



qB136417
10/02282

Department Generated Correspondence (Y)



Planning

Report to the Director-General on an application for a Site Compatibility
Certificate under the SEPP (Housing for Seniors or People with a Disability)
2004

Site: 23 – 33 Charlotte Street, Ashfield

Applicant: Urbis on behalf of Presbyterian Aged Care, Sydney

PROPOSAL

An application seeking a Site Compatibility Certificate (SCC) for a seniors living development at 23 – 33 Charlotte Street, Ashfield has been lodged with the Department. The subject site is located on the corner of Charlotte and Elizabeth Streets and has a site area of 5517m² see Site Map Figure 1.1 (Tag 'A').

The site (see Figure 1.2 location map, Tag 'B') is owned by the Presbyterian Church and was previously operated by the Church as 'Pitt Wood Home for Aged Persons' (Pitt Wood House). Pitt Wood House is now vacant and has fallen into disrepair. Pitt Wood House is two storeys in height, is located in the centre of the site and is a local heritage item. An associated nurses quarters building (3 – 4 storeys), is located on the southern part of the site. This building is also vacant.

The Presbyterian Church is seeking to refurbish and upgrade Pitt Wood House, demolish the disused nurses quarters building and construct temporary seniors housing in the form of independent living units. The proposed development will continue the site's former primary function and land use of providing accommodation and services to elderly and disabled people.

The proposed development comprises two new buildings with associated at-grade car parking. This includes a 4 storey building on the northern portion of the site containing approximately 30 self-contained dwellings, and a 3 storey building on the southern portion of the site (to replace the existing nurses' quarters) containing approximately 5 self-contained dwellings. The refurbished Pitt Wood House would be used for out-patient care, including dementia care, and the provision of community facilities for the proposed development.

The four shops located at 23 – 33 Charlotte Street (known as 17, 17A, 19 and 21 Charlotte Street) are on the same title, but are not part of the proposed development and will be retained.

PERMISSIBILITY STATEMENT

The majority of the site is zoned 5(a) Special Uses 'Home for the Aged' under Ashfield LEP 1985, with the exception of the four shops situated on the south-west corner of the site, which are within the 3(a) General Business zone.

The SCC application relates only to the land zoned 5(a) Special Uses.

A Site Compatibility Certificate is required under clause 24 of the SEPP in respect of development for the purposes of seniors housing if:

- (a) the land adjoins land zoned primarily for urban purposes;
- (b) the land is within a "special uses" zone, other than land on which development for the purposes of hospitals is permitted;
- (c) the land is used for the purposes of an existing registered club;
- (d) the development is a vertical village seeking the allocation of bonus FSR; or
- (e) the land use is not permissible with consent under another planning instrument;

The proposed development satisfies (a) and (b). The matters at (c) and (d) are not relevant to the proposal.

In relation to (e) above, Zone 5(a) Special Uses (Home for the Aged) permits "homes for the aged". Ashfield LEP does not define this land use and it is not certain that Council's "home for the aged" is consistent with the SEPP's meaning of self-contained dwellings for seniors or persons with a disability. Therefore, it is not clear that the proposed development is permissible with consent and the SCC application has been submitted to remove any doubt.

The proposed development conforms to the relevant development standards set out in Clause 40 of the Seniors SEPP, in relation to site size and frontage.

Heritage

Ashfield LEP lists the 'Pitt Wood Home for Aged Persons' as an item of environmental heritage (Tag 'C'). The Heritage Map also identifies the shops located on the subject site at the corner of Elizabeth and Charlotte Streets (17-21 Charlotte Street) as being of heritage significance but does not list them separately in the heritage schedule of the LEP.

Consent is required from Council for any works to a heritage item. The SCC application indicates that the necessary Heritage Impact Statement will be prepared and submitted with the DA to Ashfield Council, fully documenting the proposed internal works and external works to Pitt Wood House.

In preparing the SCC application, the proponent's consultant has sought heritage advice.

The relevant assessment of compatibility against clause 25(5) (b) is addressed below in the section on site compatibility criteria.

The site is considered able to physically accommodate a form of built development that is more intensive than the existing development on the site. The detail of the medical services.

The site is situated in an urban environment, near to similar uses on Charlotte Street, and in reasonable proximity to a commercial centre, train and bus facilities and uses in the vicinity, below).

