

SITE COMPATIBILITY CERTIFICATE

RECORD OF DECISION

SYDNEY NORTH PLANNING PANEL

DATE OF DECISION	7 October 2020
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Deborah Sutherland, Eugene Sarich
APOLOGIES	None
DECLARATIONS OF INTEREST	None

SITE COMPATIBILITY CERTIFICATE APPLICATION

2019SNH036 – Lane Cove – SCC_2019_LANEC_001_00 at 40A Cope Street Lane Cove (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

By circulation of papers the Panel considered: the material listed at item 5 of Schedule 1 and the matters raised and/or observed at briefings and site inspections listed at item 6 in Schedule 1.

Based on this information, the Panel determined:

- ☒ to issue a site compatibility certificate subject to satisfaction of certain requirements (as listed below), because the application has demonstrated that the site is suitable for more intensive development and it is compatible with the surrounding environment.
- ☐ to refuse to issue a site compatibility certificate, because the application:
 - ☐ has not demonstrated that the site is suitable for more intensive development
 - ☐ has not demonstrated the proposed development is compatible with the surrounding environment and land uses having regard to (at least) the criteria specified in clause 25(5)(b) of SEPP (Housing for Seniors or People with a Disability) 2004.

The Panel authorises the Chair to issue the Site Compatibility Certificate and notify the applicant, Council and the Department of Planning and Environment of the Panel's decision.

The decision was unanimous.

REASONS FOR THE DECISION

The requirement for a valid Site Compatibility Certificate (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. The site itself does not require a SCC for the purposes of seniors housing and the Panel concurs with the Department's assessment that the site is suitable for more intensive development as proposed.

However, the added floor space bonus was incorrectly calculated by the Proponent and has resulted in compounding issues regarding height, bulk and scale, overshadowing and character. The Panel agrees



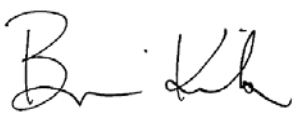


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with the Department's recommendation that a SCC be issued subject to the below requirements being included.

REQUIREMENTS TO BE IMPOSED ON DETERMINATION

1. To achieve a more reasonable height transition to the surrounding area any future development application is to demonstrate compatibility with the following:
 - a. The contextual fit and integration of the built form with the existing and planned development adjacent and in close proximity to the site, including any potential amenity impacts on adjacent dwellings;
 - b. The heights prescribed under LCLEP 2009 being 6 storeys (18m) across Lot 120, and 4 storeys (12m) across Lot 51; and
 - c. 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 is unlikely to be achieved;
3. Resolution of vehicular access to the site to the satisfaction of Council engineers, including the appropriate laneway width for safe two-way 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 Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP), Council's Development Control Plan and other formal policies regarding dwelling mix, affordable housing, landscaping, solar access, setbacks, open space, heritage, 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.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Eugene Sarich
 Deborah Sutherland	

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SCHEDULE 1		
1	PANEL REF – LGA – DEPT REF.	2019SNH036 – Lane Cove – SCC_2019_LANEC_001_00
2	SITE DESCRIPTION	40A Cope Street Lane Cove
3	DEVELOPMENT DESCRIPTION	The site is 4,495.6m ² in area (1 - Lot 120 is 2,717.5m ² and 2 - Lot 51 being 1,778.1m ²) and is located on the eastern side of Burns Bay Road with vehicular access via Caroline Chisolm Lane off Cope Street. 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.
4	APPLICATION MADE BY	Retire Australia (Lane Cove) Pty Ltd
5	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Site compatibility certificate application documentation • Assessment report from Department of Planning and Environment <ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>
6	BRIEFINGS, SITE INSPECTIONS & CIRCULATION OF PAPERS BY THE PANEL	<ul style="list-style-type: none"> • Briefing with Department of Planning, Industry and Environment: 7 October 2020 <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam (Chair), Brian Kirk, Julie Savet Ward, Deborah Sutherland, Eugene Sarich ○ Department of Planning, Industry and Environment staff in attendance: Nick Armstrong, Michael Cviden • Papers were circulated electronically: 23 September 2020