

STATEMENT OF ENVIRONMENTAL EFFECTS

Construction of a Seniors Housing Development Comprising Fifty-two (52) Independent Living Apartments

Property:

Former "Caroline Chisholm Village Retirement Village"
Lot 120 DP 613223 & Lot 51 DP 862728
No. 40A Cope Street Lane Cove

Applicant:

Retire Australia Pty Ltd



Date:

June 2023

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Document Information

JOB No.	REVISION No.	AMENDMENT	DATE
17-17	A	Initial Draft for Client	24 th August, 2022
	B	Final for Lodgement with DA	2 nd September, 2022
	C	Updates to sections re Clause 4.6 submissions and Heritage Conservation	6 th June, 2023

STATEMENT PREPARED BY:

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Waiver

This report has been prepared in accordance with and for the purposes outlined in the scope of services agreed with Tim Shelley Planning and the Client. It has been prepared based on the information supplied by the Client, as well as investigation undertaken by Tim Shelley Planning and any sub-consultants engaged by the Client for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information contained herein or for any consequences of its use will be accepted by Tim Shelley Planning.

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The Client should be aware that this report does not guarantee the approval of any application by any Council, Government agency or any other regulatory authority.

1.0 INTRODUCTION

1.1 EXECUTIVE SUMMARY

Introduction

Tim Shelley Planning has been engaged by Retire Australia Pty Limited (RA) to prepare a Statement of Environment Effects (SoEE) to accompany a development application (DA) being lodged with Lane Cove Council (Council) for the construction of a seniors housing development comprising a vertical retirement village containing fifty-two (52) independent living units at No. 40A Cope Street, Lane Cove.

Purpose of Statement

To assist Council in making a determination on the subject application, this Statement has been prepared by Tim Shelley Planning in accordance with the Environmental Planning and Assessment Act 1979 and accompanying regulations, particularly the requirements of Part 1 of Schedule 1 of the Environmental Planning and Assessment Regulation 2000. To this end, this Statement will:

- describe the proposed development;
- identify the degree to which it complies with the relevant planning controls;
- describe its impact on the local environment and any measures proposed to ameliorate any such impacts;
- identify the suitability of the site for the proposed development and any measures proposed to address constraints posed by the site or external sources; and
- justify approval of the application.

Structure of Report

This Statement has been structured under appropriate sections and headings to allow the consent authority to make an informed assessment of the application against the relevant heads of consideration in Section 4.15 of the Environmental Planning & Assessment Act, 1979.

Development Summary

In summary, the proposed development involves:

- Demolition of the seven (7) existing buildings on the site containing existing 52 aged care units and removal of vegetation as necessary.
- Construction of two (2) buildings (Building A on lot 120 and Building B on lot 51) of 6 storeys and 4 storeys in height respectively containing:
 - 52 independent living units, or apartments;
 - associated facilities (i.e. ground floor lobby and reception area; sales office; resident kitchen, café and undercover barbeque area; outdoor communal outdoor open space areas; and
 - parking for 54 vehicles in a single basement carparking level constructed below both buildings and accessed off Caroline Chisholm Lane via a ramp in the south-eastern corner of the site.

Total gross floor area (GFA) of the development comprises 6,921m².

The buildings are to be constructed in a combination of masonry, textured pre-cast concrete and rendered fibre-cement external walls, with feature metal panels and vertical aluminium batten privacy and shade screens; steel and glass balcony balustrades; aluminium windows and doors; concrete roof; and metal fascias, gutters and downpipes.

- The undertaking of civil works across the site comprising excavation and bulk earthworks as necessary; construction of the basement, retaining walls and access driveway into the site off Caroline Chisholm Lane; and an on-site detention (OSD) tank/bio-retention basin.
- Disassembly and re-assembly work to the heritage-listed sandstone wall along the Burns Bay Road frontage of the site.
- The undertaking of minor roadworks in Caroline Chisholm Lane to widen the carriageway from the subject site out to Cope Street to allow two-way traffic movements as required.
- The construction of footpaths around the perimeter of the buildings.
- The provision of all necessary utility services to the site, including a new substation.
- Construction of fencing around the perimeter of the site, including a pedestrian gate at Burns Bay Road.

Subject Site

The subject site is located on the eastern side of Burns Bay Road at Lane Cove, between Cope Street to the north and Waterview Drive to the south. The site comprises two parcels identified as lot 120 DP 613223 and lot 51 DP 862728, known as No. 40A Cope Street Lane Cove. The site is generally rectangular in shape (other than for a small dogleg in the south-western corner of lot 51) and has an area of 4995.6m².

The site is located 400m to the south of the Lane Cove West shopping centre and community precinct, approximately 1.8 km to the south-west of the Lane Cove town centre and approximately 1.8km to the north of the Hunters Hill village centre.

Development Objective

The proposed development will provide a significant increase in the availability of high-quality seniors housing product to the market in a premium location and in close proximity to an extensive range of services and facilities in the surrounding area. In so doing, the proposed development will enable more local residents to remain independent but living within the local community and maintaining existing social networks.

Compliance with Applicable Planning Controls

SEPP (Housing) 2021

The proposed development is permissible on the land under section 79 of SEPP (Housing) 2021 ("the Housing SEPP") due to its R4 High Density zoning and complies with all requirements of Part 5 of the Housing SEPP, including those applicable to all seniors housing developments, as well as additional specific requirements relating to independent living units (ILUs) and the non-discretionary standards in relation to landscaped area, deep soil planting, solar access, private open space and car parking.

Lane Cove LEP 2009

On an overall basis, the proposed development complies with the two (2) floor space ratio (FSR) standards applicable to the site under Lane Cove LEP 2009 (LCLEP), inclusive of the 15% FSR bonus applicable to ILUs under the Housing SEPP. In this regard, the proposed development complies with the maximum FSR permitted across the entire site but exceeds the maximum permitted on lot 51, being the lower of the two FSRs applying to the land. Accordingly, a Clause 4.6 submission has been provided with the application which, amongst other economic reasons, justifies the variation on the basis that the total FSR applicable to the site has not been exceeded and that the distribution of FSR as proposed results in a better built-form outcome in terms of building separation and overshadowing impacts to the property to the south.

With respect to height, both buildings comply with the two (2) maximum height limits of 21.8m and 15.8m applicable to the site inclusive of the 3.8m bonus available under the Housing SEPP with the exception of the lift overruns, which exceed the height limits by 1.72m and 520mm on Buildings A and B respectively, or by 7.9% and 3.3%. Accordingly, a Clause 4.6 submission has been provided which, amongst other economic reasons, justifies the variations on the basis that the non-compliances are extremely minor; the lift overruns are not prominent and barely discernible from beyond the site; the overruns are treated architecturally and form an integrated part, or extension, of the roof; and these structures have no tangible impact on overshadowing on any adjoining properties.

The proposed development also complies, or is consistent, with all other relevant provisions of LCLEP.

Lane Cove DCP 2009

The proposed development complies with (or can comply) with those parts of Lane Cove DCP 2009 (LCDCP) that are deemed to apply and which are not overridden by the Housing SEPP, with the exception of a minor departure from the setbacks under Part C3 – Residential Flat Buildings which are not technically applicable but which are deemed reasonable to apply in the absence of any other controls.

In this regard, the top two floors of Building A (floors 5 and 6) are less than the 9m setback required to the northern boundary under LCDCP to allow for greater separation of the building to the property to the south to maximise solar access to the existing buildings on that property. On the basis that the lesser setback to just one boundary results in no adverse impact to the property to the north either by way of overshadowing or privacy and does not diminish the ability for that site to be developed for similar purposes in the future, a variation is considered justified and therefore requested.

SEPP 65

Seniors housing developments are not identified under clause 4 of SEPP 65 and as such, are not subject to the provisions of this SEPP nor the accompanying Apartment Design Guide (ADG). However, for completeness and to satisfy Council that the proposal has been designed in accordance with accepted industry standards and incorporates all features required and expected in the seniors housing market, the proposed development has been designed having regard to and in complete compliance with the design quality principles of SEPP 65 and the ADG (other than where overridden by the Housing SEPP or where not practical to apply to seniors housing developments).

Design Merit

The building incorporates a contemporary, high-quality design and appearance and is considered to represent an appropriate response in terms of its height, bulk and scale to the size and position of the site and surrounding properties, as well as the various planning controls applicable to the site, particularly the two height and FSR standards.

The ILAs have been designed to achieve excellent solar access and natural ventilation and facilitate views of the surrounding area (with the top floors of Building A afforded views of Sydney Harbour to the south-east), thereby offering a high level of amenity and liveability for residents.

Likely Impacts

The proposed development has been designed and sited to avoid any significant adverse impact on the amenity of surrounding residences by way of overshadowing, diminished privacy or view loss.

The traffic generated by the proposed development is likely to be similar to, or not significantly greater than, that generated by previous development on the land given there is no increase in the number of units. As such, any minor increase created by changing vehicle usage patterns and staff movements can be adequately catered for by the existing road network surrounding the site, whilst parking is to be provided in accordance with the requirements of the requirements of the Housing SEPP. Furthermore, any short-term noise and traffic impacts likely to occur during the construction stage will be effectively managed through implementation of a Construction Management Plan.

The development has been designed around, or to allow the retention of, two (2) large existing trees on the subject site and on the property to the south, whilst comprehensive landscaping is to be undertaken to provide softening and scaling of the buildings and shade and open space for residents.

Subject to the adoption of appropriate mitigation measures, the proposed disassembly and re-assembly of the heritage-listed sandstone wall along Burns Bay Road can be undertaken in a manner that is consistent with the heritage provisions of Clause 5.1 of LCLEP.

Suitability of the Site

The subject site is not subject to any particular adverse conditions that would pose a significant or unmanageable constraint to the proposed development, whilst a best practice stormwater management system will be implemented to collect and treat run-off to minimise any impact on downstream properties, inclusive of on-site detention and re-use of stormwater for irrigation and landscaping.

Adequate utility services are available to accommodate the additional loadings generated by the proposed development, whilst the necessary support services required for the future residents are available within both the proposed development itself and in the surrounding localities, which are accessible via extensive bus services from a number of nearby and gradient-compliant footpaths and bus stops.

Summary

Given the above, it is requested that consent be granted to the application.

PROJECT DETAILS:	
Applicant Name:	Jackson Teece Architects (on behalf of Retire Australia Pty Limited)
Applicant Contact Details:	Ground Floor, Lot 1, Pier 8-9 23 Hickson Road, SYDNEY NSW 2000 Phone: 9290 2722 Email: sydney@jacksonteece.com
Owner's Details:	Retire Australia (Lane Cove) Pty Limited
Property Description:	Lot 120 DP 613223 & Lot 51 DP 862728 No. 40A Cope Street Lane Cove NSW 2066
Project Description:	<ul style="list-style-type: none"> • demolition of all structures on site; • partial relocation and disassembly and re-assembly of the heritage-listed sandstone wall along Burns Bay Road; • removal of vegetation as necessary; • construction of a seniors housing development comprising a vertical retirement village in two (2) buildings containing 52 independent living apartments and associated community facilities and • ancillary works including landscaping, boundary fencing and minor roadworks in Caroline Chisholm Lane.
Capital Investment Value (CIV)	\$46,591,433 (excl. GST) (as per DA Cost Estimate Report prepared by WTP Australia Pty Ltd submitted with the application)

1.3 SUMMARY OF KEY APPLICABLE PLANNING CONTROLS

PLANNING CONTROL	REQUIREMENT	APPLICABLE/COMPLIES?
LANE COVE LEP 2009		
Zoning	R4 High Density Residential. Seniors housing not permissible in R4 zone	N/A DA lodged under Housing SEPP under which seniors housing permissible in R4 zone
Zone Objectives (clause 2.3)		YES Consistent with R4 zone objectives
Building Height (clause 4.3)	18.0m (lot 120) & 12.0m (lot 51) + 3.8m bonus as per Housing SEPP (i.e. 21.8m & 15.8m)	YES/NO Both buildings comply. However, lift overruns on Buildings A and B encroach by 1.72m and 0.52m respectively. Clause 4.6 submission lodged in support of variation (see section 5.1.3)
Floor Space Ratio (clause 4.4)	1.7:1 (lot 120) & 0.8:1 (lot 51) + 15% bonus as per Housing SEPP (i.e. 1.96:1 & 0.92:1)	YES/NO Complies with total FSR limit applicable to entire site However, FSR applicable to lot 51 exceeded. Clause 4.6 submission lodged in support of variation (see section 5.1.4)
Heritage Conservation (clause 5.1)	Site contains local Item I158 under Schedule 5 of LCLEP	YES Satisfactory impact See Heritage Impact Assessment
Earthworks (clause 6.1A)	Earthworks require consent and consideration of items (3) (a)-(g)	YES Earthworks required as part of development form part of DA and can address items (a) – (g)
LANE COVE DCP 2009		
Part B – General Controls		YES
Part C – Residential Development - C.3 Residential Flat Buildings		N/A Does <u>not</u> apply to seniors housing/overridden by Housing SEPP and ADG However, complies with setbacks in absence of other standards with exception of northern setback to top 2 floors of Building A. Variation requested (see discussion in section 5.7)
Part F – Access and Mobility		N/A Overridden by specific requirements of Housing SEPP but complies anyway. See submitted Access Report
Part J – Landscaping		YES See submitted Landscape Design
Part O – Stormwater Management		YES See submitted Stormwater Management Plan
Part Q – Waste Management and Minimisation	Waste Management	YES See submitted WMPs

PLANNING CONTROL	REQUIREMENT	APPLICABLE/COMPLIES?
	Plan(s) to be submitted	
Part R – Traffic, Transport & Parking		YES Where not overridden by standards in Housing SEPP (re parking etc)
INTEGRATED DEVELOPMENT		
Any approvals required under Section 4.46 of EPAA		NO
SEPPs		
SEPP (Housing) 2021 Part 5 – Housing for Seniors and People with a Disability		YES Use permissible in R4 zone. Complies with all requirements and development standards (see separate compliance table)
SEPP 65 – Design Quality of Residential Apartment Development		N/A SEPP 65 <u>does not apply</u> to seniors housing but still meets design principles and complies with all relevant requirements of ADG anyway (where not overridden by Housing SEPP)
SEPP (Resilience and Hazards) 2021 Chapter 4 – Remediation of Land (formerly SEPP 55 – Contaminated Lands)	Needs to address section 4.6	YES PSI submitted addressing potential contamination and satisfying section 4.6
SEPP (Resilience and Hazards) 2021 Chapter 2 – Coastal Management (formerly SEPP (Coastal Management) 2018)	Within both “Coastal Use Area” and “Coastal Environment Area”. (Coastal Environment Area prevails).	YES Complies with Matters under Clauses 2.10, 2.12 and 2.13
SEPP (Transport and Infrastructure) 2021 (formerly SEPP Infrastructure 2007)	Certain developments to address requirements of section 2.119 (development with frontage to classified road)	YES Site has frontage to Burns Bay Road. Meets requirements of section 2.119
	Clause 2.121 – certain developments require referral to TfNSW under Schedule 3 as “traffic generating development” (based on nature of use and scale or location of development)	N/A Proposal is <u>not</u> of a type of development nor a scale listed under Columns 1 and 2 of Schedule 3

PLANNING CONTROL	REQUIREMENT	APPLICABLE/COMPLIES?
SEPP (Planning Systems) 2021 Section 2.6 – State Significant Development	Seniors Housing with Capital Investment Value (CIV) > \$30M <u>and</u> comprising residential care facility (RACF) become State Significant Development (SSD)	N/A CIV >\$30M but does not contain RACF
SEPP (Planning Systems) 2021 Section 2.19 – Regionally Significant Development	As per Schedule 6, DAs with CIV > \$30M become Regionally Significant Development with SNPP consent authority	YES CIV in excess of \$30M. SNPP to become consent authority.
SEPP (Biodiversity and Conservation) 2021 Chapter 10 – Sydney Harbour Catchment (formerly Sydney REP (Sydney Harbour Catchment) 2005)	Developments to be consistent with objectives (a) – (l) of Clause 10.10	YES Not inconsistent with any objectives or matters

2.0 THE SITE

2.1 LOCATION

The subject site is located on the eastern side of Burns Bay Road at Lane Cove, between Cope Street to the north and Waterview Drive to the south. Access is provided to the site from Cope Street and hence this is the property's street address. The site is located 400m to the south of the Lane Cove West shopping centre and community precinct, approximately 1.8 km to the south-west of the Lane Cove town centre and approximately 1.8 km to the north of the Hunters Hill village centre.

The location of the site in the context of the surrounding area is identified on Figure 1 below.

