

**COUNCIL SUPPLEMENTARY REPORT**

<b>Panel Reference</b>	2017SNH069
<b>DA Number</b>	117/2017
<b>LGA</b>	Lane Cove Council
<b>Proposed Development</b>	Construction of a seniors housing development comprising 70-bed residential aged care facility, 82 independent living units/self-contained dwellings, with basement car parking for 122 vehicles, new public park and facilities and landscaped through-site link.
<b>Street Address</b>	266 Longueville Road Lane Cove
<b>Applicant/Owner</b>	Australian Unity Limited / Lane Cove Council
<b>Date of DA lodgement</b>	DA lodged: 10 August 2017 Amended plans & information submitted: 23 April 2019) New Site Compatibility Certificate issued: 10 June 2021
<b>Number of Submissions</b>	Original DA: 186 (first notification) 97 (second notification)  Amended Application notified 1 May – 3 June 2019: 182 submissions and a petition with 17 names.
<b>Recommendation</b>	Approval, subject to conditions
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	Total Cost of the Development is \$81,345,000.00  The land is also owned by Lane Cove Council and is under contract for lease to Australian Unity Limited
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX)</li> <li>• State Environmental Planning Policy – Infrastructure 2011</li> <li>• State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</li> <li>• State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</li> <li>• Lane Cove Local Environmental Plan 2009</li> <li>• Lane Cove Development Control Plan 2009</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	Attachment 1 - Chronology Attachment 2 – Architectural Plans - Amended Attachment 3- ADG Compliance Plans – Revised Attachment 4 – Site Compatibility Certificate – Issued 10 June 2021 Attachment 5 – Applicant's Clause 4.6 Submission - Revised Attachment 6 – Draft Conditions – Revised in response to amended application and new submissions Attachment 7- Review of Submissions – In response to notification of amended application. Attachment 8 – Review of applicant's response to draft conditions Attachment 9 – Applicant's response to SCC requirements.
<b>Report prepared by</b>	Robert Montgomery, Principal Montgomery Planning Solutions (Independent Consultant)
<b>Report date</b>	4 August 2021

**Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

**Yes**

**All relevant s4.15 matters were summarised in the previous assessment report to the Panel dated 11 July 2018. This report is supplementary to the previous report.**

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**Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

**Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

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**Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? Amended for revised plans.

**Yes**

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**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

**Not Applicable**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

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**Conditions**

Have draft conditions been provided to the applicant for comment?

**Yes**

A review of the applicant's response to the draft conditions is included at Attachment 8.

This Supplementary Report was prepared by Robert Montgomery, Principal, Montgomery Planning Solutions.

I confirm that I have no association with the applicant or their professional consultants. Also, I do not carry out any private consultancy work within the Lane Cove local government area.

I am an expert member of the Lane Cove Local Planning Panel. This role does not present any conflict of interest.

I hereby state that I have no conflict of interest in the preparation of this Assessment Report.



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Robert Montgomery BApSc (Environmental Planning) MPIA  
August 2021

Montgomery Planning Solutions  
PO Box 49  
Kurmond NSW 2757

Ph: 0407 717 612

Email: [robert@montgomeryplanning.com.au](mailto:robert@montgomeryplanning.com.au)

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## 1. Executive Summary

This development application was considered by the Sydney North Planning Panel on 11 July 2018. The Panel resolved to defer its decision to seek further information, as follows:

1. Detailed site investigation under SEPP 55 Remediation of Land to demonstrate that the site is suitable for residential development.
2. Independent peer review of the traffic assessments.
3. Assessment of the ecological impact to ensure that the development does not significantly impact flora and fauna on the site and on the adjacent land zoned E2.
4. Assessment of visual impact from the golf course, the ridge line to the east and from Richardson Street West.
5. Plans and supporting information provided to the Department supporting the application for Site Compatibility Certificate dated 6th July 2017.
6. Calculation of the GFA and FSR based upon the SEPP Housing for Seniors or People with a Disability.

The Panel also requested the applicant to submit amended plans which:

1. Increase setback on the southern boundary by at least one metre without any decrease on the northern side, while creating a two-metre landscaped strip towards Timbertops to provide landscape screening.
2. Based upon the Ecological Assessment, adjust the eastern boundary setback if required.

The applicant responded on 23 April 2019, with a number of revised reports, amended plans and information to address the matters raised by the Panel in deferring its decision. The applicant's responses are summarised in the Table 1 below.

**Table 1: Summary of Applicant's Response to SNPP Deferral Matters**

Further Information Requested	Applicant's Response
1. SEPP 55 – Land Contamination	Stage 2 detailed site investigation pursuant to SEPP 55 submitted.
2. Independent peer review of traffic assessments	Council engaged Bitzios Consulting to perform a peer review. The applicant's traffic consultant has addressed the findings of the review and the peer reviewer is satisfied with the traffic assessment.
3. Ecological impact on adjacent E2 land	Ecological impact assessment provided by Molino Stewart which concludes no impact subject to recommended mitigation measures.
4. Assessment of visual impact from golf course, ridgeline to east & Richardson Street West	Detailed report provided by Dr Richard Lamb which finds that the visual impact is acceptable.
5. Plans and supporting information for Site Compatibility Certificate	Documents are provided by applicant. A new SCC was issued on 10 June 2021.
6. Calculation of GFA and FSR based SEPP Seniors	Submission from applicant with legal opinion from Maddocks Lawyers. Council legal advice differs re correct GFA & FSR calculation. Refer to Section 8 of this report.

<b>Amended Plans Requested</b>	
1. Increase setback on southern boundary by at least one metre	Amended plans submitted which comply with this request.
2. Adjust eastern boundary setback if required	No adjustment made in accordance with recommendations of ecological impact assessment submitted by applicant. Council's ecologist concurs with the Applicant. Further submission from applicant is provided which justifies departure from numerical DCP setback.

The amended application was notified to surrounding and nearby residents from the beginning of 1 May to 3 June 2019.

The Panel also requested the independent assessment planner consider the comments made during the public meeting in order to determine whether any changes or additions to the draft conditions are justified, in particular with respect to the creation of a legal easement through the site in favour of Timbertops. The matters raised during the public meeting were repeated in various submissions to the notification of the amended plans during May/June 2019, and are considered in this report.

