
**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 2 of Deposited Plan (DP) 1114418, Lot 1 of DP 966387 and Lot 301 of DP 1114421
163 Birrell Street, Waverley (Figure 1).



Figure 1 - Site Context Map (Source: Nearmap)

LOCAL GOVERNMENT AREA

Waverley Council (Council).

APPLICANT

Eastern Suburbs Leagues Club Limited.

PROPOSAL

The proposal is for a seniors housing development with ancillary facilities at 163 Birrell Street, Waverley. The proposal was submitted with two schemes, Scheme 1 comprises 137 independent living units and Scheme 2 comprises 117 independent living units and an 80-bed residential care facility. In both schemes, buildings range between 2 to 7 storeys in height. The schemes would also include a child care centre for 90 children, a registered club with restaurant and on-site vehicle parking. The maximum floor space ratio of the two schemes is 1.87:1.

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). The location and scale of buildings on the site is unchanged between Scheme 1 and 2, however in Scheme 2 independent living units occupy the 4 storey building on the southern edge.



Figure 2 - Indicative building plan (Source: ALTIS Architecture)

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 additional requirements in clause 4 of the Seniors Housing SEPP.

The site is zoned RE2 Private Recreation under the Waverley Local Environmental Plan 2012 (Waverley LEP 2012) (Figure 3). Seniors housing is not a permitted land use in the RE2 zone. The site has a maximum building height of 8.5m, a maximum floor space ratio of 0.5:1 and is identified as a local heritage item under Waverley LEP 2012.

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

- the land is being used for the purposes of an existing registered club (Waverley Bowling Club) (clause 4(1)(b));

- land that is primarily zoned for urban purposes adjoins site to the south (R2 Low Density Residential and to the north east, west and east (R3 Medium Density Residential) (clause 4(5)(b)); and

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.

