

**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY NORTH PLANNING PANEL

|                                 |                                                                  |
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| <b>DATE OF DETERMINATION</b>    | 15 July 2025                                                     |
| <b>DATE OF PANEL DECISION</b>   | 11 July 2025                                                     |
| <b>DATE OF PANEL MEETING</b>    | 9 July 2025                                                      |
| <b>PANEL MEMBERS</b>            | Peter Debnam (Chair), Sue Francis, Eugene Sarich, Vivienne Albin |
| <b>APOLOGIES</b>                | None                                                             |
| <b>DECLARATIONS OF INTEREST</b> | Brian Kirk                                                       |

Public meeting held by teleconference on 9 July 2025, opened at 12pm and closed at 1.03pm.

**MATTER DETERMINED**

PPSSNH-582 – Lane Cove – DA152/2024 at 2-10 Finlayson Street, Lane Cove – Demolition of existing structures and construction of an 8-storey mixed-use development including a place of public worship, community facility, 48 apartments and basement parking for 150 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 listed at item 8 in Schedule 1.

**Application to vary a development standard:**

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Lane Cove Local Environmental Plan 2009 (LEP), the Panel is satisfied that the applicant has demonstrated that:

- compliance with cl. 4.3 (height of buildings) and cl. 4.4 (floor space ratio) is unreasonable or unnecessary in the circumstances because the Clause 4.6 written request demonstrates the objectives of these clauses are achieved despite the numerical non-compliance; and
- there are sufficient environmental planning grounds to justify contravening the development standard.

The Panel concurs with the Independent Assessor's advice that the Applicant's 4.6 written request demonstrates that at 27.85m the portion of the development exceeding the height limit will not result in unreasonable privacy or visual impacts. The additional height is concentrated toward the northern boundary thereby minimising overshadowing of the public domain and the redistribution of height is also sympathetic to the heritage item.

In relation to FSR, the proposed 2.23:1 exceeds the LEP's 1.7:1 but the Clause 4.6 written request demonstrates the objectives of the development standard are achieved despite the numerical non-compliance and the bulk and scale of the development is compatible with the desired future character of the area. In addition, the residential component does not exceed the LEP FSR.

The Panel agrees with the Independent Assessor that the written requests for height and FSR variations can be accepted in the circumstances.

**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 uphold the Clause 4.6 variation to building height and floor space ratio; and approve the application for the reasons below and in the Independent Assessor's Report.

The site currently contains a church, with limited parking, and dwelling houses, which will be demolished for the construction of a part seven and part eight storey mixed-use development comprising a place of worship, community facility and 48 apartments and basement parking for 150 vehicles.

The application benefited from extensive consultation with community, Council and the Design Review Panel and was also amended during the course of assessment to increase the extent of heritage conservation and increase parking.

The Development Application includes variations to the development control plan. The variations are primarily the result of applying residential flat building controls, to a mixed-use development and the proposed development provides a balance of amenity and design quality reflecting the differing land uses proposed.

In summary, the Panel believes the application has been properly assessed against relevant planning controls, will deliver housing and community facilities for the local area and warrants approval.

## CONDITIONS

The Development Application was approved subject to the conditions in the Independent Assessor's Report as amended by the Assessor in the Memo dated 10 July 2025.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Traffic and parking
- Design
- Environmental impacts
- Limitations to 'Community Auditorium'
- Height
- Floor space ratio
- Setbacks
- Construction impacts
- Noise
- Strain on local infrastructure
- Impacts on residential amenity and neighbours
- Overshadowing
- Isolation of 12 Finlayson Street

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the public meeting.

| PANEL MEMBERS                                                                                               |                                                                                                     |
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| <br>Peter Debnam (Chair) | <br>Sue Francis |
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| Vivienne Albin | Eugene Sarich |
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| SCHEDULE 1 |                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| 1          | PANEL REF – LGA – DA NO.                        | PPSSNH-582 – Lane Cove – DA152/2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 2          | PROPOSED DEVELOPMENT                            | Demolition of existing structures and construction of an 8-storey mixed-use development including a place of public worship, community facility, 48 apartments and basement parking for 150 vehicles.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 3          | STREET ADDRESS                                  | 2-10 Finlayson Street, Lane Cove                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 4          | APPLICANT/OWNER                                 | Sarah Lee, Planning and Co / Anglican Church Property Trust Diocese of Sydney & Loftex Pty Ltd                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 5          | TYPE OF REGIONAL DEVELOPMENT                    | General development over \$30 million                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 6          | RELEVANT MANDATORY CONSIDERATIONS               | <ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Housing) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>Lane Cove Local Environmental Plan 2009</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Lane Cove Development Control Plan 2010</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul> |
| 7          | MATERIAL CONSIDERED BY THE PANEL                | <ul style="list-style-type: none"> <li>Independent Assessor's Assessment Report: 13 June 2025</li> <li>Independent Assessor's Memo: 10 July 2025</li> <li>Clause 4.6 variation requests: <ul style="list-style-type: none"> <li>Floor Space Ratio: July 2025</li> <li>Height of Buildings July 2025</li> </ul> </li> <li>Written submissions during public exhibition: 184</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Donald Holdsworth, Sue Harper, Carolyn Levin, Margaret Harper, Anita (surname not provided), Bruce Standen, Warren Cox, Guy Hallowes, Randi Lapham, Allen Morley, Zhen Dai</li> <li>On behalf of Council – Henry Burnett</li> <li>On behalf of the applicant – Tom Goode, Darren Waters, Priscilla Tran, Emma Ellis</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 8          | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE | <ul style="list-style-type: none"> <li>Preliminary Briefing: 26 March 2025 <ul style="list-style-type: none"> <li><u>Panel members</u>: Peter Debnam (Chair), Sue Francis</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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|           | <b>PANEL</b>                  | <ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Chris Shortt, Rajiv Shankar, Henry Burnett</li> <li>○ <u>Applicant representatives</u>: Tom Goode, Priscilla Tran, Jennifer Cooper, Emma Ellis, Rido Pin, Jack Freckleton</li> <li>○ <u>Department staff</u>: Lillian Charlesworth, Jade Buckman</li> </ul> <ul style="list-style-type: none"> <li>● Final briefing to discuss council's recommendation: 9 July 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, Vivienne Albin, Eugene Sarich</li> <li>○ <u>Council assessment staff</u>: Chris Shortt, Rajiv Shankar, Henry Burnett, Mark Brisby</li> <li>○ <u>Applicant representatives</u>: Tom Goode, Priscilla Tran, Jennifer Cooper, Emma Ellis, Rido Pin, Jack Freckleton</li> <li>○ <u>Department staff</u>: Lillian Charlesworth, Jade Buckman</li> </ul> </li> <li>● Public meeting: 9 July 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, Vivienne Albin, Eugene Sarich</li> <li>○ <u>Council assessment staff</u>: Chris Shortt, Rajiv Shankar, Henry Burnett, Mark Brisby</li> <li>○ <u>Applicant representatives</u>: Tom Goode, Priscilla Tran, Jennifer Cooper, Emma Ellis, Rido Pin, Jack Freckleton</li> <li>○ <u>Department staff</u>: Lillian Charlesworth, Jade Buckman</li> </ul> </li> </ul> |
| <b>9</b>  | <b>COUNCIL RECOMMENDATION</b> | Approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>10</b> | <b>DRAFT CONDITIONS</b>       | Attached to the Independent Assessor's Report as amended by the Assessor in the Memo dated 10 July 2025.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |