



Planning,
Industry &
Environment

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

128 Beaconsfield Road, Chatswood

Site Compatibility Certificate Assessment Report
(SCC2020WILLO-3)

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
Council	Willoughby City Council
DA	Development application
DCP	Development Control Plan
Department/DPIE	Department of Planning, Industry and Environment
EP&A Act	Environmental Planning and Assessment Act 1979
LEC	Land and Environment Court
LEP	Willoughby Local Environmental Plan 2012
LGA	Local Government Area
Planning Panel	Sydney North Planning Panel
PMF	Probable Maximum Flood
SCC	Site Compatibility Certificate
SEPP	State Environmental Planning Policy
Seniors Housing SEPP	State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

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1. Site Description

The SCC application applies to land at 128 Beaconsfield Road, Chatswood and was lodged by Watermark Chatswood Pty Ltd on behalf of Chatswood Golf Club (**Attachment E1 and E25**). The site falls within the Willoughby Council LGA. The site is situated on part of the land zoned RE2 Private Recreation legally identified as Lot 163 DP 752067, Lot 1 DP1124646, Lot 1 DP 651667 and Lot 22 DP 626634, known as the Chatswood Golf Course (**Figures 1 and 2**).

The site for the proposed development is located on the eastern edge of the Golf Course in an area currently occupied by the existing clubhouse and carpark with low density residential dwellings to the east of the site. The site is bounded by the Golf Course to the south, west and north (**Figure 1**).

The topography of the site falls approximately 7 to 10° to the west. The subject site contains levelled land for the purposes of a tiered carpark on the east side and an existing registered club located in a part two and three-level clubhouse on the south-west side (**Figures 3 to 6**).

The SCC application (**Attachment E1**) states that the Clubhouse site levels have previously been altered to accommodate the upper carpark level (RL 40) and lower level car parks (RL 35 to RL 37), and the existing club house building (max ridge height RL 40.69). Parts of the site have steeper slopes (up to about 30°) particularly at the southern end of the site. The proposed development is on a site area of approximately 14,843m² (**Figure 4**).

The site is not heritage listed or within a heritage conservation area.



Figure 1: Subject site (source: Near Map, overlay by DPIE)



Figure 2: Subject site (source: Levy Planning) note: the current application removes the temporary clubhouse to the west of the golf course indicated in blue which is not supported by Council officers



Figure 3: Site location (source: Near Map, overlay by DPIE)

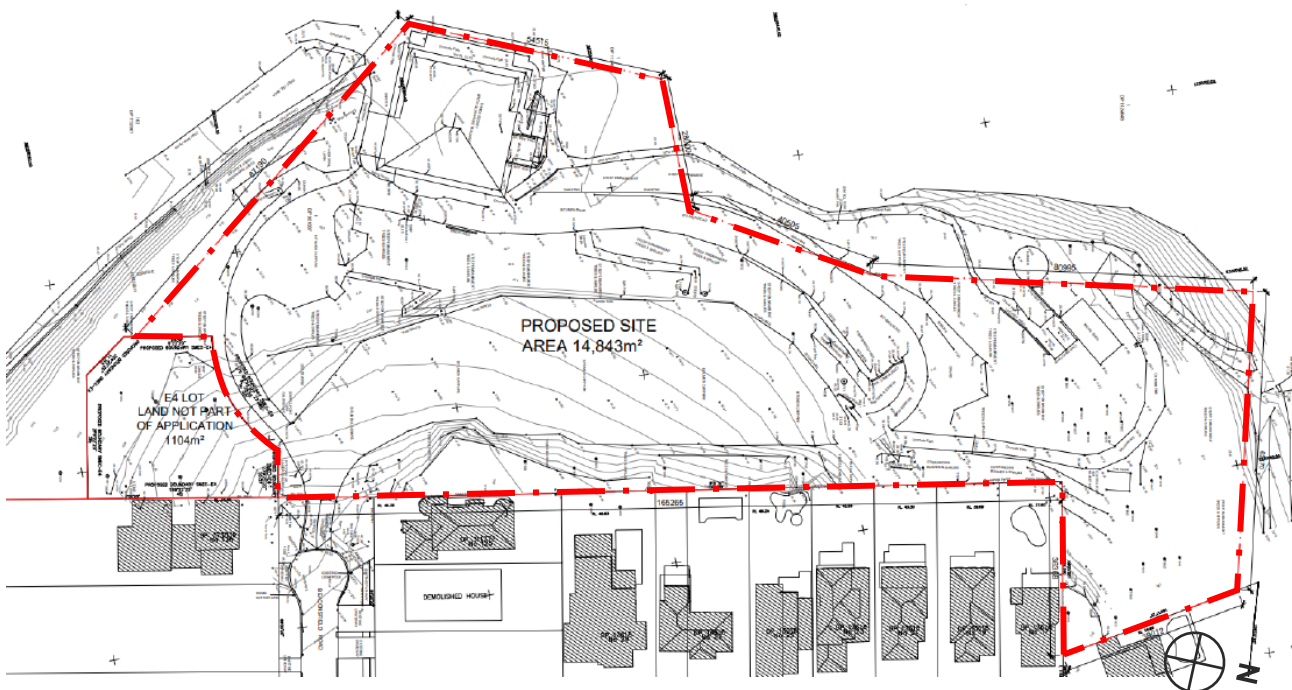


Figure 4: Site and survey plan (source: Marchese Partners)



Figure 5: View looking east to the clubhouse and site (source: Levy Planning)



Figure 6: View looking south-east to the clubhouse and site (source: Levy Planning)



Figure 7: View of the carpark on the east side of the site (source: Somewhere Landscape Architects)

2. Background

On 17 July 2017, an application for a SCC was lodged for the site at 128 Beaconsfield Road, Chatswood on behalf of the landowner, the Chatswood Golf Club. The proposal was for 106 senior's serviced self-care housing apartments and ancillary facilities on the site of the Chatswood clubhouse. The proposal included the redevelopment and integration of a new clubhouse.

The subject site is zoned RE2 Private Recreation under the LEP which does not permit seniors housing.

Development for the purposes of seniors housing requires a SCC under Clause 24 of the Seniors Housing SEPP.

The Seniors Housing SEPP applies to the site and a SCC is required and can be issued for the site as:

- the land is being used for the purposes of an existing registered club (Chatswood Golf Club) (clauses 4(1)(b) and 24(1)(a)(iii));
- the site adjoins land to the east that is primarily zoned for urban purposes (clauses 4(1) and 24(1)(a)(i)); and
- the land to which the SCC applies is not covered by any of the exclusions listed in clause 4(6) of the Seniors Housing SEPP.

The Sydney North Planning Panel considered the matter on 6 June 2019 and determined to issue a SCC as the application demonstrated that the site is suitable for more intensive development and is compatible with the surrounding development. The SCC (SCC_2017_WILLO_001_00) was issued on 13 June 2019 (**Attachment D**) and expires on 13 June 2021.

A DA (DA2020/117) was submitted to Council on 22 May 2020 for the construction of a mixed-use development comprising of 106 serviced self-care housing apartments and a registered club on part of the land known as Chatswood Golf Club at 128 Beaconsfield Road, Chatswood.

Second SCC application

On 17 December 2020, Levy Planning on behalf of Watermark Chatswood Pty Ltd submitted an application to obtain a second SCC to facilitate the ongoing assessment of the DA by Council (**Attachment E1**). The DA was lodged 22 May 2020 within the 12 months of the SCC being issued.

The applicant and Council have concerns that the 24-month validity of the current SCC will expire before the DA has been determined by the Planning Panel.

It is noted under Clause 25 (10) of the SEPP that a site compatibility certificate cannot be varied during its currency to cover additional land. The second application applies to the same land and four lots as the first SCC was issued for and does not involve any expansion to cover additional land.

