

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	Monday, 27 October 2020
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Deborah Sutherland, Phillipa Frecklington
APOLOGIES	None
DECLARATIONS OF INTEREST	Eugene Sarich is conflicted as he participated on the Panel that considered the Rezoning Review of this site.

Public meeting held by teleconference on 27 October 2020, opened at 9.30am and closed at 9.50am.

MATTER DETERMINED

PPSSNH-88 – Lane Cove – DA49/2020 at 2 Greenwich Road, Greenwich (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 observed at site inspections listed at item 8 in Schedule 1.

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 approve the application for the reasons outlined below and in Council's comprehensive Assessment Report.

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, ground floor commercial floor space and three levels of basement parking for 69 vehicles.

During assessment, the proposal was amended by the applicant in response to Council and community concerns and resulted in significant improvements to the proposal's bulk, scale and setbacks.

The Panel concurred with Council's assessment that the amended development is permitted by way of SEPP (Housing for Seniors or People with a Disability) 2004 and is considered satisfactory as the built form is consistent with local planning provisions and is 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, would minimise impacts on southern adjoining properties and would provide ground floor commercial floor space and senior's housing above within a commercial zone as permitted by the Seniors SEPP.

The proposal would result in a Floor Space Ratio less than the maximum FSR permitted under LCLEP 2009. The amended proposal includes a maximum building height of 25m when measured using the building height definition contained with the Seniors SEPP and the proposed residential levels comply with the local planning provision of 25m. The proposal includes structures over the 25m limit however they are incorporated in the height definition under the Seniors SEPP. The proposal was amended to provide for a toilet to the rooftop communal open space and this addition resulted in habitable floor space at the roof level and a 750 mm variation to the local planning provision. 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.

In relation to solar access, the proposal provides for 62.5% (25 of 40) apartments receiving adequate solar access whereas the ADG requires 70% (28 of 40 apartments). In this instance the Panel concurs with Council that given the significant district and Sydney Harbour views, a shortfall of 3 apartments is satisfactory. Twenty six apartments (Level 1 and above) will have views of Sydney Harbour and these include 12 of the 15 apartments that do not receive compliant solar access.

Consequently, the Panel concurs with Council's assessment that the proposed density, scale, building height and solar access are acceptable and approval of the proposal is in the public interest as it provides ground floor commercial space and residential accommodation above with an adequate balance between the amenity of future occupants and that of adjoining properties.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

New Condition 33A to read as follows:

Access for Maintenance Purposes (Landscape Planters)

Safe easy access must be provided to the building management landscape contractors for the maintenance of all above-ground landscape planters on the building façade. A maintenance access plan is to be provided to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate. Access requirements of the maintenance access plan are to be incorporated in the development prior to the issue of an Occupation Certificate (internal or external access provisions). The development is required to comply with the approved maintenance access plan for the life of the development.

• Condition 53.7 amended to read as follows:

The proposed connection from site to Anglo Rd shall be at kerb inlet pit. At present, there is no standard kerb inlet pit at Anglo Road. The applicant must install a kerb inlet pit in Anglo Road and pipe system from this pit to nearest Council pit in downstream. The plan and longitudinal section of this proposed pipe system in Anglo Road and relevant calculations shall be submitted to Council for further assessment and approval.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the public meeting.

The Panel noted issues of concern included height, bulk, scale, setbacks, traffic, parking, infrastructure, construction activities, privacy, solar access and property values. The Panel considered that concerns raised by the community have been adequately addressed in the Assessment Report, applicant and Council responses during the public meeting and in the conditions as amended.

PANEL MEMBERS		
Peter Debnam (Chair)	Julie Savet Ward	
Brian Kirk	Deborah Sutherland	
P. Fredlight Phillipa Frecklington		

	SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-88 – Lane Cove – DA49/2020	
2	PROPOSED DEVELOPMENT	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.	
3	STREET ADDRESS	2 Greenwich Road, Greenwich	
4	APPLICANT/OWNER	Applicant: Alceon Group No. 55 Pty Ltd ATF Greenwich Road Trust Owner: Phiroan Pty Limited	
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million	
6	RELEVANT MANDATORY CONSIDERATIONS	 Environmental planning instruments: State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004; State Environmental Planning Policy No. 65 – Design quality of Residential Apartment Development and Apartment Design Guide (ADG); State Environmental Planning Policy (Building Sustainability Index) 2004; State Environmental Planning Policy (Infrastructure) 2007; State Environmental Planning Policy (Infrastructure) 2007; State Environmental Planning Policy (State and Regional Development) 2011; and Lane Cove Local Environmental Plan 2011 Draft environmental planning instruments: Draft Environment SEPP; and Draft Housing Diversity SEPP. Development control plans: Lane Cove Development Control Plan 2011 Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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: 16 October 2020 Written submissions during public exhibition: 23 Number of unique submissions received by way of objection: 20 Verbal submissions at the public meeting 27 October 2020: Community members – Anne – Marie Sirca and Dinyar Mistry On behalf of the applicant – Michael Rowe 	
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	 Electronic Briefing: 1 October 2020 <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Deborah Sutherland, Vivienne Albin Final briefing to discuss council's recommendation: 27 October 2020 	

9	COUNCIL RECOMMENDATION DRAFT CONDITIONS	Approval Attached to the council assessment report
0	COUNCIL	 <u>Council assessment staff</u>: Henry Burnett, Michael Mason
		 <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Deborah Sutherland, Phillipa Frecklington Council assessment staff: Henry Burnett, Misbael Mason