

**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: Lot 1 and 2, DP 21249, 5552 – 5554 Old Northern Road, Wisemans Ferry.

The site (with an area of approximately 1857m²) is located on the north-western side of Old Northern Road, with a frontage of approximately 37 metres to that road (location map at **Appendix 1** and aerial photo at **Appendix 2**). It is rectangular in shape. Lot 1 contains a single storey dwelling and Lot 2 is currently vacant. The site does not contain any significant vegetation. The applicant has advised that there is an overall fall of 6 metres between the front boundary and the rear, with the fall being most pronounced at the rear.

The applicant has advised that the subject land is in the same ownership as the adjoining Resort and conference Centre ("The Retreat"), but is in a separate zoning, and is to be developed independently of The Retreat other than connecting to the water supply and sewerage services provided by "The Retreat".

APPLICANT: Mr Mike George of Mike George Planning Pty Ltd.

PROPOSAL: The applicant seeks a site compatibility certificate to permit a **two storey infill self-care housing development containing 26 dwellings, with parking at basement.**

LGA: The Hills Shire Council.

PERMISSIBILITY STATEMENT

The subject land is currently zoned SP3 Tourist under the Hills Local Environmental Plan 2012 (an extract from the zoning map is at **Appendix 3a**). The objective of this zone is to provide for a variety of tourist-oriented development and related uses (an extract from the land use table is at **Appendix 4a**). This zone among other things permits dwelling houses. There are no restrictions on the site other than maximum height of a building to 9 metres.

Adjoining lands within the Hills LGA are zoned SP3 Tourist, with some RE2 Private Recreation land to the north. The adjoining land in the east falls under the Hornsby local government area and is zoned Business C (Neighbourhood) under Hornsby Shire Local Environmental Plan 1994 (**Appendix 3b**). Hornsby's current draft Standard Instrument LEP (Hornsby LEP 2013) proposes to zone the land B1 Neighbourhood Centre (**Appendix 3c**).

Although the proposed seniors housing development is not permissible within the Hills SP3 Tourist zone, the site may be considered for a site compatibility certificate under the SEPP (Seniors Housing), as it adjoins land that is zoned primarily for urban purposes. Clause 4(1) of the SEPP states that the SEPP applies to land that "...adjoins land zoned primarily for urban purposes..." if dwelling houses are permitted on the land. The adjoining land zoned Business C (Neighbourhood) is considered to be land zoned for urban purposes, it is also worth noting that this zone permits 'housing for the aged or differently abled persons' (**Appendix 4b**). The SP3 zoning of the subject land also permits dwelling houses.

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

As indicated (above), the Director General must not issue a certificate unless he 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)).

Council's comments were received by the Department on 24 April 2013 (copy at **Appendix 5**). Council considers the subject site is not well located with respect of access to facilities, nor is there an appropriate public transport service available from the site. Hence, a site compatibility certificate should not be issued.

Following are the key issues raised by Council:

- **Compatibility – Existing and Future Land Uses**

The locality is characterised by a mix of land uses, including a restaurant immediately to the east of the site, with a health services facility immediately to the west of the site. A Golf club/tourist facility is located to the rear of the site. The site is also located in close proximity to a proposed two storey commercial development.

Council considers that given the site is surrounded by a tourist facility and ancillary support services, the development of a seniors housing facility within SP3 – Tourist zone is not the best utilisation of the land and suggests that the applicant should be encouraged to provide tourist oriented services on the site.

Comments

Council's argument cannot be supported as the proposal is for a 26 unit self-care housing development and dwelling houses are permitted under SP3 Tourist zone. The proposed Seniors Housing use is also compatible with the adjacent land uses including the health care facility and the mixed use nature of the surrounding area.

- **Availability of suitable services and infrastructure**

Council raised the following issues in its pre-lodgement advice to the applicant and considers that these issues have not been addressed in the "Application for Site Compatibility Certificate".

- Insufficient information has been submitted to demonstrate that sufficient services as required by the SEPP are available, including evidence that the development can be connected to a reticulated water system and have adequate facilities for the removal and disposal of sewerage.
- Insufficient information has been provided in relation to access to essential services such as hospitals and ambulance services. The adjacent small scale

health services facility is not sufficient to provide the level of care required for a facility of this nature.

