

**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

Lot 101 of DP 776582, 481- 499 Malabar Road, Maroubra (Figure 1).



Figure 1 - Site Context Map (Source: Nearmap)

LOCAL GOVERNMENT AREA

Randwick City Council.

APPLICANT

Catholic Health Care Ltd.

PROPOSAL

The proposal comprises seniors housing in buildings between 2-5 storeys, containing approximately 70 independent living units and a 108-bed residential care facility. A community hub, utility infrastructure improvements and onsite basement parking for 85 vehicles is also proposed.

An indicative building plan has been provided for the site showing the setback, building location and number of storeys on each part of the site (Figure 2).

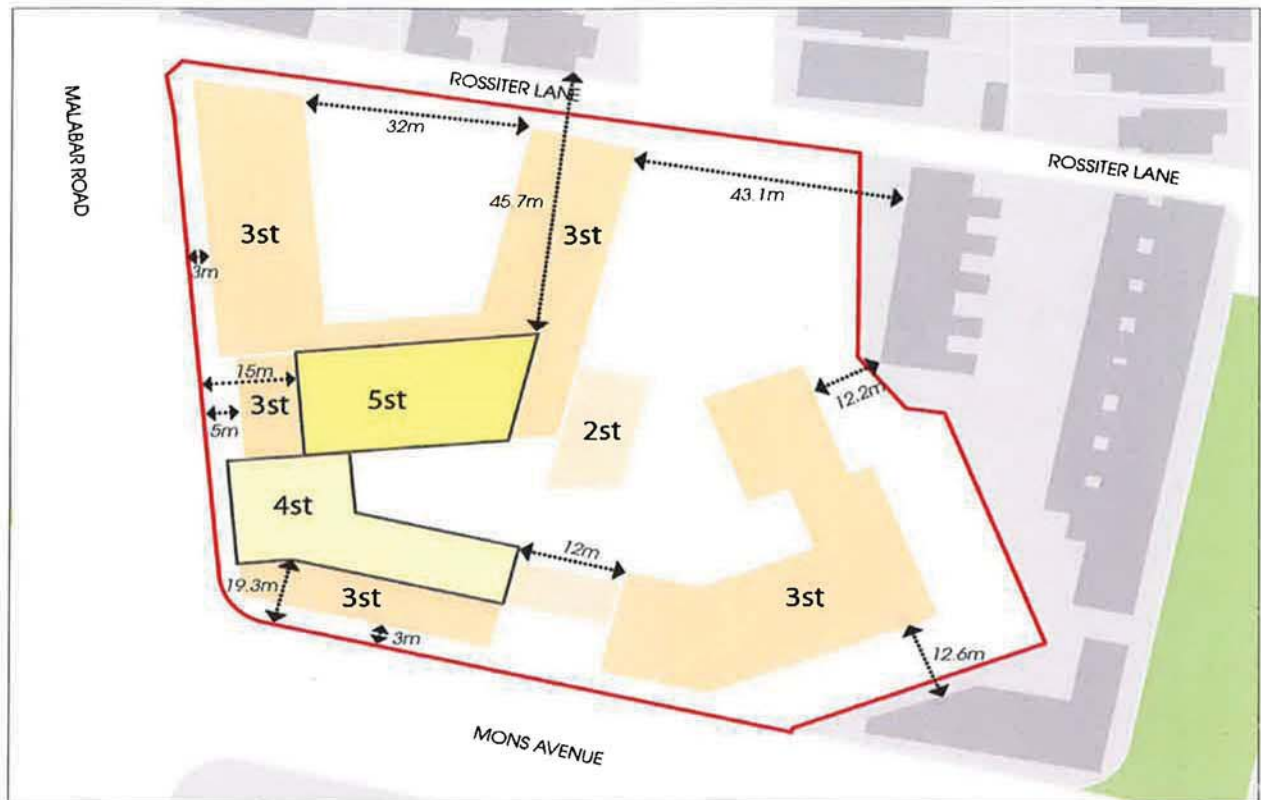


Figure 2 - Indicative building plan (Source: JBA Planning)

PERMISSIBILITY STATEMENT

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (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 requirements in clause 4 of the Seniors Housing SEPP.

The site is zoned RE2 Private Recreation under the Randwick Local Environmental Plan 2012 (RLEP 2012) (Figure 3). Seniors housing is not a permitted land use in the RE2 Zone.

As such, development of this site for the purposes seniors housing requires a site compatibility certificate (SCC) under clause 24 of Seniors Housing SEPP. The proposal satisfies the requirements under clause 4 as:

- the site adjoins land to the east, west and north that is primarily zoned for urban purposes being Zone R3 Medium Density Residential (clause 4(5)(b)); and
- the land is being used for the purposes of an existing registered club (clause 4(1)(b));

Schedule 1 of the Seniors Housing SEPP identifies environmentally sensitive land to which the SEPP does not apply. This includes land identified as open space in an environmental planning instrument.

