

Sydney North Planning Panel Meeting 17 December 2020
106-114 CENTENNIAL AVENUE AND 7-13 FIGTREE STREET, LANE COVE

Subject: 106-114 Centennial Avenue and 7-13 Figtree Street, Lane Cove
Record No: DA20/134-01 - 61913/20
Division: Environmental Services Division
Author(s): Henry Burnett

Note: Sydney North Planning Panel Meeting Date 16 December 2020

Panel Reference	PPSSNH-163
DA Number	134/2020
LGA	Lane Cove Council
Proposed Development	Residential Aged Care Facility
Street Address	106-114 Centennial Avenue, Lane Cove 7-13 Fig Tree Street, Lane Cove
Applicant/Owner	Applicant: The Uniting Church in Australia Property Trust (NSW) Owner: The Uniting Church in Australia Property Trust (NSW)
Date of DA lodgement	8 October 2020
Total number of Submissions	Three (3)
Number of Unique Objections	Three (3)
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Development has a capital investment value of more than \$30 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • relevant environmental planning instruments <ul style="list-style-type: none"> - SEPP (Housing for Seniors or People with a Disability) 2004; - SEPP (Infrastructure) 2007; - SEPP (State and Regional Development) 2011; and - Lane Cove Local Environmental Plan 2009. • proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority <ul style="list-style-type: none"> - Draft Environment SEPP; and - Draft Housing Diversity SEPP. • relevant development control plan <ul style="list-style-type: none"> - Lane Cove Development Control Plan 2010 • relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 <ul style="list-style-type: none"> - Nil

	<ul style="list-style-type: none">• relevant regulations e.g. Regs 92, 93, 94, 94A, 288<ul style="list-style-type: none">- Clause 92(1)(b) – Demolition of Structures- Clause 94 – Fire safety upgrades to existing buildings• coastal zone management plan<ul style="list-style-type: none">- Nil• other relevant plans<ul style="list-style-type: none">- Lane Cove Section 7.11 Contributions Plan																																																																								
List all documents submitted with this report for the Panel’s consideration	<table><tr><th>Annexure</th><th>Document</th><th>Prepared By</th></tr><tr><td>1</td><td>Conditions of Consent</td><td>Lane Cove Council</td></tr><tr><td>2</td><td>SEPP Seniors Assessment</td><td>Lane Cove Council</td></tr><tr><td>3</td><td>Amended Clause 4.6 Request</td><td>Planning Ingenuity</td></tr><tr><td>4</td><td>Amended Architectural Plans</td><td>Morrison Design Partnership</td></tr><tr><td>5</td><td>Amended Landscape Plans</td><td>Arcadia</td></tr><tr><td>6</td><td>Statement of Environmental Effects</td><td>Planning Ingenuity</td></tr><tr><td>7</td><td>Access Report</td><td>Funktion</td></tr><tr><td>8</td><td>Amended Traffic Impact Assessment</td><td>PTC</td></tr><tr><td>9</td><td>Acoustic Report</td><td>JHA</td></tr><tr><td>10</td><td>Geotechnical Report</td><td>Ascent</td></tr><tr><td>11</td><td>Amended Arboricultural Report</td><td>Tree Talk</td></tr><tr><td>12</td><td>Preliminary Site Investigation</td><td>JBS&G Australia</td></tr><tr><td>13</td><td>BCA Assessment</td><td>Blackett Maguire and Goldsmith</td></tr><tr><td>14</td><td>Quantity Surveyors Report</td><td>Rider Levett Bucknall</td></tr><tr><td>15</td><td>Operational Waste Management Plan</td><td>Waste Audit</td></tr><tr><td>16</td><td>Stormwater Management Plan</td><td>Northrop</td></tr><tr><td>17</td><td>Demolition and Construction Waste Management Plan</td><td>Waste Audit</td></tr><tr><td>18</td><td>Survey Plan</td><td>Project Surveyors</td></tr><tr><td>19</td><td>Proof of Charitable Status</td><td>NRS Community Housing</td></tr><tr><td>20</td><td>Notification Extent Map</td><td>Lane Cove Council</td></tr><tr><td>21</td><td>Summary of Submissions</td><td>Lane Cove Council</td></tr><tr><td>22</td><td>Transport for NSW Response</td><td>Transport for NSW</td></tr><tr><td>23</td><td>Indicative Amended Plans for Retention of Tree No. 56</td><td>Morrison Design Partnership</td></tr></table>	Annexure	Document	Prepared By	1	Conditions of Consent	Lane Cove Council	2	SEPP Seniors Assessment	Lane Cove Council	3	Amended Clause 4.6 Request	Planning Ingenuity	4	Amended Architectural Plans	Morrison Design Partnership	5	Amended Landscape Plans	Arcadia	6	Statement of Environmental Effects	Planning Ingenuity	7	Access Report	Funktion	8	Amended Traffic Impact Assessment	PTC	9	Acoustic Report	JHA	10	Geotechnical Report	Ascent	11	Amended Arboricultural Report	Tree Talk	12	Preliminary Site Investigation	JBS&G Australia	13	BCA Assessment	Blackett Maguire and Goldsmith	14	Quantity Surveyors Report	Rider Levett Bucknall	15	Operational Waste Management Plan	Waste Audit	16	Stormwater Management Plan	Northrop	17	Demolition and Construction Waste Management Plan	Waste Audit	18	Survey Plan	Project Surveyors	19	Proof of Charitable Status	NRS Community Housing	20	Notification Extent Map	Lane Cove Council	21	Summary of Submissions	Lane Cove Council	22	Transport for NSW Response	Transport for NSW	23	Indicative Amended Plans for Retention of Tree No. 56	Morrison Design Partnership
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Clause 4.6 request	Yes – for breach in height standard.																																																																								
Summary of key submissions	<ul style="list-style-type: none">• Height, parking and tree removal.																																																																								
Report prepared by	Henry Burnett																																																																								
Report date	4 December 2020																																																																								

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
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e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?	Not applicable
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Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?	Yes
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Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

1. EXECUTIVE SUMMARY

The Development Application is for the expansion of an existing residential care facility pursuant to SEPP (Housing for Seniors and People with a Disability) 2004 on land known as No. 106-114 Centennial Avenue and 7-13 Fig Tree Street, Lane Cove.

The Development Application is referred to the Sydney North Planning Panel for determination under SEPP (State and Regional Development) 2011 as the Capital Investment Value exceeds \$30 million (\$33,590,000.00).

The Development Application was submitted after a two year Pre-DA process whereby an additional site was purchased, the principal vehicular access relocated, and the façade, height and setbacks amended. The applicant's consultative approach and willingness to work with Council staff has resulted in a more orderly development site, a more functional layout and a higher quality design that has regard to the local character.

The existing development includes a residential care facility (42 beds) and place of worship. The Development Application is for the demolition of six dwelling houses, boundary adjustments to three retained dwelling houses, retention of the existing place of worship, refurbishment of the existing residential care facility and the construction of an adjacent/connected three storey extension to the residential care facility providing an additional 100 beds and basement parking for an additional 35 vehicles. The resultant residential care facility would provide for a total of 142 beds and parking for 45 vehicles.

The proposal has been assessed against the relevant parts of Section 4.15 of the Environmental Planning and Assessment Act, 1979. A detailed assessment of the relevant environmental planning instruments is provided in Section 6 of this report. The legislative clauses requiring consent authority satisfaction in the principal environmental planning instrument, SEPP (Housing for Seniors or People with a Disability) 2004 are listed and recommendations summarised, in Table 1.

Table 1 – EPI Matters to be Satisfied		
EPI	Clause	Recommendation Summary
SEPP (Housing for Seniors or People with a Disability) 2004	18 – Restriction as to User	Satisfied, draft condition imposed
	26 – Location and Access to Facilities	Satisfied, refer Annexure 2.
	28 – Water and Sewer	Satisfied, infrastructure available.
	30 – Site Analysis	Satisfied, refer Annexure 4
	32 – Design of Residential Development	Complies
	40 – Development Standards	Refer to Clause 4.6 below.
	48 – Residential Care Facility Standards	Complies
SEPP 55 Remediation of Land	7 – Contamination and remediation to be considered in determining an application.	Satisfied, Preliminary Assessment provided, Detailed Assessment by draft condition imposed
Lane Cove LEP 2009	4.6 – Matters to be satisfied to vary a development standard.	Satisfied, refer to Section 6.1 of the Report.

