

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

SITE: The subject site is known as the site of the Harbord Diggers Club and is bounded by Lumsdaine Drive, Carrington Parade and Evans Street and McKillop Park (aerial photo **Tag F**).

The site has an area of 15,599sqm and is owned by the Mounties Group.

APPLICANT: Mt Prichard Community Club

PROPOSAL: Urbis has prepared a concept plan for the development of the site for seniors housing. The key elements of the concept plan (**Tag G**) include a new registered club building and seniors housing development of one to five storeys around the perimeter of the site. The central area is proposed to contain open space. The site compatibility certificate application suggests that 75-125 self-contained dwellings could be accommodated on the site.

LGA: Warringah

PERMISSIBILITY STATEMENT

The subject site is zoned R2 Low Density Residential under the Warringah LEP 2011 (zoning map **Tag H**). Dwelling houses are permissible in the R2 zone under the LEP. Seniors housing is prohibited in the zone.

Land which directly adjoins the site to its north and west is zoned R2 and land directly to its east and south is zoned RE1 Public Recreation under Warringah LEP 2011. The Seniors Housing SEPP applies to land which is zoned for urban purposes or adjoins land zoned for urban purposes and where dwelling houses are permissible with development consent.

The subject site is currently utilised by a registered club. Registered clubs are permissible on the site under Schedule 1 Additional Permitted Uses of Warringah LEP 2011.

The Seniors Housing SEPP applies to the subject site as it is land that is zoned for urban purposes, where dwelling houses are permissible under Warringah LEP 2011 and it is land which is being used for an existing registered club.

CLAUSES 24(2) AND 25(5) of the SENIORS HOUSING SEPP

The Director General must not issue a certificate unless the Director General:

- (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;*
- (b) *is of the opinion that:*
 - (i) *the site of the proposed development is suitable for more intensive development; 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 WARRINGAH COUNCIL

Warringah Council **objects** to a site compatibility certificate being issued for the subject site (letter **Tag B**) for the following reasons:

- The site does not contain significant or unique environmental features. However, the site is identified on Council's Land Slip Risk Map, located on a visually prominent headland and within the vicinity of heritage listed coastal cliffs.
- Seniors housing is prohibited in the R2 zone, which reflects the site's scenic, visually sensitive character and the intensity of the proposed development exceeds current planning controls. The scale and built form is not compatible with the detached housing character of the surrounding residential area and the intended use of the site.
- The proposal exceeds height controls under the LEP and setbacks are not consistent with current controls and there is inadequate setback to McKillop Reserve.
- The site is located 700m from Freshwater Village which provides services and infrastructure, however adequate information is yet to be provided to illustrate availability of public transport.

Council requests a number of issues be considered further, including: building height, view analysis, building appearance of detached style housing, landscape buffer and impact on possible threatened native vegetation species or ecological communities.

Council also noted that the current club building is unsympathetic to the site's headland location.

On 28 August 2012 Council passed a motion to formally object to the application for seniors housing on the site.

Response to comments from Council

Council's comments about the R2 zoning of the land and the residential character of the surrounding area are noted. However, the LEP recognises the Club as a permissible use under Schedule 1. The surrounding area includes existing medium density housing and residential flat buildings. On this basis, redevelopment of the site to include seniors housing is consistent with the context of the locality.

Council is of the view that the current Club building is unsympathetic to the site's headland location. This proposal provides an opportunity to redevelop the site to better complement the character of the site's coastal location.

The proposed buildings range from one to five storeys in height and the application advises that the new building form represents a reduction to existing building bulk (page 19 of the Application and see layout design at **Tag G**).

The site compatibility certificate process considers the impact of the bulk and height of the proposal, it does not approve the design of the buildings. This is the responsibility of the relevant consent authority. Many of the issues raised by Council, such as setbacks and views can appropriately be considered at development application stage.

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The Director General must not issue a certificate unless he/she 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 subject site forms part of the residential area of Freshwater, which is developed for single detached dwellings with medium density housing and some residential flat buildings. The site is also close to a local centre and a range of urban services and recreational opportunities.

The site includes a 4 to 5 storey club building, 2 to 3 storey car parking structure, three bowling greens and open space. The subject site also includes a residential property at 4A Lumsdaine Drive, which has been acquired by the Club.

