

**Report to the Sydney North Planning Panel on an application for a site compatibility certificate (SCC2021KURIN-3) under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 for 4-12 Neringah Avenue South, Wahroonga**

## 1. SUBJECT SITE

The SCC application applies to land at 4-12 Neringah Avenue South, Wahroonga.

The site is located across three (3) adjoining lots along Neringah Avenue South, Wahroonga (**Figure 1**):

- Lot 52 DP 2666 – no street address.
- Lot 1 DP 960051 – 2 Neringah Avenue South, Wahroonga.
- Lot 1 DP 1199937 – 4-10 Neringah Avenue South, Wahroonga.

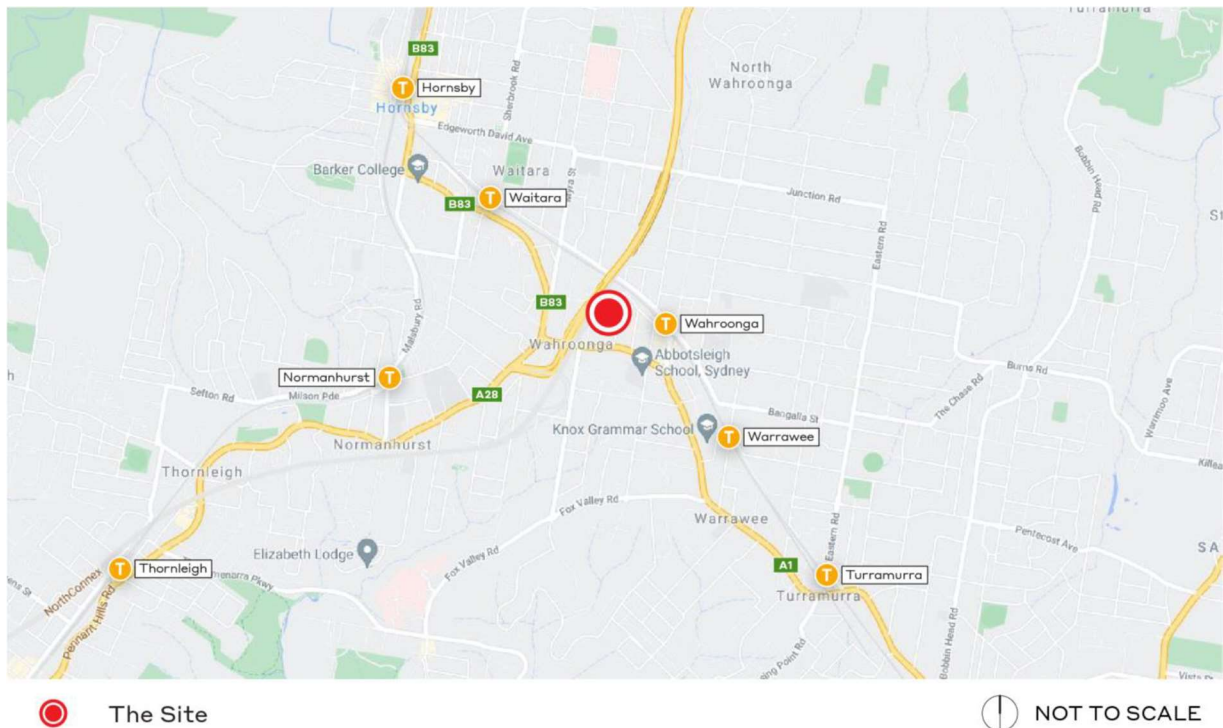
Irregularly shaped, the site has a total area of approximately 10,770m<sup>2</sup>, with a frontage of approximately 134m to Neringah Avenue South. The site has a cross fall of approximately 9m from the site's southern boundary to the northern boundary.

The proposed development works are limited to the eastern portion of the site occupied by the Neringah Hospital and car park. The remainder of the site comprises Wahroonga Residential Aged Care Facility fronting Woonara Ave and a cottage which is a local heritage item to the south.



**Figure 1:** Aerial photo of the site (Source: Ethos Urban).

The site is located in the North Shore suburb of Wahroonga, as indicated in **Figure 2**.



**Figure 2:** Site location map (Source: Ethos Urban)

HammondCare owns and operates an existing seniors housing and health services facility across the three lots. Four existing buildings are located on the part of the site subject to the SCC, along the Neringah Avenue South frontage:

- A 4-storey health services facility known as ‘Neringah Hospital’ comprising palliative care facilities and administrative uses (**Figure 3**).
- A small one storey multipurpose building (**Figure 4**).
- A 4 storey Residential Aged Care Facility (RACF) ‘Wahroonga building’ comprising 54 beds (**Figure 5**).
- A one storey local heritage dwelling ‘Woonona Cottage’ (item number I1009 under Ku-ring-gai LEP 2015) utilised for site administration uses (**Figure 6**).



**Figure 3:** ‘Neringah Hospital’ along Neringah Avenue South (Source: Ethos Urban).



**Figure 4:** Multipurpose building (Source: Ethos Urban).





**Figure 5:** Existing RACF along Woonona Avenue (Source: Ethos Urban).



**Figure 6:** Local heritage dwelling along Woonona Avenue (Source: Ethos Urban).

The location of existing buildings across the site is shown in **Figure 7**.



**Figure 7:** Current Site Plan (Bickerton Masters, 2021)

## 2. SURROUNDING CONTEXT

Located in a primarily residential area, the site is bound by the following development:

- A 5 to 6 storey residential flat building adjacent to the north (**Figure 8**).



- 2 storey residential flat buildings located east across Neringah Avenue South (**Figure 9**).
- The Sydney Water Reservoir (a local heritage item) (**Figure 10**) and an existing 2 storey dwelling adjacent to the south.
- Complex of 2 storey townhouses adjacent to the north-west (**Figure 11**).
- A 2 storey dwelling located to the south-west of the site, between 'Woonona House' and the Sydney Water Reservoir (**Figure 12**).



**Figure 8:** 5-6 storey residential flat building north of the site (Source: Google street view).



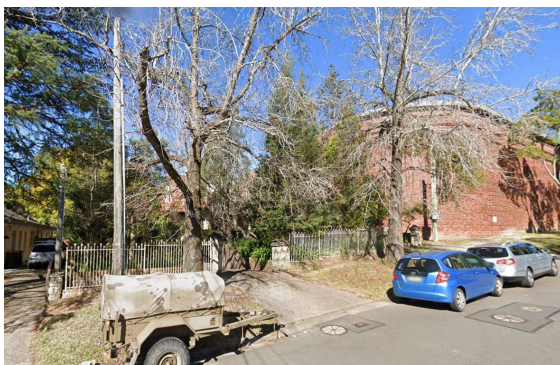
**Figure 9:** 2 storey residential flat building east of the site (Source: Ethos Urban).



**Figure 10:** Sydney Water Reservoir south of the site (Source: Ethos Urban).



**Figure 11:** 2 storey townhouses located to the north-west of the site at 15-17 Woonona Avenue (Source: Ethos Urban).



**Figure 12:** 2 storey dwelling located to the south-west of the site and next to the Sydney Water Reservoir at 1 Woonona Avenue (Source: Google street view).

The site is located within 400m of the Wahroonga local centre and Wahroonga Railway Station, both of which can be accessed via a through site link 'Archdale Walk' from Neringah Avenue South (**Figure 13**).



**Figure 13:** Locality map showing site proximity to Wahroonga town centre and railway station via Archdale Walk (Source: Nearmap).

### 3. PLANNING CONTROLS

The site is located within the Ku-ring-gai Local Government Area (LGA) and development on the site is subject to the Ku-ring-gai Local Environmental Plan (LEP) 2015.

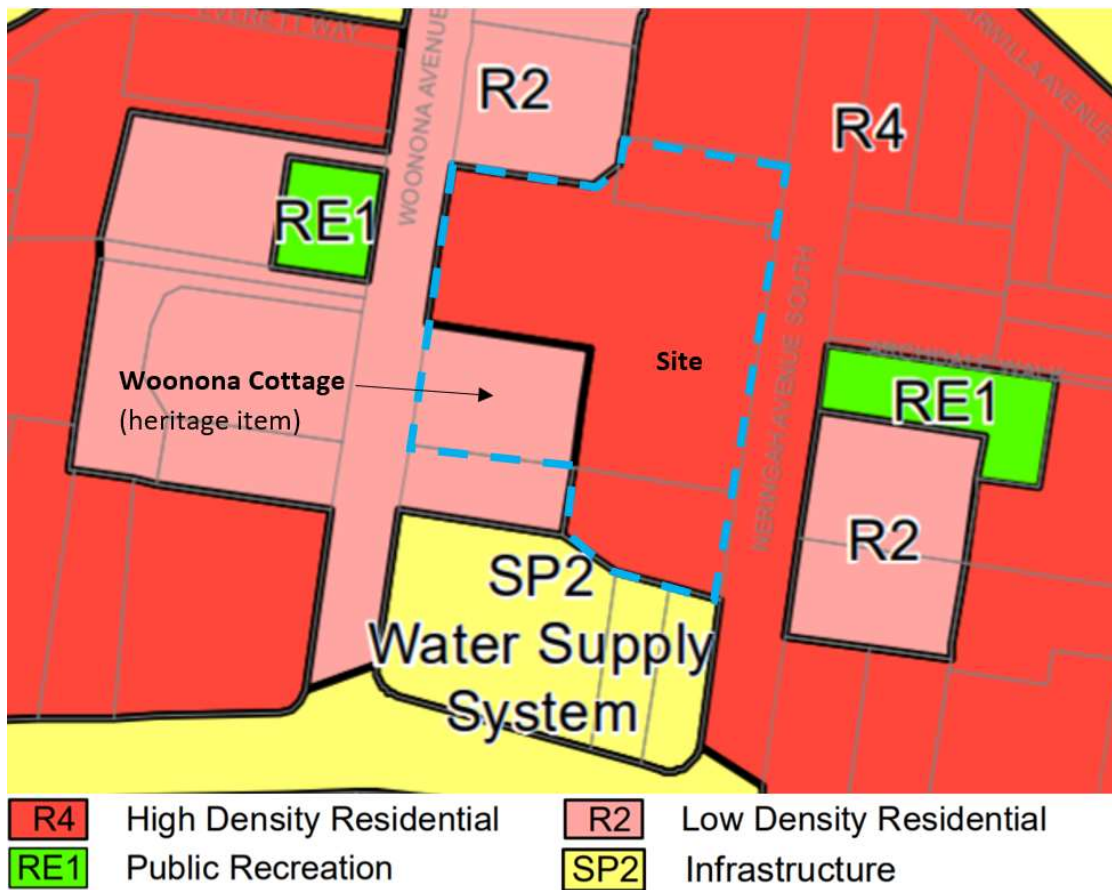
Under Ku-ring-gai LEP 2015 part of the site:

