



Planning

Report to the Director General on an application for a Site Compatibility Certificate State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004

SITE: 35A-37 Anderson St & 9-9A Kirk St Chatswood (Lots 7, 8 and 9 DP 2602; Lots 9 and 11 DP 7518)

APPLICANT: Peter Whittle (Cerno Management). Reports prepared by Urbis and GM Urban Design and Architecture (GMU) – lodged on behalf of the NSW Branch of the Presbyterian Church.

PROPOSAL:

The proposed seniors living development is part of an upgrade to the existing church and seniors living facilities currently on site. The seniors living proposal consists of:

- Two residential buildings containing 68 self-contained dwellings. The proposed built form includes one ten storey residential building to the south of the site (fronting Anderson St) and one five-six storey residential building to the north east of the site (fronting the new street reserve along Wattle Lane);
- Two levels of basement car parking associated with each building;
- Community facilities to be provided for the use of residents;
- Landscaping works throughout the site.

A site and context plan (see **Tab D**) and indicative building envelope plan (see **Tab E**) for the proposed development have been provided.

The proposed development also includes new church facilities to be located on the corner of Anderson Avenue and Wattle Lane. The Presbyterian Church is not the owner of the land on which the proposed church is to be located and as a result, a land swap is required between the Presbyterian Church and the owner of the land (the adjacent St Pius X Catholic Boys High School – Trustees of the Christian Brothers) (see **Tab F**).

The land affected by the proposed church facilities and land swap are not subject to this Site Compatibility Certificate (SCC) Application.

A previous SCC has been issued for the site on 22 December 2008, (expires 22 December 2010). That SCC enabled a Development Application (DA) for seniors living housing to be lodged on the land. During consideration of the DA, Council has identified issues associated with the design, massing and bulk of the proposal. Council has been liaising with the GMU on an amended design for the development.

As the existing zoning of the subject site does not permit the development of seniors or aged care living facilities, a current SCC is required for the DA to be lodged at Council. This SCC application reflects the DA currently with Council.

LGA:

Willoughby

PERMISSIBILITY STATEMENT

The subject site is zoned 5(a) Special Uses (Church) under the Willoughby Local Environmental Plan 1995 (WLEP) (see **Tab G**). The total site area of the subject site and the site of the proposed church facilities is approximately 2,700m². The site of the proposed church facilities is currently zoned 2(a) Residential A under the WLEP.

Willoughby City Council exhibited a R2 – Low Density Residential zone for the land under the draft Willoughby Comprehensive LEP 2009 (WDLEP). In considering submission to the WDLEP, Council has resolved to zone the land R3 – Medium Density Residential in the WDLEP (due for gazettal May 2011).

As the subject site is land zoned primarily for urban purposes and is currently used for special purposes, Clause 4 (1) (a) (iv) of SEPP (Housing for Seniors and People with a Disability) 2004 ('Seniors SEPP') applies:

"This policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if... development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries."

The subject site is located within a highly urban area and is surrounded by a variety of urban uses, including residential, business and special uses.

The existing zoning of the subject site does not permit the development of seniors or aged care living facilities, and the objectives of the WLEP 5(a) Special Uses zone aim to provide land for public or community uses.

Although the proposed seniors living development does include community uses, these facilities will only be accessible for the residents of the proposed residential units. It is noted that seniors living development is currently permissible with consent on the site under Clause 15 (a) of the Seniors SEPP:

"This Chapter allows the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy... development on land zoned primarily for urban purposes for the purpose of any form of seniors housing"

The future zoning of the subject site under the WDLEP (R3 – Medium Density Residential) allows for the proposed seniors living use.

CONSIDERATION UNDER CLAUSE 25(5)

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 Clause 24 (2) (a), 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 set out in Clause 25 (5) (b) [Clause 24 (2) (b)].

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 subject site is in a highly appropriate location for more intensive development.

The subject site's close proximity to the Chatswood CBD offers access to a number of services. Chatswood is identified as a 'Major Centre' in the draft Inner North Subregional Strategy (INSS), which has a rail station on the North Shore Rail Line and benefits from the Epping-Chatswood rail link. The Pacific Highway is an important arterial road for the subregion, providing links in several directions. There is also a number of retail, community and medical facilities within close proximity to the subject site.

The built form of the surrounding area is highly varied. Development to the north is single and double storey detached houses, with 3 to 4 storey residential flat buildings to the west. Low scale school buildings exist to the south and development consent has recently been granted to construct a 6 storey building adjacent to the subject site. Much taller buildings are within close vicinity, including a 20 storey building on the corner of Help and Anderson Streets and a 14 storey building currently under construction on the corner of Victoria and Archer Streets.

