

Our Ref: F2013/00476  
(Contact Officer: David Ongkili Ph 9093 6793)

21 July 2017

Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

**Attn: Kate Hanson**

Dear Madam,

**Subject Land:** 481-499 Malabar Road, Maroubra  
(Maroubra RSL Memorial Bowling Club)

**Your Reference:**

**Proposal:** 108 beds/70 ILUs Aged Care Facility -  
Application for a Site Compatibility Certificate under State  
Environmental Planning Policy (Housing for Seniors or People  
with a Disability) 2004

Thank you for your letter dated 6 June 2017 notifying Council about the receipt of a Site Compatibility Certificate (SCC) application and associated document showing a concept proposal for a seniors housing facility at the above-mentioned property. The attached drawings and documents have been reviewed and the following comments are provided:

#### **Site Compatibility Certificate Requirement**

Clause 24 (1) (a) (iii) of the Seniors Housing SEPP requires a Site Compatibility Certificate for development applications on land that is, among other things, used for the purposes of an existing registered club. The applicant has mentioned in the SCC Application that the subject site is currently being used for the purposes of an existing registered club including that the site is occupied by the Maroubra RSL Memorial Bowling Club which commenced operations on the site from approximately 6 April 1955. Notwithstanding this, Council requests that full details and evidence must be provided before any determination of the SCC Application indicating unequivocally that the subject site, currently and legally, is being used for the purposes of an existing registered club. Evidence must also be provided to establish that the Club has had a continuous period of rights to occupation on the subject site. The Department should properly consider and satisfy itself that the site, legally, is being used for the purposes of an existing registered club as required in Clause 24 (1) (a) (iii).

Clause 24(2) outlines that a consent authority must not consent to a DA to which Clause 24 applies unless it is satisfied that the Director-General has certified in a current site compatibility certificate that, in the Director-General's opinion:

- (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).

Clause 25(5) (a)-(b) of the Seniors Housing SEPP lists a number of criteria which the Director-General must have regard to when issuing an SCC. These criteria have been listed and addressed in the next section of this letter.

Clause 26 also states that the Director-General may refuse to issue an SCC if the Director-General considers that the development is likely to have an adverse effect on the environment.

### **Compatibility with the Surrounding Land Uses**

The following paragraphs provide comments against the matters of consideration under Clause 25(5)(b) of the SEPP.

#### ***(i) Natural environment and existing and approved uses in the vicinity***

The subject site and the surrounding environment are urbanised and do not contain any prominent natural features. The existing uses and approved uses of land in the vicinity of the proposed development are predominantly zoned Residential R2 (Low Density Residential) and R3 (Medium Density Residential) with recreational uses under RE (Public Recreation) forming another significant land use. All the existing and approved uses in the vicinity of the subject site were evaluated and confirmed as part of the Randwick LEP 2012 review and are considered to be compatible and complementary to each other. The subject site itself (being RE2 Private Recreation) forms an integral part of the overall network of existing recreational areas extending to Maroubra Beach that serves the local as well as broader residential community. In this context, the proposed removal of the recreational use on the subject site will not meet the criteria for site compatibility relating to existing and approved uses in the vicinity of the subject site.

The subject site has an area of approximately 1.1 ha (say 10,000 sqm). Assuming the 108 bedroom RAC as single dwellings could be aggregated into pairs to give a virtual 2 bedroom dwelling unit count of 54 units (ie.,  $108 / 2 = 54$ ), the proposed seniors housing proposal will have a residential density of approximately 12 dwelling units per 1,000 sqm (ie.,  $54 + 70 \text{ units} / 10,000 \text{ sqm} \times 1000 = 12.4 \text{ units}$ ). A proposed development density of 12 dwelling units per 1,000 sqm is considered excessively high when compared to the density of the adjoining low and medium density residential areas which is estimated to have a density of approximately 3-4 dwelling units per 1000 for the adjoining low density residential land (based on minimum sub-division allotment size of 400 sqm permitted in zone R2 land under the Randwick LEP 2012); and approximately 4-5 dwellings per 1000 sqm for adjoining medium density residential land (based on minimum subdivision allotment size of 325 sqm permitted in zone R3 land). Given the significant disparity in residential density to existing adjoining residential land, and the development and amenity pressures flowing from this, it is considered that the proposal does not meet the criteria for site compatibility relating to existing and approved uses in the vicinity of the subject site.

