



# **Statement of Environmental Effects**




Mixed use development  
including residential aged  
care facility

4-18 Northwood Road and  
274-274A Longueville Road, Lane Cove

Submitted to Lane Cove Council  
On Behalf of Pathways Property Group

AUGUST 2020

## REPORT REVISION HISTORY

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## APPENDICES

Appendix	Document	Prepared by
1	Seniors SEPP and DCP Compliance Tables	City Plan
2	Architectural Plans	Morrison Design Partnership Architects
3	Clause 4.6 Variation Request - Height	City Plan
4	Survey Plan	Watson Buchan
5	Arborist Report	Stuart Pittendrigh
6	Geotechnical Report	JK Geotechnics
7	Landscape Plans	Svalbe & Co
8	Traffic and Parking Impact Assessment	McLaren
9	CIV Report	Hugh B Gage
10	BCA Capability Statement	AED Group
11	Access Report	Accessible Building Solutions
12	Acoustic Report	EMF Griffiths
13	Section J Report	Aspire Sustainability Consulting
14	Remediation Action Plan SEPP 55 Advice Letter	EI Australia McCabe Curwood
15	Stormwater Drainage Plans and Stormwater Strategy Letter	Acor
16	Flora and Fauna Assessment	Cumberland Ecology
17	Waste Management Form - Demolition and Construction	-
18	Operational Waste Management Plan	-

## 1. EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE), together with the accompanying Compliance Tables (Appendix 1) have been prepared for Pathways Property Group (Pathways) by City Plan Strategy and Development Pty Ltd (City Plan) to accompany a Development Application (DA) to Lane Cove Council for a mixed use development.

The site includes 4-18 Northwood Road & 274 - 274A Longueville Road, Lane Cove (the site).

Planning for this project began in 2016 with the lodgement of a Planning Proposal (PP) to provide permissibility for a residential aged care facility on the site. The PP was supported by the Sydney North Planning Panel on 2 May 2017 and a Gateway Determination was issued by the Department of Planning, Industry and Environment (DPIE) on 26 September 2017.

Following community consultation, Lane Cove Council amended the PP to introduce a business rather than residential zone on the site to facilitate the development of a residential aged care facility and wellness precinct to support the needs of the aging population. An amendment to the Lane Cove Local Environmental Plan 2009 (LCLEP) was gazetted on 20 May 2020 as part of Tranche 1 of the NSW Government's Planning System Acceleration Program<sup>1</sup>.

The amendment to the LCLEP introduced a site specific clause with the following development controls:

- Zone - B4 Mixed Use
- Maximum FSR - 1.85:1
- Minimum non-residential FSR - 0.35:1
- Maximum building height – 66.25 RL.

The proposed development subject to this development application incorporates demolition, tree removal and site works followed by construction of a mixed-use development including a 143 bed residential aged care facility (RACF) and commercial premises with basement parking and associated landscaping, retaining walls and public domain improvements. Subsequent development application(s) will be lodged for the future use of the commercial areas. Remediation of the site is being undertaken as development without consent in accordance with the Remediation Action Plan and relocation of the existing telecommunications tower will be undertaken under a separate approvals process.

Commercial premises and seniors housing are permissible uses in the B4 zone under LCLEP. Further, State Environmental Planning Policy (Housing for seniors or people with a disability) 2004 (Seniors SEPP) applies to the site. The proposed development satisfies the definition of "residential aged care facility" under the Seniors SEPP.

Development standards for height and floor space are established in the LCLEP.

The LCLEP Floor Space Ratio Map identifies a maximum floor space ratio (FSR) of 1:1 for the subject site. When combined with the additional FSR of 0.85:1 permitted under Clause 6.9(2)(b), the site is subject to a maximum FSR of 1.85:1. The proposal achieves a total FSR of 1.83:1 and therefore complies with the LCLEP.

The proposed development has a maximum height of RL 68.65 at the top of the stair overrun. More broadly, the development comfortably sits below the maximum RL66.25 identified in Clause 6.9(2)(a). The variation to this maximum building height is limited to the building's parapet, rooftop services and stair overrun. Ordinarily these elements may be approved as architectural features and hence permitted to breach the height pursuant to Clause 5.6 of the LCLEP. However, this clause refers to heights established in Clause 4.3 which is not the operable height clause for this site and therefore does not apply. Accordingly, due to this technicality, a Clause 4.6 Variation Request has been prepared to justify the height variation (The

<sup>1</sup> <https://www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Planning-System-Acceleration-Program/Fast-tracked-assessments>

variation request at Appendix 3 demonstrates the proposed elements exceeding the maximum height standard are consistent with the objectives of the zone and height control as they do not contribute to distinguishable bulk, scale or density of the building, and accordingly the proposed minor variation is worthy of support.

The project has undergone detailed contextual analysis and site planning through the PP process and subsequent design development. It represents a high quality, carefully designed response to the unique site characteristics and needs of the future residents. The development presents to Northwood Road as a 3 storey building then cascades down the slope of the site to the rear. Terraced levels take advantage of the easterly views over the adjoining bushland and golf course. Street front activation will be provided through the ground floor commercial tenancies and multiple view corridors provide glimpses to the bushland from the public domain. Setbacks are provided to the rear of the site to minimise potential impact on the adjoining bushland and the proposed landscape scheme incorporates additional bushland regeneration.

Consultation through the PP process identified concerns around vehicle and pedestrian safety at the intersection of Northwood and Kenneth Roads. As requested by the RMS, the driveway entry has been positioned to the south of the site, away from the intersection.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act*, 1979 and Clause 50 of the Environmental Planning and Assessment Regulation, 2000. The SEE:

- describes the proposed development and its context;
- assesses the proposal against the applicable planning controls and guidelines; and
- assesses the potential environmental impacts and mitigation measures.

The SEE concludes the proposal is worthy of approval as it is an appropriate scale and mass for the site, is consistent with the desired future character of the area, is well designed and has no significant adverse amenity impacts.

## 2. SITE ANALYSIS

### 2.1. Site Context

The site is located at 4-18 Northwood Road and 274 - 274A Longueville Road, Lane Cove, and is situated approximately 9km north-west of Sydney Central Business District (CBD). The site is within the Lane Cove Local Government Area (LGA) and is approximately 2km from St Leonards Railway Station and 1km south of the Lane Cove Town Centre and bus interchange.

A context map and aerial view showing the location of the site can be found at Figure 1 and Figure 2.

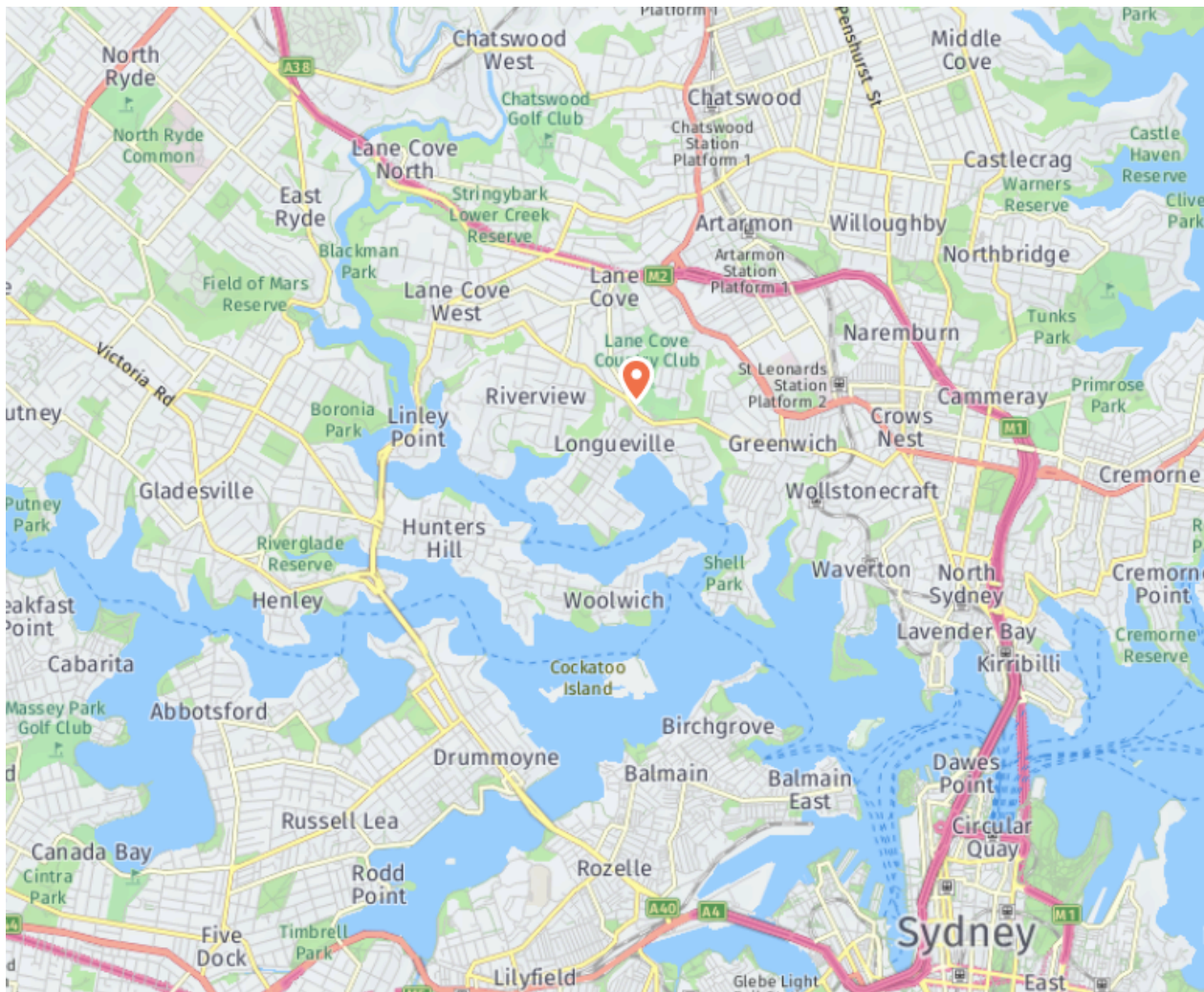


Figure 1: Context Plan, site marked red (Source: Nearmap)





Figure 2: Aerial view, site marked red (Source: Nearmap)

## 2.2. Site Address and Legal Description

The site is located at 4-18 Northwood Road and 274 - 274A Longueville Road, Lane Cove and is legally described as follows:

Table 1: Lot Descriptions

Address	Lot Description
274 and 274a Longueville Road	Lot 1 DP 857133
	Lot 2 DP 857133
4-10 Northwood Road	Lot 1 DP 663462
	Lot 4 DP 321048
12 Northwood Road	Lot A DP 307899
14-14A Northwood Road	Lot B DP 307899
	Lot G DP 307899
16 Northwood Road	Lot C DP 307899
	Lot D DP 307899
	Lot 1 DP 445348
	Lot 2 DP 445348
18 Northwood Road	Lot D DP 370042
	Lot A DP 370042
	Lot B DP 370042

The site cadastral boundaries are shown on the Survey Plan at Appendix 4.

The site has a total area of 5,003 m<sup>2</sup> and a street frontage of 104m to Northwood Road.

The site is located at the intersection of Northwood Road, Longueville Road, River Road West and Kenneth Street, and currently comprises two detached dwellings, a service station and 3 x 1-2 storey buildings with ground floor shops, one of which was previously occupied by a veterinary clinic.

There are currently 40 trees located across the site and immediately adjoining the site that were assessed as part of the Arborist Report (Appendix 5). The Longueville/Northwood Road frontage is the highest part of the site, with the topography falling steeply to the east toward the Lane Cove Golf Course and Gore Creek. Vehicular access to the site is currently available from Northwood Road and Longueville Road. A Site Analysis is included with the Architectural Plans at Appendix 2.

The site contains a telecommunications tower. The applicant is currently in discussions with the telecommunications company in relation to the temporary relocation of the tower, however this application does not seek consent for the relocation.

Images of the subject site are provided in Figure 3 and Figure 4 below.



Figure 3: View of the site from Kenneth St intersection (Source: Google Maps)





Figure 4: View of the site from across Northwood Road (Source: Google Maps)

### 2.3. Surrounding Development

The site is situated within the precinct known as the 'Northwood Neighbourhood Centre' as identified in the Lane Cove DCP 2009. A variety of land uses current surround the site, including:

- a mix of residential typologies to the north, including detached dwellings, town houses and medium density residential flat buildings. A physiotherapist and Buddhist temple are located to the north-west of the site on the opposite side of the intersection;
- a mix of commercial premises including a liquor outlet (Porters) and the Longueville Sporting Club (the 'Diddy') to the west, on the opposite side of Northwood Road;
- low-density detached residential buildings to the south and to the south-west, on the opposite side of Northwood Road, is an existing and a recently shut down service station; and
- bushland to the east, which separates the site from the Lane Cove Golf Course and Gore Creek. Lane Cove Council is currently proposing to redevelop the Lane Cove Golf Course as a recreational precinct, including new driving range, indoor sports courts, tennis courts and restaurants.

Images of surrounding sites are provided in Figure 5 to Figure 8.



Figure 5: Bushland and golf course to the east (Source: Google Maps)



Figure 6: Existing service station to the south across Northwood Road (Source Google Maps)





Figure 7: Longueville Sporting Club to the west (Source: Google Maps)



Figure 8: Residential buildings to the north (Source: Google Maps)

Relevant nearby proposals include the seniors housing development at 266 Longueville Road, Lane Cove to the north of the site, which is currently under assessment (DA-117/2017). The proposal is for the following:

*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.*

DA-117/2017 comprises three (3) interconnected buildings that are separated by landscaped communal open space and will be located above two levels of basement car parking. The site at 266 Longueville Road 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 application is accompanied by a Clause 4.6 Request as the proposal exceeds the maximum building height on the site.

On 11 July 2018, the Panel deferred its decision of the DA, pending further information from the applicant. On 8 January 2019, the Panel agreed to a further extension for the submission of this information until 29 March 2019. On 24 April 2019, Council confirmed that they had received the requested information, however, no timeframe was given for completion of the assessment or for when the DA would be determined by the Sydney North Planning Panel. On 6 July 2019, the Site Compatibility Certificate (SCC) issued for 266 Longueville Road expired. On 14 August 2019, an application for a new SCC for a residential aged care facility containing 70-beds and 82-dwellings was submitted.

At the time of writing this SEE, the assessment of the SCC was being undertaken by the Department and the DA was still undetermined.

## 2.4. Relevant Planning History

The site was subject to a PP which was lodged with Lane Cove Council on 11 November 2016. The PP was supported by the Sydney North Planning Panel on 2 May 2017 and a Gateway Determination was issued by the Department of Planning, Industry and Environment (DPIE) on 26 September 2017.

