



**Lane Cove
Council**

Minutes
Lane Cove Local Planning Panel Meeting
9 July 2025

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MINUTES**

PRESENT:

Mr Anthony Hudson, Chair
Ms Lisa Trueman, Planning Expert
Mr Mike Ryan, Planning Expert
Mr Ian Longbottom, Community representative

ALSO PRESENT:

Mr Mark Brisby, Director planning and Sustainability
Mr Rajiv Shankar, Manager Development Assessment
Mr Christopher Pelcz, Co-ordinator Strategic Planning
Ms Golrokh Heydarian, Strategic Planner
Mr Christopher Shortt, Senior Town Planner
Mr Andrew Bland, Senior Town Planner
Ms Kirsten Pickard, Town Planner
Ms Angela Panich, Panel Secretary

DECLARATIONS OF INTEREST: **Nil**

APOLOGIES

Nil

LANE COVE LOCAL PLANNING PANEL REPORTS

LOCAL ENVIRONMENTAL PLAN REVIEW

RECOMMENDATION

Panel Decision

- (1) The Panel's advice to the Council is to support Planning Proposal 43 because it is consistent with both State and Local Government plans and strategies, and will give effect to them as required by the NSW EP&A Act as stated in the report to the Panel with one exception referred to below.
- (2) The exception referred to above is to not support the delisting of heritage item 94 Northwood Road, Northwood, because the heritage report in support of delisting does not, in the Panels view, adequately address the heritage significance of this item as being part of a group listing with other nearby listed heritage properties.

The recommendation of the Panel was unanimous

18- 20 ORION ROAD LANE COVE WEST

DETERMINATION

Panel Decision

- (1) The Panel has considered the applicant's written request under clause 4.6(3) of the Lane Cove LEP 2009 (the LEP) prepared by Interface Planning dated April 2025 to contravene the 1:0.1 FSR development standard in clause 4.4 of the LEP (the development standard) to 1:36:1.
- (2) In accordance with clause 4.6(3) of the LEP the Panel is satisfied that the applicant has demonstrated that-
 - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of this case, and
 - (b) there are sufficient environmental planning grounds to justify contravening the development standard.
- (3) The Panel supports the request for the variation of the development standard.
- (4) The Panel grants consent to Development Application DA39/2025 for proposed change of use to storage premises and internal fit out works, subject to the recommended conditions with the following changes to those conditions:
 - (a) amend condition 2. A2(a) by deleting the last sentence,
 - (b) amend condition 2. A(2)(d) by removing the condition and including as a new second dot point in condition 43. F.1(a) the following:

The provision of one (1) EV charging Space for electric vehicle use in accordance with relevant policies, and

- (c) insert as new conditions 10A, 10B and 10C conditions 1,2 and 3 set out in the RFS letter to Council dated 11 July 2025

The decision of the Panel was unanimous

S8.2 REVIEW OF S4.55 MODIFICATION AT 21 - 41 CANBERRA AVENUE ST LEONARDS

DETERMINATION

Panel Discussion

The Panel agrees with the recommendation to refuse the modification application.

The applicant's past breaches of conditions are not relevant to the determination of the modification application.

The Panel agrees that amenity impacts from all the construction works in the precinct, including the works for the development for the modification, will continue for an extended period and that maintaining an ongoing 'construction-free' respite period after 12.00 noon on Saturdays is of greater value to the surrounding community.

The applicant's suggested new condition makes references to the Department of Environment and Climate Change Interim Construction Guideline.

This guideline refers to the relevant category of works that might be undertaken outside the recommended standard hours as being where a proponent

demonstrates and justifies the exception, which involves providing the relevant authority with clear justification for reasons other than convenience, such as to sustain operational integrity of road, rail and utility networks.

The Panel is of the view that the applicant has not adequately justified or demonstrated the need for the exception.