#### ***(ii) Impact on the future uses of the land***

The future uses of the land are governed by the current RE2 Private Recreation zoning of the subject land in which Seniors Housing is prohibited. In support of the SCC application, the applicant advises that a number of the permissible uses under this zoning will be relatively less compatible with the existing surrounding residential uses than the proposed seniors housing proposal such as helipad and passenger transport facility. However, it should be noted that there are also other permissible uses under the RE2 zoning that align well with the existing surrounding development and, comparatively, have a similar, if not better, compatibility with surrounding uses than the proposed seniors housing facility. In particular, the following permissible uses are considered appropriate future uses for the subject site to serve the growing community in the locality:



- Community facility
- Recreation areas
- Recreation facilities (indoor)
- Recreation facilities (major)
- Recreation facilities (outdoor)

In a meeting with the proponent in April 2017, Council officers, recommended that a recreational needs analysis of the locality be undertaken as part of any SCC and development application for the proposal to ascertain the impact of the loss of a significant recreational land use on-site. The SCC application has not made any in-depth analysis of the recreational needs of the locality and the demand for recreational facilities especially in the context of increasing future population density scenarios under the Central District Plan strategy. Without such an analysis Council is not in a position to support the issue of a SCC for the proposed development as it cannot be ascertained that the proposal can positively meet the site compatibility criteria relating to impact on future uses of the land.

At present, the subject site accommodates a bowling club house and greens. The applicant advises that the sale of the subject site to current owners, Catholic Healthcare Limited, occurred in the context of the declining economic viability of the club both in terms of patronage and membership. Notwithstanding the current economic condition of the Club and its facility, the SCC application has not addressed in detail the community value of the site as a club and bowling facility as well as any future variation of that use. In this regard a social impact assessment should be made of the loss of the existing Club and greens in terms of their value as community and social capital. This important assessment is missing from the SCC Application and without it, Council is not in a position to support the issue of a SCC for the proposed development as it cannot be ascertained that the proposal can positively meet the site compatibility criteria relating to impact on future uses of the land.

As an indication of Council's commitment to the future use and retention of the subject site for community purposes, Council made a submission to the Boundaries Commission Inquiry concerning preserving the Maroubra Bowling Club site for the community pursuant to a resolution of Council dated 22 March 2016. Council subsequently also wrote to both the Minister for Planning and the Minister for Lands and Water requesting that the subject site be preserved for the community in perpetuity by:

- seeking assurances from the State Government that it will not allow any gateway approval under the Environmental Planning and Assessment Act 1979 that allows for residential or commercial rezoning;
- urging the State Government to enter into negotiations with the RSL to acquire the site at fair and reasonable cost to maintain it as a community asset managed by Randwick City Council or its successor; and
- advising the Government that it is willing to seek expressions of interest from the community for membership on a Trust to carry out the delegated responsibility of the Council similar to the successful Wylies Baths Trust model.

It remains Council's position that the Maroubra Bowling Club site should be held and retained for community use in perpetuity.

***(iii) Services and infrastructure to meet the demands of the proposed development***

The SCC Application has provided a preliminary servicing assessment of water, sewer, telecommunications and power available to the site which is capable of being connected and extended for the proposed seniors housing facility. However, preliminary discussions with Sydney Water and relevant utility companies to ascertain their design and engineering requirements should be undertaken and factored into the development scheme. In terms of stormwater management, the application is accompanied by a concept stormwater plan

and Flood Assessment Report. Details to indicate that habitable floor levels in accordance with Probable Maximum Flood (PMF) events can be achieved to provide protection to future occupants and internal building areas are critical as the subject site is prone to flooding. Water sensitive urban design measures should be adopted to ensure water quality targets for rainwater reuse, bio-retention and proprietary devices are met in any future seniors housing facility. There is inadequate detail provided in the SCC in relation to these measures.

***(iv) Impact on the provision of special uses in the vicinity of the development***

Any seniors housing facility on the subject site will need to have access to a range of services in close proximity to the proposed facility. These include shops, bank service providers and other retail and commercial services that residents may reasonably require; community services and recreation facilities, and the practice of a general medical practitioner. Apart from shops, a newsagent, restaurants and cafés, there are no banks, medical centres, community centres and community facilities (eg., library, senior citizens centres, etc) that are within walking distance to the proposed development with the closest centre for these facilities located in the Maroubra Junction town centre some 3-4km away.

The proposal potentially will result in the loss of a site that is currently a key component of an existing local and regional network of recreation and open space that includes the John Shore Park, Broadarrow Reserve and Maroubra Beach which will be diminished in terms of availability and accessibility should the proposed seniors housing facility be built. Therefore, the proposed development is considered to adversely affect the provision of recreational uses in the surrounding area and therefore does not meet the criteria relating to impacts on uses in the vicinity of the subject site.

