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Department Generated Correspondence (Y)

**Report to the Director General on an Application for a Site Compatibility Certificate
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

Site Name: 1804-1812, The Northern Road, Orchard Hills (Lot 4, DP218571)
Applicant: Mr Mark Freeman
LGA: Penrith City Council

Recommendation:

It is recommended that the Director General:

1. form the opinion that the site of the proposed development is suitable for more intensive development in accordance with Clause 24 (2) (a); and
2. that 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);
3. pursuant to clause 25 (4) (a) of SEPP (*Housing for Seniors or People with a Disability*) issue a Site Compatibility Certificate [Tagged A] for Lot 4 DP218571, 1804-1812 The Northern Road Orchard Hills,
4. condition a Site Compatibility Certificate to ensure any proposed development includes a residential care facility pursuant to Clauses 17 (1) and 17(2) in the SEPP;
5. sign the attached letter to the applicant [Tagged B] and endorse the Regional Director's draft letter to Penrith City Council [Tagged C] advising of this determination.

Site:

The subject site has an area of 2.03 hectares and is currently used for rural residential purposes. The site is located on and has access to The Northern Road and is currently zoned RU4 *Rural Small Holdings* under the Penrith Local Environmental Plan (PLEP) 2010. **Appendix 1** contains a locality map.

Proposal:

An application was made on 12 August 2010 by Mr Mark Freeman, seeking the issue of a Site Compatibility Certificate to support a subsequent lodgement of development application to construct single and double storey villas, terrace and town house style dwellings to provide a total of 140 self contained dwellings for seniors housing. The dwellings are all proposed to be 'serviced self contained housing units' (**Appendix 2** shows images of the proposed housing). In response to Department's request, the proponent provided a site layout plan as shown in **Appendix 3**, however, it does not clearly show how the different dwelling types will be sited on the 2.03 hectares site.

Permissibility Statement:

The site is currently zoned RU4 *Rural Small Holdings* pursuant to PLEP 2010 and comprises an area of 2.03 hectares (zoning map shown at **Appendix 4**). The objectives of this zone are to enable sustainable primary industry and other compatible land use and to minimise conflict between land uses within the zone and land uses within adjoining zones. Home occupations are permitted without consent and group homes, and dwelling houses are permitted with consent within RU4 zone.

The subject lot does not directly adjoin land zoned for urban purpose. However, the land to the west of the site, on the opposite side of the the Northern Road, is zoned for urban purposes, being zoned 2(b) – *Residential (Low Density)* under Penrith Local Environmental Plan 1998 (Urban Land). This zone provides a limited suite of permissible land uses, however it does allow for residential development inclusive of dwelling houses and dual occupancies. The site adjoins land zoned for urban purposes, Clause 4(4) of SEPP (*Housing for Seniors or People with a Disability*) 2004 applies:

(4) Land that adjoins land zoned primarily for urban purposes

For the purposes of this Policy, land that adjoins land that is zoned primarily for urban purposes includes (but is not limited to) land that would directly adjoin land that is zoned primarily for urban purposes but for the presence of a public road to which there is direct vehicular and pedestrian access from the adjoining land.

The application for a Site Compatibility Certificate, in accordance with Clause 24 (*Site Compatibility Certificates Required for Certain Development Application*), of the SEPP should be considered as the site is on land that adjoins land zoned primarily for urban purposes.

As such, in accordance with Clauses 17 in the SEPP, any proposed development should include a residential care facility and /or complies with the requirements of Clauses 17(1) and 17(2).

Consideration Under Clause 24 and 25(5):

In order to issue a Site Compatibility Certificate, the Director-General must form the opinion that:

- (a) the site of the proposed development is suitable for more intensive development [clause 24(2)(a)]; 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 set out in Clause 25(5)(b) [clause 24(2)(b)].*

The Director-General may refuse to issue a certificate if he considers that the development is likely to have an adverse affect on the environment [Clause 25(6)].