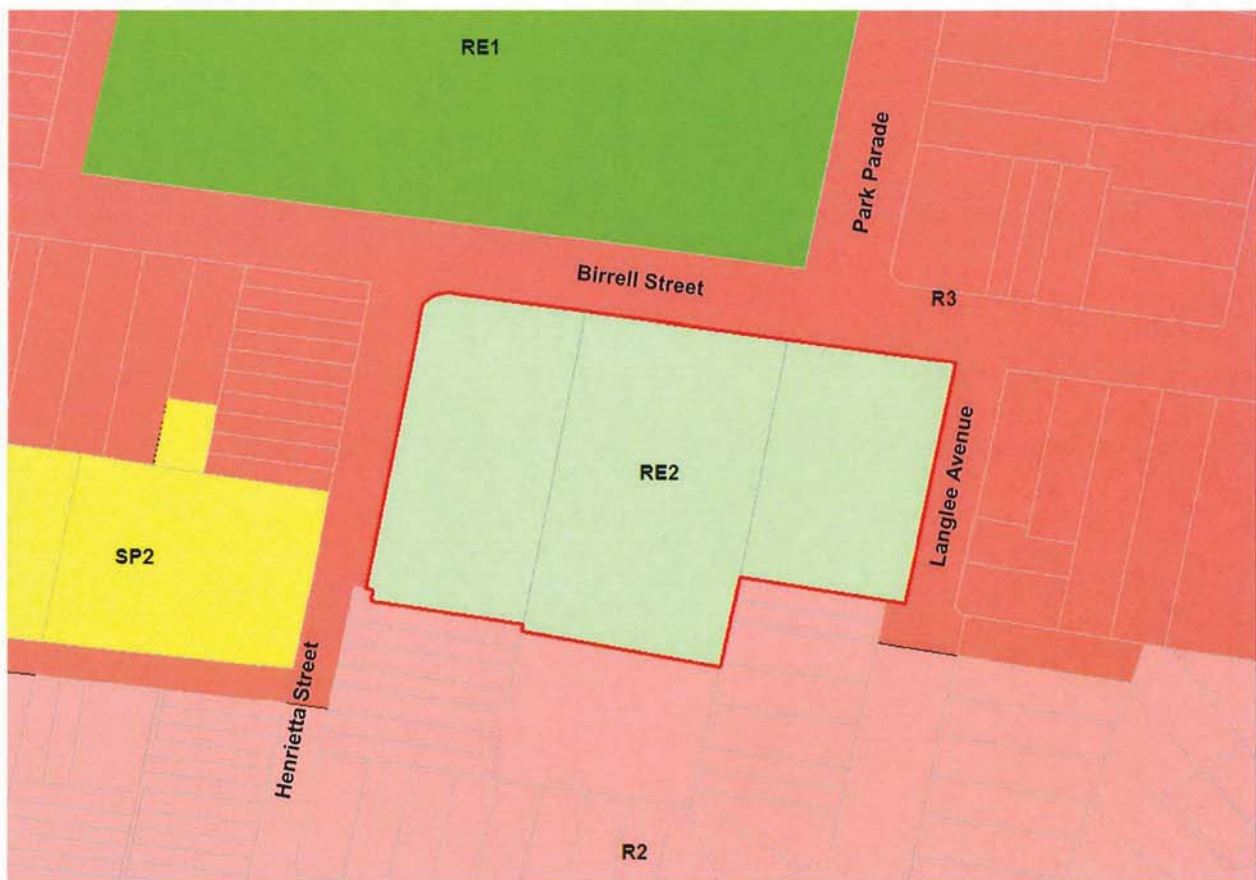


Figure 3 - Land Zoning Map (Waverley LEP 2012)

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 21 July 2017, Council was forwarded the application and advised comments would be required by 14 August 2017 in accordance with the requirements of the Seniors Housing SEPP.

On 22 August 2017 Council provided its response to the Department. Council's comments are summarised below.

Issue	Council Comments
Uses - Loss of open space and seniors living	<p>Council raised concern regarding the loss of open space, whether publicly or privately owned.</p> <p>Council suggests that there may be alternative recreational uses that could be profitable, provide significant public benefit and be incorporated into any redevelopment of the site. Council notes that no details have been submitted to demonstrate that alternative uses permitted under the current RE2 Private Recreation zone have been considered.</p> <p>Notwithstanding the loss of open space, Council acknowledges that there is demand in the Waverley LGA for seniors living and raised no objection to permitting this land use on the site to complement existing uses.</p> <p>Council note the applicant proposes to relocate Waverley Bowling Club to the Bondi Golf and Diggers Club (Diggers Club) in North Bondi.</p> <p>Council states that this move should not be factored into the assessment of the application as the lease for the Diggers Club expires in December 2018 and there is no automatic right of tenure by the Diggers Club.</p> <p>Council states that the Department must therefore disregard assumptions that the Waverley Bowling Club can be relocated to North Bondi.</p> <p><u>DPE 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. The concept that accompanied the SCC request retains a registered club in the north east corner of the site.</p> <p>The Department notes the support for seniors housing as an additional use on the site.</p>

Issue	Council Comments
Built form	<p>Council recommends that proposed changes to development standards should not form part of the application. They note that the current development standards were developed in consultation with the community through an extensive strategic planning process.</p> <p>Council states that the changes proposed cannot be properly assessed under the SCC process. Council notes that there is no compelling evidence that provides justification for the concepts submitted with the application on urban design, land use, traffic, and environmental grounds. Changes to development standards should be assessed as part of a development application for the site.</p> <p>Council raises no objection to a seniors living development on the site under the current zoning and development standards.</p> <p><u>DPE Comment:</u> The site compatibility certificate process does not endorse a building height or floor space ratio for the site. The Department agrees that the suitability of the 5 to 7 storey components of the proposal require further assessment. It is considered that the final design, building height limits, and the appropriateness of the proposed 5 to 7 storey sections, can be adequately considered and determined at the development application stage. This is discussed in further detail below.</p> <p>The Department notes support for seniors living under the existing development standards. If an SCC is issued for the site, the SEPP allows Council to consider a development application on the site which exceeds those development standards based on merit. The contextual fit and impacts of the development would be considered as part of the application.</p>
Considerations under the Seniors Housing SEPP	<p>Council states that the Department cannot reasonably assess the whether the application is compatible based on the information submitted.</p> <p><u>DPE Comment:</u> The information submitted by the applicant is suitable and sufficient to determine that the site is suitable for more intensive development and, subject to the certain criteria which are discussed below, that the site can contain a development which is compatible with the environment and surrounding land uses.</p>

