

OUR REF: JOB NO. 16229

6 July 2021

The General Manager
Lane Cove Council
48 Longueville Road
Lane Cove NSW 2066

95 paddington st, paddington nsw 2021
ph: 02 9362 3364 fax: 02 9362 3073
email: info@gsaplanning.com.au
www.gsaplanning.com.au
ABN 89 643 660 628

Attention: Mr Rajiv Shankar

Dear Rajiv,

**RE: SUBMISSION ON SITE COMPATIBILITY CERTIFICATE NO. 3 FOR NEW SENIORS HOUSING
DEVELOPMENT AT NO. 266 LONGUEVILLE ROAD, LANE COVE (DA-117/2017)**

On behalf of Australian Unity (AU), we hereby make this submission in respect of the above-mentioned Site Compatibility Certificates (SCC No. 3) for consideration by Council's consultant, Council and the Sydney North Planning Panel (SNPP).

In finalising SCC No. 3, the Department of Planning and Environment and the SNPP may not have been aware the detailed consideration given to points 1,2 and 3 contained in the SCC. Indeed, over a five year period, extensive consideration has been given to the buffer zone between the subject site and the E2 Environmental Conservation zone and retaining all trees in that zone; retaining trees 92 and 93; and improving the design of the building to reduce the apparent bulk on the R2 zone to the north and the R4 zone to the south.

Accordingly, this submission describes the extensive consultation and redesign which has occurred to embrace the three points contained in the SCC and provide the architectural drawings and landscaped plans currently before Council which should be approved in their present form. We will now respond to each of the points raised in the SCC in the following paragraphs.

1. E2 ENVIRONMENTAL CONSERVATION ZONE

Since the preparation of the bid document in 2015 one of the main criteria has been recognition and protection of the E2 Conservation Zone. Extensive studies were undertaken in 2012 by Applied Ecology Pty Ltd who were engaged by Council, and experts engaged by the Applicant who established guidelines for the E2 Zone. Importantly, it was agreed that the ground truthing line would allow for the retention of all trees in the E2 zone and no impact on the bushland. This was recognised in the Independent Assessor's report dated 11 July 2018 (Page 9) when he stated:

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

Independent ecological studies by Applied Ecology Pty Ltd and Molino Stewart have found that the ground truthing line will ensure the bushland is protected and that there will not be any trees removed from the E2 zone. In contrast, if the building is set back 10 metres from the boundary of the adjoining E2 zone, it would necessitate extensive redesign, and the loss of 10 seniors housing dwellings with no benefit to the bushland.

Protection management and regeneration of remnant bushlands to the east has been an essential criterion since the Request for Bid was issued by Council in 2015. Throughout the design stage it has always been intended that every effort will be made to protect the bushlands, and a programme is being prepared with Council to regenerate the remnant bushland. The application currently before Council and the SNPP provides a pedestrian link from Longueville Road, central areas of open space, and an environmentally friendly pedestrian through-site link in a location to be agreed between Council and the Applicant. All of these items will give a greater appreciation of this important bushland as well as encourage its regeneration.

It is not proposed to remove any trees from the E2 Environmental Conservation land. As concluded by Council's Independent Assessor, there will be minimal excavation in close proximity to the E2 zone and no trees will be removed.

2. TREES 92 AND 93 WILL BE RETAINED AND PROTECTED

The current design modifies the basement area and car parking to ensure that Tree Nos. 92 and 93 will be retained during the construction. Tree Protection Zones will be provided around these major trees to ensure that no damage is incurred. These trees are seen by AU as being a feature for the site that will provide a highlight for future residents using the outdoor space or enjoying these trees from their apartments.

3. BULK AND SCALE AND THE RELATIONSHIP TO THE R2 AND R4 ZONES

On 11 July 2018, after numerous design refinements a report from Council's Independent Assessor was presented to the SNPP. That report contained a favourable recommendation that the seniors housing development, as amended, be approved. Notwithstanding that recommendation, the panel recommended the application be deferred, and numerous design changes be made to improve the relationship of the proposal to the R2 zone to the north and the R4 zone to the south. In particular, the SNPP recommended the following:

Increase setback on the southern boundary by at least one metre without any decrease on the northern side, while creating a two- metre landscape strip towards Timbertops to provide landscape screening.

