



Gyde Consulting Pty Ltd

Our reference: P-22226

7 June 2023

General Manager  
Lane Cove Council  
48 Longueville Road  
Lane Cove NSW 2066

**Attn: Rajiv Shankar – Manager, Development Assessment**

Dear Mr Shankar,

**RESPONSE TO SYDNEY NORTH PLANNING PANEL DEFERRAL  
S4.55(2) MODIFICATION TO DA117/2017 - 266 LONGUEVILLE ROAD, LANE COVE**

Gyde Consulting Pty Ltd. act on behalf of the applicants, Longueville The Village Pty Ltd., regarding the above S4.55(2) Modification Application made under Part 4 of the *Environmental Planning and Assessment Act 1979*.

We write in response to the 'Record of Deferral' of the above application issued by Sydney North Planning Panel (SNPP) with the referenced 'Date of Determination' being 19 May 2023.

The 'Record of Deferral' issued by the SNPP outlined a request for additional information for several matters relating to:

- The approval path associated with proposed modifications in the context of the previously issued Site Compatibility Certificate (SCC) for the site.
- Clarification of intended accommodation and care arrangements in the context of cl45(6)(a)(i) of SEPP (Housing for Senior or People with a Disability) 2004
- Clarification of industry changes and the nature of Seniors Housing facilities
- Clarification of changes to balconies and privacy arrangements
- Refinement of conditions relating to location of the substation and public access path adjacent to the site's northern boundary.

In support of this submission, additional relevant documentation is attached, including:

**AMENDED DOCUMENTS ACCOMPANYING RFI RESPONSE**

1. Copy of 'Record of Deferral' of the above application issued by Sydney North Planning Panel (SNPP) with the referenced 'Date of Determination' being 19 May 2023
2. Copy of Site Compatibility Certificate for the site dated 10 June 2021 for a Seniors Housing development.
3. SNPP Determination and Statement of Reasons for Original Consent Referenced 2017SNH069 & DA117/2017 at 266 Longueville Road Lane Cove for a Seniors Housing development.
4. Legal Advice from Mills Oakley, 26 May 2023 prepared in response to SNPP Record of Deferral, 19 May 2023
5. Report prepared by Critical Success Solutions, 1 June 2023
6. Report prepared by Edgewater Connection, 26 May 2023

In response to the matters raised by the SNPP, we provide the following:

RFI MATTER	APPLICANT RESPONSE
<p>1. <i>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."</i></p>	<p>In response to this matter, please see a copy of further Legal Advice from Mills Oakley dated 26 May 2023 attached to this correspondence.</p> <p>The key message derived from this legal advice is that:</p> <ul style="list-style-type: none"> <li>• There is no impediment to consent authority approving the modification in terms permissibility in the context of the originally issued SCC.</li> <li>• Permissibility and the requirements of SCC were only a matter for consideration in the original Development Application.</li> <li>• The previous SCC requirements do not apply to the determination of a modification application.</li> </ul>
<p>2. <i>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;</i></p>	<p>In response to this matter, please see a copy of further Legal Advice from Mills Oakley dated 26 May 2023 attached to this correspondence.</p> <p>The key message derived from this legal advice is that:</p> <ul style="list-style-type: none"> <li>• There is no impediment to consent authority approving the modification in terms of the test under s4.55(2) of the EP&amp;A which requires "...development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted..."</li> <li>• The requirements of SCC were only a matter for consideration in the original Development Application.</li> <li>• The previous SCC requirements do not apply to the determination of a modification application.</li> <li>• The SCC does not form part of the development consent.</li> <li>• As the terms of the SCC do not form part of the development consent, they are not relevant (and must not be considered) when applying the 'substantially the same' test.</li> <li>• The SCC certified "Seniors Housing" as the applicable compatible land use.</li> <li>• The more detailed description in the SCC Schedule 2 included the words 'up to' with regards to aged care. As such, there was no minimum number of aged care beds required in a Seniors Housing development and the provision of aged care beds was not essential.</li> </ul>
<p>3. <i>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;</i></p>	<p>In response to this matter, please see a copy of further Legal Advice from Mills Oakley dated 26 May 2023 attached to this correspondence.</p> <p>The key message derived from this legal advice is that the consent authority for the modification is only required to <b>consider</b> the reasons given by the consent authority for the determination of the DA. There is no requirement to bound to the previous reasons or any necessity to determine consistency or otherwise.</p> <p>As such, in determining the modification application and considering the consent authorities reasons for the granting of the original consent, the panel can be satisfied to grant approval to the modification for reasons including:</p> <ul style="list-style-type: none"> <li>• The land is zoned R4 High Density Residential under LCLEP</li> <li>• The R4 Zone is primarily for urban purposes.</li> <li>• Residential flat buildings and Seniors Housing are permitted in the zone.</li> <li>• The development form as approved and proposed to be modified is one envisaged by the planning framework.</li> <li>• Whilst the previous SCC requirements do not apply to the</li> </ul>

