

Report to the Sydney North Planning Panel on an application for a site compatibility certificate under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

SUBJECT SITE

The site is near the corner of Crabbes Avenue and Penshurst Street, North Willoughby (**Figure 1**). The subject site has a dual address of 243-245 Penshurst Street and 26 Crabbes Avenue, North Willoughby. The latter address is recorded as the primary address according to NSW Land & Property Information. The subject site is comprised of the following 14 parcels of land (**Figure 2**):

- Lots 4 to 11 Section C DP6291;
- Lot B DP364487;
- Lots A and B DP438684;
- Lot 1 DP950651; and
- Lots 1 and 2 DP950652.

The site has an approximate 100m-wide frontage to Crabbes Avenue (north), a 50m-wide frontage to Penshurst Street (west) and a total area of approximately 1.38ha (13,788m²).

The site has been occupied by Club Willoughby (Willoughby Legions Ex-Services Club), a registered club since 1955. At the centre of the site is the club building, which is two storeys in height. An ancillary one-storey building is in the south-western corner of the site near three unused bowling greens. The northern portion of the site is largely occupied by a hardstand car park accessible from Crabbes Avenue.

The site is well connected to nearby local and strategic centres (**Figure 3**) being:

- 230m from High Street shops;
- 440m from Chatswood East shops;
- 700m from Penshurst Street shops; and
- 1.5km from the Chatswood CBD.



Figure 1: Site map (source: Nearmap).

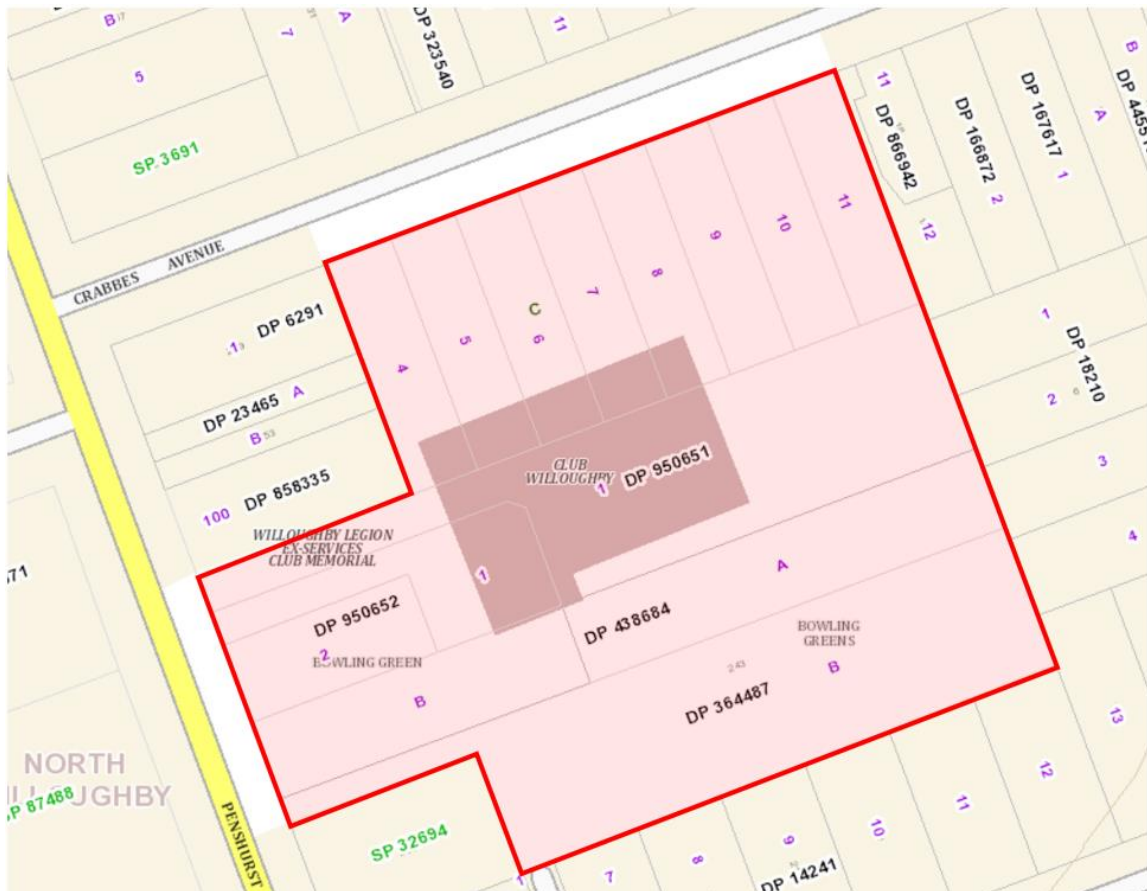


Figure 2: Legal site description (source: Six Maps).

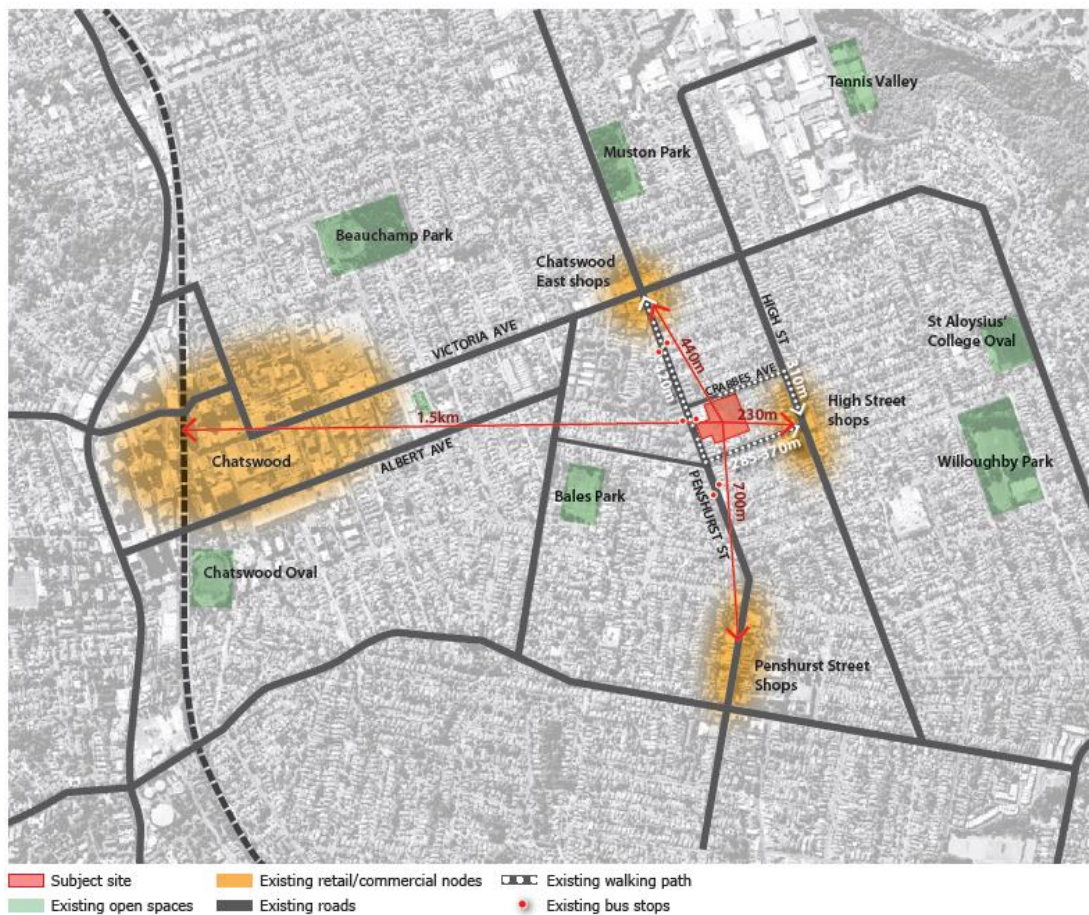


Figure 3: Site locality context (source: GMU).



Figure 4: Existing streetscape of site viewed from Penshurst Street (source: Google Maps).



