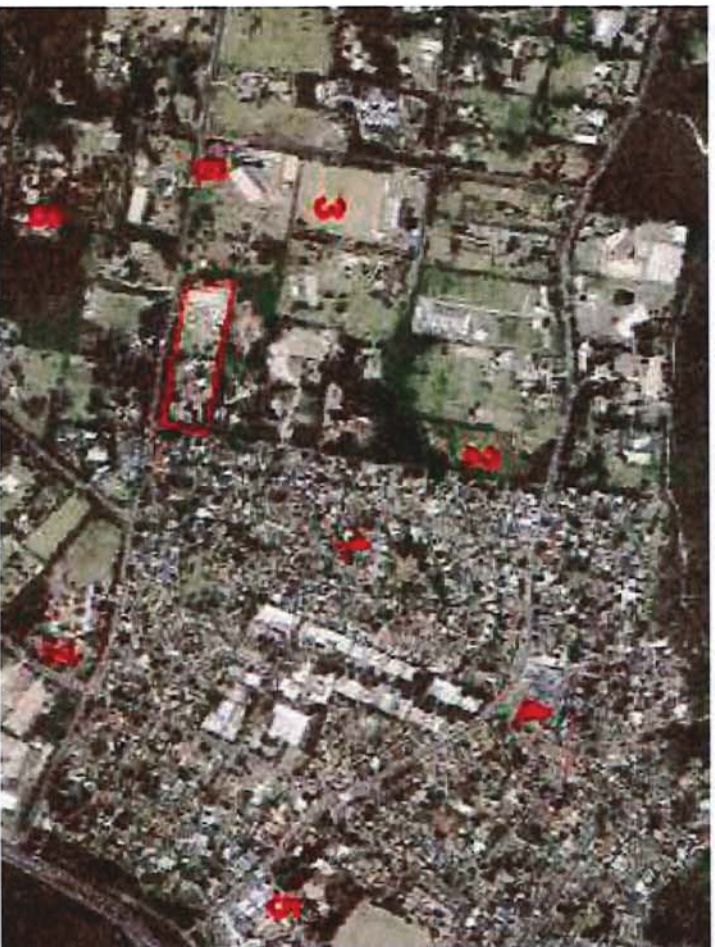

**Report to the Secretary on an application for a Site Compatibility Certificate
State Environmental Planning Policy (Housing for Seniors or People with a
Disability) 2004**

SITE

58 Laitoki Road, Terrey Hills, (Lot 368 DP 752017), Northern Beaches Council Local Government Area (LGA)



APPLICANT

Corner of the Roads Pty Ltd

PROPOSAL

The proposal seeks to enable seniors housing development comprising 60 self-care dwellings, 102 bed residential aged care facility, community facilities including a gym, 'corner store', hairdresser, theatre, outdoor seating, café, physiotherapy and consultation rooms and office space, as well as other ancillary services and basement carparking.

LOCAL GOVERNMENT AREA

Northern Beaches Council

PERMISSIBILITY STATEMENT

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 may be permissible under clause 24 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing Policy) if a site compatibility certificate (SCC) is issued. The provisions under clause 4 of the Seniors Housing Policy provide that a SCC can be issued for the site as:

- dwelling houses are permissible in the RU4 – Primary Production Small Lots under the Warringah LEP 2011;
- the site adjoins land to the east that is primarily zoned for urban purposes, being R2 Low Density Residential (Tab Map) 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).



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

Council does not support the issuing of a SCC, based on the following identified issues:

Site Compatibility Criteria	Council Comments
Impacts from density	The 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
Impacts from bulk and scale	The bulky character established by the eight independent living unit blocks of between 2-4 storeys resembling residential flat buildings and the impact this type of arrangement will have on the character of the area
	The proposed current design also exceeds the maximum height development standard of 8m
Proximity to public transport	The suitability of the site for housing for seniors or people with a disability given the excessive distance and at grades to the closest public transport services
Local amenity	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
Land slip risk	The site is identified as land slip prone land in the Warringah Local Environmental Plan 2011 (WLEP 2011) and the proposed development may be prohibited development under Schedule 1 of the SEPP in the Geotechnical Hazard could be interpreted to meet the definition and/or intent of 'natural hazard' under the SEPP.

