

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SNH069
DA Number	117/2017
LGA	Lane Cove Council
Proposed Development	Construction of a seniors housing development comprising 70-bed residential aged care facility, 82 independent living units/self-contained dwellings, with basement car parking for 122 vehicles, new public park and facilities and landscaped through-site link.
Street Address	266 Longueville Road Lane Cove
Applicant/Owner	Australian Unity Limited / Lane Cove Council
Date of DA lodgement	10 August 2017
Number of Submissions	186 (first notification) 97 (second notification)
Recommendation	Deferred Commencement Consent
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Total Cost of the Development is \$81,345,000.00
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Building Sustainability Index: BASIX) • State Environmental Planning Policy – Infrastructure 2011 • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • Lane Cove Local Environmental Plan 2009 • Lane Cove Development Control Plan 2009
List all documents submitted with this report for the Panel's consideration	Attachment 1 – Pre DA Lodgement Notes Attachment 2 – Architectural Plans Attachment 3 - ADG Compliance Table Attachment 4 – Site Compatibility Certificate Attachment 5 – Applicant's Clause 4.6 Submission Attachment 6 – Draft Conditions Attachment 7- Review of Submissions
Report prepared by	Robert Montgomery, Principal Montgomery Planning Solutions (Independent Consultant)
Report date	11 July 2018

Summary of s4.15 matters

Yes

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

Legislative clauses requiring consent authority satisfaction

Yes

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

Clause 4.6 Exceptions to development standards

Yes

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?

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

This Assessment Report was prepared by Robert Montgomery, Principal, Montgomery Planning Solutions.

I confirm that I have no association with the applicant or their professional consultants. Also, I do not carry out any private consultancy work within the Lane Cove local government area.

On 21 December 2017 I was appointed by the Minister for Planning, the Hon Anthony Roberts MP, as one of Lane Cove (and other councils) Independent Hearing and Assessment Panel's alternate chairs. I have chaired one Panel at Lane Cove since this appointment.

I hereby state that I have no conflict of interest in the preparation of this Assessment Report.



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July 2018

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1. Executive Summary

Montgomery Planning Solutions has been engaged by Lane Cove Council to provide an independent assessment of Development Application 0117/2017.

The land is owned by Lane Cove Council, which proposes to lease the land to Australian Unity Limited for a period of 99 years, subject to development consent being issued.

The land was rezoned from public recreation to R4 High Density Residential in recent years. The rezoning was initiated by the Council, which had identified a need for high density seniors accommodation in this locality. The land was also reclassified to Operational Land under the provisions of the *Local Government Act 1993*.

In June 2016 Australian Unity was selected by the Council as one of four organisations who were invited to submit expressions of interest for the redevelopment of the land. In December 2016, the Council advised Australian Unity that it was the successful bidder for development of the land.

On 6 July 2017, the delegate of the Secretary of the Department of Planning and Environment issued a Certificate of Site Compatibility under Clause 25(4)(a) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. The effect of this Certificate is to increase the maximum permissible floor space ratio from 1.1:1 to 1.6:1.

The development application proposes the construction of a seniors housing development comprising a 70-bed residential aged care facility, 82 independent living units/self-contained dwellings, with basement car parking for 122 vehicles, new public park and facilities and landscaped through-site link. The development comprises three interconnected buildings that are separated by landscaped communal open space and will be located above two levels of basement car parking. The site falls substantially from the street to the rear boundary and it is proposed that the buildings will vary in height from four to seven storeys. The building façade will present to Longueville Road as two storeys.

The main issues for this assessment are:

- Whether the Clause 4.6 request for exception to the maximum permissible building height is justified and reasonable;
- Whether the potential impacts on the amenity of the residents of the adjoining “Timbertops” residential flat building is acceptable;
- Potential traffic impacts on local and regional roads;
- The relationship of the access to the development to the informal access currently enjoyed by the Timbertops building adjoining to the south;
- Whether the bulk and scale of the proposed development is acceptable in terms of its relationship to adjoining land; and
- A significant number of objections from members of the community.

The following table summarises the recommendations in relation to the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

Table 1: Summary of Relevant Matters for Consideration and Legislative Requirements

Provisions	Matters for consideration	Comment	Recommendation
SEPP No 55 - Remediation of Land – Clause 7	Consent authority must be satisfied that the land is suitable for the proposed development, either in its contaminated state or following remediation.	A Preliminary Environmental Site Assessment revealed that there are varying degrees of contamination in selected areas of imported fill within the site. Further information was supplied by the applicant's environmental consultant advising that soil sampling has been undertaken.	Deferred commencement condition requiring Stage 2 Investigation to be completed.
SEPP 65 - Apartment Design Guide	Applies to the independent living units. Consent authority must consider the design quality of the development in accordance with the design quality principles, and the Apartment Design Guide.	A compliance report was prepared by the applicant's architect. The report indicates that the proposal is satisfactory in terms of the nine principles, being Context, Built Form & Scale, Density, Sustainability, Landscape, Amenity, Safety, Housing Diversity & Social Interaction and Aesthetics.	Some minor departures from ADG considered satisfactory in context of overall design outcome.
SEPP (Housing for Seniors or People with a Disability) 2004	Relevant definitions. Location & facilities Access requirements. Affordable housing 10% component Site compatibility certificate conditions re amenity impacts affordable dwellings & on-site support services. Rural Fire Service referral due to proximity to bushfire prone land. Comments to be considered.	The proposal is defined as seniors housing. Complies Specialist access report submitted which confirms compliance. 10% required to be provided as affordable places as per SEPP. Satisfied Not Integrated referral. RFS role is for comments only. Relevant clause of SEPP is satisfied.	Draft condition recommended Draft condition recommended Draft condition recommended
SEPP (Affordable Rental Housing) 2009	Whether this SEPP applies to the proposal.	If applies, question of whether affordable housing is supplied in perpetuity or only ten years.	SEPP does not apply.

Provisions	Matters for consideration	Comment	Recommendation
SEPP (Infrastructure) 2007	Traffic generating development referral to Roads and Maritime Service. Consent authority must consider comments received.	Not Integrated referral. RMS role is for comments only. Traffic impacts are considered satisfactory.	Appropriate conditions recommended.
Lane Cove LEP 2009	CI 4.3 Height of buildings CI 4.4 FSR CI 4.6 Exceptions to development standards CI 5.10 Land in vicinity of a heritage item	Non compliance with building height standard is considered reasonable and justified in the circumstances FSR compliant with permitted 1.6:1 (1.1:1 in LEP plus additional 0.5:1 in Seniors SEPP vertical villages) Considered that there is no heritage impact	Accept the Clause 4.6 request for contravention of the standard.
Lane Cove DCP 2010	Objectives and numerical requirements	Proposal satisfies objectives but is not compliant with some numerical controls.	Non-compliances are considered acceptable
Likely Impacts	Refer to Section 5.5 of report	Likely impacts have been adequately addressed	Acceptable
Suitability of the Site	Contamination Location & constraints	Site will be remediated Well located Design recognises constraints	The site is suitable for the development
Submissions Received	Total of 283 submissions received	Proposed amendments by condition to improve amenity for residents adjoining to south	Draft deferred commencement condition recommended
Public Interest	Whether approval is in the public interest	There is significant public interest in providing seniors accommodation and services to meet growing demands in accessible locations	Acceptable

The application was notified to surrounding residents initially on 21 August 2017, with submissions closing on 29 September 2017. The notification letter invited residents to a community information evening on 20 September. Some 70 members of the public attended the information session. The applicant and their consultants presented the proposal and answered a number of questions. Approximately 20 members of the public asked questions and/or explained their concerns about the proposal. The closing date for submissions was extended by Council to 4 October 2017.

Upon receipt of amended plans, the application was further notified from 25 May to 18 June 2018 and 97 submissions were received in response.

It is concluded that the proposal satisfies all relevant statutory requirements and represents a high quality design outcome. The height of the building does not create adverse environmental impacts on surrounding properties and the requested departure from the height of buildings development standard is considered reasonable in the circumstances. Potential impacts of the development are minimised through design and proposed draft conditions of consent where appropriate.

The application is therefore recommended for approval subject to the conditions of consent listed in Attachment 6.

2. Background

The land is owned by Lane Cove Council, which proposes to lease the land to Australian Unity Limited for a period of 99 years, subject to development consent being issued.

The land was rezoned from public recreation to R4 High Density Residential in recent years. The rezoning was initiated by the Council, which had identified a need for high density accommodation for seniors in this locality. The land was also reclassified to Operational Land under the provisions of the *Local Government Act 1993*.

In June 2016 Australian Unity was selected by the Council as one of four organisations who were invited to submit expressions of interest for the redevelopment of the land. In December 2016, the Council advised Australian Unity that it was the successful bidder for development of the land.

In March 2017, a Pre-Development Application (Pre-DA) meeting was held with the Applicant's representatives and Council officers.

On 6 July 2017, the delegate of the Secretary of the Department of Planning and Environment issued a Certificate of Site Compatibility under Clause 25(4)(a) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. The effect of this Certificate is to increase the maximum permissible floor space ratio from 1.1:1 to 1.6:1.

The development application was lodged on 10 August 2017. The application was notified to surrounding residents shortly thereafter and a community information session was held during the notification period. A number of meetings were held with the residents of the adjoining "Timbertops" building to the south due to their close proximity to the proposed development. Meetings were also held with the applicant to discuss additional information requirements. Two amended plan versions were submitted. The first amended version did not satisfactorily address all matters and was therefore not publicly notified. The second amended application was publicly notified from 25 May to 18 June 2018.

3. Site and Surroundings

The site comprises three parcels of land described as Lot 1 in DP 321353, Lot 1 in DP 1227921 and Lot 2 in DP 1227921, with a total area of 9,204m². The site is irregular in shape and has a northern boundary of approximately 147m, an eastern frontage to Lane Cove Golf Course of approximately 81m, a southern boundary of approximately 83m and a combined western frontage to Longueville Road of approximately 103m.

The site has a fall from north to south fall 0.85m along Longueville Road, and a fall from west to east of approximately 18m, from 57.83 AHD near the north-western end of the street frontage to 40.00 AHD near the eastern most edge of the development area. Beyond the eastern edge of the development site, there is a further fall to the east of approximately 10-11m to the Lane Cove golf course.

Figure 1: Satellite Image. Source: NSW LPI SIX Maps

The land is occupied by two disused bowling greens, a paved car parking area in the north western corner of the site and a brick and weatherboard building near the south western corner of the site.

Vegetation on the site comprises a mix of lawn areas and dense scrub around the bowling greens and a grove of trees located to the north of the lower bowling green. Dense bushland occupies the area to the east of the development site, towards the golf course.

Figure 2: Images of the Site. Source: GSA Planning SEE



Development in the surrounding area comprises a mix of single and two storey free standing dwelling houses, multi storey residential flat buildings, a Buddhist temple and recreational facilities

To the north is a residential flat building at Nos. 250-252 Longueville Road and detached dwelling houses at Nos. 42-58 Richardson Street. To the east is dense bushland on steep topography that leads down towards the Lane Cove Golf Course.

To the south is, a part three and part four storey residential flat building known as 'Timbertops'. This building relies on a long standing informal arrangement with the Council for the use of the driveway within the subject land for vehicular access to Longueville Road. Figure 3 below illustrates this relationship.

Figure 3: Relationship to "Timbertops Building to South. Source: GSA Planning SEE



Development on the western side of Longueville Road comprises the former Masonic Lodge and detached dwellings.

4. Proposed Development

It is proposed to demolish existing buildings and improvements and construct a seniors housing development comprising 70 residential aged care beds, 82 independent living apartments with associated facilities and basement parking for 122 vehicles. The development is in the form of three interconnected buildings which are separated by landscaped communal open space. Two basement parking levels are also proposed. The development provides a small public park in the north-west corner of the site adjacent to Longueville Road and a public pedestrian connection from Longueville Road to the eastern boundary of the site along the northern boundary. This provides public access to the bushland and golf course to the east of the site.

The site falls substantially from the street to the rear boundary the proposed buildings vary in height from four to seven storeys. The building façade presents to Longueville Road as two storeys. The eastern end of the building is six storeys above ground and a part seventh storey comprising three apartments located over the central portion of the building.

The development has a gross floor area of 14,625m². The height of the building varies between RL 62.6m and RL67.76m. The main entrance and reception area is located on level 5 which is essentially at grade with Longueville Road. Provision is also made on this level for a café and a small commercial tenancy with public access. Access to the main entry is via a covered driveway which exits to the main driveway access along the southern boundary. The main driveway along the southern boundary provides access to the carparking and service areas towards the rear of the site. This driveway also makes provision for access from Longueville Road to the Timbertops building.

