 of the Waste DCP. Operational height and travel height is 4.3m.

Landscaping

Part J – Landscaping and Tree Preservation

Unsatisfactory – The development application is not supported as the proposal fails to provide adequate deep soil landscaping:

The application has incorrectly calculated the deep soil areas and is significantly short of compliance. The plans indicate an area of 986m² / 26.8% which has been incorrectly calculated according to the definition of Deep Soil in the LMR.

Low and Mid-rise housing definition of Deep Soil:

A landscaped area connected horizontally to the soil system and local ground water system beyond and is unimpeded by any building or structure above or below ground with the exception of minor structures. Deep soil zones with a minimum dimension of 3m allows sufficient space for the planting and healthy growth of new trees that provide canopy cover and assist with urban cooling and infiltration of rainwater to the water table. Deep soil also allows for the retention of existing trees.*

** Minor structures are defined as:*

- a. path, access ramp or area of paving with a maximum width up to 1.2m*
 - b. essential services infrastructure (such as stormwater pipes) with a maximum diameter up to 300mm*
 - c. landscape structures (such as lightweight fences, light poles or seating) requiring a footing with a maximum size of up to 300mm x 300mm in cross section.*
- The 3 m dimension in deep soil refers to 3 m in every horizontal direction (length and width). This means deep soil is a minimum 9 m² (3 m x 3 m).*

The deep soil calculations for the development area that accord with this definition have been assessed as 379.2m² / **10.3%** (min 3 x 3m). **Figure 26** and **Figure 27** below highlight in dark blue the areas that have been incorrectly included in the Deep soil calculations.

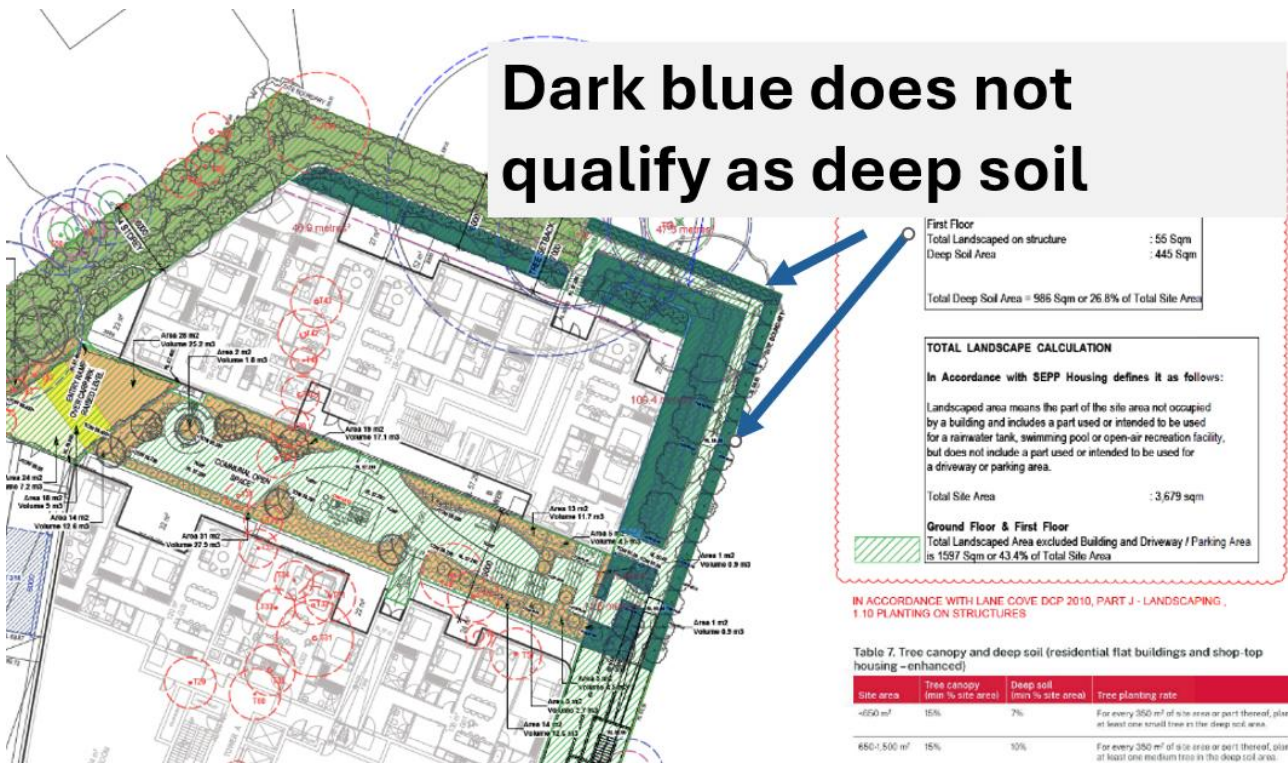


Figure 26: Incorrect calculations shown in dark blue (Source: Council’s Landscape Officer)