RFI MATTER	APPLICANT RESPONSE
	<p>determination of a modification application. The SCC certified "Seniors Housing" as the applicable compatible land use with no minimum aged care component. The panel when determining the original DA, 'Recognised' that a SCC had been issued with reference to a maximum permitted FSR at the site. The modifications do not change the land use from Seniors Housing and does not exceed the stipulated maximum FSR of 1.6:1.</p> <ul style="list-style-type: none"> <li>• The original panel determination was to grant consent to Seniors Housing, this is not changing.</li> <li>• The documentation lodged with the Modification Application appropriately demonstrates that the proposed modifications are substantially the same development as the development for which consent was originally granted. They do not materially change any of the essential and material features of the development. Furthermore, the proposed modifications are 'essentially' and 'materially' the same, based on the qualitative and quantitative comparative analysis of the development elements (including, land use &amp; built form) and the subsequent resulting impacts. This has been confirmed to the panel by Council's Independent Planning Assessment Report of the application and Legal Advice from Senior Counsel to the panel.</li> </ul>
<p>4. <i>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;</i></p>	<p>In response to this matter, please see a copy of further Legal Advice from Mills Oakley dated 26 May 2023 and a report prepared by Critical Success Solutions dated 1 June 2023 attached to this correspondence.</p> <p>The key message derived from this legal advice is that the requirements of <i>clause 45(6)(a)(i) of State Environmental Planning Policy Housing for Seniors or People with a Disability 2004</i> only apply to the determination of a Development Application. As such, at best, the consent authority for the modification is only required to consider the detail.</p> <p>Notwithstanding, in determining the modification application the panel can be satisfied to grant approval to the modification, as the proposal is substantially the same as the original consent and continues to satisfy the requirements of <i>45(6)(a)(i) of State Environmental Planning Policy Housing for Seniors or People with a Disability 2004 (the SEPP)</i>. In this regard we note the following:</p> <ul style="list-style-type: none"> <li>• The report from Critical Success Solutions dated 1 June 2023 highlights that: <ul style="list-style-type: none"> <li>○ The minimum onsite support requirements under Cl45(6)(a)(i) of the SEPP, do not vary between Seniors Housing development types.</li> <li>○ Longueville The Village will be providing a higher level of on-site support services (Aged Care in the Home) than the minimum stipulated under Cl45(6)(a)(i) of the SEPP via either Pathways Residences or a service provider of the residents choosing. Seniors will have access to onsite support services, including: <ul style="list-style-type: none"> <li>• 3 meals a day provided in the onsite dining room or to a resident's dwelling, personal care, home nursing visits, and assistance with housework.</li> <li>• Access to an emergency call system</li> <li>• Access to General Practitioners</li> <li>• Various home care program requirements set out by the Aged Care Quality and Safety Commission such as, transportation assistance, round-the-clock</li> </ul> </li> </ul> </li> </ul>

