



qA353366

15/03525

Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING AND ENVIRONMENT

Planning Services

SITE COMPATIBILITY CERTIFICATE APPROVAL - STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) FOR 67 SKENNARS HEAD ROAD, SKENNARS HEAD

PURPOSE

- To recommend the Secretary determine the application for a site compatibility certificate under clause 25(4)(a) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (SEPP (Seniors Housing)) for 211 Serviced Self Care dwellings, at Skennars Head Road, Skennars Head by issuing a certificate.

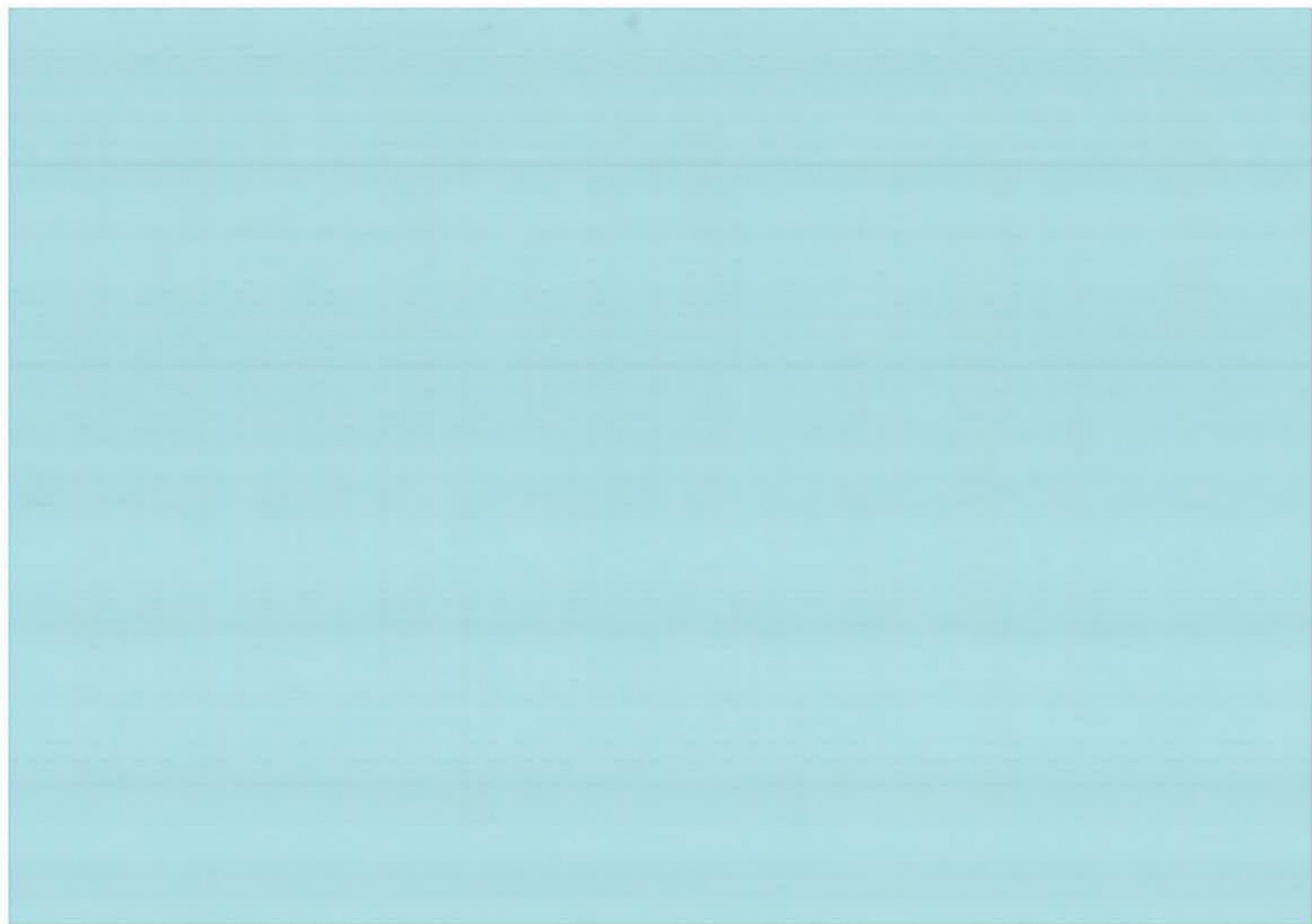
RECOMMENDATION

- It is recommended that the Secretary:
 - **notes** the report (Tab A);
 - **considers** 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 as set out in the report;
 - **forms the opinion** that the site of the proposed development is suitable for more intensive development;
 - **forms the opinion** that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having had regard to the criteria specified in clause 25(5)(b) and
 - **determines** the application for a site compatibility certificate by issuing a certificate (Tab B) for Lot 239 DP 1201225, 67 Skennars Head Road, Skennars Head.

