

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

**SITE:** The site compatibility certificate (SCC) application applies to 126 North Street, Grafton (Lot 72 DP 1228271) (Figures 1 and 2, below and next page).

The site is partially improved by a residential aged care facility fronting North Street. The site adjoins Alummy Creek to the west, St Josephs Cowper Homes to the east and a residential subdivision to the north. An industrial area separated by Alummy Creek is located further to the west.

The aged care facility contains 63 beds, associated car parking, landscaping and facilities. It is a single-storey building comprising several separate wings for residents.



Figure 1: Subject site.

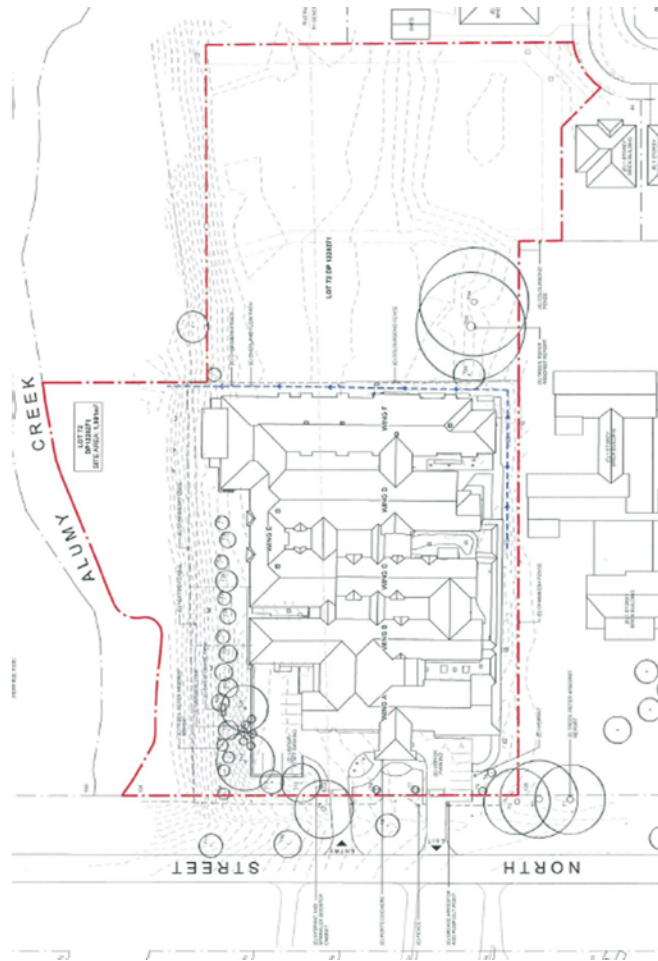


Figure 2: Existing site layout.

**APPLICANT:** Ardill Payne & Partners, on behalf of Southern Cross Care (NSW & ACT) Ltd.

**PROPOSAL:** The proposal is for alterations and additions to the existing residential age care facility (St Catherine's Residential Aged Care). The proposal seeks to increase the number of beds on-site from 63 to 87 (**Attachment A**).

The proposal involves the partial demolition of the residential aged care facility and the redevelopment of the site fronting North Street and the northern portion of the site, which is cleared land (Figure 3, next page).

The residential aged care facility is partially located in the R1 General Residential and RU2 Rural Landscape zones under the Clarence Valley LEP 2011. An SCC is necessary to facilitate the proposed alterations and additions, which are also partially located in the R1 and RU2 zones.