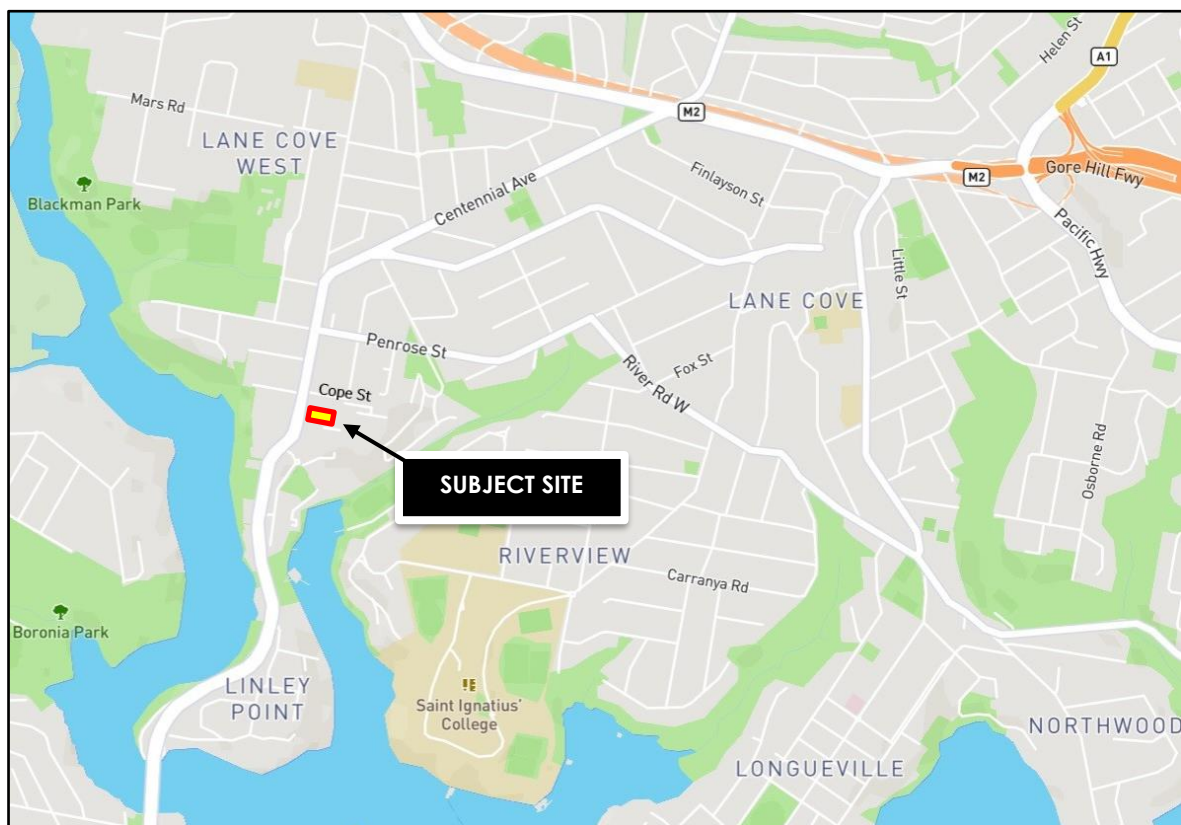


Figure 1 – Locality Plan (Source: MapBox)

2.2 ADJOINING LAND USES

The site is surrounded by the following land uses:

- to the north:
 - the two-storey Caroline Chisholm Aged Care Home at No. 274 Burns Bay Road (to the north of lot 120); and
 - a two-storey town house development comprising 20 units with basement carpark at Nos. 42-48 Cope Street (to the north of lot 51) known as "Glenwood".

These developments are shown on Photographs 1 – 4 on the following pages.



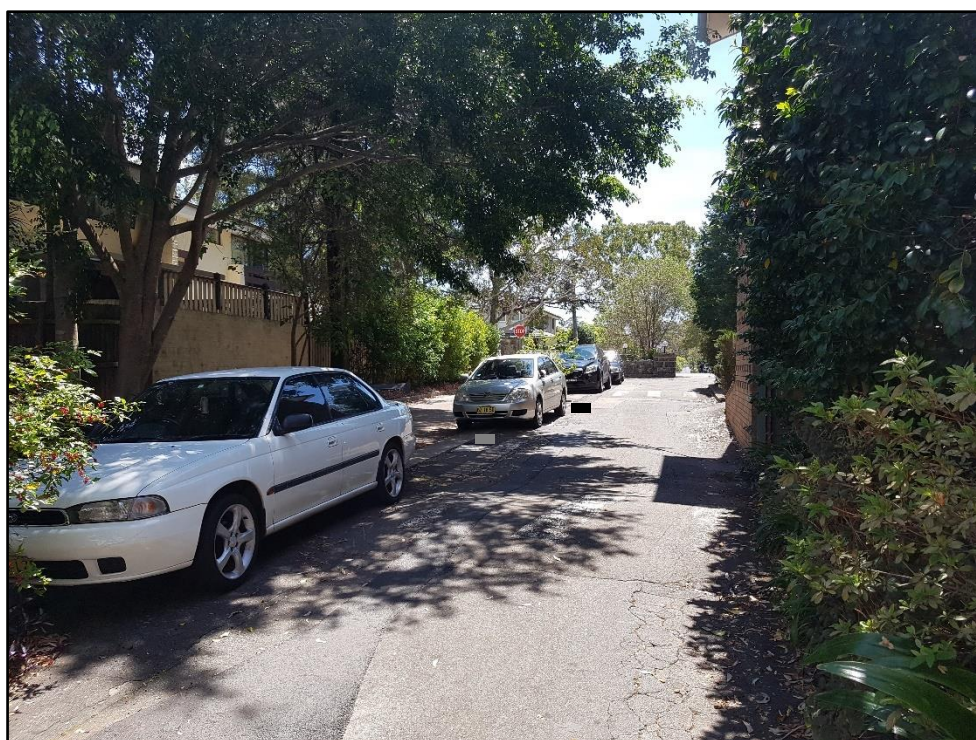
Photograph 1 – looking north from the western end of lot 120 near Burns Bay Road at the western end of the Caroline Chisholm Aged Care Home.



Photograph 2 – looking north-west from adjacent to the northern boundary of lot 51 (at its western end) at the southern facade of the Caroline Chisholm Aged Care Home.



Photograph 3 – looking south-west at the eastern end of Glenwood townhouse development from Caroline Chisolm Lane just south of its intersection with Cope Street.



Photograph 4 – looking north-west at the eastern end of Glenwood townhouse development (at the left of the photograph) from Caroline Chisolm Lane just to the east of the subject site. The public road section of Caroline Chisolm Lane is to the left of the cars and includes a strip of landscaping adjacent to the Glenwood development (between the carriageway and fence all the way up to Cope Street). The section of roadway visible to the right of the cars is located within SP 101 (No. 40 Cope Street).

- to the east – three (3) x four-storey residential flat buildings (RFBs) with at-grade parking comprising 56 units. These buildings, which comprise a development known as “Raffles Plaza”, are shown in Photographs 5 and 6 on the following page.



Photograph 5 – looking south-east from Caroline Chisholm Lane at the northern-most RFB on the property to the east of the subject site.



Photograph 6 – looking south from Caroline Chisholm Lane at the southern-most RFB on the property to the east of the subject site.

- to the south:
 - a two-storey development comprising 5 townhouses accessed from Burns Bay Road to the south of lot 120 at No. 278 Burns Bay Road; and
 - two (2) x three-four storey RFBs with basement parking comprising 11 units to the south of lot 51 at No. 1 Caroline Chisholm Lane (known as "The Gardens") accessed via the right of carriageway along the eastern and southern side of the site.

These developments are shown in Photographs 7 – 10 on the following pages.



Photograph 7 – looking south-west from the southern boundary of lot 51 at the western-most of the two RFBs at No. 1 Caroline Chisholm Lane. The “Emerant Lane” development at No. 284-288 Burns Bay Road is visible to the rear (to the south).



Photograph 8 – looking south-east from the south-east corner of lot 120 at the northern façade of both RFBs at No. 1 Caroline Chisholm Lane.



Photograph 9 – looking south-east from the middle of lot 120 at the back (northern elevation) of the townhouse development at No. 278 Burns Bay Road.



Photograph 10 – looking north-east from Burns Bay Road at the front facade (southern elevation) of the townhouse development at No. 278 Burns Bay Road. The subject site is located behind the townhouses at the left of the photograph.

- to the west:
 - Burns Bay Road; and
 - then a number of one and two storey dwellings within an R2-zoned precinct.

These dwellings are shown in Photograph 11 below.



Photograph 11 – looking west across Burns Bay Road from the western boundary of lot 120.

2.3 SITE CONTEXT & SURROUNDING LAND USES

The area in the vicinity of the site comprises an R4-zoned high-density residential neighbourhood, characterised by a range of town houses, older brick residential flat buildings (RFBs) constructed between the 1940's and the 1980's and larger, more contemporary apartment buildings up to eight (8) storeys in height constructed in the past 10 years just to the south of the subject site. These include "Emerant Lane" at 284-288 Burns Bay Road, "Delve Apartments" at 290 Burns Bay Road, "Eva" by Hyecorp at 2 Waterview Drive and "Bay Pavilions" at 9 Waterview Drive, all just to the south of the subject site.

Photographs of these developments are provided on the following pages.



Photograph 12 – “Emerant Lane”, Nos. 284-288 Burns Bay Road (7 storeys).



Photograph 13 – “Delve” Apartments, No. 290 Burns Bay Road (6 storeys).



Photograph 14 – “Eva”, No. 2 Waterview Drive (8 storeys).



Photograph 15 – “Bay Pavilions”, No. 9 Waterview Drive looking south (7 & 8 storeys).



Photograph 16 – “Bay Pavilions”, No. 9 Waterview Drive looking north (7 & 8 storeys).

Aerial photographs identifying the location of the subject site in the context of the surrounding area and land uses are provided on the following pages. A map showing the zoning of the surrounding area is provided as Figure 5 on page 41, whilst photographs of the subject site and surrounding area and developments are provided in Section 2.2 of this Statement.

Further details of the surrounding land uses and the various site conditions influencing the design of the proposed development are shown on the site analysis provided with the architectural plans and are also discussed in the Design Excellence Statement prepared by Jackson Teece submitted with the application.



Figure 2 – Aerial photograph showing subject site (approximate boundaries only) and surrounding area (Google Earth 2015)



Figure 3 – Aerial photograph showing subject site and immediately surrounding properties (Drone Shot 2018). Site and lot boundaries approx. only.

2.3 LAND TITLE

2.3.1 Property Description and Details

The subject site comprises two parcels, identified as lot 120 DP 613223 and lot 51 DP 862728, known as No. 40A Cope Street Lane Cove. A summary of the two parcels is provided below.

Property Description	Area	Owner
Lot 120 DP 613223	2717.5m ²	Retire Australia (Lane Cove) Pty Limited
Lot 51 DP 862728	1778.1m ²	Retire Australia (Lane Cove) Pty Limited
TOTAL	4995.6m²	

A survey plan for both parcels prepared by *Total Surveying Solutions* – confirming the above areas and providing levels, details of existing structures and improvements, physical features and property restrictions such as easements, rights of carriageway and other property and titling restrictions – has been submitted with the application.

The site is generally rectangular in shape (other than for a small dogleg in the south-western corner of lot 51 – see below) and has a frontage to Burns Bay Road to the west of 36.375m; a frontage to Caroline Chisholm Lane to the east of 36.579m; a combined northern boundary 119.59m in length; and a combined southern boundary of 121.375m in length (when assuming a straight line without the dogleg). The small dogleg in the south-western corner of lot 51 measures 3.5m wide x 11.08 in length.

A copy of the deposited plan for each lot confirming these dimensions has been submitted with the application.

2.2.2 Rights of Carriageways, Easements or 88B/Title Restrictions

As indicated on the Certificates of Title, survey plan and the DPs, the site is both burdened by and benefits from a number of rights of carriageways, easements and restrictions on the use of the land. The rights of carriageway, easements and restrictions on use affecting each lot are follows:

Lot 120 DP 613223

- DP 600873 – right of carriageway appurtenant to the part(s) of the land shown so benefitted in the title diagram.
- DP 613223 – easement to drain water affecting the land shown so burdened in title diagram.
- DP 613223 – right of carriageway.
- DP 613223 – restriction(s) on the use of land.

Lot 51 DP 862728

- DP 600873 – right of carriageway 6.095 wide affecting the part shown so burdened in the title diagram.
- DP 613223 – restriction(s) on the use of land.
- DP 613223 – easement to drain water 2 wide affecting the part shown so burdened in the title diagram.
- DP 613223 – easement to drain water 2 wide appurtenant to the land above described.
- DP 613223 – easement to drain water 2.4 wide affecting the part shown so burdened in the title diagram.
- DP 613223 – easement to drain water 2.4 wide appurtenant to the land above described.
- DP 613223 – right of carriageway 2.4 wide affecting the part shown so burdened in the title diagram.
- DP 613223 – right of carriageway 4.52 wide and variable appurtenant to the land above described.
- DP 613223 – easement for sewerage purposes over existing line of pipes appurtenant to the land above described.

Of the above items, the following have particular relevance to the proposed development:

1. A 1.575m wide and variable right of carriageway (ROC) running east-west along the bottom of lot 51 which forms part of the larger ROC with a total width of 6.095m wide burdening both lot 51 (see 2 below) and the property to the south (SP 19076). This ROC provides access to both the development on the property to the south and lot 120 within the subject site (in conjunction with the right of carriageway 2.4m wide as discussed at 3 below).
2. A right of carriageway 4.52m wide and variable benefitting lots 51 and 120 – this is shown as (Y) on the survey plan and is located over SP 19076 to the south and is the remaining section of the 6.095m ROC burdening both lot 51 SP 19076 (see 1 above). This ROC provides access to the subject site (both lots 51 and 120) in conjunction with the driveway located within the 1.575m ROC on the subject site discussed above.
3. A right of carriageway 2.4m wide burdening lot 51 – this runs north-south along the eastern end of lot 51 and is shown as (C) on the survey plan (and correlates to the stormwater easement identified at 5 below). This ROC provides for access to the development on the property to the south (in conjunction with, and via connection from, the right of carriageway 6.095m wide as discussed at 1 above).
4. Stormwater easement 2.0m wide burdening lots 120 and 51 – this is shown as (X) on the survey plan and provides for the disposal of stormwater from properties to the north and east of the subject site out to Burns Bay Road.
5. Stormwater easement 2.4m wide burdening lot 51 – this runs north-south along the eastern end of lot 51 and is shown as (C) on the survey plan and provides for the disposal of stormwater from the property to the north of the subject site out to Burns Bay Road.

Each of the items above burdening the subject site (listed 1, 3, 4 and 5) cannot be built upon and have to be maintained as part of the proposed development. These areas as shown hatched on the basement and lower ground floor plans within the architectural plans.

Conversely, the right of carriageway that the site benefits from on the adjoining property to the east (listed at 2) will continue to be used to provide access into the site and the proposed development, with no changes required or proposed.

2.3.3 Property Affections

From Council's 10.7 Planning Information Certificate, it is apparent that the land:

- is not subject to any biobanking agreement or property vegetation plan;
- is not affected by any road widening; and
- is not subject to flooding, tidal inundation, bushfire, mine subsidence, geotechnical instability or any known contamination (although a Phase 1 Contamination Assessment has been prepared and submitted with the DA to further investigate and confirm this fact).

Conversely, the land:

- is subject to an existing Site Compatibility Certificate (SCC) for a vertical village bonus (No. SCC_2019_LANEC_001_00) issued on 7th October 2020 to Retire Australia (which is no longer being pursued);
- does contain an item of European heritage listed under Schedule 5 of LCLEP (the sandstone wall along the eastern property boundary to Burns Bay Road, which is identified as local Item I158); and
- is located in both the "Coastal Environment" and "Coastal Use" areas as identified under SEPP (Resilience and Hazards) 2021.

Further discussion in relation to each of these items is provided later in this Statement.

2.4 OWNERSHIP

Both lots 120 and 51 are owned by *Retire Australia (Lane Cove) Pty Limited* (trading as Retire Australia). The consent of this owner to the lodgement of the application has been provided.

2.5 PHYSICAL DESCRIPTION

2.5.1 Slope and Topography

As shown by the levels and contours on the survey plans, the majority of site slopes gently from the eastern boundary down to the west, where it meets a short, steep embankment adjacent to Burns Bay Road. This embankment will be contained within a tiered and landscaped front setback, with the remainder of the site posing no constraints to the proposed development with respect to slope. Further details of the slope and topographical aspects of the site are contained within the Geotechnical Investigation Report prepared by *Geotechnique* submitted with the application.

2.5.2 Vegetation

As indicated by the photographs on the following pages and as shown on the survey plan, a number of trees are currently located on the subject site, the majority of which will need to be removed to make way for the proposed development. In particular, a row of brush box trees is located along the Burns Bay Road frontage which will need to be removed as part of the proposed development. These trees are shown in Photograph 17 below.



Photograph 17 – looking south-west at the row of brush boxes adjacent to the western boundary.

A large Bull Bay Magnolia tree also exists in the middle of the site adjacent to the northern boundary, as shown on Photograph 18 below. Due to its visual significance and location on the site, this tree is proposed to be retained and as such, the proposed development and the location of the basement in particular has been designed around it.



Photograph 18 – looking north-west at the Bull Bay Magnolia tree located within the site proposed to be retained.

The remainder of the trees on the site are essentially isolated ornamental trees, along with a number smaller and predominantly exotic trees and shrubs planted in courtyards and garden beds of the former retirement village. A full list and description of the trees located within the site and immediately adjoining the site is provided in the Tree Assessment Schedule in Appendix 1 of the Tree Impact Assessment Report submitted with the application.

It is also noted that a large Port Jackson Fig tree exists on the property to the south just over the boundary from the subject site and located towards Burns Bay Road, the canopy of which extends over the site of the proposed development (see Photograph 19 on the following page).



