



Planning



qB144351
10/09729

Department Generated Correspondence (Y)

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: 18-22 Ocean Street and 30 Wellington Street, Bondi

APPLICANT: Benevolent Society

EXECUTIVE SUMMARY:

An application seeking a Site Compatibility Certificate for a Seniors Housing development at 18-22 Ocean Street and 30 Wellington Street, Bondi has been lodged for the Director General's determination.

The proposed development involves the demolition of existing buildings (excluding Scarba House), partial excavation of the site and the erection of 3 buildings, 1 a building of up to 5 storeys and 2 buildings of up to 10 storeys, for use as Seniors Housing comprising of self contained dwellings with ancillary facilities and car parking, together with the refurbishment and re-use of Scarba House.

A development application was submitted to Waverley Council in 2008 for a proposed development similar to the one subject to this report. The application was supported by a Site Compatibility Certificate issued by the Director General on 13 May 2008 covering the subject site. The applicant is seeking a new Site Compatibility Certificate for amended plans as the current certificate will expire on 12 May 2010.

The application is the subject of a current appeal to the land and Environment Court and it is understood that an interim decision has been handed down.

The applicant's legal representative has advised the Department that the new Site Compatibility Certificate needs to be issued by 10 May 2010 to avoid certain legal implications. (see Tag A).

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. It is considered that the site is generally suitable for the more intensive development of that proposed in this application and that the development is generally compatible with the surrounding environment.

However, it is considered that the height of the development has the potential to adversely impact on the amenity of neighbouring buildings.

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 three existing buildings, the retention and refurbishment of heritage listed Scarba House, partial excavation of the site and the erection of three new Seniors Housing buildings in place of the demolished buildings and to add a new wing at the rear of Scarba House. The proposed new buildings are known as the Ocean Street Building, the Wellington Street Building and the North East Building and are described below. (See site map at figure 1 for building locations)

