

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

1. SUBJECT SITE

The subject site is located at 40A Cope Street, Lane Cove (Lot 120 DP 613223 and Lot 51 DP 862728) within the Lane Cove Local Government Area (LGA) and is zoned R4 – High Density Residential under *Lane Cove Local Environmental Plan 2009* (LCLEP 2009).

The site is 4,495.6m² in area (1 - Lot 120 is 2,717.5m² and 2 - Lot 51 being 1,778.1m²) and is located on the eastern side of Burns Bay Road with vehicular access via Caroline Chisholm Lane off Cope Street (**Figure 1** and **Figure 2**). The site was previously occupied by the former Caroline Chisholm Retirement Village, which ceased operations in June 2017, and has a shared access driveway to access the westernmost lot (Lot 120). The shared driveway is also used by residential development to the south (**Figure 3**).



Figure 1: 40A Cope Street (Lot 120 DP 613223 and Lot 51 DP 862728).



Figure 2: View from Cope Street towards Caroline Chisolm lane.



Figure 3: Shared laneway, with the subject site to the right.

A site visit was undertaken by Department staff, showing that the site has a fall to the south and west towards an established high-density locality. The site immediately to the south is occupied by a 2-3 storey townhouse development.

The gradient towards the south becomes more noticeable on adjoining sites and is important as it establishes the rationale to transition buildings accordingly (**Figures 4-5**).



Figure 4: Existing low-rise residential units adjoining the site from the south.



Figure 5: Looking south from the mid-section of the subject site, with a steep fall towards higher density residential development.

The site has an item of European heritage – known as Item I158 under LCLEP 2009 – that is a sandstone wall running along the eastern boundary along Burns Bay Road. This sandstone wall continues along Cope Street to the north (**Figure 6**).



Figure 6: The sandstone wall that runs along the western boundary of the site adjacent to Burns Bay Road, which is a heritage item under LCLEP 2009.

The laneway approaching the site from the north, known as Caroline Chisholm Lane, is also utilised by other high-density residential buildings to the east and are up to 4 storeys in height including at-grade car parking facilities (**Figure 7**).



Figure 7: Existing residential flat buildings to the west of the site, also using Caroline Chisholm Lane for vehicular access.

North of the site is the Caroline Chisholm Nursing Home hall, which is a multi-storey development along Cope Street, and also includes 2 storey townhouses as part of the facility (**Figure 8**).



Figure 8: Looking south into the adjacent lot, which is occupied by Caroline Chisolm Nursing Home and low-rise residential development.

2. APPLICANT

Time Shelley Planning on behalf of Retire Australia (Lane Cove) Pty Limited. The Application Form is contained at **Attachment Form**.

3. PROPOSAL

The Site Compatibility Certificate (SCC) would enable the development of an aged care facility comprising 93 seniors housing dwellings over two towers (vertical village) which will be 7-8 storeys in height, in the arrangement of:

- 29 independent living apartments (ILA's) ranging from 1-3 bedrooms;
- 64 assisted care apartments (ACA's);
- Basement car parking;
- Landscaping; and
- On-site community and recreational facilities including:
 - A bar
 - Lounge
 - Café
 - Dining room
 - Gym
 - Library
 - Pool

- Cinema
- Outdoor terrace
- Rooftop terrace and BBQ area
- Lobby and reception area
- Meeting rooms
- General purpose rooms for hairdressers, beauticians and other medical/health professionals.

The proposal's concept plans are illustrated at **Figure 9-11** below with a full set of Architectural Plans at **Attachment A5**.

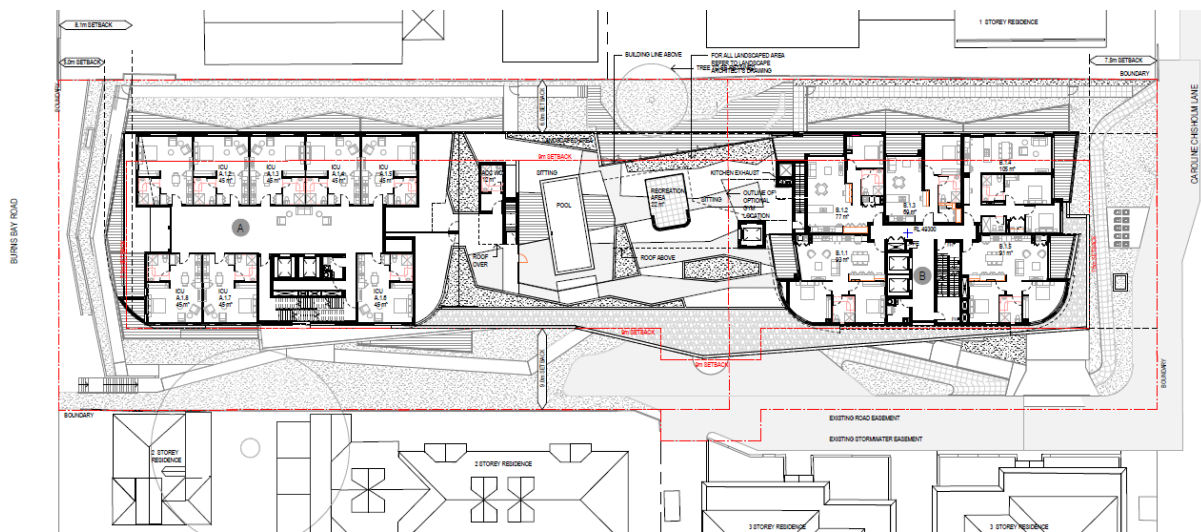


Figure 9: Concept floor plans of the two residential towers, also showing podium level facilities.

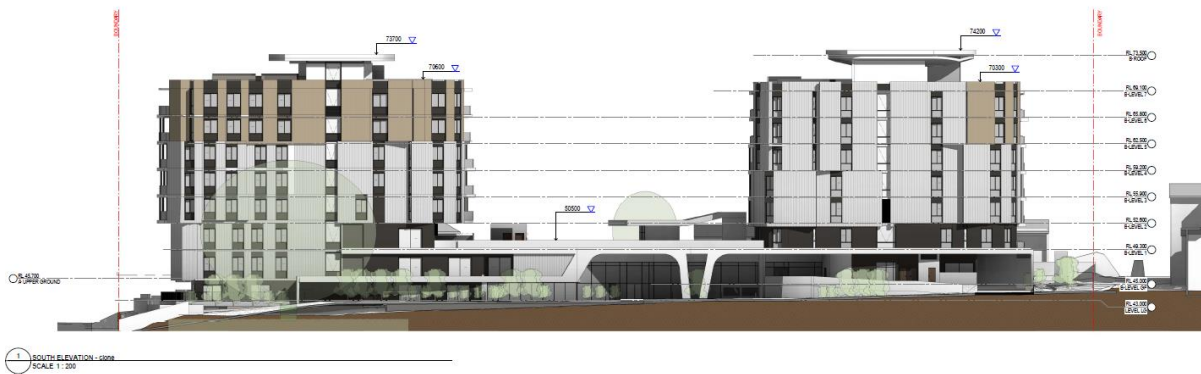


Figure 10: Concept elevations from the south of the site, noting the considerable building separation.