The current SCC application corrects an error that occurred due to slippage of printing, relating to the alignment of the SCC footprint boundary noted between the existing SCC and the development application (DA) (**Attachment F**) but is otherwise unchanged.

Although this is not a change to the site to which the SCC applies, a requirement of the existing SCC is that the seniors housing development be “generally limited” to the development footprint within the golf course site as nominated under the SCC footprint plan and this figure was attached to the SCC. The Panel would therefore have some discretion to approve development that was not wholly within the development footprint.

The new SCC application has been amended to align with the DA drawings and moves the footprint slightly to match the eastern property boundary alignment.

It is also noted that the current SCC application provides a development site area of approximately 14,843m² for the retirement village and club. The previous 2017 application noted a proposed site area of 14,665m². This is a minor difference in area of 178m², however does not change the number of dwellings proposed and the gross floor area of the seniors housing development or the golf club facilities.

3. Proposal

The SCC will allow a seniors' housing development on part of the land known as Chatswood Golf Course in the area that is currently occupied by the registered clubhouse and parking area at 128 Beaconsfield Road, Chatswood (**Figures 1 to 7**).

The proposal consists of 106 seniors serviced self-care dwellings and includes the redevelopment and integration of a new clubhouse.

The development is intended to be 4-5 storeys in height with a two-level basement and at-grade parking for a total of 295 car spaces. Of the car spaces, 145 are for the club and 150 are for the seniors housing. The new club premises are proposed to contain a restaurant, café/bistro, wellness centre and associated facilities.

The SCC is supported by architectural/site plans prepared by Marchese Partners (**Attachment E4**) with an indicative building plan and elevations showing the proposed concept layout (**Figures 8 to 13**). The indicative drawings and the revised SCC Planning Report by Levy Planning indicate that the proposed development is on a site area of approximately 14,843m² and the key areas are summarised in **Table 1**.

The current SCC removes the temporary clubhouse on the west side of the golf course which was not supported by Council officers. It also corrects an error in the SCC footprint boundary in the first SCC.

Table 1: Summary of the proposed development

Development		Proposed
Site area		14,843m ²
GFA	Golf Club/Facilities	2,658.2m ²
	Seniors Housing A (south building)	3,084m ²
	Seniors Housing B (north building)	10,982.5m ²
	Total	16,725.3m²
FSR	Seniors Housing and Clubhouse	1.12:1
HOB	Golf Club/Facilities	4 storeys
	Seniors Housing A (south building)	5 storeys
	Seniors Housing B (north building)	5 storeys
Dwellings	Seniors Housing A (south building)	24
	Seniors Housing B (north building)	82
	Total	106
Carparking	Club and facilities	145 spaces
	Serviced self-care housing and visitor	150 spaces
	Total	295
Landscaping		5,235m² (35.6% of the development site)



Figure 8: Indicative roof plan of the proposed seniors' housing (source: Marchese Partners Architects)

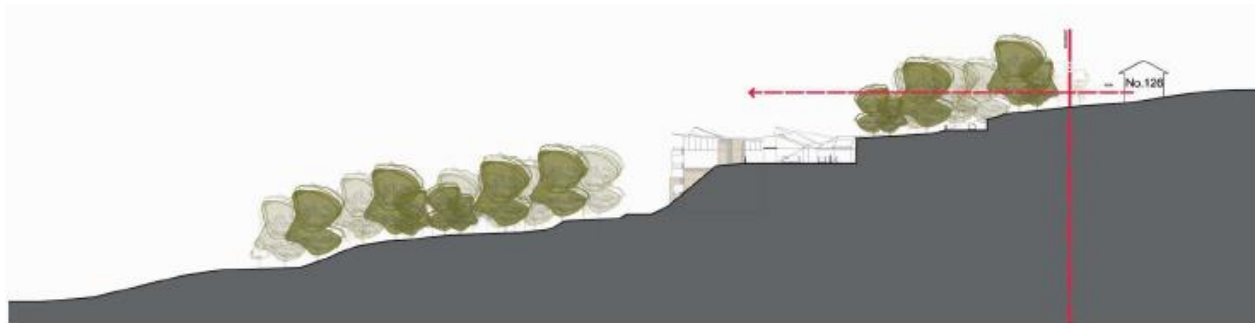


Figure 9: South elevation (1 in Figure 8) of the proposed seniors' housing (source: Marchese Partners Architects)

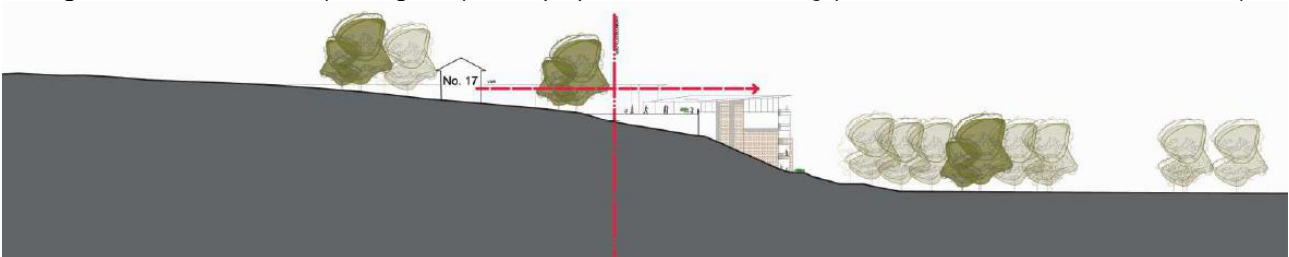


Figure 10: East elevation (2 in Figure 8) of the proposed seniors' housing (source: Marchese Partners Architects)



Figure 11: West elevation (3 in Figure 8) of the proposed seniors' housing (source: Marchese Partners Architects)



Figure 12: View of the concept looking approximately north-east (source: Marchese Partners Architects)



Figure 13: View of the concept looking approximately north (source: Marchese Partners Architects)

4. Permissibility Statement

The site is zoned RE2 Private Recreation (**Figure 14**) under the LEP. Seniors housing is not a permitted land use in this zone.

The subject site is part of the Chatswood Golf Club that directly adjoins land that is zoned E4 Environmental Living to the east and the remaining part of the Chatswood Golf Course to the north, south and west which is also zoned RE2 Private Recreation. The subject site is approximately 60m from land zoned primarily for urban purposes, in this case R2 Low Density Residential (**Figure 1**).

The applicant is seeking a SCC on the basis that the site adjoins land zoned R2 Low Density Residential to the east (**Figure 14**) and that the site is used for the purposes of a registered club.

The subject site is owned and operated by the Chatswood Golf Club and is considered to be registered club (**Attachment E3**).

Clause 4(1)(b) provides that the Seniors Housing SEPP applies to land that is used for the purposes of an existing registered club. A SCC is required to accompany a DA for seniors housing on such land made in reliance on the provisions of the Seniors Housing SEPP (clause 24(1)(a)(iii) and (2)).

Under clause 15 of the Seniors Housing SEPP, seniors housing can be carried out on land that adjoins land zoned primarily for urban purposes. The application refers to the LEC case, *Wirrabara Village Pty Limited v The Hills Shire Council [2018] NSWLEC 1187*, in which the court formed the opinion that the 71.1m separation between the land zoned primarily for urban purposes (in this case zoned R2 Low Density) was found to be 'sufficiently close' to the proposal site to satisfy the requirement to adjoin land primarily for urban purposes.

As the site is approximately 60m from land zoned R2 Low Density Residential, the Department and the Sydney North Planning Panel considered the issue of permissibility under the SEPP during the previous SCC consideration and determined the SEPP applies on the basis of being 60m distance to R2 zoned lands.