RFI MATTER	APPLICANT RESPONSE
	<p>security, medication management, social activities and leisure, personal care assistance and access to allied health professionals such as physiotherapy, dietetics and occupational therapy.</p> <ul style="list-style-type: none"> <li>Options for a small percentage of residents who determine that living in a different environment with a different model of living for high medical care needs is desirable or necessary is available through priority access to Pathways Residences Longueville 50 metres away.</li> <li>Council has provided the panel draft amended conditions which continue to require compliance with the SEPP Seniors Housing Requirements and Compliance with the SEPP onsite support services. This is done through reference to the 'Operators Affordable Housing Policy' (Condition 1 &amp; 154) &amp; 'Operational Plan of Management' (Condition 1) by Longueville the Village, the Architectural Plans by Morrison Design in addition to Condition 168 requiring the development to only be occupied by seniors or people with a disability as defined in State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.</li> </ul>
<p>5. <i>Clarification of the impact of industry changes on the nature of these facilities which originally sought to accommodate independent living and advanced care;</i></p>	<p>In response to this matter, please see a copy of a report prepared by Critical Success Solutions dated 1 June 2023 attached to this correspondence.</p> <p>The key message derived from this report is that:</p> <ul style="list-style-type: none"> <li>Since the original development application for Seniors Housing at the site submitted there have been noticeable shifts in the preferences for living arrangements as Australians age.</li> <li>The Royal Commission into Aged Care Quality and Safety (Royal Commission) commissioned in 2018, with a final report delivered in 2021 highlighted a shift in Australians of all ages wanting to be assisted to live independently (where possible) in their own home during their retirement years rather than ever having to go to an aged care facility.</li> <li>The change to Aged Care in the Home is supported through a shift in design and operations of seniors housing, with onsite support services, Home Care Packages and Commonwealth Home Support Program.</li> <li>This change allows flexibility and choice to older Australians.</li> </ul>
<p>6. <i>Clarification of changes to balconies and privacy arrangements;</i></p>	<p>*See below.</p>
<p>7. <i>Refinement of conditions relating to location of the substation and public access for the through site link.</i></p>	<p>Development Consent DA117/2017 (as modified on 30 November 2022) provides conditions relevant to substation as follows:</p> <p><i>62. The electricity kiosk shall be positioned in "substation location 2" marked on the diagram attached to the letter prepared by GSA Planning dated 8 June 2018, i.e. inside the Longueville Road boundary approximately half-way between the porte cochere entry and the public park, subject to the approval of the electrical utility provider.</i></p> <p><i>126. Screen planting is required to soften the electrical substation. These plants must be healthy, good quality nursery stock, planted at a minimum 45L pot size, being free of girdling roots and other defects and be at least</i></p>

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	<p><i>2m tall above the ground at time of planting with a height at maturity of at least 3 m tall. Plants must be spaced 1.5 m apart at planting. Species selected are to be locally native. A species list of local native plants is available from Council.</i></p> <p>The proposed changes to the Conditions provided by Council's Independent Assessor of the subject application sought to modify Condition 1, 62 &amp; 126 as follows:</p> <ol style="list-style-type: none"> <li><i>1. References proposed Architectural &amp; Landscape plans modifying location of substation.</i></li> <li><i>62. The electricity kiosk shall be positioned within the Longueville Road frontage of the site as shown on the Morrison Design Partnership Plan DA.050, Revision DA.1, dated 22/10/22 or as otherwise directed by the electricity service provider. (Amended 17 May 2023)</i></li> <li><i>126. No Change</i></li> </ol> <p>In response to this matter, please see a copy of a report prepared by Edgewater Connection dated 26 May 2023 attached to this correspondence.</p> <p>The key message derived from the Edgewater Connection advice is that the design and location of Substations must meet specific Ausgrid design requirements. There are several site constraints impacting the substation location. The proposed location of the substation is the most suitable based on:</p> <ul style="list-style-type: none"> <li>• <i>24/7 direct unimpeded access from public road.</i></li> <li>• <i>Suitable clearance from building and essential services.</i></li> <li>• <i>No impact on existing trees.</i></li> <li>• <i>No impact on proposed residents for noise and electromagnetic fields</i></li> <li>• <i>No impact on access requirements for fire brigade</i></li> <li>• <i>No impact on building use due to construction segregation requirements such as fire and ventilation.</i></li> </ul> <p>In the context of the technical requirements for the siting of substations, it should be noted that the location of the proposed substation to the northwest corner of the site will have no impact on public access to the children's play area of the through site link and it will be installed in a landscape setting to minimize visual impact.</p> <p>In this regard, I draw the SNPP attention to the submitted landscape plans LA02 - LA05 Prepared by TaylorBrammer, Ref. Job No: 16-162s, dated 21-10-18 which provide detail on the site link location and proposed plantings. Relevant Extracts from the landscape plans identify the following:</p> <p>Site Link Path is situated between the children play area and the northwest building elevation – see below:</p>



