

SITE COMPATIBILITY CERTIFICATE APPLICATION

Seeking a “Vertical Village Bonus” for a
Proposed Seniors Housing Development

Property:

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

Applicant:

Retire Australia (Lane Cove) Pty Ltd



Date:

March 2019

Prepared by:

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DOCUMENT INFORMATION

REVISION NO.	AMENDMENT	DATE
A	Initial Draft for Client	12 th March 2019
B	Final for lodgement with DA	15 th March 2019

STATEMENT PREPARED BY:

Tim Shelley
Director – Tim Shelley Planning

Bachelor of Urban and Regional Planning, University of New England



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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INTRODUCTION

The following report is to be read in conjunction with the Site Compatibility Certificate application (SCC) made in accordance with the provisions of Clause 24(1)(b) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the SEPP), being lodged by Retire Australia (Lane Cove) Pty Ltd on land at No. 40A Cope Street Lane Cove.

The applicant, Retire Australia (Lane Cove) Pty Ltd, seeks to develop seniors housing in the form of self-care apartments and assisted care apartments upon the subject land, being Lot 120 DP 613223 and lot 51 DP 862728, known as No 40A Cope Street Lane Cove, in the Lane Cove Local Government Area (LGA).

A SCC is required under Clause 24(1)(b) of the SEPP to enable the granting of a floor space bonus for a "vertical village" under Clause 45 of the SEPP over the maximum floor space ratio (FSR) applicable to the land in the relevant Local Environmental Plan (LEP). In this regard, a FSR of 0.5:1 in excess of the two floor space ratios applicable to the land under Lane Cove LEP 2009 (LCLEP) – those being 1.7:1 over the front parcel (i.e. lot 120) and 0.8:1 over the rear parcel (i.e. lot 51) – is sought to enable the subsequent lodgement of a development application for a vertical village with Lane Cove Council.

Pursuant to clause 24(1A), there is no requirement for a SCC to be obtained for vertical village bonus where seniors housing is a permissible use under the zoning of another environmental planning instrument. However, the zoning of the site under LCLEP is R4 High Density Residential, in which seniors housing is a prohibited use. As such, a SCC is required to be obtained in this instance.

Subject to the granting of a Site Compatibility Certificate, the proposed development would comprise 93 dwellings in two buildings, consisting of:

- 29 independent living apartments (ILAs) and 64 assisted care apartments (ACAs), of which 10% would be provided as "affordable dwellings" as required by Clause 45(5) of the SEPP;
- Basement car parking;
- On-site dining, community and recreation facilities; and
- Comprehensive landscaping of the site.

Concept plans of the proposed development are provided as Appendix 3.

This report has been prepared by Tim Shelley Planning on behalf of Retire Australia to assist the relevant Planning Panel in their assessment and subsequent determination of the SCC. To this end, this report will provide the relevant information required under the SCC application form, including an explanation as to why the site is suitable for a more intensive development as proposed and how the future proposed development would be compatible with surrounding land uses to satisfy the criteria under Clause 25(5)(b) of the SEPP.

1.0 APPLICANT DETAILS

Applicant Name:	Retire Australia (Lane Cove) Pty Limited
Applicant Contact Details:	c/- Tim Shelley Planning PO Box 3165 ERINA NSW 2250 Ph: 0409 306186 Email: tim@tsplanning.com.au

2.0 SITE AND PROPOSED DEVELOPMENT DETAILS

NAME OF PROPOSAL

The proposed development has no name at this stage.

STREET ADDRESS

The site comprises two (2) parcels that together are known as No 40A Cope Street Lane Cove. The site is located within in the Lane Cove Local Government Area (LGA)

NAME OF PROPERTY

The property has no name but was previously occupied by the former Caroline Chisholm Retirement Village which ceased operations in June 2017.

