
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: Land at 50-52 Manning Street (Lot 1 DP 1130750), Kingswood. Refer to Appendix 1 and 2 for Site Location and Aerial Photograph. A zoning map is attached (Appendix 6)

Note: *This application does not involve land known as Lot 1 DP 1145043.*

APPLICANT: Peter Magnisalis care/of Anglican Retirement Villages

PROPOSAL: The applicant seeks a new Site Compatibility Certificate to support a development application for the construction of 93 Independent Living Units on land zoned as Special Uses 5(a). It is noted that the previous Site Compatibility Certificate issued on 20 December 2010 consisted of 70 Independent Living Units only.

Hence, an additional 23 Independent Living Units are proposed on land zoned as Special Uses 5(a) (i.e. 50-52 Manning Street) compared to the Site Compatibility Certificate issued on 20 December 2010. In accordance with Clause 24(3)(a)(i) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2006, a new Site Compatibility Certificate is required.

It is noted that 75 Independent Living Units, in addition to 93 Independent Living Units on land zoned as Special Uses 5(a), are proposed on Lot 1 DP1145043 (i.e. 73-105 Caddens Road). Lot 1 DP1145043 is zoned R1 General Residential under *Penrith Local Environmental Plan (Caddens) 2009* and seniors housing is permitted with Council's consent. Therefore, Site Compatibility Certificate will not be issued to the proposed 75 Independent Living Unit located on Lot 1 DP1145043 (i.e. 73-105 Caddens Road).

The Council will need to have regard to Clause 17 of the SEPP when determining any development application and the Council will need to be satisfied that the units will be provided:

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

BACKGROUND:*Site Compatibility Certificate issued on 17 July 2008*

On 17 July 2008, a Site Compatibility Certificate for the construction of 102 bed single storey residential care facility and 95 x 1-2 serviced self care dwelling and associated community facilities was issued by the Department of Planning & Infrastructure (Appendix 11).

On 2 December 2008, Penrith City Council granted development consent to DA08/0656 being Stage 1 Residential Aged Care Facility (50-52 Manning Street - Lot 1 DP 1130750) with 102 beds, comprising 68 low care beds and 34 dementia care beds. Stage 1 Residential Aged Care Facility is nearing completion.

The Site Compatibility Certificate issued covers both Stage 1 & 2 of the concept master plan approved by Penrith City Council (DA07/1281).

Site Compatibility Certificate issued on 20 December 2010

Due to the expiry of the Site Compatibility Certificate, a request to issue a new Site Compatibility Certificate was submitted to the Department of Planning and Infrastructure for Stage 2 of the Residential Aged Care Facility. The application comprised of 70 one-storey serviced self-care dwellings and associated community facilities for senior housing on Lot 1 DP 1130750, 50-52 Manning Street.

A new Site Compatibility Certificate was issued on 20 December 2010 (Appendix 11). It is noted that the Site Compatibility Certificate was issued only for land at 50-52 Manning Street, Kingswood (Lot 1 DP 1130750).

Please refer to Appendix 3 for a proposed site layout; Appendix 4 for SEPP (Housing for Seniors or People with a Disability) 2004; and Appendix 5 for the relevant clauses of the Retirement Villages Act.

LGA: Penrith City Council

PERMISSIBILITY STATEMENT

The site (Lot 1 DP 1130750) is zoned Special Uses 5(a) – Tertiary Education under Clauses 8 and 9 of *Penrith Local Environmental Plan 1998 (Urban Land)* (Appendix 6). The aim of the Special Uses 5(a) is to “*facilitate certain development on land which is, or is proposed to be, used by public authorities, institutions, organisations or the council to provide and protect services, utilities or transport facilities and associated activities.*” An extract of the zoning map is attached (Appendix 6).

Housing for seniors and people with a disability is not listed as permissible development. The LEP permits drains, landscaping, public parks and gardens, road, utility installations and undertaking with Council consent.

The adjoining land is zoned Residential 2(b) in the north and Residential 2(c) in the east. These zones aim, amongst other things, to expand housing choices by allowing multi-unit housing, consolidate population and housing density, promote a variety of housing types or forms and to ensure that development is in character with the surrounding built environment.

The aim of the SEPP (*Clause 2: Aims of Policy*) (Appendix 4) is to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability. The SEPP proposes to achieve this aim by setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards it specifies.

The application for a Site Compatibility Certificate should therefore be considered as the site is:

- within the zone that allows the development of dwelling-houses (in accordance with Clause 4 of the SEPP); and
- on land that adjoins land zoned primarily for urban purposes (in accordance with Clause 24 of the SEPP).

CLAUSES 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 effect on the environment [Clause 25(6)].

Please refer to Appendix 4 for the relevant clauses of the SEPP.

