

RESPONSE TO CL. 25(5)(B) OF THE SEPP

25(5) The relevant panel must not issue a site compatibility certificate unless the relevant panel:

(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:

(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,

Comment:

From Council's Planning Information Certificate and the LEP mapping layers, it is apparent that the land is not subject to flooding, bushfire, subsidence, geotechnical instability or any known contamination (although a Phase 1 Contamination Assessment will be prepared and submitted with the DA to further investigate and confirm this fact). The land is also not subject to any road widening or identified for acquisition for any purpose under LCLEP.

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 under Schedule 5 of LCLEP. This wall is proposed to be retained along much of the frontage, with a short section at its southern end to be modified to accommodate a pedestrian access out onto Burns Bay Road and an electricity sub-station required to service the development. In this regard, the wall will be rebuilt behind the sub-station and a Heritage Impact Assessment submitted as part of the DA package to address these works as required by Clause 5.10.4 of LCLEP.

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. The removal of these trees will be compensated by the extensive planting of new trees as part of a comprehensive landscaping treatment for the site. The remainder of the property is essentially cleared other than for few isolated exotic trees, as well as smaller and predominantly exotic trees and shrubs planted in courtyards and garden beds of the former retirement village. A large fig does exist on the site to the south, the canopy of which extends over the site of the proposed development. Accordingly, 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. An arborist's report will be submitted with the DA package assessing the health and condition of the tree and identifying the protection measures required to be implemented to ensure it is not impacted both during construction and once the development is operational.

With the exception of a short, steep embankment adjacent to Burns Bay Road that will be contained within the future front setback, the site is essentially level and poses no topographical constraints to the proposed development with respect to slope. Levels of the land are identified on the survey provided as Appendix 6, whilst a slope diagram is also provided as part of the Concept Plans in Appendix 3.

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 zoning plan for the subject site and surrounding area, are provided in the SCC report.

(ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the relevant panel, are likely to be the future uses of that land,

Comment:

As described above, the nature of surrounding land uses is predominantly medium to high density residential development, commensurate with the existing R4 High Density Residential zoning of this land, which forms part of the larger R4-zoned precinct extending to the south-west, south, east and north-east. Future development on land in the vicinity will continue to take the form of high density residential development, as evidenced by recently constructed or approved residential flat buildings of between seven (7) and eight (8) storeys in height including “Emerant Lane” at 284-288 Burns Bay Road, “Delve Apartments” at 290 Burns Bay Road, “Eva” by Hycorp at 2 Waterview Drive and “Bay Pavilions” at 9 Waterview Drive, all just to the south of the subject site. Photos of these developments are provided below and on the following page as Figures 1, 2, 3 and 4.

As such, this proposed development is entirely consistent with both existing and likely future land uses and urban form in this locality.



Figure 1 – Emerant Lane, 284-288 Burns Bay Road (7 storeys)



Figure 2 – “Delve” Apartments, 290 Burns Bay Road (7 storeys)



Figure 3 – “Eva”, 2 Waterview Drive (8 storeys). Approved and pending construction.



Figure 4 – “Bay Pavilions” at 9 Waterview Drive looking south (7 & 8 storeys)



Figure 5 – “Bay Pavilions” at 9 Waterview Drive looking north (7 & 8 storeys)

(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,

Comment:

The site is located within the immediate vicinity of a large range of retail, community and recreational facilities. In this regard, the site is located 400m to the south of the Lane Cove West shopping centre, which includes food and grocery stores Cafes, restaurants, service stations and convenience stores. Furthermore, a large community and recreation hub is located just 150 metres to the south of the site off Waterview Drive, including the Hughes park and Waterview Community Centre which comprises a park, gardens, barbeques, seating and community function centre, as well as playground and café. The large Burns Bay reserve is located just to the west of this community hub, whilst the Carisbrook museum is located a further 290 metres to the south again.

In accordance with the requirements of Clause 26(2) of the 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 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 Road (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 by Jackson Teece in Appendix 3.

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 Clause 26(2).**
- 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 and meet the requirements of Clause 26(2).**
- 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 of Clause 26(2).**

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 this survey 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.

In addition, a village bus provided by Retire Australia will provide on-call, or additional “as needed services” to these nearby nearby retail, recreational, commercial and health facilities or other destinations as required (as per the Letter of Support Services in Appendix 4).