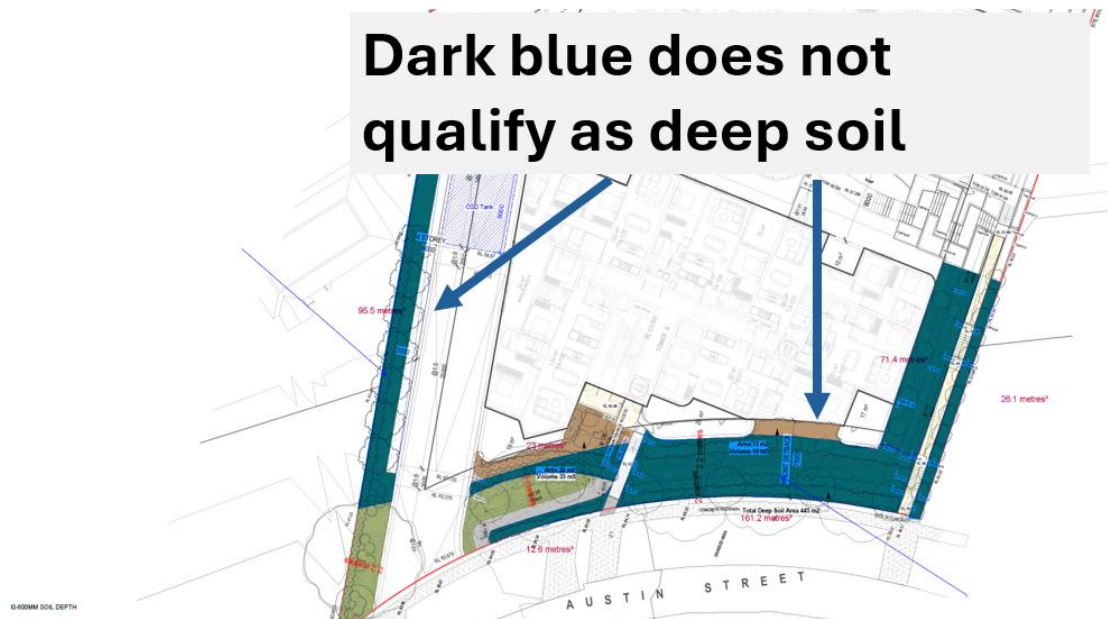


Figure 27: Incorrect calculations shown in dark blue (Source: Council’s Landscape Officer)

Proposed large retaining walls break the horizontal connection that deep soil requires and reduces the effective min width to <3m of each block of deep soil for a majority of the proposed garden beds.

The current scheme only provides:
379.2m² / 10.3% if min 3 x 3m (as required by LMR)

Extensive excavation proposed additionally removes the natural soil profile for a lot of area where deep soil has been claimed. This removes the soil profile capable of sustaining mature tree growth. Excavation to these levels should not be supported.

Detail sections of the proposal have been marked up showing the extent of excavation and retaining walls below:

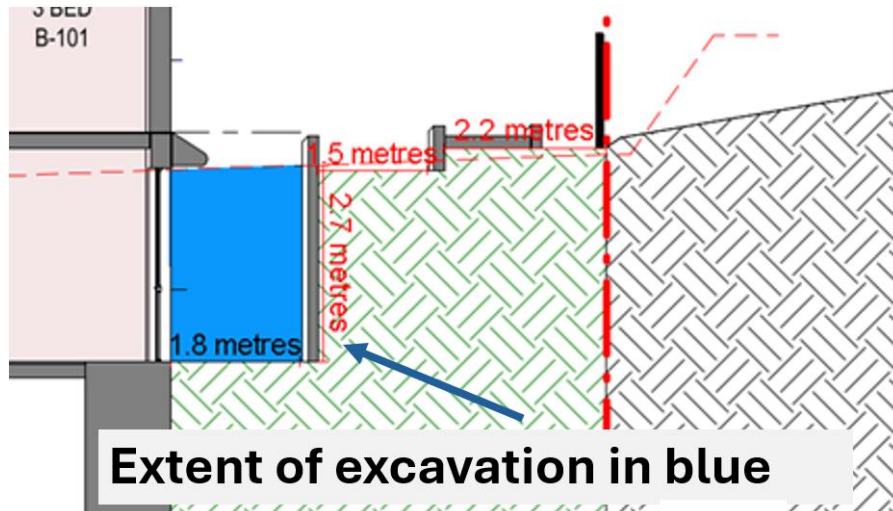


Figure 28: Building B - Northern Setback - +2.7m excavation, min 2 retaining walls + footings (Source: Council's Landscape Officer)

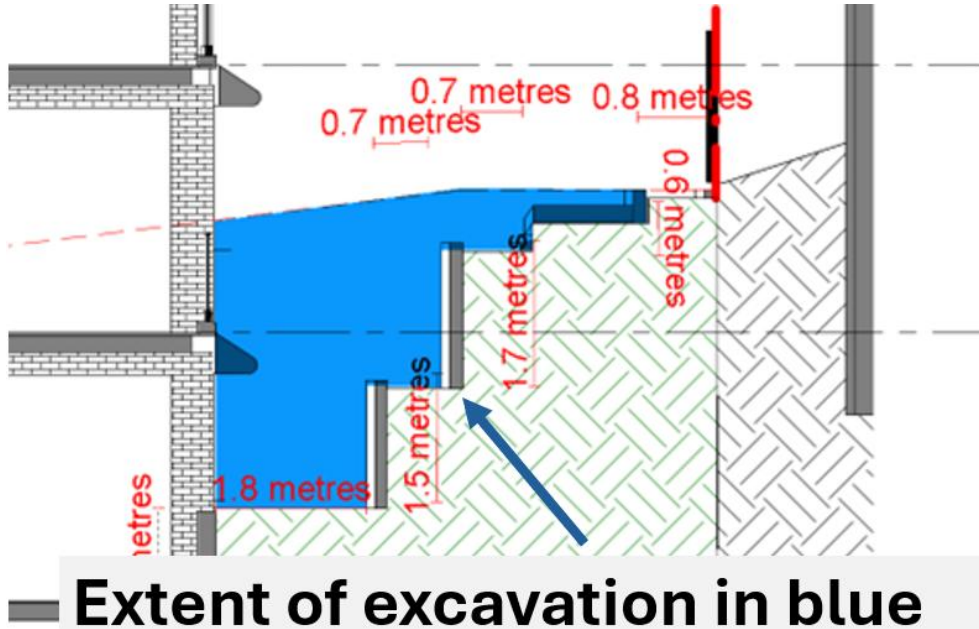


Figure 29: Building A - Northern Setback - multiple walls 4.9m excavation - no +3m min width (Source: Council's Landscape Officer)

