
Report to the Deputy Secretary, Planning Services on an application for a Site Compatibility Certificate

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP(Seniors Housing))

SITE: Part Lot 3 DP 1130059, Lions Drive, Mudgee (Tab 1 – Aerial Photo)

APPLICANT: GX Nominees Pty Ltd

PROPOSAL: A 60 – 80 bed residential care facility (Tab 2 – Indicative Layout). The facility will be built as part of a proposed retirement village (Tab 3 – Master Plan) with a new proposed access road from Lions Drive.

A previous site compatibility certificate (SCC) was issued for a seniors housing development at this location in 2008. Subsequently in 2010 Council approved a development application for seniors housing on the land. The proponent is now seeking to include an aged-care facility as part of this overall retirement village and is required to satisfy requirements of the SEPP (Seniors Housing).

The land subject of the application is located on the northern boundary of Lot 3 near Lions Drive. The land is immediately adjacent to urban land to the north and rural lifestyle land to the east, south and west.

LGA: Mid-Western Regional Council

PERMISSIBILITY STATEMENT

The site is zoned RU4 Primary Production Small Lots under the Mid-Western LEP 2012 and dwelling houses are permitted with consent in the zone (Tab 4 – Land Zone Map) with a minimum lot size of 20ha (Tab 5 – Lot Size Map). However 'seniors housing' is prohibited in this zone. The land adjoins other land currently zoned for urban purposes including R1 General Residential to the north and west, adjacent to B5 Business Development and IN1 General Industrial zoned land on the northern side of Lions Drive.

The proposal is consistent with Clause 17 of the SEPP (Seniors Housing) as it is for a residential aged care facility.

The proposal involves construction of a 60 – 80 bed aged care facility on a 1.24 hectare portion of land of a larger 22.5ha lot on which a retirement village has been approved by Council.

Future subdivision will be subject to Clause 21 of the SEPP (Seniors Housing) and the relevant provisions of the Mid-Western LEP 2012.

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT (Clauses 24 and 25 of SEPP (Seniors Housing))

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)):

- 1. The site of the proposed development is suitable for more intensive development (clause 24(2)(a))**

The site of the proposed aged care facility is Part Lot 3 DP 1130059, Lions Drive, Mudgee.

The lot overall is 22.5ha in area however the area of land related to the aged care facility is only 1.24ha for built area, curtilage, associated carpark, landscaping. The land is generally flat.

The site is located approximately 3km south-east of Mudgee town centre. It adjoins land currently used for urban purposes to the north and rural lifestyle uses to the east, south and west. It is currently zoned RU4 Primary Production Small Lots. Surrounding land uses include a caravan park, private residential dwellings / rural lifestyle, industrial and commercial premises and cleared grazing land (complies with Clause 24 (1)(a)(i)).

Council has approved a retirement village for 206 self-care homes and associated community facilities on the subject lot in 2010 which has subsequently commenced. If the aged care facility is approved the number of self-care homes will be reduced to 194 to allow for the facility.

Mudgee-Gulgong Urban Release Strategy (URS) prepared in 2011 (endorsed 23/01/2015) identifies the site for future residential opportunities. The development of a retirement village and aged care facility will meet the needs of the projected aging population in Mudgee. If the proposed seniors housing development does not go ahead then the CLUS and URS proposed future urban use of the land for low density residential development in a 10-15 year time horizon would be appropriate. Therefore use of the land for urban/residential purposes is supported by Council.

The Mid-Western Comprehensive Land Use Strategy (CLUS) (endorsed 1/08/2011) identifies the land for 'future urban purposes' (Tab 6 – CLUS Map) (section 3.1.2) and recognises Mudgee's increasing aging population and the need to provide adequate services and accommodation for seniors. The CLUS references a site on Perry Street as a proposed location for aged care / retirement living however this site has since been redeveloped for general low density residential dwellings. The CLUS notes that other sites on the urban fringe of Mudgee should be considered where they are consistent with the CLUS and the SEPP (Seniors Housing). Given Council has re-zoned and developed land it previously identified for seniors housing and this land is no longer available for seniors housing, it could be considered appropriate and necessary to consider this site that is subject to this SCC to fill the gap in supply for an aged care facility. Indeed the subject site is part of a site that has received development consent for a seniors housing development.