5. Section 4.15 Matters for Consideration

5.1 Environmental Planning Instruments

5.1.1 State Environmental Planning Policy No 19 – Bushland in Urban Areas

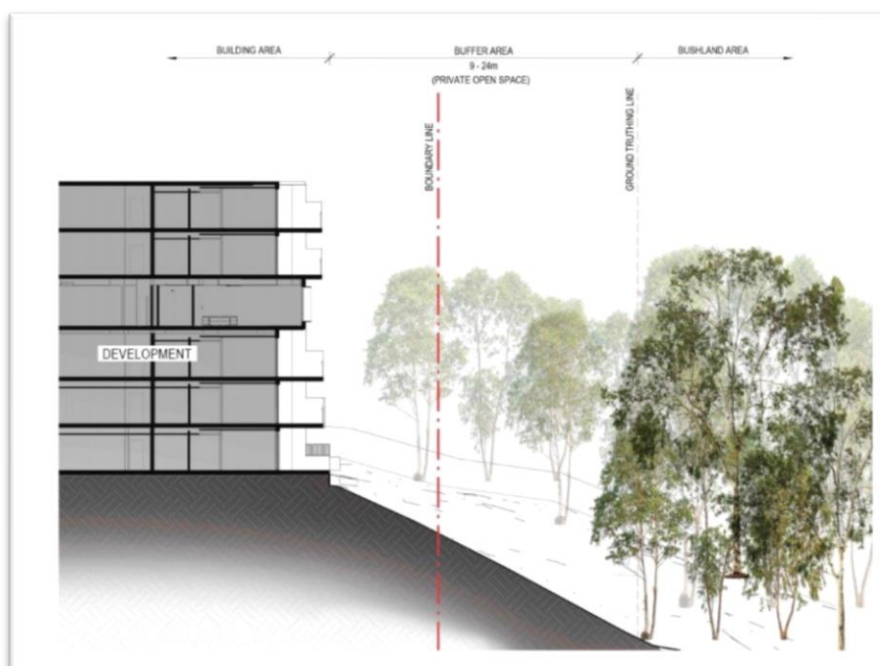
Clause 9 of SEPP 19 applies to land which adjoins bushland zoned or reserved for public open space purposes. This clause states that a public authority shall not carry out development or grant development consent unless it has taken into account the following:

- (c) *the need to retain any bushland on the land,*
- (a) *the effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland, and*
- (b) *any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.*

The subject land adjoins land which is zoned E2 Environmental Conservation. It is arguable whether the SEPP applies to the land as the E2 land is technically not zoned or reserved for public open space purposes. Notwithstanding, the potential impact on the adjoining bushland is a relevant consideration for this proposal.

The eastern end of the proposed building has a setback to the boundary of between 5.1 and 10.7m. This part of the building is located close to existing ground level, requiring minimal excavation. The applicant has ground-truthed the location of the bushland and has shown that there will be no impact on the adjoining bushland. Multiple conditions are proposed to ensure the protection trees and bushland. **It is considered that the consent authority can be satisfied in relation to SEPP 19.**

Figure 4: Relationship to adjoining Bushland. Source: Mollino Stewart 22 May 2018



5.1.2 State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7(1) of SEPP 55 provides:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
 - (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (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.*

The land is known to be contaminated by the importation of fill many years ago to create the two bowling greens.

Soil sampling was undertaken by SMEC Testing Services in 2012 on behalf of the Council, which found that the concentrations of chemical contaminants measured in the soil samples from the site are generally low and below human health criteria. However, fill in the east of the site below 1.5m depth is impacted with lead and polycyclic aromatic hydrocarbons at concentrations which exceed the relevant health-based criteria. The soil sampling report concluded that there was no risk to human health as long as the existing surface levels were maintained. Alternatively, active remedial works would need to be undertaken to remove the chemically impacted fill from the site.

The applicant commissioned LRM Global to complete a preliminary site investigation. This investigation referenced the previous work by SMEC and noted that there were suspect asbestos containing materials noted during their site inspection. This report recommended that a detailed site investigation of the soil and groundwater be undertaken to Australian Standards and in accordance with the National Environmental Protection Measure and applicable NSW Regulations.

Further advice was received from LRM on 19 June 2018 confirming that the site is currently under regulatory audit and that intrusive site works are underway which include the completion of 47 soil bore holes (to 10m) and three groundwater wells. The applicant submits that they cannot complete the detailed phase two report until the site is excavated following issue of development consent.

The Guidelines for Consultants Reporting on Contaminated Sites issued by the NSW Office of Environment and Heritage¹ sets out four investigation stages:

- Stage 1 – Preliminary Site Investigation
- Stage 2 – Detailed Site Investigation
- Stage 3 -- Remedial Action Plan
- Stage 4 – Validation and Site Monitoring Report

The applicant has provided a Stage 1 Report and appears to be well advanced into the Stage 2 Report. It is usual practice to receive a Stage 2 report prior to consenting to development consent.

¹ Guidelines for Consultants Reporting on Contaminated Sites, NSW Office of Environment and Heritage, August 2011, ISBN 0 7310 3892 4

It is considered that there is sufficient information available for the consent authority to be satisfied in relation to Clause 7(b). However, for abundant caution it is recommended that the application be determined by way of deferred commencement consent, which requires the submission of a Stage 2 Investigation Report prior to the consent becoming operational. Appropriate operational conditions are proposed in respect of a Remedial Action Plan and Validation and Site Monitoring (Stages 3 and 4).

5.1.3 State Environmental Planning Policy (Building Sustainability Index: BASIX)

This SEPP aims to ensure consistency in the implementation of the BASIX scheme throughout the State by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

A BASIX Assessment for the proposed development was submitted for the independent living units which confirms that **the relevant water and energy reducing targets have been satisfied.**

5.1.4 State Environmental Planning Policy – Infrastructure 2007

The proposal is “traffic generating development” as it comprises more than 75 residential apartments with access to a road (Longueville Road) which connects to a classified road (River Road West) located within 90 metres. The requirements of Clause 104 of the SEPP are:

- “(3) Before determining a development application for development to which this clause applies, the consent authority must:
 - (a) give written notice of the application to RMS within 7 days after the application is made, and
 - (b) take into consideration:
 - (i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and
 - (ii) the accessibility of the site concerned, including:
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
 - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
 - (iii) any potential traffic safety, road congestion or parking implications of the development.
- (4) The consent authority must give RMS a copy of the determination of the application within 7 days after the determination is made.”

The Council referred the application to RMS and initially received the following comments dated 1 November 2017:

1. Any proposed access to the site shall be relocated to the far north western extent of the property further away from the traffic signals of Longueville Road/River Road West.

2. *All vehicular access to the subject development shall be restricted to left in/left out (LILO) movements on road safety and network efficiency grounds. In this regard, a triangular raised median should be constructed at the driveway (within the property boundary) and the driveway splayed/angled to physically prevent vehicles turning right to/from the development.*
3. *A typical driveway design plan for LILO movements has been attached for your reference. An "All Traffic Left" sign is to be installed within the property boundary at the driveway (facing motorists exiting the site) as part of the development to enforce vehicles to exit the site in left turn only.*
4. *In accordance with AS 2890.1- 2004 (Parking Facilities, Part 1: Off-street car parking), the driveway shall be a minimum of 5.5 metres in width for a minimum distance of 6 metres from the property boundary.*
5. *All vehicles shall enter and exit the site in a forward direction. A swept path plan, demonstrating vehicles entering and exiting the site in a forward direction, shall be submitted to Council*

As the status of this advice is that it is a matter for consideration and not part of the integrated development process, clarification was sought specifically in relation to comment 1 concerning the location of the driveway. A response was received from RMS on 24 April 2018 which relevantly states:

"Therefore given the status of Longueville Road being a local road under the care and control of Council and Council being satisfied with the access arrangement inclusive of consideration on grounds of traffic safety and network efficiency, Roads and Maritime plays an advisory role given that the development application will not have a significant traffic impact on the classified road network."

The application complies with points 2 – 5 of the RMS comments. These matters provide general traffic management improvements which would in any case be applied by the Council in the circumstances. The location of the driveway has been dictated to a large extent by the topography of the site and the need to produce a design resolution which responds to the need to provide formalised access from the adjoining Timbertops building to Longueville Road. Further details and discussion is provided in section 5.4 of this assessment.

The submission from RMS and the accessibility of the site has been considered in this assessment and it is concluded that the proposed access location and design is satisfactory, subject to some minor alterations to improve the amenity for the residents of the adjoining building to the south (conditions included). **Accordingly, it is concluded that the requirements of the Infrastructure SEPP are satisfied.**

5.1.5 State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

This SEPP technically applies to the independent living units portion of the building. The independent living units are integrated with residential care beds, therefore in practical terms the entire building is considered in terms of the SEPP. In determining an application, the consent authority must take into consideration the design quality of the development when evaluated in accordance with the design quality principles and the Apartment Design Guide.

The nine design quality principles are listed below with comments relating to the proposal.

Table 2: SEPP 65 Design Principles

Design Principle	Comments
1. Context and neighbourhood character	<p>The site is located within an R4 high density residential zone. The closest building is an existing 4 storey residential flat building adjoining to the south, which is consistent with the zone. A number of detached dwellings adjoin the site to the north. Generous building setbacks have been provided to the northern boundary in recognition of the transition between the high density and low density residential zones. The interface between the proposed building and the residential flat building to the south is constrained by the need to provide vehicular access over the subject land. It is considered that this interface could be improved by providing additional deep soil planting zones between the proposed building and the southern boundary. This can be achieved by a combination of driveway design and by moving the proposed development 1 metre to the north. More detail is provided in section 5.4 of this report.</p>
2. Built form and scale	<p>While the proposed building exceeds the maximum building height for the site, the roof line is articulated, which reduces the perceived bulk of the building. Also, the upper most storey occupies approximately one third of the lower level footprint.</p> <p>The site has a significant slope down from Longueville Road. The design presents a two-storey façade to Longueville Road with an active entry, café, commercial tenancy and small public park essentially at grade. With excavation, the building then becomes six storeys for the remainder of the site with a partial seventh storey.</p> <p>As shown in the north and south elevations, the perceived height of the building is largely reduced when viewed from adjoining land due to the areas which are not proposed to be excavated between the proposed building and the north and south boundaries.</p>
3. Density	<p>The density of the proposal is considered to be acceptable. The proposal achieves a density of some 96 dwellings per hectare plus the 70 residential care beds. This is considered appropriate for an R4 high density residential zone.</p>
4. Sustainability	<p>54% of the independent living units achieve cross ventilation. The applicant submits that retirement living requires very specific creation of social meeting opportunities. Common circulation areas create opportunities for residents to casually meet and interact socially, which is critically important. The built form therefore does not create opportunities for all dwellings to achieve cross ventilation.</p>

Design Principle	Comments
5. Landscape	The proposal includes substantial landscaping around the site, within the public park and parallel to the northern boundary, with some landscaping occurring near the southern boundary. The existing landscaped grove near the north-eastern corner will be retained and enhanced and communal courtyards are landscaped to facilitate active and passive outdoor recreational spaces comprising trees and shrubs, lawn area and walkways. A comprehensive landscape design has been provided with the application.
6. Amenity	The floor plans demonstrate that on the whole, the internal and external amenity for future residents of the independent living apartments is acceptable. Sufficient setbacks have been provided to the buildings adjoining the land to the north and south to maintain the amenity of those residents.
7. Safety	The design of the development has considered the provision of safe public and private spaces with clearly defined boundaries. The design provides opportunities for passive surveillance of communal areas. As the development incorporates 70 residential care beds, the building is staffed by medical, administrative and security staff at all times.
8. Housing diversity and social interaction	The development provides 82 self-care apartments comprising 11 one-bedroom, 32 two-bedroom and 39 three-bedroom apartments. As required by the Seniors Living SEPP, 10 % of these apartments will be set aside for affordable places. Different types of communal spaces are provided within the development including gymnasium, auditorium, activities room and various dining, lounge and casual rooms associated with the residential care section of the development
9. Aesthetics	The built form responds to the local context and the streetscape in Longueville Road. It is considered that the design has good proportions and a balanced composition of materials and textures.

The applicant has submitted the following design compliance certificate in accordance with the Apartment Design Guide.

“The design principles of SEPP 65 are wholly reflected in the design response which was also largely described in the site specific DCP.

The built form context enables a courtyard typology of Northern facing outdoor spaces each of which addresses the primary functions of the building – namely Aged Care and Retirement Living. Included are a pocket park with children’s playground and site through link to the golf course precinct – which will be subject to Lane Cove Council’s pedestrian pathway connection. Local character along Longueville road is essentially a two storey built form, which addresses the public domain. The public domain interphase is a fundamental component of our design response creating and articulated landscape zone which mediates between the public and semi-public components of the village offering.

Please find attached the table of compliance for each apartment and the overall development.”
(Attachment 3 to this assessment report)

The critical key indicators are as follows:

ADG	Definition	Compliance
2F Building Separation and 3F Visual Privacy	Building Separation: Courtyard 1 – 12 metres (three level courtyard); Courtyard 2 - 16.5	✓
4A Solar and Daylight	Solar Amenity: 87% or 71 dwellings have more than 2 hours of sunshine to the living rooms and private open space mid-winter	✓
4B Natural Ventilation	Cross Ventilation: 40 Dwellings or 54% have cross ventilation. Retirement living as a housing type requires very specific creation of social meeting opportunities as isolation and loneliness can be partly addresses by building circulation patterns. Common area circulation spaces create opportunities for residents to casually meet and interact socially, this is a critically import dimension of this type of housing. Our built form encourages socialisation and community activities with horizontal circulation which necessarily prejudices cross ventilation which is why are have a small non-compliance with the guideline.	x
4C Ceiling Heights	Floor to Floor height is 3.2 and 3.4 metres Minimum habitable ceiling heights will be 2.7	✓
4D Apartment Size and Layout	Refer Table – all one bedroom apartments are 50 m ² or greater and all two bedroom apartments are 70 m ² or greater	✓
4E Private Open Space	Refer Table - Balcony area and depth Primary private open space and balcony is located adjacent to living room, dining room or kitchen.	✓
4E – 4 Private Open Space	Ground level apartments have access to the courtyards and	✓
4F Common Area Circulation	All common hallways have windows and fresh air	✓
4F-2 Common Area Circulation	As described in 4B the creation of spaces for casual social engagement is an important dimension of this project, because of the age profile of the residents who will be mostly over 74 years old. The foyers and casual lounge spaces are also a clearly legible component of the wayfinding identity of each neighbourhood within the building	✓
4G Storage	Each dwelling will have 2.5m ² designated on the parking levels plus typically 4m ² for the studio, 6m ² for the one bedrooms and 8m ² for the two bedrooms.	✓
4K Apartment Mix	Whilst the project does have a diversity of apartment types this demographic prefers larger dwelling product stock	✓
4Q Universal Design	All dwellings are 1428 compliant	✓

The only apparent non-compliance with the Apartment Design Guide (ADG) is that 54% of dwellings have cross ventilation, where as the ADG design criteria is for 60%. The applicant's justification for this is considered acceptable given that other requirements for seniors apartments such as common circulation areas are at play. It is also noted that the building exceeds a number of ADG design criteria including solar access, ceiling heights and room sizes.

