

SITE COMPATIBILITY CERTIFICATE

RECORD OF DECISION

SYDNEY NORTH PLANNING PANEL

DATE OF DECISION	31 August 2021
PANEL MEMBERS	Peter Debnam – Chair, Julie Savet Ward, Brian Kirk, Annelise Tuor and Graham Brown
APOLOGIES	None
DECLARATIONS OF INTEREST	None

SITE COMPATIBILITY CERTIFICATE APPLICATION

PPSSNH-119 – Northern Beaches - SCC2020NBEAC-2, 25 Laitoki Road, Terrey Hills, the proposal seeks approval for the erection of 54 dwellings for seniors housing (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

By circulation of papers the Panel considered: the material listed at item 5 of Schedule 1; the matters raised and/or observed at briefings; and, site inspections listed at item 6 in Schedule 1.

Based on this information, the Panel determined:

- ☐ to issue a site compatibility certificate subject to satisfaction of certain requirements (as listed in the certificate), because the application has demonstrated that the site is suitable for more intensive development and it is compatible with the surrounding environment.
- ☒ to refuse to issue a site compatibility certificate, because the application:
 - ☒ has not demonstrated that the site is suitable for more intensive development
 - ☒ has not demonstrated the proposed development is compatible with the surrounding environment and land uses having regard to (at least) the criteria specified in clause 25(5)(b) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP).

The Panel authorises the Chair to notify the Applicant, Council and the Department of Planning, Industry and Environment of the Panel's decision to refuse the application.

The decision was unanimous.

REASONS FOR THE DECISION






The Panel considered the findings and recommendations of the Department's Assessment Report, the Applicant's SCC package and Council's comments.

The Panel concurred with the Department's recommendations and conclusion and refused the application for the reasons detailed below:

1. The site of the proposed development is not suitable for more intensive development as proposed, having had regard to the criteria specified in clause 24(2)(a);

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2. The Panel considered the proposed bulk and scale represents an intensification of the land use which is inconsistent with the likely bulk and scale of future uses of land (Clause 25(5)(b)(v) of the SEPP). This intensification is inconsistent with the strategic direction for rural land presented in the North District Plan and Northern Beaches Local Strategic Planning Statement. This is also inconsistent with the intended outcome for the Metropolitan Rural Area although the Panel recognised that the transitional provisions of the SEPP allow the application for this Site Compatibility Certificate to continue to be assessed and determined. However, given the significant change to the likely form of development brought about by these strategic plans, the Panel recognised that weight should be given to these strategic documents in determining the application;
3. The proposed development would result in the removal of 149 trees from the site. Of these, 70 are a higher value category and include parts of the Duffys Forest threatened ecological community. This substantial tree loss to support more intensive development at the site has not been adequately justified and is avoidable;
4. The proposed development conflicts with surrounding RU4 development and is out of character with the predominant low-density landscaped character of the surrounding area;
5. The application fails to demonstrate convenient pedestrian access between the proposed development, Laitoki Road and the nearest bus stop on Booralie Road. Residents living in the houses at the rear of the site would have a total route that is beyond 400m in length to access the bus stop. Their route to the bus stop could also be particularly challenging due to the steep gradients in the site and on Laitoki Road;
6. The proposed development is inconsistent with various priorities contained in the Northern Beaches Local Strategic Planning Statement that seek to protect biodiversity, scenic and cultural landscapes, metropolitan rural areas and local neighborhoods;
7. The cumulative impacts of the proposed development on bushfire safety, including safe evacuation from the locality, is unresolved and inconsistent with Planning for Bushfire Protection Policy 2019; and
8. Future earthworks required to offset the identified unacceptable flood impacts could result in incongruous landscape impacts that are inconsistent with the scenic and rural character of the land.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Julie Savet Ward	 Annelise Tuor
 Graham Brown	

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4PSQ 12 Darcy Street, Parramatta NSW 2150 | Locked Bag 5022, Parramatta NSW 2124 | T 02 8217 2060 |
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SCHEDULE 1

1	PANEL REF – LGA – DEPT REF.	PPSSNH-119 – Northern Beaches - SCC2020NBEAC-2
2	SITE DESCRIPTION	25 Laitoki Road, Terrey Hills
3	DEVELOPMENT DESCRIPTION	The proposal seeks approval for the erection of 54 dwellings for seniors housing
4	APPLICATION MADE BY	Tolucy Pty Ltd C/- Minto Planning Services Pty Ltd
5	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Site compatibility certificate application documentation Assessment report from Department of Planning and Environment <ul style="list-style-type: none"> <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>
6	BRIEFINGS, SITE INSPECTIONS & CIRCULATION OF PAPERS BY THE PANEL	<ul style="list-style-type: none"> Site inspection - site inspections have been curtailed due to COVID-19 precautions. Where relevant, Panel members undertook site inspections individually. Briefing with Department of Planning, Industry and Environment: 31 August 2021 <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam – Chair, Julie Savet Ward, Brian Kirk, Annelise Tuor and Graham Brown Department of Planning, Industry and Environment staff in attendance: Charlene Nelson, Christina Brooks, Jarred Statham, Geoff Kwok and Brendan Metcalfe Papers were circulated electronically between on 6 August 2021

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