REAL PROPERTY DESCRIPTION

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 copy of the deposited plan for each parcel is provided as Appendix 1, with a copy of the Certificate of Title for each parcel provided as Appendix 2. A summary of the subject 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	4495.6m²	

A survey plan for both parcels – confirming the above areas and providing levels, details of existing structures and improvements, physical features and property restrictions such as easements, rights of carriageway etc – is provided as Appendix 3.

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 from Lane Cove town centre and 1.8km from Hunters Hill village centre. The location of the site in the context of the surrounding area is identified on Figures 1 and 2 on the following page.

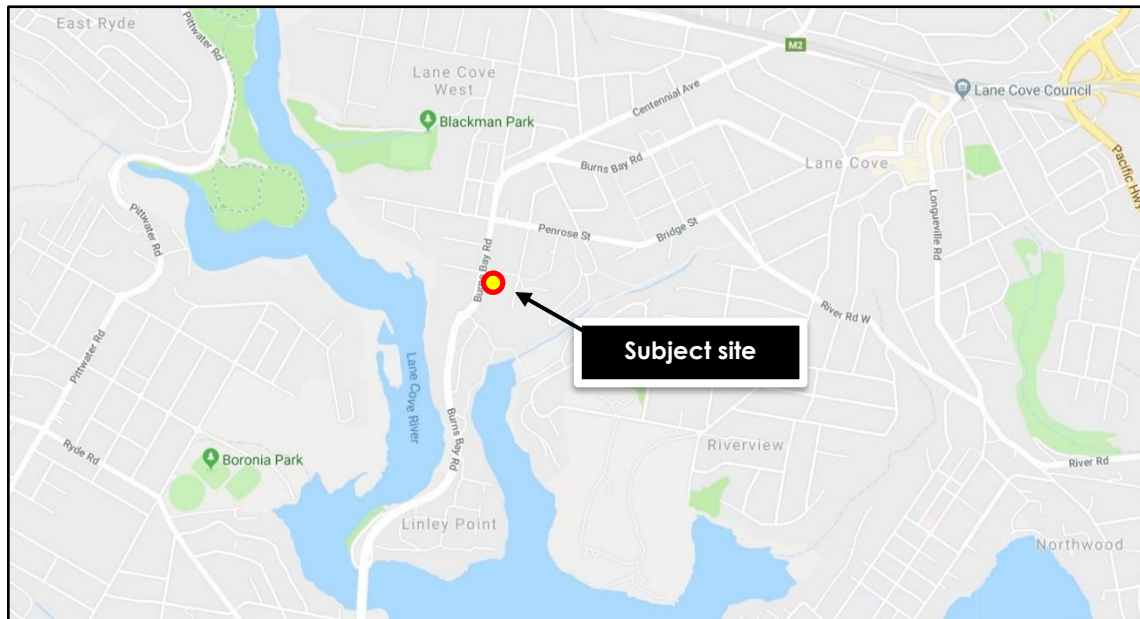


Figure 1 – Locality Plan (Source: Google Maps)

The property is bounded by the Caroline Chisholm Aged Care Facility and a town house development to the north; a residential flat building with at-grade parking to the east; a townhouse development and residential flat building with basement parking to the south; and Burns Bay Road to the west.

