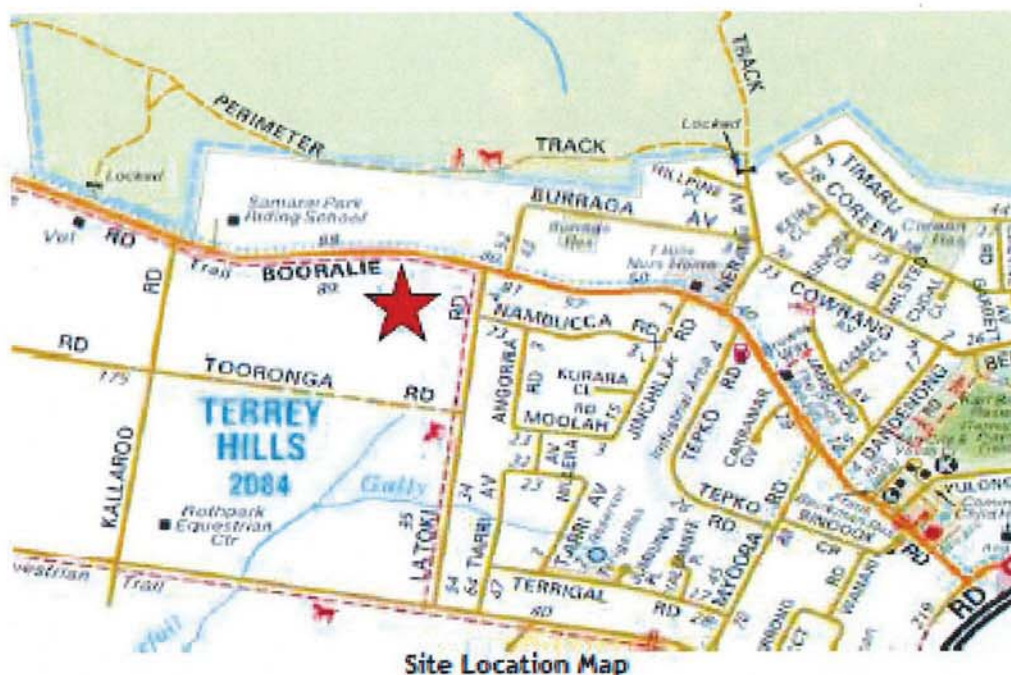


Report to the Secretary on an application for a Site Compatibility Certificate
State Environmental Planning Policy (Housing for Seniors or People with a
Disability) 2004

SITE

83-85 Booralie Road, Terrey Hills, (Lot 51 DP 651178 & Lot 2 DP 530145) (Figure 1 and 2).



APPLICANT

Tolucy Pty Ltd.

PROPOSAL

The proposal seeks to amalgamate sites at 83 and 85 Booralie Road, Terrey Hills.

A SCC has previously been issued in 2013 to permit seniors housing (50 self-care units) at 83 Booralie Road of which construction has already commenced. A second SCC for a different design concept involving 26 self-care units was also issued in 2015, however has not been acted upon.

The current proposal seeks to permit an additional 37 single-storey serviced self-care houses, car parking, ancillary services to the site (Tab I), which will result in the combined site having a total of 87 senior housing dwellings.

LOCAL GOVERNMENT AREA

Northern Beaches Council

PERMISSIBILITY STATEMENT

The Seniors Housing SEPP applies to land that is zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, where it satisfies the additional requirements in clause 4 of the SEPP.

The subject land is zoned RU4 – Primary Production Small Lots under the *Warringah Local Environmental Plan* (LEP) 2011. Seniors housing is not a permitted land use within the RU4 zone.

Development for the purposes of seniors housing requires a site compatibility certificate (SCC) under clause 24 of the Seniors Housing SEPP. The provisions under clause 4 of the Seniors Housing Policy provide that a SCC can be issued for the site because:

- Dwelling houses are permissible in the RU4 – Primary Production Small Lots under the Warringah LEP 2011;
- the site (once consolidated) adjoins land to the east that is primarily zoned for urban purposes, being R2 Low Density Residential zoned land (clause 4(5)(b)); and
- the land to which the SCC applies is not covered by any of the exclusions listed in Schedule 1 of the SEPP (this is discussed more below).