This report provides an explanation and assessment of the additional information submitted in response to the SNPP deferral. A review of submissions received in response to the public exhibition of the amended application and supporting documents and plans.

It is concluded that the applicant has satisfied the requests of the Panel for additional information and amendments and that the proposal, as amended, and with the recommended conditions of consent, satisfies all relevant statutory requirements. As a consequence of the amendments, ie moving the southern elevation of the building 1 metre to the north and creating additional landscaping on the southern boundary, the impact on the Timbertops building to the south is reduced.

The application is therefore recommended for approval subject to the conditions of consent listed in Attachment 6.

This report must be read in conjunction with the assessment report submitted to the SNPP on 11 July 2018. The combination of these two reports present a complete assessment of the proposal as now presented.

For convenience, the matters raised in the 11 July 2018 assessment report are summarised in the table below, with appropriate commentary.

**Table 2: Summary of Matters raised in Report to SNPP 11 July 2018:**

<b>Matter</b>	<b>Response</b>	<b>Resolved</b>
SEPP 55 Contamination of Land	Applicant has provided a Stage 2 detailed Environmental Site Investigation	Yes – with additional detail
SEPP 65 – Apartment Design Guide: Minor departures.	Not required.	Yes – considered satisfactory in previous assessment.
SEPP (Seniors):10% of units to be affordable places in perpetuity	Proposed Condition 4	Yes

Whether development is integrated development and requires a bushfire safety authority from RFS	The land is not bushfire prone, therefore integrated development and bushfire safety authority not required.	Yes – Covered by previous assessment report
Does SEPP (Affordable Rental Housing) 2009 apply?	Does not apply.	Yes – Covered by previous assessment report
Whether integrated development with RMS	Referral only required	Yes – Covered by previous assessment report
Lane Cove LEP 2009: CI 4.3 Height of buildings CI 4.4 FSR  CI 4.6 Exception to development standards CI 5.10 Land in the vicinity of a heritage item	Considered acceptable  Compliant FSR of 1.6:1 as per SCC (applicant's claim) Clause 4.6 considered and recommended for approval No heritage impact	Yes HOB CI 4.6 – Covered by previous assessment report  FSR non-compliant. See commentary in section 8 of this report and draft condition 2
Lane Cove DCP 2010	Satisfies objectives but is not compliant with some numerical controls.	Yes – Covered by previous assessment report
SEPP 19 Bushland in Urban Areas	A number of conditions imposed	Yes – Covered by previous assessment report
BASIX	Relevant targets satisfied	Yes – Covered by previous assessment report
Visual impact and views on surrounding residences	Covered in previous assessment and in supplementary report with additional analysis requested by Panel.	Yes
Traffic and safety	Covered in previous assessment. Peer review since conducted and traffic report update as described in supplementary report.	Yes
Social and economic impacts	Covered in previous assessment.	Yes
Correct application of gross floor area (ie SEPP Seniors or LEP)	Due to excess of parking spaces, FSR is in excess of that permitted.	Yes. Proposed condition 2 ensures compliance.

## 2. Background

The land is owned by Lane Cove Council, which proposes to lease the land to Australian Unity Limited for a period of 99 years, subject to development consent being issued.

The land was rezoned from public recreation to R4 High Density Residential in recent years. The land was also reclassified to Operational Land under the provisions of the *Local Government Act 1993*.

In June 2016 Australian Unity was selected by the Council from four organisations who were invited to submit expressions of interest for the redevelopment of the land.

On 6 July 2017, the Department of Planning and Environment issued a Certificate of Site Compatibility under Clause 25(4)(a) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. That certificate expired in July 2019.

A new Site compatibility Certificate issued on 28 May 2020 was subsequently revoked by the Sydney North Planning Panel on 10 June 2021 and replaced by the current Certificate. The Certificate is valid for a period of 24 months.

The development application was lodged on 10 August 2017. The development application was considered by the Sydney North Planning Panel on 11 July 2018. The Panel resolved to defer its decision to seek further information, as follows:

1. Detailed site investigation under SEPP 55 Remediation of Land to demonstrate that the site is suitable for residential development.
2. Independent peer review of the traffic assessments.
3. Assessment of the ecological impact to ensure that the development does not significantly impact flora and fauna on the site and on the adjacent land zoned E2.
4. Assessment of visual impact from the golf course, the ridge line to the east and from Richardson Street West.
5. Plans and supporting information provided to the Department supporting the application for Site Compatibility Certificate dated 6th July 2017.
6. Calculation of the GFA and FSR based upon the SEPP Housing for Seniors or People with a Disability.

The Panel requested the applicant to submit amended plans which:

1. Increase setback on the southern boundary by at least one metre without any decrease on the northern side, while creating a two-metre landscaped strip towards Timbertops to provide landscape screening.
2. Based upon the Ecological Assessment, adjust the eastern boundary setback if required.

The Panel also requested the independent assessment planner consider the comments made during the public meeting in order to determine whether any changes or additions to the draft conditions are justified, in particular with respect to the creation of a legal easement through the site in favour of Timbertops.

The applicant responded on 23 April 2019 and the additional information including revised reports, amended plans and information was notified to surrounding and nearby residents from 1 May to 3 June 2019.



This report provides an assessment/review of the additional information supplied by the applicant and a review of submissions received in response to the public exhibition of the amended application and supporting documents and plans.

### 3. Site Contamination

Panel Request 1: Detailed site investigation under SEPP 55 Remediation of Land to demonstrate that the site is suitable for residential development.

A Stage 2 detailed site investigation report has been prepared by LRM Global. The report includes analysis of soil samples and groundwater collected from three monitoring wells established on the site.