Overall it is considered that the proposal is an appropriate design response to SEPP 65 and the Apartment Design Guide.

5.1.6 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The proposed development relies on the provisions of the Seniors Living SEPP for permissibility. The SEPP applies to the subject land and overrides the provisions of other environmental planning instruments where there is any inconsistency between instruments. The relevant clauses of the SEPP are reproduced below with comments relating to the proposal.

2 Aims of Policy

- (1) *This Policy aims to encourage the provision of housing (including residential care facilities) that will:*
 - (a) *increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
 - (b) *make efficient use of existing infrastructure and services, and*
 - (c) *be of good design.*
- (2) *These aims will be achieved by:*
 - (a) *setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and*
 - (b) *setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and*
 - (c) *ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.*

It is considered that the development satisfies the aims of the Policy.

4 Land to which Policy applies

- (1) **General** *This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:*
 - (a) *development for the purpose of any of the following is permitted on the land:*
 - (i) *dwelling-houses,*
 - (ii) *residential flat buildings,*
 - (iii) *hospitals,*
 - (iv) *development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or*

The land is zoned primarily for urban purposes (R4 High Density Residential). Residential flat buildings are permitted in the zone. Therefore the SEPP applies to the land.

8 Seniors

In this Policy, **seniors** are any of the following:

- (a) people aged 55 or more years,
- (b) people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided,
- (c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

The proposed development is clearly for the accommodation of seniors as defined by the SEPP.

10 Seniors housing

In this Policy, **seniors housing** is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:

- (a) a residential care facility, or
 - (b) a hostel, or
 - (c) a group of self-contained dwellings, or
 - (d) a combination of these,
- but does not include a hospital.

The proposed development provides a combination of residential care facility self-contained dwellings.

11 Residential care facilities

In this Policy, a **residential care facility** is residential accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and
 - (b) personal care or nursing care, or both, and
 - (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,
- not being a dwelling, hostel, hospital or psychiatric facility.

The proposed development provides 70 residential care beds.

13 Self-contained dwellings

- (1) **General term: “self-contained dwelling”** In this Policy, a **self-contained dwelling** is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.

The proposed development provides 82 self-contained dwellings.

24 Site compatibility certificates required for certain development applications

- (1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) if:
- (a) the development is proposed to be carried out on any of the following land to which this Policy applies:
 - (i) land that adjoins land zoned primarily for urban purposes,

- (ii) *land that is within a zone that is identified as “special uses” under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted),*
 - (iii) *land that is used for the purposes of an existing registered club, or*
 - (b) *the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45.*
- (2) *A consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the Director-General has certified in a current site compatibility certificate that, in the Director-General’s opinion:*
- (a) *the site of the proposed development is suitable for more intensive development, and*
 - (b) *development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b).*
- Note. Clause 50 (2A) of the Environmental Planning and Assessment Regulation 2000 requires a development application to which this clause applies to be accompanied by a site compatibility certificate.*
- (3) *Nothing in this clause:*
- (a) *prevents a consent authority from:*
 - (i) *granting consent to a development application to which this clause applies to carry out development that is on a smaller (but not larger) scale than the kind of development in respect of which a site compatibility certificate was issued, or*
 - (ii) *refusing to grant consent to a development application to which this clause applies by reference to the consent authority’s own assessment of the compatibility of the proposed development with the surrounding environment, or*
 - (b) *otherwise limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies.*
- Note. Nothing in this clause affects a consent authority’s duty to give effect to non-discretionary standards set out in this Policy. See, for example, clauses 48, 49 and 50.*

The development application is accompanied by a site compatibility certificate issued on 6 July 2017 by the Delegate of the Secretary in accordance with the requirements of the SEPP. The certificate imposes the following requirements on the development:

“1. The final layout, building construction and onsite facilities in the proposed seniors housing development will be subject to the resolution of issues relating to:

- *the bulk and scale of any proposed buildings in regard to the amenity impacts on neighbouring properties, especially to the north and south; and*
- *satisfaction of the requirements relating to affordable places and on-site support services under clause 45 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.”*
-

I am satisfied that the bulk and scale of the building in regard to amenity impacts on neighbouring properties is satisfactory. An appropriate condition is proposed to ensure compliance with the affordable places and on-site support services. It is noted that the applicant, Australian Unity, has confirmed in writing that that on-site support services will be available to all residents.

A copy of the certificate is included as Attachment 4 to this assessment report.

26 Location and access to facilities

- (1) *A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:*
 - (a) *shops, bank service providers and other retail and commercial services that residents may reasonably require, and*
 - (b) *community services and recreation facilities, and*
 - (c) *the practice of a general medical practitioner.*
- (2) *Access complies with this clause if:*
 - (a) *the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:*
 - (i) *a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,*
 - (ii) *a gradient of no more than 1:10 for a maximum length of 5 metres at a time,*
 - (iii) *a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or*
 - (b) *in the case of a proposed development on land in a local government area within the Greater Sydney (Greater Capital City Statistical Area)—there is a public transport service available to the residents who will occupy the proposed development:*
 - (i) *that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and*
 - (ii) *that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and*
 - (iii) *that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),*
and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or

The site is located some 800 metres from the southern edge of the Lane Cove village. A bus stop and shelter is located directly in front of the site. The applicant is required to relocate the bus shelter to another position in front of the site due to proposed driveway location. The site satisfies the requirements of Clause 26.

27 Bush fire prone land

- (2) *A consent authority, in determining a development application made pursuant to this Chapter to carry out development on land in the vicinity of land identified on a bush fire prone land map certified under section 146 of the Act as “Bush fire prone land—vegetation category 1, must take into consideration the general location of the proposed development, the means of access to and egress from the general location and other relevant matters, including the following:*
 - (a) *the size of the existing population within the locality,*

- (b) *age groups within that population and the number of persons within those age groups,*
 - (c) *the number of hospitals and other facilities providing care to the residents of the facilities within the locality, and the number of beds within those hospitals and facilities,*
 - (d) *the number of schools within the locality and the number of students at those schools,*
 - (e) *existing development within the locality that has been carried out under this Policy or [State Environmental Planning Policy No 5—Housing for Older People or People with a Disability](#),*
 - (f) *the road network within the locality and the capacity of the road network to cater for traffic to and from existing development if there were a need to evacuate persons from the locality in the event of a bush fire,*
 - (g) *the adequacy of access to and from the site of the proposed development for emergency response vehicles,*
 - (h) *the nature, extent and adequacy of bush fire emergency procedures that are able to be applied to the proposed development and its site,*
 - (i) *the requirements of New South Wales Fire Brigades.*
- (3) *In exercising its functions under subclause (1) or (2), a consent authority must consult with the NSW Rural Fire Service and have regard to its comments.*

Although the subject site is not identified as bushfire prone land, land adjacent to the east, located some 125 metres from the subject land is identified as Bush fire prone land-vegetation buffer.

The applicant provided a submission in response to clause 27(2), which was referred to the NSW RFS as required by clause 27(3). The NSW RFS responded on 4 June 2018 to the Council incorrectly assessing the matter as requiring a bushfire safety authority and seeking additional information to demonstrate compliance with certain bushfire matters. The land is not mapped as bushfire prone land and the referral was made to RFS to obtain any comments only in relation to the information submitted under Clause 27 of the SEPP.

It is considered that the information requested by RFS is not required due to the land not being bushfire prone. This has been confirmed by the applicant's bushfire expert in a letter dated 12 June 2018.

In the circumstances, it is considered that the requirements of clause 27(2) of the SEPP have been satisfied.

28 Water and sewer

- (1) *A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.*
- (2) *If the water and sewerage services referred to in subclause (1) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.*

Reticulated water and sewer is provided to the site by Sydney Water. Standard conditions are included requiring the appropriate certificates from Sydney Water.

30 Site analysis

- (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.

Subclause 2 sets out the matters which are to be included in a site analysis. A site analysis was prepared by Thomson Adsett Architects in accordance with this clause

32 Design of residential development

A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.

The design principles are set out in clauses 33 – 39. The following table provided by the applicant summarises the design response to these principles.

Table 3: SEPP Seniors Living Design Principles

Design Principles	Summary Assessment
Clause 33: Neighbourhood Amenity & Streetscape <i>This clause requires the proposal recognise the desirable elements of the locality and the design is to contribute to the quality and identity of the area. The design is to maintain neighbourhood amenity and appropriate residential character through setbacks, topography, height, and landscaping.</i>	Longueville Road contains a mix of development including multi-storey residential flat buildings of varying ages and architectural styles. The proposal will provide a contemporary style of architecture which addresses the street and is of an appropriate residential character in respect of setbacks, height, materials and landscaping.
Clause 34: Visual and Acoustic Privacy <i>This clause requires the proposal to provide visual and acoustic privacy of neighbours through appropriate site planning, the location and design of windows and balconies, screening and landscaping, and location of driveways, paths, and parking areas.</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.
Clause 35: Solar Access & Design for Climate <i>This clause required the proposal to ensure adequate solar access is provided to the living areas and private open space of adjoining residents. The proposal should be designed to promote energy efficiency through dwelling design, landscaping, natural ventilation, solar heating, lighting, and locating windows of living areas in a northerly direction.</i>	The proposed building has been oriented and located so that solar access to the residential aged care rooms, self-contained dwellings and private open space is maximised. The proposal has also been designed to ensure that solar access to adjoining properties is maintained where possible.
Clause 36: Stormwater <i>This clause requires the proposal to be designed to control and minimise the disturbance and impacts of stormwater runoff and incorporate where practical on site stormwater detention or re-use for second quality water usage.</i>	The proposal will minimise the impacts of stormwater runoff to adjacent properties through the addition of new landscaping throughout the development and the design of a new stormwater system. This is outlined in stormwater plans submitted separately.
Clause 37: Crime Prevention <i>This clause requires the proposal to provide personal property security for residents and visitors and encourage crime prevention through dwelling design allowing casual surveillance of the street and entries.</i>	The proposal will maintain a high level of security, which is essential for this type of use. Secure entries at the Longueville Road frontage and other entrances will maintain safety and security. Casual surveillance will also be available over the private open space and entry areas from units and common areas.
Clause 38: Accessibility <i>This clause requires the proposal to provide obvious safe pedestrian links from the site that provide access to public transport services or local facilities and provide an attractive and safe environment for pedestrians and motorists with convenient access and parking for residents and visitors.</i>	The proposal will encourage pedestrian access from the facility to Longueville Road and is in the vicinity of bus services, local shops and facilities. This is supported in an Access Report which forms part of this application and is separately submitted.

Design Principles	Summary Assessment
Clause 39: Waste Management <i>This clause requires the proposal to provide waste facilities that maximise recycling by the provision of appropriate facilities.</i>	The proposal will provide sufficient waste management services by a contractor. A Waste Management Plan prepared by Elephants Foot and submitted separately forms part of this application.

It is considered that the proposed development represents an appropriate response to the design principles contained within Clauses 33 – 39 of the SEPP.

40 Development standards—minimum sizes and building height

(1) General

A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.

(2) Site size

The size of the site must be at least 1,000 square metres.

(3) Site frontage

The site frontage must be at least 20 metres wide measured at the building line.

The development site complies with these minimum standards. The site is 9,204m² with a frontage at the building line of approximately 100 metres.

41 Standards for hostels and self-contained dwellings

- (1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.*

Schedule 3 details 21 standards relating to accessibility and useability and includes matters such as circulation spaces, room design, lifts and storage. The application is accompanied by a statement of compliance by an access consultant accredited with the Association of Consultants in Access Australia. The statement confirms that the building complies with all relevant standards.

45 Vertical villages

(1) Application of clause

This clause applies to land to which this Policy applies (other than the land referred to in clause 4 (9)) on which development for the purposes of residential flat buildings is permitted.

Residential flat buildings are permitted on the land.

(2) Granting of consent with bonus floor space

Subject to subclause (6), a consent authority may consent to a development application made pursuant to this Chapter to carry out development on land to which this clause applies for the purpose of seniors housing involving buildings having a density and scale (when expressed as a floor space ratio) that exceeds the floor space ratio (however expressed) permitted under another environmental planning instrument (other than [State Environmental Planning Policy No 1—Development Standards](#)) by a bonus of 0.5 added to the gross floor area component of that floor space ratio.

