

DATE OF DETERMINATION	4 March 2022
DATE OF PANEL DECISION	2 March 2022
PANEL MEMBERS	Peter Debnam (Chair), Sue Francis, Brian Kirk, Eugene Sarich and Vivienne Albin
APOLOGIES	Julie Savet Ward
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 2 March 2022, opened at 10.00am and closed at 11.24am.

MATTER DETERMINED

PPSSNH-243 – DA99/2021 – Lane Cove – 21 to 41 Canberra Avenue and 18 to 32 Holdsworth Avenue, St Leonards, Demolition of existing structures and construction of five (5) residential flat buildings (ranging from 6 to 10 storeys) comprising a total of 330 apartments and basement parking for 372 vehicles (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The Panel's decision was unanimous.

REASONS FOR DECISION

The Development Application (DA) was approved for the reasons set out below and in Council's comprehensive Assessment Report.

The subject site is within the St Leonards South Precinct, which has been the subject of considerable community consultation and local planning debate for some years. This DA design draws from the experience of that planning process as well as extensive design refinement through the Northern Sydney Region of Council's Design Review Panel and Design Excellence Panel in pre-DA meetings.

Council has assessed the proposal against the relevant parts of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The proposed residential development responds to the site constraints, is consistent with the planning controls, would provide for the planned density and achieve design excellence on one of the more constrained sites within the St Leonards South Precinct.

The Panel concurs with Council that the DA sets a high standard for development within the St Leonards South Precinct in relation to quality of design and level of compliance with newly made planning provisions. Consequently, the Panel believes approval is in the public interest.

CONDITIONS

The Panel heard debate from Council and the applicant about the applicant's proposed changes to conditions relating to allocation of parking and also cabling for electric vehicle charging but concurred with Council that the proposed conditions should remain unchanged. The DA was approved subject to the conditions in Council's Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered sixty-five written submissions made during the public exhibition and heard from members of the public who wished to address the public meeting. Issues of community concern included: building height, density, traffic, parking, overshadowing, emergency vehicle access and impacts on Newlands Park.

The Panel also acknowledges some community concerns related to DCP requirements, but the Panel notes the Council's LEP overrides DCP guidelines. The Panel further acknowledges some community members expressed concern with the interpretation of "Part Storeys", but the Panel believes the issue has been correctly addressed by the applicant and Council.

The Panel considers that concerns raised in the submissions have been adequately addressed in Council's assessment report, by the applicant and Council responses during the public meeting and in the conditions.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Sue Francis
 Brian Kirk	 Eugene Sarich
 Vivienne Albin	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-243 – DA99/2021 – Lane Cove
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of five (5) residential flat buildings (ranging from 6 to 10 storeys) comprising a total of 330 apartments and basement parking for 372 vehicles
3	STREET ADDRESS	21 to 41 Canberra Avenue and 18 to 32 Holdsworth Avenue, St Leonards
4	APPLICANT/OWNER	Applicant: Top Spring Property & Development Services Pty Ltd Owner: Silver Pond Investments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital investment value (CIV) over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - SEPP (Infrastructure) 2007 - Schedule 3 – Traffic Generating Development - SEPP No 55 – Remediation of Land - SEPP No 65 - Design Quality of Residential Apartment Development and NSW Apartment Design Guide (ADG) - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

		• State Environmental Planning Policy (State and Regional Development) 2011 • SREP (Sydney Harbour Catchment) 2005 • Lane Cove Local Environmental Plan 2009 • Draft environmental planning instruments: • Environment SEPP (Consolidation of Sydney Harbour SREP), Transport and Infrastructure SEPP • Design and Place SEPP • Resilience and Hazards SEPP • Development control plans: • Lane Cove Development Control Plan 2009 • Planning agreements: Yes – draft planning agreement that a developer has offered to enter into under Section 7.4 • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Regs 92, 93, 94, 94A, 288 • Clause 92(1)(b) – Demolition of Structures • 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	• Council Assessment Report: 16 February 2022 • Supplementary Memorandum to Panel - Applicants Request to Modify Draft Conditions of Consent. • Applicant's memo and Proposed Amendment to Draft Condition C.9 Allocation of Parking • Written submissions during public exhibition: 65 • Verbal submissions at the public meeting: ○ Members of the community – Simon Pallavicini, Jennifer Schneller, Sue Yelland, Arlette Jubian, Anita Jubian, Albert Jubian, John Hancox on behalf of Wollstonecraft Precinct, John Southwood on behalf of the Greenwich Community Association and Clr Meredith Southwood. ○ Council Assessment Officers – Henry Burnett and Mark Brisky ○ On behalf of the applicant – Matthew Allen, Sam Sirdah and Ben Salon
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing: 07 December 2021 • Final briefing to discuss council's recommendation: 2 March 2022 ○ <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, Brian Kirk, Eugene Sarich and Vivienne Albin ○ <u>Council assessment staff</u>: Henry Burnett, Mark Brisky and Terry

		Tredrea and Chris Pelcz. Site inspection: Site inspections have been curtailed due to COVID-19. Where relevant, Panel members undertook site inspection individually.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report