Photograph 19 – looking south-east at the Port Jackson Fig tree on the adjoining property to the south.

As with the Bull Bay Magnolia, the development has been designed to have regard to the location of this tree, with no works to be undertaken within that portion of the drip line or the root zone extending into the subject site to ensure it remains unaffected. This issue is discussed later in the Statement.

2.5.3 Existing Uses, Improvements and Structures

The site currently contains the now-vacant Caroline Chisholm Retirement Village, comprising 52 self-contained dwellings in six (6) x two-storey buildings – two (2) at the east and four (4) in the middle of the site – and one (1) single-storey building located at the western end of the site adjacent to Burns Bay Road. These buildings are surrounded by hardstand driveways and parking areas as well as garden beds.

All of these buildings and associated works will be removed to make way for the proposed development. Further details of these buildings and the demolition process will be provided in the Demolition and Construction Waste Management Plan to be submitted with the construction certificate.

2.5.4 Access and Road Infrastructure

The site has frontages to two (2) public roads, being Burns Bay Road to the west and Caroline Chisholm Lane to the east. Details of these roads are as follows:

1. Burns Bay Road is a state road under the control of Transport for NSW (TfNSW). This road is kerb and guttered on both sides, with two traffic lanes in both directions (four in total) separated by a concrete median past the site. A concrete pedestrian footpath is constructed along the length of the frontage to the site continuing to Cope Street to the north and to Waterview Drive to the south. This section of the road is signposted as “No Stopping” for the full frontage to the site. The site does not gain any vehicle access from Burns Bay Road, but does have pedestrian access.

2. Caroline Chisholm Lane (CCL) is a Council-controlled local road running south from Cope Street at its intersection with Figtree Grove down to the subject site. This road provides vehicular access to the subject site as well as sites to the south and east (via rights of carriageway where required). CCL is a 6.095m public road, with a carriageway width of approximately 4.2m. The public road section of CCL is depicted in yellow dashed lines on Photograph 20 below (approx. only) and includes a strip of landscaping approx. 1.8 wide adjacent to the Glenwood development (between the carriageway and fence all the way up to Cope Street). The section of road/driveway visible to the right of the cars is located within SP 101 (No. 40 Cope Street). CCL is kerb and guttered but has no formal footpaths on either side.



Photograph 20 – Looking north from the north-eastern corner of lot 51 along CCL towards Cope Street. A RFB development at No. 40 Cope Street (SP 101) is visible at the right of the photograph. The section of driveway to the east of CCL (to the right of the yellow line) is located within SP 101.

Further details of both roads and discussion in relation to the nature and capacity of the surrounding road network (as well as traffic, parking and access issues) is provided in the Traffic Report submitted with application.

3.4.2 Services

Reticulated water, sewerage and gas services are currently provided to the site, whilst electricity, is provided to the site from above-ground power poles on the western side of Burns Bay Road. Underground telecommunications services are available in the eastern verge of Burns Bay Road. The location of the various services is shown on the survey plans, with further discussion as to the capacity and need for any upgrade of these services provided in the Services Report by *Northrop*.

3.4.2 Survey and Photographs

A detailed survey plan of the subject site prepared by *Total Surveying Solutions* has been submitted with the application and used as base for the various plans and reports, whilst photographs showing a number of the features of the site as described above are provided on the following pages.



Photograph 21 – Looking north-west from the eastern boundary of lot 51 along the eastern façade of the eastern-most building. Caroline Chisholm Lane is visible at the right of the photograph.



Photograph 22– Looking south-west at the eastern façade of the eastern-most building on the site.



Photograph 23 – Looking north-east from the southern boundary of lot 51 at the southern elevation of the eastern-most building.



Photograph 24 – Looking west along the southern boundary of lot 51. The western-most of the two RFBs at No. 1 Caroline Chisholm Lane is visible to the left of the photograph.



Photograph 25 – Looking north-east at the southern and western facades of the older two-storey residence on lot 51.



Photograph 26 – Looking north-west along the southern facade of the two-storey building on the southern side of lot 120.



Photograph 27 – Looking north at the covered porte-cochere between the two-storey and single-storey building on lot 120.



Photograph 28 – Looking north-west at the southern facade of the single-storey building at the western end of lot 120.



Photograph 29 – Looking north-east at the western facade of the single-storey building at the western end of lot 120. The Caroline Chisholm Aged Care Home is visible to the rear.



Photograph 30 – Looking east along the northern boundary of lot 120.



Photograph 31 – Looking east from Burns Bay Road at the western boundary of the site (and lot 120).



Photograph 32 – Looking south-east from Burns Bay Road down the western boundary of the site (and lot 120). The “Emerant Lane” development located down Burns Bay Road is visible at the right of the photograph.

3.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT

3.1 PROPOSED DEVELOPMENT

The proposed development comprises:

- Preparation of the site, including the installation of temporary construction fencing and hoardings, the placement of site sheds and the implementation of tree protection and sediment and erosion control measures.
- Removal of vegetation as necessary from the site (as shaded in red on the Tree Retention Plan in the Tree Impact Assessment Report).
- Demolition of the existing buildings on the site and removal of the internal carparking areas and driveways (as described in more detail in the Demolition and Construction Waste Management Plan).
- Undertaking of the following works to the heritage-listed sandstone wall along the Burns Bay Road frontage of the site:
 - Disassembly of the majority of the wall to allow for construction access off Burns Bay Road and its reassembly at the conclusion of construction works; and
 - permanent removal and relocation of part of the wall to allow for the provision of an electricity substation.
- The undertaking of civil works across the site comprising excavation and bulk earthworks as necessary; construction of the basement, retaining walls and access driveway into the site off Caroline Chisholm Lane and on-site detention (OSD) tank/bio-retention basin. Further details of these works are provided on the civil engineering plans.
- The undertaking of roadworks in Caroline Chisholm Lane to widen the carriageway in specific locations as necessary from the subject site out to Cope Street to allow for two-way traffic movement;
- Construction of two (2) buildings (Building A on lot 120 and Building B on lot 51) of six (6) and four (4) storeys respectively containing:
 - 52 independent living units, or apartments (ILAs) with the following bedroom mix:
 - 8 x one-bedroom apartments;
 - 35 x two-bedroom apartments; and
 - 9 x three-bedroom apartments.
 - lower ground floor gym, treatment room and associated amenities, and fire serves and pump room;
 - ground floor lobby and reception area; sales office; resident kitchen, café and undercover barbeque area; outdoor communal outdoor open space area; and amenities, fire room and covered porte-cochere;
 - library, lounge and salon on a mezzanine between ground floor and level 1;
 - communal open space area on the podium between the buildings on level 1;
 - communal open space on the top floor of both building; and
 - solar panels and plant on the roof of both buildings.

Total gross floor area (GFA) of the development comprises 6,921m².

The buildings are to be constructed of a combination of masonry, textured pre-cast concrete and rendered fibre-cement external walls with feature metal panels and vertical aluminium batten privacy and shade screens; steel and glass balcony balustrades; aluminium windows and doors; concrete roof; and metal fascias, gutters and downpipes.

- A single basement carparking level constructed below both buildings. The carpark is to be accessed off Caroline Chisholm Lane from a ramp in the south-eastern corner of the site and will accommodate the following:
 - 54 car parking spaces, all constructed to a minimum width of 2.4m with shared zone of 2.4m in between each as per AS2890.6 with a further 10% (5 spaces) constructed to 3.8m in width. Fifty-two (52) of these spaces are to be allocated to residents, with the rest allocated as visitor parking;
 - waste buggy parking and wash bay;
 - waste rooms (2), bin storage areas, waste/recycling collection and sorting area and waste vehicle loading bay;
 - resident storage lockers for each apartment;
 - general storeroom and gardening storeroom;
 - services room and switch room;
 - lift wells (2) and fire stairs (2) providing access to upper floor lobby, apartments and communal areas;
 - eight (8) scooter parking spaces and charging areas; and
 - resident storage lockers.
- Construction of a driveway from the basement ramp along the southern side of Building B to an internal roundabout at the front of the lobby on the ground floor between both buildings, including shared zones and an ambulance bay.
- The construction of footpaths around the perimeter of the buildings and throughout the site (as detailed on the landscape plan and Civil Engineering Plans).
- The extension/provision of all necessary utility services to the site comprising reticulated water and sewerage, stormwater, electricity, natural gas and telecommunication facilities, including hydrant and sprinkler booster cabinets and an electricity sub-station in the south-west corner of the site next to Burns Bay Road.
- Construction of fencing around the perimeter of the site in a variety of heights and materials (as detailed on the Landscape Plan), including a gate at Burns Bay Road.
- Comprehensive landscaping of the site, including:
 - the planting of trees and shrubs within deep soil zones around the proposed buildings and within setbacks, ground floor private terraces and areas of communal open space on the ground floor;
 - on-structure planting on the podium off level 1 of the development and in planter boxes around the communal open space area on the roof of Building A; and
 - the associated construction of timber decking and provision of seating at various locations around the site.

3.1.1 Detailed Description of Buildings

The proposed development comprises two (2) buildings of six and four storeys above a common basement carpark containing 54 car parking spaces, shared lower ground floor and ground floor levels with a central landscaped podium and common open space area between the buildings.

Specifically, the western building on lot 120 fronting Burns Bay Road – hereafter called “Building A” – comprises six (6) storeys, whilst the eastern building on lot 51 – hereafter referred to as “Building B” – comprises four (4) storeys above ground level, in compliance with the two (2) height limits applicable to the site inclusive of the 3.8m height bonus under the Housing SEPP. Building A incorporate an area of communal open space on the roof, incorporating a terrace surrounded by landscaped planter boxes.

A breakdown of the number of units on each level of both buildings, including bedrooms and percentages, is as follows:

LEVEL/ FLOOR	BUILDING A (FRONT BUILDING LOT 120)				BUILDING B (REAR BUILDING LOT 51)			
	1 BED	2 BED	3 BED	TOTAL A	1 BED	2 BED	3 BED	TOTAL B
Lower Ground	2	5	1	8				0
Ground	1	6	1	8	1	-	1	2
Level 1	1	3	1	5	2	3		5
Level 2	-	4	1	5	1	4		5
Level 3	-	4	1	5	-	2	2	4
Level 4	-	4	1	5				0
TOTAL	4	26	6	36	4	9	3	16
Percentage	11%	72%	17%	100%	25%	56%	19%	100%

TOTAL DEVELOPMENT	1 BED UNITS	2 BED UNITS	3 BED UNITS	TOTAL UNITS
	8	35	9	52
	15.4%	67.6%	17%	100%

Both buildings are serviced via a central lift well containing two (2) lifts which provide access to all residential levels, as well as the basement carpark and the central communal area on the podium between the buildings on level 1. Additionally, the lift in Building B also provides direct access to the lobby/reception area, resident facilities, undercover barbeque area and outdoor communal area on the ground floor; the library, lounge and salon on the mezzanine between ground floor and level 1; and the gym and treatment room and other facilities on the lower ground floor. Access to these facilities from Building A is available via stairs, ramps and a platform lift at the end the corridor into the lobby (which is necessary due to the difference in levels between the two floors), from where the lift in Building B can be accessed.

Additional platform lifts are to be located in the ground floor communal open space area to take disabled persons to communal outdoor area and footpaths connecting to his area, and at the gate on the western boundary to provide access into and out of the site for residents from Burns Bay Road.

3.1.2 Open Space Provision

As detailed on drawing number DA-013, open space and landscaped areas are proposed to be provided as follows:

- Total open space/landscaped area – 1,494m², equating to 33% of the site;
- Deep soil planting zones – 921m² equating to 20% of the site area; and
- Communal open space (COS) – 1,165m², equating to 2.9% of the site area, comprising the following:
 - COS ground level = 291m²
 - COS on level 1 = 616m²
 - COS on level 5 (top of Building A) = 258m²

3.2 STAFF/MANAGEMENT AND OPERATIONAL DETAILS

3.2.1 Staffing

The proposed development will be staffed by five (5) employees as follows:

- a Village Manager, who will oversee the day-to-day operation of the development and address any concerns by residents;
- a receptionist;
- a salesperson; and
- a maintenance manager and gardener, who would attend to (or be responsible for) matters such as moving bins in the bin room, general building maintenance and repairs, and upkeep of the lawns, gardens and common areas. These staff may be assisted in a number of these tasks by contractors, particularly maintenance of the buildings and gardens.

Home care personnel would be available to attend to emergencies on an on-call, basis whilst security staff would be provided by contractors.

3.2.2 Ongoing Operation of Development

The proposed development would be run as a seniors housing development and be operated in accordance with the *Retirement Village Act 1999*, which sets out the rights and obligations of residents and operators of retirement villages. To this end, a S.88B restriction will be placed on the title of the land (which is to be consolidated into one single title) requiring it to operate as a seniors housing development/retirement village in perpetuity and in accordance with the *Retirement Villages Act 1999*.

3.3 STAGING

The proposed development is to be constructed in one (1) single stage.

3.4 SUBMITTED DOCUMENTATION

Detailed plans of the proposed development prepared by Jackson Teece Architects have been submitted with the application which include the following:

- location plans;
- site analysis;
- site plan;
- floor plans;
- roof plan;
- sections and elevations;
- materials and finishes schedule and 3D images and renders;
- height plane diagram;
- landscaped areas, deep soil planting and common outdoor area plan;
- construction management plan;
- FSR calculations and GFA plans;
- SEPP 65 cross-ventilation diagram;
- SEPP 65 solar access and shadow diagrams;
- diagrams showing solar access to neighbouring properties; and
- various diagrams explaining the design rationale.

A 3D Render of the western façade of proposed development looking from Burns Bay Road is provided on the front cover of this Statement, whilst a 3D render of the southern elevation of the proposed development is provided as Figure 4 on page 38.

Civil engineering plans have been submitted with the application which include various sheets detailing the civil works proposed to be undertaken as part of the development (as described under Section 3.1), as well as a Stormwater Management Plan. A range of specialist sub-consultants reports and plans identified in the Housing SEPP or as requested in and following the pre-DA meeting have also been submitted. The various plans, reports and supporting documentation prepared by the Project Team submitted with the application is identified in the following table:

REPORT/PLAN(S)	PREPARED BY
Survey Plan	Total Surveying Solutions
Architectural Plans	Jackson Teece
SEPP 65 Design Verification Statement and Apartment Design Guideline Table	Jackson Teece
Housing SEPP Compliance Table	Tim Shelley Planning
Clause 4.6 Submission for FSR	Tim Shelley Planning
Civil Engineering Plans	Northrop
Cost Estimate Report	WTP Australia

BASIX and NatHERS Certificates	<i>Northrop</i>
Traffic Report	<i>CBRK Traffic</i>
Acoustic Report	<i>PKA Acoustic</i>
Landscape Design	<i>Sturt Noble</i>
Tree Impact Assessment Report	<i>Sturt Noble</i>
BCA Assessment Report	<i>Blackett Maguire Goldsmith (BMG)</i>
Access Statement of Compliance	<i>ABS Access</i>
Section J Compliance Statement	<i>Northrop</i>
Geotechnical Investigation Report	<i>Geotechnique</i>
Preliminary Site Investigation	<i>El Australia</i>
Heritage Impact Statement	<i>Umwelt</i>
Waste Management Plan (Operational)	<i>TTM Consulting</i>



Figure 4 – 3D Render of the southern façade of proposed development looking north-west from the south-east corner of lot 51 (courtesy Jackson Teece Architects)

4.0 BACKGROUND TO THE PROJECT

4.1 BRIEF HISTORY OF THE SITE AND BACKGROUND TO THE DEVELOPMENT

The site contains seven (7) buildings – six (6) x two-storey and one x one storey – which contain 52 aged housing units formerly known as the “Caroline Chisholm Retirement Village”. The site was purchased by Retire Australia in 2017 with the intention to redevelop it into a retirement village comprised of higher quality ILAs, to fill a clear market gap in the Lane Cove LGA for this type of product.

The site was purchased by RA as vacant possession in 2017 and remains vacant.

4.2 SITE COMPATIBILITY CERTIFICATE

An application for a Site Compatibility Certificate (SCC) was lodged by Retire Australia in May 2019 seeking a “vertical village bonus” under Clause 45 of the former SEPP Seniors Housing 2004 to enable the granting of a floor space bonus over the maximum floor space ratio (FSR) applicable to the land under LCLEP. The proposal at that time comprised two buildings, being Building A on Lot 120 with a height of 8 storeys within LCLEP height limit of 18m and Building B on Lot 51 with a height of 7 storeys within LCLEP height limit of 12m.

The SCC (SCC_2019_LANEC_001_00) was issued on 7th October 2020, albeit for a lower development comprising 6 storeys or (18m) across Lot 120 and 4 storeys (12m) across Lot 51. Whilst this SCC will expire on 7th October 2022 and remains active (at the time of lodgement of this DA), Retire Australia do not wish to proceed with the development approved under this SCC. Rather, the current DA has been lodged under the provisions of the Housing SEPP which, under Clause 87(2), allows for a FSR bonus of 15% (for independent living units with no residential care facility) and a height bonus of not more than 3.8m above the applicable height limits, without the need for a SCC.

