

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 32 DP 868310, 221-223 Fisher Road North, Cromer.

The Site Compatibility Certificate (SCC) application applies to Dee Why Bowling Club. The site is 1.15 hectares, flat and clear of vegetation, comprising a two-storey clubhouse, three lawn bowling greens, a car park located on the northern boundary of the site and overspill car parking and surplus land on the southern portion of the site (refer to Figure 1).

The site is located to the rear of detached dwellings which front Fisher Road North and adjoins a reserve to the north, east and south. An underground easement is located along the eastern portion of the site for Dee Why Creek. The site is currently zoned RE2 with a maximum height of 8.5 metres.



Figure 1: Site Location (outlined in red). Source: SIX Maps 2016

APPLICANT: Dee Why Bowling and Recreation Club

PROPOSAL: To develop the site for two apartment buildings containing 24 two bedroom self-contained dwellings, basement car park and relocate the existing bowling club on the site. The proposed building envelope identifies a potential building height of up to three (3) storeys for the two buildings.

LOCAL GOVERNMENT AREA: Northern Beaches (formerly Warringah)

PERMISSIBILITY STATEMENT

The site is zoned RE2 Private Recreation under the *Warringah Local Environmental Plan 2011* (Warringah LEP 2011), shown in Figure 2. Recreation facilities (outdoor) are permissible in the RE2 zone under the Warringah LEP 2011, however, registered clubs and seniors housing are prohibited in this zone.

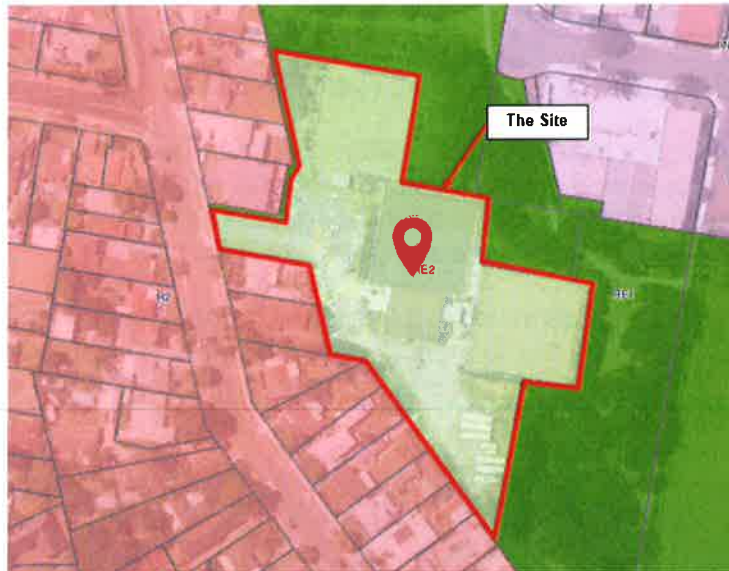


Figure 2: Zoning of the Site (outlined in red). Source: Planning Viewer 2016

The site is currently used for an existing registered club. Dee Why Bowling Club obtained their club licence under the *Liquor Act 2007*. Although Warringah LEP 2011 prohibits registered clubs in RE2 zones, the club has existing use rights for the site.

The *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing Policy) applies to the subject site because the proposed site adjoins land zoned for urban purposes and is being used for the purpose of an existing registered club.

The proposed development satisfies clause 17 of the SEPP (Seniors Housing) which permits (subject to consent) serviced self-care housing.

CLAUSES 24(2) AND 25(5)

The Secretary must not issue a certificate unless the Secretary:

- (a) has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the General Manager of the council within 21 days after the application for the certificate was made; and
- (b) is of the opinion that:
 - i) the site of the proposed development is suitable for more intensive development 24(2)(a); and
 - ii) the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b).

COMMENTS FROM COUNCIL

The Secretary must not issue a certificate unless they have taken into account any written comments concerning the consistency of the proposed development with the criteria specified in clause 25(5)(b) received from the General Manager of the council within 21 days after the application for the certificate was made (clause 25(5)(a)).

