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266 Longueville Road, Lane Cove Site Compatibility Certificate Addendum Report

Report to the Sydney North Planning Panel for a site compatibility certificate under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

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1. Purpose of this Report

This report serves as an addendum to the Department's previous Site Compatibility Certificate (SCC) assessment report (**Attachment Report**) for 266 Longueville Road, Lane Cove to assist the Sydney North Planning Panel (the Panel) in determining the application for a third SCC on the subject site.

As the proposed development sought under this SCC is identical to that which was considered by the Department and considered by the Panel under the previous SCC application, the Department's assessment and draft recommendations to the Panel remain unchanged.

The differences to this SCC application from the previous SCC are in relation to the submission of additional background material (**Attachment I**) by the proponent which provides further details regarding the Panel's assessment of a supporting development application for a residential aged care facility currently with Lane Cove Council for assessment, and which will also be determined by the Panel.

The applicant makes reference to the fact that during the assessment and consideration of the current development application for the subject site, despite requesting numerous changes to the design of the residential aged care facility, the Panel did not raise any concerns relating to the proposed maximum building height. The Panel is aware that a Clause 4.6 Exception to development standards submission accompanies the development application which seeks the formal variation to the height of buildings development standard.

This report provides an overview of the additional information submitted. All other components of the Department's assessment of the current SCC, including the consistency with the State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors Housing SEPP) and other matters for the Panel's consideration are contained within the previous assessment report.

The Panel is asked to consider this SCC application in the context of previous advice from the Panel regarding the development application, the last SCC issued for the site and the applicant's additional background material in support of the current SCC application.

The current application seeks a SCC determination that would maintain the proposed building height at RL 67.78 AHD, as this was never raised as an issue by the Panel as part of the assessment and consideration of the current development application. The deletion or revision of conditions 1(a), (b) and (c) for the issuing of a new SCC would allow for the concurrent development application to progress to the Panel for a determination.

2. Subject Site

The site is located at 266 Longueville Road, Lane Cove (**Figures 1, 2 and 3**) and comprises three parcels of land described as Lot 1 in DP 321353 and Lots 1 and 2 in DP 1227921 (**Figure 4**) and at **Attachment D**.

The site is irregular in shape and has a total area of 9,204m².

The site has frontage of approximately 103m to Longueville Road, a northern boundary of 147m, an eastern (rear) boundary of 81m and a southern boundary of 83m.

The site slopes significantly from 57.83m AHD at the north eastern corner to 40.00m AHD at the rear boundary, resulting in a fall of 17.83m with an average gradient of 12.1%.

The site currently contains two disused bowling greens, a carpark at the north eastern corner and a two-storey brick and weatherboard building at the south western corner (**Figures 5-9**).

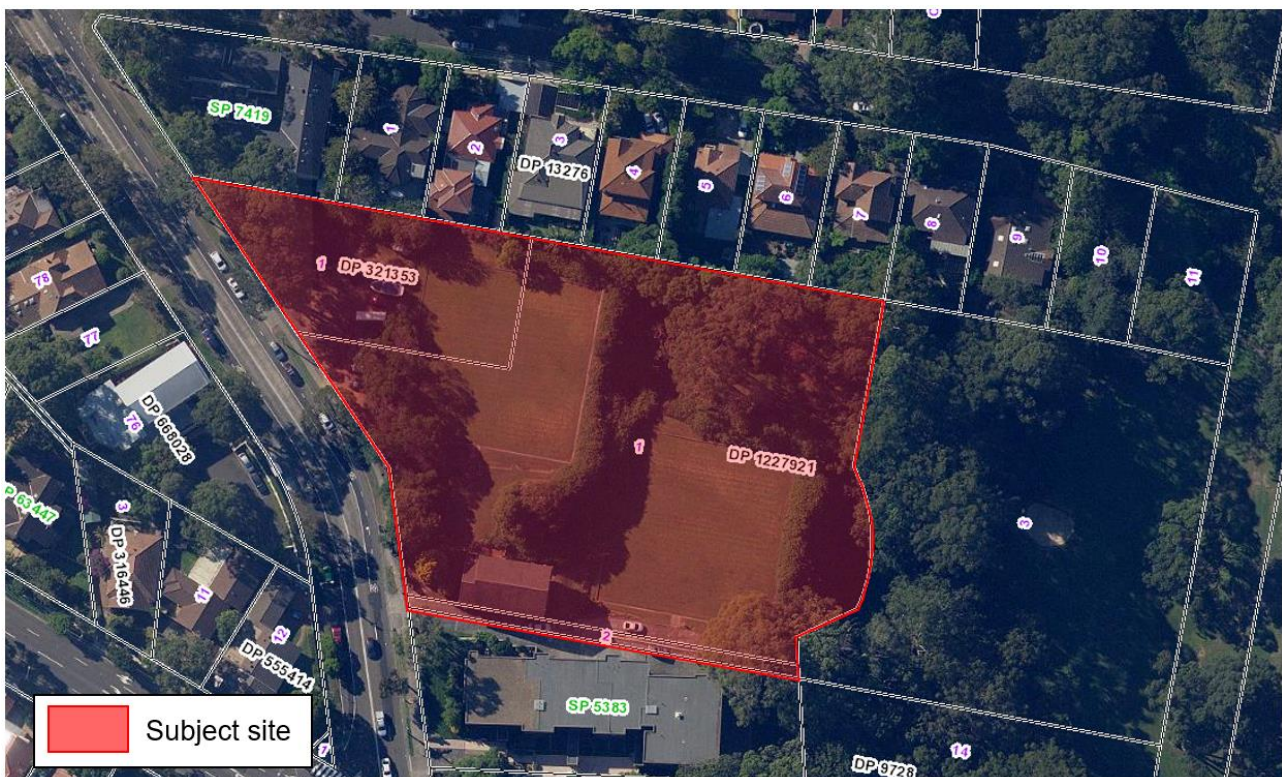


Figure 1: Aerial photo of site (source: SixMaps).