The proposal complies with the provisions of SEPP (Housing for Seniors or People with a Disability) 2004 with the exception of building height. The SEPP specifies a maximum building height of 8m where a maximum building height of 10.89m is proposed. The departure is considered satisfactory in this instance for reasons outlined in the report including but not limited to the nature of residential care facilities, the high-quality setback and landscaped areas, the negligible amenity impacts, and compatibility of the architectural design with the locality.

The proposal was notified on one occasion and a total of three (3) submissions were received. The concerns raised relate to height, parking and tree removal. The submissions are summarised and addressed in the report.

The Development Application is reported to the Sydney North Planning Panel with a recommendation for approval subject to draft recommended conditions of consent (which the applicant have agreed to).

2. PRE-DA HISTORY

The applicant engaged with Council in an extensive two (2) year long Pre-DA process commencing in October 2018. The Pre-DA process is explained in this report to place into context the shorter assessment period of the Development Application.

i. First Pre-DA Meeting

In October 2018 the applicant submitted concept plans for the proposed development. The development site submitted as part of the initial pre-DA package is shown in red in **Figure 1**. A formal Pre-DA meeting was held on 30 October 2018. Council raised concerns in particular with the following elements of the proposed design:

- **Vehicular Access:** Vehicular access to the site was proposed from Charlish Lane (see green arrow in **Figure 1**). Charlish Lane has a particularly narrow carriageway and is not suitable as the principal service, staff and visitor vehicle access point.
- **Site Isolation:** The proposed development site excluded No. 11 Fig Tree Street. Council advised that the isolation of No. 11 Fig Tree Street did not result in a rational and orderly development site and would likely result in unacceptable amenity impacts to that property.
- **Building Height and Design:** The proposed development included a building height that exceeded the ridge height of the existing residential care facility when viewed from Centennial Avenue and the design did not have a visual appearance consistent with the character of the locality.

ii. Mediation

The applicant advised during the pre-DA process that it had successfully purchased dwelling houses at No. 7, 9 and 13 Fig Tree Street (as well as No. 1 Charlish Lane and No. 106-112 Centennial Avenue) for inclusion in the proposed development site but that it had not been successful in negotiating the purchase of No. 11 Fig Tree Street.

Mediation was offered to both parties (Uniting and the owners of No. 11 Fig Tree Street) by the then Council's Executive Manager Environmental Services to see whether an agreement could be reached. Both parties agreed to voluntarily participate in the mediation. The mediation was successful and both parties reached an agreement as to the terms of the sale of No. 11 Fig Tree Street on 3 April 2019.

Note: The assessment officer preparing this report was not a part of the mediation process. Council staff that assisted in the mediation process have not taken part in the assessment of this Development Application.

iii. Second Pre-DA Meeting

The applicant requested a second Pre-DA meeting with Council which was held on 18 December 2019 with a revised design incorporating No. 11 Fig Tree Street. The incorporation of No. 11 Fig Tree Street resolved **site isolation** and enabled the **relocation of the principal vehicular access** from Charlish Lane to Fig Tree Street. The amended design also provided for a pitched roof design and façade in keeping with a low-density residential environment. Council raised concerns with the following elements of the proposed design:

- **Front Setback to Centennial Avenue:** The proposed front setback to Centennial Avenue was not in keeping with the front setback pattern established along Centennial Avenue including that of the existing residential care facility.

iv. Third Pre-DA Meeting

A third informal Pre-DA Meeting was held on 24 January 2020 where a revised front setback design was provided in accordance with Council's request. Council raised no significant concerns at the time and re-iterated the documentation required for submission of a Development Application.

v. Summary of Pre-DA Process

The applicant has engaged with Council in a collaborative manner in a meaningful Pre-DA Process. The resultant development site (**Figure 1**) demonstrates the extent taken to provide for more orderly development. The proposed development as described in Section 4 of this report in particular, the materiality, setbacks and architectural design are also resultant from the Pre-DA Process.



Figure 1: Pre-DA Development Site (Top) and Proposed Development Site (Bottom)

3. SITE

3.1 Development Site

The proposed development site for the residential care facility has an area of 8,165.2m² with a frontage of approximately 158 metres to Centennial Avenue and 146 metres to Fig Tree Street. The site has a cross-fall of approximately 7 metres from the high point in the south-eastern corner on Fig Tree Street to the low point along Centennial Avenue. The site area is comprised of the following components as detailed in **Figure 2**:

- (i) **Existing Site Area (Green):** The site of the existing residential care facility (and place of worship), shown in green in **Figure 2**, has a total area of 3,455m². The existing site is legally known as Lot 2 DP 184731 and Lot A DP 385033. The existing site comprises a single storey place of worship, two storey residential care facility (42 beds) with basement parking for 10 vehicles.
- (ii) **Residential Allotments (Orange):** The six (6) residential allotments to be added to the development site (with existing dwelling houses demolished) are shown in orange in **Figure 2**, have a total area of 3,960.8m² as detailed in **Table 2**:

Table 2 – Residential Allotments to be Incorporated in Development Site		
Property (Lane Cove)	Title Particulars	Area
106 Centennial Avenue	Lot 3 DP 339444	696.8m ²
108 Centennial Avenue	Lot 2 DP 339444	696.8m ²
110 Centennial Avenue	Lot 1 DP 339444	696.8m ²
112 Centennial Avenue	Lot B DP 385033	750.0m ²
11 Fig Tree Street	Lot D DP 385033	563.0m ²
13 Fig Tree Street	Lot C DP 385033	557.4m ²
	Total	3,960.8m²

- (iii) **Part Residential Allotments (Red) and Residue Allotments (Blue):** The three (3) part residential allotments to be added to the development site, shown in red in **Figure 2**, will contribute a total area of 749.4m² to the development site. The remaining area will form residue allotments (dwelling houses to be retained), shown in blue in **Figure 2**. These areas are detailed in **Table 3**:

Table 3 – Part Residential Allotments to be Incorporated in Development Site				
Property (Lane Cove)	Title Particulars	Existing Area	Development Site Area	Residue Site Area
7 Fig Tree Street	Lot C DP 336859	986.1m ²	391.6m ²	594.5m ²
9 Fig Tree Street	Lot B DP 346581	801m ²	251.0m ²	550.0m ²
1 Charlsh Lane	Lot 33 DP 555562	1,240m ²	106.8m ²	1,133.2m ²
	Total		749.4m²	

- (iv) **Total Development Site Area (Black Outline):** The total development site area is 8,165.2m² as detailed in **Table 4** below:

Table 4 – Development Site Area	
Existing Site Area (Green)	3,455.0m ²
Residential Allotments (Orange)	3,960.8m ²
Part Residential Allotments (Red)	749.4m ²
Total	8,165.2m²

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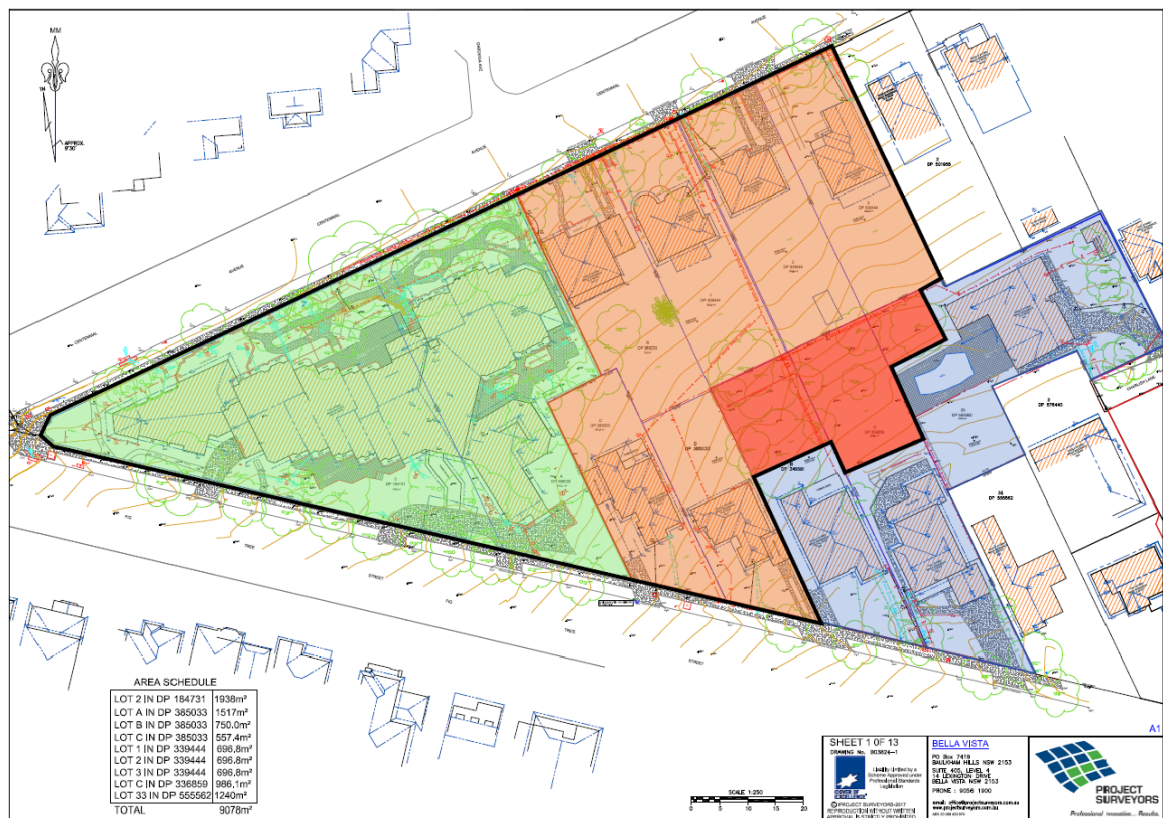


