

DATE OF DETERMINATION	12 December 2025
DATE OF PANEL DECISION	12 December 2025
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis, Eugene Sarich
APOLOGIES	Vivienne Albin
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 8 December 2025.

MATTER DETERMINED

PPSSNH-713 – Lane Cove – DA65/2025 at 170 Pacific Highway, Greenwich NSW 2065 – Alterations and additions to commercial building to facilitate seniors housing (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 briefings 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 of the Lane Cove Local Environmental Plan 2009 (LEP) and section 87(2)(c) of the State Environmental Planning Policy (Housing) 2021 (SEPP) (as at 18 September 2025, noting this subclause was removed from the SEPP from 19 September 2025), that seeks to vary cl. 87(2)(c) of the SEPP with regard to maximum building height for ILUs.

The Panel is satisfied that the applicant has demonstrated that:

- the applicant's written request to vary the maximum building height has demonstrated that compliance with the development standards is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify the contravention of the development standard.

The Applicant submitted a Clause 4.6 written request to vary the building height development standard. The proposal would have a maximum building height of 34.9m as measured from existing ground level, which due to previous excavation is measured from the basement slab. The issues relating to measuring and assessing the height variation are extensively canvassed in the Assessment Report and the Panel concurs with Council that the Clause 4.6 request to vary the height development standard in Section 87(2)(b) of the Housing SEPP is well founded and there are sufficient environmental planning grounds to support the proposed variation.

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 Building Height and approve the application for the reasons below and in Council's Assessment Report.

The proposal seeks consent for adaptive reuse, alterations and additions to the existing commercial building to facilitate a mixed-use development of Seniors Independent Living Units, ground floor commercial premises and car parking.

The Panel notes the proposal benefited from a Design Review Panel Meeting and Pre DA Meeting with Council well before the application was lodged. The proposal was then further significantly amended after feedback from Council and community.

The Panel concurs with Council that the proposed development will not unreasonably impact neighbouring amenity, complies with solar access requirements and achieves a good sustainability outcome.

The Panel notes the application has been properly assessed against relevant planning controls, will provide greater housing diversity for the local community and would achieve design excellence. On balance, the Panel believes the application warrants approval.

CONDITIONS

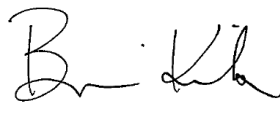
The Development Application was approved subject to the conditions in the Council Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and notes that issues of concern included:

- Building Height
- Solar Access
- Traffic & Parking
- Permissibility
- View and amenity loss

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Sue Francis	 Eugene Sarich

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-713 – Lane Cove – DA65/2025
2	PROPOSED DEVELOPMENT	Adaptive reuse of and alterations and additions to the existing commercial building to facilitate a mixed-use development comprising ground floor commercial premises and seniors housing independent living units (ILUs) above.
3	STREET ADDRESS	170 Pacific Highway, Greenwich NSW 2065
4	APPLICANT/OWNER	Applicant: Lauren Donohue / The Trustee for 170 Pac Hwy Sub Trust Owner: Realside 170 Pac Pty Ltd.
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Sustainable Buildings) 2022 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Housing) 2021 ○ Lane Cove Local Environmental Plan 2009 • Draft environmental planning instruments: Nil • Development control plans: ○ Lane Cove Development Control Plan 2010 • Planning agreements: Nil • Relevant provisions of the Environmental Planning and Assessment Regulation 2021 • 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: 5 December 2025 • Addendum Council Assessment Report: 12 December 2025 • Clause 4.6 variation request (LEP) report: 23 June 2025 • Clause 4.6 variation request (SEPP) report: 20 November • Written submissions during public exhibition: 8
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Final briefing to discuss council's recommendation: 10 December 2025 ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Eugene Sarich ○ <u>Council assessment staff</u>: Andrew Bland, Rajiv Shankar ○ <u>Department staff</u>: Anaise Nagy
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report as uploaded by Council (on 5 December 2025) to the Planning Portal on 11 December 2025