



## **SITE COMPATIBILITY CERTIFICATE**

### **STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004**

### **SERVICED SELF-CARE HOUSING (69 SINGLE STOREY DWELLINGS)**

47 Darrell Road, Calala, NSW, 2340 (LOT 1 DP 220319)

Prepared by Perception Planning Pty Ltd on behalf of Tony Summers



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## EXECUTIVE SUMMARY

This report accompanies the Site Compatibility Certificate ('**SCC**') application for seniors housing accommodation located at 47 Darrell Road, Calala, NSW 2340 ('**the site**').

This SCC Application Report seeks the issue of a SCC for the following:

*Development of 69 single storey serviced self-care dwellings, comprising:*

- *20 x self-contained units*
- *30 x 2 bedroom dwellings with 1 car space*
- *19 x 3 bedroom dwellings with 1-2 car spaces*
- *Café, community centre, shared pool and tennis court*
- *Mixed use premises designed for use as a neighbourhood shop and health services facilities.*

The site is located within the Tamworth Regional Local Government Area ('**LGA**') and comprises of one lot, which is legally identified as LOT: 1 DP: 220319. The site measures 32.71ha in size, is irregular in shape and gains direct vehicular access from Darrell Road. The current zoning of the site is RU4 – Primary Production Small Lots under the Tamworth Local Environmental Plan 2010 ('**the LEP**'). The site is located adjacent to the zone RU4 to the south and west and land zoned R2 – Low Density Residential and R5 – Large Lot Residential to the north and east.

Under Subclauses 4(1) and 4(4) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* ('**SEPP Seniors**'), the site is identified as 'land adjoining land zoned primarily for urban purposes', as dwelling houses are permitted in the adjoining R2 Zone. SEPP Seniors Housing therefore allows a consent authority to consent to Seniors Housing development where an SCC has been issued.

Tamworth Regional Council (TRC) will be the consent authority for the proposed development (subject to lodgement of a future DA). An SCC relating to the subject site was refused by the Department of Planning, Infrastructure and Environment, on 17 September 2018. Following this, further review of the proposal was conducted by Council. In a letter provided by Council to DPIE on 28 May 2019, the Department was advised that Tamworth Regional Council is now in a position to support a SCC for a seniors living development, for the reasons outlined in the letter.

This SCC is supported by the same concept plans referenced in the letter along with the required specialist reports, particularly a stormwater strategy as referenced as a required item within the letter. This report contains details of the proposal and information in accordance with the SCC Application Form (Part C – Site Compatibility). The purpose of this report is to address the planning issues associated with the proposal and to provide a response to the SCC Assessment Criteria.

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## ABBREVIATIONS

<b>CSP</b>	Community Strategic Plan
<b>DA</b>	Development Application
<b>DCP</b>	Tamworth Development Control Plan
<b>LEP</b>	Tamworth Local Environmental Plan
<b>LGA</b>	Local Government Area
<b>NRP</b>	Hunter New England North West Regional Plan
<b>SCC</b>	Site Compatibility Certificate
<b>SEPP</b>	State Environmental Planning Policy
<b>SEPP Seniors</b>	State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
<b>TRC</b>	Tamworth Regional Council
<b>URA</b>	Urban Release Area

## FIGURES, IMAGES AND TABLES

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## ATTACHMENTS

This SCC is supported by the following plans and documentation:

- **ATTACHMENT 1** – Preliminary Plans (SHAC)
- **ATTACHMENT 2** – Stormwater Strategy Report (DRB)
- **ATTACHMENT 3** – Deposited Plan
- **ATTACHMENT 4** – Servicing Strategy (RPS)
- **ATTACHMENT 5** – Council letter to DPIE dated 28 May 2019
- **ATTACHMENT 6** – PP letter to TRC dated 8 February 2020
- **ATTACHMENT 7** – Tamworth Bus line
- **ATTACHMENT 8** – AHIMs Search Result

## 1.0 SITE AND LOCALITY ANALYSIS

### 1.1 SITE DESCRIPTION

Site Characteristics	
Lot/DP	Lot 1 DP 220319
Address	47 Darrell Road, Calala, NSW, 2430 ( <b>FIGURE 1</b> )
Area	Approximately 32.71ha
Slope	Site slopes from the east to west.
Consent Authority	Tamworth Regional Council
Current Use	Dwelling house and ancillary structures

The site particulars are summarised in the table above, with site constraints obtained from the NSW Planning Portal. Access to the site is direct from Darrell Road, with associated road extension and formalisation proposed to occur following SCC and DA issue. Under the Tamworth Regional Local Environmental Plan 2010 ('LEP'), the site is not subject to a maximum height of building or floor space ratio limitation.

The site is currently used for agriculture / cattle grazing. The site also contains a rural residential dwelling which will remain and function as normal. As the site is used for agriculture/ cattle grazing and rural residential living – there are no known hazards associated with this site. Further, the site is bushfire, flood and mine subsidence free. No known contamination issues are associated with this lot to our understanding. Most housing in this locality comprises of single and double storey detached dwellings. Earlier rural cottages are lightweight timber frame construction on piers and more recent dwellings are typically brick veneer and/or rendered brick construction on a concrete slab. The local character of Calala consists of density clustered along the main roads and commercial core, not affected by significant vegetation, consisting of single and two storey dwellings of contemporary nature.



