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## Planning

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**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:** Calvary Loreto Retirement Village, 367 Bronte Road, Waverley

**APPLICANT:** APP Corporation on behalf of Catholic Archdiocese of Sydney

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**EXECUTIVE SUMMARY:**

An application seeking a Site Compatibility Certificate (SCC) for a seniors housing development at 367 Bronte Rd, Waverley has been lodged for the Director General's determination.

The proposed development involves the demolition of the former nursing home buildings on the site and the redevelopment for a 99 bed residential care facility and a complex of self-contained dwellings, comprising 14 x 2 bedroom units, in the form of two separate buildings.

The proposed development has been considered with regard to the criteria under clause 25 (5) of the SEPP (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP). It is considered that the site is generally suitable for the more intensive development of the proposed development and that the development is generally compatible with the surrounding environment.

However, amendments should be made to the design of the buildings, particularly with regard to reducing adverse impacts of the residential care facility on the adjoining properties, and to improve its residential amenity as well as its relationship with the self-contained dwelling complex.

This report recommends that a site compatibility certificate be issued with requirements imposed on the certificate.

**LGA:** Waverley

## PROPOSAL:

The proposed development involves the demolition of <sup>the</sup> existing vacant nursing home buildings and the development of a new seniors housing complex comprising:

- A 4 storey residential building to the north of the site (fronting Bronte Rd) including:
  - 14 self-contained dwellings, each with 2 bedrooms;
  - community facilities, a chapel and hairdresser located at ground level;
  - basement car parking with vehicular access from Bronte Rd to the west of the site.
- A 3-4 storey Residential Care Facility (RCF) to the south (rear) of the site containing:
  - 99 bed-sitting rooms (including 33 dementia beds) with common dining and lounge facilities on each level and a central landscaped courtyard with lift access;
  - office/staff facilities and a public café with adjoining outdoor seating;
  - basement car parking with a separate vehicular access from Bronte Rd along the eastern side of the site.
- A courtyard plaza separating the two buildings and a sheltered access link on the western side.

An indicative site plan of the proposed development is at Tag 'A'.

## SITE DESCRIPTION:

The subject site is located on Bronte Rd, between the intersection of Murray Street and Gardyne Street, Waverley, and is in an established urban area (see Location Map - Tag 'B'). The site is rectangular in shape with a frontage along Bronte Rd of 49.62m and length of approx 92m, with a site area of 4653 sq m.

Owned by the Catholic Archdiocese of Sydney, the site is occupied by two vacant buildings that were used as the former 98 bed Loreto Nursing home. These buildings are in a dilapidated condition and have been vacant since the nursing home ceased operation.

## BACKGROUND:

A development application was lodged with Waverley Council on 22 August 2008 for the proposal and has been deferred by Council since its request for further information and clarification of matters by letter dated 18 March 2009. Council has indicated that the application seeking a SCC from the Director General, appears unchanged to the application originally lodged with Council.

It is understood that the applicant had previously been advised that a SCC was not required. As Council has raised concerns that a SCC may be applicable, officers from Sydney Region East met with the applicant on 1 July 2009. After seeking legal advice as to the applicability of a SCC, SRE advised that if the proposed development met the criteria under Clause 24 of the SEPP (Housing for Seniors and People with a Disability) 2004, a SCC would be required.

*the applicant*

## **ADDITIONAL INFORMATION**

The applicant submitted additional information on 8 April 2010 comprising:

- Waverley Council's Design Review Panel Comments (dated 20/10/2008) Tag "I"; ✓
- A review of the proposal by the applicant's independent urban design architect, LFA (Pacific) Pty Ltd (dated Feb 2009) Tag "J"; ✓
- A statement from the applicant regarding the LFA report Tag "K"; ✓
- Proposed actions by applicant to address Council's schedule of issues from March 2009.

The review undertaken by LFA recommends modifications to the building footprints and location of building form to address the issues raised by the Design Review Panel. LFA suggests various design concepts with regard to built form and open space, changes to the layout of the RAC building, treatment of elevations to provide enhanced articulation, increased soft landscaping, vehicular access and changes to the floor plan of the self contained dwellings.

## **PERMISSIBILITY STATEMENT**

The subject land is zoned 2(b) Residential – Medium Density under the Waverley Local Environmental Plan 1996 (Tag 'C'), which permits residential flat buildings, townhouses and boarding houses. The Seniors SEPP applies to this land and the proposed development for seniors housing is permissible as the land is zoned primarily for urban purposes.

