

DATE OF DETERMINATION	13 December 2023
DATE OF PANEL DECISION	13 December 2023
DATE OF PANEL MEETING	06 December 2023
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Nicole Gurran, Eugene Sarich, Vivienne Albin
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held by teleconference on 06 December 2023, opened at 4.06pm and closed at 4.42pm.

MATTER DETERMINED

PPSSNH-405 – DA 72/2023 - Lane Cove - 43-47 KENNETH STREET, LONGUEVILLE

Alterations and additions to an existing private hospital, Longueville Private Hospital (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 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 4.6 (3) of the Lane Cove Local Environmental Plan 2009 (LEP), that has not demonstrated that:

- compliance with cl. 4.4 Floor Space Ratio is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

The Panel is not satisfied that:

- the Applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is consistent with the objectives of clause 4.6 of the LEP, the objectives for development in the R2 Low Density Residential zone, and is in the public interest.

Development application

The Panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The Panel's decision was unanimous.

REASONS FOR DECISION

The Panel resolved to refuse the development application for the reasons below and in Council's comprehensive Assessment Report.

The Development Application proposes alterations and additions to an existing private hospital (Longueville Private Hospital) over part two and three levels on land known as Nos. 43–47 Kenneth Street, Longueville.

The proposed development would not be compliant with the 0.5:1 and 0.6:1 FSR Development Standards of Lane Cove LEP 2009. In relation to the component of the development located on the portion of the

subject site having a maximum prescribed FSR of 0.5:1 (1045.15m²), the development proposes an FSR of 0.9:1, which exceeds the standard by 80.5%. In relation to the component of the development located on the portion of the site having a maximum prescribed FSR of 0.6:1, the development proposes an FSR of 1:1, which exceeds the standard by 65.8%.

Accordingly, the Applicant submitted a Clause 4.6 written request, which was appropriately assessed by Council. However, the Panel concurs with Council that the written request cannot be supported as it fails to provide adequate justification for the very significant departures from the standard and the proposed bulk and scale of the proposal would not be compatible with the existing low density residential character of the immediate Longueville locality.

The subject site has a total site area of 2,647 sq m, is zoned R2 Low Density Residential and contains predominantly a single storey private hospital, a part basement level and two administration buildings, which were former dwelling houses. The proposal includes alterations and additions to the existing hospital over part two and three levels to primarily include an additional 19 beds, four additional at-grade car parking spaces including one accessible and an ambulance/service bay underneath the hospital at the north-western corner of the site.





However, as the Council's Assessment Report noted, the proposed built form would have significant adverse visual impacts on adjoining and surrounding residential properties to the north and west of the subject site. The proposed excavation to extend the minor portion of the existing lower-level ground floor area and the new works would create a new three-storey component to the existing facility to the rear lane/northern boundary and to the adjoining dwellings. This component of the proposal would be contrary to the predominant single/two storey character of the locality and laneway. The proposal also breaches Part 1.6(d), which restricts excavation to a maximum of 1m and Part 1.7.1(e) Height, which restricts developments to a maximum of two storeys on relatively flat sites.

Council's Assessment Report suggested ten reasons for refusal. The Panel accepts these reasons and agrees the proposal has been appropriately assessed against relevant planning controls.

In summary, the Panel concurs with Council that while the current hospital provides a valuable community service, development of the scale and intensity proposed would represent significant overdevelopment of the current site. Consequently, the Panel concurs with Council that refusal of the DA is in the community interest.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 44 written submissions made during the public exhibition of the proposal. Issues raised included FSR, Built Form, Building Setbacks, Excavation, Number of Storeys, Car Parking/Traffic and Landscaping/Tree Impacts. The Panel also heard from community members during the public meeting. The Panel considers concerns raised in submissions and in the public meeting have been adequately addressed in the Assessment Report.

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



Eugene Sarich

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-405 – Lane Cove - DA 72/2023
2	PROPOSED DEVELOPMENT	Alterations and additions to an existing private hospital (Longueville Private Hospital)
3	STREET ADDRESS	43-47 KENNETH STREET, LONGUEVILLE
4	APPLICANT/OWNER	Applicant: Richard Dib – Macquarie Health Owners: Thomas and David Wenkart
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities’ or ‘Health services facilities’ type development which has a capital investment value of more than \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> SEPP (Resilience and Hazards) 2021 SEPP (Transport and Infrastructure) 2021 SEPP (Biodiversity and Conservation) 2021 SEPP (Planning Systems) 2021 Lane Cove Local Environmental Plan 2009 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Lane Cove Development Control Plan 2009 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Regs 92, 93, 94, 94A, 288 - Clause 92(1)(b) – Demolition of Structures Coastal zone management plan: Nil Other relevant plans: Lane Cove Section 7.11 Contributions Plan 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	<ul style="list-style-type: none"> Council assessment report Written submissions during public exhibition: 44 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Members of the community – Ron Gedeon - Longueville Residents Association, Paul McGirr, Bruce Mansfield, Adrienne Cahalan Council Assessment Officers - Greg Samardzic, Mark Brisby On behalf of the applicant – Stephen Phillips, John Simpson, Stella Skordas
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE	<ul style="list-style-type: none"> 04 October 2023 - Preliminary Briefing

	PANEL	<ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk ○ <u>Council assessment staff</u>: Greg Samardzic, Rajiv Shenter, Chris Shortt • 06 December 2023 - Final briefing and public meeting <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Nicole Gurrán, Brian Kirk, Vivienne Albin, Eugene Sarich ○ <u>Council assessment staff</u>: Greg Samardzic, Mark Brisby
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A