Following exhibition of the PP, Lane Cove Council resolved not to support the PP on 20 February 2017. Negotiations were undertaken between Council and DPIE to address Council's concerns. The PP was subsequently amended to reduce the height by one storey (maximum RL was reduced from 70.25 RL to 66.25), reduce the FSR from 1.98 to 1.85:1 and include a minimum non-residential FSR component of 0.35:1.

LCLEP Amendment 29<sup>2</sup> was gazetted on 20 May 2020 as part of Tranche 1 of the NSW Government's Planning System Acceleration Program.

The LEP amendment introduced a site specific clause with the following development controls:

- Zone - B4 Mixed Use
- Maximum FSR - 1.85:1
- Minimum non-residential FSR - 0.35:1
- Maximum building height – RL 66.25

In the finalisation report<sup>3</sup>, DPIE outlined that:

<sup>2</sup> <https://www.legislation.nsw.gov.au/EPs/2020-220.pdf>

<sup>3</sup> <http://leptracking.planning.nsw.gov.au/proposal/details.php?rid=4983>



*... the amended controls would result in an appropriately scaled development being three storeys at Northwood Road and five storeys at the rear. This is consistent with the character of similar higher density development in the local area, while being sympathetic to the surrounding predominately low density residential properties.*

On 10 July 2020, DPIE corrected the amended instrument to also allow “medical centres” within the minimum non-residential floorspace. This reflects the original vision of the PP to provide services that support the growing aged care sector in this locality and seniors' wellness generally.

A draft site-specific Development Control Plan (DCP) was prepared and exhibited concurrently with the PP. This draft DCP was never formally adopted by Council. A report to Council seeking approval to exhibit a revised version of the draft DCP which reflects the gazetted clause is to be considered by Council on 17 August 2020.

### 3. DESCRIPTION OF DEVELOPMENT

#### 3.1. Overview

The proposed "mixed-use development" includes:

- The demolition of all existing building and structures, including removal of 11 trees
- Site preparation and earthworks including excavation of one full basement level and two part basement levels
- The construction of a part 3 and part 5 storey building comprising:
  - A "residential aged care facility" (RACF) containing 143 beds and ancillary services
  - 2,051sqm sqm commercial premises and medical centre including ancillary hydrotherapy pool
  - Basement parking for 86 vehicles, 65 bicycles and 6 motorcycles
- Associated landscaping, paving and retaining walls.
- Consolidation of all lots

Subsequent development application(s) will be lodged for the future use of the commercial areas. It is anticipated the commercial area will include retail and business uses such as a pharmacy, hair and beauty salon, and café.

Remediation of the site is being undertaken as development without consent in accordance with the Remediation Action Plan.

Relocation of the existing telecommunications tower is currently being negotiated and will be undertaken in accordance with the Telecommunications Act.

The following table provides a level by level summary of the proposed building:

Table 2: Proposed works and uses for new build.

Basement/Level	Works	Use
Basement (Level 1 on plans)	<ul style="list-style-type: none"> <li>▪ Basement parking</li> <li>▪ Storerooms, plant rooms</li> <li>▪ Staff toilets and change rooms</li> <li>▪ Laundry rooms</li> <li>▪ Medical centre including ancillary hydrotherapy pool and change rooms</li> <li>▪ Pool plant and air-conditioning rooms</li> </ul>	Commercial and RACF
1 <sup>st</sup> Storey (Level 2 on plans)	<ul style="list-style-type: none"> <li>▪ Basement parking including motorcycle and bicycle parking spaces</li> <li>▪ Storerooms</li> <li>▪ RAC services and activity room</li> <li>▪ Lounge, cinema, dining and sitting areas</li> <li>▪ Staff WCs and changerrooms</li> <li>▪ 21 x RAC rooms (27 beds)</li> </ul>	Commercial and RACF
2 <sup>nd</sup> Storey (Level 3 on plans)	<ul style="list-style-type: none"> <li>▪ Basement parking and loading bay</li> <li>▪ Waste and plant rooms</li> </ul>	Commercial and RACF

Basement/Level	Works	Use
	<ul style="list-style-type: none"> <li>▪ Lower lobby</li> <li>▪ Kitchen and RAC BOH/service areas</li> <li>▪ Dining and sitting areas</li> <li>▪ Terrace</li> <li>▪ 15 x RAC rooms (24 beds)</li> </ul>	
3 <sup>rd</sup> Storey (Ground Floor)	<ul style="list-style-type: none"> <li>▪ 7 x commercial premises (including a hair and beauty salon)</li> <li>▪ RAC Lobby, offices, and meeting rooms</li> <li>▪ Substation</li> <li>▪ Terraces</li> <li>▪ Staff lounge and WCs</li> <li>▪ 2 x through site links</li> </ul>	Commercial and RACF Lobby
4 <sup>th</sup> Storey (Level 5 on plans)	<ul style="list-style-type: none"> <li>▪ 43 x RAC rooms (46 beds)</li> <li>▪ Storage rooms, office and BOH areas</li> <li>▪ Activity room</li> <li>▪ Lounge and dining area</li> <li>▪ Landscaped terrace and podium</li> </ul>	RACF
5 <sup>th</sup> Storey (Level 6 on plans)	<ul style="list-style-type: none"> <li>▪ 43 x RAC rooms (46 beds)</li> <li>▪ Storage rooms, office and BOH areas</li> <li>▪ Activity room</li> <li>▪ Lounge and dining area</li> </ul>	RACF

For further detail refer to the architectural plans prepared by Morrison Design Partnership Architects (MDPA) at Appendix 2. An extract of the photomontage is provided in



Figure 9.



Figure 9: Photomontage - view from north west to site (Source: Laan Studios)

### 3.2. Development Statistics

The key statistics and elements of the project are provided in the table below:



Table 3: Development Statistics.

Element	Proposal
Site Area	5,003sqm
Total Gross Floor Area	9,169 sqm
Total FSR	1.83:1
Commercial GFA	2,051sqm
Commercial FSR	0.41:1
RACF GFA	7,119 sqm
RACF FSR	1.42:1
Total RACF Beds	143
Maximum Height	RL 68.65 metres to the top of the stair overrun
Total Parking	86 car parking spaces including: <ul style="list-style-type: none"> <li>▪ 51 commercial spaces</li> <li>▪ 20 RACF staff spaces</li> <li>▪ 15 RACF visitor spaces</li> </ul> 65 bicycle parking spaces and 6 motorcycle spaces

### 3.3. Materiality and Façade Treatment

The proposed development uses a variety of high quality materials and finishes as shown on plans DA210 and DA211 (Appendix 2). The proposed materials and finishes incorporate a combination of natural and muted colours to complement the adjoining bushland and surrounding buildings. The design utilises a combination of glass balustrades, copper cladding, vertical blades, rendered walls, horizontal louvres, white render wall and zinc cladding.



Figure 10: Extract of materials and finishes schedule (Source: MDPA)

### 3.4. Excavation

The proposed basement level is at RL45.05m which will require bulk excavation to depths ranging from approximately 11.5m to 10.5m along Longueville and Northwood Roads, and decreasing to about 6.5m on the north-eastern edge of the basement where ground surface levels fall away. As identified in the Waste Management Plan at Appendix 17, approximately 500m<sup>3</sup> of the excavation material will be reused on site for landscaping purposes.

For further details, refer to the Geotechnical Report at Appendix 6.

### 3.5. Demolition and Tree Removal

This application seeks consent for the demolition of all existing structures on the site. Refer to the Demolition Plan at Appendix 2 for further detail.

As shown on the Landscape Plan (Appendix 7) and discussed in the Arborist Report (Appendix 5), the proposal includes the removal of 11 trees and relocation of 3 existing trees.

### 3.6. Landscaping, Communal Open Space and Public Domain

A comprehensive Landscape Plan has been prepared by Svalbe & Co to complement the built form (Appendix 7). The key features of the proposed landscape scheme include:

- **Public domain improvements** along Northwood Road including the planting of 7 street trees, new turf and mass planting areas and a high-quality continuous paved footpath;
- **Creation of a new bush regeneration area** (approximately 200 sqm) at the rear of the site;
- **Enhanced boundary interfaces**, including:
  - Planting area within the 6m northern side boundary setback incorporating a paved pathway to provide fire egress from the building
  - Mass planting areas, paved footpaths and turf within the rear setback
  - Mass planting and retention of trees in the southern side boundary setback
- **Communal open spaces for residents** and staff of the RACF, including:
  - Terraces at levels 5 and 6
  - A variety of areas designed for quiet enjoyment including pockets of seating in the rear setback
  - a sunken terrace at the rear of the building which provides solar access to the basement level hydrotherapy pool;
- **Outdoor terrace area** at level 4 for use in conjunction with the commercial tenancies
- **Tree** replenishment to offset removal of 11 trees on-site.

An extract of the proposed Landscape Plan is provided at Figure 11.

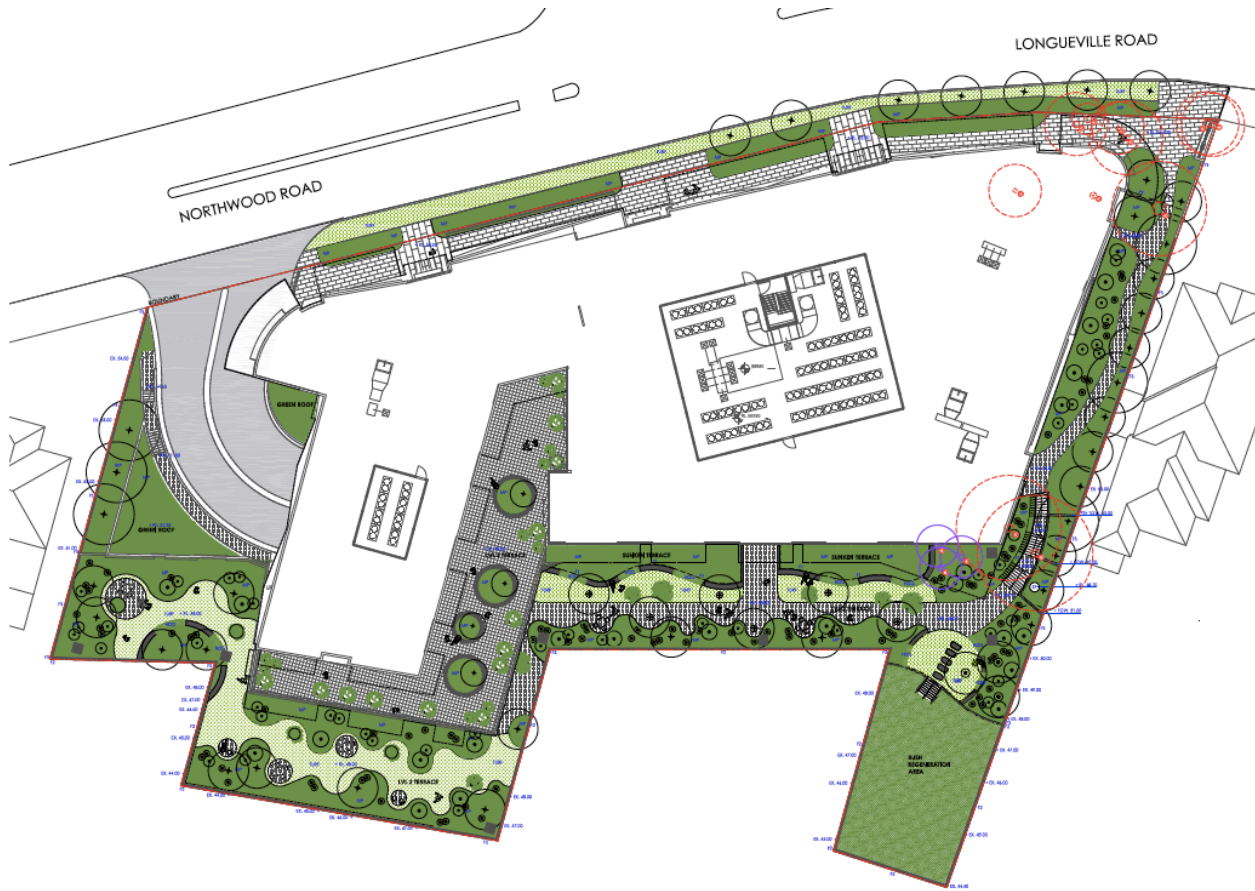


Figure 11: Landscape Plan (Source: Svalbe & Co)

### 3.7. Access and Parking

The proposal includes basement car parking for 86 cars across 3 levels including:

- 51 commercial spaces
- 20 RACF staff spaces
- 15 RACF visitor spaces

Proposed in the Level 2 basement is 6 motorcycle parking spaces and 65 bicycle spaces for staff and visitors to the development.

As discussed in the DCP Compliance Table (Appendix 1) and the Traffic and Parking Impact Assessment (Appendix 8). The proposed car, bicycle and motorcycle parking comply with the rates specified in the LCDCP.

Access to the basement carpark levels is provided from the vehicular entrance to Longueville Road towards the southern boundary of the site. The location of the entrance/exit has been carefully selected to respond to safety concerns raised during the PP consultation process and to minimise potential adverse impacts on the adjoining road network and intersections.

The public domain improvements in front of the site have also been designed to ensure appropriate sight lines are gained from the driveway. Pedestrian access to the site is gained from the lifts in the basement levels as well as the entrances to the RACF lobby and commercial premises along the

Northwood/Longueville Road frontage. Pedestrian access can also be gained from the through site links to the terraces at the rear of the site.

In terms of service access, a loading bay is proposed in the basement at Level 3 immediately adjoining the commercial and RACF waste rooms. For further details on access and parking refer to the Traffic and Parking Assessment at Appendix 8.

To facilitate the proposed driveway location the existing bus stop immediately outside the site will need to be removed or relocated. This can be pursued through the Local Traffic Committee.

### **3.8. Infrastructure and Utility Works**

#### **3.8.1. Civil Engineering**

Stormwater has been designed in accordance with Council's standard requirements. As shown on the accompanying stormwater plans (Appendix 15), all roof and balcony drainage and basement pump out will connect directly into the 89m<sup>3</sup> OSD tank located to the rear of the site. The site outlet will discharge to the rear of the site via headwall and energy dispersion structures.

Refer to the Stormwater Plans and Strategy Letter at Appendix 15 and Section 6.4.4 of this SEE for further detail.

### **3.9. Capital Investment Value**

The estimated capital investment value (CIV) of the project is approximately \$42.87 million as demonstrated in the CIV Report prepared by Hugh B Gage at Appendix 9.

