

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	11 December 2025
DATE OF PANEL DECISION	11 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-730 – Lane Cove – DA 97/2025 at 28-30, 32 & 34-42 Pacific Highway, St Leonards NSW 2065 – Construction of mixed-use hotel development and associated works (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 briefings listed at item 8 in Schedule 1.

Application to vary a development standard:

Following consideration of written requests from the applicant, made under cl 4.6 of the Lane Cove Local Environmental Plan 2009 (LEP), that seeks to vary;

- A. cl. 4.3(2) of the LEP with regard to the maximum building height and;
- B. cl. 4.4(2) of the LEP with regard to the permissible floor space ratio (FSR)

The Panel is satisfied that the applicant has demonstrated that:

- a. the applicant's written requests to exceed the maximum building height and FSR has demonstrated that compliance with the development standards is unreasonable or unnecessary in the circumstances; and
- b. there are sufficient environmental planning grounds to justify the contravention of the development standard.

The application is accompanied by two Clause 4.6 requests, which seek to vary Height and FSR development standards. While the proposed Height and FSR are consistent with permitted maximum development standards when measured from natural ground level, the site currently has two excavated basement levels resulting in the existing ground level being 5.2m below natural ground level. Similarly, the excavated basements are above existing ground level and are therefore required to be included in the FSR calculation despite being non-habitable. The Panel concurs with Council that the Clause 4.6 requests are well founded and achieve a better planning outcome.

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 variations to maximum building height and permissible FSR and approve the application for the reasons below and in Council's comprehensive Assessment Report.

The Panel notes the proposal is Integrated Development and Council has received necessary approval from Water NSW.

The proposal benefited from review by the North Sydney Region Design Review Panel prior to lodgement and was also the subject of Pre-DA Assessment by Council. As Council noted in its Report, comments from NSROC and Council were generally incorporated into the design prior to lodgement.

The Panel concurs with Council that the proposal has been properly assessed against relevant planning controls, would provide for much needed short term/visitor accommodation and achieve design excellence within the Crows Nest Transport Oriented Development area guideline. On balance, the Panel believes the proposal warrants approval.

CONDITIONS

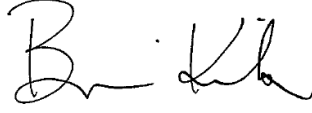
The Development Application was approved subject to the draft conditions in Council's Assessment Report.

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:

- Overshadowing and Views
- Bulk and scale
- Hotel definition
- Character of streetscape
- Vehicle access and parking

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

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-730 – Lane Cove – DA 97/2025
2	PROPOSED DEVELOPMENT	Demolition of existing structures and the construction of a mixed-use, hotel development comprising commercial tenancies, 99 hotel units, communal living and communal outdoor areas, basement parking and facilities and associated works.
3	STREET ADDRESS	28-30, 32 & 34-42 Pacific Highway, St Leonards NSW 2065
4	APPLICANT/OWNER	Applicant: Daniel Barber / Paro Consulting Pty Ltd. Owner: Edsgear Pty Ltd.
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Sustainable Buildings) 2022 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - State Environmental Planning Policy (Industry and Employment) 2021 - Lane Cove Local Environmental Plan 2009 - Draft environmental planning instruments: Nil - Development control plans: - Lane Cove Local Environmental 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 Environmental Planning and Assessment Act 1979 or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council Assessment Report: 27 November 2025 - Clause 4.6 variation request (building height) report: 14 August 2025 - Clause 4.6 variation request (FSR) report: 14 August 2025 - Written submissions during public exhibition: 6
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Final briefing to discuss council's recommendation: 10 December 2025 <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Eugene Sarich <u>Council assessment staff</u>: 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 (uploaded 27 November 2025) as uploaded by Council to the Planning Portal 10 December 2025