

DATE OF DETERMINATION	04 March 2024
DATE OF PANEL DECISION	04 March 2024
DATE OF PANEL MEETING	28 February 2024
PANEL MEMBERS	Peter Debnam (Chair), Sue Francis, Brian Kirk, Vivienne Albin, Eugene Sarich
APOLOGIES	Nicole Gurran
DECLARATIONS OF INTEREST	Nil

Papers circulated electronically on 14 February 2024.

MATTER DETERMINED

PPSSNH-392 – 56/2023 – Lane Cove

14 - 16 Marshall Avenue, 2 - 10 Berry Road, and 5 - 9 Holdsworth Avenue St Leonards

Construction of 3 residential flat buildings (10-storeys) comprising a total of 185 dwellings and basement parking for 249 vehicles.

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 Panel unanimously approved the DA for the reasons below and in Council's comprehensive Assessment Report.

The site is located centrally within the northern end of the St Leonards South Precinct, is known as Areas 13, 14 and 15 and has a total area of 5,874 sq metres. The site will contain the entire green spine between Areas 14 and 15 and the western portion of the shared green spine with Area 12.

The proposal benefited from extensive design refinement through the Council's Design Review Panel and Design Excellence Panel prior to the lodgement of the Development Application. The Applicant also took feedback from Council in evolving the final compliant design. As required under LCLEP 2009, the Panel concurs with Council that the proposal exhibits design excellence.

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






The Panel concurs with Council that the development meets the objectives of the R4 High Density Residential Zone, is consistent with the supporting planning scheme and the desired future character of the area and provides for dwellings within a high-density residential environment. Consequently, the Panel determined that approval of the DA would be in the community interest.

CONDITIONS

The Development Application was approved subject to the corrected conditions in Council's email of 01 March 2024.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel noted no written submissions were made during public exhibition.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-392 – 56/2023 – Lane Cove
2	PROPOSED DEVELOPMENT	Construction of 3 residential flat buildings (10-storeys) comprising a total of 185 dwellings and basement parking for 249 vehicles
3	STREET ADDRESS	14 - 16 Marshall Avenue, 2 - 10 Berry Road, and 5 - 9 Holdsworth Avenue St Leonards
4	APPLICANT/OWNER	Applicant: Urbis – Anna Wang. Owner: Marshall land Pty Ltd as Trustee for Marshall Land Unit Trust & Holdsworth Land Pty Ltd as Trustee for Holdsworth Land Unit Trust.
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 and Apartment Design Guide (ADG)SEPP Resilience and Hazards 2021SEPP (Building Sustainability Index) 2004SEPP (Transport and Infrastructure) 2021Draft environmental planning instruments:<ul style="list-style-type: none">Environment SEPP (Consolidation of Sydney Harbour SREP)Transport and Infrastructure SEPPResilience and Hazards SEPDevelopment control plans:

		<ul style="list-style-type: none"> • Lane Cove Development Control Plan 2009 (including Amendment 20). • Planning agreements: Yes – draft planning agreement that a developer has offered to enter into under Section 7.4 (see Annexure 7) • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: • Clause 92(1)(b) – Demolition of Structures • Coastal zone management plan: Nil • Other relevant plans: • 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: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • 19 July 2023 – Preliminary Briefing <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Nicole Gurran, Brian Kirk ○ <u>Council assessment staff</u>: Chris Shortt, Rajiv Shankar, Mark Brisby, Greg Samardzic ○ <u>Applicant</u>: Anna Wang – Urbis, Simon Parsons – PTW, Lilian Gu – PTW, Steven Holmes – RPS, Tony Pizzolato – Morden, Costas Haramis – Morden, Andrew Lu - Morden • 28 February 2024 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, Brian Kirk, Vivienne Albin, Eugene Sarich ○ <u>Council assessment staff</u>: Mark Brisby and Chris Shortt
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report