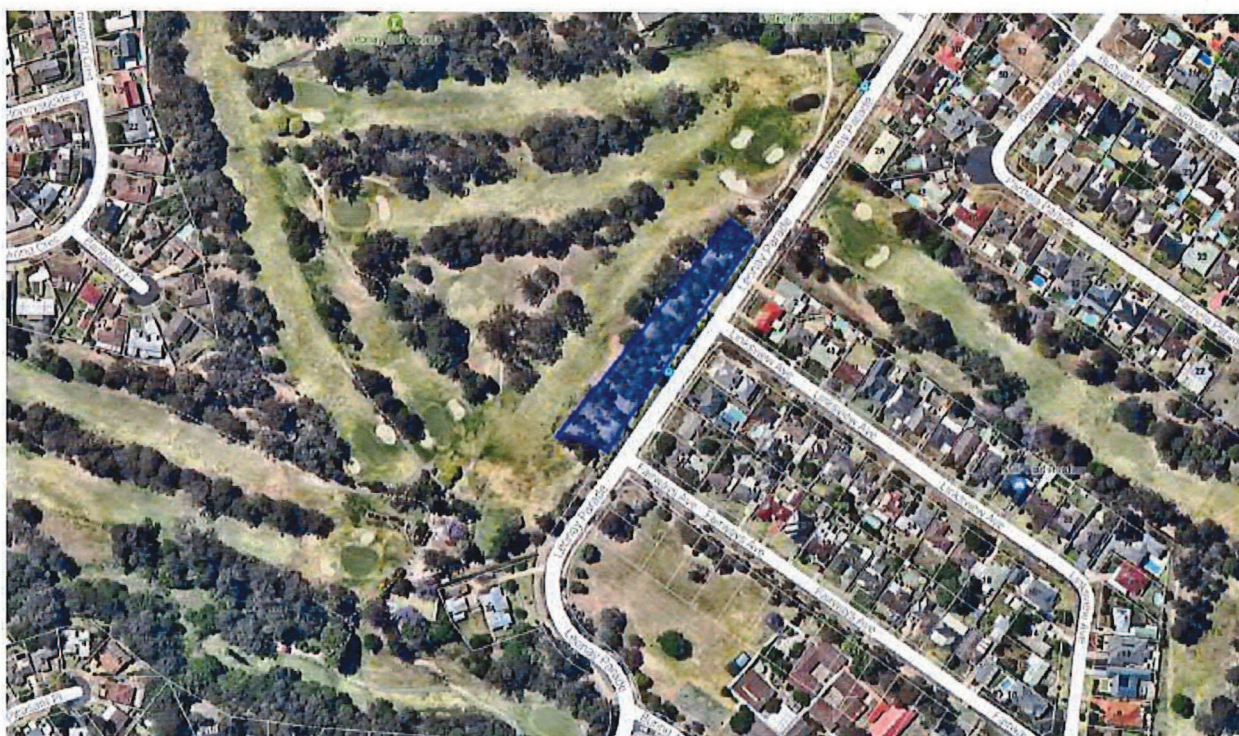


File No: 17/07392

**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: Lot 110 DP1135581, Leonay Golf Club, Leonay

The subject land (shown by blue overlay, below) forms part of the existing Leonay Golf Club and its associated 18-hole Golf Course. It is located south-west of the intersection of the M4 Motorway and Leonay Parade and close to the corner of Leonay Parade and the Fairways Avenue, Leonay.



The site is flat and drains to Leonay Parade. The site is located above the 1% Annual Exceedance Probability (AEP) flood level. The land to the west of the site is identified as having scenic values as part of Penrith Local Environmental Plan 2010.

Adjoining development is suburban-type residential development fronting Leonay Parade.

The portion of the site on which development is proposed will be excised from the golf course site via subdivision and is 3,788sqm in size, with a frontage of 139.7m to Leonay Parade.

APPLICANT: Think Planners.

ZONE: RE2 Private Recreation

PROPOSAL: The applicant seeks a site compatibility certificate to permit ten self-contained seniors housing dwellings in a non-urban zone. Two (2) site compatibility certificates have previously been approved on land adjacent to the subject site. The first on 23 January 2013 for

The location of that part of the site, subject to the certificates issued in January 2013 and August 2015, is shown by a blue overlay on the following aerial diagram and immediately adjoins the subject site to the current application.



LGA: Penrith

PERMISSIBILITY STATEMENT

The subject land is currently zoned RE2 Private Recreation pursuant to Penrith Local Environmental Plan 2010 (refer following extract).



The RE2 Private Recreation Zone under Penrith Local Environmental Plan 2010 permits, with development consent, some intensive forms of urban developments including child care centres, function centres, hotel or motel accommodation and restaurants. No Minimum Lot Size, Height of Building or Floor Space Ratio (FSR) controls apply to this site. Seniors housing is not a permitted land use under the zone.

