

**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 site compatibility certificate (SCC) applies to land at 126 North Street, Grafton (Lot 72 DP 1228271) (refer to **Figure 1 and 3**).

The site is irregular in shape, with frontage to North Street. Existing on the land is the St Catherine's residential aged care facility, containing 63 beds, car parking, landscaping and open space areas. The site is bordered on the western boundary by Alamy Creek. Residential uses adjoin the site to the east and south, industrial uses to the west and rural uses to the north.



Figure 1 - Site Context

APPLICANT

Ardill Payne and Partners, on behalf of Southern Cross Care (NSW & ACT).

PROPOSAL

The SCC application is for the redevelopment and expansion of the existing residential aged care facility (refer to **Figure 2**). The major works involve a new building at the rear of the site that will accommodate 58 bedrooms and associated facilities. The redeveloped facility when completed will increase the current capacity of the facility from 63 beds to 87 beds (with many of the existing bed areas being converted to alternate uses).

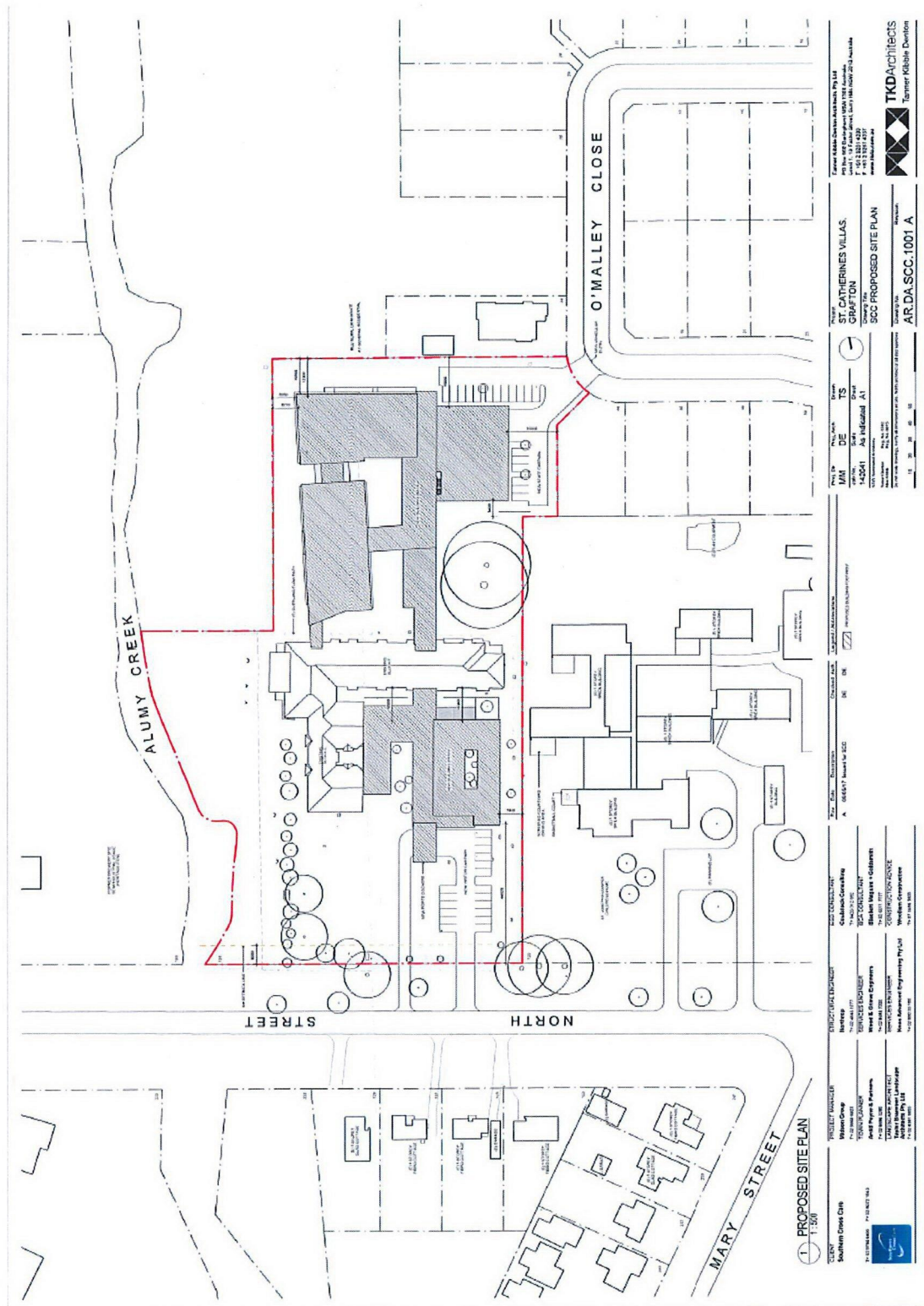


Figure 2 - Proposed Development Footprint (Source Ardill Payne and Partners)

LGA

Clarence Valley

PERMISSIBILITY STATEMENT

The site is zoned part R1 General Residential and part RU2 Rural Landscape under Clarence Valley Local Environmental Plan (LEP) 2011 (refer to **Figure 3**). The proposed new building will be located partly in the RU2 Rural Landscape Zone and partly in the R1 General Residential Zone.