Based on this decision, the Department is satisfied that the subject site is 'sufficiently close' to satisfy the requirement to adjoin land zoned primarily for urban purposes.

Other than being zoned RE2 Private Recreation, the site is not subject to any other controls under the LEP including height and FSR.

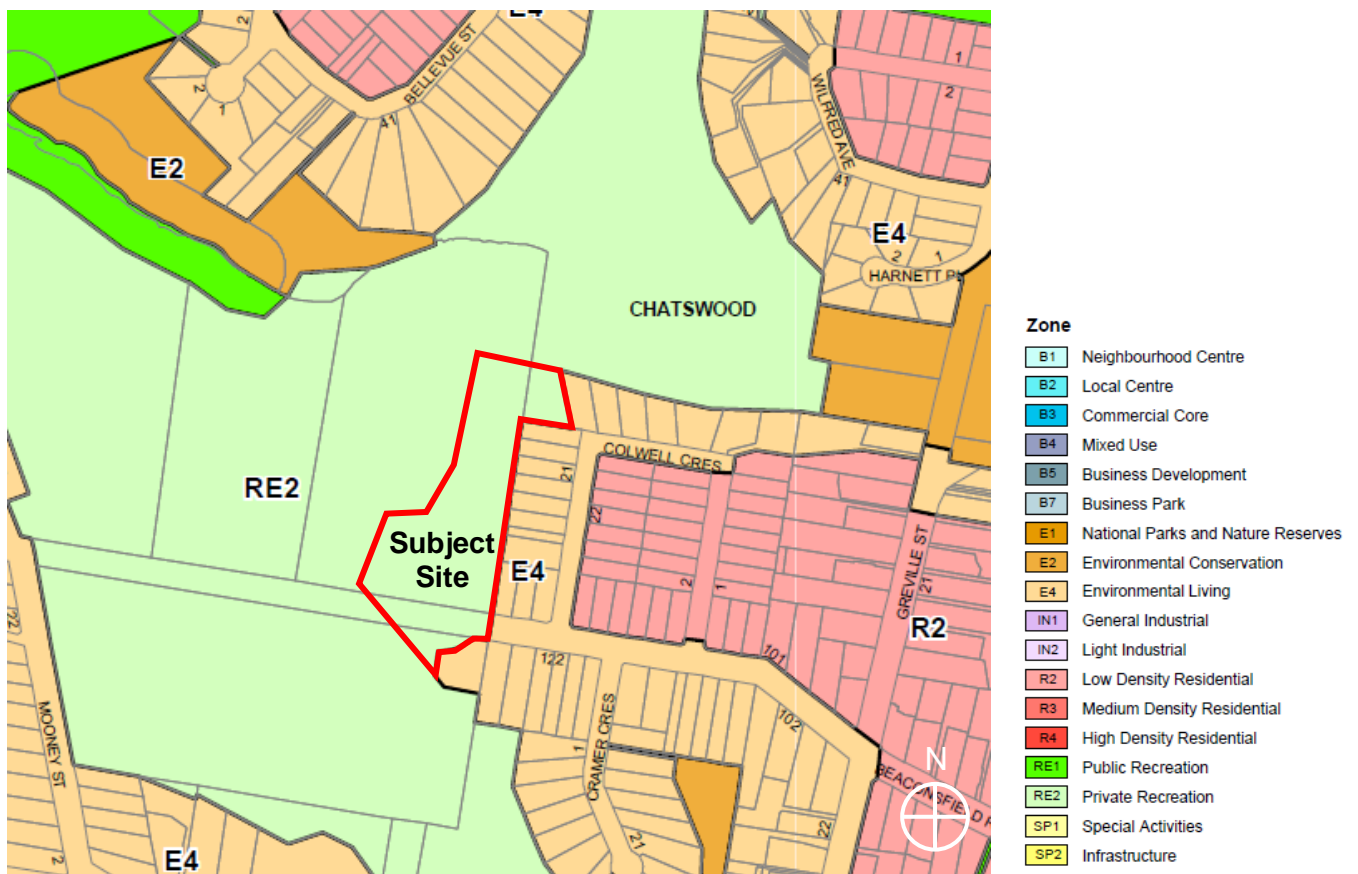


Figure 14: Land zoning map LZN_002 (source: NSW Legislation – LEP)

5. Seniors Housing SEPP

5.1 Does the Seniors Housing SEPP apply to the site?

Subject to other considerations detailed later in this report, the Seniors Housing SEPP applies to land that is:

- zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes;
- where development for the purpose of any of the following is permitted on the land:
 - dwelling houses;
 - residential flat buildings;
 - hospitals;
 - development of a kind identified in respect of land zoned as special uses; or
 - the land is being used for the purpose of a registered club.

As noted above the Department is satisfied the Seniors Housing SEPP applies to the site.

5.2 Is the site zoned 'primarily for urban purposes' or does it 'adjoin land zoned primarily for urban purposes'?

Land not zoned primarily for urban purposes is defined under clause 4(2) of the Seniors Housing SEPP as (but not limited to) land that is:

- principally for rural purposes;
- principally for urban investigation; or
- a zone that is identified as principally for residential uses on large residential allotments (e.g. R5 Large Lot Residential or RU6 Transition zones as per the Standard Instrument LEP).

Despite this, it does not mean that all other land is therefore land 'zoned primarily for urban purposes.'

The site is not land zoned primarily for urban purposes, but rather adjoins land zoned primarily for an urban purpose, being R2 Low Density Residential with a variety of one and two storey dwellings on the eastern boundary (**Figure 14**).

The site is approximately 60m directly to the west of land that is zoned R2 Low Density Residential and primarily for urban purposes. This is considered 'sufficiently close' to the proposal site to satisfy the requirement to adjoin land primarily for urban purposes.

Based on the LEC's ruling, the Department is satisfied that the subject site meets the requirements of the Seniors Housing SEPP as adjoining land primarily for urban purposes.

Under Clause 17 of the Seniors Housing SEPP, a consent authority must not consent to a DA for seniors housing on land that adjoins land zoned primarily for urban purposes unless the proposed development is for the purpose of the provision a housing for people with a disability or a residential care facility or a retirement village as defined under the *Retirement Village Act 1999 No 81*. The proposal is consistent with Clause 17 of the Seniors Housing SEPP as the development will deliver 106 serviced self-care housing dwellings.

5.3 Is the site excluded under Schedule 1 of the Seniors Housing SEPP?

Clause 4(6)(a) of the Seniors Housing SEPP states that the SEPP does not apply to land described in Schedule 1 (environmentally sensitive land). This includes:

Land identified in another environmental planning instrument by any of the following descriptions or by like descriptions or by descriptions that incorporate any of the following words or expressions—

- (a) coastal protection,*
- (b) conservation (but not land identified as a heritage conservation area in another environmental planning instrument),*
- (c) critical habitat,*
- (d) environment protection,*
- (e) open space,*
- (f) escarpment,*
- (g) floodway,*
- (h) high flooding hazard,*
- (i) natural hazard,*
- (j) (Repealed)*
- (k) scenic (but not land that is so identified if—*
 - I. the land is within a residential zone in which development of two storeys or more in height is permitted, or*
 - II. an adjacent residential zone, also identified as scenic, permits development of two storeys or more in height),*
- (l) water catchment,*
- (m) natural wetland.*

Land shown cross-hatched on the bush fire evacuation risk map.

Coastal Land

The subject site is within the coastal zone under *State Environmental Planning Policy (Coastal Management) 2018* (Coastal SEPP) (**Figure 15**). However, it is not on land described in 'like terms' to any of the descriptions listed in Schedule 1 to the Seniors SEPP.

The Department considers the subject site is not described in an environmental planning instrument by the terms or like terms listed in schedule 1 of the Seniors Housing SEPP.