RFI MATTER

APPLICANT RESPONSE

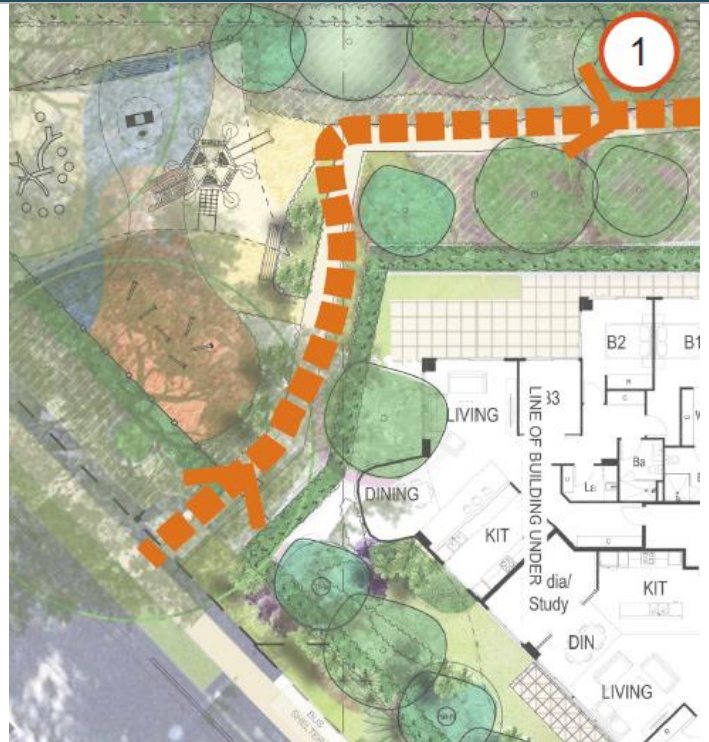


Figure 1: Extract from LA02 Prepared by TaylorBrammer, Ref. Job No: 16-162s, dated 21-10-22

The location of the substation is situated within a dense landscape setting toward the northwest corner boundary and will not be immediately visible to pedestrians accessing the pathway or the children play area. See below:

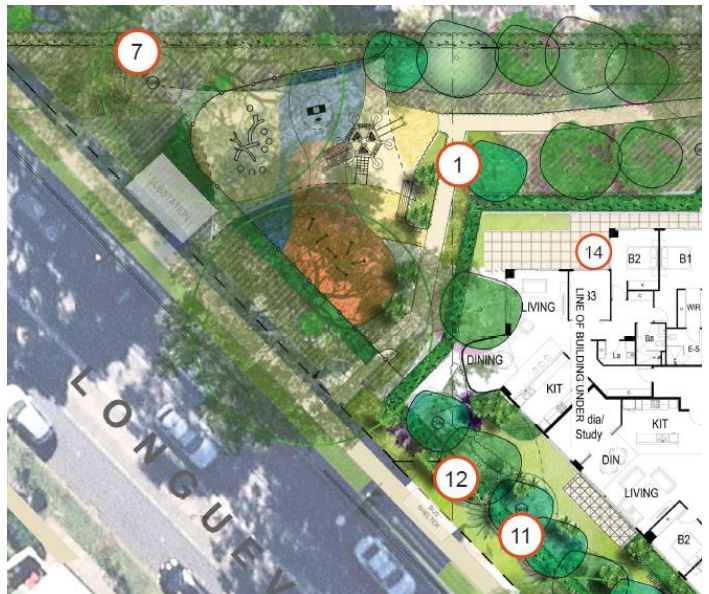



Figure 2: Extract from LA03 Prepared by TaylorBrammer, Ref. Job No: 16-162s, dated 21-10-22

An artist impression of the intended access point to the site through link and path to the children play area is outlined below:

RFI MATTER	APPLICANT RESPONSE
	 <p><i>Figure 3: Extract from LA056 Prepared by TaylorBrammer, Ref. Job No: 16-162s, dated 21-10-22</i></p> <p>As a result of the technical requirements for the installation of substations as outlined by Edgewater Connection, the proposed location for the substation installation, its distance from the site through link, the landscape treatment outlined in the proposed TaylorBrammer landscape plans, and draft conditions 1, 62 &amp; 126, it is considered that variation to the condition requirements is not necessary in this instance.</p>

**\*Response to Point 6 – Privacy:**

The 'Record of Deferral' identifies the SNPP seeks 'Clarification of changes to balconies and privacy arrangements.'

In providing a response to this Deferral Issue, the panels attention is drawn to:

DOCUMENT	COMMENT
The Architectural Plans Prepared by Morrison Design Partnership Ref. Job No: 3231	<p>Floor Plan References: DA101-107 each provide:</p> <ul style="list-style-type: none"> <li>• A Blue Dotted overlay indicating the outline of the building as approved against proposed modifications.</li> <li>• An Orange Area overlay indicating the outline of the balconies as approved against proposed balconies.</li> </ul>
The Architectural Plans Comparative Analysis to Approved Prepared by Morrison Design Partnership Ref. Job No: 3231	Plans: DA.151-157, DA201-203 provide outline of approved v proposed modifications.
The Landscape Plans Prepared by TaylorBrammer Ref. Job No: 16-162s Plans: DA00-17 Dated 21-10-18	The Landscape Plan outline in detail the retention of existing landscape feature and proposed landscape treatment.
Updated S4.55(2) Planning Statement Prepared by Gyde Consulting Pty Ltd Dated 21 December 2022	<p>Report outlines compliance of proposed modifications in terms of privacy as follows:</p> <ul style="list-style-type: none"> <li>• Page 42 ADG Compliance – Clause 2F Building Separation</li> <li>• Page 47 ADG Compliance – Clause 3F Visual Privacy</li> <li>• Page 35 CI34 SEPP (Housing for Seniors or People with a Disability) 2004</li> <li>• Page 78 – Lane Cove DCP</li> <li>• Page 86 – s4.15(1)(b) EPAA – Likely Impact of the Development</li> </ul>

In relation to Privacy the relevant planning controls that apply to the site include:

DOCUMENT	COMMENT												
State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development  Apartment Design Guide (ADG)	<p>Part 3F Visual Privacy</p> <p><i>Adequate <b>building separation distances are shared equitably between neighbouring sites</b>, to achieve reasonable levels of external and internal visual privacy</i></p> <p><i>Separation between windows and balconies is provided <b>to ensure visual privacy is achieved</b>. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</i></p> <table><tr><th><i>Building height</i></th><th><i>Habitable rooms and balconies</i></th><th><i>Non habitable rooms</i></th></tr><tr><td><i>up to 12m (4 storeys)</i></td><td><i>6m</i></td><td><i>3m</i></td></tr><tr><td><i>up to 25m (5-8 storeys)</i></td><td><i>9m</i></td><td><i>4.5m</i></td></tr><tr><td><i>over 25m (9+ storeys)</i></td><td><i>12m</i></td><td><i>6m</i></td></tr></table>	<i>Building height</i>	<i>Habitable rooms and balconies</i>	<i>Non habitable rooms</i>	<i>up to 12m (4 storeys)</i>	<i>6m</i>	<i>3m</i>	<i>up to 25m (5-8 storeys)</i>	<i>9m</i>	<i>4.5m</i>	<i>over 25m (9+ storeys)</i>	<i>12m</i>	<i>6m</i>
<i>Building height</i>	<i>Habitable rooms and balconies</i>	<i>Non habitable rooms</i>											
<i>up to 12m (4 storeys)</i>	<i>6m</i>	<i>3m</i>											
<i>up to 25m (5-8 storeys)</i>	<i>9m</i>	<i>4.5m</i>											
<i>over 25m (9+ storeys)</i>	<i>12m</i>	<i>6m</i>											
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	<p><b>34 Visual and acoustic privacy</b></p> <p><i>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by—</i></p> <p>(a) <i>appropriate site planning, the location and design of <b>windows and balconies, the use of screening devices and landscaping</b>, and</i></p> <p>(b) <i>ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</i></p>												
Part C Residential Localities - Locality 7 – 266 Longueville Road Lane Cove Development Control Plan 2010.	<p>Privacy</p> <p><i>The orientation of buildings and integration of elements to <b>improve</b> privacy and limit opportunities for overlooking should be considered as part of an overall design concept. <b>Features such as privacy screens, high window-sills, landscaping and opaque materials</b>, should be applied and in a manner that complements the overall design of the building.</i></p>												

Key changes regarding balconies and privacy arrangements for the proposed modifications, associated with site boundaries are summarised as follows:

LEVEL	NORTH ELEVATION	SOUTH ELEVATION	EAST ELEVATION	WEST ELEVATION
1.	No substantive change in size or location of balconies	<b>Unit 1.07.</b> No substantive change in size or location of ground floor terrace	No substantive change in size or location of balconies	No Balconies, subterranean
2.	No substantive change in size or location of balconies	<b>Unit 4.19</b> Balcony location substantially unchanged, extended further to bushland (east) Privacy Screen Included Setback 15.2m from south boundary.	No substantive change in size or location of balconies	No Balconies, subterranean
3.	No substantive change in size or location of balconies	<b>Staff Courtyard &amp; Unit 3.12</b> Terrace areas reduced. Area access reduced from 7 RAC rooms to Staff Courtyard & 1 ILU Courtyards, at lower level that driveway and situated behind retaining wall. Terrace Area to ILU required to meet ADG Private Open Space requirement. Setback 6.9m from south boundary.  <b>Unit 3.11</b> Balcony location substantially unchanged, extended further to bushland (east)	No substantive change in size or location of balconies	No Balconies, subterranean



