

**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: The subject land is at the corner of Sark Grove and Pembroke Road, Minto (Lot 1 DP 620265) and has an area of approximately 5.88ha. The site is bounded by Sark Grove to the north, Townson Avenue to the east, Pembroke Road to the west and McBarron Creek to the south.

The surrounding land uses comprise a mix of low-density residential, public open space, general industrial uses and a Council-owned depot. The site is approximately 1.4km from Minto Marketplace Shopping Centre and 1.9km from Minto Village Centre (Figure 1), which provide retail and community services.

The site is adjacent to a bus stop and approximately 1.9km from Minto Railway Station and 2.2km from Leumeah Railway Station.



Figure 1: Site context.

APPLICANT: DFP Planning on behalf of the operator, Anglican Community Services.

PROPOSAL: The site compatibility certificate (SCC) application (**Attachments F1–F11**) seeks to enable the development of a seniors housing village at the site.



DEVELOPMENT DATA :

YIELD ANALYSIS

TOWNHOUSES / DWELLINGS	: 348
RAC BEDS	: 100
ANCILLARY FACILITIES	: 800 - 1000 m2
SITE AREA	: 58,800 m2
DEEP SOIL	: 22,303 m2

BUILDINGS	A, B, C, D, E, F, H, I, J, K, L	- APARTMENTS
BUILDING	M	- TOWNHOUSES (1-29)
BUILDING	G	- RESIDENTIAL CARE FACILITY



Figure 2: Proposed concept plan.

The proposed concept plan for the village (Figure 2) includes the following development:

- 348 independent living units comprising one, two and three-bedroom units and townhouses (2-4 storeys);
- 100 beds in a residential care facility (four and five storeys);
- a community hub containing up to 1000m² of floor area for retail uses;
- internal roads and driveways within the site, with two access points to Sark Grove and one access point to Townson Avenue;
- 22,300m² of deep soil zones (approximately 38% of the site area);
- retention of native vegetation in several areas;
- recreational facilities, including community gardens and a bowling green;
- a 10m-wide riparian zone adjacent to the top of the bank of McBarron Creek and an additional 10m setback zone to the riparian corridor; and

- future consideration for a child care centre, overnight respite care, a community hall/clubhouse and a chapel.

An SCC was previously issued for the site on 7 March 2016 (**Attachment G**) under State Environmental Planning Policy (Infrastructure). The applicant was Endeavour Energy and the proposal consisted of approximately 102 lots for multi-dwelling housing with building heights up to three storeys. The issued SCC expires on 7 March 2021 (i.e. five years from the date of issue).

LGA: Campbelltown City Council

PERMISSIBILITY STATEMENT

The land is predominantly zoned SP2 Infrastructure (Depot) with a small portion of SP2 Infrastructure (Drainage) and R2 Low Density Residential-zoned land under the Campbelltown Local Environmental Plan (LEP) 2015 (Figure 3). Seniors housing is not a permitted land use within the SP2 zone.