- is zoned R4 High Density Residential (**Figure 14**). The zone permits residential flat buildings but does not permit seniors housing or health services facilities.
- has a 17.5m maximum building height (**Figure 15**)
- has a 1.3:1 maximum floor space ratio (FSR) (**Figure 16**).

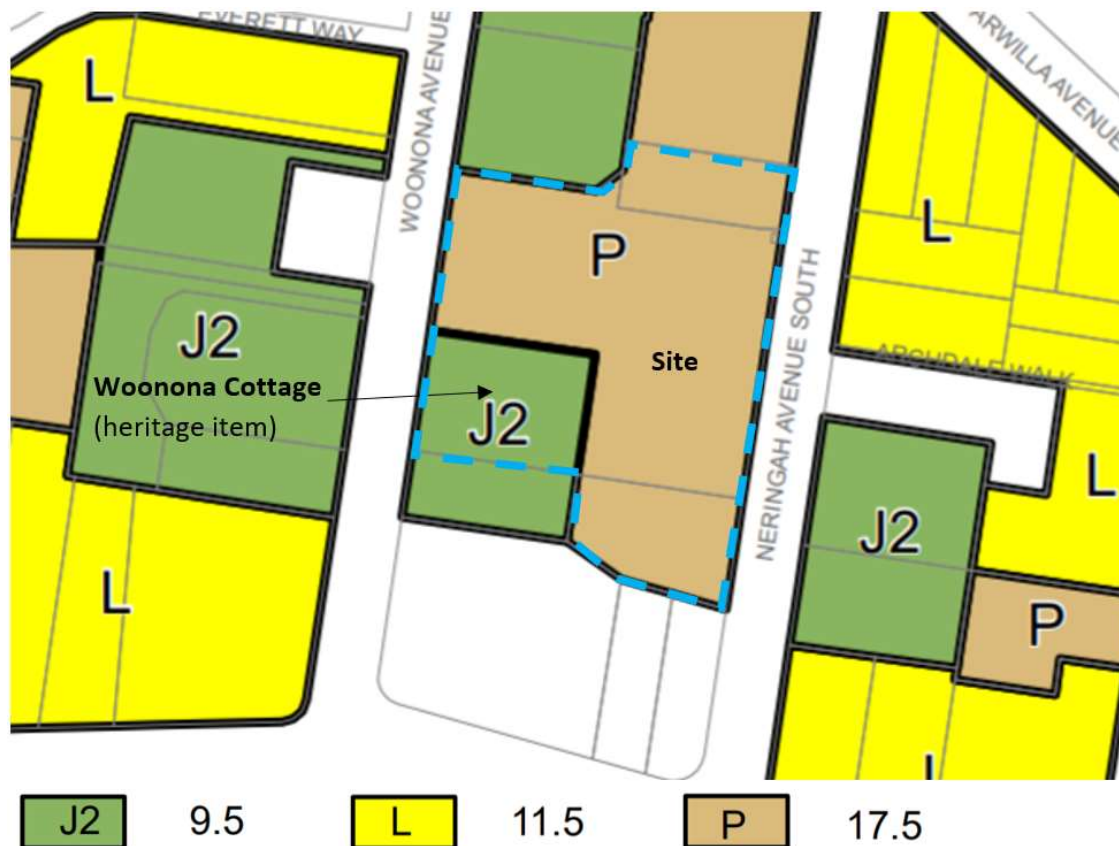
It is noted that:

- part of the site is zoned R2 Low Density Residential with a maximum building height of 9.5m and maximum FSR of 0.3:1. The R2 part of the site is the location of the existing heritage dwelling 'Woonona Cottage' (**Figure 6**).

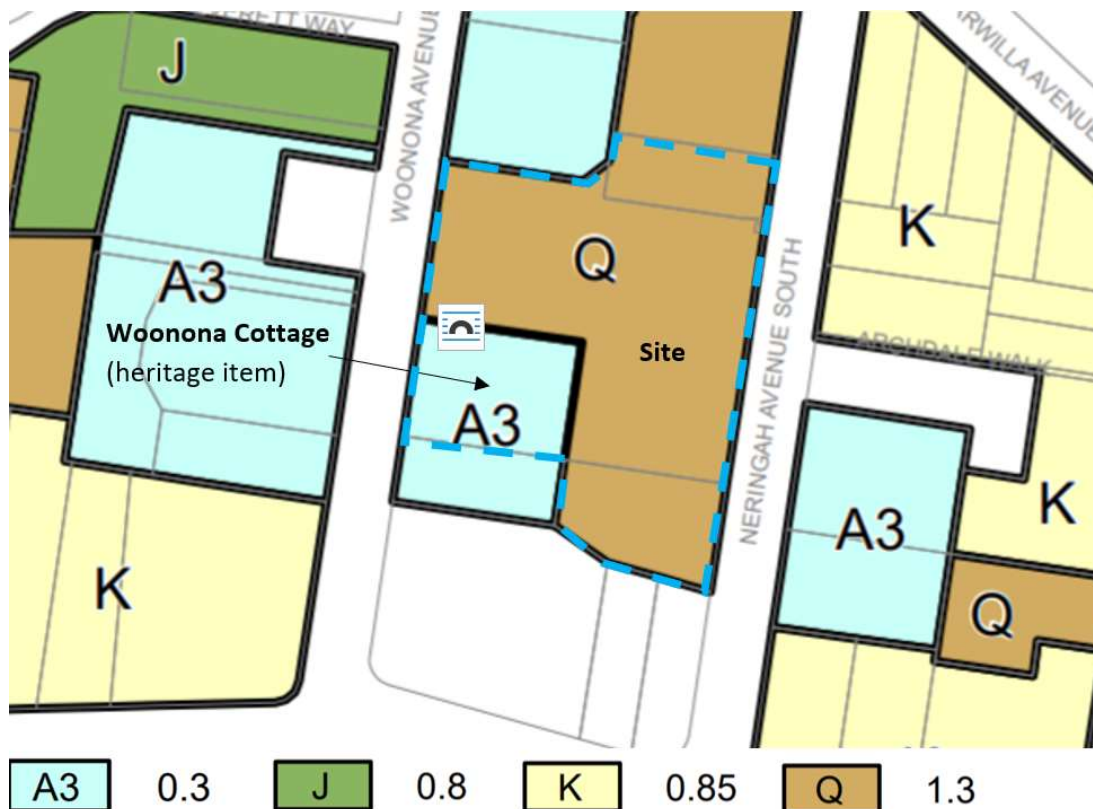




**Figure 14:** Zoning map under Ku-ring-gai LEP 2015. Site indicated in blue dash.



**Figure 15:** Maximum height of building map under Ku-ring-gai LEP 2015. Site indicated in blue dash.



**Figure 16:** FSR map under Ku-ring-gai LEP 2015. Site indicated in blue dash.

#### 4. APPLICANT

The application was prepared by Ethos Urban on behalf of HammondCare, who is applicant and landowner of the subject site (**Attachment A9**).

#### 5. PROPOSAL

HammondCare are proposing to expand their current offering of seniors housing and health services facilities across the site by proposing development along the Neringah Avenue South frontage. This proposal has been initiated to revitalise the existing palliative care facilities at Neringah Hospital, which have reached the end of their usable life and are no longer fit for purpose, as well as providing additional seniors housing to address key demographic trends in northern Sydney.

The proposed development is to incorporate seniors housing and palliative care services in two new buildings of 4-5 storeys, comprising approximately:

- Seniors housing:
  - 60 self-contained dwellings.
  - 9 RACF beds.
- Health services facility:
  - 18 palliative care beds\*.
- Other uses/works:
  - 90 parking spaces within basement parking areas.
  - Associated amenities, landscaping and public domain works.

The north building will comprise a mix of 27 self-contained dwellings, 9 residential aged care facility beds, community uses and 18 palliative care beds.

The south building will comprise 33 self-contained dwellings and community uses.

The purpose of the SCC is to facilitate this future development. However, it is noted that the SCC application pertains to the 'seniors housing' component of the proposal pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ('Seniors SEPP'). Refer to Part 4 of this report for further discussion.

\*The SCC application does not relate to the 'health services facility' component of the proposal as this use is a permissible use under clauses 2.59 and 2.60 of State Environmental Planning Policy (Transport and Infrastructure) 2021 (which has repealed the Infrastructure SEPP) (**Attachment D**). These provisions would need to be addressed as part of a Development Application (DA) for any future development which includes health services facility on the site.

