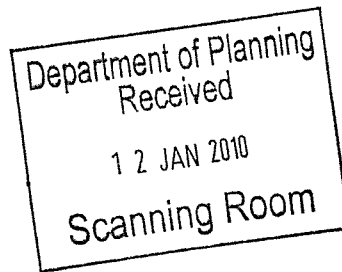


PCU001821

DA-485/2008
6 January 2010

Rosalind Louis
Team Leader
Sydney Region East
GPO Box 39
SYDNEY NSW 2001



Attention: Charlene Nelson / Daniel Cutler

**SEPP (Housing for Seniors and People with a Disability) -
363-367 Bronte Road, BRONTE NSW 2024
Submission regarding application for a Site Compatibility Certificate
Ref: S09/01494**

Dear Madam

Reference is made to the application from APP Corporation on behalf of the Catholic Archdiocese of Sydney for a Site Compatibility Certificate under clause 24 of the SEPP (Housing for Seniors and People with a Disability) for the site known as 363-367 Bronte Road, Bronte.

The development application for the proposed development was lodged with Council on 22 August 2008. The application was deferred on 18 March 2009 as preliminary examination of the application indicated that Council did not have either enough information or required clarification of matters. As such, Council has undertaken a preliminary assessment of the proposal having regard to the level of information provided and provides the following comments in response to Clause 25 (5) (b) of the SEPP.

- (i) *the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development;*

The subject site consists of 4 separate lots, located within a predominantly built environment that exhibits a significant slope falling to the north (front) of the property. The site is zoned Residential 2(b) – Medium Density according to the Waverley LEP 1996 and adjoins a Residential 2(a) – Low Density zone to the north and east of the subject site. Surrounding development is typically residential, varying in density scales.

In relation to heritage elements, the adjoining properties to the east, 369 Bronte Road known as *Sonoma*, as well as 44 Evans Street, Bronte are listed as a heritage items according to Schedule 5 of the Waverley LEP 1996. Additionally the properties 32, 34, 36, 38, 40 and 42 Evans Street are proposed heritage items and these properties along with 44, 46 and 48 Evans Street (bordering the eastern side of the subject site) are contained within a new proposed Heritage Conservation Area according to Draft Amendment 33 of the Waverley LEP 1996.

- (ii) *the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be future uses of that land;*

The future uses of the land are indicated as both a residential care facility (RCF) and self contained dwellings (SCD) in the form of two separate buildings. The RCF will comprise a 3 storey building located at the rear of the site with a central courtyard, comprising of 99 beds (ie 99 bed/sitting rooms with private ensuite) and basement carpark. Lounge and dining areas are shared and staff will be on duty 24 hours, seven days a week providing personal care, nursing care, social activities, therapies and hotel services. Included in this building will be 33 specialist dementia beds (included within the total of 99 beds). The proposal also incorporates a 20 person Day Respite Centre with support staff.

The self contained dwellings (SCD) will be located in a 4 storey building along the front part (north) of the site comprising of 14 x 2 bedroom units with basement carpark. The ground level of this building contains community facilities for all residents of the site including a Chapel and cafe.

The proposal as submitted is considered excessive in bulk and scale. The application has been referred to various specialised officers to assess the proposal, including Council's SEPP 65 Design Review Panel who made a number of comments and recommendations in trying to achieve a more favourable outcome for the site. These issues include though not limited to; form, bulk and scale need revising, elevations do not comply with SEPP 65 principles, assistance of a regarded Urban Designer recommended, opportunity to improve landscaping, two driveways should be reduced to a single driveway, increase side setbacks, acoustic and visual privacy impacts need addressing etc.

These matters of concern were raised with the applicant at a meeting held with Council Officers on 11 March 2009, followed by a letter dated 18 March 2009 however no additional information/amendment has occurred since this time.

- (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;*

The former use of the site was as the 'Loreto Nursing Home' providing aged care facilities with 98 beds, whereby the new development will maintain a form of aged care facilities that will still address the needs of the vicinity and can therefore be supported. It is however noted the comparable difference between the former use comprising 98 beds, and that proposed being an aged care facility with 99 beds *plus* 14 x 2 bedroom self contained dwellings.

The location of the proposed development is in close proximity (ie. within 400m walk) to public transport (bus stop located at front of site), cafes and other community facilities which could be accessed by mobile residents of the facility and their visitors. STA buses run along Bronte Road to and from the Bondi Junction bus/rail Interchange and shopping precinct and other services connected with the Prince of Wales Hospital in Randwick.

