

# INFORMATION RELATING TO PLANNING PROPOSAL FOR THE AMENDMENT TO WOLLONDILLY LOCAL ENVIRONMENTAL PLAN 2011

## TO ALLOW SENIORS HOUSING AT QUEEN VICTORIA MEMORIAL HOME

#### 615 THIRLMERE WAY, THIRLMERE

#### Prepared for



By BBC Consulting Planners

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#### 1. BACKGROUND

#### 1.1 Request to Prepare a Planning Proposal

In September 2011, RSL LifeCare submitted a request to Wollondilly Council to prepare a Planning Proposal to amend Wollondilly Local Environmental Plan 2011 ("the LEP") to ensure that seniors housing is permissible on the site of the Queen Victoria Memorial Home located at 615 Thirlmere Way, Thirlmere.

The request to prepare a Planning Proposal was lodged against a background of considerable community support for the continued provision of aged care housing on the site and the development of the site for this purpose. Community consultation undertaken as part of the preparation of the Wollondilly Local Environmental Plan 2011 resulted in a large number of submissions in relation to the QVMH indicated support for this use. There is strong community support for the site to be developed to encompass three tiers of aged care i.e. self-care, hostel and an expanded nursing home facility. The Queen Victoria Memorial Home Support Committee submitted that it was extremely pleased that Council has the vision to secure the site for the community's future health care requirements.

Council officers' response to these submissions noted that the proposed zoning would allow for these uses to occur (for the site to be developed to encompass three tiers of aged care i.e. self-care, hostel and an expanded nursing home facility) and that no changes were required to the Draft LEP.

The LEP prohibits seniors housing and residential care facilities. These terms are defined in the LEP and is the form of development envisaged by RSL LifeCare and by the QVMH. The LEP permits hospitals and health service facilities which are also terms defined in the LEP. However it is not clear that these definitions include seniors housing, particularly when this specific use is prohibited.

This issue arose in part because of the sale of the site by NSW Health to RSL LifeCare. State government authorities such as NSW Health are subject to provisions of other environmental planning instruments to enable development to take place. Such measures are not available to not for profit charitable organisations like RSL LifeCare. One such planning instrument is State Environmental Planning Policy (Infrastructure) 2007 that allows development of State owned land by public authorities for a range of purposes including business premises, retail facilities and housing. Clause 5.12 of the LEP also contains provisions that were applicable to the site when it was in public ownership. The change in ownership means that such measures are not available to RSL LifeCare and thus the LEP needs to be amended so that it is clear in permitting seniors housing on the site as was its original intention.

It is vitally important that the permissibility of these uses is clear and unambiguous within the format of the Standard Template LEP recently introduced in Wollondilly Shire. This will ensure the continuation of the site as nursing home and enable the continued development of the site for seniors housing and associated purposes in a manner that respects the heritage significance of the site and its values to the local community.

Consistent with community expectations, RSL LifeCare proposes significant investment to provide a range of facilities and services for the aged and disabled on the site including:

- The immediate provision of additional residential care beds (now under construction);
- Independent and assisted living units in a variety of styles (self-contained dwellings and assisted living dwellings to cater for a variety of care needs);



 Associated uses including café, local shop for convenience retailing, community facilities including child care, residents' bar and library, health and fitness centre, medical practitioners rooms and therapy rooms, hall for lectures and talks, men's shed, women's centre and the like.

It is envisaged that the site will provide a continuum of care enabling seniors to age in place and have ready access to support services in an environment that is a vibrant and living community with a range of activities for seniors. This will enable seniors to partake of a range of activities aimed at a healthy and dignified lifestyle in a safe, secure and accessible environment.

