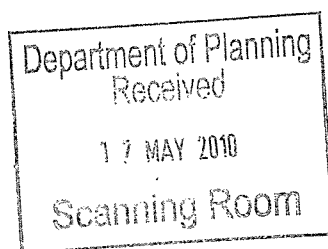


Our ref: DA268/2008

5 May 2010



Rosalind Louis  
Sydney Region East  
Planning  
GPO Box 39  
SYDNEY NSW 2001



**SEPP (Housing for Seniors and People with a Disability) -  
Application for Site Compatibility Certificate,  
Wellington & Ocean Streets, Bondi**

Dear Madam,

Reference is made to the application from the Benevolent Society for a Site Compatibility Certificate under clause 24 of the SEPP (Housing for Seniors and People with a Disability) for the site known as Scarba House extending between Ocean Street and Wellington Streets, Bondi.

Council provided comments in regard to a previous application for Site Compatibility Certificate on 21 April 2008.

The current application relates to amended plans submitted to Council and subsequently deferred for the submission of amended plans to address impacts on both surrounding development and the heritage listed Scarba House building on the site.

The application is the subject of a current appeal to the Land and Environment Court and the Court in an interim decision handed down last month indicated that they were likely to approve the development on the site subject to at least one storey being removed from the building on the north east corner and four floors being removed from the main Wellington street building. The Court did not require any changes to the building fronting Ocean Street. Amended plans have now been submitted to the Court and Council reflecting these changes and it is likely the Court will make a final judgement on Monday 10<sup>th</sup> May 2010.

Council has undertaken an assessment of the proposal having regard 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,*

A Phase 2 Environmental Investigation has been undertaken and the site is required to be remediated and a certificate issued to confirm the suitability of the site following the remediation prior to the issuing of any approval.

The site is listed within Waverley LEP 1996 as a landscaped heritage item with the proposal generally retaining the landscape heritage items. The application does involve the removal of other significant trees from the site in particular Tree 19 listed on Council's Significant Tree Register (the amended plans before the Court show the retention of this tree with a changed driveway design). Although the proposal provides for 61% of the site to be landscaped with 43% soft landscaping, it is noted that limited ability arises for the provision of significant trees on the site subject of the application. The surrounding land has a variety of zonings (as reflected in the applicants submission) with the form of surrounding development varying from schools, churches, single dwellings to eight story residential flat buildings.

- (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 the future uses of that land,*

The zoning of the site is Special Uses 5(a) School, however, a school does not and has not operated on the site for a significant period of time. The most recent uses of the site have been for seniors living including aged care hostel, child care centre and ancillary office uses.

The future uses of the land are indicated as residential unit accommodation within two residential towers varying in height, along with a townhouse building in the north eastern corner of the site, ground floor service/retail/commercial uses, along with medical and other support services within the refurbished Scarba House. The proposed development will have minimal impact on the internal operation of the site.

An assessment particularly in regard to the SEPP 65 principles has been undertaken with the submission of the development application, along with the criteria in the Seniors Living SEPP, with issues raised with regard to the scale and impacts of the development on neighbouring properties and not on the internal amenity of the development.

- (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 site is located within close proximity of Bondi Road being a main bus route providing access to Bondi Junction and the bus/rail interchange for carriage to other areas, has good access to the variety of shops and services

along Bondi Road and subsequent locations on the bus and rail systems and is in very close proximity to a number of churches.

Following receipt of more detailed information and the entering into of agreements with various service providers it is considered that the proposal by providing accommodation principally for residents of Waverley and directly adjoining local government areas will not place much greater demand on facilities than that already being sought by residents.

- (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,*

The site is zoned Special Uses 5(a) School, but has not been utilised as a school, with the exception of the child care facility on the site. It is noted that the public primary school opposite the site has capacity to increase numbers, and therefore any general increase in the demand for school placements can adequately be accommodated in the area.

The site currently provides aged care facilities and the new development will provide a form of aged care facilities that will still address the needs of the vicinity and can therefore be supported.

- (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 adjoined by a variety of zones including Open Space 6(a), other Special Uses sites as well as the Residential 2(c2) zone (a high density residential zone), with the building envelope controls contained within Waverley Development Control Plan 2006 (the DCP) Part D2. The DCP provides for the relevant residential zone an external wall height of 25m with an overall maximum building height of 28m and a maximum of 8 storeys. As indicated in the supporting information with the application the proposed buildings will range in height from 4-10 storeys plus plant room space with the principal height being 8 storeys and have heights up to 33m.

Pursuant to the DCP the floor space ratio for the Residential 2(c2) zone is 1.5:1 with the applicant indicating a floor space ratio of 1.48:1 (excluding Scarba House).

The bulk and scale of the proposal is considered excessive having regard to the scale of surrounding development and will lead to significant impacts to neighbouring properties, in particular 18, 24, 26-30 and 32 Ocean Street and 22-28 Wellington Street with regard to loss of sunlight, loss of privacy and significant loss of views.

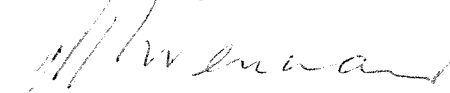
These aspects have been raised with the applicants during preceding meetings and have not been addressed to a level that should allow the approval of the development.

It is also considered that the bulk, scale and proximity of the building in the north eastern corner to the heritage listed Scarba House is detrimental to its significance.

Council is of the view that the site is capable of providing a form of seniors living that addresses the criteria under clause 25 of the SEPP and the other relevant controls in the SEPP and Council's controls. However, the plans submitted with the current application provides a bulk and scale that leads to significant impacts onto neighbouring properties and Scarba House that can not and should not be supported having regard to the provisions of the SEPP. Accordingly, Council is of the opinion that the Site Compatibility Certificate should not be issued for the proposal as currently submitted.

The above is referred to you for consideration prior to the determination of the application and if you would like more information please phone Ruth Holten, Council's Executive Planner on 9369.8189.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Peter Brennan', written over a light blue horizontal line.

Peter Brennan

**Director, Planning and Environmental Services**