4.3 PRE-LODGEEMENT CONSULTATION

A pre-lodgement meeting was held between the applicant/project team (Jackson Teece Architects, Tim Shelley Planning and Mr Bill Clydesdale of Retire Australia) and Council officers at Lane Cove Council on 17th May, 2022.

At this meeting, a range of matters was discussed including the applicable planning controls, design issues, the likely impacts of the development and information required to be submitted with the DA. In particular, Council raised the issue of whether the proposed development would be classified a State Significant Development (SSD) under recent changes to the SEPP (Planning Systems) 2021. This issue was subsequently clarified in follow-up liaison with Council wherein it was confirmed that the proposed development did not satisfy the definition of SSD as it did not include a residential care facility and as such remained regional development, with the SNPP the consent authority. This issue is discussed in greater detail later in this Statement.

Following the meeting, Council officers provide further advice in relation to a number of specific issues, such as traffic and parking, access to the site and waste management, and further clarified the information required to be submitted with the application. The matters raised both during and subsequent to the meeting have been addressed via further refinements to the design of the development since this time as necessary and where feasible and appropriate, and/or via the submission of information to accompany the DA.

The ongoing co-operation and advice received from Council staff has been of considerable value and is greatly appreciated.

In addition and at Council's request, a meeting was held on 28th July 2022 with the Northern Sydney Regional Organisation of Councils (NSROC) Design Excellence Panel (the Panel), an advisory body providing pre-lodgement advice on the design of various developments. At the meeting, the Project Team presented plans of the proposed development to the Panel and discussed the various site conditions and a range of other factors informing and constraining the design.

A number of suggestions were made by the Panel at and following the meeting and the design has been amended to address these where appropriate and feasible.

5.0 PLANNING CONTROLS

As per Section 4.15(a) of the Environmental Planning and Assessment Act 1979, the following section identifies the planning controls relevant to the proposed development.

5.1 LANE COVE LOCAL ENVIRONMENTAL PLAN 2009

5.1.1 Zoning and Permissibility

As shown on Figure 5 below, the property is zoned R4 High Density Residential under Lane Cove Local Environmental Plan 2009 (LCLEP).

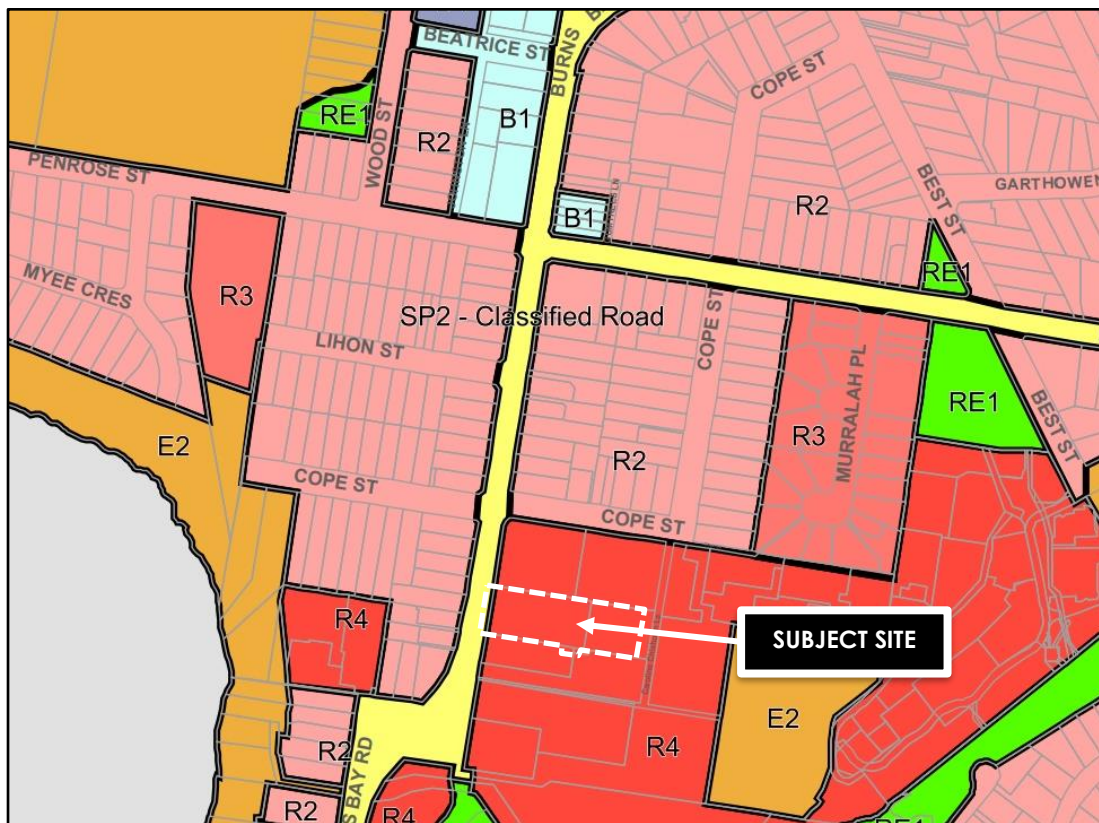


Figure 5 – Extract from Lane Cove LEP 2009 Zoning Map

Under the dictionary to LCLEP, the proposed development is defined as "seniors housing", which means:

"a building or place that is:

- a residential care facility, or
- a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing) 2021, or
- a group of independent living units, or
- a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for:
 - seniors or people who have a disability, or
 - people who live in the same household with seniors or people who have a disability, or
 - staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital."

Within this definition, the development would be categorised as “independent living units”, which are defined as follows under LCLEP:

“independent living unit means a dwelling or part of a building, whether or not attached to another dwelling:

- (a) used to house seniors or people with a disability, and*
- (b) containing private facilities for cooking, sleeping and bathing, and*
- (c) where clothes washing facilities or other facilities for use in connection with the dwelling or part of a building may be provided on a shared basis,*

but does not include a hostel.”

“Seniors housing” is ordinarily prohibited in the R4 zone under the land use table following Clause 2.8 of LCLEP. However, the development is permissible on the land under the Housing SEPP. As such, the application is not lodged LCLEP but rather under the provisions of the Housing SEPP. This issue is discussed in greater detail under section 5.2.1.

5.1.2 Zone Objectives

In accordance with Clause 2.3(2), a consent authority must have regard to the objectives for the development in a zone when determining a development application in respect of land within the zone. The objectives of the R4 zone are as follows:

- *To provide for the housing needs of the community within a high-density residential environment.*
- *To provide a variety of housing types within a high-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a high concentration of housing with good access to transport, services and facilities.*
- *To ensure that the existing amenity of residences in the neighbourhood is respected.*
- *To avoid the isolation of sites resulting from site amalgamation.*
- *To ensure that landscaping is maintained and enhanced as a major element in the residential environment.*

By reference to the architectural plans and as discussed throughout this Statement, it is apparent the proposed development is consistent with the relevant objectives of the R4 zone. In particular, it is noted that:

- the development provides housing needs for the local community in a vertical, high density retirement village and in doing so, assist in meeting a shortage of senior's accommodation in the Lane Cove LGA;
- the development provides an alternate, or non-traditional, form of retirement living in the form of a vertical village and hence contributes to the variety of seniors housing product available in the LGA;
- the proposed development is located in close proximity (400m) to the Lane Cove West shopping centre and community precinct, and is highly accessible to an extensive range of retail, community, commercial services and facilities via public transport to the Lane Cove town centre and Hunters Hill village centre;
- the proposed development has been designed and sited to avoid any significant adverse impact on the amenity of surrounding residences by way of overshadowing, diminished privacy or view loss;
- the subject site comprises two (2) allotments that combine to provide a large, amalgamated site of a regular shape that facilitates the proposed development and in doing so, does not isolate any surrounding properties nor compromise the future development potential of these properties; and
- the site will be extensively landscaped, including large areas of deep root planting.

5.1.3 Clause 4.3 – Height of Buildings

Under Clause 4.3 of LCLEP, a maximum building height has been adopted for land within the Lane Cove LGA. As shown on the extract of the Height of Buildings Map provided as Figure 6 below, the subject site has two (2) applicable height limits, being Categories M and P2, which comprise heights of 12 and 18m metres respectively.

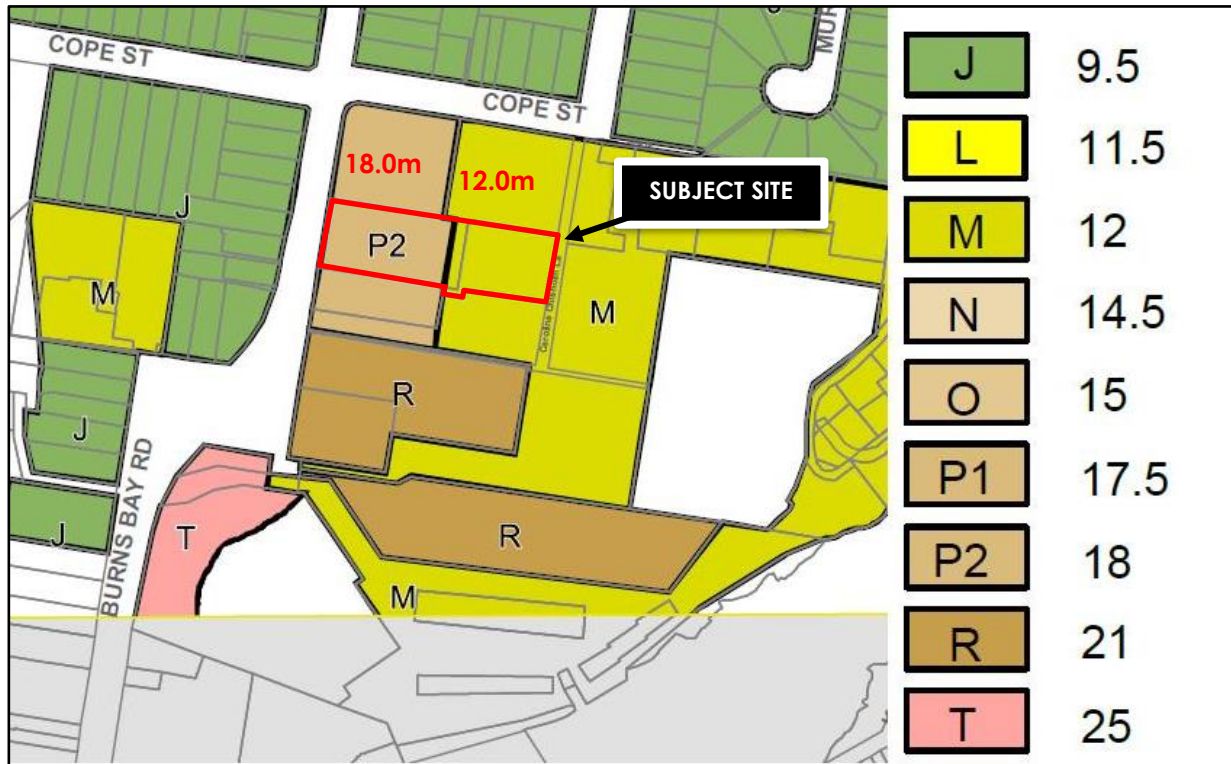


Figure 6 – Extract from Lane Cove LEP 2009 Height of Buildings Map

Under section 87(2)(c) of the Housing SEPP, a height bonus of **not more than 3.8m above the maximum permissible building height** – in conjunction with a floor space ratio (FSR) bonus of 15% as per section 87(2)(b)(i) – may be applied to development involving independent living units (ILUs) subject to the site meeting the criteria specified in sub-section (2)(a), that being a minimum area of at least 1,500m².

On the basis that the development comprises only ILUs and the site has an area in excess of 1,500m², a bonus of 3.8m is applicable to the proposed development, thereby increasing the maximum allowable heights of the proposed buildings on each lot comprising the site to **21.8m** for Building A on lot 120 and **15.8m** for Building B on lot 51 as follows:

- **Lot 120 (front lot):**
 - height under LCLEP = 18.0m (Category P2)
 - + 3.8m BONUS = 21.8m
- **Lot 51 (rear lot):**
 - height under LCLEP = 12.0m (Category M)
 - + 3.8m BONUS = 15.8m

As shown on the various elevations, sections and height planes provided as part of the submitted plans, it is apparent the height of the actual buildings does not exceed either of the two (2) maximum height limits applicable to the site, inclusive of the bonus. However, as specifically shown on Drawing No. DA-905 – 3D Height Plane Diagram, the lift overruns on Buildings A and B both exceed the height limit of 21.8m and 15.8m by 1.72m and 520mm respectively, or by **7.9%** and **3.3%**. The location of these encroachments is shown on Figure 7 on the following page.

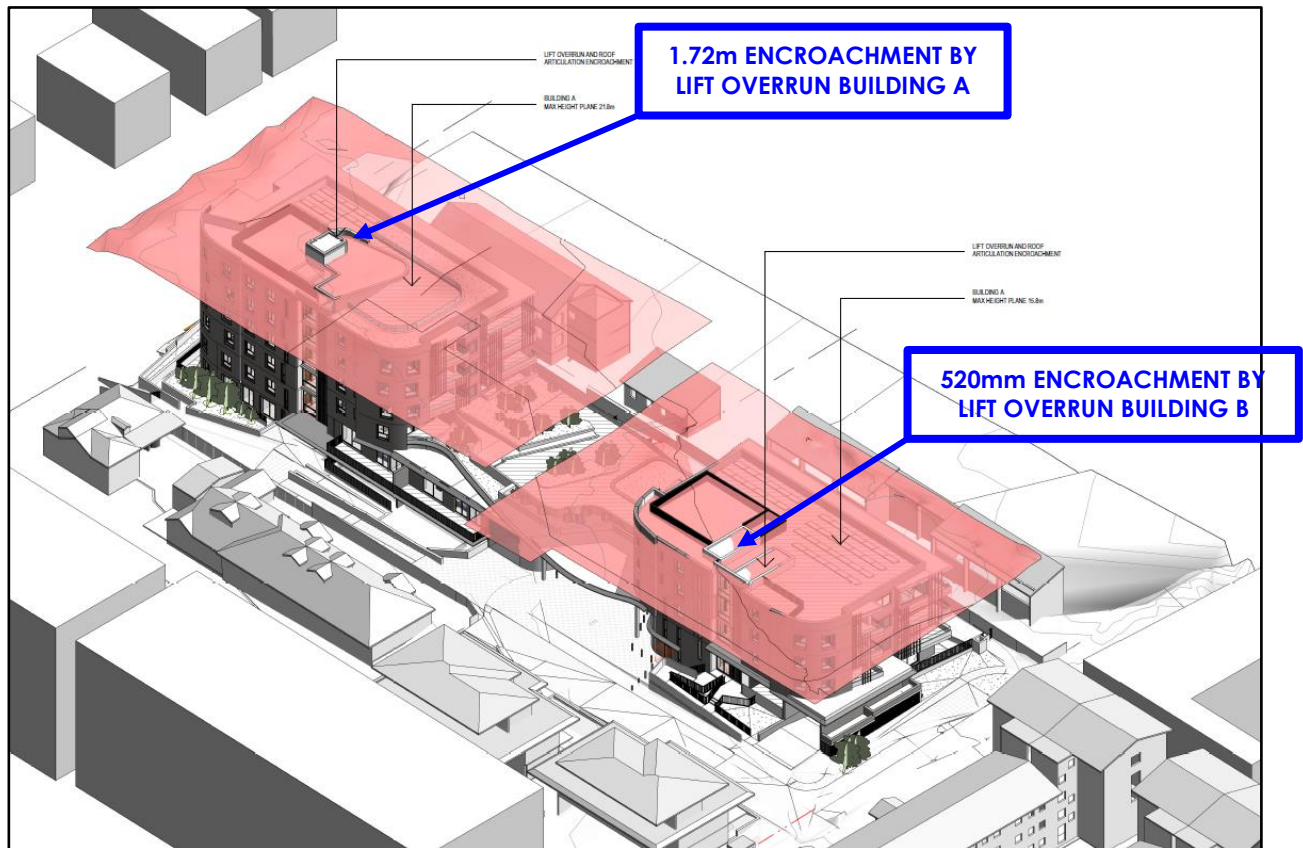


Figure 7 – 3D Height Plane Diagram showing location of height encroachments by lift overruns

Based on legal advice, it is evident that the reference to a 3.8m height bonus in section 87(2)(c) of the Housing SEPP is a development standard and can therefore be varied via clause 4.6 of LCLEP.

Accordingly, an objection under Clause 4.6 of LCLEP has been submitted requesting and justifying a variation to the height bonus standard under section 87(2)(c). In summary, the Clause 4.6 demonstrates that compliance with the applicable height is unreasonable and unnecessary in the circumstances and that a variation is justified for the following reasons:

- The additional height – in conjunction with the additional floor space ratio – is required to incentivise, or encourage the development of senior housing on the site, as:
 - Seniors housing has a greater spatial requirement than conventional residential apartments and hence lower yields. As such, additional floor space and in turn, additional height is necessary to offset this lower yield to allow seniors housing to be a viable form of development.
 - The cost to construct a retirement village is significantly greater than conventional residential apartments as they include significant areas of non-revenue floorspace, such as on-site community facilities, communal open space and other items and services required on site by the Housing SEPP. As such, a mechanism is required to increase yield to partially offset these costs and encourage the development of seniors housing when more cost efficient housing could be delivered to the market on any given site.
- The built-form of the proposed development is completely appropriate given the height of both buildings complies with the two (2) maximum height limits applying to the land, other than the two (2) lift overruns in question, which are both limited in their extent and represent only minor variations to the height limits anyway.
- The lift overruns are not prominent and barely discernible from beyond the site.
- the lift overruns are treated architecturally and form an integrated part, or extension, of the roof.
- The minor non-compliance results in no tangible, or additional, impact on overshadowing on any adjoining properties.