#### 1.2 Council Resolution

Council exhibited the request to prepare a planning proposal for community feedback and the proposal and community response was considered by Council at its meeting of 16 April 2012 at which Council resolved:

- 1. That Council prepare a draft Planning Proposal for the Queen Victoria Memorial Hospital site being Lot 1 DP 264150 and Lots 31, 32 and 33 DP 1022462, Thirlmere Way, Thirlmere.
- 2. That the draft Planning Proposal seeks to amend Wollondilly Local Environmental Plan, 2011 as follows:
- change the title of the zone from Zone SP2 Health Services Facility to Zone SP2 Health Services Facility and Seniors Housing
- introduce Zone E3 Environmental Management Zone and / or including land in the Natural Resources Biodiversity and Natural Resources Water maps for parts of the site found to have biodiversity and conservation values
- change the Height of Buildings Map to reflect height limitations compatible with the heritage and landscape / scenic values of the site
- change the Lot Size Map to reflect future development intent and land use constraints
- include the heritage item Harmony House in Schedule 5 Environmental Heritage.

All changes are subject to information to be gained from specialist studies.

- 3. That the draft Planning Proposal be forwarded to the Minister for Planning & Infrastructure for a Gateway Determination.
- 4. That the applicant and persons who made submissions regarding the draft Planning Proposal be notified of Council's decision."

Council prepared and submitted the Planning Proposal to the DOPI for gateway determination on 12 March 2013.

#### 1.3 Gateway Determination

On 26 March 2013, the Minister (through his delegate) issued a gateway determination that the planning proposal should proceed subject to a number of conditions which include:

- The Minister instructed Council to complete the LEP within 12 months;
- Council is to ensure that all mapping is at an appropriate scale and identifies the site and shows the location of land proposed to be rezoned E3;
- Council is to ensure that the proposal satisfies the requirements of SEPP No 55 and is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone;
- Additional information regarding the following matters is to be placed on public exhibition with the planning proposal.

The specialist studies to be undertaken are documented in the gateway determination. They are to be placed on public exhibition with the planning proposal and include:



- Flora fauna and habitats;
- Geotechnical:
- Surface and groundwater;
- Bushfire hazard management;
- Aboriginal places and items of significance and European heritage;
- · Rural land uses, scenic quality and setting;
- Transport and movement;
- Capacity of infrastructure, services and facilities (taking into consideration SEPP Housing for Seniors or People with Disability 2004).

#### 1.4 Purpose of this Report

Clause 54(3) of the Act provides that

- 54(3) A relevant planning authority that is requested by the owner of any land to exercise its functions under this Division in relation to the land may, as a condition of doing so, require the owner to carry out studies or provide other information concerning the proposal or to pay the costs of the authority in accordance with the regulations.

This report accompanies the additional information requested by the gateway determination. It provides a summary of the resulting amendments to the LEP that have evolved from the completion of the studies.



#### 2. Summary of Findings

#### 2.1 Contamination

The Gateway Determination requested an initial site contamination investigation report to demonstrate that the site is suitable for amendments to the LEP. A preliminary environmental site assessment was undertaken by Martens Consulting Engineers which concluded:

The site is considered suitable for rezoning and subject to further investigations of areas of environmental concern identified and, where necessary, local remediation shall be rendered suitable for the proposed residential landuse.

The report recommended a Stage 2 contamination assessment including a soil testing program be undertaken in relation to any development assessment in identified areas of the site.

#### 2.2 Flora, Fauna and Habitats

An Ecological & Riparian Issues Assessment Report has been prepared by SLR Consulting Australia Pty Ltd.

The site is characterised by three major landscape features:

- the large expenses of pasture and grazing land, with scattered trees, shrubs, farm dams and other associated features, which characterise the western and eastern parts of the QVMH land;
- bands of native open forest and woodland, modified and degraded to various degrees by clearing, disturbance, cattle grazing and weed-infestation. These are located in the north of the QVMH land (on Lot 1), in the central parts (on Lots 32 and 33) and in the southern part of the subject land (the southern half of Lot 31); and
- the areas of existing development and intensive modification around the QVMH facilities on the ridge in the southern part of Lot 32, and other small areas of development and modified land.