(iv) in the case of applications in relation to land that is zoned open space or special uses – the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development,

Comment:

Not applicable.

(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,

Comment:

As required by Clause 31 of the SEPP (Design of in-fill self-care housing) the concept plans for the proposed development provided in Appendix 3 has addressed the relevant design principles of the document “Seniors Living Policy: Urban Design Guideline for Infill Development”, including responding to context and existing character; site planning and design; streetscape; impact on neighbours and internal site amenity.

In addition, the concept design has addressed each of the additional items identified under Clause 32 of the SEPP (Design of residential development), such as privacy, solar access, accessibility and waste management. The final design will have further regard to each on the principles outlined in Clauses 31 and 32, with full details (inclusive of an architectural report and Urban Design Report based on SEPP 65 principles) to be provided as part of the DA package.

These reports will provide details of the site planning process which has informed the preparation of the plans for the development and demonstrate how the design has had regard for – and subsequently minimised – potential impacts to adjoining properties in terms of solar access and privacy and in turn, how these factors have informed the bulk and scale of the development. Specifically, the draft Urban Design report indicates that the bulk, scale and built form of the proposed development is considered appropriate based on its impacts on neighbours, particularly in terms of solar access and visual privacy, where it is apparent that it does not appear to result in significant adverse impacts on any neighbouring sites. In this regard importantly, the development also meets the requirements of the Apartment Design Guide (ADG) in terms of solar access to both the proposed building and the development to the south (i.e. at least 70% of the apartments in the development to the south continue to receive at least 2hrs of sunlight between 9am and 3pm on the 21st June).

Note: whilst not technically applying to the proposed development, the nine (9) design principles of SEPP 65 and the specific requirements of the ADG have nevertheless formed a framework for the design and subsequent consideration of any development, given it is familiar to developers, architects and Council's planners).

Additionally, the proposed development:

- provides appropriate transition in height from higher density development and lower density development;
- has been well considered in terms of massing and volume, using deep recesses and building separations to reduce its visual bulk and presence in the streetscape; and
- further addresses its streetscape presence with appropriate and comprehensive landscape treatment.

Further to the above, the draft Urban Design Report for the proposal has found that the proposal presents a key opportunity to improve housing choice within the area and to contribute to a liveable and sustainable community that is well connected to the surrounding area, directly responding to State Government's priorities to increase

residential densities, and housing choice in established locations that are close to public transport. To this end, it is considered that the resulting development will:

- help to deliver housing choice for aging and older Australians consistent with the growing need identified in the Greater Sydney Commission's *North District Plan* and Council's *Meeting the Needs of Our Community – Lane Cove Social Plan*;
- provide high quality independent living and care unit style housing with good accessibility to the Figtree local centre and to bus transport connecting to inner northern Sydney and the City;
- manage and maintain solar access to adjoining properties in compliance with the requirements of the ADG;
- maintain good separations from existing adjacent development and from likely future development as per the ADG;
- has a podium and tower form balancing the program needs of the proposed development with the existing character and likely future character of the area;
- provide a high level of amenity for the building occupants;
- provide a high level of sustainability for the building occupants; and
- despite not being applicable, encapsulate the nine design principles embodied in State Environmental Planning Policy 65.

Given the above, the development as proposed by Retire Australia will provide an increased level of housing for older Sydneysiders (particularly those currently residing in the Lane Cove LGA who wish to age in their local community), designed in such a manner that is sympathetic with the bulk, scale and character of the remainder of the Precinct and which won't result in significant adverse effects on the amenity of the surrounding area.

(vi) if the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the Native Vegetation Act 2003 – the impact that the proposed development is likely to have on the conservation and management of native vegetation,

Comment:

The Native Vegetation Act 2003 was repealed on 25th August 2017 and replaced with the Biodiversity Conservation (BC) Act 2016 and Regulation 2017, which were enacted on the same day. The BC legislation replaces the Threatened Species Conservation Act 1995 (TSC Act).

The NSW Biodiversity Map produced for this legislation identifies no areas of biodiversity value or any vegetation that would trigger entry into the Biodiversity Offsets Scheme.

(vii) the impacts identified in any cumulative impact study provided in connection with the application for the certificate.

Comment:

NOT APPLICABLE.

A Cumulative Impact Study is not required as there are no Site Compatibility Certificates issued, nor any pending, on any parcel within a 1 kilometre radius of the subject site (in either the Lane Cove or the Ryde LGAs).