



DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	16 November 2017
PANEL MEMBERS	Deborah Dearing (Chair), Lindsay Fletcher, Julie Savet Ward, Eugene Sarich
APOLOGIES	Scott Bennison, John Roseth, Sue Francis
DECLARATIONS OF INTEREST	None

Public meeting held at Christie Conference Centre 100 Walker Street North Sydney on 16 November 2017, opened at 1:00pm and closed at 1:30pm.

MATTER DETERMINED

2017SNH055 – Lane Cove – DA198/2015 at 2-10 Rosenthal Avenue 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 96(2) 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 modified development results in no additional adverse impact on the environment or any adjoining or nearby residences over and above those addressed as part of the original approval.

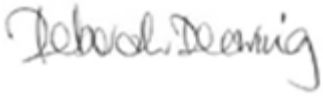


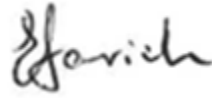
CONDITIONS

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

- Condition 3 shall read: "The maximum gross floor area of the proposed development shall not exceed 6500m², excluding any car parking in excess of the 340 car spaces required by Council."

[Reason: in recognition that some of the car parking is technically gross floor area. The Panel is satisfied that even including those car spaces, the proposal does not exceed the maximum FSR permitted under the LEP]

- Condition 12, the final sentence shall read:
 "... The bridge is to be completed to the satisfaction of Council and the Roads Authority prior to the issue of any occupation certificate for the development other than an occupation certificate for car parking."
[Reason: to facilitate the availability of public car parking as soon as practicable but to ensure completion of the pedestrian bridge prior to occupation of retail area and open space]

PANEL MEMBERS	
 Deborah Dearing (Chair)	 Lindsay Fletcher
 Julie Savet Ward	 Eugene Sarich

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SNH055 – Lane Cove – DA198/2015
2	PROPOSED DEVELOPMENT	Redevelopment of Rosenthal Car Park involving, Construction of a six (6) level mixed-use building comprising four (4) level basement car park, two (2) supermarkets and ground level public open space and retail tenancies.
3	STREET ADDRESS	2-20 Rosenthal Avenue Lane Cove
4	APPLICANT OWNER	ADCO Constructions Pty Ltd Lane Cove Council
5	TYPE OF REGIONAL DEVELOPMENT	Section 96(2) Modification Application
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 (Infrastructure) 2007 ○ State Environmental Planning Policy No.55 – Contaminated Lands ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) ○ 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 • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: 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: 3 November 2017 • Written submissions during public exhibition: 3 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Douglas Stuart on behalf of Residents and Shopkeepers for Appropriate Development ○ On behalf of the applicant – Nick Lyons, Ellis Lamond, Jacqueline Parker, Robert Sanderson, Esther Dickens, Georgia Jezeph, Stephen Brain.
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection (Lindsay Fletcher): 15 November 2017 • Final briefing meeting to discuss council's recommendation, 16 November 2017 at 12:30pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Deborah Dearing (Chair), Julie Savet Ward, Lindsay Fletcher, Eugene Sarich ○ <u>Council assessment staff</u>: Rajiv Shankar, Tim Shelley, Geoffery Douglas, Michael Mason
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report