The LRM report includes the following final statement<sup>1</sup>:

*“The site at 266 Longueville Road Lane Cove will be suitable, upon remediation, for the proposed high density residential aged care facility.*

- *Based on the soil and groundwater data to date, the site is considered suitable for the proposed aged care facility development with no human health risk imposed by the identified subsurface conditions following the proposed off-site disposal of all fill material at the site.*
- *Currently the site poses no risk to site users including gardeners who currently maintain the bowling greens.*
- *Constraints on the sites current users should include no sub-surface or access to site soils without appropriate PPE and reference to the Remediation Action Plan. Site soils / fill material are contaminated.”*

The LRM report also identifies that the following additional works are required to be carried out as part of the site Remediation Action Plan<sup>2</sup>:

- *“Soil test pitting targeted locations for hot spot delineation vertically and laterally;*
- *Asbestos delineation;*
- *Aesthetic assessment;*
- *TCLP(Total Concentration Leachability Potential) analysis for soil hot spots for waste classification;*
- *Further groundwater wells to the eastern boundary of the site to determine potential off-site impacts to Gore Creek;*
- *Surface water and sediment sampling of Gore Creek;*
- *Additional groundwater sampling with selected LOR (Limit Of Reporting) as applicable;*
- *Soil sampling for EIL (Ecological Investigation Levels) criteria calculations;*
- *Update the site RAP (Remediation Action Plan) based on this final report.”*

Clause 7(1) of SEPP 55 provides:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
  - (a) *it has considered whether the land is contaminated, and*
  - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

<sup>1</sup> LRM Global Pty Ltd, Stage 2 Detailed Environmental Site Investigation, 266 Longueville Road Lane Cove, Pp 10-11.

<sup>2</sup> Ibid, pg 11

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Council's Manager Environmental Health has reviewed the information and is satisfied subject to imposing conditions requiring submission of a Remediation Action Plan to Council prior to issue of a construction certificate and a Validation Report prior to Occupation Certificate.

**It is considered that sufficient information has been provided for the consent authority to be satisfied in relation to Clause 7(1) of SEPP 55, subject to imposing the proposed conditions above.**

## 4. Traffic Assessment Peer Review

Panel Request 2: Independent peer review of the traffic assessments.

Bitzios Consulting was engaged by Lane Cove Council to undertake an independent peer review of the Traffic and Parking Assessment report prepared by Varga Traffic Planning, dated 25 May 2018.

The peer review concludes as follows:

*The following deficiencies were identified after the peer review of the traffic report and associated SIDRA models:*

- *It has been noted that the report does not provide any information on trip distributions and as such, Bitzios Consulting has come up with their own assumptions. It is unclear what trip distribution has been utilised in SIDRA modelling;*
- *Several deficiencies were identified in the SIDRA model (Section 2.3) including:*
  - *Intersection and network geometry coding deficiencies; Movements Priority Coding*
  - *Phasing and Timing: Unacceptable conflicting movements were observed in coded signals and IDM data have not been obtained from Roads and Maritime;*
  - *The 95th percentile queue distances in the existing model were not calibrated. Therefore, the SIDRA model outputs may not represent intersection delay and performance realistically; and*
  - *future models do not apply background traffic growth and trip distributions, and they do not specify the future year being modelled.*
- *The parking requirements of the development set out in the report in accordance with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 are appropriate. The proposed 122 parking spaces, including 14 PWD spaces, seven large spaces, and one ambulance bay are deemed sufficient and should be marked and signposted for each use. Bicycle spaces for staff should also be considered.*

The peer review was provided to the applicant for their consideration. A Revised Traffic and Parking Assessment Report was prepared by Varga Traffic Planning Report, which

considered the Bitzios peer review, included updated data and provided an assessment based on revised architectural plans. The revised report states, in the Executive Summary:

*“In essence, the revised capacity analysis reconfirms that the traffic generation potential of the development proposal on the subject site will not result in the reduction in the Level of Service of the nearby intersections.*

*Other modifications to the design, from a traffic and parking perspective, include a new 2m wide landscaping strip along the southern boundary of the site to improve privacy to the adjacent “Timber Tops” residential development, as recommended by the Panel. In doing so, the site access driveway has shifted 2m to the north.*

*In addition to the Bitzios peer review which was commissioned by Council, “Timbertops” residents engaged ML Traffic (ML) to also undertake a peer review of the VTP report. Notwithstanding, the ML peer review was based on an earlier version of the VTP report and therefore outdated information, as well as questionable and incorrect assumptions on certain matters.*

*In summary, the amended Development Application will not result in any unacceptable traffic implications and complies with the applicable numerical off-street parking requirements.”*

The revised Varga report retains the more conservative peak hour traffic generation estimate of 61 vehicles per hour (rather than the lower figure of 55 and 53), which models a worse-case scenario. It also adopts the RMS proposed intersection design for River Road West and Longueville Road. The traffic splits and trip generation are also included in the revised report as suggested by the peer review.

Bitzios reviewed the revised Varga report and concludes:

*Deficiencies identified in the SIDRA models in relation to Movements Priority Coding, Phasing and Timing, and better application of the Longueville Road/Northwood Road/River Road West concept plan have been rectified by Varga.*

*The parking requirements of the development set out in the report in accordance with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 are appropriate. The proposed 122 parking spaces, including 14 PWD spaces, seven large spaces, and one ambulance bay are deemed sufficient and should be marked and signposted for each use.*

*Bitzios Consulting deems Varga’s revised traffic report and SIDRA models fit for purpose and suitable for review by the Panel.*

**The peer review confirms that the revised traffic assessment report and modelling is acceptable.**

## 5. Ecological Impact Assessment

Panel Request 3: Assessment of the ecological impact to ensure that the development does not significantly impact flora and fauna on the site and on the adjacent land zoned E2.