While the land is identified as being prone to land slip by the Warringah LEP 2011, it does not define land slip prone land as 'geotechnical hazard land' or 'natural hazard land', making the proposed development permissible under Schedule 1 of the Senior Housing Policy (as it is not interpreted as meeting the definition of 'natural hazard'). It is anticipated that a detailed land slip risk assessment will be required by Council at the development application stage to address this matter.

While 85 Booralie Rd does not currently adjoin land zoned primarily for urban purposes, it does form part of the 'land' to which the current SCC application applies (being both 83 and 85 Booralie Rd, with 83 Booralie Rd directly adjoining the R2 Low Density Residential Zone), and therefore complies with the requirements of the SEPP. Council at the development application stage can also consider if it believes necessary the consolidation of the land.

CLAUSES 24(2) AND 25(5)

The Secretary must not issue a certificate unless the Secretary:

- (a) *has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the General Manager of the council within 21 days after the application for the certificate was made; and*
- (b) *is of the opinion that:*
 - i) *the site of the proposed development is suitable for more intensive development 24(2)(a); and*
 - ii) *the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b).*

COMMENTS FROM COUNCIL

On 18 May 2017, Council provided its response to the Department. Council believes the application is not compatible with the requirements of the Seniors Housing SEPP for the following reasons:

Site Compatibility Criteria	Council Comments
Permissibility	As the lots are not yet consolidated, 85 Booralie Rd is not land adjoining land zoned primarily for urban purposes.
The natural environment	The site perimeter is vegetated and includes the threatened plant species, <i>Grevillea caleyi</i> , and the Duffys Forest Ecological Community, the southern edge of the site is potentially flood affected and the site is identified as being land slip prone. If approval of the SCC it just contain suitable requirements to ensure these matters are addressed.
Impacts from density / land use conflict	The granting of residential density at such a density as proposed has the potential to prejudice the adjoining RU4 Zone, limit permissible uses in that RU4 zone due to impacts on the sensitive residential receivers, and result in a bulk and scale not currently envisage for the area. Approval could also set a precedent for 'flow on' effects of similar development expansions.
Public transport	The site, while close to existing bus stops, may have limited access to services due to the limited bus timetable available at these stops.

Council's comments are provided at (Tab B). The matters raised by Council are considered and addressed further within this report.

The assessment below regarding the proposal's compatibility with surrounding land uses demonstrates that the matters raised by Council should not preclude the issuing of a SCC.

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The Secretary must not issue a certificate unless the Secretary is of opinion that the site of the proposed development is suitable for more intensive development (clause 24(2)(a)):

1. The site of the proposed development is suitable for more intensive development (clause 24(2)(a))

The site is considered suitable for more intensive development for the following reasons:

- The site is located adjacent to an existing urban area, with access to public transport (within 400 metres of the site), and approximately 850 metres from a neighbourhood centre. Further services can be facilitated on the site, and there are no major environmental or heritage constraints which deem the site unsuitable for more intensive development.
- The subject site at 83-85 Booralie Road, Terrey Hills is approximately 4 hectares, and has a southerly aspect with gentle undulating slopes to the South East toward Neverfail Gully, where overland flow generally drains. The site is predominantly free from flood and bushfire hazard land. Remnant forest vegetation sits within the site. This vegetation has predominantly been identified to be retained under the future development scenario. The site has also been designed to undertake rehabilitation and revegetation works and integrate this vegetation by way of a walking track and extensive landscaping.
- Part of the site (Lot 51) already has an approved seniors living development that is currently under construction.
- The site is serviced by all essential utility infrastructure and the nominated development footprint fronts Booralie Road, which is a two-way single lane roadway. This Council owned roadway provides direct access to Mona Vale Road in the east, which is a major collector roadway that links the wider urban areas to the Mona Vale town centre and wider commercial hubs.

The information submitted under the SCC application confirms that the land may be suitable for more intensive development subject to an appropriate design response.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND SURROUNDING LAND USES

The Secretary must not issue a certificate unless the Secretary is of the opinion that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regards to the following criteria (clause 25(5)(b)):

1. The natural environment (including known significant environmental values, resources or hazards) and the existing and approved uses of land in the vicinity of the proposed development (clause 25(5)(b)(i))

The key site attributes and constraints are listed below and discussed in the context of a proposed seniors housing development on the land. Other matters considered under this SCC are outlined further in this report.

