

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

File No: 14/20425

**SITE:** 34 Sturt St, Campbelltown, identified as Lot 1 DP 1037742; Lot 2 DP 758217 and Lot 1 DP 246268 (The site location is at Attachment 1).

**APPLICANT:** Southern Cross Care

**PROPOSAL:** Seniors housing including a residential care facility, self-care housing and ancillary community facilities, services and a café.

The proposal is for the redevelopment of a site at 34 Sturt St, Campbelltown, which contains the heritage listed St John's Church and Cemetery. The proposal includes a residential care facility containing 107 beds and 73 self-care housing dwellings together with ancillary community facilities, services and a café. The proposal would incorporate St John's Church as part of a community centre. The applicant's original submission, compiled by Planning Ingenuity, was considered to be inadequate and incomplete. Following several discussions and requests to the consultant, final information was provided in February 2015. (The planning proposal is at Attachment 2).

**LGA:** Campbelltown

**PERMISSIBILITY STATEMENT**

The site is zoned 5(a) Special Uses Church/Cemetery under the *Campbelltown (Urban Area) Local Environmental Plan 2002*. Seniors housing is a prohibited use in this zone. The objectives of this zone are to provide land for special uses which would otherwise be prohibited by the zoning of the surrounding area. This zone permits only churches or cemeteries.

Land adjoining the site is zoned 2(b) Residential B, the objective of this zone is to permit the development of a range of housing types, and to encourage a variety of forms of housing that are higher in density than traditional dwelling houses, including accommodation for older people and people with disabilities.

Although the proposed seniors housing development is not permissible within the 5(a) Special Uses Church/Cemetery zone, it adjoins land that is zoned for urban purposes, thus fulfilling clause 4(1) which requires adjoining land to be zoned for urban purposes.

**CLAUSES 24(2) AND 25(5)**

The Secretary must not issue a certificate unless the Secretary:

- (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; and
- (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 submission on the proposal is at Attachment 3. Council does not object to a site compatibility certificate being issued, however it lists a range of matters for consideration which are summarised below:

- Heritage Impacts – the proposal should have adequate regard for the significant heritage value of the site which contains St John's Church which is the subject of a Permanent Conservation Order as a State Significant Heritage Item.
- Visual, landscape and skyline impacts – the site is situated in a prominent location and is highly visible. Council regards the site as being located within a visually important landscape and skyline which is critically essential to the City.
- Traffic and Transport – the proposal will generate additional traffic, which should be assessed. Council anticipates that upgrades to surrounding roads may be required, noting that George St which adjoins the proposal, is particularly narrow.
- Council notes that the steep grade of surrounding streets would impede ready access of frail senior residents to bus stops.
- Stormwater – the proposal must deal with the increased overland flow.
- Local residential amenity will be adversely affected.
- Incompatible built form – that the proposal's multi-storey built form will be noticeably different from the adjoining single and two storey development.
- Emergency service access needs to be assessed.

### **COMMENT**

Council has raised a number of concerns regarding the potential impact of the proposal on the surrounding area. These concerns are primarily related to the built form, visual and traffic impacts and density of development, which are detailed design matters that are appropriately addressed at the development application stage. Clause 24(3) states that the consent authority may refuse or reduce the size and scale of a development application submitted in relation to a site compatibility certificate.

A site compatibility certificate can only assess the site's suitability for the more intensive use of seniors housing particularly in relation to the site's location relative to support services and infrastructure. Such assessment will take into account the matters discussed below to determine whether the intrinsic built form of the proposed use is appropriate in the location. As such, this assessment need only ensure the use proposed could be accommodated in a compatible built form and design layout.

### **SUITABILITY FOR MORE INTENSIVE DEVELOPMENT**

The Secretary must not issue a certificate unless of the opinion that the site of the proposed development is suitable for more intensive development (clause 24(2)(a)):

**The site of the proposed development is suitable for more intensive development (clause 24(2)(a)) as:**

- The site is located within an established urban area, has good road access and is well served by public transport and located close to public open spaces, local shops and major retail and service facilities of Campbelltown City Centre.



- The proposed development form is consistent with that on adjoining sites also surrounding the cemetery - aerial photograph of the site ([Attachment 4](#)).
- The site would contribute to a need for seniors housing in the south west of Sydney.
- There are no environmental constraints that would preclude the development of the site for senior's housing.
- The applicant has indicated that permissible uses of the land as a church and cemetery are no longer viable. The applicant has indicated that both the church and cemetery are subject to vandalism and require ongoing restoration works. Subject to the proposal seeking and incorporating comments from the Heritage Division, as recommended, it is anticipated that the redevelopment of the site will integrate and restore the existing historic church for community use by residents and visitors.

## **COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND SURROUNDING LAND USES**

The Secretary must not issue a certificate unless 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))**

- The site does not contain, nor is it the vicinity of any known significant environmental values, resources or hazards.