An open car parking area, which is currently licensed to and used by the Club, is located on Crown land to the east of the site. The car park is excluded from the redevelopment proposal.

The site meets the criteria that the Director General must consider in terms of its suitability for more intensive development because:

- the site is already zoned for residential purposes and forms part of an existing residential area;
- the site is in close proximity to residential flat buildings of up to eight storeys in height;
- there are no major environmental or heritage constraints which deem the site unsuitable for more intensive development; and
- the site is already developed for a Club use that will be enhanced in the new development.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND SURROUNDING LAND USES

The Director General must not issue a certificate unless he 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 regard to the following criteria (clause 25(5)(b)) and clause 24(2)(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))

Ecological and riparian

An Ecological Opportunities and Constraints Assessment prepared by EcoLogical Australia in 2011 found a total of 93 flora species across the study area (10km radius of the subject site), of which 24 are exotic species. The native vegetation was found to be generally in excellent condition. No threatened flora species or endangered ecological communities were recorded within the subject site.

The Assessment included a literature review, including a review of Warringah Natural Area Survey: Vegetation Communities and Plant Species (Smith and Smith 2005) prepared for Warringah Council and a one day site inspection (**Tag N**).

The Assessment made the below findings:

Area covered by native vegetation

Sandstone Headland Heath was found on Council managed land extending from the carpark, which is not part of the subject site. The Heath is not listed as a threatened vegetation community under the Threatened Species Conservation Act 1995 or the Environment Protection Biodiversity Conservation Act 1999. However, Smith and Smith (2005) have classified the Heath as threatened in Warringah, it has been more than 70% cleared in the LGA. The greater proportion of the Heath is in excellent condition.

Areas that are cleared or developed

Vegetation surrounding the car park was found to be dominated by horticultural varieties and native plantings. The developed area and landscaped gardens provide limited fauna resources.

Maintained Lawn

The Assessment found that the subject site includes maintained lawns with exotic grass species and that two native understorey and canopy species are established on the subject site. Smith and Smith (2005) were of the view that the presence of *Eucalyptus scias* within this vegetative patch is significant as it is listed as threatened in northern Sydney. Despite this, the Assessment found that the overall health and ecological value of these highly disturbed patches was low.

Fauna Habitat

The Assessment found that fauna habitat across the site is limited due to the size of the site. However, vegetation on the site offers potential foraging and nesting opportunities. Although no threatened fauna species were recorded within the subject site, the Assessment advises that previous database records indicate that there is a high potential that threatened species utilise the area.

Warringah Council has identified the subject site as a Priority 3 Corridor, a corridor of general vegetation linkages along the coast or bushland area (Smith and Smith, 2005). However, the Assessment advises that the vegetation within the subject site is isolated from adjacent vegetation by minor roads and urban development and where possible, connectivity of vegetation should be retained.

Overall findings

The assessment concludes that the revegetated/disturbed area has moderate to high development constraints and acts as a buffer to the Sandstone Headland Heath and provides additional vegetative habitat for foraging fauna. The maintained lawn and developed areas have high development opportunity due to the level of disturbance and limited potential for suitable flora and fauna habitat within these areas.

A small portion of the subject site is located within a Wildlife Corridor identified in Council's DCP and some of the land proposed to be redeveloped falls within land identified as a wildlife corridor (**Tag I**).

Council's submission on the application advised that the site does not contain significant or unique environmental features.

The applicant advises that the redevelopment will include the removal of trees from the site, however the subject trees do not have any significant value. Further detailed flora and fauna assessment can be carried out as part of the development assessment stage.

Bushfire

The subject site is not identified as bushfire prone on Warringah's Bush Fire Prone Land Map 2010. There is no bush fire prone land in the vicinity of the subject site.

Flooding

The site is not identified as flood planning land on the exhibited version of Flood Planning Area Map in Warringah LEP 2011.

Coastal zone

The subject site is not within the coastal zone under the Coastal Protection Act 1979. The open car park, which adjoins the site, is within the coastal zone, however, this land does not form part of the subject site. The subject site adjoins the coastal zone of the Harbord Headland (**Tag J**).

Geotechnical assessment

A Geotechnical Assessment report prepared by Jeffery and Katauskas Pty Ltd in 2011 found that the redevelopment of the site is feasible from a geotechnical perspective, provided the report's recommendations are adopted. It is noted that the assessment was limited to a walkover inspection.