Issue	Council Comments
Process	<p>Council states that there was a lack of time to assess and respond to the application and no community consultation occurred which reduces the credibility of the process. Council also notes that due to the response timeframe, the response is from staff not from the elected body.</p> <p><u>DPE Comment:</u> The Department notes Council's feedback on the process. The Department complied with the requirements of the SEPP and granted Council an extension of time to make its submission.</p> <p>Any specific proposal for the site will be subject to the development assessment process.</p>

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 163 Birrell Street, Waverley, and the land is zoned RE2 Private Recreation under Waverley LEP 2012. Land adjoining the site to the south is zoned R2 Low Density Residential and the land to the north east, west and east is zoned R3 Medium Density Residential. Land to the north on Birrell Street is zoned RE1 Public Recreation. Under Waverley LEP 2012 the site has a maximum building height of 8.5m, a maximum floor space ratio of 0.5:1 and is identified as a local heritage item under Waverley LEP 2012.

The site is currently occupied by the Waverley Bowling Club and is within the Waverley Local Government Area. The subject property comprises a total area of approximately 10,850m² and is located 6km from the Sydney CBD and 2km from the Bondi, Tamarama and Bronte beaches.

The site is surrounded by a mix of low to medium density residential dwellings, local shops, recreation areas and schools. Birrell Street is on Route 360 between North Clovelly and Bondi Junction and Route 361 between South Bondi and Bondi Junction. From Bondi Junction other bus and train services to the city and eastern beaches region are available.

The use of the land 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 Bondi 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, and access 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), and is considered suitable for more intensive development.

In providing well located seniors housing, the proposal is also addressing a shortfall of aged care beds in the Waverley LGA. The proposal notes that the aged care provision ratio, set by the Commonwealth Government, is currently 113 aged care beds per 1,000 people aged over 70¹. Based on the current cohort of 5,939 people aged 70 years or older in the Waverley LGA, this equates to a demand for 671 aged care beds.

Waverley Council advises that as at March 2016 there were 372 beds available in the Waverley LGA, since that time another 106 beds have been created at the Loreto aged care facility in Bronte, bringing the total number of beds to 478. This equates to shortfall of 193 residential aged care beds in the Waverley LGA. If the scheme which included aged care beds was adopted the proposal would help support the current undersupply of aged care beds in the area.

The applicant states that in the area comprising Woollahra, Waverley and Randwick LGAs, the demand is for 2,317 aged care beds, not accounting for the potential growth which will occur due to aging over the next five years.

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))

There are no known natural hazards or significant natural assets on or near the site.

Flora

There are several mature trees and shrubs on the northern boundary of the site and a mature palm tree on the western boundary. An arborist report was not included with the application. However, the removal of any of these trees should be assessed at the development application stage.

Contamination

Given the site's use as a bowling club there is potential for contamination to have occurred from the herbicides and pesticides use to maintain the bowling greens. A site contamination report should be completed to identify whether contamination exists and if so, how it may be addressed at the development application stage.

Heritage issues

The site is listed as a heritage item number 451 under the Waverley LEP 2012, described as 'Post War Modernist style Waverley Bowling Club'. The Council's heritage inventory sheet states that "The Waverley Bowling Club clubhouse is a notable and rare

¹ <http://www.aihw.gov.au/aged-care/residential-and-community-2011-12/services-and-places/>

example of Post War Modernist style, employed for a sporting institution of great local historic significance”.