**Figure 1 – Locality Plan (Source: SHAC, 2018)**





## 1.2 LAND CONSTRAINTS AND ATTRIBUTES

The site has limited site constraints, with no flood or bushfire affectation.

### **Ecological constraints and natural environment**

The site has not been identified to contain any significant native vegetation. This is further backed up due to its limited supply of vegetation on site and due to the sites current use as an open paddock for cattle grazing. The site does not contain any mapped Endangered Ecological Communities (EEC).

In conclusion, the proposed development does not significantly impact threatened entities listed under the BC Act or EP&A Act.

## 1.3 LOCAL CONTEXT

### **Built form and character**

Character is what makes a neighbourhood distinctive and is the identity of a place. It encompasses the way it looks and feels and differentiates on area apart from another. It includes the sense of belonging a person feels to that place, the way people respond to the atmosphere and their emotional response to that place (NSW Gov, 2019). Desired future character refers to an agreed vision of how an area will change over time, including an identification of characteristics to be retained or enhanced. Visual character is formed by patterns created by the relationship of all elements within an area, including both the public and private domain.

Calala is a suburb situated within the northern NSW city of Tamworth, that experiences steady residential growth. To the north and north-east of the site is land zoned R1 – General Residential and R2 – Low Density Residential. While the land to the immediate east is land zoned R5 – Large Lot Residential. The surrounding built form is reflective of the above-mentioned land zones. Most housing in this locality comprises of single and double storey detached dwellings. Earlier rural-residential cottages are lightweight timber frame construction on piers and more recent dwellings are typically brick veneer and/or rendered brick construction on a concrete slab.

The proposed seniors living will directly contribute to the variety of housing that has been envisioned for this locality, respectful of the built form and offers a sympathetic outcome on-site with regard to site coverage and bulk and scale. This adjoining land appears to be subdivided and the majority of construction having taken place in the 1980s, so the proposed seniors living would provide housing that allows these residents to 'age in place'.

The land to the west is rural and is currently being used for grazing. The existing residential development has existed alongside this rural land for decades and in turn, it is not considered that they are incompatible. Increased setbacks could be provided to these western lands, if it is deemed appropriate through the site analysis and planning process. Provisions have been made for the introduction of large lot residential lots to the east of the site, complementing the transition between small lot residential, large lot residential and the rural land zone surrounding the site to the south and west.

As mentioned above, given the proximity of the site to residential zoning, the proposed development represents a well-considered development that will transition from the low-density development to the north and north-east to a similar developed low-density development for seniors living. It is not anticipated that the development will impact on any of the existing uses in the locality of the proposed site.

The site is zoned for its agricultural use, however, given the sites rocky landscape, the site is not considered to be prime agriculture land. The site is only used for cattle grazing. As such, no primary uses of the land are needed for the benefit of the community, nor are there any identified hazards that may prevent the proposed development from being continued.

## **1.4 ACCESS TO SERVICES AND FACILITIES**

### **Public transport and accessible pedestrian routes**

*The services and infrastructure that are or will be available to meet the demands arising from the proposed development. This includes location and access to facilities, not only on-site, but in the vicinity. Whilst the application states that the proposed seniors housing will include a community shop and office for a General Practitioner, this is not adequate for the purpose of ensuring that residents have access to a full range of services, such as banking, health, community and social activities.*

*Access to such services in the immediate vicinity and surrounding suburbs must also be discussed. How the residents will gain access to such services must also be detailed (i.e. on-site minibus, town bus services utilising a nearby bus stop, etc. In this regard, attention should be paid to Clause 26(2)(a) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.*

The following information identifies how the site complies with Clause 26(2)(a) of the SEPP.

The proposed development will include the provisions to include a multi-use development for the purpose of a small community shop for general goods (i.e. neighbourhood shop) and for the small office space for a local General Medical Practitioner. Space is also dedicated for community services and recreation facilities. Monk Park, which includes a playground is located to the north-east, which is within a 400m walk of the site.

The immediate local village (i.e. Calala) is located 2.6km to the north is 4-minute drive or 29-minute walk from the site. This village contains the following amenities:

- a. Pharmacy
- b. Northeast Health GP Clinic
- c. Parks
- d. Calala Community Monthly Markets
- e. Calala Tavern
- f. IGA Supermarket
- g. Café & Takeaway
- h. Bottle Shop
- i. Butcher
- j. Domino's Pizza

The nearest bus-stop also provides connections to this village. This bus stop is located on Panorama Road, which is 243m to the north-east of the Site. Six bus services a day from Tamworth Bus Services visit this bus stop (**ATTACHMENT 7**).