The areas of open forest and woodland present in a discontinuous band through the centre of the site and have been affected to various levels by previous and ongoing disturbances, including inter alia:

- cattle grazing on a widespread basis;
- weed-infestation;
- previous clearing resulting in high levels of regrowth and/or low levels of hollowbearing trees; and
- a range of other ongoing management measures (including track maintenance, sewage disposal and maintenance of understorey layers for APZ purposes).

#### SLR find that:

Given all of those considerations, the primary ecological constraints to development activities on the QVMH land at Picton are defined by the substantial bands or patches of open forest and woodland vegetation. As indicated above, these are located in the northern, central and southern parts of the subject land, each of which is somewhat isolated from the other patches of vegetation by cleared land and/or existing infrastructure (Thirlmere Way and the Mittagong Railway).



The characteristics of the vegetation is such that it is not capable of be accurately embraced in an E3 zone given the rigidity of the zone boundaries and the inflexibility in terms of land use planning and permissibility. The flora and fauna studies support the inclusion of some bushland areas of the site within the Natural Resources — Biodiversity Map. This is considered a preferred approach than the E3 zone.

The Flora and Fauna report has enabled the proposed amendments to be refined based on the findings of the report. Draft amendments to the Natural Resources – Biodiversity Map have been prepared and are contained in Appendix 1.

#### 2.3 Geotechnical

A preliminary geotechnical and slope risk assessment was undertaken by Martens Consulting Engineers which assessed general subsurface conditions across the site with particular emphasis on:

- Likely foundation depths for the proposed structures including site classification(s) in accordance with AS2870 (2011);
- Hazard risk assessment including review of slope stability, hazard identification, viability of the proposed development and recommended provisions of treatment measures;
- Review of geotechnical mapping including salinity mapping and acid sulphate mapping;
- Drainage and subsequent sub-surface moisture conditions.

The report concludes:

From a geotechnical perspective, we consider the site is suitable for the proposed seniors housing rezoning. Appropriate slope stabilisation works within the site will depend on the proposed works and generally include:

- Installation of adequate surface and sub-soil drainage;
- Placement of engineered fill; and
- Installation of engineered retaining structures.

We would further recommend a site specific salinity assessment be undertaken prior to the lodgement of a Development Application for site development.

The study confirms that the site is suitable for amendments to the LEP to allow seniors housing.

The site is within the Picton Mine Subsidence District with the exception of the site of the existing hospital.

#### 2.4 Surface and Groundwater

The preliminary geotechnical and slope risk assessment undertaken by Martens Consulting Engineers makes the following comments in relation to groundwater:

- Sub-surface investigation to 7.5 meters did not intercept permanent ground water.
- Given its topographic and geological setting, a shallow (< 2m depth) permanent water table is not expected at the site, however ephemeral (or temporal) groundwater is likely to occur along the drainage depressions and lower elevations of the site. The occurrence and depth of groundwater in these areas is likely to be dependent on short term atmospheric conditions (rainfall incidence).



Martens Consulting Engineers have also prepared a Riparian Zone Management Plan, the purpose of which is to:

- 1. Provide a watercourse classification in accordance with the Strahler System for ordering.
- 2. Describe the existing site drainage lines and watercourse conditions.
- 3. Assess the riparian zone requirements of identified watercourses in accordance with the Water Management Act (2000).
- 4. Provide riparian zone management advice.

The findings are generally consistent with Council's watercourse mapping and classification as reflected on the Natural Resources – Water Map. However inspection of an unnamed watercourse in the southern part of the site draining to Redbank Creek suggests the watercourse extends further north than shown on Council mapping and more closely reflects topographic mapping. If necessary, the Natural Resources – Water Map Sheet NRW\_008 can be modified.