The schemes submitted with the application show that the existing clubhouse would be demolished. On 8 August 2017, the applicant submitted a letter with additional information stating that:

- the classification of the building as a heritage item, may be potentially challenged as, the eastern addition to the building was tacked on to the original form of St Gabriel’s School which was originally on the site. The architectural merit is therefore questionable;
- the building is in disrepair and ongoing maintenance costs are not viable in the long-term;
- the history of the site is more so represented through its use as a bowling club, and its social history in connection with that use, than for the building itself; and
- the response to demolish the existing building is considered sound and without impact to the context of the site, the history of which is ingrained in its contribution as a community facility and memorabilia attaching to that use, the latter intended to be retained as part of an interpretation strategy.

Should the scheme progress to a development application, a heritage assessment including options for adaptive use of the bowling club should be provided, and if reuse is not possible, demolition would need to be assessed against heritage considerations.

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 is occupied by the Waverley Bowling Club which is a registered club. The site currently contains three existing bowling greens and a club house.

The application states that the club has limited profitability and a membership level that would not make it financially viable within the next five to 10 years. The application states that the existing use of the facility is underpinned by social users of the facility not regular users, and therefore the existing use has a limited lifespan.

The application states that should a seniors living development proceed, a registered club would be provided on the site and that in conjunction with the North Bondi Golf Club a new bowling club would be provided elsewhere. Refer to point 4 below for more information.

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.

Other permitted uses on the site include child care centres, community facilities, information, recreation facilities (indoor), recreational facilities (outdoor), education facilities, registered club and respite day care centres. The applicant did not comment on these uses but the applicant’s concept included a child care centre and registered club. The Department notes the proximity of Waverley Park and Oval which provide open space and sporting facilities which are open to the general public, not just private members.

The proposal is therefore considered to be consistent with the likely future uses on the land.

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 Bondi Road local village centre (420m) which comprises a variety of day-to-day retail services and cafes and restaurants. The Bondi Junction Commercial Centre comprising Waverley Library, Waverley Community and Seniors Centre, multiple medical centres, banks, and other services is approximately 1km from the site and easily accessed by public transport. Other facilities nearby include Waverley Oval and the Margaret Whitlam Recreation Centre which contains rooms for events. Likewise, the Waverley College has a range of venues including an 1800 seat auditorium and 215 seat theatre.

There is a bus stop directly in front of the subject land that is accessible in accordance with the gradient requirements of the SEPP. The 360 and 361 bus routes service the site and connect it to Bondi Junction and from there to the Sydney CBD.

Traffic and transport services

Residents will have access to regular bus services to Bondi Junction, and Clovelly from the bus stop directly in front of the site on Birrell Street. Bondi Junction provides a comprehensive range of shops and services satisfying the requirements of clause 26. The application stated that access to public transport would be available to future residents of the site within 160m at a gradient which complies with the requirements of clause 26.

On 8 August 2017, a Preliminary Traffic Report prepared by InRoads Group was submitted by the applicant. The report examined the additional movements under the two schemes for the site and stated that the redevelopment of the site as proposed will result in:

- 86–97 vehicle movements in the AM peak hour; and
- 47–58 vehicle movements in the PM peak hour.

The Preliminary Traffic Report states that the additional traffic generation is low (fewer than an average 2 vehicle trips per minute in peak hour periods) and that the net impact of both schemes on the surrounding road network is expected to be marginal.

To resolve whether the traffic generated from a redevelopment of the site for seniors housing will be suitable, a traffic and transport study which considers the existing transport conditions, forecast traffic generation, road network impact, parking provisions, access arrangements, and public transport availability should accompany a development application for the site.

Servicing

There are no known constraints on local services and utility infrastructure in the area, and the applicant stated that all required services and infrastructure are available within the vicinity of the site. 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. Being a bowling club, the land is currently used for private recreation and is not available as public open space. The applicant states that through the redevelopment of the site, the bowling club is proposed to be relocated to a new facility within the Bondi Golf and Diggers Club. The applicant proposes a redesigned 9-hole golf course, two bowling greens, a multi-purpose space for activities such as karate and squash, new restaurant facilities and new ancillary club facilities.