Figure 2: Proposed Survey Plan
Existing Site (Green) Proposed Additional Site Area (Orange) and Residue Lots (Blue)

Site photographs of the properties forming part of the development site are provided in **Figure 4 to 15** as follows:



Figure 3: Subject Site from Corner of Centennial Avenue and Fig Tree Street



Figure 4: View of Existing Residential Care Facility from Centennial Avenue



Figure 5: No. 112 Centennial Avenue (Proposed to be Demolished) and Existing RCF



Figure 6: No. 110 Centennial Avenue (Proposed to be Demolished)



Figure 7: No. 108 Centennial Avenue (Proposed to be Demolished)



Figure 8: No. 106 Centennial Avenue (Proposed to be Demolished)



Figure 9: View of Existing Basement Car Park on Fig Tree Street (To be Retained)



**Figure 10: View of Existing Drop-Off/Emergency Bay on Fig Tree Street
(Proposed to be Demolished and Relocated)**



Figure 11: No. 13 Fig Tree Street (Proposed to be Demolished)



**Figure 12: No. 11 Fig Tree Street (Tree 56 in Background)
(Proposed to be Demolished – Location of Proposed Basement Entry Ramp)**



Figure 13: No. 9 Fig Tree Street (Proposed to Adjust Rear Boundary)



Figure 14: No. 7 Fig Tree Street (Proposed to Adjust Rear Boundary)

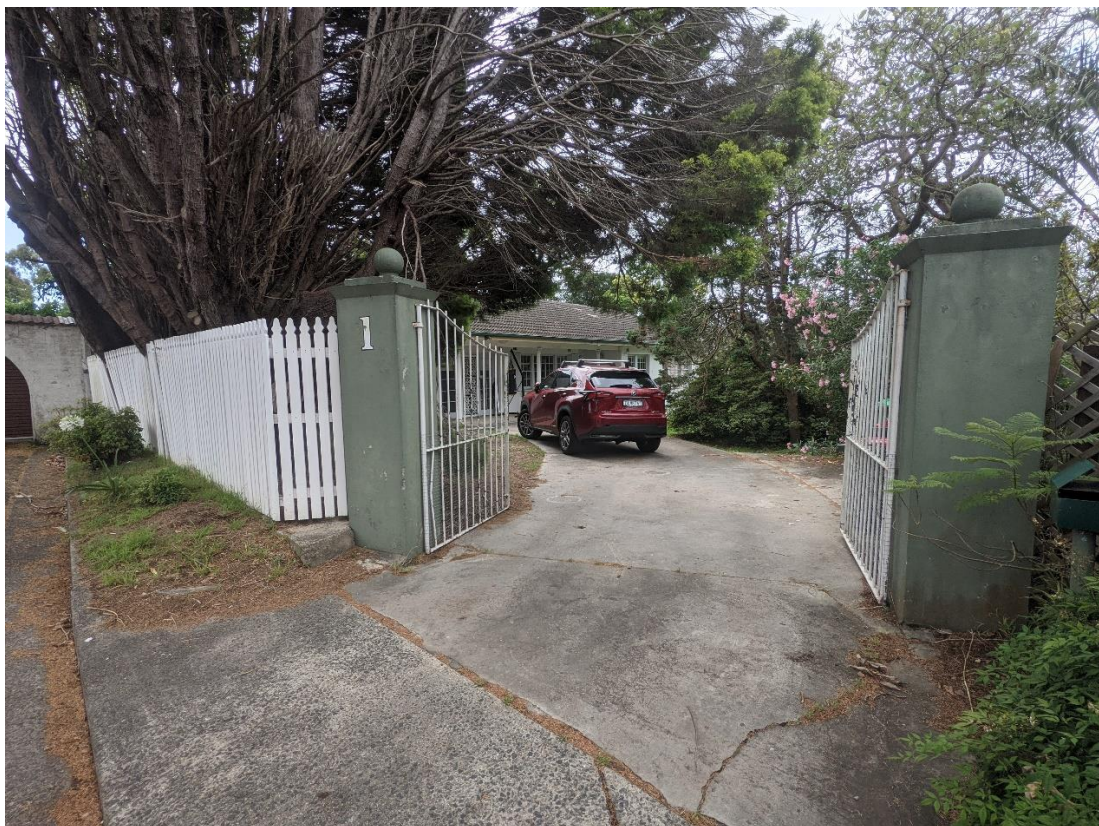


Figure 15: No. 1 Charlish Lane (Proposed to Adjust Boundary)

3.2 Local Planning Provisions

The local planning provisions contained within Lane Cove Local Environmental Plan 2009 zone the site R2 Low Density Residential (**Figure 16**), with a maximum FSR of 0.5:1 (**Figure 17**) and maximum building height of 9.5 metres (**Figure 18**).

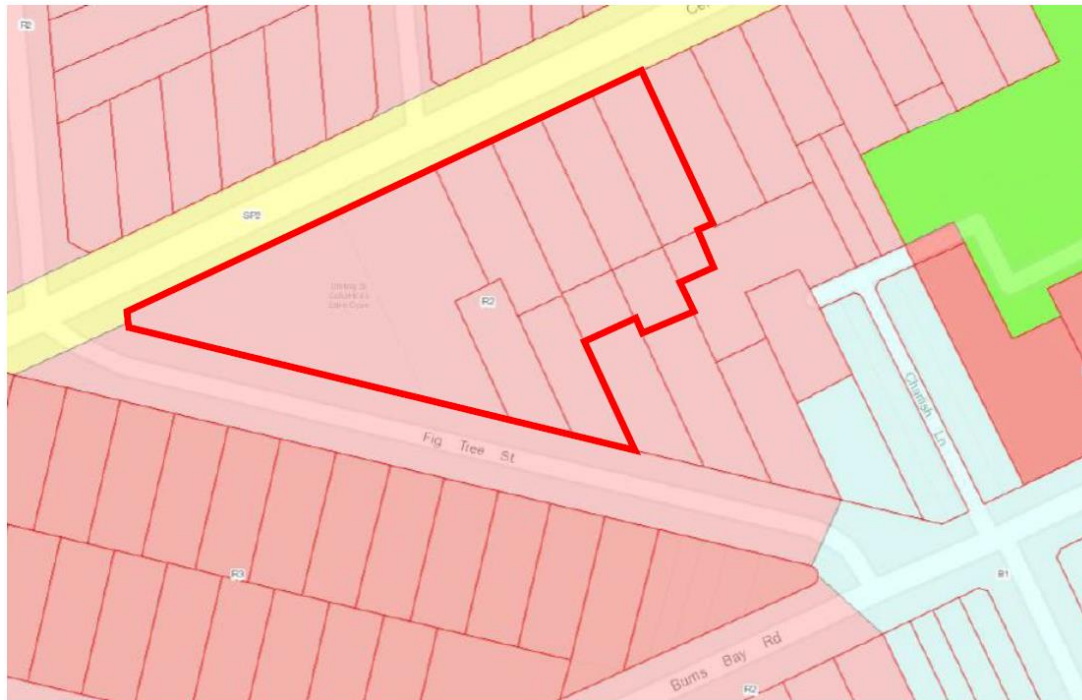


Figure 15: LCLEP 2009 Zoning Map (R2 Low Density Residential)