In accordance with Clause 20 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) and Section 2.15 of the *Environmental Planning & Assessment Act, 1979* (EP&A Act), the DA will be assessed by Council, but determined by the Sydney North Planning Panel (SNPP).

## 4. STATUTORY PLANNING CONSIDERATIONS

### 4.1. Overview

The relevant statutory framework considered in the preparation of this report comprises:

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy No 19 - Bushland in Urban Areas;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- State Environmental Planning Policy No. 55 - Remediation of Land;
- State Environmental Planning Policy (Housing for Seniors and people with a disability) 2004;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State and Regional Development) 2011;
- Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005; and
- Lane Cove Local Environmental Plan 2009.

Where relevant, these controls are addressed below.

### 4.2. Environmental Planning and Assessment Act 1979

#### 4.2.1. Section 1.3 – Objects

The *Environmental Planning and Assessment Act*, 1979 (the Act) is the principal planning and development legislation in New South Wales. In accordance with Section 1.3, the objects of the Act are:

##### *1.3 Objects of Act*

*The objects of this Act are as follows:*

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*

*(j) to provide increased opportunity for community participation in environmental planning and assessment.*

For the reasons set out below, it is considered that the proposed development satisfies the above stated objects of the Act:

- The proposed development will promote the social welfare of the local community through the provision of a much needed residential aged care facility which benefits from an existing allocation of Commonwealth Bed Licences;
- The proposal will result in the orderly and economic use and development of the land as the proposal facilitates consolidation and remediation of multiple sites to support a well designed building which demonstrates appropriate bulk and scale and responds well to its context;
- The proposal will facilitate the provision of a high-quality residential aged care facility (RACF) in a highly desirable location to benefit the community;
- Approximately 65 additional jobs will be created during the construction and operational phases; and
- There will be no unreasonable adverse impacts on the environment.

**4.2.2. Section 4.15 of EP&A Act 1979**

Section 4.15(1) of the Act as amended specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 of the Act are addressed in the Table below.

Table 4: Section 4.15 of EP&A Act 1979.

Section	Comment
Section 4.15(1)(a)(i) Any environmental planning instrument	Consideration of relevant instruments is discussed in Section 4.
Section 4.15(1)(a)(ii) Any draft environmental planning instrument	Consideration of draft instruments is discussed in Section 5.
Section 4.15(1)(a)(iii) Any development control plan	Consideration of relevant development control plans is discussed in Section 5.
Section 4.15(1)(a)(iiia) Any planning agreement	Not relevant to this application.
Section 4.15(1)(a)(iv) Matters prescribed by the regulations	Refer to Section 4.3.
Section 4.15(1)(b) - (e)	Refer to Section 6 of this SEE for consideration of (b), (c) and (e). Matter (d) relates to submissions and is a matter for the consent authority.

**4.2.3. Section 4.46 – Integrated Development**

This section of the Act defines integrated development as matters which require consent from Council and one or more approvals under related legislation. In these circumstances, prior to granting consent Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

The proposed development is not classified as Integrated Development and thus does not require consent from other approval bodies.

### **4.3. Environmental Planning and Assessment Regulation 2000**

#### **4.3.1. Clause 92 – Demolition**

All demolition work will be undertaken in accordance with Clause 92 of the Regulation requiring the consent authority to consider AS 2601 - 1991: The Demolition of Structures.

#### **4.3.2. Clause 98 – Compliance with the BCA**

Pursuant to the prescribed conditions under Clause 98 of the Regulation, any building work *"must be carried out in accordance with the requirements of the Building Code of Australia"*. A BCA Capability Statement has been prepared and is provided at Appendix 10.

### **4.4. Biodiversity Conservation Act 2016**

The Biodiversity Conservation Act 2016 (BC Act) lists and protects threatened species, populations and ecological communities that are under threat of extinction in NSW. Impacts to threatened species and endangered ecological communities listed under the BC Act are required to be assessed in accordance with Section 7.3 of the BC Act and Applicants must also consider whether their proposal will exceed the following Biodiversity Offset Scheme Development Thresholds:

1. Exceeding the clearing threshold on an area of native vegetation;
2. Carrying out development on land included in the Biodiversity Values Land Map; or
3. Having a 'significant effect' on threatened species or ecological communities.

The proposal is situated on urban land which has been utilised for urban purposes for an extended period of time. The project will result in the clearance of approximately 0.13 ha of vegetation, including native vegetation, which is below the 0.25 ha threshold. Further, no area of the subject site is included on the Biodiversity Values Map.

The Flora and Fauna Assessment at Appendix 16 concludes that if all mitigation measures provided in the report are implemented, the proposed development is unlikely to have a significant impact on the long-term survival of any threatened species and/or ecological communities occurring, or that have the potential to occur, within the subject site or locality. Therefore, the proposal does not trigger entry into the Biodiversity Offset Scheme and a Biodiversity Development Assessment Report for further ecological assessments are not required.

Refer to the Flora and Fauna Assessment at Appendix 16 for further detail.

### **4.5. State Environmental Planning Policies**

#### **4.5.1. State Environmental Planning Policy No 19 - Bushland in Urban Area**

State Environmental Planning Policy No 19—Bushland in Urban Areas (SEPP 19) establishes State-wide provisions to protect and preserve bushland in urban areas.

Clause 9 applies to land which adjoins bushland zoned or reserved for public open space purposes. The rear (east) of the site immediately adjoins bushland zoned E2 Environmental Conservation under the LCLEP.



Consideration of the relationship between the site and the adjoining bushland was a fundamental element of the site specific PP process. In response to consultation with Council and state agencies the proposed development has adopted a 10m rear setback from the bushland.

All proposed works are located within the site boundaries and will not adversely impact on the adjoining bushland. The proposed plant species have been carefully selected to complement the adjoining bushland and an Arboricultural Impact Statement has been prepared to ensure there are no adverse impacts on the trees located within the bushland. Further, the Flora and Fauna Assessment at Appendix 16 recommends the following mitigation measures to minimise impacts to the ecological values of the subject site as well as adjoining properties:

- Vegetation Protection
- Erosion, Sedimentation and Pollution Control
- Pre-clearing and Clearing Surveys
- Weed Control Measures
- Revegetation Works

Further, the Flora and Fauna Assessment concludes that:

*The proposed development is considered to be consistent with the overall aims of SEPP 19 as minimal areas of native vegetation not listed under the Biodiversity Conservation Act 2016 or Commonwealth Environment Protection and Biodiversity Conservation Act 1999 will be impacted. Furthermore, the most significant areas of bushland located within Gore Creek to the east will be retained ensuring the natural heritage of the area is maintained.*

Refer to Flora and Fauna Assessment (Appendix 16) and Arborist Report (Appendix 5) for further details.

#### **4.5.2. State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

This SEPP commenced 25 August 2017 and aims to protect the biodiversity and amenity values of trees within non-rural areas of the state. Pursuant to Clause 5, this SEPP applies to land in the Lane Cove Local Government Area and land zoned B4 Mixed Use under an environmental planning instrument.

Part 3, Clause 9(2) of the Vegetation SEPP states that a Development Control Plan may make a declaration in any manner relating to species, size, location, and presence of vegetation. Accordingly, the LCDCP prescribes works that can be undertaken with or without consent to trees and objectives for tree preservation.

#### **4.5.3. State Environmental Planning Policy No 55 – Remediation of Land**

State Environmental Planning Policy No. 55 – Remediation of Contaminated Lands (SEPP 55) establishes State-wide provisions to promote the remediation of contaminated land.

Clause 7 of the SEPP 55 requires that a consent authority must not grant consent to a development unless it has considered whether a site is contaminated, and it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

A Remediation Action Plan (RAP) has been prepared by EI Australia and is provided at Appendix 14. It is noted that this RAP has already been provided to Council to notify of the following remediation works:

- (a) Site demolition - removal of all onsite structures to access underlying soil requiring remediation;
- (b) Removal of all service station infrastructure, both above and below ground, including removal of 4 x UST containing petroleum, LPG decanting cylinder, waste oil separator, hydraulic hoist and waste oil pits;
- (c) Excavation of soil; and



(d) Soil and groundwater investigation

Pursuant to SEPP 55 these works are category 2 remediation works, which can be carried out without the consent of Council. This has been confirmed in writing by Paul Vergotis, McCabe Curwood Lawyers (letter dated 22 July 2020) and acknowledged by Council via email dated 24 July 2020.

The RAP concludes the site can be made suitable for the proposed future RACF and commercial land uses through the implementation of the described works. At the completion of works, an appropriately accredited site auditor will be required to certify that the site has been remediated in accordance with the RAP requirements and that the site is suitable for the proposed use.

#### 4.5.4. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The Seniors Housing SEPP applies to the subject site. This DA is made pursuant to the provisions of the Seniors Housing SEPP as demonstrated below:

##### **Chapter 1 - Preliminary**

*Chapter 1 of the SEPP (Seniors Housing) lists under Clause 2(1) the Aims of the Policy as follows:*

*Clause 2 (1) Aims of Policy*

*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*

The proposed development is consistent with the aims of the SEPP:

- it will increase the supply and diversity of residences to meet the needs of seniors in the local community; Council's local strategic planning statement identifies growing This proposal responds to the demand for different housing types as a result of the ageing population demographics for the Lane Cove Local Government Area.
- it will make efficient use of existing infrastructure and services available to the site and in the locality. The site is located in close proximity to a range of services such as shops and medical services which can be accessed by existing footpaths and local bus stops in close proximity to the site.
- it is of a high quality design which provides high levels of amenity to residents through a variety of diverse and well-designed living and communal recreational areas. It also has taken into consideration adjoining site context, responding to slope and bushland through appropriate setbacks, landscape treatment and design strategies to maintain the privacy of residents and neighbours.

##### **Chapter 2 - Key concepts**

Chapter 2 identifies key concepts associated with Seniors Living developments. The relevant clauses are addressed below.

Clause 8 Seniors - this clause defines 'seniors' as:

- (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.

Future occupants of the proposed development will meet criteria (b).

Clause 10 states that:

*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 falls into category (a) "residential care facilities", which is defined in Clause 11 as:

*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 proposal is characterised as a residential care facility and is consistent with the relevant provisions of Clause 11. The proponent is a well-established, experienced aged care provider<sup>4</sup> and the proposed development has been designed to meet the criteria pertaining to a "residential care facility". Experience in other existing residential aged care facilities provides insights to the most functional built form and interior layouts to ensure high standards of resident care and amenity. The proposed development meets the requirements of a residential care facility, providing meals, cleaning services and personal/nursing care for all residents. It is anticipated there will be 32 employees on duty at any one time.

### **Chapter 3 - Development for Seniors Housing**

Chapter 3 of the SEPP contains several development standards that are applicable to development applications made pursuant to the Seniors SEPP.

It is noted the height provisions in Clause 40(4) of the Seniors SEPP apply where an RFB is not permitted. In this case, RFBs are permissible in the B4 zone, therefore the clause is inoperable.

As there are no other height standards for RACF in the Seniors SEPP, the applicable height standard is found in Clause 6.9 of the LCLEP.

A summary of the compliance with the relevant provisions in Chapter 3 is provided in the tables of compliance in Appendix 1.

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<sup>4</sup> <https://pathways.com.au/>

It is noted that the Seniors SEPP was recently amended on 29 July 2020 to prevent new proposals for seniors housing on land within the Metropolitan Rural Area of Greater Sydney. Land in Lane Cove Local Government Area is not identified on the metropolitan rural area's exclusion zone map and therefore the amendment does not impact on this proposal.

#### **4.5.5. Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005**

The subject site falls within the Sydney Harbour catchment and therefore the Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005 applies.

##### **Clause 2 - Aims of plan**

The Sydney Harbour Catchment SREP (SREP) aims to improve the health of the harbour, its foreshore, and its tributaries. Another key objective is to maximise accessibility to the harbour and its foreshore for the general public. For the purposes of the SREP, access is generally considered in terms of physical as well as visual access.

The proposal is not inconsistent with the aims of this plan due to the nature of the proposed use and distance away from the Sydney Harbour foreshore.

##### **Clause 3 - Land to which plan applies**

The subject site is within the Sydney Harbour Catchment. Therefore, the Sydney Harbour Catchment SREP applies to the proposal.

##### **Clause 20 to 27 - Environmental Considerations**

Clauses 20 to 27 of the Sydney Harbour Catchment SREP prescribe several matters which must be considered by a consent authority prior to determining a DA. The matters generally relate to preserving and improving the health of and access to the catchment's natural environmental features.

The proposal is a substantial distance from the nearest water body and its foreshore. It has been designed in accordance with typical stormwater capture, filtration, and release measures to ensure its stormwater generation does not unreasonably affect the health of the harbour or its foreshores. The site's substantial distance from any water body ensures it is not visible from Sydney Harbour or any related catchments.

Considering the above, this SEE provides that the proposal is consistent with the Sydney Harbour Catchment SREP's environmental matters, as prescribed by Clause 20 to 27. Overall, this SEE provides that the proposal is generally consistent with the intent of the Sydney Harbour Catchment SREP.

#### **4.5.6. State Environmental Planning Policy (Infrastructure) 2007**

Clause 104 of the Infrastructure SEPP (ISEPP) relates to traffic-generating development to be referred to Roads and Maritime Services (RMS), nominated in Schedule 3 of the ISEPP.

The proposed development includes a carpark with 50 or more parking spaces with access to a classified road. Therefore, the proposal is nominated as traffic-generating development to be referred to Roads and Maritime Services as part of the assessment process by Council.

#### **4.5.7. State Environmental Planning Policy (State and Regional Development) 2011**

The proposal has a CIV of over \$30 million and thus is identified in Schedule 7(2) of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

In accordance with Clause 20 of SRD SEPP and Section 2.15 of the Environmental Planning & Assessment Act, 1979 (EP&A Act), the proposal will be declared to be regionally significant development and the DA will be determined by the Sydney North Planning Panel (SNPP).

## 4.6. Lane Cove Local Environmental Plan 2012

### 4.6.1. Zoning

The zoning of the entire site is B4 Mixed Use pursuant to the LCLEP (refer to Figure 12).