#### Site area subject to SCC

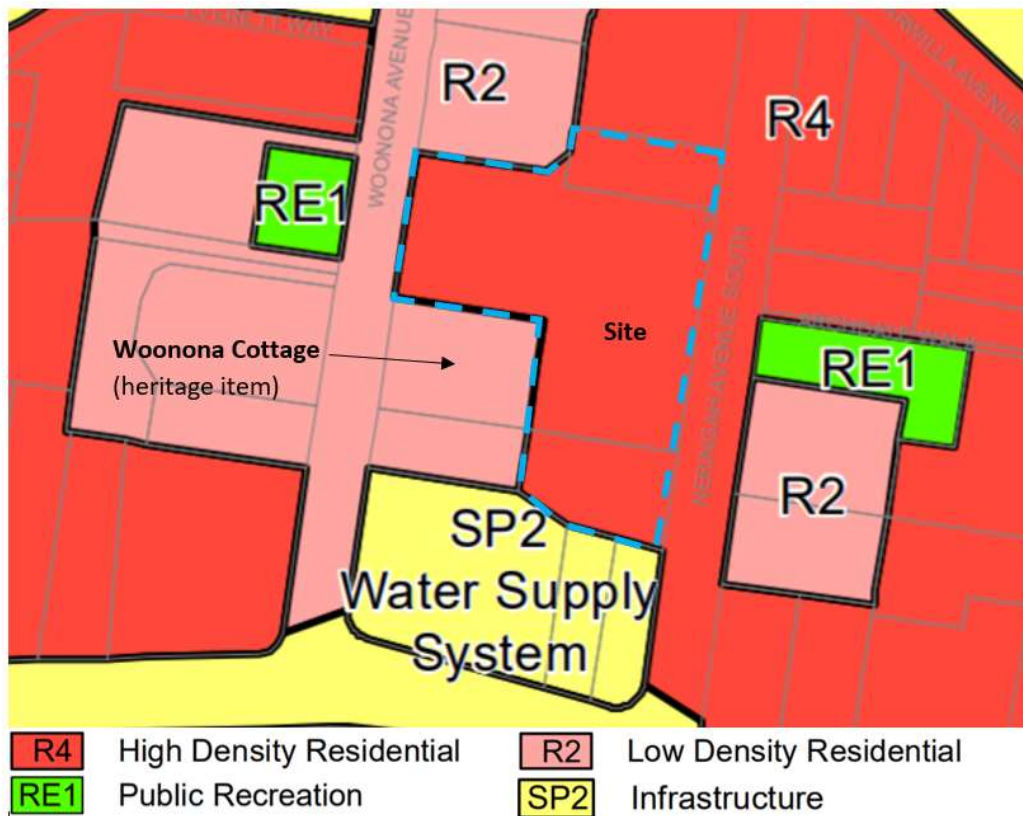
The applicant's SCC Report (**Attachment A1**) notes the whole site as being subject to the SCC application. However, this differs from what is indicated in the Architectural Plans (**Attachment A2**), which excludes the R2 zoned part of the site (and includes the R4 zoned area only). This discrepancy was also raised by Council officers in their comments (**Attachment B2**) which are addressed in Section 8 of this Report.

Following the receipt of Council comments, the applicant provided a response to the issues raised by Council (**Attachment C**), providing clarification of the site area subject to the SCC application:

*In response to Council's request for clarification as to the area of the subject SCC application, it is confirmed that the SCC will relate to the entire area of the site zoned R4. Whilst Figure 2 of the SCC report shows the area in which the proposed new buildings will be located, the SCC should apply to the broader site as the development forms part of an integrated development with both physical and operational connections between the existing and proposed facilities.*

With this clarification, the SCC application is to apply to the part of the site zoned R4 and not the part zoned R2. Refer to **Figures 17** and **18**.





**Figure 17:** Land use map under Ku-ring-gai LEP 2015 showing the area subject to the SCC application in blue dash.



**Figure 18:** Site map showing the indicative area subject to the SCC application in red dash.

**Table 1** provides a summary of the indicative concept scheme.

**Table 1: Numerical summary of indicative development concept**

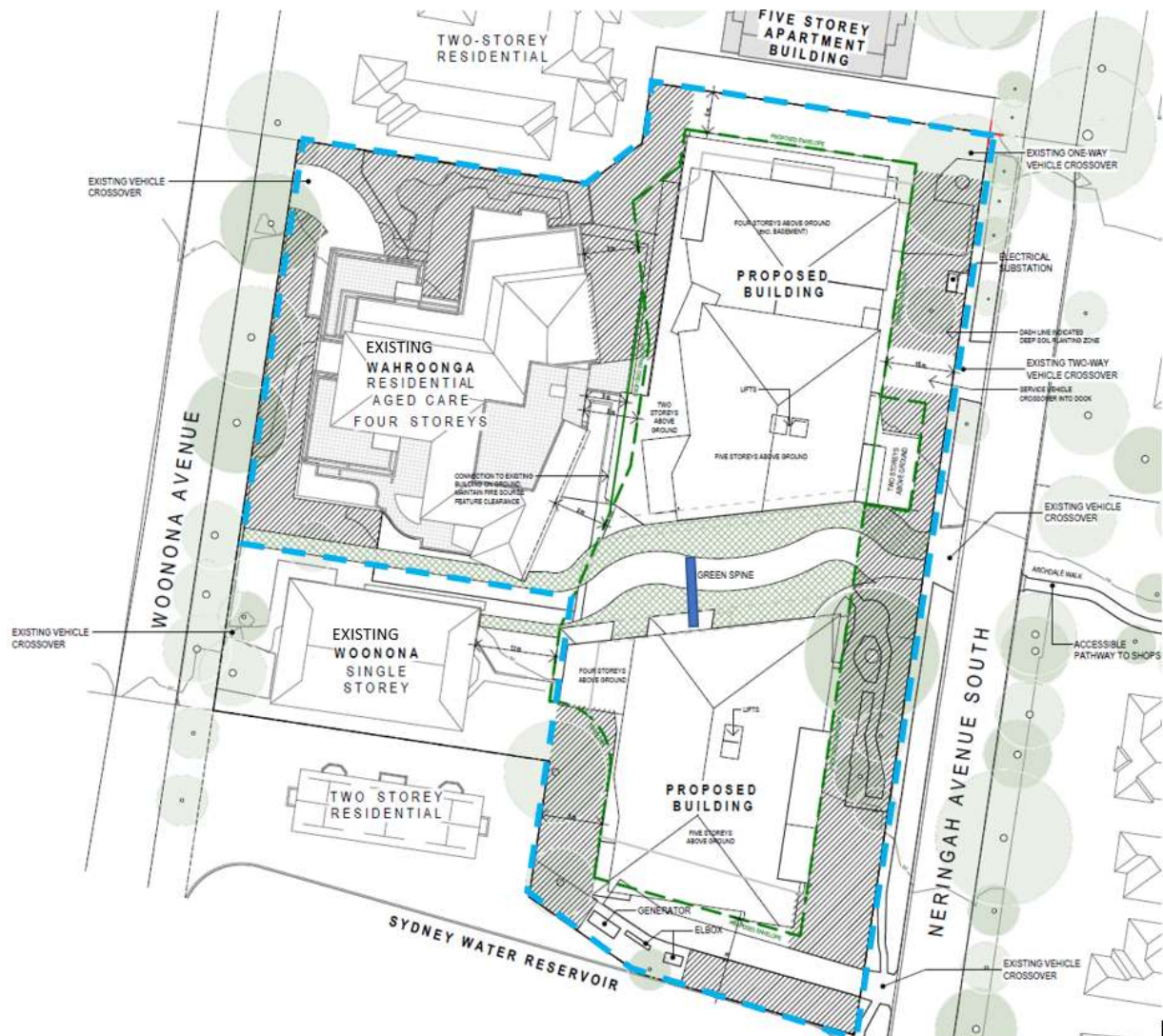
Component	Description																
<b>Site area</b>	8,929sqm (R4 zoned part of the site)																
<b>GFA</b> <i>Note: calculations are indicative as per the provided concept GFA plans (Attachment A2).</i> <i>It is noted that the itemised GFA calculations for 'seniors living' and 'ancillary/circulation' provided in the SCC Report (Attachment A1) and the Architectural Plans (Attachment A2) are slightly different, although the total GFA presented (10,600sqm) remains consistent.</i> <i>The concept GFA plans were provided by the applicant to clarify the discrepancies in the total GFA per use.</i>	<table> <tr> <td>Seniors living</td><td>5,860sqm</td></tr> <tr> <td>RACF</td><td>870sqm</td></tr> <tr> <td>Palliative care</td><td>1,330sqm</td></tr> <tr> <td>Community facilities</td><td>1,350sqm</td></tr> <tr> <td>Ancillary/circulation</td><td>1,210sqm</td></tr> <tr> <td><b>Total</b></td><td><b>10,600sqm</b></td></tr> <tr> <td>Existing RACF 'Wahroonga House'</td><td>3,736sqm</td></tr> <tr> <td><b>Total GFA overall</b></td><td><b>14,336sqm</b></td></tr> </table>	Seniors living	5,860sqm	RACF	870sqm	Palliative care	1,330sqm	Community facilities	1,350sqm	Ancillary/circulation	1,210sqm	<b>Total</b>	<b>10,600sqm</b>	Existing RACF 'Wahroonga House'	3,736sqm	<b>Total GFA overall</b>	<b>14,336sqm</b>
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<b>Total GFA overall</b>	<b>14,336sqm</b>																
<b>FSR</b>	1.61:1 (R4 zoned part of the site)																
<b>Maximum building height</b>	17.5m																
<b>Number of self-contained dwellings</b>	60																
<b>Parking spaces</b>	90																
<b>Deep soil</b>	2,630sqm (29%)																

The proposal's site plan and elevation from Neringah Avenue South are illustrated at **Figures 19** and **20** below, with a set of Architectural Plans for the indicative development concept at **Attachment A2**.

