

**Sydney North Planning Panel Meeting 27 October 2020**  
**2 GREENWICH ROAD, GREENWICH**

**Subject:** 2 Greenwich Road, Greenwich  
**Record No:** DA20/49-01 - 60930/20  
**Division:** Environmental Services Division  
**Author(s):** Henry Burnett

<b>Panel Reference</b>	PPSSNH-88
<b>DA Number</b>	49/2020
<b>LGA</b>	Lane Cove Council
<b>Proposed Development</b>	Demolition of the Existing Building, Construction of an Eight (8) Storey Seniors Living Development comprising Forty (40) x In-Fill Self-Care Housing Units, Ground Level Commercial Floor Area, Three (3) Basement Levels comprising Sixty-Nine (69) Parking Spaces and Associated Landscaping
<b>Street Address</b>	2 Greenwich Road, Greenwich
<b>Applicant/Owner</b>	Applicant: Alceon Group No. 55 Pty Ltd ATF Greenwich Road Trust Owner: Phiroan Pty Limited
<b>Date of DA lodgement</b>	11 May 2020
<b>Total number of Submissions</b> <b>Number of Unique Objections</b>	<ul style="list-style-type: none"> <li>• Twenty-three (23)</li> <li>• Twenty (20)</li> </ul>
<b>Recommendation</b>	<b>Approval</b>
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	Development has a capital investment value of more than \$30 million.
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• <b>relevant environmental planning instruments</b> <ul style="list-style-type: none"> <li>- SEPP (Housing for Seniors or People with a Disability) 2004;</li> <li>- SEPP 65 – Design quality of Residential Apartment Development and Apartment Design Guide (ADG);</li> <li>- SEPP (Building Sustainability Index) 2004;</li> <li>- SEPP (Infrastructure) 2007;</li> <li>- SEPP (State and Regional Development) 2011; and</li> <li>- Lane Cove Local Environmental Plan 2009.</li> </ul> </li> <li>• <b>proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority</b> <ul style="list-style-type: none"> <li>- Draft Environment SEPP; and</li> <li>- Draft Housing Diversity SEPP.</li> </ul> </li> <li>• <b>relevant development control plan</b> <ul style="list-style-type: none"> <li>- Lane Cove Development Control Plan 2010</li> </ul> </li> <li>• <b>relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer</b></li> </ul>

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	<p>has offered to enter into under section 7.4</p> <ul style="list-style-type: none"><li>- Nil</li><li>• relevant regulations e.g. Regs 92, 93, 94, 94A, 288</li><li>- Nil</li><li>• coastal zone management plan</li><li>- Nil</li></ul> <p>other relevant plans</p> <ul style="list-style-type: none"><li>- Lane Cove Section 94 Contributions Plan</li></ul>																																																																														
List all documents submitted with this report for the Panel’s consideration	<table><tr><th>Annexure</th><th>Document</th><th>Prepared By</th></tr><tr><td>1</td><td>Conditions of Consent</td><td>Lane Cove Council</td></tr><tr><td>2</td><td>SEPP Seniors Assessment</td><td>Lane Cove Council</td></tr><tr><td>3</td><td>SEPP 65 Assessment</td><td>Lane Cove Council</td></tr><tr><td>4</td><td>Architectural Plans (Rev. 3)</td><td>Marchese Partners</td></tr><tr><td>5</td><td>Landscape Plans</td><td>Distinctive</td></tr><tr><td>6</td><td>Statement of Environmental Effects</td><td>Ethos Urban</td></tr><tr><td>7</td><td>Design Verification Statement</td><td>Marchese Partners</td></tr><tr><td>8</td><td>Access Report</td><td>BCA Logic</td></tr><tr><td>9</td><td>BASIX Report</td><td>Cundall</td></tr><tr><td>10</td><td>Traffic Impact Assessment</td><td>Varga Traffic Planning</td></tr><tr><td>11</td><td>Construction Traffic Management Plan</td><td>Stevens Construction</td></tr><tr><td>12</td><td>Acoustic Report</td><td>Acoustic Report</td></tr><tr><td>13</td><td>Geotechnical Report</td><td>JC Geotechnics</td></tr><tr><td>14</td><td>Arboricultural Report</td><td>Horticultural Management Services</td></tr><tr><td>15</td><td>Preliminary Contamination Assessment</td><td>Trace Environmental</td></tr><tr><td>16</td><td>BCA Assessment</td><td>BCA Logic</td></tr><tr><td>17</td><td>Quantity Surveyors Report</td><td>Napier and Blakeley</td></tr><tr><td>18</td><td>Operational Waste Management Plan (Amended)</td><td>Elephants Foot</td></tr><tr><td>19</td><td>Stormwater Management Plan</td><td>BG&amp;E</td></tr><tr><td>20</td><td>Sediment and Erosion Control Plan</td><td>Stevens Construction</td></tr><tr><td>21</td><td>Survey Plan</td><td>Lockley and Veris</td></tr><tr><td>22</td><td>Notification Extent Map</td><td>Lane Cove Council</td></tr><tr><td>23</td><td>Summary of Submissions</td><td>Lane Cove Council</td></tr><tr><td>24</td><td>NSW Police Response</td><td>North Shore PAC</td></tr><tr><td>25</td><td>RMS Response</td><td>Transport for NSW</td></tr></table>	Annexure	Document	Prepared By	1	Conditions of Consent	Lane Cove Council	2	SEPP Seniors Assessment	Lane Cove Council	3	SEPP 65 Assessment	Lane Cove Council	4	Architectural Plans (Rev. 3)	Marchese Partners	5	Landscape Plans	Distinctive	6	Statement of Environmental Effects	Ethos Urban	7	Design Verification Statement	Marchese Partners	8	Access Report	BCA Logic	9	BASIX Report	Cundall	10	Traffic Impact Assessment	Varga Traffic Planning	11	Construction Traffic Management Plan	Stevens Construction	12	Acoustic Report	Acoustic Report	13	Geotechnical Report	JC Geotechnics	14	Arboricultural Report	Horticultural Management Services	15	Preliminary Contamination Assessment	Trace Environmental	16	BCA Assessment	BCA Logic	17	Quantity Surveyors Report	Napier and Blakeley	18	Operational Waste Management Plan (Amended)	Elephants Foot	19	Stormwater Management Plan	BG&E	20	Sediment and Erosion Control Plan	Stevens Construction	21	Survey Plan	Lockley and Veris	22	Notification Extent Map	Lane Cove Council	23	Summary of Submissions	Lane Cove Council	24	NSW Police Response	North Shore PAC	25	RMS Response	Transport for NSW
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Clause 4.6 requests	Not applicable.																																																																														
Summary of key submissions	<ul style="list-style-type: none"><li>• Bulk and scale</li><li>• Overshadowing</li><li>• Visual Privacy</li><li>• Traffic and Parking</li></ul>																																																																														

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<b>Report prepared by</b>	<b>Henry Burnett</b>
<b>Report date</b>	15 October 2020

**Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

**Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?  
*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP* **Yes**

**Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not applicable**

**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not applicable**  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

**Conditions**

Have draft conditions been provided to the applicant for comment? **Yes**  
*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## 1. EXECUTIVE SUMMARY

The Development Application is for an independent seniors living development pursuant to SEPP (Housing for Seniors and People with a Disability) 2004 on land known as No. 2 Greenwich Road, Greenwich.

The Development Application is referred to the Sydney North Planning Panel for determination under SEPP (State and Regional Development) 2011 as the Capital Investment Value exceeds \$30 million (\$30,701,557.00).

The proposal includes the demolition of the existing multi-storey commercial building and construction of an eight storey seniors living development pursuant to *SEPP (Housing for Seniors or People with a Disability) 2004* comprising 40 independent living units (4 x 1 bedroom, 14 x 2 bedroom and 22 x 3 bedroom), ground level commercial floor space, and three levels of basement parking for 69 vehicles.

The proposal was amended by the applicant during the assessment of the Development Application on two separate occasions. The second amendment (Revision 3), being subject of this report, included significant reductions in the east/west building depth through increasing the front and rear building setbacks as detailed in **Table 1**. The resultant improvements to the bulk and scale of the proposal significantly improve the acceptability of the proposal with respect to the relevant environmental planning instruments.

<b>Table 1 – Key Built-Form Amendments</b>		
<b>Element</b>	<b>Revision 1 (Min.)</b>	<b>Revision 3 (Min.)</b>
Rear Setback (Level 1 – 4)	7.0-9.0m	9.0m
Rear Setback (Level 5-8)	7.0m-9.0m	12.0m
Front Setback	5.0m-7.5m	6.5m-8.0m
Building Depth (East/West)	36m-45m	32m-40m

The proposal has been assessed against the relevant parts of Section 4.15 of the Environmental Planning and Assessment Act, 1979. A detailed assessment of the relevant environmental planning instruments is provided in Section 5 of this report. The legislative clauses requiring consent authority satisfaction in the principal environmental planning instrument, SEPP (Housing for Seniors or People with a Disability) 2004 are listed and recommendations summarised, in Table 2.