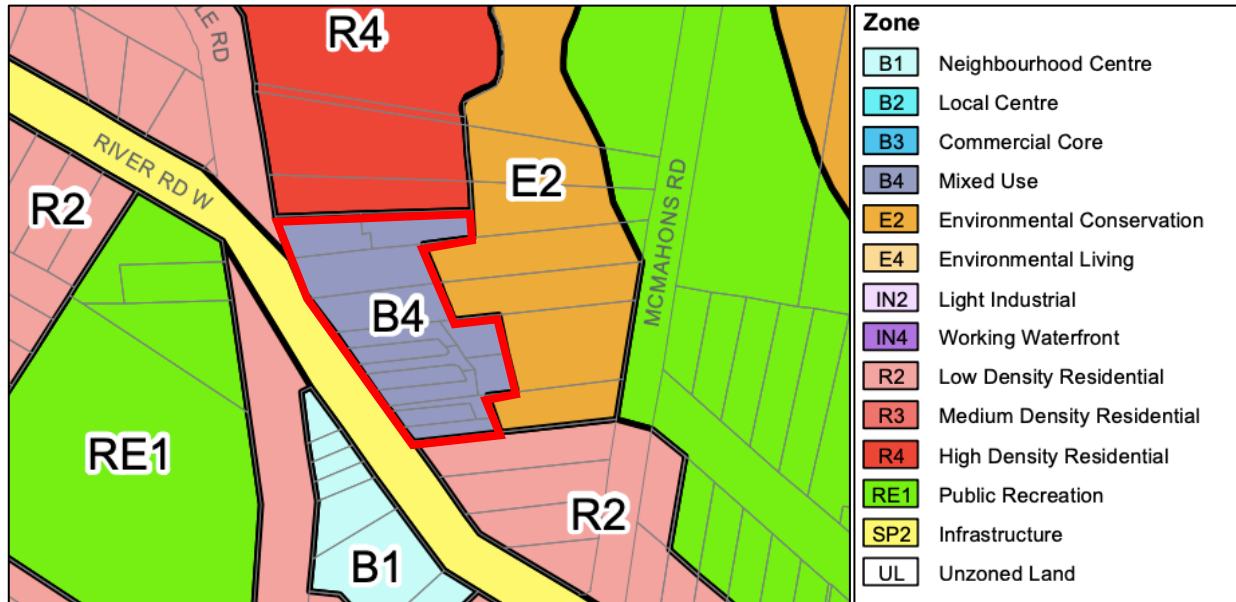


Figure 12: Extract of LCLEP Land Zoning Map, site outlined red (Source: NSW Legislation)

### 4.6.2. Permissibility

The Land Use Table for the B4 Zone is as follows:

#### 2 Permitted without consent

Nil

#### 3 Permitted with consent

Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Multi dwelling housing; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Signage; Tank-based aquaculture

#### 4 Prohibited

Pond-based aquaculture; Any other development not specified in item 2 or 3

The proposed mixed use building includes a RACF and 2,051sqm commercial premises and medical centre including ancillary hydrotherapy pool.

As discussed in Section 4.6.4 below, the proposed basement medical centre will be available to the wider public and is not ancillary to the RACF. The centre and ancillary hydrotherapy pool will be used for the

purpose of providing health services such a remediation and rehabilitation and is therefore consistent with the LCLEP definition of medical centres.

*medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.*

Medical centres are permitted with consent in the B4 Mixed Use Zone.

Proposed at the ground floor is 7 commercial premises, including 1 hair and beauty salon. The proposed hair and beauty salon is defined as a 'business premises' under the LCLEP and is permitted with consent in the B4 Mixed Use Zone as a type of 'commercial premises'. The specific use of the 'commercial premises' shown on Level 4 (ground floor) will be subject to future applications and include uses such as a pharmacy, veterinary clinic, café, restaurant and medical centre with specialist doctors. These uses will be independent from the proposed RACF and open to the public.

It is noted that seniors housing is also permitted in the B4 Zone, however consent is sought for the proposed RACF under the Seniors SEPP rather than the LCLEP.

#### 4.6.3. Objectives

Clause 2.3(2) of the LCLEP provides that Council must have regard to the zone objectives when determining a development application. The objectives of the B4 Mixed Use Zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage urban design maximising attractive public domain and adequate circulation space for current and future users.*
- *To maximise sunlight for surrounding properties and the public domain.*

The proposed development is consistent with the above objectives in that:

- The proposed mixed-use development will contain a RACF and will contain compatible future uses on the ground floor such as a pharmacy, veterinary clinic, café and restaurant for not only the on-site residents but also the wider community.
- The proposed development is in an accessible location, approximately 1km south of Lane Cove Town Centre and a bus stop is located directly at the front of the site. This will encourage people to utilise the local bus services and walk and cycle to nearby centres.
- During the design development, consideration has been given to the proposed public domain at Northwood Road and creating an attractive and activated pathway outside the site. The proposal seeks to extend the existing footpath and include new paving and street trees.
- The design of the proposed building ensures that adjoining properties achieve a minimum of 3 hours sunlight in mid-winter and that sufficient solar access is provided to the Northwood/Longueville Road frontage.

#### 4.6.4. Site specific clause

Clause 6.9 introduces site specific provisions in relation to development on the subject site.

Clause 6.9(2) provides development standards for height and FSR where the development is for *the purposes of a residential care facility or a mixed use development that includes a residential care facility*. Specifically:

**(a) a height of any building on the land not exceeding RL 66.25 metres**

The proposed development has a total height of RL 68.65 which is a variation of 2.4 metres from the maximum RL of 66.25 metres identified in Clause 6.9(2)(a) of the LCLEP. The variation is limited to the building's parapet, services and stair overrun.

It is noted the PP for the site originally proposed a maximum RL70.25. The Department of Planning, Industry and Environment (DPIE), decided to reduce the height limit to RL 66.25 metres. This reduction, however, was not based on any urban design or architectural input. DPIE's finalisation report for the planning proposal stated that the reduced height would allow for a 3 storey street wall along Northwood Road and 5 storeys at the rear of the site. The proposed development is consistent with this vision for the site.

The proposed breach is a technicality. Given this application is being made pursuant to the Seniors SEPP, the height would ordinarily be measured to the ceiling of the uppermost floor and therefore would not include the parapet, services or stair overrun in the calculation. However, given the wording of Clause 6.9, the LCLEP height definition is applicable, which requires the height to be measured to the highest point of the building.

The area that exceeds the development standard is not discernible as viewed from the public domain, and the stair overrun (which exceeds the standard the greatest) has been located centrally on the roof. The proposed elements that breach the height standard do not contribute to distinguishable bulk, scale, or density of the building.

Refer to the Clause 4.6 Variation Request at Appendix 3 for further justification.

**(b) a floor space ratio for any building on the land that exceeds the ratio shown for the land on the Floor Space Ratio Map by not more than 0.85:1.**

The LCLEP Floor Space Ratio Map identifies a maximum floor space ratio (FSR) of 1:1 for the subject site. When combined with the additional FSR of 0.85:1 allowed under Clause 6.9(2)(b) of the LCLEP, the site is subject to a maximum FSR of 1.85:1.

Gross floor area (GFA) diagrams have been prepared by MDPA and are provided with the Architectural Plans at Appendix 2. The GFA of the proposed RACF has been calculated in accordance with the GFA definition in the Seniors SEPP, while the GFA of the commercial components of the development have been calculated in accordance with the LCLEP definition.

The proposal results in a total GFA of 9,169sqm which equates to an FSR of 1.83:1. The separation of GFA across the building is as follows:

- RACF: 7,119sqm (1.42:1)
- Commercial: 2,051sqm (0.41:1)

The proposal therefore complies with the maximum gross floor area of 1.85:1 that applies to the site

**(3) However, the consent authority must not grant development consent to a mixed use development to which subclause (2) applies that results in the commercial floor space ratio of buildings on land to which this clause applies being less than 0.35:1.**

In this clause, "**commercial floor space ratio of buildings on a site means the ratio of the total floor area used for commercial premises or medical centres to the site area**".

As demonstrated on the GFA Diagrams at Appendix 2, the proposal includes a total of 2,051sqm of commercial floor space which equates to an FSR of 0.41:1. This encompasses:

- Ground floor commercial of 1,629 sqm which is anticipated to include uses such as a hair and beauty salon, pharmacy, café, medical centre; and



- Medical centre including ancillary hydrotherapy pool are identified as commercial GFA. The nature of this proposed space is of a medical use and will be available to the wider public and is not ancillary to the RACF. These areas will be used for the purpose of providing health services and are therefore consistent with the LCLEP definition of medical centres.

The proposal therefore complies with the minimum 0.35:1 commercial FSR that applies to the site.

#### 4.6.5. Remaining LCLEP Provisions

Relevant Clause	Comment	Comply
Part 4 Principal development standards		
Clause 4.3 Height of Buildings	On the height of buildings map the site is subject to a maximum height of 9.5m. N/A refer to discussion under Clause 6.9 of LCLEP.	N/A
Clause 4.4 Floor Space Ratio	N/A refer to discussion under Clause 6.9 of LCLEP.	N/A
Part 5 Miscellaneous provisions		
5.6 Architectural roof features	The variation to this maximum building height is limited to the building's parapet, rooftop services and stair overrun. Ordinarily these elements may be approved as architectural features and hence permitted to breach the height pursuant to Clause 5.6 of the LCLEP. However, this clause refers to heights established in Clause 4.3 which is not the operable height clause for this site and therefore does not apply. Accordingly, due to this technicality, a Clause 4.6 Variation Request has been prepared to justify the height variation	N/A
Part 6 Additional local provisions		
6.1A Earthworks	The proposal will not have any adverse impacts to the surrounding area and is suitable for the proposed use.  The proposal involves excavation to a maximum depth of 11.5m. A Geotechnical Report has been prepared and provides detail on mitigation methods for any risks to adjoining properties in relation to the excavation. This report is included at Appendix 6.  Further, an Erosion and Sedimentation Control Plan and stormwater plans have been prepared to ensure the development does not have any drainage impacts to adjoining sites. Refer to Appendix 15.	Yes

## 5. OTHER PLANNING CONSIDERATIONS

The relevant planning framework considered in the preparation of this report include:

- A Metropolis of Three Cities - the Greater Sydney Region Plan and North District Plan;
- Lane Cove Development Control Plan and draft site specific amendment; and
- Explanation of Intended Effect (EIE) for the proposed Housing Diversity SEPP.

### 5.1. Greater Sydney Region Plan and North District Plan

A *Metropolis of Three Cities - the Greater Sydney Region Plan* was released in March 2018 by the NSW Government to guide land use planning decisions for the next 40 years (to 2056). The Plan sets a strategy and actions for accommodating Sydney’s future population growth and identifies dwelling targets to ensure supply meets demand. The Plan also identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services.

The NSW Government uses the district planning process to define objectives and set goals for job creation, housing supply and choice in each district. Lane Cove has been grouped with Hornsby, Hunters Hill, Kuring-gai, Mosman, North Sydney, Ryde, Northern Beaches and Willoughby to form the North District. The Greater Sydney Commission has released the North District Plan which includes priorities and actions for Northern District for the next 20 years.

Relevant sections of the *Greater Sydney Region Plan* are outlined in Table 5.

Table 5: Consistency with the Greater Sydney Region Plan

Direction	Comment
<b>Chapter 4 – Liveability</b> A city for the people Housing for the city A city of great places	Greater Sydney is forecast to grow from 4.7 million people to 8 million people by 2056. Housing targets include 750,000 additional homes over the next 20 years and 817,000 new jobs to meet the needs of a changing economy.
<b>Chapter 5 – Productivity</b> A well-connected city Jobs and skills for the city	Integration of land use and transport will mean more people have access to jobs, education, health and other services by public transport within 30 minutes of their homes.
<b>Chapter 6 – Sustainability</b> A city in its landscape An efficient city A resilient city	The draft Plan looks to manage the effects of urban development on the natural environment, as well as to reduce costs, carbon emissions and environmental impacts and contribute to a target towards net-zero emissions by 2050.

Of particular relevance to this application, the North District Plan identifies the *“projected growth in people aged 65+ in the North District means that there must be more emphasis on planning for housing diversity particularly seniors housing and aged care options that allow people to age in place.”*

Australia’s and specifically Sydney’s ageing population will increase demand for aged care services, particularly high care facilities. It is expected that the needs of older Australians will become more diverse in terms of their care requirements. This trend will require aged care providers to be flexible and responsive to the changing needs of the elderly. This proposal is able to directly support the changing needs of the Sydney population by providing 143 residential aged care beds in a high demand and under supplied area of Sydney.



The proposed development will directly contribute to this priority by providing aged care dwellings near the St Leonards Health and Education Precinct and both the Royal North Shore and Mater Hospitals. It will allow local residents the option of remaining in the immediate locality as they progress into their senior years. It also provides housing options within close accessible distance to community facilities, such as shops, churches, medical centres, and the like.

## 5.2. Lane Cove Development Control Plan

Lane Cove Development Control Plan applies to the site.

A site specific amendment to the DCP was publicly exhibited in conjunction with the PP, however the DCP amendment was never formally adopted by Council.

Following gazettal of LEP Amendment 29, Council and the proponent have revised the draft site specific DCP to reflect the gazetted controls. This revised draft DCP was considered by Council at a meeting on 17 August 2020 and is now adopted for exhibition by Council.

It is acknowledged that Section 3.42 of the *Environmental Planning and Assessment Act 1979* states that a DCP provision will have no effect if it prevents or unreasonably restricts development that is otherwise permitted and complies with the development standards in relevant Local Environmental Plans and State Environmental Planning Policies. The principal purpose of a development control plan is to provide guidance on the aims of any environmental planning instrument that applies to the development; facilitate development that is permissible under any such instrument; and achieve the objectives of land zones. The provisions contained in a DCP are not statutory requirements and are for guidance purposes only. Consent authorities have flexibility to consider innovative solutions when assessing development proposals, to assist achieve good planning outcomes.

An assessment of the proposal's compliance and/or consistency with the relevant provisions of the LCDCP and accompanying draft site specific provisions is provided in the Compliance Table at Appendix 1.

The proposal is broadly consistent with both versions of the draft site specific DCPs. There are minor non-compliances with the DCP controls in terms of building setbacks. The areas of the building that encroach into the minimum setback area, including the rear balconies, part of the terraces and the curved front façade of the building, however, do not present any detrimental impacts to adjoining properties in terms of privacy or overshadowing.

Refer to Section 6.3.2 of this SEE for further discussion.

## 5.3. Explanation of Intended Effect for Housing Diversity SEPP

In July 2020, an Explanation of Intended Effect (EIE) for a new Housing Diversity SEPP was released by DPIE. The EIE provides an overview and background into what is proposed to be included within the new SEPP. It is proposed the new SEPP will consolidate three existing housing-related SEPPs:

- State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP);
- State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors SEPP); and
- State Environmental Planning Policy No 70 –Affordable Housing (Revised Schemes) (SEPP 70).

In the amendments proposed to SEPP Seniors, the EIE identifies the following:

- Updated definitions to align with standard instrument, including the definition of “building height”.
- Update of Schedule 1 – Environmentally Sensitive Land for clarity and to better align with current NSW planning framework.
- Clarification that point to point transport, such as taxis, hire cars and ride share services, is not able to be used for meeting the accessibility requirements of Clause 26.