LEVEL	NORTH ELEVATION	SOUTH ELEVATION	EAST ELEVATION	WEST ELEVATION
		Privacy Screen Included Setback 15.2m from south boundary.		
4.	<p><b>Unit 4.19</b> Balcony size &amp; location adjusted. Setback 12.1m from north boundary.</p> <p><b>Units 4.03 &amp; 4.04</b> New balconies as floor changed from RAC to ILU. Required to meet ADG Private Open Space requirement. Setback 12.1m from north boundary.</p> <p><b>Units 4.09 &amp; 4.10</b> New balconies as floor changed from RAC to ILU. Required to meet ADG Private Open Space requirement. Setback 25.1m from north boundary.</p>	<p><b>Units 4.15</b> New balconies as floor changed from RAC to ILU. Required to meet ADG Private Open Space requirement. Privacy Screen Included Setback 11.8m from south boundary.</p> <p><b>Units 4.14 &amp; 4.13</b> New balconies as floor changed from RAC to ILU. Required to meet ADG Private Open Space requirement. Privacy Screen Included Setback 12m from south boundary.</p> <p><b>Units 4.12</b> New balconies as floor changed from RAC to ILU. Required to meet ADG Private Open Space requirement. Privacy Screen Included Setback 15.2m from south boundary.</p>	<p><b>Units 4.11 &amp; 4.10</b> New balconies as floor changed from RAC to ILU. Required to meet ADG Private Open Space requirement. Balcony locations consistent with other levels No Impact Elevation overlooks bushland area</p>	No Balconies, subterranean
5.	No substantive change except, provision of new ad grade courtyard of <b>Unit 5.18</b> shielded by 1.8m fencing.	<p><b>Staff Courtyard</b> reduced in size.</p> <p><b>Unit 5.14 &amp; 5.13</b> Balcony size &amp; location substantially unchanged Privacy Screen Included Setback 11.8m from south boundary.</p> <p><b>Unit 5.12</b> Balcony location substantially unchanged, extended further to bushland (east) Privacy Screen Included Setback 15.2m from south boundary.</p>	<p><b>Units 5.10 &amp; 5.11</b> No substantive change in size or location of balconies except for addition of Juliet balcony of bedrooms.</p>	<p><b>Units 5.18 &amp; 5.19</b> Terrace location and size updated and now ILU instead of commercial space. No Impact Elevation overlooks Longueville Road</p>
6.	No substantive change in size or location of balconies	<p><b>Unit 6.15, 6.14 &amp; 6.13</b> Balcony size &amp; location substantially unchanged Privacy Screen Included Setback 11.8m from south boundary.</p> <p><b>Unit 6.12</b> Balcony location substantially unchanged, extended further to bushland (east) Privacy Screen Included Setback 15.2m from south boundary.</p>	No substantive change in size or location of balconies	<p><b>Unit 6.19, 6.18</b> No substantive change in size or location of balconies</p> <p><b>Unit 6.20 &amp; 6.16</b> Balcony's location and size updated. No Impact Elevation overlooks Longueville Road</p>
7.	No substantive change in size or location of balconies	<p><b>Unit 7.03</b> New terrace Required to meet ADG Private Open Space requirement. Setback 18m from south boundary behind substantial planter box.</p>	No Balconies	No Balconies

In term of Compliance with Planning Controls, as noted in the supporting Planning Statement, we provide the following:

- The land is zoned R4 High Density Residential under LCLEP
- The R4 Zone is primarily for urban purposes.
- Residential flat buildings and Seniors Housing are permitted win the zone.
- There is a current Development Consent applying to the land where the built form, use and level of privacy were deemed to be acceptable.
- The approved and proposed changes area a built form envisaged for the site under the planning framework.
- The Landscape Plan outline in detail the retention of existing landscape feature and proposed landscape treatment.
- The proposal is substantially the same development with the built form envelope is not proposed to be changed.
- The proposed modifications maintain appropriate levels of privacy to occupants and adjoining lands as:
  - The side setbacks to the building are provided with substantive setbacks interspersed with landscaping, and therefore provides privacy through distance / separation.
  - The proposal complies with SEPP 65 ADG requirements for building setback.
  - It reduces unit density and privacy impacts to adjacent property at 268 Longueville Road because of the reduction in the number of units to the southern elevation from 29 to 14.
  - The privacy associated with the development is reasonable in the context of the permitted land use and the existing built forms on surrounding lands.