- The proposed use of a private bus service does not comply with the accessibility requirements of the SEPP (Seniors Housing).
- The gradient of footpaths and roads will potentially be prohibitive and may not meet the SEPP (Seniors Housing) without detailed investigation.

Comments

*These issues have been discussed in detail further in this report under **Location and access facilities**. In brief, according to the information provided by the applicant, the site fulfils the requirements of clause 26 of the SEPP (Senior Housing) and accordingly issuing of a site compatibility certificate is recommended.*

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))

Draft Metropolitan Strategy for Sydney to 2031

The draft Metropolitan Strategy for Sydney to 2031 (the Metropolitan Strategy) supports the growth of established rural towns and villages and seeks to maximise the productivity of the rural areas. It encourages new housing in both infill and greenfield areas to boost supply, improve overall affordability and increase the range of homes in the market. It also recognises the need for smaller houses such as units, terraces and townhouses and more specialised housing such as student housing or housing for seniors.

Similarly, the draft North West Subregional Strategy also 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 the Metropolitan Strategy and the North West Subregional Strategy encourage housing 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, as discussed further under the heading: *the services and infrastructure that is 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 draft Metropolitan Strategy for Sydney to 2031.

Suitability of the site for more intensive development

The site is considered to be suitable for more intensive development as:

- the proposal will have access to facilities and services in the area, such as post office, community centre, availability of a doctor, recreation facilities (golf course, tennis courts, swimming pool, bowling club), service station and retail services.
- the proposal involves a building that is compatible to the adjoining development in the area.
- it is connected with Windsor by a bus service

The proposal is expected to provide a potential social benefit in providing a housing product that will give local residents the opportunity to change their housing to meet their needs.

The proposal will also benefit local business by providing an increased local market for goods and services and will assist the retention and improvement of such services.

In light of the above it can be concluded that given the availability of services and infrastructure in the vicinity of the site and given the mixed land uses in the area, the site is suitable for more intensive development.

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))**

Ecological

The site is generally clear of vegetation (refer to aerial photo at **Appendix 2**).

Gradient

The applicant has advised that there is an overall fall of 6 metres between the front boundary and the rear, with the fall being most pronounced at the rear.

Council in its submission has also indicated its concerns that the gradient of the pathways may not meet the SEPP (Seniors Housing) requirements.

It is considered that this matter that can be appropriately addressed at the development application stage by Council.

Flood Risk

The applicant has advised that the site is located above the 100 year flood level. Council's engineer (on telephone) has also confirmed that the site is above the 100 year flood level. However, given the site is located close to the Hawkesbury River, it is recommended that the site compatibility certificate be issued subject to the applicant submitting a safe evacuation plan for the residents in the time of an emergency at development application stage.

Bushfire

A small portion of the subject land (i.e. the southern tip of Lot 2) is identified by The Hills Shire Council's Bushfire Prone Land Map (**Appendix 6 and 6A**) as being within the 100 metre of the buffer zone from Category 1 vegetation and therefore the application of *Planning for Bush Fire Protection – 2006* (Rural Fire Service) must apply in this instance.

No Bushfire Hazard Assessment Report has been submitted with the application.

It is recommended that the site compatibility certificate be issued subject to the applicant submitting a Bushfire Hazard Assessment Report (duly approved by the NSW Rural Fire Services) at the development application stage.

Heritage

No heritage items are identified on the subject site. However, the adjoining post office building is classified as a local heritage item under The Hills LEP 2012 (map at **Appendix 7**).

Clause 5.10(5) of the LEP (extract at **Appendix 7A**), requires a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development in the vicinity of a heritage item, would affect the heritage significance of that heritage item.

It is considered that this matter can be appropriately addressed at the development application stage by Council.

Geotechnical and Land Contamination

The applicant has advised that:

- the site is unlikely to be contaminated, given its history of its residential use,
- there is no evidence of acid sulfate soils, and
- the underlying geology is suitable for the excavation and construction proposed.

It is noted that the Acid Sulfate Soils Map indicate that the subject site is classified as Class 5 (map at **Appendix 8** and a relevant extract from the LEP is at **Appendix 9**), which requires preparation of an acid sulfate soils management plan in accordance with the Acid Sulfate Soils Manual for the proposed works and submission to the consent authority.