Note.

For example, if the floor space ratio permitted under another environmental planning instrument is 1:1, a consent authority may consent to a development application for the purposes of a building having a density and scale of 1.5:1.

The development application is accompanied by a site compatibility certificate issued on 6 July 2017 by the Delegate of the Secretary in accordance with the requirements of the SEPP. A copy is included as Attachment 4 to this assessment report. A floor space ratio of 1.6:1 is permitted by the certificate.

- (3) *Subsection (2) applies even if the floor space ratio permitted under another environmental planning instrument is expressed in a development control plan.*
- (4) *In calculating the gross floor area for the purposes of subclause (2), the floor space used to deliver on-site support services (other than any floor space used to deliver communal or residents' living areas) is to be excluded.*
- (5) *However, if the area of the floor space referred to in subclause (4) is greater than 50% of the gross floor area, then the area that may be excluded under subclause (4) is limited to an area that does not exceed 50% of the gross floor area.*

(6) Requirements relating to affordable places and on-site support services

A consent authority may only grant consent to a development application as referred to in subclause (2) if:

- (a) *the consent authority is satisfied, on written evidence, that:*
 - (i) *the proposed development will deliver on-site support services for its residents, and*
 - (ii) *at least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places, and*
- (b) *the applicant identifies, to the satisfaction of the consent authority, which of the dwellings for the accommodation of residents in the proposed development will be set aside as affordable places.*

This requirement is also included as a condition to the site compatibility certificate. The applicant submits that the affordable dwellings only need to be provided for a period of ten years in line with *State Environmental Planning Policy (Affordable Rental Housing) 2009*. The applicant requests that 3% of dwellings be assigned as affordable in perpetuity as an alternative to 10% for ten years.

Advice has been received from Council's solicitors which confirms that 10% of dwellings are to be affordable places in perpetuity to satisfy the requirements of the Seniors SEPP and the Site Compatibility Certificate. The Affordable Rental Housing SEPP does not apply to the development.

Accordingly, an appropriate condition is included in Attachment 6 to this assessment report.

(7) Grounds on which consent cannot be refused

A consent authority must not refuse consent as referred to in subclause (2) only because the proposed development does not comply with a standard referred to in clause 40 (4) (a), 48 (a), 49 (a) or 50 (a).

(8) Conditions on grants of development consent

A development consent may be granted as referred to in subclause (2) subject to a condition that requires the creation of a restrictive or positive covenant on land to which a development application relates concerning the continued provision of the affordable places identified in the application.

A condition to this effect is included in attachment 6.

- (9) *A development consent may be granted as referred to in subclause (2) subject to a condition that requires the affordable places identified in a development application to be owned and managed by an organisation providing community housing that is registered for the time being with the Office of Community Housing.*

17 *Must be used for affordable housing for 10 years*

(1) *A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:*

(a) *for 10 years from the date of the issue of the occupation certificate:*

(i) *the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and*

(ii) *all accommodation that is used for affordable housing will be managed by a registered community housing provider, and*

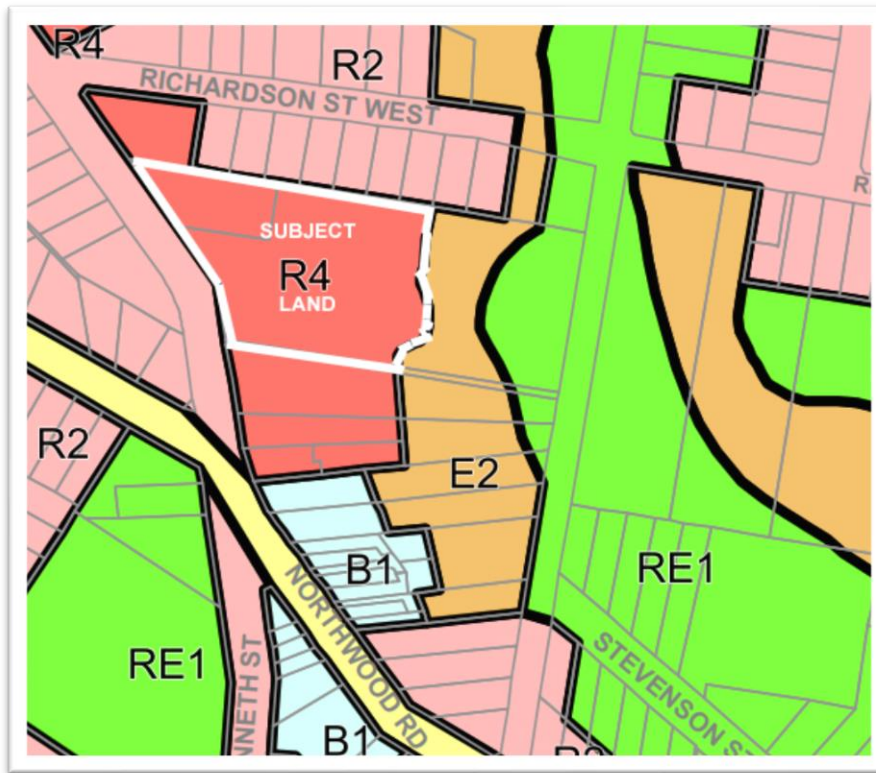
(b) *a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.*

Advice has been received from Council's solicitors which confirms that the Affordable Rental Housing SEPP does not apply to the development. 10% of dwellings are to be affordable places in perpetuity to satisfy the requirements of the Seniors Living SEPP and the Site Compatibility Certificate issued by the Delegate of the Secretary.

5.1.8 Lane Cove Local Environmental Plan 2009

The land is zoned R4 High Density Residential under the provisions of Lane Cove LEP 2009.

Figure 5: Extract from Lane Cove LEP 2009 Land Zoning Map LZN_004



Residential flat buildings are permissible within the R4 zone, therefore seniors living is permissible under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Clause 2.3(2) provides:

- (2) *The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.*

The objections of the zone are reproduced below with comments in relation to the development

- To provide for the housing needs of the community within a high density residential environment.*

The development satisfies this objective.

- To provide a variety of housing types within a high density residential environment.*

The development provides a range of three, two and one bedroom apartments as well as 70 residential care facilities.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The development includes a café and an unnamed retail tenancy which operates in conjunction with the proposal.

- To provide for a high concentration of housing with good access to transport, services and facilities.*

The land is located some 800 metres from the southern edge of Lane Cove Village. A bus stop is located on Longueville Road at the front of the land. A number of services area also be provided within the development by the operator.

- *To ensure that the existing amenity of residences in the neighbourhood is respected.*

The development is designed to respect and minimise the amenity of adjoining residences. Further details are provided in section 5.5 of this assessment report.

- *To avoid the isolation of sites resulting from site amalgamation.*

The development site is an amalgam of three titles. There is no opportunity for further development of the any of the adjoining sites with an existing residential flat building adjoining to the south and partially to the north, detached dwellings within the R2 low density zone to the north and bushland zoned E2 to the east.

- *To ensure that landscaping is maintained and enhanced as a major element in the residential environment.*

A considerable number of mature trees are to be retained on the land. A comprehensive landscape plan also proposes new plantings and enhancement of existing landscaping.

It is concluded that the consent authority can be satisfied in relation to the Clause 2.3(2) of Lane Cove LEP 2009.

4.3 Height of buildings

(1) *The objectives of this clause are as follows:*

- (a) to ensure development allows for reasonable solar access to existing buildings and public areas,*
- (b) to ensure that privacy and visual impacts of development on neighbouring properties, particularly where zones meet, are reasonable,*
- (c) to seek alternative design solutions in order to maximise the potential sunlight for the public domain,*
- (d) to relate development to topography.*

(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).*

The Height of Buildings Map provides a maximum height for the subject land of 62.8m AHD. The height of the building varies between RL 62.6m and RL67.76m. A written request was submitted by the applicant seeking to justify the contravention of the development standard in accordance with Clause 4.6 of Lane Cove LEP 2009. Detailed commentary and assessment is provided under the heading "Clause 4.6 Exceptions to development standards" in this assessment report.

4.4 Floor space ratio

(1) *The objectives of this clause are as follows:*

- (a) to ensure that the bulk and scale of development is compatible with the character of the locality.*
- (2) *The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).*

The site is identified on the Floor Space Ratio Map as having a maximum floor space of 1.1:1. As a Site Compatibility Certificate which states that the land is suitable for more intensive development, an additional floor space ratio (FSR) bonus of 0.5:1 is applicable pursuant to Clause 45 Vertical villages of the Seniors SEPP. The maximum permissible FSR for the site is therefore 1.6:1.

The proposed development achieves an FSR of 1.59:1 and therefore complies.

4.6 Exceptions to development standards

- (1) *The objectives of this clause are as follows:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (c) *the concurrence of the Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Secretary must consider:*
 - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*
- (6) *Not relevant to the development - refers to rural subdivision).*
- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*

Note: Circular PS 08-003 issued on 9 May 2008 informed Council that it may assume the Director-General's concurrence for exceptions to development standards.

The applicant has submitted a detailed written request that seeks to justify contravention of the height of buildings development standard. A complete copy of the submission is Attachment 5 to this assessment report. The following is an extract from the applicant's written request which describes the extent of the proposed contravention of the maximum height of buildings standard.

Areas of Height Non-Compliance

The height of the proposal varies across the site and within each of the proposed buildings (see Table 1 and Figure 1 on the following page). Broadly speaking, there are three predominant areas of non-compliance which will be outlined individually below.

Table 1: Extent of Proposed Height Variation			
Building	Roof Level	Lift Overrun Level	Extent of Variation
Building A	RL 63.70	RL 64.93	0.9m – 2.1m
Building B	RL 67.01	RL 67.76	4.21m – 4.96m
Building C	RL 63.40	RL 66.80	0.6m – 4.0m

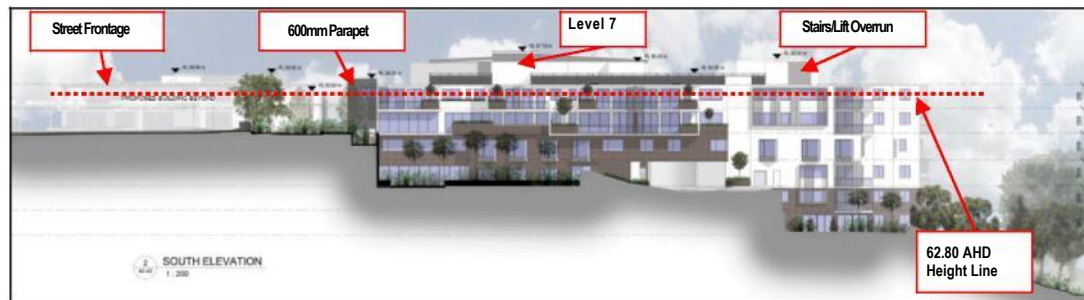


Figure 1: Southern Elevation Showing Extent of Non-Compliance

Variation No. 1 – Streetscape

The proposal presents a portico and two storey built form to the street which is 600mm over the height limit. The street frontage height ranges between 4.3m and 7.2m and includes retail tenancies and pedestrian access with a high level of articulation.

Variation No. 2 – Southern Edge

The parapet of Level 6 along the southern edge of the development is proposed at 600mm above the height limit.

Variation No. 3 – Roof Structures

The lift overruns and stairs servicing the respective buildings are the highest points of the development. However, these are setback from both the property boundaries and from the leading edge of the buildings (see Figure 2). It is noted that the centrally located rooftop landscaped courtyard is also located above the height limit.

Variation No. 4 - Level 7

Three 2 bedroom units are proposed on Level 7 with a pitched roof height of RL 67.01 which is 4.21m over the height limit (see Figure 2).

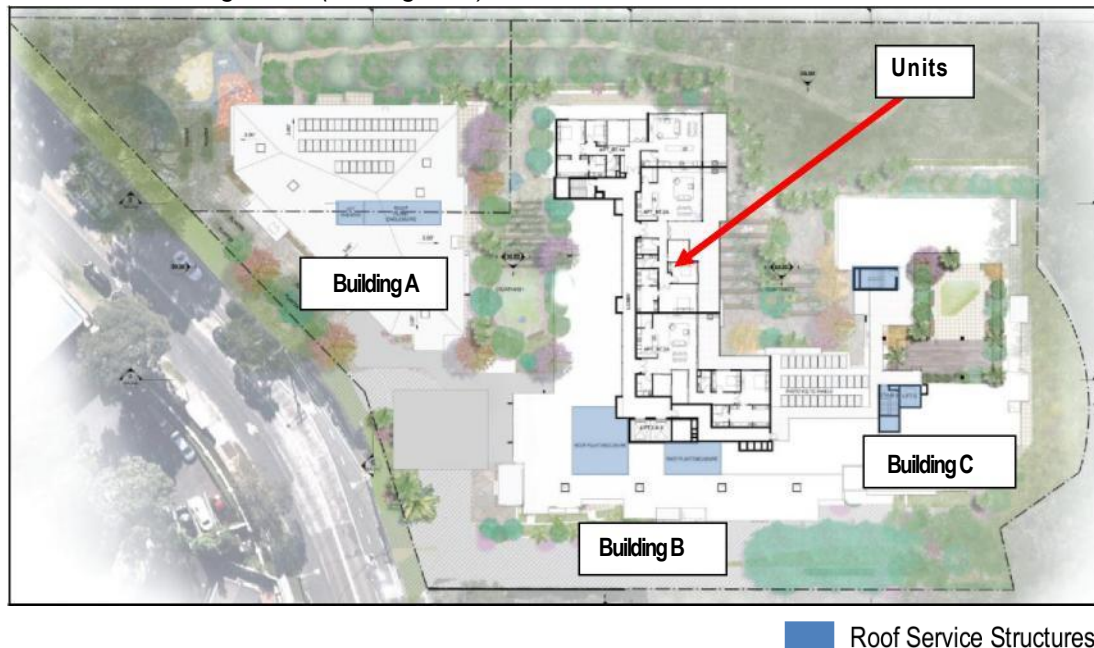


Figure 2: Level 7 Floor Plan Showing Units and Services

In response to Clause 4.6 (3), the applicant submits that the variations are essential to the viability, operation and functioning of the proposed aged care facility and are consistent with the above objectives. The variations are categorised by the applicant in the following extract from their submission:

Variation 1 – Streetscape

Despite the height non-compliance, the development will present as two storeys when viewed from Longueville Road in either direction, This is consistent with the height and scale of any number of developments within the streetscape and is considered appropriate in this regard. In addition, the scale of the frontage is consistent with the desired number of storeys fronting the streetscape as identified through most of the planning proposal process.

