

<b>DATE OF DETERMINATION</b>	19 May 2023
<b>DATE OF PANEL DECISION</b>	18 May 2023
<b>DATE OF PANEL MEETING</b>	17 May 2023
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Nicole Gurran, Brian Kirk, Eugene Sarich, Vivienne Albin
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held by Public Teleconference on 17 May 2023, opened at 9.30am and closed at 11.12am. Papers circulated electronically on 08 May 2023.

#### **MATTER DEFERRED**

PPSSNH-353 - DA117/2017, S4.55(2) application, Lane Cove Council, 266 Longueville Road Lane Cove, Construction of seniors housing development comprising 92 independent living units, basement car parking for 181 vehicles, new public park and facilities and landscaped through-site link (as described in Schedule 1).

#### **REASONS FOR DEFERRAL**



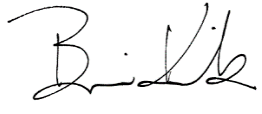


The Panel heard from members of the community, Applicant and Independent Assessor during the public meeting. Key issues including the changed purpose of the facility and the extent of modifications were canvassed at length.

The Panel believes several key issues remain unresolved and decided to defer the determination to obtain additional information on the following;

1. Permissibility of the modification as proposed (with the absence of aged care beds) having regard to the current Site Compatibility Certificate (SCC); in particular, the development as described in Schedule 1 which gives permissibility for "Development for up to 70 aged care beds and 82 independent dwellings, ancillary facilities, basement carparking and landscaping";
2. Whether the modified development as proposed is substantially the same as the development for which the consent was originally granted, having particular regard to the essential elements of the original development consent and the relationship with the SCC;
3. The reasons given by the consent authority for the grant of the consent that is sought to be modified and the information relied upon to form those reasons having regard to S4.55(3) of the Act;
4. Clarification of intended accommodation and care arrangements for future residents requiring advanced care and how that may have changed from the original development consent having regard to clause 45(6)(a)(i) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;
5. Clarification of the impact of industry changes on the nature of these facilities which originally sought to accommodate independent living and advanced care;
6. Clarification of changes to balconies and privacy arrangements; and
7. Refinement of conditions relating to location of the substation and public access for the through site link.

The Panel requests the Applicant provide additional information to the Independent Assessor who will then provide a Supplementary Assessment Report as soon as possible. Once the Panel receives the Supplementary Report, the Panel Chair will convene a further public meeting to determine the modification.

The Panel's decision to defer the matter was unanimous.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Nicole Gurran
 Brian Kirk	 Vivienne Albin
 Eugene Sarich	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-353 - 117/2017 S4.55(2) Lane Cove Council
2	PROPOSED DEVELOPMENT	Construction of seniors housing development comprising 92 independent living units, basement car parking for 181 vehicles, new public park and facilities and landscaped through-site link.
3	STREET ADDRESS	266 Longueville Road, Lane Cove
4	APPLICANT/OWNER	Longueville The Village Pty Ltd / Lane Cove Council
5	TYPE OF REGIONAL DEVELOPMENT	S4.55(2)
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments:               <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (SEPP) No. 65 Design Quality of Residential Flat Development</li> <li>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>Lane Cove Local Environmental Plan 2009</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans:</li> </ul>

		<ul style="list-style-type: none"> <li>• Lane Cove Development Control Plan 2009</li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>:</li> <li>• Coastal zone management plan: Nil</li> <li>• Other relevant plans: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report with draft conditions of consent.</li> <li>• Council memo dated 16 May 2023</li> <li>• Attachment 1 – Architectural Plans</li> <li>• Attachment 2 – Draft Conditions</li> <li>• Attachment 3 - Comparison Table (approved development vs proposed)</li> <li>• Attachment 4 - Applicant's response to Submissions</li> <li>• Attachment 5 SNPP Original Determination</li> <li>• Attachment 6 - Legal Advice (under separate cover</li> <li>• Written submissions during public exhibition: 65</li> <li>• Verbal submissions at the public meeting:</li> <li>• Members of the community – Ian Pope, Carolyn Pope, John Southwood, Alan Lenehan on behalf of the Strata Committee of Timbertops, Stephen Curley on behalf of the Northwood Action Group, Robert Frohlich, Adrienne Cahalan OAM President on behalf of GCVAG Inc., Meredith (Merri) Southwood, Norma Stuart, Peter Staveley, Nigel Riddington, Jason Tsoa-Lee on behalf of member of the Timbertops Strata Committee, Alan Lenehan on behalf of Chantelle Farrelly, Ron Gedeon on behalf of the Longueville (NSW), Jennifer Schneller, Darvan Sinnetamby on behalf of a group, Lane Cove RA.</li> <li>• <u>Council assessment staff</u>: Mark Brisby</li> <li>• Robert Montgomery (Independent Town Planner)</li> <li>• On behalf of the applicant – Graeme Skerritt, Ryan Cole, Markam Ralph, Michael Medcalf, Matthew McCarthy, Caroline Weller, Jan Parting, Thomas Nader</li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• 15 March 2023 - Briefing</li> <li>• 17 May 2023 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Nicole Gurran, Brian Kirk, Vivienne Albin, Eugene Sarich</li> <li>○ <u>Council assessment staff</u>: Mark Brisby</li> <li>○ Robert Montgomery (Independent Town Planner)</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report