In terms of Planning Compliance with the ADG the relevant section of the supporting Planning Statement lodged with the application provided:

ADG OBJECTIVE	DESIGN CRITERIA	APPROVED	ACHIEVES OBJECTIVE												
3F Visual Privacy (4F Acoustic Privacy)															
Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy. Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space. Noise transfer is minimised through the siting of buildings and building layout. Noise impacts are mitigated within apartments through layout and acoustic treatments.	<p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<p>Complied</p> <p>Northern Boundary: 12.1m – 24.9m</p> <p>Southern Boundary: 12.0m – 15.2m</p> <p>Courtyard 1: 12m</p> <p>Courtyard 2: 16.5m</p>	<p>Complies</p> <p>Northern Boundary: 12.1m – 24.9m</p> <p>Southern Boundary: 12.8m – 15.2m</p> <p>Courtyard 1: 12m - 13.2m</p> <p>Courtyard 2: 17.7m</p>
Building height	Habitable rooms and balconies	Non-habitable rooms													
up to 12m (4 storeys)	6m	3m													
up to 25m (5-8 storeys)	9m	4.5m													
over 25m (9+ storeys)	12m	6m													

In terms of Planning Compliance with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 the relevant section of the supporting Planning Statement lodged with the application provided:

RELEVANT SEPP HSPD CLAUSES	APPROVED	PROPOSED MODIFICATION
<p><b>34 Visual and acoustic privacy</b></p>	<p>The assessment noted that:</p> <p><i>The proposal will provide appropriate setbacks to provide visual and acoustic privacy. This will be reinforced with building separation, careful placement of windows and the provision of screens as required. In addition, there will be extensive landscaping which will ensure a high level of privacy.</i></p>	<p>The proposed modifications maintain appropriate levels of privacy to occupants and adjoining lands. The development is appropriate as:</p> <ul style="list-style-type: none"> <li>• The proposal does not provide any privacy concerns to the east and west of the Development as the eastern elevation overlooks a bushland area and the western elevation fronts Longueville Road</li> <li>• The side setbacks to the building are provided with substantive setbacks interspersed with landscaping, and therefore provides privacy through distance / separation</li> <li>• The proposed substantive landscaping the assist with providing obscured view lines</li> <li>• The proposal complies with SEPP 65 ADG requirements for building setback</li> <li>• It reduces unit density and privacy impacts to adjacent property at 268 Longueville Road because of the reduction in the number of units to the southern elevation from 29 to 14</li> <li>• The privacy associated with the development is reasonable in the context of the permitted land use and the existing built forms on surrounding lands</li> </ul> <p>In addition, PWNA have written a detailed Acoustic Report which demonstrates that the proposed construction can comply with the noise receiver requirements for traffic noise. In addition, Condition 104 of the Consent stipulates</p> <p><i>104. A qualified acoustic consultant shall be engaged to certify that the design and construction of the traffic noise affected portions of the building complies with the EPA's – Environmental criteria for road traffic noise. An acoustic report shall be submitted to Council with a Construction Certificate</i></p>

In terms of Planning Compliance with Part C Residential Localities - Locality 7 – 266 Longueville Road Lane Cove Development Control Plan 2010 the relevant section of the supporting Planning Statement lodged with the application provided:

PART C RESIDENTIAL LOCALITIES - LOCALITY 7 – 266 LONGUEVILLE ROAD		
REQUIREMENT	APPROVED	PROPOSED MODIFICATION
The orientation of buildings and integration of elements to improve privacy and limit opportunities for overlooking should be considered as part of an overall design concept. Features such as privacy screens, high window-sills, landscaping and opaque materials, should be applied and in a manner that complements the overall design of the building	Compliant	Compliant

An extract from with highlighted areas in red, over the submitted Landscape Plans prepared by TaylorBrammer shows the location of existing landscape feature and proposed landscape treatments which in addition to compliance building separation under the ADG assist with mitigating privacy concerns.



Figure 4: Extract from LA003 Prepared by TaylorBrammer, Ref. Job No: 16-162s, dated 21-10-22

Thank you for the opportunity to provide further information regarding these matters. We trust this information satisfies the Planning Panel's RFI. If you would like further information, please do not hesitate to contact me on 9068 7500 or [ryanc@gyde.com.au](mailto:ryanc@gyde.com.au)

Yours sincerely

**Ryan Cole**  
Director