Northern Beaches Council provided comments about the proposal on 31 March 2016, (Tab B). Council raised the following concerns with the development:

- the proposed development is inconsistent with the Seniors Housing Policy criteria referring to impacts on the natural environment and the built form on the surrounding vicinity;
- the application is incomplete, as no evidence is provided to support the claim that the bowling club is an existing registered club;
- **Flooding:** Council's mapping (Figure 3) indicates the southern half of the site is subject to the 1:100 Average Recurrent Interval (ARI) flood event plus 0.5 metre freeboard Flood Planning Level. Therefore, Council:
 - requests the applicant provide a Flood Study to determine existing and post-construction flooding for the 1% AEP and Probable Maximum Flood (PMF) scenarios. This will determine the floor level of the proposed seniors housing which must be at least above the relevant post construction Flood Planning Level or PMF level, as the land use is categorised as vulnerable development; and
 - claim that Council's flood study of the site indicates substantial flood mitigation works may be required, then the site could potentially be classified as environmentally sensitive land which the Seniors Housing Policy does not apply.



Figure 3: Flood Planning Level (blue). Source: Warringah Council Response 2016

- **Waterways:** Council notes that there is no change proposed to the existing creek system but the applicant is required to address the relevant controls under Warringah Development Control Plan 2011, particularly stormwater disposal methods to ensure discharge points do not lead to instability or erosion of the downstream creek or bank. In previous pre-DA advice, Council noted that the development would be classified as Integrated Development under the EP&A Act as the land is located within 40metres of a watercourse, thus a referral to the NSW Office of Water would be required;
- **Threatened species:** Council state the proposed development will impact the existing underground stormwater drainage system, which currently runs through the site and is

known to accommodate micro-bats. Council recommends a project ecologist undertakes a survey of the culvert to ascertain the presence of this species; and

- **Impact of built form:** The proposed three-storey built form is considered inconsistent with the bulk, scale, built form and character of the existing uses in the vicinity and would not comply with the maximum building height development standard under the Seniors Housing Policy. Council also request that that the proposed setbacks to the residential area to the west be increased to mitigate the impact of the bulk and scale at the boundary.

Council noted that Dee Why Bowling Club's registration as an existing registered club was not provided in their application. The Department requested Dee Why Bowling club provide this information and the club provided a copy of their license to the Department. The club obtained their licence under the *Liquor Act 2007*.

Council believe the site could be classified as environmentally sensitive land, and in this case, development on the site would not be permitted under the SEPP. However, the SEPP does apply to this site as it is not currently zoned environmentally sensitive land, is being used for an existing registered club and adjoins land zoned for urban purposes.

Concerns raised by Council with the bulk and scale of the development can be addressed at the development application stage. It is noted that the SEPP applies to this site and ensures Council cannot refuse consent to a development application for self-contained seniors housing if the applicant complies with clause 50 of the SEPP. Under this clause a consent authority cannot refuse a development application if all buildings for the purpose of a self-contained dwelling are 8 metres or less in height.

It is considered that all other issues raised by Council can be suitability addressed at the development application stage.

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The Secretary must not issue a certificate unless they are of the opinion that the site of the proposed development is suitable for more intensive development (clause 24(2)(a)):

1. The site of the proposed development is suitable for more intensive development (clause 24(2)(a))

The site is adjacent to a low density residential area in Dee Why, which is characterised by one to two storey detached dwellings. A local shopping strip is located approximately 650m from the site, the Dee Why Town Centre is within 2km of the club and Warringah Westfield is located 4km south of the site. The existing community infrastructure in the surrounding area is sufficient and will be able to accommodate the additional capacity from the proposed seniors housing.

The site is adequately serviced by public transport. Two bus stops are located along Fisher Road North, within 100 metres from the entry to the site. Regular bus services are available between the site and local service precincts, including the local shopping strip, Dee Why Town Centre and Warringah Westfield. Regular bus services are also available from the site to Sydney CBD, North Sydney, Mosman, North Manly and Collaroy Plateau.

It is considered that the proposed development and site broadly meets the criterion in terms of suitability for more intensive development, due to the following:

- the site adjoins an established low density urban area;
- the site is within close proximity to Dee Why Town Centre, medical services and public transport infrastructure; and
- the development meets the demand for increased aged and disability care facilities in the area, as identified in *A Plan for Growing Sydney*; and
- the site is being used for the purpose of an existing registered club.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND SURROUNDING LAND USES

The Secretary must not issue a certificate unless they are 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))

Existing Uses

The site is used for the purpose of a registered club and associated lawn bowling greens. The site adjoins land zoned for urban purposes, including low density residential dwellings to the north, south and east. Public recreation space borders the north-eastern side of the site, with Industrial development located further north.

