
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: Loreto Residential Aged Care Facility, 367 Bronte Road, Bronte

APPLICANT: Premier Consulting Services Australia Pty Ltd on behalf of Catholic Archdiocese of Sydney

EXECUTIVE SUMMARY:

An application seeking a Site Compatibility Certificate (SCC) for a seniors housing development at 367 Bronte Rd, Bronte 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 development of a 98 bed residential care facility.

A SCC (which expired in May 2012) was issued for this site on 6 May 2010 for a similar, but more intensive development consisting of a 99 bed residential care facility and 14 self-contained units. The previous proposal consisted of two buildings with an overall FSR of 1.41:1 and maximum height of about 12 metres but the SCC did not specify height or FSR controls for the proposed development.

The proposal indicates it will rely on a cl. 4.6 *Exceptions to Development Standards* objection (based on the FSR of existing buildings) under Waverley LEP 2012 rather than the 0.5 bonus FSR available under cl. 45 of SEPP (Housing for Seniors and People with a Disability) 2004 (the SEPP). It is appropriate a SCC be issued so that the granting of additional floor space under the provisions of the SEPP remains an option during the development assessment process.

The proposed development has been considered with regard to the criteria under cl. 25 (5) of the Seniors SEPP. It is considered that the site is generally suitable for the more intensive use of the proposed development and that the development is generally compatible with the surrounding environment.

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 the existing vacant nursing home buildings and the development of a new residential care facility in a 3/4/5 storey residential care facility generally located at the centre of the block, including:

- 98 beds (comprising a mix of low, high and dementia care);
- office/staff facilities, a café and general store;
- wellness centre, hairdresser and a chapel;
- general practitioner and allied health consulting rooms; and

- basement car parking with vehicular access from Bronte Rd to the west of the site.

An indicative site plan of the proposed development is at **Tag E**.

SITE DESCRIPTION:

The subject site is located on Bronte Rd, between the intersection of Murray Street and Gardyne Street, Bronte and is in an established urban area (see Location Map at **Tag F**). 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 sqm.

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 at a date unknown.

BACKGROUND:

A development application for a 99 bed residential care facility and 14 self-contained units was lodged with Waverley Council on 22 August 2008 and was deferred by Council upon request of further information and clarification of matters. Council indicated that the application seek a SCC from the Director General. A SCC was issued for the site on 6 May 2010.

Council advises that a preliminary assessment of the current proposal was carried out in February 2013 and advice was provided to the applicant (**Tag H**). Council also indicated that the application seek a SCC from the Director General.

CONSIDERATION UNDER CLAUSE 24(1) OF THE SEPP

A Site Compatibility Certificate (SCC) is required to be obtained, pursuant to cl. 24(1)(a) of the Seniors SEPP, if the subject site adjoins land primarily zoned for urban purposes, the subject land is zoned special uses or the land is used for purposes of an existing registered club.

(1A) Despite subclause (1), this clause does not apply to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing if the proposed development is permissible with consent on the land concerned under the zoning of another environmental planning instrument.

The subject site is not occupied by a registered club and the subject land is zoned R3 Medium Density Residential under the Waverley Local Environmental Plan 2012 which permits seniors living. A SCC is not required under this section of the Seniors SEPP.

A SCC is required to be obtained, pursuant to cl. 24(1)(b) of the Seniors SEPP, if the development application involves buildings having a floor space ratio that may require the consent authority to grant consent under clause 45 of the Seniors SEPP.

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. The applicable FSR control for the site is 0.6:1.

The application proposes an FSR of 1.35:1. The FSR excludes the floor space used to deliver on-site support services in accordance with cl. 45(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 cl. 45(2) of the Seniors SEPP, an FSR of up to 1.1:1 would be permitted. The proposed FSR of 1.35:1 exceeds the FSR control (including the permitted bonus applied under the SEPP) by 0.25:1.

Waverley LEP 2012 applies an FSR of 0.6:1 to the site. The applicant claims that the existing buildings on the site have an FSR of 1:1, and is relying on the existing situation to obtain the additional 0.75:1 FSR using cl. 4.6 *Exceptions to Development Standards* objection under the WLEP 2012. The additional FSR being sought under the development application to achieve the overall 1.35:1 FSR will be subject to Council's merit based assessment of the DA. The applicant does not wish to provide additional affordable beds as required under cl. 45 of the SEPP.

While the proposal indicates that cl. 45 of the SEPP will not be used to achieve the required additional floor space, Council has requested a SCC be issued so that this remains an option during the development assessment process.

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. Sydney 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.