Figure 2: Site context map (source: Nearmap).

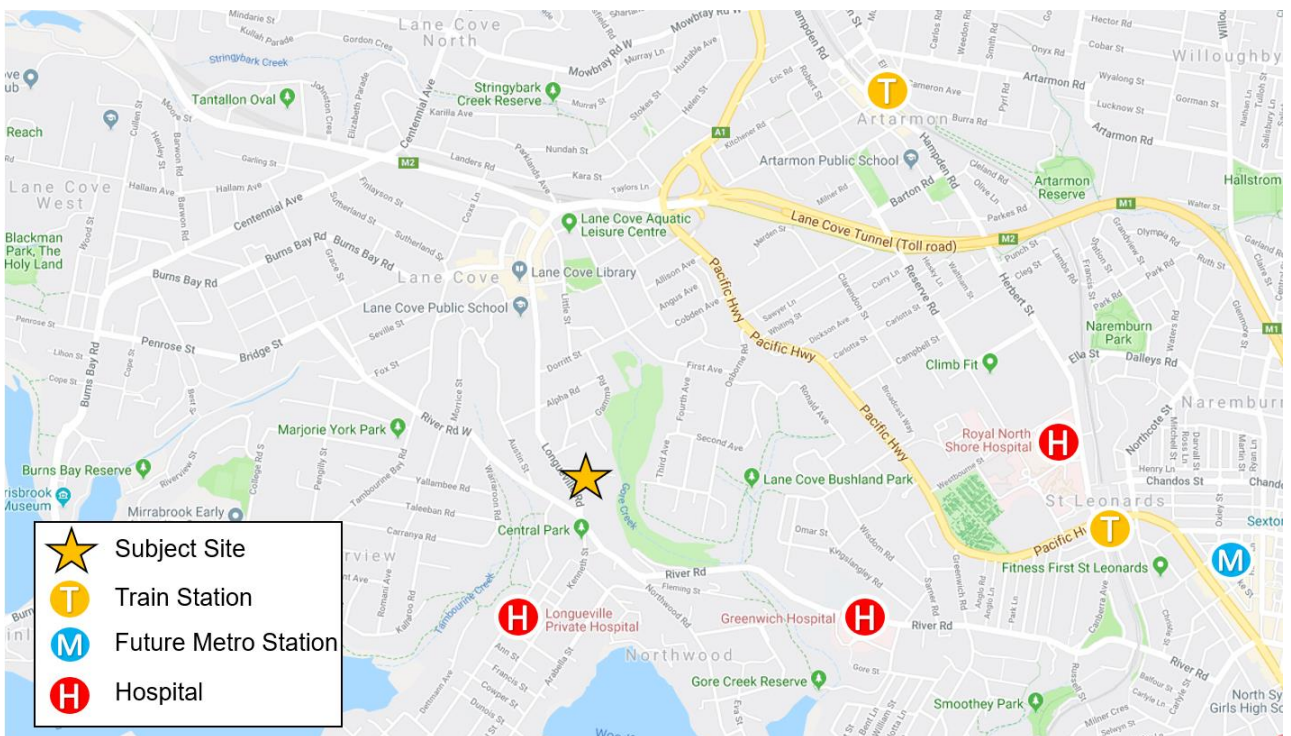


Figure 3: Locality context map (source: Google Maps).