Figure 15: SEPP (Coastal Management 2018 (source: DPIE)

Flooding

Council does not provide flood mapping in the LEP. Clause 6.3 of the LEP refers to a flood planning level of a 1:100 ARI flood event plus 0.5m freeboard.

The Chatswood Golf Club is located with the lower area of the Swaines Creek catchment, a tributary of the Lane Cove River. As such, the land is subject to flood related development controls.

Council's Swaines Creek Flood Study indicates that the subject land is prone to minor flooding in the south-east area of the site (**Figure 16**).

The SCC was supported by a Flood Analysis Report (**Attachment E5**) prepared by Marchese Partners. The report notes that the site will be affected by overland flow emanating from Beaconsfield Road and the immediate upstream residential properties immediately to the east in Colwell Crescent. Mitigation measures are proposed to divert stormwater away from residences to the east of the site and the clubhouse development. The analysis demonstrates the proposed development will not impact on the current natural flows as they are contained within the natural gully.

The analysis demonstrates that there is no impact on the course or the building development and neither will the proposed buildings impact on the current natural flows. These flows are contained within the current creek and therefore there is no perceived additional risk to life and property.

The report demonstrates that flooding is not considered to be a constraint that would preclude the use of the site for more intensive purposes in the form of seniors housing. Flood and stormwater management can be appropriately considered and assessed at the development assessment stage.

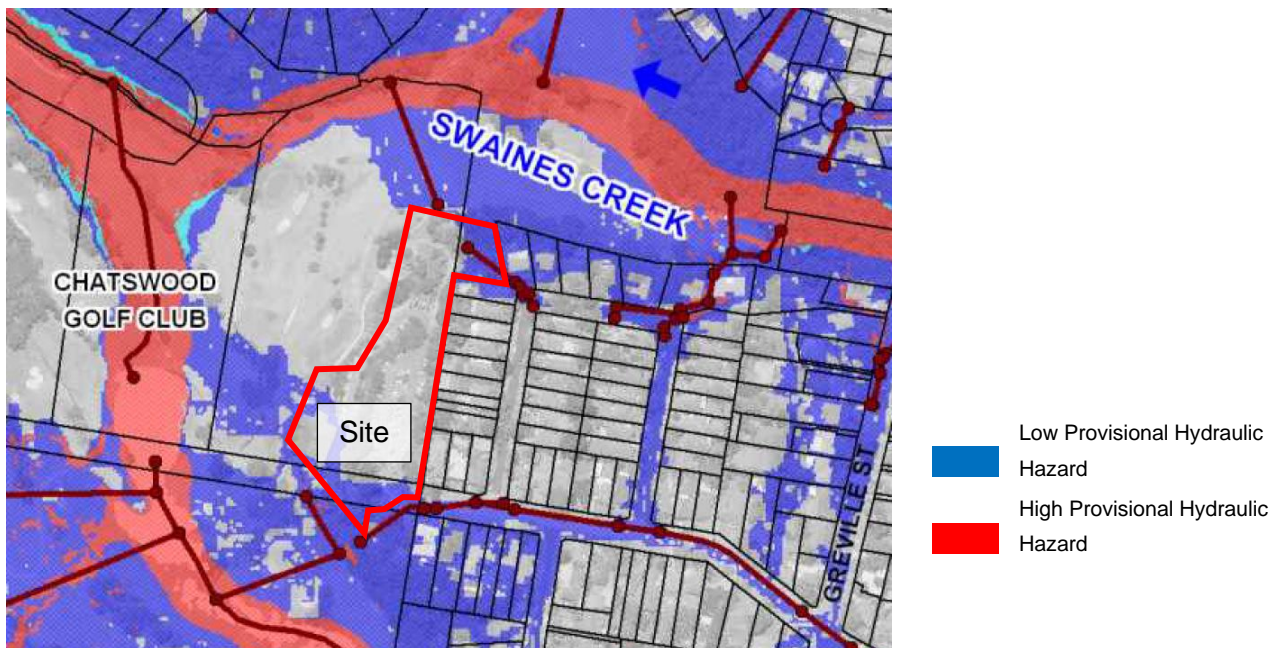


Figure 16: Swaines Creek Flood Study PMF (source: Council)

Flora and Fauna

Travers Bushfire and Ecology conducted a Flora and Fauna Study (**Attachment E6**) and submitted as part of the SCC application.

The assessment stated that:

- the subject site does not exhibit any significant or unique habitat of breeding importance for any threatened fauna species;
- no endangered flora or fauna population occur within the Willoughby LGA and is not likely to be constrained by matters within the former section 5 (now under s1.7) of the EP&A Act; and
- subject to detailed fauna survey the proposed development is not expected to cause a significant impact on any threatened fauna species or associated habitat.

The Arboricultural Impact Assessment Report (**Attachment E7**) submitted with the SCC recommended if trees are removed that it is preferable to replace them with species that are indigenous to the local area.

The flora and fauna impacts are discussed further in section 6.3.

Conclusion

The application for 'serviced self-care housing' is considered permissible on the site noting that:

- the site is in sufficient proximity to land zoned for an urban purpose; and
- the site is not considered to be 'environmentally sensitive land' as described under Schedule 1 of the Seniors Housing SEPP.

Discussion of the management of environmental issues is provided in section 6.3 of this report.

5.4 Previously issued SCC on the land

A SCC has been previously issued for the land described as the Chatswood Golf Club, 128 Beaconsfield Road, Chatswood (Lot 163 DP 752067, Lot 1 DP1124646, Lot 1 DP 651667 and Lot 22 DP 626634) (**Attachment D**).

The certificate was issued for 106 serviced self-care housing units, ancillary facilities and associated landscaping on 13 June 2019 by the Planning Panel under clause 25 of the Seniors Housing SEPP.

The Planning Panel formed the opinion that:

- the site is suitable for more intensive development;
- the development described is compatible with the surrounding environment having had regard to the criteria specified in clause 25(5)(b); and
- the development for the purposes of seniors housing of the kind proposed in the DA is compatible with the surrounding land uses and limited to the nominated footprint area.

The SCC required the seniors housing development to be generally limited to the development footprint area within the golf course site as nominated in the submitted drawings; and that the final layout, building construction, dwelling numbers and on-site facilities for the seniors housing development will be subject to the resolution of issues relating to height, bulk and scale of the development; loss of vegetation; and retention of open space.

The SCC is due to expire on 13 June 2021.

5.5 Proximity of site to which there is a current SCC, or an application has been made but not yet determined

There are no other current or pending SCCs for land within one kilometre of the site. As such, a cumulative impact study has not been provided. It is noted that this does not preclude the Planning Panel from nonetheless requiring a cumulative impact study if the Planning Panel considers it is necessary for it to be provided to determine whether the land concerned is suitable for more intensive development (clause 25(2D) of the Seniors Housing SEPP).

The Planning Panel issued a SCC on 13 June 2019 for the site stating the land was suitable for more intensive development.

6. Council Comments on SCC Application

Under clause 25(5) of the Seniors Housing SEPP, the panel must not issue a SCC 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; and
- (b) 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 criteria specified in clause 25(5)(b).

On 16 February 2021, Council was advised that an application for a SCC has been submitted for consideration by the Planning Panel.

On 3 March 2021, comments were received from Council (**Attachment C**) have been summarised below in **Table 2**.

It is noted that Council supports the proposed second SCC for a senior's housing development to enable the completion of the assessment of the DA currently before Council.