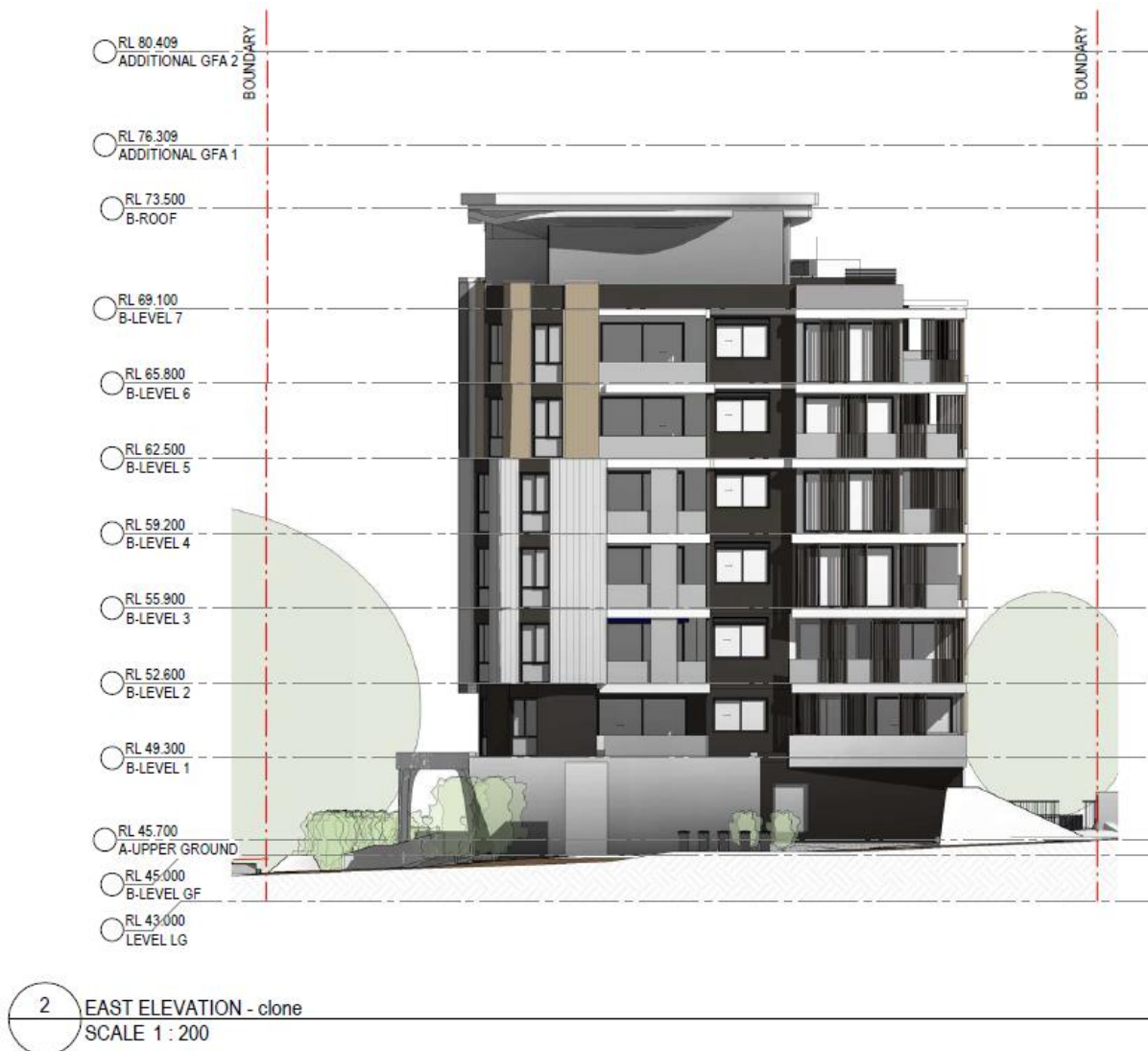


Figure 11: East elevations of the proposed development.

Each apartment will be accessible via lifts and secured internal corridors, and each apartment includes either a ground floor terrace or upper floor balcony.

As part of the application, 10% of dwellings would be provided as affordable dwellings pursuant to clause 45(6)(ii) of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP) (**Attachment A3**).

The proposal is supported by various plans and reports (**Attachments A2-A15 and E1-E3**).

Floor Space Ratio (FSR) bonus for Vertical Villages

Pursuant to clause 45(2) of the Seniors SEPP, a consent authority may consent to a development of seniors housing, in the form of a vertical village, with a bonus of 0.5 added to the gross floor area component of that floor space ratio, provided that the site has a valid SCC. The proposal is looking to utilise this clause, and is the reason for the submission of this SCC. Section 5 of this report has further permissibility provisions regarding the vertical village bonus. Clause 45(2) of the Seniors SEPP is provided below:

(2) Granting of consent with bonus floor space Subject to subclause (6), a consent authority may consent to a development application made pursuant to this Chapter to carry out development on land to which this clause applies for the purpose of seniors housing involving buildings having a density and scale (when expressed as a floor space ratio) that exceeds the floor space ratio (however expressed) permitted under another environmental planning instrument (other than State Environmental Planning Policy No 1—Development Standards) by a bonus of 0.5 added to the gross floor area component of that floor space ratio.

Note.

For example, if the floor space ratio permitted under another environmental planning instrument is 1:1, a consent authority may consent to a development application for the purposes of a building having a density and scale of 1.5:1.

FSR calculation

The Seniors SEPP defines floor space ratio as follows:

floor space ratio in relation to a building, means the ratio of the gross floor area of the building (exclusive of the area of any car port or garage) to the area of the allotment on which the building is or is proposed to be erected.

An ongoing point of contention is the method of bonus floor space ratio calculation that has been undertaken by the Proponent. The Proponent's FSR calculation involves converting the existing FSR controls into a gross floor area (in m²), multiplying the gross floor area by 0.5 (the bonus), and then adding that to the initial GFA above. The proponent's calculation is provided below.

Table 1: Proponents Vertical Village bonus FSR calculation:

Site (Lot/DP)	Area (from survey plan)	FSR (existing)	Allowable GFA
Lot 120 DP 613223	2,717.5m ²	1.7:1	4,619.75m ²
Lot 51 DP 862728	1,778.1m ²	0.8:1	1,422.48m ²
Sub-total			6,042.23m²
Total (inc. bonus FSR) 0.5 x 6,042.23m ² = 3,021.11m ² + 6,042.23			9,063.345m² maximum GFA

Council has disputed this method, and as a result states that the proposed development benefits from an additional floor space of 773.315m². The calculation from Council involves adding 0.5 to the existing FSR controls for each parcel that forms the site and is calculated below.

Table 2: Council's Vertical Village bonus FSR calculation:

Site (Lot/DP)	Area (from survey plan)	FSR (existing) + 0.5.	Allowable GFA
Lot 120 DP 613223	2,717.5m ²	1.7:1+0.5=2.2:1	5,978.5m ²
Lot 51 DP 862728	1,778.1m ²	0.8:1+0.5=1.3:1	2,311.53m ²
Total (inc. bonus FSR)			8,290.03m² maximum GFA

The proponent's method results in an additional maximum gross floor area of **773.315m²**.

Department comment

The Department supports Council in its method of applying the FSR bonus to the site. The 0.5 bonus floor space under clause 45(2) of the Seniors SEPP is added to the gross floor area component of the ratio, which is defined as the first part of the ratio.

As a result, a recommended condition under Schedule 2 of the draft SCC is to use the correct bonus calculation method, and reduce the maximum GFA accordingly.

4. APPLICATION PACKAGE

The following additional supporting documentation was provided with the application:

- Attachment A2 – Clause 25(b)(5) assessment;
- Attachment A3 – Letter of support services;
- Attachment A4 – Survey Plan;
- Attachment A5 – Architectural Plans;
- Attachment A6 and A7 – Certificate of Title;
- Attachment A8 – Massing plan;
- Attachment A9-A12 – Bus routes;
- Attachment A13 and A14 – Deposited Plans;
- Attachment E1-E3 – Urban Design Report

5. PERMISSIBILITY STATEMENT

(i) Clause 4(1) – Application of the Seniors SEPP

The subject site is on land zoned R4 – High Density Residential under the LCLEP 2009. Seniors housing is prohibited in the R4 zone of the LCLEP which is why the proposed development relies on the Seniors SEPP for permissibility.

Land zoned R4 under the LCLEP is considered to be land zoned primarily for urban purposes in the context of clause 4(1) of the Seniors SEPP. Development for the

purposes of residential flat buildings is permissible with development consent in the R4 zone, satisfying Clause 4(1)(ii) of the Seniors Housing SEPP. An extract of the land use table for the R4 zone is provided below:

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 other development not specified in item 2 or 3***

It is noted that under the Seniors SEPP, a development application for the purposes of seniors housing on the site can be lodged and the current SCC application is solely related to the floor space bonus for vertical villages that the proponent seeks to utilise.

(ii) Clause 45 and clause 24 – Requirement for a SCC

As stated in Section 3 of this report, under clause 45(2) of the Seniors SEPP an applicant can obtain a floor space bonus for vertical villages, being a bonus FSR of 0.5:1, as part of the development. The applicant seeks to utilise this FSR bonus.

However, pursuant to clause 24 of the Seniors SEPP, in order for a consent authority to grant consent to a development that involves buildings having a floor space ratio that would require the consent authority to grant consent under Clause 45, a SCC is required to be issued. The relevant provision of clause 24 is provided below, and is the reason for this request for a SCC:

24 Site compatibility certificates required for certain development applications

(1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) if—

...

(b) the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45.

...

(iii) Previously issued site compatibility certificates on the land

There are no previously issued site compatibility certificates for the site.

6. ADDITIONAL SCC CONSIDERATIONS UNDER SENIORS HOUSING SEPP

(i) **Clauses 24(2) and 25(5) – Panel considerations**

The panel must not issue a certificate unless the panel:

- (a) has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the general manager of the council within 21 days after the application for the certificate was made;
- (b) is of the opinion that:
 - (i) the site of the proposed development is suitable for more intensive development; and
 - (ii) the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b).

(ii) **Proximity of site to Current SCC's or SCC's under assessment**

Clause 25(2)(c) of the Seniors SEPP provides that the applicant is required to provide a cumulative impact study with their application if the land (or any part of the land) is located within a one kilometre radius of 2 or more other parcels of land over which:

- (a) There is a current SCC, or
- (b) An application for a SCC has been made but not yet determined.

As there are no other SCC's that are current or lodged and yet to be issued, the Department recommends that no cumulative impact statement is required for this application.

However, under clause 25(2D) of the Seniors SEPP, the relevant panel may require an applicant to provide a cumulative impact study even if it has not been provided with the application. The relevant panel must consider that it is necessary for a cumulative impact study to be provided to determine whether the land concerned is suitable for more intensive development.

7. COUNCIL COMMENTS

Council provided comments on 5 July 2019 (**Attachment B**) outlining a number of concerns regarding the development, objecting to the proposed built form. Council noted that a conditional issuing of a SCC that addresses its concerns is satisfactory, as the development application process would require further assessment.

Many of the concerns raised by Council relate to built form, access, height, bulk and scale and the design's impact on neighbourhood amenity and character. Council's comments are summarised and responded to below.

Table 3: Council comments and Department response:

Issue	Council comments and DPIE response
1. Building height	Council disputes the Applicant's statements that there is no height limit under the Seniors SEPP in zones where RFB's are permissible. Council advocates for a reduction in height to reflect that of the LCLEP 2009 (which is 18m and

Issue	Council comments and DPIE response
	<p>12 metres across the site from west to east), as this will also assist with transitioning to lower buildings to the south.</p> <p><u>Department response</u></p> <p>The proposed development is to be assessed under the Seniors SEPP, with consideration of local controls. However, as part of the SCC assessment process, if the height poses significant impacts on adjoining properties due to overshadowing, character and its presentation to the street due consideration should be given to reducing the height.</p> <p>The Department has undertaken a site visit to analyse the surrounding area, and generally supports Council in its consideration of a reduction in height.</p> <p>The consent authority of any development application is best placed to determine finished RL's and the final height of buildings through a development application.</p>
<p>2. Bulk and scale</p>	<p>Council highlights the need for the Applicant to provide a report that assesses the bulk and scale against the 9 principles of <i>SEPP No. 65 – Design Quality of Residential Apartment Development</i>.</p> <p><u>Department Response</u></p> <p>Noted. An assessment of the bulk and scale, in its current form, is in Section 9 below, and recommends reductions in height and gross floor area to address bulk and scale issues.</p> <p>This recommendation is through a Schedule 2 requirement of the draft SCC.</p>
<p>3. Bonus FSR</p>	<p>Council draws attention to the method of the floor space ratio bonus that has been applied in the draft report and subsequent architectural plans. The inconsistent method is assessed earlier in this report. Council has stated that the inconsistency has resulted in an extra 773.315m² of floor space for the development.</p> <p><u>Department Response</u></p> <p>The Department supports the method used by Council in distributing the bonus FSR across the development and the two parcels that form the site. A recommendation under Schedule 2 of the draft SCC is to reduce the gross floor area.</p>
<p>4. Solar access</p>	<p>Council recognises that there will be overshadowing on the adjoining southern site, as well as some units receiving limited solar access throughout the day. However, Council requests a further analysis of overshadowing to demonstrate compliance with the Apartment Design Guide for proposed lots.</p> <p><u>Department Response</u></p> <p>The design of the building is likely to change given recommended requirements and the more detailed design work that comes through the development assessment process, noting the constraints of providing a high degree of solar access to adjoining sites.</p>
<p>5. Streetscape and character</p>	<p>Council has concerns regarding the proposed architectural plans in terms of the inconsistency with the current streetscape to the immediate north and south along Burns Bay Road.</p> <p><u>Department response</u></p> <p>Analysis of the site and surrounding sites is given in Section 8 and Section 9 of this report. A recommendation given is to reduce the height and floor</p>

Issue	Council comments and DPIE response
	space to respond and adapt to the existing character and streetscape and better consider local height controls.
6. Heritage	<p>The proposed development will involve the partial removal of the heritage wall that lines the western boundary to Burns Bay Road, with the removed portion of the wall being relocated behind the sub-station. No objection has been given to this aspect of the proposal, however Council has requested that the SCC, if issued, be conditioned with a requirement to submit a Heritage Impact Assessment with the development application.</p> <p><u>Department response</u></p> <p>The Department has identified that the impacts on the partial removal and reconstruction of the wall remain unclear. A heritage impact assessment will be required to support the submission of a development application.</p>
7. Vegetation removal	<p>Council has noted the significant trees along the site boundary and neighbouring properties and has requested more information on the extent of tree removal and/or methods of protection.</p> <p><u>Department Response</u></p> <p>The Department notes the limited information provided in the submitted SCC report regarding vegetation removal, however it is acknowledged that the report proposes the removal of brush box trees along Burns Bay Road, replaced by landscaping treatment. The report also acknowledges that an arborist report will be submitted with the development application, should a SCC be issued.</p> <p>The arborist report is required to address trees on surrounding land that may be impacted by the development and mitigate those issues to the satisfaction of the consent authority.</p>
8. Traffic and vehicular access to and from the site.	<p>Council notes that there are unresolved issues surrounding traffic access along Caroline Chisolm Lane. Attention has been drawn to the proposal's suggestion of a minimum 5.5m wide dual carriageway to enable access to the site, formalised by a right of carriageway.</p> <p><u>Department Response</u></p> <p>Vehicular access is proposed to be as existing, however density is proposed to be increased significantly. The Department notes that there are unresolved issues, however the site is zoned for similar density residential uses (residential flat buildings), and the issue can be more appropriately addressed as part of a future development application for the site. A recommended requirement in Schedule 2 of the draft SCC is to detail the safe movement of vehicles in and out of the site via Caroline Chisolm Lane.</p>

8. SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The panel must not issue a certificate unless the panel is of the opinion that the site of the proposed development is suitable for more intensive development (clause 24(2)(a)).

- (i) **The site of the proposed development is suitable for more intensive development (clause 24(2)(a))**

Right-of-way and access

Vehicular entry to the site is via Caroline Chisolm Lane from the North along Cope Street. This private laneway is approximately 4.75m wide and widens to 5.5m approaching the site. The entry point is proposed to be retained on the south-eastern

portion of the site, and through site access is via an existing shared access zone with the residential development to the south (**Figures 11-15**).

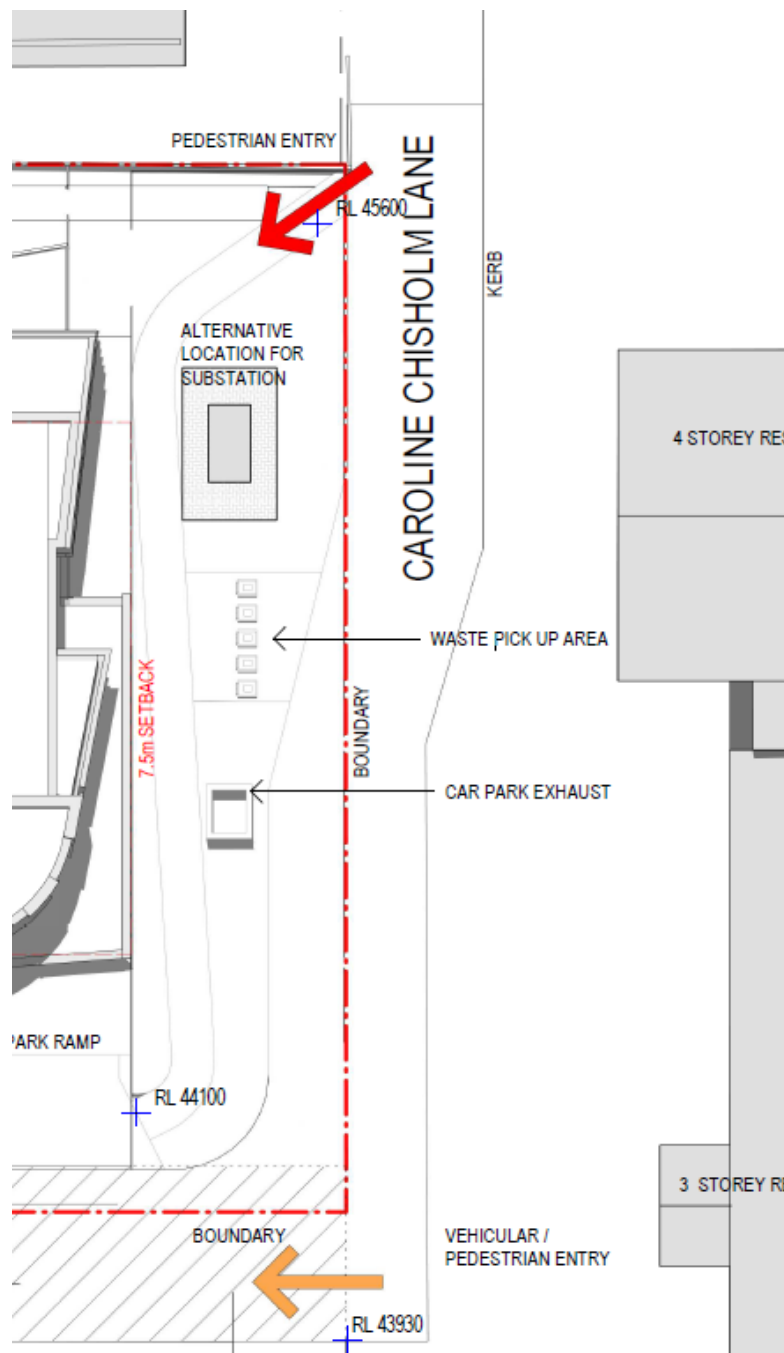


Figure 12: Proposed access to the development, utilising existing methods.



Figure 13: Caroline Chisolm Lane approaching the shared accessway.



Figure 14: Looking west along the shared accessway.



Figure 15: Subject site and existing access.

Department Comment

The site is constrained in terms of vehicular entry; however, the Department notes that development for residential flat buildings is permitted and would deliver similar issues regarding the use of Caroline Chisolm Lane and the shared accessway.

Considering the existing land use zone, and the current uses that are permissible with development consent, is it appropriate to resolve vehicular access and circulation issues as part of any development application for the site, to the satisfaction of the consent authority. Particular attention should be given to the safe two-way movement of traffic along Caroline Chisolm Drive through appropriate carriageway widths. This is a requirement in Schedule 2 of the draft SCC.

Transition

A survey of the land has been submitted by the Proponent (**Attachment A4**) that demonstrates a fall from the north of the site to the south-west. This slope becomes more noticeable moving south beyond the site to neighbouring properties as shown by **Figures 16** and **17** below.



Figure 16: Looking south along the shared access way towards existing developments, showing the steep fall in the adjoining land.



Figure 17: Looking south at the existing low-rise development.

Land further south has similar prescribed height of building provisions under LCLEP 2009, which can assist with a transition of development of land approaching the site, as each development moving 'up' the slope should have building heights mimicking the natural incline of the land, so as not to impose on land and development to the south.

Given the topography of the land, and land to the south, development on the site should have consideration of this and transition the built form accordingly. This will

reduce the impact on the residential units as shown in **Figure 16** and **Figure 17** above.

The site is considered suitable for more intensive development; however 7-8 storey buildings are significantly larger than the immediate surrounding development. Analysis of this issue is contained in Section 9 of this report.

Heritage

As explained in Section 1 of this report the site contains a heritage item, being Item I158 under Schedule 5 of LCLEP 2009. The item is a sandstone wall that runs along the entirety of the site's Burns Bay Road boundary (**Figure 6**).

From the submitted architectural plans, a portion of the wall (approximately 4.7m) is to be removed and rebuilt in the front setback of the site. The wall would be set back approximately 2.85m (**Figure 18**).

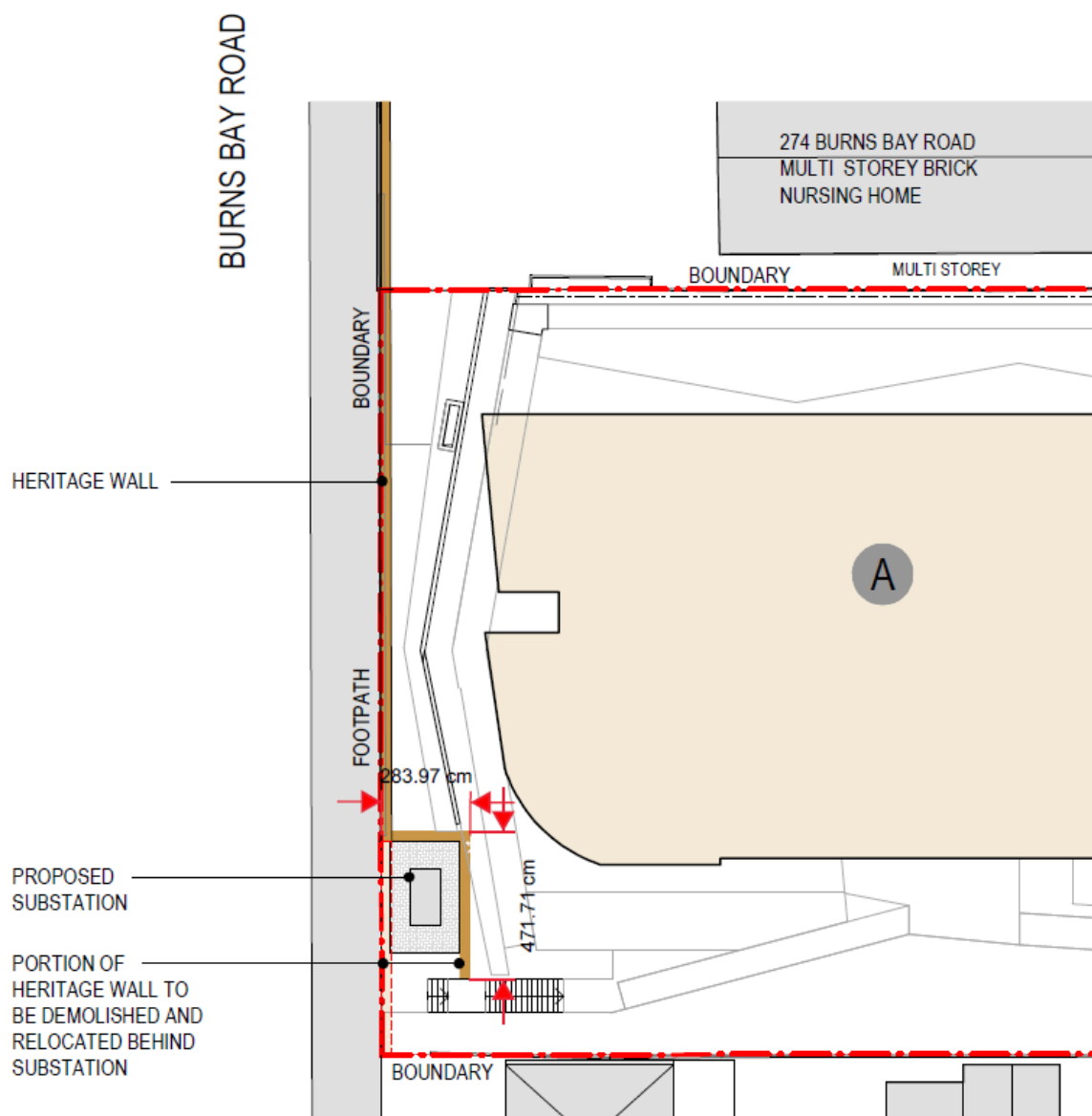


Figure 18: Proposed plans identifying the partial removal of the existing sandstone heritage wall along Burns Bay Road.

Department Comment

No Heritage Impact Assessment has been submitted as part of this SCC, with the impact of the partial removal of the wall remaining unclear, noting that Council has not objected to the partial removal as part of its comments under Clause 25(5)(a) of the Seniors SEPP.

Any subsequent development application, if an SCC was to be issued, would address this issue through a suitably qualified professional and to the satisfaction of the consent authority.

9. COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND LAND USES

The panel must not issue a certificate unless the panel is of the opinion that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the following criteria (clause 25(5)(b)) and clause 24(2)(b)):

I. The natural environment (including known significant environmental values, resources or hazards) and the existing and approved uses of land in the vicinity of the proposed development (clause 25(5)(b)(i))

Existing and approved uses of land in the vicinity

As identified in the Proponent's Urban Design Report (**Attachment E3**), lots adjoining the site are developed for the purposes of residential flat buildings, bounded by the 2-storey Caroline Chisolm Aged Care Facility to the north, a three-storey residential flat building with at-grade car parking to the east and a 2-3 storey townhouse development to the south. West of the site is Burns Bay road separating low density residential dwellings further west.

The proposal is for 2 residential towers being 7-8 storeys high, ranging from 24.7m to 26.4m in height, which is well above any existing neighbouring building as evidenced by **Figures 20-22** below. The area has a range of recent higher density residential developments that are similar in height, characterised by **Figure 23-26 below**, however more intense development is contained further south of the site.

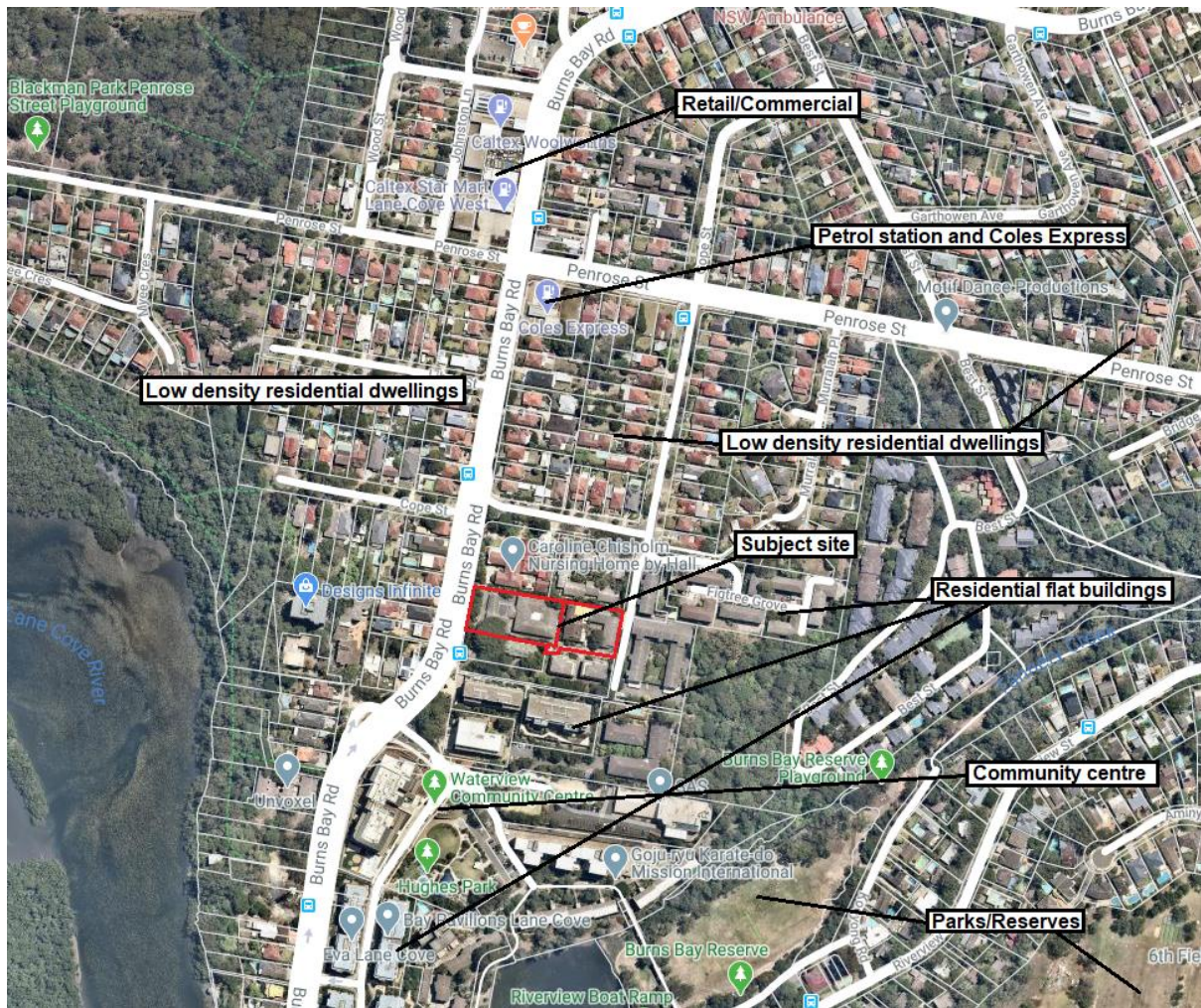


Figure 19: Existing uses within the locality of the subject site.



Figure 20: Adjoining developments to the south.



Figure 21: Adjoining townhouses to the south, with access off Burns Bay Road.

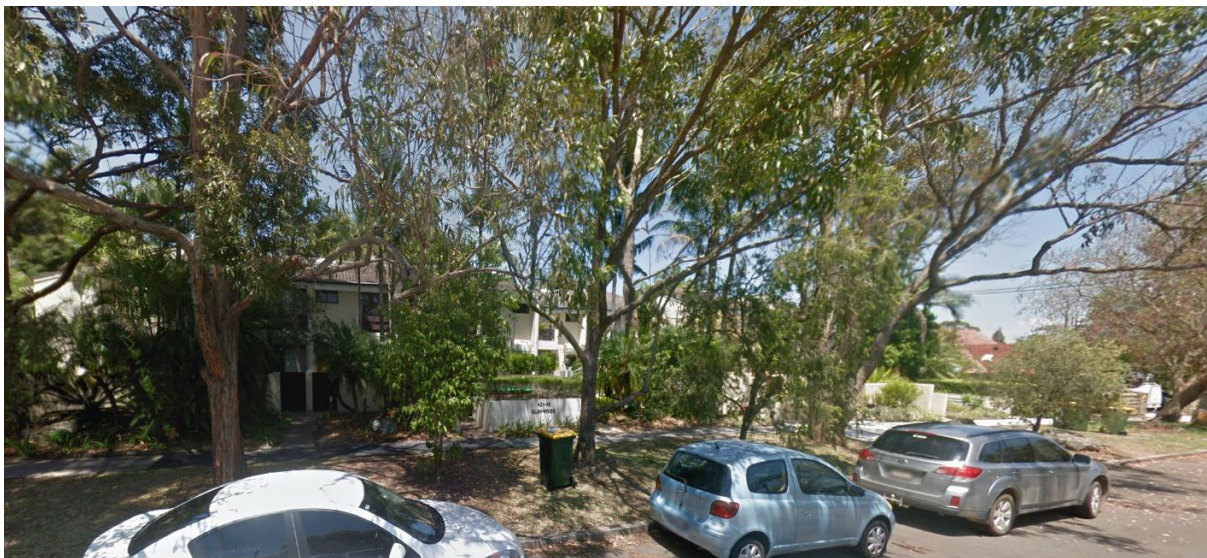


Figure 22: Adjoining lot to the north.



Figure 23: Recent development to the south at 288 Burns Bay Road.



Figure 24: Looking south towards multiple residential flat buildings along Waterview Drive.



Figure 25: Recently developed residential flat building at the roundabout of Waterview Drive approaching Burns Bay Road.



Figure 26: Recent development at 9 Waterview Drive looking south.

Full details of developments in vicinity of the subject site can be found at **Attachment E3**.

The proposal is generally consistent with the wider surrounding high-density residential uses, and has a reduced impact on low density residential areas as they are separated by Burns Bay Road.

The challenge for the development is the bulk and scale that is proposed is inconsistent and significantly larger than adjoining low-rise residential flat buildings. Land immediately adjoining the site is between 2-3 storeys.

In an attempt to reduce overshadowing and amenity impacts, the Proposal has two residential towers that have considerable building separation at the podium level to allow sunlight to flow through the site to units to the south, as shown in **Figure 27** below.



Figure 27: 3D perspective of the proposal, showing the interface between the proposal and existing low-rise residential units to the south.

The department acknowledges that overshadowing to the south is likely with any development on the site, and the proposed design addresses this issue to an extent. Given the reduction in the maximum gross floor area that can be achieved, observation of the existing height provisions would further reduce the overbearing nature of the building on existing dwellings.

II. The impact that the proposed development is likely to have on the uses that, in the opinion of the panel, are likely to be the future uses of that land (clause 25(5)(b)(ii))

The surrounding land zoning is predominantly R4 – High Density Residential under LCLEP 2009, with land opposite along Burns Bay Road being R2 – Low Density Residential (**Figure 28** below). There are two separate height of building controls that straddle the site, with 18m for the western parcel that forms the site, and 12m for the eastern parcel (**Figure 29** below).

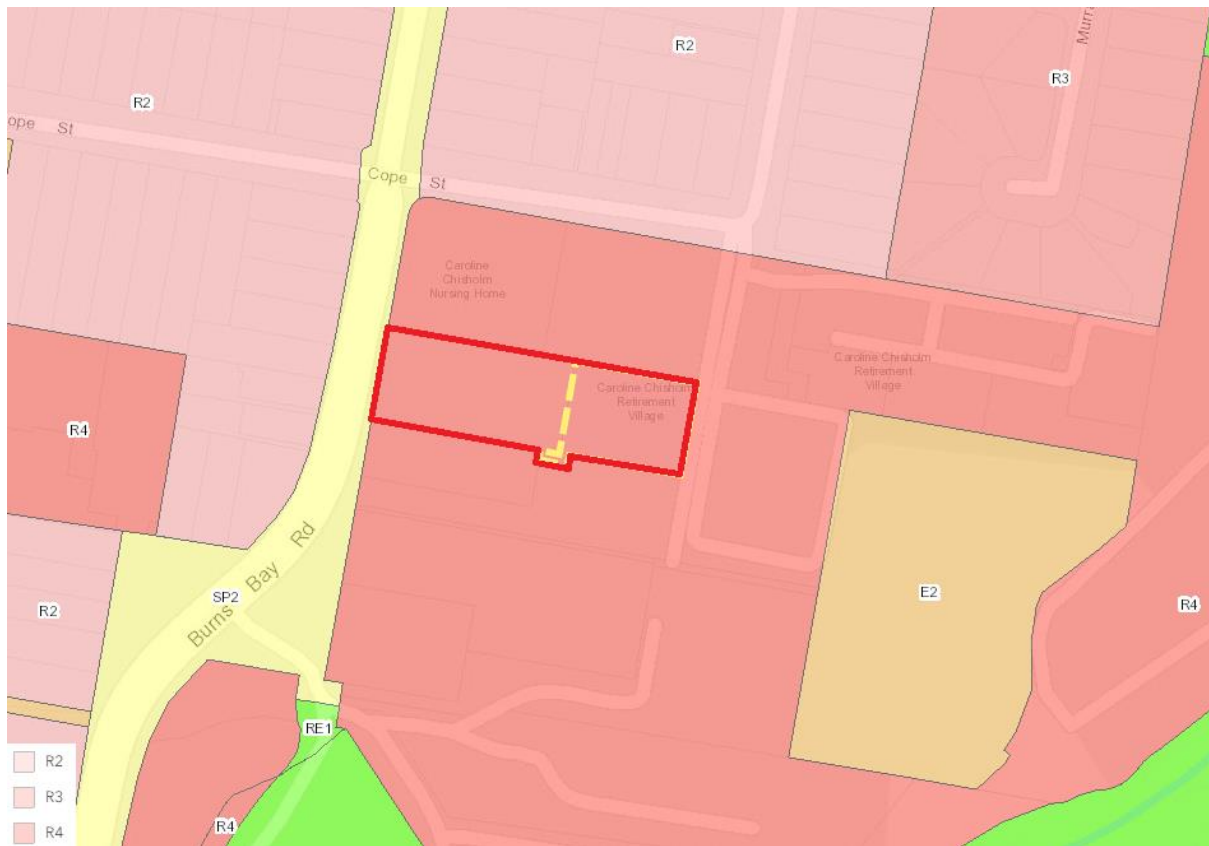


Figure 28: Land zoning of the locality under LCLEP 2009 (R4 - High Density Residential)

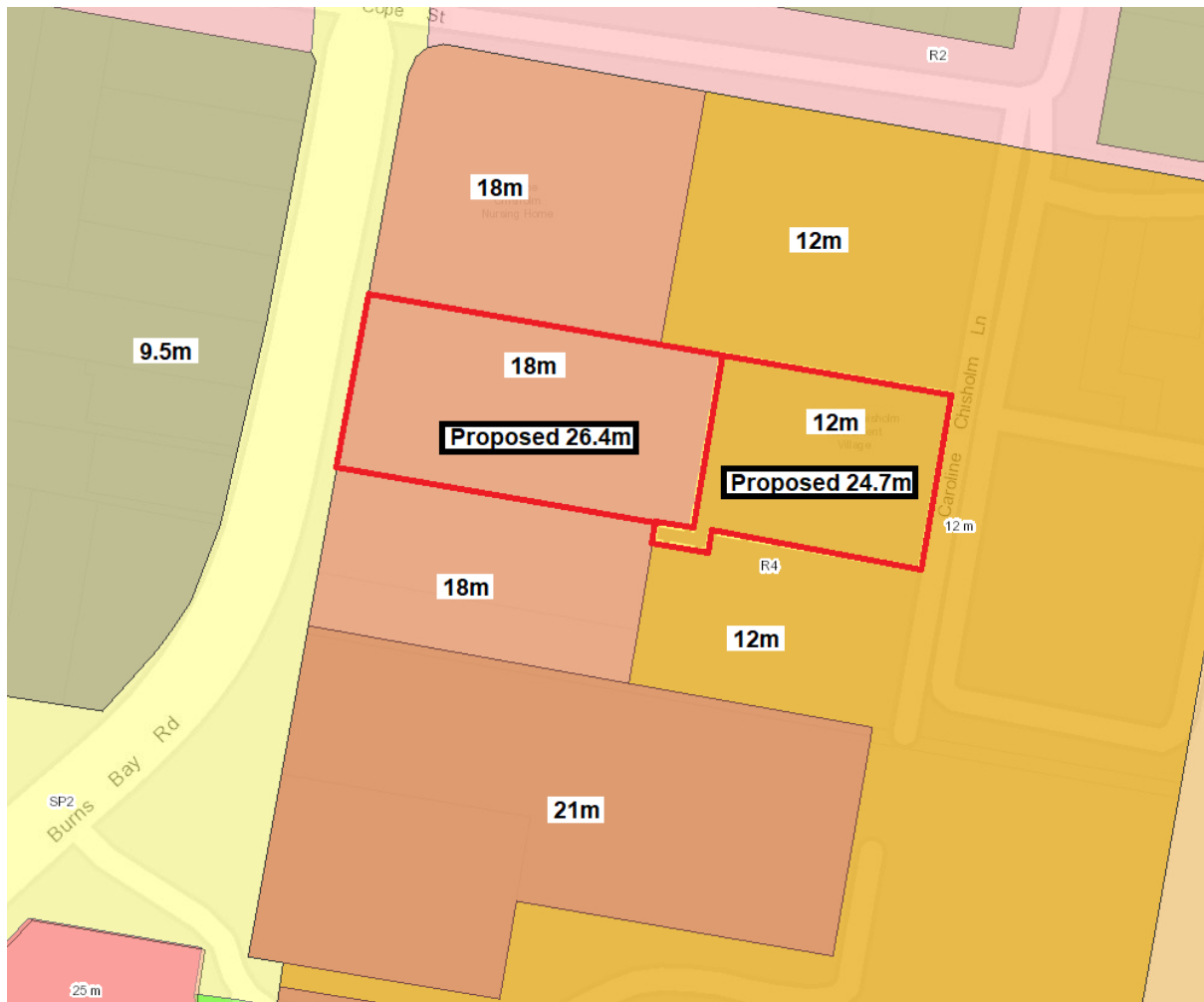


Figure 29: Existing height controls under LCLEP 2009 (Part 18m and part 12m), noting the height proposed under this SCC.



Figure 30: A 100m walk south along Burn's Bay road to a high-rise residential precinct and community facilities/public parks.

Department comment

The Department is satisfied that the proposal will have a negligible impact on the uses of land in the vicinity of the site, as this land is predominantly residential in nature. However, the proposal is significantly denser than the immediate surrounding residential uses which will impact the ongoing amenity.

Specifically, the development should have further consideration of lots to the south that will be the worst affected by the loss of sunlight to balconies and habitable rooms. **Figure 31** below shows the interface between the existing townhouse to the south of the site, with the proposal having 8 storeys adjacent. **Figure 32** below, shows the existing townhouses to the south that have access via Burns Bay Road



Figure 31: Interface of the subject site to existing low-rise residential development.



Figure 32: Existing townhouse development to the south.

As explained earlier in this report, a reduction in the maximum gross floor area is recommended which is likely to reduce the impact on residential dwellings to the south. A reduction in height will further reduce the impacts on existing lower-scale development, with the Department noting the challenges associated with any intensification of land adjacent to lower-scale development.

A reduction in height is appropriately explored through a future development application for the site, and should also consider the existing height of building controls under LCLEP 2009.

For example, the eastern parcel of the site is surrounded by a maximum building height control of 12m to the north, east and south. Any development on this lot should look at similar heights, then transitioning west to the 18m height limit that exists for the western lot along Burns Bay Road.

The proponent has submitted a massing plan (**Attachment A8**), that illustrates potential development surrounding the site given the existing building envelope controls that exist under LCLEP 2009 and the Seniors SEPP. The massing plan generally shows that the subject site will be visibly taller than the adjoining sites to the north east and south, particularly on the eastern lot that forms part of the subject site (**Figure 33**).