COMMENTS FROM COUNCIL

The Director General must not issue a certificate unless he/she has taken into account any written comments concerning the consistency of the proposed development with the criteria specified in clause 25(5)(b) received from the General Manager of the council within 21 days after the application for the certificate was made (clause 25(5)(a)).

A letter was forwarded to Council on 5 September 2011. Council did not respond within 21 days, however, it did provide comments on 13 October 2011 which are considered below. Council has no objection to the issuing of a site compatibility certificate subject to the following:

- With respect to stage 2 of the concept masterplan, Council will only support a maximum of 30 independent living units to have access from Manning Street. The remaining dwellings are required to obtain access from the south of the subject site from the Caddens Bypass Road.
- The applicant will be required to construct access onto the Caddens Bypass Road as part of this proposal (Appendix 7).

Comment: The site has direct vehicular access from Manning Street. Subject to development of land to the south (owned by Landcom), it would also be possible to provide access to/from Caddens Road. However, at this stage there is no certainty over the timing of this southern connection.

For this application, it is proposed that all vehicular access to the site will be via Manning Street.

The proponent has commissioned a consultant to undertake a preliminary assessment of the proposal. The consultant concluded that the proposal is likely to generate 57-73 peak hour vehicle trips. In addition, the report states *“the local road network and its intersections in the vicinity of the site will continue to operate and satisfactory level of operation at peak times and that the proposed development is unlikely to result in adverse traffic and safety impacts.”*

Based on this information, the Department is satisfied that the proposed development will have low level traffic impact on the existing road network. In depth traffic assessment of the proposed development would be undertaken during the development application stage.

With regard to the issues raised by Council, it is considered that these issues could be resolved at the DA stage. Overall, it is considered that some form of suitable vehicular access for the site can be achieved. Therefore, it is considered that this matter should not prevent the issuing of a site compatibility certificate for the site.

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The Director General must not issue a certificate unless he/she 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))**

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND SURROUNDING LAND USES

The Director General must not issue a certificate unless he/she 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))**

Ecological: The site is currently vacant and does not feature any endangered ecological communities, populations or threatened flora and fauna species. It is proposed that a number of trees in the south-eastern corner will be removed. An assessment of the vegetation will be conducted at the development application stage.

There are no known natural hazards on-site.

The regional team noted that two Site Compatibility Certificates were issued previously (i.e. 17 July 2008 and 20 December 2010) for this site and a retirement concept plan was approved by Penrith City Council on 21 December 2007. Hence, it is unlikely that the site contains threatened or endangered species on-site.

Flood Risk: The site is not flood prone.

Bushfire: The site is not bushfire prone.

Heritage: As stated in the proponent's report, the site is vacant land. A review of the relevant Local Environmental Plan and the State Heritage Register has revealed that no heritage items exist on the subject site.

Geotechnical and Land Contamination: No assessment was submitted with the application. This matter can be further assessed at the development application stage.

Existing Uses: As discussed previously, the southern and south-eastern part of the site is currently vacant.

The northern part of the site is currently being developed for a 102 beds Residential Aged Care Facility (i.e. Stage 1 of the concept master plan approved by Penrith City Council).

Land in the Vicinity: The surrounding land is zoned for Education, Residential and Public Recreation Purposes.

Summary of Site Compatibility Certificate (SCC) Approvals

	<i>17 July 2008</i>	<i>20 December 2010</i>	<i>Current</i>
<i>Land subject to SCC (i.e. legal description)</i>	Part Lot 1721 DP 864087 (excluding the University of Western Sydney campus)	Lot 1 DP 1130750 (Lot 1721 DP 864087 was subdivided into two lots and subdivision plan was registered in November 2008)	Lot 1 DP 1130750
<i>Site area</i>	5.815ha	5.815ha	5.815ha
<i>Development proposal</i>	<ul style="list-style-type: none"> ▪ Residential Aged Care Facility * – 102 beds (Stage 1 of the concept master plan) ▪ Independent Living Units – 95 (Stage 2 of the concept master plan) 	<ul style="list-style-type: none"> ▪ Independent Living Units ** – 70 on Lot 1 DP 1130750 (Stage 2 of the concept master plan) <p>Note: The SCC, issued on 20 December 2010, does not include 73 Independent Living Units located on Lot 1 DP 1145043.</p>	<ul style="list-style-type: none"> ▪ Independent Living Units ** – 93 on Lot 1 DP 1130750 (Stage 2 of the concept master plan) <p>Note: The SCC does not include the proposed 75 Independent Living Units located on Lot 1 DP 1145043.</p>
<i>Variation from previous approval</i>	0 Independent Living Units	Reduction of 25 Independent Living Units	Increase of 23 Independent Living Units
<i>Development constructed</i>	RACF - 102 beds (Stage 1) under construction	0 constructed	0 constructed

2. 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 (clause 25(5)(b)(ii))

The Metropolitan Plan for Sydney 2036 and draft North-West Subregional strategy identified a need for new housing to be located within the walking catchment of centres with good public transport; and to promote and preserve agricultural activity while reducing land use conflict.