The above deferment resulted in a major redesign of the proposed building and southern façade, a redesigned landscape area and an improvement of the proposal's presentation to the adjoining residential flat building to the south known as 'Timbertops'. Two photomontages of the amended driveway and southern facade of the building, and the additional landscaping are included as Attachment A.

The deferment also required additional assessment of the proposal from the north and from the golf course to the east. This visual assessment was undertaken by Dr Richard Lamb who found that it would not be possible to see the proposal from the bushland or golf course to the east and that the proposal would be acceptable when viewed from the north. During this design review, the upper level north facing units were further set back from the northern edge of the building improving privacy for existing dwellings in the R2 Zone.

The deferment also sought an independent peer review of the traffic assessments which were undertaken by Varga Traffic Planning. These traffic assessments included an extensive amount of traffic counts in and around the local area and traffic modelling. The proposal was considered to be acceptable and unlikely to create unreasonable impacts on the road network. However the traffic assessment did assist in the redesign of the driveway, which improved the vehicular access from the street to the basement car parking and to the adjoining Timbertops building.

In this submission, we have only sought to highlight the key design considerations identified in the three points contained in SCC No. 3. Numerous other design changes have been included; the retention of the number of trees in the north eastern corner of the site, retention of additional trees generally throughout the site, improvements to the landscaped area, and enhancement to the presentation of the proposal as viewed from Longueville Road just to mention a few.

In our respectful submission, the three considerations identified in the SCC No. 3 have been dealt with on several occasions to produce the contextual plans and landscape design that is currently before the Council's independent assessor and the Council. We would therefore argue that the application as previously modified and currently before the Council be accepted in its present form.

We trust this information is of assistance to you. Should you require further information, please do not hesitate to contact our office on (02) 9362 3364.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Gary A. Shiels', written in a cursive style.

Dr. Gary A. Shiels
SENIOR CONSULTANT





OUR REF: 16229

16 July 2021

Mr Robert Montgomery
Principal
Montgomery Planning Solutions

Dear Sir,

**RE: ACCEPTABILITY OF THE PROPOSED BUFFER – E2 ZONE
NO. 266 LONGUEVILLE ROAD, LANE COVE**

Thank you for your instructions to provide a response to the conflicting commentary in the NSW Department of Planning, Industry and Environment (DPIE) report relating to the adequacy of the buffer zone on the subject site. The DPIE report concluded that the proposal and buffer are acceptable in their present form.

As stated in our submission dated 6 July 2021, the buffer zone has been the subject of extensive studies by Applied Ecology Pty Ltd in 2012 on behalf of Council, and by Molino Stewart in August 2018 on behalf of the Applicant. These studies have generally concluded that the proposal can proceed in its present form without any significant impact on the E2 zone.

In particular, Molino Stewart in their early investigations in May 2018 observed the following in respect of the land within the west of the E2 zone:

The area...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 under storage species are predominantly exotic and there are few canopy species within this zone that are naturally occurring.

It is also noted that the topography is significantly modified by the historical filling that has taken place. The proposal will remove decades of fill from the site, which will improve the general condition of the soil in the vicinity of the E2 zone.

In our submission, the 10m buffer can be reduced as the proposal will only benefit rather than impact on the E2 zone. The attached diagrams, which include a floorplan and three sections, show the set-backs as proposed (see Attachment A). In its present form, the proposal satisfies the objectives of the DCP in respect of Bushland Protection and the SEPP No. 19 - Bushland in Urban Areas, which I will discuss in the following paragraphs. I will identify the objective and provide a response to each.

1.0 DCP Part H – Bushland Protection (Part H.1 – Objectives)

1. *To protect both public and private bushland from adjacent development which could result in any adverse change to the condition of bushland through altered moisture conditions, increased nutrient levels, soil movement, invasive or inappropriate plant species and proximity of development.*

Response

It is important to again note that this land has been the subject of fill by Council and State Authorities for the past 20-30 years, which contains contaminants. Accordingly, as noted by Molino Stewart, the topography has altered considerably and there is little bushland of any merit between the private land on the subject site and the public land in the vicinity of E2 boundary.