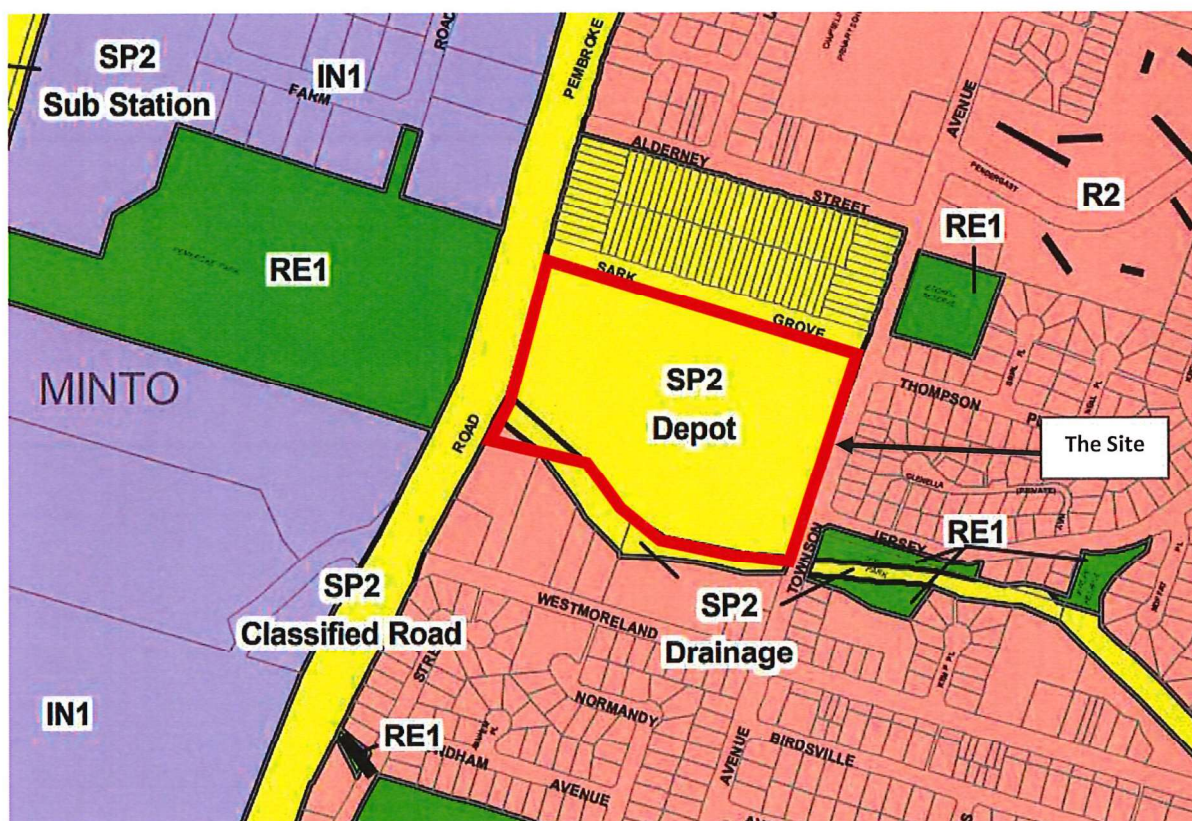


Figure 3: Land zoning map extract.

The provisions under clause 4 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP) provide that an SCC can be issued for the site because:

- the site is zoned for a special use, being a depot;
- the site adjoins land to the south and east that is primarily zoned for urban purposes, being R2 Low Density Residential; and
- the site is not subject to any exclusions listed in Schedule 1 of the Seniors Housing SEPP.

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).

COUNCIL COMMENTS

On 19 October 2017, the Department requested Council to comment on the SCC application. Council requested additional time to consider the application and provided comments to the Department on 31 January 2018 (**Attachment B**).

Council did not object to the SCC application but raised the following concerns with the proposed development:

- seniors housing is a prohibited use within the R2 Low Density Residential zone under the Campbelltown LEP 2015;
- the proposed four-storey height is incompatible with the surrounding low-density residential character, which has a maximum height of 8.5m (i.e. two storeys);
- the proposed development should consider and address the potential amenity and acoustic impacts from the adjacent Council depot, especially the 24-hour operation and the use by emergency services, including the State Emergency Service and the NSW Rural Fire Service;
- the slope gradient of the site may not be practical for senior residents to reach the nominated bus stop, which is adjacent to the highest point of the site;
- the residential care facility should be operational prior to the occupation of the serviced self-care housing as required by the Seniors Housing SEPP;
- there is no economic analysis to support the need for a significant retail component on the site and it is considered to exceed an ancillary use to seniors housing;
- the contamination assessment should be updated to consider the current proposed concept plan and make appropriate recommendations to address the contamination risk; and
- the proposed development should avoid impacting on areas of medium to high ecological value and Council recommends providing a continuous corridor between Pembroke Park and Jersey Park.

It is noted that Council's comments are considered and addressed throughout this report.

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The Secretary must not issue a certificate unless the Secretary is 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 is bounded by Sark Grove to the north, Townson Avenue to the east, Pembroke Road to the west and McBarron Creek to the south, and has an area of approximately 5.88ha (Figure 4). The site is vacant and is traversed by McBarron Creek along the southern boundary. Site access to the site is from Sark Grove and Townson Avenue.



Figure 4: Aerial photo of the site.

The site is vacant but the land was previously used as a field service centre/depot by Endeavour Energy from 1960 to 2004. The buildings were demolished and removed in 2016 as part of remediation works, leaving only a pad-mounted electricity substation at the northern portion of the site.