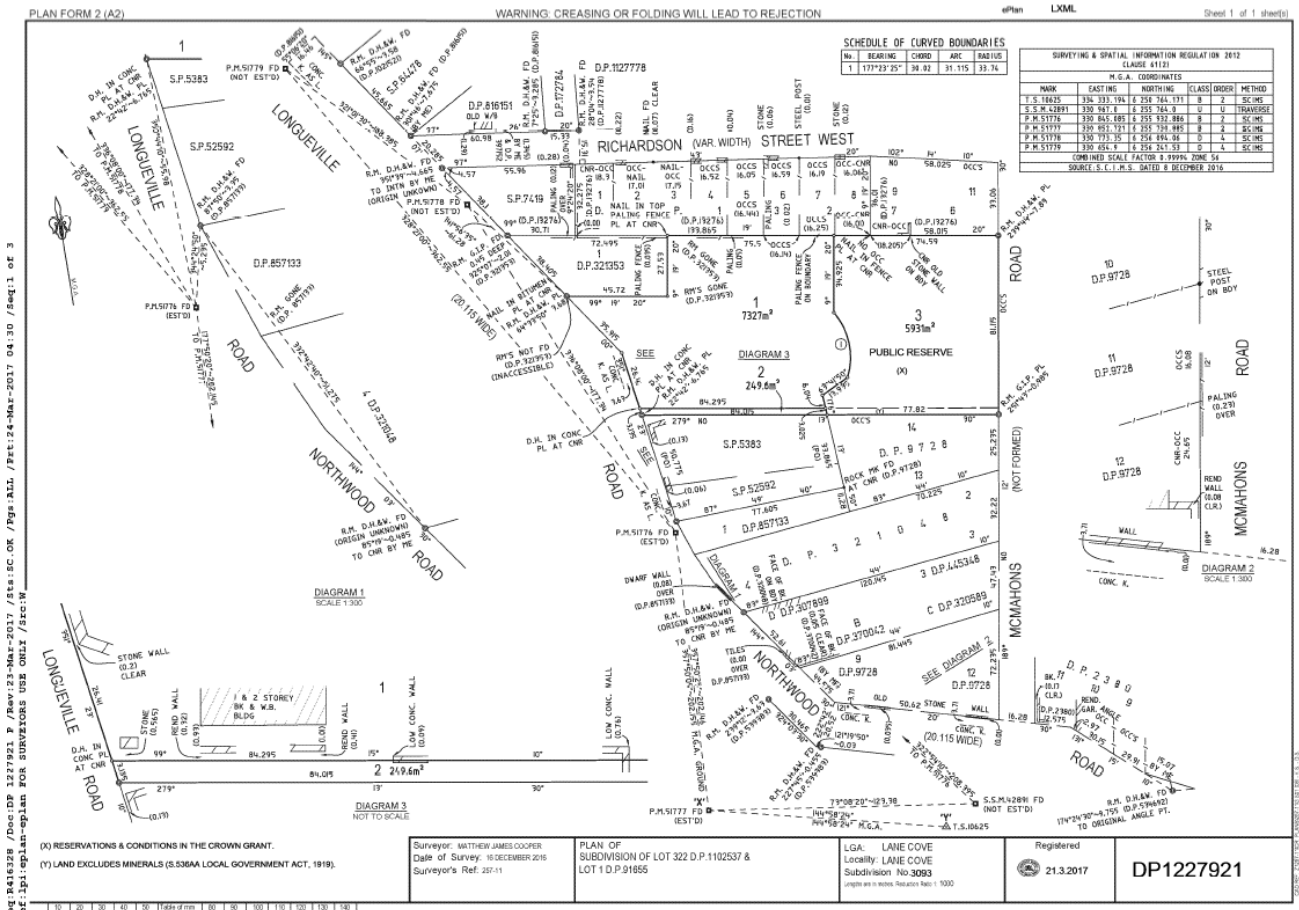


Figure 4: Site survey (source: Land and Property Information NSW).



Figure 5: Subject site viewed from Longueville Road (source: Google Maps).



Figure 6: Subject site viewed from lower bowling green looking west with existing Music and Cultural Centre (pictured centrally) (source: Google Maps).



Figure 7: Subject site viewed from upper bowling green looking south (source: GSA Planning)



Figure 8: Trees located on the northern portion of the subject site looking east (source: GSA).



Figure 9: Locality context map (source: Google Maps).

3. Surrounding Context

Development to the north

To the north is a mix of densities including a residential flat building at 250-252 Longueville Road (**Figure 10**) and one to two storey dwelling houses at 42-58 Richardson Street. These properties all share a boundary with the subject site (**Figures 11-12**).

Further to north of the site along Longueville Road is a series of residential flat buildings.

Development to the east

Dense vegetation and a steep topography is located to the eastern boundary of the site which leads down to Lane Cove Golf Course (**Figure 13**).

Low density residential dwellings are located further to the east of the golf course.

Development to the south

Directly to the south of the site is a part three and four storey residential flat building, known as 'Timbertops', located at 268-270 Longueville Road. This property also shares a driveway with the subject site along the common boundary (**Figure 14**).

Further to the south of the site are two dwelling houses and Northwood Shops.

Development to the west

To the west of the site is the Shinnyo-En Buddhist Temple at 231 Longueville Road (**Figure 15**), which is listed as a local heritage item (I182), one to two storey single dwellings located at 225-229 Longueville Road (**Figure 16**) and the Longueville Sporting Club to the south west (**Figure 17**).



Figure 10: Development to the north of the site at 250-252 Longueville Road (source: Google Maps).



Figure 11: Development to the north of the site along Richardson Street West (source: Google Maps).



Figure 12: Development to the north of the site along Richardson Street West (source: Google Maps).



Figure 13: Subject site looking west from Lane Cove Golf Course (source: GSA).



Figure 14: Neighbouring residential flat building 'Timbertops' to the south of the subject site (source: GSA).



Figure 15: Lane Cove Shinnyo-En Buddhist Temple (source: Google Maps).



Figure 16: Development to the west of the site along Longueville Road (source: GSA).



Figure 17: Intersection south of the subject site with Longueville Sporting Club in the background (source: Google Maps).

4. Proposed Development

The SCC would enable the proposed development of an aged care facility comprising of 70 beds and 82 independent dwellings at 266 Longueville Road, Lane Cove.