As detailed further in the report, the current land zoning of RE2 Private Recreation is not considered to constitute 'open space' under Schedule 1 of the Seniors Housing SEPP as

the land is not used or managed for public purposes. Therefore, nothing in Schedule 1 operates to preclude the application of the Seniors Housing SEPP on this site.



Figure 3 - Land Zoning Map (Randwick LEP 2012)

CLAUSE 24(2) AND 25(5) – SECRETARY’S CONSIDERATIONS

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 6 June 2017, Randwick City Council was forwarded the application for comment.

Council staff provided draft comments on 21 July 2017 ([Attachment B](#)), which Council resolved to support on 8 August 2017. Council’s comments are summarised below.

Issue	Comments
Permissibility	<p>Council requests that full details and evidence be provided indicating that the subject site, currently and legally, is being used for the purposes of an existing registered club to establish permissibility.</p> <p><u>Comment:</u> JBA were asked to provide a copy of the current lease between the land owner and Maroubra RSL Memorial Bowling Club. A lease was provided on 11 July 2017 confirming the continued use of the site by Maroubra RSL Memorial Club, which constitutes a registered club under the SEPP.</p>
Loss of a community facility and open space	<p>Council consider the subject site (being zoned RE2 Private Recreation) as forming an integral part of the overall network of existing recreational areas extending to Maroubra Beach. Council believe more appropriate future uses of the land include uses already permissible under the RE2 zone, such as a community facility or recreation area.</p> <p>Council also note that the application has not adequately addressed the community value of the site, as a club and bowling facility, and additional social impact assessment should be made regarding the loss of the existing Club and greens in terms of their value as community and social capital.</p> <p><u>Comment:</u> While it is acknowledged the current use of the site represents a valued asset to the community, the land is not used or managed for public purposes. The RE2 zone does not equate to public open space, and should not be relied upon in lieu of the provision of public recreation facilities.</p> <p>Additionally, the applicant has undertaken a Social Impact Assessment and Open Space Audit which highlights the quality and diversity of community facilities in the area. This issue is discussed in detail further in the report.</p>
Excessive bulk and scale	<p>Council is concerned that the proposed seniors housing facility will result in a significantly higher residential density, when compared to the density of the existing low and medium density residential uses in the locality. Council highlight issues of overshadowing, landscaping, water sensitive urban design, façade articulation, privacy and view loss.</p> <p>Council is particularly concerned with the 4 and 5 storey tower components of the proposal, stating the towers would be visually intrusive and significantly impact on the views of surrounding properties located to the west. Council requests that a more comprehensive and wider analysis of view catchment loss be undertaken, having regard to the planning principles established in <i>Tenacity vs Warringah Council</i>.</p>

	<p><u>Comment:</u> The Department agrees that the suitability of the 4 and 5 storey components of the proposal require further assessment. It is considered that the final design and building height limits, and the appropriateness of the proposed 4 and 5 storeys sections, can be adequately considered and determined at the development application stage. This is discussed in further detail below.</p>
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Further 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 located at 481- 499 Malabar Road, Maroubra, and the land is zoned RE2 Private Recreation under RLEP 2012. Land adjoining the site to the west, east and north is zoned R3 Medium Density Residential, the land to the south across Mons Avenue is zoned SP2 Educational Establishment and RE1 Public Recreation.

The site is currently occupied by the Maroubra RSL Memorial Bowling Club and is within the Randwick Local Government Area. The subject property comprises a total area of approximately 10,850m² and is located 11km from the Sydney CBD, 7km from the airport and less than 300m from Maroubra Beach.

The site is surrounded by a mix of low to medium density residential dwellings, local shops, recreation areas and schools. The site is located near a number of public bus stops that provide transport services to the city, wider centres and train network.

The use of the site for a seniors living development is considered to be an appropriate outcome for the site having regard to its proximity and accessibility to a full range of retail, commercial, recreational, health, welfare, transport and educational services and facilities in both Maroubra and adjoining suburbs. Further, the proposal is consistent with the draft Central District Plan, which states the best way to provide seniors housing and aged care is to co-locate them in places that have a mix of different uses and services, with good quality footpaths and pedestrian connections that make it easy for people to meet their day to day needs, health services and community and cultural facilities.

The site has no constraints that could not be adequately addressed at the development application stage (this is discussed in more detail below).

The site in this regard is considered the site is more suitable for intensive development.

