

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Wednesday 2 November 2016
PANEL MEMBERS	John Roseth (Chair), Sue Francis, Susan Budd, Eugene Sarich, Scott Bennison
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Christie Conference Centre, 3 Spring Street Sydney on Wednesday 12 October 2016, opened at 12.00 pm and closed at 12.50 pm.

MATTER DETERMINED (AS DESCRIBED IN SCHEDULE 1)

2016SYE049 – Lane Cove - DA33/2016

2-4 Burley Street, Lane Cove

Construction and use of an eight storey residential flat building for 95 dwellings

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings in Schedule 1.

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*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel notes that the council has received a Remediation Action Plan from the applicant and consequently the assessment officer has revised his recommendation from deferred commencement consent to consent subject to conditions. The Panel accepts the recommendation.

The reasons for the decision of the Panel are:

The proposal complies with the desired future character of the site, which is zoned R4.

The proposal complies with relevant planning controls except for a minor variation of the height control. The variation of height has been justified by a submission under cl 4.6 of the Lane Cove LEP 2009, on the grounds that the variation applies to part of the lift tower and is not visible from any point in the vicinity. Moreover the site is sloping and the additional height has no material impact.


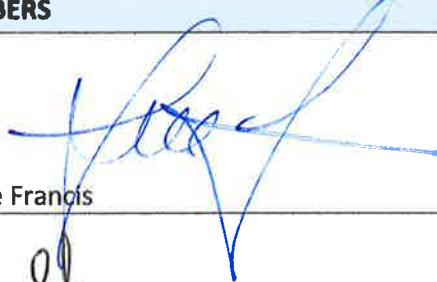
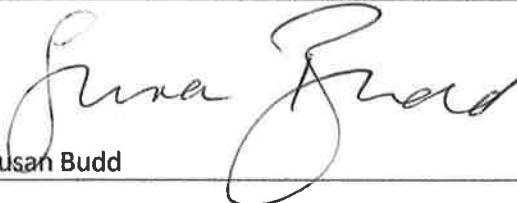
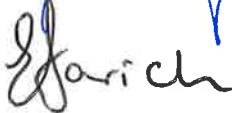

The internal amenity of the apartments is satisfactory.

The Panel gave careful considerations to the concerns of the two objectors, which related mainly to traffic and parking. The Panel notes that the traffic impact study submitted with the application found that the impact of the development was acceptable and that the council's engineer agreed with this assessment. The Panel notes also that the Pacific Highway-Burley Street intersection is classified as level of service A.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report, except for Condition 74 to read as follows:

(V1) Proposed Vehicular Crossing: The proposed vehicular crossing is to be as far (27m minimum) from the Pacific Hwy as possible and shall be constructed to the specifications and levels issued by Council. A 'Construction of a Multi Unit Footpath Crossing' application shall be submitted to Council **prior to the issue of the Construction Certificate**. All work associated with the construction of the crossing shall be completed **prior to the issue of the Occupation Certificate**.

PANEL MEMBERS	
 John Roseth (Chair)	 Sue Francis
 Susan Budd	 Eugene Sarich
 Scott Bennison	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYE049 – Lane Cove – DA 33/2016
2	PROPOSED DEVELOPMENT	Construction and use of an eight storey residential flat building for 95 dwellings
3	STREET ADDRESS	2-4 Burley Street, Lane Cove
4	APPLICANT: OWNER:	JBA Urban Planning GDCO Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Invest Value >\$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development 2011) State Environmental Planning Policy No. 55 (Remediation of Land) State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy BASIX 2004 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Lane Cove Local Environmental Plan 2009 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Lane Cove Development Control Plan 2010 Planning agreements: Nil Regulations: <ul style="list-style-type: none"> Lane Cove S.94 Plan 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 <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>. The public interest, including the principles of ecologically sustainable development.
7	MATERIAL CONSIDERED BY THE PANEL	Council Assessment Report: 19 October 2016 Written submissions during public exhibition: 14 Verbal submissions at the panel meeting: <ul style="list-style-type: none"> Object – Jade Hou, Philippa Sarleck On behalf of the applicant –
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	Briefing Meetings: 9 June and 2 November 2016
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	As per council assessment report