Figure 5: Existing streetscape of site viewed from Crabbes Avenue (source: Google Maps).

APPLICANT

The applicant is Hycorp Property Group on behalf of the owner, Willoughby Legion Ex-Services Club Limited.

PROPOSAL

The applicant seeks a Site Compatibility Certificate (SCC) under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP) to permit seniors housing on the site because the land is used for the purposes of an existing registered club.

Club Willoughby is seeking to redevelop the site as a mix of seniors housing consisting of a residential care facility and self-contained dwellings. The application seeks to include the following components as part of the request for an SCC to be issued for the site:

- a residential care facility comprising of 36 to 72 beds;
- 99 – 125 self-contained dwellings;
- building heights of the building envelopes between two and five storeys (8.5m to 20.5m); and
- density of the future development on site to have a maximum floor space ratio (FSR) of 1.35:1.

If a SCC for the site is issued, it would allow for a development comprising of:

- five buildings ranging from two to five storeys (**Figure 6**);
- a new registered club building along Penshurst Street (**Figure 7**);
- basement car parking (378-406 car spaces) accessible from Crabbes Avenue; and
- a new park and a new war memorial along Crabbes Avenue (**Figure 8**).



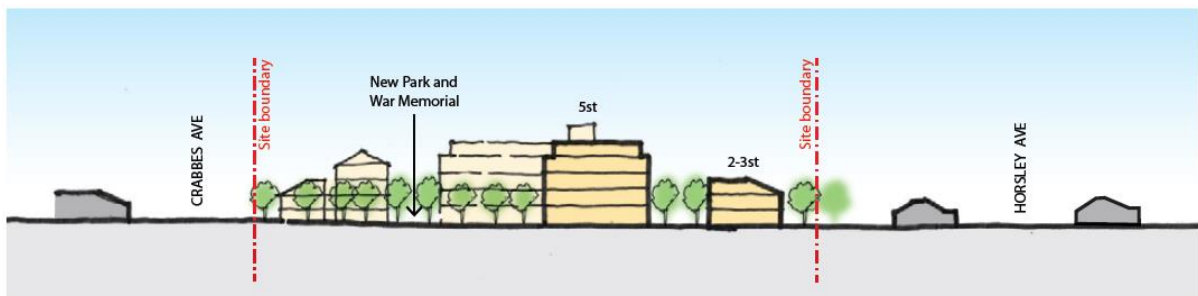
Figure 6: Concept site plan showing proposed building heights (source: GMU).



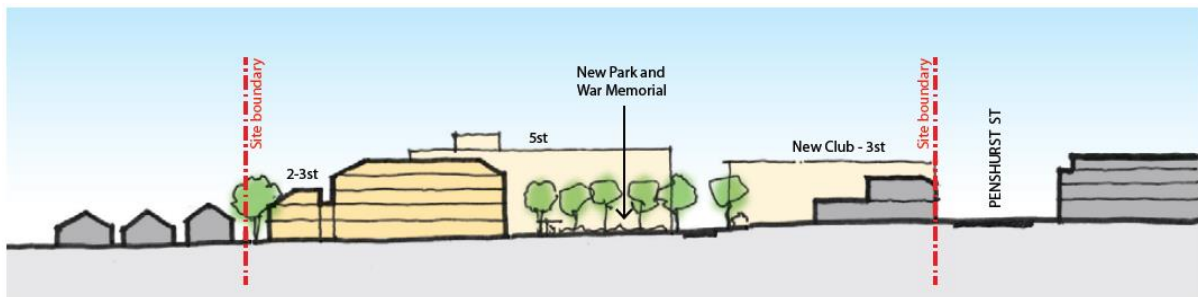
Figure 7: Streetscape view looking from Penshurst Street (source: Dickson Rothschild).



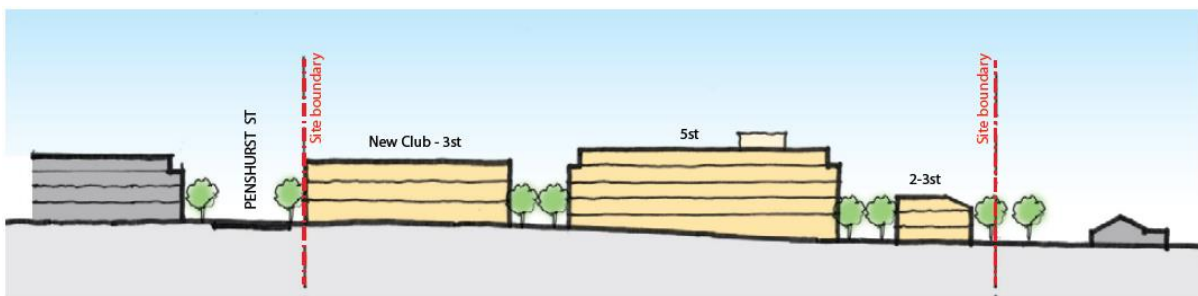
Figure 8: Streetscape view looking from Crabbes Avenue (source: Dickson Rothschild).



Section AA



Section BB



Section CC

Figure 9: Concept sections (source: GMU).

BACKGROUND

Previous SCC

On 30 August 2018, a previous SCC was issued for the subject site and is due to expire on 30 August 2020 (**Attachment D**). The SCC was issued with the following description:

"Development for the purposes of seniors housing, consisting of a residential care facility, with approximately 36 to 72 beds, and approximately 99 to 125 self-contained dwellings as serviced self-care housing."

This previous SCC comprises of the exact same development intensity as what is currently being considered under the current application.

Development Application

On 9 September 2019, a development application (DA-2019/247) was lodged with Willoughby City Council. The development application is for the purposes of:

"Demolition of existing structures and the construction of a new registered Club, Seniors Living containing self-contained dwellings, a residential Aged Care facility, new shop top housing including basement carparking and ancillary uses and including a new park."

The development application is reliant on the site having a valid SCC at the time of determination for the proposed development to be permissible.

However, it is also noted that the development application includes the construction of a residential flat building at 251-255 Penshurst Street, North Willoughby (**Figure 10**). Should this SCC be issued, it is recommended that a condition be included that ensures the SCC only applies to land that is currently used for the purposes of an existing registered club.

The assessment of the development application is still likely to be incomplete when the 24-month timeframe for the previously issued SCC is due to expire. Therefore, the current SCC application intends to allow the proposed development to still be permissible on site by extending the timeframe for a further 24 months through the issuing of a new SCC.

It is noted that after the lodgement of the DA, a meeting was held on 15 October 2019 with Council to discuss the timing of the determination of the DA and the implications with the expiry date of the SCC being 30 August 2020. It was generally agreed (between Council and the Proponent) that another application for the SCC be submitted, to ensure there is a valid SCC at the time of determination of the development application.



Figure 10: Land applicable to current SCC (source: GMU).

LGA

Willoughby City Council

ZONING AND DEVELOPMENT STANDARDS

The site comprises 13 lots zoned RE2 Private Recreation and one lot zoned R2 Low Density Residential under Willoughby Local Environmental Plan (LEP) 2012 (**Figure 11**).

While the majority site does not have any building height or FSR controls that apply, the R2 zoned portion of the land is affected by:

- a maximum building height of 8.5m (**Figure 12**); and
- a maximum FSR of 0.9:1 (**Figure 13**).

The subject site is also recognised to be adjacent to the Horsley Avenue heritage conversation area, identified as 'C7' on the WLEP 2012 heritage map (**Figure 14**).