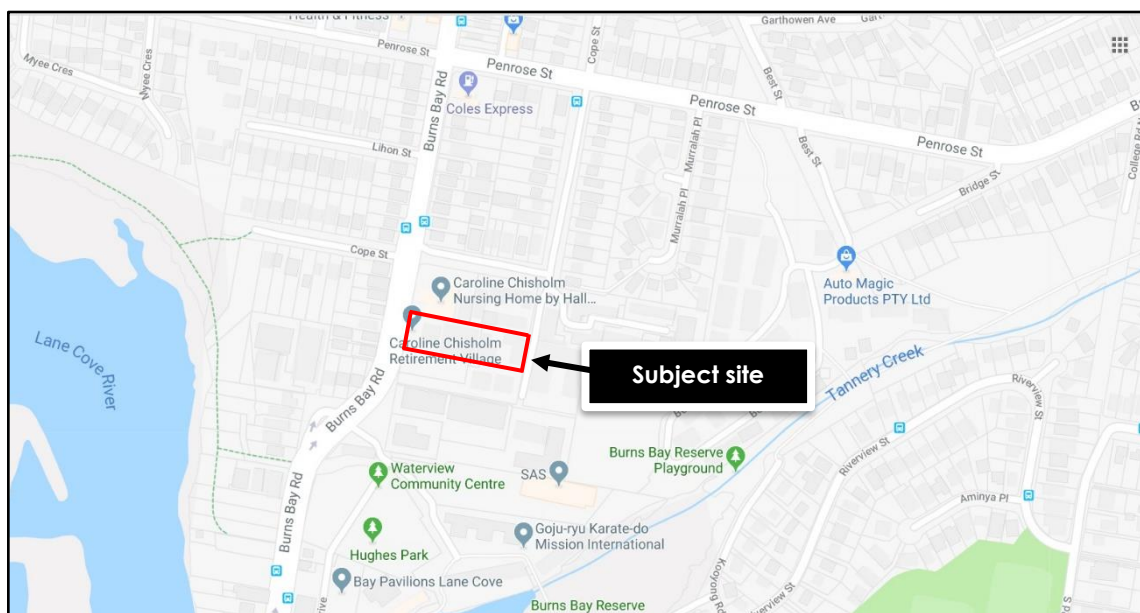


Figure 2 – Locality Plan (Source: Google Maps)

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 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.

Aerial photographs showing the subject site, adjoining properties and surrounding land uses, as well as a zoning plan for the subject site and surrounding area, are provided on the following pages.



Figure 3 – Aerial Photograph Showing Subject Site and Surrounding Area (Google Earth 2015)



Figure 4 – Aerial Photograph Showing Subject Site and Surrounding Properties (Drone Shot 2018)