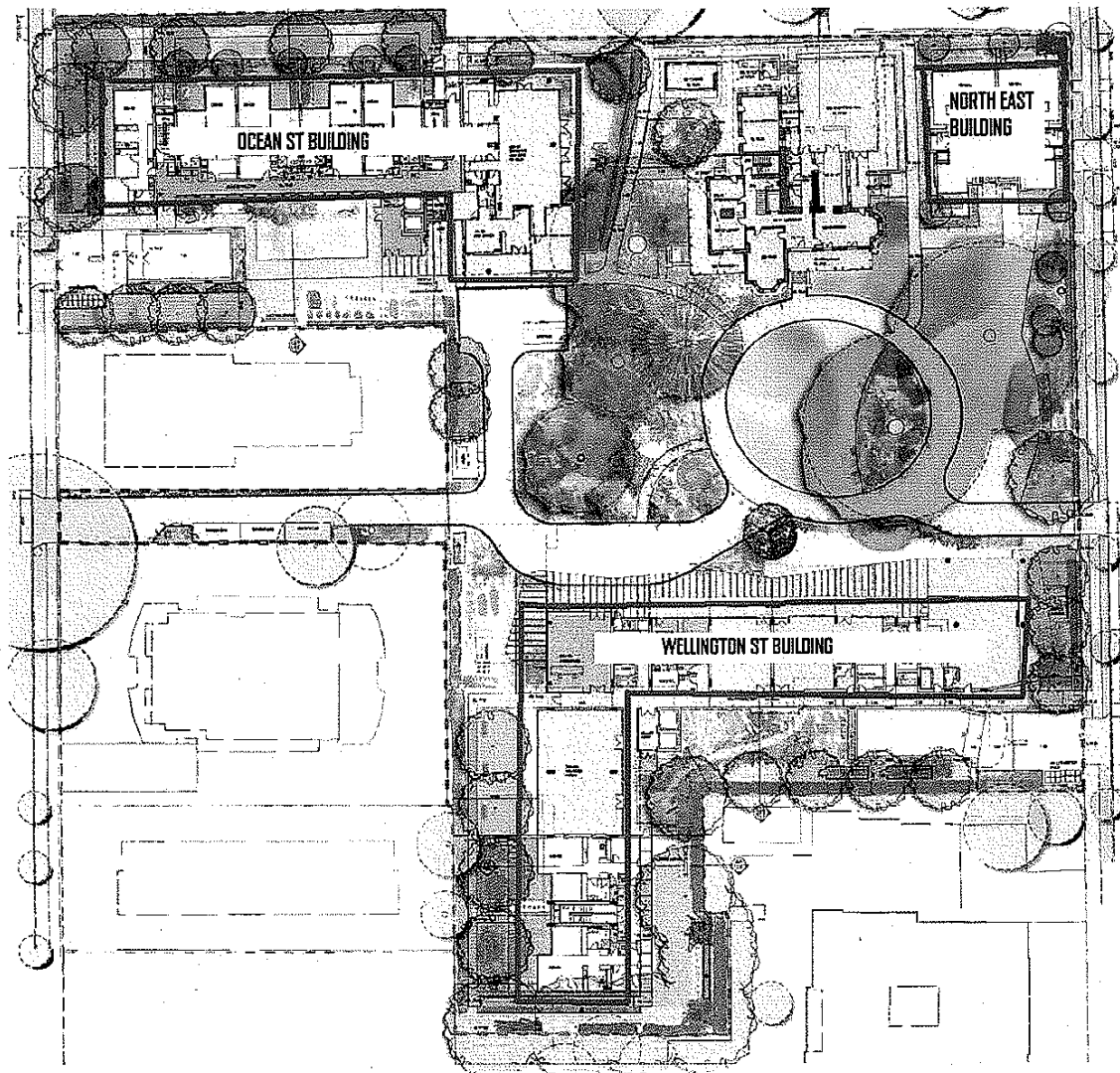


Figure 1 Site map showing building location

The Ocean Street Building is proposed as a 10 storey building with a stepped down wing of 6 storeys and will contain 67 units and 52 car-parking spaces.

The Wellington Street Building is proposed to have a maximum of 10 storeys with two wings of a maximum of 4 storeys and will contain 66 units and 50 underground car-parking spaces.

The North East Building is proposed to have a maximum of 5 storeys and will contain 7 units and 8 car-parking spaces.

Site Description

The subject site is located at 18-22 Ocean Street and 30 Wellington Street, Bondi. It is irregular in shape with a frontage of approximately 47.5 metres onto Ocean Street, a frontage of approximately 96 metres onto Wellington Street and a total site area of approximately 1.16 hectares.

The immediate surrounds of the site include multi-storey residential flat buildings, places of public worship and Dickson Park which adjoins to the north of the subject site.

Owned by the Benevolent Society, the site is occupied by four buildings, three of which are no longer used.

Background

A development application was submitted to Waverley Council in 2008 for a proposed development similar to the one subject to this report. The application was supported by a Site Compatibility Certificate issued by the Director General on 13 May 2008 (Tag B) covering the subject site. The certificate authorised the lodgement of an application for the Demolition of existing buildings (excluding Scarba House), partial excavation of the site and the erection of part 3 / part 4, part 6 / part 8 / part 10 storey buildings for use as self-care Seniors residential accommodation with ancillary facilities and car parking, together with the refurbishment and re-use of Scarba House.

The current Site Compatibility Certificate expires on 12 May 2010. The development application is the subject of an appeal before the Land and Environment Court and a new Certificate is required before 10 May 2010 to enable the Court's decision to stand.

The current application has been revised from the one submitted to Council and the Department in 2008. The original application proposed 127 independent living units, which included 157 bedrooms and 78 basement car spaces. In comparison, the revised plans increase the number of dwellings to 140, bedrooms to 166 and basement car spaces to 110. The FSR of the proposed development has increased from 1.348:1 to 1.48:1.

The applicant has advised that revision was made to the previous development application following Council's preliminary assessment and consideration of matters raised in public submissions to Council and recommendations made by the SEPP 65 Design Review Panel.

The amended application reduces the height of some of the taller components of the proposed development to reduce view and shadowing impacts to surrounding buildings. Despite this, the overall number of dwellings has been increased by adding floor space in areas considered by the proponent to have less amenity impact.

Permissibility Statement

The majority of the subject land is zoned 5(a) Special Uses – School, pursuant to Waverley LEP 1996, with the exception of the existing access driveway off Ocean Street, which is zoned 2(c2) residential. The site abuts land that is zoned 2(c2) residential on its southern and western boundaries, and Dickson Park to the north which is zoned 6(a) Open Space. The south-western corner of the site abuts land zoned 5(a) Special Uses – Place of Public Worship. The proposal is not permissible in accordance with the 'special use' zone in the LEP. The SEPP (Housing for Seniors or People with a Disability) 2004 applies to this land. Clause 4(1)(a)(iv) of the SEPP, permits the type of development proposed on land zoned 'special uses'.

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 C).*

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 currently occupied by 4 buildings, including Maurice O'Sullivan child care centre (closed), Chapman House Hostel for the aged (closed), Walter Cavill Village for the aged (closed) and State listed heritage building Scarba House which is currently being used as offices for the Benevolent Society's community programs. The site also contains a number of heritage listed trees.

The previous occupation and use of all of the existing buildings represented a fairly intensive use of the site, prior to the vacation of the Walter Cavill Village buildings.

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 development scheme, as presented, does not compromise to any significant degree the central open space area. The site is accessible from both Wellington and Ocean Streets and is located near existing services and facilities.

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

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

The subject site is located in an urban area and is immediately surrounded by various land uses including, residential flat buildings (of up to 9 storeys), a public park and places of public worship. The site is 'brownfield', having been previously developed. The majority of the site is occupied by buildings and hard surfacing together with some soft landscaped areas. There appear to be limited significant environmental values, resources or hazards present at the site, and Council has advised previously that there are no known significant environmental hazards on the site.