Given the above – and as explained in greater detail in the Clause 4.6 submission – it is considered that suitable justification exists to satisfy Council the proposed variation has merit and can be supported.

5.1.4 Clause 4.4 – Floor Space Ratio

Under Clause 4.3 of LCLEP, a maximum floor space ratio (FSR) has been adopted for land within the Lane Cove LGA. As shown on the extract of the Floor Space Ratio Map provided as Figure 14 below, the subject site has two (2) applicable FSR limits, being Categories J and S3, which comprise FSRs of 0.8:1 and 1.7:1 respectively.

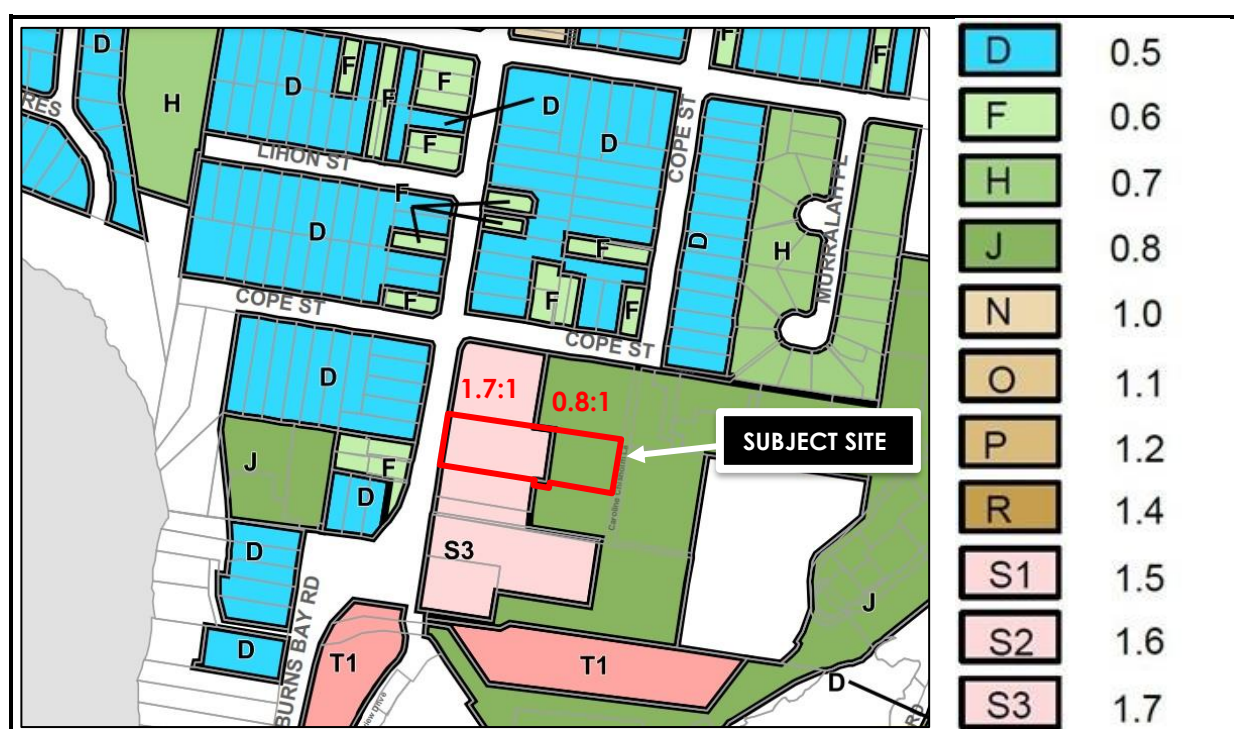


Figure 14 – Extract from Lane Cove LEP 2009 Floor Space Ratio Map

Under section 87(2)(b)(i) of the Housing SEPP, a floor space ratio bonus of 15% above the maximum permissible FSR – in conjunction with a height bonus of 3.8m – may be applied to development involving independent living units (ILUs) subject to the site meeting the criteria specified in sub-section (2)(a), that being a minimum area of at least 1,500m².

On the basis that the proposed development comprises only ILUs and the site has an area in excess of 1,500m², a bonus of 15% is applicable to the proposed development, taking the maximum allowable FSR permissible on each lot comprising the site to 1.955:1 on lot 120 and to 0.92:1 on lot 51, calculated as follows:

- **Lot 120 (front lot):**
 - Area = 2717.5m²
 - FSR under LCLEP = 1.7:1 (Category S3)
 - + 15% BONUS = 1.995:1 (or 5312.7m²)
- **Lot 51 (rear lot):**
 - Area = 1778.1m²
 - FSR under LCLEP = 0.8:1 (Category J)
 - + 15% BONUS = 0.92:1 (or 1635.9m²)

As shown on the calculations on drawing number DA-012 of plans, the amount of floor space on lot 120 totals 4,478m², which, when compared to the area of lot 120 (or FSR Category S3) of 2,717.5m² equates to a FSR of 1.64:1, which is 0.315 (or 15.72%) less than the maximum FSR permissible of 1.995 on lot 120, inclusive of the bonus. This equates to 834m² less than that allowable on lot 120.

Conversely, the amount of floor space on lot 51 totals 2,443m², which, when compared to the area of lot 51 (or FSR Category J) of 1,778.1m² equates to a FSR of 1.37:1 which is 0.45 or (49.28%) in excess of the maximum FSR permissible of 0.92 on lot 51, inclusive of the bonus. This equates to 807.1m² in excess of that allowable on lot 51.

As with height, legal advice has confirmed that the reference to a 3.8m height bonus in section 87(2)(c) of the Housing SEPP is a development standard and can therefore be varied via clause 4.6 of LCLEP. Accordingly, an objection under Clause 4.6 of LCLEP has been submitted requesting and justifying a variation to this standard. In summary, the Clause 4.6 demonstrates that compliance with the applicable FSR is unreasonable and unnecessary in the circumstances and that a variation is justified for the following reasons:

- The additional floor space ratio – in conjunction with additional height – is required to incentivise, or encourage the development of senior housing on the site, as:
 - Seniors housing has a greater spatial requirement than conventional residential apartments and hence lower yields. As such, additional floor space and in turn, additional floor space is necessary to offset this lower yield to allow seniors housing to be a viable form of development.
 - The cost to construct a retirement village is significantly greater than conventional residential apartments as they include significant areas of non-revenue floorspace, such as on-site community facilities, communal open space and other items and services required on site by the Housing SEPP. As such, a mechanism is required to increase yield to partially offset these costs and encourage the development of seniors housing when more cost efficient housing could be delivered to the market on any given site.
- When spread across the entire site, the total amount of floor space allowable under both FSR categories S3 and J is 6,948.6m², whereas total floorspace proposed across the entire site is 6,921m². As such, across the entire site, the amount of floorspace proposed is 27.6m² under what is allowable and therefore complies with the FSR applicable to the site under LCLEP.
- Further to the above, the proposed development represents an appropriate correlation to the size of the site in this instance, which is the express purpose of a floor space ratio.
- The exceedance on lot 51 is simply – and almost exactly – counterbalanced by the unused amount on lot 120. In this regard, the excessive amount of floor space on lot 51 is 807.1m², whereas the amount of unused floorspace on lot 120 (or less than that allowable) is 834m². As such, the floor space has simply been moved from one lot to the other such that the numerical variation on lot 51 is of no consequence.
- The built form of the proposed development is completely appropriate given the height complies the two (2) maximum height limits applying to the land (other than the two lift overruns which are permitted as architectural roof features (as explained above).
- The proposed development complies with all requirements of the Housing SEPP, including generic standards, those relating specifically to ILUs and a number of non-dictionary development standards for ILUs.
- The proposed development meets the further, more detailed design principles pertaining to in-fill self-care housing identified in the document “*Seniors Living Policy: Urban Design Guideline for Infill Development*” which is cross referenced under the Housing SEPP.
- Nothing would be gained by seeking a redistribution of floor space from one lot to the other. In fact, such an exercise would result in a worse built-form outcome, as it would increase the width of the higher tower and height of the middle podium, reduce the gap between the two towers and increase overshadowing on properties to the south. Conversely, such an exercise doesn't result in any benefit on an overall basis, as the development as currently proposed already complies with the total FSR applicable across the entire site and would continue to do so without the redistribution.

Given the above – and as explained in greater detail in the Clause 4.6 submission – it is considered that suitable justification exists to satisfy Council the proposed variation has merit and can be supported.

5.1.5 Clause 4.6 – Exceptions to Development Standards

Under Clause 4.6(3) of LCLEP, development consent must not be granted for development that contravenes a development standard unless the Council is satisfied that the applicant's written request has adequately addressed the following matters:

- (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.*

Further, under Clause 4.6(4), the proposed development must be shown to 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*”.

As such, two (2) detailed submissions addressing the requirements of Clause 4.6(3) and (4) in relation to the non-compliances with the height standard by the lift overruns and the FSR limit applicable to the rear portion of the site within lot 51 have been submitted with the application. In summary and further to the discussion above under Sections 5.1.3 and 5.1.4, these submissions provide suitable justification on environmental planning grounds to demonstrate that strict compliance with the height and FSR standards in question is unnecessary in the circumstances of the case, as the proposed development would:

- satisfy the objectives of the FSR development standard;
- satisfactorily achieve the objectives of the R4 High Density Residential zone; and
- be in the public interest.

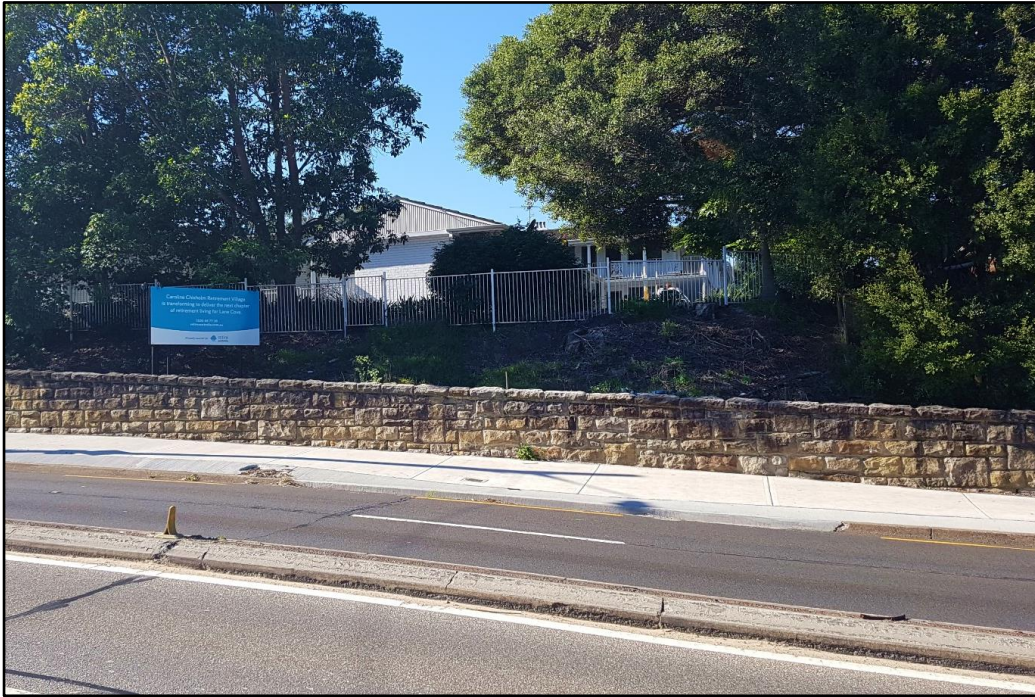
On the basis of this submission, Council is requested to allow a variation (or exceedance) to the maximum height standard applicable to the site and the FSR standard applicable to lot 51 in this instance to permit the proposed development.

5.1.6 Clause 5.1 – Heritage Conservation

The land contains no known aboriginal sites but does contain an item of European heritage, being the sandstone wall along the eastern property boundary to Burns Bay Road, which is identified as local Item I158 – “*Stone walls to road frontages*” – under Schedule 5 of LCLEP. This wall is shown in photograph on the following page.

The following works to the wall are required to be undertaken as part of the proposed development that could detrimentally impact on the heritage significance of the wall:

- A section of the wall approximately 8.5m long at the southern end of the Burns Bay Road frontage is to be removed to enable the construction of an electricity substation. The stone to be removed will be salvaged and reused on a low-height wall nearby. The relocated stones will be bonded with lime-cement mortar so that they can be restored to their original location if circumstances change to enable this to happen. No original sculpted stone is expected to be lost from the site.
- The remaining section of the wall would be disassembled to enable trucks to load and unload from Burns Bay Road during the construction phase. Each stone will be numbered and stored securely. After the bulk building works are completed, a new footing will be laid, and the wall would be reassembled and bonded with lime mortar to the same design, apart from the above adjustment



Photograph 31 – looking east from Burns Bay Road at the heritage listed wall along the western boundary of the site.

As required by Clause 5.10.4 of LCLEP, a Heritage Impact Assessment (HIA) prepared by *Umwelt* submitted with the application to address the impact of these works on the wall. In summary, the HIA found as follows:

“The proposed redevelopment of the nursing home at 40A Cope Street, Lane Cove, will have an acceptable impact on the heritage significance of the sandstone retaining wall along the western boundary, which is a local heritage item.

The design of the site redevelopment would keep more than three-quarters of the length of the sandstone wall in situ within the subject property, which is a small part of the whole heritage item. The minority section that would be moved permanently to allow for the substation would be disassembled, and reassembled in a new wall nearby that will serve the same purpose. All the stones in the wall will remain on site and be used for their traditional purpose. New stone to complete the low-height retaining walls in the design will be similar to existing. The bulk of the remaining sandstone wall along the western boundary of the site will be disassembled during the works, and reassembled to the same design towards the end of the development works.

The existing views towards the heritage item within the site will be retained and conserved as part of a longer wall extending across other allotments. The streetscape value of the sandstone retaining wall will be retained.

The proposed development including adjustment to the local heritage item are generally consistent with the heritage objectives of the Lane Cove LEP 2009 and the Lane Cove DCP 2010 (sic)”

With specific reference to the works proposed to the heritage item, the HIA made the following recommendations to mitigate any potentially adverse impacts from the proposal:

- *R1 – that the stones from the section of the sandstone wall needed to be disassembled during the construction work be numbered, stored securely, then reassembled in the same design on a reinforced concrete footing to the engineer’s design, and rebounded using lime-cement mortar.*

- *R2 – the stones from the section of sandstone wall to be removed permanently should be placed together in the new wall with the same character, as designed. New stones, as required to complete the low-height walls near the western boundary as designed, should be selected for a matching colour. New stones should have a similar texture, but be recognisable as different upon close inspection.*
- *R3 – the lime-cement mortar used to repair and rebuild the sandstone walls should be a little softer than the existing sandstone.*

Subject to the adoption of the above recommendations (which can be attached as conditions of consent), the proposed development, including the adjustment to the local heritage item, is consistent with the heritage objectives of both LCLEP and LCDCP, such that consent can be granted – or is not precluded from being granted – under Clause 5.1 of LCLEP.

5.1.7 Clause 6.1A – Earthworks

Under Clause 6.1A of LCLEP, development consent is required for earthworks unless the earthworks are exempt or ancillary to other development already approved. Accordingly, consent is sought under this clause for all excavation and earthworks required for the proposed development as part of the subject application. Under Clause 6.1A(3), the consent authority must consider consideration of items (3) (a)-(g). Before granting development consent for earthworks. To this end, concept civil engineering plans have been submitted with the application which provide details of all earthworks and civil works proposed to be undertaken as part of the development to satisfactorily allow Council to assess and the consent authority to be satisfied that items (a)-(g) have been adequately addressed.

Further details of the manner in which earthworks will be undertaken and managed during the construction phase of the development are provided in the submitted Demolition and Construction WMP and Construction Management Plan.

5.1.8 Other Mapping Layers

The subject site, or the proposed development as the case may be, is not affected by the remaining mapping layers of LCLEP as follows:

- the land is not affected by the lot size map (and the development doesn't include subdivision anyway);
- the land is not identified for reclassification or acquisition on the Land Reclassification and Land Reservation Acquisition Maps respectively;
- the land is not identified as being affected by acid sulphate soils on the Acid Sulphate Soils Map;
- the land does not contain any environmental protection land or riparian land and is not subject to a foreshore building line under the Environmental Protection Land Map, Foreshore Building Line Map and Riparian Land Map;
- the site is not affected by or identified on either of the Incentive Floor Space Ratio Map, Incentive Height of Buildings Map or Key Sites Map; and
- no additional uses are permitted on the land under the Additional Permitted Uses Map.