### **2. The impact that the proposed development is likely to have on the uses that, in the opinion of the Secretary, are likely to be the future uses of that land (clause 25(5)(b)(ii))**

- The existing church is not used and is dilapidated. St John's church and cemetery are both listed on the State Heritage Register. The applicant, Southern Cross Care, has indicated that both the church and cemetery are subject to vandalism and require restoration works. Further heritage advice was requested from the applicant, and in a letter dated 9 December 2014 ([Attachment 5](#)) the applicant's heritage consultant, Mr Paul Davies, stated that the proposed use for senior's housing would both enable the restoration and ensure the survival of the church and cemetery.
- It is proposed that St John's Church also be restored, altered and extended to function as a community facility for the site. Given the substantive changes proposed, it is important to involve the Heritage Division at an early stage of planning. The Heritage Division will be involved in the assessment of the application under two mechanisms. Under the *Environmental Planning and Assessment Act 1979*, the Heritage Division will be consulted as part of the integrated development application process. Under section 60 of the *Heritage Act 1977*, a separate application must also be made to carry out any development in relation to land or alter a building which is listed on the State Heritage Register.
- The Heritage Division indicated that they would prefer to be consulted as early as possible. Accordingly it is recommended that a condition be applied to the certificate which ensures this consultation occurs early in the project conception stage prior to lodgement of the development application.



- The redevelopment of the site will integrate and restore the existing historic church for community use by residents and visitors. It will also, by establishing site activity, ensure an active presence.
- Given that the surrounding area is developed for residential development, the proposed use will be compatible with the surrounding area and represents a logical use of the land.
- The Council submission raised concern about traffic impacts, and states that an increase in residential densities may necessitate road upgrades to local road networks. It is considered that a detailed assessment of traffic impact could be considered as part of the development application process, which would provide the opportunity for requiring road upgrades as conditions of consent.
- Council raised concerns about amenity impacts for surrounding land users, particularly the impact on the road network during peak visitation times (i.e. Christmas, Mother's Day and Easter), and privacy impacts due to overlooking. It is considered that the proposed use of the site for seniors housing does not preclude effective traffic management or building design to minimise overlooking. Again these matters are more appropriately dealt with as part of the development assessment process.

**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))**

- The site is located approximately one kilometre from Campbelltown City Centre and 1.4 kilometres from Campbelltown shopping centre. Campbelltown medical centre is 1.2 kilometres away, while Campbelltown public and private hospitals are located two kilometres from the site. Local neighbourhood shops are located approximately 400 metres away and provide for day to day grocery and meal options.
- The site is well served by public transport. A bus stop is within 90 metres of the site and provides regular services to Campbelltown City Centre, which is well served by rail services to the metropolitan area.
- The initial proposal did not contain adequate information to demonstrate that the site complies with gradient requirements for pathways to appropriate services and public transport. On 19 February 2015, the applicant submitted additional information which demonstrates that the proposal could comply with the required length and gradient limits (Attachment 6). This information addresses Council's concern regarding the gradient of pathways to public transport. In particular, the new information showed that:
  - the length from the site to the bus stop is 86.3 metres;
  - the steepest section of the survey, which is the George Street crossing, is shown as 6.29% (as a ratio 1:16) which is less than the maximum permitted gradient of 1:14; and
  - no part of the pathway between the site and the bus stop is steeper than the maximum disability ramp AS1428.1 disability requirements.



**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 Special Uses Church/Cemetery under the *Campbelltown (Urban Area) Local Environmental Plan 2002*. The zone primarily permits use of the land with consent for churches and cemeteries, and a limited range of other land uses. Seniors housing is a prohibited use in this zone. The historic cemetery will be maintained and the historic unused church will be restored and used as a community based facility.
- The proposal will not likely generate any significant need for additional open space, as it is for the purposes of an aged care facility and open space and communal areas form part of the concept design. Hurley Park and Centenary Park are existing major open public space areas in close proximity to the site. The proposal is unlikely to result in a need for additional open space any greater than that currently provided within this 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))**

- The proposed seniors housing includes a residential care facility, self-care housing and ancillary community facilities, services and a café. It is considered possible that such uses could be designed to be compatible with the immediate adjoining residential areas which include one, two and three storey housing, including villas and townhouses. The draft Campbelltown Principal Local Environmental Plan permits a similar housing form as the prevailing Plan; both include multi-dwelling housing and residential care facilities as permissible uses.
- Adjoining sites also surrounding the cemetery comprise townhouse/villa style of housing.
- The predominant scale is 1-2 storey consistent with the surrounding area and adjoining sites, some of the buildings contain 3 storey elements. The concept architectural plans provided with the application are indicative only. The Department is not endorsing a final design. It is expected that a development application could be prepared with detailed designs compatible with surrounding uses and assessed at the development application stage. This detailed design would need to be considerate of the relationship with surrounding development and the impact on heritage.

**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 site is cleared; the proposal does not involve the clearing of native vegetation.

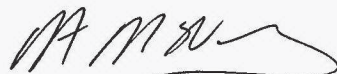
## RECOMMENDATION

It is recommended that the Secretary:

- **considers** Campbelltown City Council's written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) (Attachment 3);
- **forms** the opinion that the site of the proposed development is suitable for more intensive development;
- **forms** the opinion that the proposed development for the purposes of seniors housing is compatible with the surrounding environment having had regard to the criteria specified in clause 25(5)(b);
- **forms** the opinion 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 certain requirements specified in the certificate; and
- **determines** to issue a site compatibility certificate for seniors housing at 34 Sturt Street Campbelltown, subject to satisfying certain requirements specified in the certificate.

  
**Tim Hurst** 15/5/15  
**Executive Director**  
**Regions**

  
**Marcus Ray** 18/05/15  
**Deputy Secretary**  
**Planning Services**

  
**Carolyn McNally**  
**Secretary** 25.5.15

 **Approved / Not Approved / Noted**

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