The site is surrounded by low to medium-density housing to the south and east, open space to the west and a Council-owned depot to the north.

The proposal aims to contribute to seniors housing needs in the locality and there are no significant constraints to more intensive development as:

- 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 requirement to the certificate);

- the proposed development would not adversely impact on future uses of the land;
- consulted agencies, including Campbelltown City Council officers, have not objected to the proposal but raised concerns with the proposed development;
- 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 or heritage matters.

Given the nature of the site, the availability of services and infrastructure and the land uses in the surrounding area, the site is considered suitable for more intensive development.

Requirements are recommended to address the design of the proposed development and the interface with low-density residential development, localised contamination within the site and the removal of existing vegetation.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND SURROUNDING LAND USES

The Secretary must not issue a certificate unless the Secretary is 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))

Flora

The ecological constraints assessment (**Attachment F3**) advises that the existing vegetation on the site is significantly degraded as a result of the previous remediation works. However, four vegetation communities (Figure 5, next page) are evident on the site, including the following:

- Shale Hills Woodland forms part of the Cumberland Plain Woodland and is a critically endangered ecological community (15% of the site area);
- Sydney Coastal River-flat Eucalypt Forest (Alluvial Woodland), which is an endangered ecological community (10% of the site area);
- landscaped areas (20% of the site area) comprising planted native and exotic species with a small number of remnant trees; and
- modified cleared areas (55% of the site area) with scattered trees.