5.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

5.2.1 SEPP (Housing) 2021

5.2.2.1 Part 5 – Housing for Seniors and People with a Disability

Definition and Permissibility

As indicated earlier in this Statement, seniors housing is not identified as a permissible use in the R4 zone under LCLEP. However, under section 81 of Part 5 of SEPP (Housing) 2021 – the Housing SEPP – development for the purposes of seniors housing may be carried out with development consent:

- (a) on land to which this Part applies, or
- (b) on land on which development for the purposes of seniors housing is permitted under another environmental planning instrument.

With respect to (a), section 79 indicates that this Part (i.e. Part 5) applies to land in a range of zones, including R4 High Density Residential. As such, the proposed development – which is defined as “*independent living units*” under the broader definition of seniors housing as previously explained – is permissible on the land under the provisions of the Housing SEPP. Accordingly, the application has been lodged under this instrument and is subject to the relevant provisions of same.

Compliance with Development Standards

Part 5 of the Housing SEPP includes a range of generic requirements and criteria applicable to all seniors housing developments, as well as further requirements relating specifically to independent living units (ILAs) under the definition of “in-fill self-care housing”. In this regard, the proposed development is required to comply with the following:

- the general development standards pertaining to all forms of seniors housing under section 84;
- the more detailed development standards pertaining specifically to hostels and independent living units under section 85, which cross-references the further, more detailed standards specified in Schedule 4;
- site, locational and access requirements pertaining specifically to independent living units under section 93;
- the design principles pertaining to all types of housing under sections 99 – 105; and
- the non-discretionary development standards for independent living units under section 108 relating to landscaped area, deep soil zones, private open space and car parking.

The extent to which the proposed development complies with these requirements is summarised in the Housing SEPP Compliance Table submitted with the application. From the table, it is clear that the proposed development complies with all relevant requirements of the Housing SEPP SH. This includes all non-discretionary standards relation to independent living units, meaning that the proposed development cannot be refused on the basis of landscaped area, deep soil zones, private open space and car parking.

5.2.2 SEPP (Resilience and Hazards) 2021

5.2.2.1 Chapter 2 – Coastal Management

Chapter 2 of SEPP (Resilience and Hazards) 2021 (SEPP RH) replaces the former SEPP (Coastal Management) 2018. Under Chapter 2 of SEPP RH, the subject site is located within both the “coastal environment” and “coastal use” areas as shown in blue and salmon hatching respectively on Figures 15 and 16 respectively on the following page.



Figure 15 – SEPP (Resilience and Hazards) 2021 Map Showing “Coastal Environment” Area



Figure 16 – SEPP (Resilience and Hazards) 2021 Map Showing “Coastal Use” Area

Clause 2.15 of SEPP RH provides that where a parcel of land is identified as being within more than one coastal management area (as is the case here), the development controls of the highest management area prevail, with coastal environment area listed higher than coastal use area. As such, in their assessment of the application, the consent authority is required to have regard to the matters for consideration identified under clause 2.10, which relates specifically to development within the Coastal Environment Area, as well as those additional matters identified under clauses 2.12 and 2.13 applicable to the coastal zone generally (re coastal hazards and coastal management programs).

Given the highly disturbed and modified urban nature of the site and its extensive distance from the Lane Cove River (over 220m to both the west and south), the proposed development will have no adverse impact in relation to any of the matters set out in clause 2.10(1). In turn, proposed development does not trigger or raise any concerns with respect to the additional items listed in clause 2.10(2).

The consent authority is also required to have regard to the matters for consideration identified under clauses 2.12 and 2.13, which relate to development in the coastal zone generally and requires that development is not to increase the risk of coastal hazards and is to be consistent with any coastal management programs where applicable.

In response to clause 2.12, the development will not increase the likelihood of any coastal hazard either via construction or ongoing operation due the essentially level, cleared and urban nature of the site and its distance from the foreshore, as well as the fact that the site is not identified on the Section 10.7 Planning Certificate as being subject to any coastal hazards (i.e. landslip or coastal erosion or instability).

In response to Clause 2.13, there is no certified coastal management program that applies to the land, meaning that this item is not relevant.

On this basis, the consent authority is able to grant consent to the application.

5.2.2.2 Chapter 4 – Remediation of Land

Chapter 4 of SEPP RH replaces the former SEPP 55 – Remediation of Land. Under section 4.6 of SEPP RH – formerly Clause 7(1) of SEPP 55 – the consent authority must not consent to a development unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (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.*

As indicated on the Section 10.7 Planning Certificate for the property, the land is not identified as being subject to any significant contamination, nor subject to a management order, approved voluntary management proposal, an ongoing maintenance order or a site audit statement. Nonetheless and in accordance with section 4.6, a Preliminary Site Investigation has been prepared for the site by *El Australia*. The findings and recommendations of this Investigation is discussed in greater detail under Section 6.4.2 of this Statement.

5.2.3 SEPP No. 65 – Design Quality of Residential Apartment Development

It is understood that SEPP 65 and the accommodating Apartment Design Guide (ADG) are **not applicable** to the proposed development. In this regard, clause 4 of SEPP 65 states as follows:

"SEPP 65 and the ADG applies to residential flat buildings, shop top housing and the residential component of mixed-use developments"

Under Clause 4, there is no reference to "seniors housing", which is separately defined under the Standard Instrument and LCLEP. In addition, the Housing SEPP contains its own extensive set of development standards and design principles specific to seniors housing (as explained above under section 5.2.2.1) which supersede, or take precedence over, SEPP 65, and include the "*Seniors Living Policy: Urban Design Guideline for Infill Development*" where the development includes in-fill self-care housing, such as this proposal. On page 2 of that Policy, it notes that developments can vary significantly both in terms of their urban context and the built form and that the document is

intended to cover those variations. It is also noted that many of these design principles – such as context and existing character, site planning and design, streetscape, impact on neighbours and internal site amenity – are consistent with those identified under SEPP 65.

Nonetheless, to assist Council in their assessment of the application and to show that the development has been designed in accordance with industry-standard, best practice guidelines for residential development and expectations of the market and future residents, a Design Verification Statement has been prepared by Jackson Teece Architects. This Statement shows that the proposed development is consistent with the nine (9) design principles of SEPP 65 and includes a detailed table showing the development also complies with all requirements of the supporting Apartment Design Guide (ADG), other than where:

- a) these guidelines are overridden by development standards specifically pertaining to seniors housing under the Housing SEPP (e.g. private open space, landscaped areas and deep root planting); or
- b) it is impractical for such guidelines to be applied to seniors housing due to the different nature of senior's accommodation and the older, more specific demographic and lesser number of dwelling occupants it caters for (such as apartment mix, apartment size and bicycle parking).

A copy of the Design Verification Statement has been submitted with the application.

5.2.4 SEPP (Transport and Infrastructure) 2021

Section 2.119

Section 2.119 of SEPP (Transport and Infrastructure) 2021 relates to developments with frontage to a classified road. As the site has frontage to Burns Bay Road which is a classified road under the control of TfNSW, this section is relevant. Under section 2.119(2), the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of — (i) the design of the vehicular access to the land, or*
 - (i) the emission of smoke or dust from the development, or*
 - (ii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road*

In response to (a) and (b), the site is currently not being accessed via Burns Bay Road but rather Caroline Chisholm Lane. Furthermore, the proposed development will also continue to be accessed via Caroline Chisholm Lane – subject to some minor widening works – with no access at all proposed off Burns Bay Road (other than potentially temporary access during the construction period).

In response to (c), an Acoustic Report prepared by PKA Acoustic Consulting has been submitted with the application which, amongst other items, addresses the impact of traffic noise from Burns Bay Road on the proposed development. The Report has found that subject to the implementation of a number of noise mitigation methods, including construction techniques, the noise experienced by residences in the proposed development will meet the acoustic requirements of Department of Planning document “Developments near rail corridors and busy roads- Interim Guidelines”.

Further discussion in relation to this issue, as well noise generated by mechanical plant and the carpark of the proposed development and during the construction phase of the proposed development, is provided later in this Statement under Section 6.12.

Given the above, the consent authority is not precluded from issuing consent to the proposed development by the provisions of Section 2.119 of SEPP (Transport and Infrastructure) 2021.

Section 2.122

Section 2.122, by cross-reference to Schedule 3, identifies those developments that due to either their scale or location (on or near a classified road) require referral to Transport for NSW (TfNSW) as traffic generating developments. In this instance, the proposal is not a type of development nor a scale listed under Column 1 and Column 2 of Schedule 3, whilst the site does not include a connection to Burns Bay Road, either directly or indirectly via a road that connects to Burns Bay Road (i.e. within 90 metres). As a result, neither of the following two triggers have been met:

- residential accommodation – 300 dwellings generally or 75 dwellings on sites with access to classified road or to road that connects to classified road.
 - The proposed development only incorporates 52 dwellings.
- car parks (whether or not ancillary to other development) – 200 or more car parking spaces generally or 50 or more car parking spaces on sites with access to classified road or to road that connects to classified road.
 - The proposed development incorporates 54 car spaces but the site is over 190m from Burns Bay Road via Cope Street and Caroline Chisholm Lane.

As such, the proposed development is not affected by the provisions of section 2.122 of the SEPP and the application does not require referral to TfNSW on this basis.

5.2.5 SEPP (Planning Systems) 2021

Section 2.6

Section 2.6 of SEPP (Planning Systems) 2021 identifies, via cross referencing to Schedules 1 and 2, a range of development that are classified as State Significant Development (SSD). Under item 28 of Schedule 1, seniors housing is deemed to be SSD if:

- a) *the seniors housing component has a capital investment value (CIV) of*
 - (i) *for development on land in the Greater Sydney region—more than \$30 million, or*
 - (ii) *otherwise—more than \$20 million, and*
- b) *the seniors housing component includes a residential care facility, and*
- c) *other components of the proposed development are not prohibited on the land under an environmental planning instrument.*

Whilst the CIV of the proposed development does exceed \$30M, it does not include a residential care facility and as such, does not constitute SSD and hence the provisions relating to same in this SEPP are not relevant.

Section 2.19

Section 2.19 of SEPP (Planning Systems) 2021 identifies, via cross referencing to Schedule 6, a range of developments that are classified as State Regionally Significant Development (RSD). Under item 2 of Schedule 6, any development with a CIV greater than \$30M becomes RSD. As shown in the Cost Estimate Report submitted with the application, the proposed development has a CIV in excess of \$30M and hence is classified as RSD.

Under section 4.5(b) of the Environmental Planning and Assessment Act 1979, the consent authority for RSD is the relevant Sydney District Planning Panel, which in this instance is the Sydney North Planning Panel.

5.2.6.1 Chapter 10 – Sydney Harbour Catchment

Chapter 10 of SEPP (Biodiversity and Conservation) 2021 comprises the former Sydney REP (Sydney Harbour Catchment) 2005. As shown on the Sydney Harbour Catchment Map adopted under the SEPP and former REP, the site is located within the Sydney Harbour Catchment and as such, the provisions of Chapter 10 are relevant.

In particular, developments located within the Sydney Harbour Catchment are to be consistent with objectives (a) – (l) of Clause 10.10. Due to the extensive distance from the Lane Cove River (over 220m to both the west and south) and given the highly modified and developed nature of the site and surrounding area, the proposed development is not inconsistent with and raises no issues with respect to any of the matters set out in clause 10.10 (a) – (l).

5.3 BIODIVERSITY CONSERVATION ACT 2016

Given the size of the site and the species and limited number of trees to be removed, it is apparent that the proposed development would not trigger the entry requirements for the NSW Biodiversity Offset Scheme nor require the provision of a Biodiversity Development Assessment Offset report. In addition, the proposed development is unlikely to affect any threatened species or ecological communities or their habitats due to the location and disturbed nature of the site. Likewise, the subject site does not constitute a vegetation community identified on a Biodiversity Value Map or a declared area of outstanding biodiversity value.

As such, the proposed development is not affected by the Biodiversity Conservation Act 2016.

5.4 THE PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft SEPPs, LEPs or Planning Proposals either currently lodged, exhibited or awaiting gazettal that affect the subject site or proposed development.

5.5 INTEGRATED DEVELOPMENT

The proposed development does not require the approval of any other body specified under Section 4.46 of the Environmental Planning and Assessment Act, 1979 ("the Act") and hence does not constitute "Integrated Development".

5.6 STRATEGIC CONTEXT/STATE AND LOCAL GOV'T PLANS AND POLICIES

5.6.1 A Metropolis of Three Cities

The proposed development is consistent with "A Metropolis of Three Cities" (the Greater Sydney Region Plan), particularly Objective 10 (Greater housing supply) and Objective 11 (Housing is more diverse) as follows:

- Objective 10 – Greater housing supply
 - the proposal will assist in meeting the demand for 725,000 new homes across the Sydney region from 2016 to 2036. And the specific targets of 92,000 dwellings in the Northern District of the region between 2016-2036; and
 - the proposal represents an encouraged form of development to meet these targets being in the form of urban renewal and local infill development within an existing R4 high density zone.
- Objective 11 – Housing is more diverse
 - The proposal will add to the typology and variety in the product of housing available in the local market, particularly in the form of more compact housing and through a proportion of smaller apartments.

5.6.2 North District Plan

The proposal is also consistent with the sub-ordinate North District Plan as it will provide an opportunity to improve housing choice within the area; contribute to a liveable and sustainable community that is well connected to the surrounding area; and assist in increasing residential densities and housing choice in established locations that are close to public transport. To this end, it is considered that the proposed development will:

- help to deliver housing choice for aging and older Australians consistent with the growing need and specific housing demands in the northern district between 2016 and 2036 (as identified above); and
- provide high-quality independent living unit style housing within walkable distances to the Figtree local centre and bus services connecting to the lower north shore and the CBD.

5.6.3 Local Strategic Planning Statement

The proposed development is consistent with a number of the Liveability objectives of the Lane Cove Local Strategic Planning Statement adopted by Council on 25th March, 2021 as follows:

- A City for People – Planning Priority 4
 - The proposal facilitates socially connected communities by creating a development that allows local residents to age in their local community and maintain existing and create new social connections.
- Housing the City – Planning Priority 5
 - The proposal allows for the growth of a diverse range of housing types and encourages housing that is sustainable, liveable and accessible.
- A city of Great Places – Planning Priority 6
 - The proposal incorporates new public spaces and extensive resident facilities that fosters community living and social interactions.

5.6 LANE COVE DEVELOPMENT CONTROL PLAN 2009

A number of parts of Lane Cove Development Control Plan 2009 (LCDCP) potentially apply to the proposed development, other than where:

- these guidelines are overridden by development standards in the Housing SEPP (e.g. private open space, landscaped areas, deep root planting, car parking, solar access); or
- the Housing SEPP contains its own design guidelines and requirements addressing the same issue as in LCDCP (e.g. accessibility, safety and security, acoustic privacy etc); or
- it is impractical for such guidelines to be applied to seniors housing (as opposed to conventional residential development) due to the different nature of senior's accommodation and the older, more specific demographic and lesser number of dwelling occupants it caters for (such as apartment mix, apartment size and bicycle parking).

The following table identifies the various Parts of LCDCP normally applicable to residential development, a comment as to their potential relevance to the proposed development and an indication of the degree of compliance where necessary.