### **Requirement for Site Compatibility Certificate**

A Site Compatibility Certificate (SCC) is required to be obtained, pursuant to Clause 24(1)(b) of the Seniors SEPP, in respect of a development application lodged with Waverley Council, as the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45 of the Seniors SEPP.

## **FSR CONTROLS**

Clause 45 (Vertical Villages) of the Seniors SEPP, allows a consent authority to consent to a bonus FSR of 0.5:1 over that permitted under another Environmental Planning Instrument. This clause stipulates that it applies even if the FSR permitted under another EPI is expressed in a Development Control Plan (DCP). In this case, the FSR controls are contained in the Waverley DCP 1996. The applicable FSR control for the 2(b) Residential zone in the Waverley DCP 2006 is 0.6:1.

The application proposes an FSR of 1.41:1. The FSR excludes the floor space used to deliver on-site support services in accordance with c45(4) of the SEPP. In order for this SEPP bonus floor space to operate, the consent authority must be satisfied that the proposal meets certain criteria relating to providing affordable places and on site support services (Cl. 45(6)). By utilising the bonus in accordance with Clause 45(2) of the Seniors SEPP, an FSR of up to 1.1:1 would be permitted. The proposed FSR of 1.41:1 exceeds the FSR control (including the permitted bonus applied under the SEPP) by 0.31:1.

The applicant claims that the existing buildings on the site have an FSR of 1:1, and is relying on the existing situation rather than the DCP controls to obtain the 0.5:1

FSR bonus applicable under the SEPP. The additional FSR being sought under the development application to achieve the overall 1.41:1 FSR will be subject to Council's merit based assessment of the DA.

### **CONSIDERATION UNDER CLAUSE 25 (5) OF THE SEPP**

*In order to issue a site compatibility certificate, the Director-General must form the opinion that:*

- (a) the site of the proposed development is suitable for more intensive development, and*
- (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 specified in clause 25 (5) (b) - (Tag 'D').*

*The Director General may refuse to issue a certificate if he considers that the development is likely to have an adverse effect on the environment (clause 25(6)).*

#### **1. Suitability of the site for more intensive development**

The site is well located to accommodate more intensive development.

It is in close proximity to public transport. STA buses run along Bronte Rd to and from the Bondi Junction bus/rail interchange which provides bus and train services to the Sydney CBD. The major centre of Bondi Junction is accessible by bus and provides access to regional shopping facilities and community services. The site is also in close proximity to medical services including the Prince of Wales hospital at Randwick. Charing Cross Village is located within walking distance from the site or is accessible by bus, providing many local businesses and services including a pharmacy, newsagent, post office and cafes. There is a small pocket of local neighbourhood shops located opposite the site.

An aerial photograph of the site (tagged 'E') and a photograph of the existing development on the site (tagged 'F') are attached. Development surrounding the site is characterised by residential development that varies in density scales (see tag 'G'). There is a mix of older style 3 storey walk up residential flat buildings, many over podium parking. A single storey dwelling known as 'Sonoma' listed as a heritage item under the Waverley LEP 1996, adjoins the site to the east, however the SEE indicates that a DA has been approved on this site for 3 x 2 storey loft townhouses to the rear.

The proposed development will maintain a form of aged care similar to its former use as a nursing home, although it will be a more intensified use of the site. Given the site's location, proximity to services and that the proposed use is compatible with the surrounding residential uses, it is considered that the site is well located and suitable for more intensive development to that which previously existed on the site. The detail of the proposal's bulk and scale is of concern and this will be subject to the consideration of council and its assessment of the development application. This is discussed in further detail under the consideration of subclause (6) Impact of bulk, scale, built form.

## **2. Natural environment and the existing and approved uses in the vicinity**

The subject site is located in an urban area and is surrounded by a mix of residential development, including a single storey dwelling adjoining the site and 3-4 storey residential flat buildings to the east and west. The former use of the site was as the 'Loreto Nursing Home' which provided a residential aged care facility in the form of a nursing home with 98 beds. The proposed new development will maintain a type of aged care facility previously provided.

With regard to the natural environment, the proposal does not raise issues concerning significant environmental values, resources or hazards. It is noted that the site slopes significantly from the rear to the street and the proposal includes excavation for basement car parking.

Council's comments on the proposal raise concerns that the proposed two driveways to the site should be combined into a single driveway and be contained within the building to allow for increased deep soil zone and retention of additional trees. Council has also commented that the proposal should address a greater potential to retain existing vegetation as well as the protection of trees on adjoining properties. Vehicular access, landscaping and the retention of significant vegetation will be addressed by council as part of the DA assessment process.

