

**Our Ref:** PN 1568

13 April 2015

Department of Planning and Environment  
Hunter and Central Coast Region  
PO Box 1226  
NEWCASTLE NSW 2300

**Attention: Dylan Meade**

Dear Sir,

**Subject: Application for Site Compatibility Certificate for Seniors  
Housing at Lot 2 DP 1195454, (3 Maison Dieu Road) Gowrie  
Property: Lot: 2 DP 1195454, 3 Maison Dieu Road, Gowrie**

I refer to your letter received 17 March 2015 requesting Council's consideration of an application for a Site Compatibility Certificate for seniors housing at Lot 2 DP 1195454, (3 Maison Dieu Road) Gowrie.

Council has considered the information provided including the *Seniors Site Compatibility Statement Application*, prepared by HDB Town Planning & Design, dated February 2015 and associated attached plans and provides the following comment for your consideration:

1. Access to the site

The site does not have direct access via a public road; rather the site is currently reliant on access via a right-of-carriageway via Lot 1221 DP 599260, an adjoining lot to the north of the subject site.

Lot 1221 DP 599260 has direct access to Maison Dieu Road. This site has consent for subdivision to create 177 residential allotments, a public reserve lot and 4 residual lots with the potential for further subdivision and associated road works, drainage and landscaping (DA127/2013 approved 7 April 2014). As a result, development on Lot 1221 has the potential to provide public access for the subject site following construction of a public road and dedication to Council (refer to "Option A" illustrated on attached *Map 1: Aerial view of site with zoning and locations identifying options for access to site*). Works have not commenced for this development. There is no evidence in Council's records to suggest that the consent has been activated. Neither the applicant of the approved application, the owner of the land nor the developer is the applicant for the subject Site Compatibility Certificate. As a result, the applicant of the seniors' housing development has potentially little influence on the progression of the development on the adjoining site.

Alternative access to the subject site can be provided to the south of

the site via Darlington Road following the construction of a rail underpass (refer to “Option B” illustrated on attached *Map 1: Aerial view of site with zoning and locations identifying options for access to site*). The underpass was granted development consent on 6 August 2014 (DA104/2014). Construction has not commenced. The applicant of the subject Site Compatibility Certificate is the same applicant/developer of the approved underpass. Council records do not include evidence to suggest that the consent has been activated.

Overall, access to the site for the proposed seniors’ housing development is not currently provided. In this instance, access to necessary services required by clause 26(2)(c) of the *SEPP (Housing for Seniors or People with a Disability) 2004* is not provided. The application is contrary to the provisions of Clause 25(5)(b)(iii) of the *SEPP (Housing for Seniors or People with a Disability) 2004*.

## 2. Access to services

The proposed “neighbourhood centre” has not been supported to date. Rather, it is subject to an independent study being carried out which demonstrates the need for an additional centre and justification that the preferred location is the most appropriate location. In this instance, there is no evidence to suggest that access to facilities required by clause 26(1)(a)-(c) of the *SEPP (Housing for Seniors or People with a Disability) 2004* will be provided within a 400m distance from the subject seniors’ housing location. Furthermore, as development application for senior’s housing or subdivision including road and pathway design has been approved by Council there is no evidence to suggest that the pathway design is capable of complying with the required gradients stipulated in Clause 26(2)(a) and 26(3).

Access to existing services beyond 400m distance is proposed to rely on a “dedicated bus service” provided by the seniors’ housing development. In the absence of a development consent including a plan of management supporting such a service, consenting to an expansion of the area sought for future use seniors housing facility by way of a Site Compatibility Certificate over the RE2 zone is considered to be premature. Furthermore, there are no current plans to provide a public bus service to the subject seniors’ housing site and therefore there is no evidence to suggest that the proposal is capable of providing suitable access consistent with clause 26(2)(c) of the *SEPP (Housing for Seniors or People with a Disability) 2004*.

As a result of the abovementioned concern regarding access, it is Council’s opinion that the subject Site Compatibility Statement application is contrary to the provisions of Clause 25(5)(b)(iii) of the *SEPP (Housing for Seniors or People with a Disability) 2004*.

## 3. Flood impact

The south-western fringe of the subject site may be subject to the 1 in 100 year flood level and stormwater drainage (refer to attached *Map*

2: *Aerial of site and 1/100 year flood map overlay*). Studies have been requested from the proponent to confirm levels however no studies have been received. There is no evidence to suggest that the subject site is not affected by flood hazard. In this instance, the application for a Site Compatibility Certificate has not demonstrated that the proposal is compatible with the existing natural environment and the potential hazard created by flood and is therefore inconsistent with Clause 25(5)(b)(i) of the *SEPP (Housing for Seniors or People with a Disability) 2004*.

#### 4. Noise and vibration associated with nearby railway infrastructure

The proposed senior housing appears to be less than 60m from an existing railway line that is primarily used by diesel powered trains transporting coal. The proposed expansion of the area for seniors housing increases the density of the population living in such close proximity to the noise source and therefore increases the number of people potentially affected by railway noise and vibration.

In accordance with Clause 87 of the *SEPP (Infrastructure) 2007*, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes assessing the impact of rail noise and vibration on residential use subject to future application. Furthermore, the development will be required to ensure that the following LA<sub>eq</sub> levels are not exceeded:

- (a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

In the absence of an application which demonstrates that Clause 87 of the SEPP can be met, Council cannot be satisfied that an expansion of the nominated area for seniors housing via a Site Compatibility Certificate is appropriate or should be supported.

#### 5. Water and sewer services

Changes to the development density will affect water and sewer infrastructure required to satisfactorily service the area.

In 2014, Singleton Council undertook and completed a sewer study which covered the entire Singleton sewer service area. The study was undertaken based on the development proposed at the time (exclusive of the current aged care facility expansion). It is anticipated that this sewer study will form the basis for a future assessment of applications at the subject site. A water study was not carried out however it is required for consideration of the potential changes to lot yield.

Due to the proposed variation from earlier plans for the Gowrie area, there is a need for the developer to carry out both a water and sewer servicing strategy which is to consider both on-site and off-site

infrastructure requirements, as any increase to lot numbers or equivalent tenements will trigger the need to revise and update previous studies.

In the absence of the necessary strategies for reticulated sewer and water services Council is not satisfied that the development is capable of complying with Clause 28 of the *SEPP (Housing for Seniors or People with a Disability) 2004*. As a result, the application has not demonstrated the proposals ability to provide suitable infrastructure to meet the demands as required by the provisions of Clause 25(5)(b)(iii) of the *SEPP (Housing for Seniors or People with a Disability) 2004*.

Overall, in Council's opinion the application for a Site Compatibility Certificate for Senior's Housing for part of the land identified as RE2 *Private Recreation* zone is premature due to: the lack of suitable public access to the site; lack of information with the application addressing access to services and facilities for future seniors housing residents; potential risk to future residents from flood; the detrimental impact to amenity caused by nearby railway infrastructure; and, the current lack of available water and sewer services to the site.

If you have any enquiries please do not hesitate to contact the undersigned of Council's Planning & Sustainable Environment Group on (02) 6578 7290.

Yours faithfully



**Kylie-Anne Pont**  
A/Senior Planner