It is considered that this matter can be appropriately addressed at the development application stage by Council.

Views

The applicant has advised that the proposed building is set-back substantially from Old Northern Road and its visual effect will be moderated by frontage landscaping and fall of the land. Hence, no significant view or vistas will be interrupted.

Further, the proposal is likely to be visible from the Hawkesbury River and possibly from some public foreshore places. However, the visual impact is unlikely to be significant, given the proposed development is substantially set back from the river and screened to a degree by the adjoining conference structures.

These are also matters that can be addressed at the development application stage.

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))

Council considers that the site may be better utilised for tourism related purposes as the area already provides tourist facilities such as parkland, golf course and hotel/pub. However, it is noted that the locality is characterised by a mix of land uses including residential. The proposed development is considered to be essentially residential in nature. Given, the SP3 zone permits dwelling houses, the proposal is not considered to be inconsistent with the provisions of the zone. Hence, it is considered the proposal is unlikely to have a significant adverse impact on the existing or the future uses of the land.

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):

Clause 26 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.

Existing Facilities at the site

Facilities in the vicinity of the site comprises:

- an adjoining Post Office to the north of the site. It is noted that the SEPP (Seniors Housing) defines “*bank service provider means any bank, credit union or building society or any post office that provides banking services*”. In this light, it is considered that the existing Post Office at the site, fulfils the minimum requirement for bank services in this instance.
- Council’s community centre building to the south of the site, which among other uses houses a doctor,
- “The Retreat” conference centre, and related facilities to the north and adjoining the rear of the site. The facilities include a 9 hole golf course, tennis courts, swimming pool, restaurant and motel facilities,
- a service station and general store adjoining the post office site, and
- retail services, bowling club and Hotel on the opposite side of the Old Northern Road in the Hornsby Council area.

It is noted that all these facilities are available within 400 metres of the site.

Further, in addition to the above mentioned facilities, the site is serviced by a semi-regular bus services to Windsor (Monday to Friday) with two trips in the morning and two in the afternoon (Bus route map and time table is at **Appendix 10**). This meets the minimum requirements of the SEPP (Seniors Housing) for a public transport service. The bus route provides access to and from Windsor Shopping Centre.

Additionally, the proponent also proposes to provide private transport to Glenorie to assist residents to access additional local services.

Comments

Council’s letter argues that the site is not well located with respect to access to facilities and public transport.

However, it is considered that the proposal meets the minimum requirements as laid down in clause 26 of the SEPP (Seniors Housing).

Utility Infrastructure:

The Applicant has advised that for water supply and sewerage infrastructure, the site will be connected with the adjoining “The Retreat”. The issue of the necessary easement to obtain these facilities will be addressed at the development application stage.

The Applicant has not advised if telephone and gas infrastructure is available at the site.

Comments

Council argues that there is a lack of evidence that the development can be:

- *connected to a reticulated water supply system, and*
- *have adequate facilities for the removal and disposal of sewerage.*

In view of Council's concerns it is recommended that the site compatibility certificate be issued subject to the applicant submitting the necessary documents with the development application demonstrating that the site can be connected to the reticulated water supply system and facilities for removal of sewerage are available.

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 zoned SP3 – Tourist. Since dwelling houses are permissible in this zone, it is considered that the erection of 26 self care housing units would not adversely affect the objectives of the zone. It is also considered that the proposal will have minimal adverse impact upon the SP3 - Tourist zone, given the land in the vicinity is being used for a variety of land uses and not exclusively for tourist purposes.

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 plans submitted by the applicant indicate that the proposed built form is unlikely to impact upon the locality and character of the area. Further, in preparing the 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 proposal has not indicated the need to clear 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 (Seniors Housing) and the site is considered to be suitable for the purpose of seniors housing and people with disability subject to the requirements as described in the recommendation being imposed on the determination.


RECOMMENDATION

It is RECOMMENDED that a certificate be issued subject to the applicant submitting:

- a safe evacuation plan for the residents in the time of an emergency at development application stage.
- a Bushfire Hazard Assessment Report (duly approved by the NSW Rural Fire Services) at the development application stage.
- documents demonstrating that the site can be connected to the reticulated water supply system and facilities for removal of sewerage are available at the development application stage.



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