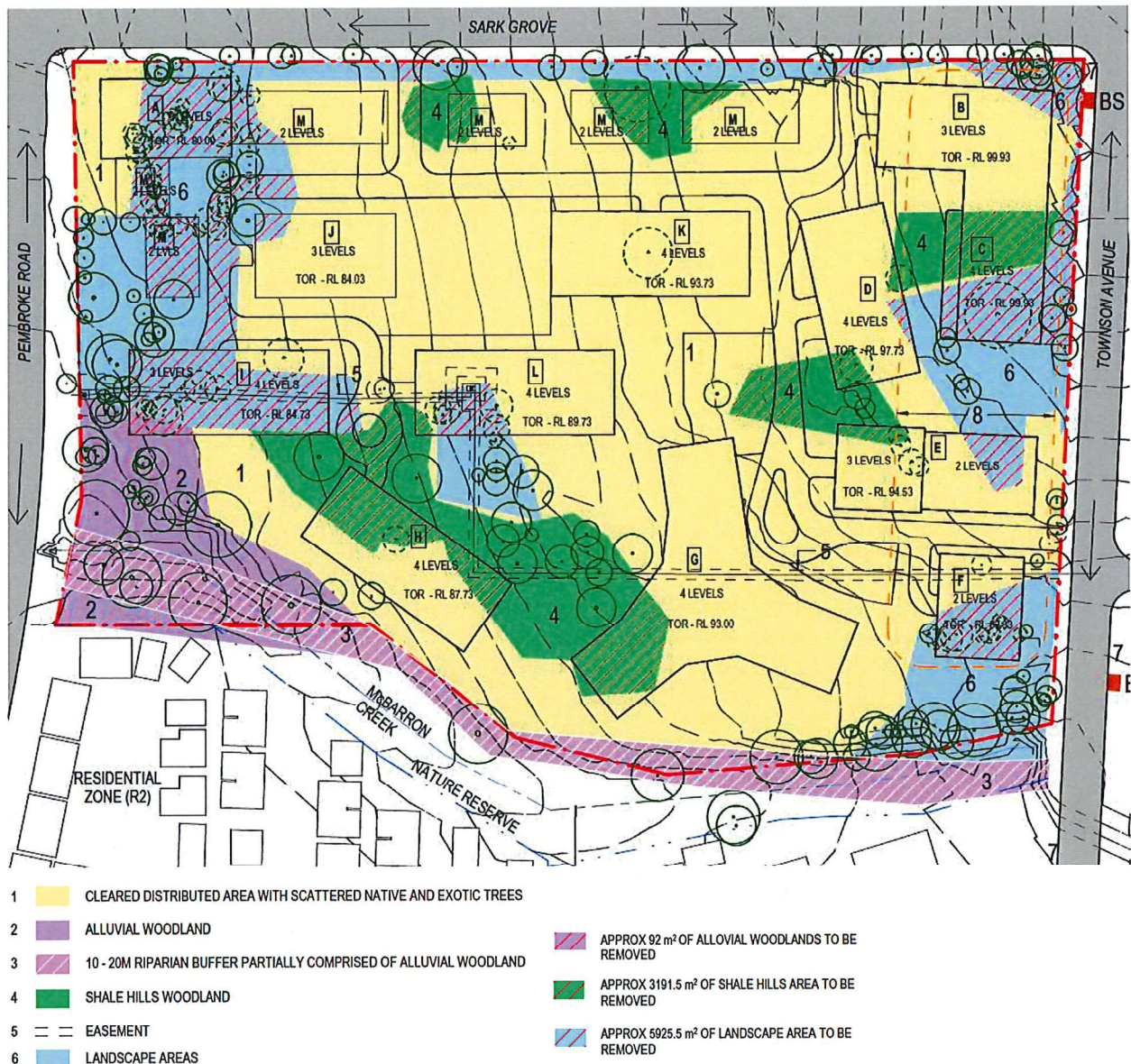


Figure 5: Existing vegetation on the site and proposed vegetation removal.

The ecological report notes that while the condition of the two ecological communities is very low, their conservation significance is high.

The proposed development will remove approximately 92m² of Alluvial Woodland, 3191.5m² of Shale Hills Woodland and 5925.5m² of landscape area from the site (**Attachment F10**). It is recommended that the SCC includes a requirement to consider alternative design options to minimise the removal of the Shale Hills Woodland and Alluvial Woodland, where possible.

The report concludes that the planting of new trees, the removal of noxious weeds and exotic species and the rehabilitation of the Cumberland Plain Woodland species will improve the overall biodiversity of the site. It is also noted that these measures will aid in mitigating key threatening processes occurring on the site.

The proposed development includes a 10m-wide riparian corridor along the bank of McBarron Creek and an additional 10m setback zone to the riparian corridor. This riparian corridor would provide an east-west connection from Pembroke Park (west of the site) to Jersey Park (east of the site) for wildlife movement.

It is recommended that the SCC for seniors housing includes a requirement for a 10m riparian corridor and 10m setback for the proposed development. This will ensure that a link is maintained between the existing open space in the area.

Fauna

The ecological constraints assessment also identifies the site as potential koala habitat as it contains more than 15% of the tree species *Eucalyptus tereticornis* in the Cumberland Plain Woodland community, which is koala food tree under State Environmental Planning Policy No 44 – Koala Habitat Protection.

The report advises, however, that no koala scratches or scats have been observed on the site. Further, a search of the Bionet confirms that there have been no sightings of koalas on the site.

The report recommends the preparation of an individual koala management plan for the site at the development application stage. It is also advised that the rehabilitation of the Cumberland Plain Woodland on the southern border of the site would facilitate the movement of koalas through the area.

The applicant noted that further investigations will be undertaken at the development application stage to confirm whether the site contains core koala habitat (**Attachment F2**).

Bushfire-prone land

The site contains a bushfire-prone land vegetation buffer (30m) along the western border according to Council's bushfire-prone land map. However, the bushfire hazard assessment report (**Attachment F4**) concludes that the bushfire extent is contained within Pembroke Park to the west of Pembroke Road and not on the site.

The report identifies that the highest bushfire attack level (BAL) relating to the site is BAL 12.5 and the proposed development should comply with the relevant requirements in AS 3959-2009 (construction of buildings in bushfire-prone areas). The report concludes that the site is capable of providing seniors housing and complying with all the bushfire safety requirements.

The NSW Rural Fire Service did not object to the proposed development but recommends that an additional 10m setback be maintained between the vegetation and future development. It is noted that the proposal includes a 10m setback from the riparian corridor.

Flooding and stormwater

The servicing detail letter (**Attachment F5**) notes that most of the site is not flood-prone land, but the portion of the site containing McBarron Creek is a flood control lot with respect to a 1% annual exceedance probability (AEP) flood.

The letter advised that stormwater runoff will be discharged into the vegetated swale area of the creek with erosion control structures, if required. Further details of stormwater treatment and overland flows will be addressed at the development application stage.