The proposal intends to allow for the construction of 3 buildings with heights varying from 2-7 storeys also accommodating two levels of basement and at-grade parking for a total of 122 spaces. Further detail on the facilities contained within each building has been provided below:

- Building A – a 3-5 storey structure containing 20 independent dwellings, auditorium and publicly accessible shops.
- Building B – a 6-7 storey structure containing communal facilities, 32 independent dwellings and 53 aged care beds.
- Building C – a 6 storey structure containing 30 independent dwellings and 17 residential aged care beds.

Indicative building plans have been provided for the site showing the proposal in the context of its surrounds (**Figures 18-23**).

Architectural drawings for the proposed development by Thomson Adsett are provided at **Attachment E4**. The proposal is also supported by a landscape package and a traffic and parking assessment (**Attachment E6**).



Figure 18: Indicative building footprint (source: Thomson Adsett).



Figure 19: Northern and western elevation of plans submitted with current SCC (source: Thomson Adsett).



Figure 20: Southern and eastern elevations of plans submitted with current SCC (source: Thomson Adsett).



Figure 21: Concept plans – western elevation (source: Thomson Adsett).



Figure 22: Concept plans – street elevation (source: Thomson Adsett).



Figure 23: Indicative section of proposed scheme (source: Thomson Adsett).

5. Planning Background

15 April 2013

Lane Cove Council resolved to support a planning proposal (**Attachment H**) for the subject site to enable the rezoning of land from RE1 Public Recreation to R4 High Density Residential and reclassify the land from community to operational land.

23 May 2013

Council requested the Department to issue a Gateway determination for the subject planning proposal (PP_2013_LANEC_003_00).

26 June 2013

The Department issued a Gateway determination for the subject planning proposal.

23 October – 26 November 2013

The planning proposal was publicly exhibited.

3 December 2013

A public hearing was held by an independent commissioner as the planning proposal intended to reclassify land from community to operational.

17 March 2014

Council resolved to support the plan being forwarded to the Department for finalisation.

28 March 2014

Council requested the Department to make the plan.

31 July 2015

The Lane Cove Local Environmental Plan (LEP) 2009 (Amendment No.17) was notified on the NSW Legislation website.

8 May 2017

The Department received an application for an SCC (Department reference: SCC_2017_LANEC_001_00), prepared by GSA on behalf of Australian Unity Limited, for the subject site. The SCC was for a 70-bed residential aged care facility, 93 self-contained dwellings for seniors, support facilities for residents and basement car parking for 148 vehicles.

6 July 2017

An SCC for the subject site was issued by the Department (**Attachment F1**).

10 August 2017

A development application (Council reference number: DA117/2017) for a residential aged care facility comprising of 70 beds and 90 independent dwellings was submitted to Lane Cove Council.

22 September 2017

The development application was registered with the Sydney North Planning Panel (panel reference number: 2017SNH069) as the consent authority.

11 July 2018

The development application was deferred by the Panel for additional information (**Attachment G1**) which included the following recommendations:

- A detailed site investigation under SEPP 55
- Independent peer review of traffic assessments
- Assessment of ecological impacts to ensure development does not significantly impact flora and fauna on the site and adjacent E2 zone
- Assessment of visual impact from the golf course, east ridge line and Richardson Street West
- Plans and supporting information provided to the Department for the original SCC
- Calculation of gross floor area/floor space ratio based on the SEPP
- Drawings that reflect an increased setback on the southern boundary by 1m with no decrease on the northern side, and 2m landscaped strip towards 'Timbertops' for landscape screening.
- Based on the ecological assessment, eastern boundary to be adjusted as required.

The applicant was given until 24 August 2018 to submit this information. Importantly, the Panel made no recommendations that reduced the maximum building height of the application.

8 January 2019

The panel extended the timeframe for the submission of additional information until 29 March 2019 (**Attachment G2**).

6 July 2019

The SCC issued for the subject site expired.

2 September 2019

The Department received a second SCC for the subject site (SCC_2019_LANEC_002_00) for a residential aged care facility comprising of 70 beds and 82 independent living dwellings.

28 May 2020

A second SCC for the subject site was issued by the Panel (**Attachment F2**). The SCC stated that height should be capped to RL 62.8, effectively requiring the deletion of the top two storeys.

3 December 2020

The Department received a third SCC for the subject site (SCC2020LANEC-2) for a residential aged care facility comprising of 70 beds and 82 independent living dwellings.

6. Permissibility statement

The site is located on land zoned primarily for urban purposes under clause 4 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP). Under the *Lane Cove Local Environmental Plan 2009* (Lane Cove LEP 2009), the current zoning of the site is R4 High Density Residential (**Figure 24**).

An SCC is required as the proposal is for a vertical village and is therefore reliant on clause 45 of the Seniors Housing SEPP. Clause 45 enables for development to exceed the maximum permitted floor space ratio (FSR) by a bonus of 0.5:1, under the circumstances that on-site supported services will be provided to residents and at least 10% of the dwellings will be affordable places.