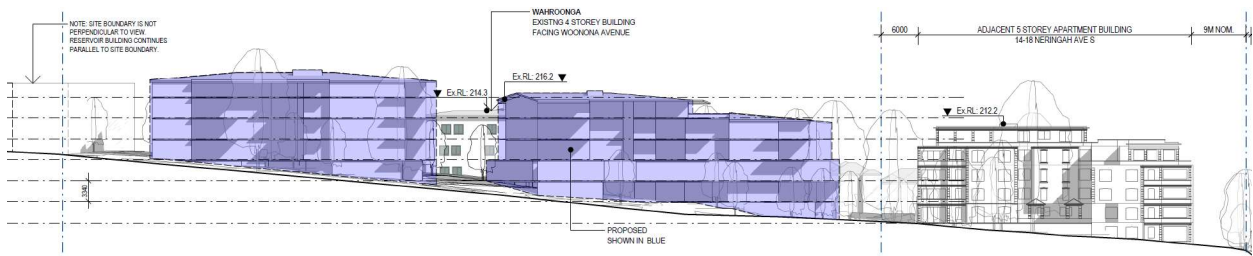
A key element of the indicative development concept is a "green spine" providing a through site link, connecting Woonona Avenue with Neringah Avenue South. The



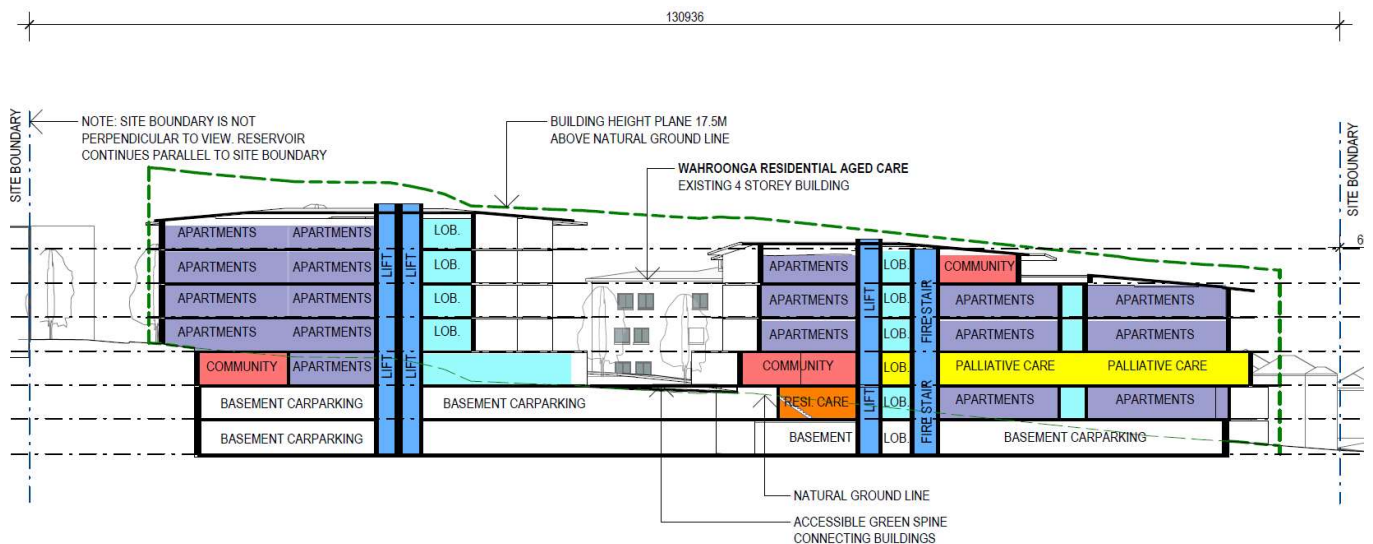
through site link aligns with the western end of Archdale Walk on Neringah Avenue South, and provides a separation of 12-18m between the two proposed buildings.



**Figure 19:** Proposed site plan, showing location of the “green spine” through site link (Source: Bickerton Masters, DPIE edits).



**Figure 20:** Site elevation from Neringah Avenue South, in context with existing 5-6 storey residential flat building located on the adjacent site (Source: Bickerton Masters).



**Figure 21:** Site section (north-south). Refer to Architectural Plans (**Attachment A2**) for further detail.

## 6. PERMISSIBILITY STATEMENT

### (i) Application of the Seniors SEPP 2004

The application of this SCC has been made pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ('Seniors SEPP'), seeking additional floor space under Clause 45 Vertical Villages.

State Environmental Planning Policy (Housing) 2021 ('Housing SEPP') came into force on 26 November 2021, consolidating a number of previous SEPPs related to housing, including the Seniors SEPP which it repealed.

The Housing SEPP includes 'seniors housing' as a permissible use under a number of prescribed zones listed in Part 5 which includes R4 High Density Residential zone, and the SCC process for seniors housing has been removed.

Clause 87 of the Housing SEPP has also been introduced which enables an additional 25% FSR and 3.8m building height for sites that meet relevant criteria.

Schedule 7A of the Housing SEPP provides savings and transitional provisions for undetermined SCCs which would still be subject to the repealed Seniors SEPP:

#### **3 Continued application of site compatibility certificates**

*(1) State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, as in force immediately before its repeal (the repealed SEPP), continues to apply to a development application made after the commencement date if—*

- (a) the development application relies on a site compatibility certificate, within the meaning of the repealed SEPP, and*
- (b) the application for the certificate was made on or before the commencement date.*

The SCC application was submitted on the Planning Portal by HammondCare on 28 June 2021 and payment was received by the Department on 9 July 2021 (**Attachment Form**). As the application of the SCC was made before the commencement of the Housing SEPP, the provisions of the repealed Seniors SEPP continue to apply to this SCC application in accordance with savings provisions under



Clause 3 of Schedule 7A. The applicant confirmed that they wish to continue with the SCC application despite the permissibility for the use in the zone provided under the new Housing SEPP.

Should a SCC be issued, the transitional arrangements will apply to any future development application to which the SCC applies and it would be subject to assessment under the Seniors SEPP.

The following sections of this report considers the provisions under the Seniors SEPP related to this SCC application.

**(ii) Clause 4 – Land to which this Policy (Seniors SEPP) applies**

The part of the site subject to this SCC application is on land zoned R4 High Density Residential under Ku-ring-gai LEP 2015 (**Figure 12**). Seniors housing is a prohibited land use in the R4 zone which is why the proposed development relies on the Seniors SEPP for permissibility.

Land zoned R4 under Ku-ring-gai LEP 2015 is considered to be land zoned primarily for urban purposes in the context of Clause 4(1) of the Seniors SEPP. Development for the purposes of residential flat buildings is permissible with development consent in the R4 zone, satisfying Clause 4(1)(a)(ii) of the Seniors Housing SEPP.

As previously noted, part of the site is zoned R2 Low Density Residential at the location of the existing heritage dwelling 'Woonona Cottage'. This part of the site would be considered to be land zoned primarily for urban purposes in accordance with Clause 4, however, is not subject to this SCC.

**Schedule 1 (environmentally sensitive land)**

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.*

Part of the site is noted on the terrestrial biodiversity map (**Figure 22**) and is subject to Clause 6.3 Biodiversity protection under Ku-ring-gai LEP 2015. Clause 6.3's objectives are:

*... to protect, maintain and improve the diversity and condition of native vegetation and habitat, including—*

- (a) protecting biological diversity of native fauna and flora, and*
- (b) protecting the ecological processes necessary for their continued existence, and*
- (c) encouraging the recovery of threatened species, communities, populations and their habitats, and*
- (d) protecting, restoring and enhancing biodiversity corridors.*

This area is limited to the site's north-eastern corner, where some existing vegetation is located along the Neringah Avenue South frontage. This has been identified in the SCC application, noting that no trees are proposed to be removed in the area noted on the terrestrial biodiversity map, and that the existing vegetation is intended to be integrated into the proposal's landscape design.





**Figure 22:** Areas identified as having terrestrial biodiversity [in green] in relation to the subject site [in blue dash] (Source: Terrestrial Biodiversity Map, Ku-ring-gai LEP 2015).

Department comment: The subject site is not considered to be on 'environmentally sensitive land' as described under Schedule 1 of the Seniors Housing SEPP. Although part of the site is noted on Council's terrestrial biodiversity map, this is part if the site is located in a small area where the vegetation is proposed to be retained.

It is noted that the requirements of Clause 6.3 would need to be addressed at the DA stage. Council officers have not raised the site's partial inclusion on the terrestrial biodiversity map as a concern.

### (iii) **Clause 24(1) – Requirement for an SCC**

Clause 24 of the Seniors SEPP requires an SCC to be issued for seniors housing development that relies on bonus floor space provisions under clause 45 Vertical Villages of the SEPP. The relevant provision of clause 24 is provided below, and is the reason for this request for an SCC:

#### ***24 Site compatibility certificates required for certain development applications***

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

*...*

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

### (iv) **Clause 45 – Vertical Villages**

Clause 45 can be applied to land on which development for the purposes of residential flat buildings is permitted. As noted in Section 5 of this report, the area subject to the SCC application is zoned R4 High Density Residential where residential flat buildings are permitted with consent.