<b>Table 2 – EPI Matters to be Satisfied</b>		
<b>EPI</b>	<b>Clause</b>	<b>Recommendation Summary</b>
SEPP (Housing for Seniors or People with a Disability) 2004	18 – Restriction as to User	Satisfied, draft condition imposed
	26 – Location and Access to Facilities	Satisfied, refer <b>Annexure 2</b> .
	28 – Water and Sewer	Satisfied, infrastructure available.
	30 – Site Analysis	Satisfied, refer <b>Annexure 4</b>
	32 – Design of Residential Development	Complies
	40 – Development Standards	Complies
	41 – Accessibility and Usability	Satisfied, draft condition imposed
	50 – Self-Contained Dwelling Standards	Variations acceptable
SEPP 55 Remediation of Land	7 – Contamination and remediation to be considered in determining an application.	Satisfied, Preliminary Assessment provided, Detailed Assessment by draft condition imposed

The proposal was notified on two occasions and the main concerns raised relate to bulk and scale, overshadowing, visual privacy and traffic and parking. A total of twenty (20) unique submissions were made objecting to the proposal. The submissions are summarised and addressed in the report.

The Development Application provides for a development, permitted by way of SEPP (Housing for Seniors or People with a Disability) 2004 that is considered satisfactory in this instance for the following key reasons:

- The built-form is consistent with local planning provisions and in keeping with the envisaged character for the site in the context of its locality;
- The proposal would provide high-quality streetscape, façade and landscaping treatment;
- The proposal would minimise impacts on southern adjoining properties, when compared to a permitted commercial building, and the proposal as originally lodged (Revision 1), through a minimised building depth (east/west) of 32-40 metres; and
- The proposal would provide for ground floor commercial floor space and seniors housing above within a commercial zone as permitted by SEPP (Housing for Seniors or People with a Disability) 2004.

The Development Application is reported to the Sydney North Planning Panel with a recommendation for approval subject to draft recommended conditions of consent.

## **2. SITE**

### **2.1 Subject Site**

The site of the proposed development is known as 2 Greenwich Road, Greenwich. A Survey Plan was submitted with the Development Application (**Annexure 21**). The key site characteristics are summarised in Table 3 below.

<b>Table 3 – Site Characteristics of 2 Greenwich Road</b>	
<b>Site Characteristic</b>	<b>Subject Site</b>
<b>Title Particulars</b>	Lot 1 DP 662215 and Lot 2 DP 566041
<b>Site Area</b>	2,140m <sup>2</sup>
<b>Site Frontage</b>	Approximately 43.5m
<b>Site Depth</b>	Ranging in depth between approximately 46m and 59m
<b>Topography</b>	Approximately 4m cross-fall from north to south at the boundary edge.
<b>Zoning</b>	B3 Commercial Core ( <b>Figure 8</b> )
<b>Existing Structures</b>	The site contains an existing multi-storey building with basement parking to a maximum height of five (5) storeys.
<b>Existing Use</b>	The building is not currently occupied but was formerly used as a health service facility (Northside Clinic).
<b>Vehicular Access</b>	Vehicular access is currently from Greenwich Road via a shared driveway access with No. 154 Pacific Highway within the northern boundary of the subject site.
<b>Other</b>	The site includes numerous rights of access. Compliance with these encumbrances have been detailed by the applicant.

The submitted site analysis (**Figure 1**), aerial photograph (**Figure 2**), aerial perspective (**Figure 3**) and site photograph (**Figure 4**) of the subject site are provided below.

### **2.2 Adjoining Properties**

#### **2.2.1 No. 154 Pacific Highway**

The site is adjoined by a commercial building to the north (**Figure 5**) known as No. 154 Pacific Highway, Greenwich. The commercial building is described in the submitted Survey Plan as being 10 storey tower atop a 1 storey podium level.

#### **2.2.2 Greenwich Road and Substation**

The site is adjoined by Greenwich Road to the west. Three (3) street trees, a bus stop, and a separate substation allotment, characterise the frontage. The frontage is shown in **Figure 4** below.

#### **2.2.3 No. 4 Greenwich Road**

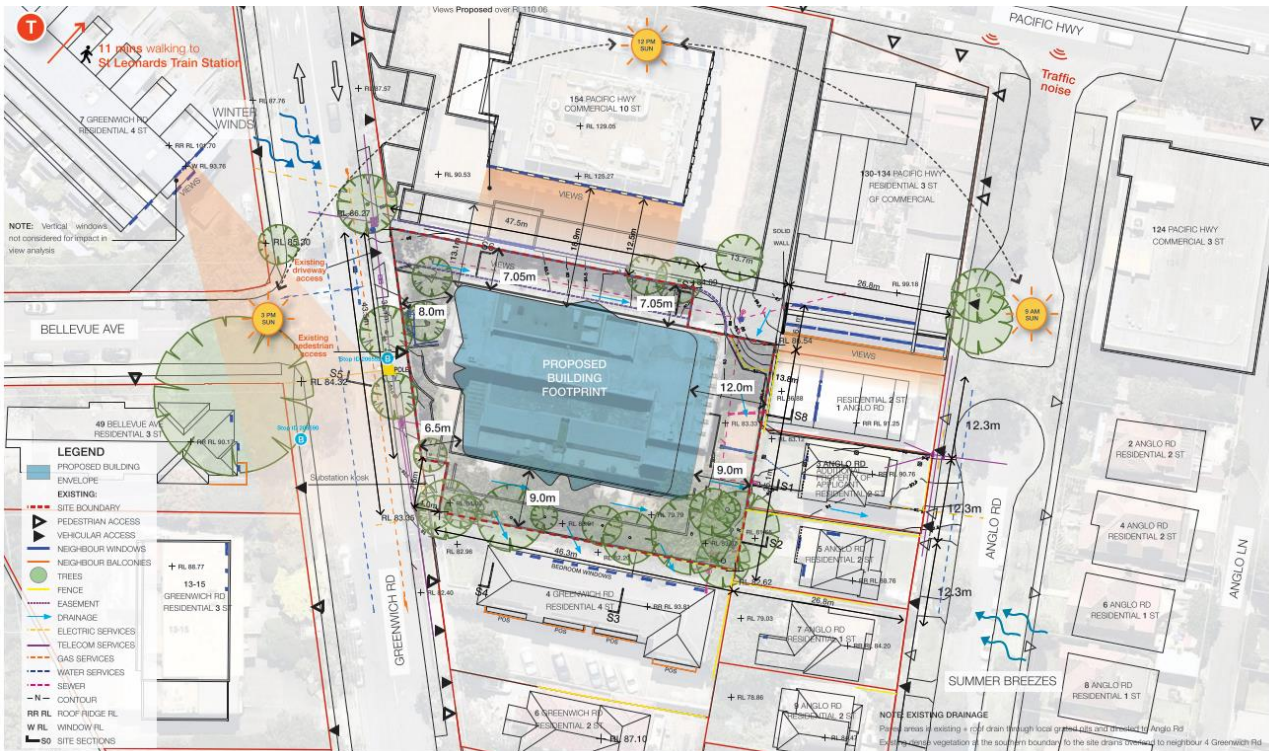
A four storey residential flat building is located to the south (**Figure 6**) known as No. 4 Greenwich Road, Greenwich. The four storeys comprise underfloor parking (first storey) and three storeys of residential accommodation. All balconies are orientated to the south.

#### **2.2.4 No. 1-5 Anglo Road**

The site is adjoined by No. 1-5 Anglo Road, Greenwich being three (3) single detached dwellings on separate torrens title allotments (**Figure 7**).



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**Figure 1: Site Analysis (Source: Marchese Partners, Annexure 4)**



**Figure 2: Aerial Imagery of Subject Site (Source: Nearthmap)**





**Figure 3: Aerial Perspective of Subject Site (Source: Nearmap)**



**Figure 4: Photo of Subject Site from Greenwich Road (West)**





**Figure 5: Photo of No. 154 Pacific Highway, Greenwich (North)**



**Figure 6: Photo of No. 4 Greenwich Road, Greenwich (South)**



**Figure 7: Photo of Rear Adjoining Dwellings No. 1-5 Anglo Road, Greenwich (East)**

#### **2.2.5 Other Adjoining Properties**

To the north-east is located a commercial development at No. 130-134 Pacific Highway ranging in height up to four (4) storeys inclusive of a level of parking. To the south-east of the subject site Anglo Road continues as single detached dwellings. To the western side of Greenwich Road is located Bellevue Avenue and low-rise residential flat building development. To the north-west commercial development continues on the Pacific Highway consistent with the zoning pattern (See Section 2.3) below.

### 2.3 Local Planning Provisions

In order to understand the site and adjoining development in the context of the existing local planning provisions, the existing zoning, building height and FSR maps of Lane Cove Local Environmental Plan 2009 (LCLEP 2009) are included as **Figure 8, 9 and 10** below. An assessment against the provisions of LCLEP 2009 is provided in Section 5.1.7 of this report.



