

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

SITE: Lots 22, 23 and 27-32 (inclusive) in DP 12096 and Lots 2 and 3 in DP 236262, encompass 'Stratford House' at Rockford Road, Tahmoor.

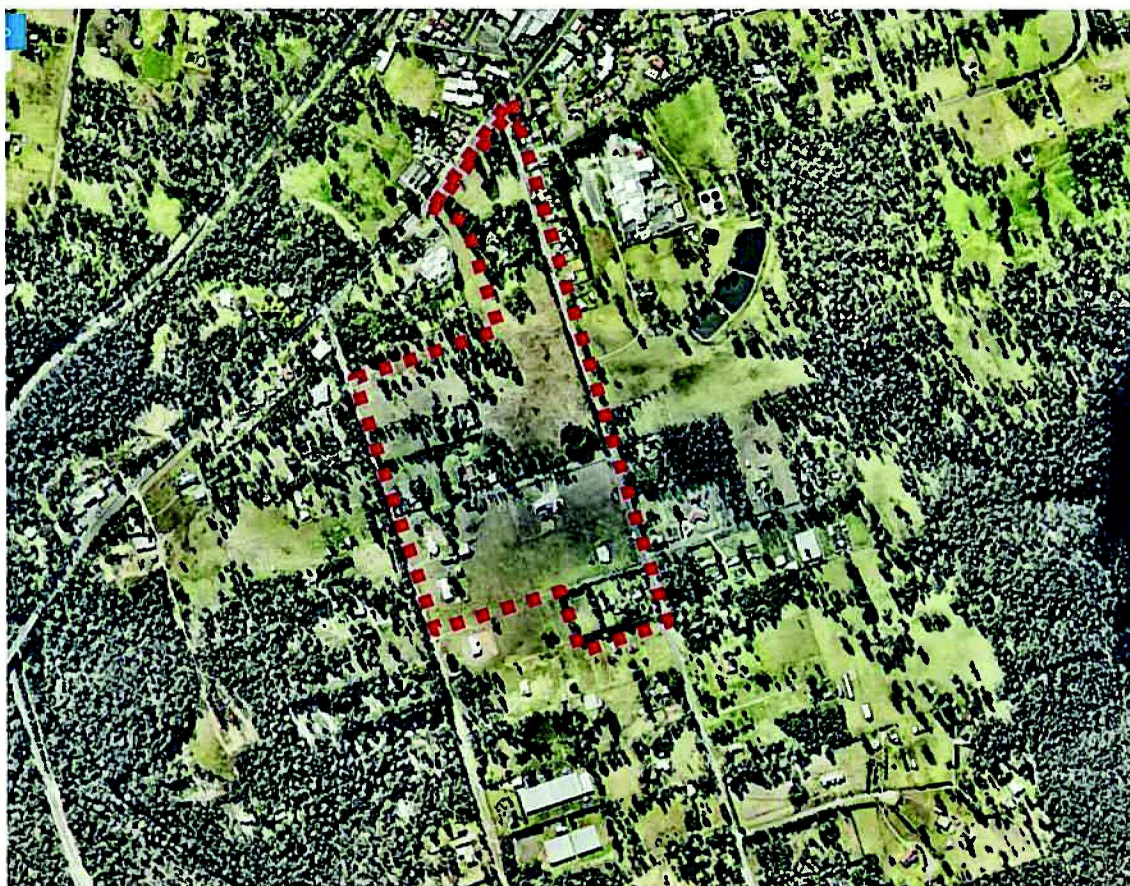
The site which is the subject of this application consists of 10 lots and has an area of 11.94 hectares. It is bounded generally by Rockford Road to the east, the contiguous residential lots fronting Remembrance Driveway to the northwest, Hawkins Road to the south and Stratford Road to the west. The site is accessed from Rockford Road. The site is irregular in shape and is occupied by a two-storey dwelling. The existing dwelling ('Stratford House') is an item of local heritage significance under Wollondilly Local Environmental Plan 2011. The site is relatively flat and predominantly cleared with no significant vegetation.

APPLICANT: Precise Planning

PROPOSED OPERATOR: The Sisters of the Little Company of Mary, Calvary Aged Care and Retirement Services, (Calvary) is the proposed operator for the residential care facility.

PROPOSAL: The applicant seeks a site compatibility certificate as part of a broader proposal to permit a residential care facility with 200 beds and associated 226 self-care dwellings. The broader proposal encompasses twenty (20) lots in total, including ten (10) contiguous residential lots, which adjoin the ten (10) subject RU4 lots to the northwest, and have frontage to Hume Highway (Remembrance Driveway) and Rockford Road.

