

DETERMINATION AND STATEMENT OF REASONS SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	14 October 2022
DATE OF PANEL DECISION	13 October 2022
DATE OF PANEL MEETING	12 October 2022
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Eugene Sarich, Vivienne Albin
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 12 October 2022, opened at 9.30am and closed at 10.33am.

MATTER DETERMINED

PPSSNH-288 – PAN-175398 – DA 187/2021 - Lane Cove – 1 - 3 Holdsworth Avenue and 10 - 12 Marshall Avenue, St Leonards. Demolition of the existing structures and construction of a part 10 and part 12 -storey residential flat building comprising 96 apartments and basement parking for 110 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 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 decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons below and in Council's comprehensive Assessment Report.

The subject site is known as Area 12 and is centrally located in the northern most portion of the St Leonards South Precinct. It is zoned R4 High Density Residential and the proposal is for construction of a part 10 storey and part 12 storey residential flat building comprising 96 apartments and basement parking for 110 vehicles.

The Panel notes the proposal has benefited from extensive design refinement through Council's Design Review and Design Excellence process and the Panel concurs with Council that the proposal achieves the required standard for development within the St Leonard's South Precinct in relation to building envelope, height, storeys and compliance with the newly made planning provisions.

The Panel also notes Council's guiding vision for the St Leonards South Precinct is that the desired future character of the Precinct is for a liveable, walkable, connected, safe precinct which builds upon the transit and land use opportunities of St Leonards and Metro Stations and the commercial centre. The Applicant's final proposal has benefited from close consultation with Council and its vision for the Precinct. The proposal also assumes the Precinct's incentive arrangements established by Council.

In relation to the delivery of the pocket park at the northern end of Area 12, the Panel notes it is the responsibility of that site (Area 12) and has likely meant the reduction in that Area's contribution to other public benefits such as affordable housing. The Panel suggests Council work with the Applicant to ensure the pocket park aligns with the Landscape Master Plan for St Leonard's South. The proposed pocket park should not appear as a private fenced front setback area for the building on Area 12 but rather should provide a genuine well-connected public space that is welcoming and providing green space for unstructured, casual recreation and respite in the urban area.

The Panel considered in detail the amenity of the single aspect, west facing apartments due to the resultant low natural and cross ventilation and the Panel imposed an additional condition of consent for shade devices.

In summary, the Panel notes the Development Application has been properly assessed in accordance with the EP & A Act 1979 and is considered satisfactory. The Panel concurs with Council that the proposal responds to the site constraints, is consistent with the planning controls, would provide for the planned density and would achieve design excellence within the St Leonards South Precinct. Accordingly, the Panel believes approval of the proposal is in the public interest.

CONDITIONS



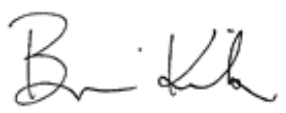


The Development Application was approved subject to the conditions in Council's Assessment Report as amended by Council's email of 13 October 2022 which attached new conditions addressing changes required by the Panel to improve acoustic protection between apartments, solar protection for some western facing apartments, better access for the entrances on Holdsworth Avenue and better and amenity and signage for the pocket park.

Condition C. 33 Pocket Park Design and Amenities is to be amended to replace "can be executed in collaboration with Council" with "must be prepared to the satisfaction of Council".

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 27 written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes issues of concern included building height, compliance with storeys control, density, traffic and parking, shadow impacts on Newlands Park, noise impacts during construction, tree removal, affordable housing, solar access and natural ventilation to apartments, apartment design/layout, building depth, wind tunnel effects, view loss impacts, heritage impacts and impacts on flora and fauna.

The Panel notes concerns raised by the community were adequately addressed by the amended design and in Council's Assessment Report, by Applicant and Council responses during the public meeting and in the amended conditions.

PANEL MEMBERS	
Peter Debnam (Chair) 	Julie Savet Ward 
Brian Kirk 	Eugene Sarich 
Vivienne Albin 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-288 – PAN-175398 – DA 187/2021 - Lane Cove
2	PROPOSED DEVELOPMENT	Demolition of the existing structures and construction of a part 10 and part 12 -storey residential flat building comprising 96 apartments and basement parking for 110 vehicles
3	STREET ADDRESS	1 - 3 Holdsworth Avenue and 10 - 12 Marshall Avenue, St Leonards
4	APPLICANT/OWNER	Applicant: Willowtree Planning Owner: New Golden St Leonards Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> SEPP 65 – Design quality of Residential Apartment Development and Apartment Design Guide (ADG) SEPP Resilience and Hazards 2021 SEPP (Building Sustainability Index) 2004 SEPP (Transport and Infrastructure) 2021 Lane Cove Local Environmental Plan 2009 Draft environmental planning instruments: <ul style="list-style-type: none"> Environment SEPP (Consolidation of Sydney Harbour SREP) Transport and Infrastructure SEPP Resilience and Hazards SEPP Development control plans: <ul style="list-style-type: none"> Lane Cove Development Control Plan 2009 (including Amendment 20) Planning agreements: a draft planning agreement has been offered under Section 7.4 Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> 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: 28 September 2022 Written submissions during public exhibition: 27 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Anita, Arlette and Albert Jubian Council assessment officer – Chris Shortt On behalf of the applicant – Cameron Gray- Willowtree Planning, Roger Luo, Patrick Yang and Connie Wang – New Golden International (Developer), Megumi Sakaguchi and Alex Line – PTW Architects (Architect) Total number of unique submissions received by way of objection: 27
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Panel Briefing with Council assessment team: 6 April 2022 Final Panel briefing to discuss council's recommendation: 12 October 2022

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report