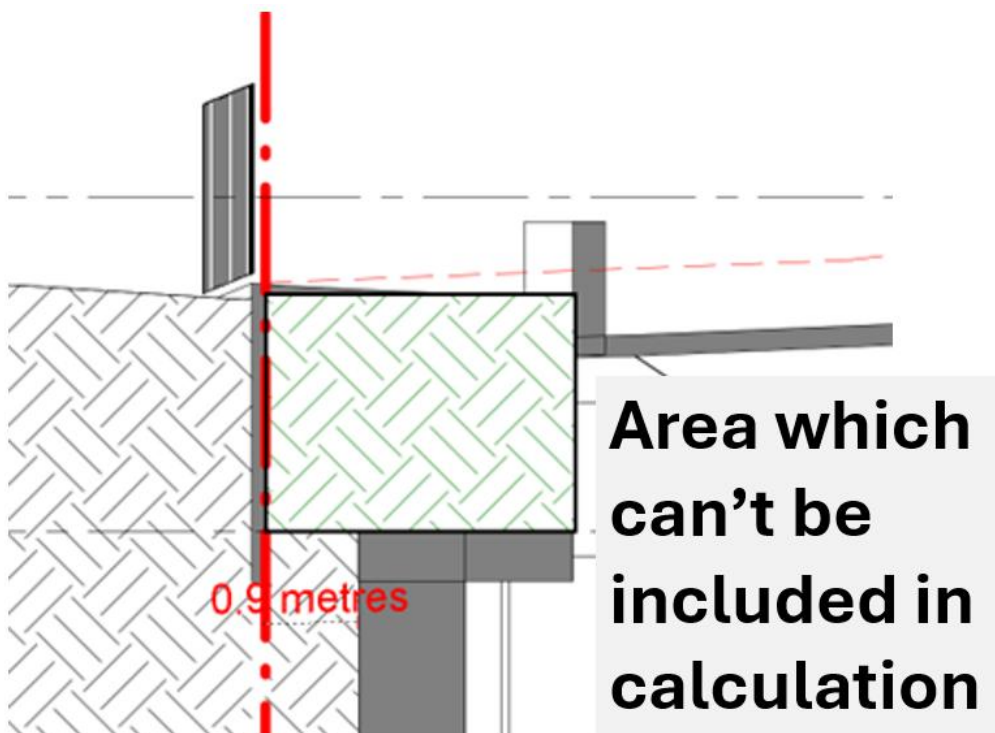


Figure 30: Basement wall 0.9m from southern boundary - cannot be included (Source: Council's Landscape Officer)

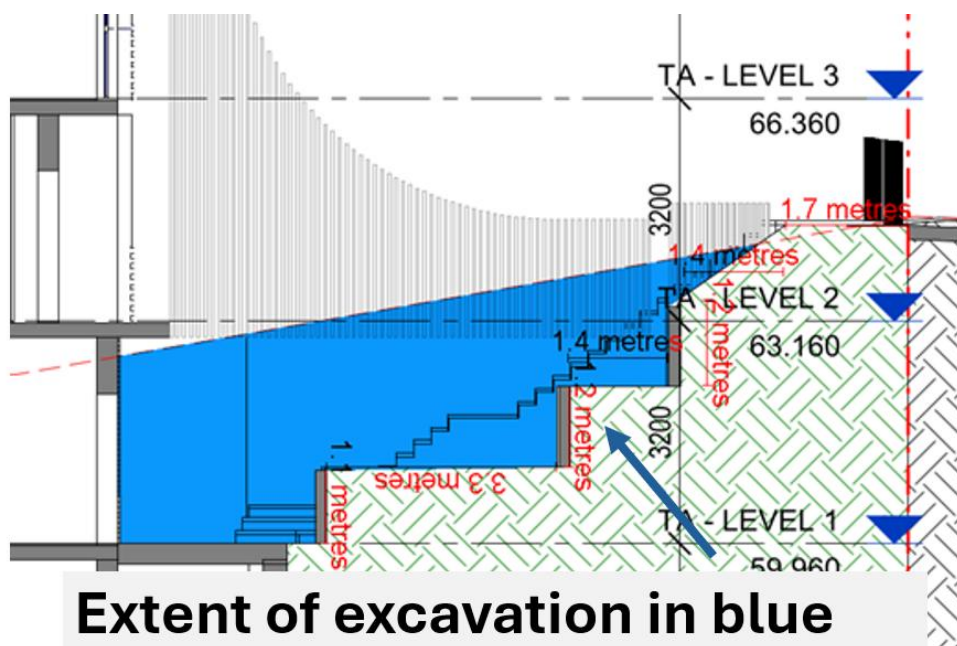


Figure 31: Austin Street Setback - + 3.5m excavation - additional wall required to resolve level change at lot boundary Plan shows only one small area of planting which is 3m W - otherwise widths are less than 2.2m (Source: Council's Landscape Officer)

Council also notes that all retaining walls are currently very thin walls with no footings, these are likely to widen during design development. Council requested additional information regarding proposed material, thickness and footing size of proposed retaining walls to properly assess the impacts to landscaping and deep soil, this was not provided.