The Landslip Risk Map under Warringah LEP 2011 identifies the site as being within Area B – Flanking Slope 5 to 25 degrees. Further geotechnical work may be required as part of the development application. If required, a contamination report can be prepared at development assessment stage.

Heritage

There are no heritage items on the subject site and the site is not a heritage conservation area. Local heritage items in the vicinity of the site include Freshwater Rock Pool, Duke Kahanamoku Statue and Memorial Park. The coastal cliffs between South Curl Curl beach and Freshwater Beach are listed as a conservation area in Warringah LEP 2011 (**Tag K**). It is considered that the redevelopment of the site would not have any adverse impacts on the heritage significance of these items.

Existing uses

The subject site is used for the purposes of a registered club, car parking, recreation and one dwelling house. The use of the site for a registered club will continue as part of this proposal.

The site adjoins McKillop Park and land zoned for residential purposes, including single detached dwellings and some residential flat buildings to the immediate south-west of the site and scattered throughout the area fronting Freshwater Beach (**Tag L** identifies medium density residential housing (of 3 storeys or more) in the area).

2. 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 (clause 25(5)(b)(ii))

The subject site is currently zoned for residential purposes and dwelling houses are permissible on the site under Warringah LEP 2011. The land directly adjoining the site, to its north and west, is also zoned for residential purpose and is developed for single detached dwellings with some apartment buildings. The future use of the land will remain urban and developing the site for seniors housing will be consistent with the likely future use of the land and adjoining urban land.

The subject site is also near public transport, Freshwater small village, open space and other services. An appropriate location for housing is within close proximity of centres with good public transport. This supports any likely future use of the site to include housing.

The application advises that the Mounties Group has a membership of approximately 108,000 people, 28,000 of whom reside in the Manly/Warringah area. It is advised that the Club will continue to operate on the site and will continue to provide community facilities to its members.

Retaining the use of the Club on the site with accompanying seniors housing is appropriate and will improve the ability of the Club to provide services to the community.

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))

Access to services and facilities

The nearest centre to the subject site is the Freshwater small village located at a distance of approx. 700/800m. This centre has a range of retail and services including an IGA, ATM and Bendigo Bank, GP practice, post office, pharmacy and dentist. A general store is also located on Albert Street approximately 550m from the site.

The site is located approximately 3.5km from the major centre of Dee Why-Brookvale, which services the north east subregion. Services at Warringah Mall at Brookvale include banks, post office, library, medical centre and 2 supermarkets and a variety of speciality stores.

The subject site is 4km from Manly town centre. Services at Manly include banks, post office, optometrist, supermarket and variety stores. A bus network runs from the subject site to all the above mentioned centres.

The nearest health service facility to the site is the Manly Hospital, located at a distance of approx. 5km. The Hospital provides for 196 beds respectively, emergency services and critical care.

With regard to recreational services, the subject site is in close proximity to a number of parks, reserves and open spaces. The nearest open space facilities include: McKillop Park which adjoins the site, Freshwater Beach, Aitken Reserve and Harbord Park.

Clause 26 (Location and Access) of the SEPP (Housing for Seniors and People with a Disability) 2004 requires that seniors living developments are accessible to the following services and facilities:

- *shops, bank service providers and other retail and commercial services that residents may reasonably require, and*
- *community services and recreation facilities, and*
- *the practice of a general medical practitioner.*

As discussed above, services required under Clause 26 are available to future residents of the seniors housing proposal within the nearby centres of Freshwater and Dee Why-Brookvale.

The nearest bus stop from the subject site to the centres is located directly outside the site on Evans Street. There is also an express bus running during weekday peak hour from South Curl Curl to the CBD. This bus stop is in walking distance of the site. Buses from the Dee Why-Brookvale major centre also run to the CBD.

Details of bus services to and from the site as they relate to the requirements of the Clause 26(2)(b) are set out below.

• Services to Warringah Mall	- 8 between 8am and 12pm - 10 between 12pm and 6pm
• Services to Manly Esplanade	- 8 between 8am and 12pm - 12 between 12pm and 6pm

Under the SEPP a public transport service is required to be located at a distance of not more than 400m from the site of the proposed development and is to be available at least once between 8am and 12pm and once between 12pm and 6pm on weekdays. The public transport services comply with the requirements of Clause 26, in terms of distance requirements and frequency.