Flora and Fauna

The ecological significance of the land has been surveyed under the former SCC application for 83 Booralie Road, Terrey Hills by Footprint Green Pty Ltd, and by Narla Environmental Pty Ltd for 85 Booralie Road, Terrey Hills.

A site assessment conducted on 8 Feb 2017 by Narla Environmental Pty Ltd for 85 Booralie Road, Terrey Hills confirmed a single *Environment Protection and Biodiversity Act* listed migratory bird, the Rufous Fantail (*Rhipidura rufifrons*), on the site. Further investigations revealed no other threatened fauna or flora. However, the potential occurrence of Grey-headed flying-fox (*Pteropus poliocephalus*) and Southern Brown Bandicoot (*Isodon obesulus*), which are both listed under the *Threatened Species Conservation Act 1995*, triggers the need for a comprehensive assessment report to be provided at the development application stage with Council.

Vegetation assessments of the site determined that clearing within the proposed development footprint is unlikely to have a significant impact on threatened species and populations listed in the schedules of the *Threatened Species Conservation Act 1995* and *Environmental Protection and Biodiversity Conservation Act 1999*. It is considered that this matter can be adequately addressed at the development stage by Council.

Flooding

A watercourse (Neverfail Creek) crosses the south-east corner of the site at 85 Booralie Road. The same watercourse crosses more extensively at 83 Booralie Road. The location of the creek makes a small area of the southern end of the site partially subject to flooding. The provision of a sufficient riparian buffer on both sides of the watercourse at 83 Booralie road was a matter addressed at development assessment stage with Council.

The current SCC application will need to provide a Waterway Impact Statement as required by Warringah Council's Development Control Plan 2011. Flooding is not considered to be a constraint that could not be appropriately addressed at the development application stage and would preclude use of the site for more intensive purposes.

Geotechnical hazards

A preliminary geotechnical assessment report was conducted by Martens Consulting Engineers. Key constraints identified included a variable soil profile and groundwater level fluctuations. These matters were addressed at the development assessment stage for 83 Booralie Rd with Council before a DA was granted for the site. A comprehensive geotechnical report will need to be conducted once the sites are amalgamated at the development assessment stage with Council.

The subject site is identified as land slip prone land by Warringah LEP 2011 as Area A (a slope $<5^\circ$), and Area B (Slopes 5° to 25°). Clause 6.4 of the Warringah LEP 2011 outlines that land identified on the Landslip Risk Maps shown as Area A, B, C, D or E will require detailed assessment of the risks associated with landslides in relation to both property and life at the development assessment stage with Council. It is considered that this matter can be adequately addressed at the development stage by Council.

Potential Contamination

A preliminary site investigation has been undertaken that has identified that some remediation will be required in order to render the site suitable for residential development. It is considered that this matter can be adequately addressed at the development stage by Council.

Bushfire Risk

The subject site and the immediate surrounding area are not identified on Northern Beaches Council's (formally Warringah Council) Bushfire Prone Land Map.

Heritage

Council's Heritage map indicates that neither the subject site, nor any adjoining sites are identified as having any heritage significance nor are they located within a Heritage Conservation Area.

2. The impact that the proposed development is likely to have on the uses that are likely to be the future uses of that land (clause 25(5)(b)(ii))

The subject site is zoned RU4 'Primary Production Small Lots' which encourages use of land for primary industry enterprises whilst maintaining the rural and scenic character of the surrounding area. A 50 self-care seniors housing development is currently under construction on part of the site. The proposed development is considered to be consistent with the current residential development to the east of the site and also already occurring on part of the site. It is also considered likely that the existing RU4 Zone in the locality will continue to transition towards a higher residential use in the future. The proposal is therefore considered to be consistent with the likely future uses in the area.

3. 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 (clause 25(5)(b)(iii))

Servicing

A Water and Sewer Servicing Strategy was conducted by Martens Consulting Engineers (Tab H), confirming that the site can connect to sewer, gas, electricity and telecommunication networks.

Location and access to facilities

The site can access a variety of retail services including the Belrose Supa Centre, Chatswood Chase and Westfield Chatswood. The Mona Vale and Pittwater shopping villages are also easily accessible.