#### 2.5 Bushfire Hazard Management

A Bushfire Risk Management Plan has been prepared for the site to identify asset protection measures that may be required as a result of development on the site. It identifies and considers the levels of risk and identifies indicative APZ requirements for general development areas.

This plan can be used to manage risk for existing development on the site.

The implementation of bushfire control measures is determined at development application stage when the nature of development is known and APZs can be determined with a greater degree of accuracy. This analysis indicates that appropriate asset protection measures can be incorporated into the design of the development for assessment at development application stage.

## 2.6 Aboriginal Places and Items of Significance and European Heritage

An Aboriginal heritage report has been prepared by Kayandel Archaeological Services investigating the potential for Aboriginal objects to be present within areas currently being considered for amendments to the LEP. The report's findings are:

No additional Aboriginal objects were identified during this assessment. Areas of PAD were identified, during the field inspection (Figure 5).

Whilst Aboriginal objects are known to exist or have a likelihood to be present within the study area, their presence should not be considered as factor that should inhibit to the rezoning.

Strategies for addressing the Aboriginal heritage consideration are details in the recommendations section below.

#### The report recommends:

- 1. Further archaeological investigation of the PAD areas identified in Figure 5 should be undertaken prior to development applications being lodged over those areas.
- 2. Pending the results of the investigations identified in Recommendation 1 it is likely that an Aboriginal Heritage Impact Permit under Part 6 of the National Parks and Wildlife Act 1974 will be required for the extent of Development Application areas in the future.



- 3. As a result of Recommendations 1 and 2 a process of consultation with Aboriginal stakeholders will be required to be undertaken in accordance with the specifications of Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010a).
- 4. No earth works for development should commence within the PAD areas identified in Figure 5 until such time as an Aboriginal Heritage Impact Permit is approved for the specified works and all conditions specified within the Aboriginal Heritage Impact Permits have been satisfied.
- 5. The rock shelters and possible grinding grooves identified in the Queen Victoria Memorial Hospital AHA (Austral Archaeology 2004) are relocated and recorded and site cards should be lodged prepared and submitted to the Office of Environment and Heritage within a reasonable timeframe.

The findings of this investigation poses no constraints to the amendment to the LEP.

City Plan Heritage has undertaken investigations into the heritage significance of the site including the archaeological remains of Harmony House. This report provides guidance to the future development of the site. It reinforces the inclusion of the existing facility in the LEP as a heritage item and agrees with the inclusion of Harmony House remains as an archaeological site.

#### 2.7 Rural Land Uses, Scenic Quality and Setting

RobertsDay has been commissioned to undertake a Character Vision and Scenic Quality Report in order to meet the Gateway Determination requirement for a study of rural land uses, scenic quality and setting. The report provides an overview of the regional and local character context; articulates the project vision and sets out key principles for future development.

By understanding the character context and establishing principles based on visual and landscape sensitivity and rural land use compatibility, this report will inform and guide subsequent detailed design in a way that is respectful of the natural, rural, heritage and scenic qualities of the area.

This report has been informed by the other investigations associated with the planning proposal and presents a vision for the development of the site.

It includes a detailed assessment of the site and its context including its rural setting and landscape qualities. It describes the local character of the site and surrounds. It established a number of principles to inform and guide the subsequent detailed design:

- 1. Safe access from existing streets into the site;
- 2. Enhancement of the landscape buffers along edges and on ridgelines;
- 3. Walkable neighbourhood units defined by the riparian corridors and linked with legible connections;
- 4. Provision of a civic focal point at the centre of each neighbourhood;
- 5. Streetscapes tailored to the landscape context (ie. 'village life' or 'farm life');
- 6. Provision of a range of house types to respond to the landscape context and varying needs of the residents;
- 7. Landscape sensitive development that preserves key views from and into the site;
- 8. Opportunities to integrate rural land uses such as community farms, hobby sheds and farmers markets.



