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**Planning report to the Secretary for an application for a Site Compatibility Certificate -  
State Environmental Planning Policy (Housing for Seniors or People with a Disability)  
2004 (State Policy) (File:14/18577)**

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**SITE:** 347 Narellan Road, Currans Hill**APPLICANT:** Jeff Bulfin (Precise Planning)**LGA:** Camden**PROPOSAL**

- The application proposes a 150 bed facility for residential care in a two-storey building and ten (10) attached, single storey, self-care dwellings. A copy of the proposal is attached (Tab Proposal).
- Varying levels of 24-hour care are to be provided to the 150 residents, who are no longer independent.
- The proposed development includes a car parking area and a community park. The proposal also includes retention of an existing farm dam.
- The total floor space ratio is 0.75:1, based on 7,300 sq. metres for the residential care facility and 1,400 sq. metres for the serviced self-care housing.

**SITE**

- The subject site is located off Narellan Road at Currans Hill (see locality diagram – Tab D) within the Camden local government area and has an area of 1.17 hectares. A site plan is attached (Tab E).
- Adjacent to the north of the site is an existing place of public worship (C3 Mount Annan) and associated educational establishment (Mount Annan Christian College).
- The proposed facility would use an existing private road from Camden Valley Way, which currently services the church and college.

**ZONE**

- The site is currently zoned RU2 Rural landscape under the provisions of Camden Local Environmental Plan 2010 (Tab F).
- The proposal is not permissible within the RU2 Rural Landscape Zone under Camden Local Environmental Plan 2010.

**PERMISSIBILITY STATEMENT**

- The subject land adjoins land zoned primarily for urban purposes pursuant to subclause 4(4) of the State Policy, i.e. the land adjoining the western boundary of the site is primarily zoned R2 Low Density Residential under Camden Local Environmental Plan 2010.
- The aim of the State Planning Policy (Clause 2) 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 State Policy proposes to achieve this aim by facilitating the development of housing for seniors or people with a disability.

## CONSIDERATIONS UNDER CLAUSE 25(5)

Pursuant to Clause 25(5) of the State Policy, the Secretary must not issue a certificate unless the Secretary:

- 1. 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; and is of the opinion that:*
- 2. 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), and*
- 3. the site of the proposed development is suitable for more intensive development [clause 24(2)(a) refers].*

### 1. 25(5)(a) Written comments from Council:

In response to the Department's request, Camden Council has provided comments which are set out at Tab Council Comments. Council has raised the following key issues:

#### 1.1 Traffic Issues

The site is currently accessed via a private road which meets Narellan Road at a signalised intersection. The private road also serves an existing (but unoccupied) seniors living facility at 359 Narellan Road, the school and the C3 Church. The attached aerial photo illustrates these features (Tab G).

Council has expressed concern at the capacity of this narrow private road to service current and future land uses. In particular, the joint use of this private road may give rise to it reaching capacity to accommodate the additional traffic generated by the proposed development, especially at peak hours, and other traffic related issues such as the ability of emergency vehicles to safely and quickly access/exit the site during peak hours.

Council asked that future development proposals demonstrate the ability of the current roadway to accommodate future expected traffic flows.

#### Department Comment

Traffic generated by the proposed use will be considered in detail at the development application stage. The development amendment will consider the capacity of the road and intersection to support development of the site.

It is anticipated a traffic study will be prepared and assessed at the development application stage. Any mitigation and management measures required to support the proposal will be considered by Council and, where necessary, applied as a condition of consent.

#### 1.1.1 Access

Plans submitted by the proponent to Council were considered and amended in April 2015 at the request of Council. A further amendment was required by Council to realign the private road to ensure any proposed widening may be accommodated entirely within its own lot. Subsequently, Council, by email of 6 May 2015 (Tab I), advised the regional team that it had considered the concept plan showing a widening and realignment of the private road to facilitate bus and emergency vehicle access to be satisfactory.

#### Department Comment

It is considered that this issue has been satisfactorily resolved.

### 1.2 Bulk and scale

The proposal comprises a large building at a height of two-storeys. The bulk of the building indicated in the concept plan is of concern to Council as the building will be located in relatively

close proximity to what is predominantly a low density residential development area. The low rise residential development is separated from the site by a private road (refer Tab G).

