

DATE OF DETERMINATION	8 August 2025
DATE OF PANEL DECISION	8 August 2025
DATE OF PANEL MEETING	6 August 2025
PANEL MEMBERS	Brian Kirk (Acting Chair), Sue Francis, Stephen Davies, Eugene Sarich, Vivienne Albin
APOLOGIES	Peter Debnam
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 6 August 2025, opened at 3pm and closed at 3.47pm.

MATTER DETERMINED

PPSSNH-660 – Lane Cove – DA35/2024 at 1 Gatacre and 5 Allison Avenue, Lane Cove – s4.55(2) modification to approved development for demolition of existing structures, lot consolidation and construction of a Part 4, Part 5 and Part 6 residential flat building with 43 apartments and two levels of basement parking with 85 parking spaces (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 development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

At the public meeting the Panel heard from members of the public, the Applicant and Council. Prior to the meeting, the Applicant provided the Panel with additional explanatory written and diagrammatic information in response to Council's proposed modified and additional conditions. The Panel determined to approve the application for the reasons outlined in the Council Assessment Report subject to amendments to the draft conditions.

CONDITIONS

The Development Application was approved subject to the proposed conditions in the Council Assessment Report with the following amendments:

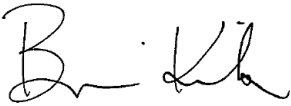




- Condition 2A – is to read as follows;
"A. All oblique, diagonal facing windows of habitable rooms on the southern external walls must be non-operable and be an obscure finish up to 1.6m above finished floor level."
- Condition 2F, 2I and 2J – are to be deleted, as the Panel considers these additional design measures are not required to protect the privacy of adjoining properties subject to an additional condition, which is to be added, requiring dense landscaping within the planter boxes on the 5th storey (3F) of units 302 and on the 6th storey (4F) of units 4.01 and 4.02 to be a minimum height of 1.5m above the finished floor level of the balcony and to be maintained for the life of the development.
- Condition no. 56 – the proposed modifications are not supported by the Panel and the existing operational hours to remain unchanged.

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:

- Variation to the 15m height control
- Acoustic concerns about the relocation of AC condenser units
- Privacy concerns with additional balconies facing towards the R2 zone. Concerns with reduced setbacks to terraces of units 205,302, 401 and 402.
- Changes would not be substantially the same development under s4.55 of the Act.
- Changes to level roof top communal area.
- Increased shadow impacts.
- Proposed oblique diagonal windows to bathrooms to be converted to clear and operable.
- Proposed removal of condition requiring balustrades to be constructed with solid and obscure finishes.
- Reduction of solar capacity for the building

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and in the Applicant's additional explanatory written and diagrammatic information and that no new issues requiring further assessment were raised during the public meeting.

PANEL MEMBERS	
 Brian Kirk (Acting Chair)	 Sue Francis
 Stephen Davies	 Eugene Sarich
 Vivienne Albin	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-660 – Lane Cove – DA35/2024
2	PROPOSED DEVELOPMENT	s4.55(2) modification to approved development for demolition of existing structures, lot consolidation and construction of a Part 4, Part 5 and Part 6 residential flat building with 43 apartments and two levels of basement parking with 85 parking spaces.
3	STREET ADDRESS	1 Gatacre and 5 Allison Avenue, Lane Cove
4	APPLICANT/OWNER	Patch Planning GatacreLC Pty Ltd
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"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Housing) 2021 and Apartment Design Guide State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 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: 6 August 2025 Written submissions during public exhibition: 27 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Margaret Harburg, Richard Montague, Robert Leitner, Tom McFadyen, Marcus Keller Council assessment officer: Rajiv Shankar On behalf of the applicant: Mason Stankovic, Emma Fitzgerald
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Final briefing to discuss Council's recommendation: 6 August 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Brian Kirk (Acting Chair), Sue Francis, Stephen Davies, Eugene Sarich, Vivienne Albin <u>Council assessment staff</u>: Rajiv Shankar <u>Department staff</u>: Lillian Charlesworth, Jade Buckman Public meeting: 6 August 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Brian Kirk (Acting Chair), Sue Francis, Stephen Davies, Eugene Sarich, Vivienne Albin

		<ul style="list-style-type: none">○ <u>Council assessment staff</u>: Rajiv Shankar○ <u>Applicant representatives</u>: Mason Stankovic, Emma Fitzgerald, Pietra Creak, Hannah Cameron, Stephanie Vatala, Giuseppe Rivatta, Bianca De David○ <u>Department staff</u>: Lillian Charlesworth, Jade Buckman
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report