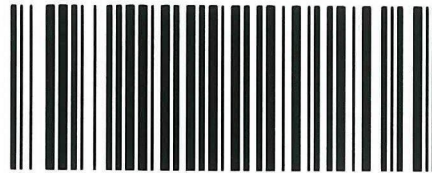




20 April 2017



PCU070595

Mr Wayne Williamson
Team Leader, Sydney Region East
Department of Planning and Environment
320 Pitt Street
SYDNEY NSW 2000

Our Ref: 2017/099020

Dear Mr Williamson

Site Compatibility Certificate – 58 Laitoki Road, Terrey Hills

I refer to your letter dated received on 27 February 2017 concerning an application for a site compatibility certificate (SCC) under *State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004* for the above-mentioned site.

The documentation accompanying the application has been reviewed and Council is of the opinion that the development is inconsistent with the criteria referred to under Clauses 25 (5) (b) (i) and (v) of the Policy.

Please find attached Council's detailed assessment with regards to the set criteria under Clause 25 (5) (b) of the SEPP.

Northern Beaches Council appreciates the opportunity to make a submission and trusts that the issues raised will be duly considered in the assessment of the application by the Department.

Should you wish to discuss the matters raised or require any further clarification, please contact Lashta Haidari, Senior Planner on 9942 2466 or via council@northernbeaches.nsw.gov.au

Yours faithfully

Mark Ferguson
General Manager

Attachment

ATTACHMENT A

NORTHERN BEACHES COUNCIL SUBMISSION SITE COMPATIBILITY CERTIFICATE – 58 LAITOKI ROAD, TERREY HILLS

INTRODUCTION – CURRENT DEVELOPMENT AND SITE CONTEXT

In reviewing the proposal, the following key features of the site and its location are noted:

- The site is zoned RU4 Primary Production Small Lots under the Warringah Local Environmental Plan 2011 (WLEP 2011) which envisages development primarily for the purposes of primary industry and other low intensity land uses in a rural setting.
- The site has two street frontages; being Laitoki Road to the east, and Cooyong Road to the south. The adjoining property to the west is an unusual shaped block which wraps around the western end of subject site and the adjoining Lot 46 to the north. This site is used for residential purposes and comprises a single dwelling house and ancillary structures on a large RU4 zoned lot. The adjoining northern lot is also used for residential purposes and contains a single dwelling house and ancillary structures.
- The lots located on the eastern side of Laitoki Road are zoned R2 Low Density Residential under WLEP 2011 and are characterised by single and two storey detached dwelling houses.

KEY FEATURES OF THE APPLICATION

Council notes that the key features of the application are as follows:

- Use of the site for a Seniors Housing Development, which comprises demolition of all existing structures and construction of sixty (60) serviced self-care dwellings within eight (8) separate accommodation blocks each two to three storeys with basement parking, and a 102 bed residential care facility within a three (3) storey structure.
- Vehicular access is provided from two (2) separate driveways off Cooyong Road.
- Provision of basement parking for the eight self-care accommodation blocks.
- At grade parking for the nursing home facility with a central vehicular drop off zone.
- The provision of community facilities including a multipurpose room, hair salon, café, Physiotherapy and consultation rooms, and administration office space.
- Landscaping of the site, including a central spine of landscaping which extends from the eastern end of the site to the entrance of the residential care facility, running between the eight (8) blocks of self-care housing. This central landscape

strip is to contain a series of significant courtyard spaces with pergolas, seating areas, barbeque and amenity spaces and gardens.

- Connection of the development to Sydney Water's town water and sewerage system in Booralie Road.

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

Permissibility

As mentioned above, under the WLEP 2011 the subject site is zoned RU4 Primary Production Small Lots. However, adjoining the land on the eastern side of Laitoki Road is zoned R2 Low Density Residential.

Seniors Housing is a prohibited use in the RU4 zone, however, the use of the site as a residential care facility and serviced self-care housing is made permissible by the SEPP (Housing for Seniors or People with a Disability) 2004 (SEPP (HSPD)) as the site adjoins land zoned for urban purposes (R2 Low Density Residential), subject to obtaining a Site Compatibility Certificate from the Director General of the Department of Planning and Environment.

