

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

SITE: Lot 110 DP 1135581, Emu Plains Sporting & Recreation Club (Leonay Golf Club), Leonay.

The subject land forms part of the existing Leonay Golf Club and its associated 18 hole Golf Course, which is located south west of the intersection of the M4 Motorway and Leonay Parade, Leonay (location map at **Appendix 1**). The subject land (with an area of 2006m² is located near the corner of Leonay Parade and the Fairways Avenue, Leonay (aerial photograph is at **Appendix 2**).

The site is very flat and drains to Leonay Parade. The site is located above the 1% AEP flood level. The land to the west of the site is identified as having scenic landscape values as part of the draft Penrith Principal LEP Stage 2.

Adjoining development is suburban type residential development across Leonay Parade and the golf course itself.

APPLICANT: Mr Vince Hardy of Cityscape Planning and Projects.

PROPOSAL: The applicant seeks a site compatibility certificate to permit **seven infill self-care senior housing dwellings** in a non urban zone.

LGA: Penrith

PERMISSIBILITY STATEMENT

The subject land is currently zoned 6(C) Private Recreation pursuant to Penrith Local Environmental Plan 1998 (Urban Land) (An extract from zoning map is at **Appendix 3**). This zone allows more intensive forms of urban development, including child care centres, restaurants clubs and motels. No building envelope or FSR controls apply to this zone (an extract from land use table is at **Appendix 4**).

Adjoining lands are zoned 2(b) – Residential (Low Density) under the Penrith LEP 1998 (Urban Land). This zone among other things permits residential development inclusive of dwelling houses and dual occupancies. It also allows more intense forms of development including educational establishments, places of worship and hospitals (an extract from the land use table is at **Appendix 5**).

The subject site forms part of a golf course. This golf course also accommodates a club house, which is located some distance to the west of the subject land.

The Applicant contends that as the site adjoins land zoned for urban purposes, therefore pursuant to Clause 4(5)(b) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 [SEPP (Seniors Housing)], the subject site can be treated as land zoned primarily for urban purposes. The significance of this is that the SEPP (Seniors Housing) operates in a manner that allows the site to be developed for **self-contained seniors housing**.

According to the Applicant, the application also meets the other criteria, including the requirements for access to transport, retail and community services.

In view of the above, the Applicant considers that the site is suitable to accommodate Seniors Housing Development pursuant to the SEPP (Seniors Housing).

The Department concurs with the Applicant's above comments as Clause 4(7)(b) of the SEPP (Seniors Housing) states that the policy may apply to private open space zones (i.e. they are not precluded).

CLAUSES 24(2) AND 25(5)

The Director General must not issue a certificate unless the Director General:

- (a) has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the General Manager of the council within 21 days after the application for the certificate was made;*
- (b) is of the opinion that:*
 - (i) the site of the proposed development is suitable for more intensive development; and*
 - (ii) the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b).*

COMMENTS FROM COUNCIL

Council's comments by email were received by the Department on 12 November 2012 (copy at **Annexure 6**). The comments received from Council were outside the statutory time frame.

Council considers the subject site offers the best opportunity for redevelopment given that it is relatively flat, not extensively vegetated, has direct access to Leonay Parade and existing services and is not affected by flooding. Council however questioned the permissibility of the proposed infill self-care housing in view of the provisions of Clause 17 of the SEPP (Seniors Housing). It is noted that Clause 17 relates to development applications and not issuing of a certificate.

Council highlighted the key issues and asked the following to be addressed by the Applicant:

1. The subject site adjoins a local heritage item ("Leonay Buring Cottage") under Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation). The site compatibility certificate application therefore should be supported by a heritage impact statement which assesses the impact of the proposal on the heritage significance of this heritage item.
2. The site vegetation is mapped as "River-Flat Eucalypt Forest" which is listed as an endangered ecological community under the Threatened Species Conservation Act 1995. While the site is not extensively vegetated, the ecological impacts of the proposal will need to be investigated by the applicant at the development application stage.
3. In relation to the proposed concept design, the front setback area appears to contain excessive hardstand driveway area. In addition, the amenity of the future residents will need to be safeguarded so that they are not adversely impacted by the encroachment of the golf course, particularly golf balls.
4. The proposed driveway access points are in close proximity to a road bend and dip (Leonay Parade) and nearby intersection (Fairways Avenue). The suitability of these driveway locations will need to be investigated by the Applicant.

Comment:

The issues raised by Council are noted and are matters that can be considered at the development application stage by Council.

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

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

Metropolitan Plan for Sydney 2036

The Metropolitan Plan (the Plan) for Sydney 2036 does not encourage new significant residential development outside the Growth Centres and subdivision of rural and resource lands for additional dwellings unless these are in the form of minor incremental expansion of existing villages to accommodate local growth.

However, the Plan and draft North West Subregional Strategy acknowledges the growing population of people over 65 years of age by 2036, and the increased demand for housing seniors and people with a disability. Both of these documents encourages housing for seniors (and people with disabilities) where there is easy access to services such as: public transport, community facilities and medical services.

It is considered that the proposed development would generally meet the above criteria for seniors housing within the Penrith LGA, as discussed further under the heading: the services and infrastructure that are or will be available to meet *the demands arising from the proposed development*, in this report.