Contamination

The quantitative risk assessment (**Attachment F6**) based on the previous SCC plan notes that contamination is present within the impacted zone on the site due to former activities, including the storage of fuels and creosote. The impacted zone is shown in pink on Figure 6 (next page) and the dotted line within the pink area is 15m from the edge of the impacted zone.

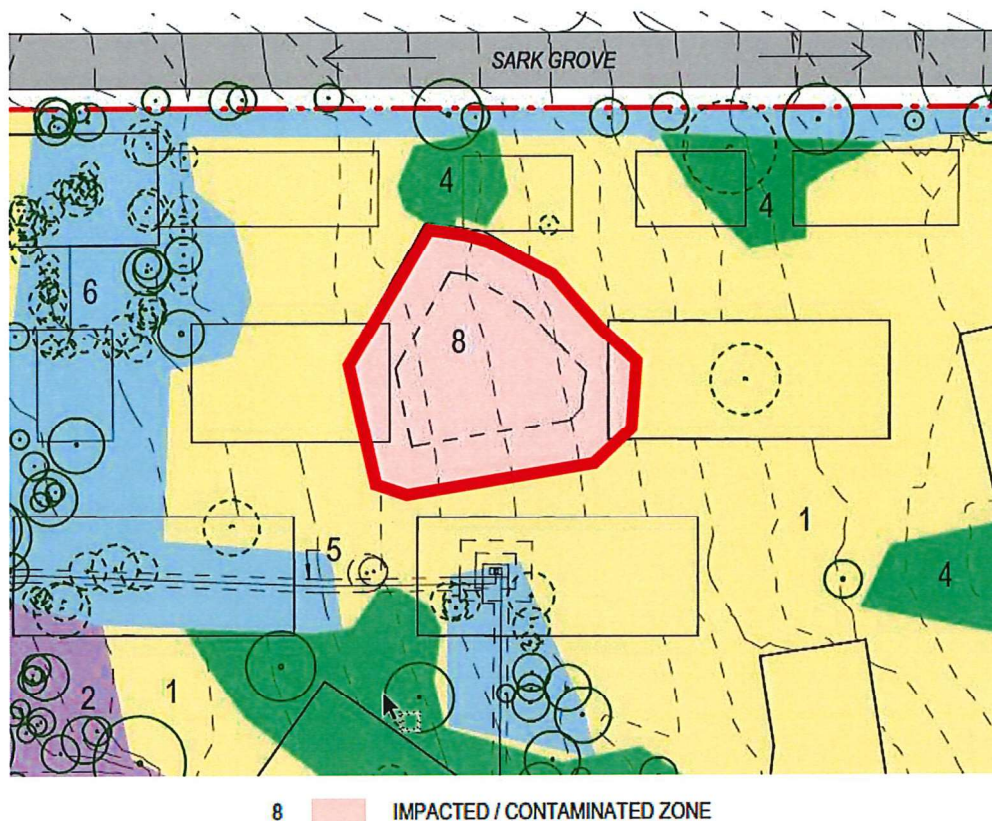


Figure 6: Contaminated area on the site (area in pink).

The report concludes that health risks to residents or workers who occupy future multi-storey residential or mixed-used buildings within the impacted zone are potentially unacceptable. However, risks to future users of a low and medium-density residential development, construction and intrusive maintenance workers, or users of outdoor areas are low and acceptable.

The report found that any building with a slab less than 15m in diameter will have a low and acceptable risk. One or two-storey residential development with slab diameters of greater than 15m, which does not contain basements or lifts in the impacted zone, poses a low and acceptable risk. A building with a slab greater than 15m in diameter that has more than 1-2 storeys or has a lift/basement may have unacceptable risks. The proposal (**Attachment F2**) states that the proposed buildings on the impacted zone have a slab of less than 15m into the impacted zone and as such there is a low and acceptable risk.

A new environmental management plan will need to be prepared at the development application stage for the impacted zone when the proposed works are fully known.

It is recommended that the SCC includes a requirement for the provision of an updated contamination report for the proposed development. This will address Council's concerns and provide clarification of the contamination risk for future residents and necessary remediation requirements.

Slope constraints

The site slopes from east to west and north to south, with the high point of the site towards the corner of Sark Grove and Townson Avenue (Figure 7, next page). The highest point of the site is RL 91.17 at the north-eastern corner and the lowest point of the site is RL 67.48 at the south-western corner.