Development 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 (State Policy). The provisions under clause 4 of the Seniors Housing Policy provide that a SCC can be issued for the site because:

- The land is being used for purposes of an existing registered club (clause 4(1)(b));
- The site adjoins land to the north and south that is primarily zoned for urban purposes, being R2 Low Density Residential zoned land (refer to Figure 3 on the previous page) (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 SEPP.

Consequently, the provisions of the State Policy apply as the subject site adjoins land zoned primarily for urban purposes.

CLAUSES 24(2) AND 25(5) OF THE STATE POLICY

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).

These matters are considered as follows:

A. COMMENTS FROM PENRITH CITY COUNCIL

Penrith City Council's comments were sent via an email message ([Tab B](#)). The comments were received on 18 May 2017, within the 21-day timeframe, and are summarised as follows:

- Leonay Golf Club may need to prepare a broader masterplan for development on the golf course;
- removal of the significant and established stand of trees along Leonay Parade, contributing to the character of the area, should be re-considered;
- the Leonay Parade vegetation is mapped as being River Flat Eucalypt Forest (which is an endangered ecological community) and retention of this vegetation is important for amenity and community wellbeing; and,
- other matters to be considered at the development application stage.

Comment:

The issues raised by Council have been reviewed in detail. It is considered that these issues indicate that the site is not unsuitable for seniors living development.

The land owner, Leonard Golf Club, may like to consider Council's comments regarding a broader proposed masterplan for the golf course, however, this is not a pre-requisite for a site compatibility certificate.

Further, the relevant raised matters can be addressed as part of the development application process.

Issues regarding vegetation on the site are satisfactorily addressed under clause 25(5)(b) of the State Policy within this report.

B. 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)) of the State Policy:

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

On 31 August 2015, a site compatibility certificate pursuant to the State Policy was issued on adjacent land for eight self-contained seniors housing dwellings. The subject application is for ten additional self-contained seniors housing dwellings adjacent to this portion of land that has received a site compatibility certificate.

As it has recently been determined that the adjacent site is suitable for more intensive development, it is considered that the subject site is suitable and capable for the proposed development, being on similar land and meeting the requirements of the State Policy.

The major difference with the two sites, is the presence of vegetation on the land subject to the current application. Issues regarding vegetation on the site are satisfactorily addressed under clause 25(5)(b) of the State Policy within this report.

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)) of the State Policy:

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))**Surrounding land uses**

The surrounding area is zoned R2 Low Density Residential. The proposed site is located on an existing golf course, and the proposed development would consist of ten self-contained seniors housing dwellings which would be consistent with the low-density character of the surrounding area.

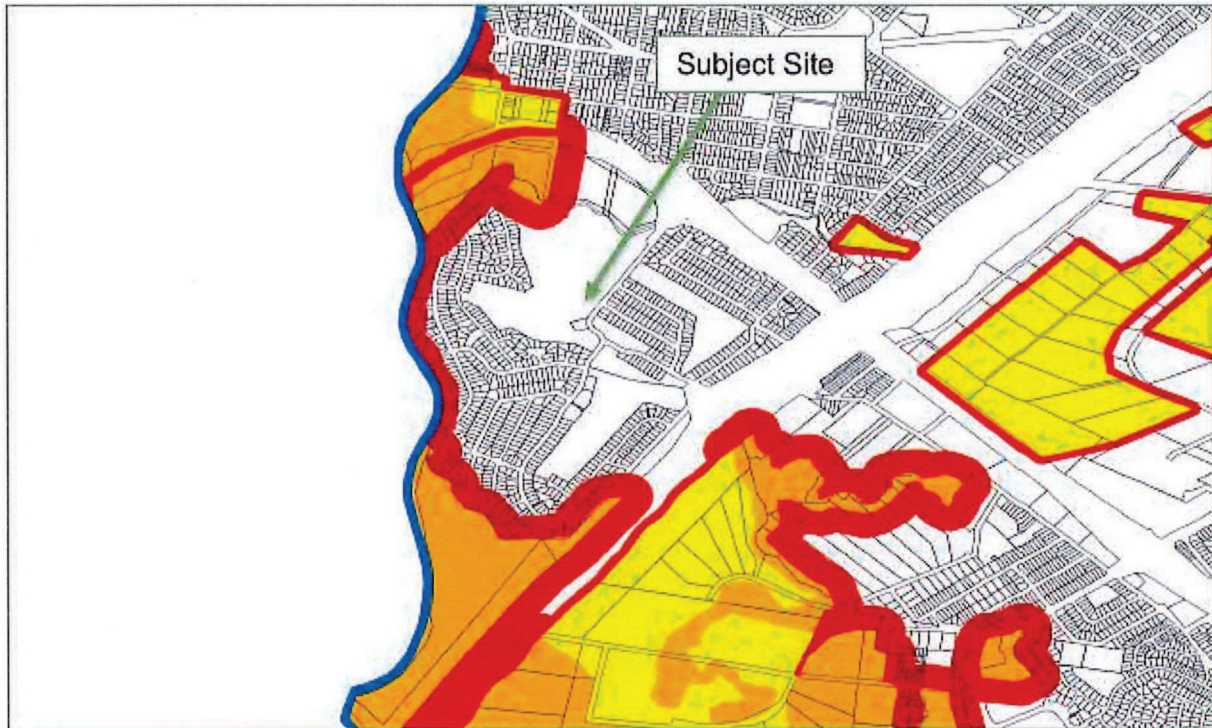
The proposal is consequently considered to be consistent with the surrounding land uses.

