SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Christies Conference Centre on Thursday 26 May 2016 at 1.30pm

Panel Members: John Roseth (chair), David Furlong, Sue Francis and Eugene Sarich

Apologies: None - Declarations of Interest: None

Determination and Statement of Reasons

2015SYE021 – Lane Cove - 2014/222 - Mixed use development - Demolition and construction of a mixed use development comprising a podium, two towers, retail, 570 units, commercial, community and recreational uses and parking for 520 cars - 472 - 494 Pacific Highway, Lane Cove as described in Schedule 1.

Date of determination: 26 May 2016

Decision:
The panel determined to approve 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 as addressed in the Council Assessment Report, the material listed at item 7 and the material presented at meetings listed at item 8 in Schedule 1. The panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

Reasons for the panel decision:
The Panel resolves to accept the recommendation of the assessment and supplementary reports to approve the application; however, the Panel does not accept the recommendation to approve the height variation requested under cl 4.6 of the Lane Cove LEP 2009. The reason is that a variation in this particular case cannot be justified in relation to a very recent and site specific amendment to the LEP. The Panel therefore imposes an additional condition requiring the proposal to comply with the RLs specified in Amendment 18 to the LEP. The Panel does not accept that the proposed blade wall is an "architectural feature"; therefore the lift towers in the amended development must be no higher than the RLs specified in Amendment 18. The amendment is to be completed to the satisfaction of the council before the lodgement of a Construction Certificate.

The Panel has considered the concerns of objectors. The Panel is aware that, even with the reduction in height resulting from the above condition, the two towers will be very tall and will obstruct many iconic views. However, the Panel notes that this is a consequence of Amendment 18, which allows tall buildings on the site. Notwithstanding the objectors' concerns about traffic impact on Nicholson Street, the Panel notes that both the RMS and the council's engineer have found the traffic impact acceptable. Apart from compliance with the height controls, there are no lawful reasons on which the Panel could do other than approve the application.

Conditions: The development application was approved subject to the conditions recommended in the assessment report with the addition an additional condition requiring the proposal to comply with the RLs specified in Amendment 18 to the LEP. The Panel does not accept that the proposed blade wall is an "architectural feature"; therefore the lift towers in the amended development must be no higher than the RLs specified in Amendment 18. The amendment is to be completed to the satisfaction of the council before the lodgement of a Construction Certificate. In addition Conditions 94 and 95 are amended according to the agreement of the council and applicant.

94. All tree protection measures and signage must be erected PRIOR TO THE COMMENCEMENT OF WORKS. This includes demolition and all site preparation works, and tree protection measures must remain in place for the duration of the development, including construction of the driveway crossing.

95. Pursuant to 80A(6)(a) and (7) of the Environmental Planning and Assessment Act 1979, the applicant must, prior to the commencement of works, provide security in the amount of $40,000 (by way of cash deposit with the Council), or a guarantee satisfactory to the Council for the payment of the cost of making good any damage caused, as a consequence of the doing of anything to which this development consent relates, to all street trees that are on the public road reserve immediately adjoining the land subject to this development consent.

The Council may apply funds realised from the security to meet the cost of making good any damage

caused, as a consequence of the doing of anything to which this development consent relates, to the said trees. If the cost of making good any damage caused to the said trees as a consequence of the doing of anything to which this development consent relates exceeds the amount of the security provided by the applicant additional security must be provided by the applicant to the Council to cover that cost and the Council may apply funds realised from the additional security to meet the total cost of making good the damage.

The bond shall be refundable following issue of the Final Occupation Certificate. The owner must notify Council's Senior Tree Assessment Officer who will inspect the street trees and organise the bond refund.

Panel members:

John Roseth (chair)	**David Furlong**	**Sue Francis**
Eugene Sarich		

	SCHEDULE 1
1	**JRPP Reference – LGA- Council Reference:** 2015SYE021 – Lane Cove - 2014/222
2	**Proposed development:** Mixed use development - Demolition and construction of a mixed use development comprising a podium, two towers, retail, 570 units, commercial, community and recreational uses and parking for 520 cars
3	**Street address:** 472 - 494 Pacific Highway, Lane Cove
4	**Applicant:** Mirvac Projects Pty Ltd (Formally Leightons Pacific St Leonards Pty Ltd) **Owner:** Mirvac St Leonards Pty Ltd (Formally Leightons)
5	**Type of Regional development:** General development with a Capital Investment Value of more than $20 million
6	**Relevant mandatory considerations** • State Environmental Planning Policy (Building Sustainability Index) 2004 • Lane Cove Local Environmental Plan 2009 • State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) • Airports Act 1996 and Airports (Protection of Airspace) Regulations 1996 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest.
7	**Material considered by the panel:** Council Assessment Report Dated: 18 February 2016 and Council Supplementary Report Dated: 13 May 2016 Written submissions during public exhibition: 93 Verbal submissions at the 2 March 2016 panel meeting: Support- Nil; Against- Arlette Jiban, Anita Jubian, Charles Pillay, Steve Alch, Paul Van Den Heuvel, Richard Monks, Albert Jubian, Randall Brophy; On behalf of the applicant- Stephen White, Adrian Checcin and Nick Sissons Verbal submissions at the 26 May 2016 panel meeting: Support- nil; Against - Patricia Quirke-Parry, Paul van den Heuvel, Garry Johnston, Charles Pillay, Natalie Richter, Helen Pearson, Julie

	Waddington, Arlette Jubina, Anita Jubian, Albert Jubian - GSL Action Group; On behalf of the applicant- Adrian Checcin
8	**Meetings and site inspections by the panel:** Briefing Meeting on 11 June 2015 and 11 May 2016 and Panel Meeting 2 March 2016
9	**Council recommendation:** Approval
10	**Draft conditions:** Attached to council assessment report