**Figure 8: Zoning Map (Source: LCLEP 2009 and EPlanning Spatial Viewer)**  
(Blue: B3 Commercial Core, Red: R4 High Density Residential, Pink: R2 Low Density Residential)



**Figure 9: Max. Building Height Map (Source: LCLEP 2009 and EPlanning Spatial Viewer)**  
(Pink: 25m, Yellow: 12m, Green: 9.5m)





**Figure 10: Max. FSR Map (Source: LCLEP 2009 and EPlanning Spatial Viewer)**  
(Red: 3:1, Green: 0.8:1, Light Green: 0.6:1)

## 2.4 Site History and Strategic Context

A Planning Proposal was lodged by Ramsay Health Care with Council on 11 April 2017 which sought to amend the LCLEP 2009, to incorporate additional permitted use of shop top housing in the B3 Commercial Core zone and increase the maximum building height from 25m to 33m. No changes were proposed to the existing floor space ratio (3:1).

The proponent requested that consideration of the Planning Proposal be deferred, pending the release of the State Government's Draft 2036 Plan. However, the proponent then lodged a rezoning review on 18 August 2017 as the proposal had not been determined within 90 days of lodgement.

Subsequently, the Sydney North Planning Panel (SNPP) considered the proposal on 25 October 2017. Most Panel members adopted the view that the proposal should be submitted for Gateway assessment subject to the zoning, density and height being consistent with the outcomes of the strategic investigation being undertaken by the Department for St Leonards and Crows Nest prior to exhibition of the Planning Proposal.

The SNPP was later made the Planning Proposal Authority (PPA) for this particular proposal, as Council was unable to respond within the 21 day period.

On 6 September 2018, the Planning Proposal received Gateway Determination for shop top housing as an additional permitted use and an increase to the maximum building height. The Gateway was subject to a number of conditions, including:

1. *"The planning proposal is to be updated to:*



***(b) demonstrate consistency with the draft findings of the St Leonards and Crows Nest Station Precinct strategic investigation (being undertaken in consultation with Lane Cove, Willoughby City and North Sydney Councils), including the relevant proposed land use, height and floor space ratio.***

*5. Prior to finalisation, the planning proposal is to be amended to demonstrate consistency with the final strategic planning framework for the St Leonards and Crows Nest Station Precinct”.*

The draft 2036 Plan was then released on 15 October 2018. The draft 2036 Plan did not recommend any land-use, zoning, building height or floor space ratio changes for the site, creating a conflict with the Planning Proposal.

On 17 October 2018 (after the release of the Draft 2036 Plan), the Proponent lodged a rezoning review to remove Gateway Conditions 1) (b) and 5).

On 2 August 2019 the Gateway Review was undertaken by the Independent Planning Commission to review the proposal and prepare advice concerning its merits. In 23 September 2019 the advice from the Commission retained the conditions as imposed in the original Gateway but amended them to reflect the view that the draft 2036 Plan may be subject to further amendment.

On 29 August 2020 the 2036 Plan was finalised. The final St Leonards Crows Nest 2036 Plan recommended no change to land-use, zoning, building height or floor space ratio, for the subject site. **Figure 11** shows the building height excerpt from the 2036 Plan as an example (translated to storeys for a commercial building) and indicates no change.



**Figure 11: Final 2036 Plan (No Proposed Change to Height – 2 Greenwich Road, Greenwich)**

The proposal seeks to rely on the existing local planning provisions (in relation to height and floor space ratio) and the allowances of SEPP (Housing for Seniors or People with a Disability) 2004 in relation to permitting residential accommodation on the site.

### **3. Proposal**

#### **3.1 Overview**

The Development Application is for the demolition of the existing multi-storey building and construction of an eight storey seniors living development pursuant to *SEPP (Housing for Seniors or People with a Disability) 2004* comprising 40 independent living units (4 x 1 bedroom, 14 x 2 bedroom and 22 x 3 bedroom), ground level commercial floor space, and three levels of basement parking for 69 vehicles. The proposed architectural plans are provided as **Annexure 4** to this report.



**Figure 12: Perspective of Proposal from Greenwich Road**

A summary of the key components of the proposal is provided in **Table 4** as follows:

<b>Table 4 – Development Summary</b>	
<b>Component</b>	<b>Proposed</b>
<b>Site Area</b>	2,140m <sup>2</sup>
<b>Storeys</b>	8 storeys (3 basement levels)
<b>Total Units</b>	40 units
<b>Unit Mix</b>	4 x 1 bedroom 14 x 2 bedroom 22 x 3 bedroom
<b>Parking</b>	Total: 69 spaces Residential spaces: 53

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<b>Table 4 – Development Summary</b>	
<b>Component</b>	<b>Proposed</b>
	Residential visitor spaces: 6 Commercial/Retail spaces: 10
<b>Commercial Floor Area (Ground Level)</b>	595.6m <sup>2</sup>
<b>Vehicular Access</b>	Retain in current location adjacent to northern boundary.
<b>Proposed Landscaped Area (SEPP)</b>	43%
<b>Proposed FSR (SEPP)</b>	2.99:1
<b>Proposed Building Height (SEPP)</b>	25m to residential levels 25.75m to rooftop toilet
<b>Proposed Deep Soil (SEPP)</b>	18.5%

A level by level description of the proposal is provided in **Table 5** as follows:

<b>Table 5 – Proposed Development By Level</b>	
<b>Level</b>	<b>Description</b>
<b>Basement Level 3</b>	<ul style="list-style-type: none"> <li>- 25 x resident spaces comprising: <ul style="list-style-type: none"> <li>- 21 x resident spaces (3.2m wide)</li> <li>- 4 x resident spaces (2.4m wide with 2.4m shared zone)</li> </ul> </li> <li>- 3 x residential visitor spaces;</li> <li>- Storage;</li> <li>- Exhaust and supply air rooms;</li> <li>- Dual lift lobby and two fire stairs; and</li> <li>- Two-way ramp to/from Basement Level 2.</li> </ul>
<b>Basement Level 2</b>	<ul style="list-style-type: none"> <li>- 21 x resident spaces (3.2m wide):</li> <li>- 3 x residential visitor spaces;</li> <li>- Storage;</li> <li>- Services and pump room; and</li> <li>- Dual lift lobby and two fire stairs.</li> </ul>
<b>Basement Level 1</b>	<ul style="list-style-type: none"> <li>- 6 x resident spaces (3.2m wide):</li> <li>- 10 x commercial spaces (including 1 x accessible);</li> <li>- Storage;</li> <li>- Waste services including: <ul style="list-style-type: none"> <li>- Bulky waste room;</li> <li>- Retail waste room;</li> <li>- Residential waste room (with carousel);</li> <li>- Garbage loading area.</li> </ul> </li> <li>- Services and fire storage tank; and</li> <li>- Dual lift lobby and two fire stairs.</li> </ul>
<b>Lower-Ground Level</b>	<ul style="list-style-type: none"> <li>- Resident facilities; <ul style="list-style-type: none"> <li>- Cellar, ball pool table, virtual golf room.</li> </ul> </li> <li>- 5 x Residential Units comprising: <ul style="list-style-type: none"> <li>- 2 x 1 bedroom units</li> <li>- 1 x 2 bedroom unit</li> <li>- 2 x 3 bedroom units</li> </ul> </li> <li>- Dual lift lobby and waste room (chute system)</li> </ul>
<b>Ground Level</b>	<ul style="list-style-type: none"> <li>- Commercial floor area: 595.6m<sup>2</sup> <ul style="list-style-type: none"> <li>- Tenancy 1: 81.2m<sup>2</sup></li> <li>- Tenancy 2: 514.4m<sup>2</sup></li> </ul> </li> <li>- Principal entrance including plaza, DDA ramp and stairs;</li> <li>- Dual lift lobby, waste room (chute), DDA toilet and fire stairs;</li> </ul>

<b>Table 5 – Proposed Development By Level</b>	
<b>Level</b>	<b>Description</b>
	- Vehicular entrance
<b>Level 1</b>	- 7 Residential Units comprising: <ul style="list-style-type: none"> <li>- 1 x 1 bedroom unit</li> <li>- 5 x 2 bedroom units</li> <li>- 1 x 3 bedroom unit</li> </ul> - Dual lift lobby, waste room (chute) and fire stairs.
<b>Level 2</b>	- 7 Residential Units comprising: <ul style="list-style-type: none"> <li>- 1 x 1 bedroom unit</li> <li>- 5 x 2 bedroom units</li> <li>- 1 x 3 bedroom unit</li> </ul> - Dual lift lobby, waste room (chute) and fire stairs.
<b>Level 3</b>	- 6 Residential Units comprising: <ul style="list-style-type: none"> <li>- 3 x 2 bedroom units</li> <li>- 3 x 3 bedroom units</li> </ul> - Dual lift lobby, waste room (chute) and fire stairs.
<b>Level 4</b>	- 5 Residential Units comprising: <ul style="list-style-type: none"> <li>- 5 x 3 bedroom units</li> </ul> - Dual lift lobby, waste room (chute) and fire stairs.
<b>Level 5</b>	- 5 Residential Units comprising: <ul style="list-style-type: none"> <li>- 5 x 3 bedroom units</li> </ul> - Dual lift lobby, waste room (chute) and fire stairs.
<b>Level 6</b>	- 5 Residential Units comprising: <ul style="list-style-type: none"> <li>- 5 x 3 bedroom units</li> </ul> - Dual lift lobby, waste room (chute) and fire stairs.
<b>Roof Level</b>	- Lift-overrun, toilet and fire stairs; - Roof-top plant; - Communal open space comprising edge lap pool, open kitchen, shade canopy, outdoor seating, dining areas and landscaping.

