

DATE OF DEFERRAL	Wednesday 23 October 2019
PANEL MEMBERS	Peter Debnam (Chair), Sue Francis, John Roseth, Eugene Sarich, Deborah Sutherland
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Christie Conference Centre, 100 Walker Street, North Sydney on 23 October 2019, opened at 10.33am and closed at 12.38pm.

MATTER DEFERRED

PPSSNH-1 – Lane Cove – DA50/2019 at 20 Mindarie Street, Lane Cove North for a concept development application (as described in Schedule 1)

REASONS FOR DEFERRAL






1. The Panel resolved to defer the determination of the application in order to allow the applicant to respond to the following concerns.
 - a. While the applicant is entitled to submit this application as a Concept Application, the Panel considers that there is insufficient detail and information in this application for it to make an informed determination, particularly given the variation sought to the height limit and the lack of detail as to the end form of the development both in physical form, uses, quantum of social housing and vehicular ingress/egress. In this respect, the applicant has indicated that a contract for development of the site has been issued. In this respect a detailed application will be necessary and will need to respond to the concerns raised. One purpose of the deferral is to allow the applicant to reconsider the question whether its purpose would be better served by lodging a detailed application thus avoiding the need for two approvals.
 - b. However, if the applicant wishes to proceed with a Concept Application, the Panel considers that there is not enough information for it to make an informed decision. In particular, the application provides no information on where the vehicular entry and exit are located. This is a fundamental aspect even of a Concept Application.
 - c. The Panel considered the objections of neighbours and listened to their concerns during the public meeting. The main concern is the overshadowing of houses to the south and the transition of the building form. The Panel notes that the site is on the sensitive boundary interface between an R4 and an E4 zone, and the planning principle (Seaside v Wyong Shire Council) specifically states that maximising the controls on the higher density site/zone can not be presumed.
 - d. The application also does not comply with the height development standard and that the clause 4.6 submission provides insufficient environmental grounds to justify the variation.
 - e. In addition, the Panel believes that any application should comply with the ADG's requirement for an additional 3m setback on sites situated on zone boundaries with a lower density development. This would significantly change the proposed concept envelope.
2. The Panel requests the applicant to, as soon as possible, either:-
 - a. Lodge a detailed application, which responds to the above concerns; or
 - b. Amend the existing Concept Application by providing additional information and changes that respond to the Panel's concerns, but not limited to the shadow impact on properties to the south.

The panel agreed to defer the determination of the matter for the applicant to provide amended concepts plans by mid December 2019.

When this information has been received and assessed by council, the panel will hold another public determination meeting.

The decision to defer the matter was unanimous.

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

PANEL MEMBERS	
 Peter Debnam (Chair)	 John Roseth
 Sue Francis	 Eugene Sarich
 Deborah Sutherland	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-1 – Lane Cove – DA50/2019
2	PROPOSED DEVELOPMENT	Concept development application for a residential flat building.
3	STREET ADDRESS	20-22 Mindarie Street and 30 Pinaroo Place, Lane Cove
4	APPLICANT/OWNER	NSW Land and Housing Corporation
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No.65 – Design Quality of Residential Apartment and Apartment Design Guide 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: 9 October 2019 Clause 4.6 Variation request (height of building) Written submissions during public exhibition: 11 Written submissions presented at public meeting 23 October: Charlene Tay, Guy Hallows (on behalf of the Stringy Bark Creek Residents Association) Verbal submissions at the public meeting 23 October 2019: <ul style="list-style-type: none"> In support – Nil In objection –Guy Hallows (on behalf of the Stringy Bark Creek Residents Association), Jason Man, Jayant Ahuja, Charlene Tay. Council assessment officer –Michael Mason On behalf of the applicant – Cameron Yeates, Daniel Natoli.
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 14 August 2019 <ul style="list-style-type: none"> <u>Panel members</u>: John Roseth, Sue Francis, Deborah Sutherland <u>Council assessment staff</u>: Rajiv Shankar, Henry Burnett Michael Mason Final briefing to discuss council's recommendation, 23 October 2019 at 10am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), John Roseth, Sue Francis, Deborah Sutherland, Eugene Sarich <u>Council assessment staff</u>: Rajiv Shankar, Henry Burnett, Michael Mason
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report