There are existing aged care and senior housing facilities within the surrounding area. Dee Why Gardens Retirement Village is located 600 metres from the site, containing a mix of independent living, services apartments and home care services. Other aged care services and seniors living complexes are located approximately 2 km from the site.

Flooding Hazard

The site is affected by flooding and is identified as flood prone land according to the Warringah LEP 2011. EFW Consulting Engineers prepared a Flood Investigation Statement for the proposed development. The site is located upstream of Dee Why Lagoon and adjoins the main watercourse feeding the lagoon (Dee Why Creek) which causes overland flow onto the site. The reports states the impacts of the overland flow on the site can be mitigated by:

- setting ground levels higher than flood levels;
- providing additional overflow capacity by lowering ground levels adjacent to bowling greens; and
- amplifying capacity of existing stormwater culvert passing through the site by using carpark/driveways as supplementary overflow paths.

A Flood Impact Assessment and detailed stormwater plan will be submitted at the Development Application (DA) stage to determine the 1 in 100 year ARI flood levels that will have any impact on proposed buildings. Appropriate floor levels and post development overland flow paths will also be determined at the DA stage.

Flora and Fauna

As the site has been substantially cleared there are no substantial trees to be removed to construct seniors housing on the site.

Council notes that the site may contain a threatened species of 'micro-bats' within the box-culvert pipelines and recommends an ecologist report be undertaken to determine their presence. However, the Office of Environment and Heritage website does not list the micro-bats as a threatened species.

Geotechnical Hazard

The Geotechnical Investigation Report prepared by Mr Don Katauskas Geotechnical Consultant, concludes that the site is suitable for the proposed development. The report recommends site preparation/earthworks, excavation, shoring, groundwater issues and suitable foundation schemes to ensure the site is effectively managed.

In addition, a Contamination Investigation Report was prepared by Sullivan Environmental Sciences Pty Ltd. The site has had limited exposure to contamination, therefore, it is suitable for more intensive development.

Asbestos was detected in one soil mound at the southern end of the site which should be removed. Acid sulphate soils were also identified in the natural soils, and elevated concentrations of nickel and zinc have been detected.

To address the contamination, the report recommends preparing a Waste Management Plan (WMP) detailing the removal of asbestos and other bulk earthworks on the site. An Acid Sulphate Soil Management Plan has been recommended as a part of the Construction Management Plan to address acid sulphate soils. Management plans will be assessed at the DA stage.

Waterways

Dee Why Creek (underground) is located along the eastern boundary of the club, with the easement crossing underneath the site.

The Geotechnical Investigation Report and concept plan highlight plans to relocate the existing easement for Dee Why Creek to the western boundary of the site (refer to Figure 4). Moving the easement will enable the proposed two-storey clubhouse to be built without impeding the easement.

However, the proposal does not refer to the relocated easement or explore the implications of relocating Dee Why Creek. Additional information submitted by the proponent states that the new Club premises will not impede on the current location of the underground Creek.

It is uncertain whether the existing Creek and easement will be relocated or remain in the existing location. If the existing easement is retained, the proposed clubhouse will need to be reconfigured so no part of the structure is built over the easement. Location of the easement will be addressed at the DA stage.



Figure 4: Easements and Relocated Easements (in blue). Source: Axil Architects 2015

Bushfire Hazard

The site does not contain bushfire prone land.

Heritage

There are no heritage items or heritage conservation areas identified on the site.

Overall the proposed seniors housing development is considered compatible with the surrounding environment and surrounding land uses. Any issues are of a nature that can be addressed through a development application.

2. The impact that the proposed development is likely to have on the uses that are likely future uses of that land (clause 25(5)(b)(ii))

The site is zoned RE2 Private Recreation under the *Warringah Local Environmental Plan 2011* and is used as a registered club. Currently the site contains a club house and three lawn bowling greens.