Suitability of the Site for More Intensive Development:

The site is suitable for more intensive development as:

- the proposal will have access to adequate shops, facilities and services at the major centre, Penrith and other smaller centres, both accessible by public transport and the community bus proposed to be provided by the developer ;
- although Council's vegetation map (**Appendix 5**) shows a large portion of the site as having endangered ecological community -Shale Plains Woodlands community, Council has not identified the site as Environmentally Sensitive Land in Penrith Local Environmental Plan (PLEP) 2010. Further, the attached vegetation photo (**Appendix 6**) shows that some trees appear on the subject site but no significant environmental constraints are identified that would preclude the development of the site;
- the site is well serviced with infrastructure that is and will be available to meet the demands arising from the proposed development.

Land to the north, south and east of the subject site is zoned for rural purposes and are mainly used for rural residential purpose, consisting of a few low density houses and large lots. Land to the west is mainly used for medium to low density residential purposes. In addition, the land is currently zoned RU4-Rural Small Holdings in PLEP 2010. One of the objectives of the RU4 zone is to minimise conflict between land uses within the zone and land uses within adjoining zones. The proposal is considered to be consistent with this objective as adjoining land uses to the west are of a similar built form. In addition, the proposed use is deemed generally compatible with the surrounding environment and the site is suitable for more intense development.

The draft North West Subregional Strategy and Penrith City Council's urban growth management strategies identified a need for significant new and diverse housing opportunities to meet increasing demands. Council's strategies also identify the need for housing in some fringe locations across the LGA, as well as concentrating denser housing in town centres. This proposal will generate housing to assist in meeting these demands.

Natural Environment and the Existing and Approved Uses in the Vicinity:

25(5)(b)(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;

Ecological: Although Council's vegetation mapping shows a large portion of the site as having Shale Plains Woodlands community, Council has not identified the site as Environmentally Sensitive Land in PLEP 2010. Appendix 6 shows there are large tree species on the subject site, especially along its frontage. These are remnants of Shale Plains Woodland. It is anticipated that there will be some clearing based on the information in the site layout plan, however, this will also form part of Council's consideration during the development application assessment process.

Flood Risk: There is no flood risk identified on the site.

Bushfire: The site is not identified as Bushfire Prone on Penrith City Council's Bush Fire Prone Land Map (Appendix 7).

Heritage: The site does not contain any known Heritage items.

Views: Penrith Council has identified The Northern Road site as part of 'a main gateway entry point to the city'. Further, Council information identifies the characteristics of the land in the vicinity of the site as open semi rural environment that provides high amenity to the locality and a valuable buffer to the denser residential form to the west. In addition, scenic rural landscape values are a key aspect of PLEP 2010. The proposed development on the eastern side of The Northern Road may have impact on the existing established rural character and the visual environment of the scenic corridor. However, Council has the ability to negotiate with the proponent minimum setback frontage controls and design issues during the development application process.

Existing Uses: Based on information provided by the proponent, the site is currently, and has for its pertinent history only been used for residential purposes, i.e., one dwelling only on 2.03 hectares.

Land in the Vicinity: The Northern Road splits the locality into two different zones: to the western side of the road is mainly zoned 2(b) – *Residential (Low Density)* under LEP (Urban Land) while to the eastern side is mainly zoned RU4-*Rural Small Holdings* under the provisions of PLEP 2010. As noted above, the proposed development is compatible with the surrounding land uses to the west of the site which are predominantly residential dwelling uses.

The immediate area surrounding the site contains small rural holdings, church and schools to the south and east and nursery and established medium to low density residential allotments to the north (refer to Appendix 6). In particular, the development to the north of Castle Road already represents urban style character. It is unlikely that the proposed development will generate any significant impacts on the surrounding land uses.

Impact on the Future Uses of the Land:

25(5)(b)(ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land;

Land uses in the locality of the subject site are predominantly residential and rural residential. The PLEP 2010 was made on 22nd September 2010 and it rezoned the project site for rural residential purposes. Further, the REP No. 25- Orchard Hills has determined that the proposed site is not "Prime Agricultural Land". The site is currently, and has for its pertinent history only been used for residential purpose.

