

SITE COMPATIBILITY CERTIFICATE

RECORD OF DECISION

SYDNEY NORTH PLANNING PANEL

DATE OF DECISION	13 August 2021
PANEL MEMBERS	Julie Savet Ward (Acting Chair), Brian Kirk, Noni Ruker, Peter Biscoe and Graham Brown
APOLOGIES	None
DECLARATIONS OF INTEREST	Peter Debnam declared a conflict because he participated in panel determination of this application on 1 May 2019.

SITE COMPATIBILITY CERTIFICATE APPLICATION

PPSSNH-177 – Northern Beaches - SCC2020NBEAC-4 at 58 Laitoki Road, Terrey Hills (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

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

Based on this information, the Panel determined:

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

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

The decision was unanimous.




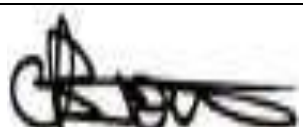
REASONS FOR THE DECISION

- The Panel considered that the bulk and scale of the proposed development is incompatible with the existing uses of land in the vicinity, being low density residential and small lot rural (Clause 25(5)(b)(v) of the SEPP).
- The Panel considered that the proposed bulk and scale represents an intensification of the land use which is inconsistent with the likely bulk and scale of future uses of land (Clause 25(5)(b)(v) of the SEPP). This intensification is inconsistent with the strategic direction for rural land presented

Planning Panels Secretariat

in the North District Plan and Northern Beaches Local Strategic Planning Statement. This is also inconsistent with the intended outcome for the Metropolitan Rural Area although the Panel recognised that the transitional provisions of the SEPP allow the application for this Site Compatibility Certificate to continue to be assessed and determined. However, given the significant change to the likely form of development brought about by these strategic plans, the Panel recognised that weight should be given to these strategic documents in determining the application.

3. The Panel considered that the most significant environmental hazard for the proposed development is bushfire and that the ability to defend the proposed development against major bushfire events and provide appropriate evacuation of this facility and similar facilities in the locality is unresolved. This is inconsistent with Clause 25(5)(b)(i) of the SEPP.
4. The Panel considered that the Cumulative Impact Study was not adequate in scope and detail for an appropriate assessment to be undertaken, particularly in terms of the impact of major bushfire events on the locality's water and road infrastructure, and therefore is inconsistent with Clause 25 (2C) and Clause 25(5)(b)(vii) of the SEPP.

PANEL MEMBERS	
 Julie Savet Ward (Acting Chair)	 Brian Kirk
 Noni Ruker	 Peter Biscoe
 Graham Brown	

SCHEDULE 1

1	PANEL REF – LGA – DEPT REF.	PPSSNH-177 – Northern Beaches - SCC2020NBEAC-4
2	SITE DESCRIPTION	58 Laitoki Road, Terrey Hills
3	DEVELOPMENT DESCRIPTION	The proposal consists of Residential aged care facility containing 90 beds and 48 serviced self-care housing dwellings predominantly at 2 storeys with basement parking and ancillary facilities.
4	APPLICATION MADE BY	Tolucy Pty Ltd
5	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Site compatibility certificate application documentation Assessment report from Department of Planning and Environment <ul style="list-style-type: none"> <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>
6	BRIEFINGS, SITE INSPECTIONS & CIRCULATION OF PAPERS BY THE PANEL	<ul style="list-style-type: none"> Site inspection - site inspections have been curtailed due to COVID-19 precautions. Where relevant, Panel members undertook site inspections individually. Briefing with Department of Planning, Industry and Environment: 12 August 2021 <ul style="list-style-type: none"> Panel members in attendance: Julie Savet Ward (Acting Chair), Brian Kirk, Noni Ruker, Peter Biscoe and Graham Brown Department of Planning, Industry and Environment staff in attendance: Thomas Soccio, Christina Brooks Charlene Nelson, Geoff Kwok and Brendan Metcalfe Papers were circulated electronically between on 6 August 2021