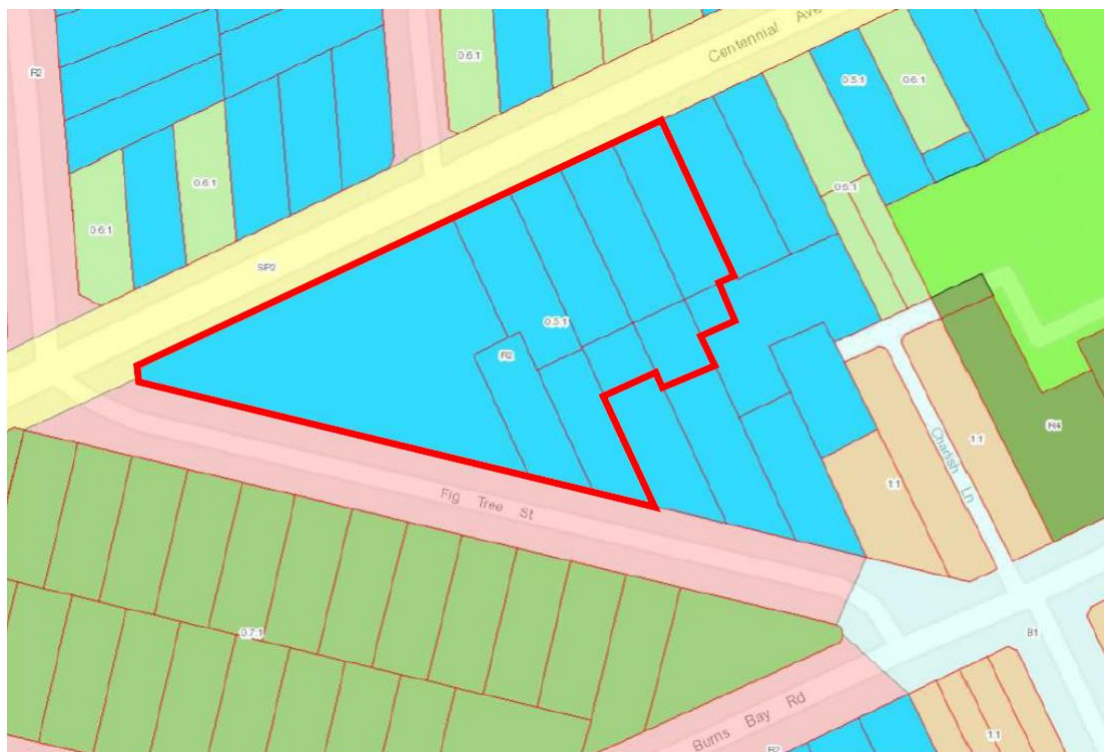


Figure 16: LCLEP 2009 Maximum Floor Space Ratio Map (0.5:1)

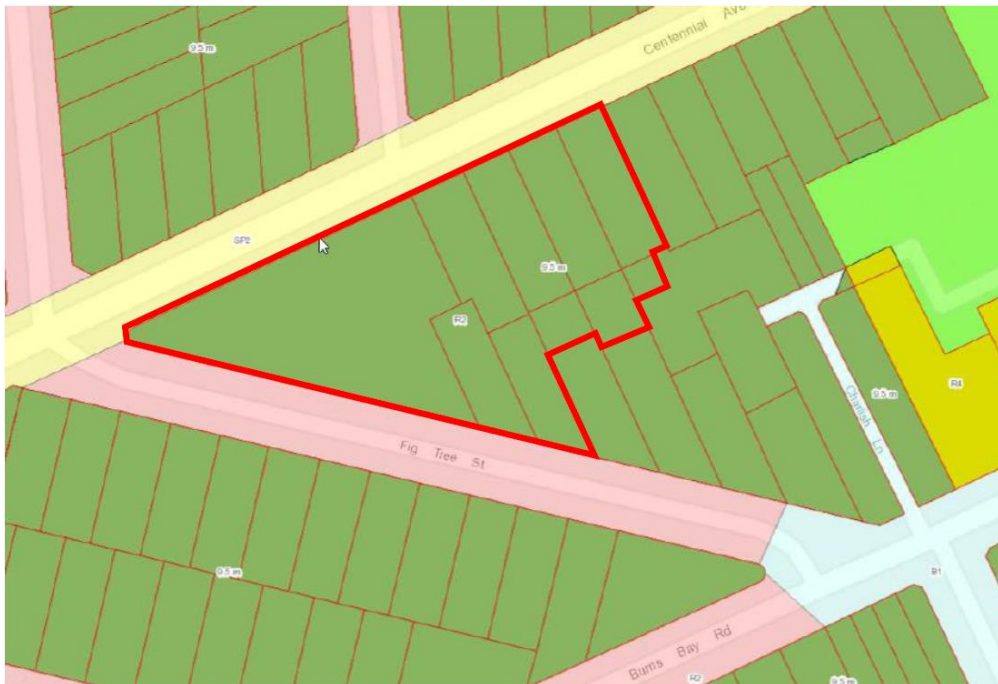


Figure 17: LCLEP 2009 Maximum Height of Building Map (9.5 metres)

3.3 Adjoining Development and Local Character

3.3.1 North - To the north of the proposed development site is Centennial Avenue and then single detached dwelling houses characteristic of the R2 Low Density Residential zoning as shown in **Figure 18**.



Figure 18: North - Centennial Avenue and Single Detached Dwelling Houses

3.3.2 West - To the west of the proposed development site (beyond the existing residential care facility) is the intersection of Fig Tree Street and Centennial Avenue shown in **Figure 19**. The built-form is characterised by single detached dwelling houses.



Figure 19: West – Intersection of Fig Tree Street and Centennial Avenue

3.3.3 South – To the south of the proposed development site is Fig Tree Street and then single detached dwelling houses as shown in **Figure 20**. It is noted the southern side of Fig Tree Street is zoned R3 Medium Density Residential (see **Figure 15**) which would allow for multi-dwelling housing development)



Figure 20: South – Fig Tree Street and Single Detached Dwelling Houses

3.3.4 East – To the east of the proposed development site are single detached dwelling houses on Centennial Avenue and Fig Tree Street. Further to east at the intersection of Fig Tree Street and Burns Bay Road is located local shops and the entrance to Charlish Lane.



Figure 21: East – No. 104 Centennial Avenue



Figure 22: East – No. 5 Fig Tree Street



Figure 23: East – No. 3 Fig Tree Street



Figure 24: East – No. 1 Fig Tree Street Shops



Figure 25: East – Charlish Lane (Pre-DA Access Point)

4. PROPOSAL

4.1 Overview

The Development Application is for part demolition, subdivision and major additions to a residential care facility pursuant to SEPP (Housing for Seniors or People with a Disability) 2004 providing for a total of 142 beds and parking for 45 vehicles. The proposed architectural plans are provided as **Annexure 4** to this report.