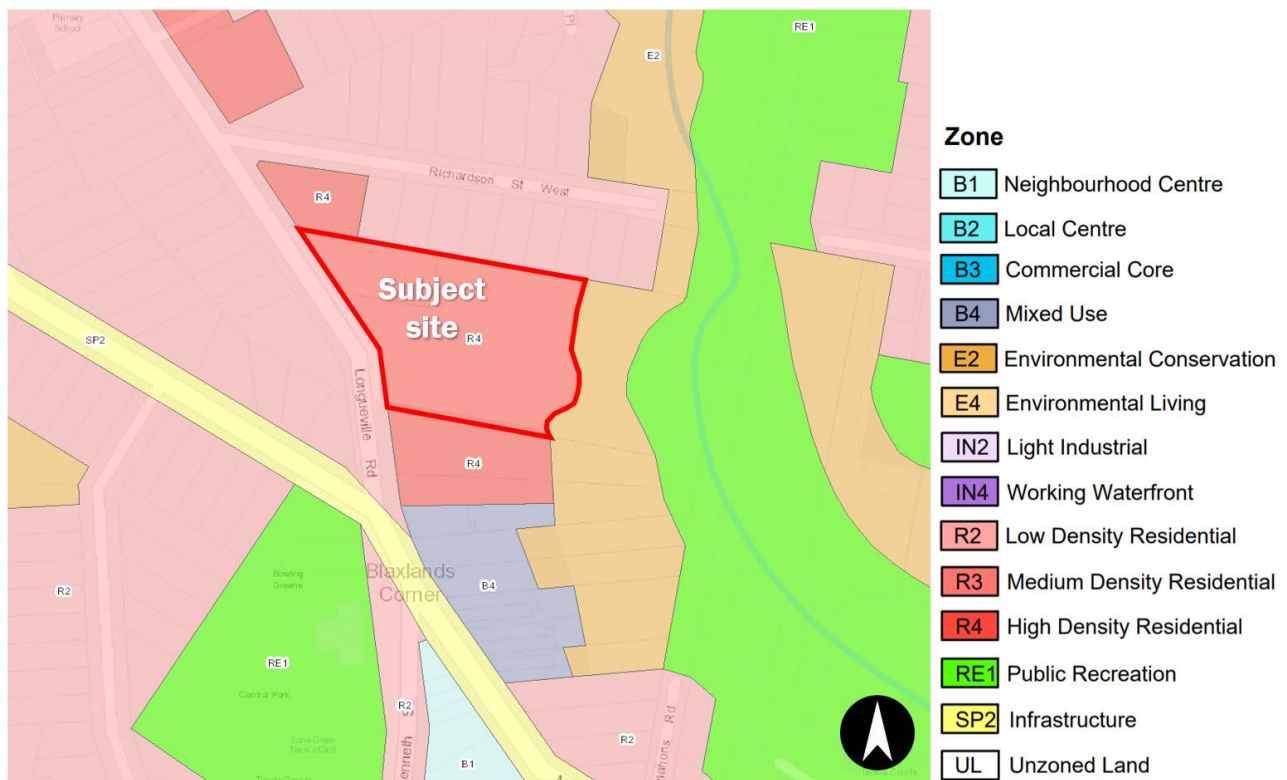


Figure 24: Land Zoning Map (source: NSW Planning Portal).

7. Reason for lodgement of third SCC application

While an SCC was only recently issued for the subject site on 28 May 2020 (**Attachment F2**) which remains active, the applicant has sought a new SCC to be issued for the site. This new SCC requests the Panel to consider issuing a revised certificate as the requirements imposed upon the issuing of the previous SCC directly impact upon the assessment and progression of the corresponding development application (DA) for a residential aged care facility.

Specifically, the applicant seeks to have the following SCC requirements imposed by the Panel to be removed/amended to allow the assessment of the DA to be finalised by Council and determined by the Panel:

1. To achieve a building height compatible with the surrounding land uses, the built form of any future development application on the site relying on this SCC is to meet the following requirements:

- (a) Not to exceed two storeys to Longueville Road.
- (b) Appropriately respond to the topography of the site, and have a maximum height of five storeys at the rear.
- (c) Contain all habitable floor space so as to not exceed the maximum building height standard prescribed under *Lane Cove Local Environmental Plan 2009* being RL 62.8 AHD, except along Longueville Road.

The reasoning behind the applicant's request for these SCC requirements to be removed stems from the Panel's previous recommendation for the corresponding DA.

On 11 July 2018, the DA was considered at a Panel meeting with Council's independent assessment report recommending approval of the DA subject to conditions. The Panel resolved to defer this decision and requested additional information in the form of amended plans to increase the setback on the southern boundary.

Specifically, the additional information requested by the Panel included:

- A detailed site investigation under SEPP 55 Remediation of Land.
- Independent peer review of traffic assessment.
- Assessment of ecological impact to ensure development does not significantly impact flora and fauna on the site and adjacent E2 zone.
- Assessment of visual impact from the golf course, east ridge line and Richardson Street West.
- Calculation of GFA/FSR based on the Seniors Housing SEPP.
- Drawings that reflect and increased setback on the southern boundary by 1m with no decrease on the northern side, and a 2m landscaped strip towards Timbertops for landscape screening.
- Based on ecological assessment, the eastern boundary to be adjusted as required.

The applicant has since prepared and submitted an amended DA to Council for assessment which sought to address all the issues raised by the Panel in its decision to defer the original application.

The applicant notes that at no stage was concern raised by the Panel regarding the non-compliance with the maximum building height of the proposed development or the supporting Clause 4.6 justification. The applicant therefore requests that the Panel reconsider imposing such restrictive built form controls within the SCC to allow the finalisation and progression of the amended DA to the Panel.