If a SCC was provided, the owner would work with the Tamworth Bus Services to have a bus-stop located directly adjoining / outside of the site. This would be located on Darrell Road, which is a local collector road for Calala and it is therefore likely that the bus operator would be willing to extend their existing route along Darrell Road. Initial discussions have taken place with Tamworth Bus Services and we are awaiting a formal response. The developer is also committed to providing a private bus service.

A parcel of land zoned B1 – Neighbourhood Centre has resulted in an Independent Grocer and Tavern now providing a service to the Calala community. This in turn means that the suburb is serviced by local bus providers and private taxis are available.

### **Utility services**

The development will establish self-care housing for senior persons, providing a quality lifestyle, including activities and transport services. The development will provide housing to assist the ageing population demographic without impacting on existing services within the locality.

A servicing strategy is provided at (**ATTACHMENT 4**), concluding that water and sewer mains are available in the immediate vicinity of the site that can be extended to provide the development with adequate points of connection.

A stormwater strategy has been designed to reflect the development and is provided at (**ATTACHMENT 2**), with a letter provided to Council explaining the rationale behind the strategy (**ATTACHMENT 6**). The strategy notes that the proposed development will be designed to capture the flows from the entire development area, upstream of the existing swale (which will be maintained) and detain the flows to ensure the peak discharge will be limited to the predevelopment flows, before discharging to the existing Dam 2. Because the existing swale already concentrates the sheet flow towards Dam 2, the proposed development will have no impact on the existing flow regime. Formal access to the site from Darrell Road is available and will be extended and upgraded where appropriate as part of the development.

## 2.0 CONSULTATION WITH RELEVANT AUTHORITIES

An SCC relating to the subject site was refused by the Department of Planning, Infrastructure and Environment, on 17 September 2018. Following this, further review of the proposal was conducted by Council. In a letter provided by Council to DPIE on 28 May 2019 (**ATTACHMENT 5**), the Department was advised that Tamworth Regional Council is now in a position to support a SSC for a seniors living development, for the reasons outlined in the letter.

This SCC is supported by the same concept plans referenced in the letter along with the required specialist reports, particularly a stormwater strategy as referenced as a required item within the letter.

## 3.0 PROPOSED DEVELOPMENT

### 3.1 DESCRIPTION OF THE PROPOSAL

The proposed development is defined as self-contained dwellings (serviced self-care housing) under the Seniors Housing SEPP. The proposed development incorporates 69 self-care housing, comprising:

- 20 x self-contained units
- 30 x 2 bedroom dwellings with 1 car space
- 19 x 3 bedroom dwellings with 1-2 car spaces
- Café, community centre, shared pool and tennis court
- Mixed use premises designed for use as a neighbourhood shop and health services facilities (for use by a range of allied health professionals, including podiatrists, doctors, physiotherapists, nutrition and dietetics specialist etc).

**FIGURE 4** below sets out the proposed developable land footprint which is proposed to be subject to a future DA at the site for Seniors Housing. Should the SCC be issued by DPIE, completion of detailed stormwater, hydraulic and electricity designs will occur to support DA. As detailed above, the site can be connected to reticulated water and sewer.

The development will consist of formalised internal roads with primary access from Darrell Road. High quality landscaping will be implemented within the development to increase the visual appeal of the site within the locality.

The proposal will include specific services, such as the option for the provision of meals, cleaning, and personal/nursing care. These services will be predominately offered to future residents in their homes and will be based on site in the area identified for community hall.

The SCC Application seeks consent for the use of the site as 'serviced self-care housing' in the above form, with each dwelling / unit having access to meals, cleaning services, personal care and nursing care, available on-site in accordance with the requirements of Clause 13 and 17 of SEPP Seniors.

## 3.2 OPERATIONAL DETAILS

As detailed above, the development incorporates a central facility which will incorporate a health services facility, café, community kitchen and pool. This will act as a Wellness, Health and Administration Centre to enable and support residents of the site to choose services that may be required to maintain healthy, active and independent lifestyles. Whilst the residents may remain active within the locality community and maintain use of the facilities available off-site, we recognise that some residents will preference in-house and on-site services. The site will employ permanent and part-time staff to oversee the Village operations and care requirements, inclusive of allied health professionals.

Whilst the exact operational details are not yet certain at this time, the home care component of the site will enable residents to access the following services:

- Domestic support inclusive of but not limited to cleaning and household tasks and meal preparation and provision. It is noted that an operator may be engaged to prepare the meals off-site and deliver on-site when scheduled, such as 'meals on wheels' or the like. Aside from this, a commercial kitchen will be provided on-site within the central facility.
- Personal and pet care (if applicable)
- Administration
- Nursing and medication management
- Meal preparation and nutrition plans
- Short term and crisis care.

The pool and tennis facilities incorporated within the development will encourage healthy activity and participation in rehabilitation, recovery and respite programs where required.

The exact nature of these services will be agreed upon within the Village Residents Association in accordance with their specific needs. The landowner is currently exploring a range of strategic partnerships with food and wellness providers for the provision of the abovementioned services, confirming a commitment to the provision of these services for the proper and successful management of the site. Additional or alternative services may be deemed appropriate at that point, depending on the site's needs. Further to this, the central facility will incorporate a commercial kitchen to provide meals to the residents on-site.