Services and Infrastructure:

25(5)(b)(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;

Location and Access to Facilities: Clause 26: *Location and Access to Facilities*, of the SEPP requires that residents of a proposed development have access to:

- (a) *shops, bank service providers and other retail and commercial services that residents may reasonably require;*
- (b) *community services and recreation facilities; and*

(c) the practice of a general medical practitioner.

The clause notes that access is complied with if the facilities and services are located no more than 400 metres away; or if they are not, that there is a public transport service available that will take them to within 400 metres of the facilities and services. A range of local services and facilities are located in the nearby Southland Shopping Centre (about 2 km from the subject site) and Penrith town centre (Regional city, about 4 km from the subject site), which can be reached by buses (the nearest bus stop is 106m away from the subject site) or the community bus proposed to be provided by the developer. A "7 days a week" medical centre and pharmacy and other services and facilities are also located nearby in short walking distance of approximately 450m. It is noted that the project site is separated from bus services by The Northern Road (4 lanes, 70km/hr) and there is no direct accessible pedestrian route from the proposed site to nearby services. However, the proponent has indicated that besides the community bus, the developer is also prepared to fund works such as footpaths and bus stops to provide additional ease of access to nearby facilities where required and practicable.

Clause 26(2)(b) of the SEPP requires "public transport is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday". There are at least three bus routes between the site and the Southland Shopping Centre and Penrith CBD. The proposal is considered to meet this requirement. Penrith Council can further consider these access details as part of the DA process.

Water Supply and Sewerage Infrastructure: The subject site has access to the Sydney Water and sewer network. ✓

Impact on Open Space and Special Use land (where relevant):

Not applicable, as the land is not zoned for open space.

Impact of the Bulk, Scale, Built Form and Character of the Proposed Development:

25(5)(b)(v) 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.

Land to the west of the site is used predominately for urban purposes with mid to low-density housing. Land to the north, south and east of the subject site is zoned for rural residential purposes and consist of a few low density houses and large lots.

The current application proposes single or two storey dwellings and the site layout plan shows a very dense development pattern. The proponent claims that the development layout and design will not dominate the visual characteristics in the vicinity nor will it be inconsistent with the built form, scale and bulk. Considering the vegetation community on the site, the proposed density might be quite high compared to the density at surrounding areas. However, built form, scale and bulk are matters that Council can control during the DA process.

Comments from the Council

In response to Department's request, Penrith City Council provided their comments on this application on 8 September 2010 (see Appendix 8).

Penrith Council is concerned with the inconsistency of the built form of the proposed development with the low density character envisaged for the land on the eastern side of The Northern Road. However, land to the west is mainly used for residential purposes. Urban style character also presents on the eastern side of The Northern Road, especially the development to the north of Castle Road.

Council also advised that the proposed development is not consistent with the zone objectives. However, this issue is overruled by the SEPP. The SEPP sets aside local planning controls to allow the development of housing for seniors (that meet the development criteria and standards it specifies). In this regard, the proposed development is consistent with the urban development nature of adjoining development.

CONCLUSION

The subject site is considered suitable for a senior's housing development as it fulfils the requirements for the issuing of a Site Compatibility Certificate outlined in the SEPP. The proposed development is deemed generally compatible with existing land uses that currently adjoin the site. The development will have access to facilities and services at Penrith CBD, and other nearby shopping centres, which are accessible by public buses or community buses proposed to be provided by the developer.

There are remnants of Shale Plains Woodland on the site; however, this site and its vegetation have not been identified as significant vegetation or Environmental Sensitive Land in PLEP 2010. In addition, Council will have the ability to assess these matters during the development application process.

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Endorsed: 3 November 2010
Regional Director,
Sydney Region West



Endorsed: 10.11.10
Executive Director,
Planning Operations



Endorsed: 10/11/10
Deputy Director General,
Plan Making and Urban Renewal



Approved: 12/11/2010
Director-General