Importantly, as part of this application, the bushland will be regenerated in conjunction with Council. The Molino Stewart report which states; *that the impact on the adjoining bushland would be mitigated through bush regeneration and weed management works*. The report also concludes, that impacts on moisture conditions and nutrients would not be increased as the on-site detention system, treatment and piping to an approved outlet would bypass the bushland.

This objective will be satisfied.

2. *To retain and protect natural topographic features, bushland areas, plant species and communities and native fauna habitat.*

Response

As mentioned above, the topography has altered as a result of the fill. Much of the bushland and native fauna species are not within the buffer area. The proposal will protect the natural topography bushland and plant species as it currently stands. The Molino Stewart report includes mitigation measures and recommendations prior to, during, and following construction.

This objective will be satisfied.

3. *To maintain and regenerate areas of natural bushland which have been defined as an essential character of Lane Cove.*

Response

The proposal will regenerate the bushland as a critical part of the Development Application. It will be restored to being an essential part of the character of Lane Cove. The Molino Stewart report, confirms the relevant areas will be fully protected and regenerated through the development and implementation of management and protection plans, as part of their recommendations.

This objective will be satisfied.

4. *To acknowledge the importance of bushland to the character of the surrounding landscape and value of the locality and its importance to the region.*

Response

The importance of the bushland has been recognised throughout the course of this project and during the design development phase. Although the building will be within the 10m buffer, ecological experts have concluded that it will not impact on the E2 zone.

This objective will be satisfied.

5. *To encourage innovation and attractive designs which acknowledge the importance of bushland areas through the control of building location, building form, soft and hard landscape elements and engineering controls.*

Response

The design has been an iterative process with considerable input from Council, State Government and the general public. The importance of built form and its relationship to the bushland has been front of mind, and the proposal has been located to minimise disturbance to the bushland. BASIX commitments, stormwater management, native landscaping and best practice bushland restoration/regeneration techniques will also form part of the development.

This objective will be satisfied.

2.0 SEPP 19 – Bushland in Urban Areas (Clause 2 – Aims and Objectives)

There are a number of objectives in the SEPP 19, most of which are similar to the DCP. So it is not intended to reply to each. However, these objectives have all been considered in some detail by Molino Stewart. Importantly, all of these objectives can be satisfied by the proposal in its present form.

The E2 zone is relatively extensive and notwithstanding the steep topography, offers an opportunity for wildlife corridors, vegetation links in a north/south direction and throughout the bushland generally.

Finally, further studies by Council and the applicant will ensure that animal communities are retained and embellished.

The objectives in SEPP 19 will be satisfied.

CONCLUSION

It can reasonably be concluded that the proposal satisfies the DCP objectives and the objectives SEPP No. 19 as it relates to bushland. Importantly, the DPIE assessment report for the SCC concludes, inter alia:

The proposal maintains an adequate setback and buffer zone to the existing remnant bushland to the east of the site and demonstrates appropriate management and mitigation techniques to preserve and enhance this bushland.

This DPIE concluding paragraph acknowledges that the aspects needing to be addressed by the recommendations contained in the SCC have already been the subject of extensive review. My involvement with this project over a five-year period has observed that an extensive amount of ecological analysis has been pursued to meet Council's requirements.

I would therefore respectfully submit that the proposal satisfies relevant objectives and this has been acknowledged in the DPIE report. Accordingly, it can be concluded that all of the items contained in Point 2 of the SCC have been satisfactorily addressed by the current proposal.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Gary A. Shiels', with a large, stylized initial 'G'.