The site of the proposed development is considered to be suitable for more intensive development.

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 land is predominantly cleared grazing land. It is identified as being groundwater vulnerable on the Mudgee LEP 2012 maps therefore hydrology reports will need to be prepared to investigate and advise on this matter at development application stage.

The land is not identified as bushfire prone, flood prone, visually sensitive or containing biodiversity sensitive lands.

Salinity has been identified as a consideration on this land and the proponent needs to discuss potential salinity issues and management measures with Council if the development proceeds.

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))

Council's strategic planning documents (CLUS and URS) indicate that the future use of this land, if not used for the proposed aged care facility, would be to transition to urban low density residential.

The proponent has identified that the proximity to the adjoining retirement village and the availability of all town services to the site, supports development of the site for urban and/or residential use.

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 proponent reports that the site is able to access and connect to the existing reticulated town water, sewer and electricity supply services.

Further investigation regarding services, stormwater management and legal road access will be required.

Mudgee provides a full range of adequate medical, health and general community services and facilities to support the aged care facility. In addition, the adjoining retirement village will provide in-house community services and facilities appropriate for a retirement village. The proponent has stated that a private bus service will transport residents to and from the site to provide access to all the town centre and health facilities.

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))

Not applicable.

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 aged care facility will be single storey and of a bulk and scale similar to the existing low scale development present in the surrounding area. Whilst there is no prescribed building height over this land in the Mid-Western LEP 2012, it is noted that urban land adjoining the lot to the west has an 8.5m building height restriction in place.

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 proposed aged care facility does not involve the clearing of native vegetation.

COMMENTS FROM COUNCIL

A certificate must not be issued unless the Secretary 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)).

Mid-Western Regional Council provided comments on the proposed development on 31 October 2016 (Tab 7 – Council's Response). Council's key points are summarised as:

- A need for a comprehensive review of servicing and stormwater management.

Comment – Council's services maps indicate there are water and sewer mains running along Lions Drive that the proposed development may connect into. A water quality / detention basin is indicated on the plans however stormwater management will need further investigation and discussion with Council.

- Legal road frontage needs to be negotiated with Council.

Comment – The proposal involves creation of an access point to the site and new intersection on Lions Drive. Access has not been granted by Council at this stage and will need to be discussed with Council at development application stage.

- The proposed aged care facility is generally in line with the type, scale, bulk and size of development that the previous site compatibility certificate.

Comment – The proposed development is generally consistent with the type of built form that the previous certificate was issued for and is also consistent with the general type of surrounding buildings/development.

CONCLUSION

The information provided by the proponent and Council is sufficient to allow assessment of the impact of the development especially in regard to the key issues relating to the suitability of the site for this form of development. An assessment of the proposal based on the information provided would indicate that this site is suitable for the development proposed.

RECOMMENDATION

It is recommended that the Deputy Secretary, Planning Services:

- **notes** this report;
- **considers** any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the relevant Council General Manager within 21 days after the application for the certificate was made as set out in this report and provided at Tab 7;
- **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 an aged care facility is compatible with the surrounding environment having had regard to the criteria specified in clause 25(5)(b); and
- **forms the opinion** that development for the purposes of an aged care facility of the kind proposed in the development application is compatible with the surrounding land uses; and
- **determines** the application for a site compatibility certificate under clause 25(4)(a) by issuing a certificate (Tab B) for Part Lot 3 DP 1130059, Lions Drive, Mudgee.

