

DATE OF DETERMINATION	27 June 2022
DATE OF PANEL DECISION	24 June 2022
DATE OF PANEL MEETING	22 June 2022
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Vivienne Albin, Eugene Sarich
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 22 June 2022, opened at 9:30am and closed at 11:15am.

MATTER DETERMINED

PPSSNH-290 – Lane Cove Municipal Council – DA21/162-01 at 13 to 19 Canberra Avenue, St Leonards – Demolition of existing structures and construction of a mixed-use development (12 storeys) comprising 81 apartments, childcare centre for 60 children, community facility, restaurant/café and basement parking for 116 vehicles, east-west public pedestrian link and stratum/strata subdivision (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 outlined below and in Council's Assessment Report.

The proposal is for the construction of a mixed-use development of 12 storeys comprising 81 apartments, childcare centre for 60 children, community facility, restaurant/café and basement parking for 116 vehicles, pedestrian link and stratum/strata subdivision.

The subject site is centrally located within the north-eastern part of the St Leonards South Precinct, is known as Area 5 and covers 2,629.2 square metres. The Precinct plan includes an east-west public pedestrian link along the southern boundary of Area 5 and a shared green spine with Area 6.

The St Leonards South Precinct was brought into effect in 2020 through amendments to Lane Cove LEP 2009 and Lane Cove DCP 2009. The precinct is zoned R4 High Density Residential (with the exception of a park and new road). The DCP includes a maximum number of storeys control and notes part storeys resulting from excavation of steep slopes or semi basement parking will not count as a storey.

The Panel notes the proposal has benefited from extensive consultation between the Applicant, Council and community and concurs with Council that the DA achieves the required standard for development with the St Leonards South Precinct.

During assessment and the public meeting there was considerable debate about compliance with the DCP's guideline setbacks. The proposed design setbacks were extensively canvassed during the assessment and design review process, in discussions with Applicant and Council and in the public meeting. The Panel notes the Applicant and Council consultations have resulted in the setback minor non-compliances being offset by significant community benefit in design excellence and facilities.

The Panel notes that a draft Voluntary Planning Agreement (VPA) was exhibited with the Development Application and a condition of consent has been recommended requiring that Council and the Applicant enter into the VPA prior to the issue of the first construction certificate.

The Panel recognised that the Applicant made further changes to the design in May 2022 to reduce the number of storeys to ensure height and storey compliance with Lane Cove's LEP and DCP.

The Panel also recognised that the final proposal flowed from extensive design refinement through the Northern Sydney Region of Council's Design Review Panel and Design Excellence Panel prior to the lodgement of the Development Application. The Panel concurs with Council that the final proposal exhibits design excellence as required for all development within the St Leonards South Precinct.

The Panel notes the proposal has been properly assessed against the relevant parts of Section 4.15 of the Environmental Planning and Assessment Act, 1979. The proposed 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.

Consequently, the Panel believes approval of the DA would be in the public interest.




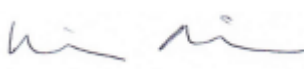
CONDITIONS

During the public meeting, the Panel discussed condition amendments with Council and the Applicant in relation to a 1.2m increase in parapet height to conceal roof equipment, acoustic treatment of common walls, concealment of fire hydrants, preparation of an Operational Plan of Management for the shared outdoor play area, ensuring all communal facilities are managed by Council and not contracted to a third party and better integration of the outdoor play area with the green spine by widening pedestrian access points. The Development Application was approved subject to the amended conditions in Council's email of June.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 33 written submissions made during public exhibition as well as late submissions and heard from all those wishing to address the Panel. The Panel notes that issues of concern included height and number of storeys, impact on Newlands Park, view sharing, building length, FSR, property values, green spine, traffic & parking, visual privacy, setbacks, solar access, landscaping, infrastructure, design excellence, safety, and pedestrian link.

The Panel considers concerns raised by the community have been adequately addressed in Council's Assessment Report and by Applicant and Council responses during the public meeting.

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



Julie Savet Ward

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	PPSSNH-290 – Lane Cove Municipal Council – DA21/162-01
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a mixed-use development (12 storeys) comprising 81 apartments, childcare centre for 60 children, community facility, restaurant/café and basement parking for 116 vehicles, east-west public pedestrian link and stratum/strata subdivision
3	STREET ADDRESS	13 to 19 Canberra Avenue, St Leonards 2065,15
4	APPLICANT/OWNER	Applicant: HPG General P/L Owners: Cresco Piety CSL Pty Ltd (Nos. 13-15) H Hsieh (No. 17) M Hsieh (No. 19)
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;○ SEPP Transport and Infrastructure 2021;○ SEPP Resilience and Hazards 2021;○ SEPP Planning Systems 2021;○ SEPP (Building Sustainability Index) 2004; and○ 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 2009• Planning agreements: draft planning agreement that a developer has offered to enter into under Section 7.4 (see Annexures 9 and 10 Council Assessment Report)• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>• 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: 22 June 2022• Written submissions during public exhibition: 33• Written late Submissions: 10• Verbal submissions at the public meeting:<ul style="list-style-type: none">○ Arlette Jubian○ Anita Jubian○ Albert Jubian○ Sharon Coley○ John Southwood – on behalf of Greenwich Community Association

		<ul style="list-style-type: none"> ○ Jennifer Schneller – on behalf of Northwood action group ○ Sue Yelland ○ Virginia Chin ○ Mayor Andrew Zbik • Council assessment officer – Rajiv Shankar, Greg Samardzic and Mark Brisby • On behalf of the applicant – Simon Truong, Stephen Abolakian, Adam Haddow, Ross Shepherd • Total number of unique submissions received by way of objection: 43
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 06 April 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Eugene Sarich, Vivienne Albin ○ <u>Council assessment staff</u>: Henry Burnett and Mark Brisby • Final briefing to discuss council's recommendation: 22/06/2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Eugene Sarich, Vivienne Albin ○ <u>Council assessment staff</u>: Rajiv Shankar, Greg Samardzic and Mark Brisby ○ <u>Applicant representatives</u>: Simon Truong, Stephen Abolakian, Dennis Nie, Andrew Darroch, Adam Haddow, Lishi Li, Ross Shepherd
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report