CURRENT POSITION

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

- SEPP (Seniors Housing) includes a provision that where a suitable site adjoins land zoned for urban purposes, but is not zoned for urban purposes, a Site Compatibility Certificate can be issued to allow a council to consider a development application for a 211 Serviced Self Care dwellings.
- The purpose of the provision is to increase the extent of land on the urban fringe upon which seniors housing or housing for the disabled can be built. This assists in making available larger allotments to meet increasing demand for such housing.
- The Site Compatibility Certificate framework requires consideration by the Secretary as to whether the land is capable of sustaining such development and whether the necessary services are available. The relevant Council's views are required to be sought and considered.
- The Policy allows for the expression 'adjoins land' to extend to apply to neighbouring areas with a non-urban zoning, despite the presence of a road in between. The definition of 'adjoins land' has been subject to legal debate for some years. There is a difference of opinion in this regard between the Council and the applicant in this case, although not in relation to the existence of a road.
- The Department's internal Legal Advice provides that 'adjoining' in the context of SEPP (Seniors Housing) is not restricted to sharing a common boundary, but may include land



'near to' or 'neighbouring on' or in 'sufficient proximity to' the urban zoned land. This is the case in this instance, therefore the Site Compatibility Certificate request can be considered.

Council Staff Views

Issue	Response
<u>Aircraft Noise</u> Concerns with approving a 'retirement village' in an area affected by the Australian Noise Exposure Forecast (ANEF) 20-25.	The Australian Standard 2021 for ANEF provides that development of this type can be located in the 20-25 ANEF. The noise issue is usually addressed by noise attenuation works for the dwellings. This approach is consistent with Council development control plan for aircraft noise and would be considered at development application stage.
<u>Ecological</u> <u>Hairy Joint Grass</u> An endangered species (Hairy Joint Grass) has been identified in the locality.	An endangered species (Hairy Joint Grass) has been known to occur in the surrounding area. If identified on site, it can be considered by a Species Impact Statement at development application stage.
<u>Buffering</u> Requirement to apply a buffer to the development would affect the placement of a substantial number of proposed lots.	The proposed concept plan provides for adequate buffers from the wetland and for the bushfire asset protection zone. Any minor anomalies in setback can be resolved at development application stage.
<u>Infrastructure Provision</u> <ul style="list-style-type: none"> - <i>Water & Sewer</i> - <i>Pedestrian and Cyclist requirements</i> - <i>Internal roads & traffic</i> - <i>Provisions for service & delivery vehicles</i> - <i>Parking numbers</i> - <i>Water supply servicing</i> - <i>Sewer servicing</i> - <i>Existing services</i> Current infrastructure does not contain sufficient capacity to service the site.	An Infrastructure & Utility Service Review has been completed by the proponent. Some minor augmentation works may be required to increase supply capacity, however no major issues have been identified that would prevent the development from being adequately serviced. The application provides adequate detail to address the issues raised in terms of access, parking, and road layout for the issuing of a certificate. Details of these matters can be readily and practically managed at development application stage.
<u>Mosquitos</u> Concerns with approving a 'retirement village' in an area that is identified as having high mosquito risk (wetland). DCP requirements include buffering or a report to address mosquito risk and site specific measures.	Design issues and responses to mosquitos can be addressed at development application stage. This issue is not unique to this site and has been adequately addressed in terms of other release areas in this locality.
<u>Gradients</u> Concern regarding mobility on the site due to minor gradient changes.	Grades on the site do not preclude use of the land for seniors living. The maximum grade is 4.1%. Details of these matters can be readily and practically managed at development application stage.
<u>External Roads and Traffic</u> Concerns regarding access on and off Skennars Head Rd (connection road between Ballina & Lennox Head) and how they will integrate with proposed intersection upgrades in the area.	Detailed traffic impacts are considered at the assessment of a development application stage. The proponent has undertaken to prepare a detailed traffic assessment at development application stage.
<u>Geotechnical</u> Future development will be required to submit	A geotechnical assessment can be undertaken during the development application stage and



a geotechnical assessment.	wouldn't preclude or substantially constrain the certificate from being issued.
<u>Flooding and Stormwater Management</u> <u>Flooding</u> The site is not flood prone but there are concerns regarding localised flash flooding. <u>Stormwater Management</u> No stormwater plan provided.	The site is not flood prone. Any concerns regarding localised flash flooding and stormwater are addressed at the detailed design stage. The proponent has identified the need to undertake stormwater assessment at the development application stage.

