

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Christies Conference Centre on Wednesday 29 June 2016 at 2.00pm

Panel Members: Sue Francis (chair), Tim Moore, Stuart McDonald, and Eugene Sarich

Apologies: Scott Bennison - Declarations of Interest: Scott Bennison

Determination and Statement of Reasons

2016SYE017 – Lane Cove - DA 205/2015 - Mixed use development - 1-13 Marshall Avenue, St Leonards as described in Schedule 1.

Date of determination: 29 June 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:

Since the Panel last considered a proposal on the subject site, the Council has sought to increase the permissible height through a change to the Lane Cove LEP – Amendment 19 – which was gazetted into law on 10 June 2016. It is this, now amended LEP & its new development standards against which the Panel must consider the subject DA. In addition, since the Panel last considered a development on this site Council has prepared a PP to increase the density of the Lane Cove South Precinct. It is understood that this PP being considered by the Department at pre-gateway.

The Panel has heard from local residents who are opposed to the development mostly due to its increased height. The Panel acknowledges this concern and accepts that any development complying with the new height will affect views and increase shadows. This, however, is an anticipated outcome of the LEP amendment. There is no greater impact of the development proposal than that anticipated by the zoning and its controls.

The panel notes the existence of the VPA and that its use for either the station plaza or “public infrastructure in general” was a matter resolved at the PP.

Residents raised concern as to the whether the proposal satisfied the height of 94m. Having reviewed the material provided the Panel is satisfied that the height limit is not exceeded.

In relation to the potential enclosure of balconies anticipated by Condition 5, the Panel understands that the DA does not seek to maximise the allowed floor space ratio and has a “spare capacity” of approximately 1200sqm and that enclosing the northern balconies from level 12 upwards would increase the GFA by only approximately 480sqm. Subject to some re-wording of Condition 5 as follows:

Prior to the application for a CC the applicant shall submit to Council evidence of mitigation measures which create an acceptable wind environment for the site and surrounding areas. The mitigation measures must result in the site and surrounding areas being fit for the intended use of a public plaza and recreation area.

The applicant may partially or completely enclose the balconies on level 12 and upwards if a suitable mitigation measure cannot be formulated for the locations specified within the CPP Wind Tunnel tests submitted with this application. Architectural plans of any balcony enclosure must be submitted to council for approval before making an application for a CC

the panel considers satisfaction of Condition 5 would not result in a breach of the floor space ratio standard.

Accordingly the Panel unanimously accepts the recommendation of the staff to approve the application for the following reasons, as well as those mentioned above.

1. The amendment of the LEP to increase the height limit whilst retaining the floor space ratio for the

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block establishes a new desired future character for the area of which this application would be consistent

2. The impacts associated with the proposal are considered acceptable.
3. The matters raised in the written submissions and the meeting were adequately addressed in the councils report, conditions of consent and through discussion and clarification at the meeting.

Conditions: Amendments a follows:-

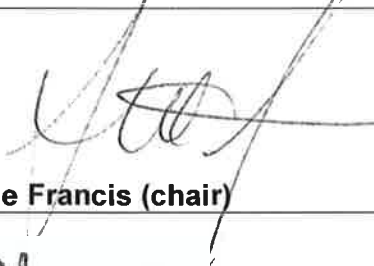
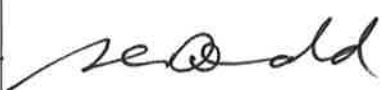


Condition 5 - Prior to the application for a CC the applicant shall submit to Council evidence of mitigation measures which create an acceptable wind environment for the site and surrounding areas. The mitigation measures must result in the site and surrounding areas being fit for the intended use of a public plaza and recreation area.

The applicant may partially or completely enclose the balconies on level 12 and upwards if a suitable mitigation measure cannot be formulated for the locations specifies within the CPP Wind Tunnel tests submitted with this application. Architectural plans of ant balcony enclosure must be submitted to council for approval before making an application for a CC

Condition 59 – Amend the condition to change the reference from on street to on-site

Condition 65 – Amend the condition from Nicholson Street to Marshall Lane

Panel members:

 Sue Francis (chair)	 Stuart McDonald	 Tim Moore
 Eugene Sarich		

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2016SYE017 – Lane Cove - DA 205/2015
2	Proposed development: Mixed use development
3	Street address: 1-13 Marshall Avenue, St Leonards
4	Applicant/Owner: Loftex Pty Ltd
5	Type of Regional development: General development with a Capital Investment Value of more than \$20 million
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Lane Cove LEP 2009 • Lane Cove DCP 2010 • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development • State Environmental Planning Policy (Building Sustainability Index) 2004 • 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, including the principles of ecologically sustainable development.
7	Material considered by the panel: Council Assessment Report Dated: 17 June 2016 Written submissions during public exhibition: 58 Verbal submissions at the panel meeting: Support- nil; Against- Tom Gervay, Helen Pearson – St Leonards Residents Network, Chloe Dunlop – Owners Corporation of Forum West, Randall Brophy, Susan Ingham, Alan Winney, Francis Vissel, Marry Southwood – Greenwich Community Assoc, Anita Jubian, Albert Jubian - GSL Action Group, Arlette Jubian, Cathy Sweeney, Pam Palmer; On behalf of the applicant- David Kettle – DFP Planning on behalf of Loftes Pty Ltd
8	Meetings and site inspections by the panel: Briefing Meeting on 29 February 2016
9	Council recommendation: Approval
10	Draft conditions: Attached to council assessment report