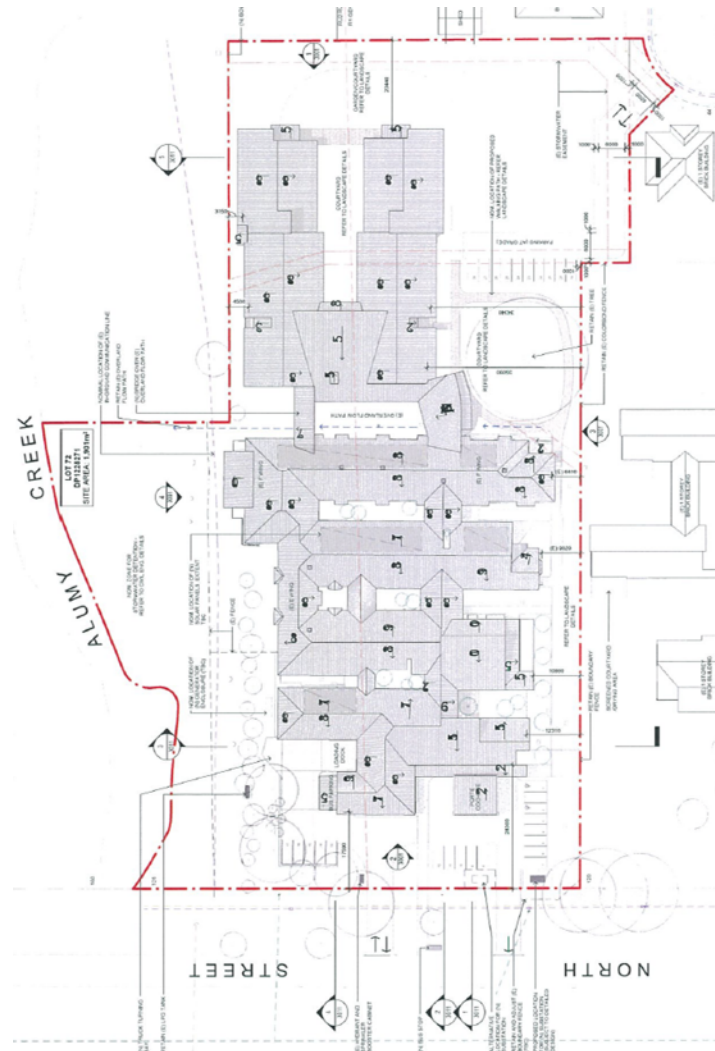


Figure 3: Proposed development layout.

**LGA:** The site is located within the Clarence Valley local government area.

**PERMISSIBILITY STATEMENT:** The site is zoned part R1 General Residential and part RU2 Rural Landscape under the Clarence Valley LEP 2011 (Figure 4, below).