SITE COMPATIBILITY CRITERIA

The criteria under Clause 25(5) (b) of the Seniors Living SEPP have been used to provide a detailed assessment of the application. This assessment provides a comparison between the desired forms of development envisaged for this site versus that sought.

THE NATURAL ENVIRONMENT

- 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.*

Comment:

The site is characterised by the following significant environmental features:

- The proposed development is located adjacent to Neverfail Creek, a tributary within the Kierans Creek catchment. According to the Warringah Creek Management Study (2004), the Kierans Creek catchment is classified as a Group B catchment which is characterised as generally having "some degradation in the upper catchments, but high ecological value downstream; generally 10-15% existing connected impervious area".
- The site is classified as Waterways and Riparian Lands for the purposes of Council's Protection of Waterway and Riparian Lands Policy and Clause E8 – Waterways and Riparian Land under the Warringah Development Control Plan 2011. A riparian zone is mapped as per WDCP 2011 and no development,

including installation of sewer or stormwater infrastructure, is to take place within the riparian zone.

- The site is identified as Land Slip prone land in the Warringah Local Environmental Plan 2011 (WLEP 2011). In this regard, Council raises the concerns that the proposed development may be prohibited development under Schedule 1 of the Senior Housing Policy in that Geotechnical Hazard could be interpreted to meet the definition and/or intent of "natural hazard" under the SEPP.

With regards to other issues, any development on the site for the purposes of Seniors Housing will require significant new infrastructure, including footpaths and road construction. This is likely to include widening of Laitoki and Cooyong Roads and construction of footpath works along both frontages.

Such infrastructure works have the potential to impact on the *environmental features of the site*.

Approval of any Development Application would be contingent upon the applicant demonstrating that the required infrastructure works have a minimal impact on the environmental features of the site and can comply with requirements of the Warringah Development Control Plan 2011 (WDCP 2011), and the Water Management Act 2000.

IMPACT ON THE LIKELY FUTURE USES OF THE LAND

- (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.*

Comment:

As mentioned earlier, the use of the site for the purposes of Seniors Housing is not a permissible use within the RU4 zone under the local planning controls.

However, SEPP (HSPD) is a State wide planning policy and allows a density of development not necessarily reflected in local planning instruments. The intensity of proposed development exceeds the density controls of the WLEP 2011.

The RU4 Primary Production Small Lots zone envisages that development would comprise:

'...primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature'.

Permissible uses in the zone include animal boarding or training establishments; aquaculture; extensive agriculture; intensive plant agriculture; plant nurseries; recreation areas and landscape material supplies.

The granting of a Site Compatibility Certificate for a residential development of such a density as that proposed has the potential to prejudice the development of the

adjoining RU4 zoned lots for uses such as those mentioned above, as the likely future uses may be in conflict with the amenity expected in a significantly more dense residential development such as seniors housing.

However, conversely the use of the site for the purposes of providing housing for seniors or people with a disability is unlikely to have an adverse impact upon the types of uses which are permissible uses within the RU4 zone.

THE AVAILABILITY OF SERVICES AND INFRASTRUCTURE

- (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.*

Comment:

The site is not located within 400 metres of essential facilities and services and is substantially further than 400 metres from a public transport service (bus), being conservatively measured as 492m to 575m to the north bound bus stops on Cooyong Road from the south-east corner of the site. From the indicative site exit, this distance extends to between 548m and 631m. Council holds significant concerns with the grade of the road and road reserve and question the development's ability to satisfy the requirements of Clause 26. Grades appear in excess of acceptable levels.

Compliance with the requirements of Clause 26 of the SEPP to existing public transport services is not achievable. The proposal is considered unsuitable for the subject site in this regard.

It is also noted that the access road within the proposed development is substantially located within the side setback and the primary setback to Cooyong Road. This is considered unacceptable as the internal road infrastructure should not compromise the built form controls for the site in maintaining landscaped frontages and the visual continuity of this rural setting.

In this regard, given the sites relative isolation from transport and other services and non-compliance with Clause 26(2) of the SEPP, the site is not considered to be compatible site for a Seniors Housing Development.

IMPACT ON THE PROVISION OF LAND FOR OPEN SPACE OR SPECIAL USES

- (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.*

Comment:

The site is neither zoned, nor adjoins land that is zoned for open space or special uses.