A flora and fauna assessment was carried out by Molino Stewart in accordance with Section 5A of the EP & A Act (1979), comprising a desktop and field survey by qualified ecologists. The assessment concludes:

*“Mitigation measures have been recommended, as avoiding any adverse impacts and providing appropriate mitigation of potential impacts should be a key performance criterion for the proposed development. The majority of these measures are focused on the management of the buffer area and by extension, the adjacent bushland, to ensure the condition of both areas are improved with the development and the integrity of the buffer is maintained over the life of the development. With such measures in place there is no imperative to adjust the eastern boundary setback.*”

*We conclude that the development could proceed with adherence to plans that would minimise environmental impacts, both during construction and operation phases. For this to occur, the recommended impact mitigation planning needs to be undertaken, and measures implemented.”*

Council’s ecologists<sup>3</sup> have reviewed the assessment and provide the following comments:

*“The Ecological Assessment Report confirms the location of the DCP Part J Bush Line, called bushland ground truthing line in the documents for this development proposal. The DCP Bushland area is within the E2 zone and the Buffer Area is partly located within the E2 zone and the R4 zone. The Buffer Area is less than 10 m in parts and is heavily weed infested on imported fill.*”

*The management of this Buffer Area between the bush line and the proposed building line both during the construction period and after occupation is critical to ensuring that the development does not significantly impact flora and fauna particularly in the adjacent land zoned E2.*

*The development application does not include any details of the bulk earth works and the extent of the imported fill to be removed from the Buffer Area. The removal of some or all of the fill and the regrading of the slope, during the demolition of the former bowling green and the following construction period, is a key step in the management of this Area.*

*The Ecological Assessment Report notes that there is habitat for threatened species to the west of the Bush Line, including the dense lantana growing on the imported fill, but recommends suitable mitigation measures during the construction period and after to minimise adverse impacts.*

*These recommendations in the Ecological Assessment Report have not been incorporated into any of the other plans submitted with this application. These recommendations include a Biodiversity and Vegetation Management Plan (BVMP) to be developed in association with the detailed Landscape Plans, and a Construction Environmental Management Plan (CEMP) incorporating a Tree Protection Plan (TPP) to be developed in association with the Civil Soil and Stormwater Management Report.*

*The Landscape Concept Plans do not include any details of the soil treatment of the imported fill in the Buffer Area. The proposed species list for the Buffer Area, which includes a number of non-local indigenous species. The detailed Landscape Plans need to incorporate fully the recommendation of the Ecological Assessment Report.*

*The use of the Buffer Area for the biofiltration system, the palisade fence and the pathway to the south towards the future recreation precinct is acceptable.”*

A number of consent conditions are proposed to ensure the protection and enhancement of the bushland. In particular, a detailed Biodiversity and Vegetation Management Plan (BVMP) is to be prepared to manage vegetation removal pre-construction and to address protection of native vegetation, weed control and rehabilitation of any disturbed areas post-construction.

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<sup>3</sup> Additional assessment reviewed by Council Officers Ted Webster, Hugh Millington, Jeff Culleton and Susan Butler.

The BVMP should be for a minimum of three years and include both the buffer area and the bushland to the east of the site (E2 Zone).

**With the imposition of proposed conditions 38, 39, 40, & 108-112 it is considered that the development would not significantly impact flora and fauna on the site and on the adjacent land zoned E2.**

**It is considered that the applicant has satisfied the Panel's request.**

## 6. Visual Impact Assessment

**Panel Request 4: Assessment of visual impact from the golf course, the ridge line to the east and from Richardson Street West.**

The applicant has provided an assessment of the visual impact from the golf course, the ridge line to the east and from Richardson Street West, prepared by Dr Richard Lamb<sup>4</sup>. This report concludes,

*"The analysis showed the following outcomes:*

1. *Richardson Street West.*
  - a. *The proposed building would be of no visibility from the majority of the street.*
  - b. *A small wedge of building would be visible between two residences on the south side of the street, from an isolated location on the northern footpath.*
  - c. *The part of the building visible would include part of Level 7.*
2. *Richardson Street East and the ridges to the east*
  - a. *The proposed building would not be visible from the public domain in streets on the ridge east of the Site.*
  - b. *A cameo view toward the west that includes roofs of buildings in Richardson Street East is available from the western terminus of the street. The Site is not visible as a result of heavy screening of views by vegetation in the view lines that is higher than the proposed building on the Site.*
  - c. *Partial views heavily screened by intervening vegetation are available from the western terminus of the street where access is available to the Lane Cove Golf Course. The Site is not visible and the proposed building would be unlikely to be visible for the same reasons outlined in 2(b) above.*
3. *Lane Cove Golf Course*
  - a. *The proposed building would not be visible from the majority of the Golf Course north or south relative to the Site.*
  - b. *Part of Levels 5 and 6 of the proposed building would be visible through a window of opportunity between existing trees, from an isolated location on the fairway of the 7/16th Hole, to the east of the Site.*
  - c. *Other parts of the building may be partly visible from the same or closely adjacent locations, seen through heavy vegetation screening.*
  - d. *The adjacent building at Timbertops which is at similar height to Level 6 of the proposed building is also of minimal visibility from the Golf Course, giving a clear*

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<sup>4</sup> Dr Richard Lamb is a recognised expert in visual assessment, with qualifications and experience in botany and ecology.

*indication that the likely future visibility of the proposed building would also be likely to be minimal.*

4. Longueville Road south of the Site.
  - a. The proposed building would be clearly evident in the street.
  - b. The bulk of the upper level of the building would be of minimal visibility.”

The report by Dr Lamb contains a detailed description of the methodology and equipment used in his assessment and contains images and photomontages from various vantage points where part of the building would be visible.

**It is considered that the applicant has satisfied the Panel’s request for information relating to additional assessment of visual impact.**

## 7. Site Compatibility Certificate

**Panel Request 5:** Plans and supporting information provided to the Department supporting the application for Site Compatibility Certificate dated 6th July 2017.

The applicant has provided all documentation supplied to the Department of Planning in May 2017 in support of their application for a site compatibility certificate.

The documents comprise:

- a submission by GSA Planning describing the site and surrounding context, strategic justification and preliminary environmental planning evaluation and a review of relevant statutory controls;
- due diligence traffic study; and
- architectural plans and perspectives.