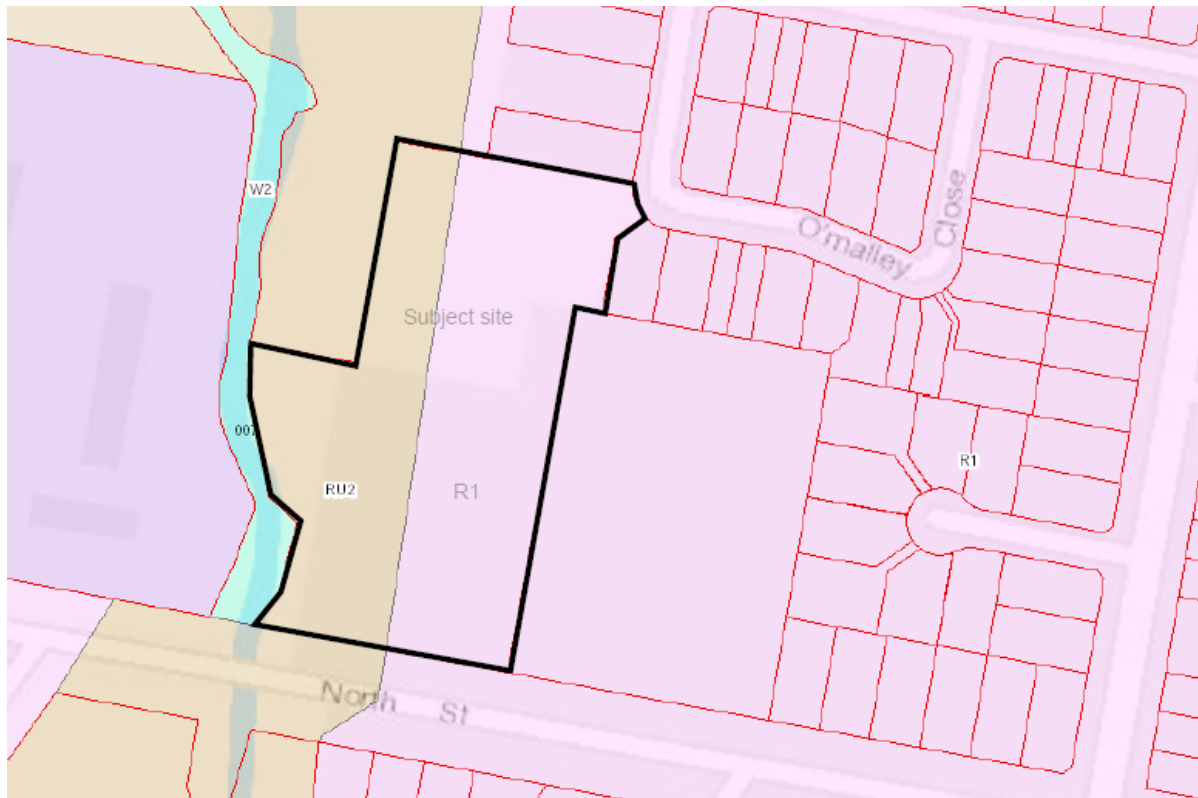


Figure 4: Zoning map.

Seniors housing is permitted with consent in the R1 zone and prohibited in the RU2 zone under the LEP. Seniors housing development on the RU2 part of the site requires an SCC under clause 24 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP). In accordance with clause 4 of the SEPP, an SCC can be issued for the site as:

- development for the purpose of a dwelling house is permissible in the RU2 zone under the Clarence Valley LEP 2011;
- the site adjoins land to the east and south that is primarily zoned for urban purposes (R1 General Residential); and
- the land to which the SCC applies is not impacted by any of the exclusions listed in schedule 1 of the Seniors Housing SEPP.

#### **PREVIOUSLY ISSUED SITE COMPATIBILITY CERTIFICATE ON THE LAND**

An SCC was previously issued on the subject site for the same proposal on 19 June 2017 (**Attachment E**). The SCC was current for 24 months and expired on 19 June 2019 before Clarence Valley Council could finalise its assessment of the associated development application (DA2019/0044). Council has advised that it has finalised its assessment and resolved in August 2019 to support the application subject to the proponent obtaining a new SCC.

## **PROXIMITY OF SITE TO WHICH THERE IS A CURRENT SITE COMPATIBILITY CERTIFICATE, OR AN APPLICATION HAS BEEN MADE BUT NOT YET DETERMINED**

There are no current or pending SCCs on land within a 1km radius of the subject site.

### **CLAUSES 24(2) AND 25(5)**

The panel must not issue a certificate 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;
- (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).

### **CLAUSE 25(2)(C)**

A cumulative impact study is not required as there are no current or undetermined SCCs on land within a 1km radius of the subject site.

### **COUNCIL COMMENTS**

Council provided comments on 4 September 2019 in relation to the SCC application (**Attachment C**). Council has advised that it does not object to the issuing of an SCC for this site.

### **SUITABILITY FOR MORE INTENSIVE DEVELOPMENT**

The 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 subject property comprises a total area of approximately 1.9ha and is approximately 2.5km from the Grafton town centre and 800m from Grafton Base Hospital. The use of the land for a seniors living development is considered an appropriate use as the site:

- contains an aged care facility, which is already partly located in the RU2 zone and has been operating on the site for several years. The proposed alterations and additions will be integrated into the existing facility;
- is located within an existing urban context, including adjoining residential development to the east and south; and
- is near and accessible to a full range of retail, commercial, recreational, health, welfare and educational facilities in Grafton.

The site has no constraints that would preclude the issuing of a certificate. Issues such as flooding and acid sulfate soils are considered to be matters that can be adequately addressed at the development application stage (as discussed below in more detail).



### North Coast Regional Plan 2036

The regional plan identifies that over the next 20 years, the population will increase, there will be a change in household size and make-up, and almost one-third of residents will be aged over 65 years. The proposal is consistent with the provision of greater housing choice and product to cater for the ageing population and a requirement for greater housing diversity as outlined in the regional plan.