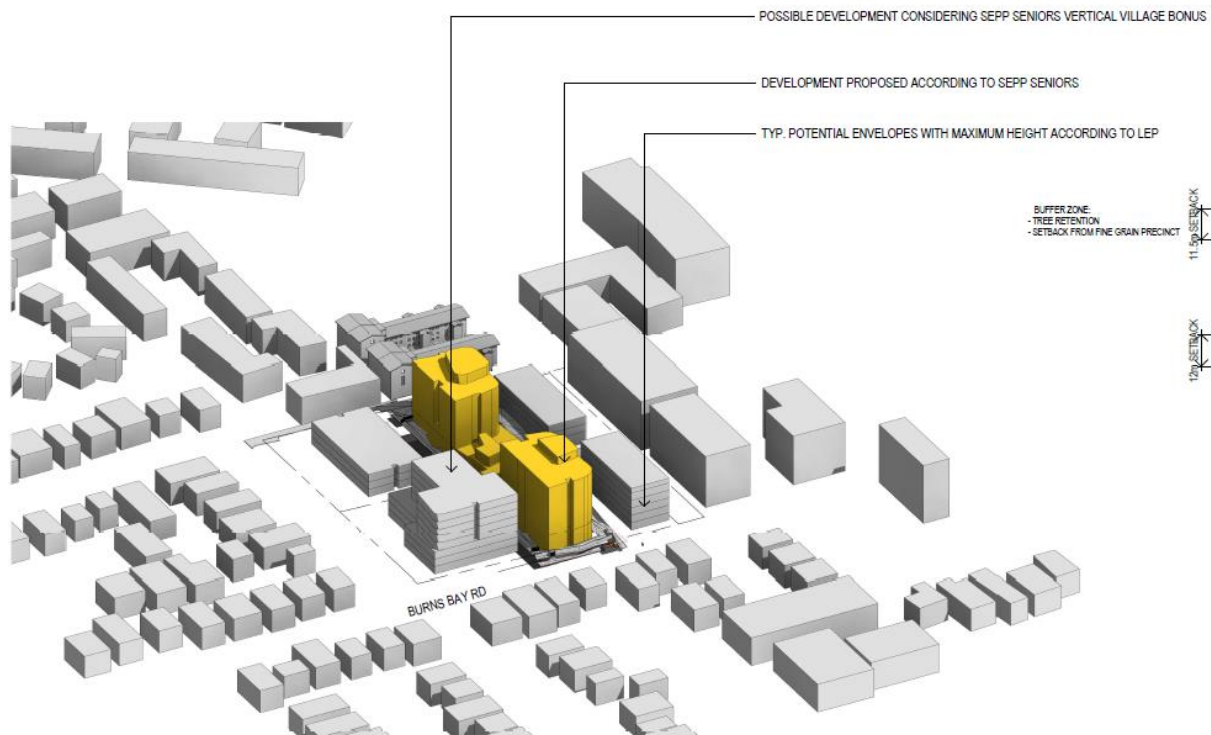


Figure 33: General building envelopes for likely development given the existing height and FSR controls for the locality.

In addition to the massing plan, the proponent has provided a solar impact diagram to illustrate the impact on solar access to neighbouring units (**Attachment E2**), with the considerable building separation improving the outcome for some units at 278 Burns Bay Road, and resulting in 71.4% of dwellings receiving 2 hours of sunlight. The proponent has stated that full details will be provided as part of a development application.

A recommended requirement of the draft SCC is to reduce the height of the development, to consider the existing height limits that apply under LCLEP 2009 and further analyse how this affects solar access.

Traffic

No traffic study has been submitted to support the SCC submission. However, the existing zoning and related land uses are likely to result in a similar use of the site and generate similar traffic impacts on neighbouring residential and commercial uses. A traffic impact assessment is required be submitted in support of a future development application for the site, to the satisfaction of the consent authority.

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 (clause 25(5)(b)(iii))

The subject site is located within a predominantly residential area, however is in the vicinity of various retail, commercial and community facilities.

Lane Cove West shopping area is located 400m north of the site, however this predominantly consists of service stations and smaller associated retail premises.

Approximately 200m south of the subject site is the Waterview Community Centre and small public park, with a small walk to Burns Bay Reserve approaching the Lane Cove River and boat ramp.

Future residents of the site will likely use the various bus services that operate in within a short walk of the site, with bus stops along Burns Bay Road and Cope Street that would take patrons to major shopping centres and other essential retail as required under the Seniors SEPP.

To assist the future patrons of the site with accessing these bus stops, as discussed under Section 8, the development proposes to remove part of the existing heritage wall facing Burns Bay Road. A comparison between the walking distances achieved with and without the removal of this wall has been provided within **Figures 35 and 36**.

Bus routes can be seen at **Attachments A9-A12**, and show routes that stop at Lane Cove Post Office, various railway stations including Chatswood Station for access to Chatswood Westfield, and Sydney CBD at Wynyard Station. A letter of support services details that an on-site bus will be provided for residents to travel to nearby services including retail, recreational, commercial and health facilities (**Attachment A3**).



Figure 34: Bus stop locations surrounding the site without the removal of the heritage wall.



Figure 35: Bus stop locations surrounding the site with the proposed removal of the heritage listed wall.



Figure 356: Bus stop along Cope Street.

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 (clause 25(5)(b)(iv))

The site is not zoned for open space or special uses.

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 (clause 25(5)(b)(v))

The bulk and scale of the development has been discussed earlier in this report, and recommends a reduction in the height of the building to better integrate with the existing and likely future developments surrounding the site. The critical issue is that the proposed development has a significant impact on the existing townhouse and low-rise residential dwellings to the south, given re-development of that site is not anticipated in the near future.

Current height controls under LCLEP 2009 would allow for similar developments to the one proposed, so a careful consideration of current and desired future character is required.

The correction of how the Vertical Village Bonus FSR is calculated will also result in an amendment to the built form and height. An additional requirement of the draft SCC is to consider local height controls and distribute the bulk to the western lot along Burns Bay Road.

Floor space

A breakdown of the proposals floor space is shown in the table below:

Table 4: Proposed gross floor area breakdown by level.

Floor	GFA
Level 1	1,060m ²
Level 2	1,032 m ²
Level 3	981m ²
Level 4	985m ²
Level 5	989m ²
Level 6	989m ²
Level 7	324m ²
Upper Ground	714m ²
Basement 1	446m ²
Ground	1,542m ²
Total:	9,068m²

The draft SCC recommends that the proponent is required to amend how the vertical village bonus is applied to the existing FSR that applies to each parcel that forms the site. This will result in a reduction in the GFA of approximately 774m² and could reduce the entire development by a single storey across the site.

A further reduction of the height is required to address the inconsistent character of the development, with the intent to more closely observe the existing height of building controls under LCLEP 2009, including distributing the bulk of the development towards Burns Bay Road.

- 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 (clause 25(5)(b)(vi))**

The *Native Vegetation Act 2003* was repealed on 24 August 2017.

- VII. The impacts identified in any cumulative impact study provided in connection with the application for the certificate (clause 25(5)(b)(vii))**

No cumulative impact study has been provided with this application. Reasons for this are contained in Section 6 of this report.

RECOMMENDATION

The requirement of a valid SCC for the proposal rests solely on the floor space bonus that the applicant is utilising as part of a future development for Seniors Housing on the site.

That is to say, the site does not require an SCC to develop the site for the purposes of seniors housing itself. It is generally accepted that the site is suitable for more intensive development as proposed. However, the added floor space bonus has

been incorrectly calculated, and has also resulted in compounding issues regarding height, bulk and scale, overshadowing and character.

The Department recommends issuing a certificate with requirements that aim to address the concerns identified throughout the report, including the following requirements imposed on determination:

1. To achieve a more reasonable height transition to the surrounding area any future development application is to consider the following:
 - a. the heights prescribed under LCLEP 2009 being 6 storeys (18m) across Lot 120, and 4 storeys (12m) across Lot 51; and
 - b. the bulk and scale are to be concentrated towards the westernmost lot (Lot 120) approaching Burns Bay Road.
2. The vertical village floor space ratio bonus calculation method is incorrect in the proponent's SCC report, and is to be amended to be in line with 0.5:1 added to the existing FSR that applies to each parcel that forms the site, noting that the maximum gross floor area may not be able to be achieved;
3. Vehicular access to the site should be resolved to the satisfaction of Council engineers, including the appropriate laneway width for safe vehicular movement along Caroline Chisolm Lane approaching the site;
4. Notwithstanding the above conditions; the final number of dwellings is to be determined taking into account Council's Development Control Plan and other formal policies surrounding landscaping, solar access, setbacks, open space, including the considerations of these issues under SEPP 65 and the Apartment Design Guide;
5. The consent authority is to be satisfied that the development will operate in accordance with Clause 45(6) of the Seniors Housing SEPP.

These matters are to be determined through the assessment of the development application under section 4.15 of the *Environmental Planning and Assessment Act 1979*.

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ATTACHMENTS

Attachment	Title
Report	SCC assessment report
SCC	Draft SCC
Form	Application Form
A1	SCC Application Report
A2-A19	SCC Application Package
B	Council Comments
C	Notification to Panel and Proponent
D	Site location
E1-E3	Proponent Draft Urban Design Report

F	Department Meeting with Proponent
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