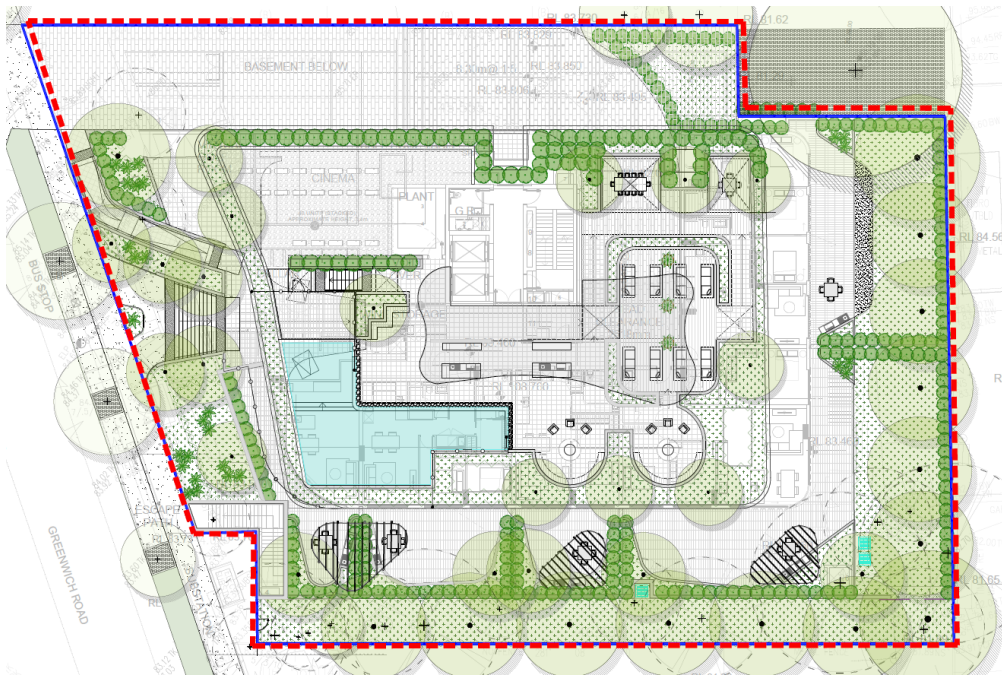
### 3.1 Landscaping

The proposed landscaping is shown on the submitted landscape drawings (**Annexure 5**). The landscaping site plan is shown in **Figure 13** below. The proposed landscaping includes the following:

- Removal of sixteen (16) site trees.
- Retention of the three (3) existing street trees to Greenwich Road;
- Replacement tree planting along the southern and eastern boundary (in the proposed deep soil zones) interfacing with the adjoining residential zones;
- Planter boxes to residential and rooftop levels;
- Combination of on-structure and deep soil tree planting/shrubs/ground covers, pedestrian access ramp/stairs and front fence to Greenwich Road within the front setback zone; and
- An increase in canopy cover from 292m<sup>2</sup> to 547m<sup>2</sup> (87% increase)

The site is limited to the northern boundary by an existing right of carriageway/driveway that benefits the northern adjoining property (No. 154 Pacific Highway, Greenwich). Limited landscaping is provided in this location due to site constraints.

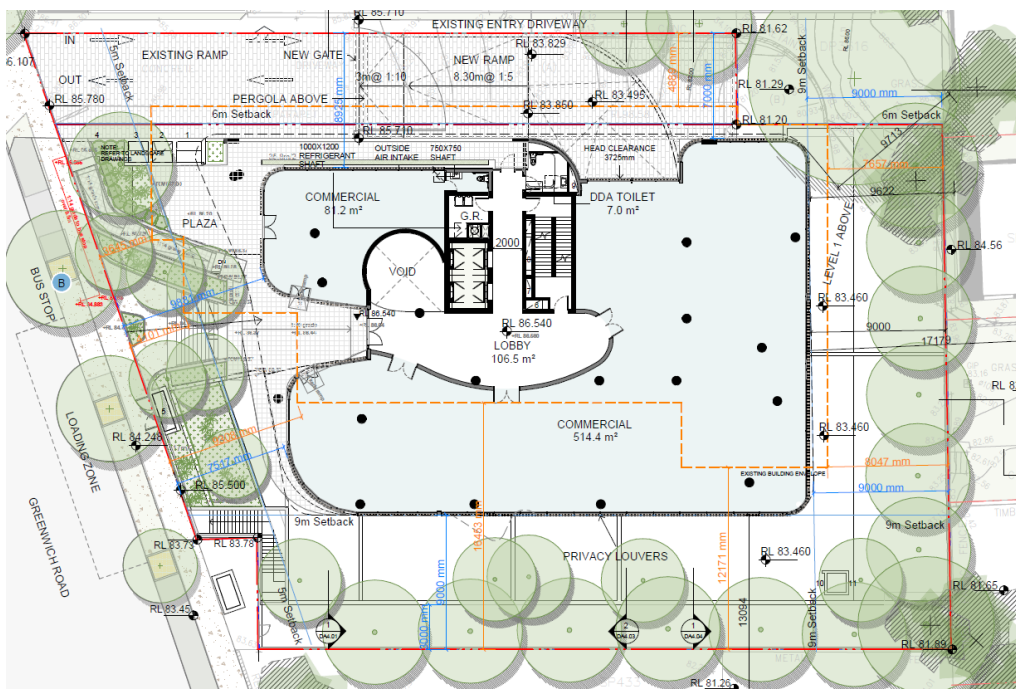




**Figure 13: Proposed Landscaping Plan (showing Ground and Rooftop)**

### 3.2 Public Domain Interface and Commercial Tenancies

The public domain interface is characterised by proposed pedestrian ramp access from the northern edge of the site (high-side) at grade to a plaza area forward of the ground floor commercial tenancies. A central pedestrian stair is proposed bounded by curved sandstone retaining wall design and associated landscaping. The commercial tenancies are proposed to have clear glazing facing the public domain and privacy screens where facing adjoining residential properties. The commercial floor area is broken into two (2) separate commercial tenancies indicatively as shown in **Figure 14** below.



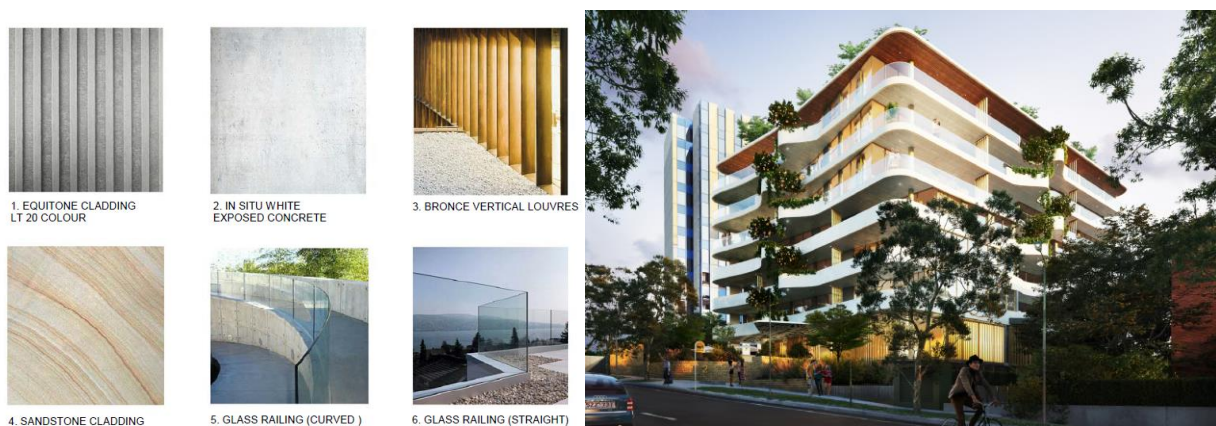
**Figure 14: Ground Level Plan**

### 3.3 Site Access (Vehicular and Pedestrian)

Site access (vehicular) is proposed via a two-way driveway from Greenwich Road. The driveway includes a right of carriageway in favour of No. 154 Pacific Highway, St. Leonards. Site access (pedestrian) is proposed via a pedestrian ramp and stair from Greenwich Road.