***(v) Impact of the bulk, scale, built form and character of the proposed development***

Detailed discussions on the bulk, scale, built form and character of the proposed development and their potential impacts are briefly described in the SCC Application. The key issues are highlighted below:

Built form and façade articulation:

- The proposed buildings will be 2-3 storeys in height mainly along the site perimeter with a 4 storey and 5 storey component concentrated in the centre of the subject site. It is noted that while there is some 4 and 5 storey buildings in the locality, these are few and far between and do not represent the dominant character of the locality. Furthermore, the buildings of these heights were purpose-built and come from a period associated with the then Housing Commission public housing program (notable examples being at 259 Fitzgerald Avenue and 19 Gregory Street).
- The sizeable footprint of the proposed 4 and 5 storey towers significantly add to the visual bulk and scale of the development. These tower components would be visually intrusive and appear dominant and overbearing in the immediate context of the existing low/medium density neighbourhood.
- The perimeter building alignment at 3 storeys high and running fully along the Malabar Road and Mons Avenue frontages, with inadequate setbacks of 3m, not only accentuates the visual bulk of the development but also gives the perception of a gated community with poor legibility in terms of access and entry paths. This design approach would tend to lock-out the site from any wider public use and will be at odds with the open nature of the existing bowling greens and that of any potential future recreational uses.

Landscape:

- There are concerns that the geometry and locational context of the gardens within the ILU complex will not be conducive to plant growth and may, in effect, become



redundant. In particular, these ILU garden spaces will be embedded within the ILU building envelope and the proposed tower components will overshadow them, all indicative of a poor design and planning of these open spaces.

- Part 4.2 of the SCC: Landscaping, states that "*the site will be extensively landscaped*". However, there will be a corresponding increase in built forms/footprints so that the capacity of this proposed landscaping to offset visual bulk is questionable. In particular, no details of basement car parking have been provided so that these potentially can and will occur under the landscape area raising questions as to the degree and extent of deep soil landscape areas in the proposal.
- Full details of landscape treatment will be required at DA stage to show adequate and comprehensive use of the landscaping treatment to soften and screen in a sustainable and ecologically compatible way.
- Part 5.4.10: Trees of the SCC Application describes the existing vegetation at the site and those trees that would be affected. A more comprehensive Impact Assessment Report would be required as part of any formal application in the future.

#### Overshadowing:

- The subject site is bounded by roads on the western and southern sides where overshadowing will occur. Notwithstanding this, any future proposal should clearly demonstrate the extent of overshadowing on any residential dwellings especially on the adjoining eastern town-house complex as well as, internally, upon the proposed residential aged care and independent living units and their associated private open spaces.

#### Loss of views

- The topography of the area surrounding the subject site is undulating and affords existing opportunities for views especially looking east towards the ocean. As such, the proposed building envelope has a potential to significantly impact upon existing views currently available to surrounding properties located to the west. The applicant has undertaken a preliminary analysis of the view impacts of the proposal essentially indicating that the Maroubra Seals building further to the east is already a prominent feature that disrupts ocean views from the adjoining eastern properties. However, the view analysis relies on the findings from a limited number of properties that have been investigated to test the use of the Maroubra Seals building as a "view shadow" threshold. Council raises concern that this "view shadow" approach is applicable only in relation to the line-of-sight of this small number of select properties but will not be valid for a majority of other affected properties to the west, north-west and south-west. A more comprehensive and wider analysis of view catchment loss should be undertaken which potentially would indicate that there is a significant view loss concern for a significant number surrounding residents. Additionally, the impact on views should be assessed having regard to the view loss planning principles established in *Tenacity vs Warringah Council* which is a more acceptable and recognised approach for assessing view loss than the limited "view-shadow" approach applied in the SCC application.

#### Privacy

- No analysis of the privacy impacts on the locality has been undertaken. Additionally, no details of the location of service and deliver docks have been provided especially as these will be significant sources of noise to residential uses.

### **(vi) Conservation and management of native vegetation**

The proposal does not involve clearing of native vegetation as there are none existing on the subject site.

Overall, Council is not in a position to assess the impacts of the proposed use of the subject site for seniors housing development due to the lack of relevant information and analysis in the SCC application as detailed above. Issues of concern include (but are not necessarily limited to) the following which essentially indicate that the proposal will not meet the relevant criteria in Clause 25 (5) of the Seniors Housing SEPP:

- Loss of a significant site for community facility use as designated under its RE2 zoning under the Randwick LEP 2012.
- Loss of a significant portion of recreational space (with no analysis of the recreational needs in the locality and in the wider LGA) that is an integral part of the overall supply and network of open space in the local area.
- Excessive dwelling to site area density compared to the existing approved low and medium density residential development in the surrounding locality.
- The visually bulky and intrusive nature of the proposed built form, especially with its 4 and 5 storey components, which will be incompatible with the surrounding low-medium scale of existing development in the local area.
- There is limited precedence for 4-5 storey buildings in the local area such that the proposed 4-5 storey component will be incompatible with the surrounding area.
- The view loss impacts of the proposed development will be significant given the existing ocean views currently enjoyed by properties to the west, north-west and south-west of the subject site.

If you wish to discuss this matter further, please do not hesitate to contact David Ongkili, Council's Coordinator Strategic Planning, on 9093 6793.

Yours faithfully,



Kerry Kyriacou  
**Acting Director City Planning**