Canopy

The landscape proposal claims a projected Canopy of 878m² / 23.87%. This assumes the trees proposed are to achieve their potential spreads under appropriate conditions. The concerns raised regarding extensive retaining walls and lack of contiguous deep soil impact the capacity of these trees to achieve their full spread, Council believes that it is unlikely that these canopy projections would be met.

Further, Council’s DCP Part J, Section 3.5 Urban Tree Canopy states that:

- a) All new developments shall attain no net canopy loss, where practicable.
- b) The minimum extent of canopy cover provided is to be the greater of:
 - i. the existing condition; or
 - ii. the relevant requirements scheduled in Table 1.2.

The existing canopy cover of the site is estimated to be **1,496m² / 40.66%**. As illustrated by the diagram below from Nearmap, March 2026:

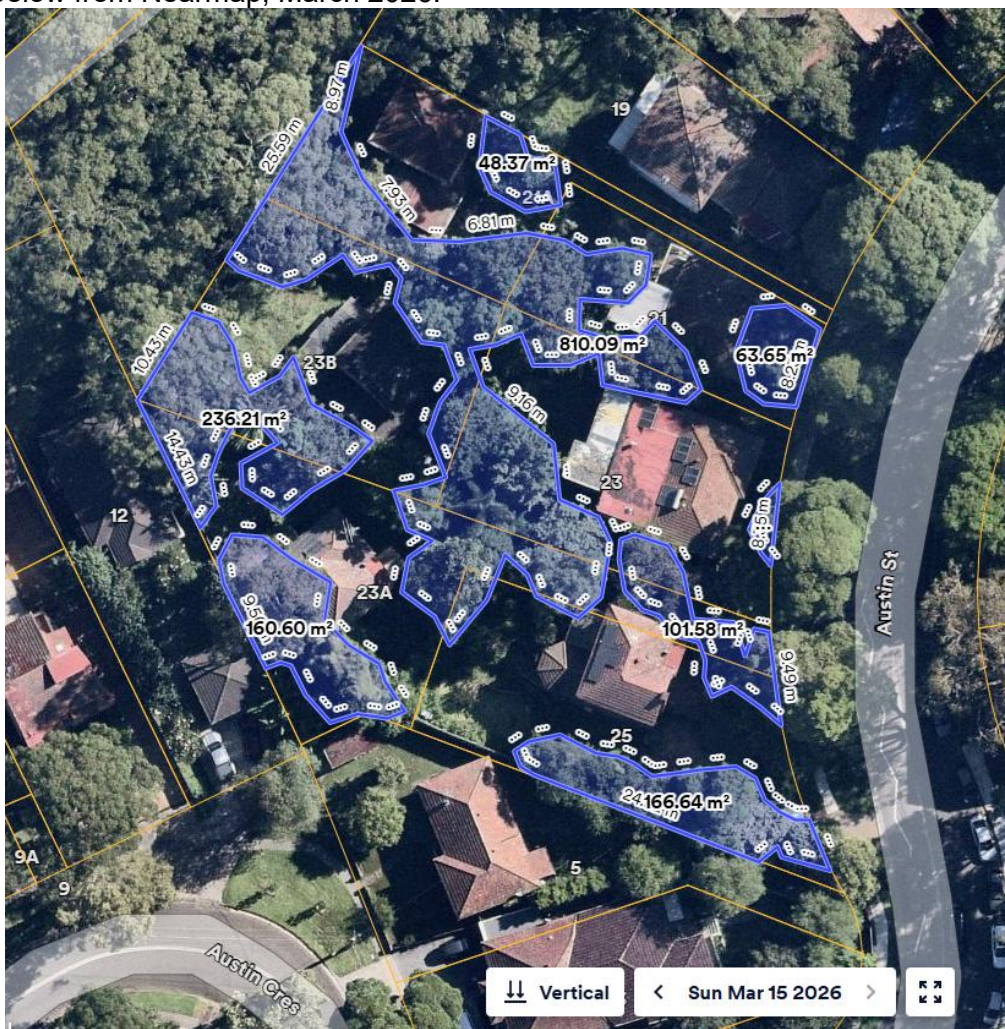


Figure 32: Tree Canopy Measurements (Source: Council’s Landscape Officer)

Further, Council’s Climate Resilience Plan has the below specific target:

Maintain at least a 40% tree canopy across the local government area (LGA) and seek to increase this level.

The LMR also states that:

Existing canopy can contribute to achieving the targets. This guide should not be used to justify tree removal or a reduction in canopy cover.

The proposed Canopy is not likely to be achieved given the compromise deep soil profile, nor does it meet the requirements set by Council's DCP, nor targets set by Council's Resilience Plan.

No revised landscaping scheme was provided following Council's RFI. An additional sheet was included in a subsequent Architectural package that does not address the above issues regarding retaining walls and provides and incorrect deep soil calculation.

Refer to Council's Arborist comments on the potential impacts to existing trees marked for retention on Council property along the rear of the site. The consultant Arborist conducted root mapping for this tree @7m; however, the proposal shows a +1m retaining wall crossing the SRZ @4m. Additionally, a new path has been proposed in the current architectural package that shows a path proposed directly through the trunk of Tree 12 (scheduled for retention) and within 2m of Tree 14.

Council calculates that the TPZ encroachment of Tree 14 is nominally **195m² / 43%**, as per **Figure 33** below. This is contrary to the Arborist assessment of 11.5%.