For less mobile residents, the provision of a 'Village Bus' mini bus service on site is noted and supported in light of the applicants acknowledgement that footpath gradients in the surrounding area are steeper than those recommended in the SEPP guidelines and would be prohibitive for less ambulant residents.

Retail, community and medical services are available in Bondi Junction and a pharmacy, newsagent, post office are located within walking distance in the nearby Charing Cross village.

- (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;*

This subclause is not applicable, given the subject site is located within a Residential 2(b) Medium Density zone, according to the Waverley LEP 1996.

- (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.*

The site is located within a Residential 2(b) – Medium Density zone and adjoins Residential 2(a) zones immediately to the north and east of the site.

The building envelope controls are outlined within the Waverley Development Control Plan 2006 (the DCP) Part D2. These controls stipulate for a building within a Residential 2(b) zone, an overall building height of 9.5m, a wall height of 6.5m and a maximum of two storeys (though an attic level may be permitted but must be fully contained within the roof form). As indicated in the accompanying information with the application, the proposed buildings will range in height from 3-4 storeys plus plant room space on the roof and basement parking below with the heights being up to 16.5m.

Pursuant to the DCP the floor space for the Residential 2(b) zone is 0.6:1. The proposed development seeks 1.61:1 (applicant calculations) and is therefore in excess of the controls.

Additionally, a full assessment of the application against the SEPP (Housing for Seniors and People with a Disability) has not been undertaken at this stage due to insufficient information. Most notably, the interpretation of the proposed use has not yet been fully determined, whereby it appears the proposal seeks a Residential Care Facility and Self Contained Dwellings within a Vertical Village as defined by the SEPP. Perhaps the Department can aid in clarifying this matter of detail?

The bulk and scale of the proposal as currently submitted is considered excessive having regard to the scale of surrounding development and is likely to adversely impact on neighbouring properties with regard to loss of light, loss of privacy, loss of amenity, negative impact on the character of heritage conservation in the immediate vicinity and detract from the streetscape. An assessment of these issues can not be undertaken with the level of detail

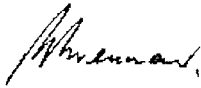
provided but will be fully considered upon amendments and additional information being submitted.

From the level of information received, Council does not have sufficient details or information to carry out a full assessment. A preliminary assessment of the application has been undertaken and matters of concern raised were outlined to the applicant at a meeting with Council Officers on 11 March 2009 and subsequently in a letter dated 18 March 2009. A copy of this letter is attached for your perusal. Since this time, no additional information or amendments has occurred. At this stage the application seeking a Site Capability Certificate appears unchanged.

Ultimately, it is considered the site is capable of providing a form of seniors living that addresses the criteria under clause 25 of the SEPP and Council's controls. However, whether the site is capable of being developed to the extent proposed ie the number of storeys, floor space ratio and position of buildings is at this stage unlikely to be supported by Council. Nonetheless, the applicant has been provided with a list of Council Officer's issues, and it is anticipated that these will be addressed appropriately in the near future.

The above is referred to you for consideration prior to the determination of the application and if you would like more information, please contact Angela Rossi, Senior Development Assessment Officer on 9369 8052 during normal office hours.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Peter Brennan', written in a cursive style.

Peter Brennan
Director, Planning and Environmental Services
Waverley Council

ATTACHMENT: COUNCIL'S DEFERRAL NOTICE

DA-485/2008

18 March 2009

Ms Julia Gallagher
App Corporation Pty Ltd
PO Box 1573
NORTH SYDNEY NSW 2059



Dear Madam

REQUEST FOR ADDITIONAL INFORMATION DEVELOPMENT APPLICATION DA-485/2008 363-367 BRONTE ROAD, BRONTE NSW 2024

I refer to your development application which you lodged on 22 August 2008.

As recently discussed preliminary examination of the application indicates that Council does not have either enough information or requires clarification of matters to properly consider your proposal.