The proposal would result in an increase in the scale of the built form and as such will represent a more intensive physical development of the site than that which currently exists. However, the site benefits from a relatively large area when compared to the majority of developed sites in the locality. The introduction of the proposed buildings, particularly the building to the north of Pitt Wood House, means that the possible resulting amenity impacts on adjacent residential properties, and impact on the heritage significance of Pitt Wood House, are matters requiring careful consideration and will ultimately be determined by final layout, density and design details (see 'Impact of bulk, scale, built form and character on existing and future uses in the vicinity', below).

The site lies within an established urban area. It is within approximately 240 m of Ashfield town centre which offers a wide range of retail and community services, including banks, a medical centre, pharmacies, supermarkets and both bus and train services. The surrounding area is characterised by 2-3 storey residential development, and other special uses including a church, school and a similar aged care facility. The shops situated on the site include a local convenience store, charity shop and a picture framing store. Ashfield Mall is accessible by walking approximately 80m along Elizabeth Street and taking the lift at Ashfield Station to access the overpass, providing safe passage to the commercial centre.

1. Suitability of the site for more intensive development

The site covers an area of approximately 5517m², and is situated on the corner of Charlotte and Elizabeth Streets, Ashfield. It consists of an open space area, a small car park and two dilapidated buildings, one of which is Pitt Wood House, the other being the vacant nurse's quarters. The majority of the proposed seniors housing development would be located partially over the car park to the north of 'Pitt Wood House'. This will be a 4 storey building consisting of approximately 30 self contained dwellings and associated car parking. To the south of the site, fronting Elizabeth Street, a 3 storey building consisting of a further, approximately, five self contained units and associated car parking are proposed.

(b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria set out in Clause 25(5)(b) - (Tag 'D')

(a) the site of the proposed development is suitable for more intensive development, and

CONSIDERATION UNDER CLAUSE 25 (5) OF THE SENIORS SEPP
In order to issue a site compatibility certificate, the Director-General must form the opinion that:

proposal's height, design and layout, and therefore the degree of intensity of development, will be subject to the consideration of the consent authority (Ashfield Council).

2. Cl. 25(5) (b) (i)

Natural environment

There are no known natural hazards or significant natural assets on or near the site. There is however a number of mature trees and shrubs, some of which are proposed to be removed to allow the construction of the buildings and associated works. The proponent's consultant advises that the trees proposed to be removed do not have any significant arboreal or heritage value.

Subject to appropriate separation, design and layout of the proposed buildings, and details of tree removal and appropriate tree replacement and landscaping, it is considered that the proposal would not have any significant adverse impact upon the natural environment (see also paragraph 4, below).

Existing and approved uses in the vicinity

To the south of the site on the opposite side of Elizabeth Street, there are a number of 2 and 3 storey commercial buildings; to the west, on the opposite side of Charlotte Street, are the primary school and aged care facility. To the east of the site is a range of 2 and 3 storey residential flat buildings and to the north is a 3 storey residential flat building. The wider vicinity comprises a range of residential building types. The introduction of housing of the nature proposed is compatible in land use terms and there are no existing or approved developments in the immediate vicinity that would be adversely affected by the proposal.

3. Cl. 25(5) (b) (ii) - Impact on the likely future uses of that land

The *Metropolitan Strategy* seeks to assist in planning for Sydney's growth by providing access to housing and services in existing urban areas. It recognises the need for more specialised housing to accommodate Sydney's ageing population.

Furthermore, two key directions of the *draft Inner West Subregional Strategy* are to improve housing choice and allow communities to 'age in place'. The draft strategy proposes a residential target of 2000 extra dwellings in Ashfield by 2031, and forecasts that an increase in residential accommodation will be required to cater for the demand generated by an ageing population.

Whilst the Inner West Strategy has no specific use requirements for the site or surrounding area, Ashfield Council anticipates having a draft comprehensive LEP prepared by mid 2010 and, given the circumstances referred to above, it is likely that future uses of land in the vicinity will be residential in character.

The proposal will make a positive contribution to meeting the target for new dwellings, in addition to contributing to meeting the accommodation demands of an ageing population, and will be in keeping with the anticipated future uses of land in the vicinity of the site.

4. CI. 25(5) (b) (iii) - Services and infrastructure

Most services and facilities are located to the south of 23 Charlotte Street with access via rather steep public pathways. These lead past the small shops situated within the site towards the train station on the other side of which are supermarkets, pharmacies and a medical centre. Measured from the Elizabeth Street side the site is situated approximately 300m from the Ashfield Mall and main commercial precinct. Also in this precinct, there is a medical centre, banking facilities, supermarkets and a number of pharmacies.