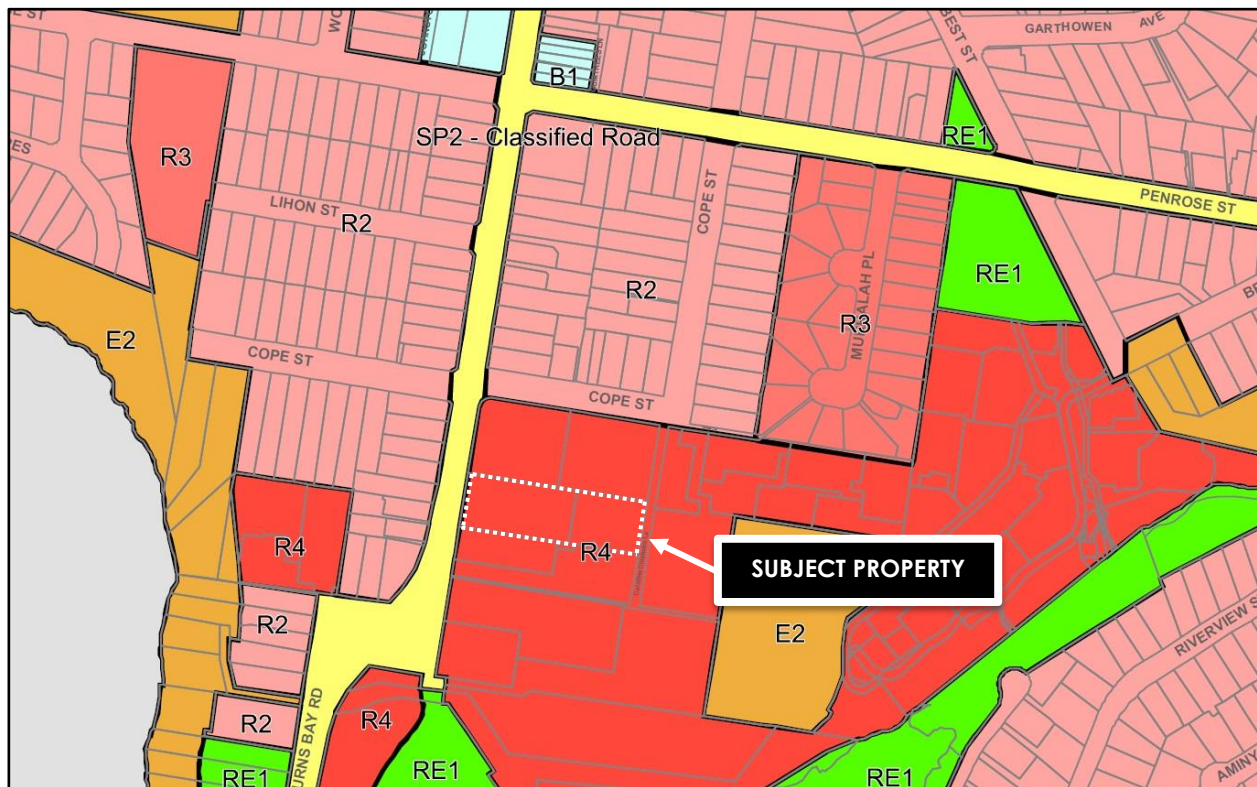


Figure 5 – Extract from Lane Cove LEP 2009 Zoning Map

DESCRIPTION OF THE PROPOSED DEVELOPMENT

In the summary, the proposed development comprises the following:

- Construction of 93 seniors housing dwellings over two (2) towers, consisting of:
 - 29 independent living apartments (ILAs) comprised of either 1, 2 or 3 bedrooms in a range of floor plans; and
 - 64 assisted care apartments (ACAs).

All apartments are accessed via lifts and secured internal corridors. Each apartment would include a ground floor terrace or upper floor balcony.

Of the 93 dwellings, 10% would be provided as "affordable dwellings" as required by Clause 45(5) of the SEPP;

- Basement car parking;
- On-site dining, community and recreational facilities, including, bar, lounge, café, dining room/servery, gym, library, pool, cinema, outdoor terrace, roof top terrace and BBQ area, lobby and reception area, meeting rooms and general purposes rooms for hairdressers, beauticians, GP's and other medical and health professionals; and
- Comprehensive landscaping of the site.

Concept plans for the proposed development prepared by Jackson Teece Architects are provided in Appendix 3.

FLOORSPACE CALCULATIONS

As shown on Figure 6 below, two maximum floorspace ratios apply to the site under LCLEP, those being:

- Zone S3 – FSR of 1.7:1 (applicable to the western portion of the site); and
- Zone J – FSR of 0.8:1 (applicable to the eastern portion of the site).