### 3.4 Materiality

The proposed materiality is shown in **Figure 15** and includes a combination of solid (concrete) and clear balustrading, sandstone cladding at ground level, bronze vertical louvres (where screening proposed) and timber panelling to the underside of the balcony coverings.



**Figure 15: Materiality**

### 3.5 Private Open Space

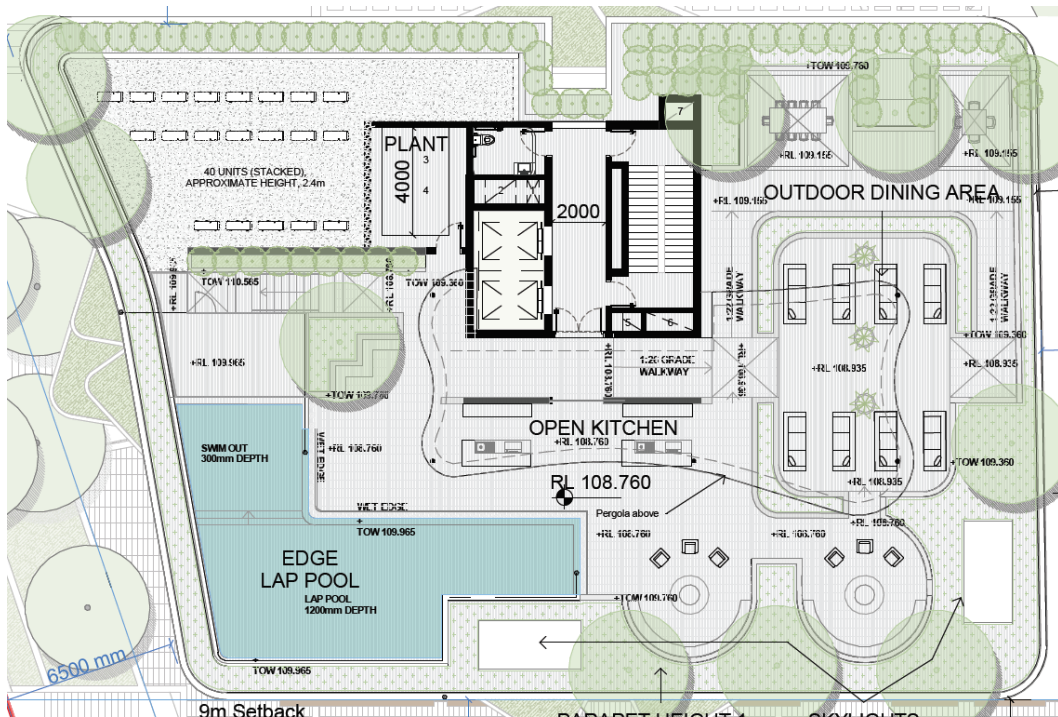
Private open space to the lower-ground level units is a series of landscaped terrace areas. Private open space to Level 1 residential accommodation (and above) is in the form of private balconies.

### 3.6 Communal Open Space and Communal Facilities

The proposed communal open space is located entirely on the rooftop. The communal open space has an area of approximately 710m<sup>2</sup>. The communal open space is embellished by a swimming pool (1200mm depth), large shade canopy, open kitchen, toilet facilities, dining and outdoor seating areas. A plan of the proposed communal open space is provided as **Figure 16**.

The proposal also includes communal facilities at the lower-ground level for use by future residents including a pool table, cinema, virtual golf room and cellar.





**Figure 16: Proposed Communal Open Space Area (Rooftop)**

### 3.7 Streetscape Presentation

The proposed Greenwich Road streetscape is shown in **Figure 17**. The proposal reads as seven storeys from Greenwich Road (with the lower-ground level not visible).



**Figure 17: Proposal in Context of Streetscape**

### 3.8 Waste Management

The waste management proposed on-site would separate residential and commercial waste storage facilities with a shared collection zone within Basement Level 1. The proposal provides for 2.6m clearance to the waste collection zone to allow for either Council/commercial-contract waste collection. The residential waste collection is via a chute and carousel system with a separate room

for bulky goods storage. A separate commercial waste storage room is provided. An Operational Waste Management Plan (as amended) is included as **Annexure 18** to this report.

### **3.9 Stormwater Management**

The proposal seeks to provide for an On-site Detention System in the south-eastern corner of the site with overflow (via a drainage easement) to the Council pipe in Anglo Road. The proposal was accompanied by a Stormwater Management Plan provided as **Annexure 19** to this report.



#### 4. ASSESSMENT HISTORY

##### 4.1 Assessment Timeline

The assessment timeline of the Development Application is summarised in **Table 6** as follows:

<b>Table 6 – Assessment Timeline</b>	
<b>Date</b>	<b>Stage</b>
<b>11 May 2020</b>	Development Application lodged (Revision 1).
<b>3 June 2020</b>	Letter sent to the applicant from Council providing a preliminary assessment and request for further information.
<b>17 July 2020</b>	Additional information provided by the applicant (Revision 2).
<b>27 August 2020</b>	Meeting held between Council staff and applicant re-iterating concerns with east-west extent of building and building setbacks.
<b>16 September 2020</b>	Additional information provided by the applicant (Revision 3).
<b>1 October 2020</b>	Briefing note provided by Council to Sydney North Planning Panel on the Development Application.

##### 4.2 Application Revisions

The proposal was amended on two occasions during the assessment of the application. **Table 7** summarises key amendments in each revision:

<b>Table 7 – Plan Revisions</b>	
<b>Revision</b>	<b>Summary of Key Amendments</b>
<b>Revision 2</b> 17 July 2020	<ul style="list-style-type: none"> <li>- <b>Deep Soil Zones:</b> Setting back parking levels 6m from rear boundary to enlarge deep soil zone.</li> <li>- <b>Commercial Floor Space:</b> Delineation of the ground floor commercial space from residential areas.</li> </ul>
<b>Revision 3</b> 16 September 2020	<ul style="list-style-type: none"> <li>- <b>Building Separation:</b> Building separation to the eastern boundary increased to provide 9m (Level 1 – 4) and 12m (Level 5-8) to fully comply with Apartment Design Guide requirement for an additional 3m building separation at an interface with a lower density zone.</li> <li>- <b>Building Setbacks:</b> Building setback to Greenwich Road (western boundary) increased to be a minimum 6.5m but predominantly greater than 7.5m to comply with the envisaged setback for residential flat buildings.</li> <li>- <b>Overshadowing:</b> Increasing building separation/setbacks on the east/west axis reduces bulk and scale, and overshadowing.</li> <li>- <b>Solar Access (ADG):</b> Increased from 57.5% to 62.5% of units.</li> <li>- <b>Unit Mix:</b> Addition of 1 x 2 bedroom unit, and reduction of 1 x 3 bedroom unit.</li> </ul>

## **5. SECTION 4.15 ASSESSMENT**

The following assessment is provided against the relevant provisions of Section 4.15 of the NSW Environmental Planning and Assessment Act, 1979:

### **5.1 Any environmental planning instrument:**

#### **5.1.1 SEPP (Housing for Seniors or People with a Disability) 2004**

The Council assessment against SEPP (Housing for Seniors or People with a Disability) 2004 is provided as **Annexure 2** to this report.

##### **5.1.1.1 Variations**

The proposal complies with the SEPP with the exception of three (3) 'do not refuse standards' (Clause 50) being building height, density and solar access.

The following note is provided within Clause 50 as to the operation of a 'do not refused standard':

*The provisions of this clause do not impose any limitation on the grounds on which a consent authority may grant development consent.*

The extent of the variations to the 'do not refuse standard' are outlined in **Table 8**. The FSR and building height are consistent with the local planning provisions and the level of solar access is deemed appropriate with respect to SEPP 65 for the residential flat building form proposed.