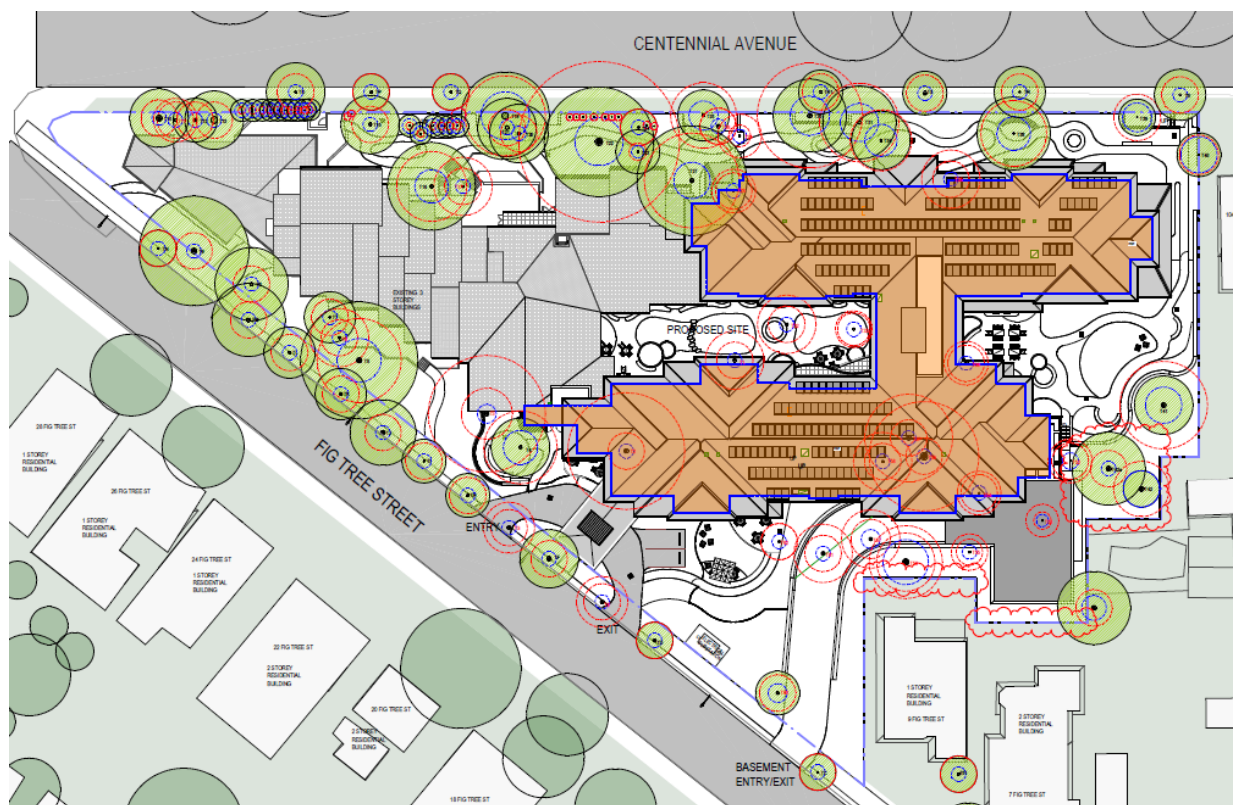


Figure 26: Proposed Site Plan

A summary of the key components of the proposal is provided in **Table 5** as follows:

Table 5 – Development Summary	
Component	Proposed
Site Area	8,165.2m ²
Storeys	3 storeys
Total Beds	142 beds
Parking	45 parking spaces (reduced to 42 by condition, refer Section 6.3 of this Report).
Vehicular Access	Fig Tree street
Proposed Landscaped Area (SEPP)	45%
Proposed FSR (SEPP)	1:1
Proposed Building Height (SEPP)	10.85m

A level by level description of the proposal is provided in **Table 6** as follows:

Table 6 – Proposed Development By Level	
Level	Description
Basement Level	<ul style="list-style-type: none"> - Retention of place of worship (ground level at intersection of Fig Tree Street and Centennial Avenue. - Reinstatement of four parking spaces to provide a total of 10 parking spaces within an existing basement parking area. - Construction of new storeroom and service corridor to connect to new basement parking and service area. - Construction of new basement level comprising; <ul style="list-style-type: none"> - 33 parking spaces (reduced to 30 by condition refer to Section 6.3 of this Report); - Loading bay; - Bus bay; - Waste and laundry rooms; - Principal kitchen; - Staff amenities and lockers.
Ground Level	<ul style="list-style-type: none"> - New Porte Cochere and circular driveway for drop-off/pick-up to Fig Tree Street and two parking spaces. - Basement entry ramp to new basement car park (through No. 11 Fig Tree Street); - 21 beds retained in existing facility. - 20 beds and common lounge in northern wing of addition fronting Centennial Avenue. - Southern wing of addition includes café, staff offices, chapel and multi-purpose rooms.
Level 1	<ul style="list-style-type: none"> - 21 beds retained in existing facility. - 20 beds and common lounge in northern wing of addition fronting Centennial Avenue. - 20 beds and common lounge in southern wing of addition fronting Fig Tree Street - North and south wing connected by lobby and back of house service areas.
Level 2	<ul style="list-style-type: none"> - 20 beds and common lounge in northern wing of addition fronting Centennial Avenue. - 20 beds and common lounge in southern wing of addition fronting Fig Tree Street - North and south wing connected by lobby and back of house service areas

4.2 Demolition

The proposed demolition works include part demolition of the existing residential care facility, demolition of six dwelling houses (No. 106-112 Centennial Avenue and No. 11-13 Fig Tree Street) as detailed in **Figure 27**.

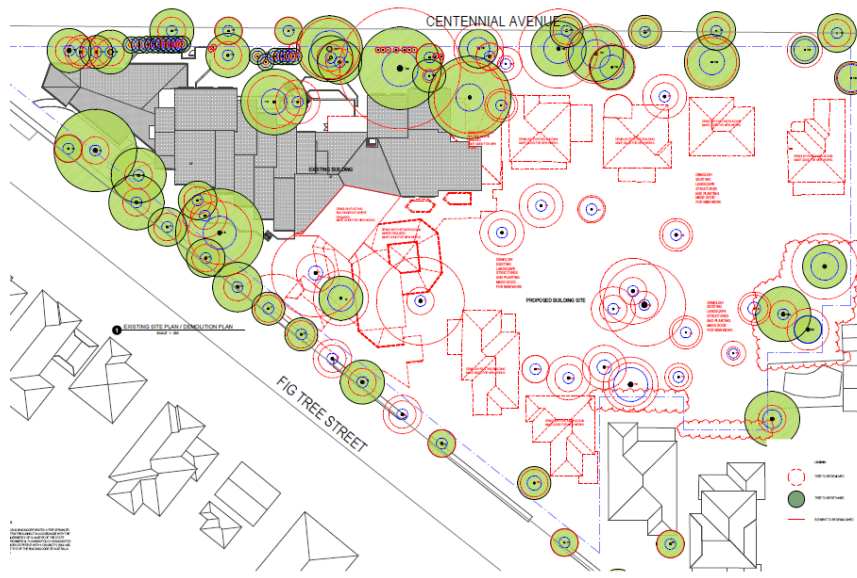


Figure 27: Proposed Demolition Plan

4.3 Subdivision

The proposed subdivision works include a boundary adjustment for three (3) residential allotments to provide additional development site area as detailed in Section 3.1 of this Report. The existing and proposed lot sizes are detailed in **Table 7** and the boundary adjustments are shown in plan in **Figure 28**. The allotments forming the development site are proposed to be consolidated into a single allotment.

Table 7 – Proposed Subdivision			
Property (Lane Cove)	Title Particulars	Existing Lot Size	Proposed Lot Size
7 Fig Tree Street	Lot C DP 336859	986.1m ²	594.5m ²
9 Fig Tree Street	Lot B DP 346581	801m ²	550.0m ²
1 Charlish Lane	Lot 33 DP 555562	1,240m ²	1,133.2m ²

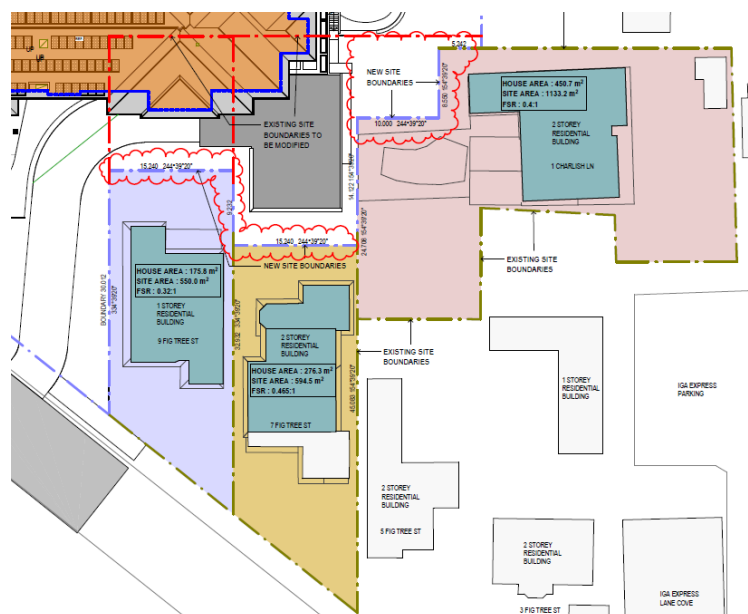


Figure 28: Proposed Subdivision

4.4 Landscaping and Open Space

The proposal was accompanied by detailed landscape plans provided as **Annexure 5** to this report. The proposal seeks approval for removal of 25 trees, retention of 66 trees) and planting of 37 trees. The landscape masterplan is shown in **Figure 29**. A streetscape elevation is provided to Centennial Avenue in **Figure 30** which details the proposed masonry fence and planting design, and to Fig Tree Street in **Figure 31** which shows a more activated landscaped front setback integrating with the staff and café areas, and landscape softening of the proposed driveway.