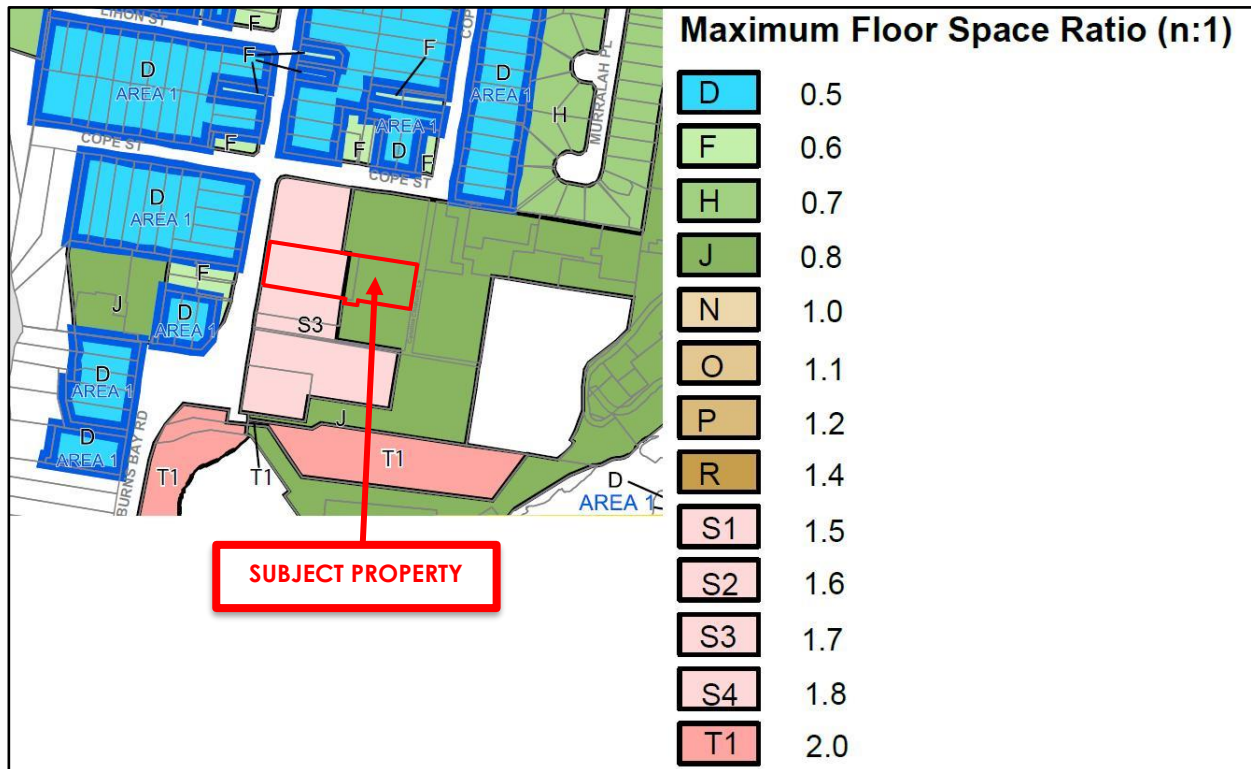


Figure 6 – Extract from Lane Cove LEP 2009 Floor Space Ratio Map

Based on survey, the area of each of these zones and the maximum floorspace they equate to (or permit) are as follows:

AREA (BASED ON SURVEY)	FSR	ALLOWABLE GFA
ZONE S3 (2717.5m ²)	1.7:1	4619.75m ²
ZONE J (1778.1m ²)	0.8:1	1422.48m ²
TOTAL		6042.23m²

When adding the vertical village bonus of 0.5, the maximum floor space permitted becomes **9063.3m²** (i.e. $0.5 \times 6042.23\text{m}^2 = 3021.11\text{m}^2 + 6042.23 = 9063.3\text{m}^2$).

The proposed development would have a total floor space of 9063m², thereby complying with the 0.5 FSR bonus applicable to vertical villages as provided for by Clause 45 of the SEPP.

3.0 RELEVANCE OF SEPP

CLAUSE 4(1) – PERMISSIBILITY

Under LCLEP, the site is zoned R4 High Density Residential. This zone permits a number of uses including residential flat buildings, but not “seniors housing”. As such, seniors housing” is prohibited on the site under LCLEP. An extract from the R4 zone land use table is provided on the following page as Figure 7.

Lane Cove Local Environmental Plan 2009	
Current version for 28 February 2019 to date (accessed 13 March 2019 at 10:31)	
Land Use Table > Zone R4	
Zone R4 High Density Residential	
1 Objectives of zone	
<ul style="list-style-type: none">• 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.	
2 Permitted without consent	
Nil	
3 Permitted with consent	
Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Exhibition homes; Group homes; Home businesses; Home industries; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Shop top housing; Signage	
4 Prohibited	
Pond-based aquaculture; Tank-based aquaculture Any development not specified in item 2 or 3	

Figure 7 – R4 Zone Land Use Table from Lane Cove LEP 2009

However, as residential flat buildings are permissible under the R4 land use table, **the proposed development is permissible on the site by virtue of Clause 4(1) of the SEPP**. A copy of this clause and a comment as to its the relevance to this site and proposed development is provided as follows:

4 Land to which Policy applies

(1) General

This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:

(a) development for the purpose of any of the following is permitted on the land:

(i) dwelling-houses,

(ii) residential flat buildings, YES

(iii) hospitals,

(iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or

(b) the land is being used for the purposes of an existing registered club.