A. W. Albury 25-11-2016

Ashley Albury
Acting Executive Director, Regions

Marcus Ray

Marcus Ray
Deputy Secretary
Planning Services

29/11/2016

Approved/ ~~Not Approved~~/ Noted

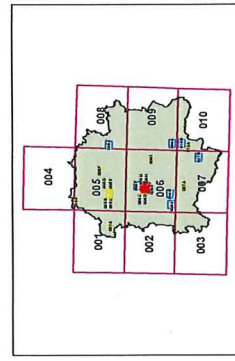
Contact Officer: Azaria Dobson (MJ)
Western (DP&E)
Phone: 0407 974 980

Zone

- B1 B1 Neighbourhood Centre
- B2 B2 Local Centre
- B3 B3 Commercial Core
- B4 B4 Mixed Use
- B5 B5 Business Development
- E1 E1 National Parks and Nature Reserves
- E3 E3 Environmental Management
- IN1 IN1 General Industrial
- IN2 IN2 Light Industrial
- IN3 IN3 Heavy Industrial
- R1 R1 General Residential
- R2 R2 Low Density Residential
- R3 R3 Medium Density Residential
- R5 R5 Large Lot Residential
- RE1 RE1 Public Recreation
- RE2 RE2 Private Recreation
- RU1 RU1 Primary Production
- RU3 RU3 Forestry
- RU4 RU4 Primary Production Small Lots
- RU5 RU5 Village
- SP1 SP1 Special Activities
- SP2 SP2 Infrastructure
- SP3 SP3 Tourist

Cadastral

- Cadastral 15/12/2010 Land and Property Information (LPI)