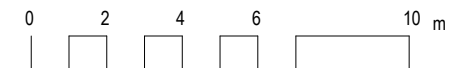
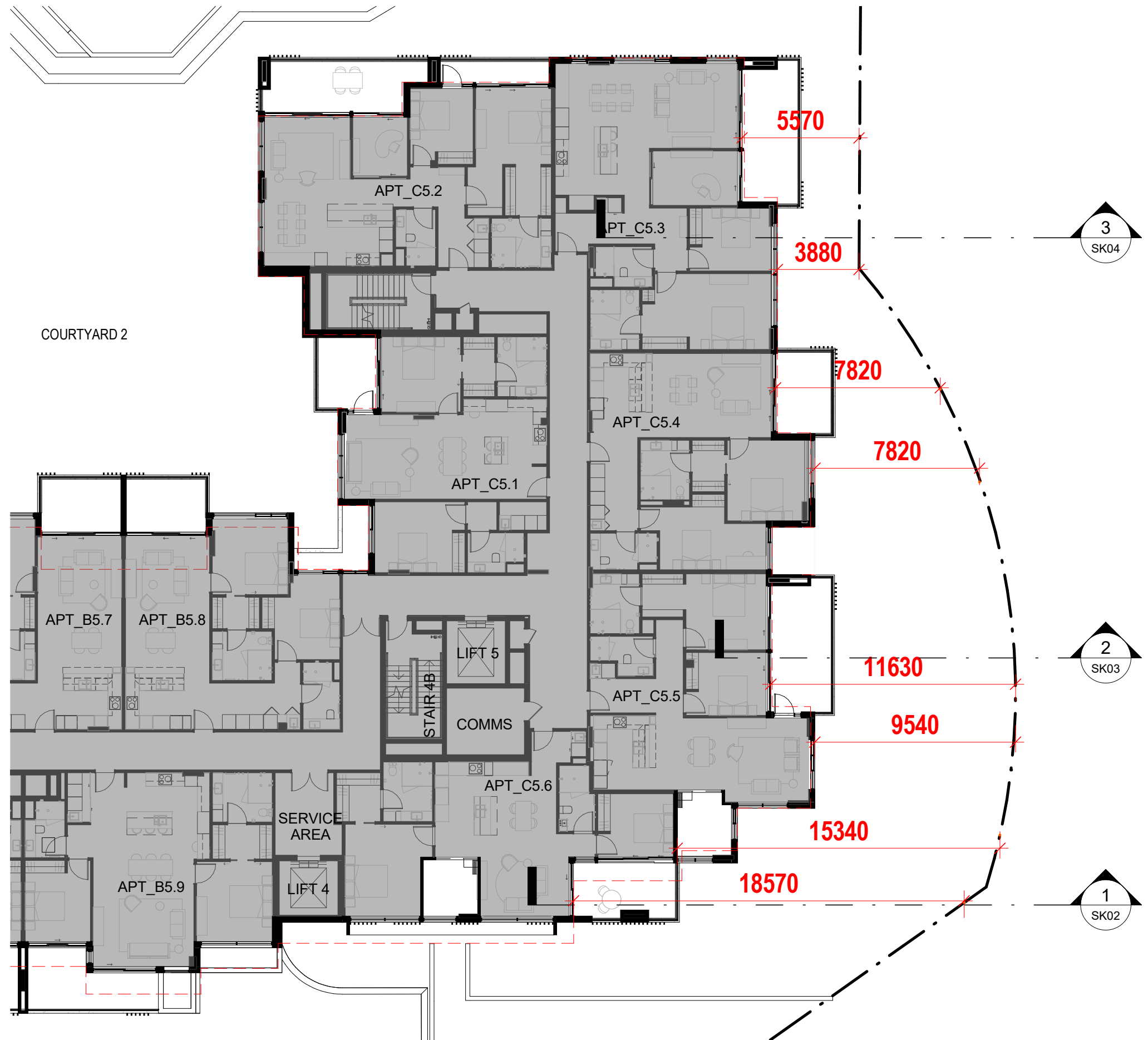
Dr Gary A. Shiels

SENIOR CONSULTANT

PhD (UNSW) M. Urb. Design (Syd)