Should the subject site be used for the purpose of seniors living as proposed, it would be highly compatible with the surrounding uses. Likewise, the surrounding uses are highly favourable for seniors living development.

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

25 (5) (b) (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 currently has very little environmental value. Some trees will be removed as a result of the proposed development but the Site Compatibility Certificate Application indicates the development will include a large amount of open space with the setbacks and between buildings.

The approved uses surrounding the subject site are to remain similar to the existing uses, with a mix of education facilities, business, and low and medium density residential. A development application to construct a 6 storey development directly adjacent to the subject site has recently been approved by Council. A 14 storey serviced apartment development and the 2 to 5 storey Chatswood Civic Place development (both south of the site) are currently under construction.

3. Impact on the future uses of the land

25 (5) (b) (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 subject site is currently used for church facilities and residential development. The land swap with St Pius X Catholic Boys School provides the opportunity for the subject site to be combined with the two lots on the corner of Anderson Street and Wattle Lane to be redeveloped to maintain and intensify the existing uses.

The subject site is located in an area with excellent access to services available within the Chatswood CBD and the proposed built form will ensure the site is not underutilised for the future demand within a growing area. The seniors living development will ensure housing opportunities for ageing residents will be maintained in Chatswood.

4. Services and infrastructure

25 (5) (b) (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,

Access to services and facilities

The subject ^{site} is located within 400m of the majority of Chatswood CBD services, including the Chatswood transport interchange, Chatswood Chase and Westfield shopping centres, several medical facilities, and other facilities such as banks, Medicare, restaurants and cafes.

The subject site is also located within a very close proximity to the future Chatswood Civic Place (currently under construction) which will include community facilities such as a library, theatre, art spaces, retail services and public open spaces.

Infrastructure

Willoughby City Council is concerned for the traffic numbers along Victoria Avenue from the Pacific Highway to Penshurst Street. Council proposes a bypass road within the widened alignment of Wattle Lane to the north of the site and the proposed development takes into account this informal road reservation. The proposed road would link Help Street with Archer Street, and then to Malvern Avenue and Havilah Street, linking back with Victoria Avenue west to Penshurst Street. The road is proposed to be 12 metres in width (two lanes in one direction), with 6 metres of this accommodated by a reservation on the subject site.

The applicant has advised that the development application before Council details vehicular access being available from Anderson Street, with exit to Wattle Lane. A full traffic analysis accompanies the DA and the applicant's Project Traffic Consultant has reviewed the project and believes that the development is unlikely to require the upgrade of road infrastructure or result in any unacceptable levels of intersection performance on the surrounding network. It is understood these details are currently being finalised through the development assessment process.

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

25 (5) (b) (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 subject site is currently zoned 5(a) Special Uses (Church) but is proposed to be zoned R3 – Medium Density Residential under the WDLEP. The existing uses on the site include church facilities and residential developments. These uses will be upgraded and intensified with the redevelopment of the subject site.

The proposed development will ensure the existing church uses are improved while providing increased living opportunities for the ageing population of Chatswood (and its surrounding areas). The proposed seniors living development will also include community facilities available to residents.

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

25 (5) (b) (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.

As the site is currently zoned 5(a) Special Uses (Church) there are no existing FSR or building height controls for the subject site. However, the site is proposed to have a maximum height limit of 12m and a maximum FSR of 0.9:1 under the WDLEP (R3 – Medium Density Residential).

Clause 40 (4) of the Seniors SEPP **does not apply** because the land is not within a residential zone (see Clause 40 in its entirety at **Tab H**):

- "If the development is proposed in a residential zone where residential flat buildings are not permitted*
- (a) the height of all buildings in the proposed development must be 8 metres or less*
 - (b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which [the Seniors SEPP] applies*
 - (c) a building located in the rear 25% area of the site must not exceed 1 storey height limit."*

Clauses 45 and 48 of the Seniors SEPP also do not apply because residential flat buildings are not permitted in the existing zoning provisions (see Clause 45 at **Tab I**) and the proposed development is not for a residential care facility (see Clause 48 at **Tab J**).

As a result, there are no existing statutory built form controls for the subject site. //

Compatibility with surroundings

There is a mix of building heights surrounding the subject site. At this stage, the subject site is within a transitional area between the high density developments of the Chatswood CBD and the low density residential area to the north. The current development immediately surrounding this site is a maximum of four storeys, however, a number of larger scale developments are within very close vicinity (as identified in **Tab K**).

The proposed bulk, scale, built form and character are appropriate for this location due to the proximity to large scale developments within the Chatswood CBD. A number of the 3 to 4 storey residential flat buildings to the west of the site provide further opportunities for growth in this area of Chatswood.