Figure 29: Landscape Master Plan



Figure 30: Centennial Avenue Landscape Elevation



Figure 31: Fig Tree Street Landscape Perspective

4.5 Site Access (Vehicular and Pedestrian Access)

4.5.1 Vehicular Access

The proposal includes the following in relation to vehicle access:

- **Removal of Redundant Crossings:** Removal of redundant vehicular crossings to the six dwelling houses proposed to be demolished, and reinstatement of kerb/gutter/footpath.
- **Retention of Existing Crossing:** Retention of the vehicular crossing accessing existing basement parking.
- **New Vehicle Access Points:** Construction of new entry portico with one-way entry/exit vehicle crossings. The entry portico provides pick-up drop-off as well as emergency service access. Construction of a two-way vehicle crossing providing access to the basement parking and servicing/loading areas.

4.5.2 Pedestrian Access

Given the nature of a residential care facility pedestrian access points are minimised and/or secured. Pedestrian access is focused on the entry portico with suitable connection to the Fig Tree Street footpath. Separate secure access points are provided along Centennial Avenue.

4.6 External Colours and Finishes

The proposed external colours and finishes (**Figure 32**) include a dark-grey masonry brick base at the ground level (WT2), timber-style aluminium cladding for the first and second levels (WT4), brown-grey brick for individual balconies and the front fence (WT1) and white render for articulated floor space (WT7).



Figure 32: Proposed External Colours and Finishes

4.7 Staging

The proposed development is to occur in three (3) stages (not a concept DA):

- **Stage 1** enabling works inside the existing RACF including the addition of the balcony noting the building will be occupied throughout.
- **Stage 2** demolition and construction of new RACF. In order to reduce impact on residents, it is planned to occupy Stage 2 before Stage 3 works can progress.
- **Stage 3** the refurbishment and addition of a back of house to the existing RACF, including connection underground into the new basement area built in Stage 2.

4.7 Waste Management

The proposal was accompanied by an Operational Waste Management Plan (**Annexure 15**). Collection is proposed to occur via the basement level accessed from Fig Tree Street with a dedicated loading area provided in close proximity to the waste storage area.

4.8 Stormwater Management

The proposal was accompanied by a stormwater management plan (**Annexure 16**). The proposal seeks to utilise the existing site stormwater system and provide an integrated system for the additions including the provision of an OSD tank within the Centennial Avenue frontage.

5. ASSESSMENT HISTORY

5.1 Assessment Timeline

The assessment timeline of the Development Application is summarised in **Table 8** as follows:

Table 8 – Assessment Timeline	
Date	Stage
8 October 2020	Development Application lodged (Revision 1).
28 October 2020	Letter sent to the applicant from Council providing a preliminary assessment and request for further information.
16 November 2020	Additional information provided by the applicant (Revision 2).
1 December 2020	Additional information provided by the applicant (Revision 3).

5.2 Application Revisions

The proposal was amended on two occasions during the assessment of the application. **Table 9** summarises key amendments made:

Table 9 – Plan Revisions	
Revision	Summary of Key Amendments
Revision 2	<p>The architectural/landscape plans were amended to provide for:</p> <ul style="list-style-type: none"> - The retention of an additional three (3) on-site trees (64 retained in total); - Privacy measures added to eastern elevation; - Additional depth to two (2) parking spaces in entry portico; and - An increased site area from 8,004m² to 8,162m² through further boundary adjustments to No. 7 and 9 Fig Tree Street and No. 1 Charlish Lane. <p>It is noted the following matters were requested to be conditioned:</p> <ul style="list-style-type: none"> - Irrigation Plan; - Streetscape Planting Plan. <p>These additional matters form part of the recommended draft conditions of consent (Refer draft conditions 3 and 32 in Annexure 1).</p>
Revision 3	<p>The applicant agreed to provide for the retention of Tree No. 56 as requested by Council staff which is a significant mature tree. Its retention also allows for the retention of Tree No. 55 resulting in the retention of an additional two (2) on-site trees (total 66 trees retained, 25 removed). the proximity to the Panel meeting the amended plans would be provided prior to Construction Certificate (Refer draft condition 2).</p>

6. SECTION 4.15 ASSESSMENT

The following assessment is provided against the relevant provisions of Section 4.15 of the NSW Environmental Planning and Assessment Act, 1979:

6.1 Any environmental planning instrument:

6.1.1 SEPP (Housing for Seniors or People with a Disability) 2004

The Council assessment against SEPP (Housing for Seniors or People with a Disability) 2004 is provided as **Annexure 2** to this report.

6.1.1.1 Variations – Building Height

The proposal complies with the provisions of SEPP (Housing for Seniors or People with a Disability) 2004 with the exception of building height. Clause 40(4)(a) of the SEPP provides a maximum height of buildings of 8 metres in residential zones where residential flat buildings are not permitted. The proposed development provides a maximum height of buildings of 10.89 metres. The proposal therefore seeks to vary the development standard by a maximum of 2.89 metres or 36.125%.



Figure 33: SEPP 8m Building Height Plane (viewed from Centennial Avenue)



Figure 34: Proposed Section (8m Height Limit Shown in Purple)

Clause 4.6 Exceptions to development standards

Clause 4.6 of LCLEP 2009 allows for written requests to be made seeking exception to a development standard within an environmental planning instrument. Consent must not be granted for development that contravenes a development standard unless the consent authority has considered and agrees with the written request from the applicant that seeks to justify the contravention of the development standard. This written request must demonstrate compliance with the relevant provisions of Clause 4.6 of LCLEP 2009. These matters are discussed below:

Written request provided by the applicant

The applicant provided a written request seeking a variation to the development standard with the lodged application. A copy is provided to the Panel as **Annexure 3**. Under Clause 4.6(3) the applicant is required to demonstrate:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

a. Whether compliance with the development standard would be unreasonable or unnecessary in the circumstances of the case.

The Clause 4.6 variation has argued that it is unreasonable or unnecessary to require strict compliance with the development standard as the objectives of the standard are achieved notwithstanding the non-compliance with the numerical standard (First Method established in *Wehbe v Pittwater Council [2007] NSW LEC 287*).

The submitted Clause 4.6 request stipulates that while the SEPP contains no specific objectives the Land and Environment Court in the case of *Winten Group Architects Pty Ltd v Kuringai Council [2005] NSWLEC 546* identified objectives for the building height standard as:

To control impacts on neighbours and to ensure that the proposal is not overbearing in terms of bulk, scale and height and also in terms of overshadowing impacts and privacy concerns.

The reasons given for compliance with the objective of the standard are summarised as follows:

- The development is consistent with the setback controls to all boundaries and exceeds the controls at the most sensitive boundary (i.e. interfacing with No. 104 Centennial Avenue);
- The impact of the non-compliance when viewed from Centennial Avenue is reduced through a recessive third storey given a greater setback;
- The proposal when viewed from Fig Tree Street is predominantly compliant (see right of **Figure 34**);
- The height is broadly similar to the existing residential care facility and as such will fit within the existing character;
- The shadow cast falls predominantly over the site itself and Fig Tree Street. The Fig Tree Street shadow is from the southern part of the building which is compliant height; and

- Window openings above the height limit are designed to face the street or be appropriately screened to minimise privacy impacts.

Comment:

The reasons given by the applicant are considered well-founded with the following comments provided to elaborate and expand upon the reasons given:

- Where the height is most pronounced an additional buffer is provided to No. 104 Centennial Avenue (5 metres ground and first floor, and 6.4m to a small sitting room at the third floor) to reduce the impact of bulk on the adjoining property;
- The front setback to Centennial Avenue is increased to 8.4m at the upper most level and articulated/obscured from street-level view by projecting roof forms below mitigating the perceivable scale;
- Where the topography rises to Fig Tree Street the building height would be perceived as compliant (**Figure 34**);
- The amenity impacts have been addressed through building siting to reduce solar access impacts and amended plans (**Revision 2**) to provided suitable privacy measures;
- The objective established in NSW LEC judgement for the SEPP is not antithetical to the building height objectives contained within LCLEP 2009; and
- The extent of variation when assessed against LCLEP 2009 is reduced, as the maximum height allowed under LCLEP 2009 is 9.5m. The applicant has provided a building height plane to demonstrate the improved compliance when compared to LCLEP 2009 as shown in **Figure 35**.