The applicant submits the following additional information for consideration by the Panel:

*“In addition, a comparison of the accommodation provided between the SCC and the Development Application submission is included in the Table below. The SCC issued by the Department specifically pursued a response to two dot points. These points and our response are as follows:*

**SCC Dot Point No.1:** *The bulk and scale of any proposed buildings in regard to the amenity impacts on neighbouring properties, especially to the north and south*

### **Applicant’s Response**

*Since the SCC was granted, there have been numerous amendments to the proposal that have improved the amenity for the neighbours to the north and south. These can be summarised as follows:*

	SCC	DA
Apartment Numbers Total	93	82
Studio	9	6
One Bedroom	3	4
One Bedroom Plus Multi Purpose Room		1
Two Bedroom	55	33
Two Bedroom Plus Multi Purpose Room	-	35
Two Bedroom Plus Multi Purpose Room Penthouses (building B)	-	3
Three Bedroom	22	
Three Bedroom Penthouses (building C)	4	
Aged Care Beds Total	70	70
Parking Spaces	148	122



- *The top floor of Building C (Level 7) was relocated and reconfigured on Building B, to minimise solar access impacts to 'Timbertops' to the south prior to the presentation to the SNPP. The rooftop plant was also set back from the roof edge to minimise visibility from the public domain and adjoining development. The roof plan is also surrounded by slated acoustic screening.*
- *The design of the southern elevation has been greatly improved with enhanced articulation using bay windows, screens, planter boxes, and includes a varied palette of materials and finishes.*
- *The building has been reduced in size by one metre on the southern side and a two metre landscape strip is proposed on the southern boundary facing 'Timbertops'. This is in response to the SNPP request for amended plans and discussed in Section 1.7 of this document.*
- *The proposal includes an increased level of landscaping and overall improvements to the driveway design servicing both properties.*
- *The built form on the northern side remains similar to the SCC submission in that it is framed around courtyards with northern exposure and presents as three separate buildings when viewed from the rear of properties in Richardson Street West.*

*Between the granting of the SCC and the current design, expert assessments were obtained from Dr Richard Lamb (view assessment) and Mr Steve King (solar access). The movement of the southern wall a further one metre from the southern boundary and subsequent reduction of the building results in an improvement in amenity compared with the DA submission. Dr Lamb's additional comments have been outlined above in Section 1.4. Additional comments from Steve King in respect of solar access conclude, inter alia:*

*"I carried out my own independent analysis and quantification of the predicted overshadowing impact of the subject proposal.*

*I note that the effect of the amended plans is to further improve the solar access for 'Timbertops'. The conclusions remain the same as previously:*

*The full 3D model analysis confirms that between 9 AM and 3 PM on June 21 additional overshadowing of 'Timbertops' can be expected to affect only two apartments, each for approximately half an hour, where those apartments otherwise have the benefit of sun throughout the day.*

*In my considered opinion overshadowing impact of the proposed aged care and independent living unit development on neighbouring residential property is so small as to be negligible."*

*The SCC and Mr King's solar access comments are included as Annexure F. This annexure also includes a letter from Thomson Adsett to Council. This letter states that the Level 7 shadow falls wholly within the Level 6 roof and that the location of Level 7 will not create solar amenity impacts onto the adjoining property at 'Timbertops'.*

**SCC Dot Point No. 2:** *Satisfaction of the requirements relating to affordable places and on-site support services under clause 45 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

### **Applicant's Response**

*Australian Unity has prepared a letter to Lane Cove Council, which outlines the extent of on-site services and affordable places. This letter is included as Annexure G. The proposal will include on-site services such as a production kitchen to provide meals, dining areas and on-*

*site commercial laundry facilities. The proposal will also include a range of domestic, personal care and nursing services through their in-house home services programs and packages.*

*In addition, Australian Unity will offer 11 beds within the aged care facility at a concessional rate, to provide affordable places for select residents. Six studios and two one bedroom apartments on Level 3 will also be offered as affordable places. This mix of units has been supported in a table of compliance identified in Council's correspondence dated 6 April 2018, which states, inter alia:*

***“Affordable Housing (CI45 of SEPP)***

*The provision of 6 studio apartments and two 1-bedroom apartments for affordable housing is considered acceptable, notwithstanding that the applicant has not specifically addressed the basis of the mix of styles”*

*The corresponding column with the heading: “Satisfactory?” states the word “Yes”, indicating that the affordable housing offered by Australian Unity is acceptable. ‘*

**It is considered that the applicant has responded to the Panel's request for information relating to the site compatibility certificate application.**

It is noted that the Site Compatibility Certificate expired in July 2019. A new Site Compatibility Certificate was issued by the Sydney North Planning Panel on 10 June 2021. The requirements of the current Certificate are detailed in Section 12 of this report.



## 8. GFA and FSR Calculation

Panel Request 6: Calculation of the GFA and FSR based upon the SEPP Housing for Seniors or People with a Disability.

The applicant responded to this request from the Panel with legal advice from their solicitors, Maddocks Lawyers. In essence, that advice concludes as follows:

1. *“Several components of the proposed development are eligible to be excluded from the “gross floor area” for the purposes of clause 45(2) SEPP Seniors pursuant to clause 45(4) of that Policy on the basis that they are used to deliver on-site support services;*
2. *In calculating the floor space ratio of the proposed development, clause 45(2) of SEPP Seniors requires the definitions of “floor space ratio”, “gross floor area” and “site area” contained in the Lane Cove Local Environmental Plan 2009 (“LLEP 2009”) to be used, rather than the definitions of those terms contained in SEPP Seniors. Notwithstanding this, clause 45(4) of SEPP Seniors still provides for the exclusion of floor space used to deliver on-site support services.*
3. *The entirety of the basement car parking proposed pursuant to the development application can be excluded from the calculation of the “gross floor area” of the proposed development on the basis that no car spaces are proposed which are additional to the requirements of the consent authority as set out in the Lane Cove Development Control Plan 2010 (“LDCP 2010”).”*

Advice was sought from Council’s Solicitors, Marsdens, in relation to the veracity of the applicant’s submission. The Marsdens’ advice concluded:

*“Accordingly, the requirement of the consent authority for the provision of car parking for the development is limited to the number that is provided for by the rates in clauses 48 and 50 of SEPP Seniors. Any car parking that is provided in the development that is additional to the number that is provided for by the rates in clauses 48 and 50 of SEPP should be counted as gross floor area for the purpose of determining the floor space ratio of the development.”*

The applicant has calculated the GFA as 14,726m<sup>2</sup> and the FSR as 1.6:1. This calculation excludes the area of the car parking spaces provided in excess of the parking requirements of SEPP Seniors. The applicant submits that there is no excess in parking spaces due to the Lane Cove DCP requirement for 195 spaces. This position is refuted by Council’s legal advice. In particular, the car parking rate included in the DCP is not a relevant consideration in terms of the SEPP.

