



**Lane Cove
Council**

**Minutes
Lane Cove Local Planning Panel Meeting
2 June 2026**

**Lane Cove Local Planning Panel 2 June 2026
MINUTES**

PRESENT: Ms Jan Murrell, Chair
Mr Michael File, Planning Expert
Mr David Ryan, Planning Expert
Mr David Risbey, Community Representative

ALSO PRESENT: Mr Mark Brisby, Director Planning and Sustainability
Mr Rajiv Shankar, Manager Development Assessment
Mr Andrew Bland, Senior Town Planner
Ms Angela Panich, Panel Secretary

DECLARATIONS OF INTEREST:

APOLOGIES

Nil

LANE COVE LOCAL PLANNING PANEL REPORTS

21 - 25 AUSTIN STREET, LANE COVE

DETERMINATION

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, determined to refuse DA153/2025 at 21-25 Austin Street, for the reasons below:

Integrated Development

1. The development application is refused as the proposal has not provided confirmation on whether the development is considered Integrated Development with WaterNSW.

Particulars

- a) The proposal is likely to be classed as 'Integrated Development' and the required General Terms of Agreement (GTA) have not been obtained from WaterNSW.
- b) The provided Geotechnical Report has failed to confirm whether dewatering is required for the basement.
- c) The proposed excavation levels of approximately 17m are likely to be below the water table and during the construction stage dewatering may, or would be required.
- d) This fails to satisfy the requirements of *Section 4.46 of the Environmental Planning and Assessment Act (EP & A Act), 1979*, and, *Section 90 of the Water Management Act (WMA), 2000*.

Provision of Affordable Housing

2. The development application is refused as the proposal provides inadequate affordable housing, relative to the bonuses sought in the proposal.

Particulars

- a) The proposal identifies the provision of 11% of the GFA as affordable housing where the application seeks to achieve a bonus of 30%.
- b) This requires the provision of 15% of the GFA as affordable housing.

- c) This fails to satisfy *S15C of the Housing SEPP 2021*.

No Clause 4.6 for FSR and Height

3. The development application is refused as no Clause 4.6 requests accompany the proposal.

Particulars

- a) Accordingly with the failure to provide adequate affordable housing, the development application has failed to provide a Clause 4.6 variation request for the Height and Development Standards, as prescribed by the low and mid rise provisions.
- b) The proposed development would achieve a height of 28.26m where an 11% bonus affords a height of 24.42m.
- c) The proposed development would achieve an FSR of 2.86:1 where an 11% bonus affords an FSR of 2.442:1.
- d) This fails to satisfy *S15C of the Housing SEPP 2021 and S180 of the Housing SEPP 2021*

Excavation and Earthworks

4. The development application is refused as the matters regarding excavation have not been satisfied, and, the proposed excavation would result in adverse amenity impacts.

Particulars

- a) The proposed development has not satisfied the relevant matters for consideration under *Clause 6.1A – Earthworks of LCLEP 2009* where the potential groundwater impacts resulting from the proposed excavation have not been fully addressed.
- b) The proposed excavation is unsatisfactory and does not comply with the objectives of *Clause 6.1A – Earthworks of LCLEP 2009 and Part C 3.8 Excavation LCDCP 2009*. The proposed excavation results in:
Adverse flooding impacts to the subject site and adjoining properties
- Unreasonable amenity outcomes for future residents in regards to solar access, privacy, cross flow ventilation and visual outlook.
 - A compromised landscape approach which fails to provide adequate deep soil and would not positively contribute to the streetscape interface and would fail to facilitate adequate canopy replenishment.
 - A compromised relation to the public interface with adverse relation to street level.
 - Adverse impacts to Council's trees.
- c) Accordingly the development application fails to satisfy the following objectives of - *Clause 6.1A – Earthworks of LCLEP 2009*:
- (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.*
- d) Accordingly, the development application fails to satisfy the following objectives of *Part C 3.8 Excavation LCDCP 2009*:
- 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.*
- e) The proposed development also fails to satisfy 3.5 Setbacks LCDCP 2009 in regards to front setbacks:
- i. The front setback area is not occupied by terraces or gardens to the ground

- floor dwellings.
- ii. The deep soil zones do not satisfy the LMR requirements and are not supported by Council Landscape officer or Arborist.
- iii. The deep soil zone is compromised by the significant retaining walls which do not enable the provision of mature canopy trees

Consideration of Locality

- 5. The development application is refused as the proposal fails to adequately present contextual responsiveness and would adversely impact the local environment and neighbouring amenity. (see further particulars in 6 and 7 below).

Design Quality of Residential Apartment Development

- 6. The development application is refused as the proposal does not satisfy the requirements *State Environmental Planning Policy (SEPP) Housing 2021 – Chapter 4 Design of residential apartment development*.