LGA: Wollondilly.



PERMISSIBILITY STATEMENT

The overall development encompasses a total of some 20 contiguous allotments, with 10 allotments currently zoned *RU4 Primary Production Small Lots*, and a further 10 zoned *R2 Low Density Residential* under the provisions of Wollondilly Local Environmental Plan 2011 (an extract from the zoning map is attached at Tab F). Lots 1, 2, 3, 4, 5, 6, 7, 35, 36 and 37 DP 12096, with frontage to Remembrance Driveway and Rockford Road, are zoned R2 Low Density Residential. While the development proposal also includes this land, the R2 does not form part of this site compatibility application as it is already zoned for residential purposes.

The objectives of the RU4 Primary Production Small Lots zone are to:

- enable sustainable primary industry and other compatible land uses
- encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature
- minimise conflict between land uses within this zone and land uses within adjoining zones
- provide areas within which the density of development is limited in order to maintain a separation between urban areas.

The land use zoning is attached at Tab F. The RU4 zone permits, among other things, dwelling houses, and a minimum lot size of 2 hectares separately applies.

Although seniors housing is not permissible within zone *RU4 Primary Production Small Lots*, 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.

CLAUSES 24(2) AND 25(5)

A certificate must not be issued 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) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment and surrounding land uses, having regard to (at least) the criteria specified in clause 25(5)(b).

A. COMMENTS FROM COUNCIL

Wollondilly Shire Council was consulted on 15 December 2015, and provided comments on 16 April 2015 (copy at Tab G). Council advised that it is generally supportive of the proposal and identified the following matters for consideration during the development assessment process:

- potential land use conflict (i.e., noise) associated with proximity to the Tahmoor Inn hotel, which is located on adjacent land
- potential heritage impacts (visual) on Stratford House
- cumulative traffic impacts on the local road network and key intersections
- bush fire protection (note: the site is not bush fire prone land)
- the requirement for concurrence from the Mine Subsidence Board (at pre-DA stage), particularly in relation to the proposed two- and three-storey elements of the proposal
- removal of vegetation.

Council has requested that the site compatibility certificate include conditions regarding the following matters:

1. The provision of additional traffic and drainage infrastructure and additional cycling and pedestrian connections; and
2. Compliance with height controls under SEPP (Seniors Housing) (namely, clause 40(4)(c)), including the redistribution of building heights to avoid the overlooking of adjoining properties.
3. The early provision of higher levels of care in order to prevent future residents of the development from having to relocate.

Comment

The issues of infrastructure design are more appropriately dealt with through the development assessment process where more detailed plans can be assessed and conditions of development consent imposed.

As a precaution, consultation was undertaken with Trade & Investment NSW, regarding mine subsidence and possible restrictions over development of the site. This is addressed in the next section of this report.

B. SUITABILITY OF THE SITE 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

While the site of the proposed development within the RU4 zone is largely vacant, and has historically been used for dairy farming, it immediately adjoins land zoned primarily for urban purposes (R2 – Residential) and is located in close proximity to public open spaces, local shops, services and facilities within Tahmoor Town Centre.

The total site comprises 13.3 hectares of which the approximately 11.9 hectares (89%) is currently zoned RU4 Primary Production Small Lots. Specific land parcels within each zoning are listed below:

The residential care facility (200 beds) is located substantially (approximately 75%) within the lands zoned R2 - Residential, while the remaining 25% of the residential care facility and all associated 226 self-care dwellings are shown as proposed to be located within lands currently zoned RU4 under the provisions of Wollondilly Local Environmental Plan 2011.

A Plan for Growing Sydney

The focus of 'A Plan for Growing Sydney' (the Plan) for Sydney's Metropolitan Rural Area is the enhancement and protection of its environmental and economic assets in terms of mining, agriculture, natural vegetation and biodiversity, including social assets. The Plan includes an action to prepare a detailed strategic planning framework to deliver these goals. The consistency of the proposal with these goals is discussed below. It is, therefore, considered that the proposal is consistent with the Plan for Growing Sydney.

Draft South West Subregional Strategy

The draft South West Subregional Strategy (the Strategy) acknowledges the growing population of people over 65 years of age in the subregion by 2031, indicating that the proportion of Wollondilly's population of this age group is expected to increase from 8% in 2001 to 18% in 2031. The Strategy notes the importance of enabling older residents to stay in the subregion. On this basis, the proposal is consistent with the Draft South West Subregional Strategy.

