

Planning and Assessment

IRF19/5414

Gateway determination report

LGA	Cabonne
PPA	Cabonne Council
NAME	Seniors housing, Queen Street, Molong
NUMBER	PP_2019_CABON_001_00_
LEP TO BE AMENDED	Cabonne Local Environmental Plan 2012
ADDRESS	59 Queen Street, Molong
DESCRIPTION	Lot 109 DP 652726
RECEIVED	7 August 2019
FILE NO.	IRF19/5414
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The proposal is to amend the Cabonne Local Environmental Plan 2012 (CLEP 2012) to enable the development of 42 seniors housing units on Lot 109 DP 652726, 59 Queen Street, Molong. Amendment of Schedule 1 to introduce an additional permitted use is the proposed method of achieving this objective.

1.2 Site description

The site and locality of the proposed seniors development are shown on Figures 1 and 2 (next page).

The site is at the corner of Queen (sealed) and Riddell (unsealed) Streets. The current land use is large-lot residential development in a semi-rural setting. There is a single dwelling house and outbuildings on the 2ha site.

The site is approximately 650m from Molong District Hospital and approximately 1600m from the Molong town centre, where retail and commercial services (including banking), community services and recreational facilities are located.

The R1 General Residential zone is 330m to the east of the site where seniors housing is permitted with consent.

The site is largely cleared, apart from remnants of Box-Gum Woodland. The proposal notes the future development will exceed the threshold for the biodiversity offset scheme and that biodiversity constraints of the land will be addressed at the development application stage through the biodiversity assessment method.

The site is not serviced with reticulated water and sewerage. It is proposed that the developer will provide a connection to Council's existing water and sewerage systems at the corner of George and Riddell Streets approximately 600 metres to the east of the site boundary. On-site stormwater management is proposed to include an on-site detention basin and power and telecommunication services are available to the site.

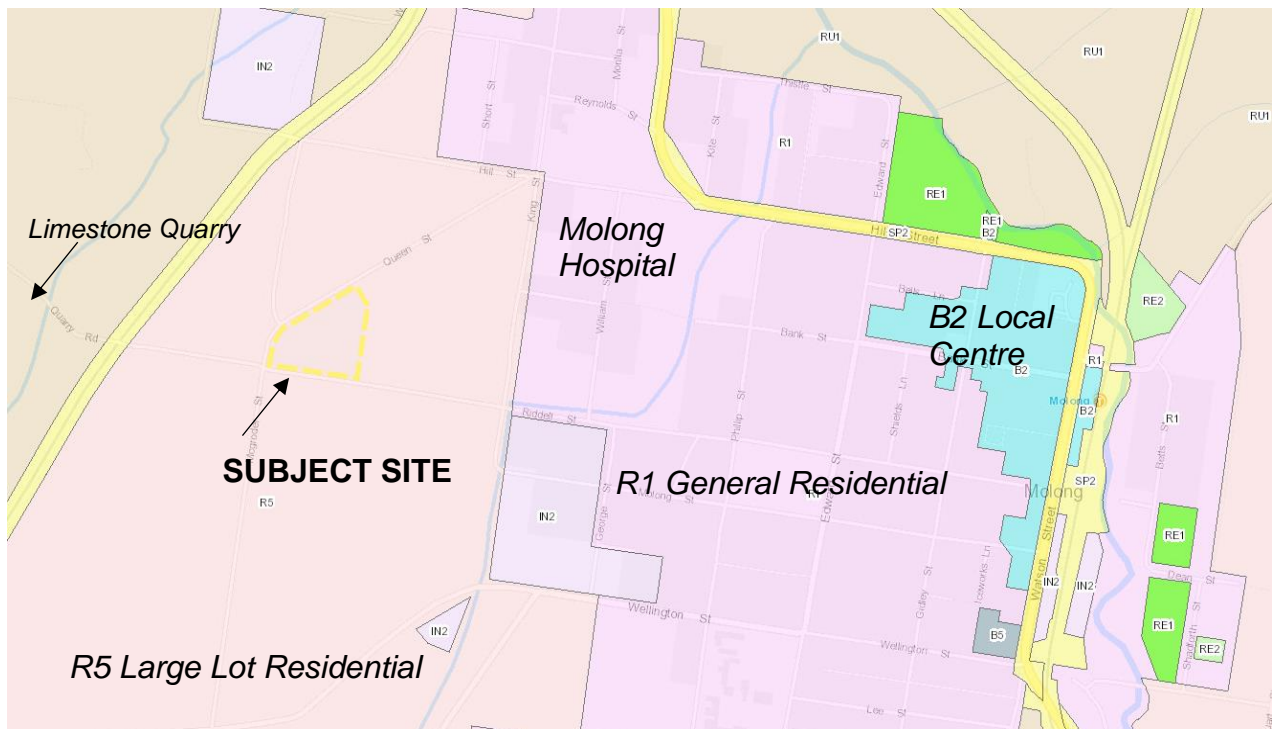


Figure 1: Subject site and locality plan



Figure 2: Aerial photo showing relative densities of site to the town centre



Figure 3: Proposed site plan showing proposed density compared to surrounding area

1.3 Existing planning controls

The subject site is zoned R5 Large Lot Residential under CLEP 2012. The minimum subdivision lot size is 5ha, however clause 4.1(4A)(ii) of CLEP 2012 permits subdivision to 4000m² in this area if the land is serviced by a sewerage system.

