

DATE OF DETERMINATION	27 February 2023
DATE OF PANEL DECISION	24 February 2023
DATE OF PANEL MEETING	22 February 2023
PANEL MEMBERS	Peter Debnam (Chair), Nicole Gurran, Brian Kirk, Vivienne Albin
APOLOGIES	Eugene Sarich, Deborah Sutherland
DECLARATIONS OF INTEREST	To avoid the perception of a potential conflict, Michael Mason withdrew from the Panel for this D.A. as he had previously been involved at Lane Cove Council in establishing planning controls for this precinct.

Public meeting held by teleconference on 22 February 2023, opened at 9.40am and closed at 10.00am.

MATTER DETERMINED

PPSSNH-316 – DA - 60/2022 - Lane Cove, 22-44 Berry Road, 21-31 Holdsworth Avenue and 42-46 River Road, St Leonards, Demolition of existing structures and construction of five residential flat buildings comprising a total of 230 apartments and basement parking for 411 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 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 subject site has a total area of 8,758 square metres and is centrally located within the southern central part of the St Leonards South Precinct and is known as Areas 18-20. It includes a significant slope of approximately 22.75m from north-west to south-east.

The Panel noted the DA had benefited from an extensive design review process through the Northern Sydney Region of Council's Design Review Panel and Design Excellence Panel prior to lodgement.

The Panel concurs with Council that the proposal does exhibit design excellence as required for all development within the St Leonards South Precinct. The Panel concurs with Council that the curved balcony corners, timber screens and feature awning add to the architectural expression, which reduces perceived bulk and scale and enhances the landscape character.

The proposal has been 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 topographically constrained sites within the St Leonards South Precinct.

Given extensive consultation between the Applicant, Council and the community over recent years, the resulting evolution of the design delivered a proposal consistent with the supporting planning scheme and

desired future character of the area and it provides dwellings within a high-density residential environment. Consequently, the Panel believes approval of the DA is in the community interest.

The Panel also suggests that for improved urban design in future projects, Council should consider reviewing DCP controls for the St Leonards South Precinct to promote some articulation of facades internal to developments, such as to the Green Spine and through site link. This could perhaps be achieved via additional setbacks for upper levels and allowing small setback infringements for building articulation devices, thereby avoiding a gun barrel effect between buildings.





CONDITIONS

While noting conditions had been agreed between Council and the Applicant, the Panel suggested revised conditions in relation to the potential for contaminated land and approval of the noise attenuation design. The development application was approved subject to the revised conditions in Council's email dated 22nd February 2023 (Annexure 1), with Conditions C12, C45 and F19 being amended by the Panel.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 12 written submissions made during the public exhibition of the proposal. Issues raised included FSR, design excellence/quality, height, bulk and scale, setbacks, street wall height, solar access, natural ventilation, overshadowing, edge treatments/basement protrusions above ground, traffic, transport and access, parking, flora and fauna, through site link, sustainability, open space, safety and security, privacy, views, property values and construction impacts.

The Panel considers concerns raised in submissions have been adequately addressed in the Assessment Report and in the amended conditions.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Nicole Gurran
 Brian Kirk	 Vivienne Albin

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-316 – DA - 60/2022 - Lane Cove
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of five residential flat buildings comprising a total of 230 apartments and basement parking for 411 vehicles
3	STREET ADDRESS	22-44 Berry Road, 21-31 Holdsworth Avenue and 42-46 River Road, St Leonards
4	APPLICANT/OWNER	Applicant: Helena Miller (MG Planning P/L) Owner: CIFI St Leonards P/L and Greaton St Leonards Holdings P/L
5	TYPE OF REGIONAL DEVELOPMENT	Capital investment value (CIV) 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

		<ul style="list-style-type: none"> • SEPP Resilience and Hazards 2021 • SEPP Building Sustainability Index 2004 • SEPP Transport and Infrastructure 2021 • SEPP Planning Systems 2021 • Lane Cove Local Environmental Plan 2009. <ul style="list-style-type: none"> • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> • 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 • Other relevant plans: Apartment Design Guide (ADG) - St Leonards South Landscape Masterplan - St Leonards South Section 7.11 Contributions Plan - Special Infrastructure Contribution Levy Direction • 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 with draft conditions of consent. • Written submissions during public exhibition: 12 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Members of the community – Nil ○ Council Assessment Officers - Greg Samardzic, Mark Brisby • On behalf of the applicant – Helena Miller, Neil Warner-O’Connell, Peter Jones, Ryan Cotterill, Simon Lee
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • 09 November 2022 - Briefing • 22 February 2023 - Final briefing to discuss council’s recommendation: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Nicole Gurran, Brian Kirk, Vivienne Albin ○ <u>Council assessment staff</u>: Greg Samardzic, Mark Brisby
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report