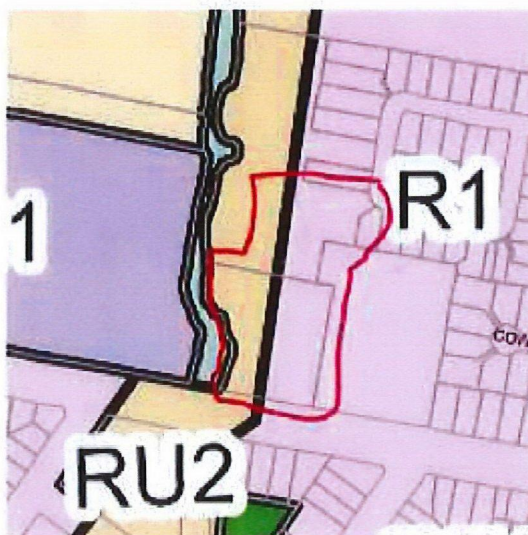


Figure 3 - Land Zoning Map

Seniors housing is not a permitted land use within the RU2 zone. Development of this part of the site for seniors housing purposes therefore requires a site compatibility certificate (SCC) under clause 24 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing Policy). The provisions under clause 4 of the Seniors Housing Policy provide that a SCC can be issued for the site because:

- dwelling-houses are permissible in the RU2 Zone under Clarence Valley LEP 2011;
- the site adjoins land to the east and south that is primarily zoned for urban purposes, being R1 General Residential zoned land (refer to **Figure 3**) (clause 4(5)(b)); and
- the land to which the SCC applies is not covered by any of the exclusions listed in Schedule 1 of the Seniors Housing Policy.

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

The Secretary must not issue a certificate unless she 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)).

Clarence Valley Council has not raised any objection to the proposal or the suitability of the site for a residential aged care facility. In comments dated 2 June 2017, Council has requested that the applicant be made aware of the need to address at the development application stage:

- impact of flooding on the land and development;
- the provision and siting of stormwater management facilities on the site;
- servicing of the development and any easements required to accommodate these services; and
- the application currently references to the former Mid North Regional Strategy rather than the current North Coast Regional Plan 2036.

It is considered that these issues can be appropriately addressed and considered by Council at the development stage. It is also understood that the proponent has met with Council and is aware of the need to address these matters.

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

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

The subject property comprises a total area of approximately 1 hectare and is located approximately 2.5km from the Grafton town centre and 800m from the Grafton Base Hospital. The use of the land for a seniors living development is considered to be an appropriate use for the site considering:

- the site currently contains an aged care facility which is already partly located in the RU2 Zone that has been operating on the site for a number of years and the proposed alterations and additions will be integrated into the existing facility (St Catherine's);
- its location within an existing urban context with residential development adjoining the site to the east and south, and industrial development to the west; and
- its proximity and accessibility to a full range of retail, commercial, recreational, health, welfare and educational facilities within Grafton.

The site has no constraints that would preclude the issuing of a certificate. The issues of flooding, acid sulfate soils, access, stormwater and servicing are considered be matters that can be adequately considered and addressed at the development application stage (as discussed below in more detail).

North Coast Regional Plan 2036

The current application refers incorrectly to the former Mid North Coast Regional Strategy.

The North Coast Regional Plan is the relevant document and identifies that the region will have a rapid growth in residents over the age of 65 in the next 20 years and the need to ensure a suitable range in housing choice for these residents. The proposal is consistent in helping to deliver the required housing choice for the region's changing demographics.

The RU2 Zone land on the site is outside of the Urban Growth Area identified in the Regional Plan. This inconsistency is of minor significance due to the urban nature of the surrounding land and the existing development already located on the site (which is already partly located in the RU2 Zone). It is also considered that the development application stage can appropriately consider and manage the natural hazard affecting the site (flooding).