As highlighted above, residential flat buildings are a permissible use on the land, meaning that seniors housing is also a permissible use on the land under the SEPP despite the prohibition under LCLEP.

CLAUSE 24(1)(B) – REQUIREMENT FOR A SCC

A SCC is required under Clause 24(1)(b) of the SEPP to enable the granting of a floor space bonus for a “vertical village” under Clause 45 of the SEPP over the maximum floor space ratio (FSR) applicable to the land under the relevant LEP. In this regard, a FSR of 0.5:1 in excess of the two floor space ratios applicable to the land under LCLEP – those being 1.7:1 over the front parcel (i.e. lot 120) and 0.8:1 over the rear parcel (i.e. lot 51) – is sought to enable the subsequent lodgement of a development application for a vertical village with Lane Cove Council.

Pursuant to preceding clause 24(1A), there is no requirement for a SCC to be obtained for a vertical village bonus where seniors housing is a permissible use under the zoning of another environmental planning instrument. However, as indicated above, the R4 High Density Residential zoning of the site under LCLEP doesn't include seniors housing as a permissible use. As such, a Site Compatibility Certificate is required to be obtained in this instance.

OTHER CLAUSES

A brief summary of the remaining relevant parts (or clauses the case may be) of the SEPP and a brief comment as to how each can (or will) be satisfied is provided in the table below.

PART/CLAUSE	COMMENT
10 Seniors housing In this Policy, <i>seniors housing</i> is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of: (a) a residential care facility, or (b) a hostel, or (c) a group of self-contained dwellings, or (d) a combination of these,	The proposal will provide housing for seniors in a combination of hostel accommodation and self-contained dwellings.
12 Hostels In this Policy, a hostel is residential accommodation for seniors or people with a disability where: (a) meals, laundering, cleaning and other facilities are provided on a shared basis, and (b) at least one staff member is available on site 24 hours a day to provide management services.	The 64 assisted care apartments are defined as a hostel under the SEPP and will be operated as such. In this regard, meals, laundering, cleaning and other services will be provided on site on a shared basis and at least one staff member is on site 24 a day. Full details will be provided with the future DA.

PART/CLAUSE	COMMENT
<p>13 Self-contained dwellings</p> <p>(3) Example: "serviced self-care housing" In this Policy, <i>serviced self-care housing</i> is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services,</p>	<p>The 29 independent living apartments will be defined and operated as self-contained dwellings, but where relevant services will be made available to the residents of the village if required. A letter from Retire Australia describing the support services that will be available to residents is provided as Appendix 4.</p>
<p>15 What Chapter does</p> <p>...allows the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy:</p> <p>(a) development on land zoned primarily for urban purposes for the purpose of any form of seniors housing, and</p>	<p>Land is zoned R4 High Density Residential which is primarily for urban purposes. As such, all forms of seniors housing are permissible.</p>
<p>18 Restrictions on occupation of senior housing</p>	<p>The development will accommodate persons in accordance with this clause and Council can condition this accordingly.</p>
<p>24 Site compatibility certificates required for certain development applications</p>	<p>A SCC is required for this development to obtain a vertical village bonus as explained in the preceding section. This report forms part of an Application for a Site Compatibility Certificate.</p>
<p>25 Application for Site Compatibility Certificate</p> <p>This section outlines:</p> <ul style="list-style-type: none"> lodgement requirements; process to be followed once lodged; and matters under Clause 25(5)(b) that are to be addressed and satisfied before relevant panel issues a SCC 	<p>Lodgement requirements have been met</p> <p>A detailed assessment of the manner in which this development can (or will) meet the requirements of Clause 25(5)(b) is provided in Appendix 5 to enable the relevant Panel to issue a Site Compatibility Certificate</p>
<p>Part 2 Site-related requirements (in general)</p>	<p>Considered and assessed as part of site selection and design process. Further details below as necessary, with full response documentation to be provided as part of the DA package.</p>
<p>Clause 26 – Location and access to facilities</p> <p>Written evidence must be provided proving access to:</p> <ul style="list-style-type: none"> Shops, banks, retail & commercial facilities. Community services & recreation facilities. Practice of a general medical practitioner. <p>For access to comply, facilities must be:</p> <ul style="list-style-type: none"> not more than 400 metres from the site that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:13, <p>A transport service must be:</p> <ul style="list-style-type: none"> not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to above that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services is in accordance with the above. 	<p>A letter has been provided by Retire Australia providing details of extensive on-site facilities available for future residents (see Appendix 4).</p> <p>In addition, the site is located in close proximity to extensive public transport services to take residents to off-site commercial, community and medical facilities. In this regard, there are 4 bus stops within 400m (in fact, less than 300m) of the site - 2 on Cope Street (one to the north-west and one to the north-east) and 2 on Burns Bay Rd (one to the north and south of the site respectively). These are identified on the site analysis plan provided as part of the concept plans of the development in Appendix 3.</p> <p>These stops are serviced by the following routes:</p> <ul style="list-style-type: none"> 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. <ul style="list-style-type: none"> ➤ <u>This route meets the requirements of Clause 26(2).</u> Stop 3 on Burns Bay Rd to the north of the site – this is serviced by routes: <ul style="list-style-type: none"> 251 (as above); 252 (Gladesville to City via Nth Sydney);