The proponent notes that the gradients along the western portion of the site are between 1:25 (4%) and 1:40 (2.5%) and paths will be provided adjacent to roads reflecting a similar grade (**Attachment F11**). The eastern portion of the site is steeper and future residents will be able to access the northern bus stops along Townson Avenue via a lift in Building B, which will be located at the corner of Sark Grove and Townson Avenue. The residents will be able to enter Building B at ground level at the western side of the building and will exit the lift at the piazza level, which relates to the ground level at Townson Avenue.

The proponent also notes that the gradients to the southern bus stop along Townson Avenue will be similar to the western portion of the site. The path will vary in gradient from 1:25 (4%) and 1:30 (3.3%).

It is recommended that the SCC includes a requirement for the provision of access arrangements, consistent with the SEPP, to Townson Avenue for all residents on the site. This will ensure that access from the site to public transport facilities meets the requirements of the Seniors Housing SEPP.

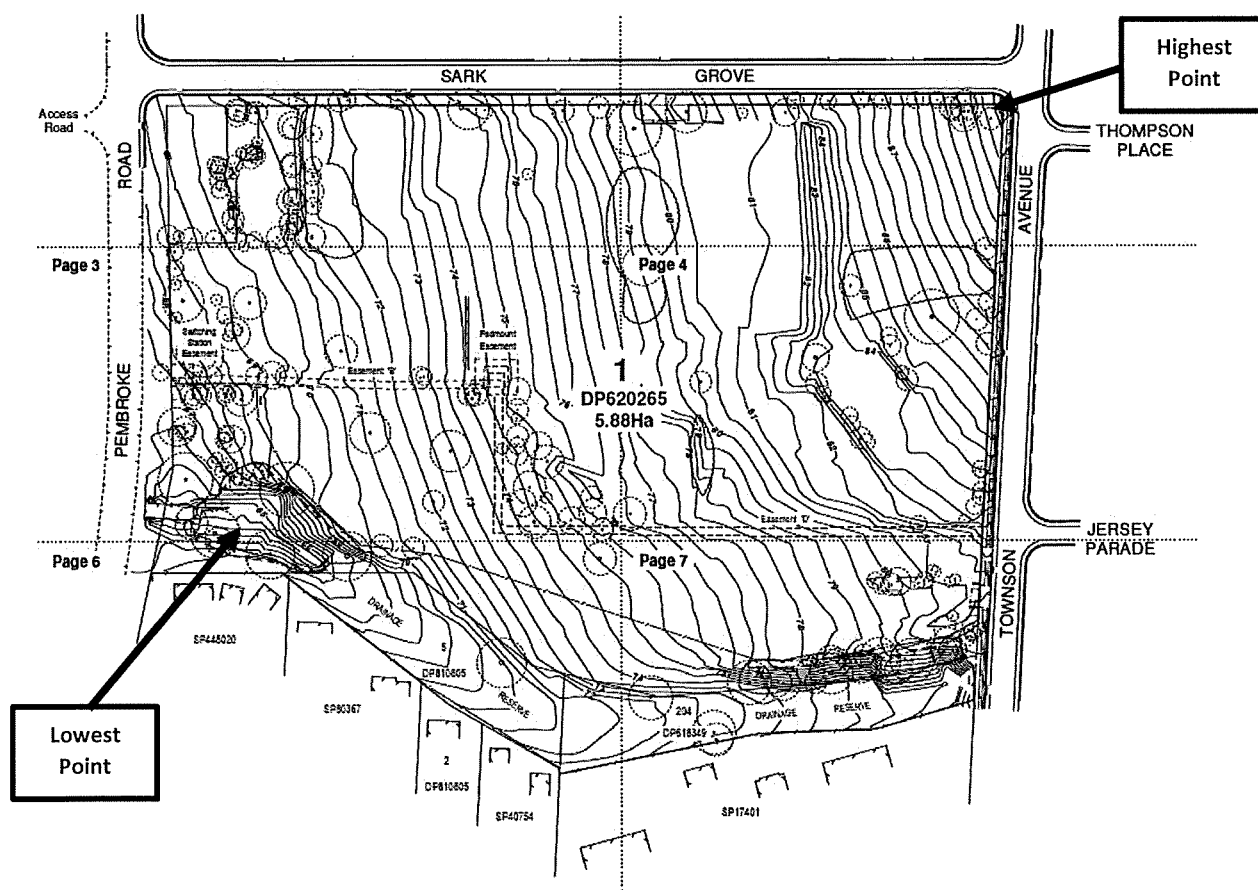


Figure 7: Slope constraints on the site.

