

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	6 March 2025
DATE OF PANEL DECISION	6 March 2025
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Eugene Sarich, Vivienne Albin
APOLOGIES	None
DECLARATIONS OF INTEREST	Stephen O'Connor

Papers circulated electronically on 28 February 2025.

MATTER DETERMINED

PPSSNH-572 – Lane Cove – DA146/2024 at 12 Marshall Avenue, St Leonards – Alterations and additions to the previously approved part 10 and part 12 storey residential flat building (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 application was lodged in accordance with the In-fill affordable housing provision under Housing SEPP 2021 and seeks to benefit from a 30% bonus to the 44m height control providing a total height of 56.855m to the lift overrun. The FSR would also increase from 3.45:1 to 4.485:1. The bonuses are subject to satisfying the Housing SEPP Chapter 2 requirements including the non-discretionary standards, design requirements and the dedication of the affordable housing to a registered community housing provider for at least 15 years.

The Panel notes the proposal would not alter the previously approved building setbacks above the natural ground level but would slightly reduce (by 2.6%) the total deep soil area as a result of extending the basement footprint to accommodate more parking. Additionally, while the proposal would result in minor impacts to the public domain, this primarily relates to the construction process and is considered reasonable in terms of overshadowing, visual privacy, acoustic privacy, traffic and parking.

The Panel concurs with Council that the application has been properly assessed against all relevant planning controls, the proposal presents a development outcome that is consistent with the objectives of the planning controls and approval would be in the public interest.

CONDITIONS

Council's recommended conditions of consent were amended by the Panel to include the following change:


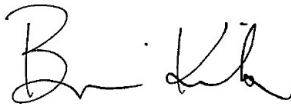
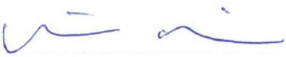
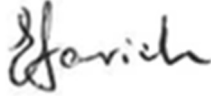
- Renumber the conditions so that there are not two conditions both numbered A.5B

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- View loss
- Streetscape character
- Solar access
- Construction noise
- Wind tunnel impacts
- Negative precedent

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel notes that in addressing these issues, appropriate conditions have been imposed.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-572 – Lane Cove – DA146/2024
2	PROPOSED DEVELOPMENT	Alterations and additions to the previously approved part 10 and part 12 -storey residential flat building.
3	STREET ADDRESS	12 Marshall Avenue, St Leonards
4	APPLICANT OWNER	Willowtree Planning New Golden St Leonards Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 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 (Housing) 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 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: 20 February 2025 Written submissions during public exhibition: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 29 January 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurran <u>Council assessment staff</u>: Sam Wilson, Mark Brisby <u>Applicant representatives</u>: Ryleigh Lewis, Cameron Gray, Connie Wang <u>Department staff</u>: Lillian Charlesworth Final briefing to discuss council's recommendation: 5 March 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Stephen O'Connor, Eugene Sarich, Vivienne Albin <u>Council assessment staff</u>: Andrew Bland, Mark Brisby <u>Applicant representatives</u>: Ryleigh Lewis, Cameron Gray <u>Department staff</u>: Lillian Charlesworth, Jade Buckman
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report and amended by the Panel as indicated above.