Variation 2 – Southern Edge

The non-compliant 600mm along the length of the southern edge creates a consistent building line and is unlikely to have a significant impact on the adjoining 'Timbertops' development. The proposed building height will present as a two storey form when viewed from the street, a three to four storey form when viewed from the side and six storeys when viewed from the rear. This is consistent with the long standing built form intentions for the site which were established as part of the early consideration of the redevelopment of the site.

As indicated, the subject site presents a number of constraints which makes it difficult to comply with the established building height. Several of these are discussed below.

Access Arrangement to the Subject Site

The floor levels of the proposal are constrained by the access to the subject site from the street. This needs to achieve specific gradients, minimise level changes and comply with the relevant Australian Standards for seniors housing. Again, the required levels of the driveway access have affected the minimum levels of the car parking and in turn increase the height of the building. The

topography of the site falls substantially from the street to the rear. This affects the level of the building at the street and driveway access levels throughout the site.

Shared Driveway Configuration

A key contributing factor to the height of the proposed building is the driveway configuration both in terms of access to the site and the continued provision of access to 'Timbertops'. The existing street level, the shared driveway arrangement and the topography of the site dictates the levels of the driveway. The existing driveway at 'Timbertops' has a level of RL 51.95 and is significantly above the ground level of the driveway on the subject site at RL 50.09. The revised proposal reconstructs a shared driveway to the subject site and 'Timbertops'. The difference in levels constrains access and affects the proposed floor levels.

Floor to Ceiling Height Requirements for Residential Care Facility

The integration of the aged care and retirement living is an innovative and progressive model of care not yet built in the Sydney housing market. This model of care will enable care services to be easily delivered to residents in their home, a true ageing in place model of care. Moreover, partners can relocate to 'care' from a residential setting and maintain continuity in their living arrangements, connection to their community and minimise disruption.

The non-compliance of the parapet of Level 6 is a function of the increased floor to ceiling heights that are required to be provided to the residential care facility. There are increased service requirements and complexities for residential care facilities which in turn require an increased floor to floor height. The floor to floor height is 3.5m compared to 3.2m for the residential only levels of the building. This has led to an additional 0.6m in building height.

The floor levels of the independent living portion of the building are to be compliant with the ADG which requires a minimum clear ceiling height of 2.7m. Allowing for structure (min. 0.2m) and services (min. 0.3m), this requires floor heights of 3.2m.

Given the mix of the residential care and independent living uses, there is an increase in the floor to ceiling requirements of the building however this does not increase the number of storeys above that envisaged by Council's controls.

Variation No. 3 – Roof Structures

The roof structures, which include the lift cores and roof terrace are centralised and not readily visible from the public domain. Accordingly, they will not increase the perceived bulk and scale of the building and are unlikely result in any privacy impacts. The lift and stairs provide access to the roof terrace and plant equipment, improving the functionality of the building. The roof terrace will provide communal green space with a high level of solar access and amenity. As indicated in Figure 2, the structures are relatively small and are not considered to result in adverse environmental impacts

Variation No. 4 - Level 7

Variation No. 4 relates to the three two-bedroom aged care units located on Level 7 as part of Building B in the middle of the site. These have been moved from the rear of the site in accordance with the Independent Assessor's advice in order to reduce the visual impact resulting from the sloping site. The number of units on the upper level have been reduced and further set back from the original DA submission. This will enhance the privacy of the adjoining residential flat building at Nos. 268-270 Longueville Road. The relocated Level 7 will continue to provide a considerable building separation from 'Timbertops', well in excess of the ADG requirements.

The revised design will further minimise aural impacts and inhibit direct sightlines to the neighbouring property. There will be no openings towards 'Timbertops' to the south. In addition, the proposal will only result in minor additional overshadowing over the northern and eastern façade windows of 'Timbertops' compared to a compliant built form. This is outlined in Steve King's Overshadowing Analysis submitted separately. In addition, the units will not be readily visible from the public domain and will therefore not contribute to the perceived bulk and scale of the development.

Accordingly, there are particular circumstances that justify flexibility in this instance and there will be planning benefits both for and from the development as a result of this flexibility. The following section will identify why enforcing strict compliance with the numerical provisions of the control is unreasonable and unnecessary in the circumstances of this particular case and will also consider the merits of the proposal.

In support of the request for variation the applicant submits that the proposal satisfies the relevant tests established by the Court in relation to requests for exceptions to development standards. The application is also supported by a revised visual impact assessment prepared by Dr Richard Lamb and revised shadow comparisons.

Dr Lamb concludes that the proposal is acceptable in terms of visual impact on the public domain and is unlikely to have adverse impacts in terms of view loss from adjoining residences. He notes that a fully compliant development would not result in any different view loss. The comparison shadow diagrams submitted by the applicant demonstrate that the size and location of the level 7 units does not increase shadow impacts.

It is relevant to note that the proposal complies with the maximum permitted floor space for the site, notwithstanding the exception to the building height standard. The development also provides building setbacks in excess of that required to the northern and southern boundaries. Building separation to the residential flat building adjoining to the south complies with the requirements of the Apartment Design Guide, notwithstanding that the existing building on the adjoining land is setback from the boundary a distance of approximately 3-5 metres.

A compliant height development could be achieved with the same floor space, however this would require deeper excavation of the site and a larger building footprint on the ground. The disadvantages of doing so would be to create a steeper driveway with less opportunity for incorporating access from the adjoining building to the south, and to decrease setbacks in some areas where they are well in excess of that which is required.

There is significant demand for modern seniors accommodation within the Lane Cove LGA and the subject land has been identified by the Council for seniors housing development for a number of years. Indeed, the number of people living in Lane Cove LGA who are older than 65 is forecast to increase by some 2,500² over the next 15 years. It is therefore considered appropriate that development should be optimised in keeping with Object (c) of the Environmental Planning and Assessment Act, 1979, ie "to promote the orderly and economic use and development of land".

² Planning Population Demographics for NSW and Sub-regions 2016-2031.

It is considered that the applicant's written request has adequately addressed the matters required be demonstrated in Clause 4.6(3). The objectives of the Building height standard are:

- (a) to ensure development allows for reasonable solar access to existing buildings and public areas,*
- (b) to ensure that privacy and visual impacts of development on neighbouring properties, particularly where zones meet, are reasonable,*
- (c) to seek alternative design solutions in order to maximise the potential sunlight for the public domain,*
- (d) to relate development to topography.*

In my assessment the development is consistent with the objectives of the standard as it allows for reasonable solar access to existing buildings, does not produce any privacy and visual impacts in excess of a height compliant development, there is no impact on the public domain and the development relates to the topography.

Accordingly, it is concluded that approval of the proposed development is in the public interest and the requested exception to the building height standard is reasonable and justified in the circumstances.

5.4 Controls relating to miscellaneous permissible uses

(7) Neighbourhood shops

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed:

- (a) if the property fronts a local road—300 square metres, and*

The proposal contains two retail tenancies (including a café) at the Longueville Road frontage to the site. These are considered to be ancillary to the use of the land for seniors living accommodation and are not separately defined as neighbourhood shops. Notwithstanding, the floor area of the retail tenancies is well below 300m² and is therefore in context with the R4 High Density Residential zone.

10 Heritage conservation

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Lane Cove,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or*
- (b) on land that is within a heritage conservation area, or*
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The site is located opposite heritage item No. 1182, at No. 231 Longueville Road, identified as a Masonic Temple and is located in the vicinity of Item No 1194, a house in West Richardson Road.

The application was accompanied by a Heritage Impact Statement prepared by Cracknell & Lonergan Architects. The Statement concludes:

"Having taken into consideration the significance of local subdivision patterns, the potential impacts the development may have on the adjacent heritage item and the wider streetscape views of the locality, it is believed that the proposal will not have any significant adverse effect on the conservation and heritage significance of area. The proposed seniors living development will provide a much better urban outcome for the locality without affecting any of the significant fabric of the heritage items in question. Overall, it is believed that the proposed development at No. 266 Longueville Road is wholly in accordance and in adherence to the provisions and aims of heritage conservation and curtilage protection stipulated under the assessment framework of the Heritage Council of New South Wales and the Lane Cove LEP and DCP. This report therefore recommends that the development application be supported and advises, based on the information provided and the assessment framework used in this report, that there are not believed to be any heritage grounds for the application to be refused."

Council's Heritage Advisor provided the following comments:

"The proposed development will be of large scale but will have minimal impact on the Masonic Hall due to its location at a considerable distance and across the Road from the proposed development. There will be minimal visual connection between the two sites."

"There is no impact on the residence at West Richardson Road as the new development is outside the visual range of impact from the heritage item."

I concur that the proposal does not affect the heritage significance of the items identified.

6.1 Acid sulfate soils

The land is not identified on the Acid Sulphate Soils Map.

5.2 Draft Environmental Planning Instruments

There are no draft environmental planning instruments applying to the land.

5.3 Development Control Plans

Lane Cove Development Control Plan 2010 applies to the subject land. In particular, Parts B, C, F, H, O and Q. The following compliance table is reproduced from the applicant's statement of environmental effects.

TABLE 6: LANE COVE DEVELOPMENT CONTROL PLAN 2010			
Site Area: 9,204m ²			
Provision	Requirement	Proposal	Complies / Comment
Part B – General Controls (where not listed elsewhere in the DCP)			
Public Domain	Provide seating in public spaces and position it so it does not block movement	Seating provided along the edges of the proposed playground in the park	YES
	Plant trees for shade, shelter and fauna and use native species	Trees to be provided for shade, shelter and fauna. Refer to Landscape Plan	YES
Environmental Management	New development to allow for a minimum of 2 hours of solar access to at least 50% of new and existing public open space between 11am and 2pm on 21 June	The new publicly available park and through-site link are located on the northern side of the proposed development and will retain at least 2 hours of solar access to approximately 50% of its area	YES
Energy and Water Efficiency	Incorporate passive solar design techniques Orientate buildings to maximise solar	The proposal includes passive solar techniques where practicable, including unit orientation, insulation to selected	YES

	access and natural ventilation Capture and reuse rainwater for irrigation of landscape areas	areas, use of thermal mass and careful location of windows. Rainwater will be reused elsewhere on the site	
Safety and Security	Provide development that is well connected to the street and contributes to the accessibility of the public domain	Proposal contains shops, habitable rooms, and entries that are oriented to the street to promote casual surveillance and connectivity between the public and private domain.	YES
	Ground floor uses are to have direct access from the street	Ground level entries to the Seniors Housing development and shops are accessed directly from the street at ground level	YES
	Control access to units	Direct access from a secure car park to the units is provided	YES
Part C – Site Specific Controls: 266 Longueville Road			
Height	62.8 AHD maximum level	LEP Control - See Table 3	NO
Floor Space Ratio	1.6:1	LEP and SEPP Controls - see Tables 3 and Section 4.4	YES
Land Use	R4 Zone	LEP control - See Table 3	YES
Building Separation	12m – up to 4 storeys 18m – 5 storeys and up	12m between Building A & B – up to Level 4 19m between building B & C – over all levels	YES
Building Depth	Maximum 18m depth excluding balconies	18.2m - 22.2m including the 1.8m wide internal corridor	NO
Front Setback	8m	8m to building line 1.7m to covered walkway 3.27m to underground levels.	YES (above ground except walkway)
Side setback (southern)	6m up to 4 storeys Additional 3m setback for 5 th and above.	11.3m to building line for all levels- 10.1m to balcony line on all levels	YES
Side setback (northern)	12m	12m - 25m	YES
Rear setback	6m up to 4 storeys 9m for 5-8 storeys	Setback to building line 5.1m – 10.7m Setback to balcony 2.6m- 7.5m	NO (partial compliance in lower floors)
Vehicle Entry	Limited to one access point from Longueville Road. Utilise existing egress or easement.	One main access and exit point to Longueville Road. Driveway between the site and Timbertops will be modified to ensure access maintained. Secondary driveway leads to a porte-cochere for visitor/resident drop-off/pick up	Refer to Traffic Report
Car parking	Provide underground car parking. Soft landscaping to be utilised above car parking.	Underground car parking provided. Some landscaping provided over	YES
Building Orientation/Length	Max 40m building length fronting the street	Building length is angled and less than 40m fronting Longueville Road	YES
Views and Vistas	Maintain views through to North Sydney and native bushland.	Setbacks maintain some views	YES
Pedestrian Connection/ Through-site link	Through-site pedestrian connection to Longueville Road in accordance with AS1428.1.	Through site pedestrian connection is provided either within the open space or through the building	YES
	Pathway set back minimum of 2m from northern boundary.	Pathway set back minimum of 2m from northern boundary.	YES
	Minimum pathway width is 2m.	Pathway is approximately 2m in width.	YES
Landscaping/Public Park	Retain native bushland and provide landscaped buffer to golf course.	Majority of bushland to the east is to be retained	YES