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

- The site is located adjacent to an established urban area, has good road access and is served by public transport via Remembrance Driveway, which provides connections to the Tahmoor Railway Station, the Campbelltown and Macarthur Town Centres. Council's comments note that the subject site is located 100 metres from the southern end of the existing commercial area of Tahmoor, eight kilometres from the commercial centres of Picton and Thirlmere.
- The proposal is expected to provide social benefit in providing a housing product that will give local residents the opportunity to access appropriate forms of housing as their needs change over time. The proposal will also benefit local business by providing an increased local market for goods and services.

Given the availability of services and infrastructure in the vicinity of the site and given the prevailing mix of land uses in the area, the site is suitable for more intensive development.

C. COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND 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)(i) and clause 24(2)(b)(ii)):

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 land is lightly vegetated, with significant vegetation being concentrated on Lot 2, DP 236262 where the vegetation communities have been identified as Upper Georges River Sandstone Woodland. The nature of the existing vegetation on the site is not of such significance that it would preclude the issue of a site compatibility certificate.

Mining

The site is located within the Bargo Mine Subsidence District. Advice was received on 27 May 2015 from NSW Trade & Investment Division of Resources & Energy, which advised that it had no objection to the proposal as mining has already been completed beneath the site ([Tab H](#)). The applicant will need to consult with the Mine Subsidence Board prior to lodging a development application with Council.

Agriculture

The site is not currently used for agricultural purposes. The agricultural capability of the site is considered to be minimal due to the size of the site and the potential for conflicts with adjoining land uses, which include residential development.

The Ingham's Turkey processing plant is located some 500 metres to the north east of the site. Within the original SCC application (November 2014), the applicant notes that, at that time, this plant was not connected to reticulated sewer infrastructure, and settlement ponds on the land occasionally create odour impacts for surrounding landowners. Subsequent advice provided by the Applicant on 18 February 2015 advised that:

"Due to commercial sensitivities it is difficult to obtain written evidence in relation to the Inghams plant's connection to Sydney Water's sewer. Nevertheless, I have

received advice that the connection has now been completed. I am further advised that Inghams is retaining two small ponds to provide anaerobic treatment in the new system. The larger ponds have been retained simply for wet weather storage and are not part of the effluent treatment process."

Sydney water on-line records accessed on 3 August 2015 (SW SLP 23 DP233658) indicate that a private rising main connects the Ingham's site to the local Sydney Water reticulated sewerage system.

With regard to the potential risk that the site will experience odour impacts, it is noted that existing residential developments within Ralfe Street, Harper Close and Rockford Road itself are also located within 500 meters of the Ingham's processing plant. Odour impacts, if any, arising from this plant would therefore be expected to affect existing adjacent lands that have previously been deemed suitable for residential use.

The potential for odours to impact on the proposed Seniors Housing development remains an issue that will need to be thoroughly assessed through the development application process.

Natural Vegetation and Biodiversity

The removal of limited native vegetation (potentially including Upper Georges River Sandstone Woodland) will be required and is expected to be assessed through the development application process. Impacts associated with the loss of native vegetation or on biodiversity values can be managed and/or mitigated through the detailed design phase of the proposal.

Social Assets

The introduction of new residents to Tahmoor is expected to enhance the viability of existing social assets. The proposal will also include a number of open spaces primarily for the use of future occupants/residents and has identified the possibility of refurbishing the existing residence into a community facility.

Bushfire Prone Land

The land is not identified as "bushfire prone" on maps certified by the Rural Fire Service Commissioner.

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 site is not currently used for agricultural purposes and the agricultural capability of the site is considered to be minimal. Council have also indicated that *"the placement of the development shown on the plans including a 200 bed residential care facility and 226 associated serviced self-care dwellings are not likely to impact future rural residential land uses in this area"*.

"Stratford House", within the subject site, is identified as Heritage Item 1235 under Schedule 5 of the Wollondilly Local Environmental Plan 2011. Council note that *"the location of proposed Residential Care Facility duplex villas will have a potential detrimental impact on the site lines to and from the heritage item as viewed from the public domain. It would need to be demonstrated as part of any future development application for the proposed use that the heritage value of Stratford House is protected. Any application submitted will need to include a detailed heritage report identifying the potential impacts and how the heritage value will be protected from those impacts in the long term."*

It is considered that these matters may be appropriately dealt with as part of the development assessment process. However, given that the outcomes of the heritage study may affect or limit development potential on the site, it is recommended that a condition be placed on the site compatibility certificate requiring that a Heritage Impact Statement be prepared.