M. Eng. Sc (UNSW) M. Urb. Studies (Mac) RPIA LF

ATTACHMENT A:
REAR SETBACK PLAN AND SECTIONS



SENIORS LIVING VILLAGE PROJECT

266 LONGUEVILLE RD
LANE COVE NSW

Australian Unity

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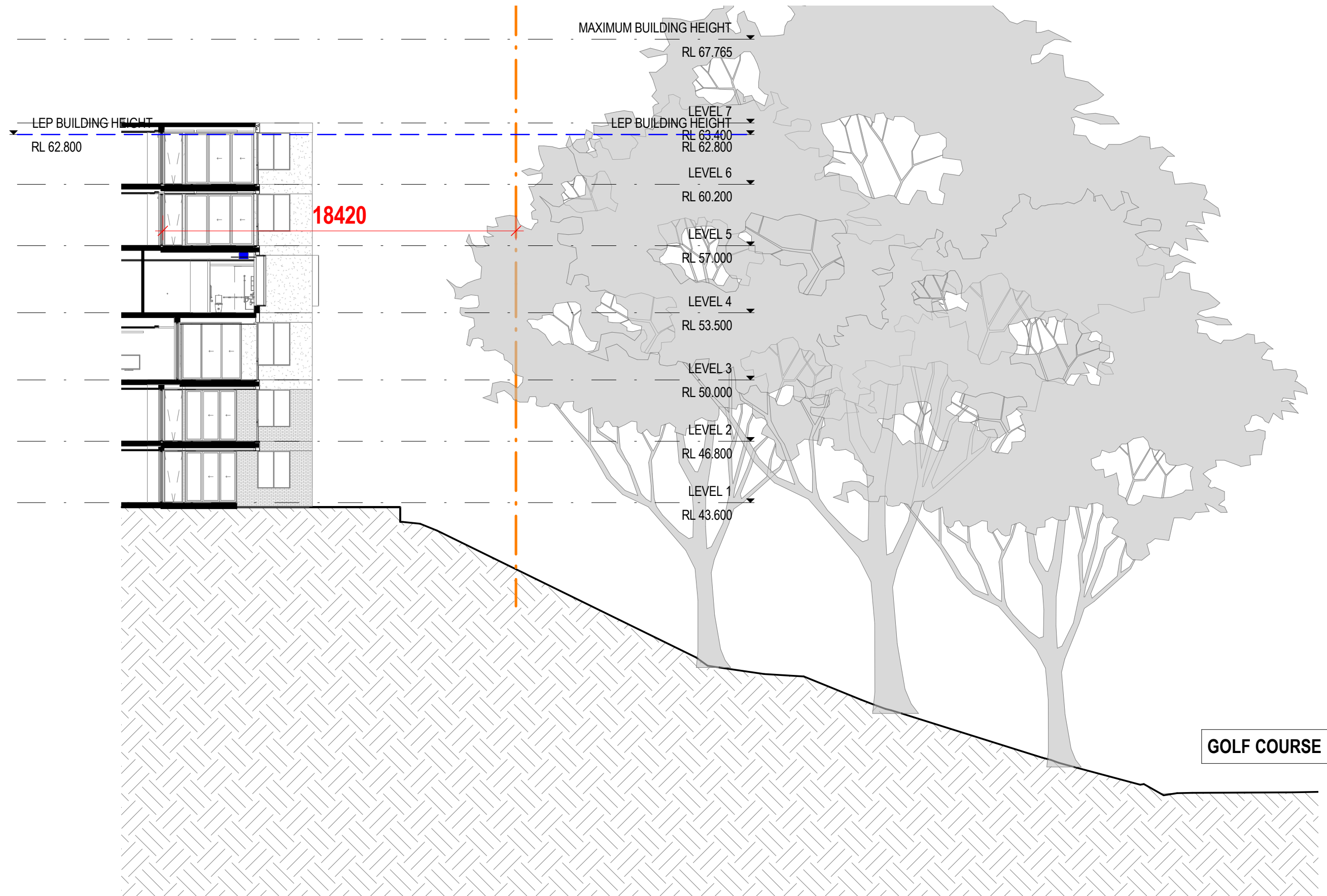
Telephone +61 2 9003 9000
sydney@thomsonadsett.com
Level 2, 66 Wentworth Avenue
Surry Hills
NSW 2010 Australia
thomsonadsett.com.