Particulars

- a) *Context and Neighbourhood Character – SEPP Housing Schedule 9 Principle 1* (the proposal does not exhibit contextual responsiveness of the locality, does not respond to its intended context and does not assimilate to the neighbourhood character in proximity to the Lane Cove Village).
- b) *Built Form and Scale – SEPP Housing Schedule 9 Principle 2* (the proposed development presents an abrasive bulk and scale with no consideration for the existing and future context of the area).
- c) *Density – SEPP Housing Schedule 9 Principle 3* (the proposal relies on substantial variations to accommodate the proposed maximum density permitted and they do not provide for good planning outcomes in this instance).
- d) *Sustainability – SEPP Housing Schedule 9 - Designs should integrate positive environmental, social, and economic outcomes, including passive thermal design, energy efficiency and sustainable landscaping*
- e) *Landscape – SEPP Housing Schedule 9 Principle 5* (the proposed development does not provide for a high-quality landscape scheme and fails to satisfy the Low and mid rise requirements for deep soil).
- f) *Amenity – SEPP Housing Schedule 9 Principle 6* (the design significantly comprises the amenity of neighbouring properties, the locality and future residents in order to facilitate the maximum density).
- g) *Safety – SEPP Housing Principle 7* (the proposed development results in adverse safety outcomes as a result of overlooked units and unreasonable entrances)
- h) *Housing diversity and social interaction – SEPP Housing Principle 8* (the proposed development provides limited diversity which is of particular concern where the Application is proposed under the LMR provisions and seeks to provide affordable housing. No single bed units are provided where the ADG and the LCDCP 2009 require at least 10%)
- i) *Aesthetics – SEPP Housing Schedule 9 Principle 9* (the proposal fails to provide for a highly integrated aesthetic development in relation to its proposed built-form, landscape, public/private domain interfaces).

Apartment Design Guide

7. The development application is refused as certain apartment design guidelines {ADG} have not been met as follows:
- a) *ADG Part 3 Siting the Development* (the proposal does not demonstrate good design decisions have been made in relation to the site-specific context and has not optimised solar access for neighbouring properties).
 - b) *ADG Part 3B Orientation* (the proposal has not addressed the impacts that the proposed excavation would have on the streetscape and neighbouring developments). The development is also non-compliant with the 3.4 building width DCP 2009. 40m is permitted as a maximum where 44m has been proposed.
 - c) *ADG Part 3C Public Domain Interface* (the proposed development includes a comprising relation to the public domain due to excavation and a poor landscape outcome).
 - d) *ADG Part 3D Communal and public open space* (the proposed development fails to provide communal open space with reasonable active recreational opportunities, solar access and privacy or visual outlooks)
 - e) *ADG 3D Deep soil zone* (the proposed development provides compromised deep soil areas which do not meet the LMR provisions or the recommended 15% area as recommended by the ADG for a site of this size, only 10.3% is provided)
 - f) *ADG 3F Visual Privacy* (the proposed development has provided insufficient internal building separation which results in adverse amenity and privacy outcomes, as well as, limiting optimal floor plan layouts)
 - g) *ADG 3G Pedestrian access and entries* (the proposed development provides an unreasonable entrance system for the rear building and fails to adequately consider equitable accessibility, deliveries, guests or safety)
 - h) *ADG 3H Vehicle Access* (the proposed development provides vehicular access which compromises public safety)
 - i) *ADG 3J Bicycle and car parking* (the proposed development provides visitor spaces which are not appropriately accessible or considerate of deliveries)
 - j) *ADG 4A Solar and daylight access* (the development application has failed to demonstrate that legible solar access would be provided for the subject development or neighbouring properties)
 - k) *ADG 4D Apartment size and layout* (the proposed subterranean units have compromised amenity resulting from the excavation and floor plan layouts)
 - l) *ADG 4E Private open space and balconies* (the proposed development has not orientated units optimally, addressed the public domain and balconies aren't compliant in some instances)
 - m) *ADG 4F Common circulation and spaces* (the proposed development provides compromised common circulation with particular consideration to adverse access requirements for Tower B and conflicting uses accessibility, visitor bicycles, deliveries etc)
 - n) *ADG 4K Apartment mix* (the proposed development does not achieve reasonable diversity as no single bed apartments have been provided)
 - o) *ADG 4L Ground floor apartments* (the proposed development compromises future amenity through the provision of excavated units which inadequate interface to the public domain)

- p) ADG Part 4M Facades (the proposed development does not clearly define entrance for Tower B).
- q) ADG 4O Landscape design (the proposed development does not provide high quality landscaping and fails to positively contribute to the public domain and canopy requirements)
- r) ADG 4Q Universal design (the proposed development has unreasonably located accessible apartment within Tower B which has compromised access)
- s) ADG 4T Awnings and signage (the proposed development fails to provide clear entrances and access, and, no signage strategy has been provided)
- t) ADG 4V Water management and conservation (the proposed stormwater management system would not work due to incorrect levels and the proposed excavation results in flooding of the site and adjoining properties)
- u) ADG 4W Waste management (the proposed development does not provide the required clearance for Council's waste vehicle or the provision of bulky waste collection)

Communal Open Space

8. The development application is refused as the proposal fails to provide adequate communal open space {COS} with reasonable active recreational opportunities, solar access, privacy or visual outlooks.