It is considered that the above-listed facilities would meet the definition of a 'health services facility' which are a permissible land use within the RU4 Zone in accordance with Division 10 of the *State Environmental Planning Policy (Infrastructure) 2008*. Other ancillary services offered within this use will meet the requirements of ancillary development given they will only be available to the members of the Village rather than being available to the general public at large. These uses will also be subordinate to the dominant purpose of the Seniors Housing sought under this SCC application and these uses will not serve their own purpose and therefore not an independent use.

Upon lodgement of a future DA, an Operational Management Plan will be prepared to clearly detail the above services following further consultation with the site provider (once appointed) and Village Residents Association, particularly in relation to:

- Hours of operation
- Fire safety

- Pedestrian and vehicular access and parking
- Deliveries
- Security
- Waste Management and Disposal
- Shuttle Bus services
- Village rules
- Pet management
- Noise and common area restrictions

It is considered that this provision of services on-site will assist the site in meeting the requirements of Clause 13, 17 and 26 of SEPP Seniors, demonstrating its commitment to meet the everyday servicing and facilities requirements of the site residents.

### 3.3 BUILDING ENVELOPE

The medium density, single-storey nature of the proposed future built form is the appropriate bulk and scale, which is consistent with the character of the surrounding locality and respects the transition between residential and rural density. Measures that would allow the development to further integrated with the existing setting could include:

- Provision of landscaping within the open space areas, retention of existing vegetated areas and buffers to reduce any perceived visual / amenity impacts from adjoining properties;
- Structural landscaping (street tree planting) along perimeter roads and internal streets;
- The incorporation of vegetation endemic to the area will provide visual integration with surrounding bushland or pockets of native vegetation, the large canopies which will have a positive impact in the broader view;
- Locally sourced native plant species, especially trees, should be utilised throughout the development;
- Controls on the built form such as increasing the size of the dwellings and associated Lots on the eastern portion of the site to provide a transition into the adjoining rural lands;
- Larger Lots adjoining the interface of surrounding rural land;
- Consideration should be given to controlling the type and colour of building materials used especially with the use of light, highly reflective cladding, brick and tile materials which contrast dramatically with the surrounding landscape;
- Incorporation of clearly defined pedestrian entries and road network;
- Rural style perimeter fencing such as post and rail at the interface with rural land assists in providing a sensitive transition and integration with the rural character of the area.



Figure 2 - Proposed layout (Source: SHAC, 2018)





### 3.4 POTENTIAL LAND USE CONFLICT

The site, as detailed within this report, the site has minimal capability for agricultural use due to the constraints of the land. The proposed development on the site compliments the surrounding residential development and associated uses and respects the land in which it is situated on. The development of the site and request for a SCC is consistent with the ageing population of the area and desire to provide an alternative residential living type and arrangement for this age category. There is minimal to no opportunity for land use conflict.

### 3.5 CONSISTENCY WITH COMPATIBILITY PLANNING PRINCIPLE

A key component of the SCC Application and subsequent future DA is to demonstrate compatibility of the proposed Seniors Housing development with the site and its surrounds. In *Project Venture Developments v Pittwater Council (2005)* NSWLEC 191, an appeal against the refusal by Pittwater Council established the planning principle of 'compatibility' in the urban environment.

A planning principle is a statement of a desirable outcome from a chain of reasoning aimed at reaching, or a list of appropriate matters to be considered in making, a planning decision. While planning principles are stated in general terms, they may be applied to particular cases to promote consistency. Planning principles assist when making a planning decision, including:

- where there is a void in policy
- where policies expressed in qualitative terms allow for more than one interpretation
- where policies lack clarity.

Key elements of the 'compatibility' planning principle established in the *Project Venture Developments v Pittwater Council* case are as follows:

- *There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.*
- *Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked:*
  - *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
  - *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

- *For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by **building height, setbacks, and landscaping**. In special areas, such as conservation areas, **architectural style** and **materials** are also contributors to character.*
- *Buildings do not have to be the same **height** to be compatible. Where there are significant differences in height, it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape.*
- *Front **setbacks** and the way they are treated are an important element of urban character. Where there is a uniform building line, even small differences can destroy the unity. Setbacks from side boundaries determine the rhythm of building and void. While it may not be possible to reproduce the rhythm exactly, new development should strive to reflect it in some way.*
- ***Landscaping** is also an important contributor to urban character. In some areas landscape dominates buildings, in other buildings dominate the landscape. Where canopy trees define the character, new developments must provide opportunities for planting canopy trees.*

Based on the planning principles detailed above, the proposed Seniors Housing development is considered to be compatible with the key elements as outlined in **(TABLE 1)** below.