thomson
adsett

PART SITE PLAN - EASTERN
BOUNDARY

1 : 200 @ A3
SK01

15.07.2021
rev. A



SENIORS LIVING VILLAGE PROJECT

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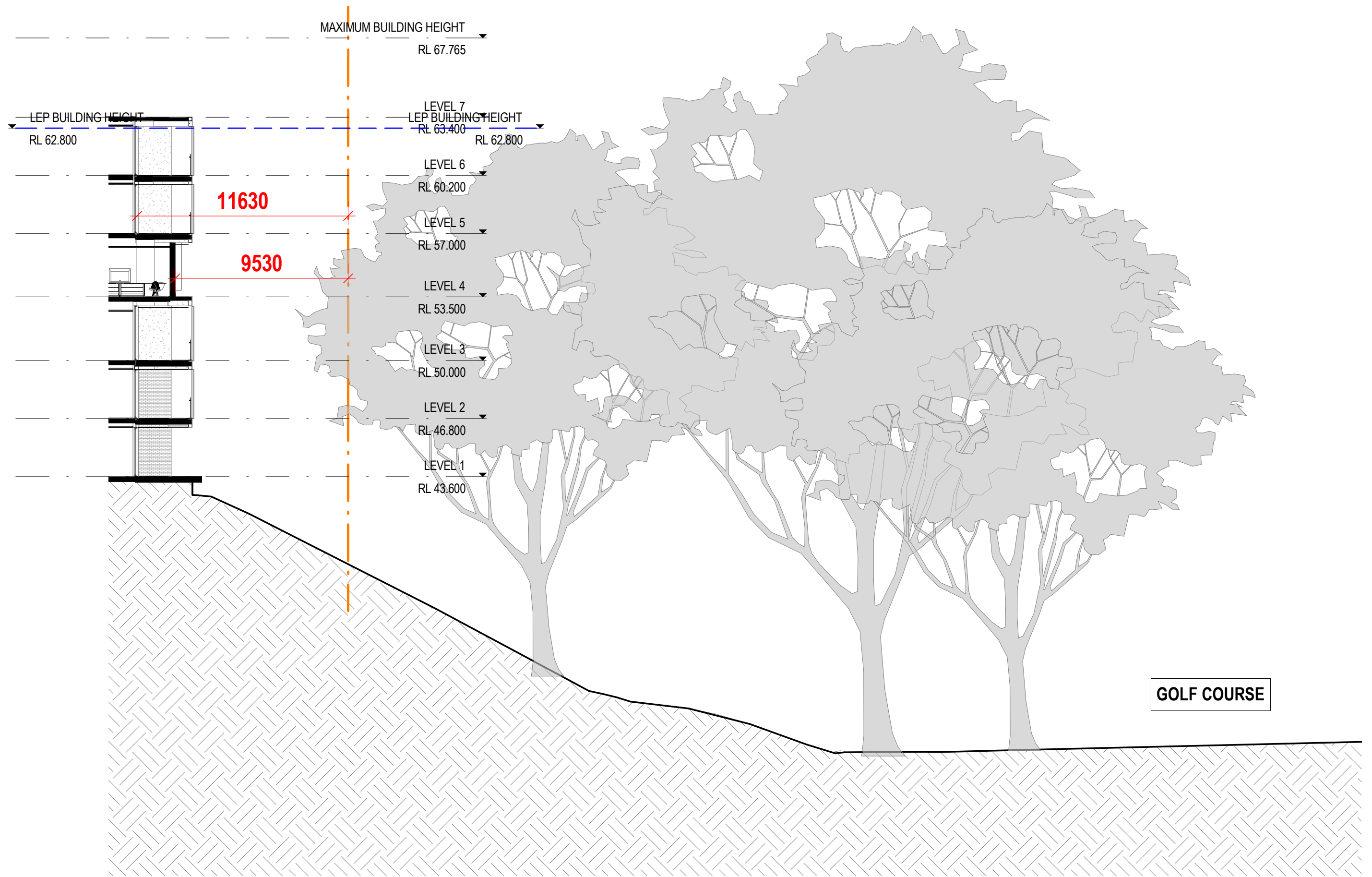
**thomson
adsett**

Telephone +61 2 9003 9000
sydney@thomsonadsett.com
Level 2, 66 Wentworth Avenue
Surry Hills
NSW 2010 Australia
thomsonadsett.com.