Developing seniors housing on the site will require the relocation of the existing club and loss of one lawn bowling green. Separation between the two uses of the site will ensure the development will not adversely impact on the existing or future club operations. Strategies to adequately separate the two sites should be considered further at the Development Application stage

Therefore, it is considered that the proposed development is compatible with the future plans for the land and area. Developing seniors housing also aligns with Direction 2.3 - Improve housing choice to suit different needs and lifestyles in *A Plan for Growing Sydney*.

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))

Retail, community and medical services

A local shopping strip is located approximately 650m from site and holds eateries, a grocer, newsagent and post office. Dee Why Town Centre is located within 2km of site. This centre has a range of retail, community and medical services including supermarkets, eateries, retail, library, a local police station, places of public worship, RSL, council offices and banking. The Warringah Westfield offers a more extensive range of services and is approximately 4km from the Dee Why Bowling Club.

The nearest health service facility is located in the Dee Why Town Centre. Mona Vale Hospital is a public hospital and is located approximately 7.7km from the site. The hospital provides community health services, dental, podiatry, rehabilitation and aged care services.

Transport services

The site is adequately serviced by regular bus services along Fisher Road North (153/179/E79), located adjacent to the site. Regular bus services are provided to the local shopping strip, Dee Why Town Centre and Warringah Westfield. In addition, regular bus services are provided to Sydney CBD, North Sydney, Mosman, North Manly and Collaroy Plateau.

Under the Seniors Housing Policy, public transport services are required to be located no further than 400m from the proposed development with services to be available at least once between 8am and 12pm and once between 12pm and 6pm on weekdays. The available public transport services comply with the requirements of Clause 26 in terms of proximity and frequency.

Infrastructure

The proponent has not identified if the proposed development can be adequately serviced by the existing infrastructure on the site. Adequacy of the existing infrastructure will be addressed at the DA 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))

The site is zoned RE2 Private Recreation and is currently being utilised by a registered club. The recreational facilities are privately owned and not open for general public use. Therefore, the proposed redevelopment of the site will not impact on the provision of open space or land for special uses.

The land to the north, north-west and east of the site is zoned RE1 Public Recreation. This proposal will not restrict or impact on the adjoining public open space.

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 (refer to Figure 5) proposes to partially develop a portion of the Dee Why Bowling Club site for seniors housing. The proposal includes the development of two apartment buildings (three-storeys) containing 24 two-bedroom self-contained dwellings with basement car parking. The proponent has noted that the third storey will be setback from the front of the apartment buildings. It is intended that the existing two storey bowling clubhouse will be demolished and a new two-storey clubhouse will be built in the centre of the site.



Figure 5: Proposed Concept Plan. Source: Urbis 2016

The surrounding residential area to the south and east of the site predominately comprises one and two-storey detached dwellings. The maximum building height in the R2 Low Density Residential zone is 8.5m under the Warringah LEP 2011. Land to the north and east of the site is public open space and light industrial land uses, with a maximum height of 11m, are located to the east.

The bulk and scale is compatible with the scale of the existing and proposed clubhouse on the site. In relation to the area, given the size and configuration of the site, the building foot prints are sited to maximise the setback from the rear boundaries of adjacent properties.

Concerns with the bulk and scale of the development can be adequately addressed at the development application stage. It is noted that the SEPP applies to this site and ensures Council cannot refuse consent to a development application for self-contained seniors housing if the applicant complies with clause 50 of the SEPP. Under this clause a consent authority cannot refuse a development application if all buildings for the purpose of a self-contained dwelling are 8 metres or less in height.

To minimise the impact on neighbouring dwellings, suitable design measures, including articulation, stepped height and setbacks, will need to be considered at the DA 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 proposal is not expected to require any clearing of native vegetation because the site has already been cleared.

It is noted that the *Native Vegetation Act 2003* does not apply to urban areas or land within the Warringah Local Government Area.

CONCLUSION

Approval of a site compatibility certificate for Dee Why Sports Club is recommended.

The proposed seniors housing development has clear strategic and site specific merit. The proposed development would complement and support the continued operations of Dee Why Bowling Club. A seniors housing development will accommodate the ageing population in an area close to transport, services and infrastructure. The assessment of the site concludes the development is unlikely to have an adverse impact on the surrounding environment or land uses having regard to the criteria set out in clause 25(5)(b) of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

Endorsed by:

 29 August 2016
Stephen Murray
Executive Director, Regions

 per 1/9/16
Marcus Ray
Deputy Secretary
Planning Services