Clarence Valley Settlement Strategy 1999

The proposal is consistent with the Council's Department approved local settlement strategy. The settlement strategy identifies future urban infill and small peripheral extensions as being important for Grafton to support a sustainable settlement hierarchy that optimises access to services and facilities. The proposal is considered to constitute both a small urban infill and peripheral extension consistent with the intent of the strategy.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND SURROUNDING LAND USES

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

Site Constraints

- *Flooding*

Alumy Creek adjoins the site to the west and is located in a clearly defined channel. The existing and proposed buildings will be located well above the floodway. The flooding impact on the proposed building area of the site is considered no more significant or constrained than for the majority of the Grafton urban area, or the adjoining residential area, which are also identified as being below the flood planning level. It is considered that any potential flooding issues, including stormwater management, can be adequately considered and addressed at the development application stage by Council in accordance with its local policy.

- *Acid Sulfate Soils*

The subject land is mapped on Acid Sulfate Soils Map as part Class 3 and part Class 4. Clarence Valley LEP 2011 contains suitable provisions to ensure that this matter can be adequately addressed at the development application stage, particularly as it is expected that site filling rather than excavation will be generally associated with the development.

- *Native Vegetation*

The site is predominantly cleared and no potential adverse impact to native vegetation associated with the proposal is anticipated.

- *Regionally Significant Farmland*

The site is mapped as regionally significant farmland, however is not utilised for primary production purposes and serves only as a buffer to Alummy Creek. Due to the small area of land involved, and the existing surrounding urban uses, it is not considered that the land has any potential viable primary production purpose in the future and is suitable for urban use.

The land is not identified as being bushfire prone or having any potential contamination.

No constraints that could not be appropriately considered or addressed at the development stage and would preclude or substantially constrain the proposed development have been identified.

Existing and approved uses in the vicinity

The subject site is located within a predominantly urban area of Grafton. The land is bounded to the east and south by residential development and to the west by industrial development. Alummy Creek borders the site on the western boundary and acts as a natural boundary to the industrial land. There is limited potential for any land use conflict from the alterations and additions associated with the application given the existing use of the site for seniors living (with no known history of complaint or issue).

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 likely future use of the land due to Alummy Creek is expected to be open space or residential (similar to the existing residential care development at the front of the site). The current proposal is therefore consistent with the anticipated future uses of the site and no adverse impacts have been identified.

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, community and medical services

The SCC application states that residents of the proposed development will have access to services and infrastructure in Grafton in accordance with Clause 26(1) of the Seniors Housing Policy, including shops, banks, service providers, retail shops, commercial services, hospital, community services and recreational facilities. This is considered to be satisfactory.

Transport services

Residents can access the main commercial/shopping area of Grafton via a public bus transport service (Busways) with pick up and drop off locations in North Street that serve the existing facility on the site. It is anticipated that transport services, location distances and pathway grades compliant with Clause 26(2)(c) can be appropriately addressed at the development application stage.

Infrastructure Provision

The concept plans for the development indicate additional car parking spaces for staff and residents will be provided as part of the alterations and additions accessed from O'Malley Close at the rear of the site. This is a new residential subdivision area with a limited size carriageway, and the suitability of accessing the site from O'Malley Close will need to be considered at the development application stage.

The SCC application states that water, sewerage, electrical and telecommunication services are existing on site, and have sufficient capacity to provide for the extra demand created by the development. Council has not raised any concerns regarding service capacities in the local area, however has noted that further review regarding the provision of services and easements is required. Assessment of this issue can be made at the development application stage.

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 for open space or special uses.

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 surrounding development predominantly consists of low density residential accommodation, the existing residential care facility (St Catherine's) on the site and the industrial area to the west.

The SCC application includes concept plans, showing the proposed alterations and additions as increasing the facility from 63 to 87 rooms. The new building at the rear of the site will be constructed primarily as a two-storey building. The proposal is consistent with the existing bulk, scale and height of development in the Grafton urban area where elevated and double storey buildings are common due to the flood nature of the land.

The existing industrial land is an identified heritage item (former brewery) under Clarence Valley LEP 2011. Alummy Creek serves as a buffer between the lands and no adverse impact to the adjoining heritage item has been identified or is expected.

The R1 Zone area of the site and the surrounding residential zoned land are subject to a building height control of 8.5m. It is anticipated that the proposed development can be designed to be accommodated within this building height control. This matter can be further considered at the development application stage if necessary.

It is considered that the proposed development will be consistent with the built form and character of the existing and likely future land uses in the vicinity of the subject site.

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 predominantly cleared and no potential adverse impact to native vegetation associated with the proposal is anticipated.

RECOMMENDATION

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

- **note** this report;
- **consider** any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the relevant General Manager within 21 days after the application for the certificate was made as set out in the report and provided at (Tab B);
- **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 and surrounding land uses having had regard to the criteria specified in clause 25(5)(b); and
- **determines** the application for a site compatibility certificate under clause 25(4)(a) by issuing a certificate (Tab C) for Lot 72 DP 1228271, 126 North Street, Grafton.



Craig Diss
Acting Regional Director, Northern



19 June 2017
Stephen Murray
Executive Director, Regions
Planning Services