While there are a number of mature trees located on the site, including heritage listed trees and trees listed on the Waverley register of significant trees 2002, it is considered that the issue of tree retention can be dealt with by the consent authority during the development 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

Waverley Council is currently in the early stages of preparing draft Waverley Local Environmental Plan 2010 (DWLEP 2010). This new Principal LEP, which has not yet been exhibited, will be based on the Standard Instrument and new LGA-wide zonings, land uses and appropriate development controls and provisions will be put in place. As per the requirements of the Standard Instrument, Council has proposed to zone the subject site Zone R4 High Density Residential under which the subject proposed development would be permissible.

The site lies within an established residential suburban area. The introduction of housing is compatible in land use terms.

It is considered that the current proposal would not restrict, or otherwise have any significant impact upon, or conflict with, the likely possible future land uses in the local area.

4. Services and infrastructure

Bondi Road is located just over 200 metres from the site and has numerous retail, community, medical and transport facilities including a supermarket, pharmacy, greengrocers, banking facilities and Post Office. Bus services here provide access to the Bondi Beach area, Bondi Junction and the City, amongst others. The above facilities and services are accessible via level public footpaths.

In addition, the proposal indicates the on-site provision of services such as a café, bar, general store and beauty and gym facilities.

The site has access to existing utilities and infrastructure which are considered adequate to service the proposed development.

On the basis of the above, it is considered that adequate services and infrastructure will be available to meet the demands arising from the proposal, in accordance with the requirements of the SEPP.

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

The proposed development does not result in the loss of any public open space.

Despite the land being zoned Special Uses – School, the site has not been used as such for a number of years. In addition Council has advised the primary school opposite the site has capacity to increase numbers, and any general increase in the demand for school placements can adequately be accommodated in the area. Therefore, the proposal will not result in any significant impact upon the provision of special use zoned land in the area.

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 that which currently exists on the site.

The proposed maximum height of two of the buildings, approximately 35 metres (10 storeys) exceeds the height controls in the DCP of 28 metres (8 storeys) for the 2(c2) residential zone adjoining the site, however the proposed heights are not dissimilar from the surrounding residential flat buildings. As previously discussed, the proposed FSR is 1.48:1 which is within the FSR control of 1.5:1 under the Waverley DCP for the adjoining residential zone.

Council has raised concerns with regard to the bulk and scale of the proposal and potential impact on adjoining properties, in particular overshadowing. The applicant advises that 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. Amendments have been made to address these recommendations in the current revised application. The key amendments between the original 2008 application and the current application are shown in table 1 below.

Building	Original application	Amended application
Wellington Street Building	73 units & 31 car spaces. Southern Wing 8 storeys Junction between the south and east wings 8 storeys.	66 units & 50 car spaces. Southern Wing 5 storeys Junction between the south and east wings 4 storeys. 4 storey section added above the driveway on the southern side of the east wing. Additional storeys added to the eastern end of the building Entire building moved south to reduce impacts on views.

Ocean Street Building	54 units & 47 car spaces. Building footprint above the dementia day care centre, located at the eastern end of the building, capable of accommodating 2 units per floor.	67 units & 52 car spaces Building footprint above the dementia day care centre, located at the eastern end of the building, capable of accommodating 3 units per floor. 6 storey section added to the south west corner over the driveway.
North East Corner Building	2 storeys	5 storeys 7 units & 8 car spaces
Scarba House		The amended plans propose a meeting room to be located between the southern and western heritage wings and a small pavilion added to the north of the western wing to provide outdoor storage, potting area and outside toilet.

Table 1 Key amendments between original and current application

There are likely to be impacts arising from the proposed height of buildings on surrounding development including overshadowing and loss of views.

It is the Department's view that 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

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 SEPP (Housing for Seniors and People with a Disability) and other relevant controls in the SEPP.

However, Council considers that the bulk and scale of the proposal is excessive in relation to the scale of surrounding development and will result in significant adverse impacts to neighbouring developments with regard to loss of sunlight, loss of privacy and loss of views.

Council has raised the above with the applicant previously and considers that these issues have not been addressed to a level to allow the development to be approved.

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.

The site is covered by the draft East Subregional Strategy which sets targets for housing provision for the four councils that make up the East subregion, including Waverley. The target for Waverley is the provision of 2200 extra dwellings by 2031. The proposal will make a positive contribution to meeting this target in addition to

providing accommodation for the forecast significant ageing of the resident population in the subregion. The proposal is also consistent with the Strategy's aim of providing self-care housing for seniors and people with disabilities.

CONCLUSION

It is considered that the site is an appropriate location for self-care Seniors residential accommodation, given part of the former use of the site was for aged care facilities. It is well located, in close proximity to transport to the Bondi Junction Centre and Bondi Beach, and has good 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 height of the development and the likely resultant amenity impacts on adjoining properties. It is appropriate that these impacts be considered by the consent authority during the development assessment process.

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