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))

Current land zoning

The site is predominantly zoned SP2 Infrastructure (Depot) and the key objective of this zone is to provide infrastructure and related uses. The proponent notes that there is no loss of land for a depot as the site is vacant.

The previous landowner, Endeavour Energy, also sought an SCC to enable housing on the site. Therefore, there is no impact on current land uses for the site.

Regional/district plans

The Greater Sydney Region Plan (March 2018) and the Western City District Plan (March 2018) identify the site as an urban area. The district plan states that the Campbelltown LGA is projected to have a population increase of 250% for people aged over 85 years and an approximately 90% increase for people aged between 65 and 84 years by 2036. Therefore, the proposal is consistent with these plans as it will assist with providing additional housing for the projected senior population in the LGA.

The site is immediately adjacent to the Minto Precinct (November 2017) in the Greater Macarthur Growth Area. Although not located within the precinct, the proposal aligns with the objective of the growth area to provide additional housing.

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

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))

Retail and services

The site is approximately 1.4km from Minto Marketplace Shopping Centre and 1.9km from Minto Village Centre. Minto Marketplace contains retail services including a supermarket and shops, medical services such as pharmacies and medical centres, a post office, and food and drink premises. Minto Village Centre provides similar services. There are also community services, such as a community hall, within close proximity to Minto Marketplace and Minto Village Centre.

The proposed concept plan for the site includes a community hub containing retail uses, and recreational facilities such as a community garden and bowling green.

Council has raised concerns with the proposed retail uses on the site. Therefore, it is recommended that the SCC includes a requirement to provide a study to assess the impact of the proposed retail uses (i.e. 1000m² of floor area) on the nearby retail centres.

Public transport

A bus stop is located along the eastern boundary of the site on Townson Avenue. The bus stop is serviced by multiple bus routes (routes 870, 871 and 872), which leave at least three times an hour between the hours of 8am and 6pm, Monday to Friday. These services operate between Liverpool and Campbelltown and include stops at Minto Marketplace and Leumeah Railway Station.

As noted previously, the bus stops will be accessible via a lift in Building B, therefore access to public transport facilities is considered to be reasonable.

Water supply and sewer facilities

The applicant advised that sewer and water is available in the vicinity of the site. The connection to these services can be addressed at the development application stage.

Electricity

There will be some capacity in the electricity grid to accommodate the proposed development.

There is an electrical substation in the centre of the site. The electrical cables are active and operated by Endeavour Energy. They service neighbouring properties and are subject to four easements. The applicant advised that the substation would need to be relocated prior to development.

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 development of the site will not reduce the provision of open space or special uses. Although the site is zoned SP2 Infrastructure (Depot), it is vacant and is no longer required for use as a depot.

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))

Bulk and scale

The surrounding development comprises a mix of residential, industrial and recreational uses. Land to the north is used by Council as a work depot and contains several buildings with a height up to two storeys, workshops, work bays, a storage area and open car parking. Pembroke Park is located to the west of the site on the other side of Pembroke Road.

The land to the east of the site is zoned for low-density residential development with a building height limit of 8.5m. The existing development on this land consists of detached single-storey and two-storey dwelling houses.

Immediately to the south of the site is a drainage corridor surrounding the creek channel. The land on the other side of the drainage corridor comprises a mix of two and three-storey apartments fronting the drainage corridor. This land also has a maximum building height of 8.5m.

The proposal comprises the following development on the site:

- two and three-storey buildings (up to 12m) fronting Pembroke Road;
- two and three-storey buildings (up to 15m) fronting Sark Grove;
- 2-4-storey buildings (up to 14m) fronting Townson Avenue; and
- four-storey buildings (up to 14m) fronting the drainage corridor and within the centre of the site. The residential care facility reaches five storeys (up to 17m) downslope.