<b>Table 8 – Variations to Clause 50 of SEPP and Reference Planning Provisions</b>					
<b>Standard</b>	<b>SEPP 'Do Not Refuse' Standard</b>	<b>Proposed</b>	<b>Compliance</b>	<b>Reference Planning Provision</b>	<b>Compliance</b>
<b>Density and Scale (FSR)</b>	0.5:1	2.99:1	No	LCLEP 2009 3:1	Yes
<b>Building Height</b>	8m	25.0m to residential 25.75m to rooftop toilet	No	LCLEP 2009 25.0m	No, rooftop toilet variation addressed below.
<b>Solar Access</b>	70% 3 hours mid-winter to living + private open space.	42.5%	No	ADG – 70% 2 hours mid-winter to living + private open space	No – 62.5%

##### **5.1.1.1.1 Density and Scale**

A variation to the 'do not refuse' density and scale standard of the SEPP is considered satisfactory as the proposal would not contravene the local planning provisions for the site. That is, the proposal would result in a Floor Space Ratio less than the maximum Floor Space Ratio permitted under LCLEP 2009 (3:1). This includes whether the proposed Gross Floor Area is calculated in accordance with the SEPP (resulting in a maximum FSR of 2.99:1) or LCLEP 2009 (resulting in a

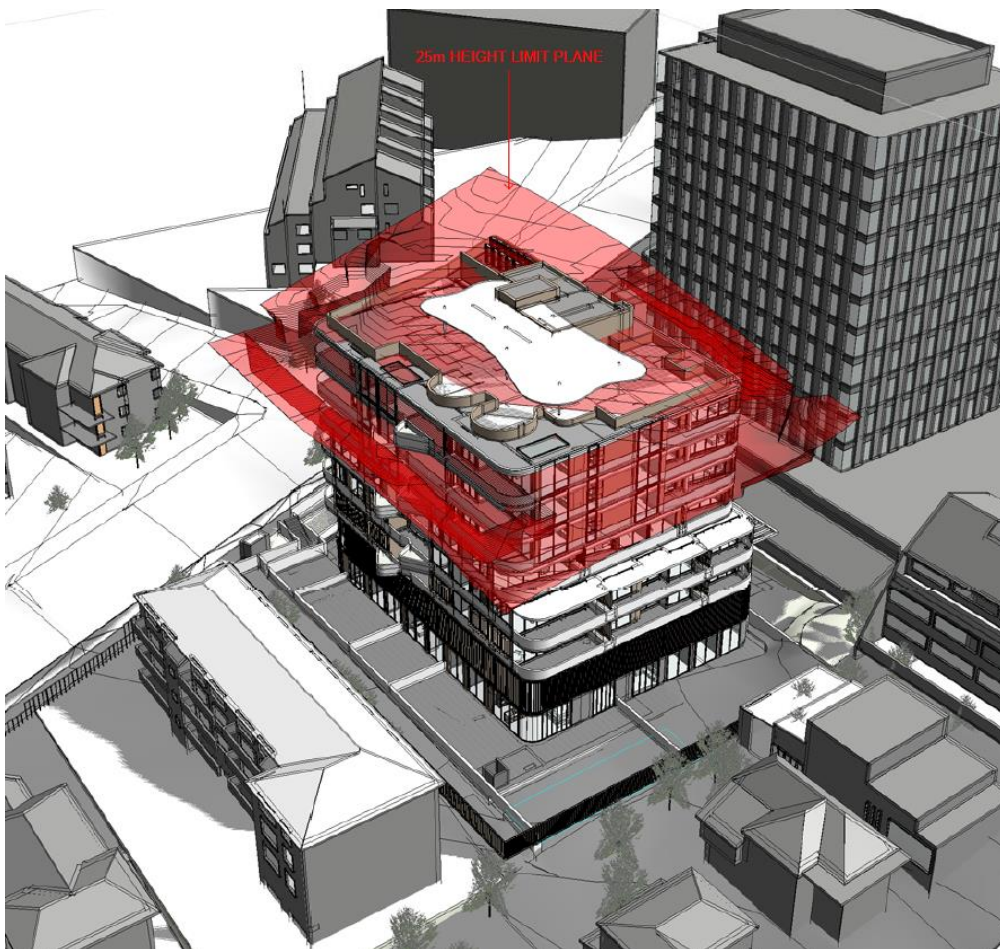
maximum FSR of 2.62:1) definition of Gross Floor Area. The proposed density and scale are considered satisfactory on merit in this instance.

#### **5.1.1.1.2 Building Height**

The proposal (as amended) includes a maximum building height of 25m when measured using the building height definition contained within SEPP Seniors:

*height in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.*

The proposed residential levels comply with the local planning provision height control of 25m. The proposal includes structures over the 25m limit (as shown in **Figure 18**) however they are not incorporated in the height definition under SEPP Seniors.



**Figure 18: Building Height Plane**

The proposal was amended to provide for a toilet to the rooftop communal open space. The addition of this toilet has resulted in habitable floor space at the roof level and accordingly a variation to the local planning provision by 750mm. The toilet is located to the north, is minor in scale and will provide additional amenity to future residents without any adverse amenity impacts on adjoining properties.

#### **5.1.1.1.3 Solar Access**

The submitted Statement of Environmental Effects relies on the ADG standard as prevailing in this instance given the proposed residential flat building form and the application of SEPP 65. Section 5.1.2 of this report concludes that the reduced solar access is justified by the ADG where significant views can be achieved and 2 hours to 62.5% in lieu of 70% of units is satisfactory in this instance.

#### **5.1.1.2 Conclusion**

The proposed density and scale, building height and solar access are considered acceptable for reasons outlined above. The density and scale, and building height, is consistent with the local planning provisions, and the solar access provisions of the ADG are considered to prevail. **The proposal is considered satisfactory with respect to SEPP (Housing for Seniors or People with a Disability) 2004.**

#### **5.1.2 SEPP 65 – Design Quality of Residential Apartment Development**

This Policy aims to improve the design quality of residential flat development. This proposal has been assessed against the following matters relevant to SEPP 65 for consideration:

- The 9 SEPP 65 Design Quality Principles; and
- The NSW Apartment Design Guide (ADG) guidelines.

The applicant's design verification statement is provided as **Annexure 7** to this report.

The Council SEPP 65 assessment against the design quality principles and a compliance table against the design criteria of the Apartment Design Guide is provided as **Annexure 3** to this report.

The following departures have been identified within the table and addressed as follows:

- **Solar Access.** The proposal provides 62.5% (25 of 40 units) of apartments receiving adequate solar access where the ADG requires 70% (28 of 40 units). The ADG states the following:

*Achieving the design criteria may not be possible on some sites. This includes where significant views are orientated away from the desired aspect for direct sunlight.*

In this instance given the significant views of Sydney Harbour (and district views more broadly), a shortfall of 3 apartments is considered satisfactory. Approximately 26 apartments (Level 1 and above) will receive views of Sydney Harbour. These apartments incorporate 12 of the 15 apartments that do not receive compliant solar access. It is also noted that No. 4 Greenwich Road, Greenwich is designed in the same manner. A variation to the design criteria is considered satisfactory in this instance.

#### **5.1.3 SEPP (Building Sustainability Index: BASIX) 2004**

A BASIX certificate accompanies the application and is provided as **Annexure 9** to this report. The BASIX Certificate demonstrates compliance with the provisions of the SEPP and is consistent with the architectural documentation submitted. The proposal is considered satisfactory with respect to SEPP (BASIX) 2004.



#### 5.1.4 SEPP No. 55 – Remediation of Land

A Preliminary Site Investigation accompanies the application and is provided as **Annexure 15** to this report. The proposal was assessed against the provisions of SEPP No. 55 by Council's Manager Environmental Health with the assessment summarised in **Table 9** below:

<b>Table 9 – SEPP No. 55 Clause 7 Compliance Table</b>	
<b>Provision</b>	<b>Compliance</b>
<p><i>(1) A consent authority must not consent to the carrying out of any development on land unless -</i></p> <p><i>(a) it has considered whether the land is contaminated</i></p> <p><i>(b) if the land is contaminated, it is satisfied the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed, and</i></p> <p><i>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i></p>	<p><b>Complies</b> - The proposal was accompanied by a Preliminary Investigation Report (<b>Annexure 15</b>) to assist Council in determining compliance with Clause 7(1) of SEPP No. 55.</p> <p>The previous use of the site was for a medical facility from 1972, and residential accommodation prior to 1972. The previous uses are generally not considered to be hazardous though importation of fill, and materiality/paint of the previous structures may have resulted in some level of contamination.</p> <p>In order to ensure that the land is remediated prior to the use of land for a seniors living development, the submitted Preliminary Investigation Report recommends the following occur:</p> <ul style="list-style-type: none"> <li>- A Hazardous Materials (HAZMAT) Survey should be prepared for the site prior to the demolition of the on-site structure, with any control measures outlined in the HAZMAT survey to be implemented during demolition;</li> <li>- The chemical containers located in the basement car park be properly disposed at a facility licenced to receive these wastes;</li> <li>- A Detailed Site Investigation (DSI) is undertaken at the site to confirm whether the current or historical activities at the site (such as potential fill materials of unknown origin) have resulted in contamination of the subsurface, and to determine what measures (if any) are required to ensure the site is suitable for the proposed development. Due to current access limitations, it is recommended that the DSI be conducted during or following demolition of the current site building.</li> </ul> <p>Council's Manager Environmental Health concurs with the recommendations of the report, including them as draft conditions of consent</p>

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<b>Table 9 – SEPP No. 55 Clause 7 Compliance Table</b>	
<b>Provision</b>	<b>Compliance</b>
	(refer conditions 114-116, 120 and 123).
<i>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</i>	<b>Complies</b> – Preliminary Investigation Report submitted and found to be satisfactory.
<i>(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</i>	<b>Complies</b> – a detailed investigation is required to occur (and the land remediated in accordance with the recommendations of that investigation) post-demolition and prior to construction, to the satisfaction of an accredited NSW EPA Auditor.
<i>(4) The land concerned is—  (a) land that is within an investigation area,  (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,  (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—  (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and  (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</i>	<b>Subject to Clause 7(4)(c)</b> - The site is not within an investigation area or listed in Table 1 to the guidelines. The concern raised within the Preliminary Contamination Assessment relates to potential contaminated fill and hazardous materials used in historic non-hazardous uses of the site. To this extent, given the lack of certainty around fill and material use, the site is considered to be subject to Clause 7(4)(c) of SEPP No. 55, and as such Clause 7(2) applies as addressed above.