The RU2-zoned land is located outside the urban growth area identified in the plan (Figure 5, below). As detailed throughout this report, the subject site is dual-zoned with an existing residential aged care facility and is located in the Grafton urban area. It is considered that the inconsistency between the proposed use and the zone is of minor significance due to the urban nature of the surrounding land uses and the existing use of the site.

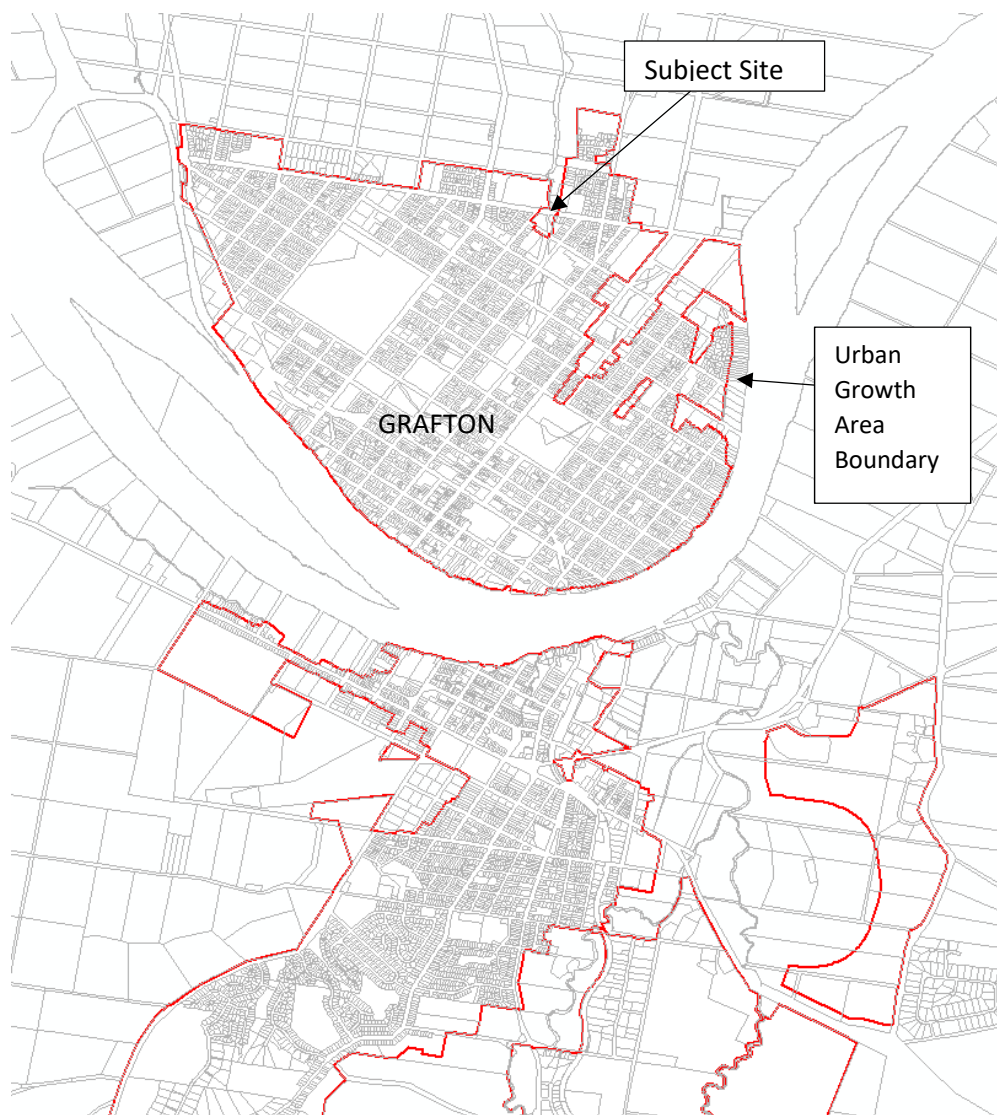


Figure 5: North Coast Regional Plan urban growth area.