- Extension to the currency period of Site Compatibility Certificates (SCC), from 24 months to 5 years (provided a development application is lodged within 12 months from the date on which the SCC is issued).
- Clarifying that a SCC application in relation to a registered club can only be made where the land is currently being used as a registered club.
- Clarifying that development standards in an LEP prevail to the extent there is any inconsistency with the SEPP.
- Development standards of the SEPP to be varied through Clause 4.6, but only up to a maximum of 20%.

At the time of writing this report the EIE is on exhibition until 9 September 2020 and therefore does not apply to the subject proposal. Notwithstanding, the proposed changes would have no impact on the proposed application, noting that in this instance the key development standards and associated definitions are established in the LCLEP.

## 6. ENVIRONMENTAL IMPACT ASSESSMENT

### 6.1. Overview

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15 of the Act.

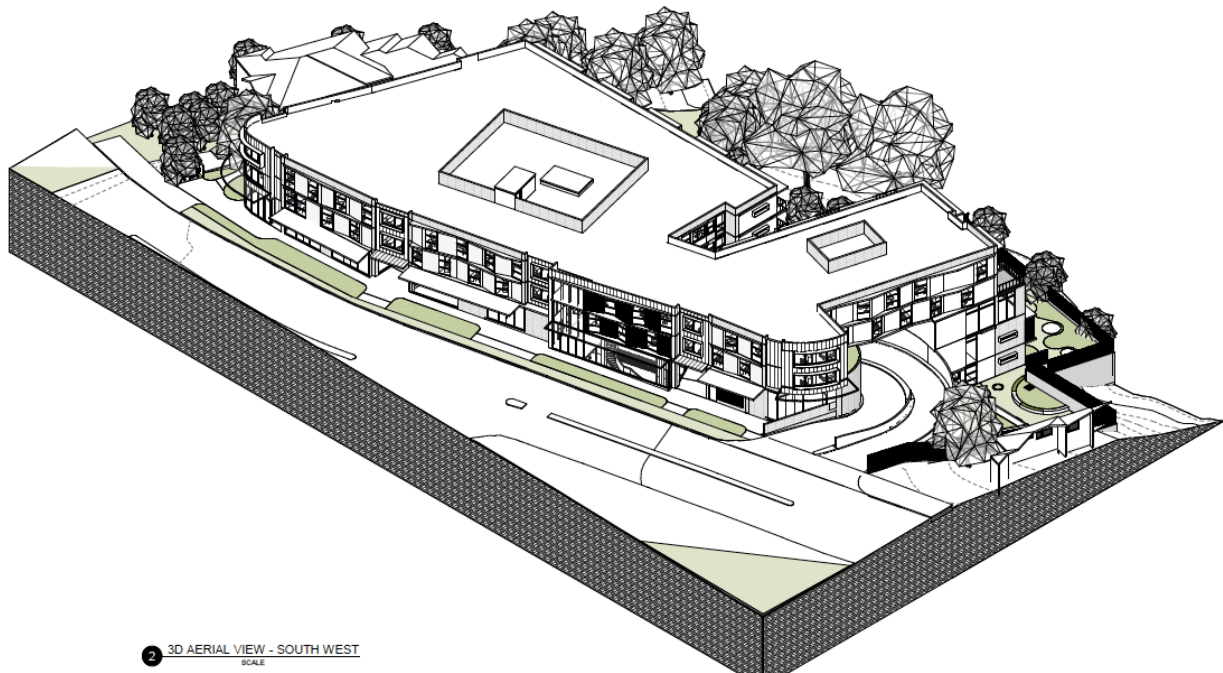
### 6.2. Context and Setting

The context and setting of the development site are described in Section 2.3 of this SEE.

The proposed development presents as a 3 storey building to Northwood Road and 5 storey building at the rear with basement level below and is compatible within the context of the area. The proposal provides a built form and massing which is considered to positively contribute to the quality and identity of the locality and improves the appearance of the site compared to the existing buildings and service station.

The proposal will provide a high quality RACF in a strategic location close to the existing Lane Cove Town Centre and a short distance from St Leonards Health and Education Precinct. The proposed development is compatible with the existing built form, as well as the future built form of the neighbouring sites to the north which are zoned for high density residential pursuant to the current LEP.

From the street the proposal has the appearance of a 3 storey shop top housing development, which is consistent with the type of development anticipated in the B4 Mixed Use Zone.



2 3D AERIAL VIEW - SOUTH WEST  
SCALE

Figure 13: 3d Aerial view, south west (Source: MDPA)

Further consideration of the compatibility of the proposal and its surroundings can be undertaken with regard to the Land Environment Court Planning Principle on “compatibility with context” in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191. To test whether a proposal is compatible with its context, the following two questions can be asked:

- **Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.**

As demonstrated in the following sections of this SEE, the proposed development has no detrimental impact in terms of view loss, setbacks, privacy, or overshadowing. Despite minor technical breach of the height standard, the design of the development ensures that the redevelopment potential of surrounding and adjoining sites is not impacted. Furthermore, the design of the proposed building responds to the constraints of the site in terms of its sloping topography

- **Is the proposal's appearance in harmony with the buildings around it and the character of the street?**

The proposed development has been designed with consideration of the existing and future character of the surrounding area. As discussed above, from the street the proposed building presents as a 3 storey building which addresses Northwood Road and activates the ground level. The existing residential building to the north and south are two storeys and one storey, respectively. Although the proposed building presents as one additional storey to Northwood Road, compared to the existing built form on site, this is consistent with what is anticipated in the B4 Mixed Use Zone and has been designed to eliminate any detrimental impacts on adjoining properties.

## 6.3. Built Environment

### 6.3.1. Height

The building proposes a 3 storey street wall height along Northwood Road. This is inconsistent with the draft Site Specific DCP, which identifies a 2 storey street wall with the third storey recessed. However, the proposed 3 storey street wall height is consistent with that envisaged in the original planning proposal and accompanying urban design report. Specifically, in the PP finalisation report, DPIE outlined that:

*... the amended controls would result in an appropriately scaled development being three storeys at Northwood Road and five storeys at the rear. This is consistent with the character of similar higher density development in the local area, while being sympathetic to the surrounding predominately low density residential properties.*

The proposed street wall provides a scale and form that reinforces the street edge on a highly visible intersection and the height and presentation of the building at Northwood Road is consistent with that anticipated in the B4 Mixed Use Zone.

The site immediately adjoins R4 and R2 Zoned land which contain a two storey residential flat building and single storey detached dwelling, respectively. In *Seaside Property Developments Pty Ltd v Wyong Shire Council [2004] NSWLEC 117*, it is acknowledged that at a zone interface adjoining residents must accept that a higher density and larger scale residential development can happen in the adjoining zones and whilst impacts must be within reason, they can nevertheless occur. Notwithstanding, although the adjoining residential buildings are located in different zones to the site and are subject to lower building heights, the design of the proposed building has given detailed consideration to the presentation to the street and minimising impacts on adjoining properties. As discussed in the SEE the proposed building does not result in any adverse impacts on the adjoining residential properties in terms of visual privacy and overshadowing. Therefore, the proposed 3 storey street wall assists in creating a defined neighbourhood centre in a key location on Northwood/Longueville Road without resulting in any adverse impacts on adjoining properties.

Pursuant to Clause 6.9 of the LCLEP, the subject site has a maximum building height standard of RL 66.25 metres. The proposal is for a mixed-use development that includes a RACF, and has the following maximum heights:

- Top of parapet: RL 67.25 metres which is a variation of 1 metre.

- Top of the services: RL 67.75 metres which is a variation of 1.5 metres.
- Top of stair overrun: RL 68.65 metres which is a variation of 2.4 metres.

Given the height is associated with a site-specific clause in the LCLEP, the height has been measured using the LCLEP definition, which is defined as "the vertical distance from the Australian Height Datum to the highest point of the building". This definition requires plant equipment and lift overruns to be included in the height measurement.

Under the Seniors SEPP, height is measured to the ceiling of the uppermost floor and does not include any roof top structures including the parapet, services, or stair overruns. However, given Clause 40(4) of the Seniors SEPP does not apply to this site (because RFBs are permissible in the B4 zone) the relevant controls are contained in Clause 6.9 of the LCLEP. Therefore, the height definition of the LEP applies and requires measurement to the highest point of the building.

Ordinarily the architectural features clause would allow breach by the parapet and associated features. However, in this case, the site specific clause is outside the scope of this clause.

The site slopes from west to east towards the rear. The maximum height is measured to the top of the stair overrun. The stair overrun and the adjacent services are, however, located in the centre of the roof and occupies approximately 18% of the total roof area. It is important to note that the top of the parapet is 1.4 metres lower than the top of stair overrun.

The extent of the height breach is shown in Figure 14, with the height exceedance limited to the parapet, stairs and plant which create minor encroachments above the 'blue' height plane.

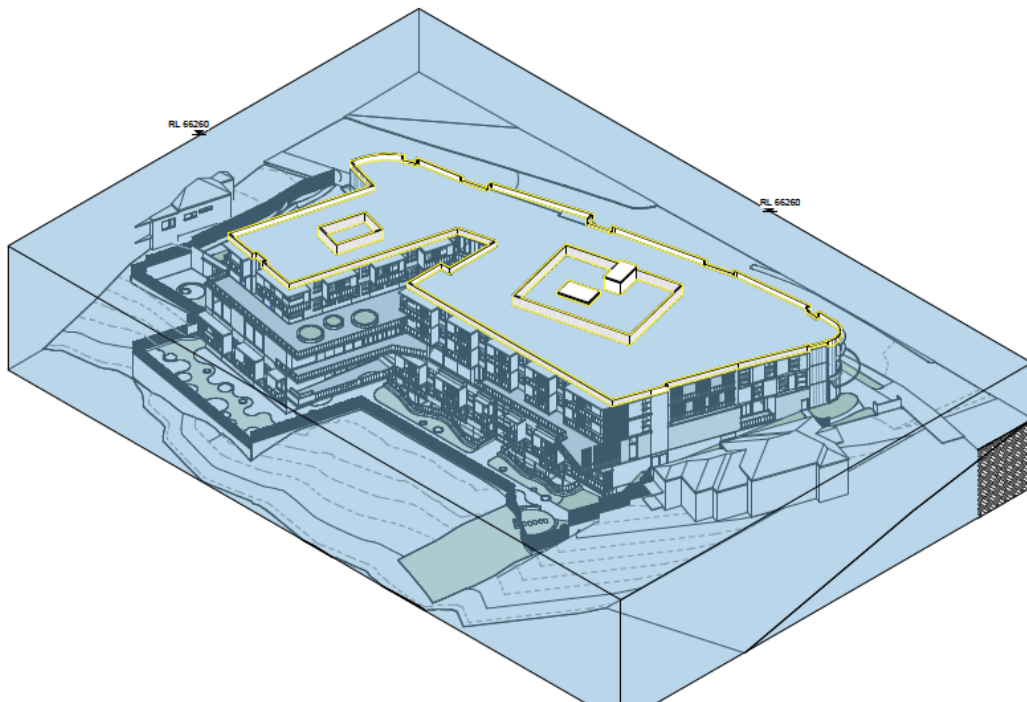


Figure 14: Extract of height plane diagram (Source: MDPA)

As discussed in the following sections of the SEE, the proposed development (including the height variation) does not result in any detrimental impacts on the adjoining or nearby properties in terms of

overshadowing, privacy, or view loss. The proposed development has been designed with consideration of the existing buildings on adjoining sites as well as their potential future redevelopment. Appropriate setbacks are provided to the adjoining residential developments including a 6m setback to the northern boundary and 2.5m (lower ground levels) and 11.5m-18m (upper levels) setbacks to the southern boundary. Refer to Section 6.3.2 below for further discussion on the proposed setbacks.

The elements of the building that exceed the relevant height standard across the site are limited to the parapet, roof top services and the stair overrun. These elements do not result in contributing additional scale or density to the development as anticipated by the controls. The majority of these elements are indiscernible when viewed from the public domain and surrounding properties, in terms of its visual perception to contributing bulk to the building.

Given the stair overrun and rooftop services are setback from the site's boundaries (and mainly located in the centre of the roof), they will not be seen from the public domain or neighbouring properties and therefore will not pose visual or privacy impacts to the surrounding area.

The height of the building, as a result of the proposed variation, is justified in the accompanying Clause 4.6 document at Appendix 3 and is acceptable on its merits with sufficient environmental planning grounds for the variation. Refer to Appendix 3 for further details.

### **6.3.2. Setbacks**

The proposed development has been located on the site to achieve appropriate setbacks to all boundaries. Through the PP process, there was a particular focus on creating a 6 metre setback to the northern boundary to establish a view corridor to the bushland at the rear of the site and a 10 metres setback at the rear to protect the bushland.

As demonstrated in the DCP Compliance Tables at Appendix 1, the proposal generally complies with the site specific setback controls. Any non-compliances with the DCP setbacks are minor and do not result in any adverse impacts on adjoining properties as discussed below.

#### **Front setback**

The proposed front setback generally complies with the 3m setback required under the DCP with the exception of the ground floor lobby areas and the rooms immediately above which have a setback of 2m. Refer to Figure 15 below, which shows the portion of the building that is setback 2m (i.e. outlined green). This reduced setback occurs for approximately 16m (16%) of the site's frontage and assists in articulating the building façade and emphasising the lobby entrance to the RACF.