Although three and four-storey buildings are proposed fronting Townson Avenue (the highest point of the site), it is noted that these buildings will sit lower than the existing ground level due to the slope and will present a two and three-storey scale frontage to Townson Avenue (Figure 8, next page). It is advised that the lower scale (up to 12m) buildings along this frontage will provide an appropriate transition between the

one and two-storey dwellings on the opposite side of Townson Avenue and the larger three and four-storey buildings within the site.

It is recommended that the SCC includes a requirement for an appropriate scale for buildings interfacing the low-density residential development along Townson Avenue to minimise the visual impact along this street frontage. Therefore, the development outcome would be a two-storey interface along Townson Avenue.

The proposal notes that the proposed development on the site will have an approximately 40m setback from the existing residential development on the opposite side of the creek channel. It is considered that this is an appropriate separation between the proposed four-storey buildings on the site and the existing three-storey development adjacent to the creek channel.

The proposal will provide basement and undercroft parking to ensure parking does not dominate any of the frontages and to allow for extensive landscaping and deep soil planting areas.

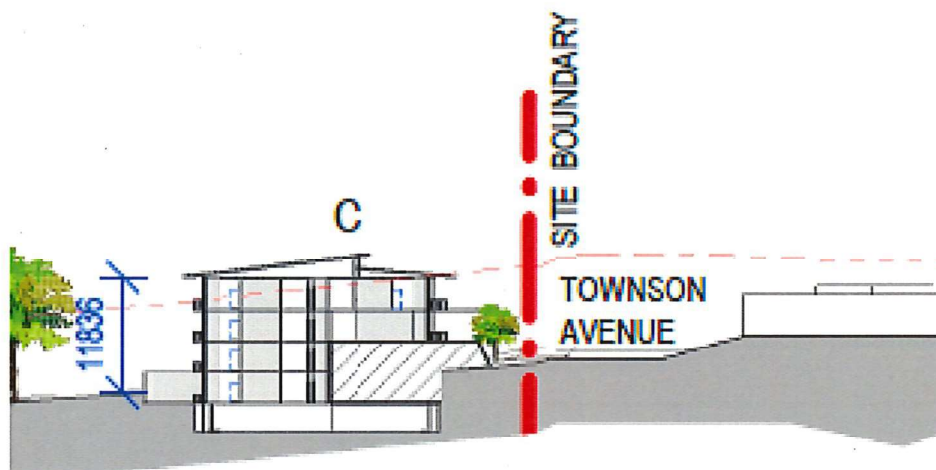


Figure 8: East-west elevation extract.

Traffic impacts

The traffic and parking assessment report (**Attachment F8**) concludes that the proposal will not have any appreciable increases in traffic delays and will not require any additional road improvements or widenings. The report also notes that the proposal is able to contain all car parking for residents, staff, visitors and loading areas on-site and will be subject to further assessment at the development application stage.

The proposal identifies two access points to the site from Sark Grove and one access point from Townson Avenue.

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 proposal includes the removal of some vegetation on the site and this will be a matter for consideration at the development application stage.

CONCLUSION

The Department concludes that the site is suitable for seniors housing given the nature of the site, the availability of services and infrastructure and the urban nature of the surrounding residential area.

However, the Department recommends several requirements be applied to the SCC to address matters raised by Council in relation to bulk and scale, access, contamination and biodiversity. It is considered that Council will be able to adequately address these concerns during the development application stage and this should not preclude the issuing of a site compatibility certificate.

RECOMMENDATION

It is recommended that the Executive Director, Regions, as delegate of the Secretary:

- **note** the report (**Attachment A**);
- **consider** Campbelltown City Council's written comments (**Attachment B**);
- **form the opinion** that the site of the proposed development is suitable for more intensive development;
- **form the opinion** that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having had regard to the criteria specified in clause 25(5)(b) of the Seniors Housing SEPP;
- **determine** the application for a site compatibility certificate by issuing a certificate (**Attachment C**) for the corner of Sark Grove and Pembroke Road, Minto; and
- **sign** the letters to the applicant and Council advising of this determination (**Attachments D and E**).



18/06/2018

Ann-Maree Carruthers
Director Regions, Sydney Region West



Monica Gibson 2/7/2018
Acting Executive Director, Regions
Planning Services

Approved / Not Approved / Noted

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