### Clarence Valley Settlement Strategy (1999)

The Clarence Valley Settlement Strategy anticipates urban infill and small peripheral extensions to the Grafton urban area. The proposal is consistent with the intent of the strategy.

## COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND LAND USES

The 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))

The location of the proposed development is cleared land that is impacted by flooding, acid sulfate soils and important farmland. The proposal is not identified as being on bushfire-prone land or subject to potential contamination. The proposal is considered to be compatible with the natural environment and hazards, as outlined below:

#### Flooding

The site adjoins Alamy Creek and is identified as being within a flood planning area under the Clarence Valley LEP 2011 (Figure 6, below). The existing and proposed building location on the site is elevated from the defined waterway (Alamy Creek) consistent with other residential development in the area. It is considered that Council can appropriately consider and address any flooding issues, including appropriate measures to manage risk to life and construction standards, at the development application stage.



Figure 6: Flood planning area (shown in blue).

### Acid sulfate soils

The site is mapped as class 3 and class 4 acid sulfate soils under the Clarence Valley LEP 2011 (Figure 7, below). The LEP contains suitable measures that can be considered and addressed at the development application stage to ensure development and earthworks carried out within land identified as containing or potentially containing acid sulfate soils are appropriately managed.



Figure 7: Acid sulfate soils.



### Important farmland

The subject site is mapped as important farmland under the *North Coast Regional Plan 2036* and as regionally significant farmland under the *Mid North Coast Farmland Mapping Project* (Figure 8, below). The site is not used for primary production or rural uses and acts only as a buffer to Alamy Creek.

Due to the land's small size and location within the urban area, and because any meaningful primary production use of the land in the future is unlikely, the proposal is considered to be consistent with the important farmland interim variation criteria contained in the regional plan.