Compliance with the development standard is considered to be unreasonable and unnecessary in the circumstance of the subject proposal as the objectives of the building height standard are met. Clause 4.6(3)(a) is considered to be satisfied.



Figure 35: LCLEP 2009 9.5m Building Height Plane (viewed from Centennial Avenue)

b. Environmental planning grounds to justifying contravening the development standard.

The decision in *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90* demonstrates that the requirement in Clause 4.6(3)(b) of the LEP to justify there are sufficient environmental planning grounds for the variation, requires identification of grounds particular to the circumstances of the proposed development, and not simply grounds that apply to any similar development on the site or in the vicinity.

The applicant's environmental planning grounds in justification are summarised as follows:

- The continuation of a level floor plate (with a falling topography) is required due to the nature of the usage and occupants of a residential care facility;
- The proposed height allows for more generous setback areas without any adverse amenity impacts to adjoining properties;
- The proposed floor to ceiling heights were reduced following discussions with Council to the point where height was minimised but internal amenity maintained;
- The proposal would remain in character with the streetscape and locality despite the breach through articulation and architectural design;
- The proposal meets with the objectives of the development standard and the R2 Low Density Residential Zone; and
- There would be no perceivable planning benefit to lowering the building height as the shadow cast on adjoining properties is from a compliant portion of the building.

Comment:

The environmental planning grounds provided are considered satisfactory and supported. Clause 4.6(3)(b) is considered to be satisfied.

c. Consistent with the zone objectives and objectives of the development standard.

Development consent cannot be granted to vary a development standard unless a consent authority is satisfied that the proposed development would be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out. An assessment against the objective of building height has been previously provided under the Clause 4.6(3)(a) test, and the R2 Low Density Residential zone objectives are addressed as follows:

R2 Low Density Residential Zone Objectives

The R2 Low Density Residential Zone objectives are as follows:

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

Comment: The proposal is a form of seniors housing that would provide for high quality, high care, housing in a low density residential environment.

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

Comment: The proposal replaces existing single detached dwelling houses and will not detract from other land uses. If anything, the proposal will enhance the viability of the local shops in vicinity of the development.

- *To retain, and where appropriate improve, the existing residential amenity of a detached single family dwelling area.*

Comment: The proposal will provide for a high quality streetscape presentation which will improve and enhance the residential amenity through landscaping, high quality material finishes, large setbacks and the continuation and enhancement of an existing residential care facility.

- *To encourage new dwelling houses or extensions of existing dwelling houses that are not highly visible when viewed from Lane Cove River or Parramatta River.*

Comment: The proposal is not visible from Lane Cove or Parramatta River.

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

Comment: The proposal includes significant landscaped area (45%) and as detailed in this report would result in the retention of 66 trees including those retained through **Revision 2** and proposed **Revision 3** of the proposed design.

d. Concurrence of the Director General.

The Sydney North Planning Panel can assume concurrence for exceptions to development standards where the variation to the development standard is greater than 10%. As the proposal is referred to the Sydney North Planning Panel for determination; concurrence is taken to be assumed.

e. Conclusion

The objectives of Clause 4.6 are to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from development by allowing flexibility in particular circumstances. The variations to the height standard of the SEPP are considered justified and supported in the circumstances of this case. The development would satisfy the objectives of the control despite the non-compliance with the height control. The development satisfies the objectives and the criteria outlined in clause 4.6. As such, the variation is considered well founded, results in a better planning outcome and is in the public interest.

6.1.2 SEPP No. 55 – Remediation of Land

A Preliminary Site Investigation accompanies the application and is provided as **Annexure 12** to this report. The proposal was assessed against the provisions of SEPP No. 55 by Council's Manager Environmental Health with the assessment summarised in **Table 10** as follows:

Table 10 – SEPP No. 55 Clause 7 Compliance Table	
Provision	Compliance
<p><i>(1) A consent authority must not consent to the carrying out of any development on land unless –</i></p> <p><i>(a) it has considered whether the land is contaminated</i></p> <p><i>(b) if the land is contaminated, it is satisfied the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed, and</i></p> <p><i>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i></p>	<p>Complies - The proposal was accompanied by a Preliminary Investigation Report (Annexure 12) to assist Council in determining compliance with Clause 7(1) of SEPP No. 55.</p> <p>The previous use of the site was residential and asbestos and lead paint associated with these uses were identified.</p> <p>In order to ensure that the land is remediated prior to the use of land for a seniors living development, the submitted Preliminary Investigation Report recommends further intrusive assessment of hazardous material and fill contaminants.</p> <p>Council's Manager Environmental Health concurs with the recommendations of the report and would require a Remedial Action Plan to be prepared and complied with. (Refer to condition 102)</p>
<p><i>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</i></p>	<p>Complies – Preliminary Investigation Report submitted and found to be satisfactory.</p>
<p><i>(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</i></p>	<p>Complies – a detailed investigation has been undertaken (summarised in Preliminary Investigation Report) and Council's Manager Environmental Health advises that a Remedial Action Plan should be developed to remove any lead and asbestos contaminants associated with the residential use of the land.</p>
<p><i>(4) The land concerned is—</i></p> <p><i>(a) land that is within an investigation area,</i></p>	<p>Subject to Clause 7(4)(c) - The site is not within an investigation area or listed in Table 1 to the guidelines. However, Clause 7(4)(c) of SEPP</p>

Table 10 – SEPP No. 55 Clause 7 Compliance Table	
Provision	Compliance
<p><i>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</i></p> <p><i>(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—</i></p> <p><i>(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</i></p> <p><i>(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</i></p>	<p>No. 55 can be said to apply, and as such Clause 7(2) applies as addressed above.</p>

Having regard to the information above, the proposal is considered satisfactory with respect to SEPP No. 55 – Remediation of Land.

5.1.3 SEPP (Infrastructure) 2007

The proposal is subject to Clause 102 of SEPP (Infrastructure) 2007 in relation to noise from a classified road. The proposal was accompanied by an acoustic report (**Annexure 9**) which includes the taking of road noise measurements along Centennial Avenue and recommendations to ensure suitable internal noise levels are achieved. The recommendations are incorporated as a draft condition of consent (**refer draft condition no. 104**). **The proposal has had regard to, and satisfies, Clause 102 of SEPP (Infrastructure) 2007.**

5.1.4 SEPP (State and Regional Development) 2011

The Development Application is referred to the Sydney North Planning Panel for determination as the Capital Investment Value is \$33,590,000.00 (exceeding \$30 million) **satisfying the requirements of SEPP (State and Regional Development) 2011.**

5.1.5 Lane Cove Local Environmental Plan 2009

5.5.5.1 Permissibility

The proposal is zoned R2 Low Density Residential under LCLEP 2009. The proposal is defined as a residential care facility which is a form of seniors housing. Seniors housing is prohibited in the R2 Low Density Residential zone pursuant to LCLEP 2009. However, the residential care facility component of the Development Application is made pursuant to SEPP (Housing for Seniors or People with a Disability) 2004. The SEPP permits seniors housing in the R2 Low Density Residential zone.

5.5.5.2 Zone Objectives

The objectives of the R2 Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To retain, and where appropriate improve, the existing residential amenity of a detached single family dwelling area.*
- *To encourage new dwelling houses or extensions of existing dwelling houses that are not highly visible when viewed from the Lane Cove River or Parramatta River.*
- *To ensure that landscaping is maintained and enhanced as a major element in the residential environment.*

The proposal provides a complementary land use providing a facility that is compatible with the detached single family dwelling area within a highly landscaped setting.

5.5.5.3 Subdivision

The proposal includes the boundary adjustment to three residential allotments and is therefore subject to the provisions of Clause 4.1 of LCLEP 2009. A minimum lot size of 550m² applies under LCLEP 2009. The proposed lot sizes exceed the minimum lot size contained within LCLEP 2009 as detailed in **Table 11. The proposal complies with Clause 4.1 of LCLEP 2009.**

Table 11 – Clause 4.1 – Minimum Subdivision Lot Size			
Property (Lane Cove)	LEP Minimum Lot Size	Proposed Lot Size	Compliance
7 Fig Tree Street	550.0m ²	594.5m ²	Yes
9 Fig Tree Street	550.0m ²	550.0m ²	Yes
1 Charlish Lane	550.0m ²	1,133.2m ²	Yes

5.5.5.4 Other Provisions

The proposal has been assessed against the relevant provisions of LCLEP 2009 as detailed in **Table 12** below.