The land is also mapped as 'groundwater vulnerable' and 'karst' under the LEP and local provisions apply to these matters at the development application stage.

1.4 Surrounding area

The site is zoned R5 Large Lot Residential and surrounded by residential development of lots of a similar size (around 2 ha) in a semi-rural setting.

The land slopes upwards from the site to the hospital and Molong town centre.

The site is approximately 500m from the Western railway line (Sydney to Broken Hill) and an operational limestone quarry.

1.5 Summary of recommendation

The proposal responds to an identified need for seniors housing in Molong. The Central West and Orana Regional Plan 2036 includes actions to increase housing choice for seniors housing on appropriate sites.

The subject site is within an area identified in the *Cabonne Settlement Strategy* (CSS) as suitable for subdivision from 5ha to 4000m² where lots can be connected to reticulated water and sewer (NB: only sewer is listed in the LEP clause – see section 1.3 of this report). The proposal is for 42 dwellings on part of the 2ha site, equating to a density greater than one dwelling per 400m².

The proposal would result in development far denser than identified in the CSS. Council's strategic planning for this area has not envisaged development of this

density and this is reflected in the controls in the CLEP 2012 and available and planned infrastructure for this area. Development of this density would be incompatible with the surrounding development which at present is approximately one dwelling per 2 ha (Figure 3).

A strategic approach to identify appropriate sites for seniors housing, as proposed in the CSS and the *Central West and Orana Regional Plan 2036* (CWORP), is likely to identify locations for seniors housing with better access to support services.

It is recommended that the planning proposal not be supported and that council is supported by the Department to undertake a strategic approach as identified in the CCS.

2. PROPOSAL

2.1 Objectives or intended outcomes

The proposal is to allow development of seniors housing on Lot 109 DP 652726, 59 Queen Street, Molong in the Cabonne LEP 2012.

2.2 Explanation of provisions

The intended method of achieving the objectives of the planning proposal by adding an additional permitted use, is adequately described. However, were the proposal to be issued a Gateway to continue, it should be conditioned to provide analysis of the appropriateness of all components of the group term 'seniors housing' being permitted on this site.

2.3 Mapping

The proposal does not include amendments to LEP maps. Adequate mapping is provided in the proposal for community consultation.

3. NEED FOR THE PLANNING PROPOSAL

The proposal is said to be required as seniors housing is not permitted on the subject site. Were the objective broader (eg. providing opportunities for seniors housing on appropriate land in Molong) a range of options could have been considered.

The proposal considers three options to achieve the intended outcome of permitting seniors housing on Lot 109 DP 652726:

- rezoning the land to a land use zone in which seniors housing is permitted;
- amending CLEP 2012 to permit seniors housing in the R5 zone; and
- amending Schedule 1 of CLEP 2012 to permit seniors housing at the subject site only.

The proposal rejects the option of rezoning the lot to a zone in which seniors housing is permitted as this would result in a single lot zoned inconsistently with the adjoining land (considered as a 'poor' outcome in the planning proposal). In effect, the additional permitted use option that has been preferred, results in a comparable situation as it would lead to a land use that is inconsistent with surrounding land uses.

The proposal also considers permitting seniors housing in all R5-zoned land but this would be inappropriate as it would potentially replicate development that is inconsistent with surrounding land uses in other places.

4. STRATEGIC ASSESSMENT

4.1 Regional

The following directions of the CWORP are relevant to the proposal:

- Direction 5: Improve access to health and aged care services;
- Direction 22: Manage growth and change in regional cities and strategic and local centres;
- Direction 25: Increase housing diversity and choice;
- Direction 26: Increase housing choice for seniors; and
- Direction 29: Deliver healthy built environments and better urban design.