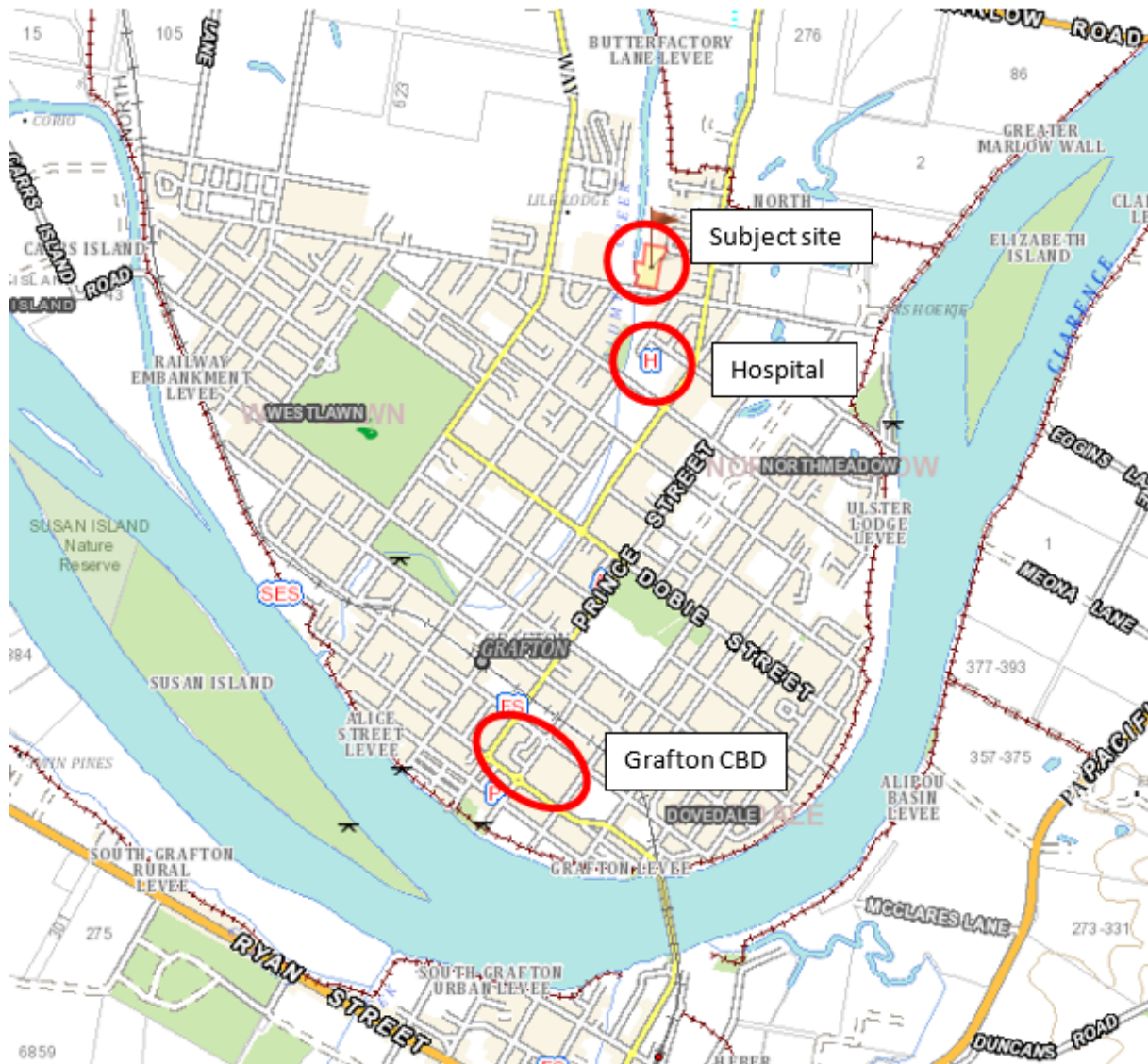


Figure 8: Regionally significant farmland.

## **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))**

Given the existing use of the site as a residential aged care facility, the proposal is consistent with the likely future use of the land. Alamy Creek borders the site on the western boundary and will continue to act as a natural barrier to minimise any potential land use conflict to the industrial land further to the west. No adverse impacts have been identified.

- 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))**



Busways bus services operate across the area, with a bus service passing the site as part of the Grafton to Junction Hill route no. 377 (Figure 10, below). This is a 'hail-and-ride service' that runs along the frontage of the site and to Grafton Base Hospital and complies with the requirements of clause 26(2)(c) of the Seniors Housing SEPP. Other matters such as pathway grades can be appropriately assessed as part of the development application.