8. Council comments

Council provided additional comments for the subject SCC on 18 March 2021 (**Attachment A3**). Council's comments regarding this SCC have been provided below:

- In the amended proposal, the third storey is well setback and the proposed development would present as a two storey building from Longueville Road. This is consistent with Council's site-specific Development Control Plan for the site.
- Towards the rear (east), again the proposed top most level is well setback, would not be visible and would present as six storeys. In addition, the proposed building would be shielded by trees (at the rear) and would neither be visible when viewed from the Golf Course nor be visually dominant.

- Council supports the amended proposal and raises no objection to the issue of an amended SCC, which should include the deletion of condition 1(a), 1(b) and 1(c) relating to the restriction of the maximum building height, and any other amendment to facilitate the development as proposed.

Council's previous comments for the two prior SCC's (**Attachments A1 and A2**) predominately related to bulk and scale, building height, topography of the site and the buffer zone to the adjoining bushland. These comments have been addressed within the Department's previous assessment report and are still relevant to the subject SCC.

9. Department's assessment

The Department notes that the applicant's primary concerns with the issuing of the previous SCC requirements relate to the effective reduction in the height of least one storey across the entire structure and potentially up to two storeys in the centre (Building B) and the inconsistency of the Panel's decision in relation to the assessment and decision of the current DA where building height was not raised as an issue.

While it is recognised that the surrounding area is typically characterised predominately by low-density residential development in the form of 1-2 storey single dwellings to the north and west, higher density residential development does exist in the form of a 2-5 storey residential flat building known as 'Timber Tops' adjoining the site to the south. The site itself has also been identified for higher density with its R4 High Density Residential zoning.

The current proposed built form (associated with this SCC and the concurrent DA with Council for assessment) would result in a maximum building height of RL 67.76 AHD which would breach the maximum building height development standard for this land by 4.96m. The extent of this breach has been annotated in **Figure 25**.

The applicant has stated that the height breach is necessary to accommodate the appropriate internal ceiling heights, provision of lift overruns, associated structures and to relocate an additional storey from Building C to Building B to reduce the overshadowing and visual impact to neighbouring development.

This alteration in the built form of the DA was a recommendation from Council to the proponent in 2018, to address its concerns regarding building height and bulk and scale at the easternmost portion of the proposed development. This revision was intended to reduce the overall amenity created by the height breach by shifting the built form centrally.

The applicant has also provided indicative concept designs of Council's site-specific Development Control Plan (DCP) (**Figures 26 and 27**) to demonstrate the intention of providing a three storey structure at Longueville Road, with the buildings at the rear of the site not to be above those fronting Longueville Road.

The applicant also stated that the floor to floor heights within the DCP only catered for 3.2m, which is applicable to seniors housing, however does not provide the necessary floor to floor heights for an aged-care facility being 3.4m. The development as a whole is still able to comply with the objectives of the building envelope as envisioned within the DCP.

While it is recognised that some elements of the building and associated roof features can be acceptable above the maximum prescribed building height, provided that amenity and character impacts are minimised, the location of an additional storey above an already

non-compliant building should be further assessed at the development application stage, where consideration of the detailed design is more appropriate.

Any non-compliance with the height of buildings development standard would be subject to the consideration and assessment of the proponent's clause 4.6 justification within the corresponding development application to the Panel's satisfaction. It is noted that under the Panel's previous consideration of the DA, that no issues were raised in relation to building height or the applicant's Clause 4.6 submission. Council has also provided its written advice (**Attachment A3**) that recommends the deletion/amendment of the SCC conditions relating to the restriction of the maximum height of buildings for the site being:

1. To achieve a building height compatible with the surrounding land uses, the built form of any future development application on the site relying on this SCC is to meet the following requirements:
 - (a) Not to exceed two storeys to Longueville Road.
 - (b) Appropriately respond to the topography of the site, and have a maximum height of five storeys at the rear.
 - (c) Contain all habitable floor space so as to not exceed the maximum building height standard prescribed under *Lane Cove Local Environmental Plan 2009* being RL 62.8 AHD, except along Longueville Road.

Therefore, while the Department recognises the need for a critical assessment of building height to be conducted, this is best done at the development application stage. The current conditions imposed on the SCC are considered to be too heavily prescriptive for the purposes of an SCC and are recommended to be either deleted or amended to appropriately reflect the previous assessment and defer decision of the Panel regarding the current development application.

The Department's original draft recommendation (below) is considered to be a more reasonable outcome in the context of this SCC, the development application, Council's site-specific DCP and the previous LEP amendment and provides sufficient flexibility to recognise this as an issue that should be addressed at the detailed design stage of a development application supported by a Clause 4.6 justification.

1. *To achieve a more reasonable height transition to the surrounding area, any future development application is to consider the following:*
 - a. *the current maximum building height prescribed under Lane Cove Local Environmental Plan 2009 being RL 62.8 AHD, noting this maximum height was established when the site was recently rezoned in 2015.*

This allows for the maximum building height to be recognised as non-compliant and of needing further consideration as part of a Clause 4.6 assessment, but not too restrictive that it would prevent the progression of the development application.

Furthermore, the applicant is of the view that the Panel's previous recommendation (**Section 7.0**) never referenced the proposed maximum building height as an area of concern that would prevent the approval of the development application. The applicant has now addressed all previous issues raised by the Panel with the submission of its amended plans and additional information to support the development application.