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 subject site is located 100m from the southern end of the Tahmoor shopping village, eight kilometres from the commercial centres of Picton and Thirlmere and 30 kilometres from the commercial centre of Camden.

The Tahmoor shopping village includes a medical centre, radiologist, pharmacy, bank supermarket and a variety of specialty stores.

These services encompass the services specified in clause 26(1) of the SEPP.

Clause 26(2) of the SEPP provides that

“(2) Access complies with this clause if:

(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14...etc.”

It is noted that while the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development a footpath is not currently provided along Remembrance Drive or Rocklands Road linking the site to these facilities/services.

This issue may be resolved through a condition of development consent that would require the construction of a pedestrian path linking the site to site to Tahmoor shopping village.

The applicant has provided evidence that utilities are available, or can be made available, to service the proposed development , including:

Water

Clause 4.1 of Sydney Water’s feasibility letter advises “Initial servicing investigations indicate that a DN150 water main in Rockford Road could provide for the domestic needs of the proposed development.”

Sewer

Clause 4.2 of Sydney Water’s feasibility letter advises “While this proposed Residential Care Facility development is not in the latest Council or DPI forecast, an early high level assessment shows that the trunk sewer system has capacity to service the proposed development.

Electricity

Clause 5.0 of the electrical infrastructure report by Power Line Design advises “This site is in an ideal location for the connection of Electricity from the Endeavour Network.

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 subject land is not zoned open space or special uses.

The concept plan with the proposal indicates a network of open spaces that will be provided on site to service future residents/occupants.

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))**

Council identifies that the proposed bulk, scale and character of the concept plan is inconsistent with the existing built form of the locality. The existing development is characterised by rural residential and residential development. Notwithstanding, the proposal is located within an area where more intense development is proposed in Council's growth management strategy.

The R2 Low Density Residential zoned lots with/adjoining the site are identified as having a maximum building height of nine metres. Any future development on these lots would be limited to nine metres in height.

The proposed seniors care facility is considered generally compliant with the built form controls of the State policy. However, as the proposal includes three storey residential apartments, Council also notes a potential inconsistency with clause 40(4)(c) of the SEPP, whereby: *"(4) Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted: (c) a building located in the rear 25% area of the site must not exceed 1 storey in height."*

In this regard, the site has four road frontages (Remembrance Driveway, Rockford Road, Hawkins Road and Stratford Road), and Council conclude that on this site it is difficult to determine the "rear 25%", and whether this control only applies to that part of the site in the residential zone or to the whole of the proposal. As the proposal, overall, is considered to be consistent in scale with the desired future character of the area, the delineation of the final built form envelopes may be appropriately dealt with as part of the development assessment process.

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 has previously been cleared and utilised for agricultural purposes.

Land within the site is not identified as "Sensitive Land" on the Natural Resources Biodiversity Map which accompanies Wollondilly Local Environmental Plan 2011. The nature of the existing vegetation on the site is not of such significance that it would preclude the issue of a Site Compatibility Certificate, or subsequent development of the site.

CONCLUSION

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:

- this area has been identified in Council's growth management strategy for more intense development
- consulted agencies, including Wollondilly Shire 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 considered suitable for its location and for the locality
- any visual considerations do not impede the issue of a certificate
- adequate and suitable services and utilities are available to support the proposal
- there are no environmental constraints to the proposed development, such as drainage and flooding, open space, and vegetation issues. Matters relating to heritage have been addressed in this report.

RECOMMENDATION

It is recommended that the Secretary:

- **notes** the assessment report (Tab A) and its appendices;
- **notes** the site compatibility certificate application (Tabs C, D and E);
- **considers** the written comments received from Wollondilly Shire Council, concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) (Tab G);
- **forms the opinion** that the site of the proposed development is suitable for more intensive development;
- **forms the opinion** that 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);
- **determines** the application for a site compatibility certificate by issuing a certificate (Tab B) for Lots 22, 23 and 27-32 DP12096 and Lots 2-3 DP236262), Rockford Road, Tahmoor; and
- **signs** the letters to the applicant and Wollondilly Shire Council, advising of this determination (Tab Letters).

 14.10.15

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 14 October 2015

Brett Whitworth
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 19/10/15

Mathew Jones
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