Table 12 – Compliance with LCLEP 2009		
Clause	Provision/Standard	Compliance
4.3 – Building Height	9.5 metres	N/A - SEPP standard prevails.
4.4 – Floor Space Ratio	0.5:1	N/A - SEPP Standard prevails.
4.6 – Exceptions to Development Standards	Applied in relation to SEPP Standard.	Yes
5.10 - Heritage	Not a heritage item or within vicinity of heritage item.	N/A
6.1A - Earthworks	Consideration of impact of earthworks in accordance with Clause 6.1(A)(3)(a)-(g).	The matters are satisfied.

The proposal satisfies the relevant provisions of Lane Cove Local Environmental Plan 2009.

6.2 Any proposed instrument (Draft LEP, Planning Proposal)

6.2.1 Housing Diversity SEPP

An Explanation of Intended Effect was notified for a proposed Housing Diversity SEPP from 29 July 2020 (after lodgement of the subject Development Application) until 9 September 2020. The EIE includes a list of changes proposed to SEPP (Housing for Seniors or People with a Disability) 2004 as it is consolidated into the Housing Diversity SEPP.

6.2.2 Draft Environment SEPP

The Draft Environment SEPP was subject to public exhibition between 31 January and 13 April 2018. The new draft measures primarily relate to scenarios where more complex remediation/ongoing management is required, and where the certification of remediation works is undertaken as development not requiring consent. While the Draft does consider introducing planning guidelines for the assessment/preparation of preliminary site investigations, such as the one lodged with the subject Development Application, the report has been reviewed in detail and is sufficient for its purpose. **The proposal is not inconsistent with the Draft Environment SEPP.**

6.3 Any development control plan

The relevant sections of Lane Cove Development Control Plan 2010 have been addressed through **referrals** as outlined in the following table:

Table 13 - Referrals		
Referral	DCP	Comment
Landscaping	Part J – Landscaping	<p>Complies - The proposed landscaping scheme was amended during the course of the application to provide for the retention of an additional three (3) mature trees in amended landscape plans (Annexure 5) and a further two (2) mature trees by condition (refer draft condition of consent 2).</p> <p>Council's Landscape Officer is satisfied the proposal would exceed the minimum landscape provisions of SEPP (Housing for Seniors or People with a Disability) 2004 and generally with the objectives of Part J - Landscaping.</p> <p>The proposed landscape scheme is considered reasonable subject to draft recommended conditions of consent (refer condition nos. 27 to 33).</p>
Tree Preservation	Part J – Landscaping	<p>Complies - Council's Tree Preservation Officer has reviewed the proposal and the amended arborist report (Annexure 11).</p>

Table 13 - Referrals		
Referral	DCP	Comment
		<p>The applicant has amended the plans as described above in 'Landscaping' in response to the Tree Officers request to retain an additional 7 trees. The applicant has retain an additional 5 trees.</p> <p>The removal of 25 trees is considered reasonable in the context of the number of trees to be retained and the significant revisions made to retain further significant trees to both the Fig Tree Street and Centennial Avenue frontages.</p> <p>The proposal would provide for replacement planting at a ratio of 1:1 and provide an opportunity to enhance streetscape and street tree planting.</p> <p>The proposed outcomes for existing site trees are considered reasonable subject to draft recommended conditions of consent (refer condition nos. 12 to 26).</p>
Development Engineer	Part O – Stormwater Management	<p>Complies - The proposal seeks to provide an OSD system as detailed on the submitted Stormwater Management Plan (Annexure 16).</p> <p>The applicant has used DRAINS Modelling to calculate the OSD capacity in order that the post flow of stormwater to the road reserve is no greater than the existing situation.</p> <p>Council's Development Engineer is satisfied the proposal can comply with Part O subject to draft recommended conditions of consent (refer condition nos. 34 to 68).</p>
Traffic, Transport and Parking	Part R – Traffic, Transport and Parking	<p>Complies - Council's Traffic, Transport and Parking Officer has reviewed the submitted and subsequently amended Traffic Impact Assessment (Annexure 8).</p> <p>Council's traffic officer is satisfied with the traffic impact and vehicular access points.</p> <p>The proposed parking assessment is undertaken against the provisions of SEPP (Housing for Seniors or People with a Disability) 2004 as outlined in Annexure 2 and complies.</p> <p>The proposal was referred to Transport NSW and they provided matters for Council consideration (see Annexure 22). The matters are incorporated as recommended draft condition 119.</p>

Table 13 - Referrals		
Referral	DCP	Comment
		The proposed traffic and parking complies with the relevant provisions and Council's Traffic Officer has no objection subject to draft recommended conditions of consent (refer condition nos. 68 to 76).
Waste Management	Part Q – Waste Management and Minimisation	Complies - The proposal provides on-site waste collection from the basement with suitable waste storage, loading and maneuvering provided to allow for commercial waste collection to the facility (refer draft condition no. 118).
Building Surveyor	N/A	Council's Building Surveyor has reviewed the proposal and the submitted BCA Report (Annexure 13) and has no objection subject to draft recommended conditions of consent (refer condition nos. 77 to 78).
Environmental Health	Part B – General Controls (Part B6/B7)	<p>Complies - Council's Environmental Health Manager has reviewed compliance with SEPP No. 55 (as detailed in Section 6.1.2 of this report).</p> <p>An assessment has also been made in relation to water cooling towers, the acoustic environment during construction and for future residents, and environmental protection during construction.</p> <p>No objection is raised to the proposed development subject to draft conditions of consent. (Refer condition nos. 79 to 118).</p>
Accessibility	Part F – Access and Mobility	Complies - The proposal has been reviewed and compliance with the accessibility provisions of the SEPP (Housing for Seniors or People with a Disability) 2004 prevail and are adequate in this instance.

The proposal complies with the relevant provisions of Lane Cove Development Control Plan 2010

6.4 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The impacts of the development have been considered and further enhanced at all stage of the development including at the Pre-DA stage, the submitted **Revision 2** and the proposed **Revision 3** design schemes. The amendments have resulted in what is a major extension to an existing residential care facility minimising its impacts through significant amendments being made.

6.5 The suitability of the site for the development

The site suitability has been established, in accordance with the provisions of SEPP (Housing for Seniors or People with a Disability) 2004, in a clearer site amalgamation pattern and in addressing the streetscape and residential interfaces of the proposed development.

6.6 Any submissions made in accordance with this Act or the regulations

The proposal was notified in accordance with Lane Cove Council's Notification Policy.

i. Notification Extent

The Development Application was notified to the extent shown in the Public Notification Map included as **Annexure 20** to this report.

ii. Notification Period

The proposal was notified for 16 days from **8 October 2020** to **24 October 2020**.

iii. Summary of Submissions

The three submissions received are summarised and addressed in **Annexure 21** to this report.

(e) Public Interest

The proposal is in the public interest as it complies with zone objectives, co-locates residential care within a residential setting and provides for a high quality built form and environmental outcome.

7. CONTRIBUTIONS

7.1 Section 7.11 Contributions

The proposal is exempt from Section 7.11 Contributions being a social housing provider with an applicable Section 94E Direction in force (See declaration in **Annexure 19**).

8. CONCLUSION AND RECOMMENDATION

The matters in relation to Section 4.15 of the Environmental Planning and Assessment Act 1979 have now been satisfied.

The applicant has significantly improved the proposed development from the original Pre-DA design. Firstly, the purchase of No. 11 Fig Tree Street prior to lodgement, which allowed for a more orderly site consolidation pattern and functional vehicle access point. Secondly the extent of further tree retention, allowed for in **Revision 2** and proposed **Revision 3** plans, during the assessment of the Development Application.

The proposal as amended meets with the provisions of SEPP (Housing for Seniors or People with a Disability) 2004 with the exception of a variation to the building height development standard. The submitted Clause 4.6 written request has been reviewed as detailed in the report and it is recommended the Sydney North Planning Panel support the variation for the reasons given.

The proposed development would provide for the orderly extension of an existing residential care facility while having appropriate regard and even contributing to, the high quality built-form and environmental qualities of the low-density residential zone in which it is situated.

The Development Application is reported to the Sydney North Planning Panel with a recommendation for approval subject to draft conditions of consent provided as **Annexure 1** to this report.

(LAST PAGE).