

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	4 April 2025
DATE OF PANEL DECISION	3 April 2025
DATE OF PANEL MEETING	2 April 2025
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis, Eugene Sarich, Vivienne Albin
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held by teleconference on 2 April 2025, opened at 9.30am and closed at 9.34am.

MATTER DETERMINED

PPSSNH-574 – Lane Cove – DA79/2022 at 1-5 Canberra Avenue, 4-8 Marshall Avenue and 2-8 Holdsworth Avenue, St Leonards – S4.55(2) modification to approved residential flat buildings at 1- 5 Canberra Avenue St Leonards (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.

Application for modification of consent

The Panel determined to approve the modification application pursuant to section 4.55 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 Panel notes the application has been lodged in accordance with Housing SEPP 2021 in-fill affordable housing provisions seeking the benefit of the 30% bonus to the incentive height and FSR controls and includes the dedication of 58 affordable housing apartments.

The Panel notes the issues of appropriate planning pathway for the application and whether the modification will result in substantially the same development as that originally approved have been extensively discussed in the Assessment Report. The Panel further notes the Applicant relied upon legal advice on these matters and that legal advice was provided for Council and Panel consideration.

In summary, The Panel notes the proposed modification would be consistent with relevant planning controls, have minimal environmental impact, provide greater housing diversity, achieve design excellence within the St Leonards South Precinct and would result in substantially the same development as that originally approved.

Accordingly, the Panel believes approval of the modification is acceptable

CONDITIONS


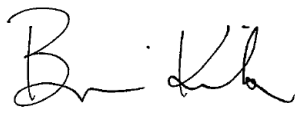
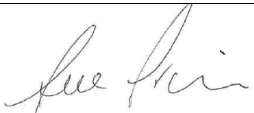

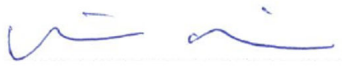
The Development Application was approved subject to the conditions in Council's Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and noted that no members of the public chose to address the Panel. The Panel notes issues of concern included:

- Overshadowing
- Planning controls, Master Plan and previous consents
- Affordable housing
- Infrastructure
- Impact on views, privacy and amenity
- Height and precedent
- Property value

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and conditions.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-574 – Lane Cove – DA79/2022
2	PROPOSED DEVELOPMENT	S4.55(2) modification to approved residential flat buildings at 1- 5 Canberra Avenue St Leonards
3	STREET ADDRESS	1-5 Canberra Avenue, 4-8 Marshall Avenue and 2-8 Holdsworth Avenue, St Leonards
4	APPLICANT OWNER	SLS Holdsworth Residences Pty Ltd, (New Hope Evergreen) SLS Holdsworth Residences Pty Ltd (New Hope Evergreen)
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> SEPP (Housing) 2021 - Chapter 2, Division 1 In-fill affordable housing SEPP (Resilience and Hazards) 2021 SEPP (Biodiversity and Conservation) 2021 SEPP (Transport and Infrastructure) 2021 SEPP 65 – Design Quality of Residential Apartment Development SEPP (Building Sustainability Index) 2004 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: 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: 2 April 2025 Written submissions during public exhibition: 14 Verbal submissions at the public meeting: <ul style="list-style-type: none"> No public speakers Council assessment officer – Chris Shortt On behalf of the applicant – Jeff Curnow
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>: Chris Shortt, Mark Brisby <u>Applicant representatives</u>: Jeff Zhao, Ted Yu, Jim Murray, Max Cartwright, Bethany Curl, Anthony Payne, Jeff Curnow <u>Department staff</u>: Lillian Charlesworth, Jade Buckman Final briefing to discuss council’s recommendation: 2 April 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Eugene Sarich, Vivienne Albin <u>Council assessment staff</u>: Chris Shortt, Mark Brisby <u>Department staff</u>: Lillian Charlesworth, Jade Buckman
9	COUNCIL RECOMMENDATION	Approval

10	DRAFT CONDITIONS	Attached to the Council Assessment Report.
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