Table 2: Council comments

Issue	Council Comments
Permissibility	<p>Council notes that a previous near identical SCC application was supported by Council and approved by the Planning Panel on 13 June 2019.</p> <p>The current application removes the temporary golf clubhouse previously proposed on the west side of the golf course.</p>
Site Boundary	The current SCC corrects a misalignment in the site boundaries in the SCC Footprint Plan the previous SCC.
Arboriculture	<p>Council advises that Planning for Bushfire Protection Guidelines have been updated since the initial SCC approval. This required removal of additional trees to maintain a compliant Asset Protection Zone (APZ).</p> <p>The adverse impact of the proposed loss of trees has been noted by Council. The impact on the trees will be further assessed as part of the current DA. It is proposed that off-set plantings to the golf course will be around 650 new trees.</p>

6.1 Suitability for more intensive development

In accordance with clause 24(2)(a), the consent authority must not consent to a DA unless a SCC provides that in the opinion of the Planning Panel, the site of the proposed development is suitable for more intensive development.

The site forms part of the Chatswood Golf Course, which is in the valley and slopes of the Swaines Creek and Lane Cove River catchments. It adjoins low-density residential development to the east and has expansive and scenic views west towards the Lane Cove River and Lane Cove National Park.

The development intends to provide an additional large landscaped private space east of the seniors living development, providing a vegetation buffer between the proposed development and the closest residential development to the east of the site and providing additional open space to support senior residents and their visitors. However, the landscape area may be amended as part of the development application based on the recommendations of the bushfire report to provide an Asset Protection Zone.

The report for the SCC stated that a detailed plan of management will be expanded to clearly outline the management of shared uses to ensure there will be not direct or unmanageable social or land use conflicts. The report also states that the club's poker machines were removed and will not form part of the new club premises and will not result in adverse social impacts on the residents of the retirement village.

It is considered that the site is suitable for more intensive development as it is noted that:

- the site adjoins an established low-density urban area;
- there is sufficient space to accommodate the scale and proportion of the proposed development while allowing for the integration of a new club premises and retaining the entire golf course;
- it is accessible to Chatswood and St Leonards as key strategic centres and the Lane Cove town centre, which collectively provide a range of services and facilities;
- it is 5km or a 10-minute drive to the Royal North Shore public hospital;

- it is readily accessible to services and facilities and public transport infrastructure;
- there are no constraints that could not be adequately addressed at the DA stage;
- the existing accessway and local road network is used to access the site;
- the proposed development is confined to developed parts of the site;
- residents at the site will be able to access a variety of onsite services including a gym and wellness centre, café and restaurant; and
- the development meets the demand for increased aged and disability care facilities in the area, as identified in the North District Plan.

6.2 Compatibility with the surrounding environment and land uses

Under Clause 24(2)(b) of the Seniors Housing SEPP, the consent authority must also not consent to a DA unless a SCC provides that in the opinion of the panel, the proposed development is compatible with the surrounding environment, having regard to at least the following criteria specified in clause 25(5)(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))***

Bushfire Risk

Adjoining the subject site, in the south-west area is bush fire prone vegetation category 2 with a 30m buffer (**Figure 17**) on Council's Bushfire Prone Land map in the Willoughby DCP.

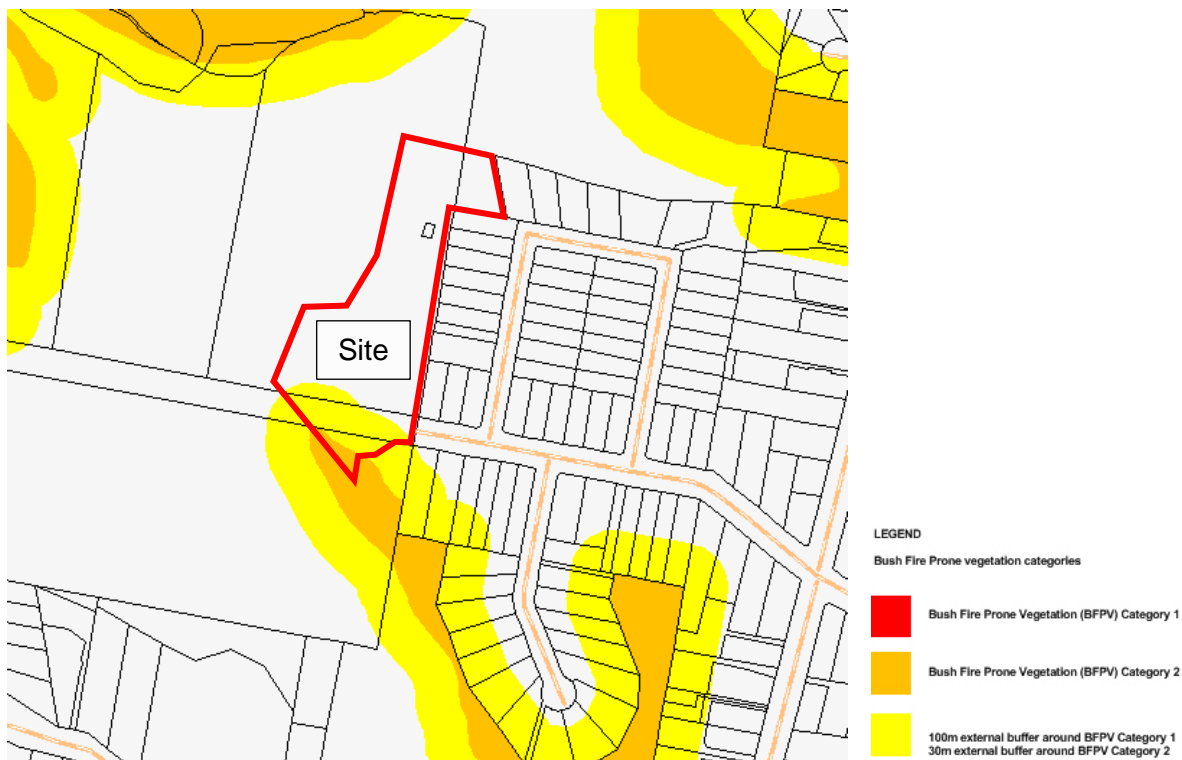


Figure 17: Bush fire prone land (source: Council)

A Bushfire Constraints Assessment was prepared by Travers Bushfire and Ecology, dated 1 June 2017 (**Attachment E8**). The assessment identifies the Asset Protection Zone (APZ) requirements and establishes the required building setbacks and the available area for the development of habitable dwellings on the site.

Minimum APZ are required to ensure future residents and visitor are not exposed to adverse conditions as a result of a bushfire and radiant heat.

Table 3 indicates that the proposed development can comply with *Australian Standards AS3959 (2009) Construction of buildings in bushfire-prone areas* and the *NSW Rural Fire Service land development policy document Planning for bush fire protection, 2006*.

Table 3: Bushfire attack assessment

Aspect	Predominant vegetation within 140m	Slope of the land	APZ required	APZ provided
Independent Living Units				
North- east	Remnant forest	Level	30m	30m
South- east	Remnant forest	18° (downslope)	42m	42m

A detailed bushfire protection assessment report prepared by Travers (dated May 2020) (**Attachment E8a**) that accompanies the DA notes that bushfire can potentially affect the proposed development from the narrow corridor of Sydney Coastal Dry Sclerophyll Forest located within the golf course to the north east and south east, resulting in possible ember and radiant heat attack. Bushfire measures have been proposed including provision of APZs in compliance with performance requirements outlined in Planning for Bushfire Protection (PBP) Guidelines.

The assessment of the bushfire risks will be undertaken as part of the DA as the application requires an integrated referral to the Rural Fire Service (RFS) for an approval under Section 100B of the Rural Fires Act. Clause 27 of the SEPP requires the consent authority to be satisfied that the development complies with the requirements of the document titled Planning for Bush Fire Protection, have regard to specific criteria in determining the application with regard to the location of the development, the means of access and egress from the location and other matters and are also required to consult with the Rural Fire Service and have regard to its comments.