**Having regard to the information above, the proposal is considered satisfactory with respect to SEPP No. 55 – Remediation of Land.**

#### **5.1.5 SEPP (Infrastructure) 2007**

The proposal is subject to Clause 102 of SEPP (Infrastructure) 2007 in relation to noise from a classified road. The proposal was accompanied by an acoustic report (**Annexure 12**) which includes the taking of road noise measurements along Greenwich Road (in February 2020 pre-

COVID) and recommendations to ensure suitable internal noise levels are achieved. The recommendations are incorporated as a draft condition of consent (refer condition no. 118 and 124). **The proposal has had regard to, and satisfies, Clause 102 of SEPP (Infrastructure) 2007.**

#### **5.1.6 SEPP (State and Regional Development) 2011**

The Development Application is referred to the Sydney North Planning Panel for determination as the Capital Investment Value is \$30,701,557.00 (exceeding \$30 million) **satisfying the requirements of SEPP (State and Regional Development) 2011.**

#### **5.1.7 Lane Cove Local Environmental Plan 2009**

The proposal is zoned B3 Commercial Core under LCLEP 2009. Residential accommodation is not permitted on the land under LCLEP 2009. However, the proposal relies on SEPP (Housing for Seniors or People with a Disability) 2004 for permissibility which allows for operation of the Policy in commercial zones in urban areas.

The objectives of the B3 Commercial Core zone are as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To integrate business, retail and other development in accessible locations.*
- *To maximise sunlight for surrounding properties and the public domain.*
- *To encourage urban design maximising attractive public domain and adequate circulation space throughout the St Leonards commercial centre for current and future users.*

The SEPP deems seniors housing a 'other suitable land use' in the B3 Commercial Core zone. To this extent the proposal provides suitable integration through the provision of a ground floor commercial level, minimising building depth to maximise sunlight, and providing a high-quality building façade, materiality and landscaping outcome. The proposal is considered generally consistent with the B3 Commercial Core zone objectives.

The proposal has been assessed against the relevant provisions of LCLEP 2009 as detailed in **Table 10** below.

<b>Table 10 – Compliance with LCLEP 2009</b>		
<b>Clause</b>	<b>Provision/Standard</b>	<b>Compliance</b>
<b>4.3 – Building Height</b>	25 metres	Complies to residential levels 25 metres (SEPP definition prevails). Rooftop toilet variation to 25.75m considered acceptable.
<b>4.4 – Floor Space Ratio</b>	3:1	Complies – 2.99:1 (SEPP definition prevails).
<b>4.6 – Exceptions to Development Standards</b>	Not applicable.	Not applicable.
<b>5.10 - Heritage</b>	Not a heritage item or within vicinity of heritage item.	Not applicable.



<b>6.1A - Earthworks</b>	Consideration of impact of earthworks in accordance with Clause 6.1(A)(3)(a)-(g).	Complies - The matters are satisfied.
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**The proposal satisfies the relevant provisions of Lane Cove Local Environmental Plan 2009.**

## **5.2 Any proposed instrument (Draft LEP, Planning Proposal)**

### **5.2.1 Housing Diversity SEPP**

An Explanation of Intended Effect was notified for a proposed Housing Diversity SEPP from 29 July 2020 (after lodgement of the subject Development Application) until 9 September 2020. The EIE includes a list of changes proposed to SEPP (Housing for Seniors or People with a Disability) 2004 as it is consolidated into the Housing Diversity SEPP. The main proposed change of relevance is as follows:

*Amend the SEPP provisions to clarify that development standards in a local environmental plan prevail to the extent of any inconsistency with the SEPP.*

In this instance, the proposal complies with the local planning provisions and accordingly there is no unintended conflict with the Draft Housing Diversity SEPP.

### **5.2.2 Draft Environment SEPP**

The Draft Environment SEPP was subject to public exhibition between 31 January and 13 April 2018. The new draft measures primarily relate to scenarios where more complex remediation/ongoing management is required, and where the certification of remediation works is undertaken as development not requiring consent. While the Draft does consider introducing planning guidelines for the assessment/preparation of preliminary site investigations, such as the one lodged with the subject Development Application, the report has been reviewed in detail and is sufficient for its purpose. **The proposal is not inconsistent with the Draft Environment SEPP.**

## **5.3 Any development control plan**

The relevant sections of Lane Cove Development Control Plan 2010 have been addressed through **referrals** as outlined in the following table:

<b>Table 11 - Referrals</b>		
<b>Referral</b>	<b>DCP</b>	<b>Comment</b>
<b>Landscaping</b>	Part J – Landscaping	<p><b>Complies</b> - The proposed landscaping scheme was amended during the course of the application to provide an improved deep soil zone adjoining the eastern boundary and a highly detailed set of landscape drawings (<b>Annexure 5</b>).</p> <p>Council's Landscape Officer is satisfied the proposal would provide a high-quality landscaping</p>

<b>Table 11 - Referrals</b>		
<b>Referral</b>	<b>DCP</b>	<b>Comment</b>
		<p>outcome which exceed the minimum landscape provisions of SEPP (Housing for Seniors or People with a Disability) 2004 and generally with the objectives of Part J - Landscaping.</p> <p>Council declared a climate emergency in September 2019. The District Plan calls for action to minimise canopy loss and to add to the existing canopy. The proposal provides canopy replacement at 1.83:1 consistent with this priority.</p> <p>The landscape officer is of the view that the northern edge of the existing driveway would benefit from additional shrub landscaping, however due to constraints with a right of carriageway in place, this is not achievable in this instance.</p> <p>No objection raised to the proposal subject to draft recommended conditions of consent <b>(refer condition nos. 32 to 40).</b></p>
<b>Tree Preservation</b>	Part J – Landscaping	<p><b>Complies</b> - Council's Tree Preservation Officer has reviewed the proposal and the submitted arborist report (<b>Annexure 14</b>).</p> <p>No objection is raised to the removal of 16 trees as they are of low-value or tied intrinsically to the existing structure (paperbarks on the western edge of the existing building).</p> <p>The proposal would provide for replacement planting at a ratio of 1:1 and provide an opportunity to stabilise and promote more structurally sound deep soil zones adjacent to the eastern and southern boundaries.</p> <p>No objection raised to the proposal subject to draft recommended conditions of consent <b>(refer condition nos. 16 to 31).</b></p>
<b>Development Engineer</b>	Part O – Stormwater Management	<p><b>Complies</b> - The proposal seeks to provide an OSD system with the overflow directed to a drainage easement to Anglo Road (or alternative downstream location) as detailed on the submitted Stormwater Management Plan (<b>Annexure 19</b>).</p> <p>It is understood the applicant has ownership of a downstream property for the purposes of the easement as shown on the submitted Stormwater Management Plan.</p>