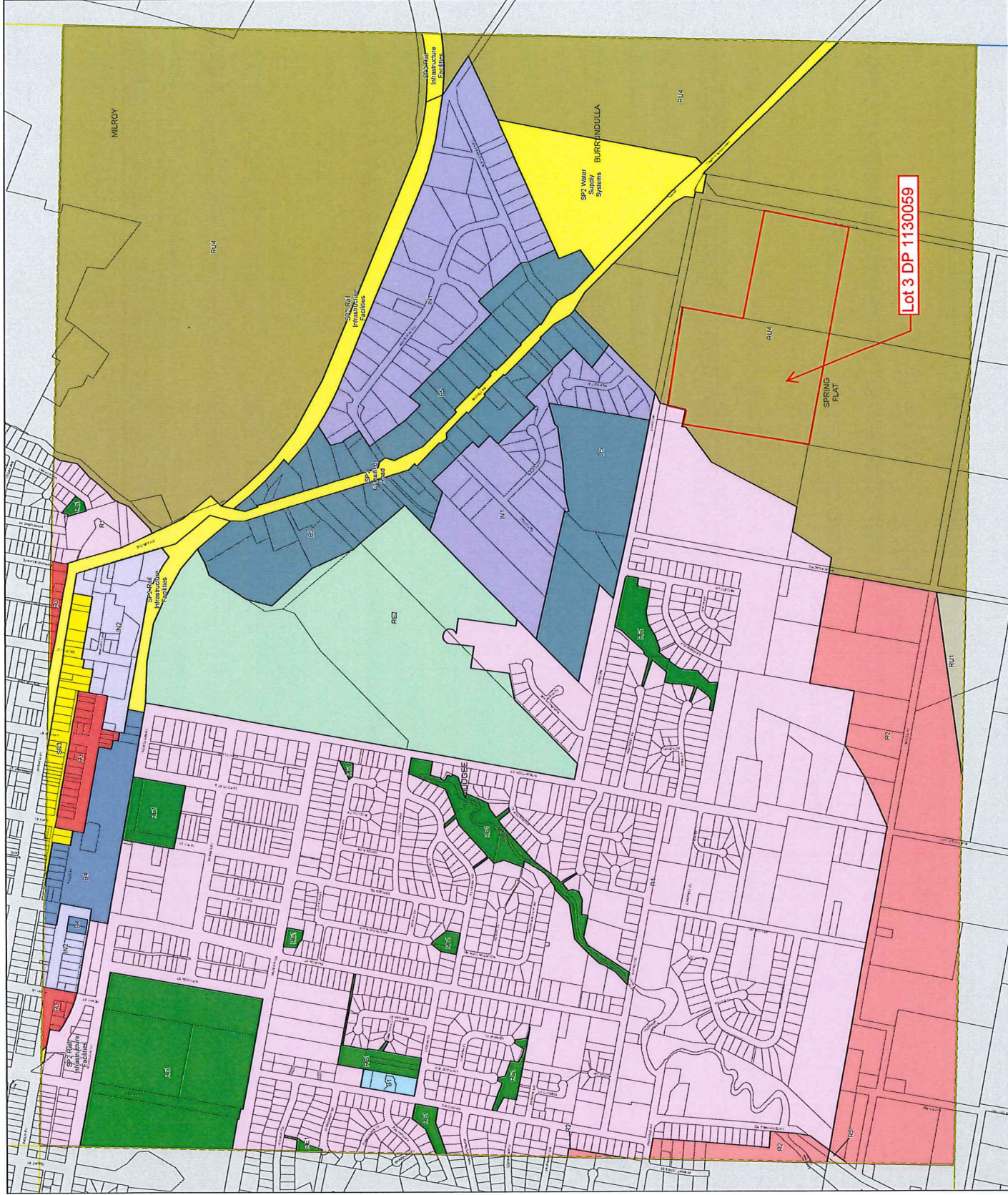


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Projection: GDA 1984
Map Zone 55

Map identification number: 5270_COM_LZN_006H_010_20150501



Lot Size Map - Sheet LSZ_006H

Minimum Lot Size (sq m)

600

1000

2000

4000

2 ha

10 ha

12 ha

20 ha

40 ha

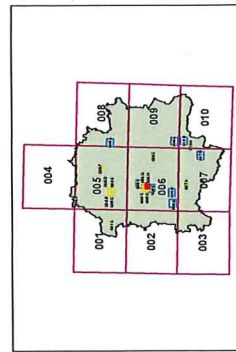
100 ha

400 ha

Refer to Clause 4.1 (3A)