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 the 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;

- access to public transport, although situated more than 400m from the site, is not seen to reasonably exclude the site from more intensive purposes due to the proposed private on-site community bus and the location of a public bus stop approximately 490m from the site. This public bus stop is along a relatively flat gradient travel way that the submitted accessibility statement confirms complies with the requirements of the SEPP;
- the reasonable level of safety to pedestrians through the low speed suburban road limit of 50km p/h, a pedestrian crossing, and 'splitter' islands for other intersections limits the safety impacts of walking the extra distance to the public bus stop;
- the site is located within 1km of community and retail services; and
- there are no major environmental or heritage constraints which deem the site unsuitable for more intensive development.

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.

Flora and Fauna

The site is generally an open grassed area which contains a scattering of native canopy trees and some exotic trees. While the proposal indicates that development will be primarily limited to the cleared areas of the site, it is noted that a flora and fauna assessment has not yet been undertaken. This will be required to assess and confirm 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 can be appropriately considered and addressed at the development application stage.

Flooding

The site features a watercourse (Neverfail Creek) along the western border of the site. The creek flows generally south under Cooyong Road, and forms an upstream portion of the Kierans Creek sub-catchment within the Cowan catchment. As a result a small area of the site adjoining Neverfail Creek is flood prone.

A minimum freeboard of 0.5m is to be provided between the 1 in 100yr ARI flood level and floor levels, and a detailed flood modelling report will be required for assessing the flood impacts at the development application stage. The proposal indicates that development will be directed to areas of the site not affected by flooding. Flooding is therefore not considered to be a constraint that would preclude use of the site for more intensive purposes in the

form of seniors housing, and that this matter can be appropriately considered and addressed at the development application stage.

Landslip

The subject site is identified on the Landslip Risk Map sheet 006 of Warringah LEP 2011 as Area B (Flanking 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 a detailed assessment of possible risks associated with landslides in relation to both property and life. It is considered that this assessment can be appropriately considered and addressed at the development application stage in accordance with these provisions.

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').

Riparian Zone

Due to the location of the land relative to Neverfail Creek, a Waterway Impact Statement will be required at development application stage under the Warringah Local Environmental Plan 2011. The report will need to include:

- creek bed and bank locations to confirm riparian zone as a Control Activity Approval (CAA) from NSW Office of Water;
- waterway analysis of the existing creek and riparian environment in the vicinity of the site;
- the most appropriate location for the site stormwater discharge associated with the proposed development;
- possible OSD tank/basin location;
- stormwater quality improvement devices such as a GPT; and
- site stormwater outlet headwall to the creek.

This is considered appropriate and can be dealt with adequately at the development application stage.

Contamination

A preliminary site inspection was carried out by Martens Consulting Engineers which concluded that dwelling construction and maintenance had the potential to introduce contaminants in the form of asbestos, pesticides and heavy metal. The existing and former sheds may have stored fuel, oils or other chemicals leading to hydrocarbon contamination, and that fill material of unknown origin may have been used and contained contaminants. Martens Consulting has recommended that a detailed site investigation and geotechnical assessment be required at development application stage to confirm the suitability of the site. This is considered appropriate and is supported.

Bush Fire Risk

The subject site and the immediate surrounding are not identified on Warringah Council's Bushfire Prone Land Map.

Heritage

No heritage items are identified on the subject site.

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 site currently accommodates a single level house and swimming pool, horse arena and livestock storage sheds and is used for residential purposes.

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. It is noted that a 50 self care seniors housing development is currently under construction also in the RU4 Zone in this locality 380m north along Laitoki Road at 83-85 Booralie Road.