Transport facilities are situated approximately 80m away for train services and approximately 130m for the bus service situated on Brown Street. As with access to shopping and medical facilities, there is some concern that the gradient of pathways leading to public facilities may need to be further assessed. However, the proponent's consultant has indicated that whilst a small section of the gradient of Charlotte Street between Elizabeth Street and the railway station is greater than 1:14, no part of the pathway has a gradient of greater than 1:12, which satisfies the criteria of clause 26 of the SEPP. The consultant also refers to the possibility of providing access to public bus stops on Elizabeth Streets and the provision of private bus transport for residents.

5. CI. 25(5) (b) (iv) - Impact on open space and special use land

The subject site is zoned 5(a) Special Uses zone 'Home for the Aged' and is surrounded by a mixture of multi unit buildings, single dwellings, commercial buildings and special uses including a church, nursing home and primary school. The proposed development will continue the original use of the site in the form of independent living units and an out-patient facility. The proposal has not addressed in detail the proposal's open space requirements, other than to indicate that private open space will be provided in the form of balconies for each above ground level unit and courtyards to ground floor units.

The development of the site would have no direct impact upon existing open space. The anticipated incoming site population could be expected to generate an increased demand for local open space, outside of the site. However, there are existing open spaces located at Ashfield, Allman and Pratten Parks to the east, south-east and south-west of Charlotte Street respectively.

6. CI. 25(5) (b) (v) - Impact of bulk, scale, built form and character on existing and future uses in vicinity

The proposed building envelopes provide for an approximate total of 35 independent living units (defined as self-contained dwellings in the Seniors Living SEPP) within two buildings. The first building would be located at the northern end of the site and fronting Charlotte Street, to a height of four storeys and containing approximately 30 self-contained dwellings and associated at-grade parking. The second building would be located at the southern end of the site and fronting onto Elizabeth Street, to a height of three storeys and containing approximately 5 self-contained dwellings and associated at-grade parking. However, the final number of dwellings is to be determined through the detailed design and DA process.

The site is currently zoned 5(a) Special Uses 'Home for the Aged' and there are no existing FSR or building height controls for the subject site. As the Ashfield draft comprehensive LEP is not expected to be prepared until mid 2010, there are at present no proposed FSR or building height controls relating to the site.

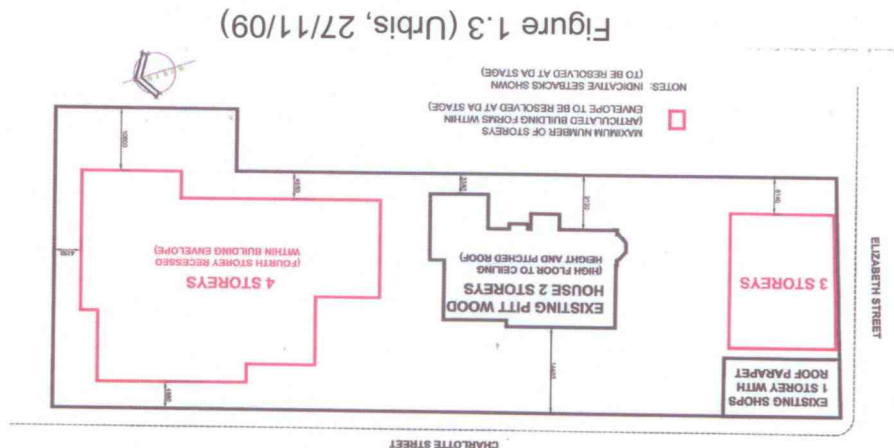


Figure 1.3 (Urbis, 27/11/09)

The indicated bulk, scale, form and character of the proposed development is suburban in nature (see Figure 1.1 Site Plan at **Tag A**). The site is located in a suburban area that is, in part, characterised by the presence of a significant proportion of residential flat buildings of comparable heights. However, the proposed four-storey building is indicated as being situated approximately 4.5 metres from the boundary with the neighbouring three-storey residential flat building to the north-east, and a similar distance from the boundary with residential properties on Grainger Avenue to the east. Furthermore, the land rises gently to the south from the site's north-eastern boundary. In these circumstances, there is potential for a four storey building to adversely affect the amenity of the current occupiers of these neighbouring buildings. Whilst the proponent's consultant indicates in Figure 1.3 above that the fourth storey would be recessed, or set back, within the building envelope, it is considered that the second and third storeys of the building should also be recessed within the building envelope, in order to safeguard the amenity of neighbouring residential properties.

