

DATE OF DETERMINATION	16 December 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 8 December 2020.

MATTER DETERMINED

PPSSNH-163 – Lane Cove – DA134/20 at 106 Centennial Avenue, Lane Cove – Residential Aged Care Facility (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.

Application to vary a development standard

Following consideration of a written request from the Applicant, made under cl 40 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP), that has demonstrated that:

- a) compliance with cl.40 (SEPP Seniors) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- a) the Applicant's written request adequately addresses the matters required to be addressed under cl 40 of SEPP Seniors; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 40 of SEPP Seniors and the objectives for development in the R2 Low Density Residential zone; and
- c) the concurrence of the Secretary has been assumed.

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 variation to SEPP Seniors and approve the application for the reasons outlined below and in Council's Assessment Report.

The proposal complies with SEPP Seniors with the exception of building height. The SEPP specifies a maximum building height of 8m whereas a maximum building height of 10.89m is proposed. The Applicant's Clause 4.6 written request is well founded and the Panel agrees with Council that the variation is satisfactory in this instance largely due to the nature of residential care facilities, the high-quality setback and landscaped areas, the negligible amenity impacts, and compatibility of the architectural design with the locality.

The Development Application was submitted after a two year Pre-DA process during which an additional site was purchased, the principal vehicular access relocated and the façade, height and setbacks were amended. The Panel concurs with Council that the Applicant's consultative approach and willingness to work with Council staff resulted in a more orderly development site and functional layout and a higher quality design that has regard to local character.

The existing facility includes residential care (42 beds) and a place of worship. The Development Application is for the demolition of six dwelling houses, boundary adjustments to three retained dwelling houses, retention of the existing place of worship, refurbishment of the existing residential care facility and the construction of an adjacent/connected three storey extension to the residential care facility providing an additional 100 beds and basement parking for an additional 35 vehicles. The resultant residential care facility would provide for a total of 142 beds and parking for 45 vehicles.

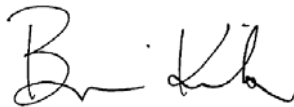
The proposal was assessed against the relevant parts of Section 4.15 of the Environmental Planning and Assessment Act, 1979. The proposal complies with zone objectives, co-locates residential care within a residential setting and provides for a high quality built form and environmental outcome. As such, the Panel considers approval of the DA to be in the public interest.

CONDITIONS

The development application was approved subject to the recommended conditions in Council's Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The issues of concern included height parking and tree removal and the Panel considers that concerns raised by the community have been adequately addressed in Council's Assessment Report.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-163 – Lane Cove – DA134/20
2	PROPOSED DEVELOPMENT	Part demolition, subdivision (boundary adjustment and lot consolidation), refurbishment and major additions to a residential care facility, to provide a total of 142 beds and parking for 45 vehicles.
3	STREET ADDRESS	106-114 Centennial Avenue, Lane Cove 7-13 Fig Tree Street, Lane Cove
4	APPLICANT/OWNER	Applicant: The Uniting Church in Australia Property Trust (NSW) Owner: The Uniting Church in Australia Property Trust (NSW)
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004; - State Environmental Planning Policy (Infrastructure) 2007; - State Environmental Planning Policy (State and Regional Development) 2011; - Lane Cove Local Environmental Plan 2009 - Draft environmental planning instruments: - Draft State Environmental Planning Policy Environment - Draft State Environmental Planning Policy Housing Diversity - Development control plans: - Lane Cove Development Control Plan 2010 - 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: 4 December 2020 - Clause 4.6 Variation SEPP Seniors - Written submissions during public exhibition: 3 - Number of unique submissions received by way of objection: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing: 18 November 2020 <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Eugene Sarich, Deborah Sutherland <u>Council assessment staff</u>: Henry Bassett - Final briefing to discuss council's recommendation: 16 December 2020 <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Eugene Sarich, Deborah Sutherland <u>Council assessment staff</u>: Henry Burnett, Rajiv Shankar, Mark Bolduan <u>Applicant representatives</u>: Sally Bassett, Julie Horder, Michael Medcalf
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report