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

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

Given that the maximum FSR for the site under Ku-ring-gai LEP 2015 is 1.3:1, clause 45(2) potentially enables an overall maximum FSR of 1.8:1.

Based on the indicative concept design (**Attachment A2**) and numerical summary presented in **Table 1**, the total FSR proposed is approximately 1.61:1 (14,336sqm GFA over a site area of 8,929sqm). This includes the GFA of the existing RACF 'Wahroonga House' on Wonoona Avenue (3,736sqm). This FSR does not exceed the maximum overall FSR potentially achievable under clause 45.

The exact GFA of the proposal would be subject to further assessment as part of a future DA.

The applicant's SCC Report (**Attachment A1**) also notes that as part of its future DA, HammondCare will designate at least 10% of the self-contained dwellings to be affordable places and make all on-site support services available to residents as required by clause 45(6).

#### **(v) Clause 25(5)(c) – Previously issued SCCs on the land**

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

### **7. ADDITIONAL SCC CONSIDERATIONS UNDER SENIORS SEPP**

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

The panel must not issue a certificate unless the panel:

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

**(ii) Clause 25(2)(c) – Cumulative impact study for land that is next to proximate site land**

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

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

As there are no other SCC's within a 1km radius of the site that are current or lodged and yet to be issued, the Department recommends that a cumulative impact statement is not required for this application.

## **8. COUNCIL COMMENTS**

Council provided comments on 20 January 2022 (**Attachment B**) which are summarised below in **Table 2**.

Council advises that the purpose of the SCC is not to gain permissibility for seniors housing as the changes made by the Housing SEPP 2021 will permit seniors housing in the R4 High Density Residential zone. The purpose of the SCC is to enable a greater density on the site through a bonus floor space pursuant to the vertical villages provision available under the Seniors SEPP.

It is noted that generally Council considers the proposal to be more compatible with the surrounding environment than the current institutional appearance of the Neringah Hospital building and open on-grade car parks. Council also considers the proposed buildings heights to be acceptable as they are compatible in scale with adjacent development.

However, Council does not support the application from an urban design perspective in its current form as it is not considered to be compatible with the surrounding environment as the bulk, scale, built form and character of the proposal will impact land in the vicinity of the development for the following reasons:

- excessive site coverage and does not provide sufficient landscaped area and deep soil zones;
- the proposal protrudes into the street setback with an unsympathetic 2 storey non-residential component and does not maintain reasonable neighbourhood amenity and residential character;
- sufficient setbacks at the zone interface with lower density residential development are not provided and creates bulk that does not maintain neighbourhood amenity and residential character.

It is noted that many of the concerns raised by Council may be addressed as part of the DA, where the detailed design of the proposal would be developed.

Ethos Urban on behalf of HammondCare has provided a response to Council's comments on 15 February 2022 (**Attachment C**). The Department has considered Council's comments and the proponent's response in its assessment of the application.



**Table 2: Summary of Council comments**

Council Comment	Department Response
<p><b>Consistency with LSPS</b></p> <p>The site's location within the Wahroonga Secondary Local Centre is consistent with the LSPS Local Planning Priority K3, as a location for higher density housing, however, is inconsistent in terms of the identified timing, with the LSPS noting the 16-20 year period of 2031-2036.</p> <p>An FSR of 1.8:1 would result in a built form outcome that does not successfully integrate into the existing and future character of the surrounding area, and therefore is inconsistent with Local Planning Priority K12.</p>	<p>The SCC facilitates additional seniors housing that will contribute to the overall housing targets noted in the LSPS. Noting seniors housing will contribute to addressing Ku-ring-gai's ageing population and for opportunities to age in place as noted in Local Planning Priority K4.</p> <p>The proposal is seeking an FSR of approximately 1.61:1 which is under what is potentially achievable under the clause 45 vertical villages of the Seniors SEPP. The proposal's compatibility with the surrounding area and existing/future character is discussed in detail in section 10 of this report.</p>
<p><b>Consistency with Council's Local Housing Strategy (LHS)</b></p> <p>The Local Housing Strategy notes that seniors housing developments will supplement the delivery of new dwellings from existing capacity and seniors housing dwellings will be monitored and contributed to the dwelling targets.</p> <p>The SCC is inconsistent with the adopted housing strategy in that the SCC is seeking additional floorspace/density on the site – beyond the capacity of the existing controls.</p>	<p>Council's LHS was approved by the Department on 16 July 2021 subject to a number of requirements including Council to identify areas for additional medium density housing opportunities outside of primary local centres such as Wahroonga.</p> <p>The SCC is considered to facilitate this requirement by proposing additional seniors housing within an area with good access to local services and public transport and is permitted under the Seniors SEPP.</p>
<p><b>Area subject to the SCC application</b></p> <p>Clarification is needed as to the area of the SCC application.</p>	<p>The applicant has provided clarification that the SCC will relate to the entire area of the site zoned R4 High Density Residential (<b>Figures 17 and 18</b>) and noted that while the SCC report shows the area in which the proposed new buildings will be located (<b>Figure 1</b>), the SCC should apply to the broader site as the development forms part of an integrated development with both physical and operational connections between the existing and proposed facilities.</p>
<p><b>Encroachment onto R2 zone</b></p> <p>It appears that there may be a small encroachment (approximately 1.3m) of the proposed south building with the R2 zone that is not permissible. This aspect should be addressed.</p>	<p>The applicant has provided a concept building envelope of the southern Vertical Village building overlayed onto the zoning plan which has identified a minor encroachment into the R2 zoned land (approximately 1.3m), and advised that this matter will be addressed through the detailed design process to ensure that the building is located entirely within the R4 zone.</p>

Council Comment	Department Response
<p><b>Site area calculation &amp; FSR</b></p> <p>The submitted documentation has contradictory information regarding the site area and calculation of FSR – as to whether it should include the eastern half of Lot 1 DP 1199937 (6,490smq) only or the R4 zoned land area (8,976sqm) and excluding the R2 zoned land for the total area (10,770sqm). There is insufficient base information/documentation provided to substantiate the proposed FSR (1.6:1).</p> <p>The proposed self-contained dwellings and residential aged care facility are permitted as a vertical village only on the R4 portion of the land.</p>	<p>The applicant has advised that the FSR should be calculated based on the whole area of a lot, excluding any land on which the development is prohibited.</p> <p>As 'Vertical Villages' are only permissible on the R4 zoned land, the site area for the purposes of calculating FSR is the area of this part of the site (i.e. 8,929sqm based on Council's calculation).</p> <p>A minor discrepancy between the development area (R4 zone) shown on the architectural plans (8,976sqm) and the area shown on Council's GIS system (8,929sqm) is noted and the application will adopt the area of 8,929sqm as per Council's GIS system.</p> <p>A summary of the FSR calculation has been confirmed as 1.61:1 by the applicant, noting this proposes to utilise the vertical village 0.5:1 bonus provision, however will be less than 1.8:1 FSR permissible if the bonus provision is applied.</p>
<p><b>Description of development</b></p> <p>Council considers the proposed development is more accurately described as serviced self-care housing rather than self-contained dwellings.</p>	<p>The applicant has noted that the nature of the proposed seniors living accommodation, including compliance with the Seniors SEPP definitions, will also be detailed as part of the future DA. The future DA would need to be consistent with the definitions of seniors housing under clause 10 of the Seniors SEPP.</p>
<p><b>Compliance with access requirements under Clause 26</b></p> <p>The proposal to regrade Archdale Walk is supported in principle, however, there is little detail about how this will be facilitated. This will require pathway works within Council land, which will require further detail and a resolution of council.</p> <p>Careful consideration of the detailed design of the regrading work and its impact on adjoining property will be needed.</p> <p>The resolution of the issues associated with the proposed upgrade works and how they are to be delivered must be a requirement of any SCC issued.</p>	<p>A requirement has been drafted for the SCC that allows for regrading to council's satisfaction. The applicant has agreed to the submission of plans and details concerning a proposed delivery mechanism for the regrading of Archdale walk and any other information necessary to support the proposal as part of the future DA.</p>

Council Comment	Department Response
<p><b>Bulk and Scale, Built Form and Character</b></p> <p>The development has the effect of changing the character of the surrounding area, as it would become the dominate built form when considering the existing HammondCare RACF.</p> <p>Whilst landscaping is proposed, the ratio proposed is not to the same extent that would be provided in the case of a residential flat building, which is the highest and best use of the land under the Ku-ring-gai LEP 2015.</p>	<p>The proposal's bulk and scale, built form and character are discussed in detail in section 10(v) of this report.</p>
<p><b>Consideration of SEPP 65 and the ADG</b></p> <p>The built form should mimic and replicate the design and proportions of residential flat developments that are otherwise permissible in the zone, including compliance with SEPP 65 and consideration of ADG.</p>	<p>Sufficient building separation in accordance with the Apartment Design Guide (ADG) is provided between the north and south building (18m) and with the adjacent residential flat building (12-18m).</p> <p>Further detailed consideration of SEPP 65 and the ADG will be subject to assessment as part of the DA process.</p>
<p><b>Consideration of Ku-ring-gai DCP 2016</b></p> <p>Consistency with Part 7 Residential Flat Buildings and other relevant controls under the DCP should be considered in detail, particularly regarding setbacks.</p>	<p>The proposal is generally consistent with the street and side setback controls of the Ku-ring-gai DCP 2015 and further discussion is provided in section 10(v) of this report. Further detailed consideration of a minor intrusion on the Neringah Avenue South frontage against the Ku-ring-gai DCP 2015 can be undertaken during the DA process.</p>
<p><b>Further detail required</b></p> <p>The application does not provide sufficient information to enable the proper assessment of the proposed development. Insufficient base information and documentation has been provided to substantiate the proposed density and scale of the development.</p>	<p>The application will provide for the required landscaping controls in the Seniors SEPP and the minimum separation distances in the ADG, however this will be subject to assessment as part of the DA.</p>

## 9. SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

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

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

### *Summary*



The Department considers the site of the proposed development is suitable for more intensive development as:

- It is located within a strategic location in proximity to a well serviced local centre with good public transport options.
- The proposal is consistent with the objectives of the R4 zone.
- The existing heritage building on the site ('Wenona House') is not considered to be detrimentally impacted by the proposal.