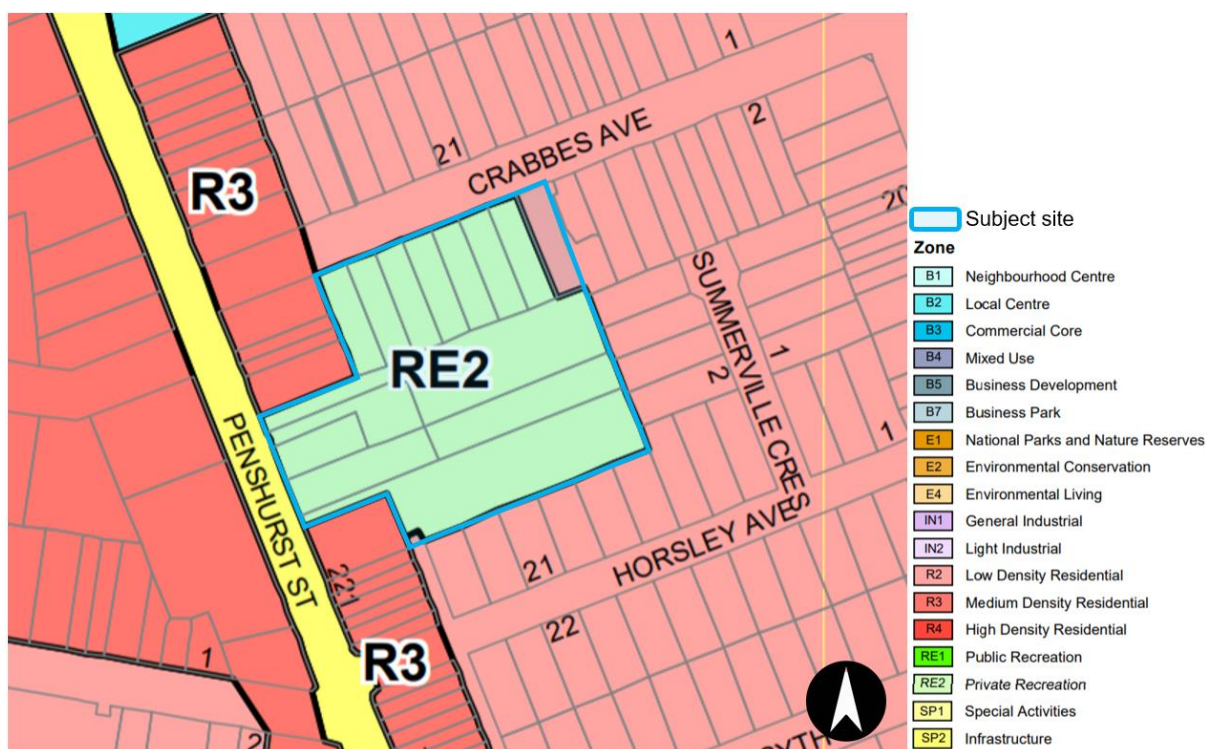


Figure 11: Current zoning map under Willoughby LEP 2012 (source: DPIE).

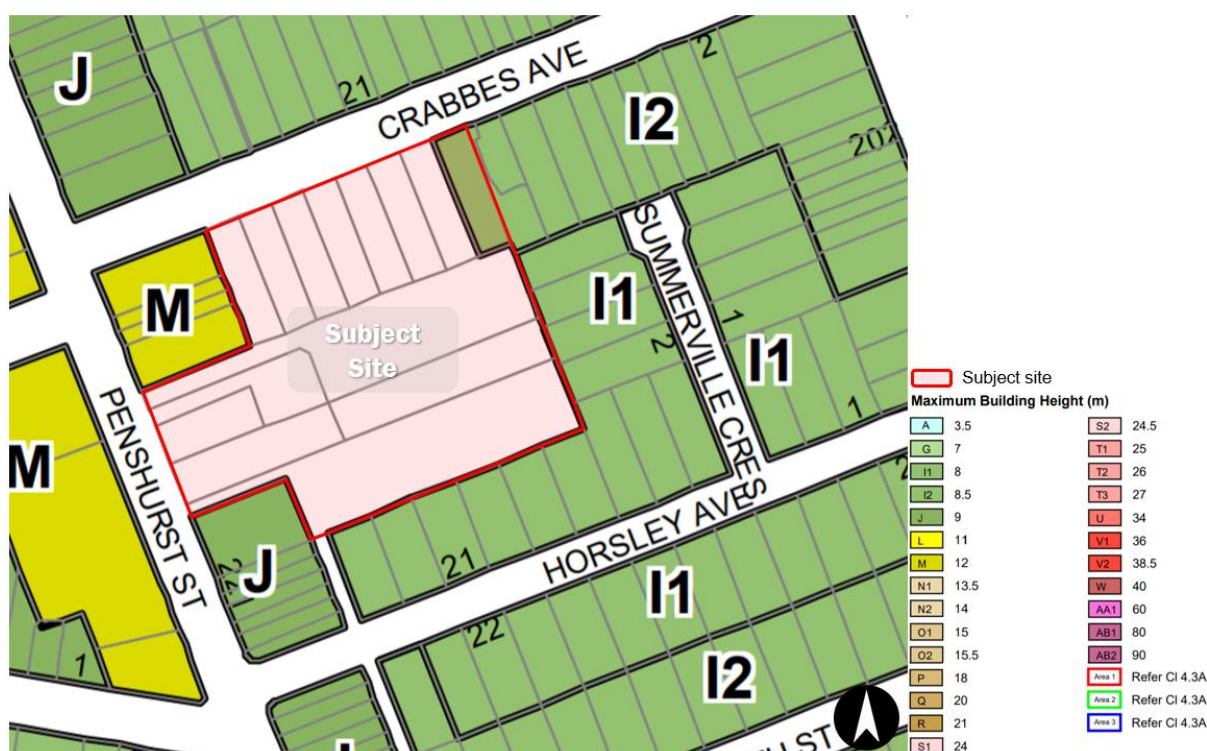


Figure 12: Current maximum building height map under Willoughby LEP 2012 (source: DPIE).

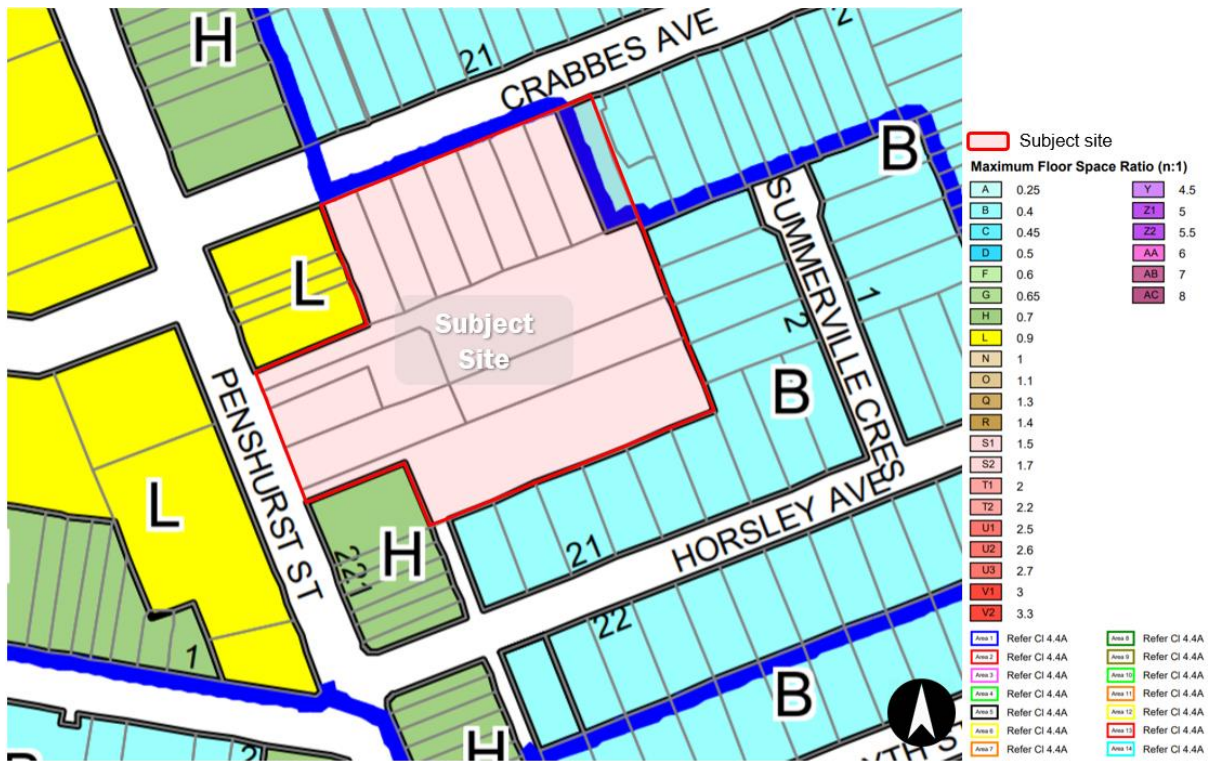


Figure 13: Current maximum FSR map under Willoughby LEP 2012 (source: DPIE).