The proposed development is considered to be generally consistent with the existing uses and approved uses in the vicinity and is unlikely to have a major detrimental impact on the natural environment.

## **3. Impact on the future uses of the land**

The comparable difference between the former nursing home and the proposal is the additional complex of 14 self-contained dwellings. The proposed development is considered compatible with the surrounding predominantly residential land uses, and the development of the site for seniors housing is consistent with the likely future uses of the land.

## **4. Services and infrastructure**

The site is in close proximity to public transport services including STA buses that run along Bronte Rd to and from the Bondi Junction bus/rail interchange and the Bondi Junction Centre. Bondi Junction provides a range of retail, community and medical services available in a major centre. The small village of Charing Cross also provides many local businesses and services and there is a pocket of neighbourhood shops opposite the site on the corner of Bronte Rd and Murray Street.

The SEE sets out that although the topography of the surrounding area is such that the maximum gradients will not be satisfied, the residents will have access to public buses along Bronte Rd, with services to Bondi Junction and linking services to the Sydney CBD, as well as a village bus for residents for shopping and other outings including medical appointments. The proposal also includes a café and hairdresser on site for use by the residents and their visitors. As an infill development it is considered that the existing road network has sufficient capacity to cope with the additional dwelling demand and vehicle usage.

## **5. Impact on open space and special use land (where relevant)**

This subclause is not applicable as the site is zoned Residential 2(b) – Medium Density Zone and is not zoned for open space or special uses.

## **6. Impact of bulk, scale, built form and character of the proposed development**

The proposed development will result in an increase in the bulk and scale of the built form and will be a more intensive form of development than the development that previously existed on the site.

The proposed height of approximately 16.5m (3-4 storeys) exceeds the height controls in the DCP of 9.5m for the 2(b) residential zone, however the proposed heights are not dissimilar from the surrounding development of older style residential flat buildings. As previously discussed, the proposed FSR is 1.41:1 which exceeds the FSR control (including 0.5 bonus permitted under the SEPP) by 0.31:1. It will be Council's discretion as to whether it will grant consent to the development application in accordance with Clause 45, to allow the use of the bonus FSR in addition to the DCP FSR control.

Council has raised concerns with regard to the bulk and scale of the proposal and potential impact on adjoining properties (see "Comments from Council"). The application was referred to Council's SEPP 65 Design Review Panel and a number of recommendations were made to revise the bulk and scale of the proposal having regard to SEPP 65 principles (Tag "I").

There are some potential impacts arising from the proposed bulk and scale on surrounding development including overshadowing, loss of privacy and loss of amenity. Amenity impacts are also likely to occur within the proposed buildings as a result of the poor relationship and separation distance between the residential aged care facility and the self-contained dwelling complex. The layout of the residential aged care facility includes rooms surrounding the central landscaped core area which do not appear to provide good amenity or aspect for the residents of the units at ground level.

The shadow diagrams indicate an increase in overshadowing particularly to the residential flat building to the west. Elevational shadow diagrams have not been provided, therefore it is difficult to fully ascertain the overshadowing impacts on adjoining properties. However, the proposed side setbacks appear to mirror the setbacks of the adjoining properties on the western side of the site.

The urban design review undertaken by LFA (Pacific) Pty Ltd suggests amendments to the design of the proposed development to address issues raised by Waverley Council's Design Review Panel, as follows:

- reduce the building bulk and unrelieved mass of the RAC building by modifying the building envelope to relocate the projecting wing on the NE corner to the NW corner, and to enhance the articulation of both building forms with elevational treatments;
- improve solar access and privacy of the rooms in the RAC building by reorganising the internal layout of the rooms (in the SE and SW corners to face east and west rather than south), relocating staff and services rooms to the south elevation and increasing the size of the internal courtyard;

- increase the size of the plaza area by reducing and aligning the front setback of the self contained dwelling complex with the neighbouring single dwelling;
- improve solar access and opportunities for soft landscaping by opening up the area to the north by removing the projecting wing of the RAC building.

The applicant has advised that although amended plans have not been prepared to demonstrate changes suggested by the LFA report, the principles of built form, open space, landscaping, and elevational treatments are generally acceptable.

The LFA report also makes recommendations about consolidating the duplicated vehicular access into a single driveway, makes changes to cross sections and the floor plan of self contained dwellings to improve amenity. The applicant has advised that these changes have been noted and will be considered further as part of the assessment of the development application.