With regard to the proposed three storey building located at the southern end of the site, it is indicated that this building would about the site's southern boundary with Elizabeth Street, with no specified setback, other than "Articulated building forms within envelope to be resolved at DA stage." (see Figure 1.3 above). In order to avoid an over-dominant presence on this relatively narrow street, and to ensure an acceptable level of amenity for future occupiers of this proposed building, it is considered necessary that the siting of the building be revised away from the boundary, and that all floors above ground floor level be recessed, or set back, within the building envelope.

The existing Pitt Wood House is a locally listed heritage item (refer **Tag C**). As such, care should be taken in the final design and siting of the proposed buildings to ensure that the heritage significance of Pitt Wood House is not adversely affected by the proposal.

Whilst there are concerns over the bulk and height of the indicated building envelopes, and the relative proximity of Pit Wood House, it is considered that these concerns can be satisfactorily addressed through the DA process.

7. Cl. 25(5) (vi) – Impact on the conservation and management of native vegetation

The northern portion of the site is not particularly well landscaped and is, in large part, only sparsely vegetated. The proponent's consultant advises that there is no significant native vegetation on the site and has indicated that a significant proportion of the site will be landscaped.

The southern end of the site benefits from the presence of trees in close proximity to the existing (vacant) nurses quarters building, which will be likely to be disturbed or removed as part of the proposal.

However, there will be scope within the site to provide improved landscaping and acceptable replacement tree planting, which can be secured through the DA process.

8. Cl. 26 – Location and Access to facilities

The site is located in a well serviced area with access to a local corner store and Ashfield Mall within 300m. The commercial centre provides banking facilities, pharmacies, medical centre, train station, bus service and supermarkets. These facilities are within walking distance along Charlotte Street and Ashfield Station provides a lift to the overpass providing safe access to Ashfield Centre (refer to section 4 above).

Clause 27: Bush fire prone Land

The site itself is not bush fire prone land, nor is it adjacent to bush fire prone land. Therefore, bushfire issues are not relevant to this proposal.

Clause 28: Water and sewer

The property is currently connected to water and sewer facilities. The capacity of these facilities to serve the proposed development is a technical issue that the developer would need to address to the satisfaction of the consent authority. This issue is not considered to affect the principle of the compatibility of the site.

COUNCIL COMMENTS

Ashfield Council was notified in writing on 9 December 2009, and has advised by letter dated 24 December 2009 that final comments are still pending. However, Council has expressed initial concern over the bulk and height of the indicated building envelopes.

OTHER RELEVANT MATTERS

N/A

CONCLUSION

It is considered that the subject site is an appropriate location for the proposed seniors living development. It is close to Ashfield town centre and a range of existing transport, retail, community and health services. The site and the vicinity are capable of accommodating the proposed intensification of use.

Whilst concern is expressed over possible adverse impacts upon residential amenity and the existing heritage item, it is also considered that such concerns can be satisfactorily addressed at Council's development assessment stage.

The site meets the criteria of the SEPP, and it is therefore considered that the Determination of Certificate of Site Compatibility should be issued with the following specified requirements:

1. The final number of dwellings on the site will be subject to the Council being satisfied with the design (including building setbacks and recessing of upper floors), form, layout, height, bulk and scale of the proposal, and
2. Issues of pedestrian access and footpath gradients should be addressed to the satisfaction of the Council.

RECOMMENDATION

It is recommended that the Director-General:

1. form the opinion that the site of the proposed development is suitable for more intensive development, and that the development for the purposes of seniors housing of the kind proposed is compatible with the surrounding environment having regard to the criteria specified in clause 25 (5) (b), of the SEPP (Housing for Seniors or People with a Disability) 2004 subject to certain requirements, being that:
 - the final number of dwellings on the site will be subject to Ashfield Council being satisfied with the design (including building setbacks and recessing of upper floors), form, layout, height, bulk and scale of the proposal, heritage considerations and;
 - issues of pedestrian access and footpath gradients will be addressed to the satisfaction of Ashfield Council
2. pursuant to clause 25 (4) (a) of the SEPP, issue a Determination of Certificate of Site Compatibility for the site at 23-33 Charlotte Street, Ashfield, comprising Lot 1 DP217304, Lot 1 DP130243 and Lot 3 DP3914, subject to certain requirements described in the Certificate (Tag E), and

3. sign the attached letter to the applicant advising of this determination (Tag F)

Prepared by: Andrew Watkins
Planning Officer
Sydney Region East

Endorsed:

[Signature] 4 Feb 10

Regional Director

Executive Director
Planning Operations

5.2.10

Deputy Director-General
Plan Making and Urban Renewal

[Signature] 11/2/10

Director General