

## SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Lane Cove Municipal Council on Thursday 19 March 2015 at 11:00am

Panel Members: John Roseth (chair), David Furlong, Sue Francis, Stephanie Bashford and Marc Gold

Apologies: None - Declarations of Interest: None

### Determination and Statement of Reasons

**2014SYE117 Lane Cove da14/143 [at 1-13A Marshall Avenue, St Leonards] as described in Schedule 1.**

**Date of determination:** 19 March 2015

#### **Decision:**

The panel determined not to accept the recommendation of the assessment report and to refuse the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

#### **Panel consideration:**

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

#### **Reasons for the panel decision:**

1. The majority of the Panel (John Roseth, David Furlong, Sue Francis Stephanie Bashford) considers that, in order to accept the building height standard variation under cl 4.6 of the LEP, it must be satisfied on a number of matters:
  - First, that compliance with the standard is unnecessary and unreasonable in the circumstances of the case;
  - Second, that there are sufficient planning grounds to justify contravention of the standard;
  - Third, that the variation is in the public interest.
2. For the building height standard, the objectives of the standard are to minimise overshadowing, to minimise loss of privacy, to minimise visual impact on neighbouring properties, to maximise sunlight to the public domain and to relate well to the topography.
3. The majority of the Panel cannot agree that the proposed development, that increases the height of the tower building by almost 30m (or nine floors) beyond the building height standard, complies with the above objectives. In particular it will have worse impact on views and result in larger shadows on the public domain than would a building of complying height.
4. Moreover, the proposed building, at a height of 94m, would be out of scale with both the existing and desired future character of the area, which does not provide a transition of scale to the proposal. The majority of the Panel notes that the council sought to change its planning controls to allow a building of 65m on the subject site. It assumes therefore that this height suggests the desired future character of the area.
5. The Panel notes that the LEP which governs the development of this area is of recent origin. Departures from it so soon after gazettal would be undesirable and undermine the community's confidence in the planning process.
6. The majority of the Panel accepts that the Voluntary Planning Agreement (VPA) offered by the applicant and accepted by the Council has some relevance to this application because the funds offered would be spent in the public interest. However, the Panel believes that the proposal must comply with all the requirements of cl 4.6 before any consideration can be given to the VPA, and for that reason the Panel has given minor weight to it.

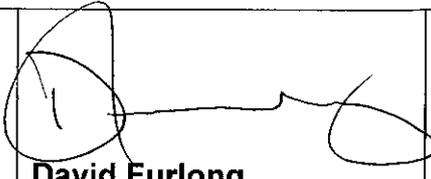
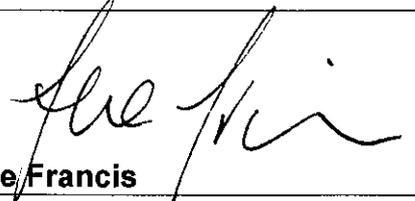
## SYDNEY EAST JOINT REGIONAL PLANNING PANEL

7. For the above reasons, the Panel cannot accept the recommendation of the assessment report for approval and refuses the application.

8. Marc Gold voted to approve the application for the reasons set out in the assessment report.

**Conditions:** Not relevant

**Panel members:**

 <b>John Roseth (chair)</b>	 <b>David Furlong</b>	 <b>Sue Francis</b>
 <b>Stephanie Bashford</b>	 <b>Marc Gold</b>	

## SYDNEY EAST JOINT REGIONAL PLANNING PANEL

### SCHEDULE 1

1	<b>JRPP Reference – LGA- Council Reference:</b> 2014SYE117 Lane Cove da14/143
2	<b>Proposed development:</b> Construction of a mixed use development comprising 269 residential units, commercial/retail space, communal areas and basement parking for 295 vehicles, construction of a roundabout and subdivision.
3	<b>Street address:</b> 1-13A Marshall Avenue, St Leonards
4	<b>Applicant/Owner:</b> Loftex Pty Ltd / Loftex Pty Ltd
5	<b>Type of Regional development:</b> Capital Investment Value > \$20M
6	<p><b>Relevant mandatory considerations</b></p> <ul style="list-style-type: none"> <li>• Lane Cove Local Environmental Plan 2009</li> <li>• Lane Cove Development Control Plan 2010</li> <li>• Lane Cove Section 94 Contribution Plan</li> <li>• State Environmental Planning Policy (Building Sustainability Index) 2004</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• Airports Act 1996</li> <li>• Airports (Protection of Airspace) Regulations 1996</li> <li>• Draft Voluntary Planning Agreement</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
7	<p><b>Material considered by the panel:</b>  Council Assessment Report Dated: 6 March 2015  Addendum Council Assessment Report dated 12 March 2015  Written submissions during public exhibition: 115 individual submissions and two (2) petitions with 64 signatures  Verbal submissions at the panel meeting: Against- Lisa Bella Esposito on behalf of the Owners Corporation of Forum West and Greenwich St Leonards Action Group, Alexi Jubian on behalf of Albert Jubian, Arlette Jubian, Randy Brophy, Susan Ingham, Tim Ingham on behalf of Frances Vissel, Susan Dadswell, Pam Palmer, Kim McIntyre, Diane Willis, Arlette Jubian on behalf of Rima Jubian, Helen Pearson and Anita Jubian; On behalf of the applicant- Rob Turchini</p>
8	<b>Meetings and site inspections by the panel:</b> Briefing Meeting on 6 November 2014
9	<b>Council recommendation:</b> Approval
10	<b>Draft conditions:</b> As attached to addendum Council Assessment Report dated 12 March 2015