It is the Department's view that additional FSR as proposed, should be subject to the adequate resolution of the location of the proposed buildings and the impacts arising from the proposal. The final detail of the proposal's height, design, layout and density of the development will be subject to the consideration of the consent authority.

#### **COMMENTS FROM COUNCIL**

CI 25(5) (a) of the Seniors SEPP requires the Director-General to take into account the written comments of the relevant council in order for a SCC to be issued. The application was referred to Waverley Council on 18 December 2009. Council responded on 6 January 2010 raised a wide range of issues (see Tag 'H'). In summary, Council's comments include:

- 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, Council questions whether the site is capable of being developed to the extent proposed (ie. no. of storeys, FSR and position of buildings on the site) and at this stage this proposal is unlikely to be supported by Council.
- Council's view is that the proposal as submitted is considered excessive in bulk and scale, 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, negative impact on the character of heritage conservation in the immediate vicinity and detract from streetscape.
- The application has been referred to various specialised officers to assess, including Council's SEPP65 Design Review Panel, who made a number of comments and recommendations in trying to achieve a more favourable outcome for the site. The issues include, but are not limited to: form, bulk and scale that need revising, elevations do not comply with SEPP65 principles, recommended assistance of a regarded Urban Designer, opportunity to improve landscaping, two driveways should be reduced to a single driveway, increase side setbacks, acoustic and visual privacy impacts need addressing.

## **OTHER RELEVANT MATTERS**

### Strategic and Local Planning Context

#### *Metropolitan Strategy & Draft East Subregional Strategy*

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 aging population.

Two key directions of the East Subregional Strategy are to improve housing choice and allow communities to 'age in place'. It is noted that some 18% of the East sub region's population will be greater than 65 years of age by 2031, and that an increase in residential accommodation will be required to cater for this demand. This proposal will make a positive contribution to meeting this target in addition to providing accommodation for the significant ageing resident population in the subregion.

## **CONCLUSION**

It is considered that the site is an appropriate location for Seniors Housing development, given the former use of the site was as a nursing home. It is well located, in close proximity to transport to the Bondi Junction Centre, and with access to local retail and medical services. The site and the surrounding uses in the vicinity are able to accommodate an intensification of the use.

The proposal is generally acceptable with regard to increasing the supply and choice of housing to meet the needs of seniors and the development will make efficient use of existing infrastructure and services. However, there are concerns with regard to the proposed design of the development and the likely resultant amenity impacts on adjoining properties and between the two buildings on site.

It is considered that the Site Compatibility Certificate should be issued with requirements imposed that design amendments be made to the proposed development generally consistent with the built form, open space, landscaping and elevational treatment principles outlined in the Urban Design Review (February 2009) undertaken by LFA (Pacific) Pty Ltd. The revised design should address issues of bulk and massing of the built form, appropriate side setbacks and improved building layout. Pedestrian safety and adequate vehicular access to and from the site, will be required to be satisfactorily resolved.



## 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 [clause 24(2)(a)] and that development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment, having had regard to (at least) the criteria specified in clause 25(5)(b) [clause 24(2)(b)] of the SEPP (Housing for Seniors or People with a Disability) 2004, subject to certain requirements being:
  - design amendments be made to the proposed development generally consistent with the built form, open space, landscaping and elevational treatment principles outlined in the Urban Design Review (February 2009) undertaken by LFA (Pacific) Pty Ltd to address:
    - the massing and bulk of the RAC building;
    - the impact on adjoining properties with regard to the potential for overshadowing and overlooking;
    - the location of the buildings on the site and the appropriate physical separation of the buildings to improve the plaza area and the residential amenity for the future occupants.
  - pedestrian safety and adequate vehicular access to and from the site being satisfactorily resolved.
2. pursuant to clause 25(4)(a) of the SEPP (Housing for Seniors and People with a Disability), issue a site compatibility certificate for 367 Bronte Rd, Waverley, being Lot A DP79074, Lot B DP79074, Lot 1 DP152049, Lot 2 DP15049, Lot 3 DP 15049, subject to certain requirements described in the certificate (**Attachment 1**), and
3. sign the attached letter to the applicant advising of his determination (**Attachment 2**)
4. approve of the attached letter to Waverley Council advising of his determination (**Attachment 3**).

  
A/Regional Director

  
Executive Director  
Planning Operations

  
Director General

6/5/2010

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