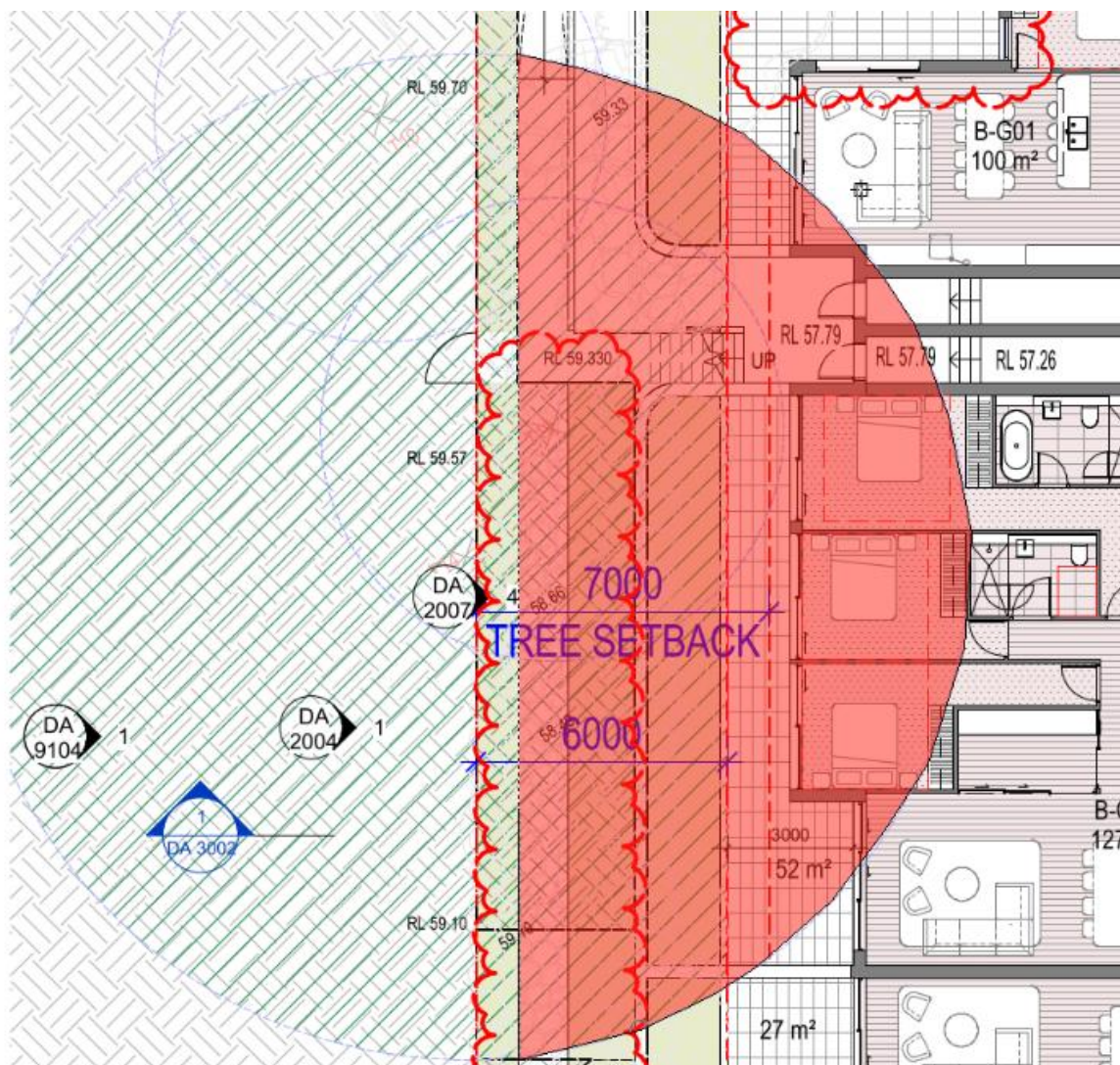


Figure 33: Tree encroachment plan (Source: Council's Landscape Officer)

Council reaffirms the DRP comments regarding substitute planting species to better reflect the adjacent gully and Council's preferred plant list.

Council expressed that it would consider proposals related to the DRP suggestion of a through site link, that provides a better pedestrian link particularly from the rear of the site to the Lane Cove Shopping Village. Pedestrian access from Tower B to the public domain is currently limited, particularly given the level change to Austin Street which is not supported. In response, the applicant provided one additional gate to the back of site, Council believes this does little to address the concern previously raised.

Council requested a contextual pedestrian connection and urban design study to understand the intended outcomes for pedestrian movement and connection to the Lane Cove centre and surrounding streets. The applicant provided insufficient information related to this request.

The proposed landscaping outcome is not supported due to the excessive excavation proposed and subsequent negative impacts on the landscape useability and capacity to support long term tree canopy. The proposal in its current form provides very little useable deep soil area for the successful replanting of large trees. A reduction in retaining walls/lifting of finished floor level is suggested to meet required deep soil areas and provide an improved landscape amenity for ground floor apartments and street frontage.

Tree Preservation

Part J – Landscaping and Tree Preservation

Unsatisfactory – The development application is not supported for the following reasons:

1. During the site inspection, Council undertook spot checks for Diameter at Standard Height (DSH) and Diameter Above Buttress (DAB) measurements per AS4970-2025 due to concerns the supplied arborist report by Arbor Express dated 10/10/25 had estimated dimensions. It was confirmed on site that these measurements were estimated. Council is unable to rely on any of the encroachment calculations within the supplied Arborist report by Arbor Express dated 10/10/25 and tree impacts as site data is incorrect. Furthermore, Council is unable to ascertain how the report calculated any of the stipulated encroachment percentages as a scaled plan has not been provided per the requirement within LC DCP Part J appendix 5
2. The supplied arborist report has been prepared using a superseded standard.
3. Exploratory root investigations by Arbor Express dated 18.9.25 were undertaken offset 7m from the trunk of Council Tree 14 *Eucalyptus saligna* at 7m for the basement. The Arborist report has not considered the installation of stormwater, retaining walls, pathways or the boundary fence in the assessment, all within the 7m offset distance that root mapping was undertaken. Impacts to tree 14 have not been adequately addressed within the Arborist report.
4. Tree #44 *Eucalyptus saligna* is proposed for removal. Council does not support the removal of high value locally indigenous trees, especially when they are located on the periphery of the site.
5. Ground Floor Plan DA1000 shows an access path through the trunk of T51 *Corymbia maculata* (Spotted Gum) which would require its removal. Council does not support the removal of this tree.
6. The architectural plans do not show a vehicle crossover. The impacts for the construction of a new crossover, along with the demolition and reinstatement of existing crossovers have not been addressed in any report. This may involve any potential canopy pruning of Council or neighbouring trees which has not been considered.
7. A review of Landscape Plans show insufficient advanced replacement planting, with mature trees within the Austin Street setback planted in tiered retaining walls. It is unlikely these

trees would reach their potential in this location. A more detailed assessment of Landscaping is to be undertaken by Council's Landscape Architects.

The supplied plans and documentation are not sympathetic to the landform of the site or existing vegetation. The submitted Arborist report has not been prepared in accordance with Lane Cove Development Control Plan (amendment 18/7/24) Part J5 and Appendix 5.

Environmental Health Officer

SEPP considerations, LEP and General DCP Controls.

Unsatisfactory – The proposed development is not supported for the following reasons:

- The Acoustic report fails to provide site specific data on the various surrounding noise impacts and only provides present preliminary information.
- The construction noise & vibration management plan confirms the assessment noise impacts of the project are predicted to exceed the 'noise affected' management level at the majority of considered receiver locations. Of particular concerns is the proximity to the Lane Cove Public School and the adjacent childcare facilities and centre.
- The preliminary data on the construction noise levels in the report are not substantial enough to mitigate disrupting childcare/ educational sensitive areas located in the proximity.

The preliminary site investigation and dust management plan do not raise concerns.

PART F ACCESS and MOBILITY

The Development Application was accompanied by an Accessibility report, **Annexure 14**. This report provides an assessment of the original application and concludes the development is satisfactory or capable of complying through deemed compliance metrics. The Access report advises these matters can be addressed prior to the issue of a Construction Certificate.

Council raises concerns with the reasonableness of the proposed development. The location of accessible units has not been considered with regards to optimising safe and equitable access. A large portion of accessible units are located within Tower B which is reported has having unreasonable and convoluted access from street level as previously discussed. Not only are these units located in Tower B, these are also not located on ground floors and rely on the use of lifts.

Concerns are raised in relation to evacuation processes in the instance of fires where lift usage may not be permitted and in the instance emergency services would have to navigate the convoluted routes through Tower A, to Tower B.

The ADG requires that design solutions for adaptable apartments include convenient access to communal and public areas with high level of solar access. There is no equitable access to the portions of the communal open space which receive compliant solar access. This is a result of insufficient solar access being provided to the central area which accommodates the useable facilities.

Based on the above concerns raised, the proposal does not meet the following Part F Access and Mobility objectives as follows:

1. *Promote the total community benefits of an accessible environment and relate to the unique demographic and topographical characteristics of Lane Cove.*

5. Encourage construction in accordance with best practices, above the minimum prescribed requirements.

6. Ensure that new developments and services are accessible to, and usable by, everyone in the municipality.

7. To provide adaptable housing to meet a range of needs throughout the life cycle of its occupants.

PART S ASSESSMENT

The proposed works amount to a cost over \$250,000 and therefore an assessment against the provisions of Part S Environmental Sustainability is required.

Table 17 - S.2 Achieving Net-Zero			
Provision	Provision	Proposal	Complies
2.1 All Electric Buildings	All new developments are to use electricity for all energy requirements associated with normal operations.	BASIX Certificate provided confirming no provision of Gas and full electrical development.	Yes- an updated BASIX has not been provided.
2.2 On-site solar	Residential development of four storeys and above is to provide solar panels which cover an area of not less than 60% of the roof area not occupied by cooling towers or communal open space, or, A system which produces 45w / sqm of the total site area.	98sqm provided out of a total roof area of 974 which is approximately 10% of the roof area. Or, The proposed system is required to be capable of achieving 45w / sqm of the total site area. 45w x 3,679sqm = 165,555w. The current system provides: 25 x 725w = 18,125 which is significantly below the required amount.	No, see reasons for refusal.
2.3 Refrigerants	Reduce reliance on Hydrofluorocarbon (HFC) refrigerants by using alternatives with a Global Warming Potential (GWP) below 10.	The term “where possible” is to be removed as it does not provide assurance on compliance.	No, see reasons for refusal.