IMPACT OF THE BULK, SCALE, BUILT FORM AND CHARACTER

- (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.*

Comment:

Development to the east of the site is generally characterised by low density detached dwelling houses on lots of approximately 700sqm. Larger lots are characteristic in the RU4 zone to the north, west and south, being developed as larger single dwelling houses and other buildings and structures which are permissible uses in the RU4 zone such as horse stables, produce stores, and large outbuildings for the storage and/or production of landscape supplies.

The built form controls under the WDCP 2011 which are relevant to the RU4 zone, do not envisage multi-dwelling housing of such a density as that proposed on the subject lot. The proposed development is in the form of sixty (60) independent living units within eight (8) blocks more representative of individual residential flat buildings with basement parking and a 102 bed nursing home within a three storey U-shaped building. All proposed building forms are inconsistent with the predominant single detached nature of the dwellings within the surrounding R2 zoned residential area.

The proposed central spine of landscaping through the independent living units is considered token. The narrow building separations will not allow for a sufficient amount of meaningful open space or landscaping considered necessary to provide a characteristic setting to offset the unsuitable residential flat building style of development. Further, the design includes basement parking structures which extend well beyond the ground level footprint of the buildings, reducing substantially the area available for deep soil landscaping which is essential for this form of development.

The extent of true separation between the respective buildings is minimal. The design is not considered to be conducive to providing a good outcome for the character of the development and the area when viewed from the adjoining RU4 zoned land, as well as when viewed from Cooyong Road to the south of the site and Laitoki Road.

In relation to the proposed built form, the eight (8) apartment style blocks are 2 to 3 storeys with basement parking. There are too many of these buildings in close proximity creating a medium density character on the site.

The buildings provide excessive bulk and should be substantially reduced in number, require a greater degree of articulation, separation and variability in the separations in order to achieve a character and design which is complementary to adjoining land and the street.

In relation to the proposed nursing home accommodation, this building is concentrated at the western end of the site and will present as a three storey U-shaped residential flat building. This form of development is out of character in this locale and not complimentary to the surrounding rural uses.

The development will be contrary to the Front Building Setback control within WDCP 2011 as the proposed site layout includes large sections of the internal road network and a substantial at grade carpark for the nursing home within the primary front setback area. This will further contribute to the loss of rural and scenic character and further reinforces the unsuitability of the site to support seniors housing.

If seniors housing development is deemed compatible on the subject site, future development should present as a maximum two stories with a detached nature and articulated form to be reflective of the adjoining R2 Low Density Residential Zone. Front, rear and landscaped side setbacks should also be compatible with those required for the RU4 zone of WDCP2011.

Therefore, the overall built form of the proposed development is considered unacceptable and unsuitable for this location.

CLEARING OF NATIVE VEGETATION

- (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.*

Comment:

The Native Vegetation Act 2003 is not applicable to land within the Warringah Local Government Area.

CONCLUSION

Having considered the application in accordance with the criteria of 25(5) of the SEPP, there are a number of issues identified particularly:

- The character outcome generated by building density and narrow building separations which don't allow for any significant open space or landscaping reflective of the proposed intensity of the use.
- The bulky character established by the eight (8) independent living unit blocks each with basement parking resembling residential flat buildings and the impact this type of arrangement will have on the character of the area.
- The intensity of the proposed nursing home building at the western end of the site and its uncharacteristic scale when viewed on the downhill slope of Cooyong Road.

- The suitability of the site for housing for seniors or people with a disability given the excessive distance and grades to the closest public transport services
- Given the site's isolated location, the density of the proposed development, and planning intent for the site reflected by its RU4 zoning in WLEP 2011, any future redevelopment of the site should be more sympathetic with contemporary planning objectives and design standards.
- The proposed development is found not to be sympathetic to the scenic and visually sensitive character of the location and its interface with low density residential development to the east and rural character to the north of the site.
- The site is identified as Land Slip prone land in the Warringah Local Environmental Plan 2011 (WLEP 2011). In this regard, Council raises the concerns that the proposed development may be prohibited development under Schedule 1 of the SEPP in that Geotechnical Hazard could be interpreted to meet the definition and/or intent of "natural hazard" under the SEPP.

For the above reasons, the proposal is not found to be compatible with the criteria's under Clause 25 (5) (b) of the Seniors Living SEPP. It is requested that these matters be addressed in the Department's determination of the SCC application.