Most impacts of the proposed scale would be mitigated by the location of St Pius X Catholic Boys School to the south (in comparison to a residential area). The proposed seniors living development would have minimal impacts on the surrounding residential development with the majority of shadowing impacts limited to the school to the south.

Heritage

The subject site is directly south of the North Chatswood Conservation Area, as established under Willoughby Development Control Plan 2006 (see **Tab L**). Items of local heritage significance are located at numbers 4, 6 & 8 Daisy Street. The scale of the development would impact on views looking from Daisy Street towards the subject site, particular the five storey building separated by the 12 metre wide Wattle Lane. The applicant believes the widening of Wattle Lane will provide a visual separation between the heritage listed houses and the subject site. In addition to this, the impact will be minimised as only the rears of the heritage listed blocks front the Lane to the south of Daisy Street.

It is considered that the proposed height and positioning of the buildings will not overwhelm the heritage character of the streetscape, blending in with the taller buildings of the Chatswood CBD skyline.

7. Impact on conservation and management of native vegetation

25 (5) (b) (vi) if the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the Native Vegetation Act 2003—the impact that the proposed development is likely to have on the conservation and management of native vegetation.

The site contains no native vegetation that is subject to the requirements of section 12 of the Native Vegetation Act 2003

COMMENTS FROM THE GENERAL MANAGER OF THE COUNCIL

The application was referred to Willoughby City Council on 17 November 2010 (**Tab M**).

On 24 November 2010, Ms Noni De Carvalho, Council's Chatswood CBD Place Manager emailed comments on the application (**Tab N**) which have been summarised below:

- The SCC application has been the subject of a previous certificate that is about to expire.
- Council acknowledged that the proponents desire to maintain a current SCC should it chose to proceed with the seniors housing development pursuant to the seniors housing SEPP, in response to delays with the Willoughby comprehensive LEP.
- Council noted that it had identified design, mass and bulk issues with the proposed development as outlined in the SCC application, and that discussions had been held with the Church regarding provision of some smaller more affordable units as well as ancillary support services that achieve a potential for aging in place.
- Council advised that in response to these issues, an amended design has been presented to Council on 16 September 2010.
- Council noted that the SCC application should reflect the current proposed design of the development, particularly in relation to the proposed heights of buildings, the site layout, building envelopes and the nature of the ancillary services proposed on the site in the new development proposal.
- Council objected to the SCC application but noted this objection would be withdrawn if the SCC application was amended to reflect the reviewed design of the development as was presented to Council on 16 September, 2010.

On 25 November 2010, Ms De Carvalho provided comment on the amended application (**Tab O**). In summary:

- The amended SCC application is reflective of the discussions and direction the design of the proposed Presbyterian Church development is now taking as presented to Councillors on 16 September 2010.
- Council has no objection to the amended application for a Site Compatibility Certificate for a senior's housing development (5-6 storeys and 10 storeys).
- Council acknowledges that the amended application is still subject to public notification by Council and full planning re-assessment in accordance with the statutory obligations of a Consent Authority.

OTHER RELEVANT MATTERS

The proposal is considered consistent with the Draft Inner North Subregional Strategy, specifically sections C2.2 – 'Provide self-care housing for seniors and people with a disability'; and C2.3 – 'Provide a mix of housing'. The proposal provides a different form of housing which has the potential to cater for changing housing needs of the ageing population within the locality and enable residents to 'age in place'.

CONCLUSION

It is considered that the subject site is a highly desirable location for seniors living development. The proximity of the subject site to the Chatswood CBD will ensure ease of accessibility to transport, retail and community services for seniors. The proposed built form of the seniors living development is generally consistent with existing and future developments to the south. Further consideration of the scale of the development is likely to occur throughout the re-assessment by Council of the amended development application.

RECOMMENDATION

It is RECOMMENDED that the Director-General:

- **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)] *and*
- pursuant to clause 25 (4) (a) of SEPP (Housing for Seniors and People with a Disability) 2004, **issue** a site compatibility certificate for 35A-37 Anderson Street and 9-9A Kirk Street Chatswood (**Tab A**).

AND

- **sign** the letters to the applicant and Council advising of this determination (**Tabs B and C**).

D. Pitney 13/12/10

A/ Regional Director
Sydney East

[Signature] 13.12.2010

Executive Director
Planning Operations

[Signature] 14/12/10

Deputy Director General
Plan Making and Urban Renewal

S. Maddad

Director-General
Department of Planning

14/12/2010

- Landscaping works throughout the site.

The proposed development also includes new church facilities to be located on the corner of Anderson Avenue and Wattle Lane. However, the land affected by the proposed church facilities is not subject to this Site Compatibility Certificate Application.

Requirements imposed on determination:

N/A