Table 18 - S.3 Resilience and Health			
Provision	Provision	Proposal	Complies
3.1 Natural Ventilation	Must comply with the provisions of SEPP 65 in	65% cross ventilation provided, however has	Yes

Table 18 - S.3 Resilience and Health			
Provision	Provision	Proposal	Complies
	terms of cross ventilation.	not be maximised for the proposed developments which result in a poor amenity outcome for the central units in building B.	
3.2 Glazing	<p>a) Window-to-wall ratios of each major aspect are to be limited to a maximum of:</p> <p>i. For residential buildings, 30% when measured externally or 50% when measured on the internal façade, whichever is lower. Windows and walls facing onto private open spaces are excluded from the window-to-wall ratio calculation.</p>	<p>Tower A North: 55.5sqm/221sqm or 25% - complies.</p> <p>East: 277.53/732.5sqm or 37.8% - does not comply.</p> <p>Tower B North: 139.26sqm/400sqm or 34.8% - does not comply.</p> <p>(the other facades have not been assessed– the development is to be amended to ensure compliance)</p>	No – see reasons for refusal.
3.2 Glazing	<p>b) External solar shading should be provided to glazing on the north, east and western facades where it is not significantly over-shadowed by neighbouring buildings or by the inclusion of balconies. The solar shading should be designed to maximise the protection of the glazing from the summer sun and maximise solar transmission in the winter sun.</p>	<p>No solar shading diagrams provided to confirm whether shading is provided during the summer.</p> <p>The Applicant has referenced plan 9107 which has been provided as a justification, stating the windows are to align with the external wall to ensure maximum solar gain during winter.</p> <p>Shading devices are required to be fixed to ensure that solar access is provided when the sun is lower during the winter months, but, shading is</p>	No, see reasons for refusal

Table 18 - S.3 Resilience and Health			
Provision	Provision	Proposal	Complies
		provided during the summer months.	
3.2 Glazing	d) Glazing is to be selected with external solar heat and visible light reflectivity no greater than 20% measured at normal incidence.	Confirmed in the statement.	Yes
3.3 Urban Heat and Shade	<p>a) For low density residential, at least 75% of the site area must comprise one or a combination of the following when assessed in plan view:</p> <p>i. Vegetation,</p> <p>ii. Green roofs,</p> <p>iii. Roofing materials, including shade structures, with a minimum solar reflectivity index (SRI) of 82 if a horizontal surface or a minimum SRI of 39 for sloped surfaces greater than 15 degrees,</p> <p>iv. Hardscaping elements shaded by overhanging vegetation or roof structures,</p> <p>v. Water bodies and/or watercourses.</p>	<p>The urban heat and shade plan provided reports a Urban Heat and Shade percentage of 79%.</p> <p>A large portion of this calculation is attributed to the “concrete roof with Min SRI of 82” which makes up 990sqm.</p> <p>Further information is required to confirm the specific concrete proposed to ensure that is can achieve compliance with this SRI provision and provision 3.4 Sustainable materials.</p>	No, see reasons for refusal.
3.4 Sustainable Materials	<p>a) All newly sourced timber used in construction is to be FSC certified.</p> <p>b) Alternatives products are to be preferred to replace materials that cause environmental harm or health risks in manufacture, including materials containing formaldehyde, chlorinated polymers, hydrochlorofluorocarbons and Halogenated flame retardants.</p> <p>c) Engineered stone products must be handled in accordance with the appropriate standards.</p>	<p>Updated statement provided, the term “where possible” is to be removed as it does not provide assurance on compliance.</p> <p>The materials schedule is to be updated to ensure that sustainable materials are used.</p>	No, see reasons for refusal.
3.5 Design and	Reduce embodied carbon,	A Life Cycle	No, see

Table 18 - S.3 Resilience and Health			
Provision	Provision	Proposal	Complies
Construction Impacts	<p>minimise demolition, prioritise prefabrication, and select durable materials with long warranties.</p> <p>A Life Cycle Assessment (prepared by a suitably qualified person) is to be provided as the development is over 1,000m2 GFA. This is to detail how design and construction impacts have been minimised.</p>	Assessment has not been provided and the proposed development is over 1,000m2 GFA.	reasons for refusal.

Table 19 - S.4 Integrated Urban Water Management			
Provision	Provision	Proposal	Complies
4.1 Water Efficiency	a) All development must demonstrate the prioritisation of water conservation measures to minimise water consumption.	The proposed development has provided stormwater infrastructure which is not supported due to errors in the plans and adverse flooding outcomes which are required to be resolved.	Capable of complying through amendments.
4.2 Stormwater Management	<p>a) Peak stormwater flows are to be reduced with a stormwater detention system. Other measures can include green roofs, stormwater harvesting, rain gardens, bio-retention basins and passive filtration measures. Other water sensitive urban design measures are described in Part J – Landscaping and Tree Preservation.</p> <p>b) The use of porous surfaces is to be maximised.</p> <p>c) Where required, Gross Pollutant Traps and filtration are to meet Sydney Water Best Practice guidelines for reducing stormwater pollutants.</p>	As above.	As above.

Based on the above concerns raised with the proposed DCP variations involved, the proposal does not meet with the following DCP vision and sustainability objectives as follows:

S.1 General Information 1.1 Objectives

1. *achieving net-zero by 2035,*
2. *incorporating measures to improve resilience and general health of its occupants,*
3. *positively contributing to the surrounding environment through an integrated urban management approach.*

S.2 Achieving Net-Zero 2.2 On-site solar

1. *Maximise the on-site collection of renewable energy.*
2. *Reduce the cost to households and businesses to meet operational energy needs.*

S.3 Resilience and Health 3.2 Glazing Objectives

1. *Maintain habitability in the event of interruptions to the power supply or building services.*
2. *Avoid excessive heat and glare within habitable spaces.*
3. *Reduce the amount of solar heat reflected into private open spaces or the public domain, and limit its contribution to the urban heat island.*
4. *Balance thermal comfort of the inhabitants against reflectivity.*

3.5 Design and Construction impacts

1. *Minimise the use of non-renewable resources in construction.*
2. *Minimise the embodied carbon of materials and construction.*
3. *Maximise the reuse of materials.*
4. *Design and construct to minimise the generation of waste.*
5. *Maximise durability and adaptability to avoid the future impacts of replacement and redevelopment.*

4.15 (1) (b) the significant likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The impacts of the development have been considered, and addressed where it is considered that there would be adverse impacts either to the natural and built environments, social and economic or amenity of the locality as detailed within this report.