In relation to seniors housing development in the landscape, the report notes that:

New development should nestle within the existing landscape, roads winding with the topography and buildings integrated with the slopes. There should be a goal for minimising cut to fill and retaining walls, with a preference for addressing level change with natural batters and within the building form. The colours and materials used in the buildings and roofs should also complement the landscape setting.

RSL Lifecare has demonstrated experience in delivering landscape sensitive developments with ANZAC Village at Narrabeen an excellent example, using winding roads and 'over and under' units to work within an undulating natural landscape

This suggest the need for some flexibility in height controls to enable under and over units in appropriate locations thus minimising the need for cut and fill. The flexibility for 2 storey forms can best be achieved by the retention of the 9 metre maximum building height limit on the site.

Subsequent detailed design following the adoption of the amendments to the LEP will build on the general structure and footprint established in the Principles Plan.

#### 2.8 Transport and Movement

Seniors housing is typically a low traffic generator. Consideration has been given to access principles for the site and overall traffic generation to substantiate that the surrounding transport network has sufficient capacity to accommodate any potential development following the amendments to the LEP.

Traffic and movement have been investigated in the report prepared by Parking and Traffic Consultants accompanying the proposal.

#### **Public Transport**

The availability of public transport is important to sustainable travel options for seniors housing. Public transportation access to the site is via the Picton and Berrima Buslines service, operating a connecting service between Thirlmere, Picton and Tahmoor. Services currently stop immediately outside the entrance to the site, several times per day. As indicated by the Picton Buslines provider timetable and route adjustments are made every three years at which time arrangements can be made to service the redeveloped site. To allow for buses to effectively connect within the site is recommended that design of internal street patterns take into consideration the opportunities that can be created to allow the bus service to enter the site. This is discussed in greater detail in the Social Infrastructure Assessment Report.

#### **Access Opportunities**

Consideration has been given to access principles to integrate the site into the surrounding urban structure including connections to existing streets to the south and additional access from Thirlmere Way. There is considerable flexibility in access opportunities to the site from the surrounding street system to ensure adequate access for all vehicles including emergency and service vehicles.

Consideration will be given during detailed design to shared paths and pedestrian and cycle connections.

#### **Traffic Generation**

Investigations have been undertaken confirming the capacity of the surrounding road network to accommodate the additional traffic generated by development potentially occurring following the amendments to the LEP. Consequently there is no traffic constraint to the introduction of the amendments.



#### 2.9 Capacity of Infrastructure, Services and Facilities

#### **Utility Services**

The Services Infrastructure Report prepared by Smec Urban investigates the availability and augmentation of services to meet the demand of potential development following the amendments to the LEP.

Services augmentation will be required to meet the needs of future development on the site as indicated in the report. In this regard it is noted that development on the site will occur over a long timeframe providing the opportunity for planned augmentation of services.

#### **Surface and Ground Water Management**

The Water Management Assessment prepared by Martens Consulting Engineers identifies stormwater detention, groundwater and water quality management requirements for potential development following the amendments to the LEP. In addition flood levels and extents have been mapped across the site based on available site survey data.

These investigations establish principles for managing surface and groundwater water in an integrated fashion during the development process. There is no impediment from a water management perspective to the amendments to the LEP.

#### **Social Services**

A Social Infrastructure Assessment has been prepared by BBC Consulting Planners which considered the demand for facilities and services for seniors associated with the potential development of seniors housing at the site following the amendments to the LEP as well as providing recommendations for the development of strategies to provide services for seniors living on the site and ensuring effective integration of the site with the existing nearby towns and villages.

The development will be designed as far as possible to meet the on-site range of services and facilities which will be required by the residents. Management is likely to provide a range of care services, which will be similar in scope to current HACC services provided in the region.

Overall the proposed redevelopment of the site will be a positive contribution to the LGA, catering for the increasing demand for appropriate accommodation, facilities and services for the ageing population of the Wollondilly LGA.