The proposal is also addresses a shortfall of aged care beds in the suburb of Maroubra. The aged care provision ratio, set by the Commonwealth Government, is currently 113 aged care beds per 1,000 people aged over 70. Based on the current cohort of 3,669

people aged 70 years or older in Maroubra, this equates to a demand for 415 aged care beds. The application states that there are currently only 181 beds in the area, being a shortfall of 234 residential aged care beds. The proposal therefore helps support the current undersupply of aged care beds in the area.

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.

Flooding and Stormwater

The Maroubra Bay Flood Study (completed for Randwick City Council by WMA Water) identifies the site as partially flood affected. Most of the site has a low hazard risk except a small portion on the western boundary due to higher velocity flows associated with floodwaters entering onto the site from a low point on Malabar Road.

A concept stormwater plan and flood assessment report has been prepared as part of the application. The report concludes that the site is suitable for the proposed development and the impact on flooding for neighbouring properties has been minimised with only minor increases on flood levels in the adjacent road reserve.

Council note that habitable floor levels in accordance with the Probable Maximum Flood (PMF) events can be achieved to provide protection for future residents and internal building areas. Council consider water sensitive urban design measures should be adopted to ensure water quality targets for rainwater re-use, bio-retention and proprietary devices are met in any future seniors housing facility.

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.

Contamination

A preliminary site investigation report was prepared and accompanied the application. The investigation, which included a review of the site history and a site visit, found that potential for contamination is limited and that the subject land can be made suitable for the proposed uses following intrusive investigations to assess potential contamination sources.

The report concludes that any potential contaminated soils requiring remediation could be removed to landfill as waste, or retained on site under a suitable barrier system with an associated Environmental Management Plan.

It is therefore considered this issue is capable of being addressed appropriately at the development assessment stage.

Geotechnical hazards

A preliminary geotechnical assessment report was provided with the application which made recommendations as to site preparation, earthworks and retaining structures to ensure there is an appropriate foundation system for the proposed development. No geotechnical issues were identified that would preclude the issuing of a SCC. A comprehensive geotechnical report will be needed once detailed plans are finalised. It is considered that this matter can be addressed appropriately at development assessment stage.

Flora

The site contains 19 trees, comprising both native and exotic species which the application identifies as generally being of low quality. An arboriculture report submitted with the application, states that only 2 trees within the site have been allocated a retention value. The arborist report concludes that when detailed plans are finalised, an Arboriculture Impact Assessment and Tree Protect Plan should be prepared to examine in detail the potential impact of the proposal on the trees to be retained.

Council indicate that full details of landscape treatment will be required at development assessment stage to show adequate and comprehensive use of landscaping treatment to soften and screen the proposal. It is considered these matters can be addressed appropriately at development assessment stage.

Bushfire Risk

The subject site and the immediate surrounding area are not identified on the Randwick Bushfire Prone Land Map, and therefore bushfire is not a constraint on the land that should preclude consideration of the site for seniors housing development.

Heritage

The RLEP 2012 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.

Existing and Approved Uses in the Vicinity

The site is generally surrounded by residential, community and recreational uses, including some medium-density residential developments. In this context, it is considered that a senior living development of the nature proposed is generally compatible with its surrounding environment and land uses.

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 land is zoned RE2 Private Recreation and has been occupied by the Maroubra RSL Memorial Bowling Club, a registered club, since 1955. The site currently contains three existing bowling greens and a club house.

The site was acquired by Catholic Healthcare Pty Ltd (CHL) in 2016 and is currently leased to Maroubra RSL Memorial Bowling Club until March 2018. It is understood that the site was sold to CHL due to the declining economic viability of the club.

While Council consider that the Maroubra Bowling Club site should be held and retained for community use in perpetuity, Council did not acquire or zone the site for this purpose and it is not the responsibility of the landowner to provide a community asset in perpetuity.

The proposed development is surrounded primarily by residential and other associated uses. The site is not identified in the draft Central District Plan or any other strategy as being required for open space or for any other purpose.

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

The subject land is located within walking distance of Maroubra Town Centre (300m) which comprises a variety of retail services including cafes and restaurants and the Maroubra Seals Club. Shop top housing immediately adjacent the site contains a local convenience store and medical services, while the Junction Neighbourhood Centre comprising Maroubra Library, Maroubra Seniors Citizens Centre, medical centres and ATMs is within 2km from the site and easily accessed by public transport. Additionally, a bus stop 150m from the subject land that is accessible in accordance with the gradient requirements of the SEPP is serviced by multiple bus routes that connect it to Eastgardens, Bondi Junction and the Sydney CBD.