The applicant proposes that a voluntary planning agreement is established to fund the relocation and redevelopment, and if the move took place there would be a minor loss of recreational land in the Waverley LGA which would be off-set by upgrading existing facilities and the provision of new facilities.

On 22 August 2017, the members of Eastern Suburbs Leagues Club voted not to amalgamate with the Bondi Golf and Diggers Club making the relocation of the bowling club uncertain. No further comment from the applicant has been provided on this issue.

In the vicinity of the site, Waverley Oval provides active recreation areas and facilities, and Waverley Park and Bronte Park and provide large areas of open space for passive recreation. Should a seniors living development be constructed on the site, demand for active recreation is likely to be low. Waverley College is near the site and is zoned SP2 Education Establishment. The proposed seniors living development will not increase demand for additional SP2 Educational Establishment zoned land.

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 concepts that accompanied the application comprises four buildings across the site which range between 2-7 storeys (Figure 2). The concepts show:

- A 2 storey building is in the south western corner adjacent to the 1-2 storey dwelling houses to the south in Henrietta Street.
- A 4 storey building is in the southern, middle part of the site adjacent to a 4 storey residential flat building (RFB) to the south accessed via Henrietta Street.
- A 4-5 storey building is in the north eastern corner of the site at the intersection of Langlee Road and Birrell Street. To the east across Langlee Avenue is a 4 storey RFB, to the south are 2 storey dwelling houses, to the north is Waverley Park, and to the north east are 4 storey RFBs and 2 storey dwelling houses.

- A 6-7 storey building is in the north western corner of the site at the intersection of Henrietta Street and Birrell Street. To the west across Henrietta Street are 1-2 storey dwelling houses.

The Birrell Street elevation of the concept buildings is shown in Figure 4.

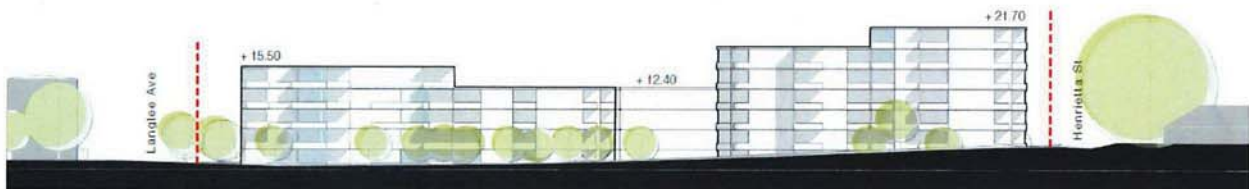


Figure 4 – Birrell Street elevation (Source: Hamptons Property Services)

The concept schemes shown in the application do not vary the building bulk, but in Scheme 2, the 4 storey building in the southern middle part of the site is occupied independent living units.

In the wider area, the maximum number of storeys along Birrell Street is 8 storeys at No 205 and 5 storeys in part of the Waverley College approximately 250m west near the intersection of Carrington Road. However, the predominant built form along Birrell Street is 4 storey residential flat buildings and 1-2 storey dwelling houses. In Langlee Avenue, the predominant built form is 2-3 storey dwelling houses, with a single 4 storey residential flat building on the eastern corner of Langlee Avenue and Birrell Street.

It is noted that the 5-7 storey buildings are inconsistent with the height of buildings in the immediate vicinity. A height of 7 storeys is also inconsistent with the maximum building heights provided in Waverley LEP 2012 which are between 8.5m (2 storeys) and 12.5m (4 storeys).

Any future development application for the site should address:

- the contextual fit of a 7 storey element at north west corner;
- adequate solar access being provided to dwellings to the south of the site;
- a transition from the 5 storey element at the eastern end of the site to the two storey dwellings on Langlee Avenue; and
- providing open space across the site which is practical and of high amenity.

It is considered that the final design and building heights, and the appropriateness of the proposed buildings on the site, can be adequately considered and determined 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 with the Waverley Local Government Area.

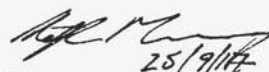
RECOMMENDATION

It is recommended that the Executive Director, Regions 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.



Karen Armstrong 5/9/17
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