Particulars

- a) The propose communal open space with useable amenity is 7% where the ADG and Council's DCP require 25%. The remainder of the area is occupied by footpaths and garden beds.
- b) 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.
- c) The useable COS receives a maximum of 1 hour solar access where the ADG requires 2 hours for 50% of the area.
- d) The useable COS location results in adverse visual impacts due to the limited building separation, large facades and excavation below existing ground level.
- e) The useable COS is overlooked by the internal facing units and is the official access through to Tower B, inclusive of all deliveries, this does not promote the use of this area.
- f) 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.*

Separation and Visual Privacy

9. The development application should be refused as the proposal provides non-compliant internal separation which adversely impacts the amenity of future occupants and compromises floor plan layouts.

Particulars

- a) The proposed development has been incorrectly calculated in regards to the galleries on Tower B being considered by the Applicant as non-habitable, where the ADG states that galleries are considered habitable.
- b) This approach is unreasonable where providing internal setbacks for a new dwelling are intended for addressing the provision of a new RFB constructed next to existing developments with an existing nil setback to the boundary.

**Lane Cove Local Planning Panel 2 June 2026
MINUTES**

- c) 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.
- d) 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.
- e) 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.
- f) The non-compliance include:

ADG Setback Assessment		
	Tower A	Tower B
East	Eastern Setback (front setback consideration with Council's DCP)	<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 storeys +): 12m – requires 24m separation</p>
West	<p><u>Western Rear Setback (to Tower B)</u></p> <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>Towards 12 Sera Street</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>

Sustainability

- 10. The development application is refused as the proposal fails to consider Council's DCP Part S Environmental Sustainability.

Particulars

- a) The proposal fails to satisfy the overall general objectives of S.1 General Information 1.1:
 - 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.
- b) The proposal fails to provide adequate solar panels and thus fails to satisfy the objectives of 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.
- c) The proposal fails to provide adequate glazing and thus fails to satisfy the objectives of S.3 Resilience and Health 3.2 Glazing:
 - 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.*
- d) The Development Application fails to confirm whether the design and construction impacts have been minimised through the provision of a Life Cycle Assessment and thus fails to satisfy the objectives of 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.*
- (Section 4.15(1)(a)(iii),(b),(c) and (e) of the EP & A Act, 1979).

Accessibility

11. The Development Application is refused as it has failed to demonstrate that accessibility and safety through design have been optimised.

Particulars

- a) The proposed access to the building is not legible, with particular regards to Tower B.
- b) The proposal then includes the provision of accessible units within Tower B and floor which require lift usage. This raises concerns in the instance of a fire where lifts can't be used.
- c) The development application has failed to satisfy the relevant objectives:
 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.*

Landscaping

12. The development application is refused as the landscaping is unsatisfactory and does not comply with the objectives and controls in the LMR provisions of the Housing SEPP, ADG and Part J (Landscaping) of the LCDCP 2009.

Particulars

- a) The application has incorrectly calculated the deep soil areas and is significantly short of compliance. In accordance with the definition of Deep Soil in the LMR, the proposal includes 379.2m² / 10.3% (min 3 x 3m) where 15% deep soil is required. This is significantly compromised through tiered landscape approaches and retaining walls.
- b) Extensive excavation proposed additionally removes the natural soil profile for a large portion of the area where deep soil has been included. This removes the soil profile capable of sustaining mature tree growth. Excavation to these levels should not be supported.
- c) The proposed retaining walls appear to be insufficient and do not include footings. It is likely these would be widened during design development. Council requested additional information regarding proposed materials, thickness and footing size of proposed retaining walls to properly assess the impacts to landscaping and deep soil, this was not provided.
- d) 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.
- e) The proposed Canopy is not likely to be achieved given the compromised deep soil profile, nor does it meet the requirements set by Council's DCP, nor targets set by Council's Resilience Plan.
- f) 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%.

Environmental Health

13. The development application is refused as the proposed development has not adequately addressed contextual environmental concerns and would unreasonably impact the amenity of neighbours.

Particulars

- a) the Acoustic report fails to provide site specific data on the various surrounding noise impacts and only provides present preliminary information.
- b) 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.
- c) 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.