Cadastre

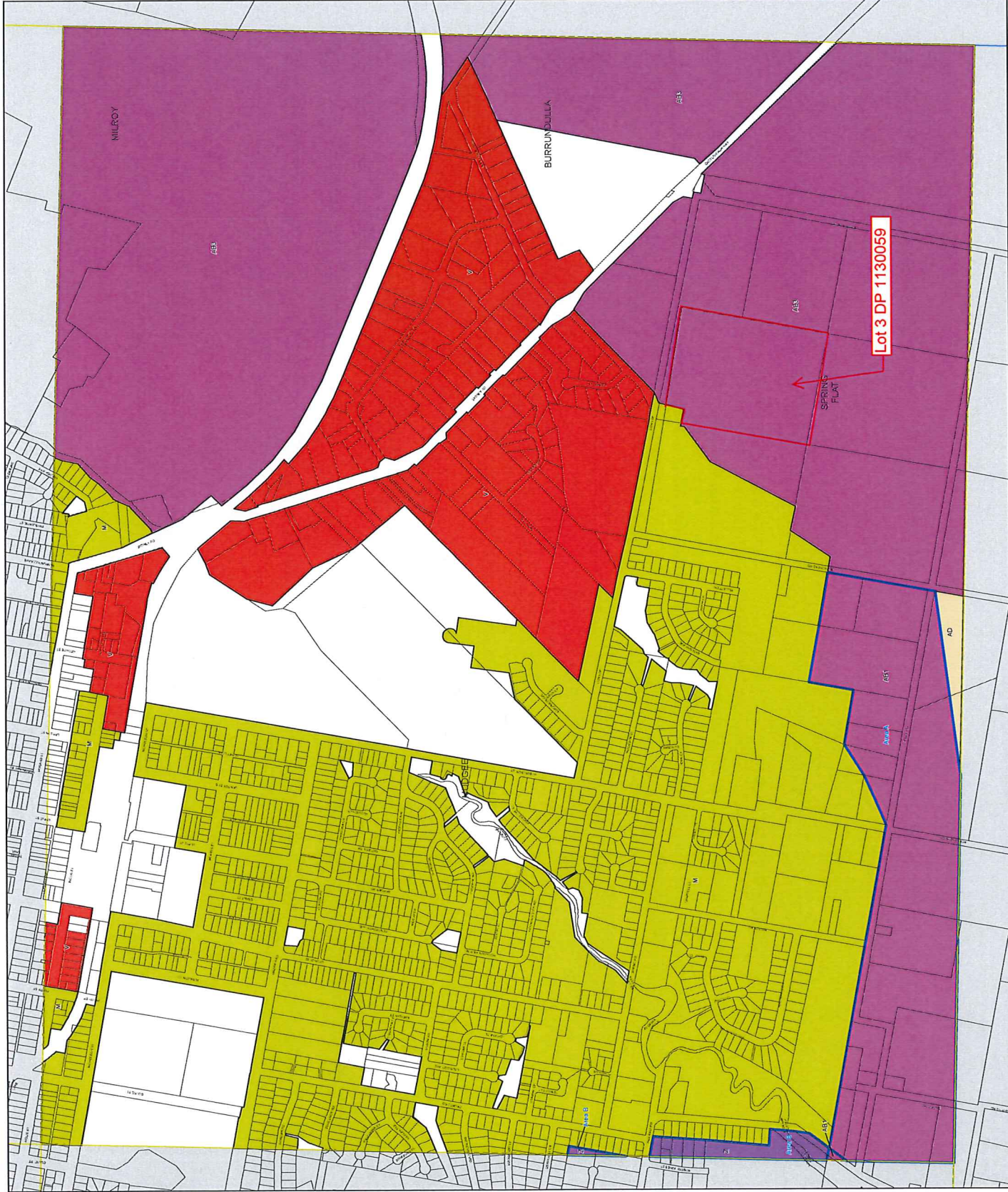
Cadastre 15/12/2010 Land and Property Information (LPI)