The subject site is zoned as Special Use 5(a) – Tertiary Education in the *Penrith Local Environmental Plan 1998 (Urban Land)*.

The northern parcel of the site is currently being developed in accordance with development consent DA08/0656 (Appendix 8) for the construction of three single storey Residential Aged Care Facility (i.e. 102 beds) with car parking spaces. Construction is nearing completion.

Land to the south falls within the Caddens Release Area, and is subject to a development application for the low/medium density residential subdivision.

To the west, the site is bounded by single and double storey residential detached dwellings.

To the east, the site is bounded by a private road within the University of Western Sydney campus which provides connection to Second Avenue in the north and to O'Connell Street in the east. On the other side of the internal road, there are number of two and three storey buildings, which are used for student accommodation.

As such, it is considered that the proposed development would not compromise the future use of the surrounding lands. The detailed likely impacts on the adjoining properties will be considered at development application stage.

The proposed development is considered to be not inconsistent with the Metropolitan Plan for 2036 and draft North West Subregional Strategy. The proposal will assist in the provision of housing for seniors in close proximity to services and public transports nodes.

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))

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 four-hundred metres away; or if they are, that there is a public transport service available that will take them to within four-hundred metres of the required facilities.

The site is located 3km east of Penrith, which is identified as a Regional City in the Metropolitan Plan for Sydney 2036 and draft North West Subregional Strategy. The site is also located approximately 4km from the St Mary's Town Centre.

A small shopping centre is located approximately 390m from the north-west corner of the site. In addition, a "precinct centre" is planned along O'Connell Street (to the east of the University of Western Sydney) in the Werrington Enterprise Living and Learning Precinct.

Bus stops can be accessed within 150m to 450m of the site which will provide access to a number of centres, including Penrith (Regional Centre) and St Mary's (Town Centre). Occupants of the site will therefore have access to the range of facilities identified within Clause 26. Refer to Appendix 9 for the locations of bus stops and nearby facilities.

The proponent also proposes to provide a mini-bus service to assist residents to access local service and direct access to the railway station at Kingswood.

In addition, the proposal will include a community centre/club house which will incorporate a café, kitchen, lounge, meeting and consultation rooms, computer room, hairdresser, library, gymnasium, resident workshop, toilets, storage and garage space.

Utility Infrastructure: An existing Sydney Water main (100mm) is located in Manning Street and a feasibility report has been submitted to Sydney Water to confirm requirements for water services.

An existing 300mm sewer is located in Manning Street that is likely to have the sufficient capacity to serve the development.

Applicant's report states that a load of approximately 1000KVA is required. However, no further information has been provided.

Infrastructure provisions (i.e. water, sewer and power) will be addressed during the development application stage.

Telephone and gas infrastructure is also available at Manning Street.

Details of the on-site stormwater detention system would need to be submitted by the applicant at development application stage.

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))

The site is zoned as Special Uses 5(a) – Tertiary Education. It is noted from the proponent's report; University of Western Sydney Penrith sold the land to Anglican Retirement Villages as it is surplus to the university's requirement. Hence, the proposal does not unnecessarily detract from the supply of special uses land in the locality.

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))

As indicated in the proponent's report, the development comprises single and two storey independent living units, which is compatible with the existing and future surrounding land uses. In preparing a development application, the applicant is required to illustrate how the proposed built form will be compatible with the neighbouring properties and the likely impact on the locality and future character of the area.

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 application does not involve the clearing or removal of native vegetation on the subject site. Hence, the proposed development will have no impact on the conservation and management of native vegetation.

CONCLUSION

Having regard to all of the above matters, it is considered that the proposal is not inconsistent with Clause 24 and 25 of the SEPP (Housing for Seniors or People with a Disability) 2004 and the site is considered to be suitable for the purposes of seniors housing and people with disability.

RECOMMENDATION

It is RECOMMENDED that the Director General:

- **note** this report (provided at Tag A); and
- **consider** any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the relevant General Manager as set out in the report and
- **form the opinion** that the site of the proposed development is suitable for more intensive development; and
- **form the opinion** that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having had regard to the criteria specified in clause 25(5)(b); and

- **determine** the application for a site compatibility certificate under clause 25(4)(a) by issuing a certificate (Tag B) for Lots 1 DP 1130750.

**Regional Director
Sydney West**



06/12/11

**Executive Director
Planning Operations**



12/12/11

**Deputy Director General
Plan Making and Urban Renewal**



Director General

16/12/2011