	Provide green link and linear park from Longueville Road. Improve natural surveillance, visibility and security.	Green link and linear path from Longueville Road is provided	YES
Landscaping buffer to southern boundary	Provide landscape buffers between 268 Longueville Road and dominant building forms on site.	Landscaping provided within the southern setback	YES
Part C – Site Specific Controls: 266 Longueville Road (General Provisions)			
Frontage to Longueville Road	Building with street frontage must be read as max 3 storey.	Longueville Road frontage appears as two storeys	YES
Buildings at rear of site	Buildings at rear no higher than those with frontage to Longueville Road.	Rear building is higher than adjoining development at Timbertops- at the highest point	NO. See discussion in Clause 4.6 submission
Response to topography	Development should step down the site and respond to topography of land.	No step down proposed	NO
Buildings at interface with bushland	Buildings are to have upper level setbacks of 3m above four storeys.	No setback above four storeys. However, a portion of Level 7 is set back from the rear and south-eastern corner of the building line	NO
Location of open space	Locate private and public open space at interface of the bushland and golf course.	Private and public open space is provided at the interface of bushland and golf course	YES
Materials and articulation	Utilise varying external materials and architectural embellishments. Articulate, modulate and emphasise building form.	Varying materials and architectural modulation and detail will be proposed	YES
Orientation	Oriente building to improve privacy. Limit opportunities for overshadowing.	Building separation and setbacks proposed from adjoining development are proposed to maintain privacy and limit overshadowing	YES
Pathways	Accessible pathways to include covered elements, landscaping and greenery.	Pathways are designed to include extensive landscaped elements	YES
Lighting and surveillance	Integrate lighting into the public domain. Improve natural surveillance, visibility and security.	Lighting in the public domain will be provided	Able to comply
Car parking	Reduce visual prominence of underground car parking through landscaping.	Basement car parking is below street level and not visually prominent	YES
Roof gardens	Allow for possible roof gardens.	Roof garden is proposed to Building B	YES
Solar access	Seniors Living accommodation should ensure good solar access and well configured open space to the public domain that is easily accessible.	The configuration of buildings will enable rooms and units to have solar access. Courtyards will provide a connection to the public domain where practicable	YES
Internal configuration	Internal configurations meet the requirements of <i>SEPP Seniors Living 2004</i> , <i>Seniors Living Policy</i> , <i>Urban Design Guidelines for Infill Development 2004</i> .	Proposal is capable of satisfying the relevant requirements of the Seniors living policies and guidelines.	YES See Section 4.10.1 and Table 7 and apartment design guide table
Balconies	Private balconies above ground floor minimum of 10m ² with dimension of 3m. One bedroom apartments not on the ground floor should be a minimum of 6sqm with a minimum dimension of 2m.	Majority of 2 bed unit balconies above ground level are equal to or larger than 10m ² . Majority of 1 bed unit balconies are equal to or greater than 8m ² .	YES Communal courtyards provide outdoor areas where variations to the control occur.
Part C – Residential Flat Building Controls (where not listed elsewhere)			
Density	Min site area 1,500m ²	Site area is 9,204m ²	YES
Fences	Front fence: 900mm or 1.2m if partially transparent, or 1.8m if set back 1m from boundary and solid component is max	Dawn to dusk lockout fences at the top and bottom of the public pathway. No front fences proposed. For any	N/A

	0.6m high. Side and rear fence: 1.8m	other places requiring barriers or separations, levels and balustrades are used instead.	
Excavation	Excavation to be contained as close as practicable to the development footprint	Excavation is close to the development footprint with some exceptions	YES
	Extent of excavation should not compromise deep soil planting	Deep soil planting maximised on site where practicable	YES
Design of Roof Top Areas	Detailed landscape plan to be provided	Landscape Plan provided	YES
	Design is to address visual and acoustic privacy, safety and security	Roof top is designed to maintain privacy where possible as well as safety and security	YES
Dwelling size and mix	At least 10% of each unit type (studio/1, 2, 3 bed) to be provided	Min 10% of each unit type (studio, 1, 2 and 2+study) are provided. There are no 3-bedroom seniors housing units provided. Units are expected to cater to a maximum of 2 people at any given time with visitors having time controlled long duration stays.	YES
Landscaped Areas	Min 40% of the site to be planted, comprising 25% landscaped area (deep soil) and 15% planting on structures/landscaping	30% deep soil area (2,774m ²) plus 11% planting on structures (1,067m ²)	YES
Solar Access	Habitable rooms in at least 70 percent of dwellings in high density residential developments should receive a minimum of three hours direct sunlight between 9 am and 3 pm on 21st June. Where adjacent dwellings and their open space already receive less than the standard hours of sun, new development should seek to maintain this solar access where practicable.	Habitable rooms in over 70% of the independent living units will receive three hours direct sunlight in mid-winter. Habitable rooms in over 70% of units in the Timbertops development will likely receive three hours solar access in mid-winter.	Complies with the SEPP No. 65 Apartment Design Guide provisions See discussion in Section 5.0
	The number of single-aspect dwellings with a southerly aspect (SW-SE) should be limited to a maximum of 10 percent of the total dwellings within a high density residential development.	Less than 10% single aspect dwelling with a southerly aspect on site	YES
Part F – Access and Mobility			
Public Spaces and links to Private Properties	Provide accessible links and paths of travel between public and private spaces	Accessible path of travel between public and private spaces, and within the buildings are provided	YES Refer to Access Report
	Provide accessible path of travel from the entrance to the units.		
Part H – Bushland Protection			
Bushland Area	No development or alteration that leads to degradation will be permitted	No degradation of bushland is proposed on the small portions of the site that are located in a bushland area (north east and south east corners). Any tree removal within adjoining bushland is justified in an Arborist Report submitted separately	YES
Buffer Area	Minimum depth 10m from zone boundary. Buildings are not permitted in this area, except paved areas, storm water pits and landscaping	Rear setback to building line 5.1m – 10.7m. Setback to balcony 2.6m- 7.5m	NO
Building Area	Buildings are permitted up to the "buffer area" boundary	Portions of the building are located within the buffer area	NO
	Retain trees covered by Council's Tree Preservation Order where possible and protect retained trees during construction	Selected trees to be removed to accommodate the proposal. Significant trees locate close to the proposed works will be protected as per the Landscape Plan	YES

Location and Design of Development	Maximise retention and protection of local indigenous plants and natural site features such as rock outcrops and cliffs	Majority of substantial planting is retained where practicable and the proposal is located away from rock outcrops and cliffs	YES
Building Design and Visual Impact	Consider visual impact for users of the adjacent public bushland	The proposal will be partially screened by existing bushland, however visible components will be well articulated to minimise blank walls and create visual interest	YES
	External building materials, finishes and colours to be non reflective and blend with natural landscape	External building materials will be non reflective and complement surrounding landscape	YES
	Exposed portions of support structures or building undercrofts should be screened and finished in dark colours	Undercroft areas and other exposed portions will be screened from the bushland	YES Able to comply
	New buildings are to be orientated to obtain reasonable levels of sun access to adjoining bushland	Shadow diagrams indicate that solar access to bushland will remain largely unaffected by the proposal at 9am and 12noon and only partially shaded at 3pm in mid-winter	YES
Landscape Plan for Building and Buffer Areas	Landscape plans should include local indigenous plants and include tree protection methods during construction	Landscape plan provided, which includes indigenous plants and tree protection measures	YES
Stormwater	Provide stormwater and sediment control plans	Stormwater and sediment control plans provided	YES
Part O – Stormwater Management			
Stormwater Plan	Provide stormwater plan with the DA	Stormwater plans provided	YES
Part Q – Waste Management and Minimisation			
Provide waste plans	Provide Site Waste Minimisation Management Plan (SWMMP)	A SWMMP is prepared as part of this DA and is submitted separately	YES

The departures from the development control plan are discussed below.

Part C

Building Height

The building height is taken from the site-specific provisions of Lane Cove LEP 2009. The application has requested exemption from the building height standard in accordance with Clause 4.6 of the LEP. **As detailed elsewhere in this assessment report, the exception to the building height standard is supported.**

Building Depth

The applicant submits that *“the building form in plan view has an ‘E’ shape with three wings separated by two large courtyards. Three wings have orientation to these courtyards and are separated by 1.8m wide internal corridors providing improved accessibility for older residents. While retaining this ‘E’ form with courtyard or bushland orientation, the building depth has been modified since the original DA and varies between 17.4m and 23.1m.*

Although the proposal does not comply with the 18m, the proposed building widths are appropriate as the layout provides for a better planning outcome. This is achieved with the provision of double loaded corridors, which allow for units to be oriented towards the landscaped courtyards or the bushland to the east. The proposal meets the performance requirements of SEPP 65 and therefore the building depth is considered appropriate in this instance.”

Rear Setback, Buffer Area & Building Area

The applicant submits:

The proposal provides a rear setback from the building line to the eastern boundary line which ranges between approximately 3.9m and 9.7m. This setback partially complies with the provisions contained in the DCP.

However, in respect of bushland boundaries and buffer areas, it is noted that the eastern boundary line of the site differs from a 'Ground Truthing Line' that was established by Council and noted on the survey plan.

To establish the appropriateness of the proposed rear setbacks, a Bushland Report has been prepared by Molino Stewart, which provides an opinion on the 'Ground Truthing Line' as the bushland boundary, a buffer area and the building area (see Annexure D). In respect of bushland, Molino Stewart made the following comments:

- The 'ground truthing line' generally follows the eastern extent of the historical filling that has occurred as part of the previous land use
- The topography and natural features within the area within the E2 zone to the east of the 'ground truthing line' have not been significantly modified as part of the historical land uses and it contains little to no introduced fill soil. It contains vegetation which is a remainder of the natural vegetation of the land and can be considered representative of the structure and floristics of the natural vegetation.
- The area within the E2 zone to the west of the 'ground truthing line' contains vegetation which is significantly altered from the natural vegetation of the land occurring on introduced fill soils. It is not representative in part of the structure and floristics of the natural vegetation, as the ground cover and understory species are predominantly exotic and there are very few canopy species within this zone that are naturally occurring. The topography through here has been significantly modified as a result of the historical filling that has taken place and it would appear this has been the cause of the loss of remnant vegetation in this area. The presence of this fill would also make it highly unlikely there would be a seed bank representative of the remnant vegetation within this area.

When measured to the 'Ground Truthing Line', the rear setback and buffer area complies with Council's controls, providing a minimum setback of approximately 13m. Accordingly, although not strictly complying when considering the site boundary, the proposed rear setback complies when measured to the 'Ground Truthing Line.'"

Buildings at Rear of the Site

The applicant submits:

"The revised design has relocated Level 7 to the middle building (B) which results in the rear building (C) having a similar height as the same number of floors as the frontage (Building A). This is consistent with the DCP which states that buildings at the rear of the site should be no higher than those with a frontage to Longueville Road. Small portions of the rear building are slightly higher, such as the lift overrun at RL 66.80. However, the additional height at the rear is centralised will not be readily visible from the public domain. It will therefore not contribute to the perceived bulk and scale. In addition, it is noted that there are no neighbours adjoining the site to the rear.

Accordingly, the revised design has relocated Level 7 which brings the proposal into compliance with this control, other than minor rooftop structures".

Response to Topography

The applicant states:

"This site has been used for fill by council and state authorities over a long period of time and is extensively contaminated. The contamination assessment has found that up to 6m of this fill will need to be removed from the site. The proposal, while relating to the topography, provides built form at the levels where contamination will be removed.

The proposal maintains the same height through the building along the southern edge and does not step down. This has been largely a result of providing as many seniors housing units and beds as possible to meet both the demand and the economic criteria for the development. The proposed design concentrates bulk in a portion of the site where it is not readily visible from the public domain.

In addition, the design provides consistent floor levels on the sloping site. Further discussion on the relationship between the proposed height and the underlying topography is contained in the revised Clause 4.6 document."

Buildings at Rear of Site

The applicant submits:

"While the proposal does not provide an additional rear setback above four storeys, the revised design provides a significantly enhanced interface with the adjoining bushland. Level 7 has been relocated to the middle building (B) and will not contribute to the bulk at the bushland interface. Importantly, the non-compliance will not result in adverse visual impacts as the building will not be readily visible from the golf course. Elevations adjoining bushland will be highly articulated which will soften the built form.

Accordingly, regardless of the non-compliance, the building provides an appropriate interface with the bushland as discussed throughout this response and in the Bushland Report."