#### **Access to local services and public transport**

As previously noted, the site is located within walking distance to the Wahroonga local centre (approximately 200m / 3-minute walk) and Wahroonga railway station (approximately 350m / 4-minute walk).

The Wahroonga local centre provides a number of key local services including an IGA supermarket, post office, bank services, health and medical services, restaurants, cafes and other retail services.

There are a number of public transport options within the centre, namely T1 North Shore and T9 Northern Line Services from the railway station providing access to numerous strategic centres within Greater Sydney, and a number of local bus services accessible from Railway Avenue and the Pacific Highway.

#### **Department Comment**

The Department considers the site is located within a strategic location in proximity to a well serviced local centre with good public transport options, and is conducive to support more intensive development.

The services provided within the local centre are also consistent with the requirement under clause 26(1) of the Seniors SEPP.

#### **Compatibility with land zoning and objectives**

The site is zoned R4 High Density Residential under Ku-ring-gai LEP 2015 where residential flat buildings are permissible with consent. The objectives of this zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for high density residential housing close to public transport, services and employment opportunities.*

#### **Department Comment**

Although seniors housing is not included as a permissible use within the R4 land zone, the self-contained seniors dwellings and RACF proposed are considered to be generally consistent with the R4 land use objectives. The addition of seniors housing provides an opportunity to provide an additional housing type for the local area, within a form compatible with a high density residential environment, and in close proximity to a well serviced local centre. Further consideration of the proposal's compatibility with surrounding environment and land uses is discussed in Section 8 of this report.

### **Heritage impact to ‘Wenona House’**

Although not located on part of the site subject to this SCC application, the ‘Wenona House’ local heritage item (**Figure 6**) is located immediately adjacent to the west within the same lot (refer to **Figure 17 and 18**). The item is located along the Woonona Road frontage and is currently utilised by HammondCare as an administrative building.

### **Department Comment**

A Heritage Impact Statement (**Attachment A8**) prepared by NBRS Architecture considers the proposal’s heritage impact on Wenona House, noting that the proposal *is generally consistent with the heritage objectives of the Ku-ring-gai LEP 2015 and the Ku-ring-gai DCP 2016 and with the relevant policies of the Woonona Cottage Conservation Management Plan*. A number of recommendations are made in the Statement to mitigate any potentially adverse impacts from the proposal.

It is noted that Council has not raised heritage impacts as part of its comments under Clause 25(5)(a) of the Seniors SEPP.

Any subsequent DA, if an SCC was to be issued, would need to address any heritage implications and mitigation measures to the satisfaction of the consent authority.

Further consideration of the Sydney Water Reservoir heritage item is provided in Section 8 of this report.

## **10. COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND LAND USES**

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

### **(ii) 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))**

The site is not subject to any known significant environmental, resources or hazards – including flooding and bushfire.

As previously noted, part of the site is noted on the terrestrial biodiversity map under Ku-ring-gai LEP 2015 (**Figure 22**). This area is limited to the site’s north-eastern corner, where some existing vegetation is located along the Neringah Avenue South frontage. This has been identified in the SCC application, noting that no trees are proposed to be removed in the area noted on the terrestrial biodiversity map, and that the existing vegetation is intended to be integrated into the proposal’s landscape design.

Three (3) trees are proposed to be removed in the location of the future South building. No arborist report has been provided with the SCC application. Any subsequent DA, if an SCC was to be issued, would need to address this issue through a suitably qualified professional and to the satisfaction of the consent authority.

The existing uses on the site are for an RACF and a health services facility comprising palliative care facilities and administrative uses. The proposal for the expansion of these current uses and additional seniors housing is not

incompatible with the existing and surrounding land uses which are primarily medium and high density residential.

It is considered that the proposed development will be generally compatible with the existing Sydney Water Reservoir subject to the detailed assessment at DA stage to ensure appropriate setback, amenity for residents and geotechnical assessment with regard to excavation for basement parking in the vicinity of the site.

The Department considers the proposal will not have a detrimental impact on the natural environment and the existing and approved uses of land in the vicinity of the proposed development.

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

According to the applicant's SCC Report (**Attachment A1**), the site has been utilised for seniors living and health service facility uses since 1955. These uses reflect the existing development on the site as operated by HammondCare. The proposal intends to reinforce these existing uses through a redevelopment that includes self-contained dwellings, residential aged care, palliative care and ancillary uses.

Given the proposal is consistent with the ongoing and historic uses of the site, the Department considers the proposal to be compatible with the future uses of the land.

**(iv) 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))**

**Access to local services and public transport (via Archdale Walk)**

As discussed in Section 7 of this report, the Department considers the site is situated within a strategic location in proximity to a well serviced local centre that can provide the required services and facilities in accordance with clause 26(1) of the Seniors SEPP. The local centre also includes the Wahroonga railway station and local bus services.

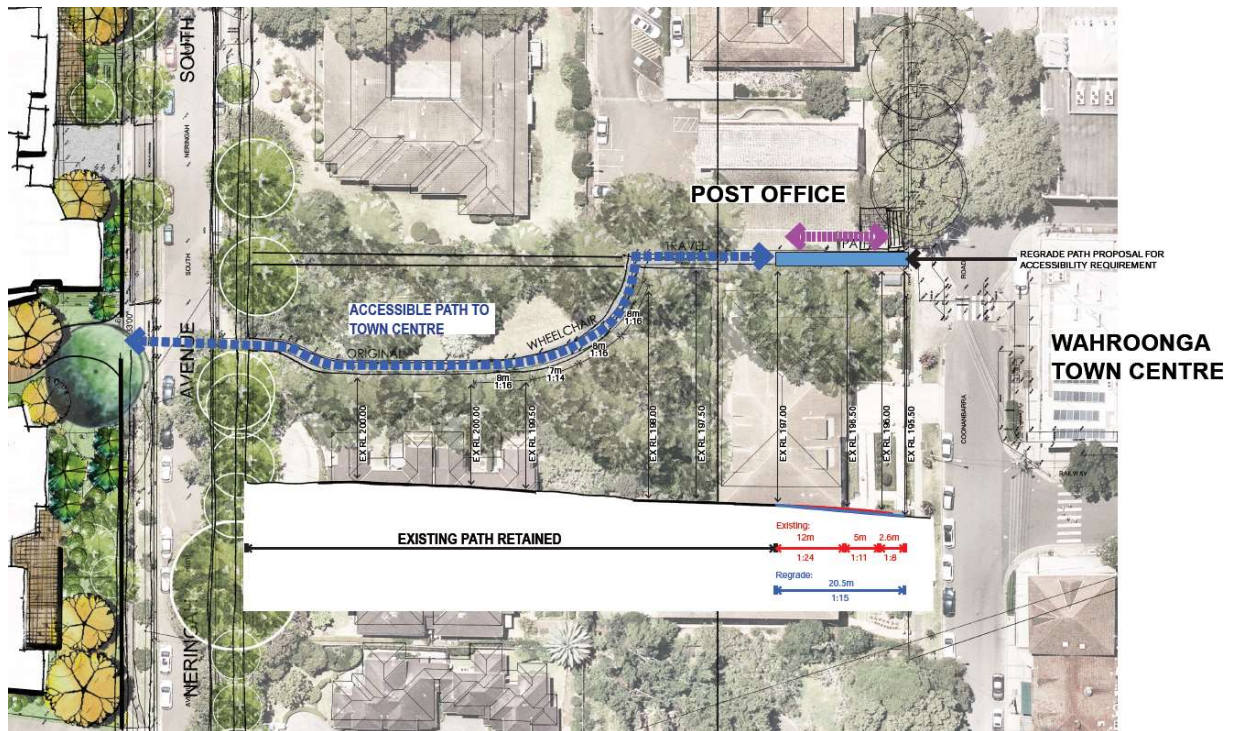
Clause 26(2) requires these services and facilities to be located within 400m of the site and meet certain gradient requirements to achieve a standard of accessibility. The proposal relies on pedestrian access via 'Archdale Walk' (**Figure 13**), a through site link on Ku-ring-gai Council owned land that connects the site to the Wahroonga centre, to meet the access requirements under Clause 26.

The proposal identifies the requirement to re-grade the western extent of Archdale Walk (**Figure 23**) to meet the gradients set out in clause 26(2) of the Seniors SEPP. The SCC application notes that the re-grading works should be facilitated at the DA stage, by way of a condition of consent with a DA approval for the development.



Council officers have indicated their support, in principle, to the pathway re-grading, though raise concern of the lack of design detail and reliance on a DA condition to facilitate the works (**Attachment B2**):

*Importantly, pathway works are needed within Council land, which is not something that can be conditioned – detailed designs would be needed, as would Council’s signature as a land owner to the application. Such works would likely have to be facilitated through a VPA.*



**Figure 23:** Archdale Walk through site link, connecting the site from Neringah Avenue South to Wahroonga local centre. The section of the link that would be required to be regraded to satisfy clause 26 is indicated in blue (Source: Taylor Brammer Landscape Architects).

