

RESOLUTION OF THE SYDNEY EASTERN CITY PLANNING PANEL

Background

The Sydney Eastern City Planning Panel (Panel) was requested to consider an application for a site compatibility certificate (SCC) made under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP) for a site at 11-19 Frenchmans Road, Randwick.

The Department of Planning, Industry and Environment (DPIE) provided the Panel with an assessment report and briefed the Panel on 30 September 2021.

The proposal the subject of the SCC is for demolition of existing structures on the site, and construction and operation of a new seniors housing development in the form of a vertical village including construction of a part three, part four-storey building over two basement levels, in part, comprising:

- o A residential care facility for 77 rooms with 86 beds.
- o Two self-contained dwellings, of which one will be affordable housing.
- o A ground floor café, as well as physiotherapy rooms, health consulting rooms and a hairdressing salon, in conjunction with back-of-house and operational areas.

The site is zoned R3 Medium Density Residential under Randwick LEP 2012. Seniors housing is a permitted land use in the R3 zone under the LEP. The subject site also directly adjoins land zoned R3 Medium Density Residential.

Subclause 24(1)(b) of the Seniors Housing SEPP specifies that a consent authority must not consent to a DA unless supported by an SCC where development involves buildings with a floor space ratio (FSR) requiring consent under Clause 45. The Applicant is seeking an SCC, pursuant to Chapter 3 of the Seniors Housing SEPP, on the basis that the proposed development comprises a 'vertical village' under the provisions of Clause 45 of the SEPP. Clause 45 enables a consent authority to consent to a development application with a FSR that exceeds the applicable FSR under the LEP by 0.5:1.

Subclause 24(1A) of the Seniors Housing SEPP states that despite subclause 24(1) SCCs do not apply if the proposed development is permissible with consent on the land concerned under the zoning of another environmental planning instrument. Namely, it does not apply if seniors housing is a permitted land use in the zone under the relevant LEP. The R3 Medium Density Residential Zone under Randwick LEP 2012 permits seniors housing.

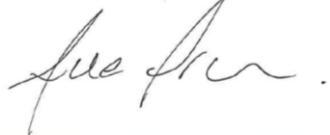

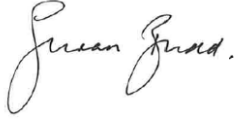


Resolution

This is a resolution of the Panel made on **10 November 2021** in accordance with clause 26, Part 5 of Schedule 2 of the *Environmental Planning and Assessment Act 1979*.



Planning Panels

On consideration of the SCC application and the DPIE assessment report the Panel came to the conclusion that the Panel has no power to issue an SCC for the proposed development due to the operation of subclause 24(1A) of the Seniors Housing SEPP.

 Sue Francis (Acting Chair)	 Graham Brown	 Susan Budd
 Danny Said	 Brendan Roberts	