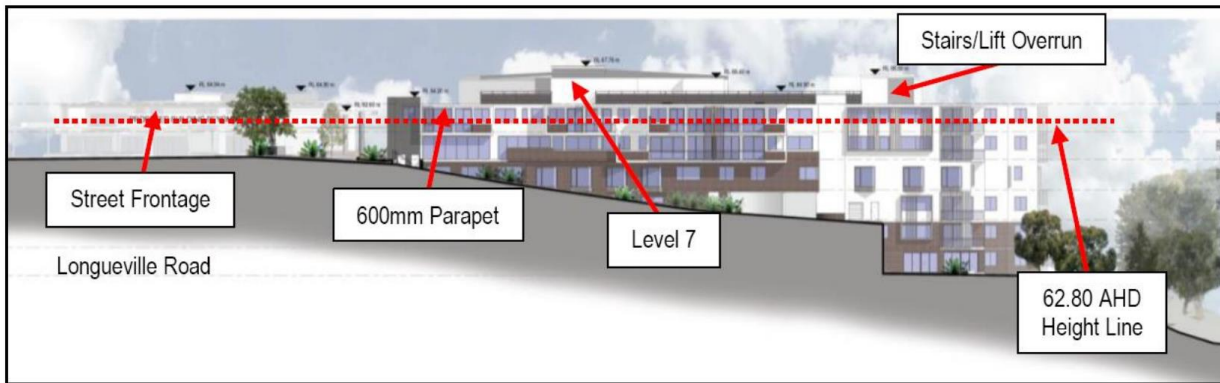


Figure 25: Annotated plan showing the extent of the proposed development located above the maximum building height for this land (source: Thomson Adsett).

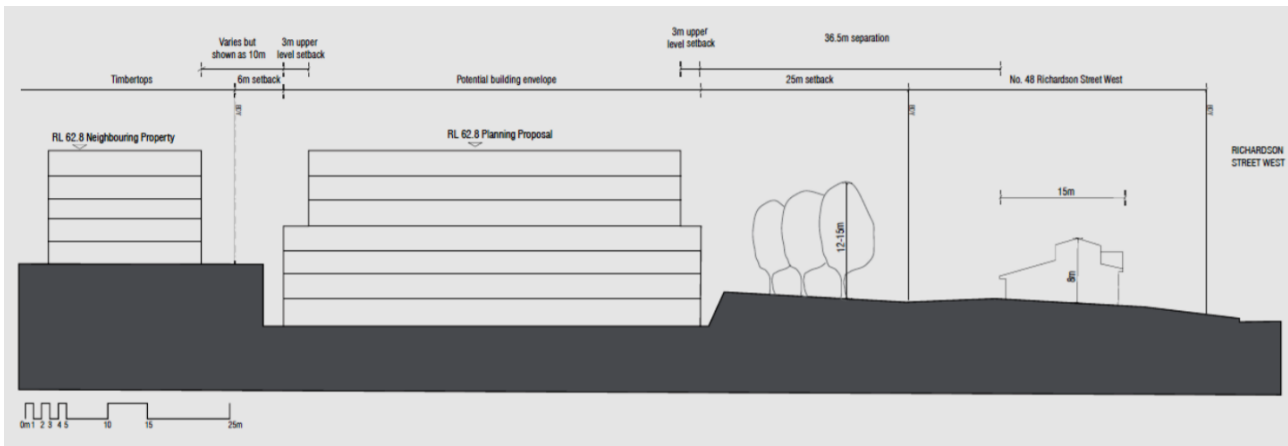


Figure 26: Site specific DCP (source: Lane Cove Council).

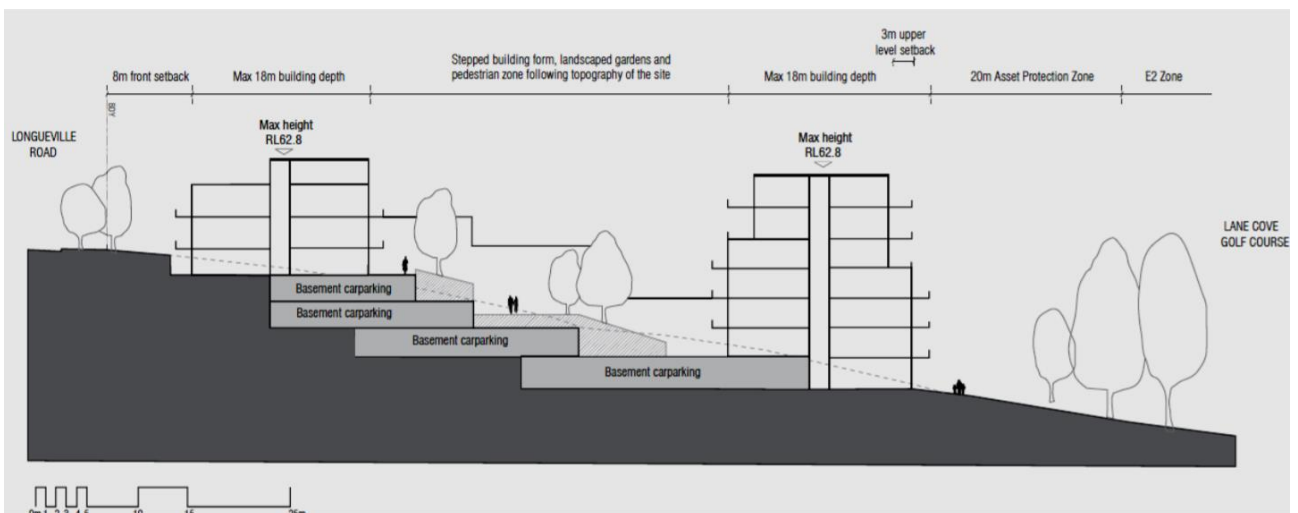


Figure 27: Site specific DCP (source: Lane Cove Council).