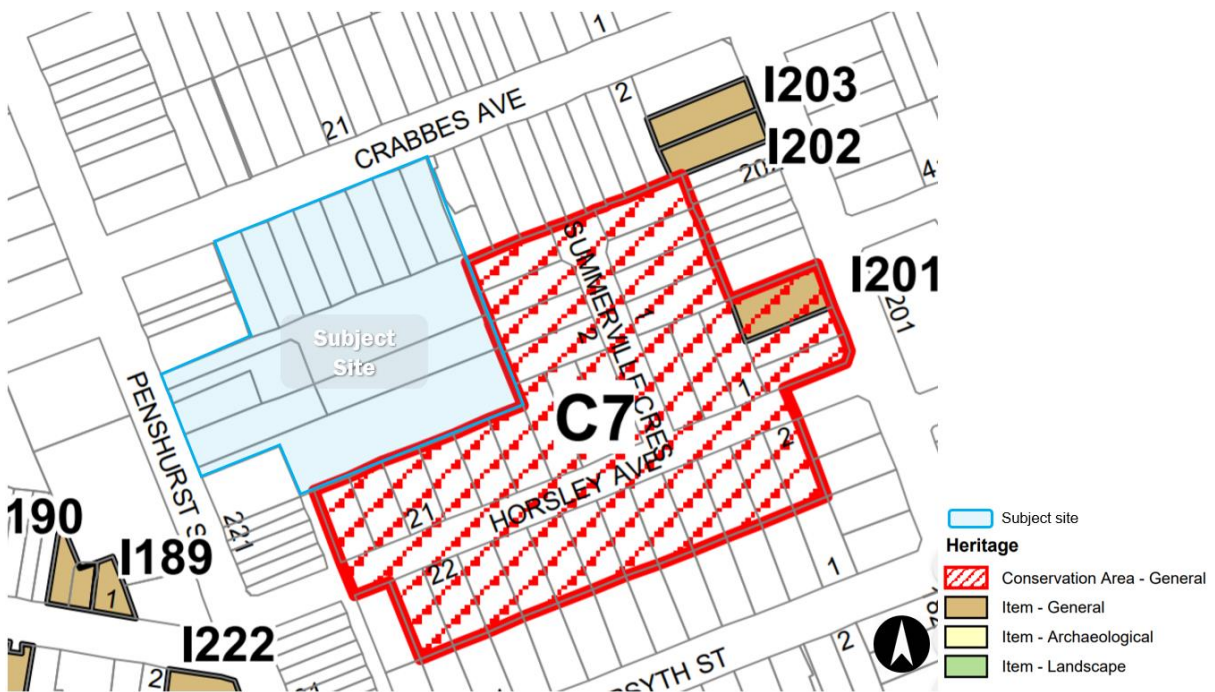


Figure 14: Current heritage map under Willoughby LEP 2012 (source: DPIE).

PERMISSIBILITY STATEMENT

Proposal's consistency with the Seniors Housing SEPP

The application must demonstrate consistency with clause 4 of the Seniors Housing SEPP to ensure that the SEPP is permissible on the subject site. Clause 4 states:

Clause 4 – Land to which Policy applies

- (1) General** *This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:*
- (a) development for the purpose of any of the following is permitted on the land:*
 - (i) dwelling-houses,*
 - (ii) residential flat buildings,*
 - (iii) hospitals,*
 - (iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or*
 - (b) the land is being used for the purposes of an existing registered club.*

Comment: The subject site is being used for the purposes of an existing registered club, being Club Willoughby (Willoughby Legions Ex-Services Club). In addition, the site adjoins land zoned primarily for urban purposes being R2 Low Density Residential (where development for the purposes of a dwelling-house is permitted) and R3 Medium Density Residential (where development for the purposes of a residential flat building is permitted) under Willoughby LEP 2012 (**Figure 11**). The R2 zone adjoins the site's northern, eastern and southern boundaries, while the R3 zone adjoins the site's western boundary.

- (5) Application of Policy to land zoned for special uses and existing registered clubs** *For the purposes of this Policy (and for the avoidance of doubt), a consent authority must not treat:*
- (a) land on which development for the purposes of special uses is permitted, or*
 - (b) land that is being used for the purposes of an existing registered club,*
- as being land zoned primarily for urban purposes unless it is satisfied that most of the land that it adjoins is land zoned for urban purposes.*

Comment: The land that adjoins the site which is being used for the purpose of an existing registered club, is land zoned for urban purposes, that being R2 Low Density Residential and R3 Medium Density Residential zoned land.

- (6) Land to which Policy does not apply** *This Policy does not apply to:*
- (a) land described in Schedule 1 (Environmentally sensitive land), or*
 - (b) land (other than land to which Warringah Local Environmental Plan 2000 applies) that is zoned for industrial purposes, or*
 - (c) (Repealed)*
 - (d) the land to which Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989) applies, or*
 - (e) the land to which State Environmental Planning Policy (Western Sydney Parklands) 2009 applies.*

Comment: The subject site is not excluded from the application of the Seniors SEPP under clause 4(6).

Site Compatibility Certificate

Clause 24 – Site compatibility certificates required for certain development applications

(1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) if:

(a) the development is proposed to be carried out on any of the following land to which this Policy applies:

- (i) land that adjoins land zoned primarily for urban purposes,*
- (ii) land that is within a zone that is identified as “special uses” under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted),*
- (iii) land that is used for the purposes of an existing registered club, or*

(b) the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45.

Comment: The applicant seeks an SCC to permit seniors housing on the site because the land is used for the purposes of an existing registered club.

(1A) Despite subclause (1), this clause does not apply to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing if the proposed development is permissible with consent on the land concerned under the zoning of another environmental planning instrument.

Comment: The majority of the site is zoned RE2 Private Recreation (13 lots), with one lot in the north-eastern corner of the site zoned R2 Low Density Residential under the Willoughby LEP 2012 (**Figure 11**). Under Willoughby LEP 2012, seniors housing is not permitted in the RE2 Private Recreation or R2 Low Density Residential zones.

Clause 17 – Development on land adjoining land zoned primarily for urban purposes

(1) Subject to subclause (2), a consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that adjoins land zoned primarily for urban purposes unless the proposed development is for the purpose of any of the following:

- (a) a hostel,*
- (b) a residential care facility,*
- (c) serviced self-care housing.*

Comment: The proposed seniors housing development is for a residential care facility and self-contained dwellings. The type of self-contained dwelling to be developed is for the purposes of “serviced self-care housing”, satisfying the requirements under clause 17(1) of the Seniors Housing SEPP.

Serviced self-care housing is seniors housing that consists of self-contained dwellings where the following services are available on the site:

- meals;
- cleaning services;
- personal care; and

- nursing care.

In addition, clause 17(2) provides that a consent authority must not consent to a development application to carry out development for the purposes of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that the housing will be provided:

- for people with a disability, or
- in combination with a residential care facility, or
- as a retirement village (within the meaning of the *Retirement Villages Act 1999*).

The proposed serviced self-care housing development on the site will be provided in combination with a residential care facility, satisfying the requirements of clause 17(2) of the Seniors Housing SEPP.

Clause 53 – Savings and transitional provisions for development applications made before SEPP (Seniors Living) 2004 (Amendment No 2)

(4) Clause 24 does not apply to a development application for the purposes of development of a kind to which subclause (2) applies or extends.

Comment: The proposed development is not staged development of a kind saved under the savings provisions of the Seniors Housing SEPP.

