

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	12 December 2025
DATE OF PANEL DECISION	12 December 2025
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis, Eugene Sarich
APOLOGIES	Vivienne Albin
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 27 November 2025.

MATTER DETERMINED

PPSSNH-647 – Lane Cove – DA56/2023 at 14-16 Marshall Avenue, 5-9 Holdsworth Avenue & 2-10 Berry Road, St Leonards NSW 2065 – S4.55(2) Modification to 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.

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 modification application for the reasons below and in Council's thorough Assessment Report.

The application was lodged under Chapter 2 Affordable Housing of the Housing SEPP 2021 and the provision of affordable housing enables the applicant to benefit from a bonus to the maximum building height and FSR development standards. The proposal would provide 38 additional affordable housing apartments over the 3 residential flat buildings in an accessible location.

The Panel concurs with Council that the proposed modification is of minimal adverse environmental impact and is substantially the same development as the development for which the consent was originally granted.

The Panel believes the modification application has been properly assessed against relevant planning controls and would provide greater housing diversity and achieve design excellence within the St Leonards South Precinct. On balance, the Panel believes the proposed modification warrants support.

CONDITIONS

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

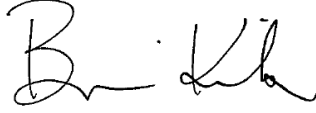
CONSIDERATION OF COMMUNITY VIEWS

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

- Height & Overshadowing
- St Leonards South Master Plan requirements

- View Sharing
- Traffic
- DCP non-compliance

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

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-647 – Lane Cove – DA56/2023
2	PROPOSED DEVELOPMENT	S4.55(2) modification to 3 approved residential flat buildings to accommodate residential uplift in accordance with the Infill Affordable Housing provisions of the Housing SEPP 2021.
3	STREET ADDRESS	14-16 Marshall Avenue, 5-9 Holdsworth Avenue & 2-10 Berry Road, St Leonards NSW 2065
4	APPLICANT/OWNER	Applicant: Jack Maalouf / Dasco Property Development Services Pty Ltd. 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	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Housing) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - State Environmental Planning Policy (Building Sustainability Index) 2021 - Lane Cove Local Environmental Plan 2009 - Draft environmental planning instruments: Nil - Development control plans: - Lane Cove Development Control Plan 2010 - St Leonards South Section 7.11 Contributions Plan - Planning agreements: Nil - Relevant provisions of the Environmental Planning and Assessment Regulation 2021 - 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	- Council Briefing Report: 11 August 2025 - Council Assessment Report: 27 November 2025 - Written submissions during public exhibition: 4 - Total number of unique submissions received by way of objection: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Preliminary Briefing: 13 August 2025 <u>Panel members</u>: Brian Kirk (Chair), Sue Francis <u>Council assessment staff</u>: Andrew Bland, Christopher Shortt <u>Applicant representatives</u>: Jack Maalouf, Anna Wang, Lilian Gu, Simon Parsons, Joanna Kontogioris <u>Department staff</u>: Lillian Charlesworth - Final briefing to discuss council's recommendation: 11 December 2025 <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Eugene Sarich <u>Council assessment staff</u>: Andrew Bland, Christopher Shortt, Rajiv

		Shankar, Kirsten Picard ○ <u>Department staff:</u> Anaise Nagy
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report as uploaded (on 26 November 2025) to the Planning Portal by Council on 10 December 2025