The site has an area of 9,204m<sup>2</sup>. The maximum FSR for the site is 1.6:1 including the bonus of 0.5:1 afforded by the Site Compatibility Certificate. Therefore, the maximum permitted gross floor area for the development is 14,726.4m<sup>2</sup>.

The SEPP defines gross floor area (GFA) as follows:

**gross floor area** means the sum of the areas of each floor of a building, where the area of each floor is taken to be the area within the outer face of the external enclosing walls (as measured at a height of 1,400 millimetres above each floor level):

- (a) excluding columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall, and
- (b) excluding cooling towers, machinery and plant rooms, ancillary storage space and vertical air conditioning ducts, and
- (c) excluding car parking needed to meet any requirements of this Policy or the council of the local government area concerned and any internal access to such parking, and
- (d) including in the case of in-fill self-care housing any car parking (other than for visitors) in excess of 1 per dwelling that is provided at ground level, and

- (e) *excluding space for the loading and unloading of goods, and*
- (f) *in the case of a residential care facility—excluding any floor space below ground level that is used for service activities provided by the facility.*

The proposed development provides a total of 124 car parking spaces, which is 22 spaces in excess of the parking requirements of the SEPP. This is approximately 331m<sup>2</sup> GFA, which the applicant has excluded from their calculations.

When calculated in accordance with the SEPP (as per Council's legal advice) the figures are:

	<b>Max Permitted by SEPP</b>	<b>Development Application</b>
Gross Floor Area (GFA)	14,726.4m <sup>2</sup>	15,057m <sup>2</sup>
Floor Space Ratio (FSR)	1.6:1	1:635:1

**It is considered that the applicant could reduce the excess gross floor area to comply with the maximum by either one or a combination of the following:**

- **Reduce the actual floorspace within the building;**
- **Remove 22 spaces from the car park from either or both basement levels and enclosing those areas to be used for service activities; or**
- **Convert some of the floorspace within the building to non-GFA as per the SEPP.**

**Draft condition 2 requires that the FSR is compliant with the SEPP.**

## 9. Amended Plans

Panel Request 1:	Increase setback on the southern boundary by at least one metre without any decrease on the northern side, while creating a two-metre landscaped strip towards Timbertops to provide landscape screening.
Panel Request 2:	Based upon the Ecological Assessment, adjust the eastern boundary setback if required.

The applicant has submitted amended architectural plans (Revision E, dated 26 March 2019) and correspondence relating to the design modifications. Landscaping plans, civil engineering plans and a report have also been prepared to reflect the amendments.

### Southern Setback

The amended architectural plans show that the southern elevation of levels 3, 4, 5, 6 and 7 has been moved to the north by 1 metre, while retaining the same composition of articulation, balconies and window placement. It appears that the floor space loss has been compensated largely by pushing the built form of each level over the internal U-shaped north facing courtyards. There is no change in respect of the impact on the residential properties adjoining to the north.

### Eastern Setback

A flora and fauna assessment was carried out by Molino Stewart in accordance with Section 5A of the EP & A Act (1979), comprising a desktop and field survey by qualified ecologists. The assessment concludes:

*“Mitigation measures have been recommended, as avoiding any adverse impacts and providing appropriate mitigation of potential impacts should be a key performance criterion for the proposed development. The majority of these measures are focused on the management of the buffer area and by extension, the adjacent bushland, to ensure the condition of both areas are improved with the development and the integrity of the buffer is maintained over the life of the development. With such measures in place there is no imperative to adjust the eastern boundary setback.*”

*We conclude that the development could proceed with adherence to plans that would minimise environmental impacts, both during construction and operation phases. For this to occur, the recommended impact mitigation planning needs to be undertaken, and measures implemented.”*

The assessment found no reason to adjust the eastern boundary setback. Council's Ecologist agrees that there is no need to adjust the eastern boundary setback.

### Driveway

The amended driveway plan provides a 2 metre wide landscape strip from Longueville Road along the southern boundary for a distance of some 25 metres, with planting of four canopy trees *Eucalyptus heamastoma* (Scribbly Gum) with a mature height of 8 metres and suitable shrub and ground cover layers.

The landscaped area which separates the driveway to the proposed development and the Timbertops driveway (towards the eastern boundary) now has a width of between 2 and 3 metres and a length of some 22 metres. Planting consists of three canopy trees *Angophora costata* (Sydney Red Gum) with a mature height of 20m and supplementary shrub and ground cover layers,

**It is considered that the applicant has satisfied the Panel's requests in relation to amended plans.**

## 10. Public Submissions

The amended plans and documents were notified to surrounding and nearby residents from 1 May to 3 June 2019. A total of 182 submissions and one petition containing 17 signatures were received in response to the notification. In general, the majority of the submissions did not acknowledge the amended plans and revisited the grounds for objection raised during the original notification periods.

Of the ten (10) submissions received by and on behalf of adjoining residents, only five (5) acknowledge the amended plans. These submissions assert that the amendments and additional information do not satisfy their concerns. One submission was in support of the proposal.

It is considered that the weight to be placed on public submissions must be informed by the potential for impacts of the development directly on the amenity of the submitters and the veracity of the stated impacts by others who are not directly affected. In circumstances where a large number of submissions are received, it is instructive to understand the composition of the submissions, as summarised in the following table.

Type of submission	Number Received
Individual submission by or on behalf of adjoining resident	10
Individual submission from residents who are not directly impacted	41
Community groups	3
Third party campaign website pro-forma submissions	127
Individual submission in support of application	1
<b>Total</b>	<b>182</b>

It is noted that the third-party campaign website submissions do not contain the address of the submitters, therefore it is difficult to understand how, or indeed if, those submitters are affected by the development. These submissions were sent from [campaigns@good.do](mailto:campaigns@good.do). A review of the campaign website ([www.dogooder.co](http://www.dogooder.co)) reveals that the overriding objective is to "arm every activist who steps up with the tools they need to do good, then the world we want to see will be".

It is also noted that some of the third-party campaign submissions contain erroneous information, including:

- the loss of 3 holes at the nearby golf course for the construction of a multi-sport complex;
- an assertion that the FSR incentive of the Seniors SEPP does not apply to the site;
- an assertion that the previous planning proposal was rejected by independent commissioner;
- a statement that there is no demand for seniors accommodation in Lane Cove.