The proposed development is considered to consistent with the current residential development to the east of the site and the development that is already occurring north 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))

Location and access to facilities

A range of on-site social and recreational facilities are proposed under the SCC application which include a hairdresser, theatre, café, gym, and consulting rooms as well as a permitter walking track.

The Terrey Hills Shopping Centre, is located approximately 1km from the site and contains a range of retail and commercial services including a medical centre, Australian post office, newsagency, ATM and bakery.

The site is able to 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 subject site is located approximately 12km from Mona Vale Hospital which provides community health services, dental, podiatry, rehabilitation services 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 (9km from the subject site) commences operation.

Transport services

The available public transport services to the site do not comply with the requirements of Clause 26 of the Seniors Housing SEPP in terms of proximity which requires a maximum of up to 400m walking distance. The nearest bus stop available is approximately 490m from the site.

The journey to the nearest bus stops is taken in an easterly direction along Cooyong Road to Myoora Road. This journey is relatively flat, is taken along quiet residential streets and offers pedestrian safety through pedestrian crossings limiting any adverse impacts to residents.

The provision of a private community mini-bus service serving the facility will also be available on demand to convey residents to the nearest retail and service outlets as well as

to regular organised excursions. This service will be provided daily from the proposed site during daylight hours from Monday to Friday.

Neither of the closest bus stops offer facilities or protection from the elements. There are also no opportunities along the journey line for sheltered protection or rest opportunities. These issues may be mitigated at development application stage with Council, should it approve the proposal.

It is noted that the proponent has confirmed that they will be seeking a clause 4.6 variation to the 400m development standard as part of the development application process. It is also noted that if located outside of Sydney the provision of the private community bus would satisfy the requirements for residents to access services and facilities. On this basis, and the circumstances of the case, it is reasonable that Council be permitted to consider whether this proposed variation and the proposal overall is appropriate in terms of this issue.

Traffic

Cooyong Road is considered to be a minor collector road which runs to the west of Mona Vale Road. The road is narrow and may need to be widened as a result of the development proposal. It is considered that matters regarding provision, capacity and/or augmentation of services can be appropriately investigated in further detail at the design / development application stage.

The current architectural design also includes the provision of a level footpath by the proponent, to be implemented on the site's boundary of Cooyong Road. This will provide a suitable sealed connecting pathway that is suitable for access by means of an electric wheelchair, motorised cart and for walking.

Mini bus parking, and ease of turning circle in internal access roads for Council garbage trucks will require further detail at the development assessment stage as they currently exceed the current design in terms of vehicle length and must be addressed for council service vehicles.

A detailed traffic report has not been conducted and will need to be implemented also containing possible increased traffic from nearby seniors housing at 83-85 Booralie Road, Terrey Hills.

Infrastructure Provision

Upgrading and amplification of some infrastructure services will need to be completed and include:

- a new substation;
- new telephone communications;
- new sewer connections; and
- an upgrade to existing water supply which may also include water quality treatments.

These issues can be assessed as required at the development application stage by Council.



Current Seniors Housing development proposals within Terrey Hills (Source: Sixmaps, 2017).

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 or in the vicinity of land 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 site is approximately 38,813m² in size with a proposed FSR for 0.68:1, which involves the construction of up to 60 self-care dwellings and 102 bed aged care facility across 8 buildings of 2 to 4 storeys.

A landscape design, conducted by Calder Flower Architects, shows the proposed buildings to be provided with an approximate 6 metre setback and permitter track that will meander through the perimeter trees which will provide extensive landscape screening and reduce impact on the vicinity.

The proposed residential care facility architectural design is currently non-compliant with the required 8 metre building height and is not in keeping with the current scale and bulk of the surrounding area. The appropriateness of this design and any changes to the design that may be required can be considered at development assessment stage by Council to address this issue. It is noted that this may affect the number of dwellings and the density that may appropriately occur on the site.

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:


14/7/17
Craig Diss
A/Director, Sydney Region East


14 July 2017
Stephen Murray
Acting Deputy Secretary
Planning Services