The applicant also points to the public domain objectives and submits that these objectives are satisfied by the revised development design. In particular:

- *"Creating a development of design excellence for seniors living ensuring the development is compatible with surrounding residential buildings;*

Response: *The proposed design has been refined to provide a high quality seniors housing development that is compatible with the surrounding residential buildings. This is achieved through creating the appearance of a two to three storeys to Longueville Road, with the steep topography towards the east facilitating six storeys at the rear. The amenity of neighbours to the north and south has been an important design criterion.*

- *Enhancing the connectivity and access to natural and recreational amenity between Longueville Road and the golf course and country club;*

Response: *The proposal enhances connectivity and access to recreational amenity by providing a public park near Longueville Road, which connects with the golf course through a new landscaped through-site link. The proposal has also been amended to preserve significant bushland to the north and east and will introduce new landscaping that is endemic to the area.*

- *Preserving and enhancing the native bushland;*

Response: *The proposal is set back from the side and rear boundaries to enable native bushland to be preserved. This is shown in the architectural plans submitted separately.*

- *Minimising interruption to visual connection to Longueville Road;*

Response: *The visual connection to Longueville Road will be provided by compliant building side setbacks and access to the through-site link.*

- *Ensuring that buildings are aligned to address the street and provide articulation.*

Response: *The proposal provides a high level of articulation to the street, creating visual interest and maintaining compatibility with the scale of surrounding development."*

It is also relevant to consider the objectives of the development control plan in the context of Section 3.42 of the *Environmental Planning and Assessment Act, 1979*:

The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development:

- (a) giving effect to the aims of any environmental planning instrument that applies to the development,*
- (b) facilitating development that is permissible under any such instrument,*
- (c) achieving the objectives of land zones under any such instrument.*

The provisions of a development control plan made for that purpose are not statutory requirements.

It is considered that the numerical departures from the development control plan are acceptable in that the objectives for development of the site have been achieved. The departures create marginal if any additional impact and are not considered to detract from the outcome of a high quality seniors living development which is compatible with the surroundings.

5.4 Matters Prescribed by the Regulations

Clause 92 of the Environmental Planning and Assessment Regulation 2000 requires the consent authority to take into consideration the provisions of AS2061 for a development application for the demolition of a building. As the proposal includes demolition of building this matter has been considered and an appropriate condition of consent is included in Attachment 6.

5.5 Likely Impacts of the Proposed Development

5.5.1 Impacts on the Natural Environment

The topography of the site involves considerable fall from west to east. Parts of the site have been filled with imported material and “benched” to provide the existing bowling greens. The proposal will remove the existing fill and undertake excavation to accommodate the development, including car parking. Although the landform would be changed from existing, the excavation and construction proposed results in a site that slopes considerably from west to east, which is similar to the overall natural landform.

The proposal removes a number of trees from the site and this is supported in an arborist report submitted with the application. Extensive landscaped open space area is provided in the form of communal courtyards, a public park and a linear through site link. Planting of trees, shrubs and groundcover is provided throughout the site which complements the existing bushland to the east. The proposed landscaping also improves the scenic impacts of the building and provide functional outdoor recreational spaces for residents and visitors. A landscape concept plan prepared by Taylor Brammer Landscape Architects has been reviewed by Council’s Landscape Officer and is acceptable.

Rainwater and stormwater are re-used by the development where possible. The stormwater design includes appropriate measures to minimise any impacts on water quality. The applicant states that demolition and construction work will follow best practice guidelines and

every effort will be made to ensure that dust particles and other waste products are contained on-site. This is outlined in a Construction Management Plan prepared by ADCO Constructions and submitted separately.

5.5.1 Impacts on the Built Environment

(I) Character

The immediate locality is predominantly a mix of high density and low density residential accommodation, with a golf course and Buddhist Temple in close proximity. The proposal presents a high quality two storey façade to Longueville Road and takes advantage of the topography of the site by increasing in the number of levels towards the rear of the site. The subject land is the largest development site within the relatively small area which is zoned R4. Although the proposed building is large in comparison to nearby low density residential development, it can be seen from the image below that the building footprint on the land compared to proposed private and public open space within the site is in character with the surrounding land. Indeed some 3,251m² or 35%% of the site is dedicated to deep soil planting.

Figure 6: Building Footprint (shown in red)



The provision of a public park, café and small shop at the front of the development would create an active street frontage and an interface between the public and private land. The publicly accessible pedestrian link from Longueville Road to the golf course at the rear also assists in enhancing the public/private interface.

Photomontages and street elevation prepared by the applicant demonstrate how the proposal is in character with the established streetscape.

Figure 7: Photomontages Looking North & South Along Longueville Road. Source: Thomson Adsett Architects



Figure 8: Street Elevation. Source: Thompson Adsett Architects



It is considered that the proposal is in keeping with the character of the locality.

(II) Amenity and Privacy

The configuration of the of the building (in three wings) provides sufficient separation to afford privacy to the future residents. The design of the buildings around two large north facing courtyards also maximises the amenity for future residents.

In relation to adjoining properties to the north it is noted that proposed buildings A and B are setback 12 metres from the boundary up to level 6 and 13-14 metres on level 7. Building C is setback some 25 metres from the northern boundary. The area between the buildings and the northern boundary is proposed to be densely landscaped to provide the west to east pedestrian connection from Longueville Road to the adjoining golf course.

It is considered that the building design combined with existing and proposed landscaping maintains appropriate amenity for residents to the north of the site.

Assessment of the impact on the amenity of the residents adjoining to the south in the “timbertops” building is a little more complex. This was recognised by the Council planners who were pro-active in identifying these neighbours as key stakeholders and facilitated a number of meetings with them and the applicant to ensure that they were afforded every opportunity to be heard. As a result, the applicant made a number of amendments including moving the partial seventh level to the west and setting it back further from the south, incorporating “timbertops” driveway access within the development access and providing additional articulation and varied finishes on the southern elevation.

The design of the building to provide north facing courtyards has effectively created a long continuous elevation to the south. The setback to the southern boundary varies between 10-11m from buildings A & B to 12-18m for building C. It is noted that the partial seventh level is set back some 21m from the southern boundary. The long southern façade is perhaps exacerbated by the need to provide a shared driveway with the “timbertops” building and the consequential limited opportunities for deep soil planting along the boundary. Due to the existing garage access being on the northern side of the timbertops building there is very

little landscaping provided on the northern side of the timbertops site. The following diagram shows the distances between the two buildings.

Figure 9: Relationship of proposal to building to the south. Source: Thomson Adsett Architects

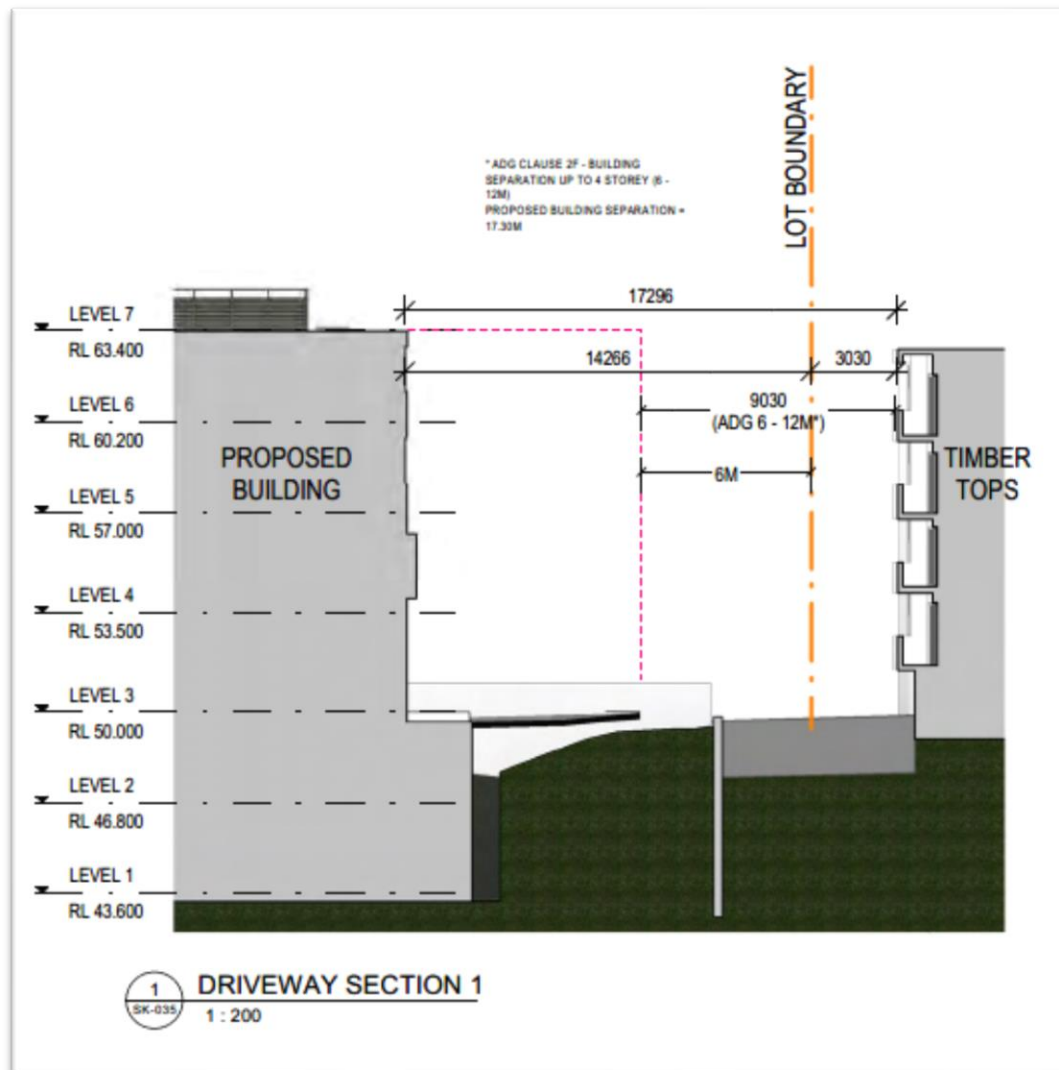


Figure 10: Southern Elevation: Source: Thomson Adsett Architects



It is noted that not all levels can be viewed from the south as the lower two levels are below the level of the driveway. The applicant has varied the balconies from the original plans, reducing the setback of some and providing planter boxes to others.

The applicant has provided a perspective from Longueville Road along the proposed driveway which demonstrates the relationship between the proposed building and the “timbertops” building to the south.

Figure 11: Relationship to “timbertops” Building. Source: GSA Planning SEE



It is unfortunate that the site is constrained by the need to formalise the present informal access to timbertops and the requirement to provide an acceptable driveway gradient and this has created limited opportunity for a landscaped buffer between the two buildings. In response to comments from the timbertops residents, the applicant has included additional planting zones around the driveway where possible.

To provide better amenity for the residents to the south it is considered that additional deep soil planting should be introduced along the southern boundary. A 2-metre wide strip could be achieved by narrowing the width of the driveway by 1 metre (which still retains a minimum width of 6 metres) and by moving the proposed building 1 metre to the north. Given the design of the northern side of the building and the large setbacks to the northern boundary, it is considered that this would not create any additional amenity impacts on residences adjoining the northern boundary. However, a more suitable visual screen and landscape buffer will be provided to the south.

A deferred commencement condition is proposed requiring submission of amended building plans and landscaping plans to Council for approval prior to the consent becoming operative to achieve a greater buffer to the southern boundary.

(III) Solar Access and Overshadowing

Detailed shadow diagrams including 3D analysis are submitted with the development application. The initial design, which included a partial seventh storey at the eastern end of the building, had the following impacts on the residential flat building adjoining to the south, as described by the applicant:

“At 9am, shadows will be cast over Longueville Road and over the majority of north facing windows of No. 268 Longueville Road, with the exception of approximately six habitable windows. At 10am, shadows will be cast over approximately 50% of the north facing windows of No. 268 Longueville Road. The extent of overshadowing progressively decreases from 11am onwards.”

At 3pm, shadows will be cast over four north facing windows of No. 268 Longueville Road that are located at the lowest level. The remaining habitable windows will have solar access. The shadow diagrams indicate that the majority of north facing habitable windows will receive approximately three hours of solar access between 9am and 3pm in mid-winter."

The applicant was asked to consider relocating the partial seventh storey further to the west, so as to minimise overshadowing to the south. In response, the application was amended to relocate the partial seventh level from building C to building B (ie a more central position from west to east) and to set back some 10 metres from the southern edge of the building at the top of level 6. The applicant has confirmed that the Level 7 shadow falls wholly within the level 6 roof and has no additional shadow impact on the adjoining building to the south.

The applicant submits the following in support of the amended design:

"In addition, the design has retained an acceptable level of solar access for the neighbours to the south. These solar diagrams, prepared by Mr Steve King, also form part of this documentation. His report concludes:

"In my considered opinion overshadowing impact of the proposed aged care and independent living unit development on neighbouring residential property is so small as to be negligible."

Following a review of all shadow diagrams and relevant information, it is considered that the minor overshadowing of windows of the adjoining building to the south is within accepted current practice and would cause minimal impact on the amenity of residents. Moving the building 1 metre to the north as proposed in draft deferred commencement condition (II) will lessen this impact further.

It is noted that the bushland to the east is only marginally affected by overshadowing from 3pm. The dwellings located to the north of the site would not be impacted.

Accordingly, it is considered that the impacts of the proposal in terms of solar access are acceptable.