This clearly indicates the dissemination of misinformation by those who have organised a campaign against the proposed development. Submissions from residents who are potentially impacted have therefore been given a higher weighting and more careful consideration.

A review of all submissions is included in Attachment 7.

## 11. Conditions of Consent

The draft conditions of consent have been revised and are included as Attachment 6.

The reason for the proposed easement for access in favour of “Timbertops” was detailed in the previous Panel report. I have reviewed this matter in response to the Panel’s request and provide the following relevant information:

- The Timbertops apartment building was approved in 1969, when the subject land was in public use.
- The 1969 approval indicates that the driveway access was to be constructed over the subject land.
- It is apparent that as the land was in public ownership with an established public use and it was considered at the time that there was no need for any formal easement.
- As a consequence of this development, the subject land will be in private hands, which will necessitate a formal easement to provide ongoing certainty for the owners of Timbertops.
- The subject development provides the opportunity to formalise the access and to improve safety with movements limited to left- in left-out.

**It is confirmed that I remain of the view that a formal easement for access in favour of Timbertops is required as a consequence of the development. Draft condition 150 will require the creation of a legal right of carriageway prior to the issue of an occupation certificate.**

**The revised draft conditions were supplied to the applicant. A review of the applicant’s response is included at Attachment 8.**

## 12. Current Site Compatibility Certificate

On 10 June 2021, the Sydney North Planning Panel revoked the SCC issued on 28 May 2020 and replaced it with a fresh SCC. The requirements imposed on the determination in Schedule 2 of the SCC are reproduced below:

### **SCHEDULE 2**

#### ***Requirements imposed on determination:***

1. *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 a 10m bushland buffer zone from the boundary of the adjoining 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.*
2. *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 be protected during construction and preserved on the site.*

3. *Consideration is to be given to the final bulk and scale of any future development so as to ensure an acceptable built form relationship and minimisation of amenity impacts on the R2 Low Density Residential zoned land adjoining to the north and the R4 High Density Residential zoned land adjoining to the south.*

The applicant provided an initial response to the SCC requirements on 6 July 2021. In response to a further request, the applicant provided a supplementary response on 16 July 2021 in respect of the bushland buffer zone. The applicant's responses are reproduced in full as Attachment 9.

The following table sets out the applicant's response in summary along with my assessment:

<p><b>Requirement 1:</b> <i>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:</i></p>
<p>a. <i>the establishment of a 10m bushland buffer zone from the boundary of the adjoining E2 Environmental Conservation zone as opposed to the 'Ground Truthing Line' as currently intended;</i></p>
<p><b>Applicant's Response:</b></p> <p>While not entirely compliant with the numerical 10m buffer setback to the E2 Environmental Conservation zone, the applicant submits that the relationship of the development to the E2 land is acceptable when the objectives of the control are properly considered.</p> <p>In summary, the applicant submits:</p> <p>"It can reasonably be concluded that the proposal satisfies the DCP objectives and the objectives SEPP No. 19 as it relates to bushland. Importantly, the DPIE assessment report for the SCC concludes, inter alia:</p> <p><i>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.</i></p> <p>This DPIE concluding paragraph acknowledges that the aspects needing to be addressed by the recommendations contained in the SCC have already been the subject of extensive review."</p>
<p><b>Assessment:</b></p> <p>The applicant has considered the objectives of Part H of the Lane Cove DCP and the aims and objectives of State Environmental Planning Policy No.19 – Bushland in Urban Areas. It is considered that simple compliance with the numerical control in the circumstances of a multi-storey building with a degree of articulation and the steeply sloping E2 area is not conducive to the best outcome. The impacts of the development are considered by the Ecological Assessment completed by Molino Stewart in August 2018. Also, proposed conditions 38, 39, &amp; 108-112 will ensure an acceptable ecological outcome.</p> <p><b>Having carefully considered this matter, I conclude that the buffer zone as proposed, along with the management and mitigation measures, is acceptable.</b></p>
<p>b. <i>protection, management and regeneration of remnant bushland to the east;</i></p>
<p><b>Applicant's Response:</b></p> <p>"Importantly, as part of this application, the bushland will be regenerated in conjunction with Council. The Molino Stewart report which states; <i>that the impact on the adjoining bushland would be mitigated through bush regeneration and weed management works.</i> The report also concludes, that impacts on moisture conditions and nutrients would not be increased as the on-site detention system, treatment and piping to an approved outlet would bypass the bushland.</p>
<p><b>Assessment:</b></p>



**It is considered that the proposed management and regeneration works to be carried out as a requirement of the consent are satisfactory.**

- 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.*

**Assessment:**

No trees are proposed to be removed from within the E2 Conservation land.

**The proposed development satisfies this requirement.**

**Requirement 2:** *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 be protected during construction and preserved on the site.*

**Applicant's Response:**

"The current design modifies the basement area and car parking to ensure that Tree Nos. 92 and 93 will be retained during the construction. Tree Protection Zones will be provided around these major trees to ensure that no damage is incurred. These trees are seen by AU as being a feature for the site that will provide a highlight for future residents using the outdoor space or enjoying these trees from their apartments."

**Assessment:**

Draft condition 41 requires protection measures to be established for trees 92 and 93 prior to construction and to maintain that protection for the construction period.

**It is considered that this matter is addressed by the applicant and with an appropriate condition of consent.**

**Requirement 3:** *Consideration is to be given to the final bulk and scale of any future development so as to ensure an acceptable built form relationship and minimisation of amenity impacts on the R2 Low Density Residential zoned land adjoining to the north and the R4 High Density Residential zoned land adjoining to the south.*

**Applicant's Response:**

"On 11 July 2018, after numerous design refinements a report from Council's Independent Assessor was presented to the SNPP. That report contained a favourable recommendation that the seniors housing development, as amended, be approved. Notwithstanding that recommendation, the panel recommended the application be deferred, and numerous design changes be made to improve the relationship of the proposal to the R2 zone to the north and the R4 zone to the south. In particular, the SNPP recommended the following:

*Increase setback on the southern boundary by at least one metre without any decrease on the northern side, while creating a two- metre landscape strip towards Timbertops to provide landscape screening.*

The above deferment resulted in a major redesign of the proposed building and southern façade, a redesigned landscape area and an improvement of the proposal's presentation to the adjoining residential flat building to the south known as 'Timbertops'. Two photomontages of the amended driveway and southern facade of the building, and the additional landscaping are included as Attachment A.