You are requested to provide Council with responses to the following issues:

Issue	Response
Having regard to the SEPP (Seniors Living) Clause 45 – Vertical villages; appears applicable and the requirement of a Site Compatability Certificate necessary; in addition to the requirements of the residential care facility (RCF) or self-contained dwellings (SCD)	
The bulk and scale is excessive and should be reduced. The proposal (specifically the SCD building at the front of the site) should present as a three storey building form to Bronte Road. The massing needs reducing and the width should be broken up with improved articulation. The bulk of the front north-east corner of building adjacent to <i>Sonoma</i> also needs revising.	
Floor space: Need plans indicating how FSR is calculated (ie. breakdown)	
Setbacks are considered insufficient, specifically along side, (too close and too unrelieved to the side boundaries, particularly at the corners) and should be minimum 4.5metres setback.	
What analysis has been undertaken of the FSR of surrounding development to make the claim on pg 46 of SEE?	
Consideration be given to: <ul style="list-style-type: none">• Front wing (SCD building) be reorientated to face street directly;• Plaza be redeveloped as a larger & more open soft landscaped area, including trees	

<p>that connects to the courtyard / lightwell with the retention of only a thin, transparent bridge building connecting east & west wings of RAC building;</p> <ul style="list-style-type: none"> • Plaza should visually connect north to the street through the foyer of the SCD building; • The core & plant room position on the northern wing redesigned to reduce overshadowing of the central courtyard; • Improve energy & water efficiency by private rooms to the north elevation of RAC building being better designed to enjoy northerly aspect, roof design be amended to optimise natural light & ventilation. 	
Acoustic & visual privacy are of concern specifically due to the minimal separation between apartments, balconies orientated to side boundaries and noise implications from void areas.	
The two driveways to the site should be combined into a single driveway & be contained within the building (including emergency vehicle access, short term parking & drop off) to allow for increased deep soil zone & retention of additional trees (eg. T10).	
Parking: Need a breakdown of how parking is calculated and allocated, specifically with regard to staff & visitor parking.	
Construction Vehicle Plan of Management be submitted for review.	
Potential for conflict between pedestrians, bicycles and vehicles at site entry needs improving.	
Where will persons utilising the café or chapel park?	
Staff: Provision of staff breakdown is needed, including numbers for each building, total overall and the shift changes expected for staff.	
Comparative data analysis from the previous use is recommended, specifically with regard to number of staff, beds and parking.	
Landscaping: Need a breakdown of how on-site landscaping is calculated with regard to SEPP provisions.	
Greater potential to retain additional existing vegetation as well as protection of trees on adjoining properties (eg. large fig tree at rear – south west corner requires amendments to plan to ensure protection).	
Courtyards could be better related to building massing and utilised to break up built forms, with improved solar access to courtyards.	
Improve landscaping, specifically to street & eastern side of building (& boundary with	

Sonoma), reduce extent of pathways & planters (opportunity for more cohesive & single access either through or about front building) to provide increase opportunity for soft landscaping.	
A Tree Management Plan be submitted for review that details the care and maintenance of any trees to be retained & their continued maintenance after the process is completed.	
Relocation of the electrical substation be considered to ensure retention and protection of existing Bull Bay Magnolia.	
Clause 50(e) of SEPP needs clarification as to percentage of units achieving requirement.	
Shadow diagrams on elevations be provided to more properly assess impact on adjoining properties.	
What is the proposed seating capacity for the Café and what hours of operation are proposed to meet the needs of residents?	
What catering facilities are provided and where?	
Waste: <ul style="list-style-type: none"> • Need additional (2 x 240L MGB's) recyclables bins (residential component); • Need adequate drainage or bin washing facilities (described but not shown on plan); • Need a room or caged area for the storage of discarded bulky items; • Commercial component requires additional recycling bins (9 x 240L MGB's); • Current location of commercial waste storage area is some distance from Bronte Road, and potentially should be relocated. • Commercial waste room needs to include separate space for storage of liquid wastes and oils etc. Liquid waste area must be undercover, bunded and drained to a grease trap. 	
Consideration for land contamination and SEPP 55 is necessary.	
Require details on height of gates and fencing.	
What formal support services will be provided on site v's those provided by local providers?	
How does the design of the units accommodate the delivery of specialised care and nursing services?	
Will the Manager ensure compliance with all requirements of SEPP (Seniors Living) or just clauses 26 & 38?	
Will the development provide accommodation for disabled and not just over 55's?	
How is the 24 hour 7 days a week emergency service provided?	
Which units will be nominated for affordable	

housing – should be indicated now and methodology for rentals to ensure affordability.	
How will connection to Waverley be established for affordable units?	
Inadequate details of plant rooms, mechanical ventilation etc on roof – need clarification.	

Council awaits your response and if you have questions, require assistance or further information about the matters above, please contact me on 02 9369 8052.

Yours faithfully



Angela Rossi
Senior Assessment Planner