Council's comments highlight that Planning for Bushfire Protection Guidelines have been updated since the initial SCC approval. This required removal of additional trees to maintain a compliant Asset Protection Zone (APZ). The adverse impact of the proposed loss of trees has been noted by Council. The impact on the trees will be further assessed as part of the current DA. It is proposed to off-set the loss of trees with approximately 650 new plantings.

It is recommended that a requirement be attached to the certificate to ensure bushfire issues are resolved as part of the final layout, building construction and dwelling numbers in addition to loss of vegetation, height, bulk and scale and retention of open space.

Geotechnical Hazards

The application is supported by a Geotechnical Investigation prepared by JK Geotechnics, Geotechnical and Environmental Engineers, dated 17 May 2017 (**Attachment E9**).

The assessment makes recommendations on site stability, excavation conditions, retaining walls, footings, on-grade floor slabs and external pavements.

No geotechnical issues were identified by the investigation. The Department considers that sufficient information has been provided as part of the SCC assessment to demonstrate that the geotechnical features of the site are suitable for the proposed development. Further assessment will be required to be undertaken as part of the DA stage.

Contamination

The application is supported by a Preliminary Stage 1 and Stage 2 Site Investigation prepared by EIS Environmental Investigation Services, dated 30 August 2016 and 16 March respectively (**Attachments E10 and E11**).

The report prepared as part of the investigation found that no notices were found for the site under the Contaminated Land Management Act (1997) or on the list of NSW contaminated sites notified to the Environment Protection Authority.

An elevated concentration of lead was found in one of the samples and fibre cement fragments containing asbestos on the ground surface in the south section of the site.

EIS stated that in the Stage 2 site investigation that the site can be made suitable for the proposed seniors living development provided the following recommendations are implemented:

- undertake an additional ESA to address the data gaps;
- prepare a Remediation Action Plan to outline remedial measures for the site;
- prepare a Validation Assessment report on completion of remediation; and
- undertake a Hazardous Materials Assessment for the existing buildings prior to the commencement of demolition work.

The Department considers that sufficient information has been provided as part of the SCC assessment to demonstrate that potential contamination at the site can be appropriately managed, with further assessment required to be undertaken as part of the DA stage.

Flora and Fauna

Travers Bushfire and Ecology conducted a Flora and Fauna Study (**Attachment E6**) and submitted as part of the SCC application.

The assessment stated that:

- the subject site does not exhibit any significant or unique habitat of breeding importance for any threatened fauna species;
- no endangered flora or fauna population occur within the Willoughby LGA and is not likely to be constrained by matters within former section 5 (now under s1.7) of the EP&A Act; and
- subject to detailed fauna survey the proposed development is not expected to cause a significant impact on any threatened fauna species or associated habitat.

The report recommended that:

- sediment and erosion control measures to minimise the impact to local drainage lines;
- the use of locally occurring native fauna species in new landscaping to consolidate remnant vegetation linkages;
- to control, eradicate and manage noxious and invasive species; and
- a survey of threatened fauna be undertaken including an assessment of any threatened hollow dependent species and inspections of any potential hollows, slits or other structures that may be suitable for roosting or breeding species.

The SCC was also accompanied by an Arboricultural Impact Assessment prepared by Glenice Buck Designs Pty Ltd (**Attachment E7**).

The report noted that some trees will need to be removed if the proposed development is to proceed. However, some trees should be able to be retained and protected throughout the development process.

In total five trees will need to be removed as they are dead. There are 45 trees which were surveyed - it is proposed to remove 28 of these trees and retain and protect 17.

Also there are no strong reasons to remove the trees located within the groups on the embankment however they will need to be removed as they are not sustainable in this location due to the fact that with any changes in the grade around their tree protection zone will be a threat to their structural stability.

The application notes that since the initial SCC approval the Planning for Bushfire Protection (PBP) Guidelines have been updated and necessitated removal of additional trees to maintain a compliant Asset Protection Zones (APZ). It also notes that the proposed development has been designed to maintain the maximum number of trees, particularly along the eastern boundary and on the E4 parcel to the south, however there are a large number of trees which will need to be removed as a result of works required to create an accessible and bushfire safe development.

The SCC application comments that the conclusion in the Flora and Fauna report was there were no threatened species observed or considered likely to occur in a natural state on the development site. Council noted that the adverse impact of the proposed loss of trees and the impact on the trees will be further assessed as part of the current development application.

It is also noted that an updated Arboricultural Assessment Report (**Attachment E7a**) and Biodiversity Assessment Report (**Attachment E6a**) has been submitted with the DA. This report specifies increased tree removal which will be considered in further detail in the assessment of the DA.

Acid Sulfate Soils

The site contains class 5 acid sulfate soils as identified in the LEP. The proposed development includes excavation to depths greater than 5m below natural ground.

The report for the SCC application indicates that an acid sulfate soils management plan is required to be prepared by a suitably qualified geotechnical engineer at the DA stage. Existing soil conditions would not preclude the proposed development.

Heritage

There are no heritage items or heritage conservation areas identified on the site. The LEP heritage map indicates that adjoining sites are not identified as heritage items or a heritage conservation area.

The site is not a known archaeological site, or an Aboriginal place of heritage significance as supported by the Aboriginal heritage due diligence assessment prepared by Travers Bushfire and Ecology (**Attachment E6**).

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

The subject land is zoned RE2 Private Recreation and has been occupied by Chatswood Golf Club (CGC) Limited since 1935. The site contains an 18-hole golf course and a clubhouse and associated facilities.

Watermark Chatswood Pty Ltd and the golf club established a joint venture in 2016 to revitalise the facilities to ensure the long-term sustainability and ongoing viability of the club and golf course. The proposed development provides financial longevity for the site by supporting the viability of the existing use.

To ensure the compatibility of uses across the golf course, proposed safety mitigation measures have been prepared by golf course architect Kruse Golf, including setbacks, fencing, architectural screens, safety netting, and landscape plantings on the interface between the golf course and the development site. A separate DA will be submitted for the upgrade works.

Clause 23 of the Seniors Housing SEPP requires the consent authority of a DA to not consent to a development of land that is used for the purposes of a registered club unless the authority is satisfied there is an acceptable level of separation of club and residential uses. While it is acknowledged the proposed scheme design illustrates the new club premises will be adjacent to new seniors housing development, there is some level of separation between these two uses and this can be further resolved through detailed design of the proposal as part of a future DA.

The report for the SCC application (**Attachment E1**) states that the poker machines have been removed and will not be included as part of the new clubhouse facilities.