Clause 26 also sets out requirements for gradients of pathways to public transport facilities. The application advises that access from the site to the bus stop is achievable on pedestrian paths with a gradient of no more than 1:14.

Utility infrastructure

Water, Sewer and Power

The application has not advised whether there is water, sewer or electricity capacity to service the proposal. However, it is noted that the subject site is located within an existing urban area which is serviced by utility infrastructure. It is considered that matters regarding capacity can be further investigated at development assessment stage.

Any proposed financial arrangements for infrastructure provision

The applicant has not provided any details of financial arrangements for infrastructure provision. If appropriate, Council may consider opportunities to improve infrastructure provision in the area during the development assessment stage.

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 to this application, as the subject site is not zoned for open space purposes.

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 concept plan proposes to develop the site for infill self-care seniors housing, community facilities and a new registered club.

The concept proposes a seniors housing component consisting of 75 to 125 infill self-care seniors dwellings. A new registered club building is proposed with a total floor space of 8,000sqm, and is to include a gym and pool. The proposal will also include basement car parking.

The buildings are proposed to range from one to five storeys in height and therefore will not comply with the 8.5m maximum height limit under Warringah LEP 2011. The application advises that the new building height represents a reduction to existing building bulk.

The location, bulk and orientation of the proposal responds to the site's topography and complements the surrounding residential area. Buildings of greater height are located adjacent to existing residential flat buildings, while lower buildings are proposed to face the coastline, top storeys of buildings are setback, corner buildings are designed to face the street and the central open space reduces the overall bulk of the design.

The new Club building is located away from the existing residential area, reducing its impacts on adjoining residential properties and is positioned to maximise views to the coast.

The existing open car park, on Crown land, is proposed to be revegetated and returned to public use. Open space is also proposed to be located in the centre of the site.

Once a Certificate has been granted, further work on the design of the site will be undertaken by Warringah Council, to ensure the new development contributes to the overall character of the area. Based on the concept plan provided, the scale and bulk of the proposed development of up to 125 seniors dwellings could be further refined in a manner that will be sympathetic to scale of the surrounding area.

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))

It is noted that the Native Vegetation Act 2003 does not apply to urban areas. The possible impact of the proposal on native vegetation has been discussed in an earlier section on the natural environment.

OTHER RELEVANT MATTERS

Demand for seniors housing in the North East Subregion

Population projections indicate that in the north east subregion, the population of over 65 years of age is likely to grow to 50,510 (19.6 per cent of the total population) by 2031. The ageing population is likely to contribute to the need for greater housing choice and generate demand for higher density housing.

It is noted that the majority of the existing housing stock in the subregion is detached dwellings, which makes up 63.3 per cent of housing stock in Warringah. Therefore there is significant demand for a broader mix of housing types within the area, including seniors housing.

Seniors housing in this location will accommodate some of the current demand which exists for seniors living within the subregion and is consistent with Action C2.2 of the draft North East Subregional Strategy, which aims to provide self care housing for seniors and people with a disability.

Public consultation

The applicant has advised that it has held several community events to inform the public of the proposed future use of the site. A community open day, held at the Club on 15 October 2011 was attended by more than 150 people.

A community information and feedback session was held on 31 December 2011 and 16 people also attended a series of discussion sessions where working ideas were presented. The key issues identified at these meetings related to the height of proposed buildings, access to parking, size and type of complementary uses and location of community facilities.

The Club also established a community reference group comprising 14 people to discuss future options for the site. Five workshops were held between November 2011 and late May 2012, which discussed the site compatibility process and the proposed redevelopment of the site.

It should be noted that public consultation for an application for a site compatibility certificate is not a requirement of the SEPP. Public consultation will be undertaken when a development application is lodged with Council.

Submissions from the public

A number of submissions have been received from the public, **objecting** to the redevelopment of the Harbord Diggers Club site for seniors housing (**Tag M**). Submissions have made the following comments:

- The site compatibility certificate process does not including an avenue for public consultation and the consultation undertaken by the applicant is insufficient. Submissions raised issues regarding conflict of interest.
- The proposal will destroy the environmental significance of the site, wildlife corridor and adjoining heritage conservation area.
- The proposal is an over development, it will destroy the character of the area and is inconsistent with the maximum building heights, zone objectives and current permissible uses on the land. Submissions have asked the site to be zoned for private recreation purposes.
- The proposal will result in a reduction to the size of the Club's recreation and leisure facilities, privatise the use of the site and will lead to a land use conflict between recreation and residential uses.
- The proposal will result in a loss of views and impact on traffic in the area.
- The Club previously attempted to obtain an approval to build residential flat buildings on the site, which was refused due to its bulk, scale, built form and character.
- Surrounding residential flat buildings are inappropriate for the area and should not be used as an argument to support this proposal.