	<ul style="list-style-type: none"> o 530 (Burwood to Chatswood); and o 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 and meet the requirements of Clause 26(2). • Stop 4 on Burns Bay Rd just south of the site <ul style="list-style-type: none"> ➤ This stop is serviced by each of the above routes except for 251 at Cope Street and therefore also meets the requirements of Clause 26(2). <p>Each of these bus stops are accessible via pathways and external footpaths which meet the gradient requirements of the SEPP, as verified by surveys of each path. A copy of these surveys is provided as part of the Concept Plans in Appendix 3. A copy of the timetables for each of the above routes is provided in Appendix 7.</p> <p>In addition, a village bus provided by Retire Australia will provide on call or as needed services to nearby retail, recreational, commercial and health facilities (as per the Letter of Support Services in Appendix 4).</p>
Part 3 Design requirements (in general)	Considered as part of design process. Further details will be provided as part of DA package.
Clause 31 Design of in-fill self-care housing The consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i>	The design of the development has addressed the relevant design principles of this document including responding to context and existing character; site planning and design; streetscape; impact on neighbours and internal site amenity. Further discussion provided in Clause 25(5)(b) Assessment in Appendix 5. Further details to be provided with the DA package, inclusive of architectural statement and Urban Design Report.
Clause 32 Design of residential development A development must demonstrate that adequate regard has been given to the principles set out in Division 2 (e.g. amenity, streetscape, privacy, solar access, accessibility and waste mgnt etc)	As above. The concept design has addressed each of these items and the final design will have further regard to each principle. Full details will be provided as part of DA package.
Part 4 Development standards to be complied with	Proposed development complies with relevant site requirements in Clause 40 and does (or can) comply with each applicable standard for hostels and self-contained dwellings identified/cross-referenced in Schedule 3. Full details will be provided as part of DA package.
Part 6 Development for vertical villages Floor space bonus of 0.5 in addition to max FSR under LEP available subject to <ul style="list-style-type: none"> • on-site support services for its residents • at least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places 	Vertical Village Bonus (VVB) to be sought as part of DA. Development includes 10% affordable dwellings & on-site services (as per letter from RA). Further details to be provided with DA. This SCC application lodged to satisfy requirement under clause 24(1A) where VVB is sought in zone where seniors housing not permitted under LEP.
Part 7 Development standards that cannot be used as grounds to refuse consent	The proposed development complies (or will comply) with the relevant development standards in Clause 49 for hostels and Clause 50 for self-contained dwellings. Full details will be provided as part of DA package.