The Panel was not satisfied that the proposed trial period was practical to implement and enforce in the circumstances

Panel Decision

Refuse the modification application and the Panel agrees with the recommended reasons for refusal as follows:

1. The proposal does not comply with Lane Cove Environmental Plan 2009 zone *objectives in respect to ensure that the existing amenity of residences in the neighbourhood is respected. (Section 4.15(1)(a)(i),(b),(c)& (e) of the Environmental Planning and Assessment Act, 1979).*
2. The proposal is not in the public interest and would unreasonably impact on residential amenity. (Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979).
3. The proposal would be contrary to a Council resolution relating to construction hours for all residential flat buildings in the Local Government Area.

together with the following additional reasons:

4. The applicant has not adequately demonstrated or justified the need for an exception to the standard condition that there be no construction work on Saturday afternoons
5. There will be cumulative amenity impacts from all the construction works in the precinct, including the works for the development for the modification, which will continue for some time and it is reasonable for the amenity of local residents and the community to maintain an ongoing 'construction-free' respite period after 12.00 noon on Saturdays.

The decision of the Panel was unanimous

S4.55(1A), 8 KULLAH PARADE, LANE COVE NORTH

The Panel does not necessarily disagree with the general building envelope proposed in the modification application.

However, there are extensive changes to the development that was originally approved together with additional unapproved works some of which are to be demolished and some of which will remain.

The panel is not satisfied that sufficient details, including timing and the planned identification and sequencing of the works, have been determined and costed to ensure that the final development can be approved and carried out under the current modification application.

For example the Panel is not satisfied that:

- (a) the letter from KHH Consulting Engineers Pty Ltd dated 14 April 2025 (which the Panel understands is the only engineering evidence supporting the modification application) adequately addresses the structural integrity of the existing structure during and after the proposed works,
- (b) sufficient details have been provided of the precise works to be carried out, and how they will be carried out, including the verbal reference to the foam concrete as explained at the meeting, and
- (c) identifying the precise building works that will remain and the building works that will be demolished.

Further given the extensive differences between the approved building and the existing building as constructed, together with the proposed changes (which have not been fully detailed), the panel is unable to satisfactorily determine or evaluate whether the current modification proposal would meet the substantially same development requirement of s4.55(2)(a) of the EPA Act.

In conjunction with this lack of detail and information, the Panel is of the view that the proposed sequencing of development proposed, including a BIC as part of the conditions for the modification, is not in the public interest as it does not ensure the orderly and economic development of the land.

The original consent will be almost irrelevant after all the works have been carried out and it will be difficult, if not impossible, for the Principal Certifier to properly assess and determine any application for the final Occupation Certificate under the original consent, given the substantial changes both approved and unapproved to the original consent.

The Panel is of the view that the following sequence of applications and approvals would be more appropriate:

- (a) A separate new stand alone Development Application should be submitted for all the physical works and building works to be carried out to rectify unlawful works, together with any new building works to be carried out, supported by appropriate plans, details and specifications including costings.
- (b) After completion of the approved works and approved building works under the above new consent, two further applications be submitted as follows:
 - (i) a Building Information Certificate (BIC) for all the final building works both approved and unapproved, and
 - (ii) a new DA for the use of the all the final building works (all of which would be covered by the BIC) for the purposes of a single dwelling house, including the surrender of the original consent.

This approach will enable a Principal Certifier to be appointed for both DAs, and importantly for a final Occupation Certificate to be issued for the use and occupation of the final single dwelling house (including any unlawful works covered by the Building Information Certificate).

Decision

The Panel refuses the modification application for the following reasons:

- (1) Insufficient detail and information have been provided to properly assess whether:
 - (a) the proposed works have been sufficiently planned, determined and costed

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- to ensure that the final proposed development can be approved and carried out under the current modification application, and
- (b) the application meets the substantially the same development test in a s4.55(2)(a) of the EPA Act.
- (2) In conjunction with this lack of detail and information, the proposed sequencing and construction of development proposed, which involves demolition and construction of both approved and unapproved development, including a BIC application, would likely make any application for a final Occupation Certificate under the original consent too difficult to assess which is not in the public interest and does not ensure the orderly and economic development of the land.

The decision of the Panel was unanimous

The meeting closed at 6pm

******* END OF MINUTES *******