In its letter of 10 March, Council has requested that should a certificate be issued, it be conditioned, as follows:

*The building design should not exceed two storeys in height above natural ground level, the building must be articulated to reduce the appearance of bulk and scale on the site. The design should be consistent with approved forms of seniors housing on the adjacent site.*

#### Department Comment

The requirements imposed on the certificate by the Secretary are limited to matters relevant to the site's compatibility with the surrounding land uses. These matters include the impact that the bulk, scale, built form and character of the proposed development is likely to have on existing, approved uses and future uses of land in the vicinity of the development.

In view of the existing low scale residential development to the immediate west of the site, it is considered that the detailed design and construction of the built form should be considered as part of the development application process. However, in support of Council's position, it is recommended that a condition on the certificate be included, to state:

*The building design should not exceed two storeys in height above natural ground level.*

### **1.3 Visual impacts and heritage consideration**

#### Visual Impacts

The subject site is located to the west of Kenny Hill, a significant component of the 'Scenic Hills' which, at this location, separates the Camden and Campbelltown local government areas. These features are shown on the diagram (Tab G).

Council officers have raised concerns over the impact of a larger building mass impacting on views towards Kenny Hill, particularly from the south along Narellan Road.

#### Department Comment

In the letter of 10 March 2015 (Tag H), council officers confirmed concern over visual impact and recommended that the certificate be conditioned so that:

*.... the development application must demonstrate that no part of the proposal will be visible from Narellan Road.*

Given the location of the site adjacent to the Scenic Hills and its rural landscape zone, visual considerations are an important matter for consideration. Further, clause 25(5) of the State Policy requires the Secretary to consider that the proposed development for the purposes of seniors housing is compatible with the surrounding environment.

Following discussion with council officers, it has been confirmed that no immediate visual impacts associated with the proposal have been identified at this time and council's comment applies to the possible interpretation of long views to Kenny Hill from locations to the south, along Narellan Road, i.e. over three to five kilometres distance. As a secondary issue, the site is located opposite the Mount Annan Botanic Garden. Views from the botanic garden to the north pass through the subject site (refer to location diagram at Tab D).

It was agreed with council officers that identification of critical view points and impacts would be subject to later formal visual assessment work. This should be undertaken at development application stage. Any future development application should be supported by a visual impact

statement and, if necessary, proposed mitigation measures may be put in place, such as building design and location; and, landscaping.

#### Heritage Consideration

In response to the Department's consultation, the Office of Environment and Heritage has responded that as the development proposal relates to land that is outside of the heritage curtilage boundaries for the Upper Canal System, the Heritage Council does not have an approval role in the development proposal. The Heritage Council does not provide any additional comments (refer Tab K).

#### Department Comment

Noted.

Further, Camden Council suggested that the Sydney Catchment Authority be consulted over the Upper Canal and Warragamba Pipelines located adjacent to the site.

The matter has been discussed with WaterNSW, which is now responsible for the assets. No objections were raised. Issues raised by WaterNSW included security fencing, access, stormwater management and road layout. These matters would be addressed as part of a future development application and, if approved, through the attachment of conditions to a consent.

#### **1.4 Transmission Easement**

The subject site is adjacent to a large power transmission easement measuring 60.96 metres wide. The concept proposal indicates car parking and vehicular access facilities will be located within the easement, however, the main proposed building will not be located within the easement.

Council had recommended that the application be referred to Transgrid for comments prior to issuing the Certificate. Council's subsequent letter of 10 March 2015 recommended that the following condition be attached to a certificate:

*.... future detailed designs must demonstrate compliance with Transgrid guidelines for development with a transmission easement.*

#### Department Comment

Transgrid was consulted and advised (Tab J) for public safety reasons, the design and placement of any proposed development should avoid the easement and infrastructure. Further advice would be provided subject to review of the final design.

In light of this advice and in view of the proposed placement of car parking only (including access arrangements) within the easement, it is not considered that this matter would preclude a site compatibility certificate being issued. This matter would however require further consideration and approval at development application stage.

Consequently, a specific condition for attachment to the certificate is not necessary as the issue is considered to be a development assessment matter, with the comments from Transgrid needing to be taken into consideration by the consent authority.

#### **1.5 Drainage and flooding**

According to Council's flood information, the proposed development is classified as critical utilities and public infrastructure under Council's Flood Risk Management Policy.



#### Department Comment

It is considered this is a matter for consideration at development application stage and does not hinder the issue of a certificate. At that time, the applicant would need to demonstrate compliance with all the controls for this classification. This would include the provision of an evacuation plan for an emergency situation.