- The purpose of a Site Compatibility Certificate is to determine if the site would be suitable for urban development. Following the issuing of a Site Compatibility Certificate the proponent needs to lodge a development application.
- None of the matters raised in Council's staff submission raise issues that would preclude the use of the site for seniors living. Each issue can be adequately addressed at the development application stage.

The Application

- Planit Consulting on behalf of Greenlife Properties Pty Ltd has submitted an application for a Site Compatibility Certificate under SEPP (Seniors Housing) at 67 Skennars Head Road, Skennars Head which is situated 7km north of Ballina and 3km from Lennox Head (Tab C).
- The proposed development consists of 211 self-contained dwellings. The proposal will also include ancillary facilities including a multipurpose function/recreational hall, swimming pool and tennis courts, garden area, visitor car parking and village bus services. Meals, cleaning services, personal care and nursing care will be available and co-ordinated by on-site support services (Tab D).
- The site has been identified in the Ballina Local Environmental Plan 2012 and Ballina Local Growth Management Strategy 2012 as 'land adjoining a strategic urban growth area' and therefore is a logical urban expansion area to existing residential subdivision.
- The subject site has limited constraints, none of which preclude or substantially constrain the development from proceeding. The constraints can be readily and practically managed at development application stage.
- Approval of a Site Compatibility Certificate is recommended.

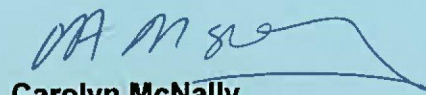
BACKGROUND

- The proposal relates to only part of the site (eastern extent). The area to the west that contains *State Environmental Planning Policy No 14 – Coastal Wetlands* will not be affected.



19-03-15

Andrew Jackson
Executive Director, Regions
Planning Services



Carolyn McNally
Secretary

30-3-15

 **Approved / Not Approved / Noted**



20-02-15

Contact Officer: Stephen Murray
General Manager, Northern Region
Phone: (02) 6641 6602
Mobile: 0427 203 468





Office of the Secretary

Mr L Blandford
Planit Consulting Pty Ltd
PO Box 1623
Kingscliff NSW 2487

Our ref: 15/01041

Dear Mr Blandford

Determination of application for a site compatibility certificate for 67 Skennars Head Road, Skennars Head - *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

I refer to your application of 5 January 2015 for a site compatibility certificate under clause 25(1) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (SEPP (Seniors Housing)) in relation to 67 Skennars Head Road, Skennars Head.

I have determined the application under clause 25(4)(a) of the SEPP (Seniors Housing) by issuing a site compatibility certificate. I have attached the Certificate of Site Compatibility.

If you have any questions in relation to this matter, please contact Mr Steve Murray, General Manager of the Department's Northern Region, on (02) 6641 6602.

Yours sincerely

Carolyn McNally
Secretary

30. 3.15

Enc: SCC certificate



Office of the Secretary

Mr P Hickey
General Manger
Ballina Shire Council
PO Box 450
Ballina NSW 2478

Our ref: 15/01041
Your ref: PN 1005690

Dear Mr Hickey

Determination of application for a site compatibility certificate for 67 Skennars Head Road, Skennars Head - *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

I have determined the application under clause 25(4)(a) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* by issuing a site compatibility certificate. I have attached a copy of the Certificate of Site Compatibility for your information.

If you have any questions in relation to this matter, please contact Mr Steve Murray, General Manager of the Department's Northern Region, on (02) 6641 6602.

Yours sincerely


Carolyn McNally
Secretary

30.3.15

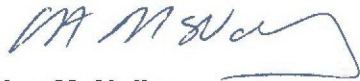
Enc: SCC certificate

**State Environmental Planning Policy (Housing for Seniors or People with a Disability)
2004
Certificate of Site Compatibility**

I, the Secretary, of the Department of Planning and Environment determine the application made by Planit Consulting on behalf of Greenlife Pty Ltd on 5 January 2015 by issuing this certificate under clause 25(4)(a) of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

I certify that in my opinion:

- the site described in Schedule 1 is suitable for more intensive development; and
- the development described in Schedule 1 is compatible with the surrounding environment and surrounding land uses, having had regard to the criteria specified in clause 25(5)(b).



Carolyn McNally
Secretary

Date certificate issued: 30.3.15

Please note: This certificate will remain current for 24 months from the date of this certificate (clause 25(9)).

SCHEDULE 1

Site description: Lot 239 DP 1201225, 67 Skennars Head Road, Skennars Head, Ballina Shire.

Project description: Proposed Serviced Self-Care Housing (211 dwellings)