Flood Risk

The site is located above the 1% AEP flood level. Refer to page 18 of Tab F.

Bushfire Hazard

The site is not bushfire prone as shown on the bushfire prone map at page 9 of the applicant's planning report (Tab F) and as shown below.



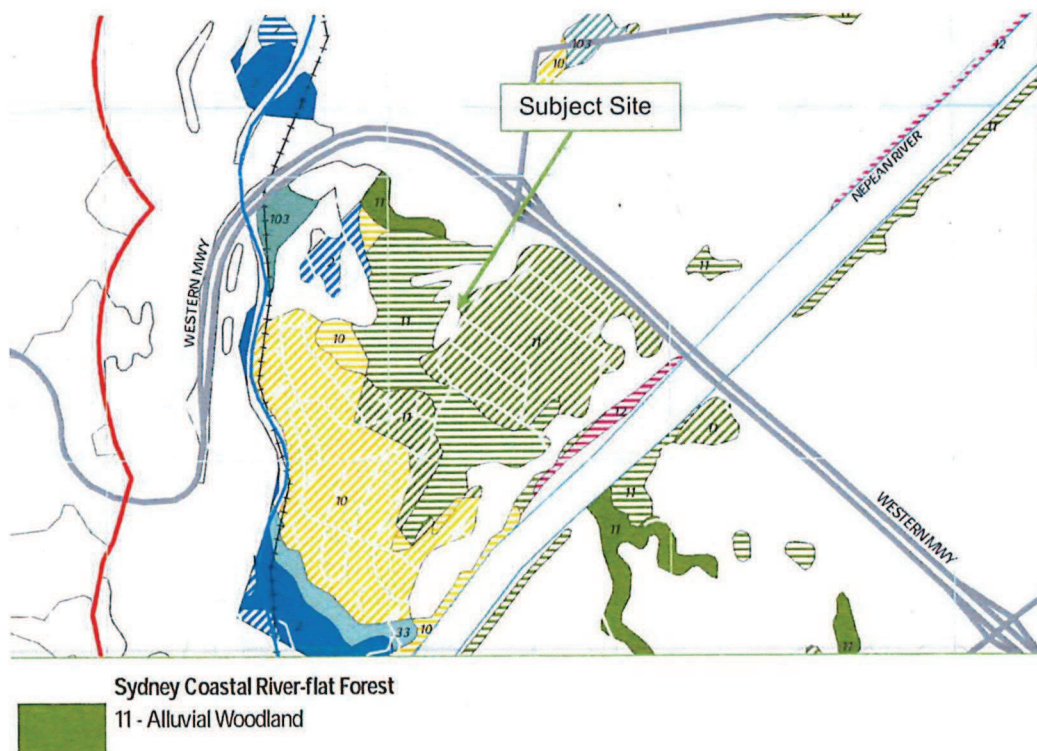
Significant Vegetation

A flora and fauna assessment report has been submitted by the applicant (Tab J).

The larger site has been predominately cleared of vegetation to accommodate its current use as a golf course. However, there is a copse of trees located across the subject land, as illustrated in the aerial photo overleaf.

This vegetation is a mix of both remnant bushland species and introduced exotic species. The map (also overleaf) reveals that the site has been identified as accommodating Alluvial Woodland.

Alluvial Woodland is a component of the Sydney Coastal River Flat Ecological Community, which is listed as an endangered ecological community under the *Threatened Species Conservation Act 1995* (NPWS 2002).



Council has requested that consideration be given to retaining vegetation on the subject land, not for the ecological values of this vegetation, but as some existing trees contribute to the streetscape located where the proposed seniors housing development is to be located.

Comments:

The proposed development may require the removal of up to ten indigenous trees (refer to page 35 of the flora and fauna assessment report at Tab J).