The use of the site for seniors housing will not destroy the significance of adjoining heritage items and environmental areas. As previously indicated in this report there are no heritage items on the subject site (the site of the proposed redevelopment).

Although the proposed buildings are higher than the 8.5m maximum building height under current planning controls, the application advises that the new building form represents a reduction to existing building bulk.

Nonetheless, although the site compatibility certificate process considers the impact of the bulk and height of the proposal, it does not approve a specific development proposal for the site. This is the responsibility of the relevant consent authority when a development application is lodged. It is considered that intensifying the use on the site to permit seniors housing is appropriate.

It is noted that the concept plan proposes to retain the Club on the site.

Warringah Planning Controls

The site was within Locality H1 Freshwater Beach under Warringah LEP 2000 and seniors housing was a Category 2 use, which is development that may be consistent with the desired future character of the locality.

During the public exhibition of Warringah's standard LEP in late 2009, a submission was made on behalf of the Harbord Diggers Club which requested a number of additional permitted uses on the site, including seniors housing on the basis that the R2 zoning was a 'down zoning' and not a true translation.

Warringah LEP 2011 was made as exhibited for the site (with the exception of correcting/ inserting Lot and DP), however it should be noted that the LEP has removed controls that previously permitted seniors housing on the site.

Previous development applications on the site of the Harbord Diggers Club

On 17 April 2010, a Development Application (DA2008/1163) was refused on the site for a residential development consisting of 8 buildings containing 26 dwellings. The Warringah Development Assessment Panel refused the application because the proposal did not maintain the visual pattern and scale of detached style dwellings and it detracted from the visual quality of the headland.

In December 2010, a request was made on behalf of the Club, that the redevelopment of the site be declared a major project under former Part 3A of the ERP&A Act. The application proposed five buildings ranging from 2 to 6 storeys and accommodating a redeveloped club (8,000m²) and 100 seniors housing dwellings. In April 2011 the Club withdrew the application, given the lack of certainty over the Part 3A process.

CONCLUSION

A site compatibility certificate for seniors housing on the Harbord Diggers Club site should be approved.

Given the site is already zoned for residential purposes and forms part of an existing residential area and given the sites proximity to residential flat buildings of up to eight storeys in height, it is considered that the site is suitability for more intensive development.

There are no major environmental or heritage constraints which deem the site unsuitable for more intensive development.

The subject site is located in close proximity to public transport, Freshwater small village, open space and other services. It is considered that an appropriate location for greater housing density is within close proximity of services with good public transport. Therefore, the likely future use of the site will continue to be for urban purposes. The proposal also complies with requirements set out in Clause 26 of the SEPP.

It is noted that the majority of the existing housing stock in the subregion is detached dwellings, which makes up 63.3 per cent of housing stock in Warringah. Therefore there is significant demand for a broader mix of housing types within the area, including seniors housing. Seniors housing in this location will accommodate some of the current demand which exists for seniors living within the north east subregion.

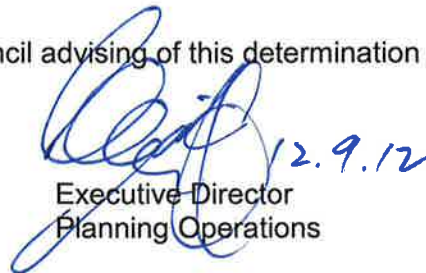
RECOMMENDATION

It is RECOMMENDED that the Director General:

- **note** this report;
- **consider** any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from Warringah Council;
- **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 having had regard to the criteria specified in clause 25(5)(b);
- **form the opinion** that development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding land uses;

- **determine** the application for a site compatibility certificate under clause 25(4)(a) by issuing a certificate **Tag C** for the Harbord Diggers Club site; and
- **sign** the letters to the applicant and Council advising of this determination **Tags D and E**.


Regional Director
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Director General