CLAUSES 24(2) AND 25(5)

The relevant regional planning panel must not issue an SCC unless the panel:

- (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; 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).*

Matters relating to clause 25(5)(b) of the Seniors SEPP are addressed in detail later in this report.

CLAUSE 25(2)(C)

Clause 25(2)(c) of the Seniors Housing SEPP provides that the applicant is required to submit a cumulative impact study with their application if the land (or any part of the land) is located within a one-kilometre radius of 2 or more other parcels of land over which:

- (a) there is a current SCC, or*
- (b) an application for a SCC has been made but not yet determined.*

There are no current SCC's or pending applications for SCC's for land within 1km proximity of the site, and as such, a cumulative impact study is not required and had not been provided.

However, under clause 25(2D) of the Seniors Housing SEPP, the relevant panel may require an application to provide a cumulative impact study even if it has not been provided with the application if the relevant panel considers that it is necessary for it to be provided to determine whether the land concerned is suitable for more intensive development.

COUNCIL COMMENTS

On 7 February 2020, the Department sought comments on the SCC application from Willoughby City Council. Council comments were received on 18 February 2020 (**Attachment B1**). Council comments remain unchanged from its previous comments from 20 April 2018 (**Attachment B2**).

A summary of Council's comments is as follows:

- Seniors housing on the site is considered compatible with the surrounding environment and locality.
- Justification should be provided to demonstrate the validity for the loss of open space land.
- It is expected that the new park will be publicly accessible at all times, and its ongoing maintenance and relevant insurances would be at the expense of the developer rather than Council.
- It is preferable that the higher building forms be located furthest away from adjoining development and transition to two storeys at the boundaries.
- The proposed number of storeys is acceptable in principle; however, clarification should be provided as to how the equivalent metre notations match the number of storeys proposed.
- The concept proposal for a maximum FSR of 1.35:1 for the entire site is acceptable.
- The proposed setbacks as shown in the concept design are considered acceptable.
- A more detailed traffic and transport assessment should be undertaken at the development application stage.
- A stormwater plan, incorporating on-site detention and water quality measures, will be required at development application stage.

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The relevant regional planning panel must not issue a certificate unless the panel 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 site is considered suitable for more intensive development for the following reasons:

- the subject site is in an existing urban area;

- the site is 450m walking distance from a neighbourhood centre (High Street Shops), which offers a range of retail, commercial, banking, medical, social and community services and facilities (**Figure 3**);
- a public park (Bales Park, Chatswood) is 500m walking distance from the site (**Figure 3**);
- a bus stop is in front of the site on Penshurst Road, providing regular services to the Sydney CBD, North Sydney, Chatswood, Bondi Junction and other locations;
- there are no major environmental constraints over the site; and
- the site is fully serviced by water and wastewater disposal.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND LAND USES

The relevant regional planning panel must not issue a certificate unless the panel 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))

Tree and vegetation preservation

Vegetation in the form of trees and screening shrubs is generally limited to the north and north-eastern portions of the site and within and surrounding the hardstand parking area. The survey plan prepared by C.M.S. Surveyors shows at least 13 mature trees ranging in height from 15m to 20m, with canopy spread of 8m to 15m in diameter across the site.

A site visit was carried out by Department staff on 24 February 2018. **Figures 15-18** below note the significant trees located within the subject site:



Figures 15 and 16: Canopy trees located in hardstand carpark of subject site (source: DPIE).



Figures 17 and 18: Canopy trees located in hardstand carpark of subject site (source: DPIE)

An arborist report has not been provided with the proposal, although a report prepared by Glenyss Laws Consulting Arborist (**Attachment E2**) was submitted as part of the current development application.

The previously issued SCC for the site (**Attachment D**) included a condition which required the applicant to submit an arborist report at development application stage detailing existing trees, trees to be removed/retained/replaced and proposed landscaping. The documents submitted with the corresponding development application provide sufficient detail to satisfy this previously included condition.

It is recognised that as part of the proposed development a significant number of trees on site will be unable to be protected as they fall within the development footprint, or the development significantly encroaches within the Tree Protection Zone (TPZ) of these trees.

The arborist report assesses 39 trees and five hedges located within the subject site and on neighbouring properties that will potentially be impacted by the proposed development. The report recommends the removal of 33 trees and retention of 11 'high quality trees' and the planting of 206 advanced specimens to achieve the proposed landscape masterplan (**Figure 19**) intended for the future development.

Out of the trees identified to be removed within the arborist report, 22 trees are protected under Council's tree management controls. While this represents two thirds of the proposed trees intended to be removed, Council has yet to provide an assessment or recommendation on whether this is acceptable and if the proposed landscape master plan demonstrates a suitable number of replacement trees.

The submission of an arborist report and detailed landscape diagrams with the corresponding development application are recognised to address the Department's previous concerns regarding tree protection.

However, if the panel determines to issue a SCC in response to the current application, it is recommended that a condition be included to ensure that tree removal is not authorised under this SCC and is subject to assessment by Council and approval from the relevant consent authority.



Figure 19: Landscape master plan (source: Hyecorp)

Heritage

Under the Willoughby LEP 2012, the site is adjacent to the Horsley Avenue (C7) heritage conservation area (**Figure 13**). The conservation area is inclusive of all the houses on Horsley Avenue (except for 26 Horsley Avenue) and all the houses on Summerville Crescent, as well as the streetscape. These single-storey houses are significant as a rare example of 1920s/1930s bungalow-type residential development in near original condition, with a uniformity of housing style and setting.

The proposal is supported by a heritage impact statement prepared by NBRS & Partners (**Attachment A3**). The heritage statement acknowledges the increased height and density of buildings associated with the proposal, and notes that the proposed buildings adjacent to the heritage conservation area are to have an 8m setback from the property boundary and will be designed to be of a scale similar to those of the neighbouring houses in Horsley Avenue.

The heritage statement affirms the proposal will:

- respect the visual curtilage of the heritage conservation area;
- respect and retain the existing streetscape; and
- protect the important views of the conservation area along the east-west axis of Horsley Avenue.

The heritage impact statement determined that the proposal is compatible with the requirements to retain the heritage significance of the adjacent Horsley Avenue

heritage conservation area and does not adversely affect the identified heritage significance of the contributing elements within the conservation area.

Hazards

There are no known flood or bushfire hazard constraints over the site.

A Phase 1 Contamination Report prepared by Construction Solutions and a Geotechnical Report prepared by Asset Geo have been prepared and submitted with the associated development application. Both reports indicate that through monitoring and further assessment the site is suitable for the proposed seniors housing development.

Existing and approved uses in the vicinity

Development in the surrounding area is mainly residential, with some commercial uses. Land to the north, east and south of the site consists of single-storey detached dwellings and is zoned R2 Low Density Residential. Land to the west consists of residential flat buildings 3-4 storeys in height and some single-storey detached dwellings and is zoned R3 Medium Density Residential.

Adjoining the site to the north-west (fronting Penshurst Street) are two-storey commercial premises which have been built boundary to boundary. This land is zoned R3 Medium Density Residential. Adjoining the site to the south-east (also along Penshurst Street) is a two-storey residential flat building which is also zoned R3 Medium Density Residential.

There are three local shopping districts within the vicinity of the site, each offering a large array of retail, commercial and community uses being:

- East Village Centre – 350m north;
- High Street Centre – 150m west; and
- Penshurst Street Centre – 600m south.

Approximately 500m walking distance (**Figure 20**) south-west of the site is a 22,434m² public park, known as Bales Park, which includes a playground, barbecue, picnic tables, benches, sports field, bocce court and public toilets.

Within a 200m radius of the site are two churches, St Thomas Catholic Church (and associated primary school) on Horsley Avenue and the Uniting Church of Australia (on Clanwilliam Street).

The proposed seniors housing development is considered to be generally compatible with the existing and approved uses in the vicinity of the site given the residential nature of the proposal.