The Terrey Hills Shopping Centre, is located approximately within 850 metres to the east of the site on Booralie Road, and contains a range of retail and commercial services.

The Mona Vale Hospital is located approximately 2.5km from the site and provides community health services, dental, podiatry, rehabilitation facilities and aged care services. It is planned that this hospital will continue to be used for a range of health services once the Northern Beaches Hospital commences operation. There are also a number of general practitioners and specialised health consultants located throughout the surrounding commercial centres.

A range of on-site social and recreational facilities are also proposed under the SCC application which include a perimeter walking track, a pedestrian bridge over the watercourse and open space communal areas.

New residents will have access to regular bus services in both an easterly and westerly direction within less than 50 metres of the development. These services can also drop residents off directly at a bus stop that will allow them to access services to the Sydney CBD, Chatswood and Gordon train stations and shopping centres. These busses run eight services between 6am and 6pm weekdays. The bus also runs limited services on both Saturdays and Sundays.

A private 10 seater bus will also be provided to convey residents daily to community and retail services.

The available public services comply with the requirements of Clause 26 of the Seniors Housing SEPP in terms of proximity and frequency. Due to the nature of residents, it should be noted that neither of the closest bus stops offer seating facilities or protection from the elements. This may be something to consider at the development application stage with Council.

Traffic

A traffic report was conducted by Ray Dowsett Traffic and Transport Planning Pty Ltd, and the key findings included:

- the proposed design incorporates 2 car spaces per dwelling (in the form of a garage) plus 4 visitor spaces which exceeds the SEPP requirement of 0.5 parking spaces per bedroom;
- in accordance with the Roads and Maritime Services, the additional traffic generated by the proposed extra 37 x 3 bedroom residential dwellings with at grade parking for 78 cars will not result in a significant increase in traffic which is estimated at an extra 1 vehicle every four minutes during weekday peak times; and
- a detailed traffic investigation will need to be undertaken at the development application stage which incorporates the traffic generated from 83 Booralie Road, Terrey Hills, and possible excess traffic that may be generated from a new SCC proposal at 58 Laitoki Road, Terrey Hills which would see an increase in the traffic numbers identified in the current report.

It is considered that this matter can be adequately addressed at the development stage by Council.



4. 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 (clause 25(5)(b)(iv))

This clause is not relevant as the subject site is not zoned for open space purposes or special uses.

5. 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 (clause 25(5)(b)(v))

The concept plan proposes the demolition of existing structures at 85 Booralie Road, and to amalgamate the sites at 83-85 Booralie Road, Terrey Hills. The proposal seeks to develop the site at 85 Booralie Road, to include up to 37 single level detached dwellings as an extension to the current site at 83 Booralie Road, Terrey Hills. The proposed additional dwellings are to be distributed evenly across the site at 85 Booralie Road, Terrey Hills, and are to be accessed via a common driveway from Booralie Road. The proposal will also include the creation of a perimeter walking track which will meander through the proposed revegetation zones through the adjoined site. This will also include the construction of a pedestrian bridge over the watercourse which will allow access to a communal open space areas within the southern corner of the consolidated site.

The proposed buildings are to be provided with a 24 metre setback from Booralie Road, a 10-14 metre setback from the sites north western side boundary and a 12-14 metre setback from the south western rear boundary. The provided setbacks are to include extensive landscape screening.

The design proposal for single level dwellings, is in keeping with the current local aesthetic and neighbouring urban land uses, and the proposal is not likely to have any adverse uses on the future uses of land in the vicinity of the development.

6. 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 (clause 25(5)(b)(vi))

The *Native Vegetation Act 2003* does not apply to land within the Warringah Local Government Area.

RECOMMENDATION

It is recommended that the Acting Deputy Secretary, Planning Services, as delegate of the Secretary:

- **form the opinion** that the site of the proposed development is suitable for more intensive development;
- **form the opinion** that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having had regard to the criteria specified in clause 25(5)(b);
- **determine** the application for a site compatibility certificate under clause 25(4)(a) by issuing a certificate; and
- **sign** the letters to the applicant and council advising of this determination.

Endorsed by:



4/7/17

Craig Diss
A/Director, Sydney Region East



Stephen Murray
A/Deputy Secretary
Planning Services