4.15 (1) (c) the suitability of the site for the development,

Whilst the subject land would be ultimately suitable for the development as deemed permissible pursuant to the Housing SEPP, it is considered that the proposed development has not been designed in a manner to ensure that it responds to site specific characteristics as detailed above in this report.

4.15 (1) (d) any submissions made in accordance with this Act or the regulations,

The proposal was notified in accordance with Lane Cove Council’s Notification Policy.

i. Notification Extent

The Development Application was notified to the extent shown in the Public Notification Map included as **Annexure 40** to this report.

ii. Notification Period

The notification period and the number of submissions received are summarised in the following table (see **Table 20** below):

Table 20 - Public Notification			
Plan Revision	Lodgement Date	Notification Period	Unique Submissions Received
DA Lodgement Revision	17/02/2026	17/02/2026 – 05/03/2026	68
Total			68

iii. Summary of Submissions

The submissions received are summarised and addressed in **Annexure 9** to this report.

4.15 (1) (e) the public interest.

Approval of the subject proposal would be contrary to the public interest as the development would not meet the relevant objectives of the Lane Cove LEP and has not satisfied all the relevant State Environmental Planning Policy objectives.

CONTRIBUTIONS

Section 7.11 Contributions Plan

The provision of infrastructure is subject to the Section 7.11 Contributions plan and a relevant condition would have been imposed if approval had been recommended.

Housing Productivity

The provision of infrastructure is subject to the Housing and Productivity Contribution and a relevant condition would have been imposed if approval had been recommended.

CONCLUSION

The Development Application has been assessed in accordance with the Environmental Planning and Assessment Act, 1979 and it is not considered to be satisfactory in this instance. The proposed development does not adequately respond to the site constraints, is not consistent with the relevant planning controls, and would adversely impact the locality and neighbourhood amenity. The Development Application is reported to the Lane Cove Planning Panel with a recommendation for refusal.

RECOMMENDATION

That the Lane Cove Local Planning Panel at its meeting on 2 June 2026, pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979, **refuse DA153/2025 at 21-25 Austin Street**, for the reasons provided in **Annexure 1**.

Mark Brisby
Director - Planning and Sustainability
Planning and Sustainability Division

ATTACHMENTS:

AT-1	View Annexure 1 - Reasons for refusal	16	Available
		Pages	Electronically
AT-2	View Annexure 2 - ADG Assessment		Available
			Electronically
AT-3	View Annexure 3 - DCP Assessment, Part C.3		Available
			Electronically
AT-4	View Annexure 4 - Original Architectural Drawings		Available
			Electronically
AT-5	View Annexure 5 - Amended Architectural Plans		Available
			Electronically
AT-6	View Annexure 6 - Landscaping Plans		Available
			Electronically
AT-7	View Annexure 7 - Statement of Environmental Effects		Available
			Electronically
AT-8	View Annexure 8 - DRP Minutes		Available
			Electronically
AT-9	View Annexure 9 - Summary of Submissions Response		Available
			Electronically
AT-10	Annexure 10 - Combined Submissions		Available
			Electronically
AT-11	Annexure 11 - Combined RFIs		Available
			Electronically
AT-12	Annexure 12 - Operational Waste Management Plan		Available
			Electronically
AT-13	Annexure 13 - Cover Letter Response to Council's RFI		Available
			Electronically
AT-14	Annexure 14 - Access report		Available
			Electronically
AT-15	Annexure 15 - Acoustic report		Available

View		Electronically
AT-16	Annexure 16 - Arborist report	Available
View		Electronically
AT-17	Annexure 17 - Root mapping report	Available
View		Electronically
AT-18	Annexure 18 - BASIX Certificate	Available
View		Electronically
AT-19	Annexure 19 - NatHERS certificate	Available
View		Electronically
AT-20	Annexure 20 - BCA report	Available
View		Electronically
AT-21	Annexure 21 - Stormwater Management Plan	Available
View		Electronically
AT-22	Annexure 22 - QS	Available
View		Electronically
AT-23	Annexure 23 - Design Verification Statement	Available
View		Electronically
AT-24	Annexure 24 - ADG Assessment	Available
View		Electronically
AT-25	Annexure 25 - Geotechnical Report	Available
View		Electronically
AT-26	Annexure 26 - Owner's Consent Form	Available
View		Electronically
AT-27	Annexure 27 - Survey	Available
View		Electronically
AT-28	Annexure 28 - Construction & Demolition Waste Management Plan	Available
View		Electronically
AT-29	Annexure 29 - Traffic Impact Assessment	Available
View		Electronically
AT-30	Annexure 30 - Stormwater management report	Available
View		Electronically
AT-31	Annexure 31 - Solar Panel Plan	Available
View		Electronically
AT-32	Annexure 32 - EV Charging Statement	Available
View		Electronically
AT-33	Annexure 33 - ESD Commitment	Available
View		Electronically
AT-34	Annexure 34 - Preliminary Site Investigation Report	Available
View		Electronically
AT-35	Annexure 35 - Construction Traffic Management Plan	Available
View		Electronically
AT-36	Annexure 36 - Construction Noise & Vibration Management Plan	Available
View		Electronically
AT-37	Annexure 37 - Dust Management Plan	Available
View		Electronically
AT-38	Annexure 38 - Flood Impact Study	Available
View		Electronically
AT-39	Annexure 39 - Public Domain Design	Available
View		Electronically
AT-40	Annexure 40 - Neighbour Notification Map and Notification Letter	Available
View		Electronically