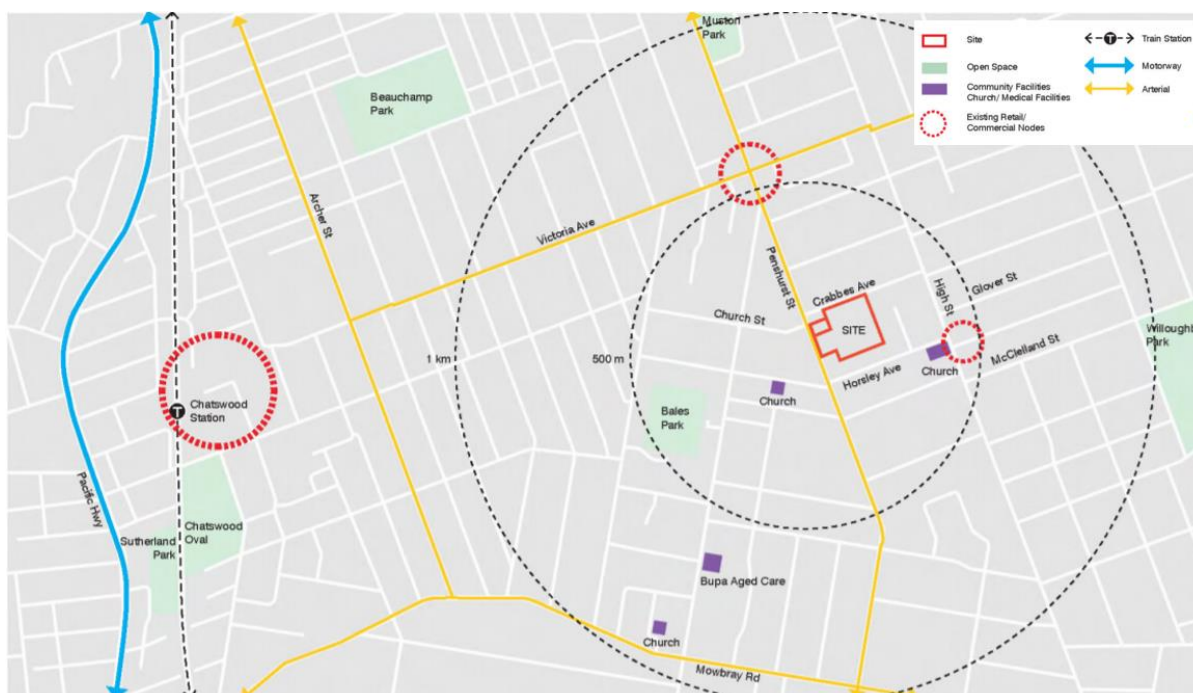


Figure 20: Location and access to services from subject site (source: Dickson Rothschild)

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

The subject site is in a well-established urban area largely surrounded by residential uses. The site is primarily zoned RE2 Private Recreation under the Willoughby LEP 2012. The intention of the RE2 zone is to enable land to be used for private open space and recreational activities and compatible land uses. The existing registered club on the site has operated since 1955.

The proposed redevelopment of the site is considered to be generally compatible with the likely future uses of the land as it reinstates an existing use (registered club) with the addition of seniors housing in an area largely surrounded by residential development.

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))

Services and infrastructure

The site is within an established urban area and is connected to water, sewer, electricity and telecommunication networks. The proposal would require upgrades and/or augmentation to the existing utility services to accommodate the future residential population. It is considered that these matters can be investigated in detail at the design/development application stage.

Council's previous submission to the SCC application recommended that a requirement be imposed on the determination related to drainage, including a stormwater plan incorporating on-site detention and water quality measures. These have since been submitted as part of the current development application.

Location and access to facilities (clause 26 of the Seniors Housing SEPP)

The High Street Centre is the closest local shopping district to the site, approximately 450m walking distance along a suitable access pathway, which is a sealed footpath and pedestrian crossing. The area has good walkability in terms of pedestrian access, flat topography and tree-lined streets offering shade.

High Street is a high-amenity neighbourhood centre offering a supermarket, pedestrian mall, small plaza, ATM banking facilities, cafes, restaurant, bakery, liquor store, newsagency, chemist, church, school and veterinary hospital.

Directly in front of the site on Penshurst Street is a bus stop (**Figure 21**) that services four bus routes:

- M40 (Bondi Junction to Chatswood via Sydney CBD);
- 257 (Chatswood to Balmoral);
- 272 (North Willoughby to Wynyard); and
- 343 (Chatswood to Kingsford via Sydney CBD).

These bus services operate several times a day, seven days a week except for route 272, which is only available Monday to Friday during peak hours.

It is considered that the proposal complies with the access to services/facilities and public transport requirements as set out in clause 26 of the Seniors Housing SEPP.

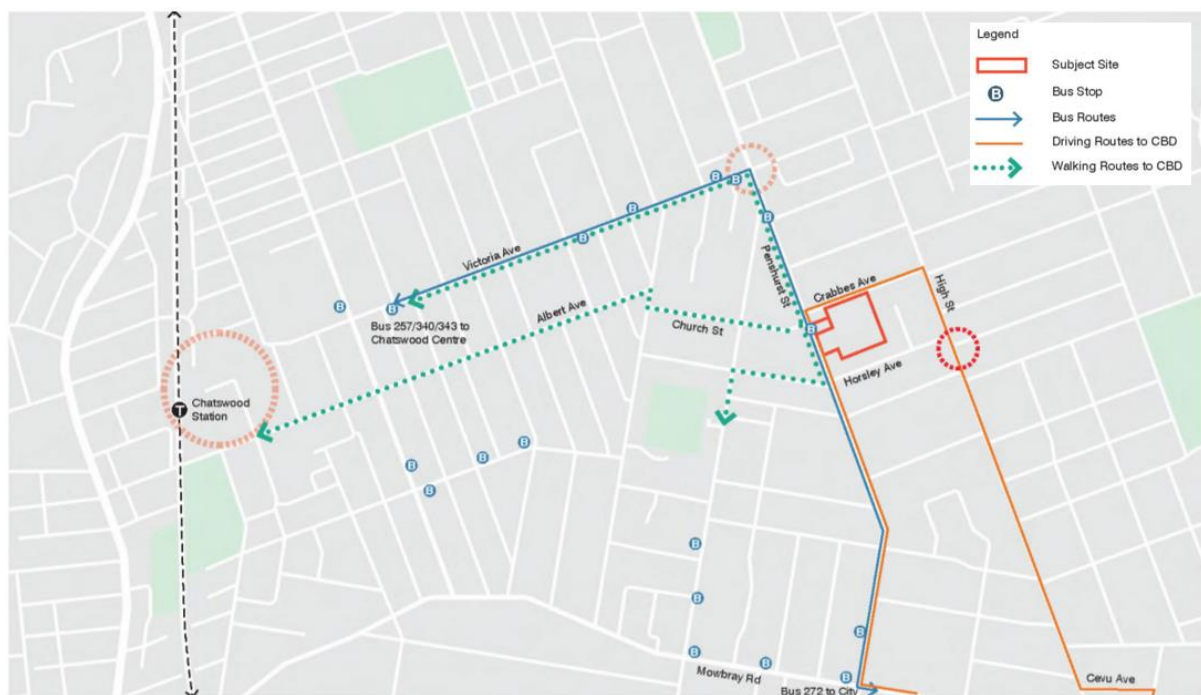


Figure 21: Access to transport routes from subject site (source: Dickson Rothschild)

Traffic and parking

The SCC application is supported by a Traffic Report prepared by Colston Budd Rogers and Kafes (**Attachment A4**) which includes an assessment of the traffic and parking effects associated with the proposed redevelopment of the site.

The report identifies that:

- the existing club was found to have a peak traffic generation of 160 vehicles per hour (two way) during the week, being Wednesday 1pm, and 140 vehicles per hour (two way) during the weekend peak, being Saturday 11am;
- typical traffic generation is much lower at around 40 vehicles per hour (two way);
- the intersection of Crabbes Avenue/Penshurst Street currently operates with a level of service 'A/B', being a good level of operation; and
- the intersection of Crabbes Avenue/High Street currently operates with a level of service 'B', being an acceptable level of operation.

