

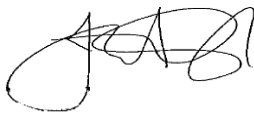
**State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**  
**Site Compatibility Certificate**

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The Sydney Western City Planning Panel, has determined the application made by City Plan Strategy and Development P/L on behalf of Club Marconi on 27 June 2019 by issuing this certificate under clause 25(4) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The Panel certify that in their opinion:

- the site described in Schedule 1 is suitable for more intensive development;
- the development described in Schedule 1 is compatible with the surrounding environment having had regard to the criteria specified in clause 25(5)(b);
- that development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding land uses only if it satisfies certain requirements specified in Schedule 2 of this certificate.



**Justin Doyle**  
**Chair**  
**Sydney Western City Planning Panel**

Date certificate issued: **Friday, 14 August 2020**

**Please note:** This certificate will remain current for 24 months from the date of this certificate (clause 25(9)) and cannot be varied during its currency to cover additional land.

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**SCHEDULE 1**

**Site description:** A Seniors housing precinct on land at 121-133 Prairie Vale Road, Bossley Park

**Development description:** Construction of 5 separate buildings ranging from 2 to 4 storeys comprising of 98 self-contained dwellings, associated resident and visitor car parking and landscaping.

## SCHEDULE 2

### Requirements imposed on determination:

1. As part of wider proposed staged improvements for the club site, the proposed seniors housing village offers the opportunity to locate suitable accommodation for the aged and disabled in a desirable location within Bossley Park particularly for residents of the Fairfield Local Government Area and surrounds, with adequate infrastructure to allow for the development.
2. In that context, the Panel has determined that the site of the proposed development is suitable for more intensive development, and development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to the criteria specified in clause 25 (5)(b) and the matters set out below.
3. The Panel is of the opinion that the proposed development is compatible with the surrounding land uses. The site is already used for a substantial sporting club and adjoins the existing retirement village at 84-88 Restwell Road. Any impacts on the housing across Restwell Road can be managed and will no doubt receive close attention at the DA stage.
4. There will be no unacceptable impacts on the natural environment. While there is a conservation area to the immediate east of the site behind the retirement village at 84-88 Restwell Road, there is no reason to expect that the proposed development will unduly affect the conservation values of that parcel. The site is not identified by any of the exclusions listed in schedule 1 of the Housing for Seniors or People with a Disability SEPP (HSPD SEPP).
5. Stockland Wetherill Park Shopping Centre, Greenfield Park Shopping Village and Bonnyrigg Plaza Shopping Centre will offer the retail, community, medical and transport services required to service future occupants and will be accessible by way of the bus stop on the southern boundary of the Club which is less than 400 metres away. Residents will also have the advantage of the adjacent club facilities.
6. As the existing site is a concrete carpark, the proposal will not reduce the provision of land for open space or other special uses in the vicinity of the development, which are in any event generously provided for by the club and surrounding sporting fields, as well as the nearby Western Sydney Parklands.
7. The reduction in the scale of the proposal since the proposal that was rejected by an earlier Joint Regional Planning Panel decision has resulted in a scheme that will allow for the bulk, scale, built form and character of the proposed development to be managed such that the proposal is unlikely to have an unacceptable impact in that regard on the existing uses, approved uses and future uses of land in the vicinity of the development.
8. The Panel has taken into account the written comments received from the Council concerning the matters outlined above and the consistency of the proposed development with the criteria referred to in paragraph 25(5)(b) of the HSPD SEPP.
9. Council has also questioned whether the proposal has demonstrated compliance with the following plans and policy documents:
  - Greater Sydney Region Plan;
  - Western City District Plan;
  - Fairfield City Plan 2016;
  - Fairfield strategy on the ageing 2013-2017;

### Planning Panels Secretariat

- Fairfield Open Space Strategy;
- Marconi Park Plan of Management; and
- the HSPD SEPP.

The Council does not however identify specific provisions of those instruments which are said to be countered by the proposal and the Panel does not agree that the proposal is inconsistent with them. Under the Western City District Plan in particular, provision for seniors and aged care housing is an important part of a diverse housing strategy. Increasing the supply and diversity of residences that meet the needs of seniors or people with a disability and making efficient use of existing infrastructure and services are also key objectives of the HSPD SEPP, which the proposal would support. As such, the Panel sees no significant constraint on this site which makes it unsuitable for the proposed housing for seniors and disabled persons.