**Table 1 - Compatibility element review**

Key element	Proposed development comment
<b>Built form</b>	<p>The proposed Seniors Housing has been designed with respect to the surrounding land uses. The scale of the development shows an understanding and appreciation of the site's topography and impact of the development on the natural state of the land and surrounding dwellings. It is noted that detailed assessment at DA stage, subject to review by Council may request additional measures and/or amendments to reflect their desired design outcomes.</p> <p>However, at this stage it is considered that the proposed development respects the scale, form and context of the locality and contributes to the preferred character of the neighbourhood and can be supported from a strategic perspective. The proposed development will reinforce the mixed residential – recreational nature of the locality and is characteristic of other larger scale developments in both the local and wider community.</p>
<b>Traffic</b>	<p>The Roads and Maritime Services, 2002, 'A Guide to Traffic Generating Developments' identifies that development for 'Housing for Aged and Disabled Persons' should estimate 1-2 daily trips. At 69 units, this equates to a maximum of 139 daily trips (i.e. 5.7 per hour).</p> <p>The site has direct access to the collector road of Darrell Road, which has a road reserve of 15m and is within 900m of the arterial road of Calala Lane. Both roads appear to be operating under capacity given their design to a standard that would have anticipated the eventual extension of Darrell Road.</p> <p>Each dwelling will be provided with a single lock up garage and associated visitor car parking is provided on-site to mitigate impacts associated with on-street parking.</p>
<b>Height</b>	<p>The proposed building height (single storey) has been designed to respond to the topography of the site and its surrounds, being low density in nature. The proposed height also responds to existing mature tree canopy heights within the site and surrounds and is therefore considered to be a suitable urban design response to the site's existing natural features.</p>
<b>Landscaping</b>	<p>The proposed Seniors Housing development will be extensively landscaped, utilising native species consistent with the surrounding established landscaping within the immediate sites and broader locality.</p>

## 4.0 STRATEGIC JUSTIFICATION

The key planning policies and legislation relevant to the assessment of the proposed Seniors Housing development include:

### **State Planning Context**

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

### **Regional Planning Context**

- New England North West Regional Plan 2036.

### **Local Planning Context**

- Tamworth Regional Affordable Housing Strategy
- Tamworth Regional Development Strategy
- Tamworth Local Environmental Plan 2010
- Tamworth Development Control Plan 2010.

This planning framework is considered in detail in the following sections.

## 4.1 SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

### **Chapter 1 – Preliminary and Chapter 2 – Key Concepts**

#### **Clause 2**

The aim of this SEPP, the Seniors Housing SEPP is to encourage the provision of housing (including residential care facilities) that will:

- (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and
- (b) make efficient use of existing infrastructure and services, and
- (c) be of good design.

#### **Clause 4**

In accordance with Clause 4, this Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:

1. *development for the purpose of any of the following is permitted on the land—*
  - (i) *dwelling-houses,*
  - (ii) *residential flat buildings,*
  - (iii) *hospitals, development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools, and seminaries, or*
2. *the land is being used for the purposes of an existing registered club.*

As discussed elsewhere in this report, a SCC to accompany a development application (DA) for certain proposals, including seniors housing adjoining land zoned primarily for urban purposes, but only if certain development under Chapter 1 Clause 4 of the Seniors Housing SEPP is permitted on the land.

Seniors Living is prohibited under the current RU4 Primary Production zoning under the Tamworth LEP. However, in accordance with Subclause 4(1)(b) of SEPP Seniors, the site is identified as being Land Adjoining Land Zoned Primarily for Urban Purposes as dwelling houses and seniors housing are permitted in the adjoining R2 Low Density Residential Zone to the north of the site under the Tamworth LEP.

#### Clause 10 and 13

In accordance with Clause 10, *seniors housing* is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these.

For the purpose of this application, the development incorporates 69 single storey self-contained dwellings. In accordance with Clause 13, a *self-contained dwelling* is:

*“a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.”*

In accordance with Clause 13:

*“serviced self-care housing is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.”*

As detailed within Section 3.1 of this Report, the services required by Clause 10 and 13 will be provided on-site.

#### Clause 15

Clause 15 provides that the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy:

- (a) *development on land zoned primarily for urban purposes for the purpose of any form of seniors housing, and*
- (b) *development on land that adjoins land zoned primarily for urban purposes for the purpose of any form of seniors housing consisting of a hostel, a residential care facility or serviced self-care housing.*

As detailed within this report, the land is not zoned primarily for urban purposes. However, the land adjoins land zoned for urban purposes, being R2 Low Density Residential, and the proposed Seniors Housing would constitute Serviced Self-Care Housing, therefore falls within the requirements of Clause 15(b).

#### Clause 17

In accordance with Clause 17(1), subject to subclause (2), a consent authority must not consent to a DA made pursuant to this Chapter to carry out development on land that adjoins land zoned primarily for urban purposes unless the proposed development is for the purpose of:

- (a) a hostel,
- (b) a residential care facility,
- (c) serviced self-care housing.

Subclause (2) provides that development for the purposes of serviced self-care housing on land that adjoins land zoned primarily for urban purposes, that the housing will be provided: provide housing:

- (a) for people with a disability, or
- (b) in combination with a residential care facility, or
- (c) as a retirement village (within the meaning of the *Retirement Villages Act 1999* (RV Act)).