When considering the impact of the proposed development on the surrounding road network, the report assumes that the proposal incorporates 441 parking spaces, the distribution of which has been provided in **Table 1**.

Component	Spaces required	Spaces provided	Compliance
Independent living Units (SEPP)	120	157	Yes
Residential Aged Care Facility (SEPP)	17	17	Yes
Registered Club (DCP)	215	215	Yes
Retail (DCP)	22	22	Yes
Residential (DCP)	30	30	Yes
Total	406	441	Yes

Table 1: Distribution of parking spaces (source: Colston Budd Rogers and Kafes)

To calculate future traffic generation, the report has used the Roads and Maritime Guideline for Traffic Generating Developments for the aged care facility and residential units. The traffic generation for the registered club has been calculated based on the licenced floor area.

The number of trips has therefore been assumed at:

- 0.2 trips per independent living dwelling;
- 0.1 trip per residential aged care facility bed;
- 50% increase in trip generation for the registered club; and
- 0.5 trips per residential unit (included within the current development application but not subject to this SCC application).

Based on these assumptions the report makes the following findings:

- the proposed development will result in a peak traffic generation of an additional 120 vehicle trips per hour (two way);
- during the weekday afternoon and evening peak, traffic flow would be less at around 40 to 80 vehicles per hour (two way);
- the intersection of Crabbes Avenue/Penshurst Street would continue to operate at a level of service 'A/B';

- the intersection of Crabbes Avenue/High Street would continue to operate at a level of service 'B'; and
- the intersection of Crabbes Avenue and the subject site would operate at a level of service 'A/B'.

Therefore, based on these assumptions the proposed development will provide sufficient parking for the variety of uses on site and will not significantly disrupt the neighbouring traffic network.

In Council's submission on the previous SCC application, it raised parking provisions, vehicular access arrangements, and accessibility of service vehicles as matters to be considered as part of any future development application. The submitted report appears to address all previous concerns.

At this present time, Council is still preparing its assessment of the development application for consideration by the Sydney North Planning Panel as the consent authority.

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 or special uses. The land is zoned RE2 Private Recreation and R2 Low Density Residential and existing improvements on the site include an operating registered club, a war memorial, a hardstand car park and three unused bowling greens.

Redevelopment of the site will see the removal of the unused bowling greens; however, the proposal will include a new park and a new war memorial to face Crabbes Avenue. The park will be available to club members, seniors housing residents and the public for passive outdoor recreation.

The proposal notes that there are other active bowling clubs in the surrounding area, including the Willoughby Park Bowling Club, Northbridge Bowling Club and the Artarmon Bowling Club.

Public open space is available approximately 500m walking distance (or six minutes) south-west of the site at Bales Park, which includes a playground, barbecue, picnic tables, benches, sports field, bocce court and public toilets.

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))

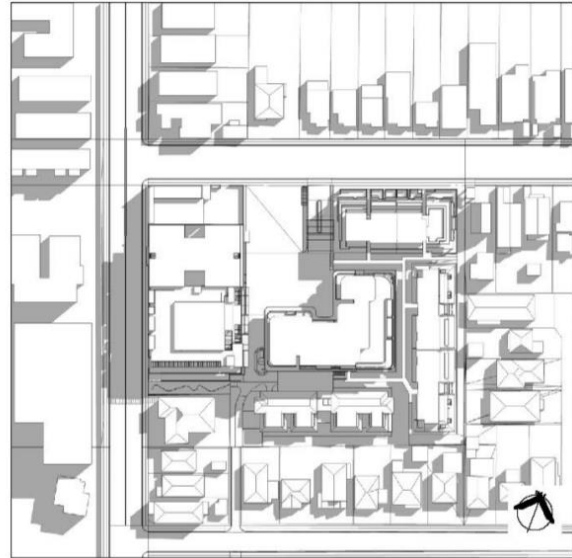
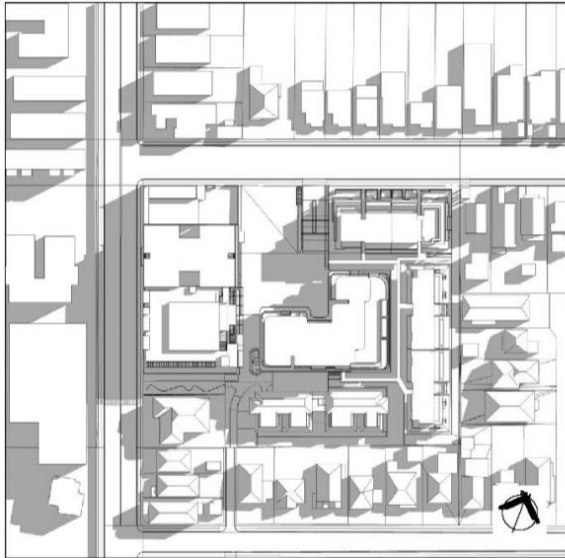
The SCC is supported by an Urban Design Report prepared by GMU Urban Design and Architecture (**Attachment A7**) which includes an indicative concept design that comprises five buildings across the site ranging from two to five storeys. Lower-scale buildings, with setbacks from 6m to 8m, are proposed along the boundaries of the site that adjoin low-density residential.

The height of the proposed development will increase to five storeys in the centre and north of the site, with increased distance from the Horsley Avenue heritage conservation area to the south. Three-storey development built to the site's western

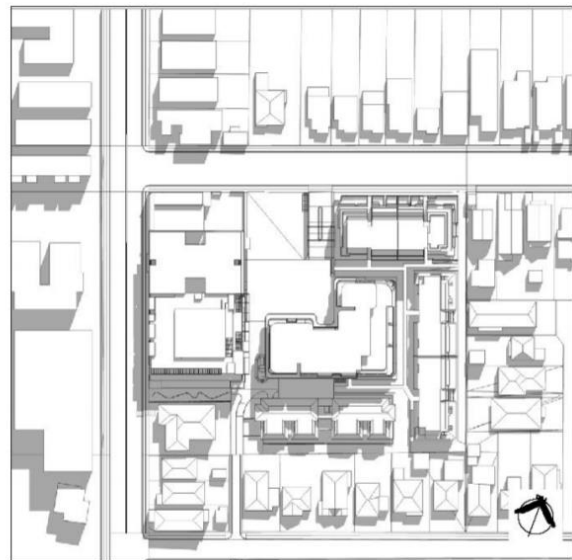
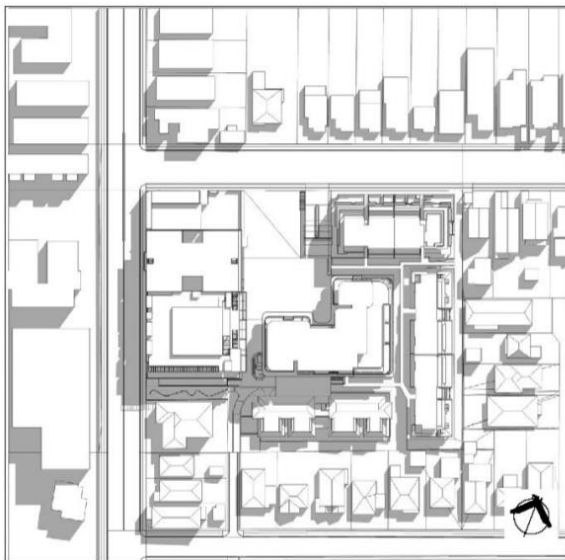
boundary, where the new registered club is to be situated, is intended to increase accessibility and presence along Penshurst Street.

Shadow diagrams (**Figures 22-28**) have been prepared by Dickson Rothschild to support the associated development application and show that most shadows created by the development will fall within the site throughout the day.