The deferment also required additional assessment of the proposal from the north and from the golf course to the east. This visual assessment was undertaken by Dr Richard Lamb who found that it would not be possible to see the proposal from the bushland or golf course to the east

and that the proposal would be acceptable when viewed from the north. During this design review, the upper level north facing units were further set back from the northern edge of the building improving privacy for existing dwellings in the R2 Zone.

The deferment also sought an independent peer review of the traffic assessments which were undertaken by Varga Traffic Planning. These traffic assessments included an extensive amount of traffic counts in and around the local area and traffic modelling. The proposal was considered to be acceptable and unlikely to create unreasonable impacts on the road network. However the traffic assessment did assist in the redesign of the driveway, which improved the vehicular access from the street to the basement car parking and to the adjoining Timbertops building.

In this submission, we have only sought to highlight the key design considerations identified in the three points contained in SCC No. 3. Numerous other design changes have been included; the retention of the number of trees in the north eastern corner of the site, retention of additional trees generally throughout the site, improvements to the landscaped area, and enhancement to the presentation of the proposal as viewed from Longueville Road just to mention a few.”

**Assessment:**

In addition to my assessment contained within the report to the Panel on 11 July 2018, I consider that the proposal as currently presented creates an appropriate built form relationship to the adjoining residential land, while minimising amenity impacts as far as practical. In particular, the following aspects of the design contribute to this:

- The configuration of the building (in three wings) minimises impacts to the north by providing open courtyard areas which separate each wing from the northern perspective.
- Proposed buildings A and B are setback 12 metres from the northern boundary up to level 6 and 13-14 metres on level 7. Building C is setback some 25 metres from the northern boundary. The area between the buildings and the northern boundary will facilitate a bushland buffer.
- The relationship between the southern elevation of the building to the Timbertops apartments is impacted by the minimal side boundary setback of 3 metres to balconies. Notwithstanding, total building separation (in the original DA) satisfies the requirements of the Apartment Design Guide. The application has since been amended by moving the southern façade of the building 1m to the north, and by providing a two metre landscape buffer strip.
- Level 7 of the building has been relocated to the west and north to ensure that shadowing from the additional level is totally contained within the site.

**It is considered that the building design, location and scale, combined with existing and proposed landscaping, creates an acceptable relationship to adjoining land and satisfies this requirement of the SCC.**



## 13. Conclusion

On 11 July 2018 the Sydney North Planning Panel resolved to defer its decision to seek further information from the Applicant. The applicant responded on 23 April 2019, with a number of revised reports, amended plans and information to address the matters raised by the Panel in deferring its decision.

The following table lists the information requested and the summarises the Applicant's response.

	<b>Request</b>	<b>Satisfactory</b>
1	Detailed site investigation under SEPP 55 Remediation of Land to demonstrate that the site is suitable for residential development.	Yes
2	Independent peer review of the traffic assessments.	Yes
3	Assessment of the ecological impact to ensure that the development does not significantly impact flora and fauna on the site and on the adjacent land zoned E2.	Yes
4	Assessment of visual impact from the golf course, the ridge line to the east and from Richardson Street West.	Yes
5	Plans and supporting information provided to the Department supporting the application for Site Compatibility Certificate dated 6th July 2017.	Yes
6	Calculation of the GFA and FSR based upon the SEPP Housing for Seniors or People with a Disability.	Yes, subject to a condition,
7	Increase setback on the southern boundary by at least one metre without any decrease on the northern side, while creating a two-metre landscaped strip towards Timbertops to provide landscape screening.	Yes
8	Based upon the Ecological Assessment, adjust the eastern boundary setback if required.	Yes

A new Site Compatibility Certificate was issued by the Sydney North Planning Panel on 10 June 2021. The applicant's response to the requirements of the SCC is discussed in Section 12 of this report. It is considered that the new SCC requirements are satisfied by the proposal as now presented.

In regard to the maximum building height development standard, it is considered that the applicant's request pursuant to Clause 4.6 of Lane Cove LEP 2009 demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard. It is also considered that the proposed development will be in the public interest because it is consistent with the objectives of the relevant development standard and the objectives of the relevant zone.

It is considered that the application as now presented achieves the following commendable environmental planning outcomes:

- The development optimises the additional floorspace made available by the issue of the Site Compatibility Certificate;
- The development provides generous articulation and an appropriate transition to the R2 Low Density Residential zone to the north;
- The building presents as low scale, 2 storey development to Longueville Road;

- Level 7 of the building is centralised over the building footprint which ensures compliance and consideration of solar access, views and privacy to adjoining properties;
- Formal, constructed public pedestrian access is provided through the site from Longueville Road to the public reserve adjoining to the east;
- Vehicular access to the adjoining Timbertops building to the south will be formalised with a legally binding right of carriageway;
- The proposal, as now amended, provides increased separation to the building adjacent to the south;

The applicant has satisfactorily addressed the matters raised by the Sydney North Planning Panel on 11 July 2018. The application has also been assessed against the requirements of the Site Compatibility Certificate issued on 21 June 2021 and it is reasonable for the Panel to conclude that appropriate consideration has been given to the SCC requirements.

Therefore, the application is recommended for approval with appropriate conditions as contained in Attachment 6.

## 14. Recommendation

1. That having considered the applicant's written request to justify the contravention of the Height of Buildings development standard, the Panel is satisfied that it demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard.

That the Panel is also satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the relevant development standard and the objectives of the relevant zone.

2. That the Sydney North Planning Panel, as the relevant consent authority, grant consent to Development Application No. DA0117/2017 for construction of a seniors housing development comprising 70-bed residential aged care facility, 82 independent living units/self-contained dwellings, with basement car parking, new public park and facilities and landscaped through-site link subject to the conditions of consent listed in Attachment 6.