- (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))***

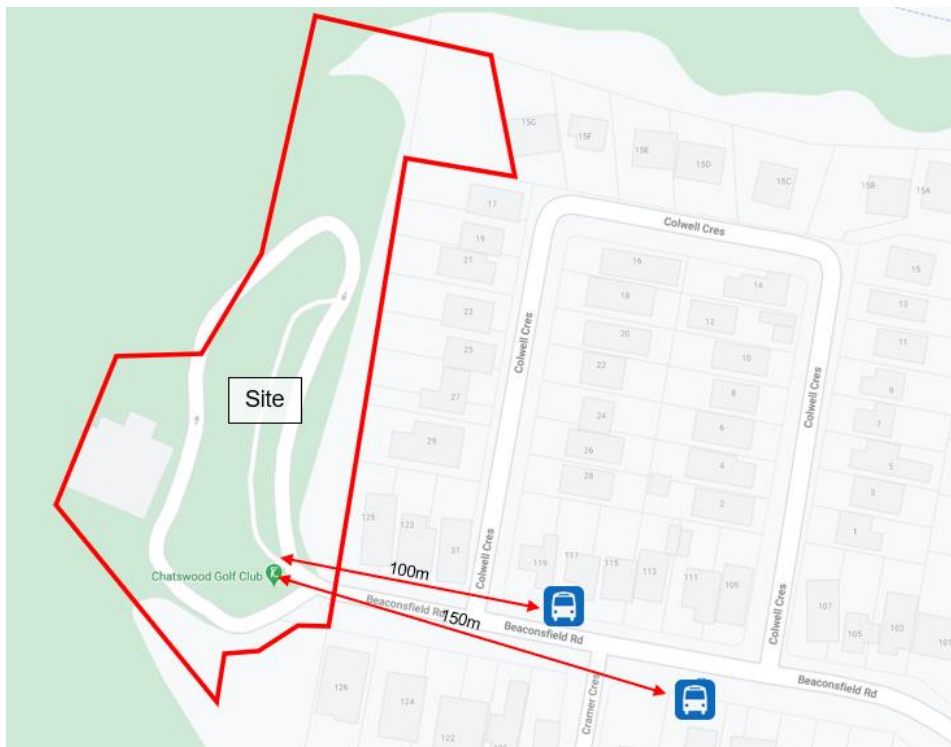


Figure 18: Location of the proposed development to public transport

Traffic and Parking

A Traffic and Parking Impact (**Attachment E12**) prepared by Ray Dowsett Traffic and Transport Planning Pty Ltd, dated 29 June 2017 considered the existing road and traffic conditions, as well as the availability of public transport, parking provision, traffic generation and impacts.

The report states that the surrounding development is primarily low density residential with the Lane Cove Gardens Retirement Village comprising multi-storey self-care housing and seniors housing at 13 Hart Street, Lane Cove.

The main road network servicing the site comprises of Beaconsfield Road which terminates at Chatswood Golf Club to the north-west and Mowbray Road West to the south-east.

The report states that the site is close to public transport with Sydney Buses operating a loop service to Chatswood Railway Station Monday to Saturday (**Figure 18**). Pedestrian access to the bus stops is proposed to be upgraded with the provision of a concrete footpath to the northern side of Beaconsfield Road including a waiting shelter.

A traffic and parking impact statement considered the road and traffic conditions, the availability of public transport, vehicle arrangements, parking provision, traffic generation and impacts. The Seniors SEPP specifies that residential parking is to be provided at a rate of 0.5 spaces per bedroom. The development is proposed to contain 229 bedrooms which would equate to approximately 115 car spaces. The concept design provides 150 car parking spaces, which exceeds the requirements of the Seniors SEPP. The proposal also provides 145 car spaces at basement level for the new club facility. Parking requirements can be confirmed at the DA stage.

The traffic report noted that the proposed development inclusive of the clubhouse would have the potential to generate an additional 87 AM peak vehicle trips and 102 PM peak vehicle trips over the existing facility. The peak traffic generation of the seniors living component will not coincide with the AM peak hour traffic generation for both components of the development including the clubhouse, which is considered to have a negligible impact on the existing traffic generation of the locality.

The traffic report assessed post-development traffic conditions along Beaconsfield Road and associated intersections and concluded that these will provide satisfactory operating conditions with no unacceptable impacts. An emergency and evacuation plan included with the SCC application is consistent with the NSW Rural Fire Service guidelines. It is therefore considered that these matters can be addressed appropriately at the DA stage.

Access

An access review prepared by Funktion Access Consultants in their report dated July 2017 (**Attachment E13**) confirm the proposal complies with clause 26 of the Seniors Housing SEPP as a regular public bus service route and bus stops are within 400m of the site and this service provides direct links to local facilities and services.

The proposal indicates that the footpath appears to comply with the functional gradients, and uneven portions of the footpath will need to be upgraded. This matter can be reviewed more closely as part of the detailed design of the proposal and submitted and addressed as part of a future DA.

Location and access to services and facilities

The subject land is near the Lane Cove town centre (1.5km), which provides a range of retail, community and medical services including supermarkets, medical centres, a post office, a library, Council chambers and an aquatic leisure centre within a short commute by public transport. Medicare centres are located in Chatswood and Lane Cove, and North Shore Private Hospital and Royal North Shore Hospital are approximately 5km south-east of the subject site.

Infrastructure

An infrastructure services report prepared by Marchese Partners (**Attachment E14**) concludes that water, gas, electricity, communications and sewer infrastructure is close by and has adequate capacity to service the subject site pending final approval from the relevant authorities and services providers. It is considered that matters regarding provision, capacity and/or augmentation of services can be confirmed at the detailed design/DA stage.

(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 zoned RE2 Private Recreation and is not available for use as ‘public open space’ but does form part of an extensive network of green space. The proposal will have no impact on nearby public spaces such as O.H Reid Reserve next to the site. The proposal will maintain most of the open space across for the proposal, none of which will be impacted by the proposed seniors housing development. The proposal will also seek to provide additional and new private open space on the site for future senior residents and visitors.

The proposal is considered to have no detrimental impacts on the provision of land for public open space or special uses given the availability of recreational areas/facilities on-site and in the vicinity. The proposal will retain the 18-hole golf course for private recreational use.

(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))

Bulk, scale, built form and character of the proposed development

The indicative design for the seniors housing development comprises two five-storey seniors living buildings (Block A and Block B) separated by the four-storey clubhouse building in the centre of the development. The architectural design statement included with the application states that the building envelope has been positioned to step down in alignment with the escarpment to allow for a building form that reflects the natural topography of the site. This design minimises the perceived height of the proposed buildings and while seeking to maintain views from the adjacent properties to the east over the golf course site (**Figures 19 and 20**).

The proposed built form of the development from levels 3–5 demonstrates acceptable separation between the clubhouse and the northern and southern blocks to reduce perceptions of significant bulk and scale. The SCC application notes the visible separation between all buildings assists in breaking up the mass and provides a built form that allows for solar access and good sightlines to the golf course and Lane Cove National Park. Additionally, the suggested separation between the proposed development and existing residential development to the east will help to minimise impacts arising from the construction, built form and operation of the development.

While the proposal’s five-storey height of buildings contrasts with the predominant one-storey and two-storey development in surrounding residential areas. Given the slope of the site and the integration of proposed development with the topography, the proposal will be below the ground level of adjacent dwellings. There is no overshadowing to the surrounding residential areas (**Figures 21 to 23**).

The impacts of the development with regard to scale, bulk and separation are considered to be acceptable. The final design details can be adequately considered and determined at the DA stage.

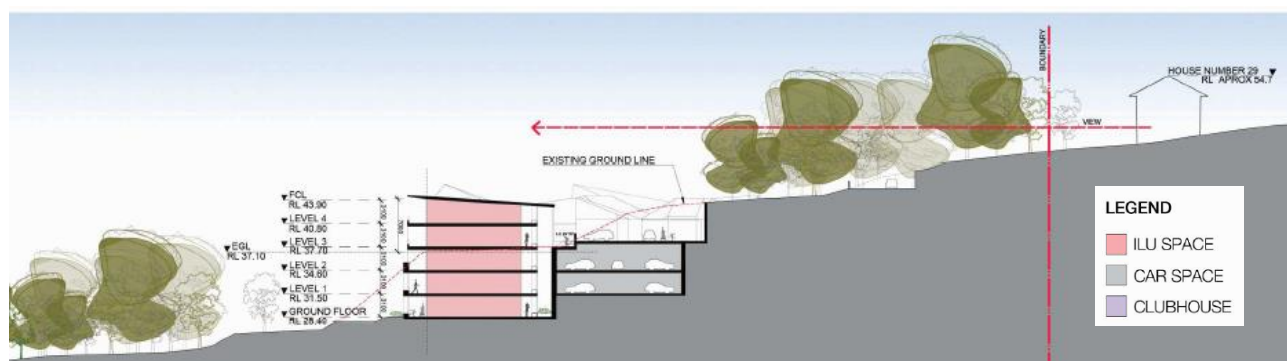


Figure 19: Section B (refer to Figure 8) (source: Marchese Partners Architects)