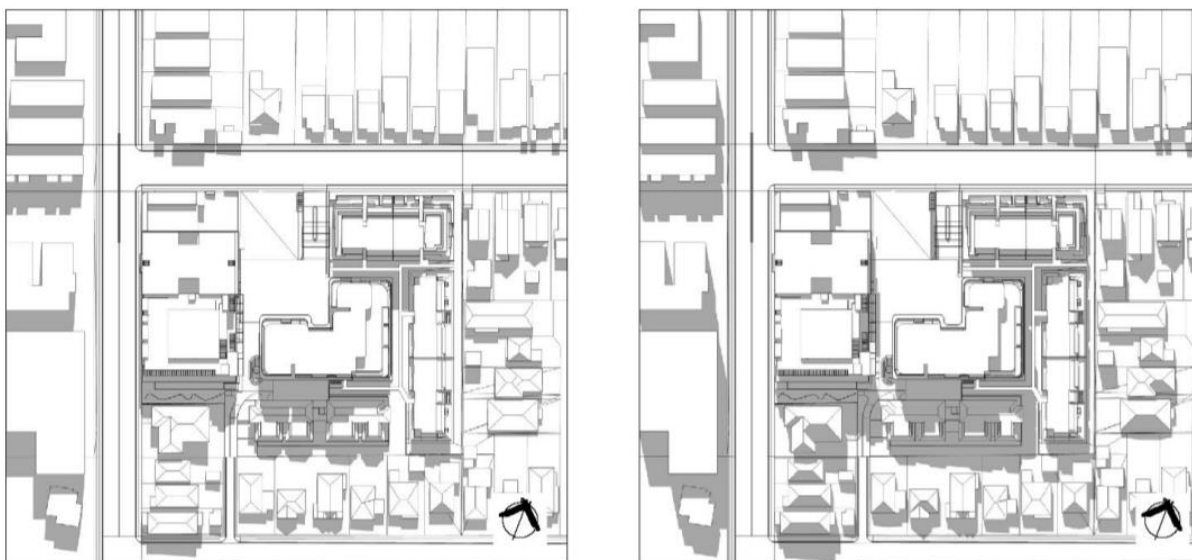
There is some slight additional overshadowing that will affect the residential flat building adjoining the site to the south along Penshurst Street and some of the properties on Horsley Avenue. However, these properties still maintain a minimum of 3 hours solar access during mid-winter.



Figures 22 and 23: Shadows cast at 9am-10am during midwinter (source: Dickson Rothschild)



Figures 24 and 25: Shadows cast at 11am and 12pm during midwinter (source: Dickson Rothschild)



Figures 26 and 27: Shadows cast at 1pm and 2pm during midwinter (source: Dickson Rothschild)

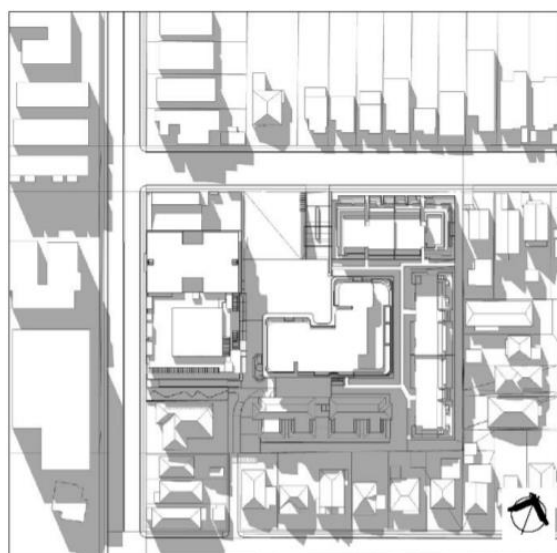


Figure 28: Shadows cast at 3pm during midwinter (source: Dickson Rothschild)

The site's immediate and wider context to the north, east and south is predominantly single-storey dwellings zoned R2 Low Density Residential, with a maximum building height of 8-8.5m and a maximum FSR of 0.4:1 under the Willoughby LEP 2012 (Figures 11-13).

Built form controls increase for the properties fronting Penshurst Street and further west, with maximum building heights between 9m and 12m and a maximum FSR of 0.7-0.9:1. This is representative of the land's R3 Medium Density zoning, which mainly includes 3-4-storey residential flat buildings.

It is considered that the overall size of the site and its immediate context provide sufficient scope to accommodate additional new buildings with varying heights as proposed in the concept design.

In considering Council's previous submission on the SCC application, it is recommended that requirements be imposed on the determination related to building height, bulk and scale, specifically:

- a maximum floor space ratio of 1.35:1 over the entire site;

- a transition of building heights from five storeys at the centre of the site, graduating down to three storeys and two storeys at the north, east and south boundaries;
- supporting information to clarify how the equivalent metre notations match the proposed storeys for building heights across the site;
- building height to be measured in relation to the RL of the building – the vertical distance from the Australian Height Datum to the highest point of the building; and
- setbacks as indicated in figure 14 of the site compatibility certificate application (8m from the properties in the Horsley Avenue heritage conservation area).

These matters generally reflect the current proposal submitted to Council as part of the development application and are therefore still relevant for this current SCC and the assessment of a corresponding development application.

The final building design and matters relating to the proposal's bulk, scale, built form and character can be further addressed and refined 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* does not apply to land within the Willoughby LGA.

7. The impacts identified in any cumulative impact study provided in connection with the application for the certificate (clause 25(5)(b)(vii))

A cumulative impact study was not required as part of the application for the certificate. However, the panel may still require an applicant to provide a cumulative impact study even if it has not been provided with the application if the relevant panel considers that it is necessary for it to be provided to determine whether the land concerned is suitable for more intensive development.

CONCLUSION

The Department considers that a Site Compatibility Certificate should be issued for the site on the basis that:

- the site is being used for the purposes of an 'existing registered club' where the site adjoins land zoned primarily for urban purposes;
- the majority of the land that adjoins the site is land zoned for urban purposes;
- the proposed development is for a residential care facility and self-contained dwellings to be used for the purposes of serviced self-care housing;
- the site is in a suitable location for seniors housing and compatible with the surrounding environment being close to public transport services and a high-amenity neighbourhood centre that is within 400m walking distance along a suitable access pathway; and
- there does not appear to be any change in circumstance and/or changes to environmental, social or economic issues that were explored as part of the

assessment of SCC_2018_WILLO_001_00, which was issued on 30 August 2018 and remains current.

SCC REQUIREMENTS

A certificate may certify that the development to which it relates is compatible with the surrounding land uses only if it satisfies certain requirements specified in the certificate (clause 25(7) of the Seniors Housing SEPP).

It is recommended that conditional requirements be included in Schedule 2 of the SCC, being:

1. The seniors housing development is to be limited to the land as indicated within the SCC application, being land that is currently used for the purposes of an existing registered club
2. The final layout, building construction and on-site facilities in the proposed seniors housing development is subject to the resolution of;
 - (a) a maximum floor space ratio of 1.35:1 over the entire site;
 - (b) a transition of building heights from five storeys (20.5m) at the centre of the site, graduating down to three storeys and two storeys (8.5m) at the north, east and south boundaries;
 - (c) supporting information to clarify how the equivalent metre notations match the proposed storeys for building heights across the site;
 - (d) building height to be measured in relation to the RL of the building – the vertical distance from the Australian Height Datum to the highest point of the building; and
 - (e) setbacks as indicated in figure 14 of the site compatibility certificate application (8m from the properties in the Horsley Avenue heritage conservation area).
3. Tree removal is subject to assessment and approval by the consent authority as part of the development application process.
4. Satisfaction of the requirements relating to on-site support services under clause 45 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

ATTACHMENTS

Attachment SCC – Draft Site Compatibility Certificate

Attachment A – SCC Application Package

- A1 – SCC Report, City Plan Services
- A2 – Site Survey, C.M.S. Surveyors
- A3 – Heritage Impact Statement
- A4 – Traffic Report
- A5 – Community Consultation Report
- A6 – Local Centres Strategy, Willoughby City Council
- A7 – Urban Design Package, GMU
- A8 – SCC Application Form
- A9 – Authority to lodge from land owner

Attachment B – Site and Locality maps

Attachment C – Council Correspondence

- C1 – Council comments
- C2 – Council comments for previous SCC

Attachment D – Previous SCC

Attachment E – Development Application

- E1 – Urban Design Report, Dickson Rothschild
- E2 – Arborist Report, Glenyss Laws

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