### Department Comment

The Department considers there is sufficient services and infrastructure available to meet the demands arising from the proposal.

The proposal is reliant on the re-grading works to Archdale Walk to satisfy clause 26 – the matter of how this would be delivered would need to be resolved with Ku-ring-gai Council as the landowner of the through site link. It is recommended the applicant work with Council in the first instance to determine the requirements and path forward (VPA or otherwise) with the re-grading works prior to the lodgement of a DA. The Archdale Walk upgrade would be the preferred through site link provided for the community.

In the event that Archdale Walk cannot be regraded, the Wahroonga local centre is still within 400m from the site by way of the Neringah Avenue South and Warwilla Avenue (to the north of the site). However, the gradients of the footpaths along this route are unknown and would need to comply (or be made to comply) with clause 26(2) should the applicant rely on this route as an alternative to Archdale Walk.

### **Traffic and car parking**

The SCC application is accompanied by a Traffic and Parking Report prepared by McLaren Traffic Engineering and Road Safety Consultants (**Attachment A7**), which notes that traffic generation of the proposal is estimated to be some 28 trips. The Report considers the traffic generation impact to be non-detrimental impact to the performance of the intersections or on residential amenity surrounding the site. Council have not raised concerns related to traffic generation in their comments. Further traffic impact assessment would be conducted during the DA process.

- (v) **In the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development (clause 25(5)(b)(iv))**

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

- (vi) **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))**

### **Built form and local character**

The site is situated within a residential area that has an existing mix of newer residential flat buildings (of up to 6 storeys) and more established walk-up apartment buildings (of 2 to 3 storeys). The area along Neringah Avenue South is also primarily zoned R4 High Density Residential with a pocket of R2 Low Density Residential south of Archdale Walk (**Figure 17**).

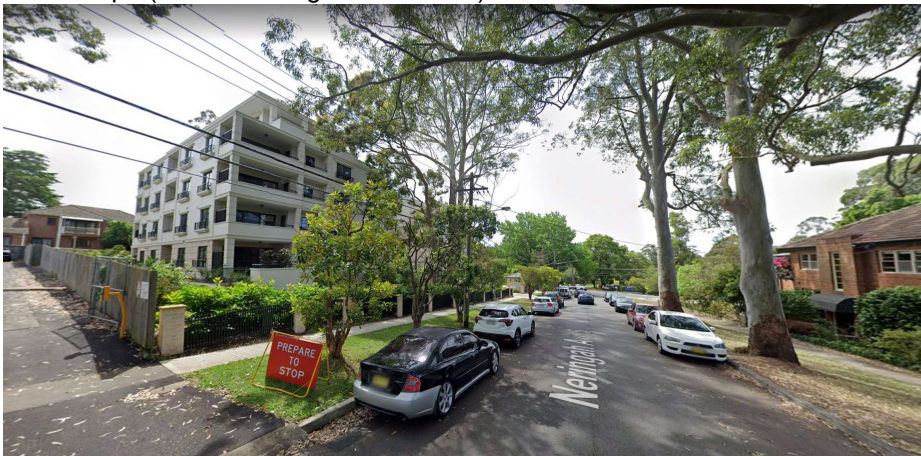
There are also some 2 storey detached dwellings located along Woonona Road, as well as the adjoining Sydney Water Reservoir, that are listed as local heritage items under Ku-ring-gai LEP 2015.

Of note is the established landscape context that these existing buildings are located within, with the streetscape characterised by mature street trees and manicured landscaped gardens within a generous front setback. The streetscape and built form character are depicted in **Figures 24 to 26**.





**Figure 24:** Existing 4 storey Neringah Hospital in context of the Neringah Avenue South streetscape (Source: Google street view).



**Figure 25:** Adjacent 5-6 storey residential flat building in context of the Neringah Avenue South streetscape. A 2 storey walk-up apartment building can be seen on the right (Source: Google street view).



**Figure 26:** Adjacent Sydney Water Reservoir in context of the Neringah Avenue South streetscape. A 2 storey multi-dwelling complex can be seen on the right (Source: Google street view).

### **Setbacks**

The proposal considers the setback requirements set out under Ku-ring-gai Development Control Plan (DCP) 2015 and is generally consistent with the street and side setback controls.



There is a part of the proposed building along the Neringah Avenue South frontage that protrudes into the 10m front setback set out under the DCP – that being a 2 storey component of the northern building (**Figures 27 and 28**). This part of the building is approximately 11m in length with a street setback of approximately 3.5m. Council officers have also raised this protrusion as a concern in relation to landscaped setting of the surrounding area and its use.

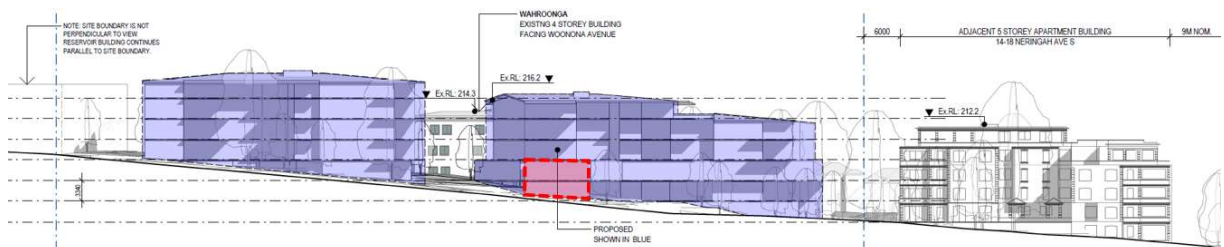
### Department Comment

It is noted that under clause 33(d) of the Seniors SEPP that the proposed development should, *be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line.*

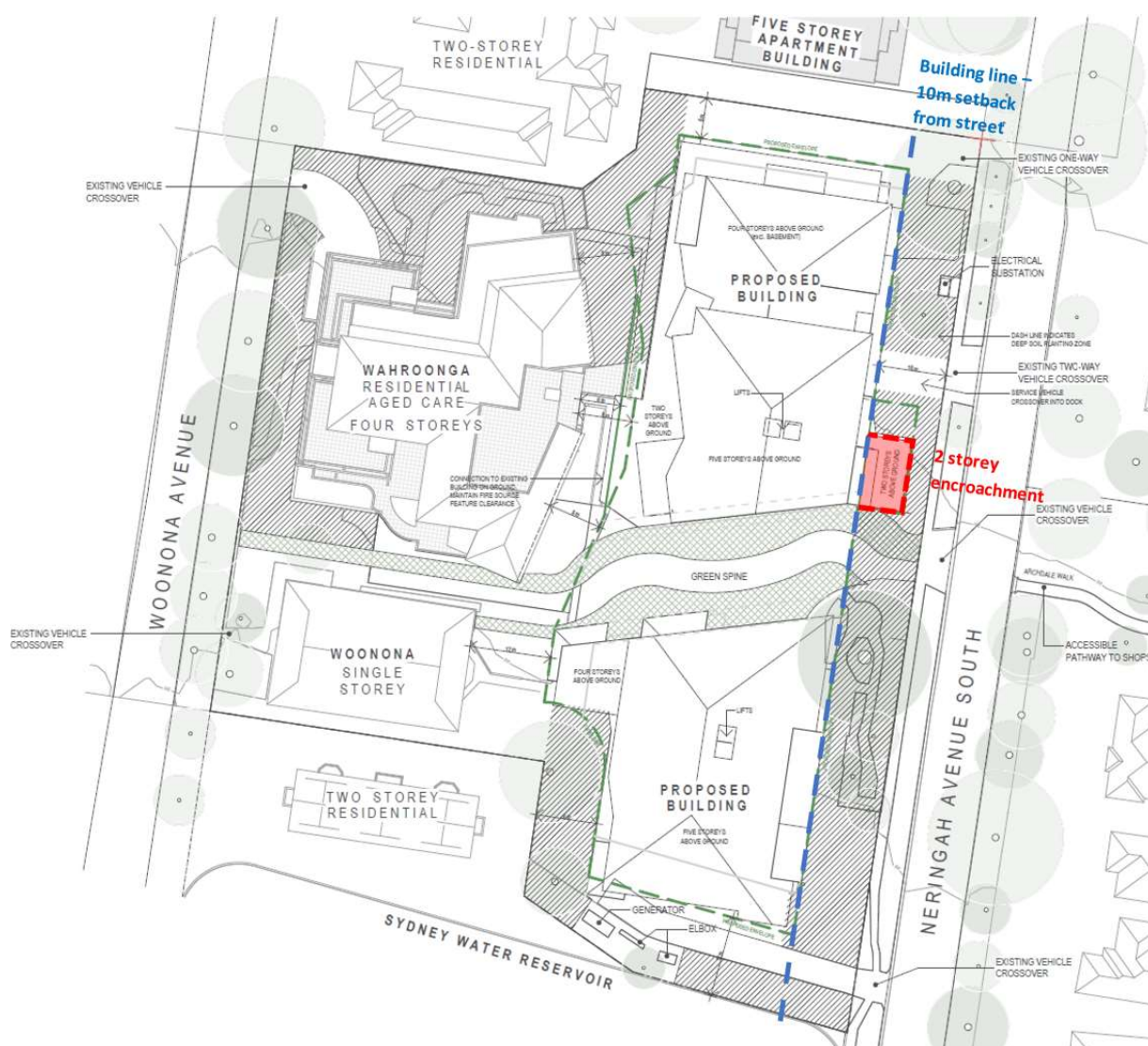
The proposal is generally consistent with the 10m front setback, which enables landscaping along the streetscape to contribute to the existing landscape setting. The part of the building proposed to encroach into the setback takes a footprint of approximately 2.9% of the front setback area, which is considered acceptable for the following reasons:

- The encroachment is located within the existing ‘Neringah Hospital’ building footprint within the front setback (and is proposed to be one storey less). It is generally considered an improvement given the reduced scale of the building within the setback when compared to the existing ‘Neringah Hospital’ encroachment.
- The encroachment is located on the corner of the Neringah Avenue South frontage and the proposed ‘green spine’ through site link. This green spine (12m wide) is an important element of the proposal as it provides further opportunity for the site to contribute to the landscape context of the surrounding area, subject to detailed landscape design.