Relevant actions of the CWORP include:

- Action 25.4 promotes the location of higher-density development close to town centres to capitalise on existing infrastructure and increase housing choice. The provision of housing at the proposed density in a semi-rural locality is inconsistent with this action.
- Action 26.2 proposes that opportunities for seniors housing should be promoted in local housing strategies. Council's CSS (2012) recognises the need to identify lands in close proximity to key services and transport to support growing aged-care services and dwellings but there is no local housing strategy to further this CSS strategy or the CWORP Action. The Department can work with Council to identify appropriate locations for seniors housing and have this recognised in a local strategy.
- Action 26.3 is to remove planning barriers to provide a range of low-care and independent seniors' accommodation options in appropriate locations. The Action relates to Action 26.6 which proposes investigation of demand and identification of barriers to providing low-care and independent senior's accommodation. The prohibition of seniors living at this site is not considered a 'barrier' as the proposed density of development is incompatible with Council's strategic planning for the area. A preferred approach would be a strategic identification of appropriate sites for seniors housing prior to any necessary statutory plan amendments.
- Action 26.5 is to locate seniors housing close to services and facilities and on land free from hazards. While the proposal includes a bus service to transport residents to Molong town centre where retail and commercial services (including banking), community services and recreational facilities can be accessed, other potential sites for seniors housing exist closer to town on land that is already serviced with sewer and water and where better pedestrian access exists or is planned.

Overall, a strategic approach to the location of seniors housing should be taken by Council, consistent with the regional plan, to identify well-located sites that make use of existing infrastructure.

4.2 Local

The CSS recognises a need to identify lands in close proximity to key services and transport to support growing aged-care services and dwellings however this has not been reflected in a local housing strategy, as proposed in Action 26.2 of the CWORP, because Council does not have a local housing strategy.

The CSS includes discussion on dwelling densities in Molong. Land to the west of King Street, which includes this site, is to have a minimum lot size of 5ha however is considered suitable for higher-density residential development to allow development down to 4000m² where servicing is provided. This proposal is for a development approximately 10 times that density. The CSS also considers the potential for increased density (25/30 dwellings/ha) in a proposed future medium density investigation area. The area identified is generally within 400m from the town centre in recognition that such development should ideally be accessible to services and make use of existing infrastructure.

Despite the planning proposal's claim that it is consistent with the CSS, evidence to support this claim has not been found.

4.3 Section 9.1 Ministerial Directions

Direction 1.3 Mining, Petroleum Production and Extractive Industries

This Direction requires potential land use conflict to be considered. The location of the site near a limestone quarry may generate conflicts with residential development.

Consultation with the Resources section of the Department of Planning, Industry and Environment would be required to determine if there are potential impacts on the resource or quarry from the proposal.

Direction 3.1 Residential Zones

This Direction applies as the proposal intends to alter current residential-zoned land. The intended outcome of the proposal is to increase the density of residential dwellings in the area. By facilitating the development of 42 self-contained units, the proposal will change the current use and character of the semi-rural locality.

While the proposed amendment can be regarded as consistent with aspects of this Direction by increasing variety and choice of housing and not reducing density, it does not make more efficient use of existing infrastructure and services as it proposes a water and sewer connection outside the existing serviced area. It also does not reduce the consumption of land on the urban fringe as it proposes a density of development incompatible with the proposed zoning for this fringe area instead of locating such development in a more central location.

Further consideration of this Direction would be required were the proposal to proceed however the inconsistency with this Direction may not be able to be justified as required.

Direction 3.4 Integrating Land Use and Transport

This Direction seeks to ensure that development improves access to housing and services by walking, cycling and public transport and reduces travel demand, including the number of trips generated by development and the distances travelled.

The Direction requires a planning proposal to give effect to the aims, objectives and principles of *Improving Transport Choice – Guidelines for planning and development*. Principles include concentrating in centres and improving pedestrian access. While

the proposed provision of a private bus service is noted, further consideration of this Direction would be required were the proposal to proceed,

Direction 5.10 Implementation of Regional Plans

The above discussion (section 4.1) refers to the relationship of the proposal with the CWOP.

Further consideration of this Direction would be required were the proposal to proceed however the inconsistency with this Direction may not be able to be justified.

4.4 State environmental planning policies (SEPPs)

State Environmental Planning Policy No 44 – Koala Habitat Protection

SEPP 44 is applicable to the Cabonne LGA. An ecological assessment of the subject land identifies that the site contains remnant species White Box (*Eucalyptus albens*) which is listed in schedule 2 of SEPP 44 as a koala feed tree. The proposal notes that it is possible the site provides occasional temporary koala habitat but this is unlikely due to the poor quality of the remaining habitat. Preliminary consultation has been undertaken with the Environment, Energy and Science Division of the Department of Planning, Industry and Environment, which recommends that the application of SEPP 44 be considered during the development application stage when a biodiversity assessment report is completed.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP)

The proposal discusses the Seniors Housing SEPP however it does not apply to this land as it is not land zoned primarily for urban purposes and it does not adjoin land zoned primarily for urban purposes (clause 4).