### **1.6 Social impacts**

The forecast for the Camden local government area is for a further increase in the ageing population. As such, Camden will continue to have a demand for accommodation for aged care and people with disabilities.

The proposed development of 150 beds within a 24-hour care facility and 10 additional serviced self-care units would confer social benefit upon the local community in the form of housing for an ageing population.

#### Department Comment

Noted.

## **2. 25(5)(b) Compatibility with the surrounding development**

Clause 25(5)(b) requires the Secretary to form the opinion that the proposed development is compatible with the surrounding land uses having regard to the following:

### **2.1 Clause 25(5)(b)(i) *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.***

#### Natural Environment

The site holds scenic values.

#### Department Comment

The proposal is not inconsistent with these scenic values and any identified impacts may be mitigated at development application stage. The matter has been further addressed (above) in this report.

#### Existing and Approved Uses

The site is currently vacant and presents no environmentally significant features. To the north of the site is an existing development consisting of a place of worship and Mount Annan Christian College.

Under the provisions of the State Policy there has been a site compatibility certificate issued for a similar development for housing for seniors and people with a disability on adjoining land.

#### Department Comment

It is considered there are no natural environmental issues that would impede the issue of a site capability certificate.

## **2.2 25(5)(b)(ii) Impact on future uses of the land**

The Secretary is obliged to consider the impact of the proposed development on future uses.

#### Department Comment

The site is not identified for future renewal/redevelopment purposes. The subject land is zoned RU2 Rural Landscape. The key objective of the zone is to maintain the rural landscape character of the land, to protect and enhance the scenic value by minimising development and providing a visual contrast to nearby urban development.

Development of the site, if approved, would reduce the area available for potential rural land use, however, the site is currently vacant and is not used for rural or agricultural purposes.

The site is bounded by residential development and a farm dam, school, C3 Church to the north and a Seniors Living Development to the south. Development of the site, as envisaged by the concept plan, will not result in any land use conflict with adjoining uses.

The proposal is generally consistent with the draft South West Subregional Strategy. Action C2.2 of the Strategy encourages local planning to consider the ageing population and to make provision of housing for both older people and people with a disability.

It is considered that the proposal would not adversely impact on future uses of the land.

### **2.3 25(5)(b)(iii) Availability of services and infrastructure**

*Clause 25 (5) (b) (iii) relates to 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.*

#### **2.3.1 Location and Access to Facilities**

Clause 26 'Location and Access to Facilities' of the State Policy addresses matters for the consideration of a consent authority. In particular, residents of a development under the provisions of the State Policy must 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.”*

Among other things, the clause specifies that compliance with these requirements are fulfilled if the facilities and services are located no more than 400 metres from the site, or if these are not, there is a public transport service available within 400 metres of the site that will convey residents to within 400 metres of the facilities and services.

Further, the transport service is available to and from the proposed development during daylight hours at least once each day from Monday to Friday.

The site is not located in close proximity to the retail/commercial outlets and social services, listed above. It is, however, located within approximately 400 metres of a bus stop on Narellan Road. The bus stop is serviced at least once a day between the hours of 8am and 12pm and 12pm and 6pm, Monday to Friday. It is envisaged that the bus stop would be readily accessible by an access path from the development site, should the development proceed.

The closest facilities and services are situated at Mount Annan District Centre, including two medical centres, at a distance of approximately two kilometres from the site.

Additionally, the town centres of Narellan and Camden (located approximately 3.5 kilometres and 10 kilometres from the site, respectively) provide additional services including a hospital, banking services and recreational facilities.

Campbelltown, which is a regional centre, is located approximately three kilometres to the east of the site and provides higher order shopping facilities, other services, and Campbelltown Hospital.

#### Department Comment

Council's initial submission (Tag Council Comments) indicated a 'return' bus stop is located outside the 400m distance from the site, near the Flower Power Nursery (refer to aerial photo – Tag G). It was later confirmed with council officers that a 'return' bus stop is situated on Tramway Drive within the 400 m distance (see Tag G).

It is considered that the proposal meets the location and access requirements.

#### **2.3.2 Water supply and sewer facilities**

The applicant has provided additional information from Australian Water confirming that sewer and water is available in the vicinity of the site (see Tag H20).

#### Department Comment

It is considered that services will be available to meet the requirements of the State Policy.