It is noted, however, that given the strong landscape context, it is recommended that any protrusion into the front setback be minimised where possible and an appropriate design response adopted to mitigate any impacts to the streetscape.



**Figure 27:** Elevation from Neringah Avenue South showing the part of the building within the front setback (Source: Bickerton Masters, DPE edits).



**Figure 28:** Location of the part of the building proposed to encroach into the front setback (Source: Bickerton Masters, DPE edits).

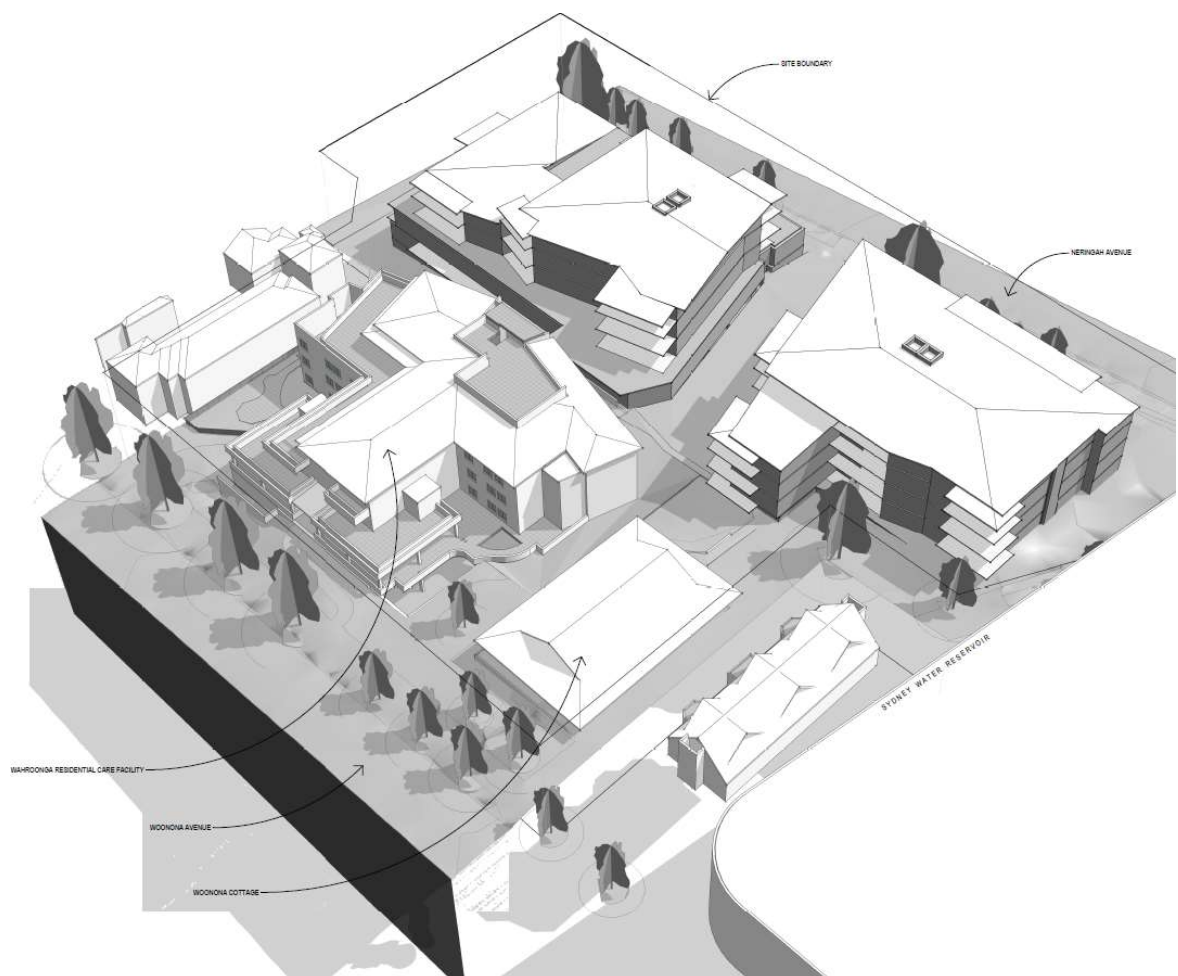
### ***Bulk and scale***

Having regard to the additional FSR sought under the Vertical Villages clause, the proposal's bulk and scale is not considered by the Department to be inappropriate (subject to further design development) in relation to existing and future uses in the vicinity of the site for the following reasons:

- The proposal's building height is within the Ku-ring-gai LEP 2015 height control of 17.5m and the 5 storey height control of the Ku-ring-gai DCP 2016.
- The site sits within an area primarily zoned R4 High Density Residential, with residential flat buildings being the dominant land use along Neringah Avenue South.
- The proposal is not inconsistent with the scale of the recently completed 5-6 storey residential flat building adjacent to the north (**Figure 25**) and the existing 4 storey HammondCare RACF adjacent to the west (**Figure 29**).

- Sufficient building separation in accordance with the ADG is provided between the north and south building (18m) and with the adjacent residential flat building (12-18m).
- The topography of the site enables a stepped built form response which facilitates in mitigating some of the proposal's overall bulk.
- The scale of the proposal is not considered to have a detrimental impact on the views to and from the Sydney Water Reservoir, its large scale industrial character or its heritage significance (**Attachment A8**).

It is noted that further design development will be required at the DA stage to further refine the proposal and mitigate any additional concerns related to bulk and scale identified during that process and consider appropriate setbacks to the street and the Sydney Water Reservoir.



**Figure 29:** Perspective view of the proposal looking from above from the south west, in context of the existing HammondCare RACF (Source: Bickerton Masters).

- (vii) **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))**

Not applicable. The Native Vegetation Act 2003 was repealed on 24 August 2017. Three (3) trees are proposal for removal at the southern end of the site.

Further consideration on the environmental implications of this tree removal would need to be provided at the DA stage to the satisfaction of the consent authority. However, the proposal is not considered to result in any significant removal of vegetation.

**(viii) 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 has not been provided with this application. There are no current SCC applications within the vicinity of the site. Reasons for this are contained in Section 5 of this report.

## **11. CONCLUSION**

### Housing SEPP 2021

As noted in Section 4 of this Report, the Housing SEPP 2021 consolidated a number of previous SEPPs related to housing on 26 November 2021, including the Seniors SEPP. This effectively repealed the Seniors SEPP, however, savings provisions apply to SCC applications submitted prior to its repeal, including the SCC application subject to this report.

The Housing SEPP includes 'seniors housing' as a permissible use under the R4 High Density Residential zone, and the SCC process for seniors housing has been removed. Clause 87 of the Housing SEPP enables an additional 25% FSR and 3.8m building height for sites that meet relevant criteria. It is noted that the proposal considered in this assessment report would qualify for the additional FSR under the clause 87 of the Housing SEPP, which at 25%, amounts to approximately 1.64:1 for the site – this is comparable to the 1.61:1 FSR proposed.

The relevance of this is that the proposal (and its FSR) would be permissible under the Housing SEPP, which replaces the Seniors SEPP and the SCC process completely.

### Recommendation

Taking into account the planning considerations outlined in this report, it is generally accepted that the site is suitable for more intensive development as proposed, including the additional floor space sought under the clause 45 Vertical Villages of the Seniors SEPP.

The Department recommends issuing a certificate with the following requirements imposed on determination:

1. The land area subject to the SCC shall be in accordance with the area indicated on the site map as R4 zoned land and as indicated in the draft certificate.
2. Consideration of the provision for access to relevant off site facilities in accordance with the provisions of cl.26 of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 including any necessary modifications to Archdale Walk or existing footpath gradients in the surrounding streets are to be completed to the satisfaction of Ku-ring-gai Council.
3. Consideration of SEPP 65 and the Apartment Design Guide relating to the independent living units proposed.



4. Consideration of the encroachment into the front setback and an appropriate design response adopted to mitigate any impacts to the streetscape.
5. The through site link proposed to link between Neringah Avenue South and Woonona Avenue be made publicly accessible.

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

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A/ Senior Planning Officer, North District  
Contact: 8275 1472

## **ATTACHMENTS**

### **Attachment SCC – Draft SCC**

### **Attachment Form – SCC Application Form**

### **Attachment A – SCC Documentation**

- **A1 – SCC Report**
- **A2 – Architectural Plans for Indicative Concept Scheme**
- **A3 – Concept Landscape Design**
- **A4 – Shadow Diagrams**
- **A5 – Site Plan**
- **A6 – Survey Plan**
- **A7 – Traffic and Parking Report**
- **A8 – Heritage Impact Statement**
- **A9 – Landowner's Consent**

### **Attachment B – Ku-ring-gai Council Correspondence**

- **B1 – Notification Letter to Council**
- **B2 – Council Comments**

### **Attachment C – Applicant Response to Council Comments**

### **Attachment D – SEPP (Transport and Infrastructure) 2021**