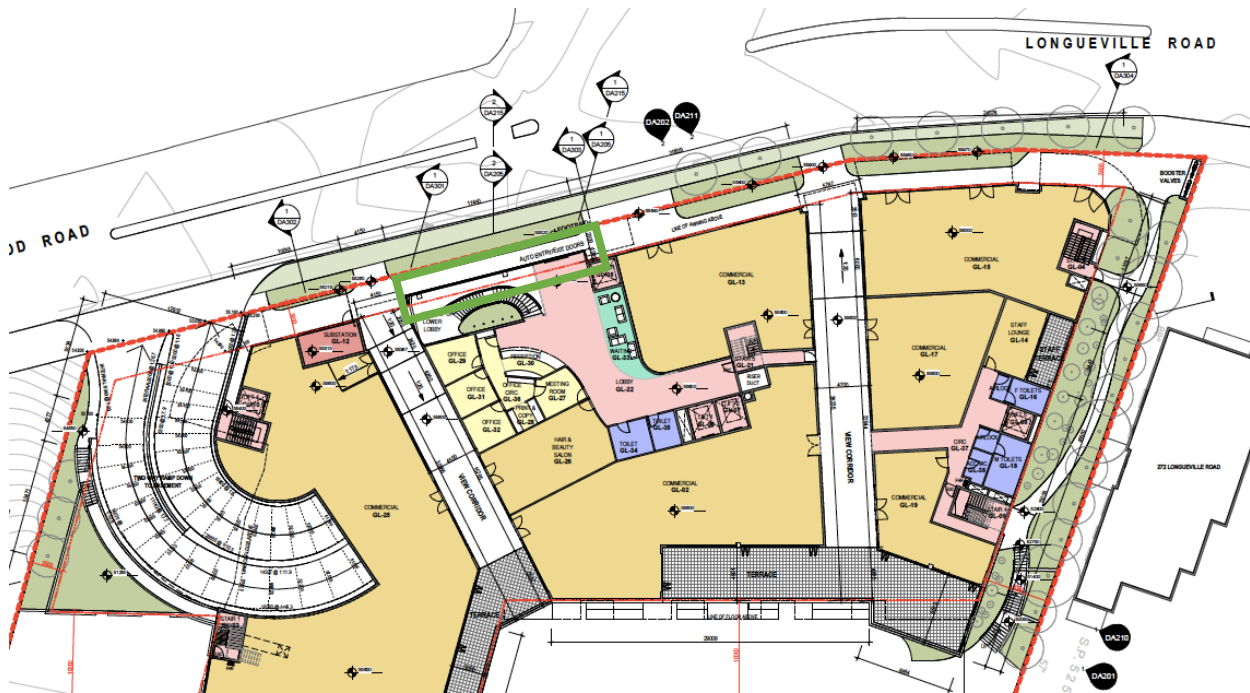


Figure 15: Front setback - extract of ground floor plan (Source: MDPA)

The draft Site Specific DCP requires the third storey to be setback 8m, however, as discussed in the DCP compliance table (Appendix 1) and in Section 6.3.1 above, the proposed 3 storey street wall height is consistent with that envisaged in the original planning proposal and provides a scale and form that reinforces the street edge on a highly visible intersection.

### Rear setback

The building generally complies with the 10m rear setback requirement, except where balconies and part of the proposed terraces encroach into the setback. Where these elements encroach into the rear setback, a minimum setback of 7.3m is still provided to minimise any visual or physical impacts on the bushland at the rear. As the rear of the site adjoins bushland, the minor encroachments into the rear setback do not result in any privacy impacts.

### Side setback (north)

The Site Specific DCP identifies a 6-9m setback to the northern site boundary. No detail has been provided in the draft Site Specific DCP to confirm where the 9m setback applies to the building. However, it is assumed that the 9m setback is intended for the upper level of the building. Although the proposal does not provide an increased building setback of 9m to the north boundary, the proposed 6m setback ensures that there are no adverse impacts on the residential building to the north.

### Side setback (south)

The proposal provides a minimum 2.5m setback to the southern boundary for the lower ground levels resulting in a non-compliance with the 3-10m draft DCP control. These levels are predominately below ground and therefore will have minimal impact on the adjoining neighbour. At ground level, the 3m setback is also proposed to be landscaped to create a buffer to the adjacent residential building to the south.

Above the ground level the building is setback between 11.5m to 18m from the southern boundary. The 11.5m setback occurs at the front corner of the building which is proposed to be curved (refer to Figure below). Although this part of the building results in a minor non-compliance with the minimum 12m setback,



the curved design allows for the building to address Northwood Road and create visual interest for pedestrians and motorists compared to a sharp corner or blank wall.

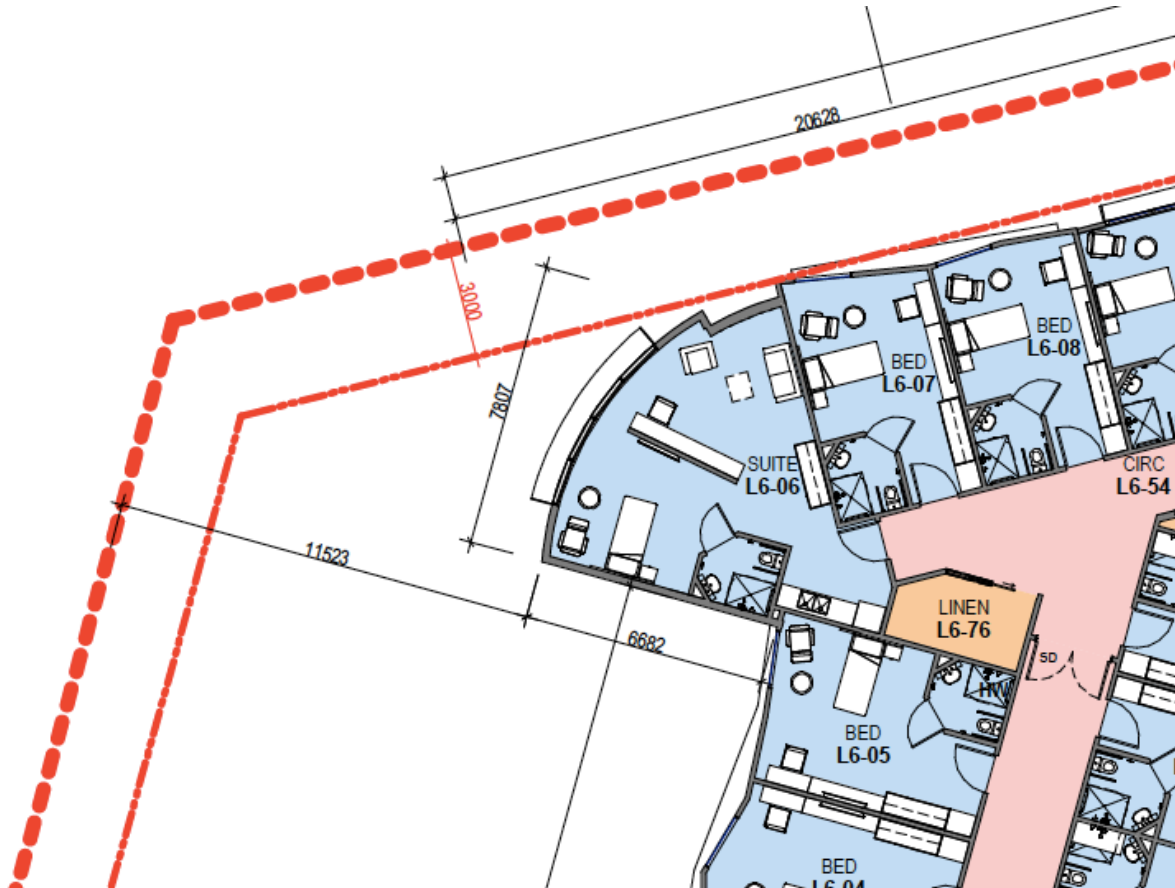


Figure 16: Extract of Level 6 plan showing setbacks in south west corner of site (Source: MDPA)

Overall, the proposal results in some minor variations to the DCP setbacks. The areas of the building that encroach into the minimum setback area, including the rear balconies, part of the terraces and the curved front façade of the building, however, do not present any detrimental impacts to adjoining properties in terms of privacy or overshadowing as discussed in the following sections.

### 6.3.3. Overshadowing

As shown in the Shadow Diagrams prepared by Morrison Design Partnership, the majority of the overshadowing as a result of the proposal occurs within the Longueville/Northwood Road reserves to the west and the adjacent bushland to the south-east of the site.

At 9am during mid-winter, some overshadowing occurs at the Longueville Sporting Club’s bowling greens (refer to Figure 17), however this is limited to the corner of the bowling greens, where there are currently shading structures for the club’s patrons.

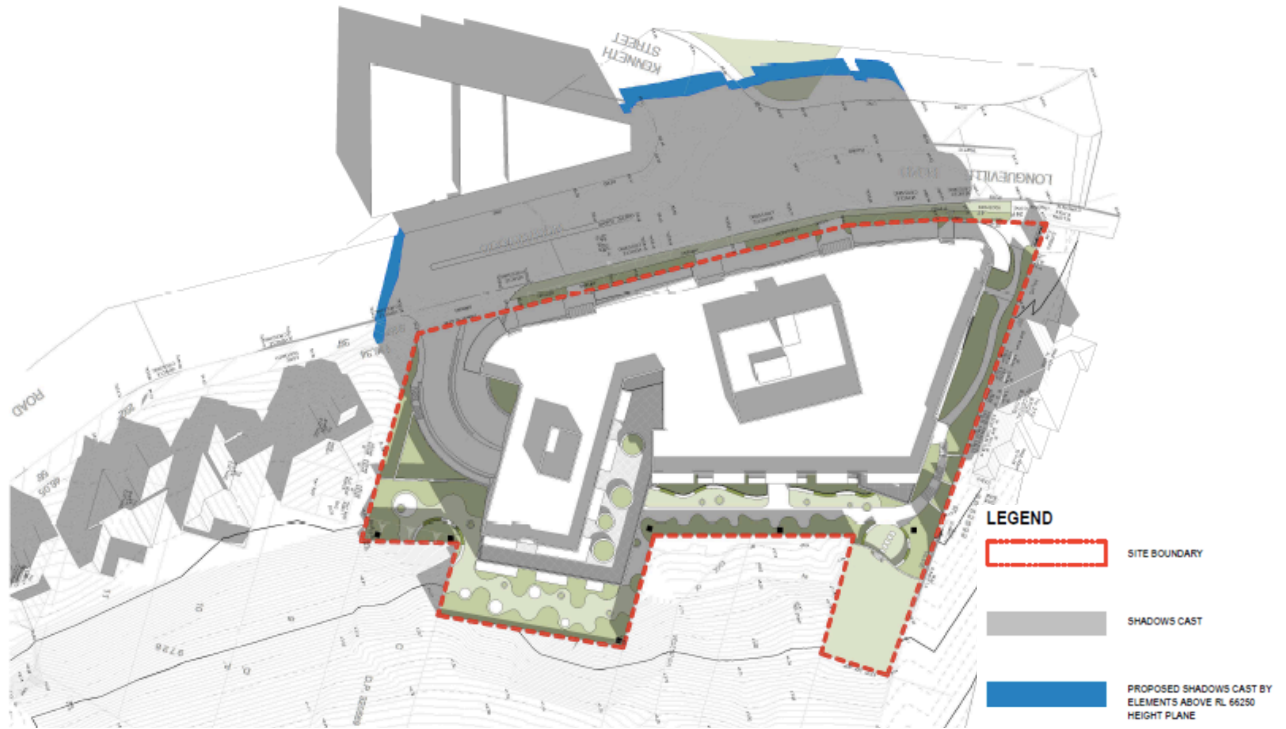


Figure 17: Proposed Shadows 9am - 22 June (Source: MDPA)

By 12pm the proposed building is mainly shadowing itself (refer to Figure 18). Some minor overshadowing occurs to a small portion of the road reserve and to the side setback area of the adjoining dwelling.



Figure 18: Proposed Shadows 12pm - 22 June (Source: MDPA)

By 3pm the proposed shadowing falls to the site's south and south-east, on the surrounding bushland and the rear yards of the dwelling houses at 20 and 22 Northwood Road. As shown in Figure 20, the site's existing buildings already overshadow the adjoining dwelling at 20 Northwood Road, including the partial shadowing of the house's windows (along its northern elevation) and a portion of the back deck. The proposed development will increase overshadowing, mainly to the house's back window (which likely provides solar access to a living room) and the remaining area of the deck. This dwelling, however, generally receives full solar access before 12pm, noting that it is only at 12pm that the proposal begins to overshadow the adjoining dwelling.



Figure 19: Proposed Shadows 3pm - 22 June (Source: MDPA)

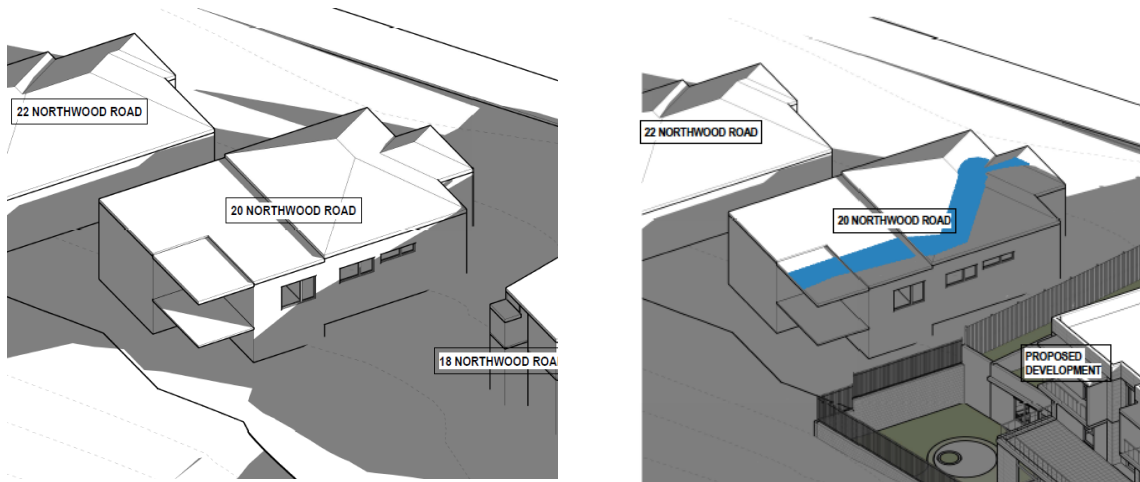


Figure 20: Existing (left) and Proposed (right) overshadowing on 20 Northwood Road at 3pm (Source: MDPA)

The surrounding and nearby residential properties, including the nearby bowling greens and bushland, will therefore receive reasonable levels of solar access.

#### 6.3.4. Internal Amenity

Private amenity of the proposal's residents is of a high standard. Specifically:

- Each RAC room has easy, at grade access throughout the building;
- Each RAC room will be constructed in accordance with relevant standards such that there will be no unacceptable noise transmission.
- Each RAC room is easily accessible via lifts and stairs in accordance with BCA requirements;
- All residents will have access to communal and private open space areas.

#### 6.3.5. Privacy

The adjoining property to the north contains a 2 storey residential flat building and to the south is a single storey detached dwelling. To the rear (east) of the site is bushland which does not present any privacy concerns, regardless, the building is generally setback 10m from the rear boundary to minimise any visual or physical impact on the bushland.

The relationship with the neighbouring properties, to the north and south, is shown on the accompanying Architectural Plans (Appendix 2) and discussed below.

##### Relationship to development to the north

The proposal provides a setback of 6m to the northern boundary in accordance with the DCP and to minimise impacts on the adjoining residential flat building. The northern elevation of the proposed building contains windows from the RAC rooms, a staff terrace at Level 3 (ground) and landscaped terraces at Levels 5 and 6. Where possible, window openings from the RAC rooms have been minimised on the north elevation to reduce the opportunity for overlooking.