PART	RELEVANT?	COMPLIES/COMMENTS
PART B – GENERAL CONTROLS	Those sections relevant identified below	
PART B4 VIEW SHARING	YES	YES Existing views from either the subject site or the adjoining properties to the east or north (who are the most likely to be potentially affected by the proposed development) are limited due to the extent of development to the west and south. In particular, the recently

PART	RELEVANT?	COMPLIES/COMMENTS
		<p>constructed buildings to the south are much taller than proposed development at 25m and which as a result, essentially block any views that may have existed towards Lane Cove River in this direction. In any event, an extensive gap is provided between the two buildings, which themselves are slender and comply with the building separation required under SEPP 65) to maintain a significant view corridor through the site.</p> <p>The development also comprises a flat roof which is integrated into the design of the building to minimise the impact of any perceived view loss.</p>
B6 ENVIRONMENTAL MANAGEMENT		
6.1 Sunlight to public spaces	NO	<p>N/A</p> <p>No public places on or around development site.</p>
6.3 Energy and water efficiency buildings		<p>YES</p> <p>Sustainability initiatives are incorporated in the proposal as indicated in the BASIX Certification</p>
PART B7: DEVELOPMENT NEAR BUSY ROADS (AND RAIL CORRIDORS),	<p>YES</p> <p>Site located adjacent to the state classified Burns Bay Road. However, this part essentially duplicated/overridden by provisions of Section 2.119 of SEPP (Transport & Infrastructure) 2021 which requires development to meet the acoustic requirements of Department of Planning document "Developments near rail corridors and busy roads- Interim Guidelines"</p>	<p>YES</p> <p>Acoustic report submitted with DA indicates that the proposed development can satisfy the applicable noise criteria subject to implementation of noise mitigation measures in design.</p>
PART B8: SAFETY & SECURITY		
B9 Heritage 9.3 Development in the vicinity of heritage items	<p>YES</p> <p>Heritage Impact Assessment (HIA) required where site contains or in vicinity of heritage item under schedule 5 of LCLEP.</p>	<p>YES</p> <p>Heritage Impact Assessment prepared addressing heritage item 1158 (sandstone wall across BBR frontage)</p>
PART C – RESIDENTIAL DEVELOPMENT		
C.3 Residential Flat Buildings	<p>ONLY SETBACKS</p> <p>The proposed development is not a RFB and hence this part technically does not apply and is overridden by Housing SEPP (and potentially ADG) anyway. However, setbacks adopted in absence of any other standards as agreed with Council.</p>	<p>YES/NO</p> <p>Both buildings comply to front, rear and southern side setbacks.</p> <p>However, top floor of Buildings A and B less than 9.0m to northern boundary. Variation requested and deemed appropriate as discussed below.</p>

PART	RELEVANT?	COMPLIES/COMMENTS
PART F – ACCESS AND MOBILITY	NO Overridden by specific requirements of Housing SEPP but complies anyway. See submitted Access Report	N/A
PART J – LANDSCAPING		
1.5 When is a landscape plan required?	YES Landscape plan required with DA (seniors housing not stated but agreed)	YES Landscape Design submitted
1.6 Landscaped area	NO Overridden by specific requirements of Housing SEPP (which complies anyway)	N/A
3.2 Preservation of significant trees	YES Significant trees making major contribution to landscape to be retained	YES Large Bull Bay Magnolia on site to be retained and protected. Basement designed around root zone of large fig on adjoining site to south.
PART O – STORMWATER MANAGEMENT	YES Stormwater Management Plan to be submitted addressing various sections and specific requirements for RFBs under section 7.1.2 (noting seniors housing not specifically mentioned)	YES Stormwater Management Plan submitted addressing relevant requirements
PART Q – WASTE MANAGEMENT AND MINIMISATION	YES Site Waste Minimisation and Management Plan (SWMP) to be submitted addressing various sections and specific requirements for RFBs under section 4.3 (noting seniors housing not specifically mentioned)	YES Operational SWMP submitted addressing relevant requirements. Demolition/Construction SWMP to be submitted with construction certificate.
PART R – TRAFFIC, TRANSPORT & PARKING.		
R.2 Parking	NO Overridden by specific requirements of Housing SEPP	N/A
R.3 Public Transport	NO Overridden by specific requirements of Housing SEPP	N/A
R.4 Pedestrian and Bicycle Facilities	NO Overridden by specific requirements of Housing SEPP (i.e. criteria for pedestrian pathways to bus stops identified in SEPP and no requirements for bicycles required by SEPP due to nature of development)	N/A
R.5 Transport Access Guide / Sustainable Travel and Access Plan	NO Not relevant to/impractical to apply to seniors housing	N/A

PART	RELEVANT?	COMPLIES/COMMENTS
R.6 Traffic Impact Assessment (TIA)	YES TIA to be submitted if development generates 10 or more peak hour vehicle trips	YES Development likely to generate up to RU6 10 vehicles per hour. Therefore, TIA submitted.
R.7 Construction Traffic Management Plan (CTMP)	YES	YES CTMP submitted. Further CTMP to be submitted post consent to address specific condition of consent.

From the above table, it is evident that the proposed development does or can comply with those parts of LCDCP deemed to be relevant.

With specific reference to Part C3 Residential Flat Buildings, the proposed development is not a residential flat building (RFB) and hence the provisions and standards listed in this Part do not apply to the proposed development, as discussed with Council's Senior Town Planner prior to lodgement of the application. In addition, and as indicated above, the Housing SEPP (as well as the ADG) contains its own design guidelines and requirements addressing the same issues as in LCDCP as outlined in the detailed Housing SEPP Compliance Table submitted with the DA and as discussed earlier in this Statement. However, as further discussed with Council at the pre-DA meeting, it is nonetheless accepted that, in the absence of any setback requirements in the Housing SEPP, the setbacks in LCDCP will be applied as far as possible and where practical, in conjunction with the building separation provisions of SEPP 65 where appropriate.

Therefore, under Part C3 3.5, the following setbacks would apply:

- Front setback (to Burns Bay Rd) – 7.5 m
- Side and rear setbacks:
 - 1 to 4 storeys – 6.0m (this applies to all level of Building B and levels 1 – 4 of Building A)
 - 5 to 8 storeys – 9.0m (this applies to the top two floors of Building A).

In response, it is apparent from the plans that the proposed development incorporates front setbacks of 7.5m to Burns Bay Road of all levels of Building A, other than for some very minor encroachments by small articulations of the balconies beyond the building which project towards Burns Bay Road and are of no consequence. Rather, the entire building – that is, the facade of all levels – is in excess of 7.5m to all levels (at least 8.1m or greater) and therefore compliant.

Likewise, the rear of all levels of Building B is setback in excess of 7.5m (including balconies) and therefore compliant.

With respect to side setbacks, the setback of the southern side of both buildings to the southern boundary is 9.0m to all levels, which is in excess of the setback requirements to this boundary, being 6.0m to levels 1 – 4 and 9.0m to level 5 and 6. This larger setback has been applied to this boundary to provide greater separation to the existing RFB and townhouse development on the properties to the south and to assist in achieving compliance with the requirements of the Housing SEPP and the ADG with respect to maintenance of solar access to neighbouring properties.

Conversely, the setback of both buildings to the northern boundaries is 6.0m to all levels, which is compliant for all levels of Building B and for levels 1 – 4 of Building A, with the only non-compliant section being just the upper two levels of Building A which are less than the 9.0m normally required under LCDCP.

However, this slightly reduced setback to these two levels is considered to be acceptable for the following reasons:

- The reduction has been applied to reduce overshadowing and maximise solar access to the properties to the south as explained above.

- The extent, or length, of the building that the smaller setback has been applied to is not significant. In this regard, this section of the building has a length of approximately 37.5m which, when compared to the length of the northern boundary of 119.59m, represents only a third of the length of this boundary.
- The setback is simply a continuation of the floors below and all levels of Building B and as such, presents as a clearer, less busy and more harmonious design with a consistent setback on all levels rather than applying a greater setback in isolation to just two floors of one building.
- Further to the above point, applying a greater setback just to these two floors results in inefficiently-designed and illogical internal floor layouts for the apartments on these two levels, which is further exacerbated by having to design apartments around the same lift well and stairwell but with a smaller floorplate.
- The lesser setback has not been applied for the purpose of – and does not result in – greater yield, as the floor space ratio of this building is less than that permitted on this part of the site whilst the height is fully compliant with that permitted on this part of the site, inclusive of the bonus under the Housing SEPP. As such, the setback proposed is merely being applied to provide a better built-form outcome.
- The setback proposed is substantially greater than the setback of most of the existing buildings on the site and therefore provides for improved amenity and greater separation from the buildings on the property to the north, which themselves are extremely close to the northern boundary of the site.
- There is nothing gained by increasing the setback simply for the two levels in question, especially when there are no existing buildings opposite to the north at that height (the existing building to the north at this location is only 2 or 3 storeys), such that the levels in question simply overlook the roof of the buildings opposite. Furthermore, any potential overlooking can be further reduced by the application of privacy screens on the balconies of the proposed development if required.
- The site to the north containing Caroline Chisholm Nursing Home has the ability to be redeveloped in the future in the same manner as the subject site due to its R4 zoning, at which time the new building would be moved further north (as it is currently erected in close proximity to the subject site) which would further improve building separation in this direction)

Given the above, a variation to the setback requirements of LCDCP as it applies to the top two levels of Building A is considered justified and therefore requested.

5.7 SECTION 7.11 CONTRIBUTIONS

It is acknowledged that contributions will be payable for the proposed development under Council's Section 7.11 Contributions Plan (still referred to as the "Lane Cove Section 94 Contribution Plan" as updated on 9th October 2013). In calculating any section 7.11 contributions for this development, it is requested that Council recognise a credit for the 52 existing aged care units currently erected on the site in accordance with the average occupancy rates noted on page 16 of the Contributions Plan.

5.8 BASIX

As required by Schedule 1 of the Environmental Planning and Assessment Regulation 2000, a BASIX assessment has been undertaken for the proposed development by *Northrop*, an accredited BASIX assessor. This assessment indicates compliance with the relevant thermal comfort, energy and water reduction targets.

A copy of the BASIX Certificate (and accompanying NatHERS Certificates) issued by *Northrop* has been submitted with the application, as well as a separate set of architectural plans stamped by the Assessor as being BASIX compliant.

6.0 ISSUES RELEVANT TO THE APPLICATION

In addition to the issues identified in the preceding section, the following issues relating to the suitability of the site and the impact of the proposed development identified under Section 4.15(b) and (c) of the Environmental Planning and Assessment Act 1979 are also relevant to the application and require further discussion.

6.1 IMPACT ON AMENITY

6.2.1 Privacy

There is unlikely to be any impact of any note resulting from the proposed development either within the site or on surrounding properties due to:

- the application of generous setbacks that are compliant with LCDCP except for the top two floors of Building A, where 6.0m is provided to the northern side instead of 9.0m to allow a setback of 9.0m to be provided to the southern side of both building on all levels in excess of LCDCP and SEPP 65 to maximise solar access to property to south;
- the fact that the two levels with the reduced setback simply overlook the roof of the buildings opposite;
- the separation between building A and B significantly exceeds the requirement between windows and balconies under the ADG;
- planter boxes are used for privacy to the lower levels apartments and vertical screens have been provided to the east and west facing apartments; and
- the careful location and orientation of windows and the use of different types of windows (e.g. highlight, hopper or clerestory).

Further discussion in relation to privacy and the specific measures the design has incorporated to minimise impacts from overlooking is provided in the Design Verification Statement/ADG Table.

6.2.2 Overshadowing

The built form comprises two slender buildings to both maximise solar access to apartments in the proposed development and minimise overshadowing of the neighbouring buildings to the south, such that the impact would be comparable to that of the impact of the existing buildings. In this regard, the shadow diagrams and the solar access impact plan included in the architectural plans show that the development to the south continues to meet the solar access requirements of the Housing SEPP and the ADG, wherein at least 70% of the dwellings on that property continue to receive at least 2 hours of sunlight between 9am and 3pm on the 21st June.

It is also noted (as above) that setbacks are compliant with LCDCP except for the top two floors of Building A, where 6.0m is provided to the northern side instead of 9.0m, which has no impact on overshadowing given the shadow will be cast in the opposite direction. Conversely, a setback of 9.0m is provided to the southern side of both building on all levels which is in excess of LCDCP and SEPP 65 to maximise solar access to property to south as per this objective and ensure compliance with ADG.

Further discussion in relation to the shadow impact of the proposed development is provided in the Design Verification Statement.

6.2 TRAFFIC, ACCESS AND PARKING

6.2.1 Traffic Generation and Impact

A Traffic Report has been prepared by Colston Budd Rogers and Kafes which examines the traffic, transport and parking implications of the proposed development A copy of this Report is provided as separate attachment to this Statement.

In relation to the traffic impact of the proposed development, the Traffic Report found that the proposed development would generate some 5 to 10 vehicles per hour, two-way and that such a low generation would not have noticeable effects on the operation on the surrounding road network.

As a result, there is unlikely to be any adverse traffic impacts on the existing road network created by the proposed development nor any external road improvements required to support or accommodate the proposed development from a capacity or amenity point of view.

Further discussion in relation to parking, access, pedestrian facilities and public transport is provided below.

6.2.2 Parking

Under the Housing SEPP, parking for ILUs (or self-care housing) is required to be provided on the basis of 0.5 spaces per bedroom. With a total of 105 bedrooms i.e. (8 x one beds = 8 beds) + (35 x two bed = 70 beds) + (9 x 3 beds = 27 bedrooms), the proposed development would generate a parking requirement of 52.5 – or 53 – spaces.

In response, the proposed development incorporates parking for 53 vehicles, plus one (1) ambulance bay.

The layout of car park, as well as the porte-cochere, complies with the requirements of AS 2890.1:2004 and AS 2890.6:2009.

6.2.3 Access

Vehicular access to the site will be provided via Caroline Chisholm Lane. The existing laneway off Caroline Chisholm Lane will be upgraded to provide a porte-cochere for the site as well as access to the basement car park, via a combined entry/exit ramp at the eastern end of the laneway. Caroline Chisholm Lane will provide for two-way traffic movements.

Vehicular sight distance at the proposed access driveway where it meets the right of carriageway extending from Caroline Chisholm Lane is also compliant with AS2890.1-2004.

6.2.4 Servicing and Waste Collection

Servicing and garbage collection will also occur on-site and within the designated loading area adjacent to Caroline Chisholm Lane. The loading area will be designed to accommodate 6.4 metre small rigid vehicles.

6.2.5 Public Transport and Pedestrian Facilities

In accordance with the requirements of Section 93(2) of the Housing SEPP, extensive bus services are available to the site to take future residents to the wide range of additional retail, community and medical services in the Lane Cove town centre and Hunters Hill village centre, both of which are approximately 1.8 km from the site and in the larger centres of Chatswood, Gladesville, North Sydney, Burwood and the Sydney CBD.

In this regard, there are four (4) bus stops within 400m (in fact, less than 300m) of the site – two (2) on Cope Street (one to the north-west and one to the north-east) and two (2) on Burns Bay Road (one to the north and south of the site respectively). These are identified on the site analysis plan provided as part of the architectural plans.

These stops are serviced by the following routes:

- Stops 1 and 2 on Cope Street – these are serviced by Route 251 (City to Lane Cove west). This route runs every 20 mins between 6:36am and 9:36am and 4:55pm to 7:45pm Mon-Fri.
➤ This route meets the requirements of Section 93(2)(b).
- Stop 3 on Burns Bay Road (BBR) to the north of the site – this is serviced by routes:
 - 251 (as above);
 - 252 (Gladesville to City via Nth Sydney);
 - 530 (Burwood to Chatswood); and
 - 536 (Gladesville to Chatswood).
 ➤ Each of these 3 routes provide services every 20 mins, half hour or hour during each hour in the peaks or throughout the day, as well as on Saturdays and Sundays Section 93(2)(b).
- Stop 4 on BB Road next to and just south of the site:
 - This stop is serviced by each of the above routes (except for 251) at Cope Street and therefore also meets the requirements Section 93(2)(b).

Each of these bus stops are accessible via pathways and external footpaths which meet the gradient requirements of Section 93(3) and (4) SEPP, as verified by surveys of each path which from part of the survey plan submitted with the application.

In addition, a village bus provided by Retire Australia will provide on-call, or additional “as needed services” to these nearby retail, recreational, commercial and health facilities or other destinations as required.

6.3 SERVICES

6.3.1 Water Supply and Sewer Servicing

Water and sewer services are available to the subject site. Water and sewer servicing requirements for the proposed development will be identified by Sydney Water as part of Section 73 Certificate process.

6.3.2 Stormwater Management

As required by Part O of LCDCP, a Stormwater Management Plan (SWMP) has been prepared for the proposed development and forms part of the civil engineering design by Northrop.

The SWMP addresses stormwater quantity and quality, as well as retention and re-use. In summary, the system consists of a pit and pipe network around the buildings which directs stormwater to an on-site detention (OSD) tank at the western end of the basement carpark prior to discharge into the stormwater system in Burns Bay Road via an outlet in the south-western corner of lot 120. This system is designed to limit post-development critical peak discharges leaving the site to less than that of pre-development discharges for all storm events up to the 1% AEP. The proposed treatment train of litter baskets will also ensure that the pollutant load from the proposed development is less than that of the existing site. In addition, runoff from the roof will be conveyed to the OSD tank via the pit and pipe network for re-use in outdoor landscaping.

The proposed system will be designed in accordance Part O of LCDCP, with further details to be provided with the construction certificate application as necessary.

6.3.3 Electricity/Gas/Telecommunications

Electricity and NBN infrastructure services are all available to the subject site at locations identified on the survey plan. These services will be upgraded and extended to the new buildings as necessary, inclusive of a new sub-station/kiosk in the south-west corner of the site as shown on the plans.

Liaison with the relevant authority for the provision of these services will be undertaken prior to the commencement of construction, with installation to the relevant Authority's requirements to be undertaken prior to the issue of the Occupation Certificate.

6.4 GEOTECHNICAL ISSUES AND CONTAMINATION

6.4.1 Geotechnical Issues

A Geotechnical Investigation has been undertaken by *Geotechnique* to assess subsurface conditions across the site in order to provide geotechnical recommendations on the design of proposed buildings. A copy of this Investigation has been submitted with the application.

The Investigation indicates that the sub-surface profile across the site comprises a sequence of fill and residual soil underlain by bedrock. The depth to bedrock appears to be decreasing from about 4.0m to 4.5m in the eastern portion of the site to about 2.0m to 2.5m in the western portion.

Based on results of the geotechnical investigation, *Geotechnique* found that the geotechnical conditions across the site are suitable for the construction of the proposed buildings and there are no significant geotechnical conditions that would impose severe constraints on the proposed development. The Investigation also provided discussion and recommendations in relation to a range of parameters for the construction of the proposed development in relation to issues such as groundwater, excavation conditions, fill placement, Batter Slopes and Retaining Structures, shoring options/rock anchors, floor slabs and footing.

6.4.2 Contamination

To satisfy the consent authority that the requirements of Section 4.6 of Chapter 4 of SEPP (Resilience and Hazards) 2021 – Remediation of Land have been met, *El Australia* undertook a Preliminary Site Investigation (PSI). The main objective of this PSI was to provide a qualitative assessment of the environmental conditions of the site by appraising the potential for contamination on the basis of field observations, historical land uses, and anecdotal and other documentary evidence. Based on the findings of the PSI, which are summarised on page i, it was concluded by EI as follows:

"That there is a low to moderate potential for contamination to exist on the site, to be controlled by good demolition and waste classification practices. Therefore, further investigations are deemed unwarranted and the land can be considered suitable for the proposed development".