**BOUNDARY SECTION 1 - E2
ZONE**

1 : 200 @ A3
SK02

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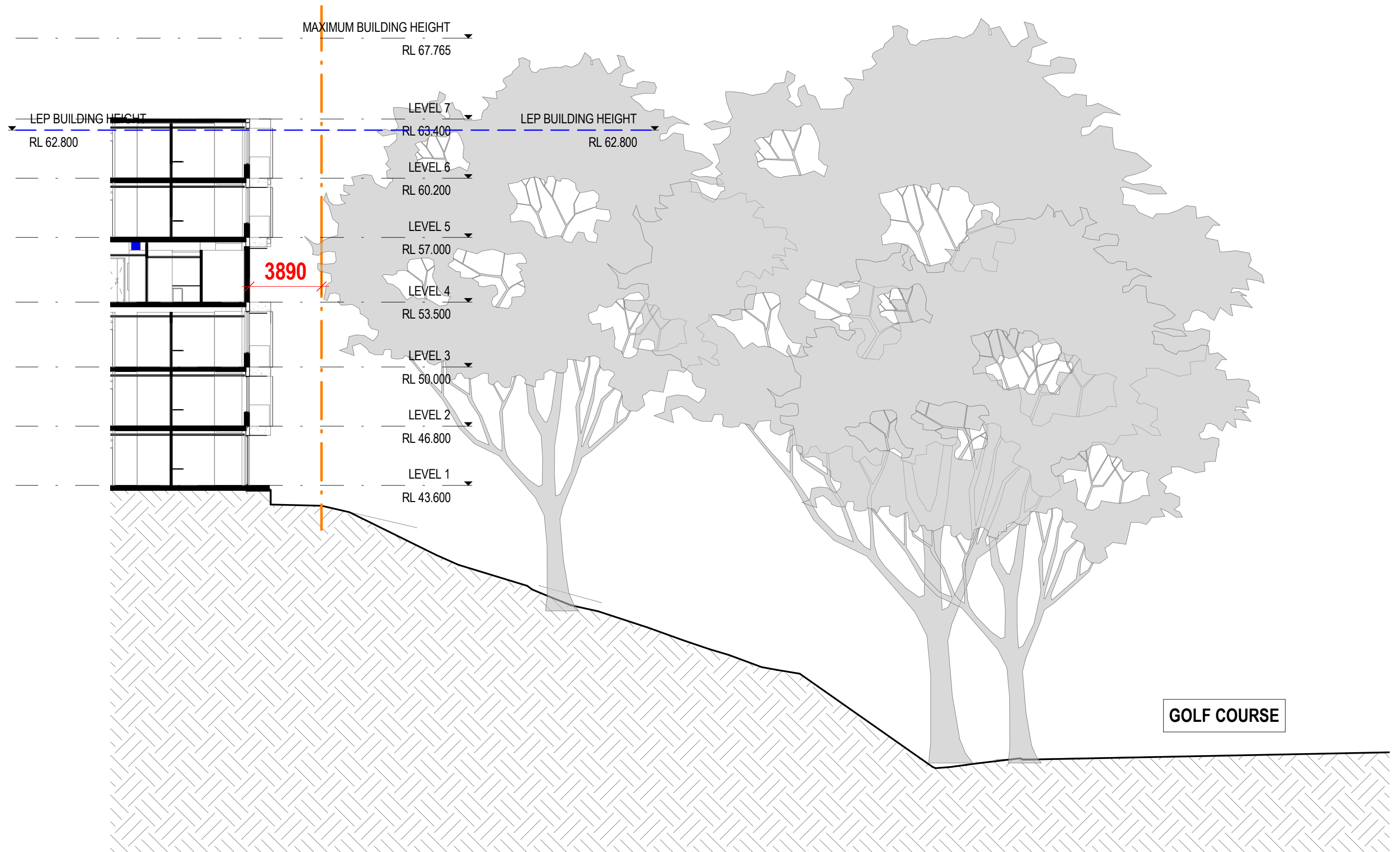
Telephone +61 2 9003 9000
sydney@thomsonadsett.com
Level 2, 66 Wentworth Avenue
Surry Hills
NSW 2010 Australia
thomsonadsett.com.

**thomson
adsett**

**BOUNDARY SECTION 2 - E2
ZONE**

1 : 200 @ A3
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**thomson
adsett**

Telephone +61 2 9003 9000
sydney@thomsonadsett.com
Level 2, 66 Wentworth Avenue
Surry Hills
NSW 2010 Australia
thomsonadsett.com.

**BOUNDARY SECTION 3 - E2
ZONE**

1 : 200 @ A3
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