The proposed Level 3 staff terrace is located at ground level and will be separated from the adjoining site by the boundary fence and landscaping as discussed below. As demonstrated on the sight line diagrams at Appendix 2, the proposed privacy screens to the upper level terraces have been positioned and designed to prevent overlooking of the adjoining property at 272 Longueville Road.

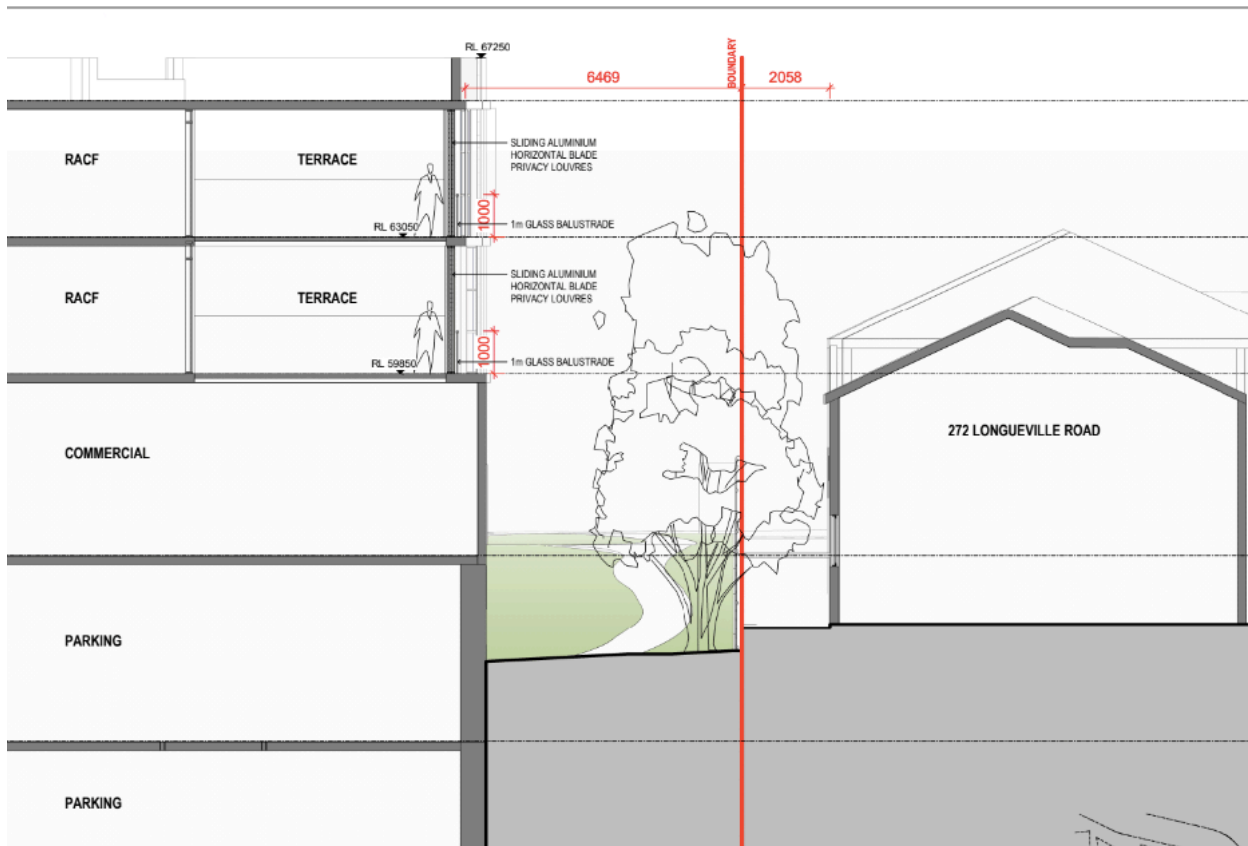


Figure 21: Sight line diagram, northern boundary (Source: MDPA)

Further, as shown on the Landscape Plan (Appendix 7), the northern side boundary setback is proposed to contain mass planting areas as well as 13 new trees along the site boundary, adjoining 272 Longueville Road to create a visual buffer.

#### Relationship to development to the south

The proposed south elevation contains window openings from the RAC rooms at Levels 5 and 6 and a window opening from the ground floor commercial premises. Each of these openings are setback approximately 18m from the southern site boundary, with the exception of a window located towards the front boundary which is setback 11.5m. Similar to the northern setback, the proposed southern setback will contain mass planting areas and five new trees along the common boundary. The combination of landscaping along the site boundary and generous building setbacks to the southern boundary will minimise the opportunity for overlooking of the dwelling at 20 Northwood Road.

#### 6.3.6. Views

The Longueville/Northwood Road frontage is the highest part of the site and the topography falls steeply to the east towards Lane Cove Golf Course and Gore Creek. As a result of the sites topography, views are gained from Northwood Road, through the site, to the bushland at the rear. When preparing the associated Planning Proposal for the site, significant urban design analysis was undertaken to ensure that the proposed development was appropriate given the site's location. This analysis identified several opportunities to enhance the public domain including view corridors and through site links to allow for views from the public domain to the bushland at the rear. The Site Specific DCP requires one view corridor in the



northern side boundary setback, and two through site links through the proposed building. The two corridors through the building have a minimum width of 4.5m and the view corridor in the northern setback is a minimum 6m, compliant with the DCP. The two through site links are integrated into the built form and have a height of 4m.

### 6.3.7. Public Domain

The proposal provides a positive and compatible contribution to the public domain through the improvements to Northwood Road including:

- Planting of 7 new street trees
- New turf and mass planting areas creating a buffer between the footpath and adjoining road
- High quality paved footpath through the front of the site.

These public domain works will improve the interface of the site with public areas, as well as enhancing the presentation of the development. The proposed landscape and public domain works will create a suitable streetscape presentation and significantly improve the public domain compared to existing.

Refer to the Landscape Plans at Appendix 7 for further detail.

### 6.3.8. Materials and Colour

The extract below shows the proposed materials and finishes to the front building elevation to Northwood Road. The proposed design incorporates a combination of glass balustrades, copper cladding, vertical blades, rendered walls, horizontal louvres, white render wall and zinc cladding.



Figure 22: Materials and finishes schedule and elevation (Source: MDP)

Refer to the Architectural Plans at Appendix 2 for further detail.



### 6.3.9. Building and Construction

Compliance with the BCA will be demonstrated with the Construction Certificate documentation. A BCA Capability Statement has been prepared by AED Group and is provided at Appendix 10.

A final Construction Management Plan will be prepared by the appointed contractor, once the terms of any approval granted are known. Accordingly, it is anticipated that Council will include appropriate conditions within any consent notice requiring the preparation and approval of a CMP prior to works commencing.

## 6.4. Natural Environment

### 6.4.1. Flora and Fauna

A Flora and Fauna Assessment has been prepared by Cumberland Ecology and is provided at Appendix 16. The report concludes:

*Approximately 0.13 ha of non-threatened ecological community vegetation, including one planted threatened species will be cleared as a result of the proposed development. Due to the degraded nature of the vegetation present and the fact that bigger patches of better condition habitat will remain in areas adjacent to the east of the subject site, the proposed development is unlikely to have a significant impact on the biodiversity values of the locality.*

*Additionally, the one threatened plant species present exists as a planted individual and its removal is unlikely to have a significant impact on a local population.*

*One building potentially offers roosting habitat for one threatened bat species and the vegetation present offers foraging habitat for two threatened bat species; however the potential roosting habitat is not preferred habitat for the species, and foraging habitat present is unlikely to be important to either of the species as it is likely only utilised periodically as part of a much broader foraging range. Therefore, the proposed development is unlikely to have a significant impact on either of the bat species that have potential to occur.*

The following mitigation measures are identified in the report to ensure the proposed development will not have a significant impact on the long-term survival of any threatened species and/or ecological communities occurring, or that have the potential to occur within the subject site or locality:

- Vegetation Protection
- Erosion, Sedimentation and Pollution Control
- Pre-clearing and Clearing Surveys
- Weed Control Measures
- Revegetation Works

The project does not trigger entry into the Biodiversity Offset Scheme and a Biodiversity Development Assessment Report for further ecological assessments are not required.

Refer to the Flora and Fauna Assessment at Appendix 16 for further detail.

### 6.4.2. Tree Removal

An Arborist Report has been prepared by Stuart Pittendrigh to accompany the application and is included at Appendix 5 of this SEE. It assesses the potential impacts of the proposed development on the 40 trees located on the site and in the immediately adjoining bushland, and details tree protection measures required for the trees to be retained and relocated.

As demonstrated on the accompanying Landscape Plans (Appendix 7) and discussed in the Arborist Report (Appendix 5), the proposal requires the removal of 11 trees and relocation of 3 existing trees located either within or near the proposed building footprint.

To offset the removal of the trees the Landscape Plan proposes planting of 47 new trees on the site. The purpose of this replacement planting is to offset the loss of tree canopy on the site, thus minimising any potential adverse impacts associated with the removal of trees from the site.

To ensure that the trees to be retained are protected during construction, a tree protection zone and structural root zone will be installed around the tree as recommended by the arborist report. Protective fencing, trunk protection and warning signs will be provided to supplement this.

### 6.4.3. Landscape

As discussed in Section 3.6 of this SEE, the proposed landscape scheme includes:

- A variety of mass planting areas, paved footpaths and turf within the rear setback including small pockets of seating for the RACF residents to use. A sunken terrace is proposed at the rear of the building which provides solar access to the basement level hydrotherapy pool.
- A bush regeneration area to the rear of the site.
- Mass planting area within the 6m northern side boundary setbacks including the retention of existing trees on the site boundary. A paved pathway is required within the setback as fire egress from the building.
- Public domain improvements along Northwood Road including the planting of 7 street trees, new turf and mass planting areas and high quality paved footpath.
- Mass planting and retention of trees in the southern side boundary setback.
- Green roofs and landscaped terraces.

A Landscape Plan has been prepared by Svalbe & Co and is provided at Appendix 7. Clause 48 (C) of the Seniors SEPP provides the following non-refusal standard:

*landscaped area: if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,*

As the proposal contains 143 beds, the non-refusal standard therefore is for a landscaped area of 3,575m<sup>2</sup>.

Strict compliance with this standard is not required under the Seniors SEPP, but if compliance is met, then it cannot be used a reason to refuse the application. Where the development exceeds the "non-refusal" matter, then the consent authority is to determine if the proposal is satisfactory on its merits.

In this instance, the development proposes 1,406sqm (28% of site area) of landscaping at the ground level (excluding any pathways or paving). Although the proposal does not satisfy the non-refusal standard for landscaped area, the proposal is considered satisfactory and an additional 65sqm of landscaped area at the podium level to provide a high level of amenity for future occupants of the development as well as two landscaped terraces (Levels 5 and 6).

Further, the site specific DCP requires the following in terms of landscaped area:

*Landscaped areas shall equate to a minimum of approximately 24% of the total site area.*

As shown on the Landscape Area Schedule at Appendix 2, the proposal provides 1,406sqm (28% of site area), in excess of the DCP control.

#### 6.4.4. Water Management

As shown on the accompanying stormwater plans (Appendix 15), all roof and balcony drainage and basement pump out will connect directly into the OSD tank. The site outlet will discharge to the creek via headwall and energy dispersion structures. This control is contrary to Council's Part O – Stormwater Management document which states in section O.4: "Council will generally not approve stormwater systems that drain against the natural grade of the land".

If the proposal discharged towards the street, this would increase the catchment (from the existing case) draining towards the street. This in turn increases the volume and flow of water draining to the street and will increase flooding on downstream properties. The proposal seeks to avoid changing existing catchments to avoid having potential flooding issues on downstream properties.

The proposal includes an 89m<sup>3</sup> OSD tank to the rear of the site as shown on the accompanying stormwater plans.

Refer to the Stormwater Plans and Strategy Letter at Appendix 15 for further detail.

#### 6.4.5. Soil Management

Refer to **Section 4.5.2** for the SEPP 55 assessment with regard to potential soil contamination.

Also refer to the Erosion and Sedimentation Control Plan provided at Appendix 15 which provides measures to ensure the development provides appropriate soil management and sedimentation control.

#### 6.4.6. Air and Microclimate

Some dust is anticipated during the construction period, particularly given demolition and excavation is involved. This impact can be managed through measures such as wetting down work areas/stockpiles, stabilising exposed areas, preventing material tracking out onto public roadways, covering loads on all departing trucks, and working to weather conditions. The proposal is otherwise not expected to give rise to any long term or adverse impacts on local or regional air quality.

A final CMP will be provided by the builder, once appointed, prior to the issue of the Construction Certificate.

#### 6.4.7. Noise and Vibration

An Acoustic Report has been prepared by EMF Griffiths and is provided at Appendix 12.

The subject site is in a suburban location with traffic noise from Longueville Road, Northwood Road and River Road West impacting on the western façade of the site. There are sensitive residential receivers to north and south (R1 and R2), commercial ones to the west (C1 and C2) and Gore Creek natural reserve and golf course to the east. These sites represent the noise sensitive receivers used in the acoustic assessment as shown in the aerial photo below:



Figure 23: Location of significant ambient traffic noise sources (Source: EMF)

Suitable noise control measures have been proposed in the Acoustic Report to provide reasonable levels of noise amenity within the proposed development and at adjacent properties. The acoustic assessment has considered the noise from mechanical plant, noise sources associated with the development and external environmental noise.

The noise control measures recommended include:

- Acoustic design of façade and services to minimise noise intrusions.
- Location of noise sensitive activities within the building and using intervening building structure to control noise emissions.
- Demand control of external A/C plant to minimise noise emissions.

Refer to the Acoustic Report at Appendix 12 for further detail.

#### 6.4.8. Energy

A Section J Assessment has been undertaken by Aspire Sustainability Consulting and is provided at Appendix 13. The report assesses the proposed development against Section J Deemed-to-Satisfy requirements of the 2019 National Construction Code (NCC).

Refer to Appendix 13 for further details.



## 6.5. Movement and Access

A Traffic and Parking Impact Assessment has been prepared by McLaren Traffic and is provided at Appendix 8.

### 6.5.1. Public Transport

The site currently has access to several existing bus stops within the immediate vicinity of the site along Northwood Road and Longueville Road. The bus stops service existing bus routes 253 (Riverview to City Wynyard via Freeway), 254 (Riverview to McMahons Point) and 261 (Lane Cove to City King Street Wharf via Longueville) provided by State Transit.

An extract of the bus route map is provided in the figure below, with the site marked by the red star.