4.0 LAND TO WHICH THE APPLICATION RELATES

In accordance with Clause 24(1)(a), (is) the proposed site is on land:

(i) that adjoins land zoned primarily for urban purposes?

NO

(ii) that is zoned as 'special uses' under another EPI?

NO

(iii) that is used for the purposes of an existing registered club

NO

5.0 PREVIOUS SCC CERTIFICATES

Has an SCC previously been issued for any part of the land to which this application applies?

NO

6.0 CUMULATIVE IMPACT STUDY

Has a cumulative impact study been submitted with this application?

NO – not required.

In this regard, Clause 25(2)(c) requires than a SCC for land that is “*next to proximate site land*” be accompanied by a cumulative impact study that has been prepared in accordance with any guidelines issued by the Planning Secretary from time to time.

Under Clause 25(2A), land is deemed to be “*next to proximate site land*” for the purposes of this clause is located within a 1 kilometre radius of 2 or more other parcels of land (the proximate site land) in respect of each of which either:

- (a) there is a current site compatibility certificate, or
- (b) an application for a site compatibility certificate has been made but not yet determined

From a review of the Department of Planning's site compatibility certificate portal on their website, it is apparent that there are no site compatibility certificates issued, nor any pending, on any parcel within a 1 kilometre radius of the subject site (within either the Lane Cove or Ryde LGA). It is noted that a SCC has been issued in respect of land at No. 266 Longueville Road Lane Cove for Australian Unity Limited on 6th July 2017. However, this site is approximately 1.8 km away from the subject site and hence not relevant to this clause.

7.0 APPLICATION FEE

As per clause 262A(3) of the Environmental Planning and Assessment Regulation 2000, the fee for a SCC for seniors housing is \$280, plus \$45 per dwelling in the proposed development (up to a maximum of \$5580).

The relevant application fee has been paid upon lodgement of the SCC.

8.0 CERTIFICATE APPLICANT'S AUTHORISATION

On behalf of the applicant, Tim Shelley – Director of Tim Shelley Planning – has provided the necessary certificate applicant's authorisation on the application form.

To this end and as required by Section 8.0 of the application, a detailed response to the criteria listed under Clause 25(5)(b) of the SEPP **is provided in Appendix 5.**

9.0 LAND OWNER'S CONSENT

The consent of the owner of the land – Retire Australia (Lane Cove) Pty Limited – is provided on the application form.

OTHER MATTERS

PRE – LODGEMENT CONSULTATION WITH COUNCIL

The applicant and their consultant team have discussed this proposal with Council's planners and Executive Officer. The feedback from Council has been of great assistance to the preparation of the design for the proposed development and the information required to be submitted with the future DA and their ongoing co-operation is greatly appreciated.

UTILITY SERVICES

All utility services are available to the site and can be extended and augmented to service the proposed development as required. Preliminary liaison has been undertaken with the various service providers (including Sydney Water) and details of their requirements and the manner in which these services are to be provided will be submitted with the DA.

CONCLUSION

From the preceding report and accompanying information, it has been demonstrated that the site is suitable for a seniors housing development comprising a floor space ratio in excess of that provided for under Lane Cove LEP 2009 given its R4 High Density Residential zoning and compatibility with surrounding high density residential developments; the availability of public transport and its proximity and access to a range of support services (which will be augmented by a village bus provided by the operators); and the provision of a range of on-site dining, community and recreational facilities and personal care services.

Conversely, the site exhibits no physical constraints that would preclude the proposed development from being undertaken in the manner and scale envisaged, whilst all necessary infrastructure and utility services are available.

On this basis, it is considered that the site is suitable for more intensive development; can satisfy the criteria specified in Clause 25(5)(b) of SEPP Seniors Housing; and is compatible with the surrounding land uses to enable a Site Compatibility Certificate to be issued for the proposed seniors housing development.