Traffic and transport services

Residents will have access to regular bus services to Maroubra Junction, Eastgardens, Bondi Junction and the Sydney CBD within 150 metres of the development. These centres provide a comprehensive range of shops and services satisfying the requirements of clause 26. The proposal confirms that the surrounding footpaths provide appropriate pedestrian access and travel gradients of less than 1:14, and are suitable for electric wheelchair or scooter access, in accordance with clause 26.

A traffic and parking study prepared by ARUP was submitted with the application, which considered the existing transport conditions, forecast traffic generation, road network impact, parking provisions, access arrangements, and public transport availability. In relation to parking, the report found that there are a range of on-street parking provisions along the roads surrounding the site and that based on the Randwick DCP 2013, 85 off-street parking spaces would be required. As such the concept design has provided 85 onsite basement parking spaces.

The report also noted that the proposal would generate some 250 trips per day. Modelling results indicate that key intersections near the site are predicated to continue performing at an efficient level of service following completion of the development.

Based on the findings of the traffic and parking study, it is considered that potential traffic impacts of the proposal can be adequately managed and addressed at the development application stage.

Servicing

There are no known constraints on local services and utility infrastructure in the area, and a water and sewer servicing strategy provided by the applicant confirmed that the site can connect to sewer, gas, electricity and telecommunication networks. It is considered that matters regarding provision, capacity and/or augmentation of services can be investigated at detailed design / development application stage.

In these circumstances, it is considered that the proposal complies with the requirements for access to public transport and services/facilities (clause 26(2)(b)).

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))

The site is not zoned for public open space purposes or special uses, however given Council's concern over the loss of the existing RE2 Private Recreation zoning, an audit of open space and community facilities in the vicinity of the proposed development was provided by the applicant.

There are 13 open space areas within 800m of the site, including neighbourhood and district parks with recreation facilities, sport fields, picnic tables, BBQ facilities, toilets and play equipment. The audit also identified a range of community facilities in close proximity, such as Maroubra Beach Outdoor Gym, Mahon Pool, Maroubra Senior Citizens Club, and the Seals Sports and Community Club.

Within the suburb of Maroubra there is a total of 11.4ha of open space and 68.2ha of Crown Land. The audit notes that based on Maroubra's current population of 32,760 (2015) this equates to 2.4ha per 1,000 people.

A common standard for open space provision is 2.83ha per 1,000 people (NSW Growth Centres Code (2006)). However, the Recreation and Open Space Guidelines for Local Government (2010) state that the 2.83ha per 1,000 people benchmark is extraneous to contemporary planning as it ignores the fact that different types of open spaces can accommodate different needs. So while this benchmark provides a reference point, of more importance is the quality and diversity of the open space and its facilities.

Given the diversity of public open space and quality of community facilities in close proximity to the proposed development, the proposal will not negatively impact the provision of open space and special uses for existing and future residents.



Figure 4 - Open Space Audit (Source: Cred Consulting)

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))

Bulk and scale

The proposal comprises a number of buildings across the site which range between 2-5 storeys. The majority of the proposal will utilise a 3-storey height limit consistent with the surrounding area, with the fourth and fifth storey section to be concentrated in the centre of the site to limit the impact of view loss and adverse overshadowing. The buildings have been oriented to capture solar access and provide optimal green open space for future residents (Figure 2).

While the buildings are proposed to be connected, the concept plan seeks to split these into separate envelopes, relating to residential aged care facilities and independent living units. The application notes there will be a visible separation between envelopes to ensure permeability and sightlines to and from the site, and reduce the perceived bulk and scale.

Despite a detailed view loss analysis provided by the applicant, Council has expressed concern in relation to the potential view loss and the bulk and scale of the proposed development. The application acknowledges that development on the site has potential to impact upon views currently available to surrounding properties. It is also noted that the surrounding development currently comprises predominately 1-3 storey dwellings.

Similarly, Council highlight that the proposal equates to a density of 12 dwelling units per 1,000m² compared to the surrounding density which is approximately 3-5 dwelling units per 1,000m².

It is considered that the overall size of the site and its immediate context provide sufficient scope to accommodate additional new buildings of up to 3 storeys, of a density slightly higher than surrounding development.

Notwithstanding, it is considered that the proposal in its current form (particularly the fourth and fifth storeys) is excessive in relation to both the site and its wider surrounding built environment, and should be reviewed to consider a reduction in height as part of the development application process.

Final building design, and matters relating to the height, bulk and scale of the proposal, can be addressed in detail at the development application stage.

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* is not applicable to land in the Randwick Local Government Area.


RECOMMENDATION

It is recommended that the 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.


Stephen Murray
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Planning Services

7 September 2017


Marcus Ray
Deputy Secretary
Planning Services

12/09/2017
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