

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	8 February 2017
PANEL MEMBERS	Deborah Dearing (Chair), John Roseth, Abigail Goldberg, Eugene Sarich
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>Sue Francis declared a non-pecuniary conflict of interest as a fellow Director has provided planning consultancy services to the applicant.</p> <p>Scott Bennison declared a non-pecuniary conflict of interest as he has participated in voting of this application in his capacity of Councillor for Lane Cove Council.</p>

Public meeting held at Christie Conference Centre, 100 Walker Street North Sydney on Wednesday 8 February 2017, opened at 3.10 pm and closed at xxx.

MATTER DETERMINED

2016SYE121 – Lane Cove – DA172/2016 at 296-314 Burns Bay Road, Lane Cove (AS DESCRIBED IN SCHEDULE 1)

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 and the matters observed at site inspections listed at item 8 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



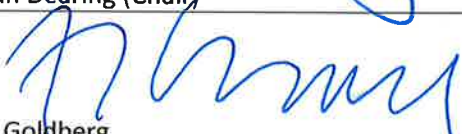
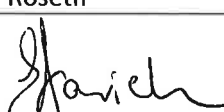
The reasons for the decision of the Panel were:

The proposal largely complies with Council's Local Environment Plan and DCP. The submissions raised have been addressed in the planning report or do not form part of reasons for which the application could be lawfully refused.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Deferred commencement Condition 1 is to confirm that a Deed exists between Council and the applicant specifying that Council will be responsible for the Remediation Action Plan and its implementation.
- Council shall make the Remediation Action Plan publicly available.
- An additional condition is inserted specifying that lift overruns are not to exceed the maximum building height control and shall not be any higher than RL46.48.

PANEL MEMBERS	
 Deborah Dearing (Chair)	 John Roseth
 Abigail Goldberg	 Eugene Sarich

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2016SYE121 – Lane Cove – DA172/2016
2	PROPOSED DEVELOPMENT	Construction of a residential flat building with 2 levels of basement, child care centre, neighbourhood shop, creation of a three lot stratum and address change to 2 Waterview Drive, Lane Cove
3	STREET ADDRESS	296-314 Burns Bay Road, Lane Cove
4	APPLICANT: OWNER:	HPP General Pty Ltd Lane Cove Council
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment 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 55 – Remediation of Land ○ State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy State and Regional Development 2011 ○ 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: Lane Cove S.94 Plan • <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • 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> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 23 January 2017 • Written submissions during public exhibition: 26 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Object – Brian Spiller on behalf of the owners of Strata Plan88541, Rajdeep Talpade on behalf of the owners of Strata Plan 10715, Simon Corcoran on behalf of the owners of 290 Burns Bay Road Lane Cove, Chris Lisha. ○ On behalf of the applicant – Carlo Di Giulio
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing Meetings: 25 October 2016 (Sydney East Joint Regional Planning Panel), 8 February 2017
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report