(IV) Views

Both the original development design and the revised design have been reviewed by Dr Richard Lamb on behalf of the applicant. Dr Lamb's review includes an analysis of the impacts in line with the Tenacity Planning Principle on View Sharing and relevant case law relating to buildings which are non-compliant with a height control.

In terms of public domain impacts, Dr Lamb comments that:

"The appearance of the development in the street is restrained, of human and residential scale and appropriate to the intended use. The entry is inviting and is visually and physically permeable. The intended materiality appears to be relevant to the adjacent residential context. The landscape plans will have the effect of setting the proposal into the existing leafy setting. The increased retention of existing trees will be a benefit in this regard."

Dr Lamb concludes:

"The analysis carried out above showed that the proposal would make a minor but significant improvement in the visual amenity of the site. Increased articulation of the southern façades, driveway design, landscape design, provision of tree planting and retention of existing

vegetation would all contribute to a higher level of amenity, in particular with the southern neighbour, Timber Tops.

The analysis also showed that the amended proposal would not cause significant view loss or overlooking. In addition, the part of the building that is not compliant with the development standard for height of buildings, Level 7, is predominantly not visible, or where it is visible, would not cause significant impacts on the streetscape, or the loss of valued items in views in Tenacity terms. The proposed amended building would not cause any significant increase in view loss, compared to a fully compliant building.

Following this analysis and the application of relevant planning principles to considering the merits of the non-compliance with the development standard for height of building, the application is considered reasonable. We consider that the proposal is satisfactory with regard to view sharing and a Clause 4.6 request to vary the development standard for height of buildings, in that regard, can be supported."

It is agreed that the visual appearance of the proposal is acceptable and that the appropriate view sharing principle has been applied to potential view loss. I am therefore satisfied in relation to the visual impact of the proposal.

5.5.1 Access, Transport & Traffic

(I) Access,

Longueville Road is a local unclassified road which is owned and managed by Council. The subject land is located to the north of the signalised intersections of Kenneth Street and River Road West, which is classified as a regional road.

Access to the development is proposed by a one-way vehicle entry from Longueville Road to a street level portico at level 5 located some 30 metres north of the southern boundary, and a two-way driveway located along the southern boundary which accesses the basement car park and service areas. Both driveways are treated with left in-left out restrictions. This southern driveway also provides vehicular access to the adjoining "timbertops" apartment building.

The application is accompanied by a traffic and parking assessment report prepared by Varga Traffic Planning Pty Ltd. This report carried out peak hour traffic flow surveys which reveals that two-way traffic flows past the site frontage were in the order of 700 vehicles per hour during the morning and afternoon peak periods.

The projected traffic generation for the proposal is 61 vehicle trips per hour in the commuter peak period. The traffic consultant modelled the additional movements on the driveway intersection with Longueville Road (restricted to left in-left out movements only) and the intersections with River Road West and with Kenneth Street using the SIDRA Network Capacity analysis. The results are reproduced below:

TABLE 1 – RESULT OF SIDRA ANALYSIS				
LONGUEVILLE ROAD & RIVER ROAD				
	EXISTING		PROPOSED	
	AM	PM	AM	PM
Level of Service	B	B	B	B
Average Vehicle Delays	17.6	17.1	18.0	18.1
Degree of Saturation	0.593	0.606	0.605	0.778

TABLE 2 – RESULT OF SIDRA ANALYSIS NORTHWOOD ROAD & KENNETH STREET				
	EXISTING		PROPOSED	
	AM	PM	AM	PM
Level of Service	A	B	A	B
Average Vehicle Delays	10.6	19.2	11.0	22.4
Degree of Saturation	0.852	0.820	0.852	0.841

TABLE 3– RESULT OF SIDRA ANALYSIS LONGUEVILLE ROAD & SITE ACCESS DRIVEWAY				
	EXISTING		PROPOSED	
	AM	PM	AM	PM
Level of Service	A	A	A	A
Average Vehicle Delays	0.0	0.1	0.2	0.3
Degree of Saturation	0.241	0.193	0.241	0.192

It should be noted that with an existing level of service of “A” and “B”, these intersections are operating well and have spare capacity. The analysis demonstrates that projected traffic generated by the proposed development during peak times would have a negligible impact on the existing intersections and that the level of service for both intersections would not change.

As detailed in section 5.1.4 of this assessment report, the application was referred to NSW Roads and Maritime Service (RMS) in accordance with State Environmental Planning Policy (Infrastructure) 2007.

1. Any proposed access to the site shall be relocated to the far north western extent of the property further away from the traffic signals of Longueville Road/River Road West.
2. All vehicular access to the subject development shall be restricted to left in/left out (LILO) movements on road safety and network efficiency grounds. In this regard, a triangular raised median should be constructed at the driveway (within the property boundary) and the driveway splayed/angled to physically prevent vehicles turning right to/from the development.
3. A typical driveway design plan for LILO movements has been attached for your reference. An “All Traffic Left” sign is to be installed within the property boundary at the driveway (facing motorists exiting the site) as part of the development to enforce vehicles to exit the site in left turn only.
4. In accordance with AS 2890.1- 2004 (Parking Facilities, Part 1: Off-street car parking), the driveway shall be a minimum of 5.5 metres in width for a minimum distance of 6 metres from the property boundary.

5. All vehicles shall enter and exit the site in a forward direction. A swept path plan, demonstrating vehicles entering and exiting the site in a forward direction, shall be submitted to Council

Comments 2 to 5 are matters which are normally required by Council for a development of this type and scale. The comment in relation to relocating the driveway was referred to the applicant to address. The applicant advised that the topography of the site combined with the need to satisfy maximum driveway gradients and the need to incorporate access to the adjoining timbertops apartments meant that relocation of the driveway was not feasible.

As the advice is a matter for consideration and not part of the integrated development process, clarification was sought specifically in relation to comment 1 concerning the location of the driveway. A response was received from RMS on 24 April 2018 which relevantly states:

"Therefore, given the status of Longueville Road being a local road under the care and control of Council and Council being satisfied with the access arrangement inclusive of consideration on grounds of traffic safety and network efficiency, Roads and Maritime plays an advisory role given that the development application will not have a significant traffic impact on the classified road network."

This matter has been a contentious issue with a number of submitters criticising the location of the driveway, claiming that it is controlled by the Lane Cove DCP.

The relevant section of Lane Cove DCP 2010 states that vehicle entry should be limited to one access point to Longueville Road and utilising existing egress/easement. It is noted that there are two existing access points to Longueville Road, neither of which contain an easement. Therefore, it would appear that the DCP does not fix the location of the access.

"Timbertops" contains 23 apartments and was approved in 1969. The approval indicates that the driveway access was to be constructed over the subject land which was at that stage used by the public for a bowling club and greens. Clearly, this approval pre-dates the provisions of the current Local Government Act in relation to how Councils manage public land, and it would have been reasonable to assume that there would be no change to the status or use of land in the future.

This development presents an opportunity to legalise the access and improve safety with movements limited to left in-left out. Proposed condition No. 2 of the consent requires the creation of a legal right of carriageway on the title of the subject land in favour of the "timbertops" land prior to issue of an occupation certificate.

Based on the traffic analysis prepared by the applicant, the comments provided by Roads and Maritime Services, and the likely traffic generation, it is considered that the location of the proposed access is acceptable and would not adversely impact the nearby intersections.

(II) Public Transport

There are three bus routes travelling along Longueville Road past the site comprising regular services to North Sydney and the City. More than 110 buses travel past the site on weekdays, with a peak hour frequency of 8 services per hour). 60 services are provided on Saturdays and 30 on Sundays and public holidays. All of these services traverse the Lane Cove village and the bus interchange with other connecting services to Epping, Chatswood and St Leonards rail stations and the medical facilities in the vicinity of Royal North Shore Hospital.

There is a bus stop and shelter located in front of the site. This will be relocated to another location in front of the site as part of any development consent.

It is considered that the site is extremely well serviced by public transport.

(II) Parking

Parking is provided for 122 cars within a two-level basement accessed by the driveway along the southern boundary. A drop off / pickup area is located at the front of the building which has the provision for bariatric ambulance parking.

Part 7 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 lists the standards that cannot be used as grounds to refuse consent. The parking standards relating to residential care facilities and self-contained dwellings are:

Residential Care Facilities

parking for residents and visitors: *if at least the following is provided:*

- (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and
- (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and
- (iii) 1 parking space suitable for an ambulance.

Self-contained Dwellings

parking: *if at least the following is provided:*

- (i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or
- (ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.

The development contains 70 residential care beds and 82 self-contained dwellings which contain a total of 153 bedrooms. 35 staff would be employed by the operator. Therefore, a total of 101 parking spaces are required (7+17.5+76).

The development provides 122 parking spaces and a dedicated ambulance parking space. Therefore, it is considered that parking provision is both adequate and compliant.

5.5.2 Social Impacts

The applicant submits:

"Lane Cove is experiencing a progressively ageing population. ABS Census data indicates that the Lane Cove LGA is experiencing an increase in the number of people over 65 years of age, from 12.5% of the population in 2006 to 13.2% in 2011. The Draft North District Plan estimates a substantial increase in the number of people in the 65-84 and 85+ age brackets over the next 20 years. Accordingly, there will be an increasing demand for aged care accommodation.

In our opinion, a seniors housing development on the subject site will have substantial social and economic benefits within the Lane Cove municipality and wider community. The proposal will enable residents of the Lane Cove community and surrounding areas to access a wide range of aged care and self-care accommodation, in a location that has access to primary bus routes and alternate forms of transport. The building provides high quality "Ageing In Place" accommodation which is in limited supply in the Lane Cove LGA.

Additionally, future residents will have access to on-site cultural and recreational facilities. This is in addition to the existing retail, commercial, health, recreational, community, cultural and transport services in the nearby Lane Cove Village and surrounding suburbs.”

In my opinion the proposed development would have a positive social impact on the locality and the wider Lane Cove LGA by providing accommodation and services in a suitable location to meet the demands of an aging population.

5.5.3 Economic Impacts

The proposal would provide short term employment opportunities during demolition and construction and long-term employment with some 35 operational staff. In my experience, large developments such as that proposed also provide significant ongoing opportunities for local contractors in servicing the buildings, plant and equipment.

It is considered that the development would have a positive economic impact.

5.5.4 Public Domain

The public domain is well served by this development. A small park is provided in the north-west corner of the site and a public pathway is provided linking Longueville Road with the adjoining golf course to the east.

5.6 Suitability of the Site for the Proposed Development

It is considered that the site is suitable for the proposed development. It is located within an established residential area with access to existing utility services. The site is extremely well serviced by public transport and is only some 800m from Lane Cove village, where a number of shops and services are available. It is also that the site would be remediated to remove contaminated fill which was imported to the site many years ago.

The site has appropriate physical characteristics to support a development of this scale, while minimising impacts to surrounding properties.

5.7 Submissions Received

The application was notified to surrounding residents initially on 21 August 2017, with submissions closing on 29 September 2017. The notification letter invited residents to a community information evening on 20 September. Some 70 members of the public attended the information session. The applicant and their consultants presented the proposal and answered a number of questions. Approximately 20 members of the public asked questions and/or explained their concerns about the proposal. The closing date for submissions was extended by Council to 4 October 2017.

Upon receipt of amended plans, the application was further notified from 25 May to 18 June 2018 and 97 submissions were received in response.

Early in the consultation process, Council identified the adjoining “Timbertops” residents as key stakeholders due to their close proximity to the proposed development and their interest in maintaining access to Longueville Road. Council was proactive in facilitating meetings with them and the applicant and also arranged separate meetings with them and myself during my assessment of the application.

A full review of the matters raised in those submissions is provided as Attachment 7 to this report.

5.8 The Public Interest

It has been demonstrated by the applicant that the environmental impacts of the proposal are minimised and are acceptable. Although some 283 submissions were received which are critical of the proposal for various reasons, **it is considered that there is a greater public interest in this development proceeding, so as to meet increasing demand for seniors housing and services in accessible locations.**

6. Conclusion

The application has been assessed having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979 and the provisions of relevant environmental planning instruments as detailed in this report. 283 submissions were received in response to the two public notification periods. A number of design amendments have been made by the applicant to address concerns raised. Having reviewed the submissions received and having met with key stakeholders, it is considered that the proposal is acceptable.

The proposal satisfies all relevant statutory requirements and represents a high quality design outcome. In my opinion, the height of the building does not create adverse environmental impacts on surrounding properties and the requested departure from the height of buildings development standard is considered reasonable in the circumstances.

Potential impacts of the development are minimised through design and proposed conditions of consent where appropriate. It is considered that the site is suitable for the proposed development and that there is significant public interest in providing this facility within this accessible established residential area.

As detailed in this report, it is considered that a deferred commencement consent would be appropriate to ensure that the stage 2 contamination investigation is completed and that the driveway is modified to Council's satisfaction. The application is therefore recommended for approval subject to the conditions of consent listed in Attachment 6.

7. Recommendation

That the Sydney North Planning Panel, as the relevant consent authority, grant consent to Development Application No. DA0117/2017 for construction of a seniors housing development comprising 70-bed residential aged care facility, 82 independent living units/self-contained dwellings, with basement car parking for 122 vehicles, new public park and facilities and landscaped through-site link, in the form of a deferred commencement consent subject to the conditions of consent listed in Attachment 6.