The proposed Seniors Housing is sought to be provided under the RV Act, therefore satisfies Clause 15.

## 4.2 NEW ENGLAND NORTH WEST REGIONAL PLAN

The New England North West Regional Plan 2036 (NRP) includes the Tamworth Regional Local Government Area. The Directions from the NRP that are applicable include:

- Direction 18 – Provide great places to live
- Direction 19 – Support healthy, safe, socially engaged and well connected communities
- Direction 20 – Promote sustainable settlement growth with great places to live

These directions talk about the need to deliver housing choice to suit changing needs, such as the ageing population, with the requirement for local growth management strategies identifying potential locations for retirement villages and nursing homes. They also discuss the need to promote sustainable settlement growth, such as locations that are serviced by existing infrastructure and that will not cause use conflict with agricultural enterprise. These relevant directions also discuss the need to encourage healthy living by increasing options for walking and cycling.

The proposed development would meet all the applicable directions by:

- 1) Providing housing that directly responds to the ageing population;
- 2) Providing a housing community that allows existing residents to 'age in place'; and
- 3) Providing a development that is located in close proximity to existing services (e.g. Cala Neighbourhood Centre) and public transport that services this Centre.

The proposal for this SCC is consistent with the direction provided by the NRP and other State Government Policy directions that seek to provide housing for an ageing population, such as the NSW Government, 2016, 'NSW Ageing Strategy 2016-2020'.

## 4.3 TAMWORTH REGIONAL AFFORDABLE HOUSING STRATEGY

This development will be reflective of the overall aims and objectives of the Tamworth Regional Affordable Housing Strategy. The proposed development will enable housing catered for seniors who wish to down-scale in size for residential living into smaller-scale, affordable and manageable properties.

## 4.4 TAMWORTH REGIONAL DEVELOPMENT STRATEGY

The Tamworth Regional Development Strategy (TRDS) identifies a need to identify and promote appropriate sites for aged care facilities and seniors living developments. From our understanding and preliminary investigations on the matter, the proposed location is more than suitable and appropriate for this development in providing Tamworth with further variety in housing types across its region. Further to this, the TRDS identifies “...*proportion of people aged 65 and over will increase substantially and persons aged 10 and 19 years is expected to decline.*” (p.2). This will have a significant impact on demand for health services and for aged-care and residential services in the Region. As such, supporting this development will directly assist in this growing demand for seniors related infrastructure in the region.

## 4.5 TAMWORTH LEP



The Tamworth LEP 2010 (LEP) is the primary Environmental Planning Instrument guiding sustainable development. The relevant Clauses applicable to the proposed Seniors Housing development are detailed below.

- **Clause 2.3 – Zone objectives and Land Use Table**

The site is zoned RU4 – Primary Production Small Lots, with the objectives of the zone including:

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Seniors Housing is an innominate use prohibited in the RU4 Zone. The proposed development for Seniors Housing is therefore prohibited on the site pursuant to the Tamworth LEP. However, as described in Section 4 of this Report, SEPP Seniors provided for Seniors Housing as a permissible land use at this site, despite the RU4 Zoning. The site adjoins land zoned R2 for residential purposes to the north. The proposed Seniors Housing is consistent with the intended character of the area as it provides for a housing product that meets the needs of a growing demographic in the local community, being elderly and people with a disability. The built form of the proposed Seniors Housing has been designed to respond to existing and future characteristics of the locality.

The location and density of the proposed development is respectful of the existing character of the site and locality and does not create conflict between the land use zones / adjoining zones. Should the development be located further to the south or west of the site, conflict would arise due to being located in the ‘transitional’ area between the rural and residential zones / character.

As part of the DA design phase, post Site Compatibility Certificate (SCC) issue, the development has scope to incorporate larger lots adjoining the southern and western property boundaries to better integrate the development in with the existing large and small Lot residential properties and rural-residential character. This will reinforce the mixed rural-residential nature of the locality and allows for a respected transition from the residential to rural zone character and density in both the local and wider community.

- **Clause 4.3 – Height of Buildings**

The objective of Clause 4.3 is to ensure that the height of buildings is appropriate for the context and character of the area. The subject site is not affected by a maximum height of buildings standard. Despite this however, it is considered that the proposed development is of an acceptable height for the location, providing single storey dwellings consistent with the site surrounds and therefore will not detrimentally affect the values of the site or adjoining sites.

- **Clause 5.10 – Heritage Conservation**

The objective of this clause is to conserve the environmental heritage of Tamworth, including heritage items and heritage conservation areas, associated fabric, settings and views, to conserve archaeological sites, Aboriginal objects and Aboriginal places of heritage significance.

A AHIMs search (31 August 2020) contained at (**ATTACHMENT 8**) was undertaken in respect of the subject site which determined that no Aboriginal sites or places of significance are recorded in or near the subject site. Further, the site is not identified to be located within a heritage conservation area and does not contain a heritage item specified under Schedule 5. To this extent, no further assessment against the objectives of clause 5.10 is required.