Stormwater Impacts and the Public Domain

14. The development application is refused as insufficient and incomplete documentation has been provided. The Flood study provided also confirms that excavation would result in the subject site and adjoining properties being impacted by floods. The stormwater plans provide errors which would result in the proposed systems failing.

- a) The stormwater management plan is unacceptable for the following reasons:
 - i. 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.
 - ii. The existing natural surface level at the location of last pit inside the site is RL 56.88m. 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.
 - iii. 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

**Lane Cove Local Planning Panel 2 June 2026
MINUTES**

- existing driveways.
- iv. 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.
 - v. 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.
 - vi. 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.
 - vii. The details of the proposed pump out system in the basement have not been provided.
 - viii. The pollution analysis modelling (MUSIC) has not been submitted for the design and installation of GPT.
- b) The flood report is unacceptable for the following reasons:
- i. 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.
 - ii. 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.
 - iii. 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.
 - iv. The existing natural surface level at the location of the last pit inside the site is RL 56.88m. 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 56.88m 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.
 - v. 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.
 - vi. 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.
 - vii. Council does not support adverse impacts on the adjoining properties.

- c) The public domain concept design is unacceptable because 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.

Traffic Concerns

15. The development application is refused as insufficient documentation has been provided as well as unreasonable impacts on traffic.

Particulars

- a) The Applicant has not provided the required traffic modelling in SIDRA to support the proposed increase in traffic generation.
- b) The driveway width of 9m does not address safety and is permitted to be a maximum of 6m to 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) 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 30m from this corner, where 40m is provided.
- d) The location of visitor bicycle parking is unreasonable.
- e) The Construction Traffic Management Plan is not supportable for the following reasons:
 - i. Council does not support the trucks routes proposed on Longueville Road, as this is a highly pedestrianised area.
 - ii. 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.
 - iii. 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.
 - iv. 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 Collection

16. The development application is refused as proposal fails to provide for the required waste collection.

Particulars

- a) 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.
- b) 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.

Tree Comments

17. The development application is refused as insufficient documentation has been provided, and, the proposal is not sympathetic to the landform of the site or existing vegetation.

Particulars

- a) 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 and up to date Australian Standards
- b) 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 (estimated dimensions). 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
- c) The supplied arborist report has been prepared using a superseded standard.
- d) Impacts to tree 14 have not been adequately addressed within the Arborist report.
- e) 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. 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.
- f) 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.
- g) 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.
- h) 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.

Over development

18. The Development Application is refused because the proposal would represent as an overdevelopment as evidenced through the provision of poor amenity.

Particulars

- a) The overall design seeks to achieve the maximum density as determined by the Housing SEPP 2021 bonuses, which have not been properly activated as previously discussed.
- b) The proposal seeks to excavate well below natural ground level to enable additional units beneath the height control. This significantly compromises the amenity of these units. A split level approach to basement parking should be provided to ensure reasonable apartments are provided and minimise unnecessary excavation.
- c) The internal separation is inadequate and significantly compromises the amenity and floor plan layout opportunities with regards to solar access, visual outlook and cross ventilation for adversely affected units.
- d) The development application then selects these units which contain the worst amenity and identify them as affordable housing which is not considered to be reasonable and equitable.

Environmental, Built and Social Impacts

19. The development application is refused as the impacts on both the natural, built and social environments of the locality would be unreasonable.

Particulars

- a) The development application failed to demonstrate adequate consideration of residential and local amenity.
- b) The proposed development fails to positively contribute to streetscape amenity.
- c) The proposed development would have an unreasonable visual impact upon the future and envisioned area.
- d) The impacts on both the environmental, the built and social environments of the locality are unsatisfactory.
- e) The impacts of the proposed development have been considered and addressed where it is considered that there would be significant adverse impacts either to the amenity of the locality and within the subject development site.

Site Suitability

20. The development application is refused as the proposal does not respond appropriately to the site constraints and therefore the site is not suitable for the development.

Particulars

- a) The proposal represents overdevelopment and the overall design would not be suitable for the subject development site having regard to the adverse impacts.
- b) Whilst the subject land would be ultimately suitable for the proposed use as determined by the Housing SEPP 2021 permissibility requirements, it is considered that the proposed development had not been designed in a manner to ensure that it responds to site specific characteristics as detailed above in these raised contentions.

Public Interest

21. The development application is refused as the proposal is not consistent with the public interest.

Particulars

- a) The subject Development Application should be refused primarily for the reasons provided above, and approval of the Development Application would be contrary to the public interest.
- b) Approval of the proposal would be contrary to the public interest as it would unreasonable impact the amenity of the local area which has not been considered, and, has not been designed sympathetically to the constrains of the site and requirements of the relevant Environmental Planning Instruments as detailed above.

The decision of the Panel was unanimous

CLOSE

The meeting closed at 6.00pm

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