Development surrounding the site is characterised by residential development that varies in density scales. 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 2012, adjoins the site to the east, however 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 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 advised that any construction on this site should be designed to retain the trees (selected) along the rear boundary as they are well established and provide screening to the properties at the rear in Brae Street. Selected trees on the western boundary are to be retained to allow for screening between the two boundaries to occur. The Eucalyptus species at the front of the property is to be retained and protected throughout this development. Vehicular access, landscaping and the retention of significant vegetation will be addressed by council as part of the assessment process.

The proposed development is unlikely to have a major detrimental impact on the natural environment.

3. Impact on the future uses of the land

There is no significant difference between the former nursing home and this proposal. 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 Sydney 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 St.

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.

The consultant suggests that the existing road network has sufficient capacity to cope with the additional dwelling demand and vehicle usage. Further evidence should be provided at the development assessment stage to substantiate this claim.

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

This subclause is not applicable as the site is zoned R3 Medium Density Residential 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 more intensive than the current use of the site.

The proposed height of approximately 14.4m (5 storeys) exceeds the height controls of 9.5m, however the proposed heights are not dissimilar from the surrounding development of older style residential flat buildings.

Council has raised concerns that the documentation submitted for review is limited in detail and offers little information about the context of surrounding properties and existing vegetation on the site. It is therefore difficult for Council to make informed decisions based on the limited information provided. Nonetheless, Council advised that the scale of the proposal is considered to respond more favourably to the site than previous development proposals. The setbacks appear reasonable and the scale of the development employing a transition in height along the slope of the land is positive.

Council recommended that upon further developing the proposal, a detailed contextual analysis including review of adjacent heritage significant lots, view analysis from adjoining properties and consideration of the existing vegetation of the site occur. Council stated that it would also be useful if the relative height and siting of existing buildings on the site were transposed onto proposed elevations and site plans.

In regards to overshadowing, Council's DCP 2012 states that direct sunlight to north facing windows of habitable rooms and private open space areas of adjacent dwellings should not be reduced below 3 hours between 9am and 3pm in mid-winter. Also, direct sunlight must be achieved for the living rooms and private open spaces of 70% of apartments within the development for a minimum of 3 hours between 9am and 3pm in mid-winter. Council advises that a step effect to the rear of the building should be considered to provide a transition to the heritage conservation area and minimise the overshadowing impact of the proposal or maintain the status quo of the existing buildings.

Privacy impacts should be considered and demonstrated in the detailed development application lodged with Council. In particular, the proposed roof terraces need to carefully consider associated privacy impacts, particularly with overlooking and acoustic impacts. The proposed setbacks and planting will assist to minimise such impacts.

Impacts of vehicle access and parking should comply with Australian standards. Council advises that car parking should be located underground. While it may be acceptable for the inclusion of loading bays, ambulance parking and drop off zones at ground level. Council has advised the applicant that traffic and parking reports, prepared by a suitably qualified and experienced traffic engineering consultant will need to accompany the development application.

COMMENTS FROM COUNCIL

Clause 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 19 April 2013. Council responded on 20 May (**Tags G and H**). In summary, Council's comments include:

- The site is capable of providing a form of seniors living that addresses the criteria under cl. 25 of the SEPP and Council's controls. Council is generally supportive of the proposal.
- The land is zoned R3 Medium Density Residential under Waverley LEP 2012 and development for the purposes of Residential Flat Building and Seniors Housing is permissible under the zone.
- Council advises that any construction on this site should be designed to retain the trees along the rear boundary as they are well established and provide screening to the properties at the rear in Brae Street. Selected trees on the western boundary are to be retained to allow for screening between the two boundaries to occur. The Eucalyptus species at the front of the property is to be retained and protected throughout this development.
- The site is not heritage listed nor located within a heritage conservation area, however it does directly adjoin both. Consideration to heritage provisions is required to ensure the works do not impact on the heritage significance of the adjoining sites.
- Upon further developing the proposal, it is recommended that a detailed contextual analysis including view analysis from adjoining properties and consideration to the existing vegetation of the site occur. It would also be useful if the relative height and siting of existing buildings on the site were transposed onto proposed elevations and site plan.

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

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

The proposal will help increase the supply and choice of housing to meet the needs of seniors and the development will make efficient use of existing infrastructure and services.

The use of cl. 45 of the SEPP or cl. 4.6 of the WLEP 2012 for a variation to the development standards is subject to further discussion between Council and the applicant.

It is recommended that the Site Compatibility Certificate be issued.

Prepared by: Wayne Williamson
Sydney Region East


for Juliet Grant 17.7.13
Regional Director
Sydney Region East