

DETERMINATION AND STATEMENT OF REASONS

SYDNEY SOUTH PLANNING PANEL

DATE OF DETERMINATION	4 October 2024
DATE OF PANEL DECISION	4 October 2024
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Nicole Gurran
APOLOGIES	None
DECLARATIONS OF INTEREST	Nil

Panel Briefing held by teleconference on 2 October 2024, opened at 9:30am and closed at 9:55am.
Papers circulated electronically on 20 September 2024.

MATTER DETERMINED

PPSSNH-512 – Lane Cove - DA35/2024 - 1 GATACRE AVENUE LANE COVE, 5 ALLISON AVENUE LANE COVE, Residential flat building for 44 units.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7, the material presented at briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Application to vary a development standard

The application does not include a written request to vary a development standard.

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 Development Application is for demolition of the existing multi-storey motel building and dwelling house and construction of a part 4, part 5, and part 6 storey residential flat building development comprising 43 apartments and two levels of basement parking.

The site covers 2,965.8 square metres with frontages to Gatacre Avenue and Allison Avenue and is situated south west of the Pacific Highway and close to major roads including the Lane Cove Tunnel and Gore Hill Freeway.

The Panel notes the application is significantly below the permitted Floor Space Ratio development standard, complies with the Height development standard and generally meets with the Part C Residential Development Objectives of the Lane Cove Development Control Plan 2009. The amended design also addresses both the Council and L & E Court concerns raised in the previously refused scheme.

The Panel concurs with Council that the proposal provides for dwellings within a high-density residential environment while providing appropriate design, setbacks and landscaping to mitigate impacts to the adjoining R2 zone. The design responds to the challenging topographic restraints of the site and the built form appropriately steps with the streetscape transition.

The application aligns with the objectives of the Lane Cove Housing Strategy, complies with the Apartment Design Guide and principles of SEPP 65 and would provide an appropriate dwelling mix of high amenity residential apartments serving the needs of the local area in a highly accessible location.




The Panel concurs with Council that the application has been properly assessed against all relevant planning legislation and controls and consequently the Panel believes approval would be in the community interest.

CONDITIONS

During the public meeting the Panel proposed amendments to the draft conditions to ensure enclosure of fire hydrants and compliance with noise attenuation requirements. The Development Application was approved subject to the amended conditions in Council’s email of 2nd October 2024.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from members of the public who wished to address the public meeting. The Panel notes issues of concern included Design, Views, Character of locality, L&E Court Judgement, Lane Cove LEP and DCP, Setbacks, ADG, Bulk & Scale, Height, Noise, Privacy, Traffic & Parking, Trees and Landscaping. The Panel considers concerns raised by the community have been adequately addressed in the assessment report and in the amended conditions.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Nicole Gurran
 Brian Kirk	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH–512 – Lane Cove - DA35/2024
2	PROPOSED DEVELOPMENT	Demolition of Existing Structures, lot consolidation and construction of a Part 4, Part 5 and Part 6 residential flat Building with 43 apartments and two levels of basement parking with 85 parking spaces.
3	STREET ADDRESS	1 Gatacre Avenue and 1 - 5 Allison Avenue, LANE COVE
4	APPLICANT/OWNER	Emma Fitzgerald – Patch Planners Pty Ltd / Gatacre LC 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"> State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Transport and Infrastructure) 2021 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 2010 Lane Cove Section 7.11 Contributions Plan Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: 21 October 2024 Written submissions during public exhibition: Fifty-two (52)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 17 July 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam, Brian Kirk <u>Council assessment staff</u>: Christopher Shortt, Mark Brisby, Rajiv Shankar <u>Department staff</u>: Adam Iskander and Suzie Jattan <u>Applicant representatives</u>: Mason Stankovic, Emma Fitzgerald, Andrew Neary, Peitra Creak Council briefing: 2 October 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam, Brian Kirk, Nicole Gurran <u>Council assessment staff</u>: Christopher Shortt, Mark Brisby, Rajiv Shankar and Andrew Bland <u>Department staff</u>: George Dojas, Adam Iskander and Joel Burgess

		<ul style="list-style-type: none">• Public Meeting: 2 October 2024<ul style="list-style-type: none">○ <u>Panel members</u>: Peter Debnam, Brian Kirk, Nicole Gurrán○ <u>Council assessment staff</u>: Christopher Shortt, Mark Brisby, Rajiv Shankar○ <u>Applicant representatives</u>: Mason Stankovic, Emma Fitzgerald, Scott Walsh
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report