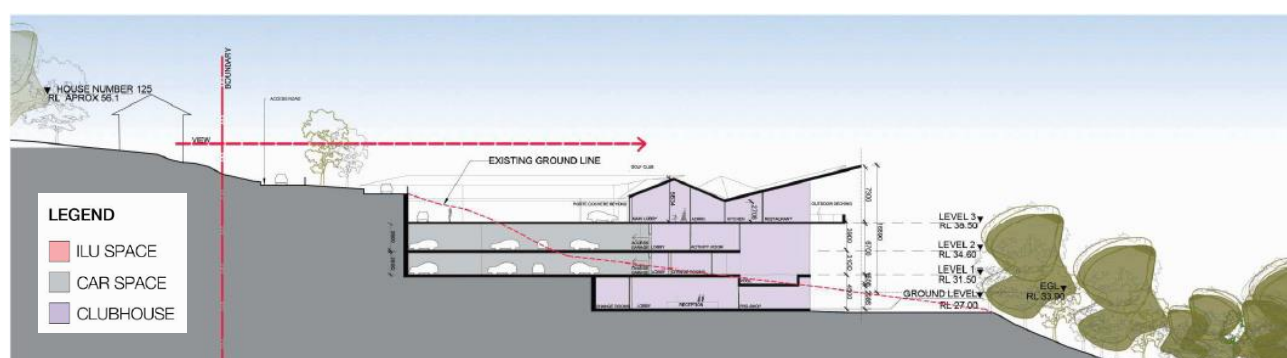


Figure 20: Section C (refer to Figure 8) (source: Marchese Partners Architects)



Figure 21: Shadow diagram 9am June 21st (source: Marchese Partners Architects)

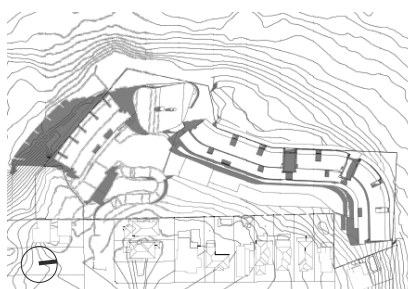


Figure 22: Shadow diagram 12pm June 21st (source: Marchese Partners Architects)

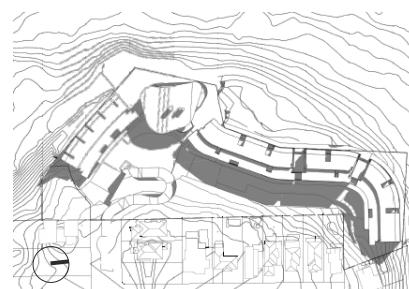


Figure 23: Shadow diagram 3pm June 21st (source: Marchese Partners Architects)

- (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 25 August 2017. This Act was not applicable to land in the Willoughby Local Government Area.

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

A cumulative impact study is not required for this application as there are no other SCC applications within one kilometre of the site. However, the panel may require the applicant to provide a cumulative impact study even if it has not been provided with the application. The panel may

consider the study necessary to determine whether the land concerned is suitable for more intensive development.

7. Conclusion

The Department considers that a SCC should be issued for the site on the basis that:

- the proposed use will assist in providing additional housing choice and opportunities for 'ageing in place' for the senior's population in the Willoughby LGA;
- the site is suitable for more intensive use for the purposes of seniors housing, having regard to the criteria set out in clause 25(5)(b) of the SEPP and more detailed design considerations being undertaken as part of any future DA;
- the proposal will provide seniors housing near public transport, which will help to provide good access to health, retail, banking and other facilities in the area;
- the proposal will not compromise the use of the site as a golf course and will seek to facilitate the provision of a new club premises and additional facilities that will benefit the future senior residents and the local community;
- matters regarding flooding, acid sulfate soils, traffic and access, bushfire, loss of vegetation and building bulk, scale, setbacks and the proposed configuration of the new club premises with the seniors housing can be addressed and assessed at the DA stage; and
- a SCC was issued 13 June 2019 as the application demonstrated that the site is suitable for more intensive development and is compatible with the surrounding development. The current application for a SCC is nearly identical to the previous application.

To support this, it is recommended that the panel consider requirements in schedule 2 of the SCC that will:

- ensure that height, bulk, scale, setbacks and impacts on adjoining development can be suitably addressed at the DA stage. This includes the need for the development to be compatible with the surrounding environment through the consent authority's assessment of any future DA;
- not create additional built form incursions for the seniors housing development into the green open space of the golf club site, to address Council's concerns that the proposal will potentially result in significant loss of open space; and
- limit the extent of the seniors housing development to that part of the golf club site as shown in the plans submitted with the SCC application and drawn by Marchese Partners.

8. RECOMMENDATION

It is recommended that the Planning Panel:

- **Considers** the findings and recommendations of this report;
- **Notes** the comments of Council on the SCC application under clause 25(5)(b) of the Seniors Housing SEPP (**Attachment C**);
- **Forms the opinion** that the site of the proposed development is suitable for more intensive development, having had regard to clause 24(2)(a);
- **Forms the opinion** that the proposed development for the purposes of serviced self-care seniors housing is compatible with the surrounding environment and surrounding land uses, having had regard to the criteria specified in clause 25(5)(b); and
- **Considers** a deferred commencement for the SCC to operate from the expiry of the existing SCC from 13 June 2021 so that there are not two SCCs applying to the same land;

- **Determines** the application for a SCC by issuing a certificate for part Lot 163 DP752067, part Lot 1 DP651667, part Lot 1 DP1124646 and part Lot 22 DP626634 at 128 Beaconsfield Road, Chatswood.

Recommended by:

Christina Brooks
Planning Officer,
North District

Endorsed by:



11/05/2021

Brendan Metcalfe
Director, North District



21/05/2021

Malcolm McDonald
Executive Director, Eastern Harbour
City

ATTACHMENTS

Attachment SCC – draft Site Compatibility Certificate

Attachment B – Subject Site and Locality Map

Attachment C - Council Comments

Attachment D – Previously issued SCC

Attachment E – SCC Application Package

Attachment E1 – Revised Site Compatibility Certificate Report

Attachment E2 – Owners consent

Attachment E3 – Certificate of ownership

Attachment E4 - Architectural Plans

Attachment E5 - Flood Assessment

Attachment E6 – Flora and Fauna Assessment

Attachment E6a – Biodiversity Assessment Report (April 2020)

Attachment E7 - Arboricultural Impact Assessment

Attachment E7a – Arboricultural Impact Assessment (updated November 2020)

Attachment E8 – Bushfire Constraints

Attachment E8a – Bushfire Report (updated May 2020)

Attachment E8b – Bushfire Evacuation Plan

Attachment E9 – Geotechnical Report

Attachment E10 - Preliminary Site Investigation – stage 1

Attachment E11 - Preliminary Site Investigation – stage 2

Attachment E12 – Traffic and Parking Assessment

Attachment E13 – Access Review

Attachment E14 – Infrastructure, Building Services Feasibility Report

Attachment E15 - Survey Plans

Attachment E16 – Shadow Diagrams

Attachment E17 – Landscape Plans

Attachment E18 – CGC Letter – course design and safety

Attachment E19 – CGC submission to Council

Attachment E20 – Council pre-lodgement meeting

Attachment E21 – Community Consultation Report

Attachment E22 – s10.7 certificate for Lot 163

Attachment E23 – Residential Care Services Statement

Attachment E24 – Concept photos

Attachment E25 – Architectural Design Statement

Attachment F – Map of footprint comparison between SCC and DA.