10. Conclusion

The Department considers that a SCC should be issued for the site on the basis that:

- The proposed use will assist in providing additional housing choice and opportunities for 'ageing in place' for the seniors population in the Lane Cove LGA.
- The application generally responds to the intent of the previous LEP amendment for the subject site.
- The site is suitable for more intensive use for the purposes of seniors housing, having regard to the criteria set out in clause 25(5)(b) of the SEPP and more detailed design considerations being undertaken as part of any future development application.
- The proposal will provide seniors housing near Lane Cove Village and public transport, which will help to provide good access to health, retail, banking and other facilities in the area.
- The proposal maintains an adequate setback and buffer zone to the existing remnant bushland to the east of the site and demonstrates appropriate management and mitigation techniques to preserve and enhance this bushland.
- Lane Cove Council is supportive of the deletion of conditions 1(a), (b) and (c) relating to the restriction of the maximum height of buildings.
- Matters regarding land contamination, geotechnical hazards, heritage impact, traffic and access, building bulk, scale and setbacks have been addressed and can be further considered at the detailed design and development application stage which the applicant advises have already been considered by the Panel.
- Under the assessment of the current development application the Panel did not raise the maximum height of buildings or the supporting Clause 4.6 statement as an area of concern that would prevent the approval of the development.

11. Recommended SCC requirements

A certificate may certify that the development to which it relates is compatible with the surrounding land uses only if it satisfies certain requirements specified in the certificate (clause 25(4)(a) of the Seniors Housing SEPP).

While the applicant and Council have recommended that conditions 1(a), (b) and (c) of the current certificate be deleted, the Department has included its previous recommended conditions to the Panel to consider in its decision as to whether condition 1 should be deleted entirely or amended to be more consistent with the Department's previous recommendation.

Therefore, it is requested that the Panel consider the removal of condition 1 or the inclusion of the following conditional requirements be included in Schedule 2 of a new SCC, being;

1. To achieve a more reasonable height transition to the surrounding area, any future development application is to consider the following:
 - a. the current maximum building height prescribed under Lane Cove Local Environmental Plan 2009 being RL 62.8 AHD, noting this maximum height was established when the site was recently rezoned in 2015; and

- b. set a maximum of five storeys at the rear of the site but permit up to seven storeys in the middle of the site and three storeys at the Longueville Road frontage.
- 2. To ensure that the neighbouring E2 Environmental Conservation land is appropriately protected and managed during the future stages of this development, the development application is to consider the following:
 - a. the establishment of the 10m bushland buffer zone from the boundary of the E2 Environmental Conservation zone as opposed to the 'Ground Truthing Line' as currently intended;
 - b. protection, management and regeneration of remnant bushland to the east;
 - c. the removal of any tree within the adjoining E2 Environmental Conservation land is not authorised under this SCC. All trees on adjoining land are to be retained.
- 3. To maintain significant trees on the site that will contribute to the site's landscaping and improve interfaces with the adjoining development to the site Trees 92 and 93 should look to be protected during construction and preserved on the site.

Attachments

Attachment Report – Department's Assessment Report

Attachment SCC – Draft Site Compatibility Certificate

Attachment A – Council comments

- **A1** – Council comments for first SCC
- **A2** – Council comments for second SCC
- **A3** – Council comments for current SCC

Attachment B – Letter to applicant

Attachment C – Letter to Council

Attachment D – Site and locality maps

Attachment E – Applicant's Site Compatibility Certificate documentation

- **E1** – Application form
- **E2** – Site Compatibility Certificate report, GSA Planning
- **E3** – Plan of subdivision
- **E4** – Architectural drawings, Thomson Adsett
- **E5** – Landscaping drawings
- **E6** – Traffic report, Varga Traffic Planning

Attachment F – Previous Site Compatibility Certificates

- **F1** – First SCC (2017)
- **F2** – Second SCC (2019)

Attachment G – Current development application

- **G1** – Record of Panel's decision to defer application
- **G2** – Extension of time for submission of additional information
- **G3** – Geotechnical and environmental investigation, SMEC
- **G4** – Stage 2 – Detailed site investigation, LRN Global
- **G5** – Ecological impact assessment, Molino Stewart
- **G6** – Arboricultural impact assessment, Naturally Trees
- **G7** – Statement of heritage impact, Cracknell and Lonergan
- **G8** – Original peer review of traffic report, Bitzios
- **G9** – Final peer review of traffic report, Biztios
- **G10** – Visual impact assessment report, RLA

Attachment H – Original planning proposal

- **H1** – Flora, fauna and fungi impact assessment, Applied Ecology
- **H2** – OEH comments