Projection: GDA 1994

Map Date: 2012

Map Identification Number: 5270_CON_LSZ_006H_010_2015001

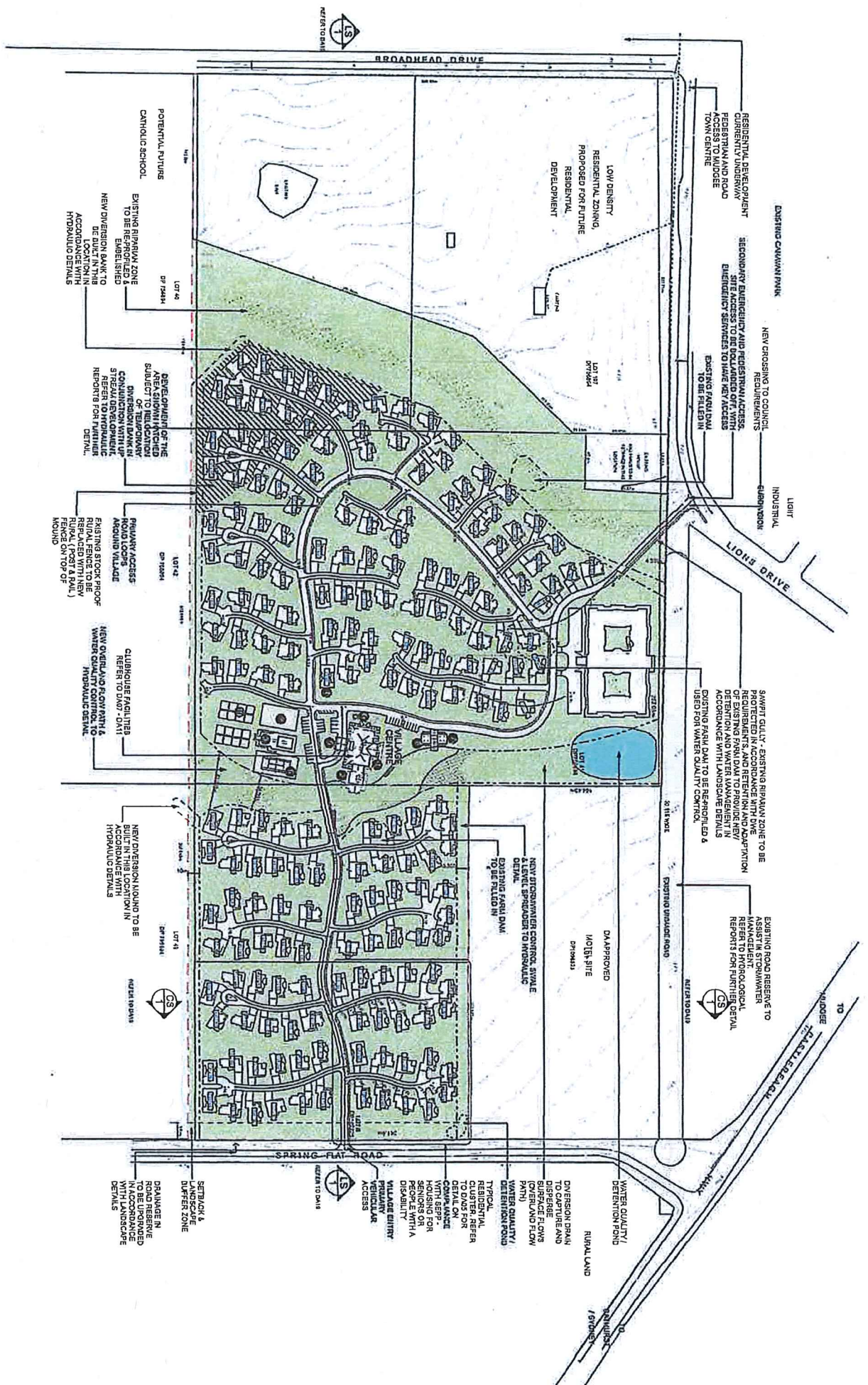


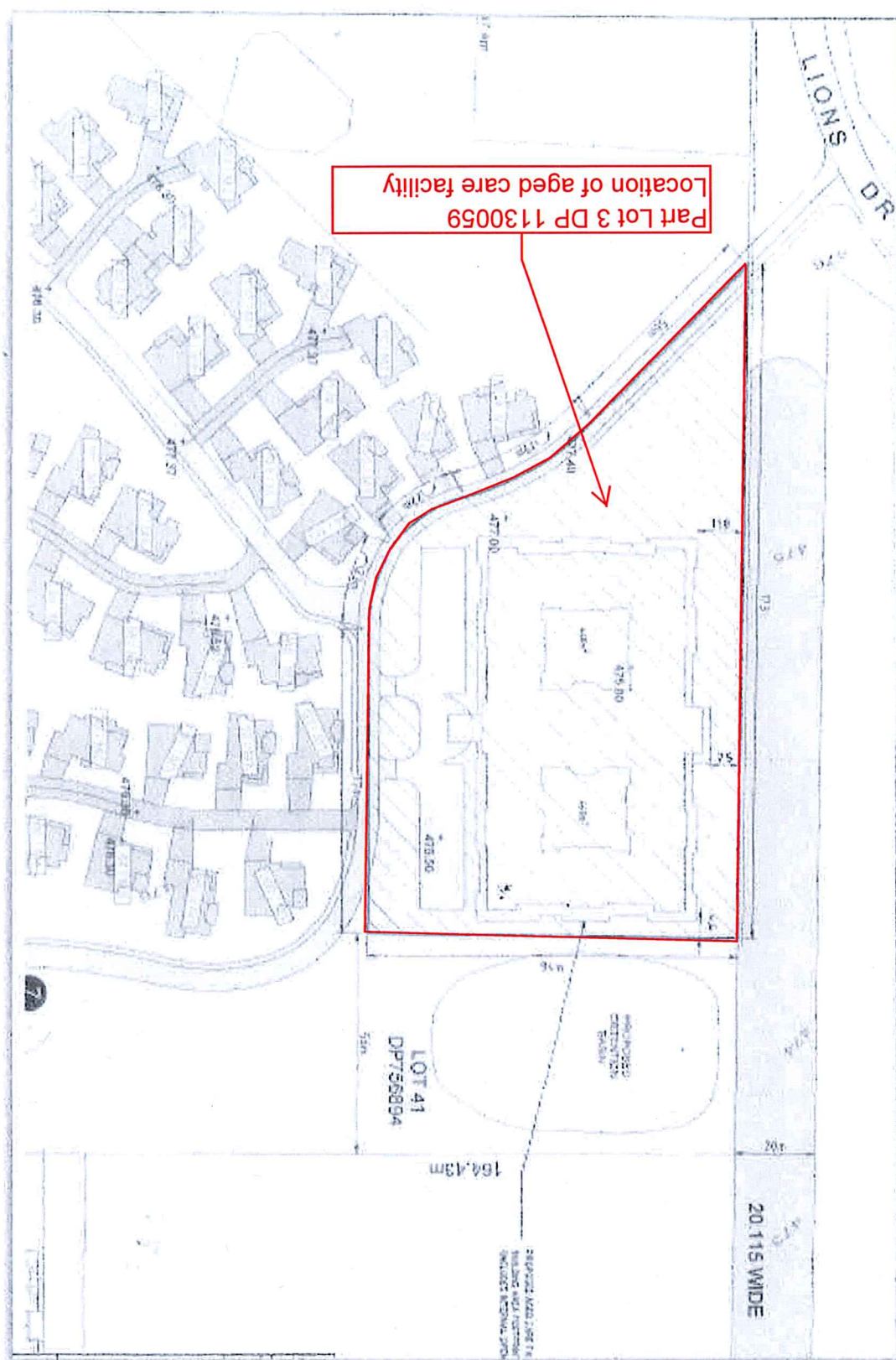
Site Compatibility Certificate - Aged Care Facility

Lot 3 DP 1130059 Lions Drive, Mudgee



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20 October 2016

DR; P21377

Ashley Albury
Department of Planning & Environment
PO Box 58
DUBBO NSW 2830

Dear Sir,

SEPP (Housing for Seniors and People with a Disability) 2004 – Application for a Site Compatibility Certificate – LOT 3 DP 1130059, Lions Drive, Mudgee

I refer to the above property and the request for a site compatibility certificate prepared by Mr Geoffrey Cox (Your Ref: 16/13395) concerning the same.

A general review of the site and the documentation lodged with the application has not revealed any significant concerns regarding the compatibility of the proposal with the immediate area or wider town of Mudgee with reference to the considerations contained within Cl 24 and 25 of the SEPP. The proposal with regards to bulk, scale, demand on services and impacts on adjoining land is generally in line with the existing consent (MA0009/2010) for a seniors living development and the previously granted site compatibility certificate (Ref: SH2008-0010). It should be noted that the proposal sits within the development footprint of that previous consent.

However, a detailed review of the proposal will need to be undertaken with the lodgement of a development application and Council cannot guarantee that development consent would ensue. The applicant should be made aware that a comprehensive review of servicing and the suggested stormwater layout amendments as referred to in page 7 of the supporting documentation and the concept plan are yet to be fully investigated.

Furthermore, Lot 3 as a sole parcel of land does not currently appear to have legal road frontage. Should the Aged Care Facility proceed then physical and legal access to a Council Road Reserve will need to be resolved.

Should you have any further enquiries in relation to the above, please do not hesitate to contact Council's Executive Department on ☎ 02 6378 2850.

Yours faithfully

**LINDSAY DUNSTAN
MANAGER STATUTORY PLANNING
MID-WESTERN REGIONAL COUNCIL**