Comments:

The site is therefore considered to be generally consistent with the objectives of the Metropolitan Plan.

The Penrith Urban Growth Management Strategy 2005

This document identifies demographic characteristics of the Penrith population which will influence the range of housing form required to accommodate future growth and demographic change in the Penrith area.

The Strategy acknowledges that whilst Penrith's population is much younger than other parts of Sydney between 1991 – 2001, the 45-54 age group recorded the highest largest increase by almost 10,000 people. Over the next 20 years the older population will increase significantly. Further, the number of lone persons households is increasing.

In this light, the Strategy recommends that there is a need for denser and diverse housing forms to be provided in new urban release areas including fringe locations.

Comments:

It is considered that the proposed development generally meets the above criteria.

Penrith Principal (Comprehensive) Standard Instrument LEP

The first stage of the Principal LEP has been completed and the second stage, which will include the subject site, is expected to be exhibited in 2013.

The Department has not received plans for the draft Comprehensive LEP as yet, however it is anticipated that the land will be zoned to an equivalent zone under the draft plan i.e. a private recreation zone. Should a seniors housing application be approved on the site, a residential zone may be more appropriate. This issue can be dealt with via the Principal Local Environmental process.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND SURROUNDING LAND USES

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

Topography & Vegetation

The site is very flat and has been largely cleared of vegetation to accommodate its current use as a golf course. However, there is a grove of trees located at the northern section of the site (DECC Map at figure 3 on page 6 of the Planning Submission). This vegetation is a mix of both remnant bushland species and introduced exotic species. DECC Maps reveals that the site has been identified as accommodating limited stands of Cumberland Plain Woodlands Community. Council has requested that the proponent supply an ecological impacts statement upon lodgement of a development application.

Comments:

Council's views are supported.

Flood Risk

The site is located above the 1% AEP flood level.

Bushfire Hazard

The applicant has advised that the Council's bushfire hazard map indicates that the subject site is not categorised with any bushfire hazard (an extract from Council's Bushfire Hazard Map is at page 6 of the Planning Submission).

Heritage and Scenic Landscape

The Applicant has advised that the site is not identified as having any heritage value according to Council's Heritage LEP. Council has however advised that any site compatibility application would need to be supported by a heritage impact statement as the subject site adjoins a local heritage listed item.

Comments:

Council's views are supported.

- 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))**

It is considered that given the small nature of the proposed development, it would not have an adverse impact on the existing or the future uses.

- 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 Facilities (clause 26):

Location and Access to Facilities, of the SEPP (Seniors Housing) requires that residents of a proposed development have access to:

- Shops, bank service providers and other retail and commercial services that residents may reasonably require;
- Community services and recreation facilities; and
- The practice of general medical practitioner.

This clause notes that access is complied with if:

- The facilities and services are located no more than four-hundred metres from the site; or
- if these facilities are not so located, that there is a public transport service available that will take residents to within four hundred metres of the required facilities.

It is noted that the site is serviced by two regular bus services with a 30 minutes and 60 minutes frequency (Bus route map at page 8 of the Planning Submission). The nearest bus stop is 100m to the south of the site. The bus routes provide access to and from Penrith CBD, Emu Plain Shopping Centre, Lennox Shopping Centre and Leonay Neighbourhood shops. The Leonay shops are only 200m from the subject land.

These centres provide a full range of services and facilities including:

- Shops
- Commercial Services
- Community facilities
- General and specialist medical facilities

Comments:

Given that regular bus services are available within 400 metres from the site and are readily accessible, it is considered that the proposal is not inconsistent with the requirements of the SEPP (Seniors Housing) in this regard.

Utility Infrastructure

The Applicant has advised that the subject lands and the adjoining urban development have access to the Sydney Water reticulated water and sewer networks.

In addition, the site and adjacent lands are served by a full range of energy and telecommunication facilities as well as access to both regional and local road networks.

The Applicant has advised that there are no known capacity constraints relating to those local services and infrastructure.

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 application relates to land that is zoned 6(c) Private Recreation. However, it is considered that given the small nature of the development (only 7 self care housing) the proposal would not adversely affect the privately zoned open space land.

5. Without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development (clause 25(5)(b)(v))

The Applicant's report indicates that the development comprises of, seven two storey, senior housing dwellings, which is compatible with the existing and future surrounding land uses.

Further, the plans submitted by the Applicant indicate that the proposed built form will be generally compatible with the surrounding properties. Hence, it is unlikely that there will be significant impact upon the locality and 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 proposal has not indicated the need to clear 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 (Seniors Housing) and the site is considered to be suitable for the purpose of senior housing and people with disability.

RECOMMENDATION

It is RECOMMENDED that the Director General:

- **note** this report; 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 within 21 days after the application for the certificate was made as set out in this 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 of the kind proposed in the development application is compatible with the surrounding land uses; and
- **determine** the application for a site compatibility certificate under clause 25(4)(a) by issuing a certificate (**Tag B**) for Lot 110 DP 1135581, Emu Plains Sporting & Recreation Club (Leonay Golf Club), Leonay.

A/ *R Jamming* 16/1/2013
Regional Director
Sydney Region West

[Signature] 22.1.13.
Executive Director
Planning Operations

S Haddad
Director General
23/1/2013.