The Seniors Housing SEPP provides for site compatibility certificates to be issued in certain situations, such as for land adjoining land zoned primarily for urban purposes. This provides opportunities for land closer to the town and hospital to be considered for seniors housing without the need for a rezoning.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP)

Clause 13 of the Mining SEPP requires compatibility of land uses with existing extractive industries to be considered at the development application stage. An assessment would be required to ensure that residential development of this density was compatible with the operations of the limestone quarry (eg. blasting, machinery and truck movements).

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

According to the Australian Bureau of Statistics, the Cabonne population aged over 65 years old was 2660 in 2016. The Department projects that this will increase to 4150 by 2036. This represents an increase of approximately 1490 aged residents over the next 17 years.

The proposal allows for the development of seniors housing which will increase the opportunity for residents to 'age in place'. However, the site is not considered to be a

suitable location for development of this density given the Council's strategic planning for the locality together with its distance from key services and facilities.

The planning proposal refers to a future amenities facility however there do not appear to be any support amenities in the initial proposal other than the proposed bus.

Given the projected growth in the number of residents aged over 65, Council should undertake strategic planning to identify appropriate sites for seniors housing, consistent with the requirements of the CWORP. Council's Local Strategic Planning Statement could identify the need for this investigation to be undertaken as a priority.

5.2 Environmental

The proposed development arising from the planning proposal will disturb remnant natural habitat. An ecological assessment completed by consultants FloraSearch (Appendix B of **Attachment A**), identifies the quantity of native vegetation that would be cleared for the development exceeds the threshold for the biodiversity offsets scheme and requires assessment of the site via the biodiversity assessment method. The proposed development does not include core koala habitat and SEPP 44 would be further considered at development application stage.

5.3 Economic

The proposal states there will be no external economic cost to the community for the development as the extension of water and sewer services will be provided by the developer.

While connections may be feasible with costs to be borne by the developer, the proposal has not considered the effect of placing additional load on the existing sewerage system. The CSS (2012) predicts capacity would not be exceeded until 2024/2025 but this may occur earlier with this proposal. This might also adversely affect the potential for growth within the existing sewered area without augmentation.

Further assessment of the economic effect of the proposal would be required were the proposal to be supported.

5.4 Infrastructure

A concept servicing strategy has been completed as part of the proposal (Appendix D of **Attachment A**). The proposal notes the site is capable of being connected to existing reticulated water and sewer services and managing stormwater on-site.

There is no assessment of the potential impacts from the proposal on other economic and social infrastructure such as roads or the hospital.

Were the proposal to proceed, a more detailed consideration of potential infrastructure impacts should be required to ensure Council makes appropriate allowance for any developer contributions that may be required. Consideration might also be given to including provisions in the LEP amendment to make development consent contingent on Council being satisfied that appropriate arrangements for servicing are in place.

6. CONSULTATION

6.1 Community

The planning proposal is not supported to proceed to public exhibition.

6.2 Agencies

The planning proposal is not supported; therefore, no further agency consultation is required.

7. TIME FRAME

No time frame is required as the proposal is recommended not to proceed.

8. LOCAL PLAN-MAKING AUTHORITY

There is no requirement to appoint a local plan-making authority as the proposal is recommended not to proceed.

9. CONCLUSION

The proposal responds to a need for seniors housing in Molong. However, the proposal is not supported as:

- it is inconsistent with the CWORP, which proposes higher-density development close to town centres and seniors development in locations that are close to services and facilities and on sites where such services and facilities can be accessed by pedestrians or via public transport;
- it is not supported by the CSS, which proposes subdivision at this site down to 4000m² (whereas this development is 10 times that density) and makes no recommendation for the location of seniors housing at this site;
- it is inconsistent with section 9.1 Ministerial Directions, and some of these inconsistencies are unlikely to be able to be justified.

A strategic approach to the identification of appropriate locations for seniors housing, consistent with the CSS and CWORP, is likely to identify better locations for seniors development including areas where it is already permitted or can be permitted through an application for a site compatibility certificate.

10. RECOMMENDATION

It is recommended that the delegate of the Minister determine that the planning proposal should not proceed for the following reasons:

1. The planning proposal does not have sufficient strategic planning justification as it is inconsistent with the CWORP and not supported by the CSS.
2. The planning proposal has insufficient site-specific merit as the site is not near services and facilities, and such services and facilities cannot be easily accessed. The locality is not appropriate for development of this density.
3. Inconsistencies with section 9.1 Ministerial Directions are unlikely to be able to be justified.

The strategic need for seniors housing development in Molong is not in question. Council should undertake a suitable strategic assessment with the support from the Department, in line with the CWORP, to determine locations with the appropriate characteristics for seniors housing development.



15.10.19

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