

DATE OF DETERMINATION	22 July 2020
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Eugene Sarich, Deborah Sutherland
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 21 July 2020.

MATTER DETERMINED

PPSSNH-65 – Lane Cove – DA6/2018 at 84 Christie Street St Leonards for modifications to an approved development (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 and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was 4:1 in favour, against the decision was Julie Savet Ward.

REASONS FOR THE DECISION

The majority of the Panel (Peter Debnam, Brian Kirk, Eugene Sarich and Deborah Sutherland) agreed to approve the application for the following reasons:

- the modifications would result in substantially the same development for which consent was originally granted and would meet the objectives of the height of buildings development standard and relevant zone objectives;
- increased height to T3 would provide better activation of the adjoining public domain, improved interface with the Pacific Highway and enhanced tenancy prospects and employment opportunities;
- increased height to T1 and T2 would not be discernible from the public domain, would not further overshadow the civic plaza and would not alter wind conditions at the pedestrian level;
- replacing the Y-columns with V-columns due to structural load bearing requirements would not alter the visual impact of this significant design feature of the approved development;
- deletion of planter boxes from the western elevation of T2 would not detract from the intent of the 4M articulation zone to reduce the approved building bulk when viewed from the civic plaza;
- the proposal is considered to be satisfactory with all relevant environmental planning instruments, and development control plans including LCLEP 2009 and LCDCP 2010;
- the proposed modifications would not have any adverse effects on the local built and natural environment nor any social and economic impacts in the locality;
- all likely impacts to adjoining properties have been addressed in the report and are considered satisfactory;
- the proposed modifications are suitable to the site and the proposal is in the public interest.

Julie Savet Ward disagreed with the majority decision for the following reasons:

- The increase in height to Building T3 was to provide a larger lobby for an A-grade commercial building (which was the standard for the design of the commercial building in the original development application) and it will create a moderate impact to the apartments on several levels of the neighbouring Forum East residential tower without sufficient additional public benefit; and
- The removal of the planter boxes from the western elevation of Building T3 significantly changes the overall aesthetic and “green building image” that had been approved in the original development application and was a significant part of the marketing to and expectation of the community. The maintenance of the planter boxes would have been known to the developer at the time of the original development approval.

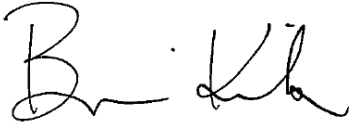
CONDITIONS

The development application was approved subject to the conditions in the Council assessment report as amended by the modification of Condition 49A Approved Amended (s4.55) Plans.

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 at the public teleconference on 24 June 2020. The Panel notes issues of concern included building height, unit size, hallway width, signage, public interest, change of column design, visual Impact, glazing and pedestrian accessibility.

The Panel notes concerns raised by the community have been adequately addressed in the assessment report, in Council and Applicant responses during the public meeting and in the conditions of consent.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Eugene Sarich
 Deborah Sutherland	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-65 – Lane Cove – DA6/2018
2	PROPOSED DEVELOPMENT	Section 4.55(2) application to modify approved demolition of remaining structures and basements, excavation to accommodate ten (10) basement levels including the provision of 316 public car parking spaces, construction of a fourteen (14) storey commercial building and two (2) mixed-use towers of twenty-six (26) storeys and forty-seven (47) storeys providing a total of 654 units and including a public library and retail space (including a supermarket), creation of a new laneway and public domain works at Christie Lane and Lithgow Street and associated works including tree removal, signage, and stratum subdivision.
3	STREET ADDRESS	71-79 Lithgow Street, 82-90 Christie Street, 84A Christie Street, 546-564 Pacific Highway, Christie Lane, and Lithgow Street, St Leonards.
4	APPLICANT/OWNER	Applicant: Christie Street Development Pty Ltd Owner: JQZ Fifteen Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy No.55 – Remediation of Land - State Environmental Planning Policy (Infrastructure) 2007 - State Environmental Planning Policy Building Sustainability Index) 2004 - State Environmental Planning Policy No.65 65 (Design Quality of Residential Apartment Development) and Apartment Design Guide - State Environmental Planning Policy No.64 (Advertising and Signage) - State Environmental Planning Policy (Vegetation in non-rural areas) 2017 - Airport Act 1996 and Airports (Protection of Airspace) Regulations 1996 - Lane Cove Local Environmental Plan 2009 - Draft environmental planning instruments: Nil - Development control plans: - Lane Cove Development Control Plan 2010 - St Leonards Public Domain Master Plan 2014 - Lane Cove Section 94 Contributions Plan 1996 (as amended) - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil - 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 assessment report: 10 June 2020 - Council memo: 18 June 2020 - Council supplementary report: 20 July 2020 - Written submissions during public exhibition: 2

		• Late submissions: 2 • Verbal submissions at the public meeting: - o Community Members – Sue Yelland on behalf of the Wollstonecraft Precinct, Jenny Schneller, Merri Southwood on behalf of Greenwich Community Group. - o Council assessment officer – Philippa Frecklington - o On behalf of the applicant – Ashleigh Ryan
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Final briefing to discuss council's recommendation, 24 June 2020 at 9am. Attendees: - o <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Eugene Sarich, Deborah Sutherland - o <u>Council assessment staff</u>: Philippa Frecklington (consultant planner for council), Henry Burnett, Rajiv Shankar, Michael Mason
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report