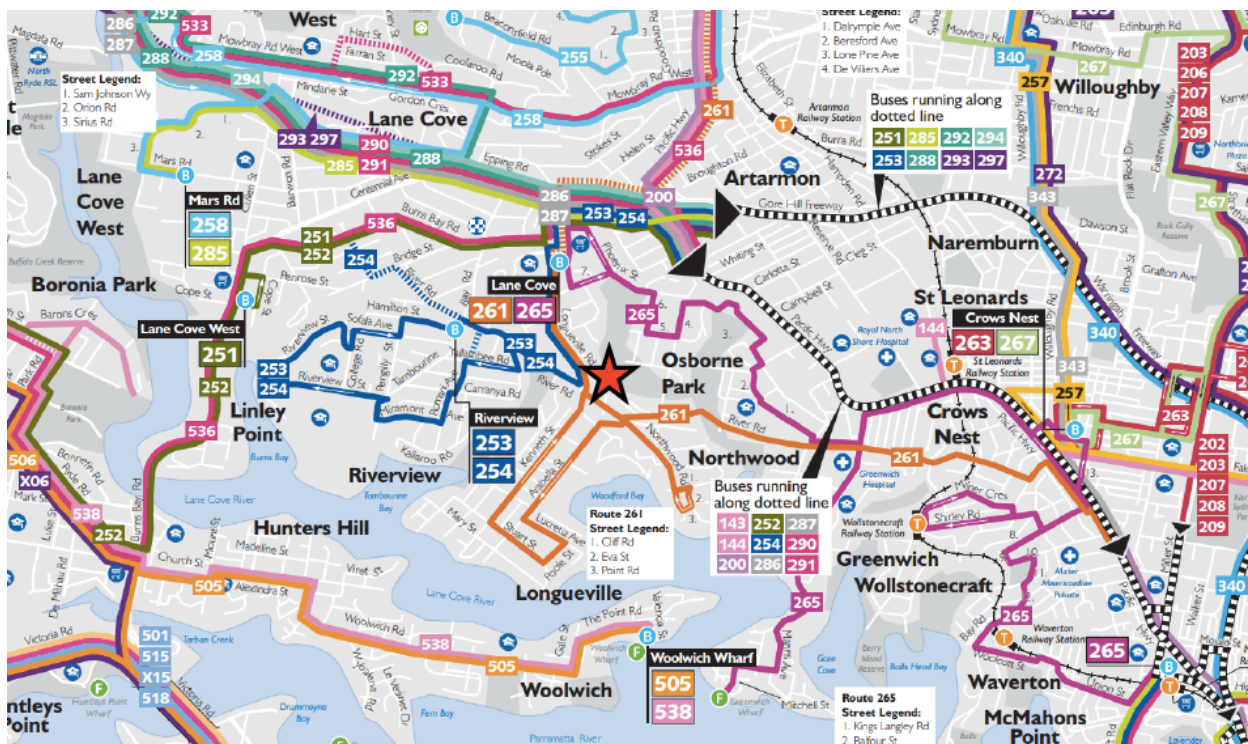


Figure 24: Bus route map, site marked by red star

### 6.5.2. Parking

#### Car Parking

The relevant parking rates that apply to the proposal are as follows:

- Commercial component (LCDCP parking rates)
  - Shop
  - 1 space per 40m<sup>2</sup>
  - 1 disabled space per 20 car spaces (minimum 1 disabled space)
- RAC component (Seniors SEPP parking rates)

- (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.

The table below has been prepared by McLaren and demonstrates compliance with the required parking spaces for the development.

Land Use	Type	Scale	Rate	Parking Required	Parking Provided
Commercial	Shop	2,051m <sup>2</sup> GFA	1 space per 40m <sup>2</sup>	51.3	51
Residential	Aged Care	101 x 1-bed units	1 space per 10 beds	10.1	15
		21 x 2-bed units	1 space per 10 beds	4.2	
		40 staff	1 space per 2 staff	20	20
<b>TOTAL</b>	-	-	-	<b>86 (85.6)</b>	<b>86</b>

Figure 25: DCP and SEPP Parking Rates (Source: McLaren)

The proposed plans detail the provision of 86 car parking spaces, with 51 for commercial use, 15 for aged care residential use and 20 for residential aged care staff use, satisfying the requirements of Council's DCP and the Seniors SEPP. It is noted that the plans detail a loading area, which is suitable for ambulance use as detailed in Section 3.4 of the Traffic and Parking Impact Assessment.

### Bicycle and Motorcycle Parking

The following rates are identified in the LCDCP:

- *Bicycle parking - Employees 1 per 50m<sup>2</sup> GFA and Visitors 2 racks + 1 rack per 200m<sup>2</sup> over 200m<sup>2</sup> GFA*
- *Motorcycle parking - Developers shall provide 1 motorcycle parking space per 15 car spaces for all types of development.*

Applying the above rates, results in a requirement of 53 bicycle spaces, with 41 for commercial staff, 12 for commercial visitors and six motorcycle parking spaces. The plans detail the provision of six motorcycle parking spaces and 65 bicycle parking spaces, compliant with Council's requirements.

It is not expected that aged care residents require bicycle or motorcycle parking. Further, there is no requirement outlined within the DCP for the provision of residential aged care bicycle spaces.

### 6.5.3. Traffic Management

The likely traffic generation of the proposal and the ability of the local road network to accommodate any change in traffic quantity was thoroughly analysed as part of the PP process.



The traffic impact assessment undertaken by McLaren Traffic assessed the specific mix of land uses proposed in this application. The TIA concludes there will be little perceptible change due to the low traffic generation created by a RACF and the relatively limited quantity of commercial land uses.

The net change in traffic generation from the existing land uses to the proposed land uses is summarised in the following tables prepared by McLaren.

Scenario	Peak Period	Trips	Trip Distribution
Existing <sup>(1)</sup>	AM	- 33	- 20 in, - 13 out
	PM	- 64	- 32 in, - 32 out
Future <sup>(2)</sup>	AM	+ 43	+ 32 in, + 11 out
	PM	+ 106	+ 52 in, + 54 out
<b>NET CHANGE</b>	<b>AM</b>	<b>+ 10</b>	<b>+ 12 in, -2 out</b>
	<b>PM</b>	<b>+ 42</b>	<b>+ 20 in, + 22 out</b>

**TABLE 9: NET CHANGE TRAFFIC GENERATION - RMS**

Scenario	Peak Period	Trips	Trip Distribution
Existing <sup>(1)</sup>	AM	- 80	- 38 in, - 42 out
	PM	- 98	- 47 in, - 51 out
Future <sup>(2)</sup>	AM	+ 68	+ 26 in, + 42 out
	PM	+ 111	+ 63 in, + 48 out
<b>NET CHANGE</b>	<b>AM</b>	<b>- 12</b>	<b>-12 in, 0 out</b>
	<b>PM</b>	<b>+ 13</b>	<b>+16 in, - 3 out</b>

The Traffic and Parking Impact Assessment concludes the following in relation to traffic generation:

*It can be seen that the expected net change in traffic generation associated with the subject site based on the RMS Guide 2002 results in a net decrease of 12 vehicles (- 12 in, 0 out) in the AM peak hour period and a net increase of 13 trips (16 in, - 3 out) in the PM peak hour period. It is further noted that the passing trade traffic generation associated with the service station remains within the network as through-bound traffic.*

The Traffic and Parking Impact Assessment concludes that the level of net change in traffic is relatively minor and is not expected to noticeably impact the existing conditions of the surrounding road network. Further, there will be no detrimental or noticeable impact to the performance of the intersections surrounding the site. Refer to the Traffic and Parking Impact Assessment at Appendix 8 for further detail.

#### 6.5.4. Servicing

A loading bay is proposed in the Level 3 basement to service both the RACF and commercial premises. All servicing and loading, including waste collection for the site, can be conducted by an 8.8m length MRV. Swept path testing of an 8.8m MRV to and from the proposed loading area is reproduced in Annexure E of the Traffic and Parking Impact Assessment, showing successful manoeuvring to and from the designated loading and waste collection area.

This loading area provides an additional loading bay for an SRV and it is noted that this area can be used by an ambulance when required. Ambulance vehicles range from 2.63m to 3.2m in height depending upon the model and therefore can access the basement which provides a headroom clearance of 3.5m.

#### **6.5.5. Waste**

##### **Demolition and Construction Waste**

A Waste Management Form has been completed and provided at Appendix 17 which details the demolition and construction waste associated with the proposed development. The form identifies the type and volume of waste anticipated and how it will be disposed of, reused on site, or recycled. As demonstrated at Appendix 17, where possible the demolition and construction waste will be recycled and approximately 500m<sup>3</sup> of topsoil will be reused on site for landscaping purposes.

##### **Operational Waste**

An Operational Waste Management Plan has been prepared and is provided at Appendix 18. All waste will be transported to the waste storage areas in trolley receptacles via the RACF back of house lift, commercial lifts or directly from the garbage storage level floor. The various bins will be collected by nominated contractors directly from the RACF or Commercial Waste Storage areas, all vehicles will enter and exit in a forward direction. Bulk storage rooms shall be provided for the storing and sorting of waste for collection.

#### **6.5.6. Accessibility**

An Accessibility Report has been prepared by Accessible Building Solutions and is provided at Appendix 11. The access report identifies that the proposal complies or is capable of complying with the relevant access provisions

Refer to Appendix 11 for further detail.

### **6.6. Site Suitability**

#### **6.6.1. Geotechnical**

A Geotechnical Report has been prepared by JK Geotechnics and is provided at Appendix 6. The report provides geotechnical information on subsurface conditions as a basis for comments and recommendations on excavation, shoring, earth pressures, groundwater, and foundations. Refer to Appendix 6 for further detail.

#### **6.6.2. Contamination**

Contamination has been identified on site as a consequence of the previous service station use. A Remediation Action Plan (Appendix 14) has been prepared for the site and issued to Council. Remediation is due to commence imminently in accordance with the relevant provisions of SEPP 55.

Refer to Section 4.5.2 for the SEPP 55 assessment.

#### **6.6.3. Services and Utilities**

Electrical, gas, telecommunications and sewerage connections are currently provided to the existing buildings on the site. The proposal will utilise these connections to ensure that residents obtain the required services and utilities.

#### 6.6.4. Conclusion

The suitability of the land to accommodate a building of this type and scale was established by the analysis completed by Council through the preparation of the LCLEP.

The subject site is not affected by any policy that restricts development because of the likelihood of land slip, bush fire, tidal inundation, subsidence, acid sulphate soils or any other risk.

An assessment under SEPP 55 has been carried out and is provided at Section 4.5.2 above. The SEPP 55 assessment provides sufficient environmental protection measures and do not indicate that there are any impediments to the proposed development.

### 6.7. Social and Economic Effects

#### 6.7.1. Crime and Safety

Crime Prevention through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it can reduce the likelihood of crimes being committed. By introducing CPTED measures within the design of the development, it is anticipated that this will assist in minimising the incidence of crime and contribute to perceptions of increased public safety. The proposal has been designed to take into consideration these principles as follows:

Surveillance: This principle provides that crime targets can be reduced by effective surveillance, both natural and technical.

The proposal provides passive surveillance to Northwood and Longueville Roads as well as the landscaped areas located on each boundary. Clear sight lines are provided to façade elevations with few opportunities for concealment. Windows ensure that passive surveillance via overlooking is provided to all elevations.

Access Control: This principle provides that barriers to attract/restrict the movement of people minimises opportunities for crime and increases the effort required to commit crime.

Access to the RACF is secured via secure intercom access and will pass by reception areas. Pedestrian access to the RACF will also be gained from a lift from the basement car park, access to which will be restricted via intercom and a roller door.

Territorial Reinforcement: This principle provides that well-used places reduce opportunities for crime and increase risk to criminals.

The architectural design of the development defines areas for private, public and communal uses and offers a good level of passive surveillance opportunities.

Space Management: This principle provides that space which is appropriately utilised and well cared for reduces the risk of crime and antisocial behaviour.

The proposal will generate a suitable level of activation in both public and communal space as well as casual surveillance. The RACF will be appropriately managed and maintained by its employees.

#### 6.7.2. Social, Economic and Employment

By increasing the supply of housing and seniors housing in particular, the proposal assists with promoting housing affordability. The proposal will provide much needed senior housing accommodation in an area of high amenity. The site is in close proximity to shops, services, and public transport will make it attractive for residents, visitors and staff.

The proposal's construction phase would provide substantial ongoing employment opportunities for the construction sector. The development will also offer additional housing choice, non-residential services,

and related employment opportunities, including creating ongoing employment opportunities during operation of the RACF and commercial premises.

### 6.7.3. Public interest

In addition to providing a new residential aged care facility in the Lane Cove LGA and employment opportunities, this application will facilitate an improved streetscape, including public domain improvements and amalgamation of several allotments to create a cohesive built form. The future commercial uses at the ground floor of the site will be open to the public and include uses such as a pharmacy, veterinary clinic, café, restaurant, and medical centre with specialist doctors.

Pursuant to case law of *Ex Gratia P/L v Dungog Council* (NSWLEC 148), the question that needs to be answered is “Whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development”.

The proposed land use is permissible with consent pursuant to the LCLEP 2009 and Seniors SEPP and the proposal is of a high-quality design. Any potential environmental impacts have been found to be acceptable or can be adequately mitigated as stated above. The proposal provides a positive contribution to the supply of housing in the area.

There are no unreasonable impacts that will result from the proposed development, therefore, the benefits of providing additional housing supply and employment generating uses in a highly accessible and well serviced area outweigh any disadvantage and as such the proposed development will have an overall public benefit.



## **7. CONCLUSION**

This DA seeks approval for the erection of a mixed use development including a RACF and commercial premises at 4-18 Northwood Road & 274 - 274A Longueville Road, Lane Cove.

This SEE has undertaken an environmental assessment of the proposal and has concluded that the proposal provides a built form which is consistent and compatible with the desired future character of the site and the surrounding locality, and provide a high quality RACF that will integrate with the surrounding locality to provide a purpose-designed, high quality development well suited to the needs of the local community's aging population.

In summary, the proposal is considered to:

- be an appropriate response to the context, setting, planning instruments and development guidelines and other considerations outlined in Section 4.15(1) of the Environmental Planning and Assessment Act, 1979;
- provide a built form consistent with and appropriate to the desired future character of the site, ensuring compatibility with the streetscape by virtue of its scale and high-quality design;
- be consistent with the objectives of the B4 Mixed Use zone and appropriate within the context of the site and the surrounding area;
- provide a high standard of architectural design that enhances and improves the visual presentation of the consolidated site;
- offer additional housing choice, non-residential services and related employment opportunities, including creating ongoing employment opportunities during operation of the RACF and commercial premises;
- have no adverse impacts on the environment, traffic, parking, drainage or other external features or services.

The benefits provided by the proposed development outweigh any potential impacts and is it is therefore considered to be in the public interest. The proposal will deliver a suitable and appropriate development and is worthy of approval.