- **Clause 7.3 – Flood planning**

The site is not identified as flood prone (**FIGURE 5**), therefore further consideration of this clause is not required.



**Figure 3 - Flood prone land affectation** (Source: NSW Planning Portal)

## **4.6 TAMWORTH DCP**

The Tamworth Development Control Plan 2010 (DCP) is the primary and comprehensive DCP that applies to the entire Tamworth Regional LGA. The DCP provides guidelines and controls for specific types of development. It is however noted that SEPP Seniors prevails to the extent of any inconsistency.

Whilst there are no specific development controls relating to Seniors Housing, the general provisions under the DCP identify relevant controls for rural land and development for consideration relating to design and environmental constraints.

## **5.0 STATEMENT ADDRESSING SEPP SITE COMPABILITY CRITERIA**

This part of the SCC report provides a Statement of Compatibility demonstrating the sites suitability and compatibility for the intended use, having regard to the matters for consideration in Clause 25 and Clause 26 of SEPP Seniors.

## 5.1 CLAUSE 24 CRITERIA (SEPP SENIORS)

Clause 24(2) of SEPP Seniors provides that a consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the relevant panel has certified in a current site compatibility certificate that, in the relevant panel's opinion:

- (a) the site of the proposed development is suitable for more intensive development, and*
- (b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b).*

With respect to these matters, it is considered that the proposed Seniors Housing development:

- Can be undertaken without significant traffic or acoustic impacts,
- Can meet the accessible site servicing requirements set out in Clause 26 of SEPP Seniors,
- Can be undertaken with minimal visual impact to the surrounding area / locality,
- Is well sited to ensure compatibility with the stormwater drainage requirements of the land and topography to allow the proposed built form to transition into the existing neighbourhood.

The particular matters set out in Clause 25(5)(b) are considered in further detail within Section 6.2 below.

## 5.2 CLAUSE 25 CRITERIA (SEPP SENIORS)

Clause 25(5)(b) of SEPP Seniors provides that the relevant panel must not issue a site compatibility certificate unless the relevant panel is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the criteria outlined in **(TABLE 2)** below. The assessment provided below demonstrates that the proposed Seniors Housing development is consistent with the prescribed requirements of Clause 25(5).

**Table 2** - Assessment of Clause 25 criteria (SEPP Seniors)

Clause 25(5)(b)	Assessment of proposed concept
(i) the natural environment (including known significant environmental values, resources, or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development.	The site has no immediately identifiable site constraints.
(ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the relevant panel, are likely to be the future uses of that land.	Amenity impacts relate to the surrounding residential zoned land. The residential zoned land surrounding the site and existing uses are consistent with the seniors housing that will make up this development. The locality has seen and

	<p>will continue to see the construction of new dwellings.</p> <p><b><u>Traffic</u></b></p> <p><i>Traffic generation numbers should be known. Will the proposed development require an external road upgrade to meet the predicted demand?</i></p> <p>The Roads and Maritime Services, 2002, 'A Guide to Traffic Generating Developments' identifies that development for 'Housing for Aged and Disabled Persons' should estimate 1-2 daily trips. At 69 units, this equates to a maximum of 139 daily trips (i.e. 5.7 per hour).</p> <p>The site has direct access to the collector road of Darrell Road, which has a road reserve of 15m and is within 900m of the arterial road of Calala Lane. Both roads appear to be operating under capacity given their design to a standard that would have anticipated the eventual extension of Darrell Road.</p> <p>The applicant would be willing to provide a traffic assessment, once a SCC is received from the Department, despite the clear indication that the existing road network has capacity and the proposed development will result in a small number of additional movements.</p>
(iii) 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.	<p>Services have been discussed throughout this Report which meets the requirements set out under the SEPP (Clause 26 and Part 5). Access to these services will need to be upgraded via pedestrian pathways to comply with the required continuous accessible path of travel.</p> <p>The site has been described as having access to essential services (i.e. water, sewer and electricity) that are located within Darrell Road.</p>
(iv) 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.	Not Applicable – The site is not zoned for open space or special uses.
(v) without limiting any other criteria, the impact that the bulk, scale, built	<b><u>Bulk and scale</u></b>

<p>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.</p>	<p>The bulk and scale of the development is suitable in that it is consistent with the character and density of surrounding residential development. The site is not affected by a maximum height limit requirement and therefore a merit assessment is required to be undertaken, taking into consideration the surrounding land uses, topography and site orientation.</p> <p>The scale of the development shows an understanding and appreciation of the site's topography and impact of the development on the natural state of the land and surrounding dwellings. It is noted that detailed assessment at DA stage, subject to review by Council may request additional measures and/or amendments to reflect their desired design outcomes. However, at this stage it is considered that the proposed development respects the scale, form and context of the locality and contributes to the preferred character of the neighbourhood and can be supported from a strategic perspective. The proposed development will reinforce the mixed residential – recreational nature of the locality and is characteristic of other larger scale developments in both the local and wider community.</p> <p>The proposal addresses the street and provides logical and convenient connections to the road network and pedestrian facilities in the locality. There are no anticipated adverse impacts on the built environment as a result of the proposed development.</p>
<p>(vi) 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.</p>	<p>The development does not require the removal of any native vegetation as defined by the <i>Native Vegetation Act 2003</i>.</p>
<p>(vii) the impacts identified in any cumulative impact study provided in connection with the application for the certificate.</p>	<p>No cumulative impact study is required to be provided in relation to the proposed development.</p>

### 5.3 CLAUSE 26 CRITERIA (SEPP SENIORS)

Clause 26 of SEPP Seniors requires that a consent authority not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2). An assessment of compliance with Clause 26(2) of the proposed Seniors Housing development concept is provided in **(TABLE 3)** below.