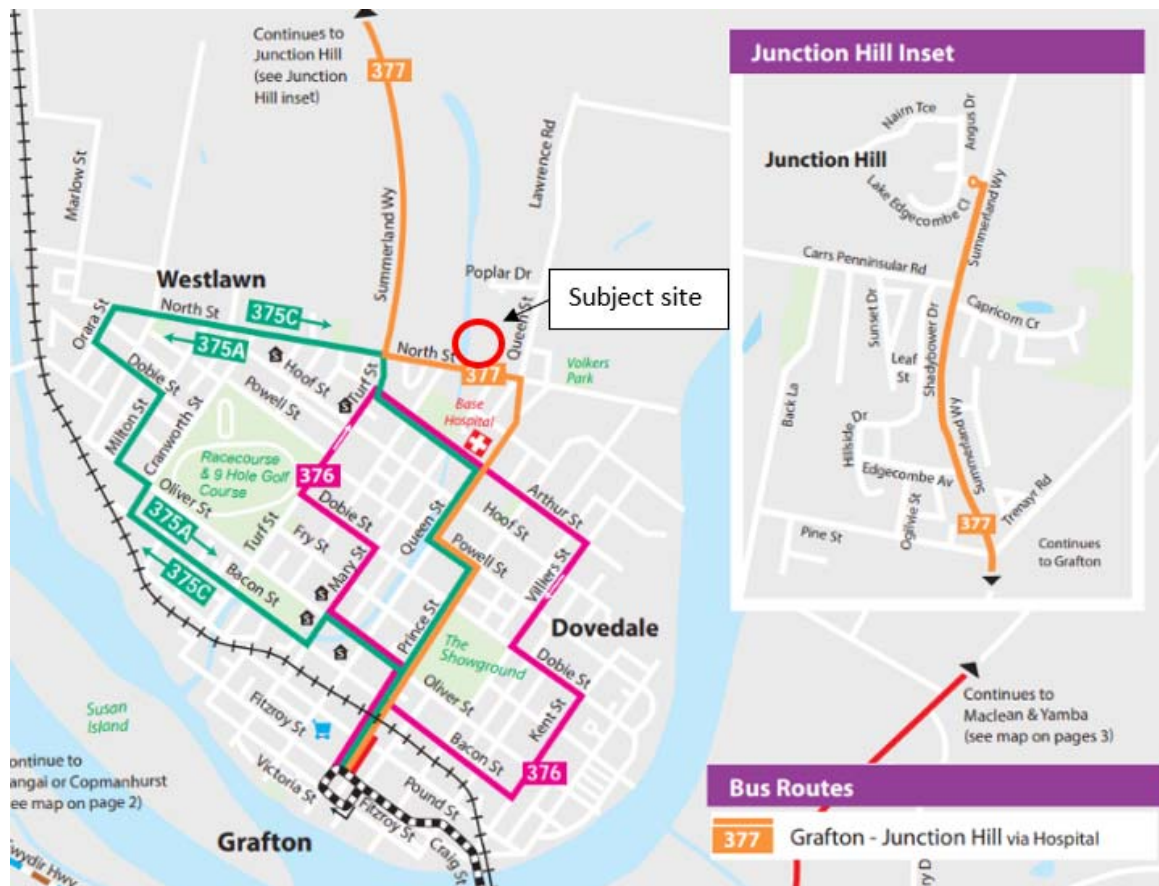


Figure 10: Public bus route

The SCC application states that:

- the local reticulated sewerage system has sufficient capacity to service the extra demand the proposed development would place on the network; and
- the site is connected to and serviced by reticulated water, sewerage, electricity, stormwater and telecommunications systems.

While Council raised the need to consider servicing, stormwater management, car parking and access associated with the proposal in 2017, it is understood that these matters have since been addressed to Council's satisfaction. Council has not raised any concerns regarding infrastructure in relation to the current proposal.

**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))**

This clause is not applicable as the subject site is not zoned for open space or special use.

**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 existing and potential future uses surrounding the site consist of low-density residential accommodation, the existing residential aged care facility on-site and the heritage-listed industrial property (former brewery) under the Clarence Valley LEP 2011 to the west.

The SCC application includes concept plans of the proposed development illustrating alterations to the existing residential care facility and an extension within the northern portion of the site, increasing the facility from 63 to 87 rooms. The proposed additions are 1–2 storeys, including an undercroft area.

The proposal is consistent with the existing bulk, scale and height of the Grafton urban area, which is characterised by elevated and double-storey buildings.

Alumy Creek provides a buffer between the heritage site to the west and the subject site, and it is not anticipated that the proposal will have any adverse impact on the heritage-listed item.

It is considered that the proposed development is consistent with the built form and character of the existing uses, approved uses and future uses of land in the vicinity of the development in accordance with clause 25(5)(b)(v).

**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 site is predominantly cleared and no potential adverse impact on native vegetation associated with the proposal is anticipated.

**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 is not required under the Seniors Housing SEPP as there are no current or undetermined SCCs on land within a 1km radius of the subject site.

## **SITE INSPECTION**

Departmental officers undertook a site inspection on 6 September 2019 and the subsequent report shows a visual representation of the development footprint and surrounding environment (**Attachment F**).

## **CONCLUSION**

The subject site is considered suitable for more intensive development given the existing residential aged care facility on-site, its proximity to a range of community, commercial, retail, education, health and medical services and its compatibility with the surrounding environment.

## **ATTACHMENTS**

A – SCC application package

B – Site map

- C – Council comments
- D – Draft site compatibility certificate
- E – Previous SCC
- F – Site inspection report

Contact officer: Rebecca Carpenter  
Planning Officer, Northern Region  
Contact: 6643 6421