The PSI then outlines a range of recommendations, which are summarised on page ii. It is understood that these recommendations can be conditioned on the consent.

6.5 WASTE MANAGEMENT

6.5.1 Demolition and Construction Waste

A Waste Management Plan (WMP) will be prepared for the demolition and construction phase of the proposed development as part of the construction certificate process in conjunction with the building company, at which time greater details of both the demolition and construction aspects of the development will be known (e.g. quantities, contractor requirements, construction timeframe, vehicles and plant etc). The WMP will address the requirements of Part Q of LCDCP: Waste Management and Minimisation, as well as any conditions that may be imposed on the consent relating to the demolition and construction phase of the development (erg construction hours, access, fencing, environmental controls etc).

The WMP will provide a methodology for completing the demolition stage and guidelines for the management of the site, addressing fencing, access and safety measures, as well as protocols to be implemented for any asbestos found in the dwellings or any other hazardous materials found. It also includes details of how waste is to be re-used or disposed of throughout the demolition stage.

In relation to construction, the WMP will be based on the principles of avoiding or minimising waste going to landfill via the use of pre-ordered and pre-fabricated building materials (such as frames, trusses, roofing sheets etc) to ensure wastage – and hence cost – is minimised. Where waste is generated, the amount of material able to re-used or recycled (particularly bricks, concrete and metal) will be maximised via collection and sorting on site, and then taken to local recyclers and scrap merchants.

6.5.2 Operational Waste

A WMP has also been prepared for the ongoing operational phase of the proposed development by TTM Consulting addressing the requirements of Part Q of LCDCP: Waste Management and Minimisation. The WMP outlines the waste management processes, equipment and construction requirements and identifies the various waste streams and volumes that are anticipated for the development and identifies the arrangements and requirements for the collection and disposal of this waste. A summary of the waste management arrangements is outlined as follows:

- Proposed total equipment:

BUILDING	GENERAL WASTE	COMMINGLED RECYCLING	OTHER EQUIPMENT
A	3 x 1100L bins + 1 bin to be under chute	2 x 1100L bins + 1 bin to be under chute	<ul style="list-style-type: none"> 1 x diverter chute (for waste and recycling) 1 x bin tug (for each tower and stored in Tower A basement level)
B	2 x 1100L bins + 1 bin to be under chute	1 x 1100L bins + 1 bin to be under chute	<ul style="list-style-type: none"> 1 x diverter chute (for waste and recycling)

- Refuse collection:
 - On-street collection via Caroline Chisholm Lane by Council or private contractors.
 - Serviced via a rear loading vehicle via a dedicated loading area on the ground floor.
 - Collection is based on a minimum 1 service per week for general waste and commingled recycling.
- Refuse storage:
 - A refuse room is provided for each building in basement level 1 to store 1100L bulk bins and associated equipment.
 - A ground floor collection area is provided to briefly store bins adjacent to Caroline Chisholm Lane.
 - Bin wash facilities are provided in a separate area on basement 1, adjacent to Building B refuse room.
- Refuse transfer:
 - Building management will be responsible for all bin rotations under the chutes/equipment and transfers between the storage and collection rooms.
 - Staff/management will transfer waste and recycling from common areas etc directly to the bulk bins within the Building B refuse room.
 - Collection contractors will collect bins directly from the refuse collection area for servicing, within 5m of the loading area.
- Refuse disposal:
 - Receptacles are supplied in each unit for storage of at least one day worth of waste and recycling.
 - All refuse is disposed to the single diverter chute via hoppers on each residential level.
 - The common areas will be supplied with small bins/receptacles in back of house areas for direct disposal into the bulk bins.

A copy of the Operational WMP has been submitted with the application.

6.6 TREE REMOVAL AND VEGETATION

A Tree Impact Assessment Report has been prepared by Sturt Noble Arboriculture to identify, describe and assess the vegetation on the site. A copy of this Assessment has been submitted with the application. The Tree Assessment has found as follows:

- None of the trees identified on the development site are listed as significant trees under the Lane Cove Register of Significant trees, Threatened or Vulnerable species or form part of an Endangered Ecological Community. However; a large Port Jackson Fig (*Ficus rubiginosa*) on private property at 278 Burns Bay Road immediately to the south of the site (identified as tree number 13) is considered by Council as a very significant Landmark Tree given its size, heritage values and condition.
- Of the forty-five (45) trees, twelve (12) specimens are immediately adjacent to the site. Only six (6) are considered to have high retention values and three (3) of these are on adjacent land.
- Six (6) specimens are exempt under the Lane Cove Council TPO due to being an exempt species or being under 4m in height.
- The plans show that twenty-nine (29) trees on site (numbers 1-8, 8A, 9, 10, 10A, 11, 12, 14-22A, 21, 24, 32, 41, 41A and 45) will require removal to make way for the proposed development. These are essentially those trees located within the area affected by the excavation works and the future building footprints that cannot be practicably retained, regardless of their SRIV rating. These trees are shown in red shading on the Tree Retention Plan in Appendix 2.
- Subject to the implementation of tree protection measures as detailed in Section 6.0, it should be possible to retain sixteen (16) trees, including all 12 trees on the adjacent sites (tree numbers 12A, 13, 29, 30, 31, 34, 25, 25A, 36, 37, 44 and 47), with the remaining four (4) located on the subject site (tree numbers 23, 25, 27 and 28). These trees are shown green shading on the Tree Retention Plan in Appendix 2.

Of the above trees to be retained, two trees are especially significant, being the large Bull Bay Magnolia located on the subject site (tree number 23) and the Port Jackson Fig on the adjoining property to the south as discussed above (tree number 13). These trees require specific site design and construction measures and tree protection zones as outlined in the Assessment to minimise any adverse impact.

It is understood the findings and recommendations of this Assessment can be attached as conditions of consent. Those trees to be removed will be compensated by the planting of new, more suitable species. Further discussion as to replacement planting and landscaping to be undertaken is provided in the following section of this Statement, with full details of the proposed tree planting on the site identified in the planting schedule on the Landscape Concept by Sturt Noble (as discussed below).

6.7 LANDSCAPING

A Landscape Design for the proposed development has been prepared by Sturt Noble Associates on the landscaping objectives and principles identified in the Housing SEPP. A copy of the Landscape Design has been submitted with the application.

The Design identifies the planting of large trees within deep root zones around the buildings and throughout the site to compensate for the trees to be removed and to provide appropriate shading, softening and scaling of the development. In addition, extensive landscaping is proposed within private terraces and garden beds, planter boxes and communal areas on the ground floor as well as on the Level 1 communal podium between the buildings to provide privacy, shade and amenity for residents. The Design incorporates other features such as seating, decking, barbeque areas, formal and informal pathways, passive areas, security and feature lighting and pavement treatments.

The Design has also considered access and mobility (in accordance with AS1428.1) for both the private and common open space areas and all paths are of adequate width and of suitable materials and finishes for seniors living.

The proposed planting design includes suitable plant species that will ensure the safety and security of the residents. In addition, the selection of plant species and grouping of different planting palettes will assist in reducing water requirements as well as ongoing landscape maintenance associated with the development.

Implementation of the proposed design will ensure a high-quality landscape outcome for the development. It is understood that compliance with this design can be conditioned, with further refinements to be made as part of the construction certificate documentation as necessary.

6.8 BUILDING CODE OF AUSTRALIA/SECTION J

6.8.1 BCA

The proposed development is required to comply with the relevant requirements of the Building Code of Australia 2019 Amendment 1 (BCA) and associated regulations and standards for the relevant classification of the development, which comprises the following:

- Class 2 (Residential)
- Class 9b (Assembly)
- Class 7a (carpark)

To this end, a BCA Assessment Report has been undertaken by *Blackett Maguire Goldsmith (BMG)* to identify compliance with the relevant Deemed-to-Satisfy Provisions of the BCA and provide any non-compliances with the relevant clauses for the proposed development in order to issue the Construction Certificate. A copy of this Report has been submitted with the application.

Arising from the assessment, key compliance issues have been identified that require further resolution, either by way of fire engineered Performance Solutions or plan amendments prior to the Construction Certificate stage. Notwithstanding these issues, BMG considers that the proposed development can readily achieve compliance with the BCA subject to resolution of the matters identified in the Executive Summary and Appendix 1 of this report.

Detailed plans and further information as necessary addressing all relevant requirements of the BCA as identified in this Report will be provided with the Construction Certificate application.

6.8.2 Section J

The proposed development is also required to comply with the minimum Deemed-to-Satisfy energy efficiency provisions under Section J of the BCA relevant to the Class 5 sections of building, being the sales office and reception areas on the ground floor and Level 1. Accordingly, a Section J Report has been prepared by *Northrop* to identify the extent to which the proposed development does or can comply with the requirements of Section J. A copy of this Report has been submitted with the application.

In summary, the Report indicates that subject to the specified requirements and recommendations being implemented, the building envelope will achieve the minimum energy efficiency requirements required by Section J of the BCA.

6.9 DISABLED ACCESS

A Statement of Compliance for Access for People with a Disability has been prepared by Accessible Building Solutions (ABS) Access to demonstrate the degree to which the proposed development does or can achieve compliance with the following key accessibility requirements:

- The Access Provisions of the BCA 2019;
- The Access to Premises Standard;
- AS1428 suite of Standards;
- AS2890.6 for car parking;
- AS1735.12 for lifts;
- SEPP Housing 2021 Chapter 5;
- Council's DCP relating to Access for People with a Disability

Following a review of the plans, review, ABS confirm that they satisfied that the proposal can achieve compliance with the access provisions of the BCA, the Access to Premises Standard and the Housing SEPP. A copy of the Statement of Compliance has been submitted with the application.

6.10 CRIME RISK

Due to the size of the proposed development and the nature of its use, application of the (then) Department of Planning's "Crime Risk through Environmental Design" (CPTED) guidelines is considered appropriate in order to minimise the risk of crime in and around the proposed buildings. The guidelines identify four main areas in which this can be achieved by, those being through surveillance, access control, territorial reinforcement and space management.

To this end, it considered that crime risk can be minimised through the design and ongoing management of the development by the incorporation of the following measures, which are based on the four principles outlined above:

- the construction of fencing around the perimeter of the site to restrict/prevent unauthorised access, including an external gate at the Burns Bay Road entry that is access-code restricted;
- provision of a motorised door into the basement, with access restricted to residents only by a keypad, swipe card or remote system;
- access-coded lifts;
- provision of an on-site Village Manager as well on-site or on-call after-hours emergency staff/personal care assistants to attend to emergencies 24 hours a day;
- monitoring of the site by security controls every evening and as required;
- access into the building via a single, well located and secure foyer;
- natural surveillance of the development by residents who, due to their predominantly retired nature, will provide an ongoing/permanent presence;
- well-located lighting and creation of clear sightlines throughout the development;
- minimisation of physical barriers and entrapment spots;
- provision of clear signage within and around the buildings to control pedestrian flow (particularly visitors) to the reception and direct service staff and vehicles to the loading bay and waste room;
- general cleanliness and ongoing maintenance of the site and rapid repair of any damage;
- the provision of landscaping and pathways to clearly delineate the areas available to the public (or at least visitors);
- provision of letter boxes in an enclosed/secure location in the foyer;
- provision of seating and other facilities in open, well-lit areas; and
- the finish of the basement ceiling and walls in white or a light-coloured concrete to enhance light and visibility.

A number of the above measures have already been incorporated into both the architectural and landscape design of the development, whilst the operational, staffing and site management measures will be implemented by Retire Australia as necessary.

6.11 EROSION AND SEDIMENT CONTROL

Sediment and erosion control plans addressing the requirements of Part O of LCDCP form part of the Civil Engineering Plans prepared by Northrop submitted with the application.

6.12 NOISE IMPACT

A Noise Impact Assessment has been prepared for the proposed development by PKA Acoustic Consulting to assess the following:

- the impact to adjoining residential receivers of noise generated by communal areas, mechanical plant and the carpark of the proposed development; and
- the impact of road traffic noise intrusion from Burns Bay Road into the proposed development.

A copy of this Noise Impact Assessment has been submitted with the application

The Assessment found as follows:

- with respect to noise from mechanical plant, these have been located away from boundaries or contained within enclosures or protected by acoustic screens as far as practical. Depending on the final selections, it is anticipated that acoustic screens may be required to all condenser plant located on the ground or rooftop;
- with respect to the carpark, the walls will serve in reducing the noise impact to the surrounding receivers significantly. Therefore, no additional treatment is required;
- with respect to the use of the communal rooms and areas, calculations indicate that the noise impact to other residential receivers will be mitigated by the shielding offered by the proposed buildings surrounding the communal space and the distance loss to the residential boundaries; and
- subject to the adoption of the various measures identified in section 5.2 across the three (3) zones of the development (e.g. wall and floor insulation, non-openable windows, glazing on windows and doors and thickened glass where appropriate), an acceptable internal acoustic amenity for each apartment will be achieved to effectively mitigate any adverse noise impact from traffic on Burns Bay Road.

Compliance with the requirements and recommendations of this Assessment can be covered by a condition of consent, with the necessary details to be submitted with the construction certificate.

7.0 CONCLUSION

From the preceding statement it is apparent that:

- The proposed development is permissible on the land under the Housing SEPP and complies with all relevant generic and specific development standards pertaining to ILAs, including all non-discretionary standards that preclude the consent authority from refusing an application on the basis of landscaped area, deep soil planting, solar access, private open space and car parking.
- The proposed development complies with the requirements of, or is consistent with the objectives of, all other relevant SEPPs relating to the land.
- The proposed development complies with the two (2) height and FSR limits applicable to the site – inclusive of bonuses applicable under the Housing SEPP – with the exception of minor encroachments of the height limits by the lift overrun of each building and an exceedance of the FSR standard pertaining to the rear lot (lot 51). Accordingly, Clause 4.6 submissions have been provided with the application which extensively justifies both variations.
- The proposed development will not have an adverse impact on the heritage item located on the land and as such satisfies the requirements of clause 5.1 of LCLEP.
- The proposed development complies with all other relevant provisions of LCLEP.
- The proposed development complies with all relevant parts of LCDCP, other than for a variation to the setbacks to the northern side of the upper two floors of Building A, which has been extensively justified.
- Whilst not being applicable, the proposed development has been designed in accordance with the nine (9) design principles of SEPP 65 and also complies with all requirements of the supporting Apartment Design Guide (ADG) where appropriate to senior's housing and in doing so, incorporates industry-standard design features and built-form outcomes that are expected by the market and future residents.
- The proposed development maintains solar access to adjoining properties in compliance with the requirements of the Housing SEPP and the ADG and maintains appropriate separations between both buildings and from existing development and from likely future development on adjoining properties as per the ADG.
- The proposed development is consistent with the height, bulk, scale and form of development envisaged within the R4 zone and other buildings recently constructed within the surrounding precinct.
- The proposed development has been designed and sited to avoid any significant adverse impact on the amenity of surrounding residences by way of overshadowing, diminished privacy or view loss.
- The proposed development can be undertaken with minimal impact on the local environment due to:
 - the ability to retain a number of significant mature trees on the subject and adjoining property and the extent of planting proposed to compensate for those trees required to be removed;
 - the installation of a best-practice stormwater management system to control water quality and both limit and re-use run-off; and
 - the adoption of soil and erosion control measures during the construction phase.

- The traffic generated by the proposed development is essentially unchanged from, or comparable, to that generated by the former development on the land and can be adequately accommodated by the surrounding road network subject to minor widening works being undertaken in Caroline Chisholm Lane.
- Any short-term noise and traffic impacts that may occur during the construction stage will be effectively managed through implementation of a Construction Management Plan.
- Car parking will be provided in accordance with the requirements of the Housing SEPP in a layout that complies with AS 2890.
- All necessary utilities and infrastructure required for the proposed development are available to the subject site and can be extended as necessary.
- An extensive range of public bus services is available in the immediate vicinity of the site to provide access for future residents to a range of other facilities and services within the surrounding area, which are accessible via a system of pathways that comply with gradient the requirements of the Housing SEPP.
- The proposed development will provide a significant increase in the availability of high-quality seniors housing product to the market in a premium location and will enable more local residents to remain independent but living within the local community and maintaining existing social networks.
- The proposed development is consistent with the aims and objectives of the Greater Sydney Region Plan, *North District Plan* and the Lane Cove Local Strategic Planning Statement in that it presents a key opportunity to:
 - contribute to a liveable and sustainable community that is well connected to the surrounding area;
 - increase residential densities and housing choice in an established location that is close to public transport;
 - help to deliver housing choice for aging and older Australians within the Lane Cove LGA, consistent with the growing need identified in the; and
 - provide high quality independent living style housing with good accessibility to the Figtree local centre and to bus transport connecting to inner northern Sydney and the City.

As such, the proposed deemed to be reasonable and appropriate when assessed against the relevant heads of consideration in Section 4.15 of the Environmental Planning and Assessment Act, 1979.

On this basis, it is requested that consent be granted to the application.