<b>Table 11 - Referrals</b>																				
<b>Referral</b>	<b>DCP</b>	<b>Comment</b>																		
		Council's Development Engineer is satisfied the proposal can comply with Part O subject to draft recommended conditions of consent ( <b>refer condition nos. 41 to 81</b> ).																		
<b>Traffic, Transport and Parking</b>	Part R – Traffic, Transport and Parking	<p><b>Complies</b> - Council's Traffic, Transport and Parking Officer has reviewed the submitted Traffic Impact Assessment (<b>Annexure 10</b>).</p> <p>Council's traffic officer is satisfied the traffic rates would be commensurate with the previous development and that maintaining the existing vehicular access point is satisfactory.</p> <p>The proposed parking assessment is undertaken against the provisions of SEPP (Housing for Seniors or People with a Disability) 2004 as outlined in <b>Annexure 2</b> and the commercial parking provisions in Table 1 Part R – Traffic, Transport and Parking.</p> <table border="1"> <thead> <tr> <th colspan="3"><b>Residential Component</b></th></tr> <tr> <th><b>Provision</b></th><th><b>Requirement</b></th><th><b>Comply</b></th></tr> </thead> <tbody> <tr> <td>SEPP Seniors (Clause 50)</td><td>0.5 spaces / bedroom 98 bedrooms 49 spaces required 53 spaces provided.</td><td>Yes</td></tr> </tbody> </table> <p>The proposal also includes 6 residential visitor spaces surplus to SEPP requirements. In total, 59 residential spaces are provided where the SEPP requires 49.</p> <p>It is noted the proposed commercial component of the development was amended during the assessment accordingly the assumptions made in the original Traffic Impact Assessment have changed.</p> <table border="1"> <thead> <tr> <th colspan="3"><b>Commercial Component</b></th></tr> <tr> <th><b>Provision</b></th><th><b>Requirement</b></th><th><b>Comply</b></th></tr> </thead> <tbody> <tr> <td>Commercial Parking</td><td>1 per 40m<sup>2</sup> (for smaller café tenancy): 2 spaces  1 per 60m<sup>2</sup> (for larger business tenancy type tenancy): 9 spaces</td><td>Yes</td></tr> </tbody> </table>	<b>Residential Component</b>			<b>Provision</b>	<b>Requirement</b>	<b>Comply</b>	SEPP Seniors (Clause 50)	0.5 spaces / bedroom 98 bedrooms 49 spaces required 53 spaces provided.	Yes	<b>Commercial Component</b>			<b>Provision</b>	<b>Requirement</b>	<b>Comply</b>	Commercial Parking	1 per 40m <sup>2</sup> (for smaller café tenancy): 2 spaces  1 per 60m <sup>2</sup> (for larger business tenancy type tenancy): 9 spaces	Yes
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<b>Table 11 - Referrals</b>				
<b>Referral</b>	<b>DCP</b>	<b>Comment</b>		
			Required: 11 spaces.  Proposed: 10 spaces  Residential surplus to be re-allocated to commercial tenancy.	
		Commercial Bicycle	Can comply subject to draft conditions, requirement for two (2) stainless steel bike rack hoops to be located within front setback area on the plaza.	Yes
		Commercial Motorbike	1 space. Can comply subject to draft conditions.	Yes
		<p>The proposal was referred to Transport NSW and they provided matters for Council consideration (<b>see Annexure 25</b>). The matters are incorporated with Council's Traffic Conditions with the exception of the Road Occupancy Licence which is incorporated as <b>recommended draft condition 125</b>.</p> <p>The proposed traffic and parking complies with the relevant provisions and Council's Traffic, Transport Officer has no objections subject to draft recommended conditions of consent (<b>refer condition nos. 82 to 91</b>).</p>		
<b>Waste Management</b>	Part Q – Waste Management and Minimisation	<b>Complies</b> - The proposal provides on-site waste collection from the basement in accordance with Council's DCP. Suitable certification of truck access, commercial waste agreement and waste room design conditions are imposed by Council's Manager Environmental Health (Refer below).		
<b>Building Surveyor</b>	N/A	Council's Building Surveyor has reviewed the proposal and the submitted BCA Report ( <b>Annexure 16</b> ) and has no objections subject to draft recommended conditions of consent ( <b>refer condition nos. 92 to 96</b> ).		
<b>Environmental Health</b>	Part B – General Controls (Part B6/B7)	<b>Complies</b> - Council's Environmental Health Manager has reviewed compliance with SEPP No.		



<b>Table 11 - Referrals</b>		
<b>Referral</b>	<b>DCP</b>	<b>Comment</b>
		<p>55 (as detailed in Section 5.1.4 of this report).</p> <p>An assessment has also been made in relation to water cooling towers, the acoustic environment during construction and for future residents, and environmental protection during construction.</p> <p>No objection is raised to the proposed development subject to draft conditions of consent. <b>(Refer condition nos. 97 to 124).</b></p>
<b>NSW Police</b>	CPTED	NSW Police reviewed the proposal and their response is provided as <b>Annexure 24</b> to this report. No objection was raised subject to draft recommended conditions of consent incorporated as draft condition no. 3.
<b>Accessibility</b>	Part F – Access and Mobility	<b>Complies</b> - The proposal has been reviewed and compliance with the accessibility provisions of the SEPP (Housing for Seniors or People with a Disability) 2004 prevail and are adequate in this instance.

The proposal complies with the relevant provisions of Lane Cove Development Control Plan 2010

#### **5.4 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

The impacts of the development have been considered and addressed by the applicant revisions and now demonstrates no adverse impact either to the natural and built environments, social and economic or amenity of the locality as detailed within this report.

#### **5.5 The suitability of the site for the development**

The site suitability has been established as the site constraints have been addressed as outlined within this report.

## **5.6 Any submissions made in accordance with this Act or the regulations**

The proposal was notified in accordance with Lane Cove Council's Notification Policy.

### **i. Notification Extent**

The Development Application was notified to the extent shown in the Public Notification Map included as **Annexure 22** to this report.

### **ii. Notification Periods**

The notification periods for each of the plan revisions, and the number of submissions received, are summarised in the following table:

<b>Table 12 – Public Notification</b>			
<b>Plan Revision</b>	<b>Lodgement Date</b>	<b>Notification Period</b>	<b>Submissions Received</b>
<b>Revision 1</b>	11 May 2020	12 May 2020 – 28 May 2020  (Additional Properties Notified: 2 June 2020 – 18 June 2020)	18
<b>Revision 2</b>	17 July 2020	23 July 2020 – 8 August 2020	5 (3 repeat, 2 new)
<b>Revision 3</b>	16 September 2020	Nil*	Nil*
		<b>Total</b>	20

The Revision 3 plans were not renotified as allowed for under Council's notification policy:

### **4.7 Renotification**

*Amended plans that address those concerns raised by objectors and that are considered not to be significantly different from the original proposal, **or amended plans that are considered to have a reduced impact**, no significant impact on the enjoyment of the adjoining land may not be renotified to neighbouring property owners or occupiers.*

As previously outlined, Revision 3 plans reduced the building envelope extent and are considered to have a reduced impact compared with a previously notified design. Accordingly, renotification was not required under Council's Notification Policy.

### **iii. Summary of Submissions**

The 20 submissions received are summarised and addressed in **Annexure 23** to this report.

**(e) Public Interest**

The proposal is in the public interest as it provides for ground floor commercial floor area and residential accommodation for seniors or people with a disability with an adequate balance between the amenity of future occupants and that of adjoining properties.

## **6. Contributions**

### **6.1 Section 7.11 Contributions**

The proposal is subject to the provisions of the Lane Cove Section 94 (now 7.11) Contributions Plan which levies new developments to assist in catering for the demand placed on existing Council community facilities and/or infrastructure. The Section 7.11 contribution payable is calculated in accordance with the Plan being the average number of persons per dwelling size as detailed in the following table:

<b>No. bedrooms</b>	<b>Average occupancy</b>	<b>Amount of contribution per dwelling</b>	<b>No. of Dwellings</b>	<b>Total contribution</b>
1 Bedrooms	1.2 persons	$\$10,942.00 \times 1.2 =$ $\$13,130.40.00$ per dwelling	4 x \$13,130.40	\$52,521.60
2 Bedrooms	1.9 persons	$\$10,942.00 \times 1.9 =$ $\$20,789.80$ per dwelling <b>Capped Rate \$20,000.00 per dwelling</b>	14 x \$20,000.00	\$280,000.00
3 Bedrooms	2.4 persons	$\$10,942.00 \times 2.4 = \$26,260.80$ <b>Capped Rate \$20,000.00 per dwelling</b>	22 x \$20,000.00	\$440,000.00
			<b>TOTAL</b>	<b>\$ 772,521.60</b>

The Section 7.11 contribution payable is **\$ 772,521.60** (refer draft recommended condition 7).

### **6.2 Special Infrastructure Contributions**

The proposal is not subject to a Special Infrastructure Contribution Levy. The site is outside the Special Contributions Area Map (which does not extend west of the St Leonards South Rezoned Area) as it relates to the St Leonards Crows Nest 2036 Plan as contained within the Environmental Planning and Assessment Act, 1979.



## **7. Conclusion**

The matters in relation to Section 4.15 of the Environmental Planning and Assessment Act 1979 have now been satisfied.

The proposal as amended now meets with the provisions of SEPP (Housing for Seniors or People with a Disability) 2004. The Policy allows for seniors housing on the subject site despite its commercial zoning. The proposal provides for a quality ground level commercial area as required by the SEPP. Further, the height and density has been appropriately guided by local planning provisions.

The applicant has responded to Council concerns in relation to the bulk and scale of the proposal. Particularly, the building depth was reduced in an east/west direction. Additional eastern building separation was provided to a lower density zone in accordance with SEPP 65, and the front setback was increased to be consistent with the desired future character of the locality for higher density residential built-forms. Council concerns were responded to and resolved in the submission of the amended design. The applicant is to be commended for addressing submission writers and Council's design and compliance concerns which resulted in Council support for the approval.

The submissions received from southern adjoining property owners have been summarised and addressed in the report. The built-form amendments made by the applicant have reduced overshadowing to the south considerably and the overshadowing impacts when compared to a commercial building under LCLEP 2009 and LCDCP 2010 are considerably less. The adjoining development immediately to the south (No. 4 Greenwich Road) is afforded reasonable solar access and maintains its principal orientation to the south.

The Development Application is reported to the Sydney North Planning Panel with a recommendation for approval subject to draft conditions of consent provided as **Annexure 1** to this report.

(LAST PAGE).