10. While the Panel sees a development generally consistent with the general density described in the submitted plans as compatible with the surrounding area, it concurs with the Council's view that the urban design of the proposal in its current form could be improved.
11. The DA scheme (which may involve some reduction but no increase in envelope) would be assisted by an urban design report clearly demarcating the proposed pedestrian linkages to the club from Restwell Road through to Prairievill Road, with associated planning for the open space within the site, articulation or breaking up of the built forms to reduce their apparent bulk, and landscaping to screen the development from the adjacent sporting fields and conservation area. The Council's proposal for an independent peer review of the urban design report has merit, but for it to be genuinely independent the review may have to be commissioned by the Council. The urban design study may usefully form the basis for a site-specific development control plan or concept approval detailing controls for future development of the site.
12. The Panel also notes the recommendation from Transport for NSW, which encourages consideration of land being kept available for the future Spring Farm Link Road, as well as an appropriate contribution towards the Camden Bypass/ Liz Kernohan Drive intersection, but see these as matters to be addressed before the grant of development consent.

*Is the site "zoned primarily for urban purposes"?*

13. The Council has expressed the view that the subject site is not "zoned primarily for urban purposes" within the meaning of clause 15 of the HSPD SEPP but accepts that the subject site adjoins land zoned primarily for urban purposes.
14. The applicant has supplied its own legal opinion from Malcolm Craig QC dated 2 May 2019, which reaches a contrary conclusion that the subject site is itself relevantly zoned primarily for urban purposes.
15. In addition to the authorities referred to in the Craig QC advice, the decisions of Lloyd J in *Hallidays Point Developments Pty Ltd & Anor v Greater Taree City Council* [2008] NSWLEC 106 at [31] and [32] and of Commissioner O'Neill in *Wirrabara Village Pty Limited v The Hills Shire Council* [2018] NSWLEC 1187 would also seem to be relevant to this question.
16. The reason it is relevant whether the subject site or land adjoining it is "zoned primarily for urban purposes" is clauses 15 and 17 of the HSPD SEPP limit the forms of seniors housing for which development consent can be granted on land that only adjoins land primarily zoned for urban purposes, rather than the development site itself being so zoned.
17. That distinction is not however determinative as to whether a site compatibility certificate should issue. It is not one of the considerations identified by clause 25(5) of the HSPD SEPP,

and the matter to be certified in relation to the land is the same whether the land is zoned primarily for urban purposes or not.

18. It is not therefore necessary to determine at this stage whether the views of the Council, or the opinion of Craig QC, are correct on that point.

**DESCRIPTION OF THE KIND OF DEVELOPMENT CERTIFIED TO BE COMPATIBLE WITH THE SURROUNDING ENVIRONMENT HAVING REGARD TO THE CRITERIA SPECIFIED IN CLAUSE 25(5)(B) OF STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004**

The development certified to be compatible with the surrounding development is a seniors housing development consistent with the indicative height (including number of storeys) and massing blocks shown in the Team 2 Architects Plans dated 4 April 2019 submitted with the application, but the development will be required to

- (a) achieve a sufficient standard of design excellence in the opinion of the consent authority having regard to:
  - (a) consideration of appropriate pedestrian linkages between Restwell Road and Prairieville Road;
  - (b) arrangement and usability of open space within the development;
  - (c) presentation of the development when viewed from Restwell Place and the adjoining sporting fields and environmental conservation zone;
  - (d) articulation and vegetative screening of the proposed buildings to mitigate their apparent bulk;
  - (e) waste and onsite vehicle management; and
  - (f) environmental sustainability;
- (b) include appropriate measures to separate the club from the residential areas of the proposed development in order to avoid land use conflicts, and
- (c) include an appropriate protocol for managing the relationship between the proposed development and the gambling facilities on the site of the club in order to minimise harm associated with the misuse and abuse of gambling activities by residents of the proposed development.

This may involve limits on the floor space achievable and some cut outs or breaks in the building massing.