**Table 3 - Clause 26 criteria (SEPP Seniors) assessment**

Clause 26 criteria	Assessment of proposed concept
<p>(1) Consent must not be granted unless evidence is provided that residents of the proposed development will have access that complies with subclause (2) to:</p> <ul style="list-style-type: none"> <li>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</li> <li>(b) community services and recreation facilities, and</li> <li>(c) the practice of a general medical practitioner.</li> </ul>	<p>Access to essential services and facilities is discussed elsewhere within this report.</p> <p>Moreover, it is proposed to provide a range of every-day services and facilities to the future Seniors Housing residents onsite. The provision of these specific services would be finalised at the DA lodgement stage.</p> <p>However, at this time it is proposed to provide a range of services and facilities and social activities. This will create an integrated community which encourage physical wellbeing, activity and social engagement.</p>
<p>(2) Access complies with this clause if—</p> <ul style="list-style-type: none"> <li>(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable: <ul style="list-style-type: none"> <li>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</li> <li>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</li> <li>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</li> </ul> </li> </ul>	<p>The site cannot demonstrate compliance with Clause 26(2)(a) as the site is located more than 400m from such services.</p>
<p>(b) relates to land within the Greater Sydney (Greater Capital City Statistical Area).</p>	<p>Does not apply, as the site is located outside of this area.</p>
<p>(c) in the case of a proposed development on land in a local government area that is not within the Greater Sydney (Greater</p>	<p>It is noted that, as the site is located outside of Greater Sydney, there is no requirement under SEPP Seniors for the site to be</p>

<p>Capital City Statistical Area)—there is a transport service available to the residents who will occupy the proposed development—</p> <p>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</p> <p>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>(iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),</p> <p>and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).</p>	<p>located within 400m of accessible public transport. Whilst this is a requirement for Seniors Housing developments within the Greater Sydney area to be located within 400m of accessible public transport (as per Subclause 26(2)(b), the requirement for sites outside of Greater Sydney is rather that they be accessible <u>by transport</u>, which is not specified as comprising public transport (refer to Subclause 26(2)(c) of SEPP Seniors).</p> <p>The site has direct access to the collector road of Darrell Road, which has a road reserve of 15m and is within 900m of the arterial road of Calala Lane. Both roads appear to be operating under capacity given their design to a standard that would have anticipated the eventual extension of Darrell Road.</p> <p>The applicant would be willing to provide a traffic assessment, once a SCC is received from the Department, despite the clear indication that the existing road network has capacity and the proposed development will result in a small number of additional movements.</p>
<p>(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable—</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</p>	<p>Noted, upgrades to footpaths may occur as a result of DA assessment.</p>

## 5.4 CLAUSE 27 CRITERIA (SEPP SENIORS)



Clause 27 provides that a consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map, unless the consent authority is satisfied that the development complies with the requirements of the document titled Planning for Bush Fire Protection.

The subject site is not identified as bushfire prone, therefore further assessment against this Clause is not required.

## 5.5 CLAUSE 28 CRITERIA (SEPP SENIORS)

Clause 28 provides that a consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.

A water and sewer strategy is provided at **(ATTACHMENT 4)**, concluding that water and sewer are available in the immediate vicinity of the site that can be extended to provide the development with adequate points of connection.

The impact on existing services provided within the community to this senior living development will be minimal. Provision of specialised services (such as meal preparation and deliveries, cleaning assistance, etc.) will be facilitated in house and therefore the burden of support for future residents of the development will not be passed onto existing providers.

The development will establish serviced, self-care housing for senior persons or people with a disability, providing a quality lifestyle, including activities and transport services. It will assist with the ageing population demographic without impact on existing services.

## 6.0 CONCLUSION

The site adjoins existing residential development and is relatively clear of constraints. It is within proximity to major services, such as the centre of Calala. The development is characteristic of the existing development within the immediate locality and aims to provide seniors housing in an appropriate form which responds to the land and natural environment.

A SCC will enable permissibility to lodge a new Development Application for the development for assessment by Tamworth Regional Council. The proposed development will have minimal impact on surrounding land uses and represents an appropriate use of the land. The proposed development will provide housing diversity necessary to support a growing, aging demographic within the Tamworth Regional LGA. It is considered to be consistent with the public interest, the strategic context of the site and the identified capability of the site and surrounding areas to support further residential development.

To this extent, we recommend SCC application for approval.



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