#### **2.4 25(5)(b)(iv) Impact on open space**

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

It is noted, however, the concept plan (Tab E) includes a community park and additional private open space areas to service the proposed facility.

#### **2.5 Clause 25 (5) (b) (v) Impact of the bulk, scale, built form and character of the proposed development**

*Clause 25 (5) (b) (v) states that 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.*

The bulk of the proposed two (2) storey development is of concern to Council and considered to be inconsistent with the character of the adjacent urban development, which is mainly low rise residential development.

#### Department Comment

It is considered that the proposal will not have adverse impacts upon existing uses, approved uses and future uses of land in the vicinity of the development. However, a condition of the site capability certificate limits development to two storeys to ensure future development height is consistent with surrounding land use.

#### **2.6 25(5)(b)(vi) Native Vegetation Act requirements**

The applicant advises the over storey is dominated by Grey Box and a single Forest Red Gum. There is no scrubby understorey. Grassland represents a mosaic dominated by exotic species and/or in association with a low incidence of native species.

#### Department Comment

The subject land is relatively clear of native vegetation (refer to aerial photo – Tag G). Any removal of trees would be a matter for consideration at development application stage and it is not considered vegetation issues would impede the issue of a site compatibility certificate.

### **CONSIDERATION**

Consideration has been given to the comments made by Camden Council. Council has not objected to the issue of a site compatibility certificate and has requested that three conditions be attached to a certificate. It is agreed that two conditions should be attached, as follows:

- The building design should not exceed two storeys in height above natural ground level.
- Future detailed designs must demonstrate compliance with Transgrid guidelines for development with a transmission easement.

The third suggested condition concerns the identification of visual impacts. Attachment of this condition is not supported as no immediate visual impacts have been identified. It is therefore a matter more appropriately dealt with at development application stage, where, if necessary, consent conditions can be imposed to mitigate against any identified impacts.

Advice has been provided by the Office of Heritage and Environment, Transgrid and WaterNSW. These consulted authorities did not raise objections. The matters raised are issues that may be appropriately addressed at development application stage. A condition is proposed to address proposed development within proximity to the transmission easement.

### **3. Suitability of the site for more intensive development**

Clause 24(2)(a) of the State Policy provides that the consent authority must not consent to a development application unless it is satisfied that the Director General (Secretary) has issued a certificate that the site, in the Secretary's opinion, is suitable for more intensive development.

Clause 24(2)(b) also specifies that the Secretary form the opinion that the proposed seniors housing application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25(5)(b).

Consideration under clause 25 of the State Policy has been given in this report to the heads of consideration specified in that clause to allow the Secretary to form the opinion that the site is:

- suitable for more intensive development, and
- the proposed development is compatible with the surrounding environment and surrounding land uses.

In summary, it is noted the proposed development will contribute to meeting the need for seniors housing in this locality and there are no significant constraints to more intensive development, as:

- consulted agencies, including Camden Council officers, have not objected to the proposal;
- traffic and access arrangements can be adequately managed;
- the proposed bulk and scale of the building is suitable for its location and for the locality (with the recommended attachment of a condition to the certificate);
- proposed development would not adversely impact on future uses of the land;
- any visual considerations do not impede the issue of a certificate;
- adequate and suitable services are available to support the proposal; and
- there are no environmental constraints to the proposed development, such as drainage and flooding, open space, and vegetation issues, or heritage matters.

On this basis it is considered the site is suitable for more intensive development.

### **RECOMMENDATION**

It is recommended that the Secretary:

- **considers** the written comments provided by Camden Council concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) of the State Policy (Tag - Council Comments and Tag H); and
- **forms the opinion** that:
  - the site of the proposed development is suitable for more intensive development; and
  - the development for the purposes of seniors housing of the kind proposed in the site compatibility certificate application is compatible with the surrounding environment having regard to the criteria specified in clause 25(5)(b) of the State Policy and



- that development for the purposes of seniors housing of the kind proposed in the site compatibility certificate application is compatible with the surrounding land uses only if it satisfies requirements specified in the certificate;
- **determines** the application by **signing** the site compatibility certificate (Tab A), subject to the proposed development satisfying certain requirements specified in the certificate.

  
23.9.15

**Simon Manoski**  
**Acting General Manager (Metropolitan)**

  
23/9/15

**Tim Hurst**  
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24/09/15

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**Approved/Not Approved/Noted**

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