The longer term gradual nature of the population growth, estimated to be over a 20 year timeframe, provides the opportunity for planning for the facilities and services to be made available to new residents and identification of a range of measures to promote community integration.



#### 3. Amendments to Wollondilly LEP 2011

At its meeting of 16 April 2012 to consider the request to prepare a Planning Proposal, Council resolved in part, that:

- 2. That the draft Planning Proposal seeks to amend Wollondilly Local Environmental Plan, 2011 as follows:
  - change the title of the zone from Zone SP2 Health Services Facility to Zone SP2 Health Services Facility and Seniors Housing
  - introduce Zone E3 Environmental Management Zone and / or including land in the Natural Resources Biodiversity and Natural Resources Water maps for parts of the site found to have biodiversity and conservation values
  - change the Height of Buildings Map to reflect height limitations compatible with the heritage and landscape / scenic values of the site
  - change the Lot Size Map to reflect future development intent and land use constraints
  - include the heritage item Harmony House in Schedule 5 Environmental Heritage.

All changes are subject to information to be gained from specialist studies.

The specialist studies requested by the Council have been completed and this allows changes to be finalised based on sound analysis of the site characteristics and conditions.

The resulting changes are as follows:

Council Resolution	Outcome of Specialist Studies
Change the title of the zone from Zone SP2 Health Services Facility to Zone SP2 Health Services Facility and Seniors Housing	The range of specialist studies support the addition of seniors housing to title of the zoning of the site. A draft amendment to the Land Zoning Map is attached.
Introduce Zone E3 Environmental Management Zone and / or including land in the Natural Resources – Biodiversity and Natural Resources – Water maps for parts of the site found to have biodiversity and conservation values	The flora and fauna studies support the inclusion of some bushland areas of the site within the Natural Resources – Biodiversity Map. This is considered a preferred approach than the E3 zone. The delineation of an E3 zone introduces a specific zone boundary line that does not reflect either a cadastral base or the variable qualities of flora and fauna on the site. A draft amendment to the Natural Resources – Biodiversity Map is attached.  The investigations into riparian streams on the site suggests a minor modification to the Natural Resources – Water Map to extent the length of the stream in the southern part of the site draining to Redbank Creek. A draft amendment to the Natural Resources – Water Map is attached.
Change the Height of Buildings Map to reflect height limitations compatible with the heritage and landscape / scenic values of the site	Detailed investigations into the character of the site support the retention of the existing maximum building height on the site of 9 metres with a higher limit in the vicinity of the existing buildings as proposed in the draft LEP maps accompanying Council's planning proposal.
	It is considered that there are parts of the site that can accommodate 2 storey forms and the retention of the existing 9 metre building height control enables this to occur where consistent with the vision and development principles for the site outlined in the Character Vision and Scenic Quality report. This flexibility will enable designs to respond to the local topography and blend with the landscape.



	The maximum building height proposed around the existing facilities is supported based on the height of existing buildings in this area.  A draft amendment to the Height of Buildings Map is attached.
Change the Lot Size Map to reflect future development intent and land use constraints	Currently there is no lot size control applicable to SP2 zones and there would appear to be no basis for identifying an appropriate lot size. There is no proposal for subdivision of the site. However flexibility is required for subdivision for a range of utility purposes and sometimes for funding or bed licencing purposes.
	It is suggested that the existing lot size provisions continue to apply to the site and thus no change to the Lot Size Map is required.
Include the heritage item Harmony House in Schedule 5 Environmental Heritage.	The draft Heritage Map as prepare by Council is supported and reflects the outcomes of the heritage investigations.

The resulting changes to the planning proposal meets the objectives of Council's resolution and of the Gateway Determination of the Minister for Planning and Infrastructure dated 26 March 2013. However there have been changes to the zoning of the land as proposed in the Gateway Determination and consequently it is appropriate that the planning proposal is submitted for a revised gateway determination.



APPENDIX 1
Wollondilly LEP 2011 Map Amendments