While the applicant acknowledges that the copse is unlikely to be considered as Alluvial Woodland under the NSW Scientific Communities definition of that community, the flora and fauna assessment report includes the Seven Part Test for threatened ecological communities.

The report highlights that the copse is comprised of a few trees that have been included as part of landscape planting that are dominated by introduced species. No indigenous shrub or ground stratum occurs in the study area.

The report concludes that:

- the proposed development is unlikely to have a significant effect on the Sydney Coastal River Flat Forest Ecological Community. As such, no species impact statement or referral to the Commonwealth Environment Minister is required;
- while a number of threatened flora species have been recorded in a 5km radius of the site, these species are unlikely to occur as their preferred habitat is not provided in the study area; and
- no threatened fauna species were detected within the site during survey and no significant habitat features are provided in the study area.

It is considered that this matter has been thoroughly and appropriately examined.

In regard to Council's comments, the retention of vegetation for screening/amenity purposes, the exact location of the dwellings and removal of streetscape trees onsite can be addressed at development application stage.

Heritage

The site does not contain any local or State listed heritage items under the Penrith Local Environmental Plan 2010. The closest local heritage item is further south of the site, but does not adjoin or form part of the heritage curtilage.

Council does not raise any heritage issues.

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 following strategic context is provided to establish future uses of the land:

A Plan for Growing Sydney

The proposal will assist in providing housing for the ageing population in the Penrith region, and will assist in meeting some key objectives in 'A Plan for Growing Sydney' including: to improve a housing supply across Sydney; providing homes in a suitable location; and, improving housing choice to suit different needs and lifestyles.

Draft West District Plan

The Draft West District Plan further identifies the need for suitable housing for those within the 65 to 85-year age range. Comparably fast growth is expected in the West District for people

over 65 and to 85 years of age. The greatest proportional growth will be in those aged 85 and over.

Comment: It is considered that given the small nature of the proposed development, it would not have an adverse impact on the existing or future uses. The proposal will increase the density of seniors housing in the area, which has already been approved for the adjacent site in a previous site compatibility certificate in 2015. It is considered that the proposal is consistent with the objectives of 'A Plan for Growth Sydney' and the Draft West District Plan in this regard.

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)) of the State Policy

Location and Access Facilities (clause 26):

The provision under the State Policy concerning location and access to facilities requires that residents of a proposed development are to have access to:

- shops, bank service providers and other retail and commercial services that residents may reasonably require;
- community services and recreation facilities; and
- the practice of a general medical practitioner.

This clause notes that access is complied with if:

- the facilities and services are located no more than 400m from the site; or
- if these facilities are not so located, that there is a public transport service available that will take residents to within 400m of the required facilities.

It is noted that the site is serviced by two regular bus services with a 30-minute and 60-minute frequency. The nearest bus stop is directly adjacent to the site. The bus routes provide access to and from Penrith CBD, Emu Plains Shopping Centre, Lennox Shopping Centre and Leonay Neighbourhood shops. The Leonay shops are only 200m from the subject land.

These centres provide a full range of services and facilities including:

- shops/commercial services;
- community facilities; and
- general and specialist medical facilities.

Comments: The proposal is consistent with the requirements pursuant to clause 26 of the State Policy.

Utility Infrastructure

The subject lands and the adjoining urban development have access to the Sydney Water reticulated water and sewer networks. In addition, the site and adjacent land are served by a full range of energy and telecommunication facilities, as well as, access to both regional and local road networks.

In these circumstances, and given the low number of proposed dwellings, there are no known capacity constraints relating to local services and infrastructure.

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 application relates to land that is zoned RE2 Private Recreation. However, it is considered that given the small nature of the development the proposal would not adversely affect the privately owned open-space land.

The concept development plans (Tab K) indicate that each of the self-contained dwellings will have their own private open-space areas.

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 applicant's report and concept plan indicates that the development comprises ten, two-storey seniors housing dwellings, which is compatible with the existing and future surrounding land uses.

The proposed height is consistent with the controls in the adjoining R2 Low Density Residential zone.

The final design of the development can be addressed at the development application stage. It is unlikely that ten self-contained dwellings will be a significant impact upon the locality, and the future uses of land in the vicinity.

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 *Native Vegetation Act 2003* does not apply to the site as it is identified as an urban area, being in Penrith. Penrith is listed as an urban area in Part 3 Schedule 1 'Land excluded from the operation of the Act'.

CONCLUSION

It is considered the site of the proposed development is suitable for more intensive development, and 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 State Policy.

Having regard to all the above matters, it is considered that the proposal is generally consistent with Clause 24 and 25 of the State Policy and the site is considered suitable for the purposes of housing for seniors or people with a disability.



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